



# **US Army Court of Criminal Appeals**

**Citation Guide  
Seventh Edition, 2012**

# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

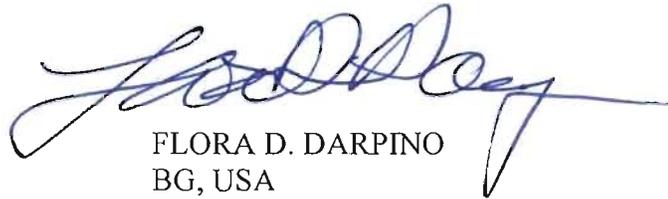
## CITATION GUIDE

2012 Edition

9 March 2012

This is the seventh Army Court Citation Guide. The Guide is written to provide uniform assistance to all who file pleadings before the United States Army Court of Criminal Appeals. The general principles of citation set out in this Guide closely parallel those found in *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 19th ed. 2010) [hereinafter *The Bluebook*]. The Guide should be used as a resource supplement to *The Bluebook*.

The Army Court Citation Guide should facilitate high quality appellate briefs and judicial opinions. Additionally, the Military Citation Guide of the Judge Advocate General's Legal Center and School also contains useful examples of citations applicable to the practice of military law. Suggestions for amendments or other practical improvements to the Army Court Citation Guide are always welcome and should be addressed to the Clerk of Court, United States Army Court of Criminal Appeals, 9275 Gunston Road, Fort Belvoir, Virginia 22060.



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# I. MECHANICS

For general reference and additional guidance see *The Bluebook: A Uniform System of Citation* [hereinafter *The Bluebook*] B.1–4, at 3–15, B. 7–8, at 19–23, R. 1.1(b), at 53, R. 3.3, at 69–70, R. 5, at 76–79, R. 6, at 80–82, R. 7–8, at 83–86, 473 tbl.T.16 (Columbia Law Review Ass’n et al. eds., 19th ed. 2010). Specific references to *The Bluebook* are also provided in blue in the margins below.

## A. Typeface

### 1. *Italics*

- a. Use *italicized*, not **boldfaced**, words or phrases to show emphasis. Also, use *italics* for case names, signals, and other specialized citations (as indicated in this guide or, where applicable, in *The Bluebook*). Contrary to *The Bluebook*, do not underline citations. R. 7(a)  
B. 1
- b. *Italicize* foreign words or phrases (for example, Latin words and phrases used in legal writing) that have not been incorporated into common English language. If unsure, consult the current edition of *Black’s Law Dictionary* (9th ed. 2009) which identifies words that should be italicized. R. 7(b)

#### Examples:

*id.*  
*actus reus*  
*inter alia*  
*mens rea*  
*maison*  
*de minimus*  
*sub rosa*

#### But:

amicus curiae  
de novo  
i.e.  
e.g. (*when not used as a citation signal*)  
sua sponte  
in camera  
per se

2. **Boldface** and Underlining: Reserve **boldfaced** type and underlined type for headings.
3. SMALL CAPS: Do not use SMALL CAPS in pleadings. B. 1

## B. Footnotes:

Do not use footnotes as substitutes for citation clauses or citation sentences. Citations shall be provided within the body of the text, unless the citation relates to text within the footnote itself. As an exception to the foregoing rule, string citations of four or more cases, and citation clauses of more than fifty words, may appear in a footnote. B. 2  
R. 1.1(b)

## C. Abbreviations

### 1. Names

- a. When masking the name of a real party (for example, to avoid publicizing the name of a victim of a sexual offense), use the person’s initials without periods and without italics. Use only the first and last initial unless another party has the same first and last initials. In that

case, use first, middle, and last initial. As a general rule, the names of sex offense victims, child victims, law enforcement agents (military and civilian), or any persons whose privacy would be invaded to an unwarranted degree by the release of their names will be replaced with initials.

Examples:

Appellant sexually assaulted Private AZ in the barracks.

Appellant fondled NAS while she was watching television, and he vaginally penetrated her sister, NLS, in the bathroom.

Appellant made a sworn statement to Special Agent (SA) SJ on 10 January 2011 which he then knew to be false.

The court found that the representation of appellant by his trial defense counsel, Captain (CPT) PM, met the two-pronged test of *Strickland*.

- b. To indicate a hypothetical party or place, use a single italicized capital letter, without a period. **R. 7(c)**

Example: Assume *A* went to bank *B* in state *X*.

## 2. Dates

- a. Text: In a sentence, in both the main text and in footnotes, use the military date format (day-month-year). Do not abbreviate the month.

Example: On 17 February 1999, appellant submitted a request for deferment and waiver of forfeitures; the convening authority denied the request on 28 February 1999.

- b. Citations: Use the civilian date format (month-day-year) unless the source material follows the military date format. Whether you use the military or civilian date format in a citation, always abbreviate the month according to Table 12 in *The Bluebook*.

*John v. Smith*, No. 90-627 (D. Mass. Dec. 19, 1990).

*United States v. Shankles*, ARMY 20100307 (Army Ct. Crim. App. 18 Nov. 2011).

## 3. Military grades, ranks, and titles

- a. Military grades, as opposed to military ranks, include a letter abbreviation, followed by a hyphen, and then a numeral. Army Reg. 600-20 [hereinafter AR 600-20], Personnel-General: Army Command Policy, tbl. 1-1 (4 Aug. 2011).

Example: The convening authority approved the adjudged sentence of a dishonorable discharge, confinement for four years, and reduction to the grade of E-1.

b. Standard rank abbreviations: Refer to Table 1-1, AR 600-20, first, and then to U.S. Government Printing Office Style Manual R. 9.29 (2008), for guidance.

PV1	PV2	PFC	SPC	CPL	SGT
SSG	SFC	MSG	1SG	SGM	CSM
1LT	2LT	CPT	MAJ	LTC	COL
BG	MG	LTG	GEN		
WO1	CW2	CW3	CW4	CW5	

c. Standard rank abbreviations may be used after insertion of an explanatory parenthetical. Do not, however, begin a sentence with an abbreviation.

Example: Specialist (SPC) Smith testified on the merits. According to SPC Smith, the victim knew appellant prior to the assault. Specialist Baker’s testimony reiterated SPC Smith’s.

d. After fully citing rank or title, authorized forms of address may be used without advance indication of doing so.

