

# MIDLANT Legal Compass

*Guiding Warfighters through Legal and Ethical Waters*

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*NDAAs, NAVADMINs and Politics, Oh my.*

We have recently seen many changes to how commands operate when dealing with sexual assault cases, victims, Article 32s and servicemember records. This is an area that will continue to evolve that we need to stay on-top of to ensure we are meeting all our congressionally-required mandates. The following articles summarize the changes required when completing the Sexual Assault Disposition Report (SADR), the new process for reviewing and updating records of servicemembers, post-trial updates, and changes to the Article 32 process. As new changes and requirements are created, we will be sure to provide updates. For the most up-to-date guidance and advice, contact your local RLSO MIDLANT Command Services Office.

We have also included an article with some helpful reminders for the upcoming political season and working with social media. This is a new and ever-changing field so it takes careful consideration to be sure that all rules and regulations are being followed.

As always, we end with our courts-martial and BOI results. This gives you a snap shot of the cases that were completed this quarter and their results. For questions about these cases, please contact the trial department and SJA, Commander Navy Region Mid-Atlantic (CNRMA), respectively.

If there are ever topics you are interested in us covering or seeking additional information, please contact our Legal Compass Editor, the Command Services Department Head, LCDR Cheryl Ausband.

Very Respectfully,  
 /S/  
 David G. Wilson  
 CAPT, JAGC, USN  
 Commanding Officer, RLSO MIDLANT

The primary mission of Region Legal Service Office Mid-Atlantic (RLSO MIDLANT) is to provide prosecution, command services, and legal assistance support to eligible commands and persons in support of Fleet operational readiness.

The *MIDLANT Legal Compass* is a periodic newsletter published by the RLSO MIDLANT Command Services Department.



## *Guidance for Submission of Sexual Assault Disposition Report*

LCDR Daniel C. LaPenta, JAGC, USNR

ALNAV 061/14 requires commands to complete and submit a Sexual Assault Disposition Report (SADR). In short, a SADR is a NAVPERS form (1752/1) that a command must fill out to document the “final disposition” of an unrestricted report of a sexual assault. This is a multiple page form that replaces the prior one page report.

The “final disposition” is the outcome of a case or unrestricted report. The ALNAV defines “final disposition” as follows:

[A]ction taken to resolve the reported incident, documenting the case outcome, and addressing the misconduct by the alleged offender/subject, as appropriate. Final disposition includes, but is not limited to, military justice proceedings, non-judicial punishment (NJP), administrative actions, including administrative separation actions taken in response to the offense, or a decision to take no action. If multiple actions are taken, commands shall report the most serious action taken, in accordance with [DoDI 6495.02].

A breakdown of this definition gives the SADR three parallel purposes relating to an unrestricted report of sexual assault:

- 1) Resolution;
- 2) Documentation; and
- 3) “[A]ddressing the misconduct . . . as appropriate.”

Commands should understand that final dispositions will vary depending upon the particular circumstances of a case. In some instances, command decisions will control the disposition (e.g., dismissal of charges, NJP, no action), while other decisions will not necessarily dictate the disposition (e.g., a decision to prefer charges that results in an acquittal). The salient point for the command is to document—within two business days—the outcome of a case. The SADR provides the command that tool.

Here are some highlights and nuances of the ALNAV and SADR:

- These apply only to unrestricted reports of sexual assault.
- Note that USN and USMC use different forms. See ALNAV 061/14, ¶ 4.
- If a court-martial convicts an offender (regardless of plea) but does not award a punitive discharge, the command must complete a SADR after sentencing and select “court-martial charges preferred” as the final disposition. If the command takes further administrative action after the court-martial, the command must then complete an updated SADR upon administrative separation.
- When a command prefers charges that are later dismissed, yet the command takes no further administrative or disciplinary actions, the command must select “court-martial charges preferred” as the final disposition.

*The salient point for the command is to document—within two business days—the outcome of a case.*

- If more than one action is taken, the command reports the “most serious action” in accordance with DoDI 6496.02, Appendix to Enclosure 12, b(1)(a)-(d). The following lists those potential actions, starting with the “most serious”:
  1. Court-martial charges preferred;
  2. NJP; \* NJP is the “final disposition” even if the offender receives administrative action after NJP as that is the “most serious” action taken.
  3. Administrative discharge;
  4. Other adverse administrative actions (e.g., counseling, admonition, EMI).
- Commands submit the SADR, via email, to [opnav\\_sapr\\_report@navy.mil](mailto:opnav_sapr_report@navy.mil).
- Commands must also submit the report to the local NCIS Special Agent and the SARC responsible.

