

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES

v.

Captain TRACY P. REGAN
United States Air Force

ACM 35419

6 December 2004

Sentence adjudged 18 September 2002 by GCM convened at Scott Air Force Base, Illinois. Military Judge: Sharon A. Shaffer (sitting alone).

Approved sentence: Dismissal and confinement for 9 months.

Appellate Counsel for Appellant: Colonel Beverly B. Knott, Major Terry L. McElyea, Major Maria A. Fried, and Major Kyle R. Jacobson.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Major John D. Douglas, and Captain C. Taylor Smith.

Before

STONE, ORR, and PETROW
Appellate Military Judges

PER CURIAM:

We have examined the record of trial, the assignments of error, and the government's reply thereto. We may reject a guilty plea on appellate review when the record of trial shows a "substantial basis in law and fact for questioning the guilty plea." *United States v. Jordan*, 57 M.J. 236, 238 (C.A.A.F. 2002) (citing *United States v. Prater*, 32 M.J. 433, 436 (C.M.A. 1991)). The appellant provided more than adequate factual circumstances to objectively support her plea of guilty to possession of cocaine. *United States v. Bickley*, 50 M.J. 93, 94 (C.A.A.F. 1999). We hold that the military judge did not abuse her discretion in finding that the appellant's guilty plea was provident. *United States v. Eberle*, 44 M.J. 374, 375 (C.A.A.F. 1996).

Furthermore, we find that the restrictions placed upon the appellant while undergoing detoxification treatment were designed for legitimate medical purposes. *See*

United States v. Ruppel, 45 M.J. 578 (A.F. Ct. Crim. App. 1997), *aff'd*, 49 M.J. 247 (C.A.A.F. 1998). The conditions and constraints of her restriction did not include physical restraint as contemplated by *United States v. Rendon*, 58 M.J. 221, 224 (C.A.A.F. 2003). Based on our de novo review of the record, we agree with the military judge that no additional credit against the appellant's period of confinement was warranted pursuant to Rule for Courts-Martial 305(k). *United States v. Smith*, 56 M.J. 290, 292 (C.A.A.F. 2002).

Based on the above, we conclude the findings and sentence are correct in law and fact, and no error prejudicial to the substantial rights of the appellant occurred. Article 66(c), UCMJ, 10 U.S.C. § 866(c); *United States v. Reed*, 54 M.J. 37, 41 (C.A.A.F. 2000). Accordingly, the approved findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE
Clerk of Court