

APPENDIX A

A complete record of trial ready for docketing with the Navy-Marine Corps Court of Criminal Appeals for review pursuant to Article 66, UCMJ, requires:

- An authenticated, verbatim transcript of all sessions except sessions closed for deliberations and voting;
- The original charge sheet (front and back) or a duplicate;
- A copy of the convening order and any amending orders;
- Any written request for trial by judge alone or for trial by a court that includes enlisted members;
- The original dated, signed action by the convening authority; and
- Exhibits, or with the permission of the military judge, copies, photographs, or descriptions of any exhibits received in evidence and any appellate exhibits.

See RULE FOR COURTS-MARTIAL 1103(b)(2)(D), MANUAL FOR COURTS-MARTIAL, UNITED STATES (2008 ed.).

Additionally, the following should be attached to the record:

- Article 32, UCMJ, Investigation;
- Article 34, UCMJ, Advice;
- The record of any former hearings;
- Any written special findings by the military judge;
- Exhibits, or with the permission of the military judge, copies, photographs, or descriptions of any exhibits which were marked for and referred to on the record but not received in evidence;
- Any R.C.M. 1105 matters or waiver submitted by the accused;
- Any deferment request and action on it;
- Explanation for any substitute authentication;
- Explanation for any failure to serve the record on the accused under R.C.M. 1104(b);
- The staff judge advocate's or legal officer's recommendation with any listed enclosures and proof of service upon defense counsel;
- Any post-trial response by trial defense counsel to the staff judge advocate's or legal officer's recommendation;
- Clemency materials;
- Any statement as to why it is impracticable for the convening authority to act;
- Any conditions of suspension;
- Any waiver or withdrawal from appellate review; and
- Record of any vacation proceeding.

See R.C.M. 1103(b)(3).

APPENDIX B

Application for Admission to Practice

Please type or print the following:

1. Full name (if you are now or have been known by another name, please attach an explanation):

2. Residential address:

3. Office address:

4. Office telephone:

5. Office FAX and/or e-mail address:

6. Law school attended and year degree was awarded:

7. Listing of all federal courts and highest state court to which you have been admitted to practice law:

8. Are you presently under investigation or have you been disciplined for a violation of your licensing authority's disciplinary/ethical rules?:

9. Attach an original letter of good standing from any bar that has licensed you to practice law.

Signature of Applicant

APPENDIX C

Sample Motion for Enlargement of Time

IN THE UNITED STATES NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS
Before Panel No. ____

UNITED STATES

Appellee

v.

First Name, M.I, LAST NAME
Lance Corporal (E-3)
U.S. Marine Corps,

Appellant

**[CONSENT] SECOND MOTION
FOR
ENLARGEMENT OF TIME**

Case No. 201001234

**TO THE HONORABLE, THE JUDGES OF THE UNITED STATES NAVY-MARINE
CORPS COURT OF CRIMINAL APPEALS**

COMES NOW the undersigned and respectfully moves for a second enlargement of time to file a brief and assignments of error. The current due date is _____. The number of days requested is _____. The requested due date is _____.

[The following information is required in every motion for enlargement where a showing of good cause is required: (A) when the record of trial was docketed; (B) the status of review of the record of trial; (C) the number of pages in the record of trial; (D) a statement as to the complexity of the case; and (E) whether the appellant is confined and, if so, the appellant's normal release date.]

[Additionally, any motion for enlargement of time to file an appellant's pleading that requests a filing date more than ninety days from the date of docketing with the Court, in addition to a showing of good cause, will require an affirmation that the appellant has been consulted and concurs with the enlargement request. Where the appellant opposes such enlargement request or cannot be contacted for consultation, the requested enlargement for a filing date beyond ninety days from docketing will only be granted upon a showing of extraordinary circumstances. If counsel cites caseload as a reason for the delay, a detailed explanation of the number and complexity of counsel's pending cases, weekly working hours, and the number and prioritization of other duties, specifically time spent assisting other counsel with their cases, preparing for oral argument, and executing collateral duties is required.

I certify that a copy of the foregoing was delivered to the Court and opposing counsel on (date).

/s/ _____

Counsel's Name

Grade

Capacity

Address

Telephone number

Fax number

APPENDIX D

U.S. Navy-Marine Corps Court of Criminal Appeals Oral Argument Script

[Pursuant to IOP 16.2, the senior judge of the panel, or Chief Judge of the Court *en banc* will proceed substantially as set forth below.]

[The Crier of the Court will gavel the session to order with two solid strikes of the gavel and announce as follows:]

Crier: *“All rise. The United States Navy-Marine Corps Court of Criminal Appeals is now open and in session. God save the United States and this Honorable Court.”*

[At the second strike of the gavel, and as the Crier makes the above announcement, the judges of the Court enter the courtroom and take their positions behind their chairs. At the conclusion of the opening announcement, the Crier will strike the gavel a third time.]

Senior/Chief Judge: *“Good morning (or good afternoon). Please be seated.”*

[All judges, the counsel, and those in the gallery are seated.]

