*Note: Check the* [*PHO Guide on the MJ Deskbook*](https://aflsa.jag.af.mil/apps/jade/collaborate/course/view.php?id=1142#PreferralToSentence) *(Chapter 6) to ensure you have the most current version of the Script*

**PRELIMINARY HEARING OFFICER’S ARTICLE 32 SCRIPT**

**INTRODUCTION:**

**PHO: Good (morning/afternoon). This Article 32 preliminary hearing will come to order. This hearing is being recorded by the government.** *Per Article 32 UCMJ, a crime victim will be granted access to the recording as prescribed in the Manual for Courts-Martial and governing Air Force rules.*

**PHO: I am \_\_\_\_\_. I am assigned to the Headquarters Air Combat Command Legal Office. The Commander of the \_\_\_\_ Air Base Wing, (Col \_\_\_\_\_\_), appointed me to conduct this preliminary hearing regarding certain charges against** \_\_\_\_\_\_**. Are you** \_\_\_\_\_\_**, the accused in this case?**

ACC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**PRELIMINARY ADVICE:**

(*Use a copy of DD Form 457, dated XX Dec 14*)

**PHO: I need to cover certain preliminary matters with you. First, I will cover your right to counsel at this preliminary hearing. You have the right to be represented by your detailed defense counsel, (Capt \_\_\_\_\_), or you may be represented by military counsel of your own selection, if the counsel you request is reasonably available. Military counsel are provided to you free of charge. You also have the right to be represented by a civilian counsel provided by you at your own expense. Civilian counsel may represent you alone or along with your military counsel.**

**Do you understand these rights?**

ACC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PHO: By whom do you wish to be represented?**

ACC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PHO: I would like counsel to introduce themselves and state their qualifications. Government?**

*[Counsel for the Government must be detailed to all Article 32 preliminary hearings. The senior counsel for the government will be abbreviated as GC. The assistant counsel for the government will be abbreviated AGC.*

GC/AGC: I am (Capt \_\_\_\_) along with (Capt \_\_\_\_\_). We are assigned to the \_\_\_\_\_\_ AFB legal office. (Col)(\_\_\_\_\_\_) detailed us as counsel for the government for this preliminary hearing. I am (qualified and certified) (qualified but not certified) under Article 27(b) and (have been/have not been) sworn under Article 42(a), Uniform Code of Military Justice.

*[Counsel for the government who are not certified under Article 27(b) will be sworn by the preliminary hearing officer using the below oath:*

*PHO: “Do you (swear) (affirm) that you will faithfully perform all the duties of counsel for the government in this preliminary hearing (so help you God)?”]*

**PHO: Thank you, (Capt \_\_\_\_\_). Are counsel for the government aware of any grounds that might disqualify you from this hearing?**

GC/AGC: No sir.

**PHO: Would counsel representing the accused please identify your (self/selves) for the record and state your qualifications?**

DC: I am (Capt \_\_\_\_\_\_\_), Area Defense Counsel at \_\_\_\_\_\_ AFB assigned to AFLOA/JAJD. I am qualified and certified under Article 27(b) and sworn under Article 42(a), UCMJ.

SDC: I am (Capt \_\_\_\_\_\_\_\_), Senior Defense Counsel at \_\_\_\_\_ AFB assigned to AFLOA/JAJD. I am qualified and certified under Article 27(b) and sworn under Article 42(a), UCMJ. (No member of defense has) acted in any manner which might tend to disqualify (/us) in this hearing.

**PHO: It appears that counsel representing the accused (has) the requisite qualifications required under Article 32 and I will so note in my report.**

**I am qualified and certified under Article 27(b) and sworn under Article 42(a), UCMJ.**

**I (am) equal to or senior in grade to [all] military counsel detailed to represent the government and the accused.**

*(If PHO is not equal to or senior in grade to all military counsel, the PHO or counsel for the government should explain why it was not practicable for the PHO to be equal to or senior in grade to all military counsel.)*

**I have not acted in any way that would disqualify me from serving as the preliminary hearing officer. [My involvement thus far in this case has consisted of reviewing the charge sheet and appointment letter, and setting preliminary hearing evidentiary timelines, and emailing with the counsel to discuss logistics of the hearing,)] Are counsel for either side aware of any grounds that might disqualify me from conducting this hearing?**

GC: The government is aware of none.

DC: The defense is aware of none.

**PHO: (**\_\_\_\_\_\_\_\_\_\_**), please remain seated throughout these proceedings. Do you have a copy of the charge sheet(s) in front of you?**

**The charge(s) that I have been appointed to conduct a preliminary hearing on are contained on (a charge sheet) dated 20 July 2015. Basically, you are accused of the following offense:**

One violation of UCMJ Article 112a, wrongful use of methamphetamine within the continental United States between on or about 2 Mar 2015 and on or about 16 July 2015

**PHO: (**\_\_\_\_\_\_\_\_\_\_**), would you like me to read the formal charges to you?**

ACC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(If the answer is “yes,” PHO then reads the charges to the accused.)

