

The

PurpleBook



*Legal Citation and Style Reference
for the Military Courts*

*First Edition, 2022
Rodger A. Drew, Jr.**

* Clerk of Court of the U.S. Navy-Marine Corps Court of Criminal Appeals and Colonel, USAF (Retired), former military judge and Chief Judge, U.S. Air Force Court of Criminal Appeals.

TABLE OF CONTENTS

1. Introduction	1
2. Style Guide.....	5
¶ 2.1. Typeface.....	5
¶ 2.1.1. Font	5
¶ 2.1.2. Italics.....	5
¶ 2.1.3. Underlining.....	7
¶ 2.1.4. Boldface.....	7
¶ 2.1.5. Small Caps	7
¶ 2.2. Capitalization	7
¶ 2.2.1. Parties	7
¶ 2.2.2. Punitive Discharges	8
¶ 2.2.3. Court-Martial Personnel.....	8
¶ 2.2.4. “Court”	9
¶ 2.2.5. “Judge” and “Justice”	10
¶ 2.2.6. Organizations, Offices, and Officials.....	11
¶ 2.2.7. State	13
¶ 2.2.8. Constitution	13
¶ 2.2.9. Historical or Political Events.....	13
¶ 2.2.10. Court-Martial Documents.....	14
¶ 2.2.11. Charges and Specifications.....	16
¶ 2.2.12. Servicemembers.....	17
¶ 2.2.13. Internet	18
¶ 2.2.14. Headings	19
¶ 2.3. Punctuation	19
¶ 2.3.1. Generally.....	19
¶ 2.3.2. Quotation Marks	20
¶ 2.3.3. Spaces.....	21
¶ 2.3.4. Hyphens and Dashes.....	26
¶ 2.3.5. Commas.....	30
¶ 2.3.6. Semicolons	32
¶ 2.3.7. Possessive Nouns.....	33
¶ 2.3.8. Plurals	34
¶ 2.4. Quotations.....	34
¶ 2.4.1. Block Quotations	34
¶ 2.4.2. Modifications of Quotations	36
¶ 2.5. Abbreviations and Short Forms in Text	41
¶ 2.5.1. Generally.....	41
¶ 2.5.2. Periods Within Abbreviations.....	43

Table of Contents

¶ 2.5.3. Plurals and Possessives of Abbreviations	44
¶ 2.5.4. Starting a Sentence	45
¶ 2.5.5. Abbreviation of Sections and Paragraphs.....	45
¶ 2.5.6. Abbreviation of Ranks and Rates	46
¶ 2.6. Dates.....	61
¶ 2.6.1. Citations.....	61
¶ 2.6.2. Text.....	62
¶ 2.6.3. Decades and Centuries.....	62
¶ 2.7. Numbers.....	63
¶ 2.7.1. Spanning Pages, Paragraphs, or Sections	63
¶ 2.7.2. Do Not Combine Spelled-Out Numbers with a Parenthetical Numeral	63
¶ 2.7.3. Numerals vs. Words	64
¶ 2.7.4. Military Unit Designations.....	70
¶ 2.8. Avoid Unintentional Stereotypes	71
¶ 2.8.1. Racial, Ethnic, and Other Characteristic Identifiers.....	71
¶ 2.8.2. Gender Neutrality	71
¶ 2.9. Legalisms.....	73
¶ 2.10. Names of Aircraft, Manned Spacecraft, and Vessels	73
¶ 2.11. Common Errors.....	74
¶ 2.11.1. Judgment vs. Judgement.....	74
¶ 2.11.2. Aboard vs. Onboard vs. On Board	74
¶ 2.11.3. Embark.....	76
¶ 2.11.4. All of.....	76
¶ 2.11.5. Certainly / Clearly / Obviously / Undeniably / Never.....	76
¶ 2.11.6. Lie vs. Lay.....	76
¶ 2.11.7. Pleaded vs. Pled.....	77
¶ 2.11.8. That / Which / Who.....	77
3. Citation Guide.....	79
¶ 3.1. Generally	79
¶ 3.1.1. Introductory Signals and Explanatory Phrases	79
¶ 3.1.2. Citation Sentences & Citation Clauses.....	80
¶ 3.1.3. Citation Locations	80
¶ 3.1.4. Typeface and Abbreviations.....	81
¶ 3.1.5. Pinpoint Cites	81
¶ 3.1.6. Order of String Citations	82
¶ 3.1.7. Case Parenthetical Information	82
¶ 3.1.8. Short Forms	84

Table of Contents

¶ 3.2. Cases.....	86
¶ 3.2.1. Generally.....	86
¶ 3.2.2. Military Justice Courts.....	93
¶ 3.2.3. Court of Military Commission Review.....	103
¶ 3.3. United States Constitution.....	103
¶ 3.3.1. Generally.....	103
¶ 3.3.2. References in Text.....	103
¶ 3.4. Uniform Code of Military Justice.....	104
¶ 3.4.1. Generally.....	104
¶ 3.4.2. Determining the Appropriate Version.....	107
¶ 3.4.3. Historical Fact.....	108
¶ 3.4.4. Citing Statutes No Longer in Force.....	109
¶ 3.5. Manual for Courts-Martial.....	110
¶ 3.5.1. Generally.....	110
¶ 3.5.2. Punitive Articles.....	110
¶ 3.5.3. Military Rules of Evidence.....	112
¶ 3.5.4. Rules for Courts-Martial.....	114
¶ 3.5.5. Supplementary Materials.....	116
¶ 3.6. Manual for Military Commissions.....	122
¶ 3.6.1. Generally.....	122
¶ 3.6.2. Crimes and Elements.....	122
¶ 3.6.3. Military Commission Rules of Evidence.....	124
¶ 3.6.4. Rules for Military Commissions.....	125
¶ 3.7. Executive Orders.....	127
¶ 3.7.1. Generally.....	127
¶ 3.7.2. Code of Federal Regulations.....	127
¶ 3.7.3. Federal Register.....	127
¶ 3.7.4. Citation Forms.....	127
¶ 3.7.5. References in Text.....	127
¶ 3.8. Military Regulations and Other Publications.....	129
¶ 3.8.1. Generally.....	129
¶ 3.8.2. Sources for Military Publications.....	129
¶ 3.8.3. Basic Citation.....	129
¶ 3.8.4. References in Text.....	130
¶ 3.8.5. Supplemental Updates.....	133
¶ 3.8.6. Stand-Alone Administrative Messages & Orders.....	134
¶ 3.8.7. Military Forms.....	135
¶ 3.9. Legislative Materials.....	137
¶ 3.9.1. Statutes.....	137

Table of Contents

¶ 3.9.2. Bills and Resolutions.....	138
¶ 3.9.3. Hearings, Debates, and Reports.....	139
¶ 3.10. Treaties.....	143
¶ 3.11. Books and Periodicals.....	145
¶ 3.11.1. Generally.....	145
¶ 3.11.2. Books.....	145
¶ 3.11.3. Periodicals.....	147
¶ 3.12. Written and Electronic Correspondence.....	148
¶ 3.13. The Trial and Appellate Record.....	151
¶ 3.13.1. Generally.....	151
¶ 3.13.2. Court-Martial Certified Transcript in Current Case.....	154
¶ 3.13.3. Other Hearing Transcripts in Current Case.....	157
¶ 3.13.4. Documents from the Trial or Appellate Record.....	158
¶ 3.13.5. Audio or Video Recordings.....	160
¶ 3.13.6. C.A.A.F. Joint Appendix.....	161
¶ 3.13.7. Documents from Other Cases / Other Courts.....	162
¶ 3.14. Professional Responsibility Codes.....	165
¶ 3.14.1. Attachment to Regulations.....	165
¶ 3.14.2. Stand-Alone Documents.....	165
¶ 3.14.3. ABA Model Codes.....	165
¶ 3.14.4. Judicial Conference Code.....	165
¶ 3.14.5. References in Text.....	165
¶ 3.15. Court Rules.....	167
¶ 3.15.1. Generally.....	167
¶ 3.15.2. References in Text.....	168
4. Quick Reference Citation Guide.....	171

Table of Contents

TABLES

Table 2-1. Common Foreign Words & Phrases in Military Jurisprudence6
Table 2-2 Common Text Abbreviations in Military Jurisprudence.....42
Table 2-3. Army Ranks & Short Forms.....48
Table 2-4. Marine Corps Ranks & Short Forms49
Table 2-5. Navy Ranks / Rates & Short Forms.....50
Table 2-6. Air Force Ranks & Short Forms.....52
Table 2-7. Space Force Ranks & Short Forms.....53
Table 2-8. Coast Guard Ranks / Rates & Short Forms.....54
Table 2-9. Navy Enlisted Rating Abbreviations56
Table 2-10. Coast Guard Enlisted Rating Abbreviations.....60
Table 3-1. War Department Board of Review Reporters95
Table 3-2. Service Courts of Criminal Appeals Current Opinion Types.....100
Table 3-3. Trial & Appellate Record Document Abbreviations151

1. INTRODUCTION

This is the first edition of a combined legal citation and style reference for all of the military courts.¹ Previously each of the military service Courts of Criminal Appeals maintained their own citation and (often separate) style guides. While the various courts' guides were similar, in many key respects they were different, often relying upon various earlier versions of *The Bluebook: A Uniform System of Citation* (21st ed. 2020) [*The Bluebook*]. *The Bluebook* is used to some extent by most courts and legal periodicals. However, *The Bluebook* has adopted one format for law review footnotes and, frequently, a different format for court documents and legal memoranda. (Typically the differences consist of using LARGE AND SMALL CAPITAL LETTERS for some citations in law review footnotes and not in court documents.) Except in rare military-unique circumstances, *The PurpleBook* generally seeks to consistently enforce *The Bluebook* court document format. Due to some unique aspects of military judicial and administrative practice (for example, very few military regulations are published in the Code of Federal Regulations), *The PurpleBook* in some instances intentionally deviates from *The Bluebook*. These instances are marked with ☒.

The goal of *The PurpleBook* is to progress toward a uniform approach among the military courts, while respecting as closely as possible the prevailing traditions of the individual military courts. When one or more courts deviate from the general rule, the text will so indicate with ✪ and an annotation of [ACCA] for the Army Court of Criminal Appeals, [NMCCA] for the Navy-Marine Corps Court of Criminal Appeals, [AFCCA] for the Air Force Court of Criminal Appeals, and [CGCCA] for the Coast Guard Court of Criminal Appeals.

To ease further review of the underlying *Bluebook* rules, *The PurpleBook* includes references to relevant Bluepages [B], Rules [R], and Tables [T] in *The Bluebook* where appropriate. For stylistic forms not addressed in *The Bluebook*, *The PurpleBook* seeks to be consistent with the *U.S. Government Publishing Office Style Manual* (2016) [*GPO Style Manual*]; Association of Legal Writing Directors & Coleen M. Barger, *ALWD Guide to Legal Citation* (7th ed. 2021) [*ALWD Guide*]; *The Chicago Manual of Style* (17th ed. 2017) [*Chicago Manual*]; and Bryan A. Garner, *The Redbook: A Manual on Legal Style* (4th ed. 2018) [*The Redbook*]; in that order of preference. References to relevant sections of the *GPO Style Manual* [G], *ALWD Guide* [A], the *Chicago Manual* [C], and *The Redbook* [R] are also provided where appropriate. *The PurpleBook* defers to the current edition of *Black's Law Dictionary*² for the spelling of

¹ It should be emphasized that not all of the *military justice* courts are *military* courts. Specifically, the United States Court of Appeals for the Armed Forces [CAAF] is a *civilian* court. From its creation, its predecessor court, the Court of Military Appeals, was explicitly “establish[ed to be] a civilian court of military appeals, completely removed from all military influence or persuasion.” *Debate on the Uniform Code of Military Justice*, 95 Cong. Rec. 5721 (1949) (statement of Rep. Overton Brooks). While *The PurpleBook* is available to CAAF as a reference, it does not formally serve as the citation and style guide for CAAF opinions.

² As of this writing, 11th ed. 2019.

The PurpleBook

Introduction

legal terms and determining whether a legal term derived from a foreign word or phrase should be italicized.

Due to the range of authorities cited in legal writings, no system of citation can be comprehensive. When citing to material not addressed in *The PurpleBook* or *The Bluebook*, or a stylistic form not addressed in the *GPO Style Manual*, the *ALWD Guide*, *The Redbook*, or the *Chicago Manual*, practitioners should attempt to apply an analogous authority from these sources. Practitioners may also choose to consult Matthew Butterick, *Typography for Lawyers* (2nd ed. 2015); *Supreme Court Style Guide* (Jack Metzler ed., 2016); and *The Solicitor General's Style Guide* (Jack Metzler ed., 3d ed. 2018).

The PurpleBook is comprised of a Style Guide and a Citation Guide. The Style Guide provides guidance principally relevant to the text (including footnotes) of briefs, orders, and opinions. The Citation Guide provides guidance on how to cite sources in military pleadings and court documents with emphasis on military-unique sources and military-unique exceptions to *The Bluebook*. For example, abbreviations are rarely used in the text of a brief or opinion, as is reflected in the various examples in the Style Guide. On the other hand, consistent with *The Bluebook*, citations are typically made up of multiple abbreviations, as is reflected in the examples in the Citation Guide. Throughout *The PurpleBook* notes are set out in green tables:

Note

The current (21st) edition of *The Bluebook* no longer requires that citations to the federal code include the date. However, if the date is significant, it should be included.

Examples are set out in tan tables, with citation examples bulleted:

Examples

court reporter
staff judge advocate

Examples

- ◆ Dep't of the Army Pam. 27-9, Legal Services: Military Judges' Benchbook para. 3A-17A-1.d (Feb. 29, 2020) [Benchbook].
- ◆ Dep't of the Navy, Judge Advocate General Instr. 5800.7F, Manual of the Judge Advocate General para. 0130.a(3) (Mar. 30, 2020) [JAGMAN].

The PurpleBook

Introduction

In the Citation Guide, the basic citation formats are set out in purple tables with the elements of the citation separated by | **red vertical lines** | and optional or conditional elements surrounded by <**red angle brackets**>:

Military Regulation Citation Form

<Abbreviated Issuing Military or Executive Department,> | Abbreviated Regulation Serial Number, | <Unabbreviated Publication Series Title:> | *Unabbreviated Regulation Title*, | <pinpoint paragraph(s), section(s), or page(s)> | (Abbreviated Full Date) | <[Short Form]>.

In the Citation Guide, most citation formats are accompanied by a text reference format. These represent how the source is referenced in text (including the text of footnotes), rather than as a citation. Typically, text references are less detailed than citation formats, but also tend to have fewer abbreviations. They are set out in grey tables with the elements of the reference separated by | **red vertical lines** | and optional or conditional elements surrounded by <**red angle brackets**>:

Military Commission Rules of Evidence Text Reference Forms

First Reference

Military Commission Rule of Evidence | [Mil. Comm. R. Evid.] | <(Year)> | #

Subsequent References

Mil. Comm. R. Evid. | <(Year)> | #

Questions, comments, or suggestions should be addressed to Mr. Rodger Drew, Clerk of Court, U.S. Navy-Marine Corps Court of Criminal Appeals, 1254 Charles Morris St. SE, Suite 320, Washington Navy Yard, D.C. 20374-5124, (202) 685-7691 (DSN 325).

2. STYLE GUIDE

¶ 2.1. *Typeface*

¶ 2.1.1. *Font*

¶ 2.1.1.1. *Pleadings*. All text, including footnotes, shall appear in 14-point proportional type, e.g., Times New Roman or Century Schoolbook.

¶ 2.1.1.2. *CCA Opinions*.

☆ **ACCA NMCCA AFCCA** All above-the-line text is 11-point Century Schoolbook with line spacing exactly 15 points. All footnotes are 10-point Century Schoolbook with line spacing exactly 13 points.

☆ **CGCCA** The Coast Guard Court of Criminal Appeals does not have a specified opinion format.

¶ 2.1.2. *Italics*

¶ 2.1.2.1. 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*). Do not underline citations.

¶ 2.1.2.2. *Italicize* foreign words or phrases that have not been incorporated into common English language. **(R7(b))** If unsure, consult the current edition of *Black's Law Dictionary* which identifies words that should (and should not) be italicized.

Style Guide

Table 2-1. Common Foreign Words & Phrases in Military Jurisprudence

ab initio	<i>ipse dixit</i>
actus reus < but <i>actus animi</i> , <i>actus proximus</i> >	<i>ipso facto</i>
amicus curiae <amici curiae (pl) > < but <i>amicus publici</i> >	malum in se <mala in se (pl) >
arguendo	malum prohibitum <mala prohibita (pl) >
certiorari	mandamus
<i>coram nobis</i>	mens rea
<i>coram vobis</i>	modus operandi
corpus delicti	per curiam
corpus juris	per se
de jure	prima facie
<i>de minimis</i>	pro hac vice
de novo	pro per
<i>dubitante</i>	pro se
e.g. (except when used as a citation signal)	quid pro quo
en banc	res gestae
ex post facto	res ipsa loquitur
<i>fait accompli</i>	<i>schadenfreude</i>
habeas corpus	sua sponte
<i>id.</i>	<i>sub rosa</i>
i.e.	supra
in camera	ultra vires
<i>in flagrante delicto</i>	venire
<i>infra</i>	voir dire
in limine	writ of <i>coram nobis</i> writ of error <i>coram nobis</i>
in personam jurisdiction	writ of <i>coram vobis</i> writ of error <i>coram vobis</i>
in rem jurisdiction	writ of habeas corpus
<i>inter alia</i>	writ of mandamus
	writ of prohibition

Style Guide

¶ 2.1.3. *Underlining*. Unless creating a document on a typewriter, do *not underline*. *Italicize instead*.

¶ 2.1.4. *Boldface*. Reserve **boldfaced** type for headings only.

¶ 2.1.5. *Small Caps*. Do *not* use SMALL CAPS in pleadings. (B2)

¶ 2.2. Capitalization

¶ 2.2.1. *Parties*.

¶ 2.2.1.1. Capitalize “Appellant,” “Appellee,” “Defense,” “Government,” “Prosecution,” “Petitioner,” “Respondent,” and “Real Party in Interest,” when referring to the parties in the particular case at bar. (B8) Do not capitalize these terms when referring to *other* cases or when referring to the defense or government generically.

☆ **ACCA** In Army practice, terms referring to parties are *not* capitalized.

¶ 2.2.1.2. *In appellate litigation*, when referring to Appellant, Petitioner, Respondent, or the Real Party in Interest in an appellate opinion or brief, generally do *not* use the term “the Accused.” Rather, use the corresponding appellate party designator.

¶ 2.2.1.3. *In trial litigation*, “the Accused” is a party designator and is capitalized.

¶ 2.2.1.4. Do not precede “Appellant,” “Appellee,” “Petitioner,” and “Respondent” with “the.” *Exception*: “the Government,” “the Prosecution,” “the Defense,” “the Accused,” and “the Real Party in Interest” generally include “the.”

Examples

In August 2017, the FBI agents executed a search warrant at Appellant’s residence, but Appellant was away. The Government offered into evidence the fruits of that search. Over Defense objection, the military judge admitted a diary found in Appellant’s bedroom. Appellant asserts that admission of the diary was error.

An otherwise valid guilty plea will rarely, if ever, be invalidated on the basis of plea-agreement provisions proposed by the defense. *United States v. DeYoung*, 29 M.J. 78, 81 (C.M.A. 1989). In a pretrial agreement, “absent government overreaching,” we may presume that the accused and counsel knew what was fair and in the accused’s best interest. *United States v. Gibson*, 29 M.J. 379, 382 (C.M.A. 1990).

Style Guide

Appellant, who was sentenced to be reduced to E-1 and confined for seven months, brings this appeal pursuant to Article 66(b)(1)(A), Uniform Code of Military Justice [UCMJ], 10 U.S.C. § 866(b)(1)(A) (appeal by the accused).³

¶ 2.2.2. *Punitive Discharges*. Do not capitalize the terms referring to punitive discharges.

Examples

bad-conduct discharge
dishonorable discharge
dismissal

¶ 2.2.3. *Court-Martial Personnel*. Do not capitalize the terms referring to court-martial personnel.

Examples

court reporter
panel member
staff judge advocate
military judge
hearing officer
trial counsel
trial defense counsel*
civilian trial defense counsel*
convening authority
appellate government counsel
appellate defense counsel

☆ **ACCA** In Army practice, the term “trial defense counsel” is only used when distinguishing between a “trial defense counsel” and “appellate defense counsel.” Otherwise, simply use the term “defense counsel.”

³ The term “accused” is used generically and is thus not capitalized.

Style Guide

¶ 2.2.4. “Court”.

¶ 2.2.4.1. Capitalize the word “Court” *only* in the following cases:

¶ 2.2.4.1.1. When the Court refers to itself in an opinion or order (or when counsel refer to the Court before which they are appearing). (B8)

- ☆ **ACCA** In Army practice, the term “Court” is *not* capitalized when the court refers to itself in an opinion. However, “Court” *is* capitalized *in orders*.

Examples

As this Court stated in *United States v. Dawson*, 50 M.J. 599, 601 (N-M. Ct. Crim. App. 1999), when a guilty plea is challenged on appeal, we view the record through a lens most favorable to the Government, and any question of fact must “overcome the generally applied waiver of the factual issue of guilt inherent in voluntary pleas of guilty.”

I have carefully examined the record of trial in this case, I do not admit that the findings and sentence are correct in law and fact, and I submit the case on its merits to this Honorable Court without specific assignments of error or brief.

¶ 2.2.4.1.2. As part of any Court’s full title. (R8)

Example

While no military court has considered the question, the United States Court of Appeals for the Fifth Circuit recently held that

The Army

¶ 2.2.4.1.3. When referring to the United States Supreme Court. Do not confuse the “Supreme Court” with state supreme courts. (R8)

Example

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

Style Guide

¶ 2.2.4.2. Otherwise, do *not* capitalize the word “court.” (B8)

Examples

In *United States v. Christy*, 65 M.J. 657, 662 (Army Ct. Crim. App. 2007), our sister court discussed the difference between the two different states of mind, “knowing” and “intentional,” in the context of distribution of child pornography.

Most recently, our superior court noted that any argument equating a general right to habeas corpus “with all the accoutrements of . . . domestic criminal defendants is highly suspect.” *Al-Bihani v. Obama*, 590 F.3d 866, 876 (D.C. Cir. 2010).

¶ 2.2.5. “Judge” and “Justice”.

¶ 2.2.5.1. Capitalize only when referring to a judge or justice *by name* or when referring to a Justice of the U.S. Supreme Court. (R8(c)(ii))

Examples

the military judge

the senior judge

Senior Judge Smith

Chief Judge Crawford

the Justice <referring to a U.S. Supreme Court Justice>

<but the justice> <referring to a state supreme court justice>

¶ 2.2.5.1.1. In an opinion, use ALL CAPS when referring to the last name of a judge *on the opinion’s panel*.

Examples

Senior Judge ATHOS delivered the opinion of the Court, in which Senior Judge PORTHOS joined. Judge ARAMIS filed a separate dissenting opinion.

ATHOS, Chief Judge:

Judge ARAMIS concurs.

PORTHOS, Judge (dissenting):

Style Guide

¶ 2.2.6. *Organizations, Offices, and Officials*

¶ 2.2.6.1. Capitalize nouns referring to or identifying specific organizations, government offices, official bodies, or officials. **(R8(c)(i))**

Examples

the President

the Congress

the Senate

the House of Representatives

the House

Secretary Gates

the Secretary of Defense

the Office of the Secretary of Defense

the Secretary of the Army

the Secretary of the Navy

the Secretary of the Air Force

the Secretary of Homeland Security

Judge Advocate Division

the V Corps Staff Judge Advocate

the United States Armed Forces

the Service **<but the services>**

the Naval Service

the United States Army Reserve

the Army Reserve **<not the Army Reserves>**

the United States Air Force Reserve

the Air Force Reserve

the United States Navy Reserve

the Navy Reserve

the Fleet Reserve

the United States Marine Corps Reserve

the Marine Corps Reserve

Style Guide

the Fleet Marine Corps Reserve
the Army National Guard
the Air National Guard
the Chief of Staff of the Army
the Chief of Staff of the Air Force
the Chief of Naval Operations
the Chief of Space Operations
the Commandant of the Marine Corps
the Commandant of the Coast Guard
the Judge Advocate General⁴
The Judge Advocate General's Legal Center and School, U.S. Army
The Judge Advocate General's School <*U.S. Air Force*>
the Judge Advocate General's Corps⁵
the Staff Judge Advocate to the Commandant of the Marine Corps
the Staff Judge Advocate to the Commandant

¶ 2.2.6.2. Use lower case when referring to these persons and groups generically or other than as proper nouns. (R8(c)(i))

Examples

the congressional delegation
the congressional action
congressional hearings
the reserve component
a staff judge advocate
the staff judge advocate
office of the staff judge advocate

⁴ Articles 1(1) & 6(b), UCMJ.

⁵ Article 1(13)(A), UCMJ.

Style Guide

the armed forces
service courts of criminal appeals
service regulations
service customs
<*but* customs of the Service, customs of the Naval Service>
the secretarial delegation

¶ 2.2.7. *State*.

Examples

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

¶ 2.2.8. *Constitution*. In the text, capitalize whenever stating the full name of any constitution or whenever referring to *any part of* the United States Constitution. Do *not* capitalize *constitutional*. (R8)

Examples

the Sixth Amendment
the Florida Constitution
the Preamble
the Due Process Clause
<*but* right to due process; military due process>
While many people claim that various laws are “unconstitutional,” few have ever actually read the Constitution.

¶ 2.2.9. *Historical or Political Events*. Names of historical or major political events used as a proper name are capitalized. More recent or generic events are typically lowercased, but may be capitalized to prevent ambiguity. The names of major wars and battles that have entered the general lexicon are capitalized; unresolved and lesser-known conflicts generally are not. (G3.33; C8.75; C8.113)

Style Guide

Examples

the Gulf War

the Vietnam War

the Manhattan Project

the Great Depression

Prohibition

the Arab Spring

Black Lives Matter

the Iraq War

the Cold War

the Whiskey Rebellion

Reconstruction

the Battle of Britain

the Boston Tea Party

the Industrial Revolution

Some claim that the average American's respect for the rule of law was seriously undermined by Prohibition. Some would further argue that the repeal of the Eighteenth Amendment by the Twenty-First did little to restore it.

The global joblessness of the year 2020 has not been seen since the Great Depression.

But

the war in Yemen

the gold rush

the war on terror

the crisis in the Gulf

the baby boom

the civil rights movement

¶ 2.2.10. *Court-Martial Documents.*

¶ 2.2.10.1. *Court Filings.* Capitalize the title of a court document when the document has been filed in the court-martial and the reference is to the document's actual title or a

Style Guide

shortened form thereof. Also capitalize formal statutory post-trial documents.⁶ Do not capitalize references to the generic name of a court document. (**B8**; **BT1**) *For capitalization and abbreviation in citations to court-martial documents, refer to paragraph ¶ 3.13 in the Citation Guide.*

Examples

Appellant’s Brief and Assignments of Error

Appellant’s Merits Brief

the Government’s Answer

Appellant’s Reply Brief

the Government’s Response

the Defense Motion to Dismiss

Prosecution Exhibit 1

Defense Exhibit B

Appellate Exhibit III

Court Exhibit IV

the military judge’s Ruling on the Defense Motion to Dismiss

the Court Order of 16 July 2020, specifying two additional issues

the Statement of Trial Results

the Entry of Judgment

<*but* an entry of judgment> <*generic sense*>

the Post-Trial Action form <*Dep’t of the Navy*>

the convening authority’s Action

the Action of the convening authority

the Action

the Petition for Extraordinary Relief in the Nature of a Writ of Habeas

Corpus

the Petition for a Writ of Mandamus

⁶ While R.C.M. 1101 and 1111 consistently capitalize “Statement of Trial Results,” neither R.C.M. 1110 nor 1111 do so for “Convening Authority Action” or “Entry of Judgment.” For maximum consistency with *The Bluebook*, however, *The PurpleBook* prefers capitalizing statutory documents required by the Rules for Courts-Martial.

Style Guide

the Petition

the Court-Martial Order

<*but* a supplemental court-martial order>

In accordance with R.C.M. 1111(b)(1)(C), an entry of judgment must reflect the findings or other disposition of each charge and specification, accounting for any modifications made by the convening authority or the military judge.

Offenses committed before 1 January 2019 require the convening authority to take action on the sentence. Appellant was convicted of sexual assault occurring on or about 11 May 2018. Nevertheless, in the Action in this case, the convening authority took “no action on the findings or sentence.”

the R.C.M. 1106 matters submitted by the Accused;

the R.C.M. 1106A matters submitted by the crime victim

¶ 2.2.10.2. *Other Court-Martial Documents*. Do not capitalize other documents that were not formally filed with the trial or appellate court.

Examples

the charge sheet

the additional charge sheet

the stipulation of fact

the plea agreement

the pretrial agreement

the preliminary hearing officer’s report

the record

¶ 2.2.11. *Charges and Specifications*. 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

the charge sheet

the charges and their specifications

Style Guide

Specification 3 of Charge II
the Specification of The Charge
The Charge and its Specification
the Specification of The Additional Charge
Additional Charge I and its specifications

¶ 2.2.12. *Servicemembers*. Current practice, *except in the Army*, is to capitalize the service term for United States servicemembers. (“Servicemember” itself, as a generic term, is not capitalized and is a single, unhyphenated word.)

Examples

Soldier *<but>* German soldiers

Marine *<but>* South Korean marines

Sailor *<but>* a Colombian sailor

Airman *<but>* a Royal Air Force airman

Guardian

Coast Guardsman *<irrespective of gender>*

Reservist

Fleet Reservist

cadet

midshipman

servicemember *<not>* service member *or* service-member

As a Coast Guardsman, she was a member of the United States Armed Forces.

All Soldiers, Marines, Sailors, Airmen, Guardians, and Coast Guardsmen are members of the armed forces.

All Soldiers, Marines, Sailors, Airmen, Guardians, and Coast Guardsmen are servicemembers.

☆ **ACCA** Servicemember terms, with the exception of “Marine,” are *not* capitalized in Army practice.

Style Guide

¶ 2.2.13. *Internet.*

¶ 2.2.13.1. *Do Not Capitalize “Internet”.* In accordance with a change in the twenty-first edition of *The Bluebook*, the terms “internet,” “internet protocol,” “internet service provider,” and “uniform resource locator” are no longer capitalized. (R18, B18; G4; C7.80) However, capitalize the acronyms, “IP,” “ISP,” and “URL.”)

Examples

Although Cpl Alpha could not verify whether she vomited inside Appellant’s vehicle, the Government presented evidence that Appellant conducted internet searches later that day for car shampoo and carpet cleaner.

“Hailey’s” internet protocol [IP] address did not originate from Florida—where she told Appellant she lived—but resolved back to Spain, France, Iceland, and Germany.

The investigator also discovered uniform resource locators [URLs] with descriptive file names for the images Appellant had downloaded.

With respect to evidence of the movement of the images through interstate commerce, the testimony of Mr. Delta, owner of the internet service provider [ISP] to which Appellant subscribed at the time of the charged incident, established that the ISP received its feeds for newsgroups from a larger ISP outside Kansas, the state in which Appellant committed the crime.

¶ 2.2.13.2. *Web Pages.* Use *italic Title Case* (capitalizing major words only and using appropriate abbreviations) for the title of web pages. (R8, B18, T10, T13) Some URLs are case sensitive; cite URLs exactly as they appear in an internet browser. (R18.2.2(d)) However, when the URL cannot fit on a single line of text, do not add a hyphen (as it would be misconstrued as part of the URL) and, if possible, break the URL in such a fashion that the first character on the next line begins with a punctuation mark (to indicate that the text is a continuation of the URL). Provide the date and time (if given) as it appears on the internet site. Otherwise provide the date last visited after the URL. (R18.2.2(c))

Style Guide

Examples

Public examples of congressional outrage in response to Lt Gen Franklin’s actions abound. For example, Senator McCaskill wrote an op-ed in response to Wilkerson, requesting that the SECAF and CSAF conduct a review of Lt Gen Franklin’s actions, Claire McCaskill, *Their Day in Court*, St. Louis Post-Dispatch (Mar. 12, 2013), http://www.stltoday.com/news/opinion/columns/their-day-in-court/article_ced54e14-5dca-5c53-a038-4b9de9ccbaa9.html.

The Federal Judicial Center, established by Congress in 1967, 28 U.S.C. §§ 620–29, is a “research and education agency of the judicial branch” of the U.S. government. *Fed. Jud. Ctr.*, <https://www.fjc.gov> (last visited Apr. 17, 2020).

¶ 2.2.14. *Headings*. Capitalize *all words* in a heading, *except for articles, conjunctions, or prepositions that are four or fewer letters long*—unless they begin the heading or immediately follow a colon. **(R8(a))**

¶ 2.2.14.1. *Articles*. Articles that would *not* be capitalized, unless they begin the heading or immediately follow a colon include “a,” “an,” and “the.” **(C5.70)**

¶ 2.2.14.2. *Conjunctions*. Conjunctions that would *not* be capitalized, unless they begin the heading or immediately follow a colon include “and,” “but,” “if,” and “or.” **(C5.197)**

¶ 2.2.14.3. *Prepositions*. Prepositions that would *not* be capitalized, unless they begin the heading or immediately follow a colon include “as,” “at,” “by,” “for,” “from,” “in,” “into,” “of,” “out of,” “to,” “upon,” and “with.” **(C5.172-74)**

¶ 2.3. *Punctuation*.

¶ 2.3.1. *Generally*. Identifying the proper use of spaces, tabs, line breaks, and other precision formatting is very difficult unless you turn on Microsoft Word’s Show Hidden Formatting feature. This is most easily accomplished by clicking on the [¶] button in the Home tab (called “Show/Hide ¶”). Regular spaces are indicated with a dot (·). Nonbreaking spaces are indicated with a degree symbol (°). Tabs are indicated with a right arrow symbol (→). Paragraph breaks (at the end of each paragraph) are indicated with a paragraph symbol (¶). Line breaks (forcing the end of a line but staying within the same paragraph) are indicated with a carriage return symbol (↵). *Note that since Microsoft Word does not have a symbol for narrow no-break spaces. They appear as a narrow space without any symbol, even when Show/Hide ¶ is turned on.*

Style Guide

Example (with Show/Hide ¶ Off)

As elicited by the military judge, Appellant was with BM2 Alpha at the time he applied for the loan, and elected to conceal the true nature of the arrangement:

MJ: How do you know that the representations made in the loan application were false?

ACC: Because—Your Honor, because we ha[d] discussed the intentions of the purchase—of the loan as to the intention of the purposes and to what it is used for.

....

MJ: So you and he agreed that he would lie to the credit union about the purpose of the loan, right?

Example (with Show/Hide ¶ On)

As elicited by the military judge, Appellant was with BM2 Alpha at the time he applied for the loan, and elected to conceal the true nature of the arrangement:¶

→ MJ: → How do you know that the representations made in the loan application were false?¶

→ ACC: → Because—Your Honor, because we ha[d] discussed the intentions of the purchase—of the loan as to the intention of the purposes and to what it is used for.¶

→ →¶

→ MJ: → So you and he agreed that he would lie to the credit union about the purpose of the loan, ↵
right?¶

¶ 2.3.2. Quotation Marks.

¶ 2.3.2.1. Other Punctuation and Closing Quotation Marks. Always include periods and commas within quotation marks, regardless of whether they are part of the quoted language. All other punctuation that is not part of the quoted language must appear outside the quotation marks. (G8.138; C6.9; C6.10)

Style Guide

Examples

The court suppressed the Accused’s statements because they were “clearly obtained in violation of the Accused’s Fifth Amendment rights.”

The judge found that the following three factors were “necessary for establishing probable cause”:

Sergeant Alpha asked “Why?”

Why is it called the “Rule in Shelley’s Case”?

¶ 2.3.2.2. *Adjacent Single and Double Quotation Marks.* See ¶ 2.3.3.3.8 and ¶ 2.3.3.4.3 below).

¶ 2.3.2.3. *Preceding Footnote Reference Numbers.* When a footnote immediately follows a quotation, place the footnote reference number outside the quotation mark. (**G8.140**; **C14.26**)

¶ 2.3.3. *Spaces.*

¶ 2.3.3.1. *Generally.* Do *not* use spaces to line up text. Instead use tabs or adjust the margins for the paragraph with the ruler or in the paragraph settings menu.

¶ 2.3.3.2. *Between Sentences and After Colons.* Use only a *single space* after punctuation, including between sentences and after colons. (**C2.9**; **C2.80**; **R4.12**)

¶ 2.3.3.3. *Nonbreaking Spaces.* A nonbreaking space is like a regular space, but will not break. That is, whatever precedes and follows it will stay together, even if they are at the end of a line. (**C6.121**)

¶ 2.3.3.3.1. *Inserting in Word.* In Microsoft Word, a nonbreaking space is added by holding down the **[ctrl]** and **[shift]** keys and hitting the **[spacebar]**:



¶ 2.3.3.3.2. *Ellipses.* A series of three or four dots, an ellipsis is used to indicate the omission of one or more words or paragraphs. Do not use the ellipsis symbol (...). *Note that Microsoft Word (depending on your settings) will automatically replace three consecutive periods with the ellipsis symbol.* Rather, use periods separated by nonbreaking spaces (**C13.50**; **R1.50**; **R4.13**)

¶ 2.3.3.3.3. *Between Abbreviated Titles and Last Names.* To ensure that rank (CAPT, Col, LT, Sgt, etc.), social honorifics (Mr., Mrs., Ms., Miss), and other abbreviated titles (e.g., Judge) are not separated from the individual’s last name, use a nonbreaking space rather than a regular space. (**R4.13**)

Style Guide

¶ 2.3.3.3.4. *Before Terminal Number in the Middle of Some Ranks.* Any rank that ends in a numeral, e.g., Warrant Officer 1, Chief Warrant Officer 3, Specialist 2, should use a nonbreaking space before the number at the end of the rank to ensure the line does not break before the number. *Note*, the same is *not* required for Army warrant officer ranks that spell out the number, e.g., Chief Warrant Officer Three.

Examples

After investigators talked to Appellant's wife to verify her name and home address, Appellant made two false official statements to Chief Warrant Officer°2 [W-2] India.

In responding to the investigators, Appellant appeared visibly nervous. When asked, he declined to provide his cell phone to Chief Warrant Officer Four [CWO4] Foxtrot.

But not

After investigators talked to Appellant's wife to verify her name and home address, Appellant made two false official statements to Chief Warrant Officer 2 [W-2] India.

¶ 2.3.3.3.5. *Between Last Names and Suffixes.* To ensure that suffixes (Jr., Sr., II, etc.) don't begin a line, use a nonbreaking space after the last name. (C7.42)

¶ 2.3.3.3.6. *After Serial Numbers / Letters.*

Not this

In *United States v. Howard*, 20 M.J. 353, 354 (C.M.A. 1985), the predecessor to Court of Appeals for the Armed Forces declined the government's suggestion that the Secretary of the Army should be permitted, by regulation, to establish the moment of discharge. Shortly afterward, the court, in *United States v. King*, 27 M.J. 273 (C.A.A.F. 1989), established its own three-part test for determining when a discharge occurs. The court held that a discharge generally requires: (1) delivery of a valid discharge certificate; (2) a final accounting of pay; and (3) completion of a clearing process under appropriate service regulations.

