

**UNITED STATES AIR FORCE  
COURT OF CRIMINAL APPEALS**



***Citation Guide***

**2017 EDITION**



DEPARTMENT OF THE AIR FORCE  
U.S. AIR FORCE COURT OF CRIMINAL APPEALS  
1500 WEST PERIMETER ROAD, SUITE 1900  
JOINT BASE ANDREWS MD 20762-6604



10 July 2017

MEMORANDUM FOR AIR FORCE MILITARY JUSTICE PRACTITIONERS

FROM: Chief Appellate Military Judge

SUBJECT: United States Air Force Court of Criminal Appeals Citation Guide

1. This is the first *Air Force Court of Criminal Appeals Citation Guide*. The Guide is written to provide uniform assistance to all who file pleadings before the United States Air Force Court of Criminal Appeals.
2. The general principles of citation set out in this Guide closely parallel those found in *The Bluebook: A Uniform System of Citation* (20th ed. 2015) [hereinafter *The Bluebook*]. The Guide should be used as a resource supplement to *The Bluebook*.
3. Suggestions for amendments or other practical improvements to the Air Force Court of Criminal Appeals Citation Guide are always welcome and should be addressed to:

Clerk of the Court  
United States Air Force Court of Criminal Appeals  
1500 West Perimeter Road  
Joint Base Andrews, MD 20762

  
RODGER A. DREW, JR.,  
Colonel, USAF  
Chief Appellate Judge

# *Air Force Court of Criminal Appeals Citation Guide*

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# *Air Force Court of Criminal Appeals Citation Guide*

## I. INTRODUCTION

The purpose of the Citation Guide is to facilitate high quality judicial opinions and orders by providing uniform guidance for citation forms for all members of the court. The general principles of citation set out in this Guide closely parallel those found in THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 20th ed. 2015). References to relevant Bluepages (**B**), Rules (**R**), and Tables (**T**) in *The Bluebook* are provided where appropriate.

This Guide covers citation formats common to our practice, but is not comprehensive. If not found in this Guide, reference *The Bluebook*; if not found there, reference an analogous authority, with the goal of ensuring the cited sources can be found by practitioners as readily as possible. Follow the rules in this Guide, even where those rules conflict with *The Bluebook*.

Questions, comments, or suggestions should be addressed to the Clerk of Court.

## II. CITATION FORM AND LOCATION

1. **Introductory signals and explanatory phrases (B1, R1.2).** Always italicize unless in parentheses or when used as part of a regular English sentence. See *The Bluebook* for a complete list of introductory signals and explanatory phrases. For example:

*See United States v. Schlamer*, 52 M.J. 80 (C.A.A.F. 1999), *cert. denied*, 529 U.S. 1005 (2000).

*See United States v. Schlamer*, 52 M.J. 80, 84 (C.A.A.F. 1999) (quoting *United States v. Johnson*, 46 M.J. 8, 10 (C.A.A.F. 1997)), *cert. denied*, 529 U.S. 1005 (2000).

2. **Date format.** When an exact date is required, do not follow the format in *The Bluebook*. Instead, always abbreviate months longer than three letters and follow the military date format. For example:

*United States v. Richards*, No. ACM 38346, 2016 CCA LEXIS 285, at \*44 (A.F. Ct. Crim. App. 2 Jun. 2016) (unpub. op.).

126 CONG. REC. H6456 (24 Jul. 1980) (statement of Rep. Levitas).

Exec. Order 12,531, 50 Fed. Reg. 36,033 (30 Aug. 1985).

*Military Judges' Benchbook*, Dept. of the Army Pamphlet 27-9 at 750–51 (10 Sep. 2014).

3. **Citation locations (B1, R1.1).** Citations in court documents and legal memoranda may be made in one of two ways: at the end of a sentence or in the middle of a clause. Authorities that reference an entire sentence are given at the end of that sentence. Commas set off authorities that reference a clause within a sentence immediately following that proposition. For example:

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).

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4. **Short forms** (B4; R10.9). Once a full citation is given, you may use an authorized short form. The use of *id.* is authorized as a short form for all basic citations though not authorized if there is a different citation between the *id.* and the full citation you are attempting to shorten. *Id.* is discouraged if the reader will have trouble locating the full citation quickly. The use of “*supra*” as a short form for cases is disapproved.