*Within two business days of a court-martial conviction or an NJP becoming final, commands must submit a completed NAVPERS 1070/887 to the servicemember’s official military personnel file (OMPF).*

### **New Requirements for Inclusion and Command Review of Information on Sex-Related Offenses in Personnel Service Records**

NAVADMIN 189/14 announced two new requirements for commands to follow regarding Sailors convicted at court-martial or receiving non-judicial punishment (NJP) for a qualified sex-related offense.

The first new requirement directs that within two business days of a court-martial conviction or an NJP becoming final, commands must submit a completed NAVPERS 1070/887—Sex Offense Accountability Record to the servicemember’s official military personnel file (OMPF). Completed forms will be filed under field code 91 (FC 91) in the OMPF.

The second requirement directs Commanders, Commanding Officers and Officers in Charge to review all documents within FC 91 of the OMPF for all newly reporting personnel to the command. This review must be completed within 30 days of a servicemember’s check-in. These requirements will help ensure that repeat offenses do not go unnoticed.

For the purposes of these requirements, qualified sex-related offenses are:

UCMJ, Article 120—Rape and sexual assault generally

UCMJ, Article 120a—Stalking

UCMJ, Article 120b—Rape and sexual assault of a child

UCMJ, Article 120c—Other sexual misconduct

UCMJ, Article 125—Sodomy

UCMJ, Article 80—Attempt to commit any of the above-listed offenses

Please note that NAVPERS 1070/887 contains a block for “punitive administrative action.” This term is not applicable and should not be used. The form can be downloaded at <http://www.public.navy.mil/bupers-npc/reference/forms/NAVPERS/Pages/default.aspx>

Completed forms should be submitted electronically via e-submission or mailed to:

Navy Personnel Command, PERS-313  
5720 Integrity Drive  
Millington, TN 38055

### *Upcoming Changes to the Article 32 Process*

There have been several changes to the Article 32 process with the enactment of the National Defense Authorization Act (NDAA) of 2014. These changes become effective on 27 December 2014. That means that they apply to offenses committed on or after that date.

Article 32 of the UCMJ refers to the hearing that must take place before cases are referred to General Court-Martial. Currently, the Article 32 is referred to as an Investigation and the purpose of the Article 32 Investigation is to provide for an inquiry as to the truth of the matter set forth in charges, consideration of the form of charges, and a recommendation as to the disposition of the case. After the Article 32 changes provided in the 2014 NDAA take effect, the hearing is to be referred to as a preliminary hearing, the purpose of which is limited to the following:

- Determining whether there is probable cause to believe an offense has been committed and the accused committed the offense;
- Determining whether the convening authority has court-martial jurisdiction;
- Considering the form of the charges;
- Recommending the disposition that should be made of the case.

There are several new provisions that apply to victims of all crimes:

- Victim is defined as one who “is alleged to have suffered a direct physical, emotional, or pecuniary harm as a result of matters set forth in a charge or specification being considered” and “is named in one of the specifications.”
- A victim, whether military or civilian, may not be required to testify at the preliminary hearing. A victim who declines to testify shall be deemed to be not available for purposes of the preliminary hearing.
- A victim shall have access to the recording of the hearing if the victim requests it.

Furthermore, the presentation of evidence and examination (including cross-examination) of witnesses at the preliminary hearing shall be limited to the matters relevant to the limited purposes of the hearing, which, as stated above, essentially include a determination as to whether there is probable cause to believe that an offense has been committed by the accused. That does not mean, however, that if the hearing unearths any offenses that have not been charged against the accused, then the Preliminary Hearing Officer cannot consider those uncharged offenses. As before, the hearing officer can consider evidence of any uncharged offenses if the accused is (1) present at the hearing, (2) informed of the nature of the uncharged offenses, and (3) provided the right of representation, cross-examination, and presentation of evidence.

There have also been a few changes to the Rules for Court-Martial (RCM) that affect the Article 32 Preliminary Hearing. On 13 June 2014, the President enacted these changes when he signed Executive Order 13669. These changes took effect immediately. First, there were changes made to RCM 405. Of note, RCM 405(G)(2)(C)(ii) provides that evidence not under the control of the Government at an Article 32 Preliminary Hearing may be obtained through a subpoena duces tecum (a request for physical documents).

