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HEADQUARTERS UNITED STATES AIR FORCE
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MEMORANDUM FOR DISTRIBUTION C
MAJCOMs/FLDCOMs/FOAs/DRUs

FROM: HQ USAF/JA
1420 Air Force Pentagon
Washington, DC 20330-1420

SUBJECT: Department of the Air Force Guidance Memorandum to Department of the Air Force Manual (DAFMAN) 51-203, *Records of Trial*

By Order of the Secretary of the Air Force, this Department of the Air Force Guidance Memorandum (DAFGM) immediately changes DAFMAN 51-203, *Records of Trial*. Compliance with this memorandum is mandatory. To the extent its directions are inconsistent with other Department of the Air Force publications, the information herein prevails, in accordance with Department of the Air Force Instruction (DAFI) 90-160, *Publications and Forms Management* and Department of the Air Force Manual (DAFMAN) 90-161, *Publishing Processes and Procedures*.

This guidance is applicable to the entire Department of the Air Force (DAF), including uniformed members of the Regular Air Force, United States Space Force, Air Force Reserve and Air National Guard when in Title 10 status, and all DAF civilian employees and those with a contractual obligation to abide by the terms of DAF issuances.

This DAFGM renews previous guidance, adds requirements for records of trial that will be removed from DAFI 51-201, *Administration of Military Justice*, to be more appropriately included in this publication, and implements further guidance on electronic records of trial.

This memorandum becomes void after one year has elapsed from the date of this memorandum, or upon incorporation by interim change (IC) or rewrite of the affected publication, whichever is earlier.

REBECCA R. VERNON
Major General, USAF
Performing The Duties Of
The Judge Advocate General

Attachment:
Guidance Changes

Current guidance in DAFMAN 51-203, *Records of Trial*, remains in effect with the following changes:

3.1.4. **(Changed)** Immediately at the conclusion of trial, trial counsel and the court reporter will verify, in person, that Trial Counsel has physical and complete possession of all documents and items on the checklist. Both Trial Counsel and the Court Reporter will sign and date the checklist immediately following trial, after verifying the physical presence of all required documents and items immediately after trial concludes. If trial concludes after the end of normal duty hours, the checklist and verification will occur no later than the morning following trial. See DAFI 51-201, Section 19K.

3.1.5. **(Deleted)**

3.1.6. **(Deleted)**

3.4.2. **(Changed)** After receipt of the convening authority's decision on action and the EOJ, the court reporter is responsible for certifying the contents of Part 1 of the ROT in accordance with R.C.M. 1112(c). **(T-0)** A template certification memorandum is on AF/JAT's FLITE KM page. The certification of Part 1 of the ROT will be included in the record in accordance with the applicable court-martial assembly checklist. **(T-1)**. For SCM certification, see paragraph 8.2.

3.6.1. **(Changed)** Prior to certification of the transcript by the court reporter, the court reporter must forward the transcript to all trial counsel and defense counsel of record, who examine it for accuracy. One trial counsel must complete their examination and sign a memorandum verifying the accuracy of the transcript within 10 calendar days. The SJA must also afford defense counsel 10 calendar days to examine the transcript before certification. **(T-0)** Time for trial and defense counsel to conduct their examination runs concurrently, starting from the day the court reporter sends the transcript to each counsel. Where defense counsel does not provide comments or edits on the transcript prior to certification, the reason(s) should be attached to the record. The transcript must be certified by the court reporter(s) detailed to the proceeding and included in the ROT prior to forwarding for appellate review. **(T-0)**

3.6.2. **(Changed)** Corrections Prior to Certification of the Transcript. When reviewing an electronic transcript prior to certification, the reviewer should correct misspellings, punctuation, and other minor errors on the original copy using the Add Comment function in Adobe.

3.6.3. **(Deleted)**

3.7.5. **(Added)** Following certification of the transcript, the court reporter shall notify trial counsel and the case paralegal that the transcript is ready for inclusion in the ROT. The court reporter must ensure, and the case paralegal must verify, that sealed exhibits, classified information, and closed sessions are properly sealed in accordance with R.C.M. 1112(e)(3). If the court reporter is appearing virtually, the case paralegal must properly seal exhibits to be verified visually by the court reporter. **(T-0)**

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Attachment

5.1. (Changed) Paper ROTs. The original ROT and the base copy shall be printed (paper) ROTs in all GCMs and SPCMs that result in a conviction, unless otherwise directed by JAJM.

5.2. (Changed) Electronic ROTs (compiled in Adobe Acrobat). Do not compile an electronic ROT as a PDF Portfolio.

5.2.1. **(Added)** An electronic ROT will be provided to JAJM, in addition to the original paper ROT, for cases under paragraphs 5.4.1. and 5.4.2.

5.2.2. **(Added)** Only an electronic ROT will be provided to JAJM for cases under paragraphs 5.4.3. and 5.4.4.

5.2.3. **(Added)** An electronic ROT may be provided to defense counsel (see **paragraph 5.5**), any accused (see **paragraph 5.6**), any victim (see **paragraph 5.7**), and the general court-martial convening authority (if authorized by the general court-martial convening authority's servicing legal office).

5.6.1. **(Changed)** After the certified ROT (Part 1) is complete and the transcript is certified, the SJA shall cause a copy to be served on each accused in accordance with this guidance and R.C.M. 1112(e). Do not provide the accused with a copy of the audio recording of open proceedings. Instead, replace the audio recording with a redacted copy of the certified transcript. **(T-0)** This applies even if the accused previously received the audio recording for purposes of preparing their post-sentencing matters. Do not provide the ROT attachments listed in R.C.M. 1112(f) with the exception of the transcript.

5.6.3. **(Changed)** Accused in Confinement. Ensure an accused in confinement receives a paper copy of their ROT. **(T-0)** Staff judge advocates should advise Security Forces to establish procedures to counsel those in confinement on the importance of the ROT and its retention. **(T-0)** Transfer the ROT with the individual in confinement as personal property. **(T-0)** For members confined at the United States Disciplinary Barracks (USDB) at Fort Leavenworth, forward a copy of the certified ROT to the USDB. If the ROT is not certified at the time of transfer, contact the USDB's DAF Liaison at DSN: 585-3626, or COMM: (913) 758-3626. Once the ROT is certified, mail the ROT, via certified mail, to the USDB, ATTN: USAF Liaison, 1301 N. Warehouse Rd, Fort Leavenworth, KS 66027-2304. Notify the liaison upon shipment and provide them the certified mail number. If the accused is transferred to a different consolidated brig prior to ROT certification, forward a copy of the ROT via certified mail to the DAF Liaison located at that brig. See para 5.6.4 if the accused in confinement doesn't return a signed receipt.

5.7.1. **(Changed)** After the certified ROT (Part 1) is complete and the transcript is certified, provide each victim, as defined in paragraph 5.7.2, a copy of the certified ROT (Part 1). Do not provide the victim with a copy of the audio recording of open proceedings. Instead, replace the audio recording with a redacted copy of the certified transcript. **(T-0)** This applies even if the victim previously received the audio recording for purposes of preparing their post-sentencing matters. Do not provide the ROT attachments listed in R.C.M. 1112(f) with the exception of the transcript. The SJA must ensure that eligible victims are notified of the opportunity to receive a copy of the ROT. **(T-0)** A template notification is located on the VMJD and AF/JAJM Teams

page. If the victim waives receipt of the ROT, the SJA must document that waiver in writing and attach it to the ROT. The SJA must obtain proof of ROT service on the victim, or substitute service, and include it as an attachment to the ROT. See R.C.M. 1112(e)(2). See para 5.7.6. if the victim doesn't return a signed receipt.

5.7.2. **(Changed)** Certified ROTs are provided free-of-charge to victims in the following situations:

5.7.2.1. **(Changed)** A victim of an offense of which the accused was charged if the victim testified during the proceedings, regardless of the verdict, automatically receives a copy of the ROT.

5.7.2.2. **(Changed)** A victim named in a specification, who did not testify during the proceedings, regardless of the verdict, if a request is made.

5.8. (Changed) Copies Provided to AF/JAJM

5.8.1. **(Changed)** For the cases listed under paragraph 5.2.1 and 5.2.2, legal offices will upload the electronic ROT to the eROT Dashboard on SharePoint. The GCMCA legal office is required to review the electronic ROT and will notify JAJM by email to af.ja.jajm.appellate.records@us.af.mil when a complete electronic ROT is uploaded to the eROT Dashboard. In electronic-only ROTs, include in the email if mailing any original paper ROT volumes containing classified, controlled, sealed or sexually explicit material, as outlined under para 5.8.2. See the VMJD and JAJM Teams page for additional guidance on how to assemble and transmit the electronic ROT.

5.8.2. **(Changed)** Procedures for sealed exhibits, classified materials, and other sexually explicit materials in electronic ROTs.

5.8.2.1. **(Added)** Classified materials shall not be included as part of the electronic ROT, but are available in the original paper ROT. Procedures to access such matters are addressed in **paragraph 9.1**. In cases with an electronic ROT only, assemble the classified material in an original paper ROT volume(s) and mail to JAJM in accordance with the material's classification requirements.

5.8.2.2. **(Added)** Controlled materials shall not be included as part of the electronic ROT, but are available in the original paper ROT. Procedures to access such matters are addressed in **paragraph 9.2**. In cases with an electronic ROT only, assemble the controlled material in an original paper ROT volume(s) and mail to JAJM in accordance with requirements for mailing controlled material.

5.8.2.3. **(Added)** Sealed materials (to include contraband items) shall not be included as part of the electronic ROT, but are available in the original paper ROT. Procedures to access such matters are addressed in **paragraph 9.3**. In cases with an electronic ROT only, assemble the sealed material, to include contraband items, in an original paper ROT volume(s) and mail to JAJM via certified or registered mail.

5.8.2.4. **(Added)** See the VMJD and JAJM Teams page for any additional guidance on procedures for sealed exhibits, classified materials, and other sexually explicit materials.

5.8.3. **(Added)** Sexually explicit images, videos, or other material (e.g., adult pornographic material) that are not sealed by the military judge shall not be included as part of the electronic ROT, but are maintained in the original paper ROT. Procedures to access such matters are addressed in **paragraph 9.5. Note:** Sexually explicit material does not include sexually explicit language (e.g., transcribed testimony, photos of text messages, and audio files).

5.8.3.1. **(Added)** Remove sexually explicit materials not sealed by the military judge from any copies of the electronic ROT; do not digitize sexually explicit materials on government computers. In place of the sexually explicit materials, insert a certificate stating the materials were removed due to their sexually explicit content and that the original paper ROT includes those materials.

5.8.3.2. **(Added)** Legal offices must review all exhibits to determine whether they contain sexually explicit materials. If so, legal offices must not copy or store these sexually explicit materials on the Air Force network.

5.8.3.3. **(Added)** In cases with an electronic ROT only, assemble the sexually explicit material in an original paper ROT volume(s) and mail to JAJM via certified or registered mail. If a case contains both sexually explicit and sealed material (paragraph 5.8.2.3), to include contraband items, combine all into the same original paper volume(s).

5.8.3.4. **(Added)** See the VMJD and JAJM Teams page for additional guidance on procedures for sexually explicit materials that are not sealed.

5.9 **(Added) Redactions.** Where this chapter calls for redactions, those redactions shall be made to copies of the ROT provided to the accused and victim only. Legal offices shall not redact an original ROT or any copies provided for appellate review.

9.5.1. **(Changed)** Remove these items from any paper ROTs provided to the accused or victim, or any electronic ROT. **(T-1)** In place of the sexually explicit materials, insert a certificate stating the materials were removed due to their sexually explicit content and are included and may be inspected in the original ROT.

9.5.2. **(Changed)** Include the sexually explicit materials in the original ROT and the copy of the ROT maintained in the base legal office. Place the materials in their normal place in the ROT, but in an opaque envelope or envelopes, in the event the sexually explicit materials are too bulky to be contained in one envelope. In the event multiple envelopes are required, each one should be annotated as “Envelope 1 of 3,” “Envelope 2 of 3,” etc. Each opaque envelope must also contain the following label: “WARNING: SEXUALLY EXPLICIT MATERIALS ENCLOSED – NOT ORDERED SEALED BY THE COURT.” **(T-1)**

11.1.1.1 **(Changed)** In all general and special courts-martial in which there is a finding of guilty.

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Attachment

11.1.4. **(Added)** Transcription Requirements. Transcription occurs concurrently with other post-trial processing actions (i.e., STR, CADAM, and EoJ). A transcript is not required before EoJ. After the transcript is certified by the court reporter, it is attached to the ROT.

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

**DEPARTMENT OF THE AIR FORCE
MANUAL 51-203**



21 APRIL 2021

LAW

RECORDS OF TRIAL

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This manual implements the Uniform Code of Military Justice (UCMJ), the Manual for Courts-Martial (MCM), Department of the Air Force Policy Directive 51-2, *Military Justice, Individual Military Counsel, and Other Criminal Proceedings*, and Department of the Air Force Instruction (DAFI) 51-201, *Administration of Military Justice*. This is a specialized publication intended for use by Airmen who have graduated from technical training related to this publication. It provides guidance on preparing Records of Trial (ROT), ROT attachments (including court-martial transcripts), ROT allied papers, and explains general court reporter duties. It applies to Regular Air Force and Space Force units at all levels and Air Force Reserve and Air National Guard units in Title 10 status. Users of this manual must familiarize themselves with the UCMJ, MCM, and all applicable Department of Defense (DoD) directives and instructions. This publication may not be supplemented. This publication requires the collection and or maintenance of information protected by the Privacy Act of 1974 authorized by Title 5 United States Code (USC) Section 552a; 10 USC § 8013, *Secretary of the Air Force*; 10 USC § 8037, *Judge Advocate General, Deputy Judge Advocate General: appointment; duties*; 10 USC § 854, Article 54, *Record of Trial*; 10 USC § 865, Article 65, *Disposition of records*; and Executive Order 9397, *Numbering System for Federal Accounts Relating to Individual Persons*, as amended. The applicable SORN, F051 AFJA I, *Military Justice and Magistrate Court Records*, is available at: <http://dpcl.d.defense.gov/Privacy/SORNs.aspx>. Refer recommended changes and questions about this publication to the Office of Primary Responsibility using the Air Force Form 847, *Recommendation for Change of Publication*; route Air Force Forms 847 from the field through major command functional managers. Ensure all records generated as a result of processes

prescribed in this publication adhere to Air Force Instruction 33-322, Records Management and Information Governance Program, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System. The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. Refer to DAFI 33-360, *Publications and Forms Management*, Table 1.1, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through command channels to the appropriate waiver authority, or alternatively, to JAJM for non-tiered compliance items, in order to ensure consistency throughout the DAF military justice system. The use of the name or mark of any specific manufacturer, commercial product, commodity, or service in this publication does not imply endorsement by the Air Force.

