



# CRIME AND PUNISHMENT

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## NONJUDICIAL PUNISHMENT

### ARTICLE 15 ACTIONS

During November 2015, JBSA commanders administered 21 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. The following are some of the Article 15s that closed out in November.

**Wrongful Use of Marijuana**—A Senior Airman wrongfully used marijuana. The member received a reduction to the grade of airman first class, forfeitures of \$583 pay per month for two months with one month suspended, fifteen days restriction, 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.

**Drunk and disorderly, simple assault, and false official statement**—A Staff Sergeant overconsumed alcohol, assaulted a civilian, and lied to a security forces investigator. Punishment consisted of a reduction to the

grade of senior airman, forfeitures of \$1,175 pay per month for 2 months and a reprimand.

**Dereliction of duty**—An Airman First Class was found consuming alcohol in a motor vehicle. For this misconduct, the member received a reduction to Airman, forfeiture of \$867.00 for two months with one month suspended, and a reprimand.

**False Official Statement & Underage Drinking**—An Airman First Class in technical training with the intent to deceive made a false official statement to an NCO and unlawfully consumed alcohol under the age of 21. The member received a reduction to the grade of airman, suspended forfeitures of \$867 pay per month for one month, thirty days restriction, thirty days extra duty, and a reprimand.

**AWOL & Dereliction of Duty: Willful**—An Airman Basic in technical training failed to go to his appointed place of duty as prescribed and failed to adhere to AETC Form 29B. The member received fourteen days restriction, fourteen days extra duty and a reprimand.

**Assault Consummated by a Battery & Sexual Misconduct**—An Airman in basic training unlawfully poked two different basic trainees on the buttocks with her finger, unlawfully touched a different basic trainee on the buttocks with her hand and caused bodily harm to another basic trainee by grabbing her breast with her hand with

the intent to abuse, humiliate or degrade without her consent. The member received a reduction to the grade of airman basic, forfeitures of \$773 pay per month for two months, and a reprimand.

**Underage Drinking** - Four different Airman First Classes in basic training unlawfully possessed and consumed alcohol while under the age of 21. Each of the four members received forfeitures of \$715 pay per month for two months with one month suspended, 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*

## Victim Witness Assistance Program (VWAP)

(Applies to Victims of ANY Crime under UCMJ)

### Program Objectives

1. Mitigate hardships suffered by victims and witnesses of offenses investigated by USAF authorities.
2. Foster cooperation of victims and witnesses within the military criminal justice system.
3. Ensure best efforts are made to accord to victims of crime certain enumerated rights.

### Definitions Applicable to VWAP

1. **Victim:** person who has suffered direct physical, emotional, or financial harm as a result of an offense
2. **Witness:** person who has information or evidence of a crime and provides it to an Air Force official
3. **Offense:** crime punishable under the UCMJ and committed by a person subject to the UCMJ

### Responsible Parties

- All personnel involved in the military justice process must be familiar with VWAP including the Legal Office, SARC, Airman & Family Readiness Center, Security Forces, AFOSI, Medical Group, chaplains, commanders, and first sergeants.

### Victims' Rights

1. Fairness and respect for their dignity and privacy
2. Reasonable protection from a suspect or accused
3. Notification of all court-martial proceedings
4. Presence at all public court-martial proceedings
5. Confer with trial counsel in the case
6. Appropriate restitution, when available
7. Information about an accused's conviction, sentencing, confinement and release
8. At SECAF's discretion, an opportunity to make a personal appearance at a clemency/parole board

### VWAP Coordinators at Joint Base San Antonio:

Ms. Melinda Smith, 502 ISG/JA, DSN 473-3365

Mr. Chad Haugse, 502 FSG/JA, DSN 420-0169

Mr. LaMarr Queen, 502 SFLSG/JA, DSN 487-6781

*Reference: AFI 51-201, Chapter 7*

## 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. TSgt Gill, 959 Inpatient Operations Squadron, JBSA-Ft Sam Houston, Texas, was tried by a general court-martial consisting of officer and enlisted members on 16-23 November 2015 at JBSA-Randolph, Texas. TSgt Gill was acquitted of all charges and specifications (rape in violation of Article 120; aggravated assault and assault consummated by a battery in violation of Article 128; and communicating a threat in violation of Article 134).

All courts-martial are open to the public. Visit our USAF Public Docket website at

<http://www.afjag.af.mil/docket/index.asp>.