



### CONTACT INFORMATION

If you need additional assistance, below are several key points of contact:

- Military Service Central Repository:

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- Confinement Facility:

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- Clemency and Parole Board:

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- Victim Witness Liaison:

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- Appellate Victim Liaison:

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- Additional contact information:

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# POST-TRIAL INFORMATION FOR VICTIMS & WITNESSES OF CRIMES



DoD  
Victim and Witness Assistance Program

## INFORMATION ABOUT POST-TRIAL

### **Introduction**

The court-martial is not the completion of the legal process and is not the end of victim involvement. Victim rights and notifications exist throughout the post-trial, appellate, and corrections/confinement process. This pamphlet details the post-trial process and your rights in that process. This includes your right to be notified of changes in the confinement status of the offender in your case, and your right to submit matters.

### **Record of Trial**

After the trial, a record of the proceedings will be prepared. You are entitled to receive a Statement of Trial Results. As a victim, you are entitled to a no-cost copy of the record of trial as soon as it is officially certified by the court.

### **After Trial**

Forfeitures of pay and reductions in rank usually begin 14 days after the sentence is announced, unless deferred by the Convening Authority, who is typically a senior officer. Other parts of the sentence take effect only after the military judge enters the judgment of the court-martial, which generally occurs within two to four months after trial. If the military judge orders a post-trial hearing, you have the right to be notified and attend.

A victim has the right to submit a written statement to the Convening Authority, which may include an opinion on whether the offender should receive clemency, if the Convening Authority has discretion to act in the case.

A victim also has the right to receive a copy of the Convening Authority's Action if the Convening Authority took action. You will be informed of the process for how to do this, if applicable. The signing of the Entry of Judgment completes the post-trial process. A victim may request a copy of the Entry of Judgment regardless of trial outcome.

### **Appellate Review**

All court-martial convictions are either reviewed by a judge advocate or appellate court. An appeal is when a higher court reviews the decisions made by lower courts to determine if a legal error was made. The post-trial appeal process can take a long time. Depending on the offense, an offender can choose to waive appellate review. A victim has the right to be notified in advance of the date and time of any appellate courtroom hearings, and to be notified of the final decision of any appellate court or judge advocate review. Your Service may have an Appellate Victim Liaison who keeps victims informed of any appellate developments in your case. The contact information for the Appellate Victim Liaison is on the back of this pamphlet.

### **Clemency and Parole Consideration**

Military prisoners are generally eligible for clemency consideration within their first year of confinement. Military prisoners are generally eligible for parole consideration when they have completed one third of their confinement, and every year thereafter. Most prisoners will not serve the full adjudged sentence and will be released on the "minimum release date" as indicated on the DD Form 2705, "Notification of Victim/Witness of Prisoner Status." Victims have a right to be notified of scheduled clemency and parole board hearings and notified of the results of those hearings. A victim may make a statement to the confinement facility or directly to the Clemency and Parole Board on how the crime affected you. This statement may be given in person (if allowed), telephonically, or submitted in writing, audio, or video to the Clemency and Parole Board (address provided on the back of this pamphlet).

### **How to Exercise Your Rights**

If you want to exercise any of your post-trial rights, you must make your elections on the DD Form 2704, "Victim/Witness Certification and Election Concerning Prisoner Status," and the DD Form 2704-1, "Victim Election of Post-Trial Rights." You will be provided an opportunity to make your elections and to receive a copy of these forms after sentencing. You must notify the appropriate offices of any change in your address or contact information if you want to ensure you receive these future notices. Your information will be kept confidential.

### **Location of Confinement Facility**

If the accused is convicted of any offense, the court-martial will sentence the accused. If the sentence includes confinement, the accused, now called "prisoner," is usually taken immediately to jail. There may or may not be a confinement facility located on the same installation where the court-martial took place. The local installation may have a temporary facility where the prisoner will be held until transferred to a permanent facility.

Depending on the security level of the prisoner, they may be assigned to various work details around the installation. If the prisoner's period of confinement is minimal, then the prisoner may serve the entire sentence at an adequate facility on the installation or a locally-contracted confinement facility.

If there is no confinement facility at the installation, the facility is not adequate to house the prisoner, or the sentence is in excess of what is handled on the installation, then the prisoner will be taken to a regional confinement facility. The prisoner may later be transferred to other facilities available, based on length of sentence, programs, and security levels.

You can be notified of these changes if you fill out a DD Form 2704, "Victim/Witness Certification and Election Concerning Prisoner Status." It is very important that you keep the confinement facility informed of your current contact information.

### **Confinement Notifications**

You have the right to be notified in writing of the following changes in the prisoner's status:

- transfer to another facility,
- parole,
- escape,
- return to custody after escape
- release from confinement,
- death while in confinement, or
- If the prisoner is released on temporary home leave (for example, to visit a dying parent), the confinement facility will make every effort to notify you in advance.