SUMMARY OF CHANGES

This document has been substantially revised and must be completely reviewed. Major changes include removal of guidance for preparation of Records of Trial in cases referred prior to 1 January 2019, removal of non-mandatory templates, clarification of Military Justice Act of 2016 application to Records of Trial, and update of references to include application to the United States Air Force and the United States Space Force.

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Chapter 1

OVERVIEW, ROLES, RESPONSIBILITIES, EFFECTIVE DATES, AND REFERENCES

1.1. Purpose. This manual establishes Department of the Air Force procedures for the preparation and assembly of ROTs, ROT attachments, and ROT allied papers. Standardization ensures ROTs, ROT attachments, and ROT allied papers meet basic legal requirements while adequately preserving the court-martial proceedings for appellate review. Article 54 requires that a ROT be prepared in each general, special, and summary court-martial. Rule for Courts-Martial (R.C.M.) 1112 identifies the content of the ROT and the contents attached to the ROT for post-sentencing and appellate review.

1.2. References. All references to the MCM included in this manual refer to the 2019 MCM and its corresponding R.C.M. and Military Rules of Evidence, unless otherwise noted.

1.3. Roles and Responsibilities.

1.3.1. The Military Justice Law and Policy Division (JAJM) shall:

1.3.1.1. Provide clarification and updates on this manual as needed. **(T-1)**

1.3.1.2. Act as the responsible agency for all Department of the Air Force ROTs forwarded to JAJM. **(T-1)**

1.3.2. The Trial Judiciary (JAT):

1.3.2.1. Will oversee the centralized management of the Air Force court reporter program. **(T-1)**

1.3.2.2. The Chief Trial Judge, Trial Judiciary, shall ensure any corrections required to the Entry of Judgment (EOJ) more than 14 days after the EOJ was signed are accomplished. **(T-0)** See R.C.M. 1111.

1.3.2.3. The Chief Trial Judge, Trial Judiciary, as the delegated authority, shall ensure any corrections required to a ROT deemed defective or incomplete prior to or after certification are accomplished, in accordance with R.C.M. 1112(d). **(T-0)**

1.3.2.4. Court reporters will prepare transcripts, proceedings conducted under 10 USC § 865, Article 30a, *Proceedings conducted before referral*, and ROTs in accordance with this manual and the MCM. **(T-0)**

1.3.3. Prosecuting Legal Offices (generally the installation-level legal office) shall:

1.3.3.1. Assemble and forward ROTs in accordance with this manual, the applicable ROT assembly checklists on the *Virtual Military Justice Deskbook*, and the MCM. **(T-0)**

1.3.3.2. Act as the responsible agency for records of trial created in their respective offices until the original ROT is forwarded to JAJM. **(T-1)**

1.4. Record of Trial. A completed ROT consists of two parts: the required contents of the certified ROT as listed in R.C.M. 1112(b) (hereinafter “**Part 1**”) and the required ROT Attachments (R.C.M. 1112(f)) and allied papers required by this manual (hereinafter “**Part 2**”).

1.4.1. Required Contents of the Certified ROT. The Certified ROT consists only of **Part 1**. **Part 1** is separate and distinct from Part 2 of the ROT. **Part 1** items must be certified by the

court reporter. **(T-1)** Post-trial service of the ROT to accused and each victim will consist only of **Part 1**, with the audio recording removed and a transcript substituted in its place. **(T-1)** See **Chapter 5** and DAFI 51-201 for further guidance.

1.4.2. Required Attachments. The installation legal office must ensure that **Part 2** is attached as part of the ROT which is forwarded for post-trial review in accordance with R.C.M. 1112(f). **(T-0)**. Part 2 of the ROT is not served on the accused or any victim(s) with the exception of the transcript which is substituted for the audio recording and served as a portion of **Part 1**. See **paragraph 1.4.1**, **paragraph 5.6.1**, and **paragraph 5.7.1** for guidance on substitution of the audio recording in copies of the ROT Part 1 served on the accused and any victim(s).

1.4.3. Required Allied Papers. The installation legal office must ensure that the allied papers are inserted in Part 2 of the ROT in accordance with this manual and the ROT Assembly Checklist on the *Virtual Military Justice Deskbook*. **(T-1)** The required allied paper attachments to the ROT are not served on any accused or victim(s).

1.4.4. Completed ROT. A completed ROT (Part 1 and Part 2) is required for post-sentencing and appellate review. The completed ROT triggers the metrics and milestones mandated in DAFI 51-201 (identified as “ROT Completion”).

1.4.5. ROT Volumes. When compiled for completion and forwarding, Parts **1** and **2** should be combined subject to the size limitations in **paragraph 2.4.1**.

1.5. Effective Dates and Impact on ROT Assembly.

1.5.1. Cases referred on or after 1 January 2019. The Military Justice Act of 2016 generally governs cases where charges were referred on or after 1 January 2019. Records of Trial, attachments, and allied papers in such cases shall be prepared and disseminated as discussed in this manual. **(T-1)**

1.5.2. Cases referred before 1 January 2019. For cases referred before 1 January 2019, guidance may be found in the document entitled “Special Instructions for ROTs in Cases with Charges Referred to Court-Martial Prior to 1 January 2019” on the *Virtual Military Justice Deskbook*. ROTs and allied papers prepared in such cases should follow the appropriate ROT Assembly Checklist on the *Virtual Military Justice Deskbook*.] **(T-1)**

Chapter 2

ASSEMBLING RECORDS OF TRIAL

2.1. Organization of Record of Trial.

2.1.1. Legal offices shall prepare ROTs in general courts-martial (GCMs) and special courts-martial (SPCMs) as prescribed in R.C.M. 1112, 1113, 1114. **(T-0)** Refer to the checklists located on the *Virtual Military Justice Deskbook* entitled, *Article 65/66 Review ROT and Attachment Assembly Checklist* and the *ROT and Attachments Assembly Checklist for Full Acquittals, Not Guilty by Reason of Lack of Mental Responsibility, Mistrial, Dismissal of All Charges, or Otherwise Terminated w/o Findings*. **(T-1)** Failure to use the checklist may result in errors in ROT assembly that may require the legal office to re-assemble the ROT.

2.1.2. Legal offices shall prepare ROTs for summary courts-martial (SCM) as prescribed by R.C.M. 1305 and the ROT SCM Assembly Checklist located on the *Virtual Military Justice Deskbook*. **(T-0)** Practitioners must also consult the SCM Guide on the *Virtual Military Justice Deskbook* prior to conducting any SCM or beginning to prepare any SCM ROT. **(T-1)** Failure to use the checklist may result in errors in ROT assembly that may require the legal office to reassemble the ROT.

2.1.3. Court reporters and the servicing legal office shall ensure inclusion of the signed originals of pertinent documents in the original ROT. **(T-1)** If an original document is missing, explain the absence by Memorandum for Record and insert a certified true copy or signed duplicate original copy into the record. **(T-1)** The custodian of the original document shall certify the copy or duplicate original copy. **(T-1)** If a photocopy or fax was provided instead of the original during the proceedings, to include pretrial and post-trial matters, treat the copy as an original and place it in the ROT. **(T-1)** No certification is required.

2.1.4. All documents must be printed to produce a letter-quality manuscript using a clear, solid, black imprint. **(T-1)** Laser and ink-jet printers are authorized and preferred in that order.

2.1.5. If attachments are listed on a document, the attachments will remain with the document and be included in the ROT. **(T-1)**

2.1.6. For documents (other than exhibits) that appear in multiple locations, after the first occurrence it is permissible to use a cross-reference sheet in place of the document(s) indicating the location of the document(s) within the ROT. Never use a cross-reference sheet in place of any exhibit included in the completed ROT. **(T-1)** Exhibits must be included at each location in the ROT, unless the exhibit has been sealed by the military judge. **(T-1)** See [paragraph 2.2](#).

2.2. Exhibits.

2.2.1. Preliminary Hearing Officer's (PHO) Report. When part of the PHO report is made an exhibit at trial, remove the original excerpt or document from the PHO report and insert it at the appropriate point in the ROT as a trial exhibit. **(T-1)** Insert a cross-reference sheet in the PHO report stating where the original exhibit appears in the ROT. **(T-1)** If the entire PHO report is made an exhibit, insert a cross-reference sheet stating the location of the original PHO

report as a placeholder in the location where the PHO report would normally go in the ROT. **(T-1)**

2.2.2. Substituting for Originals. Obtain the military judge's permission to withdraw an exhibit that consists of physical evidence and substitute a photograph, replica, written description, or other means of description in the ROT. **(T-0)** Upon substitution, return physical evidence to the evidence custodian. See R.C.M. 913(c)(2) Discussion and R.C.M. 1112(b)(6).

2.2.2.1. Unless a photograph is essential to the appellate process, written descriptions are permitted as substitutes for exhibits withdrawn from the ROT.

2.2.2.2. If photographs are used, ensure they are color photographs whenever possible. **(T-1)** Photographs taken by digital cameras are authorized. If the size of an object is relevant, place a ruler or yardstick next to the object so that the size will be reflected in the photograph. **(T-1)**

2.2.2.3. Do not use photographs or other full-size reproductions of obligations or securities of the United States and foreign countries (e.g., currency, bonds, etc.), or identification cards, passes, or official badges of any department or agency of the United States. **(T-1)** In such cases, if a written description will not suffice, include the original document or paper in the ROT. **(T-1)**

2.2.2.4. Do not substitute a photograph of a DVD for a DVD or other recording admitted into evidence and played in court.

2.2.3. Sealed Exhibits. If the record consists of matters ordered sealed by the PHO or military judge, trial counsel shall cause such materials to be sealed to prevent unauthorized viewing or disclosure. **(T-1)** Place the sealed materials in a separate opaque envelope and insert the envelope into the record in the same location where the material would go if it were not sealed. **(T-1)** If there are multiple sealed materials, place each matter into a separate envelope. If a sealed matter is too bulky for one envelope, divide into multiple envelopes. Identify the contents of each envelope. **(T-1)** Create a separate volume if the sealed material is too bulky to fit into its respective place in the ROT. See [Chapter 9](#) for more information on the handling of sealed materials.

2.2.4. Digital Audio and Video Media. Package digital media such as CDs and DVDs in sturdy envelopes. Ensure each exhibit or attachment is in a separate envelope. **(T-1)** Annotate the number of discs enclosed on the outside of the envelope. **(T-1)** Create a separate volume if the media is too bulky to fit into its respective place in the ROT. **(T-1)**

2.2.4.1. Mark each media and envelope with the classification, case name, and the attachment/exhibit number (e.g., "Secret, *US v John Smith*, Appellate Exhibit II"; "Unclass FOUO, *US v Jenny Mann*, Attachment 2 to the 1st Ind"). **(T-1)** If part of a series, mark "1 of 2," "2 of 2," etc. **(T-1)**

2.2.4.2. All digital audio and video media must be in a format playable on the factory installed version of Windows Media[®] player (e.g., WMV, WMA, MPEG, MP3, AVI). **(T-1)** Ensure the original and copies of the audio and video are clear prior to forwarding the ROT to JAJM. **(T-1)** Counsel offering the exhibit will verify that the media is not damaged and plays as intended. **(T-1)**

2.2.5. Judicial Notice. When the military judge takes judicial notice of a document, publication, or other item, reproduce the pertinent part of the document, publication, or other item, if possible. **(T-1)** If the document, publication, or item was not marked as an exhibit, attach it to the ROT as an allied paper. **(T-1)** For publications, include the first or cover page, an extract of the relevant contents, and, if applicable, a copy of the signature page. **(T-1)**

2.2.6. Child Pornography as Exhibits. Child pornography marked as an exhibit at trial or otherwise entered into the ROT is the property and responsibility of the court-martial. See 18 USC § 3509 and DAFI 51-201. Child pornography exhibits must be routed with the original ROT when forwarded to the General Court-Martial Convening Authority (GCMCA) and JAJM. **(T-1)** Child pornography exhibits must not be returned to law enforcement or forwarded separately from the ROT. **(T-1)** Failure to include child pornography exhibits as part of the ROT may create appellate issues. For further discussion on the differences in responsibility between law enforcement and legal offices regarding child pornography evidence and child pornography exhibits, see [paragraph 9.3](#) and DAFI 51-201. **Note:** Any ROT with child pornography exhibits must be sent via registered mail or FedEx. **(T-1)**

2.3. Marking Exhibits. The court reporter is responsible for ensuring exhibits offered for identification or admission are properly marked. Mark exhibits at the bottom right corner of the page if possible. **(T-1)** The court reporter or counsel may pre-mark both Prosecution and Defense exhibits; however, ensure the exhibits are marked uniformly. An ink stamp or an electronic labeling method (e.g., Adobe Acrobat®) should be available to the court reporter. Do not use stick-on labels to mark exhibits unless stamps are unavailable or if the exhibit is physical evidence. **(T-1)** See [paragraph 2.2.2](#) Physical evidence should be marked with tags or stickers. The court reporter must create and maintain an Index of Exhibits Admitted and include it as part of the ROT in accordance with R.C.M. 1112(b)(6). **(T-0)** Note the page(s) in the transcript where an exhibit was offered and admitted or rejected and annotate those pages on the Index of Exhibits. **(T-1)** The Index of Exhibits will be attached to the ROT in accordance with the ROT Assembly Checklist on the *Virtual Military Justice Deskbook*. **(T-1)** The following is the suggested language and format for exhibit stamps:

Prosecution Ex ____ for Identification
Offered Page ____ Accepted/ Rejected Page ____

Defense Ex ____ for Identification
Offered Page ____ Accepted/Rejected Page ____

Appellate Ex ____
Marked Page ____

Court Ex ____ for Identification
Marked Page ____

2.3.1. If an exhibit cannot be clearly marked at the bottom right corner of a page, mark the exhibit elsewhere on the front lower portion of the page. **(T-1)** If there is still insufficient space on the exhibit, affix a blank sheet of paper to the front of the exhibit, place the stamp on the blank sheet, and type or print under the stamp, “Consisting of ____ pages.” Include the added cover page in the total number of pages. Follow this procedure for all 8x10 photographs.

