

# **Report to Congress**

**U.S. Army Report on Military Justice for Fiscal Year 2025**

**31 December 2025**

**Prepared by:**

**THE OFFICE OF THE JUDGE ADVOCATE GENERAL, U.S. ARMY  
ARMY PENTAGON  
WASHINGTON DC 20310-2200**

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## TABLE OF CONTENTS

<b>INTRODUCTION</b>	1
<b>1. DATA ON NUMBERS AND STATUS OF PENDING CASES</b>	1
<b>2. INFORMATION ON APPELLATE REVIEW PROCESS</b>	1
a. Compliance with Processing Time Goals	1
b. Circumstances surrounding cases involving the following issues	2
(1) Unlawful command influence or denial of speedy review	2
(2) Loss of records of trial or other administrative deficiencies	2
c. Cases where a provision of UCMJ held unconstitutional	2
d. Cases where a finding of a court-martial was clearly against the weight of the evidence	2
<b>3. MEASURES IMPLEMENTED BY THE ARMY TO ENSURE THE ABILITY OF JUDGE ADVOCATES TO PARTICIPATE COMPETENTLY AS TRIAL COUNSEL, DEFENSE COUNSEL, MILITARY JUDGES, AND SPECIAL VICTIM'S COUNSEL, WITH EMPHASIS ON CAPITAL CASES, NATIONAL SECURITY CASES, SEXUAL ASSAULT CASES, AND PROCEEDINGS OF MILITARY COMMISSIONS</b>	
a. Institutional Programs for all Judge Advocates	2
b. Trial Counsel	3
c. Defense Counsel	4
d. Special Victim's Counsel	7
e. The Judge Advocate General's Legal Center and School – Criminal Law Academic Department	9
f. Trial Judiciary	11
g. Litigation Division	12
h. Commanders	13
<b>4. INDEPENDENT VIEWS OF THE JUDGE ADVOCATE GENERAL AS TO THE SUFFICIENCY OF RESOURCES, INCLUDING TOTAL WORKFORCE, FUNDING, TRAINING AND OFFICER AND ENLISTED GRADE STRUCTURE TO CAPABLY PERFORM MILITARY JUSTICE FUNCTIONS</b>	13
<b>CONCLUSION</b>	15
<b>APPENDIX</b>	16



**DEPARTMENT OF THE ARMY**  
**OFFICE OF THE JUDGE ADVOCATE GENERAL**  
**2200 ARMY PENTAGON**  
**WASHINGTON, DC 20310-2200**

**REPORT OF THE JUDGE ADVOCATE GENERAL OF THE ARMY**  
**ARTICLE 146a, UNIFORM CODE OF MILITARY JUSTICE**  
**OCTOBER 1, 2024 TO SEPTEMBER 30, 2025**

In Fiscal Year 2025 (FY25), The Judge Advocate General's Corps (JAG Corps) continued to reform the practice of military justice by assessing, planning, and executing the training, policy, infrastructure, and technology changes necessary to support the military justice reforms required by the FY22 NDAA and FY23 NDAA.

Given statutory and technological changes, increased complexity in litigation, and increased responsibilities in record management and disclosure, the JAG Corps continued to modernize its structure, training, policies, and doctrine to optimize the administration of court-martial proceedings at scale.

In furtherance of TJAG's duties under Article 6(a), UCMJ, TJAG and senior leaders in the JAG Corps conducted 20 worldwide visits to installations and commands to inspect the delivery of military justice support to commanders and Soldiers.

1. Data on the number and status of pending courts-martial cases: The Army manages and tracks courts-martial and other military justice actions through its Army Court-Martial Information System (ACMIS) and Military Justice Online (MJO) applications. At the end of FY25, the Army had 266 pending courts-martial cases, 105 of which were referred for trial by courts-martial, with the remainder pending disposition decisions. Data on the number of cases pending, as well as cases completed in FY25 is provided in the Appendix.

2. Information on the appellate review process:

a. Compliance with processing time goals: In FY25, 359 records of trial and 1,100 motions and briefs were referred to one of the three judicial panels comprising the U.S. Army Court of Criminal Appeals (ACCA) for judicial review. Of those 359 records, 320 were received for the first time (rather than on remand from the Court of Appeals for the Armed Forces (CAAF) or returned from the convening authority after remand). Of these cases, none were processed under the procedures applicable prior to the effective date of the Military Justice Act of 2016 (MJA 16) involving a promulgating order and 320 were processed under MJA 16 procedures involving an entry of judgement. In 196 of the 320 cases processed under MJA 16 procedures, the certification of the record of trial was completed within 120 days. In 228 of the 320 cases processed under MJA 16 procedures the record was received by ACCA within 30 days of the completion of the later of certification of the record of trial or entry of judgement.

In FY25, ACCA rendered an initial decision in 328 cases, with an average processing time of 271 days from receipt of the record of trial by the clerk of court to decision by ACCA. Of the

328 decisions, 305 were issued within the 18-month period prescribed by *United States v Moreno*.

b. Descriptions of the circumstances surrounding cases in which general or special court-martial convictions were:

(1) Reversed because of command influence or denial of the right to speedy review: None.

(2) Otherwise remitted because of loss of records of trial or other administrative deficiencies: None.

c. Analysis of each case in which a provision of the UCMJ was held unconstitutional: None.

d. Analysis of each case in which a Court of Criminal Appeals made a final determination that a finding of a court-martial was clearly against the weight of the evidence, including an explanation of the standard of appellate review applied in such case: *United States v. McGee*, ARMY 20230511. The appellant was charged with sexual assault against his wife. The military judge found the appellant not guilty of sexual assault finding that the government failed to prove penetration beyond a reasonable doubt. Instead, the military judge found the appellant guilty of attempted sexual assault, which is a specific intent offense. The Court of Criminal Appeals found there was no evidence to establish that appellant had the specific intent to sexually assault his wife. The evidence presented established that he and his wife had a history of sexual relations where the appellant would try to convince his wife to have sex when she initially did not want to and then she would agree and actively participate. Because the evidence presented established that appellant stopped when he realized his wife was being serious when she said no, the Court of Criminal Appeals was not convinced beyond a reasonable doubt that appellant had the specific intent to vaginally penetrate his wife without her consent. Thus, the Court of Criminal Appeals found the finding of guilty to the lesser included offense of attempt was clearly against the weight of the evidence and set aside and dismissed the specification.

3. Measures implemented by the Army to ensure the ability of judge advocates to participate competently as trial counsel, defense counsel, military judges, and Special Victims' Counsel, with emphasis on capital cases, national security cases, sexual assault cases, and proceedings of military commissions:

a. **Institutional Programs for all Judge Advocates.** The JAG Corps focused in FY25 on executing the training, policy, infrastructure, and technology changes necessary to support the military justice reforms required by the FY22 NDAA and FY23 NDAA. It was a year of continued transformation focused on structural changes.

(1) The Office of Special Trial Counsel. On January 1, 2025, formal and substantiated allegations of Article 134 sexual harassment became the 14th offense over which OSTC has exclusive authority to refer to court-martial. The OSTC currently has 180 personnel authorized. The permanent OSTC headquarters is located at Fort Belvoir, VA. The OSTC operates eight Circuit Headquarters, and 28 Field Offices located across the Army.

(2) Additional Transformation. In FY25 the JAG Corps continued its focus on the redesign of training, policy, infrastructure, and technology changes necessary to support the military justice reforms required by the FY22 NDAA and FY23 NDAA. The JAG Corps continued to develop and implement a comprehensive training curriculum to educate Soldiers, Commanders, and judge advocates on changes to the military justice system, including the authorities of special trial counsel. During FY25, the JAG Corps continued to participate in the Joint Service Committee on Military Justice efforts to revise the Manual for Courts-Marital (MCM). Finally, during FY25 the JAG Corps continued to modernize and significantly modernized one of its military justice databases, MJO.

**b. Trial Counsel.**

(1) Trial Counsel Assistance Program. In FY25, TCAP continued its three focused lines of effort by (1) providing continuing legal education and trial advocacy training at all levels to legal professionals across the Army, and sister services; (2) delivering specialized technical and direct prosecutorial assistance for all criminal prosecutions, including complex and high profile courts-martial; and (3) providing world-wide direct assistance to trial counsel, chiefs of justice, paralegals, and prosecution professionals remotely and in person.

In FY25, TCAP personnel supported litigation as detailed counsel in 8 courts-martial, completed 11 courses that trained over 420 personnel, and provided onsite training to 10 installations. In FY25, TCAP reformed its trial advocacy curriculum from the Basic Trial Advocacy Course (BTAC) to a tiered training model consisting of Trial Counsel (TC) 101 and 201. Trial Counsel 101 trains new trial counsel in charging, pre-trial restraint, discovery, pre-trial litigation, guilty pleas, and sentencing. The course grew from a pilot course on guilty pleas and sentencing and seeks to fill a training gap in the field for pre-trial litigation and to ensure trial counsel are prepared to mount a full sentencing case. Trial Counsel 201 builds on TC 101 using the legacy BTAC curriculum and simulates a contested court-martial. Additionally, in FY25, TCAP created the Prosecuting Military Counterintelligence Crimes course, a joint-interagency course conducted with the Defense Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, Navy TCAP, and the U.S. Army Intelligence and Security Command. This course trained over 100 attendees, including counterintelligence agents and attorneys from all services, on the nuances of counterintelligence investigations and prosecutions in military courts. Finally, in FY25, TCAP continued to facilitate trial counsel attendance at the Advanced Laboratory Training at the United States Army Criminal Investigation Laboratory, providing the field with knowledge and training on forensic examination of evidence.

(2) Office of Special Trial Counsel. In FY25, the OSTC continued to reassess and develop its special victim training to increase efficiency and reduce redundancy in training courses. The OSTC continues to teach the Prosecuting Child Abuse Course, the Prosecuting Interpersonal Violence Course, and the Prosecuting Homicide Course. All three courses consist of formal classroom instruction from nationally renowned experts on all aspects of developing and prosecuting these complex cases. The courses are required training for all STCs and open to Trial Counsel who wish to join OSTC in the future. Additionally, OSTC created a Prosecutor Bootcamp course that is designed to train new trial counsel and help coordinate better

relationships between special trial counsel and trial counsel. In FY25, OSTC conducted a total of eight special victim courses.

The OSTC conducted its third Special Trial Counsel Certification Course in May . This course is held annually and focuses on advanced classroom instruction and advocacy exercises related to the prosecution of covered offense cases. Completion of this course is a prerequisite for certification by TJAG as special trial counsel in accordance with 10 U.S.C. § 824a.

Throughout FY25 OSTC attorneys presented at various conferences and external organizations such as the National District Attorneys Association. Due to the positive response from OSTC participation, the above organizations have sought to formally incorporate military justice related topics into their future agendas.

(3) Government Appellate Division. In accordance with 10 U.S.C. § 870, Government Appellate Division (GAD) counsel represent the U.S. Army in all appeals before ACCA, CAAF, and the Supreme Court of the United States (SCOTUS), when requested to do so by the Attorney General. It also represents the United States in government appeals in accordance with 10 U.S.C § 862 and petitions for extraordinary relief. Government Appellate Division currently consists of 13 judge advocates, seven reserve component judge advocates.

In FY25, Government Appellate Division filed 223 briefs at ACCA, 8 specified issue briefs, five supplemental briefs, six appeals in accordance with 10 U.S.C § 862, and one extraordinary writ. At CAAF, GAD filed 88 responses to petitions for grants of review and 11 briefs, which included three TJAG certification briefs, two responses to extraordinary writs, and two other briefs. The GAD argued 15 cases before ACCA and nine cases before CAAF.

Government Appellate Division counsel participated in two Outreach Arguments in FY25 including one ACCA and one CAAF Outreach Argument in FY25 held at Regent University (Virginia Beach, Virginia) and Naval Station Norfolk (Norfolk, Virginia).

Training for GAD counsel in FY25 included attendance at the annual two-day CAAF Continuing Legal Education and Training Program held at the Antonin Scalia School of Law at George Mason University; and the 12th Annual two-day Joint Appellate Advocacy Training held at Fort Belvoir, Virginia.

### **c. Defense Counsel.**

(1) Trial Defense Service. In FY25, approximately 467 judge advocates, six legal administrators, 193 enlisted paralegals, 23 defense investigators, and 42 DA Civilian support personnel were serving in the active duty, U.S. Army Reserve (USAR), and Army National Guard (ARNG), components of TDS. This included 148 judge advocates on active duty, two legal administrators, 68 enlisted paralegals, 22 defense investigators and 35 DA civilian support personnel. While their oversight and supervision are independent from Commanders and Staff Judge Advocates, defense counsel assigned to TDS are stationed at 42 active-duty military installations worldwide and approximately 47 reserve component locations. The Chief, TDS is located at Fort Belvoir, VA and exercises centralized supervision over all TDS assigned counsel.

Detailed TDS counsel zealously represented Soldiers at Army special and general courts-martial. In addition, TDS counsel assisted Soldiers facing other military justice related adverse actions such as administrative separation proceedings, nonjudicial punishment, and memoranda of reprimand rebuttals. In FY25 active-duty defense counsel assisted Soldiers with the following actions:

General and Special Courts-Martial: 476  
Administrative Representation / Consults: 62,413  
Nonjudicial Punishment: 43,077  
Other Military Justice Consultations: 8,129

From the TDS field office in Kuwait, TDS provided defense services to Soldiers deployed worldwide, including Iraq, Kuwait, and Qatar.

In FY25, USAR TDS consisted of approximately 170 judge advocates, three legal administrators, 59 enlisted paralegals, and seven DA civilian support personnel. These personnel were assigned to three separated LODs. The 22d LOD, headquartered in San Antonio, Texas, area of responsibility included all states west of the Mississippi River, as well as the Republic of Korea and other locations in the Indo-Pacific region. The 154th LOD, headquartered in Alexandria, Virginia, area of responsibility included the southeastern United States, the lower Mississippi River valley, and Puerto Rico. The 16th LOD, headquartered in Fort Hamilton, New York, area of responsibility included the northeastern and Midwest United States and Europe.

The ARNG TDS, headquartered in Arlington, Virginia, consisted of approximately 149 judge advocates, four legal administrators, 66 enlisted paralegals, four civilian support personnel, and two defense investigators stationed in 50 states, the District of Columbia, and three territories. The Office of the Chief, ARNG TDS in Arlington, Virginia provides the technical supervision, management, direction, and legal defense training for all ARNG TDS while in Title 32 status.

The complex litigation defense counsel program continued to provide exceptional support to Regional Defense counsel during FY25, adding an increased capability in not only defending clients in the most complex cases, but also in teaching, training, and mentoring the more inexperienced defense counsel to become better trial advocates. These officers assisted in complex litigation within each of the eight circuits, identified defense training opportunities, planned and executed a joint capital litigation training event, and were detailed to five complex murder/death cases referred to general courts-martial in FY25.

In FY25, TDS continued to recruit and onboard defense investigators and legal administrative specialists, including 21 defense investigators stationed at 16 field offices and six legal administrative specialists supporting six of the eight circuits worldwide. Defense investigators provided case reviews of countless case files and were detailed to numerous courts-martial resulting in positive outcomes for TDS Soldier-clients. The circuit legal administrative specialists served as law office managers, overseeing circuit operations, modernizing defense systems and processes, identifying legal capability gaps, aligning and integrating legal efforts,

managing organizational structure and resources, supervising personnel, and ensuring office security.

(2) Defense Counsel Assistance Program. The Defense Counsel Assistance Program (DCAP) is the training branch of TDS. In FY25, DCAP included four judge advocates, two civilian attorney advisors, and one legal administrator. The Defense Counsel Assistance Program provided on-site training and real-time advice to active-duty defense counsel and paralegals assigned to field offices worldwide.

In FY25, DCAP training events included three iterations of Defense Counsel 101, a five-day course that instructed newly assigned defense counsel, paralegals, and defense investigators on all aspects of client representation with an emphasis on professional responsibility, complex issues arising in sexual assault cases, and negotiations. Approximately, 70 defense counsel and defense complex litigators attended one of four iterations of Defense Counsel 102 and received training on new developments in military justice and hands-on trial advocacy training, with a focus on sexual assault litigation. Approximately, 80 defense counsel attended Defense Counsel 103, which focused on digital evidence and motions preparation. DCAP also led the Joint Capital Defense Course, where 31 attendees from the Army, Navy, Air Force, and Marine TDS and Military Commissions received instruction on capital defense, mitigation, psychodrama, and negotiations in death and other complex cases. Regional defense counsel, senior defense counsel, defense paralegal non-commissioned officers in charge, and defense investigators from the active duty, USAR, and ARNG components received instruction on their TDS leadership duties at the Trial Defense Leader Training (TDLT). Additionally, defense investigators received two days of instruction on substantive investigation issues. Additionally, 30 attorneys attended Intermediate Trial Advocacy Course, and 17 attended the Advanced Practitioners Course. The Defense Counsel Assistance Program also coordinated defense counsel attendance at the following courses: Advanced Trial Communications, Advanced Strategies for Child Abuse Cases, Classified Litigation, Forensic Child Interviewing, and Joint Capital Defense Training. Defense counsel also had the opportunity to tour the U.S. Army Criminal Investigation Laboratory and receive instruction regarding forensic laboratory services.

In FY25, DCAP received over 1,500 emails, phone calls, and in-person inquiries from defense counsel. The Defense Counsel Assistance Program civilian attorney advisors provided direct assistance to defense counsel by researching case law, answering case specific questions, and providing sample motions, expert requests, and other trial documents. Moreover, DCAPs website provided counsel with DCAP trainings, desk books, and other reference materials on critical issues. Through DCAP 5-for-5, DCAP helped improve defense counsel practice, provided notice of changes in the law, and discussed the application of emerging appellate case law to trial defense strategy and practice. Through DCAP Bloviates, DCAP provided in-depth analysis on significant advocacy issues. Finally, DCAP also worked with DAD to assist TDS counsel in the preparation and filing of extraordinary writs before ACCA and CAAF.

In FY25, DCAP updated the Defense Counsel 102 Deskbook and released the 15th edition of the Defense Counsel 101 Deskbook. Both were distributed to all newly assigned defense counsel. Finally, DCAP continued its monthly newsletter, designed to provide information on

appellate case law, law and advocacy practice tips, court-martial lessons learned, and the use of emerging technology and software in practice.

(3) Defense Appellate Division. The Defense Appellate Division (DAD) provided appellate representation to eligible Soldiers before ACCA, CAAF, and SCOTUS. Eligible Soldiers included those Soldiers convicted at courts-martial. The Defense Appellate Division included 14 active duty and nine reserve component appellate defense counsel, one civilian senior capital appellate defense counsel, and two civilian paralegals. Appellate defense counsel assisted military and civilian trial defense counsel in the preparation and filing of extraordinary writs before ACCA and CAAF and represented Soldiers during interlocutory appeals in accordance with 10 U.S.C § 862.

At the end of FY25, DAD counsel represented Soldiers in approximately 461 cases at various stages of the appellate process and had 182 cases pending review and submission to ACCA. In FY25, DAD counsel filed 315 briefs with ACCA and 116 petitions with CAAF. DAD counsel also represented Soldiers during numerous oral arguments, including 14 cases argued before ACCA and 10 argued before CAAF.

Defense Appellate Division counsel participated in one ACCA and one CAAF Outreach Argument in FY25 held at Regent University (Virginia Beach, Virginia) and Naval Station Norfolk (Norfolk, Virginia). Through these outreach arguments, appellate counsel showcased advocacy skills to potential future officers and increased the level of understanding and familiarity with the military justice system among audiences at law schools, military installations, and other public facilities.

**d. Special Victims' Counsel.** Special Victims' Counsel provided legal counsel to eligible clients who reported as victims of sex-related or domestic violence offenses. Special Victims' Counsel ensured clients' interests and rights were recognized and protected throughout the courts-martial process, and they empowered clients through professional competency and advocacy.

(1) The Army SVC Program provided technical and policy oversight, training, and technical support for all Army SVCs. Special Victim's Counsel also received supervision and support from Chiefs of Legal Assistance, SVC Regional Managers (RM), and senior Judge Advocates at their installation. In circumstances where the interests of victim-clients do not align with the interests of the Government, RMs and the SVC Program provided technical advice and professional responsibility supervision.

(2) Every Army SVC must complete either the Army or the Air Force SVC Certification Course and be personally certified by The Judge Advocate General (TJAG) prior to representing SVC clients. In FY25, the Army conducted three SVC Certification Courses at TJAGLCS in Charlottesville, VA. The first course was held in February, and it provided instruction on representation of adult sexual assault and domestic violence victims. In total, the Army trained 105 students, including active duty, USAR, and ARNG judge advocates, paralegals, other service personnel, as well as seven Army civilian legal assistance attorneys. During these courses the students participated in plenary lectures and discussions, break-out groups, and a motion

exercise led by the Army's Chief Trial Judge and other currently serving Army judges. The course addressed the law, procedures, best practices, introduction to other stakeholders, the justice process, investigation through post-incarceration client rights, and high-level trauma informed tactics. These courses also focused on wellness of the SVCs themselves and incorporated victim perspectives through presentations by domestic violence and sexual assault victims.

(3) Prior to attending the SVC Certification Course, nominees were required to complete the online DoD Catch a Serial Offender (CATCH) Program training. Special Victim's Counsel stationed within the continental United States were required to complete state-specific training prior to client representation as required by Section 550C of the FY20 NDAA. Additionally, in FY25, the SVC Program conducted three four-day trainings to provide SVCs with annual refresher training and updates in accordance with DoDI 1030.04, dated 29 April 2024. These trainings focused on new developments, stakeholders, best practices, and emphasized the importance of balance and wellness. Special Victims Counsel were required to attend one iteration of this training.

(4) In FY25 the SVC Program continued its Leadership Development Program (LDP) specifically for SVCs and SVC paralegals. During FY25, the SVC Program trained SVCs on OSTC and military justice changes, wellness, and the new DoDI 1030.04, including SVC training, rating schemes, and tour length. Additionally, the SVC Program office hosted a one-week training specifically for the RMs to provide leadership instruction specific to the SVC mission. This week allowed RMs to focus on more complex and advanced aspects of their SVC practice as well.

(5) In FY25, the Army included SVC experience toward the requirements for the Military Justice Professional Development Proficiency Codes. As a result, SVCs have attended more training offered for trial and defense counsel at both intra-agency and joint training opportunities. Department of the Army Civilians also currently serve as SVCs, which has allowed SJAs to better align SVC resources to clients and improved access to SVC services for victims. In FY25, the SVC program had 12 civilians serving as part-time SVCs.

(6) In FY25, the SVC Program continued to assign SVCs to a minimum tour-length of 18-24 months. Minimum tours continued to reduce the frequency of SVC turnover for clients while allowing flexibility in the judge advocate assignment process and ensuring SVCs have sufficient time in positions to learn and thrive.

(7) In FY25, the caseload for SVCs continued to be capped at 25 clients per SVC. This policy ensured the Army met its statutory obligations, allowed SVCs to provide the best possible care to their clients, and enabled better management of SVC client caseloads and personal well-being. The authority to grant an exception to policy for caseloads was delegated to RMs to approve up to 27 clients.

(8) During FY25, the active-duty Army SVC Program included 94 SVCs and 17 SVC NCO billets.

(9) During FY25, 201 judge advocates performed SVC duties. This included 119 judge advocates who performed SVC duties full-time and 78 who performed SVC duties part-time, throughout or at some point during the fiscal year. Special Victim's Counsel provided services throughout the world, including deployed locations such as Iraq, Kuwait, Africa, Europe, and Asia. During FY25, SVCs assisted 2,074 new clients. Special Victim's Counsel services were provided to an additional 435 clients reporting allegations of domestic violence. Of these clients, 75 were initially restricted reports that were later converted to unrestricted reports. Special Victim's Counsel clients included 1,259 Servicemembers, 18 DoD civilian employees, 507 adult dependents, and 38 minor dependents. In support of these clients, SVCs conducted 49,804 legal counselings, attended 2,762 interviews, and represented clients at 173 administrative separation proceedings and 303 courts-martial. To ensure military communities were aware of SVC Program services, SVCs conducted presentations at 410 outreach or training events.

**e. The Judge Advocate General's Legal Center and School Criminal Law Academic Department.** The mission of The Judge Advocate General's Legal Center and School (TJAGLCS) Criminal Law Department (ADC) in Charlottesville, Virginia, is to educate, develop, inspire, and sustain excellence in the practice of military criminal law. The need to hone military justice skills in today's technology driven, joint, expeditionary force is paramount and is the primary focus of the curriculum. The ADC is responsible for developing new judge advocates' understanding of substantive criminal law and military justice procedure and basic trial advocacy skills. It also trains seasoned advocates on intermediate to advanced trial advocacy skills and keeps them apprised of recent changes to military justice practice. The ADC professors also provide limited off-site instruction and critical reach-back capability for military justice practitioners world-wide.

(1) The ADC provides a variety of courses to diverse audiences to include judge advocates (from all services), commanders, and international students. Courses are designed for: initial-entry judge advocates in the Officer Basic Course (OBC); new trial counsel, defense counsel in the Intermediate Trial Advocacy Course (ITAC); new SVC in the Special Victim Counsel Course; mid-level judge advocates in the Graduate Degree Program, the Military Justice Leaders Course, the Judge Advocate Officer Advanced Course, and the SVC Advanced Course; experience judge advocates in the Advanced Justice Practitioners Course; senior judge advocates in the Military Judges' Course and the Key Leader Course; and commanders in the Pre-Command Course, Army Strategic Education Program (ASEP), and General Officer Legal Orientation Course (GOLO). Those courses focused on training trial counsel, defense counsel, and SVC are taught utilizing a sexual assault fact pattern, domestic violence fact pattern, and general crimes fact pattern, and are synchronized with other JAG Corps training agencies to maximize interagency operability.

(2) The ITAC is an advocacy-centered course designed to be more challenging than the OBC and serves as intermediate level advocacy training. The ITAC builds on prior courses for more junior judge advocates, including: Trial Counsel 101 (offered by TCAP), Defense Counsel 101 (offered by DCAP), and the SVC Course (offered by ADC). Students learn how to conduct sophisticated case analysis of two types of cases (sexual assault and drug use), conduct voir dire, prepare panel member instructions, interview victims and witnesses, interact with an SVC, conduct direct and cross-examination of victims and witnesses, interview and conduct direct

examinations of expert witnesses, and use technology and demonstrative evidence in an opening statement and closing argument. To add realism to this intensive training, students had to interview and cross-examine a forensic psychologist, digital forensic analysts, toxicologists, and sexual assault medical forensic examiners. Additionally, military judges provide ITAC students with critical advice and feedback during the mock trial culmination of the weeklong intensive training. This course is also greatly enhanced through partnership with the University of Virginia by integrating experts from their nursing school, multiple Ph.D. programs, and medical school as both guest instructors and testifying experts. This demanding course was offered twice during FY25.

(3) Successful completion of the SVC Certification Course is required prior to certification by TJAG as an SVC. In this course, judge advocates learn best practices for working with victims of sexual assault, how trauma impacts crime victims, how to work with law enforcement and victim-care professionals, how to manage professional responsibility and scope of representation issues, and how to advocate for victims' rights while working most effectively with commanders, law enforcement, and others in the military justice system. The SVC Certification Course includes a roundtable discussion where several individuals discuss their experience and the assistance they received from an SVC. As victim's rights and policies continue to develop, the ADC assists in the implementation and education of those policies and makes recommendations for policy changes and improvements. This course was offered twice during FY25.

(4) In FY25, the ADC held the first Advanced SVC certification course, which centered on complex issues in SVC representation and is now required for those representing child victims. This course featured guest instructors who provided expert instruction on the dynamics and ethical complexities of representing children. The culminating training event required students to write a motion and present an oral argument in a mock closed hearing. The Advanced SVC course will be offered annually. The ADC continues to assist in implementing and educating on victim rights and policies and making recommendations for changes and improvement to the SVC Program.

(5) The ADC conducts an annual week-long Military Justice Leaders Course (MJLC). The MJLC provides military justice supervisors with specialized training on the effective management of criminal justice legal systems, processes, and personnel. Through classroom instruction and small-group seminars, students learn how to supervise, train, and develop their subordinate counsel. The course focuses on the rules and methodologies for pretrial preparation and processes (selecting panel members, negotiating plea agreements, utilizing procedures available under Article 30a, and timely and accurate processing of post-trial actions). Attendance is mandatory for all personnel serving as a Chief of Military Justice or Military Justice Operations NCO.

(6) The ADC annually conducts the three-week-long Military Judge's Course. The Military Judge's Course is an academically rigorous course and has been recognized for excellence by the American Bar Association. The Military Judge's Course trains new military judges from all services and is conducted in close coordination with the chief trial judges of each service. Graduates of the course become certified as military judges, with Army graduates being

conferred the 27B military occupational specialty to differentiate them from 27A judge advocates. This year, the course was held from 20 May to 7 June 2025 and 48 military judges were certified, including 20 from the Army, 11 from the Air Force, 4 from the Coast Guard, 5 from the Marine Corps, and 8 from the Navy.

(7) The Advanced Military Justice Practitioner Course (AJPC) provides specialized and advanced training to judge advocates from across the services. This weeklong course is used as a certification course for STC practitioners throughout the services and emphasizes sophisticated trial skills and case law updates for both the prosecution and defense of covered offenses. This course incorporates prosecution and defense breakouts for candid discussions following plenary sessions. Topics include search and seizure of digital evidence, plea agreement pitfalls, character evidence, privileges, experts, hearsay, Military Rule of Evidence 412, advanced discovery, victims' rights, and interlocutory issues. In FY25, 86 judge advocates attended the course, including 29 Army OSTC personnel, 15 Army TDS members, and representatives from the Navy, Marine Corps, and Coast Guard.

(8) In FY25, the ADC continued using a systems approach to planning, executing, and improving its curriculum through an iterative in-progress review and after-action review process. The intent of this approach is to make courses more practical for students.

#### **f. Trial Judiciary.**

(1) At the end of FY25, there were 24 active duty and 18 reserve component military judges in the U.S. Army Trial Judiciary. The Chief Trial Judge, located at Fort Belvoir, Virginia, leads the Trial Judiciary, which currently consists of eight circuits worldwide. Chief Circuit Judges supervise the judges within each circuit. In FY25, there were two military judges stationed at overseas locations, including one in Korea and one in Germany. Reserve component military judges were assigned to the 150th Legal Operations Detachment headquartered in Alexandria, Virginia and commanded by the Chief Trial Judge, USAR. Additionally, the Trial Judiciary provided military judges to serve as judges with the Military Commissions Trial Judiciary.

(2) Military judges primarily presided over trials referred to general and special courts-martial. In FY25, military judges presided over 591 original courts-martial, a 2% decrease from FY24. Of the total cases tried in FY25, 87 were fully contested, 21 involved mixed pleas, 336 were guilty pleas, and the remaining 140 were terminated prior to findings. Of the 451 cases in which findings were entered in FY25, 164 of them (34%) included sexual misconduct related offenses (including alleged violations of Articles 120, 120b, and 120c, UCMJ), which is an 15% decrease from FY24.

(3) The strength of the Trial Judiciary will always be its trial judges in the field, who rely on a robust training program to maintain their proficiency. The Trial Judiciary conducts an annual Military Judges' Course at The Judge Advocate General's Legal Center and School in Charlottesville, Virginia. The three-week course is a certification course for judge advocates from all services—Army, Navy, Marine Corps, Air Force, and Coast Guard—prior to assignment as military judges. In FY25, 47 judge advocates attended the 68th Military Judges' Course held

from 19 May 2025 to 6 June 2025. Ten active-component, six USAR, and five ARNG judge advocates graduated from the course and were sworn in as new military trial judges. The keynote speaker for the course was the Chief Judge Kevin A. Ohlson, the chief judge for the CAAF.

(4) In February 2025, the Navy-Marine Corps conducted and facilitated the Joint Military Judges' Annual Training for all active duty and reserve trial judges. The Army Trial Judiciary held its annual Trial Judge's Sexual Assault Training in September 2025 at Fort Belvoir, VA. This year's focus was on the use of Artificial Intelligence and technology in the judicial practice. The trial judiciary continues to search for new and impactful ways of supporting, training, and better equipping its judges.

