

United States Navy-Marine Corps Court of Criminal Appeals



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United States v. Dinger

February 15, 2017

ORDER OF EVENTS

Court Called to Order

Oral Argument

Court Adjourns

Question and Answer Session

HISTORY OF THE NAVY JAG CORPS

Today, the Navy Judge Advocate General (JAG) directs a worldwide organization of more than 730 judge advocates, 30 limited duty officers (law), 630 enlisted personnel, and approximately 275 civilians.

In 1775, the Continental Congress enacted the Articles of Conduct, governing the ships and men of the Continental Navy. However, all of these ships were soon sold and the Navy and Marine Corps were disbanded. In July 1797, Congress authorized the construction of six ships and enacted the Rules for Regulation of the Navy as a temporary measure. Then, in 1800 Congress enacted a more sophisticated code adopted directly from the British Naval Code of 1749. There was little or no need for lawyers to interpret these simple codes, nor was there a need for lawyers in the uncomplicated administration of the Navy prior to the Civil War.

During the Civil War, however, Secretary of the Navy Gideon Welles named a young assistant U.S. Attorney in the District of Columbia to present the government's case in complicated courts-martial. Without any statutory authority, Secretary Welles gave Wilson the title of "Solicitor of the Navy Department," making him the first House Counsel to the U.S. Navy. By the Act of March 2, 1865, Congress authorized the President "To appoint, by and with the advice and consent of the Senate, for service during the rebellion and one year thereafter, an officer of the Navy Department to be called the 'Solicitor and Naval Judge Advocate General.'" Congress maintained the billet on a year-to-year basis by amendments to the Naval Appropriations Acts. In 1870, Congress transferred the billet to a newly established Justice Department with the title of Naval Solicitor.

Colonel William Butler Remey, USMC, was the first uniformed chief legal officer of the Navy, in 1878. Colonel Remey convinced Congress that the Navy Department needed a permanent uniformed Judge Advocate General and that naval law was so unique it would be better to appoint a line officer of the Navy or Marine Corps. The bill to create the billet of Judge Advocate General of the Navy was signed in 1880.

The Naval Appropriations Act of 1918 elevated the billets of Navy Bureau Chiefs and Judge Advocate General to Rear Admiral. In July

1918, Captain George Ramsey Clark was appointed the first Judge Advocate General to hold the rank of Rear Admiral.

In 1947, the Navy created a "law specialist" program to allow line officers restricted duty to perform legal services. By the Act of May 5, 1950, Congress required that the Judge Advocate General be a lawyer. The Act also required each Judge Advocate General of any service be a member of the bar with not less than eight years of legal duties as a commissioned officer. The Act also enacted the first Uniform Code of Military Justice (UCMJ).

By 1967, the Navy had 20 years of experience with the law specialist program. There was, however, pressure to create a separate corps of lawyers. That year, Congress established the Navy Judge Advocate General's Corps. The legislation was signed into law by President Lyndon B. Johnson on December 8, 1967, and ensured the status of Navy lawyers as members of a distinct professional group within the Navy, similar to physicians and chaplains.

THE UNITED STATES NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS

The Uniform Code of Military Justice (UCMJ) was enacted by the U.S. Congress in 1950 and took effect on May 31, 1951. Article 66 of the UCMJ gave the Judge Advocate General the power to create Boards of Review. The Boards were to review all cases where the sentence approved by the convening authority affected a general or flag officer, extended to death, a punitive discharge, dismissal, or confinement of one year or more.

The UCMJ empowered the Boards to "weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses." Boards of Review could set aside findings and/or sentences, order a rehearing or, where it found the evidence insufficient, order the charges dismissed. Significantly, the UCMJ created the United States Court of Military Appeals to provide civilian review of courts-martial.

The Military Justice Act of 1968 changed the Boards of Review to the Courts of Military Review and made the board members appellate judges. Though commanders initiated courts-martial, the emphasis shifted to attorneys conducting the proceedings under the watchful eye of a trial judiciary. The Act changed military justice practice to closely

mirror the civilian court system, including a tiered system of appellate review. On October 5, 1994, the U.S. Navy-Marine Corps Court of Military Review was renamed the U.S. Navy-Marine Corps Court of Criminal Appeals (“NMCCA”). The name change coincided with the renaming of the U.S. Court of Military Appeals to the U.S. Court of Appeals for the Armed Forces.

