JAG/COMNAVLEGSVCCOM INSTRUCTION 5814.1C

Subj: POST-TRIAL PROCESSING

(b) Case Management System (CMS) Desktop Manual
(c) JAGINST 5800.7F, Change 1 (2019) Manual of the Judge Advocate General
(d) DoDI 5505.11, Fingerprint Card and Final Disposition Report Submission Requirements
(e) DoD 7730.47M, Defense Incident-Based Reporting System (DIBRS)
(f) DoDI 5505.13, Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders
(g) DoDI 5525.20, Registered Sex Offender Management in DoD
(h) NAVADMIN 076/18, Gun Control Act of 1968 Criminal Justice Information Reporting Requirements
(i) JAGINST 5813.1C – Standardization of GCM and SPCM Verbatim and Summarized Records of Trial
(j) Uniform Rules of Practice for U.S. Navy-Marine Corps Trial Judiciary

Encl: (1) Statement of Trial Results Template
(2) Post-Trial Checklist
(3) Victim Post-Trial Rights Statement
(4) Convening Authority’s Action Checklist
(5) Gun Control Act of 1968 Reporting Requirements
(6) Convening Authority’s Action and Entry of Judgement Template

1. **Purpose.** To establish minimum requirements for post-trial processing of records of trial (ROT) and to update and reissue post-trial checklists for Region Legal Service Offices (RLSO) personnel, Staff Judge Advocates (SJA), trial judges, and legal officers (LO) for use during the court-martial review process. These procedures are intended to ensure expeditious and efficient handling of cases from sentencing through the certification of the record of trial. This instruction directs the use of enclosures (1) through (6) throughout the post-trial process.

2. **Applicability.** This instruction supersedes JAG/COMNAVLEGSVCCOMINST 5814.1B, for all cases referred to a court-martial on or after 1 January 2019. Courts-martial referred on or prior to 31 December 2018, will continue to utilize JAG/COMNAVLEGSVCCOMINST 5814.1B. For all cases where the accused was convicted of offense(s) committed before 1 January 2019, but the charge(s) were referred on or after 1 January 2019, ensure the appropriate clemency authority is utilized. See enclosure (6) for guidance. This instruction is a major revision and should be reviewed in its entirety.
3. **Scope.** This instruction applies to the Office of the Judge Advocate General (OJAG), all RLSOs, SJs, trial judges, and LOs performing post-trial functions. The SJA to the Commandant of the Marine Corps will implement post-trial policies and procedures consistent with this instruction. Utilize references (a) through (j), in addition to this instruction, throughout the post-trial process.

4. **Discussion**

   a. The government will ensure timely post-trial processing of military justice cases. In all general and special courts-martial in which the judgment includes a finding of guilty, the certified record of trial, a verbatim transcript, and attachments required under Rules for Courts-Martial (R.C.M.) 1112(f) will be prepared. For all courts-martial resulting in a sentence of confinement for six months or less and no punitive discharge, the government must ensure a certified record of trial with all required attachments is reviewed by a judge advocate pursuant to Article 65(d), Uniform Code of Military Justice (UCMJ). For all courts-martial resulting in appellate review under Article 66, UCMJ, the government must ensure: (1) the certified record of trial together with all required attachments is forwarded as soon as practicable after the Entry of Judgment (EOJ) to OJAG (Code 40), and (2) the case is docketed at the Navy-Marine Corps Court of Criminal Appeals (NMCCCA) within 30 days after forwarding.

   b. Per reference (a), the adjudged sentence, the type of court-martial (General Court-Martial (GCM)/Special Court Martial (SPCM)/Summary Court Martial (SCM)), and whether the government has filed an appeal, dictate the type of review:

      (1) Article 64: Judge advocate review of a finding of guilty in a SCM. If the accused appeals this review, the case should be forwarded to OJAG, Code 20 for a review under Article 69.

      (2) Article 65: A review under Article 65 occurs in two scenarios: (1) any GCM or SPCM in which the sentence includes six months or less confinement and no punitive discharge, or (2) the accused waived or withdrew the appeal under Article 66.

      (3) Article 66(b)(1)(A): Appeal by an accused in a case in which the sentence extends to confinement for more than six months and the case is not subject to an automatic appeal.

      (4) Article 66(b)(1)(B): Appeal by an accused in a case where the government previously filed an appeal under Article 62.

      (5) Article 66(b)(1)(C): Appeal by the accused in a case that the government appealed the sentence pursuant to Article 56(d).

      (6) Article 66(b)(1)(D): Appeal by an accused filed under an application for review with the NMCCCA under Article 69(d)(1)(B) and the application was granted.
(7) Article 66(b)(3): Any sentence of death, dismissal of a commissioned officer, cadet, or midshipman, dishonorable discharge, or bad-conduct discharge, or confinement for 2 years or more receives an automatic appeal at the NMCCA.

(8) Article 69: Any review of an Article 64 or Article 65 appeal requested by an accused.

(9) Article 69(d)(1)(A): Case that is sent to the NMCCA by order of the Judge Advocate General (JAG).

c. All courts-martial shall be tracked electronically using the Case Management System (CMS) or another prescribed electronic case management system. Reference (b) contains the rules and user guide for CMS. The electronic system will serve as the primary source for court-martial data. Article 140a, UCMJ, Manual for Courts-Martial (MCM) 2019, requires the collection and analysis of data in accordance with the standards prescribed by the Secretary of Defense. When implemented by OJAG/NLSC, all RLsO will ensure data is collected and reflected accurately in accordance with the Secretary of Defense’s standards.

d. Each RLsO will establish a Post-Trial Processing Division and/or Unit (PTPD/PTPUs) to fully implement this post-trial processing instruction and ensure the timely completion of the post-trial process for all courts-martial. The RLsO will utilize installation and Region SJsAs and their staff as necessary throughout the area of responsibility (AOR) to provide logistical assistance for the RLsO’s PTPDs/PTPUs. RLsOs will use checklists provided in enclosures (2) and (4) in every court-martial, revising logistical requirements as necessary to accommodate local resourcing.

5. Action

a. Each RLsO Trial Department shall use enclosure (1) in preparing the Statement of Trial Results. This document will include the contents required under R.C.M. 1101(a), including, but not limited to:

(1) For each charge and specification referred to trial—

(a) a summary of each charge and specification;

(b) the plea(s) of the accused; and

(c) the finding or other disposition of each charge and specification.

(2) The sentence of the court-martial and the date the sentence was announced, and the amount of credit, if any, applied to the sentence for pretrial confinement or other reasons. If the accused was convicted of more than one specification and any part of the sentence was determined by a military judge, the Statement of Trial Results shall also specify—

(a) the confinement and fine for each specification, if any;
(b) whether any term of confinement is to run consecutively or concurrently with any other term(s) of confinement;

(c) the total amount of any fine(s) and the total amount of any confinement, after accounting for any credit and any terms of confinement that are to run consecutively or concurrently.

(3) The type of court-martial and the command by which it was convened.

(4) In a case with a plea agreement, the statement shall specify any limitations on the punishment as set forth in the plea agreement.

(5) If the military judge recommends that any portion of the sentence should be suspended, the Statement of Trial Results shall specify—

(a) the portion(s) of the sentence to which the recommendation applies;

(b) the minimum duration of the suspension; and

(c) the facts supporting the suspension recommendation.

(6) In cases involving a reduction in grade, or forfeiture of pay, the effective date of any such reduction or forfeiture shall be noted in the “Notes” block (see Articles 57–58b, UCMJ);

(7) the names and identifying numbers (case number or DoD identification number) of any co-accused shall be noted in the “Notes” block;

(8) If required under 10 U.S.C. § 1565, the requirement for processing of a deoxyribonucleic acid (DNA) sample;

(9) If required under 42 U.S.C. § 14071 or DoDI 1325.07, the requirement for sex offender registration; and

(10) A statement as to whether any offense for which the accused was convicted is a crime that triggers firearm possession prohibition in accordance with 18 U.S.C. § 922 and/or is a crime of domestic violence. See reference (h) and enclosure (5) for further details and definitions of the terms included in this sub-paragraph and crime reporting requirements generally.

b. Each RLSO is responsible for establishing procedures to ensure that upon request, the counsel for the accused and counsel for any crime victim, as defined by R.C.M. 1106A, receive a copy of the recording of all open sessions of the court-martial and, unless sealed, access to the evidence admitted at the court-martial and appellate exhibits in order to facilitate the preparation of matters submitted to the convening authority (CA). The RLSO may not release recordings of closed sessions, classified material, or any other matters ordered sealed unless otherwise
authorized by the military judge. If an accused or victim is unrepresented, a copy of the recording of all open sessions of the court-martial will be provided directly to the accused or victim upon request. This information should be provided within five (5) business days after receiving a proper request, unless otherwise impracticable. Prior to releasing any recording of the court-martial proceedings, the RLSO shall include with the recording an instruction limiting the use of the audio recording to the submission of post-trial matters under R.C.M. 1106 and 1106A.

c. The accused and any crime victim shall be afforded ten (10) days after the announcement of the sentence to submit matters for consideration pursuant to R.C.M. 1106 and R.C.M. 1106A. Both the accused and the crime victim may be given an additional twenty (20) days by the CA to submit matters upon receipt of a proper request.

d. The accused will be given an additional five (5) days to respond to any matters submitted by a crime victim.

e. Upon receipt of post-trial matters or waiver of that right, the RLSO shall forward the following to the SJA for the CA to review and take action: (1) the recording of all open sessions of the court-martial; (2) unless sealed, copies of, or access to, the evidence admitted at the court-martial, and appellate exhibits; and (3) all matters submitted by the accused and crime victim. If a CA wishes to review any sealed portion of the record, a request must be submitted to the military judge.

f. The CA, after consultation with the SJA, will determine what action, if any, will be taken. The convening authority’s power to grant clemency is based on the date of the earliest offense of which the accused was convicted. The CA’s action will be promptly forwarded to the military judge and incorporated as an attachment to the record of trial in accordance with R.C.M. 1112(b).

(1) For cases referred to trial on or after 1 January 2019, the following CA action procedures apply:

(a) If all of the offenses of which the accused was convicted occurred after 1 January 2019, the post-trial procedures contained in this instruction, in Articles 60a and 60b, MCM 2019, and in R.C.M. 1109 and 1110, MCM 2019, shall apply.

(b) If the accused is convicted of any offense that occurred before 1 January 2019, but on or after 24 June 2014, the clemency authority described in Article 60, MCM 2016, will apply, and the post-trial procedures contained in this instruction and all enclosures shall be utilized. A Staff Judge Advocate Recommendation (SJAR) will not be created in these cases.