(5) The Trial Judiciary maintains and updates Department of the Army Pamphlet 27-9, Military Judges' Benchbook, which is used by all services and contains trial scripts and pattern instructions for panel members. Changes to the Military Judge's Benchbook are approved by the Chief Trial Judge following review and comment by a committee and other stakeholders in the military justice community. Anyone, to include members of the public, may propose changes to the Benchbook. The process to propose changes as well as an electronic version of the Benchbook, containing all approved changes to date, can be found on the Trial Judiciary website at [www.jagcnet.army.mil/USATJ](http://www.jagcnet.army.mil/USATJ).

(6) In FY25, the Trial Judiciary supported the training efforts of the JAG Corps, through participation in trial, defense, and special victim's counsel training events, paralegal and court reporter training, and advocacy training. Several years ago, the Trial Judiciary created an MS Teams "Bridging the Gap" channel for judges to provide timely feedback to counsel regarding advocacy. The channel, which has hundreds of members, continues to be routinely praised by both trial and defense counsel for its usefulness to the field. The trial judiciary also participated in mock trial and moot court competitions; several judges volunteered to speak to mentorship groups, both within and outside the JAG Corps; and many engaged in recruitment opportunities for the Army and the JAG Corps. These efforts fulfilled the enduring vision of the Trial Judiciary: Independent but Invested.

**g. Litigation Division.** During FY25, Litigation Division's caseload included several civil lawsuits involving military justice matters. Most suits were brought by former Soldiers seeking collateral review of military court-martial proceedings pursuant to a petition for writ of habeas corpus in federal district court. The Military Personnel Litigation (LTM) Branch was involved in 39 habeas corpus or military justice cases in FY25, 25 of which remain active. In the 12 cases that were concluded, LTM successfully defended against collateral attacks on court-martial convictions, as well as requests for federal court intervention with respect to issues such as confinement conditions, illegal detention, loss of good conduct time, and transfer from military confinement facilities.

(1) While many of these collateral attacks concerned traditional evidentiary and procedural challenges such as those pertaining to jurisdiction, sufficiency of the evidence, or the effectiveness of counsel, several recent cases involved novel, or otherwise undeveloped, areas of the law that are currently on appeal. In FY25, a significant case involving a collateral attack by a non-custodial petitioner challenging his court-martial conviction completed appellate briefing on

the merits. In addition, LTM continued to successfully defend against several challenges to the Army's court-martial jurisdiction over retirees, including medical disability retirees.

(2) Litigation Division periodically handles civil lawsuits involving Constitutional challenges to the military justice system or military confinement conditions, such as alleged violations of equal protection, due process, freedom of religion, and the First Amendment, as well as Freedom of Information Act requests pertaining to military justice cases. In FY25, two litigants filed 12 cases of which seven remain open. Overall, Litigation Division has not noted any trends with respect to civil litigation concerning the military justice system.

h. **Commanders.** Judge Advocates continue to provide training, advice, and assistance to Commanders as they execute their central role in ensuring good order and discipline, justice, and accountability. By regulation, Army Senior Leadership requires Brigade level commanders to attend the Pre-Command Course at Fort Leavenworth, Kansas. As part of that course, these commanders receive the Senior Officer Legal Orientation (SOLO), which is an intensive one-day resident program covering the key legal issues and decisions commanders are faced with. As part of this program, sexual assault response and prevention is specifically addressed. Additionally, commanders are provided the Commanders Legal Handbook and access to the Leaders Legal Library, a collection of videos and materials that provide ready reference to information on key legal issues that supplement the specific legal advice provided by their servicing Judge Advocate. All new Army general officers attend the Senior Leader Development Seminar (ASEP-B) and receive a day of instruction and lecture from Judge Advocate Senior Leaders and TJAGLCS faculty. General officers may also request to attend the General Officer Leadership Orientation (GOLO), a one-on-one desk side briefing covering victims' rights, convening authority responsibilities and duties, military justice updates, retaliation issues, and prevention strategies. Sixteen general officers attended GOLO training at TJAGLCS in FY25. Company commanders and First Sergeants receive onsite training on various legal topics, including victims' rights, reporting and processing sexual assault cases. This instruction ensured compliance with Article 137, UCMJ.

4. The independent view of The Judge Advocate General on the sufficiency of resources available within the Army, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions: The Army JAG Corps, through the Plans, Programs, and Policies (P3) office, continues to work with Army leadership to ensure sufficient legal support to the force. The JAG Corps continues to study, develop, and implement the necessary changes in the military justice enterprise to enable effective, efficient support to the commanders and leaders at camp, post, and station. Always seeking to develop and improve, the JAG Corps continues deliberate planning to assess if increased resources are necessary to ensure an efficient, fair, and professional military justice enterprise.

a. On 30 September 2025, the Army's end-strength was 454,600 Soldiers on active duty compared to an end strength of 449,747 in FY24. The attorney strength of the JAG Corps active component (AC) at the end of FY25 was 1,850. The FY25 end-strength of 1,850 is higher than the end-strength of 1,843 in FY24.

b. The grade distribution of the active-duty judge advocate population for FY25 was: five general officers (which includes the Legal Counsel to the Chairman Joint Chiefs of Staff; the Lead Special Trial Counsel; and the Chief Defense Counsel for the Office of Military Commissions); 146 colonels; 279 lieutenant colonels; 549 majors; and 876 captains and first lieutenants. An additional 105 warrant officers, 607 civilian attorneys, 563 civilian paraprofessionals and 1,502 enlisted paralegals from the active component supported legal operations worldwide.

c. The USAR judge advocate end strength at the end of FY25 was 1,813 (which includes officers serving in Troop Program Units, the Drilling Individual Mobilization Augmentee (DIMA) Program, the Individual Ready Reserve, and the Active Guard Reserve Program). The total ARNG strength at the end of FY25 was 1,653. This includes 734 attorneys, 55 warrant officers, and 864 enlisted paralegals.

d. At the end of FY25, more than 622 JAG Corps personnel were deployed to assist operations in Guantanamo Bay, Germany, Poland, Romania, Kosovo, Syria, Iraq, Qatar, United Arab Emirates, Kuwait, Israel, Jordan, Saudi Arabia, Lithuania, Latvia, Djibouti, Italy, Egypt, Korea, California, Texas, and other locations around the world.

## CONCLUSION

The Army JAG Corps is trained, resourced, and continues to implement the FY22 and FY23 NDAA military justice reforms. These reforms required transformational change to the military justice process and all judge advocates are prepared to assist—whether advising Commanders in maintaining a disciplined fighting force, referring covered offenses to trial by courts-martial, representing accused Soldiers, or providing services to victims of sex-related and domestic violence offenses. The JAG Corps will continue to assess, refine, and improve the military justice system.

In the next fiscal year, the JAG Corps will be steadfast in advising on all aspects of military justice. For non-covered offenses, principled counsel will continue to be provided to commanders and aid them in maintaining good order and discipline. For covered offenses, the JAG Corps will continue to diligently ensure the success of the OSTC. Further focusing on systems, the JAG Corps will continue the work of the Court Reporting OPT to modernize the structure, training, and policies applicable to processing courts-martial. Put simply, the JAG Corps will focus on implementing the necessary structural, training, and regulatory changes to promote fairness, efficiency, and trust in the military justice system.

In this period of great change, the JAG Corps will use its people, programs, and technology to continue to deliver a military justice system, rooted in our constitutional principles, that treats all participants with respect. Through it all, our JAG Corps' trusted professionals will continue to provide principled legal counsel and premier legal services to senior commanders, leaders, Soldiers, and Families.



BOBBY L. CHRISTINE  
Major General, US Army  
The Judge Advocate General

## APPENDIX

Report Period: FISCAL YEAR 2025

<b>PART 1 – PENDING COURTS-MARTIAL (As of 30 September 2025)</b>			
TYPE COURT	PREFERRED PENDING DISPOSITION DECISION	REFERRED	TOTAL
GENERAL		80	
SPECIAL		15	
MILITARY JUDGE ALONE SPECIAL (Art. 16(c)(2)(A))		7	
SUMMARY		3	
<b>TOTAL:</b>	161	105	266

<b>PART 2 – BASIC COURTS-MARTIAL STATISTICS [B]</b>				
TYPE COURT	TRIED	CONVICTIONS	ACQUITTALS	INCREASE (+)/ DECREASE (-) OF TOTAL CASES TRIED OVER LAST REPORT
GENERAL	289	257	32	-9.9%
SPECIAL	140	133	7	+44.33%
MILITARY JUDGE ALONE SPECIAL (Art. 16(c)(2)(A))	22	22	0	-47.62%
SUMMARY	42	41	1	+10.53%
<b>OVERALL INCREASE (+)/DECREASE (-) OF CASES TRIED OVER LAST REPORT</b>				0%

<b>PART 3 – ENUMERATED OFFENSE DATA [C]</b>					
UCMJ ARTICLE	TOTAL OFFENSES PREFERRED	TOTAL OFFENSES REFERRED			
		GENERAL	SPECIAL	ART. 16(c)(2)(A)	SUMMARY
78	4	0	0	0	0
80	93	0	0	0	0
81	31	0	0	0	0
82	16	0	0	0	0
83	2	1	0	0	0
85	31	6	7	0	0
86	71	9	7	4	6
87	2	0	0	0	0
87a	16	4	4	0	0
87b	1	1	0	0	0
89	17	3	6	3	1
90	71	23	15	2	3
91	19	4	6	1	2
92	148	31	33	7	13
93	15	3	4	1	1
93a	14	2	4	3	0

## APPENDIX

94	1	0	0	0	0
103a	1	0	0	0	0
104a	3	2	0	0	0
105a	1	0	0	0	0
105	8	1	1	0	0
106	2	0	0	0	0
106a	2	1	1	0	0
107	95	22	22	4	5
108	19	5	4	1	0
109	20	4	3	0	1
111	7	0	0	1	1
112	13	0	4	1	1
112a	49	14	12	1	4
113	35	4	8	5	3
114	17	8	5	0	1
115	64	20	15	0	3
116	11	1	1	0	0
117	3	1	0	0	0
117a	7	2	3	0	0
118	8	10	2	0	0
119	7	4	0	0	0
119a	1	1	1	0	0
119b	31	13	9	1	
120	141	116	16	3	5
120b	54	83	5	0	1
120c	31	10	9	2	0
121	82	23	22	5	7
121a	2	1	1	0	0
121b	1	1	0	0	0
122	2	1	0	0	0
124	11	2	4	2	0
125	5	2	1	0	0
126	4	0	1	0	0
127	2	1	0	0	0
128	171	77	48	4	10
128a	1	0	0	0	0
128b	201	77	50	3	0
129	19	11	7	1	0
130	8	6	3	0	0
131b	71	16	9	3	1
131e	2	1	0	0	0
131g	2	1	0	0	1
133	13	9	1	2	0

## APPENDIX

134	201	142	43	8	10
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### PART 4 – ACCUSED DEMOGRAPHIC DATA [C]

TYPE COURT	Total	SEX		ETHNICITY			RACE						
		Male	Female	Hispanic / Latino	Non-Hispanic / Latino	Unknown	American Indian / Alaska Native	Asian	Black / African American	Native Hawaiian / Pacific Islander	White	Other	Unknown
GENERAL	289	281	8	47	242	0	2	3	89	1	171	23	0
SPECIAL	140	133	7	14	126	0	4	0	53	2	68	12	0
MJ SPECIAL (Art. 16 (c)(2)(A))	22	21	1	4	18	0	0	0	9	0	9	4	0
SUMMARY	42	38	4	8	34	0	0	4	15	0	14	3	0
ALT. DISPO*	260	132	11	90	95	68	4	4	54	0	75	6	0

### PART 4b – ACCUSED RANK [C]

TYPE COURT	RANK																				
	E-1	E-2	E-3	E-4	E-5	E-6	E-7	E-8	E-9	O-1	O-2	O-3	O-4	O-5	O-6	O-7	W-1	W-2	W-3	W-4	W-5
GENERAL	13	22	45	131	58	41	31	6	2	6	5	16	7	6	3	0	2	4	1	0	0
SPECIAL	7	8	10	41	33	31	14	2	0	2	0	2	1	1	0	0	0	2	0	0	0
MJ SPECIAL (Art. 16 (c)(2)(A))	1	2	1	11	4	3	4	2	0	0	0	0	1	0	0	0	0	0	0	0	0
SUMMARY	3	6	9	4	2	4	13	0	1	0	0	0	0	0	0	0	0	0	0	0	0
ALT. DISPO.	2	2	5	8	12	3	1	1	0	1	3	3	1	0	0	0	2	2	0	0	0

### PART 5 – VICTIM DEMOGRAPHIC DATA [D]

TYPE COURT	Total	SEX			ETHNICITY			RACE						
		Male	Female	Unk	Hispanic / Latino	Non-Hispanic / Latino	Unk	American Indian / Alaska Native	Asian	Black / African American	Native Hawaiian / Pacific Islander	White	Other	Unk
GENERAL	317	79	238	0	47	270	0	2	1	43	6	199	51	15
SPECIAL	33	9	24	0	6	27	0	0	2	4	0	19	5	3
MJ SPECIAL (Art. 16 (c)(2)(A))	7	2	5	0	0	7	0	0	0	3	0	2	1	1
SUMMARY	12	3	9	0	0	12	0	0	0	5	0	7	0	0
ALT. DISPO.	56	15	41	1	6	30	21	0	3	9	0	25	8	12

## APPENDIX

<b>PART 5b – VICTIM RANK [D]</b>																							
TYPE COURT	RANK																						
	CIV	E-1	E-2	E-3	E-4	E-5	E-6	E-7	E-8	E-9	O-1	O-2	O-3	O-4	O-5	O-6	O-7	W-1	W-2	W-3	W-4	W-5	UNK
GENERAL	84	0	1	8	10	8	1	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	54
SPECIAL	5	0	0	2	1	2	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	7
MJ SPECIAL (Art. 16 (c)(2)(A))	2	0	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
SUMMARY	1	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
ALT. DISPO.	238	2	2	17	58	33	9	2	0	0	1	6	1	0	0	0	0	0	1	0	0	0	48

<b>PART 6 – DISCHARGES APPROVED/ENTERED ON ENTRY OF JUDGEMENT [D]</b>	
GENERAL COURTS-MARTIAL	
NUMBER OF DISHONORABLE DISCHARGES (+ dismissals)	84(+15)
NUMBER OF BAD-CONDUCT DISCHARGES	142
SPECIAL COURTS-MARTIAL	
NUMBER OF BAD-CONDUCT DISCHARGES	77

<b>PART 7 – RECORDS OF TRIAL RECEIVED FOR REVIEW BY JAG</b>	
FOR REVIEW UNDER ARTICLE 66(b)(1) – APPEALS BY ACCUSED	11
FOR REVIEW UNDER ARTICLE 66(b)(2) – CASES FORWARDED FOR REVIEW BY TJAG	0
FOR REVIEW UNDER ARTICLE 66(b)(3) – AUTOMATIC REVIEW	336
FOR EXAMINATION UNDER ARTICLE 65(d)	98

<b>PART 8 – WORKLOAD OF THE U.S. ARMY COURT OF CRIMINAL APPEALS</b>		
TOTAL ON HAND BEGINNING OF PERIOD		59
TOTAL CASES THAT CAME AT ISSUE		322
TOTAL CASES DECIDED		359
TOTAL PENDING AT CLOSE OF PERIOD		87
RATE OF INCREASE (+)/DECREASE (-) OVER NUMBER OF CASES DECIDED DURING LAST REPORTING PERIOD		1.2%

<b>PART 9 – APPELLATE COUNSEL REQUESTS BEFORE U.S. ARMY COURT OF CRIMINAL APPEALS (ACCA)</b>	
NUMBER	317
PERCENTAGE	98.4%

<b>PART 10 - ACTIONS OF THE U.S. COURT OF APPEALS FOR THE ARMED FORCES (CAAF)</b>	
TOTAL PETITIONS TO CAAF	119

## APPENDIX

<b>PART 11 – APPLICATIONS FOR RELIEF UNDER ARTICLE 69, UCMJ</b>			
TOTAL PENDING BEGINNING OF PERIOD		1	
RECEIVED		1	
DISPOSED OF		2	
GRANTED	0		
DENIED	1		
NO JURISDICTION	1		
WITHDRAWN	0		
TOTAL PENDING AT END OF PERIOD		0	

<b>PART 12 – ORGANIZATION OF COURTS [G]</b>			
TRIALS BY MILITARY JUDGE ALONE		385	
GENERAL COURTS-MARTIAL		234	
SPECIAL COURTS-MARTIAL		129	
MILITARY JUDGE ALONE SPECIAL (ART. 16(c)(2)(A))		22	
TRIALS BY MILITARY JUDGE WITH MEMBERS		66	
GENERAL COURTS-MARTIAL		55	
SPECIAL COURTS-MARTIAL		11	

<b>PART 13 – STRENGTH</b>			
AVERAGE ACTIVE DUTY STRENGTH		454,600	

<b>PART 14 – NONJUDICIAL PUNISHMENT (ARTICLE 15, UCMJ)</b>			
NUMBER OF CASES WHERE NONJUDICIAL PUNISHMENT IMPOSED		21,534	
RATE PER 1,000		47.33	

### EXPLANATORY NOTES

[A] Cases convened by GCM convening authority.

[B] The accused demographic data presented in this report relates only to courts-martial cases conducted on or after 17 June 2020, in accordance with section 540I of the National Defense Authorization Act for Fiscal Year 2020. For the purposes of this report, conducted means completed.

[C] The victim demographic data presented in this report relates only to courts-martial cases conducted on or after 17 June 2020, in accordance with section 540I of the National Defense Authorization Act for Fiscal Year 2020. For the purposes of this report, conducted means completed.

[D] Based on Entry of Judgment and records of trial received in FY for appellate review.

[E] Includes only cases briefed and at issue.

[F] Includes Article 62 appeals, All Writs Act cases, and appeals withdrawn.

[G] Only includes cases that were tried to completion.

[H] This number includes only Active Component Soldiers and does not include USAR, National Guard or AGR personnel.



Department of the Air Force

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Report to Congressional Committees

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# Department of the Air Force Report on the State of Military Justice for Fiscal Year 2025

December 2025

The estimated cost of this report or study for the Department of Defense is approximately \$12,000 in DoD labor for the 2026 Fiscal Year.





**DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS UNITED STATES AIR FORCE  
WASHINGTON DC 20330**

**Department of the Air Force Report on the State of Military Justice for Fiscal Year 2025**

This report, in accordance with Article 146a, Uniform Code of Military Justice (UCMJ) (10 U.S.C. § 946a), details the state of the Department of the Air Force's (DAF) military justice system in Fiscal Year 2025 (FY 2025).

Throughout FY 2025, the dedicated judge advocates and legal professionals across the DAF's Judge Advocate General's Corps (JAG Corps) remained steadfast in their comprehensive execution of relevant and accurate legal advice. FY 2025 marked the Office of Special Trial Counsel's (OSTC) first full year of operations following the unit reaching full operational capacity and exercise of exclusive court-martial authority over certain covered offenses in accordance with Article 24a, UCMJ (10 U.S.C. § 824a). Members of the Trial Judiciary, Trial Defense Division, Appellate Defense Division, Government Trial and Appellate Operations Division, Victims' Counsel Division, and numerous other JAG Corps organizations delivered critical representation and legal services to all they serve. The DAF's military justice system continues to seamlessly evolve, adapt, and implement change while remaining resolute in its dedication to provide a just, fair, and balanced military justice system to all Airmen and Guardians.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell Neurock", is positioned to the left of the digital signature block.

Digitally signed by  
NEUROCK.MITCHEL.11550  
68201  
Date: 2025.12.22 13:10:34  
-05'00'

**MITCHEL NEUROCK**  
Major General, USAF  
Performing The Duties Of  
The Judge Advocate General



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## Introduction

This report is provided to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives as directed by 10 U.S.C. § 946a(b).

*(b) Service Reports.—Not later than December 31 of each year, the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps shall each submit a report, with respect to the preceding fiscal year, containing the following:*

*(1) Data on the number and status of pending cases.*

*(2) Data on the number and statistics of completed cases, including—*

*(A) information on race, ethnicity, rank, and sex demographic for the victim and the accused;*

*(B) the enumerated offenses preferred and referred;*

*(C) the types of court-martial; and*

*(D) the results of each case, including cases that resulted in nonjudicial punishment or administrative separation.*

*(3) Information on the appellate review process, including—*

*(A) information on compliance with processing time goals;*

*(B) descriptions of the circumstances surrounding cases in which general or special court-martial convictions were (i) reversed because of command influence or denial of the right to speedy review or (ii) otherwise remitted because of loss of records of trial or other administrative deficiencies;*

*(C) an analysis of each case in which a provision of this chapter was held unconstitutional; and*

*(D) an analysis of each case in which a Court of Criminal Appeals made a final determination that a finding of a court-martial was clearly against the weight of the evidence, including an explanation of the standard of appellate review applied in such case.*

*(4)(A) An explanation of measures implemented by the armed force concerned to ensure the ability of judge advocates—*

*(i) to participate competently as trial counsel and defense counsel in cases under this chapter;*

*(ii) to preside as military judges in cases under this chapter; and*

*(iii) to perform the duties of Special Victims' Counsel, when so designated under section 1044e of this title.*

*(B) The explanation under subparagraph (A) shall specifically identify the measures that focus on capital cases, national security cases, sexual assault cases, and proceedings of military commissions.*

*(5) The independent views of each Judge Advocate General and of the Staff Judge Advocate to the Commandant of the Marine Corps as to the sufficiency of resources available within the respective armed forces, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.*

*(6) Such other matters regarding the operation of this chapter as may be appropriate.*

*(c) Submission.—Each report under this section shall be submitted—*

*(1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and*

*(2) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of the department in which the Coast Guard is operating when it is not operating as a service in the Navy.*

## Executive Summary

In Fiscal Year (FY) 2025, the Department of the Air Force (DAF) continued its commitment to a fair, effective military justice system that underwrites good order and discipline in support of national security. This year marked the first full year of the Office of the Special Trial Counsel (OSTC) operating at full capability. OSTC centralized responsibility for covered offenses under its independent court-martial authority and continued to expand its professional cadre of attorneys, paralegals, and litigation support personnel. The organization maintained global operations through district offices, increased early integration with investigative agencies, and managed a substantial caseload through its Investigation and Prosecution Support Teams.

The Judge Advocate General's Corps (JAG Corps) consists of approximately 1,235 active-duty judge advocates and 882 paralegals; 642 reserve judge advocates and 189 paralegals; 367 Air National Guard judge advocates and 197 paralegals ; and approximately 851 civilian attorneys, paralegals, court reports, and legal assistants, with more than 500 personnel in specialized military justice roles and defined career-long litigation development through the Career Litigation Development Program. The JAG Corps continues to update training and professional development to maintain the high quality and consistency of DAF military justice practice. Hundreds of practitioners completed trial, defense, and special victim certification courses. New advanced litigation programs supported development of experienced litigators, and Preliminary Hearing Officer and Legal Advisor training expanded capacity to conduct hearings in accordance with Article 32 of the Uniform Code of Military Justice.

The DAF continued efforts to modernize and integrate its cloud-based Disciplinary Case Management Systems-Automated Military Justice Analysis and Management System (DCMS) for beginning-to-end case tracking following the sunset of the DAF's legacy Automated Military Justice Analysis and Management System (AMJAMS) in Spring 2024.

Appellate oversight remained steady, with the Air Force Court of Criminal Appeals (AFCCA) reviewing convictions, ensuring legal sufficiency, and addressing post-trial processing timelines. In FY 2025, AFCCA issued 169 opinions and orders, while continuing outreach through on-site oral arguments.

Continuity with prior-year reforms persisted. Following FY 2024's focus on OSTC stand-up, domestic violence victim notifications, and continued implementation of Independent Review Commission recommendations, FY 2025 efforts concentrated on consolidating OSTC operations, scaling practitioner training, strengthening victims' services, and maturing digital case management—maintaining a strong system that balances member interests and mission needs.

Overall, FY 2025 demonstrated sustained momentum: OSTC institutionalization and caseload management; expanded training and certifications across government, defense, and victims' counsel; continued system modernization and resourcing; and steady appellate oversight with targeted corrective actions. Together, these efforts reinforce the integrity, timeliness, and effectiveness of military justice in the DAF.

Department of the Air Force Report on the State of Military Justice for Fiscal Year 2025

We provide the following information to illustrate the current state of the DAF's military justice practice.

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# Report

## TABLE OF CONTENTS

I. DATA ON THE NUMBER AND STATUS OF PENDING CASES.....	4
II. DATA ON THE NUMBER AND STATUS OF COMPLETED CASES .....	4
III. INFORMATION ON THE APPELLATE REVIEW PROCESS .....	4
a. Compliance with Processing Time Goals.....	4
b. Other Issues.....	6
(1) Unlawful Command Influence .....	6
(2) Denial of Right to Speedy Review .....	7
(3) Loss of Records of Trial.....	7
(4) Other Cases Resulting in Remand by AFCCA.....	7
(5) Other Administrative Deficiencies .....	8
(6) Cases in Which Provisions of the UCMJ Were Found to be Unconstitutional .....	9
(7) Cases in Which the Air Force Court of Criminal Appeals Made a Final Determination that a Finding of a Court-Martial was Clearly Against the Weight of the Evidence .....	9
IV. MEASURES IMPLEMENTED BY THE AIR FORCE TO ENSURE THE ABILITY OF JUDGE ADVOCATES TO PARTICIPATE COMPETENTLY IN CAPITAL CASES, NATIONAL SECURITY CASES, SEXUAL ASSAULT CASES, AND MILITARY COMMISSIONS .....	10
a. Judge Advocate Professional Development .....	10
b. Trial Counsel.....	12
(1) Office of Special Trial Counsel .....	12
(2) District Trial Counsel.....	13
c. Defense Counsel.....	13
d. Victims' Counsel.....	16
e. Appellate Government Counsel .....	17
f. Appellate Defense Counsel .....	18
g. The Air Force Judge Advocate General's School .....	18
h. Military Justice Law and Policy Division .....	21
i. Trial and Appellate Judiciary .....	22
(1) Trial Judges.....	22
(2) Appellate Military Judges .....	23
V. INDEPENDENT VIEWS OF THE JUDGE ADVOCATE GENERAL AS TO THE SUFFICIENCY OF RESOURCES, INCLUDING TOTAL WORKFORCE, FUNDING, TRAINING, AND OFFICER AND ENLISTED GRADE STRUCTURE, TO CAPABLY PERFORM MILITARY JUSTICE FUNCTIONS.....	24
a. Total Workforce .....	24
b. Funding.....	25
c. Training.....	26
d. Officer and Enlisted Grade Structure .....	26
APPENDIX .....	28

## I. DATA ON THE NUMBER AND STATUS OF PENDING CASES

The Appendix provides data on pending DAF cases.

## II. DATA ON THE NUMBER AND STATUS OF COMPLETED CASES

The Appendix provides data on completed DAF cases.

## III. INFORMATION ON THE APPELLATE REVIEW PROCESS

The United States Air Force Court of Criminal Appeals (AFCCA) issued 169 opinions and orders for cases before the court in FY 2025. The court held oral argument in one case as part of its oral argument outreach program at the University of Oklahoma College of Law, Norman, Oklahoma: *United States v. Menard*, 2025 CCA LEXIS 137 (A.F. Ct. Crim. App. Mar. 28, 2025) (unpub. op.). The court held oral argument in two cases in AFCCA’s courtroom: *United States v. Gale*, 2025 CCA LEXIS 137 (A.F. Ct. Crim. App. Mar. 17, 2025) (unpub. op.); *United States v. Caswell*, 2025 CCA LEXIS 98 (A.F. Ct. Crim. App. Mar. 28, 2025) (unpub. op.). AFCCA ended FY 2025 with nine active duty and four reserve appellate military judges.

### *a. Compliance with Processing Time Goals*

- (1) In FY 2025, no convictions were set aside on speedy trial grounds.
- (2) Under pre-1 January 2019 post-trial processing rules, no case exceeded 120 days from sentencing to the convening authority’s action (the “*Moreno 1*” standard).
- (3) Under pre-1 January 2019 post-trial processing rules, no case exceeded the 30-day window from the date of the convening authority’s action to docketing at AFCCA (the “*Moreno 2*” standard).
- (4) Under post-1 January 2019 post-trial processing rules, 15 cases exceeded the 150-day standard for facially unreasonable delay from sentencing to docketing with AFCCA, articulated by AFCCA pursuant to *United States v. Livak*, 80 M.J. 631 (A.F. Ct. Crim. App. 2020). Relief was granted for one of these facially unreasonable delays addressed by AFCCA under the *Livak* standard. See *United States v. Cassaberry-Folks*, No. ACM 40444, 2024 CCA LEXIS 500 (A.F. Ct. Crim. App. 22 Nov. 2024) (unpub. op.) (412 days from sentencing to docketing). No relief was granted in the remaining 14 cases. See *United States v. Casillas*, No. ACM 40551, 2025 CCA LEXIS 445 (A.F. Ct. Crim. App. 18 Sep. 2025) (unpub. op.) (171 days from sentencing to docketing); *United States v. Slayton*, No. ACM 40583, 2025 CCA LEXIS 427 (A.F. Ct. Crim. App. 8 Sep. 2025) (unpub. op.) (203 days from sentencing to docketing); *United States v. Tompkins*, No. ACM 40619, 2025 CCA LEXIS 359 (A.F. Ct. Crim. App. 1 Aug. 2025) (per curiam) (unpub. op.) (155 days from sentencing to docketing); *United States v. Blair*, No. ACM S32778, 2025 CCA LEXIS 341 (A.F. Ct. Crim. App. 28 Jul. 2025) (unpub. op.) (175 days from sentencing to docketing); *United States v. Hagen*, No. ACM 40561, 2025 CCA LEXIS 234 (A.F. Ct. Crim. App.

28 May 2025) (unpub. op.) (183 days from sentencing to docketing); *United States v. Johnson*, No. ACM 40537, 2025 CCA LEXIS 193 (A.F. Ct. Crim. App. 2 May 2025) (unpub. op.) (196 days from sentencing to docketing); *United States v. Jenkins*, No. ACM S32765, 2025 CCA LEXIS 148 (A.F. Ct. Crim. App. 7 Apr. 2025) (unpub. op.) (154 days from sentencing to docketing); *United States v. Covitz*, No. ACM 40193 (reh), 2025 CCA LEXIS 105 (A.F. Ct. Crim. App. 19 Mar. 2025) (unpub. op.) (155 days from sentencing to docketing); *United States v. Floyd*, No. ACM S32784, 2025 CCA LEXIS 31 (A.F. Ct. Crim. App. 3 Feb. 2025) (unpub. op.) (155 days from sentencing to docketing); *United States v. Cadavona*, No. ACM 40476, 2025 CCA LEXIS 17 (A.F. Ct. Crim. App. 16 Jan. 2025) (unpub. op.) (224 days from sentencing to docketing); *United States v. Atencio*, No. ACM S32783, 2024 CCA LEXIS 543 (A.F. Ct. Crim. App. 20 Dec. 2024) (unpub. op.) (166 days from sentencing to docketing); *United States v. Trovatore*, No. ACM 40505, 2024 CCA LEXIS 519 (A.F. Ct. Crim. App. 9 Dec. 2024) (per curiam) (unpub. op.) (154 days from sentencing to docketing); *United States v. Nakken*, No. ACM S32767, 2024 CCA LEXIS 420 (A.F. Ct. Crim. App. 10 Oct. 2024) (per curiam) (unpub. op.) (153 days from sentencing to docketing); and *United States v. Scott*, No. ACM 40411, 2024 CCA LEXIS 415 (A.F. Ct. Crim. App. 7 Oct. 2024) (unpub. op.) (297 days from sentencing to docketing).