The NMCCA is the intermediate appellate court for criminal convictions in the U.S. Navy and the Marine Corps. If the trial results in a conviction, the case is reviewed by the convening authority (the person who referred the case for trial by court-martial). The convening authority has discretion to mitigate the findings and sentence. If the sentence, as approved by the convening authority, includes death, a punitive discharge (bad-conduct discharge or dishonorable discharge), dismissal, or confinement for one year or more, the case is automatically reviewed by the NMCCA (unless waived by the appellant) pursuant to Article 66, UCMJ. The NMCCA must review each case for legal sufficiency, factual sufficiency, and sentence appropriateness.

The court also reviews Government appeals of judicial rulings during trial referred to the court pursuant to Article 62, Article 69 cases when directed by the Judge Advocate General, and Petitions for New Trial filed under Article 73 while an Article 66 review is pending before the Court. When necessary in furtherance of its jurisdiction, the Court reviews all petitions for extraordinary relief properly filed before it (28 U.S.C. § 1651).

The Court has the statutory authority to determine whether the findings of guilty and the sentence are correct in law and fact for all courts-martial reviewed under Article 66, UCMJ and to take corrective action if error has occurred. Such action includes setting aside or modifying the findings and/or the sentence, ordering a rehearing, and dismissing charges and specifications. Unless reversed by a higher court, such action is binding on all parties, including all officials of the United States. The court's published opinions are binding precedent for the conduct of courts-martial in the Naval Service.

Presently, the NMCCA is comprised of two judicial panels. Each panel includes three appellate judges (with one judge appointed as the senior judge of that panel), two law clerks and a panel secretary. The clerk of court and docket clerk provide paralegal support to the entire Court. The NMCCA decides approximately 850 cases each year.

STATEMENT OF THE CASE

Following his active duty service in the Marine Corps, the Petitioner, Retired Gunnery Sergeant (GSGT, E-7) Derek L. Dinger (“the appellant”) was honorably discharged from active duty service and became a member of the Fleet Marine Corps Reserve List (“Fleet Marine Reserve”). He was then transferred to the active duty retired list (“retired list”) on 1 August 2013.

The appellant was subsequently convicted, pursuant to his pleas, of two specifications of committing indecent acts, one specification of attempting to produce child pornography, two specifications of wrongfully making an indecent visual recording, and one specification of receiving, viewing, and possessing child pornography, in violation of Articles 80, 120, 120c, and 134, Uniform Code of Military Justice.

The offenses occurred in Okinawa, Japan, between January 2011 and September 2014. The offenses all occurred while the appellant was either a member of the Fleet Marine Reserve or after he was transferred to the retired list, during which times the appellant was receiving retainer pay or retired military pay.

The trial, a general court-martial heard by a military judge, took place on board Marine Corps Base Quantico, Virginia, on 17 December 2015. The military judge sentenced the appellant to nine years confinement and a dishonorable discharge. The convening authority (CA) approved the sentence as adjudged, but suspended all confinement over 96 months pursuant to a pre-trial agreement.

Appellate counsel from the U.S. Navy-Marine Corps’ Appellate Defense Division and Appellate Government Division will argue on behalf of petitioner and the government, respectively. As the party asserting error, the defense will present argument first, with the government responding afterwards. Each side is allotted thirty minutes for argument; the defense may reserve a portion of that time for rebuttal.

ISSUES PRESENTED AND SUMMARY OF THE ARGUMENTS

Issue I: *Whether courts-martial have personal jurisdiction over military retirees in light of the supreme court's holding in Barker v. Kansas, 503 U.S. 594, 605 (1992), that for tax purposes, military retirement benefits are not current compensation for reduced services?*

Most retirees are subject to the Uniform Code of Military Justice (UCMJ) after retirement. Article 2(a), UCMJ, lists jurisdiction over three classes of military retirees: a) "Retired members of a regular component of the armed forces who are entitled to pay;" b) "Retired members of a reserve component who are receiving hospitalization from an armed force;" and c) "Members of the Fleet Reserve and Fleet Marine Corps Reserve."