Example: Captain Jones directed Command Sergeant Major Brown, First Sergeant Green, Master Sergeant Davis, and Private First Class Smith to enter his office. Captain Jones explained the problem, while Sergeant Davis and Private Smith remained silent.

#### 4. Subdivisions

**R. 6.2(c)**

a. Text: In the text, you may spell out words indicating subdivisions.

Example: Appropriate guidance is provided in paragraph 3-5 of the regulation.

But: The convening authority failed to comply with Army Reg. 27-10, Legal Services: Military Justice, para. 5-32 (16 Nov. 2005), which requires the convening authority to show in his initial action all credits against an appellant’s sentence to confinement.

b. Citations: In citations, use the regular citation format, including any abbreviations.

Examples:

U.S. Const. amend. IV

¶, ¶¶ (if symbol appears in source)

para., paras. (if otherwise)

ch., chs.

art., arts.

**T.16**

**R. 6.1**

5. Captions and headings: Do not abbreviate words used in a caption or heading, except “U.S.” and numerals when otherwise consistent with these rules. Do not abbreviate “Fort.” As an exception to the general rule, the Army Court of Criminal Appeals does not use a hyphen to express military grades in captions or headings for historical reasons.

Examples:

101st Airborne Division (Air Assault) and Fort Campbell  
3rd Infantry Division (Mechanized) and Fort Stewart  
III Corps and Fort Hood (Rear) (Provisional)

**D. Numerals:** Follow Rule 6.2 of *The Bluebook* as supplemented below. Rule 6.2 supersedes guidance provided in Chapter 12 of the Government Style Manual.

1. General rules

a. Numbers:

(1) As indicated in *The Bluebook*, when a series includes numbers greater than 100 and less than or equal to 100, numerals should be used for the entire series. In addition to *The Bluebook's* guidance, even if not strictly in a series, numbers that denote the same type of thing should usually be in the same format unless the result would be absurd. **R. 6.2(a)**

Examples:

In 1954, there were 5 attorneys in Harris county, today there are 113. **R. 6.2(a)(iii)**

In 1954, there were two attorneys in that county; today there are two hundred.

The adjudged sentence included confinement for ninety days, forfeiture of \$650.00 pay per month for three months, and a bad-conduct discharge.

The box contained 103 one hundred dollar bills.

(2) In a string cite with parentheticals comparing similar items, if one parenthetical uses numerals, all should use numerals.

Examples:

CASE CITE (97 days excessive); CASE CITE (103 days “too long”); CASE CITE (67 days excessive); CASE CITE (123 days warranting relief)

But: CASE CITE (sixty-nine days acceptable); CASE CITE (forty-two days is “alright”); CASE CITE (seventy-four days “passes muster”)

b. Time: Do not indicate “hours” after military time format.

Example: He arrived at 0900 on 12 November 2001.

c. Money: When referring to a dollar amount, write out fully the entire amount, dollars and cents (\$676.00). **R. 6.2(d)**

2. Military unit designations

a. Armies: Spell out the number identifying an Army.

Examples:

Fifth Army

Eighth Army

b. Corps: Use Roman numerals for corps.

Examples:

III Corps

V Corps

XVIII Airborne Corps

c. Divisions or smaller: Use Arabic numerals for organizations of division size or smaller, for support commands, and for specialized commands. Do not use a superscript font, such as “1<sup>st</sup>” or “3<sup>rd</sup>,” for ordinals.

**R. 6.2(b)(ii)**

Example: 1st Infantry Division, 172d Infantry Brigade, 19th Support Command

## **E. Capitalization**

### **1. Organizations, offices, and officials**

a. Capitalize nouns referring to or identifying specific organizations, government offices, official bodies, or officials.

**R. 8(c)(i)**

Examples:

Secretary Rumsfeld

The Judge Advocate General (see pending discussions)

the Secretary of the Army

the V Corps Staff Judge Advocate

the President

the Congress

b. Use lower case when referring to these persons and groups generically or other than as proper nouns.

**R. 8(c)(i)**

Examples:

a judge advocate

a staff judge advocate

the secretarial delegation

the congressional action

the presidential veto

office of the staff judge advocate

the appellant

family

soldier

### **2. Courts**

a. Capitalize the word “court” only when used as part of the court’s full title or when referring to the United States Supreme Court. Do not confuse the “Supreme Court” with state courts.

Examples:

the United States Court of Appeals for the Fifth Circuit

Although the Court did not so find in *Marshall v. United States*, 360 U.S. 310 (1959), this court has long favored such a rule.

b. *Exception:* Due to the formal style in which orders of the court are written, the word “Court” is capitalized throughout an order when referring to the Army Court of Criminal Appeals. The word, “Order,” is also capitalized when used within an order.

Example: WHEREAS, this Court desires additional briefs . . .

3. Constitution: In the text, capitalize constitution whenever it refers to the United States Constitution and capitalize any parts to the Constitution. See *The Bluebook* for additional guidance. **R. 8(c)(ii)**

Examples:

When the Constitution was signed in 1787, Mr. Squires worked in the stables because legal jobs were scarce. **R. 8(c)(ii)**  
Supremacy Clause  
Preamble

4. Judge and justice: Capitalize only when referring to a judge or justice by name or when referring to a Justice of the U.S. Supreme Court. **R. 8(c)(ii)**

Examples:

the military judge  
the senior judge  
my dissenting sister  
Senior Judge Smith  
Chief Judge Crawford  
the Justice (*referring to a U.S. Supreme Court Justice*)

5. State

Examples:

the great State of North Carolina  
the State Auditor  
the State filed a motion

6. Specialized court-martial terminology

a. Charges and specifications:

(1) Capitalize the words “charge” and “specification” when they refer to numbered or specifically identified charges and specifications. Otherwise, use lower case. The word “the” is capitalized when there is only one charge, or one additional charge. However, the word “the” is not capitalized when it refers to a specification.

Examples:

Specification 3 of Charge II  
the Specification of The Charge  
The Charge and its Specification  
the Specification of The Additional Charge\*

the charges and their specifications  
the charges are dismissed  
the charge sheet

\*(2) But when there are multiple specifications of a specific charge, use the following:

Example: Additional Charge I and its specifications

b. Court-martial personnel: Contrary to *The Bluebook*, B. 7.3.1, .2, at 22, do not capitalize participants in the trial, generic references to officials taking action in court-martial cases, or generic documents.

