



**DEPARTMENT OF THE NAVY**  
**OFFICE OF THE JUDGE ADVOCATE GENERAL**  
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WASHINGTON NAVY YARD DC 20374-5066

JAGINST 5813.2  
CODE 20  
16 Dec 2020

JAG INSTRUCTION 5813.2

**Subj:** PUBLIC ACCESS TO COURT-MARTIAL DOCKETS, FILINGS, AND RECORDS  
PURSUANT TO ARTICLE 140a, UCMJ

**Ref:** (a) Article 140a, Uniform Code of Military Justice (UCMJ)  
(b) National Defense Authorization Act for Fiscal Year 2020  
(c) 5 U.S.C. § 552a – Privacy Act  
(d) DoD 5400.11-R  
(e) SECNAVINST 5211.5F  
(f) 5 U.S.C. § 552 – Freedom of Information Act  
(g) Navy and Marine Corps Trial Judiciary Uniform Rules of Practice  
(h) Navy-Marine Corps Court of Criminal Appeals Rules of Appellate Procedure

**Encl:** (1) Secretary of Defense Uniform Standards for Article 140a, UCMJ  
(2) Items to be Redacted from all Court-Martial Documents  
(3) Listing of Court Filings and Records  
(4) Approval for Public Release

1. Purpose. To establish Department of the Navy policies and procedures for providing public access to court dockets, court filings, and court records pursuant to references (a) and (b). This instruction is new and should be read in its entirety.

2. Applicability. This instruction applies to all military and civilian personnel involved in the military justice processes within the Department of the Navy. This instruction applies to all records of trial certified or authenticated on or after 23 December 2020. The Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC) and Commander, Naval Legal Service Command (CNLSC) may issue additional guidance consistent with this instruction.

3. Discussion

a. Reference (a) and the Secretary of Defense's Uniform Standards for Article 140a, (enclosure (1)), provide that, not later than 23 December 2020, to the greatest extent practicable, the public shall have access to military justice docket information, filings, and records. All court-martial documents (dockets, filings, and court records) shall be redacted to comply with reference (c) prior to being made accessible to the public. Docket information will be provided and updated on an ongoing basis. Court filings and records will be made available in accordance with the instructions below.

b. The processes and procedures directed by this instruction will ensure release of court-martial information is conducted in accordance with appropriate statutory and regulatory provisions. Enclosure (2) provides a complete list of information that must be redacted from all documents prior to posting on a public website. A list of court filings or records that must be made available to the public is contained in enclosure (3).

c. Pursuant to reference (b), records of trial, docket information, filings, and other records made publicly accessible in accordance with enclosure (1) shall restrict access to the Personally Identifiable Information (PII) of minors and victims of crime, as practicable to the extent such information is restricted in electronic filing systems of Federal and State Courts. Federal courts require the following to be redacted from all filings: (1) social security numbers; (2) dates of birth; (3) names of minor children; (4) financial account numbers; and (5) home addresses.

d. The release of court-martial records is also governed by the Privacy Act, reference (c). References (d) and (e) provide implementing guidance that further restricts the release of certain additional categories of PII.

e. The Department of the Navy shall use redaction guidelines applicable under reference (f), the Freedom of Information Act (FOIA). The FOIA requires the Department of the Navy to disclose information unless there is an exemption. The Department of the Navy will apply FOIA redaction guidelines to prevent the release of certain sensitive information and protect personal privacy.

#### 4. Action

a. The following applies to the dockets, filings, and court records in the Navy-Marine Corps Trial Judiciary.

(1) Pursuant to reference (g), counsel (trial counsel, defense counsel, and victims' legal counsel) shall:

(a) Minimize the use of PII and information exempt from release, as provided in this instruction, to the maximum extent possible in all filings and court records.

(b) Omit enclosures or attachments in filings. Any documentary evidence offered by the parties for consideration on a filing, will be submitted as a separate appellate exhibit, as directed by the military judge, and referenced as such in the filing, notice, request, or motion. All supporting evidence filed as a separate appellate exhibit shall not be released under Article 140a, UCMJ.

(2) Upon certification of the record of trial, personnel responsible for post-trial processing, shall upload an unredacted digital copy of all certified records of trial to the OJAG (Code 40) SharePoint Drop Box located at:  
<https://portal.secnav.navy.mil/orgs/JAG/40/SitePages/Home.aspx>

(3) The Military Justice Information Division (Code 41) shall:

(a) Provide links to all Navy-Marine Corps Trial Judiciary court dockets. All trial court dockets (CONUS and OCONUS) must include the following information concerning each case docketed within the circuit: (a) name of the case; (b) location of the hearing; (c) forum (e.g., GCM or SPCM); (d) type of hearing (e.g., arraignment, Article 39(a), or trial); (e) the charges referred to the court-martial; and (f) when appropriate, the military judge presiding over the hearing and the lead trial counsel and defense counsel assigned to the case. No docket will include any pre-referral hearings, such as Article 30a or Article 32 hearings.

(b) In accordance with references (c) and (f), not publish any court filings or records in cases that result in a full acquittal (not guilty to all charges and specifications.)

(c) Review each digital record of trial to compile all filings and court records that will be made available to the public in accordance with enclosure (3).

(d) Redact all filings and court records to ensure each document is redacted in accordance with enclosure (2).

(e) In accordance with references (c) and (f) and enclosure (2), if a military judge concludes evidence of prior criminal activity is inadmissible at trial, unless otherwise ordered by the military judge, redact information that discusses the inadmissible evidence.

(f) After receiving release authority, make the approved filings and court records publicly accessible. The files will be uploaded onto the public facing website in the following categories as defined in enclosure (3): formal notices submitted to the court; formal requests submitted to the court; motions and responses submitted to the court with the corresponding ruling from the military judge; and court records.

(g) Trial court filings and records will be made available within 45 days of certification of the record of trial absent extraordinary circumstances. This approval shall be documented using enclosure (4). A completed copy of enclosure (4) shall be uploaded to the case management system for each case.

(4) The Director, Military Justice Information Division (Code 41), is the release authority for all trial-level filings and court records. The release authority is responsible for ensuring trial-level filings and court records have been properly redacted and may approve publication of the trial-level filings and court records pursuant to this instruction.

b. The following applies to the docket, filings, and court records at the Navy-Marine Corps Court of Criminal Appeals (NMCCA).

(1) All appellate counsel (appellate government counsel, appellate defense counsel, and victims' legal counsel) shall:

(b) Omit enclosures or attachments from all motions—other than motions to attach—and pleadings, including briefs, answers, replies, and petitions. Any document from outside the record, including affidavits and declarations, that counsel desires to reference in any pleading, may be submitted to the court only pursuant to a motion to attach.

(2) The Clerk of Court, NMCCA is the release authority for all NMCCA pleadings, orders, and opinions. The Clerk shall notify the Military Justice Information Division (Code 41) when pleadings, orders, and opinions are ready for redaction and public release.

(3) The Military Justice Information Division (Code 41) shall:

(a) Provide a link to the NMCCA docket, which includes the name of the case, information on oral argument, and panel assignment.

