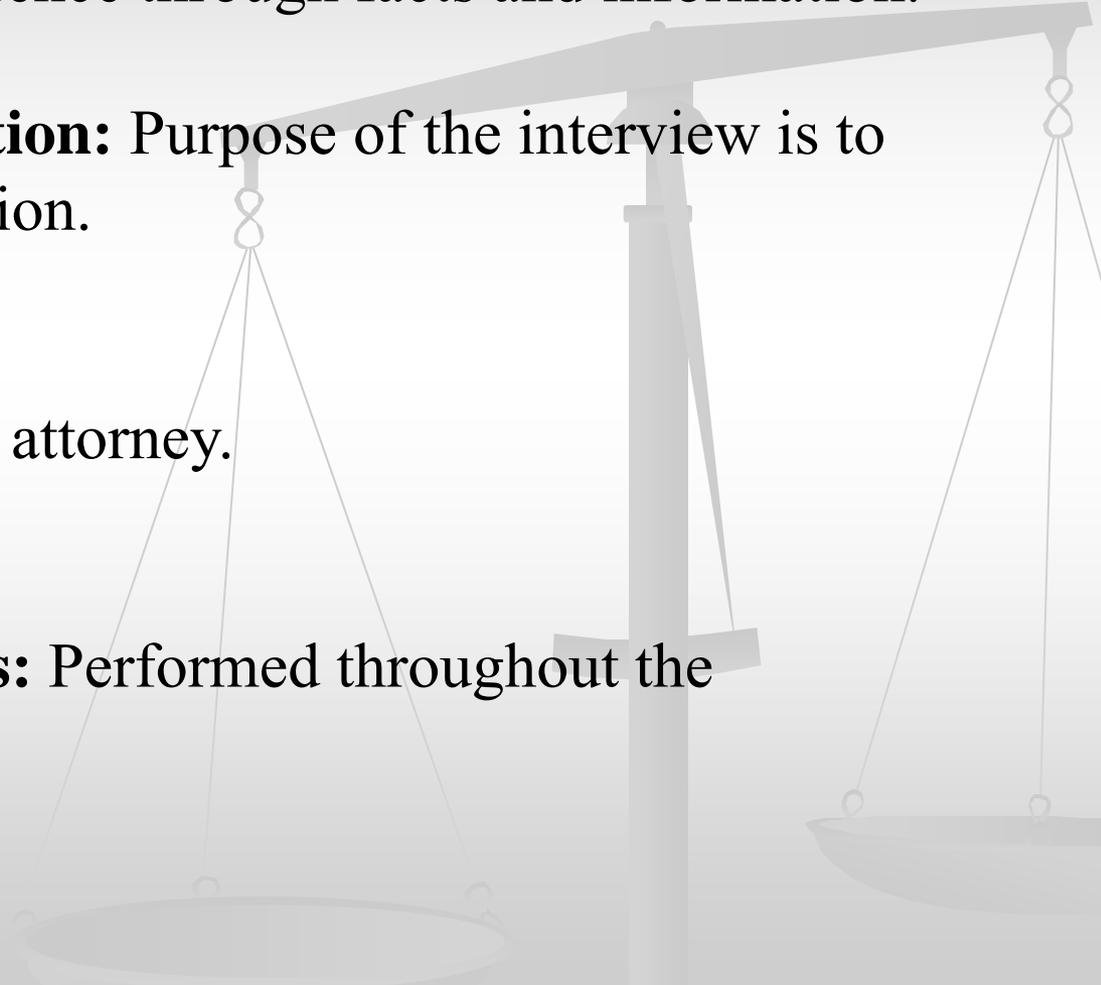


Terminal Learning Objective

- **Action:** Conduct Witness Interview.
- **Condition:** In a classroom environment, given a requirement to conduct witness interviews, and access to standard office supplies, a computer, and all applicable references.
- **Standard:** Develop an interview plan, interview witness, and prepare summary of interview with minimum errors.

The Interview



Purpose: To gather evidence through facts and information.

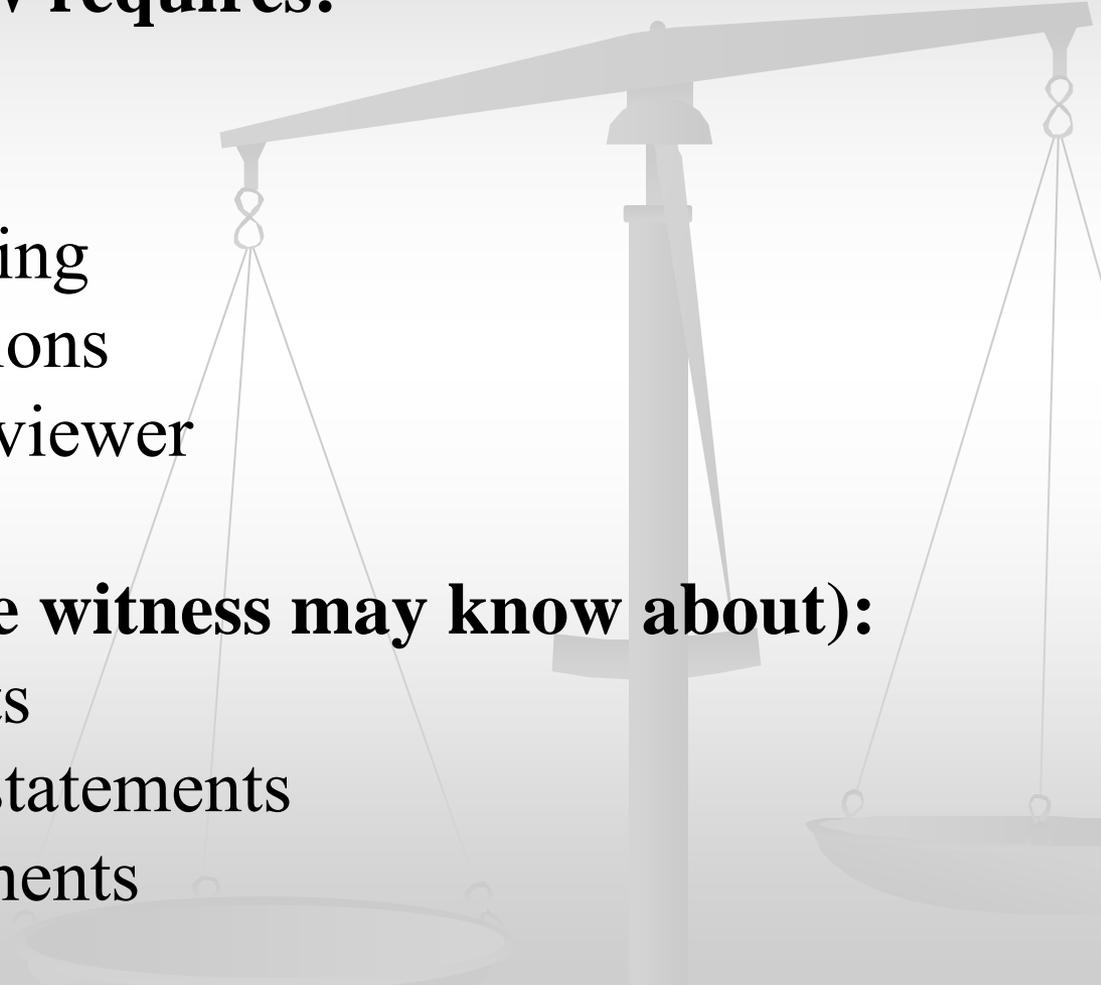
Professional Conversation: Purpose of the interview is to obtain relevant information.

Initial Interview:

- Usually conducted by attorney.
- Paralegal takes notes.

Consecutive Interviews: Performed throughout the investigation.

Successful Interview



Successful Interview requires:

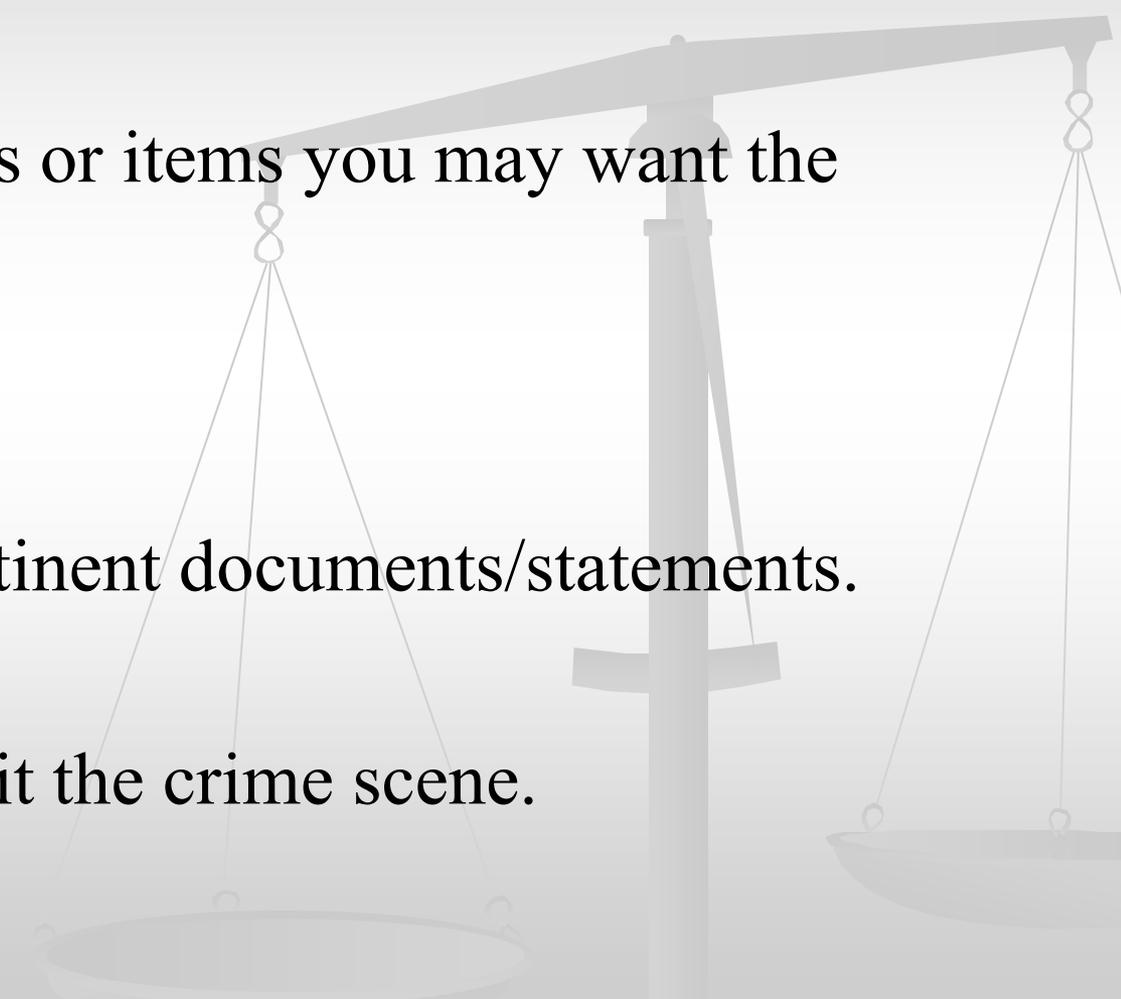
Thoroughness:

- Strategic planning
- Relevant questions
- Objective interviewer

Relevance (what the witness may know about):

- Case documents
- Other witness statements
- Previous statements

Preparation



Be Prepared

- Prepare documents or items you may want the witness to review.

Know the Facts

- Review all pertinent documents/statements.
- If possible, visit the crime scene.

Location, Location, Location

Where to Interview:

- Office
- Unit
- Motor pool?
- Barracks room?
- Scene of crime?

Location Considerations:

- Minimal interruptions
- Seating



Conducting the Interview

- Greet witness in friendly manner.
- Appear accepting and compassionate.
- Be non-judgmental.
- Maintain control while being polite and professional.

Getting Them to Talk

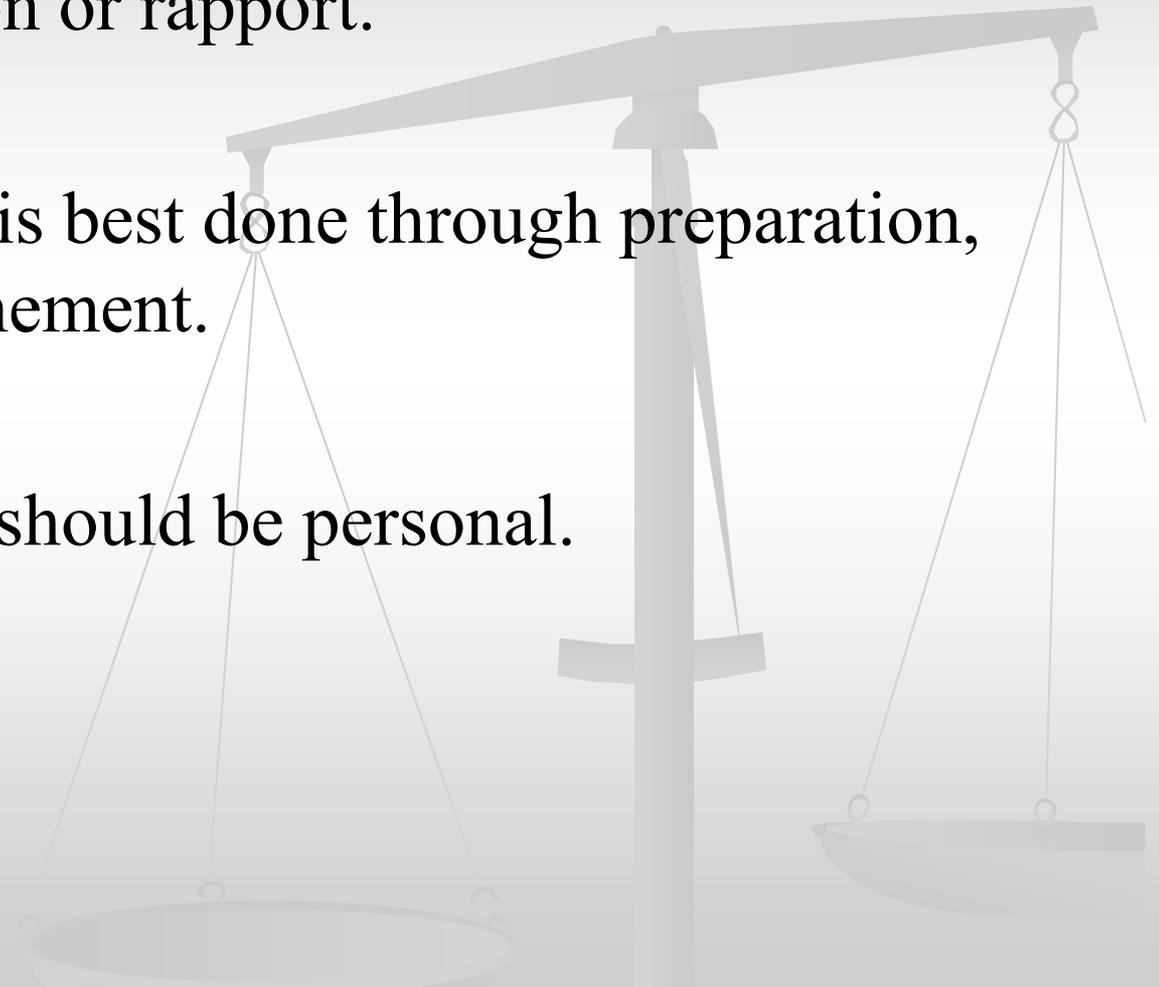
- Explain who you are and why.
- Engage in small talk to set the tone.
- Explain importance and relevance of testimony.
- Listen carefully without interruption.
- Know what to disclose.
- Witness may not participate.

Listening Skills

- **Passive Listening**
 - Verbal and non verbal cues that encourage the witness to continue.
- **Active listening**
 - Reflecting back.
 - Controlling the interview.

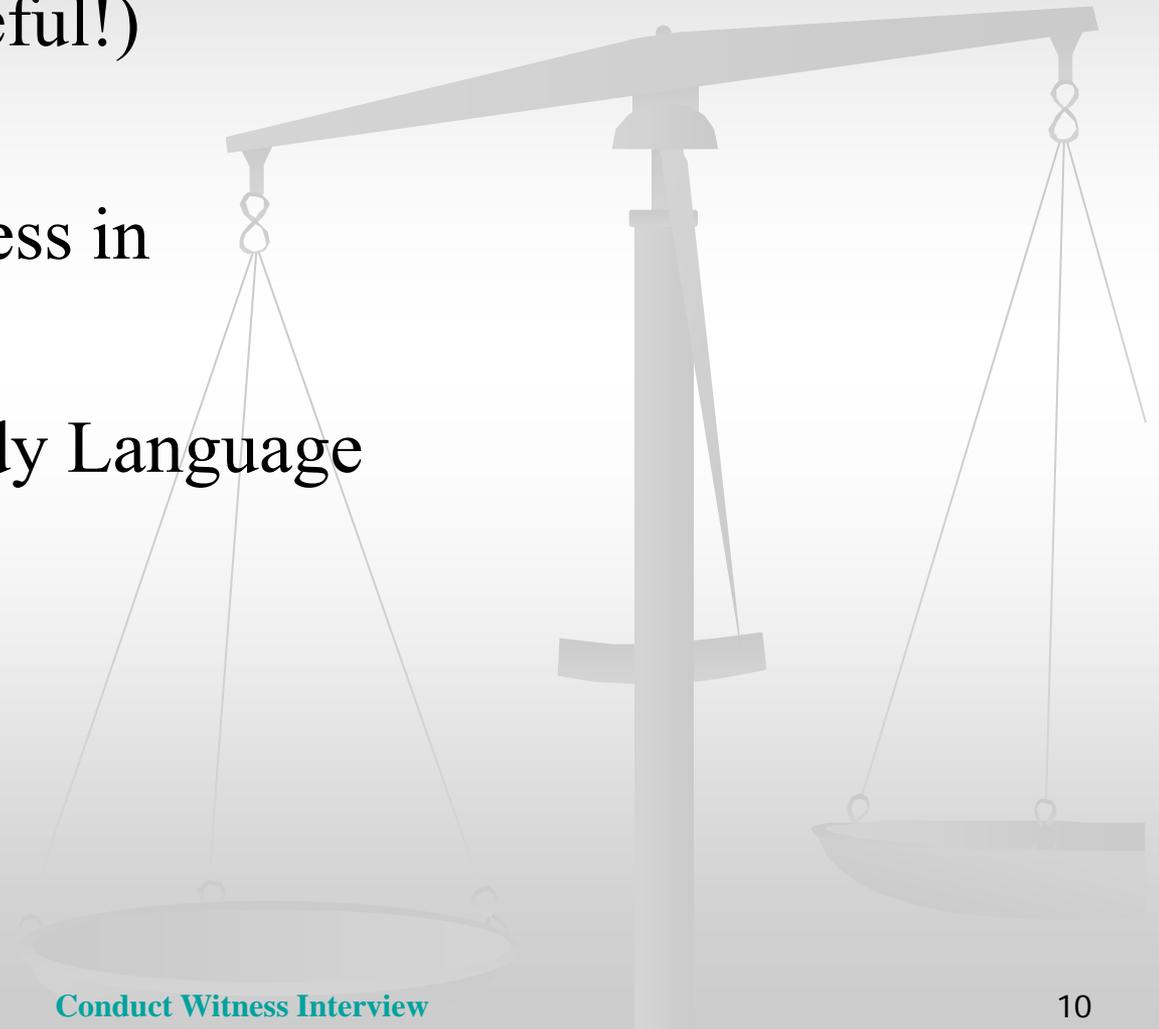
Building Rapport

- Forge a connection or rapport.
- Rapport building is best done through preparation, practice, and refinement.
- Rapport building should be personal.



Techniques That Help Build Rapport

- Empathy (Be careful!)
- Clueing the Witness in
- Demeanor and Body Language
- Eye Contact



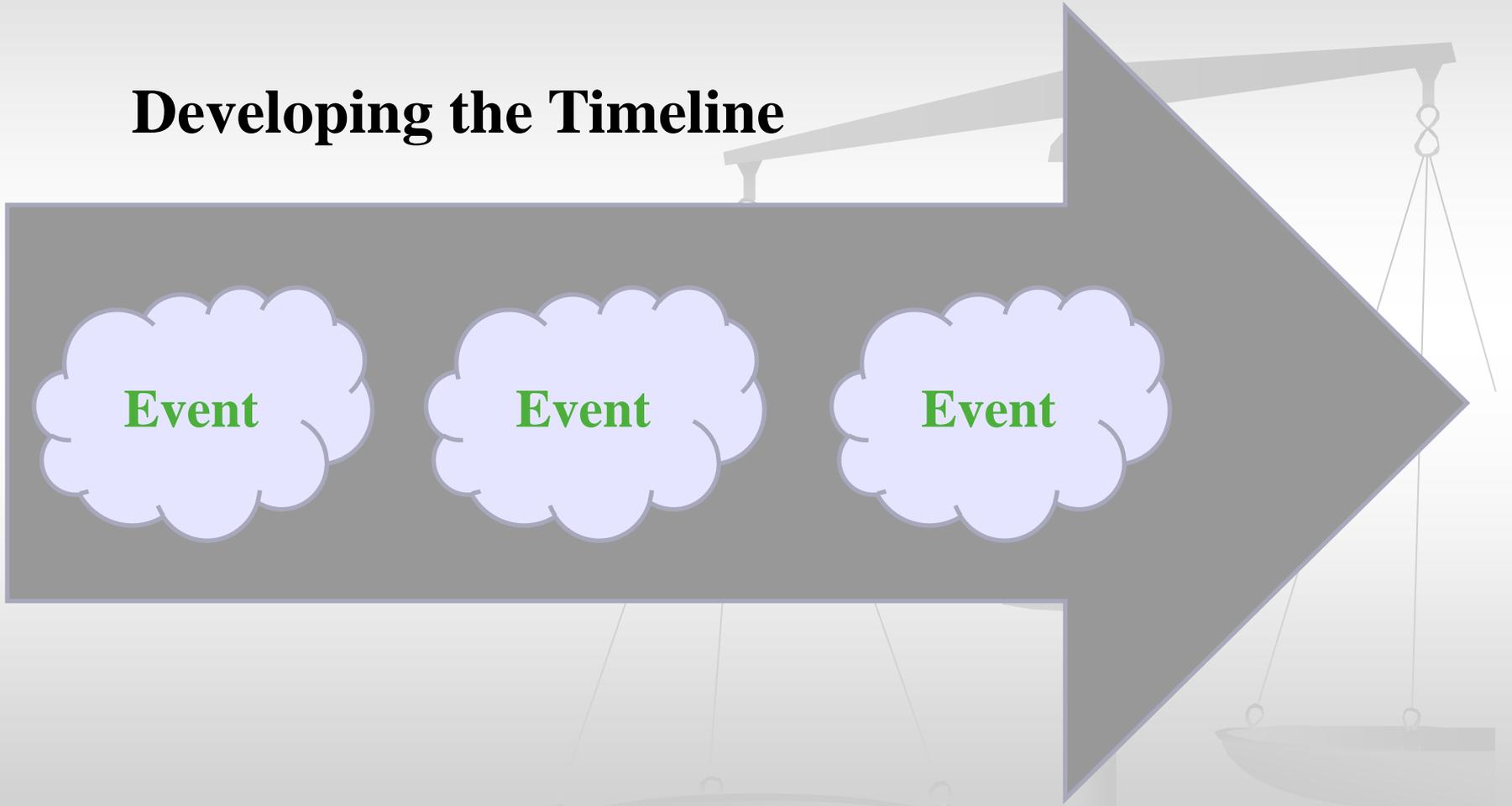
Questioning Techniques

- Open and Closed Questions
- Funnel Questions
- Probing Questions
- Leading Questions
- Rhetorical Questions



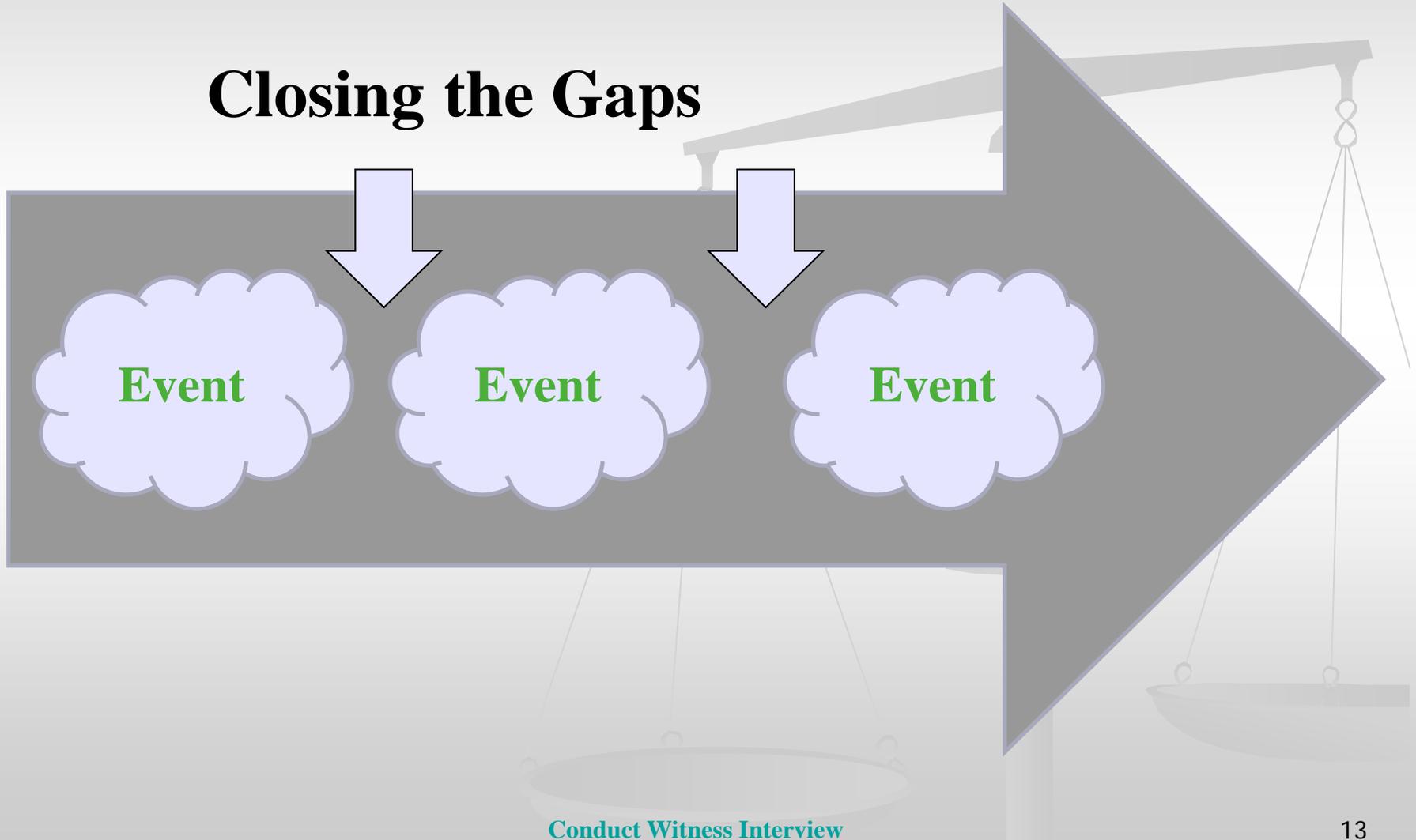
Obtain a Chronological Overview

Developing the Timeline



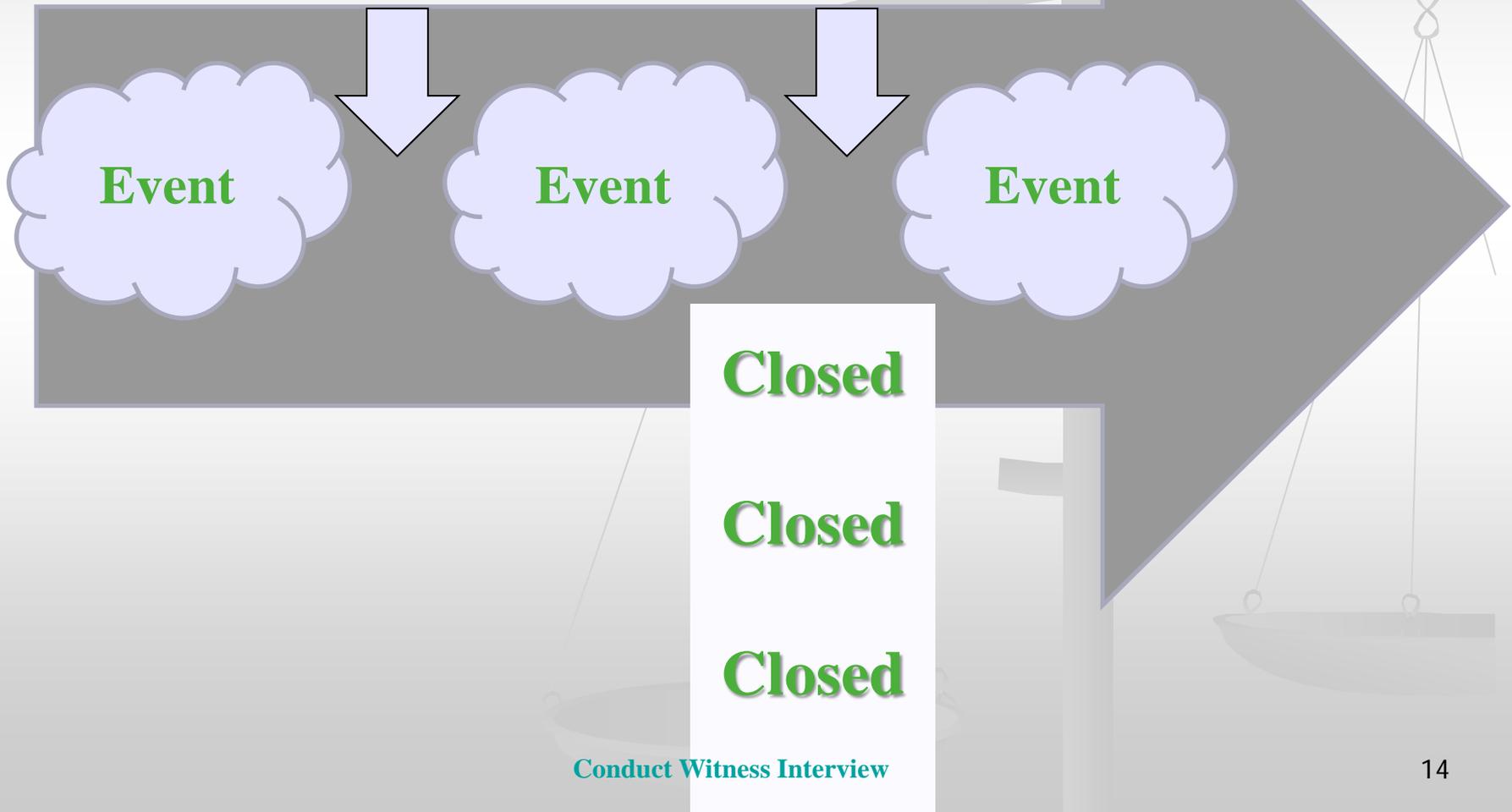
Obtain a Chronological Overview

Closing the Gaps



Obtain a Chronological Overview

Probe Events for Theory Development



Closing the Interview

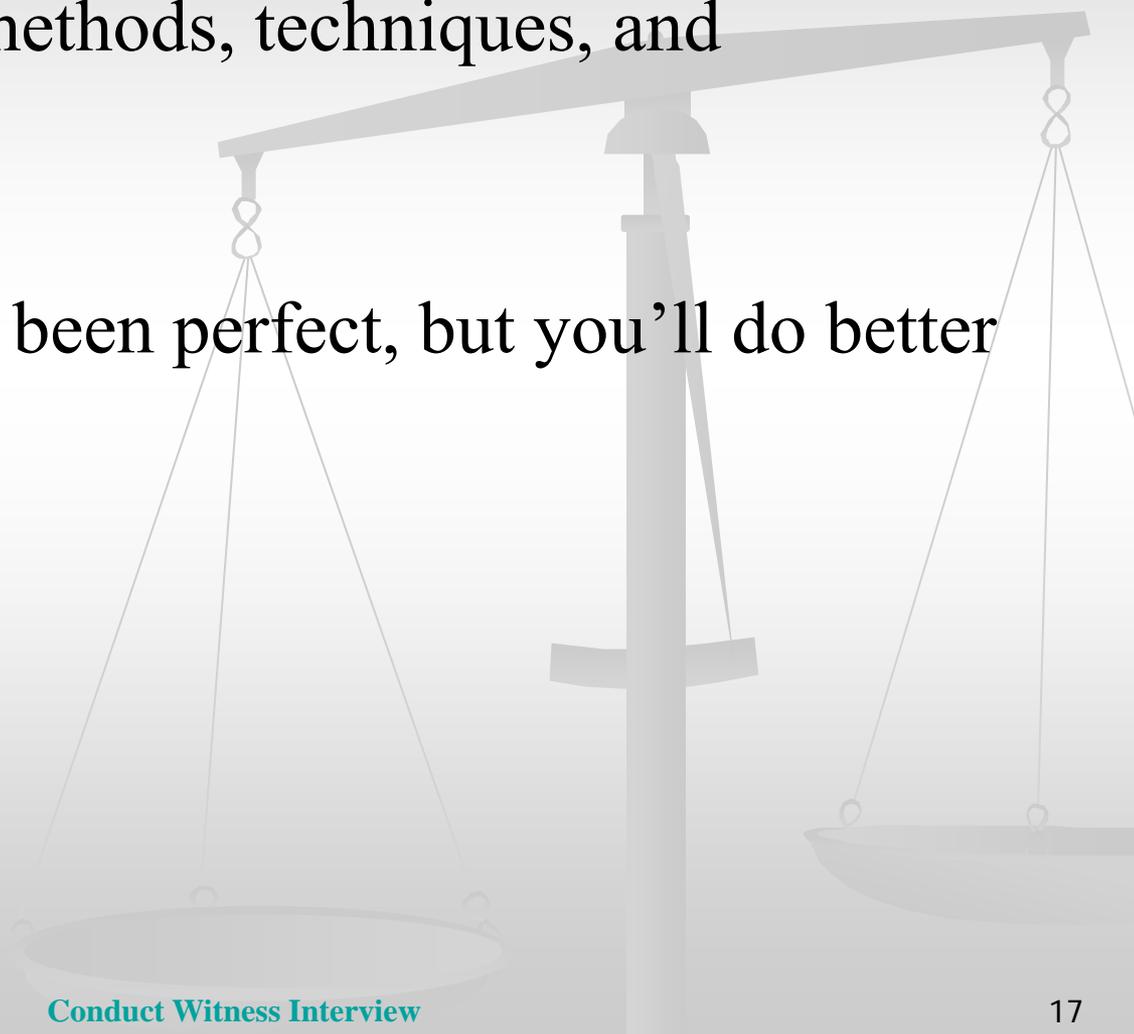
- Summarize facts.
- Close interview on a positive note.
- Rumors can be valuable.
- Leave contact information and verify witness information.

Summarizing the Interview

- Sworn statements
 - Most of the time will not be used when conducting witness interviews
 - Article 31(b) Rights
- Summarizing the Interview
 - Summarize the interview as soon as possible after it is concluded
 - Should be summarized in a typed memorandum

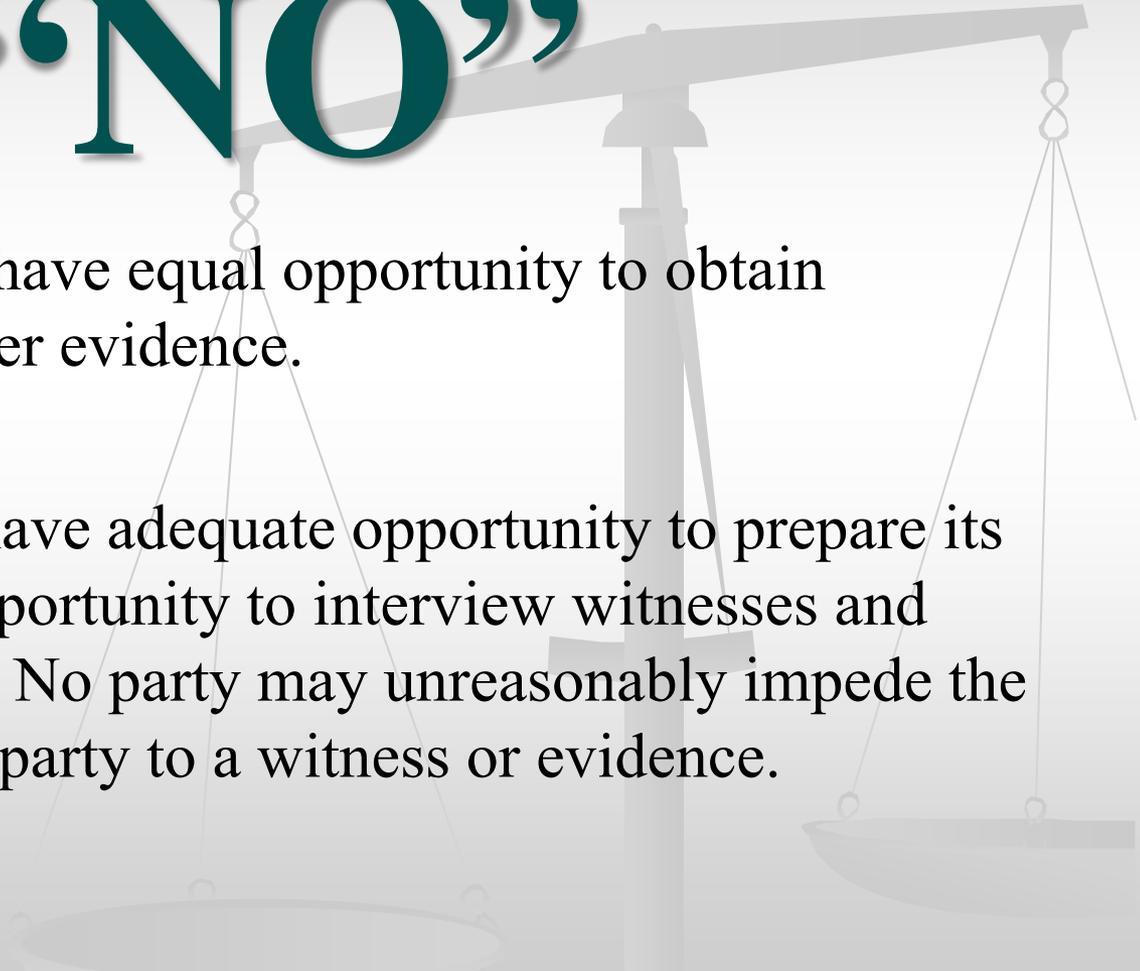
Parting Thoughts

- Evaluate your methods, techniques, and questions.
- It may not have been perfect, but you'll do better next time.



Can You Tell a Witness Not to Talk to the Other Party?