Examples:

appellant	trial counsel
appellee	defense counsel*
government	civilian defense counsel
court reporter	convening authority
panel member	appellant government counsel
staff judge advocate	appellate defense counsel
military judge	pretrial agreement

\*do not reference appellant’s counsel as “trial defense counsel” unless distinguishing between a “trial defense counsel” and “appellate defense counsel” in the same brief.

Example: The Fort Irwin staff judge advocate subsequently notified appellant’s defense counsel that “local business” had priority over appellant’s case. Defense counsel later provided a copy of a request to convene an Article 39(a), UCMJ, hearing to Judge Saynisch, who was one of the two detailed military judges in appellant’s court-martial.

c. Use of Common Acronyms: When the same words are used frequently in a discussion, the following terms may be spelled out the first time they are used, then use these acronyms thereafter (no periods):

Examples:

Criminal Investigation Command (CID) <sup>1</sup>	Department of Defense (DOD)
staff judge advocate (SJA)	Department of the Army (DA)
staff judge advocate’s recommendation (SJAR)	

**F. Emphasis Added:** Because this explanatory phrase is a constant source of confusion, the following is provided for clarification.

**R. 5.2**

1. “Emphasis added” should appear as follows:  
(emphasis added).

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<sup>1</sup> The full acronym is USACIDC. Even though the “D” stands for “Division,” CID is actually its own Command, and therefore should be referred to as Criminal Investigation Command, not Criminal Investigation Division.

2. Refer to the following for guidance:

Examples:

“The issue before us in the present case is how to apply *Purkett*, a rule fashioned for a civilian jury system, *in the military context*.” *United States v. Tulloch*, 47 M.J. 283, 287 (C.A.A.F. 1997) (emphasis added).

“Assault with intent to commit murder is assault with *specific intent* to kill.” *Manual for Courts-Martial, United States* (1998 ed.), pt. IV, ¶ 64.c.(2) (emphasis added).

During the providence inquiry, the military judge stated the following: “That the absence was *without proper authority* from someone who could give you that leave.” (R. at 83 (emphasis added)). To examine the providence of appellant’s guilty plea, the judge continued, by stating . . . .

3. Do not indicate “(emphasis in original)”: If the passage is enclosed in quotation marks, the quotation marks indicate everything therein appears exactly the same in the original source, including any emphasis. **R. 5.2(d)(iii)**

4. If the quoted passage contains an alteration from its original source, indicate that fact parenthetically as “(alteration in original).”

**G. Hyphenated Words**

bad-conduct discharge

post-trial

lesser-included

short-term

sign-in (i.e. a sign-in sheet BUT NOT He gave me an order to sign in at the CQ desk.)

on-post (i.e. on-post housing BUT NOT I had to drive on post to get my uniform.)

**H. Words Not Hyphenated**

pretrial

nonmilitary

fact finder

## II. THE APPELLATE RECORD

Follow the rules in this part for citing the appellate record, even where those rules conflict with *The Bluebook*. General guidance on citing the record can be found in *The Bluebook*, B. 7, at 19–22, 28–29 tbl.B.T.1, 430–31 tbl.T.6.

### A. In General

The appellate record includes the transcript of all court-martial proceedings and trial exhibits in a particular case, as well as the accompanying pretrial, trial, post-trial, and appellate documents, including those submitted on appeal, all of which are on file with the Office of the Clerk of Court, Army Court of Criminal Appeals. The rules in this part are to be used for citing the appellate record in the particular case at hand. When citing the record of a different case, refer to *The Bluebook*, R. 10.8.3, at 106–07.

### B. Court-Martial Transcript

When citing the paginated transcript of the court-martial proceedings, use “R. at” enclosed in parenthesis and followed by the particular page or pages cited. Do not use *id.* to refer to the record. When citing sealed portions of the transcript, include “(sealed)” in the citation.

**B. 7.1.1**  
**B. 7.2**

#### Examples:

Appellant pleaded guilty to all charges and specifications. (R. at 77).

A military judge sitting as a general court-martial convicted appellant, pursuant to his pleas, of one specification of larceny in violation of Article 121, Uniform Code of Military Justice, 10 U.S.C. § 921 (2006). (R. at 19, 85).

After conducting a hearing pursuant to Mil. R. Evid. 412, the military judge granted the defense motion to admit testimony about PFC CV’s behavior. (R. at 113–39 (sealed)).

### C. Documents

1. Basic Citation Format: For documents within the appellate record, enclose in parenthesis the full name of the document, and, if applicable, the pinpoint citation. In addition, include the date of the document when the record contains more than one document with the same title, when the date is significant to the discussion, or when necessary to avoid confusion. Citation to different documents within the same citation clause or sentence shall be separated by semicolon. When citing orders, prior dispositions, military publications, or administrative materials, use the citation formats in Parts IV, V, and VI of this guide, where appropriate. When citing a sealed document, include “(sealed)” in the citation.

**B. 7.1.3**

#### Example:

Appellee twice asked this court to consider additional cases, none of which were decided following submission of appellee’s brief. (Motion for Supplemental Citations of Authority (30 Dec. 2011); Mot. Supp. Citations (10 Jan. 2012)).

## 2. Exceptions

a. If it is clear to which document you are referring, then abbreviate the title of the document without first referencing its full title. Refer to the following list of abbreviations first, then to *The Bluebook*, 28–29 tbl.B.T.1, 430–31 tbl.T.6, for guidance.

Affidavit	Aff.
Appellant	Appellant
Appellate	App.
Appendix	App'x
Assignment of Error	A.E.
Brief	Br.
Defense	Def.
Exhibit	Ex.
Government	Gov't
Motion	Mot.
Order	Order
Petitioner	Pet'r
Promulgating	Prom.
Prosecution	Pros.
Record	R.
Reconsideration	Recon.
Supplemental	Supp.

### Examples:

At trial, appellant objected to the admission of a laboratory documentation packet. (Pros. Ex. 2; R. at 212).

Appellant's trial defense counsel advised appellant that he could submit a request to the convening authority for deferral and waiver of forfeitures. (App. Ex. VI, para. 2).

