

**United States Coast Guard
Court of Criminal Appeals**

Internal Rules of Practice and Procedure

These rules have been adopted pursuant to Rule 26 of the Courts of Criminal Appeals Rules of Practice and Procedure (Joint CCA Rules) issued jointly by the Judge Advocates General pursuant to Article 66(f) of the Uniform Code of Military Justice (UCMJ).

Rule 5.1. *Place for filing and number of copies.* All pleadings and other papers relating to a case shall be submitted, with four copies in addition to the original, to:

Clerk of Court
2703 Martin Luther King Jr. Ave., SE
Stop 7794
Washington, DC 20593-7794
(202) 795-6906 (Phone)

Rule 5.2. *Electronic filing.* A brief, motion, or other paper may be filed by email transmitted to the clerk of the court and the judges of the court. It will be deemed filed as of the date of the email, if all other requirements are met. The clerk's email address is: HQS-DG-CG-094C-CLERK@uscg.mil.

Rule 5.3. *Electronic filings including materials requiring sealing.* When a filing includes materials required to be filed under seal, any email effecting the filing or service on other parties shall be encrypted. The materials required to be filed under seal may be filed in a separate email from the remainder of the filing. Materials required to be filed under seal shall not be emailed to nonessential persons such as other appellate counsel not involved in the case or appellate judges not involved in the case.

Rule 6.1. *Electronic filing of briefs and motions.* A brief, motion, or petition for extraordinary relief filed by email must be in PDF format (preferably converted, not scanned, to minimize file size) and include counsel's scanned signature or CAC-enabled electronic signature as described in COMDTINST 5200.5; or the original, signed by counsel, must be filed as soon as possible after the electronic filing.

Rule 6.2. *Filing of other papers.* For any statement made under oath or affirmation or penalty of perjury, or when otherwise required by rule, the original signed document must be filed as soon as possible after any electronic filing. This includes affidavits offered by motion to attach, petitions for new trial (see R.C.M. 1210(c)), and any document submitted to fulfill the requirement for an original of that document in the original record of trial, such as a charge sheet, authentication, or Action of the Convening Authority.

Rule 6.3. *Electronic signatures.* An electronic signature that is, by law, an original signature will be accepted as an original signature. However, if not CAC-enabled, evidence that the electronic signature qualifies as an original signature must be provided.

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Rule 13.1. *Appearance of Special Victims' Counsel.* A Special Victims' Counsel may file a notice of appearance in a case in the same way as parties' counsel at any time after a case is docketed (that is, after a panel has been assigned). Such notice shall be served on the parties. Thereafter, the parties shall serve the Special Victims' Counsel with all later filings.

Rule 18.1. *Notice of the Court's orders and decisions to Special Victims' Counsel.* If a Special Victims' Counsel has appeared in a case, the Court will serve such counsel when giving notice of its order and decisions.

Rule 24.1. *Sealed portions of a record of trial.* Counsel seeking to examine sealed portions of a record of trial shall file a Notice of Intent to Examine Sealed Materials at least three days in advance of the proposed examination. If an opposing party or Special Victims' Counsel files a motion with the Court objecting to counsel's examination of sealed materials, permission to examine them will be withheld until the matter is decided. If a Special Victims' Counsel objects to the examination of sealed exhibits, both the defense and the government shall have seven days to respond. After responses, the Special Victims' Counsel shall have three days to reply.

Rule 24.2. *Filings discussing sealed portions of a record of trial.* Briefs, motions, or other filings revealing sealed portions of a record of trial shall be filed under seal. Briefs may be filed in separate parts so as to include in the sealing only the arguments that reveal sealed portions of the record of trial, while leaving another part unsealed that need not be sealed; such unsealed part of the brief shall note the existence of a sealed part of the brief.