

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman Basic CONNOR B. ADAMS
United States Air Force**

ACM S30966

27 June 2006

Sentence adjudged 17 August 2005 by SPCM convened at Goodfellow Air Force Base, Texas. Military Judge: Joseph E. Cole (sitting alone).

Approved sentence: Bad-conduct discharge and confinement for 3 months.

Appellate Counsel for Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Captain Vicki A. Belleau.

Appellate Counsel for the United States: Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Captain Kimani R. Eason.

Before

**BROWN, MOODY, and JACOBSON
Appellate Military Judges**

PER CURIAM:

We have examined the record of trial, the assignment of error, and the government's reply thereto. The appellant alleges that he is entitled to credit in accordance with *United States v. Mason*, 19 M.J. 274 (C.M.A. 1985). We note first that the military judge raised this issue at trial, and the trial defense counsel stated that the appellant was entitled to no such credit. Therefore, we hold that this issue has been waived. *See United States v. King*, 58 M.J. 110, 114 (C.A.A.F. 2003).

In any event, the military judge conducted an inquiry into this matter sua sponte and concluded that the appellant was not entitled to *Mason* credit. We find no plain error in this conclusion. *See United States v. Powell*, 49 M.J. 460, 464 (C.A.A.F. 1998)(Plain error means error that is plain or obvious and that materially prejudices the substantial rights of the appellant). Accordingly, we hold that the appellant is not entitled to *Mason* credit.

The approved findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

LOUIS T. FUSS, TSgt, USAF
Chief Court Administrator