The appellant argues that court-martial jurisdiction over retirees is linked to the theory that retired pay is reduced pay for reduced services. In *United States v. Tyler*, 105 U.S. 244 (1882), the Supreme Court held that an officer of the army who was "retired from active service" had to benefit from a Congressional statute that generally increased military pay for all officers, because he was still in the military service of the United States. According to the Court, when retiring from active service, "compensation [retired pay] is continued at a reduced rate, and the connection [with the government] is continued." *Tyler*, 105 U.S. at 245.

Military courts accepted *Tyler* as authority to extend court-martial jurisdiction over retirees. In *United States v. Hooper*, 9 C.M.A. 637 (C.M.A. 1958) and the Court of Claims decision *Hooper v. United States*, 326 F.2d 982, 984 (Ct. Cl. 1964), a retired Navy Rear Admiral challenged his trial by court-martial, arguing that a retiree first had to be recalled to active duty before military jurisdiction could attach, raising a Fifth Amendment challenge to Article 2, UCMJ. The Court of Military Appeals and Court of Claims both held that a military retiree does not have to be recalled to active duty to be subject to court-martial jurisdiction because retirees receiving compensation were not "mere pensioners" with no further military obligations and thus were still in the military service of the United States.

The appellant argues that because retirees are no longer considered to be on retainer pay ("reduced current pay for reduced services"), court-martial jurisdiction over retirees no longer exists. In *Barker v. Kansas*, 503

U.S. 594 (1992), Plaintiff military retirees challenged a Kansas Statute that permitted taxation of their military retirement benefits, but which allowed pensions paid to state and local governmental retirees to be deducted from taxable income. The State of Kansas claimed that military benefits were different from those pensions because as the Court had previously held, military retirement benefits were reduced compensation for reduced current services. The Court rejected this argument, holding that for state taxation purposes, military retirement benefits are not current compensation for current services; rather, they are deferred compensation for services rendered during active duty.

The appellee argues that although the *Barker* Court characterized retiree pay as “deferred compensation,” it emphasized that “[m]ilitary retirees unquestionably remain in the service and are subject to restrictions and recall.” *Barker*, 503 U.S. at 599, 602. Thus, *Barker* does not negate the ample precedent supporting the position that “retired military personnel are part of the land or naval forces” and that “court-martial jurisdiction necessarily attaches to them.” *Hooper*, 9 C.M.A. at 642.

Issue II: *Whether Congress’ statement in 10 U.S.C. § 6332 that the transfer of a member of the naval service to a retired status “is conclusive for all purposes” precludes the issuance of a punitive discharge [a dishonorable or bad conduct discharge of an enlisted person, or the dismissal of an officer] to a retiree?*

The appellant notes that under 10 U.S.C.S. § 6332 (“the statute”), when a member of the Navy or Marine Corps ends active duty service and is placed in a retired status, the “transfer is conclusive for all purposes.” In *United States v. Allen*, 33 M.J. 209 (C.M.A. 1991), the Court of Military Appeals cited the statute in holding that, because the defendant was tried as a retired member of the Navy, he could not be reduced in rank below the rank he held at retirement. In *United States v. Sloan*, 35 M.J. 4 (C.M.A. 1992), the Court of Military Appeals extended this decision to apply to retired members from all branches of the Armed Forces.

The appellant argues that the term “all” includes the individual’s status as a retiree with an honorable discharge, just as it includes the rank at which the member was retired. Thus, absent any explicit legal authority that sanctions the discharge of an individual on the retired list, 10 U.S.C.S. § 6332 prevents issuance of a punitive discharge to a retiree.

