

MANUAL FOR COURTS-MARTIAL UNITED STATES (2005 EDITION)

The 2005 Edition of the MCM is a complete revision of the 2002 MCM incorporating all Executive Orders (EO) through 3 December 2004 (EO 12473 promulgating the 1984 MCM; EO 12484, 15 Nov 84; EO 12550, 19 Feb 86; EO 12586, 3 Mar 87; EO 12708, 23 Mar 90; EO 12767, 27 Jun 91; EO 12888, 23 Dec 93; EO 12936, 10 Nov 94; EO 12960, 12 May 95; EO 13086, 27 May 98; EO 13140, 6 Oct 99; EO 13262, 11 Apr 02; EO 13365, 3 Dec 04). Copies of each Executive Order can be found in Appendix 25.

Manual For Courts Martial 2008 Xhtml

Camilla Rothe



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Manual for Courts Martial 2012 United States Department of Defense, 2012-01-02 The Manual for Courts Martial MCM United States 2012 Edition updates the MCM 2008 Edition It is a complete reprinting and incorporates the MCM 2008 Edition including all amendments to the Rules for Courts Martial Military Rules of Evidence Mil R Evid and Punitive Articles made by the President in Executive Orders EO from 1984 to present and specifically including EO 13468 24 July 2008 EO 13552 31 August 2010 and EO 13593 13 December 2011 See Appendix 25 This edition also contains amendments to the Uniform Code of Military Justice UCMJ made by the National Defense Authorization Acts for Fiscal Years 2009 through 2012 Volume Two of the MCM contains PART V NONJUDICIAL PUNISHMENT PROCEDURE1 General2 Who may impose nonjudicial punishment 3 Right to demand trial 4 Procedure 5 Punishments 6 Suspension mitigation remission and setting aside 7 Appeals 8 Records of nonjudicial punishment Appendices1 Constitution of the United States 1787 2 Uniform Code of Military Justice 3 DoD Directive 5525 73 1 Memorandum of Understanding Between the Departments of Justice and Transportation Coast Guard Relating to the Investigations and Prosecution of Crimes Over Which the Two Departments Have Concurrent Jurisdiction 4 Charge Sheet DD FORM 458 5 Investigating Officer Report DD FORM 457 6 Forms for Orders Convening Courts Martial 7 Subpoena DD FORM 453 8 Guide for General and Special Courts Martial 9 Guide for Summary Courts Martial 10 Forms of Findings 11 Forms of Sentences 12 Maximum Punishment Chart 13 Guide for Preparation of Record of Trial by General Court Martial and by Special Court Martial When a Verbatim Record is Not Required 14 Guide for Preparation of Record of Trial by General Court Martial and by Special Court Martial When a Verbatim Record is Required 15 Record of Trial by Summary Court Martial DD Form 2329 16 Forms for Action 17 Forms for Court Martial Orders 18 Report of Proceedings to Vacate Suspension of a General Court Martial or of a Special Court Martial Sentence Including a Bad Conduct Discharge or Confinement for One Year Under Article 72 UCMJ and R C M 1109 DD Form 455 19 Waiver Withdrawal of Appellate Rights in General and Special Courts Martial Subject to Review by a Court of Military Review DD Form 2330 20 Waiver Withdrawal of Appellate Rights in General Courts Martial Subject to Examination in the Office of the Judge Advocate General DD Form 2331 21 Analysis of Rules for Courts Martial 22 Analysis of the Military Rules of Evidence 23 Analysis of Punitive Articles 24 Analysis of Nonjudicial Punishment Procedure 25 Historical Executive Orders 26 The Joint Service Committee on Military Justice JSC 27 Punitive Articles Applicable to Sexual Assault Offenses Committed Prior to 1 October 2007 28 Punitive Articles Applicable to Sexual Assault Offenses Committed During the period 1 October 2007 through 27 June 2012

