

UNITED STATES AIR FORCE  
COURT OF CRIMINAL APPEALS

# RULES OF PRACTICE AND PROCEDURE



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**Published Together with The Joint Rules of Appellate Procedure  
for Courts of Criminal Appeals**

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**  
**RULES OF PRACTICE AND PROCEDURE**

With The Joint Rules of Appellate Procedure for Courts of Criminal Appeals (JRAP)  
(in **Bold Type**)

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## I. GENERAL

### Rule 1. COURTS OF CRIMINAL APPEALS

(a) **The titles of the Courts of Criminal Appeals (CCAs) established under Article 66, Uniform Code of Military Justice (UCMJ), are:**

- (1) **“United States Army Court of Criminal Appeals.”**
- (2) **“United States Navy-Marine Corps Court of Criminal Appeals.”**
- (3) **“United States Air Force Court of Criminal Appeals.”**
- (4) **“United States Coast Guard Court of Criminal Appeals.”**

(b) **Each Court is authorized a seal in the discretion of the Judge Advocate General concerned. The design of such seal shall include the title of the Court.**

(c) **Consistent with Article 66(a), UCMJ, and Rule for Courts-Martial (R.C.M.) 1203(a), the Judge Advocate General concerned shall certify individuals as qualified for duty as appellate military judges and assign them to the Court. Appellate military judges shall serve for a minimum of three years, subject to such exceptions as may be prescribed in regulations issued by the Secretary concerned.**

#### Rule 1.1 Seal of the Court.

The official seal of the Court is used on decisions and orders of the Court and on other official documents and records that are executed and issued by the Clerk of the Court. The seal authenticates documents as official Court documents. The Clerk of the Court is the custodian of the seal and may delegate authority to employ the seal to other Court personnel.

#### Rule 1.2 Chief Appellate Judge; Senior Appellate Judge; and Appellate Judges.

(a) *Assignment to the Court.* The Judge Advocate General of the Air Force (TJAG) certifies each appellate judge of the Court and designates who shall serve as the Chief Appellate Judge (Chief Judge). TJAG designates an appellate judge to act as the Chief Judge in the event the Chief Judge is disqualified in a particular matter.

(b) *Panel Assignments.* The Chief Judge determines the number of court panels and designates the panels on which each appellate judge will serve. The Chief Judge designates who will serve as a Senior Appellate Judge (Senior Judge). A designated Senior Judge ordinarily presides over a designated panel of the Court and is responsible for performing the administrative duties necessary for the conduct of the panel in completing its statutory responsibilities and for maintaining official liaison between that panel and the Chief Judge. Unless otherwise directed by the Chief Judge, cases will be assigned on a rotating basis to the next panel in sequential order.

(c) *Court Precedence.* The Chief Judge has the highest precedence on the Court. For all other appellate judges, precedence shall be based first on date of appointment as a

designated Senior Judge, and then on tenure as an Appellate Judge based on uninterrupted service on the Court.

(d) *Absence of the Chief Appellate Judge.* In the absence of the Chief Judge, the seniormost Senior Judge present for duty may perform the duties of the Chief Judge. In the absence of all Senior Judges, the seniormost Appellate Judge present for duty may perform the duties of the Chief Judge.

(e) *Oath or Affirmation.* Prior to performing duties as an appellate judge, an oath or affirmation must be administered. TJAG, the Chief Judge, or the Chief Judge's representative administers the following oath or affirmation:

I, \_\_\_\_\_, do solemnly (swear or affirm) that I will faithfully and impartially administer justice and, to the best of my ability and understanding, perform all the duties incumbent upon me as an appellate judge, under the Constitution of the United States and the Uniform Code of Military Justice (so help me God).

#### Rule 1.3 Clerk's Office.

(a) *Custodian of Records.* The Clerk of the Court shall serve as custodian of the records of the Court and shall not permit any records to be taken from the Court's chambers—which includes a designated area to view sealed materials—except when authorized by the Court.