(b) Upon receipt from the Clerk of Court, redact all pleadings, orders, and opinions in accordance with enclosure (2), and make the redacted materials publicly accessible.


1. Trial-level and appellate-level case information will be co-located to facilitate public access.

2. A completed copy of enclosure (4) shall be uploaded to the case management system for each case in which public disclosure is required under reference (a).

c. The Assistant Judge Advocate General (Military Justice) (AJAG 02) shall ensure identification of appropriate metrics and associated data collection to enable assessment of performance and resourcing.

5. Enforceability. Inability or failure to comply with this instruction shall not constitute grounds for assignment of error on appellate review and shall not create any cause for relief against an otherwise valid judicial hearing.

6. Review and Effective Date. This instruction is effective 23 December 2020. Per OPNAVINST 5215.17A, Code 20 will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, DoD, SECNAV, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. As the instruction nears its five-year anniversary and if is still required, it will be reissued. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the cancellation is known following the guidance in E.O. 13,526.

  
JOHN G. HANNINK  
Judge Advocate General

JAGINST 5813.2  
16 Dec 2020

**Distribution:**

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**GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE**

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JAGINST 5813.2

16 Dec 2020

CEC 17 2018

GENERAL COUNSEL

**MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS**

**SUBJECT: Uniform Standards and Criteria Required by Article 140a, Uniform Code of Military Justice (UCMJ)**

Pursuant to Article 140a of the UCMJ, 10 U.S.C. § 940a, as enacted by section 5504 of the National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, 130 Stat. 2961, and DoD Directive 5145.01, I prescribe the attached uniform standards and criteria for the military justice system, to be implemented no later than December 23, 2020.

I am forwarding a copy of these uniform standards and criteria to the Judge Advocate General of the Coast Guard for adoption with regard to that Military Service as deemed appropriate by the applicable decision makers.

  
Paul C. Ney, Jr.  
DoD General Counsel

cc:

Judge Advocates General of the Military Departments  
Staff Judge Advocate to the Commandant of the Marine Corps  
Judge Advocate General of the Coast Guard



Enclosure (1)



**Military Justice Case Management, Data Collection, and Accessibility Standards**

**I. Case Management System**

A. Each Military Service will maintain and operate a military justice case processing and management system. Each system will track every case opened by military law enforcement in which a Service member is identified as a subject until completion through the final disposition within the military justice system, to include direct appellate review. Each military justice case processing and management system will maintain all data collected indefinitely to ensure complete and accurate reporting. Each military justice case processing and management system must ensure accessibility by trial counsel, appellate government counsel, staff judge advocates, military judges, appellate judges, and Service clerks of court to ensure data fields are updated throughout the military justice process.

B. Two or more Military Services may operate a military justice case processing and management system in conjunction with each other.

**II. Collection and Analysis of Data Concerning Substantive Offenses and Procedural Matters**

A. Each military justice case processing and management system will be capable of collecting information in accordance with the Data Points and Uniform Definitions set out in Appendix A.

B. Each Military Service is responsible for implementing standards to ensure the data entry is complete and accurate. To ensure the collection of uniform data across the Services, each case processing and management system will identify criminal offenses by the appropriate Defense Incident-Based Reporting System (DIBRS) Codes. To ensure the collection of uniform data concerning race and ethnicity, the definitions of race and ethnicity as established by the Office of Management and Budget Statistical Policy Directive No. 15 (OMB 15), Race and

Ethnic Standards for Federal Statistics and Administrative Reporting, will be applied by each military justice case processing and management system. A Military Service may elect to have its military justice case processing and management system capture expanded ethnic or racial categories; however, for reporting purposes, expanded categories will aggregate to those established by OMB 15.

**III. Distribution of Records of Trial Within the Military Justice System**

A. A request by the accused for a copy of the recording of all open sessions of the court-martial and copies of or access to the evidence admitted at the court-martial will be submitted to the Trial Counsel. All copies of the recordings and/or exhibits will be made available to the accused or defense counsel as soon as practicable after a valid request is received.

B. A request by a victim as defined by Rule for Courts-Martial 1106A(b)(2) for a copy of the recording of all open sessions of the court-martial and copies of or access to the evidence admitted at the court-martial will be submitted to the Trial Counsel. All copies of the recordings and/or exhibits will be made available to the victim or the victim's counsel as soon as practicable after a valid request is received.

C. The accused and any victim as defined in Rule for Courts-Martial 1112(e) will be notified of the opportunity to obtain a copy of the certified record of trial within 10 days of the certification. Each Military Service will implement procedures to ensure adequate notification is provided in writing. Each Military Service will implement procedures to ensure that copies of certified records released to accused or victims do not contain any sealed exhibits, classified information, or information from closed court sessions.



**IV. Public Access to Military Justice Docket Information, Filings, and Records**

**A. To the greatest extent practicable, military justice docket information, filings, and records should be no less accessible to the public than comparable information and documents from the Federal civilian criminal justice system. However, an important legal distinction exists between the military justice system and the federal civilian criminal justice system: the Privacy Act applies to the former but not to the latter. Privacy Act concerns are directly relevant to the manner in which information and documents from the military justice system may be made available to the public.**

**B. Accordingly, below I issue two alternative uniform standards for public access to military justice docket information, filings, and records. The first set of uniform standards will apply if, as determined by the General Counsel of the Department of Defense, the law is changed to exempt from the Privacy Act the release of military justice docket information, filings, and records. Absent such a determination, the second set of uniform standards will apply.**

**1. Standards Applicable If the General Counsel of the Department of Defense Determines the Law Is Changed to Exempt from the Privacy Act the Release of Military Justice Docket Information, Filings, and Records**

**a. The Secretaries of the Military Departments will prescribe procedures to protect from disclosure classified documents, privileged documents, documents filed under seal, and other documents protected by a court order. Procedures shall be created for all cases at the trial level and before the Courts of Criminal Appeals. These standards do not impose any requirement on the Court of Appeals for the Armed Forces.**

**b. The Secretaries of the Military Departments will prescribe procedures for the redaction of dockets, filings, and court records to remove the following information from the documents:**

- i. all social security numbers;
- ii. all taxpayer identification numbers;
- iii. birthdates;
- iv. minors' names;
- v. victims' names;
- vi. all financial account numbers;
- vii. other sensitive information as determined by the Secretaries of the Military Departments.

c. The Secretaries of the Military Departments will prescribe standards to maintain the dockets, filings, and court records on a central publicly accessible website for their respective trial judiciaries. Each Military Department's Court of Criminal Appeals will maintain its docket, filings, and court records on a publicly accessible website.

d. For the purposes of this document and the standards set forth to implement Article 140a across all Military Departments, the following definitions are provided:

- i. Docket – includes information concerning each case docketed with the trial or appellate courts of each Military Department.

- (a). The trial court docket includes the name of the case, the location of the hearing, the type of hearing, the military judge presiding over the hearing, and the counsel assigned to the case. The docket will include hearings only after the case has been referred to a court-martial; Article 32 preliminary hearings are not required to be published in this docket.