(T-1) For smaller photographs, mount them on a blank sheet of paper and stamp the sheet of paper as described above. (T-1)

2.3.2. For exhibits consisting of more than one page, stamp or type “Page ____ of ____ pages” on the front lower portion of the page. (T-1)

2.3.3. Number each side of a two-sided document as a separate page. (T-1)

2.3.4. Do not place exhibit stamps or labels on exhibits that will be returned to the owner (including the accused) after trial. (T-1) (See [paragraph 10.2](#)) Mark these exhibits lightly in pencil in the lower right-hand margin of the document (e.g., “Pros Ex 1 for ID,” “Def Ex A for ID,” “App Ex I, Court Ex A”). If there is still insufficient space on the exhibit, affix a blank sheet of paper to the front of the exhibit, place the stamp on the blank sheet, and type or print under the stamp, “Consisting of ____ pages.” (T-1)

2.4. Dividing Record into Volumes.

2.4.1. The first volume of all ROTs shall be no larger than 1 inch after the inclusion of required copies of the Statement of Trial Results (STR), convening authority decision on action memorandum, and EOJ. (T-1) Subsequent volumes shall not exceed 1.5 inches. (T-1)

2.4.2. Each volume will have a Department of Defense (DD) Form 490, *Record of Trial*, front cover page, printed on light blue cardstock paper. (T-1) Use the version of the DD Form 490 found on the *Virtual Military Justice Deskbook*. Place like parts of the ROT together in volumes divided by subject, and divide them to meet volume thickness restrictions. (T-1) List only the contents within each volume on the front cover of that volume (e.g., pretrial allied papers, transcript, or exhibits). (T-1) If the transcript is split into two or more volumes, indicate on the front cover which pages of the transcript are in which volume (e.g., “Volume 2 of 4,” “Transcript pages 1-300”). (T-1) Number each volume of the ROT with the format “Volume 1 of 4.” (T-1)

2.4.3. In the upper right-hand corner of the DD Form 490 cover page, label the ROT to reflect the recipient’s copy (e.g., “ORIGINAL,” “ACCUSED,” “JAJM-1” “JAJM-2,” “DEFENSE COUNSEL,” “VICTIM,” “BASE”). (T-1) Include the Volume number underneath, with the format “Volume 1 of 4.”

2.4.4. Volumes for Post-Trial Hearings. Volumes generated as the result of a rehearing or an Article 66(f)(3) hearing are placed on top of the original ROT and the original ROT volumes are renumbered accordingly. (T-1) For example, if the original ROT contains two volumes and the rehearing ROT contains two volumes, the volumes should be relabeled as follows: “REHEARING VOLUME 1 OF 4”; “REHEARING VOLUME 2 OF 4”; “ORIGINAL VOLUME 3 OF 4 (previously volume 1 of the original ROT)”; and the “ORIGINAL VOLUME 4 OF 4 (previously volume 2 of the original ROT)”. Replace “REHEARING” with “ARTICLE 66(f)(3) HEARING” when necessary. (T-1) New DD Form 490 cover pages will be required for all previously distributed copies of the ROT. (T-1)

2.5. Binding Volumes. Add hard backings to the back of each volume (original and copies). Bind the volumes of the ROT to the hard backing at the top with two-inch capacity, Acco-type prong-and-clamp fasteners. (T-1) Place tape over the backs of the fasteners to prevent snagging, and do not sew or stack fasteners together to bind thick volumes. (T-1) The General Services Administration stocks the following items for these purposes: “Lt Green Press Board, Size 8 1/2

x 11 ½” for the hard backing and “Fastener, paper w/ compressor 2” to fasten the hard-backing to the volume. (T-1)

2.6. Dividers. Separate the main components of a ROT within the same volume using heavy stock paper that is different in color from the DD Form 490. (T-1) Refer to the appropriate ROT assembly checklist for placement of the dividers. (T-1) Type the name of the section at the bottom of the divider (e.g., “Prosecution Exhibits” or “Defense Exhibits”).

2.7. Including the Article 32 Report. The Article 32 report is not included in the certified portion of the ROT, Part 1 (see R.C.M. 1112(b)) unless admitted as an exhibit at trial. (T-0) The Article 32 report is included as an attachment if not included in Part 1 of the ROT. (T-0) (See the applicable ROT Assembly Checklist on the *Virtual Military Justice Deskbook* for additional information.) The format of the Article 32 report placed in the “required contents of the ROT” or allied papers should be the same format provided to the convening authority (i.e., if the Article 32 report was provided to the convening authority on a disc, then that disc should be included in the ROT).

2.8. Audio Recordings.

2.8.1. Open sessions of the court shall only be included on discs with other open sessions. (T-1) The recording must be in a format playable on the factory installed version of Windows Media® player (e.g., WMV, WMA, MPEG, MP3, AVI). (T-1)

2.8.2. Non-open sessions of the court shall only be included on discs pursuant to the guidance in [Chapter 9](#). (T-1) The recording must be in a format playable on the factory installed version of Windows Media® player (e.g., WMV, WMA, MPEG, MP3, AVI). (T-1)

2.8.3. Each disc of audio recordings must be included in an envelope. (T-1) Discs containing open sessions may not be included in the same envelope as discs containing non-open sessions. (T-1) Discs containing non-open sessions must be placed in a separate, sealed, opaque envelope. (T-1) See [paragraph 2.2.7](#) and [Chapter 9](#) for guidance regarding sealed exhibits.

2.8.4. Each disc and envelope must be marked with the classification, case name, the dates or dates when the audio was originally recorded, disc number, and labeled “Open Sessions.” If open the case includes both open and closed sessions, label them “Open Sessions Only” or “Closed Sessions Only.” (T-1) Disc number should be annotated as “Disc 1 of 2,” “Disc 2 of 2,” etc., if part of a series. (T-1)

2.9. Record of Pre-Referral Proceedings. All hearings conducted pursuant to Article 30a must be recorded verbatim. (T-1) See [paragraph 11.9](#).

Chapter 3

CERTIFYING THE TRANSCRIPT AND THE RECORD OF TRIAL

3.1. Requirements for Timely Processing of R.C.M. 1106 and 1106A Matters. To timely process the ROT and ensure fiscal responsibility, the following tasks must be completed no later than the duty day following the announcement of findings, if an acquittal, or the announcement of the sentence:

3.1.1. Court-Martial Recordings.

3.1.1.1. The court reporter must prepare CDs (or, if CDs are impracticable, electronic audio file(s)) of the following recordings: **(T-1)**

3.1.1.1.1. All open sessions of the court-martial. This excludes sealed, closed, or classified sessions.

3.1.1.1.2. Audio ordered sealed, closed, or classified must be sealed in an envelope immediately after findings in an acquittal, sentence is announced, or at the conclusion of a bifurcated proceeding. See [paragraph 2.8.4](#) for procedures on labeling the envelope.

3.1.1.2. Do not provide non-open session recordings to the accused or victim(s). **(T-0)** See R.C.M. 1112(e)(3).

3.1.1.3. See DAFI 51-201 for guidance on providing audio to the accused, defense counsel, victim, and victims' counsel. In the event the military judge orders trial counsel to provide defense counsel with a copy of the recording which contains closed sessions or portions thereof, the military judge issues appropriate protective orders.

3.1.2. The court reporter must provide all recordings to either the case paralegal or trial counsel. **(T-1)** Upon written request, the installation legal office will provide a copy of the recording of the open sessions to the accused and any victim entitled to submit matters to the convening authority. See DAFI 51-201 for further guidance. In the event there are multiple victims eligible to receive the recording, the case paralegal and trial counsel are responsible for making the required number of copies for distribution to victim's counsel, or victim if unrepresented. **(T-1)** See DAFI 51-201 for further guidance on distribution of recordings.

3.1.3. The contents of the ROT and attachments remain at the base legal office responsible for litigating the case. **(T-1)** Traveling court reporters are not authorized to take the contents of the ROT or any attachments from the base legal office. Court reporters should only retain a copy of the audio, index of exhibits, and index of proceedings in order to facilitate transcription of the proceedings.

3.1.4. The court reporter and either the case paralegal or trial counsel must account for the required contents of the ROT listed at R.C.M. 1112(b)(1)-(7). **(T-1)** In all cases, this requirement must be completed within one duty day from adjournment of the court.

3.1.5. The court reporter must create an itemized receipt of the required contents of the ROT listed at R.C.M. 1112(b)(1)-(7) retained at the base legal office. **(T-1)** The case paralegal or trial counsel must sign an itemized receipt for the required contents of the ROT listed at R.C.M. 1112(b)(1)-(7) retained at the base legal office. **(T-1)**

3.1.6. The case paralegal must ensure that all matters submitted by the accused and/or victim to the convening authority are provided to the court reporter for inclusion into the record before ROT certification. **(T-1)**

3.2. Convening Authority Decision on Action. After the convening authority decision on action is signed, the case paralegal or trial counsel must promptly send a copy to the military judge and court reporter. **(T-0)** See R.C.M. 1112(b)(8) and DAFI 51-201.

3.3. Examination by the Military Judge. The military judge will review the exhibits at trial to ensure exhibits are accurate prior to the court reporter's certification of the ROT.

3.4. Entry of Judgment and Certification of the ROT.

3.4.1. After the military judge completes the EOJ and enters it into the record, the case paralegal or trial counsel must promptly send a copy to the court reporter. **(T-0)** See R.C.M. 1112(b)(9). Failure to promptly provide the EOJ to the court reporter will delay post-sentencing processing and the certification of the ROT.

3.4.2. After receipt of the convening authority's decision on action and the EOJ, the court reporter is responsible for certifying the contents of Part 1 of the ROT in accordance with R.C.M. 1112(c). **(T-0)** A template certification memorandum is on the *Virtual Military Justice Deskbook*. The certification of Part 1 of the ROT will be included in the record in accordance with the applicable court-martial assembly checklist. **(T-1)**

3.4.3. The military judge detailed to the case must certify the ROT if the detailed court reporter is unavailable to certify Part 1 of the ROT due to death, disability, or absence. **(T-0)**

3.5. Cases Involving Multiple Court Reporters. The court reporter detailed to the court-martial at the time of ROT certification shall certify the contents of the ROT. See R.C.M. 1112(b). Court reporters detailed to a court-martial for post-trial Article 39(a) hearings after the ROT is certified shall certify that portion of the contents of the ROT. If more than one court reporter participates in the trial, each court reporter certifies that portion of the transcript concerning proceedings at which the certifier was present. **(T-0)** See R.C.M. 1114.

3.6. Examination of the Transcript by Counsel.

3.6.1. Examination by Trial Counsel. Prior to certification of the transcript, the court reporter must forward the transcript to the trial counsel, who examines it for accuracy and signs a memorandum verifying the examination was accomplished. **(T-1)** See the *Virtual Military Justice Deskbook* for a template memorandum.

3.6.2. Examination by Defense Counsel. The court reporter must afford defense counsel a reasonable opportunity to examine the transcript before certification unless unreasonable delay would result. Where defense counsel is not afforded the opportunity to examine the transcript or does not examine the transcript within a reasonable period prior to certification, the reasons should be attached to the record. The reasons can be provided in a certificate signed by the court reporter or trial counsel, or in attached correspondence showing the attempts by the court reporter, trial counsel or case paralegal to contact defense counsel to examine the record before certification. A "reasonable period" is defined by the staff judge advocate advising the convening authority who convened the court-martial. See the *Virtual Military Justice Deskbook* for a template memorandum.

3.6.3. Corrections Prior to Certification of the Transcript. When reviewing an electronic transcript prior to certification, the reviewer should correct misspellings, punctuation, and other minor errors on the original copy using the Track Changes function in Microsoft Word.®

3.7. Certification of the Transcript.

3.7.1. Certification of Verbatim and Summarized Transcripts. The detailed court reporter is responsible for certifying the quality and authenticity of the transcript or portion of the verbatim or summarized transcript, and method used to transcribe the proceeding. Even when the record is transcribed by another court reporter, the court reporter present during the proceeding will review the record for accuracy and sign a certification to be inserted in the record after the court reporter chronology. **(T-0)** A template certification may be found on the *Virtual Military Justice Deskbook*.

3.7.2. On the certification page, if the court reporter was not present for the entire trial, indicate in the certification the date(s), pages, and proceeding type (e.g., arraignment, bifurcated motions, and trial) of the transcript the court reporter is certifying. **(T-0)** See R.C.M. 1112(c). If more than one court reporter participates in the trial, each court reporter will certify their portion of the transcript concerning the proceedings at which the particular court reporter was present. **(T-0)** See R.C.M. 1114. For example, “I hereby certify that I reviewed transcript, pages 12-113, for the motions hearing that was conducted on 1 May 2020 in its entirety and that it is an accurate reflection of the proceeding of the court.”

3.7.3. The military judge detailed to the case must certify the transcript if the detailed court reporter is unavailable to certify the transcript due to death, disability, or absence. **(T-0)**

3.7.4. In the event a transcript is later modified, a certificate of correction will be prepared by the court reporter and certified by the court reporter detailed to the case. **(T-0)** In the event the detailed court reporter was unavailable to certify the transcript or is unavailable to sign the certificate of correction, the certificate of correction will be prepared by the military judge in accordance with [paragraph 3.7.3](#). **(T-0)** See [paragraph 3.9.1](#).

3.8. Incomplete, Defective, or Lost Record of Trial.

3.8.1. An incomplete or defective ROT may be corrected after certification to correspond to the proceedings. For procedures on correction of incomplete or defective ROTs, see R.C.M. 1112(d)(2). Per Air Force policy, any incomplete or defective ROT requires a certificate of correction be signed by the military judge. **(T-1)**

3.8.2. Lost or Destroyed Record of Trial. If the certified ROT is lost or destroyed, the court reporter shall, if practicable, certify another ROT. **(T-0)** See R.C.M. 1112(d)(1). The court reporter shall use the base legal office’s copy of the ROT before contacting JAJM for the original. **(T-1)**

3.9. Certificate of Correction.

3.9.1. Transcript. Any certificate of correction is prepared and certified by the court reporter detailed to the case. **(T-0)**. In the event the detailed court reporter was unavailable to certify the transcript or is unavailable to sign the certificate of correction, the certificate of correction will be prepared by the military judge in accordance with [paragraph 3.7.3](#). **(T-0)** After certification, the court reporter (or military judge, if the certificate of correction is prepared by the military judge) provides a copy of the certificate to the trial counsel, defense counsel, and

the accused. Place the certificate of correction at the beginning of the transcript. If the correction made affects the transcript, upload a copy of the certificate of correction to WebDocs with the electronic transcript.