The appellee argues that the plain language of the statute and its legislative history do not suggest that the statute precludes a retiree

from being dismissed or discharged from a retired status by court-martial. The concurring opinion in *Sloan* notes that “10 U.S.C. § 6332 was never intended to limit the jurisdiction of courts-martial to impose punishments authorized under the Code.” 35 M.J. at 14. (Gierke, J., concurring in part and dissenting in part).

The appellee argues that reading the statute’s phrase “conclusive for all purposes” to mean only that a transfer to the retired list is conclusive in all aspects as to the fact that the member was transferred to the retired list on a certain date, in a certain grade, and with creditable service as determined by the Secretary of the Navy, is preferable to the appellant’s reading because it is consistent with precedent in which this Court, and the Court of Military Appeals/Court of Appeals for the Armed Forces have affirmed the validity of dismissals and punitive discharges of retirees receiving retired pay. *See, e.g. Hooper*. 9 C.M.A. at 637.

APPELLATE JUDGE BIOGRAPHIES

Captain Colleen Glaser-Allen joined the U.S. Navy-Marine Corps Court of Criminal Appeals in August of 2016. Her personal awards include the Legion of Merit (two awards), Bronze Star, Meritorious Service Medal (four awards), Navy Commendation Medal (four awards), Navy Achievement Medal, and various unit, campaign, and service awards. Captain Glaser-Allen earned a master of laws in litigation and dispute resolution with highest honors from the George Washington University Law School and is a member of the Illinois bar.

A native of Tinley Park, Illinois, she earned degrees at the University of Illinois at Urbana-Champaign, receiving a bachelor of arts in political science and speech communication in 1992 and a juris doctor in 1995. She was commissioned in September 1993 via the Judge Advocate General’s Corps Student Program.

Captain Glaser-Allen graduated from Naval Justice School in December 1995 and was assigned to Naval Legal Service Office (NLSO) Mid-Atlantic in Norfolk, Virginia. She served as Defense Counsel, Tax Officer, and Assistant Department Head for Legal Assistance. Transferring overseas to Rota, Spain in September 1998, she served as NLSO Europe and Southwest Asia, Detachment Rota’s Senior Defense Counsel and later as Deputy Staff Judge Advocate (SJA) for the Commander, U.S. Naval Activities Spain.

Returning stateside to the Pacific Northwest in April 2001, she served as SJA for Naval Station Everett, Washington and later as NLSO Northwest Legal Assistance Department Head. She was selected for the 2003 Federal Bar Association and American Bar Association's (ABA) Outstanding Young Military Lawyer Awards. From July 2004 to August 2006, Captain Glaser-Allen served on the USS Carl Vinson (CVN-70) as Command Judge Advocate and Legal/Security Department Head. She completed a global combat deployment/homeport change and her Security team won the Pacific Fleet 2005 Force Protection Award.

After completing post-graduate school in May 2007, she was assigned as a trial judge to the Northern Judicial Circuit (Washington, D.C.) and became Circuit Judge in March 2008. She presided over 60 courts-martial, including 9 members and 6 contested judge-alone trials. During this tour, she was selected as an "expert" in the Military Justice Litigation Career Track and served as an Individual Augmentee to the Law & Order Task Force at FOB Shield, Iraq from May to December 2008. She reported to NLSO Pacific (Yokosuka, Japan) as Executive Officer in July 2009. Her team was recognized with the ABA Legal Assistance for Military Personnel Award, Naval Legal Service Command (NLSC) Legal Assistance Attorney of the Year, Civilian of the Year, and Humanitarian Service Medal for Operation Tomadachi legal support during her tenure.

Captain Glaser-Allen was assigned as Circuit Judge, Central Judicial Circuit (Norfolk, Virginia) in July 2011. She presided over 75 courts-martial, including 25 members and 6 contested judge-alone trials. Her high visibility cases ranged from premeditated murder to adult and child sexual assault, as well as operational cases involving classified information. She reported as Commanding Officer, Region Legal Service Office (RLSO) Japan in August 2014. During her command tour, the RLSO Japan team supported the Fleet's rebalance to the Pacific and was recognized with the ABA LAMP Award (group), NLSC Trial Counsel of the Year, Command Services Attorney of the Year (twice), Junior Officer of the Year, the Reserve Howell award, and a Sailor of the Year finalist.

