

## Events

May 9, 0900 EST. Global Military Justice Reform will hold a Town Hall. The subject for discussion is the court-martial of Maj Gen William T. Cooley. Go here to get the Zoom link <https://globalmjreform.blogspot.com/2022/04/town-hall-is-back.html>.

April 8, 2022, *JUSTICE IN WAR: Accountability for Battlefield Misconduct*. A success. Planning is already underway for the next event—a Fall seminar/symposium.

We express our gratitude to Prof. Thomas Nachbar, UVA law (shown here with the Hon. Walter B. Slocombe), for helping to make the symposium a success.



## People



LTC Dan Maurer, USA (JA) received the NIMJ Kevin J. Barry Writing Award for Excellence for Practitioners/Scholars (along with a check). In addition, he was a panel member on ‘A Case Study in Domestic Politics’ at the Justice in War symposium.

## Call for Papers

The [Criminal Law Bulletin](#), an interdisciplinary, peer-edited law journal, seeks papers for two forthcoming special issues: one on reform-based solutions to problems in the criminal-legal context and one on the collateral consequences of convictions. Deadlines are in August and October.

## Call for People

NIMJ submits amicus briefs as one of our activities. In the past year, the amicus committee has authored amicus briefs in the military appellate courts, two federal circuits, and the International Criminal Court. We welcome more writers. If you are interested in joining an amicus writing team or have ideas for an amicus brief, please contact NIMJ GC Frank Rosenblatt at [frosenblatt@mc.edu](mailto:frosenblatt@mc.edu).

## Litigation

NIMJ has filed an amicus motion and brief in *United States v. Rudometkin*, ARMY 20180058, 2021 CCA LEXIS 596 (A. Ct. Crim. App. Nov. 9, 2021) (memorandum op.), a case certified to the Court of Appeals for the Armed Forces.

### Vaccines:

April 5, 2022, NIMJ filed an amicus brief on behalf of the Defendants / Appellants in *U.S. Navy SEALS, et. al. v. Joseph R. Biden, Jr., et. al.* All parties consented to our filing. NIMJ **thanks** A. Richard Ellis, an attorney in Mill Valley, CA, for his help in getting this amicus and others filed as local counsel.

### Living with HIV and in the military or want to be:

Here are links to *Harrison v. Austin* (an applicant for the DCANG JAG Corps) and *Roe v. Austin*. Judge Brinkema, EDVA, has issued rulings in cases arguing against the current DoD policy of enlistment and assignments and retention of those living with HIV.

### Unanimous court-martial verdicts:

ACCA heard an oral argument in *Dial* on April 14, 2022. Case [documents here](#)). Amicus [brief by NACDL](#) here.

*United States v. Martinez*, No. ACM 39973 2022 CCA LEXIS 212 (A. F. Ct. Crim. App. April 6, 2022) (memorandum op.). A unanimous “jury” case, with NIMJ Fellow Prof. Steve Vladeck as counsel.

*United States v. Scott*, Petition at the CAAF denied March 3, 2022. In *United States v. Dial* and *United States v. Ferriera*, writs are still pending at ACCA, with the trial proceedings stayed. In *United States v. Westcott*, No. ACM 39936, 2022 CCA LEXIS 156 (A. F. Ct. Crim. App. Mar. 17, 2022) (memorandum op.), at least one judge of the court would hold that the Appellant was denied the right to a unanimous “jury” finding of guilt. Slip op. at \*108.

## Other litigation

The Supreme Court heard an oral argument on April 20, 2022. *Vega V. Tekoh*, No. 21-499, a writ of certiorari to the 10<sup>th</sup> Circuit. Amici Curiae [Brief filed by Historians of Criminal Procedure in Support of Respondent](#). See here for other [filings in Vega](#).

## Worth a look (new and old)

NIMJ's Laura Dickinson, [Still at War: The Forever War Legal Paradigm in Afghanistan](#). Just Security, April 14, 2022.

Report: [Challenges to Security in Space](#). Defense Intelligence Agency, 2022.

Molly Quell, [International Criminal Court kicks off first trial over Sudan conflict](#). Courthouse News Service, April 5, 2022.

Last month we mentioned an article about Geofence warrants. Now this—Denise Lavoie, ['Geofence warrant' unconstitutional, judge rules in Virginia](#). Police1, March 31, 2023. (Note the number of such warrants Google receives.) Also, see Orin Kerr, [The Fourth Amendment and Geofence Warrants: A Critical Look at United States v. Chatrie](#). Lawfare, March 12, 2022.

MAJ Jeffrey C. Sullivan, [Compelled Decryption in the Military Justice System: Whether the Article 30a, UCMJ, Investigative Subpoena Is a Lawful and Practical Method to Obtain an Accused's Electronic Device in an Unencrypted State](#). 230 MIL. L. REV. 1 (2022).

Max Jesse Goldberg, [Congressional Influence on Military Justice](#). 130 YALE L. J. 2110 (2022).

From Lawfare: Tom Nachbar, [The U.S. Can Prosecute Russian Leaders for War Crimes](#). Lawfare, April 19, 2022; Rohini Kurup & Katherine Pompilio, [White House Releases Annual Report and Notice Concerning Legal and Policy Frameworks for War Powers](#). April 18, 2022.

Andrew Ramspacher, [What is a War Crime Breaking Down the U. S. Government's Russia Accusation](#). UVA Today, March 28, 2022. An interview with Thomas Nachbar, a UVA law professor, and Army Reserve judge advocate.

[An investigation of a San Diego Marine is raising questions about the military's extremism policy](#). NPR April 1. 2022.

SEXUAL ASSAULT. DoD and Coast Guard Should Ensure Laws Are Implemented to Improve Oversight of Key Prevention and Response Efforts. [The report](#).

*Cheers All!*