3.9.2. ROT. A certificate of correction for a ROT is prepared and certified by the military judge detailed to the case. **(T-0)** After certification, provide a copy of the certificate to the trial counsel, defense counsel, and the accused. Place the certificate of correction in the ROT immediately before the EOJ.

3.9.3. Format of the Certificate. The certificate's format may be found on the *Virtual Military Justice Deskbook*.

Chapter 4

COPYING THE RECORD OF TRIAL

4.1. One-Sided Copies. The original transcript and all copies shall be single-sided only. **(T-1)**

4.2. Double-Sided Original Documents. Whenever a double-sided original document exists in a ROT, ensure that both the front and reverse sides of the page are numbered in the original ROT. When making copies of the ROT, ensure the reverse side of all double-sided original documents are copied to a separate page.

4.3. Evidence That Should Not Be Copied. Do not photograph or copy obligations or securities of the United States and foreign countries (currency, bonds, etc.), or identification cards, passes, or official badges of any department or agency of the United States.

4.4. Special Considerations. See [Chapter 9](#) for guidance on the copying of classified materials, controlled materials, sealed materials, closed hearings, and sexually explicit materials contained in the ROT.

Chapter 5

NUMBER OF COPIES OF THE RECORD OF TRIAL

5.1. Paper ROTs. The original ROT, the base copy, and all copies to be sent to JAJM shall be printed (paper) ROTs. **(T-1)**

5.2. Digitized ROTs. Digitized copies (e.g., scanned copies) of the ROT may be provided to defense counsel (see [paragraph 5.5](#)), any accused (see [paragraph 5.6](#)), any victim (see [paragraph 5.7](#)), the general court-martial convening authority (if authorized by the general court-martial convening authority), and additional discretionary copies (see [paragraph 5.8](#)).

5.3. Identical Copies Required. In all cases, the copy of the ROT maintained at the base office must be identical to the original ROT, to include sealed material. **(T-1)** Make sure classified and controlled test materials are stored in an authorized location. **(T-0)** See [Chapter 9](#).

5.4. The number of ROTs required is based upon the nature of the review:

5.4.1. Cases Subject to Direct Appeal under Article 65. When a case results in a direct appeal under Article 65, prepare an original ROT and four copies (see [paragraph 6.1.2](#)). The original and one copy are for JAJM. The remaining copies are for the accused, defense counsel, and retention by the base or the general court-martial convening authority legal office, as appropriate. See [paragraph 2.4.3](#) for labeling of the ROTs. Additional copies may be required for victims as provided in [paragraph 5.7](#). If the accused files an appeal, JAJM will request an additional paper copy from the convening authority's legal office. **(T-1)**

5.4.2. Cases Subject to Article 66 Review. When Article 66 appellate review is required, prepare an original ROT and five copies. (See [paragraph 6.1.1](#)) The original and two copies are for JAJM. The remaining copies are for the accused, defense counsel, and retention by the base or the general court-martial convening authority legal office, as appropriate. See [paragraph 2.4.3](#) for labeling of the ROTs. Additional copies may be required for victims as provided in [paragraph 5.7](#).

5.4.3. All Other General Courts-Martial and Special Courts-Martial. For GCMs and SPCMs not subject to Article 66 review, prepare an original and a minimum of three copies of the ROT. The original is for JAJM. The remaining copies are for the accused, defense counsel, and retention by the base and general court-martial convening authority legal office, as appropriate. See [paragraph 2.4.3](#) for labeling of the ROTs. Additional copies may be required for victims as provided in [paragraph 5.7](#).

5.4.4. Summary Courts-Martial. See [paragraph 8.4](#).

5.5. Copy Provided to Defense Counsel. The legal office shall provide a copy of the ROT to defense counsel. **(T-1)** The legal office shall redact Personal Identifiable Information from the ROT provided to the defense counsel. **(T-1)** Legal offices may provide the defense counsel with a digitized copy of the ROT.

5.6. Copy Provided to Accused.

5.6.1. After the certified ROT (Part 1) is complete and the transcript is certified, provide each accused a copy of the certified ROT (Part 1) and substitute the audio recording of the proceedings with the transcription of the court-martial proceeding. **(T-0)** See DAFI 51-201.

This applies even if the victim previously received the audio recording for purposes of preparing their post-sentencing matters.

5.6.2. The copy of the ROT provided to the accused shall not contain classified materials, controlled materials, sealed materials, sealed hearings, closed hearings, or sexually explicit materials. Ensure that all third-party personally identifiable information is redacted from the copy of the ROT served on the accused. See Privacy Act of 1974, Exemption (b)(6). **(T-0)** The accused's own personal information does not have to be redacted from the accused's copy. **(T-0)**

5.6.3. Prisoners. Ensure that prisoners receive their copy of the ROT. **(T-0)**. Staff judge advocates should advise Security Forces to establish procedures to counsel prisoners on the importance of the ROT and its retention. **(T-0)** Transfer the ROT with prisoners as personal property. **(T-0)**

5.6.4. In-Person Delivery Impossible. If a copy of the ROT cannot be delivered in-person to the accused, send it via certified mail to the place of non-local confinement, if the member is confined, or to the member's last known address, if not confined. **(T-0)** If a copy of the ROT cannot be delivered in-person to the accused due to unauthorized absence, military exigency, or by the written request of the accused, deliver the record to the defense counsel and obtain a signed receipt. **(T-0)** See R.C.M. 1112(e)(2). In either case, trial counsel or the case paralegal must attach a statement to the ROT explaining why it was not served on the accused personally and attach the certified mail receipt or member's request in place of the accused's receipt. **(T-0)** If a receipt is later received from the accused, forward to JAJM. **(T-0)**

5.6.5. The accused's copy of the ROT shall be in printed form if the accused is serving confinement at the time the ROT is served on the accused. The accused may be provided a digitized copy of the ROT if the accused is not in confinement at the time the ROT is served on the accused. Provide the accused a printed copy of the ROT if the accused requests it in writing prior to serving the accused with a digitized copy.

5.7. Copy Provided to Victim(s).

5.7.1. After the certified ROT (Part 1) is complete and the transcript is certified, provide each victim, as defined in [paragraph 5.7.2](#), a copy of the certified ROT (Part 1), and substitute the audio recording of the proceedings with the transcription of the court-martial proceeding. **(T-0)** This applies even if the victim previously received the audio recording for purposes of preparing their post-sentencing matters.

5.7.2. Offer a free-of-charge copy of the certified ROT to any:

5.7.2.1. Victim of an offense of which the accused was charged if the victim testified during the proceedings. **(T-0)** See R.C.M. 1112(e)(1) or

5.7.2.2. Victim named in a specification of which the accused was charged regardless of the court-martial findings (including an acquittal) if requested by the victim. **(T-0)**

5.7.3. Victims electing to receive a copy of the ROT may be provided a digitized copy of the ROT. Legal offices may provide the victim a printed copy of the ROT if the victim requests it, in writing, prior to serving the victim with a digitized copy.

5.7.4. If the victim elects to receive the ROT, obtain a signed record of receipt from the victim(s) upon delivery, and place it in the ROT as shown in the example on the *Virtual*

Military Justice Deskbook. A suggested receipt of record may be found on the *Virtual Military Justice Deskbook*.

5.7.5. The copy of the ROT provided to the victim shall not contain classified materials, controlled materials, sealed materials, sealed hearings, closed hearings, and sexually explicit materials. Ensure that all third-party personally identifiable information is redacted in accordance with the Freedom of Information Act and Privacy Act from the copy of the ROT provided to the victim. See Privacy Act of 1974, Exemption (b)(6). The victim's own personal information does not have to be redacted from that victim's copy.

5.7.6. In Person Delivery Impossible. If a copy of the ROT cannot be delivered in-person to the victim, deliver the record to the victim's counsel. **(T-0)** If the victim does not have counsel, send it via certified mail to the victim's last known address. **(T-0)** In either case, trial counsel or the case paralegal must attach a statement to the ROT explaining why it was not served on the victim personally and attach the certified mail receipt or receipt from the victim's counsel. **(T-0)** If a receipt is later received from the victim, forward it to JAJM. **(T-0)**

5.7.7. Minor Victims. If the victim of an offense is a minor at the time of compilation of the ROT, the ROT is served on the non-offending parent, guardian, or Article 6b representative.

5.8. Additional Discretionary Copies.

5.8.1. In addition to the minimum number of copies of the ROT needed as outlined above, the staff judge advocate may authorize additional copies on behalf of the convening authority. For example, an additional copy may be reproduced and distributed to each individual defense counsel.

5.8.2. Additional copies of the ROT may be provided as a digitized ROT.

Chapter 6

TYPES OF REVIEW AND FORWARDING RECORDS OF TRIAL FOR POST-TRIAL REVIEW

6.1. Cases Subject to Review Under Article 66. Article 66 review is required for cases:

6.1.1. In which the sentence, as approved, includes death, dismissal, a punitive discharge, or confinement for 24 months or more unless the accused waives or withdraws their right to appellate review; **(T-0)**

6.1.2. On direct appeal by the accused in cases where the accused was sentenced to confinement for more than six months and less than two years and no death, dismissal, or punitive discharge, pursuant to Article 66(b)(1)(A); **(T-0)**

6.1.3. On appeal by the accused in cases that the government previously filed an appeal pursuant to Article 62; **(T-0)**

6.1.4. On appeal by the accused in cases that The Judge Advocate General has sent the case for review of the sentence under Article 56(d); **(T-0)** or

6.1.5. On application by the accused for review by the court under Article 69(d)(1)(B). **(T-0)**

6.2. Cases Subject to Review Under Article 65.

6.2.1. An Article 65(d) review is required for any GCM or SPCM where the accused waived or withdrew an Article 66 appeal to the Air Force Court of Criminal Appeals, failed to file a timely Article 66 appeal, and any GCM or SPCM not eligible for an Article 66 appeal (i.e., where the confinement was six months or less and no punitive discharge was adjudged).

6.2.2. In cases where the accused is sentenced to a term of confinement that is greater than six months but no more than two years and no punitive discharge or dismissal, and the accused does not file a timely appeal pursuant to Article 66(c)(1)(A), the Article 65(d) review, if any, is completed by a judge advocate assigned to JAJI.

6.2.3. In all other cases, judge advocates assigned to the GCMCA legal office are designated to conduct Article 65 reviews unless all of the judge advocates within that office are disqualified. See R.C.M. 1201(a)-(g). If all attorneys are disqualified, the Staff Judge Advocate shall find an independent substitute reviewer at another Air Force legal office and notify the convening authority of the substitution. **(T-1)**

6.3. Article 69 review is accomplished by JAJI. Such review is required when:

6.3.1. The attorney conducting the Article 64 review recommends corrective action and the convening authority does not take action at least as favorable to the accused as that which is recommended; **(T-0)**

6.3.2. The attorney conducting the Article 65(d) review recommends corrective action; **(T-0)**

6.3.3. The accused petitions The Judge Advocate General for an Article 69 review within one year after the Article 64 or Article 65(d) review is complete; **(T-0)** or

6.3.4. The Judge Advocate General orders review of any cases under this section by the Air Force Court of Criminal Appeals. **Note:** In such cases, JAJM will request two additional copies of the ROT from the convening authority's legal office. **(T-1)**

6.4. Cases Subject to Review Under Article 64.

6.4.1. Summary courts-martial with a finding of guilty must be reviewed by a judge advocate under Article 64. **(T-0)** Forward the original ROT and one copy to the general court-martial convening authority's legal office for review. **(T-1)**

6.5. Forwarding ROTs.

6.5.1. For cases under [paragraph 6.1.1](#), forward the original ROT and two copies to JAJM.

6.5.2. For cases under [paragraph 6.1.2](#), [paragraph 6.1.3](#), [paragraph 6.1.4](#), and [paragraph 6.1.5](#), forward the original ROT and one copy to JAJM.

6.5.3. For cases under [paragraph 6.2](#), forward the original ROT to the entity identified in the applicable paragraph (the servicing GCMCA legal office or JAJI).

6.6. Remands.

6.6.1. Rehearings. In any case remanded for a rehearing on findings, sentence or both, the record of the rehearing must include a verbatim transcript, any exhibits offered by any party, and any orders prepared by the military judge.

6.6.1.1. Forward the original rehearing volumes to include the original ROT volumes organized in accordance with [paragraph 2.4.4](#) to JAJM. Additionally, forward two copies of the rehearing volumes.

6.6.1.2. If a rehearing is found to be impracticable return the original and two copies of any new documents along with the original ROT of trial to JAJM.

6.6.2. Article 66(f)(3) Proceedings. Any proceeding conducted in accordance with Article 66(f)(3) must include a verbatim transcript, any exhibits offered by any party, and any orders prepared by the military judge. Forward the original Article 66(f)(3) volumes to include the original ROT volumes organized in accordance with [paragraph 2.4.4](#) to JAJM. Additionally, forward two copies of the Article 66(f)(3) volumes. See [paragraph 14.10](#) for additional requirements.

6.6.3. New Post-Trial Processing. If a case is remanded for new post-trial processing, forward the new, original, post-trial documents and two copies to JAJM.

6.7. Shipping ROTs. Send ROTs by a method that includes on-line shipment tracking during transit (e.g., USPS Tracking). To minimize unnecessary costs, forwarding ROTs to JAJM by overnight mail is not necessary unless specifically requested.

6.7.1. Ensure the ROT is packaged securely to prevent it from falling apart during shipment. Use of bubble wrap, shrink wrap, or a similar single-piece packing material is recommended. Do not use Styrofoam popcorn, shredded paper, or other loose packing materials unless it is bagged.

6.7.2. Use appropriate size boxes and indicate on the outside of the shipping box if the ROT is split into multiple boxes (e.g., "Box 1 of 2"). Box weight should not exceed twenty pounds. Do not put too many volumes in one box as this may cause the box to tear open during shipment. Secure the box with tape on all sides to prevent the box from tearing open during shipment.