(b). The appellate court docket includes a list of all cases pending before the court and an oral argument schedule to include the name of the case, the location of the hearing, the type of hearing, and panel assignment.

ii. Filings – consists exclusively of all motions, notices, petitions, and requests submitted to a trial court or a Court of Criminal Appeals.

iii. Court Records – consists exclusively of the charge sheet, convening order(s), court rulings, Statement of Trial Results, Convening Authority's Action, Entry of Judgment, and appellate court orders and opinions. Court records do not include the Article 32 Preliminary Hearing Report, a recording of any court session, or any transcript of the proceedings.

e. All dockets, filings, and court records will be made available to the public on a website as soon as practicable.

f. The Military Judge or Court of Criminal Appeals will make the final determination on any request for a protective order to prevent the public disclosure of a filing or court record. The protective order will be published to the public on a website with such redactions as are appropriate.

**B. Standards Applicable If the General Counsel of the Department of Defense Does Not Determine the Law Is Changed to Exempt from the Privacy Act the Release of Military Justice Docket Information, Filings, and Records**

1. The Secretaries of the Military Departments will implement procedures to ensure all dockets, filings, and court records at the trial and Court of Criminal Appeals levels are redacted to comply with the Privacy Act. These standards do not impose any requirement on the Court of Appeals for the Armed Forces.

2. The Secretaries of the Military Departments will prescribe standards to maintain the dockets, filings, and court records on a central publicly accessible website for their respective trial judiciaries. Each Military Department's Court of Criminal Appeals will maintain its docket, filings, and court records on a publicly accessible website.

3. The Secretaries of the Military Departments will prescribe standards for training the individuals redacting these documents to ensure compliance with the Privacy Act.

4. Each Secretary of a Military Department will provide for the publication of dockets, filings, and court records that are properly redacted in compliance with the Privacy Act and posted on a website that is accessible by the public. Dockets will be updated on an ongoing basis. Filings and court records will be published as soon as practicable after the certification of the record of trial (at the trial court level) or after the Court of Criminal Appeals decision (at the appellate level).

5. For the purposes of this document and the standards set forth to implement Article 140a across all Military Departments, the following definitions are provided:

a. Docket – includes information concerning each case docketed with the trial or appellate courts of each Military Department.

i. The trial court docket includes the name of the case, the location of the hearing, the type of hearing, the military judge presiding over the hearing, and the counsel assigned to the case. The docket will include hearings only after the case has been referred to a court-martial; Article 32 preliminary hearings are not required to be published in this docket.

ii. The appellate court docket includes a list of all cases pending before the court and an oral argument schedule to include the name of the case, the location of the hearing, the type of hearing, and panel assignment.

b. Filings – consists exclusively of all motions, notices, petitions, and requests submitted to a trial court or a Court of Criminal Appeals.

c. Court Records – consists exclusively of the charge sheet, convening order(s), court rulings, Statement of Trial Results, Convening Authority's Action, Entry of Judgment, and appellate court orders and opinions. Court records do not include the Article 32 Preliminary Hearing Report, a recording of any court session, or any transcript of the proceedings.

**Appendix A  
Data Points & Uniform Definitions for Collection by the Services**

Data Point	Uniform Definition
1. Last name	n/a
2. First name	n/a
3. Middle initial	n/a
4. Pay grade	-E-1 -E-2 -E-3 -E-4 -E-5 -E-6 -E-7 -E-8 -E-9 -W-1 -W-2 -W-3 -W-4 -W-5 -O1E -O2E -O3E -O-1 -O-2 -O-3 -O-4 -O-5 -O-6 -O-7+ -Cadet -Midshipman -Civilian
5. SSN or DOD ID No.	####
6. Date of birth	Format (MM/DD/YYYY)
7. Sex	-M -F
8. Ethnicity	-Hispanic or Latino -Not Hispanic or Latino
9. Race	-American Indian/Alaska Native -Asian -Black or African American -Native Hawaiian or Other Pacific Islander -White -Other



Data Point Uniform Definition

<p><b>10. Branch of Service</b></p>	<ul style="list-style-type: none"> <li>-Army</li> <li>-Air Force</li> <li>-Marine Corps</li> <li>-Navy</li> <li>-Coast Guard</li> <li>-Army National Guard</li> <li>-Air National Guard</li> <li>-USAR</li> <li>-USNR</li> <li>-USAFR</li> <li>-USMCR</li> <li>-USCGR</li> <li>-Other</li> <li>-N/A</li> </ul>
<p><b>11. Pay entry date/Pay date</b></p>	<p>Format (MM/DD/YYYY)</p>
<p style="background-color: #cccccc;"> </p>	<p style="background-color: #cccccc;"> </p>
<p><b>12. Investigating entity</b></p>	<ul style="list-style-type: none"> <li>-Chain of command</li> <li>-Military Criminal Investigative Organization</li> <li>-Military police</li> <li>-Civilian</li> <li>-Foreign</li> <li>-N/A</li> </ul>
<p><b>13. Investigation number</b></p>	<p>Service dependent</p>
<p><b>14. Date investigation opened</b></p>	<p>Format (MM/DD/YYYY)</p>
<p><b>15. Date of earliest offense</b></p>	<p>Format (MM/DD/YYYY)</p>
<p><b>16. Date earliest offense reported/discovered</b></p>	<p>Format (MM/DD/YYYY)</p>
<p><b>17. Offenses investigated related to the accused</b></p>	<p>DIBRS code (DODM 7730.47 volume 2)</p>
<p style="background-color: #cccccc;"> </p>	<p style="background-color: #cccccc;"> </p>
<p><b>18. Does any charged offense involve a victim as defined by DoD Directive 1030.1?</b></p>	<ul style="list-style-type: none"> <li>-Yes</li> <li>-No</li> </ul>
<p><b>19. Number of victims:</b> [questions 20-XX, should be captured for each victim]</p>	<p>##</p>
<p><b>20. Identification of victim</b></p>	<p>Initials of first &amp; last names</p>
<p><b>21. Sex of victim:</b></p>	<ul style="list-style-type: none"> <li>-M</li> <li>-F</li> </ul>
<p><b>22. Status of victim:</b></p>	<ul style="list-style-type: none"> <li>-Military</li> <li>-Military-spouse</li> <li>-Civilian-spouse</li> <li>-Civilian-dependent</li> <li>-Civilian-Department/Service employee</li> <li>-Civilian-non-Department/Service employee</li> <li>-Other</li> <li>-Unknown</li> </ul>

