



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1322 PATTERSON AVENUE SE, SUITE 3000
WASHINGTON NAVY YARD DC 20374-5066

JAGINST 5814.1E
CODE 20
19 Aug 24

JAG INSTRUCTION 5814.1E

Subj: POST-TRIAL PROCESSING

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

- Encl: (1) Statement of Trial Results Template
(2) Post-Trial Checklist
(3) Victim Post-Trial Rights Statement
(4) Convening Authority's Action Checklist
(5) Gun Control Act of 1968 Reporting Requirements
(6) Convening Authority's Action and Entry of Judgment Template
(7) DD Form 490 – Record of Trial
(8) Record of Trial Verification and Certification Forms
(9) Assembly of Record of Trial Instructions

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

2. Applicability. This instruction supersedes JAG/COMNAVLEGSVCCOMINST 5814.1B, for all cases referred to a court-martial on or after 1 January 2019. Courts-martial with any offense referred on or prior to 31 December 2018 will continue to utilize

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

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

4. Discussion

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

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

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

5. Action

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

b. Each prosecuting office must use enclosure (1) when preparing the Statement of Trial Results; however, deviations to account for new or modified offenses since the creation of enclosure (1) are authorized. This document will include the contents required under R.C.M. 1101(a) of reference (b) and section 0150 of reference (c), including, but not limited to:

(1) For each charge and specification referred to trial—

(a) a summary of each charge and specification;

- (b) the plea(s) of the accused; and
- (c) the finding or other disposition of each charge and specification.

(2) The sentence of the court-martial and date the sentence was announced, and the amount of credit, if any, applied to the sentence for pretrial confinement or other reasons. If the accused was convicted of more than one specification and any part of the sentence was determined by a military judge, the Statement of Trial Results must also specify—

- (a) the confinement and fine for each specification, if any;
- (b) whether any term of confinement is to run consecutively or concurrently with any other term(s) of confinement;
- (c) the total amount of any fine(s) and the total amount of any confinement, after accounting for any credit and any terms of confinement that are to run consecutively or concurrently.

(3) The type of court-martial and the command by which it was convened.

(4) In a case with a plea agreement, the statement must specify any limitations on the punishment as set forth in the plea agreement.

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

- (a) the portion(s) of the sentence to which the recommendation applies;
- (b) the minimum duration of the suspension;
- (c) the recommended clemency; and
- (d) the facts supporting the suspension or other clemency recommendation.

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

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

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

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

(10) A statement as to whether any offense for which the accused was convicted is a crime that triggers firearm possession prohibition in accordance with 18 U.S.C. § 922 and whether such a crime is a crime of domestic violence. See reference (h) and enclosure (5) for further details and definitions of the terms included in this sub-paragraph and crime reporting requirements generally; and

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

c. Each RLSO and Law Center is responsible for establishing procedures to ensure that upon written request, the counsel for the accused, and the accused if he or she so requests, and counsel for any crime victim, receive a copy of the recording of all open sessions of the court-martial and, unless sealed, access to the evidence admitted at the court-martial and appellate exhibits in order to facilitate the preparation of matters submitted to the CA. The RLSO or Law Center may not release recordings of closed sessions, classified material, or any other matters ordered sealed unless otherwise authorized by the military judge. If an accused or victim is unrepresented, a copy of the recording of all open sessions of the court-martial will be provided directly to the accused or victim upon request. This information should be provided within 5 business days after receiving a proper request, unless otherwise impracticable. Prior to releasing any recording of the court-martial proceedings, the RLSO or Law Center must include with the recording an instruction limiting the use of the audio recording to the submission of post-trial matters under R.C.M. 1106 and R.C.M. 1106A of reference (b). If a record is provided to an accused that is confined, a paper record must be provided.

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

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

f. As soon as practicable after the announcement of the sentence, the RLSO or Law Center must forward the following to the SJA for the CA to review during the post-trial process: (1) the recording of all open sessions of the court-martial; (2) unless sealed, copies of, or access to, the evidence admitted at the court-martial, and appellate exhibits; and (3) all matters submitted by the accused and crime victim that were not previously provided directly to the SJA for the CA. If a CA wishes to review any sealed portion of the record, including classified evidence, a request must be submitted to the military judge.