*New Article 32  
process takes effect  
27 Dec 14.*

Furthermore, RCM 703(e)(2)(C) now permits either Government counsel or the Preliminary Hearing Officer to issue such subpoenas. Before this enactment, such subpoenas were only permitted once a case was actually referred to a court-martial. Lastly, while the Military Rules of Evidence (MRE) still do not apply to Article 32 Preliminary Hearings, there are a few exceptions that the new RCM 405 expands upon:

- MRE 301 (the privilege concerning compulsory self-incrimination), 302 (the privilege the accused has to prevent any statement made by him or her at a mental examination), 303 (the right that all witnesses have to not be subject to degrading questions), 305 (the rule that states that statements obtained in violation of one's Article 31(b) rights cannot be used as evidence), and Section V (privileges) shall apply in their entirety to Article 32 hearings.
- MRE 412, the military's version of the Rape Shield Law, shall apply in any case defined as a sexual offense under that rule.
- In applying these rules to a preliminary hearing, the term "military judge" shall mean the investigating officer, who will assume the military judge's powers to exclude evidence from the preliminary hearing. This means that, at an Article 32 Preliminary Hearing, a Preliminary Hearing officer shall perform the duties of a military judge by holding closed hearings pursuant to the above rules (such as MRE 412), hearing evidence on that issue, and determining whether that evidence should be admitted at the Preliminary Hearing.

While most of the changes to the Article 32 will not take effect until December 2014, a few changes, namely those enacted with the signing of Executive Order 13669, took effect immediately. Even though most of these changes do not affect a Convening Authority's actions in each case, it is important for each Commander to understand these changes and how it can affect a case should it continue to the Article 32 Preliminary Hearing stage. Of course, for any case that is brought to an Article 32 Preliminary Hearing, RLSO MIDLANT Trial Counsel will stay engaged with Convening Authorities to ensure that they remain completely informed of each step in the process and how these changes may affect the outcome of any particular case. If you have any questions about these changes, please contact your local RLSO MIDLANT Office.

### *FY14 NDAA Required Updates to Post-Trial Processing*

Post-trial Processing Department

The FY14 NDAA also legislated changes to how post-trial processing of cases is conducted, specifically when dealing with cases with victims. The following Rules for Courts-Martial (RCMs) have changed effective immediately:

- RCM 1104b(1)(E)(iii): Victims of sexual assault shall be served with a copy of the record of trial in the same manner as the accused.
- RCM 1105d(1): crime victims shall submit statement to the Convening Authority (CA) no later than 10 days after the later of: (a) the date the victim receives an authenticated copy of the Record of Trial (ROT) or (b) the date the SJAR is served on the victim. A victim can also request an extension for not more than 20 additional days, similar to the accused.

*Victims of Sexual Assault can receive the Record of Trial and submit a statement to the Convening Authority regarding the sentence.*

In order to ensure these new rights are provided to the victim, the trial counsel will provide victims with a Victims Right Statement at the end of trial. This statement outlines the victim's rights and elections concerning the post-trial process. The post-trial processing department will assure the victim is provided a copy of the record of trial (ROT) once it is authenticated, if they have requested it. Commands should ensure to review and take into consideration any input provided from the victim at any stage in the trial or post-trial process. The victim's statement to the Convening Authority (CA) on their action or clemency may come to the commands directly from the victim or forwarded along with the ROT if it was provided directly to the post-trial department or RLSO MIDLANT.

When drafting the Convening Authority Action (CAA) the following is an outline of the information now required in the "action" section:

- (1) In the first sentence the Convening Authority approves/disapproves/modifies/suspends the sentence.
- (2) In the second part of that sentence the Convening Authority orders the sentence executed (remember Convening Authorities can execute all but a punitive discharge).
- (3) The designated place of confinement must be listed if applicable. If the servicemember is released from confinement provide the date of release. If the release is per a Pre-trial agreement then the Convening Authority should add the following language "Pursuant to the terms of the pretrial agreement, the service of that portion of confinement to be suspended was deferred on (date released from confinement) and deferment is rescinded effective this date." to assure all confinement time is properly accounted for.
- (4) The Convening Authority must comment whether or not the pretrial agreement had any impact on the sentence.
- (5) If applicable the Convening Authority should address article 58(a) and 58(b) and whether any automatic actions have already taken place.
- (6) In all cases, the Convening Authority must indicate whether or not DNA processing is required. It is required for any case in which the accused COULD HAVE received over a year confinement based on their charges and the maximum possible punishment (no matter what the Pre-trial agreement says and regardless of the court's forum).
- (7) Most importantly for this update, the Convening Authority must list what was considered when taking this action (record of trial, results of trial, clemency [if any] from accused, ANY INPUT FROM VICTIM and if there was a Pre-trial agreement). This is the critical place that you MUST comment if you received input from the victim that it was reviewed and considered!
- (8) The final piece is where the record of trial will be forwarded.

