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NOTICE TO ACCUSED UPON PRETRIAL CONFINEMENT

1. The nature of the offense(s) for which you are being held in pretrial confinement is/are:

2. You have the right to remain silent. Any statement you make may be used against you in a trial by courts-martial.

3. You have the right to retain civilian counsel at your own expense and you have the right to request assignment of military counsel.

4. The procedures by which your pretrial confinement status will be reviewed are as follows:

a. Within 72 hours after ordering you into pretrial confinement, or after receipt of notification that you have been confined, your Commanding Officer shall decide whether pretrial confinement will continue. If he/she approved continued pretrial confinement in your case, a written memorandum containing his/her reason(s) for this conclusion must be immediately forwarded to the Initial Review Officer, a neutral and detached officer.

b. Within seven days of your being placed in pretrial confinement, the Initial Review Officer will determine the adequacy of probable cause to believe you committed an offense triable by courts-martial and the necessity for continued pretrial confinement. At this review hearing, you may be present and represented by civilian counsel at your own expense, or if you so request, you may have military counsel assigned for the limited purpose of representing you at this pretrial confinement review hearing or, if you have a detailed military counsel, he may represent you. The Initial Review Officer may, for good cause, extend the time for completion of the initial review to ten days after imposition of pretrial confinement. Upon completion of the review, the Initial Review Officer will either approve continued pretrial confinement or order your release.

c. The Initial Review Officer, upon request, based upon any significant information not previously considered and after giving notice to you and the government's counsel, will reconsider the decision to confine you.

d. Once charges are referred to trial by court-martial, the military judge, upon motion by you, will review your pretrial confinement.

ENCLOSURE (1)

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e. If you prefer, you may waive your right to be present at your Pretrial Confinement Hearing. If you invoke this right, your case will still be considered and a determination made by the Initial Review Officer as to your release from or continuation of confinement.

ACKNOWLEDGEMENT OF THE ACCUSED

1. I have read this document and I understand my rights and the process by which my pretrial confinement will be reviewed.
2. I do/do not desire to be represented by military/civilian counsel.
3. I do/do not desire to be present at my Pretrial Confinement Hearing. Note: Military/civilian counsel signature required if accused waives right to be present at hearing. Waiver of right to be present at hearing does not remove the obligation of IRO to independently review the continued confinement.

Accused signature/date

Counsel signature/date

4. I certify that the accused was given this document and acknowledged his understanding of its contents by his signature above.

Witness signature/grade/date