Style Guide

But this

In *United States v. Howard*, 20 M.J. 353, 354 (C.M.A. 1985), the predecessor to Court of Appeals for the Armed Forces declined the government’s suggestion that the Secretary of the Army should be permitted, by regulation, to establish the moment of discharge. Shortly afterward, the court, in *United States v. King*, 27 M.J. 273 (C.A.A.F. 1989), established its own three-part test for determining when a discharge occurs. The court held that a discharge generally requires: (1) delivery of a valid discharge certificate; (2) a final accounting of pay; and (3) completion of a clearing process under appropriate service regulations.

¶ 2.3.3.3.7. *After Section and Paragraph Symbols (Alternate)*. While it’s preferred to use a “narrow no-break space” (see ¶ 2.3.3.4 below, alternatively use a nonbreaking space section symbol (§) or paragraph symbol (¶)) and the section / paragraph number in citations. **(R4.13; R6.2)**

¶ 2.3.3.3.8. *Between Adjacent Single and Double Quotation Marks (Alternate)*. While it’s preferred to use a “narrow no-break space” (see ¶ 2.3.3.4 below), alternatively use a nonbreaking space between adjacent double quotation marks (“”) and single quotation marks (‘ ’) when indicating a quotation within a quotation (“ ‘ or ’”). **(C6.11)**

¶ 2.3.3.4. *Narrow No-Break Spaces*. A narrow no-break space is similar to a nonbreaking space, only thinner. (The regular version without the no-break attribute is called a “thin space.”) They also will not spread apart in a paragraph that is stretched with right justification. The use of a narrow no-break space in an otherwise appropriate situation is *not required* (because it is a little more difficult to implement), but is consistent with United States Supreme Court practice and reflects refined legal writing and editing. An alternative is to use a nonbreaking space.

¶ 2.3.3.4.1. *Inserting in Word*. A narrow no-break space is not directly supported in Microsoft Word, but Word does provide work-arounds that allow you add Unicode (or HTML) characters, both of which contain narrow no-break spaces. To add the Unicode character in Word for Windows, type the hexadecimal characters **2 0 2 F**, then immediately hold down the **[alt]** key while hitting the **X** key to convert the Unicode to the narrow no-break space:



Style Guide

Note (Narrow No-Break Space & Fonts)

Most fonts (including the preferred Century Schoolbook), do not contain the narrow no-break space. However Times New Roman does and Word will automatically switch to Times New Roman to add it. *As a space, you probably won't immediately notice the font change.* However, if you continue typing immediately after adding a narrow no-break space, you will be typing in Times New Roman. Therefore, first type your text without any spaces, both before and after where you intend to insert the narrow no-break space, and then place your cursor where you want the space and type one of the special keystroke commands. Finally, move your cursor back to your text and continue typing in your original font.

¶ 2.3.3.4.2. *After Section and Paragraph Symbols in Citations.* Consistent with United States Supreme Court practice, use a narrow no-break space between section symbol (§) or paragraph symbol (¶) and the section / paragraph number in citations. (G10.6)

Not this (no space)

Appellant was convicted, contrary to his pleas, of one specification of larceny of a motor vehicle, in violation of Article 121, Uniform Code of Military Justice [UCMJ], 10 U.S.C. §921 (2019).

Or this (regular space)

Appellant was convicted, contrary to his pleas, of one specification of larceny of a motor vehicle, in violation of Article 121, Uniform Code of Military Justice [UCMJ], 10 U.S.C. § 921 (2019).

But this

Appellant was convicted, contrary to his pleas, of one specification of larceny of a motor vehicle, in violation of Article 121, Uniform Code of Military Justice [UCMJ], 10 U.S.C. § 921 (2019).

Style Guide

¶ 2.3.3.4.3. *Between Adjacent Single and Double Quotation Marks*. Insert a narrow no-break space between adjacent double quotation marks (“) and single quotation marks (’) when indicating a quotation within a quotation (“‘ or ’”). (G8.131; C6.11)

Not this (no space)

“The abuse of discretion standard is a strict one, calling for more than a mere difference of opinion. The challenged action must be ‘arbitrary, fanciful, clearly unreasonable,’ or ‘clearly erroneous.’” *United States v. Lloyd*, 69 M.J. 95, 99 (C.A.A.F. 2010) (quoting *United States v. McElhaney*, 54 M.J. 120, 130 (C.A.A.F. 2000)).

Or this (regular space)

“The abuse of discretion standard is a strict one, calling for more than a mere difference of opinion. The challenged action must be ‘arbitrary, fanciful, clearly unreasonable,’ or ‘clearly erroneous.’ ” *United States v. Lloyd*, 69 M.J. 95, 99 (C.A.A.F. 2010) (quoting *United States v. McElhaney*, 54 M.J. 120, 130 (C.A.A.F. 2000)).

But this

“The abuse of discretion standard is a strict one, calling for more than a mere difference of opinion. The challenged action must be ‘arbitrary, fanciful, clearly unreasonable,’ or ‘clearly erroneous.’” *United States v. Lloyd*, 69 M.J. 95, 99 (C.A.A.F. 2010) (quoting *United States v. McElhaney*, 54 M.J. 120, 130 (C.A.A.F. 2000)).

¶ 2.3.3.4.3.1. The narrow no-break space must be added *after* typing the double and single quotation mark combination. In addition, getting the double and single quote marks to “curl” properly in Microsoft Word, that is, inwardly, requires some *fancy typing*.

¶ 2.3.3.4.3.2. For a double and single quote mark combination *at the beginning of a quotation* (“‘This’ is my internal quotation.”), you have to first type the two marks *with a regular space*, then move your cursor, delete the space, and type one of the keystroke combinations to add the narrow no-break space.

¶ 2.3.3.4.3.3. For a double and single quote mark combination *at the end of a quotation* (“That is my internal ‘quotation.’”), you have to first type the two marks *without*

Style Guide

a space, then move your cursor and type a keystroke combination to add the narrow no-break space.

¶ 2.3.4. *Hyphens and Dashes.*

¶ 2.3.4.1. *Compound Modifier.* Also known as a *phrasal adjective*, a compound modifier is a phrase that functions as an adjective that modifies a noun or pronoun.

¶ 2.3.4.1.1. *Generally.* Join each element of the phrase (but not the noun or pronoun itself) that *precedes* the noun or pronoun with a hyphen. (G6.15; C5.92; R1.62(a))

¶ 2.3.4.1.2. *With Multiple Elements.*

¶ 2.3.4.1.2.1. When two or more hyphenated compounds have a common element, omit the common element in all but the final compound. (G6.23; C5.92(4); R1.62(g))

¶ 2.3.4.1.2.2. When more than one phrasal adjective modifies the same noun, do not hyphenate between the separate phrasal adjectives. (G6.28; C5.92(3))

¶ 2.3.4.1.3. *Denoting Amount or Duration.*

¶ 2.3.4.1.3.1. If the compound modifier expresses an amount or duration, it should not be expressed in the plural, e.g., a 20-year-old Marine, *not* a 20-years-old Marine. (G6.36; C5.92(5))

¶ 2.3.4.1.3.2. However, fractions *are* expressed in the plural, e.g., four-fifths rule. (G6.38; C5.92(5))

¶ 2.3.4.1.4. *Exceptions.*

¶ 2.3.4.1.4.1. Do *not* hyphenate a *two-word* phrasal adjective that begins with an adverb ending in *-ly*. (G6.20; C5.93(3); R1.62(d))

¶ 2.3.4.1.4.2. Do *not* hyphenate a *proper name* as part of phrasal adjective. (G6.21; C5.93(2); R1.62(e))

¶ 2.3.4.1.4.3. Do *not* hyphenate a foreign (including Latin) phrase used as an adjective, unless hyphens appear in the original language. (G6.24; C7.89.1; R1.62(f))

¶ 2.3.4.1.4.4. While phrasal adjectives that follow a noun are normally *not* hyphenated, some standard phrases (e.g., cost-effective, drug-free, short-lived, risk-averse, tax-exempt) are always hyphenated, even when they *follow* the noun or pronoun. (R1.62(c))

Examples

the 7-year-old girl

a 7-year-old

two-thirds majority

Style Guide

12-hour schedule

moss- and ivy-covered arches

Texas-born and -raised rancher

best-evidence rule

well-kept secret

<**but** poorly kept secret

Savile Row suit

The session lasted 12 hours.

She was 7 years old.>

due-process concerns

would-be benefactor

out-of-state warrant

dog-eat-dog world

poorly-thought-out question

state-inspected assisted-living facility

The domestic calm was short-lived.

subject-matter jurisdiction

tête-à-tête conversation

<**but** ex post facto clause

in personam jurisdiction

federally inspected meat-packing plant⁷>

¶ 2.3.4.2. *Spelled-Out Numbers*. When spelling out cardinal and ordinal numbers, use a hyphen between the elements of the numbers twenty-one through ninety-nine. (G6.36; C7.89.1; R1.63(a))

⁷ Note *federally inspected* is a separate *two-word* phrasal adjective beginning with an adverb that ends in *ly*, hence it is *not* hyphenated; as a *separate* phrasal adjective from *meat-packing* also modifying the noun *plant*, there is no hyphen between the first and second phrasal adjective. Contrast with *state-inspected meat-packing plant*. If all four words were in a *single* phrasal adjective, all words would be hyphenated, notwithstanding the first word ending in *ly* because it would *not* be a *two-word* phrasal adjective. Contrast with *poorly-thought-out argument*. (G6.20; C5.93(3); R1.62(d))

Style Guide

Example

the Twenty-Sixth Amendment

¶ 2.3.4.3. *Spelled-Out Fractions*. Hyphenate spelled-out fractions, except when the second element is already hyphenated. (**G6.38**; **C7.89.1**; **R1.63(a)**)

Examples

three-fourths of an inch

three-quarters of an inch

a two-thirds majority

one-half of the crew

¶ 2.3.4.4. *Nonbreaking Hyphens*. A nonbreaking hyphen is like a regular hyphen, but will not break. That is, whatever precedes and follows it will stay together, even if they are at the end of a line.

¶ 2.3.4.4.1. *Inserting in Word for Windows*. In Microsoft Word for Windows, a non-breaking hyphen is added by holding down the **[ctrl]** and **[shift]** keys and hitting the **[-]** key:



¶ 2.3.4.4.2. *Inserting in Word for Mac*. In Microsoft Word for Mac, a nonbreaking hyphen is added by holding down the **[⌘]** and **[shift]** keys and hitting the **[-]** key:



¶ 2.3.4.4.3. *Pay Grades*. The most common use for nonbreaking hyphens in military pleadings and opinions is with pay grades, e.g. “(E-2)” or “(O-3)”. A nonbreaking hyphen should be used to ensure the entire pay grade stays together and does not break at the hyphen if it otherwise appears at the end of a line.

¶ 2.3.4.4.4. *N-M. Ct. Crim. App.* A nonbreaking hyphen should be used for the citation abbreviation for the Navy-Marine Corps Court of Criminal Appeals to ensure it does not break between the *N* and *M*.

¶ 2.3.4.5. *En Dashes* (–).

¶ 2.3.4.5.1. An en dash is primarily used to indicate a range of pages or paragraphs, although a hyphen is an acceptable alternative. (**A Sidebar 5.2**) Nevertheless, an en dash is preferable as it is the publishing standard and less likely to be confused.

Style Guide

¶ 2.3.4.5.2. *Inserting in Word for Windows.* In Microsoft Word for Windows, an en dash is added from the Insert tab / Symbol / More Symbols... / Special Characters *or* by holding down the [ctrl] keys and hitting the *number pad* [-] key (for keyboards with a separate number pad):



¶ 2.3.4.5.3. *Inserting in Word for Mac.* In Microsoft Word for Mac, an en dash is added from the Insert tab / Advanced Symbol / Special Characters *or* by holding down the [⌘] key and hitting the *number pad* [-] key (for keyboards with a separate number pad):



Examples

- ◆ See *Smith v. Univ. of Md.*, ___ U.S. ___, 140 S. Ct. 221–22 (2019); *Rehaif v. United States*, ___ U.S. ___, 139 S. Ct. 2191-92 (2019); *Maryland v. King*, 569 U.S. 435–36 (2013).

¶ 2.3.4.6. *Em Dashes (—).*

¶ 2.3.4.6.1. An em dash indicates a break in a sentence. It can be used instead of commas, parentheses, or colons to set off explanatory information. Surrounding information with em dashes adds greater emphasis than using commas or parentheses. (C6.85) Like parenthesis, they are often, but not always used in pairs. Accordingly, avoid using more than two em dashes in a single sentence. (R1.53) An em dash is used to indicate an abrupt change in thought or interruption. (G8.64; G8.56; C6.87)

¶ 2.3.4.6.2. In a transcript of a hearing or recorded conversation, use an em dash to indicate interruption or trailing off of the speaker. Do *not* use an ellipsis (even if transcribed that way), as an ellipsis would indicate an alteration of the transcribed material, rather than an interruption in the actual spoken words.⁸ To indicate words spoken but not audible, use [inaudible].

⁸ This is an example (like a misspelling or incorrect capitalization) of a transcription error that is confusing to the reader, but does not affect the substance of the transcription. As such, it is acceptable to make this kind of correction without noting it. *However, if the correction could affect the meaning, the change **should** be noted.* Note also, in a case subject to the Military Justice Act of 2016, it is the *audio*, not the transcript, that is the official record. See ¶ 3.13.5 for citing the audio official record rather than the transcription.

Style Guide

¶ 2.3.4.6.3. To create an em dash, type two hyphens and Microsoft Word will automatically generate the em dash as you continue typing. Do *not* include any spaces before or after an em dash. (G8.64; C6.85)

Examples

The Government relied on three key witnesses—Mr. Smith, Mr. John, and Mr. Kelly.

He explained the plan—a plan that would result in conspiracy charges.

The victim’s testimony—which had already been interrupted by countless objections—was unclear due to her poor command of the English language.

WIT: Well, when I asked her what she was doing, she told me—

DC: Objection! Hearsay.

MJ: Sustained.

¶ 2.3.5. *Commas.*

¶ 2.3.5.1. *Serial Commas.* Also known as the “Oxford comma.”

¶ 2.3.5.1.1. *Generally.* Always use the serial comma to separate items in a list of more than two. (G8.46; C6.19; R1.3)

Examples

The colors of the flag are red, white, and blue.

The attorney wrote the brief, filed it, and argued the issues in court.

¶ 2.3.5.1.2. *Exceptions.*

¶ 2.3.5.1.2.1. Omit the comma before an ampersand, typically seen in a company name. (G8.46; C6.19; R1.3(d)) Always follow the usage of the individual firm, company, etc.

Examples

Skadden, Arps, Slate, Meagher & Flom LLP

Cleary Gottlieb Steen & Hamilton LLP

Style Guide

¶ 2.3.5.1.2.2. In complex sentences that contain phrases that contain internal punctuation or a conjunction, the phrases should be separated with semicolons. (G8.60; C6.19; R1.3(d))

Examples

The Accused was charged with larceny, wrongful use of cocaine, and false official statement.

The Accused was charged with larceny; wrongful use of marijuana, cocaine, and amphetamines; and false official statement.

¶ 2.3.5.2. *Comma Conjunctions.*

¶ 2.3.5.2.1. Place a comma before a conjunction introducing an independent clause. Conjunctions include “and,” “but,” “as,” “for,” “or,” “nor,” and “while.” (G8.46; C6.19)

Example

The Accused refused to testify, but he provided an unsworn written statement to the members.

¶ 2.3.5.2.2. If a dependent clause or introductory phrase precedes the second independent clause and is required to be set off by a comma, no comma is needed after the conjunction.

Not this

Appellant chose not to testify, but, to the surprise of the Prosecution, he provided an unsworn written statement to the members.

But this

Appellant chose not to testify, but to the surprise of the Prosecution, he provided an unsworn written statement to the members.

Style Guide

¶ 2.3.5.3. *Joining Independent Clauses.* Do *not* join independent clauses with a comma. If two or more independent clauses are used to form a single compound sentence and a conjunction is not used, the proper punctuation is a semicolon. It would be equally correct to write both clauses as separate sentences. (**G8.149**; **C6.59**; **R1.4(d)**; **R1.16**)

Examples

The victim testified at the court-martial; she appeared upset.

The victim testified at the court-martial. She appeared upset.

¶ 2.3.5.4. *Dependent Introductory Phrases.* Set off a dependent introductory phrase with a comma unless the phrase is essential to the meaning of the sentence. (**G8.42**; **C6.24**; **R1.5**)

Not this

In compliance with Military Rule of Evidence 412 evidence regarding the victim's sexual predisposition was deemed inadmissible.

But this

In compliance with Military Rule of Evidence 412, evidence regarding the victim's sexual predisposition was deemed inadmissible.

¶ 2.3.6. *Semicolons.* Use a semicolon within complex lists that call for a more significant break than a comma. (**G8.148**; **C6.60**; **R1.18**) When writing a numbered list, use numbers surrounded by parentheses. The word “and” should be included before the last item in the list.

Example

Appellant has raised three assignments of error [AOEs]: (1) the military judge improperly admitted evidence of Appellant's alleged prior misconduct; (2) the military judge further erred by precluding the Defense from disclosing to the members that Appellant was acquitted of the prior allegation at a separate court-martial; and (3) the military judge erred by denying challenges for cause against two of the members.

Style Guide

¶ 2.3.7. Possessive Nouns.

¶ 2.3.7.1. *Generally*. Form the possessive case of a singular or plural noun *not* ending in *s* by adding an apostrophe and *s*. Form the possessive case of a singular or plural noun ending in *s* or with an *s* sound by adding an apostrophe only.⁹ (G8.3) For compound nouns and joint possession, the apostrophe is added *only* to the *last* element. However, individual or alternative possession uses an apostrophe on *each* element. (G8.4; G8.5)

Examples

boss'
bosses'
citizen's
citizens'
Congress'
Congresses'
Ms. Smith of Virginia's brief.
Rodger Drew, Jr.'s position.
hostess'
hostesses'
Schmitz'
fox's
soldiers and sailors' home
the Army's and Navy's efforts
Sergeant Echo's or AT3 Tango's responsibility

Not:

Congress's
Ms. Smith's of Virginia brief.
Schmitz's
soldiers' and sailors' home

⁹ Do *not* follow the contrary rule in (C7.17), regarding proper nouns ending in *s* or with an *s* sound.

Style Guide

¶ 2.3.7.2. *Exception.* Do not use an apostrophe after names of countries and organizations ending in s. (**G8.7**)

Examples

United States territorial waters

United Nations members

House of Representatives rule

¶ 2.3.8. *Plurals.* Most letters, abbreviations, and numerals form their plurals by adding **only “s.”** But to avoid confusion, *lowercase* letters form the plural by adding an **apostrophe and “s.”** Spelled-out numbers form their plurals like other nouns. Numerals form their plurals by adding “s” without an apostrophe. (**G8.11**; **C7.15**; **C9.53**)

Examples

URLs

They were in their twenties.

the three Rs

the 1990s

There are two a’s in “mandamus.”

Not

There are two **as** in “mandamus.”

¶ 2.4. *Quotations.*

¶ 2.4.1. *Block Quotations.* Block quotations are to be used for quotations of 50 words or more. (**R5.1(a)**)

¶ 2.4.1.1. *Formatting.* A block quotation should be indented on the left and the right 0.5 inch. The block quote itself should not begin and end with quotation marks but any quotation marks within a block quote should appear as they do in the original text. (**R5.1(a)(i)**)

¶ 2.4.1.2. *Paragraph Structure.*

¶ 2.4.1.2.1. *Starts at the Beginning of the Source Paragraph.* To indicate that a quotation starts at the beginning of a paragraph in the source material, the first line of the

Style Guide

block quote is further indented. *Note* that the first line of the block quotation is further indented, *even if* the paragraph structure of the source material does not indent the first line of paragraphs. **(R5.1(a)(iii))**

¶ 2.4.1.2.2. *Starts in the Middle of the Source Paragraph.* If the quotation does not start at the beginning of a paragraph in the source material, the first line of the block quote is not further indented. **(R5.1(a)(iii))**

¶ 2.4.1.3. *Citation.* If citations are placed in footnotes, place the footnote number immediately after the final punctuation of the block quotation. If citations are placed in the text, the citation is placed on the next line, without indentation. **(R5.1(a)(ii))**

(Original)

(From *United States v. Cooley*)

In our examination of reasonable diligence, “[w]e remain mindful that we are looking at the proceeding as a whole and not mere speed,” and we give substantial deference to the military judge’s findings of fact unless they are clearly erroneous. *Mizgala*, 61 M.J. at 127-29. However, it is the Government’s burden to show due diligence, *id.* at 125, and it is the Government’s responsibility to provide evidence showing the actions necessitated and executed in a particular case justified delay when an accused was in pretrial confinement. *See id.*; *cf. United States v. Seltzer*, 595 F.3d 1170, 1178 (10th Cir. 2010); *United States v. Brown*, 169 F.3d 344, 349-50 (6th Cir. 1999). This is even more necessary where, as here, the Government is operating under the aegis of both an R.C.M. 707 dismissal and multiple demands for speedy trial made by Appellant.

(Block Quotation of a Paragraph Beginning)

In our examination of reasonable diligence, we remain mindful that we are looking at the proceeding as a whole and not mere speed, and we give substantial deference to the military judge’s findings of fact unless they are clearly erroneous. However, it is the Government’s burden to show due diligence, and it is the Government’s responsibility to provide evidence showing the actions necessitated and executed in a particular case justified delay when an accused was in pretrial confinement.

United States v. Cooley, 75 M.J. 247, 259 (C.A.A.F. 2016) (cleaned up) (citing *United States v. Mizgala*, 61 M.J. 122, 127-29 (C.A.A.F. 2005)).

Style Guide

(Block Quotation of a Paragraph Middle)

[W]e give substantial deference to the military judge’s findings of fact unless they are clearly erroneous. However, it is the Government’s burden to show due diligence, and it is the Government’s responsibility to provide evidence showing the actions necessitated and executed in a particular case justified delay when an accused was in pretrial confinement.¹⁷

¹⁷ *United States v. Cooley*, 75 M.J. 247, 259 (C.A.A.F. 2016) (cleaned up) (citing *United States v. Mizgala*, 61 M.J. 122, 127-29 (C.A.A.F. 2005).

¶ 2.4.2. *Modifications of Quotations.*

¶ 2.4.2.1. *All Changes to Quotations Must be Acknowledged.* Refer to Bluebook Rule 5.2 for a complete explanation and examples. If you are eliminating a portion of the quotation, you must indicate the omissions with an ellipsis. Do *not* use the ellipsis symbol auto-generated in Microsoft Word. < ... > Rather, use non-breaking spaces between each period to create the ellipsis. < .°° . > **(R4.13(d))** A nonbreaking space is the same width as a standard space, but it prevents the text from flowing to a new line or page. To create a non-breaking space in Word, press:



¶ 2.4.2.1.1. A standard three dot ellipsis is used to indicate the omission of one of more words. The four dot ellipsis is used to indicate the omission of one or more entire paragraphs. **(R5.1(a)(iii))**

(Original)

If Appellee did not raise it, then he waived it under Military Rule of Evidence 311(d)(2)(A), which provides: “When evidence has been disclosed prior to arraignment under subdivision (d)(1), the defense must make any motion to suppress or objection under this rule prior to submission of a plea. In the absence of such motion or objection, the defense may not raise the issue at a later time except as permitted by the military judge for good cause shown. Failure to so move or object constitutes a waiver of the motion or objection.”

Style Guide

*(With ellipses NOT using nonbreaking spaces—Note the **inappropriate break in the middle of the second ellipsis**; for how to handle this situation see ¶ 2.4.2.1.2 through ¶ 2.4.2.1.4 below)*

If Appellee did not raise it, then he waived it under Military Rule of Evidence 311(d)(2)(A), which provides: “When evidence has been disclosed prior to arraignment . . . , the defense must make any motion to suppress or objection under this rule prior to submission of a plea. . . . Failure to so move or object constitutes a waiver of the motion or objection.”

*(With ellipses using nonbreaking spaces—Note the **acceptable break between the period at the end of a sentence and the second ellipsis**)*

If Appellee did not raise it, then he waived it under Military Rule of Evidence 311(d)(2)(A), which provides: “When evidence has been disclosed prior to arraignment . . . , the defense must make any motion to suppress or objection under this rule prior to submission of a plea. . . . Failure to so move or object constitutes a waiver of the motion or objection.”

¶ 2.4.2.1.2. When the end of a sentence is being omitted, *insert a regular space* after the last quoted word, then the ellipsis, then *a nonbreaking space* and the final punctuation of the sentence. **(R5.3(b)(iii))**

Examples < > < ? > < ! >

In the absence of such motion or objection, the defense may not raise the issue at a later time. . . .

When asked whether she preferred to sit or stand, Ms. Sierra stated, “Why. . . ? My preferences are irrelevant.”

Immediately after the vehicle drove at and nearly hit him, Spc4 Tango shouted to Sgt Delta, “What the. . . ! Wasn’t that [Appellant] driving that truck?”

¶ 2.4.2.1.3. When an omission occurs after the end of a complete sentence, retain the final punctuation of that sentence, *insert a regular space* (allowing it to break if necessary), and then the ellipsis. **(R5.3(b)(v))**

Style Guide

Example <. . . .><?><!>

[T]he defense must make any motion to suppress or objection under this rule prior to submission of a plea. . . . Failure to so move or object constitutes a waiver of the motion or objection.

¶ 2.4.2.1.4. When the end of a sentence *and* additional language from one or more following sentences is omitted before continuing with the quotation, insert the final punctuation from the sentence and use only one ellipsis to indicate both omissions. (R5.3(b)(vi))

Example <. . . .><. . . .?><. . . .!>

[T]he defense must make any motion to suppress or objection. . . . [T]he defense may not raise the issue at a later time except as permitted by the military judge for good cause shown.

¶ 2.4.2.2. Do **Not** Indicate (*Emphasis in Original*). Unless otherwise indicated, the reader can rightly assume that a quotation is accurate and reflects the original. Do *not* indicate that emphasis appearing in a quotation was in the original. (R5.2(d)(iii))

¶ 2.4.2.3. *Adding a Footnote Within a Quotation*. It is sometimes appropriate to add a footnote within quoted material, such as to add a full case citation to a quotation from the record. (An alternative is to add the citation surrounded by brackets inside the quotation itself.) If choosing to add a footnote to the quotation, surround it with standard (not superscripted) brackets. (A39.5^{FN})

Examples

Prior to the entry of pleas, when the military judge asked for confirmation “that there was no pretrial confinement credit under *U.S. v. Allen*^[12] that needed to be adjudged or ordered,” defense counsel concurred that there was not.

¹² *United States v. Allen*, 17 M.J. 126 (C.M.A. 1984).

Style Guide

Or

Prior to the entry of pleas, when the military judge asked for confirmation “that there was no pretrial confinement credit under *U.S. v. Allen*[, 17 M.J. 126 (C.M.A. 1984),] that needed to be adjudged or ordered,” defense counsel concurred that there was not.

But not

Prior to the entry of pleas, when the military judge asked for confirmation “that there was no pretrial confinement credit under *U.S. v. Allen*^[12] that needed to be adjudged or ordered,” defense counsel concurred that there was not.

¹² *United States v. Allen*, 17 M.J. 126 (C.M.A. 1984).

¶ 2.4.2.4. *Use [***] to Obscure Profanity and Salacious Words.* Profanity and salacious words should not be directly quoted in an opinion or appellate filing.¹⁰ Instead such words should be modified by replacing all or part with three asterisks inside brackets, regardless of the actual number of letters substituted. Generally, only the first letter should be retained, unless ending, such as *ing* or *ed* is necessary for understanding.

Example

It was against the barracks policy to have visitors in any Marine’s barracks room after 2200. Corporal Alpha knew she was pending formal counseling, which would become part of her service record, for recently failing to report her roommate’s previous violation of this rule. A second infraction would compound her troubles. Appellant responded, “S[***],” and Cpl Alpha did not leave, apparently taking his exclamation to mean that someone was in the hallway and she could not leave without being seen.

¹⁰ If specific profane or salacious language is essential to an appellate filing, the filing should be redacted and an unredacted version filed with the court under seal.

Style Guide

¶ 2.4.2.5. *Optional Use of (Cleaned Up)*.

¶ 2.4.2.5.1. *The Redbook* advocates for an alternative to cumbersome quotations that otherwise involve multiple changes and indications that provide little to no substance in understanding the weight or significance of the authority. For example, annotations such as “(second ellipsis in original) (citations and internal quotation marks omitted)” along with one or more case changes can appear officious without adding to the authority, understanding, or significance of the quotation. Brian Garner, the author of *The Redbook* and editor of *Black’s Law Dictionary* rightly emphasizes that an alternative approach, indicating that the quotation has been “cleaned up,” rather than listing, seriatim, every change and omission, only works *if* the resulting quotation does not introduce *any* change in the substance. **(R8.5)** Consider the following Example:

(Original)

“Without this type of record development, ‘it is impossible on appeal to determine whether the [military judge] carefully and meticulously review[ed] the proffered [expert] evidence or simply made an off-the-cuff decision to admit the expert testimony.’” *United States v. Flesher*, 73 M.J. 303, 324 (C.A.A.F. 2014) (quoting *Goebel v. Denver & Rio Grande W. R.R. Co.*, 215 F.3d 1083, 1088 (10th Cir. 2000) *Id.* (second alteration in original) (citation omitted) (internal quotation marks omitted).

Cleaned-Up Example

“Without this type of record development, it is impossible on appeal to determine whether the military judge carefully and meticulously reviewed the proffered expert evidence or simply made an off-the-cuff decision to admit the expert testimony.” *United States v. Flesher*, 73 M.J. 303, 324 (C.A.A.F. 2014) (cleaned up).

¶ 2.4.2.5.2. The cleaned-up example accurately reflects what the *Flesher* court said. The modifications it made to the Tenth Circuit case are irrelevant. For example, it matters not that the Tenth Circuit would not have used the term “military judge” in its opinion. Assuming the case is cited for its *CAAF* precedent, it also matters not that *CAAF* based its analysis on the *Goebel* case. The cleaned-up version is easier to read and more succinct. However, the reader is still alerted that that writer has cleaned up the quotation in some fashion so the reader can, if desired, review the *Flesher* case to see the original version, with all of its alterations and citations. Note, however, *if* the fact that the analysis originated from a Tenth Circuit case is *significant*, then the cleaned-up citation should include (citing *Goebel v. . .*).

Style Guide

¶ 2.4.2.5.3. The following is another example:

(Original)

Next, it still remains the case that “[a]n appellant who asks [a CCA] to review prison conditions . . . must establish” the following: (1) a record demonstrating exhaustion of administrative remedies (i.e., exhaustion of the prisoner grievance system and a petition for relief under Article 138, UCMJ, 10 U.S.C. § 938 (2012), except in “unusual or egregious circumstances that would justify [the] failure” to exhaust); (2) “a clear record demonstrating . . . the jurisdictional basis for [the CCA’s] action”; and (3) “a clear record demonstrating . . . the legal deficiency in the administration of the prison.” *United States v. Miller*, 46 M.J. 248, 250 (C.A.A.F. 1997); cf. *Erby*, 54 M.J. at 478

Cleaned-Up Example

An appellant who wishes a CCA to review prison conditions must establish the following:

- (1) a record demonstrating exhaustion of administrative remedies (i.e., exhaustion of the prisoner grievance system and a petition for relief under Article 138, UCMJ, 10 U.S.C. § 938 (2012), except in unusual or egregious circumstances that would justify the failure to exhaust);
- (2) a clear record demonstrating the jurisdictional basis for the CCA’s action; and
- (3) a clear record demonstrating the legal deficiency in the administration of the prison.¹⁵

¹⁵ *United States v. Guinn*, 81 M.J. 195, 203 (C.A.A.F. 2001) (cleaned up).

¶ 2.5. Abbreviations and Short Forms in Text.

¶ 2.5.1. Generally.

¶ 2.5.1.1. An *abbreviation* is a shortened or contracted form of a word or phrase. <e.g., etc., i.e., Sgt> An *acronym* is an abbreviation consisting of the initials of multiple words *pronounced as a word*. <AIDS, CAAF, NATO> An *initialism* is an abbreviation consisting of the initials of multiple words *pronounced one letter at a time*. <CID, Mil. R. Evid., R.C.M., UCMJ>

¶ 2.5.1.2. Except for an abbreviation or short form that is a common alternative term that may be better known to some readers, generally do not establish an abbreviation or short

Style Guide

form unless the term will be used again *at least three more times* in the same document. **(C10.3)**

¶ 2.5.1.3. It is improper to assume everyone reading a pleading or court document that will be posted for public access is familiar with all military jargon, acronyms, and abbreviations, including ranks and rates. Even between military services, common acronyms or terms may be unfamiliar or confusing. With the exception of common abbreviations in standard English, such as “Mr.” or “e.g.,” and case names (which already have an appropriate short form established in *The Bluebook* (**B4**; **R4.2**)), to establish an abbreviation or short form, first state the word or phrase in full, then immediately state the abbreviation or short form within brackets.

- ☒ Notwithstanding *The Bluebook*, do *not* include the word “hereinafter” when establishing a short form. **(R12.2(e))**

Table 2-2 Common Text¹¹ Abbreviations in Military Jurisprudence

Term	Abbreviation
Air Force Court of Criminal Appeals	[AFCCA]
Air Force Office of Special Investigations	[AFOSI]
Army Court of Criminal Appeals	[ACCA]
Assignment of Error	[AOE]
Coast Guard Court of Criminal Appeals	[CGCCA]
convening authority’s action	[CAA] <i>or</i> [Action]
Court of Appeals for the Armed Forces	[CAAF] <i><not C.A.A.F.></i>
Court of Military Commission Review	[CMCR]
court-martial order	[CMO]
Criminal Investigation Command	[CID] ¹²
Department of Defense	[DOD] <i><not DoD></i>

¹¹ Refer to Chapter 3, the Citation Guide, for appropriate abbreviations in citations. For example, “CAAF” is the appropriate abbreviation the Court of Appeals for the Armed Forces *in text*, whereas “C.A.A.F.” is the appropriate form *in citations*.

¹² 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.

Style Guide

Term	Abbreviation
Department of Homeland Security	[DHS]
Department of the Army	[DA]
Entry of Judgment	[EOJ]
Federal Bureau of Investigation	[FBI]
<i>Manual for Courts-Martial</i>	[MCM]
Military Rules of Evidence	[Mil. R. Evid.] ¹³ <not MRE or M.R.E.>
Naval Criminal Investigative Service	[NCIS]
Navy-Marine Corps Court of Criminal Appeals	[NMCCA] <not N-MCCA>
North Atlantic Treaty Organization	[NATO]
Rule for Courts-Martial	[R.C.M.] ¹⁴ <not RCM>
staff judge advocate	[SJA]
staff judge advocate's recommendation	[SJAR]
Uniform Code of Military Justice	[UCMJ]

¶ 2.5.2. *Periods Within Abbreviations*. Notwithstanding the GPS Style Manual (**G8.115**), do not use periods with abbreviations that include two or more capital letters, even if the abbreviation contains a lowercase letter. **<PhD>** (**C10.4**) Use periods with abbreviations that end in lowercase letters, except those in which the last letter of the original word is set off from the rest of the abbreviation with an apostrophe. **<etc., e.g., but Dep't>** (**R6.1(b)**; **A2.1(a)**) *Exception*: “R.C.M.” requires periods because the rules themselves designate that as the appropriate short form. *See* Rule for Courts-Martial 101(b) (“These rules may be known and cited as the Rules for Courts-Martial (R.C.M.)”).

¹³ While some practitioners prefer “M.R.E.” (or “MRE”), the Military Rules of Evidence themselves use *The Bluebook* standard form “Mil. R. Evid.” *See* Mil. R. Evid. 101(a) (“These rules apply to courts-martial proceedings to the extent and with the exceptions stated in Mil. R. Evid. 1101.”).

¹⁴ While some practitioners prefer “RCM” (like “UCMJ”), the Rules for Courts-Martial themselves stipulate that “R.C.M.” is the proper citation form. *See* R.C.M. 101(b) (“These rules may be known and cited as the Rules for Courts-Martial (R.C.M.)”).

Style Guide

Examples

In 2014, Appellant was convicted, contrary to his pleas, of three specifications of sexual assault and one specification of abusive sexual contact, in violation of Article 120, Uniform Code of Military Justice [UCMJ], 10 U.S.C. § 920 (Supp. V 2012).

Appellant waived his Article 32, UCMJ, preliminary hearing. *See* Article 32(a)(1), UCMJ. At the second motions hearing, after Appellant had entered pleas at the previous hearing, trial defense counsel made a Rule for Courts-Martial [R.C.M.] 906 motion for appropriate relief, requesting the military judge “correct a defect in the Article 32 preliminary hearing,” the “defect” being the absence of a preliminary hearing. Without addressing the waiver issue, the military judge denied the motion on the basis that it was untimely. Specifically, that R.C.M. 904(b)(1) required objections based on defects in the preliminary hearing to be raised before a plea is entered.

During the motions hearing, trial defense counsel [TDC] objected that the Government’s evidence constituted hearsay under Military Rule of Evidence [Mil. R. Evid.] 801. Trial counsel responded that the military judge was not bound by Military Rule of Evidence 801, because the hearing involved a preliminary matter. *See* Mil. R. Evid. 104(a).

Appellant raised one assignment of error [AOE].

Appellant raised three assignments of error [AOE].

¶ 2.5.3. *Plurals and Possessives of Abbreviations.* Unless there is a special form, plurals—not already ending in *s*—are formed by adding *s* inside any period and possessives are formed by adding an apostrophe to those ending in *s* and apostrophe *s* to those not. <AOEs, DOD’s, DHS’> (T6; A App.3(E)) However, *when establishing* short form abbreviation, do *not* include a period or punctuation within the brackets.

Examples

Appellant raised three assignments of error [AOE]. In her first AOE, Appellant asserts that her trial defense counsel [TDC] were ineffective.

Style Guide

The United States Army Court of Criminal Appeals [CCA] affirmed the findings and only so much of the sentence as provided for confinement for three months and a reprimand. . . . Approximately two weeks after preferral of the charges, upon the advice of this trial defense counsel [TDC], Appellant submitted a request for Resignation for the Good of the Service [RFGOS]. On appeal to the CCA, Appellant claimed that he received ineffective assistance of counsel based on TDC's erroneous advice about the RFGOS.

But not

Appellant raised three assignments of error [AOE**s**].

As his first AOE, Appellant asserts that his trial defense counsel's [TDC'**s**] failure to object constituted ineffective assistance of counsel.

¶ 2.5.4. *Starting a Sentence.* With the exception of “Mr.,” “Ms.,” “Mrs.,” and any acronym or abbreviation that is the common form a proper noun, do *not* begin a sentence with an abbreviation or acronym. (R6.2(c)) Be sensitive that the use of multiple similar acronyms (e.g. CA, CCA, CAA) or too many acronyms may confuse the reader. In such cases, it is best to minimize or eliminate acronyms altogether.

Examples

After charges were preferred, Lieutenant Commander (O-4) [LCDR] Lima was detailed as Appellant's trial defense counsel. Commander Lima represented Appellant at the Article 32, UCMJ, hearing. After the hearing, Appellant hired Mr. Pear E. Mason as his civilian trial defense counsel. Mr. Mason and LCDR Lima both represented Appellant at his court-martial.

