

**WAIVER/WITHDRAWAL OF APPELLATE RIGHTS IN GENERAL AND SPECIAL COURTS-MARTIAL  
SUBJECT TO REVIEW BY A COURT OF CRIMINAL APPEALS**

*NOTE: See R.C.M. 1203(b) concerning which cases are subject to review by a Court of Criminal Appeals. 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 -
  - a. My court-martial will be reviewed by the \_\_\_\_\_ Court of Criminal Appeals.
  - b. The Court of Criminal Appeals will review my case to determine whether the findings and sentence are correct in law and fact and whether the sentence is appropriate.
  - c. After review by the Court of Criminal Appeals, my case could be reviewed for legal error by the United States Court of Appeals for the Armed Forces on petition by me or on request of the Judge Advocate General.
  - d. If the Court of Criminal Appeals reviews my case, my case could be reviewed for legal error by the United States Supreme Court on petition by me or the Government.
  - e. I have the right to be represented by military counsel, at no cost to me, or by civilian counsel, at no expense to the United States, or both, before the Court of Criminal Appeals, the Court of Appeals for the Armed Forces, and the Supreme Court.
2. If I waive or withdraw appellate review -
  - a. My case will not be reviewed by the Court of Criminal Appeals, or be subject to further review by the Court of Appeals for the Armed Forces, or by the Supreme Court under 28 U.S.C. 1259.
  - 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 within 2 years of the convening authority's action, 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, cannot be revoked, and bars further appellate review. A waiver or withdrawal may not be filed in any case where the sentence includes death.
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.

Understanding the foregoing, I (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