RIGHTS OF CRIME VICTIMS AFTER A TRIAL

ICO _____

This form explains your rights as a crime victim after a trial. "Crime victim" eligibility is defined in Rule for Court Martial 1106A.

If you have legal counsel	If you do not have legal counsel
If you have Special Victims' Counsel (SVC) or private counsel representing you, he or she will explain these rights and answer any questions after a trial counsel has reviewed this form with you.	Trial counsel can help explain your rights and answer your questions. If you wish to obtain legal counsel, trial counsel can assist in contacting the closest SVC office to determine whether you are eligible for legal services.

Access to the Court-Martial Record

Crime victims may request a recording of open sessions of the court-martial and copies of, or access to, the evidence admitted at the court-martial and the appellate exhibits. Certain information, including classified information and sealed portions of the record may not be released unless otherwise ordered by the Military Judge.

Submission of Matters to the Convening Authority (CA)

The CA is the officer who convenes the court-martial and has limited authority to take action on the findings (i.e., verdict) and sentence (i.e., punishment) as described in the next subsection. This person may be the Commanding Officer (CO) of the accused, or it may be someone superior to the accused's CO. This person is not the Military Judge. If the accused is found guilty in your case, you have the right to submit matters to the CA before that officer takes action. These matters must be submitted within 10 days after the sentence is announced. The CA may extend this period if you ask and there is good cause, but not for more than an additional 20 days. If you do not submit matters in that time, you may not submit them later.

You must sign any matters you submit to the CA, and they must be in writing. You may include photographs, but may not include any video, audio or other media. A copy of matters you submit to the CA will be provided to the accused.

Submission of Matters to the Convening Authority, or request for an extension of the period in which to submit Matters shall be sent to: (SJA to Convening Authority's mailing address and/or email address)

_____

_____

Action by the Convening Authority

Subject to the limitations below, the CA will take action on the sentence adjudged and may, in his or her discretion, take action on findings of guilty. As a crime victim, you will receive a copy of the CA's action.

Two absolute limitations on the CA's ability to act on the findings and/or sentence include the following:

1. The CA may not increase the severity of the sentence.
2. The CA may not reverse a finding of not guilty.

Otherwise, the CA's ability to take action on the findings and/or sentence will depend on (1) the date when the offense was committed, (2) the type of offense committed, and (3) the sentence adjudged.

Findings.

Date of Crime	Limitations
On or after 1 January 2019	If -- (1) an accused is found guilty of a violation of Article 120(a), 120(b), or 120b, or (2) there is a finding of guilt of an offense for which the maximum sentence of confinement is more than two years; or (3) the sentence adjudged includes dismissal, a dishonorable or bad-conduct discharge, or confinement for more than six months, then the CA may NOT (1) disapprove a finding of guilty and order a rehearing; or (2) set aside and dismiss any charge; or (3) change a finding of guilty of a charge to a finding of guilty of a lesser included offense.

Sentences. In general, the CA may approve, disapprove, commute, or suspend the sentence, or any part of it.

Date of Crime	Limitations
On or after 1 January 2019	The CA may not reduce, commute, or suspend any of the following sentences: (1) a sentence of confinement where the total confinement adjudged, running consecutively, is greater than six months; or (2) a sentence of a dismissal, a dishonorable discharge, or a bad-conduct discharge; or (3) a sentence of death.

	However, if a Military Judge or Trial Counsel recommends suspension, the CA may suspend a sentence of confinement in whole or in part or a sentence of dismissal, dishonorable discharge or bad-conduct discharge.

Entry of Judgment

After the CA takes action on the case, the Military Judge enters the judgment of the court. This entry of judgment is documented. You or your SVC may request a copy of this entry of judgment from the Trial Counsel.

Request for Copy of Certified Record of Trial

If you are entitled to a copy of the certified record of trial pursuant to R.C.M. 1112, you will be notified of your right to obtain it. However, certain information, including classified information, sealed portions of the record, and/or personally identifiable information of others, will not be released to you.