23. Is victim a victim of domestic violence, as defined by Enclosure 2 of DoDI 6400.06?	-Yes -No
a. If "Yes," the victim's relation to the accused is:	-Current spouse -Former spouse -Person with whom the accused shares a child in common -Current intimate partner with whom the accused shares a common domicile -Former intimate partner with whom the accused shared a common domicile
24. VWAP notifications & elections (captured for each qualifying victim)	Date served and explained
a. DD Form 2701 – Initial Information for Victims and Witnesses of Crime	Format (MM/DD/YYYY)
b. DD Form 2702 – Court-Martial Information for Victims and Witnesses of Crime	Format (MM/DD/YYYY)
c. DD Form 2703 – Post-trial Information for Victims and Witnesses of Crime	Format (MM/DD/YYYY)
d. DD Form 2704 – Victim/Witness Certification and Election Concerning Prisoner Status	Format (MM/DD/YYYY)
e. Victim election to be notified under DD Form 2704	-Yes -No
f. DD Form 2704-1 – Victim Election of Post-trial Rights	Format (MM/DD/YYYY)
g. Victim election to be notified under DD Form 2704-1	-Yes -No
25. Was the victim notified of the opportunity for SVC services?	-Yes -No -N/A
a. Has an SVC been provided?	-Yes -No, victim requested SVC -No, victim declined -N/A
26. Did the victim request an expedited transfer?	-Yes -No -N/A
a. If "Yes," action on the expedited transfer:	-Approved -Disapproved
27. Was the victim advised, in accordance with Section 534(b), FY15 NDAA, of victim's right to submit a preference regarding exercise of civilian or military jurisdiction over offenses allegedly committed in the United States?	-Yes -No -N/A

a. Victim jurisdiction preference:	-Military -Civilian -N/A
<b>Pretrial restraint/confinement</b>	
28. Has pretrial restraint/confinement of the accused been imposed?	-Yes -No
a. Type of pretrial restraint/confinement imposed:	-Conditions on liberty -Restriction in lieu of arrest -Arrest -Confinement
b. If "yes," date imposed:	Format (MM/DD/YYYY)
c. Date pretrial restraint/confinement terminated:	Format (MM/DD/YYYY)
<b>Referral of Charges</b>	
29. Earliest referral date	Format (MM/DD/YYYY)
30. Was there an additional referral?	-Yes -No
a. If "yes," date of additional referral:	Format (MM/DD/YYYY)
31. Offense(s) charged:	DIBRS code (See DODM 7730.47 volume 2)
32. Does any offense involve alcohol and/or illegal use of drugs by the accused?	-N/A -Alcohol only -Illegal use of drugs only -Alcohol AND illegal use of drugs
33. Does any offense involve alcohol and/or illegal use of drugs by a victim?	-N/A -Alcohol only -Illegal use of drugs only -Alcohol AND illegal use of drugs
34. Was a firearm utilized in the commission of an offense?	-Yes -No
<b>Pre-referral judicial proceedings (R.C.M. 309)</b>	
35. Was a pre-referral investigative subpoena requested? If yes, then	-Yes -No
a. Was request granted?	-Yes -No
b. Action by individual subject to subpoena:	-Comply -Seek relief
c. Judge action on a request for relief:	-Ordered to comply -Modify -Quash subpoena
36. Was a pre-referral warrant or order for wire or electronic communications requested?	-Yes -No
a. Was request granted?	-Yes -No
b. Action by individual/service provider subject to warrant or order	-Comply -Seek relief

<p><b>c. Judge action on request for relief:</b></p>	<p>-Order to comply -Modify -Quash subpoena</p>
<p><b>Action by Chain of Command</b></p>	
<p><b>37. Action by commander not authorized to convene courts-martial (R.C.M. 402). If commander takes separate action on individual preferred Specifications, input must reflect data for each Specification.</b></p>	<p>-N/A -Dismissed -Forwarded to superior commander for disposition -N/A</p>
<p><b>a. Date of action</b></p>	<p>Format (MM/DD/YYYY)</p>
<p><b>38. Action by commander exercising summary court-martial jurisdiction (R.C.M. 403). If commander takes separate action on individual preferred Specifications, input must reflect data for each Specification.</b></p>	<p>-N/A -Dismissed -Dismissed and forwarded to subordinate commander for disposition -Forwarded to subordinate commander for disposition - Referred to summary court-martial -Preliminary hearing directed under R.C.M. 405 and Article 32</p>
<p><b>a. Date of action</b></p>	<p>Format (MM/DD/YYYY)</p>
<p><b>39. Action by commander exercising special court-martial jurisdiction (R.C.M. 404). If commander takes separate action on individual preferred Specifications, input must reflect data for each Specification.</b></p>	<p>-N/A -Dismissed -Dismissed and forwarded to subordinate commander for disposition -Forwarded to subordinate commander for disposition -Forwarded to superior commander for disposition -Referred to summary court-martial -Referral to an Article 16(c)(2)(A) Special Court-Martial -Referral to Special Court-Martial -Preliminary hearing directed under R.C.M. 405 and Article 32</p>
<p><b>40. Date of action:</b></p>	<p>Format (MM/DD/YYYY)</p>
<p><b>Article 32 Preliminary Hearing (R.C.M. 405)</b></p>	
<p><b>41. Was an Article 32 preliminary hearing ordered?</b></p>	<p>-Yes -No</p>
<p><b>42. Did appointing authority grant waiver of Article 32 preliminary hearing?</b></p>	<p>-Yes -No -N/A</p>
<p><b>a. Date appointing authority acted on waiver request:</b></p>	<p>Format (MM/DD/YYYY)</p>
<p><b>43. Date of Article 32 hearing:</b></p>	<p>-Format (MM/DD/YYYY) -N/A</p>



Data Point

Uniform Definition

44. Were all victims, as defined by R.C.M. 405(g)(1), provided notice of the preliminary hearing?	-Yes -No -N/A
45. Did any victim, as defined by R.C.M. 405(g)(1), testify at the Article 32 preliminary hearing?	-Yes -No -N/A
46. Did any victim file a petition for writ of mandamus with the Court of Criminal Appeals pursuant to Article 6(b), UCMJ?	-Yes -No
47. Action by Court of Criminal Appeals:	-Relief Granted -Relief Denied
48. Date report submitted by Preliminary Hearing Officer (PHO):	Format (MM/DD/YYYY)
49. PHO determination of whether convening authority has court-martial jurisdiction over the accused:	-Yes -No
50. For each Specification, PHO determination of the following:	
a. Is there a recommendation to modify the Specification?	-Yes -No
b. Does the convening authority have court-martial jurisdiction over the offense?	-Yes -No
c. Does the Specification allege an offense?	-Yes -No
d. Does probable cause exist to believe the accused committed the offense?	-Yes -No
51. Did the PHO determine probable cause existed to believe the accused committed additional, uncharged offenses?	-Yes -No
a. If yes, provide offense(s)	DIBRS code
52. Recommendation as to disposition of the case:	-No action -Administrative action -Non-judicial punishment -Referral to Summary Court-Martial -Referral to an Article 16(c)(2)(A) Special Court-Martial -Referral to Special Court-Martial -Referral to General Court-Martial
<i>SJA Pretrial Advice (R.C.M. 406)</i>	
53. Is Article 34, UCMJ, SJA advice required? If "yes," system must capture the following conclusions by the SJA for each Specification:	-Yes -No
a. Does the Specification allege an offense under the UCMJ?	-Yes -No
b. Is there probable cause to believe the accused committed the offense?	-Yes -No