### III. CASES

#### A. General

1. **Typeface.** Cite names in *italics*, completely spelled out (*United States* **not** U.S. or United States)—except when using short form after the case has been fully cited. (B2; R10.2)

2. **Pinpoint cites.** Whenever feasible, reference the precise page number indicating the point or language for which the source is cited. (B10.1.2; R3)

3. **Prior and subsequent history.** Include prior history if significant to the point for which the case is cited. All full case cites should indicate subsequent history, except that denials of certiorari / review are only cited if the decision is within the past two years or the denial is particularly relevant. (B10.1.6; R10.7)

#### 4. Short-form citations

a. Short-form citations for cases may be used after the case has been cited completely. Thereafter, “*Id.*” may be used as appropriate (do not use “*Id.*” if there is a different citation between the “*id.*” and the full citation you are attempting to shorten). (B10.2; R10.9)

b. Two possible short forms for *United States v. Wright*, 75 M.J. 501, 505 (A.F. Ct. Crim. App. 2015):

*Wright*, 75 M.J. at 505.

*Id.* at 505.

c. Do not use “*supra*” as a short form for case citations. (R4.2) However, “*supra*” may be used in a block quote or to refer to previous footnotes.

5. **String citations.** Cases are arranged within a string cite according to the seniority of the court (Supreme Court, Court of Appeals for the Armed Forces, Air Force Court of Criminal Appeals, and other Service Courts of Criminal Appeals) and in reverse chronological order (most recent date first in order). Other Service appellate court decisions are of equal seniority and are arranged by date of decision. String citations listing only two cases shall separate the citation with a semicolon rather than the article “and.” (See R1 for a complete list of authorities.) For example:

*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); *United States v. Anderson*, 67 M.J. 703 (A.F. Ct. Crim. App. 2009).

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### 6. Parenthetical information

a. **Mandatory.** Parenthetical information is required when the case you are citing has quoted or cited another case—unless you indicate it has been omitted—or when the text of the case you are citing is not from the majority opinion. (R10.6) For example:

*United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982) (quoting *United States v. Mamaluy*, 27 C.M.R. 176, 180–81 (C.M.A. 1959)) OR

*United States v. Snelling*, 14 M.J. 267, 268 (C.M.A. 1982) (internal quotation marks and citation omitted).

*United States v. Demerse*, 37 M.J. 488, 493 (C.M.A. 1993) (Crawford, J., dissenting).

**Note:** “J.” indicates Judge and should be substituted with “C.J.” to indicate Chief Judge as appropriate:

*United States v. Katso*, No. ACM 38005 (rem), 2017 CCA LEXIS 82, at \*16-17 (A.F. Ct. Crim. App. Feb. 2, 2017) (Drew, C.J., *dubitante*) (unpub. op.).

b. **Explanatory.** 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 normally begin with a present participle except when using a quotation or the context makes use of a present participle unnecessary. When the cited case includes prior or subsequent history, the explanatory parenthetical appears prior to the prior or subsequent history. (R1.5, 10.7) For example:

*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. Demerse*, 37 M.J. 488 (C.M.A. 1993) (4–1 decision).

*United States v. Harvey*, 66 M.J. 585, 587–88 (A.F. Ct. Crim. App. 2008) (holding that the military judge did not abuse her discretion in refusing to instruct the jurors that unconscious movements during sleep are considered involuntary because the party seeking the instruction has not properly met its burden in raising it.), *rev. denied*, 67 M.J. 249 (C.A.A.F. 2009).

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### **B. United States Supreme Court**

1. **Basic citation.** Cite to the U.S. Reporter. Cite to the Supreme Court Reporter only when no U.S. Reporter cite is available. Do not cite to the Lawyer's Edition. (R10; T1) For example:

*United States v. Scheffer*, 523 U.S. 303, 304 (1998).

*Scheffer*, 523 U.S. at 304.

2. **Certiorari granted or denied.** For cases where certiorari has been granted or denied (B10.1.6; R10.7.1):

*Goldsmith v. Clinton*, 48 M.J. 84 (C.A.A.F. 1998), *cert. granted*, \_\_ U.S. \_\_, 119 S. Ct. 402 (1998).

**Note:** “\_\_ U.S. \_\_” is appropriate for cases awaiting publication.

### **C. Federal Circuit Courts of Appeals**

*Jiminez v. United States*, 158 F.3d 1228, 1229 (11th Cir. 1998).

