

**UNITED STATES COAST GUARD COURT OF CRIMINAL APPEALS
Washington, D.C.**

UNITED STATES

v.

**Michael L. BROGDEN
Lieutenant (Junior Grade) (O-2), U.S. Coast Guard**

CGCMG 0176

Docket No. 1157

30 January 2002

General Court-Martial convened by Commander, Maintenance and Logistics Command Atlantic.
Tried at Philadelphia, Pennsylvania, on 31 May 2001.

Military Judge:	CAPT Michael J. Devine, USCG
Trial Counsel:	LT Cassandra A. Walbert, USCG
Assistant Trial Counsel:	LT Elizabeth A. Ashburn, USCG
Civilian Defense Counsel:	Samuel C. Stretton, Esq.
Assistant Defense Counsel:	Lt. Allison A. Eberting, JAGC, USNR
Appellate Defense Counsel:	CDR Jeffrey C. Good, USCG
Appellate Government Counsel:	LT Daniel J. Goettle, USCG

**BEFORE
PANEL TWO
BAUM, KANTOR, & PALMER
Appellate Military Judges**

Per curiam:

Appellant was tried by general court-martial, military judge alone. Pursuant to his pleas of guilty, entered in accordance with a pretrial agreement, Appellant was found guilty of one specification of wrongfully appropriating \$6,475 from his unit's morale fund, in violation of Article 121 of the Uniform Code of Military Justice (UCMJ).

Appellant was sentenced to dismissal from the service, confinement for two months, and a fine of \$3,000, with additional confinement of two months if the fine was not paid. The sentence was within the terms of the pretrial agreement and was approved by the convening authority as adjudged, with a monthly schedule for payment of the fine in accord with a post-trial agreement. Before this Court, without admitting that the findings and sentence are correct in law and fact, Appellant has submitted this case on its merits as to any and all errors.

United States v. Michael L. BROGDEN, No. 1157 (C.G.Ct.Crim.App. 2002)

We have reviewed the record in accordance with Article 66, UCMJ. Upon such review, we have determined that the findings and sentence are correct in law and fact, and on the basis of the entire record should be approved. Accordingly, the findings and sentence, as approved below, are affirmed.



For the Court,

Kevin G. Ansley
Clerk of the Court