c. Did the SJA recommend dismissal of the specification?	-Yes -No
d. Does the convening authority have court-martial jurisdiction over the offense?	-Yes -No
54. SJA conclusion of whether the convening authority has court-martial jurisdiction over the accused:	-Yes -No
55. SJA disposition recommendation	-No action -Administrative action -Non-judicial punishment -Referral to court-martial
56. Date of Article 34, UCMJ, SJA advice	Format (MM/DD/YYYY)
<b>Referral – Action by the GCMCA</b>	
57. Name of Command/GCMCA	Look up by Unit Identification Code
58. Disposition of each Charge and Specification (R.C.M. 407)	-Dismissed -Dismissed and forwarded to subordinate commander for disposition -Forwarded to subordinate commander for disposition -Forwarded to superior commander for disposition -Referred to court-martial
59. When referred to court-martial:	
a. Level of court-martial to which charges were referred:	Dropdown: -Summary Court-Martial - Article 16(c)(2)(A) Special Court-Martial -Special Court-Martial -General Court-Martial
b. If referral is to a Special Court-Martial, did the convening authority consult with a judge advocate, iaw R.C.M. 406A?	-Yes -No
60. Was elevated review by the next higher GCMCA triggered? (A situation in which the SJA and GCMCA both concur that a sex-related offense, as defined by § 1744 of the FY 2014 NDAA and § 541 of the FY 2015 NDAA, should not be referred to trial)	-Yes -No
a. If yes, decision by reviewing GCMCA:	-Referred charges to court-martial -The decision of the subordinate GCMCA was upheld
b. Date of decision by reviewing GCMCA:	Format (MM/DD/YYYY)
61. Was elevated review by the Secretary of the Military Department/Commandant of the USCG triggered? (Either: 1. The SJA recommends referral and the GCMCA declines referral; OR 2. The SJA and GCMCA both concur with non-referral, but the Service Chief Prosecutor seeks Secretarial/Commandant of USCG review when the non-	-Yes -No



Data Point	Uniform Definition
referral decision involves a sex-related offense, as defined by § 1744 of the FY 2014 NDAA and § 541 of the FY 2015 NDAA)	
a. Decision by Secretary of the Military Department/Commandant of the USCG:	-Referred charges to court-martial -The decision of the subordinate GCMCA was upheld
b. Date of decision by Secretary of the Military Department/Commandant of the USCG:	Format (MM/DD/YYYY)
<b><i>Plea Agreement (R.C.M. 705)</i></b>	
62. Is there a plea agreement?	-Yes -No
63. Date plea agreement approved:	Format (MM/DD/YYYY)
64. Does the plea agreement contain an Offer to Plead Guilty? If yes, the following shall be answered for each Charge and Specification referred to court-martial	-Yes -No
a. Plea of the accused	-Plea of Guilty -Plea of Guilty to LIO or other offense -Plea of Not Guilty -Withdrawn and/or Dismissed
b. LIO or other offense— Article, UCMJ	DIBRS code
65. If applicable, was the victim, as defined by R.C.M. 705(e)(3)(B), provided the opportunity to submit views concerning the plea agreement?	-Yes -No -N/A
a. Did victim submit views concerning plea agreement?	-Yes -No
b. Date victim submitted views concerning plea agreement:	Format (MM/DD/YYYY)
66. Is there an agreed-upon composition for sentencing?	-Members -Judge -Magistrate judge -No forum agreed upon
67. Is there an agreement to refer to a particular forum?	-Summary Court-Martial - Article 16(c)(2)(A) Special Court-Martial -Special Court-Martial -None
<b><i>Enlisted Separation/Officer Resignation in Lieu of Court-Martial</i></b>	
68. Was a request for Separation/Resignation in Lieu of Court-Martial submitted?	-Yes -No
69. Was request approved?	-Yes -No
a. Date request approved/denied:	Format (MM/DD/YYYY)
70. Characterization of Service	Dropdown: -Honorable -General, Under Honorable Conditions -Other than Honorable

<b><i>Inquiry Into Mental Capacity/Mental Responsibility of the Accused (R.C.M. 706)</i></b>	
71. R.C.M. 706 Inquiry requested?	-Yes -No
72. R.C.M. 706 inquiry request approved?	-Yes -No
a. Date R.C.M. 706 inquiry request approved/denied:	Format (MM/DD/YYYY)
73. R.C.M. 706 inquiry completed date:	Format (MM/DD/YYYY)
<b>74. Determination of the R.C.M. 706 inquiry:</b>	
a. As a result of the accused suffering from a severe mental disease or defect, was the accused unable to appreciate the nature and quality or wrongfulness of his or her conduct?	-Yes -No
b. As a result of a present mental disease or defect, is the accused unable to understand the nature of the proceedings against the accused or to conduct or cooperate intelligently with the defense?	-Yes -No
75. The court found the accused incompetent to stand trial pursuant to R.C.M. 909	-Yes -No -N/A
<b><i>Forum (R.C.M. 903)</i></b>	
76. Composition of the Court for merits phase:	-Members -Officer members at the accused's election - Members with 1/3 enlisted representation at the accused's election - Military Judge alone - Magistrate judge
<b><i>Pleas (R.C.M. 910)</i></b>	
77. Plea(s) of the accused to each Charge and Specification:	-Guilty -Not guilty of an offense as charged, but guilty of a named lesser included offense (LIO) or other offense -Guilty with exceptions, with or without substitutions, not guilty of the exceptions, but guilty of the substitutions, if any -Not guilty
a. In the case of guilty of LIO or other offense:	DIBRS Code
<b><i>Findings (R.C.M. 918)</i></b>	
78. Prior to findings, whether the convening authority caused any of the Charges or Specifications to be withdrawn and or dismissed. For each Charge and Specification, as applicable:	-Withdrawn -Withdrawn and dismissed

**Data Point** **Uniform Definition**

<b>79. Mistrial (R.C.M. 915):</b>	-Yes -No
<b>a. If mistrial, date of mistrial:</b>	Format (MM/DD/YYYY)
<b>80. Finding as to each Specification:</b>	-Guilty -Not guilty of an offense as charged, but guilty of a named LIO or other offense -Guilty with exceptions, with or without substitutions, not guilty of the exceptions, but guilty of the substitutions, if any -Not guilty only by reason of lack of mental responsibility -Not guilty -Not guilty pursuant to R.C.M. 917 -Withdrawn and dismissed
<b>81. In the case of guilty of LIO or other offense:</b>	DIBRS code
<b>82. Finding as to each Charge:</b>	-Guilty -Not guilty, but guilty of violation of Article ____ -Not guilty by reason of lack of mental responsibility -Not guilty
<b>83. Date of Findings:</b>	Format (MM/DD/YYYY)
<i>Sentence (if applicable)</i>	
<b>84. Composition of court for sentencing phase:</b>	- Members - Officer members at the accused's election - Members with 1/3 enlisted representation at the accused's election - Military Judge alone - Magistrate judge
<b>85. Did a crime victim of an offense of which the accused has been found guilty exercise his/her right to be heard at the presentencing (R.C.M. 1001(c)) relating to that offense? System must capture victim who exercised right.</b>	-N/A -Yes -No
<b>86. Date sentence adjudged:</b>	Format (MM/DD/YYYY)
<b>87. Sentence adjudged (if sentenced by military judge, for most offenses committed on or after 01 Jan 2019, those parts of the sentence adjudging a fine or confinement, subparagraphs e. and h. below, must be included for each Specification in which there was a finding of guilty). System must capture whether part of sentence was impacted by plea agreement.</b>	
<b>a. No punishment</b>	-No punishment adjudged

