

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Staff Sergeant TAWNE D. NELSON
United States Air Force

ACM 35551

30 March 2005

Sentence adjudged 22 January 2003 by GCM convened at Fort Meade, Maryland. Military Judge: Kevin P. Koehler (sitting alone).

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

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, and Major Rachel E. VanLandingham.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Major Heather L. Mazzeno.

Before

MALLOY, JOHNSON, and GRANT
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignment of error raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), and the government's reply thereto, and find that the appellant was subject to prosecution under the Uniform Code of Military Justice. The appellant was on active duty at the times she used cocaine, and was properly held in this status past the date her term of service expired for the purpose of trial by general court-martial. *United States v. Poole*, 30 M.J. 149 (C.M.A. 1990); Article 2(a)(1), UCMJ, 10 U.S.C. § 802(a)(1); Rule for Courts-Martial 202(c)(1).

The findings and the 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 the sentence are

AFFIRMED.

Judge JOHNSON did not participate.

OFFICIAL

ANGELA M. BRICE
Clerk of Court