Chapter 7

ABBREVIATED RECORDS OF TRIAL

7.1. ROT Required.

7.1.1. Once a member is arraigned on charges, a ROT must be prepared to document the trial proceedings. **(T-0)**

7.1.2. In certain cases an abbreviated ROT is permissible. An abbreviated ROT requires fewer attachments and allied papers than a standard ROT. See the *ROT and Attachment Assembly Checklist for Full Acquittals, Not Guilty by Reason of Lack of Mental Responsibility, Mistrials, Dismissal of All Charges, or Otherwise Terminated Without Findings Checklist* on the *Virtual Military Justice Deskbook* for additional guidance. A verbatim or summarized transcript may be required even in an abbreviated ROT; see [Chapter 11](#) for further guidance. An abbreviated ROT is permissible for general and special courts-martial that:

7.1.2.1. Result in an acquittal of all charges and specifications;

7.1.2.2. Result in a finding of not guilty of all charges and specifications only by reason of lack of mental responsibility;

7.1.2.3. Are terminated by withdrawal, mistrial, or dismissal before findings; or

7.1.2.4. Are terminated after findings by approval of an administrative discharge in lieu of court-martial.

7.2. Assembly. Prepare abbreviated ROTs in accordance with the template on the *Virtual Military Justice Deskbook*, R.C.M. 1112(b), and the *ROT and Attachment Assembly Checklist for Full Acquittals, Not Guilty by Reason of Lack of Mental Responsibility, Mistrials, Dismissal of All Charges, or Otherwise Terminated Without Findings Checklist* on the *Virtual Military Justice Deskbook*. **(T-0)** Failure to use the checklist may result in errors in ROT assembly that require legal offices to reassemble the ROT.

7.3. Distribution. Distribute copies as listed in [paragraph 5.3](#). **(T-0)**

7.4. Cases Not Arraigned.

7.4.1. If charges are preferred and later dismissed before referral, no ROT is required. Dispose of case documents, to include any Article 32 PHO reports, in accordance with the Air Force Records Information Management System (AFRIMS) Records Disposition Schedule. **(T-1)**

7.4.2. If charges are referred and later dismissed before arraignment, annotate the charge sheet accordingly and serve a copy on the accused and defense counsel. **(T-0)** No ROT is required. Dispose of the case documents, to include any Article 32 PHO reports, in accordance with the AFRIMS Records Disposition Schedule. **(T-1)**

7.5. Retrial on Dismissed Charges. If charges are dismissed after arraignment, and a retrial is expected on the same or amended charge, an abbreviated ROT will be prepared; however, a verbatim transcript of the proceedings to the point of termination is required. Assemble the ROT in accordance with [paragraph 7.2](#), to include the verbatim transcript. Certify this ROT, and serve a copy on the accused and defense counsel. Forward this ROT to JAJM, and attach a copy of it to the ROT created for the second proceeding.

Chapter 8

RECORDS OF TRIAL FOR SUMMARY COURTS-MARTIAL

8.1. DD Form 2329. Use DD Form 2329, *Record of Trial by Summary Court-Martial*, as the ROT in all SCMs. **(T-1)** It should be completed according to DAFI 51-201. Use the DD Form 2329 found on the *Virtual Military Justice Deskbook*. See the *Summary Court-Martial Assembly Checklist* on the *Virtual Military Justice Deskbook* for the list of items to include in a SCM ROT. The completed DD Form 2329, including first indorsement to the DD Form 2329 and action of the convening authority, is considered the record of the trial and is distributed in lieu of a STR or EOJ.

8.2. Certification of the SCM ROT. Before the SCM officer (SCMO) certifies the SCM ROT, the SCMO must coordinate with the base legal office to ensure the DD Form 2329 is prepared correctly and accurately captures all of the requirements listed in R.C.M. 1305(b). **(T-0)** The SCMO certifies the SCM ROT by signing the original DD Form 2329. **(T-0)** See R.C.M. 1305(c). Any discrepancies or errors noted after certification must be reported to the convening authority. **(T-1)**

8.3. Preparing the Record of Trial. The DD Form 2329, along with the first indorsement to the DD Form 2329 and any separate action page is the certified ROT for a SCM. In addition to the certified portion of the record, include allied papers required by the SCM ROT Assembly Checklist, listed on the *Virtual Military Justice Deskbook*. In the original ROT, include the original and three copies of the DD Form 2329, first indorsement, and any separate page action. If a Court Martial Order must be completed, include four copies in the ROT.

8.4. Number of Copies of the SCM ROT. Prepare an original and four copies of the ROT. The remaining copies of the ROT are for the accused, defense counsel, and retention by the base and general court-martial convening authority legal office, as appropriate. Additional copies may be required for victims as provided in [paragraph 8.5.2](#).

8.5. Service of SCM ROT.

8.5.1. Service on the Accused. Once the DD Form 2329 is certified by the SCMO, the legal office must serve a copy on the accused and obtain a receipt. **(T-1)** Once the SCM ROT is assembled after convening authority action, the legal office must serve a copy of the ROT on the accused and obtain a receipt. If a copy of the ROT cannot be delivered in-person to the accused, send it via certified mail to the place of non-local confinement, if the member is confined, or to the member's last known address, if not confined. If a copy of the ROT cannot be delivered in-person to the accused due to unauthorized absence, military exigency, or by the written request of the accused, deliver the record to the defense counsel and obtain a signed receipt. See R.C.M. 1112(e)(2). **(T-0)** In either case, trial counsel or the case paralegal must attach a statement to the ROT explaining why it was not served on the accused personally and attach the certified mail receipt or member's request in place of the accused's receipt. If a receipt is later received from the accused, forward to JAJM. **(T-1)** Ensure all records provided to the accused are redacted in accordance with the Freedom of Information Act and the Privacy Act. **(T-0)** See Privacy Act of 1974, Exemption (b)(6) for further information.

8.5.2. Service on the Victim(s). Follow the procedures outlined in [paragraph 5.7.2](#), [paragraph 5.7.3](#), [paragraph 5.7.4](#), [paragraph 5.7.5](#), and [paragraph 5.7.6](#).

8.6. Forwarding SCM ROT for Post-Trial Review. After the ROT is prepared in accordance with [paragraph 8.3](#), forward the original and one copy of the ROT to the staff judge advocate of the general court-martial convening authority for review under Article 64. The Article 64 review should be annotated on each copy of the DD Form 2329 and the front cover (DD Form 490). Upon completion, the original ROT containing the original DD Form 2329 must be forwarded to JAJM. **(T-1)** Copies of the DD Form 2329 containing the Article 64 review are distributed in accordance with the STR/EOJ Distribution List on the *Virtual Military Justice Deskbook*. Litigated SCMs should have sufficient evidence admitted to enable an Article 64 review (e.g., documentary evidence or a transcription of the proceedings).

8.7. Certificate of Correction. A SCM ROT found to be defective after certification may be corrected to correspond to the actual proceedings. See R.C.M. 1305(e). If a ROT is returned to the convening authority for correction under this rule:

8.7.1. The convening authority should direct the SCMO via written memorandum to correct the ROT.

8.7.2. A certificate of correction is prepared and certified by the SCMO. **(T-1)** After certification, serve the certificate on the trial counsel, defense counsel, and the accused. **(T-0)** See the *Virtual Military Justice Deskbook* for the certificate's format. Attach to each copy of the ROT the convening authority's memorandum directing the correction, the certificate of correction, and the receipts from the trial counsel, defense counsel, accused, and victim to each copy of the ROT. **(T-0)** See R.C.M. 1305(e)(2).

8.7.3. The DD Form 2329 along with the certificate of correction must be re-distributed according to the distribution list.

Chapter 9

CLASSIFIED, CONTROLLED TEST, SEALED, CLOSED, AND SEXUALLY EXPLICIT MATERIALS IN THE RECORD OF TRIAL

9.1. Procedures for Classified Materials. Transcribe classified portions of a ROT on a computer designated for classified use only. **(T-0)** When a ROT contains classified material that cannot be declassified, the ROT, or portions thereof, must be classified, marked, and handled in accordance with R.C.M. 1112(e)(3)(A), 1112(g), and 1113. **(T-0)** Refer to DoDM 5200.01, Vol 2, *DoD Information Security Program: Marking of Information*; and AFMAN 16-1404, Vol 2, *Information Security Program: Marking of Information*. Likewise, court reporters must properly handle and protect court reporter equipment and other media used to compile the ROT. **(T-0)** Consult the unit security manager prior to any proceeding or activity involving classified materials.

9.1.1. Classified Materials. Place all classified materials in a separate volume of the ROT. **(T-0)** Ensure the appropriate classified cover sheet is placed on top of the classified volume. **(T-0)** Insert a cross-reference sheet in the ROT where each exhibit or testimony containing classified information would otherwise be located with an annotation identifying the volume in which these materials are actually located. **(T-1)**

9.1.2. Classified Testimony. Transcribe classified testimony on separate pages and place them in the classified portion of the ROT with the appropriate classification markings. Annotate in the unclassified ROT the place where the classified testimony occurred, the number of pages containing classified information, the classification of those pages, and the fact that they are bound under a separate cover.

9.1.3. The classified volume(s) of the ROT will be the last volume(s) of the original ROT, annotated with the appropriate seal and marked with the appropriate classification level. **(T-1)** Maintain an exact copy at the base legal office in a secure place authorized to store classified information. Do not include classified volume(s) in any other copies of the ROT, including the copy provided to the accused. **(T-0)** Instead, insert a certification in place of the classified information following the guidelines in R.C.M. 1112(e)(3)(A).

9.2. Procedures for Controlled Test Materials. Safeguard and protect controlled test materials from further disclosure or unauthorized access. Controlled test materials include promotion testing materials, professional military education testing materials, and career development course exams. See AFMAN 36-2664, *Personnel Assessment Program*, for a definition and list of controlled test materials.

9.2.1. Label the DD Form 490 for volumes containing controlled test materials and each page containing controlled test materials: “CONTROLLED TEST MATERIAL SPECIAL HANDLING REQUIRED.”

9.2.2. Assemble all controlled test materials in a separate volume of the ROT. **(T-1)** Insert a cross-reference sheet in the ROT where each exhibit or testimony containing controlled test materials would otherwise be located with an annotation identifying the volume in which these materials are actually located.

9.2.3. Place controlled testing materials in a thick, opaque envelope, sealed completely with tape. Annotate the envelope as follows: “CONTROLLED TEST MATERIALS – SPECIAL HANDLING REQUIRED. SEALED PURSUANT TO DAFMAN 51-203, **CHAPTER 9.**”

9.2.4. If the military judge also ordered the controlled test materials to be sealed, add to the annotation: “ORDERED SEALED BY THE MILITARY JUDGE, ROT PAGE(S) [insert page numbers].”

9.2.5. A summarized transcript should address the controlled test materials in a general sense that does not reveal the controlled material. The portion of the verbatim transcript that reveals the controlled testing material should be sealed.

9.2.6. The volume containing the controlled test materials will be the last volume of the original ROT, annotated with the appropriate seal and marked with the appropriate classification level. **(T-0)** Maintain an exact copy at the base legal office in a secure place authorized to store controlled test materials. **(T-0)** Do not include the volume containing controlled test materials in any other copies of the ROT, including the copy provided to the accused. **(T-1)** Instead, insert a certification in place of the controlled test materials following the guidelines in R.C.M. 1112(e)(3)(A)(iii). **(T-0)**

9.2.7. If controlled test materials included in the original ROT are lost in the mail, the sender must notify HQ AFPC Test Management Office and initiate tracking action by the carrier. Ensure controlled test materials included in the ROT are shipped in accordance with [paragraph 6.7](#). **(T-1)**

9.3. Procedures for Sealed Materials. Sealed materials may include testimony, exhibits, and pretrial documents. They typically involve contraband items, such as sexually explicit pictures or matters involving a high privacy interest like medical records. See R.C.M. 1112(e), 1112(g), and 1113.

9.3.1. A summarized transcript should address the sealing action in a general sense that conveys the topic of the sealing and decision of the court rather than the particulars sealed. The portion of the verbatim transcript that reveals the sealed material should also be sealed.

9.3.2. Put matters ordered sealed by the military judge in a thick, opaque envelope, sealed completely with tape. Place each sealed item in a separate envelope. For evidence reviewed *in camera*, annotate on the envelope that the evidence was reviewed *in camera* and whether the evidence was provided to all parties. **(T-1)** Annotate the envelope as follows:

U.S. v. JOHN H. DOE

SEALED MATTER – SPECIAL HANDLING REQUIRED

SEALED BY MILITARY JUDGE

(Trial Transcript, pages 48-50) or (Victim Medical Records), etc.

[Exhibit Label (See [paragraph 2.3](#))]

9.3.3. Put sealed materials in the place where they would normally go in the ROT if not sealed. A separate volume for sealed materials is not required except as provided in [paragraph 9.3.5](#). Each sealed portion of the transcript or exhibit shall be placed in a separate envelope. **(T-1)**

9.3.4. Label the DD Form 490 for volumes containing sealed materials and each page containing sealed materials as follows: “SEALED MATERIALS - SPECIAL HANDLING REQUIRED.”

9.3.5. If the sealed materials are too bulky to insert in the appropriate place in the ROT, create a separate volume and insert a cross-reference sheet in the ROT stating where the sealed materials are located. An example of a cross-reference sheet is as follows:

SEALED MATERIALS

Appellate Exhibit [insert exhibit number] was ordered sealed by the military judge at ROT page [list the place in the transcript where the judge ordered the material sealed]. It is to remain sealed and opened only by order of a court. Appellate Exhibit [insert exhibit number] is found in Volume [insert volume number].

9.3.6. Include sealed materials in the original ROT and the ROT maintained at the base legal office. Do not include sealed materials in any other copies of the ROT, including those provided to the accused, counsel, or victim(s). Instead, insert a certification in place of the sealed materials following the guidelines in R.C.M. 1112(e)(3)(A)(iii).

9.4. Procedures for Closed Hearing Materials. The term “closed hearing” is defined as a court-martial session that no member of the public is permitted to attend. A court-martial is not “closed” merely because the exclusion of certain individuals results in there being no spectators present. **Note:** Follow procedures in [paragraph 9.3](#) for closed hearings that are sealed by the military judge.

9.4.1. A summarized transcript should address the closing action and the military judge’s findings supporting the closure.

9.4.2. Put closed hearing materials in the place where they would normally go in the ROT.

9.4.3. Include closed hearing materials in the original ROT and the ROT maintained at the base legal office.

9.5. Procedures for Sexually Explicit Materials. If a ROT contains sexually explicit materials that were not ordered sealed by the military judge, the following guidelines apply:

9.5.1. Remove these items from any copies of the ROT provided to the accused or victim(s). **(T-1).** In place of the sexually explicit materials, insert a certificate stating the materials were removed due to their sexually explicit content and that the original ROT, which includes the materials, may be inspected at JAJM.

