**DEPARTMENT OF THE NAVY**
COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CA 92132-0058

IN REPLY REFER TO:
COMNAVREGSWINST 5816.3A
N05HR
25 APR 2005

COMNAVREGSW INSTRUCTION 5816.3A

Subj: NOMINATION OF MEMBERS FOR NAVY COURTS-MARTIAL AND BOARDS OF INQUIRY IN THE SAN DIEGO AREA

Ref: (a) JAGINST 5800.7D
(b) COMNAVREGSWINST 5810.1
(c) OPNAVINST 5400.24D
(d) R.C.M. 502(a)(1), MCM (2002 ed.)

Encl: (1) Semi-Annual Nomination Requirements
(2) Court-Martial Duty Questionnaire

1. Purpose. This instruction requires commands within the Commander, Navy Region Southwest's (CNRSW) regional coordination Area of Responsibility (AOR) to provide nominees for duty as members of courts-martial, boards of inquiry, and other administrative hearings.

2. Cancellation. COMNAVBASESDIEGOINST 5816.3.

3. Authority. Section 0128 of reference (a) authorizes the forwarding of recommendations for trial by general court-martial, in the absence of specific direction to the contrary from competent authority, to the nearest regional coordinator exercising general court-martial jurisdiction. In the San Diego area, CNRSW serves as regional coordinator and currently convenes all general courts-martial in response to requests from area naval activities as provided in reference (b), as well as all Boards of Inquiry in response to requests from the Chief on Naval Personnel. Reference (c) authorizes regional commanders to assign responsibilities to shore activities within their AOR in support of regional coordination tasks, and requires all activities so tasked to assist and support regional coordination functions as an integral part of their mission.

4. General Courts-Martial Duty

a. Nomination cycle. This instruction establishes a semi-annual nomination cycle based on calendar months beginning on the first day of January and July.

b. Nominee qualifications. Per reference (d), Commanders and Commanding Officers nominating persons for duty as members of courts-martial or boards of inquiry, shall nominate those persons who are best qualified to serve by reason of age, education, training, experience, length of service, and judicial temperament. Nominees must be available for duty throughout the entire cycle for which they are nominated.

c. Submission of nominations. Commanders and Commanding Officers shall submit nominations semi-annually in the number(s) and paygrade(s) as specified in enclosure (1). Each member is required to complete and sign a court-member questionnaire, enclosure (2), which shall be forwarded to CNRSW (Code N05HR) by 20 December and 20 June for duty for the next six month cycle. Permission from the Staff Judge Advocate (SJA) for CNRSW is required before nominations of a lower rank or paygrade may be submitted.

d. Obligations of nominees. When personnel are selected to serve on a court-martial or board of inquiry, this shall be considered a primary duty that takes precedence over all other duties. Copies of leave requests for members should be sent to CNRSW. If a member is called to serve during an authorized leave period, a suitable substitute of equal qualification shall be nominated by the command granting leave. Trials or boards that carry over after the duty cycle specified may result in a nominee serving past the last day of the period assigned. If called upon to serve, selected members will be notified by the Trial Service Office of the date, time, place and uniform for the hearing. Failure to report as scheduled will be reported to the individual's Commanding Officer for appropriate action.

e. Excusals and substitutions. Once appointed, a member of a court-martial or board of inquiry may be excused if the member submits a justifiable request to be excused via their chain of command to CNRSW (Code N0HR2). If the request is approved by CNRSW, the member will be excused. The member's command, however, is required to nominate a substitute member of equal qualification to replace the excused member. Once nominated and appointed, a member will only be excused or relieved under the following circumstances:

(1) Serious illness of the member or one of the member's immediate family.

(2) Legal disqualification.

(3) Military exigency.

(4) Specific permission of CNRSW.

