

IN THE UNITED STATES ARMY (XXXX) JUDICIAL CIRCUIT

UNITED STATES OF AMERICA)
)
v.)
)
The Accused)
RANK, U.S. Army,)
)
)
)
Joint Base Lewis-McChord,)
Washington 98433)
)

PLEA AGREEMENT

6 May 2026

1. The (Special Trial Counsel) (Convening Authority), on behalf of the United States of America, and (_____) (the Accused) enter into this Plea Agreement pursuant to Rule for Court-Martial (R.C.M.) 705 and Article 53a, Uniform Code of Military Justice (U.C.M.J.).

2. This written agreement sets out the entire agreement between the (Referral Authority) (Convening authority) and me. There are no other written, oral, or implied terms, conditions, or understandings.

3. Withdrawal:

a. The Accused may withdraw from the Plea Agreement at any time prior to the sentence being announced. If the accused elects to withdraw from the plea agreement after the acceptance of the plea agreement but before the sentence is announced, the military judge may permit the accused to withdraw only for good cause.

b. (The Special Trial Counsel) (The Convening Authority) may withdraw from the Plea Agreement after acceptance by the Accused in accordance with R.C.M. 705(e)(4)(B).

4. If a specification is amended, consolidated, or dismissed with the consent of both parties for any reason before or during the trial this agreement remains in effect.

5. In exchange for the (Special Trial Counsel's) (Convening Authority's) agreements, the Accused agrees to:

a. Plead (as follows) (at a (General) (Special) (Judge Alone Special) (Summary) Court-Martial, as follows):

Example 1 (Plea to all): To all Charges and Specifications: Guilty

Example 2 (Mixed Plea): To The Specification of Charge I and Charge I: Guilty, to Specification 1 of Charge II: Guilty, To Specification 2 of Charge II: Not Guilty, to Charge II: Guilty.

Example 3 (Exceptions): To the Specification of Charge I: Guilty except the words and figures “_____”; to the excepted words and figures: Not guilty. To Charge I: Guilty. To the Specifications of Charge II and Charge II: Guilty.

Note: Only add the words “and figures” if the excepted language contains numbers.

Example 4: (Exceptions and Substitutions): To The Specification of Charge I: Guilty, except the words and figures, “_____”; substituting the words and figures “_____”; To the excepted words, Not Guilty, to the substituted words, Guilty. To Charge I: Guilty.

Example 5: (constructive referral): To the Charges and Specifications: Not Guilty, but guilty of the separate offense of assault consummated by a battery in violation of Article 128 and as reflected on AE (___). (The Accused consents to the constructive referral of a Charge and Specification in violation of Article 128 without a formal preferral, (Article 32 preliminary hearing,) or referral of the constructively referred charge.) (The accused also does not object to the joinder of the constructively referred charge, referred by operation of this plea agreement, with the remaining charges, which were referred on _____).

Example 6: (LIO): To the Specification of Charge I: Not Guilty, but Guilty to the lesser included offense of (_____) in violation of Article (_____).

Example 7: (Substantially amended specification) To the Specification of Charge I: Guilty except the words and figures, “_____”; substituting the (words) (words and figures) “_____”; To the excepted (words) (words and figures), Not Guilty, to the substituted words, Guilty. To Charge I: Guilty. The amended Specification to which the Accused is pleading guilty (is attached to this document as page (___)) (reads as follows: _____).

b. (Enter into a stipulation of fact establishing every element of the offenses to which the Accused will plead guilty.)

c. (Elect trial by military judge alone and waive my right to a trial by members, (including enlisted members))

d. (Waive the right to request Government production of (any witness) (more than X witnesses) (Except _____) (located more than (50) (__) miles from _____ on the date of trial.)

e. (To not object and agree to allow Government witnesses to appear by telephone or VTC during presentencing. This provision does not preclude objections to the content of any testimony.)

f. (Waive all waivable motions that the Accused intended to file.) (this includes, but is not limited to the following motions, which were contemplated prior to entering into this agreement: _____) (Except_____).) (This waiver also includes all other waivable motions, none of which were contemplated prior to entering into this agreement.)

g. (Not commit any serious misconduct after the (Special Trial Counsel) (Convening Authority) accepts this agreement and before the entry of judgment. Serious misconduct is any offense in violation of the U.C.M.J. that is punishable by more than one year of confinement.)

h. (Agree to go to trial on the first available trial date as determined by the military judge.)

