

MANUAL FOR Courts-Martial 2012



UNITED STATES DEPARTMENT OF DEFENSE

Manual For Courts Martial 2012 Unabridged

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13552 31 August 2010 and EO 13593 13 December 2011 This edition also contains amendments to the Uniform Code of Military Justice UCMJ made by the National Defense Authorization Acts for Fiscal Years 2009 through 2012 Some of the significant changes are summarized and listed below This summary is for quick reference only and should not be relied upon or cited by practitioners in lieu of the actual provisions of the MCM that have been amended The MCM 2012 Edition includes unique changes warranting attention Manual for Courts-martial United States, Department of Defense, 1951 Manual for Courts-Martial United States (2012 Edition) United States Government US Army, Us Army, 2012-12-27 The Manual for Courts Martial MCM United States 2012 Edition updates the MCM 2008 Edition It is a complete reprinting and incorporates the MCM 2008 Edition including all amendments to the Rules for Courts Martial Military Rules of Evidence Mil R Evid and Punitive Articles made by the President in Executive Orders EO from 1984 to present and specifically including EO 13468 24 July 2008 EO 13552 31 August 2010 and EO 13593 13 December 2011 See Appendix 25 This edition also contains amendments to the Uniform Code of Military Justice UCMJ made by the National Defense Authorization Acts for Fiscal Years 2009 through 2012 Some of the significant changes are summarized and listed below This summary is for quick reference only and should not be relied upon or cited by practitioners in lieu of the actual provisions of the MCM that have been amended The MCM 2012 Edition includes unique changes warranting attention Discussion has been added or amended to address changes in practice resulting from United States v Campbell 71 M J 19 C A A F 2012 United States v Fosler 70 M J 225 C A A F 2011 and United States v Jones 68 M J 465 C A A F 2010 See R C M 307 c 3 R C M 307 c 4 R C M 906 b 12 R C M 907 b 3 B R C M 910 a 1 R C M 918 a 1 R C M 1003 c 1 C and in Part IV of this Manual paragraph 3b paragraph 60c 6 a and the discussion at page IV 1 The Discussion added in 2012 was a short term solution intended to address recent broad changes in the law Although it may describe legal requirements derived from other sources the Discussion does not have the force of law It is in the nature of a treatise and may be used as secondary authority The Discussion will be revised from time to time as warranted by changes in applicable law See Composition of the Manual for Courts Martial in Appendix 21 of this Manual Practitioners are advised that the Mil R Evid will be amended after the publication of this Manual and will take effect only after the President signs the relevant EO Once approved the revised Mil R Evid will exist outside of this Manual until its next complete reprinting Practitioners are also advised that Article 120 has been amended by the National Defense Authorization Act for Fiscal Year 2012 Public Law 112 81 31 December 2011 The amended version of Article 120 creates three separate sexual offense statutes Article 120 for adult offenses Article 120b for child offenses and Article 120c for other sexual offenses Article 120a remains unchanged As of 2012 there are now three versions of Article 120 and each version is located in a different part of this Manual For offenses committed prior to 1 October 2007 the relevant sexual offense provisions are contained in Appendix 27 For offenses committed during the period 1 October 2007 through 27 June 2012 the relevant sexual offense provisions are contained in Appendix 28 For offenses committed on or after 28 June 2012 the relevant

