

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman Basic MARIO V. GONZALEZ
United States Air Force

ACM S30841

21 July 2006

Sentence adjudged 25 January 2005 by SPCM convened at Charleston Air Force Base, South Carolina. Military Judge: Ronald A. Gregory (sitting alone).

Approved sentence: Bad-conduct discharge and confinement for 8 months.

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

Appellate Counsel for the United States: Colonel Gary F. Spencer and Lieutenant Colonel Robert V. Combs.

Before

MOODY, MATHEWS, and THOMPSON
Appellate Military Judges

PER CURIAM:

The appellant was convicted, in accordance with his pleas, of one specification each of conspiracy to distribute marijuana and wrongful use of marijuana, in violation of Articles 81 and 112a, UCMJ, 10 U.S.C. §§ 881, 912a. His approved sentence consists of a bad-conduct discharge and confinement for 8 months.

On appeal, he contends that he is entitled to new post-trial processing, because there is no evidence in the record that the convening authority reviewed his clemency matters as required by Rule for Courts-Martial 1107(b)(3)(A)(iii). The government has responded by supplementing the record with an affidavit from the convening authority's staff judge advocate (SJA), establishing that the convening authority did, in fact, consider the appellant's clemency package, in the SJA's presence, prior to taking action. We are

satisfied that the convening authority properly reviewed the clemency matters. *See United States v. Godreau*, 31 M.J. 809, 812 (A.F.C.M.R. 1990).

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 findings and sentence are

AFFIRMED.

OFFICIAL

LOUIS T. FUSS, TSgt, USAF
Chief Court Administrator