Appellant provided an affidavit, (Def. App. Ex. A), in support of his argument in A.E. II that his trial defense counsel was ineffective. (Appellant's Br. 14).

b. The following documents may be cited, by enclosing in parenthesis their short-form title:

Convening Authority's Initial Action	Action
Department of Defense Form 458	Charge Sheet
Matters submitted pursuant to R.C.M. 1105 or 1106	Post-Trial Matters

### Example:

Appellant did not raise a legal error in his clemency submission and, therefore, the staff judge advocate's advice was proper. (Post-Trial Matters; staff judge advocate's recommendation (SJAR)); R.C.M. 1106(d)(3).

3. Pinpoint citations: Use “at” only for citing a page of the court-martial transcript, or as needed to prevent confusion. Include appropriate subdivisions in a pinpoint citation to make clear what is being referenced.

Examples:

The military judge found that appellant’s statement was involuntary. (App. Ex. X, p. 3). This conclusion is supported by appellant’s testimony. (R. at 64).

During the Article 32, UCMJ, investigation, the investigating officer asked appellant’s commanding officer numerous questions. (Article 32 Tr. at 43).

Appellant’s defense counsel asked the convening authority to withdraw the charges due to errors in the Article 32, UCMJ, investigation. (App. Ex. 17, Attach. B, p. 2).

### III. Manual for Courts-Martial

#### Punitive Articles, Rules for Courts-Martial, Military Rules of Evidence, Changes to the Rules, and Uniform Code of Military Justice

For general reference and additional guidance see the following rules: *The Bluebook*, B. 2, at 4, B. 5, at 15–19, R. 3.1(c), at 66, R. 3.3, at 69–70, R. 6.2(c), at 82, R. 7(d), at 83, R. 12, at 111–25, R. 18.3.2, at 171–72, 473 tbl.T.16.

#### A. *Manual for Courts-Martial*

1. Basic citation format:

*Manual for Courts-Martial, United States* (2008 ed.) [hereinafter *MCM*].

2. If the year of the *MCM* is relevant:

*Manual for Courts-Martial, United States* (2002 ed.) [hereinafter *MCM*, 2002].

*Manual for Courts-Martial, United States* (1951 ed.) [hereinafter *MCM*, 1951].

3. Exception:

*Manual for Courts-Martial, United States*, 1969 (Rev. ed.) [hereinafter *MCM*, 1969].

#### B. Punitive Articles

1. Basic citation format:

*Manual for Courts-Martial, United States* (2005 ed.) [hereinafter *MCM*], pt. IV, ¶ 61.c.

2. Short form citation:

*MCM*, pt. IV, ¶ 61.c.

*MCM*, 2002, pt. IV, ¶¶ 60.a., 61.c.

R. 3.3  
R. 6.2(c)  
T.16

#### C. Rules for Courts-Martial

For the initial citation to the Rules for Courts-Martial, do not use the full citation to the *MCM*. A citation to the specific rule is sufficient.

1. Basic citation format: Rule for Courts-Martial [hereinafter R.C.M.] 1001(b)(1), (2).

R. 3.3(b)

2. Short form citation: R.C.M. 1001(b)(1), (2).

3. Citation to the discussion following a rule:

- a. Basic citation format: Rule for Courts-Martial [hereinafter R.C.M.] 1001 discussion.

- b. Short form citation: R.C.M. 1001 discussion.

4. Citation to the analysis of a rule:

a. Basic citation format:

Rule for Courts-Martial [hereinafter R.C.M.] 1001 analysis at A21-84.

b. Short form citation:

R.C.M. 1001 analysis at A21-84.

**D. Military Rules of Evidence**

**B. 5.1.3**

For the initial citation to the Military Rules of Evidence do not use the full citation to the *MCM*. A citation to the specific rule is sufficient.

1. Basic citation format:

Military Rule of Evidence [hereinafter Mil. R. Evid.] 803(2).

2. Short form citation:

Mil. R. Evid. 803(2).

Mil. R. Evid. 706 analysis at A22-50.

**E. Changes to the Rules**

1. Citation to a change still in effect:

a. Basic citation format: Military Rule of Evidence [hereinafter Mil. R. Evid.] 801(d) (C5, 5 July 1992).

b. Short form citation: Mil. R. Evid. 801(d) (C5).

2. Citation to a changed provision:

a. Basic citation format: Military Rule of Evidence [hereinafter Mil. R. Evid.] 313 (changed by C5, 5 July 1992).

b. Short form citation: Mil. R. Evid. 313.

3. Citation to a change no longer in effect:

a. Basic citation format: Rule for Courts-Martial [hereinafter R.C.M.] 703 (C2, 4 June 2002) (current version at R.C.M. 703 (C3, 5 Jan. 2003)).

b. Short form citation: R.C.M. 703 (C2).

**F. Uniform Code of Military Justice**

**B. 5  
R. 6.2(c)  
R. 12**

The Uniform Code of Military Justice (UCMJ) comprises §§ 801–946 of Title 10, United States Code. When an article of the UCMJ is first cited, a full parallel citation to the United States Code shall be used along with a “hereinafter” signal in brackets indicating the proper short form citation. Generally, the United States Code is only codified once every six years, and, therefore,

citations to the “U.S.C.” must be cited to the appropriate codifying year and, if necessary, the relevant supplement to the Code and the supplement’s year.

1. Basic citation format where the Code is used within the text of a sentence or in a citation clause:

**B. 2**  
**B. 5.1.1**  
**R. 12.3**

a. Initial citation:

Article 91, Uniform Code of Military Justice, 10 U.S.C. § 891 (2006) [hereinafter UCMJ].

Articles 120 and 128, Uniform Code of Military Justice, 10 U.S.C. §§ 920, 928 (2006 & Supp. IV 2010) [hereinafter UCMJ].

**R. 3.1(c)**  
**R. 3.3(b)**

Articles 107, 128, and 133, Uniform Code of Military Justice, 10 U.S.C. §§ 907, 928, 933 (2006) [hereinafter UCMJ].

Example: A general court-martial composed of officer and enlisted members convicted appellant, contrary to his pleas, of abusive sexual contact and assault in violation of Articles 120 and 128, Uniform Code of Military Justice, 10 U.S.C. §§ 920, 928 (2006 & Supp. IV 2010) [hereinafter UCMJ].

b. Short form citation:

Article 91, UCMJ.

