



## UNITED STATES MARINE CORPS

12TH MARINE CORPS DISTRICT  
3704 HOCHMUTH AVENUE  
SAN DIEGO, CA 92104-5552

IN REPLY REFER TO:  
5810  
CO

08 OCT 2010

### MEMORANDUM

From: Commanding Officer, 12th Marine Corps District  
To: All hands

Subj: PARTICIPATION IN COURTS-MARTIAL

1. The Sixth Amendment to the Constitution guarantees that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury...to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have Compulsory process for obtaining witnesses in his favor; and to have the Assistance of Counsel for his Defense."

2. In military justice parlance, the "jury" is a "members panel." Should any Marine or sailor in 12th Marine Corps District be appointed to serve as a member in a court-martial, my expectation is that each member take seriously his or her duty to impartially hear all evidence, and to follow the instructions of the military judge. A court-martial member should be conspicuous only in his zeal to be dispassionate and fair-minded at each step of the process. I do not presume or expect any certain outcome in any particular case. I expect members to be unprejudiced and to give the accused his Constitutional right to an impartial jury.

3. In any court-martial, should you be called upon to testify on behalf of either the defense or the prosecution, your duty is to testify truthfully. There will be no negative actions initiated against anyone should they elect to assist in a fellow Marine or sailor's defense. On the contrary, providing such assistance is strongly encouraged. If at any time you are approached by anyone attempting to pressure you, direct or otherwise, into a decision whether or not to testify or provide a letter of support on behalf of any accused, I ask you to immediately report the incident to your chain of command or Equal Opportunity Representative.

M. A. BISZAK