sexual offense provisions are contained in Part IV of this Manual Articles 120 120b and 120c **Manual for Courts-martial** United States. Dept. of Defense,2005 **Manual for Courts Martial 2012** United States Department of Defense,2012-01-02 The Manual for Courts Martial MCM United States 2012 Edition updates the MCM 2008 Edition It is a complete reprinting and incorporates the MCM 2008 Edition including all amendments to the Rules for Courts Martial Military Rules of Evidence Mil R Evid and Punitive Articles made by the President in Executive Orders EO from 1984 to present and specifically including EO 13468 24 July 2008 EO 13552 31 August 2010 and EO 13593 13 December 2011 See Appendix 25 This edition also contains amendments to the Uniform Code of Military Justice UCMJ made by the National Defense Authorization Acts for Fiscal Years 2009 through 2012 Volume One of the MCM contains PART I PREAMBLE Sources of military jurisdiction Exercise of military jurisdiction Nature and purpose of military law Structure and application of the Manual for Courts Martial PART II RULES FOR COURTS MARTIAL CHAPTER I GENERAL PROVISIONS Rule 101 Rule 109 CHAPTER II JURISDICTION Rule 201 Rule 204 CHAPTER III INITIATION OF CHARGES APPREHENSION PRETRIAL RESTRAINT RELATED MATTERS Rule 301 308 CHAPTER IV FORWARDING AND DISPOSITION OF CHARGES Rule 401 407 CHAPTER V COURT MARTIAL COMPOSITION AND PERSONNEL CONVENING COURTS MARTIAL Rule 501 506 CHAPTER VI REFERRAL SERVICE AMENDMENT AND WITHDRAWAL OF CHARGES Rule 601 604 CHAPTER VII PRETRIAL MATTERS Rule 701 707 CHAPTER VIII TRIAL PROCEDURE GENERALLY Rule 801 813 CHAPTER IX TRIAL PROCEDURES THROUGH FINDINGS Rule 901 924 CHAPTER X SENTENCING Rule 1001 1011 CHAPTER XI POST TRIAL PROCEDURE Rule 1101 1114 CHAPTER XII APPEALS AND REVIEW Rule 1201 1210 CHAPTER XIII SUMMARY COURTS MARTIAL Rule 1301 1306 PART III MILITARY RULES OF EVIDENCE SECTION I GENERAL PROVISIONS RULE 101 106 SECTION II JUDICIAL NOTICE RULE 201 201A SECTION III EXCLUSIONARY RULES AND RELATED MATTERS CONCERNING SELF INCRIMINATION SEARCH AND SEIZURE AND EYEWITNESS IDENTIFICATION RULE 301 321 SECTION IV RELEVANCY AND ITS LIMITS RULE 401 414 SECTION V PRIVILEGES RULE 501 514 SECTION VI WITNESSES RULE 601 615 SECTION VII OPINIONS AND EXPERT TESTIMONY RULE 701 707 SECTION VIII HEARSAY RULE 801 807 SECTION IX AUTHENTICATION AND IDENTIFICATION RULE 901 903 SECTIONS X CONTENTS OF WRITINGS RECORDINGS AND PHOTOGRAPHS RULE 1001 1008 SECTION XI MISCELLANEOUS RULES RULE 1101 1103 PART IV PUNITIVE ARTICLES Article 77 134 INCLUDING TEXT OF STATUTES ELEMENTS EXPLANATIONS LESSER INCLUDED OFFENSES MAXIMUM PUNISHMENTS AND SAMPLE SPECIFICATIONS *Manual for Courts-Martial United States* United States Army,2013-10 **Manual for Courts-Martial, United States** ,2016 The manual for Courts Martial MCM United States 2016 Edition updates the MCM 2012 Edition It is a complete reprinting and incorporates the MCM 2012 Edition including all amendments to the Preamble Rules for Courts Martial R C M Military Rules of Evidence Mil R Evid Punitive Articles and Nonjudicial Punishment Procedures made by the President in Executive Orders EO from 1984 to

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for Fiscal Years 2014 through 2016 Finally this edition incorporates amendments to the Supplementary Materials accompanying the MCM as published in the Federal Register on 8 July 2015 16 July 2015 22 March 2016 15 June 2016 8 November 2016 and 8 December 2016 Because this manual includes numerous changes practitioners should consider the MCM completely revised **Manual for Courts-martial, United States** United States Joint Services Committee for Revision of Manual for Courts-Martial, United States, 1951,1964 *Manual for Courts-Martial, United States* United States,1984 *2013 Amendments to the Manual for Courts-Martial* United States Government Army,2013-07-15 The 2013 Amendments to the Manual for Courts Martial MCM United States 2012 Edition This 60 page document is the amendments and is designed to complement the 900 page 2012 Edition of the MCM that is available separately **Manual for Courts-Martial** United States Dept of Defense,2016-05-20 The manual for Courts Martial MCM United States 2016 Edition updates the MCM 2012 Edition It is a complete reprinting and incorporates the MCM 2012 Edition including all amendments to the Preamble Rules for Courts Martial R C M Military Rules of Evidence Mil R Evid Punitive Articles and Nonjudicial Punishment Procedures made by the President in Executive Orders EO from 1984 to present and specifically including EO 13643 15 May 2013 EO 13669 13 June 2014 EO 13696 17 June 2015 EO 13730 20 May 2016 and EO 13740 16 September 2016 Preface *Supplement to Manual for Courts-martial, United States, Military Rules of Evidence* ,2012 The Supplement to the 2012 MCM is a complete revision of Part III Mil R Evid of the MCM and incorporates changes made by Exec Order 13643 dated May 15 2013 Preface **A Manual for Courts-Martial , Manual for Courts-Martial United States** Etats-Unis,

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