St. Louis, Missouri, is located along the Mississippi River and is the home of the Gateway Arch.

¶ 2.5.5. *Abbreviation of Sections and Paragraphs.*

¶ 2.5.5.1. In accordance with *The Bluebook* (R3.3), if a source is organized by section or paragraph introduced by the section symbol (§) or paragraph symbol (¶), use those symbols correspondingly. However, if a source is organized in part by numbered or lettered paragraphs which do not use the paragraph symbol, instead use the written abbreviation “para.” Thus, citations to a paragraph of the Military Judges' Benchbook should use “para.”

Style Guide

¶ 2.5.5.2. Note, that while the *Manual for Courts-Martial* uses paragraph symbols in the headers on each page, the paragraphs themselves are not introduced by paragraph symbols. Therefore citations to a paragraph of the *Manual for Courts-Martial* should use “para.”

¶ 2.5.5.3. Always spell out the words “section” and “paragraph” in text, except when referring to the U.S. Code or a C.F.R. (R6.2(c); R12.10(c); R14.5) Nevertheless, the first word of any sentence must be spelled out (with the exception of “Mr.,” “Ms.,” “Mrs.”).

¶ 2.5.6. *Abbreviation of Ranks and Rates.*

¶ 2.5.6.1. *First Time.* The first time you reference a servicemember, spell out the servicemember’s rank or rate in full and include the corresponding pay grade in parentheses. If you have not previously established the military abbreviation for the rank / rate, provide it in brackets. Thereafter, the abbreviation may be used in lieu of spelling out the full rank or rate.

¶ 2.5.6.2. *Beginning of a Sentence—Generally.* Like most other abbreviations, do not start a sentence with a rank or rate abbreviation. Either rephrase the sentence or use the corresponding *written* short form from one of the tables below.

¶ 2.5.6.3. *Chaplains.* All military chaplains are referred to in writing as “Chaplain (Rank) Xxx.” The short form is “Chaplain Xxx.” Military medical doctors and other professionals are referred to by their rank only.

¶ 2.5.6.4. *Navy and Coast Guard Enlisted Ratings.* Navy and Coast Guard enlisted members do not have *ranks*; they have *rates*. The rate is a combination of *rating*, corresponding to an occupational field, and the pay grade. Table 2.4 lists the generic Navy *rate* format, which must be combined with the corresponding enlisted *ratings* from Table 2.8, to form the full enlisted *rate*. Similarly, Table 2.7 lists the generic Coast Guard *rate* format, which must be combined with the corresponding enlisted Coast Guard *ratings* from Table 2.9. Navy enlisted ratings generally fall into one of three categories, the *general* ratings, the *service* rating (which are sub categories of general ratings that require additional specialized training), and the *compression* ratings (which are ratings of several of the general or service ratings that are consolidated at the E-8 or E-9 pay grades).

¶ 2.5.6.5. *Multiple Services.* If servicemembers from multiple services are referenced in a brief or opinion, the corresponding service should be indicated.

Examples

During a discussion in Appellant’s quarters, Master Chief Boatswain’s Mate (E-9) [BMCM] Alpha advised Appellant of his Article 31(b) rights. Prior to giving the advice, BMCM Alpha talked to Appellant about his physical wellbeing. Master Chief Alpha did not ask Appellant anything about the specific allegations until after advising him of his rights.

Style Guide

Master-at-Arms First Class (E-6) [MA1] Charlie detained Appellant in the parking lot. Petty Officer Charlie detected a strong smell of alcohol emanating from Appellant before asking him any questions. Despite suspecting Appellant of being involved in the bar fight based on Appellant's physical description, MA1 Charlie did not advise Appellant of his Article 31(b) rights prior to asking him questions specifically designed to illicit an incriminating response.

Lieutenant Colonel (O-5) [LTC] Delta was Appellant's executive officer. Monday morning after Appellant's wife disappeared, Appellant asked to speak with LTC Delta in her office. Colonel Delta had no reason to suspect Appellant of any offense when the meeting began.

Specialist 4 (E-4) [Sp4] Sierra testified on the merits. According to Sp4 Sierra, the victim knew Appellant prior to the assault. Specialist 4 Sierra's account was corroborated by Sp4 Echo's testimony.

Lieutenant Colonel (O-5) [Lt Col] Oscar was Appellant's squadron commander. After a brief meeting in Lt Col Oscar's office, Lt Col Oscar sent Appellant to speak with the squadron chaplain, Chaplain (Lt Col) Papa. Chaplain Papa met Appellant at the door of the chapel and led her to his office.

When Appellant arrived late to work for the third time in a month, Appellant's supervisor, Army Captain (O-3) [CPT] Alpha, sent him to the Navy element orderly room. Upon arrival at the orderly room, Appellant was immediately ushered into the office of the element commander, Navy Captain (O-6) [CAPT] Sierra. Before Appellant arrived however, CPT Alpha called had CAPT Sierra and advised her that he suspected Appellant of being intoxicated.

¶ 2.5.6.6. *Tables of Ranks / Rates.* The following tables of standard rank and rate abbreviations and short forms are compiled from the various service regulations and other sources. If in doubt, consult the following:

Dep't of Def. Man. 5110.04, vol. 2, *Manual for Written Material: Examples and Reference Material*, tbls. 12-19 (June 16, 2020).

Dep't of the Army Reg. 600-20, *Army Command Policy*, tbl. 1-1 (Aug. 4, 2011).

Dep't of the Navy, *Naval Military Personnel Manual*, art. 1223-010, Enlisted Paygrades and Titles (July 18, 2008).

The PurpleBook

Style Guide

Air Force Instr. 34-1201, *Protocol*, atch. 8, tbl. A8-1 (Aug. 18, 2020).

Table 2-3. Army Ranks & Short Forms

Pay Grade	Rank	Short Form	Written Short Form
<i>General Officers</i>			
Special	General of the Army	GA	General
O-10	General	GEN	General
O-9	Lieutenant General	LTG	General
O-8	Major General	MG	General
O-7	Brigadier General	BG	General
<i>Field Grade Officers</i>			
O-6	Colonel	COL	Colonel
O-5	Lieutenant Colonel	LTC	Colonel
O-4	Major	MAJ	Major
<i>Company Grade Officers</i>			
O-3	Captain	CPT	Captain
O-2	First Lieutenant	1LT	Lieutenant
O-1	Second Lieutenant	2LT	Lieutenant
<i>Warrant Officers</i>			
W-5	Chief Warrant Officer Five	CW5	Chief Warrant Officer
W-4	Chief Warrant Officer Four	CW4	Chief Warrant Officer
W-3	Chief Warrant Officer Three	CW3	Chief Warrant Officer
W-2	Chief Warrant Officer Two	CW2	Chief Warrant Officer
W-1	Warrant Officer One	WO1	Warrant Officer
<i>Cadets & Candidates</i>			
Special	Cadet	CDT	Cadet
Special	Officer Candidate	OC	Candidate
Special	Warrant Officer Candidate	WOC	Candidate
<i>Enlisted Noncommissioned Officers</i>			
E-9	Sergeant Major of the Army	SMA	Sergeant Major
E-9	Command Sergeant Major	CSM	Sergeant Major
E-9	Sergeant Major	SGM	Sergeant Major
E-8	First Sergeant	1SG	First Sergeant
E-8	Master Sergeant	MSG	Sergeant

The PurpleBook

Style Guide

Pay Grade	Rank	Short Form	Written Short Form
E-7	Sergeant First Class	SFC	Sergeant
E-6	Staff Sergeant	SSG	Sergeant
E-5	Sergeant	SGT	Sergeant
E-4	Corporal	CPL	Corporal
<i>Junior Enlisted Soldiers</i>			
E-4	Specialist	SPC	Specialist
E-3	Private First Class	PFC	Private
E-2	Private	PV2	Private
E-1	Private	PV1	Private

Table 2-4. Marine Corps Ranks & Short Forms

Pay Grade	Rank	Short Form	Written Short Form
<i>General Officers</i>			
O-10	General	Gen	General
O-9	Lieutenant General	LtGen	General
O-8	Major General	MajGen	General
O-7	Brigadier General	BGen	General
<i>Field Grade Officers</i>			
O-6	Colonel	Col	Colonel
O-5	Lieutenant Colonel	LtCol	Colonel
O-4	Major	Maj	Major
<i>Company Grade Officers</i>			
O-3	Captain	Capt	Captain
O-2	First Lieutenant	1stLt	Lieutenant
O-1	Second Lieutenant	2ndLt	Lieutenant
<i>Warrant Officers</i>			
W-5	Chief Warrant Officer 5	CWO5	Chief Warrant Officer
W-4	Chief Warrant Officer 4	CWO4	Chief Warrant Officer
W-3	Chief Warrant Officer 3	CWO3	Chief Warrant Officer
W-2	Chief Warrant Officer 2	CWO2	Chief Warrant Officer
W-1	Warrant Officer	WO	Warrant Officer

The PurpleBook

Style Guide

Pay Grade	Rank	Short Form	Written Short Form
<i>Cadets & Candidates</i>			
Special	Midshipman	MIDN	Midshipman
Special	Officer Candidate	OC	Candidate
Special	Warrant Officer Candidate	WOC	Candidate
<i>Staff Noncommissioned Officers</i>			
E-9	Sergeant Major of the Marine Corps	SMMC	Sergeant Major
E-9	Sergeant Major	SgtMaj	Sergeant Major
E-9	Master Gunnery Sergeant	MGySgt	Master Gunnery Sergeant
E-8	First Sergeant	1stSgt	First Sergeant
E-8	Master Sergeant	MSgt	Master Sergeant
E-7	Gunnery Sergeant	GySgt	Gunnery Sergeant
E-6	Staff Sergeant	SSgt	Staff Sergeant
<i>Noncommissioned Officers</i>			
E-5	Sergeant	Sgt	Sergeant
E-4	Corporal	Cpl	Corporal
<i>Junior Enlisted Marines</i>			
E-3	Lance Corporal	LCpl	Corporal
E-2	Private First Class	PFC	Private First Class
E-1	Private	PVT	Private

Table 2-5. Navy Ranks / Rates & Short Forms

Pay Grade	Rank / Rate	Short Form	Written Short Form
<i>Flag Officers</i>			
Special	Fleet Admiral	FADM	Admiral
O-10	Admiral	ADM	Admiral
O-9	Vice Admiral	VADM	Admiral
O-8	Rear Admiral Upper Half	RADM	Admiral
O-7	Rear Admiral Lower Half	RDML	Admiral
<i>Mid-Grade Officers</i>			
O-6	Captain	CAPT	Captain
O-5	Commander	CDR	Commander

The PurpleBook

Style Guide

Pay Grade	Rank / Rate	Short Form	Written Short Form
<i>Junior Officers</i>			
O-4	Lieutenant Commander	LCDR	Commander
O-3	Lieutenant	LT	Lieutenant
O-2	Lieutenant Junior Grade	LTJG	Lieutenant
O-1	Ensign	ENS	Ensign
<i>Warrant Officers</i>			
W-5	Chief Warrant Officer 5	CWO5	Chief Warrant Officer
W-4	Chief Warrant Officer 4	CWO4	Chief Warrant Officer
W-3	Chief Warrant Officer 3	CWO3	Chief Warrant Officer
W-2	Chief Warrant Officer 2	CWO2	Chief Warrant Officer
W-1	Warrant Officer 1	WO1	Warrant Officer
<i>Cadets & Candidates</i>			
Special	Midshipman	MIDN	Midshipman
Special	Officer Candidate	OC	Candidate
Special	Warrant Officer Candidate	WOC	Candidate
<i>Chief Petty Officers</i>			
E-9	Master Chief Petty Officer of the Navy	MCPON	Master Chief
E-9	Master Chief xx ¹⁵	xxCM ¹⁶	Master Chief
E-8	Senior Chief xx ¹⁵	xxCS ¹⁶	Senior Chief
E-7	Chief xx ¹⁵	xxC ¹⁶	Chief

¹⁵ In formal writing, including court opinions, pleadings, and other legal documents, Navy Chief Petty Officers should be referred to by their complete *rate*, which is a combination of the *title* (informally if not entirely correctly referred to as their “rank”) corresponding to their pay grade (e.g., the title Master Chief Petty Officer corresponding to pay grade E-9) and their *rating* (occupational specialty), omitting “Petty Officer.” For example, a Boatswain’s Mate in pay grade E-9 (a Master Chief Petty Officer) is referred to by their rate, Master Chief Boatswain’s Mate. A Boatswain’s Mate in pay grade E-5 (a Petty Officer Second Class) has the rate, Boatswain’s Mate Second Class. See Dep’t of the Navy, Naval Military Personnel Manual, art. 1223-010, Enlisted Paygrades and Titles (July 18, 2008).

¹⁶ In legal documents, when abbreviating an enlisted Sailor’s “rank,” the abbreviation corresponding to their *rate* should be used and any warfare designation should *not* be appended. For example, the abbreviation for an aviation electronics technician in paygrade E-7 is ATC (Chief Aviation Electronics Technician) and in paygrade E-4 is AT3 (Aviation Electronics Technician Third Class).

Style Guide

Pay Grade	Rank / Rate	Short Form	Written Short Form
<i>Petty Officers</i>			
E-6	xx ¹⁵ First Class	xx1 ¹⁶	Petty Officer
E-5	xx ¹⁵ Second Class	xx2 ¹⁶	Petty Officer
E-4	xx ¹⁵ Third Class	xx3 ¹⁶	Petty Officer
<i>Apprentice Sailors</i>			
E-3	Seaman / Airman / Constructionman / Fireman / Hospitalman ¹⁷	xN ¹⁷	<i>Same as Rate</i>
E-2	x ¹⁷ Apprentice	xA ¹⁷	<i>Same as E-3</i>
E-1	x ¹⁷ Recruit	xR ¹⁷	<i>Same as E-3</i>

Table 2-6. Air Force Ranks & Short Forms

Pay Grade	Rank	Short Form	Written Short Form
<i>General Officers</i>			
Special	General of the Air Force	GAF	General
O-10	General	Gen	General
O-9	Lieutenant General	Lt Gen	General
O-8	Major General	Maj Gen	General
O-7	Brigadier General	Brig Gen	General
<i>Field Grade Officers</i>			
O-6	Colonel	Col	Colonel
O-5	Lieutenant Colonel	Lt Col	Colonel
O-4	Major	Maj	Major
<i>Company Grade Officers</i>			
O-3	Captain	Capt	Captain
O-2	First Lieutenant	1st Lt	Lieutenant

¹⁷ Apprentice sailors are in the seaman occupational field by default until they qualify for a different one (airman, constructionman, fireman, or hospitalman). The abbreviation for their rate is the first letter of their occupation field (S, A, C, F, or H) followed by “N” for E-3, “A” for E-2 Apprentices, and “R” for E-1 Recruits. In some cases, apprentice sailors may have a rating abbreviation preceding their general rating, due to prior qualifications or reduction in rate by nonjudicial punishment, for example, a boatswain’s mate seaman recruit (BMSR) in paygrade E-1.

The PurpleBook

Style Guide

Pay Grade	Rank	Short Form	Written Short Form
O-1	Second Lieutenant	2d Lt	Lieutenant
<i>Cadets & Officer Trainees</i>			
Special	Cadet	Cadet	Cadet
Special	Officer Trainee	OT	Trainee
<i>Senior Noncommissioned Officers</i>			
E-9	Chief Master Sergeant of the Air Force	CMSAF	Chief
E-9	Chief Master Sergeant	CMSgt	Chief
E-8	Senior Master Sergeant	SMSgt	Sergeant
<i>Noncommissioned Officers</i>			
E-7	Master Sergeant	MSgt	Sergeant
E-6	Technical Sergeant	TSgt	Sergeant
E-5	Staff Sergeant	SSgt	Sergeant
<i>Airmen</i>			
E-4	Senior Airman	SrA	Airman
E-3	Airman First Class	Amn	Airman
E-2	Airman	Amn	Airman
E-1	Airman Basic	AB	Airman

Table 2-7. Space Force Ranks & Short Forms

Pay Grade	Rank	Short Form	Written Short Form
<i>General Officers</i>			
O-10	General	Gen	General
O-9	Lieutenant General	Lt Gen	General
O-8	Major General	Maj Gen	General
O-7	Brigadier General	Brig Gen	General
<i>Field Grade Officers</i>			
O-6	Colonel	Col	Colonel
O-5	Lieutenant Colonel	Lt Col	Colonel
O-4	Major	Maj	Major
<i>Company Grade Officers</i>			
O-3	Captain	Capt	Captain
O-2	First Lieutenant	1st Lt	Lieutenant

Style Guide

Pay Grade	Rank	Short Form	Written Short Form
O-1	Second Lieutenant	2d Lt	Lieutenant
<i>Cadets & Officer Trainees</i>			
Special	Cadet	Cadet	Cadet
Special	Officer Trainee	OT	Trainee
<i>Senior Noncommissioned Officers</i>			
E-9	Chief Master Sergeant of the Space Force	CMSSF	Chief
E-9	Chief Master Sergeant	CMSgt	Chief
E-8	Senior Master Sergeant	SMSgt	Sergeant
<i>Noncommissioned Officers</i>			
E-7	Master Sergeant	MSgt	Sergeant
E-6	Technical Sergeant	TSgt	Sergeant
E-5	Sergeant	Sgt	Sergeant
<i>Specialists</i>			
E-4	Specialist 4 ¹⁸	Spc4	Specialist
E-3	Specialist 3 ¹⁸	Spc3	Specialist
E-2	Specialist 2 ¹⁸	Spc2	Specialist
E-1	Specialist 1 ¹⁸	Spc1	Specialist

Table 2-8. Coast Guard Ranks / Rates & Short Forms

Pay Grade	Rank / Rate	Short Form	Written Short Form
<i>Flag Officers</i>			
O-10	Admiral	ADM	Admiral
O-9	Vice Admiral	VADM	Admiral
O-8	Rear Admiral Upper Half	RADM	Admiral
O-7	Rear Admiral Lower Half	RDML	Admiral

¹⁸ In accordance with paragraph ¶ 2.3.3.3.4, use a nonbreaking space to ensure that “Specialist” and the corresponding number do not break across lines of text.

Style Guide

Pay Grade	Rank / Rate	Short Form	Written Short Form
<i>Senior Officers</i>			
O-6	Captain	CAPT	Captain
O-5	Commander	CDR	Commander
<i>Junior Officers</i>			
O-4	Lieutenant Commander	LCDR	Commander
O-3	Lieutenant	LT	Lieutenant
O-2	Lieutenant Junior Grade	LTJG	Lieutenant
O-1	Ensign	ENS	Ensign
<i>Warrant Officers</i>			
W-4	Chief Warrant Officer 4	W-4	Chief Warrant Officer
W-3	Chief Warrant Officer 3	W-3	Chief Warrant Officer
W-2	Chief Warrant Officer 2	W-2	Chief Warrant Officer
<i>Cadets & Candidates</i>			
Special	Cadet	CDT	Cadet
Special	Officer Candidate	OC	Candidate
<i>Chief Petty Officers</i>			
E-9	Master Chief Petty Officer of the Coast Guard	MCPOGC	Master Chief
E-9	Master Chief <i>xx</i> ¹⁹	<i>xx</i> CM ²⁰	Master Chief
E-8	Senior Chief <i>xx</i> ¹⁹	<i>xx</i> CS ²⁰	Senior Chief
E-7	Chief <i>xx</i> ¹⁹	<i>xx</i> C ²⁰	Chief

¹⁹ In formal writing, including court opinions, pleadings, and other legal documents, Coast Guard Chief Petty Officers should be referred to by their complete *rate*, which is a combination of the *title* (informally if not entirely correctly referred to as their “rank”) corresponding to their pay grade (e.g., the title Master Chief Petty Officer corresponding to pay grade E-9) and their *rating* (occupational specialty), omitting “Petty Officer.” For example, a Boatswain’s Mate in pay grade E-9 (a Master Chief Petty Officer) is referred to by their rate, Master Chief Boatswain’s Mate. A Boatswain’s Mate in pay grade E-5 (a Petty Officer Second Class) has the rate, Boatswain’s Mate Second Class.

²⁰ In legal documents, when abbreviating an enlisted Coast Guardsman’s “rank,” the abbreviation corresponding to their *rate* should be used and any warfare designation should *not* be appended. For example, the abbreviation for an avionics electronics technician in paygrade E-7 is AETC (Chief Avionics Electronics Technician) and in paygrade E-4 is AET3 (Avionics Electronics Technician Third Class).

Style Guide

Pay Grade	Rank / Rate	Short Form	Written Short Form
<i>Petty Officers</i>			
E-6	xx ¹⁹ First Class	xx1 ²⁰	Petty Officer
E-5	xx ¹⁹ Second Class	xx2 ²⁰	Petty Officer
E-4	xx ¹⁹ Third Class	xx3 ²⁰	Petty Officer
<i>Apprentice Coast Guardsmen</i>			
E-3	Seaman / Airman / Fireman	SN / AN / FN	Same as Rate
E-2	Seaman Apprentice / Airman Apprentice / Fireman Apprentice	SA / AA / FA	Same as E-3
E-1	Seaman Recruit	SR	Same as E-3

Table 2-9. Navy Enlisted Rating Abbreviations

Rating			Abbreviation
General	(Service)	Compression	
<i>Aviation</i>			
Aircrew Survival Equipmentman			PR
Aviation Boatswain's Mate			AB
(Launching and Recovery)			ABE
(Fuels)			ABF
(Aircraft Handling)			ABH
Master Chief Aviation Boatswain's Mate (E-9)			ABCM
Aviation Machinist's Mate			AD
Aviation Structural Mechanic			AM
(Safety Equipment)			AME
(Hydraulics)			AMH
(Structures)			AMS
Master Chief Aircraft Maintenceman (E-9)			AFCM
Aviation Electrician's Mate			AE
Aviation Electronics Technician			AT
Master Chief Avionics Technician (E-9)			AVCM

The PurpleBook

Style Guide

Rating		Abbreviation
<i>General</i>	<i>(Service)</i>	<i>Compression</i>
Aerographer's Mate		AG
Aviation Maintenance Administrationman		AZ
Aviation Ordnanceman		AO
Aviation Support Equipment Technician		AS
Air Traffic Controller		AC
Naval Aircrewman		AW
	(Operator)	AWO
	(Mechanical)	AWF
	(Avionics)	AWV
	(Helicopter)	AWS
	(Tactical Helicopter)	AWR
Aircrew Rescue Swimmer		AIRR
Construction		
Builder		BU
Engineering Aide		EA
Steelworker		SW
	Senior Chief Constructionman (E-8)	CUCS
	Master Chief Constructionman (E-9)	CUCM
Construction Electrician		CE
Utilitiesman		UT
	Master Chief Utilitiesman (E-9)	UCCM
Construction Mechanic		CM
Equipment Operator		EO
	Master Chief Equipmentman (E-9)	EQCM
Medical		
Hospital Corpsman		HM

The PurpleBook

Style Guide

Rating		Abbreviation
<i>General</i>	<i>(Service)</i>	<i>Compression</i>
<i>Administration, Deck, Technical, and Weapons</i>		
Boatswain's Mate		BM
Culinary Specialist (Surface)		CS
	(Subsurface)	CSS
Cryptologic Technician		CT
	(Interpretive)	CTI
	(Maintenance)	CTM
	(Networks)	CTN
	(Collection)	CTR
	(Technical)	CTT
Explosive Ordnance Disposal		EOD
Electronics Technician (Surface)		ET
	(Nuclear Power)	ETN
	(Submarine, Navigation)	ETV
	(Submarine, Communications)	ETR
Fire Controlman		FC
	(Aegis)	FCA
Fire Control Technician		FT
Gunner's Mate		GM
Intelligence Specialist		IS
Information Systems Technician		IT
	(Subsurface)	ITS
Legalman		LN
Logistics Specialist (Surface)		LS
	(Subsurface)	LSS
Master-at-Arms		MA
Mass Communications Specialist		MC
Mineman		MN

The PurpleBook

Style Guide

Rating		Abbreviation
<i>General</i>	<i>(Service)</i>	
Missile Technician		MT
Musician		MU
Navy Counselor		NC
	(Career)	NC(C)
	(Recruiter)	NC(R)
Operations Specialist		OS
Personnel Specialist		PS
Quartermaster		QM
Religious Program Specialist		RP
Retail Services Specialist		RS
Special Warfare Boat Operator		SB
Special Warfare Operator		SO
Sonar Technician		ST
	(Surface)	STG
	(Subsurface)	STS
Yeoman		YN
	(Subsurface)	YNS
<i>Engineering and Hull</i>		
Damage Controlman		DC
Electrician's Mate		EM
	(Nuclear)	EMN
Engineman		EN
Gas Turbine System Technician		GS
	(Electrical)	GSE
	(Mechanical)	GSM
Hull Maintenance Technician		HT
Interior Communications Electrician		IC

Style Guide

Rating		Abbreviation
<i>General</i>	<i>(Service)</i>	<i>Compression</i>
Machinist's Mate		MM
	(Nuclear)	MMN
	(Submarine Weapons)	MMSW
	(Submarine Auxiliary)	MMA
Torpedoman's Mate		TM
Machinery Repairman		MR
Navy Diver		ND

Table 2-10. Coast Guard Enlisted Rating Abbreviations

Rating		Abbreviation
<i>Aviation Group</i>		
Aviation Maintenance Technician		AMT
Aviation Survival Technician		AST
Avionics Electrical Technician		AET
<i>Administrative and Scientific Group</i>		
Culinary Specialist		CS
Health Services Technician		HS
Marine Science Technician		MST
Public Affairs Specialist		PA
Storekeeper		SK
Yeoman		YN
<i>Deck and Weapons Group</i>		
Boatswain's Mate		BM
Maritime Enforcement Specialist		ME
Gunner's Mate		GM
Intelligence Specialist		IS
Operations Specialist		OS

Style Guide

Rating	Abbreviation
Engineering and Hull Group	
Damage Controlman	DC
Electrician's Mate	EM
Electronics Technician	ET
Machinery Technician	MK
Information Systems Technician	IT
Diver	DV

¶ **2.6. Dates.** Do not abbreviate dates within the body or footnotes of an opinion or brief, except in citations.

¶ 2.6.1. *Citations.* Dates in all *citations*, including those of military court opinions and military regulations, regardless of the form in the original, will conform with *the Bluebook* in format and abbreviation. (**R10.5; T12**)

Examples

- ◆ *United States v. Cardenas*, ___ M.J. ___, No. 20-0090, 2021 CAAF LEXIS 29, at *6 (C.A.A.F. Jan. 25, 2021).
- ◆ *United States v. Brown*, ___ M.J. ___, No. 20-0288, slip op. at 9 (C.A.A.F. Feb. 12, 2021), <https://armfor.uscourts.gov/newcaaf/opinions/2020OctTerm/200288.pdf>.
- ◆ *United States v. Curtis*, No. 8703856, 1998 CCA LEXIS 493 (N-M. Ct. Crim. App. Nov. 30, 1998) (unpublished).
- ◆ Dep't of the Army Pam. 27-9, *Military Judges' Benchbook*, para. 3-45-15, note 2.1 (Feb. 29, 2020) [*Benchbook*].
- ◆ Dep't of the Army Pam. 27-17, *Procedural Guide for Article 32 Preliminary Hearing Officer*, paras. 3-1 to 3-3 (June 18, 2015) [DA Pam. 27-17].
- ◆ Dep't of the Navy, Judge Advocate General Instr. 5800.7G, *Manual of the Judge Advocate General*, para. 0152.a(1) (Jan. 15, 2021) [*JAGMAN*].

Style Guide

¶ 2.6.2. *Text*. Dates in the *text* of the body and footnotes of military court opinions and briefs will be in military style. (G12.9.c)

Examples

Appellant was arraigned on 1 September 2020.

All of the activities that gave rise to the charges below occurred from September to October 2020.

But not

All of the activities that gave rise to the charges below occurred from Sept–Oct 2020.

¶ 2.6.3. *Decades and Centuries*. Spell out references to particular centuries in lower case. Refer to decades in numerals or spell out, as long as the century is clear in context. Treat the first decade of any century specially, so as not to create confusion with the century as a whole. (C9.32; C9.33)

Examples

the twentieth century

In the first decade of the seventeenth century, Sir Walter Raleigh was infamously tried for treason.

The 1960s were, in many ways, a turbulent time for Americans.

The first decade of the twenty-first century was marked by an increased domestic security focus in the United States.

The years 2000–2009 were marked by an increased domestic security focus in the United States.

But not

The 2000s were marked by an increased domestic security focus in the United States.

Style Guide

¶ 2.7. Numbers.

¶ 2.7.1. *Spanning Pages, Paragraphs, or Sections.*

¶ 2.7.1.1. When citing to range of pages, paragraphs, or sections, indicate the first and last number of the range, separated by an en dash (preferably) or a hyphen. Where the numbers consist of three or more digits, drop any repeated digits other than the final two. (**B10.1.2**; **R3.2(a)**; **A Sidebar 5.2**) For information on how to add an en dash, see ¶ 2.3.4.5 above.

¶ 2.7.1.2. When an en dash (or hyphen) would be ambiguous because of the page numbering system (such as the numbers in the appendices of the *Manual for Courts-Martial*), use the word “to.” (**R3**)

Examples

- ◆ See *Smith v. Univ. of Md.*, ___ U.S. ___, 140 S. Ct. 221–22 (2019); *Rehaif v. United States*, ___ U.S. ___, 139 S. Ct. 2191–92 (2019); *Maryland v. King*, 569 U.S. 435–36 (2013).
- ◆ National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, §§ 5321–38, 5542, 130 Stat. 2000, 2923–37, 2967–68 (2016); Exec. Order 13,825, 83 Fed. Reg. at 9,889, sec. 3(d).

But

- ◆ *MCM*, app. 17, Analysis of Punitive Articles [Analysis of Article 122], para. 67 at A17-11 to -12.
- ◆ Dep’t of the Army Pam. 27-17, *Procedural Guide for Article 32 Preliminary Hearing Officer*, paras. 3-1 to 3-3 (June 18, 2015) [DA Pam. 27-17].

¶ 2.7.2. Do **Not** Combine Spelled-Out Numbers with a Parenthetical Numeral . (**R5.20**)

Not

The military judge sentenced Appellant to confinement for **five (5)** months.

Mr. Golf walked **seven (7)** miles.

Appellant picked up **two (2)** fellow Marines and drove to the bar.

Style Guide

But

The military judge sentenced Appellant to confinement for 5 months.

Mr. Golf walked 7 miles.

Appellant picked up two fellow Marines and drove to the bar.

¶ 2.7.3. *Numerals vs. Words.*

- ☒ ¶ 2.7.3.1. *Zero to Nine.* Notwithstanding *The Bluebook* (R6.2(a)), generally spell out only numbers from zero to nine (not ninety-nine). (G12.4; C9.3)

Examples

Appellant picked up two fellow Marines and drove to the bar.

The Accused had three prior written counselings for being late to work before she was offered nonjudicial punishment for failure to go.

- ¶ 2.7.3.2. *Constitutional Amendments.* Always spell out and capitalize the amendments to the United States Constitution. (R8(c)(ii); G12.19; C9.28)

Example

Some claim that the average American’s respect for the rule of law was seriously undermined by Prohibition. Some would further argue that the repeal of the Eighteenth Amendment by the Twenty-First did little to restore it.

- ¶ 2.7.3.3. *Number Beginning a Sentence.* Any number that begins a sentence must be spelled out. (R6.2(a)(i); G12.16; C9.5) Rephrase if necessary to avoid awkwardness.

Examples

Ten years before Appellant arrived at Camp Swampy,

The year 2020 was very difficult for Appellant.

Style Guide

But not

2020 was very difficult for Appellant.

Two thousand and twenty was very difficult for Appellant.

¶ 2.7.3.4. *Measurement and Time.*

¶ 2.7.3.4.1. Units of measurement and time, actual or implied, are expressed in figures unless at the beginning of a sentence. (**G12.9.n**; **C9.18**)

¶ 2.7.3.4.2. Do not indicate “hours” after military time format.

Examples

Appellant’s daughter was 6 years old.

Appellant’s 3-year-old son was in the next room.

The neighbor’s son did not begin to talk until the age of 3.

Ms. Bravo lived 5 miles from Appellant’s house.

He arrived at 0900 on 12 November 2001.

Appellant skimmed 10 percent off the top.

The members sentenced Appellant to 9 months confinement.

¶ 2.7.3.5. *Money.*

¶ 2.7.3.5.1. Isolated references to amounts of money in whole numbers of nine or less are spelled out; otherwise use numerals. (**G12.9.k**; **C9.20**)

¶ 2.7.3.5.2. Otherwise, express monetary amounts only with the degree of precision necessary, but always include zero and a decimal when numerically expressing a fraction of a dollar. (**G12.9.k**; **C9.19**; **R5.8**)

¶ 2.7.3.5.3. When expressing money, use either a symbol in front of the number or the corresponding word, *not both*.

Style Guide

Examples

nine dollars

\$55

\$0.75

four quarters

seven cents

a nickel a piece

The members sentenced Appellant to reduction to E-1, 7 months confinement, forfeiture of \$1,120 per month for 7 months, a fine of \$2,725.50, and a bad-conduct discharge.

Appellant paid Ms. Hotel \$75.

Appellant required his subordinates to pay \$0.50 for each profanity they uttered in his presence.

Appellant required his subordinates to pay 50 cents for each profanity they uttered in his presence.

But not

The members sentenced Appellant to reduction to E-1, 7 months confinement, forfeiture of \$1,120.**00** per month for 7 months, a fine of \$2,725.50, and a bad-conduct discharge.

Appellant paid Ms. Hotel \$75.**00**.

Appellant required his subordinates to pay \$0.50 **dollars** for each profanity they uttered in his presence.

Appellant required his subordinates to pay **\$.50** for each profanity they uttered in his presence.

Style Guide

¶ 2.7.3.6. *Percentages*. Except when beginning a sentence, express percentages in figures and use the word *percent*, rather than the symbol %. (R6.2(a); G12.9.I; C9.18)

Examples

15 percent

seven one hundredths of 1 percent

Only 10 percent of the junior Sailors complied with the requirement.

But

Sixty-two percent of the squadron failed to arrive on time.

¶ 2.7.3.7. *Preceding a Compound Modifier*. To help avoid confusions, spell out numbers *below 100* that precede a compound modifier *containing a figure*. (G12.21)

Examples

twelve 6-inch guns

fourteen 12-hour days

ten 2 by 4s

But

12 two-story houses

¶ 2.7.3.8. *Series*. When a series includes numbers both less than 10 and 10 or greater, numerals should be used for the entire series. (R6.2(a)(iii); G12.5)

¶ 2.7.3.8.1. 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.

Examples

One hundred twenty-three years ago, things were quite different.

In 1954, there were 5 attorneys in Marquette County; today there are 113.

In 1954, there were two attorneys in Delta County; today there are two hundred.

Style Guide

¶ 2.7.3.8.2. In a string cite with parentheticals comparing similar items, if one parenthetical uses numerals, all should use numerals.

Example

- ◆ *United States v. D'Artagnan*, 61 M.J. 231 (C.A.A.F. 2005) (9 days excessive); *United States v. Porthos*, 61 M.J. 345 (C.A.A.F. 2005) (13 days “too long”); *United States v. Aramis*, 62 M.J. 25 (C.A.A.F. 2005) (7 days excessive); *United States v. Athos*, 62 M.J. 289 (C.A.A.F. 2006) (23 days warranting relief).

But

- ◆ *United States v. Curly*, 72 M.J. 131 (C.A.A.F. 2013) (nine days “acceptable”); *United States v. Moe*, 72 M.J. 311 (C.A.A.F. 2013) (two days is “alright”); *United States v. Larry*, 72 M.J. 417 (C.A.A.F. 2013) (four days “passes muster”).

¶ 2.7.3.9. *Large Whole Numbers*. “Hundred,” “thousand,” and similar round numbers *may* be spelled out if done so consistently throughout an opinion. Hyphenate only two-word numbers below 100. Don’t use the word *and*. (R6.2(a)(ii); G12.20; G12.24; C9.4; R5.17)

Examples

The population of the city is more than two hundred thousand.

The candidate claimed more than one million persons attended the rally.

One thousand eight hundred fifty Marines participated in the exercise.

But not

One thousand eight hundred **and** fifty Marines participated in the exercise.

¶ 2.7.3.10. *Fractions*.

¶ 2.7.3.10.1. Spell out and hyphenate fractions standing alone and fractions followed by *of a* or *of an*. (G12.26; C9.14; R1.63(b); R5.18)

Style Guide

Examples

three-fourths of an inch
a two-thirds majority
one-half of the crew

But not

3/4 of an inch
1/2 of the crew

¶ 2.7.3.10.2. Express mixed fractions and fractions in unit modifier in figures. (**G12.26**; **G12.28**; **C9.15**) For consistency sake, in legal briefs and opinions, use full-sized figures and a slash, rather than one of the limited number of special characters to represent the fraction. Join whole numbers and fractions with a hyphen. (**G12.27**) *However*, based on long-standing practice, references to Article of War 50½ (court-martial review) should use the one-half symbol without a space or hyphen.

Examples

8-1/2" x 11" paper	3/4-inch-diameter pipe
3 feet 6-1/2 inches	3/4-inch pipe
2-1/2 times	3-1/2 jars

Sergeant Delta took exactly 10 feet 6-3/4 inches of rope from the supply closet.

A cadre of legally trained officers existed in each of the services prior to 1920. The language of Article of War 50½ and Article 66 of the Code reflect that Congress had this cadre of legally trained officers in mind when boards of review were first created in 1920 and extended to all the services in 1951.

But not

8½" x 11" paper
two and one-half times
three-quarter-inch-diameter pipe
¾" pipe

Sergeant Delta took exactly 10 feet 6¾ inches of rope from the supply closet.

Style Guide

¶ 2.7.3.10.3. *When spelled out*, numbers containing a fraction or piece of a whole should use the word “and” before the fraction or piece. (G12.20)

Example

four dollars and seven cents

¶ 2.7.4. *Military Unit Designations.*

¶ 2.7.4.1. *Armies, Fleets, Air Forces & Coast Guard Districts.* Spell out the number.

Examples

Fifth Army

Seventh Fleet

Eighth Air Force

First Coast Guard District

¶ 2.7.4.2. *Corps.* Use Roman numerals for corps.

Examples

III Corps

V Corps

XVIII Airborne Corps

¶ 2.7.4.3. *Divisions, Wings, or Smaller.* Use Arabic numerals for organizations of division size or smaller, Air Force wings or smaller, for support commands, and for specialized commands. Do **not** use superscript, such as “1st” or “3^d,” for ordinals. (R6.2(b); G12.10)

Examples

1st Infantry Division

7th Fighter Wing

323d Fighter Wing

Space Delta 7

172d Infantry Brigade

Style Guide

19th Support Command
319th Combat Support Group
4th Special Operations Squadron
5th Space Control Squadron

¶ 2.8. *Avoid Unintentional Stereotypes.*

¶ 2.8.1. *Racial, Ethnic, and Other Characteristic Identifiers.* Unless the race, ethnic origin, or other particular characteristic of a person mentioned in an opinion or pleading is relevant to the legal issues before the court, avoid their unnecessary mention. (C5.253) When mentioning a person’s characteristic, do so using an adjective, rather than a noun. (R13.5(e))

Examples

Corporal Victor, a Hispanic man of slight build, was frequently bullied by other members of Appellant’s unit, who used various racial epithets demeaning his ethnic heritage.

