

COURT-MARTIAL DATA SHEET				1. OJAG NUMBER
2. NAME <i>(Last, First, Middle Initial)</i>	3. SOCIAL SECURITY NO.	4. RANK	5. UNIT/COMMAND NAME	

INSTRUCTIONS

When an item is not applicable to the record of trial being reviewed, mark the proper block with a diagonal line similar to the ones which appear in the SPCMCA blocks for items 6a and b.

KEY TO USE

TC - Trial Counsel. This column will be completed in all cases in which a finding of guilty is returned.

SPCMCA - Special Court-Martial Convening Authority who is not empowered to convene a general court-martial. This column will be completed in each special court-martial case by the SPCMCA or his/her designated representative.

GCM or JA - General Court-Martial Convening Authority or Judge Advocate. This column will be completed in any case in which the record is forwarded by the commander exercising general court-martial jurisdiction to The Judge Advocate General of the branch of service concerned. If the record is reviewed under Article 64(a), UCMJ, this column will be completed by the judge advocate accomplishing the review.

OJAG - Appropriate appellate agency in the Office of The Judge Advocate General of the branch of service concerned. This column will be disregarded if a record of trial was reviewed under Article 64, UCMJ, and in cases where there are no approved findings of guilt.

References - All references are to the Uniform Code of Military Justice (UCMJ) and the Manual for Courts-Martial, United States (MCM), 1984.

SECTION A - PRETRIAL AND TRIAL PROCEDURE	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
6. a. If a general court-martial, was the accused represented in the Article 32 investigation by civilian or military counsel of his/her own selection or by counsel qualified within the meaning of Article 27(b), UCMJ?			/	/				
b. If not, did the accused waive his/her right to such representation?			/	/				
7. Does the record show place, date, and hour of each Article 39(a) session, the assembly and each opening and closing thereafter?								
8. a. Are all convening and amending orders of courts to which charges were referred entered in the record?								
b. Are court members named in the convening orders, detailed military judge (if any), counsel and the accused accounted for as present or absent?								
c. Was less than a quorum present at any meeting requiring the presence of court members (RCM 805(b))?								
d. Does the record show that after each session, adjournment, recess, or closing during the trial, the parties to the trial were accounted for when the court reopened (A13-5)?								
e. If the military judge or any member present at assembly was thereafter absent, was such absence the result of challenge, physical disability or based on good cause as shown in the record of trial (RCM 505(c)(2)(A))?								
9. Were the reporter and interpreter, if any, sworn or previously sworn?								
10. a. Was the military judge properly certified (RCM 502(c))?								
b. Was the military judge properly detailed (RCM 503(b))?								
c. Was the military judge present during all open sessions of the court?								
11. a. Was the accused advised that								
(1) He/she had the right to be represented free of charge by a military lawyer of his/her own selection, if reasonably available, in which case detailed counsel might be excused (RCM 506(a))?								