(b) *Disposition of Procedural Matters.* The Clerk or the Clerk's designee, on behalf of the Court, may entertain and act on any unopposed motion for enlargement of time, motion to attach documents, motion to cite supplemental authorities, motion to examine sealed materials released by the military judge to trial counsel and trial defense counsel, or motion to withdraw as counsel, provided such action does not substantially affect the rights of the parties or the ultimate decision of the case. The order of the Clerk shall be deemed the order of the Court.

#### Rule 1.4 Conduct of Court Personnel.

Personnel of the Court shall maintain the confidentiality of the Court's proceedings and avoid improper *ex parte* communication with litigants. Court personnel shall be fair and impartial, avoiding favoritism or the appearance of favoritism toward any party concerning a matter before the Court. Court personnel are expected to conduct themselves in a professional manner at all times.

## **Rule 2. SCOPE OF RULES; TITLE**

**(a) These rules prescribe uniform rules governing for the CCAs pursuant to Article 66(h), UCMJ. Practice before each Court must also comport with rules issued under Rule 3.**

**(b) These rules are to be known as the Joint Rules of Appellate Procedure for Courts of Criminal Appeals or "JRAP."**

## Rule 3. SERVICE COURT RULES

**The Chief Judge of each Court may prescribe rules governing that Court's practice. These will be referred to hereinafter as "CCA rules." Unless these rules provide otherwise, CCA rules may not be inconsistent with these rules.**

### Rule 3.1 Scope and Application of Rules.

The Air Force Court of Criminal Appeals (AFCCA) Rules of Practice and Procedure apply to all persons assigned to the Court and persons having business before the Court.

### Rule 3.2 Administrative Rules.

(a) *Court Hours.* The Court's general business hours are from 0800 to 1600 hours Monday through Friday. The Court is closed on Saturdays, Sundays, and federal holidays, or as otherwise ordered upon direction of the Chief Judge.

(b) *Restricted Areas.* To preserve the confidentiality of Court communications, visitor access to the Court's chambers is limited to the court staff area except upon invitation. Visitors, including counsel, shall not proceed beyond the reception area without first checking in with a Court staff member.

(c) *Examination of Records of Trial and Other Official Documents.*

(1) Before requesting review of any portion of a record of trial, counsel must provide notice of appearance per Rule 12.1.

(2) Review of unsealed portions of records of trial. Requests by appellate counsel to examine original records of trial and other official documents that are not protected by judicial privilege shall be made by contacting the Clerk's office. Any examination will be conducted in an area designated within the Court's chambers; at no time will an original record of trial be removed from the Court's chambers for review.

(3) Review of sealed portions of records of trial. Counsel may move the Court to examine sealed portions of the record in accordance with Rule 23.3(f). The motion must concisely identify the counsel's need for the sealed portion of the record to perform official duties as well as the specific legal authority authorizing access to that portion of the record.

(4) In the event the Court has granted a motion to examine sealed materials in accordance with Rule 23.3(f), counsel shall examine the materials at a time coordinated with court staff and in an area designated by the Clerk of the Court.

(d) *Requests for Information.* All requests for information shall be referred to the Clerk of the Court. The Clerk of the Court may forward media inquiries or other inquiries from outside the Judge Advocate General's Corps to an appropriate authority for further action.

(e) *Cases Pending Before Other Courts.* Appellate counsel, including those identified in Rule 12, shall promptly inform the Clerk of the Court if a case that is presently before the

Court is also pending before any other court, or civil or administrative legal forum with the authority to affect either the findings of guilty or the adjudged sentence.

### Rule 3.3 The Docket.

(a) *Docketing.* The Clerk of the Court or designee shall maintain: (1) a regular case docket for cases referred to the Court by TJAG under Articles 56(d), 66, and 69, UCMJ; cases filed timely under Article 66(b)(1)(A), UCMJ; and cases returned to the Court under Article 67(e), UCMJ; and (2) a miscellaneous case docket for petitions for new trial under Article 73, UCMJ; appeals brought by the United States under Article 62, UCMJ; petitions for extraordinary relief in accordance with Rule 19; and other matters not covered in the regular case docket.