Commander Aaron Rugh joined the U.S. Navy-Marine Corps Court of Criminal Appeals in 2015. His decorations include the Defense Meritorious Service Medal and the Meritorious Service Medal. He has been designated as an "Expert" in the Navy's Military Justice Litigation Career Track. Commander Rugh received a Masters of Laws degree in Litigation and Dispute Resolution from the George Washington University Law School and is a member of the Missouri Bar.

Commander Rugh was born in Emporia, Kansas, but grew up in Neosho, Missouri, a small town in the Ozark Mountain region of Southwest Missouri. He received a Bachelor of Science degree in socio-political communications from Missouri State University in 1994 and his Juris Doctorate from Duke University School of Law in 1997.

Commander Rugh was commissioned in the U.S. Navy in 1996 and attended Naval Justice School beginning in October 1997. Subsequently, he reported to Naval Legal Service Office, Mid-Atlantic, Norfolk, Virginia, and served as a legal assistance attorney and as the Assistant Senior Defense Counsel onboard Naval Base Norfolk, NAS Oceana and NAB Little Creek. He then reported to the U.S. Naval Academy as an Assistant Professor of Law.

In 2002 Commander Rugh transferred to Trial Service Office East, Norfolk, Virginia, where he served as Senior Trial Counsel. Subsequently, Commander Rugh was the Head, Standards of Conduct and Government Ethics Branch, Administrative Law Division (OJAG Code 13) and coordinated litigation programs for the Criminal Law Division (OJAG Code 20), both in Washington, D.C. In 2008 Commander Rugh deployed to Iraq and served as an operational law attorney for Multi-National Forces - Iraq before attending graduate school.

Commander Rugh's recent assignments include Commanding Officer and Executive Officer of Naval Legal Service Office Southeast; Military Judge, Navy-Marine Corps Trial Judiciary; and Director, Trial Counsel Assistance Program (TCAP).

Commander Frank Hutchison joined the U.S. Navy-Marine Corps Court of Criminal Appeals in 2016. Commander Hutchison has been awarded the Defense Meritorious Service Medal, the Meritorious Service Medal (five awards), the Navy and Marine Corps Commendation Medal (four awards), the Navy and Marine Corps Achievement Medal and various other campaign and unit awards. He is a qualified Surface Warfare Officer and Small Boat Officer in Charge (Craftmaster) and is admitted to practice law in the state of Maryland.

Commander Hutchison was born in Fort Hood, Texas and raised in Jay, Oklahoma. He graduated from the U.S. Naval Academy in 1994 with a B.S. in Economics and received his J.D. in 2003 after graduating Magna Cum Laude from The Catholic University of America's Columbus

School of Law. Commander Hutchison currently serves as an Appellate Judge on the Navy-Marine Corps Court of Criminal Appeals.

Commander Hutchison's initial assignments as a Surface Warfare Officer included duty as Communications Officer and Electrical Officer in USS Callaghan (DDG-994) from 1995 to 1997, Strike Warfare Officer in USS Shiloh (CG-67) from 1997 to 1999, and instructor and course coordinator in the Division of Professional Development at the U.S. Naval Academy from 1999 to 2000.

After being selected for the Law Education Program and completing law school, Commander Hutchison reported to Naval Legal Service Office Southeast in Jacksonville, Florida where he served as Legal Assistance Department Head and Senior Defense Counsel. In July 2005, Commander Hutchison reported to United States Fleet Forces Command, where he served as Assistant Fleet Judge Advocate. During this tour, Commander Hutchison deployed as an Individual Augmentee to Task Force 134 in Iraq, where he served as the Officer in Charge of the Detainee Legal Operations Center in Camp Bucca.

