

V.

Headquarters and Headquarters Company, U.S.
Army Garrison, Joint Base Myer-Henderson Hall,
Fort Myer, VA 22211

POST-TRIAL AND APPELLATE RIGHTS (General Court-Martial)

DATED: 15 July 2013

c. Upon my request, the convening authority may extend this period, for good cause, for not more than 20 days.

d. I understand that I must work with my defense counsel to assist him/her in collecting and preparing those matters I want to be submitted to the convening authority, and in that regard I must remain in contact with my defense counsel even after my case has been tried.

84 M e. **(Strike through inapplicable portions).** I *(authorize)* ~~(do not authorize)~~ my defense counsel to submit matters pursuant to RCM 1105 and 1106 on my behalf in the event that he is unable to contact me after making reasonable efforts to find me in accordance with TDS policy.

4. If the convening authority approves an adjudged punitive discharge (dismissal for officers; bad-conduct or dishonorable discharge for enlisted soldiers) or confinement for one year or longer, my case will be automatically reviewed by the Army Court of Criminal Appeals (ACCA). I am entitled to be represented by counsel before such court. If I so request, military counsel will be appointed to represent me at no cost to me. If I so choose, I may also be represented by civilian counsel at no expense to the United States.

5. After the ACCA completes its review, I may petition the United States Court of Appeals for the Armed Forces (CAAF) to review my case. If that Court grants my petition, I may request review by the Supreme Court of the United States. I have the same rights to counsel before those courts as I have before the ACCA. If I am pending an approved dishonorable or bad-conduct discharge it may only be ordered executed after completion of the appellate process in accordance with Rule for Court-Martial 1209, unless I waive appellate review.

6. If the convening authority approves no punitive discharge and approves confinement for less than a year, my case will be examined in the Office of The Judge Advocate General for any legal errors and to determine if the sentence is appropriate. The Judge Advocate General (TJAG) may take corrective action as appropriate. This mandatory review under Article 69(a), UCMJ, will constitute the final review of my case unless TJAG directs review by the ACCA.

7. I may waive or withdraw review by the appellate courts after action has been taken by the Convening Authority. I cannot waive or withdraw appellate review before action. I understand that if I waive or withdraw review:

a. My decision is final and I cannot change my mind.

b. My case will then be reviewed by a military lawyer for legal error. It will also be sent to the general court-martial convening authority for final action.

c. Within two (2) years after the sentence is approved, I may request The Judge Advocate General (TJAG) to take corrective action on the basis of newly discovered evidence, fraud on the court-martial, lack of jurisdiction over me or the offense, error prejudicial to my substantial rights, or the appropriateness of the sentence.

8. I understand that any period of confinement included in my sentence begins to run from the date the court-martial adjudges my sentence. I may request that the convening authority defer commencement of confinement. The decision to defer confinement is within the sole discretion of the convening authority.

9. Adjudged forfeitures and reduction in rank.

a. Any forfeitures adjudged in my case are effective 14 days after the sentence is adjudged or when the convening authority takes action, whichever occurs first, unless adjudged forfeitures are deferred. If forfeitures are adjudged at the court-martial, I understand that I may petition the convening authority to defer them until action and to disapprove, mitigate, or suspend them at action.

b. Adjudged reduction (enlisted personnel only). Any reduction in rank adjudged in my case is effective 14 days after the sentence is adjudged or when the convening authority takes action, whichever occurs first, unless the reduction is deferred. If a reduction is adjudged at the court-martial, I understand that I may petition the convening authority to defer a reduction in rank until action and to disapprove or suspend it at action.

10. Automatic forfeitures. I understand that by operation of Article 58b of the Uniform Code of Military Justice, any sentence that includes confinement for more than 6 months, or confinement for 6 months or less and a punitive discharge, will result in automatic forfeitures during any period of confinement even if no forfeitures are adjudged. In the case of a General Court-Martial, automatic forfeitures are for all pay and allowances. In a Special Court-Martial, the automatic forfeitures are for two-thirds of pay. Automatic forfeitures go into effect 14 days after my sentence is adjudged or when the convening authority takes action, whichever occurs first.

RCM a. I understand I may petition the convening authority to defer adjudged or automatic forfeitures, if any, until the time of final action, but such relief is solely within the discretion of the convening authority, who may rescind deferment at any time.