Corporal Victor, a Hispanic Marine of slight build, was frequently bullied by other members of Appellant’s unit, who used various racial epithets demeaning his ethnic heritage.

Sergeant Golf, an openly gay man, was frequently subjected to verbal abuse by other members of Appellant’s unit.

But not

Corporal Victor, a **Mexican** of slight build, was frequently bullied by other members of Appellant’s unit, who used various racial epithets demeaning his ethnic heritage.

Sergeant Golf, a **homosexual**, was frequently subjected to verbal abuse by other members of Appellant’s unit.

¶ 2.8.2. *Gender Neutrality.*

¶ 2.8.2.1. Where possible, opinions and pleadings should maintain gender neutrality, unless a specific gender is intended. In particular, masculine pronouns (*he, him, his*) should be avoided unless a man or boy and not a woman or girl is specifically referenced. (C5.252; C5.255; R13.5(o))

Style Guide

¶ 2.8.2.2. You may use the following techniques to achieve gender neutrality in legal writing:

¶ 2.8.2.2.1. *Use a Plural Noun.*

Not this

An Airman must always show respect for **his** fellow Airmen.
A Marine must conduct **himself** with utmost dignity at all times.

But

Airmen must always show respect for **their** fellow Airmen.
Marines must conduct **themselves** with utmost dignity at all times.

¶ 2.8.2.2.2. *Rephrase to Omit the Pronoun.*

Not this

An Airman must always show respect for **his** fellow Airmen.
A Marine must conduct **himself** with utmost dignity at all times.

But

Airmen must always show respect for **each other**.
Marines must **display** utmost dignity at all times.

¶ 2.8.2.2.3. *Use He or She; Him or Her. Do Not Use They or Them as a Singular Pronoun.*

Not this

While a trial counsel may argue the reasonable inferences from the evidence, **she** must be careful not to argue facts not in evidence.
Even though a petitioner may file pro se, **they** must still follow the Court's Rules of Appellate Procedure.

Style Guide

But

While a trial counsel may argue the reasonable inferences from the evidence, **he or she** must be careful not to argue facts not in evidence.

While trial counsel **<(pl)>** may argue the reasonable inferences from the evidence, **they** must be careful not to argue facts not in evidence.

Even though a petitioner may file pro se, **he or she** must still follow the Court’s Rules of Appellate Procedure.

Even though **petitioners** may file pro se, **they** must still follow the Court’s Rules of Appellate Procedure.

¶ 2.9. *Legalisms.*

Avoid legalisms or unnecessarily complex phrases (e.g., heretofore, aforementioned, before-mentioned, above-listed).

¶ 2.10. *Names of Aircraft, Manned Spacecraft, and Vessels.* (G11.6; C8.116; C8.117; R3.14)

¶ 2.10.1. The names of specific aircraft, manned spacecraft, and vessels²¹ are capitalized (**not** ALL CAPS) and *italicized*. Ship prefixes and hull numbers are *not* italicized.

¶ 2.10.2. The first time it is referenced, a vessel should be identified by its full name—including “USS” for U.S Navy vessels, “USCGC” for U.S. Coast Guard vessels, or similar ship prefixes (without periods) for other naval and merchant vessels; and, for U.S. Navy and Coast Guard vessels, the hull number (without dash) in parentheses. Do not precede the full name with “the.”

¶ 2.10.3. Use only the official name of the ship, not its nickname.

¶ 2.10.4. After the full name of a ship has been mentioned, a short form should be used, consisting of just the italicized full name preceded by “the” in roman script.

²¹ 10 U.S.C. § 130b(c)(5) and Dep’t of Def. Reg. 5400.11-R, Department of Defense Privacy Program, para. C4.2.2.6 (May 14, 2007) exempt from disclosure under the Privacy Act personal information of military and civilian personnel assigned, detailed, or employed by an overseas, sensitive, or routinely deployable unit. Dep’t of the Navy, Judge Advocate General Instr. 5813.2, Manual of the Judge Advocate General, encl. 2, para. 1.k. (Dec. 16, 2020) includes a ship name within the definition of a “deployable unit.” Nevertheless, unless particularly sensitive, appellate opinions routinely identify the name of a ship when it is relevant and material to facts of the underlying court-martial.

Style Guide

¶ 2.10.5. The names of makes, classes, and designations of aircraft; names of trains and train service; and the names of space programs are capitalized but *not* italicized.

Examples

USS *Enterprise* (CVN 65)

<short form: the *Enterprise*>

USS *Dwight D. Eisenhower* (CVN 69)

<short form: the *Dwight D. Eisenhower* *not* the *Ike*>

USS *Nassau* (LHA 4)

USCGC *Willow* (WLB 202)

SS *United States*

HMS *Hornet*

the space shuttle *Discovery*

the *Spirit of St. Louis*

But

Air Force One <a mission designation, not the name of an aircraft>

Boeing 787 Dreamliner

F-22 Raptor

B-21 Raider

Mars global surveyor

¶ 2.11. Common Errors.

¶ 2.11.1. *Judgment vs. Judgement.* In American English and *always* in military practice, the word *judgment*, including in the court document, *Entry of Judgment*, is spelled *without* the extra *e* in the fifth position. Do *not* use *judgement*. (R7.27)

¶ 2.11.2. *Aboard vs. Onboard vs. On Board.*

¶ 2.11.2.1. “Aboard” is an adverb that generally refers to events taking place on a ship or aircraft.

¶ 2.11.2.2. “On board” is an idiomatic (and less acceptable) phrase for “aboard.” “On board” should generally be avoided in legal writing unless the writer intends a specific idiomatic meaning.

Style Guide

¶ 2.11.2.3. “Onboard” modifies a noun, such as an electronic device, to indicate that the device is contained within a more complex system, such as a vessel, aircraft, or vehicle. As an adjective, “onboard” is always placed in front the noun it modifies. Despite prior usage in NMCCA opinions, “onboard” should *not* be used to refer to shore-based events, including assignment to a shore installation.

¶ 2.11.2.4. A Sailor is stationed “on,” “at,” “is serving with” or “is assigned to” a ship. A Sailor does not serve “*in*” or “*onboard*” a ship.

¶ 2.11.2.5. A ship is “based at” or “homeported at” a specific place.

¶ 2.11.2.6. A naval aircraft is “stationed at” or is “aboard” a ship; is “deployed with” or is “operating from” a ship. Naval squadrons are “stationed at” air stations. Naval air wings are “deployed with” ships.

Examples

Appellant was assigned to NAS Dallas, Texas.

Airman First Class Sierra drove to the location provided by the undercover agent using his vehicle’s onboard navigation system.

Appellant was assigned to USS *San Antonio* (LPD 17). He told his best friend that he had become bored with life aboard ship.

During his deployment, Appellant was serving with USS *Dwight D. Eisenhower* (CVN 69). Shortly after reporting to the *Dwight D. Eisenhower*, Appellant met Corporal Bravo.

While serving aboard USS *Nassau* (LHA 4), Appellant accessed the ship’s onboard computer network.

Appellant was caught using his GoPro camera attempting to record female Marines in the female head aboard USS *Arlington* (LPD 24).

But not

Appellant was assigned **onboard** Joint Base Anacostia-Bolling, District of Columbia.

Appellant was caught using his GoPro camera attempting to record female Marines in the female head **on board** USS *Arlington* (LPD 24).

Style Guide

¶ 2.11.3. *Embark*. As an intransitive verb, embark means to make a start or to go on board a vehicle for transportation.²² *However*, it is better to use the term aboard rather than embarked to refer to a person aboard a ship.

Examples

The troops embarked on a mission.

The passengers are waiting to embark.

¶ 2.11.4. *All of*. Omit the word *of*, unless the following word is a nonpossessive pronoun. **(R13.3)**

Examples

All of them were at the party.

All the evidence was destroyed.

But not

All of his friends were there.

All of the evidence was destroyed.

¶ 2.11.5. *Certainly / Clearly / Obviously / Undeniably / Never*. Rarely use these words in legal writing. Reserve use for what is truly certain, clear, obvious, or undeniable, *not* as a means of advocacy. **(R13.3)**

¶ 2.11.6. *Lie vs. Lay*. *Lie* is intransitive (someone or something moving on their own) and means to recline (e.g., she lies on the bed). *Lay* is transitive (there must be a thing or person being placed) and means to put down or place in a flat position (e.g., he laid his hand on her leg). **(C5.250; R13.3)**

²² Merriam-Webster, *Embark*, <http://www.merriam-webster.com/dictionary/embark> (last visited Mar. 21, 2021).

Style Guide

Examples (Lay)

I had to lay the book on the table.

I laid it down.

I have laid down 20 books.

I am laying more books down.

Examples (Lie)

I lie on my bed.

I lay down.

I have lain here since noon.

I am lying here.

¶ 2.11.7. *Pleaded vs. Pled.* *Pleaded* is the correct past-tense form of the verb *plea*. Do **not** use ***pled***. (R13.3)

¶ 2.11.8. *That / Which / Who.* *That* is used to begin a restrictive clause to restrict the meaning of the sentence. *That* is used to narrow a category or identify a particular item being referenced. *Which* is used in a nonrestrictive clause—set off by a comma or dash—not to narrow a category or identify a particular item, but to add information about an item already identified. More rarely, *which* may be used in a restrictive clause, but almost always when preceded by a preposition. *Who*, which is used to refer to persons, can be restrictive or nonrestrictive and—if nonrestrictive—is set off by a comma or dash. (C5.250; R13.3) A common error is to add the word *that* where it is unnecessary. An easy test is to ask, *will the meaning of my sentence change if I remove the word that?*

Examples

Gideon v. Wainwright, which explained the Sixth Amendment right to counsel, was decided in 1963.

The case that solidified the right to counsel was *Gideon v. Wainwright*.

The man who finished first in the marathon did not stay around for the awards ceremony.

Cadet Alpha—who received nonjudicial punishment for marijuana use—was not allowed to graduate.

Style Guide

The place to which she referred could not be located.

The offense with which Appellant was charged necessarily implicated the victim's competence.

The person to whom she spoke was unavailable.

He said the sky was dark.

But not

The man **that** finished first in the marathon did not stay around for the awards ceremony.

The offense, with which Appellant was charged, necessarily implicated the victim's competence.

The person to **which** she spoke was unavailable.

He said **that** the sky was dark.

3. CITATION GUIDE

¶ 3.1. Generally.

¶ 3.1.1. *Introductory Signals and Explanatory Phrases.* Always italicize unless used as part of a regular English sentence. (R1.2(e)) Signals used as verbs in related authority parentheticals, such as “(citing . . .)” and “(quoting . . .)” are *not* italicized. (R2.1(e)) See *The Bluebook* for a complete list of introductory signals and explanatory phrases. (B1.2; R1.2) If a case quotes or cites a case that itself quotes or cites another case, do not provide the second level of citation unless particularly relevant. (R10.6.3)

Examples

See *United States v. Voorhees*, 79 M.J. 5, 10 n.2 (C.A.A.F. 2019), *cert. denied*, ___ U.S. ___, 140 S. Ct. 2566 (2020).

See *United States v. Voorhees*, 79 M.J. 5, 17 (C.A.A.F. 2019) (quoting *United States v. Caldwell*, 75 M.J. 276, 282 (C.A.A.F. 2016), *cert. denied*, ___ U.S. ___, 140 S. Ct. 2566 (2020)).

For a discussion of the mens rea required for a conduct unbecoming of-fense, see *United States v. Voorhees*, 79 M.J. 5, 15 (C.A.A.F. 2019), *cert. denied*, ___ U.S. ___, 140 S. Ct. 2566 (2020).

See *United States v. Sager*, 76 M.J. 158, 161 (C.A.A.F. 2017) (quoting *Yates v. United States*, 574 U.S. 528, 543 (2015)).

But not

For a discussion of the mens rea required for a conduct unbecoming of-fense, **see** *United States v. Voorhees*, 79 M.J. 5, 15 (C.A.A.F. 2019), *cert. denied*, ___ U.S. ___, 140 S. Ct. 2566 (2020).

See *United States v. Sager*, 76 M.J. 158, 161 (C.A.A.F. 2017) (quoting *Yates v. United States*, 574 U.S. 528, 543 (2015) **(quoting Marx v. General Revenue Corp., 568 U.S. 371 (2013))**).

or:

See *United States v. Sager*, 76 M.J. 158, 161 (C.A.A.F. 2017) (quoting *Yates v. United States*, 574 U.S. 528, 543 (2015) **(quotation marks and citation omitted)**).

Citation Guide

¶ 3.1.2. *Citation Sentences & Citation Clauses.* Citations in court documents and legal memoranda may be made in either of two ways—in a *stand-alone citation sentence* or in a *citation clause within a sentence*.

¶ 3.1.2.1. *Citation Sentences.* A citation sentence begins with a capital letter and ends with a period. A citation sentence refers to the *entire* preceding sentence and may include one or more citations, which would be separated by semicolons. (B1.1) Place subsequent citations that employ a different signal in a separate citation sentence. (R1.3)

Examples <Using Short Form>

To plead guilty to the offense, the Accused had to admit that he knew the statement he made to the investigators was false. Article 107, UCMJ.

“A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent.” Article 120(g)(7)(A), UCMJ (2012 & Supp III 2016).

¶ 3.1.2.2. *Citation Clauses.* One or more citation clauses occur within the text of a sentence, are set off by commas, and immediately follow the proposition to which they relate. (B1.1)

Examples

While the well-established rule is that a witness may not comment at trial on the truthfulness of another’s statement, *United States v. Adkins*, 18 C.M.R. 116, 123 (C.M.A. 1955), this is largely because “the jury is the lie detector,” *United States v. Cameron*, 21 M.J. 59, 63 (C.M.A. 1985).

Article 117a was enacted by the National Defense Authorization Act for Fiscal Year 2018, Pub. L. No. 115-91, § 553, 131 Stat. 1283, 1389-90 (2017).

The National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, §§ 5321-38, 130 Stat. 2000, 2923-37 (2016), revised the court-martial post-trial and appellate process.

¶ 3.1.3. *Citation Locations.*

¶ 3.1.3.1. *Citations in the Text.* It is the normal practice of most appellate courts to place citations supporting the main text of an opinion in the main text of the opinion, *not in a footnote*. (B1.1)

Citation Guide

- ★ **NMCCA** Navy-Marine Corps Court of Criminal Appeals opinions place all citations *in footnotes*. Appellate counsel have the option to include citations in the text or footnotes of appellate briefs. However, the contents of footnotes are not counted against the word limitation set out in NMCCA Rule of Appellate Procedure 17.3 (2021).

¶ 3.1.3.2. *Footnotes*. A footnote number should generally be placed at the end of a sentence or clause, normally follows a quotation, and follows any punctuation mark—except for a dash—but falls *inside* a closing parenthesis or bracket *if applying only* to the text inside the parenthesis or brackets. (G15.18; C14.26)

¶ 3.1.4. *Typeface and Abbreviations*. Contrary to law review footnotes, case names in pleadings and court documents are *always italicized*, regardless of whether they appear in a sentence or citation; text or footnote. (B2) All case names are subject to rules generally designed to shorten them. However, case names in citations are more abbreviated than those in textual sentences. (R10.2; R10.2.1; R10.2.2; T6) In citations, abbreviate geographical units, unless the geographical unit (including “United States”) is the entire name of the party. (R10.2.2; T10)

Examples

- ◆ *See, e.g., Ctr. for Nat’l Sec. Studies v. U.S. Dep’t of Just.*, 331 F.3d 918, 937 (D.C. Cir. 2003) (courts cannot apply federal common law to an issue in which Congress has subsequently legislated).
- ◆ *See Smith v. Univ. of Md.*, ___ U.S. ___, 140 S. Ct. 221 (2019); *Rehaif v. United States*, ___ U.S. ___, 139 S. Ct. 2191 (2019); *Maryland v. King*, 569 U.S. 435 (2013).

In *Center for National Security Studies v. United States Department of Justice*, 331 F.3d 918 (D.C. Cir. 2003), the circuit court held that Exemption 7(A) of the Freedom of Information Act [FOIA] was properly invoked to withhold release of the names of immigration detainees and their lawyers.

¶ 3.1.5. *Pinpoint Cites*. Except only when referring to a case generally, all case cites should reference the specific page or pages for the proposition for which the case is cited. For opinions that do not include page numbers or star pagination, such as opinions in some state’s public domain format, reference the paragraph number. (R10.3.3) Failure to provide a pinpoint cite suggests that the writer is less than fully familiar with the proposition and citation.

Citation Guide

¶ 3.1.6. *Order of String Citations.*

¶ 3.1.6.1. *By Signal.* When citing cases with more than one signal, the signals of the same basic type—supportive, comparative, contradictory, or background—must be strung together within a single citation sentence and separated by semicolons and in the order list in Rule 1.2 of *The Bluebook*. (R1.2; R1.3)

¶ 3.1.6.2. *By Court.*

¶ 3.1.6.2.1. Cases are arranged within a string cite according to the seniority of the court (Supreme Court, Court of Appeals for the Armed Forces, Courts of Criminal Appeals) and in reverse chronological order (most recent date first in order). Published cases cited by or to a court of criminal appeals are always cited to *that* court before all other courts of criminal appeals, followed by (1) published cases of other courts of criminal appeals, (2) unpublished cases of the instant court of criminal appeals, and lastly, (3) unpublished cases of other courts of criminal appeals.

¶ 3.1.6.2.2. When citing decisions of other courts of criminal appeals within each category, they are listed in reverse chronological order, regardless of the court. In the case of two decisions issued on the same date by different courts of criminal appeals, they are cited in alphabetical order: Air Force Court of Criminal Appeals, Army Court of Criminal Appeals, Coast Guard Court of Criminal Appeals, and Navy-Marine Corps Court of Criminal Appeals.

¶ 3.1.6.2.3. Opinions of federal courts of appeal are not controlling upon military courts and are listed *after all* military court opinions and in reverse chronological order. Opinions of federal district courts are listed after opinions of federal courts of appeal.

¶ 3.1.6.2.4. Separate multiple citations with a semicolon. Do *not* separate citations with the article “and.” (R1.4)

Examples

- ◆ *United States v. McGinty*, 38 M.J. 131, 132 (C.M.A. 1993); *United States v. Turner*, 25 M.J. 324 (C.M.A. 1987).
- ◆ *Noyd v. Bond*, 395 U.S. 683, 693-98 (1969); *Murray v. Haldeman*, 16 M.J. 74 (C.M.A. 1983); *United States v. LaBella*, 15 M.J. 228, 229 (C.M.A. 1983); *Aviz v. Carver*, 36 M.J. 1026, 1028 (N.M.C.M.R. 1993).

¶ 3.1.7. *Case Parenthetical Information.*

¶ 3.1.7.1. *Weight of Authority.* Information regarding weight of authority (e.g., en banc, per curiam, unpublished, summary disposition) must be added parenthetically. (B10.6.1) Opinions other than the by the majority of the court (e.g., concurring, dissenting) must also be indicated, along with the author.

Citation Guide

Note

The abbreviation “mem.” stands for the word “memorandum” and should be used in a parenthetical if, *and only if*, a court disposition was issued without an opinion. Court of criminal appeals and other court opinions denominated “memorandum decisions” should not be confused with dispositions without an opinion and are *not* designated “mem.” (R10.6.1(b))

¶ 3.1.7.2. *Quoting or Citing*. Parenthetical information is generally required when the case you are citing has quoted or cited another case. However, if a court merely cites its own prior precedent, parenthetical indication is not required. Furthermore, generally only indicate one level of reference, i.e., if the one case cites another case that, in turn, quotes a third, the reference to the third case should not be indicated unless particularly relevant. (B10.6.3)

¶ 3.1.7.3. *Prior and Subsequent History*. Include *prior* history only if it is significant to the point for which the case is cited. However, include *all subsequent* history in a full case citation, except for denials of discretionary review more than two years old, unless the denial is particularly relevant. (B10.1.6; R10.7)

¶ 3.1.7.4. *Explanatory Parenthetical Information*. Parenthetical information is helpful to explain the purpose for which you cite a particular case when it is otherwise not evident or to indicate the weight of authority. Explanatory parentheticals not quoting the case begin with a lower case present participle. Explanatory parentheticals quoting one or more sentences or a portion that reads as a sentence should begin with a capital letter and end with appropriate closing punctuation. (B1.5)

Examples

- ◆ *United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982) (holding it is necessary to consider the nature of the offense and the nature of the offender to determine sentence appropriateness).
- ◆ *United States v. Cook*, 48 M.J. 236, 240 (C.A.A.F. 1998) (“The gist of [Mil. R. Evid.] 304(h)(3) is that silence by an accused who is under investigation will not logically support an inference of guilt.”)
- ◆ *United States v. Katso*, 76 M.J. 704, 710-712 (A.F. Ct. Crim. App. 2017) (Drew, C.J., *dubitante*) (opining that appellant remained an adjudged and sentenced prisoner until appellate review was final and R.C.M. 305 did not apply), *aff’d in part and rev’d in part*, 77 M.J. 247 (C.A.A.F. 2018).

Citation Guide

- ◆ *United States v. Guzman*, 79 M.J. 856, 868 (C.G. Ct. Crim. App. 2020) (“[W]e are mindful of Appellant’s challenges substantiating prejudice under the circumstances, and the laggard post-trial processing—particularly following remand—evinces a lack of attention to detail and institutional diligence.”), *review denied*, ___ M.J. ___, No. 20-0293, 2021 CAAF LEXIS 241 (C.A.A.F. Mar. 16, 2021). <**discretionary review denied within two years of citation**>

¶ 3.1.8. Short Forms.

¶ 3.1.8.1. *Generally*. Once a full citation is given, you may use an authorized short form, setting out the short form in brackets. (Note, many military justice practitioners have set out short forms in parentheses. However, because *The Bluebook* uses parentheses for many other purposes, their use can cause considerable confusion, whereas brackets are only used for short forms and indicating changes to quotations.) Generally avoid using short forms for citations not within a page or two, unless the citation is used throughout or is otherwise clear to the reader. Instead, provide the full citation again. (R9.12) Unlike law review materials (e.g., R4.2), short forms in pleadings and opinions do *not* refer back to a short form established in or accompanying a previous footnote.

- ☒ **Note**, *The Bluebook* generally requires “hereinafter” when setting out short forms in brackets. (B4; R4.2; A11.5) *The PurpleBook* generally omits the “hereinafter” as superfluous. (R12.2(e))

¶ 3.1.8.2. *Id.* The use of *id.* is authorized as a short form for all basic citations, as long as it is a reference to the immediately preceding citation. However, do **not** use *id.* if it would be confusing to the reader, such as when the previous citation appears in a string citation or citation clause with more than one citation (even if the one you are seeking to reference is the last citation). (B4; R4.1) Do **not** use *id.* to refer to court documents unless it saves significant space or to refer to the record or joint appendix. See ¶ 3.13.1.3.

¶ 3.1.8.3. Short Form Case Citations.

¶ 3.1.8.3.1. *Generally*. Short forms for cases do *not* normally require setting out the short form in [brackets], unless the short form will deviate from the standard case short form citation model. See, e.g., *Serial Decisions*, ¶ 3.1.8.3.2 below. For military cases styled “*United States v. Accused*,” use the accused’s last name. For extraordinary writ petitions styled “*In re Petitioner*,” use the petitioner’s last name. For civilian cases, you may shorten a long party name and you may use one (*preferably the first*) party’s name in the short form citation, *unless* that party is a geographic unit, a governmental entity, another type of common litigant, or has a name similar to that of a party in another citation. Ensure that whatever short form you adopt for your pleading or opinion is internally unambiguous. (B10.2; R10.9(a)(i); R9.9(b))

Citation Guide

Examples

NAACP v. Bureau of the Census, 954 F.3d 183 (4th Cir. 2019) becomes:
Bureau of the Census, 954 F.3d at 189.

Wilson v. Layne, 526 U.S. 603 (1999), and *Kuhlmann v. Wilson*, 477 U.S. 436 (1986) become:
Layne, 526 U.S. at 617, and *Kuhlmann*, 477 U.S. at 453.

¶ 3.1.8.3.2. *Serial Decisions*. When referring to court opinions in the same case from *different courts*, or different opinions of the *same court* following remands or reconsiderations, provide a bracketed short form, appending italicized roman numerals in chronological order to distinguish the various opinions. (R10; B10.2.1; R10.9(i); A12.2(s))

Example

Upon initial review, Appellant raised three assignments of error We disagreed and affirmed. *United States v. Maliwat*, No. ACM 38579, 2015 CCA LEXIS 443 (A.F. Ct. Crim. App. 19 Oct. 2015) (unpublished) [*Maliwat I*]. The United States Court of Appeals for the Armed Forces [CAAF] granted review . . . and remanded the case to us for reconsideration. 76 M.J. 128 (C.A.A.F. 2017) [*Maliwat II*]. For the reasons stated in *Maliwat I*, we reject Appellant’s Sixth Amendment challenge and find the evidence legally and factually sufficient.

¶ 3.1.8.4. *Supra*.

¶ 3.1.8.4.1. Do not use “*supra*” as a short form for citations. (B4; R4.2)

☒ Note that *The Bluebook* uses “*supra*” for books and periodicals, but *The PurpleBook* views “*supra*” as superfluous. Do not use it for *any* short form citations contrary to *The Bluebook*. (B15.2; B16.2; R15.10; R16.9(b))

¶ 3.1.8.4.2. “*Supra*” may be used to refer to an earlier discussion in the document.

Examples

Matthew Butterick, *Typography for Lawyers* 54 (2010) becomes:
Butterick, at 62.

Citation Guide

Curtis A. Bradley & Jack L. Goldsmith, *Foreign Relations Law* 283 (2014)
becomes:

Bradley & Goldsmith, at 392.

Dep't of the Army Pam. 27-9, *Military Judges' Benchbook*, para. 3-1 (Feb. 29, 2020) [*Benchbook*] *becomes:*

Benchbook, para. 3-77-1.

As discussed, *supra*, the standard of review for a petition for a writ of mandamus is

But not

Butterick, *supra*, at 62.

Benchbook, *supra*, para. 3-77-1.

¶ 3.2. **Cases.**

¶ 3.2.1. *Generally.*

¶ 3.2.1.1. *Parallel Citations.* Do not provide parallel citations to reporters other than the official reporter unless required to do so by local rule, the case is published in a print reporter but has also been assigned a public domain citation, or the case is pending publication in the official reporter. (**T1.1 at 227; A12.4(c)**). For example, the Court of Appeals for the Armed Forces' current practice is to cite all of its predecessor opinions to *both* C.M.A. and C.M.R. (along with pinpoint page numbers for each), if therein, *unless they also appear in the Military Justice Reporter* (abbreviated as "M.J."), in which case they should be cited *only* to the Military Justice Reporter without parallel cites.

Not:

- ◆ *Richmond Screw Anchor Co. v. United States*, 275 U.S. 331, 340, **48 S. Ct. 194, 196, 72 L. Ed. 303, 306** (1928).
- ◆ *Nat. Res. Def. Council, Inc. v. Nuclear Reg. Comm'n*, 216 F.3d 1180, 1189, **342 U.S. App. D.C. 337** (D.C. Cir. 2000).

Citation Guide

But

- ◆ *United States v. Care*, 18 C.M.A. 535, 541, 40 C.M.R. 247, 253 (1969).
<parallel citation required by local rule>

¶ 3.2.1.2. *References in Text.* References to cases in text are similar to citation forms. If it is the first time a case is mentioned, the full citation is given, either in the text as a citation clause, or in a footnote. If the case has been mentioned in previous text or in a citation, the short form should be used. See ¶ 3.1.8.3 above.

Example

In *United States v. Maliwat*, No. ACM 38579, 2015 CCA LEXIS 443 (A.F. Ct. Crim. App. 19 Oct. 2015) (unpublished) [*Maliwat I*], Appellant raised three assignments of error. Upon review, CAAF remanded the case to us for reconsideration. 76 M.J. 128 (C.A.A.F. 2017) [*Maliwat II*]. For the reasons stated in *Maliwat I*, we reject Appellant’s Sixth Amendment challenge and find the evidence legally and factually sufficient.

¶ 3.2.1.3. *“Published” vs. “Reported” Opinions.* “Published” opinions are opinions of a court that are precedential and are published in the court’s official reporter—the West’s Military Justice Reporter in the case of military opinions. (Some state courts “publish” their opinions in a public domain format on a court’s official web site.) “Reported” opinions are opinions that are reported to and available on Lexis and Westlaw. These include both published and other, non-precedential opinions. Published opinions can be either signed / authored or per curiam. Published per curiam opinions (as opposed to *unpublished* per curiam opinions) are still binding precedent, but are generally considered less significant than signed opinions and are typically reserved for short opinions involving uncontroversial and obvious matters of law. In military courts of criminal appeals, where at present publication is far less frequent than in the Court of Appeals for the Armed Forces and in the Article III federal courts, published per curiam opinions are relatively rare. Nevertheless, as it affects the precedential value of the opinion, it must be apparent in the citation if a per curiam opinion is published or pending publication. This can be readily determined by the citation to the official reporter.

¶ 3.2.1.4. *Published Opinions.* Published opinions are cited to an official reporter and include only the year of publication. Include *all subsequent* history, except for denials of discretionary review more than two years old, unless the denial is particularly relevant. (B10.1.6; R10.7) See ¶ 3.1.7.3 above.

Citation Guide

Published Opinion Citation Form

Case Name, | # Official Reporter #, | pinpoint # | (<Court> | Year) |
<, subsequent history>.

Examples

Full Citation

- ◆ *United States v. Harpole*, 81 M.J. 8, 10 (C.A.A.F. 2021) (per curiam).
- ◆ *United States v. Katso*, 76 M.J. 704, 710–12 (A.F. Ct. Crim. App. 2017) (Drew, C.J., *dubitante*) (opining that appellant remained an adjudged and sentenced prisoner until appellate review was final and R.C.M. 305 did not apply), *aff'd in part and rev'd in part*, 77 M.J. 247 (C.A.A.F. 2018).
- ◆ *United States v. Guzman*, 79 M.J. 856, 868 (C.G. Ct. Crim. App. 2020) (“[W]e are mindful of Appellant’s challenges substantiating prejudice under the circumstances, and the laggard post-trial processing—particularly following remand—evinces a lack of attention to detail and institutional diligence.”), *review denied*, ___ M.J. ___, No. 20-0293, 2021 CAAF LEXIS 241 (C.A.A.F. Mar. 16, 2021).
- ◆ *United States v. Schmidt*, 80 M.J. 586 (N-M Ct. Crim. App. 2020), *review granted*, ___ M.J. ___, No. 21-0004/MC, CAAF LEXIS 376 (C.A.A.F., Apr. 23, 2021 (mem.)).

¶ 3.2.1.5. *Pending Publication Opinions*. Pending publication opinions are opinions that *will* be published, but have not *yet* been assigned an official reporter volume and page. U.S. Supreme Court opinions typically take years to appear in the official United States Reports, whereas published military justice opinions are usually assigned a West’s Military Justice Reporter citation within weeks of release. If such opinions are available on Lexis or Westlaw in the meantime, they should be cited accordingly. If not yet available on Lexis or Westlaw, but a slip opinion is available on the court’s website (as virtually all are), then the slip opinion should be cited along with the URL of the court’s website. (B10.1.4(iii))

Citation Guide

☒ ¶ 3.2.1.5.1. Contrary to the way *The Bluebook* cites pending cases that are available on electronic media and slip opinions (**R10.8.1**),²³ all opinions pending publication in an official reporter must be cited as follows according to the *ALWD Guide* for cases available on Lexis or Westlaw (**A12.13**) and for those available only in slip opinions (**A12.12**) (however, *always* provide the court website URL for slip opinions).

¶ 3.2.1.5.2. For cases pending publication, use three underlines as a placeholder for any unassigned official reporter volume and page *and* citing if available (*in order of preference*) to an unofficial reporter, to Lexis / Westlaw;²⁴ or to a slip opinion available on the court's website. For U.S. Supreme Court cases, cite (*in order of preference*) to the Supreme Court Reporter; United States Supreme Court Reports, Lawyer's Edition; or United States Law Week. (**T1.1**) In parentheses, provide the abbreviation for the full date and, if not apparent from official reporter, precede it with the abbreviation for the court. For citations to the Supreme Court Reporter (and to the United States Reports official reporter), omit the Supreme Court's name; for citations to the United States Supreme Court Reports, Lawyer's Edition or to United States Law Week, use "U.S." (**R10.4**) *If the case is cited to an unofficial reporter provide only the year.* (**R10.4(a)**, **R10.4(b)**)

Pending Publication Citation Form

Available in Unofficial Reporter

Case Name, | ___ Official Reporter ___, | Citation to Unofficial Reporter
| (<Court> | Year).

Available in Lexis or Westlaw (Not Available in Unofficial Reporter)

Case Name, | ___ Official Reporter ___, | No. Docket #, | Citation to Lexis or
Westlaw at *# | (<Court> | Abbreviated Full Date).

Available in Court Website (Not Available in Lexis or Westlaw)

Case Name, | ___ Official Reporter ___, | No. Docket #, | slip op. at #
| (<Court> | Abbreviated Full Date), | court website URL.

²³ *The PurpleBook*, following longstanding military justice practice, requires “___ M.J. ___” for cases that *will be* published in the Military Justice Reporter, even if they are already available on Lexis or Westlaw. *The Bluebook* would not include “___ Official Reporter ___.”

²⁴ Citation to Lexis or Westlaw is required, *not both*, although the Court of Appeals for the Armed Forces typically cites both. (**B10.1.4(i)**; **A12.4(c)**) Most military justice practitioners have access to only one of the major online legal research services, provided by the Department of Defense central contract (as of this writing, Lexis).

Citation Guide

Slip Opinion Only

Case Name, | ___ Official Reporter ___, | No. Docket #, | slip op. at #
| (<Court> | Abbreviated Full Date).

Examples

Full Citation

- ◆ *United States v. Briggs*, ___ U.S. ___, 141 S. Ct. 467, 473 (2020).
- ◆ *United States v. Briggs*, ___ U.S. ___, 208 L. Ed. 318, 325 (U.S. 2020).
<before available in Supreme Court Reporter>
- ◆ *United States v. Guinn*, ___ M.J. ___, No. 19-0384, 2021 CAAF LEXIS 439, at *6 (C.A.A.F. May 10, 2021).
- ◆ *United States v. Guinn*, ___ M.J. ___, No. 19-0384, slip op. at 5 (C.A.A.F. May 10, 2021), <https://armfor.uscourts.gov/newcaaf/opinions/2020OctTerm/190384.pdf>. <before available on Lexis or Westlaw>

Short Form

- ◆ *Briggs*, ___ U.S. at ___, 141 S. Ct. at 473.
- ◆ *Guinn*, ___ M.J. ___, 2021 CAAF LEXIS 439, at *6.
- ◆ *Guinn*, ___ M.J. at ___, slip op. at 5.

¶ 3.2.1.6. *Unpublished Opinions.*

¶ 3.2.1.6.1. Unpublished opinions are non-precedential opinions. They are not published in an official reporter. They are frequently available on Lexis or Westlaw and should be cited there if available therein.

¶ 3.2.1.6.2. While most courts permit citation to unpublished opinions for whatever persuasive authority they may have, it must be clear in the citation that the opinion is unpublished and thus non-binding.

¶ 3.2.1.6.3. Unpublished opinions which are not available on Lexis or Westlaw should be cited to the court’s website if available.

¶ 3.2.1.6.4. If a brief cites an unpublished opinion that is not available online, the author must provide a copy of the opinion in an appendix or as an attachment to the brief.

Citation Guide

¶ 3.2.1.6.5. While most per curiam military justice opinions are unpublished, a per curiam opinion *may* be published by the court. Therefore an unpublished per curiam opinion must also indicate that it is unpublished.

¶ 3.2.1.6.6. Include *all subsequent* history, except for denials of discretionary review more than two years old, unless the denial is particularly relevant. (B10.1.6; R10.7) See ¶ 3.1.7.3 above.

Unpublished Opinion Citation Form

Case Name, | No. Docket #, | <Citation to Lexis or Westlaw at *#> or <slip op. at #> | (Court | *Abbreviated* Full Date) | <, court website URL> | <(per curiam)> | (unpublished) | <, subsequent history>.

Examples

Full Citation

- ◆ *United States v. Olaya*, No. 201900211, 2020 CCA LEXIS 413 at *9 (N-M. Ct. Crim. App. Nov. 16, 2020) (unpublished), *vacated*, *United States v. Olaya*, ___ M.J. ___, No. 21-0129/NA, 2021 CAAF LEXIS 386 (C.A.A.F. Apr. 26, 2021) (mem.)
- ◆ *United States v. Lancaster*, No. ARMY 20190852, 2021 CCA LEXIS 219 at *9–10 (Army Ct. Crim. App. May 6, 2021) (unpublished).
- ◆ *United States v. Lopez-Alverdo*, No. ARMY 201900599, slip op. at 1 (Army Ct. Crim. App. Apr. 28, 2021), <https://www.jagcnet.army.mil/ACCALibrary/cases/lopinion/file/247> (unpublished).
- ◆ *United States v. Blackburn*, No. ACM 39397 (rem), 2021 CCA LEXIS 212 at *14 (A.F. Ct. Crim. App. Apr. 30, 2021) (unpublished).
- ◆ *United States v. Fleming*, No. 201000439, 2011 CCA LEXIS 447 at *4 (N-M. Ct. Crim. App. July 14, 2011) (per curiam) (unpublished).

Short Form

- ◆ *Olaya*, 2020 CCA LEXIS 413 at *7.
- ◆ *Lancaster*, 2021 CCA LEXIS 219 at *11.
- ◆ *Lopez-Alverdo*, slip op. at 1.
- ◆ *Blackburn*, 2021 CCA LEXIS 212 at *14–15.

Citation Guide

¶ 3.2.1.7. *Decisions Without Opinion*. Decisions issued without an opinion are typically issued by the Court of Appeals for the Armed Forces in denying discretionary review, as well as for action on procedural motions. While not annotated as such, *The Bluebook* considers such a decision as a “memorandum” which should be indicated by “(mem.)” Decisions without opinion are rarely cited, except as subsequent history to a lower court opinion. A simple “review denied” order need not be annotated with “(mem.)” (as it is inherent). However, a more involved decision, such as a remand with instructions should be so annotated.

Note

Army Court of Criminal Appeals memorandum opinions are opinions, not decisions *without an opinion* and are thus **not annotated with “(mem.)”**
(R10.6.1(b))

Decisions Without Opinion Citation Form

Published

Case Name, | # Official Reporter #, | pinpoint # | (Court | Year) (mem.).

Pending Publication

Case Name, | ___ Official Reporter ___, | No. Docket #, | Citation to Lexis or Westlaw | (Court | Abbreviated Full Date) (mem.).

Examples

Full Citation

- ◆ *United States v. Hedgecock*, 80 M.J. 355 (C.A.A.F. 2020) (mem.).
- ◆ *United States v. Guzman*, ___ M.J. ___, No. 20-0293, 2021 CAAF LEXIS 241 (C.A.A.F. Mar. 16, 2021) (mem.).

Short Form

- ◆ *Hedgecock*, 80 M.J. 355.
- ◆ *Guzman*, 2021 CAAF LEXIS 241.

