

**POST-TRIAL AND APPELLATE RIGHTS
SPECIAL COURT-MARTIAL
NO BCD ADJUDGED**

You have the right to submit matters to the convening authority before (s)he takes action on your case. These matters must be submitted to the convening authority within 10 days after you or your counsel receive a copy of the record of trial. The convening authority may extend this period for good cause but for not more than 20 additional days.

After the convening authority takes action, your case will be reviewed by a law specialist. You may submit, in writing, suggestions of legal error for consideration by the law specialist, who must file a written response to each suggestion.

After review by the law specialist and completion of any action by the General Court-Martial Convening Authority, if required, you may request the Chief Counsel of the Coast Guard to take corrective action in your case. Such a request must be filed within two years after the convening authority takes action, unless you can show good cause for filing later.

You have the right to the advice and assistance of counsel in the exercise of your appellate rights.

App. Exh. _____ (1 of 2)

CERTIFICATION OF ADVISEMENT.

I certify that I have been advised of the foregoing post-trial and appellate rights by my defense counsel, _____, in accordance with Rule for Courts-Martial 1010. I have read and fully understand these rights. My defense counsel has gone over these rights with me and has answered all of my questions satisfactorily.

Accused

I certify that I have carefully explained the foregoing rights to the accused.

Defense Counsel

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**POST-TRIAL AND APPELLATE RIGHTS
SPECIAL COURT-MARTIAL
BCD ADJUDGED,**

or

**GENERAL COURT-MARTIAL IN WHICH DEATH, PUNITIVE
DISCHARGE, OR CONFINEMENT FOR ONE YEAR OR
LONGER IS ADJUDGED**

You have the right to submit any matters that you wish to the convening authority for (her) (him) to consider before (s)he takes action on your case. These matters must be submitted to the convening authority within 10 days after you or your counsel receive a copy of the record of trial or the recommendation of the Staff Judge Advocate pursuant to RCM 1106, whichever is later. The convening authority may extend this period for good cause but for not more than 20 additional days.

After the convening authority takes action, unless you waive appellate review, your case will be reviewed by the Coast Guard Court of Criminal Appeals. You are entitled to be represented by counsel before that court. Military counsel will be appointed to represent you at no cost to you and, if you so choose, you may be represented by civilian counsel at no expense to the United States. The Court of Criminal Appeals will review your case for any legal error, for factual sufficiency, and for appropriateness of sentence.

After the Court of Criminal Appeals completes its review, your case could be reviewed, on your request or otherwise, by the Court of Appeals for the Armed Forces and, if it were reviewed by the Court of Appeals for the Armed Forces, it might be further reviewed by the Supreme Court of the United States. You would have the same rights to counsel before those courts as you have before the Court of Criminal Appeals.

If you waive appellate review, you give up the rights I have just described. Article 61, UCMJ requires that this waiver must be filed within 10 days after service of the convening authority's

App. Exh. _____(1 of 3)

action on you or your counsel. *[Note: An accused may not waive or withdraw appellate review in a general court-martial in which the approved sentence includes death. See RCM 1110.]*

If you do not waive appellate review, you may withdraw your case from appellate review at a later time, before that review is completed.

If you do waive or later withdraw your case from appellate review, you cannot change your mind later. Once you file a waiver or withdrawal, your decision is final and appellate review is barred.

If you waive or withdraw from appellate review, your case will be reviewed by a law specialist. You may suggest, in writing, possible errors for the law specialist to consider. The law specialist's conclusions will be sent to the General Court-Martial Convening Authority for final action in your case.

After review by the law specialist and action by the General Court-Martial Convening Authority is completed, you may request the Chief Counsel of the Coast Guard, to take corrective action in your case. This request must be filed within two years after the convening authority takes action, unless you can show good cause for filing later.

You have the right to the advice of assistance of counsel in exercising your post-trial and appellate rights and in making any decision to waive them or to withdraw your case from appellate review.

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CERTIFICATION OF ADVISEMENT.

I certify that I have been advised of the foregoing post-trial and appellate rights by my defense counsel, _____, in accordance with Rule for Courts-Martial 1010. I have read and fully understand these rights. My defense counsel has gone over these rights with me and has answered all of my questions satisfactorily.

Accused

I certify that I have carefully explained the foregoing rights to the accused.

Defense Counsel

App. Exh. _____(3 of 3)

**POST-TRIAL AND APPELLATE RIGHTS
GENERAL COURT-MARTIAL WHERE NEITHER DEATH
NOR DISCHARGE IS ADJUDGED AND
CONFINEMENT IS LESS THAN ONE YEAR**

You have the right to submit any matters that you wish to the convening authority for (her) (him) to consider before (s)he takes action on your case. These matters must be submitted to the convening authority within 10 days after you or your counsel receive a copy of the record of trial or the recommendation of the Staff Judge Advocate pursuant to RCM 1106, whichever is later. The convening authority may extend this period for good cause but for not more than 20 additional days.

After the convening authority takes action, unless you waive further review, your case will be forwarded for examination to the Judge Advocate General, who is the General Counsel of the Department of Transportation. The record of trial will be examined in the office of the Judge Advocate General for any legal error and for appropriateness of the sentence. The Judge Advocate General may take corrective action, if appropriate, or he may order that the record of trial be sent to the Coast Guard Court of Criminal Appeals for further review.

If you waive appellate review, you give up the rights I have just described. Article 61, UCMJ requires that this waiver must be filed within 10 days after service of the convening authority's action on you or your counsel.

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If you do not waive appellate review, you may withdraw your case from appellate review at a later time, before review is completed.

If you do waive or later withdraw your case from appellate review, you cannot change your mind later. Once you file a waiver or withdrawal, your decision is final and appellate review is barred.

If you waive or withdraw appellate review, your case will be reviewed by a law specialist. You may suggest, in writing, possible errors for the law specialist to consider. The law specialist's conclusions will be sent to the General Court-Martial Convening Authority for final action in your case.

After review by the law specialist and action by the General Court-Martial Convening Authority is completed, you may request the Chief Counsel of the Coast Guard, to take corrective action in your case. Such a request must be filed within two years after the convening authority takes action, unless you can show good cause for filing later.

You have the right to the advice and assistance of counsel in exercising your post-trial and appellate rights and in making any decision to waive them.

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CERTIFICATION OF ADVISEMENT.

I certify that I have been advised of the foregoing post-trial and appellate rights by my defense counsel, _____, in accordance with Rule for Courts-Martial 1010. I have read and fully understand these rights. My defense counsel has gone over these rights with me and has answered all of my questions satisfactorily.

Accused

I certify that I have carefully explained the foregoing rights to the accused.

Defense Counsel

App. Exh. _____(3 of 3)

