

# DISPOSITION FORM

(AR 340-15)

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SUBJECT:

Scheduling of Special Courts-Martial

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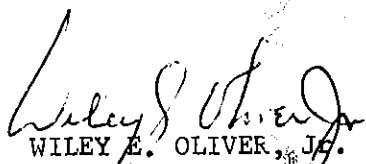
DATE 21 SEP 1970

CMT 1

CPT McClintock/nw/2548

Attached is revised SOP for scheduling of special courts martial. Your cooperation in fully implementing this procedure is requested. It is the responsibility of the individual trial counsel from the date of referral to assure that all cases are brought to an expeditious conclusion.

1 Incl  
as

  
WILEY E. OLIVER, JR.

Colonel, JAGC

Deputy Army Staff Judge Advocate

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DA FORM 2496  
1 FEB 62

REPLACES DO FORM 96, EXISTING SUPPLIES OF WHICH WILL BE  
ISSUED AND USED UNTIL 1 FEB 63 UNLESS SOONER EXHAUSTED.

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#### SCHEDULING OF SPECIAL COURTS-MARTIAL

1. The following standing operating procedure is established for the assignment of responsibility for expeditious processing of special courts-martial after the convening authority has directed trial.
2. Courts & Boards is responsible for proper preparation and assembly of charge sheets and allied papers. After coordination with Chief Trial Counsel and Chief Defense Counsel for the appointment of trial and defense counsel in a particular case, the charges will be referred for trial. Every case will be referred to the primary military judge designated by the judicial office (at present Major Comp). Courts & Boards will then be responsible for serving the charges upon the accused, and forwarding copies of the charges and allied papers to trial counsel, defense counsel, and the judicial office. Courts & Boards will not be responsible for the scheduling of cases.
3. Upon receipt of the file, the trial counsel will be responsible for assuring that the charges are in proper order, that the allied papers are complete, and that the charges have been served on the accused. Any deficiencies in format or evidentiary matters such as extracts of morning reports are to be promptly brought to the attention of Courts & Boards for correction.
4. Upon ascertaining that the case is ready for trial, it is the trial counsel's responsibility to contact the defense counsel to ascertain the earliest possible date for trial after expiration of the three-day waiting period. It is expected that all SPCM cases, absent extraordinary circumstances, will be tried four to seven days after the date of referral.
5. Having established the date on which both trial and defense counsel can try the case, the trial counsel is responsible for setting a trial date with the judicial office. Based upon the request of the trial counsel, a firm trial date will be set and the trial counsel will be informed of the order of cases if more than one is to be heard on a single day, at the time the case is set. It is anticipated that cases will be tried in the same order as they are set.
6. Trial counsel is then responsible for notifying Courts & Boards of the date set for the case, so that SPD will be informed of the status of its members, and so that Courts & Boards can arrange for a court reporter to be present, and notify the stockade or Casual Company to have the accused at the courtroom. Early notice is necessary to enable the stockade to obtain the proper uniform for the accused. Trial counsel will also be responsible for notifying the defense counsel of the date and case order set.

7. In the event that charges need to be re-referred to another judge or counsel, or that corrections need to be made, it is the responsibility of the trial counsel to coordinate with Courts & Boards in appropriate action.

8. Any changes in court-martial dates may be made only on good cause shown to the military judge personally. Counsel may among themselves agree to a rearrangement of the order of cases on a given day if the judicial office is notified in advance.

9. It will be the responsibility of Courts & Boards to see that records of trial are prepared expeditiously and the records forwarded promptly to trial counsel for initial examination and action. Trial counsel's review of the record of trial will be completed within one day, absent extraordinary circumstances, and the record forwarded to the defense counsel for examination. Defense counsel will then similarly forward the record to the judicial office for authentication by the military judge. Upon authentication, the record of trial will be forwarded to Courts & Boards for action by the convening authority.

10. In summary, Chief Defense Counsel is responsible for furnishing Courts & Boards with the name of the designated defense counsel. Chief Trial Counsel is responsible for furnishing, on request by Courts & Boards, a trial counsel who will be available to try a case during the period four to seven days after referral. Courts & Boards is responsible for referring the case, serving the accused, and forwarding the files to the respective counsel and judge. Trial counsel is responsible for all actions after the date of referral in bringing the case to an expeditious conclusion.

11. The supervisory authority of Chief Trial Counsel and Chief Defense Counsel is expected to be exercised to assure timely action in all phases of court-martial proceedings. Periods of delay in trial in excess of seven days after referral may be investigated to assure that unnecessary delay is avoided.