Seven cases exceeded the 150-day threshold, but because these cases were filed pursuant to Article 66(b)(1)(A), UCMJ, 10 U.S.C. § 866 (b)(1)(A), as non-automatic appeals, the court did not apply *Livak*. Instead, the court evaluated each case on the grounds of whether there was a due process violation or whether the court exercised its authority under Article 66(d)(2), UCMJ, to grant relief for excessive delay. *See United States v. Gonzalez*, No. ACM 24001, 2025 CCA LEXIS 412 (A.F. Ct. Crim. App. 25 Aug. 2025) (unpub. op.); *United States v. Adams*, No. ACM 22018, 2025 CCA LEXIS 343 (A.F. Ct. Crim. App. 29 Jul. 2025) (unpub. op.); *United States v. Cepeda*, No. ACM 40318, 2025 CCA LEXIS 320 (A.F. Ct. Crim. App. 21 Jul. 2025) (unpub. op.); *United States v. Cooley*, No. ACM 40376, 2025 CCA LEXIS 342 (A.F. Ct. Crim. App. 19 Jul. 2025) (unpub. op.); *United States v. Copp*, No. ACM 24029, 2025 CCA LEXIS 290 (A.F. Ct. Crim. App. 27 Jun. 2025) (unpub. op.); *United States v. Dawson*, No. ACM 24041, 2025 CCA LEXIS 182 (A.F. Ct. Crim. App. 28 Apr. 2025) (unpub. op.); and *United States v. Boren*, No. ACM 40296 (f rev), 2025 CCA LEXIS 103 (A.F. Ct. Crim. App. 19 Mar. 2025) (unpub. op.). No relief was granted in any of these cases.

- (5) Fourteen cases exceeded the standard of 18 months from docketing to AFCCA rendering a decision (the “*Moreno 3*” standard). Under the facts of each case, AFCCA found no relief warranted for these cases. *See United States v. Casillas*, No. ACM 40551, 2025 CCA LEXIS 445 (A.F. Ct. Crim. App. 18 Sep. 2025) (unpub. op.) (“slightly more than three months” over 18-month threshold); *United States v. Gonzalez*, No. ACM 24001, 2025 CCA LEXIS 412 (A.F. Ct. Crim. App. 25 Aug. 2025) (unpub. op.) (“a little over two months” over 18-month threshold); *United States v. Cooley*, No. ACM 40376, 2025 CCA LEXIS

342 (A.F. Ct. Crim. App. 19 Jul. 2025) (unpub. op.); *United States v. York*, No. ACM 40604, 2025 CCA LEXIS 184 (A.F. Ct. Crim. App. 30 Apr. 2025) (unpub. op.) (less than four weeks over 18-month threshold); *United States v. Dawson*, No. ACM 24041, 2025 CCA LEXIS 182 (A.F. Ct. Crim. App. 28 Apr. 2025) (unpub. op.); *United States v. Menard*, No. ACM 40496, 2025 CCA LEXIS 137 (A.F. Ct. Crim. App. 28 Mar. 2025) (unpub. op.) (“roughly five weeks” over 18-month threshold); *United States v. Arizpe*, No. ACM 40507, 2025 CCA LEXIS 104 (A.F. Ct. Crim. App. 19 Mar. 2025) (unpub. op.) (approximately two months over 18-month threshold); *United States v. Boren*, No. ACM 40296 (f rev), 2025 CCA LEXIS 103 (A.F. Ct. Crim. App. 19 Mar. 2025) (unpub. op.); *United States v. Matti*, No. ACM 22072, 2025 CCA LEXIS 72 (A.F. Ct. Crim. App. 28 Feb. 2025) (unpub. op.) (“less than one month” over 18-month threshold); *United States v. Baumgartner*, No. ACM 40413, 2025 CCA LEXIS 95 (A.F. Ct. Crim. App. 18 Feb. 2025) (unpub. op.) (“about six months” over 18-month threshold); *United States v. Couty*, No. ACM 40484, 2025 CCA LEXIS 48 (A.F. Ct. Crim. App. 7 Feb. 2025) (unpub. op.) (“roughly four months” over 18-month threshold); *United States v. Giles*, No. ACM 40482, 2024 CCA LEXIS 544 (A.F. Ct. Crim. App. 23 Dec. 2024) (unpub. op.) (“less than one month” over 18-month threshold); *United States v. Cassaberry-Folks*, No. ACM 40444, 2024 CCA LEXIS 500 (A.F. Ct. Crim. App. 22 Nov. 2024) (unpub. op.) (one month over 18-month threshold; *see supra*, relief granted under *Livak*); and *United States v. Scott*, No. ACM 40411, 2024 CCA LEXIS 415 (A.F. Ct. Crim. App. 7 Oct. 2024) (unpub. op.) (less than two months over 18-month threshold).

***b. Other Issues***

- (1) Unlawful Command Influence: The court reviewed five cases that involved allegations of unlawful command influence but did not find unlawful command influence in any of those cases. *See United States v. Gale*, Misc. Dkt. No. 2025-01, 2025 CCA LEXIS 265 (A.F. Ct. Crim. App. 12 Jun. 2025) (unpub. op.); *United States v. York*, No. ACM 40604, 2025 CCA LEXIS 184 (A.F. Ct. Crim. App. 30 Apr. 2025) (unpub. op.); *United States v. Arizpe*, No. ACM 40507, 2025 CCA LEXIS 104 (A.F. Ct. Crim. App. 19 Mar. 2025) (unpub. op.); *United States v. Covitz*, No. ACM 40193 (reh), 2025 CCA LEXIS 105 (A.F. Ct. Crim. App. 10 Mar. 2025) (unpub. op.); *United States v. Serjak*, No. ACM 40392, 2024 CCA LEXIS 524 (A.F. Ct. Crim. App. 11 Dec. 2024) (unpub. op.).
- (2) Denial of Right to Speedy Review: None.
- (3) Loss of Records of Trial: The court tested one case for prejudice and granted relief for substantial portions of the transcript missing from the record, even after the military judge tried to reconstruct the affected portions. The court determined it could not fulfill its Article 66, UCMJ, review, and set aside the findings and sentence and authorized a rehearing. *See United States v. Titus*, No. ACM 40557, 2025 CCA LEXIS 146 (A.F. Ct. Crim. App. 7 Apr. 2025) (unpub. op.). The court tested one case for prejudice but found none when the

recording device used during a closed Article 32, UCMJ, preliminary hearing failed to record and was therefore determined unsuitable. *United States v. Brierly*, No. ACM, 2024 CCA LEXIS 505 (A.F. Ct. Crim. App. 25 Nov. 2024) (unpub. op.). The court tested one case for prejudice but found none regarding missing attachments to an appellate exhibit; the court was able to complete its appellate review in spite of the omission. *See United States v. Matthew*, No. ACM 39796 (reh), 2024 CCA LEXIS 460 (A.F. Ct. Crim. App. 31 Oct. 2024) (unpub. op.) (the court also directed correction of one of the pleas in the court-martial order).

(4) Other Cases Resulting in Remand by AFCCA:

- a. In FY 2025, AFCCA remanded four cases because the record of trial did not contain a complete audio recording of the court-martial. *See United States v. Pettigrew*, No. ACM 40790, 2025 CCA LEXIS 492 (A.F. Ct. Crim. App. 2 Sep. 2025) (order) (portions of transcription and audio recordings missing throughout the record); *United States v. Hooker*, No. ACM 40646, 2025 CCA LEXIS 486 (A.F. Ct. Crim. App. 9 Jul. 2025) (order) (missing portions of the trial audio recordings); *United States v. Kindred*, No. ACM 40607, 2025 CCA LEXIS 147 (A.F. Ct. Crim. App. 7 Apr. 2025) (order) (missing portions of the audio recordings); and *United States v. Covitz*, No. ACM 40193 (reh), 2024 CCA LEXIS 751 (A.F. Ct. Crim. App. 6 Dec. 2024) (order) (missing audio recording of appellant's arraignment).
- b. The court remanded three cases for inoperable exhibits. *See United States v. Bush*, No. ACM 40783, 2025 CCA LEXIS 394 (A.F. Ct. Crim. App. 21 Aug. 2025) (order) (corrupt computer disc to an appellate exhibit); *United States v. Turtu*, No. ACM 40649, 2025 CCA LEXIS 300 (A.F. Ct. Crim. App. 30 Jun. 2025) (order) (recording of pretext phone call and three police body camera recordings nonfunctional); and *United States v. Robinson*, No. ACM 24044, 2025 CCA LEXIS 259 (A.F. Ct. Crim. App. 6 Jun. 2025) (order) (inoperable computer discs as attachments to a prosecution exhibit).
- c. AFCCA remanded three cases due to incomplete records of trial. *See United States v. Mabida*, No. ACM 40682, 2025 CCA LEXIS 491 (A.F. Ct. Crim. App. 2 Sep. 2025) (order) (missing appellate exhibit); *United States v. Anderson*, No. ACM 40654, 2025 CCA LEXIS 204 (A.F. Ct. Crim. App. 8 May 2025) (order) (missing several attachments to four appellate exhibits); and *United States v. Martinez*, No. ACM 39903 (reh), 2024 CCA LEXIS 551 (A.F. Ct. Crim. App. 16 Dec. 2024) (order) (missing four appellate exhibits).
- d. AFCCA remanded one case for a new service upon the appellant of matters submitted by the victim to the convening authority and to allow the appellant to submit matters in rebuttal as required by Rule for

Courts-Martial (R.C.M.) 1106(d)(3), to be followed by a new decision on action and entry of judgment. It further included correction of the record for the missing appellate exhibit containing the audio recording of a victim interview. *United States v. Burkhardt-Bauder*, No. ACM 24011, 2025 CCA LEXIS 81 (A.F. Ct. Crim. App. 19 Feb. 2025) (order).

- e. Additionally, AFCCA set aside and authorized a rehearing in five cases in which it determined each appellant's guilty plea to be improvident. *See United States v. Ingram*, No. ACM S32781, 2025 CCA LEXIS 354 (A.F. Ct. Crim. App. 31 Jul. 2025) (unpub. op.) (plea to possession of cocaine improvident); *United States v. Ryder*, No. ACM 40605, 2025 CCA LEXIS 283 (A.F. Ct. Crim. App. 25 Jun. 2025) (unpub. op.) (plea to abusive sexual contact without consent improvident); *United States v. Sanger*, No. ACM 40605, 2025 CCA LEXIS 370 (A.F. Ct. Crim. App. 25 Jun. 2025) (unpub. op.) (plea to violation of Article 92, UCMJ, extremist activities, improvident due to lack of knowledge of specific duty at time offenses committed); *United States v. Hilton*, No. ACM 40500, 2025 CCA LEXIS 142 (A.F. Ct. Crim. App. 4 Apr. 2025) (unpub. op.) (plea to conduct unbecoming an officer for drunkenness in front of subordinates improvident; remaining offenses and reassessed sentence affirmed); and *United States v. Cole*, No. ACM 40189 (rem), 2025 CCA LEXIS 37 (A.F. Ct. Crim. App. 6 Feb. 2025) (unpub. op.) (plea improvident because military judge confused simple assault with an unloaded firearm with assault with a dangerous weapon).

- (5) Other Administrative Deficiencies: AFCCA identified errors in the entry of judgment (EoJ) in nine cases. The court granted relief in one case where the military judge's rulings on the record did not match the EoJ, and dismissed a specification and reduced the sentence. *See United States v. Covitz*, No. ACM 40193 (reh), 2025 CCA LEXIS 105 (A.F. Ct. Crim. App. 19 Mar. 2025) (unpub. op.). The remaining cases resulted in AFCCA's modifying the EoJ pursuant to its authority under R.C.M. 1111(c)(2). *See United States v. Johnson*, No. ACM 40291 (f rev), 2025 CCA LEXIS 422 (A.F. Ct. Crim. App. 15 Oct. 2025) (per curiam) (unpub. op.) (incorrect entry of forfeitures); *United States v. Roberts*, No. ACM 40608, 2025 CCA LEXIS 476 (A.F. Ct. Crim. App. 30 Sep. 2025) (unpub. op.) (incorrect charge to which appellant pleaded); *United States v. Haymond*, No. ACM 40588, 2025 CCA LEXIS 450 (A.F. Ct. Crim. App. 23 Sep. 2025) (per curiam) (unpub. op.) (lack of clarity as to not guilty finding, as it was dismissed pursuant to R.C.M. 917); *United States v. Bays*, No. ACM 24043, 2025 CCA LEXIS 371 (A.F. Ct. Crim. App. 8 Aug. 2025) (per curiam) (unpub. op.) (incorrect language in specification); *United States v. Norris*, No. ACM 24045, 2025 CCA LEXIS 298 (A.F. Ct. Crim. App. 30 Jun. 2025) (unpub. op.) (missing charges and their specifications required per R.C.M. 1101(a)(1)); *United States v. Mitton*, No. ACM 40616, 2025 CCA LEXIS 270 (A.F. Ct. Crim. App. 16 Jun. 2025) (unpub. op.) (incorrect reprimand language); *United States v. Mejia*, No. ACM 40497, 2025 CCA LEXIS 18 (A.F. Ct. Crim. App. 16 Jan. 2025) (unpub. op.) (incorrect reprimand

language and dates to deferment of appellant's reduction in rank); and *United States v. Ericson*, No. ACM 23045, 2024 CCA LEXIS 538 (A.F. Ct. Crim. App. 17 Dec. 2024) (unpub. op.) (missing specification required per R.C.M. 1101(a)(1) and incorrect plea).

Convening Authority Failure to Take Action on Sentence: In one case, the convening authority signed a Decision on Action Memorandum in which he approved the sentence in its entirety, but later replaced that memorandum with a second memorandum in which he suspended the adjudged forfeitures and waived the automatic forfeitures but did not approve the remainder of the sentence. AFCCA tested for prejudice but found none. See *United States v. Dillon*, No. ACM 40363, 2024 CCA LEXIS 322 (A.F. Ct. Crim. App. (2 Aug. 2024) (unpub. op.).

(6) Cases in Which Provisions of the UCMJ Were Found to be Unconstitutional:  
None

(7) Cases in Which AFCCA Made a Final Determination that a Finding of a Court-Martial was Clearly Against the Weight of the Evidence: AFCCA applied the new standard of review for factual sufficiency in 13 cases. In doing so, it concluded that convictions in six cases were clearly against the weight of the evidence as set out in Section 542 of the William M. (Mac) Thornberry National Defense Authorization Act (NDAA) for FY 2021. See *United States v. Slayton*, No. ACM 40583, 2025 CCA LEXIS 427 (A.F. Ct. Crim. App. 8 Sep. 2025) (unpub. op.) (sexual assault); *United States v. Kim*, No. ACM 24007, 2025 CCA LEXIS 386 (A.F. Ct. Crim. App. 15 Aug. 2025) (unpub. op.) (two specifications of sexual abusive contact); *United States v. Hunt*, No. ACM 40563, 2025 CCA LEXIS 215 (A.F. Ct. Crim. App. 16 May 2025) (unpub. op.) (sexual assault); *United States v. Caswell*, No. ACM 23035, 2025 CCA LEXIS 98 (A.F. Ct. Crim. App. 17 Mar. 2025) (unpub. op.) (unlawful carrying of concealed weapon); *United States v. Serjak*, No. ACM 40392, 2025 CCA LEXIS 524 (A.F. Ct. Crim. App. 11 Dec. 2024) (unpub. op.) (sexual assault); and *United States v. Moore*, No. ACM 40442 (f rev), 2024 CCA LEXIS 485 (A.F. Ct. Crim. App. 13 Nov. 2024) (unpub. op.) (sexual assault).

During FY 2025, AFCCA reviewed 23 cases under the previous factual sufficiency standard of review under Article 66, UCMJ, *Manual for Courts-Martial, United States* (2019 ed.), finding convictions to be factually insufficient in five of those cases. See *United States v. Clark*, No. ACM 40540, 2025 CCA LEXIS 208 (A.F. Ct. Crim. App. 13 May 2025) (unpub. op.) (extramarital sexual conduct; defecating on floor of military facility and recording herself); *United States v. Henderson*, No. ACM 40419, 2025 CCA LEXIS 172 (A.F. Ct. Crim. App. 18 Apr. 2025) (unpub. op.) (wrongfully attempting to develop sexual relationships and wrongfully making sexual advances in violation of Article 92(1), UCMJ); *United States v. Kershaw*, No. ACM 40455(f rev), 2025 CCA LEXIS 205 (A.F. Ct. Crim. App. 27 Mar. 2025)

(unpub. op.) (sexual abuse of a child); *United States v. Ching*, No. ACM 40590, 2025 CCA LEXIS 87 (A.F. Ct. Crim. App. 7 Mar. 2025) (unpub. op.) (disobeying a superior commissioned officer on divers occasions); and *United States v. Hennessy*, No. ACM 40439, 2024 CCA LEXIS 503 (A.F. Ct. Crim. App. 25 Nov. 2024) (unpub. op.) (sexual assault).

#### **IV. MEASURES IMPLEMENTED BY THE AIR FORCE TO ENSURE THE ABILITY OF JUDGE ADVOCATES TO PARTICIPATE COMPETENTLY IN CAPITAL CASES, NATIONAL SECURITY CASES, SEXUAL ASSAULT CASES, AND MILITARY COMMISSIONS**

##### ***a. Judge Advocate Professional Development***

Judge advocate and paralegal professional development is coordinated by TJAG's Professional Development Directorate (JAX), which is responsible for the administration of human capital policies, standards, and processes involving JAG Corps force management, manpower and organization, deployment taskings, assignments, and officer recruiting and accessions.

In FY 2025, the JAG Corps continued to implement and further develop the new military justice professional development model, called the Career Litigation Development Program (CLDP), to ably resource and manage military justice assignments and litigation opportunities to ensure judge advocates are sufficiently adept and experienced at serving in critical roles in the military justice system over the course of a career. The CLDP deliberately vectors certain judge advocates through successive military justice-focused assignments to create and maintain specialists in litigation and the administration of military justice. These assignments include positions where judge advocates represent individuals or the United States in trial-level litigation and appellate proceedings, develop military justice policy, serve as military justice instructors and military judges, and advise on or administer matters across the continuum of discipline.

The CLDP establishes five levels of competency, with special designations and training requirements at each level. This model incorporates achievable processes to measure, track, and develop expertise in all aspects of litigation, including prosecution, defense, and victim representation functions. This model is designed to ensure that highly capable and experienced judge advocates are involved in every stage of the military justice process across the continuum of rank and responsibility over the course of a military career. Training is provided at each level to ensure expertise in military justice. In addition to the courses hosted by AFJAGS set out below, the DAF supports attendance to specialized training in joint and civilian environments on an as needed basis that focus on national security and capital punishment litigation.

In addition to implementing the CLDP, the DAF, through the JAG Corps, continued to resource OSTC, as directed by the FY22 NDAA and further implemented by Executive Order 14103. The mission of OSTC is to provide expert,

specialized, independent, and ethical representation of the United States in the investigation and trial-level litigation of covered offenses as prescribed by Article 1(17), UCMJ. Although OSTC is independently organized under the Secretary of the Air Force, the JAG Corps is responsible for organizing, training, resourcing, and equipping OSTC.

To ensure qualified and experienced judge advocates are assigned to roles within OSTC, the JAG Corps has developed a robust staffing process for this office. This includes an assignment selection process which analyzes multiple data points, including prior military justice experience and duties, military justice and litigation training, criminal justice experience prior to military service, the number and types of courts-martial and other proceedings participated in, military grade and assignment history, temperament and interpersonal qualities, levels of civilian and military education, and personal interest in criminal litigation. After these factors are considered, candidates are vetted with OSTC's leadership for fitness for duty in the position based on a holistic review of each candidate's experience, expertise, and acumen for litigation. Once the most qualified candidates are identified for OSTC, TJAG personally assesses their qualifications and assigns them to duty within OSTC.

In addition to this selection process, judge advocates selected for OSTC positions are also required to complete a foundational Special Trial Counsel (STC) qualification course before performing duties. OSTC leadership continuously monitors the performance of each judge advocate assigned to OSTC to ensure the requisite proficiency and performance is maintained. Should assigned judge advocates fail to maintain those proficiency standards, procedures have been established for the removal of those judge advocates from these positions as necessary. Fixed terms of three-year assignments have been established for OSTC positions to ensure judge advocates develop and maintain optimal effectiveness.

Concerning OSTC manning, the assigned cadre of 38 judge advocates is dedicated to the investigation and prosecution of covered offenses. Additionally, the JAG Corps has a Secretary of the Air Force-approved resourcing plan to increase OSTC staffing through FY 2027 to meet anticipated increases in reports of covered offenses, investigations, and courts-martial.

***b. Trial Counsel***

***(1) Office of Special Trial Counsel:***

FY 2025 marked OSTC's first full fiscal year of operations following the unit reaching full operational capability on 28 December 2023. Throughout FY 2025, OSTC utilized Congressionally granted authorities to provide expert, independent, and ethical representation of the United States in the investigation and trial-level litigation of covered, known, and related offenses. OSTC's FY 2025 operations included the provision of litigation support for those offenses alleged to have occurred before 28 December 2023 which were being prosecuted under command

authority, the exercise of discretionary, statutory authority over offenses not previously disposed of by command, and the exercise of exclusive, statutory authority over offenses alleged to have occurred on or after 28 December 2023. By the end of FY 2025, OSTC operations were focused almost exclusively on cases involving offenses under the unit's statutory authority as older, command-referred offenses proceeded through court-martial.

In FY 2025, Headquarters (HQ) OSTC moved from its temporary home at Joint Base Anacostia-Bolling, Washington, D.C., to its permanent location in the Jones Building at Joint Base Andrews, Maryland. In addition to the HQ location, OSTC operates six District offices throughout the world. Each District office is led by a Colonel (O-6) or Lieutenant Colonel (O-5) District Chief with significant military justice experience. The District Chiefs each lead a staff of Special Trial Counsel (STC) and OSTC paralegals. STCs serve on Investigation and Prosecution Support Teams (IPSTs) and in litigation roles, supporting the investigation and leading the prosecution of covered, known, and related offenses. OSTC exercises authority over 14 categories of criminal offenses from notice of an allegation until trial adjournment or deferral to command.

In FY 2025, TJAG, at the recommendation of the Lead Special Trial Counsel (LSTC), certified 19 new STCs to reach a total of 61 active-duty and reserve STCs certified to perform STC duties worldwide. STC candidates were selected based upon their skill as litigators with substantial training, experience, and demonstrated proficiency in executing, overseeing, and supervising litigation duties across the spectrum of courts-martial but particularly in special victims' cases.

The DAF also conducted its third annual STC Qualification Course in FY 2025. The STC Qualification Course included lectures and practical exercises, testing the candidate's knowledge and ability to manage the investigation and prosecution of covered offenses. The STC Qualification Course culminated in a final exam, through which candidates demonstrated their understanding of how to effectively prosecute offenses such as interpersonal violence, sexual assault, child abuse and exploitation; and an understanding of the Uniform Rules of Practice before the Air Force Courts-Martial, the Manual for Courts-Martial (MCM), and other applicable law and policy. In addition to the Qualification Course, all STC candidates underwent a panel interview with sitting STCs and were required to have participated in two additional advanced litigation training courses prior to certification as an STC.

In accordance with the initial DAF OSTC stand-up plan, OSTC continued to grow in FY 2025, adding eight new STC billets and three new paralegal positions as the unit remains on target to reach end-state manning goals in FY 2027. In the interim, OSTC continues to rely on support from qualified reserve component STCs who are capably filling IPST and litigation roles within the unit.

With this growth, OSTC renewed focus on IPST duties in FY25, ensuring earlier integration of OSTC personnel with both military and civilian investigative

agencies, as well as with local legal offices, to ensure crucial investigation steps were completed in covered, known, and related offense cases. On average from 1 October 2024 to 30 September 2025, OSTC managed a daily caseload of almost 1,000 IPST cases involving covered, known, and related offenses.

(2) District Trial Counsel:

District Trial Counsel (DTCs) are responsible for serving as senior litigation support for non-covered offense cases throughout the DAF. DTCs assist installation level prosecutors with reviewing evidence, consulting with investigators, preparing documentary evidence and witnesses for trial, and by serving as lead prosecutors in court. TJAG assigns judge advocates to serve as DTCs only after significant vetting and based on recommendations from the JAG Corps' Director of Military Justice and Discipline, its Chief Prosecutor, and its Professional Development Directorate.

Under the supervision of the O-6 Chief Prosecutor, the DTC program consists of six experienced trial practitioners strategically located throughout the world. DTCs are supervised by the Director of Operations of the Government Trial and Appellate Operations Division (JAJG), who is the focal point for issues related to the training and prosecution of complex non-covered offense cases.

*c. Defense Counsel*

The Trial Defense Division (JAJD) provides criminal defense services for eligible Airmen and Guardians within the DAF. The Division Chief, together with the Deputy Chief and Division Manager, oversee trial defense operations from Joint Base Andrews, Maryland. Trial defense services are provided by the Division's worldwide team of Area Defense Counsel, Defense Paralegals, Senior Defense Counsel, Chief District Defense Counsel, Defense Investigators, and Defense Paralegal Managers. Also included within the Division is the Defense Counsel Assistance Program, which consists of a civilian employee in the grade of GS-15 who provides training, resources, and assistance for defense counsel worldwide. To maintain independence, the reporting and supervisory chain for defense counsel goes through the Director of Military Justice and Discipline, through the Commander of the JAG Corps' Field Operating Agency, to TJAG.

In addition to the Air Force Rules of Professional Conduct and their respective state bar rules, JAJD personnel must comply with the Trial Defense Division Charter, which defines the type of defense services that may be provided by Division personnel and makes clear to whom those services may be provided. The Division's Charter also provides guidance to defense counsel and their teams as they represent clients.

Area Defense Counsel assigned at bases worldwide represent Airmen and Guardians who are facing adverse actions ranging from administrative personnel matters to courts-martial. Area Defense Counsel begin their defense careers by defending individual clients in matters such as nonjudicial punishment, and by usually acting as

second-chair defense counsel on courts-martial while being supervised by a Senior Defense Counsel. Senior Defense Counsel mentor Area Defense Counsel and are detailed as lead counsel in more complex cases or cases where an Area Defense Counsel has requested assistance. As Area Defense Counsel increase their skill and experience, their supervising Senior Defense Counsel and Chief District Defense Counsel may deem them ready to defend court-martial clients alone or to act as lead defense counsel at trial along with a more junior Area Defense Counsel serving as second chair.

During most of FY 2025, in addition to the four leadership positions previously noted, JAJD consisted of 83 Area Defense Counsel, 72 Defense Paralegals, 15 Senior Defense Counsel, three Defense Paralegal Managers, six Chief District Defense Counsel, and seven Defense Investigators. Each Chief District Defense Counsel leads Division personnel who fall within their respective districts. There are four districts in the Continental United States (CONUS) (Districts 1 through 4), one encompassing United States Air Forces Europe (USAFE) (District 5), and another consisting of Pacific Air Forces (PACAF) installations (District 6). The three Defense Paralegal Managers are assigned to Districts 1 and 5, Districts 2 and 6, and Districts 3 and 4, respectively.

Defense investigators were initially projected to be assigned to eight billets worldwide, but only seven were filled; the unfilled billet was eliminated as part of directed reductions to the JAG Corps' civilian positions. In FY 2025, defense investigators assisted defense counsel with development of investigative strategies, conducted witness interviews, and provided formal and informal instruction on how to best capture evidence that might be of use at courts-martial or in other adverse proceedings. Joint Base Langley-Eustis, Virginia (District 1), Travis Air Force Base, California (District 2), and Joint Base San Antonio-Randolph, Texas (Districts 3 and 4), each served as home station for two defense investigator billets responsible for investigations within their CONUS districts. Ramstein Air Base, Germany (District 5), and Kadena Air Base, Japan (District 6), were each intended to serve as home station for a single defense investigator who would assist, respectively, on cases arising in the USAFE and PACAF major commands. The civilian hiring freeze, however, resulted in JAJD's inability to fill the District 6 defense investigator billet. With that billet eliminated, JAJD's practitioners in District 6 received defense investigative services through support from the other five districts' defense investigators.

Throughout FY 2025, JAJD personnel continued to demonstrate excellence while serving as advocates and representatives for their clients. The continuing success of the DAF's Area Defense Counsel program is largely attributable to its independence and the effective and zealous advocacy of assigned personnel. Training remains a top priority to ensure effective, quality representation of clients and to maintain a team of defense counsel with the right skills and experience to ensure outstanding advocacy even in the most complex cases, including those involving allegations of sexual assault and domestic violence.

In FY 2025, all new JAJD personnel attended one of two Defense Orientation Courses (DOC) that were held at the Air Force Judge Advocate General's School (AFJAGS). DOC is designed to train new Area Defense Counsel and Defense Paralegals on client and office management as well as on defense-specific advocacy concepts. DOC is taught by experienced Senior Defense Counsel and Defense Paralegals. Some Area Defense Counsel also had the opportunity to attend the two-week Trial and Defense Advocacy Course (TDAC). TDAC was hosted by the AFJAGS twice in FY 2025. It is a more intensive advocacy course, providing both prosecutors and Area Defense Counsel an opportunity for practical, scenario-based training and an opportunity to obtain constructive feedback from more experienced litigators. TDAC challenges prosecutors and Area Defense Counsel by having them prepare and execute each stage of trial, from voir dire to the sentencing phase.

AFJAGS also hosted the Advanced Sexual Assault Litigation Course (ASALC)/Advanced Trial Advocacy Course (ATAC) in FY 2025. This course was attended by some Area Defense Counsel and some Senior Defense Counsel, as well as their prosecutor counterparts. ASALC/ATAC is taught by experienced litigators, an acting coach, and forensic experts from inside and outside of the Department of Defense (DoD). The goal of the course is to further hone the skills of our more seasoned practitioners by allowing them to practice advanced trial advocacy techniques.

In FY 2025, JAJD hosted its second Senior Defense Counsel Qualification Course. This one-week course was designed by JAJD personnel and approved by TJAG as the trial defense counterpart to a similar course designed to train senior prosecutors selected for assignment within OSTC. The course took place at AFJAGS in May 2025. Incoming Senior Defense Counsel received training on how to lead and develop the defense counsel and defense paralegals they are expected to supervise, both in and out of the courtroom. Additionally, judge advocates who were selected for assignment as Senior Defense Counsel were trained on, and required to demonstrate knowledge of, the law and a high degree of competence in trial litigation through exercises and a written examination. A passing score, as certified by the Chief, JAJD, was required before Senior Defense Counsel candidates were designated as fully trained and prepared to supervise others in the representation of Airmen and Guardians.

In FY 2025, JAJD also conducted five virtual litigation training events, referred to as District Advocacy Remote Trainings (DARTs). These DARTs provided advanced advocacy and leadership training to defense counsel and paralegals, as well as an opportunity for leadership to connect, via virtual means, with geographically separated personnel.

As fully implemented in FY 2024, JAJD gained the authority to independently authorize and employ experts for trial preparation with the appointment of seven Defense Expert Authorization Officials (DEAOs). These seven DEAOs are assigned to JAJD and, at a minimum, hold the position of Chief District Defense Counsel. DEAOs authorize or deny expert requests submitted by defense counsel. Authorized

requests are funded by the general court-martial convening authority over the relevant case.

*d. Victims' Counsel*

The Victims' Counsel Division (JAJS) maintained 49 operating locations worldwide with five Chief District Victims' Counsel, three District Paralegal Managers, 53 Victims' Counsel, and 48 Victims' Paralegals. Additionally, JAJS operated a headquarters office at Joint Base Andrews comprised of an O-6 Division Chief, an O-5 Deputy Chief, a GS-14 Chief of Appellate and Outreach, an O-4 Chief of Training and Programs, and an E-8 Senior Paralegal Manager. To ensure independence, JAJS' reporting chain goes through the Director of Military Justice and Discipline, the FOA Commander, and then to TJAG.

JAJS represents victims of sexual assault, domestic violence, and interpersonal violence as authorized by the Secretary of the Air Force's inherent authority to direct the operations of the DAF. *See* 10 U.S.C. § 9013 and 10 U.S.C. § 1044. Additionally, the Secretary of the Air Force has authorized exceptions to statutory eligibility requirements on a case-by-case basis. Finally, in accordance with TJAG's authorities outlined in DAFI 51-101, *The Air Force Judge Advocate General's (AFJAG) Corps Operations, Accessions, and Professional Development*, para. 1.2, TJAG is responsible for recruiting, selecting, training, and assigning judge advocates and civilian attorneys within the DAF as Victims' Counsel.