*Dean v. Veteran's Administration*, 943 F.2d 667, 669 (6th Cir. 1991), *vacated*, 503 U.S. 902 (1992).

*Jiminez*, 158 F.3d at 1229.

*Dean*, 943 F.2d at 669.

### **D. Federal District Courts**

1. **Basic citation.** The appropriate abbreviations for all districts are found in *The Bluebook* (R10.4; T1). For example:

*McVeigh v. Cohen*, 983 F. Supp. 215, 219 (D.D.C. 1998).

*LeCrone v. United States Navy*, 958 F. Supp. 469, 475 (S.D. Cal. 1997).

*Romero by Romero v. United States*, 806 F. Supp. 569, 570 (E.D. Va. 1992), *aff'd*, 2 F.3d 1149 (4th Cir. 1993).

#### **2. Short forms**

*McVeigh*, 983 F. Supp. at 219.

*LeCrone*, 958 F. Supp at 475.

*Romero*, 806 F. Supp. at 570.

### **E. Court of Appeals for the Armed Forces**

1. **1951–1975:** *United States Court of Military Appeals* (C.M.A.) decisions reported in the Court-Martial Reports (C.M.R.). Volumes 51 through 54 existed only in advance sheets and citations to Volume 54 often contained the word “interim.”

*United States v. Adkins*, 18 C.M.R. 116, 123 (C.M.A. 1955). [**Note:** *United States v. Adkins*, 5 C.M.A. 493, 499, 18 C.M.R. 116, 123 (1955).]

*Adkins*, 18 C.M.R. at 123.

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2. **1975–Oct 1994:** C.M.A. decisions reported in the Military Justice Reporter (M.J.).

*United States v. Turner*, 25 M.J. 324, 325 (C.M.A. 1987).

*Turner*, 25 M.J. at 325.

3. **Oct 1994–Present:** *United States Court of Appeals for the Armed Forces* (C.A.A.F.).

a. **Published in the M.J. Reporter**

*United States v. Scheffer*, 44 M.J. 442, 450 (C.A.A.F. 1996), rev'd, 523 U.S. 303 (1998).

*Scheffer*, 44 M.J. at 450.

b. **Pending Publication in M.J. Reporter, Available in Lexis**

*United States v. Hukill*, \_\_\_ M.J. \_\_\_, No. 17-0003, 2017 CAAF LEXIS 305, at \*6 (C.A.A.F. 2 May 2017).

*Hukill*, 2017 CAAF LEXIS 305, at \*6.

c. **Pending Publication in MJ Reporter, Not Yet Available in Lexis**

*United States v. Oliver*, \_\_\_ M.J. \_\_\_, No. 16-0484, slip op. at 6 (C.A.A.F. 24 May 2017).

*Oliver*, slip. op. at 6.

d. **Summary Disposition**

*United States v. Pate*, 73 M.J. 352 (C.A.A.F. 2013) (mem.).

### **F. Service Courts of Criminal Appeals**

1. **Prior to Aug 1969:** *Boards of Review:* A.F.B.R.; A.B.R.; C.G.B.R.; N.B.R.

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

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

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

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

2. **1969–1975:** *Courts of Military Review* decisions reported in the Court-Martial Reports (C.M.R.): A.F.C.M.R.; A.C.M.R.; C.G.C.M.R.; N.C.M.R.

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

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

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

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

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3. **1975–Oct 1994:** *Courts of Military Review* decisions reported in the Military Justice Reporter (M.J.). After 1981 the Navy Court of Military Review was renamed the Navy-Marine Corps Court of Military Review (N.M.C.M.R.).

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

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

*United States v. Slubowski*, 5 M.J. 882 (N.C.M.R. 1978).

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

4. **Oct 1994–Present:** *Courts of Criminal Appeals:* A. Ct. Crim. App; A.F. Ct. Crim. App.; C.G. Ct. Crim. App.; N.M. Ct. Crim. App.

### **a. Published in M.J. Reporter**

*United States v. Vazquez*, 73 M.J. 683, 685 (A.F. Ct. Crim. App. 2014).

*Vazquez*, 73 M.J. at 685.

