

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman ROBERTO NEGRON III
United States Air Force

ACM S30490

28 September 2005

Sentence adjudged 30 October 2003 by SPCM convened at Lackland Air Force Base, Texas. Military Judge: Barbara E. Shestko (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 2 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Major Terry L. McElyea, Major Maria A. Fried, and Captain Diane M. Paskey.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Major John C. Johnson.

Before

STONE, SMITH, and MATHEWS
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignment of error, and the government's reply thereto. We decline the appellant's invitation "to wonder how many other problems have gone unreported" at the laboratory that tested his urine sample for drugs, and to hold the government to an "as flawless as possible" standard of proof. Limiting our review to the matters contained in the record and applying the traditional proof beyond a reasonable doubt standard, we are satisfied that the evidence was legally and factually sufficient to establish the appellant's guilt. *See United States v. Washington*, 57 M.J. 394, 399 (C.A.A.F. 2002).

We conclude 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 approved findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court