

NAVAL WEAPONS STATION YORKTOWNSAILOR CHARGED IN DEATH OF FELLOW SAILOR

FREQUENTLY ASKED QUESTIONS (A/O 28 Jan 2025/1400)

Summary:

Monday, Nov. 25, 2024: Last week, the Navy preferred charges against a sailor assigned to Naval Weapons Station Yorktown for the death of a fellow Sailor. The sailor, who will remain unnamed until charges have been referred, has been charged with negligent homicide in the death of Master-at-Arms Third Class Lyndon Joel Cosgriff-Flax, making a false official statement, and two counts of dereliction of duty.

Cosgriff-Flax was killed during a boating incident on the York River April 28, 2024 involving one of the installations harbor security boats.

There is no date set for court proceedings.

Trial Counsel:

LT Christopher Dempsey, JAGC, USN
LT Ashley Young, JAGC, USN

Defense Counsel:

Peter Kageleiry, Jr. Civilian Defense
LCDR Natalie Bernadt, USCG

Convening Authority: RADM Carl Lahti, Commander, Navy Region Mid-Atlantic

Q1. What are the charges?

A2. Charge I: Violation of Article 134, UCMJ

Specification (Negligent Homicide): In that xxx, U.S. Navy, Harbor Patrol Unit Yorktown, on active duty, did, at or near Naval Weapons Station Yorktown in Yorktown, Virginia, on or about 28 April 2024, unlawfully kill Master-at-Arms third Class Lyndon Joel Cosgriff-Flax, U.S. Navy, by operating a harbor safety boat in a negligent manner and that said conduct was to the prejudice of good order and discipline in the armed forces.

Charge II: Violation of Article 107, UCMJ

Specification (False Official Statement): In that xxx, U.S. Navy, Harbor Patrol Unit Yorktown, on active duty, did at or near Naval Weapons Station Yorktown in Yorktown, Virginia, on or about 28 April 2024, with intent to deceive, make to Special Agent xxx xxx and Special Agent xxx xxx, Naval Criminal Investigative Service, an official statement, to wit: that xxx boat was following behind the boat driven by xxx xxx, U.S. Navy, when Master-at-Arms

Third Class Lyndon Joel Cosgriff-Flax, U.S. Navy, fell overboard, which statement was totally false, and was then known by the said xxx xxx to be so false.

Charge III: Violation of Article 92, UCMJ

Specification 1 (Dereliction of Duty): In that xxx xxx, U.S. Navy, harbor Patrol Unit Yorktown, on active duty, who knew or reasonably should have known of xxx duties, at or near Naval Weapons Station Yorktown in Yorktown, Virginia, on or about 28 April 2024, was derelict in the performance of those duties in that xxx negligently failed to notify the Watch Commander of an underway and training evolution, failed to complete pre-boat checks and logs, and failed to notify the Training Supervisor of a training evolution, as it was xxx duty to do.

Specification 2 (Dereliction of Duty): In that xxx xxx, U.S. Navy, Harbor Patrol Unit Yorktown, on active duty, who knew or reasonably should have known of xxx duties, at or near Naval Weapons Station Yorktown in Yorktown Virginia, on or about 28 April 2024, was derelict in the performance of those duties in that, while acting as coxswain, xxx negligently failed to maintain the safety of xxx crew and to navigate a harbor safety boat in safe manner, as it was xxx duty to do, and that such dereliction of duty resulted in the death of Master-at-Arms Third Class Lyndon Joel Cosgriff-Flax.

Q2. When were the initial charges presented?

A2. The charges were preferred Thursday, November 21, 2024 to the sailor at Naval Weapons Station Yorktown.

Q3. What is the next process?

A3. An Article 32 hearing is scheduled for Thursday, January 30, 2025.

Q4. What investigations have been completed or are still ongoing?

A4. A Command Directed investigation has been completed, as well as a Line of Duty Death investigation. The Naval Criminal Investigative Service investigation will remain open throughout the judicial process.

Q5. Can I receive a copy of the investigations?

A5. We cannot release the copy of the investigations as the case is still ongoing. You can, however, submit a FOIA request.

Q6. Is the accused in pre-trial confinement?

A6. No.

Q7. Where is the accused now? Is the accused still on active duty?

A7. The accused remains in the Navy and is assigned administrative duties at Naval Weapons Station Yorktown.

Q8. What punishments does the accused face?

A8. If found guilty of all charges, the accused faces a dishonorable discharge, forfeiture of all pay and benefits, more than eight years confinement and reduction in rank to E-1 Seaman Recruit.