*Outline of the  
Convening  
Authority Action  
section*

Post-trial processing has some very specific procedural and timeline requirements. For assistance, please contact the RLSO MIDLANT's Post-Trial Processing Division at 757-341-4568 or the Command Services Department Head at 757-322-3065.

### *Political Activities in Social Media for Servicemembers*

LT Phil Corrigan, Command Services Department, RLSO MIDLANT DET Groton

It happens the same way almost every Fall. First, college football takes over your social media page. Then, it's grownup football and maybe a few pictures of kids diving in leaf piles hoping to avoid tick bites. But soon there is an electronic rumble, followed by a violent and sometimes obnoxious eruption: election season is upon us. It's like the annual Thanksgiving political heavyweight match between Uncle Mort and Aunt Edna; except this time it's digital and the young people are haranguing each other too!

At this point, your fight or flight instinct kicks in. Either you roll your eyes and navigate back to TMZ (where the real news is) or you wade into the fray, hurling every partisan link and hastily researched statistic you can muster. If you are a fighter, you need to know the rules of engagement before you enter the digital fields of partisan strife. So, without further ado, here they are:

*If your post or profile makes it clear that you are an active duty member, you should include a disclaimer indicating that your views are yours alone and not those of the DoD.*

#### **1. Partisan political activity is always prohibited publically online.**

DOD Directive 1344.10 defines "partisan political activity" as "[a]ctivity supporting or relating to candidates representing, or issues specifically identified with, national or State political parties and associated or ancillary organizations or clubs." In other words, you may not campaign, solicit votes, or fundraise for a candidate or issue associated with a political party.

#### **2. You may grace your followers with your wisdom... carefully.**

If you think Mayor Diamond Joe Quimby isn't fit to wipe a counter at Moe's, let alone lead Springfield, you are free to let your friends and followers know how you feel in general terms as long as you don't imply Navy endorsement, engage in partisan political activity (see above), or make comments prejudicial to good order and discipline. In practical terms, if your post or profile makes it clear that you are an active duty member, you should include a disclaimer indicating that your views are yours alone and not those of the DoD. You must also avoid personal attacks on public officials and statements that call into question your ability to follow orders. For example, a Marine's status update indicating that he would "not follow all orders from [the President]" was enough to earn him an Other Than Honorable discharge.

#### **3. Liking, linking, and commenting.**

It's one thing when the office oddball "friends" you. It's another when he starts commenting on your old pictures. The rules surrounding partisan pages, feeds, and accounts are similar. While it is permissible to like, friend, or follow, it is not permissible to comment on a page or link to that page.

**4. Sometimes more exclusive clubs are better.**

At least that's what you should tell yourself because active duty Sailors are prohibited from soliciting others to like, friend, or follow political parties, candidates, groups, and causes. So, as long as you're in the Navy, you won't be able to help "Michael Scott for President" get that 5,000th like.

It is important to remember that political guidance goes far beyond Facebook and Twitter. It can also be confusing because there are some "fine lines" service members must avoid crossing.

If you have questions about what you may or may not do during campaign season, contact your nearest JAG or PAO for the latest guidance. You may also download DoD Instruction 1344.10 and review all the nuances of the permitted and prohibited conduct.

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***Legal Assistance:*** If your sailors are in need of personal advice services, you should direct them to the Legal Assistance Department. For example, do they need a will? Are they going through a divorce and need general advice? Are they in a dispute with their landlord?

As a practice tip, don't forget that legal officers should not be assisting Sailors with their personal legal issues. Legal officers support the Command and the Commanding Officer. In other words, it could be a conflict of interest to provide support to both the Commanding Officer and sailors.

If one of your sailors needs legal advice, direct them to the Legal Assistance Department onboard Naval Station Norfolk, located in Building A-50, 9620 Maryland Ave., Suite 100. Below are LA Department's hours of operation:

**Powers of Attorney and Notary Services Walk-ins:**

Mon – Thurs, 0800-1600

**Will Walk-ins:**

Mon, 0800-1100 & 1300-1530

**IA/Deployer Wills:**

Tues, 1300-1600

**Family Law:**

Tues 0740-1100 &  
Thurs 1230-1530

**Appointments for all other legal issues:**

Made through the appointment line (757-341-4491)

Mon – Thurs, 0800-1530

If your command is deploying, the Legal Assistance Department can send attorneys to your command to do will intakes and executions on-site (20 or more personnel). If you would like to organize a will workshop in the Hampton Roads area, please contact Will Visit Coordinator at [RLSOMIDLANTWillRequests@navy.mil](mailto:RLSOMIDLANTWillRequests@navy.mil). For Pre-deployment briefs, please contact LT Clayton McCarl at 757-341-4489.

