

PRELIMINARY HEARING OFFICER'S REPORT

(Of Charges Under Article 32, UCMJ and R.C.M. 405, Manual for Courts-Martial)

1a. FROM: <i>(Name of Preliminary Hearing Officer - Last, First, MI)</i>	b. GRADE	c. ORGANIZATION	d. DATE OF REPORT
2a. TO: <i>(Name of Officer who directed the Preliminary Hearing - Last, First, MI)</i>	b. TITLE	c. ORGANIZATION	
3a. NAME OF ACCUSED <i>(Last, First, MI)</i>	b. GRADE	c. ORGANIZATION	d. DATE OF CHARGES

(Check appropriate answer)

	YES	NO
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4. IN ACCORDANCE WITH ARTICLE 32, UCMJ, AND R.C.M. 405, MANUAL FOR COURTS-MARTIAL, I CONDUCTED A PRELIMINARY HEARING CONCERNING THE CHARGES APPENDED HERETO (Exhibit 1)		
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5. THE ACCUSED WAS REPRESENTED BY COUNSEL (If not, see 9 below)		
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6. COUNSEL WHO REPRESENTED THE ACCUSED WAS QUALIFIED UNDER R.C.M. 405(d) (2), 502(d)		
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7a. NAME OF DEFENSE COUNSEL <i>(Last, First, MI)</i>	b. GRADE	8a. NAME OF ASSISTANT DEFENSE COUNSEL <i>(If any)</i>	b. GRADE
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c. ORGANIZATION <i>(If appropriate)</i>	c. ORGANIZATION <i>(If appropriate)</i>
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d. ADDRESS <i>(If appropriate)</i>	d. ADDRESS <i>(If appropriate)</i>
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9. TO BE SIGNED BY ACCUSED IF ACCUSED WAIVES COUNSEL. <i>(If accused does not sign, preliminary hearing officer will explain in detail in item 23.)</i>

a. PLACE	b. DATE
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I HAVE BEEN INFORMED OF MY RIGHT TO BE REPRESENTED AT THIS PRELIMINARY HEARING BY COUNSEL, INCLUDING MY RIGHT TO CIVILIAN OR MILITARY COUNSEL OF MY CHOICE IF REASONABLY AVAILABLE. I WAIVE MY RIGHT TO COUNSEL AT THIS PRELIMINARY HEARING.

c. SIGNATURE OF ACCUSED

10. AT THE BEGINNING OF THE PRELIMINARY HEARING, I INFORMED THE ACCUSED OF: <i>(Check appropriate answer)</i>	YES	NO
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| a. THE NATURE OF THE CHARGE(S) | | |
| b. THE IDENTITY OF THE ACCUSER | | |
| c. THE RIGHT AGAINST SELF-INCRIMINATION UNDER ARTICLE 31 | | |
| d. THE PURPOSE OF THE PRELIMINARY HEARING | | |
| e. THE RIGHT TO BE PRESENT THROUGHOUT THE TAKING OF EVIDENCE | | |
| f. THE WITNESSES AND OTHER EVIDENCE KNOWN TO ME WHICH I EXPECTED THE GOVERNMENT TO PRESENT | | |
| g. THE RIGHT TO CROSS-EXAMINE WITNESSES | | |
| h. THE RIGHT TO PRESENT MATTERS IN DEFENSE AND MITIGATION | | |
| i. THE RIGHT TO MAKE A SWORN OR UNSWORN STATEMENT, ORALLY OR IN WRITING | | |

11a. THE ACCUSED AND ACCUSED'S COUNSEL WERE PRESENT THROUGHOUT THE PRESENTATION OF EVIDENCE <i>(If the accused or counsel were absent during any part of the presentation of evidence, complete b below.)</i>		
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b. STATE THE CIRCUMSTANCES AND DESCRIBE THE PROCEEDINGS CONDUCTED IN THE ABSENCE OF ACCUSED OR COUNSEL

NOTE: If additional space is required for any item, enter the additional material in Item 23 or on a separate sheet. Identify such material with the proper numerical and, if appropriate, lettered heading. (Example: "7c".) Securely attach any additional sheets to the form and add a note in the appropriate item of the form: "See additional sheet."

12a. THE FOLLOWING WITNESSES TESTIFIED UNDER OATH: <i>(Check appropriate answer)</i>				
NAME <i>(Last, First, MI)</i>	GRADE <i>(If any)</i>	ORGANIZATION/ADDRESS <i>(Whichever is appropriate)</i>	YES	NO
b. THE SUBSTANCE OF THE TESTIMONY OF THESE WITNESSES IS ATTACHED				
c. AT THE HEARING, EVIDENCE WAS OFFERED UNDER MILITARY RULES OF EVIDENCE <input type="checkbox"/> 412 <input type="checkbox"/> 513 <input type="checkbox"/> 514 <i>(Check appropriate box(es))</i>				
d. PORTIONS OF THE HEARING WERE CLOSED				
e. SEALED MATERIALS ARE INCLUDED IN THIS REPORT				
13a. THE FOLLOWING STATEMENTS, DOCUMENTS, OR MATTERS WERE CONSIDERED; THE ACCUSED WAS PERMITTED TO EXAMINE EACH				
DESCRIPTION OF ITEM	LOCATION OF ORIGINAL <i>(If not attached)</i>			
b. EACH ITEM CONSIDERED, OR A COPY OR RECITAL OF THE SUBSTANCE OR NATURE THEREOF, IS ATTACHED				
14. THERE ARE GROUNDS TO BELIEVE THAT THE ACCUSED WAS NOT MENTALLY RESPONSIBLE FOR THE OFFENSE(S) OR NOT COMPETENT TO PARTICIPATE IN THE DEFENSE <i>(See R.C.M. 909, 916(k))</i>				
15. ALL ESSENTIAL WITNESSES WILL BE AVAILABLE IN THE EVENT OF TRIAL				
16. AN EXPLANATION OF ANY DELAYS IN THE HEARING IS ATTACHED HERETO				
17. THE CHARGE(S) AND SPECIFICATION(S) ARE IN PROPER FORM				
18. THERE IS PROBABLE CAUSE TO BELIEVE AN OFFENSE HAS BEEN COMMITTED AND THAT THE ACCUSED COMMITTED THE OFFENSE				
19. THE UNITED STATES HAS JURISDICTION OVER THE OFFENSE(S) AND THE ACCUSED				
20. ADDITIONAL UNCHARGED MISCONDUCT WAS CONSIDERED AND A RECOMMENDATION FOR DISPOSITION IS ATTACHED HERETO				
21. I AM NOT AWARE OF ANY GROUNDS THAT WOULD DISQUALIFY ME FROM ACTING AS A PRELIMINARY HEARING OFFICER				
22. I RECOMMEND:				
a. TRIAL BY: <input type="checkbox"/> SUMMARY <input type="checkbox"/> SPECIAL <input type="checkbox"/> GENERAL COURT-MARTIAL				
b. <input type="checkbox"/> OTHER <i>(Specify)</i> _____				
23. REMARKS <i>(Include, as necessary, explanation for any answers above.)</i>				
24a. TYPED NAME OF PRELIMINARY HEARING OFFICER	b. GRADE	c. ORGANIZATION		
d. SIGNATURE OF PRELIMINARY HEARING OFFICER			e. DATE	