

Supreme Court Has Appellate Jurisdiction To Hear Appeals From The Court Of Appeals For The Armed Forces

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There are a separate series of trial and appellate military courts that address criminal charges against service members, capped by the Court of Appeals for the Armed Forces (CAAF). After Keanu Ortiz was convicted of possession and distributing child pornography, he appealed to the Air Force Court of Criminal Appeals (CCA). Colonel Martin Mitchell was part of the panel of that court that affirmed the decision. Ortiz then appealed to the CAAF, arguing that Mitchell should have been disqualified because he had been appointed to the Court of Military Commission Review (CMCR), and the Appointments Clause of the Constitution barred him from serving on both. CAAF rejected Ortiz's appeal, and he sought certiorari with the U.S. Supreme Court. In a 7-2 decision authored by Justice Kagan, the Court held that it had jurisdiction to hear an appeal from the CAAF as part of its appellate jurisdiction, reasoning that military courts were not sufficiently different from State and other lower courts to warrant a different result. The Court went on to rule that Mitchell's simultaneous service on the CCA and CMCR did not violate the Appointments Clause or other federal law. Justice Thomas concurred, arguing that the Court's appellate jurisdiction over the CAAF was consistent with the original understanding of judicial power under Article III. Justice Alito, joined by Justice Gorsuch, dissented, arguing that military courts fall under the executive branch of government, and thus do not wield judicial power that would permit the Court to exercise appellate jurisdiction. A link to the opinion in *Ortiz v. United States* is [here](#).

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