“NO”



- TC and DC shall have equal opportunity to obtain witnesses and other evidence.
- Each party shall have adequate opportunity to prepare its case and equal opportunity to interview witnesses and inspect evidence. No party may unreasonably impede the access of another party to a witness or evidence.

Terminal Learning Objective

Action: Process Involuntary Administrative Separations

Conditions: In a classroom environment, given a requirement to process involuntary administrative separation accurately and completely and access to AR 635-200, AR 135-178, AR 600-8-24, AR 15-6, the Manual for Courts-Martial, and other related legal materials.

Terminal Learning Objective (Cont)

Standards: Demonstrate the ability to process involuntary administrative separations generally free of errors ensuring to:

- Accurately analyze the provisions of AR 635-200 that apply to a requested separation action;
- Accurately analyze process for conducting an administrative separation board;
- Accurately identify specific criteria for separation Chaps. 5, 9, 10, 13, 14, and 18, AR 635-200 and differentiate separations in AR 635-200 with those under AR 135-178; and
- Accurately identify provisions of AR 600-8-24 that apply to officer eliminations by discussing the board of inquiry process.

Enabling Learning Objective A

Action: Analyze the provisions that apply to a requested separation action.

Conditions: In a classroom environment, given the requirement to identify the provisions applicable to separation actions and access to AR 635-200, AR 135-178, the Manual for Courts-Martial, and other related legal materials.

Enabling Learning Objective A

Standards: Accurately examine the following provisions IAW AR 635-200:

- Administrative Separations
- Processing goals
- Purpose of the Separation Action Control Sheet
- Reduction in grade process
- Counseling and rehabilitative requirements
- Sexual Harassment and Assault Response and Prevention (SHARP)
- Separation approval authorities
- Suspension of execution of approved separation
- Process for conducting an administrative separation board

Administrative Separations

- Applies to all enlisted Soldiers
- Ensures the readiness and competency of the force
- Ensures Soldiers meet required standards of duty performance and discipline
- Emphasizes the importance of honorable service

Processing Goals for Separation

- Measuring processing time
- Notification Procedure
 - 15 working days
- Administrative Board Procedure
 - 50 working days

Separation Action Control Sheet (DA Form 5138)

- Used to ensure processing goals are met
- Can be reproduced locally

SEPARATION ACTION CONTROL SHEET				
For use of this form, see AR 635-200; the proponent agency is DCS, G-1.				
NAME (Last, First, Middle Initial)				
UNIT			DATE PREPARED	
ITEM NO.	ACTION	DATE	DAYS REQUIRED	TOTAL ELAPSED DAYS
1.	Notification to service member of initiation of separation procedures.			
2.	Service member acknowledges receipt of notification.			
3.	Service member indicates election of rights.			
4.	Unit Commander's recommendation for separation forwarded to:			
5.	Separation case received at:			
6.	Actions completed (Specify) and/or case forwarded to:			
7.	Separation case received at:			
8.	Actions completed (Specify) and/or case forwarded to:			
9.	Service member entitled to and elected hearing before Administrative Board. Board convened on:			
10.	Separation case received at:			
11.	Final Disposition (Specify):			
12.	Service member separated from the service.			
13.	Total days required to process case.			

Reduction In Grade

- Discharge OTH
- Separation authority will direct;
 - Immediate reduction to the lowest enlisted grade.

Counseling Requirements

- Counseling will include at least the following:
 - Reason for counseling and date
 - That separation action may be initiated if the unacceptable behavior continues
 - Type of discharge and the effect of each type

Rehabilitation Requirements

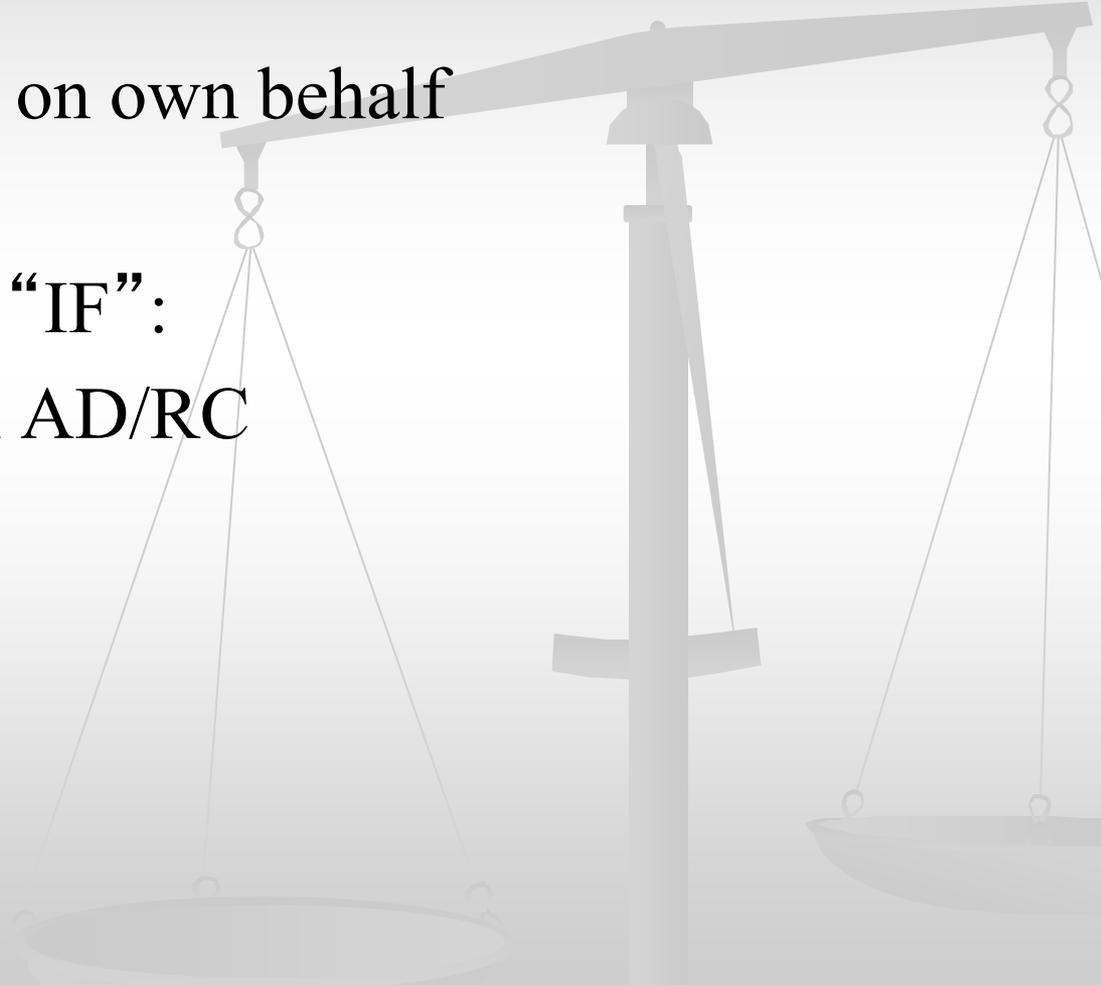
- Ch 11
 - Trainees
- 13, 14a, and 14b
 - Other than trainees
 - PCS transfer



Waivers

- Separation authority may waive rehabilitative transfer requirements of chapters 11, 13, 14
- Must determine that:
 - Transfer will serve no useful purpose
 - Soldier is highly disruptive
 - Soldier actively resists rehabilitation.
 - Soldier assigned to small installation

Soldier's Rights



- Right to counsel
- Submit statements on own behalf
- Obtain Copies
- Admin Sep Board “IF”:
 - 6 / more yrs total AD/RC
 - OTH

Sexual Harassment and Assault Response and Prevention (SHARP)

- Army policy to keep accountability
- Separation Packet includes:
 - Yes/No victim of sexual assault
 - Does/Does not believe separation action is direct/indirect result of sexual assault
- Separation authority for cases involving unrestricted report

Separation Authority

- Secretary of the Army
- GCMCA
- SPCMCA
- BN Commander
 - LTC or MAJ(P) CDRs who have a legal advisor available

Medical/Behavioral Processing

- Medical examinations
 - Required for separations IAW 10 USC 1145
- Mental status evaluation
 - Required for 13, 14 (Section III) and Chapters 10 (if medical exam done)
- Medical separations take precedence, except Ch 7, 10, and 14

Eligibility/Ineligibility for Transfer to the IRR

The decision to order discharge or transfer to the IRR rests with the separation authority.

Characterization of Service

- Honorable
- Honorable Conditions (General)
- Other than Honorable (OTH)

Suspension of Execution of Approved Separation

- Highly deserving Soldier
- Not to exceed 12 months
- After probation period separation authority cancels execution of separation

Soldier has Elected for a Board

- Chain of command makes a recommendation
- Separation authority determined:
 - Notification procedures
 - Administrative board procedures

Board Notice/Procedures

- Soldier elects to appear before a board.
 - Failing to appear constitutes a waiver.
- Separation authority may disapprove Soldiers waiver.
- Notified in writing at least 15 days prior to the board.
- Notified of witnesses to be called.

Formal Board

- Governed by AR 15-6, Formal Boards.
- Board appointed/notified.
- Board notifies respondent.

Composition of the Board

- 3 members
 - President - in charge and votes
 - Board Members - 2 additional who vote
- Recorder (usually the Trial Counsel)
- Respondent - The Soldier
- Respondent's Counsel - Represents Soldier (TDS)
- Reporter (Paralegal - typically provided by BDEs)
- Legal Advisor - Ad Law attorney or BJA

Duties of President and Members

President:

- Hear and accept evidence
- President makes evidence determinations, directs the hearing
 - Can be overruled by majority
- President: MAJ or above

Duties of President and Members

Members:

- Members: SFC or above and senior to respondent
- If respondent is a minority or female, and requests, appoint representative minority or female, if reasonably available
- If respondent is RC, must have RC member on the board

Duties of Legal Advisor

Legal Advisor:

- Not required to be present
- Rule on evidence, challenges to members
- Advise on procedure
- Assist the board

Duties of the Recorder

Recorder:

- Represents the Gov' t
- Normally the TC
- Presents the case to the board
- Examine witnesses
- Notify respondent
- Logistics
- Prepare documents
- Bring necessary references (UCMJ, regs)
- Privacy Act Statements
- Oaths
- Prepare report

Counsel for Respondent

Respondent's Counsel:

- Represent respondent
- Retain or most favorable discharge
- Witnesses

Reporter Duties

Reporter (Generally a 27D):

- Administrative duties
 - Secure and set up location
 - Secure witnesses
 - Prepare packets for members and counsel.
- Record the proceeding
- Post board
 - Complete DA Form 1574
 - Complete the summarization of testimony

Evidence

Evidence:

- Relevant, competent, and material
- Rules of evidence (MRE) do not apply
- President/Legal Advisor determines
- Privileges do apply
 - Attorney, spouse, clergy
- Art. 31(b) rights also apply/5th Amendment
- No polygraph unless mutual agreement
- No bad faith searches

Convening the Board

- Script – Board President (members like to follow along)
- Oaths – Recorder
- Evidence (documentary)
- Witnesses (testimonial)
- Findings and Recommendations Worksheet
- DA Form 1574
- Privacy Act Statement

Board's Findings and Recommendations

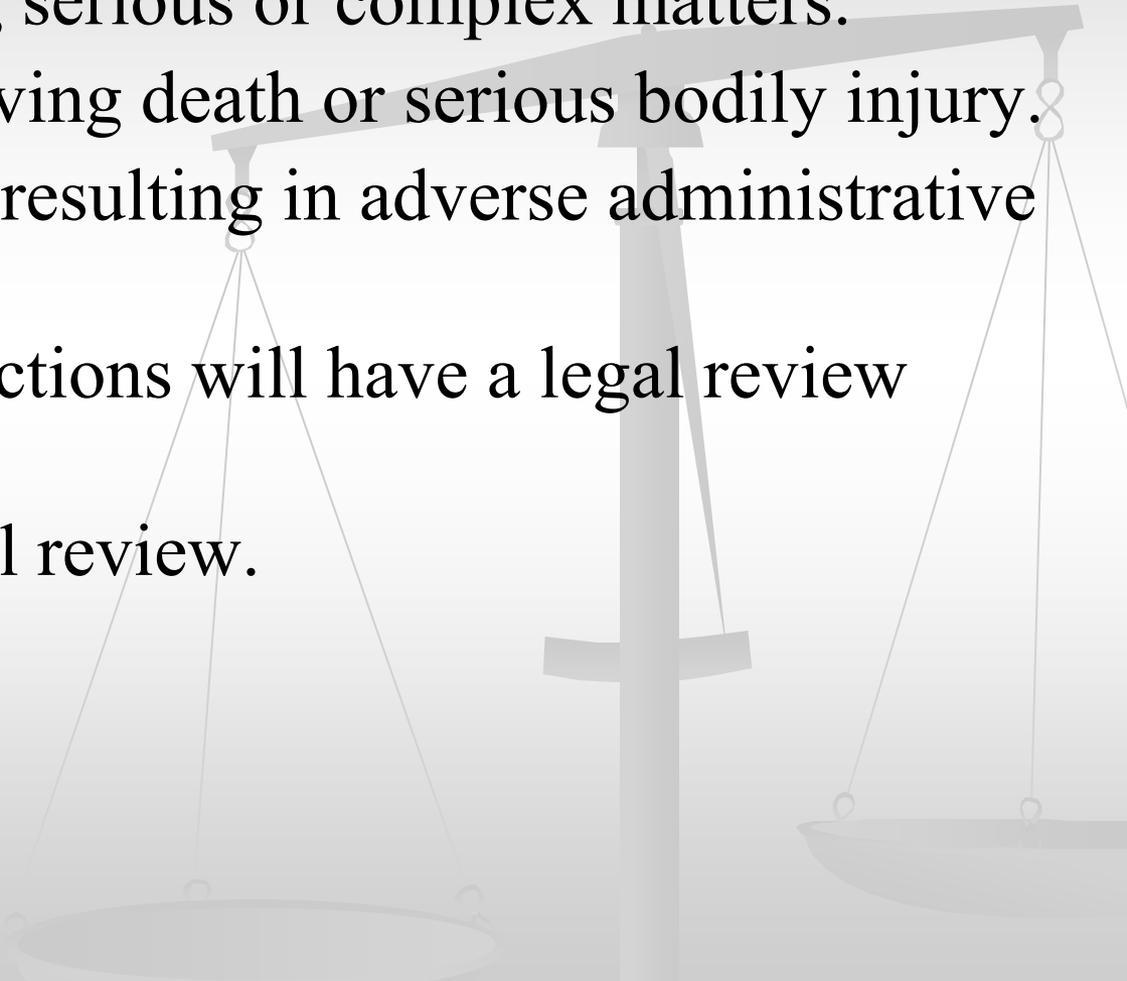
- Closed session
 - Only voting members present
- Evidence and copy of ARs
- Worksheet
- Preponderance of Evidence
- Must decide:
 - Findings on all grounds for separation
 - Separate or retain?
 - If separate, character of separation?

Respondent, whether to be separated or retained, will be furnished a copy of the board proceedings.

The “Report”

- Transcript – Summarized (Verbatim if directed by appointing authority)
- DA Form 1574
- Findings and Recommendations Worksheet
- All Enclosures and Exhibits
- DA Form 1574 must be signed by all board members and the recorder, authenticating the report

Legal Review



- AR 15-6 directs legal review of:
 - All cases involving serious or complex matters.
 - Investigation involving death or serious bodily injury.
 - Recommendations resulting in adverse administrative action.
- In practice all board actions will have a legal review before final action.
- Determination of legal review.

Separation Authority Action After Board

- Can disapprove recommendations
- Cannot make the board's recommendation "worse"
- Can make the characterization "better" or retain
- Separation authority takes action
- Soldier has 18 or more years, separation authority is HQDA

Enabling Learning Objective B

Action: Analyze the specific criteria for Active Duty, Army Reserve and Army National Guard administrative separation.

Conditions: In a classroom environment, given the requirement to analyze administrative separation criteria and access to AR 635-200, AR 135-178, the Manual for Courts-Martial, and other related legal materials.

Standards: Accurately determine the correct separation action an Active Duty, Army Reserve or Army National Guard Soldier is eligible for.

Chapter 5-8, Involuntary Separation Due to Parenthood

- Involuntary separation
- Notification process
- Parental obligations interfere with military responsibilities
- Sufficiently counseled
- Given time to overcome deficiencies

Chapter 5-13 Separation Because of Personality Disorder

- Less than 24 months
- Diagnosis by psychiatrist or doctoral-level clinical psychologist
- Deployed
 - MTF Chief of Behavioral Health corroborates
 - Office of the Surgeon General
 - PTSD, TBI, etc. will be referred to physical disability system
 - Deployed to an imminent danger pay area separation authority is the GCMCA

Chapter 5-17 Other Designated Physical or Mental Conditions

- Not amounting to a disability
- Examples:
 - Chronic air or seasickness
 - Sleepwalking
 - Sleepwalking or severe nightmares

May include “personality disorder” for Soldiers over 24 months (SAME requirements as 5-13 if deployed)

Chapter 9 Alcohol or Other Drug Abuse Rehabilitation Failure

- Criteria
- Basis for Separation
- Processing Procedures
- Characterization of Service
- Separation Authority
- Confidentiality

Chapter 10

Discharge in Lieu of Trial by Court-Martial

- Soldier can submit a request after charges are:
 - Preferred
 - Referred
 - Until Final Action

Unsatisfactory Performance, Chapter 13

- Criteria
- Control
- Avoidance of Disciplinary Action
- Pregnancy
- Courts-Martial
- Counseling/Rehabilitation
- Characterization of Service

Separation for Misconduct, Chapter 14

- General and Policy
- Characterization of Service
- Conviction by Civil Court
- Acts or Patterns of Misconduct

Separation for Failure to Meet Body Fat Standards, Chapter 18

- Procedure
- Separation authority
- Characterization of service

Enlisted Admin Sep of ANG/AR Soldiers

- Applicability
- Processing goals for separations
 - 45 days Notification procedure
 - 90 days Administrative board procedure
- Medical processing and evaluation
- Notification procedure
- Administrative board procedure
- Separation authority in general
- Chapter 13

Enabling Learning Objective C

Action: Analyze the provisions that apply to officer eliminations.

Conditions: In a classroom environment, given the requirement to indentify applicable provision regarding officer eliminations and access to AR 600-8-24, AR 15-6, the Manual for Courts-Martial, and other related legal materials.

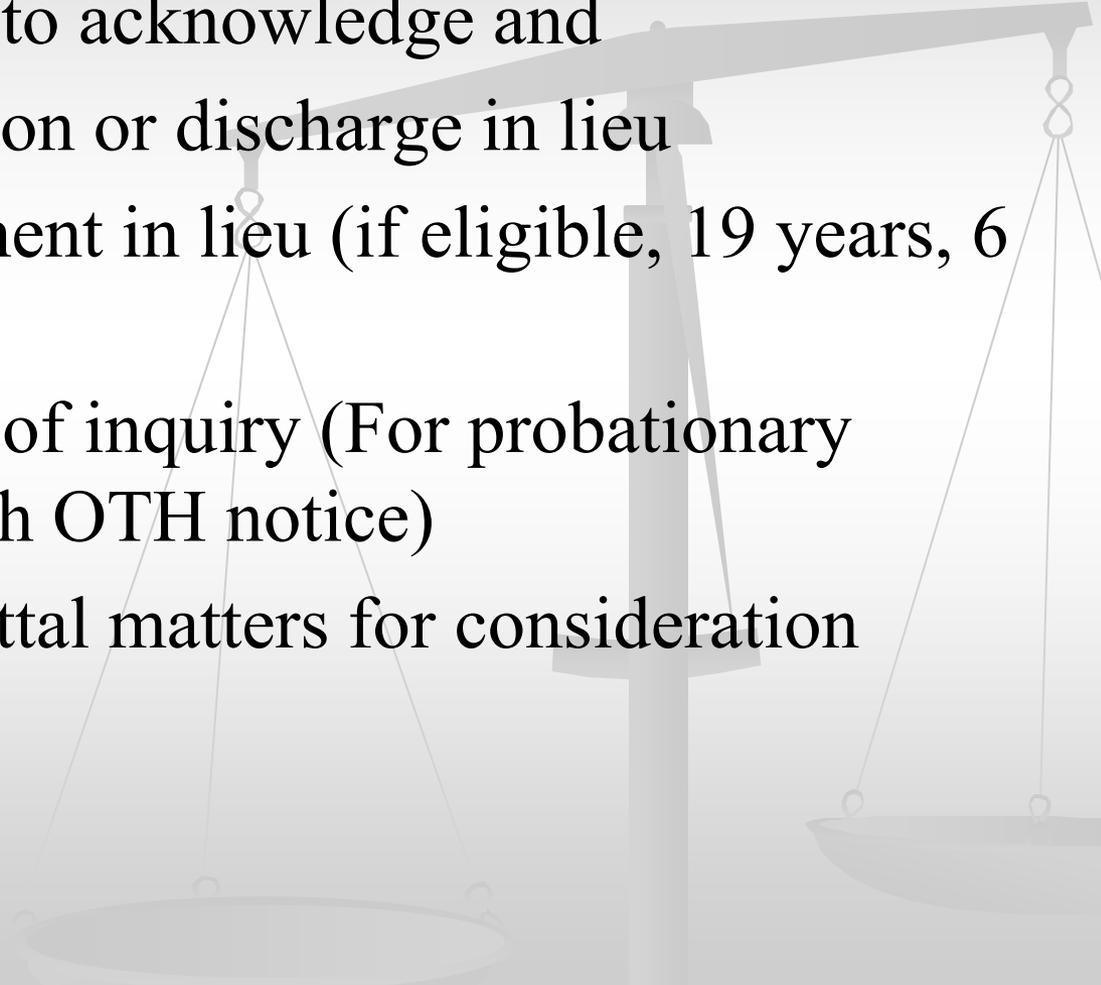
Standards: Demonstrate the ability to accurately process officer eliminations generally free of errors.

Officer Eliminations

- Notification by the General Officer Show Cause Authority (GOSCA).
- Non-Probationary (> 5 years Active Commissioned Service; >3 years Warrant Officer).
- Probationary (< 5 Years Active Commissioned Service; <3 years Warrant Officer).
- If during process officer becomes Non-Probationary, he/she gets a board.



Notice of Elimination

- Officer has 30 days to acknowledge and
 - Request resignation or discharge in lieu
 - Apply for retirement in lieu (if eligible, 19 years, 6 months)
 - Elect for a board of inquiry (For probationary officers, only with OTH notice)
 - May submit rebuttal matters for consideration
- 

Reasons for Eliminations

- Reasons for Eliminations AR 600-8-24, Chapter 4-2
 - 4-2a. Substandard performance of duty
 - 4-2b. Misconduct or professional dereliction interests of national security
 - 4-2c. Derogatory Information

Substandard Performance

4-2a. Substandard performance:

- Downward trend in overall performance
- Failure to keep pace with contemporaries
- Failure to exercise necessary leadership or command
- Apathy, defective attitudes
- Failure to absorb technical proficiency

Probationary Officer Only

Probationary Officer only:

- Failure to resign in the best interests of the government - did not meet medical fitness standards when appointed
- Other conditions that would have precluded appointment
- Any condition that indicates retention is not in the best interest of the Army

Misconduct, Moral or Professional Dereliction

4-2b. Misconduct, moral or professional dereliction:

- Failure to meet financial obligations
- Intentional or discreditable mismanagement of personal affairs that affects duty performance or discredits Army
- Intentional misrepresentation of facts on an official statement or records
- Acts of personal misconduct
- Neglect or failure to perform assigned duties

Derogatory Information

4-2c. Derogatory Information:

- Article 15
- Conviction at court-martial
- Denial of Secret security clearance
- Relief for Cause Officer Evaluation Report (OER)
- Failure at Service School

Separation Date

Separation date for misconduct, moral, or professional dereliction, or in the interest of national security:

- CONUS no earlier than 5 calendar days and not later than 14 days after officer receives written notification
- Outside CONUS will return to CONUS separation TP/TA within 21 calendar days and will be separated within 5 calendar days of arriving at the CONUS TP/TA

Solely substandard performance of duty:

- Not later than the 30th calendar day after receipt of notification by the officer concerned

Board of Inquiry

- Fair and impartial hearing
- Government burden
- GOSCA appoints
 - Can have a standing board
 - GOSCA will issue appointment orders for Boards of Inquiry
- 120 days from Human Resources Command (HRC) notification to complete or 90 days if GOSCA initiated

Board Membership

Board Membership:

- Three voting members
 - 1x COL or above and 2x LTC or above; all senior to respondent
 - Minority (race/gender), if requested and reasonably available
 - 1 from same branch if substandard performance
- Legal Advisor (must outrank the respondent)
- A recorder
- Respondent's counsel (without vote)

Board Membership Cont.

No officer will be a voting member of a BOI who-

- Is serving or has previously served as a witness for the respondent.
- Served as a member of the selection board in this particular case.
- Served as a member on any previous BOI, review or other board of officers with respect to the respondent.
- Was a member (or was the reviewing authority) of a previous court-martial in which the respondent was the accused.
- Previously recommended (or participated in recommending) the respondent for elimination from AD.
- Rendered a derogatory evaluation report on the respondent.
- Otherwise considered the respondent's case.

Board of Inquiry Procedures

BOI Procedures:

- Board members review packet beforehand
- Follow script (AR 15-6)
- Recorder/ respondent opening
- Government's case
- Witnesses
- Respondent's case
- Witnesses
- Recorder rebuttal if any
- Closing arguments

Board of Inquiry Procedures Cont.

BOI Procedures Cont:

- Board is closed
- Closed Session
- Board takes all documentation to closed deliberations
- May request Legal Advisor help
- Discuss each factual allegation/reason and separation/retention
- Findings and Recommendations
- Recorder Duties

Board of Inquiry Recommendations

- The Board may recommend retention (with or without reassignment) or involuntary separation.
- If recommend retention, it's over.
- If recommend elimination, through GOSCA to Board of Review to Sec Army.

After Board of Inquiry

After BOI:

- Report of proceedings
- Authenticate
- Forward to GOSCA

Board of Review:

- Appointed by Secretary of Army
- Reviews records of case
- No appearance
- Board recommends
- Retention – Human Resources Command and case closed
- Elimination with type of discharge– Secretary of the Army

Enabling Learning Objective D

Action: Complete the Process Administrative Separation Student Exam.

Conditions: In a classroom environment, given a requirement to complete the student exam and access to student notes and handouts.

Standards: Receive a score of 70% or higher on the exam.

Terminal Learning Objective

Action: Process Foreign Claims.

Conditions: In a classroom environment, given a requirement to Process Foreign Claims and access to AR 27-20, DA Pam 27-162, 10 U.S.C. 2734 and, DoD Inst. 5515.08 and the 2013 Operational Hand Book.

Terminal Learning Objective

cont.

Standards: Demonstrate knowledge of the Foreign Claims process by being able to review and discuss:

- Statutory Basis for Payment of Deployment and Foreign Claims.
- Eligible Claimants.
- Improper Claimants.
- Payable Claims.
- Non-Payable Claims.
- Procedures for processing a claim.
- Single-Service Responsibility.
- Solatia.

Foreign Claims Act

- History
- Purpose
- Scope

Foreign Claims Act (FCA)

Scope

- Application
- Effects of Military Claims Act
- Effect of Army Maritime Claims

Eligible Claimants under the FCA

- Foreign Governments
- Inhabitants of Foreign Countries
- Corporations operating in Foreign Countries
- Enemy Nationals/ Unfriendly Nationals
*(under certain circumstances)

Improper Claimant

- Enemy/Unfriendly Nationals
 - In most circumstances
- Insurers and Subrogees
- U.S. Military, Federal Civilian Employees, and Family Members
- Other U.S. Residents

What We Can Pay Under FCA

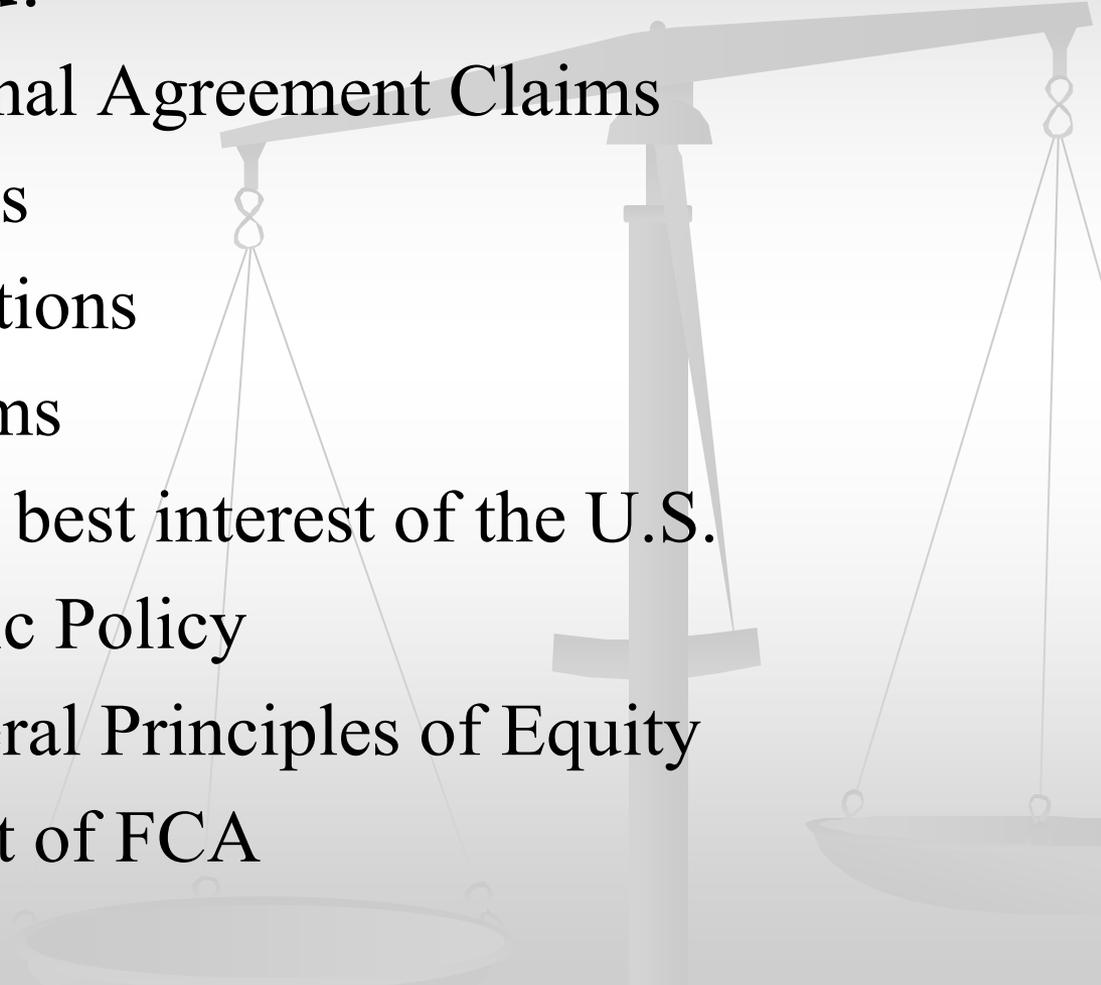
- **Noncombat Activities**
- **Real Property used in connection with Training, Exercises, or Maneuvers**
 - Personal Property
 - Personal Injury
 - Death

What We Can Pay Under FCA

cont.

- **Negligent or Wrongful Acts**
 - Scope of Employment
 - U.S. Soldiers
 - Civilian Employees

What We Can't Pay



➤ **Claims Excluded:**

- SOFA/International Agreement Claims
- Combat Activities
- Domestic Obligations
- Contractual Claims
- Claims not in the best interest of the U.S.
- Contrary to Public Policy
- Contrary to General Principles of Equity
- Contrary to intent of FCA

Real Estate Claims



- **Occupancy Requirement met**

- verify ownership
- forward to real estate contracting

- **Occupancy Requirement not met**

- maneuver damage claim

- **No Occupancy**

- deny

Procedures

➤ **Presentation of Claim:**

- Written v. Oral
- Oral claims must be reduced to writing within three years of accrual
- 2 Year Statute of Limitations
- Content

Procedures

cont.

- **Claims Settlement:**
 - Appointment Authority
 - Composition
 - Investigation
 - Applicable Law
 - Payments

Settlement Authority

- **One-member FCC**
 - Judge Advocate or a claims attorney
 - May settle claims for up to \$15,000
 - May deny claims that presented for \$15,000 or less
 - Non-attorney commissioners
 - May settle claims for up to \$5,000
 - May deny claims that are presented for \$5,000 or less

Settlement Authority

cont.

- **Three-member FCC**
 - May deny claims of any amount, and settle claims for up to \$50,000
 - U.S. Army Claims Service is the settlement authority for claims in excess of \$50,000.
 - The Secretary of the Army or his designee will approve payments in excess of \$100,000.

Single-Service Responsibility

- **DoD Instruction 5515.08**
 - Army
 - Navy
 - Air Force
- **Interim Single-Service Responsibility**

Solatia

- Definition
- Local Custom
- Not an Admission of Liability
- Source of Funds
 - Command Operating Budget
 - NOT Claims Expenditure Allowance

Terminal Learning Objective 1

Action: Manage Post-Trial Process from Adjournment to Army Court of Criminal Appeals (ACCA).

Conditions: In a classroom environment, given the Manual for Courts-Martial (MCM), Post-Trial Handbook, AR 27-10, DODI 5505.14, DODI 5505.11, and standard office supplies and equipment.

Standards: Demonstrate knowledge of the post-trial process by being able to discuss:

- Adjournment to Authentication
- Authentication to Action
- Action to ACCA

Enabling Learning Objective A

Action: Discuss Adjournment to Authentication.

Conditions: In a classroom environment, given the Manual for Courts-Martial (MCM), Post-Trial Handbook, AR 27-10, DODI 5505.14, DODI 5505.11, and standard office supplies and equipment.

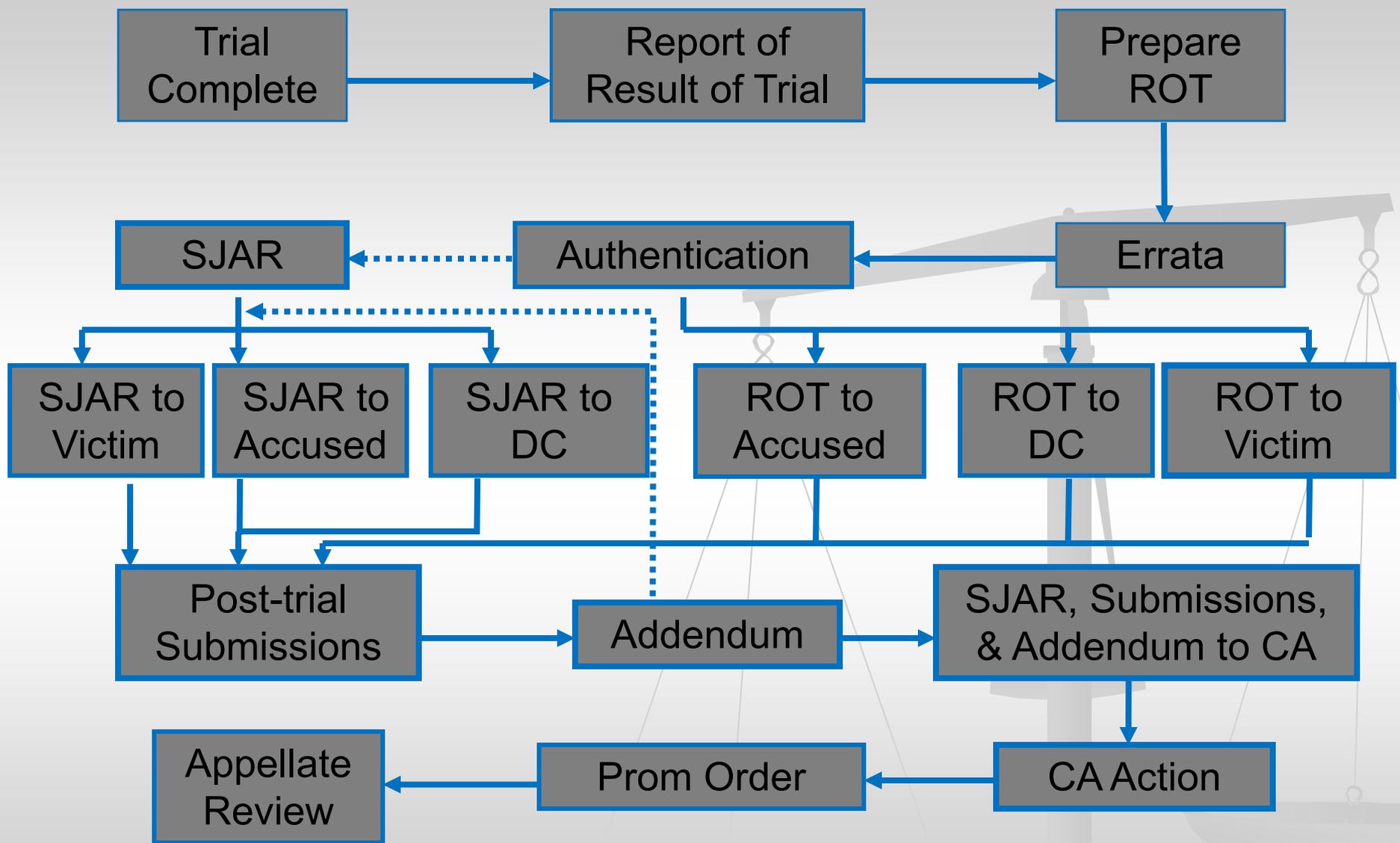
Enabling Learning Objective A

Standards: Demonstrate the ability to research and discuss the following topics:

- Government's Post-Trial Responsibilities immediately following Adjournment
- Process a Soldier for Confinement
- Department of Defense Report of Result of Trial, DD Form 2701-1
- Post-Trial Session of Court-Martial
- Forfeitures
- Deferment/Waiver
- Process Excess Leave
- ROT
- Verbatim Transcript
- Assembling the Record of Trial
- Errata & Authentication

Manage Post-Trial

- The trial belongs to the Convening Authority (CA).
- It is the process of routing the completed trial to the CA for approval or disapproval.
- Post-trial starts after the trial adjourns.
- Post-trial ends when the ROT, CA's action, and prom order are sent to ACCA.



Government's Post-Trial Responsibilities Immediately Following Adjudgment

- If a sentence includes confinement, the following documents must be prepared:
 - Confinement Order DD Form 2707
 - Victim/Witness Certification and Election Concerning Inmate Status DD 2704
 - Purpose
 - Notification

How to Complete, DD Form 2707-1

- Block 1:
 - Date of trial
 - Convening Authority
- Section 1:
 - Accused; name, rank, branch, last 4, and unit
- Section 2:
 - Type of CM
 - CMCO number
 - Issuing command
- Section 3:
 - Summary of offenses
 - Continuation Sheet

How to Complete DD Form 2707-1

- How to fill out a Continuation Sheet
- Summary of offenses, pleas, and findings
 - Charge
 - Article
 - Specification
 - Description of offenses
 - Verbatim or summarized
 - Plea
 - Finding

DEPARTMENT OF DEFENSE REPORT OF RESULT OF TRIAL CONTINUATION SHEET

United States v. SGT Richard M. Archie

B Company, 1st Brigade Support Battalion, 3rd Brigade, 54th Infantry Division, Fort Atterbury, Indiana 23801

2. Trial by General Court-Martial on July 10, 2013 convened by Court-Martial Convening Order Number 11, Headquarters, 54th Infantry Division and Fort Atterbury, Fort Atterbury, Indiana, dated 1 May 2013, as amended by Court-Martial Convening Order Number 13, same headquarters, dated 12 June 2013, as amended by Court-Martial Convening Order Number 14, same headquarters, dated 1 July 2013.

