

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

---

**UNITED STATES**

**v.**

**Airman First Class RYAN M. ORBIN  
United States Air Force**

**ACM S30911**

**24 August 2006**

Sentence adjudged 3 May 2005 by SPCM convened at Spangdahlem Air Base, Germany. Military Judge: Colonel William M. Burd.

Approved sentence: Bad-conduct discharge, confinement for 90 days, forfeiture of \$823.00 pay per month for 3 months, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Nikki A. Hall and Major John N. Page III.

Appellate Counsel for the United States: Colonel Gary F. Spencer and Lieutenant Colonel Robert V. Combs.

Before

ORR, MATHEWS, and THOMPSON  
Appellate Military Judges

PER CURIAM:

The appellant stands convicted, in accordance with his pleas, of a single use of cocaine and a single distribution of that drug, and multiple uses and distributions of 3,4 methylenedioxymethamphetamine, more commonly known as "ecstasy." A panel of officer members sentenced him to a bad-conduct discharge, 90 days confinement, forfeiture of \$823.00 pay per month for three months, and reduction to the grade of E-1. The convening authority approved the sentence as adjudged.

On appeal, the appellant claims, pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), that a bad-conduct discharge is inappropriately severe punishment. On consideration of the entire record, including the appellant's character and the nature

of the offenses, we disagree. *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982); *United States v. Healy*, 26 M.J. 394, 395 (C.M.A. 1988).

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

LOUIS T. FUSS, TSgt, USAF  
Chief Court Administrator