5. Other Courts-Martial and Administrative Hearings. CNRSW convenes all Boards of Inquiry at the direction of the Chief of Naval Personnel for the Southwest Region AOR. The Board of Inquiry members will normally be chosen from the pool of nominees created under this instruction. Occasionally a case forwarded to CNRSW for trial by general court-martial is ultimately referred to a special court-martial. In this instance, CNRSW may also utilize the pool of candidates created under this instruction. Finally, from time to time, the pool of nominees created under this instruction may be called upon as necessary to serve on special courts-martial and administrative discharge boards for area naval activities with insufficient manning to create boards and courts-martial panels from their own assets.

6. Point of contact. For questions regarding this instruction, the CNRSW legal staff can be reached at 619-532-1418 (DSN 522-1418).

J. L. BETANCOURT

Distribution:
ALL COMNAVREGSW

SEMI-ANNUAL NOMINATION REQUIREMENTS

| **Command** | ***O-6** | ***O-4 and Above** | ***CWO2 and Above** | ***Enlisted E-5 and Above** | **Total Officer Requirement** |
|---|---|---|---|---|---|
| COMNAVSURFPAC | (2) | (4) | (3) | - | 9 |
| COMNAVAIRPAC | (2) | (4) | (3) | - | 9 |
| COMNAVREG SW | - | (1) | (1) | - | 2 |
| COMSPAWARSYSCOM | (1) | (2) | (1) | - | 4 |
| NAVMEDCEN S.D. | (3) | (3) | (2) | (2) | 8 |
| FACSFAC S.D. | - | - | (1) | (1) | 1 |
| FISC S.D. | (1) | - | (1) | - | 2 |
| NAVCOMTELSTA S.D. | - | - | - | (2) | - |
| NAVBASE S.D. | - | - | (2) | (2) | 2 |
| NAVBASE CORONADO | - | - | (2) | (2) | 2 |
| SW DIV NAVFAC | (1) | - | (1) | - | 2 |
| NAVBASE PT LOMA | - | - | - | (2) | - |
| PERSUPPACT West S.D. | - | - | - | (2) | - |
| SPAWARSYSCEN S.D. | (1) | (1) | (1) | - | 3 |
| TRANSIENTPERSU | - | - | - | (1) | - |
| COMSUBPAC REP WC | - | - | (1) | - | 1 |
| **TOTALS:** | **11** | **15** | **19** | **14** | **45** |

*Each Officer Nominee may only fulfill one requirement category.

**Nomination Questionnaires must reach CNRSW (Code N05H) no later than 20 December CY for Jan through Jun and 20 Jun CY for Jul through Dec.**

COURT-MARTIAL DUTY QUESTIONNAIRE

1. Attached hereto is a questionnaire to be completed, **signed**, and returned as soon as possible. Entries must be typed or printed.

2. The duty for which you are being nominated is not a collateral duty. If appointed to a general court-martial, your duties on that court will take precedence over all others. If not so appointed, you will remain in a standby status to relieve appointed members should that be necessary. Whether appointed or not, you will be expected to remain available for duty throughout the calendar cycle for which you have been nominated. In some instances, appointed members may be required to serve beyond the expiration of that cycle. Further information concerning General Courts-Martial duty is contained herein.

PRIVACY ACT STATEMENT

1. AUTHORITY. 10 U.S.C. §§ 825, 841.

2. PRINCIPAL PURPOSES. The information solicited is intended principally for use in the administration of military justice.

3. ROUTINE USES:

a. To assist the general court-martial convening authority in evaluating your qualifications for court-martial duty.

b. To assist counsel in the exercise of statutory rights to challenge members of courts-martial, and to assist the military judge in ruling on such challenges.

c. To assist reviewing authorities in resolving issues relating to your qualifications for court-martial duty.

4. DISCLOSURE MANDATORY/VOLUNTARY, CONSEQUENCES OF REFUSAL TO DISCLOSE. Disclosure is mandatory. Failure to provide the information solicited may result in disciplinary action or criminal proceedings.

