

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Airman First Class SCOTT C. ODOM
United States Air Force

ACM 36953

24 January 2008

Sentence adjudged by GCM convened at Buckley Air Force Base, Colorado. Military Judge: Eric Dillow (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 20 months, and reduction to E-1.

Appellate Counsel for the Appellant: Lieutenant Colonel Mark R. Strickland and Captain John S. Fredland.

Appellate Counsel for the United States: Colonel Gerald R. Bruce, Major Matthew S. Ward, and Major Donna S. Rueppell.

Before

SCHOLZ, JACOBSON, and THOMPSON
Appellate Military Judges

This opinion is subject to editorial correction before final release.

PER CURIAM:

The appellant was found guilty, in accordance with his pleas, of divers uses of marijuana, cocaine, and ecstasy, and divers distribution of cocaine in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. The military judge, sitting alone as a general court-martial, sentenced the appellant to a bad-conduct discharge, confinement for 20 months, and reduction to the grade of E-1. The convening authority approved the findings and sentence as adjudged.

We have reviewed the record of trial, the appellant's assignment of error submitted pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), and the

government's answer thereto. We have carefully considered the appellant's assertion that his conviction should be set aside because certain investigative tactics used by the government "were sufficiently outrageous to represent a denial of due process."

"[A] plea of guilty which results in a finding of guilty waives any objection, whether or not previously raised, insofar as the objection relates to the factual issue of guilt of the offense(s) to which the plea was made." Rule for Courts-Martial 910(j). Thus, the appellant has waived the issue by pleading guilty. Even if he had not, we would find his assignment of error meritless. We review claims of outrageous government conduct de novo. See *United States v. Pedraza*, 27 F.3d 1515, 1521 (10th Cir. 1994) (citing *United States v. Diggs*, 8 F.3d 1520, 1523 (10th Cir. 1993)). In reviewing the circumstances surrounding the appellant's case, we find no evidence of "outrageous" conduct by the government, and no evidence that the appellant was entrapped by government action.

Conclusion

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



STEVEN LUCAS, GS-11, DAF
Clerk of the Court