*(PHO checks off block 10a on the DD Form 457.)*

**PHO: You have been accused of these charges by (Lt Col \_\_\_\_\_\_\_), (commander of \_\_\_\_\_\_\_).**

(*PHO checks off block 10b on the DD Form 457*.)

**PHO: Now I will inform you of your rights during these proceedings. If there is any portion of these rights that you do not understand, please ask me about it.**

**First, you have all the rights afforded you by Article 31 of the Uniform Code of Military Justice. Article 31 reads as follows:**

**(a) No person subject to this chapter may compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.**

**(b) No person subject to this chapter may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial.**

**(c) No person subject to this chapter may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him.**

**(d) No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement may be received as evidence against him in a trial by court-martial.**

**Basically, what that all means is that you have the right under Article 31, UCMJ, not to incriminate yourself. This means that you have the right to remain silent during this hearing and at other times as well. You don’t have to say or do anything that might tend to incriminate you. In addition, if you do say or write something and give up that right, you should know that whatever you say can be used against you in these proceedings as well as in a trial by court-martial and also in administrative proceedings.**

**Do you understand these rights?**

ACC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(PHO checks off block 10c of the DD Form 457.)*

**PHO: I now will advise you of the purposes of this preliminary hearing.**

**This preliminary hearing is limited to an examination of those issues necessary to determine whether:**

1. **There is probable cause to conclude that an offense or offenses have been committed and that you committed them;**
2. **To determine whether a court-martial would have jurisdiction over the offense(s);**
3. **To consider the form of the charge(s); and**
4. **To recommend the disposition that should be made of the charge(s).**

**This preliminary hearing is not intended to serve as a means for discovery.**

**Do you have any questions about the purposes of this preliminary hearing?**

ACC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

*(PHO should check off block 10d on the DD Form 457.)*

**PHO: You also have the right to be present with your counsel during this hearing throughout the taking of evidence. However, if you are voluntarily absent or disruptive, your right to be present may be considered to be waived.**

**Do you understand this right?**

ACC: \_\_\_\_\_\_\_\_\_\_\_.

*(PHO should check off block 10e of the DD Form 457.)*

**PHO: You have the right to notice of any witnesses that the government intends to call at this preliminary hearing.**

**I expect the following witnesses to testify:**

**\_\_\_\_none for the government; I expect the defense to call two OSI agents \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**PHO: Do you understand this right?**

ACC: \_\_\_\_\_\_\_\_\_\_\_.

**PHO: You also have the right to a copy of or access to any written or recorded statement made by those witnesses that relate to the subject matter of any charged offense that are in the possession of the government.**

**PHO: Do you understand this right?**

ACC: \_\_\_\_\_\_\_\_\_\_\_.

**PHO: You have the right to notice of, and reasonable access to, any other evidence that the government intends to offer at the preliminary hearing.**

**I expect the counsel for the government to offer the following evidence:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**PHO: Do you understand this right?**

ACC: \_\_\_\_\_\_\_\_\_\_\_.

**PHO: You have the right to notice, and reasonable access to, evidence that is within the possession or control of counsel for the government that negates or reduces your degree of guilt for any offense charged.**

**Do you understand this right?**

ACC: \_\_\_\_\_\_\_\_\_\_\_.

*(PHO should check off block 10f of the DD Form 457.)*

**PHO: You also have the right to cross-examine any witnesses called by the counsel for the government on matters relevant to the limited scope and purpose of this preliminary hearing.**

**Do you understand this right?**

ACC: \_\_\_\_\_\_\_\_\_\_\_.

*(PHO should check off block 10g of the DD Form 457.)*

**PHO: You also have the right to present matters in defense and mitigation relevant to the limited scope and purpose of this preliminary hearing. This means, subject to the rules of evidence governing this hearing, you may present matters that show that you are not guilty of any offense that you’re charged with, or matters which show that your guilt is in a lesser degree than that alleged. Matters in mitigation are defined as matters that may serve to explain the circumstances surrounding a charged offense.**

**Do you understand this right?**

ACC: \_\_\_\_\_\_\_\_\_\_\_\_.

*(PHO should check off block 10h of the DD Form 457.)*

**PHO: You also have the right to make an unsworn or sworn statement relevant to the limited scope and purpose of this hearing. You can make your statement either orally or in writing by yourself or through counsel - the choice is yours. Remember, however, as I advised you before, anything you say in a sworn or unsworn statement - even if it’s only in writing and you don’t actually say it - can be used against you in a trial by court-martial.**

**Do you understand this right?**

ACC: \_\_\_\_\_\_\_\_\_\_\_\_\_.