***RLSO MIDLANT (Northeast Locations) Legal Assistance***

***Service Hours:*** If your Sailor requires legal assistance in the Northeast AOR, please contact Legal Assistance office at the respective detachment office for their hours of operation:

**Groton:** (860) 694-3741

**Newport:** (401) 841-3766

**Earle:** (732) 866-2066

***Command Services:*** Attorneys in the Command Services Department provide legal advice and support to commands and command representatives (i.e. legal officers) that do not have an assigned Staff Judge Advocate (SJA). Covered areas include investigations, NJPs and other disciplinary proceedings, administrative separation boards, and ethics. To speak with an attorney in Norfolk’s Command Services Department, please call 757-444-1266.

If your command is located in the Northeast AOR, please see the complete listing of SJAs on page 11.

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Below are websites and QR scan codes linking to worksheets and informational guides for servicemembers provided by the Navy JAG Corps. Servicemembers should review these documents before heading to legal assistance to speak with an attorney or have a power of attorney drafted.



Pre-Deployment Checklist



Family Care Plan



Standardized Will  
Worksheet



Understanding Your  
Power of Attorney



Power of Attorney  
Worksheet



Going to Court:  
General District Court



Virginia Divorce and Spousal Support



Virginia Child Support Guidelines



Landlord/Tenant Issues



Lease Termination under the SCRA and Virginia Law



SCRA Overview



SCRA and Mobile Phone Contract Termination

[http://www.jag.navy.mil/legal\\_services/documents/Navy%20Immigration%20Guide.pdf](http://www.jag.navy.mil/legal_services/documents/Navy%20Immigration%20Guide.pdf)

[http://www.jag.navy.mil/legal\\_services/documents/Pre-deployment%20Checklist.pdf](http://www.jag.navy.mil/legal_services/documents/Pre-deployment%20Checklist.pdf)

[http://www.jag.navy.mil/documents/Code16/Family\\_Care\\_Plan\\_\(RevJan2014\).pdf](http://www.jag.navy.mil/documents/Code16/Family_Care_Plan_(RevJan2014).pdf)

[http://www.jag.navy.mil/documents/Code16/Lease\\_Termination\\_Under\\_VA\\_55-248\\_21\\_1\\_and\\_the\\_SCRA\\_\(RevJan2014\).pdf](http://www.jag.navy.mil/documents/Code16/Lease_Termination_Under_VA_55-248_21_1_and_the_SCRA_(RevJan2014).pdf)

[http://www.jag.navy.mil/documents/Code16/Reservist\\_ReEmployment\\_Rights\\_\(USERRA\)\\_\(RevJan2014\).pdf](http://www.jag.navy.mil/documents/Code16/Reservist_ReEmployment_Rights_(USERRA)_(RevJan2014).pdf)

[http://www.jag.navy.mil/documents/Code16/SCRA\\_Cell\\_Phone\\_Contract\\_Termination\\_\(RevJan2014\).pdf](http://www.jag.navy.mil/documents/Code16/SCRA_Cell_Phone_Contract_Termination_(RevJan2014).pdf)

[http://www.jag.navy.mil/documents/Code16/The\\_SCRA\\_Overview\\_\(RevJan2014\).pdf](http://www.jag.navy.mil/documents/Code16/The_SCRA_Overview_(RevJan2014).pdf)

[http://www.jag.navy.mil/documents/Code16/Virginia\\_Child\\_Support\\_\(RevJan2014\).pdf](http://www.jag.navy.mil/documents/Code16/Virginia_Child_Support_(RevJan2014).pdf)

[http://www.jag.navy.mil/documents/Code16/Citizenship\\_Based\\_on\\_Military\\_Service\\_\(RevJan2014\).pdf](http://www.jag.navy.mil/documents/Code16/Citizenship_Based_on_Military_Service_(RevJan2014).pdf)

[http://www.jag.navy.mil/documents/Code16/General\\_District\\_Courts\\_\(RevJan2014\).pdf](http://www.jag.navy.mil/documents/Code16/General_District_Courts_(RevJan2014).pdf)

[http://www.jag.navy.mil/documents/Code16/Landlord\\_Tenant\\_FAQs\\_\(RevJan2014\).pdf](http://www.jag.navy.mil/documents/Code16/Landlord_Tenant_FAQs_(RevJan2014).pdf)

[http://www.jag.navy.mil/documents/Code16/SCRA\\_Motor\\_Vehicle\\_Lease\\_Termination\\_and\\_Lemon\\_Law\\_\(RevJan2014\).pdf](http://www.jag.navy.mil/documents/Code16/SCRA_Motor_Vehicle_Lease_Termination_and_Lemon_Law_(RevJan2014).pdf)