Manual for Courts-Martial United States (2012 Edition) United States Government US Army, Us Army, 2012-12-27 The Manual for Courts Martial MCM United States 2012 Edition updates the MCM 2008 Edition It is a complete reprinting and incorporates the MCM 2008 Edition including all amendments to the Rules for Courts Martial Military Rules of Evidence Mil R Evid and Punitive Articles made by the President in Executive Orders EO from 1984 to present and specifically

including EO 13468 24 July 2008 EO 13552 31 August 2010 and EO 13593 13 December 2011 See Appendix 25 This edition also contains amendments to the Uniform Code of Military Justice UCMJ made by the National Defense Authorization Acts for Fiscal Years 2009 through 2012 Some of the significant changes are summarized and listed below This summary is for quick reference only and should not be relied upon or cited by practitioners in lieu of the actual provisions of the MCM that have been amended The MCM 2012 Edition includes unique changes warranting attention Discussion has been added or amended to address changes in practice resulting from United States v Campbell 71 M J 19 C A A F 2012 United States v Fosler 70 M J 225 C A A F 2011 and United States v Jones 68 M J 465 C A A F 2010 See R C M 307 c 3 R C M 307 c 4 R C M 906 b 12 R C M 907 b 3 B R C M 910 a 1 R C M 918 a 1 R C M 1003 c 1 C and in Part IV of this Manual paragraph 3b paragraph 60c 6 a and the discussion at page IV 1 The Discussion added in 2012 was a short term solution intended to address recent broad changes in the law Although it may describe legal requirements derived from other sources the Discussion does not have the force of law It is in the nature of a treatise and may be used as secondary authority The Discussion will be revised from time to time as warranted by changes in applicable law See Composition of the Manual for Courts Martial in Appendix 21 of this Manual Practitioners are advised that the Mil R Evid will be amended after the publication of this Manual and will take effect only after the President signs the relevant EO Once approved the revised Mil R Evid will exist outside of this Manual until its next complete reprinting Practitioners are also advised that Article 120 has been amended by the National Defense Authorization Act for Fiscal Year 2012 Public Law 112 81 31 December 2011 The amended version of Article 120 creates three separate sexual offense statutes Article 120 for adult offenses Article 120b for child offenses and Article 120c for other sexual offenses Article 120a remains unchanged As of 2012 there are now three versions of Article 120 and each version is located in a different part of this Manual For offenses committed prior to 1 October 2007 the relevant sexual offense provisions are contained in Appendix 27 For offenses committed during the period 1 October 2007 through 27 June 2012 the relevant sexual offense provisions are contained in Appendix 28 For offenses committed on or after 28 June 2012 the relevant sexual offense provisions are contained in Part IV of this Manual Articles 120 120b and 120c