All Victims' Counsel must attend the DAF Victims' Counsel Course (VCC), or another service's victims' counsel certification course, prior to representing clients. At the May 2025 VCC, hosted at AFJAGS, 28 incoming DAF VCs and 14 incoming DAF Victims' Paralegals received 55 hours of tailored instruction on the provision of advice and legal representation of adult and child victims of sex-related and domestic violence offenses and of adult victims of interpersonal violence. The course also included four Special Victims' Counsel from sister services. This year's VCC included tactical practitioners and subject matter experts, as well as a survivor's personal experience.

Throughout the year, JAJS sent Victims' Counsel and Victims' Paralegals to many different training opportunities and conferences. The Division and the individual Districts also held monthly training events. Additionally, Division personnel attended monthly training on the military justice appellate process, facilitated by the Chief, Training and Programs, and the Chief, Appellate and Outreach. Training topics included: the Office of Disability Counsel role; production of witnesses; working with child clients; negotiations and alternate dispute resolution; judicial disqualification; professional responsibility; and caselaw updates.

In October 2024, the Division held the Victims' Counsel Advocacy Course, which builds on what Victims' Counsel and Victims' Paralegals learn at VCC to further hone their litigation, advocacy, and client representation skills. This course was five weeks long, consisting of four weeks of virtual teaching blocks and motion-writing

exercises that culminated in a one-week in-person session in November 2024. Overall, 26 VCs and 18 VPs attended six hours of training during the virtual course, and 26 VCs attended 29 hours of training during the in-person course. Topics included Military Rule of Evidence (MRE) 412, MRE 513, standing, advocacy and communication, motion writing, writ petitions, and Victim Impact Statements. Further, VCs engaged in mock motions practice to refine their courtroom advocacy skills.

In February 2025, JAJG teamed with JAJD and JAJG to train at an Advanced Sexual Assault Litigation Course (ASALC). Nine VCs attended the course, which brought together hand-selected individuals from each division to further develop litigation skills necessary for success in prosecuting and defending sexual assault cases, such as effectively presenting expert testimony and evidence, developing proper victim interview techniques and methods for presenting victim testimony, and honing advanced methods, techniques and skills necessary to conduct effective direct and cross examination of an accused.

In April 2025, JAJG supported a joint-service training with sister-service Victims' Counsel programs in Europe. While initially slated as an in-person training event, due to FY 2025 budget constraints the training transitioned to a one-day virtual training. This training furthered DoD requirements of comprehensive and integrated Victims' Counsel training and to maintain currency on case law, common practice, and regulations among the services.

In addition to training, JAJG has engaged in robust appellate practice. During FY 2025, Victims' Counsel petitioned the AFCCA for writs of mandamus under Article 6b(e) six times, along with one writ-appeal petition filed at the Court of Appeals for the Armed Forces (CAAF). Victims' Counsel also filed one amicus brief at the Supreme Court of the United States. Additionally, in two cases motions were filed seeking AFCCA recognition of a victim's right to object to defense requests for enlargements of time at the appellate stage; when those options were denied, the Division filed two petitions for extraordinary relief with CAAF. Although these petitions were denied for lack of standing and jurisdiction, victims in those cases succeeded in highlighting the impact that the length of the process has on victims, even past a trial-level conviction, and on their Article 6b right to proceedings free from unreasonable delay.

*e. Appellate Government Counsel*

The Appellate Government section of JAJG is located at Joint Base Andrews, Maryland, and is responsible for representing the United States on all appeals before AFCCA and CAAF. The section reports to the Director of Military Justice and Discipline and is staffed by one O-6 Division Chief, who is dual-hatted as the DAF's Chief Prosecutor for non-covered offenses, one O-5 Director of Operations, six active duty Appellate Government Counsel, eight reserve Appellate Government Counsel, and one GS-15 civilian Associate Chief/Director of Appellate Operations. Additionally, Appellate Government has one active-duty paralegal and one civilian

paralegal. Appellate Government counsel represent the United States in Article 66 and Article 67, UCMJ, appeals of DAF court-martial convictions, and in Article 62, UCMJ, interlocutory appeals.

TJAG, in coordination with the Director of Military Justice and Discipline and the JAJG Division Chief, selects officers to be Appellate Government Counsel based upon their experience and capability with respect to litigation and legal writing. Appellate Government Counsel are generally O-3s and O-4s. Typically, Appellate Government counsel are chosen from officers currently serving as Special Trial Counsel, Area Defense Counsel, Victims' Counsel, or District Trial Counsel who are recognized for their ability and desire to serve as appellate counsel.

New Appellate Government Counsel participate in a JAJG orientation, as well as orientations with AFCCA and CAAF. During FY 2025, Appellate Government counsel attended the Annual Joint Appellate Advocacy Training, which provides valuable instruction on appellate advocacy from plenary speakers and allows for interaction with Appellate Government counsel from all services. All Appellate Government Counsel possess training and experience in litigating sexual assault cases. In addition, the JAJG Division Chief, Director of Operations, and Associate Chief hold Top Secret clearances in the event classified matters arise on appeal.

***f. Appellate Defense Counsel***

The Appellate Defense Division (JAJA) reports to the Director of Military Justice and Discipline, and is located at Joint Base Andrews, Maryland. JAJA is responsible for delivering superior appellate defense services to Airmen and Guardians on appeals to AFCCA, CAAF, and the Supreme Court of the United States. Appellate defense counsel are selected based upon experience and capability in litigation. In FY 2025, JAJA was staffed by one O-6 Division Chief, one O-5 Deputy Chief, ten active-duty Appellate Defense Counsel, two active-duty paralegals, two GS-15 Senior Appellate Defense Counsel, and eight reserve Appellate Defense Counsel.

In FY 2025, JAJA provided a two-day newcomer training course for incoming Appellate Defense Counsel and participated in an orientation with CAAF. Counsel provided instruction at the Joint Appellate Advocacy Training course at Fort McNair, Washington D.C., which was attended by appellate advocates from each of the military services. JAJA counsel also attended the Appellate Judges Education Institute Annual Summit in Boston, Massachusetts, the North Carolina Appellate Advocacy Training in Chapel Hill, North Carolina, and the CAAF Continuing Legal Education and Training Program in Arlington, Virginia. Additionally, JAJA continued to provide formal instruction for Senior Defense Counsel and Area Defense Counsel and collaborated with JAJD on 12 podcasts, five appellate update live trainings, and the creation of a joint Microsoft Teams virtual outreach forum.

***g. Air Force Judge Advocate General's School***

AFJAGS is the educational arm of the JAG Corps. Located at Maxwell Air Force Base, Alabama, AFJAGS provides education and training in all aspects of military legal practice to attorneys and paralegals from all military services, other federal agencies, and several foreign countries. AFJAGS faculty works in conjunction with subject matter experts across the Corps to design and deliver relevant and timely curriculum across the spectrum of legal operations, focusing on delivering mission-ready legal practitioners to the Air Force and Space Force. AFJAGS hosts initial skills training for new judge advocates and paralegals, the latter of which is accredited by the Community College of the Air Force and counts as credit towards an Associate's Degree. In total, AFJAGS hosts approximately 67 courses each year.

Military justice instruction topics include advocacy, administration, rules of evidence, rules of criminal procedure, and sexual assault and domestic violence policies and response. AFJAGS also hosts courses in which judge advocates earn certifications required for advanced litigation practice, such as the Victims' Counsel Course and the OSTC Qualification Course.

AFJAGS also plays a critical role in educating Air Force and Space Force commanders and senior leaders in the law, to include providing congressionally mandated military justice training for wing, deputy wing, and group commanders (and Space Force equivalents) at the Senior Officer Legal Orientation Course. Similarly, senior DAF enlisted leaders receive essential military justice training at the Senior Enlisted Legal Orientation Course and at the Chief's Leadership Course, while enlisted leaders selected as First Sergeants attend military justice training at AFJAGS as part of the First Sergeant's Academy curriculum. In FY 2025, AFJAGS expanded its offerings across Air University by integrating with the Warrant Officer Training School, assuming responsibility for the legal education of warrant officer candidates, including 18 students in the fourth quarter of the fiscal year.

Faculty members also provide instruction on military justice for the schools and colleges across Air University, the DAF's center for professional military education. During FY 2025, AFJAGS faculty members instructed more than 9,000 students at these military academic institutions on the most up-to-date military justice law and policy.

AFJAGS' flagship publication, *The Military Commander and the Law*, continues to serve as a vital resource for Air and Space Force commanders, senior enlisted leaders, and leaders at every level. It provides clear and comprehensive guidance on law and policy across all legal domains. The 2025 edition is available online. Additionally, AFJAGS published 16 articles and podcast transcripts through the Air Force JAG Corps' e-magazine, *The JAG Reporter*, reaching more than 20,000 users. The articles published this year focused on the use of artificial intelligence, fostering the warrior ethos, and generating combat airpower. AFJAGS produced 39 webcasts spanning a wide breadth of legal topics. These webcasts are available "on demand" through AFJAGS' web-based learning management system accessible to all members of the JAG Corps. Finally, since 2023 AFJAGS has provided a video

advocacy series showcasing and demonstrating trial advocacy techniques for junior judge advocates, adding six new videos to the collection in FY 2025.

AFJAGS provided instruction to more than 2,300 students in FY25 through in-residence courses, distance education courses, and as guest instructors across Air University. With more than 67 course offerings, the following courses devoted resources to military justice-related topics:

Advanced Sexual Assault Litigation Course
Air Command and Staff College Law Day
Annual Survey of the Law
Chaplain’s College (Basic, Deputy Wing, and Wing Chaplain Courses)
Chief’s Leadership Course
Civilian Legal Orientation Course
Court Reporter Course
Defense Orientation Course (new Area Defense Counsel and Defense Paralegals)
First Sergeant’s Academy Law Day
Gateway (intermediate leadership course for Air Force JAG Corps FGOs)
Guardian Orientation Course
International Officers School U.S. Law Day
Judge Advocate Staff Officer Course (initial training for new judge advocates)
Law Office Management Course
Leadership Development Course for Squadron Command
Military Justice Administration Course
Office of Special Trial Counsel Initial Qualification Course
Paralegal Advanced Developmental Education Course
Paralegal Apprentice Course
Paralegal Craftsman Course
Senior Enlisted Legal Orientation Course
Senior Officer Legal Orientation Course
Squadron Officer School – A-Staff Breakout
Staff Judge Advocate Course
Training by Reservists in Advocacy and Litigation Skills (multiple iterations per year)
Trial and Defense Advocacy Course
Victim/Witness Assistance Program Course
Victims’ Counsel Advocacy Course

Several of the courses listed above involve a specific focus on sexual assault litigation using practical applications focusing on sexual assault cases: Judge Advocate Staff Officer Course, Trial and Defense Advocacy Course, Advanced Sexual Assault

Litigation Course, and Training by Reservists in Advocacy and Litigation Skills. In addition, other courses, such as the Defense Orientation Course and Military Justice Administration Course contain critical updates to the law as it pertains to sexual assault in the military.

***h. Military Justice Law and Policy Division***

The Military Justice Law and Policy Division (JAJM) provides military justice administration and support across the JAG Corps and is the lead on issues related to the establishment of military justice law and policy. Reporting to the Director of Military Justice and Discipline, an O-6 leads JAJM and serves a dual role as the Division Chief and as the DAF's voting group member for the DoD's Joint Service Committee on Military Justice (JSC).

At the conclusion of FY 2025, JAJM's rewrite of the DAF's fundamental military justice policy instruction, DAFI 51-201, *Administration of Military Justice*, was in its final stages. This rewrite updates various amendments to the UCMJ and the Manual for Courts-Martial, provides additional guidance on OSTC and STC coordination, updates sexual assault and collateral misconduct definitions, and clarifies timelines for education requirements for Air Reserve Component practitioners. Because some provisions required immediate fielding and could not wait for the instruction's rewrite, JAJM also drafted and published a new guidance memorandum to DAFI 51-201 which updated qualifications for Preliminary Hearing Officers, clarified the location of administrative templates, provided additional guidance regarding post-trial processing, and included more resources to assist in compliance with Article 140a requirements.

JAJM also published guidance memoranda and updates to DAFI 51-202, *Nonjudicial Punishment*, which clarified offense dates of discovery and processing timelines, updates to DAFI 51-207, *Victim and Witness Rights and Procedures*, which clarified notification requirements and expert requests, and updates to DAFMAN 51-203, *Records of Trial*, which added additional post-trial records verifications and implemented additional procedures to move the DAF toward fully-electronic records of trial. JAJM also updated the DAF Forms 3070A-D, which record non-judicial punishments, to include Space Force verbiage and remove obsolete steps from the process.

JAJM reviewed Executive Orders for military justice impact and aided in incorporating changes to align with Presidential Executive Order 14151, *Ending Radical and Wasteful Government DEI Programs and Preferencing*.

JAJM continued to improve military justice-related education and training for practitioners. JAJM provided regular "Back to Basics" education on various current topic issues. JAJM hosted bi-annual training for the Military Justice Administration Course (MJAC) and Victim and Witness Assistance Program (VWAP) Symposium. MJAC provides training to judge advocates and paralegals who are currently or soon

will be the Chief of Military Justice or the Noncommissioned Officer in Charge of Military Justice on managing a base-level military justice section, including how to administratively process a case from the initial stages of the investigation through the post-trial phase.

JAJM also created the Preliminary Hearing Officer/Legal Advisor (PHO/LA) Training Course for officers who will serve as Preliminary Hearing Officers for an Article 32, UCMJ, Preliminary Hearing or as Legal Advisors at an administrative separation board. JAJM also modified this training to accommodate Air Reserve Component (ARC) legal professionals by combining pre-recorded lectures and monthly virtual seminars to ensure compliance with ARC PHO/LA qualifications. DAF's PHO/LA Pool became fully operational in FY 2025 as well, allowing installations to easily find qualified and certified PHOs and Legal Advisors.

Finally, JAJM provided timely notice and advice to the field about matters of military justice law and policy. JAJM built and manages a JAG Corps-wide Microsoft Teams page to facilitate streamlined access to military justice-related policy updates, while also allowing direct subject matter expert engagement, for military justice practitioners in the field. Each year, JAJM answers hundreds of questions from practitioners across the DAF on all aspects of military justice practice from legal offices at all levels. JAJM also sends out regular policy updates through JAJM's Teams virtual forum and the JAG Corps Online News Service, a weekly newsletter digitally distributed to all members of the JAG Corps.

*i. Trial and Appellate Judiciary*

(1) Trial Judges:

The Chief Trial Judge, located at Joint Base Andrews, Maryland, manages the Air Force Trial Judiciary (JAT), which includes judges assigned to JAT Headquarters and to the six judicial districts, as well as all court reporter functions around the world. Chief District Military Judges supervise judges within each district. Fourteen active-duty trial judges and four reserve trial judges are stationed in the CONUS. Four trial judges are stationed in two overseas districts: two in Europe and two in the Pacific.

The National Defense Authorization Act for Fiscal Year 2022 (FY22 NDAA), which became effective on 27 December 2023, requires sentencing by the military judge in all courts-martial in which all offenses for which accused service members are convicted occurred on or after 28 December 2023. Accordingly, the majority of courts-martial now involve military judge-alone sentencing even where the accused elects a panel of members for the findings portion of trial. The FY22 NDAA also directed the President to establish sentencing parameters and criteria for cases requiring military judge-alone sentencing. These sentencing parameters and criteria were developed by a board composed of the Chief Trial Judge from each service and went into effect via Executive Order 14103 on 28 July 2023. The parameters and criteria are analogous to the Federal Sentencing Guidelines utilized in United States

District Courts, and provide increased consistency, regularity, and predictability in court-martial sentences.

During FY 2024 and into FY 2025, to improve the accuracy and timeliness of DAF court-martial post-trial processing, JAT collaborated with JAJM to design and implement a SharePoint-based Dashboard to track courts-martial from the date of sentencing or acquittal until appellate review is complete. This Dashboard allows users to view the status of all courts-martial in the various stages of post-trial processing and quickly identify cases nearing post-trial processing milestones contained in DAFI 51-201 and *United States v. Livak*. JAT also developed an End of Trial Documents Checklist for use by court-reporters and installation-level Trial Counsel immediately following trial to ensure accountability for all documents required for inclusion in records of trial. TJAG directed use of both the Dashboard and End of Trial Documents Checklist in DAFI 51-201. In parallel with these efforts, JAT revamped DAF-wide requirements to ensure compliance with R.C.M. 1112, *Certification of Record of Trial*, and codified these new requirements for all practitioners within the Uniform Rules of Practice Before DAF Courts-Martial. Additionally, 2025 was the first full year of implementation and use for these tools, and empirical data shows they have greatly reduced post-trial processing timelines and prevented post-trial processing errors that would otherwise have resulted in records of trial being returned to the Trial Judiciary for correction.

JAT also works closely with judges in the other services to ensure a standardized application of military law and procedure across criminal trials conducted throughout the DoD. To that end, members of the Trial Judiciary attend the Military Judges' Course at the U.S. Army Judge Advocate General's Legal Center and School in Charlottesville, Virginia. The three-week course prepares judge advocates from all services for their roles as trial and appellate military judges. The course provides detailed instruction on substantive and procedural criminal law, and judicial ethics and responsibilities.

Each year, the Air Force's Trial Judiciary trains alongside all trial judges in the Department of Defense and United States Coast Guard. Each year, the Navy Trial Judiciary and Air Force Trial Judiciary alternate hosting the annual Joint Military Judges Annual Training (JMJAT). In 2025, the Navy Trial Judiciary hosted JMJAT in-person at Naval Air Station North Island in San Diego, California. Instruction included classes on sentencing evidence and methodology, updates to the Military Rules of Evidence and Rules for Courts-Martial, ethics issues involving social media, recent appellate cases, and authorities for military judges to issue pre-referral orders and warrants for electronically stored information.

## (2) Appellate Military Judges:

During FY 2025, the number of active-duty appellate military judges assigned to the AFCCA varied from eight to nine due to pending retirements but generally remained constant at nine, and the number of reserve appellate military judges went from five to four by the end of the fiscal year.

One AFCCA judge served on the United States Court of Military Commissions Review (USCMCR) in FY 2025. As this one appellate judge was retiring during FY 2025, three new appellate judges were nominated to serve on the USCMCR. The USCMCR hears appeals in cases convened under the Military Commissions Act of 2009. The USCMCR not only hears cases with a finding of guilty from military tribunals at Guantanamo Bay but also hears appeals on issues taken prior to and during trial.

Tenure for appellate military judges assigned to a service court of criminal appeals is for a minimum of three years, except under certain circumstances. *See* Article 66(a), UCMJ, 10 U.S.C. § 866(a); R.C.M. 1203(a); JT. CT. CRIM. APP. R. 1(c).

Judge advocates designated for assignment as military appellate judges are required to attend the three-week Military Judges' Course at The Army Judge Advocate General's Legal Center and School (TJAGLCS) in Charlottesville, Virginia, which occurs once a year in June. Three new appellate judges attended the TJAGLCS course in June 2025. AFCCA also conducts in-house initial training for newly assigned appellate judges.

Five court personnel attended the Appellate Judges Education Institute (AJEI) Annual Training in Boston, Massachusetts, from 14–17 November 2024. One appellate judge participated as a judge in the National Military Trial Competition at the Syracuse University College of Law from 21–23 March 2025, coordinated and funded by the Professional Development Directorate's Recruiting Branch (JAX). Several court personnel attended the annual CAAF Continuing Legal Education and Training Program, held on 14–15 May 2025, at the Antonin Scalia Law School at George Mason University. Three appellate judges were scheduled to attend the 66th New Appellate Judges Seminar from 13–18 July 2025, at the New York University School of Law; however, due to budget cuts within the JAG Corps, the judges were unable to attend. AFCCA personnel attended the annual William S. Fulton Jr. Appellate Military Judges' Conference on 16–17 September 2025, hosted by the U.S. Navy-Marine Corps Court of Criminal Appeals, at the Admiral Gooding Center, Washington Navy Yard, Washington, D.C. This is a joint training event for all appellate military judges and their staff attorneys. The Courts of Criminal Appeals take turns hosting this training event.

Additionally, the court support staff consists of a Clerk of the Court, two active-duty commissioners, one reserve commissioner, and one civilian paralegal during FY 2025. One commissioner was detailed to the U.S. Attorney's Office for the District of Columbia, a temporary assignment that is slated to end in February 2026. A military paralegal position has been vacant since July 2021, and the assignment of a new military paralegal was impacted by the freeze on CONUS-to-CONUS permanent change of station moves until January 2026. The court also hosted one Fall 2024 and two Summer 2025 law students (externs) assigned under the JAX Intern/Extern Program.

**V. INDEPENDENT VIEWS OF THE JUDGE ADVOCATE GENERAL AS TO THE SUFFICIENCY OF RESOURCES, INCLUDING TOTAL WORKFORCE, FUNDING, TRAINING, AND OFFICER AND ENLISTED GRADE STRUCTURE, TO CAPABLY PERFORM MILITARY JUSTICE FUNCTIONS**

***a. Total Workforce***

The JAG Corps has approximately 1,235 judge advocates and 882 paralegals on active duty, who are assigned to various roles in support of military justice functions, on an annual basis. Company grade officers (O-1 to O-3) make up approximately 44 percent (549) of the JAG Corps' officers. Approximately 29 percent (362) of the JAG Corps' officers are majors (O-4) and approximately 16 percent (207) are lieutenant colonels (O-5). Colonels (O-6) and above, including one major general (O-8)<sup>1</sup> and three brigadier generals (O-7), comprise approximately nine percent (121) of the JAG Corps' judge advocates. All judge advocates and paralegals begin their careers as trial counsel and military justice technicians in support of military justice functions and the prosecution of courts-martial. Currently, the JAG Corps has more than 500 personnel dedicated to specialized military justice positions, including those referenced throughout this report. Opportunities in civil litigation across the JAG Corps also contribute to a robust cadre of experienced litigators. Additionally, as described above, JAG Corps personnel may now, more than ever, specialize in military justice and litigation positions at levels of increasing responsibility and expertise as they continue in their careers with the addition of the CLDP.

***b. Funding***

The JAG Corps, through its headquarters function (AF/JA), has been highly successful in covering expenses, especially those related to military justice. In FY 2025, AF/JA was successful in securing sufficient funding to cover all relevant expenses, despite a year-long continuing resolution and receiving its programmed funding late in the fiscal year. A few highlights include OSTC and the emerging technology requirements.

Although OSTC is independently organized under the Secretary of the Air Force, AF/JA is responsible for organizing, training, resourcing, and equipping the requirements of OSTC. In FY 2023, the OSTC stand-up cost approximately \$4 million, which was resourced organically by AF/JA. In FY 2024, OSTC costs were approximately \$6 million, and the costs were slightly less for FY 2025. It is estimated that once the OSTC achieves its projected end state, it will cost about \$8 million annually. Although on paper AF/JA was able to secure an increase in its total obligation authority to account for OSTC requirements, significant budget cuts prevented AF/JA from actually obtaining those funds in FY 2025. If there are no

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<sup>1</sup> During most of FY 2025, the Deputy Judge Advocate General served dual roles. From February 2025 through the end of FY 2025, the Deputy Judge Advocate General was also designated by the Secretary of the Air Force to perform the duties of The Judge Advocate General.

further budget cuts, AF/JA expects to receive \$8 million each year to cover OSTC costs.

To address the emerging military justice technology requirements, the DAF contracted for DCMS in FY 2020. DCMS is the replacement program for AMJAMS, the JAG Corps' legacy military justice management system. The contract for DCMS was awarded in FY 2021 to begin the implementation and covers the cost of licensing, cloud hosting, and sustainment of the system. The DAF has fully transitioned its management of military justice cases from the legacy AMJAMS to DCMS. The JAG Corps secured funding in FY 2022 through FY 2024 to cover the cost of the initial iterations of the DCMS program and has been approved for funding for the next five years to cover the sustainment costs.

**c. *Training***

Judge advocates and paralegals are well and deliberately trained and developed throughout their careers, both at the local and enterprise level. In coordination with subject matter experts and AFJAGS, JAX continuously reviews, updates, and develops curriculum to meet the needs of the JAG Corps, thus ensuring currency and relevance in continuing education needs.

JAX centrally manages JAG Corps attendance at military justice courses within the JAG Corps and at Sister Service schools. In FY 2025, JAX selected 874 students to attend courses with military justice training topics—many students attend multiple courses during the year. AF/JA also implemented the Preliminary Hearing Officer-Legal Advisor Training Course, a course aimed at providing Field Grade Officers certified under Article 27(b), UCMJ, with vital advanced training on the rules and procedures governing their participation as Preliminary Hearing Officers during preliminary hearings conducted in accordance with Article 32, UCMJ and Legal Advisors in administrative discharge boards, certifying 258 Preliminary Hearing Officers.

Further, JAX revamped the trial and defense counsel certification process for judge advocates. To qualify for certification as trial and defense counsel, judge advocates must demonstrate competence to perform the duties of trial and defense counsel through demonstrated comprehension of fundamental principles of military criminal law and procedure, demonstrated competence of fundamental trial skills, and graduate from Judge Advocate Staff Officer Course (JASOC). In FY 2025, 258 judge advocates were certified.

**d. *Officer and Enlisted Grade Structure***

Area Defense Counsel and Victims' Counsel generally serve in the grade of O-3. They are supported by Defense Paralegals and Victims' Paralegals, respectively, who serve in the grades of E-4 through E-7. Paralegals are not eligible to become Defense Paralegals and Victims' Paralegals until they meet certain professional requirements called "skill levels." Paralegals enter their first assignment at a skill level of three, and

they must gain the next skill level, five, through on-the-job training and by satisfying academic requirements. Once paralegals meet the five-level requirements, they are eligible for consideration to be selected as Defense Paralegals and Victims' Paralegals. The final level, seven, is achieved by qualifying for, attending, and completing a four-week in-residence course held at the AFJAGS.

Area Defense Counsel and Victims' Counsel are capable of advocating fully and zealously without regard to rank differences between counsel, their clients, and decision makers. Both have independent reporting chains from the installations they support, free of undue command influence. Area Defense Counsel report to Senior Defense Counsel, who generally serve in the grade of O-4 and are responsible for a geographic region, as noted above. Senior Defense Counsel, in turn, report to Chief District Defense Counsel, who serve in the grades of O-4 and O-5, depending on the size of the district to which they are assigned. Victims' Counsel report to Chief District Victims' Counsel, who serve in the grades of O-4 or O-5, depending on the size of the district to which they are assigned, and have a broader scope of responsibility in terms of personnel.

Judge advocates assigned to the Office of Military Commissions, to include the Judiciary, Convening Authority, Prosecutor, or Military Commissions Defense Organization, are generally in the grades of O-3 to O-5. Assigned judge advocates are supported by litigation paralegals, who serve in the grades of E-6 through E-7. Paralegals are not eligible to become litigation paralegals until they achieve the seven-skill level.

OSTC exercises authority over investigation and trial-level litigation of covered offenses independent of both DAF command structures and the JAG Corps. The LSTC, a brigadier general (O-7), reports directly to the Secretary of the Air Force without intervening authority. Assigned STCs are experienced, trained judge advocates who are generally in the grades of O-3 to O-4 and report to Chief Special Trial Counsel at each district location. The Chief Special Trial Counsel, generally in the grade of O-5, in turn report to the LSTC.

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## Conclusion

The exceptional performance of attorneys and legal professionals across the DAF JAG Corps during FY 2025 is clearly reflected in the notable accomplishments highlighted throughout this report.

The JAG Corps continues to evolve through increased ability of data management systems, revisions to key publications, continual improvement of comprehensive training programs, and enhanced experience of counsel for representation of all parties. The JAG Corps remains focused on ensuring competent legal representation and fair administration of justice within the DAF.

