

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

No. ACM S32769

UNITED STATES
Appellee

v.

Miguel A. SANTA CRUZ, Jr.
Senior Airman (E-4), U.S. Air Force, *Appellant*

Appeal from the United States Air Force Trial Judiciary

Decided 29 October 2024

Military Judge: Bradley J. Palmer.

Sentence: Sentence adjudged 26 October 2023 by SpCM convened at Sheppard Air Force Base, Texas. Sentence entered by military judge on 21 December 2023: Bad-conduct discharge, confinement for 85 days, reduction to E-1, and a reprimand.

For Appellant: Lieutenant Colonel Anthony J. Ghiotto, USAF.

For Appellee: Lieutenant Colonel J. Peter Ferrell, USAF; Major Regina M.B. Henenlotter, USAF; Major Brittany M. Speirs, USAF; Mary Ellen Payne, Esquire.

Before: ANNEXSTAD, DOUGLAS, and PERCLE, *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This is an unpublished opinion and, as such, does not serve as precedent under AFCCA Rule of Practice and Procedure 30.4.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:

A military judge sitting as a special court-martial convicted Appellant, in accordance with his pleas and pursuant to a plea agreement, of one specification of wrongful distribution of cocaine on divers occasions, and one specification of wrongful use of cocaine in violation of Article 112a, Uniform Code of

Military Justice (UCMJ), 10 U.S.C. § 912a.¹ The military judge sentenced Appellant to a bad-conduct discharge, confinement for 85 days, reduction to the grade of E-1, and a reprimand. On 9 November 2023, the convening authority took no action on the findings or sentence.

Appellant raises two issues on appeal which we reworded: (1) whether trial counsel committed prosecutorial misconduct during sentencing argument; and (2) whether Appellant's sentence is inappropriately severe.²

We have carefully considered these issues and find they do not require discussion or relief. *See United States v. Guinn*, 81 M.J. 195, 204 (C.A.A.F. 2021) (citing *United States v. Matias*, 25 M.J. 356, 361 (C.M.A. 1987)).

The findings are correct in law and the sentence as entered is correct in law and fact, and no error materially prejudicial to Appellant's substantial rights occurred. Articles 59(a) and 66(d), UCMJ, 10 U.S.C. §§ 859(a), 866(d). Accordingly, the findings and sentence are **AFFIRMED**.



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court

¹ Reference to the punitive article is to the *Manual for Courts-Martial, United States* (2019 ed.); all other references to the UCMJ are to the *Manual for Courts-Martial, United States* (2024 ed.).

² Both issues were personally raised by Appellant pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).