COURT-MARTIAL DATA SHEET

SECTION A - PRETRIAL AND TRIAL PROCEDURE <i>(Continued)</i>	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
(2) He/she had the right to be represented at the trial by a civilian lawyer provided at no expense to the government, in which case detailed counsel would serve as associate counsel or be excused with the accused's consent?								
(3) If he/she did not exercise any of the rights listed above, he/she would be defended by detailed counsel certified under article 27(b), UCMJ (RCM 502(d)(1))?								
b. (1) Was the accused represented by a civilian lawyer?								
(2) Did the accused request a specific military counsel?								
(3) (a) If so, was such request complied with?								
(b) If not, were reasons given why requested counsel was not reasonably available?								
12. a. Was the detailed defense counsel properly certified (RCM 502(d))?								
b. Was at least one qualified counsel for each party present during all open sessions of the court (RCM 502(d) and RCM 805(c))?								
13. a. If the special court-martial adjudged a BCD								
(1) Was a military judge detailed to the court (RCM 503(b))?								
(2) If not, did the convening authority submit a statement indicating why a military judge could not be detailed and why trial had to be held at that time and place (Article 19, UCMJ)?								
(3) Was a verbatim transcript made (Article 19, UCMJ)?								
14. Did any person who acted as the accuser, investigating officer, military judge, court member, or member of the defense in the same case, or as counsel for the accused at a pretrial investigation or other proceedings involving the same general matter, subsequently act as a member of the prosecution (RCM 502(d)(4))?								
15. If any member of the defense had acted as a member of the prosecution in the same case, was he/she excused (RCM 502(d)(4))?								
16. a. If any member of the defense had acted as the accuser, investigating officer, military judge, or member of the court, were his/her services expressly requested by the accused (RCM 502(d)(4))?								
b. If not, was he/she excused?								
17. a. If accused was an enlisted person, did he/she make a request that enlisted persons be included in membership of the court?								
b. If so, were at least one-third of the members who tried the case enlisted persons, or did the convening authority direct the trial without enlisted persons and provide a detailed written explanation which is appended to the record (RCM 503(a)(2))?								
c. Did any enlisted member of the court belong to the same unit as the accused?								
18. If a military judge was detailed to the court, was the accused informed of his/her right to request trial by military judge alone?								
19. Were the members of the court, military judge (if any) and the personnel of the prosecution and defense sworn or previously sworn?								
20. a. Was any person sitting as a member of the court, or military judge (if any), the accuser, a witness for the prosecution, the investigating officer, staff judge advocate, counsel, or convening authority, or upon rehearing or new trial was he/she a member of the former trial (RCM 902(b) and RCM 912(f))?								
b. If so, did the accused waive such disqualification (RCM 912(f)(4) and RCM 902(e))?								

COURT-MARTIAL DATA SHEET

SECTION A - PRETRIAL AND TRIAL PROCEDURE <i>(Continued)</i>	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
21. a. Was each accused extended the right to challenge military judge (if any), and any member of the court for cause and to exercise one peremptory challenge?								
b. Was action by court upon challenges proper (RCM 902 and RCM 912)?								
c. Does the record show that a member excused as result of a challenge withdrew from the court?								
22. a. Was the accused properly arraigned (RCM 904)?								
b. Do the following appear in the record: the charges and specifications, the name, rank and unit/command name of the person signing the charges, the affidavit, and the order of reference for the trial?								
c. Except in time of war, was the accused brought to trial (which includes an Article 39a, UCMJ session) by general court-martial within five days (by special court-martial within three days) subsequent to service of charges upon him/her (RCM 602)?								
d. If so, did the accused object to trial?								
23. a. Were any charges or specifications affected by the statute of limitations (RCM 907(b))?								
b. If so, was accused advised of his/her right to assert the statute and was his/her response recorded (RCM 907(b))?								
24. Did the court take proper action with respect to motions raising defenses and objections (RCM 905-907)?								
25. a. Were pleas of accused regularly entered (RCM 910(a))?								
b. Were pleas of guilty properly explained, and accused's responses recorded (RCM 910(c))?								
26. Does the record show that all witnesses were sworn?								
27. Did the military judge or president advise the court concerning the elements of each offense, each lesser-included offense reasonably raised by the evidence, and the presumption of innocence, reasonable doubt, and burden of proof, pursuant to Article 51(c), UCMJ (RCM 920(e))?								
28. a. If trial was by military judge alone, did the military judge announce the findings (RCM 922)?								
b. If the trial was with members, did the president announce the findings (RCM 922)?								
c. If special findings were requested, were they made a part of the record?								
29. Were the findings in proper form (A10)?								
30. a. Was the evidence, if any, of previous convictions admissible and properly introduced in evidence (RCM 1001(b)(3))?								
b. Was the information from personnel records of the accused properly admitted (RCM 1001(b)(2))?								
c. Was the defense permitted to introduce evidence in extenuation and mitigation after the court announced findings of guilty (RCM 1001(c))?								
31. a. In a trial with members, did the president announce the sentence (RCM 1007)?								
b. If trial was by military judge alone, did the military judge announce the sentence (RCM 1007)?								