9.5.2. Include the sexually explicit materials in the original ROT, each copy of the ROT forwarded to JAJM, and the copy of the ROT maintained in the base legal office. Place the materials in their normal place in the ROT, but in an opaque envelope or envelopes, in the event the sexually explicit materials are too bulky to be contained in one envelope. In the event multiple envelopes are required, each one should be annotated as “Envelope 1 of 3, Envelope 2 of 3, etc.” Each opaque envelope must also contain the following label: “WARNING: SEXUALLY EXPLICIT MATERIALS ENCLOSED – NOT ORDERED SEALED BY THE COURT.” **(T-1)**

Chapter 10

DISPOSITION OF EVIDENCE MAINTAINED BY LEGAL OFFICES

10.1. Exhibits Maintained by Legal Offices. Court-martial evidence maintained by the legal office may be destroyed one year after final appellate review is complete and the approved sentence becomes final. For additional rules regarding the retention of military criminal investigative files and retention and return of personal property in sexual assault cases see DoDI 5505.18, *Investigation of Adult Sexual Assault in the Department of Defense*.

10.2. Return of Property. Property involved in a court-martial will not be returned, if applicable, to the person from whom it was received or otherwise belongs, until after final appellate review is complete and the approved sentence becomes final. However, see DoDI 5505.18, for exceptions. Return all property involved in courts-martial or investigations as soon as possible after final appellate review, unless ownership is contested or the property is contraband. An owner, including the accused, does not lose ownership or the right to possession of property used as evidence in a court-martial. If property that is made part of the ROT cannot be returned to the owner before completion of appellate review, then attach a letter to the ROT from the base-level staff judge advocate, through the general court-martial convening authority staff judge advocate, to JAJM. The letter should request the return of the property to the command concerned or directly to the specified person(s) after the sentence becomes final.

10.3. Contraband. Contraband (generally defined as property clearly made subject to confiscation or forfeiture by a U.S. statute or a state or foreign law) will be destroyed by the appropriate evidence custodian, subject to the limitations discussed in [paragraph 10.1](#) and [paragraph 10.2](#) above. For contraband material attach a certificate of destruction, in the format provided by the evidence custodian, to the ROT.

10.4. Conflicting Ownership Claims. A court-martial cannot adjudicate title to property. Where more than one person claims the property, the base-level staff judge advocate should attempt to resolve the matter while acting as the temporary custodian. If the claimants cannot come to a resolution, the staff judge advocate should convey the Air Force's position in the matter and suggest the claimants seek a remedy in civil court. The staff judge advocate will dispose of the property according to the ruling of the appropriate civil court.

Chapter 11

COURT-MARTIAL TRANSCRIPTS

11.1. Verbatim and Summarized Transcripts. Each GCM and SPCM requires either a verbatim or summarized transcript of the proceedings. **(T-0)** Transcripts are not part of the ROT, but are included as an attachment for Article 66 review or as an allied paper for all other cases. **(T-0)** See R.C.M. 1112(f)(8).

11.1.1. Verbatim transcripts are required in all of the following scenarios:

11.1.1.1. When the sentence includes death, dismissal, a punitive discharge, or confinement for more than six months. **(T-0)**

11.1.1.2. Findings include not guilty by reason of lack of mental capacity. **(T-1)**

11.1.1.3. When charges are dismissed after arraignment, and a retrial is expected on the same or amended charge. **(T-1)**

11.1.1.4. When otherwise required by court rule, court order, regulation, or statute. **(T-0)**

11.1.1.5. At the request of the SJA for the convening authority. **(T-1)**

11.1.2. In all other cases, a summarized transcript may be prepared, but a verbatim transcript is permissible.

11.1.3. See the *Virtual Military Justice Deskbook* for sample transcript language for common court-martial scenarios.

11.2. Required Format. Court reporters must use the following formatting for both verbatim and summarized transcripts. **(T-1)** Court reporters must refer to the JAT Court Reporter Handbook for further guidance, such as the number of permissible lines per page. **(T-1)**

11.2.1. Paper. Use 15-pound bond or other high-quality 8 ½ by 11-inch paper. Redlined margins and other legal formats, such as numbered lines, are acceptable.

11.2.2. Margins. Leave a margin of 1 ½ inches, or more as necessary, on the top of each page to permit binding. Leave a one-inch margin on the bottom and the left and right sides of each page.

11.2.3. Font. Use 12-point Courier New or Times New Roman fonts.

11.2.4. Neither cursive nor italics should be used except when appropriate (e.g., citations).

11.2.5. Bold type.

11.2.5.1. Use to identify various stages of the proceedings (e.g., Article 39(a) Session, Direct Examination, Pleas, Findings, Sentence).

11.2.5.2. Use to identify the transition for questions being asked by trial counsel, defense counsel or the military judge.

11.2.5.3. Use for initial identification of the accused, judge, counsel, court members, court reporter, and in the introductory preface to identify each witness. Type the complete name, including rank or other title, in bold. In the introductory preface identifying witnesses, type the name of the witness and the entire introductory clause in bold.

11.2.5.4. Do not use to identify names at other locations in the ROT, including names of individuals referenced during the proceedings but not participating in the trial.

11.2.6. Page Breaks and Line Spacing.

11.2.6.1. Begin each session of court, as well as each Article 39(a) session, on a new page, separate from the other transcribed proceedings. The court reporter should note the time and date of the beginning and ending of each session of the court during the trial, including the opening and closing of the court-martial.

11.2.6.2. Double-space text except for the pleas, findings, and sentence, which should be single-spaced, indented, and in bold print. Individual elements of offenses in guilty plea inquiries may be single-spaced, but double-space between elements of separate offenses.

11.2.7. Justification. Use left justification only, with the exception of pleas, findings, sentence, and elements of offenses in guilty plea inquiries, which may be justified both left and right.

11.2.7.1. For witness testimony, indent five spaces from the left margin and type the appropriate prefix to indicate the identity of the speaker followed by a colon and two spaces. Also, indent five spaces from the left margin when typing the appropriate “Q” or “A” prefix followed by a period and two spaces.

11.2.7.2. If a speaker’s testimony consists of two or more continuous, uninterrupted paragraphs, the subsequent paragraph(s) should be 10 spaces from the left margin but do not require insertion of the speaker’s name or the “Q” and “A” prefix.

11.2.8. Punctuation Marks. Do not use exclamation marks. Dashes or hyphens may be used where the speaker changes thought or subject, where one participant interrupts another, or where other punctuation is not appropriate. Use periods at the end of complete thoughts to avoid lengthy sentences. See the Government Printing Office Style Manual for punctuation.

11.2.9. Spelling. Avoid phonetic spelling. Obtain correct spelling from counsel or the witness.

11.2.10. Numbering Pages. Number all pages consecutively, beginning with “1.” Center the page number and place it 3/4 inch from the bottom.

11.2.10.1. If additional pages must be inserted later, use the preceding page number plus a decimal and an Arabic number (e.g., “19.1”). In addition, annotate the bottom of the preceding page to reflect the following inserted page (e.g., “next page 19.1”), and annotate the return to consecutive numbering at the bottom of the last inserted page (e.g., “next page 20”). If a page number is omitted, but no page is actually missing from the transcript, note the missing page number at the bottom of the page preceding the missing page number (e.g., “there is no page 22; next page 23”). The last numbered page is the adjournment of the court. This is the number of pages entered in Automated Military Justice Administration and Management System on the ROT Authentication Tab. Do not number the certification page or convening authority’s action.

11.2.10.2. Type at the bottom of page 1 the Special Order numbers, dates for the convening orders, the JAT Confirmation Memorandum. For example, “The convening orders, Special Order ____, dated ____ and Special Order ____, dated ____, and the Charge Sheet, dated

xxx, are included in the certified ROT. The JAT Confirmation memo, dated XXX and Change of Judge memo, dated XXX are located with the transcript in the ROT.”

11.3. Electronic Trial Transcripts. Before forwarding a ROT to JAJM, ensure the certified transcript and the examination page(s) are uploaded to WebDocs as a searchable PDF file. Place it into the folder that corresponds to the calendar year when the case was tried. Do not upload classified materials, controlled materials, sealed materials, sealed hearings, closed hearings, and sexually explicit materials. **(T-0)**

11.3.1. Do not scan the printed trial transcript into a PDF document. **(T-1)**

11.3.2. Electronic trial transcripts uploaded to WebDocs will be named by year, base, and case name (e.g., “2021-Barksdale-A1C John Doe”) so appellate personnel may locate the files. **(T-1)**

11.3.3. Personnel who use the electronic trial transcript as an aid to their official duties should check its contents against the certified ROT, which is the only official Air Force record of proceedings.

11.4. Disposition. Refer to the Air Force Records Disposition Schedule in the AFRIMS for ROT disposition instructions.

11.5. Oaths to Military Judges, Court Members, Counsel, Court Reporters, Interpreters, and Witnesses. It is not necessary to record oaths verbatim. Record only that the individual took an oath or affirmation by stating that the individual was sworn. For those persons previously sworn, indicate in the transcript that they were previously sworn.

11.6. Court-Martial Sessions. At the beginning and end of each day, annotate all openings and closings of court-martial sessions with dates and times.

11.7. Reconvening. Every time the court-martial is called to order, the record must reflect whether all parties and members who were previously present are still present. Those portions of the proceedings in which the military judge calls the court-martial to order and the trial counsel states all parties to the trial are present may be transcribed verbatim or summarized.

11.8. Summary Courts-Martial. A transcript is not required for summary courts-martial. See R.C.M. 1305.

11.9. Article 30a Pre-Referral Hearings. Court reporters detailed to record and transcribe Article 30a hearings must promptly transcribe Article 30a hearings and prepare a separate record of the proceeding. **(T-1)** Such record will include a verbatim transcript, any exhibits offered by any party, and any orders prepared by the military judge. **(T-1)** The legal office will forward the record to the appropriate authority, as outlined in R.C.M. 309(e). **(T-0)**

11.10. Retrial on Dismissed Charges. If charges are dismissed after arraignment, and a retrial is expected on the same or amended charge, prepare a verbatim transcript for the current proceedings to the point of termination.

11.11. Article 66(f)(3) Proceedings. Any proceeding conducted in accordance with remand or rehearing in accordance with Article 66(f)(3) see [paragraph 6.6](#).

11.12. Rehearings. In any case in which there is a rehearing on findings that results in a finding of guilty on any offense or a rehearing on sentence only, the record must include a verbatim transcript, any exhibits offered by any party, and any orders prepared by the military judge.

Chapter 12

VERBATIM TRANSCRIPTS

12.1. Generally. The guidance in this chapter applies to verbatim transcripts only and should be read in conjunction with the guidance in [Chapter 11](#).

12.2. Stricken Portion. When a trial participant uses the phrase “strike that,” transcribe all of the remarks, including the instructions to “strike” part of it. For example:

Q: Mr. Black, did you know it was Mr. Blue who--strike that--did you know it was Mr. Brown who made that statement?

12.3. Testimony Through an Interpreter. In cases involving a witness speaking through an interpreter, transcribe the testimony as if the translation came directly from the witness, except when the interpreter makes a comment clearly not coming from the witness. For example:

Q. How long have you been acquainted with Frau Kugler?

A. Three years.

Q. What day does Frau Kugler bring in the company receipts for accounting purposes?

A. Donnerstag.

DC: Objection, the interpreter should use only English in her translation.

INT: Excuse me, I mean Thursday.

12.4. Non-Response by a Witness. Annotate non-responses in the following manner:

Q. Then there is a doubt in your mind?

[No response.]

12.5. Non-Verbal Responses and Gestures. Some gestures by counsel or witnesses may be essential to the meaning of oral testimony. For example, a statement by a witness, “He hit me here,” or “I was about this far,” does not provide an adequate basis for reviewing authorities to determine what happened at trial. Counsel and the military judge are primarily responsible for orally describing gestures. If they fail to do so, the court reporter should include a general, factual description, e.g., “He tried to bite me here [witness pointed to the right side of her neck]” or “It was about this far apart [witness held her hands approximately 18 inches apart].” Do not include an opinion or conclusion in the description. **(T-1).** Descriptions, such as, “The witness appeared surprised,” or “She said in a loud, husky voice,” are improper.

12.6. Transcribing Quotes into the Record. When legal references and other materials not being offered into evidence or marked for identification are read, place quotation marks around the reading in the transcript. Include the correct spelling and citation of the material. Lengthy material may be offered as an appellate exhibit.

12.7. Court Reporter Reads the Record. If the military judge directs the court reporter to read a portion of the record or replay a portion of the recorded session, transcribe it as follows: “The court reporter read the portion of the proceedings between page ___, line, ___ and page ___, line ___, at the direction of the military judge.”

12.8. Video or Audio Recordings. Transcribe verbatim audio or video recordings introduced at trial. It is the responsibility of the party offering the recording to prepare a summary of the scene

and action depicted for the transcript. Attach the media (e.g., audio disc) of the recording that was introduced at trial, unless sealed, to all copies of the record.

12.9. Other Magnetic or Digital Media. If evidence consisting of the contents of other magnetic or digital media (e.g., tapes of any kind, CDs, DVDs, cellular phones, computer hard drives, thumb drives, removable media, or any other recording device) is introduced at trial, create a verbatim transcript of the material introduced and/or played before the court. Attach the medium offered at trial and the summary to the original ROT as an exhibit. The military judge may authorize substitution of exact copies of the contents of large media, such as the contents of a hard drive. Attach copies of all media made part of the original ROT to all copies of the ROT unless sealed.

12.10. Instructions. Court reporters must transcribe the full text of instructions given by the military judge to court members. Parenthetical entries, such as “[The military judge read Appellate Exhibit I to the court.]” are not adequate.

12.11. Insubstantial Omissions. Insubstantial statements (e.g., “um” or “ah”) are not required in a verbatim transcript. However, include them where omission of such statements would create confusion in the record. **(T-1)**

Chapter 13

SUMMARIZED TRANSCRIPTS

13.1. Generally. This chapter on summarized transcripts should be read in conjunction with the guidance in [Chapter 11](#). A summarized transcript must accurately reflect the substance of all the proceedings and must be sufficiently detailed and complete to permit resolution of any contested factual or legal issue upon review.

13.2. Article 39(a) Sessions. Include a more detailed summary of Article 39(a) sessions held to discuss instructions for findings. If instructions are altered between what is agreed to during the Article 39(a) session and the actual delivery to members, note that in a summary.