*Note*: The short form citation, UCMJ, is used for all future citations to UCMJ articles.

Example: A military judge sitting as a general court-martial convicted appellant, pursuant to her pleas, of malingering and manslaughter in violation of Articles 115 and 119, Uniform Code of Military Justice, 10 U.S.C. §§ 915, 919 (2006) [hereinafter UCMJ]. A panel composed of officer and enlisted members convicted appellant, contrary to her pleas, of larceny, Article 121, UCMJ, and extortion, Article 127, UCMJ.

2. Basic citation format where the Code is cited in a citation sentence:

**B. 2**  
**B. 5.1.1**  
**R. 12.3**  
**T.16**

a. Initial Citation:

Uniform Code of Military Justice art. 107, 10 U.S.C. § 907 (2006) [hereinafter UCMJ].

Example: To plead guilty to the offense, the accused had to admit that he knew the statement he made to the investigators was false. Uniform Code of Military Justice art. 107, 10 U.S.C. § 907 (2006) [hereinafter UCMJ].

b. Short form citation:

UCMJ art. 66.

UCMJ arts. 59(b), 79.

Example: This court's duty is to determine both the factual and the legal sufficiency of the evidence that was used to convict an appellant. *See* UCMJ art. 66(c).

3. Basic citation format where the UCMJ is cited generally

a. Initial citation:

Uniform Code of Military Justice [hereinafter UCMJ].

b. Short form citation:

UCMJ.

Example: The Uniform Code of Military Justice [hereinafter UCMJ] was recently revised. The UCMJ is usually revised every two years whether a revision is needed or not.

4. Historic citation: If such a reference is necessary, citation to historic UCMJ provisions should refer to the year of the U.S. Code that was in effect at that time. For historic citations, citation to the *United States Code Annotated* (U.S.C.A.) is permissible.

Uniform Code of Military Justice art. 112a, 10 U.S.C. § 912a (1982) [hereinafter UCMJ, 1982].

Article 112a, Uniform Code of Military Justice, 10 U.S.C.A. § 912a (West 1982) [hereinafter UCMJ, 1982].

**B. 5.1.1**  
**R. 12.3.1(d)**

## IV. Military Justice Cases

Follow the rules in this part for citing military justice cases, even where those rules conflict with *The Bluebook*. General guidance on citing cases can be found in *The Bluebook*, B. 1–4, at 3–15, R. 10, at 87–109, R. 18.8(b), at 175–76, R. 20.3, at 182, R. 20.7, at 184, 215–18 tbl.T.1, 430 tbl.T.6, 432 tbl.T.7, 434 tbl.T.8, 443 tbl.T.11, 444 tbl.T.12. When citing other than military justice cases, follow *The Bluebook*. If there is a conflict within *The Bluebook*, then the rule expressed in the Bluepages is to be used, with one exception: do not underline cited cases.

### A. Reported Military Justice Cases

B. 4  
R. 10  
T.1, at 217

#### 1. 5 October 1994 to present:

**a. United States Court of Appeals for the Armed Forces:** Effective 5 October 1994, the United States Court of Military Appeals was renamed the United States Court of Appeals for the Armed Forces.

*United States v. Wiesen*, 56 M.J. 172 (C.A.A.F. 2001).

**b. United States Courts of Criminal Appeals:** Effective 5 October 1994, the United States Courts of Military Review were renamed the United States Courts of Criminal Appeals. Although *The Bluebook*, 217 tbl.T.1, uses the abbreviations “A. Ct. Crim. App.” and “N-M. Ct. Crim. App.,” we use “Army Ct. Crim. App.” and “N.M. Ct. Crim. App.,” respectively.

*United States v. Ransom*, 56 M.J. 861 (Army Ct. Crim. App. 2002).

*United States v. Craze*, 56 M.J. 777 (A.F. Ct. Crim. App. 2002).

*United States v. Lillyblad*, 56 M.J. 636 (N.M. Ct. Crim. App. 2001).

*United States v. Marchand*, 56 M.J. 630 (C.G. Ct. Crim. App. 2001).

#### 2. 1975 to 4 October 1994:

**a. United States Court of Military Appeals:** Beginning in 1975, the United States Court of Military Appeals cases are reported in Military Justice Reporters.

*United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).

*United States v. Sales*, 22 M.J. 305 (C.M.A. 1986).

**b. United States Courts of Military Review:** Since 1975, beginning after 50 C.M.R. 899, the opinions of the Courts of Military Review have been published in the Military Justice Reporter. After 1981, the Navy Court of Military Review was renamed the Navy-Marine Court of Military Review.

*United States v. Moreno*, 25 M.J. 523 (A.C.M.R. 1987).

*United States v. Merrill*, 25 M.J. 501 (A.F.C.M.R. 1987).

*United States v. Brown*, 25 M.J. 793 (N.M.C.M.R. 1987).

*United States v. Beckermann*, 25 M.J. 870 (C.G.C.M.R. 1988).

3. 1951 to 1975:

T.1, at 217

**a. United States Court of Military Appeals:** From 1951 to 1975, cases decided by C.M.A. appeared in Court-Martial Reports. Volumes 51 through 54 existed only in advance sheets and citations to Volume 54 often contained the word “interim.” Although inconsistent with *The Bluebook*, in light of the expressed preference of the Court of Appeals for the Armed Forces, there should be a parallel citation to the U.S.C.M.A. reporter to those cases from 1951 to 1975 without the court title “C.M.A.”

*United States v. Care*, 18 U.S.C.M.A. 535, 40 C.M.R. 247 (1969).

**b. United States Courts of Military Review:**

T.1, at 218

(1) 1968 to 1975: The designation “Court of Military Review” was created by the Military Justice Act of 1968. There were four courts of military review: Army, Navy, Air Force, and Coast Guard. Court of Military Review opinions are published in the Court-Martial Reports up through 50 C.M.R. 899.

*United States v. Evans*, 50 C.M.R. 170 (A.C.M.R. 1975).

*United States v. Gill*, 50 C.M.R. 206 (A.F.C.M.R. 1975).

*United States v. Burge*, 50 C.M.R. 200 (N.C.M.R. 1975).

*United States v. Whitmore*, 50 C.M.R. 537 (C.G.C.M.R. 1975).

