SUMMARIZED

RECORD OF TRIAL[1]

(and accompanying papers)

of

_____	_____	_____
(Name: Last, First, Middle Initial)	*(Social Security Number)*	*(Rank)*
_____	_____	_____
(Unit/Command Name)	*(Branch of Service)*	*(Station or Ship)*

By

_____ **COURT-MARTIAL**

Convened by _____

(Title of Convening Authority)

_____

(Unit/Command of Convening Authority)

Tried at

_____ on _____

(Place or Places of Trial) *(Date or Dates of Trial)*

ACTION OF JUDGE ADVOCATE OR GENERAL COURT-MARTIAL CONVENING AUTHORITY(SPCM)/JAG(GCM)

(RCM 1111 and 1112, MCM, 1984)

UNIT/COMMAND NAME	LOCATION OF JUDGE ADVOCATE OR GENERAL COURT-MARTIAL CONVENING AUTHORITY/JAG	DATE RECORD RECEIVED

ACTION	DATE	REMARKS
FINAL DISPOSITION: Findings and sentence, as approved by convening authority, correct in law and fact; to file		
OR Findings and sentence, as modified or corrected (see remarks), correct in law and fact; to file		
Acquittal or sentence set aside (see remarks); to file		
Copies of CMO disposed of in accordance with departmental regulations		

JUDGE ADVOCATE OR LAW SPECIALIST

SIGNATURE	RANK	DATE SIGNED

1 *See inside back cover for instructions as to use, preparation and arrangement.*

CHRONOLOGY SHEET [1]

In the case of _____

(Rank and Name of Accused: Last, First, Middle Initial)

Date of alleged commission of earliest offense tried: _____ , _____

(Enter Date)

Date record forwarded to The Judge Advocate General: [2] _____ , _____

(Enter Date)

_____

(Signature and Rank of Staff Judge Advocate or Legal Officer)

1 In a case forwarded to The Judge Advocate General, the staff judge advocate or legal officer is responsible for completion of the Chronology Sheet. Trial counsel should report any authorized deductions and reasons for unusual delay in the trial of the case.

2 Or officer conducting review under Article 64(a) (MCM, 1984, RCM 1112).

3 In computing days between two dates, disregard first day and count last day. The actual number of days in each month will be counted.

4 Item 1 is not applicable when accused is not restrained, (see MCM, 1984, RCM 304) or when he/she is in confinement under a sentence or court-martial at time charges are preferred. Item 2 will be the zero date if Item 1 is not applicable.

5 May not be applicable to trial by special court-martial.

6 Only this item may be deducted.

7 If no further action is required, items 1 to 8 will be completed, and chronology signed, by such convening authority or his/her representative.

8 When further action is required under Article 64 or service directives.

ACTION		DATE _____	CUMULATIVE ELAPSED DAYS [3]
1. Accused placed under restraint by military authority [4]			
2. Charges preferred *(date of affidavit)*			
3. Article 32 investigation *(date of report)* [5]			
4. Charges received by convening authority			
5. Charges referred for trial			
6. Sentence or acquittal			
Less days:			
Accused sick, in hospital, or AWOL			
Delay at request of defense			
Total authorized deduction [6]	0		
7. Net elapsed days to sentence or acquittal			
8. Record received by convening authority			
Action [7]			
9. Record received by officer conducting review under Article 64(a)			
Action [8]			

REMARKS

SUMMARIZED

RECORD OF TRIAL

of

_____	_____	_____
(Name: Last, First, Middle Initial)	*(Social Security Number)*	*(Rank)*
_____	_____	_____
(Unit/Command Name)	*(Branch of Service)*	*(Station or Ship)*

By

_____ **COURT-MARTIAL**

Convened by _____
(Title of Convening Authority)

_____
(Unit/Command of Convening Authority)

Tried at

_____ on _____
(Place or Places of Trial) *(Date or Dates of Trial)*

COPIES OF RECORD [1]