(b) *ACM Number.* The Appellate Records Branch of the Military Justice Law & Policy Division (JAJM) shall assign the appropriate ACM number (No. ACM) to all original records of trial docketed with the Court on the regular case docket. All pleadings or documents filed in a specific case shall bear the assigned ACM number.

(c) *Miscellaneous Docket Number.* The Clerk of the Court shall assign a miscellaneous docket number (Misc. Dkt. No.) as appropriate once the initial pleading is accepted. All pleadings or documents filed in a specific case shall bear the assigned miscellaneous docket number.

(d) *Notice of Docketing.* JAJM shall notify the Court, the Appellate Defense Division (AJA), the Government Trial and Appellate Operations Division (JAJG), and the Victim Appellate Notification Program (VANP) (AJJI), when applicable, of the receipt of cases for the regular case docket as well as the applicable ACM number. The Clerk of the Court shall notify JAJM, AJA, JAJG, VANP (AJJI), Victims' Counsel Division (AJJS), and/or the Trial Defense Division (AJJD), when applicable, of receipt and docketing of cases on the miscellaneous case docket. JAJM shall notify the Court, AJA, and JAJG when any previously docketed case is returned to the Court (*e.g.*, remanded cases). In matters in which a counsel representing a victim of an offense has filed a notice of appearance in accordance with Rule 12.1 and, if applicable, has been granted leave to file *pro hac vice* under Rule 9.1, or has been granted leave to file as amicus under Rule 22, that victim's counsel shall similarly be notified of re-docketing. Receipt of notice of docketing or re-docketing or acceptance of the record of trial by the Court when a case is docketed without a record of trial pursuant to Article 66(b)(1)(A), UCMJ, shall trigger the time limits set forth in Rule 18.

(e) *No Counsel Cases.* For cases in which an appellant is entitled to automatic appellate review, declines appellate representation after sentence is announced via Air Force Form 304, *Request for Appellate Defense Counsel*, and declines a second time after receiving the convening authority's Decision on Action memorandum via a second Air Force Form 304, a notice of docketing will be mailed to the appellant's last known address included on the Air Force Form 304 or in the record of trial. Such notice will be mailed within three days after the date on the notice. The appellant shall have 60 days from the date on the notice of docketing to file a brief in accordance with Rule 18. The case will be reviewed on its

merits in accordance with Rule 18.1 if no filing or request for enlargement of time is received within 60 days.

(f) *Decision of the Court.* The Clerk of the Court (or the Clerk's designee in the Clerk's absence as directed by the Clerk) shall prepare, certify, date, and release the final decision of the Court. On the date a decision is released, the Clerk of the Court or designee shall distribute to TJAG and the parties an electronic copy of the decision.

Rule 3.4 Cases Involving Classified Material, Controlled Material, or Contraband.

(a) *Classified Material.* The Clerk of the Court shall coordinate with the JAJM safe custodian to ensure classified information is properly stored and protected. Classified material will be stored by the safe custodian in a designated secured area within JAJM.

(b) *Controlled Material and Contraband.* The Clerk of the Court is responsible for the proper storage and protection of controlled material and contraband within the Court's chambers.

(c) *Security Clearances.* The appropriate Field Operations Agency (FOA) Security Manager shall facilitate the obtaining of security clearances for Court personnel as necessary.

## **Rule 4. EFFECTIVE DATE**

**Subject to applicability provisions for amendments to the UCMJ and Rules for Courts-Martial, these rules, as amended on 17 May 2024, are effective on 27 May 2024.**

Rule 4.1 Application of AFCCA Rules of Practice and Procedure.

These AFCCA Rules of Practice and Procedure will become effective on the date signed by the Chief Judge.

## **Rule 5. JURISDICTION**

**(a) *Effect of Rules on Jurisdiction.* While this Rule provides a synopsis, nothing in these rules shall be construed to extend or limit the jurisdiction of the Courts of Criminal Appeals.**

**(b) The jurisdiction of the Court is as follows:**

**(1) *Automatic Review.* Pursuant to Article 66(b)(3), UCMJ, courts-martial in which the sentence as entered in the judgment under Article 60c, UCMJ, includes:**

**(A) death;**

**(B) dismissal of a commissioned officer, cadet, or midshipman, dishonorable or bad-conduct discharge; or**

**(C) confinement for two years or more.**

**(2) *Appeal by the Accused.*** Pursuant to Article 66(b)(1), UCMJ, timely appeal of judgments from special and general courts-martial that include a finding of guilty, but are not subject to automatic review under paragraph (1).

