DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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JAGINST 5814.1E
CODE 20
19 Aug 24

JAG INSTRUCTION 5814.1E

Subj: POST-TRIAL PROCESSING

Ref: (a) 10 U.S.C §§ 801–946a (Uniform Code of Military Justice (UCMJ), as amended by §§ 541–549C of Public Law 117-263, enacted on 23 December 2022)
(b) Manual for Courts-Martial (2024)
(c) JAGINST 5800.7G CH-2
(d) DoD Instruction 5505.11 of 31 October 2019
(e) DoD Instruction 7730.47 CH-2 of 9 July 2020
(f) DoD Instruction 5505.14 of 5 April 2022
(g) DoD Instruction 5525.20 CH-3 of 27 November 2023
(h) CNO WASHINGTON DC 291241Z Mar 18 (NAVADMIN 076/18)
(i) JAGINST 5813.1D
(j) Uniform Rules of Practice Before Navy and Marine Corps Courts-Martial
(k) JAGINST 5813.2A of 9 August 2023
(l) JAGINST 5813.4K CH-1 of 1 September 2022

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 Judgment Template
(7) DD Form 490 – Record of Trial
(8) Record of Trial Verification and Certification Forms
(9) Assembly of Record of Trial Instructions

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 Office (RLSO) and Law Center personnel, staff judge advocates (SJAs), and trial judges for use during the court-martial review process, in accordance with references (a) through (l). These procedures are intended to ensure expeditious and efficient handling of cases from sentencing through the certification of the ROT. This instruction directs the use of enclosures (1) through (9) throughout the post-trial process. This instruction is a complete revision and should be reviewed in its entirety.

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 with any offense referred on or prior to 31 December 2018 will continue to utilize

JAG/COMNAVLEGSVCCOMINST 5814.1B, subject to the amendments to the scope of appellate review promulgated by Section 544 of reference (a).

3. Scope. This instruction applies to the Office of the Judge Advocate General (OJAG), Office of Special Trial Counsel (OSTC), all RLSOs, Law Centers, SJAs and trial judges performing post-trial functions. The Staff Judge Advocate to the Commandant of the Marine Corps (SJA to the CMC) may implement post-trial policies and procedures consistent with references (a) through (l) and this instruction.

4. Discussion

a. The government will ensure timely post-trial processing of military justice cases. In all general and special courts-martial, the certified ROT and attachments required under Rules for Courts-Martial (R.C.M.) 1112(b)–(c) and (f) of reference (b) will be prepared.

b. All general and special courts-martial must be tracked electronically using the Naval Court-Martial Reporting System (NCORS). NCORS will serve as the primary source for court-martial data. Article 140a of reference (a) requires the collection and analysis of data in accordance with the standards prescribed by the Secretary of Defense. All RLSOs and Law Centers will ensure data is collected and reflected accurately in accordance with these standards.

c. Each RLSO and Law Center will utilize a Post-Trial Processing Division and/or Unit (PTPD/PTPU) to fully execute this post-trial processing instruction and ensure the timely completion of the post-trial process for all courts-martial, including the post-trial processing of cases for which the OSTC has exercised authority. Post-trial personnel within the RLSOs and Law Centers will utilize the checklists provided in enclosures (2) and (4) for every court-martial.

5. Action

a. An original ROT and a digital copy of the ROT containing all items listed in Rule for Courts-Martial (R.C.M.) 1112(b) of reference (b), and, if applicable, R.C.M. 1112(f), must be created. The digital copy must be an exact duplicate of the hardcopy ROT and be in a portable document format (PDF) with no applied redactions. That digital ROT will be maintained on a compact disc (CD) or digital versatile disc (DVD) and uploaded to the Code 40 SharePoint site. The digital ROT must be forwarded to the Code 40 SharePoint site within 5 days of certification to facilitate compliance with references (a) and (k).

b. Each prosecuting office must use enclosure (1) when preparing the Statement of Trial Results; however, deviations to account for new or modified offenses since the creation of enclosure (1) are authorized. This document will include the contents required under R.C.M. 1101(a) of reference (b) and section 0150 of reference (c), 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 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 must 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 must specify any limitations on the punishment as set forth in the plea agreement.

(5) If the military judge recommends that the convening authority (CA) suspend any portion of the sentence or if the military judge makes any other clemency recommendation, the Statement of Trial Results must specify—

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

(b) the minimum duration of the suspension;

(c) the recommended clemency; and

(d) the facts supporting the suspension or other clemency recommendation.

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

(7) The names and identifying numbers (case number or Department of Defense (DoD) identification number) of any co-accused, companion, or other related case must be noted in the "Notes" block;

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

(9) If required under 34 U.S.C. § 20901, DoDI 1325.07, or DoDI 5525.20, facilitate the requirement for sex offender registration and notification to the United States Marshals Service Sex Offender Targeting Center (see enclosure (2) for further details);

(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 whether such a crime 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; and

(11) The RLSO or Law Center must ensure that the completed Statement of Trial Results is served and distributed in accordance with R.C.M. 1101(d) of reference (b) and section 0150 of reference (c) and included in the ROT in accordance with R.C.M. 1102(b)(6) of reference (b) and section 0150 of reference (c).

c. Each RLSO and Law Center is responsible for establishing procedures to ensure that upon written request, the counsel for the accused, and the accused if he or she so requests, and counsel for any crime victim, 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 CA. The RLSO or Law Center 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 5 business days after receiving a proper request, unless otherwise impracticable. Prior to releasing any recording of the court-martial proceedings, the RLSO or Law Center must 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 R.C.M. 1106A of reference (b). If a record is provided to an accused that is confined, a paper record must be provided.

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

e. The accused will be given an additional 5 days to respond to any matters submitted by a crime victim. All R.C.M. 1106 and R.C.M. 1106A matters submitted by the accused or crime victim should be submitted to the CA via the SJA.

f. As soon as practicable after the announcement of the sentence, the RLSO or Law Center must forward the following to the SJA for the CA to review during the post-trial process: (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 that were not previously provided directly to the SJA for the CA. If a CA wishes to review any sealed portion of the record, including classified evidence, a request must be submitted to the military judge.

g. The CA, after consultation with the SJA and review of any matters submitted by the accused and/or crime victim, will determine what action, if any, will be taken. The CA's power to grant clemency is based on the date of the earliest offense of which the accused was convicted.

h. The following is provided as guidance to determine clemency authority:

(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, UCMJ, 10 U.S.C. §§ 860a, 860b (eff. Jan. 1, 2019), and in R.C.M. 1109 and 1110, of reference (b), and section 0153 of reference (c) must 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, UCMJ, 10 U.S.C. § 860 (as amended by the FY14 and FY15 NDAAs) and R.C.M. 1107, MCM (2016 ed.), will apply, and the post-trial procedures contained in this instruction and all enclosures must 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, UCMJ, 10 U.S.C. §860 (2012), will apply, and the post-trial procedures contained in this instruction and all enclosures must be utilized. An SJAR will not be created in these cases.

(d) The CA's suspension authority outlined in Article 60a(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. Instead, use JAG/CNLSCINST 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 ed.). 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, UCMJ, and R.C.M. 1107, MCM (2012 ed.), must apply.