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

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

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

### **b. Pending Publication in M.J. Reporter, Available in Lexis**

*United States v. Henry*, \_\_\_ M.J. \_\_\_, No. ACM 38886, 2017 CCA LEXIS 137, at \*12 (A.F. Ct. Crim. App. 17 Feb. 2017).

*Henry*, 2017 CCA LEXIS 137, at \*12.

### **c. Pending Publication in MJ Reporter, Not Yet Available in Lexis**

*United States v. Robinson*, \_\_\_ M.J. \_\_\_, No. ACM 38942, slip op. at 6 (A.F. Ct. Crim. App. 15 May 2017).

*Robinson*, slip op. at 6.

## **5. Unpublished Opinions**

*United States v. Richards*, No. ACM 38346, 2016 CCA LEXIS 285, at \*44 (A.F. Ct. Crim. App. 2 Jun. 2016) (unpub. op.).

*Richards*, unpub. op. at \*44.

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### **G. Court-Martial Review Prior to 1951**

<i>Reporter</i>	<i>Citation</i>	<i>Years</i>	<i># of Volumes</i>
Courts-Martial Reporters, The Judge Advocate General of the Air Force	C.M.R. (AF)	1948–51	4
Board of Review and Judicial Council Holdings, Opinions and Reviews—Judge Advocate General’s Corps	B.R.-J.C.	1949–51	12
Board of Review Holdings, Opinions and Reviews—Branch Office of The Judge Advocate General, European Theatre of Operations	B.R. (ETO)	1942–45	34
Board of Review Holdings, Opinions and Reviews—Branch Office of The Judge Advocate General, South West Pacific Area and Pacific	B.R. (A-P)	1942–46	4
Board of Review Holdings and Opinions—Branch Office of The Judge Advocate General, China-Burma-India and India-Burma Theater	B.R. (CBI-IBT)	1943–45	3
Board of Review Holdings, Opinions and Reviews—Judge Advocate General’s Department	B.R.	1929–49	81

### **IV. MANUAL FOR COURTS-MARTIAL**

#### **A. General Provisions of the Manual for Courts-Martial**

##### **1. Basic citation**

*Manual for Courts-Martial, United States* (2016 ed.) (MCM), App. 21, at A21–71.

*Manual for Courts-Martial, United States* (1998 ed.) (MCM), pt. V, ¶ 5b(2)(B)(1).

##### **2. If the Year of the MCM is Relevant in Subsequent Text**

*Manual for Courts-Martial, United States*, pt. V, ¶ 5b(2)(B)(1) (1998 ed.) (1998 MCM).

##### **3. Exceptions**

*Manual for Courts-Martial, United States*, (1969 rev. ed.) (1969 MCM).

*Manual for Courts-Martial, United States* (1984 ed., incorporating Change 3, 1 Jun. 1987) (1984 MCM Change 3)<sup>1</sup>.

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<sup>1</sup> If Change number is relevant in subsequent text, otherwise (1984 MCM) or (MCM).

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### 4. Short forms

*MCM*, App. 21, at A21–71.

1998 *MCM*, pt. V, ¶ 5b(2)(B)(1).

## **B. Uniform Code of Military Justice**

### 1. Full citation

Articles 86 and 121, Uniform Code of Military Justice (UCMJ), 10 U.S.C. §§ 886, 921.

### 2. Short forms

#### **a. As citation**

Article 59(a), UCMJ, 10 U.S.C. § 59(a).

Articles 59(a) and 66(c), UCMJ, 10 U.S.C. §§ 59(a), 66(c).

#### **b. As text**

An Article 39(a), UCMJ, session was held on 14 January 2016.

**3. Punitive articles.** Cite the Manual for Courts-Martial for presidentially-provided guidance regarding the punitive articles (elements, maximum punishment, etc.). For example:

The elements of the offense of missing movement in violation of Article 87, Uniform Code of Military Justice, 10 U.S.C. § 887, are found in the *Manual for Courts-Martial, United States* (2016 ed.) (*MCM*) pt. IV, ¶ 11b.

The maximum punishment for missing movement by design in violation of Article 87, UCMJ, includes a dishonorable discharge. *MCM*, pt. IV, ¶ 11e(1).

## **C. Rules for Courts-Martial**

### 1. Full citation

Rule for Courts-Martial (R.C.M.) 910(e).

Rules for Courts-Martial (R.C.M.) 1106, 1107.