3. Summary of offenses, pleas, and findings:

a. CHARGE SPECIFICATION NO(S)	b. UCML ARTICLE(S)	c. DIBRS CODE	d. BRIEF DESCRIPTION OF OFFENSES	e. PLEA	f. FINDING
I/1	92	092-A3	In that Sergeant Richard M. Archie, U.S. Army, did, at or near Fort Atterbury, Indiana, on or about 22 March 2013, violate a lawful general regulation, to wit: Army Regulation 600-20, paragraph 4-14.b, dated 18 March 2008, by wrongfully engaging in a relationship with Private (E-2) T.V., U.S. Army, that compromised or appeared to compromise the integrity of supervisory authority or created an actual or clearly predictable adverse impact on discipline, authority or morale.	G	G
I/2	92	092-A7	In that Sergeant Richard M. Archie, U.S. Army, did, at or near Fort Atterbury, Indiana, on or about 22 March 2013, violate a lawful general order, to wit: Fort Atterbury Command Policy Memorandum #11, paragraph 3(b), dated 10 October 2012, by providing alcoholic beverages to another person whom he knew or had reason to know was less than 21 years of age, to wit: Private (E-2) T.V., U.S. Army.	G	G
II/1	120	120-C2	In that Sergeant Richard Archie, U.S. Army, did, at or near Fort Atterbury, Indiana, on or about 22 March 2013, commit a sexual act upon Private (E-2) T.V., U.S. Army, to engage in a sexual act, to wit: penetration of her vulva by his penis, by causing bodily harm to Private (E-2) T.V., to wit: pushing her to the bed, holding her down, or pushing her shorts aside.	NG	G
Add./1	90	090-B1	In that Sergeant Richard M. Archie, U.S. Army, having received a lawful command from CPT Arthur Wellesley, his superior commissioned officer, then known by the said Sergeant Archie to be his superior commissioned officer, to refrain from initiating direct contact or communication with Private (E-2) T.V., U.S. Army, and to remain at least 150 feet from said Private (E-2) T.V. at all times, or words to that effect, did, at or near Fort Atterbury, Indiana, on or about 12 April 2013, willfully disobey the same.	G	G

How to Complete DD Form 2707-1 Cont.

- Section 4
 - Date sentence adjudged
 - Date of any forfeitures/reduction
- Section 5
 - Adjudged Sentence
- Section 6
 - Pretrial Agreement
 - Presentence / Judge-Ordered Credit
- Section 7
 - DNA Processing
- Section 8
 - Sex Offender Registration

DNA Processing

- **DNA Processing**
 - New DNA Policy – DODI 5505.14, 24 April 2012
 - DNA samples are collected from Service members and forward to USACIL when:
 - Fingerprints are taken in connection with an investigation of certain offenses...;
 - Court-martial charges are preferred;
 - A member is ordered in to pre-trial confinement (after 72-hour memo); or
 - A member is confined to a military correctional facility as a result of a conviction.
 - Request for DNA records to be expunged.

Sex Offender Registration

- **Sex Offender Registration**
 - AR 27-10 paragraph 24-2 lists the covered offenses
 - Convicted Soldier's acknowledgement (DA Form 7439) and registration requirements
 - No confinement
 - Confinement
- **Pleas and findings**
- **Witnesses and victims**
 - Use initials
 - Military Personal use rank (PFC S.S.,)

How to Complete, DD Form 2707-1 Cont.

- Section 9
 - Co-accused
- Section 10
 - Distribution
- Section 11
 - Signed by



Process a Soldier For Confinement

- Properly fill out a DD Form 2707.
- Ensure escorts understand their duties.
- The following documents are forwarded to the confinement facility with the accused;
 - DD Form 2707 original and one copy.
 - DA Form 3078 or a list of clothing items.
 - DD Form 2707-1.
 - DD Form 2704 (sealed in envelope).

DD Form 2707 Confinement Order

CONFINEMENT ORDER				
1. PERSON TO BE CONFINED			2. DATE (YYYYMMDD)	
a. NAME (Last, First, Middle Initial) Archie, Richard M.		b. SOCIAL SECURITY NUMBER 999-00-1234		20140910
c. BRANCH Army	d. GRADE E-5	e. UNIT/AGENCY (Parent unit) Co B, 1st Bn, 3rd BDE, 54th Inf Div (Mech), Fort Atterbury, IN 46124		
3. TYPE OF CONFINEMENT				
a. PRE-TRIAL <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		b. RESULT OF NJP <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		c. RESULT OF COURT MARTIAL: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
d. TYPE OF COURT MARTIAL: <input type="checkbox"/> SCM <input type="checkbox"/> SPCM <input checked="" type="checkbox"/> GCM <input type="checkbox"/> VACATED SUSPENSION				
4. OFFENSES/CHARGES OF UCMJ ARTICLES VIOLATED (List all charge(s) if prisoner is pre-trial. List guilty finding(s) only if prisoner is post-trial.) Article 92 (Violation of a General Order or Regulation) x 2; Article 120 (Rape) x 1; Article 90 (Willful Disobedience of a Superior Commissioned Officer) x 1				
5. SENTENCE ADJUDGED (Annotate sentence from the result of trial) Forfeiture of all pay and allowances; reduction to Private (E1); confinement for thirty (30) months; and a dishonorable discharge				b. ADJUDGED DATE (YYYYMMDD): 20140910
6. IF THE SENTENCE IS DEFERRED, THE DATE DEFERMENT IS TERMINATED:				
7. PERSON DIRECTING CONFINEMENT				
a. TYPED NAME (Last, First, Middle Initial), GRADE AND TITLE Harrison, George P., CPT, Trial Counsel		b. SIGNATURE 		c. DATE (YYYYMMDD) 20140910
d. TIME 16:30				
8. LEGAL REVIEW AND APPROVAL REQUIRED (Review required by different name at 7.a and b.)				
a. DNA PROCESSING <input checked="" type="checkbox"/> IS <input type="checkbox"/> IS NOT REQUIRED UNDER 10 U.S.C. 1565. COLLECTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO KIT# _____				
b. SEX OFFENDER REGISTRATION <input type="checkbox"/> IS <input type="checkbox"/> IS NOT REQUIRED UNDER 42 U.S.C. 14071.				
c. TYPED NAME (Last, First, Middle Initial), GRADE AND TITLE Baum, Adam D., MAJ, Chief, Military Justice		d. SIGNATURE 		e. DATE (YYYYMMDD) 20140910
9. MEDICAL CERTIFICATE (Required completion only when applicable by Service regulation)				
a. The above named prisoner was examined by me at _____ on <u>20140910</u> and found to be <input checked="" type="checkbox"/> Fit <input type="checkbox"/> Unfit (Time) (YYYYMMDD) for confinement. I certify that from this examination the execution of the foregoing sentence to confinement <input type="checkbox"/> will <input checked="" type="checkbox"/> will not produce serious injury to the prisoner's health.				
b. The following irregularities were noted during the examination: (List only non-medical information. Refer to SF 600 for all medical information, including HIV, TB and pregnancy tests and results.)				
10. EXAMINER				
a. TYPED NAME (Last, First, Middle Initial), GRADE AND TITLE Good, Mat, H., MAJ, PA		b. SIGNATURE 		c. DATE (YYYYMMDD) 20140910
d. TIME				
11. RECEIPT FOR PRISONER (Completed by the correctional facility staff upon arrival of the prisoner)				
a. THE PRISONER NAMED ABOVE HAS BEEN RECEIVED FOR CONFINEMENT AT (Facility Name and Location)				
ON <u>20140910</u> AND TIME: _____ (YYYYMMDD) (Time)				
b. PERSON RECEIPTING FOR PRISONER (Typed name (Last, First, Middle Initial), Grade and Title) Earp, Wyatt K., SFC, MP		c. SIGNATURE 		d. DATE (YYYYMMDD) 20140910
e. TIME				

DD Form 2704 Section 1 & 2

SECTION 1 - ADMINISTRATIVE INFORMATION							
Incident Number	CID case number						
Installation	Fort Atterbury	City	Fort Atterbury	State	IN	ZIP Code	46124
Court-martial case of United States v.	SGT ARCHIE, Richard M.		2222				
	<i>Print Name of Accused (Last, First, Middle Initial)</i>		<i>Social Security Number (last 4 only)</i>				
Convened by	CMCO # 5, dtd 15 Jun 2013, HQ, 54th Div (Mech), Fort Atterbury, IN 46124						
	<i>Court-Martial Convening Order Number, Date, and Issuing Command</i>						
SECTION 2 - CERTIFICATION OF NO VICTIM(S) OR WITNESS(ES)							
I certify that this case does not involve a victim or witness entitled to receive information about the confinement status of the defendant as required by 42 U.S.C. 10607 et seq., and U.S.C. 3771 et seq.							
<i>Date (YYYYMMDD)</i>	<i>Signature of Trial Counsel or Designee</i>		<i>Type Name (Last, First, Middle Initial)</i>				
	<i>Grade and Title</i>		<i>Telephone Number (Include area code)</i>				
IF THERE ARE NO VICTIM(S) OR WITNESS(ES), STOP HERE AND SKIP TO SECTION 4.							

DD Form 2704 Section 3 & 4

SECTION 3 - CERTIFICATION OF ADVICE TO VICTIM(S) AND WITNESS(ES)

I certify that on this date I personally notified the victim(s) and witness(es) in the above-named court-martial case that included a sentence to confinement, of their right under 42 U.S.C. 10607 et seq., and U.S.C. 3771 et seq., to receive information about the status of the prisoner named in Section 1 of this form, to include length of sentence, anticipated earliest release date, likely place of confinement, the possibility of transfer, and the right to receive notification of a new place of confinement. I advised of the possibility of parole or clemency with an explanation of these terms. Additionally, I advised of the right to prior notification of the prisoner's parole hearings, release from confinement, escape and death. I advised the victim(s) and witness(es) that to receive notification of the prisoner's transfer, parole hearings, and release confinement, the victim or witness **MUST PROVIDE THE INFORMATION REQUIRED ON PAGE 2 OF THIS FORM**. I advised all victim(s) and witness(es) that if they elect to terminate or reinstate notifications, or if they change their address, they must contact the Military Service Central Repository listed in Section 4. When a Victim or Witness is not present to initial box 4 (on page 2 of this form) the Trial Counsel or Designee shall contact the Victim or Witness in order to determine their election choice (Yes or No). Once verified, the Trial Counsel or Designee shall initial box 4 indicating and validating the Victim's or Witness's election choice.

20130710 <i>Date (YYYYMMDD)</i>	 <i>Signature of Trial Counsel or Designee</i>	SMITH, Christa C. <i>Type Name (Last, First, Middle Initial)</i>
SSG, Military Justice NCOIC <i>Grade and Title</i>	(555) 555-1383 <i>Telephone Number (Include area code)</i>	

SECTION 4 - DISTRIBUTION

1. MILITARY SERVICE CENTRAL REPOSITORY	2. LAW ENFORCEMENT/SPECIAL INVESTIGATION	3. CORRECTIONAL FACILITY
Army Corrections Command Victim/Witness Central Repository Manager 150 Army Pentagon Washington, DC 20310-0150 (703) 428-7707	Criminal Investigation Division Street Address Fort Atterbury, IN 46124-9000 (555) 555-1234	North West Regional Correction Facility MS 55 Joint Base Lewis McChord, WA 98433 (555) 555-1000

DD Form 2704 Section 5

SECTION 5 - LIST OF VICTIM(S) AND WITNESS(ES) VICTIM/WITNESS CERTIFICATION AND ELECTION CONCERNING PRISONER STATUS

Court-martial case of United States v.

SGT ARCHIE, Richard M.

2222

(Printed Name of Accused - Last, First, Middle Initial)

(SSN - last 4 only)

STATEMENT OF UNDERSTANDING: The victim(s) and witness(es) that have elected to receive information about changes in the status of the prisoner are required to notify the respective Military Central Repository with an accurate address and telephone number to continue receiving notifications on the prisoner's status, if their relocation results in changes to their address and/or telephone numbers.

STATEMENT OF TRANSFER NOTIFICATION: This transfer notification only applies in the event the above named prisoner is permanently transferred to another Federal, State or local law enforcement agency or correctional facility. The victim(s) and witness(es) will be notified using the address on file by DD Form 2705 of the prisoner's new location. The receiving Federal, State, or local agency will be responsible for all further notifications to the victim(s) and witness(es) about the prisoner's status. The military correctional facility retains responsibility for clemency board notifications.

INSTRUCTIONS: LIST ALL VICTIMS AND WITNESSES INVOLVED IN THE CASE. Using the drop-down box, indicate whether Adult, Parent, Legal Guardian, Minor/Age, Incompetent, Incapacitated. If under 18 years old, incompetent or incapacitated, also list parent or legal guardian's name. Using the next drop-down box, indicate whether victim (V), witness (W), or victim and witness (V&W). For all minor victims/witnesses, ensure minor status and age (at time of CM) are identified after their full name in Column 1. All minors, incapacitated and incompetent persons require a competent adult to be notified on their behalf by placing an adult and minor victim in the same row. Individuals that elect to be notified of prisoner status changes initial the "Yes" block in Column 4; otherwise initial the "No" block adjacent the respective name. The Trial Counsel or Designee (TC/D) are required to enter their initials in the Yes or No box in Column 4 for unavailable victims or witnesses.

1. NAME - Last, First, Middle Initial/AFFILIATION/STATUS <i>(Select affiliation and status from drop-down lists.) (Provide age if Victim/Witness is a minor.) (List Parent or Guardian if Victim/Witness is under 18 or incompetent or incapacitated.)</i>		2. ADDRESS - Street, Apartment No., City, State, ZIP Code <i>(If under 18 years old, incompetent or incapacitated, also list Parent or Legal Guardian's address, if different from victim/witness)</i>		3. TELEPHONE NUMBER <i>(Include Area Code) (If under 18 years old, incompetent or incapacitated, also list Parent or Legal Guardian's number, if different from victim/witness)</i>		4. NOTIFY <i>(Initial)</i>	
						YES	NO
Smith, John F. CPT	Adult	W	1234 Baker Street Fort Atterbury, IN 46124	(555) 555-0990	JFS		
					TC/D:		
Furry, Kevin W. CPT	Adult	W	560 Miller Street Fort Atterbury, IN 46124	(555) 555-4563	KWF		
					TC/D:		

Post-Trial Session of Court-Martial

- Two types (RCM 1102)
 - Article 39(a) sessions
 - Proceedings in Revision
- Post-trial proceedings become part of the record of trial

Forfeitures

- Forfeitures take effect 14 days after trial
 - Don't count last day of trial.
- Two types of forfeitures
 - Adjudged forfeitures
 - Automatic forfeitures

Two Concepts

Deferment

- Allows the CA to delay:
 - Forfeitures, reduction, and or confinement until the CA takes action.
- Begins with a request from the Accused.

Waiver

- Allows the CA to waive the automatic forfeitures for up to six months.
- Most commonly done at action
- Money goes to dependents of the Accused
- Only applies to automatic forfeitures (adjudged forfeitures cannot be waived)

Deferment

- Deferment applies to
 - Adjudged forfeitures
 - Automatic forfeitures
- What parts of a court-martial sentence can be deferred?
 - Confinement
 - Forfeitures (adjudged and automatic)
 - Reductions

Deferment

- Who can authorize deferral?
 - The Convening Authority
- Deferment may be rescinded at any time by the CA.

Deferments end when:

- Convening Authority takes Action
- Confinement, forfeitures or reduction in grade are suspended
 - Cannot be suspended and deferred at the same time.
- Deferment expires
- Deferment is rescinded

Waiver

- Waiver applies only to automatic forfeitures
- At action, the CA has 4 options with regard to adjudged forfeitures:
 - Approve
 - Disapprove
 - Suspend
 - Commute

**WAIVER AND DEFERRAL OF
ADJUDGED AND AUTOMATIC FORFEITURES**

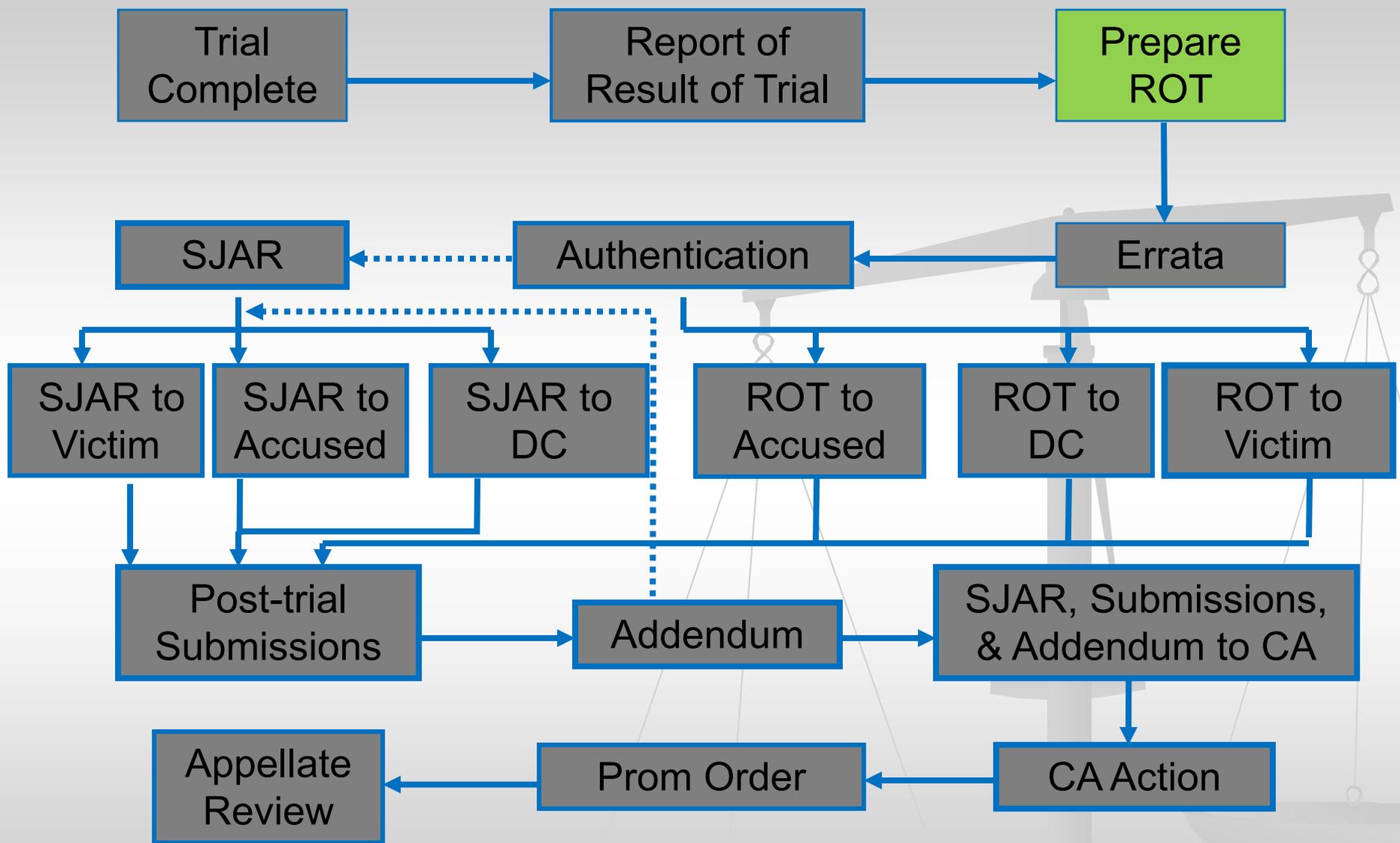
TYPE OF FORFEITURE	FIRST 14 DAYS AFTER TRIAL	14 DAYS AFTER TRIAL UNTIL INITIAL ACTION	INITIAL ACTION TO 6 MONTHS AFTER INITIAL ACTION
ADJUDGED (1) By MJ or Panel (2) Maximum Amount: (a) GCM: all pay and allowances (b) SPCM: 2/3rds pay only	No forfeitures in effect	DEFER: Art. 57(a)(2), RCM 1101(c) (1) Only valid until action or if rescinded earlier (2) Money goes to the accused (3) <i>No sua sponte</i> deferments	RCM 1107(d): (1) DISAPPROVE (2) COMMUTE/MITIGATE: (e.g., reduce from total to certain dollar amount) (3) SUSPEND
AUTOMATIC (1) Applies if: (a) Discharge & any confinement* (b) Confinement > 6 months (c) Death (2) Amount: (a) GCM: all pay and allowances (b) SPCM: 2/3rds pay only *If only a punitive discharge is adjudged, Article 58b has no effect on pay and allowances. See RCM 1003(b)(2) Discussion	No forfeitures in effect	DEFER: Art. 57(a)(2), Art. 58b(a)(1), RCM 1101(c) (1) Only valid until action or if rescinded earlier (2) Money goes to the accused (3) <i>No sua sponte</i> deferments WAIVE: Art. 58b(a)(2), RCM 1101(d) (1) Goes to dependents only (2) Valid for up to 6 months, duration of confinement, or ETS, whichever comes first. (3) CA can waive <i>sua sponte</i>	WAIVE: Art. 58b(a)(2), RCM 1101(d) (1) Goes to dependents only (2) Valid for up to 6 months, duration of confinement, or ETS, whichever comes first (3) CA can waive <i>sua sponte</i>

Processes Excess Leave

- Involuntary – CA may direct excess leave if
 - Sentence includes a dismissal or punitive discharge.
 - Dismissal or discharge is not suspended.
 - Soldier is awaiting completion of appellate review.
 - Confinement has been served, deferred, or suspended.
 - Approval of punitive discharge is under Article 60, UCMJ by the GCM authority.

Processes Excess Leave

- Voluntary – Rule for Soldier to request excess
 - GCM authority is the approval authority
 - Soldier requests
 - If the GCM authority believes that the best interest of the Army would be served by approving the leave and:
 - The Soldier has been sentenced to a dismissal or punitive discharge, and
 - The sentence has not been approved, and
 - Confinement has been served, deferred, or suspended.



Record of Trial (ROT)

- Requirement for record of trial
- The “original” record of trial defined
- Original documents required

Verbatim Transcript is Required When...

- Confinement \geq 6 months, or;
- Forfeitures \geq 2/3 pay per month, or;
- Forfeitures adjudged are for any amount but are \geq 6 months, or;
- Sentence exceeds that authorized by a Special Court-Martial, or;
- Sentence includes a BCD or DD, or a dismissal.

Verbatim Transcript

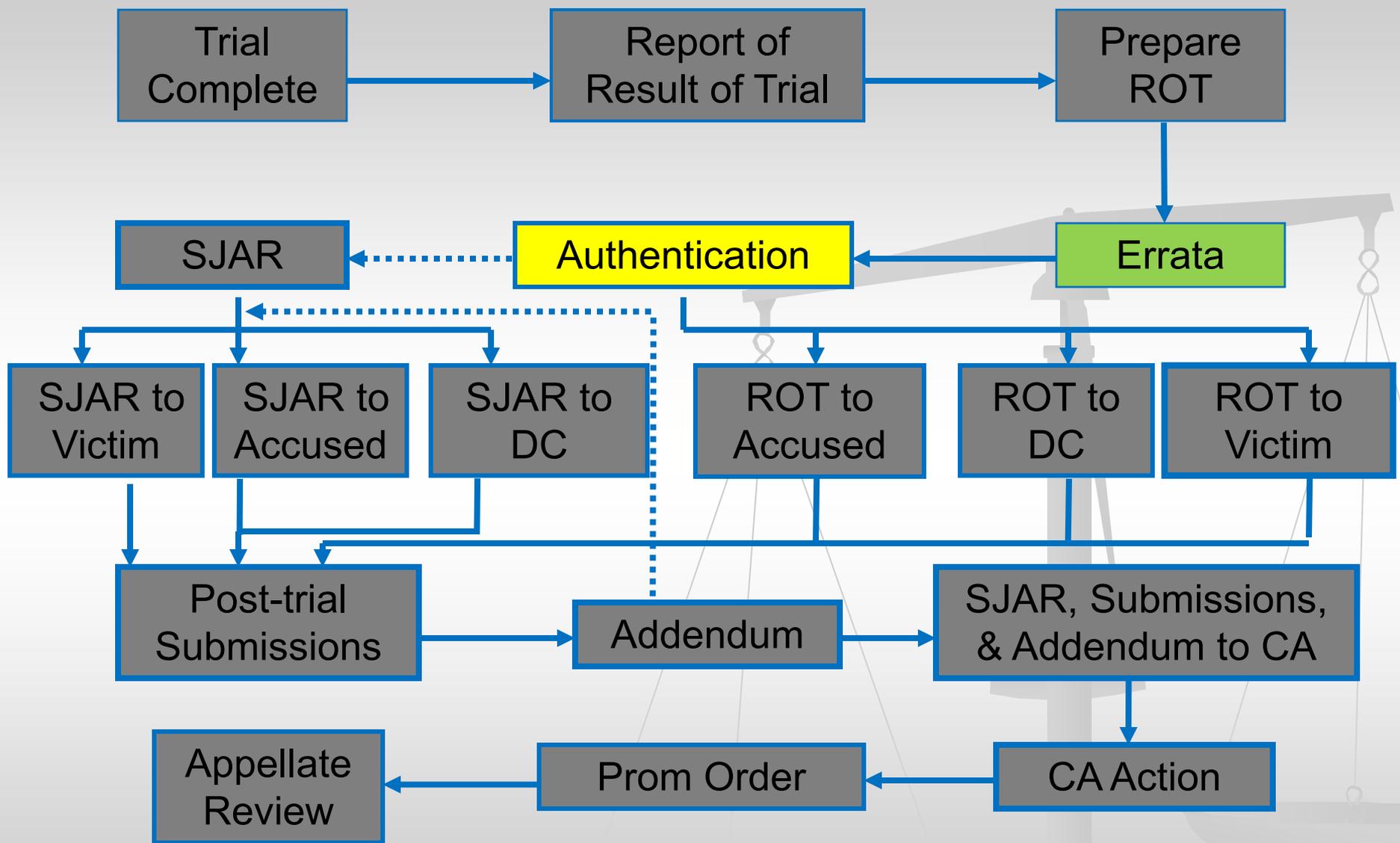
- A verbatim transcript includes:
 - Article 39(a) sessions
 - Arguments of counsel
 - Rulings and instructions by the MJ
 - Matter which the MJ orders stricken from the record or disregarded
 - Revision proceedings
 - Changes made to the original ROT
 - Matters agreed upon at 802 sessions
 - Use of an interpreter

ROT requirements when there is an acquittal

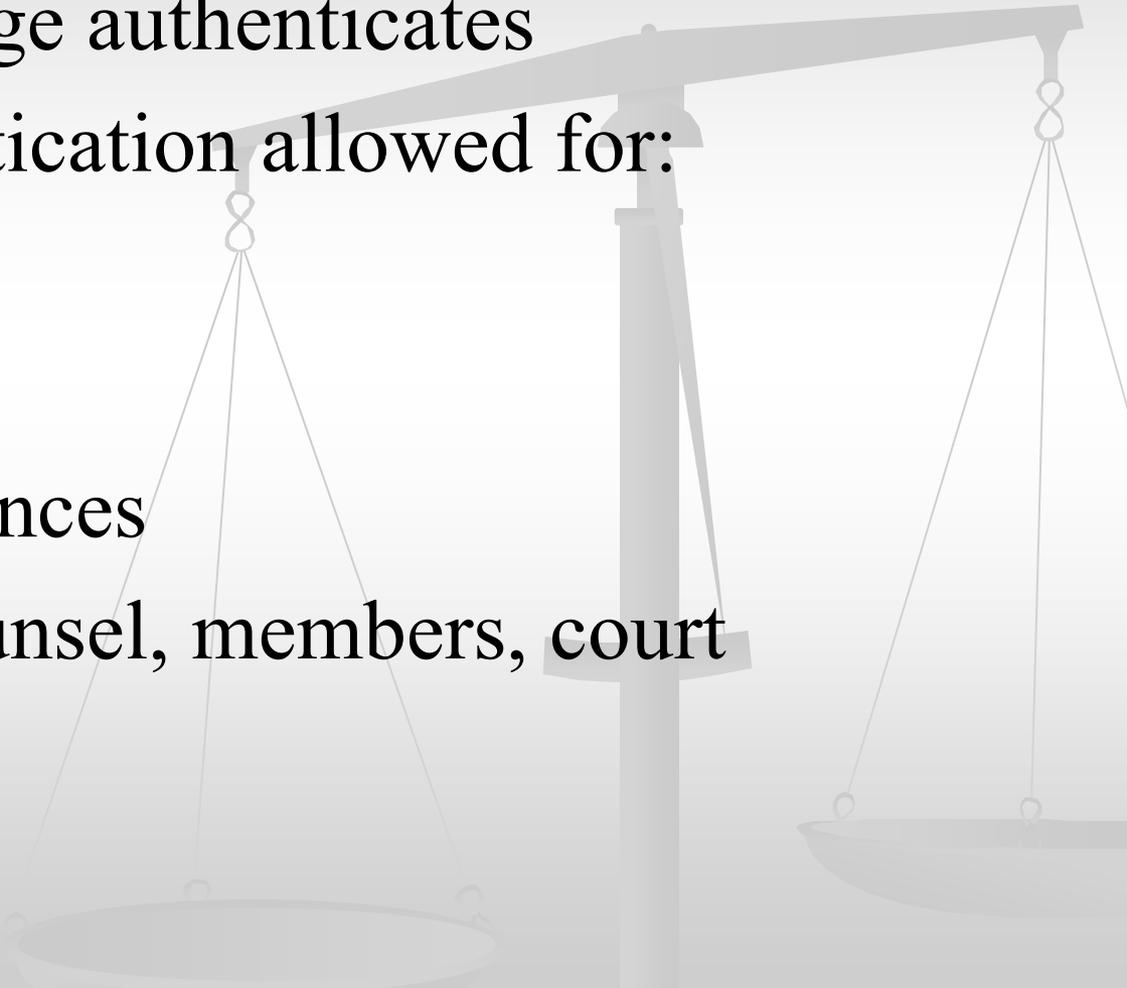
- The record may consist of:
 - The original charge sheet
 - A copy of the convening order and amending orders (if any), and
 - Sufficient information to establish jurisdiction over the accused and the offenses

Assembling the Record of Trial

- Arrangement
- Order of contents
- Size of volumes
- Copies of the record of trial required in addition to the original and distribution
- Marking records
- Packing
- Sending record of trial



Authentication



- Each military judge authenticates
- Substitute authentication allowed for:
 - Death
 - Disability
 - Qualified Absences
- Duties of trial counsel, members, court reporter

Enabling Learning Objective B: Discuss Authentication to Action

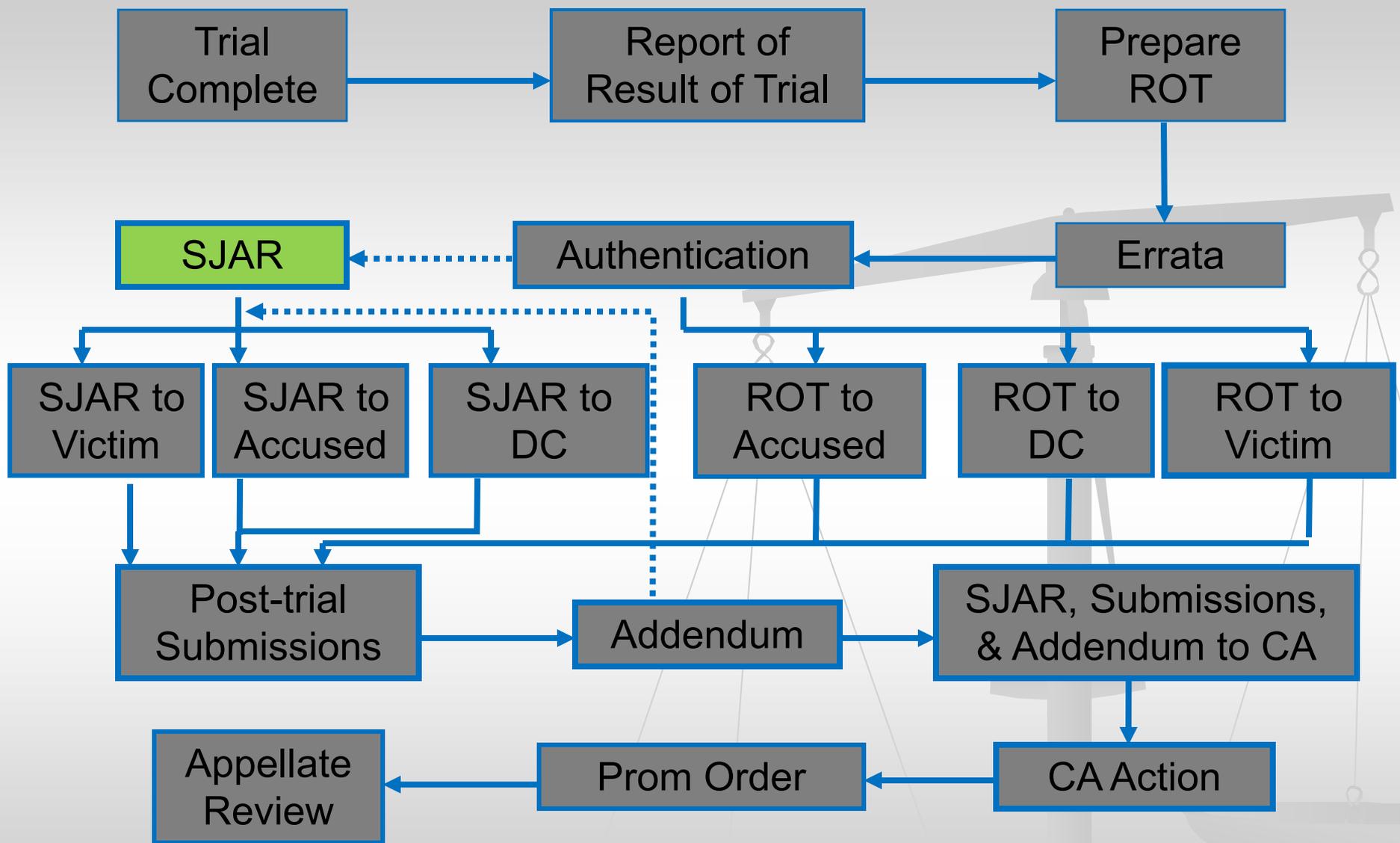
Action: Discuss Authentication to Action.

Conditions: In a classroom environment, given an authenticated record of trial, the Manual for Courts-Martial (MCM), Post-Trial Handbook, AR 27-10, and standard office supplies and equipment.

Enabling Learning Objective B: Discuss Authentication to Action

Standards: Demonstrate the ability to research and discuss the following topics:

- Staff Judge Advocate's Post-Trial Recommendation (SJAR)
- Post-Trial Submissions
- Time Periods for Submission
- Addendum
- Convening Authority's Action



SJAR: Staff Judge Advocate's Post-Trial Recommendation

Required for:

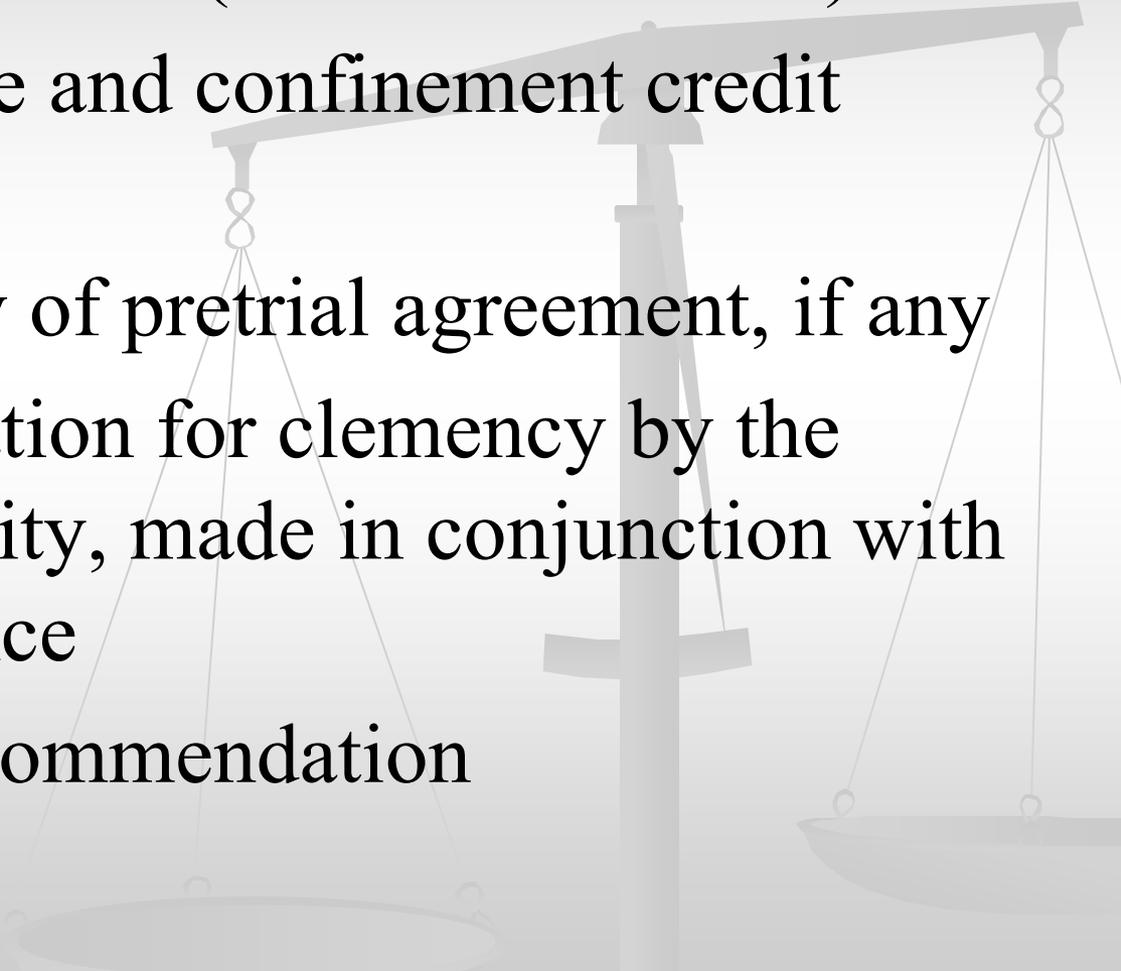
- All GCMs
- TWO types of SPCMs
 - BCD adjudged
 - Confinement for 1 year or more adjudged

SJAR: Staff Judge Advocate's Post-Trial Recommendation

Not required for:

- Acquittal
- Finding of not guilty only by reason of lack of mental responsibility
- Trial terminated without findings
- Confinement for less than 1 year

Required Content



- Report of result of trial (DD Form 2707-1)
- Findings, sentence and confinement credit applied
- Copy or summary of pretrial agreement, if any
- Any recommendation for clemency by the sentencing authority, made in conjunction with announced sentence
- SJA's concise recommendation

SJAR Example



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 54TH INFANTRY DIVISION (MECHANIZED)
FORT ATTERBURY, INDIANA 46124-9000

ATCL-JA

15 October 2013

MEMORANDUM FOR Commander, 54th Infantry Division (Mechanized), Fort Atterbury,
Indiana 46124-9000

SUBJECT: Post-Trial Staff Judge Advocate's Recommendation. United States v.
Sergeant Richard M. Archie

1. The record of trial in the case of Sergeant Richard M. Archie, 000-11-2222, U.S. Army, H Company, 1st Brigade Support Battalion, 3rd Brigade, 54th Infantry Division (Mechanized), has been forwarded to me for my recommendation prior to action as required by Article 60(c)-(e), UCMJ, and R C M 1106, Manual for Courts-Martial, 2012 edition.
2. APPROVED DEFERMENTS OR WAIVER REQUESTS: On 24 July 2013, you deferred the adjudged and automatic forfeiture of all pay and allowances until action.
3. CLEMENCY RECOMMENDATION MADE IN CONJUNCTION WITH ANNOUNCEMENT OF SENTENCE: None.
4. PRETRIAL CONFINEMENT: None.
5. SENTENCE CREDIT: The accused will be credited with three days of confinement credit against the sentence to confinement.
6. RECOMMENDATION: I recommend you approve the findings and sentence as adjudged.