Citation Guide

¶ 3.2.2. *Military Justice Courts.*

¶ 3.2.2.1. *Court of Appeals for the Armed Forces and Predecessors.*

¶ 3.2.2.1.1. *1951 to 4 October 1994.* With the adoption of the Uniform Code of Military Justice, on 31 May 1951, Article 67 established the United States Court of Military Appeals as the highest appellate tribunal within the military establishment. From 1951 to 1975, opinions of the Court of Military Appeals appeared in the court’s official reporter, Decisions of the United States Court of Military Appeals (abbreviated as “C.M.A.”²⁵). During ☒ that timeframe, the Court of Military Appeals opinions were also published in the Court-Martial Reports (abbreviated as “C.M.R.”). While *The Bluebook* generally does not call for parallel citations when a citation is available to the court’s official reporter (**T1.1 at 230**), *The Bluebook* defers to local rules (see **T1 at 227**; **A12.4(c)**; **A App.2(B)**). Accordingly, military justice practitioners should adhere to the Court of Appeals for the Armed Force’s current practice²⁶ of citing all of its predecessor opinions to *both* C.M.A. and C.M.R. (along with pinpoint page numbers for each), if therein, *unless they also appear in the Military Justice Reporter* (abbreviated as “M.J.”), in which case they should be cited to the Military Justice Reporter without parallel cites. Since 1975, all Court of Military Appeals opinions are reported in the Military Justice Reporter (abbreviated as “M.J.”) and should parenthetically indicate the court:

◆ C.M.A.

United States Court of Military Appeals Citation Forms

Case Name, | # M.J. #, | pinpoint # | (C.M.A. | Year). **<if therein>**

Case Name, | # C.M.A. #, | pinpoint #, | # C.M.R. #, | pinpoint # | (Year).

²⁵ While this official reporter was published, the accepted citation abbreviation was “USCMA” (without initials). However, the Court of Appeals for the Armed Forces now cites its prior official reporter as “C.M.A.”

²⁶ The Court of Appeals for the Armed Forces’ Rules of Practice and Procedure do not specifically require parallel citation to both C.M.A. and C.M.R. However, *The PurpleBook* considers CAAF’s longstanding practice of doing so in its opinions and its internal requirement to do so, to sufficiently invoke *The Bluebook* deference to a Court’s local rules.

Citation Guide

¶ 3.2.2.1.2. *5 October 1994 to Present*. Effective 5 October 1994, the United States Court of Military Appeals was renamed the United States Court of Appeals for the Armed Forces, abbreviated in citations as:

- ◆ C.A.A.F.

United States Court of Appeals for the Armed Forces Citation Form

Case Name, | # M.J. #, | pinpoint # | (C.A.A.F. | Year).

Examples

- ◆ *United States v. Care*, 18 C.M.A. 535, 541, 40 C.M.R. 247, 253 (1969).
- ◆ *United States v. Ward*, 1 M.J. 176, 181 (C.M.A. 1975). **<even though also available in 23 C.M.A. 572 and 50 C.M.R. 837>**
- ◆ *United States v. Grostefon*, 12 M.J. 431, 435 (C.M.A. 1982).
- ◆ *United States v. Hills*, 75 M.J. 350, 354 (C.A.A.F. 2016).

¶ 3.2.2.2. *Service Courts of Criminal Appeals and Predecessors*.

¶ 3.2.2.2.1. *Prior to 1951*. The War Department Boards of Review, consisting of not less than three judge advocates, were established by the Judge Advocate General of the Army in 1918, later codified in 1920 by Article of War 50½, Act of June 4, 1920, Pub. L. No. 66-242, 41 Stat. 797. Starting in 1942, the Judge Advocate General of the Army established Board of Review branch offices overseas in several theaters of operations, the decisions of which were separately reported. In 1948, Article of War 50 replaced Article of War 50½, the Selective Service Act, Pub. L. No. 80-758, 62 Stat. 604 (1948). Article of War 50, among other things, created the Judicial Councils, composed of three JAG Corps general officers. The Judicial Council reviewed all Board of Review decisions requiring action by the President and certain other cases in which the Judge Advocate General did not concur with the holding of the Board of Review. The reported opinions are published in the following reporters, most of which are available on the Library of Congress website at:

https://www.loc.gov/rr/frd/Military_Law/military-legal-resources-home.html (link to World War II Board of Review Decisions).

The PurpleBook

Citation Guide

Table 3-1. War Department Board of Review Reporters

† Available on LOC Website?

Years	Name of Reporter	Abbrev.	Vols.	†
1929-49	Board of Review Holdings, Opinions and Reviews—Judge Advocate General’s Department	B.R.	81	Yes
1942-45	Board of Review Holdings, Opinions and Reviews—Branch Office of The Judge Advocate General, European Theatre of Operations	B.R. (ETO)	34	Yes
1942-46	Board of Review Holdings, Opinions and Reviews—Branch Office of The Judge Advocate General, South West Pacific Area and Pacific	B.R. (A-P)	4	Yes
1943-45	Board of Review Holdings, Opinions and Reviews—Branch Office of The Judge Advocate General, North African Theater of Operations and Mediterranean Theater of Operations	B.R. (NATO- MTO)	7	Yes
1943-45	Board of Review Holdings and Opinions—Branch Office of The Judge Advocate General, China-Burma-India and India-Burma Theater	B.R. (CBI-IBT)	3	Yes
1944-45	Board of Review Holdings, Opinions and Reviews—Branch Office of The Judge Advocate General, Pacific Ocean Areas	B.R. (POA)	1	Yes
1948-51	Courts-Martial Reporters, The Judge Advocate General of the Air Force; Board of Review	C.M.R. (AF)	4	No
1949-51	Board of Review and Judicial Council Holdings, Opinions and Reviews—Judge Advocate General’s Corps	B.R.-J.C.	12	Yes

Citation Guide

War Department Boards of Review Citation Forms

Case Name,²⁷ | # B.R. #, | pinpoint # | (A.B.R. | Year²⁸).

Case Name, | # B.R. (ETO) #, | pinpoint # | (A.B.R. | Year).

Case Name, | # B.R. (A-P) #, | pinpoint # | (A.B.R. | Year).

Case Name, | # B.R. (NATO-MTO) #, | pinpoint # | (A.B.R. | Year).

Case Name, | # B.R. (CBI-IBT) #, | pinpoint # | (A.B.R. | Year).

Case Name, | # B.R. (POA) #, | pinpoint # | (A.B.R. | Year).

Case Name, | # C.M.R. (AF) #, | pinpoint # | (A.F.B.R. | Year).

Case Name, | # B.R.-J.C. #, | pinpoint # | (J.C. | Year).

Examples

- ◆ *United States v. Hicswa*, 59 B.R. 167, 185 (A.B.R. 1946).
- ◆ *United States v. Davis*, 15 B.R. (ETO) 129, 134 (A.B.R. 1945).
- ◆ *United States v. Hamilton*, 1 B.R. (A-P) 237, 238 (A.B.R. 1943).
- ◆ *United States v. Brewer*, 1 B.R. (NATO-MTO) 399, 405 (A.B.R. 1943).
- ◆ *United States v. Yacavone*, 2 B.R. (CBI-IBT) 275, 277–78 (A.B.R. 1945).
- ◆ *United States v. Clark*, 20 B.R. (POA) 89, 93–94 (A.B.R. 1945).
- ◆ *United States v. Cox*, 3 C.M.R. (AF) 270, 286 (A.F.B.R. 1950).
- ◆ *United States v. Aikins*, 5 B.R.-J.C. 331, 358 (A.B.R. 1950).

²⁷ Traditionally, the case name citations included only the last name of the accused (and not “*United States v.*,” although the actual opinions are styled “*United States v. Accused*”). The citation also included the court-martial docket number but did not include the year of the decision or name the Board of Review. However, other services use similar names for their Board of Review reporters, creating ambiguity in the joint context. *The PurpleBook* favors a more modern and helpful approach and is consistent with the relatively rare more recent citations to the pre-UCMJ Boards of Review.

²⁸ The year should be the year of the volume of the published opinion, not the year of the court-martial (which is typically indicated in the Board of Review opinions, whereas the date the opinion was issued typically is not).

Citation Guide

¶ 3.2.2.2.2. *1951 to 1968*. With the adoption of the Uniform Code of Military Justice, on 31 May 1951, Article 66 reestablished the Boards of Review to act as the intermediate appellate tribunals for each armed force. The Boards of Review sat as panels of not less than three officers or civilians, each of whom was a licensed attorney. Published opinions of the Boards of Review appeared in the Court-Martial Reports (abbreviated as “C.M.R.”). There were four Boards of Review, Army, Navy, Air Force, and Coast Guard. The names of the Service Boards of Review are parenthetically indicated—along with the year of the decision—and are abbreviated in citations as:

- ◆ A.B.R.
- ◆ N.B.R.
- ◆ A.F.B.R.
- ◆ C.G.B.R.

United States Service Boards of Review Citation Forms

Case Name, | # C.M.R. #, | pinpoint # | (A.B.R. | Year).

Case Name, | # C.M.R. #, | pinpoint # | (N.B.R. | Year).

Case Name, | # C.M.R. #, | pinpoint # | (A.F.B.R. | Year).

Case Name, | # C.M.R. #, | pinpoint # | (C.G.B.R. | Year).

Examples

- ◆ *United States v. Soubik*, 5 C.M.R. 174 (A.B.R. 1952).
- ◆ *United States v. Schatz*, 40 C.M.R. 934 (N.B.R. 1969).
- ◆ *United States v. Morris*, 5 C.M.R. 373 (A.F.B.R. 1952).
- ◆ *United States v. Smyth*, 40 C.M.R. 971 (C.G.B.R. 1968).

¶ 3.2.2.2.3. *1968 to 4 October 1994*. The Military Justice Act of 1968 made significant changes to the Uniform Code of Military Justice, among them was transforming the Boards of Review into Courts of Military Review and the members on the Boards of Review into appellate military judges. The opinions of the Service Courts of Military Review contin-

Citation Guide

ued to be published in the Court-Martial Reports, through volume 50. Since 1975, all published Court of Military Review opinions are reported in the Military Justice Reporter.²⁹ The names of the Service Courts of Military Review are parenthetically indicated—along with the year of the decision—and are abbreviated in citations as:

- ◆ A.C.M.R.
- ◆ N.C.M.R. <1968-1981>
- ◆ N.M.C.M.R. <1982-1994>
- ◆ A.F.C.M.R.
- ◆ C.G.C.M.R.

United States Service Courts of Review Citation Forms

Case Name, | # C.M.R. #, | pinpoint # | (A.C.M.R. | Year). <1968–1974>

Case Name, | # M.J. #, | pinpoint # | (A.C.M.R. | Year). <1975–1994>

Case Name, | # C.M.R. #, | pinpoint # | (N.C.M.R. | Year). <1968–1974>

Case Name, | # M.J. #, | pinpoint # | (N.C.M.R. | Year). <1975–1981>

Case Name, | # M.J. #, | pinpoint # | (N.M.C.M.R. | Year). <1982–1994>

Case Name, | # C.M.R. #, | pinpoint # | (A.F.C.M.R. | Year). <1968–1974>

Case Name, | # M.J. #, | pinpoint # | (A.F.C.M.R. | Year). <1975–1994>

Case Name, | # C.M.R. #, | pinpoint # | (C.G.C.M.R. | Year). <1968–1974>

Case Name, | # M.J. #, | pinpoint # | (C.G.C.M.R. | Year). <1975–1994>

Examples

- ◆ *United States v. Burge*, 50 C.M.R. 200 (N.C.M.R. 1975).
- ◆ *United States v. Gill*, 50 C.M.R. 206 (A.F.C.M.R. 1975).
- ◆ *United States v. Whitmore*, 50 C.M.R. 537 (C.G.C.M.R. 1975).
- ◆ *United States v. Moreno*, 25 M.J. 523 (A.C.M.R. 1987).

²⁹ Any opinions published in both the Court-Martial Reports and the Military Justice Reporter, should be cited only to the Military Justice Reporter.

Citation Guide

- ◆ *United States v. D’Aiello*, 7 M.J. 539 (N.C.M.R. 1979)
- ◆ *United States v. Brown*, 25 M.J. 793 (N.M.C.M.R. 1987).
- ◆ *United States v. Merrill*, 25 M.J. 501 (A.F.C.M.R. 1987).
- ◆ *United States v. Beckermann*, 25 M.J. 870 (C.G.C.M.R. 1988).

¶ 3.2.2.2.4. *5 October 1994 to Present*. Effective 5 October 1994, the Service Courts of Military Review were renamed the Service Courts of Criminal Appeals, abbreviated in citations as:

- ◆ Army Ct. Crim. App.
- ◆ N-M. Ct. Crim. App.
- ◆ A.F. Ct. Crim. App.
- ◆ C.G. Ct. Crim. App.

☒ Although The Bluebook abbreviates the Army Court of Criminal Appeals as **A.** Ct. Crim. Appeals (**T1.1 at 230**), *The Bluebook* defers to local rules (see **T1 at 227**) and the Army Court of Criminal Appeals prefers “**Army**” vs. “**A.**”

United States Service Courts of Criminal Appeals Citation Forms

Case Name, | # M.J. #, | pinpoint # | (Army Ct. Crim. App. | Year).

Case Name, | # M.J. #, | pinpoint # | (N-M. Ct. Crim. App. | Year).

Case Name, | # M.J. #, | pinpoint # | (A.F. Ct. Crim. App. | Year).

Case Name, | # M.J. #, | pinpoint # | (C.G. Ct. Crim. App. | Year).

Examples

- ◆ *United States v. Bergdahl*, 79 M.J. 512 (Army Ct. Crim. App. 2019), *aff’d*, 80 M.J. 230 (C.A.A.F., Aug. 27, 2020).
- ◆ *In re A.J.W.*, 80 M.J. 737 (N-M. Ct. Crim. App. 2021), *review denied*, ___ M.J. ___, No. 21-0141/MC, 2021 CAAF LEXIS 264 (C.A.A.F. Mar. 25, 2021).
- ◆ *United States v. McDaniel*, 80 M.J. 555, 558-59 (A.F. Ct. Crim. App. 2020), *review denied*, 80 M.J. 365 (C.A.A.F. 2020).

The PurpleBook

Citation Guide

◆ *United States v. Weiser*, 80 M.J. 635 (C.G. Ct. Crim. App. 2020), *review denied*, ___ M.J. ___, No. 21-0058/CG, 2021 CAAF LEXIS 408 (C.A.A.F. Apr. 27, 2021).

Table 3-2. Service Courts of Criminal Appeals Current Opinion Types

L/W: Available on Lexis and Westlaw? (*By Exception)

† Precedential?

Label	L/W	Meaning	†
Army Court of Criminal Appeals			
<i>Opinion of the Court</i>	Yes	Published in MJ Reporter. (Same as other CCA <i>Published</i> .)	Yes
<i>Memorandum Opinion</i>	Yes	Unpublished opinion either identifying the author judge or per curiam. <i>Not the same as The Bluebook R10.6.1(b) memorandum (“mem.”):</i> The abbreviation “mem.” stands for the word “memorandum” and should be used in a parenthetical if, and only if, a court disposition was issued without an opinion. District court and other opinions denominated “memorandum decisions” are not designated “mem.”	No
<i>Summary Disposition</i>	Yes	May be authored or per curiam. Differs from a <i>Memorandum Opinion</i> in the limited manner in which the dispositive issues are discussed and in the abbreviated explanation of the basis of the decision.	No
<i>Short Form Affirmance</i>	No	Short decision (typically 1 paragraph). May have been submitted on the merits or with one or more issues, in particular, <i>Grostefon</i> issues.	No

The PurpleBook

Citation Guide

L/W: Available on Lexis and Westlaw? (*By Exception)

† Precedential?

Label	L/W	Meaning	†
<i>Navy-Marine Corps Court of Criminal Appeals</i>			
<i>Published</i>	Yes	Published in MJ Reporter. (Usually identifies the author judge. May, rarely, include published per curiam opinions and, even more rarely, a published order. Same as ACCA <i>Opinion of the Court.</i>)	Yes
<i>Authored</i>	Yes	Unpublished opinion with issues either identified by the appellant or specified by NMCCA and which identifies the author judge.	No
<i>Per Curiam</i>	Yes	Unpublished opinion with issues either identified by the appellant or specified by NMCCA., which does <i>not</i> identify the author judge. (<i>Not</i> the same as AFCCA <i>Per Curiam</i> , in that it always involves issues, assigned by the appellant or specified by NMCCA.)	No
<i>Summary Disposition</i>	Yes	Cases submitted by the appellant on the merits cases that NMCCA has not thereafter specified issues. Typically one paragraph, unless the court finds a minor paperwork fix to the Entry of Judgment or convening authority's Action / court-martial Order. (<i>Not</i> the same as an ACCA <i>Summary Disposition.</i>)	No
<i>Order</i>	No*	Not technically an opinion, but an order remanding the case (typically for correction of post-trial paperwork), in which case the case will return for continuation of appellate review (with an opinion) or granting a motion to withdrawal, in which case the case is over. (<i>Not necessarily</i> the same as CGCCA <i>Order</i> , in that NMCCA Orders do not include substantive dispositions, granting or denying, a Petition for Extraordinary Relief, which would instead result in an NMCCA <i>Published, Authored, or Per Curiam</i> opinion.)	No

The PurpleBook

Citation Guide

L/W: Available on Lexis and Westlaw? (*By Exception)

† Precedential?

Label	L/W	Meaning	†
<i>Air Force Court of Criminal Appeals</i>			
<i>Published</i>	Yes	Published in MJ Reporter. (Same as ACCA <i>Opinion of the Court</i>)	Yes
<i>Unpublished</i>	Yes	Unpublished opinion identifying the author judge.	No
<i>Per Curiam</i>	Yes	Unpublished opinion not identifying an author judge. Generally uses a simplified format rather than the standard “long form” opinion format. (<i>Not</i> the same as NMCCA <i>Per Curiam</i> , as may also include cases without any issues identified by the appellant or specified by AFCCA.)	No
<i>Order</i>	Yes	For orders that dispose of a case only.	No
<i>Coast Guard Court of Criminal Appeals</i>			
<i>Published</i>	Yes	Published in MJ Reporter. (Same as ACCA <i>Opinion of the Court</i> .)	Yes
<i>Unpublished</i>	Yes	Unpublished opinion either identifying the author judge or per curiam. (<i>Not</i> the same as AFCCA <i>Unpublished</i> , which does not include per curiam decisions.)	No
<i>Merits</i>	No	Very short opinion following case submitted on the merits. (Same as NMCCA <i>Summary Disposition</i> .)	No
<i>Order</i>	No*	Substantive dispositions (grant / deny) for a Petition for Extraordinary Relief.	No

Citation Guide

¶ 3.2.3. *Court of Military Commission Review*. In October 2006, the President signed into law the 2006 Military Commissions Act, which created the Court of Military Commission Review, composed of military appellate judges or civilians with “comparable qualifications.” The Court’s opinions are reported in the Federal Supplement.

Court of Military Commission Review Citation Form

Case Name, | # Fed. Supp. 3d #, | pinpoint # | (C.M.C.R. | Year).

Examples

- ◆ *United States v. Al-Qosi*, 28 F. Supp. 3d 1198, 1200 (C.M.C.R. 2014).
- ◆ *In re Al-Tamir*, 455 F. Supp. 3d 1273, 1314 (C.M.C.R. 2020).

¶ 3.3. *United States Constitution*. (R11; B11)

¶ 3.3.1. *Generally*. Cite the constitution as “U.S. Const.” followed by the lowercase abbreviated subdivision cited. (T16) **Do not** use a short form, other than *id.* Do not include a year, except to indicate subsequent repeal or amendment.

¶ 3.3.2. *References in Text*. In text, capitalize and do not abbreviate any part of the United States Constitution. See ¶ 2.2.8 above.

United States Constitution Citation Form

U.S. Const. | <art.> or <amend.> | <, §#> | <, cl. #>.

United States Constitution Text Reference Forms

Article # | <, Section #> | <, Clause #>

Name | Clause

| Amendment

Citation Guide

Examples

- ◆ U.S. Const. amend. V.
- ◆ U.S. Const. art. IV, § 1.

Reference in Text

Congress also has the more general enumerated power of the purse and authority to pass such laws as are “necessary and proper” to effectuate its enumerated authorities. U.S. Const. art. I, § 8, cl. 18. The Supreme Court has noted that the war powers provide “considerably more extensive” authority than Article I, Section 8, Clause 14 alone.

Before analyzing the scope of the Fourth Amendment, we think it significant to note that it operates in a different manner than the Fifth Amendment, which is not at issue in this case.

Where a military judge gives a propensity instruction that explicitly refers to the preponderance of the evidence standard, this Court cannot deny that the military judge’s muddled instructions potentially implicated fundamental conceptions of justice under the Due Process Clause and heightened the risk that the members would apply an impermissibly low standard of proof.

Appellant raises one assignment of error: the Equal Protection Clause and the Due Process Clause of the Fifth Amendment to the Constitution were violated because Appellant was selectively prosecuted due to his race.

Appellant raises one issue on appeal: whether his due process rights were violated when the Government argued the victim was incapable of consenting to a kiss due to impairment by alcohol when Appellant was charged with causing bodily harm.

It is well-established in case law that, as a matter of military due process, servicemembers are entitled to investigative or other expert assistance when necessary for an adequate defense, without regard to indigency.

¶ 3.4. *Uniform Code of Military Justice.*

¶ 3.4.1. *Generally.* 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, provide a full parallel citation to the United States Code, followed by the proper short form citation in

Citation Guide

brackets. **(R12)** If citing to the current version of the UCMJ, or to an earlier version that is unchanged from the current version, do *not* include the United States Code date, unless the opinion or brief cites to multiple versions of the UCMJ or the date is otherwise significant. **(R12.3.2)** References to the UCMJ in text are a shorter form of the citation format, but the textual sentence should be followed by the remaining elements of the full citation. If it is clear that a particular “Article” refers to the UCMJ, “UCMJ” may be omitted.

- ☒ Although *The Bluebook* abbreviates and lower cases “Article” in citations **(T16)**, given the central importance of the Articles of the UCMJ to military justice and the long-standing citation form in use at the U.S. Court of Appeals for the Armed Forces, when referring to the UCMJ, “Article” should always be written in full and in upper case.

UCMJ Citation Forms

Current Version

Article #, | Uniform Code of Military Justice | <[UCMJ]> | 10 U.S.C. §#.

Prior Version (No Other Versions Cited in Document)

Article #, | Uniform Code of Military Justice | <(Year)> or <(Supp. # Year)>
or <(Year1 & Supp. # Year2)> | <[UCMJ]> | 10 U.S.C. §#.

Prior Version (Multiple Versions Cited in Document)

Article #, | Uniform Code of Military Justice | <(Year)> or <(Supp. # Year)>
or <(Year1 & Supp. # Year2)> | <[UCMJ (Year)]> or <[UCMJ (Supp. #
Year)]> or <[UCMJ (Year1 & Supp. # Year2)]> | 10 U.S.C. §#.

UCMJ Text Reference Forms

First Reference

Article #, | Uniform Code of Military Justice | [UCMJ] | . . . 10 U.S.C. §#.

Subsequent References

Article #, | UCMJ or

Article #

Citation Guide

Examples

Current Version

Full Citation

- ◆ Article 91, Uniform Code of Military Justice [UCMJ], 10 U.S.C. § 891.
- ◆ Articles 59 & 66, Uniform Code of Military Justice [UCMJ]. 10 U.S.C. §§ 859, 866.

Short Form

- ◆ Article 91, UCMJ.
- ◆ Articles 59 & 66, UCMJ.

A Prior Version

(cited language appears only in the supplement)

Full Citation

- ◆ Article 120, Uniform Code of Military Justice [UCMJ], 10 U.S.C. § 920 (Supp. V 2012).

Short Form

- ◆ Article 120, UCMJ.

A Prior Version

(cited language appears in part in the main 2012 edition and in part in the supplement)

Full Citation

- ◆ Article 120, Uniform Code of Military Justice [UCMJ], 10 U.S.C. § 920 (2012 & Supp. III 2016).

Short Form

- ◆ Article 120, UCMJ.

Multiple Versions of the UCMJ Cited in the Document

Full Citation

- ◆ Article 120(a)(1), Uniform Code of Military Justice, 10 U.S.C. § 920(a)(1) (2018) [UCMJ (2018)] . . . Article 120(b)(1)(B), UCMJ, 10 U.S.C. § 920(b)(1)(B) (Supp. IV 2017) [UCMJ (Supp. IV 2017)].

Citation Guide

Short Form

Appellant was convicted, contrary to his pleas, of one specification of rape using unlawful force, in violation of Article 120(a)(1), UCMJ (2018); and of three specifications of sexual assault by bodily harm through lack of consent, in violation of Article 120(b)(1)(B), UCMJ (Supp. IV 2017).

Reference in Text

A general court-martial composed of officer members convicted Appellant, contrary to his pleas, of two specifications of dereliction of duty by willfully failing to refrain from pursuing an unprofessional sexual relationship with two junior Airmen, including Airman First Class (E-3) [A1C] Golf,¹ in violation of Article 92(3), Uniform Code of Military Justice [UCMJ];² two specifications of dereliction of duty by willfully failing to refrain from pursuing an unprofessional dating relationship with two other junior Airmen, also in violation of Article 92(3); and one specification of sexual assault of A1C Golf, in violation of Article 120, UCMJ.

¹ All names in this opinion, other than those of Appellant, the judges, and counsel, are pseudonyms.

² 10 U.S.C. § 892(3).

R.C.M. 1001A is the President's implementation of Article 6b, which was added to the UCMJ by the National Defense Authorization Act for Fiscal Year 2014 [FY 2014 NDAA].⁷

⁷ Pub. L. No. 11333, § 1701(b)(2)(A), 127 Stat. 672, 953–54 (2013).

¶ 3.4.2. *Determining the Appropriate Version.*

¶ 3.4.2.1. Normally cite only to the main edition, e.g., “(2018).” Do not cite to any subsequent supplements, unless the relevant version ***was changed in a supplement*** after the main edition was released.

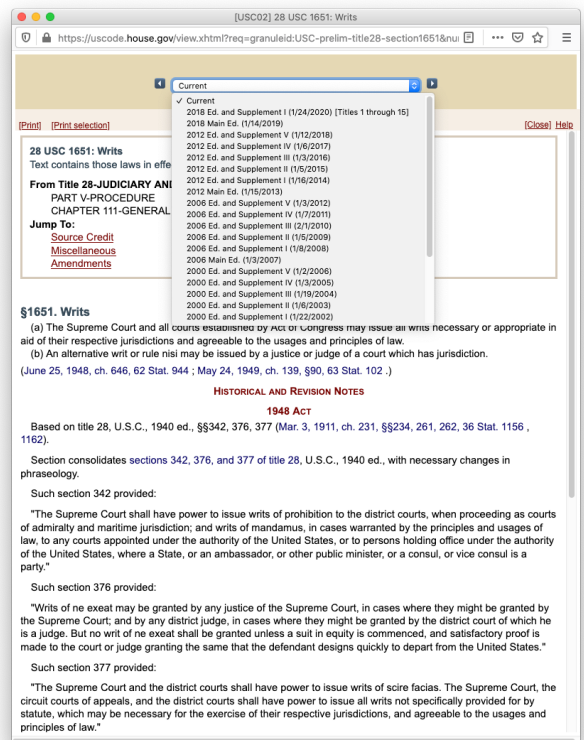
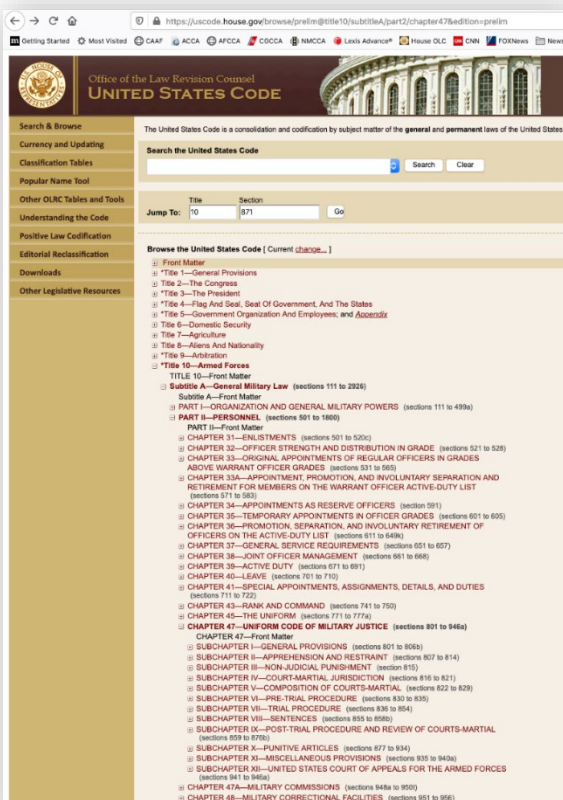
¶ 3.4.2.2. The year of a UCMJ edition and that of a supplement edition are ***not*** the same as the year of the *Manual for Courts-Martial*. When citing the year of the UCMJ, cite to the ***edition year*** of the United States Code. ***The edition year is not necessarily (and usually is not) the date it was released.*** For example, the 2018 edition of the United States

Citation Guide

Code was released on January 14, 2019. OLRC website (*see below*) can provide the correct edition year.

¶ 3.4.2.3. If *all* of the cited provision is contained in the supplement, cite only to the supplement. However, if the cited provision *also* contains language in the main edition that was not changed by the supplement, cite to *both* the main edition *and* the relevant supplement number and the year the supplement was released. Again, the year the supplement was released is *not necessarily the year the underlying statute was enacted*, e.g., “(2018 & Supp. I 2020).” (R3.1(c); R12.3.2)

¶ 3.4.2.4. Cite to only the supplement version that made the relevant change, even if there are more recent supplements. The relevant edition and supplement may be located through the Office of the Law Revision Counsel’s [OLRC] website: <http://uscode.house.gov/> From the main OLRC website enter the title and section number in the “jump to” boxes and click “go.” Then select the version of the Code from the drop-down menu to verify its contents.



¶ 3.4.3. *Historical Fact*. To cite the historical fact of enactment, amendment, or repeal of a provision of the UCMJ (or another statute), cite (1) the official name of the statute; (2) the public law number; (3) the section number, if any; (4) the volume number, followed by “Stat.” and the number of the first page of the act; (5) the year the statute was passed (unless the

Citation Guide

name of the act includes the year of enactment—note, however, since the title of the National Defense Authorization Act and Defense Appropriation Act typically include a reference to the *fiscal* year, always include the *calendar* year these acts are passed, even when it is the same as the fiscal year in the title); and (6) a parenthetical reference to the current version of the official code. (**R12.1.1**; **B12.2.2(b)**; **B12.3.1**)

¶ 3.4.4. *Citing Statutes No Longer in Force*. Statutes which have been repealed should be cited to the official code if they still appear therein; otherwise, cite to the last edition of the code in which the statute appeared. The fact that the statute was repealed must be noted parenthetically. (**R12.2.1(b)**)

UCMJ Historical Fact Citation Form

Current Version

<National Defense Authorization Act for Fiscal Year #,> or <Other Statute Name,> | Pub. L. No. #-#, | pinpoint §, | # Stat. #, | pinpoint # | (Year) | (codified as 10 U.S.C. §#) | <[Short Form]>.

No Longer in Force

<National Defense Authorization Act for Fiscal Year #,> or <Other Statute Name,> | Pub. L. No. #-#, | pinpoint §, | # Stat. #, | pinpoint # | (Year) | (codified as 10 U.S.C. §#) | <[Short Form]>.

Examples

In 1996, Congress amended Article 57 and enacted Article 58b, Uniform Code of Military Justice, Pub. L. No. 104-106, §§ 1121, 1122, 110 Stat. 462, 463, as amended by, Pub. L. No. 104-201, § 1068, 110 Stat. 2655 (1996) (codified as 10 U.S.C. § 858b).

Historically, private consensual sodomy between adults was a crime punishable by a dishonorable discharge and 5 years confinement. Article 125, UCMJ, 10 U.S.C. § 925 (repealed 2013). *See* National Defense Authorization Act for Fiscal Year 2014, Pub. L. No. 113-66, § 1707, 127 Stat. 672, 961 (2013) [FY 2014 NDAA].

Citation Guide

Prior to January 2019, our appellate jurisdiction was limited to review of courts-martial findings and sentences where the sentence approved by the convening authority included death, a punitive discharge, or confinement for one year or more.⁸ Effective 1 January 2019, the Military Justice Act of 2016 [MJA 16] amended post-trial procedures for cases referred to court-martial after that date.⁹

⁸ Article 66(b), Uniform Code of Military Justice, 10 U.S.C. § 866(b) (2012 & Supp. V 2018) [UCMJ (2012 & Supp. V)].

⁹ National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, §§ 5321–38, 5542, 130 Stat. 2000, 2923–37, 2967–68 (2016) (codified as 10 U.S.C. §§ 860–70) [FY 2017 NDAA]. *See also* Exec. Order 13,825, 83 Fed. Reg. at 9,889, sec. 3(d).

¶ 3.5. Manual for Courts-Martial.

¶ 3.5.1. *Generally.*

¶ 3.5.1.1. The *Manual for Courts-Martial* [MCM] is a presidential document promulgated by executive order and includes the Preamble (Part I), the Rules for Courts-Martial (Part II), the Military Rules of Evidence (Part III), the Punitive Articles (Part IV), and the Nonjudicial Punishment Procedure (Part V).

¶ 3.5.1.2. In addition, the Department of Defense, in conjunction with the Department of Homeland Security, publishes *supplementary materials to accompany* the MCM. These include Discussions embedded within Parts II and III and various appendices—including Analysis of Rules for Courts-Martial, Analysis of the Military Rules of Evidence, Analysis of Punitive Articles, Analysis of Nonjudicial Punishment Procedure, and Lesser Included Offenses. With the exception of Appendix 12A of the 2019 MCM, Presidentially-Prescribed Lesser Included Offenses, *these supplementary materials do not independently have the force of law.*

¶ 3.5.1.3. If there is a need to establish a short form (the citation will be repeated later in the document) include the edition year of the MCM (without “ed.”) in the short form *only if* the document cites multiple editions of the MCM.

¶ 3.5.2. *Punitive Articles.*

¶ 3.5.2.1. Provide the year in the short form only if citing to a version other than the current version of the *Manual for Courts-Martial* or if citing to multiple versions.

Citation Guide

¶ 3.5.2.2. **Do not** cite to the Punitive Articles for the text of the statute. Cite instead to the UCMJ. Cite paragraphs in the *Manual for Courts-Martial* using the “para.” abbreviation and not the paragraph symbol (¶). (**R3.3**)

¶ 3.5.2.3. When citing to the Punitive Articles for older sexual offenses, cite to the version in the *Manual for Courts-Martial* in effect at the time of the court-martial. In other words, cite to the then-current *Manual* Appendix, rather than an older edition of the *Manual for Courts-Martial* in which the offense appeared in Part IV.

¶ 3.5.2.4. References to the *Manual for Courts-Martial* in text are a slightly shorter form of the citation format, (omitting the page number). Once defined, the abbreviation “MCM” may be used in text, except at the beginning of a sentence. See ¶ 2.5.4 above.

Punitive Articles Citation Forms

Current Version (No Other Versions Cited)

Manual for Courts-Martial, United States | (2019 ed.) | <[MCM]>, | pt. IV, | para. # | at IV-#.

Prior Version or Multiple Versions Cited

Manual for Courts-Martial, United States | (Year ed.) | <[MCM <(Year)>]>, | pt. IV, | para. # | at IV-#.

Older Sexual Offenses

Manual for Courts-Martial, United States | (Year ed.) | <[MCM <(Year)>]>, | app. #, | Punitive Articles Applicable to Sexual Offenses Committed # | at A#-#.

Punitive Articles Text Reference Forms

First Reference

Manual for Courts-Martial, United States | (2019 ed.) | [MCM], | pt. IV, | para. #

Subsequent References

MCM, | pt. IV, | para. #

Citation Guide

Examples

- ◆ *Manual for Courts-Martial, United States* (2019 ed.) [*MCM*], pt. IV, para. 60.b.(1)(a) at IV-85.
- ◆ *Manual for Courts-Martial, United States* (2019 ed.) [*MCM* (2019)], pt. IV, para. 60.b.(2)(b) at IV-85 to -86.
- ◆ *Manual for Courts-Martial, United States* (2016 ed.) [*MCM* (2016)], pt. IV, para. 54.c.(1)(a) at IV-101.
- ◆ *Manual for Courts-Martial, United States* (2019 ed.) [*MCM*], app. 22, Punitive Articles Applicable to Sexual Offenses Committed Between 12 June 2012 and 31 December 2018, para. 45.b.(1)(a)(i) at A22-2.

Short Form

- ◆ *MCM*, pt. IV, para. 60.b.(1)(a) at IV-85.
- ◆ *MCM* (2019), pt. IV, para. 60.b.(2)(b) at IV-85 to -86.
- ◆ *MCM* (2016), pt. IV, para. 54.c.(1)(a) at IV-101.
- ◆ *MCM*, app. 22, para. 45.b.(1)(a)(i) at A22-2.

Reference in Text

At the time of the offense in 2014, the President had not yet addressed the elements of sexual offenses under Article 120, UCMJ, in pt. IV of the *MCM*. See *MCM*, pt. IV, para. 54 Note (2012 ed.). The President issued the description of elements in 2016. We conclude that the 2016 description is the proper interpretation of Article 120(d), UCMJ, at the time of the offense.

MCM, pt. IV, para. 60.c.(6)(c) refers to offenses described by the President within Article 134, UCMJ, as “listed offenses,” whereas *MCM*, pt. IV, para. 60.c.(5)(a) refers to offenses outside of Article 134 as “covered” by the other punitive articles in the context of the preemption doctrine.

¶ 3.5.3. *Military Rules of Evidence*. Provide the year only if citing to a version other than the current version of the Mil. R. Evid. or if citing to multiple versions. (R12.9.3) References to the Military Rules of Evidence in text are essentially the same as the citation format. Once defined, the abbreviation “Mil. R. Evid.” may be used in text, except at the beginning of a sentence. See ¶ 2.5.4 above.

Citation Guide

Military Rules of Evidence Citation Forms

Current Version (No Other Versions Cited)

Military Rule of Evidence | <[Mil. R. Evid.]> | #.

Current Version (Other Versions Cited)

Military Rule of Evidence, | *Manual for Courts-Martial, United States* | (2019 ed.) | <[Mil. R. Evid. (2019)]> | #.

Version No Longer in Force

Military Rule of Evidence, | *Manual for Courts-Martial, United States* | (Year ed.) | <[Mil. R. Evid. (Year)]> | # | (repealed Year).

Military Rules of Evidence Text Reference Forms

First Reference

Military Rule of Evidence | [Mil. R. Evid.] | #

Subsequent References

Mil. R. Evid. | #

Examples

- ◆ Military Rule of Evidence [Mil. R. Evid.] 403.
- ◆ Military Rule of Evidence, *Manual for Courts-Martial, United States* (2019 ed.) [Mil. R. Evid. (2019)] 412(b).
- ◆ Military Rule of Evidence, *Manual for Courts-Martial, United States* (2016 ed.) [Mil. R. Evid. (2016)] 412(b) (repealed 2018).