[http://www.jag.navy.mil/documents/Code16/Understanding\\_Your\\_Power\\_Of\\_Attorney\\_\(RevJan2014\).pdf](http://www.jag.navy.mil/documents/Code16/Understanding_Your_Power_Of_Attorney_(RevJan2014).pdf)

[http://www.jag.navy.mil/documents/Code16/Virginia\\_Divorce\\_and\\_Spousal\\_Support\\_\(RevJan2014\).pdf](http://www.jag.navy.mil/documents/Code16/Virginia_Divorce_and_Spousal_Support_(RevJan2014).pdf)

[http://www.jag.navy.mil/legal\\_services/documents/Current\\_Standardized\\_Will\\_Worksheet\\_Sep2012-No\\_SSN-FillablePDF.pdf](http://www.jag.navy.mil/legal_services/documents/Current_Standardized_Will_Worksheet_Sep2012-No_SSN-FillablePDF.pdf)

*RLSO MIDLANT Adjudged Courts-Martial  
May – September 2014*

**General Courts-Martial**

In Norfolk, VA an E-4 plead guilty of larceny. On 2 May 2014, the military judge sentenced confinement for 42 days (time served) and a bad conduct discharge.

In Norfolk, VA an E-4 plead guilty of making a false official statement, divers occasions wrongfully introducing cocaine; wrongfully using methlenedioxyamphetamine, wrongfully distributing cocaine; wrongfully introducing cocaine onto an installation used by armed forces; and unlawfully striking another service member. On 4 May 2014, the military judge sentenced 2 year confinement; total forfeitures; reduction to E-1 and a bad conduct discharge.

In Norfolk, VA an E-4 was tried for a sexual act upon another sailor. On 9 May 2014, a panel of enlisted members returned a verdict of not guilty.

In Norfolk, VA an E-6 plead not guilty to making false official statements; destroying or damaging non-military property; malingering, firearm, discharging- willfully under such circumstances as to endanger human life; self- injury without intent to avoid service; and reckless endangerment. On 15 May 2014, the military judge sentenced 25 days confinement; reduction to E-5; and 90 days hard labor without confinement.

In Norfolk, VA an E-4 plead guilty to engaging in unlawful sexual contact of another sailor. On 20 May 2014, the military judge sentenced reduction to E-1; confined for 2 years; and a bad conduct discharge.

In Norfolk, VA an E-4 plead not guilty of committing a sexual act upon another sailor. On 21 May 2014, the military judge returned a verdict of not guilty.

In Groton, CT an E- 3 plead not guilty of rape and sexual assault, and kidnapping. On 13 June 2014, a panel of members returned a verdict of not guilty.

In Norfolk, VA an E-7 plead guilty to violating a lawful general order; willfully and wrongfully retaining the said documents and failing to deliver said documents to officer or employee of the united states entitled to receive them; through gross negligence, documents pertaining to the national defense, of which they had lawful control, to be removed from their proper place of custody; by virtue of their office, of materials containing classified information of the United States and knowingly removing such materials without authority and with the intent to retain such materials at an unauthorized location; and wrongfully endeavor to impede an investigation in the case of said chief by providing a laptop and telling another to provide it to the Naval Criminal Investigative Service in Lieu of a separate hard drive that may have contained evidence relevant to the investigation, such conduct being to the prejudice of good order and discipline in the armed forces. On 18 June 2014, the military judge sentenced restriction to Joint Expeditionary Base Little Creek for a period of 60 days; and a fine of \$10,000.00.

In Norfolk, VA an E-6 plead not guilty to willfully disobey a lawful order of a superior commissioned officer; committing a sexual act upon another service member by causing bodily harm; and assaulting a civilian law officer. On 19 June 2014, a panel of enlisted members sentenced restriction to the limits of Naval Station, Norfolk, Virginia for a period of 14 days.

In Norfolk, VA an E-5 plead not guilty to rape and sexual assault. On 25 June 2014, the military judge sentenced 3 years confinement; and a bad conduct discharge.

In Norfolk, VA an E-3 plead not guilty to conspiracy, and larceny and wrongful appropriation. On 2 July 2014, the military judge sentenced restriction for 45 days.

In Norfolk, VA an E-4 plead not guilty to a sexual act upon a civilian who was incapable of consenting due to impairment by alcohol; a sexual act upon a civilian who was asleep, unconscious or otherwise unaware; and wrongfully communicate a threat. On 11 July 2014, a panel of enlisted members sentenced reduction to E-1; forfeiture of all pay and allowances; confinement for a period of 3 years; and a bad conduct discharge.