(c) In a case in which the accused is convicted of any offense that occurred before 24 June 2014, the clemency authority described in Article 60, MCM 2012, will apply, and the post-trial procedures contained in this instruction and all enclosures shall be utilized. An SJAR will not be created in these cases.
(d) The CA's suspension authority outlined in Article 60(a(c), the authority to act on a military judge's suspension recommendation, applies regardless of the date of any conviction, even if the operative version of Article 60 does not permit such suspension.

(e) Regardless of which version of clemency authority applies, and even if the CA decides to take no action, the SJA will ensure that the CA complies with the requirements of R.C.M. 1109(g) and the action is documented using enclosure (6).

(2) In cases referred to trial **before** 1 January 2019, this instruction and the enclosures contained herein do not apply (use JAG/CNLSCLINSTRUCTION 5814.1B). Also apply the Article 60 provisions in place at the time of the **earliest** offense resulting in a guilty finding (to include the requirement for an SJAR) and the post-trial procedures contained in RCM 1107, MCM 2016. In a case in which the accused is convicted of an offense that occurred **before** 24 June 2014, the clemency authority described in Article 60 and R.C.M. 1107, MCM 2012, shall apply.

(3) The SJA or LO shall ensure the CA uses enclosure (6) to document the action taken in a case that is referred on or after 1 January 2019. This document shall be provided to the RLSO that conducted the court-martial as soon as practical. In an effort to support the timely completion of post-trial matters, RLSOs, via their PTPD/PTPU, shall be available to support CAs in completion of enclosure (6).

**g.** Upon receipt of the CA's action, the military trial judge will enter the judgment of the court-martial. Enclosure (6) will be used as the template for all EOJs. The RLSO shall provide a copy of the EOJ to the accused, designated defense counsel, CA, and upon request, the crime victim or victim's counsel.

**h.** The RLSO, upon receipt of the EOJ, shall compile the ROT for certification. The certified ROT is the official record of a court-martial and will be prepared as described in R.C.M. 1112. The certified ROT must contain all items listed in RCM 1112(b).

**i.** Once the certified ROT is compiled in accordance with R.C.M. 1112(b), the court reporter will certify the ROT in accordance with R.C.M. 1112(e) and will utilize the certification language provided in enclosure (2).

**j.** Once the certification is complete, the RLSO will then notify any victim of their right to obtain a copy of the certified ROT. A copy of the certified ROT will be provided to (1) a victim of an offense of which the accused was charged and the victim testified during the proceeding or (2) a victim named in a specification of which the accused was charged, upon request, without regard to the findings of the court-martial. If a victim requests the certified ROT be provided directly to them, they must provide an address for the ROT to be delivered. Prior to providing the ROT to the victim, the RLSO will ensure all documents and recordings are redacted to remove all Personally Identifiable Information to include the following: (1) social security and tax identification numbers; (2) birthdates; (3) financial account numbers; (4) home addresses; (5)
personal email addresses and phone numbers; (6) any unsealed medical records; (7) any closed sessions pertaining to other victim(s); and (8) names of (other) minor witness(es)/victim(s). Additionally, the ROT, as provided to the victim, must not include any classified or sealed information or recordings of closed sessions. If a court-martial involves two or more crime victims, any closed session pertaining to one crime victim must be redacted from the recording provided to all other crime victims (e.g., M.R.E. 412, M.R.E. 513, and M.R.E. 514 hearings).

k. An accused is also entitled to receive a copy of the certified ROT. If the accused requests the certified ROT be provided directly to them, they must provide an address for the ROT to be delivered. If an accused is located in a confinement facility, the ROT must be provided in a format accessible by the accused while in confinement. The ROT, as provided to the accused, must not include any classified or sealed information or recordings of closed sessions.

l. In all general and special courts-martial where there is a guilty finding, the RLSO will prepare the certified ROT for appellate review in accordance with R.C.M. 1112(f). Once the ROT is compiled in accordance with R.C.M. 1112(f), the military judge must verify the ROT and the accompanying verbatim transcript. The verification process is performed in accordance with the definitions and procedures provided in reference (j). The court reporter shall forward the ROT compiled under R.C.M. 1112(f) and the verbatim transcript to the military judge with a statement that the ROT and attachments are complete; the verbatim transcript is an accurate representation of the audio recording; and the ROT, attachments, and verbatim transcript are ready to be forwarded for appellate review. Documentation of the military judge’s verification must be attached to the certified ROT before forwarding the certified ROT for appellate review. The military judge must complete this verification within twenty (20) days of receipt of the ROT. After the military judge verifies the ROT and accompanying verbatim transcript, the court reporter will certify the ROT is prepared in accordance with R.C.M. 1112(f). Prior to certification of the ROT pursuant to R.C.M. 1112(f), enclosure (2) must be completed and attached to the certified ROT.

m. A verbatim transcript will be created and appended to the certified ROT in all general and special courts-martial where a guilty finding is reached. In cases where there is a full acquittal, a summarized report, as defined by reference (i), will be created and appended to the certified record of trial. The verbatim transcript and summarized report will be created in accordance with reference (i). Upon completion of the verbatim transcript and summarized report, the transcriptionist and the court reporter (if not the transcriptionist) will certify the accuracy of the transcript or summarized report and attach that certification to the transcript or summarized report. The certification language is provided in enclosure (2).

n. A certified ROT must be completed and forwarded for appellate review no later than 120 days from the announcement of the sentence. If any RLSO is unable to forward a ROT for appellate review within 120 days, documentation of the reasons for delay must be added to the record of trial.

o. Everyone covered by this instruction is responsible for ensuring complete and timely post-trial processing of courts-martial. The RLSO responsible for prosecuting a case retains
primary responsibility to proactively monitor the completion of required post-trial actions, document action taken and/or reasons for delay in every stage of the post-trial process, and forward completed ROTs to appellate authorities. Finally, for all courts-martial, regardless of the finding or sentence, each RLSO shall maintain a complete copy of the certified ROT until two years after the Notice of Completion of Appellate Review (NOCAR) is promulgated.

6. Responsibilities

   a. Chief of Staff, Region Legal Service Offices (COS-RLSO) shall:

      (1) Be primarily responsible for post-trial processing of Navy Legal Service Command (NLSC) cases until the case is received by Navy-Marine Corps Appellate Review Activity (NAMARA).

      (2) Monitor NLSC cases received by NAMARA until the case is docketed by NMCCA.

      (3) Coordinate, as necessary, with the Assistant Judge Advocate General (Military Justice) (Code 02) to ensure timely post-trial processing of NLSC cases.

      (4) Direct RLSOs to coordinate, as necessary, with NAMARA until the case is docketed with NMCCA.

      (5) Provide additional guidance consistent with this instruction, as necessary, to ensure timely post-trial processing of NLSC cases.

      (6) Provide post-trial processing reports for Navy military justice cases, as necessary, to the JAG and Deputy Judge Advocate General (DJAG)/Commander, Naval Legal Service Command (CNLSC).

   b. Assistant Judge Advocate General (Military Justice) (Code 02) shall:

      (1) Be primarily responsible for post-trial processing of Navy and Marine Corps cases from the time the case is received by NAMARA until the case is docketed by NMCCA.

      (2) Coordinate as necessary with the SJA to the CMC, COS-RLSO, and the Chief Judge of the Department of the Navy (CJDON) to ensure timely post-trial processing of Navy and Marine Corps cases.

      (3) Provide additional guidance consistent with this instruction, as necessary, to ensure timely post-trial processing of military justice cases.

      (4) Provide post-trial processing reports for Navy and Marine Corps military justice cases as necessary to the JAG and DJAG/CNLSC.
(5) Ensure NAMARA provides copies of the NOCAR to the CA and the RLSO that had initial post-trial responsibility to track and report the case.

(6) For Marine Corps cases, ensure NAMARA provides copies of the NOCAR to the CA and the respective Legal Services Support Section (LSSS), in appropriately issued guidance consistent with this instruction.

(7) Ensure timely processing of cases reviewed under Articles 64, 65, 69 and 73 and any other review which does not involve NMCCA. Ensure copies of completion of review under Article 64, 65, 69, and 73 are provided to the CA and RLSO that tried the court-martial case. Provide additional guidance consistent with this instruction, as necessary, to ensure timely post-trial processing of such cases.

(8) Implement procedures to ensure victims are notified of proceedings at the Court of Criminal Appeals.

(9) Ensure the Appellate Defense Division (Code 45) is notified of the results of an Article 69 review.

c. The CJDOM shall:

(1) Establish and maintain timely and accountable post-trial processes for the appellate review of Navy and Marine Corps cases, beginning when each case is docketed with NMCCA.

(2) Provide appellate processing report for all cases docketed with NMCCA beginning when each case is docketed with NMCCA to completion of appellate review as necessary to the JAG and DJAG/CNLS.

(3) Provide additional guidance consistent with this instruction, as necessary, to facilitate the post-trial process of records of trial.

d. RLSO commanding officers shall:

(1) Ensure post-trial processing is completed in accordance with this instruction.

(2) Issue a local instruction that establishes post-trial processing procedures consistent with this instruction and specific to the requirements of that AOR.

(3) Ensure members of the command assigned to perform post-trial processing duties receive sufficient training on the post-trial processing requirements set forth in this instruction and in references (a) through (i).

(4) Identify members of the command to serve as court reporters. These court reporters must receive adequate training on court reporting and the post-trial process, to include compiling and certifying the record of trial and certifying the verbatim transcripts.
(5) Ensure all members of the command receive training on CMS and/or any other electronic case management system implemented at a later date. Implement procedures to ensure data for all cases is entered into the case management system is complete and accurate.

(6) Ensure compliance with crime reporting requirements in all courts-martial and appropriate documentation is forwarded to law enforcement agencies and uploaded into the appropriate case management systems.

7. Enforceability. Case complexity, length of trial, availability of evidence, and additional duties of courts-martial personnel contribute to the actual time required to complete the post-trial process. Inability or failure to comply with this instruction shall not constitute grounds for assignment of error on appellate review and shall not create any cause for relief against an otherwise valid nonjudicial, judicial, or administrative hearing. The goals stated herein are for management purposes only.

8. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per Records Management Manual, Secretary of the Navy (SECNAV) Manual 5210.1 of January 2012. Any release of records of trial in accordance with this instruction must be in compliance with the Privacy Act, 5 U.S.C. § 552a.