Short Form

- ◆ Mil. R. Evid. 403.
- ◆ Mil. R. Evid. 412(b) (2019)
- ◆ Mil. R. Evid. 412(b) (2016)

Citation Guide

Not

◆ M.R.E. 403.³⁰

◆ MRE 403.

Reference in Text

Trial defense counsel asserted that Ms. Lima’s proposed testimony was privileged as a confidential communication under Military Rule of Evidence [Mil. R. Evid.] 504(b). In a separate motion in limine, the Government sought to introduce Ms. Lima’s testimony under Mil. R. Evid. 404(b) as evidence of Appellant’s sexual intent.

¶ 3.5.4. *Rules for Courts-Martial*. Provide the year only if citing to a version other than the current version of the Rules for Courts-Martial or if citing to multiple versions. **(R12.9.3)** Unlike the Military Rules of Evidence, the expiration or repeal of the Rules for Courts-Martial is complicated. For example, many Rules for Courts-Martial prior to the Military Justice Act of 2016 continue to apply to courts-martial even after its effective date, depending upon the dates of the alleged offenses, referral to trial, and other significant events, and—in some cases—upon the elections of the accused. Therefore, do not indicate a repeal date in the full citation. References to the Rules for Courts-Martial in text are essentially the same as the citation format. Once defined, the abbreviation “R.C.M.” may be used in text, except at the beginning of a sentence. See ¶ 2.5.4 above.

Rules for Courts-Martial Citation Forms

Current Version (No Other Versions Cited)

Rule for Courts-Martial | <[R.C.M.]> | #.

Prior Version or Multiple Versions Cited

Rule for Courts-Martial, | *Manual for Courts-Martial, United States* | (Year ed.) | <[R.C.M. (Year)]> | #.

³⁰ While some practitioners prefer “M.R.E.” (or “MRE”), the Military Rules of Evidence themselves use *The Bluebook* standard form “Mil. R. Evid.” See Mil. R. Evid. 101(a) (“These rules apply to courts-martial proceedings to the extent and with the exceptions stated in Mil. R. Evid. 1101.”).

Citation Guide

Rules for Courts-Martial Text Reference Forms

First Reference

Rule for Courts-Martial | [R.C.M.] | # **or**

Rule for Courts-Martial, | *Manual for Courts-Martial, United States* | (Year ed.) | <[R.C.M. (Year)]> | #

Subsequent References

R.C.M. | <(Year)> | #

Examples

- ◆ Rule for Courts-Martial [R.C.M.] 707(a)(1).
- ◆ Rule for Courts-Martial, *Manual for Courts-Martial, United States* (2019 ed.) [R.C.M. (2019)] 917(a).
- ◆ Rule for Courts-Martial, *Manual for Courts-Martial, United States* (2016 ed.) [R.C.M. (2016)] 917(a) (repealed 2018).

Short Form

- ◆ R.C.M. 707(a)(1).
- ◆ R.C.M. 917(a) (2019)
- ◆ R.C.M. 917(a) (2016)

Not

- ◆ RCM 707(a)(1).³¹

³¹ While some practitioners prefer “RCM” (like “UCMJ”), the Rules for Courts-Martial themselves stipulate that “R.C.M.” is the proper citation form. See R.C.M. 101(b) (“These rules may be known and cited as the Rules for Courts-Martial (R.C.M.)”).

Citation Guide

Reference in Text

We will not second guess the actions of either the SJA or the convening authority as long as the record shows (1) the convening authority consulted with the staff judge advocate or legal advisor,³² and (2) the convening authority considered matters timely submitted under R.C.M. 1106 and 1106A before taking or declining to take action.³³

³² R.C.M. 1109(d)(2).

³³ R.C.M. 1109(d)(3)(A).

¶ 3.5.5. *Supplementary Materials*. (R3.4)

¶ 3.5.5.1. *Immediate Use of Short Form*. If you cite the Drafters' Analysis of multiple Rules for Courts-Martial, you may use the short form for the second and subsequent R.C.M. Analysis cited. The same is true for the Drafters' Analysis of multiple Military Rules of Evidence or multiple punitive articles.

¶ 3.5.5.2. *Drafters' Analysis*. Unlike the Drafters' Analysis of the Rules for Courts-Martial and the Military Rules of Evidence the Drafters' Analysis of the punitive articles are separated by numbered paragraphs. Accordingly, cite to the paragraph and page. (R3.3)

¶ 3.5.5.3. *Lesser Included Offenses*. The Lesser Included Offenses in Appendix 12A of the 2019 *MCM* are presidentially prescribed, unlike the those of previous *MCMs*. While not being presidentially prescribed or carrying the force of law, the 2016 *MCM* also includes a list lesser included offenses in Appendix 12A and may be cited there. Prior *MCMs* included the (non-binding) list of lesser included offense in the punitive articles (Part IV of the *MCM*).

¶ 3.5.5.4. *Maximum Punishment Chart*. Do **not** cite to Appendix 12, Maximum Punishment Chart. Rather cite to Part IV of the *MCM* and / or R.C.M. 1003.

¶ 3.5.5.5. *References in Text*. References to supplementary materials in text are not abbreviated, but use the short form—even for the first reference. As a result, if referencing in text, establishing the short form is mandatory if not previously provided and, if not previously cited, the text reference should be followed by the remaining elements of the full citation, including the full citation to the *MCM* if not previously provided. As there is no short form for the R.C.M. and Mil. R. Evid. Discussion, the only difference is whether “R.C.M.” and “Mil. R. Evid.” have been previously established as short forms.

Citation Guide

MCM Supplementary Materials Citation Forms

Non-Binding Disposition Guidance

Manual for Courts-Martial, United States | (2019 ed.) | <[MCM <(2019)>]>, | app. 2.1, | Non-Binding Disposition Guidance | <[Disposition Guidance]>, | para. # | at A2.1-#.

Presidentially-Prescribed Lesser Included Offenses (2019)

Manual for Courts-Martial, United States | (2019 ed.) | <[MCM <(2019)>]>, | app. 12A, | Presidential-Prescribed Lesser Included Offenses | <[Prescribed LIOs]> | at A12A-#.

Lesser Included Offenses (2016)

Manual for Courts-Martial, United States | (Year ed.) | <[MCM <(2016)>]>, | app. 12A, | Lesser Included Offenses | <[LIOs]> | at A12A-#.

Lesser Included Offenses (Pre-2016)

Manual for Courts-Martial, United States | (Year ed.) | <[MCM <(Year)>]>, | pt. IV, | para. # | at IV-#.

Drafters' Analysis

Manual for Courts-Martial, United States | (Year ed.) | <[MCM <(Year)>]>, | app. #, | Analysis of Rules for Courts-Martial | <[R.C.M. # Drafters' Analysis]> | at A#-#.

Manual for Courts-Martial, United States | (Year ed.) | <[MCM <(Year)>]>, | app. #, | Analysis of the Military Rules of Evidence | <[Mil. R. Evid. # Drafters' Analysis]> | at A#-#.

Manual for Courts-Martial, United States | (Year ed.) | <[MCM <(Year)>]>, | app. #, | Analysis of the Punitive Articles | <[Article # Drafters' Analysis]>, | para. # | at A#-#.

Discussion

Rule for Courts-Martial | <[R.C.M.]> | # | Discussion.

Military Rule of Evidence | <[Mil. R. Evid.]> | # | Discussion.

Citation Guide

MCM Supplementary Materials Text Reference Forms

First Reference

<MCM, R.C.M., Mil. R. Evid. previously cited; if not provide full cite>

Disposition Guidance | *MCM* <(2019)>, | app. 2.1, | Non-Binding
Disposition Guidance | [Disposition Guidance], | para. # | at A2.1-#.

Prescribed LIOs of <Offense> | *MCM* <(2019)>, | app. 12A, |
Presidentially-Prescribed Lesser Included Offenses | [Prescribed LIOs] | at
A12A-#.

LIOs of <Offense> | *MCM* <(2016)>, | app. 12A, | Lesser Included
Offenses | [LIOs] | at A12A-#.

LIOs of <Offense> | *MCM* <(2016)>, | pt. IV, | para. #.

R.C.M. # Drafters' Analysis | *MCM* <(Year)>, | app. #, | Analysis of
Rules for Courts-Martial | [R.C.M. # Drafters' Analysis] | at A#-#.

Mil. R. Evid. # Drafters' Analysis | *MCM* <(Year)>, | app. #, | Analysis
of the Military Rules of Evidence | <[Mil. R. Evid. # Drafters' Analysis]> | at
A#-#.

Article # Drafters' Analysis | *MCM* <(Year)>, | app. #, | Analysis of the
Punitive Articles | <[Article # Drafters' Analysis]>, | para. # | at A#-#.

R.C.M. | # | Discussion

Mil. R. Evid. | # | Discussion

Subsequent References

Disposition Guidance | *MCM* <(2019)>, | app. 2.1, | para. #.

Prescribed LIOs of <Offense> | *MCM* <(2019)>, | app. 12A | at A12A-#.

LIOs of <Offense> | *MCM* <(2016)>, | app. 12A | at A12A-#.

LIOs of <Offense> | *MCM* <(Year)>, | pt. IV, | para. # | at IV-#.

R.C.M. # Drafters' Analysis | *MCM* <(Year)>, | app. # | at A#-#.

Mil. R. Evid. # Drafters' Analysis | *MCM* <(Year)>, | app. # | at A#-#.

Article # Drafters' Analysis | *MCM* <(Year)>, | app. #, | para. # | at A#-
#.

Citation Guide

R.C.M. | # | Discussion

Mil. R. Evid. | # | Discussion

Examples

MCM Not Previously Cited

- ◆ *Manual for Courts-Martial, United States* (2019 ed.) [MCM], app. 2.1, Non-Binding Disposition Guidance [Disposition Guidance], para. 3.3 at A2.1-3 to -4.
- ◆ *Manual for Courts-Martial, United States* (2019 ed.) [MCM], app. 12A, Presidentially-Prescribed Lesser Included Offenses [Prescribed LIOs], at A12A-6.
- ◆ *Manual for Courts-Martial, United States* (2016 ed.) [MCM], app. 12A, Lesser Included Offenses [LIOs], at A12A-3.
- ◆ *Manual for Courts-Martial, United States* (2012 ed.) [MCM (2012)], pt. IV, para. 45a.d. at IV-70.
- ◆ *Manual for Courts-Martial, United States* (2019 ed.) [MCM], app. 15, Analysis of Rules for Courts-Martial [R.C.M. 1111 Drafters' Analysis] at A15-22.
- ◆ *Manual for Courts-Martial, United States* (2019 ed.) [MCM (2019)], app. 16, Analysis of the Military Rules of Evidence [Mil. R. Evid. 404 Drafters' Analysis (2019)] at A16-2.³²
- ◆ *Manual for Courts-Martial, United States* (2016 ed.) [MCM (2016)], app. 22, Analysis of the Military Rules of Evidence [Mil. R. Evid. 801 Drafters' Analysis] at A22-61.

³² The Mil. R. Evid. Analysis in the *MCM* (2019 ed.) largely states that the corresponding rule is taken from the *MCM* (2016 ed.) with or without amendments. Accordingly, citation to the Mil. R. Evid. Analysis (2019 ed.) will usually also require citation to the Mil. R. Evid. Analysis (2016 ed.) and the corresponding need to identify the edition year. If not needing to reference another edition of the *MCM* or Analysis, the edition year may be omitting in the short form.

Citation Guide

- ◆ *Manual for Courts-Martial, United States* (2019 ed.) [MCM], app. 17, Analysis of the Punitive Articles [Article 120c Drafters' Analysis], para. 63 at A17-11.

MCM Cited Previously

- ◆ *MCM*, app. 2.1, Non-Binding Disposition Guidance [Disposition Guidance], para. 3.3 at A2.1-3 to -4.
- ◆ *MCM*, app. 12A, Presidentially-Prescribed Lesser Included Offenses [Prescribed LIOs] at A12A-6.
- ◆ *MCM* (2016), app. 12A, Lesser Included Offenses [LIOs], at A12A-3.
- ◆ *MCM* (2012), pt. IV, para. 45a.d. at IV-70.
- ◆ *MCM*, app. 15, Analysis of Rules for Courts-Martial [R.C.M. 1111 Drafters' Analysis] at A15-22.
- ◆ *MCM* (2019), app. 16, Analysis of the Military Rules of Evidence [Mil. R. Evid. 404 Drafters' Analysis (2019)] at A16-2.
- ◆ *MCM* (2016), app. 22, Analysis of the Military Rules of Evidence [Mil. R. Evid. 801 Drafters' Analysis] at A22-61.
- ◆ *MCM*, app. 17, Analysis of the Punitive Articles [Article 120c Drafters' Analysis], para. 63 at A17-11.

Discussion

- ◆ Rule for Courts-Martial [R.C.M.] 910(e) Discussion.
- ◆ Military Rule of Evidence [Mil. R. Evid.] 505 Discussion.

Short Form

- ◆ Disposition Guidance, para. 3.3 at A2.1-3 to -4.
- ◆ Prescribed LIOs of Rape, at A12A-6.
- ◆ LIOs of Manslaughter, at A12A-3.
- ◆ *MCM* (2012), pt. IV, para. 45a.d. at IV-70.
- ◆ R.C.M. 1111 Drafters' Analysis at A15-22.
- ◆ Mil. R. Evid. 404 Drafters' Analysis at A16-2.
- ◆ Mil. R. Evid. 801 Drafters' Analysis (2016) at A22-61.
- ◆ Article 120c Drafters' Analysis, para. 63 at A17-11.

Citation Guide

- ◆ R.C.M. 910(e) Discussion.
- ◆ Mil. R. Evid. 505 Discussion.

Reference in Text

The Secretary of Defense’s Disposition Guidance¹² notes that “[o]rdinarily, the convening authority should refer charges and specifications for all known offenses to a single court-martial.”¹³

¹² *MCM*, app. 2.1, Non-Binding Disposition Guidance [Disposition Guidance].

¹³ *Id.*, para. 2.4 at A2.1-2.

While the President did not prescribe a lesser included offense of sexual assault of a child in the Prescribed LIOs,¹⁸ the UCMJ nevertheless states that an “accused may be found guilty of . . . [a]n attempt to commit the offense charged.”¹⁹

¹⁸ *MCM*, app. 12A, Presidentially-Prescribed Lesser Included Offenses [Prescribed LIOs] at A12A-7.

¹⁹ Article 79(a), UCMJ.

As the Drafters’ Analysis of R.C.M. 1111 discusses, an entry of judgment terminates the trial proceedings and begins the appellate process, replacing the convening authority’s action for cases prior to the effective date of the Military Justice Act of 2016. *MCM* (2019), app. 15, Analysis of Rules for Courts-Martial [R.C.M. 1111 Drafters’ Analysis] at A15-22.

Military Rule of Evidence 304 in the 2019 *MCM* is taken from Mil. R. Evid. 304 in the 2016 *MCM*. *MCM* (2019), app. 16, Analysis of the Military Rules of Evidence [Mil. R. Evid. 304 Drafters’ Analysis (2019)] at A16-2. As the 2016 version of the Mil. R. Evid. 304 Drafters’ Analysis notes, in 2016 Mil. R. Evid. 304 was amended to bring military practice in line with federal practice. *MCM* (2016), app. 22 at 22-12. The change to the burden of proof in Mil. R. Evid. 304(e) was “substantial[].” *Id.* at 22-13.

Citation Guide

As stated in the Mil. R. Evid. 313 Discussion, the constraints in the Rule are not designed to “interfere with the lawful authority of the Armed Forces to take whatever action may be necessary to preserve the health of a [service-member].”

¶ 3.6. Manual for Military Commissions.

¶ 3.6.1. *Generally.*

¶ 3.6.1.1. Trial by military commission is governed by Title 10, Chapter 47A (10 U.S.C. §§ 948a–950t). In accordance with 10 U.S.C. § 949a, the Secretary of Defense has prescribed the *Manual for Military Commissions* [MMC] which sets out the pretrial, trial, and post-trial procedures, including elements and modes of proof, to cases triable by military commission under Chapter 47A.

¶ 3.6.1.2. The *Manual for Military Commissions* is adapted from the *Manual for Courts-Martial*. The procedures for military commissions are based upon the procedures for trial by general courts-martial under the UCMJ. The judicial construction and application of the UCMJ, while instructive, are not of their own force binding on military commissions.

¶ 3.6.1.3. The *Manual for Military Commissions* includes the Preamble (Part I), the Rules for Military Commissions (Part II) [R.M.C.], the Military Commission Rules of Evidence (Part III) [Mil. Comm. R. Evid.], and the Crimes and Elements (Part IV).

¶ 3.6.1.4. The *Manual for Military Commissions* has been issued in four editions, 2007, 2010, 2012, and 2019. In the full citation, each should be referred to as “(Year ed.)” (even though the 2012 version does not use the word “edition” on its cover sheet). If there is a need to establish a short form (the citation will be repeated later in the document) include the edition year of the MMC (without “ed.”) in the short form *only if* the document cites multiple editions of the MMC.

¶ 3.6.2. *Crimes and Elements.* The text of an offense should be cited to 10 U.S.C. §§ 950p–950t, rather than to the *Manual for Military Commissions*. However, the elements, maximum punishment and any comments should be cited to Part IV of the *Manual*.

Citation Guide

Crimes and Elements Citation Forms

Current Version (No Other Versions Cited)

Manual for Military Commissions, United States | (2019 ed.) | <[MMC]>, | pt. IV, | para. # | at IV-#.

Prior Version or Multiple Versions Cited

Manual for Military Commissions, United States | (Year ed.) | <[MMC <(Year)>]>, | pt. IV, | para. # | at IV-#.

Crimes and Elements Text Reference Forms

First Reference

Manual for Military Commissions, United States | (Year ed.) | [MMC <(Year)>], | pt. IV, | para. # | at IV-#

Subsequent References

MMC <(Year)>, | pt. IV, | para. # | at IV-#

Examples

- ◆ *Manual for Military Commissions, United States* (2019 ed.) [MMC], pt. IV, para. 5.(16)b. at IV-13 to -14.
- ◆ *Manual for Military Commissions, United States* (2019 ed.) [MMC (2019)], pt. IV, para. 5.(16)b. at IV-13 to -14. **<multiple versions cited>**
- ◆ *Manual for Military Commissions, United States* (2012 ed.) [MMC (2012)], pt. IV, para. 5.(2)c. at IV-4.
- ◆ *Manual for Military Commissions, United States* (2010 ed.) [MMC (2010)], pt. IV, para. 5.(15)d. at IV-13.
- ◆ *Manual for Military Commissions, United States* (2007 ed.) [MMC (2007)], pt. IV, para. 6.(22)c. at IV-16 to -17.

Short Form

- ◆ MMC, pt. IV, para. 5.(16)b. at IV-13 to -14.
- ◆ MMC (2019), pt. IV, para. 5.(16)b. at IV-13 to -14.

Citation Guide

- ◆ *MMC* (2012), pt. IV, para. 5.(2)c. at IV-4.
- ◆ *MMC* (2010), pt. IV, para. 5.(15)d. at IV-13.
- ◆ *MMC* (2007), pt. IV, para. 6.(22)c. at IV-16 to -17.

Reference in Text

As referred, the specification alleged both that the Appellee “conspire[ed] and agree[d] with Usama bin Laden [and various other named and unnamed members of al Qaeda]” and that he “willfully join[ed] an enterprise of persons, to wit: al Qaeda, . . . that has engaged in hostilities against the United States” Thus, the specification encompassed both an “agreement” and an “enterprise” theory of conspiracy liability. Both potential theories of liability are included in the elements of the offense of conspiracy set forth in the *Manual for Military Commissions, United States* (2007 ed.) [*MMC* (2007)], pt. IV, para. 6.(28)(b) at IV-20.

¶ 3.6.3. *Military Commission Rules of Evidence*. Provide the year only if citing to a version other than the current version of the Mil. Comm. R. Evid. or if citing to multiple versions. **(R12.9.3)**

Military Commission Rules of Evidence Citation Forms

Current Version (No Other Versions Cited)

Military Commission Rule of Evidence | <[Mil. Comm. R. Evid.]> | #.

Current Version (Other Versions Cited)

Military Commission Rule of Evidence, | *Manual for Military Commissions, United States* | (2019 ed.) | <[Mil. Comm. R. Evid. (2019)]> | #.

Version No Longer in Force

Military Commission Rule of Evidence, | *Manual for Military Commissions, United States* | (Year ed.) | <[Mil. Comm. R. Evid. (Year)]> | # | (repealed Year).

Citation Guide

Military Commission Rules of Evidence Text Reference Forms

First Reference

Military Commission Rule of Evidence | [Mil. Comm. R. Evid.] | #

Subsequent References

Mil. Comm. R. Evid. | <(Year)> | #

Examples

- ◆ Military Commission Rule of Evidence [Mil. Comm. R. Evid.] 403.
- ◆ Military Commission Rule of Evidence, *Manual for Military Commissions, United States* (2019 ed.) [Mil. Comm. R. Evid. (2019)] 412(b).

Short Form

- ◆ Mil. Comm. R. Evid. 403.
- ◆ Mil. Comm. R. Evid. 412(b) (2019)
- ◆ Mil. Comm. R. Evid. 412(b) (2016)

Reference in Text

On October 21, 2019, the military commission clarified and extended the deadline for relief granted in App. Ex. 158R in response to the Defense concern over its ability under the 2009 Military Commissions Act to seek reconsideration of Judge Waits' Military Commission Rule of Evidence [Mil. Comm. R. Evid.] 505 rulings on classified information. App. Ex. 158T. Judge Libretto stated that App. Ex. 158R was a sua sponte determination by the commission "that reconsideration of any Mil. Comm. R. Evid. 505 order or ruling issued by Judge Waits is warranted based solely on the identification of such orders or rulings by the Defense. Accordingly, there is no statutory prohibition with regard to the specific relief granted in [App. Ex.] 158R." *Id.* at 1–2.

¶ 3.6.4. *Rules for Military Commissions*. Provide the year only if citing to a version other than the current version of the Rules for Military Commissions or if citing to multiple versions. (R12.9.3) References to the Rules for Military Commissions in text are essentially the

Citation Guide

same as the citation format. Once defined, the abbreviation “R.M.C. may be used in text, except at the beginning of a sentence. See ¶ 2.5.4 above.

Rules for Military Commissions Citation Forms

Current Version (No Other Versions Cited)

Rule for Military Commissions | <[R.M.C.]> | #.

Prior Version or Multiple Versions Cited

Rule for Military Commissions, | *Manual for Military Commissions, United States* | (Year ed.) | <[R.M.C. (Year)]> | #.

Rules for Military Commissions Text Reference Forms

First Reference

Rule for Military Commissions | [R.M.C.] | # **or**

Rule for Military Commissions, | *Manual for Military Commissions, United States* | (Year ed.) | <[R.M.C. (Year)]> | #

Subsequent References

R.M.C. | <(Year)> | #

Examples

- ◆ Rule for Military Commissions [R.M.C.] 103(a)(24)(B).
- ◆ Rule for Military Commissions, *Manual for Military Commissions, United States* (2016 ed.) [R.M.C. (2016)] 917(a).

Short Form


- ◆ R.M.C. 707(a)(1).
- ◆ R.M.C. 917(a) (2016).

Citation Guide

Reference in Text

Before turning to these issues, we briefly address the military judge’s determination that the *DuBay* hearing this Court ordered on February 13, 2019, is a post-trial session pursuant to Rule for Military Commissions [R.M.C.] 804, at which Al-Qosi is required to be present. App. Ex. 43 at 9. We disagree with the military judge’s determination. Rule for Military Commissions 804 addresses the presence of the accused with respect to a post-trial session. Such sessions are defined by R.M.C. 1102.

¶ 3.7. *Executive Orders.*

¶ 3.7.1. *Generally.* Executive orders should be cited to Title 3 of the Code of Federal Regulations, if contained therein (typically *not* for military justice documents), otherwise to the  Federal Register. (R14.1; A18.9) The titles of executive orders often contain punctuation, which can cause confusion with the punctuation in the standard *Bluebook* citation form. Accordingly, *The PurpleBook* citation form italicizes the title of executive orders to clarify.

¶ 3.7.2. *Code of Federal Regulations.* The online version of the Code of Federal Regulations can be found at: <https://ecfr.federalregister.gov/>

¶ 3.7.3. *Federal Register.* The online version of the Federal Register can be found at: <https://www.federalregister.gov/>

¶ 3.7.4. *Citation Forms.* Most documents published in Title 3 (unlike other Code of Federal Regulations titles) use page numbers instead of section numbers. For citations to C.F.R. *sections*, precede the section number with the section symbol (§). Otherwise, indicate the page number without further annotation. The standard short form (*not* requiring a [bracketed form]) for executive orders omits the title, initial page number, and date and indicates the pinpoint page or section preceded by “at”. (A18.10)

¶ 3.7.5. *References in Text.* References to executive orders in text are not abbreviated, but can be referred to by either the title of the document, a shortened form of the title, or the executive order number, if any, whichever is more clear.

Citation Guide

Executive Order Citation Forms

Available in the C.F.R.

<*Unabbreviated Title*,> | Exec. Order No. #, #, | 3 C.F.R. <§> # | <, pinpoint page(s)> | <, pinpoint paragraph(s) or section(s)> | (Year).

Not Available in the C.F.R.

<*Unabbreviated Title*,> | Exec. Order No. #, #, | # Fed. Reg. # | <, pinpoint page(s)> | <, pinpoint paragraph(s) or section(s)> | (Full *Abbreviated* Date).

States | (Year ed.) | <[R.M.C. (Year)]> | #.

Executive Order Text Reference Forms

<*Unabbreviated Summarized Title*> or <executive order> | Exec. Order No. #, #, | 3 C.F.R. <§> # | <, pinpoint page(s)> | <, pinpoint paragraph(s) or section(s)> | (Year).

Examples

- ◆ *General Authorization to Delegate Functions; Publication of Delegations*, Exec. Order No. 11,732, 3 C.F.R. 791 (1971–1975), *reprinted in* 3 U.S.C. § 301 (1988).
- ◆ *2018 Amendments to the Manual for Courts-Martial, United States*, Exec. Order No. 13,825, 83 Fed. Reg. 9889, 9889, sec. 2.(d) (Mar. 1, 2018).

Short Form

- ◆ Exec. Order No. 11,732, 3 C.F.R. at 791.
- ◆ Exec. Order No. 13,825, 83 Fed. Reg. at 9890, sec. 6.(b).

Reference in Text

The President designated January 1, 2019, as the effective date of the MJA, except as otherwise provided in the MJA or his executive order. Exec. Order No. 13,825 § 2(c), 83 Fed. Reg. 9889, 9890 (Mar. 1, 2018).

Citation Guide

¶ 3.8. *Military Regulations and Other Publications.*

¶ 3.8.1. *Generally.*

¶ 3.8.1.1. As military regulations can be readily located on official service websites and are generally not published in the *Code of Federal Regulations* (C.F.R.), do not cite them to the C.F.R., even if they can be found therein.

¶ 3.8.1.2. *The Bluebook* does not fully address the complex citation form for military publications, which range from electronically distributed messages, to short regulations, and to very complex manuals and other book-length publications. Accordingly, *The PurpleBook* uses a combination of *Bluebook* citation forms for executive regulations and books in an attempt to update the inconsistencies among military justice practitioners in a manner that seeks to be generally consistent with *The Bluebook* and informative (for example, italicizing the titles of publications which can otherwise get lost in the sometimes convoluted administrative numbering schemes).

¶ 3.8.2. *Sources for Military Publications.* The following web sites contain or link to the most recent versions of most unclassified military publications:

DoD Issuances, <https://www.esd.whs.mil/DD/DoD-Issuances/>

Army Publishing Directorate, <https://armypubs.army.mil/>

Department of the Air Force E-Publishing, <https://www.e-publishing.af.mil/>

Department of the Navy Issuances, <https://www.secnav.navy.mil/doni/default.aspx>

Naval Military Personnel Manual, <https://www.mynavyhr.navy.mil/References/MILPERSMAN/>

ALNAV and NAVADMIN Messages, <https://www.mynavyhr.navy.mil/References/Messages/>

U.S. Marine Corps Publications, <https://www.marines.mil/news/publications.aspx>

U.S. Coast Guard Directives and Publications Division, <https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/About-CG-Directives-System/>

CJCS Directives Library, <https://www.jcs.mil/Library/>

¶ 3.8.3. *Basic Citation.* A citation to a military regulation or instruction includes the name of the issuing military or executive department (*only if not apparent from the serial number or title of the publication*); the serial number; *the italicized title of the publication*; the pinpoint paragraph (use “para.” or “paras.” unless the paragraphs are introduced with the paragraph symbol, in which case, use “¶” / “¶¶” (**R3.3; T16**)), section (use “sec.” or “secs.” unless the sections are introduced with the section symbol, in which case, use “§” / “§§” (**T16**)), or

Citation Guide

page (use “at” if the page number could be confused with the title—typically when it ends in a number) (**R3.2(a)**); and the full date in standard *Bluebook* abbreviated format.

- ★ Note that a Publication Series Title (e.g., Legal Services) is sometimes given for Army publications, but should not be confused with the *Regulation Title*. For consistency, the Publication Series Title should be omitted. If given, it should be stated in unabbreviated Roman text followed by a colon, immediately before the *Regulation Title*.

¶ 3.8.4. *References in Text*. References to military regulations in text are referred to by the unabbreviated regulation serial number or commonly-known short form.

Military Regulation Citation Form

<Abbreviated Issuing Military or Executive Department,> | Abbreviated Regulation Serial Number, | <Unabbreviated Publication Series Title:> | *Unabbreviated Regulation Title*, | <pinpoint paragraph(s), section(s), or page(s)> | (Abbreviated Full Date) | <[Short Form]>.

Military Regulation Text Reference Forms

<Unabbreviated Regulation Serial Number> or <common short form>

Examples

- ◆ Dep’t of Def. Reg. 5400.11-R, *Department of Defense Privacy Program*, para. C4.2.2.6 (May 14, 2007) [DoD Reg. 5400.11-R].
- ◆ Dep’t of Def. Instr. 1325.4, *Treatment of Military Prisoners and Administration of Military Correction Facilities*, para. 6 (Oct. 7, 1968) [DoDI 1325.4].
- ◆ Dep’t of Def., *Regulation for Trial by Military Commission*, para. 12-4 (Nov. 6, 2011) [*RTMC*].
- ◆ Dep’t of the Army Pam. 27-9, *Military Judges’ Benchbook*, para. 3A-17A-1.d (Feb. 29, 2020) [*Benchbook*].
- ◆ Dep’t of the Army Pam. 27-9, *Military Judges’ Benchbook*, para. 3-45-15, note 2.1 (Feb. 29, 2020) [*Benchbook*].
- ◆ Dep’t of the Army Pam. 27-17, *Procedural Guide for Article 32 Preliminary Hearing Officer*, paras. 3-1, 3-3 (June 18, 2015) [DA Pam. 27-17].

Citation Guide

- ◆ Dep't of the Air Force Instr. 51-201, *Administration of Military Justice*, para. 5.15 (Jan. 18, 2019) [DAFI 51-201].
- ◆ Dep't of the Navy, Judge Advocate General Instr. 5800.7G, *Manual of the Judge Advocate General*, para. 0152.a(1) (Jan. 15, 2021) [JAGMAN].
- ◆ Dep't of the Navy, Judge Advocate General Instr. 5813.4K, *Navy-Marine Corps Trial Judiciary*, para. 5.b. (Mar. 29, 2021) [JAGINST 5813.4K].
- ◆ Dep't of the Navy, Judge Advocate General / Cmdr Navy Legal Service Cmd Instr. 5814.1D, *Post-Trial Processing*, encl. 2 at 9–10 (Sept. 6, 2019) [JAG /CNLSCINST 5814.1D].
- ◆ U.S. Navy Regs., art. 1165 (Sept. 14, 1990) [1990³³ Navy Regs].
- ◆ U.S. Navy Regs., art. 1167 (Sept. 3, 1997) [Navy Regs].
- ◆ Dep't of the Navy, *Naval Military Personnel Manual*, art. 1050-350, Appellate Review (Feb. 23, 2009) [MILPERSMAN].
- ◆ Army Reg. 600-8-14, *Identification Cards for Members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel*, tbl. 9.4 (Aug. 4, 2017) [AR 600-8-14].
- ◆ Air Force Inst. 36-3026_IP Vol. 1, *Identification Cards for Members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel*, tbl. 9.4 (Aug. 4, 2017) [AFI 36-3026].
- ◆ Coast Guard Comd't Instr. M5810.1H, *Military Justice Manual*, para. 21.E.4.a (Jul. 9, 2021) [COMDTINST M5810.1H].
- ◆ Dep't of the Navy, Bur. of Pers. Instr. 1750.10D, *Identification Cards for Members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel*, tbl. 9.4 (Aug. 4, 2017) [BUPERSINST 1750.10D].
- ◆ Marine Corps Order 5512.11E, *Identification Cards for Members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel*, tbl. 9.4 (Aug. 4, 2017) [MCO 5512.11E].
- ◆ Marine Corps Order 1050.16A, *Appellate Leave Awaiting Punitive Separation*, para. 10 (June 19, 1998) [MCO 1050.16A].

³³ The date is added to the short form only if necessary, e.g., to distinguish between multiple versions of the Navy Regs that are referenced in the same brief or opinion.

Citation Guide

- ◆ Sec’y of the Navy Instr. 5300.28F, *Military Substance Abuse Prevention and Control*, para. 10 (Apr. 23, 2019) [SECNAVINST 5300.28F].
- ◆ Sec’y of the Navy Instr. 5300.26E, *Department of the Navy Policy on Sexual Harassment*, encl. 2 (May 28, 2020) [SECNAVINST 5300.26E].
- ◆ Marine Corps Order 1900.16, *Separation and Retirement Manual*, para. 1002.12 (Feb. 15, 2019) [MARCORSEPMAN].

Short Form

- ◆ DoDI 1325.4, para. 6.
- ◆ *Benchbook*, para. 3A-17A-1.d.
- ◆ DA Pam 27-17, paras. 3-1, 3-3.
- ◆ DAFI 51-201, para. 5.15.
- ◆ *JAGMAN*, para. 0152.a(1).
- ◆ JAGINST 5813.4K, para. 5.b.
- ◆ Navy Regs, art. 1167.
- ◆ *MILPERSMAN*, art. 1050-350.
- ◆ COMDTINST M5810.1H, para. 21.E.4.a.
- ◆ AR 600-8-14, tbl. 9.4.
- ◆ MCO 1050.16A, para. 10.
- ◆ *MARCORSEPMAN*, para. 1002.12.

Reference in Text

It seems clear that the *Manual of the Judge Advocate* [JAGMAN] would not contemplate the appellant remaining indefinitely onboard this overseas installation subject to these conditions on his liberty while in a non-combat assignment. Dep’t of the Navy, Judge Advocate General Instr. 5800.7G, *Manual of the Judge Advocate General*, para. 0104.b (Jan. 15, 2021).

The paragraphs of the *MCM* addressing the offense of child pornography do not define the terms “obscene” or “lascivious.” *MCM*, pt. IV, para. 68b at IV-124. The military judge, however, defined these terms in accordance with the standard instructions in the *Military Judges’ Benchbook*. Dep’t of the Army Pam. 27-9, *Military Judges’ Benchbook*, para. 3-68b-1.d. (Feb. 29, 2020) [*Benchbook*].

Citation Guide

The law excluded the military from its applicability, providing an explicit caveat in its definition of “offense” that precluded “an offense triable by court-martial.” However, in *Allen*, the Court of Military Appeals found that the Department of Defense [DoD] voluntarily adopted the statute’s calculation of pretrial confinement credit, through its issuance of Department of Defense Instruction 1325.4. Dep’t of Def. Instr. 1325.4, *Treatment of Military Prisoners and Administration of Military Correction Facilities* (Oct. 7, 1968) [DoDI 1325.4].

¶ 3.8.5. *Supplemental Updates.*

¶ 3.8.5.1. If the basic publication has been updated by a Change (“Ch.”), Interim Change (“IC”), Rapid Action Revision (“RAR”), Supplement (“Supp.”) or similar partial update to the publication *and the cited portion is included in the update*, include both the date of the basic publication, followed by an ampersand, then indicate the type and number of the update and the date of the update. Otherwise, cite to only the basic publication without reference to the update. **(R3.1(c))** In subsequent citations using a short form, indicate supplemental update (regardless of whether the initial citation was to the basic publication or an update thereto).

¶ 3.8.5.2. Periodically, instructions and orders are modified by message. When the instruction has not been reissued to indicate such modifications, the amending message shall be cited in a parenthetical statement listing the message number (NAVADMIN or ALMAR in the Department of the Navy).

Examples

- ◆ Dep’t of Def. Man. 1325.07, *DoD Sentence Computation Manual*, para. C2.4.2 (Jul. 27, 2004 & Ch. 3, Sept. 26, 2018) [DoDM 1325.07].
- ◆ Dep’t of Def. Instr. 1325.07, *Administration of Military Correction Facilities and Clemency and Parole Authority*, encl. 2, para. 3.c. (Mar. 11, 2013 & Ch. 4, Aug. 19, 2020) [DoDI 1325.07].
- ◆ Dep’t of Def., *Regulation for Trial by Military Commission*, para. 9-1.a.2 (Nov. 6, 2011 & Ch. 2,) [RTMC].
- ◆ Dep’t of the Navy, Judge Advocate General Instr. 5800.7F, *Manual of the Judge Advocate General*, para. 0130.a(3) (Ch. 3, Mar. 30, 2020) [JAGMAN].
- ◆ Dep’t of the Air Force Instr. 51-201, *Administration of Military Justice*, para. 12.5.1 (Jan. 18, 2019) (amended by DAFGM 2021-01, Jan. 5, 2021) [DAFI 51-201].

Citation Guide

Short Form

- ◆ DoDM 1325.07 (Ch. 3), para. C2.4.2.
- ◆ DoDM 1325.07 (Ch. 4), encl. 2, para. 3.c.
- ◆ JAGMAN (Ch. 3), para. 0130.a(3).
- ◆ DAFI 51-201 (DAFGM 2021-01), para. 12.5.1.

¶ 3.8.6. *Stand-Alone Administrative Messages & Orders.*

Administrative Message Citation Form

<Abbreviated Issuing Military or Executive Department, Secretariat, or Command> | Abbreviated Message or Order Type and Serial Number, | Unabbreviated Title | <, pinpoint paragraph(s), section(s), or page(s)> | (Abbreviated Full Date) | <[Short Form]>.

Military Regulation Text Reference Forms

<Unabbreviated Message or Order Type and Serial Number> or <common short form>

Examples

- ◆ Sec’y of the Navy, All Dep’t Admin. Msg. 072/19, *Interim Change to the Manual of the Judge Advocate General*, para. 1.d. (Nov. 20, 2019) [ALNAV 072/19].
- ◆ Dep’t of the Air Force Guidance Memo. 2021-01, *Changes to DAFI 51-201*, atch. 1, para. 13.53.1.3 (Jan. 5, 2021) [DAFGM 2021-01].

Short Form

- ◆ ALNAV 072/19, para. 1.d.
- ◆ DAFGM 2021-01, para. 13.53.1.3.