(2) 1951 to 1968: Appellate tribunals in this time period were called “Boards of Review.”

*United States v. Soubik*, 5 C.M.R. 174 (A.B.R. 1952).

*United States v. Morris*, 5 C.M.R. 373 (A.F.B.R. 1952).

*United States v. Schatz*, 40 C.M.R. 934 (N.B.R. 1969).

*United States v. Smyth*, 40 C.M.R. 971 (C.G.B.R. 1968).

4. Decisions prior to 1951: These decisions are printed in the following reports:

<u>Reporter</u>	<u>Citation</u>	<u>Years</u>	<u># of Volumes</u>
Courts-Martial Reporters, The Judge Advocate General of the Air Force;	C.M.R. (AF)	1948-51	4

Board of Review and Judicial Council Holdings, Opinions and Reviews- Judge Advocate General’s Corp;	B.R.-J.C.	1949-51	12
Board of Review Holdings, Opinions and Reviews- Judge Advocate General’s Department;	B.R.	1929-49	81
Board of Review Holdings, Opinions and Reviews- Branch Office of The Judge Advocate General, European Theatre of Operations;	B.R. (ETO)	1942-45	34
Board of Review Holdings, Opinions and Reviews- Branch Office of The Judge Advocate General, South West Pacific Area and Pacific;	B.R. (A-P)	1942-46	4
Board of Review Holdings and Opinions-Branch Office of The Judge Advocate General, China-Burma-India and India- Burma Theater.	B.R. (CBI-IBT)	1943-45	3

## B. Pending and Unreported Military Justice Cases

1. Cases pending publication: When a case is pending publication, it should be cited in a similar fashion to a decision which has already been published, except a blank underscore is used instead of the volume and/or page number. The citation should also include reference to a widely used electronic database (e.g., Westlaw) for greater accessibility pending publication. When a pinpoint cite is required, cite to the specific page of the slip opinion unless an electronic database is included in the citation, in which case cite to the screen or page number assigned by the electronic database. Be sure to use the appropriate service court or “C.A.A.F.” abbreviations and use the full date of the opinion. Although inconsistent with *The Bluebook*, use military date format when citing military justice cases.

### a. Basic citation format:

- United States v. Roberts*, \_\_ M.J. \_\_ (Army Ct. Crim. App. 14 Oct. 2011). **T.12**
- United States v. Roberts*, \_\_ M.J. \_\_, slip op. at 4 (Army Ct. Crim. App. 14 Oct. 2011). **R. 10.8.1**
- United States v. Roberts*, \_\_ M.J. \_\_, 2011 WL 4905621, at \*4 (Army Ct. Crim. App. 14 Oct. 2011). **B. 4.1.4**

b. Short form citation:

*Roberts*, \_\_ M.J. at \_\_\_\_, slip op. at 4.

*Roberts*, \_\_ M.J. at \_\_\_\_, 2011 WL 4905621, at \*4.

2. Cases NOT pending publication: When a case is unreported and will not be published, such as a memorandum opinion or summary disposition, cite to the case name, docket number, court name, and full date of the most recent major disposition of the case. If an unreported case is available on Westlaw, the citation should also include the unique Westlaw identifier. Where a pinpoint cite is required, cite to the specific page of the slip opinion unless an electronic database identifier is included in the citation, in which case cite to the screen or page number assigned by the electronic database.<sup>2</sup> Although inconsistent with *The Bluebook*, use military date format when citing military justice cases. As a further exception to *The Bluebook*, also include a parenthetical indicating the type of unpublished decision being cited. For memorandum opinions, use “(mem. op.),” and for summary dispositions, use “(summ. disp.)” The foregoing parentheticals should also be used, as appropriate, for decisions on petitions, writs, and government appeals.

a. Basic citation format:

*United States v. Matos-Martinez*, ARMY 20091141, 2011 WL 5027747, at \*3 **B. 4.1.4**  
(Army Ct. Crim. App. 11 Oct. 2011) (mem. op.).

*United States v. Thomas*, ARMY 20100463, 2011 WL 4036111 (Army Ct. Crim. App. 24 Aug. 2011) (summ. disp.).

*United States v. Darrow*, ARMY 20100816 (Army Ct. Crim. App. 30 Nov. 2011). **R. 10.8.1(b)**

b. Short form citation:

*Matos-Martinez*, 2011 WL 5027747, at \*3. **R. 18.8(b)**

*Darrow*, slip op. at n.1.

3. Citation to orders

*United States v. Akbar*, ARMY 20050514 (Army Ct. Crim. App. 14 Nov. 2011) (order).

*Manning v. United States*, ARMY MISC 20111150 (Army Ct. Crim. App. 16 Dec. 2011) (order).

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<sup>2</sup> Practitioners must ensure that the type of pincite referenced in a case citation corresponds to the particular copy of the unpublished opinion appended to their pleading. See Joint Rules of Practice and Procedure of the Courts of Criminal Appeals Rule [hereinafter C.C.A. R.] 15(c). For example, if a practitioner cites an unpublished case and, in accordance with C.C.A. R. 15(c), appends a copy of the Westlaw opinion to his or her pleading, then pincites to that case shall be to the screen or page number assigned by Westlaw and not to the page of the slip opinion.

## V. Other Military Publications

For general reference and additional guidance see the following rules: *The Bluebook*, R. 3.3, at 69–70, R. 14–15, at 133–146, 444 tbl.T.12, 472–73 tbl.T.16.

### A. Court Rules

1. Army Court of Criminal Appeals Internal Rules of Practice and Procedure Rule [hereinafter A.C.C.A. R.] 8.2.
2. Joint Rules of Practice and Procedure of the Courts of Criminal Appeals Rule [hereinafter C.C.A. R.] 15(a).

### B. Pamphlets

1. Basic Citation Format:

Dep't of Army, Pam. 27-9, Legal Services: Military Judges' Benchbook [hereinafter Benchbook], para. 3-29-1 (1 Jan. 2010).<sup>3</sup> R. 14.2(d)  
R. 15.1(c)

Dep't of Army, Pam. 27-17, Legal Services: Procedural Guide for Article 32(b) Investigating Officer [hereinafter DA Pam. 27-17], paras. 3-1, 3-3 (16 Sept. 1990). R. 3.3(b), (c)

2. Short form citation:

Benchbook, paras. 3-77-1 to -3. R. 3.3(b), (c)

DA Pam. 27-17, para. 3-3.a.(1)–(5).

