

COURT-MARTIAL DATA SHEET			1. OJAG NUMBER
2. NAME <i>(Last, First, Middle Initial)</i>	3. RANK	4. 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
5. 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?								
6. Does the record show place, date, and hour of each Article 39(a) session, the assembly and each opening and closing thereafter?								
7. 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))?								
8. Were the reporter and interpreter, if any, sworn or previously sworn?								
9. 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?								
10. 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))?								

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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?								
11. 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))?								
12. 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)?								
13. 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))?								
14. 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))?								
15. 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?								
16. 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?								
17. If a military judge was detailed to the court, was the accused informed of his/her right to request trial by military judge alone?								
18. Were the members of the court, military judge (if any) and the personnel of the prosecution and defense sworn or previously sworn?								
19. 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))?								

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SECTION A - PRETRIAL AND TRIAL PROCEDURE <i>(Continued)</i>	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
20. 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?								
21. 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?								
22. 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))?								
23. Did the court take proper action with respect to motions raising defenses and objections (RCM 905-907)?								
24. 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))?								
25. Does the record show that all witnesses were sworn?								
26. 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))?								
27. 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?								
28. Were the findings in proper form (A10)?								
29. 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))?								
30. 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)?								

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SECTION A - PRETRIAL AND TRIAL PROCEDURE <i>(Concluded)</i>	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
31. Was the sentence in proper form (A11)?								
32. Is the record properly authenticated (RCM 1104)?								
33. a. Did all members who participated in proceedings in revision vote on original findings and sentence (RCM 1102(e)(1))?								
b. At proceedings in revision, were a military judge (if one was present at the trial), the accused, and counsel for the prosecution and defense present (RCM 1102(e)(1))?								
34. Was each accused furnished a copy of the record or substitute service made on defense counsel (RCM 1104(b))?								
35. Was clemency recommended by the court or military judge?								
SECTION B - PROCEDURE AFTER TRIAL	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
36. Was the court convened by proper authority (RCM 504(b))?								
37. Did the court have jurisdiction of person and offense (RCM 202 & 203)?								
38. Does each specification state an offense under the code (RCM 907(b))?								
39. Did the accused have the requisite mental capacity at the time of trial and the requisite mental responsibility at the time of the commission of each offense (RCM 909 and RCM 916(k))?								
40. Is the evidence sufficient to support the findings?								
41. Is the sentence within legal limits (RCM 1112(d))?								
42. Is the action of the convening authority properly entered in the record and signed (RCM 1107(f))?								
43. If appropriate, is a proper place of confinement designated (RCM 1107(f)(4)(c))?								
44. a. Was the staff judge advocate's post-trial recommendation served on the defense counsel for comment (RCM 1106(f))?								
b. If the addendum to the recommendation contained new matters, was it served on the defense counsel for comment (RCM 1106(f)(7))?								
c. Did the accused submit matters for the convening authority's consideration in a timely manner (RCM 1105)?								
d. If yes, was the convening authority's action subsequent to the submission of the matters?								
e. If no, did the accused waive in writing the right to submit matters and was the action taken subsequent to the written waiver or did the time periods provided in RCM 1105(c) expire before the convening authority's action?								
45. a. Does the record indicate that the accused was advised of his/her appellate rights (RCM 1010)?								
b. Do the allied papers contain a statement indicating the desires of the accused with respect to appellate representation in the event his/her case is referred to a court of military review?								
c. Did the accused waive or withdraw appellate review and is the waiver or withdrawal in proper form and attached to the record of trial (RCM 1110, A19 & 20)?								

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SECTION C - COURT-MARTIAL ORDERS (CMO)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
46. Does the initial CMO bear the same date as the action of the convening authority who published it?								
47. Are all the orders convening the court which tried the case correctly cited in the CMO?								
48. Are the accused's name, rank, SSN, unit/command name and branch of service correctly shown in the CMO?								
49. Are all the charges and specifications (including amendments) upon which the accused was arraigned correctly shown in the CMO (RCM 1114)?								
50. Are the pleas, findings, and sentence correctly shown in the CMO (RCM 1114)?								
51. Does the CMO show the date the sentence was adjudged?								
52. Is the action of the convening authority correctly shown in the CMO (RCM 1114)?								
53. Is the CMO properly authenticated (RCM 1114)?								

54. REMARKS

COURT-MARTIAL DATA SHEET

54. REMARKS (Continued)

55. TRIAL COUNSEL

a. TYPED NAME <i>(Last, First, Middle Initial)</i>	b. RANK	c. SIGNATURE	d. DATE SIGNED
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56. CONVENING AUTHORITY OR HIS/HER REPRESENTATIVE

a. TYPED NAME <i>(Last, First, Middle Initial)</i>	b. RANK	c. SIGNATURE	d. DATE SIGNED
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57. STAFF JUDGE ADVOCATE OF GENERAL COURT-MARTIAL CONVENING AUTHORITY OR REVIEWING JUDGE ADVOCATE

a. TYPED NAME <i>(Last, First, Middle Initial)</i>	b. RANK	c. SIGNATURE	d. DATE SIGNED
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58. ACTION IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL

a. ACTION

b. INDIVIDUAL COMPLETING DATA SHEET

(1) TYPED NAME <i>(Last, First, Middle Initial)</i>	(2) RANK	(3) SIGNATURE	(4) DATE SIGNED
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