

APPELLATE REVIEW

MILITARY

1. ARTICLE 15: Accused may request review by the next higher command.
2. SUMMARY COURT-MARTIAL: Convictions are mandatorily reviewed for legal error by a lawyer. Accused may then petition The Judge Advocate General for review.
3. SPECIAL COURT-MARTIAL: If a bad conduct discharge is not adjudged, the conviction will be mandatorily reviewed for legal sufficiency by a lawyer. Accused may then petition The Judge Advocate General for review.
4. GENERAL COURT-MARTIAL AND SPECIAL COURT-MARTIAL WHERE PUNITIVE DISCHARGE ADJUDGED: Convening authority is provided a written review by a lawyer (his Staff Judge Advocate). If sentence approved by the convening authority includes a punitive discharge (bad conduct or dishonorable) or confinement for one year, the record of trial is mandatorily reviewed by a Court of Military Review. Free appellate lawyers are assigned for the accused. Court of Military Review is composed of senior judge advocates who are appellate judges. These judges are members of an independent field judiciary. Review by Court

CIVILIAN

1. Generally, no formalized appellate procedures.
2. Normally, provisions are made for appeal to the next higher court.
3. Normally, provisions are made for appeal to the next higher court.
4. COURTS OF GENERAL JURISDICTION: Transcripts and counsel provided free only for indigents. No mandatory review on appeal. Appellant has burden of alleging error sufficient to warrant review. Generally, courts have no power to redetermine facts or reassess sentence. Supreme Court has not established any constitutional right to appeal beyond intermediate appellate court, and such an appeal is expensive and less readily obtainable than in the military system. Indigents may be afforded special consideration such as assigned counsel, waiver of printed record, etc.

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of Military Review is not limited to legal questions. It may redetermine facts and reduce, but not increase, the sentence. If Court of Military Review approves a sentence to confinement for one year or a punitive discharge, accused may petition the U.S. Court of Military Appeals (a court of three civilian judges appointed by the President for 15 year terms) for review and upon good cause shown the Court may grant the petition. Free counsel is provided for this appellate review.