

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman Basic CORY W. NORVILLE
United States Air Force

ACM S31215

15 August 2007

Sentence adjudged 30 August 2006 by SPCM convened at Beale Air Force Base, California. Military Judge: James R. Roan (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 Gerald R. Bruce, Major Matthew S. Ward, and Major Kimani R. Eason.

Before

FRANCIS, SOYBEL, and BRAND
Appellate Military Judges

PER CURIAM:

In accordance with his pleas, the appellant was convicted, by a military judge, of one specification of divers uses of cocaine, one specification of use of methamphetamine, one specification of wrongful introduction of cocaine onto an installation, and one specification of larceny of military property, in violation of Articles 112a and 121, UCMJ, 10 U.S.C. §§ 912a, 921. His approved sentence consists of a bad-conduct discharge and confinement for 8 months.

The appellant raised one issue on appeal, whether this Court should order new post-trial processing because the staff judge advocate did not accomplish an addendum to his post-trial recommendation and failed to comply with *United States v Godreau*, 31 M.J. 809 (A.F.C.M.R. 1990).

The appellant and his trial defense counsel received the record of trial and the staff judge advocate's recommendation on 10 and 11 October 2006, respectively. On 20

October 2006, the appellant submitted a two page clemency request and had listed as an attachment, "Defense Exhibits". On 23 October 2006, the convening authority signed a memorandum which stated that he had reviewed the record of trial, and additionally, considered all written matters submitted by the defense prior to taking action. The attachments to this memorandum were entitled "Clemency Package – US v AB Cory W. Norville."

In *United States v. Craig*, 28 M.J. 321, 325 (C.M.A. 1989), the Court pointed out that an accused has a statutory right to submit matters for the convening authority's consideration under Article 60(c)(2), UCMJ, 10 U.S.C. § 860. The opinion held that the record of trial must clearly show that the convening authority did in fact consider any post-trial matters properly submitted by the accused under Rule for Courts-Martial (R.C.M.) 1105 or R.C.M. 1106(f) before taking action on the case. See *Godreau*, 31 M.J. at 812. The record in this case is clear.

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. § 860(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
Clerk of Court