3 Encls

1. Result of Trial
2. Record of Trial
3. Victim Submission

CF:

Victim (w/encls)
SGT Archie (w/encls)
CPT Firefox (w/encls)

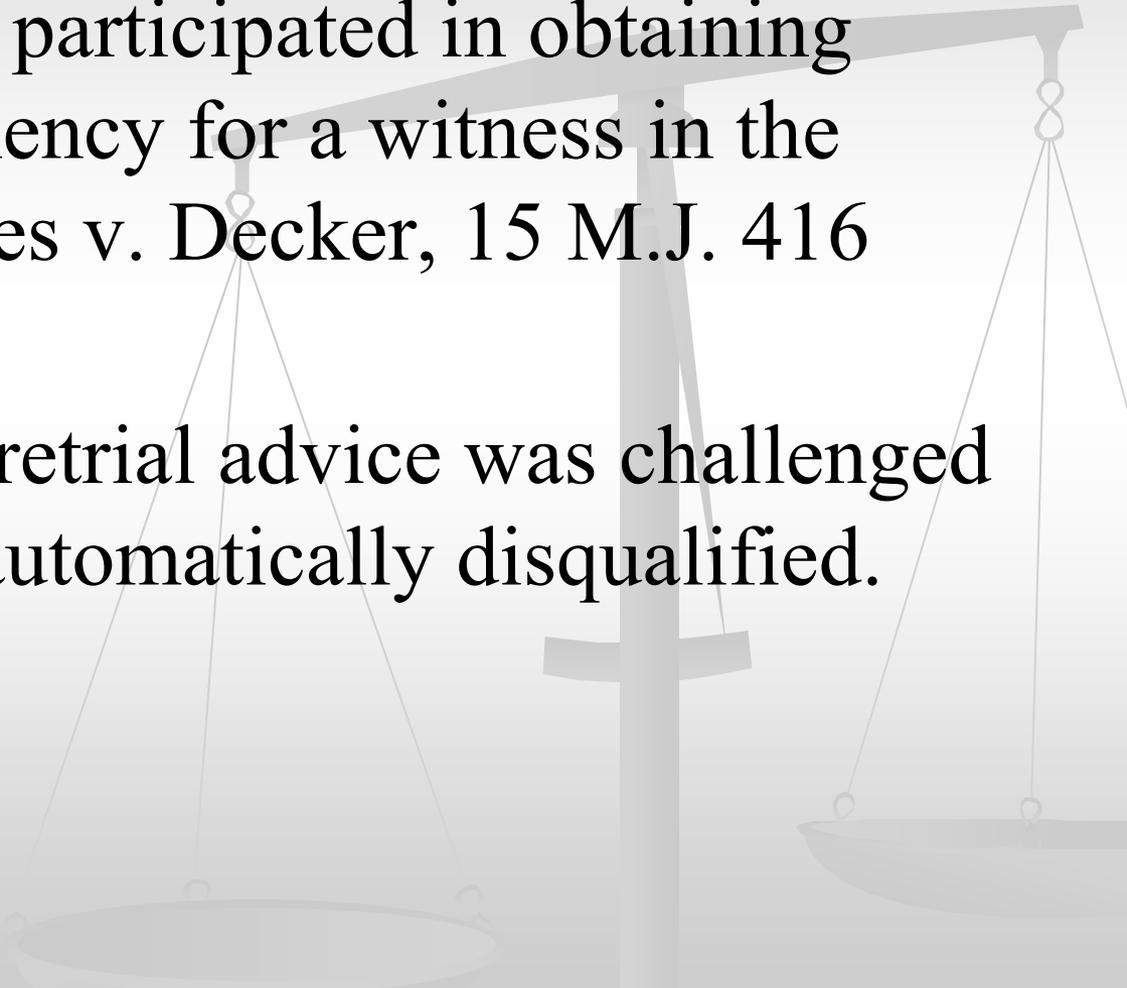
Bailey Jamison

BAILEY JAMISON
COL, JA
Staff Judge Advocate

Who is Disqualified from Preparing the SJAR?

- An accuser
- The Investigating Officer
- Court Members
- Military Judge
- Any TC, DC, or anyone who “has otherwise acted on behalf of the prosecution or defense”
- An SJA under certain circumstances

Who is Not Disqualified

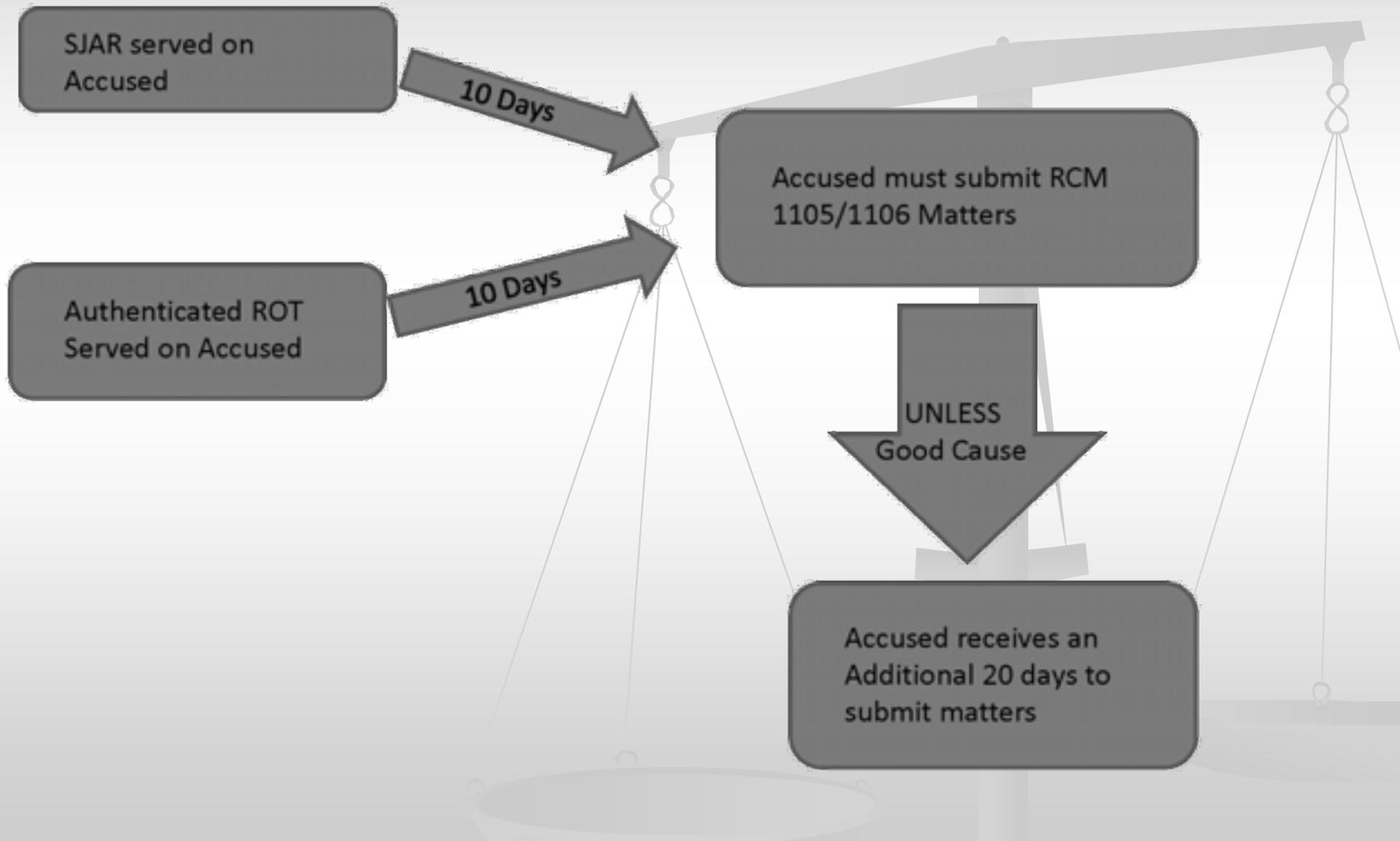


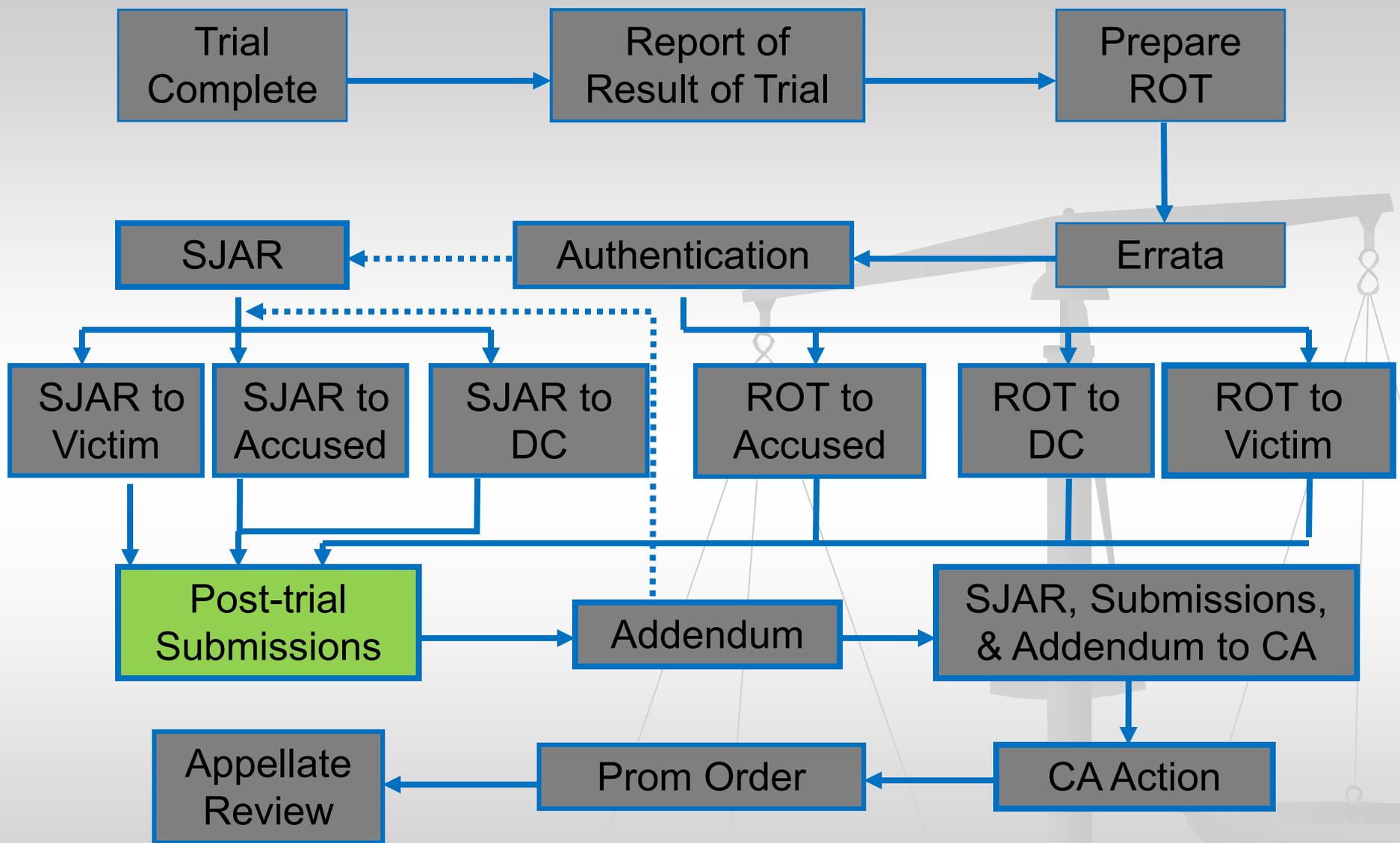
- The SJA who has participated in obtaining immunity or clemency for a witness in the case. *United States v. Decker*, 15 M.J. 416 (C.M.A. 1983).
- The SJA whose pretrial advice was challenged at the trial is not automatically disqualified.

Service of the SJAR

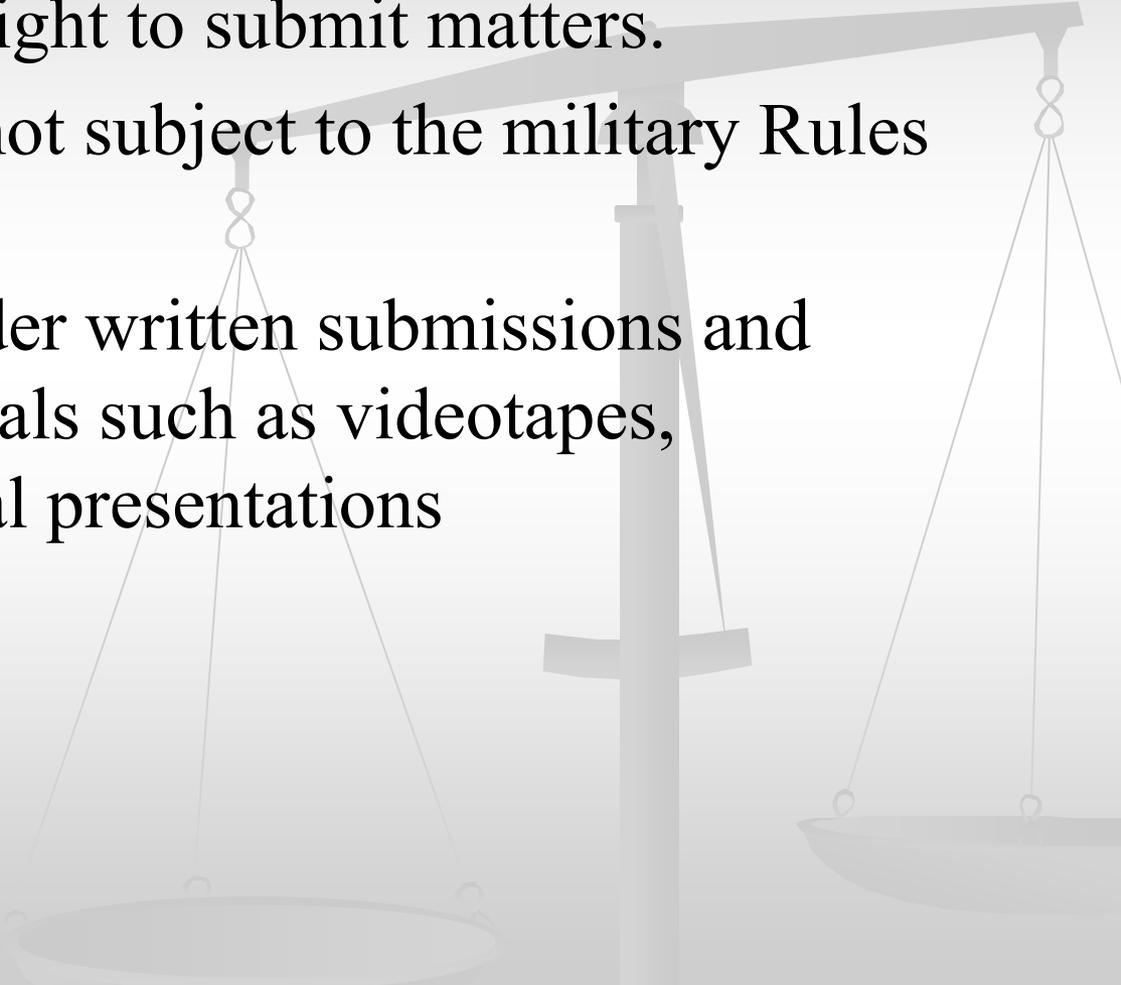
- On both the accused and DC is required before the CA can take action.
- Using certificates of service.
- If unable to serve on the accused.

Time Periods for Submission





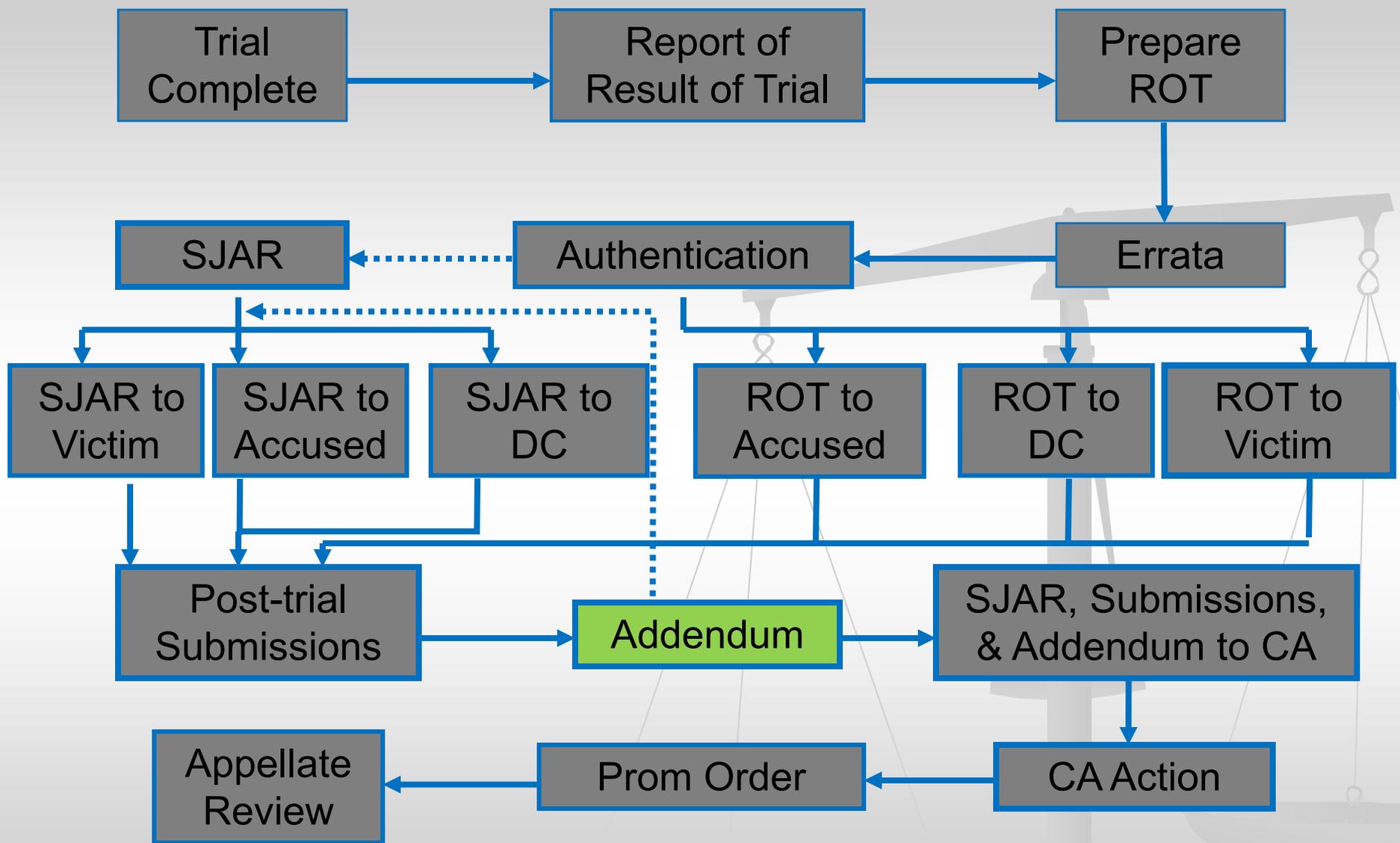
Post-Trial Submissions



- Clemency matters
 - Accused has the right to submit matters.
 - Submissions are not subject to the military Rules of Evidence.
- The CA **must** consider written submissions and **may** consider materials such as videotapes, photographs, and oral presentations

Waiver of Post-Trial Submissions

- Written waiver
- Failure to submit matters
- Submission of matters
- Absence of accused



Addendum

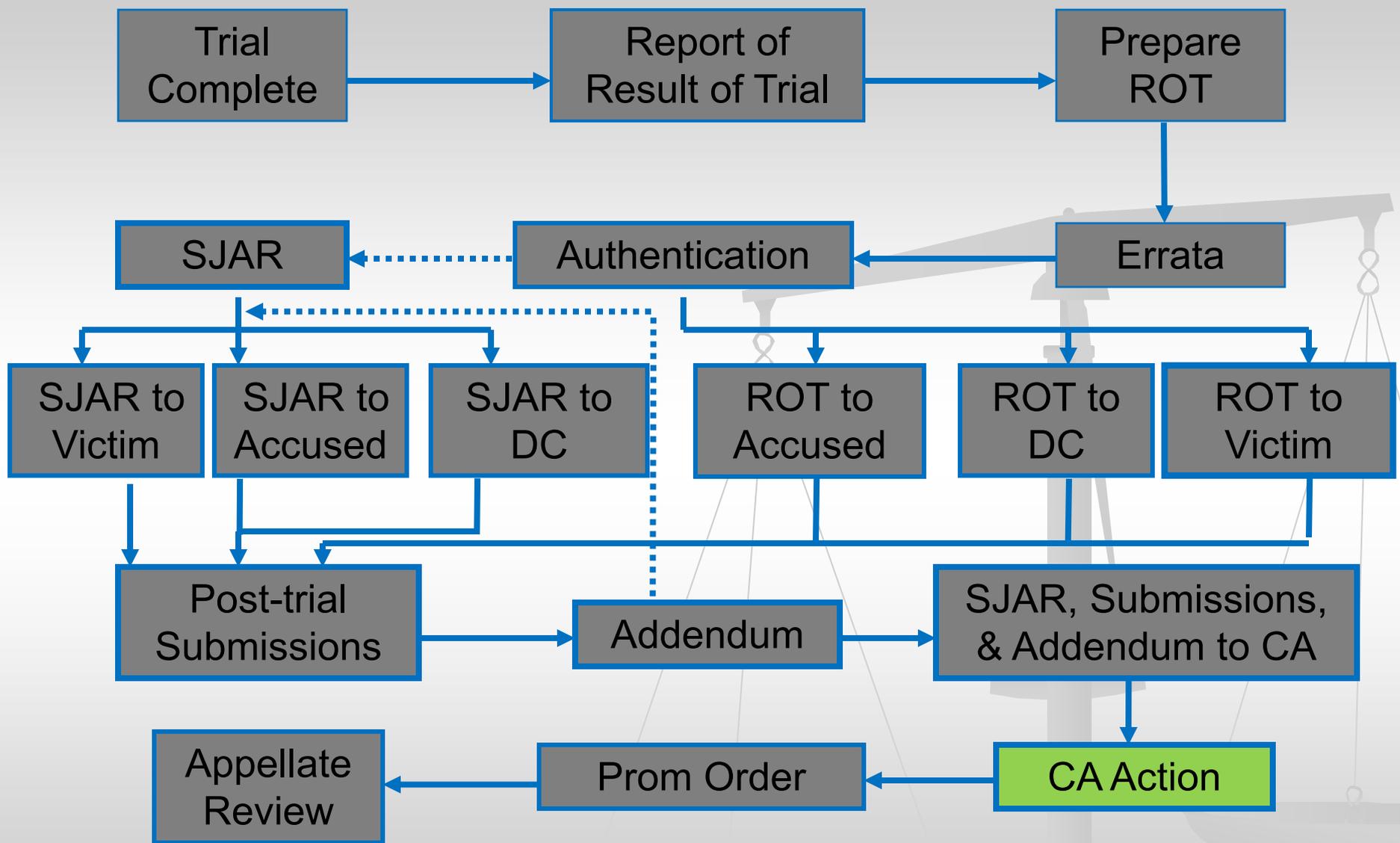
- Contents:
 - Response to legal errors
 - Advise the CA to consider all Defense submissions
- New Matter

Legal Error

I have considered the defense allegation of legal error regarding _____ . I disagree that this was a legal error. In my opinion, no corrective action is necessary.

Common SJAR and Addendum Errors

- Inaccurately reflect charges and specifications (especially dismissals, consolidations)
- Inaccurately reflect the maximum punishment
- Omit, misapply pretrial confinement
- Omit, misapply Article 15 credit
- Recommend approval of greater than 2/3 forfeitures for periods of no confinement
- Add extraneous (and often erroneous) information



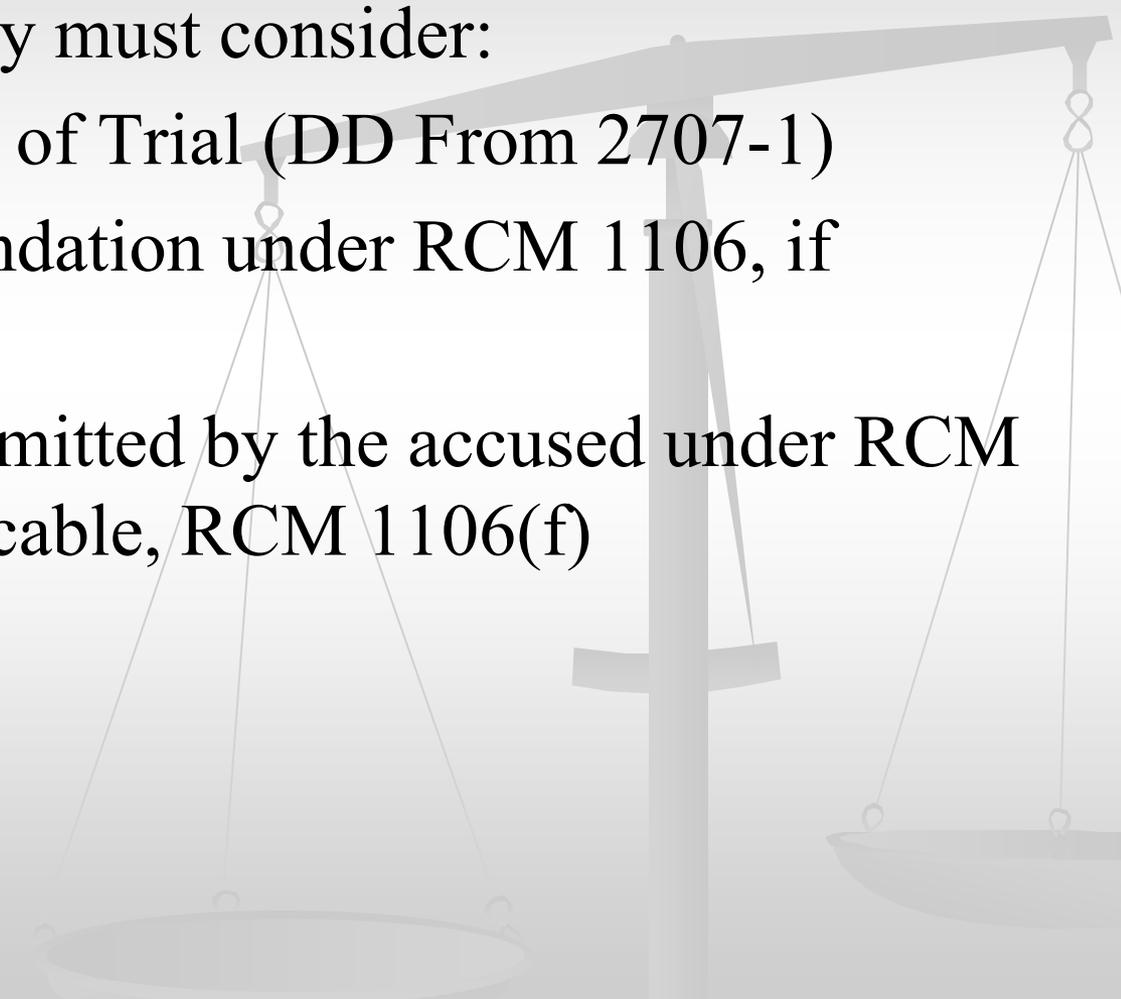
Who May Take Action?

- Convening Authority
- Acting Commander
- Successor in Command
- Officer exercising General Court-Martial jurisdiction

Convening Authority's Action

- Must be in writing.
- CA **shall** approve or disapprove sentence adjudged at a Court-martial, when appropriate.
- The CA **may** take action on the findings.
- The CA **will not** take action for a finding of not guilty.

Before Taking Action



- Convening authority must consider:
 - Report of Result of Trial (DD Form 2707-1)
 - SJA's recommendation under RCM 1106, if applicable
 - Any matters submitted by the accused under RCM 1105 or, if applicable, RCM 1106(f)

Before Taking Action

Convening authority may consider additional matters:

- Record of Trial
- Personnel records of the accused
- Other matters as the convening authority deems appropriate

CA Cannot Order Executed:

- Discharges/Dismissals
- Death
- ALL other punishments will be ordered executed (except those that have been suspended).

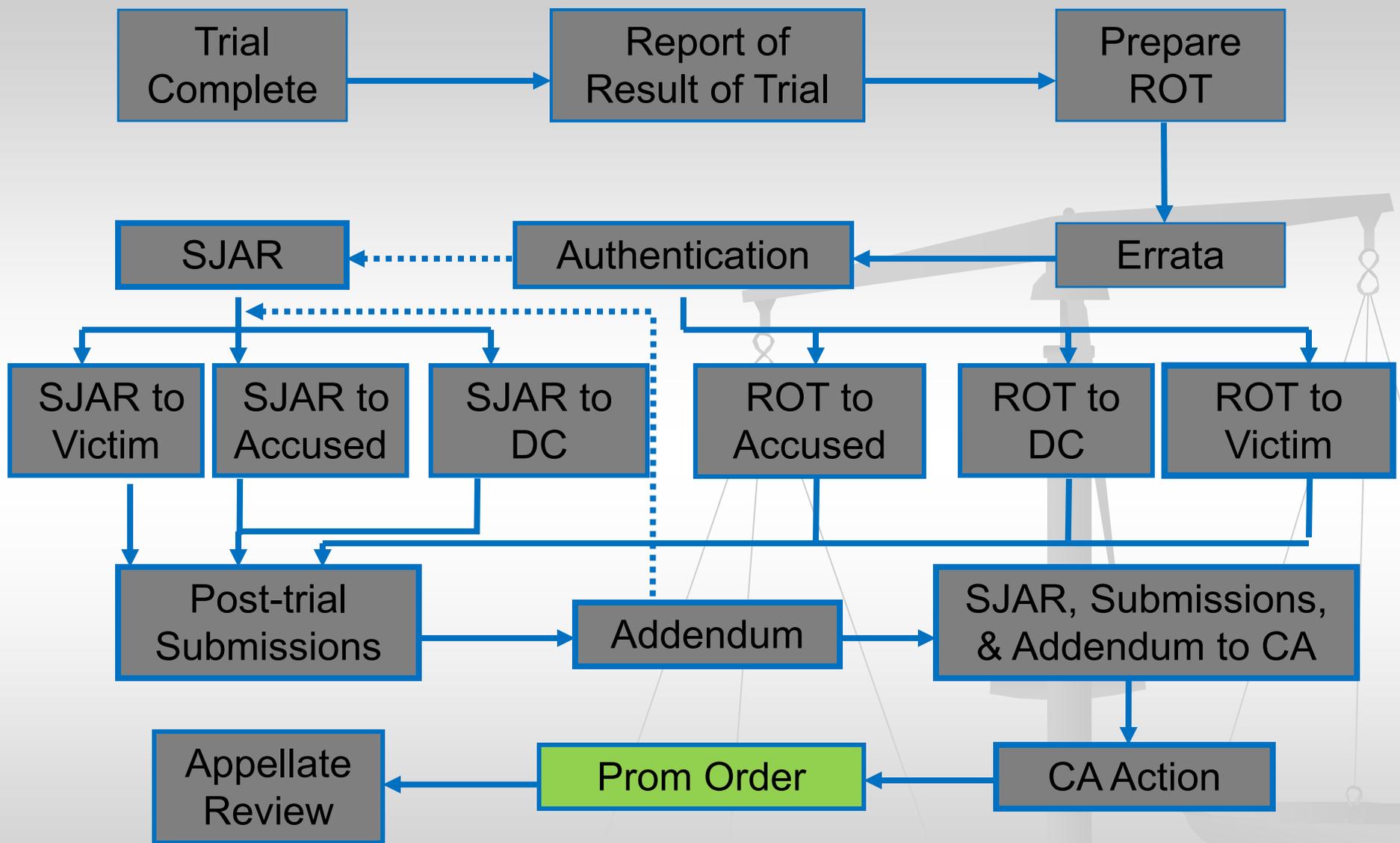
Enabling Learning Objective C: Discuss Action to ACCA

Action: Discuss Action to ACCA.

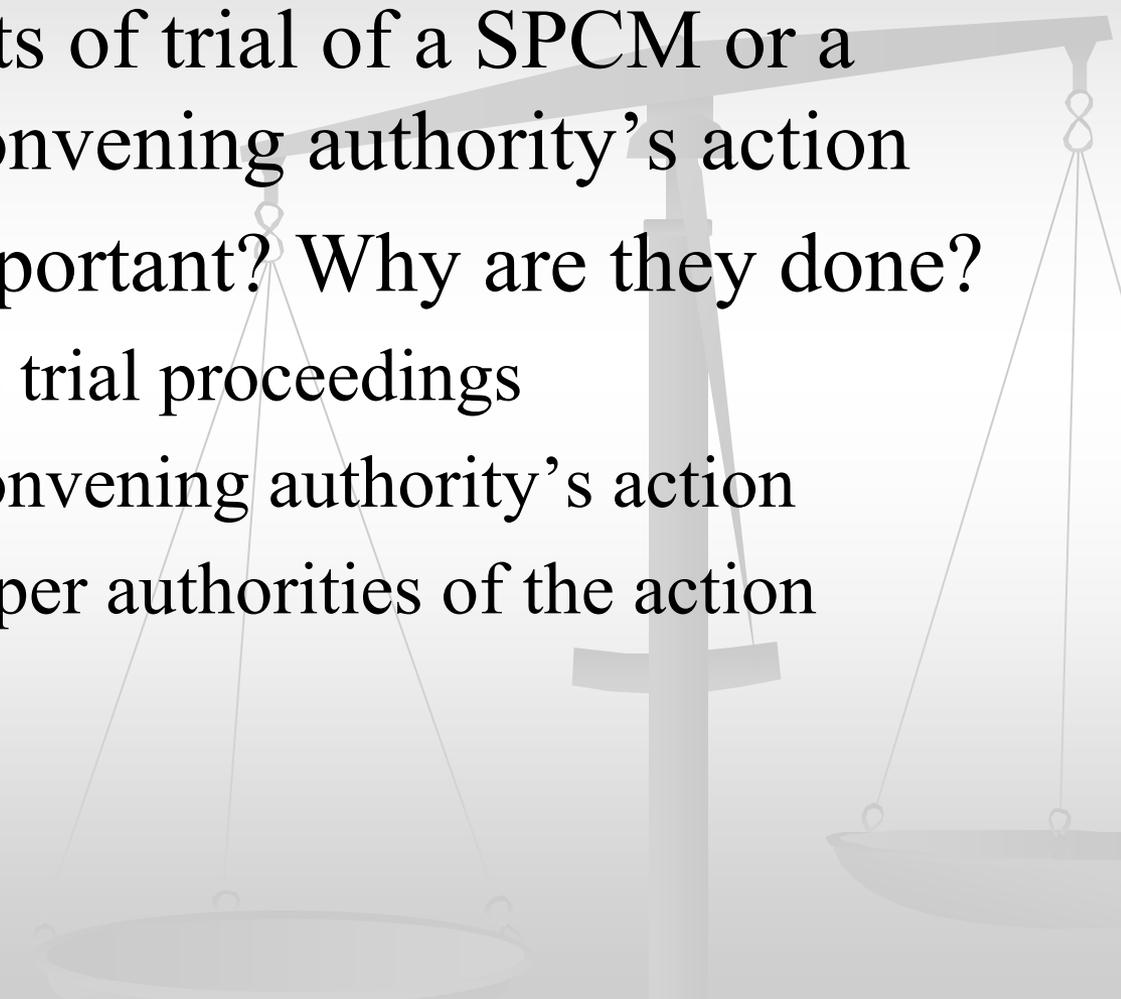
Conditions: In a classroom environment, given an authenticated record of trial, the Manual for Courts-Martial (MCM), Post-Trial Handbook, AR 27-10, and standard office supplies and equipment.

