

CERTIFICATE OF SERVICE/ATTEMPTED SERVICE

UNIT AND INSTALLATION

DATE

CERTIFICATE OF ATTEMPTED SERVICE (BY MAIL)

1. I hereby certify that on _____, I placed a notification of the right to appeal to the Army Court of Criminal Appeals, together with a copy of the attached Advice as to Appellate Rights, in the case of United States v. _____, Docket _____, in an envelope addressed to him or her at:

said envelope being marked "Certified Mail, Return Receipt Requested," that the envelope was placed in military channels for delivery to the Postal Service to be dispatched "Certified Mail" in accordance with the instructions on the envelope. The above address (was provided by the accused) (was not provided by the accused and is the most recent address listed in the accused's official military personnel records), (was provided by the accused's appellate defense counsel).

2. United States Postal Service (USPS) Certified Mail tracking number: _____.

TYPED NAME & GRADE OF SJA REPRESENTATIVE OR DESIGNEE

SIGNATURE

ADVICE AS TO APPELLATE RIGHTS

TO:

FROM: Office of the Staff Judge Advocate

1. The certified record of trial and attached entry of judgment in the general court-martial case of U.S. v. case number _____, will be forwarded to the Clerk of Court, United States Army Court of Criminal Appeals.
2. You, _____, are hereby advised as follows:
 - a. You have 90 days from the date that the Clerk of Court, ACCA provides the Defense Appellate Division with a copy of the record of trial to notify the Court of your intent to file an appeal or to waive this right. If you appeal to ACCA, the Court will review the findings of guilty and the sentence in your case.
 - b. You will be assigned an attorney from the Defense Appellate Division, U.S. Army Legal Services Agency, to aid you in your decision to file an appeal or to waive your right to appeal.
 - c. If you do not file your election to appeal to ACCA within 90 days from the date that the Clerk of Court, ACCA provides the Defense Appellate Division with a copy of the record of trial, your case will receive a more limited review by an attorney in the Office of The Judge Advocate General pursuant to Article 65, UCMJ. This limited review would consist of a written decision providing each of the following: a conclusion as to whether the trial court had jurisdiction over you, as the accused, and the offense; a conclusion as to whether the charge and specification stated an offense; and, a conclusion as to whether the sentence was within the limits prescribed as a matter of law.
 - d. In order to protect your rights you should take the following action:
 - (1) If you have questions concerning your right to appeal your case to ACCA, contact your trial defense counsel or the Army Defense Appellate Division via email at usarmy.pentagon.hqda-otjag.mbx.dad-accaservice@army.mil.
 - (2) If you are certain that you wish to appeal your case to ACCA, you may sign the attached Election to Appeal to the U.S. Army Court of Criminal Appeals and mail or deliver the form to the Clerk of Court, U.S. Army Court of Criminal Appeals, 9275 Gunston Road, Fort Belvoir, Virginia, 22060-5546. You may also email the signed and dated form, in PDF format, to the Clerk of Court, ACCA, at usarmy.pentagon.hqda-otjag.mbx.clerk-of-court-e-filing@army.mil. Any Election to Appeal to the U.S. Army Court of Criminal Appeals must be received by the Clerk of Court, ACCA, no later than 90 days from the date that the Clerk of Court, ACCA provides the Defense Appellate Division, U.S. Army Legal Services Agency with a copy of the record of trial.

ENCLOSURE: 1) Election to Appeal 2) Entry of Judgment

TYPED NAME & GRADE OF REPRESENTATIVE

SIGNATURE

DATE

**ELECTION TO APPEAL
IN THE UNITED STATES ARMY COURT OF CRIMINAL
APPEALS**

For use of

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee

, U.S. Army

Appellant

) ELECTION TO APPEAL

) ARMY Dkt. No.

(For Court Use Only)

THE JUDGES OF THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS:

- 1. I hereby elect to appeal my conviction(s) and sentence to the Army Court of Criminal Appeals.
- 2. I understand that, unless I specifically request the contrary, a military lawyer will be designated by The Judge Advocate General to represent me free of charge before the Army Court of Criminal Appeals.

SIGNED: _____

DATED: _____

MAIL TO: Clerk of Court
U.S. Army Court of Criminal Appeals
9275 Gunston Road
Fort Belvoir, VA 22060-5546