b. Reprimand:	-None adjudged; -Adjudged
c. Reduction to the grade of:	-None adjudged -E-1 -E-2 -E-3 -E-4 -E-5 -E-6 -E-7 -E-8
d. Forfeitures:	-None adjudged -\$ #####.## per month for ## months
e. Fine:	-None adjudged -\$ #####.##
f. Restriction to specific limits:	-None adjudged -## months -## days
g. Hard labor w/out confinement:	-None adjudged -## months -## days
h. Confinement:	-None adjudged -Life without eligibility for parole -Life -## years -## months -## days -FOR JUDGE ALONE: must include "To be served: consecutively or concurrently" if sentence is imposed for more than one specification
i. Punitive discharge:	-None adjudged -Bad-Conduct Discharge -Bad-Conduct Discharge (mandated) -Dishonorable Discharge -Dishonorable Discharge (mandated) -Dismissal
j. Death	-Yes -No
88. Days of pretrial confinement credit:	-## days
89. Days of judicially ordered credit	-## days
90. Total days of credit	-## days
91. Did the military judge recommend a suspension of any portion of the sentence?	-Yes -No
92. Did the Government submit a request to The Judge Advocate General to appeal the sentence either because	-Yes -No



Data Point	Uniform Definition
It violates the law or is plainly unreasonable (Article 56(d), UCMJ, and R.C.M 1117)?	
a. Did any victim, as defined in R.C.M. 1001, submit matters for consideration to The Judge Advocate General	-Yes -No
b. Action by The Judge Advocate General on the Government's request to appeal the sentence:	-Denied -Approved
c. Decision by the Court of Criminal Appeals on Government's appeal of sentence:	-Denied -Set aside and remanded, sentence as adjudged is unlawful -Set aside and remanded, sentence as adjudged is plainly unreasonable
<b>Post-trial</b>	
<b>Processing Related to Conviction and Sentence</b>	
93. Is DNA collection and submission required in accordance with 10 U.S.C. § 1565 and DoDI 5505.14?	-Yes -No
94. Is sex offender registration reporting required in accordance with appendix 4 to enclosure 2 of DoDI 1325.07?	-Yes -No
95. Did this case involve a crime of domestic violence as defined in enclosure 2 of DoDI 6400.06?	-Yes -No
96. Does this case trigger a firearm possession prohibition in accordance with 18 U.S.C. § 922?	-Yes -No
97. Date confinement ordered:	Format (MM/DD/YYYY)
98. Law enforcement agency notified of disposition for criminal indexing purposes:	-Yes -No
<b>Deferment and Waiver (R.C.M 1103)</b>	
99. Deferment:	-N/A -Deferment requested by accused, approved -Deferment requested by accused, denied -Deferment of confinement ordered without request from accused
100. Date of action on deferment:	Format (MM/DD/YYYY)
101. Did the convening authority waive automatic forfeitures by operation of Article 58(b), UCMJ?	-Yes -No
<b>Post-trial Motions and Proceedings (R.C.M. 1104)</b>	
102. Did any post-trial Article 39(a) sessions occur?	-Yes -No
103. Did any post-trial Article 39(a) impact any part of the findings or sentence?	-Yes -No
<b>Post-trial Action by the Convening Authority</b>	
104. Was a copy of the recording of all open sessions of the court-martial and copies/access to admitted evidence at the court-martial and the appellate exhibits provided,	-Yes -No

upon request, to the accused or accused's counsel (R.C.M. 1106)?	
105. Accused action regarding submission of matters pursuant to R.C.M. 1106:	-Submitted -Expressly waived right to submit matters -Failed to submit matters
106. Was notice provided to all qualifying crime victims of their right to submit matters pursuant to R.C.M. 1106A (DD Form 2703)? Must capture by victim.	-N/A -Yes -No
107. Was a copy of the recording of all open sessions of the court-martial and copies/access to admitted evidence at the court-martial and the appellate exhibits provided, upon request, to any qualifying victim (R.C.M. 1106A)? System must capture each victim provided.	-Yes -No
108. Were matters submitted by crime victims pursuant to R.C.M. 1106A? System must capture each victim who submitted matters.	-N/A -Yes -No
109. Was any portion of the sentence suspended or remitted by the convening authority prior to the entry of judgment (R.C.M. 1107)?	-Yes -No
a. If the convening authority suspended any portion of the sentence, was that suspension later vacated (R.C.M. 1108)?	-Yes -No
b. Were any victims of the underlying offense(s) for which the probationer received a suspended sentence, or any victim of the alleged offense that is the subject of the vacation hearing, provided notice of the vacation hearing?	-N/A -Yes -No
110. Did the convening authority take any action impacting a finding of guilty, pursuant to R.C.M. 1110?	-Yes -No
111. Did the convening authority take any action impacting a portion of the sentence, pursuant to R.C.M. 1109 and/or 1110?	-Yes -No
<b>Entry of Judgment (R.C.M. 1111)</b>	
112. Date of Entry of Judgment:	Format (MM/DD/YYYY)
113. Date copy of Entry of Judgment provided to accused:	Format (MM/DD/YYYY)
114. Was a copy of the Entry of Judgment provided to any crime victim or crime victim's counsel, upon request?	-N/A -Yes -No
<b>Preparation and Forwarding to Court of Criminal Appeals</b>	
115. Type of Transcript Prepared (R.C.M. 1114):	-Transcript not prepared -Verbatim -Summarized
116. Date record of trial certified as containing all required contents pursuant to R.C.M. 1112(b):	Format (MM/DD/YYYY)
117. Date copy of certified record of trial was provided to accused or counsel (R.C.M. 1112(e)):	Format (MM/DD/YYYY)



118. Date copy of certified record of trial was provided to victim, or counsel for the victim, of an offense of which the accused was charged if the victim testified during the proceedings (R.C.M. 1112(e)):	Format (MM/DD/YYYY)
119. Date copy of certified record of trial was provided to any victim, or counsel for any victim, named in a Specification of which the accused was charged, upon request, without regard to the findings of the court-martial (R.C.M. 1112(e)):	Format (MM/DD/YYYY)
120. Date certified record of trial forwarded to appropriate reviewing authority:	Format (MM/DD/YYYY)
<b><i>Waiver or Withdrawal of Appellate Review (R.C.M. 1115)</i></b>	
121. Date waiver or withdrawal submitted by accused:	-N/A -Format (MM/DD/YYYY)
122. Determination of review in cases in which the accused has waived or withdrawn appellate review (R.C.M. 1201):	
a. Whether the court had jurisdiction over the accused and the offense	-Yes -No
b. Whether each charge and specification stated an offense	-Yes -No
c. Whether the sentence was within the limits prescribed as a matter of law	-Yes -No
d. Date of review:	Format (MM/DD/YYYY)
<b><i>Review by The Judge Advocate General</i></b>	
123. For each certified record of trial received by The Judge Advocate General pursuant to R.C.M. 1201 and Article 69, UCMJ, the following determinations will be made:	
a. Whether the court had jurisdiction over the accused and the offense	-Yes -No
b. Whether each charge and specification stated an offense	-Yes -No
c. Whether the sentence was within the limits prescribed as a matter of law	-Yes -No
d. Whether the response contained any response to an allegation of error made in writing by the accused	-Yes -No
124. Was a remedy granted by The Judge Advocate General?	-Yes -No
125. Date accused notified of results of review conducted by The Judge Advocate General:	Format (MM/DD/YYYY)
a. Date application submitted for relief to The Judge Advocate General after final review (R.C.M. 1201(h))	-N/A - Format (MM/DD/YYYY)
126. Action by The Judge Advocate General upon an application for relief	-N/A -Relief granted -Relief denied