9. Review and Effective Date. This instruction is effective on 1 January 2019. Per OPNAVINST 5215.17A, Code 20 will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, Department of Defense, SECNAV, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. As the instruction nears its five-year anniversary and if is still required, it will be reissued. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the cancellation is known following the guidance in E.O. 13526.

D. E. CRANDALL
Commander
Naval Legal Service Command

JOHN G. HANNINK
Judge Advocate General

Distribution:
Electronic only via the Judge Advocate General’s Web site http://www.jag.navy.mil
**STATEMENT OF TRIAL RESULTS**

**SECTION A - ADMINISTRATIVE**

1. NAME OF ACCUSED (last, first, MI)  
   [Blank]  
2. BRANCH  
   [Blank]  
3. PAYGRADE  
   [Blank]  
4. DoD ID NUMBER  
   [Blank]  

5. CONVENING COMMAND  
   [Blank]  
6. TYPE OF COURT-MARTIAL  
   [Blank]  
7. COMPOSITION  
   [Blank]  
8. DATE SENTENCE ADJUDGED  
   [Blank]  

**SECTION B - FINDINGS**

SELECT THE COMPOSITION OF THE COURT IN BLOCK 7 TO ENABLE THE FINDINGS PAGE

**SECTION C - SENTENCE**

9. DISCHARGE OR DISMISSAL  
   Not adjudged
10. CONFINEMENT  
    N/A
11. FORFEITURES  
    N/A
12. FINES  
    N/A
13. FINE PENALTY  
    N/A
14. REDUCTION  
    N/A
15. DEATH  
    C
16. REPRIMAND  
    C
17. HARD LABOR  
    C
18. RESTRICTION  
    C
19. HARD LABOR PERIOD  
    N/A
20. PERIOD AND LIMITS OF RESTRICTION  
    N/A

**SECTION D - CONFINEMENT CREDIT**

21. DAYS OF PRETRIAL CONFINEMENT CREDIT  
   [Blank]
22. DAYS OF JUDICILY ORDERED CREDIT  
   [Blank]
23. TOTAL DAYS OF CREDIT  
   [Blank]

**SECTION E - PLEA AGREEMENT**

24. LIMITATIONS ON PUNISHMENT CONTAINED IN THE PLEA AGREEMENT

There was no plea agreement.

**SECTION F - SUSPENSION RECOMMENDATION**

25. DOES THE MILITARY JUDGE RECOMMEND A SUSPENSION OF ANY PORTION OF THE SENTENCE?  
   Yes C No C
26. PORTION TO WHICH IT APPLIES  
   [Blank]
27. RECOMMENDED DURATION  
   [Blank]
28. FACTS SUPPORTING THE SUSPENSION RECOMMENDATION  

**SECTION G - NOTIFICATIONS**

29. Is sex offender registration required in accordance with appendix 4 to enclosure 2 of DoDI 1325.07?  
   Yes C No C
30. Is DNA collection and submission required in accordance with 10 U.S.C. § 1565 and DoDi 5505.14?  
   Yes C No C
31. Did this case involve a crime of domestic violence as defined in enclosure 2 of DoDi 6400.06?  
   Yes C No C
32. Does this case trigger a firearm possession prohibition in accordance with 18 U.S.C. § 922?  
   Yes C No C

**SECTION H - NOTES AND SIGNATURE**

33. NAME OF JUDGE (last, first, MI)  
   [Blank]
34. BRANCH  
   [Blank]
35. PAYGRADE  
   [Blank]
36. DATE SIGNED  
   [Blank]
37. JUDGE'S SIGNATURE  
   [Blank]
38. NOTES  
   [Blank]

Navy Interim Form, January 2019

PREVIOUS EDITION IS OBSOLETE
POST-TRIAL CHECKLIST

R.C.M. 1112 and 1114

ICO ________________________________

For courts-martial resulting in a conviction

_____ Statement of Trial Results (STR) – Obtained and verified for accuracy. Use Enclosure (1) as the template for the STR.

_____ Findings

_____ Sentencing

_____ Type of court-martial (GCM, SPCM, SPCM – non BCD)

_____ Composition/Forum of court-martial (Members, Enlisted Members, Judge Alone)

_____ Plea agreement

_____ Suspension recommendations by the military judge or trial counsel, if applicable

_____ Reporting Requirements Identified:

_____ DNA processing?

_____ Sex offender registration?

_____ Gun Control Act of 1968 reporting?

_____ Reporting of background or criminal record information?

_____ Statement of Trial Results must be compliant with DD Form 2707-1, or other prescribed form.

_____ Criminal justice information will be sent to NCIS or USMC CID by the RLSO responsible for the court-martial via a spreadsheet or other permissible format with the following data fields: (1) Full name, (2) Sex, (3) Race, (4) Height, (5) Weight, (6) Eye color, (7) Hair color, (8) Place of birth, (9) Date of Birth, (10) Social security number; (11) Incident number, (12) Submitter contact information, and (13) Reason for service member entry into NICS along with supporting documentation. Information must be submitted via email to NCIS at nicssubmission@ncis.navy.mil (for USN cases) and/or USMCCID@ncis.navy.mil (for USMC cases) per reference (h). Include this spreadsheet or other permissible format in the certified

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Enclosure (2)
record of trial. See reference (h) and enclosure (5) for detailed information about crime reporting requirements under the Gun Control Act of 1968.

____ Verify the victim or victims’ legal counsel received the Victim’s Rights Statement advising the victim of rights in the post-trial and appellate process. (Enclosure 3)

____ Upload a copy of the victim’s election form (Enclosure (3)) to Case Management System (CMS).

- Date completed: ____________

____ Prepare the verbatim transcript in accordance with R.C.M. 1114. Begin doing this immediately after the announcement of the sentence and simultaneously with the post-trial process. Refer to JAGINST 5813.1C for specific guidance.

- A verbatim transcript will be prepared for all courts-martial that resulted in any guilty finding regardless of forum or sentence adjudged. For all courts-martial resulting in a full acquittal, a summarized report will be prepared.
- The pages of the transcript from any closed hearings are placed inside a sealed manila envelope. The envelope is labeled to indicate the nature of the closed hearing (e.g., M.R.E 412 hearing called to order at (time) on (date)).

____ RLSO prepares CDs or DVDs containing the audio recording of the trial proceedings. If the proceedings included any closed sessions, the RLSO prepares two versions on separate CDs or DVDs, one containing all proceedings, and a redacted version containing all but the closed hearings. The redacted CD(s) or DVDs shall be marked with a permanent fine point marker “[Redacted] Audio Recording of U.S. v. ____________ # 1 of ____.” Do not place any physical labels on CDs or DVDs as they can make the media unreadable.

____ RLSO provides a copy of the audio recording to the defense counsel (or directly to the accused, if unrepresented) and access to all appellate exhibits, prosecution exhibits, and defense exhibits, upon request. Ensure audio is properly redacted to remove all closed sessions. Along with a copy of the recording, the RLSO shall include the following instruction: “This CD or DVD contains a copy of the court-martial proceedings in the case of U.S. v. ____________ and may contain Personally Identifiable Information (PII). The contents of this CD or DVD are to be used solely for the submission of matters for the convening authority to consider pursuant to R.C.M. 1106 or 1106A. This CD or DVD shall not be distributed to anyone outside the court-martial process.”

- Date provided to the defense counsel or accused: ____________
- ____ Include a signed receipt in the ROT.
____ RLSO provides a copy of the audio recording to the victim legal counsel (or directly to the victim if unrepresented) and access to all appellate exhibits, prosecution exhibits, and defense exhibits, upon request. Ensure audio is properly redacted to remove all closed sessions. Along with a copy of the recording, the RLSO shall include the following instruction: “This CD or DVD contains a copy of the court-martial proceedings in the case of U.S. v. ___________ and may contain Personally Identifiable Information (PII). The contents of this CD or DVD are to be used solely for the submission of matters for the convening authority to consider pursuant to R.C.M. 1106 or 1106A. This CD or DVD shall not be distributed to anyone outside the court-martial process.”

- Date provided to the victim legal counsel or victim: ____________
- Include a signed receipt in the ROT.

____ RLSO delivers a recording of the court-martial proceedings, copies of exhibits admitted at trial, copies of appellate exhibits, and all matters submitted by the accused and the victim to the Convening Authority (CA) for action. Ensure audio is properly redacted to remove all closed sessions. (NOTE: IF MAILED, SEND CERTIFIED MAIL, RETURN RECEIPT REQUESTED OR OTHER MOST EXPEDITIOUS, ACCOUNTABLE METHOD. MUST HAVE A TRACKING NUMBER AND TRACKING NUMBER MUST BE PROVIDED TO THE RECIPIENT).

- Date provided to the CA: ____________

____ Forward a copy of the CA’s Action directly to the military judge to complete the Entry of Judgment. Ensure CA’s Action is documented using Enclosure (6).

- Date completed: _________________

____ Forward a copy of the CA’s action to the accused and/or defense counsel and the crime victim or victim legal counsel, if applicable.

- Date completed: _________________

____ Within 10 days of receipt of the CA’s action, the military judge completes Entry of Judgment. If the military judge is not available, the circuit military judge shall complete the Entry of Judgment. Use Enclosure (6) as the template.

- Date completed: _________________

____ Serve the accused and/or the defense counsel with a copy of the Entry of Judgment.

- Date completed: __________________________
___ Provide a copy of the Entry of Judgment to the victim, if requested by the victim or victim counsel.

  • Date completed: ___________________

___ Prepare the certified record of trial, R.C.M. 1112(b) – Include the Following:

    ____ Insert charge sheet in record of trial. (Confirm all supplemental pages are attached, front and back).

    ____ Insert convening order in record of trial. (If it is a copy, ensure it is certified true).

    ____ Insert amending orders, if any. (If it is a copy, ensure it is certified true).

    ____ A copy of the request, if any, for trial by military judge alone.

    ____ A copy of the accused’s election of trial by enlisted members.

    ____ Any statement by the convening authority pursuant to R.C.M. 503(a)(2) explaining why it was not possible to comply with request for enlisted members.

    ____ The accused’s election for sentencing by members in lieu of sentencing by military judge under R.C.M. 1002(b), if applicable.

    ____ Audio Recording of entire court proceedings except sessions closed for deliberations and voting.

    ____ If the court-martial contained closed sessions, include one copy of the audio recording with the closed/sealed court sessions redacted from the audio to provide to the accused and Code 40 on a separate CD or DVD.