Standards: Demonstrate the ability to research and discuss the following topics :

- Types of promulgating orders
- Corrected Copies
- Court of Criminal Appeals



Promulgating Orders



- Publish the results of trial of a SPCM or a GCM, and the convening authority's action
- Why are they important? Why are they done?
 - Summarizes the trial proceedings
 - Publishes the convening authority's action
 - Notifies the proper authorities of the action

Promulgating Orders

- Numbering Promulgating Orders
- Two types of promulgating orders:
 - Initial
 - Supplementary

DD Form 490 (Front Cover)

- Whether the record is verbatim or summarized
- The level of court martial
- The accused's information
- The convening authority's information
- Where the trial was convened
- The date or dates of the trial
- The type of copy
- Any companion or other cases as indicated in AR 27-10, para 12-6

DD Form 490 (Front Cover)

Copy I
Volume I of III Volumes

VERBATIM
RECORD OF TRIAL²
(and accompanying papers)
of

<u>Irwin, John B.</u> <small>(Name: Last, First, Middle Initial)</small>	<u>000-11-2345</u> <small>(Social Security Number)</small>	<u>Sergeant</u> <small>(Rank)</small>
<u>Company B, 3-3 AR, 3 BCT</u> <small>(Unit/Command Name)</small>	<u>United States Army</u> <small>(Branch of Service)</small>	<u>Fort Atterbury, Indiana</u> <small>(Station or Ship)</small>

By

GENERAL COURT-MARTIAL

Convened by 54th Infantry Division (Mechanized)
(Title of Convening Authority)

Commander
(Unit/Command of Convening Authority)

Tried at

<u>Fort Atterbury, Indiana</u> <small>(Place or Places of Trial)</small>	on	<u>13 and 14 October 2013</u> <small>(Date or Dates of Trial)</small>
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Companion Cases: None

DD Form 490 Cover Page without Companion Cases

DD Form 490 (Front Cover)

Copy I
Volume I of III Volumes

VERBATIM
RECORD OF TRIAL²
(and accompanying papers)
of

Irwin, John B. 000-11-2345 Sergeant
(Name: Last, First, Middle Initial) (Social Security Number) (Rank)

Company B, 3-3 AR, 3 BCT United States Army Fort Atterbury, Indiana
(Unit/Command Name) (Branch of Service) (Station or Ship)

By

GENERAL COURT-MARTIAL

Convened by 54th Infantry Division (Mechanized)
(Title of Convening Authority)

Commander
(Unit/Command of Convening Authority)

Tried at

Fort Atterbury, Indiana on 13 and 14 October 2013
(Place or Places of Trial) (Date or Dates of Trial)

Companion Cases:
SPC William B. Foster 111-22-3456
SPC Thomas M. Keller 000-22-4567



DD Form 490 Cover Page with Companion Cases

Manage Post-Trial Process from Adjudgment to ACCA

DD Form 490 (Chronology Sheet)

Example: SGT Irwin's Charges

- In that Sergeant John B. Irwin, U.S. Army, did, at or near Fort Atterbury, Indiana, on or about **2 November 2012**, assault Joan Smith by choking her.
- In that Sergeant John B. Irwin, U.S. Army, having knowledge of a lawful order issued by CPT William S. Miller, to wit: a Military Order of Protection, dated 3 November 2012, an order which it was his duty to obey, did, at Fort Atterbury, Indiana, on or about **5 November 2012**, fail to obey the same by wrongfully contacting Joan Smith.
- In that Sergeant John B. Irwin, U.S. Army, did, on or about **21 October 2012**, without authority, absent himself from his unit, to wit: Company B, 3dArmor, 3d Battalion, located at Fort Atterbury, Indiana, and did remain so absent until on or about 29 October 2012.

DD Form 490 (Chronology Sheet)

CHRONOLOGY SHEET ¹			
In the case of _____		Sergeant (E5) John B. Irwin <i>(Rank and Name of Accused)</i>	
Date of alleged commission of earliest offense tried: _____		21 October <i>(Enter Date)</i>	2012
Date record forwarded to The Judge Advocate General: ² _____		21 May <i>(Enter Date)</i>	2013
Michael C. Abbot, MAJ, Chief, Military Justice		<i>Michael C. Abbot</i>	
<i>(Signature and Rank of Staff Judge Advocate or Legal Officer)</i>			
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	ACTION	DATE _____	CUMULATIVE ELAPSED DAYS ³
	1. Accused placed under restraint by military authority ⁴		

DD Form 490 (Chronology Sheet)

CHRONOLOGY SHEET ¹			
In the case of _____		Sergeant (E5) John B. Irwin <i>(Rank and Name of Accused)</i>	
Date of alleged commission of earliest offense tried: _____		21 October <i>(Enter Date)</i>	2012
Date record forwarded to The Judge Advocate General: ² _____		21 May <i>(Enter Date)</i>	2013
Michael C. Abbot, MAJ, Chief, Military Justice		<i>Michael C. Abbot</i>	
<i>(Signature and Rank of Staff Judge Advocate or Legal Officer)</i>			
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	ACTION	DATE 2012	CUMULATIVE ELAPSED DAYS ³
	1. Accused placed under restraint by military authority ⁴		

DD Form 490 (Chronology Sheet)

Blocks 1a and 1b

CHRONOLOGY SHEET ¹			
In the case of _____		Sergeant (E5) John B. Irwin <i>(Rank and Name of Accused)</i>	
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Date record forwarded to The Judge Advocate General: ² _____		21 May <i>(Enter Date)</i>	2013
Michael C. Abbot, MAJ, Chief, Military Justice		<i>Michael C. Abbot</i>	
<i>(Signature and Rank of Staff Judge Advocate or Legal Officer)</i>			
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).	ACTION	DATE 2012	CUMULATIVE ELAPSED DAYS ³
	1. Accused placed under restraint by military authority ⁴	^a 20121110	^b
	2. Charges preferred <i>(date of affidavit)</i>		
	3. Article 32 investigation <i>(date of report)</i> ⁵		

Date computation: Standard Calendar

Example: Find the elapsed days between 13 October 2012 and 2 November 2012

1. Omit 13 October 2012.
2. Count days starting with 14 October 2012 to 2 November 2012.



OCTOBER							NOVEMBER						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13 	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	

3. Total number of days elapsed: **39 days**.

Date computation- Julian Calendar

Dates occurring in the same year:

1. Find the Julian date for the initial date
2. Find the Julian date for the final date
3. Subtract numbers to get the total number of elapsed days

Example: Find the elapsed days between 13 October 2013 and 2 November 2013

1. 13 Oct 13 Julian date = **286**
2. 2 Nov 13 Julian date = **306**
3. $306 - 286 =$ **20 days**

Date computation- Julian Calendar

Dates crossing years:

1. Find the Julian date for the initial date.
2. Subtract date from 365 (for leap year use 366).
3. Find the Julian date for the final date.
4. Add the final date to the difference from your initial date to get total elapsed days.

Example: Find the elapsed days between 13 October 2012 and 3 January 2013

1. 13 Oct 12 Julian date = **287**
2. $366 - 287 = 79$
3. 3 Jan 13 Julian date = **003**
4. $79 + 3 = 82$ days

Julian Calendar- Perpetual

JULIAN DATE CALENDAR
PERPETUAL

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Day
1	001	032	060	091	121	152	182	213	244	274	305	335	1
2	002	033	061	092	122	153	183	214	245	275	306	336	2
3	003	034	062	093	123	154	184	215	246	276	307	337	3
4	004	035	063	094	124	155	185	216	247	277	308	338	4
5	005	036	064	095	125	156	186	217	248	278	309	339	5
6	006	037	065	096	126	157	187	218	249	279	310	340	6
7	007	038	066	097	127	158	188	219	250	280	311	341	7
8	008	039	067	098	128	159	189	220	251	281	312	342	8
9	009	040	068	099	129	160	190	221	252	282	313	343	9
10	010	041	069	100	130	161	191	222	253	283	314	344	10
11	011	042	070	101	131	162	192	223	254	284	315	345	11
12	012	043	071	102	132	163	193	224	255	285	316	346	12
13	013	044	072	103	133	164	194	225	256	286	317	347	13
14	014	045	073	104	134	165	195	226	257	287	318	348	14
15	015	046	074	105	135	166	196	227	258	288	319	349	15
16	016	047	075	106	136	167	197	228	259	289	320	350	16
17	017	048	076	107	137	168	198	229	260	290	321	351	17
18	018	049	077	108	138	169	199	230	261	291	322	352	18
19	019	050	078	109	139	170	200	231	262	292	323	353	19
20	020	051	079	110	140	171	201	232	263	293	324	354	20
21	021	052	080	111	141	172	202	233	264	294	325	355	21
22	022	053	081	112	142	173	203	234	265	295	326	356	22
23	023	054	082	113	143	174	204	235	266	296	327	357	23
24	024	055	083	114	144	175	205	236	267	297	328	358	24
25	025	056	084	115	145	176	206	237	268	298	329	359	25
26	026	057	085	116	146	177	207	238	269	299	330	360	26
27	027	058	086	117	147	178	208	239	270	300	331	361	27
28	028	059	087	118	148	179	209	240	271	301	332	362	28
29	029		088	119	149	180	210	241	272	302	333	363	29
30	030		089	120	150	181	211	242	273	303	334	364	30
31	031		090		151		212	243		304		365	31



Julian Calendar- Leap Year

JULIAN DATE CALENDAR
FOR LEAP YEARS ONLY

Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Day
1	001	032	061	092	122	153	183	214	245	275	306	336	1
2	002	033	062	093	123	154	184	215	246	276	307	337	2
3	003	034	063	094	124	155	185	216	247	277	308	338	3
4	004	035	064	095	125	156	186	217	248	278	309	339	4
5	005	036	065	096	126	157	187	218	249	279	310	340	5
6	006	037	066	097	127	158	188	219	250	280	311	341	6
7	007	038	067	098	128	159	189	220	251	281	312	342	7
8	008	039	068	099	129	160	190	221	252	282	313	343	8
9	009	040	069	100	130	161	191	222	253	283	314	344	9
10	010	041	070	101	131	162	192	223	254	284	315	345	10
11	011	042	071	102	132	163	193	224	255	285	316	346	11
12	012	043	072	103	133	164	194	225	256	286	317	347	12
13	013	044	073	104	134	165	195	226	257	287	318	348	13
14	014	045	074	105	135	166	196	227	258	288	319	349	14
15	015	046	075	106	136	167	197	228	259	289	320	350	15
16	016	047	076	107	137	168	198	229	260	290	321	351	16
17	017	048	077	108	138	169	199	230	261	291	322	352	17
18	018	049	078	109	139	170	200	231	262	292	323	353	18
19	019	050	079	110	140	171	201	232	263	293	324	354	19
20	020	051	080	111	141	172	202	233	264	294	325	355	20
21	021	052	081	112	142	173	203	234	265	295	326	356	21
22	022	053	082	113	143	174	204	235	266	296	327	357	22
23	023	054	083	114	144	175	205	236	267	297	328	358	23
24	024	055	084	115	145	176	206	237	268	298	329	359	24
25	025	056	085	116	146	177	207	238	269	299	330	360	25
26	026	057	086	117	147	178	208	239	270	300	331	361	26
27	027	058	087	118	148	179	209	240	271	301	332	362	27
28	028	059	088	119	149	180	210	241	272	302	333	363	28
29	029	060	089	120	150	181	211	242	273	303	334	364	29
30	030		090	121	151	182	212	243	274	304	335	365	30
31	031		091		152		213	244		305		366	31

USE IN 2004, 2008, 2012, 2016, 2020, 2024, ETC.

DD Form 490 (Chronology Sheet)

Blocks 2a and 2b

CHRONOLOGY SHEET ¹			
In the case of _____		Sergeant John B. Irwin <i>(Rank and Name of Accused)</i>	
Date of alleged commission of earliest offense tried: _____		21 October <i>(Enter Date)</i>	2012
Date record forwarded to The Judge Advocate General: ² _____		21 May <i>(Enter Date)</i>	2013
Michael C. Abbot, MAJ, Chief, Military Justice		<i>Michael C. Abbot</i>	
<i>(Signature and Rank of Staff Judge Advocate or Legal Officer)</i>			
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	1. Accused placed under restraint by military authority ⁴	^a 20121110	^b
	2. Charges preferred <i>(date of affidavit)</i>	^a 20121205	^b 25
	3. Article 32 investigation <i>(date of report)</i> ⁵		

DD Form 490 (Chronology Sheet)

Blocks 3a and 3b

CHRONOLOGY SHEET ¹			
In the case of _____		Sergeant John B. Irwin <i>(Rank and Name of Accused)</i>	
Date of alleged commission of earliest offense tried: _____		21 October <i>(Enter Date)</i>	2012
Date record forwarded to The Judge Advocate General: ² _____		21 May <i>(Enter Date)</i>	2013
Michael C. Abbot, MAJ, Chief, Military Justice		<i>Michael C. Abbot</i>	
<i>(Signature and Rank of Staff Judge Advocate or Legal Officer)</i>			
<p>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.</p> <p>² Or officer conducting review under Article 64(a) (MCM, 1984, RCM 1112).</p> <p>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.</p>	ACTION	DATE 2012	CUMULATIVE ELAPSED DAYS ³
	1. Accused placed under restraint by military authority ⁴	a 20121110	b
	2. Charges preferred <i>(date of affidavit)</i>	a 20121205	b 25
	3. Article 32 investigation <i>(date of report)</i> ⁵	a 20121227	b 47
	4. Charges received by convening authority		
	5. Charges referred for trial		
	6. Sentence or acquittal		

DD Form 490 (Chronology Sheet)

Blocks 4a and 4b

CHRONOLOGY SHEET ¹			
In the case of _____		Sergeant John B. Irwin <i>(Rank and Name of Accused)</i>	
Date of alleged commission of earliest offense tried: _____		21 October <i>(Enter Date)</i>	2012
Date record forwarded to The Judge Advocate General: ² _____		21 May <i>(Enter Date)</i>	2013
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	1. Accused placed under restraint by military authority ⁴	a 20121110	b
	2. Charges preferred <i>(date of affidavit)</i>	a 20121205	b 25
	3. Article 32 investigation <i>(date of report)</i> ⁵	a 20121227	b 47
	4. Charges received by convening authority	a 20130205	b 87
	5. Charges referred for trial		
6. Sentence or acquittal			

DD Form 490 (Chronology Sheet)

Blocks 5a and 5b

CHRONOLOGY SHEET ¹			
In the case of _____		Sergeant John B. Irwin <i>(Rank and Name of Accused)</i>	
Date of alleged commission of earliest offense tried: _____		21 October <i>(Enter Date)</i>	2012
Date record forwarded to The Judge Advocate General: ² _____		21 May <i>(Enter Date)</i>	2013
Michael C. Abbot, MAJ, Chief, Military Justice		<i>Michael C. Abbot</i> <i>(Signature and Rank of Staff Judge Advocate or Legal Officer)</i>	
<p>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.</p> <p>² Or officer conducting review under Article 64(a) (MCM, 1984, RCM 1112).</p> <p>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.</p>	ACTION	DATE 2012	CUMULATIVE ELAPSED DAYS ³
	1. Accused placed under restraint by military authority ⁴	a 20121110	b
	2. Charges preferred <i>(date of affidavit)</i>	a 20121205	b 25
	3. Article 32 investigation <i>(date of report)</i> ⁵	a 20121227	b 47
	4. Charges received by convening authority	a 20130205	b 87
	5. Charges referred for trial	a 20130205	b 87
6. Sentence or acquittal			

DD Form 490 (Chronology Sheet)

Blocks 6a-e

<p>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.</p> <p>2 Or officer conducting review under Article 64(a) (MCM, 1984, RCM 1112).</p> <p>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.</p> <p>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.</p> <p>5 May not be applicable to trial by special court-martial.</p> <p>6 Only this item may be deducted.</p> <p>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.</p> <p>8 When further action is required under Article 64 or service directives.</p>	ACTION	DATE 2012	CUMULATIVE ELAPSED DAYS 3
	1. Accused placed under restraint by military authority 4	a 20121110	b
	2. Charges preferred (date of affidavit)	a 20121205	b 25
	3. Article 32 investigation (date of report) 5	a 20121227	b 47
	4. Charges received by convening authority	a 20130205	b 87
	5. Charges referred for trial	a 20130205	b 87
	6. Sentence or acquittal	a 20130407	b 148
	Less days:		
	Accused sick, in hospital, or AWOL	c	
	Delay at request of defense	d 15	
	Total authorized deduction 6	e 15	
	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		

DD Form 490 (Chronology Sheet)

Block 7

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.	ACTION	DATE	CUMULATIVE
		2012	ELAPSED DAYS 3
<p>2 Or officer conducting review under Article 64(a) (MCM, 1984, RCM 1112).</p> <p>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.</p> <p>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.</p> <p>5 May not be applicable to trial by special court-martial.</p> <p>6 Only this item may be deducted.</p> <p>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.</p> <p>8 When further action is required under Article 64 or service directives.</p>	1. Accused placed under restraint by military authority 4	a 20121110	b
	2. Charges preferred (date of affidavit)	a 20121205	b 25
	3. Article 32 investigation (date of report) 5	a 20121227	b 47
	4. Charges received by convening authority	a 20130205	b 87
	5. Charges referred for trial	a 20130205	b 87
	6. Sentence or acquittal	a 20130407	b 148
	Less days:		
	Accused sick, in hospital, or AWOL c		
	Delay at request of defense d 15		
	Total authorized deduction 6 e 15		
	7. Net elapsed days to sentence or acquittal		133
	8. Record received by convening authority		
	Action 7		
9. Record received by officer conducting review under Article 64(a)			
Action 8			

DD Form 490 (Chronology Sheet)

Block 8a-d

<p>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.</p>	ACTION	DATE 2012	CUMULATIVE ELAPSED DAYS 3
<p>2 Or officer conducting review under Article 64(a) (MCM, 1984, RCM 1112).</p>	1. Accused placed under restraint by military authority 4	a 20121110	b
<p>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.</p>	2. Charges preferred (date of affidavit)	a 20121205	b 25
<p>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.</p>	3. Article 32 investigation (date of report) 5	a 20121227	b 47
<p>5 May not be applicable to trial by special court-martial.</p>	4. Charges received by convening authority	a 20130205	b 87
<p>6 Only this item may be deducted.</p>	5. Charges referred for trial	a 20130205	b 87
<p>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.</p>	6. Sentence or acquittal	a 20130407	b 148
<p>8 When further action is required under Article 64 or service directives.</p>	Less days:		
	Accused sick, in hospital, or AWOL c		
	Delay at request of defense d 15		
	Total authorized deduction e 15		
	7. Net elapsed days to sentence or acquittal		133
	8. Record received by convening authority	a 20130524	b 180
	Action 7	c 20130610	d (-20) 197
	9. Record received by officer conducting review under Article 64(a)		
	Action 8		

DD Form 490 (Chronology Sheet) Remarks Block

REMARKS

Number of days from the initiation of the investigation of the most serious arraigned offense to the date of arraignment; 116 days.

Defense Delay: 15 days; Pre-trial delay from 18 March 2013 to 1 April 2013.

Defense Delay: 20 days; RCM 1105/1106 matters 1 May 2013 to 20 May 2013.

Accused was confined at the Joint Regional Correctional Facility Mid-Atlantic (assigned to Fort Sill, OK).

DD FORM 490, MAY 2000

Reset

Inside of Front Cover

Check on Learning

Q: What is the function of the DD Form 490 Chronology Sheet?

A: Tracks the amount of time of a case from start to finish.

Q: What is the preferred method for calculating elapsed days?

A: Julian calendar

Q: When calculating days utilizing the Julian calendar, would you omit the first day?

A: No.

Q: Name one item that must be annotated in the remarks block of the Chronology sheet?

A: Number of days from the initiation of the investigation of the most serious arraigned offense to the date of arraignment; pretrial or post-trial defense delays; or Confinement facility where the accused is being transferred

Corrected Copy – The Rules

- Center the words “CORRECTED COPY”
- Identify additional corrected copies
- The order number and date does not change
- Underscore any changed material
- Distribute the corrected copy

Corrected Copy (Example)

CORRECTED COPY
DNA processing required. 10 U.S.C. § 1565.

Special Court-Martial Order Number 35 was the last in the series for 2013.

DEPARTMENT OF THE ARMY
Headquarters, 54th Infantry Division (Mechanized)
Fort Atterbury, Indiana 46124-9000

SPECIAL COURT-MARTIAL ORDER
NUMBER 1

5 March 2014

Specialist Brian C. Blinker, 999-00-6666, U.S. Army, Company D, 3d Battalion, 3d Brigade, 54th Infantry Division (Mechanized), Fort Atterbury, Indiana 46124-9000, was arraigned at Fort Atterbury, Indiana, on the following offense at a special court-martial convened by Commander, 54th Infantry Division (Mechanized).

Cases Automatically Reviewed by the Army Court of Criminal Appeals (ACCA)

ACCA reviews all cases where the adjudged sentence includes:

- Death
- Punitive Discharge
- Confinement = 1 Year or more

TJAG reviews GCM cases where the adjudged sentence:

- Does not include death, a punitive discharge, or confinement for 1 year or more

JA reviews all other cases where the accused has not waived or withdrawn appellate review.

Finality of Courts-Martial

- A court-martial conviction is final when:
 - Review is completed by a Court of Criminal Appeals...
 - In cases not reviewed by a Court of Criminal Appeals...
- Effects of finality

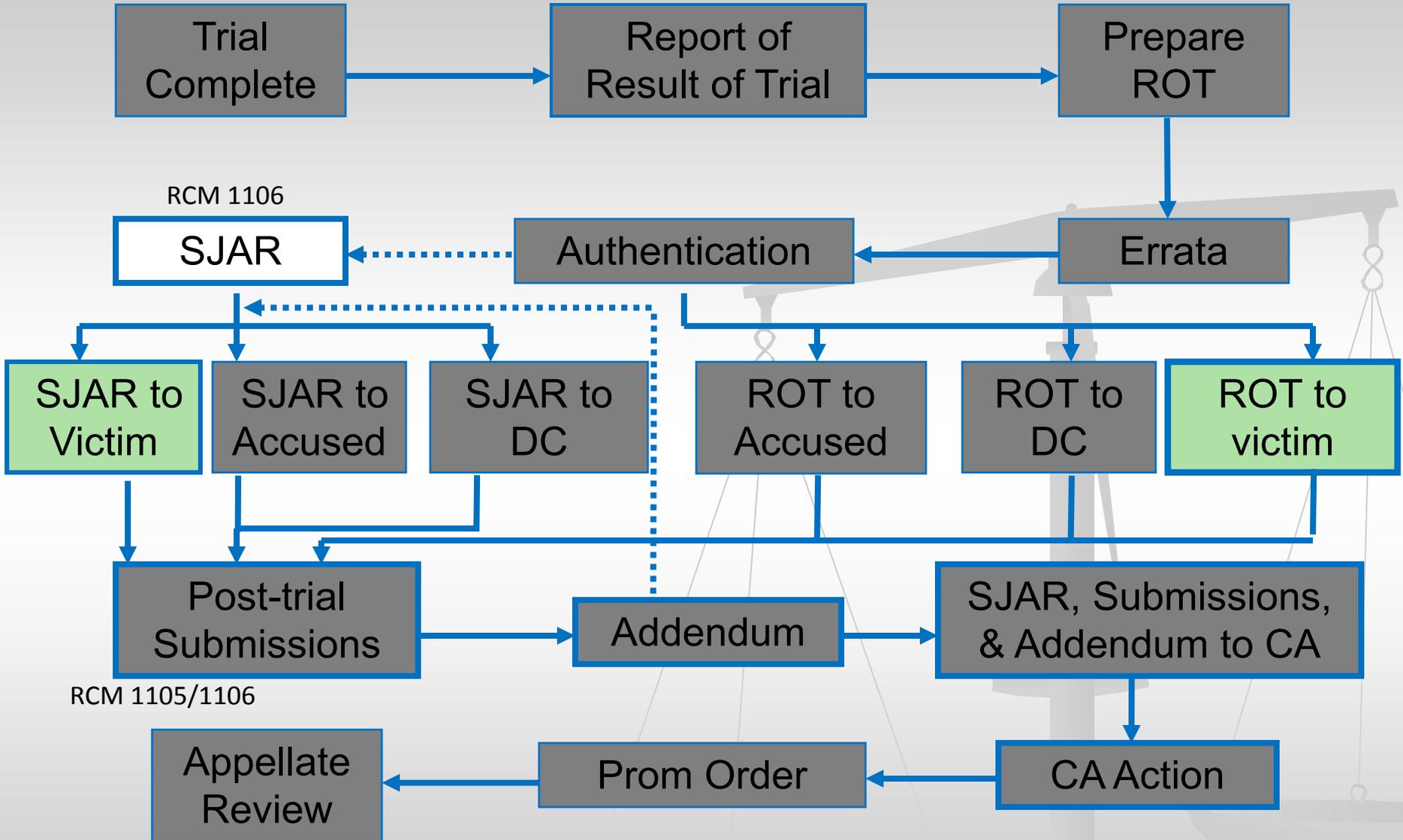
Terminal Learning Objective 2

Action: Prepare the Staff Judge Advocate's Post-Trial Recommendation (SJAR) and Addendum.

Conditions: In a classroom environment, given a requirement to prepare the Staff Judge Advocate's Post-Trial Recommendation (SJAR) and Addendum in conjunction with your duties as a Paralegal NCO and access to AR 27-10, MCM 2012, Post-Trial Handbook (2012) and AR 25-50.

Standards: Prepare the Staff Judge Advocate's Post-Trial Recommendation (SJAR) and Addendum in the correct format and ensure that it contains all the required information.

Matters Submitted by the Accused IAW R.C.M. 1105/1106



SJAR Example



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 54TH INFANTRY DIVISION (MECHANIZED)
FORT ATTERBURY, INDIANA 46124-9000

ATCL-JA

15 October 2013

MEMORANDUM FOR Commander, 54th Infantry Division (Mechanized), Fort Atterbury,
Indiana 46124-9000

SUBJECT: Post-Trial Staff Judge Advocate's Recommendation. United States v.
Sergeant Richard M. Archie

1. The record of trial in the case of Sergeant Richard M. Archie, 000-11-2222, U.S. Army, H Company, 1st Brigade Support Battalion, 3rd Brigade, 54th Infantry Division (Mechanized), has been forwarded to me for my recommendation prior to action as required by Article 60(c)-(e), UCMJ, and R C M 1105, Manual for Courts-Martial, 2012 edition.
2. APPROVED DEFERMENTS OR WAIVER REQUESTS: On 24 July 2013, you deferred the adjudged and automatic forfeiture of all pay and allowances until action.
3. CLEMENCY RECOMMENDATION MADE IN CONJUNCTION WITH ANNOUNCEMENT OF SENTENCE: None.
4. PRETRIAL CONFINEMENT: None.
5. SENTENCE CREDIT: The accused will be credited with three days of confinement credit against the sentence to confinement.
6. RECOMMENDATION: I recommend you approve the findings and sentence as adjudged.

3 Encls

1. Result of Trial
2. Record of Trial
3. Victim Submission

CF:

Victim (w/encls)
SGT Archie (w/encls)
CPT Firefox (w/encls)

Bailey Jamison

BAILEY JAMISON
COL, JA
Staff Judge Advocate

SJAR Heading



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 54TH INFANTRY DIVISION (MECHANIZED)
FORT ATTERBURY, INDIANA 46124-9000

ATCL-JA

15 October 2013

MEMORANDUM FOR Commander, 54th Infantry Division (Mechanized), Fort Atterbury,
Indiana 46124-9000

SUBJECT: Post-Trial Staff Judge Advocate's Recommendation, United States v.
Sergeant Richard M. Archie

Elements of the Body

1. Personal data of the accused and regulatory guidance.
2. Approved deferments or waiver requests.
3. Clemency recommendation made in conjunction with announcement of sentence.
4. Pretrial confinement.
5. Sentence credit.
6. Recommendation.

Example with Sentence Credit and Deferment

1. The record of trial in the case of Sergeant Richard M. Archie, 000-11-2222, U.S. Army, B Company, 1st Brigade Support Battalion, 3rd Brigade, 54th Infantry Division (Mechanized), has been forwarded to me for my recommendation prior to action as required by Article 60(c)-(e), UCMJ, and R.C.M. 1106, Manual for Courts-Martial, 2012 edition.
2. APPROVED DEFERMENTS OR WAIVER REQUESTS: On 24 July 2013, you deferred the adjudged and automatic forfeiture of all pay and allowances until action.
3. CLEMENCY RECOMMENDATION MADE IN CONJUNCTION WITH ANNOUNCEMENT OF SENTENCE: None.
4. PRETRIAL CONFINEMENT: None.
5. SENTENCE CREDIT: The accused will be credited with three days of confinement credit against the sentence to confinement.
6. RECOMMENDATION: I recommend you approve the findings and sentence as adjudged.

Example with Pretrial Confinement and BCD

1. The record of trial in the General Court-Martial of Private First Class Nicolas J. Pass, 999-00-0068, U.S. Army, Headquarters and Headquarters Company, 3d Battalion, 3d Brigade, 54th Infantry Division (Mechanized), Fort Atterbury, Indiana 46124-9000, has been forwarded to me for my recommendation prior to action as required by Article 60(c)-(e), UCMJ, and R.C.M. 1106, Manual for Courts-Martial (2012 edition).
2. APPROVED DEFERMENTS OR WAIVER REQUESTS: None.
3. CLEMENCY RECOMMENDATION MADE IN CONJUNCTION WITH ANNOUNCEMENT OF SENTENCE: None.
4. PRETRIAL CONFINEMENT: The accused will be credited with 15 days of pretrial confinement credit against the sentence to confinement.
5. SENTENCE CREDIT: None.
6. RECOMMENDATION: I recommend you approve the sentence as adjudged, except for the part of the sentence extending to a Bad-Conduct Discharge, order it executed.

SJAR Enclosures

3 Encls

1. Result of Trial
2. Record of Trial
3. Victim Submission

CF:

Victim (w/encls)

PFC Pass (w/encls)

CPT Firefox (w/encls)

Bailey M. Jamison

BAILEY M. JAMISON

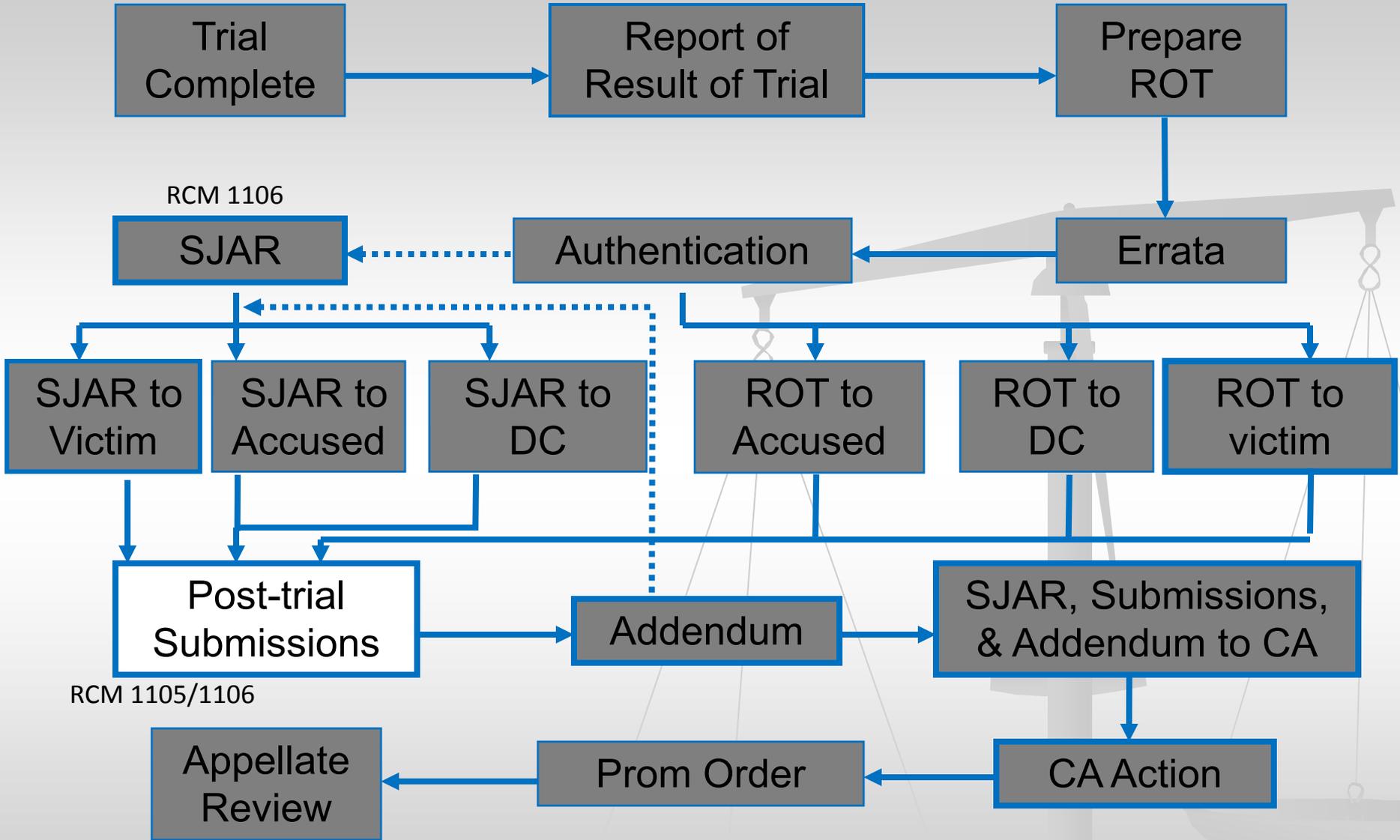
COL, JA

Staff Judge Advocate

Serving the SJAR

- One copy served on the victim.
- One copy to defense counsel.
- Separate copy served on the accused.

Matters Submitted by the Accused IAW R.C.M. 1105/1106



New Article 60

- Cannot dismiss a finding, unless a qualifying offense.
- Can dismiss a non-qualifying offense, explanation needs to be in writing and included in the ROT.

New Article 60 Qualifying Offense

■ Findings:

- Maximum sentence that may be adjudged does not exceed two years; and
- Sentence adjudged does not include a dismissal, DD or BCD; or more than six months confinement.
- Does not include any of the following offenses under Art. 120; Art. 120b; or Art 125; or other offenses specified by SECDEF.

New Article 60 Sentence

- Under this act, if adjudge sentence includes confinement for more than 6 months or a sentence of dismissal, DD, or BCD, the CA, or other authorized person may NOT:
 - Disapprove
 - Commute
 - Suspend in whole or in part
- CA can reduce, including mandatory DD, if TC recommends reduction based on substantial assistance by the accused.

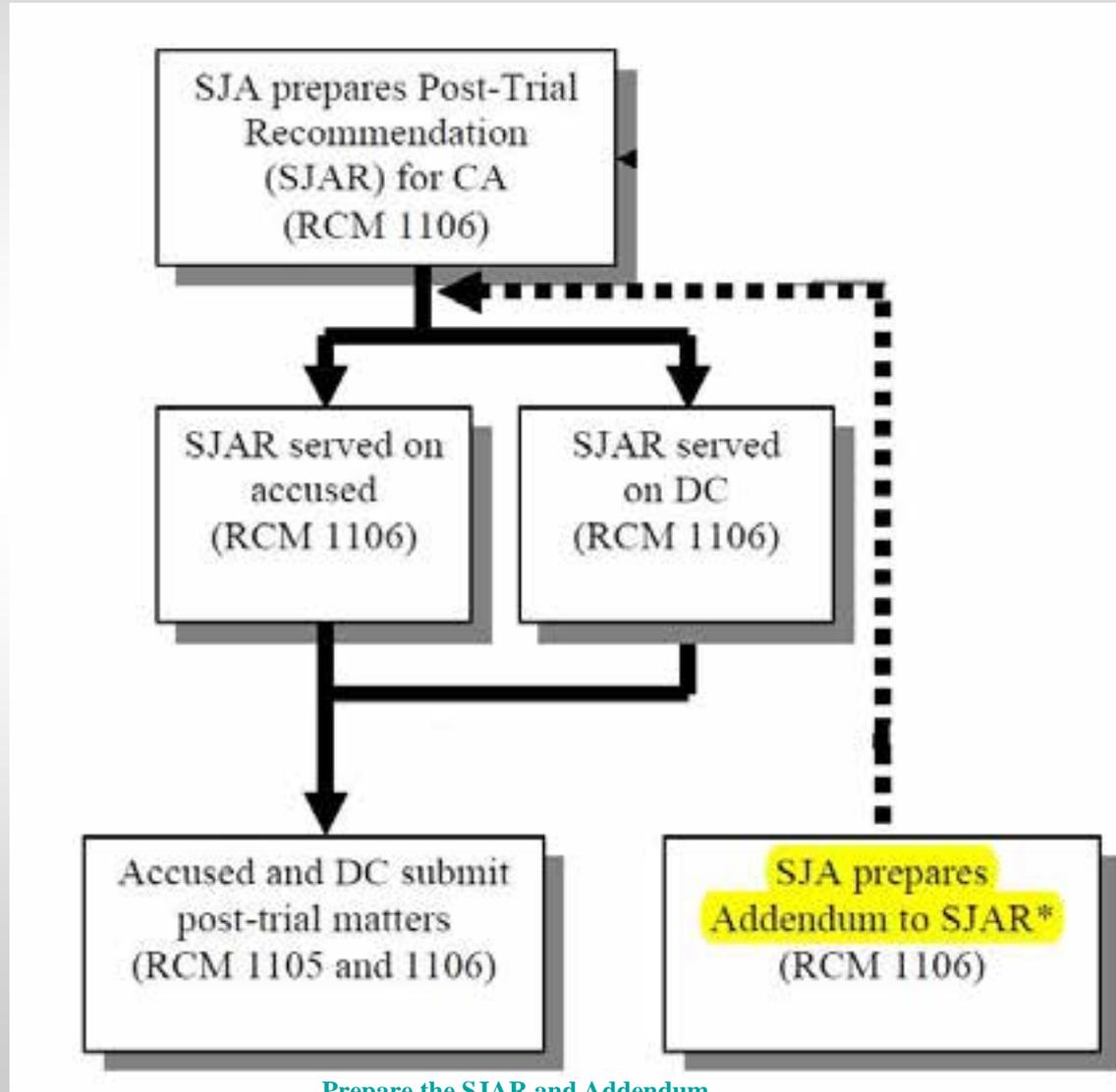
New Article 60 Sentence “Pre-Trial Agreement”

- Pursuant to any pre-trial agreement between the accused and the CA. The CA or other authorized person has the authority to;
 - Disapprove
 - Commute
 - Suspend in whole or in part
 - Upgrade a DD to a BCD but not prevent discharge

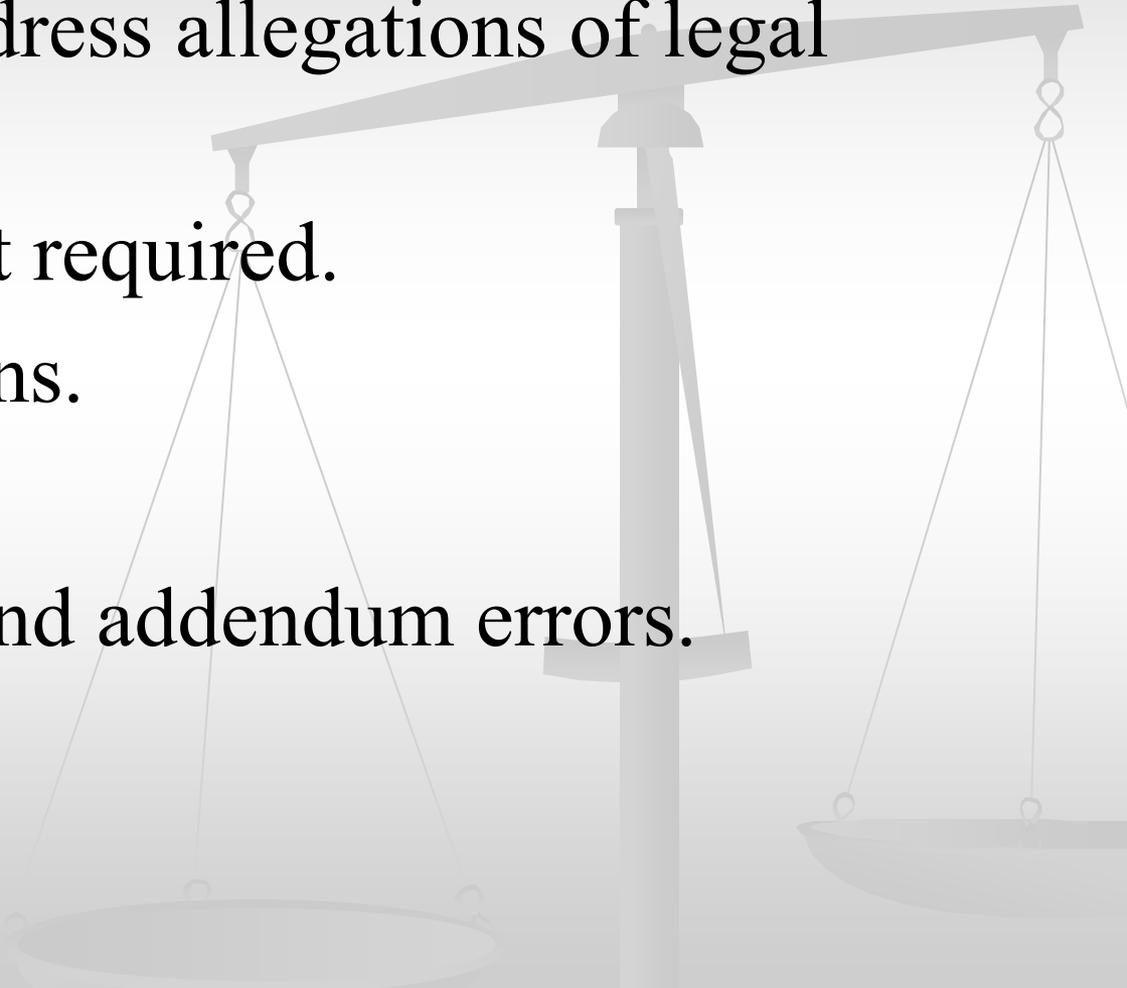
Matters Submitted by the Accused IAW R.C.M. 1105/1106

- Matter submitted by the accused.
- The accused can submit anything.
- Time periods.
- Waivers.
- After defense submits R.C.M. 1105 and 1106 matters.