(3) In cases where one or more of the charges were referred before 1 January 2019 and one or more of the charges were referred on or after 1 January 2019, utilize the post-trial procedures in place **before** 1 January 2019. See paragraph 5.h.(2) above.

i. The SJA must 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 must be provided to the RLSO or Law Center that conducted the court-martial as soon as practical (or the cognizant post-trial RLSO or Law Center for cases in which the OSTC has exercised authority). In an effort to support the timely completion of post-trial matters, RLSOs and Law Centers, via their PTPD/PTPU, must be available to support CAs in completion of enclosure (6). Upon receipt of the CA's Action, the RLSO or Law Center must ensure the accused and crime victim are served a copy of the action as soon as practicable.

j. The RLSO or Law Center must compile the ROT for certification as soon as practicable after the judgment has been entered into the record. All ROTs must be prepared using enclosure (7). All certified ROTs must contain all items listed in R.C.M. 1112(b), and additionally all items listed in R.C.M. 1112(f) for courts-martial that result in a guilty finding. Reference (b) applies.

k. Per section 0157c of reference (c), a verbatim transcript or, in the cases of an acquittal, a summarized report must be included in the certified ROT for all general court-martial (GCM) and special court-martial (SPCM) cases. RLSOs and Law Centers are responsible for obtaining or creating a certified verbatim transcript in all GCM and SPCM where a guilty finding is reached. In cases where there is a full acquittal, the RLSO or Law Center is responsible for obtaining or creating a summarized report. Verbatim transcripts and summarized reports will be created in accordance with reference (i). Upon completion of the verbatim transcript or summarized report, as applicable, 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).

l. The court reporter is responsible for ensuring the completeness and accuracy of the ROT, including the verbatim transcript or summarized report. The court reporter will compile the ROT in accordance with R.C.M. 1112(b) of reference (b) for acquittals, and R.C.M. 1112(b) and R.C.M. 1112(f) of reference (b) for all cases that resulted in a guilty finding. In all cases that result in a guilty finding, the court reporter must provide the ROT and the verbatim transcript to the military judge for verification. The court reporter must forward the ROT compiled under R.C.M. 1112(f) of reference (b) 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. The military judge is not required to verify ROTs in cases that result in a full acquittal.

m. The military judge will enter the judgment of the court-martial within 20 days of the later of either (1) receipt of the CA's action or (2) receipt of the ROT for verification in accordance with section 0157d of reference (c). The military judge may also delay entry of judgment for a reasonable period of time in order to resolve post-trial motions filed pursuant to R.C.M. 1104 of reference (b). The RLSO or Law Center will prepare a draft Entry of Judgment (EOJ) for the military judge's signature using enclosure (6). The RLSO or Law Center must serve and

distribute the completed EOJ in accordance with sections 0156d and 0156e of reference (c). The EOJ and certified ROT may be delivered concurrently.

n. Once the ROT is compiled in accordance with R.C.M. 1112(f) of reference (b), the military judge must verify the ROT and all attachments, including the accompanying verbatim transcript as applicable. The verification process is performed in accordance with the definitions and procedures provided in reference (i). Documentation of the military judge's verification must be attached to the certified ROT before forwarding the certified ROT for appellate review using enclosure (8). The military judge must complete this verification and sign the EOJ within 20 days of receipt of the completed ROT. If a military judge is unable to verify the ROT and accompanying verbatim transcript within 20 days, documentation of the reasons for delay must be added to the ROT.

o. 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) using enclosure (8). Prior to certification of the ROT pursuant to R.C.M. 1112(f) of reference (b), enclosure (2) must be completed and attached to the certified ROT.

p. In accordance with R.C.M. 1112(e)(1) of reference (b), a copy of the certified ROT will be provided to (1) any victim of an offense of which the accused was charged if the victim testified during the proceeding; and (2) any 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. To ensure the victim receives copies of the ROT in a prompt and timely manner under R.C.M. 1112 of reference (b), the accused and victim may be provided the verbatim transcript in lieu of the audio file. Per R.C.M. 1112(e)(4) and section 0159c. of reference (c), the RLSO or Law Center will ensure all documents, transcripts, and summarized reports are redacted to remove all Personally Identifiable Information (PII) 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 or transcripts 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 or transcript provided to all other crime victims. (*See* reference (b) Military Rules of Evidence 412, 513, and 514.)

q. An accused is also entitled to receive a copy of the certified ROT pursuant to R.C.M. 1112(e) of reference (b) and section 0159b of reference (c) immediately upon certification. If the accused requests the certified ROT be provided directly to them, they must provide an address for the ROT to be delivered. If a ROT is provided to an accused who is confined, a paper ROT must be provided. Prior to providing the certified ROT to the accused, regardless of confinement status, the RLSO may replace the audio recording of the court-martial proceedings with either a verbatim transcript or a summarized report, if a summarized report is authorized in accordance with section 0157c of reference (c). The ROT, as provided to the accused, must not include any

classified or sealed information, or transcripts of closed sessions. Additionally, PII must be redacted in accordance with section 0159 of reference (c).

r. For cases containing classified information, refer to section 0157g of reference (c). Prior to forwarding the certified ROT for appellate review, Code 40 must be informed that the original certified ROT contains classified information. The certified ROT containing classified information must be packaged and transmitted in accordance with the Department of the Navy (DON) Information Security Program, SECNAVINST 5510.36 (series) to the OJAG National Security Litigation Division (Code 30) for filing. Code 30 will then notify Code 40 when a classified ROT has been received.

s. For cases in which child pornography is introduced into evidence, refer to section 0157h of reference (c). Images of child pornography offered during a court-martial must be placed on a password protected CD or DVD containing the electronically formatted evidence for inclusion in the ROT. The original evidence must be returned to the Naval Criminal Investigative Service (NCIS), or other cognizant law enforcement agency, for storage as evidence until certification of the ROT and completion of the appellate process. The password to any protected CD or DVD in the ROT must be provided via encrypted email by the trial counsel to the military judge and to those with ROT review responsibilities, including the Clerk of Court for the Navy-Marine Corps Court of Criminal Appeals (NMCCA). Any CD or DVD containing child pornography may not be sent via non-governmental entities, such as FedEx or UPS.

t. In addition to the digital requirements contained in paragraph 5.b, all cases ending in either conviction or acquittal, the government must ensure the certified physical ROT with all attachments required under R.C.M. 1112 of reference (b) is forwarded to the Office of the Judge Advocate General (Code 40) within 5 days of certification. In all cases ending in conviction, the certified ROT and all required attachments must be completed and transmitted to the Military Justice Administration Division (Code 40) within 135 days of the announcement of sentence. In the event of a post-trial Article 39(a), the 135 day clock will reset starting on the date after the post-trial hearing concludes. If the ROT includes CDs or DVDs that are not sealed, a copy of the CDs and DVDs must be included with the ROT and must be in MP3 format. If any RLSO or Law Center is unable to forward a ROT for appellate review within 135 days, documentation of the reasons for delay must be added to the ROT. The requirements pertaining to the ROT outlined in this paragraph and R.C.M. 1112 of reference (b) are separate from the additional requirements contained in section 0160(e) of reference (c) pertaining to crime reporting, which must be completed prior to forwarding the ROT to the Office of the Judge Advocate General (Code 40).

u. Pursuant to Article 66 of reference (a), the NMCCA has jurisdiction over: (1) a timely appeal from the judgment of a special or general court-martial that includes a finding of guilty, and (2) a summary court-martial case in which the accused files an application for review under Article 69 of reference (a) and for which the application has been granted by the court. Pursuant to Articles 65(b)(1) and 66(b)(3) of reference (a), NMCCA must also automatically review a case when the resulting sentence includes a sentence of death, dismissal, dishonorable discharge, bad-conduct discharge, or confinement for 2 years or more. For all courts-martial eligible for automatic appellate review, the government must ensure:

(1) The certified ROT is forwarded in accordance with paragraph 5.t. of this instruction.

