

§ 150.27

32 CFR Ch. I (7-1-99 Edition)

§ 150.27 Recording, photographing, broadcasting, or telecasting of hearings.

The recording, photographing, broadcasting, or televising of any session of the Court or other activity relating thereto is prohibited unless specifically authorized by the Court.

§ 150.28 Amendments.

Proposed amendments to this part may be submitted to the Chief Judge of any Court named in § 150.1 or to a Judge Advocate General. Before acting on any proposed amendments not received from the Chief Judges, the Judge Advocates General shall refer them to the Chief Judges of the Courts for comment. The Chief Judges shall confer on any proposed changes, and shall report to the Judge Advocates General as to the suitability of proposed changes and their impact on the operation of the Courts and on appellate justice.

APPENDIX A TO PART 150—FORMAT FOR DIRECTION FOR REVIEW IN A COURT OF CRIMINAL APPEALS

In the United States _____¹ Court of Criminal Appeals
United States v. _____
(Fully typed name, rank, service, & service number of accused)
Direction for Review Case No. _____
Tried at (location), on (date(s)) before a (type in court-martial) appointed by (convening authority)

To the Honorable, the Judges of the United States _____ Court of Criminal Appeals

1. Pursuant to Article 69 of the Uniform Code of Military Justice, 10 U.S.C. § 869 (1994) and the Rules of Practice and Procedure for Courts of Criminal Appeals, Rule 2(b), the record of trial in the above-entitled case is forwarded for review.

2. The accused was found guilty by a (type of court-martial) of a violation of Article(s) _____ of the Uniform Code of Military Justice, and was sentenced to (include entire adjudged sentence) on (insert trial date). The convening authority (approved the sentence as adjudged) (approved the following findings and sentence: _____). The officer exercising general court-martial jurisdiction (where applicable) took the following action:

¹Use "Army," "Navy-Marine Corps," "Air Force," or "Coast Guard," as applicable.

_____. The case was received for review pursuant to Article 69 on (date).

3. In review, pursuant to Uniform Code of Military Justice, Article 66, it is requested that action be taken with respect to the following issues:

[set out issues here]

The Judge Advocate General
Received a copy of the foregoing Direction for Review this _____ (date).

Appellate Government Counsel

Address and telephone number

Appellate Defense Counsel

Address and telephone number

APPENDIX B TO PART 150—FORMAT FOR ASSIGNMENT OF ERRORS AND BRIEF ON BEHALF OF ACCUSED (§ 150.15)

In the United States _____² Court of Criminal Appeals

United States v. _____
(Full typed name, rank, service, & service number of accused), Appellant
Assignment of Errors and Brief on Behalf of Accused Case No. _____

Tried at (location), on (date(s)) before a (type of court-martial) appointed by (convening authority)

To the Honorable, the Judges of the United States _____ Court of Criminal Appeals

Statement of the Case

[Set forth a concise summary of the chronology of the case, including the general nature of the charges, the pleas of the accused, the findings and sentence at trial, the action by the convening authority, and any other pertinent information regarding the proceedings.]

Statement of Facts

[Set forth those facts necessary to a disposition of the assigned errors, including specific page references and exhibit numbers. Answers may adopt appellant's or petitioner's statement of facts if there is no dispute, may state additional facts, or, if there is a dispute, may restate the facts as they appear from appellee's or respondent's viewpoint. The repetition of uncontroverted matters is not desired.]

²Use "Army," "Navy-Marine Corps," "Air Force," or "Coast Guard," as applicable.

Errors and Argument

[Set forth each error alleged in upper case letters, followed by separate arguments for each error. Arguments shall discuss briefly the question presented, citing and quoting such authorities as are deemed pertinent. Each argument shall include a statement of the applicable standard of review, and shall be followed by a specific prayer for the relief requested.]

Appendix

[The brief of either party may include an appendix containing copies of unpublished opinions cited in the brief, and extracts of statutes, rules or regulations pertinent to the assigned errors.]

(Signature of counsel)

Name (and rank) of counsel, address and telephone number

Certificate of Filing and Service

I certify that a copy of the foregoing was mailed or delivered to the Court and opposing counsel on (date).

Name (rank) (and signature)

Address and telephone number
(Date)

PART 151—STATUS OF FORCES POLICIES AND INFORMATION

- Sec.
- 151.1 Reissuance and purpose.
- 151.2 Applicability.
- 151.3 Policy.
- 151.4 Procedures and responsibilities.
- 151.5 Reports on the exercise of foreign criminal jurisdiction.
- 151.6 Resolution of ratification, with reservations, as agreed to by the Senate on July 15, 1953.
- 151.7 Fair trial guarantees.

AUTHORITY: 1 U.S.C. 133, 75 Stat. 517.

SOURCE: 45 FR 20465, Mar. 28, 1980, unless otherwise noted.

§ 151.1 Reissuance and purpose.

This part is reissued to update established DoD policy and procedures on trial by foreign courts and treatment in foreign prisons of U.S. military personnel, nationals of the U.S. serving with, employed by, or accompanying the Armed Forces of the United States, and the dependents of both (hereafter referred to as U.S. personnel); and pro-

vides uniform reporting on the exercise of foreign criminal jurisdiction.

§ 151.2 Applicability.

The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, and the Unified and Specified Commands. As used herein, the term "Military Services" refers to the Army, Navy, Air Force, and Marine Corps.

§ 151.3 Policy.

It is the policy of the Department of Defense to protect, to the maximum extent possible, the rights of U.S. personnel who may be subject to criminal trial by foreign courts and imprisonment in foreign prisons.

§ 151.4 Procedures and responsibilities.

(a) *Application of Senate resolution on status of forces.* This directive implements the Senate Resolution accompanying the Senate's consent to ratification of the North Atlantic Treaty (NATO) Status of Forces Agreement (§151.6). Although the Senate Resolution applies only to countries where the NATO Status of Forces Agreement is in effect, the same procedures for safeguarding the interests of U.S. personnel subject to foreign jurisdiction shall be applied insofar as practicable in overseas areas where U.S. forces are regularly stationed.

(b) *Orientation of personnel.* The Military Services shall issue uniform regulations establishing an information and education policy on the laws and customs of the host country for personnel assigned to foreign areas.

(c) *Designated commanding officer.* Formal invocation of the Senate Resolution procedure shall be the responsibility of a single military commander in each foreign country where United States forces are stationed. Attache personnel and other military personnel serving under a chief of a diplomatic mission shall not be considered U.S. forces in this part.

(1) In the geographical areas for which a unified command exists, the commander shall designate within each country the "Commanding Officer" referred to in the Senate Resolution (§151.6).