Figure 9.2. Submission of Matters by the Accused.

(Date)

MEMORANDUM FOR (Grade and Name of Accused)

FROM: (JA Office)

SUBJECT: Submission of Matters to the Convening Authority – *United States. v. (Grade* *and Name of Accused)*

1. Since you have been convicted and sentenced by court-martial, you have the right to submit matters for consideration by the convening authority of your court-martial before the convening authority takes action on your case. The matters you submit may include any matters that might affect the convening authority's decision to approve or disapprove any findings of guilt or any part of the sentence in your case. These matters may include:

a. Allegations of errors affecting the legality of the findings or sentence in your case.

b. Portions or summaries of your ROT, or copies of evidence introduced at trial.

c. Matters in mitigation that were not available for consideration at your trial.

d. Clemency recommendations by any court member, the military judge, or any other person.

e. Any other matters you or your counsel believe the convening authority should be aware of before taking action in your case, whether or not available or introduced into evidence at your trial.

f. Your desire~~s~~ for entry into the Return to Duty Program. *See* AFI 31-205.

2. You should consult with your defense counsel to decide whether to submit such matters. The convening authority will consider all matters you submit before taking action in your case. Failure to submit matters within the time provided in paragraph 4 constitutes a waiver of your right to do so.

3. If you decide not to submit matters for the convening authority's consideration, you may waive, in writing, the right to submit such matters. Such a waiver may expedite the post-trial processing and review of your case, if that is what you desire. You should consult your defense counsel before waiving your rights to submit matters. Once you make such a written waiver, it may not be withdrawn or revoked. You may indicate any waiver of your rights to submit matters on the indorsement to this letter or by submitting a separate written waiver.

4. [*For a GCM or SPCM, insert*:] You have 10 days to submit matters for consideration by the convening authority from the date you receive a copy of the authenticated ROT or, if applicable, the date both you and your defense counsel receive a copy of the recommendation of the staff judge advocate, whichever is later. If you are unable to submit your matters within this period, you may, for good reason, apply to the convening authority, through the convening authority's staff judge advocate for an extension of the period.

[*For a SCM, insert the following as paragraph 4*:] You have 7 days from the date your sentence was announced to submit your matters for the convening authority's consideration. Your matters must be submitted by (date)(time). If you are unable to submit your matters within this period, you may, for good cause, apply to the convening authority, through the convening authority's staff judge advocate, for an extension of the period.

5. In addition to the submissions described above, you may submit an application to the convening authority, through the servicing SJA, to defer any forfeitures of pay or allowances, reduction in grade, or service of a sentence to confinement. If you have dependents, you may also submit an application to the convening authority, through the servicing SJA, to waive any mandatory forfeitures of pay and allowances under Article 58(b), UCMJ, with the amount waived paid to your dependents. Applications for deferral and/or waiver may be submitted immediately. In order for the convening authority to give such requests proper consideration, they should normally be submitted no later than the time provided in paragraph 4 above.

(NAME), (Grade), USAF

(Duty Title)

cc: Defense Counsel

1st Ind, (Grade and Name of Accused) (Date)

MEMORANDUM FOR (JA Office)

Receipt acknowledged at (time) on (date).

I have consulted with my defense counsel concerning my rights to submit matters for the convening authority’s consideration before the convening authority takes action in my case. After considering the advice of my defense counsel, I (waive)(do not waive) my right to submit such matters. I (will)(will not) submit any matters for the convening authority’s consideration.

(NAME), (Grade), USAF

Accused