Appendix

**DEPARTMENT OF THE AIR FORCE MILITARY JUSTICE STATISTICS**

Report Period: FY 2025

<b>PART 1 – PENDING COURTS-MARTIAL [A]</b>			
TYPE COURT	PREFERRED AND PENDING DISPOSITION DECISION	REFERRED	TOTAL
GENERAL		91	
BCD SPECIAL		43	
MILITARY JUDGE ALONE SPECIAL (ART. 16(C)(2)(A))		1	
SUMMARY		3	
<b>TOTAL:</b>	68	138	206

<b>PART 2 – BASIC COURTS-MARTIAL STATISTICS [B]</b>				
TYPE COURT	TRIED	CONVICTED	ACQUITTALS	INCREASE (+)/ DECREASE (-) OVER FY24 IN CASES
GENERAL	137	105	32	-25%
BCD SPECIAL	119	99	20	+15%
MILITARY JUDGE ALONE SPECIAL (ART. 16(C)(2)(A))	7	6	1	-71%
SUMMARY	51	51	0	+4%
OVERALL CASES RATE OF INCREASE (+)/DECREASE (-) FROM LAST REPORT				-5%

<b>PART 3 – ENUMERATED OFFENSE DATA [C]</b>					
UCMJ ARTICLE	TOTAL OFFENSES PREFERRED	TOTAL OFFENSES REFERRED			
		GENERAL	SPECIAL	ART. 16(c)(2)(A)	SUMMARY
78	0	0	0	0	0
80	65	48	12	0	0
81	4	2	0	0	0
82	7	7	0	0	0
83	0	0	0	0	0
84	0	0	0	0	0
85	11	2	5	0	1
86	41	6	26	0	2
87	0	0	0	0	0
87a	5	2	2	1	0

Department of the Air Force Report on the State of Military Justice for Fiscal Year 2025

87b	4	1	3	0	0
88	0	0	0	0	0
89	4	2	2	0	0
90	15	7	6	0	0
91	11	3	9	0	0
92	142	44	68	5	18
93	2	0	1	0	0
93a	0	0	0	0	0
94	0	0	0	0	0
95	2	0	2	0	0
95a	5	1	1	1	1
96	0	0	0	0	0
97	0	0	0	0	0
98	0	0	0	0	0
99	0	0	0	0	0
100	0	0	0	0	0
101	0	0	0	0	0
102	0	0	0	0	0
103	0	0	0	0	0
103a	0	0	0	0	0
103b	0	0	0	0	0
104	0	0	0	0	0
104a	7	1	4	0	1
104b	0	0	0	0	0
105	2	0	2	0	0
105a	0	0	0	0	0
106	0	0	0	0	0
106A	0	0	0	0	0
107	51	17	25	1	4
107a	0	0	0	0	0
108	11	5	2	0	1
108a	0	0	0	0	0
109	12	6	2	0	1
109a	0	0	0	0	0
110	0	0	0	0	0
111	6	1	2	0	1
112	14	2	6	0	1
112a	190	20	98	4	45
113	29	5	13	1	4
114	10	1	1	1	0
115	18	7	4	1	0
116	0	0	0	0	0
117	0	0	0	0	0

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117a	5	3	3	0	0
118	0	0	0	0	0
119a	0	0	0	0	0
119	2	3	0	0	0
119b	17	4	2	0	1
120	167	139	14	0	1
120a	0	0	0	0	0
120b	40	42	2	0	0
120c	19	16	3	0	0
121	45	15	20	0	9
121a	3	0	3	0	0
121b	1	0	0	0	1
122	0	0	0	0	0
122a	1	0	0	0	0
123	0	0	0	0	0
123a	0	0	0	0	0
124	7	4	1	1	1
124a	0	0	0	0	0
124b	0	0	0	0	0
125	0	0	0	0	0
126	0	0	0	0	0
127	2	0	0	0	0
128	85	50	27	0	6
128a	0	0	0	0	0
128b	155	87	27	0	1
129	14	5	4	0	1
130	4	2	0	0	0
131a	0	0	0	0	0
131	3	2	0	0	0
131b	16	7	3	0	0
131c	0	0	0	0	0
131d	0	0	0	0	0
131e	0	0	0	0	0
131f	0	0	0	0	0
131g	0	0	0	0	0
132	0	0	0	0	0
133	19	18	2	0	0
134	152	123	32	1	5

<b>PART 4 – ACCUSED DEMOGRAPHIC DATA [D]</b>												
TYPE COURT	Total	Sex		Ethnicity		Race						
		Male	Female	Hispanic / Latino	Non-Hispanic / Latino	American Indian / Alaska Native	Asian	Black / African American	Native Hawaiian / Pacific Islander	White	Other	Unknown
GENERAL	127	119	8	10	117	0	7	23	1	80	12	4
BCD SPECIAL	117	100	17	13	104	0	2	37	4	64	5	5
MILITARY JUDGE ALONE SPECIAL (ART. 16(C)(2)(A))	7	7	0	1	6	0	0	2	0	3	2	0
SUMMARY	51	45	6	4	47	1	2	21	0	24	3	0

<b>PART 4b – ACCUSED RANK</b>																					
TYPE COURT	RANK																				
	E-1	E-2	E-3	E-4	E-5	E-6	E-7	E-8	E-9	O-1	O-2	O-3	O-4	O-5	O-6	O-7	W-1	W-2	W-3	W-4	W-5
GENERAL	3	8	24	30	23	10	6	1	1	2	1	7	3	4	2	0	0	0	0	0	0
SPECIAL	12	9	24	32	15	11	7	5	0	1	0	0	0	1	0	0	0	0	0	0	0
ART. 16 (C)(2)(A)	0	1	3	1	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
SUMMARY	6	6	15	20	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ALT. DISPO.	9	9	38	40	22	14	2	1	3	1	4	1	2	9	0	0	0	0	0	0	0

<b>PART 5 – VICTIM DEMOGRAPHIC DATA [E]</b>												
TYPE COURT	Total*	Sex		Ethnicity		Race						
		Male	Female	Hispanic / Latino	Non-Hispanic / Latino	American Indian / Alaska Native	Asian	Black / African Americans	Native Hawaiian / Pacific Islander	White	Other	Unknown
GENERAL	218	32	152	8	210	0	2	8	1	44	7	156
BCD SPECIAL	151	53	67	6	145	0	13	11	2	30	3	92

Department of the Air Force Report on the State of Military Justice for Fiscal Year 2025

MILITARY JUDGE ALONE SPECIAL (ART. 16 (C)(2)(A))	5	4	1	0	5	0	0	0	0	0	0	5
SUMMARY	26	8	6	0	26	0	0	3	0	8	0	15
ALT. DISPO	158	28	104	8	150	1	1	28	1	31	1	95

\*Total does not include 103 victims with other/unknown sex

<b>PART 5b – VICTIM RANK</b>																								
TYPE COURT	RANK																							
	CIV	E-1	E-2	E-3	E-4	E-5	E-6	E-7	E-8	E-9	O-1	O-2	O-3	O-4	O-5	O-6	O-7	W-1	W-2	W-3	W-4	W-5	UNK	
GENERAL	105	2	0	11	14	4	1	2	3	1	3	2	3	0	2	2	0	0	0	0	0	0	0	62
SPECIAL	43	2	2	21	18	12	4	8	3	1	0	0	2	3	1	2	0	1	0	0	0	0	0	28
MJ SPECIAL (Art. 16 (c)(2)(A))	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
SUMMARY	4	0	0	1	8	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
ALT. DISPO	49	2	0	13	30	7	4	1	1	0	0	0	1	1	1	1	0	0	0	0	0	0	0	47

<b>PART 6 –DISCHARGES APPROVED/ENTERED ON ENTRY OF JUDGMENT</b>	
GENERAL COURTS-MARTIAL (CA LEVEL) NUMBER OF DISHONORABLE DISCHARGES/DISMISSALS	52/8
NUMBER OF BAD-CONDUCT DISCHARGES	19
SPECIAL COURTS-MARTIAL (CA LEVEL) NUMBER OF BAD-CONDUCT DISCHARGES	39

<b>PART 7 – RECORDS OF TRIAL RECEIVED FOR REVIEW BY TJAG</b>	
ARTICLE 66(b)(1) – APPEALS BY ACCUSED	40
ARTICLE 66(b)(2) – FORWARDED BY TJAG	0
ARTICLE 66(b)(3)/ARTICLE 66(b) (Pre-MJA16) – AUTOMATIC REVIEW	103
FOR EXAMINATION UNDER ARTICLE 65(d)	44

<b>PART 8 – WORKLOAD OF THE AIR FORCE COURT OF CRIMINAL APPEALS</b>	
TOTAL CASES ON-HAND BEGINNING OF PERIOD	164
TOTAL CASES REFERRED FOR REVIEW [F]	170
TOTAL CASES REVIEWED [G]	169
TOTAL CASES DECIDED PRIOR FISCAL YEAR [G]	160
TOTAL CASES PENDING AT CLOSE OF PERIOD	165
RATE OF INCREASE (+)/DECREASE (-) OVER NUMBER OF CASES REVIEWED DURING LAST REPORTING PERIOD	+6

<b>PART 9 – ACTIONS OF THE U.S. COURT OF APPEALS FOR THE ARMED FORCES (CAAF) (AIR FORCE)</b>	
TOTAL PETITIONS TO CAAF	78

<b>PART 10 – APPLICATIONS FOR RELIEF UNDER ARTICLE 69, UCMJ</b>		
TOTAL PENDING BEGINNING OF PERIOD		1
RECEIVED		1
DISPOSED OF		0
RELIEF GRANTED	0	
RELIEF DENIED	0	
NO JURISDICTION	0	
WITHDRAWN	0	
TOTAL PENDING AT END OF PERIOD		1

<b>PART 11 – ORGANIZATION OF COURTS [H]</b>	
TRIALS BY MILITARY JUDGE ALONE	
GENERAL COURTS-MARTIAL	86
SPECIAL COURTS-MARTIAL	92
MILITARY JUDGE ALONE SPECIAL (Art. 16(c)(2)(A))	7
TRIALS BY MILITARY JUDGE WITH MEMBERS	
GENERAL COURTS-MARTIAL	51
SPECIAL COURTS-MARTIAL	29

<b>PART 12 – STRENGTH [I]</b>	
AVERAGE ACTIVE DUTY STRENGTH	330,470

<b>PART 13 – NONJUDICIAL PUNISHMENT (ARTICLE 15, UCMJ) [I]</b>	
NUMBER OF CASES WHERE NONJUDICIAL PUNISHMENT IMPOSED	3,357
RATE PER 1,000	10.13

**Explanatory Notes**

[A] Data for cases pending as of 30 September 2025.

[B] Based on the number of individuals against whom charges were referred to court-martial by a convening authority and those charges were tried to verdict in FY25.

[C] Based on the number of cases where a preferral occurred and the case was either tried to verdict at court-martial or alternatively disposed of within FY25.

[D] Sex, racial, and ethnic demographic data is self-reported by servicemembers and pulled from AFPC databases by DCMS. Any unaccounted for numbers in ethnic demographic data reflects either “unknown,” “none,” or “declined to respond,” answers from servicemembers. The results of DCMS data pulls for ethnicity yield only Hispanic and non-Hispanic categories such that the specific numbers for each of the other categories is unknown.

[E] The victim demographic data contained with this table refers only to victims named in a specification. Victim data is self-reported and may be left blank in DCMS. Victim data includes tried and pending cases. Figures may not equate to number of courts-martial, as some courts-martial may involve no or multiple victims.

[F] Includes opinions and orders terminating cases and withdrawals from appellate review.

[G] Includes Article 62 appeals, All Writs Act cases, and appeals withdrawn.

[H] Figure includes cases tried to completion where the Court-Martial Order or the Entry of Judgment was completed within FY25.

[I] Figure includes only active component Airmen and Guardians and does not include the Air Force Reserve or the Air National Guard.

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## Distribution

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Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

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**Report to Congress**

**U.S. Navy Report on Military Justice for Fiscal Year 2025**

**31 December 2025**

**Prepared by:**

**THE OFFICE OF THE JUDGE ADVOCATE GENERAL, U.S. NAVY  
NAVY PENTAGON  
WASHINGTON DC 20310-1000**

The estimated cost of this report or study for the Department of Defense is approximately \$2,940 for the 2025 Fiscal Year. This includes \$5 in expenses and \$2,935 in DoD labor.

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## TABLE OF CONTENTS

<b>1. INTRODUCTION</b>	1
<b>2. DATA ON THE NUMBER AND STATUS OF PENDING CASES</b>	2
<b>3. INFORMATION ON APPELLATE REVIEW PROCESS</b>	2
a. Compliance with Processing Time Goals	2
b. Circumstances surrounding cases involving the following issues:	2
(1) Unlawful command influence or denial of speedy review	2
(2) Loss of records of trial or other administrative deficiencies	2
c. Cases where a provision of UCMJ was held unconstitutional	3
d. Cases where the Court of Criminal Appeals determined that findings of the court-martial were clearly against the weight of the evidence	3
<b>4. MEASURES IMPLEMENTED BY THE NAVY TO ENSURE THE ABILITY OF JUDGE ADVOCATES TO PARTICIPATE COMPETENTLY AS TRIAL COUNSEL AND DEFENSE COUNSEL; PRESIDE AS MILITARY JUDGES; AND PERFORM THE DUTIES OF VICTIMS' LEGAL COUNSEL, WITH EMPHASIS ON CAPITAL CASES, NATIONAL SECURITY CASES, SEXUAL ASSAULT CASES, AND PROCEEDINGS OF MILITARY COMMISSIONS</b>	3
a. Military Justice Litigation Career Track	3
b. Military Justice Training and Professional Development Programs	4
c. Trial Counsel	4
d. Office of Special Trial Counsel	6
e. Defense Counsel	7
f. Victims' Legal Counsel	9
g. Military Judges	10
h. National Security Cases	11
i. Military Commissions	11
<b>5. INDEPENDENT VIEWS OF THE JUDGE ADVOCATE GENERAL AS TO THE SUFFICIENCY OF RESOURCES, INCLUDING TOTAL WORKFORCE, FUNDING, TRAINING, AND OFFICER AND ENLISTED GRADE STRUCTURE, TO CAPABLY PERFORM MILITARY JUSTICE FUNCTIONS</b>	12
<b>6. CONCLUSION</b>	14
<b>APPENDIX</b>	15



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
1322 PATTERSON AVENUE SE SUITE 3000  
WASHINGTON NAVY YARD DC 20374-5066

**REPORT OF THE JUDGE ADVOCATE GENERAL OF THE NAVY  
ARTICLE 146a, UNIFORM CODE OF MILITARY JUSTICE  
1 OCTOBER 2024 TO 30 SEPTEMBER 2025**

1. Introduction: The Office of the Judge Advocate General (OJAG), Department of the Navy (DON), submits this report pursuant to Article 146a, Uniform Code of Military Justice (UCMJ) for fiscal year 2025 (FY25). The Navy tried 170 courts-martial (combined general, special and summary courts-martial) and the Navy-Marine Corps Court of Criminal Appeals (NMCCA) reviewed 247 Navy and Marine Corps cases on appeal. The highly professional military litigators, advisors, paralegal support staff, and civilian partners within the Judge Advocate General's Corps (JAGC) made numerous contributions to the improvement and expansion of the military justice mission in FY25. Major developments over the last fiscal year brought improvements to JAGC processes in key mission sets relating to training, assessments, and implementation of military justice reforms.

- FY23 NDAA made sexual harassment a covered offense on 1 January 2025.
- The Office of Special Trial Counsel's (OSTC) overall case volume, to include sexual harassment, has increased 23 percent since FY24. OSTC prosecuted 88 courts-martial, (48 general courts-martial; 40 special courts-martial). OSTC closed 2746 cases in FY25.
- The U.S. Navy deployed a military justice case management system, the Naval Court-Martial Reporting System (NCORS), which collects required demographic and case data, manages cases throughout the court-martial process, and enables processing for public access to dockets, filings, and records, as required by Article 140a, Uniform Code of Military Justice (UCMJ). In July 2024, NCORS reached Full Operational Capability (FOC), and a twelve-month sprint schedule was initiated to refine configuration of military justice workflows and support stakeholder modules. During FY25, additional capabilities were added to NCORS including significant appellate module enhancements, as well as the creation of a Staff Judge Advocate (SJA) module designed to support commands with military justice matters.

The Navy JAGC continues to fulfill the military justice mission while simultaneously adapting with the times to ensure that there is continued trust and confidence in the process. These efforts demonstrate the Navy JAGC's commitment to the Department of the Navy's mission and the ability of the JAGC to meet the increasing demand of the military justice caseload.

2. Data on the number and status of pending courts-martial: The Navy tracks courts-martial information through the NCORS database.<sup>1</sup> At the end of FY25, there were 103 pending Navy courts-martial (61 referred for trial and 42 with preferred charges pending disposition decisions). Additional information on the status of pending cases is available in Part 1 of the Appendix.

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<sup>1</sup> Prior to the standup of NCORS, the Navy utilized the Wolverine case management system. That platform remains in use as an archive to collect court-martial data, but all new active cases are submitted to NCORS.

### 3. Information on the appellate review process:

#### a. Compliance with processing time goals

(1) During appellate review, no Navy cases referred prior to 1 January 2019 exceeded 18 months (the “Moreno III” guideline) from docketing to decision by the NMCCA. One Navy case referred on or after January 1, 2019, exceeded 18 months from docketing to decision by the court (“the Post Trial III” guideline). *United States v. Becker*, which is still in appellate review, is a complex premeditated murder case that involved extensive appellate litigation, with a 4,000-page record of trial and fifteen assignments of error.<sup>2</sup> More information on this case is in para. (3).

(2) The following Navy cases exceeded the 150 days from announcement of sentence to docketing with the NMCCA (*U.S. v. Rivera*, 2022 precedent):

- i. *United States v. Baines* – NMCCA received at day 172 (exceeded by 22 days);
- ii. *United States v. Zavala* – NMCCA received at day 164 (exceeded by 14 days);
- iii. *United States v. Jones* – NMCCA received at day 169 (exceeded by 19 days).

(3) The following cases exceeded 18 months from docketing to final decision by NMCCA (“The Post Trial III guideline):

*United States v. Becker*, NMCCA 202200212: On 17 July 2024, oral argument was conducted. On 26 August 2024, the NMCCA issued an Order Denying Appellant’s Motion for Leave to File Memorandum of Argument on evidence that was not in the record. On 22 April 2025, Appellant’s Motion for Speedy Appellate Review was submitted. Subsequent to the period of this report, on 17 December 2025, NMCCA issued an unpublished decision discussing twelve of Appellant’s fifteen assignments of error and analyzing the duration of the appellate review process. The court found no prejudicial error and affirmed the findings and sentence.

b. Descriptions of the circumstances surrounding cases in which general or special court-martial convictions were reversed on appeal because of unlawful command influence (UCI) or denial of the right to speedy review or otherwise remitted because of loss of records of trial or other administrative deficiencies:

*United States v. Draher*, 202300163 and *United States v. Negron*, 202300164:<sup>3</sup> Gunnery Sergeants Draher and Negron were tried together at a court-martial pursuant to Rule for Courts-Martial 812. The charges included involuntary manslaughter and negligent homicide based on an altercation outside a bar in Erbil, Iraq, which resulted in the death of an Army servicemember. Gunnery Sergeants Draher and Negron were convicted solely of violating a lawful general order by wrongfully consuming an alcoholic beverage and sentenced to “no punishment”. On appeal, the NMCCA dismissed both cases with prejudice based on UCI.

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<sup>2</sup> *United States v. Becker*, NMCCA No. 202200212.

<sup>3</sup> *United States v. Draher*, No. 202300163, 2024 CCA LEXIS 547 (N-M. Ct. Crim. App. Dec. 27, 2024); *United States v. Negron*, No. 202300164, 2024 CCA LEXIS 546 (N-M. Ct. Crim. App. Dec. 27, 2024).

The NMCCA found that during a meeting the Colonel who oversaw the assignment process for Marine Corps Judge Advocates told military defense attorneys that successfully defending their clients could jeopardize their future assignments and promotions. At trial and during the appeal the defense counsels who represented Gunnery Sergeants Draher and Negron attended the meeting. The defense attorneys alleged the Colonel's statements were UCI and created a conflict of interest. The NMCCA concluded the facts and legal analysis were indistinguishable from a Court of Appeals of the Armed Forces (CAAF) holding of actual UCI in *United States v. Gilmet*, a separate case arising from the same incident in Iraq.<sup>4</sup> The NMCCA followed the precedent in *Gilmet* and set aside both *Draher* and *Negron*.

c. Analysis of each case in which a provision of the UCMJ was held unconstitutional: None.

d. Analysis of each case in which a Court of Criminal Appeals made a final determination that finding of a court-martial was clearly against the weight of the evidence, including an explanation of the standard of appellate review applied in such case: None.

4. Measures implemented by the Navy to ensure the ability of judge advocates to participate competently as trial counsel and defense counsel; preside as military judges; and perform the duties of Victims' Legal Counsel, with emphasis on capital cases,<sup>5</sup> national security cases, sexual assault cases, and proceedings of military commissions:

a. Military Justice Litigation Career Track (MJLCT)

(1) In 2007, the Navy JAGC established the MJLCT to develop and retain a cadre of specialized litigators to serve across the spectrum of military justice billets. The MJLCT currently recognizes three standards of qualification: Specialist I, Specialist II, and Expert. In FY25, the MJLCT comprised of 106 designated officers (from Specialist I to Expert) in paygrades O-3 (Lieutenant) to O-7 (Rear Admiral Lower Half).<sup>6</sup> These officers served in the Navy's most significant military justice billets, including: the Lead Special Trial Counsel (LSTC); Commanding Officer and Executive Officer of several Region Legal Service Offices (RLSO) and Defense Service Offices (DSO); the Director and Deputy Director of the Trial Counsel and Defense Counsel Assistance Programs (TCAP/DCAP)<sup>7</sup>; Directors of the OJAG Appellate Defense and Criminal Law Divisions; Chief Special Trial Counsel in ten Offices of Special Trial Counsel; the Trial Department Heads (TDH) (formerly Senior Prosecutor/Senior Trial Counsel in the prosecution offices of each RLSO); Senior Defense Counsel in all four Navy commands with criminal defense responsibility; Victims' Legal Counsel in various locations; Military Commissions counsel (both prosecution and defense), including the Chief Prosecutor for the Military Commissions; the Assistant for Prosecution Services (APS); Military Judges assigned to the Navy-Marine Corps Trial Judiciary<sup>8</sup>; and three of the six Navy judges assigned to the Navy-Marine Corps Court of Criminal Appeals.

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<sup>4</sup> 83 M.J. 398 (C.A.A.F. 2023).

<sup>5</sup> While the Navy has not tried a capital-referred case in recent decades, Navy judge advocates have served in military commissions as trial or defense counsel on two capital-referred cases. The JAGC continues to work with Department stakeholders to update its capital litigation requirements.

<sup>6</sup> The number of officers decreased from 117 in FY24.

<sup>7</sup> TCAP and DCAP provide real-time assistance in individual trials, and vital reach-back resources for litigators throughout the fleet.

<sup>8</sup> All but one of the Navy judges assigned to the Navy-Marine Corps Trial Judiciary were MJLCT officers that were designated as either a MJLCT Specialist II or Expert. The one exception was a JAG Corps Officer with extensive military justice experience and prior service as an Appellate Judge.

(2) In FY25, the Navy continues to employ its rotational, one-year assignment with the U.S. Attorney's Office with the Eastern District of Virginia in Norfolk, VA and the Southern District of California in San Diego. This rotational assignment gives MJLCT officers invaluable experience with felony-level Federal crimes.

#### b. Military Justice Training and Professional Development Programs

(1) The Naval Justice School (NJS), headquartered in Newport, RI, provided accessions training for new Navy judge advocates, along with new Marine Corps and Coast Guard counsel, at the NJS Basic Lawyer Course (BLC). Five weeks of this course focused on military justice, culminating in a mock court-martial. NJS conducted 100 total resident and virtual courses in FY25, providing training to 3,990 students.

(2) In FY25, NJS implemented new techniques to enhance learner engagement during standard plenary lectures, complementing ongoing refinements to small group seminars, practical application exercises, and graded evolutions. NJS also updated existing asynchronous, video-based lectures and developed several new ones to provide students with alternative learning opportunities and lasting reference materials. Among these additions was a scripted, live role-play of a full guilty plea hearing, designed to better prepare students for their own graded evolution on the same subject.

(3) NJS facilitated 9 intermediate and advanced military justice courses in FY25, providing 306 experienced military justice practitioners with advanced training. NJS-facilitated courses this year included: three Military Justice Orientation Courses (MJOC), two Paralegal Litigation Support Courses, the Victims' Legal Counsel Certification Course, Defending Sexual Assault Cases Course, Senior Counsel Manager's Course, and Classified Information Litigation Course.

#### c. Trial Counsel

(1) RLSO trial counsel, assigned to eight RLSOs worldwide, prosecute non-covered offenses. Most RLSO trial counsel are supervised by an experienced O-4 (Lieutenant Commander) MJLCT designated officer serving as TDH who are selected based on their military justice experience, complex litigation capabilities, and demonstrated ability to effectively supervise subordinate counsel and manage a prosecution office.

(2) TCAP provides critical training, support, and resources to RLSO trial counsel. When required, TCAP also provides direct supervisory counsel for specific cases and consultation to counsel at OSTC. Throughout most of FY25, TCAP was staffed by a highly experienced team including an O-5 (Commander) MJLCT "Specialist II" as Director, an O-4 MJLCT "Specialist I" as Assistant Director, an E-6 (First Class Petty Officer) Legalman as the lead paralegal, and a GS-15 civilian attorney with extensive military justice experience as Deputy Director. TCAP further expanded its capabilities by adding an additional O-4 MJLCT "Specialist II" by the end of FY25.

(3) TCAP conducted three iterations of the two-week Military Justice Orientation Course (MJOC), providing fundamental legal knowledge to new prosecutors at both RLSOs and OSTC. Students also participated in a mock trial, which enabled them to gain practical experience in motion arguments, opening and closing statements, direct and cross-examinations, and sentencing advocacy.

(4) TCAP continued its annual “Trial Department Course,” a mandatory week-long training program for all RLSO trial counsel and paralegals focused on the investigation and prosecution of non-covered offenses. The course featured targeted instruction and guest speakers from Department of Defense criminal laboratories and the Naval Criminal Investigative Service (NCIS), enhancing participants' knowledge and skills.

(5) In FY25, TCAP successfully deployed Mobile Training Teams (MTTs) to seven of the eight RLSOs. One MTT was cancelled due to funding constraints associated with the year-long continuing resolution and associated reprogramming of planned funds. MTTs provided three days of intensive, site-specific training and case discussion tailored to the unique needs of each individual trial department.

(6) TCAP supplemented in-person training with virtual support. Monthly prosecution strategy discussions were held with each RLSO, along with regular training webinars addressing emerging litigation issues. TCAP provided on-demand training to individual prosecution offices as needed and extended "reach-back" support through recurring case review conferences, offering guidance and case analysis to trial counsel. Furthermore, TCAP facilitated online community discussions targeted at specific groups (TDHs, core counsel, new accessions judge advocates, and litigation paralegals) to facilitate the real-time exchange of advice specific to experience level.

(7) Assistant for Prosecution Services (APS). APS is led by an O-6 (Captain) MJLCT “Expert” and former military judge, and also provides expert litigation advice to trial counsel. APS is responsible for the oversight and standardization of trial practice across NLSC, management of the Trial Counsel Manual, and participation in case discussions at all levels of the trial process. APS tracks all high-visibility, pretrial restraint, and national security cases, and conducts annual inspections of RLSOs in conjunction with the NLSC Inspector General. To ensure effective oversight and promote efficiency, APS routinely engages with RLSO leadership, holds weekly meetings with TDHs, and participates in various TCAP-led training programs. APS also establishes and monitors trial processing time goals throughout the enterprise.

#### d. Office of the Special Trial Counsel (OSTC)

(1) OSTC prosecution teams represent the United States in criminal proceedings involving Sailors and service members in covered, known, and related offense cases. OSTC is led by an O-7 Lead Special Trial Counsel (LSTC) and an O-6 Deputy Lead Special Trial Counsel (DLSTC). The worldwide office is divided into two Regions – led by two O-6 Region Special Trial Counsel (RSTC) – and ten detachments – led by five O-5 and 1 O-4 Chief Special Trial Counsel (CSTC). The LSTC, DLSTC, RSTCs and two of the six CSTCs are MJLCT “Expert” designated officers with significant prosecution and defense experience.<sup>9</sup> Three of the remaining CSTCs are MJLCT “Specialist II” designated officers with significant prosecution and defense experience and the O-4 CSTC is designated as a “Specialist I” with prosecution and defense experience. As of 30 September 2025, OSTC is comprised of 59 attorney billets – including 30 certified special trial counsel – 18 enlisted paralegal billets, and 22 civilian support staff billets.

(2) As of 30 September 2025, OSTC is managing 1253 active investigations and cases. In FY24, OSTC received 2176 investigations. In FY25, that number increased by 23%, as OSTC received 2666 investigations. Domestic Violence allegations continue to constitute approximately

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<sup>9</sup> The LSTC, DLSTC, and RSTCs have also spent significant time as either a trial or appellate military judge.

40% of new cases (88/month). In FY24, OSTC closed 2011 cases. In FY25, that number increased by 36% in FY25, as OSTC closed 2746 cases while slightly decreasing overall processing times.

(3) OSTC prosecuted 88 courts-martial, (48 general courts-martial; 40 special courts-martial). OSTC closed 2746 cases in FY25:

(4) OSTC, along with USCG and USMC OSTC, hosted 30 prosecutors for a five-day “Sea Services Special Trial Counsel Certification Course” in April 2025 in San Diego. Prosecutors received instruction on timely military justice topics and issues, including opening statements and closing arguments; authorities, policies, and procedures; case tracking; military rules of evidence; motions practice; warrants, orders, and subpoenas; Victim Witness Assistance Program procedures; and sexual assault forensic exam and domestic violence exams. OSTC also held its annual Sea Service Symposium with its USMC and USCG teammates in February, providing annual training to roughly 250 attorneys and support staff.

#### e. Defense Counsel

(1) Four regional Defense Service Office (DSO) commands, under the supervision of Director, DSO Operations (DSO OPS), provided defense services to the Fleet. The DSO OPS position was filled in the first part of FY25 by an O-6 MJLCT “Expert” officer and later in FY25 by a post-DSO command O-6. An O-6 Commanding Officer led each DSO, assisted by an O-5 Executive Officer. In FY25, either the Commanding Officer or Executive Officer at all four DSOs was a MJLCT-designated officer with significant military justice litigation experience. Each defense counsel was supervised by a Senior Defense Counsel (SDC) at one of four regional DSOs. During FY25, two of the SDCs were O-5 MJLCT-designated officers and two were O-4 MJLCT-designated officers.

(2) For half of FY25, eight civilian criminal defense investigators, designated as Defense Litigation Support Specialists (DLSS), supported the four defense commands. During the second half of the year, one of the DLSS positions became vacant and remained so due to hiring constraints. The DLSS are spread across the DSO enterprise, working within the four DSOs and four of the DSO detachments to provide global support. These civilian investigative experts attended specialized trainings presented by civilian public defender offices and utilized investigative tools secured by Navy Independent Defense Funding (NIDF). Additionally, DLSS assisted global defense training efforts.

(3) In FY25, DSO OPS managed the NIDF budget. Implemented in FY23, this resource was critical in ensuring defense counsel had timely access to required resources for independent investigations before and after referral of charges, including expert consultations, which provided the ability to prepare for trial without revealing defense strategy to the prosecution. DSO OPS updated standard operating procedures to receive and process NIDF requests from individual defense counsel for all aspects of pretrial investigations and case preparation while also increasing efficiency by maximizing delegation of approval for lower-cost requests to DSO commanding officers. Additionally, DSO OPS identified specific process improvements and action items in data collection and reporting that directly contribute to validating the most efficient distribution of defense counsel in the future.

(4) The Defense Counsel Assistance Program (DCAP) provided support, resources, and training to Navy and Coast Guard defense counsel worldwide, while also providing oversight assistance to the DSO OPS. DCAP assisted the defense practice by providing subject matter expertise on complex

defense matters, to include providing strategic advice to counsel, providing ethics advice and conflict-free counsel, and serving as supervisory or detailed defense counsel on specific cases when necessary. Additionally, the DCAP Director served as a special assistant to the NLSC Inspector General team, conducting Article 6, UCMJ inspections of the defense commands. In FY25, DCAP was staffed with an O-6 MJLCT “Expert” designated officer as Director, an O-4 MJLCT “Specialist II” designated officer as Deputy Director, an O-3 officer with defense counsel and instructor experience, a Chief Legalman with significant defense paralegal experience, and a GS-15 civilian Deputy Director with more than 30 years of criminal defense experience. During FY25, DCAP also added a Coast Guard officer billet to the team following coordination with the U.S. Coast Guard, filled by an O-4 Coast Guard officer with significant defense counsel experience.

(5) DCAP utilized a variety of methods to provide training and support to defense counsel across the Fleet, including in-person and virtual training, a monthly newsletter highlighting emerging issues, and tailored advice to defense counsel. During FY25, DCAP also spearheaded the development of a bimonthly newsletter that incorporates input from and provides resources for trial and appellate defense counsel across the Sea Services as a collaborative effort involving U.S. Navy (USN) DCAP, U.S. Marine Corps (USMC) DCAP, U.S. Coast Guard Chief of Defense Services, and the Navy-Marine Corps Appellate Defense Division. DCAP continued to maintain an online central repository of defense resources accessible to defense personnel, including an online discussion board. In FY25, DCAP substantially revised and published an updated version of the DCAP Defense Counsel Deskbook, a comprehensive resource for defense counsel representing court-martial clients, which had not been updated since 2019. DCAP also expanded its online “Expert Bank” resource to provide updated and more comprehensive tools for defense counsel working with experts. DCAP further supported trial defense counsel with on-demand case consultations and ethics support. DCAP personnel provided on-site support to courts-martial and worked alongside defense counsel as counsel of record or supervisory counsel in courts-martial and Boards of Inquiry.

(6) DCAP led two sessions of the defense focused two-week MJOC at NJS. This course included classroom instruction by USN and USMC DCAP personnel and other experienced defense counsel from the Fleet as well as hands-on, practical exercises that culminated in a head-to-head mock trial with students attending the trial counsel portion of MJOC. DCAP continued to make updates to the MJOC curriculum to reflect input and feedback received by students in prior courses. DCAP also led the annual in-person Defending Sexual Assault Cases course and the Senior Counsel Managers Course, which DCAP gears toward more experienced defense counsel and defense leaders, respectively. These courses included training from outside experts in a variety of important fields and emphasized training on areas specific to covered offense cases and preparing sentencing cases under the new judge-alone parameters sentencing system. DCAP also provided coordination and instruction support for two sessions of the week-long, virtual Paralegal Litigation Support Course, which trains new paralegals on supporting litigation in both defense and trial offices. In addition to the NJS courses, DCAP conducted three Mobile Training Team (MTT) events in FY25 at three of the four defense offices throughout the world. For these MTT events, DCAP traveled to the commands to provide customized training to meet specific command needs, often emphasizing practical “on your feet” training for defense counsel and paralegals. Throughout the year, defense counsel also attended a variety of advanced training in complex litigation, including training provided by the National Criminal Defense College, National Association of Criminal Defense Lawyers, Army DCAP, and the U.S. Army Criminal Investigation Laboratory (USACIL).

(7) DSO OPS and DCAP also led efforts throughout FY25 to ensure that the defense offices effectively utilized the NCORS defense module as their primary data reporting tool for ADSEPs and

PERSREPs. Finally, DSO OPS and DCAP coordinated input and provided defense specific responses on various matters, including proposed revisions to Military Rule of Evidence (MRE) 513, information and recommendations regarding support systems for service members charged with court-martial offenses, and information on involuntary administrative separation data and procedures.

f. Victims' Legal Counsel

(1) During FY25, 44 Victims' Legal Counsel (VLC) provided legal support to approximately 1,700 sexual offense and domestic violence victims at over 500 proceedings and conducted more than 600 outreach briefs to more than 25,000 personnel. Compliance with the statutory mandate to not exceed, to the extent practicable, an average caseload of 25 cases for each VLC at any given time continues to be a challenge, especially in fleet concentration areas such as Norfolk, San Diego, and Japan. VLC and civilian paralegals were supervised and trained within the VLCP, which is overseen by a senior O-6 Chief VLC, a civilian GS-15 Deputy (overseeing the legal practice and supervising civilians), and a senior O-5 Executive Officer (overseeing military personnel and operations).