Rule for Courts-Martial (R.C.M.) 706, Discussion.

### 2. Short form

R.C.M. 910(e).

R.C.M. 706, Discussion.

## **D. Military Rules of Evidence**

### **Basic citation**

Mil. R. Evid. 305.

**Note:** No short form and does not need to be spelled out first time, although in text, it can be spelled out, e.g.: “Under Military Rule of Evidence 305, . . . .”

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## V. FEDERAL SOURCES

### A. U.S. Constitution

#### Full citation. (R11)

U.S. CONST. art. I, § 9, cl. 2.

U.S. CONST. amend. XIV, § 2.

**Note:** No short form.

### B. Federal Statutes

1. **Full citation.** Statutes may be cited to a current official (U.S.C.) or unofficial code (U.S.C.A. or U.S.C.S.). Where possible, cite to the official code or its supplement. Where the statute is not commonly known by its formal name, citing to the code alone is sufficient. (R12) For example:

National Environmental Policy Act of 1969 § 102, 42 U.S.C. § 4332.

2. **Citing amendments to statutes.** The historical fact of enactment and amendments should be cited to the session laws with a parenthetical reference to the current version of the official code. (R12) For example:

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).

3. **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 (i.e., (repealed YYYY)). (R12.2)

#### 4. Short forms. (R12)

a. **Named statutes.** Cite as follows:

Article 59(a), UCMJ.

Administrative Procedure Act § 1.

b. **Unnamed code provisions.** Cite omitting the parenthetical:

42 U.S.C. § 1983.

#### 5. Legislative History

a. **Materials other than debates and reports.** When citing legislative materials other than debates and reports, include the abbreviated name of the house, the number of the Congress, the number assigned to the material and the year of the publication. Also include the parallel citation to the Congressional Record or Statutes at Large and a parenthetical on whether the material has been enacted. (R13) For example:

S. Res. 218, 83d Cong. § 2, 100 CONG. REC. 2972 (1976) (enacted).

S. Con. Res. 97, 94th Cong., 90 Stat. 3024 (1976).

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b. **Reports.** (R13) Cite as follows:

H.R. REP. NO. 92-98, at 4 (1971), *reprinted in* 1971 U.S.C.C.A.N. 1017.

c. **Debates.** (R13) Cite to the record with a parenthetical statement of date and speaker, as follows:

126 CONG. REC. H6456 (24 Jul. 1980) (statement of Rep. Levitas).

### **C. Code of Federal Regulations**

1. **Full citation.** Whenever possible, cite all federal regulations to the Code of Federal Regulations by title, section or part and year. (R14) Because each title of C.F.R. is revised at least once per year, cite to the most recent edition:

32 C.F.R. § 728.4 (2004).

2. **Federal Register.** The Federal Register publishes rules and regulations before they are entered into the C.F.R. When citing the Federal Register, indicate where the regulation will appear in C.F.R. parenthetically. (R14) For example:

Department of Defense Freedom of Information Act Program Regulation, 63 Fed. Reg. 65,420 (1998) (to be codified at 32 C.F.R. pt. 286).

3. **Short forms**

32 C.F.R. § 728.4

Department of Defense Freedom of Information Act Program Regulation, 63 Fed. Reg. at 65,423.

### **D. Executive Orders**

**Full citation.** Cite by page number to 3 C.F.R., with a parallel citation to the U.S. Code whenever possible. If the material is not in 3 C.F.R., then cite to the Federal Register. Do not provide § symbol when citing to a page. No short form. For example:

Exec. Order 11,609, 3 C.F.R. 586 (1971–1975), *reprinted as amended in* 3 U.S.C. § 301 app. at 404–07 (1988).

Exec. Order 12,531, 50 Fed. Reg. 36,033 (30 Aug. 1985).

### **E. Treaties**

1. **Bilateral agreements.** (R21) Where the U.S. is a party in a bilateral agreement, the basic citation is as follows:

Treaty of Friendship, Commerce and Navigation, Japan-U.S., art. X, 2 Apr. 1953, 4 U.S.T. 2063.

2. **Multilateral agreements.** (R21) Where the U.S. is a party in a multilateral agreement, the basic citation is as follows:

North American Free Trade Agreement, Can.-Mex.-U.S., 17 Dec. 1992, 32 I.L.M. 289 (1993) [hereinafter NAFTA].

Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, 17 Jun. 1925, 26 U.S.T. 571 [hereinafter Geneva Protocol].

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3. **Short forms.** If the treaty’s name is very long, or if the treaty is commonly known by a popular name, subsequent citations to the treaty may use a shorter or popular name as a “hereinafter” short form citation (as seen above). (R21.17) For example:

NAFTA, 32 I.L.M. at 290.

Geneva Protocol, 26 U.S.T. at 577

### VI. SECONDARY MATERIALS

#### A. Books

1. **Full citation.** The first time a book is cited, give the author’s full name as it appears on the publication. Two authors should appear in the order in which they are listed. If a work has more than two authors, use the first author’s name followed by “ET AL.” Always cite the latest edition of a work that supports the point under discussion. Cite pocket parts with a parenthetical statement. (B15; R15) For example:

Stephen A. Saltzburg, et al., *Military Rules of Evidence Manual* 181 (4th ed. Supp. 1998).

*Good-Faith Bargaining*, BLACK’S LAW DICTIONARY (10th ed. 2014).

2. **Short form.** “*Id.*” is also an authorized short form if not confusing to the reader (B15.2).

Saltzburg, et al., *supra* note 10, at 181.

*Good-Faith Bargaining*, Black’s Law Dictionary.

#### B. Periodicals / Journals

1. Full citation.

a. **General rule.** The first time a periodical / journal is cited, always give the author’s full name as it appears on the publication. Two authors should appear in the order in which they are listed. If a work has more than two authors, use the first author’s name followed by “ET AL.” Articles with longer titles may be cited in short form after using the “hereinafter” clause. (B16; R16)

William B. Johnson, Annotation, Use of Plea Bargain or Grant of Immunity as Improper Vouching for Credibility of Witness in Federal Cases, 76 A.L.R. FED. 409 (1986) [hereinafter *Plea Bargain*].

LCDR John W. Rolph, Freedom of Navigation and the Black Sea Bumping Incident: How “Innocent” Must Innocent Passage Be?, 135 MIL. L. REV. 137 (1992) [hereinafter *Innocent Passage*].

b. **Exception.** The exception to this rule is the American Jurisprudence articles that are cited as follows:

17 Am. Jur. 2d *Contracts* § 74 (1964).

2. **Short forms.** (B16)

Johnson, *Plea Bargain*, 76 A.L.R. FED. 409.

Rolph, *Innocent Passage*, 135 MIL. L. REV. at 142.

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### C. Miscellaneous

1. **Full citation.** Below are examples of some common miscellaneous sources. (R12, R15, R18)

Code of Judicial Conduct Canon 3 (1990).

2 *Kings* 12:19 (NIV).

U.S. NAVY JUDGE ADVOCATE GENERAL'S CORPS, <http://www.jag.navy.mil> (last visited 1 Oct. 2015).

2. **Short forms.** “*Id.*” is acceptable.

Code of Judicial Conduct Canon 3.

2 *Kings* 12:19.

### VII. SERVICE INSTRUCTIONS

1. **Full citation and change updates.** Basic citation forms should include the instruction title, the source, and the date of publication. Where changes were made to update the specific provision of the instruction you are citing, indicate said changes with a parenthetical statement. Otherwise, cite to the original version of the instruction.

Air Force Instruction (AFI) 51-201, *Administration of Military Justice*, ¶ 4 (6 Jun. 2013).

Air Force Instruction (AFI) 51-201, *Administration of Military Justice*, ¶ 4 (6 Jun. 2013, as amended by AFGM 2016-01, 3 Aug. 2016)

*Military Judges' Benchbook*, Dept. of the Army Pamphlet 27-9 at 750–51 (10 Sep. 2014).

2. **Short forms**

AFI 51-201, ¶ 4.

*Benchbook*, at 750–51.

### VIII. SERVICE FORMS

1. **Full citation with form version date.** Full citation should include the form title, the month and year of the form version being cited, and the short citation if the form will be cited again.

Air Force Form 3070A, *Record of Nonjudicial Punishment Proceedings (AB thru TSgt)* (Apr. 2015)<sup>2</sup> [AF Form 3070A].<sup>3</sup>

Department of Defense Form 2922, *Forensic Laboratory Examination Request* (Jul. 2006) [DD Form 2922].

