

Court-Martial Defense

Depending on the seriousness of the offense service members are accused of committing, they could have non-judicial punishment, also known as an “Article 15” or a “Captain’s Mast,” initiated against them. Alternatively, they could have court-martial charges preferred against them. In either scenario, in the very least, the service member is at risk of seeing his or her military record tarnished – a stain that could hurt his or her future in the military. There may also be – especially in court-martial cases – the possibility of a federal conviction, imprisonment, hard labor without confinement, grade reduction, forfeiture of pay and allowances, or a punitive discharge (i.e. a “bad conduct” or “dishonorable” discharge). **How We Can Help**

Tully Rinckey PLLC is a service-disabled, veteran-owned small business. Our military law attorneys are intimately familiar with the military justice system, with all of them having served in the armed forces and many of them having served in the Army Judge Advocate General’s Corps (JAG). The military justice systems move swiftly, so don’t delay in getting an experienced military law attorney on your side. Call Tully Rinckey PLLC in Rochester, N.Y. today. **Non-Judicial Punishment**

Non-judicial punishment is usually reserved for minor offenses, such as certain types of AWOL, dereliction of duty, breach of the peace, and wrongful appropriation. These offenses are usually too serious to be addressed administratively but not serious enough for court-martial. In many cases, non-judicial punishment precedes command-initiated action to separate a service member from active duty. Commanders, officers in charge, and principal assistants can impose non-judicial punishment. Service members generally have a right to reject non-judicial punishment and demand a trial. However, the punishments available to a court-martial judge are much more severe than those available to a commander imposing non-judicial punishment. Therefore it is imperative for service members to consult with an experienced military law attorney before deciding whether to accept or reject non-judicial punishment. Service members can also appeal an Article 15. They generally have five days after a punishment imposition to file a written appeal with the superior authority who is above the imposing officer. The superior authority does not have to suspend the imposed punishment during the appeals process. Tully Rinckey PLLC’s military law attorneys can prepare an appeal that details why a punishment is inappropriate. Call us today.

Court-Martial

The military has a multi-tiered system for addressing serious crimes. There are three levels of court-martial, with each level differing in terms of judges, panel members, and available punishments. The levels of courts-martial include the following: General Court-Martial

: Features a panel of at least five members plus a military judge, or just a judge alone.

Special Court-Martial

: Features a panel of at least three members, a panel plus a military judge, or just a judge.

Summary Court-Martial

: Features a commissioned officer and is usually reserved for junior service members.

Many of our military law attorneys cut their teeth prosecuting service members for UCMJ offenses at all levels of courts-martial. We are familiar with the strategies JAG attorneys often employ, and we will use this knowledge to defend you and fight for the best outcome possible. We are experienced in defending service members facing UCMJ charges, including the following:AWOL (Article 86)

Desertion (Article 85)

Child Pornography Offenses (Article 134)

Rape / Sexual Assault (Article 120)

Adultery (Article 134)

Wrongful Use or Possession of Controlled Substances (Article 112a)

Failure to Obey an Order or Regulation (Article 92)

Fraternization (Article 134)

Conduct Unbecoming of an Officer and a Gentleman (Article 133)

Hazing / Maltreatment or Cruelty (Article 93)

Larceny / Wrongful Appropriation (Article 121)

Robbery (Article 122)

Manslaughter (Article 119)

Be certain to assert your Article 31b rights against self-incrimination. Don't talk to law enforcement authorities without first consulting with a lawyer. Your attempts to talk your way out of a court-martial could end up haunting you. Let Tully Rinckey PLLC in Rochester, N.Y. do the talking for you. Call us today. The military law attorneys at Tully Rinckey PLLC in Rochester, N.Y. can represent service members throughout New York's Finger Lakes region, including Batavia, Geneseo, Rochester, Canandaigua, Albion, Waterloo, Lyons, Warsaw, and Penn Yan. To schedule a consultation with a military lawyer, call us at 585-492-4700 or e-mail at info@1888law4life.com

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to view a video about our consultation process.

For urgent legal matters, call us 24 hours a day, seven days a week at 518-727-3593. We are responsive to the needs of our current and prospective clients and will respond to phone calls within business hours.

We respond to e-mails within business hours on the same day. For the quickest response,

call us.

During normal business hours, our client relations team can help put potential clients in contact with lawyers who can address their legal concerns. Anyone who calls or e-mails us after hours should expect to hear from us during the next business day.