In July 2008, Commander Hutchison reported aboard USS Carl Vinson (CVN 70) as the Command Judge Advocate, deploying in support of Operations Unified Response and Southern Seas. From May 2010 until July 2012, Commander Hutchison served as Civil Law Department Head at Region Legal Service Office Mid-Atlantic and Staff Judge Advocate for Commander, Navy Region Mid-Atlantic. In July 2012, Commander Hutchison reported to OJAG Code 61 (Military Personnel), where he led the JAG Corps' nation-wide recruiting efforts. From April 2014 to August 2016, Commander Hutchison served as Executive Officer of Defense Service Office North. Following graduation from the 59th Military Judge Course, Commander Hutchison reported to his current assignment in August 2016.

COUNSEL AND CLERK BIOGRAPHIES

For the Appellant:

Captain Andrew House currently serves as the Director, Navy-Marine Corps Appellate Defense Division, Code 45, in Washington, D.C. Captain House's personal decorations include the Meritorious Service Medal (6 awards), Navy Commendation Medal (4 Awards), Army

Commendation Medal, Joint Service Achievement Medal, and Army Achievement Medal (2 awards).

He graduated from the University of North Carolina at Chapel Hill in 1993 with a Bachelor of Arts degree in political science. He received his *juris doctor* degree from UNC-Chapel Hill in 1997. He was commissioned as an Ensign in the United States Navy JAG Corps in 1997. Prior to commissioning, he served 3 years enlisted active duty in the United States Army as a Military Intelligence analyst and five years as a member of the North Carolina National Guard.

After commissioning and completion of Naval Justice School, Captain House reported to Naval Legal Service Office Central, Branch Office Corpus Christi for service as both Legal Assistance and Defense Attorney from January 1998 to March 2000. In March 2000, he reported to Pearl Harbor, Hawaii for duty as Assistant Staff Judge Advocate for Commander, Navy Region Hawaii. In March 2002, he transferred to Brunswick, Maine as Station Judge Advocate for Naval Air Station Brunswick. This tour was quickly followed by assignment as Officer in Charge of Naval Legal Service Office Pacific, Detachment Guam in October 2003. In May 2005, Captain House transferred to USS Enterprise (CVN 65) for duty as Command Judge Advocate.

Following completion of a seven-month combat deployment, he reported to Commander, Naval Air Force Atlantic in February 2007 for duty as Deputy Force Judge Advocate. In July 2008, he assumed duty as Executive Officer for Naval Legal Service Office Central in Pensacola, Florida, and then served as Commanding Officer of NLSO Central from March 2009 until July 2011. He served as Deputy Assistant Judge Advocate General for Legal Assistance (Division Director, Code 16) from August 2011 through September 2013. He then served as the inaugural Deputy Chief of Staff for the Navy Victims' Legal Counsel Program from October 2013 until July 2015. Prior to reporting to Code 45, he served as the Staff Judge Advocate for Navy Region Mid-Atlantic in Norfolk, VA from July 2015 to August 2016.

Captain Bree Ermentrout currently serves as an appellate attorney for the Navy-Marine Corps' Appellate Defense Division, and is a civilian attorney with the National Geospatial-Intelligence Agency where she practices intelligence, international, cyber, and national security law. Captain Ermentrout's military decorations include the Meritorious Service Medal, the Navy Commendation Medal with two gold stars and

the Navy Achievement Medal with one gold star. She is admitted to practice in Pennsylvania and New Jersey.

Captain Ermentrout graduated from the University of Virginia and was commissioned through the JAG Corps Student Program while a student at Rutgers University-Newark from which she received her Juris Doctor degree in 1988. Captain Ermentrout also has her Master of Laws degree (in Tax) from Villanova University.

Upon graduating from the Naval Justice School in 1989, Captain Ermentrout reported to the Naval Legal Service Office, Philadelphia, PA where she served as a trial counsel, claims and legal assistance attorney. She affiliated with the Naval Reserve in 1993 and has served in a variety of units, including NR Admiralty Law, NR CNO Fleet Readiness and Training, NR NAVJAG 519, NR NAVJAG 116, and NR Civil Law Support Activity 206. In 2005 Captain Ermentrout was recalled to active duty for special work to serve on the Quadrennial Defense Review and subsequently served with the Judge Advocate General's Special Assistant for Transformation team. In 2007 she was recalled to active duty as the SJA at OARDEC. In 2009 Captain Ermentrout served as the Commanding Officer of Naval Reserve Region-Legal Service Office, Naval District Washington.

