

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Staff Sergeant COREY L. GARRISON
United States Air Force

ACM 36961

16 November 2007

Sentence adjudged 9 January 2007 by GCM convened at Luke Air Force Base, Arizona. Military Judge: Ronald A. Gregory.

Approved sentence: Bad-conduct discharge, confinement for 8 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for the Appellant: Colonel Nikki A. Hall, Lieutenant Colonel Mark R. Strickland, and Major John N. Page III.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Major Donna S. Rueppell, and Captain Roberto Ramirez.

Before

SCHOLZ, JACOBSON, and THOMPSON
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

We examined the record of trial, the assignments of error, and the government's reply thereto. We hold that the military judge did not abuse his discretion when he permitted the trial counsel to present uncharged misconduct as rebuttal evidence in sentencing to wit: testimony about the appellant admitting to cocaine use at a previous base and prior to entering the service, and his drug and alcohol abuse certificate. *See* Rules for Courts-Martial 1001(a)-(d); Mil. R. Evid. 403; *United States v. Hallum*, 31 M.J. 254, 255-56 (C.M.A. 1990); *United States v. Holman*, ACM 36583 (A.F. Ct. Crim. App. 6 Feb 2007) (unpub. op.).

Conclusion

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



STEVEN LUCAS, GS-11, DAF
Clerk of the Court