AdSep / NJP / Court-Martial Flowchart For Marine Corps Defense Services

Alleged Misconduct CO decides level of seriousness and sends your case to one of the following:* AdSep **Special Court-Martial** Article 32/General CM NJP Summary CM CO notifies you of intent to process you You may speak to an attorney prior to Request for Legal Services Sent to Military Justice accepting/refusing NJP or SCM. You may speak with a defense attorney MilJus reviews evidence and drafts charges Nothing? Waiver of Board before filling out the acknowledgement.** Accept Refuse Charges are preferred Separation NPLOC? If you rate a board, your case is sent to the Authority Acts Defense Branch & an attorney is detailed. Sentence Case sent to Defense Branch & attorney is detailed Pg 11 / 6105 (See Max Punishment Chart) AdSep? entry? W-95 Orders, You and your defense attorney begin You and your attorney begin working on your case Seps Co. and working on your case Appeal if Unjust? then Home Arraignment / Article 32 hearing Board is scheduled If you have 2 or more NJPs or it's a "serious offense," you may be processed If pleading guilty If pleading not guilty for AdSep after NJP Unconditional Waiver of Board Conditional Waiver of Board Pre-Trial Hearings/Motions (Trying to get Suspended OTH) **Providence Hearing** (Trying to get Honorable or General) No PTA - no "plea bargaining" with the CA and Contested Trial on Findings Sentencing Hearing AdSep Board occurs instead leaving up to the Approved Denied (1 O4 or above, 1 CWO2 - O3, 1 E7 or above) judge or panel to decide the sentence. Guilty Not Guilty Retention Honorable OTH General Pre-Trial Agreement (PTA)? Sentencing Hearing You return to your You return Request SA to Suspend Discharge or grant relief? Sentence unit. to your unit. Lower/Better Sentence Cap? Lower Forum? (See Max Punishment Chart) (e.g. GCM to SPCM, (e.g. less brig time, Separation Authority Acts Charges? discharge or SPCM to NJP or SCM) **Clemency Request** If no punitive forfeiture protection) discharge, **Convening Authority Acts** AdSep is W-95 Orders, Separations Suspended Discharge possible. Company, and then Home (for up to 12 months)*** **Appeals Process** Final Action by Appellate Authority

* Each step in the process takes time, and can vary widely in duration. From start to finish, the process usually takes at least 2 months and can take over a year to complete.

** You will <u>not</u> be detailed a defense attorney if you do not rate a board or if you waive it. Only certain bases under the MARCORSEPSMAN/MILPERSMAN rate a board or if you have 6+ years of service. For some bases, the worst possible characterization of service is General Under Honorable Conditions (i.e. BCP failure, convenience of the government, etc).

*** While serving during the period of a suspended discharge, you are not eligible for promotion for the entire duration. Any misconduct during the suspension will almost always result in your discharge.