UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS
Washington, D.C.

UNITED STATES

v.

Damon C. LATHAM,
Fireman Apprentice (E-2), U.S. Coast Guard

CGCMS 24354

Docket No. 1267

31 January 2007

Special Court-Martial convened by Commander, USCG Sector Hampton Roads. Tried at Norfolk, Virginia, on 16 March 2006.

Military Judge:	LCDR Ronald S. Horn, USCG
Trial Counsel:	LT Andrew P. Grant, USCG
Defense Counsel:	LT Brian D. Korn, JAGC, USNR
Appellate Defense Counsel:	LT Lynn R. S. Capuano, USCG
Assistant Appellate Defense Counsel:	LCDR Nancy J. Truax, USCG
Appellate Government Counsel:	LT Donna D. Leoce, USCG

BEFORE
PANEL EIGHT
BAUM, FELICETTI, & TUCHER
Appellate Military Judges

Per Curiam:

Appellant was tried by special court-martial, military judge alone. Pursuant to his pleas of guilty, entered in accordance with a pretrial agreement, Appellant was convicted of one specification of absence without leave terminated by apprehension, in violation of Article 86, Uniform Code of Military Justice (UCMJ); and two specifications of wrongful use of marijuana and one specification of wrongful use of cocaine, all in violation of Article 112a, UCMJ. The military judge sentenced Appellant to a bad-conduct discharge and confinement for seventy days, which he credited with seventy days of pretrial confinement. The Convening Authority approved the sentence as adjudged. The pretrial agreement had no effect on the adjudged sentence.

Before this Court, without admitting that the findings and sentence are correct in law and fact, Appellant has submitted this case on its merits as to any and all errors.

We have reviewed the record in accordance with Article 66, UCMJ. Upon such review, the findings and sentence are determined to be correct in law and fact and, on the basis of the entire record, should be approved. Accordingly, the findings of guilty and the sentence, as approved below, are affirmed.

For the Court,

Jane R. Lim
Clerk of the Court