(2) The RLSO or Law Center must ensure the case is docketed at the NMCCA within 15 days of receipt by Code 40 personnel. A case is docketed on the date the NMCCA Clerk of Court, or designee, dockets the record in the electronic case management system.

(3) In the event that the appellant waives or withdraws from appellate review, the certified ROT will be forwarded to Code 20 to coordinate completion of review under Article 65(d)(2)(b) of reference (a).

v. A court-martial is eligible for direct appellate review under Article 66(b)(1) (Appeals by Accused) when there is at least one finding of guilty at a general or special court-martial. For all courts-martial eligible for appellate review under Article 66(b)(1), the government must ensure:

(1) The certified ROT is timely forwarded by the RLSO or Law Center in accordance with paragraph 5.t. of this instruction.

(2) Code 40 mails notification of an accused's right to file an appeal under Article 66(b) of reference (a) within 5 days of receipt of the certified ROT.

(3) Contemporaneously with the notification to the accused, Code 40 provides a copy of the certified ROT together with all required attachments to Code 45;

(4) The case will be docketed with the NMCCA by Code 40 if the accused files an appeal within 90 days of the certified mailing to the accused;

(5) In the event that the appellant waives, withdraws, or does not file a direct appeal, the certified ROT will be forwarded to Code 20 by Code 40 for completion of review under Article 65(d)(2)(B) of reference (a).

w. The NMCCA will issue an opinion ordinarily within 18 months of the case docketing.

x. For all courts-martial cases ending in conviction, in which the appellant has waived or withdrawn from appellate review, or otherwise fails to file an appeal, the government must ensure a certified ROT with all required attachments is reviewed by a judge advocate pursuant to Article 65 of reference (a). For any case subject to review under Article 65 of reference (a), Code 40 must forward the ROT to Code 20 for completion of review. The certified ROT and results of the review will be returned to Code 40 not later than 30 days after completion of review.

y. The RLSO or Law Center responsible for prosecuting a case (or processing post-trial actions for a case in which the OSTC has exercised authority) 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.

6. Responsibilities

a. Director, RLSO Operations or Officer-in-Charge, Law Center must:

(1) Be primarily responsible for overseeing the post-trial processing of Navy and Marine Corps cases, as appropriate, until the case is received by Navy-Marine Corps Appellate Review Activity (NAMARA).

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

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

(4) Direct RLSOs and Law Center, Post-Trial Sections, 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 Navy and Marine Corps cases.

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

b. AJAG 02 must:

(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, Director, RLSO Operations, and the Chief Judge of the Department of the Navy 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, DJAG, CNLSC, and the SJA to the CMC.

(5) For Navy cases, ensure NAMARA notifies the CA and the RLSO that had initial post-trial responsibility of the completion of the appellate review process.

(6) For Marine Corps cases, ensure NAMARA notifies the CA and the respective Law Center of the completion of the appellate review process, in appropriately issued guidance consistent with this instruction.

(7) Ensure timely processing of cases reviewed under reference (a), Articles 64, 65, 69 and 73 and any other review that does not involve NMCCA. Ensure copies of completion of review under reference (a), Articles 64, 65, 69, and 73, are provided to the CA and the RLSO or Law Center 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) Ensure victims, and if represented by a VLC or SVC, the VLC or SVC, are notified of all proceedings at the NMCCA.

(9) If the sentence adjudged does not qualify for automatic review, ensure NAMARA provides an accused with written notice of the right to appeal under Article 66(b)(1)(A) or (B) within 5 days after receipt of the certified ROT either by depositing the notice in the U.S. mail for delivery by first class certified mail to the accused at an address provided by the accused on the appellate rights statement or to the latest address listed in accused's official service record. Proof of service must be attached to the ROT. Appellate Defense will be provided copies of the notice and certified ROT.

c. The Chief Judge of the Department of the Navy must:

(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 reports as necessary to the JAG, DJAG, and CNLSC for all cases docketed with NMCCA, beginning when each case is docketed with NMCCA to completion of appellate review.

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

d. RLSO Commanding Officers and Law Center Officers-In-Charge must:

(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 local area.

(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 (j).

(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 ROT and certifying the verbatim transcripts.

(5) Ensure court reporters provide only complete and accurate ROTs and transcripts for verification by the military judges.

(6) Ensure all members of the command assigned to support military justice receive training on NCORS. Implement procedures to ensure that the data for all cases entered into NCORS is complete and accurate.

(7) Ensure compliance with crime reporting requirements in all courts-martial and appropriate documentation is forwarded to the appropriate military criminal investigative organization office and uploaded into the appropriate case management systems.

(8) Ensure victim notification, via enclosure (3), is completed; that enclosure (3) is not included in the ROT; and that a completed enclosure (3) is delivered directly to the Victim Witness Assistance Program representative at NAMARA.

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 do not constitute grounds for assignment of error on appellate review and does not create any cause for relief against an otherwise valid non-judicial, 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 format or media, must be maintained and dispositioned per the records disposition schedules located on the Department of the Navy Assistant for Administration, Directives and Records Management Division portal page at https://portal.secnav.navy.mil/orgs/DUSNM/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact the local records manager or the OPNAV Records Management Program (DNS-16). Any release of a ROT in accordance with this instruction must comply with the Privacy Act, 5 U.S.C. § 552a.

9. Review and Effective Date. This instruction is effective immediately. Per OPNAVINST 5215.17A, Code 20 will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 10 years, unless revised or canceled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.

D. E. Crandall

D. E. CRANDALL
Judge Advocate General

Releasability and distribution:
This instruction is cleared for public release and is available electronically only via the Judge Advocate General's Web site, http://www.jag.navy.mil

POST-TRIAL CHECKLIST [1]

R.C.M. 1112 and 1114

For Courts-Martial Resulting in a Conviction

ICO _____

Phase I: Post-Trial Submissions

_____ **Statement of Trial Results (STR)** – Obtained and verified for accuracy. Statement of Trial Results must be compliant with DD Form 2707-1, or other prescribed form. 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:

____ Sex offender registration (34 U.SC. § 20901 et seq., DoDI 1325.07, or DODI 5525.20)?

____ DNA processing (10 U.S.C. § 1565 or DoDI 5505.14)?

____ Crime of domestic violence (DoDI 6400.06)?

____ Gun Control Act of 1968 (18 U.S.C. § 922) reporting?

____ Co-accused, companion, or other related case information included in Notes?

____ **Gun Control Act Requirements** – The RLSO or Law Center responsible for the court-martial shall submit the STR and the accused's full name, including full middle name, and date of birth to NCIS via email at nicssubmission@ncis.navy.mil (for Navy cases) and

[1] In USMC cases, see MCO 5800.16 CH-7 for supplemental guidance regarding the post-trial checklist.

usmccid@ncis.navy.mil (for Marine Corps cases). See reference (h) and enclosure (5) for detailed information about crime reporting requirements under the Gun Control Act of 1968.

