

Judge's Introduction

I hereby call this special session of the court of the military district of Colorado to order on this, the 5th day of February, eighteen-hundred and sixty-six.

Today the court will be hearing case #15397 — the United States Army vs. Colonel John M. Chivington. Is the accused present in the courtroom?

Very well. Our first order of business is the reading of the charges. The accused and defense council will please stand.

The Sergeant-at-Arms will now read the charges.

Colonel Chivington, how do you plead to this charge? Guilty or Not-Guilty?

Very well. The Sergeant will enter a plea of Not-Guilty. You may be seated.

Our next order of business is to charge the commission. Will the commissioners please rise.

Gentleman of the commission, I hereby charge you with the task of determining the guilt or lack thereof of the accused. I remind you, that it is your job to decide this case based upon the FACTS presented to you. Any knowledge you have of this event, or prior relationship with any of the parties involved should have no bearing on your decision. I further remind you that it is the prosecutions responsibility to prove their case beyond the shadow of a doubt. Should the prosecution fail to prove its case, you have no option other than to find the defendant Not Guilty. Gentlemen ... within our democracy, yours is a sacred duty. I trust that you will treat it as such.

You may be seated.

Is the defense prepared to make it's opening remarks?

Gentlemen of the commission, I am now going to dismiss you to deliberate. Before I do so, I wish to remind you that your job is to decide the defendant's guilt — or lack thereof — based upon the FACTS presented to you during these proceedings. I further remind you that the burden of proof in this case falls to the prosecution. If you feel that the prosecution has failed to make its case beyond the shadow of a doubt, you have no alternative but to find the defendant Not-Guilty.

Does the commission have any questions before I allow you to deliberate?

Very well then, the commission is hereby dismissed to conduct their deliberation.

Mr. Foreman, has the commission reached a verdict?

Very good. Sergeant, please bring the verdict slip to me.

The accused and defense council will please rise.

Mr. Foreman, please read the verdict.

Having been found **Guilty** on the charge of reckless misconduct, the accused is hereby ordered to be returned to the stockade where he will be held over for sentencing. Sergeant, please place the Colonel in irons and remove him to the stockade.

Having been found **Not-Guilty** of reckless misconduct, the accused is hereby released from custody.

I commend the members of the commission for the professional execution of their responsibility. This ends these proceedings, and this court is adjourned.