

Wednesday, 10 September 2014 (1000)

United States v. Riggins

**Before Panel 3 of the Court: Senior Judge McFarlane
Judge McDonald
Judge Holifield**

**For Appellant: Mr. Jeffrey Stephens, Esq.
Capt Jason Wareham, USMC**

For Appellee: LCDR Keith Lofland, JAGC, USN

A military judge, sitting as a general court-martial, convicted the appellant, pursuant to his pleas, of two specifications of violating a lawful general order, making a false official statement, and adultery, in violation of Articles 92, 107, and 134, UCMJ, 10 U.S.C. §§ 892, 907, 934 (2006). The appellant was convicted, contrary to his pleas, of six specifications of assault consummated by a battery, and one specification of indecent language in violation of Articles 128 and 134, UCMJ, 10 U.S.C. §§ 928 and 934 (2006). The military judge sentenced the appellant to three years confinement, reduction to pay-grade E-1, and a bad-conduct discharge. The convening authority approved the sentence as adjudged, and except for the punitive discharge, ordered the sentence executed.

The sole issue to be argued before this Court is as follows:

- I. **WHETHER THE MILITARY JUDGE ERRED WHEN HE FOUND THAT ASSAULT CONSUMMATED BY A BATTERY WAS A LESSER-INCLUDED OFFENSE OF ABUSIVE SEXUAL CONTACT AND SEXUAL ASSAULT AS CHARGED IN THE ADDITIONAL CHARGE.**