|  |  |
| --- | --- |
| Commandant  United States Coast Guard | 2703 Martin Luther King Ave SE  Washington, DC 20593-7213  Staff Symbol: CG-LMJ  Phone: (202) 372-38XX  5814  [DATE] |

**MEMORANDUM**

|  |  |  |  |
| --- | --- | --- | --- |
| From: | R. S. Smith, LT, USCG  Summary Court-Martial |  | Reply to  Attn of: |

|  |  |
| --- | --- |
| To: | USCGC NORTHLAND (WMEC 904) |
| Subj: | [TEMPLATE] EXAMPLE OF SUMMARY COURT-MARTIAL: UNITED STATES V. IVAN M. SMITHY |
| Ref: | (a) Your Convening Order 1-19 of 31 Oct 19 |

1. Subject court-martial was held on 27 November 2019 at U. S. Coast Guard Base Support Unit, Portsmouth, Virginia.

2. The accused was present at all times during the proceedings. He was not represented by a lawyer or a non-attorney representative, but had previously been counseled concerning his rights to consult with counsel and accept or reject trial by summary court- martial. The original Acknowledgement of Rights-Acceptance of SCM, executed by the accused, *is* enclosed. The accused's rights were explained in accordance with R.C.M. 1304, MCM 2019. His decision to not object to trial by summary court-martial is noted on the Record of Trial form (DD-2329)

3. The accused was arraigned on the charges as set forth in the enclosed charge sheet. No motions were made prior to the entry of the pleas. Before pleas were entered, I carefully explained to him all rights concerning them. The accused pled guilty to Charge I and its specifications and not guilty to Charge II and its specifications

4. I conducted an appropriate inquiry to determine whether the offered guilty plea would be provident. After a thorough discussion of the facts surrounding the incident, I determined that the guilty pleas to Charge I and its specifications were provident and accepted them.

5. Because the accused pled not guilty to Charge II and its specifications but was found guilty, I am required to summarize the evidence relating to that charge and specification.

1. Prosecution evidence:
   * 1. The accused’s enlistment contract was admitted.
     2. SA Ned N. GREEN, USCG, stated that while on authorized liberty at about 2200 on 25 October 2019 he was standing on the corner of Ocean Boulevard and Pine Avenue in Portsmouth, Virginia with SN Frederick F. WHITE, USCG, in uniform, when a car with two Coast Guardsmen in it pulled up alongside. One of the men in the car was the accused, whom GREEN identified in court. GREEN stated he was personally acquainted with the accused, and knew him to be on active duty in the Coast Guard. GREEN had had an argument with the accused earlier in the day. The accused got out of the car, came over to GREEN and struck GREEN in the face with his fist. GREEN stated further that he and the accused both worked in the galley on the ship as mess cooks
     3. SN Frederick F. WHITE, USCG, stated that he went on authorized liberty with SA Ned N. GREEN, USCG. At about 2130 on 25 October 2019 as he and GREEN were standing on the corner of Ocean Boulevard and Pine Avenue in Portsmouth, Virginia, an automobile with two coastguardsmen in it pulled up alongside of them. One of the men in the car was the accused. WHITE stated that the accused got out of the car, came over to GREEN, and hit GREEN in the face with his fist. WHITE stated that he, GREEN, and the accused all worked in the galley on the ship as messcooks. He recalled that the accused and GREEN had argued earlier in the day over who was responsible for washing the dishes.
2. Defense Evidence: BM3 Benjamin B. CUTER, USCG, was called as a witness by the defense. He stated that he and the accused departed the ship on liberty at about 1745 in his car. While they were stopped at a red light at the corner of Ocean Boulevard and Pine Avenue in Portsmouth, Virginia they saw SA GREEN and SN WHITE standing on the corner. GREEN yelledsomething at them, and the accused got out of the car to go see what GREEN wanted. GREEN and the accused were talking and he saw GREEN draw back as if to hit the accused but the accused beat him to the punch and hit GREEN in self-defense. The accused then got back in the car and they drove away.

6. After the findings were announced, I advised the accused of his rights concerning the presentation of evidence in extenuation and mitigation. Pages 3303-1 and 3306-1 of the accused's service record were admitted into evidence. Copies of these documents are attached as enclosures (5) and (6).

7. No previous convictions were considered in awarding sentence.

#

Enclosures: (1) Convening Order

* + 1. Record of Trial (DD Form 2329)
    2. Acknowledgement of Rights-Acceptance of SCM
    3. Charge Sheet
    4. Page 3303-1 of the accused’s service record
    5. Page 3306-1 of the accused’s service record
    6. Prosecution Exhibit 1-5 (Documents, photos, other matters submitted)
    7. Defense Exhibit A-C (E.g, character statements, service record documents)