



# CRIME AND PUNISHMENT

VOLUME II, ISSUE 7

JULY 2017

## NONJUDICIAL PUNISHMENT

### ARTICLE 15 ACTIONS

During the month of June 2017, JBSA Commanders administered 31 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 six months unless a lesser amount is specified. The following are some of the NJP actions that closed out during the month of June.

**Wrongful Use of Marijuana:** A Technical Sergeant wrongfully used marijuana. The member received a reduction to Staff Sergeant, forfeitures of \$1,616 pay per month for two months (suspended) and a reprimand.

**Larceny:** An Airman in technical training stole a bracelet from the Base Exchange. The member received a reduction to Airman Basic, forfeitures of \$799 pay per month for two months (suspended), and a reprimand.

**Larceny:** An Airman First Class in technical training stole a pair of earrings from the Base Exchange. The member received a reduction to Airman Basic (suspended below Airman), forfeitures of \$799 pay per month for two months (suspended), 17 days restriction to base, and a reprimand.

**Indecent Language:** An Airman in technical training uttered a racial slur during class. The member received a reduction to Airman Basic (suspended), forfeitures of \$896 pay per month for two months (one month suspended), 15 days extra duty, 30 days restriction to base, and a reprimand.

**AWOL; False Official Statement:** A Technical Sergeant went AWOL when ordered to be at a weeklong training course. When later asked as her whereabouts, the member lied. The member received a reduction to Staff Sergeant, forfeitures of \$1,616 pay per month for two months (suspended) and a reprimand.

**False Official Statement:** An Airman in technical training lied about the number of sit-ups completed during a fitness assessment. The member received a reduction to Airman Basic (suspended), forfeitures of \$373 pay, and a reprimand.

**Abusive Sexual Contact:** An Airman First Class in technical training groped the private parts of a female trainee without her consent. The member received a reduction to Airman Basic, 7 days extra duty, 14 days restriction to base, and a reprimand.

**Wrongful Use of Marijuana:** An Airman First Class wrongfully used marijuana. The member received a reduction to Airman, forfeitures of \$800 pay (suspended) and a reprimand.

### Military Justice POCs

**JBSA Lackland (37 TRW, 59 MDW and LAK Mission Partners)**

(671-2007)

*Capt Rob Waldrup (Courts)*

*Capt Stacie Persons (Courts)*

*Ms. Karen Dreitzler (Courts)*

*Capt Tony Rock (NJP)*

**JBSA Fort Sam Houston (502 ABW and FSH/CB Mission Partners)**

(221-2032)

*Capt Kelly Rodriguez*

*Amn Savannah Perez*

**JBSA Randolph (12 FTW and RND Mission Partners)**

(652-9673)

*Capt James Dawkins*

*SSgt Margo Walker*

*After Hours On-Call JAG—295-0064*

# Unlawful Command Influence (UCI)

UCI occurs when military authorities influence, impede, or misdirect the administration of justice. UCI can be directed at court-martial members (the 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 condemning a jury verdict or expressing their public unhappiness with the result of a court-martial.
- 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 an 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 vitally important to remain impartial and guard against even the appearance of impartiality.

## COURTS-MARTIAL AT JBSA IN JUNE 2017

U.S. v. SSgt D.C., 834 COS, JBSA-Lackland, Texas was tried before a special court-martial consisting of officer and enlisted members from 21-23 June 2016 at JBSA-Lackland, Texas. SSgt D.C. was acquitted of a single charge of wrongful use of marijuana in violation of Article 112a UCMJ.

**After sentencing, members can request clemency. In some cases, this can change the outcome of their case and/or sentence to something less severe. Acquittals are final results.**

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