Citation Guide

Reference in Text

Appellant pled guilty to, *inter alia*, one specification of violating a lawful general regulation, specifically paragraph 3.5.6 of Air Force Instruction [AFI] 44-121, Alcohol and Drug Abuse Prevention and Treatment [ADAPT] Program, dated 26 September 2001, incorporating Air Force Guidance Memorandum [the Guidance Memorandum], dated 9 June 2010. In his guilty plea inquiry, Appellant admitted the Guidance Memorandum was put into effect by a proper authority and that it and the AFI were general regulations.

¶ 3.8.7. *Military Forms.*

Military Form Citation Form

<Abbreviated Issuing Military or Executive Department, Secretariat, or Command> | Abbreviated Form Type and Serial Number, | Unabbreviated Title | <, pinpoint paragraph(s), section(s), or page(s)> | (Abbreviated Month Year) | <[Short Form]>.

Military Form Text Reference Forms

<Unabbreviated Form Type and Serial Number> or <common short form>

Examples

- ◆ Dep't of the Navy, NAVPERS 1050/3, Appellate Leave Statement of Understanding (Dec. 2015) [NAVPERS 1050/3].
- ◆ Air Force Form 3070A, *Record of Nonjudicial Punishment Proceedings (AB thru TSgt)* (Apr. 2015) [AF Form 3070A].
- ◆ Dep't of the Army Form 31, *Request and Authority for Leave* (June 2020) [DA Form 31].
- ◆ Dep't of the Army Form 4137, *Evidence / Property Custody Document* (July 1976) [DA Form 4137].
- ◆ Dep't of Defense Form 93, *Record of Emergency Data* (Jan. 2008) [DD Form 93].

Citation Guide

- ◆ Dep't of Defense Form 2922, *Forensic Laboratory Examination Request* (July 2006) [DD Form 2922 (2006)].³⁴
- ◆ Dep't of Defense Form 2922, *Forensic Laboratory Examination Request* (Apr. 2021) [DD Form 2922].
- ◆ Dep't of Homeland Sec., CG-4910, *Report of Offense and Disposition of Non-Judicial Punishment* (Aug. 2018) [CG-4910].

Short Form

- ◆ NAVPERS 1050/3.
- ◆ AF Form 3070A.
- ◆ DA Form 31.
- ◆ DA Form 4137.
- ◆ DD Form 93.
- ◆ DD Form 2922.
- ◆ DD Form 2922 (2006); DD Form 2922 (2021).
- ◆ CG-4910.

Reference in Text

When trial counsel offered only the Air Force Form 3070, defense counsel objected, arguing the rule of completeness required the admission of Appellant's response. The military judge sustained the objection. Trial counsel then offered both the Air Force Form 3070 and Appellant's response, and Appellant did not object. Trial counsel referenced this recent misconduct during his sentencing argument, contending it showed Appellant had low potential for rehabilitation.

³⁴ If multiple versions of a form are referenced in a document, the short form should include the year or other distinguishing information.

Citation Guide

¶ 3.9. *Legislative Materials.*

¶ 3.9.1. *Statutes.* When citing statutes (enacted bills), provide the year only when citing a version of the statute not currently in force or when citing to multiple versions of the same statute. (R12) When citing the year, see ¶ 3.4.2 above for guidance on determining the appropriate year to cite. Cite statutes to the United States Code (U.S.C). Do not cite the statutory language to the United States Code Annotated (U.S.C.A.) or United States Code Service (U.S.C.S.) Cite to U.S.C.A. or U.S.C.S. only when citing to the publishers' annotations.

¶ 3.9.1.1. *Short Forms.* For commonly known statutes, cite to the name of the statute and section. For less-known statutes, cite to the U.S. Code. (A14.5(a))

¶ 3.9.1.2. *Historical Fact.* See ¶ 3.4.3 above.

¶ 3.9.1.3. *Citing Statutes No Longer in Force.* See ¶ 3.4.4 above.

¶ 3.9.1.4. *References in Text.* References to statutes in text are referred to by the full or shortened unabbreviated title.

Statute Citation Form

<Name of the Act> | <§ #,> | # U.S.C. § # | <(Year)> or <(Supp. # Year)> or <(Year1 & Supp. # Year2)>.

Statute Text Reference Forms

Unabbreviated Full or Shortened Title

Examples

- ◆ The Military Commissions Act of 2006, 10 U.S.C. § 948a.
- ◆ Privacy Act of 1974 [Privacy Act], 5 U.S.C. § 552a.

Not

- ◆ Privacy Act of 1974, 5 U.S.C.A. § 552a.
- ◆ Privacy Act of 1974, 5 U.S.C.S. § 552a.

Short Form

- ◆ 10 U.S.C. § 948a.
- ◆ Privacy Act, § 552a.

Citation Guide

Reference in Text

Effective 1 January 2019, the Military Justice Act of 2016 [MJA 16] amended post-trial procedures for cases referred to court-martial after that date.⁹

⁹ National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, §§ 5321–38, 5542, 130 Stat. 2000, 2923–37 (2016) (codified as 10 U.S.C. §§ 860–70) [FY 2017 NDAA]. *See also* Exec. Order 13,825, 83 Fed. Reg. at 9,889, sec. 3(d).

The Military Commission Judge dismissed Charges III and V because he ruled that the charges were barred by the statute of limitations in Article 43, Uniform Code of Military Justice [UCMJ], 10 U.S.C. § 943, and the Ex Post Facto Clause of the U.S. Constitution. We disagree and hold that Article 43 is not applicable to military commissions authorized by the Military Commissions Act [M.C.A.].¹

¹ The Military Commissions Act of 2006 [2006 M.C.A.], Pub. L. No. 109-366, 120 Stat. 2600, 10 U.S.C. § 948a, et. seq., became law on October 17, 2006. The Military Commissions Act of 2009 [2009 M.C.A.], Pub. L. No. 111-84, 123 Stat. 2574, 10 U.S.C. §§ 948a-950t, became law on October 28, 2009.

¶ 3.9.2. *Bills and Resolutions.* (**R13**) When citing bills and resolutions, include the name of the bill or resolution if it is relevant. Provide the year, of if necessary to distinguish among multiple versions of the same bill, the full date and legislative stage. Indicate enacted resolutions parenthetically. References to bills and resolutions in text are referred to by the full or shortened unabbreviated title.

Bills and Resolutions Citation Forms

Federal Bill (Unenacted)

<Name of the Bill,> | <S.> or <H.R.> | #, | Number of Congress | Cong. |
<§ #> | <(Year).> or <(status, Abbreviated Full Date)>.

Citation Guide

Federal Resolution

<Name of the Resolution,> | <S.> or <H.R.> | <J.> < Con.> < Exec.> Res. | #, | Number of Congress | Cong. | <§ #> | <(Year)> or <(status, **Abbreviated Full Date**)> | <(enacted)>.

Bills and Resolutions Text Reference Forms

<**Unabbreviated Full or Shortened Title**> or < <Senate> or <House> Bill>

Examples

Federal Bill (Unenacted)

- ◆ Military Justice Improvement and Increasing Prevention Act of 2021, S. 1520, 117 Cong § 2(d) (2021).

Federal Resolution

- ◆ S. Con. Res. 6, 117th Cong. (2021).

Short Form

- ◆ S. 1520 § 2(d).
- ◆ S. Con. Res. 6.

Reference in Text

As noted in the committee report on Senate Bill 1237 (the bill that was ultimately passed into law as the Child Pornography Protection Act [CPPA]), the concern of Congress in passing this legislation, among others, was that the “child who has posed for a camera must go through life knowing that the recording is circulating within the mass distribution system for child pornography.” S. Rep. No. 104-358 at 17 (1996) (citing *New York v. Ferber*, 458 U.S. 747 (1982)) (internal quotation marks omitted).

¶ 3.9.3. *Hearings, Debates, and Reports.* (**R13.2**)

¶ 3.9.3.1. When citing committee hearings, always include the entire subject matter as it appears on the cover, the bill number (if any), the subcommittee name (if any), and the committee name, both of the latter abbreviated. (**R13.3; T6; T9; T10**) Also include the page

Citation Guide

number of the material cited, the year of the publication, and parenthetically the subject of the material. The titles of the persons making statements may be abbreviated. (R13.3; T11)

¶ 3.9.3.2. Separately bound legislative histories should be cited like books or reports providing the separate pagination in the reprint, if any. (R13.6; R15)

¶ 3.9.3.3. Cite congressional debates (after 1873) to the *Congressional Record*. (13.5) Cite to the daily edition for matters not yet appearing in the permanent edition. A summarized title of the debate is optional. (A15.10(a)(1))

¶ 3.9.3.4. Cite congressional reports to the report number. (13.4(a)) Indicate conference reports parenthetically. Cite unnumbered reports to the committee print. (13.4(c))

¶ 3.9.3.5. Cite legislative agency reports, such as Congressional Research Service (CRS) and Government Accountability Office (GAO) reports as works of institutional authors, but providing the individual author(s) name if indicated. (R13.4(d); R15.1(c))

¶ 3.9.3.6. References to hearings, debates, and reports in text are referred to by the unabbreviated committee, including subcommittee, if any, and a shortened unabbreviated title. Generally follow the text with the remaining elements of the citation.

Hearings, Debates, and Reports Citation Forms

Committee Hearing

Unabbreviated Title, | *Hearing* | <on <S.> or <H.R.> #> | *Before the* | <<Subcomm. on # of the> | <S.> or <H.> Comm. on #, | Number of Congress | Cong. | # | (Year) | (statement of Name, *Abbreviated Title*).

Source Reprinted in Separately Bound Legislative History

Unabbreviated Title, | *Hearing* | <on <S.> or <H.R.> #> | *Before the* | <<S.> or <H.> Subcomm. on # of the >> | <S.> or <H.> Comm. on #, | Number of Congress | Cong. | # | (Year) | (statement of Name, *Abbreviated Title*), | *reprinted in* | full citation of publication | (Year).

Congressional Debate

<*Unabbreviated Summarized Title*,> | Volume # | Cong. Rec. | # | <(Year)> | <(daily ed. *Abbreviated Full Date*)> | <(statement of <Sen.> or <Rep.> Name)>.

Congressional Numbered Report

<S.> or <H.R.> | Rep. No. | Number of Congress-#, | <pt. #> | at # | (Year) | <(Conf. Rep.)>.

Citation Guide

Congressional Unnumbered Report

Staff of <S.> or <H.> Comm. on #, | Number of Congress | Cong., | *Report on Unabbreviated Title* | # | (Comm. Print Year).

Legislative Agency Reports

<Author's Full Name,> | <Cong. Rsch. Serv.,> or <U.S. Gov't Accountability Off.,> | Report #, | *Unabbreviated Title*, | pinpoint page(s) | (Year).

Hearings, Debates, and Reports Text Reference Forms

<Senate> or <House> | Committee | on # | <, Subcommittee on #, > | Hearing on | *Unabbreviated* Full or Shortened Title

Examples

Committee Hearing

- ◆ *Examining the Role of the Commander in Sexual Assault Prosecutions, Hearing Before the Subcomm. on Mil. Pers. of the H. Comm. on Armed Servs., 116th Cong. 38 (2019) (statement of Lt Gen Jeffrey A. Rockwell, USAF, Judge Advocate General, U.S.A.F.).*

Source Reprinted in Separately Bound Legislative History

- ◆ *Uniform Code of Military Justice: Hearings on H.R. 2498 Before a Subcomm. of the H. Comm. on Armed Servs., 81st Cong. 1246 (1949) (statement of Felix Larkin, Ass't General Counsel, Dep't of Defense), reprinted in *Index and Legislative History, Uniform Code of Military Justice* (Gov't Print. Off. 1950) (not separately paginated), https://www.loc.gov/rr/frd/Military_Law/index_legHistory.html.*

Congressional Debate

- ◆ *Support for Our Servicemembers in the NDAA, 118 Cong. Rec. H5778 (daily ed. July 15, 2019) (statement of Rep. Gilbert Cisneros).*

Congressional Numbered Report

- ◆ H.R. Rep. No. 114-840, at 1512 (2016) (Conf. Rep.).

Citation Guide

Congressional Unnumbered Report

- ◆ Staff of H. Comm. on Armed Services, 116th Cong., *Future of Defense Task Force Report 2020* at 17 (Comm. Print) [*Future of Def. Task Force Rep.*].³⁵

Legislative Agency Reports

- ◆ Jennifer K. Elsea & Jonathan M. Gaffney, Cong. Rsch. Serv., Report R46503, *Military Courts-Martial Under the Military Justice Act of 2016*, at 26–27 (2020).
- ◆ U.S. Gov’t Accountability Off., Report GAO-21-366, *Navy Readiness: Additional Efforts Are Needed to Manage Fatigue, Reduce Crewing Shortfalls, and Implement Training*, 28 (2021).

Short Form

- ◆ 116th Cong. 38.
- ◆ 81st Cong. 1246.
- ◆ 118 Cong. Rec. H5778.
- ◆ H.R. Rep. No. 114-840, at 1512.
- ◆ *Future of Def. Task Force Rep.* 17.
- ◆ R46503 at 26–27.
- ◆ GAO-21-366 at 28.

Reference in Text

Lt Gen Jeffrey A. Rockwell, the Judge Advocate General of the Air Force, testified before the House Committee on Armed Services, Subcommittee on Military Personnel, on the role of the commander in sexual assault prosecutions. *Examining the Role of the Commander in Sexual Assault Prosecutions*, 116th Cong. 38 (2019).

³⁵ As the title of this report includes the year, the year may be omitted in the parenthetical.

Citation Guide

¶ 3.10. *Treaties.* (R21.4)

¶ 3.10.1. For bilateral agreements, list the state parties in alphabetical order, abbreviated according to (T10.3) and include one U.S. treaty source in order of preference listed in (R21.4.5(a)(i)) and (T4.1).

¶ 3.10.2. For multilateral agreements, do not list the state parties, but include, in addition to the one U.S. treaty source (if the United States is a party), one parallel international treaty source in the order of preference listed in (R21.4.5(a)(ii)) and (T4.2; T4.3).

¶ 3.10.3. The U.S. Department of State and the Library of Congress are in the process of digitizing treaties in which the United States is a party. However, it is a work in progress, with (as of December 2020) treaties signed from 1950 through 1980 not yet available. Those that are can be found at:

<https://www.loc.gov/law/help/us-treaties/index.php> or

<https://www.state.gov/tias/>

¶ 3.10.4. If a treaty that is not available on the Department of State or Library of Congress websites is available on a military or other official website, provide the URL. (R18.2.1(b)(i)) If a treaty is not available on an official website, but has been reprinted in a military publication, provide the full citation to the publication. (R1.6)

¶ 3.10.5. References to treaties in text are referred to by the full or shortened unabbreviated title.

Treaty Citation Forms

Bilateral Agreement

Unabbreviated Title, | Abbreviated Party-Party, | <pinpoint reference>, | Abbreviated Full Date of Signing, | one U.S. Abbreviated Treaty Source | <[Short Form]> | <, URL> | <, reprinted in military publication>.

Multilateral Agreement

Unabbreviated Title, | <pinpoint reference>, | Abbreviated Full Date of Signing, | <one Abbreviated U.S. Treaty Source,> | one Abbreviated International Treaty Source | <[Short Form]> | <, URL> | <, reprinted in military publication>.

Treaty Text Reference Forms

Unabbreviated Full or Shortened Title

Citation Guide

Examples

Bilateral Agreement

- ◆ Agreement to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, Ger.-U.S., art. 17, para. 1, Aug. 3, 1959, 14 U.S.T. 531, 536-37 [Germany NATO Supp.], <https://www.aepubs.eur.army.mil/Portals/18/docs/NATO-SOFA.pdf>.

Multilateral Agreement

- ◆ Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, art. VII, para. 3.a.i., June 19, 1951, 4 U.S.C. 1792, T.I.A.S. No. 2846, 199 U.N.T.S. 67 [NATO SOFA], https://www.nato.int/cps/en/natohq/official_texts_17265.htm.

Short Form

- ◆ Germany NATO Supp., art. 17, para. 1.
- ◆ NATO SOFA, art. VII, para. 3.a.i.

Reference in Text

The appellant’s reliance on the North Atlantic Treaty Organization Status of Forces Agreement, which Germany and the United States are party to, is misplaced. The treaty provides for mutual law enforcement assistance, but not for mandatory evidence sharing between parties.⁷

⁷ “The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure *and, in proper cases, the handing over of objects connected with an offence.*” Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, art. VII, para. (6)(a), June 19, 1951, 4 U.S.T. 1792, T.I.A.S. No. 2846 [NATO SOFA], https://www.nato.int/cps/en/natohq/official_texts_17265.htm (emphasis added).

Citation Guide

¶ 3.11. *Books and Periodicals.*

¶ 3.11.1. *Generally.*

¶ 3.11.1.1. In providing the author or editor’s name(s) of secondary materials, **do not** include a military rank or academic designation (e.g., “Dr.” or “Prof.”), even if it appears on the title page of the publication. **(R15.1)** By default, the short form for secondary materials cites to the author(s) of the materials. If the source is better known by the title, a specific alternative short form can be optionally specified. Contrary to *The Bluebook*, do not use “*supra*” for short forms. See ¶ 3.1.8.4 above.

¶ 3.11.2. *Books.* **(R15)** *The Bluebook* has examples citing to section or paragraph numbers and page numbers for books (such as treatises) arranged by sections or number paragraphs. However, if an authority is organized by section or paragraph, it should be cited to those subdivisions and adding page numbers is *optional* (and may be useful in the locating specific item in the subdivision). **(R3.3)** Many military justice practitioners have access to some military justice sources only through Lexis or Westlaw, which typically does not indicate the page on which the material appears in written form. Therefore, if only the section or paragraph number is available, cite to it only. If a page number is also available, optionally include that as well.

Book Citation Form

Author’s Full Name | *Unabbreviated Title*, | pinpoint page(s) | (<Editor(s) Name(s) ed(s).,> | <# ed.> | Year) | <[Short Form]>.

Book Text Reference Forms

<Author’s Last Name> or <*Unabbreviated Shortened Title*> or <Short Form>

Examples

- ◆ Stephen A. Salzburg, et al., *Military Rules of Evidence Manual* § 403.02 (9th ed. 2020) [*Mil. R. Evid. Manual*].
- ◆ David A. Schlueter, *Military Criminal Justice: Practice and Procedure* § 18-4(A)(2) (10th ed. 2018).
- ◆ William B. Aycock & Seymour W. Wurfel, *Military Law Under the Uniform Code of Military Justice*, 32 (1955).

Citation Guide

- ◆ John A. McComsey & Morris O. Edwards, *The Soldier and the Law*, 169 (2d ed. 1943).
- ◆ William Winthrop, *Military Law and Precedents*, 325 (review 2d ed., Gov't Print. Off. 1920) (1895).

Special Citation Forms

- ◆ 21 Am. Jur. 2d *Criminal Law* § 178 (1998).
- ◆ *The Bluebook: A Uniform System of Citation* R.15.8(c)(v), at 154 (Columbia L. Review Ass'n et al. eds., 21st ed. 2020) [*Bluebook*].
- ◆ Rodger A. Drew, Jr., *The PurpleBook: A Manual of Uniform Citation and Legal Style for the Military Courts* ¶ 2.11.2.3 (2022) [*PurpleBook*].
- ◆ *Coram Nobis*, *Black's Law Dictionary* (11th ed. 2019).
- ◆ *Military Laws of the United States* § 758, at 352 (8th ed. 1939) [*Mil. Laws*].
- ◆ 2 *Kings* 12:19 (NIV).
- ◆ Koran 2:256.
- ◆ Babylonian Talmud, Eruvin 13b.

Short Form

- ◆ *Mil. R. Evid. Manual* § 403.02.
- ◆ Winthrop at 325.
- ◆ *Mil. Laws* § 758, at 352.
- ◆ *PurpleBook* ¶ 2.11.2.3.
- ◆ *Coram Nobis*, *Black's Law Dictionary*.

Reference in Text

To provide guidance to practitioners, both the *Manual for Courts-Martial* [*MCM*] and authoritative works such as Colonel Winthrop's treatise included form charges and specifications for the various articles.

In support of its position that a victim unsworn statement is not evidence, the majority opinion points to *United States v. Provost*, 32 M.J. 98 (C.M.A. 1991). *Provost* references William Winthrop, *Military Law and Precedents* 300 (review 2d ed. 1920) [Winthrop] wherein it states "if an accused elects to make an unsworn statement, he is not offering evidence." 32 M.J. at 99.

Citation Guide

¶ 3.11.3. *Periodicals*. (R16) Citation to periodic materials are cited according to *The Bluebook*. In providing the author editor’s name(s), do not include a military rank or academic designation (e.g., “Dr.” or “Prof.”), even if it appears on the title page of the publication. (R15.1) Publication titles should be abbreviated according to *The Bluebook* (T6; T10; T13), however deferring to any abbreviation specified by the publication itself if different.

Periodical Citation Forms

Consecutively Paginated Journal

Author’s Full Name | *Unabbreviated Title*, | Journal Volume # | *Abbreviated Journal Name* | page article begins, | pinpoint page(s) | (Year) | <[Short Form]>.

Nonconsecutively Paginated Journal

Author’s Full Name | *Unabbreviated Title*, | *Abbreviated Journal Name*, | *Abbreviated Date on Cover*, | at page article begins, | pinpoint page(s) | <[Short Form]>.

Online Only Periodicals

Author’s Full Name | *Unabbreviated Title*, | *Abbreviated Journal Name* | (*Abbreviated Full Date*), | URL | <[Short Form]>.

Periodical Text Reference Forms

<*Unabbreviated Shortened Title*> or <Short Form> or <Full Citation>

Examples

Consecutively Paginated Journal

- ◆ Jeremy S. Weber, *Court-Martial Nullification: Why Military Justice Needs a “Conscience of the Commander,”* 80 A.F. L. Review 1, 24 (2019).
- ◆ Adam Wolrich, *Giving the Referee a Whistle: Increasing Military Justice Legitimacy by Allowing Military Judges to Reject Plea Agreements with Plainly Unreasonable Sentences,* 228 Mil. L. Review 253, 270–71 (2020).
- ◆ Nino C. Monea, *Reforming Military Juries in the Wake of Ramos v. Louisiana,* 66 Naval L. Review 67, 73-74 (2020).

Citation Guide

Nonconsecutively Paginated Journal

- ◆ Eric A. Catto, *The Spoof Is in the Evidence*, *Army Law.*, no. 2, 2020, at 34, 35–36.

Online Only Periodicals

- ◆ Byron T. Gleisner, *The Procedural Guide*, JAG Rep. (June 5, 2020), <https://www.jagreporter.af.mil/Post/Article-View-Post/Article/2547825/the-procedural-guide>.

Special Citation Forms

- ◆ 88 C.J.S. *Trial* § 192 (1955).
- ◆ John E. Theuman, Annotation, *Review by Federal Civil Courts of Court-Martial Convictions—Modern Status*, 95 A.L.R. Fed 472 § 25b (2020).

Short Form

- ◆ Weber at 24.
- ◆ Wolrich at 270–71.
- ◆ Monea at 73-74.
- ◆ Catto at 35–36.
- ◆ Gleisner.
- ◆ 88 C.J.S. *Trial* § 192.
- ◆ Theuman § 25b.

Reference in Text

For a discussion of the history of these concepts and the continuing confusion surrounding them, see Michael Breslin and LeEllen Coacher, *Multiplicity and Unreasonable Multiplication of Charges: A Guide to the Perplexed*, 45 A.F. L. Review 99 (1998); Christopher Morgan, *Multiplicity: Reconciling the Manual for Courts-Martial*, 63 A.F. L. Review 23 (2009).

¶ 3.12. ***Written and Electronic Correspondence.*** (R17)

¶ 3.12.1.1. Generally, written and electronic correspondence will not find its way into trial or appellate writing without first being offered (almost always at the trial level) as an exhibit. Hence, the following citation forms are typically accompanied by an exhibit label. See ¶ 3.13.4.1 below.

Citation Guide

¶ 3.12.1.2. If not a trial exhibit, the correspondence must have been accepted by an appellate court pursuant to a motion to attach.

¶ 3.12.1.3. Electronic correspondence typically does not have page or paragraph numbers. However, if the electronic correspondence is in the form of an Adobe PDF or similar electronic document format that emulates written correspondence and has either page or paragraph numbers, cite then similarly to written correspondence. If an email or other electronic correspondence has a subject, provide it.

¶ 3.12.1.4. **Do not** include the email address or other similar identifying address in the citation to electronic correspondence.

¶ 3.12.1.5. References to correspondence in text are not abbreviated, but can be referred to by either the full or shortened title or the exhibit label, if any, whichever is more clear. If referencing the correspondence by its title and there are more than one item of correspondence from the same sender, the reference (and short forms) should include the abbreviated full date and time stamp (using 2400 clock local time), if applicable and necessary to distinguish the correspondence from others.

Written and Electronic Correspondence Citation Forms

Written Correspondence

Letter | from Sender | to Recipient | <, para. #> or <at #> | (Abbreviated Full Date) | <, Abbreviated Exhibit Label> or <, attach. # to <Appellant's> or <Appellee's> Mot. to Attach> | <[Short Form]>.

Email

Email | from Sender | to Recipient, | Subject: # | (Abbreviated Full Date | @ time stamp) | <, Abbreviated Exhibit Label> or <, attach. # to <Appellant's> or <Appellee's> Mot. to Attach> | <[Short Form]>.

Text Message

Text msg. | from Sender | to Recipient | (Abbreviated Full Date | @ time stamp) | <, Abbreviated Exhibit Label> or <, attach. # to <Appellant's> or <Appellee's> Mot. to Attach> | <[Short Form]>.

Short Form

<Abbreviated Exhibit Label> or <attach. # to <Appellant's> or <Appellee's> Mot. to Attach> | <, para. #> or <at #>. or
Abbreviated Title | <, para. #> or <at #>.

Citation Guide

Written and Electronic Correspondence Text Reference Forms

<Letter> or <Email> | from Sender | to Recipient | <(Abbreviated Full Date)> | <(Abbreviated Full Date, | @ time stamp)>

Examples

- ◆ Letter from Appellant to SGT Alpha, at 2 (June 22, 2021), Pros. Ex. 5.
- ◆ Email from Register@donotcall.gov to Specialist Tango, Subject: National Do Not Call Registry (June 12, 2021 @ 1929), attach. 1 to Appellant's Mot. to Attach [Registry Email].
- ◆ Text msg. from Appellant to Amn Charlie (June 4, 2021 @ 0122), Def. Ex. C.

Short Form

- ◆ Pros. Ex. 5 at 2.
- ◆ Registry Email
- ◆ Def. Ex. C.

Reference in Text

After consulting with Lt Col Whiskey, on 25 October 2017 Capt Sierra sent an email to Special Agent Juliet at the Ramstein AB AFOSI detachment stating in part: "From a prosecution standpoint, we do not believe that an OSI interview with the husband is necessary nor relevant enough to outweigh the risk of the Victim dropping out of the process entirely." Email from Capt Sierra to Special Agent Juliet, Subject: Lt Col Whiskey Interview (Oct. 25, 2017 @ 1530), App. Ex. XXIV.

Citation Guide

¶ 3.13. *The Trial and Appellate Record.*

¶ 3.13.1. *Generally.* For courts-martial referred to trial on or after 1 January 2019,³⁶ the official record of the trial proceedings is the audio³⁷ recording, not the certified transcript.³⁸ Nevertheless, citations to the transcript should still be to the “Record.” Even when the audio is the official record, citations to the certified transcript are preferable, unless there is a specific need to refer to the audio, such as when the transcript is inaccurate. The record on appeal in a given case includes the audio recording, the certified transcript, trial exhibits, the allied papers (accompanying pretrial, trial, and post-trial documents), and the appellate filings and orders and opinions of the appellate courts.³⁹

Table 3-3. Trial & Appellate Record Document Abbreviations

Document	Abbreviation
Affidavit	Aff.
Amended	Am.
Answer	Answer
Appeal	Appeal
Appellant	Appellant <i><not App.></i>
Appellate	App.
Appellee	Appellee
Appendix	App’x <i><not App.></i>
Assignment of Error	AOE
Attachment	Attach.
Audio	Audio

³⁶ See *2018 Amendments to the Manual for Courts-Martial, United States*, Exec. Order No. 13,825, 83 Fed. Reg. 9889, 9889, sec. 2.(d) (Mar. 1, 2018).

³⁷ R.C.M. 1112(a) authorizes courts-martial to be “recorded by videotape, audiotape, or other technology from which sound images may be reproduced to accurately depict the court-martial.” Hence, it is the sound images, i.e., audio, that constitutes the official record, even if video is also recorded. At present, all services commonly record court proceedings by audio only.

³⁸ In accordance with R.C.M. 1114, as supplemented by service regulations, the audio recording of all or nearly all courts-martial resulting in a conviction are accompanied by a substantially verbatim written transcript that is certified by a court reporter.

³⁹ See R.C.M. 1112(b); *United States v. Jessie*, 79 M.J. 437 (C.A.A.F. 2020).

The PurpleBook

Citation Guide

Document	Abbreviation
Brief	Brief
C.A.A.F. Joint Appendix	J.A.
C.A.A.F. Classified Joint Appendix	C.J.A.
Certified	Cert'd
Clemency	Clemency
Court	Ct
Court Exhibit	Ct Ex.
Declaration	Decl.
Defense	Def.
Deny<ing>	Den.
Dismiss	Dismiss
Document	Doc.
Enlargement	Enl't
Entry of Judgment	EOJ
Evidence	Evid.
Examine	Exam.
Exhibit	Ex.
Government	Gov't
Hearing	Hr'g
Interview	Inv'w
Letter	Ltr
Limine	Lim.
Magistrate	Mag.
Memorandum	Mem.
Merits	Merits
Motion	Mot.
Number	No.
Numbers	Nos.

The PurpleBook

Citation Guide

Document	Abbreviation
Objection	Obj.
Opinion	Op.
Order	Order
Petition	Pet.
Petitioner	Pet'r
Preliminary	Prelim.
Promulgating	Prom.
Prosecution	Pros.
Quash	Quash
Reconsideration	Recons.
Record	R.
Recording	Rec'g
Remand Hearing < <i>Pre-MJA-16 Case</i> >	<i>Dubay</i> Hr'g
Remand Hearing < <i>MJA-16 Case</i> >	R.C.M. 810(f) Hr'g
Reply	Reply
Request	Request
Respondent	Resp't
Response	Resp.
Specified	Spec'd
Supplemental	Supp.
Statement	Stm't
Stipulation	Stip.
Testimony	Test.
Transcript	Tr.
Trial	Trial
Video	Video

Citation Guide

¶ 3.13.1.1. *When to Cite.*

¶ 3.13.1.1.1. *In Trial-Level Opinions and Orders and All Pleadings.* All factual statements must be supported by a citation to the record in the form of the transcript or audio (only if not transcribed or the party asserts that the transcript is inaccurate), exhibit, allied paper, or appellate filing. For trial-level opinions and orders without access to a transcript, cite to testimony of [witness] (date of testimony).

¶ 3.13.1.1.2. *In Appellate Opinions.* All quotations must be supported by a citation to the record in the form of the transcript or audio (only if not transcribed or the party asserts that the transcript is inaccurate), exhibit, allied paper, or appellate filing. Other factual statements may include citations to the record if helpful to the court or higher reviewing authority.

¶ 3.13.1.2. *Abbreviations for Court Documents.* In citations to the record and court filings in the current case, abbreviate the name of court documents according to (B17.1), (BT1), and Table 3-3 above. For citations to the record and court filings *in any other case*, **do not abbreviate** the name of such documents. (R10.8.3)

¶ 3.13.1.3. *Limited Use of Id.* Do **not** use *id.* to refer to court documents unless it saves significant space. (B17.2; A25.5) Do **not** use *id.* to refer to the record or joint appendix. (B17.2; A25.7)

¶ 3.13.1.4. *Pinpoint Citations.* All citations to the trial and appellate record should contain pinpoint citations. If *all paragraphs* in the document cited are numbered or lettered, cite to the paragraph. Otherwise, cite to the page number.

☒ Notwithstanding *The Bluebook*, for consistency, *all* page references should be preceded by “at”. Use commas only to avoid confusion. (B17.1.2)

¶ 3.13.1.5. *Degree of Detail Required.* Citations to documents in the record of the current case may be done in very summary fashion as they are readily available to the Court and parties. However, the amount of information required to properly cite a document from another case is significantly greater in order to adequately identify it.

¶ 3.13.1.6. *Location of Citation.*

¶ 3.13.1.6.1. *In Text.* When citing the trial and appellate record in the body of a brief or opinion or following text in a footnote, enclose the citation in parentheses. (B17.1.1)

¶ 3.13.1.6.2. *In Footnotes.* When references or quotations to the trial and appellate record appear in the body of a brief or opinion, but the citation appears in a footnote, omit the parentheses.

¶ 3.13.1.7. *Sealed Exhibits, Proceedings, and Other Materials.* When citing sealed portions of the transcript and sealed documents, include “(sealed)” in the citation.

¶ 3.13.2. *Court-Martial Certified Transcript in Current Case.* When citing the paginated transcript of the court-martial proceedings in the same case, cite to the record, using “R. at #”. Note, in an MJA-16 case, if there is a conflict between the certified transcript and the

Citation Guide

audio recording, it is the audio record that is the actual record, in which case ***the inconsistent certified transcript should not be cited as “R.”*** References to the certified trial transcript in text is not abbreviated and is referred to as the “record at #” unless there is dispute as to whether it is accurate, in which case it can be referred to as the “certified trial transcript at #.”

Trial Transcript Citation Forms

No Conflict with Audio Official Record

(R. at # | <(sealed)>) ***<in text>***

R. at # | <(sealed)>. ***<standing alone in footnote>***

Inconsistent with Official Audio Record

Cert'd Trial Tr. at # | <(sealed)>.

Trial Transcript Text Reference Forms

No Conflict with Audio Official Record

<(sealed)> | record | on page #

Inconsistent with Official Audio Record

<(sealed)> | certified trial transcript | on page #

Examples

- ◆ R. at 357.
- ◆ R. at 353–62 (sealed).
- ◆ Prelim. Hr'g Tr. at 125–30.
- ◆ R.C.M. 810(f) Hr'g Tr. at 50–52 (sealed).

Citation Guide

Reference in Text

The certified trial transcript on page 235 indicates that Dr. Stein testified that in his opinion, “the Defense’s theory that the nanogram level is consistent with someone putting cocaine in [Appellant’s] drink without his knowledge is *possible*.” (emphasis added) However, our review of the official audio recording of the testimony leads us to conclude that Dr. Stein actually testified that “the Defense’s theory . . . is *not possible*.” Official Audio R. of Dr. Frank N. Stein at 03:45–03:46 (Aug. 24, 2021) (emphasis added). And thus, the official record of Dr. Stein’s testimony shall so reflect.

Citation in Text

Appellant called the Defense’s forensic toxicologist expert, Dr. Frank N. Stein. Dr. Stein testified that at the nanogram level reflected in Prosecution Exhibit 1, if Appellant had orally ingested cocaine 48 hours before he provided his urine sample, he would have had to have consumed “4 ounces in one sitting.” (R. at 357)

Citation in Footnote Text

During Spc4 Kilo’s testimony, he denied knowing Appellant.¹²

¹² Spc4 Kilo stated “As far as I know, I’ve never met him.” (R. at 235)

Citation in Footnote

Officer India asked Appellant if he and Miss Johnson were boyfriend and girlfriend, to which Appellant replied “sort of.”⁷

⁷ R. at 642.

During voir dire, the trial defense counsel asked CDR Sierra if he “heard testimony of a child under the age of 12, would that bring back memories of what your wife told you she had gone through?”³ CDR Sierra responded that he “couldn’t say absolutely it would not, but [he didn’t] think so.”⁴

³ R. at 339.

⁴ R. at 339. **<not Id.>**

Citation Guide

¶ 3.13.3. *Other Hearing Transcripts in Current Case.* A citation to the paginated transcript of hearings that are not otherwise included in the contiguously paginated record of trial, such as the transcript of a preliminary hearing or remand hearing that was attached or appended to the record,⁴⁰ includes the name of the witness (unless already clear from the body of the text), the type of hearing, and the specific page(s) in the transcript. References to a hearing transcript in text is not abbreviated and may include the type of hearing.

Other Current Case Hearing Transcript Citation Form

<Test. of Witness' Name,> | Abbreviated Type of Hearing | Tr. at #
| <(sealed)>.

Other Current Case Hearing Transcript Text Reference Forms

<sealed> | <unabbreviated hearing type> | testimony of Witness' Name

Examples

- ◆ Test. of Agent Papa, Prelim. Hr'g Tr. at 125–30.
- ◆ Test. of Dr. Romeo, R.C.M. 810(f) Hr'g Tr. at 50–52 (sealed).
- ◆ R.C.M. 810(f) Hr'g Tr. at 67. *<the identity of witness clear from context>*

Reference in Text

In SGT Delta's preliminary hearing testimony, she testified that she had never seen Appellant prior to that day. Prelim. Hr'g Tr. at 65–66. When asked again on cross-examination, she again testified that she did not know Appellant and had never seen him before. Prelim. Hr'g Tr. at 82. However, on cross-examination at trial, she admitted that they had “hung out a couple of times” previously. (R. at 365)

⁴⁰ A transcript of a preliminary hearing if produced is part of the record, even though it is not part of the trial transcript. See R.C.M. 1112(b). Other transcripts must have been ordered attached or appended to the record. See *United States v. Jessie*, 79 M.J. 437 (C.A.A.F. 2020).

Citation Guide

¶ 3.13.4. *Documents from the Trial or Appellate Record.*

¶ 3.13.4.1. *Trial Exhibits and Pleadings.* An initial citation to a trial exhibit should include an abbreviated title or summary of the document followed by the exhibit label (e.g., Pros. Ex., Def. Ex., App. Ex., or Ct Ex.). Subsequent citations may use the short cite form, without first setting it out in brackets. The short cite form includes only the abbreviated title or exhibit label (whichever is more informative). If a trial level pleading refers to a another trial pleading that has not yet been marked by the military judge, it should be cited using the appellate pleading form.

¶ 3.13.4.2. *Appellate Pleadings and Orders.* A citation to an appellate pleading or order should include an abbreviated title of the document and a pinpoint cite to the relevant paragraph(s) or page(s).

¶ 3.13.4.3. *Date.* Only provide the date of the document if more than one document has the same title, the date is relevant to the discussion, or the date is otherwise needed to avoid confusion. **(B17.1.3)**

¶ 3.13.4.4. *References in Text.* References to trial and appellate documents in text are not abbreviated, but can be referred to by either the full or shortened title of the document or the exhibit label, if any, whichever is more clear.

Trial or Appellate Document Citation Forms

Trial Exhibits and Pleadings Initial Citation

Abbreviated Title, | Abbreviated Exhibit Label | <, para. #> or <at #>
| <(Abbreviated Full Date)>.

Trial Exhibits and Pleadings Short Form

Abbreviated Exhibit Label | <, para. #> or <at #> | <(Abbreviated Full Date)>. or

Abbreviated Title | <, para. #> or <at #> | <(Abbreviated Full Date)>.

Appellate Pleadings and Orders

Abbreviated Title | <, para. #> or <at #> | <(Abbreviated Full Date)>.

