

EXTRACT OF MILITARY RECORDS OF PREVIOUS CONVICTIONS

IDENTIFICATION

LAST NAME - FIRST NAME - MIDDLE INITIAL SMITH, FRANK E	SERVICE NO.	GRADE PFC E-3	ORGANIZATION HHD 47th Arty Bde
--	-------------	-------------------------	--

RECORD OF PREVIOUS CONVICTIONS BY COURTS-MARTIAL¹

TYPE OF COURT-MARTIAL	CM ORDER OR SCM NO.	HEADQUARTERS	ARTICLE(S)
-----------------------	---------------------	--------------	------------

SYNOPSIS OF SPECIFICATION(S) INCLUDING DATE OF OFFENSE

SENTENCE AS APPROVED

DATE SENTENCE ADJUDGED	DATE SENTENCE APPROVED	I CERTIFY THE FOREGOING IS CORRECT?
------------------------	------------------------	-------------------------------------

SIGNATURE _____

TYPED OR PRINTED NAME, GRADE, ORGANIZATION OF PERSON SIGNING ENTRY

TYPE OF COURT-MARTIAL	CM ORDER OR SCM NO.	HEADQUARTERS	ARTICLE(S)
-----------------------	---------------------	--------------	------------

SYNOPSIS OF SPECIFICATION(S) INCLUDING DATE OF OFFENSE

SENTENCE AS APPROVED

DATE SENTENCE ADJUDGED	DATE SENTENCE APPROVED	I CERTIFY THE FOREGOING IS CORRECT?
------------------------	------------------------	-------------------------------------

SIGNATURE _____

TYPED OR PRINTED NAME, GRADE, ORGANIZATION OF PERSON SIGNING ENTRY

TYPE OF COURT-MARTIAL	CM ORDER OR SCM NO.	HEADQUARTERS	ARTICLE
-----------------------	---------------------	--------------	---------

SYNOPSIS OF SPECIFICATION(S) INCLUDING DATE OF OFFENSE

SENTENCE AS APPROVED

DATE SENTENCE ADJUDGED	DATE SENTENCE APPROVED	I CERTIFY THE FOREGOING IS CORRECT?
------------------------	------------------------	-------------------------------------

SIGNATURE _____

TYPED OR PRINTED NAME, GRADE, ORGANIZATION OF PERSON SIGNING ENTRY

ATTESTING CERTIFICATE

ORGANIZATION OF CUSTODIAN Hq 47th Arty Bde (AD)	PLACE OF ORGANIZATION Hamstead AFB, FL 33030	DATE 14 Jan 70
---	--	--------------------------

I CERTIFY THAT I AM THE OFFICIAL CUSTODIAN OF THE MILITARY PERSONNEL RECORDS PERTAINING TO PREVIOUS CONVICTIONS BY COURT-MARTIAL OF THE ABOVE-NAMED PERSON, AND THAT THE FOREGOING IS A TRUE COPY OF THE ENTRIES CONTAINED THEREIN.²

TYPED NAME, GRADE, AND OFFICIAL CAPACITY OF CUSTODIAN

FREDERICK W HEFFNER, CW4, USA, Personnel Officer

SIGNATURE

¹Only admissible previous convictions will be listed. To determine admissibility, see rules on the reverse hereof.

²This block will contain separate entries on the "signature" line and "typed or printed" identification line. If the service record certification block being extracted fails to contain the required: (a) Signature of the personnel records custodian, request that officer to take immediate corrective action; (b) Identification of the custodian of the conviction record, enter remark such as "(None)", "(Grade not shown)", "(Organization not shown)", as appropriate, on the second line of this block of the extract.

³For Army Personnel, the extract will be prepared from the Service Record or DA Form 26. For Air Force Personnel, the extract will be prepared from AF Form 1226.

RULES FOR DETERMINING ADMISSIBILITY OF PREVIOUS CONVICTIONS

(See MCM, 1951, Paragraphs 68d and 75b(2))

Previous convictions must relate to offenses committed during a current enlistment, voluntary extension of enlistment, appointment, or other engagement or obligation for service of the accused, and during the three years next preceding the commission of any offense of which the accused stands convicted. When the last enlistment, appointment, or other engagement or obligation for service was terminated under other than honorable conditions, or when the accused deserted and subsequently fraudulently enlisted, all convictions by courts-martial of offenses committed in the prior term of service, if within the three-year period, are admissible, even though such prior term of service was in an armed force other than the one in which he is serving at the time of trial. In computing the three-year period, periods of unauthorized absence as shown by the findings in the case or by the evidence of previous convictions

should be excluded.

For the purpose of determining the admissibility of previous convictions, retention of an accused beyond the normal expiration date of his term of service by operation of law shall not be deemed to create a new enlistment, a voluntary extension of enlistment, a new appointment, or other new engagement or obligation for service.

No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall, as to such charge or specification, be admissible as a previous conviction, until the finding of guilty has become final after review of the case has been fully completed.

INTRODUCING EVIDENCE OF PREVIOUS CONVICTIONS

NOTE: To be considered by a court-martial, previous convictions must be **ADMITTED** in evidence. Ordinarily, they are proved by introducing in evidence a duly authenticated extract copy of accused's military personnel record (DD Form 493). After the Record of Previous Convictions has been marked for identification (See page 512, MCM, 1951) and shown to the defense counsel, the introduction proceeds as follows:

TC: Prosecution Exhibit _____ for identification, a duly authenticated extract copy of the accused's military personnel record of previous conviction(s) by court-martial, is offered in evidence as Prosecution Exhibit _____.

DC: (No objection). (The accused objects to _____ on the grounds that _____.)

LO (Pres): (Subject to objection by any member of the court). Prosecution Exhibit _____ for identification is (is not) admitted in evidence as Prosecution Exhibit _____.