In Norfolk, VA a LT plead not guilty to rape and sexual assault; and conduct unbecoming an officer and gentleman. On 18 July 2014, a panel of members returned a verdict of not guilty.

In Groton, CT an E-5 plead guilty to rape and sexual assault; producing child pornography; and possessing, receiving, or viewing child pornography. On 30 July 2014, the military judge sentenced 24 months confinement; all forfeitures; reduction to E-1; and a dishonorable discharge.

In Norfolk, VA an E-5 plead not guilty to engaging in a lewd act with a child who had not attained the age of 16 years; engaging in sexual contact with a child who had not attained the age of 12 years; and indecent liberties with a female under 16 years of age. On 31 July 2014, a panel of members sentenced confinement for 7 years and a Dishonorable Discharge.

In Norfolk, VA an E-3 plead guilty to knowingly and wrongfully view child pornography on divers occasions; knowingly and wrongfully receive child pornography on divers occasions; knowingly and wrongfully possess child pornography on divers occasions. On 8 August 2014, the military judge sentenced confinement for 30 months; reduction to E-1; and a bad conduct discharge.

In Groton, CT an E-3 plead guilty to rape and sexual assault of a child; sexual abuse of a child; child pornography; and possessing, receiving, or viewing child pornography. On 5 September 2014, the military judge sentenced 78 months confinement; all pay and allowances forfeitures; reduction to E-1 and a dishonorable discharge.

In Norfolk, VA an E-6 plead guilty to sexual assault of a child. On 9 September 2014, the military judge sentenced 15 years confinement; and a dishonorable discharge.

In Norfolk, VA an E-2 plead guilty to wrongfully distributing cocaine; wrongfully distributing cocaine on divers occasions; and wrongfully distributeing methlenedioxymethamphetamine on divers occasions. On 15 September 2014, the military judge sentenced confinement for 30 months; reduction to E-1; and a bad conduct discharge.

#### **Special Courts-Martial**

In Norfolk, VA an E-7 plead not guilty to violate a lawful general order on divers occasions; and cruelty toward another member on divers occasions. On 23 July 2014, a panel of members returned a verdict of not guilty.

In Norfolk, VA an E-5 plead not guilty to committing sexual contact upon another service member; and wrongfully communicating a threat. On 25 July 2014, the military judge sentenced confinement for 6 months; forfeiture of \$1000.00 pay per month for 6 months; and reduction to E-1.

In Norfolk, VA an E-6 plead not guilty to wrongfully committing sexual harassment in violation of a lawful general order; and committing sexual contact upon another service member. On 25 July 2014, a panel of members sentenced reprimand; forfeiture of \$1212.00 for 2 months; and confinement for 60 days.

In Norfolk, VA an E-5 plead guilty to being absent from place of duty without authority; and violating a lawful general order. On 31 July 2014, the military judge sentenced confinement for 210 days; forfeiture of 2/3 pay for 7 months; and reduction to E-3.

In Norfolk, VA an E-6 plead guilty to larceny and wrongful appropriation. On 28 August 2014, the military judge sentenced 5 months confinement; reduction to E-3; restitution for the amount stolen and a bad conduct discharge.

In Norfolk, VA an E-2 plead not guilty to rape and sexual assault; and abusive sexual contact. On 3 September 2014, a panel of members returned a verdict of not guilty.

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#### ***RLSO MIDLANT Board of Inquiry Results May – September 2014***

During a board held on 1 May 2014, an O5, USN, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member did not have an inappropriate relationship with a DOD employee, or make a false official statement. The board recommended that the member be retained on active duty.

During a board held on 8 May 2014, an 03, USN, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member had committed a violation of UCMJ Article 121 and Article 133. The board recommended that the member be retained on active duty.

During a board held on 19 May 2014, an 06, USN, was ordered to show cause for retention due to substandard performance of duty. The board found that the member did not have substandard performance. The board recommended that the member be retained on active duty.

During a board held on 20 May 2014, an 05, USNR, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member had not committed a violation of UCMJ Articles 92, 132, and 133. The board recommended that the member be retained on active duty.

During a board held on 27 May 2014, an 06, USNR, was ordered to show cause for retention due to substandard performance of duty. The board found that the member did not have substandard performance. The board recommended that the member be retained on active duty.

During a board held on 3 June 2014, an 04, USN, was ordered to show cause for retention due to substandard performance of duty. The board found that the member failed to conform to prescribed standards of dress, weight, personal appearance, or military deportment. The board recommended the member be separated with an Honorable characterization of service.