RCM b. I understand that if I reach my ETS date while I am in confinement all my pay and allowances will stop on my ETS date, even if a request for deferment or waiver of automatic forfeitures is granted.

RCM c. I further understand that if I reach my ETS date while I am in confinement all my pay and allowances will stop on my ETS date, even if a request for deferment or disapproval of adjudged forfeitures is granted.

RCM d. ~~(Applicable if accused has a pretrial agreement). I further understand that if I reach my ETS date while I am in confinement all my pay and allowances will stop on my ETS date, regardless of what is in my pretrial agreement.~~

RCM e. I understand that if adjudged forfeitures are not deferred or disapproved, I will not receive pay even if automatic forfeitures are waived.

11. I have read and had my post-trial rights explained to me by counsel and I acknowledge these rights and make the elections set forth below.

RCM a. I understand my post-trial and appellate review rights.

RCM b. I understand that a copy of the authenticated record of trial will be served on me, or if I so request, will be forwarded to my defense counsel pursuant to RCM 1104(b).

Select only one of the following three numbered options. Option (4) is the recommended best option in most cases. If you use option (2), be sure to select the appropriate language and eliminate the excess language.

____ (1) I want the record of trial sent to only me; or

____ (2) **(Indicate counsel.)** I authorize substitute service of the ROT if the SJAR and ROT are served (two weeks) before (I complete my term of confinement) (my minimum release date)(*specify a date*) (the 120th day after the sentence in my case was announced). If the SJAR and ROT are served (two weeks) before (I complete my term of confinement) (my minimum release date) (*specify a date*) (the 120th day after the sentence in my case was announced), the record of trial may be served on my defense counsel, _____. If the SJAR and ROT are not served (two weeks) before (I complete my term of confinement) (my minimum release date)(*specify a date*) (the 120th day after the sentence in my case was announced), the record of trial shall be served on me; or

____ (3) **(Indicate counsel.)** I want the record of trial forwarded to my defense counsel, _____; or

BKM (4) **(Indicate counsel.)** I want the record of trial sent to me AND I request that my defense counsel MR. DAVID E. COOMBS be provided a copy at the same time I receive my copy in order to expedite preparation of post-trial matters.

BKM c. I further understand that individual copies of the staff judge advocate's post trial recommendation will be served on me and my defense counsel pursuant to RCM 1106(f).

BKM d. **(Indicate counsel.)** My defense counsel MR. DAVID E. COOMBS, will submit R.C.M. 1105 and 1106 matters in my case if I desire. I further understand that I must stay in contact with this counsel to assist him in collecting and preparing the matters for submission.

12. **(Strike through inapplicable portions.)** ~~My counsel (has) (has not) advised me of the criteria which require registration as a sex offender.~~

13. **(Strike through inapplicable portions.)** ~~My counsel (has) (has not) advised me of the possible adverse consequences a conviction may have on my immigration status.~~

14. I understand that if my case is to be heard by the Army Court of Criminal Appeals, I have the right to be represented free of charge by Appellate Defense Counsel appointed by The Judge Advocate General (TJAG) of the Army. I may also waive this right after the Convening Authority takes action. I understand that I may contact my Appellate Defense Counsel by writing to Defense Appellate Division, U.S. Army Legal Services Agency (JALS-DA). (b) (6)

BKM I have been informed that I have the right to retain civilian counsel at my own expense to represent me in my appellate decisions. If I have already retained civilian counsel, his/her name and address is written below:

BKM If I later retain civilian counsel, I must provide the attorney's name and address to: Clerk of Court, The U.S. Army Court of Criminal Appeals, 9275 Gunston Road, Fort Belvoir, VA 22060. Phone: (703) 693-1309. DSN: 223-1309. FAX: (703) 806-0124. DSN 223-0124.

15. Pending action on my case, I can be contacted or a message may be left for me at the following address:

NAME: MS. DEBRA M. VAN ALSTINE (C/O)


(b) (6)

EMAIL ADDRESS: _____

CIVILIAN / PERMANENT EMAIL ADDRESS: _____

PERSONAL CONTACT: _____

Date: 15 JULY 2013


BRADLEY EDWARD MANNING
PFC, US Army
Accused

I certify that I have advised PFC Bradley Manning regarding his post-trial and appellate rights as set forth above, that he has received a copy of this document, and that he has personally made all the elections herein.

Date: 15 JULY 2013


DAVID EDWARD COOMBS
Civilian Defense Counsel