

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

UNITED STATES

v.

**Jacoby M. BENNETT,
Seaman (E-3), U.S. Coast Guard**

CGCMS 24309

Docket No. 1238

17 August 2005

Special Court-Martial convened by Commanding Officer, USCGC STORIS (WMEC-38). Tried at Thirteenth Coast Guard District, Seattle, Washington, on 19 January 2005.

Military Judge:	CDR Steven J. Andersen, USCG
Trial Counsel:	LT Cassie A. Cioci, USCGR
Defense Counsel:	LT M. J. Stutts, JAGC, USNR
Appellate Defense Counsel:	LCDR Nancy J. Truax, USCG
Appellate Government Counsel:	LT D. Sean Baer, USCGR

**BEFORE
PANEL NINE
BAUM, MCCLELLAND, & TEAL**
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 the following offenses: two specifications of wrongfully using marijuana, two specifications of wrongfully using cocaine, and one specification of wrongfully distributing cocaine, in violation of Article 112a, Uniform Code of Military Justice (UCMJ). The military judge sentenced Appellant to a bad-conduct discharge, confinement for 150 days, and reduction to E-1. The Convening Authority approved the sentence as adjudged, but suspended confinement in excess of ninety days for twelve months. The pretrial agreement had no effect on the sentence.

United States v. Jacoby M. BENNETT, No. 1238 (C.G.Ct.Crim.App. 2005)

Before this Court, without admitting that the findings and sentence are correct in law and fact, Appellant has submitted this case on its merits as to any and all errors.

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 and partially suspended below, are affirmed.



For the Court,

Roy Shannon Jr.
Clerk of the Court