During a board held on 6 Jun 2014, an 04, USNR, was ordered to show cause for retention due to substandard performance of duty. The board found that the member failed to conform to prescribed standards of dress, weight, personal appearance, or military deportment. The board recommended the member be separated with an Honorable characterization of service.

During a board held on 17 Jun 2014, an 05, USN, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member had committed a violation of UCMJ Article 92 and Article 133. The board recommended that the member be retained on active duty.

During a board held on 26 Jun 2014, an 05, USN, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member had committed violations of UCMJ Article 92, Article 107, and civil conviction of DUI. The board recommended that the member be separated with an Honorable characterization of service.

During a board held on 10 July 2014, an 05, USNR, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member had committed solicitation to commit murder, attempted to commit a capital offense, and used of a firearm in the commission of a felony. The board recommended that the member be separated from the Naval Service with an Other than Honorable Discharge and O4 retirement.

During a board held on 22 July 2014, an 04, USNR, was ordered to show cause for retention due to substandard performance of duty. The board found that the member had not committed violations of UCMJ Article 133 and Article 134 (Fraternization and Disorderly conduct, drunkenness). The board recommended that the member be retained on active duty.

During a board held on 22 July 2014, an 04, USN, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member had committed a violation of UCMJ Article 134 (Disorderly conduct, drunkenness). The board recommended that the member be retained on active duty.

During a board held on 29 July 2014, an 03, USN, was ordered to show cause for retention due to substandard performance of duty. The board found that the member did not fail to conform to prescribed standards of dress, weight, personal appearance, or military deportment. The board recommended that the member be retained on active duty.

During a board held on 5 August 2014, an 06, USN, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member had committed a violation of UCMJ Article 111. The board recommended the member be separated with an Honorable characterization of service and O6 retirement.

During a board held on 22 September 2014, an 05, USN, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member had not committed a violation of UCMJ Article 133 (three specifications). The board recommended that the member be retained on active duty.

During a board held on 23 September 2014, an 03, USN, was ordered to show cause for retention due to misconduct and substandard performance of duty. The board found that the member had committed a violation of UCMJ Article 133. The board recommended the member be separated with an Other than Honorable characterization of service.

*RLSO MIDLANT*  
*COMMAND SERVICES TEAM*

HAMPTON ROADS AOR

RLSO Command Services Department  
(757-444-1266)

- [LCDR Cheryl Ausband](#) (DH)
- [LCDR Andrea Dewdney](#) (Ass't DH)  
(Tenant Command Services)
- [LT Halley Allaire](#)
- [LT Leslie Stephenson](#)
- [LTJG Peter Dahlquist](#)
- [LTJG George Lewis](#)

Post-Trial Processing Division

- [Ms. Aubrey Lombardi](#)  
(757-341-4568)

NAVSTA Norfolk SJA

- [LT Maren Kaiser](#)  
(757-444-1266)

NAS Oceana / Dam Neck Annex SJA

- [LT Adam Yost](#)  
(757-433-2946)

JEB Little Creek-Fort Story SJA

- [LT Katie Callan](#)  
(757-462-7224)

Naval Weapons Station Yorktown SJA

- [LT Dayton Krigbaum](#)  
(757-341-4489)

NSA Hampton Roads SJA

- [LCDR Cheryl Ausband](#)  
(757-322-3065)

TPU NORFOLK SJA

- [LT Lindsay McCarl](#)
- [LN1 Sarah Kelly-Alston](#)  
(757- 444-1340)

NORTHEAST AOR

RLSO MIDLANT DET Groton  
(860-694-3309)

- [CDR Brendan Burke](#) (OIC)
- [LT Matthew Sonn](#) (Command  
Services detachment DH, NSA,  
Saratoga Springs SJA)
- [LT Jason Caccamo](#) (Tenant  
Command Services)
- [LNC Lesli Carpenter](#) (LCPO)

NSB New London SJA

- [LT Chris Hutton](#)  
(860-694-4739)

NAVSTA Newport SJA

- [LT Erin Schmitt](#)  
(401-841-2609)

NSY Portsmouth SJA

- [LT Taylor Frazao](#)  
(401-841-2609)

NWS Earle/NSA Lakehurst/NSA  
Mechanicsburg/NSA Philadelphia  
SJA

- [LT Emma Robertson](#)  
(732-323-5108)

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email:*

[RLSOMIDLANTNEWSLETTER@navy.mil](mailto:RLSOMIDLANTNEWSLETTER@navy.mil).

**Region Legal Service  
Office Mid-Atlantic**  
9620 Maryland Avenue  
Suite 201  
Norfolk, VA 23511