____ **Sex Offender Notification Requirements** – In accordance with reference (g), upon conviction of a qualifying sex offense as defined by Appendix 4 to Enclosure 2 of DoDI 1325.07, the RLSO or Law Center, on behalf of the Convening Authority responsible for the court-martial, shall e-mail DD Form 2791 to NCIS at cjidservices@ncis.navy.mil and the U.S. Marshals Service (USMS) National Sex Offender Targeting Center (NSOTC) at iod.nsotc@usdoj.gov.

____ **Fingerprint Card and Final Disposition Report Submission Requirements – DoDI 5505.11 (series)** – Verify with the responsible Staff Judge Advocate that the final disposition of the court-martial is reported to NCIS or USMC CID and CNIC law enforcement, as appropriate, within five days per NAVADMIN 131/18. This information is necessary so that law enforcement personnel can complete the R-84 final disposition in accordance with reference (d) (series).

____ **Victim's Rights Statement** – 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 NCORS. Ensure the victim's election form is not in the record of trial.

- Date completed: _____

____ **Audio Recording** – Pursuant to R.C.M. 1106(c), UPON REQUEST, the RLSO or Law Center shall provide a copy of the audio recording to the defense counsel or directly to the accused (if the accused is in confinement, a physical copy of the transcript shall be provided), and access to the evidence admitted at the court-martial and the appellate exhibits. Ensure audio is properly redacted to remove all closed sessions. Along with a copy of the recording, the RLSO or Law Center 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. 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.

____ **Audio Recording** – Pursuant to R.C.M. 1106A(d), UPON REQUEST, the RLSO or Law Center shall provide a copy of the audio recording of all open sessions of the court-martial to the victim legal counsel (or directly to the victim if unrepresented) and access to the evidence

admitted at the court-martial and the appellate exhibits. Ensure audio is properly redacted to remove all closed sessions. Along with a copy of the recording, the RLSO or Law Center 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. 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.

____ **Matters submitted by the accused pursuant to R.C.M. 1106** – Obtain, if applicable.

- Date Received: _____
- No matters submitted by the accused _____

____ **Matters submitted by the victim pursuant to R.C.M. 1106A** – Obtain, if applicable.

- Date Received: _____
- No matters submitted by the victim: _____

____ **Rebuttal matters submitted by the accused pursuant to R.C.M. 1106** – Obtain, if applicable.

- Date Received: _____
- No rebuttal matters submitted: _____

<u>Phase II: Send Post-Trial Matters to CA for Action</u>

____ The RLSO or Law Center 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: _____
- Date received signed/completed CA's Action: _____

____ 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: _____

____ The RLSO shall prepare a draft Entry of Judgment for the military judge's signature based on the CA's Action. Ensure CA's Action is documented using Enclosure (6).

____ Forward a copy of the CA's Action and draft Entry of Judgment to the military judge for review and signature.

- Date completed: _____

Phase III: Prepare the Certified Record of Trial

____ 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 5813.1G 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)) and a sealing order is attached to the envelope.

____ Send audio out to be transcribed.

- Date audio sent to transcriptionist: _____
- Date received completed transcript: _____

____ Ensure transcriptionist, if different from the court reporter, provided a certification of the accuracy of the transcript. For purposes of certification of a written transcript under R.C.M. 1114, certification of a written transcript means the person who prepared the written transcript 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 transcriptionist who 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 transcriptionist: _____

____ Prepare the certified record of trial pursuant to R.C.M. 1112(b) and (f) using DD Form 490 (Enclosure 6) and Assembly instructions (Enclosure 7) – Include the following:

____ **Post-Trial Documents:**

____ Insert Statement of Trial Results.

____ Insert CA's Action and matters submitted by accused and victim.

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

____ 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.

____ Insert Entry of Judgment (After receipt from Military Judge)

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

____ 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).

____ **Preliminary Hearing Documents -** 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 pretrial advice letter or Special Trial Counsel written determination pursuant to Art. 34

____ Waiver of Art. 32, if applicable

____ **Pre-Trial Allied Papers**

____ 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.

____ **Record of Proceedings**

____ 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 court sessions on a separate CD or DVD. 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.

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

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

____ **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 affixed 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.

____ **All Appellate Exhibits** – 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

____ Any written special findings made by the military judge.

____ Other _____

____ 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 affixed 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.
- Child pornography may only be transported by either military courier or the United States Postal Service.

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

____ Complete the record of trial form (DD Form 490)

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

<u>Phase IV: Court Reporter Reviews ROT (including transcript)</u>

____ 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: _____

____ Review the verbatim transcript to ensure it is complete and accurate. The court reporter is ultimately responsible for ensuring the transcript does not contain any errors. A thorough review of the transcript must be performed before the transcript is included in the record of trial and before being provided to the military judge.

Phase V: Entry of Judgment and Verification of Record by Military Judge

____ Within 20 days of receipt of the ROT from the court reporter, the military judge must sign the Entry of Judgment and the verification of the ROT. If the military judge is not available, the circuit military judge shall sign 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: _____

____ Provide a copy of the Entry of Judgment to the accused's commander/commanding officer.

- Date completed: _____

____ Provide a copy of the Entry of Judgment to the convening authority.

- Date completed: _____

____ Provide a copy of the Entry of Judgment to the responsible Military Criminal Investigation Organization (MCIO).

- Date completed: _____

_____Prepare the verification of the transcript and record of trial for the military judge's signature.

- Date received completed verbatim transcript: _____

_____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: _____

Phase VI: Certification of Transcript and Record of Trial

____ Court Reporter must certify the transcript is complete and accurate. For purposes of certification of a written transcript under R.C.M. 1114, certification of a written transcript means that the court reporter 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 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 who 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: _____
    - If the court reporter and/or military judge make changes to the transcript after the contracted transcriptionist certifies the transcript, it is not necessary to send the transcript back to the original contracted transcriptionist for re-certification.

____ 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 (f), and the pleas, findings, and sentence are accurately reflected in the transcript accompanying the record of trial." The courter 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. Certification of the record of trial occurs within 135 days after the completion of trial. Otherwise, the reason for delays must be appended to the Record of Trial.

- Date completed: _____

Phase VII: Forward Certified ROT for Appellate Review

____ **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).]
    - Replace the audio recording of the court-martial proceedings with the verbatim transcript. Ensure the transcript is properly redacted to remove all closed sessions.
    - 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 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 with which the accused was charged if the victim testified during the proceedings and any victim named in a specification with 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).
    - Replace the audio recording of the court-martial proceedings with the verbatim transcript. Ensure the transcript is properly redacted to remove all closed sessions as well as all Privacy Act information listed below.
    - ____ 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.