For the Appellee:

Mr. Brian Keller currently serves as the civilian supervisory appellate counsel and Deputy Director for the Navy-Marine Corps' Appellate Government Division. He was born in Chicago, Illinois, raised in Lincoln, Nebraska, and graduated from Lincoln East High School. Mr. Keller is a graduate of Carleton College (B.A. political philosophy), the University of Minnesota Law School, and the Naval Justice School.

Before 2008, Mr. Keller served as an active duty Marine Corps officer in Okinawa, Afghanistan, and in Washington, D.C. At the Appellate Government Division, he: spearheaded an initiative to migrate all services' courts-martial and appeals to the virtual court system, CM/ECF/PACER, used by every other federal criminal court and several Article I courts; fought to bring victim notifications to the Uniform Code's appellate litigation and hearings; took a case to the Supreme Court; created the first paperless military litigation office; and started the military's first formal appellate training, the Joint Appellate Advocacy Training. Mr. Keller has litigated numerous cases before the

Navy-Marine Corps Court of Criminal Appeals and the Court of Appeals for the Armed Forces. He has also authored several articles and a book chapter on the practice of appellate law.

Lieutenant Taurean Brown is currently a member of the Navy-Marine Corps' Appellate Government Division. Lieutenant Brown has received the Navy and Marine Corps Achievement Medal, National Defense Service Medal, and the Global War on Terrorism Service Medal. She is originally from New York City and graduated from Stanford University in 2005 with a bachelor's degree in English Literature and a minor in Public Policy. Through Teach for America, she spent two years teaching 7th grade English and Social Studies in West Philadelphia between 2005 and 2007, and concurrently earned a Master's degree in Secondary Education from the University of Pennsylvania.

After teaching, Lieutenant Brown enrolled in a dual-degree program at the University of Michigan in law and public policy. She graduated in 2011 and immediately began her legal career as a Karpatkin Fellow in the Racial Justice Program of ACLU's National Office. In this role, she worked primarily on educational equity and juvenile justice issues. In February of 2012, Lieutenant Brown was admitted into the New York State Bar. Lieutenant Brown graduated from Officer Development School in September of 2012, and the Basic Lawyer Class at Naval Justice School in December of 2012. From December 2012 - January 2015, Lieutenant Brown completed her first tour in Great Lakes, IL, splitting time between Region Legal Service Office Midwest and Defense Service Office North. In January 2015 Lieutenant Brown reported to NAMARA in Washington, DC and clerked for the Navy-Marine Corps Court of Criminal Appeals until November 2015.

Clerk of Court

Lieutenant Daniel Rosinski is currently serving as a Law Clerk for the Navy-Marine Corps Court of Criminal Appeals. He qualified as a Marksman in both the Navy Rifle and Navy Pistol Qualifications, and is admitted to practice law in the Commonwealth of Virginia. He previously served as a First Tour Judge Advocate in Norfolk with Region Legal Service Office Mid-Atlantic and Defense Service Office Southeast. He earned a Bachelor of Arts degree in public policy from Princeton University in 2009, and a juris doctor degree from the University of Virginia School of Law in 2013. Lieutenant Rosinski received his JAG Corps commission via the Student Program in 2012.



The distinctive Navy JAG Corps insignia, which incorporates the mill rinde, has a storied history. In ancient France, the “fer de moline,” or mill rinde, was a symbol of equal justice for all under the law. The two counterbalancing oak leaves are identical and connote the scales upon which justice is weighed. Oak leaves denote a corps and symbolize strength, particularly the strength of the oak-timbered hulls of the early American Navy ships. In the milling of grains, the mill rinde was used to keep the stone-grinding wheels an equal distance apart to provide consistency in the milling process. Thus, it symbolizes the wheels of justice that must grind exceedingly fine and exceptionally even. In the 16th century, the mill rinde was adopted in England as a symbol for lawyers and later brought to America.