**SCM PROCEDURE FOR UNIT LEGAL CLERK/OFFICER**

**PRE-TRIAL**

1. You should have seen a Pre-Trial Agreement signed by the accused and the Commanding Officer. This original “PTA” is returned to the Military Just Office. Once the MJO receives the PTA, you receive this email. Your assistance is essential for the preparation of this Summary Court-Martial. The reference for SCM is Chapter 13 of the Manual for Courts-Martial (2005 edition).

2. Once you know there is a signed PTA, you must ask the Commanding Officer who his “Summary Court-Martial Officer” is. You then figure out which number SCM this is for the current calendar year. Prepare the SCM Convening Order, using the sample in the email. The sample is also on the MJO website, <http://www.cherrypoint.usmc.mil/MCASCP/SJA/miltaryjustice/militaryjustice.as>p

3. In the email you received from MJO, you must also complete these forms, and return to MJO with the signed Summary Court-Martial Convening Order.

1. DD 2329, Record of Trial by Summary Courts-Martial: Complete Blocks 1-3, and 8. This is a pdf fillable form, and will not save, so be careful! This is also on the MJO website. A completed sample has been scanned and emailed to you.

Block 1-3: self-explanatory

Block 8: Don’t make this complicated, just enter a short version of the charge and specifications. If he’s pleading guilty to two specifications of drug use, fill in Block 8 like the below.

VIOL OF ART. 112A G

SPEC 1: WRONGFUL USE OF COCAINE G

SPEC 2: WRONGFUL USE OF MARIJUANA G

b) Report of Results of Trial: This is a naval letter from SCM Officer to Commanding Officer.

Please insert your unit’s letterhead, type in the SCM officer’s rank and name in the “From”

Line, and fill in the blanks for paragraphs 1 to 3.

1. eg: Lance Corporal Joe A. Doe, U.S. Marine Corps

2. eg: at Headquarters and Headquarters Squadron, convened by Lieutenant

Colonel I. M. Commander

3. eg: VIOL OF ART. 112A GUILTY

SPEC 1: USE OF COCAINE GUILTY

1. Waiver of Right to Submit Post-Trial Matters ICO Summary Court-Martial: This is a naval letter from the accused to the Commanding Officer). Please insert your unit’s letterhead, type in the “From” line information, and fill in the Subject line.

From: Lance Corporal Joe A. Doe, XXX-XX-1234, U.S. Marine Corps

Subj: WAIVER OF RIGHT TO SUBMIT POST TRIAL MATTERS ICO

SUMMARY COURT-MARTIAL; CASE OF UNITED STATES VS.

LANCE CORPORAL JOE A. DOE, U.S. MARINE CORPS

4. Now that the SCM Convening Order is signed by the Commanding Officer, and you have the other 3 documents partially prepared, deliver them to the MJO Section at the Joint Law Center.

5. The MJO Section will take the original charge sheet already here, and re-do Block 14 of the charge sheet to reflect a referral to SCM. You must then deliver this to the CO for signature. Return it, signed, to the MJO Section.

6. Now, the MJO Section will prepare an approximately 30 page package for the SCM Officer. The MJO Section prepares the evidence, sentencing information, and briefs the SCM Officer on how to conduct a SCM. The SCM Officer picks up the package directly from the Trial Counsel.

7. You should advise the chasers and SNCO of the Marine to prepare a brig bag, if the accused is of rank E-4 or below.

8. If your CO plans to administratively separate this Marine, PREPARE THE ADSEP PACAKAGENOW. After the SCM Officer is done, you can notify the Marine of admin sep proceedings, and start the process. That way, if the Marine goes in the brig, you have the entire length of sentence to get the admin sep letter signed by the CG. You can also take the Marine out of the brig for a day to complete his separation physical and other tasks.

7. The SCM Officer will choose a “Preliminary Proceeding” date and location. Here, he will advise the accused of his rights and do some preliminary paperwork. After that, whether an hour or a day, the SCM Officer actually holds the “SCM Proceeding.” The Marine then receives his sentence.

**POST-TRIAL**

1. Now, the SCM is over. The SCM Officer should bring you back EVERYTHING he has. The most important form is DD form 2329, the “Record of Trial.” This ORIGINAL form is what IPAC needs to run the sentence in Unit diary and make the reduction and forfeitures happen. Also, if confinement was awarded, the brig required a copy of this form.

1. You need to complete Block 13 on the DD 2329, Record of Trial. See the “**Convening Authority Action Sample.**” It must be in this **exact format**. The best way to do this is take a blank DD2329, type in the sentence and other information (name, rank), then print off that page. Cut off the new Block 13, and staple it over the blank Block 13 on the ORIGINAL DD 2329 (the one the SCM Officer has written on).

2. Your CO signs Block 13. Now the SCM sentence is official. Deliver the original to IPAC Legal, Mr. Franks. Make several copies though!

3. What you need for the Brig: Besides the brig gear list and brig physical, you need these forms:

1. Original Confinement Order, DD form 2707. You have this in the email, and it is on the MJO website.
2. Original Completed DD form 2704, “Victim Witness Certification Form”: this was completed already by the Trial Counsel, and is in the packet of information the SCM Officer gave you.
3. Copy of DD form 2329, the “Record of Trial”.

4. YOUR FINAL ACTION: Once the Marine is on his way to the brig, or executing his other punishments, (like restriction), take everything you have from the SCM Officer, and make a copy for your unit’s legal files. Then deliver it all to the Review Section at the Joint Law Center, 466-6567 / 3557. Do not return it to the MJO Section. The Review Section Officer will evaluate the SCM package for fairness and completeness, then endorse it, and maintain the SCM file for three years. If there are any errors, the Review Officer will contact your command to make corrections. Make sure EVERYTHING that is in the SCM Checklist in the SCM Handbook is BACK IN THE PACKAGE you return to the Review Section.

Normal errors are incorrect format for the Convening Authority’s Action, or missing documents that the SCM Officer forgot to hand back in.

Remember that if the accused indicates he DOES have matters to submit under R.C.M. 1105, you have to wait 7 days to turn in the package to Review.