Senior/Chief Judge: *“The Court will now hear oral argument in the case of United States v. (insert name). Are counsel for both sides ready to proceed?”*

[Counsel may respond in the affirmative; or respond with inviting the court’s attention to any unresolved matters, such as the swearing in of a new member of the bar; an oral motion for relief; or other appropriate matter, such as the following:]

Counsel for Appellant: *“Yes, you honor, but before proceeding, the appellant would request to reserve 5 minutes for rebuttal.”*

Senior/Chief Judge: *“Very well. The appellant may argue.”*

[The above may be varied to *“The United States may argue”* in those cases in which the government is arguing an interlocutory appeal.]

[Counsel presents argument and answers questions of the court.]

[For both counsel, a yellow caution light will indicate when there are 5 minutes remaining of each counsel’s time (or 1 minute of rebuttal time); a red light will indicate when time has expired. Counsel should cease argument when the red light turns on. If counsel has not completed argument, counsel should request additional time to conclude. Ordinarily this means completing an answer to a question of court.]

Counsel for the Appellant: *“If there are no further questions, that concludes my argument.”*

Senior/Chief Judge: *“Thank you. Counsel for the United States may argue.”*

[The above may be varied to *“The Appellant may argue”* in those cases in which the government is arguing an interlocutory appeal.]

[Counsel presents argument and answers questions of the Court.]

Counsel for the Appellee: *“If there are no further questions, that concludes my argument.”*

Senior/Chief Judge: *“Thank you. Counsel for the Appellant (or “Appellee” during interlocutory appeals) may argue in rebuttal.”*

[Counsel presents arguments and answers questions of the court.]

Counsel for the Appellant: *“If there are no further questions, that concludes my argument.”*

Senior/Chief Judge: *“Thank you. The matter is submitted.”*

Clerk: *“All rise.”*

[The Crier strikes the gavel once and the judges rise and depart. When all the judges have departed, the Crier announces:]

Clerk: *“The United States Navy-Marine Corps Court of Criminal Appeals now stands adjourned.”*

[The Crier concludes with one final strike of the gavel.]

APPENDIX E
FORMAT FOR BRIEF ON BEHALF OF APPELLANT
(Replaces Attachment 2 to Joint CCA Rules as referenced in Rule 15)

IN THE UNITED STATES NAVY-MARINE CORPS
COURT OF CRIMINAL APPEALS

Before Panel No. 3

UNITED STATES,	)	BRIEF AND ASSIGNMENTS OF ERRORS
Appellee)	
)	
	)	Case No. 200X00000
v.)	
	)	Tried at Region Legal
Joseph D. Seaman	)	Service Office Mid-Atlantic
Lieutenant (O-3)	)	Naval Station Norfolk,
U.S. Navy,	)	Virginia on 1 January 2011
Appellant	)	before a [general/special]
	)	court-martial convened by
	)	Commander, Navy
	)	Region Mid-Atlantic

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES
NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS

Index of Brief
[See Rule 15.1(b)(1)]

Issues Presented

[Set forth each alleged error in bold, upper case letters. If asserting more than one error, number each alleged error with consecutive Roman Numerals. See Rule 15.5 re issues raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).]

Statement of Statutory Jurisdiction

[Set forth the statutory basis for this Court's jurisdiction.]

Statement of the Case

[Set forth a concise summary of the chronology of the case, including dates of trial, the general nature of the charges, pleas, findings, and sentence at trial. Include the action of the convening authority and any other pertinent information about the processing of the case.]

Statement of Facts

[Set forth accurately all facts pertinent to the issues raised, including specific page references and exhibit designations (per Rule 15(a)). Answers may adopt appellant's statement of facts if there is no dispute, may state additional facts, or, if there is a dispute, may restate the facts as they appear from appellee's viewpoint. The repetition of uncontroverted matters is not desired. Assertions of fact should be supported by specific citations to the record of trial, exhibits, or allied papers, as appropriate.]

Summary of Argument

[The summary should be succinct but accurate and clear condensation of the arguments, suitably paragraphed to correspond to each issue presented, made in the body of the brief.]

Argument

[Set forth each error alleged in bold, upper case letters, followed by separate argument for each error. Arguments shall discuss briefly the question presented, citing and quoting such authorities as are deemed pertinent. Each argument shall include a statement of the applicable standard of review, and must be followed by a prayer for the specified relief requested.]

Conclusion

WHEREFORE, the [Government/Appellant/Appellee] respectfully requests that this Court [result sought].

[Name of Counsel]
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Appendix

[An appendix may set forth matters for the convenience of the Court, such as extracts from the record of trial,

statutes, rules, or regulations, copies of decisions of other courts, and unpublished decisions. See Rule 15(c). Appendices may not be used to submit extra-record factual matters, which must instead be submitted to the Court by separate motion.]

Certificate of Filing and Service

I certify the foregoing was delivered to and electronically filed with the Court and a copy served upon opposing counsel on 4 July 2010.

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