____ **For all cases eligible for direct or automatic appeal under Art 66** – Original certified record of trial including the audio record on CD or DVD shall be 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. If the ROT includes CDs or DVDs that are not sealed, a copy of the CDs and DVDs shall be included with the ROT.

  Military Justice Administration Division (Code 40)
  Office of the Judge Advocate General
  1254 Charles Morris St. SE
  Building 58
  Washington Navy Yard, DC 20374-5124
- Date Completed: _____

____ Within 5 days of certification of any general or special court-martial (conviction or acquittal), digital copy of the unredacted record of trial is uploaded to the Code 40 SharePoint or provided via a CD/DVD, if uploading to SharePoint is not practicable.

- Date Completed: _____
- Upload as a separate file an unredacted copy of the Appellate Rights Form and Special Power of Attorney to be used by Appellate Defense. The accused's contact information on the form is essential to the Appellate Defense Counsel.
- One (1) digital redacted copy is sent to SJA/CA;
  - 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).
  - Replace the audio recording of the court-martial proceedings with the verbatim transcript. Ensure the transcript is properly redacted to remove all closed sessions.
  - 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 the victim of an offense with which the accused was charged if the victim testified during the proceedings and any victim named in a specification with which the accused was charged without regard to the findings of the court-martial. R.C.M. 1112(e)(1)(B) and (C).
- Replace the audio recording of the court-martial proceedings with the verbatim transcript. Ensure the transcript is properly redacted to remove all closed sessions as well as all Privacy Act information listed below.
- ____ Ensure the record of trial provided to the victim has the following information redacted in accordance with JAGINST 5800.7G section 0159b, *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.

____ 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 who 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.

____ Summarized Report of court-martial proceedings.

____ All Appellate Exhibits – 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 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 courter 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 135 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:

- 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. If the ROT includes CDs or DVDs that are not sealed, three copies of the CDs and DVDs shall be included with the ROT.

  Military Justice Administration Division (Code 40)
  Office of the Judge Advocate General
  1254 Charles Morris St. SE
  Building 58
  Washington Navy Yard, DC 20374-5124
- Date Completed: _____
- One (1) redacted copy is provided to the defense and/or the accused. Only provide items listed in R.C.M. 1112(b).
  - Remove the audio recording of the court-martial proceedings and replace it with the summarized report.
  - Redact in accordance with JAGINST 5800.7G section 0159b.
  - 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 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 with which the accused was charged if the victim testified during the proceedings and any victim named in a specification with 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 in accordance with JAGINST 5800.7G section 0159b, 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.)
- Remove the audio recording of the court-martial proceedings and replace it with the summarized report.
- 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, or those of a crime victim representative or designee, as a crime victim after a trial. "Crime victim" eligibility is defined in Rule for Court Martial 1106A.

If you have legal counsel	If you do not have legal counsel
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.	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.

Access to the Court-Martial Record

Crime victims, or a crime victim representative or designee, 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.

Submission of Matters to the Convening Authority, or request for an extension of the period in which to submit Matters shall be sent to: (SJA to Convening Authority's mailing address and/or email address)

_____

_____

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.

Date of Crime	Limitations
24 June 2014 - 31 December 2018	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.
On or after 1 January 2019	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.

Sentences. In general, the CA may approve, disapprove, commute, or suspend the sentence, or any part of it.

Date of Crime	Limitations
24 June 2014 - 31 December 2018	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.
On or after 1 January 2019	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.

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 accused is found guilty and receives a sentence that does not warrant automatic appeal, he or she may request an appeal. Depending on a variety of factors, including case complexity, the appellate process can sometimes take years before a final result is reached. In accordance with DODI 1030.02, 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) appellate hearings, including changes and delays in appellate court proceedings;
b) appellate filings, including 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) appellate decisions of the appellate court; and
d) if the case is being reviewed by the Office of the Judge Advocate General, pursuant to Article 65, 66, 69, or 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:
https://www.jag.navy.mil/legal-services/vlc/

--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:
https://www.mynavyhr.navy.mil/Support-Services/Corrections-Programs/Brigs/Miramar/Victim-Witness-Assistance-Program/

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

<u>Waiver of Right to Participate in Post-Trial Process and Appellate Process</u>

You may give up your rights to:

a) submit matters to the CA;
b) receipt of the entry of judgment, certified record of trial, or the CA's action;
c) submit a statement; and/or
d) 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. Note, not every item is applicable in the case of an acquittal. 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
Law Center
Physical Address:_____
Email Address: _____

and

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

_____
Date

_____
Print/Signature of Victim

CONVENING AUTHORITY'S ACTION CHECKLIST

***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 or if there is a finding of guilt for an offense that occurred before 1 January 2019, this checklist is not applicable, and the post-trial procedures (to include the requirement for SJA recommendations (SJAR)) contained in R.C.M. 1107, MCM (2016 ed.) will be used.

Note: "Victim" includes a victim, crime victim representative, or designee as defined in R.C.M. 1106A.

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, in Articles 60a and 60b, UCMJ, 10 U.S.C. §§ 860a, 860b (eff. Jan. 1, 2019), and in R.C.M. 1109 and 1110, of reference (b), and section 0153 of reference (c) 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, UCMJ (as amended by the FY14 and FY15 NDAAs) and R.C.M. 1107, MCM (2016 ed.), will apply, and the post-trial procedures contained in this instruction and all enclosures shall be utilized. An SJAR will 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, UCMJ (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 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. When the

checklist is complete, the SJA must provide it to the Post-Trial Processing Department or Review Shop for inclusion in the Record of Trial.

(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 ed.). 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.

(3) The following procedures must be performed by the Staff Judge Advocate or Convening Authority prior to taking action in a case:

____ 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 of 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 trial 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 sealed or classified evidence in order to complete the post-trial process, a formal request to review such sealed/classified evidence must be submitted to the Military Judge presiding over the court-martial.

____ 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. If the CA believes action is appropriate, he or she must either: (1) adjust the findings if allowed by Article 60a, UCMJ, and/or the sentence pursuant to R.C.M. 1109, or (2) take no action, and state "no action taken."

____ 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 a portion of the sentence is to be suspended, indicate the terms of the suspension in the CA's Action.

____ Draft a letter of reprimand, if adjudged, and attach it to the CA's Action for service on the accused.

____ Must be signed by the CA with authority to sign or the CA's delegate to sign with verbal approval of the CA, subsequently memorialized in writing, in accordance with JAGMAN 0153a.(6). No "by direction" authorized. If signed by an acting CA, ensure the signature block notes acting status and that the letter designating said individual as acting is attached to the record of trial.

____ If signed by a substitute CA, acting pursuant to a specific request that is in compliance with R.C.M. 1109(d) and JAGMAN 0153c action notes as such. (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.