Notification of Appellate Review

If the sentence includes a punitive discharge or confinement for more than two years, the case will automatically be reviewed on appeal for legal error. If the final sentence of confinement greater than 6 months but less than 2 years, the accused may request an appeal. Even if the sentence is less than 6 months of confinement, the accused may still ask that the case be reviewed by the Office of the Judge Advocate General of the Coast Guard. Depending on a variety of factors, including case complexity, the appellate process can sometimes take years before a final result is reached. You may choose to be notified by the Coast Guard Office of Military Justice of the following:

a) scheduling of each public appellate court proceeding, including changes and delays;
b) the filing of any motion to disclose or examine sealed portions of the record that were reviewed in camera, but were not released to trial or defense counsel, for which you have invoked a claim of privilege under Military Rules of Evidence 501-514 that was recognized on the record;
c) the final decision of the appellate court; and
d) if the case is being reviewed by the Office of the Judge Advocate General, pursuant to Article 69 and Article 73, the outcome of that review.

You are not entitled to a mileage allowance or payment for transportation to observe any appellate proceeding. When contacted by CG-LMJ about your case, you may be referred to an SVC office. Additional information may be found at:

--Coast Guard Special Victims' Counsel information and phone numbers:
https://www.uscg.mil/Resources/Legal/LMA/LMA-A/

--Coast Guard Health Safety and Work-Life information and phone numbers:
https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Human-Resources-CG-1/Health-Safety-and-Work-Life-CG-11/HSWL-SC/

Waiver of Right to Participate in Post-Trial Process and Appellate Process.

You may give up your rights to:

a) to submit matters to the CA;
b) receipt of the entry of judgment, certified record of trial, or the CA's action;
c) right to submit a statement; and/or
d) the right to be notified of appellate review.

You may give up these rights with this form by initialing the appropriate blocks below, or you may give up any or all of these rights at a later time.

However, once you file a waiver of your right to submit a statement, your decision is final.

Additional post-trial rights are further explained in DD Form 2703, Post-Trial Information for Victims and Witnesses of Crime.

Acknowledgement

I acknowledge (1) that prior to adjournment of the court-martial concerning the offenses committed against me, I was provided with the above written advice; (2) that I have read and I understand my post-trial rights; (3) that I discussed my rights with my VLC, if any, or trial counsel prior to signing this form.

I specifically request 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 and all appellate exhibits. Copies should be delivered to:

_____ me _____ my counsel, _____ within _____ days of this request.

I specifically request that my copy of the CA's Action be delivered to:

_____ me _____ my counsel, _____

I specifically request that my copy of the Entry of Judgment be delivered to:

_____ me _____ my counsel, _____

I specifically request that my copy of the certified ROT be delivered to (please initial):

_____ me _____ my counsel, _____

I specifically request notifications of any appellate filings and/or proceedings that occur in my case:

_____ Yes ____ No

***Note: The appellate SVC representative will notify you directly of any appellate proceedings. If you chose not to retain an SVC the Office of Military Justice will notify you of any appellate proceddings. ***

-OR-

I desire to waive, or give up, the following:

_____ Right to Submit Matters to the CA
_____ Receipt of the CA's Action
_____ Receipt of the Entry of Judgment
_____ Receipt of the certified ROT
_____ Notification of Appellate Proceedings

If applicable, civilian victim legal counsel's name, address, and telephone number are:

_____

_____

_____

_____

Telephone (____)_____

I understand that in order to receive any documents I elected to receive personally, I must keep my SVC, and Trial Counsel informed of my current mailing address. In this regard, I may be contacted at the following permanent address, email address and phone number:

_____

_____

Email:

Telephone (____)_____

Forward this election and any change of address or phone number to:

Appropriate Legal Office
Physical Address
Email address

_____
Date

_____
Print/Signature of Victim