

**JUDICIAL PROCEEDINGS PANEL  
REQUEST FOR INFORMATION SET # 1**

**48. DoD:** Notwithstanding the provisions of RCM 1103A (sealed exhibits and proceedings), how can JPP members and/or staff review portions of records of trial that have been sealed pursuant to MRE 412 and/or MRE 513 in order to accomplish the JPP’s statutory mandate to review and assess and assess these issues?

<b>DoD</b>	R.C.M. 1103A establishes a general rule prohibiting the examination of sealed records with certain prescribed exceptions. <i>See</i> Rule for Courts-Martial 1103A(b), MANUAL FOR COURTS-MARTIAL, UNITED STATES (2012 ed.) [hereinafter R.C.M.]. No exception would allow the JPP or its staff to examine a sealed record following the convening authority’s action. The JPP or its staff could examine a sealed record after authentication but before the convening authority’s action only if ordered by a “military judge upon a showing of good cause at a post-trial Article 39a session directed by the Convening Authority.” R.C.M. 1103A(b)(3). Before authentication, sealed materials may be examined only upon “an order from the military judge based on good cause shown.” R.C.M. 1103A(b)(2).
<b>USA</b>	The JPP members and/or staff have no authority to review portions of records of trial that have been sealed pursuant to MRE 412 and/or MRE 513. Once a record is sealed pursuant to RCM 1103A, the records may not be examined except as provided in RCM 1003A(b).
<b>USN</b>	JPP should submit such a request to Navy Office of the Judge Advocate General, Code 20 for review and coordination with appropriate stakeholders.