Not Guilty by Lack of Mental Responsibility

____ 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.

____ If the judge finds the accused is not guilty by lack of mental responsibility ensure the RLSO or Law Center submitted the STR along with the accused's full name, including full middle name, and date of birth to NCIS via email at nicssubmission@ncis.navy.mil (for Navy cases) and usmccid@ncis.navy.mil (for Marine Corps cases).

Crime Reporting Requirements

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

____ Gun Control Act of 1968 Reporting Requirements. If applicable, ensure the RLSO or Law Center submitted the STR along with the accused's full name, including full middle name, and date of birth to NCIS via email at nicssubmission@ncis.navy.mil (for Navy cases) and usmccid@ncis.navy.mil (for Marine Corps cases).

____ Sex Offender Notification Requirements. If applicable, ensure the RLSO or Law Center submitted DD Form 2791 to NCIS at cjidservices@ncis.navy.mil and the U.S. Marshals Service (USMS) National Sex Offender Targeting Center (NSOTC) at iod.nsotc@usdoj.gov. See enclosure (2) for detailed information regarding this requirement.

Service of CA's Action

____ Upon completion, provide the CA's Action to the Post-Trial Processing Department or Review Shop for delivery to the military judge, the accused or defense counsel and the victim or victims' legal counsel.

Post-Trial Gun Control Act of 1968 Reporting Requirements [1]

	Actions by Trial Counsel
Post-trial method of notification to NCIS NAVADMIN 076/18 (Navy) MCBUL 5810 (USMC) 18 U.S.C. § 922(g)	– As outlined in NAVADMIN 076/18, MCBul 5810, and below, trial counsel shall submit the Statement of Trial Results (STR) and the accused's full name, including middle name, and date of birth to NCIS via email at nicssubmission@ncis.navy.mil (for Navy cases) or usmccid@ncis.navy.mil (for Marine Corps cases) to effectuate entry of trial results into NICS for all service members who have been: – Convicted at a GCM for any offense punishable by more than one year of confinement (regardless of actual confinement awarded); – Convicted for unlawful drug use; – 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 – Convicted by a SPCM or GCM of a crime of domestic violence. – Acquitted of any offense that was referred to GCM or SPCM.[2] – Note that OJAG, OPNAV N17, NPC, and CO share separate criminal justice reporting requirements, as delineated in NAVADMIN 076/18.
Conviction of offense punishable by more than one year of confinement (GCM only) 18 U.S.C. § 922(g)(1)	– Trial counsel will mark the applicable section in the STR that the conviction triggers firearm possession prohibition in accordance with 18 U.S.C. § 922(g)(1). – Trial counsel will make the following entry in the STR: "The accused was convicted of an offense punishable by more than one year of confinement and is prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 U.S.C. § 922(g)(1) and 922(n)." – Trial counsel will submit STR and the accused's full name, including full middle name, and date of birth to NCIS via email at nicssubmission@ncis.navy.mil (for Navy cases) or usmccid@ncis.navy.mil (for Marine Corps cases) – Ensure NCIS or USMC CID, the convening authority, and defense counsel are served with the STR containing the appropriate notice.
Fugitive from justice (GCM/SPCM) 18 U.S.C. § 922(g)(2)	– Trial counsel will ensure commands notify NCIS or USMC CID in cases where after charges have been preferred, the accused has left the state in order to avoid prosecution.

[1] This checklist only outlines post-trial reporting requirements necessary to comply with the GCA. It does not include GCA reporting requirements during the investigation, pre-referral, and post-referral stage of trial. For a complete list of all GCA reporting requirements, see NAVADMIN 076/18, or the Code 20 Sidebar, "Update: Reporting Criminal Justice Information," dated 26 July 2018 for Navy cases, and MCBul 5810 for Marine Corps cases.

[2] This is particularly important for GCM cases, as criminal justice information about the accused was previously reported to NCIS and entered into NICS after charges were referred, per 18 U.S.C. § 922(n). If acquitted, NCIS needs to ensure the accused is removed from NICS.

Unlawful user of a controlled substance (GCM/SPCM) 18 U.S.C. § 922(g)(1) 18 U.S.C. § 922(g)(3)	– For GCMs, make the following entry in the STR: "The accused was convicted of an offense punishable by more than one year of confinement and was found to be an unlawful user of a controlled substance. He/She is prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 U.S.C. § 922(g)(1)." • If the maximum punishment for the offense of which the accused was found guilty is punishable by one year or less of confinement, the notification process is the same as SPCM below. – For SPCMs, make the following entry in the STR: "The accused was found to be an unlawful user of a controlled substance. He/She is prohibited to receive, possess, ship, or transport firearms or ammunition for a period of 12 months following this conviction pursuant to 18 U.S.C. § 922(g)(3)." – Ensure NCIS or UCMC CID, the convening authority, and defense counsel are served with the STR containing the appropriate notice. – Trial counsel will send the STR and the accused's full name, including full middle name, and date of birth to NCIS via email at nicssubmission@ncis.navy.mil (for Navy cases) or usmccid@ncis.navy.mil (for Marine Corps cases).
Mental incompetence (GCM/SPCM) 18 U.S.C. § 922(g)(4)	– Where an accused is found incompetent to stand trial or not guilty by reason of lack of mental responsibility, trial counsel will email NCIS or USMC CID at nicssubmission@ncis.navy.mil (for Navy cases) or usmccid@ncis.navy.mil (for Marine Corps cases) the accused's full name, including full middle name, date of birth, and a copy of any written findings of the military judge or, in acquittals, a signed copy of the STR. – Trial Counsel will mark the applicable section in the STR that the findings trigger firearm possession prohibition in accordance with 18 U.S.C. § 922(g)(4). – Ensure the convening authority, and defense counsel are served with the STR containing the appropriate notice. – Trial counsel will take any other necessary action to ensure compliance with Article 76b.
Dishonorable discharge or dismissal 18 U.S.C. § 922(g)(6)	– Trial counsel will send the STR and the accused's full name, including full middle name, and date of birth to NCIS via email at nicssubmission@ncis.navy.mil (for Navy cases) or usmccid@ncis.navy.mil (for Marine Corps cases). – Prior to forwarding the STR, the trial counsel will make the following entry in the STR: "The accused was convicted of an offense punishable by more than one year of confinement and is prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 U.S.C. § 922(g)(1) and 922(n)." – Ensure the convening authority, and defense counsel are served with the STR containing the appropriate notice.

Domestic violence conviction (GCM/SPCM) 18 U.S.C. § 922(g)(1) 18 U.S.C. § 922(g)(9)	– Crimes of domestic violence are defined in DoDI 6400.06, Domestic Abuse Involving DOD Military and Certain Affiliated Personnel. – Trial Counsel will mark the appropriate entry in the STR for cases involving a conviction of a crime of domestic violence as follows: • For SPCMs: "The accused was convicted of a misdemeanor crime of domestic violence. He/She is prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 U.S.C. § 922(g)(9)." • For GCMs: • If the maximum punishment for the offense of which the accused was found guilty is punishable by one year or less of confinement, notify as above (same as SPCM) • If the maximum punishment for the offense of which the accused is punishable by more than one year: "The accused was convicted of a crime of domestic violence. He/She is prohibited to receive, possess, ship, or transport firearms or ammunition pursuant to 18 U.S.C. § 922(g)(1). – Trial counsel will include the specific relationship to the accused is noted in the STR, as defined by DoDI 6400.06, per 27 CFR § 478.11. – Trial counsel will send the STR and the accused's full name, including full middle name, and date of birth to NCIS via email at nicssubmission@ncis.navy.mil (for Navy cases) or usmccid@ncis.navy.mil (for Marine Corps cases). – Ensure the convening authority, and defense counsel are served with the STR containing the appropriate notice. – Trial counsel will notify defense counsel in writing that receipt, possession, shipment, and transport of firearms by the accused for ***any*** purpose is unlawful.