___ All Appellate Exhibits (AE) – Ensure all sealed documents are properly sealed.

    ____ Plea Agreement

    ____ Motions and responses

    ____ Notice of pleas

    ____ Notice of forum

    ____ Written continuance request with ruling

    ____ Written special findings by MJ

    ____ Members questionnaires

    ____ Voir dire questions submitted
Members questions
All findings and sentencing worksheets
Appellate rights statement
Power of attorney, if any
Waiver of appellate review, if any
Sealed exhibits (e.g. Child pornography, mental health records, contraband, etc.) placed inside a sealed manila envelope.
• A copy of the court order sealing the exhibit is stapled to the top of the sealed envelope containing the exhibit.
• The sealed envelope is labeled on the outside with a general description of the contents.
• Contraband exhibits on electronic media (e.g., child pornography) must be encrypted; the password to unencrypt the files must be sent to the NMCCA Clerk of Court via encrypted email.

Other

All Prosecution Exhibits – remove classified documents (send classified documents to Code 30).

All Defense Exhibits – remove classified documents (send classified documents to Code 30).

Insert Statement of Trial Results.

Insert CA’s Action.

Upon receipt of CA’s Action, review it to ensure compliance with R.C.M. 1109(g) or 1110(e) and that Enclosure (6) is used. Also ensure the CA’s Action Checklist (Enclosure (4)) is complete.

Insert Entry of Judgment.

Verify information is accurate, in compliance with R.C.M. 1111 and Enclosure (6) is used.

Compare to Statement of Trial Results.

Distribute the Entry of Judgment to the following:

The accused and/or defense counsel
A crime victim or victim counsel, upon request
____ The accused’s commander/commanding officer

____ The Convening Authority

____ Prepare the certification of the record of trial for the court reporter’s signature.

- A record of trial may be certified by including a statement on the cover of the record of trial that states the following, “I (name of person certifying record of trial) certify that this record of trial contains all of the items required under R.C.M. 1112(b), and the pleas, findings, and sentence are accurately reflected in the transcript accompanying the record of trial.” The court reporter, or in accordance with R.C.M. 1112, the military judge, who certifies a record of trial will place their signature and the date of the certification directly below the certification statement.

____ Court reporter certifies the record of trial.

- Date completed: ________________

____ Prepare the additional attachments to the certified record of trial necessary for appellate review. R.C.M. 1112(f)

____ If trial was a rehearing or new or other trial of the same case, the record of trial of the previous case(s).

____ Any written special findings made by the military judge.

____ Any exhibits marked as appellate exhibits and exhibits referred to on the record that were not admitted into evidence. (No Blunk letters - U.S. v. Williams, 57 M.J. 581 (N-M. Ct. Crim. App. 2002))

____ Post-trial motions and record of proceedings. The record of post-trial sessions shall be prepared, certified, and provided in accordance with R.C.M. 1112 and shall be included in the record of trial.

____ Post-trial hearing for person found not guilty only by reason of lack of mental responsibility pursuant to R.C.M. 1105. The session shall be prepared and certified and appended to the record of trial.

____ Record from a vacation hearing pursuant to R.C.M. 1108(d).

____ Attach the following items to the record of trial in any case where an Art. 32 preceded referral of charges, whether charges were ultimately referred to a GCM or to a SPCM:

- Art. 32 appointing order
____ Report of Art. 32 Preliminary Hearing (DD Form 457)
____ SJA’s Art. 34 pretrial advice letter
____ Waiver of Art. 32, if applicable
____ Insert other matters submitted by accused or defense counsel to the record of trial.
____ Deferment requests
____ All clemency requests/recommendations
____ Other matters
____ 10-day waiting period complied with or extension granted (in writing)
____ Declination to submit matters
____ Insert any matters submitted by the victim or victim’s counsel.
____ 10-day waiting period complied with or extension granted (in writing)
____ Declination to submit matters
____ Insert any rebuttal matters submitted by the accused or defense counsel in response to the victim’s matters.

____ Check administrative accuracy of all documents in the record of trial (Name, DODID, Command, dates).

- Page check: _____ Number of pages, _____ Pages are sequential, _____ Front and back of all two-sided documents are included.
- _____ Validate record of trial’s index sheet.
- _____ Ensure all attachments are copied and inserted into the record of trial copies.
- _____ Confirm compliance with requirements for National Security and classified information. R.C.M. 1112(e)(3); SECNAVINST 5510.30 (series) and SECNAVINST 5510.36 (series); JAGMAN 0126. Date completed: ________________

____ Prepare the verification of the transcript and record of trial for the military judge’s signature.

- Date received completed verbatim transcript: ________________

____ Court reporter must review the verbatim transcript prior to providing it to the military judge. The court reporter shall review it for completeness and accuracy. Address all inaudibles in the transcript.
Confirm all pages of transcript are included:

- Page check: ____ Number of pages, ____ Pages are sequential, ____ Front and back of all two-sided documents are included.

Provide MJ with audio record of trial and all attachments prepared in accordance with R.C.M. 1112(f) and the verbatim transcript for the military judge’s verification. Refer to reference (j) for an explanation of the verification process. At this point, the record of trial and the accompanying transcript should be complete and accurate in every respect, and ready for the court reporter to certify the record of trial.

- Although statute, R.C.M. 1112, and R.C.M. 1114 do not require the military judge to review a transcript or record of trial, as a matter of policy a record of trial shall be verified by the military judge and the military judge shall include a statement on the cover of the record of trial that states the following, “This record of trial and transcript were received by the XXX Judicial Circuit on DATE and verified on DATE. I have reviewed the foregoing record of trial and accompanying transcript for completeness. I hereby verify that this record of trial contains all of the items required under R.C.M. 1112(f), and the pleas, findings, and sentence are accurately reflected in the transcript accompanying the record of trial.”

Military judge verifies the transcript and record of trial within 20 days of receipt.

- Date of Verification: ____________________

Prior to the court reporter certifying the record of trial, the court reporter and the person who prepared the written transcript (if different) must certify the transcript. For purposes of certification of a written transcript under R.C.M. 1114, certification of a written transcript means that the court reporter AND the person who prepared the written transcript (if different) attests that it is a true, accurate, and complete copy of that audio or other electronic recording of the court-martial proceeding. This following certification statement will be placed on the cover sheet of the written transcript: “I (name of person preparing and/or certifying the written transcript) certify that this written transcript is a true, accurate, and complete copy of the audio or other electronic recording of the court-martial proceeding in the case of (insert case name, e.g., U.S. v. Accused), which was held at (name of location, e.g., Naval Base San Diego), on (dates court-martial was held, e.g., 13-15 March 2019).” The court reporter and transcriptionist that certifies a written transcript will place their signature and the date of the certification directly below the certification statement.

- Date of transcript certification by the court reporter: ____________________
- Date of transcript certification by the transcriptionist: ____________________

Prepare the certification of the record of trial for the court reporter’s signature.
• Although R.C.M. 1112 does not require an additional certification of the record of trial prior to forwarding it for appellate review, by policy the court reporter will certify the record of trial contains all attachments required by R.C.M. 1112(f). A record of trial may be certified by including a statement on the cover of the record of trial that states the following, “I (name of person certifying record of trial) certify that this record of trial contains all of the items required under R.C.M. 1112(f), and the pleas, findings, and sentence are accurately reflected in the transcript accompanying the record of trial.” The court reporter, or in accordance with R.C.M. 1112, the military judge if the court reporter is not available, certifies a record of trial by placing his or her signature and the date of certification directly below the certification statement.

• Certification of the record of trial occurs within 120 days after the completion of trial. Otherwise, the reason for delays must be appended to the Record of Trial.

___ Court reporter certifies the record of trial. Date: ________________

___ Complete the record of trial form (DD Form 490 or Navy Interim Form).

___ Complete time sheet on the back of the cover of the record of trial, document and explain post-trial processing delays.

___ [For cases involving an appeal under Art 66] Original certified record of trial including the audio record on CD or DVD is prepared for appellate review. All documents are scanned and saved onto a CD/DVD as well. Also include a copy of the redacted audio in the package sent for appellate review.

• The original (including any sealed exhibits or transcripts and crime reporting documents) along with a digital copy of the original record of trial saved onto a CD/DVD is sent to NAMARA (Code 40) by FedEx/UPS/USPS with tracking. No redactions.
  Administrative Support Division (Code 40)
  Office of the Judge Advocate General
  1254 Charles Morris St. SE
  Building 58
  Washington Navy Yard, DC 20374-5124

• Date Completed: ________________

• A digital copy of the redacted record of trial is uploaded to the Code 40 Sharepoint or provided via a CD/DVD, if uploading to Sharepoint is not practicable.
  o Date Completed: ________________
• One (1) digital redacted copy is emailed to Naval Clemency & Parole Board (NC&PB) using an approved file transfer system or encrypted email to: ncpbmailbox@navy.mil;
  o Date Completed: ____________

• One (1) digital redacted copy is sent to SJA/CA;
  o Date Completed: ____________

• One (1) copy is provided to the defense counsel and/or the accused. Only provide items listed in R.C.M. 1112(b).
  • Date Completed: ____________
  • ___ Get a signed receipt of service on defense counsel and/or accused and attach receipt to record of trial (or explanation in lieu of).

• One (1) redacted copy is provided to the victim and/or victim legal counsel, unless victim declines to receive a copy. Only provide items listed in R.C.M. 1112(b).
  • “Victim” is defined as a person that is victim of an offense to which the accused was charged if the victim testified during the proceedings and any victim named in a specification of which the accused was charged without regard to the findings of the court-martial. R.C.M. 1112(e)(1)(B) and (C).
  • ___ Ensure the record of trial provided to the victim has the following information redacted, unless it relates to the victim receiving the record of trial.
    • ___ Social Security and tax identification numbers
    • ___ Financial account numbers
    • ___ Home addresses
    • ___ Birth dates
    • ___ Personal email addresses and phone numbers
    • ___ The name of (other) minor witness(es)/victim(s)
    • ___ Any unsealed medical records
    • ___ Remove all closed sessions for other victim(s)
    • (NOTE: IF MAILED, SEND CERTIFIED MAIL, RETURN RECEIPT REQUESTED OR OTHER MOST EXPEDITIOUS, ACCOUNTABLE METHOD. MUST HAVE A TRACKING NUMBER.)
  • Date Completed: ____________
  • If victim declines to receive a copy of the certified record of trial, attach copy of declination to the record of trial.

