

Taking Justice to the Fleet

USS Nimitz Holds Courts-martial at Sea

Two defense counsel, one government trial counsel, and a military judge stepped aboard USS Nimitz (CVN 68), ready to get underway from Everett, Wash., to San Diego, Calif., in June. This underway, however, was different.

Lt. Patrick Korody, from Region Legal Service Office Northwest (RLSO NW), Lt. Mike Hanzel, and I, from Naval Legal Service Office Northwest (NLSO NW) were aboard to try four courts-martial before the military judge, Cmdr. Tom Booker, from the Western Judicial Circuit. One case involved an assault and battery, another involved the theft of military property, and the final two cases involved the wrongful use and possession of Spice.

Courts-martial are not typically held aboard a ship. Nimitz Command Judge Advocate Lt. Cmdr. Marc Brewen explained that it has been more than five years since the previous case was held.

“The Navy is an expeditionary force -- we do not accomplish our mission moored to a pier. These trials emphasized the need for thorough preparation, flexibility, and the ability to anticipate issues,” said Booker.

“There are three levels of courts-martial; summary, special, and general,” explained Legalman 1st Class Michael Lightsey. “The four cases to be tried this week are all special courts-martial. A summary court-martial requires only one officer (can be a non-judge advocate) to serve as judge, prosecutor, and defense. A general court-martial, on the other hand, is generally reserved for what would be considered felony offenses. A special court-martial is often compared to a misdemeanor court in the civilian community. Regardless if it is a special or general court-martial, an accused will be represented by an attorney, and other judge advocates will serve as prosecutor and military judge.”

The ability to conduct these courts-martial at sea was crucial, in that the military justice system seamlessly meshed with the ship’s operational schedule in order to accommodate the ship’s operational needs without sacrificing justice.

The Nimitz was en route to San Diego to pick up the air wing. From there it was headed to Hawaii for the joint international exercise, “Rim of the Pacific” or RIMPAC. Because the JAGs involved could provide the necessary legal services while the ship was underway, counsel had ready access to all the necessary witnesses without causing any significant disruptions to the ship’s work schedule. Sailors could be pulled from their work station, testify, and return to work rather than be left behind pier-side to testify while the

By Lt. Eileen Joy, Naval Legal Service Office Northwest with contributions by Mass Communication Specialist Seaman Apprentice Ryan Mayes

ship took part in the exercise. Thus, the crew not involved in the case would not have to pick up the slack and work extra hours to account for their co-workers left behind. Everything went so smoothly that the trials were actually completed before the ship left San Diego for RIMPAC.

“Holding the proceedings aboard the ship resulted in significant exposure of the court-martial system to members of the crew and promoted the twin aims of deterrence and preservation of good order and discipline. In one case, more than 30 members of the crew attended the proceeding,” said Korody, senior trial counsel.

The logistics of preparing and conducting courts-martial at sea presented new challenges to the junior counsel involved, but also unique opportunities. The professional support from the ship’s legal department, led by Brewen, made it all possible.

The military justice system is very robust,” said Brewen. “Behind these four court-martial proceedings was a large production requiring the involvement of several departments and regional commands. The ship now literally possesses a floating federal courtroom. This would not have been possible without the tremendous support from Supply, Security, Combat Systems and Deck Departments. In addition to all the hard work from my legalmen, officers from RLSO



The aircraft carrier USS Nimitz (CVN 68) convened the first of four courts-martial at sea. From left to right: Boatswain’s Mate Elena Goes (striker), Senior Chief Legalman Rob Nail, Lt. Mike Hanzel (NIMITZ Mini Judge), Legalman 1st Class Keiana Dukes, Legalman 1st Class Michael Lightsey.

NW and NLSO NW and at the Western Judicial Circuit are embarked to make these courts-martial at sea possible.”

The wardroom was also a nice change in environment for the shore-based attorneys and the military judge, who were now surrounded by various types of officers who were all more than willing to share their sea stories. Many of the officers also expressed a keen interest in the military justice system, having had little exposure to it during their career. Experiencing daily life aboard the ship was invaluable for counsel in preparing their cases. It enabled them to better understand their clients’ experiences, their jobs, and the collateral effects that offenses under the Uniform Code of Military Justice can have on the ship as a whole.

“From the professional development standpoint, these trials afforded counsel an opportunity to meet their clients on their own turf and to investigate and try their cases in an “unhitched” environment. No longer were quick answers a phone call or keystroke away, but instead counsel had to use their imagination and wits to overcome any obstacles they may have encountered,” said Booker.

After the first court-martial adjourned, the pace did anything but slow down. The next day two trials were docketed, one in the morning and one in the evening. The ship’s work schedule proved to be one of the more distinct changes from the regular day-to-day office life that most judge advocates enjoy. Although starting a trial at 1900 would be anything but normal in most locations,

it fit well with the operational schedule aboard Nimitz.

“The opportunity to do this kind of thing is important because it brings military justice to the fleet, which is a big part of our mission,” said Hanzel, senior defense counsel. “It also offers us the chance to interact with our clients and their commands within their environment and lets us know a little bit about what they do and what their life is like while deployed.