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<sup>2</sup> List only the full month and year regardless of whether the form includes a day as well. For example, “20150409” becomes “(April 2015).”

<sup>3</sup> Use the same citation format for DA Form, OPNAV Form, NAVMC Form, or OF, where applicable.

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**2. Half citation with footnote.** To facilitate readability, the title and version date may be put in a footnote.

Air Force Form 3070A (AF Form 3070A).<sup>4</sup>

Department of Defense Form 2922, (DD Form 2922).<sup>5</sup>

### **3. Short citation.**

AF Form 3070A.

DD Form 2922.

## **IX. RECORDS OF TRIAL**

**1. Full citation.** Below are the basic citations for various documents contained in a record of trial. For example:

R. at 254–56.

App. Ex. I at 3.

Pros. Ex. 2 at 1.

Def. Ex. G at 1.

**2. Citing correspondence and briefs.** Correspondence and briefs should always include the date in military format.

Clemency Request of 17 Feb. 1995, Encl. (1) at 2.

## **X. COURT RULES**

**Full citation.** The basic citation for current court rules includes the abbreviation for the court or the full spelling of the rules where they apply to more than one court (**R12**; **T1**). There are no authorized short forms. When citing rules no longer in force, cite effective and repealed dates parenthetically. For example:

A.F. CT. CRIM. APP. R. 18.2(c).

A.F. CT. CRIM. APP. R. 23.1 (amended 20 May 2016) (repealed 19 May 2017).

A. CT. CRIM. APP. R. 15.1.

C.G. CT. CRIM. APP. R. 1.8.

N-M. CT. CRIM. APP. R. 13.3.

JT. CT. CRIM. APP. R. 20.

C.A.A.F. R. 19.

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<sup>4</sup> Accompanying footnote: Air Force Form 3070A, *Record of Nonjudicial Punishment Proceedings (AB thru TSgt)* (April 2015).

<sup>5</sup> Accompanying footnote: Department of Defense Form 2922, *Forensic Laboratory Examination Request* (July 2006).

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### XI. QUICK REFERENCE CITATION CHART

<b>Basic Citation</b>	<b>Short Form</b>
Uniform Code of Military Justice (as a citation)	
Article 86, Uniform Code of Military Justice, 10 U.S.C. § 886.	Article 86, UCMJ.
Uniform Code of Military Justice (as part of the sentence)	
Article 86, Uniform Code of Military Justice.	Article 86, UCMJ.
Rules for Courts-Martial	
Rule for Courts-Martial 910(e).	R.C.M. 910(e).
Manual for Courts-Martial	
Manual for Courts-Martial, United States (2002 ed.), pt. IV, ¶ 85b(1)(a) .	<i>MCM</i> , pt. IV, ¶ 85b(1)(a).
Manual for Courts-Martial, United States (1998 ed.) (1998 MCM), App. 21, at A21–71.	<i>MCM</i> , App. 21, at A21–71 <b>or</b> 1998 <i>MCM</i> , App. 21, at A21–71
Military Rules of Evidence	
Mil. R. Evid. 104(b).	Mil. R. Evid. 104(b).
Instructions	
Air Force Instruction 51-201, ¶ 4.1 (6 Jun. 2013).	AFI 51-201, ¶ 4.1
<i>Military Judges' Benchbook</i> , Dept. of the Army Pamphlet 27-9 at 750–51 (30 Sep. 1996).	<i>Benchbook</i> at 750–751.
<b>Basic Citation</b>	<b>Short Form</b>
Military Court Cases Note: (1) always cite positive and negative subsequent history; (2) cite review denials only if within 2 years of present date	
<i>United States v. Adkins</i> , 18 C.M.R. 116, 123 (C.M.A. 1955)	<i>Adkins</i> , 18 C.M.R. at 123.
<i>United States v. Turner</i> , 25 M.J. 324, 325 (C.M.A. 1987).	<i>Turner</i> , 25 M.J. at 325.
<i>United States v. Townsend</i> , 43 M.J. 205 (C.A.A.F. 1995).	<i>Townsend</i> , 43 M.J. at 206.
<i>United States v. Pate</i> , 73 M.J. 352 (C.A.A.F. 2013) (mem.)	<i>Pate</i> , 73 M.J. at 353
<i>United States v. Sojfer</i> , 44 M.J. 603 (N.M. Ct. Crim. App. 1995), <i>aff'd</i> , 47 M.J. 425 (C.A.A.F.	<i>Sojfer</i> , 44 M.J. at 605.