___ [For cases involving appeal under Article 65] Original certified record of trial and one redacted digital copy of certified record of trial prepared.
• The original certified record of trial and one redacted digital copy of the certified record of trial is sent to the corresponding GCMCA;

• One (1) copy is provided to the defense and/or the accused. [Only provide items listed in R.C.M. 1112(b).]
  o Date Completed: __________________
  o _____ Get a signed receipt of service on defense counsel and/or accused and attach receipt to record of trial (or explanation in lieu of).

• One (1) redacted copy to the victim and/or victim’s legal counsel, unless victim declines to receive a copy. Only provide items listed in R.C.M. 1112(b).
  • “Victim” is defined as a person that is the victim of an offense to which the accused was charged if the victim testified during the proceedings and any victim named in a specification of which the accused was charged, upon request, without regard to the findings of the court-martial. R.C.M. 1112(e)(1)(B) and (C)
  • _____ Ensure the record of trial provided to the victim has the following information redacted, unless it relates to the victim receiving the record of trial.
    • _____ Social Security and tax identification numbers
    • _____ Financial account numbers
    • _____ Home addresses
    • _____ Birth dates
    • _____ Personal email addresses and phone numbers
    • _____ The name of (other) minor witness(es)/victim(s)
    • _____ Any unsealed medical records
    • _____ Remove all closed sessions for other victim(s).
    • (NOTE: IF MAILED, SEND CERTIFIED MAIL, RETURN RECEIPT REQUESTED OR OTHER MOST EXPEDITIOUS, ACCOUNTABLE METHOD. MUST HAVE A TRACKING NUMBER.)
  • Date Completed: __________________
  • If victim declines to receive a copy of the certified record of trial, attach that to the record of trial.

_____ Prepare appropriate service record entries.

_____ Retain copy of the certified record of trial. (Note: All documents will be retained until two years after the Completion of Appellate Review (NOCAR) is promulgated.)

_____ Include with record of trial appellate court directives (i.e., orders to conduct a rehearing, supplemental orders, etc.).
Confirm compliance with requirements for National Security and classified information. R.C.M. 1112(e)(3)(A); SECNAVINST 5510.30 (series); SECNAVINST 5510.36 (series); and JAGMAN 0126.

For courts-martial resulting in a full acquittal

Create a summarized report in accordance with reference (i). A verbatim transcript is not required in full acquittals.

Prior to inserting the summarized report into the record of trial, the court reporter must certify the summarized report. The following certification statement will be placed on the cover sheet of the summarized report: “I (name of court reporter) certify that this summarized report is a true, accurate, and complete summary of the audio or other electronic recording of the court-martial proceeding in the case of (insert case name, e.g., U.S. v. Accused), which was held at (name of location, e.g., Naval Base San Diego), on (dates court-martial was held, e.g., 13-15 March 2019).” The court reporter that certifies the summarized report will place their signature and the date of the certification directly below the certification statement.

• Date of summarized report certification by the court reporter: ________________

Create one copy of the certified record of trial that includes the following:

Insert charge sheet in record of trial. (Confirm all supplemental pages are attached, front and back).

Insert convening order in record of trial. (If it is a copy, ensure it is certified true).

Insert amending orders, if any. (If it is a copy, ensure it is certified true).

Insert a copy of the request, if any, for trial by military judge alone.

Insert a copy of the accused’s election of trial by enlisted members.

Insert any statement by the convening authority pursuant to R.C.M. 503(a)(2) (why cannot comply with request for enlisted members.)

Audio Recording of entire court proceedings except sessions closed for deliberations and voting.

All Appellate Exhibits (AE) – Ensure all sealed documents are properly sealed.

Motions and responses

Notice of pleas

Notice of forum
____ Written continuance request with ruling
____ Written special findings by military judge
____ Members questionnaires
____ Voir dire questions submitted
____ Members questions
____ All findings worksheets
____ Power of attorney, if any
____ Other ________________________________

____ All Prosecution Exhibits – remove classified documents (send classified documents to Code 30).

____ All Defense Exhibits – remove classified documents (send classified documents to Code 30).

____ Insert Statement of Trial Results.

____ Insert Entry of Judgement.

•  ____ Verify information is accurate.
•  ____ Compare to Statement of Trial Results.
•  ____ Distribute the Entry of Judgment to the following:
  •  ____ The accused and/or defense counsel
  •  ____ A crime victim or victim counsel, upon request
  •  ____ The accused’s commander/commanding officer
  •  ____ The convening authority

____ Prepare the certification of the record of trial for the court reporter’s or military judge’s signature.

• A record of trial may be certified by including a statement on the cover of the record of trial that states the following, “I (name of person certifying record of trial) certify that this record of trial contains all of the items required under R.C.M. 1112(b), and the pleas, findings, and sentence are accurately reflected in the transcript accompanying the record of trial.” The court reporter, or in accordance with R.C.M. 1112, the military judge in the court reporter’s absence, who certifies a record of trial will place their signature and the date of the certification directly below the certification statement.
• Certification of the record of trial occurs within 120 days after the completion of trial. Otherwise, reason for delays must be appended to the record of trial.

_____ Court reporter certifies the record of trial.

• Date completed: __________________

_____ Distribute the certified record of trial as follows:

• If it is a general court-martial, the original certified record of trial and one digital copy of the certified record of trial is sent to NAMARA (Code 40). Date Completed: _______________
  Administrative Support Division (Code 40)
  Office of the Judge Advocate General
  1254 Charles Morris St. SE
  Building 58
  Washington Navy Yard, DC 20374-5124
• If it is a special court-martial, the original certified record of trial and one digital copy of the certified record of trial is sent to the GCMCA in the region for which the court-martial was convened.
• One (1) copy is provided to the defense and/or the accused. Only provide items listed in R.C.M. 1112(b).
  • Date Completed: _______________
  • Get a signed receipt of service on defense counsel and/or accused and attach receipt to record of trial (or explanation in lieu of).
• One (1) copy to the victim and/or victim’s counsel, unless victim declines to receive a copy. [Only provide items listed in R.C.M. 1112(b).]
  • “Victim” is defined as a person that is the victim of an offense to which the accused was charged if the victim testified during the proceedings and any victim named in a specification of which the accused was charged, upon request, without regard to the findings of the court-martial. R.C.M. 1112(e)(1)(B) and (C).
  • Ensure the record of trial provided to the victim has the following information redacted, unless it relates to the victim receiving the record of trial:
    • Social Security and tax identification numbers
    • Financial account numbers
    • Home addresses
    • Birth dates
    • Personal email addresses and phone numbers
    • The name of (other) minor witness(es)/victim(s)

Enclosure (2)
• _____ Any unsealed medical records
• _____ Remove all closed sessions for other victim(s)
• (NOTE: IF MAILED, SEND CERTIFIED MAIL, RETURN RECEIPT REQUESTED OR OTHER MOST EXPEDITIOUS, ACCOUNTABLE METHOD. MUST HAVE A TRACKING NUMBER.)
• Date completed: ________________________
• If victim declines to receive a copy of the certified record of trial, attach copy of declination to the record of trial.
**RIGHTS OF CRIME VICTIMS AFTER A TRIAL**

**ICO __________________________**

This form explains your rights as a crime victim after a trial. “Crime victim” eligibility is defined in Rule for Court Martial 1106A.

<table>
<thead>
<tr>
<th>If you have legal counsel</th>
<th>If you do not have legal counsel</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you have Victims’ Legal Counsel (VLC), Special Victims’ Counsel (SVC) or private counsel representing you, he or she will explain these rights and answer any questions after a trial counsel has reviewed this form with you.</td>
<td>Trial counsel can help explain your rights and answer your questions. If you wish to obtain legal counsel, trial counsel can assist in contacting the closest victims’ counsel office to determine whether you are eligible for legal services.</td>
</tr>
</tbody>
</table>

**Access to the Court-Martial Record**

Crime victims may request a recording of open sessions of the court-martial and copies of, or access to, the evidence admitted at the court-martial and the appellate exhibits. Certain information, including classified information and sealed portions of the record may not be released unless otherwise ordered by the Military Judge.

**Submission of Matters to the Convening Authority (CA)**

The CA is the officer who convenes the court-martial and has limited authority to take action on the findings (i.e., verdict) and sentence (i.e., punishment) as described in the next subsection. This person may be the Commanding Officer (CO) of the accused, or it may be someone superior to the accused’s CO. This person is not the Military Judge. If the accused is found guilty in your case, you have the right to submit matters to the CA before that officer takes action. These matters must be submitted within 10 days after the sentence is announced. The CA may extend this period if you ask and there is good cause, but not for more than an additional 20 days. If you do not submit matters in that time, you may not submit them later.

You must sign any matters you submit to the CA, and they must be in writing. You may include photographs, but may not include any video, audio or other media. A copy of matters you submit to the CA will be provided to the accused.

**Action by the Convening Authority**

Subject to the limitations below, the CA will take action on the sentence adjudged and may, in his or her discretion, take action on findings of guilty. As a crime victim, you will receive a copy of the CA’s action.

Two absolute limitations on the CA’s ability to act on the findings and/or sentence include the following:
1. The CA may not increase the severity of the sentence.
2. The CA may not reverse a finding of not guilty.

Otherwise, the CA’s ability to take action on the findings and/or sentence will depend on (1) the date when the offense was committed, (2) the type of offense committed, and (3) the sentence adjudged.

**Findings.** In general, the CA may (1) change a finding of guilty of a charge to a finding of guilty of a lesser offense included within that charge; (2) disapprove a finding of guilty and order a rehearing; or (3) set aside and dismiss a charge.

<table>
<thead>
<tr>
<th>Date of Crime</th>
<th>Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 June 2014 - 31 December 2018</td>
<td>If there is -- (1) a finding of guilt of Article 120(a) or (b), Article 120b, or Article 125 (Manual for Courts-Martial 2016); or (2) a finding of guilt of an offense for which the maximum sentence of confinement is more than two years; or (3) the sentence adjudged includes dismissal, a dishonorable or bad-conduct discharge, or confinement for more than six months, then the CA may NOT (1) set aside and dismiss a charge; or (2) change a finding of guilty of a charge to a finding of guilty of a lesser offense included in the charge. The CA may disapprove a finding and order a rehearing unless the sentence adjudged includes dismissal, a dishonorable or bad-conduct discharge, or confinement for more than six months.</td>
</tr>
<tr>
<td>On or after 1 January 2019</td>
<td>If -- (1) an accused is found guilty of a violation of Article 120(a), 120(b), or 120b, or (2) there is a finding of guilt of an offense for which the maximum sentence of confinement is more than two years; or (3) the sentence adjudged includes dismissal, a dishonorable or bad-conduct discharge, or confinement for more than six months, then the CA may NOT (1) disapprove a finding of guilty and order a rehearing; or (2) set aside and dismiss any charge; or (3) change a finding of guilty of a charge to a finding of guilty of a lesser included offense.</td>
</tr>
</tbody>
</table>
Sentences. In general, the CA may approve, disapprove, commute, or suspend the sentence, or any part of it.

