

**UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS  
Washington, D.C.**

**UNITED STATES**

**v.**

**Andre D. JUSIEL,  
Food Service Specialist First Class (E-6), U.S. Coast Guard**

**CGCMS 24304**

**Docket No. 1236**

**17 August 2005**

Special Court-Martial convened by Commander, Seventh Coast Guard District. Tried at Naval Air Station, Jacksonville, Florida, on 7-8 September 2004.

Military Judge:	CDR Charles E. Schaff, JAGC, USN
Trial Counsel:	LCDR Donald L. Brown, USCG
Assistant Trial Counsel:	LCDR Monica L. Lombardi, USCG
Detailed Defense Counsel:	LT B. Vaughn Spencer, JAGC, USNR
Appellate Defense Counsel:	LCDR Nancy J. Truax, USCG
Appellate Government Counsel:	LT D. Sean Baer, USCGR

**BEFORE  
PANEL EIGHT  
BAUM, TEAL\*, & FELICETTI**  
Appellate Military Judges

Per Curiam:

Appellant was tried by special court-martial, military judge alone. Pursuant to his pleas of guilty, entered in accordance with a pretrial agreement, Appellant was convicted of one specification of wrongful possession of cocaine, one specification of wrongful use of cocaine, one specification of wrongful use of marijuana, one specification of wrongful introduction of cocaine onto a U.S. Coast Guard installation, and one specification of wrongful introduction of marijuana onto a U.S. Coast Guard installation, all in violation of Article 112a, Uniform Code of Military Justice (UCMJ). The military judge sentenced Appellant to a bad-conduct discharge, confinement for 300 days, and reduction to E-1. Additionally, he granted Appellant 206 days of

---

\* Judge Teal did not participate in this decision.

**United States v. Andre D. JUSIEL, No. 1236 (C.G.Ct.Crim.App. 2005)**

confinement credit. The Convening Authority approved the sentence as adjudged. The pretrial agreement had no effect on the sentence.

Before this Court, Appellant filed one assignment of error asserting that he was entitled to two additional days of confinement credit. Subsequently, Appellant moved to withdraw that assignment conceding that the military judge correctly calculated the proper amount of credit. Accordingly, that motion is granted, and the case is treated as having been submitted on its merits without Appellant admitting that the findings and sentence are correct in law and fact.

We have reviewed the record in accordance with Article 66, UCMJ. Upon such review, the findings and sentence are determined to be correct in law and fact and, on the basis of the entire record, should be approved. Accordingly, the findings of guilty and the sentence, as approved below, are affirmed.



For the Court,

Roy Shannon Jr.  
Clerk of the Court