MANUAL FOR COURTS-MARTIAL UNITED STATES



Manual For Courts Martial

Clifford Lane

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the MCM that have been amended The MCM 2012 Edition includes unique changes warranting attention Legal and Legislative Basis, Manual for Courts-martial United States United States. Department of Defense, 1951 This book consists of a brief history of the preparation of the 1951 Manual for Courts Martial as well as twenty five discussions of the legal and legislative considerations involved in the preparation Col Charles L Decker wrote the history whereas the same officers who prepared the initial drafts of the manual wrote most of the discussions Those officers included Col Decker Lt Col Waldemar A Solf Maj Gilbert G Ackroyd Maj Kenneth J Hodson Maj William H Conley Cdr William A Collier Lt Col Jean F Annotation to Manual for Courts-martial, United States, 1951 United States, Air Rydstrom and Maj Roger Currier Force, 1957 A Manual for Courts-martial, U.S. Army United States. War Department, 1943 Courts-Martial United States (2012 Edition) United States Government US Army, Us Army, 2012-12-27 The Manual for Courts Martial MCM United States 2012 Edition updates the MCM 2008 Edition It is a complete reprinting and incorporates the MCM 2008 Edition including all amendments to the Rules for Courts Martial Military Rules of Evidence Mil R Evid and Punitive Articles made by the President in Executive Orders EO from 1984 to present and specifically including EO 13468 24 July 2008 EO 13552 31 August 2010 and EO 13593 13 December 2011 See Appendix 25 This edition also contains amendments to the Uniform Code of Military Justice UCMJ made by the National Defense Authorization Acts for Fiscal Years 2009 through 2012 Some of the significant changes are summarized and listed below This summary is for quick reference only and should not be relied upon or cited by practitioners in lieu of the actual provisions of the MCM that have been amended The MCM 2012 Edition includes unique changes warranting attention Discussion has been added or amended to address changes in practice resulting from United States v Campbell 71 M J 19 C A A F 2012 United States v Fosler 70 M J 225 C A A F 2011 and United States v Jones 68 M J 465 C A A F 2010 See R C M 307 c 3 R C M 307 c 4 R C M 906 b 12 R C M 907 b 3 B R C M 910 a 1 R C M 918 a 1 R C M 1003 c 1 C and in Part IV of this Manual paragraph 3b paragraph 60c 6 a and the discussion at page IV 1 The Discussion added in 2012 was a short term solution intended to address recent broad changes in the law Although it may describe legal requirements derived from other sources the Discussion does not have the force of law It is in the nature of a treatise and may be used as secondary authority The Discussion will be revised from time to time as warranted by changes in applicable law See Composition of the Manual for Courts Martial in Appendix 21 of this Manual Practitioners are advised that the Mil R Evid will be amended after the publication of this Manual and will take effect only after the President signs the relevant EO Once approved the revised Mil R Evid will exist outside of this Manual until its next complete reprinting Practitioners are also advised that Article 120 has been amended by the National Defense Authorization Act for Fiscal Year 2012 Public Law 112 81 31 December 2011 The amended version of Article 120 creates three separate sexual offense statutes Article 120 for adult offenses Article 120b for child offenses and Article 120c for other sexual offenses Article 120a remains unchanged As of 2012 there are now three versions of Article 120 and each version is

located in a different part of this Manual For offenses committed prior to 1 October 2007 the relevant sexual offense provisions are contained in Appendix 27 For offenses committed during the period 1 October 2007 through 27 June 2012 the relevant sexual offense provisions are contained in Appendix 28 For offenses committed on or after 28 June 2012 the relevant sexual offense provisions are contained in Part IV of this Manual Articles 120 120b and 120c

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