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1998).	
<i>United States v. Simoy</i> , 46 M.J. 592 (A.F. Ct. Crim. App. 1996), <i>remanded</i> , ___ M.J. ___, No. 97-7001 (C.A.A.F. 20 Oct. 1998).	<i>Simoy</i> , 46 M.J. at 593.
<i>United States v. Dean</i> , 44 M.J. 683 (A. Ct. Crim. App. 1996), <i>pet. den'd</i> , 47 M.J. 86 (C.A.A.F. 1997).	<i>Dean</i> , 44 M.J. at 685.
<i>United States v. Calogero</i> , 44 M.J. 697 (C.G. Ct. Crim. App. 1996).	<i>Calogero</i> , 44 M.J. at 699.
<i>United States v. Henry</i> , ___ M.J. ___, No. ACM 38886, 2017 CCA LEXIS 137, at *12 (A.F. Ct. Crim. App. 17 Feb. 2017).	<i>Henry</i> , 2017 CCA LEXIS 137, at *12.
<i>United States v. Lund</i> , No. ACM 389242, 2015 CCA LEXIS 51, at *4 (A.F. Ct. Crim. App. 16 Jan. 2015) (unpub. op.).	<i>Lund</i> , unpub. op. at *4
<i>United States v. Robinson</i> , ___ M.J. ___, No. ACM 38942, slip op. at 6 (A.F. Ct. Crim. App. 15 May 2017).	<i>Robinson</i> , slip op. at 6.
Supreme Court Cases Note: Always cite to “U.S.” if available	
<i>Weiss v. United States</i> , 510 U.S. 163 (1993).	<i>Weiss</i> , 510 U.S. at 164.
<i>United States v. Taylor</i> , 41 M.J. 168 (C.A.A.F. 1994), <i>cert. denied</i> , __ U.S. ___, 115 S. Ct. 1108 (1998).	<i>Taylor</i> , 41 M.J. at 168.
<b>Basic Citation</b>	<b>Short Form</b>
Constitution	
U.S. CONST. art. I, § 9, cl. 2.	No short form.
U.S. CONST. amend. XIV, § 2.	No short form.
Record of Trial	
R. at 18–22.	No short form.
Prosecution Exhibit 2 at 5.	PE 2 at 5.
Court Rules	
A.F. Ct. Crim. App. R. 1.	No short form.
A.F. CT. CRIM. APP. R. 23.1 (amended 20 May 2016) (repealed 19 May 2017).	No short form.
JT. CT. CRIM. APP. R. 20.	No short form.

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C.A.A.F. R. 19	No short form.
Miscellaneous	
Exec. Order 11609, 3 C.F.R. 586 (1971–1975), <i>reprinted as amended in</i> 3 U.S.C. § 301 app. at 404–07 (1988).	Exec. Order 11609, 3 C.F.R. 586.
47 C.F.R. § 73.609 (1994).	47 C.F.R. § 73.609.
Code of Judicial Conduct Canon 3 (1990).	Code of Judicial Conduct Canon 3.
17 Am. Jur. 2d <i>Contracts</i> § 74 (1964).	17 Am. Jur. 2d <i>Contracts</i> § 74.
<i>Good-Faith Bargaining</i> , BLACK’S LAW DICTIONARY (10th ed. 2014).	<i>Good-Faith Bargaining</i> , BLACK’S LAW DICTIONARY.
William B. Johnson, Annotation, Use of Plea Bargain or Grant of Immunity as Improper Vouching for Credibility of Witness in Federal Cases, 76 A.L.R. FED. 409 (1986) [hereinafter Plea Bargain].	<i>Plea Bargain</i> 76 A.L.R. FED. at 412.
Stephen A. Saltzburg, et al., <i>Military Rules of Evidence Manual</i> 181 (4th ed. 1997).	Saltzburg et al., <i>supra</i> note 5.
2 <i>Kings</i> 12:19 (NIV).	2 <i>Kings</i> 12:19.
U.S. NAVY JUDGE ADVOCATE GENERAL’S Corps, <a href="http://www.jag.navy.mil">http://www.jag.navy.mil</a> (last visited 1 Oct. 2015).	Navy JAG Corps, <i>supra</i> note 2.