<table>
<thead>
<tr>
<th>Date of Crime</th>
<th>Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 June 2014 - 31 December 2018</td>
<td>The CA may not disapprove, commute, or suspend a sentence that includes confinement for more than six months or a punitive discharge, except to effectuate a pre-trial agreement, or based on the trial counsel’s written recommendation.</td>
</tr>
<tr>
<td>On or after 1 January 2019</td>
<td>The CA may not reduce, commute, or suspend any of the following sentences: (1) a sentence of confinement where the total confinement adjudged, running consecutively, is greater than six months; or (2) a sentence of a dismissal, a dishonorable discharge, or a bad-conduct discharge; or (3) a sentence of death. However, if a Military Judge or Trial Counsel recommends suspension, the CA may suspend a sentence of confinement in whole or in part or a sentence of dismissal, dishonorable discharge or bad-conduct discharge.</td>
</tr>
</tbody>
</table>

Entry of Judgment

After the CA takes action on the case, the Military Judge enters the judgment of the court. This entry of judgment is documented. You or your VLC may request a copy of this entry of judgment from the Trial Counsel.

Request for Copy of Certified Record of Trial

If you are entitled to a copy of the certified record of trial pursuant to R.C.M. 1112, you will be notified of your right to obtain it. However, certain information, including classified information, sealed portions of the record, and/or personally identifiable information of others, will not be released to you.

Notification of Appellate Review

If the CA approves a sentence including a punitive discharge or confinement for more than two years, the case will automatically be reviewed on appeal for legal error. If the CA approves a sentence of confinement greater than 6 months but less than 2 years, the accused may request an appeal. Even if the approved sentence is less than 6 months of confinement, the accused may still ask that the case be reviewed by the Office of the Judge Advocate General of the Department of the Navy. Depending on a variety of factors, including case complexity, the appellate process can sometimes take years before a final result is reached. You may choose to
be notified by the appellate Victim Witness Assistance Program (VWAP) representative at the Navy-Marine Corps Appellate Review Activity (NAMARA) of the following:

   a) scheduling of each public appellate court proceeding, including changes and delays;
   b) the filing of any motion to disclose or examine sealed portions of the record that were reviewed in camera, but were not released to trial or defense counsel, for which you have invoked a claim of privilege under Military Rules of Evidence 501-514 that was recognized on the record;
   c) the final decision of the appellate court; and
   d) if the case is being reviewed by the Office of the Judge Advocate General, pursuant to Article 69 and Article 73, the outcome of that review.

You are not entitled to a mileage allowance or payment for transportation to observe any appellate proceeding. When contacted by an appellate VWAP representative about your case, you may be referred to a VLC located in the region where your case took place to determine if you are entitled to VLC services. Additional information may be found at:

--Navy Victim Legal Counsel Organization information and phone numbers: http://www.jag.navy.mil/legal_services/vlc.htm

--Marine Corps Victims’ Legal Counsel Organization information and phone numbers: http://www.hqmc.marines.mil/sja/Branches/Victim-Legal-Counsel-Organization-VLCO/

--Navy Victim Witness Assistance Program information and phone numbers: http://www.public.navy.mil/bupers-npc/support-vwap/Pages/default.aspx

--Marine Corps Victim Witness Assistance Program information and regional VWAP contact links: http://www.hqmc.marines.mil/sja/Branches/Victim-Witness-Assistance-Program/

Waiver of Right to Participate in Post-Trial Process and Appellate Process.

You may give up your rights to:

   a) to submit matters to the CA;
   b) receipt of the entry of judgment, certified record of trial, or the CA’s action;
   c) right to submit a statement; and/or
   d) the right to be notified of appellate review.

You may give up these rights with this form by initialing the appropriate blocks below, or you may give up any or all of these rights at a later time.

However, once you file a waiver of your right to submit a statement, your decision is final.

Additional post-trial rights are further explained in DD Form 2703, Post-Trial Information for Victims and Witnesses of Crime.
Acknowledgement

I acknowledge (1) that prior to adjournment of the court-martial concerning the offenses committed against me, I was provided with the above written advice; (2) that I have read and I understand my post-trial rights; (3) that I discussed my rights with my VLC, if any, or trial counsel prior to signing this form.

I specifically request a copy of the recording of all open sessions of the court-martial and copies of or access to the evidence admitted at the court-martial and all appellate exhibits. Copies should be delivered to:

_____ me _____ my counsel, ______________________ within _____ days of this request.

I specifically request that my copy of the CA’s Action be delivered to:

_____ me _____ my counsel, ______________________

I specifically request that my copy of the Entry of Judgment be delivered to:

_____ me _____ my counsel, ______________________

I specifically request that my copy of the certified ROT be delivered to (please initial):

_____ me _____ my counsel, ______________________

I specifically request notifications of any appellate filings and/or proceedings that occur in my case:

_____ Yes _____ No

*Note: The appellate VWAP representative will notify you directly of any appellate proceedings.*

-OR-

I desire to waive, or give up, the following:

_____ Right to Submit Matters to the CA
_____ Receipt of the CA’s Action
_____ Receipt of the Entry of Judgment
_____ Receipt of the certified ROT
_____ Notification of Appellate Proceedings
If applicable, civilian victim legal counsel’s name, address, and telephone number are:

Telephone (____)________________

I understand that in order to receive any documents I elected to receive personally, I must keep the post-trial processing division, the Convening Authority, and the appellate VWAP office informed of my current mailing address. In this regard, I may be contacted at the following permanent address, email address and phone number:

Email:

Telephone (____)________________

Forward this election and any change of address or phone number to:

Post-Trial Processing Division
Physical Address
Email address

(Or)

Regional Review Office
Legal Services Support Section
Physical Address
Email Address

and

Appellate VWAP Office, NAMARA,
Physical Address
Email address: Appellate_notification.fct@navy.mil

______________________________
Date

______________________________
Print/Signature of Victim
CONVENCING AUTHORITY’S ACTION CHECKLIST
R.C.M. 1109 and 1110

ICO ________________________________

Procedures: If a case was referred to trial on or after 1 January 2019, the post-trial procedures contained in this checklist and Articles 60a and 60b, as well as R.C.M. 1109 and 1110 will be used. In a case that was referred to trial before 1 January 2019, this checklist is not applicable, and the post-trial procedures (to include the requirement for SJA recommendations) contained in R.C.M. 1107, MCM 2016 will be used.

Clemency Power: The convening authority’s power to grant clemency is based on the date of the earliest offense of which the accused was convicted.

(1) If a case was referred to trial on or after 1 January 2019, the following convening authority (CA) action procedures apply:

(a) If all of the offenses of which the accused was convicted occurred after 1 January 2019, the post-trial procedures contained in this instruction, Articles 60a and 60b, and R.C.M. 1109 and 1110 shall apply.

(b) If the accused is convicted of any offense that occurred before 1 January 2019, but after 24 June 2014, Article 60, MCM 2016; the post-trial procedures contained in this instruction; and the clemency powers described in R.C.M. 1107, MCM 2016 shall apply.

(c) In a case in which the accused is convicted of any offense that occurred before 24 June 2014, the post-trial procedures contained in this instruction and the clemency authority described in R.C.M. 1107, MCM 2012 shall apply.

(d) The CA’s suspension authority outlined in Article 60a(c) applies regardless of the date of any conviction, even if the operative version of Article 60 does not permit such suspension.

(e) Regardless of which version of clemency authority applies (see above), and even if the CA decides to take no action, the SJA will ensure that the CA complies with the requirements of R.C.M. 1109(g) and the action is documented using enclosure (6).

(f) Prior to taking any action on a case, the SJA must complete the below checklist and ensure the CA reviews all matters submitted under R.C.M. 1106 and 1106A.

(2) In cases referred to trial before 1 January 2019, this instruction does not apply (use JAG/CNLSCINSTRUCTION 5814.1B). Also apply the Article 60 provisions in place at the time of the earliest offense resulting in a guilty finding (to include the requirement for SJA recommendations) and the post-trial procedures contained in R.C.M. 1107, MCM 2016. In a case in which the accused is convicted of an offense that occurred before 24 June 2014, the clemency authority described in R.C.M. 1107, MCM 2012 shall apply.
Obtain any matters submitted by the accused and/or the victim.

Accused and victim have 10 days from the date the sentence is adjudged to submit matters. However, the accused and/or victim may request an extension up to 20 days to submit matters, if good cause is shown. R.C.M. 1106 and R.C.M. 1106A.

If a victim submits matters for the CA’s consideration, provide a copy of those matters to the accused or detailed counsel. R.C.M. 1106A.

If a victim submits matters for the CA’s consideration, the accused has an additional 5 days to respond to those matters. R.C.M. 1106

Obtain a copy of the court-martial proceedings (either recording or transcript) and, unless sealed, copies of the evidence admitted at the court-martial and appellate exhibits.

***If CA would like to review evidence that has been sealed in order to complete the post-trial process, a formal request to review such sealed evidence must be submitted to the Military Judge presiding over the court-martial.

If accused is found not guilty by lack of mental responsibility, the Military Judge will conduct a hearing. Prior to that hearing, the military judge or CA must order a psychiatric or psychological examination of the accused and the report must be provided to the military judge.

The CA may commit the accused pending an R.C.M. 1105 hearing.

If the judge finds the accused has met the standards set forth in R.C.M. 1105(c)(3), the accused shall be released.

If the judge finds the accused has not met the standards set forth in R.C.M. 1105(c)(3), the CA must turn the accused over to the Attorney General.

Action shall not be taken earlier than 10 days after the announcement of the sentence adjudged, unless the accused and victim both waive their right to submit matters before 10 days.

Action states:

The action taken or if no action is taken, so state.

Written explanation for the action taken when there is a mandatory minimum punishment or offenses for which the maximum sentence to confinement that may be adjudged exceeds two years, or offenses where the adjudged sentence includes a punitive discharge (Dismissal, DD, BCD) or confinement for more than six months, or a violation of Art. 120(a) or 120(b) or 120b. See R.C.M. 1109.

Address specific action with regard to findings, if applicable.

