



CRIME AND PUNISHMENT

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NONJUDICIAL PUNISHMENT

ARTICLE 15 ACTIONS

During the month of May 2017, JBSA Commanders administered 15 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 May.

Drunken Driving: An Airman First Class drove a vehicle while intoxicated. The member received a reduction to Airman, forfeitures of \$896 per month for two months (one month suspended), restriction to base for 10 days, and a reprimand.

Wrongful Use of Marijuana: A Staff Sergeant wrongfully used marijuana. The member received a reduction to Senior Airman, and a reprimand.

Misbehavior of a Sentinel: An Airman First Class was found sleeping on his post while posted as a sentinel. The member received a reduction to Airman, forfeiture of \$896 (suspended), and 45 days extra duty.

Larceny: An Airman First Class in technical training stole another Airman's debit card information and used it for \$161.95 in expenses. The member received forfeiture of \$942 (suspended), 14 days extra duty, 14 days restriction to base, and a reprimand.

Adultery; Dereliction of Duty; Failure to Obey; False Official Statement: A Master Sergeant carried on an unprofessional, adulterous relationship with a subordinate while deployed, violating a no contact order in the process. When confronted on the matter, the member lied about it. The member received a reduction to Technical Sergeant, forfeitures of \$1,844 pay per month for two months (suspended), and a reprimand.

Indecent Recording; Wrongful Distribution of Sexually Explicit Material; Dereliction of Duty: An Airman Basic in technical training was derelict in his duty to refrain from engaging in sexual intercourse in the female

dormitory. Moreover, he wrongfully filmed the sexual acts and distributed the recording to fellow trainees. The member received forfeitures of \$799 pay per month for 2 months, 10 days extra duty, 20 days restriction to base, and a reprimand.

Battery: An Airman First Class poked a female Airman in the side and touched her knee without her consent. The member received a reduction to Airman, 30 days extra duty, and a reprimand.

Military Justice POCs

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

(671-2007)

Capt Rob Waldrup (Courts)

TSgt Jovanni Hill (Courts)

Ms. Karen Dreitzler (Courts)

Capt Tony Rock (NJP)

SSgt Stephen Williams (NJP)

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

(221-2032)

Capt Lauren McCormick (Courts)

Capt Gabriel Bush (NJP)

Amn Savannah Perez

JBSA Randolph (12 FTW and RND Mission Partners)

(652-9673)

Capt James Dawkins

SSgt Margo Walker

Lautenberg Amendment

The 1996 Domestic Violence Amendment to the Gun Control Act (referred to as the Lautenberg Amendment) makes it a federal offense for anyone convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. The Department of Defense (DoD) policy for implementing this law for military personnel and DoD civilian personnel is found in DoDI 6400.06, *Domestic Abuse Involving DoD Military and Certain Affiliated Personnel*.

Definition of Crime of Domestic Violence. An offense that has as its factual basis the use or attempted use of physical force, or threatened use of a deadly weapon committed by:

- A current or former spouse of the victim
- A parent or guardian of the victim
- Someone who has a child in common with the victim
- Someone who is cohabitating with the victim or has cohabitated with the victim as a spouse, parent or guardian
- Someone similarly situated as a spouse, parent, or guardian (such as a girlfriend/boyfriend relationship)

The title of the crime does not have to be “domestic violence” if the underlying facts fit within the DoD definition

Air Force Implementation

Commanders are required to give annual briefings regarding the Lautenberg Amendment. Notices regarding the Lautenberg Amendment must be posted at all facilities where government firearms are stored, issued, disposed of, or transported. Air Force members must complete a DD Form 2760, *Qualification to Possess Firearms or Ammunition*, **under the following circumstances:** annually for all personnel who work with or are required to qualify on firearms, destructive devices, or ammunition; at the time of permanent change of station (PCS), permanent change of assignment (PCA), or temporary duty assignment (TDY), or other change in assignment; and prior to any weapons training.

Qualifying Convictions

- Any state or federal conviction for a crime of domestic violence (misdemeanor or felony), or an action qualifying as a conviction, prohibits the possession of a firearm under the Lautenberg Amendment
- Charges that are reduced or negotiated to a crime not entitled “domestic violence” may still qualify, if the factual basis fits within the DoD definition
- A general or special court-martial conviction for a UCMJ offense meeting the DoD definition
- To qualify as a “conviction”, the person convicted must have been represented by an attorney or affirmatively waived such right.

The following do not qualify as a conviction:

- Convictions that are expunged or set aside
- Convictions that are pardoned
- Summary court-martial convictions
- Nonjudicial punishment

Members with a qualifying conviction must lawfully dispose of all privately owned firearms and ammunition. They have 30 days to dispose of all firearms stored in the armory. They must immediately be denied access to all government firearms and ammunition, including MWR facilities. Commanders must immediately retrieve any government-issued firearms and ammunition. They are ineligible for all weapons training and may be subject to discharge for the underlying act of domestic violence or the underlying conviction but not simply because he/she is unable to possess a firearm. Finally, members in career fields requiring firearms may be cross-flowed or retrained into AFSC not requiring firearms.

COURTS-MARTIAL AT JBSA IN MAY 2017

US v. A1C J.V., 37 TRSS, JBSA-Lackland, was tried by summary court-martial on 5 May 2017 at JBSA-Lackland. Pursuant to his own pleas, A1C J.V. was convicted of one charge and two specifications of violations of Article 112a, UCMJ, including one specification of wrongful use of marijuana and one specification of wrongful introduction of marijuana onto a military installation. A1C J.V. also pleaded guilty to one charge and one specification of disorderly conduct in violation of Article 134, UCMJ. The summary court-martial officer sentenced A1C J.V. to confinement for 20 days, restriction to base for 20 days, forfeiture of \$710 and a reduction to E-1.

US v. SrA J.C., 59 RSQ, JBSA-Lackland, was tried by summary court-martial on 9 May 2017 at JBSA-Lackland. Pursuant to his own pleas, SrA J.C. was convicted of one charge and two specifications of violations of Article 112a, UCMJ, including one specification of wrongful use of marijuana and one specification of wrongful distribution of marijuana. SrA J.C. also pleaded guilty to one charge and one specification of making a false official statement in violation of Article 107, UCMJ. The summary court-martial officer sentenced SrA J.C. to confinement for 24 days, forfeiture of \$533, a reduction to E-1, and a reprimand.

US v. SSgt A.P., HQ AFPC, JBSA-Randolph, was tried by special court-martial consisting of a military judge sitting alone on 9 May 2017 at JBSA-Randolph. Pursuant to his own pleas, SSgt A.P. was convicted of one charge and two specifications of violations of Article 112a, UCMJ, including one specification of wrongful use of marijuana and one specification of wrongful use of methamphetamine. The military judge sentenced SSgt A.P. to confinement for 14 days, hard labor without confinement for 60 days, and a reduction to E-1.

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>