

## ACKNOWLEDGMENT OF RIGHTS-ACCEPTANCE OF SCM

I \_\_\_\_\_ attached to \_\_\_\_\_ acknowledge the following facts and rights regarding summary court-martial.

\_\_\_\_\_ I have the right to refuse trial by summary court-martial.

\_\_\_\_\_ I have the right to consult with an attorney prior to deciding whether to accept or refuse trial by summary court-martial. Should I desire to consult with an attorney, I understand that a military attorney will be made available to advise me, free of charge, or I may consult with a civilian attorney at my own expense. I do not have the right to be represented by a military attorney at summary court-martial.

\_\_\_\_\_ If I **accept** trial by summary court-martial, I have the following rights:

- To be represented at trial by a civilian attorney provided by me at my own expense, or to be assisted by a non-attorney representative;
- To remain silent, and to plead not guilty, thus placing upon the government the burden of proving my guilt beyond a reasonable doubt;
- To have the summary court-martial call, or subpoena, witnesses to testify on my behalf;
- To confront and cross examine all witnesses against me; and
- If found guilty, to present matters which may mitigate the offense or demonstrate extenuating circumstances as to why I committed the offense(s).

\_\_\_\_\_ I understand that the maximum punishment that may be adjudged by a summary court-martial is:

E-4 and below	E-5 and above
Confinement for one month 45 days hard labor w/out confinement	
60 days restriction Forfeiture of 2/3 pay for one month Reduction to the lowest pay grade	60 days restriction Forfeiture of 2/3 pay for one month Reduction to the lowest pay grade

\_\_\_\_\_ Should I **refuse** trial by summary court-martial, my commanding officer may refer the charge(s) to trial by special court-martial or general court-martial. At a special court-martial, in addition to those rights set forth in paragraph 3, I would have the following rights:

- To be represented at trial by a military attorney, free of charge, including a military attorney of my own selection, if that attorney is reasonably available. In addition to a military attorney, I may have a civilian attorney at my own expense
- To be tried by a court-martial composed of at least three officers as members or, at my request, at least one-third of the court members would be enlisted personnel. If tried by a court-martial with members, two-thirds of the members, voting by secret ballot, would have to agree in any finding of guilty, and two-thirds of the members would also have to agree on any sentence to be imposed, should I be found guilty; and
- To request trial by military judge alone. If tried by military judge alone, the military judge alone would determine my guilt or innocence and, if I were found guilty, he alone would

determine the sentence imposed.

6. I understand that the maximum punishment which can be imposed at a **court-martial** for the offense(s) charged against me is:

NOTE: [See, RCM 1003; punishment limits for each offense listed in Part IV, MCM.]

SPECIAL COURT-MARTIAL	GENERAL COURT-MARTIAL
A bad-conduct discharge	A _____ discharge
Confinement for _____ months <i>[not to exceed 12 months];</i>	Confinement for _____ months
Forfeiture of 2/3 pay per month for _____ months <i>[not to exceed 12 months];</i>	Total forfeiture of pay
Fine in addition to or in lieu of a forfeiture <i>[not to exceed maximum forfeiture amount]</i>	Fine in addition to or in lieu of a forfeiture
Hard labor without confinement <i>[not to exceed three months]</i>	Hard labor without confinement <i>[not to exceed three months]</i>
Restriction to specified limits <i>[not to exceed two months]</i>	Restriction to specified limits <i>[not to exceed two months]</i>
Reduction to the lowest enlisted pay grade.	Reduction to the lowest enlisted pay grade.
Reprimand	Reprimand

## ELECTIONS

**No consultation with counsel:** On \_\_\_\_\_ I was afforded an opportunity to consult with legal counsel before making my decision to consent to Summary Court-Martial. I have decided not to see counsel in connection with this action. I understand my rights as set forth above and make the following election.

I *accept* summary court-martial

I *refuse* summary court-martial.

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

### Consultation with counsel:

Having consulted with \_\_\_\_\_, a \_\_\_\_\_ attorney, regarding my right to accept or refuse summary court-martial, I hereby make the following election.

I *accept* summary court-martial

I *refuse* summary court-martial.

\_\_\_\_\_  
Name of Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature