

**WAIVER/WITHDRAWAL OF APPELLATE RIGHTS IN GENERAL COURTS-MARTIAL
SUBJECT TO EXAMINATION IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL**

*NOTE: See R.C.M. 1201(b)(1) concerning which cases are subject to examination in the Office of the Judge Advocate General.
See R.C.M. 1110 concerning waiver or withdrawal of appellate review.*

I have read the attached action, dated _____.

I have consulted with _____, my (associate) defense counsel concerning my appellate rights and I am satisfied with his/her advice.

I understand that:

1. If I do not waive or withdraw appellate review, my case will be examined in the Office of the Judge Advocate General to determine whether the findings and sentence are legally correct and whether the sentence is appropriate.
2. If I waive or withdraw appellate review -
 - a. My case will not be examined in the Office of the Judge Advocate General under Article 69(a), UCMJ.
 - b. My case will be reviewed by a judge advocate for legal error, and I may submit in writing allegations of legal error for consideration by the judge advocate under Article 64..
 - c. After review by the judge advocate and final action in my case, I may petition the Judge Advocate General for review under Article 69(b). Such a petition must be filed on or before the last day of the two-year period beginning on the date my sentence was approved, unless I can show good cause for filing later.
 - d. I may file a waiver of appellate review only within a 10 day period after my defense counsel or I am served with a copy of the convening authority's action, unless the convening authority extends this period for good cause by not more than 30 days.
 - e. I may file withdrawal from appellate review any time before such review is completed.
 - f. A waiver or withdrawal, once filed, may not be revoked.
3. Whether or not I waive or withdraw appellate review, I may petition the Judge Advocate General for a new trial under Article 73 on the grounds of newly discovered evidence or fraud on the court at any time within two years after approval by the convening authority of a court-martial sentence.
4. Understanding the above, I hereby (waive my rights to appellate review) (withdraw my case from appellate review). I make this decision freely and voluntarily. No one has made any promises that I would receive any benefits from this waiver/ withdrawal, and no one has forced me to make it.

TYPED NAME OF ACCUSED

RANK OF ACCUSED

SIGNATURE OF ACCUSED

DATE

STATEMENT OF COUNSEL

(Check appropriate block)

- 1. I represented the accused at his/her court-martial.

- 2. I am associate counsel detailed under R.C.M. 1110(b). I have communicated with the accused's (detailed) (individual military) (civilian) (appellate) defense counsel concerning the accused's waiver/withdrawal and discussed this communication with the accused.

- 3. I am substitute counsel detailed under R.C.M. 1110(b).

- 4. I am a civilian counsel whom the accused consulted concerning this matter. I am a member in good standing of the bar of _____.

- 5. I am appellate defense counsel for the accused.

I have advised the accused of his/her appellate rights and of the consequences of waiving or withdrawing appellate review. The accused has elected to (waive) (withdraw) appellate review.

TYPED NAME OF COUNSEL

UNIT OF COUNSEL

RANK OF COUNSEL

BUSINESS ADDRESS *(If Civilian Counsel)*

SIGNATURE OF COUNSEL

DATE