

CODE 20

SIDEBAR

NEW MJA 16 POST-TRIAL INSTRUCTIONS & TEMPLATES

Since the implementation of the Military Justice Act 2016 (MJA 16) on 1 January 2019, we have refined the post-trial process in hopes of making it a little clearer for everyone involved. As a result, two post-trial process instructions have been published. These instructions shall be used in all courts-martial that are **referred** on or after 1 January 2019.

- JAGINST 5813.1D – Standardization of GCM and SPCM Verbatim Transcripts and Summarized Reports to Accompany the Record of Trial. This instruction was narrowed down to simply cover the steps taken to create a verbatim transcript and summarized report.
- JAG/CNLSC INSTRUCTION 5814.1D – Post-Trial Processing. Revisions were made to this instruction to address the following areas:
 - Creation of post-trial timelines.
 - Removal of the audio recording of the court-martial proceedings from the version of the certified record of trial provided to the accused and qualifying victim.
 - Assigned the responsibility of preparing the Entry of Judgment for the military judge’s signature to the RLSO/USMC Review Shops.
 - Described the process for notifying an accused of his/her right to an appeal under Article 66(b)(1).
 - Reorganized the Post-Trial Checklist (Enclosure 2) to be consistent with the steps taken to compile a certified record of trial.
 - Updated the Victim Post-Trial Rights Advisement (Enclosure 3) to provide contact information for submission of post-trial matters.
 - Re-wrote Gun Control Act Reporting Requirements (Enclosure 5) to ensure reporting requirements are clearly documented.
 - Revised Convening Authority’s Action and Entry of Judgment (Enclosure 6) to improve the functionality of the document and clarify the details needed in the CA’s Action.
 - Removed the Record of Trial (DD Form 490) (Enclosure 7) from JAGINST 5813.1D and added to this instruction.
 - Created templates for Verification and Certification Forms (Enclosure 8) to document the military judge’s verification of the record of trial and the court reporter’s certification of the record of trial.
 - Created an Assembly of Record of Trial Instructions (Enclosure 9) to ensure the compilation of all required documents and a standardized order for such documents in a certified record of trial. This shall be used to ensure all certified records of trial look identical when sent up for appellate review.

Both instructions should be read in their entirety to ensure compliance with the post-trial process. These instructions are available on the Navy JAG Corps website here:

<https://www.jag.navy.mil/library/instructions.htm>

The instructions with **fillable forms and templates** are available on the Code 20 Sharepoint site here:

<https://portal.secnav.navy.mil/orgs/JAG/20/SitePages/Reference%20Materials.aspx?RootFolder=%2FForgs%2FJAG%2F20%2FMaterials%20and%20Templates%2FMJA%2016%20References%2C%20Materials%2C%20and%20Templates%2FPost%2DTrial%20Process&FolderCTID=0x01200003ABC1FF0C01444BA1E8092B088445B2&View=%7B1BC6D18E%2D2248%2D4FE9%2DB21D%2D9671A5594896%7D>

If the link does not work, go to the home page for Code 20 here:

<https://portal.secnav.navy.mil/orgs/JAG/20/SitePages/Home.aspx>

- Click the link on the left column for “Reference Materials and Templates”
- Open the “MJA 16 References, Materials, and Templates” folder
- Open the “Post-Trial Process” folder

In addition, we have created sample CA’s Action language to provide guidance to the SJAs on how to fill out the CA’s Action. This document is also available in the above “Post-Trial Process” folder.

Please direct any questions to LCDR Jen Luce, Code 20, at jennifer.luce@navy.mil or 202-685-7058.

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