



CRIME AND PUNISHMENT

VOLUME I, ISSUE 1

NOVEMBER 2015

NONJUDICIAL PUNISHMENT

ARTICLE 15 ACTIONS

During October 2015, JBSA commanders administered 13 nonjudicial punishment actions under Article 15 of the UCMJ. The punishments imposed reflect the commander's determination of an appropriate punishment after considering the circumstances of the offense and the offender's record. A "suspended" punishment does not take effect unless the offender engages in additional misconduct or fails to satisfy the conditions of the suspension. The suspension period usually lasts for six months unless a lesser amount is specified.

False Official Statement (fitness score card)—An officer forfeited \$2,609 pay per month for two months, with one month suspended, and a reprimand

Dereliction of duty—An Airman First Class consumed alcohol while under the age of 21. For this misconduct, the member received a reduction to Airman, forfeiture of \$404.00 pay, and a reprimand.

Failure to go/disrespect towards an NCO—A Senior Airman failed to go at the time prescribed to his appointed place of duty. Additionally, the member displayed disrespect towards an NCO as he approached the NCO until he was face-to-face, and raised his voice at the NCO. For this misconduct, the member received a reduction to the

grade of Airman First Class, and a reprimand.

Wrongful use of marijuana—A Senior Airman tested positive for marijuana during a unit sweep. For this misconduct, the member received a reduction to the grade of Airman First Class, forfeitures of \$1,027.00 for two months with one month suspended, and a reprimand.

Drunk and disorderly—a master sergeant, a member of a medical training team TDY to another country, over consumed alcohol and became drunk and disorderly in the team hotel. Punishment consisted of a suspended reduction to the grade of technical sergeant, forfeiture of \$1,836 per month for two months, and a reprimand.

Underage consumption of alcohol—an airman first class consumed alcohol underage at a bar. Punishment consisted of a suspended reduction to the grade of airman, forfeiture of \$500 pay, and a reprimand.

Dereliction of duty—An Airman was found vaping in his dormitory. For this misconduct, the member received a reduction to the grade of Airman Basic, forfeiture of \$773.00 pay for two months with one month suspended, and a reprimand.

False official statement— An Airman First Class made a false official statement to an AFOSI Special Agent regarding the facts surrounding an official investigation. For this misconduct, the member received a reduction to the grade of Airman, and a reprimand.

Wrongful use of marijuana— An Airman First Class tested positive for marijuana on a Bickle test at a level higher than she initially tested during a unit sweep. For this misconduct, the member received a 21 days extra duty, and a reprimand.

Military Justice POCs

JBSA Lackland (671-2007)

Capt Chris Porter (Courts)

Capt Matthew Blyth (NJP)

TSgt Larry Wrenn

JBSA Fort Sam Houston (221-2032)

Capt Enisa Dervisevic

TSgt Andrea Simmonds

JBSA Randolph (652-9673)

Capt Eliot Peace

Ms. Jackie Christilles

SSgt Nelly Hensley

After Hours On-Call JAG

JBSA Lackland - 210-288-7379

JBSA Fort Sam - 210-317-8738

JBSA Randolph - 210-275-2453

Unlawful Command Influence (UCI)

UCI occurs when military authorities influence, impede, or misdirect the administration of justice. It can be directed at court-martial members (jury), witnesses, judges, counsel, and even at commanders.

Examples of unlawful command influence include:

- Commanders stating all drug users must be removed from the Air Force.
- Commanders expressing their public unhappiness with the result of a court-martial and condemning the jury.
- Commanders telling members not to testify for an accused at court-martial.
- Commanders taking adverse actions against a juror based upon the results of a court-martial.
- A superior commander directing a subordinate commander to prefer charges or offer on Article 15.

Permissible command influence includes:

- Consulting with a subordinate about a military justice matter or requesting a subordinate reconsider his or her action in light of new evidence.
- Ordering that all DUI cases in the Group will be dealt with by the Group Commander or above.
- Talking about how the use of illegal drugs is a violation of the law and impacts mission accomplishment.

If the accused in a court-martial alleges UCI resulted in him or her receiving an unfair trial or even the perception of an unfair trial, the military judge can dismiss the charges against him or her. Therefore, it is important to remain impartial and guard against the appearance of impartiality during the administration of military justice.

Article 137, UCMJ Briefing is Required for All Enlisted Members

The Article 137 briefing originates from the Uniform Code of Military Justice. It outlines specific articles within the UCMJ that must be “carefully explained” to enlisted members at certain times during their career. If you are an enlisted member of the Armed Forces then this briefing will apply to you. Article 137 states these articles must be explained upon entry to active duty, after a member has completed six months of service, and at EVERY re-enlistment.

Your local legal office has been given the responsibility of giving this briefing and tracking when enlisted members receive it.

Fort Sam Houston - Every Wednesday at 0900

Comm: 210-808-0169

Randolph - Every Wednesday at 1300

Comm: 210-652-6781

Lackland - 1st & 3rd Friday of the Month at 1300

Comm: 210-671-3367

The Fort Sam Houston briefing location is in the Fort Sam Houston SJA conference room, at 2422 Stanley Road, Bldg. 134. The Randolph briefing location is in the Randolph SJA deliberation room, at 1 Washington Circle, Suite 6. The Lackland briefing location is in the Lackland SJA courtroom, at 1701 Kenly Avenue, Building 2484, Ste 106.

Nonjudicial Punishment Q & A:

Q: Who can serve an Article 15 on a member if the initiating commander is unavailable?

A: After a commander has decided to offer an Article 15 to a member, he/she may direct a subordinate, senior in rank to the member (when practicable), to notify and serve the member with the Article 15.

COURTS-MARTIAL AT JBSA

US v. A1C Luis F. Santos, 959 IOS, was found guilty by a military judge of two specifications of sexual assault in violation of Article 120, UCMJ. He was sentenced to a dishonorable discharge, reduction to E-1, total forfeitures, and 18 months confinement.

US v. Capt Jorge O. Pagan, AFROTC Det. 840, pled guilty with a Pre-Trial Agreement (PTA) and a general court-martial of 8 officers sentenced him to a dismissal, 30 days confinement, and a reprimand, for two violations of Article 92, UCMJ. The Article 92 violations were for inappropriate relationships with female cadets.

US v. Amn Jelani Connell & US v. AB Micah Boszeman— were each acquitted of all charges faced at general court-martial for alleged violations of Article 120 and 128 (Amn Connell only)

All courts-martial are open to the public. Visit our USAF Public Docket website at <http://www.afjag.af.mil/docket/index.asp>.