Citation Guide

Trial or Appellate Document Text Reference Forms

Trial Exhibits and Pleadings

<Appellate> or <Prosecution> or <Defense> or <Court> | Exhibit | # or

Unabbreviated Document Title

Appellate Pleadings and Orders

Unabbreviated Document Title

Examples

- ◆ Stip. of Fact, Pros. Ex. 1, para. 5. *<if paragraphs are labeled>*
- ◆ Stip. of Fact, Pros. Ex. 1 at 1. *<if paragraphs are not>*
- ◆ Stip. of Fact, para. 7. *<subsequent citation>*
- ◆ Def. Mot. for a Bill of Particulars, App. Ex. XI, para. 11.
- ◆ Clemency Request, encl. 1 at 2.
- ◆ Appellant's Br. at 5.
- ◆ Bravo Decl. at 1 (Sept. 16, 2020). *<one of multiple Bravo declarations>*
- ◆ Answer at 7.
- ◆ Appellant's Reply Br., para. 17.
- ◆ Gov't's Resp., paras. 4–5. or
Appellee's Resp., paras. 4–5.
- ◆ Appellant's Mot. for 2d Enl't at 2.
- ◆ Pet'r's Mot. for Recons. at 4.

Reference in Text

As part of discussing his plea, the military judge discussed the stipulation of fact with Appellant.

The Defense offered Defense Exhibits C through AB, various of Appellant's certificates of training.

In Appellant's Reply Brief, he disagreed with the Government's characterization of his position regarding Issue II. *See* Appellant's Reply Br. at 3; Answer at 8. In its Response, the Government clarified. *See* Gov't Resp. at 2.

Citation Guide

¶ 3.13.5. *Audio or Video Recordings*. A citation to the audio official record includes the name of the witness, the time markers, and the full date (to facilitate locating the recording, which often resets time markers each day). A citation to an audio or video recording contained in an exhibit in the record, includes an abbreviated description of what it is (e.g., testimony of a witness, recorded interview, video recording of a crime scene), the exhibit label, and the time markers. If the recording was not marked as an exhibit at trial, but is otherwise part of the record (e.g., preliminary hearing testimony), add the abbreviated full date of the event recorded. **(R.10.8.3)** References to an audio or video recording in text is not abbreviated and should include the subject matter of the recording.

Audio or Video Recording Citation Forms

Official Audio Record

Official Audio R. of Witness' Name | at inclusive time markers |
(Abbreviated Full Date).

Trial Exhibit Containing Audio or Video

<Audio> or <Video> Rec'g of | Description of Event Recorded
| <, Exhibit Label,> | at time markers | <(Abbreviated Full Date)>.

Audio or Video Recording Text Reference Forms

Official Audio Record

official audio recording of Witness' Name

Trial Exhibit Containing Audio or Video

<audio> or <video> recording of | description of event recorded

Examples

- ◆ Official Audio R. of Dr. Alpha at 11:23–11:31 (May 13, 2021).
- ◆ Video Rec'g of Appellant's AFOSI Inv'w, Pros. Ex. 2 at 03:07–03:19.
- ◆ Audio Rec'g of Pretext Phone Call, Def. Ex. C at 00:26–00:31.
- ◆ Audio Rec'g of Prelim. Hr'g Test. of SGT Lima at 01:15–01:18 (Aug. 24, 2021).

Short Form

Citation Guide

- ◆ Dr. Alpha Test. at 11:23–11:31.
- ◆ Dr. Alpha Test. at 11:23–11:31 (May 13, 2021). *<multiple days>*
- ◆ Pros. Ex. 2 at 03:07–03:19.
- ◆ Def. Ex. C at 00:26–00:31.
- ◆ SGT Lima Prelim. Hr’g Test. at 01:15–01:18.

Reference in Text

However, our review of the official audio recording of the testimony leads us to conclude that Dr. Stein actually testified that “the Defense’s theory . . . is *not possible*.” Official Audio R. of Dr. Frank N. Stein at 03:45–03:46 (Aug. 24, 2021) (emphasis added).

The audio recording of the pretext phone call was played for the members.

¶ 3.13.6. *C.A.A.F. Joint Appendix*. The joint appendix is cited similarly to the record. Sealed documents, other than those in the classified joint appendix, shall be annotated as such.

C.A.A.F. Joint Appendix Citation Forms

Unclassified Joint Appendix

(J.A. at # | *<(sealed)>*) *<in text>*

J.A. at # | *<(sealed)>*. *<standing alone in footnote>*

Classified Joint Appendix

(C.J.A. at #) *<in text>*

C.J.A. at #. *<standing alone in footnote>*

Citation Guide

C.A.A.F. Joint Appendix Text Reference Forms

Unclassified Joint Appendix

the Joint Appendix | on page #

Classified Joint Appendix

the Classified Joint Appendix | on page #

Examples

- ◆ J.A. at 57.
- ◆ C.J.A. at 35.

Reference in Text

The military judge issued her unlawful command influence ruling in February 2018. There is no indication in the Joint Appendix or the parties' briefs that the military judge revisited the unlawful command influence issue in August 2018.

¶ 3.13.7. *Documents from Other Cases / Other Courts.* Citations to documents from other cases or from the same case at another appellate court require a greater amount of information in order to adequately identify them. Generally follow the citation form for the particular document from the current case, but add a citation to the case in one of the following forms, depending on whether the document is from the trial or appellate level. Court orders from other cases available on LEXIS or Westlaw should be cited similar to case opinions. **(10.8.3; R.18.7)**

¶ 3.13.7.1. *Trial Documents.* If the document is a filing from a trial court in another case, cite to the ***unabbreviated*** document name, trial exhibit label—if any—at corresponding pinpoint cite, case name, docket number—if any, the full date of the filing for a pleading or the full date of the event (such as a recording or transcription), and the URL to the court's website if the document is available online. If appropriate, provide a short form.

¶ 3.13.7.2. *Appellate Documents.* If the document is a filing from an appellate court, either from another case, from the current case but from a different appellate court, or from the current case but from prior proceeding in the same court (as a result of a remand), cite to the ***unabbreviated*** document name at corresponding pinpoint cite, case name, citation to the opinion in the case—if any—otherwise the name of the appellate court (even if the same as the current court), docket number (if not already provides as part of the opinion cite), the

Citation Guide

full date of the appellate filing, and the URL to the court's website if the document is available online. If appropriate, provide a short form.

Documents from Other Cases / Other Courts Citation Forms

Trial Documents

Unabbreviated Document Name | <, Exhibit Label> | at <#> or <inclusive time markers> <(sealed)>, | *Case Name*, | <(No. Docket #)> | <general> or <special> court-martial | location of court-martial | <(filed Abbreviated Full Date of pleading)> or <(Abbreviated Full Date of other document)> | <, court website URL> | <[short form]>.

Appellate Documents

Unabbreviated Document Name | <, slip op.> or <, slip order> | at <#> or <inclusive time markers> <(sealed)>, | *Case Name*, | <opinion citation> or <Abbreviated Name of Appellate Court> | <(No. Docket #)> | (filed Abbreviated Full Date of filing) | <, court website URL> | <[short form]>.

Documents from Other Cases / Other Courts Text Reference Forms

Trial Documents

<Appellate> or <Prosecution> or <Defense> or <Court> | Exhibit | #
in *Case Name* or

Unabbreviated Document Title in *Case Name*

Appellate Documents

Unabbreviated Document Title in *Case Name*

Citation Guide

Examples

- ◆ Trial Transcript of Dr. Golf at 353–62 (sealed), *United States v. Allen*, general court-martial, Ramstein Air Base, Germany (Oct. 13, 2015) [*Allen Tr.*].
- ◆ Testimony of Agent Papa, Prelim. Hr’g Tr. at 125–30, *United States v. Delnevo*, general court-martial, Marine Corps Base Camp Lejeune, North Carolina (Oct. 10, 2018).
- ◆ R.C.M. 810(f) Hearing Transcript of CWO2 Romeo at 75–89, *United States v. Pyron*, general court-martial, U.S. Naval Fleet Activities Yokosuka, Japan (July 12, 2019).
- ◆ Defense Objection to Evidence Offered Under Mil. R. Evid. 404(b) & 413, App. Ex. VII at 2, *United States v. Jackson*, general court-martial, Naval Base Kitsap-Bremerton, Washington (filed Oct. 23, 2020), https://www.jag.navy.mil/courts/documents/records/us_v_jackson_javonte_usn.pdf [Def. 404(b) & 413 Obj.].
- ◆ Defense Motion to Exclude 404(b) Evidence, App. Ex. III at 13, *United States v. Garcia-Motta*, general court-martial, Naval Air Station Jacksonville, Florida (filed Apr. 7, 2020), https://www.jag.navy.mil/organization/documents/records/us_v_garciamotta_ivan_usn.pdf [*Garcia-Motta* Def. Mot. to Exclude].
- ◆ Brief for Government at 16, *United States v. Perkins*, 78 M.J. 550 (N-M. Ct. Crim. App. 2018) (No. 201700077) (filed Jan. 23, 2018) [CCA Gov’t’s Br.].
- ◆ Petitioner’s 2021 Merits Brief at 1, *United States v. Mareen*, N-M. Ct. Crim. App. (No. 202100007) (filed Apr. 28, 2021), https://www.jag.navy.mil/courts/documents/records/us_v_mareen_core_usmc.pdf [Pet’r’s 2021 Merits Br.].
- ◆ Order Denying Petition and Stay, slip order at 3, *In Re. Christopher*, No. 201600249, N-M. Ct. Crim. App. (Apr. 7, 2021), https://www.jag.navy.mil/courts/documents/archive/2021/CHRISTOPHER%20III_201600249_ORD.pdf [*Christopher* Order]. **<before available on Lexis>**
- ◆ Order Denying Petition and Stay at 3, *In Re. Christopher*, No. 201600249, 2021 CCA LEXIS 169 (N-M. Ct. Crim. App. Apr. 7, 2021) [*Christopher* Order]. **<once available on Lexis>**

Citation Guide

Reference in Text

At the CCA, Appellant requested “day-for-day credit from the day of his initial confinement until [the CCA] issue[d] its opinion in [his] case against his sentence by reducing the . . . approved sentence by the same period of time.” Brief for Appellant at 40–41, *United States v. Guinn*, No. ARMY 20170500, 2019 CCA LEXIS 143 (Army Ct. Crim. App. Mar. 28, 2019) (filed Dec. 18, 2018) [CCA Appellant’s Br.].

Petitioner now asserts fundamental error in his trial proceedings. However, on appeal to this Court, Petitioner submitted his case without identifying any potential errors below. Petitioner’s 2021 Merits Brief at 1, *United States v. Mareen*, N-M. Ct. Crim. App. (No. 202100007) (filed Apr. 28, 2021) https://www.jag.navy.mil/courts/documents/records/us_v_mareen_core_usmc.pdf.

In the prosecution’s response to the defense’s motion to exclude 404(b) evidence in *United States v. George*, it indicated that Appellant was not involved in the conspiracy.

In Appellant’s amicus brief in *United States v. Interloper*, he took a completely different view regarding whether necessity is a valid defense to a violation of a lawful order.

¶ 3.14. *Professional Responsibility Codes.* (R12.9.5)

¶ 3.14.1. *Attachment to Regulations.* Many of the military services have promulgated professional responsibility codes as attachments to military regulations. However, rather than cite the code as a subordinate component of the regulation, cite the code and indicate the regulation to which it is attached.

¶ 3.14.2. *Stand-Alone Documents.* The Army Code of Judicial Conduct was issued as an enclosure to a Judge Advocate General memorandum.

¶ 3.14.3. *ABA Model Codes.* The Department of the Navy relies on the American Bar Association model codes and standards.

¶ 3.14.4. *Judicial Conference Code.* The Court of Appeals for the Armed Forces has adopted the Judicial Conference’s Code of Conduct for United States Judges. These documents should be cited as model codes. (R.12.9.4)

¶ 3.14.5. *References in Text.* References to professional responsibility codes in text are referred to by the unabbreviated regulation serial number (if any) or a common unabbreviated short form.

Citation Guide

Professional Responsibility Codes Citation Form

Military Regulation Enclosure

<Abbreviated Title of Code,> | <Abbreviated Issuing Military or Executive Department,> | Abbreviated Regulation Serial Number, | Unabbreviated Regulation Title, | <attach.> or <encl.> # | <pinpoint Rule, Canon, paragraph(s), section(s), or page(s)> | (Abbreviated Full Date) | <[Short Form]>.

Model Code

Model Code of <Abbreviated Title> | <<Canon> <Rule> #> | (Am. Bar Ass'n | Year) | <[Short Form]>.

Judicial Conference Code

Code of Conduct for United States Judges | <<Canon> <Rule> #> | (Jud. Conf. | Abbreviated Full Date) | <[Short Form]>.

Professional Responsibility Codes Text Reference Forms

<Unabbreviated Regulation Serial Number> or <Unabbreviated Common Short Form>

Examples

- ◆ Air Force R. of Prof. Conduct, Air Force Instr. 51-110, *Professional Responsibility Program*, attach. 2, Rule 3.3 (Dec. 11, 2018) [Air Force Rules].
- ◆ Air Force Standards for Civility in Prof. Conduct, Air Force Instr. 51-110, *Professional Responsibility Program*, attach. 3, para. 34 (Dec. 11, 2018) [Air Force Civility Standards].
- ◆ Air Force Uniform Code of Jud. Conduct, Air Force Instr. 51-110, *Professional Responsibility Program*, attach. 8, Canon 3B(7) (Dec. 11, 2018) [Air Force Jud. Code].
- ◆ Regs and Proc. Relating to Jud. Discipline, Air Force Instr. 51-110, *Professional Responsibility Program*, attach. 9 (Dec. 11, 2018).
- ◆ Code of Jud. Conduct for Army Trial and Appellate Judges, Rule 2.9 (May 16, 2008) [Army Jud. Code].

Citation Guide

- ◆ Rules of Prof. Conduct for Lawyers, Army Reg. 27-26, app’x B, Rule 4.4 (June 28, 2018) [Army Rules].
- ◆ Code of Jud. Conduct for Coast Guard Trial and Appellate Judges, Coast Guard Comd’t Instr. M5800.1, *Coast Guard Legal Professional Responsibility Program*, encl. 6, Canon 3 (June 1, 2005) [Coast Guard Jud. Code].
- ◆ Code of Conduct for United States Judges, Canon 3C(1) (Jud. Conf. Mar. 12, 2019) [Code of Conduct], <https://www.uscourts.gov/file/25752/download> .
- ◆ Model Code of Jud. Conduct, Canon 2.9 (Am. Bar Ass’n 2011) [Model Jud. Code].
- ◆ *Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases*, para. 10.11.G (Am. Bar Ass’n 2003) [ABA Guidelines], https://www.americanbar.org/groups/committees/death_penalty_representation/resources/aba_guidelines/2003-guidelines/ .

Reference in Text

No branch of the armed forces has adopted the ABA Guidelines as the yardstick for measuring defense counsels’ performance. The Supreme Court has specifically disavowed adoption of the ABA Guidelines as definitive statements on “prevailing professional norms.” *Strickland v. Washington*, 466 U.S. 668, 689, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984).

Rule 1.2 of the American Bar Association Model Code of Judicial Conduct⁸ [Model Code] mirrored by the Code of Judicial Conduct for Army Trial and Appellate Judges⁹ [Army Code] provides that “A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety or the appearance of impropriety.”

⁸ Model Code of Jud. Conduct, Rule 1.2 (Am. Bar Ass’n 2011).

⁹ Code of Jud. Conduct for Army Trial and Appellate Judges, Rule 1.2 (May 16, 2008).

¶ 3.15. ***Court Rules.*** (R12.9.3)

¶ 3.15.1. *Generally.* In accordance with *The Bluebook*, the basic citation of court rules is abbreviated. **Do not** use a short form, other than *id.* Do not include a year, except to indicate subsequent repeal or amendment.

Citation Guide

¶ 3.15.2. *References in Text.* In text, do not abbreviate any part of the name of a court rule, except for the name of the court if it has been previously established as a short form.

Court Rules Citation Form

Abbreviated Court Name | R. # | <(sealed)>.

Other Current Case Hearing Transcript Text Reference Forms

<Unabbreviated Court Name> or <Abbreviated Court Name> | Rule #

Examples

- ◆ C.A.A.F. R. 19.
- ◆ J. Ct. Crim. App. R. 20.
- ◆ Army Ct. Crim. App. R. 10.4.
- ◆ N-M. Ct. Crim. App. R. 17.5.
- ◆ A.F. Ct. Crim. App. R. 18.2.
- ◆ C.G. Ct. Crim. App. R. 23.2.
- ◆ C.M.C.R. R. 3.(a).
- ◆ N-M. Trial Jud. R. 34.12.
- ◆ N-M. Trial Jud. R. 34.12 (2019) (repealed 2020).
- ◆ M.C. Trial Jud. R. 3.5.i.(4).

Reference in Text

Upon consideration of the Petition for Grant of Review of the decision of the United States Army Court of Criminal Appeals and Appellant's Supplement, we note two discrepancies in the matters filed pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982). First, pages 1-4, 10-15, and 20 are missing. Second, once provided, the matters total 24 pages and therefore exceed the maximum limit of 15 pages under C.A.A.F. Rule 21A(a).

At issue in Appellant's first assignment of error is the validity of N-M. Ct. Crim. App. Rule 4-4.h, which places a 50-page limit on principal briefs absent good cause shown.

Citation Guide

We note that the Army Court of Criminal Appeals Internal Rules of Practice and Procedure [A.C.C.A. R.] 15.5 provides that counsel should raise *Grostefon* issues “by footnote or in an Appendix to [Appellant’s] Brief.”

4. QUICK REFERENCE CITATION GUIDE

Basic Citation	Short Form
<p>Published Opinion Cases ¶ 3.2.1.4—Do not provide parallel citations except for Court of Military Appeals opinions published in both C.M.A. and C.M.R. (per CAAF local rule).</p>	
<p><i>United States v. Harpole</i>, 81 M.J. 8, 10 (C.A.A.F. 2021) (per curiam).</p>	<p><i>Harpole</i>, 81 M.J. at 10.</p>
<p><i>Richmond Screw Anchor Co. v. United States</i>, 275 U.S. 331, 340 (1928).</p>	<p><i>Richmond Screw Anchor Co.</i>, 275 U.S. at 340.</p>
<p>Not <i>Richmond Screw Anchor Co. v. United States</i>, 275 U.S. 331, 340, 48 S. Ct. 194, 196, 72 L. Ed. 303, 306 (1928).</p>	
<p><i>United States v. Care</i>, 18 C.M.A. 535, 541, 40 C.M.R. 247, 253 (1969).</p>	<p><i>Care</i>, 18 C.M.A. at 541, 40 C.M.R. at 253.</p>
<p>Not <i>United States v. Care</i>, 40 C.M.R. 247, 253 (C.M.A. 1969).</p>	
<p><i>Nat. Res. Def. Council, Inc. v. Nuclear Reg. Comm’n</i>, 216 F.3d 1180, 1189 (D.C. Cir. 2000).</p>	<p><i>Nat. Res. Def. Council, Inc.</i>, 216 F.3d at 1189.</p>
<p>Not <i>Nat. Res. Def. Council, Inc. v. Nuclear Reg. Comm’n</i>, 216 F.3d 1180, 1189, 342 U.S. App. D.C. 337 (D.C. Cir. 2000).</p>	
<p>Pending Publication Cases ¶ 3.2.1.5—Cite to either LEXIS or Westlaw if available; court website if posted; or unposted slip opinion.</p>	
<p><i>United States v. Briggs</i>, ___ U.S. ___, 141 S. Ct. 467, 473 (2020).</p>	<p><i>Briggs</i>, ___ U.S. at ___, 141 S. Ct. at 473.</p>
<p><i>United States v. Guinn</i>, ___ M.J. ___, No. 19-0384, 2021 CAAF LEXIS 439, at *6 (C.A.A.F. May 10, 2021).</p>	<p><i>United States v. Guinn</i>, ___ M.J. ___, No. 19-0384, 2021 CAAF LEXIS 439, at *6 (C.A.A.F. May 10, 2021).</p>
<p><i>United States v. Guinn</i>, ___ M.J. ___, No. 19-0384, slip op. at 5 (C.A.A.F. May 10, 2021), https://armfor.uscourts.gov/newcaaf/opinions/2020OctTerm/190384.pdf.</p>	<p><i>Guinn</i>, ___ M.J. at ___, slip op. at 5.</p>
<p>Unpublished Opinion Cases ¶ 3.2.1.6</p>	
<p><i>United States v. Olaya</i>, No. 201900211, 2020 CCA LEXIS 413 at *9 (N-M. Ct. Crim. App. Nov. 16, 2020) (unpublished), <i>vacated</i>, <i>United States v. Olaya</i>, ___ M.J. ___, No. 21-0129/NA, 2021 CAAF LEXIS 386 (C.A.A.F. Apr. 26, 2021) (mem.)</p>	<p><i>Olaya</i>, 2020 CCA LEXIS 413 at *7.</p>

Quick Reference Citation Guide

Basic Citation	Short Form
Decisions Without Opinion Cases ¶ 3.2.1.7	
<i>United States v. Hedgecock</i> , 80 M.J. 355 (C.A.A.F. 2020) (mem.).	<i>Hedgecock</i> , 80 M.J. 355.
United States Constitution ¶ 3.3	
U.S. Const. art. I, § 9, cl. 2.	No short form.
U.S. Const. amend. XIV, § 2.	No short form.
Uniform Code of Military Justice ¶ 3.4	
Article 86, Uniform Code of Military Justice, 10 U.S.C. § 886.	Article 86, UCMJ.
MCM Punitive Articles ¶ 3.5.2	
<i>Manual for Courts-Martial, United States</i> (2019 ed.) [MCM], pt. IV, para. 60.b.(1)(a) at IV-85.	<i>MCM</i> , pt. IV, para. 60.b.(1)(a) at IV-85.
<i>Manual for Courts-Martial, United States</i> (2016 ed.) [MCM (2016)], pt. IV, para. 54.c.(1)(a) at IV-101	<i>MCM</i> (2016), pt. IV, para. 54.c.(1)(a) at IV-101.
<i>Manual for Courts-Martial, United States</i> (2019 ed.) [MCM], app. 22, Punitive Articles Applicable to Sexual Offenses Committed Between 12 June 2012 and 31 December 2018, para. 45.b.(1)(a)(i) at A22-2.	<i>MCM</i> , app. 22, para. 45.b.(1)(a)(i) at A22-2.
Military Rules of Evidence ¶ 3.5.3	
Military Rule of Evidence [Mil. R. Evid.] 403.	Mil. R. Evid. 403.
Rules for Courts-Martial ¶ 3.5.4	
Rule for Courts-Martial [R.C.M.] 707(a)(1).	R.C.M. 707(a)(1).
MCM Supplementary Materials ¶ 3.5.5	
<i>Manual for Courts-Martial, United States</i> (2019 ed.) [MCM], app. 2.1, Non-Binding Disposition Guidance [Disposition Guidance], para. 3.3 at A2.1-3 to -4.	Disposition Guidance, para. 3.3 at A2.1-3 to -4.
<i>Manual for Courts-Martial, United States</i> (2019 ed.) [MCM], app. 12A, Prescriptionally-Prescribed Lesser Included Offenses [Prescribed LIOs], at A12A-6.	Prescribed LIOs of Rape, at A12A-6.

Quick Reference Citation Guide

Basic Citation	Short Form
<i>Manual for Courts-Martial, United States</i> (2016 ed.) [MCM], app. 12A, Lesser Included Offenses [LIOs], at A12A-3.	LIOs of Manslaughter, at A12A-3.
<i>Manual for Courts-Martial, United States</i> (2019 ed.) [MCM], app. 15, Analysis of Rules for Courts-Martial [R.C.M. 1111 Drafters' Analysis] at A15-22.	R.C.M. 1111 Drafters' Analysis at A15-22.
<i>Manual for Courts-Martial, United States</i> (2019 ed.) [MCM (2019)], app. 16, Analysis of the Military Rules of Evidence [Mil. R. Evid. 404 Drafters' Analysis (2019)] at A16-2.	Mil. R. Evid. 404 Drafters' Analysis at A16-2.
<i>Manual for Courts-Martial, United States</i> (2016 ed.) [MCM (2016)], app. 22, Analysis of the Military Rules of Evidence [Mil. R. Evid. 801 Drafters' Analysis] at A22-61.	Mil. R. Evid. 801 Drafters' Analysis (2016) at A22-61.
<i>Manual for Courts-Martial, United States</i> (2019 ed.) [MCM], app. 17, Analysis of the Punitive Articles [Article 120c Drafters' Analysis], para. 63 at A17-11.	Article 120c Drafters' Analysis, para. 63 at A17-11.
Rule for Courts-Martial [R.C.M.] 910(e) Discussion.	R.C.M. 910(e) Discussion.
Military Rule of Evidence [Mil. R. Evid.] 505 Discussion.	Mil. R. Evid. 505 Discussion.
<i>MMC Crimes & Elements ¶ 3.6.2</i>	
<i>Manual for Military Commissions, United States</i> (2019 ed.) [MMC], pt. IV, para. 5.(16)b. at IV-13 to -14.	MMC, pt. IV, para. 5.(16)b. at IV-13 to -14.
<i>Manual for Military Commissions, United States</i> (2012 ed.) [MMC (2012)], pt. IV, para. 5.(2)c. at IV-4.	MMC (2012), pt. IV, para. 5.(2)c. at IV-4.
<i>Military Commission Rules of Evidence ¶ 3.6.3</i>	
Military Commission Rule of Evidence [Mil. Comm. R. Evid.] 403.	Mil. Comm. R. Evid. 403.
<i>Rules for Military Commissions ¶ 3.6.4</i>	
Rule for Military Commissions [R.M.C.] 103(a)(24)(B).	R.M.C. 707(a)(1).

Quick Reference Citation Guide

Basic Citation	Short Form
Executive Orders ¶ 3.7	
<i>General Authorization to Delegate Functions; Publication of Delegations</i> , Exec. Order No. 11,732, 3 C.F.R. 791 (1971–1975), <i>reprinted in</i> 3 U.S.C. § 301 (1988).	Exec. Order No. 11,732, 3 C.F.R. at 791.
<i>2018 Amendments to the Manual for Courts-Martial, United States</i> , Exec. Order No. 13,825, 83 Fed. Reg. 9889, 9889, sec. 2.(d) (Mar. 1, 2018).	Exec. Order No. 13,825, 83 Fed. Reg. at 9890, sec. 6.(b).
Military Regulations ¶ 3.7	
Dep’t of Def. Instr. 1325.4, <i>Treatment of Military Prisoners and Administration of Military Correction Facilities</i> , para. 6 (Oct. 7, 1968) [DoDI 1325.4].	DoDI 1325.4, para. 6.
Dep’t of the Army Pam. 27-9, <i>Military Judges’ Benchbook</i> , para. 3A-17A-1.d (Feb. 29, 2020) [Benchbook].	<i>Benchbook</i> , para. 3A-17A-1.d.
Dep’t of the Army Pam. 27-17, <i>Procedural Guide for Article 32 Preliminary Hearing Officer</i> , paras. 3-1, 3-3 (June 18, 2015) [DA Pam. 27-17].	DA Pam 27-17, paras. 3-1, 3-3.
Dep’t of the Air Force Instr. 51-201, <i>Administration of Military Justice</i> , para. 5.15 (Jan. 18, 2019) [DAFI 51-201].	DAFI 51-201, para. 5.15.
Dep’t of the Navy, Judge Advocate General Instr. 5800.7G, <i>Manual of the Judge Advocate General</i> , para. 0152.a(1) (Jan. 15, 2021) [JAGMAN].	JAGMAN, para. 0152.a(1).
Dep’t of the Navy, Judge Advocate General Instr. 5813.4K, <i>Navy-Marine Corps Trial Judiciary</i> , para. 5.b. (Mar. 29, 2021) [JAGINST 5813.4K].	JAGINST 5813.4K, para. 5.b.
U.S. Navy Regs., art. 1167 (Sept. 3, 1997) [Navy Regs].	Navy Regs, art. 1167.
Army Reg. 600-8-14, <i>Identification Cards for Members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel</i> , tbl. 9.4 (Aug. 4, 2017) [AR 600-8-14].	AR 600-8-14, tbl. 9.4.

Quick Reference Citation Guide

Basic Citation	Short Form
Marine Corps Order 1050.16A, <i>Appellate Leave Awaiting Punitive Separation</i> , para. 10 (June 19, 1998) [MCO 1050.16A].	MCO 1050.16A, para. 10.
Marine Corps Order 1900.16, <i>Separation and Retirement Manual</i> , para. 1002.12 (Feb. 15, 2019) [MARCORSEPMAN].	MARCORSEPMAN, para. 1002.12.
Legislative Materials ¶ 3.9	
The Military Commissions Act of 2006, 10 U.S.C. § 948a.	10 U.S.C. § 948a.
Privacy Act of 1974 [Privacy Act], 5 U.S.C. § 552a.	Privacy Act, § 552a.
Military Justice Improvement and Increasing Prevention Act of 2021, S. 1520, 117 Cong § 2(d) (2021).	S. 1520 § 2(d).
S. Con. Res. 6, 117th Cong. (2021).	S. Con. Res. 6.
<i>Examining the Role of the Commander in Sexual Assault Prosecutions, Hearing Before the Subcomm. on Mil. Pers. of the H. Comm. on Armed Servs.</i> , 116th Cong. 38 (2019) (statement of Lt Gen Jeffrey A. Rockwell, USAF, Judge Advocate General, U.S.A.F.).	116th Cong. 38.
<i>Support for Our Servicemembers in the NDAA</i> , 118 Cong. Rec. H5778 (daily ed. July 15, 2019) (statement of Rep. Gilbert Cisneros).	118 Cong. Rec. H5778.
H.R. Rep. No. 114-840, at 1512 (2016) (Conf. Rep.).	H.R. Rep. No. 114-840, at 1512.
Staff of H. Comm. on Armed Services, 116th Cong., <i>Future of Defense Task Force Report 2020</i> at 17 (Comm. Print) [<i>Future of Def. Task Force Rep.</i>].	<i>Future of Def. Task Force Rep.</i> 17.
Jennifer K. Elsea & Jonathan M. Gaffney, Cong. Rsch. Serv., Report R46503, <i>Military Courts-Martial Under the Military Justice Act of 2016</i> , at 26–27 (2020).	R46503 at 26–27.
U.S. Gov’t Accountability Off., Report GAO-21-366, <i>Navy Readiness: Additional Efforts Are Needed to Manage Fatigue, Reduce Crewing Shortfalls, and Implement Training</i> , 28 (2021).	GAO-21-366 at 28.

Quick Reference Citation Guide

Basic Citation	Short Form
Treaties ¶ 3.10	
<p>Agreement to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany, Ger.-U.S., art. 17, para. 1, Aug. 3, 1959, 14 U.S.T. 531, 536-37 [Germany NATO Supp.], https://www.aepubs.eur.army.mil/Portals/18/docs/NATO-SOFA.pdf.</p>	<p>Germany NATO Supp., art. 17, para. 1.</p>
<p>Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, art. VII, para. 3.a.i., June 19, 1951, 4 U.S.C. 1792, T.I.A.S. No. 2846, 199 U.N.T.S. 67 [NATO SOFA], https://www.nato.int/cps/en/natohq/official_texts_17265.htm.</p>	<p>NATO SOFA, art. VII, para. 3.a.i.</p>
Books ¶ 3.11.2	
<p>Stephen A. Salzburg, et al., <i>Military Rules of Evidence Manual</i> § 403.02 (9th ed. 2020) [<i>Mil. R. Evid. Manual</i>].</p>	<p><i>Mil. R. Evid. Manual</i> § 403.02.</p>
<p>William Winthrop, <i>Military Law and Precedents</i>, 325 (review 2d ed., Gov't Print. Off. 1920) (1895).</p>	<p>Winthrop at 325.</p>
<p>21 Am. Jur. 2d <i>Criminal Law</i> § 178 (1998).</p>	<p>21 Am. Jur. 2d <i>Criminal Law</i> § 178.</p>
<p>Rodger A. Drew, Jr., <i>The PurpleBook: A Manual of Uniform Citation and Legal Style for the Military Courts</i> ¶ 2.11.2.3 (2022) [<i>PurpleBook</i>].</p>	<p><i>PurpleBook</i> ¶ 2.11.2.3.</p>
<p><i>Coram Nobis</i>, <i>Black's Law Dictionary</i> (11th ed. 2019).</p>	<p><i>Coram Nobis</i>, <i>Black's Law Dictionary</i>.</p>
<p>2 Kings 12:19 (NIV).</p>	<p>2 Kings 12:19.</p>
Periodicals ¶ 3.11.3	
<p>Jeremy S. Weber, <i>Court-Martial Nullification: Why Military Justice Needs a "Conscience of the Commander,"</i> 80 A.F. L. Review 1, 24 (2019).</p>	<p>Weber at 24.</p>
<p>Eric A. Catto, <i>The Spoof Is in the Evidence</i>, <i>Army Law.</i>, no. 2, 2020, at 34, 35–36.</p>	<p>Catto at 35–36.</p>

Quick Reference Citation Guide

Basic Citation	Short Form
Byron T. Gleisner, <i>The Procedural Guide</i> , JAG Rep. (June 5, 2020), https://www.jagreporter.af.mil/Post/Article-View-Post/Article/2547825/the-procedural-guide .	Gleisner.
88 C.J.S. <i>Trial</i> § 192 (1955).	88 C.J.S. <i>Trial</i> § 192.
John E. Theuman, Annotation, <i>Review by Federal Civil Courts of Court-Martial Convictions—Modern Status</i> , 95 A.L.R. Fed 472 § 25b (2020).	Theuman § 25b.
Correspondence ¶ 3.12	
Letter from Appellant to SGT Alpha, at 2 (June 22, 2021), Pros. Ex. 5.	Pros. Ex. 5 at 2.
Email from Register@donotacll.gov to Specialist Tango, Subject: National Do Not Call Registry (June 12, 2021 @ 1929), attach. 1 to Appellant’s Mot. to Attach [Registry Email].	Registry Email.
Text msg. from Appellant to Amn Charlie (June 4, 2021 @ 0122), Def. Ex. C.	Def. Ex. C.
Trial & Appellate Record ¶ 3.13	
(R. at 18–22) <i><following text></i>	No short form.
R. at 18–22. <i><in a footnote></i>	No short form.
R. at 353–62 (sealed).	No short form.
Test. of Agent Papa, Prelim. Hr’g Tr. at 125–30.	No short form.
Stip. of Fact, Pros. Ex. 1, para. 5.	Stip. of Fact, para. 5.
Stip of Fact, Pros. Ex. 1 at 1.	Stip. of Fact at 1.
Pros. Ex. 2 at 5.	No short form.
Def. Mot. for a Bill of Particulars, App. Ex. XI, para. 11.	App. Ex. XI, para. 11.
Clemency Request, encl. 1 at 2.	No short form.
Appellant’s Br. at 5.	No short form.
Answer at 7.	No short form.
Official Audio R. of Dr. Alpha at 11:23–11:31 (May 13, 2021).	Dr. Alpha Test. at 11:23–11:31

Quick Reference Citation Guide

Basic Citation	Short Form
Video Rec'g of Appellant's AFOSI Inv'w, Pros. Ex. 2 at 03:07–03:19.	Pros. Ex. 2 at 03:07–03:19.
Audio Rec'g of Pretext Phone Call, Def. Ex. C at 00:26–00:31.	Def. Ex. C at 00:26–00:31.
Audio Rec'g of Prelim. Hr'g Test. of SGT Lima at 01:15–01:18 (Aug. 24, 2021).	SGT Lima Prelim. Hr'g Test. at 01:15–01:18.
J.A. at 57.	No short form.
C.J.A. at 35.	No short form.
Professional Responsibility Codes ¶ 3.14	
Air Force R. of Prof. Conduct, Air Force Instr. 51-110, <i>Professional Responsibility Program</i> , attach. 2, Rule 3.3 (Dec. 11, 2018) [Air Force Rules].	Air Force Rules, Rule 3.3.
Code of Jud. Conduct for Army Trial and Appellate Judges, Rule 2.9 (May 16, 2008) [Army Jud. Code].	Army Jud. Code, Rule 2.9.
Code of Conduct for United States Judges, Canon 3C(1) (Jud. Conf. Mar. 12, 2019) [Code of Conduct], https://www.uscourts.gov/file/25752/download .	Code of Conduct, Canon 3C(1).
Code of Jud. Conduct for Coast Guard Trial and Appellate Judges, Coast Guard Comd't Instr. M5800.1, <i>Coast Guard Legal Professional Responsibility Program</i> , encl. 6, Canon 3 (June 1, 2005) [Coast Guard Jud. Code].	Coast Guard Jud. Code Canon 3.
Model Code of Jud. Conduct, Canon 2.9 (Am. Bar Ass'n 2011) [Model Jud. Code].	Model Jud. Code, Canon 2.9.
Court Rules ¶ 3.15	
C.A.A.F. R. 19.	No short form.
J. Ct. Crim. App. R. 18.	No short form.
Army Ct. Crim. App. R. 10.4.	No short form.
N-M. Ct. Crim. R. App. P. 17.5.	No short form.
A.F. Ct. Crim. App. R. 18.2.	No short form.
C.G. Ct. Crim. App. R. 23.2.	No short form.
C.M.C.R. R. 3.(a).	No short form.

The PurpleBook

Quick Reference Citation Guide

The Purple Book

Style Guide

¶ 2.1. <i>Typeface</i>	5
¶ 2.2. <i>Capitalization</i>	7
¶ 2.3. <i>Punctuation</i>	19
¶ 2.4. <i>Quotations</i>	34
¶ 2.5. <i>Abbreviations and Short Forms in Text</i>	41
¶ 2.6. <i>Dates</i>	61
¶ 2.7. <i>Numbers</i>	63
¶ 2.8. <i>Avoid Unintentional Stereotypes</i>	71
¶ 2.9. <i>Legalisms</i>	73
¶ 2.10. <i>Names of Aircraft, Manned Spacecraft, and Vessels</i>	73
¶ 2.11. <i>Common Errors</i>	74

Citation Guide

¶ 3.1. <i>Generally</i>	79
¶ 3.2. <i>Cases</i>	86
¶ 3.3. <i>United States Constitution</i>	103
¶ 3.4. <i>Uniform Code of Military Justice</i>	104
¶ 3.5. <i>Manual for Courts-Martial</i>	110
¶ 3.5.2 <i>Punitive Articles</i>	110
¶ 3.5.3 <i>Military Rules of Evidence</i>	112
¶ 3.5.4 <i>Rules for Courts-Martial</i>	114
¶ 3.5.5 <i>Supplementary Materials</i>	116
¶ 3.6. <i>Manual for Military Commissions</i>	122
¶ 3.6.2 <i>Crimes and Elements</i>	122
¶ 3.6.3 <i>Military Commission Rules of Evidence</i>	124
¶ 3.6.4 <i>Rules for Military Commissions</i>	125
¶ 3.7. <i>Executive Orders</i>	127
¶ 3.8. <i>Military Regulations and Other Publications</i>	129
¶ 3.9. <i>Legislative Materials</i>	137
¶ 3.10. <i>Treaties</i>	143
¶ 3.11. <i>Books and Periodicals</i>	145
¶ 3.12. <i>Written and Electronic Correspondence</i>	148
¶ 3.13. <i>The Trial and Appellate Record</i>	151
¶ 3.14. <i>Professional Responsibility Codes</i>	165
¶ 3.15. <i>Court Rules</i>	167