

**MANUAL  
OF THE  
JUDGE ADVOCATE GENERAL  
(JAGMAN)**



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### PREFATORY NOTES

- a. The Manual of the Judge Advocate General may be cited as "JAGMAN 0101a(1)" or "JAGMAN A-1-b-(1)."
- b. Forms, certain reference material, and technical guides are located in the Appendices, which are keyed by section number to the relevant chapter.
- c. The words "Navy" and "naval" as used in this Manual include the Marine Corps, except where the context indicates differently.
- d. The Uniform Code of Military Justice and the Manual for Courts-Martial, United States, 2002, are referred to as "UCMJ" and "MCM" respectively in this Manual.

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- a. Accuser in a Navy chain of command
- b. Accuser in the chain of command of the Commandant of the Marine Corps

**0130 PERSONNEL OF COURTS-MARTIAL**

- a. Military judges
- b. Counsel
- c. Members
- d. Reporters, interpreters, escorts, bailiffs, clerks, and guards
- e. Oaths of court-martial personnel

**0131 STANDARDS FOR DETERMINING AVAILABILITY OF REQUESTED INDIVIDUAL MILITARY COUNSEL**

- a. General
- b. Definitions
- c. Submission and forwarding of requests
- d. Action by the commander of requested counsel
- e. Administrative review
- f. Approval of associate defense counsel

**0132 [Reserved]**

**0133 ADDITIONAL MATTERS IN CONVENING ORDERS**

**0134 ADDITIONAL MATTERS IN THE CASE OF CERTAIN RESERVE COMPONENT PERSONNEL**

- a. Holdover of reserve component personnel on active duty
- b. Holdover of reserve component personnel on inactive duty training
- c. Sentences to forfeiture or fine
- d. Sentence involving restraint on liberty

**SUBPART C2 -- TRIAL MATTERS**

<p><b>0135</b>    <b>ARTICLE 39(a), UCMJ, SESSIONS</b></p> <p><b>0136</b>    <b>DELEGATION OF AUTHORITY TO EXCUSE MEMBERS</b></p> <p><b>0137</b>    <b>PRETRIAL AGREEMENTS</b></p> <p>          a.    General</p> <p>          b.    Major Federal offenses</p> <p>          c.    Limitations in national security               cases</p> <p>          d.    Advanced education obligation</p> <p><b>0138</b>    <b>AUTHORITY TO GRANT IMMUNITY FROM PROSECUTION</b></p> <p>          a.    General</p> <p>          b.    Procedure</p> <p>          c.    Civilian witnesses</p> <p>          d.    Cases involving national security</p> <p>          e.    Review</p> <p>          f.    Form of grant</p> <p><b>0139</b>    <b>CONTENT OF IMMUNITY REQUESTS WHEN APPROVAL OF THE ATTORNEY GENERAL IS REQUIRED</b></p> <p>          a.    Approval</p> <p>          b.    Order to testify</p> <p><b>0140</b>    <b>POST-TESTIMONY PROCEDURE WHEN AUTHORITY TO GRANT IMMUNITY WAS OBTAINED FROM THE ATTORNEY GENERAL</b></p> <p>          a.    Information</p> <p>          b.    Verbatim transcript</p> <p><b>0141</b>    <b>PERSONAL DATA AND</b></p>	<p><b>CHARACTER OF PRIOR SER- VICE OF THE ACCUSED</b></p> <p><b>0142</b>    <b>RELEASE OF INFORMATION PERTAINING TO ACCUSED PERSONS</b></p> <p>          a.    General</p> <p>          b.    Applicability of regulations</p> <p>          c.    Release of information</p> <p>          d.    Information subject to release</p> <p>          e.    Prohibited information</p> <p>          f.    Exceptional cases</p> <p><b>0143</b>    <b>SPECTATORS AT PROCEEDINGS</b></p> <p>          a.    At sessions of courts-martial</p> <p>          b.    At Article 32 proceedings</p> <p><b>0144</b>    <b>SECURITY OF CLASSIFIED MATTER IN JUDICIAL PROCEEDINGS</b></p> <p>          a.    General</p> <p>          b.    Security clearance of personnel</p> <p>          c.    Procedures concerning spectators</p> <p><b>0145</b>    <b>FINANCIAL RESPONSIBILITY FOR COSTS INCURRED IN SUPPORT OF COURTS- MARTIAL</b></p> <p>          a.    Travel, per diem, fees, and mileage</p> <p>          b.    Involuntary recall and extension on               active duty of members in the Reserve               component</p> <p>          c.    Services and supplies</p> <p><b>0146</b>    <b>FEES OF CIVILIAN</b></p>
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## **WITNESSES**

- a. Method of payment
- b. Public voucher
- c. Obtaining money for advance tender or payment
- d. Reimbursement
- e. Certificate of person before whom deposition is taken
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- g. Computation
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- b. How to obtain forms
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### **0150 RECORD OF TRIAL**

- a. Authentication of record of trial in special courts-martial not involving a bad-conduct discharge.
- b. Retention of trial notes or recordings
- c. Security classification
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### **0151 INITIAL REVIEW AND ACTION**

- a. Convening authority
- b. When impracticable for convening authority to act
- c. Legal officer/staff judge advocate recommendation

### **0152 ACTIONS ON SPECIFIC TYPES OF SENTENCE**

- a. Summary courts-martial
- b. Sentences including reprimand
- c. Automatic reduction of enlisted accused
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### **0153 DISPOSITION OF RECORDS FOLLOWING CONVENING AUTHORITY ACTION**

- a. Summary courts-martial and special courts-martial not involving a bad-conduct discharge
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### **0154 FILING AND SUPERVISION OF COURT-MARTIAL RECORDS**

- a. JAG supervision
- b. Filing of courts-martial records
- c. Records containing classified information

