INSTRUCTIONS FOR ASSEMBLING THE CERTIFIED RECORD OF TRIAL

Arrange and bind the record of trial with allied papers in the sequence indicated below. The court reporter is responsible for certifying the record of trial prior to transmittal for appellate review, in accordance with R.C.M. 1112, reference (MJM), and the LMJ Post-Trial Guide. THE ROT MUST CONTAIN ALL ORIGINAL DOCUMENTS.

1. Pages 1 (Cover page) and 2 (Chronology Sheet) of DD Form 490.

2. Court reporter certification of Record of Trial.

3. Military Judge verification of Record of Trial.

4. Form DD Form 490 (pages 3-6 and any continuation pages if needed.)

5. Completed Post-Trial Process Checklist from CG-LMJ Post-Trial Guide (enclosure 2).

6. Completed Convening Authority's Action Checklist from CG-LMJ Post-Trial Guide (enclosure 4).

7. Post-Trial Documents

a. Certificates/Proof of Service of the Certified Record of Trial to the accused and victim, if applicable.

b. Convening Authority's Action and Entry of Judgment

c. Any requests for copies of the court-martial record pursuant to RCM 1106 or 1106A (attach written requests, and any certificates/proof of service).

d. Matters submitted by the accused and/or victim under RCM 1106 or 1106A, or any written waiver of the right to submit such matters. Include all responses to requests here as well.

e. Any deferment request and the action on it (including any request to waive automatic forfeitures under Article 58b).

f. Conditions of suspension and proof of service on probationer under RCM 1107, if any.

g. All clemency recommendations by members or military judge, if any.

h. Statement of Trial Results

i. Request of accused for appellate defense counsel, or waiver/withdrawal of appellate review under RCM 1115, if applicable.

j. All transfer orders, confinement orders, and excess leave orders.

k. Briefs of counsel submitted after trial, if any.

8. Preliminary Hearing

a. Article 32 report, if such hearing was conducted, followed by any other allied papers that accompanied the charges when referred for trial (including any matters submitted under RCM 405(k), unless included elsewhere in the record of trial. *

9. Pre-Trial Allied Papers

a. Convening Order and all amending convening orders.

b. DD Form 458, "Charge Sheet" (unless included at the point of arraignment in the transcript).

c. Congressional inquiries and replies, if any.

d. Advice of staff judge advocate , when prepared pursuant to Article 34 or otherwise.

INSTRUCTIONS FOR ASSEMBLING THE CERTIFIED RECORD OF TRIAL

10. Record of Proceedings

a. Substantially verbatim recording of court-martial proceedings. Segregate open and closed sessions of the court-martial in accordance with R.C.M. 1113 and the following guidance:*

b. Ensure that each closed session of the court-martial is recorded on a separate DVD marked CLOSED SESSION, placed in its own envelope marked CLOSED SESSION, and sealed.

c. Label all DVD(s) and envelopes with the information on page 1 of this template.

d. Mark all DVDs and envelopes with "1 of X," as necessary (for example, the second DVD of six DVDs and its envelope should be marked, 2 of 6). All DVDs of open sessions may be in one envelope.

e. Mark all DVDs with their beginning and ending timestamps. The timestamps for closed sessions should match those shown on the Index.

f. Verbatim transcript or summarized report prepared in accordance with CG-LMJ Post-Trial Guide. Include the following:

. I. A certificate of correction, if any (including any supplemental certification for additional proceedings).

II. Court reporter and transcriptionist certification of verbatim transcript.

g. Records of former proceedings (Article 30a) and/or trials, (e.g., electronic/digital record of former proceeding, including audio recording and any scanned documentation/transcripts, CD/DVD format). *

11. Prosecution exhibits admitted in evidence

12. Defense Exhibits admitted in evidence

13. Appellate Exhibits including but not limited to, proposed instructions, written offers of proof or preliminary evidence (real or documentary), briefs of counsel submitted at trial, request to be tried by military judge alone (if any), the accused election of members under RCM 903 (if any), any statement by convening authority required under RCM 503(a)(2), and the election for sentencing by members in lieu of sentencing by military judge under RCM 1002(b).*

*If the report of preliminary hearing or record of trial contains exhibits, proceedings, or other materials ordered sealed by the preliminary hearing officer or military judge, counsel for the Government, the court reporter, or trial counsel shall cause such materials to be sealed to prevent unauthorized examination or disclosure, pursuant to RCM 1113. Sealed material shall be properly marked, individually placed in separate envelopes with a copy of the preliminary hearing officer or military judge sealing order affixed to it, and inserted at the appropriate place in the record of trial. Do not duplicate sealed material to include it in any copy of the record of trial. Instead, insert a copy of the sealing order in lieu of any sealed material, in any copies of the record of trial.

DIVIDERS ARE NOT NECESSARY TO SEPARATE EACH SECTION. IF USED, THEY CAN BE PAPER RATHER THAN CARD STOCK. IF A PARTICULAR COMPONENT IS NOT APPLICABLE IN THE RECORD OF TRIAL, SUCH AS AN ARTICLE 32 HEARING, EXHIBITS NOT ADMITTED, POST-TRIAL PROCEEDINGS AND VACATION HEARINGS, DO NOT INSERT A DIVIDER OR PLACEHOLDER.

Binding. Each volume of a record of trial should be no more than 1.5 inches thick and bound at the top with metal or plastic fasteners. **DO NOT** interlace or "piggy-back" prong fasteners to create

an oversized volume. **DO NOT** place hole punches where it covers up the evidence or language in the transcript. When it becomes necessary to assemble the record of trial in more than one volume, the volumes will be numbered consecutively, on the front cover (Enclosure (3)), as illustrated below:

Volume 1 of 4 (Pages 1-250)
Volume 2 of 4 (Pages 251-400)
Volume 3 of 4 (Pages 401-652)
Volume 4 of 4 (Pages 653-901 and Exhibits)

Make the first volume of a multi-volume record an inch thick or smaller to allow for inclusion of post-trial documents. Limit subsequent volumes to 1.5 inches, unless dividing them requires assembling an additional volume smaller than a half inch.

Label the upper right-hand corner or the Preparation and Certification of Record of Trial Form (enclosure (3)) to reflect which copy it is, i.e., "**ORIGINAL**," "**ACCUSED**," "**REVIEW**" etc.