127. Was any remission or suspension of any unexecuted portion of any sentence by The Judge Advocate General pursuant to R.C.M. 1201(i) and Article 74, UCMJ?	-Yes -No
128. Date action taken by The Judge Advocate General under R.C.M. 1201(h) or (j) referred or submitted to or requested by the Court of Criminal Appeals (R.C.M. 1201(k)):	-N/A -Format (MM/DD/YYYY)
129. Action taken by the Court of Criminal Appeals upon such a referral or submission:	-Affirmed -Reversed
a. Date of Action by the Court of Criminal Appeals:	Format (MM/DD/YYYY)
<i>Review by Court of Criminal Appeals (R.C.M. 1203)</i>	
130. Court of Criminal Appeals determined accused lacks mental capacity to understand and to conduct or cooperate intelligently in the appellate proceedings:	-Yes -No
131. Action on findings of guilty, by Charge and its Specification(s)	-Affirmed -Affirmed in part, remanded -Affirmed in part, dismissed -Reversed
132. Action on sentence	-Affirmed -Affirmed in part, remanded -Affirmed in part, reassessed -Set aside, remanded -Set aside, reassessed
133. Date of opinion of the Criminal Court of Appeals	Format (MM/DD/YYYY)
134. Date accused notified of opinion of the Criminal Court of Appeals	Format (MM/DD/YYYY)
135. Decision of the Criminal Court of Appeals upon a request for reconsideration	-N/A -Denied -Granted
136. Decision upon reconsideration:	-N/A -Relief denied -Relief granted
137. Date of certification by The Judge Advocate General to the Court of Appeals for the Armed Forces (C.A.A.F.):	-N/A -Format (MM/DD/YYYY)
138. Date of petition by accused to C.A.A.F.:	-N/A -Format (MM/DD/YYYY)
139. Date record of trial forwarded to C.A.A.F.:	-N/A -Format (MM/DD/YYYY)
<i>Review by the Court of Appeals for the Armed Forces (R.C.M. 1204)</i>	
140. Action on petition by the accused for review:	-Denied -Granted
141. Date of action on petition:	Format (MM/DD/YYYY)
142. Opinion of the Court of Appeals for the Armed Forces (C.A.A.F.) regarding findings and sentence:	-Affirmed -Affirmed in part, remanded -Affirmed in part, dismissed -Reversed
143. Date of opinion of C.A.A.F.	Format (MM/DD/YYYY)

Data Point

Uniform Definition

144. Decision of C.A.A.F. upon a request for reconsideration	-N/A -Denied -Granted
a. Date of decision on request for reconsideration	Format (MM/DD/YYYY)
145. Decision of C.A.A.F. upon reconsideration	-Relief denied -Relief granted
a. Date of reconsideration decision:	Format (MM/DD/YYYY)
<i>Review by the Supreme Court of the United States (R.C.M. 1205)</i>	
146. Date petition for writ of certiorari filed:	-N/A -Format (MM/DD/YYYY)
147. Petition for writ of certiorari filed by:	-United States -Accused
148. Action on petition for writ of certiorari:	-N/A -Denied -Granted
149. Date of action on petition for writ of certiorari	Format (MM/DD/YYYY)
150. If certiorari was granted, was the C.A.A.F. opinion summarily vacated and remanded?	-Yes -No
151. If certiorari was granted, was briefing ordered?	-Yes -No
152. If certiorari was granted, was oral argument held?	-Yes -No
153. If certiorari was granted, the outcome was:	-Dismissed as improvidently granted -Affirmed -Affirmed in part, reversed in part -Reversed -Other
<i>Action by the Service Secretary</i>	
154. Upon final judgment involving the dismissal of a commissioned officer, cadet, or midshipmen, action by the Service Secretary or designee	-Approved and ordered executed -Substituted, for good cause, for an administrative form of discharge -Remitted -Suspended
a. Date of action on the dismissal	Format (DD/MM/YYYY)
<i>Action by the President of the United States</i>	
155. Action upon a sentence to death by the President	-Approved -Commutated to life without eligibility for parole -Commutated to life -Commutated to confinement for a term of years
a. Date of action by the President	Format (MM/DD/YYYY)



**Items to be Redacted**

1. Pursuant to references (a) through (f), the Military Justice Information Division (Code 41) shall redact the following from all filings or court-martial documents to be made publicly accessible:

- a. Social Security Numbers. (Enclosure 1)
- b. Tax Identification Numbers. (Enclosure 1)
- c. Home Addresses. (5 U.S.C. § 552(b)(6))
- d. Telephone Numbers. (5 U.S.C. § 552(b)(6))
- e. Email Addresses. (5 U.S.C. § 552(b)(6))
- f. Date of Birth. (Enclosure 1)
- g. Financial Account Numbers. (Enclosure 1)
- h. Names of minors—completely redact or utilize court-approved pseudonyms.<sup>1</sup> (Enclosure 1)
- i. Crime victim names—completely redact, or utilize court-approved pseudonyms. (Enclosure 1)
- j. Service-specific employee ID number and DoD ID number. (SECNAVINST 5211.5F)
- k. The name of any unit and any other identifying information referencing attachment to a unit overseas, a deployable unit (ship), or a special operations unit. (DoD Instruction 5400.11-R)
- l. Evidence or uncharged misconduct deemed irrelevant or inadmissible by a military judge under Mil. R. Evid. 404(b).
- m. Evidence related to a victim's or witness's ancillary misconduct deemed irrelevant or inadmissible by a military judge.
- n. "Wet" (manual) signatures of all personnel. (5 U.S.C. § 552(b)(6))
- o. Law-enforcement names (5 U.S.C. § 552(b)(7)(C)). If the Navy-Marine Corps Trial Judiciary (NMCTJ) or the Navy-Marine Corps Court of Criminal Appeals (NMCCA) determines publishing the names of law enforcement personnel is in the interest of justice, such information must be provided to the Military Justice Information Division (Code 41).
- p. All third-party names, including witnesses or other persons named in any filing or record (replace with initials, court-approved pseudonyms, or redact). Also redact the unit name and any

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<sup>1</sup> When replacing with a pseudonym, document must include a footnote or other notation on the first page indicating that the names of all third parties have been replaced with pseudonyms.

other identifying information, if the person is attached to a unit overseas, a deployable unit (ship), or a special operations unit. (5 U.S.C. § 552(b)(3), (b)(6), and (b)(7)). Leave the rank of the military members unredacted. If the NMCTJ and NMCCA determines publishing the names of witnesses (other than victims or minors) is in the interest of justice, such information must be provided to the Military Justice Information Division (Code 41).

