**Tip: Tab 22--Government Sentencing Exhibits**

- For an overview of [Sentencing, JAJG has a training](Ancillary%20-%20Advocacy%20Training%20on%20Sentencing/Sentencing%20-%20The%20Last%20Battleground%20of%20a%20Litigator%20(Mason).ppt) that discusses witnesses, exhibits, rules and argument

- Trial counsel is responsible for entering the PDS, the ACC’s OPRs/EPRs, and any derogatory documents in the ACC’s personnel record, such as NJP, LORs, etc. (RCM 1001)

-- The case paralegal will have already prepared the PDS for Preferral; be sure to update it for the trial

-- The case paralegal should request certified copies of all performance reports and derogatory data 30 days before trial, if possible

--- The certification language for the records custodian is:

“Certified to be a true copy by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_.”

Certifier's Name, Rank, USAF

Duty Title

--- Trial counsel and case paralegal review all EPRs/OPRs for content and to ensure no gaps exist in reporting periods

-- The week before trial, ask the CC or CCF if there is any new derogatory data

- If members are sentencing, introduce the Sentencing Worksheet as an Appellate Exhibit

- In advance of trial, ask the court reporter for help on how to label exhibits

- Trial Counsel and Case Paralegal should be in close coordination on exhibits; develop the exhibit list; mark the exhibits, and make copies more than one duty day before trial

- After the government’s sentencing case, the defense will ask the judge to relax the rules of evidence IAW RCM 1001(c)(3)

-- If defense does not ask to relax the rules: When the defense offers character letters, the judge will ask if you have any objections

--- Respond by asking for clarification as to whether the defense is requesting to relax the rules of evidence

--- If you have character letters or other similar sentencing evidence in rebuttal, they may be allowed in under relaxed rules

--- Continue with other objections that you may have to defense exhibits (such as recommendations for specific sentences in a character letter)