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changes warranting attention *Manual for Courts-Martial United States* United States Army, 2013-10 **Official Gazette of the United States Patent and Trademark Office**, 2002 *Manual for Courts-Martial United States (2008 Edition)* Service Committee on Military Justice Joint, 2008-04-01 2005 Edition Updates the 2002 edition Complete reprinting and incorporates the Manual for Courts Martial MCM 2002 edition the amendment to articles 43 and 111 of the Uniform Code of Military Justice UCMJ made by the National Defense Authorization Act for the Fiscal Year 2004 the addition of Article 119a of the UCMJ created by the Unborn Victims of Violence Act of 2004 1 April 2004 and the 2004 amendments to the MCM Rules for Courts Marital Military Rules of Evidence and Punitive Articles made by the President in Executive Order 13365 which can be found in Appendix 25 2008 Manual for Courts-Martial , **Manual for Courts Martial 2012** United States Department of Defense, 2012-01-02 The Manual for Courts Martial MCM United States 2012 Edition updates the MCM 2008 Edition It is a complete reprinting and incorporates the MCM 2008 Edition including all amendments to the Rules for Courts Martial Military Rules of Evidence Mil R Evid and Punitive Articles made by the President in Executive Orders EO from 1984 to present and specifically including EO 13468 24 July 2008 EO 13552 31 August 2010 and EO 13593 13 December 2011 See Appendix 25 This edition also contains amendments to the Uniform Code of Military Justice UCMJ made by the National Defense Authorization Acts for Fiscal Years 2009 through 2012 Volume One of the MCM contains PART I PREAMBLE Sources of military jurisdiction Exercise of military jurisdiction Nature and purpose of military law Structure and application of the Manual for Courts Martial PART II RULES FOR COURTS MARTIAL CHAPTER I GENERAL PROVISIONS Rule 101 Rule 109 CHAPTER II JURISDICTION Rule 201 Rule 204 CHAPTER III INITIATION OF CHARGES APPREHENSION PRETRIAL RESTRAINT RELATED MATTERS Rule 301 308 CHAPTER IV FORWARDING AND DISPOSITION OF CHARGES Rule 401 407 CHAPTER V COURT MARTIAL COMPOSITION AND PERSONNEL CONVENING COURTS MARTIAL Rule 501 506 CHAPTER VI REFERRAL SERVICE AMENDMENT AND WITHDRAWAL OF CHARGES Rule 601 604 CHAPTER VII PRETRIAL MATTERS Rule 701 707 CHAPTER VIII TRIAL PROCEDURE GENERALLY Rule 801 813 CHAPTER IX TRIAL PROCEDURES THROUGH FINDINGS Rule 901 924 CHAPTER X SENTENCING Rule 1001 1011 CHAPTER XI POST TRIAL PROCEDURE Rule 1101 1114 CHAPTER XII APPEALS AND REVIEW Rule 1201 1210 CHAPTER XIII SUMMARY COURTS MARTIAL Rule 1301 1306 PART III MILITARY RULES OF EVIDENCE SECTION I GENERAL PROVISIONS RULE 101 106 SECTION II JUDICIAL NOTICE RULE 201 201A SECTION III EXCLUSIONARY RULES AND RELATED MATTERS CONCERNING SELF INCRIMINATION SEARCH AND SEIZURE AND EYEWITNESS IDENTIFICATION RULE 301 321 SECTION IV RELEVANCY AND ITS LIMITS RULE 401 414 SECTION V PRIVILEGES RULE 501 514 SECTION VI WITNESSES RULE 601 615 SECTION VII OPINIONS AND EXPERT TESTIMONY RULE 701 707 SECTION VIII HEARSAY RULE 801 807 SECTION IX AUTHENTICATION AND IDENTIFICATION RULE 901 903 SECTIONS X CONTENTS OF WRITINGS RECORDINGS AND PHOTOGRAPHS RULE 1001 1008 SECTION XI MISCELLANEOUS RULES RULE 1101

1103PART IV PUNITIVE ARTICLES Article 77 134INCLUDING TEXT OF STATUTES ELEMENTS EXPLANATIONS LESSER INCLUDED OFFENSES MAXIMUM PUNISHMENTS AND SAMPLE SPECIFICATIONS **Manual for Courts-Martial, United States** United States,1984 *Manual for Courts-martial* United States. Department of Defense,1951 **Manual for Courts-martial United States (2008 Edition)** Etats-Unis. Department of defense,2008 *Manual for Courts-Martial United States* Etats-Unis, *Manual for Courts-Martial* , *Manual for Courts-martial, United States* ,2002 **Manual for Courts-Martial, United States, 1951** United States. Department of Defense,1951 This pamphlet contains a short history of the preparation of the Manual together with brief discussions of the legal and legislative considerations involved in the drafting of the book Pref *A Manual for Courts-martial ...* United States. Department of Defense,1917 **Manual for Courts-martial, United States** ,2008 **Manual for Courts-martial, United States** United States Joint Services Committee for Revision of Manual for Courts-Martial, United States, 1951,1964 **Final Draft of Manual for Courts-Martial, United States** , **Manual for Court-martial, Texas** Texas. Adjutant General's Department,1963

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