Rehearing on findings ordered.
_____ If rehearing or new trial ordered, reasons for disapproval.
_____ If no rehearing ordered on disapproved charges and specifications, statement of dismissal included.
_____ If “other” trial ordered, basis for declaring the proceedings invalid stated.

_____ If portion of sentence is to be suspended, indicate the terms of the suspension in the CA’s Action.

_____ Provide letter of reprimand to the military judge along with the CA’s Action for service on the accused.

_____ Must be signed by CA with authority to sign as stated below. (No “by direction” authorized).

_____ If substitute CA, action notes CA is acting pursuant to a specific request that is in compliance with R.C.M. 1107(a) and JAGMAN 0151b. (Attach documentation of reasons for substitute CA to record of trial – U.S. v. Brown, 57 M.J. 623 N-M. Ct. Crim. App. (2002)).

_____ If action on rehearing or new trial, comply with limitations of R.C.M. 810(d).

**Crime Reporting Requirements**

_____ Review the Statement of Trial Results and determine whether any additional crime reporting requirements are triggered under references (d) through (h).

_____ Reporting of background or criminal information.

_____ Reporting in accordance with Gun Control Act of 1968. See enclosure (5) for detailed information about crime reporting requirements under the Gun Control Act of 1968.

_____ Ensure RLSO sent criminal justice information is sent to NCIS via a spreadsheet or other authorized document with the following data fields: (1) Full name, (2) Sex, (3) Race, (4) Height, (5) Weight, (6) Eye color, (7) Hair color, (8) Place of birth, (9) Date of birth, (10) Social security number; and (11) Incident number, (12) Submitter contact information, (13) Reason for service member entry into NICS. Spreadsheets must be submitted via email to NCIS at nicssubmission@ncis.navy.mil per reference (h).

**Service of CA’s Action**

_____ Immediately provide the military judge and/or the trial counsel the CA’s Action.

_____ If the CA took action on the sentence, serve a copy of CA’s action on accused or counsel.

_____ If the CA took action on the sentence, serve a copy of CA’s action on the crime victim or the victim’s counsel.
## Gun Control Act of 1968 Reporting Requirements

<table>
<thead>
<tr>
<th>Prohibition</th>
<th>Actions by Trial Counsel</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method of notification</strong></td>
<td>– In addition to the reporting requirements listed below, criminal justice information must be sent to NCIS or USMC CID by the responsible Navy organization via a spreadsheet or other permissible format with the following data: Service member (1) Full name, (2) Sex, (3) Race, (4) Height, (5) Weight, (6) Eye color, (7) Hair color, (8) Place of birth, (9) Date of birth, (10) Social security number; and (11) Incident number, (12) Submitter contact information, (13) Reason for service member entry into NICS. Information will be submitted via email to NCIS or USMC CID at <a href="mailto:nicssubmission@ncis.navy.mil">nicssubmission@ncis.navy.mil</a> (for Navy cases) and/or <a href="mailto:USMCCID@ncis.navy.mil">USMCCID@ncis.navy.mil</a> (for USMC cases).</td>
</tr>
<tr>
<td>NAVADMIN 076/18 (Navy)</td>
<td>– Trial Counsel will notify NCIS, as further detailed below, for all service members who have: been referred to GCM for a crime punishable by more than one year of confinement; convicted at a GCM for any offense punishable by more than one year of confinement (regardless of actual confinement awarded); been found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to Articles 50a and 76b of the UCMJ; or been convicted by a SPCM or GCM of a crime of domestic violence.</td>
</tr>
<tr>
<td>MCBUL 5810 (USMC)</td>
<td>– Note that OPNAV N17, NPC, and COs have separate criminal justice reporting requirements, as delineated in NAVADMIN 076/18.</td>
</tr>
<tr>
<td><strong>Under Indictment (GCM only)</strong></td>
<td>– On referral of any charge punishable by more than one year of confinement for trial by general court-martial, Trial Counsel will forward a copy of the referred charges to NCIS, the Criminal Investigation Division (CID), and CNIC law enforcement personnel.</td>
</tr>
<tr>
<td>18 U.S.C. § 922(d)(1)</td>
<td>– RLSOs will inform the convening authority that the accused is prohibited to receive, transport, or ship firearms or ammunition for personal purposes, and that it is within the accused’s commanding officer’s discretion as to whether that prohibition extends to official purposes. The Service Member may retain possession of firearms or ammunition already in the Service Member’s possession. Only after a conviction will there be a requirement to prevent the accused from retaining firearms or ammunition already in their possession.</td>
</tr>
<tr>
<td>18 U.S.C. § 922(n)</td>
<td>– Trial Counsel will notify detailed defense counsel in writing that receipt, transport, and shipment of firearms or ammunition for personal purposes is unlawful.</td>
</tr>
</tbody>
</table>
| Conviction of offense punishable by more than one year of confinement (GCM only) | – Trial Counsel will mark the applicable section in the Statement of Trial Results (STR) that the conviction triggers firearm possession prohibition in accordance with 18 U.S.C. § 922.  
– Trial Counsel will notify detailed defense counsel in writing that receipt, possession, transport, and shipment of firearms by the accused for personal purposes is unlawful.  
– RLSOs will inform the convening authority that the accused is prohibited to receive, possess, ship, or transport firearms or ammunition for personal purposes. |
| Fugitive from justice (GCM/SPCM) | – RLSOs will notify NCIS and CID in cases where the accused has left the state in which an investigation had been commenced or charges had been preferred against an accused, and the accused left that state in order to avoid prosecution.  
– RLSOs will ensure command legal personnel forward a copy of the DD Form 553, Deserter/Absentee Wanted by the Armed Forces, to NCIS, CID, CNIC law enforcement, and the SJA. |
| Unlawful user of a controlled substance (GCM/SPCM) | – In cases tried by special and general courts-martial where a conviction is obtained, RLSOs will notify NCIS, CID, CNIC law enforcement, and the SJA by forwarding a copy of the signed STR.  
– For Special Courts-Martial, RLSOs will inform the convening authority that the accused is prohibited to receive, possess, transport, or ship firearms or ammunition for personal purposes for a period of 12 months following the conviction.  
– For General Courts-Martial, RLSOs will inform the convening authority that the accused is permanently prohibited to receive, possess, transport, or ship firearms or ammunition for personal purposes.  
– Trial Counsel will mark the appropriate entry in the STR as directed for cases involving conviction for an offense punishable by more than one year of confinement.  
– Trial Counsel will notify detailed defense counsel in writing that receipt and possession of firearms by the accused for personal purposes is unlawful. |
| Mental incompetence (GCM/SPCM) | – Where an accused is found incompetent to stand trial or not guilty by reason of lack of mental responsibility, RLSOs will notify NCIS, CID, CNIC law enforcement, and the SJA by forwarding a copy of any written findings of the military judge or, in acquittals, a signed copy of the STR.  
– RLSOs will inform the convening authority that the accused is prohibited to receive, possess, transport, or ship firearms or ammunition for personal purposes until such time as the disability under 18 U.S.C. § 922(g)(4) is removed.  
– RLSOs will take necessary action to ensure compliance with Articles 50a and 76b. |
<table>
<thead>
<tr>
<th>Dishonorable Discharge or Dismissal</th>
<th>In cases tried by general courts-martial where a dishonorable discharge is awarded, RLSOs will notify NCIS, CID, and CNIC law enforcement by forwarding a copy of the signed STR.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RLSOs will inform the convening authority that the accused is permanently prohibited to receive, possess, transport, or ship firearms or ammunition for personal purposes.</td>
</tr>
<tr>
<td></td>
<td>Trial Counsel will mark the appropriate section in the STR to indicate the accused is prohibited from firearm possession.</td>
</tr>
<tr>
<td></td>
<td>Trial Counsel will notify detailed defense counsel in writing that receipt, possession, transport, and shipment of firearms by the accused for personal purposes is unlawful.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Civilian Court-Issued Restraining Order (GCM/SPCM)</th>
<th>Where Trial Counsel learns that a service member is the subject of a civilian restraining order that meets the requirements of section 922(g)(8), Trial Counsel will obtain a copy of the restraining order and forward the order to NCIS, CID, and CNIC law enforcement.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RLSOs will forward a copy of the order to the commanding officer of the service member restrained, and the Staff Judge Advocate advising that commander, with notice that the person restrained is prohibited to receive, possess, ship, or transport firearms or ammunition.</td>
</tr>
<tr>
<td></td>
<td>If defense counsel has been detailed in the case, Trial Counsel will notify defense counsel in writing that receipt and possession of firearms by the accused for personal purposes is unlawful.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Domestic violence conviction (GCM/SPCM or civilian court)</th>
<th>Trial Counsel will mark the appropriate entry in the Statement of Trial Results as directed for cases involving a conviction of a crime of domestic violence. Per DoDI 6400.06 “crime of domestic violence” means an offense that has as its factual basis, the use or attempted use of physical force, or threatened use of a deadly weapon; committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RLSOs will forward a signed copy of the STR to NCIS, CID, CNIC law enforcement, and the SJA.</td>
</tr>
<tr>
<td></td>
<td>RLSOs will inform the convening authority that the accused is permanently prohibited to receive, possess, transport, or ship firearms or ammunition for any purpose.</td>
</tr>
<tr>
<td></td>
<td>Trial Counsel will notify detailed defense counsel in writing that receipt, possession, shipment, and transport of firearms by the accused for any purpose is unlawful.</td>
</tr>
<tr>
<td></td>
<td>RLSOs will include the specific relationship to the accused per 27 CFR § 478.11.</td>
</tr>
</tbody>
</table>
Instructions for Staff Judge Advocates and Legal Officers when Describing Convening Authority Clemency Powers

**Clemency Authority corresponds to the date of the earliest offense for which the accused was found guilty.**

Based on the earliest finding of guilty for an offense committed prior to 24 June 2014 (RCM 1107, MCM 2012):

a. **Action on the findings.** The convening authority may, in the convening authority’s sole discretion:
   (1) Change a finding of guilty to a charge or specification to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge or specification; or
   (2) Set aside any finding of guilty and—(a) Dismiss the specification and, if appropriate, the charge, or (b) Direct a rehearing.

b. **Action on the sentence.** The convening authority may for any or no reason disapprove a legal sentence in whole or in part, mitigate the sentence, and change a punishment to one of a different nature as long as the severity of the punishment is not increased. The convening or higher authority may not increase the punishment imposed by a court-martial. The convening authority shall provide a written explanation of the reasons for any such action taken on the sentence in Block 28 of the form below.

