

## Thomas More Law Center Answers Prosecutor s Appeal in LtCol Chessani Case August 19, 2008

ANN ARBOR, MI – The Thomas More Law Center, a national, public interest law firm based in Ann Arbor, Michigan, yesterday filed its answer brief in response to the prosecution’s appeal of the Military Judge’s ruling, dismissing the case against LtCol Jeffrey Chessani, USMC based on unlawful command influence.



In its brief, the Law Center responded to the prosecution’s arguments, noting, “Unlawful command influence is ‘the mortal enemy of military justice.’ It is the acid that erodes an accused’s right to receive a fair trial and the public’s confidence in the fairness of the system. The nature of the military makes its system of justice extremely vulnerable to improper influences and pressures; influences and pressures that are systemic in a military command environment.” The Law Center urged the appellate court to affirm the Military Judge’s ruling. [[Read the Law Center’s Answer Brief Here](#) 📄]

Richard Thompson, President and Chief Counsel for the Law Center, commented, “This is an important case not only for LtCol Chessani, but for military commanders whose battlefield decisions should not be second-guessed by lawyers and for the military justice system as a whole. Indeed, the Haditha cases have caused a noticeable erosion of public confidence in our military system of justice. Affirming the Military Judge’s ruling will go a long way to restoring the public perception of fairness in the military courts.”

The appeal will be heard by a three-judge panel of the Navy and Marine Corps Court of Criminal Appeals (NMCCA), consisting of active duty Navy and Marine officers, sitting in Washington, D.C..

Given the importance of the legal issue involved and the intense public interest in the outcome of this case, the Law Center has also requested oral argument. If granted, the panel will likely hear arguments in early part of October 2008. It is anticipated that it will take approximately 4 to 6 months for NMCCA to render a decision.

If either side loses the appeal, they can request that the case be heard by the Court of Appeals for the Armed Forces (CAAF), the highest court in the military justice system, consisting of five civilian judges.

Even if prosecutors lose in all the appellate courts, they can re-file the charges against LtCol Chessani.

LtCol Chessani has been under investigation and prosecution since March 2006 for his role as the battalion commander of 3rd Battalion, 1st Marines during the November 19, 2005 battle of Haditha. On June 17, 2008, the Military Judge dismissed all charges against LtCol Chessani, resulting in this current appeal by the prosecutors.

If you would like to contribute to the [LtCol Chessani Defense Fund](#), please [click here](#).

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