UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Senior Airman JAMES J. ROBERTSON
United States Air Force

ACM 36030

27 December 2005

Sentence adjudged 8 June 2004 by GCM convened at Hurlburt Field, Florida. Military Judge: W. Thomas Cumbie (sitting alone).

Approved sentence: Bad-conduct discharge, confinement for 90 days, and reduction to E-1.

Appellate Counsel for Appellant: Colonel Carlos L. McDade, Major Sandra K. Whittington, and Major John N. Page III.

Appellate Counsel for the United States: Lieutenant Colonel Gary F. Spencer, Major John C. Johnson, and Major C. Taylor Smith.

Before

STONE, SMITH, and MATHEWS
Appellate Military Judges

PER CURIAM:

The appellant was convicted, according to his pleas, of wrongfully using cocaine and marijuana, in violation of Article 112a, UCMJ, 10 U.S.C. § 912a. He now challenges the providency of his plea[1] to the use of cocaine specification, contending the record does not adequately establish that he knew he was using cocaine in light of his "extreme intoxication" at the time of the offenses.

We conclude that the record does establish a factual basis for the appellant's pleas. The military judge adequately explored the appellant's knowledge, as to both use and the

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[1] *See United States v. Care*, 40 C.M.R. 247 (C.M.A. 1969).

contraband nature of the drugs he used. Considering the *Care* inquiry and supporting stipulation of fact signed by the appellant, we find his plea provident. *See*, *e.g.*, *United States v. Moglia*, 3 M.J. 216, 218 (C.M.A. 1977); *United States v. Luebs*, 43 C.M.R. 315, 316 (C.M.A. 1971).

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 approved findings and sentence are

AFFIRMED.

OFFICIAL

LOUIS T. FUSS, TSgt, USAF
Chief Court Administrator

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