(2) The JAGC maintained a rigorous selection process and extensive training program for new VLC, ensuring that motivated, capable attorneys were assigned to this critical function. Every VLC candidate was screened based on their experience, maturity, and judgment, and were interviewed by Commander, Naval Legal Service Command (CNLSC) and the VLCP Chief prior to selection as a VLC. Eighteen new VLC were selected in FY25. Seventeen new VLC completed the NJS Victims' Legal Counsel Certification Course (VLCCC), with one completing the Army Special Victims' Counsel Certification Course, and all were certified by the Navy Judge Advocate General. These VLC also attended specialized training in representing child victims and victims of domestic violence. In September 2025, the VLCP held its tenth annual training symposium. This four-and-a-half-day, in-person program consisted of training on a wide range of topics, including: vicarious trauma, representing child victims, recent appellate activity, professional responsibility, domestic violence resources, and advanced practice strategies. In addition, the VLCP conducted monthly training for all personnel throughout FY25. The next VLC certification course will take place in April 2026.

(3) During FY25, the Navy VLCP participated in the Special Victims' Counsel/Victims' Legal Counsel Interservice Coordination Committee, which brings together DoD representatives and the leadership from each Service victims' counsel program on a quarterly basis to coordinate efforts, collaborate and discuss military justice issues affecting victims' rights to include appellate cases, disclosure of information to victims/victims' counsel, access to filings, notification to victims in administrative actions, and training requirements.

(4) The VLCP also utilized an internal Victims' Counsel Assistance Program (VCAP) to facilitate reach-back support for VLC practitioners in the field. This program, staffed by VLCP personnel as a collateral duty and advised by the VLCP Senior Practice and Appellate Advisor (SPAA), provides military justice expertise and support to VLCP personnel at trial. The VLCP continued its appellate practice, utilizing a team of VLC appellate practitioners assigned, as a collateral duty, to aid on interlocutory and appellate issues, advised by the SPAA. During FY25, the VLCP appellate team filed an amicus brief, with the Marine Corps, Army, and Coast Guard joining, with the U.S. Court of Appeals for the Armed Forces (CAAF). In addition, the VLCP actively

supported requests from other services for their Judge Advocate General's certification of issues on victims' right for review by CAAF.

g. Military Judges

(1) The Navy-Marine Corps Trial Judiciary (NMCTJ) details judges presiding over all courts-martial within the Department of the Navy. In FY25, the NMCTJ consisted of 27 active-duty Navy and Marine Corps judges and 15 Reserve Navy and Marine Corps judges assigned throughout ten judicial circuits. In FY25, the NMCCA consisted of eight active-duty Navy and Marine Corps appellate judges, seven Navy Reserve appellate judges, and three Marine Corps Reserve appellate judges.

(2) Selection Requirements. The Navy continued to employ rigorous screening and training requirements for military judges in FY25, in accordance with 10 U.S.C. §§ 826 and 866. Before assignment to a trial or appellate judicial billet, Navy and Marine Corps military judges were screened by a Judicial Screening Board and certified by the JAG as qualified for judicial duties. This process, unique to the Navy and Marine Corps, ensures only highly qualified judge advocates are recommended for the bench.) All newly reporting trial and appellate judges attended the three-week Military Judge Course hosted by the U.S. Army's Judge Advocate General's Legal Center and School in Charlottesville, VA. The course included detailed instruction on the court-martial process, evidence, procedure, constitutional law, judicial problem solving, and judicial methodology. It also incorporated demonstrations and practical exercises.

(3) Military Judges Continuing Education. In February 2025, the NMCTJ judges attended the Joint Military Judges Annual Training at Naval Air Station North Island in Coronado, California with instructors from the NMCTJ, the Honorable Judge Gregory E. Maggs from the Court of Appeals for the Armed Forces (CAAF), and Professor Erwin Chemerinsky, Dean and Jesse H. Choper Distinguished Professor of Law, University of California, Berkeley School of Law. Over thirty active-duty and reserve judges assigned to the NMCTJ participated in this three-day course, as did over 100 additional judges across all services.

(4) Sea Services trial judges also hosted and attended the annual Sexual Assault Training (SAT) in September 2025, which was held virtually this year via Microsoft TEAMS. Navy, Marine Corps, and Coast Guard judges developed and delivered training on a variety of topics, including evidentiary issues associated with MRE 412 and 513, judicial ethics, the use of artificial intelligence in the courtroom, sentencing parameters, appellate law updates, and post-trial processing.

(5) The NMCCA judges hosted and attended the annual Fulton Conference at the Washington Navy Yard. The Chief Judge of CAAF was the Keynote Speaker. Senior Judge Andrew Effron of CAAF instructed on Review of Courts-Martial: First Amendment Issues in Historical Perspective. There were additional classes on military justice updates, judicial ethics and opinion writing. Members also discussed emerging trends in appellate litigation from their sister service courts of criminal appeals.

h. National Security Cases (NSC)

(1) The National Security Division (Code 30) in OJAG is unique in the DoW as the only office exclusively dedicated to supporting litigation involving classified information. It is the Navy JAGC's center of excellence for classified information litigation and courts-martial designated as NSCs. In FY25, Code 30 staff consisted of an O-4 Director and an O-4 or O-3 Deputy Director.

(2) Code 30 provided neutral support to 18 cases involving classified information (three courts-martial, one federal district court criminal case, four administrative separations, and ten active investigations). In addition to serving as a litigation resource for judge advocates in the field, Code 30 coordinated with Original Classification Authorities, facilitated security clearance requests for court-martial personnel, and advised on classified information safeguards, including applicability of MRE 505, during the court-martial process. Code 30 also worked with the Department of Justice (DOJ), intelligence and law enforcement partners, and other Services, to refine the classified litigation practice and improve the use of classified information in military and DOJ cases.

(3) In partnership with the U.S. Army Advocacy Center at Fort Belvoir, VA, Code 30 assisted with the annual Joint Classified Litigation Course in FY25. This week-long, DoD-wide course provided training to 45 students and brought together subject matter experts from the DOJ, National Security Administration, National Geospatial-Intelligence Agency, Central Intelligence Agency, Federal Bureau of Investigations, Naval Criminal Investigative Service, Army and Navy Trial Judiciaries, and the Federal Judiciary.

(4) In collaboration with the Naval Justice School, Code 30 also provided classified information litigation training to 31 military justice practitioners at Code 30's annual Classified Information Litigation Course (CILC). Focused on foundational concepts and practical advice, the CILC included training on MRE 505 and 506, charging considerations, intelligence equities, classified information handling procedures, and trial, defense, and judiciary perspectives.

(5) Code 30 maintained a library of resources for national security/classified information cases, including distributing its National Security Litigation Primer to military justice practitioners in the field working on active cases.

#### i. Military Commissions

(1) The Office of Military Commissions – Prosecution (OCP). In FY25, 10 active-duty Navy judge advocates (including the Chief Prosecutor for Military Commissions), one Navy Reserve judge advocate, and seven Legalmen served at OCP, which used a robust orientation program to train new counsel and paralegals. All personnel were trained in the role of the Commissions, the rules and procedures of the Military Commissions Act of 2009, and litigating classified information cases under the Military Commissions Act corollary to the Classified Information Procedures Act. All counsel and paralegals worked under the supervision of experienced attorneys to gain practical experience and training.

(2) The Military Commissions Defense Office (MCDO). Legal efforts at MCDO combine criminal law, constitutional law, international humanitarian law, and international relations. In FY25, nine active-duty Navy judge advocates and nine active-duty legalmen served at the MCDO. Each military counsel was assigned to one of 10 defense teams, trained in the rules and procedures of the Military Commissions Act of 2009, and worked under the mentorship of an experienced attorney.

A Managing Defense Counsel also supervised day-to-day operations of each defense team, with senior Navy judge advocates typically assigned as Managing Defense Counsel for their respective joint teams.

5. The independent views of the JAG on the sufficiency of resources available within the Navy, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions:

a. Significant Developments in FY25. OJAG continues to engage with a complex set of regulatory and statutory requirements. OJAG reached full operational capability of Naval Court-Martial Reporting System (NCORS), which collects military justice data to meet mandated requirements, provided additional manning to the Fleet and OSD missions and retained 99% of their active duty and reserve personnel.

b. Resourcing. Over the course of the Program Objectives Memorandum (POM) FY27, OJAG, NLSC, and OSTC experienced significant changes to outyear funding due to the Deferred Resignation Program. The JAGC will continue to work with Resource Sponsors to address budgetary requirements considering the fiscal environment.

c. Funding process. The FY25 year-long continuing resolution impacted the JAGC due to the reduction of supplemental Sexual Assault Prevention and Response (SAPR) funding. Instead of the expected \$9.4M of supplemental SAPR funding, the JAGC only received \$1.5M. This required the JAGC to reduce command training, recruitment, and a facility project. End of year funding was realigned within the Navy to provide additional funding for NCORS.

(1). Additional funding for Camp Lejeune, Red Hill, and DES Torres civilian labor and non-labor requirements in the amount of \$29.7M was provided by the Navy to support these unfunded missions. Funding is currently programmed for FY26.

d. Judge advocate manning. In FY25, the JAGC answered the demand for additional judge advocates and Legalmen needed to provide specialized and comprehensive legal support to the growing naval fleet and the increased number of OSD-directed legal manning requirements. The community was supported by judge advocates this year with an officer end strength of 1,026, an overall growth of 12 billets from FY24. Active-Duty manning is at 99% of their end strength; reserve officer manning is at 98% of their end strength. FY26 will see a significant growth of 32 additional authorized active-duty billets, for a total of 1,062. In FY26, we anticipate growth in the following areas: OSTC (+25 billets), to realign and consolidate prosecution functions; Naval Justice School (+3 billets), to align JAGC education, training, and professional development activities to fleet and joint force requirements; and fleet/joint force commands (+4 billets), to meet fleet/joint force demand.

e. Enlisted paralegal manning. The Navy JAGC was supported by 570 active-duty personnel in the Legalman rating in FY25—17 fewer than the authorized end strength of 587. We are currently in a healthy state, manned at 97%. As a result, the JAGC is filling many of the gapped billets that affect workload distribution in prosecution and defense offices. The Navy JAGC is continuing to work with Navy Personnel Command to eliminate shortfalls and focusing on meeting requirements with capabilities. Reserve Legalman is currently manned at 67%, with 112 Legalman filling 166 billets.

f. Civilian attorneys, paralegals and other specialists. The hiring freeze coupled with the Deferred Resignation Program led to a flat-lining of civilian hiring for the JAGC for the fiscal year. Vacancy rate for total civilian personnel for end of fiscal year was 10%.

g. Training. The JAGC made significant training advancements in FY25, as referenced in other sections of this report.

h. Retention. Retaining litigators across all pay grades represented a challenge in FY24; however, in FY25 the JAG Corps saw losses below the five-year average at every pay grade except Lieutenant. In FY25, TFM developed a mechanism to capture retention rates of military justice practitioners during the exit-interview process. Data indicate an increasing number of mid-career officers are taking advantage of Public Service Loan Forgiveness (PSLF) relief and the Blended Retirement System (BRS), decreasing the financial incentives for completing a twenty-year career. OJAG will continue to monitor how retention incentives, such as the Judge Advocate Continuation Pay Program (JACP), interact with the effects of PSLF forgiveness and BRS for mid-career and senior litigators.

i. Technology. In July 2023, the U.S. Navy deployed a new military justice case management system, the Naval Court-Martial Reporting System (NCORS), which collects required demographic and case data, manages cases throughout the court-martial process, and enables processing for public access to dockets, filings, and records, as required by Article 140a, UCMJ. In July 2024, NCORS deployed under Full Operational Capability (FOC), and initiated a twelve-month sprint schedule to refine configuration of military justice workflows and support stakeholder modules. In conjunction with NCORS reaching FOC, the AJAG for Military Law established and continues to direct the NCORS Steering Committee, a working group focused on leveraging the technological capabilities of NCORS to directly support the Navy's military justice policy goals. Prior to 30 September 2025, NCORS received all the needed funding, from various sources, to continue enhancements and improve military justice case management. Work will be accomplished in FY26.

j. Facilities. The Navy continues to address JAGC facility's needs, particularly in support of the expanding OSTC. Four Interior Construction projects were successfully completed in FY25 to support these efforts. Additionally, one Design Contract for OSTC was finished in FY25, and plans are underway to request funding for this construction project to be executed in FY26. Moreover, NLSC secured two project awards in FY25, with one project expected to be completed in FY26.

6. Conclusion. The Navy JAGC continues to seek opportunities to better serve the Fleet and meet the evolving challenges of military justice and mission accomplishment. The Navy JAGC understands the mission to deliver peace through strength, securing our national interests and prosperity. Military justice is essential to accomplishing this goal as it seeks to maintain good order and discipline throughout the Fleet. As our military practice evolves, the JAG community will continue to ensure we man, train, and equip our practitioners with the best possible tools they need for mission accomplishment. I have total confidence in this community to meet this mission and achieve exceptional results.

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D. J. BLIGH  
Major General, U.S. Marine Corps  
Judge Advocate General

## APPENDIX

**Report Period: FISCAL YEAR 2025**

PART 1 – PENDING COURTS-MARTIAL [A]			
TYPE COURT	PREFERRED PENDING DISPOSITION DECISION	REFERRED	TOTAL
GENERAL		37	
SPECIAL		22	
MILITARY JUDGE ALONE SPECIAL (Art. 16(c)(2)(A))		2	
SUMMARY		0	
<b>TOTAL:</b>	42	61	103

PART 2 – BASIC COURTS-MARTIAL STATISTICS [B]				
TYPE COURT	TRIED	CONVICTIONS	ACQUITTALS	INCREASE (+)/ DECREASE (-) OF TOTAL CASES TRIED OVER LAST REPORT
GENERAL	58	53	5	- 6.5%
SPECIAL	85	79	6	- 2.3%
MILITARY JUDGE ALONE SPECIAL (Art. 16(c)(2)(A))	9	6	3	0.0%
SUMMARY	18	18	0	+ 100.0%
<b>OVERALL INCREASE (+)/DECREASE (-) OF CASES TRIED OVER LAST REPORT</b>				<b>+1.8%</b>

PART 3 – ENUMERATED OFFENSE DATA [C]					
UCMJ ARTICLE	TOTAL OFFENSES PREFERRED	TOTAL OFFENSES REFERRED			
		GENERAL	SPECIAL	ART. 16(c)(2)(A)	SUMMARY
78	1	1	0	0	0
80	26	12	11	0	0
81	27	7	16	1	0
82	4	4	1	0	0
83	3	0	2	0	0
85	5	0	3	1	0
86	17	1	11	2	0
87	2	0	0	1	0
87a	4	0	2	0	0
87b	4	0	3	0	0
89	2	0	3	0	0
90	11	2	7	0	0
91	6	0	5	1	0
92	66	11	45	6	0
93	3	0	1	0	0
93a	2	0	1	0	0
105	0	1	0	0	0

## APPENDIX

UCMJ ARTICLE	TOTAL OFFENSES PREFERRED	TOTAL OFFENSES REFERRED		ART. 16(c)(2)(A)	SUMMARY
		GENERAL	SPECIAL		
105a	1	0	1	0	0
107	37	11	17	4	0
108	3	0	2	0	0
109	3	1	2	0	0
110	1	0	0	0	0
111	1	0	1	0	0
112a	28	8	17	2	0
113	5	0	5	0	0
114	8	5	3	0	0
115	7	2	5	0	0
116	1	0	0	1	0
117a	8	3	3	0	0
118	2	1	0	0	0
119b	13	6	5	0	0
120	38	17	14	0	0
120b	9	7	0	0	0
120c	14	7	5	0	0
121	30	6	21	2	0
121a	6	0	6	0	0
122a	1	0	1	0	0
123	1	0	1	0	0
124	3	2	2	0	0
125	8	2	4	0	0
126	1	1	0	0	0
127	1	1	0	0	0
128	48	15	23	4	0
128b	36	12	20	1	0
129	7	1	5	0	0
130	1	1	1	0	0
131b	33	19	11	0	0
131e	0	0	1	0	0
131g	1	1	0	0	0
133	5	4	0	2	0
134	70	39	29	3	0

## APPENDIX

PART 4 – ACCUSED DEMOGRAPHIC DATA [C]													
TYPE COURT	Total	GENDER		ETHNICITY			RACE						
		Male	Female	Hispanic / Latino	Non-Hispanic / Latino	Unknown	American Indian / Alaska Native	Asian	Black / African American	Native Hawaiian / Pacific Islander	White	Other	Unknown
GENERAL	58	57	1	9	43	6	2	3	16	0	26	5	6
SPECIAL	85	81	4	11	50	24	2	3	20	0	36	1	23
MJ SPECIAL (Art. 16 (c)(2)(A))	9	6	3	0	6	3	0	2	2	0	2	0	3
SUMMARY	18	17	1	3	7	8	0	1	3	0	7	0	7
ALT. DISPO*	93	81	12	11	61	21	4	4	25	2	38	5	15

PART 4b – ACCUSED RANK [C]																					
TYPE COURT	RANK																				
	E-1	E-2	E-3	E-4	E-5	E-6	E-7	E-8	E-9	O-1	O-2	O-3	O-4	O-5	O-6	O-7	W-1	W-2	W-3	W-4	W-5
GENERAL	5	2	5	8	13	11	7	1	0	0	2	1	2	0	0	0	0	0	0	0	0
SPECIAL	5	8	12	16	17	11	12	2	1	0	0	0	0	0	0	0	0	0	1	0	0
MJ SPECIAL (Art. 16 (c)(2)(A))	0	0	0	1	0	2	3	0	1	0	1	1	0	0	0	0	0	0	0	0	0
SUMMARY	0	1	6	2	3	0	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0
ALT. DISPO.	8	7	14	18	10	16	7	1	0	0	3	4	3	0	1	0	0	0	1	0	0

PART 5 – VICTIM DEMOGRAPHIC DATA [D]														
TYPE COURT	Total	GENDER			ETHNICITY			RACE						
		Male	Female	Unk	Hispanic / Latino	Non-Hispanic / Latino	Unk	American Indian / Alaska Native	Asian	Black / African American	Native Hawaiian / Pacific Islander	White	Other	Unk
GENERAL	96	11	63	22	12	61	23	1	1	10	0	56	6	22
SPECIAL	116	44	65	7	13	86	17	1	8	25	1	60	4	17
MJ SPECIAL (Art. 16 (c)(2)(A))	11	3	8	0	1	0	10	0	0	0	0	1	0	10
SUMMARY	4	2	2	0	1	2	1	0	0	0	0	3	1	0
ALT. DISPO.	95	28	65	2	13	65	17	1	2	19	6	43	7	17

## APPENDIX

PART 5b – VICTIM RANK [D]																							
TYPE COURT	RANK																						
	CIV	E-1	E-2	E-3	E-4	E-5	E-6	E-7	E-8	E-9	O-1	O-2	O-3	O-4	O-5	O-6	O-7	W-1	W-2	W-3	W-4	W-5	UNK
GENERAL	56	2	9	4	13	7	2	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0
SPECIAL	29	9	11	17	17	15	13	0	0	2	1	0	0	1	0	0	0	0	0	0	0	0	1
MJ SPECIAL (Art. 16 (c)(2)(A))	3	0	0	0	3	1	1	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0
SUMMARY	1	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
ALT. DISPO.	29	10	7	12	13	12	3	1	0	0	0	3	3	0	0	0	0	0	0	0	0	0	1

PART 6 – NAVY DISCHARGES / OUTCOMES [E]	
GENERAL COURTS-MARTIAL	
NUMBER OF DISHONORABLE DISCHARGES (+ dismissals)	19
NUMBER OF BAD-CONDUCT DISCHARGES	19
SPECIAL COURTS-MARTIAL	
NUMBER OF BAD-CONDUCT DISCHARGES	16
ADMINISTRATIVE SEPARATIONS	6
NJP	12
DISMISSAL OF CHARGES (NO FURTHER ACTION)	6

PART 7 – RECORDS OF TRIAL RECEIVED FOR REVIEW BY JAG (NAVY & MARINE CORPS)	
FOR REVIEW UNDER ARTICLE 66(b)(1) – APPEALS BY ACCUSED	55
FOR REVIEW UNDER ARTICLE 66(b)(2) – CASES FORWARDED FOR REVIEW BY TJAG	0
FOR REVIEW UNDER ARTICLE 66(b)(3) – AUTOMATIC REVIEW	169
FOR EXAMINATION UNDER ARTICLE 65(d)	212

PART 8 – WORKLOAD OF THE U.S. NAVY - MARINE CORPS COURT OF CRIMINAL APPEALS (NAVY & MARINE CORPS)	
TOTAL ON HAND BEGINNING OF PERIOD	151[F]
TOTAL CASES REFERRED FOR REVIEW	254[F]
TOTAL CASES REVIEWED	247[G]
TOTAL CASES DECIDED PRIOR FISCAL YEAR	209[G]
TOTAL PENDING AT CLOSE OF PERIOD	153[F]
RATE OF INCREASE (+)/DECREASE (-) OF NUMBER OF CASES DECIDED AS COMPARED TO FY22 REPORTING PERIOD	+18%

PART 9 - ACTIONS OF THE U.S. COURT OF APPEALS FOR THE ARMED FORCES (CAAF) (NAVY & MARINE CORPS)	
TOTAL PETITIONS TO CAAF	42

## APPENDIX

PART 10 – APPLICATIONS FOR RELIEF UNDER ARTICLE 69, UCMJ (NAVY & MARINE CORPS)	
TOTAL PENDING BEGINNING OF PERIOD	0
RECEIVED	0
DISPOSED OF:	
GRANTED	0
DENIED	0
NO JURISDICTION	0
WITHDRAWN	0
TOTAL PENDING AT END OF PERIOD	0

PART 11 – NAVY ORGANIZATION OF COURTS BY FORUM [B]	
TRIALS BY MILITARY JUDGE ALONE	
GENERAL COURTS-MARTIAL	39
SPECIAL COURTS-MARTIAL	72
MILITARY JUDGE ALONE SPECIAL (Art. 16(c)(2)(A))	9
TRIALS BY MILITARY JUDGE WITH MEMBERS	
GENERAL COURTS-MARTIAL	19
SPECIAL COURTS-MARTIAL	13

PART 12 – STRENGTH	
AVERAGE ACTIVE COMPONENT STRENGTH	338,753 [H]

PART 13 – NONJUDICIAL PUNISHMENT (Art. 15, UCMJ) [H]	
NUMBER OF CASES WHERE NONJUDICIAL PUNISHMENT IMPOSED	6,220
RATE PER 1,000	16.2%

### EXPLANATORY NOTES

[A] Pending cases as of 30 September 2025.

[B] Based on the number of individuals against whom charges were referred to court-martial by a Navy convening authority and those charges were tried to verdict in FY25.

[C] Based on the number of cases where a preferral occurred and the case was either tried to verdict at court-martial or alternatively disposed of within FY25.

[D] Based on the number of individuals named as a victim in a specification either preferred or referred to court-martial by a Navy convening authority or are otherwise identified as victims by the Government with respect to such referred specification as reflected in the Military Justice Electronic Case Management System.

[E] Based on the Statements of Trial Results, Plea Agreement, or Dismissal of Charges Memorandum.

[F] Includes only cases briefed and at issue.

[G] Includes Article 62 appeals, All Writs Act cases, and appeals withdrawn.

[H] Includes only active component Navy personnel

## **APPENDIX**

\*Alternate Disposition refers to cases where a preferral occurred but charges were not tried to verdict, resulting in either NJP, administrative separation, or dismissal of charges with no further recorded action within FY25.



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3000 MARINE CORPS PENTAGON  
WASHINGTON, DC 20380-1775

## Report to Congress

U.S. Marine Corps Report on Military Justice for Fiscal Year 2025

31 December 2025

Prepared by:

HEADQUARTERS UNITED STATES MARINE CORPS  
JUDGE ADVOCATE DIVISION  
3000 MARINE CORPS PENTAGON  
WASHINGTON DC 20350-1000

The estimated cost of this report or study for the Department of Defense is approximately \$4005 for the 2025 Fiscal Year. This includes \$5 in expenses and \$4000 in DoD labor.

## TABLE OF CONTENTS

1. INTRODUCTION	1
2. DATA ON NUMBERS AND STATUS OF PENDING CASES	1
3. INFORMATION ON APPELLATE REVIEW PROCESS	1
a. Compliance with Processing Time Goals	1
b. Circumstances surrounding cases involving unlawful command influence, denial of speedy trial review, or loss of records of trial or other administrative deficiencies	2
c. Cases where a provision of UCMJ held unconstitutional	2
d. An analysis of each case in which the Navy and Marine Corps Court of Criminal Appeals made a final determination that a finding of a court-martial was clearly against the weight of the evidence, including an explanation of the standard of appellate review applied in such case	3
4. MEASURES IMPLEMENTED BY THE MARINE CORPS TO ENSURE THE ABILITY OF JUDGE ADVOCATES TO SERVE IN CERTAIN BILLETS AND BE DETAILED TO CERTAIN TYPES OF CASES	3
a. Prosecution Services Organization	3
b. Trial Counsel	3
c. Special Trial Counsel	5
d. Defense Counsel	6
e. Victims' Legal Counsel	8
f. Trial and Appellate Military Judges	9
g. Military Commissions	10
h. Master of Laws—Criminal Law	10
i. Litigation Additional Military Occupational Specialties	10
5. INDEPENDENT VIEWS OF THE STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS ON THE SUFFICIENCY OF RESOURCES TO CAPABLY PERFORM MILITARY JUSTICE FUNCTIONS	11
6. CONCLUSION	12
APPENDIX	13

**REPORT OF THE  
STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS  
ARTICLE 146a, UNIFORM CODE OF MILITARY JUSTICE  
1 OCTOBER 2024 TO 30 SEPTEMBER 2025**

1. Introduction. The Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC) submits this report in accordance with Article 146a, Uniform Code of Military Justice (UCMJ).<sup>1</sup> This report illustrates the state of military justice practice in the Marine Corps and highlights significant initiatives undertaken during Fiscal Year 2025 (FY25). Most notably, on 29 July 2025, the SJA to CMC authorized the Marine Corps Lead Special Trial Counsel (LSTC) to assume operational control of the Trial Services Organization (TSO) and designated the LSTC as the “Director of Prosecution Services (DPS)” for the Marine Corps. The DPS leads the Prosecution Services Organization (PSO). Within the PSO, the personnel of the OSTC and TSO are now aligned and employed in a manner that maximizes the capability, capacity, and authority of the OSTC and TSO to represent the United States in courts-martial and administrative boards. Additionally, alongside the United State Navy, the Marine Corps has continued to expand and refine the capabilities of the Naval Court-Martial Reporting System (NCORS). NCORS is the Department of the Navy’s (DON) case management information system. During FY25 NCORS has been fully integrated into the courts-martial process, through appellate review. NCORS is also expanding to allow staff judge advocates providing legal advice to commanders to access NCORS to streamline efficiency and improve military justice processes across the Marine Corps. Looking towards the long-term health of our community and practice, in FY25 the Marine Corps initiated a pilot program in which two judge advocates received training as recruiters and were assigned to Marine Corps Recruiting Command. These officers traveled nationwide, working with local recruiters to better communicate the opportunities and benefits of a Marine legal career.

2. Data on Numbers and Status of Pending Cases. At the end of FY25, the Marine Corps had 122 pending cases. Of those, 77 cases were referred to trial by court-martial and the remaining 45 cases were preferred and pending a disposition decision. The Appendix includes data pertaining to these pending cases as well as cases tried to completion in FY25.

3. Information on the Appellate Review Process

a. Compliance with Processing Time Goals. In compliance with the Military Justice Act of 2016, JAG Instruction 5814.1E governs post-trial processing deadlines to ensure that cases are docketed with the Navy Marine Corps Court of Criminal Appeals (NMCCA) within 150 days of the announcement of sentence.

(1) The following Marine Corps cases exceeded 150 days from announcement of sentence to docketing with the Navy-Marine Corps Court of Criminal Appeals (U.S. v. Rivera, 2022 precedent):

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<sup>1</sup> The Marine Corps provides information within this report on Marine Corps cases, meaning those cases in which a Marine Corps convening authority refers charges to a court-martial. However, within the Department of the Navy, certain procedures within the military justice system, such as appellate practice, are under the cognizance of the Navy JAG.

- A. *United States v. Baines* – NMCCA received at day 172 (exceeded by 22 days);
- B. *United States v. Zavala* – NMCCA received at day 164 (exceeded by 14 days);
- C. *United States v. Jones* – NMCCA received at day 169 (exceeded by 19 days)

(2) All three of the above cases missed their delivery deadline in the first quarter of FY25. Since those shortfalls the Marine Corps has invested talent in the post-trial review offices, shared best practices for detailed supervision of a case’s progress, and increased cross-regional coordination in order to enable court-reporter offices to share their workload worldwide—this mutual support helps mitigate the overload that can occur when multiple large cases conclude in the same region at roughly the same time.

b. Descriptions of the circumstances surrounding cases in which general or special court-martial convictions were reversed by the NMCCA because of command influence or denial of the right to speedy review or otherwise remitted because of the loss of a record of trial or other administrative deficiency.

(1) *United States v. Draher* and *United States v. Negron*.<sup>2</sup> Gunnery Sergeants Draher and Negron were tried together in a common trial pursuant to Rule for Courts-Martial 812. Originally charged with serious offenses that grew out of an altercation outside a bar in Erbil, Iraq that resulted in the death of an Army servicemember, they were each convicted solely of violating a lawful general order by wrongfully consuming an alcoholic beverage. Both received no punishment and sought direct appeal to the NMCCA.

(2) *United States v. Gilmet* is a separate case arising from the same incident in Iraq.<sup>3</sup> In November 2021, the Colonel who oversaw the assignment process for Marine Corps judge advocates met with defense attorneys on Camp Lejeune, NC. At that meeting the Colonel made statements that lead many of the counsel present to believe that successfully defending their clients could jeopardize their future assignments and promotions, including statements made directly to Gilmet’s defense counsel.

(3) Based on the facts above, the Court of Appeals of the Armed Forces (CAAF) found actual unlawful command influence (UCI) in *Gilmet* and dismissed the case with prejudice. In *Draher* and *Negron* the NMCCA concluded that the facts and legal analysis were indistinguishable from *Gilmet*. Thus, following CAAF’s analysis as binding precedent, the Court dismissed both cases with prejudice.

c. Analysis of each case in which a provision of the UCMJ was held unconstitutional. None.

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<sup>2</sup> *United States v. Draher*, No. 202300163, 2024 CCA LEXIS 547 (N-M. Ct. Crim. App. Dec. 27, 2024); *United States v. Negron*, No. 202300164, 2024 CCA LEXIS 546 (N-M. Ct. Crim. App. Dec. 27, 2024).

<sup>3</sup> 83 M.J. 398 (C.A.A.F. 2023).

d. Analysis of each case in which the NMCCA made a final determination that a finding of a court-martial was clearly against the weight of the evidence, including an explanation of the standard of appellate review applied in such case. None.

4. Measures Implemented by the Marine Corps to Ensure the Ability of Judge Advocates to Serve in Certain Billets and be Detailed to Certain Types of Cases. The Marine Corps military justice community is comprised of trial counsel, special trial counsel, defense counsel, victims' legal counsel (VLC), appellate trial and defense counsel, trial and appellate military judges, staff judge advocates, enlisted legal services specialists, legal administrative officers, civilian paralegals, and litigation attorney advisors (LAA). To accomplish the military justice mission, this professional community relies on the experience of its practitioners, close supervision, and robust training. The measures specific to trial counsel, special trial counsel, defense counsel, VLC, and military judges are detailed below, in addition to more general measures to build upon the qualifications of our military justice practitioners.

a. Prosecution Services Organization

(1) On 29 July 2025, the SJA to CMC authorized the Marine Corps Lead Special Trial Counsel (LSTC) to assume operational control of the Trial Services Organization (TSO) and designated the LSTC as the "Director of Prosecution Services (DPS)" for the Marine Corps. The DPS leads the Prosecution Services Organization (PSO). Within the PSO, the personnel of the OSTC and TSO are now aligned and employed in a manner that maximizes the capability, capacity, and authority of the OSTC and TSO to represent the United States in courts-martial and administrative boards. Without infringing upon the independence of the OSTC or commanders, this change has positively impacted the unity of effort between the OSTC and TSO and has allowed for an increased tempo in the resolution of allegations of misconduct and substandard performance by providing the capability and capacity to better orient personnel in support of all government litigation functions.