**C. Regulations, Directives, Instructions, and Orders:** When identifying the particular title of a publication, note that all words are spelled out in their entirety.

1. Regulations: *The Bluebook* suggests that, where possible, regulations should be cited to the Code of Federal Regulations (C.F.R.). Citation to the basic regulation, however, is sufficient because some military legal offices do not have access to the C.F.R., and because many military regulations are not set forth in the C.F.R. Citations to Army regulations may include references to the basic regulation, permanent changes, interim changes, changes by transmittal, and message changes. R. 14.2(a)

- a. Basic Citation Format:

Army Reg. 27-10, Legal Services: Military Justice [hereinafter AR 27-10], para. 3-5 (16 Nov. 2005).<sup>4</sup> R. 14.2(d)  
R. 15.1(c)

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<sup>3</sup> Because of frequent citations to the Military Judges' Benchbook, the "hereinafter" reference is to "Benchbook" and not to "DA Pam. 27-9."

<sup>4</sup> Also use "AFR" (Air Force Reg.) or "Post Reg.," as applicable.

Army Reg. 635-200, Personnel Separations: Enlisted Personnel [hereinafter AR 635-200], ch. 10 (6 June 2005).

**R. 14.2(d)**  
**R. 15.1(c)**

Dep't of Def. Reg. 4500.34-R, Personal Property Traffic Management Regulation [hereinafter DOD Reg. 4500.34-R], para. 10001.a (Reprint, Oct. 1991).

U.S. Army Europe Reg. 385-55, Safety: Prevention of Motor Vehicle Accidents [hereinafter USAREUR 385-55], para. 3-14d (26 Jan. 2000).

Training and Doctrine Cmd. Reg. 27-4, Legal Services: TRADOC Government Ethics Program [hereinafter TRADOC Reg. 27-4], para. 2-2 (27 June 2001) (Update, 19 Sept. 2002).

b. Short form citation:

AR 27-10, para. 3-9.

DOD Reg. 4500.34-R, para. 10001.c.

TRADOC Reg. 27-4, para. 2-4.

2. Directives

a. Basic Citation Format:

Dep't of Def. Dir. 3025.15, Military Assistance to Civil Authorities [hereinafter DOD Dir. 3025.15], para. 4.2 (18 Feb. 1997).

Air Force Policy Dir. 34-7, Morale, Welfare, Recreation, and Services: Child Development Programs [hereinafter AFD 34-7], para. 2.1 (4 Oct. 1993).

b. Short form citation

DOD Dir. 3025.15, para. 5.1.

AFD 34-7, para.3.1.

3. Instructions

a. Basic Citation Format:

Air Force Instr. 51-201, Law: Administration of Military Justice [hereinafter AFI 51-201], para. 8.5.1 (26 Nov. 2003).

Air Force Material Cmd. Instr. 10-210, Operations: Aircraft Battle Damage Repair Engineering [hereinafter AFMCI 10-210], para. 5.2 (13 Jan. 2003).

Dep't of Def. Instr. 1000.15, Private Organizations on DOD Installations [hereinafter DODI 1000.15], para. 6.5 (23 Oct. 1997).

Chief of Naval Operations Instr. 6110.1F, Physical Readiness Program [hereinafter OPNAVINST 6110.1F], encl. 3, para. 1.e (1 May 2000).

Sec'y of the Navy Instr. 11010.13C, Reserve Component Facilities Programs and Unit Stationing [hereinafter SECNAVINST 11010.13C], para. 4.b (29 May 2002).

Joint Chiefs of Staff Instr. 6510.01C, Information Assurance and Computer Network Defense [hereinafter CJCSI 6510.01C], para. 9 (1 May 2001).

b. Short form citation:

AFI 51-201, para. 8.5.1.

DODI 1000.15, para. 6.2.

OPNAVINST 6110.1F, encl. 5, para. 3.

4. Marine Corps orders

a. Basic Citation Format: Marine Corps Order P5090.2A, Environmental Compliance and Protection Manual [hereinafter MCO P5090.2A], para. 9104 (10 July 1998).

b. Short form citation: MCO P5090.2A, para. 9104.3.

**D. Changes, Interim Changes, Supplements, Transmittals:** If the citation refers to a change (“C”), interim change (“IC”), or supplement (“Supp.”), indicate that information parenthetically after the initial date of the source, as indicated below. The citation should indicate “C” or “IC” only for those sections of the regulation or other source that is changed.

1. Changes & Interim Changes

a. Change since issuance:

(1) Basic Citation Format: Army Reg. 27-10, Legal Services: Military Justice [hereinafter AR 27-10], para. 3-5 (22 Dec. 1989) (C1, 1 Aug. 1999).

(2) Short form citation: AR 27-10, para. 3-5 (C1, 1999).

b. Interim change:

(1) Basic Citation Format: Army Reg. 27-10, Legal Services: Military Justice [hereinafter AR 27-10], para. 3-5 (22 Dec. 1989) (IC1, 15 Sept. 1999).

(2) Short form citation: AR 27-10, para. 3-5 (IC1, 1999).

c. Message changes: Message changes are cited by reference to the date-time group on the message. The subsequent citation merely indicates interim change and the year, unless more than one change took place in a single year. In that case, duplicate the month in the short form citation.

(1) Basic Citation Format: Army Reg. 27-10, Legal Services: Military Justice [hereinafter AR 27-10], para. 3-13 (22 Dec. 1989) (IC DA WASH DC DAJA-CL 021225Z Dec. 1999).

(2) Short form citation:

AR 27-10, para. 3-13 (IC, 1999).

AR 27-10, para. 3-13 (IC, Dec. 1999).

2. Transmittals: Dep't of Def. Instr. 1304.22, Administration of Enlisted Personnel Bonus and Proficiency Pay Program [hereinafter DODI 1304.22], encl. 4 (1 Oct. 1978), as changed by Dep't of Def. Systems Transmittal 1304.22 (C1, 24 Jan. 1979).

### **E. Field Manuals**

1. Basic Citation Format: Dep't of Army, Field Manual 3-7, NBC Field Handbook [hereinafter FM 3-7], ch. 5 (29 Sept. 1994).

