

"The Intersection of Military Justice and Criminal Justice"
Major Aaron Drake, Chief Counsel for the Utah National Guard
Friday, September 18, 2015

1. True / False: Military commanders generally appreciate it when the civilian criminal justice system “goes easy” on members of their unit.
 - a. _____

2. True / False: If local authorities prosecute a military member, that necessarily precludes nearly all of the commander’s disciplinary options.
 - a. _____

3. True / False: Witnesses generally should not wear military uniform when testifying.
 - a. _____

4. True / False: There is essentially no way to challenge or address a defendant’s claim of PTSD as a matter in mitigation or extenuation.
 - a. _____

5. True / False: A felony conviction results in automatic discharge from the military.
 - a. _____

6. True / False: Military members, in the interest of national security, are exempted from the restrictions of the Lautenberg Amendment (18 USC 922(g)(9)).
 - a. _____

7. True / False: A misdemeanor crime of domestic violence cannot not “qualify” for purposes of the Lautenberg Amendment unless the crime has “domestic” in the title or otherwise has some “DV” tag or identifier.

a. _____

8. True / False: Having any credible evidence of a military member’s drug use, a commander must initiate the process to discharge that member.

a. _____

9. True / False: The military has a sex assault problem.

a. _____

10. True / False: A military commander may not take action against a member accused of sexual assault unless evidence proves the alleged crime beyond a reasonable doubt.

a. _____

Please don’t hesitate to contact:

Utah National Guard, Headquarters, State Judge Advocate: 801-432-4408

US Air Force, Hill AFB, Chief of Military Justice: 801-586-4187

US Air Force Reserves, Hill AFB, Staff Judge Advocate: 801-989-6377

US Army Reserves, Ft. Douglas, Staff Judge Advocate: 801-656-3638

US Army, Dugway Proving Ground, Chief Counsel: 435-831-3336