13.3. Verbatim Portions. The following portions of a summarized transcript must be verbatim:

13.3.1. Findings on the jurisdiction, if any;

13.3.2. Findings;

13.3.3. Sentence; and

13.3.4. Any other verbatim portions requested by reviewers, including the military judge, the staff judge advocate advising the convening authority who convened the court-martial or any superior convening authority, or the staff judge advocate responsible for detailing any trial counsel.

13.4. Video or Audio Recordings. When an audio or video recording is introduced at trial, the transcript may include a verbatim transcript of the material played before the court, or, at the discretion of the military judge, the recorded material may be summarized. It is the responsibility of the party offering the recording to prepare a summary of the scene and action depicted for the transcript. Attach the medium (e.g., disc) of the recording that was introduced at trial, unless sealed, to all copies of the record.

13.5. Other Magnetic or Digital Media. If evidence consisting of the contents of other magnetic or digital media (e.g., tapes of any kind, CDs, DVDs, cellular phones, computer hard drives, or any other recording device) is introduced at trial, create a summarized transcript of the material introduced and/or played before the court. In addition, it is the responsibility of the party offering the medium to prepare or offer a summary of the contents offered into evidence for the ROT. Attach the medium offered at trial and the summary to the original ROT as an exhibit. The military judge may authorize substitution of exact copies of the contents of large media, such as the contents of a hard drive. Attach copies of all media made part of the original ROT to all of the copies of the ROT unless sealed.

13.6. Summarized Voir Dire. Summarize the individual voir dire of a court member whose challenge for cause was denied by a military judge.

13.7. Miscellaneous Examples for Summarized Transcripts. The following are examples of standard parts of trial used in summarized transcripts. These are examples only and the court reporter should take care to summarize what actually took place in the court-martial being transcribed and not substitute these examples.

13.7.1. Explanation of Stipulation of Fact to the Accused.

The military judge explained to the accused and ascertained that the accused understood the meaning and effect of the Stipulation of Fact, Prosecution Exhibit ____ for ID, and that the accused consented to its use as evidence by the court. The military judge further stated that the Stipulation of Fact would be used to determine the providence of the guilty plea. Prosecution Exhibit ____ for ID was admitted into evidence, subject to the acceptance of the guilty plea.

13.7.2. Post-Trial and Appellate Rights.

The military judge advised the accused of their post-trial and appellate rights. Appellate Exhibit ____ was provided by the defense counsel. It consisted of written advice, signed by the accused and defense counsel advising the accused of their post-trial and appellate rights.

13.7.3. Stipulation of Expected Testimony.

The Stipulation of Expected Testimony was marked as Appellate Exhibit _____. The military judge explained to the accused and ascertained that the accused understood the meaning and effect of the Stipulation of Expected Testimony. The accused consented to the use of the Stipulation of Expected Testimony.

13.7.4. Accused's Request that Defense Counsel Argue for a Bad Conduct Discharge.

Appellate Exhibit ____ was marked and provided to the military judge. The military judge explained to the accused and ascertained that the accused understood the meaning and effect of the request that the accused's counsel argue for a bad conduct discharge. After extensive questioning of the accused, the military judge found that the accused made a knowing and intelligent decision to have the defense counsel argue for a bad conduct discharge. The military judge granted permission for such an argument.

13.7.5. Plea Agreement.

The military judge ascertained that there was a pretrial agreement in this case. The plea agreement was marked as Appellate Exhibit _____. The military judge inquired into and ensured that the accused fully understood the entire agreement and was satisfied with its terms; that he understood the meaning and effect of the accused's pleas and desired to plead guilty; that the agreement was in substantial compliance with the requirements of the applicable regulations and law; that it was not contrary to public policy and the military judge's notion of fairness; and that the parties agreed to its terms.

13.7.6. Acceptance of a Guilty Plea.

The military judge announced that each guilty plea of the accused was found to have been voluntarily made with the full knowledge of its meaning and effect and, specifically, that the accused knowingly and consciously waived the rights against self-incrimination, to a trial of the facts by a court-martial, and to be confronted by and to cross-examine the witnesses against him. The military judge found the pleas of guilty to be voluntary and that they had an adequate factual basis. The military judge accepted the guilty pleas.

13.7.7. Sentence Limitation of a Plea Agreement.

The military judge examined Appellate Exhibit _____. Thereafter, the military judge stated that he found Appellate Exhibit ____ to comply with public policy and the law; that it was not ambiguous in its terms; and that it did not deny the accused the right to due process.

Chapter 14

DUTIES AND RESPONSIBILITIES OF THE COURT REPORTER

14.1. Generally. The primary duties of the court reporter are: 1) to record verbatim all sessions of any proceeding to which he or she is assigned, 2) to travel in support of any judicial and administrative proceedings, and 3) with the coordination/assistance of the case trial paralegal, assemble ROTs; Article 30a pre-referral proceedings; Article 32 preliminary hearings; Article 66(f)(3) hearings; contingency confinement hearings; proceedings in revision; courts of inquiry; and other proceedings as required. The staff judge advocate will detail a court reporter for every general and special courts-martial. **(T-1)** The staff judge advocate may consider recording any litigated summary courts-martial to assist with the Article 64(a) review.

14.2. Definitions. Court reporters are defined as follows:

14.2.1. **Civilian Court Reporters.** A civilian court reporter is an individual who has obtained sufficient knowledge, education, experience, or technical training. Civilian court reporters are directly supervised at wing level, but may be assigned travel and transcription duties as needed when their approved docketing calendar indicates they have time available.

14.2.2. **Enlisted Court Reporters.** An enlisted court reporter is an internal, special duty military paralegal that performs nearly the same duties as a civilian court reporter, but does so under the guidance and direction of the Air Force Trial Judiciary (AF/JAT). Enlisted court reporters are the primary court reporters to travel to deployed locations for courts and hearings. Enlisted court reporters are centrally managed and supervised by AF/JAT.

14.3. Neutrality of the Court Reporter. The court reporter is to remain neutral in any proceedings to which assigned. The court reporter should refrain from expressing personal opinions about the case before, during, or after trial. Court reporters may not share information received from one party to another party in any proceeding to which the court reporter is assigned.

14.4. Court Reporter Recesses. The court reporter should inform the military judge if feeling ill or fatigued so either a recess or a replacement court reporter, as appropriate, may be arranged.

14.5. Interruption of Proceedings. When anything interferes with the court reporter's ability to record the proceeding verbatim (e.g., the court reporter is unable to hear the person speaking or the recording equipment is malfunctioning), the court reporter must bring this to the attention of the military judge immediately. **(T-1)** The court reporter must check the equipment periodically to ensure it is functioning properly and to prevent foreseeable malfunctions (e.g., battery life, etc.). **(T-1)**

14.6. Recording Administrative Proceedings. Court reporters may be assigned to record or transcribe the following administrative proceedings: Administrative Discharge Boards, Flying Evaluation Boards, Medical Evaluation Boards, Command Directed Investigations, Accident Investigation Boards, Safety Investigation Boards, Board of Inquiries, and all other similar proceedings.

14.7. Recording Other Judicial Proceedings.

14.7.1. In addition to courts-martial proceedings, court reporters may be assigned to record and transcribe depositions, Article 30a pre-referral proceedings, Article 32 preliminary

hearings, Article 66(f)(3) hearings, contingency confinement hearings, and courts of inquiry, as well as other judicial proceedings.

14.7.2. Record of Pre-Referral Proceedings. All hearings conducted pursuant to Article 30a must be recorded verbatim. **(T-1)** For recording purposes, follow the procedures used for recording an Article 32 preliminary hearing. The court reporter must prepare a separate record of the proceeding. **(T-1)** Such record will include a verbatim transcript, any submissions and exhibits offered by any party, and any orders prepared by the military judge. **(T-1)**

14.8. Depositions.

14.8.1. Recording and Transcribing a Deposition. A court reporter appointed for a deposition will record and transcribe the deposition verbatim. **(T-0)** The court reporter will note the opening and closing times and dates as well as the times and dates of any recesses or adjournments. **(T-1)** The format for transcribing depositions is on the *Virtual Military Justice Deskbook*.

14.8.2. Oral Depositions. The deposed witness need not sign the deposition. The deposition officer will authenticate the deposition **(T-0)** and the court reporter will attest to it. **(T-1)** The format for the court reporter's certificate is on the *Virtual Military Justice Deskbook*.

14.8.3. Written Depositions. Depositions taken on written interrogatories are recorded and authenticated in the manner provided by DD Form 456, *Interrogatories and Depositions*, and R.C.M. 702.

14.8.4. Deposition Exhibits. The court reporter should mark deposition exhibits in the lower right corner of the exhibit using Arabic numerals as "Deposition Exhibit 1, 2, etc."

14.9. Pre-Trial Hearings.

14.9.1. Article 30a Pre-referral Proceedings. Court reporters may be assigned to Article 30a pre-referral proceedings. If assigned, court reporters shall properly record and transcribe any hearing, and prepare a record of proceedings. **(T-1)**

14.9.2. Article 32 Preliminary Hearings. Court reporters may be assigned to Article 32 preliminary hearings to assist trial counsel in ensuring the hearing is properly recorded. The format for summarized testimony in an Article 32 hearing is on the *Virtual Military Justice Deskbook*.

14.10. Article 66(f)(3) Hearings. An Article 66(f)(3) hearing is a post-trial session ordered by an appellate court for the limited purpose of obtaining further evidence on a matter under consideration.

14.10.1. Recording an Article 66(f)(3) Hearing. The court reporter will record these proceedings verbatim unless otherwise directed. **(T-1)**

14.10.2. Transcribing an Article 66(f)(3) Hearing. In transcribing the proceedings, the court reporter will use the same format used for courts-martial. **(T-1)** The court reporter should mark exhibits in the lower right corner of the exhibit using Arabic numerals as "Hearing Exhibit 1, 2, etc."

14.10.3. Certifying an Article 66(f)(3) Hearing. The court reporter certifies the transcript of an Article 66(f)(3) hearing.

14.10.4. Using Contents of the ROT in an Article 66(f)(3) Hearing. If documents are removed from the original ROT and used in the hearing, place a blank sheet of paper in the ROT where the document was located and annotate where the document has been relocated.

14.11. Contingent Confinement Hearings.

14.11.1. Transcribing a Contingent Confinement Hearing. The proceedings may be summarized unless the convening authority directs a verbatim transcript. Transcribe the military judge's statement of evidence and findings verbatim if done on the record. If the military judge completes a written statement of evidence and findings, attach the statement to the record as a hearing exhibit. The format for the transcript is the same as for courts-martial.

14.11.2. Certifying a Contingent Confinement Hearing. Prepare an authentication sheet for the military judge similar to the authentication sheet used in ROTs, substituting "Record of Trial" with "Contingent Confinement Hearing." Once authenticated, the court reporter will include the authentication sheet in the record of trial. **(T-1)**

14.12. Courts of Inquiry.

14.12.1. Transcribing a Court of Inquiry. Prepare a verbatim transcript of the proceedings that will be authenticated by the president and legal advisor to the court.

14.12.2. Exhibits. The court reporter should mark exhibits in the lower right corner. Exhibits offered by the court are marked using Roman numerals (e.g., "Court Exhibit I, II, etc."). Exhibits offered by the respondent are marked alphabetically (e.g., "Respondent's Exhibit A, B, etc."). The court reporter will prepare and attach to the record a cover sheet similar to the DD Form 490 as well as an index and list of exhibits. **(T-1)**

14.13. Court Reporter Certification.

14.13.1. Any court reporter detailed to the proceeding must certify that portion of the transcript which corresponds to the portion of the hearing to which they were assigned and present. Even when the record is transcribed by another court reporter, the court reporter present during the proceeding will review the record for accuracy and sign a certification to be inserted in the record after the court reporter chronology. **(T-1)**

14.13.2. The court reporter is responsible for certifying the contents of the ROT in accordance with R.C.M. 1112(c). **(T-0)**. See also [paragraph 3.4.2](#) and [paragraph 3.4.3](#). A template certification memorandum is on the *Virtual Military Justice Deskbook*.

14.14. Timeliness Goals. The time required to transcribe a record varies depending on a number of factors including the complexity of the case, the effectiveness of the court reporter's equipment, the quality of the court reporter's notes taken during trial, and the court reporter's familiarity with the equipment and software. As a general guideline, one hour of in-court proceedings should take no more than five hours to transcribe and, in more complex cases, no more than seven hours to transcribe. AF/JAT should suspense transcription assistance as follows: one hour of audio should be allocated one duty day to transcribe. In calculating in-court time, FTR Gold™ is capable of indicating the exact length of audio recorded each day.

14.15. Court-Martial Exhibits. Court reporters shall account for all of the exhibits at the close of each hearing and trial session, and handle them consistent with applicable privacy and security guidelines. **(T-1)** Court reporters shall notify the military judge regarding any anomalies (e.g., misnumbered or duplicate exhibits) in the numbering of exhibits. **(T-1)** If at a temporary duty

(TDY) location, do not return to a home station with any original trial exhibits. Court reporters are permitted to travel to their home station with copies of exhibits if necessary, provided they abide by applicable privacy and security guidelines.

14.16. Safeguarding Recordings, Exhibits, and Evidence. Court reporters must safeguard their equipment and evidence during recesses and while preparing the record of trial. **(T-1)** During recesses and overnight adjournments, court reporters should keep all recordings, transcriptions, and evidence provided to them in a locked drawer or cabinet when not under their direct observation. Classified evidence must be stored and secured in an authorized location. **(T-0)**

14.16.1. Court reporters should follow these security measures until the ROT is authenticated and delivered to the appropriate parties.

14.16.2. If a recording, transcription, exhibit, or evidence is lost or missing, the court reporter will immediately notify the military judge, trial counsel, and the staff judge advocate. **(T-1)** The staff judge advocate will, in turn, make any additionally required notifications (e.g., notifying HQ AFPC Test Management Office if controlled test materials are lost). **(T-1)**

14.17. Centralized Court Reporter Management. AF/JAT centrally manages the court reporter program, and is the single point of contact for all requests for transcription assistance and court reporter support. AF/JAT has direct interaction with the wing, numbered air force and major command personnel in the scheduling of each court reporter. Effective upon completion of all required union notifications, and in accordance with the Position Descriptions that require travel as part of the court reporter's duties, the AF/JAT management authority will include authority to task court reporters for travel.