(*PHO should check off block 10i on the DD Form 457*.)

**PHO: That completes my advice to you of your rights during these proceedings.**

**MENTAL RESPONSIBILITY:**

**PHO: Does either counsel feel there are grounds to believe that the accused was not mentally responsible at the time of the alleged offense(s) and/or not competent to participate in (his) defense? (If so consult R.C.M. 706)**

DC: \_\_\_\_\_\_\_\_\_\_\_\_\_.

GC: \_\_\_\_\_\_\_\_\_\_\_\_\_.

**ARTICLE 32 PROCEDURES:**

**PHO: Now, let me go over with you the procedures I will use to conduct this preliminary hearing. First, (the counsel for the government) will call any relevant witnesses and offer evidence relevant to the limited scope and purpose of this hearing. Defense counsel will be given an opportunity to cross-examine these witnesses after they have testified. Defense counsel will also be allowed to examine any evidence offered. I will explain in a minute how I intend to handle objections.**

**Second, after the government completes its presentation, the defense will be permitted to call witnesses and offer evidence which is relevant to the limited scope and purpose of this hearing. Any defense witness will be subject to cross-examination by counsel for the government.**

**I am permitted to ask questions of the witnesses. If I believe that additional evidence is necessary to meet the specific requirements of this hearing then I may provide the counsel for government and defense counsel an opportunity to present additional testimony or evidence relevant to the limited scope and purpose of this hearing.**

**Any victim’s counsel will be allowed to appropriately advocate for his/her client during the hearing. For example, the victim’s counsel may ask that I close all or part of the proceedings to the public, seal records, or redact personally identifiable information such as social security numbers or date of birth. The victim’s counsel may also object during their client’s testimony if a question has been asked which is outside the scope of this preliminary hearing or which violates evidentiary rules in effect for this hearing.**

**HANDLING OBJECTIONS:**

**PHO: I will handle any objections in the following fashion. This preliminary hearing does not require me to rule on the admissibility of evidence like a military judge does at trial. But I will rule on objections on matters related to relevancy, cumulativeness, necessity, the limited scope and purpose of this preliminary hearing, and the rules of evidence that do apply to this hearing.**

**I will consider hearsay testimony and evidence if I determine it is reliable and relevant to the limited scope and purpose of this preliminary hearing.**

**Generally, the Military Rules of Evidence do not apply in these proceedings. Those that** **do apply are the rule prohibiting compulsory self-incrimination, the rule of privilege for any mental examination of the accused, the rule on degrading questions, the rule requiring that a suspect who is subject to the code be warned of rights afforded by Article 31 before being questioned, [the rule (M.R.E. 412) regarding inadmissibility of evidence of a victim’s past sexual behavior or alleged sexual predisposition however the exception under M.R.E. 412(b)(1)(C) shall not apply], and the rules on privileges contained in Section V of the Military Rules of Evidence, except for M.R.E. 505(f)-(h) and (j); 506(f)-(h), (j), (k), and (m); and 514(d)(6) shall not apply.**

**OBJECTIONS MUST BE IN WRITING TO BE PRESERVED:**

**PHO: I am required to note objections in my report of preliminary hearing. But I am also allowed to require that a party making an objection file the objection in writing. So, the rule we will follow in these proceedings is that if any counsel that makes an objection they must file that objection with me in writing within 24 hours after the close of this preliminary hearing. Are there any questions?**

GC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

DC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**EXAMINATION OF WITNESSES AND EXHIBITS:**

*(if a Court Reporter or Interpreter are detailed to the hearing)*

*PHO: (Mr./Ms.) (Name) has been appointed (reporter/interpreter) for this hearing and (has been previously sworn/will be sworn):*

*If not previously sworn, administer the following oath: Do you (swear/affirm) that you will faithfully perform the duties of (reporter/interpreter) to this hearing, so help you God?*

*CR/INT: I do.*

**PHO: Counsel for the Government, do you have any documentary evidence to present?**

*(Counsel for the government shall identify the need for any closed sessions for evidence being offered under M.R.E.s 412, 513, 514. The PHO and parties will comply with all necessary procedures, including providing the victim/patient and if applicable VC a reasonable opportunity to be heard).*

GC: I offer PHO Exhibit \_\_\_, (describe exhibit).

**PHO: Defense, any objection.**

DC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**PHO: Counsel for the Government, how do you respond to the objection?**

**PHO: (The objection is (sustained/overruled). I will/will not consider PHO Exhibit \_\_). (Defense you may submit that objection in writing as described earlier. I will note in my report whether I considered PHO Exhibit \_\_\_).**

**PHO: Counsel for the Government, you may call your first witness.**

GC: I call as the first witness (Grade) (Full name). The witness will testify (live/telephonically/via video teleconference).