Lesser used terms:

i. (Agree to waive my right to an administrative separation board) (Agree to unconditionally waive my right to an administrative separation board and submit an unconditional waiver before my Court-Martial, provided that separation proceedings are initiated against me for the misconduct to which I am pleading guilty.) (Agree to submit an unconditional resignation in lieu of Court-Martial, provided that officer elimination proceedings are initiated against me for the misconduct to which I am pleading guilty.)

j. (To (unconditionally) (conditionally) waive my right to an Article 32 Preliminary Hearing.)

k. (To testify truthfully in the case of United States v. _____) (under a grant of (testimonial) (transactional) immunity).

l. (To provide restitution in the amount of _____ to _____).

6. In exchange for the promises of the Accused, the (Special Trial Counsel) (Convening Authority), on behalf of the United States, agrees to:

a. **(Specified referral.** Refer this case to a (Special Court-Martial pursuant to Article 16(c)(1)) (Judge Alone Special Court-Martial pursuant to Article 16(c)(2)).

b. **Sentence limitations.** These sentence limitations are binding on the Court-Martial upon acceptance of this agreement by the Military Judge:

(1) Confinement Terms.

Example 1: (The Military Judge shall sentence the Accused to a total confinement range between 20 days and 70 days consistent with the below table)

Charge	Specification	Min	Max	Concurrent or Consecutive
I	1	15 Days	60 Days	Consecutive with Charge II
II	1	0 days	10 days	Concurrent with specification 2 of Charge II Consecutive with the Specification of Charge I
II	2	5	10 days	Concurrent with specification 1 of Charge II Consecutive with the Specification of Charge I

Example 2: No limitations on confinement

Example 3: The Military Judge shall sentence the Accused to (a minimum of ___ (days) (months) (years)) (and a maximum of ___ (days) (months) (years)).

Example 4: (The Military Judge may adjudge either a punitive discharge or confinement. If confinement is adjudged, the minimum confinement shall be 60 days and the maximum confinement shall be 120 days. If a punitive discharge is adjudged no confinement may be adjudged.

(2) Punitive Discharge.

Example: A (Bad Conduct Discharge) (Dishonorable Discharge) (punitive discharge) (Dismissal) (may) (must) (shall not) be adjudged.

(3) Rank Reduction.

Example: A reduction to the Grade of E-(____) (or any intermediate grade) (may)(shall) be adjudged. (No reduction in rank shall be adjudged.)

(4) Forfeitures.

(Forfeitures in the amount of _____ per _____ (may)(shall) be adjudged).

(5) Fine.

(A fine in the amount of _____(may)(shall) be adjudged.

(6) Other.

Example: (No other punishments may be adjudged)

c. (Upon the military judge's acceptance of my plea of guilty, the (Special Trial Counsel) (the trial counsel) will move to dismiss (with) (without) prejudice (the charges) (Specification (____) of Charge (____)) (and) (_____) (the excepted language) to which I am pleading not guilty (to ripen into prejudice upon the completion of appellate review.))

d. To not object and agree to allow Defense witnesses to appear by telephone or VTC during presentencing. This provision does not preclude objections to the content of any testimony.

e. (To not prefer or refer any additional charge(s) against the Accused for misconduct based on the evidence that the Government currently has in its possession or that the Government knew or reasonably should have known about at the time of the Court's acceptance of this agreement.)

f. (To grant (transactional) (testimonial) immunity to the Accused for _____) (except as to the Specifications and Charges for which the Accused is pleading guilty.)

g. (Pursuant to RCM 705(a) the Special Trial counsel may bind convening authorities and other commanders subject to such limitations as prescribed by the Secretary concerned. The Special Trial Counsel in coordination with the General Court Martial Convening Authority, (_____), binds the Convening Authority as follows:

(1) The Convening Authority will not initiate separation against the Accused based on the misconduct on the charge sheet.

(2) If separation is initiated by higher echelons of the U.S. Army for the misconduct the Convening Authority will recommend the Accused be (retained in) (allowed to retire from) the Army.)

(3) (The Convening authority agrees to grant deferral and waiver for the benefit of the Accused's dependents to the maximum extent allowable.))

7. If any provision or language in this plea agreement is held by the Court to be legally unenforceable, purposeless, or a legal or factual impossibility, then that provision or language may be severed, and the remainder of the Plea Agreement shall remain in effect.

SIGNATURES

By my signature below, I acknowledge that I have read this agreement completely, I have discussed it with my counsel, I understand it in all respects, and I am prepared to abide by its terms.

Accused: _____
 [NAME]
 [RANK], U.S. Army

Date: _____

Defense Counsel: _____
 [NAME]
 [RANK], JA

Date: _____

The foregoing plea agreement in the case of United States v.
_____ is:

Accepted.

Rejected.

[NAME]
[Rank], (JA)
(Commanding)(Chief Circuit Special
Trial Counsel)

Date: _____