(2) From 19 to 22 August 2025, the DPS hosted a Prosecution Services Legal Board aboard Fort Myer, Arlington, VA, where OSTC leadership, TSO leadership, and other key personnel from the newly established PSO gathered to discuss processes and procedures in light of this alignment. Furthermore, intensive planning is underway to bring all Marine Corps, Navy, and Coast Guard government trial counsel and their enlisted and civilian support staff together for an inaugural week-long joint Sea Services training in February 2026.

b. Trial Counsel

(1) Marine Corps trial counsel serve within the TSO. The Chief Trial Counsel of the Marine Corps (CTC), a colonel (O-6), leads the TSO and is the senior supervisory counsel of the TSO and all its regions. A major (O-4) assists the CTC and serves as the Deputy CTC for the TSO and the Director of the Trial Counsel Assistance Program (TCAP). TCAP is responsible for

providing ongoing assistance to trial counsel in the field and coordinating training opportunities, both internal and external to the TSO.<sup>4</sup>

(2) The TSO is comprised of Regional Trial Offices (RTO) in the National Capital, Eastern, Western, and Pacific Regions. Each of the four RTOs is led by a Regional Trial Counsel (RTC), who is typically a lieutenant colonel (O-5) with extensive litigation experience and is the senior supervisory counsel in each respective region. The Eastern, Western, and Pacific regions are divided by installation, with each major installation within the region supported by an Installation Trial Office (ITO). The National Capital Region includes just one ITO at Marine Corps Base Quantico. Each ITO is led by a Military Justice Officer (MOJO), who is typically a major (O-4) with prior litigation experience. Trial counsel are assigned to ITOs and are supervised by MOJOs. The RTCs are supervised by the CTC. In addition to trial counsel and supervisory counsel, the RTOs and ITOs are composed of enlisted legal services specialists who assist trial counsel with routine functions such as processing discovery material for disclosure, assisting with witness interviews, maintaining court-martial data, and similar activities.

(3) The entry-level training for all Marine Corps judge advocates includes completion of the Basic Lawyer Course (BLC) and the Military Justice Orientation Course (MJOC). These courses are taught consecutively at the Naval Justice School (NJS) aboard Naval Station Newport, Rhode Island. Successful completion of the BLC and the trial counsel-track of MJOC<sup>5</sup> qualifies a Marine Corps judge advocate to represent the United States as a trial counsel in special courts-martial under the close supervision of the cognizant MOJO and RTC.<sup>6</sup> After demonstrating competency at litigating special courts-martial, a trial counsel may be qualified to represent the United States as a trial counsel in general courts-martial.<sup>7</sup> The creation of the PSO also creates additional opportunities for less-experienced trial counsel to assist and learn from more-seasoned special trial counsel on cases across the military justice spectrum.

(4) To supplement the professional development of trial counsel, the TSO employs a civilian LAA, who is a GS-15 employee with significant experience in criminal litigation. The LAA helps trial counsel prepare their individual cases and also plays a significant role in training trial counsel, with a focus on complex litigation. Trial counsel also receive assistance from the Appellate Government Division (Code 46), Office of the Judge Advocate General of the Navy (Navy OJAG). Code 46 is composed of Navy and Marine Corps judge advocates who are responsible for representing the United States on appellate matters before the NMCCA and

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<sup>4</sup> The primary training event attended annually by all members of the TSO is the weeklong TSO Annual Training. This event focuses on reinforcing the skills and knowledge necessary for the competent prosecution of complex cases and special victim cases. TCAP coordinates a variety of additional training opportunities for the TSO and publishes a military justice training calendar every fiscal year. The O-4 TCAP Director and O-3 Deputy TCAP billets have been vacant since April, 2025.

<sup>5</sup> The MJOC is a two-week course divided into two separate tracks—one for trial counsel and another for defense counsel. The first week of MJOC consists largely of separate lectures and discussions for the trial counsel and defense counsel tracks. The second week of MJOC brings the two tracks together in a contested mock trial, including all trial phases (voir dire, opening statement, direct and cross-examinations, etc.).

<sup>6</sup> U.S. MARINE CORPS, ORDER 5800.16 – Volume 16, LEGAL SUPPORT AND ADMINISTRATION MANUAL, MILITARY JUSTICE para. 022201 (14 July 21) [hereinafter LSAM – V16].

<sup>7</sup> *Id.* at para. 022202.

CAAF. Accordingly, judge advocates at Code 46 assist trial counsel with interlocutory appeals and other appellate matters.

(5) National security cases are uncommon and involve additional complexities associated with classified information, security, evidence handling, and clearance levels. For efficiency, the RTO for the National Capital Region (NCR) is responsible for all national security cases in the Marine Corps.<sup>8</sup> Consolidating these cases for prosecution by a single region facilitates uniform coordination with other federal agencies in the area and enables access to courtrooms capable of handling classified information. As a result, trial counsel assigned to the NCR receive advanced training on national security litigation. Trial counsel detailed to these cases also receive assistance from Code 30, Navy OJAG's National Security Litigation Division.

(6) In FY25, no capital offenses were referred to court-martial. Although the Marine Corps infrequently litigates capital cases, procedures are in place to ensure that the trial counsel who may be called upon to prosecute a capital case possess the necessary training, experience, and support to competently do so.<sup>9</sup> Additionally, the authority to detail a trial counsel to represent the government on a capital case is withheld to the cognizant RTC.<sup>10</sup> Moreover, the civilian LAAs within each region are responsible for providing support on such cases.<sup>11</sup>

### c. Special Trial Counsel

(1) The Lead Special Trial Counsel (LSTC), is an Brigadier General (O-7) with significant military justice experience, who exercises both operational and administrative control over the personnel and activities of the OSTC. The LSTC is assisted in his duties by Deputy LSTC/Chief STC (DLSTC/CSTC), a colonel (O-6), and is directly responsible for the effective operation and administration of the OSTC. The OSTC headquarters is also comprised of: the OSTC Legal Services Chief, who serves as the senior enlisted advisor to the LSTC, normally a master sergeant (E-8) or master gunnery sergeant (E-9); a GS-15 Policy and Training Attorney Advisor; an Operations Officer, certified as a Special Trial Counsel, who is a lieutenant colonel (O-5); a Deputy Operations Officer, certified as a Special Trial Counsel, who is a Captain (O-3), and also serves as an Executive Assistant to the LSTC; a GS-13 Administrative Officer, who is directly responsible for the management of the OSTC HQ's legal and personnel administrative duties; and an enlisted support staff that normally includes at least one Staff Non-Commissioned Officer and at least one Non-Commissioned Officer.

(2) The OSTC is comprised of Regional Offices in the National Capital, Eastern, Western, and Pacific Regions. Each of the four regions is led by a Regional Special Trial Counsel (RSTC), who is typically an lieutenant colonel (O-5) with extensive litigation experience and who has been certified by the SJA to CMC as a special trial counsel. The RSTC are supervised by the DLSTC/CSTC. The Eastern, Western, and Pacific regions are

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<sup>8</sup> LSAM – V16, *supra* note 9 at para. 061003.

<sup>9</sup> Although violations of Article 118, UCMJ (Murder) are covered offenses over which the OSTC has exclusive authority, most other capital offenses—espionage, spying, desertion in time of war, aiding the enemy, etc.—remain the province of the TSO.

<sup>10</sup> *Id.* at para 0306.

<sup>11</sup> *Id.* at para 0208.

divided by installation, with each major installation within the region supported by an Installation Office of Special Trial Counsel (IOSTC). The National Capital Region includes just one IOSTC at Marine Corps Base Quantico. Each IOSTC is led by a Special Trial Counsel Team Lead (STCTL), who is typically an major (O-4) and who has been certified by the SJA to CMC as a special trial counsel. Special Trial Counsel (STC) are Captains (O-3s) who have been certified by the SJA to CMC as a special trial counsel. They are assigned to IOSTCs and supervised by STCTLs.

(3) Annually, the SJA to CMC convenes a qualification board to screen all qualified judge advocates for service as STC. Candidates who are favorably screened must then be personally approved by the SJA to CMC based upon their professional and personal qualifications. Selection does not guarantee assignment, but approved candidates are eligible for assignment to the OSTC and the STC Certification Course.

(4) The third annual STC Certification Course was held in late April and early May 2025. The first week of the course took place aboard Naval Air Station North Island, Coronado, CA, where Navy and Marine Corps judge advocates trained in-person alongside their U.S. Coast Guard colleagues on substantive law, policy, practical skills, and service-specific processes and procedures. The prospective Marine Corps, Navy, and Coast Guard STCs then attended a second week of training held aboard The Judge Advocate General's Legal Center and School in Charlottesville, VA, where they joined judge advocates from the U.S. Army and U.S. Air Force to receive additional traditional classroom training focused on black letter law and emerging military justice topics. Following the course, pursuant to Article 24a, UCMJ, the SJA to CMC certified ten (10) active-duty judge advocates and five (5) reservist judge advocates as STCs.

(5) On 1 April 2025, the LSTC, BGen K. S. Woodard, issued revisions of the Marine Corps OSTC Standard Operating Procedures to comply with statutory (NDAA) and regulatory (MCM/JAGMAN) changes, to include the addition of Article 134 – Sexual Harassment, UCMJ, as a covered offense, and to further refine OSTC processes and procedures.

#### d. Defense Counsel

(1) Marine Corps Defense Counsel serve within the Defense Services Organization (DSO). The DSO has three primary objectives: 1) to provide zealous, ethical, and effective legal representation in administrative and criminal matters; 2) to provide highly competent policy and individual legal advice; and 3) the efficient and effective management of the organization. All defense counsel fall under the functional supervision of the Chief Defense Counsel of the Marine Corps (CDC). The CDC is an experienced judge advocate who is a colonel (O-6).<sup>12</sup> The CDC maintains a headquarters in Arlington, Virginia. He is assisted in his duties by a Deputy CDC, a colonel (O-6), an Operations Officer who is a lieutenant colonel (O-5),<sup>13</sup> a Defense Counsel Assistance Program Officer who is a major (O-4),<sup>14</sup> a Legal Administration Officer who is a

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<sup>12</sup> U.S. MARINE CORPS, ORDER 5800.16 – Volume 3, LEGAL SUPPORT AND ADMINISTRATION MANUAL, MARINE CORPS DEFENSE SERVICES ORGANIZATION para. 010601 (20 Feb. 18) [hereinafter LSAM – V3].

<sup>13</sup> These billets were established in late FY22; a pending update to the LSAM will account for these billets.

<sup>14</sup> LSAM – V3 at para. 010606, 010607.

chief warrant officer 3, an Enlisted Advisor who is a staff sergeant (E-6), and one GS-12 Civilian Office Administrator.

(2) The DSO is comprised of Regional Defense Offices in the National Capital, Eastern, Western, and Pacific Regions. These regions are led by a Regional Defense Counsel (RDC) who is a lieutenant colonel (O-5) with extensive litigation experience and is the senior supervisory counsel in each respective region.<sup>15</sup> The RDC is supported by a GS-13 Civilian Investigator, a GS-11 Paralegal, a GS-15 Attorney Advisor,<sup>16</sup> and 2-3 experienced trial litigators who are majors (O-4). Each RDC is responsible for 1-3 subordinate DSO Offices led by a Senior Defense Counsel (SDC), who is a major (O-4). These subordinate offices are located at major installations within each region. The SDC is responsible for day-to-day supervision of “line defense counsel” who are first lieutenants (O-2) and captains (O-3). Approximately 68% of judge advocates assigned to the DSO are serving in these line defense counsel billets and have 0-24 months of litigation experience.

(3) New Marine defense counsel receive two weeks of specialized trial advocacy focused on defense services (MJOC) following the BLC. MJOC trains new defense counsel on how to effectively prepare, manage, and litigate cases from investigation through the post-trial and appellate stage.<sup>17</sup> Marine defense counsel receive continuing defense training both in-person and virtually. There are quarterly Marine DSO-led trainings by supervisory counsel and DSO reserve component personnel in addition to an annual week-long worldwide DSO training event and periodic outside training opportunities at schools and other venues. In FY26, there are eight military training events offered and nine civilian training events that DSO counsel may be nominated to attend, subject to seat availability and funding. The currently anticipated level of training within the DSO is sufficient, subject to funding availability; however, it takes time, both at the individual and organizational levels, to reap the benefit of any training in conjunction with practical application of knowledge and skills learned in defense services during relatively short periods of duty assignment (24-36 months).<sup>18</sup> The DSO is also challenged to conduct or facilitate meaningful training opportunities, and evaluation of such, while concurrently providing uninterrupted client defense services.

(4) The DSO is staffed at approximately 112% of active component authorized strength; however, it has a significant shortage at critical uniformed military occupational specialty billets—specifically, experienced trial litigators that are majors (O-4) (only staffed at 86% of authorized strength). Meanwhile, it is staffed at over 82% for civilian attorney-advisors, investigators, paralegals, and administrators, and at over 533% of reserve component authorized strength. The impact of the shortage in senior litigators is not appreciably impacting client defense services and is mitigated by a recent overstaff of junior judge advocates serving in their

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<sup>15</sup> Id. at para. 010608, 010609.

<sup>16</sup> CDC POLICY MEMORANDUM 4.2A, ATTORNEY ADVISOR MISSION AND CORRESPONDING POLICIES (16 Jan. 19).

<sup>17</sup> The Military Justice Orientation Course is designed to fulfil the Sexual Assault Accountability and Investigation Task Force 2019 Recommendation 2.1 to “enhance training requirements for military justice practitioners, including Special Victims’ Counsel/Victims’ Legal Counsel (SVCs/VLCs), defense counsel, and trial counsel.”

<sup>18</sup> CDC POLICY MEMORANDUM 2.1B, NEW DSO MEMBER ORIENTATION (11 Jun. 19); CDC POLICY MEMORANDUM 4.1C, DEFENSE SERVICES ORGANIZATION ANNUAL TRAINING PROGRAM (14 Oct 22)

first tour as litigators (142% of authorized 4402 billets in the Marine DSO are currently filled). The pending assignments process for FY26 will continue to address the critical shortfall and we anticipate it will result in over 90% of major (O-4) DSO billets being filled by the summer of 2026.

e. Victims' Legal Counsel

(1) Marine Corps Victims' Legal Counsel Organizations (VLCO) provides legal representation to eligible victims of sexual assault, domestic violence, and other crimes throughout the military justice process. The Chief Victims' Legal Counsel of the Marine Corps (CVLC), who is a colonel (O-6), oversees the organization. VLCO is comprised of regional offices in the National Capital, Eastern, Western, and Pacific Regions. Each region is comprised of a Regional Victims' Legal Counsel (RVLC) who is a major (O-4). Victim's Legal Counsel (VLC) serve at major installations throughout each region. VLCO currently has 21 active-duty VLC assigned to ten military installations in the United States and three VLC assigned overseas. Additional staff includes seven civilian paralegals, one enlisted clerk, and one civilian attorney-advisor. The average number of cases per VLC was 27.<sup>19</sup>

(2) To serve as a VLC, Marine Corps judge advocates are subject to a rigorous nomination, screening, interview, and vetting process.<sup>20</sup> The nominee must undergo a sensitive screening process, which includes a thorough review of the nominee's Official Military Personnel File.<sup>21</sup> The CVLC and responsible RVLC also interview the nominee. The nominee must successfully complete an approved Special Victims' Counsel (SVC)/VLC certification course. Only after successfully undergoing this complete process, will the SJA to CMC certify the nominee to serve as a VLC.

(3) Marine Corps VLC participate in several training events throughout the year. VLCO hosts an all-hands annual weeklong training symposium, and individual VLC also participate in regional quarterly training events. These training efforts ensure that the VLC remain current in law and practice and remain capable of performing their duties with a high degree of proficiency. VLC were unable to attend civilian training events this year due to funding constraints. However, the VLCO recognizes the importance of these events in capturing best practices from outside the military and plans to return to such training opportunities in FY26, contingent upon funding. Additionally, VLC continue to benefit from appellate training provided by DoD Joint Appellate Advocacy Training (JAAT). Finally, VLCO cooperates with the Navy Victims' Legal Counsel Program (VLCP) to organize and teach a VLC certification course held at the Naval Justice School, Newport, RI.

(4) In FY 25, the VLCO carried out several initiatives to raise the standard of practice and provide better service and assistance to victims. Victims' Legal Counsel continue to represent sexual harassment victims and other crime victims through the exception to policy (ETP)

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<sup>19</sup> The average caseload was determined based on the number of RVLCs and VLCs. The CVLC and Deputy Officer in Charge were not included in the calculation, as they do not handle trial-level cases.

<sup>20</sup> U.S. MARINE CORPS, ORDER 5800.16 – Volume 4, LEGAL SUPPORT AND ADMINISTRATION MANUAL, MARINE CORPS VICTIMS' LEGAL COUNSEL ORGANIZATION para. 010202, 0103 (26 Aug. 21) [hereinafter LSAM – V4]

<sup>21</sup> *Id.* at para. 010309.

process. In most cases, representation has proven helpful, particularly when there are allegations of retaliation. The VLCO has also found that ETPs are especially valuable in cases involving victims who may not fully understand the military justice process. In these circumstances, VLC provide essential guidance and advocacy, helping clients navigate complex procedures, understand their rights, and mitigate the stress associated with their participation in the military justice system. In addition, along with the Navy VLCP and NJS partners, the VLCO planned and executed the fourth Navy-Marine Corps VLC Certification Course at NJS in Newport, Rhode Island. The VLCO collaborated closely with Navy and NJS partners to design and implement the course, which 27 Navy, Marine Corps, and Coast Guard students attended. Among these students were 6 Marine Corps VLC and one Marine Corps paralegal.

f. Trial and Appellate Military Judges

(1) All Marine Corps military judges are screened for judicial service via a competitive board process established by the Judge Advocate General of the Navy.<sup>22</sup> The screening process includes careful evaluation of the education, experience, accomplishments, temperament, and leadership capabilities of the candidates. Trial and appellate military judges must possess a suitable background in military justice, sound judgement, even temperament, unquestioned maturity of character, and exemplary writing skills. Each candidate seeking future assignment to the judiciary must submit an application to the Judicial Screening Board. A candidate's application must include appraisals from judges before whom they have litigated and a detailed summary of their qualifications and experience.

(2) Marine Corps judge advocates selected by the Judicial Screening Board become eligible for assignment to the judiciary. However, selection does not guarantee assignment to a judicial billet. Prior to assignment to a judicial billet, judge advocates must pass the three-week military judge course at TJAGLCS. The course includes detailed instruction on the court-martial process, evidence, procedure, constitutional law, judicial problem solving, and judicial methodology. It also incorporates demonstrations and practical exercises.

(3) In FY25, the Navy-Marine Corps Trial Judiciary (NMCTJ) consisted of 27 active-duty Navy and Marine Corps judges and 15 Reserve Navy and Marine Corps judges assigned throughout ten judicial circuits. In FY25, the NMCCA consisted of eight active-duty Navy and Marine Corps appellate judges, seven Navy Reserve appellate judges, and three Marine Corps Reserve appellate judges.

(4) Military Judges Continuing Education

(a) In February 2025, NMCTJ judges attended the Joint Military Judges Annual Training at Naval Air Station North Island in Coronado, California with instructors from the NMCTJ, the Honorable Judge Gregory E. Maggs from the Court of Appeals for the Armed Forces (CAAF), and Professor Erwin Chemerinsky, Dean and Jesse H. Choper Distinguished Professor of Law, University of California, Berkeley School of Law. Over 30 active duty and reserve judges assigned to the NMCTJ participated in this three-day course, as did over 100 additional judges across all services.

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<sup>22</sup> U.S. DEP'T OF NAVY, JAGINST 5817.1K CH-1, JUDICIAL SCREENING BOARD (1 Sep. 2022).

(b) Sea Services trial judges also hosted and attended the annual Sexual Assault Training (SAT) in September 2025, which was held virtually this year via Microsoft TEAMS. Navy, Marine Corps, and Coast Guard judges developed and delivered training on a variety of topics, including evidentiary issues associated with Military Rules of Evidence 412 and 513, judicial ethics, the use of artificial intelligence in the courtroom, sentencing parameters, appellate law updates, and post-trial processing.

(c) NMCCA judges hosted and attended the annual Fulton Conference at the Washington Navy Yard. The Chief Judge of CAAF was the Keynote Speaker. Senior Judge Andrew Effron of CAAF instructed on Review of Courts-Martial: First Amendment Issues in Historical Perspective. There were additional classes on military justice updates, judicial ethics and opinion writing. Members also discussed emerging trends in appellate litigation from their sister service courts of criminal appeals.

g. Military Commissions

(1) In FY25, four Marine Corps judge advocates and two legal service specialists served at the Office of the Commissions-Prosecution (OCP), which used a robust orientation program to train new counsel and paralegals. All personnel were trained on the role of the Commissions, the rules and procedures of the Military Commissions Act of 2009, and litigating classified information cases under the Military Commissions Act corollary to the Classified Information Procedures Act. All counsel and paralegals worked under the supervision of experienced attorneys to gain practical experience and training.

(2) Two Marine Corps judge advocates and two legal services specialists served at the Military Commissions Defense Office in FY25. Prior to assignment to one of the defense teams, each counsel receives training on the rules and procedures of the Manual for Military Commissions of 2019. These Marines work under the day-to-day supervision and mentorship of a managing military defense counsel and an experienced civilian attorney.

h. Master of Laws—Criminal Law. Each year, the Marine Corps board-selects approximately eight highly-qualified judge advocates to obtain a Master of Laws degree (LL.M.) in military law with a specialty in criminal law. Upon selection, these judge advocates attend the yearlong criminal law LL.M. program at TJAGLCS. Upon receipt of the criminal law LL.M., these judge advocates receive the Additional Military Occupational Specialty (AMOS) of 4409 (Master of Criminal Law) that identifies them as possessing specialized understanding in technical and constitutional areas of criminal law and the UCMJ. As these officers progress through their careers, they are more competitive for assignment to supervisory counsel billets within the litigation organizations and for assignment as military judges. Additionally, a Marine Corps judge advocate who obtains this LL.M. is eligible to return to TJAGLCS for assignment as a professor of law.

i. Litigation Additional Military Occupational Specialties. In FY23, Judge Advocate Division developed a series of litigation-focused AMOS designators intended to identify those officers with demonstrated litigation experience and expertise. In FY24, the SJA to CMC modified the previously issued criteria for Marine Corps judge advocates to qualify as Special Trial Counsel,

by incorporating these newly established litigation AMOS designators as the experiential baseline to become a Special Trial Counsel. Efforts to integrate these AMOS designators continued in FY25. On 30 September 2025, the SJA to CMC amended the screening process for Special Trial Counsel by requiring a new screening of O-5 and O-6 judge advocates who were previously positively screened at junior ranks to ensure they meet STC criteria at their current rank. Additionally, JAD Occupational Field Managers continued coordination with Total Force Structure Division to ensure several OSTC and non-OSTC litigation supervisory counsel billets were coded to a corresponding AMOS with appropriate expertise in the Authorized Strength Report. This coding creates an assignment preference, whereby only officers possessing the appropriate AMOS may be assigned to that billet unless there is an approved exception. To continue to identify those with the requisite education and experience for slating to supervisory litigation billets an additional AMOS screening board was held in FY25, and another is scheduled for early FY26 prior to the next assignments cycle. Finally, starting in calendar year 2026, the Marine Corps will incorporate specific guidance into officer promotion selection boards precepts to emphasize the value of litigation AMOS, and will solicit judge advocates with certain litigation AMOS to serve as PSB members.

##### 5. Independent Views of the Staff Judge Advocate to the Commandant of the Marine Corps on the Sufficiency of Resources to Capably Perform Military Justice Functions.

a. As discussed in the Article 146a reports for Fiscal Years 2022, 2023 and 2024, the Marine Corps has grown the legal community's structure by over 125 military and civilian positions through planning efforts to implement the military justice reforms of the FY22 NDAA and the Secretary of Defense-approved recommendations of the Independent Review Commission on Sexual Assault in the Military. Added structure includes not only the creation of OSTC, but also corresponding additions to the DSO, military justice instructors, and additions to the judiciary. The priority of effort for addressing resourcing concerns is now focused on filling those additional positions as well as ensuring that both new and existing positions are filled with personnel with the right education and experience to execute the military justice reform mission. To bolster judge advocate recruiting in FY25, the Marine Corps initiated a pilot program in which two judge advocates received Officer Selection Officer (OSO) training and were assigned to Marine Corps Recruiting Command as "Judge Advocate Recruiting Officers" (JAROs). With the mantra of "lawyers recruiting lawyers," JAROs traveled with OSO's across the United States to recruit future judge advocates, enabled by JARO fluency in the potential opportunities, experiences, and benefits in a career as a Marine judge advocate.

b. Continued, sustainable resourcing is essential for the Marine Corps to fully execute recent military justice reforms and perform its enduring military justice function. This includes not only the sustained operation of the OSTC, estimated to require approximately \$5 million annually, but also other initiatives to raise the bar of military justice practice in other organizations. Major components of these efforts are Defense Litigation Resource Funds (to fulfill IRC Recommendation 1.7e) and recruitment and retention incentives. The ability of the Marine Corps to retain mid-career litigators, high-performing and experienced counsel who are suited to serve as supervisory counsel, is vital to the military justice mission. As a group, these attorneys are facing the prospect of starting families while still burdened with significant student loan debt after dedicating their professional lives to public service. At the end of FY23, the

Marine Corps began offering Judge Advocate Continuation Pay (JACP). Pursuant to Title 37, United States Code, Section 321, JACP is a phased, special pay offered to judge advocates to retain high-performing and experienced counsel in certain grades experiencing shortfalls. As of the end of FY25, the Marine Corps has paid approximately \$4.1 million in continuation pay to Marine Corps judge advocates. Continued funding of these initiatives is vital to address resourcing constraints imposed by military justice reform.

6. Conclusion. The Marine Corps continues to execute the requirements of FY22 NDAA military justice reform. The OSTC continues to grow and develop its policies, procedures, and best practices in the exercise of its statutory authority. Our Marine STCs have implemented the additional requirements of the FY24 NDAA, by adding sexual harassment cases to their portfolio. Moreover, the integration of OSTC and TSO under the DPS allows PSO leadership to better optimize both the workforce assigned to a case, and the development of their personnel. This integration also enables increased tempo in the resolution of allegations of misconduct and substandard performance across the jurisdictional spectrum. Perhaps most critically, we have prioritized the retention and recruitment of highly qualified Marine Judge Advocates to continue to fill important billets in every military justice organization, to include the DSO, VLCO, military judges, and military commissions. Our Marine Corps Military justice practitioners remain trained, equipped, and prepared to execute their vital roles in a fair and impartial justice system.



C. G. Tolar  
Major General, U.S. Marine Corps  
Staff Judge Advocate to the  
Commandant of the Marine Corps

## APPENDIX

Report Period: FISCAL YEAR 2025

PART 1 – PENDING COURTS-MARTIAL [A]			
TYPE COURT	PREFERRED PENDING DISPOSITION DECISION	REFERRED	TOTAL
GENERAL		36	
SPECIAL		31	
MILITARY JUDGE ALONE SPECIAL (Art. 16(c)(2)(A))		10	
SUMMARY		0	
<b>TOTAL:</b>	<b>45</b>	<b>77</b>	<b>122</b>

PART 2 – BASIC COURTS-MARTIAL STATISTICS [B]				
TYPE COURT	TRIED	CONVICTIONS	ACQUITTALS	INCREASE (+)/ DECREASE (-) OF TOTAL CASES TRIED OVER LAST REPORT
GENERAL	72	62	10	-4.0%
SPECIAL	84	79	6	-11.6%
MILITARY JUDGE ALONE SPECIAL (Art. 16(c)(2)(A))	17	10	7	+13.3%
SUMMARY	60	59	1	+36.3%
<b>OVERALL INCREASE (+) DECREASE (-) OF CASES TRIED OVER LAST REPORT</b>				<b>+1.7%</b>

PART 3 – ENUMERATED OFFENSE DATA [C]					
UCMJ ARTICLE	TOTAL OFFENSES PREFERRED	TOTAL OFFENSES REFERRED			SUMMARY
		GENERAL	SPECIAL	ART. 16(c)(2)(A)	
80	32	13	5	4	4
81	22	8	9	0	2
82	10	4	3	0	2
85	4	0	2	0	0
86	71	1	14	0	14
87	14	0	4	0	1
87a	0	0	0	0	2
87b	16	0	3	0	1
89	16	1	8	1	0
90	24	3	13	1	3
91	27	1	3	3	1
92	209	31	49	7	20
93	21	0	5	2	0
95	7	0	3	0	0
104a	1	0	0	0	0
105	1	0	1	0	0
105a	1	0	0	0	0
106	1	0	1	0	0
107	63	13	24	0	0

108	11	1	1	3	0
109	8	0	3	0	0
111	4	0	1	0	1
112	8	0	2	1	4
112a	92	8	19	4	6
113	29	0	9	2	14
114	11	4	2	0	0
115	16	2	5	0	0
116	7	1	2	0	1
117	1	0	0	0	0
117a	7	2	4	0	0
118	1	0	0	0	0
119	1	0	0	0	0
119b	7	4	2	0	0
120	29	7	3	0	0
120b	14	12	1	0	0
120c	14	6	6	0	0
121	36	2	9	0	11
122	2	0	0	0	0
123	1	0	0	0	0
124	1	0	0	0	0
124a	1	0	0	0	0
125	4	3	0	0	0
126	2	0	1	0	0
127	2	0	0	0	0
128	60	0	21	3	17
128a	19	18	0	0	0
128b	28	12	12	0	4
129	5	2	0	0	0
130	3	0	2	0	0
131	2	0	1	0	0
131b	33	10	8	0	0
133	10	3	1	0	0
134	97	31	16	2	11

PART 4 – ACCUSED DEMOGRAPHIC DATA [C]													
TYPE COURT	Total	GENDER		ETHNICITY			RACE						
		Male	Female	Hispanic Latino	Non-Hispanic Latino	Unk	American Indian Alaska Native	Asian	Black African American	Native Hawaiian Pacific Islander	White	Other	Unk
GENERAL	72	72	0	15	57	0	3	4	18	0	46	1	0
SPECIAL	84	79	5	22	62	0	1	4	18	1	57	3	0
MJ SPECIAL (Art. 16 (c)(2)(A))	17	15	2	9	8	0	0	0	2	0	13	2	0
SUMMARY	60	56	4	15	45	0	1	1	16	0	41	1	0
ALT. DISPO*	268	239	29	188	74	6	6	4	61	3	188	0	6

PART 4b – ACCUSED RANK [C]																					
TYPE COURT	RANK																				
	E-1	E-2	E-3	E-4	E-5	E-6	E-7	E-8	E-9	O-1	O-2	O-3	O-4	O-5	O-6	O-7	W-1	W-2	W-3	W-4	W-5
GENERAL	8	7	27	11	5	7	2	0	0	0	1	1	1	0	0	0	0	0	1	0	1
SPECIAL	7	6	24	25	7	6	5	2	1	0	0	1	0	0	0	0	0	0	0	0	0
MJ SPECIAL (Art. 16 (c)(2)(A))	1	2	2	2	4	3	0	0	1	0	0	1	0	1	0	0	0	0	0	0	0
SUMMARY	7	8	16	12	6	7	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0
ALT. DISPO.	35	44	67	41	26	30	11	2	0	1	2	3	3	0	0	0	0	1	1	0	0

PART 5 – VICTIM DEMOGRAPHIC DATA [D]**														
TYPE COURT	Total	GENDER			ETHNICITY			RACE						
		Male	Female	Unk	Hispanic Latino	Non-Hispanic Latino	Unk	American Indian Alaska Native	Asian	Black African American	Native Hawaiian Pacific Islander	White	Other	Unk
GENERAL	91	23	67	1	9	19	63	0	0	4	1	20	3	63
SPECIAL	46	15	30	1	6	25	15	1	3	2	0	26	0	14
MJ SPECIAL (Art. 16 (c)(2)(A))	11	9	1	1	1	8	2	0	0	1	0	7	0	3
SUMMARY	16	7	7	2	1	8	7	0	0	3	0	6	0	7
ALT. DISPO.	70	37	33	0	13	42	15	0	0	7	1	47	1	14

PART 5b – VICTIM RANK [D]**																							
TYPE COURT	RANK																						
	CIV	E-1	E-2	E-3	E-4	E-5	E-6	E-7	E-8	E-9	O-1	O-2	O-3	O-4	O-5	O-6	O-7	W-1	W-2	W-3	W-4	W-5	UNK
GENERAL	76	0	1	3	4	3	0	0	1	0	0	0	0	1	1	0	0	0	0	0	0	0	0
SPECIAL	26	0	1	5	4	3	1	1	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0
MJ SPECIAL (Art. 16 (e)(2)(A))	2	0	1	6	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
SUMMARY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16
ALT. DISPO.	14	2	4	30	9	4	2	3	0	0	0	1	1	0	1	0	0	0	0	0	0	0	1

PART 6 – MARINE CORPS DISCHARGES / OUTCOMES [E]	
GENERAL COURTS-MARTIAL	
NUMBER OF DISHONORABLE DISCHARGES (+ dismissals)	36
NUMBER OF BAD-CONDUCT DISCHARGES	18
SPECIAL COURTS-MARTIAL	
NUMBER OF BAD-CONDUCT DISCHARGES	34
ADMINISTRATIVE SEPARATIONS	10
NJP	14
DISMISSAL OF CHARGES (NO FURTHER ACTION)	12

PART 7 – RECORDS OF TRIAL RECEIVED FOR REVIEW BY JAG (NAVY & MARINE CORPS)	
FOR REVIEW UNDER ARTICLE 66(b)(1) – APPEALS BY ACCUSED	55
FOR REVIEW UNDER ARTICLE 66(b)(2) – CASES FORWARDED FOR REVIEW BY TJAG	0
FOR REVIEW UNDER ARTICLE 66(b)(3) – AUTOMATIC REVIEW	169
FOR EXAMINATION UNDER ARTICLE 65(d)	212

PART 8 – WORKLOAD OF THE U.S. NAVY - MARINE CORPS COURT OF CRIMINAL APPEALS (NAVY & MARINE CORPS)	
TOTAL ON HAND BEGINNING OF PERIOD	151[F]
TOTAL CASES REFERRED FOR REVIEW	254[F]
TOTAL CASES REVIEWED	247[G]
TOTAL CASES DECIDED PRIOR FISCAL YEAR	209[G]
TOTAL PENDING AT CLOSE OF PERIOD	153[F]
RATE OF INCREASE (+)/DECREASE (-) OF NUMBER OF CASES DECIDED AS COMPARED TO FY24 REPORTING PERIOD	+18%

PART 9 - ACTIONS OF THE U.S. COURT OF APPEALS FOR THE ARMED FORCES (CAAF) (NAVY & MARINE CORPS)	
TOTAL PETITIONS TO CAAF	42

PART 10 – APPLICATIONS FOR RELIEF UNDER ARTICLE 69, UCMJ (NAVY & MARINE CORPS)	
TOTAL PENDING BEGINNING OF PERIOD	0
RECEIVED	0
DISPOSED OF:	0
GRANTED	0
DENIED	0
NO JURISDICTION	0
WITHDRAWN	0
TOTAL PENDING AT END OF PERIOD	0

PART 11 – MARINE CORPS ORGANIZATION OF COURTS BY FORUM [B]	
TRIALS BY MILITARY JUDGE ALONE	152
GENERAL COURTS-MARTIAL	62
SPECIAL COURTS-MARTIAL	73
MILITARY JUDGE ALONE SPECIAL (Art. 16(c)(2)(A))	17
TRIALS BY MILITARY JUDGE WITH MEMBERS	21
GENERAL COURTS-MARTIAL	10
SPECIAL COURTS-MARTIAL	11

PART 12 – STRENGTH	
AVERAGE ACTIVE COMPONENT STRENGTH	172,300 [H]

PART 13 – NONJUDICIAL PUNISHMENT (Art. 15, UCMJ) [H]	
NUMBER OF CASES WHERE NONJUDICIAL PUNISHMENT IMPOSED	4,869
RATE PER 1,000	28.3

**EXPLANATORY NOTES**

[A] Pending cases as of 30 September 2025.