GC: Do you (swear/affirm) that the evidence you are about to give shall be the truth, the whole

truth, and nothing but the truth [so help you God]?

WIT: I do.

GC: Please state your full name [and Grade].

WIT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

GC: (Military) What is your organization and station?

(Civilian) In what city do you live?

WIT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

GC: (Civilian) Does the counsel for the government or defense counsel have a way of

contacting you in the event we need to speak with you again?

WIT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

GC: Do you know the accused, (Grade) (Name), the subject of this preliminary hearing?

If this case is referred to trial, it may be some time before that trial is actually conducted. Do you know of any reasons, such as your PCS, TDY, date of separation, etc., you might not be available for trial?

WIT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[*If there is a prior statement, having the witness adopt it is optional*.]

GC: I show you PHO exhibit [ ] which purport to be \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (identify exhibits-

prior statements of the witness, items of evidence, etc.). Can you identify (this/these)

item[s]?

WIT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

GC: Do you wish to adopt (this/these) statement[s] as part of your testimony at this

hearing?

(*Note: The PHO should use caution to ensure personally identifiable information*

*is not unnecessarily included in the evidence (like social security numbers, home addresses) unless relevant to the charged offenses.*

WIT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

GC: (direct examination relevant to limited purpose and scope of hearing.)

**PHO: Defense counsel, you may cross-examine the witness.**

DC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**PHO: Counsel for the government, any re-direct?**

GC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

*(Upon completion of the examination by the parties, the PHO may ask questions of the witness.*)

**PHO: Are there further questions from either side for this witness based on my questions?**

GC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

DC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**PHO: Thank you for your testimony, you are excused. Your testimony was recorded and will be included as an attachment to my report.**

(*Proceed with other witnesses in the same fashion, giving the above oath*.)

GC: The government has no further witnesses or evidence. The government rests.

**PHO: Defense counsel, do you have documentary evidence to present?**

*(Defense Counsel shall identify the need for any closed sessions for evidence being offered under M.R.E.s 412, 513, 514. The PHO and parties will comply with all necessary procedures, including providing the victim/patient and if applicable VC a reasonable opportunity to be heard).*

DC: I offer PHO Exhibit \_\_\_ (describe exhibit).

**PHO: Counsel for the government, any objection.**

GC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**PHO: Defense Counsel, how do you respond to the objection?**

**PHO: (The objection is (sustained/overruled). I will/will not consider PHO Exhibit \_\_). (Government Counsel you may submit that objection in writing as described earlier. I will note in my report whether I considered PHO Exhibit \_\_\_).**

**PHO: Defense Counsel, you may call your first witness.**

DC: I call as the first witness (Grade) (Full name). The witness will testify (live/telephonically/via video teleconference).

GC: Do you (swear/affirm) that the evidence you are about to give shall be the truth, the whole

truth, and nothing but the truth [so help you God]?

WIT: I do.

GC: Please state your full name [and Grade].

WIT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

GC: (Military) What is your organization and station?

(Civilian) In what city do you live?

WIT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

GC: (Civilian) Does the counsel for the government or defense counsel have a way of

contacting you in the event we need to speak with you again?

WIT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

GC: Do you know the accused, (Grade) (Name), the subject of this preliminary hearing?

If this case is referred to trial, it may be some time before that trial is actually conducted. Do you know of any reasons, such as your PCS, TDY, date of separation, etc., you might not be available for trial?

WIT: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

DC: (direct examination relevant to limited purpose and scope of hearing, defense and mitigation.)

**PHO: Counsel for the government, you may cross-examine the witness.**

GC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**PHO: Defense Counsel, any re-direct?**

DC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

*(Upon completion of the examination by the parties, the PHO may ask questions of the witness.*)

**PHO: Are there further questions from either side for this witness based on my questions?**

DC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

GC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**PHO: Thank you for your testimony, you are excused. Your testimony was recorded and will be included as an attachment to my report.**

*(after all defense witnesses have testified and defense evidence offered)*

**PHO: Does the accused wish to make a statement - sworn or unsworn?**

DC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(*If accused makes a sworn statement, the GC administers the oath*.)

**CLOSING:**

**PHO: That completes all the witnesses and evidence. Just so that everyone is aware of what documentary evidence I intend to consider, let me state for the record that I intend to consider the following documents:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**PHO: Does either party have any objections to my consideration of these documents that have not already been stated?**

GC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

DC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**PHO: [Very well, I will consider your objection. If you wish me to note that objection in my report, you must file it with me in writing within 24 hours.]**

GC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

DC: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

*(The PHO may allow both sides to offer brief argument.)*

**PHO: This preliminary hearing is closed.**