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

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

(1) For cases **referred** to trial on or after 1 January 2019, the following CA action procedures apply:

(a) If all of the offenses of which the accused was convicted occurred **after** 1 January 2019, the post-trial procedures contained in this instruction, in Articles 60a and 60b, UCMJ, 10 U.S.C. §§ 860a, 860b (eff. Jan. 1, 2019), and in R.C.M. 1109 and 1110, of reference (b), and section 0153 of reference (c) must apply.

(b) If the accused is convicted of any offense that occurred **before** 1 January 2019, but **on or after** 24 June 2014, the clemency authority described in Article 60, UCMJ, 10 U.S.C. § 860 (as amended by the FY14 and FY15 NDAAs) and R.C.M. 1107, MCM (2016 ed.), will apply, and the post-trial procedures contained in this instruction and all enclosures must be utilized. A Staff Judge Advocate Recommendation (SJAR) will not be created in these cases.

(c) In a case in which the accused is convicted of any offense that occurred **before** 24 June 2014, the clemency authority described in Article 60, UCMJ, 10 U.S.C. §860 (2012), will apply, and the post-trial procedures contained in this instruction and all enclosures must be utilized. An SJAR will not be created in these cases.

(d) The CA's suspension authority outlined in Article 60a(c), the authority to act on a military judge's suspension recommendation, applies regardless of the date of any conviction, even if the operative version of Article 60 does not permit such suspension.

(e) Regardless of which version of clemency authority applies, and even if the CA decides to take no action, the SJA will ensure that the CA complies with the requirements of R.C.M. 1109(g) and the action is documented using enclosure (6).

(2) In cases referred to trial **before** 1 January 2019, this instruction and the enclosures contained herein do not apply. Instead, use JAG/CNLSCINST 5814.1B. Also apply the Article 60 provisions in place at the time of the **earliest** offense resulting in a guilty finding (to include the requirement for an SJAR) and the post-trial procedures contained in RCM 1107, MCM (2016 ed.). In a case in which the accused is convicted of an offense that occurred **before** 24 June 2014, the clemency authority described in Article 60, UCMJ, and R.C.M. 1107, MCM (2012 ed.), must apply.

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

i. The SJA must ensure the CA uses enclosure (6) to document the action taken in a case that is referred on or after 1 January 2019. This document must be provided to the RLSO or Law Center that conducted the court-martial as soon as practical (or the cognizant post-trial RLSO or Law Center for cases in which the OSTC has exercised authority). In an effort to support the timely completion of post-trial matters, RLSOs and Law Centers, via their PTPD/PTPU, must be available to support CAs in completion of enclosure (6). Upon receipt of the CA's Action, the RLSO or Law Center must ensure the accused and crime victim are served a copy of the action as soon as practicable.

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

k. Per section 0157c of reference (c), a verbatim transcript or, in the cases of an acquittal, a summarized report must be included in the certified ROT for all general court-martial (GCM) and special court-martial (SPCM) cases. RLSOs and Law Centers are responsible for obtaining or creating a certified verbatim transcript in all GCM and SPCM where a guilty finding is reached. In cases where there is a full acquittal, the RLSO or Law Center is responsible for obtaining or creating a summarized report. Verbatim transcripts and summarized reports will be created in accordance with reference (i). Upon completion of the verbatim transcript or summarized report, as applicable, the transcriptionist and the court reporter (if not the transcriptionist) will certify the accuracy of the transcript or summarized report and attach that certification to the transcript or summarized report. The certification language is provided in enclosure (2).

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

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

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

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

o. After the military judge verifies the ROT and accompanying verbatim transcript, the court reporter will certify the ROT is prepared in accordance with R.C.M. 1112(f) using enclosure (8). Prior to certification of the ROT pursuant to R.C.M. 1112(f) of reference (b), enclosure (2) must be completed and attached to the certified ROT.