**Staff Judge Advocate Recommendation:** If the case was referred to a court-martial on or after 1 January 2019, no Staff Judge Advocate Recommendation (SJAR) is required. However, recommend advising the CA of the clemency authority and documenting that in Block 23 below.

Based on the earliest finding of guilty for an offense committed on or after 24 June 2014 and on or before 31 December 2018 (RCM 1107, MCM 2016):

a. **Action on findings.** The convening authority may not set aside, disapprove, or take any other action on the findings of the court-martial when —
   (1) The court-martial found the accused guilty of—
      (a) An offense for which the maximum authorized sentence to confinement is more than two years, without considering the jurisdictional maximum of the court;
      (b) A violation of Article 120(a) or (b);
      (c) A violation of Article 120b; or
      (d) A violation of such other offense as the Secretary of Defense has specified by regulation; or
   (2) The sentence of the court-martial includes—
      (a) A bad-conduct discharge, dishonorable discharge, or dismissal;
      (b) A term of confinement, or terms of confinement running consecutively, more than six months; or
      (c) Death.
(3) For any court-martial not described above, action on findings is not required; however, the
convening authority may—
   (a) Change a finding of guilty to a charge or specification to a finding of guilty to an
   offense that is a lesser included offense of the offense stated in the charge or
   specification; or
   (b) Set aside any finding of guilty and—
   1. Dismiss the specification and, if appropriate, the charge; or
   2. Order a rehearing in accordance with the procedures set forth in R.C.M. 810.

(4) If the convening authority acts to dismiss or change any charge or specification for an
offense, the convening authority shall provide a written explanation of the reasons for such
action in Block 28 of the form below.

b. Action on the sentence. For any court-martial described under subsection a(1)(a), above,
the convening authority may:
   (1) Modify a bad-conduct discharge, dishonorable discharge, or dismissal only as provided in
   RCM 1109(e) (MCM 2019) (Reduction of sentence for substantial assistance by accused) and
   RCM 1109(f) (MCM 2019) (Suspension);
   (2) Modify a term of confinement of more than six months, or terms of confinement that
   running consecutively are more than six months, only as provided in RCM 1109(e) or (f)
   (MCM 2019);
   (3) Reduce or commute a punishment of death only as provided in RCM 1109(e) (MCM
   2019);
   (4) Reduce, commute, or suspend, in whole or in part, any punishment adjudged for an offense
   tried under the law of war other than the punishments specified in paragraphs (1), (2), and (3);
   (5) Reduce, commute, or suspend, in whole or in part, the following punishments:
      (a) The confinement portion of a sentence if the confinement portion of the sentence is
      six months or less, to include terms of confinement that running consecutively total six
      months or less;
      (b) A reprimand;
      (c) Forfeiture of pay or allowances;
      (d) A fine;
      (e) Reduction in pay grade;
      (f) Restriction to specified limits; and
      (g) Hard labor without confinement.

Staff Judge Advocate Recommendation: If the case was referred to a court-martial on or
after 1 January 2019, no Staff Judge Advocate Recommendation (SJAR) is required.
However, recommend advising the CA of the clemency authority and documenting that in
Block 23 below.
Based on the earliest finding of guilty for an offense committed on or after 1 January 2019 (MCM 2019):

a. Action on findings. The convening authority may not set aside, disapprove, or take any other action on the findings of the court-martial when —

(1) The court-martial found the accused guilty of—

(a) An offense for which the maximum authorized sentence to confinement is more than two years, without considering the jurisdictional maximum of the court;
(b) A violation of Article 120(a) or (b);
(c) A violation of Article 120b; or
(d) A violation of such other offense as the Secretary of Defense has specified by regulation; or

(2) The sentence of the court-martial includes—

(a) A bad-conduct discharge, dishonorable discharge, or dismissal;
(b) A term of confinement, or terms of confinement running consecutively, more than six months; or
(c) Death.

(3) For any court-martial not described above, action on findings is not required; however, the convening authority may—

(a) Change a finding of guilty to a charge or specification to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge or specification; or
(b) Set aside any finding of guilty and—

1. Dismiss the specification and, if appropriate, the charge; or
2. Order a rehearing in accordance with the procedures set forth in R.C.M. 810.

(4) If the convening authority acts to dismiss or change any charge or specification for an offense, the convening authority shall provide a written explanation of the reasons for such action in Block 28 of the form below.

b. Action on the sentence. For any court-martial described under subsection a(1)(a), above, the convening authority may:

(1) Modify a bad-conduct discharge, dishonorable discharge, or dismissal only as provided in RCM 1109(e) (MCM 2019) (Reduction of sentence for substantial assistance by accused) and RCM 1109(f) (MCM 2019) (Suspension);
(2) Modify a term of confinement of more than six months, or terms of confinement that running consecutively are more than six months, only as provided in RCM 1109 (e) or (f) (MCM 2019);
(3) Reduce or commute a punishment of death only as provided in RCM 1109(e) (MCM 2019);
(4) Reduce, commute, or suspend, in whole or in part, any punishment adjudged for an offense tried under the law of war other than the punishments specified in paragraphs (1), (2), and (3); 
(5) Reduce, commute, or suspend, in whole or in part, the following punishments:
(a) The confinement portion of a sentence if the confinement portion of the sentence is six months or less, to include terms of confinement that running consecutively total six months or less;
(b) A reprimand;
(c) Forfeiture of pay or allowances;
(d) A fine;
(e) Reduction in pay grade;
(f) Restriction to specified limits; and
(g) Hard labor without confinement.

Staff Judge Advocate Recommendation: If the case was referred to a court-martial on or after 1 January 2019, no Staff Judge Advocate Recommendation (SJAR) is required. However, recommend advising the CA of the clemency authority and documenting that in Block 23 below.
### POST-TRIAL ACTION

#### SECTION A – STAFF JUDGE ADVOCATE REVIEW

<table>
<thead>
<tr>
<th>1. NAME OF ACCUSED (LAST, FIRST, MI)</th>
<th>2. PAYGRADE/ RANK</th>
<th>3. DOD ID NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>4. UNIT OR ORGANIZATION</th>
<th>5. CURRENT ENLISTMENT</th>
<th>6. TERM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>7. CONVENING AUTHORITY (UNIT/ORGANIZATION)</th>
<th>8. COURT-MARTIAL TYPE</th>
<th>9. COMPOSITION</th>
<th>10. DATE SENTENCE ADJUDGED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

#### Post-Trial Matters to Consider

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Has the accused made a request for deferment of reduction in grade?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Has the accused made a request for deferment of confinement?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Has the accused made a request for deferment of adjudged forfeitures?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Has the accused made a request for deferment of automatic forfeitures?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Has the accused made a request for waiver of automatic forfeitures?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Has the accused submitted necessary information for transferring forfeitures for benefit of dependents?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Has the accused submitted matters for convening authority’s review?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Has the victim(s) submitted matters for convening authority’s review?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. Has the accused submitted any rebuttal matters?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20. Has the military judge made a recommendation to suspend the sentence?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21. Has the trial counsel made a recommendation to suspend the sentence?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Did the court-martial sentence the accused to a reprimand issued by the convening authority?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23. Notes.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## SECTION B - CONVENING AUTHORITY ACTION

28. Having reviewed the Statement of Trial Results, as well as any matters submitted by the accused and the victim(s), and after being advised by the staff judge advocate or legal officer, I take the following action in this case [If deferring or waiving any punishment, indicate the date the deferment/waiver will end. Attach signed reprimand if applicable. Indicate what action, if any, taken based on suspension recommendations.]:
29. Convening authority’s written explanation of the reasons for taking action on offenses with mandatory minimum punishments or offenses for which the maximum sentence to confinement that may be adjudged exceeds two years, or offenses where the adjudged sentence includes a punitive discharge (Dismissal, DD, BCD) or confinement for more than six months, or a violation of Art. 120(a) or 120(b) or 120b:

<table>
<thead>
<tr>
<th>30. Convening authority or designee’s signature</th>
<th>31. Date:</th>
</tr>
</thead>
</table>

32. Date convening authority action was forwarded to military judge.
**SECTION C - ENTRY OF JUDGMENT**

*Must be signed by the Military Judge (or Circuit Military Judge) within 10 days of receipt*

33. Findings of each charge and specification referred to trial [summary of each charge and specification (include at a minimum the gravamen of the offense), the plea of the accused, and the findings. Account for any modifications made by reason of any post-trial action by the convening authority or any post-trial ruling, order, or other determination by the military judge.]:

Example [if necessary, add continuation page]:

Charge I: Violation of the UCMJ, Article 120(b)

<table>
<thead>
<tr>
<th>Plea</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Guilty</td>
<td>Guilty</td>
</tr>
</tbody>
</table>

Spec. 1: Sexual assault to wit: penetration of vagina with penis without victim’s consent.

<table>
<thead>
<tr>
<th>Plea</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Guilty</td>
<td>Guilty</td>
</tr>
</tbody>
</table>

Spec 2: Sexual assault to wit: penetration of victim’s mouth with penis when victim was incapable of consenting to the sexual act.

<table>
<thead>
<tr>
<th>Plea</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Guilty</td>
<td>Not Guilty</td>
</tr>
</tbody>
</table>
34. Sentence adjudged. Account for any modifications made by reason of any post-trial action by the convening authority, or any post-trial rule, order, or other determination by the military judge:

Example: Member sentencing: 19 years confinement, DD, total forfeitures, $15,000 fine, reduction to E-1.

Example: Military judge:
Charge I: Violation of the UCMJ, Article 120(b): Total Forfeitures, reduction to E-1, Reprimand
Spec 1: 6 years confinement and $4,000 fine
Spec 2: 2 years confinement and $1,000 fine
Confinement will run concurrently
Total confinement time is 6 years.
Total fine is $5,000.

35. Deferment and Waiver of Forfeitures. If accused requested deferment and/or waiver of forfeitures, include the details of the request and the impact of CA’s Action:

36. Action convening authority took on any suspension recommendation from the military judge:
37. Judge's signature: | 38. Date judgment entered:  

|  

39. In accordance with RCM 1111(c)(1), the military judge who entered a judgment may modify the judgment to correct computational or clerical errors within 14 days after the judgment was initially entered. Include any modifications here and resign the Entry of Judgment.  

|  

40. Judge's signature: | 41. Date judgment entered:  

|  

42. A copy of the judgment shall be provided to the accused or the accused's defense counsel.  

43. A copy of the judgment shall be provided upon request to any crime victim or crime victim's counsel, without regard to whether the accused was convicted or acquitted of any offense.