_____ copy of record furnished the accused or defense counsel as per attached certificate or receipt.

_____ copy(ies) of record forwarded herewith.

RECEIPT FOR COPY OF RECORD [2]

I hereby acknowledge receipt of a copy of the above-described record of trial, delivered to me at

_____ this _____ day of _____ , _____

_____
(Signature of accused)

I hereby acknowledge receipt of a copy of the above-described record of trial, delivered to me at

_____ this _____ day of _____ , _____

_____
(Signature of accused)

1 *For instructions as to preparation of copies of record, see back cover or appendices 13 and 14, MCM, 1984.*
2 *If copy of record prepared for accused contains matters requiring security protection, see RCM 1104(b)(1)(D), MCM, 1984.*

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CERTIFICATE IN LIEU OF RECEIPT

_____ _____
(Place) *(Date)*

I certify that on this date a copy of the above-described record of trial was transmitted (delivered) to the accused,

_____ at _____
(Rank and name of accused: last, first, middle initial) *(Place of delivery)*

by _____ and
(Means of effecting delivery, i.e., mail, messenger, etc.)

that the receipt of the accused had not been received on the date this record was forwarded to the convening authority. The receipt of the accused will be forwarded as soon as it is received.

_____
(Signature of trial counsel)

OR

_____ _____
(Place) *(Date)*

I certify that on this date a copy of the above-described record of trial was transmitted (delivered) to the accused's

defense counsel, _____
(Rank and name: last, first, middle initial)

at _____ , by _____
(Place of delivery or address sent to) *(Means of effecting delivery, i.e., mail, messenger, etc.)*

because (it was impracticable to serve the record of trial on the accused because he/she was transferred to

_____) (the accused requested such at trial) (the accused so
(Place)

requested in writing, which is attached) (the accused is absent without leave) (_____).
(Other reason)

_____
(Signature of trial counsel)

OR

The accused was not served personally because (he/she is absent without leave) (_____
(Other reason)

_____).

Accused has no defense counsel to receive the record because (defense counsel has been excused under

RCM 505(d)(2)(B)) (_____).
(Other reason)

_____ _____
(Date) *(Signature of trial counsel)*

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PROCEEDINGS OF A _____COURT-MARTIAL

SESSION WITH COURT-MEMBERS

The court was called to order (at) (on board) _____ at _____ hours,

_____ , _____ [1] (pursuant to the following orders) (pursuant to the orders

previously inserted in the record). [2]

[1] *The time and date of the beginning and ending of each session of the court should be noted.*

[2] *Here insert a copy of the convening orders and copies of any amending orders. Any written orders detailing the military judge or counsel will be attached. Any request of an enlisted accused for enlisted court members will be inserted immediately following the convening orders, together with any declaration of the nonavailability of such enlisted persons. Any written request for trial by the military judge alone (MCM, 1984, RCM 903(b)) or statement that qualified defense counsel (Article 27(c)) or military judge (RCM 201(f)(2)) could not be obtained will also be inserted at this point. If the above documents were previously inserted in the record of an Article 39(a) session of the case, they need not be reinserted at this point.*

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PERSONS PRESENT [1]

PERSONS ABSENT [2]

The accused and the following (regularly detailed defense counsel) (and assistant defense counsel) (individual counsel) were present.

The following detailed (reporter) (and) (interpreter) (was/were) (had been previously) sworn. [3]

The following legal specialist was present to record the proceedings.

The trial counsel stated that the status as to prior participation and legal qualifications of all members of the prosecution was the same as was announced at the prior session of this trial held on _____ _____ .

The defense counsel stated that the status as to prior participation and legal qualifications of all members of the defense was the same as was announced at the prior session of this trial held on _____ _____ .

The trial counsel announced the legal qualifications and status as to oaths of all members of the prosecution (and that he/she) (and _____) had been detailed by _____ _____ .

