

Courts Martial Guide

A court-martial is a military criminal trial. Its purpose is to determine whether a servicemember charged with committing a military crime, offense of the Uniform Code of Military Justice (UCMJ), is guilty. In general, just about any criminal offense committed by a member of the military is under the jurisdiction of a court-martial.

If a defendant, or the accused (military terminology), is convicted at a court-martial, punishments could include imprisonment, loss of rank, forfeiture of pay, and a bad conduct or dishonorable discharge. Usually, the government will seek jail time and some type of punitive discharge, which will likely entail an automatic bust in rank.

A court-martial may be a general court-martial (GCM), in which the convening authority (the command implementing the court-martial) is an Air Force, Army or Marine general, or an admiral in the Navy or Coast Guard. The potential punishment at a GCM is significant, and in the case of some murder and rape cases, can be capital carrying death or life imprisonment without parole sentences if found guilty. The second type of court-martial is a special court-martial (SPCM), and the convening authority for this court-martial is a senior officer, such as a colonel or Navy captain. The punishments here are reduced from a GCM, but a finding of guilty at a SPCM may incur loss of rank, imprisonment up to one year and a bad conduct discharge. The basic structure of a court-martial is akin to criminal trials as seen in civilian courts, on TV, or in the movies. Similarly, as in civilian trials, a court-martial will typically have a judge, jury (panel in military terms), prosecutor, defense attorney, bailiff, and court reporter. In the court-martial, the government attempts to prove the guilt of a service member charged with the commission of an offense found in the UCMJ, beyond a reasonable doubt. While there are several offenses specific to the military, many offenses contained in the UCMJ are similar to the crimes prosecuted in civilian courts.