q. All panel members' names, including excused members and members who sat on the court-martial, and alternate members (5 U.S.C. § 552(b)(6) and (b)(7)). Leave the rank of the military members unredacted.

r. All court-martial support personnel names, including the court reporter and bailiff. (5 U.S.C. § 552(b)(7)(C)). Leave the rank of the military members unredacted. Do NOT redact the name of the counsel or military judge.

s. Information that could identify a confidential source or undercover law-enforcement officer or operation. (5 U.S.C. § 552(b)(7)(D))

t. Information that would reveal non-obvious law-enforcement techniques and procedures or guidelines for law-enforcement investigations or prosecutions. (5 U.S.C. § 552(b)(7)(E))

u. Information considered privileged in civil litigation. Specific privileged information protected from release includes:

- (1) Deliberative Process Privilege/Judicial Privilege.
- (2) Attorney-Client Privilege.
- (3) Information Subject to the Attorney Work-Product Doctrine.
- (4) Government Trade Secret Privilege.
- (5) Safety Investigation Privilege.
- (6) Presidential Communications Privilege.

v. Any other information about a person if disclosure would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b)(6).

w. Any other information about a person compiled for law enforcement purposes, to the extent that its disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552(b)(7)(C).

2. The following items will not be made publicly available:

- a. Any filings or court records in a case that results in a full acquittal.
- b. Any matter sealed by the court.

- c. Any matter where the court granted a request for a protective order that remains in effect post trial.
- d. Member questionnaires.



**Court-Martial Documents to be made Publicly Accessible**

1. Pursuant to enclosure (1) and subject to paragraph (2) below, the following documents generated during the court-martial process shall be made accessible to the public after redaction in accordance with enclosure (2). No other documents will be released under Article 140a, Uniform Code of Military Justice (UCMJ).

a. Current dockets shall be accessible by the public for all judicial circuits and the Navy-Marine Court of Criminal Appeals (NMCCA). Schedules of NMCCA oral arguments and associated audio may continue to be posted at the discretion of NMCCA.

b. All motions and responses filed with the trial court, including bench briefs. The motion, response, or bench brief does not include the supporting evidence offered by a party in support of the motion or response. All supporting evidence shall be filed as a separate appellate exhibit, which shall not be released under Article 140a, UCMJ.

c. Formal notices provided to the trial court. Formal notices do not include emails sent to the trial court or notices submitted between counsel. Formal notices to the trial court that will be made available to the public if submitted as a formal notice rather than an informal email include, but are not limited to, the following:

- (1) Notice of appearance of civilian defense counsel or victims' legal counsel.
- (2) Government's notice of appeal. (R.C.M. 908)
- (3) Parties' notice of plea agreement. (R.C.M. 910)
- (4) Notice of pleas.

d. Requests submitted by counsel to the trial court as a formal, written filing. This does not include informal requests submitted to the trial court to address logistics (e.g., requests for Rule for Courts-Martial (R.C.M.) 802 conferences) or informal email requests. Requests submitted by counsel to the trial court include, but are not limited to:

- (1) Requests for relief from subpoena or other process. (R.C.M. 309)
- (2) Requests for forum composition. (R.C.M. 503, 903)
- (3) Requests for deposition. (R.C.M. 702)
- (4) Requests for R.C.M. 706 exam and the short-form report provided to the court, if applicable. Apply 5 U.S.C. § 552(b)(6) when determining information to redact from these documents.
- (5) Requests for closed court-martial proceedings. (R.C.M. 806)
- (6) Requests to issue or amend protective orders. (R.C.M. 701; M.R.E. 505, 506)
- (7) Requests for instructions. (R.C.M. 920, 1005)

(8) Requests for supplemental information from members, including voir dire. (R.C.M. 912)

(9) Requests for special findings (but not the special findings, see below). (R.C.M. 918)

e. The following court records shall be made accessible to the public:

(1) Entry of Judgment.

(2) Convening Authority's Action including a punitive letter of reprimand, if applicable.

(3) Statement of Trial Results.

(4) Convening order(s).

(5) Charge sheet.

(6) Court rulings and orders.

(a) A court ruling and any accompanying order that is a written determination by a military judge on an interlocutory question and all questions of law raised during the court-martial, after charges have been referred. Questions of law and interlocutory questions include all issues which arise during trial other than the findings (that is, guilty or not guilty), sentence, and administrative matters such as declaring recesses and adjournments. (See R.C.M. 801(e)).

(b) "Ruling" does not include Article 30a orders, protective orders and seals, subpoenas, warrants, court notices (i.e., contempt notices), special findings made pursuant to R.C.M. 918(b), trial management orders, or instructions.

f. The following filings and records submitted at NMCCA shall be made publicly accessible:

(1) All petitions and requests submitted by a party, other petitioner, or amicus curiae to the NMCCA. "Petitions and requests" include initial and responsive briefs, merits submissions, and motions.

(2) All appellate court orders and opinions issued by NMCCA.

2. The following documents created during the court-martial process **shall not** be made publicly accessible pursuant to Article 140a, UCMJ:

a. All matters sealed by the military judge pursuant to R.C.M. 1113.

b. The recording of any court session.

c. The transcript of any proceedings.

d. Article 32 Preliminary Hearing Report.

e. Prosecution Exhibits.

- f. Defense Exhibits.
- g. Pre-trial matters, including: Pre-Trial Information Report, proposed Trial Management Orders, witness lists, request for instructions, request for judicial notice, proposed voir dire, findings worksheet, sentencing worksheet.
- h. Victim impact statement.
- i. Special findings.
- j. Findings instructions or sentencing instructions.
- k. Plea Agreements.
- l. The following court orders:
  - (1) Article 30a orders.
  - (2) Protective orders and sealing orders.
  - (3) Subpoenas.
  - (4) Warrants.
  - (5) Trial Management Orders.
- m. Member questionnaires.
- n. Evidence offered for consideration on motions, bench briefs, notices, or requests.
- o. Contempt findings/orders.

Article 140a, UCMJ, Approval for Public Release

Ref: (a) JAG/CNLSCINST 5813.2  
(b) Privacy Act of 1974, 5 U.S.C. § 552a

Accused's Name (Last, First, MI)	Accused's Rank/Rate	Service (USN/USMC)	Judicial Circuit (or NMCCA)

This is to certify that I, \_\_\_\_\_, have reviewed the  
(Release Authority)

attached documents from the court-martial of the above named Service member for compliance with Article 140a, UCMJ, and references (a) and (b). To wit, I certify that:

\_\_\_\_\_ All required documents under reference (a) are included.

\_\_\_\_\_ All documents have been redacted in accordance with references (a) and (b).

\_\_\_\_\_ All documents are cleared for public release under reference (a).

Release Authority's Name (Last, First, MI)	Rank/Rate/GS	Unit
If Release Authority is Delegated, Name of Delegated Release Authority (Last, First, MI)	Rank/Rate/GS	Unit
Signature	Date (DD MMM YYYY)	