p. In accordance with R.C.M. 1112(e)(1) of reference (b), a copy of the certified ROT will be provided to (1) any victim of an offense of which the accused was charged if the victim testified during the proceeding; and (2) any victim named in a specification of which the accused was charged, upon request, without regard to the findings of the court-martial. If a victim requests the certified ROT be provided directly to them, they must provide an address for the ROT to be delivered. To ensure the victim receives copies of the ROT in a prompt and timely manner under R.C.M. 1112 of reference (b), the accused and victim may be provided the verbatim transcript in lieu of the audio file. Per R.C.M. 1112(e)(4) and section 0159c of reference (c), the RLSO or Law Center will ensure all documents, transcripts, and summarized reports are redacted to remove all Personally Identifiable Information (PII) to include the following: (1) social security and tax identification numbers; (2) birthdates; (3) financial account numbers; (4) home addresses; (5) personal email addresses and phone numbers; (6) any unsealed medical records; (7) any closed sessions pertaining to other victim(s); and (8) names of (other) minor witness(es)/victim(s). Additionally, the ROT, as provided to the victim, must not include any classified or sealed information, or recordings or transcripts of closed sessions. If a court-martial involves two or more crime victims, any closed session pertaining to one crime victim must be redacted from the recording or transcript provided to all other crime victims. (*See* reference (b) Military Rules of Evidence 412, 513, and 514.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

y. The RLSO or Law Center responsible for prosecuting a case (or processing post-trial actions for a case in which the OSTC has exercised authority) retains primary responsibility to proactively monitor the completion of required post-trial actions, document action taken and/or reasons for delay in every stage of the post-trial process, and forward completed ROTs to appellate authorities.

6. Responsibilities

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

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

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

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

(4) Direct RLSOs and Law Center, Post-Trial Sections, to coordinate, as necessary, with NAMARA until the case is docketed with NMCCA.

(5) Provide additional guidance consistent with this instruction, as necessary, to ensure timely post-trial processing of Navy and Marine Corps cases.

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

b. AJAG 02 must:

(1) Be primarily responsible for post-trial processing of Navy and Marine Corps cases from the time the case is received by NAMARA until the case is docketed by NMCCA.

(2) Coordinate as necessary with the SJA to the CMC, Director, RLSO Operations, and the Chief Judge of the Department of the Navy to ensure timely post-trial processing of Navy and Marine Corps cases.

(3) Provide additional guidance consistent with this instruction, as necessary, to ensure timely post-trial processing of military justice cases.

(4) Provide post-trial processing reports for Navy and Marine Corps military justice cases as necessary to the JAG, DJAG, CNLSC, and the SJA to the CMC.

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

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

(7) Ensure timely processing of cases reviewed under reference (a), Articles 64, 65, 69 and 73 and any other review that does not involve NMCCA. Ensure copies of completion of review under reference (a), Articles 64, 65, 69, and 73, are provided to the CA and the RLSO or Law Center that tried the court-martial case. Provide additional guidance consistent with this instruction, as necessary, to ensure timely post-trial processing of such cases.

(8) Ensure victims, and if represented by a VLC or SVC, the VLC or SVC, are notified of all proceedings at the NMCCA.

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

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

(1) Establish and maintain timely and accountable post-trial processes for the appellate review of Navy and Marine Corps cases, beginning when each case is docketed with NMCCA.

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

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

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

(1) Ensure post-trial processing is completed in accordance with this instruction.

(2) Issue a local instruction that establishes post-trial processing procedures consistent with this instruction and specific to the requirements of that local area.

(3) Ensure members of the command assigned to perform post-trial processing duties receive sufficient training on the post-trial processing requirements set forth in this instruction and in references (a) through (j).

(4) Identify members of the command to serve as court reporters. These court reporters must receive adequate training on court reporting and the post-trial process, to include compiling and certifying the ROT and certifying the verbatim transcripts.

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

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


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

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

7. Enforceability. Case complexity, length of trial, availability of evidence, and additional duties of courts-martial personnel contribute to the actual time required to complete the post-trial process. Inability or failure to comply with this instruction do not constitute grounds for assignment of error on appellate review and does not create any cause for relief against an otherwise valid non-judicial, judicial, or administrative hearing. The goals stated herein are for management purposes only.

8. Records Management. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned per the records disposition schedules located on the Department of the Navy Assistant for Administration, Directives and Records Management Division portal page at <https://portal.secnav.navy.mil/orgs/DUSNM/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact the local records manager or the OPNAV Records Management Program (DNS-16). Any release of a ROT in accordance with this instruction must comply with the Privacy Act, 5 U.S.C. § 552a.

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


D. E. CRANDALL
Judge Advocate General

Releasability and distribution:

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

