**APPELLATE RIGHTS NOTICE**

**POST-TRIAL AND APPELLATE RIGHTS**

**FOR CASES NOT ELIGIBLE FOR AUTOMATIC OR DIRECT REVIEW**

**(FINDING OF GUILTY AND CONFINEMENT 6 MONTHS OR LESS)**

Per Rule for Courts-Martial (RCM) 1106, 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 the sentence is announced. The convening authority may extend this period for good cause but for not more than 20 additional days. Where a crime victim submits matters for the convening authority to consider under RCM 1106A, you have 5 days from receipt of those matters to submit any matters in rebuttal.

After entry of judgment, your case will be forwarded for review by a judge advocate. The record of trial will be examined and the reviewing judge advocate will provide written conclusions as to: (1) whether the court has jurisdiction over the accused and the offense; (2) whether each charge and specification stated an offense; and (3) whether the sentence was within the limits prescribed. You may also provide allegations of any legal error for review, for which written conclusions will also be required. If the reviewing judge advocate believes corrective action is appropriate, the record of trial will be sent to The Judge Advocate General of the Coast Guard who may modify or set aside the findings and sentence, in whole or in part, order a rehearing, or dismiss the charges. See RCM 1201.

Not later than one year after receiving a copy of the final results of the review described above, you may submit an application requesting The Judge Advocate General of the Coast Guard to modify or set aside, in whole or in part, the findings and sentence. The Judge Advocate General of the Coast Guard may for good cause shown extend the period of submission not to exceed two additional years. The Judge Advocate General of the Coast Guard may act on the grounds of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, error prejudicial to the substantial rights of the accused, or appropriateness of the sentence. See RCM 1201(h).

**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. Ex. \_\_\_\_\_