

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

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UNITED STATES

v.

Senior Airman **TIMOTHY J. RYAN**  
United States Air Force

**ACM 35710**

**19 August 2004**

Sentence adjudged 17 July 2003 by GCM convened at Wright-Patterson Air Force Base, Ohio. Military Judge: Lance B. Sigmon.

Approved sentence: Bad-conduct discharge, confinement for 30 days, and reduction to E-1.

Appellate Counsel for Appellant: Major Terry L. McElyea, Captain Jennifer K. Martwick, and Captain Diane M. Paskey.

Appellate Counsel for the United States: Colonel LeEllen Coacher, Lieutenant Colonel Robert V. Combs, and Captain C. Taylor Smith.

Before

STONE, GENT, and SMITH  
Appellate Military Judges

PER CURIAM:

We examined the record of trial, the assignment of errors, and the government's reply thereto. Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), the appellant asserts that the testimony of an undercover informant was improperly admitted over his objection because it violated Article 31(b), UCMJ, 10 U.S.C. § 831(b). We hold that the military judge did not err in denying the defense motion to suppress. *United States v. Price*, 44 M.J. 430 (C.A.A.F. 1996); *United States v. Harvey*, 37 M.J. 140 (C.M.A. 1993); *United States v. Duga*, 10 M.J. 206 (C.M.A. 1981).

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). On the basis of the entire record, the findings and sentence are

AFFIRMED.

OFFICIAL

ANGELA M. BRICE  
Clerk of Court