Staff Judge Advocate's Post-Trial Recommendation Addendum



Staff Judge Advocate's Post-Trial Recommendation Addendum

- The SJA must address allegations of legal error.
 - Rationale is not required.
 - Defense allegations.
 - New Matters.
 - Common SJAR and addendum errors.
- 

SJAR Addendum Example



DEPARTMENT OF THE ARMY
HEADQUARTERS, 54TH INFANTRY DIVISION (MECHANIZED)
FORT ATTERBURY, INDIANA 46124-9000

APPLY TO
ATTENTION OF:

ATCL-JA

31 October 2013

MEMORANDUM FOR Commander, 54th Infantry Division (Mechanized), Fort Atterbury, Indiana 46124-9000

SUBJECT: Addendum to the Staff Judge Advocate's Recommendation, United States v. Sergeant Richard Archie

1. The defense counsel in the case of Sergeant Richard M. Archie, has submitted matters for your consideration pursuant to R.C.M. 1105. These matters consist of: a memorandum from the accused's defense counsel, a statement from the accused, and five (5) letters of support. You must consider these matters prior to taking action.
2. You must consider the result of trial. You may also consider the record of trial and the personnel records of the accused.
3. LEGAL ERROR. The defense counsel alleges that the post-trial processing time in this case is excessive and merits relief. I disagree. In my opinion, no corrective action is required.
4. LEGAL ERROR. The defense counsel also alleges that the military judge committed legal error by not granting the defense motion to admit evidence under M.R.E. 412. I disagree. In my opinion, no corrective action is necessary.
5. RECOMMENDATION. After reviewing the defense submissions, I recommend that you waive automatic forfeitures in this case for a period of six (6) months, to be paid to Chloe Armstrong for the benefit of Miss Taylor Armstrong, a minor and daughter of the accused. I also recommend that you approve only so much of the sentence as provides for reduction to the grade of E-1, confinement for thirty (30) months, and a Dishonorable Discharge. I recommend that you order the punishment executed, excepting the part of the sentence extending to the dishonorable discharge. You must credit the accused with three (3) days of confinement credit against his sentence to confinement.

Bailey M. Jamison

BAILEY M. JAMISON
COL, JA
Staff Judge Advocate

3 Encls

1. Defense Memo, CPT Lennon
2. Statement, SGT Archie
3. Letters of Support

SJAR Addendum Heading



DEPARTMENT OF THE ARMY
HEADQUARTERS, 54TH INFANTRY DIVISION (MECHANIZED)
FORT ATTERBURY, INDIANA 46124-9000

REPLY TO
ATTENTION OF:

ATCL-JA

31 October 2013

MEMORANDUM FOR Commander, 54th Infantry Division (Mechanized), Fort Atterbury,
Indiana 46124-9000

SUBJECT: Addendum to the Staff Judge Advocate's Recommendation, United States
v. Sergeant Richard Archie

SJAR Addendum Body

1. The defense counsel in the case of Sergeant Richard M. Archie, has submitted matters for your consideration pursuant to R.C.M. 1105. These matters consist of: a memorandum from the accused's defense counsel, a statement from the accused, and five (5) letters of support. You must consider these matters prior to taking action.
2. You must consider the result of trial. You may also consider the record of trial and the personnel records of the accused.
3. LEGAL ERROR. The defense counsel alleges that the post-trial processing time in this case is excessive and merits relief. I disagree. In my opinion, no corrective action is required.
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5. RECOMMENDATION. After reviewing the defense submissions, I recommend that you waive automatic forfeitures in this case for a period of six (6) months, to be paid to Chloe Armstrong for the benefit of Miss Taylor Armstrong, a minor and daughter of the accused. I also recommend that you approve only so much of the sentence as provides for reduction to the grade of E-1, confinement for thirty (30) months, and a Dishonorable Discharge. I recommend that you order the punishment executed, excepting the part of the sentence extending to the dishonorable discharge. You must credit the accused with three (3) days of confinement credit against his sentence to confinement.

SJAR Addendum Enclosures

3 Encls

1. Defense Memo, CPT Lennon
2. Statement, SGT Archie
3. Letters of Support

Bailey M. Jamison

BAILEY M. JAMISON
COL, JA
Staff Judge Advocate

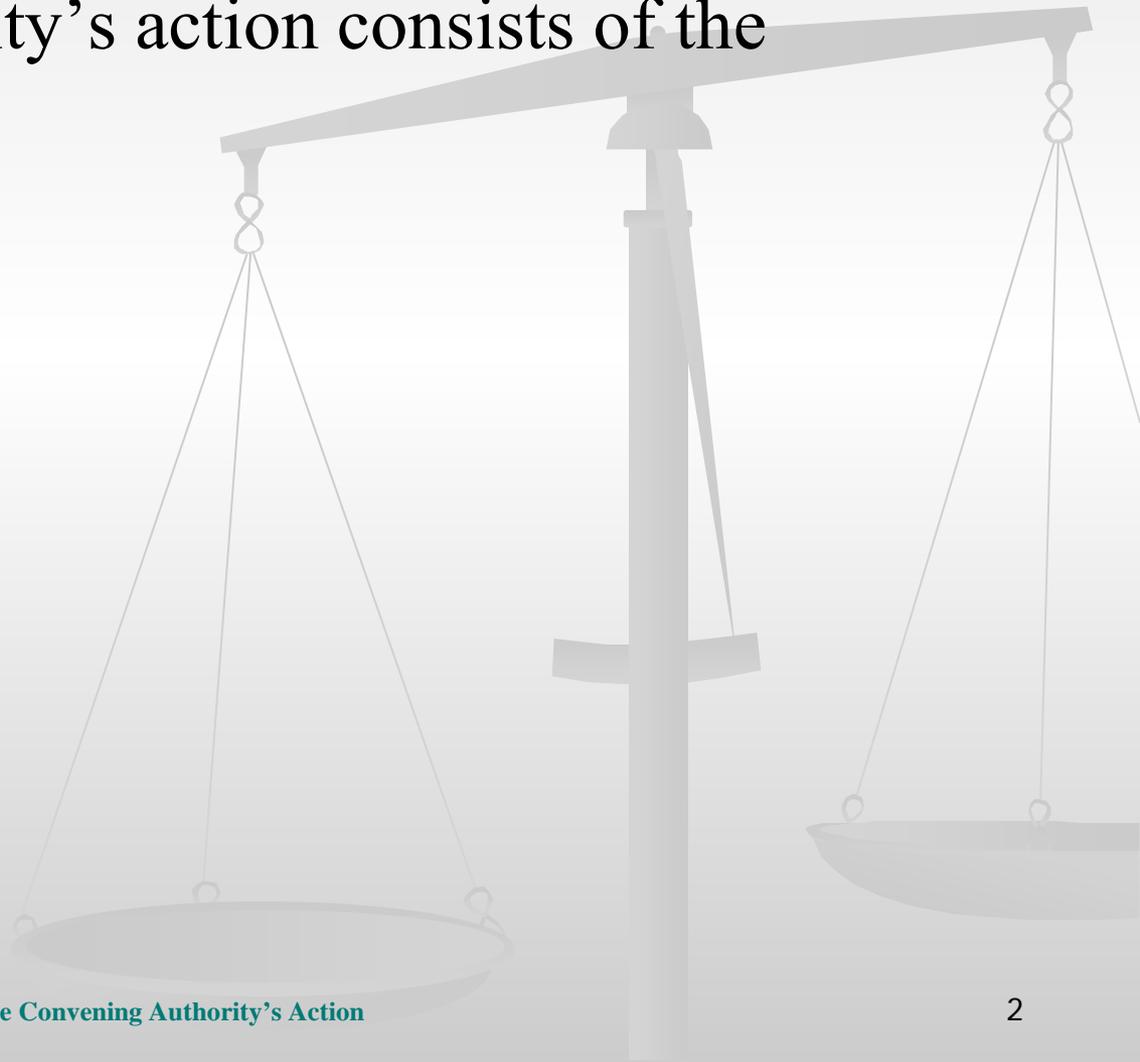
Terminal Learning Objective 2

- **Action:** Prepare convening authority's action.
- **Conditions:** In a classroom environment, given a requirement to prepare the convening authority's action in conjunction with your duties as a Paralegal NCO and access to AR 27-10, MCM 2012, Post-Trial Handbook (2012) and AR 25-50.
- **Standards:** Prepare the convening authority's action in the correct format and ensure that it contains all the required information.

Proper Format for the Action

The convening authority's action consists of the following parts:

- Heading
- Date
- Body
- Signature
- Signature block



Form 1

In the case of _____, the sentence is approved and will be executed.

Form 2

In the case of _____, only so much of the sentence as provides for reduction to Private (E1) and confinement for three months is approved and will be executed.

Form 5

In the case of _____, the sentence is approved. Execution of the sentence is suspended for six months at which time, unless the suspension is sooner vacated, the sentence will be remitted without further action.

Form 6 (Version A)

In the case of _____, the sentence is approved and will be executed but the execution of that part of the sentence extending to confinement for 30 days is suspended for six months, at which time, unless the suspension is sooner vacated, the suspended part of the sentence will be remitted without further action.

Form 6 (Version B)

In the case of _____, the sentence is approved and will be executed but the execution of that part of the sentence extending to confinement in excess of nine days is suspended for six months, at which time, unless the suspension is sooner vacated, the suspended part of the sentence will be remitted without further action.

Form 7

In the case of _____, the sentence is approved and _____, except for that portion extending to confinement, will be executed. Service of the sentence to confinement was deferred effective 23 May 2014, and will not begin until the conviction is final, unless sooner rescinded by competent authority.

Form 10

In the case of _____, it appears that the following error was committed: Prosecution Exhibit 1, Extract of Military Records of Previous Convictions, was erroneously admitted. This error was prejudicial as to the sentence. The sentence is disapproved. A rehearing is ordered before a special court-martial to be designated.

Form 11

In the case of _____, the sentence is approved and _____, except for the part of the sentence extending to Bad-Conduct Discharge, will be executed.

Form 12

In the case of _____, only so much of the sentence as provides for reduction to Private (E1) and a Bad-Conduct Discharge is approved, and except for the part of the sentence extending to Bad-Conduct Discharge, will be executed.

Form 14

In the case of _____, the sentence is approved and, except for that part of the sentence extending to a Bad-Conduct Discharge, will be executed, but the execution of that part of the sentence adjudging confinement in excess of three months is suspended for six months at which time, unless the suspension is sooner vacated, the suspended part of the sentence will be remitted without further action.

Forms 2 and 5

In the case of _____, only so much of the sentence as provides for reduction to Private (E1) and confinement for six months is approved. Execution of the sentence is suspended for six months, at which time, unless the suspension is sooner vacated, the sentence will be remitted without further action.

Deferment of Forfeitures, Reduction in Grade, or Both

- Convening authority
- Article 57, UCMJ
 - Effective 14 days after the sentence is adjudged
- Automatic termination
 - Terminates automatically when convening authority takes action on the sentences

Example Action When Deferring Adjudged Forfeitures or Reduction

After stating the action taken on the adjudged sentence, the action should state:

The (automatic forfeiture of all pay and allowances) (adjudged forfeiture of \$ _____ pay per month for _____ months) (and) (reduction to _____) was deferred effective (date) and is terminated this date.

Example Action When Deferring Adjudged Forfeitures or Reduction

If total forfeitures are deferred only in part, the action should state:

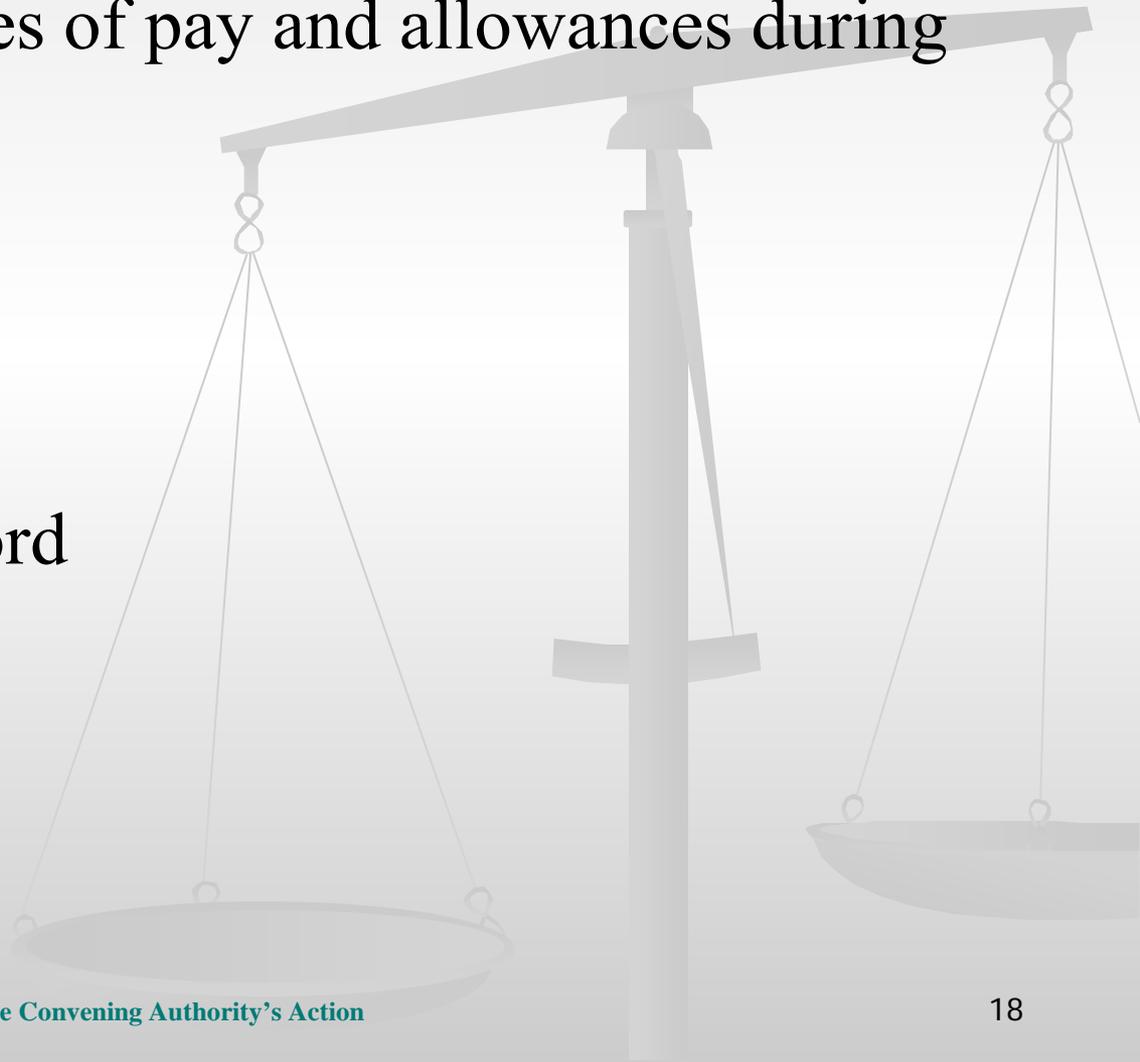
So much of the adjudged forfeitures of all pay and allowances as amounts to \$ _____ pay per month and allowances was deferred effective (date). The deferment is terminated effective this date.

Example Action When Deferring Automatic Forfeitures and/or Reduction

The automatic (forfeiture of all pay and allowances) (forfeiture of \$ _____ pay per month for _____ months) (and) (reduction to _____) as required by Article 58b, UCMJ, was deferred on (date) and deferment is terminated on (date).

Provisions of Article 58b, UCMJ

- Automatic forfeitures of pay and allowances during confinement
- Dependents
- Documented in record



Example Action When Waiving Automatic Forfeitures

If the action is taken before the period of waiver has ended, the following should be included in the action:

The automatic forfeiture of (all pay and allowances)(\$___pay and allowances per month)(\$___pay per month) required by Article 58b, UCMJ, has been waived effective (date) and is terminated this date.

Example Action When Waiving Automatic Forfeitures

When action is not taken until after the specified period of waiver has ended, the action should include the following:

The automatic forfeiture of (all pay and allowances)(\$____pay and allowances)(\$____pay per month), as required by article 58b, UCMJ, was waived effective (date) until)(and was rescinded on)(date).

Example Action When the CA Authorizes Maximum Relief

The adjudged and automatic forfeiture of all pay and allowances and adjudged and automatic reduction to (E1) as required by Articles 57 and 58b, UCMJ were deferred effective (date) and the deferments are terminated on this date. The adjudged forfeitures are disapproved. The automatic forfeiture of all pay and allowances required by Article 58b, UCMJ is waived effective (date) for a period of six months with direction that the moneys are paid to (named dependent).

Convening Authority's Supplemental Action

When a new action is required:

- Modification of initial action
- Action on rehearing, new, or other trial
- Incomplete, ambiguous, or erroneous action

Service on the accused.

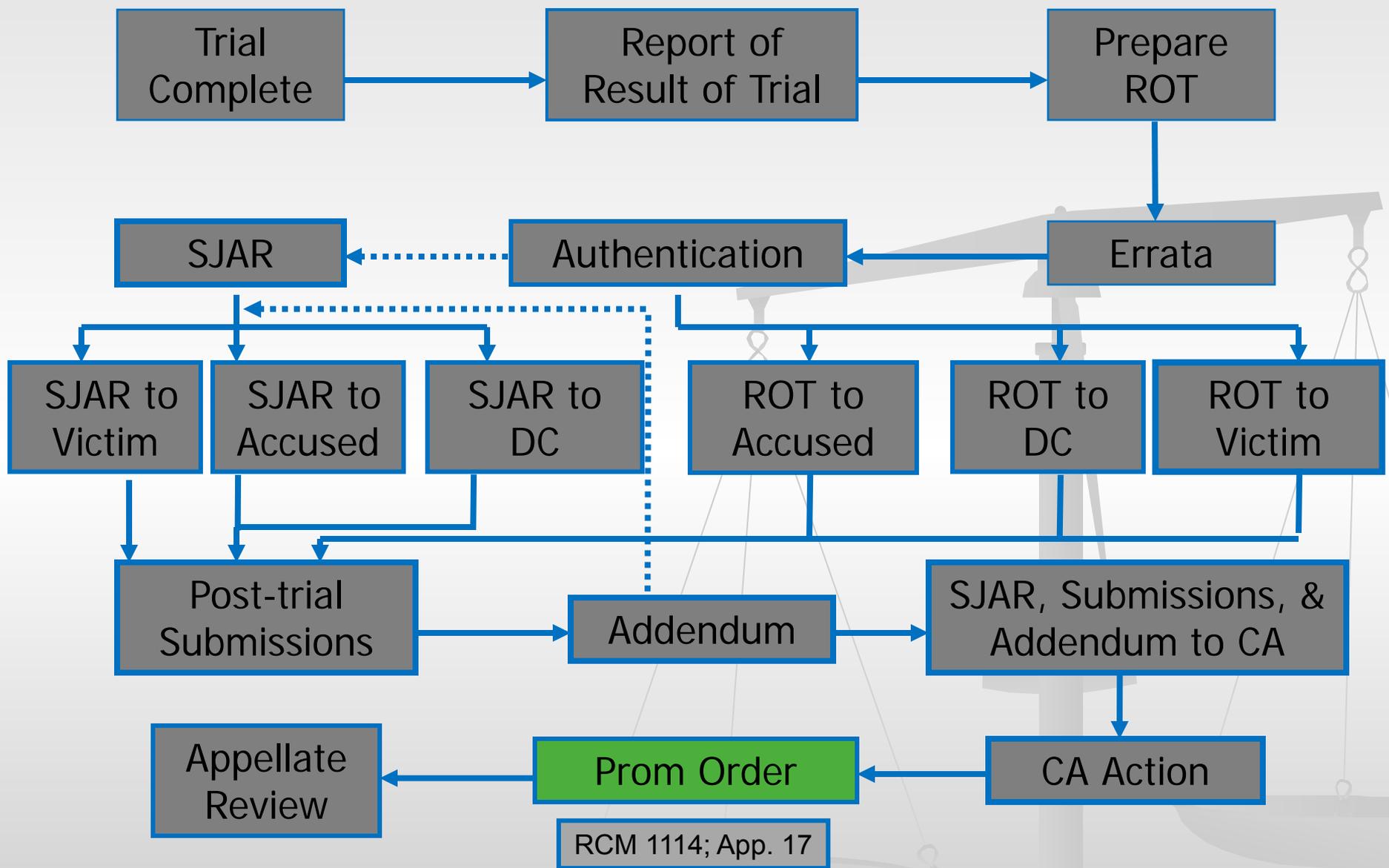
- Any new actions will be served on the accused

Terminal Learning Objective (TLO)

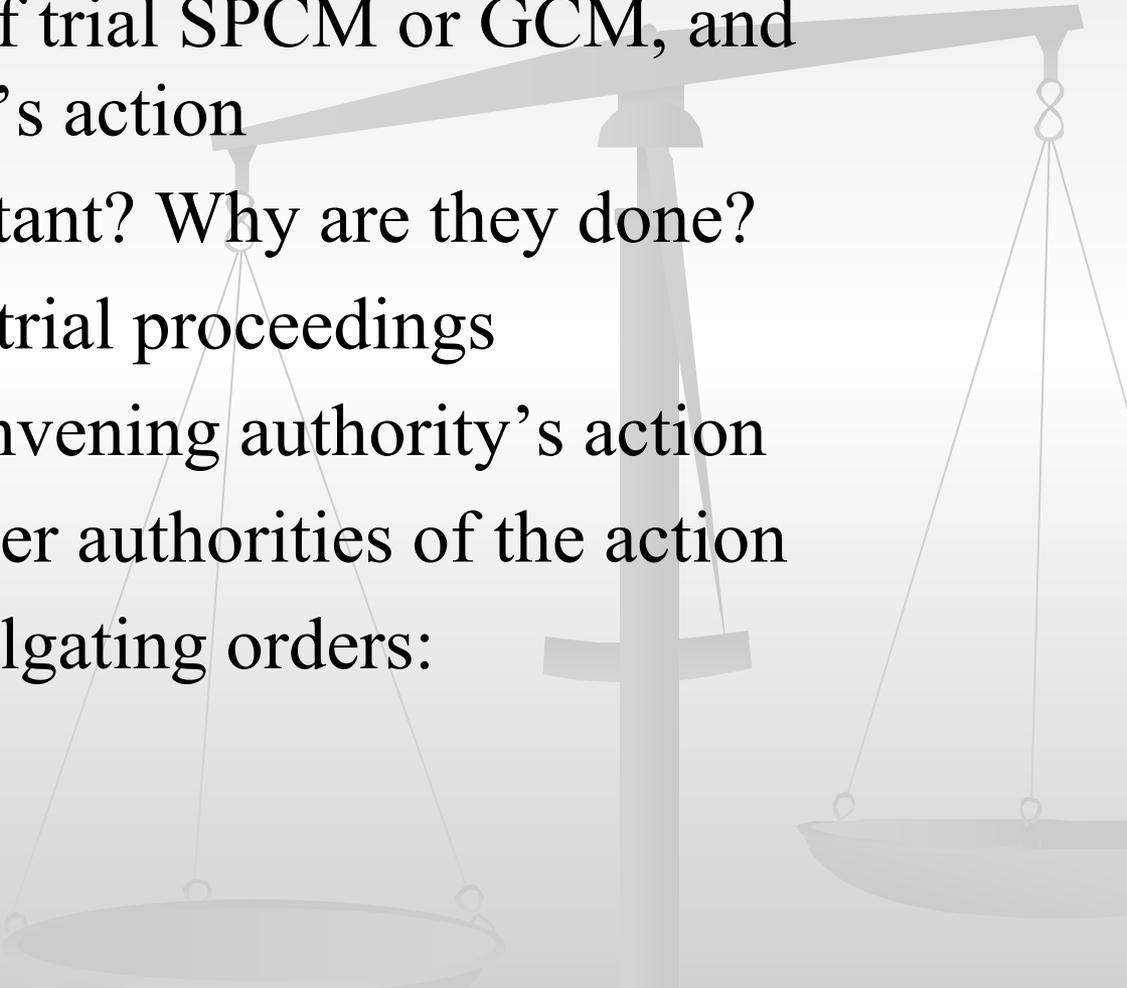
- **Action:** Prepare a Initial Court-Martial Promulgating Order
- **Conditions:** In a classroom environment, given an authenticated record of trial by either special court-martial (SPCM) or general court-martial (GCM), the Manual for Courts-Martial (MCM), Post-Trial Handbook, AR 27-10, and standard office supplies and equipment.

Terminal Learning Objective (TLO)

- **Standards:** Prepare an initial promulgating order without error that publishes the result of trial by either SPCM or GCM, including the convening authority's action, if applicable. The order must be properly dated, designated, and numbered; identify the accused, the court, and the convening authority; reflect the charges and specifications upon which the accused was arraigned, including the pleas and findings to each; specify the adjudged sentence and the convening authority's action, if applicable; and be authenticated and distributed IAW AR 27-10.



Promulgating Orders



- Publish the results of trial SPCM or GCM, and convening authority's action
- Why are they important? Why are they done?
 - Summary of the trial proceedings
 - Publishes the convening authority's action
 - Notifies the proper authorities of the action
- Two types of promulgating orders:
 - Initial
 - Supplementary

Sample Promulgating Order (1 of 4)

DNA processing required. 10 U.S.C. § 1565.

Special Court-Martial Order Number 35 was the last in the series for 2011.

DEPARTMENT OF THE ARMY
Headquarters, 54th Infantry Division (Mechanized)
Fort Atterbury, Indiana 46124-9000

SPECIAL COURT-MARTIAL ORDER
NUMBER 1

5 March 2012

Specialist Brian C. Blinker, 999-00-9999, U.S. Army, Company D, 3d Battalion, 3d Brigade, 54th Infantry Division (Mechanized), Fort Atterbury, Indiana 46124-9000, was arraigned at Fort Atterbury, Indiana on the following offenses at a special court-martial convened by Commander, 54th Infantry Division (Mechanized).

Charge I. Article 86. Plea: Guilty. Finding: Guilty.

Specification 1: Unauthorized absence from unit from 28 November 2011 until 15 December 2011.
Plea: Guilty. Finding: Guilty.

Sample Promulgating Order (2 of 4)

Specification 2: Failed to go to appointed place of duty at 1230, 16 December 2011. Plea: Not Guilty. Finding: Guilty.

Charge II. Article 112a. Plea: Guilty. Finding: Guilty.

Specification: Wrongful use of cocaine, a schedule II controlled substance, on 14 December 2011. Plea: Guilty. Finding: Guilty.

SENTENCE

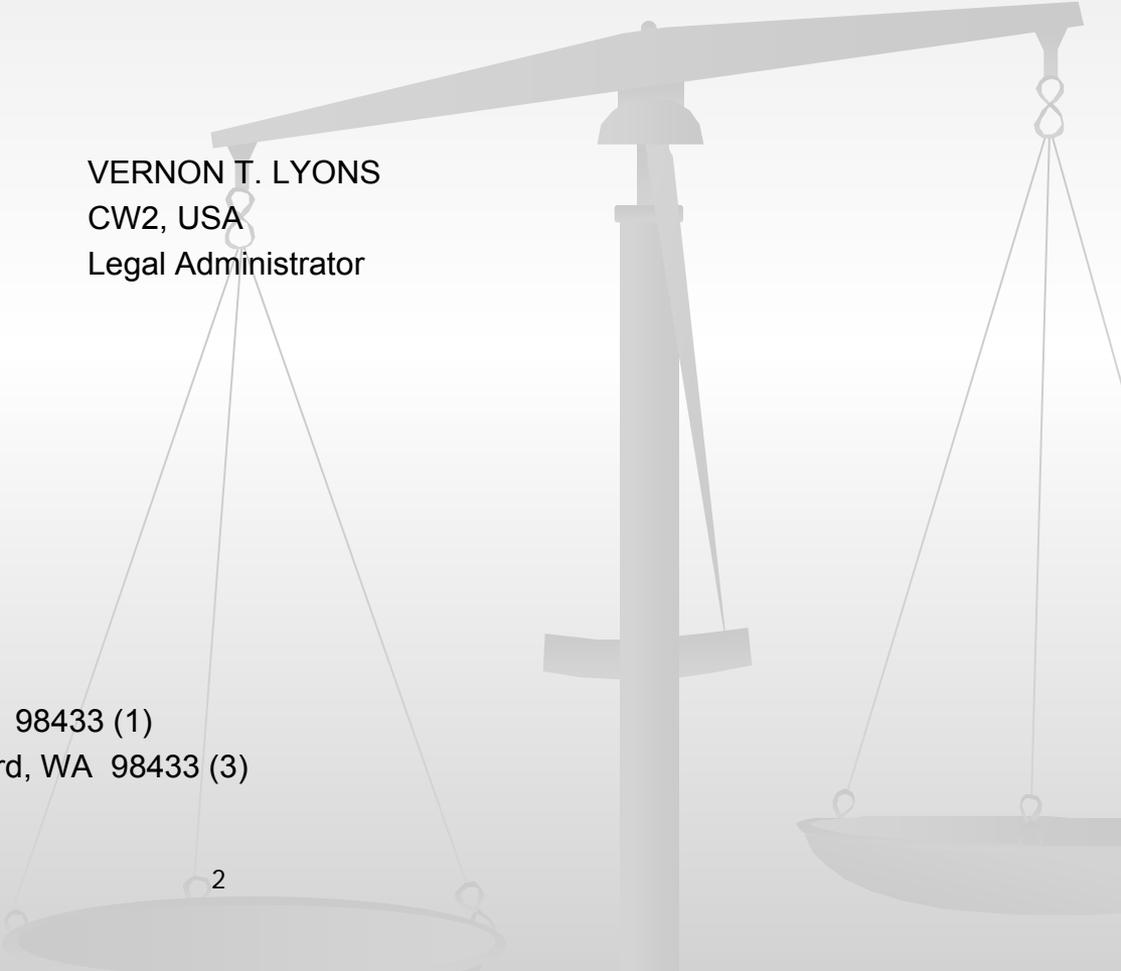
Sentence was adjudged on 4 February 2012. Forfeiture of \$300.00 pay per month for six months, reduction to Private (E1), and confinement for six months.

ACTION

The sentence is approved and will be executed.

Sample Promulgating Order (3 of 4)

BY COMMAND OF MAJOR GENERAL BLUNT:



VERNON T. LYONS
CW2, USA
Legal Administrator

DISTRIBUTION:

Accused (1)
Military Judge (1)
Trial Counsel (1)
Defense Counsel (1)
Cdr, Co D, 3d Bn, 3d Bde (1)
Cdr, 3d Bn, 3d Bde, 54th Inf Div (Mech) (1)
Cdr, 54th Inf Div (Mech), ATTN: SJA (2)
Installation Cdr, Joint Base Lewis McChord, WA 98433 (1)
Cdr, NW RCF, MS 55, Joint Base Lewis McChord, WA 98433 (3)
PSC, ATTN: FAO (1)

Sample Promulgating Order (4 of 4)

SPCMO 1, HQ, 54th Inf Div (Mech), 5 Mar 12

DISTRIBUTION: (CONT)

PSC, ATTN: Enlisted Records Section (1)

Cdr, HRC, U.S. Army Enlisted Records and Evaluation Center, ATTN: PCRE-FS,
Fort Benjamin Harrison, IN 46249 (1)

Clerk of Court, ATTN: JALS-CCZ, U.S. Army Legal Services Agency, HQDA, 9275
Gunston Road, Fort Belvoir, VA 22060-5546 (1)

Local MP Station, Fort Atterbury, IN 46124-9000 (1)

HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506 (1)

Army Corrections Command (DAPM-ACC), 150 Army Pentagon, Washington, DC
20310-0150 (1)

U.S. Army Criminal Investigation Laboratory, 4930 North 31st Street, Forest Park,
GA 30297-5205 (1)

2

DNA Processing

DNA processing required. 10 U.S.C. § 1565.

General Court-Martial Order Number 35 was the last of the series for 2011.

DEPARTMENT OF THE ARMY
Headquarters, 54th Infantry Division (Mechanized)
Fort Atterbury, Indiana 46124-9000

GENERAL COURT-MARTIAL ORDER
NUMBER 1

5 March 2012

- Collection of DNA now governed by DoD Instruction 5505.14 . DNA will now be collected when:
 - Fingerprints are taken in connection with an investigation of certain offenses identified in DoDI 5505.11 (Enclosure 2) or Commandant's Instruction M5527.1, and in which the investigator concludes there is probable cause to believe that the subject has committed the offense under investigation. The investigator must consult with a judge advocate prior to making a probable-cause determination. Samples may be collected, but not forwarded, prior to consultation.
 - Court-martial charges are preferred in accordance with Rule for Courts-Martial (RCM) 307 if a DNA sample has not already been submitted.
 - A member is ordered into pre-trial confinement by a competent military authority after the completion of the commander's 72-hour memorandum required by RCM 305(h)(2)(C) if a DNA sample has not already been submitted.
 - A member is confined to a military correctional facility or temporarily housed in civilian facilities as a result of any general or special court-martial conviction if a DNA sample has not already been submitted.

Heading

Special Court-Martial Order Number 35 was the last of the series for 2011.

DEPARTMENT OF THE ARMY
Headquarters, 54th Infantry Division (Mechanized)
Fort Atterbury, Indiana 46124-9000

- The first CMO of a CY must refer to the last CMO of the previous CY
- Subsequent CMOs published during the same CY will **not** include this reference

Order Designation, Date, and Number (Example 1)

DEPARTMENT OF THE ARMY
Headquarters, 54th Infantry Division (Mechanized)
Fort Atterbury, Indiana 46124-9000

**SPECIAL COURT-MARTIAL ORDER
NUMBER 35**

13 December 2011

- (GENERAL) (SPECIAL) COURT-MARTIAL ORDER
- Date of Publication:
 - Date of action, if conviction
 - Date signed, if acquittal or termination of proceedings

Order Designation, Date, and Number (Example 2)

Special Court-Martial Order Number 35 was the last of the series for 2011.

DEPARTMENT OF THE ARMY
Headquarters, 54th Infantry Division (Mechanized)
Fort Atterbury, Indiana 46124-9000

**SPECIAL COURT-MARTIAL ORDER
NUMBER 1**

5 March 2012

- First CMO published during CY

Order Designation, Date, and Number (Example 3)

DEPARTMENT OF THE ARMY

Headquarters, 54th Infantry Division (Mechanized)

Fort Atterbury, Indiana 46124-9000

**SPECIAL COURT-MARTIAL ORDER
NUMBER 2**

22 March 2012

- Second CMO published during CY

Elements of the Body

- Personnel data on the accused
- Type of court-martial and the convening authority
- Charges and specifications
- Pleas
- Findings
- Sentence, if any
- Convening authority's action, if applicable

Personnel Data of the Accused

SPECIAL COURT-MARTIAL ORDER
NUMBER

5 March 2012

1

**Specialist Brian C. Blinker, 999-00-9999, U.S. Army,
Company D, 3d Battalion, 3d Brigade, 54th Infantry
Division (Mechanized), Fort Atterbury, Indiana 46124-9000**

- Format: rank, name (First, MI, Last), SSN, Armed Force, unit (including geographical location and zip code)

Arraignment, Type of Court-Martial and Convening Authority

SPECIAL COURT-MARTIAL ORDER
NUMBER 1

5 March 2012

Specialist Brian C. Blinker, 999-00-9999, U.S. Army, Company D, 3d Battalion, 3d Brigade, 54th Infantry Division (Mechanized), Fort Atterbury, Indiana 46124-9000, **was arraigned at Fort Atterbury, Indiana, on the following offenses at a special court-martial convened by Commander, 54th Infantry Division (Mechanized).**

- To the personnel data of the accused, add the location of the arraignment, type of court-martial and the convening authority

Charges and Specifications

... court-martial convened by Commander, 54th Infantry Division (Mechanized).

Charge I. Article 86. Plea: Guilty. Finding: Guilty.

Specification 1: Unauthorized absence from unit from 28 November 2011 until 15 December 2011.

Plea: Guilty. Finding: Guilty.

Specification 2: Failed to go to appointed place of duty at 1230, 16 December 2011. Plea: Not Guilty.

Finding: Guilty.

Charge II. Article 112a. Plea: Guilty. Finding: Guilty.

Specification: Wrongful use of cocaine, a Schedule II controlled Substance, on 14 December 2011.

Plea: Guilty. Finding: Guilty.

- **Specifications may be summarized or verbatim**
- **Include all factors affecting maximum punishment and any amendment(s) made during trial**
- **Must have a plea and a finding for each charge and specification**

Dismissal of a Specification

If a finding is not entered, such as when a specification is dismissed, then type “dismissed” where the finding is normally listed.

... court-martial convened by Commander, 54th Infantry Division (Mechanized).

Charge I. Article 86. Plea: Not Guilty. Finding: Guilty.

Specification 1: Unauthorized absence from unit from 28 November 2011 until 15 December 2011.
Plea: Not Guilty. Finding: Dismissed.

Specification 2: Failed to go to appointed place of duty at 1230, 16 December 2011. Plea: Not Guilty. Finding: Guilty.

