

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

No. ACM S32735

UNITED STATES
Appellee

v.

Daniel J. PORTERIE
Senior Airman (E-4), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary
Decided 30 May 2023

Military Judge: Brian C. Mason.

Sentence: Sentence adjudged 27 April 2022 by SpCM convened at Joint Base McGuire-Dix-Lakehurst, New Jersey. Sentence entered by military judge on 26 May 2022: Bad-conduct discharge, confinement for 210 days, and reduction to E-2.

For Appellant: Major Alexandra K. Fleszar, USAF.

For Appellee: Lieutenant Colonel Thomas J. Alford, USAF; Mary Ellen Payne, Esquire.

Before JOHNSON, ANNEXSTAD, and GRUEN, *Appellate Military Judges.*

This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 30.4.

PER CURIAM:

The findings and sentence as entered are correct in law and fact, and no error materially prejudicial to the substantial rights of Appellant occurred. Articles 59(a) and 66(d), Uniform Code of Military Justice, 10 U.S.C. §§ 859(a), 866(d). *Manual for Courts-Martial, United States* (2019 ed.).*

Accordingly, the findings and sentence are **AFFIRMED**.



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court

* Appellant submitted the case to this court for review “on its merits with no specific assignments of error.” However, a footnote in Appellant’s merits brief specifically requested that this court consider “whether the findings are correct in fact.” We did not consider factual sufficiency in Appellant’s appeal because Appellant did not comply with 10 U.S.C. § 866(d)(1)(B)(i) in that Appellant did not make “a specific showing of a deficiency in proof.” National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283, § 542, 134 Stat. 3388, 3612 (1 Jan. 2021). We further note Appellant pleaded guilty to the offenses of which he was convicted.