The trial counsel further stated that no member of the prosecution had acted as investigating officer, military judge, court member, or as a member of the defense in this case, or as counsel for the accused at a pretrial investigation or other proceeding involving the same general matter except as indicated below. [4]

1 *List military judge, counsel, and members by rank and name.*

2 *Reasons for absence will be shown (RCM 805(b)).*

3 *Applicable only when a reporter or interpreter is used.*

4 *If a member of the prosecution is disqualified because of prior participation, the disqualifying fact will be shown, together with the action taken under RCM 505(d)(1) and 805(c).*

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The defense counsel announced the legal qualifications and status as to oaths of all members of the defense

(and that he/she) (and _____) had been detailed by (_____).

The (military judge) (president) ascertained that the accused had been informed of his/her right to be defended by legally qualified counsel, certified by The Judge Advocate General, at no expense to the accused. The (military judge) (president) asked the accused if he/she understood this right. The accused responded that he/she did. [1]

The (military judge) (president) ascertained that the accused had been informed of his/her rights concerning counsel as set forth in Article 38(b). The (military judge) (president) asked if the accused understood that he/she had the right to be represented by civilian counsel if the accused provided such counsel; that the accused had the right to be represented by military counsel of his/her own selection if reasonably available, and if he/she did have civilian counsel, the detailed counsel or military counsel of his/her own selection, if available, would act as associate counsel if the accused so desired. The accused responded that he/she understood his/her rights with respect to counsel. [2]

The defense counsel stated that no member of the defense had acted as the accuser, a member of the prosecution, investigating officer, military judge, or a member of the court in this case except as indicated below. [3]

1 *The record should reflect that the accused was afforded the opportunity to be defended by qualified counsel, declined qualified counsel, or that qualified counsel could not be obtained. Delete if accused represented by detailed qualified counsel.*

2 *If the accused is represented by civilian counsel or military counsel of his/her choice, that part of the inquiry need not be conducted and the inapplicable words should be deleted.*

3 *If a member of the defense has acted as a member of the prosecution, the record will show that he/she was excused and withdrew from the court. If a member of the defense acted in another capacity, the record will show that the (military judge) (president) explained to the accused that this counsel could represent him/her only at his/her express request, and that the accused so requested, or that suitable action was taken, either by excusing the particular counsel or by adjournment pending the procurement of a counsel satisfactory to the accused (RCM 502(d)(4), 505(d)).*

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The following detailed members of the defense were excused at the express request of the accused.

The military judge ascertained that the accused had been advised of his/her right to request trial by the military judge alone and that the accused (did not desire) (desired) to submit such a request. [1] The military judge, after ascertaining that the accused's request was made voluntarily and understandingly, (approved) [2] (disapproved) [3] the accused's request for trial by the military judge alone (and directed that the written request be appended to the record as Appellate Exhibit _____).

The trial counsel announced that the accused (had) (had not) made a request in writing that the membership of the court include enlisted persons. The defense counsel announced that the accused had been advised of his/her rights in this respect prior to trial and had stated that he/she (did) (did not) desire enlisted persons as court members. [4]

1 *Omit if trial is by special court-martial without a military judge.*

2 *If the military judge approved the accused's request for trial before the military judge alone, the record should reflect that the military judge immediately announced that the court was assembled. The proceedings following assembly should then be summarized, using the applicable pages of this summarized record.*

3 *If the military judge disapproves tha accused's request for trial by the military judge alone, the fact of such disapproval and the reason therefor must be recorded.*

4 *The second statement concerning defense counsel's announcement should be omitted if the military judge had previously ascertained at an Article 39(a) session that the accused had been advised of his/her right to the presence of enlisted members, and if the military judge did not again inquire into this matter at the session with members present.*

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The accused was arraigned on the following charges and specifications: [1]

[1] *Insert, following this page, the charge sheet. Use the accused's copy of the charge sheet to prepare his/her copy of the record. If the arraignment took place at the Article 39(a) session and the accused pleaded there, the record need only reflect - "The military judge announced that the accused thd been arraigned at a previous session of the trial held on _____. The accused pleads as follows: _____." If the accused pleaded guilty at the Article 39(a) session and the findings of guilty were entered, the record should reflect the military judge reported the findings to the members.*

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_____ was in command on the date of
(Rank and Name)

the reference for trial.