Date Prepared:

1. Last Name:
   First Name:
   Middle Name:

2. Rank or Rate:

3. Date of Rank:

4. Designator (OFFICER'S ONLY):

5. Source Of Commission (OFFICER'S ONLY):

6. Branch of Service: USN

7. Have you served in another armed force? Yes ☐ No ☐

   A. Armed Force:
   B. Dates:
   C. Rate/Rank:

8. Years of active duty:

9. Have you had any enlisted service (OFFICER'S ONLY)?
   Yes ☐ No ☐

   A. Years of enlisted service:
   B. Highest enlisted grade attained:

10. Date of birth: Gender: Male ☐ Female ☐

12. Place of birth:

13. Home of record:

14. Marital status: Single ☐ Married ☐ Divorced ☐
Separated ☐

15. Sex and age of children:

16. Present duty station:

   A. Phone (day and evening):
   B. Fax:
   C. **E-mail:**

17. Present Billet/Job Assignment:

18. High school graduate: Yes ☐ No ☐

    A. Location of high school (City, State):
    B. Year graduated:

19. College information:

| | 1st college | 2nd college |
|---|---|---|
| A. Name: | | |
| B. Location: | | |
| C. Years attended: | | |
| D. Major: | | |
| E. Minor: | | |
| F. Degree awarded: | | |

20. Post-graduate school:

| | 1st college | 2nd college |
|---|---|---|
| A. Name: | | |
| B. Location: | | |
| C. Years Attended: | | |
| D. Field Of Study: | | |
| E. Degree awarded: | | |

21. Have you attended law school or taken any law courses?
    Yes ☐ No ☐ If yes, indicate below:

    A. School attended:
    B. Date attended:
    C. Course topic:
    D. Length of course:

22. Summary of military career (last 10 years or significant or unusual billets):

| From/To | Command | Assignment |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
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| | | |

23. Have you, or any close relative or friend, ever been involved in any of the following areas?

A. ☐ Crime prevention (police, detective, etc.)
B. ☐ Medicine (doctor, nurse, pharmacist, etc.)
C. ☐ Mental health (psychiatrist, psychologist, etc.)
D. ☐ Law (judge, attorney, law student, etc.)
E. ☐ Career military (close relative only)

If yes, explain briefly:

24. Have you ever served as legal officer? YES ☐ NO ☐
If yes, indicate the following:

| Date | Command | Duties |
|---|---|---|
| | | |
| | | |
| | | |

25. Have you (as OIC/CO) ever convened:

| | Number | Year |
|---|---|---|
| A. Summary court-martial: Yes ☐ No ☐ | | |
| B. Special court-martial: Yes ☐ No ☐ | | |
| C. Article 32 pretrial investigation: Yes ☐ No ☐ | | |
| D. General court-martial: Yes ☐ No ☐ | | |

26. Have you ever served as a trial counsel or defense counsel? Yes ☐ No ☐ If yes, indicate the following:
Type of court:
Number of times served:
Dates served:

27. Have you ever served a summary court-martial officer?
Yes ☐ No ☐

28. Have you ever imposed nonjudicial punishment under Article 15? Yes ☐ No ☐

29. Have you been appointed as a member of a court-martial within the last 5 years? Yes ☐ No ☐ If yes, indicate the following information if you can recall:

A. Case name:
B. Mo/Yr:
C. GCM/SPCM:
D. Served/Excused:

30. Have you had any experience as a member of a court-martial prior to the past 12 months? Yes ☐ No ☐

31. Have you or any close relative or friend, ever been the victim of a crime? Yes ☐ No ☐ If yes, indicate the nature of the crime, when it occurred, the relationship of the victim to you, whether it was reported to the authorities, and whether the perpetrator was ever arrested or convicted:

32. Have you ever served as a juror in a civilian trial? Yes ☐ No ☐ If yes, indicate the following information if you can recall:

A. Year:
B. Civil/criminal case:
C. State or Federal Court:

_____
Signature

*****Please send by e-mail or fax a copy of completed questionnaire to CNRSW (Code N05) and mail or deliver original signed questionnaire to:**

Commander, Navy Region Southwest
Legal Department (Code N05)
937 North Harbor Drive
San Diego, Ca 92132-0058

Fax: 619-532-1426 / DSN 522-1426
Phone: 619-532-1418 / DSN 522-1418