POST-TRIAL ACTION

SECTION A - STAFF JUDGE ADVOCATE REVIEW

1. NAME OF ACCUSED (LAST, FIRST, MI)	2. PAYGRADE/RANK	3. DoD ID NUMBER

4. UNIT OR ORGANIZATION	5. CURRENT ENLISTMENT	6. TERM

7. CONVENING AUTHORITY (UNIT/ORGANIZATION)	8. COURT-MARTIAL TYPE	9. COMPOSITION	10. DATE SENTENCE ADJUDGED

Post-Trial Matters to Consider

11. Has the accused made a request for deferment of reduction in grade?	☐ Yes	☐ No
12. Has the accused made a request for deferment of confinement?	☐ Yes	☐ No
13. Has the accused made a request for deferment of adjudged forfeitures?	☐ Yes	☐ No
14. Has the accused made a request for deferment of automatic forfeitures?	☐ Yes	☐ No
15. Has the accused made a request for waiver of automatic forfeitures?	☐ Yes	☐ No
16. Has the accused submitted necessary information for transferring forfeitures for benefit of dependents?	☐ Yes	☐ No
17. Has the accused submitted matters for convening authority's review?	☐ Yes	☐ No
18. Has the victim(s) submitted matters for convening authority's review?	☐ Yes	☐ No
19. Has the accused submitted any rebuttal matters?	☐ Yes	☐ No
20. Has the military judge made a suspension or clemency recommendation?	☐ Yes	☐ No
21. Has the trial counsel made a recommendation to suspend any part of the sentence?	☐ Yes	☐ No
22. Did the court-martial sentence the accused to a reprimand issued by the convening authority?	☐ Yes	☐ No

23. Summary of Clemency/Deferment Requested by Accused and/or Crime Victim, if applicable.

24. Convening Authority Name/Title	25. SJA Name

26. SJA signature	27. Date

Convening Authority's Action and Entry of Judgment

SECTION B - CONVENING AUTHORITY ACTION

28. Having reviewed all matters submitted by the accused and the victim(s) pursuant to R.C.M. 1106/1106A, 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 on suspension recommendation(s) or clemency recommendations from the judge.]

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:

30. Convening Authority's signature	31. Date

32. Date convening authority action was forwarded to PTPD or Review Shop.

Convening Authority's Action and Entry of Judgment

SECTION C - ENTRY OF JUDGMENT

****MUST be signed by the Military Judge (or Circuit Military Judge) within 20 days of receipt****

33. **Findings of each charge and specification referred to trial.** [1) The UCMJ Article for each charge; 2) for each specification, any applicable subsection of the Article; 3) a summary of each specification (include at a minimum the nature and gravamen of the offense); 4) the date of the offense; 5) the plea of the accused; 6) the findings or other disposition accounting for any exceptions and substitutions, any modifications made by the convening authority or any post-trial ruling, order, or other determination by the military judge. R.C.M. 1111(b)(1)]

34. **Sentence to be Entered.** Account for any modifications made by reason of any post-trial action by the convening authority (including any action taken based on a suspension recommendation), confinement credit, or any post-trial rule, order, or other determination by the military judge. R.C.M. 1111(b)(2). If the sentence was determined by a military judge, ensure confinement and fines are segmented as well as if a sentence shall run concurrently or consecutively.

35. **Deferment and Waiver.** Include the nature of the request, the CA's Action, the effective date of the deferment, and date the deferment ended. For waivers, include the effective date and the length of the waiver. RCM 1111(b)(3)

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. Return completed copy of the judgment to the Post-Trial Department/Review Shop for distribution to the defense counsel and/or accused as well as the victim and/or victims' legal counsel.

Instructions for Staff Judge Advocates 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 but prior to 1 January 2019 (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 RCM 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. Except as provided below, the convening authority may disapprove, commute, or suspend, in whole or in part, any portion of an adjudged sentence not explicitly prohibited by RCM 1107, MCM 2016, to include reduction in pay grade, forfeitures of pay and allowances, fines, reprimands, restrictions, and hard labor without confinement.

(1) The convening authority may not disapprove, commute, or suspend, in whole or in part, that portion of an adjudged sentence that includes: (a) confinement for more than six months; or (b) dismissal, dishonorable discharge, or bad-conduct discharge.

(2) Exceptions.

(a) Trial counsel recommendation. Upon the recommendation of the trial counsel, in recognition of the substantial assistance by the accused in the investigation or prosecution of another person who has committed an offense, the convening authority or another person authorized to act under this rule shall have the authority to disapprove, commute, or suspend the adjudged sentence, in whole or in part, even with respect to an offense for which a mandatory minimum sentence exists.

(b) Pretrial agreement. If a pretrial agreement has been entered into by the convening authority and the accused, as authorized by RCM 705, the convening authority or another person authorized to act under this rule shall have the authority to approve, disapprove, commute, or suspend a sentence, in whole or in part, pursuant to the terms of the pretrial agreement. However, if a mandatory minimum sentence of a dishonorable discharge applies to an offense for which an accused has been convicted, the convening authority or another person authorized to act under this rule may commute the dishonorable discharge to a bad-conduct discharge pursuant to the terms of the pretrial agreement.

(c) Suspension authority. The convening authority may suspend a sentence of a dishonorable discharge, bad-conduct discharge, or dismissal, or confinement for more than six months if: (1) the Statement of Trial Results (STR) includes a recommendation by the military judge that the convening authority suspend the sentence, in whole or in part; and (2) the military judge includes a statement explaining the basis for the suspension recommendation. However, the convening authority may not suspend a mandatory minimum sentence based on the suspension recommendation of a military judge. (See Art. 60a(c), MCM 2019 and E.O. 13825)

(3) If the convening authority suspends a sentence, the portion of the sentence that is to be suspended may not exceed the portion of the sentence that the military judge recommended be suspended; the duration of the suspension may not be less than that recommended by the military judge; and the suspended portion of the sentence may be terminated by remission only as provided in RCM 1107(e) (MCM 2019).

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) and (2), 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: No Staff Judge Advocate Recommendation (SJAR) is required. However, recommend advising the CA of the clemency authority and documenting that in Block 23 below.

INSTRUCTIONS FOR ASSEMBLING THE CERTIFIED RECORD OF TRIAL

Arrange and bind the record of trial with allied papers in the sequence indicated below. The court reporter is responsible for certifying the record of trial prior to transmittal for appellate review, in accordance with R.C.M. 1112 and JAG/CNLSCINST 5813.1G.