[B] Based on the number of individuals against whom charges were referred to court-martial by a Marine Corps convening authority and those charges were tried to verdict in FY25.

[C] Based on the number of cases where a preferral occurred and the case was either tried to verdict at court-martial or alternatively disposed of within FY25.

[D] Based on the number of individuals named as a victim in a specification either preferred or referred to court-martial by a Marine Corps convening authority or are otherwise identified as victims by the Government with respect to such referred specification as reflected in the Military Justice Electronic Case Management System.

[E] Based on the Statements of Trial Results, Plea Agreement, or Dismissal of Charges Memorandum.

[F] Includes only cases briefed and at issue.

[G] Includes Article 62 appeals, All Writs Act cases, and appeals withdrawn.

[H] Includes only active component Marines.

\*Alternate Disposition refers to cases where a preferral occurred but charges were not tried to verdict, resulting in either NJP, administrative separation, or dismissal of charges with no further recorded action within FY25.

\*\* One Art. 127 case included over 33 civilian victims with unknown demographic data, heavily weighting the year's totals.



# Military Justice in the Coast Guard (FY 2025)

Report to Congress  
*March 30, 2026*



U.S. Coast Guard

# Forward

March 30, 2026

I am pleased to present the following report, Military Justice in the Coast Guard (FY 2025).

The National Defense Authorization Act for Fiscal Year 2017, codified in Section 946a of Title 10, United States Code (U.S.C.), as amended by the *Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025* (Public Law 118-159), directs the submission of an annual report on the number and status of pending and completed cases; information on the appellate review process; an explanation of measures implemented to increase proficiency of judge advocates; and independent views regarding the sufficiency of available resources.



Pursuant to Congressional requirements, this report is being provided to the following members of Congress:

Senator Roger Wicker  
Chairman, Senate Armed Services Committee

Senator Jack Reed  
Ranking Member, Senate Armed Services Committee

Representative Mike Rogers  
Chairman, House Armed Services Committee

Representative Adam Smith  
Ranking Member, House Armed Services Committee.

I am happy to answer any further questions you may have, or your staff may contact the Coast Guard Senate Liaison Office at (202) 224-2913 or House Liaison Office at (202) 225-4775.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. M. Emge".

Travis M. Emge  
Captain, U.S. Coast Guard  
Acting Judge Advocate General



## Military Justice in the Coast Guard (FY 2025)

### Table of Contents

I. Legislative Language	1
II. Report	3
A. Data on Fiscal Year (FY) 2025 Pending or Completed Cases	3
B. Appellate Review Process Data	7
C. Measures Implemented to Increase Proficiency of Judge Advocates	8
D. Independent Views of the Sufficiency of Resources Available	10
E. Other Matters	10

# I. Legislative Language

The *National Defense Authorization Act for Fiscal Year 2017* (Public Law 114-328 codified in 10 U.S.C. § 946a), as amended by the *Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025* (Public Law 118-159), includes the following requirement:

## ART. 146a. ANNUAL REPORTS

(a) **COURT OF APPEALS FOR THE ARMED FORCES.**—Not later than December 31 each year, the Court of Appeals for the Armed Forces shall submit a report that, with respect to the previous fiscal year, provides information on the number and status of completed and pending cases before the Court, and such other matters as the Court considers appropriate regarding the operation of this chapter.

(b) **SERVICE REPORTS.**—Not later than December 31 each year, the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps shall each submit a report, with respect to the preceding fiscal year, containing the following:

- (1) Data on the number and status of pending cases.
- (2) Data on the number and status of completed cases, including—
  - (A) information on race, ethnicity, rank, and sex demographic for the victim and the accused;
  - (B) the enumerated offenses preferred and referred;
  - (C) the types of court-martial; and
  - (D) the results for each case, including cases that resulted in nonjudicial punishment or administrative separation.
- (3) Information on the appellate review process, including—
  - (A) information on compliance with processing time goals;
  - (B) descriptions of the circumstances surrounding cases in which general or special court-martial convictions were (i) reversed because of command influence or denial of the right to speedy review or (ii) otherwise remitted because of loss of records of trial or other administrative deficiencies;
  - (C) an analysis of each case in which a provision of this chapter was held unconstitutional; and
  - (D) an analysis of each case in which a Court of Criminal Appeals made a final determination that a finding of a court-martial was clearly against the weight of the evidence, including an explanation of the standard of appellate review applied in such case.
- (4) (A) An explanation of measures implemented by the armed force concerned to ensure the ability of judge advocates—
  - (i) to participate competently as trial counsel and defense counsel in cases under this chapter;
  - (ii) to preside as military judges in cases under this chapter; and
  - (iii) to perform the duties of Special Victims' Counsel, when so designated under section 1044e of this title.

- (B) The explanation under subparagraph (A) shall specifically identify the measures that focus on capital cases, national security cases, sexual assault cases, and proceedings of military commissions.
  - (5) The independent views of each Judge Advocate General and of the Staff Judge Advocate to the Commandant of the Marine Corps as to the sufficiency of resources available within the respective armed forces, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.
  - (6) Such other matters regarding the operation of this chapter as may be appropriate.
- (c) SUBMISSION.—Each report under this section shall be submitted—
- (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and
  - (2) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of the department in which the Coast Guard is operating when it is not operating as a service in the Navy.

## II. Report

### A. Data on Fiscal Year (FY) 2025 Pending or Completed Cases

#### Pending Courts-Martial

Type Court	Preferred	Referred
General	N/A <sup>1</sup>	3
Special	N/A <sup>1</sup>	1
Military Judge Alone Special (Art. 16(c)(2)(A))	N/A <sup>1</sup>	0
Summary	N/A <sup>1</sup>	0
<b>Total</b>	<b>N/A<sup>1</sup></b>	<b>4</b>

<sup>1</sup> Type of Court-Martial forum is not determined at preferral stage.

#### Courts-Martial Completed in FY 2025<sup>2</sup>

Forum	Tried <sup>3</sup>	Convicted <sup>4</sup>	Acquittal
General (Members or Judge Alone)	5	3	2
General (Members)	2	0	2
General (Judge Alone)	3	3	0
Special (Members or Judge Alone)	7	7	0
Special (Members)	0	0	0
Special (Judge Alone)	7	7	0
Military Judge Alone Special (Art. 16(c)(2)(A))	0	0	0
Summary	2	2	0
<b>Total</b>	<b>14</b>	<b>12</b>	<b>2</b>

<sup>2</sup> As of 30 Sep 2025, there were 41,902 members on active duty in the Coast Guard.

<sup>3</sup> Includes both contested and uncontested (subject to guilty plea) courts-martial.

<sup>4</sup> Includes all trials where at least one specification resulted in a guilty finding.

### Accused Demographic Data

FORUM	Total	SEX		ETHNICITY			RACE						
		Male	Female	Hispanic/ Latino	Non- Hispanic/ Latino	Unknown	American Indian / Alaska Native	Asian	Black/ African American	Native Hawaiian/ Pacific Islander	White	Other	Unknown
General	5	5	0	0	5	0	0	0	2	0	3	0	0
Special	7	7	0	2	5	0	0	0	1	1	4	0	1
MJ Special (Art. 16 (c)(2)(A))	0	0	0	0	0	0	0	0	0	0	0	0	0
Summary	2	2	0	0	2	0	0	0	0	1	1	0	0
Alternate Disposition*	2	2	0	1	1	0	0	0	0	0	1	0	1

### Victim Demographic Data<sup>5</sup>

FORUM	Total	SEX		ETHNICITY			RACE						
		Male	Female	Hispanic/ Latino	Non- Hispanic/ Latino	Unknown	American Indian / Alaska Native	Asian	Black/ African American	Native Hawaiian/ Pacific Islander	White	Other	Unknown
General	5	1	4	0	5	0	0	0	0	0	5	0	0
Special	7	1	6	2	5	0	0	0	1	0	4	0	2
MJ Special (Art. 16 (c)(2)(A))	0	0	0	0	0	0	0	0	0	0	0	0	0
Summary	0	0	0	0	0	0	0	0	0	0	0	0	0
Alternate Disposition*	3	1	2	2	1	0	0	0	0	0	3	0	0

<sup>5</sup> The victim demographic data contained in this report refers only to victims named in a specification in a case disposed of in FY 2025. Victim data is self-reported and may be left blank. Figures may not equal the number of courts-martial, as some courts-martial may involve no or multiple victims.

## Victim Rank

FORUM	RANK <sup>6</sup>				
	CIV	E-5	E-6	O-5	Unknown
GENERAL	4	0	0	1	0
SPECIAL	6	1	0	0	1
MJ SPECIAL (Art. 16 (c)(2)(A))	0	0	0	0	0
SUMMARY	0	0	0	0	0
ALT. DISPO.	2	0	1	0	0

<sup>6</sup> For ranks omitted from this table, there were zero (0) victims of that rank.

The below case synopses address completed actions in cases disposed of in FY 2025 for which there were preferred charges pending in FY 2025; they are organized by forum, from general court-martial to alternative disposition, and descending order of paygrade within each forum. In several cases, further action pends, including appellate review or processing for administrative separation. Pending case activity is not addressed in the case synopses. Additionally, if an accused member has been approved for retirement not pursuant to a plea agreement or has been administratively separated on medical grounds, that information is not included in the corresponding case synopsis.

### Case Synopses (Disposed Cases with Preferred Charges Pending or Completed in FY 2025)

1.	In accordance with a plea agreement and consistent with his pleas of guilt, an E-6 was convicted at a general court-martial of violating Articles 115 (one specification of communicating a threat), 128b (one specification of domestic violence), and 134 (one specification of negligently discharging a firearm). Also pursuant to the plea agreement, the government withdrew and dismissed one specification of violating Article 114 (reckless endangerment), two specifications of violating Article 128b (one for domestic violence and one for violation of a protective order with intent to threaten or intimidate), and one specification of violating Article 134 (drunk and disorderly conduct of a nature to discredit the armed forces). The military judge sentenced the member to 211 days of confinement, reduction to E-1, and a bad conduct discharge.
2.	An E-5 was found not guilty of all charges and specifications by a panel of members with enlisted representation at a general court-martial. The member was charged with one specification of violating Article 115 (communicating a threat) and one specification of violating Article 128b (domestic violence).
3.	In accordance with a plea agreement and consistent with his pleas of guilt, an E-4 was convicted at a general court-martial of violating Articles 128b (one specification of domestic violence), 119b (one specification of child endangerment by culpable negligence resulting in harm), and 134 (one specification of violation of federal law by possessing a firearm despite knowing he was a prohibited person as defined by 18 U.S.C. Section 922(g)(8)). Also pursuant to the plea agreement, the government withdrew and dismissed charges alleging that the E-4 violated Articles 115 (one specification of communicating a threat) and 120 (two specifications of sexual assault). The military judge sentenced the member to 180 days of confinement, reduction to E-1, and a bad conduct discharge.
4.	An E-4 was found not guilty of all charges and specifications by a panel of members with enlisted representation at a general court-martial. The member was charged with five specifications alleging violations of Article 128b (domestic violence); the government withdrew and dismissed one of the five specifications during trial before the case was submitted to the panel members, and withdrew and dismissed two specifications of violating Article 134 (animal abuse) several months before trial.
5.	In accordance with a plea agreement and consistent with his pleas of guilt, an E-4 was convicted at a general court-martial of violating Articles 92 (one specification of willful dereliction of duty), 107 (one specification of making a false official statement), and 114 (two specifications of unlawfully carrying a concealed weapon onboard a Coast Guard Base). Also pursuant to the plea agreement, the government withdrew and dismissed one specification charging that the member violated Article 80 (attempted murder). The military judge sentenced the member to 518 days of confinement, reduction to E-1, and a dishonorable discharge.

6.	In accordance with a plea agreement and consistent with his plea of guilt, an E-5 was convicted at a special court-martial of one specification of violating Article 134 (indecent conduct that was of a nature to discredit the armed forces). Also pursuant to the plea agreement, the government withdrew and dismissed charges that the member violated Articles 80 (one specification of attempted indecent recording) and 120c (one specification of indecent recording). The military judge sentenced the member to three months of confinement, reduction to E-1, and a bad conduct discharge.
7.	In accordance with a plea agreement and consistent with his plea of guilt, an E-5 was convicted at a special court-martial of violating one specification of Article 128b (domestic violence). The military judge sentenced the member to reduction to E-1 and a bad conduct discharge.
8.	In accordance with a plea agreement and consistent with his pleas of guilt, an E-4 was convicted at a special court-martial of violating Articles 128b (one specification of domestic violence) and 92 (three specifications of failure to obey a lawful written order, specifically, a military protective order). Also pursuant to the plea agreement, the government withdrew and dismissed charges alleging the E-4 committed two additional specifications under Article 128b (domestic violence), two additional specifications under Article 92 (failure to obey a lawful written order, specifically, a military protective order), and one specification under Article 80 (attempting to violate a lawful written order, specifically, a military protective order). The military judge sentenced the member to 20 days of confinement and reduction to E-1. As stipulated in the plea agreement, the member was administratively separated on the basis of commission of a serious offense with an Other Than Honorable (OTH) characterization of service.
9.	In accordance with a plea agreement and consistent with his pleas of guilt, an E-4 was convicted at a special court-martial of one specification of violating Article 112a (wrongful use of marijuana) and one specification of violating Article 80 (attempting to violate a lawful order, specifically, a no-contact order). Also pursuant to the plea agreement, the government withdrew and dismissed one specification of violating article 120b (sexual assault of a child). The military judge sentenced the member to reduction to E-1. As stipulated in the plea agreement, the member was administratively separated on the basis of commission of a serious offense with an Other Than Honorable (OTH) characterization of service.
10.	In accordance with a plea agreement and consistent with his pleas of guilt, an E-4 was convicted at a special court-martial of three specifications of violating Article 128 (assault consummated by a battery). Also pursuant to the plea agreement, the government withdrew and dismissed a charge that the E-4 violated Article 120 (one specification of abusive sexual contact). The military judge sentenced the member to reduction to E-1. As stipulated in the plea agreement, the member was administratively separated on the basis of commission of a serious offense with an Other Than Honorable (OTH) characterization of service.
11.	In accordance with a plea agreement and consistent with his pleas of guilt, an E-2 was convicted at a special court-martial of violating Articles 83 (one specification of malingering by intentionally inflicting self-injury), 86 (one specification of absence without leave for three days or less), 87b (one specification of breach of restriction), 107 (two specifications of making a false official statement), 112a (one specification of wrongfully using marijuana), and 128b (one specification of domestic violence). Also pursuant to the plea agreement, the government withdrew and dismissed charges that the member violated Articles 87 (one specification of missing movement through design), 104a (one specification of fraudulent enlistment), and 128 (one specification of battery). The military judge sentenced the member to 135 days of confinement and reduction to E-1. As stipulated in the plea agreement, the member was administratively separated on the basis of commission of a serious offense with an Other Than Honorable (OTH) characterization of service.
12.	In accordance with a plea agreement and consistent with his plea of guilt, an E-2 was convicted at a special court-martial of violating Article 134 (one specification of indecent conduct). Also pursuant to the plea agreement, the government withdrew and dismissed charges that the member violated Articles 82 (one specification of soliciting the commission of an offense by encouraging other members to view child pornography) and 134 (one specification of possessing child pornography). The military judge sentenced the member to reduction to E-1 and a bad conduct discharge.
13.	In accordance with a plea agreement and consistent with his pleas of guilt, an E-7 was convicted at a summary court-martial of violating Articles 92 (one specification of dereliction in the performance of duties as a Firearms Instructor by failing to fully complete all phases of the Firearms – Pistol course with all range attendees) and 107 (one specification of falsely signing firearms training records indicating members had completed all phases of training when they had not). The Summary Court-Martial Officer sentenced the member to reduction to E-6 and a punitive letter of reprimand.

14.	In accordance with a plea agreement and consistent with his plea of guilt, an E-3 was convicted at a summary court-martial of violating Article 82 (solicitation to commit prostitution, which was conduct of a nature to discredit the armed forces). The Summary Court-Martial Officer sentenced the member to eight days of confinement (with forfeiture of pay during confinement) and reduction to E-1. As stipulated in the plea agreement, the member was administratively separated on the basis of commission of a serious offense with an Other Than Honorable (OTH) characterization of service.
15.	Pursuant to a plea agreement, the government withdrew and dismissed charges against an E-7 for one specification each of violating Articles 107 (false official statement) and 134 (extramarital sexual conduct that was prejudicial to good order and discipline and of a nature to discredit the armed forces). Also pursuant to the plea agreement, the E-7 accepted non-judicial punishment proceedings and agreed to admit to violating Articles 107 and 134, and was voluntarily reduced to E-6.
16.	Pursuant to a plea agreement, the government withdrew and dismissed charges against an E-7 for one specification each of violating Articles 113 (drunken operation of a vehicle) and 134 (drunk and disorderly conduct that was of a nature to discredit the armed forces). Also pursuant to the plea agreement, the E-7 accepted non-judicial punishment proceedings and agreed to admit to violating Article 134 (drunk and disorderly conduct), and submitted a request to retire voluntarily, which was approved.

## B. Appellate Review Process Data

### Compliance with Appellate Time Goals<sup>7</sup>

Decisions by Coast Guard Court of Criminal Appeals (CGCCA) in FY 2025	3
Cases Referred to CGCCA within 150 days of trial completion	2
CCA Decision within 18 Months of docketing <sup>8</sup>	3

<sup>7, 8</sup> The chart tallies only automatic-appeal cases for which the 150-day and eighteen-month limits apply. *See United States v. Tucker*, 82 M.J. 553, 570 (C.G. Ct. Crim. App. 2022). During FY 2025, one automatic appeal was not timely docketed: In *United States v. Nenni*, CGCCA concluded that the additional delay of 50 days was relatively minor; did not constitute a due-process violation; resulted in no discernable prejudice; and did not warrant discretionary relief. *United States v. Nenni*, No. 1494, 2024 WL 4454934, at \*1-3 (Oct. 10, 2024).

Delays in *non*-automatic appeals are assessed on a case-by-case basis (i.e., without reference to specific day/month limits). *See United States v. Taylor*, No. 1503, 2024 WL 4656849, at \*1 (Nov. 4, 2024). In FY 2025, three non-automatic appeals were decided; only one—*United States v. Taylor*—asserted error on grounds of post-trial delay. *See id.* There, CGCCA found no due process violation arising from a 460-day delay caused in part by (1) the impact of the statutory change expanding the right to appeal (which became effective after trial but before post-trial processing was complete); and (2) the necessity of reconstituting the record of trial after the original had been lost. *See id.* at \*2. The Court nevertheless found that approximately 25 percent of the delay (120 days of the 460 total) were insufficiently explained by the government and granted discretionary relief. *Id.* at \*3.

### **Circumstances in which general/special court martial convictions were (i) reversed because of command influence or the denial of the right to speedy review or (ii) otherwise remitted because of loss of records or other administrative deficiencies.**

As discussed above, in *Taylor*, the original record of trial was lost and it was necessary to reconstitute the record; these actions were completed prior to docketing with CGCCA. *United States v. Taylor*, No. 1503, 2024 WL 4656849, at \*2 (Nov. 4, 2024). There were no other cases meeting either criterion.

### **Analysis of each case in which a provision of the UCMJ was held unconstitutional.**

There were no such cases.

**Analysis of each case in which a Court of Criminal Appeals made a final determination that a finding of a court-martial was clearly against the weight of the evidence, including an explanation of the standard of appellate review applied in such case.**

There were no such cases.

**C. Measures Implemented to Increase Proficiency of Judge Advocates**

Measures	Notes/Details:
Participate As Trial and Defense Counsel	<p><u>Training for both Trial and Defense Counsel:</u> To obtain initial Article 27(b), UCMJ, certification as a trial and defense counsel, Coast Guard judge advocates are required to attend the Basic Lawyer Course at Naval Justice School (U.S. Navy). Many judge advocates attend the Military Justice Orientation Course at Naval Justice School, where they focus on beginner-level courtroom advocacy skills via participation and drills. In addition, Coast Guard trial counsel and defense counsel attend advanced trial advocacy training offered at Naval Justice School (U.S. Navy), the Judge Advocate General’s School and Legal Center (U.S. Army), the Air Force Judge Advocate General School, and at other non-military agencies (e.g., U.S. Army Criminal Investigation Laboratory and Department of Justice). Additional training is also offered by the National Criminal Defense College in Fairfax, VA.</p> <p><u>Organization of Special Trial Counsel &amp; Trial Counsel:</u> Effective December 28, 2023, the Coast Guard began exercising the military justice authorities directed in the FY 2022, FY 2023, &amp; FY 2024 NDAA’s. In addition, to improve the Service’s delivery of military justice provisions and execute military justice reforms, the Coast Guard established the Office of the Chief Prosecutor (OCP). The OCP is headquartered in Charleston, South Carolina and maintains a satellite office in Alameda, California. The OCP advises Coast Guard criminal investigations and conducts or oversees all trial litigation arising under the UCMJ.</p> <p>Additionally, Section 531 of the FY 2022 NDAA directed the creation of criminal prosecutor positions called “Special Trial Counsel” (STC). All Coast Guard STCs are assigned to the OCP. Accordingly, the OCP nominates STC candidates and The Judge Advocate General of the Coast Guard certifies STCs. STCs are required to meet stringent education, experience, training, and temperament criteria. STCs must also complete advanced litigation training (e.g., DNA and evidence collection, digital forensic examination, victim trauma, advanced cross-examination techniques, and tendering expert witnesses). As of the end of FY 2025, there were eight currently certified STCs serving in prosecution billets. STC certification lapses when a member transfers out of the OCP.</p> <p><u>Organization of Defense Counsel:</u> Pursuant to a Memorandum of Understanding with the Navy Judge Advocate General (JAG) Corps, the Coast Guard has eight full-time judge advocates assigned to Navy Defense Service Offices and one full-time judge advocate assigned to the Navy Defense Counsel Assistance Program for two-year assignments where they defend both Coast Guard and Navy members at courts-martial. In exchange, the Navy JAG Corps may provide defense counsel for Coast Guard members at Coast Guard courts-martial. The Coast Guard also has three judge advocates and a paralegal co-located with the Navy-Marine Corps Appellate Defense division who represent members on appeal at the Coast Guard Court of Criminal Appeals, the United States Court of Appeals for the Armed Forces (CAAF), and the Supreme Court of the United States (Supreme Court).</p>

Measures	Notes/Details:
To Serve as Appellate Counsel	During this period, appellate attorneys participated in multiple joint/external training programs, including the Court of Appeals for the Armed Forces Conference, the Joint Appellate Advocacy Training, and the National Judicial College's Appellate Judges Education Institute Annual Summit (Boston, MA). Moreover, appellate counsel enjoy a strong partnership with the joint community, conducting vigorous joint moot-court sessions to prepare counsel for oral arguments before service courts, the CAAF, and the Supreme Court.
To Preside as A Military Judge	<p>The Coast Guard currently has three general court-martial judges and seven special court-martial judges.</p> <p>All military judges attend the Military Judges Course at the Judge Advocate General's School and Legal Center (U.S. Army) in order to receive initial certification as a military judge under Article 26(b), UCMJ. Military judges also attend the Joint Military Judges Annual Training and Navy-Marine Corps Judiciary Sexual Assault Training on an annual basis to maintain their Article 26(b), UCMJ, certification.</p> <p>In addition, military judges have the opportunity to attend courses and continuing legal education offered by The National Judicial College.</p>
To Perform Duties of Special Victims' Counsel	<p>In addition to initial Article 27(b) training at Naval Justice School (U.S. Navy), all Special Victims' Counsel (SVC) judge advocates must complete a certification course offered by the Navy, Army, or Air Force.</p> <p>SVC judge advocates also attend a week-long annual symposium that covers in-depth trauma informed approaches to victim behavior and practice tips for operating as an SVC in the Coast Guard. This year, the symposium focused on building relations with Sexual Assault Response Coordinators and ways to improve sexual assault response policy for victims.</p> <p>SVCs also have the opportunity to attend trainings specific to victim advocacy, such as the Crimes Victim Law Conference; End Violence Against Women International Conference; Crimes Against Women Conference; and Crimes Against Children Conference.</p>

### Special Focus of Military Training

Focus	Notice
Capital Cases	The Coast Guard has not tried a capital case. If a capital case were to be referred, the Coast Guard anticipates coordination with another Service for trial counsel and defense counsel who possess capital litigation experience.
Military Commissions	The Coast Guard does not have counsel or judges assigned to the military commissions.
National Security	The Coast Guard has not tried a national security case, but it is in the process of developing more comprehensive procedures for handling a national security case. However, until those measures are finalized, if a national security case were to be referred, the Coast Guard anticipates coordination with another Service for trial counsel and defense counsel who possess national security case experience.
Sexual Assault	<p><b>Organization:</b> All sexual assault case prosecutions are led by Special Trial Counsel assigned to the OCP. Coast Guard judge advocates assigned to the Navy Defense Service Office, along with Navy counsel, represent members accused of sexual assault.</p> <p><b>Training:</b> Coast Guard judge advocates attend training about sexual assault and general trial advocacy at the Naval Justice School (U.S. Navy), the Judge Advocate General's School and Legal Center (U.S. Army), the Air Force Judge Advocate General School, and with other military and non-military agencies (e.g., U.S. Army Criminal Investigation Laboratory, Department of Justice, National Criminal Defense College, etc.).</p>

## **D. Independent Views of the Sufficiency of Resources Available**

The Coast Guard is actively working towards achieving an adequate number of judge advocates and support personnel to better carry out its military justice duties. Additional resources are needed to implement and execute reforms enacted in the National Defense Authorization Act of 2022, 2023, 2024, and 2025 which mandate that special trial counsel have exclusive authority for prosecutorial decisions for defined covered offenses and expanded appellate rights.

As discussed in its report required by Section 549A of NDAA FY 2023, the Coast Guard received 24 billets in FY 2024 to implement the reforms. In the FY 2026 President's Budget, the Coast Guard requested five billets to train and certify Special Trial Counsels, and to provide Special Victims Counsel and legal assistance attorneys with expertise in domestic violence and family law issues. Additional needs include:

- Litigation support personnel at the Office of the Chief Prosecutor, including an embedded investigative agent, a purchasing agent, a public affairs specialist, court reporters, and paralegals. These additional personnel address the Coast Guard's historic lack of a paralegal-type enlisted rating which makes it challenging to maintain an adequate number of competent litigation support members.
- Defense services and special victims counsel who represent servicemembers in their respective roles.
- Coast Guard Investigative Service Agents to investigate and analyze sexual assault and harassment complaints.
- Personnel at the Office of Military Justice to handle additional caseloads from newly expanded appellate rights, generate new policy conforming to the reforms and other service priorities, creation of litigation-focused career track, participate on the Joint Service Committee on Military Justice, expand and update training of judge advocates engaged in the handling of military justice matters, respond to new and increasing reporting and data collection requirements, and manage records in accordance with Congressional mandates for appropriate transparency and greater public access to court-martial files and proceedings. This includes dedicated Victim Witness Assistance Program personnel.
- Civilian SVC and Domestic Violence Victim Support attorneys and paralegals.

## **E. Other Matters**

The Coast Guard is firmly committed to ensuring its military justice system remains comprised of competent legal professionals. Highly trained and committed legal practitioners are required to ensure all accused are afforded their Constitutional rights, as well as ensure crime victims are cared for and are afforded their rights under the Uniform Code of Military Justice and applicable Coast Guard agency regulations and policies. When composed of highly trained, competent judge advocates, the military justice system fulfills its mandated national security purpose: to promote justice, assist in maintaining good order and discipline in the armed forces, and promote efficiency and effectiveness in the military establishment.