

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

UNITED STATES

v.

**William J. CORDERO,
Seaman Apprentice (E-2), U.S. Coast Guard**

CGCMS 24356

Docket No. 1270

31 January 2007

Special Court-Martial convened by Commander, Coast Guard Sector San Juan, Puerto Rico.
Tried at Old San Juan, Puerto Rico, on 25-26 April 2006.

Military Judge:	CDR Timothy G. Stueve, USCG
Trial Counsel:	LT Thomas R. Brown, USCG
Defense Counsel:	LT Elliot W. Oxman, JAGC, USNR
Appellate Defense Counsel:	LCDR Nancy J. Truax, USCG
Appellate Government Counsel:	LT Ronald B. Seely, USCG

**BEFORE
PANEL TEN
McCLELLAND, BAUM, & 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 being absent without leave, in violation of Article 86, Uniform Code of Military Justice (UCMJ); and two specifications of wrongful use of marijuana, a Schedule I controlled substance, and two specifications of wrongful use of cocaine, a Schedule I controlled substance, all in violation of Article 112a, UCMJ. The military judge sentenced Appellant to a bad-conduct discharge, confinement for sixty days, and reduction to E-1. The Convening Authority approved the sentence as adjudged. The pretrial agreement had no effect on the sentence.

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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. As Appellant notes, the Convening Authority, in his action, purported to execute the entire sentence including the punitive discharge, an act that cannot be taken prior to completion of appellate review. We deem the Convening Authority's action, to the extent that it orders execution of the bad-conduct discharge, to be a nullity.

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,

Jane R. Lim
Clerk of the Court