The defense had no motions to present except as indicated below. [1]

The accused pleaded as follows:

[1] *The substance of any motions made by the defense before pleas are entered will be recorded here, together with the ruling of the court thereon. The substance of any motions made by the defense after pleas are entered will be recorded at the proper chronological point at the record, together with the ruling of the court thereon.*

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PLEA OF GUILTY [1]

The (military judge) (president) inquired into the providence of the accused's pleas of guilty. The (military judge) (president) informed the accused of: the right to counsel if the accused had no counsel; of the right to plead not guilty and to be tried by the court-martial and that at such court-martial the accused would have the right to confront and cross-examine witnesses against the accused and the right against self-incrimination; that by pleading guilty, the accused waived the rights to trial of the offense(s), to confront and cross-examine witnesses, and against self-incrimination; and that the military judge would question the accused, under oath, about the offense(s) to which the accused pleaded guilty and that if the accused answered those questions under oath, on the record, and in the presence of counsel, the accused's answers could be used against the accused in a prosecution for perjury or false statement. The accused states that he/she understood these rights.

The (military judge) (president) questioned the accused and determined that the plea(s) of guilty (was) (were) voluntary and not the result of force or threats or of promises (other than those in the pretrial agreement). The (military judge) (president) informed the accused of the elements of the offense(s) and the maximum punishment which could be imposed for (this) (these) offense(s). The accused stated that he/she understood. The (military judge) (president) asked the accused about the offense(s) to which the accused pleaded guilty. Under oath, the accused stated as follows: [2]

1 *Omit if the accused does not plead guilty.*

2 *Here summarize the accused's description of the offense(s).*

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The (military judge) (president) ascertained that there was (not) a pretrial agreement in the case.

(The pretrial agreement was marked as Appellate Exhibit(s) _____ . (The (military judge) (president) did not examine Appellate Exhibit _____ at this time.) The (military judge) (president) inquired and ensured that the accused understood the agreement and that the parties agreed to its terms.) [1]

The (military judge) (president) found the accused's pleas of guilty provident and accepted them. [2]

1 *If there was a question or dispute as to the meaning of any term in the agreement, the resolution of that matter should be described.*

2 *When authorized by regulations of the Secretary concerned, findings of any charge and specification (except to lesser included offense(s) may be entered immediately without vote after a plea of guilty has been accepted and the record should so reflect if this has been done. The findings are entered by the announcement of the military judge or president that the accused has been found guilty in accordance with his/her plea (RCM 910(g)). If the plea of guilty is not accepted, the record will so indicate with the reasons therefor. If the accused decides to withdraw his/her plea of guilty, this will be indicated.*

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The (military judge) (members of the court) and the personnel of the prosecution and defense who were not previously sworn in accordance with Article 42(a) were sworn.

Each accused was extended the right to challenge any member of the court (or the military judge) for cause and to exercise one peremptory challenge against any member.

The following members of the court (and the military judge) were excused and withdrew for the reasons stated opposite their respective names:

_____ (Excused without challenge as being the accuser.)
(Rank and name of member)

_____ (Excused upon peremptory challenge by the accused.)

_____ (Excused upon challenge for cause by the accused.)

There was no contest with respect to the challenging of any of the members (or the military judge) for cause except as indicated below: [1]

[1] *Insert a summary of the proceedings with respect to each contest. For example, if a member of the military judge was challenged for cause, but was not excused from the court, the record will show the grounds for the challenge, a summary of evidence presented, if any, and the action of the military judge or court.*

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