

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
ALDYKIEWICZ, BURTON, and WALKER
Appellate Military Judges

UNITED STATES, Appellee
v.
Private E2 LEEROY M. SIGRAH
United States Army, Appellant

ARMY 20190556

ORDER

WHEREAS:

During appellant's court-martial, the military judge orally ruled on defense counsel's motions made pursuant to Rule for Courts-Martial (R.C.M.) 914. Following her initial oral ruling, the military judge stated, "I will supplement my ruling with written findings of fact and conclusions of law prior to authentication of the record." The record of trial received by this court contained no written findings of fact and conclusions of law on defense counsel's motions made pursuant to R.C.M. 914.

Rule for Courts-Martial 1112(d), in effect at the time pertinent to this case, provides for correction of a record of trial found to be incomplete or defective after authentication. Rule for Courts-Martial 1112(d)(2)–(3) describes the procedure for return of the record of trial to the military judge for correction. The court notes that R.C.M. 1112(d)(2) requires notice and opportunity for the parties to examine and respond to the proposed correction.

NOW THEREFORE, IT IS ORDERED:

1. The record of trial is RETURNED to the military judge for action consistent with R.C.M. 1112, to resolve the matter of the military judge's written R.C.M. 914 ruling and correcting the record. Any ruling added to the record of trial during the correction process shall be signed and properly labeled. Once corrected, the record will be returned to the court not later than 16 April 2021. Thereafter, Article 66(b), Uniform Code of Military Justice, 10 U.S.C. § 866(b), will apply.
2. If the record is not returned to the court by 16 April 2021, the government shall inform the court in writing not later than 16 April 2021 as to the status of the correction directed by this order.

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3. All motions pending before the court are held in abeyance until the record of trial is returned.

DATE: 26 March 2021

FOR THE COURT:

(b) (6)

JOHN P. TAITT
Acting Clerk of Court

CF: JALS-DA
JALS-GA
JALS-CCR
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