

INSTRUCTIONS FOR ASSEMBLING THE CERTIFIED RECORD OF TRIAL

Arrange and bind the record of trial with allied papers in the sequence indicated below. The court reporter is responsible for certifying the record of trial prior to transmittal for appellate review, in accordance with R.C.M. 1112 and JAG/CNLSCINST 5813.1G.

1. Pages 1 (Cover page) and 2 (Chronology Sheet) of DD Form 490 (enclosure 7).
2. Court reporter certification of Record of Trial (enclosure 8).
3. Military Judge verification of Record of Trial (enclosure 8).
4. DD Form 490 (pages 3-6 and any continuation pages if needed) (enclosure 7).
5. Completed Post-Trial Checklist from JAG/CNLSCINST 5814.1G (enclosure 2).
6. Completed Convening Authority's Action Checklist (enclosure 4).
7. Post-Trial Documents.
 - a. Certificates/Proof of Service of the Certified Record of Trial to the accused and victim, if applicable (enclosure 7).
 - b. Convening Authority's Action and Entry of Judgment (enclosure 6).
 - c. Any requests for copies of the court-martial record pursuant to R.C.M. 1106 or 1106A (attach written requests, and any certificates/proof of service, but do not attach the victim's post-trial rights advisement or DD Form 2704).
 - d. Matters submitted by the accused and/or victim under R.C.M. 1106 or 1106A, or any written waiver of the right to submit such matters. Include all responses to requests here as well.
 - e. Any deferment request and the action on it (including any request to waive automatic forfeitures under Article 58b).
 - f. Conditions of suspension and proof of service on probationer under R.C.M. 1107, if any.
 - g. All clemency recommendations by members or military judge, if any.
 - h. Statement of Trial Results (enclosure 1).
 - i. Crime Reporting Information.
 - j. Accused's request for appellate defense counsel, or waiver/withdrawal of appellate review under R.C.M. 1115, if applicable.
 - k. All transfer orders, confinement orders, and excess leave orders.
 - l. Briefs of counsel submitted after trial, if any.
8. Preliminary Hearing.
 - a. DD Form 457, Preliminary Hearing Officer's Report, pursuant to Article 32, if such hearing was conducted, followed by any other allied papers that accompanied the charges when referred for trial (including any matters submitted under R.C.M. 405(1), unless included elsewhere in the record of trial).*
 - b. Waiver of Article 32 Hearing (if applicable).
9. Pre-Trial Allied Papers.
 - a. Convening Order and all amending convening orders.
 - b. DD Form 458, Charge Sheet (unless included at the point of arraignment in the transcript).

INSTRUCTIONS FOR ASSEMBLING THE CERTIFIED RECORD OF TRIAL

- c. Congressional inquiries and replies, if any.
 - d. Advice of staff judge advocate, when prepared pursuant to Article 34 or otherwise.
10. Record of Proceedings.
- a. Substantially verbatim recording of court-martial proceedings. Segregate open and closed sessions of the court-martial in accordance with R.C.M. 1113 and the following guidance:*
 - b. Ensure that each closed session of the court-martial is recorded on a separate DVD marked CLOSED SESSION, placed in its own envelope marked CLOSED SESSION, and sealed.
 - c. Label all DVD(s) and envelopes with the information on page 1 of this template.
 - d. Mark all DVDs and envelopes with “1 of X,” as necessary (for example, the second DVD of six DVDs and its envelope should be marked, 2 of 6). All DVDs of open sessions may be in one envelope.
 - e. Mark all DVDs with their beginning and ending timestamps. The timestamps for closed sessions should match those shown on the Index.
 - f. Verbatim transcript or summarized report prepared in accordance with JAGINST 5814.1G. Include the following:
 - I. A certificate of correction, if any (including any supplemental certification for additional proceedings).
 - II. Court reporter and transcriptionist certification of verbatim transcript.
 - g. Records of former proceedings (Article 30a) and/or trials, (e.g., electronic/digital record of former proceeding, including audio recording and any scanned documentation/transcripts, CD/DVD format).*
11. Prosecution exhibits admitted in evidence.
12. Defense Exhibits admitted in evidence.
13. Appellate Exhibits including but not limited to, proposed instructions, written offers of proof or preliminary evidence (real or documentary), briefs of counsel submitted at trial, request to be tried by military judge alone (if any), the accused election of members under R.C.M. 903 (if any), any statement by convening authority required under R.C.M. 503(a)(2), and the election for sentencing by members in lieu of sentencing by military judge under R.C.M. 1002(b).*
14. Redaction. The following information shall be redacted in accordance with JAGMAN 1059 from the record of trial prior to releasing it to any accused or victim (including any transcript made pursuant to R.C.M. 1114 and attached to the record of trial) unless the information establishes an element of an offense, or is otherwise required:
- a. Any recordings of closed sessions, any transcripts of closed sessions, and any sealed exhibits.
 - b. Names of minor victims, and names of minor witnesses. If an identifier is used, use only the initials.
 - c. Social Security Numbers.
 - d. Financial account information.
 - e. Home addresses.
 - f. Telephone numbers.
 - g. Personal e-mail addresses.
 - h. Dates of birth.

INSTRUCTIONS FOR ASSEMBLING THE CERTIFIED RECORD OF TRIAL

i. Any other information that could be used to identify a specific person other than the accused.

*If the report of preliminary hearing or record of trial contains exhibits, proceedings, or other materials ordered sealed by the preliminary hearing officer or military judge, counsel for the Government, the court reporter, or trial counsel shall cause such materials to be sealed to prevent unauthorized examination or disclosure, pursuant to R.C.M. 1113. Sealed material shall be properly marked, individually placed in separate envelopes with a copy of the preliminary hearing officer or military judge sealing order affixed to it, and inserted at the appropriate place in the record of trial. Do not duplicate sealed material to include it in any copy of the record of trial. Instead, insert a copy of the sealing order in lieu of any sealed material, in any copies of the record of trial.

DIVIDERS ARE NOT NECESSARY TO SEPARATE EACH SECTION. IF USED, THEY CAN BE PAPER RATHER THAN CARD STOCK. IF A PARTICULAR COMPONENT IS NOT APPLICABLE IN THE RECORD OF TRIAL, SUCH AS AN ARTICLE 32 HEARING, EXHIBITS NOT ADMITTED, POST-TRIAL PROCEEDINGS AND VACATION HEARINGS, DO NOT INSERT A DIVIDER OR PLACEHOLDER.

FRONT AND BACK COVER MUST BE ON BLUE CARDS STOCK AND LABELED WITH GUM LABELS.

Binding. Each volume of a record of trial should be no more than 1.5 inches thick and bound at the top with metal or plastic fasteners. **DO NOT** interlace or “piggy-back” prong fasteners to create an oversized volume. **DO NOT** place hole punches where it covers up the evidence or language in the transcript. When it becomes necessary to assemble the record of trial in more than one volume, the volumes will be numbered consecutively, on the front cover, as illustrated below:

- Volume 1 of 4 (Pages 1-250)**
- Volume 2 of 4 (Pages 251-400)**
- Volume 3 of 4 (Pages 401-652)**
- Volume 4 of 4 (Pages 653-901 and Exhibits)**

Make the first volume of a multi-volume record an inch thick or smaller to allow for inclusion of post-trial documents. Limit subsequent volumes to 1.5 inches, unless dividing them requires assembling an additional volume smaller than a half inch.

Label the upper right-hand corner or the Preparation and Certification of Record of Trial Form (enclosure (8)) to reflect which copy it is, i.e., “**ORIGINAL**,” “**ACCUSED**,” “**REVIEW**” etc.