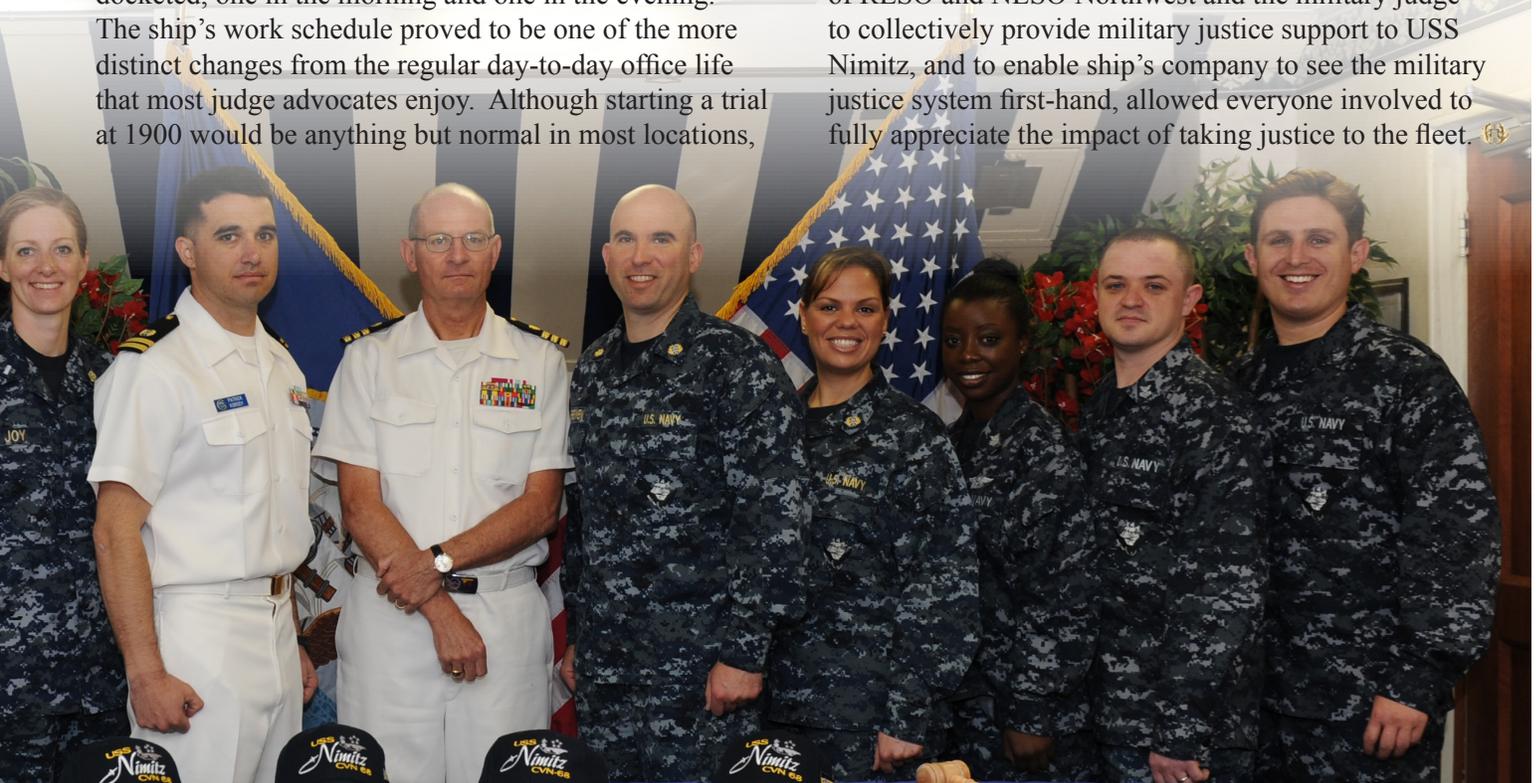
Whether you are a trial counsel, defense counsel, or a military judge, that kind of experience helps you to better understand your cases, the people involved in them, and the impact on their mission.”

“It was unique to practice in front of a packed house in every trial, where the audience was not made up primarily of legal personnel. It created an atmosphere that proved educational to both

sides. The unexpected benefit was that the Sailors watching had the opportunity to experience the military justice system first-hand in a way that most never see unless they are in trouble themselves,” said Hanzel.

The overall experience made a huge impact on all of the counsel involved, and especially me, as my first three court-martial cases as a defense counsel were conducted during a two-day underway span aboard USS Nimitz. The ability of RLSO and NLSO Northwest and the military judge to collectively provide military justice support to USS Nimitz, and to enable ship’s company to see the military justice system first-hand, allowed everyone involved to fully appreciate the impact of taking justice to the fleet. 🇺🇸

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June 12. Courts-martial are not typically held on board a ship. The legal team and the judge stood for a photo after the court-martial. From left to right: Aviation Counselor Hanzel, Lt. Eileen Joy, Lt. Patrick Korody, Cmdr. Lewis T. Booker, Jr. (military judge), Lt. Cmdr. Marc Brewen (NIMITZ Command Judge Advocate), Lt. Adrienne Sadosky, Lt. Michael Lightsey, and Legalman 3rd Class Pahl Sayesky. (U.S. Navy photo by Mass Communication Specialist Seaman Apprentice Ryan Mayes)