

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

**Before  
F.D. MITCHELL, J.A. MAKSYM, R.E. BEAL  
Appellate Military Judges**

**UNITED STATES OF AMERICA**

**v.**

**MICHAEL A. HIGGINS  
SERGEANT (E-5), U.S. MARINE CORPS**

**NMCCA 200900535  
SPECIAL COURT-MARTIAL**

**Sentence Adjudged:** 22 July 2009.

**Military Judge:** LtCol G.W. Riggs, USMC.

**Convening Authority:** Commanding Officer, Headquarters  
Battalion, 2d Marine Division, Camp Lejeune, NC.

**Staff Judge Advocate's Recommendation:** LtCol W.G. Perez,  
USMC.

**For Appellant:** CAPT Salvador Dominguez, JAGC, USN.

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

**14 January 2010**

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**OPINION OF THE COURT**  
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After careful consideration of the record, submitted without assignment of error, we affirm the findings and sentence as approved by the convening authority. Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c).

For the Court

R.H. TROIDL  
Clerk of Court