

EXTRACT OF MILITARY RECORDS OF PREVIOUS CONVICTIONS

IDENTIFICATION

1. NAME <i>(Last, First, Middle Initial)</i>	2. SSN	3. RANK	4. UNIT/COMMAND NAME
--	--------	---------	----------------------

PART I - RECORD OF PREVIOUS CONVICTIONS BY COURTS-MARTIAL ¹

5a. TYPE OF COURT-MARTIAL	b. CM ORDER OR SCM NO.	c. HEADQUARTERS	d. ARTICLE(S)
---------------------------	------------------------	-----------------	---------------

e. SYNOPSIS OF SPECIFICATION(S) INCLUDING DATE OF OFFENSE *(If more space is needed, continue on reverse.)*

f. SENTENCE ADJUDGED ²	g. DATE SENTENCE ADJUDGED <i>(YYMMDD)</i>
	h. DATE SENTENCE FINALLY APPROVED ⁴ <i>(YYMMDD)</i>

i. I CERTIFY THE FOREGOING IS CORRECT. ³

(1)(a) TYPED OR PRINTED NAME OF PERSON SIGNING ORIGINAL ENTRY IN MILITARY RECORD <i>(Last, First, Middle Initial)</i>	(b) RANK
---	----------

(2)(a) TYPED OR PRINTED NAME OF PERSON SIGNING ORIGINAL ENTRY IN MILITARY RECORD <i>(Last, First, Middle Initial)</i>	(b) RANK
---	----------

6a. TYPE OF COURT-MARTIAL	b. CM ORDER OR SCM NO.	c. HEADQUARTERS	d. ARTICLE(S)
---------------------------	------------------------	-----------------	---------------

e. SYNOPSIS OF SPECIFICATION(S) INCLUDING DATE OF OFFENSE *(If more space is needed, continue on reverse.)*

f. SENTENCE ADJUDGED ²	g. DATE SENTENCE ADJUDGED <i>(YYMMDD)</i>
	h. DATE SENTENCE FINALLY APPROVED ⁴ <i>(YYMMDD)</i>

i. I CERTIFY THE FOREGOING IS CORRECT. ³

(1)(a) TYPED OR PRINTED NAME OF PERSON SIGNING ORIGINAL ENTRY IN MILITARY RECORD <i>(Last, First, Middle Initial)</i>	(b) RANK
---	----------

(2)(a) TYPED OR PRINTED NAME OF PERSON SIGNING ORIGINAL ENTRY IN MILITARY RECORD <i>(Last, First, Middle Initial)</i>	(b) RANK
---	----------

PART II - ATTESTING CERTIFICATE BY CUSTODIAN

7. NAME OF UNIT/COMMAND OF CUSTODIAN	8. ADDRESS OF UNIT/COMMAND OF CUSTODIAN <i>(Street, City, State, Zip Code)</i>	9. DATE COMPLETED <i>(YYMMDD)</i>
--------------------------------------	---	--------------------------------------

I certify that I am the official custodian of the military personnel records pertaining to previous convictions by court-martial of the above-named person, and that the foregoing is a true copy of the entries contained therein. ¹

10. TYPED NAME <i>(Last, First, Middle Initial)</i>	11. RANK	12. OFFICIAL CAPACITY	13. SIGNATURE
---	----------	-----------------------	---------------

¹ Only admissible previous convictions will be listed. To determine admissibility, see rules on reverse. For Army personnel, the extract will be prepared from the Service Record or DA Form 2-2. For Air Force personnel, the extract will be prepared from AF Form 1226. For Navy personnel, the extract will be prepared from NAVPERS Form 1070/607 or Administrative Remarks, Page 13. For Marine Corps personnel, the extract will be prepared from NAVMC Form 118(13)-PD.

² For convictions by summary courts-martial or special courts-martial without a military judge, entry is "Sentence as Approved."
³ If the service record certification block being extracted fails to contain the required: (a) Signature of the personnel records custodian, request that officer to take immediate action; (b) rank and unit/command of the custodian of the conviction record, enter remark such as "None," "Rank not shown," "Unit/command not shown," as appropriate, in applicable block of the extract. Entries in this section are extracted from the source document. No actual signatures will be made in this section.

⁴ Applies only to convictions by summary courts-martial and special courts-martial without a military judge. The date of sentence approval is the date that review has been completed pursuant to Article 64 or Article 66, if applicable.

RULES FOR DETERMINING ADMISSIBILITY OF PREVIOUS CONVICTIONS

(See RCM 1001(b)(3), MCM, 1984)

There is a conviction in a court-martial when a sentence has been adjudged, except that a conviction by a summary court-martial or a special court-martial without a military judge is not admissible in a subsequent court-martial until review has been completed pursuant to

Article 64(a) or Article 66, UCMJ, if applicable. A vacation of suspended sentence is not a conviction and is not admissible as such. An adjudication of guilt by a civilian forum is a conviction in accordance with the law of that jurisdiction.

INTRODUCING EVIDENCE OF PREVIOUS CONVICTIONS

NOTE: To be considered by a court-martial, previous convictions must be ADMITTED in evidence. Ordinarily, they are proved by introducing in evidence a duly authenticated extract copy of accused's military personnel record (DD Form 493). They may also be proved by the record of previous convictions or by the order promulgating the results of trial. After the Record of Previous Convictions has been marked for identification and shown to the defense counsel, the introduction proceeds as follows:

Trial Counsel: Prosecution Exhibit _____ for identification, a duly authenticated extract copy of the accused's military personnel record of previous conviction(s) by court-martial, is offered in evidence as Prosecution Exhibit _____ .

Defense Counsel: (No objection.) (The accused objects to _____ on the grounds that _____.)

Military Judge (President): Prosecution Exhibit _____ for identification is (not) admitted in evidence as Prosecution Exhibit _____.