2. Short form citation:

FM 3-7, ch. 5.

FM 3-7, ch. 3.

### **F. Joint Publications**

1. Basic Citation Format: Joint Chiefs of Staff, Joint Instr. 3137.01A, The Joint Warfighting Capabilities Assessment Process [hereinafter Joint Instr. 3137.01A], encl. B.3 (22 Jan. 1999).

2. Short form citation: Joint Instr. 3137.01A, encl. B.4.

### **G. TJAGSA Publications**

1. Basic Citation Format: Admin. & Civil Law Dep't,<sup>5</sup> The Judge Advocate General's Legal Center and School, U.S. Army, JA 234, Environmental Law Deskbook [hereinafter JA 234], pt. IV-12 (June 2002).

2. Short form citation: JA 234, pt. IV-17.

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<sup>5</sup> Use "Contract & Fiscal Law Dep't," "Crim. Law Dep't," "Int'l & Operational Law Dep't," or "Center for Law & Military Operations," as applicable.

## VI. Administrative Materials

For general reference see *The Bluebook*, R. 14, at 133–37, R. 18, at 164–76.

### A. Court-Martial Orders

1. Basic citation format:

Example:

Court-Martial Convening Order Number (CMCO #) 15, Headquarters, 4th Infantry Division (Mechanized), Fort Hood, Texas, dated 17 September 2001.

2. Short form citation

a. Same exact order: CMCO #15<sup>6</sup>

b. Different order by same authority:

Initial: GCMCO No. 4 (1 Feb. 2003)<sup>7</sup>

Subsequent: GCMCO No. 4

c. Different order by different authority:

Initial: Headquarters, National Training Center and Fort Irwin, GCMCO No. 5 (1 Mar. 2001) (GCMCO No. 5).

Subsequent: GCMCO No. 5

d. Different order by different authority *with same number designation*: Further distinction may be necessary, as indicated below:

Headquarters, National Training Center and Fort Irwin, GCMCO No. 3 (1 Mar. 2001) (Ft. Irwin GCMCO No. 3).

### B. General Orders

1. Basic citation format: Headquarters, 82d Airborne Div., Fort Bragg, Gen. Order No. 7 (23 Dec. 2002) (Gen. Order No. 7).

2. Short form citation:

a. Same exact order: Gen. Order No. 7, para. 2d.

b. Different order by same authority: Gen. Order No. 9 (29 Dec. 2002).

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<sup>6</sup>Dates are not included in short form citations.

<sup>7</sup> Once the issuing authority has been identified, do not repeat the name of the issuing authority again when citing different order numbers from the same issuing authority.

c. Different order by different authority: National Training Center and Fort Irwin, Gen. Order No. 2 (21 Dec. 2002) (Gen. Order No. 2).

d. Different order by different authority *with same number designation*: Headquarters, National Training Center and Fort Irwin, Gen. Order No. 7 (21 Dec. 2002) (Ft. Irwin Gen. Order No. 7). (Use “*Ft. Irwin Gen. Order No. 7*” to distinguish from Gen. Order No. 7 issued by Fort Bragg in paragraph VI.B.1 above.)

### C. Forms

1. Basic citation format:

Dep’t of Def., Form 93, Record of Emergency Data (Oct. 1996) (DD Form 93).

Treasury Dep’t, Form 1199A, Direct Deposit Sign-Up Form (June 1987) (SF 1199A).

Dep’t of Army, Form 31, Request and Authority for Leave, Part I (Sept. 1993) (DA Form 31).<sup>8</sup>

2. Short form citation:

DA Form 31, Part II.

DA Form 31, Box 10.

### D. Memoranda, Policy Letters, Messages, and Email

1. Memoranda: Include the “Subject” line in the full citation, even though *The Bluebook*, R. 17.2.3, does not require it. Use the military date format.

a. Basic citation format:

Memorandum from Dep’t of Army, Personnel, to Major Kelso, Subject: Early Retirement (1 Dec. 2002) (Retirement Mem.).

Command Policy Memorandum from Headquarters and Support Battalion Marine Corps Base, Camp Lejeune, to Distribution, Subject: Prisoner Access to Legal Materials (5 July 2003) (Access Mem.).

b. Short form citation:

Retirement Mem., paras. 3–4.

Access Mem., para. 4.

2. Policy letters: Use the military date format.

a. Basic citation format: Policy Letter 10 by Headquarters, Fort Stewart, Subject: Underage Consumption of Alcohol (1 May 2003) (Policy Ltr. 10).

b. Short form citation: Policy Ltr. 10, para. 2(b).

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<sup>8</sup> Use AF Form, OPNAV Form, NAVMC Form, or OF, if applicable.

### 3. Messages

#### a. Basic citation format:

Message, 080958Z Mar. 2002,<sup>9</sup> MILPER Msg. No. 96-196, CDRPERSCOM TAPC-PDO-PA, Subject: Award of the Armed Forces Reserve Medal with “M” Device for Current Call Up-Operation Noble Eagle and Operation Enduring Freedom (M Msg.).

Message, 3 May 2002, MILPER Msg. No. 02-150, TAPC-PDO-PA, Subject: Reinstatement of the National Defense Service Medal (NDSM Msg.).

#### b. Short form citation:

M Msg., para. B1.

NDSM Msg., para. B3.

4. Email: Include the “Subject” line in the full citation, even though Bluebook R. 18.2.4 does not require it. Also, include a parenthetical reference to the location of the email, if relevant and applicable. Use civilian date format.

#### a. Basic citation format:

Email from United States Army Legal Services Agency (USALSA), to USALSA Personnel, Subject: board.htm (July 15, 2003, 0900) (USALSA Email).

Email from Register@donotcall.gov, to Specialist Cruz, Subject: National Do Not Call Registry (Aug. 15, 2003, 1949) (Registry Email).

Email from United States Military Academy, to Trial Defense Service, Subject: Enrollment%19AY%2001-02.pdf (Jan. 15, 2003, 1350) (USMA Email).

#### b. Short form citation: USMA Email, para. 2.

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<sup>9</sup>Format: [date-time[Z]] [month] [year], as in “250600Z Dec. 2001.” If this format is not provided in the message, indicate the date of issuance as shown in the next example. Use the military date format.