

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

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**UNITED STATES**

**v.**

**Airman First Class DANIEL L. PALMER  
United States Air Force**

**ACM 36307**

**28 August 2006**

Sentence adjudged 7 April 2005 by GCM convened at Barksdale Air Force Base, Louisiana. Military Judge: Mary M. Boone (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 12 months, and reduction to E-1.

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

Appellate Counsel for the United States: Colonel Gary F. Spencer, Lieutenant Colonel Robert V. Combs, and Major Kimani R. Eason.

Before

**ORR, MATHEWS, and THOMPSON  
Appellate Military Judges**

**PER CURIAM:**

We examined the record of trial, the assignment of error, and the government's reply thereto. The appellant alleges that the Specification of Charge I, conspiracy to use cocaine, in violation of Article 81, UCMJ, 10 U.S.C. § 881, is an unreasonable multiplication of charges with Specification 1 of Charge II, use of cocaine, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. He further alleges that Specification 2 of Charge II, distribution of cocaine, is an unreasonable multiplication of charges with Specification 3 of Charge II, introduction of cocaine with intent to distribute, both in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. Finding no merit to the issue, we affirm.

We review unreasonable multiplication of charges claims for an abuse of discretion. *United States v. Pauling*, 60 M.J. 91, 95 (C.A.A.F. 2004). We apply the five-factor test endorsed by our superior court in *United States v. Quiroz*, 55 M.J. 334, 338 (C.A.A.F. 2001). We hold that the military judge did not abuse her discretion when she concluded that the challenged charges and specifications did not constitute an unreasonable multiplication of charges.

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 approved findings and sentence are

AFFIRMED.

OFFICIAL

LOUIS T. FUSS, TSgt, USAF  
Chief Court Administrator