14.17.1. Decision Authority. The Chief Trial Judge is responsible for all policies pertaining to court reporters and the overall management of the court reporter program. Decisions regarding TDY or transcription support are based on the Air Force's worldwide mission, workload, and the best interests of the Air Force. Decisions of the Chief Trial Judge are considered final.

14.17.2. Court Reporter Manager. The Court Reporter Manager, in coordination with the Central Docketing Office and based upon schedules posted in the docketing calendar, will detail court reporters to travel, record, or transcribe proceedings; maintain and monitor a secure webpage for the exchange of electronic files of proceedings; and determine the priority of transcription and travel as needed.

14.17.3. Court Reporter Detailing. The Court Reporter Manager may approve or deny a release request from a tasking, with the concurrence of the Chief or Deputy Chief Trial Judge.

14.17.4. Central Tasking Authority Prioritization. The Air Force Trial Judiciary will detail court reporters in the following order of priority:

14.17.4.1. Priority 1 – Court reporters will be detailed to referred courts-martial and hearings at the installation to which they are assigned.

14.17.4.2. Priority 2 – Enlisted court reporters will be detailed outside their assigned installation upon consideration by the Court Reporter Manager of the following factors, to include, but not limited to: availability, recent travel, workload, and travel costs.

14.17.4.3. Priority 3 – Volunteer court reporters will be detailed outside their assigned installation upon consideration by the Court Reporter Manager of the following factors, to include, but not limited to: availability, recent travel, workload, and travel costs.

14.17.4.4. Priority 4 – Civilian court reporters within the circuit of the office requesting travel will be detailed upon consideration by the Court Reporter Manager of the following factors, to include, but not limited to: availability, recent travel, workload, and travel costs.

14.17.4.5. Priority 5 – Civilian court reporters outside the circuit of the office requesting travel will be detailed upon consideration by the Court Reporter Manager of the following factors, to include, but not limited to: availability, recent travel, workload, and travel costs.

14.18. Processing a Request for Court Reporter Trial Assistance. All court reporter trial assistance requests, to include requests for the on-installation court reporter, should be submitted in accordance with the instructions on the AF/JAT Knowledge Management site.

14.18.1. AF/JAT prioritizes travel requests in line with all other requests. AF/JAT will review the docketing calendar and determine who is available for the requested date. AF/JAT will attempt to solicit volunteers; however, AF/JAT may assign a court reporter without first soliciting volunteers.

14.18.2. Once AF/JAT confirms with the court reporter that their docketing calendar is accurate, AF/JAT will notify the court reporter of the assignment via email. AF/JAT should also notify the requester, the requesting base office's leadership, and the court reporter's home-station leadership.

14.18.3. Calendar Updates. The Court Reporter Manager will update the SharePoint™ Centralized Court Reporter Management website upon issuing a court reporter the assignment. The assigned court reporter should ensure their docketing calendar reflects the assignment.

14.18.4. Travel Arrangements. The assigned court reporter will coordinate with the requesting base's law office superintendent, the requesting point of contact, and the appropriate military justice personnel on the travel details. **(T-3)** The requester shall complete cross organization to assign the necessary travel funds in the Defense Travel System within 72 hours of official detailing by the Court Reporter Manager. **(T-1)** AF/JAT will not maintain information for the traveler's requirements and is not the point of contact for Defense Travel System setup or issues.

14.18.5. Overtime During TDY Assignment. When the need for overtime work during TDY assignments is known in advance, the requesting staff judge advocate should note this at the time of the travel request, or as soon as practicable. In such cases, the requesting staff judge advocate is responsible for paying the overtime.

14.18.6. Requesting Release from TDY Assignment.

14.18.6.1. A request for release from a TDY assignment has significant potential to negatively impact the overall court reporter management process. To minimize any scheduling or assignment conflicts, court reporters should keep their docketing calendars current at all times.

14.18.6.2. Process for Requesting Release. The court reporter must submit any request for release from TDY travel in writing. **(T-1)** Release requires approval from the court reporter's major command staff judge advocate and the AF/JAT Chief Trial Judge. A court

reporter is responsible for the TDY assignment until approved for release by the Chief Trial Judge or delegate. The Court Reporter Manager will track all requests for release, whether approved or disapproved, in SharePoint™ for reporting purposes.

14.19. Processing a Request for Court Reporter Transcription Assistance. In many cases, transcription assistance can be accomplished at a court reporter's home station unless a requester articulates a specific need for the court reporter to travel. All court reporter transcription assistance requests should be submitted in accordance with the guidance on the AF/JAT Knowledge Management site.

14.19.1. Assignment. AF/JAT prioritizes transcription requests in line with all other requests. AF/JAT will make the assignment as soon as practicable after verifying that a court reporter is available to support the request. AF/JAT will notify the court reporter of the assignment via email. AF/JAT should also notify the requester, the requesting base office's leadership, and the assigned court reporter's leadership.

14.19.2. Calendar Updates. The Court Reporter Manager will update the SharePoint™ Centralized Court Reporter Management website upon issuing a court reporter the assignment. The assigned court reporter should ensure their docketing calendar reflects the assignment.

14.19.3. Suspense Date and Extensions. AF/JAT will provide the assigned court reporter a suspense date to complete the assignment. Generally, a reporter will be allotted one duty day for every one hour of audio to complete the transcription. If the assigned court reporter is unable to meet the suspense date, the staff judge advocate of the assigned court reporter and the staff judge advocate responsible for the proceedings to be transcribed will coordinate any necessary extensions. **(T-3)** AF/JAT will not directly negotiate or approve extensions.

14.19.4. Providing the Audio for Transcription. The legal office responsible for the proceeding to be transcribed will ensure the audio and any accompanying files is uploaded and available to the assigned court reporter. **(T-3)** Audio recordings provided for transcription should generally be provided in the authorized FTR Gold™ version with Log Notes completed. If the uploaded audio does not conform to the established requirements or the audio is of poor quality, the court reporter will consult with the Court Reporter Manager. **(T-1)** If the Court Reporter Manager concurs that the transcription cannot reasonably be accomplished, the Court Reporter Manager will return the recording and accompanying files to the requesting point of contact.

14.19.5. Priority. Transcription duties should take priority over all non-court reporting duties assigned to court reporters at the base level. The court reporter will notify the requesting point of contact if the court reporter becomes aware of a new transcription or court reporting requirement that he or she believes should take priority over any assigned transcription. **(T-1)**

14.19.6. Requesting Release from Transcription Assignment.

14.19.6.1. A request for release from a transcription assignment has significant potential to negatively impact the overall court reporter management process. Court reporters shall keep their docketing calendars current at all times. **(T-2)**

14.19.6.2. Process for Requesting Release. The court reporter must submit any request for release from a transcription assignment in writing. **(T-1)** [Figure A4.4](#) provides a

template for a transcription assignment release request. Release requires approval from the court reporter's major command staff judge advocate and the AF/JAT Chief Trial Judge. A court reporter is responsible for the transcription assignment until approved for release by the Chief Trial Judge or delegate. The Court Reporter Manager will track all requests for release, whether approved or disapproved, in SharePoint™ for reporting purposes.

14.20. Overtime. Court proceedings, TDY assignments, transcription services, or other duties may require overtime work. Staff judge advocates are responsible for determining whether their budget allots for overtime pay prior to authorizing overtime work for civilian court reporters. Overtime and compensatory time procedures are governed by law, Air Force regulations, and applicable collective bargaining agreements. Overtime work, whether conducted at the civilian court reporter's duty station or while TDY in connection with a court proceeding, is to be approved in advance. When it is determined by the court that a proceeding will exceed an 8-hour workday, trial counsel or the civilian court reporter should notify the staff judge advocate as soon as practicable so that overtime can be approved. When overtime is approved, the civilian court reporter may choose between accepting overtime pay or compensatory time for overtime work.

14.21. Workload Prioritization.

14.21.1. All assistance requests will be prioritized by AF/JAT. The AF/JAT workload prioritization is based on the needs of the Air Force and available resources. It is subject to change at the discretion of the Court Reporter Manager. Court reporters who are assigned a tasking must notify AF/JAT of any changes or additions to their workload which would delay the completion of assigned tasking. **(T-1)**

14.21.2. AF/JAT will prioritize a request using one of the following general categories:

14.21.2.1. Priority 1 – Courts-martial (for all offenses), Article 30a pre-referral proceedings where there are hearings, and Article 32 preliminary hearings involving an alleged offense under Articles 120, 120b, 120c, or 125, or attempts to commit such an offense in violation of Article 80. These proceedings will ordinarily necessitate a request for travel/TDY support.

14.21.2.2. Priority 2 – Accident Investigation Boards (AIBs). These proceedings will ordinarily necessitate a request for travel/TDY support and transcription.

14.21.2.3. Priority 3 – Discharge boards (travel).

14.21.2.4. Priority 4 – Medical credential hearings and flying evaluation boards (travel).

14.21.2.5. Priority 5 – Courts-martial and Article 32 preliminary hearings involving alleged offenses under Articles 120 and 125 (transcribe).

14.21.2.6. Priority 6 – Discharge boards (transcribe).

14.21.2.7. Priority 7 – Medical credential hearings and flying evaluation boards (transcribe).

14.21.2.8. Priority 8 – All others (labor hearings, Article 66(f)(3) hearings, OSI interviews, etc.).

14.21.2.9. Priority 9 – Sister service support (only if resources are available).

14.22. Judiciary Docketing System (JDS). JDS is the primary means by which AF/JAT determines the availability of court reporters to either travel or assist in transcribing records. SharePoint™ and JDS do not interact with each other, so each court reporter must keep their JDS calendar updated. **(T-1)** Required entries include, but are not limited to, courts-martial, discharge boards, accident investigation boards, transcription, and leave. Court reporters enter all assignments from AF/JAT into the JDS calendar. The Court Reporter Manager may edit assignments in JDS. Staff judge advocates, law office superintendents, and court reporters requiring access to JDS should contact AF/JAT.

JEFFREY A. ROCKWELL
Lieutenant General, USAF
The Judge Advocate General

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

5 USC § 552a, *Records maintained on individuals*

10 USC §§ 801-946, *Uniform Code of Military Justice*

10 USC § 8013, *Secretary of the Air Force*

10 USC § 8037, *Judge Advocate General, Deputy Judge Advocate General: appointment; duties*

Executive Order 9397

Manual for Courts-Martial, United States (2019 edition)

DoDI 5505.18, *Investigation of Adult Sexual Assault in the Department of Defense*, 22 March 2017

DoDM 5200.01, Vol 2, *DoD Information Security Program: Marking of Information*, 24 February 2012

DoDM 5400.07_AFMAN 33-302, *Freedom of Information Program*, 27 April 2018

Department of the Air Force Policy Directive 51-2, *Military Justice and Other Criminal Proceedings*, 17 February 2016

AFMAN 16-1404, Vol 2, *Information Security Program: Marking of Information*, 7 January 2021

DAFI 33-360, *Publications and Forms Management*, 1 December 2015

DAFI 51-201, *Administration of Military Justice*, 18 January 2019

AFI 33-322, *Records Management and Information Governance Program*, 23 March 2020

AFMAN 36-2664, *Personnel Assessment Program*, 16 May 2019

Virtual Military Justice Deskbook

Prescribed Forms

None

Adopted Forms

DD Form 456, *Interrogatories and Depositions*

DD Form 457, *Preliminary Hearing Officer's Report*

DD Form 458, *Charge Sheet*

DD Form 490, *Record of Trial*

DD Form 2329, *Record of Trial by Summary Court-Martial*

Abbreviations and Acronyms

AFI—Air Force Instruction

AFMAN—Air Force Manual

AFPC—Air Force Personnel Center

AFRIMS—Air Force Records Information Management System

DAFMAN—Department of the Air Force Manual

DoDI—Department of Defense Instruction

DoDM—Department of Defense Manual

EOJ—Entry of Judgment

GCM—General Court-Martial

GCMCA—General Court-Martial Convening Authority

JAJI—Investigations, Inquiries and Relief Division

JAJM—Military Justice Law and Policy Division

JAT—Trial Judiciary

MCM—Manual for Courts-Martial

OPR—Office of Primary Responsibility

PHO—Preliminary Hearing Officer

R.C.M.—Rule for Courts-Martial

ROT—Record of Trial

SCM—Summary Court-Martial

SCMO—Summary Court-Martial Officer

SORN—System of Records Notice

SPCM—Special Court-Martial

STR—Statement of Trial Results

TDY—Temporary Duty

UCMJ—Uniform Code of Military Justice

USC—United States Code

Terms

Court-Martial Convening Authority—A commander or equivalent person that exercises court-martial convening authority powers as set out in the UCMJ and MCM. In this regulation, the term “Court-Martial Convening Authority” may be used to refer to an individual authorized to convene courts-martial or to the authority to convene courts-martial.

Department of the Air Force—Service component of the Department of Defense which consists of the United States Air Force and United States Space Force, overseen by the Secretary of the Air Force.

Entry of Judgment—Document which reflects the results of the court-martial after all post-trial actions, rulings or orders. See R.C.M. 1111 and Article 60c.

General Court-Martial Convening Authority—Convening authority authorized to convene general courts-martial. See Article 22.

Metrics—Standards of measurement by which certain requirements can be assessed.

Milestone—Time-based goals to assist in expediting the administration of justice.

Offense—Crime punishable under the UCMJ that is committed by a person subject to the UCMJ.

Remand—Return a case to a lower court for reconsideration.

Record of Trial—A record of the proceedings required in each summary, special, and general court-martial; it is prepared in accordance with the Uniform Code of Military Justice, the Manual for Courts-Martial, and this manual.

Special Court-Martial Convening Authority—Convening authority authorized to convene special courts-martial. See Article 23.

Statement of Trial Results—Document which is prepared after the announcement of sentence or acquittal and is inserted into the ROT. See R.C.M. 1101 for further information.

Summarized Transcript—A transcript which involves a summary of the proceedings and is not verbatim.

Verbatim Transcript—A transcript of a proceeding which includes word-for-word reduction of audio to writing.

Victim—The definition of victim varies throughout the military justice process. The definition governs what rights are afforded the victims. Practitioners must consult the MCM to determine which definition of victim applies at each stage to determine which rights apply. See also AFI 51-207.

Virtual Military Justice Deskbook—Knowledge management website with military justice resources available to Air Force judge advocates and paralegals.

Witness—A person who has information or evidence of a crime and provides that information or evidence to an Air Force official.