Charge II. Article 112a. Plea: Guilty. Finding: Guilty.

Specification: Wrongful use of cocaine, a schedule II controlled substance, on 14 December 2011.
Plea: Guilty. Finding: Guilty.

Full Acquittal

- Date the promulgating order the day it is signed as opposed to the date of the action.
- Make sure to include the date the findings were announced.
- Do **NOT** include the sentence or convening authority's action sections in an order promulgating an acquittal; proceed directly to the authentication.

Charge. Article 86. Plea: Not Guilty. Finding: Not Guilty.

Specification: Unauthorized absence from unit from 28 November 2011 until 15 December 2011. Plea: Not Guilty. Finding: Not Guilty.

The findings were announced on 4 February 2012. All rights, privileges and property of which the accused may have been deprived of by virtue of these proceedings will be restored.

Partial Acquittal

Charge I. Article 86. Plea: Not Guilty. Finding: Not Guilty.

Specification: Unauthorized absence from unit from 28 November 2011 until 15 December 2011. Plea: Not Guilty. Finding: Not Guilty.

Charge II. Article 112a. Plea: Not Guilty. Finding: Guilty.

Specification: Wrongful use of cocaine, a Schedule II controlled Substance, on 14 December 2011. Plea: Not Guilty. Finding: Guilty.

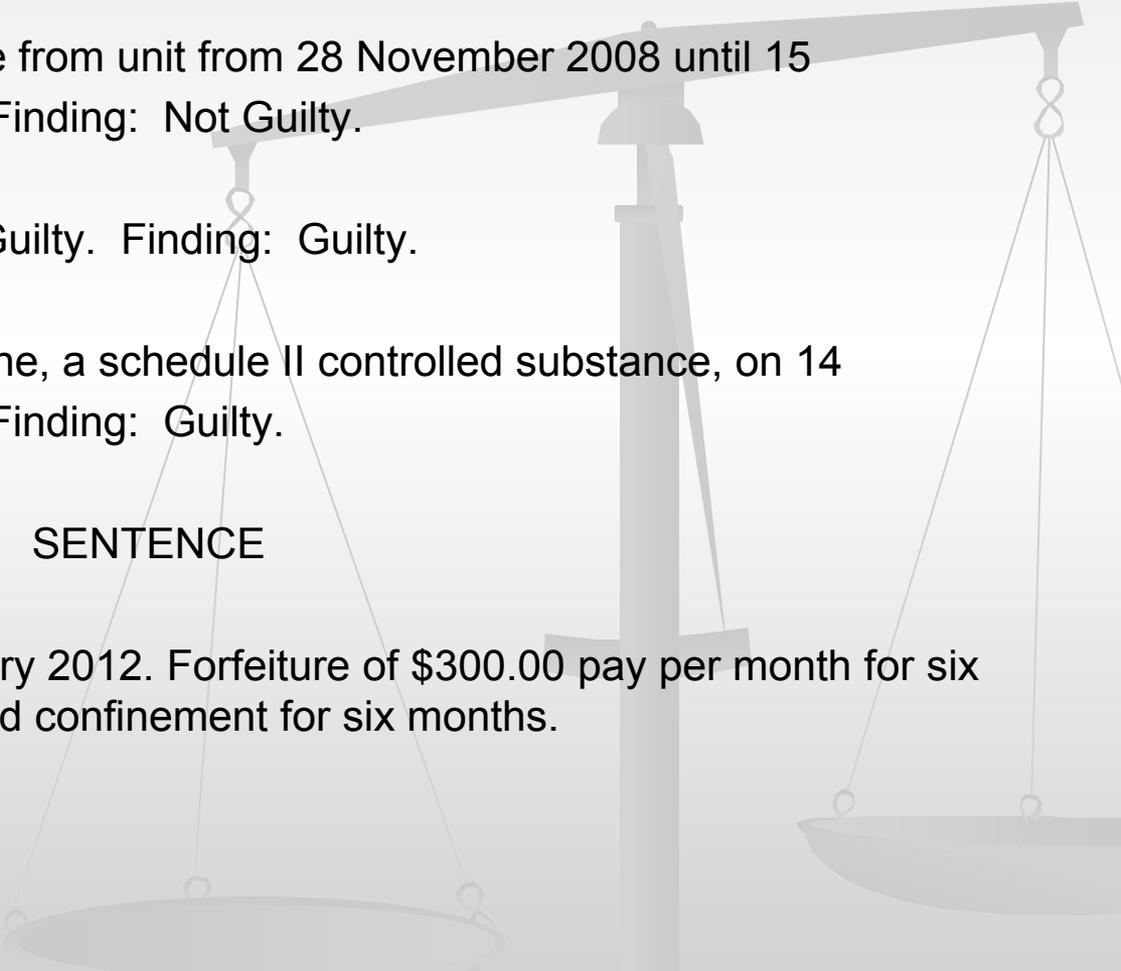
SENTENCE

Sentence was adjudged on 4 February 2012. Forfeiture of \$300.00 pay per month for six months, reduction to Private (E1), and confinement for six months.

ACTION

The sentence is approved and will be executed.

Sentence



Charge I. Article 86. Plea: Not Guilty. Finding: Not Guilty.

Specification: Unauthorized absence from unit from 28 November 2008 until 15 December 2011. Plea: Not Guilty. Finding: Not Guilty.

Charge II. Article 112a. Plea: Not Guilty. Finding: Guilty.

Specification: Wrongful use of cocaine, a schedule II controlled substance, on 14 December 2011. Plea: Not Guilty. Finding: Guilty.

SENTENCE

Sentence was adjudged on 4 February 2012. Forfeiture of \$300.00 pay per month for six months, reduction to Private (E1), and confinement for six months.

Convening Authority's Action

SENTENCE

Sentence was adjudged on 4 February 2012. Forfeiture of \$300.00 pay per month for six months, reduction to Private (E1), and confinement for six months.

ACTION

The sentence is approved and will be executed.

- Summarize, or type verbatim, the convening authority's action (omit accused's personnel data)
- Do not include the heading, date, or signature block from the action (if identical on this order)

Authentication

- Promulgating orders must be authenticated by the convening authority, other authority, or the convening authority's representative.
- Use an authority line if the convening authority will **not** personally sign the order.
 - If the commander is a general officer, use “BY COMMAND OF (Rank and Last Name):”
 - BY COMMAND OF MAJOR GENERAL BLUNT:
 - If the commander is a Colonel, use “BY ORDER OF (Rank and Last Name):”
 - BY ORDER OF COLONEL MYERS:

Authority Line

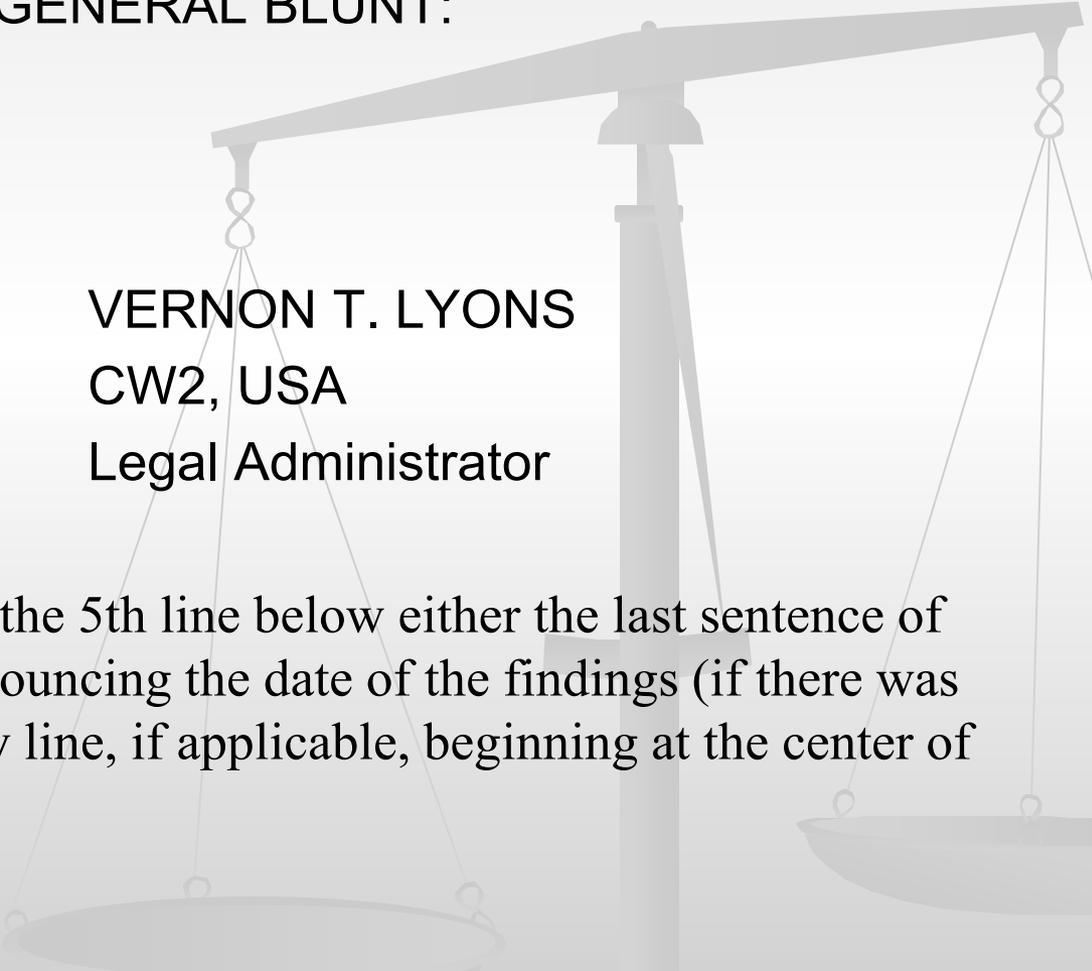
The sentence is approved and will be executed.

BY COMMAND OF MAJOR GENERAL BLUNT:

- Type the authority line on the 2d line below the action beginning at the left margin
- In the case of an acquittal, type the authority line on the 2d line below statement announcing the date of the findings

Signature Block

BY COMMAND OF MAJOR GENERAL BLUNT:



VERNON T. LYONS
CW2, USA
Legal Administrator

- Type the signature block on the 5th line below either the last sentence of the action, the statement announcing the date of the findings (if there was an acquittal), or the authority line, if applicable, beginning at the center of the page.

Distribution - Format

- Begin the distribution on the 2nd line below the signature block at the left margin
- Pay attention to detail – easy to make mistakes

BY COMMAND OF MAJOR GENERAL BLUNT:

VERNON T. LYONS
CW2, USA
Legal Administrator

DISTRIBUTION:

Accused (1)

Military Judge (1)

Etc.

Confinement Facility

For purposes of this course, any Soldier sentenced to or placed in confinement will be sent to:

Cdr, NW RCF, MS 55, Joint Base Lewis McChord,
WA 98433

Continuation Page

- Place a heading on the 5th line from the top and format as follows: Type of order and number, issuing headquarters and date
- Then continue the order on 3d line below the heading
- Include DISTRIBUTION: (CONT) if the list of recipients extends across two pages
- Remember to number the pages of an order only if there is more than one page – otherwise do not number the order. If numbering, begin on page 2.

SPCMO 1, HQ, 54th Inf Div (Mech), 5 Mar 12

DISTRIBUTION: (CONT)

Clerk of Court, ATTN: JALS-CCZ, U.S. Army Legal Services Agency, HQDA,
9275 Gunston Road, Fort Belvoir, VA 22060-5546 (1)

Sample Promulgating Order (1 of 4)

DNA processing required. 10 U.S.C. § 1565.

Special Court-Martial Order Number 35 was the last in the series for 2011.

DEPARTMENT OF THE ARMY
Headquarters, 54th Infantry Division (Mechanized)
Fort Atterbury, Indiana 46124-9000

SPECIAL COURT-MARTIAL ORDER
NUMBER 1

5 March 2012

Specialist Brian C. Blinker, 999-00-9999, U.S. Army, Company D, 3d Battalion, 3d Brigade, 54th Infantry Division (Mechanized), Fort Atterbury, Indiana 46124-9000, was arraigned at Fort Atterbury, Indiana on the following offenses at a special court-martial convened by Commander, 54th Infantry Division (Mechanized).

Charge I. Article 86. Plea: Guilty. Finding: Guilty.

Specification 1: Unauthorized absence from unit from 28 November 2011 until 15 December 2011.
Plea: Guilty. Finding: Guilty.

Sample Promulgating Order (2 of 4)

Specification 2: Failed to go to appointed place of duty at 1230, 16 December 2011. Plea: Not Guilty. Finding: Guilty.

Charge II. Article 112a. Plea: Guilty. Finding: Guilty.

Specification: Wrongful use of cocaine, a schedule II controlled substance, on 14 December 2011. Plea: Guilty. Finding: Guilty.

SENTENCE

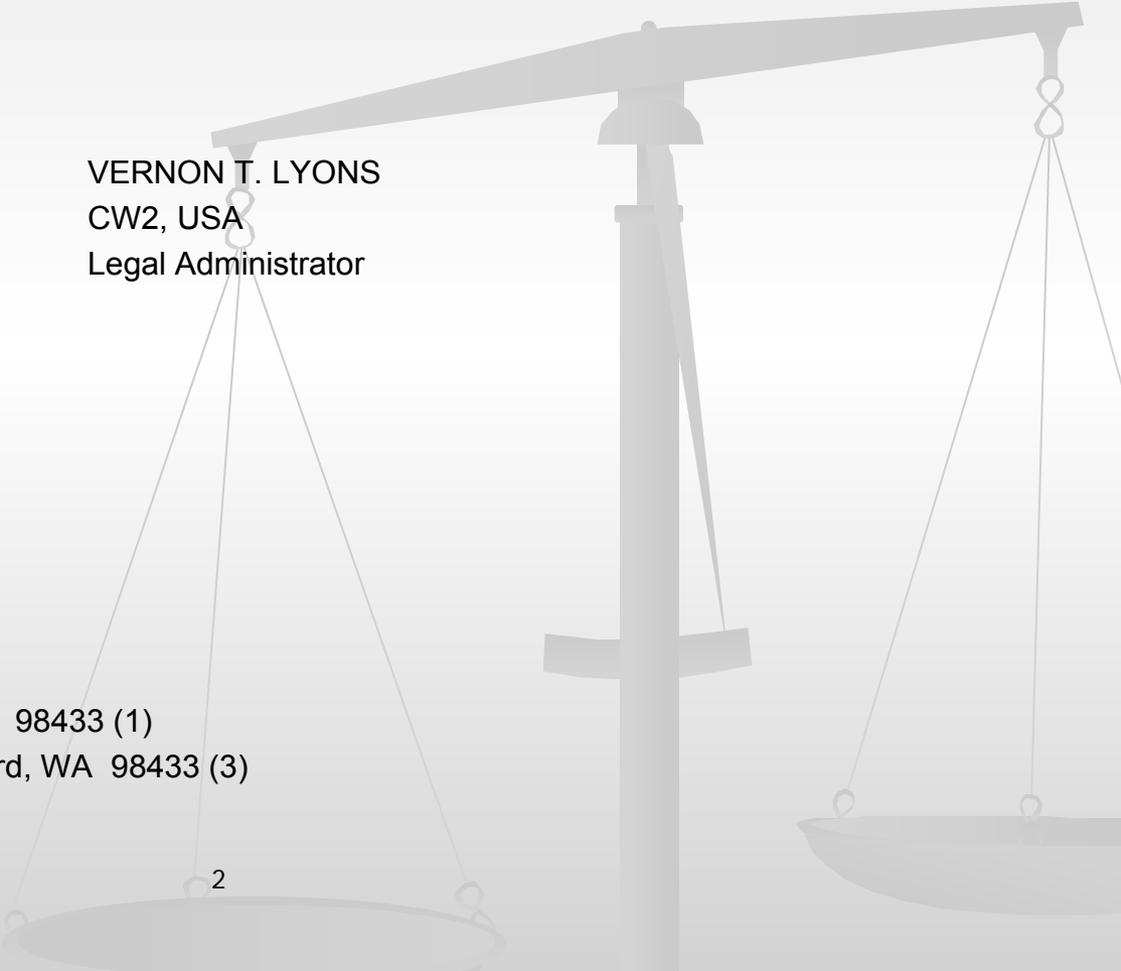
Sentence was adjudged on 4 February 2012. Forfeiture of \$300.00 pay per month for six months, reduction to Private (E1), and confinement for six months.

ACTION

The sentence is approved and will be executed.

Sample Promulgating Order (3 of 4)

BY COMMAND OF MAJOR GENERAL BLUNT:



VERNON T. LYONS
CW2, USA
Legal Administrator

DISTRIBUTION:

Accused (1)
Military Judge (1)
Trial Counsel (1)
Defense Counsel (1)
Cdr, Co D, 3d Bn, 3d Bde (1)
Cdr, 3d Bn, 3d Bde, 54th Inf Div (Mech) (1)
Cdr, 54th Inf Div (Mech), ATTN: SJA (2)
Installation Cdr, Joint Base Lewis McChord, WA 98433 (1)
Cdr, NW RCF, MS 55, Joint Base Lewis McChord, WA 98433 (3)
PSC, ATTN: FAO (1)

Sample Promulgating Order (4 of 4)

SPCMO 1, HQ, 54th Inf Div (Mech), 5 Mar 12

DISTRIBUTION: (CONT)

PSC, ATTN: Enlisted Records Section (1)

Cdr, HRC, U.S. Army Enlisted Records and Evaluation Center, ATTN: PCRE-FS,
Fort Benjamin Harrison, IN 46249 (1)

Clerk of Court, ATTN: JALS-CCZ, U.S. Army Legal Services Agency, HQDA, 9275
Gunston Road, Fort Belvoir, VA 22060-5546 (1)

Local MP Station, Fort Atterbury, IN 46124-9000 (1)

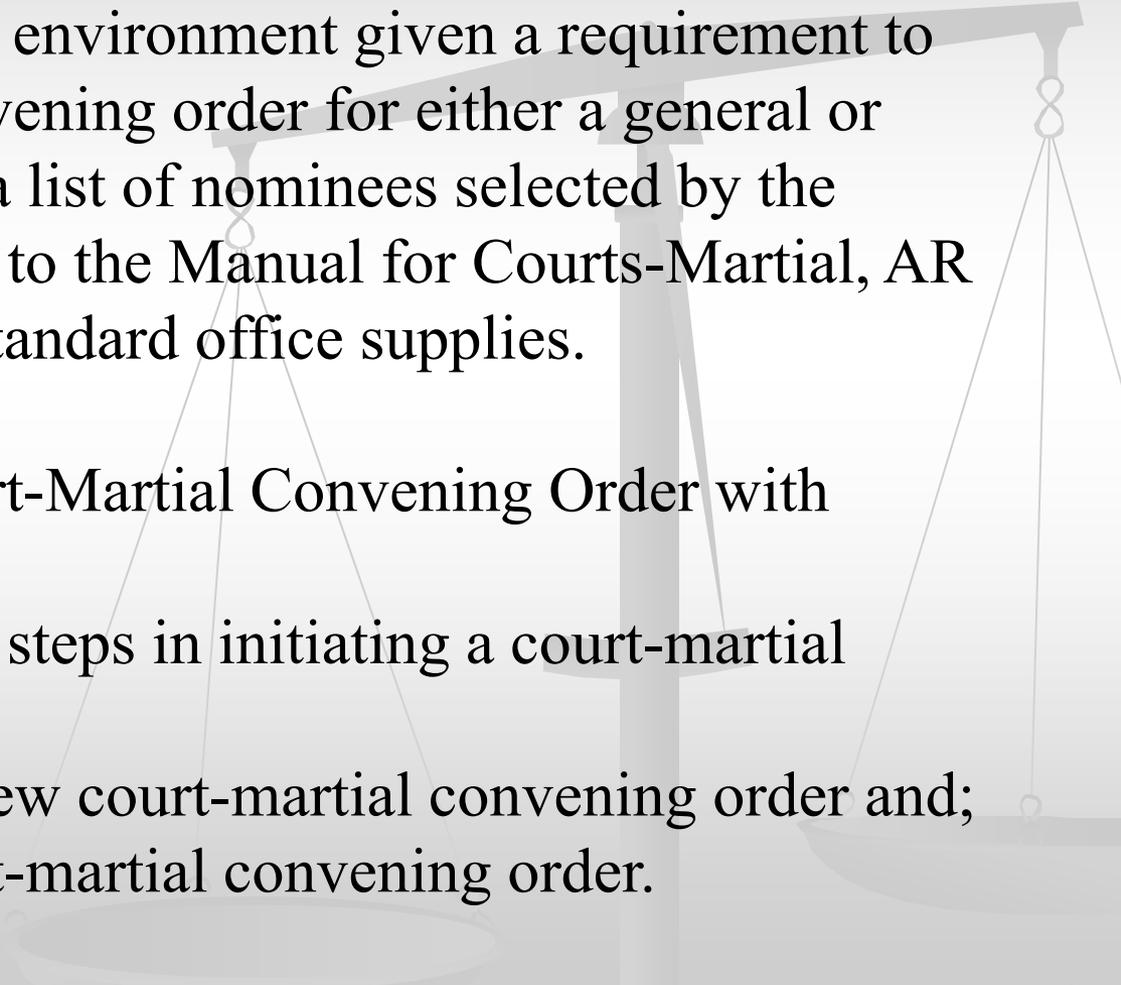
HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506 (1)

Army Corrections Command (DAPM-ACC), 150 Army Pentagon, Washington, DC
20310-0150 (1)

U.S. Army Criminal Investigation Laboratory, 4930 North 31st Street, Forest Park,
GA 30297-5205 (1)

2

Terminal Learning Objective



Action: Prepare a Court-Martial Convening Order.

Conditions: In a classroom environment given a requirement to prepare a court-martial convening order for either a general or special court martial given a list of nominees selected by the convening authority, access to the Manual for Courts-Martial, AR 27-10, AR 600-8-105 and standard office supplies.

Standards: Prepare a Court-Martial Convening Order with minimal errors ensuring to:

- Accurately analyze the steps in initiating a court-martial convening order;
- Accurately prepare a new court-martial convening order and;
- Properly amend a court-martial convening order.

Enabling Learning Objective A

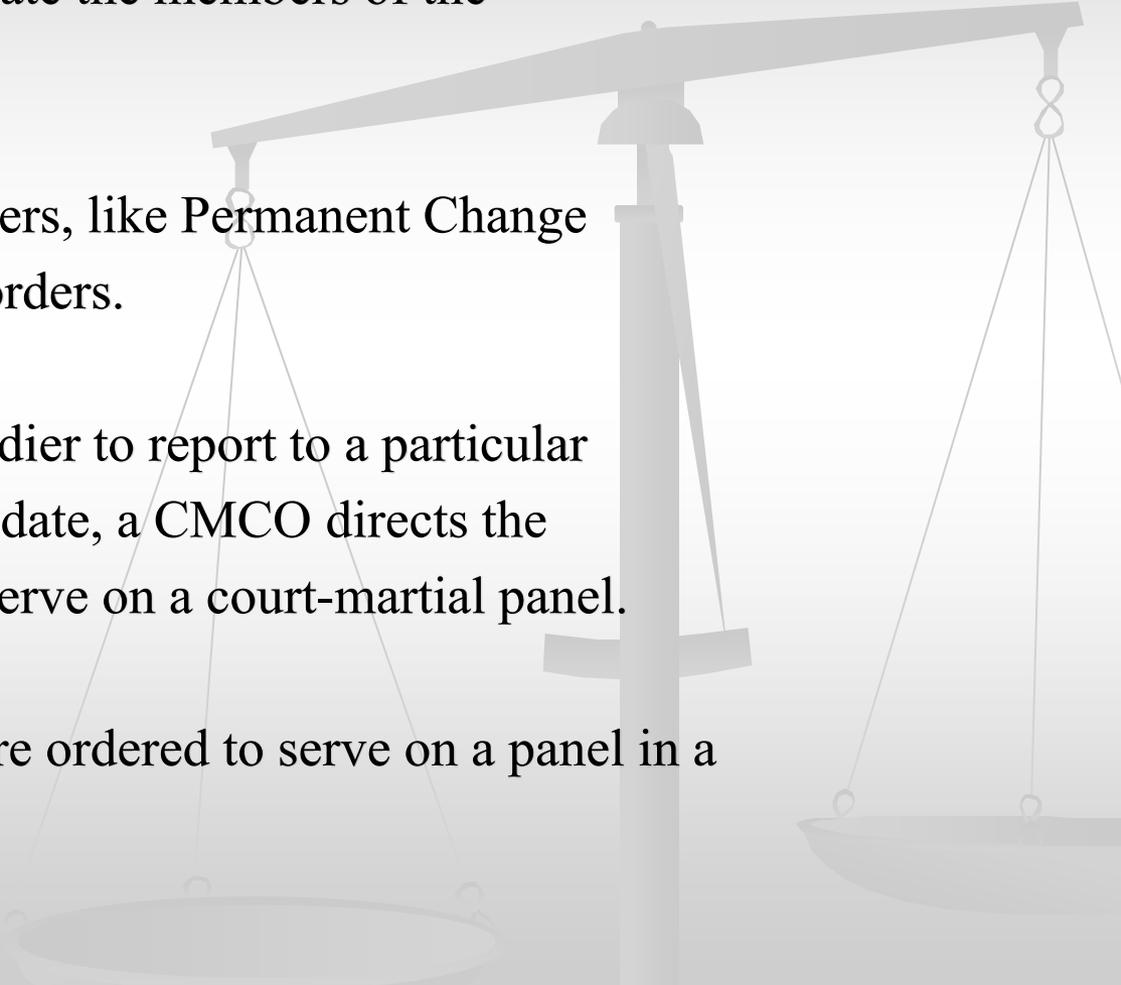
Action: Analyze the Steps in Initiating a Court-Martial Convening Order.

Conditions: In a classroom environment, given a requirement to convene a court-martial and access to the Manual for Courts-Martial, AR 27-10, student handouts and notes, and standard office supplies.

Standards: Examine the steps for creating a court-martial convening order by:

- Identifying the purpose and function of a court-martial convening order;
- Properly initiating a new court-martial convening order;
- Analyzing correct procedures for packing nominations for a court-martial convening order and;
- Analyzing correct procedures notifying panel members.

What are CMCOs?



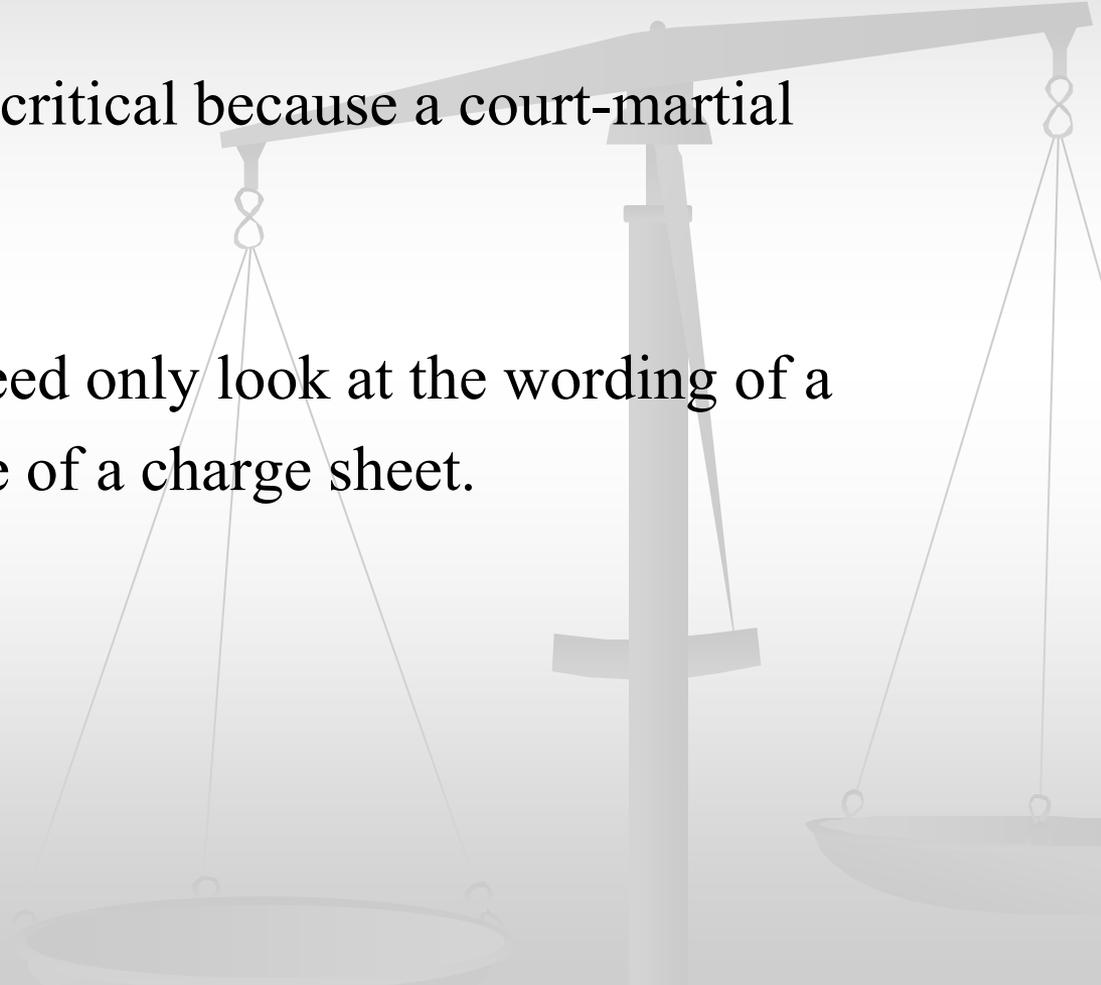
Court-Martial Convening Orders (CMCOs) are written orders or commands that designate the members of the court-martial panel.

CMCOs are similar to other orders, like Permanent Change of Station (PCS) or promotion orders.

While a PCS order directs a Soldier to report to a particular duty assignment on a particular date, a CMCO directs the Soldiers named in the order to serve on a court-martial panel.

In other words, these Soldiers are ordered to serve on a panel in a military court.

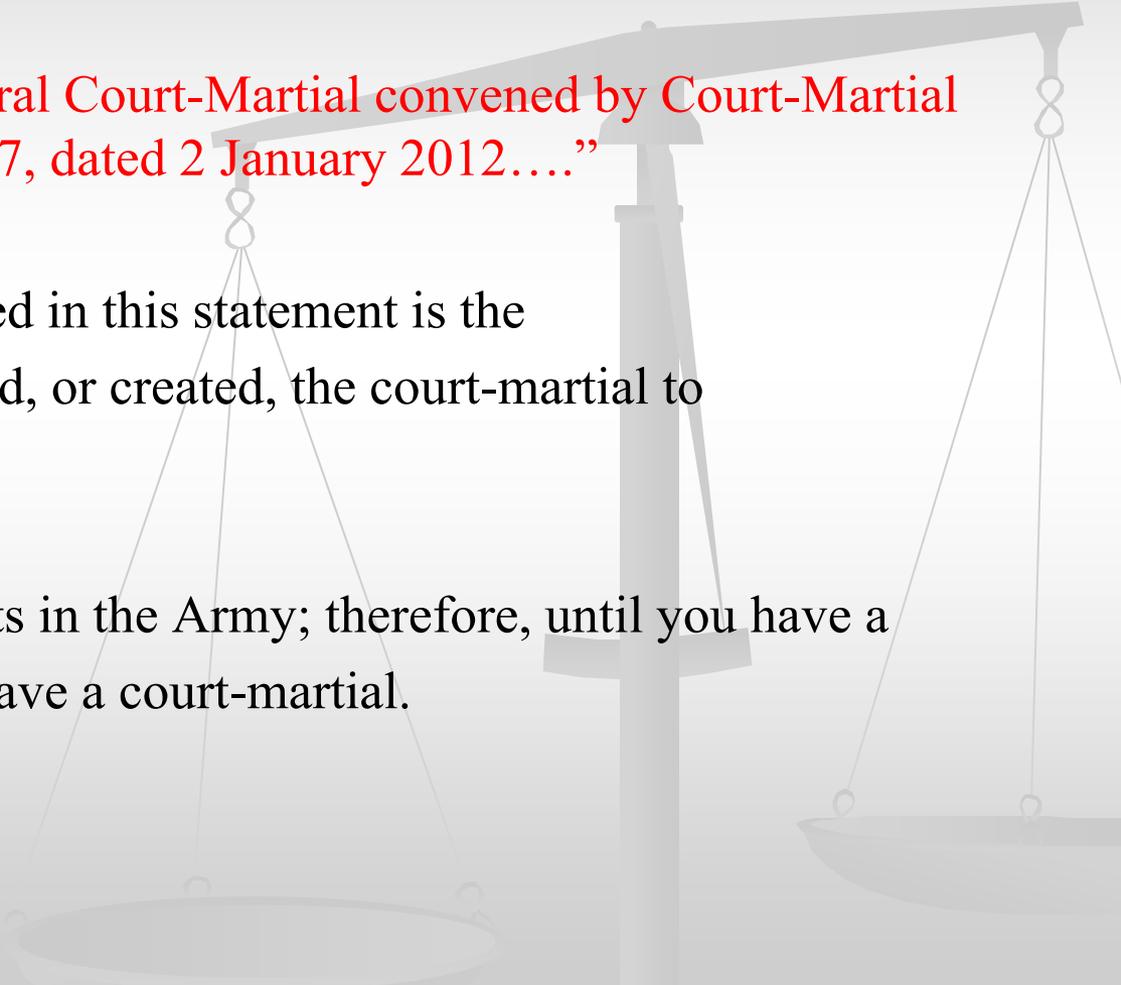
Why is a CMCO Important?



Simply put, the CMCO is critical because a court-martial cannot occur without it.

To understand this, you need only look at the wording of a referral on the reverse side of a charge sheet.

Example Using a CMCO



A referral might read:

“Referred for trial to the General Court-Martial convened by Court-Martial Convening Order Number 7, dated 2 January 2012....”

The convening order mentioned in this statement is the source document that convened, or created, the court-martial to which charges can be referred.

We do not have standing courts in the Army; therefore, until you have a convening order, you do not have a court-martial.

Types of Court-Martial?

There are three types of Courts-martial. They are:

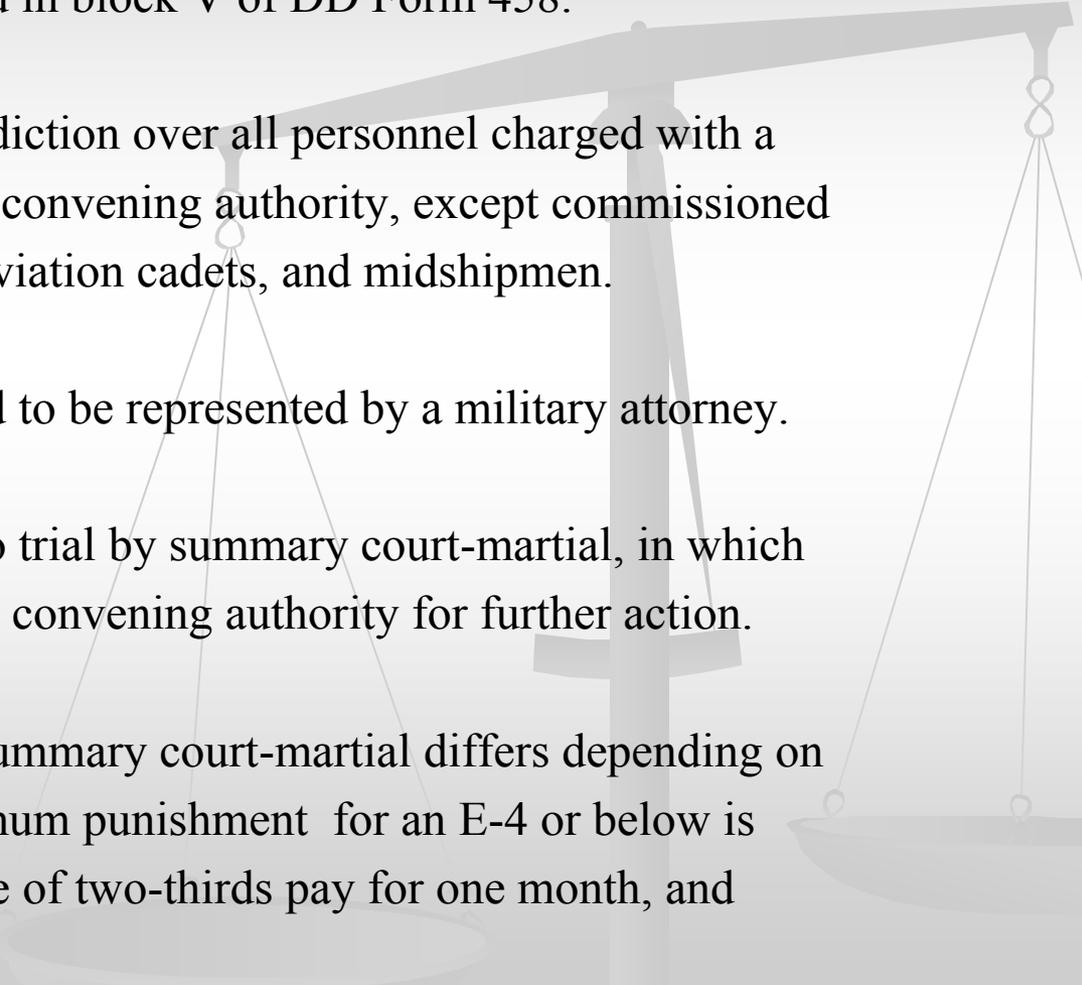
Summary

Special

General



Summary Court-Martial



CMCOs are not used to refer charges to summary court-martial.

Summary court-martial are detailed in block V of DD Form 458.

