

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

**Airman ARTHUR B. HEATH
United States Air Force**

ACM 35201

16 August 2004

Sentence adjudged 29 March 2002 by GCM convened at Lackland Air Force Base, Texas. Military Judge: Israel B. Willner (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 6 months, forfeiture of all pay and allowances, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Teresa Davis, and Major Antony B. Kolenc.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Lance B. Sigmon, and Captain Nurit Anderson.

Before

STONE, GENT, and SMITH
Appellate Military Judges

PER CURIAM:

We examined the record of trial, the assignment of error, and the government's reply thereto. The appellant alleged he was subjected to illegal pretrial punishment during his 92-day detention in a county jail. More specifically, he asserts that he was held in "solitary confinement conditions" and "denied basic necessities authorized for Air Force pretrial detainees." The military judge's findings of fact are not clearly erroneous and we adopt them as our own. Further, reviewing the issue de novo, we hold that the military judge did not err when he denied the appellant additional pretrial confinement credit for the treatment he received as a pretrial detainee. *United States v. Corteguera*, 56 M.J. 330, 334 (C.A.A.F. 2002); *United States v. Mosby*, 56 M.J. 309, 310 (C.A.A.F. 2002).

The 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

ANGELA M. BRICE
Clerk of Court