### **0155 PROMULGATING ORDERS -- GENERAL AND SPECIAL COURTS-MARTIAL**

- a. When promulgating orders required
- b. When supplementary order is not required
- c. Supplementary orders in U.S.Navy-Marine Corps Court of Criminal Appeals cases
- d. Form

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## **SUMMARY COURTS-MARTIAL**

### **0157 SERVICE AND EXECUTION OF SENTENCES**

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- c. Punitive discharge--Naval Clemency and Parole Board action
- d. Execution of death penalty
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### **0158 REMISSION AND SUSPENSION**

- a. Authority to remit or suspend sentences in general courts-martial, and special courts-martial in which the sentence includes a bad-conduct discharge
- b. Authority to remit or suspend sentences in summary courts-martial, and special courts-martial in which the sentence does not include a bad-conduct discharge
- c. Probationary period
- d. Liaison with Naval Clemency and Parole Board

### **0159 LIMITATIONS ON AUTHORITY TO REMIT AND SUSPEND SENTENCES**

- a. Cases involving national security
- b. Flag and general officers
- c. Officers and warrant officers
- d. Authority of the Commanding Officer, Naval Station Norfolk, VA, and the Commanding Officer, Marine Detachment, U.S. Disciplinary Barracks, Fort Leavenworth, KS

### **0160 VACATION OF SUSPENSION**

## **OF SENTENCE**

- a. Review of confinement of probationer pending vacation proceedings
- b. Notice of proceedings
- c. Filing of report of proceedings
- d. Execution of vacated punishments

### **0161 REQUEST FOR WITHDRAWAL OF APPELLATE REVIEW**

- a. Article 66 cases
- b. Article 69(a) cases

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- a. General
- b. Time limitations
- c. Submission procedures
- d. Contents of application
- e. Signatures on application

### **0163 PETITION FOR NEW TRIAL - ARTICLE 73**

### **0164 NOTIFICATION TO ACCUSED OF COURT OF CRIMINAL APPEALS DECISION**

- a. Current address of Accused
- b. Promulgation package
- c. Copies of decision
- d. Change in address
- e. Completion of appellate review

### **0165 REQUEST FOR IMMEDIATE EXECUTION OF DISCHARGE**

- a. General
- b. Conditions of approval
- c. Execution of unexecuted portion of sentence
- d. Form of request for immediate execution of discharge

**0166 INSPECTION OF RECORD  
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OF A PERSON AGAINST PAY**

- a. Courts-martial decisions
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**PART D -- MISCELLANEOUS**

**0168 APPREHENSION BY  
CIVILIAN AGENTS OF THE  
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**0169 AUTHORITY TO PRESCRIBE  
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- a. Interrogations
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**0171 RECOUPMENT OF ADVANCED  
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**0172 CROSS-REFERENCE TO  
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**CHAPTER I**  
**REGULATIONS IMPLEMENTING AND SUPPLEMENTING**  
**THE MANUAL FOR COURTS-MARTIAL**

**0101 SCOPE**

The Uniform Code of Military Justice (UCMJ) and the Manual for Courts-Martial (MCM), authorize "the Secretary concerned" or "the Judge Advocate General concerned" to prescribe regulations implementing or supplementing certain provisions of the UCMJ or the MCM. This chapter provides those regulations and additional regulations relating to military justice.

Part A contains regulations and procedures governing nonpunitive corrective measures. Part B contains regulations and procedures relating to nonjudicial punishment. Part C pertains to trial by court-martial. It is divided into three subparts, concerning the pretrial, trial, and post-trial stages of the court-martial process. Part D contains miscellaneous provisions, including a table of cross-references between this chapter and corresponding provisions of the MCM.

**PART A - NONPUNITIVE MEASURES**

**0102 NONPUNITIVE ADMINISTRATIVE MEASURES GENERALLY**

Commanding officers and officers in charge are authorized and expected to use administrative corrective measures to further the efficiency of their commands or units. See R.C.M. 306(c)(2), MCM. These measures are not to be imposed as punishment for any military offense(s). They may be administered either orally or in writing. They generally fall into three areas: extra military instruction, administrative withholding of privileges, and nonpunitive censure.

more than 2 hours per day.

(2) EMI may be conducted at a reasonable time outside normal working hours. Reserve component personnel on inactive duty training, however, may not be required to perform EMI outside normal periods of inactive duty training.

(3) EMI will not be conducted over a period that is longer than necessary to correct the performance deficiency for which it was assigned.

(4) EMI should not be conducted on the member's Sabbath.

(5) EMI will not be used for the purpose of depriving the member of normal liberty to which the member is otherwise entitled. A member who is otherwise entitled thereto may commence normal liberty upon completion of EMI.

(6) Authority to assign EMI that is to be performed during normal working hours is not limited to any particular grade or rate, but is an inherent part of that authority over their subordinates, which is vested in officers and noncommissioned/petty officers in connection with duties and responsibilities assigned to them. This authority to assign EMI that is to be performed during normal working hours may be withdrawn by any superior if warranted.

(7) Authority to assign EMI to be performed after normal working hours is vested in the

**0103 EXTRA MILITARY INSTRUCTION**

a. **Definition.** Extra military instruction (EMI) is defined as instruction in a phase of military duty in which an individual is deficient, and is intended for and directed towards the correction of that deficiency. It is a bona fide training technique to be used for improving the efficiency of an individual within a command or unit through the correction of some deficiency in that individual's performance of duty. It may be assigned only if genuinely intended to accomplish that result. It is not to be used as a substitute for judicial (court-martial) action or nonjudicial punishment (NJP), and must be logically related to the deficiency in performance for which it was assigned.

b. **Limitations.** EMI shall be conducted within the following limitations:

(1) EMI normally will not be conducted for