

**UNITED STATES NAVY-MARINE CORPS  
COURT OF CRIMINAL APPEALS  
WASHINGTON, D.C.**

**Before  
J.A. MAKSYM, J.R. PERLAK, R.E. BEAL  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**KYLE C. COLLINS  
LANCE CORPORAL (E-3), U.S. MARINE CORPS**

**NMCCA 201000020  
GENERAL COURT-MARTIAL**

**Sentence Adjudged:** 7 August 2009.

**Military Judge:** CAPT Keith Allred, JAGC, USN.

**Convening Authority:** Commanding General, 3d Marine Aircraft Wing, MCAS Miramar, San Diego, CA.

**Staff Judge Advocate's Recommendation:** Maj A.L. Daly, USMC (29 Oct 2009); Addenda: Col K.J. Brubaker, USMC (23 Dec 2009 and 24 Mar 2011).

**For Appellant:** LT Ryan Santicola, JAGC, USN.

**For Appellee:** Mr. Brian Keller, Esq.

**30 June 2011**

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**OPINION OF THE COURT**  
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**IN ACCORDANCE WITH RULE 18.2, NMCCA RULES OF PRACTICE AND PROCEDURE, THIS  
OPINION DOES NOT SERVE AS PRECEDENT.**

PER CURIAM:

This case is before us for a second time. In our initial decision, *United States v. Collins*, No. 201000020, 2011 CCA LEXIS 22, unpublished op. (N.M.Ct.Crim.App. 17 Feb 2011), we set aside the findings of guilty to Charges I and II and their specifications, alleging aggravated sexual assault and burglary. We affirmed the finding of guilty to Charge III and its specification, alleging adultery. We also set aside the sentence and authorized a rehearing. In his action of 28 March 2011, the convening authority approved a sentence of no punishment. In light of that action, there is nothing remaining before this

court which would require additional review of the appellant's vestigial first assigned error, based on MILITARY RULE OF EVIDENCE 413, MANUAL FOR COURTS-MARTIAL, UNITED STATES (2008 ed.).

No further errors remain, nor have new errors been raised. The approved sentence is affirmed.

For the Court

R.H. TROIDL  
Clerk of Court