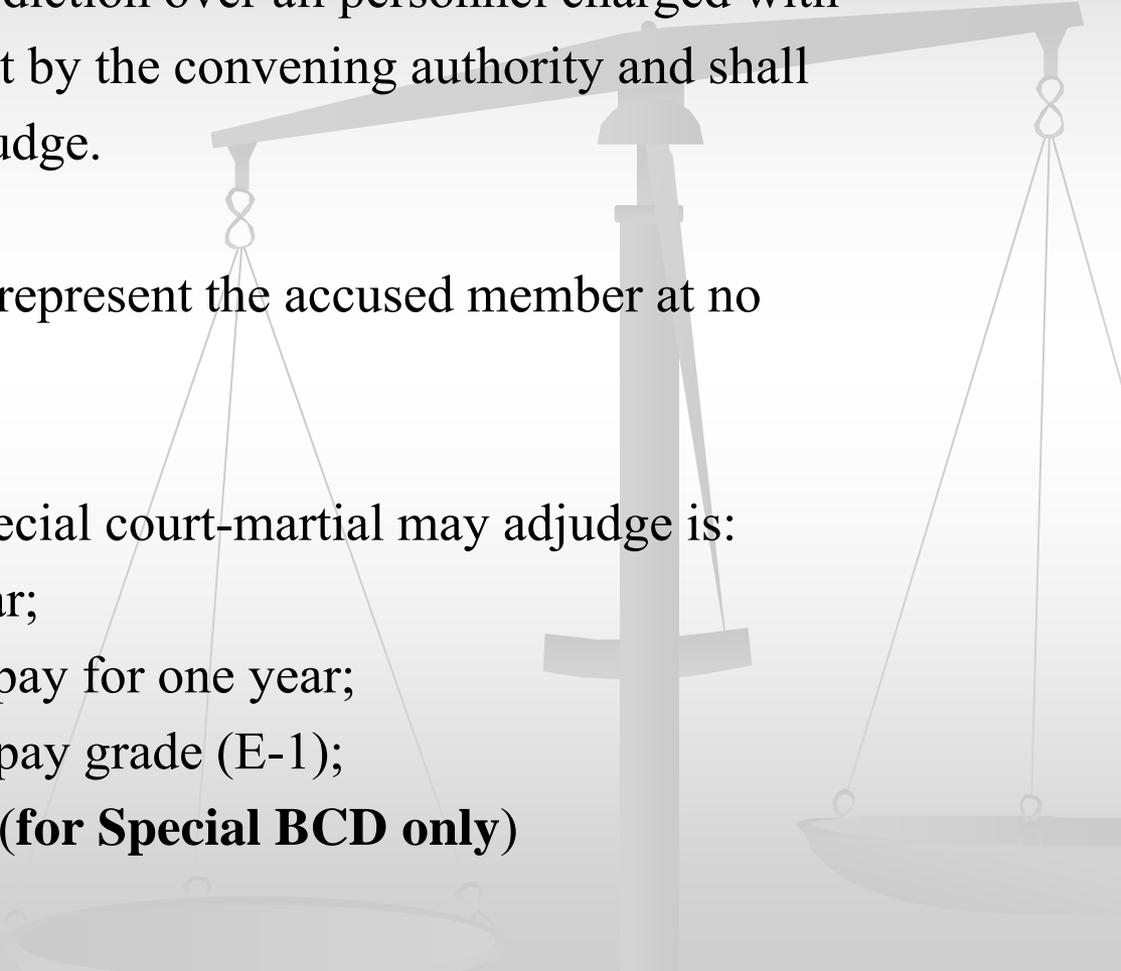
A summary court-martial has jurisdiction over all personnel charged with a UCMJ offense referred to it by the convening authority, except commissioned officers, warrant officers, cadets, aviation cadets, and midshipmen.

The accused member is not entitled to be represented by a military attorney.

The accused member may object to trial by summary court-martial, in which case the charges are returned to the convening authority for further action.

The maximum punishment for a summary court-martial differs depending on the rank of the Accused, the maximum punishment for an E-4 or below is confinement for 30 days, forfeiture of two-thirds pay for one month, and reduction to the lowest pay grade.

Special Court-Martial



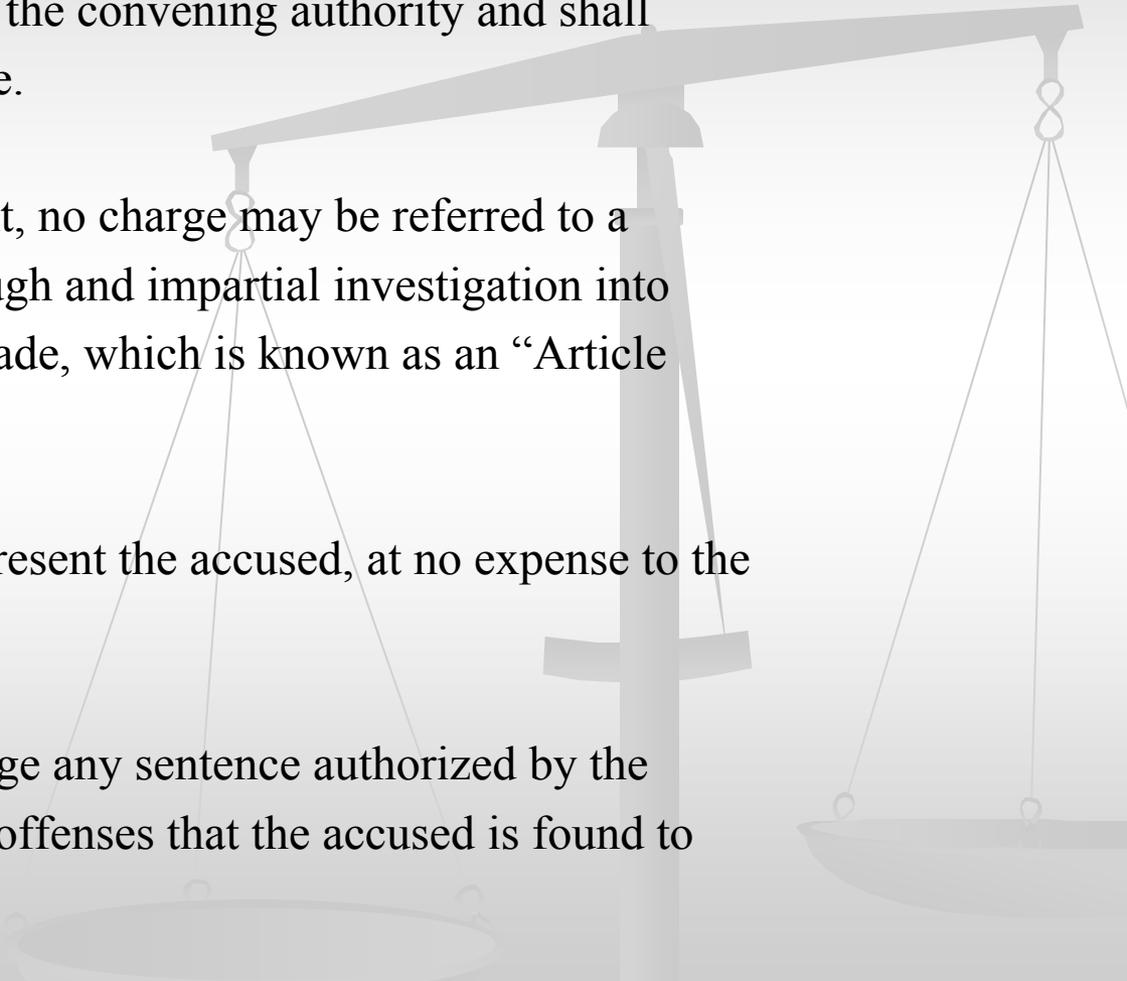
A special court-martial has jurisdiction over all personnel charged with any UCMJ offense referred to it by the convening authority and shall be presided over by a military judge.

A military lawyer is detailed to represent the accused member at no expense.

The maximum punishment a special court-martial may adjudge is:

- Confinement for one year;
- Forfeiture of two-thirds pay for one year;
- Reduction to the lowest pay grade (E-1);
- Bad Conduct Discharge (**for Special BCD only**)

General Court-Martial



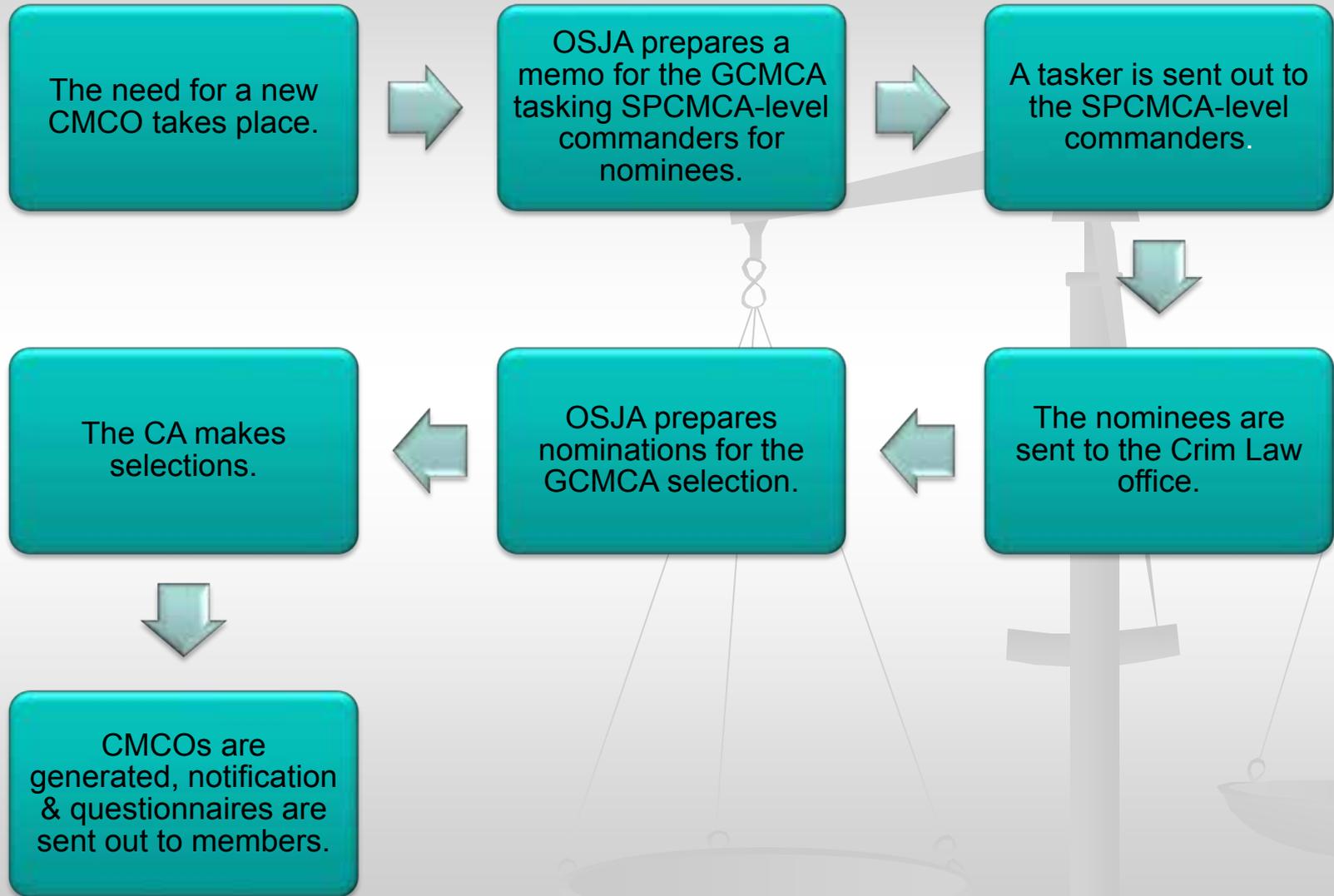
A general court-martial has jurisdiction over all personnel charged with any UCMJ offense referred to it by the convening authority and shall be presided over by a military judge.

Unless the accused waives this right, no charge may be referred to a General court-martial until a thorough and impartial investigation into the basis for the charge has been made, which is known as an “Article 32 Investigation.”

A military lawyer is detailed to represent the accused, at no expense to the accused.

A general court-martial may adjudge any sentence authorized by the Manual for Courts-Martial for the offenses that the accused is found to have committed.

The Steps to Building a New CMCO



Enabling Learning Objective B

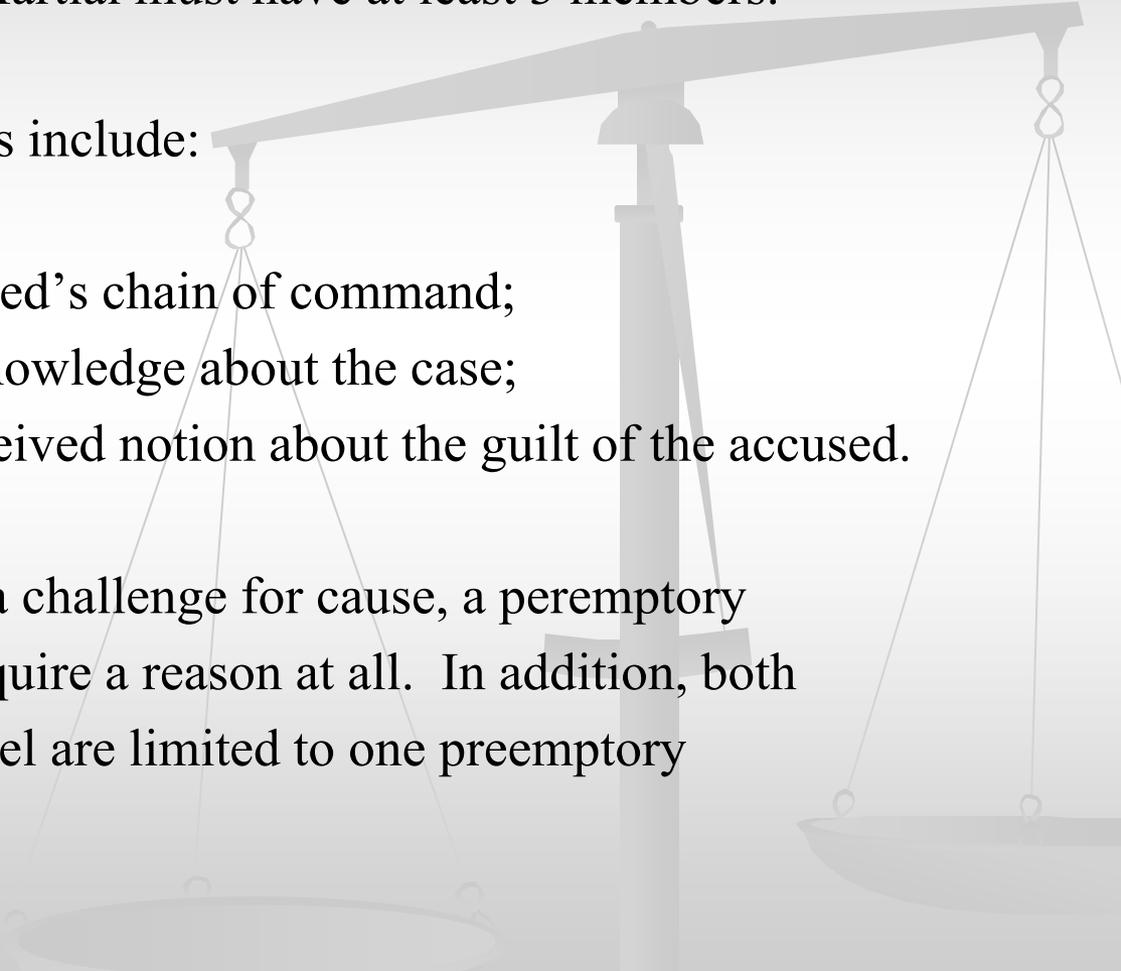
Action: Prepare a new Court-Martial Convening Order.

Conditions: In a classroom environment, given a requirement to convene a court-martial and access to the Manual for Courts-Martial, AR 27-10, student handouts and notes, and standard office supplies.

Standards: Prepare an initial Court-Martial Convening Order with minimal errors ensuring to:

- Identify the rules for convening court-martial;
- Properly compose the court-martial panel and;
- Properly format the court-martial convening order

Quorum and Challenges



Maintaining quorum: A General Court-Martial must have at least 5 members and a Special Court-Martial must have at least 3 members.

Challenges for cause: Examples include:

- The member is in the accused's chain of command;
- The member has outside knowledge about the case;
- The member has a preconceived notion about the guilt of the accused.

Peremptory challenge: Unlike a challenge for cause, a peremptory challenge generally does not require a reason at all. In addition, both trial counsel and defense counsel are limited to one peremptory challenge each.

How are CMCOs prepared?

CMCOs are prepared in memorandum format.

When preparing a CMCO:

- Start on the fifth line from the top of the page.
- Set margins at one inch from the top, bottom, right and left of the page.
- Use Times New Roman font, size 12 pitch.

The rules for preparing a CMCO are the same for a special or general, with a couple of exceptions, follow guidance set forth in AR 27-10.

Elements of a CMCO

The elements of a CMCO include the:

- Heading
- Order Designation
- Date
- Order Number
- Body
- Authority Line
- Signature Block
- Distribution

Heading

The first step in preparing a CMCO is to draft the heading.

In order to prepare the heading properly, determine whether the CMCO being prepared is going to be the first CMCO published by your headquarters in the current calendar year.

This can be determined by turning to your CMCO file and/or log to locate the last order published by your headquarters.

If the last order is dated sometime during the previous calendar year, then you know the one you are about to prepare is the first for the current year.

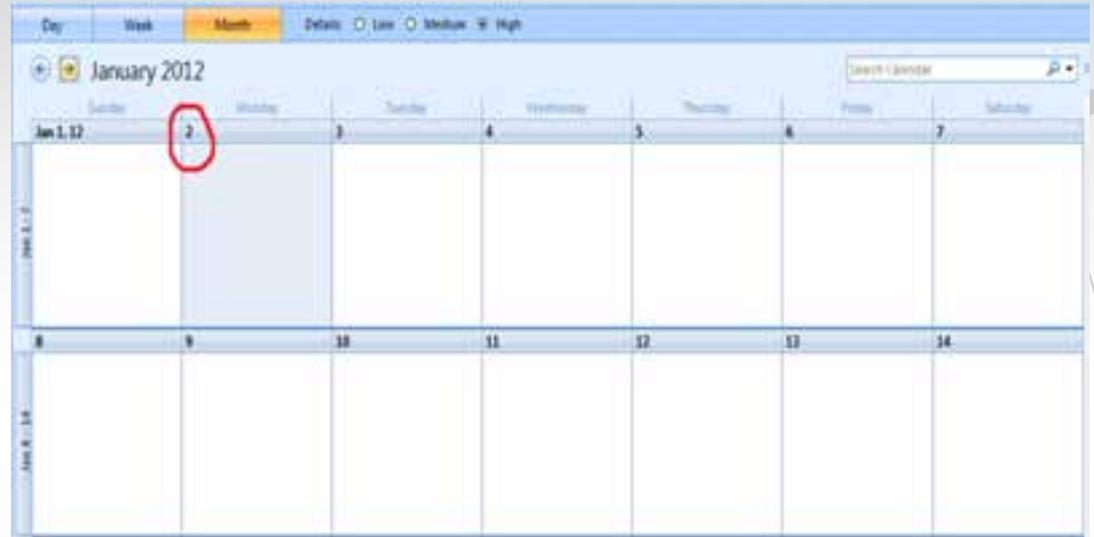
Heading Cont.

Example:

Today is 2 January 2012

- The last order published by your headquarters is 35, dated 5 December 2011;

- The new order is going to be the first order published in the year 2012.



Heading (Cont.)

When preparing the first CMCO to be published in the calendar year, begin with statement identifying the number of the last CMCO of the previous year.

5 **Court-Martial Convening Order Number 52 was the last in the series for 2011.**

1
2 DEPARTMENT OF THE ARMY
Headquarters, 27th Infantry Division (Light)
Fort Stryker, Georgia 30635-2437

2 January 2015

1
2 COURT-MARTIAL CONVENING ORDER
NUMBER 1

1
2 A General Court-Martial is convened with the following members:

1
2 COL MYERS, Frank R., IN, HHC, 3d Bde
LTC SUMMERS, William P., IN, 3d Bn, 78th IN, 1st Bde
LTC CASTIDINE, Jack M., IN, 3d Bn, 80th IN, 2d Bde
MAJ PENNEY, Dewey C., AR, 3d Bn, 2d AR, 3d Bde
CPT YARBROUGH, Bryan, QM, 3d Bn, 25th AR, 2d Bde
CPT PARMENTER, Daniel P., AR, 3d Bn, 4th AR, 3d Bde
1LT MCCAULLEY, Richard B., AR, 3d Bn, 2d AR, 3d Bde

1
2 BY COMMAND OF MAJOR GENERAL FRANKLIN:

1
2
3
4
5 CALVIN A. PERSHON
LTC, AG
Adjutant General

Heading (Cont.)

If the CMCO is **not** the first one for the current calendar year, begin the heading of the order on the fifth line. Omit the statement identifying the number of the last CMCO of the previous year.

5 DEPARTMENT OF THE ARMY
Headquarters, 3d Brigade, 27th Infantry Division (Light)
Fort Stryker, Georgia 30635-2437

1
2 COURT-MARTIAL CONVENING ORDER
NUMBER 15

9 January 2015

1
2 A Special Court-Martial is convened with the following members:

1
2 LTC LYONS, David L., IN, HHC, 3d Bn, 77th IN
CPT ANDERSON, Thomas R., AR, Co C, 3d Bn, 3d AR
CPT SMARTSON, Clifford D., AR, Co A, 3d Bn, 2d AR
CPT PERKINS, Austin S., QM, HHC, 3d Bn, 2d AR
1LT CALHOUN, Carl R., IN, Co A, 3d Bn, 77th IN

1
2
3
4
5 FRANK R. MYERS
COL, IN
Commanding

Heading (Cont.)

The second line below the statement will be the letterhead of the convening authority's headquarters.

5 Court-Martial Convening Order Number 52 was the last in the series for 2011.
1
2

DEPARTMENT OF THE ARMY
Headquarters, 27th Infantry Division (Light)
Fort Stryker, Georgia 30635-2437

1
2 COURT-MARTIAL CONVENING ORDER 2 January 2015
NUMBER 1

1
2 A General Court-Martial is convened with the following members:
1
2 COL MYERS, Frank R., IN, HHC, 3d Bde
LTC SUMMERS, William P., IN, 3d Bn, 78th IN, 1st Bde
LTC CASTIDINE, Jack M., IN, 3d Bn, 80th IN, 2d Bde
MAJ PENNEY, Dewey C., AR, 3d Bn, 2d AR, 3d Bde
CPT YARBROUGH, Bryan, QM, 3d Bn, 25th AR, 2d Bde
CPT PARMENTER, Daniel P., AR, 3d Bn, 4th AR, 3d Bde
1LT MCCAULLEY, Richard B., AR, 3d Bn, 2d AR, 3d Bde

1
2 BY COMMAND OF MAJOR GENERAL FRANKLIN:
1
2
3
4
5

CALVIN A. PERSHON
LTC, AG
Adjutant General

Remember to:

- Center the letterhead of the convening authority's headquarters.
- Capitalize "DEPARTMENT OF THE ARMY".
- Include the word "Headquarters," before the unit name centered on the page.

Order Designation

Write the order designation in CAPITAL LETTERS on the second line below the heading beginning at the left margin. The order designation will always read “COURT-MARTIAL CONVENING ORDER,” for CMCOs.

5 Court-Martial Convening Order Number 52 was the last in the series for 2011.

1
2 DEPARTMENT OF THE ARMY
Headquarters, 27th Infantry Division (Light)
Fort Stryker, Georgia 30635-2437

2 January 2015

1
2 **COURT-MARTIAL CONVENING ORDER**
NUMBER 1

1
2 A General Court-Martial is convened with the following members:

1
2 COL MYERS, Frank R., IN, HHC, 3d Bde
LTC SUMMERS, William P., IN, 3d Bn, 78th IN, 1st Bde
LTC CASTIDINE, Jack M., IN, 3d Bn, 80th IN, 2d Bde
MAJ PENNEY, Dewey C., AR, 3d Bn, 2d AR, 3d Bde
CPT YARBROUGH, Bryan, QM, 3d Bn, 25th AR, 2d Bde
CPT PARMENTER, Daniel P., AR, 3d Bn, 4th AR, 3d Bde
1LT MCCAULLEY, Richard B., AR, 3d Bn, 2d AR, 3d Bde

1
2 BY COMMAND OF MAJOR GENERAL FRANKLIN:

1
2
3
4
5 CALVIN A. PERSHON
LTC, AG
Adjutant General

Order Number

The word “NUMBER” should be in capital letters immediately below the order designation.

An Arabic number indicating the number of the order should be immediately below the last letter of the word “ORDER.”

Courts-martial orders within each category convening (except SCM convening orders), Special, or General Courts-martial are numbered consecutively beginning anew with the start of each calendar year.



DEPARTMENT OF THE ARMY
Headquarters, 27th Infantry Division (Light)
Fort Stryker, Georgia 30635-2437

COURT-MARTIAL CONVENING ORDER
NUMBER **1**

A General Court-Martial is convened with the following members:

COL MYERS, Frank R., IN, HHC, 3d Bde
LTC SUMMERS, William P., IN, 3d Bn, 78th IN, 1st Bde
LTC CASTIDINE, Jack M., IN, 3d Bn, 80th IN, 2d Bde
MAJ PENNEY, Dewey C., AR, 3d Bn, 2d AR, 3d Bde
CPT YARBROUGH, Bryan, QM, 3d Bn, 25th AR, 2d Bde
CPT PARMENTER, Daniel P., AR, 3d Bn, 4th AR, 3d Bde
1LT MCCAULLEY, Richard B., AR, 3d Bn, 2d AR, 3d Bde

CMCO Based on a General Order

In some instances, the General Court-Martial Convening Authority (GCMCA) may be granted authority to convene either a Special or General Court-Martial based on a General Order (GO). For example, a installation commander.

If this is the case, your opening paragraph must reflect this authority, and you would type:

“Pursuant to paragraph _____, General Order Number _____, Department of the Army, dated _____, a (general) (special) court-martial is convened with the following members:”.

Body

The body of the CMCO contains the court members' data. The court members' data should be in rank order beginning on the second line below the opening paragraph.

The following guidelines should be used to list members.

- List the senior member first and the junior member last.
- If two or more members have the same rank, list the members in order of date of rank (DOR), from oldest to the most recent DOR.
- If two or more members have the same rank and DOR, list the member in order of time in service (TIS), from the member with the most TIS to the member with the least TIS.
- The Court Members' data should be in date of rank order.

Body (Cont.)

When adding court members' data, names should be typed in all capital letters and organizations may be abbreviated.

Identify each **officer member** as follows:

- RANK, NAME (LAST, FIRST MI.), BRANCH, UNIT

COL HEWITT, Jim W., IN, HHC, 54th IN Div (Mech)

Identify each **enlisted member** as follows:

- RANK, NAME (LAST, FIRST MI.), UNIT

SGT KANE, Kathy K., HHC, 3d Bn, 3d Bde

Body (Cont.)

Example

1
2 COURT-MARTIAL CONVENING ORDER 2 January 2015
NUMBER 1

1
2 A General Court-Martial is convened with the following members:

1
2 COL MYERS, Frank R., IN, HHC, 3d Bde
LTC SUMMERS, William P., IN, 3d Bn, 78th IN, 1st Bde
LTC CASTIDINE, Jack M., IN, 3d Bn, 80th IN, 2d Bde
MAJ PENNEY, Dewey C., AR, 3d Bn, 2d AR, 3d Bde
CPT YARBROUGH, Bryan, QM, 3d Bn, 25th AR, 2d Bde
CPT PARMENTER, Daniel P., AR, 3d Bn, 4th AR, 3d Bde
1LT MCCAULLEY, Richard B., AR, 3d Bn, 2d AR, 3d Bde

1
2 BY COMMAND OF MAJOR GENERAL FRANKLIN:

1
2
3
4
5 CALVIN A. PERSHON
LTC, AG
Adjutant General

1
2
3 DISTRIBUTION:
4 ~~Ea indiv indic~~ (1)
5 Record of Trial (1)
6 Record Set (1)
7 Reference Set (1)

Authority Line

An authority line is used if the convening authority **WILL NOT** personally sign the order.

The authority line should start on the second line below the court member data, beginning at the left margin.

When the commander is a **General Officer**, use the following format.

- “BY **COMMAND** OF (RANK and LAST NAME):”
BY **COMMAND** OF MAJOR GENERAL FRANKLIN:

When the commander is in the rank of **Colonel or below**, use the following format.

- “BY **ORDER** OF (RANK and LAST NAME):”
BY **ORDER** OF COLONEL SMITH:

Authority Line (Cont.)

Example

DEPARTMENT OF THE ARMY
Headquarters, 27th Infantry Division (Light)
Fort Stryker, Georgia 30635-2437

COURT-MARTIAL CONVENING ORDER
NUMBER 1

2 January 2015

A General Court-Martial is convened with the following members:

COL MYERS, Frank R., IN, HHC, 3d Bde
LTC SUMMERS, William P., IN, 3d Bn, 78th IN, 1st Bde
LTC CASTIDINE, Jack M., IN, 3d Bn, 80th IN, 2d Bde
MAJ PENNEY, Dewey C., AR, 3d Bn, 2d AR, 3d Bde
CPT YARBROUGH, Bryan, QM, 3d Bn, 25th AR, 2d Bde
CPT PARMENTER, Daniel P., AR, 3d Bn, 4th AR, 3d Bde
1LT MCCAULLEY, Richard B., AR, 3d Bn, 2d AR, 3d Bde

BY COMMAND OF MAJOR GENERAL FRANKLIN:

CALVIN A. PERSHON
LTC, AG
Adjutant General

Signature Block

The signature block of the person signing the order should begin:

- On the fifth line below the body of the order or authority line;
- At the center of the page.

This format resembles military correspondence.



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DEPARTMENT OF THE ARMY
Headquarters, 27th Infantry Division (Light)
Fort Stryker, Georgia 30635-2437

COURT-MARTIAL CONVENING ORDER
NUMBER 1

2 January 2015

A General Court-Martial is convened with the following members:

COL MYERS, Frank R., IN, HHC, 3d Bde
LTC SUMMERS, William P., IN, 3d Bn, 78th IN, 1st Bde
LTC CASTIDINE, Jack M., IN, 3d Bn, 80th IN, 2d Bde
MAJ PENNEY, Dewey C., AR, 3d Bn, 2d AR, 3d Bde
CPT YARBROUGH, Bryan, QM, 3d Bn, 25th AR, 2d Bde
CPT PARMENTER, Daniel P., AR, 3d Bn, 4th AR, 3d Bde
1LT MCCAULLEY, Richard B., AR, 3d Bn, 2d AR, 3d Bde

BY COMMAND OF MAJOR GENERAL FRANKLIN:

CALVIN A. PERSHON
LTC, AG
Adjutant General

Distribution - Format

The distribution should :

- Begin at the left margin two lines below the signature block
- Be followed by a colon

AR 27-10, Chapter 11, outlines the distribution for CMCOs.

The distribution list should begin at the left margin on the line immediately below the word “DISTRIBUTION:.”

Once copy to each individual named in the order. If the order applies to four or more individuals, distribution may be shown as each individual indicated (Ea indiv indic) instead of listing each individual by name.

One copy to the officer exercising GCM jurisdiction. **This only applies to Special Court Martial and below.** Include the office symbol of the SJA for the GCMCA. Doing so will ensure a copy of the CMCO is filed with the appropriate headquarters.

One copy each for the original and copies of the record of trial.

Distribution (Cont.)

Paralegal Specialists in the field should also include one copy for the reference set. The number of copies to each recipient should be in parentheses.

Example

2 COL MYERS, Frank R., IN, HHC, 3d Bde
LTC SUMMERS, William P., IN, 3d Bn, 78th IN, 1st Bde
LTC CASTIDINE, Jack M., IN, 3d Bn, 80th IN, 2d Bde
MAJ PENNEY, Dewey C., AR, 3d Bn, 2d AR, 3d Bde
CPT YARBROUGH, Bryan, QM, 3d Bn, 25th AR, 2d Bde
CPT PARMENTER, Daniel P., AR, 3d Bn, 4th AR, 3d Bde
1LT MCCAULLEY, Richard B., AR, 3d Bn, 2d AR, 3d Bde

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2 BY COMMAND OF MAJOR GENERAL FRANKLIN:

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CALVIN A. PERSHON
LTC, AG
Adjutant General

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DISTRIBUTION:
Ea indiv indic (1)
Record of Trial (1)
Record Set (1)
Reference Set (1)

Example of a General CMCO

DEPARTMENT OF THE ARMY
Headquarters, 27th Infantry Division (Light)
Fort Stryker, Georgia 30635-2437

COURT-MARTIAL CONVENING ORDER
NUMBER 1

2 January 2015

A **General Court-Martial** is convened with the following members:

COL MYERS, Frank R., IN, HHC, 3d Bde
LTC SUMMERS, William P., IN, 3d Bn, 78th IN, 1st Bde
LTC CASTIDINE, Jack M., IN, 3d Bn, 80th IN, 2d Bde
MAJ PENNEY, Dewey C., AR, 3d Bn, 2d AR, 3d Bde
CPT YARBROUGH, Bryan, QM, 3d Bn, 25th AR, 2d Bde
CPT PARMENTER, Daniel P., AR, 3d Bn, 4th AR, 3d Bde
1LT MCCAULLEY, Richard B., AR, 3d Bn, 2d AR, 3d Bde

BY COMMAND OF MAJOR GENERAL FRANKLIN:

CALVIN A. PERSHON
LTC, AG
Adjutant General

Example of a Special CMC

Empowered to adjudge a Bad-Conduct Discharge

DEPARTMENT OF THE ARMY
Headquarters, 27th Infantry Division (Light)
Fort Stryker, Georgia 30635-2437

COURT-MARTIAL CONVENING ORDER
NUMBER 6

9 January 2015

A **Special Court-Martial** is convened with the following members:

COL MYERS, Frank R., IN, HHC, 3d Bde
LTC SUMMERS, William P., IN, 3d Bn, 78th IN, 1st Bde
LTC CASTIDINE, Jack M., IN, 3d Bn, 80th IN, 2d Bde
MAJ PENNEY, Dewey C., AR, 3d Bn, 2d AR, 3d Bde
CPT YARBROUGH, Bryan, QM, 3d Bn, 25th AR, 2d Bde
CPT PARMENTER, Daniel P., AR, 3d Bn, 4th AR, 3d Bde
1LT MCCAULLEY, Richard B., AR, 3d Bn, 2d AR, 3d Bde

BY COMMAND OF MAJOR GENERAL FRANKLIN:

CALVIN A. PERSHON
LTC, AG
Adjutant General

Example of a Special CMCO

DEPARTMENT OF THE ARMY
Headquarters, 3d Brigade, 27th Infantry Division (Light)
Fort Stryker, Georgia 30635-2437

COURT-MARTIAL CONVENING ORDER
NUMBER 12

9 January 2015

A **Special Court-Martial** is convened with the following members:

LTC LYONS, David L., IN, HHC, 3d Bn, 77th IN
CPT ANDERSON, Thomas R., AR, Co C, 3d Bn, 3d AR
CPT SMARTSON, Clifford D., AR, Co A, 3d Bn, 2d AR
CPT PERKINS, Austin S., QM, HHC, 3d Bn, 2d AR
1LT CALHOUN, Carl R., IN, Co A, 3d Bn, 77th IN

FRANK R. MYERS
COL, IN
Commanding

Enabling Learning Objective C

Action: Amend a Court-Martial Convening Order.

Conditions: In a classroom environment, given a requirement to modify a previously published court-martial convening order and, access to the Manual for Courts-Martial, AR 27-10, student handouts and notes, and standard office supplies.

Standards: Prepare an amendment to a court-martial convening order with minimal errors ensuring to:

- Analyze the different type of amendment orders and;
- Properly draft an amendment to an existing court-martial convening order.

Types of CMCO Amendments

There are three types of amendments. They include:

Appointing: Adding, or detailing, a person to the court-martial panel. You will have to do this if the number of members available for trial falls below the quorum.

Relieving: Deleting a member.

Vicing: Substituting one person for another on the court-martial. Vicing combines the actions of appointing and relieving.

Example of an appointing order

DEPARTMENT OF THE ARMY
27th Infantry Division (Light)
7441 Dixie Road
Fort Stryker, Georgia 30635-2437

COURT-MARTIAL CONVENING ORDER
NUMBER 2

27 January 2015

COL HINES, Eric, IN, HHC, 2d Bde, is detailed as a member of the general court-martial convened by order number 1, this headquarters, dated 9 January 2015.

BY COMMAND OF MAJOR GENERAL FRANKLIN:

CALVIN A. PERSHON
LTC, AG
Adjutant General

DISTRIBUTION:
COL Hines (1)
Record of Trial (1)
Record Set (1)
Reference Set (1)

Things to check for when preparing an amending order

The action (detailed);

The who (the member's name and personal data);

The court (level of court, order that convened the court, order number, HQ, and date of publication); and

The duration (permanent order versus temporary order).

Example of a relief order

temporary

DEPARTMENT OF THE ARMY
27th Infantry Division (Light)
7441 Dixie Road
Fort Stryker, Georgia 30635-2437

COURT-MARTIAL CONVENING ORDER
NUMBER 3

29 January 2015

COL HINES, Eric, IN, HHC, 2d Bde, is relieved as a member of the general court-martial convened by order number 1, this headquarters, dated 9 January 2015, for the case of U.S. v. PFC Tom C. Bond, HHC, 2d Bde, only.

BY COMMAND OF MAJOR GENERAL FRANKLIN:

CALVIN A. PERSHON
LTC, AG
Adjutant General

DISTRIBUTION:
COL Hines (1)
Record of Trial (1)
Record Set (1)
Reference Set (1)

Example of a relief order

permanent

DEPARTMENT OF THE ARMY
27th Infantry Division (Light)
7441 Dixie Road
Fort Stryker, Georgia 30635-2437

COURT-MARTIAL CONVENING ORDER
NUMBER 6

29 January 2015

COL HINES, Eric, IN, HHC, 2d Bde, is relieved as a member of the general court-martial convened by order number 1, this headquarters, dated 9 January 2015.

BY COMMAND OF MAJOR GENERAL FRANKLIN:

CALVIN A. PERSHON
LTC, AG
Adjutant General

DISTRIBUTION:
COL Hines (1)
Record of Trial (1)
Record Set (1)
Reference Set (1)

Example of a vice order

temporary

DEPARTMENT OF THE ARMY
27th Infantry Division (Light)
7441 Dixie Road
Fort Stryker, Georgia 30635-2437

COURT-MARTIAL CONVENING ORDER
NUMBER 5

30 January 2015

LTC MORGAN, Stanley, AR, Co C, 3d Bn, 3d AR, is detailed as a member of the general court-martial convened by order number 1, this headquarters, dated 9 January 2015, vice COL HINES, Eric, IN, HHC, 3d Bde, relieved for the case of U.S. v. Tom C. Bond, HHC, 2d Bde, only.

BY COMMAND OF MAJOR GENERAL FRANKLIN:

CALVIN A. PERSHON
LTC, AG
Adjutant General

DISTRIBUTION:
LTC Morgan (1)
COL Hines (1)
Record of Trial (1)
Record Set (1)
References Set (1)

Example of a vice order

permanent

DEPARTMENT OF THE ARMY
27th Infantry Division (Light)
7441 Dixie Road
Fort Stryker, Georgia 30635-2437

COURT-MARTIAL CONVENING ORDER
NUMBER 7

30 January 2015

LTC MORGAN, Stanley, AR, Co C, 3d Bn, 3d AR, is detailed as a member of the general court-martial convened by order number 1, this headquarters, dated 9 January 2015, vice COL HINES, Eric, IN, HHC, 3d Bde, relieved.

BY COMMAND OF MAJOR GENERAL FRANKLIN:

CALVIN A. PERSHON
LTC, AG
Adjutant General

DISTRIBUTION:
LTC Morgan (1)
COL Hines (1)
Record of Trial (1)
Record Set (1)
Reference Set (1)

Enabling Learning Objective D

Action: Complete the Court-Martial Convening Order Student Exam.

Conditions: In a classroom environment, given a requirement complete the student exam and, access to the Manual for Courts-Martial, AR 27-10, student handouts and notes, and standard office supplies.

Standards: Receive a score of 70% or higher on the exam.