1. Pages 1 (Cover page) and 2 (Chronology Sheet) of DD Form 490 (enclosure 7).

2. Court reporter certification of Record of Trial (enclosure 8).

3. Military Judge verification of Record of Trial (enclosure 8).

4. DD Form 490 (pages 3-6 and any continuation pages if needed) (enclosure 7).

5. Completed Post-Trial Checklist from JAG/CNLSCINST 5814.1G (enclosure 2).

6. Completed Convening Authority's Action Checklist (enclosure 4).

7. Post-Trial Documents.

a. Certificates/Proof of Service of the Certified Record of Trial to the accused and victim, if applicable (enclosure 7).

b. Convening Authority's Action and Entry of Judgment (enclosure 6).

c. Any requests for copies of the court-martial record pursuant to R.C.M. 1106 or 1106A (attach written requests, and any certificates/proof of service, but do not attach the victim's post-trial rights advisement or DD Form 2704).

d. Matters submitted by the accused and/or victim under R.C.M. 1106 or 1106A, or any written waiver of the right to submit such matters. Include all responses to requests here as well.

e. Any deferment request and the action on it (including any request to waive automatic forfeitures under Article 58b).

f. Conditions of suspension and proof of service on probationer under R.C.M. 1107, if any.

g. All clemency recommendations by members or military judge, if any.

h. Statement of Trial Results (enclosure 1).

i. Crime Reporting Information.

j. Accused's request for appellate defense counsel, or waiver/withdrawal of appellate review under R.C.M. 1115, if applicable.

k. All transfer orders, confinement orders, and excess leave orders.

l. Briefs of counsel submitted after trial, if any.

8. Preliminary Hearing.

a. DD Form 457, Preliminary Hearing Officer's Report, pursuant to Article 32, if such hearing was conducted, followed by any other allied papers that accompanied the charges when referred for trial (including any matters submitted under R.C.M. 405(l), unless included elsewhere in the record of trial).*

b. Waiver of Article 32 Hearing (if applicable).

9. Pre-Trial Allied Papers.

a. Convening Order and all amending convening orders.

b. DD Form 458, Charge Sheet (unless included at the point of arraignment in the transcript).

INSTRUCTIONS FOR ASSEMBLING THE CERTIFIED RECORD OF TRIAL

c. Congressional inquiries and replies, if any.

d. Advice of staff judge advocate, when prepared pursuant to Article 34 or otherwise.

10. Record of Proceedings.

a. Substantially verbatim recording of court-martial proceedings. Segregate open and closed sessions of the court-martial in accordance with R.C.M. 1113 and the following guidance:*

b. Ensure that each closed session of the court-martial is recorded on a separate DVD marked CLOSED SESSION, placed in its own envelope marked CLOSED SESSION, and sealed.

c. Label all DVD(s) and envelopes with the information on page 1 of this template.

d. Mark all DVDs and envelopes with "1 of X," as necessary (for example, the second DVD of six DVDs and its envelope should be marked, 2 of 6). All DVDs of open sessions may be in one envelope.

e. Mark all DVDs with their beginning and ending timestamps. The timestamps for closed sessions should match those shown on the Index.

f. Verbatim transcript or summarized report prepared in accordance with JAGINST 5814.1G. Include the following:

I. A certificate of correction, if any (including any supplemental certification for additional proceedings).

II. Court reporter and transcriptionist certification of verbatim transcript.

g. Records of former proceedings (Article 30a) and/or trials, (e.g., electronic/digital record of former proceeding, including audio recording and any scanned documentation/transcripts, CD/DVD format).*

11. Prosecution exhibits admitted in evidence.

12. Defense Exhibits admitted in evidence.

13. Appellate Exhibits including but not limited to, proposed instructions, written offers of proof or preliminary evidence (real or documentary), briefs of counsel submitted at trial, request to be tried by military judge alone (if any), the accused election of members under R.C.M. 903 (if any), any statement by convening authority required under R.C.M. 503(a)(2), and the election for sentencing by members in lieu of sentencing by military judge under R.C.M. 1002(b).*

14. Redaction. The following information shall be redacted in accordance with JAGMAN 1059 from the record of trial prior to releasing it to any accused or victim (including any transcript made pursuant to R.C.M. 1114 and attached to the record of trial) unless the information establishes an element of an offense, or is otherwise required:

a. Any recordings of closed sessions, any transcripts of closed sessions, and any sealed exhibits.

b. Names of minor victims, and names of minor witnesses. If an identifier is used, use only the initials.

c. Social Security Numbers.

d. Financial account information.

e. Home addresses.

f. Telephone numbers.

g. Personal e-mail addresses.

h. Dates of birth.

INSTRUCTIONS FOR ASSEMBLING THE CERTIFIED RECORD OF TRIAL

i. Any other information that could be used to identify a specific person other than the accused.

*If the report of preliminary hearing or record of trial contains exhibits, proceedings, or other materials ordered sealed by the preliminary hearing officer or military judge, counsel for the Government, the court reporter, or trial counsel shall cause such materials to be sealed to prevent unauthorized examination or disclosure, pursuant to R.C.M. 1113. Sealed material shall be properly marked, individually placed in separate envelopes with a copy of the preliminary hearing officer or military judge sealing order affixed to it, and inserted at the appropriate place in the record of trial. Do not duplicate sealed material to include it in any copy of the record of trial. Instead, insert a copy of the sealing order in lieu of any sealed material, in any copies of the record of trial.

DIVIDERS ARE NOT NECESSARY TO SEPARATE EACH SECTION. IF USED, THEY CAN BE PAPER RATHER THAN CARD STOCK. IF A PARTICULAR COMPONENT IS NOT APPLICABLE IN THE RECORD OF TRIAL, SUCH AS AN ARTICLE 32 HEARING, EXHIBITS NOT ADMITTED, POST-TRIAL PROCEEDINGS AND VACATION HEARINGS, DO NOT INSERT A DIVIDER OR PLACEHOLDER.

FRONT AND BACK COVER MUST BE ON BLUE CARDS STOCK AND LABELED WITH GUM LABELS.

Binding. Each volume of a record of trial should be no more than 1.5 inches thick and bound at the top with metal or plastic fasteners. **DO NOT** interlace or "piggy-back" prong fasteners to create an oversized volume. **DO NOT** place hole punches where it covers up the evidence or language in the transcript. When it becomes necessary to assemble the record of trial in more than one volume, the volumes will be numbered consecutively, on the front cover, as illustrated below:

Volume 1 of 4 (Pages 1-250)
Volume 2 of 4 (Pages 251-400)
Volume 3 of 4 (Pages 401-652)
Volume 4 of 4 (Pages 653-901 and Exhibits)

Make the first volume of a multi-volume record an inch thick or smaller to allow for inclusion of post-trial documents. Limit subsequent volumes to 1.5 inches, unless dividing them requires assembling an additional volume smaller than a half inch.

Label the upper right-hand corner or the Preparation and Certification of Record of Trial Form (enclosure (8)) to reflect which copy it is, i.e., "**ORIGINAL**," "**ACCUSED**," "**REVIEW**" etc.