**(3) *Application by the Accused.*** Pursuant to Article 69(d), UCMJ, summary courts-martial in which the Judge Advocate General has taken action under Article 69(c)(1), UCMJ, and the Court has granted an accused's timely application for review.

**(4) *Appeal by the United States under Article 62, UCMJ.*** In all general or special courts-martial or pretrial proceedings under Article 30a, UCMJ, cases in which the United States, after providing timely written notice, appeals:

**(A)** an order or ruling of the military judge that terminates the proceedings with respect to a charge or specification;

**(B)** an order or ruling that excludes evidence that is substantial proof of a fact material in the proceeding;

**(C)** an order or ruling that directs the disclosure of classified information;

**(D)** an order or ruling that imposes sanctions for nondisclosure of classified information;

**(E)** a refusal of the military judge to issue or enforce a protective order sought by the United States to prevent disclosure of classified information;

**(F)** an order or ruling of the military judge entering a finding of not guilty with respect to a charge or specification following the return of a finding of guilty by the members; or

**(G)** a ruling or order of a military magistrate in the same manner as had the ruling or order been made by a military judge, except that the issue shall first be presented to the military judge who designated the military magistrate or to a military judge detailed to hear the issue.

**(5) *Petition for a New Trial.*** Petitions for a new trial in cases of trial by court-martial that are referred to the Court by the Judge Advocate General under Article 73, UCMJ.

**(6) *Sentence Appeal by the United States.*** Sentences of courts-martial in which the Judge Advocate General has approved timely appeal by the United States under Article 56(d), UCMJ.

**(7) *Review of Punishment for Contempt.*** Punishments for contempt imposed by a military judge or military magistrate under Article 48(c)(1), UCMJ.

**(8) *Extraordinary Writ Petitions under 28 U.S.C. § 1651.*** Petitions filed under the All Writs Act, 28 U.S.C. § 1651, for extraordinary relief including, but not limited to, writs of *mandamus*, prohibition, *habeas corpus*, and *error coram nobis*.

**(9) *Extraordinary Writ Petitions under Article 6b, UCMJ.*** Petitions for writs of *mandamus* filed by victims of an offense as defined by Article 6b, UCMJ.

**(c) *Waiver and Withdrawal.*** In all courts-martial other than those that include a sentence of death, the Court shall not have jurisdiction to hear an appeal in which appellate review was properly waived or withdrawn. For cases reviewed under Article 65(d), UCMJ, the Judge Advocate General, consistent with Article 69(c)(2), UCMJ, determines if a waiver or withdrawal of an appeal is valid and, if not, sends the case to the CCA. For waivers or withdrawals received after a case has been docketed, the Court, consistent with Rule 16, has jurisdiction to determine the validity of the waiver or withdrawal.

#### Rule 5.1 Continuing Jurisdiction.

When the Court remands and retains jurisdiction over a case initially reviewed under Article 66(b)(3), UCMJ, the Court retains jurisdiction notwithstanding any subsequent reduction of the sentence.

### **Rule 6. COMPOSITION OF THE RECORD ON APPEAL**

**(a)** Except as provided by subsection (b) below, in any case before the Court for review, the record shall be as follows:

**(1)** For appeals by the accused reviewed under Rule 5(b)(1), (2), or (4), the record shall be the contents described in R.C.M. 1112(b) as certified under R.C.M. 1112(c), the attachments for appellate review described in R.C.M. 1112(f), and, when applicable, documents germane to timeliness of the appeal under Article 66(c)(1), UCMJ.

**(2)** For summary courts-martial reviewed under Rule 5(b)(3), the record shall be the contents described in R.C.M. 1305, post-trial documents described in R.C.M. 1306 and 1307, the action of the Judge Advocate General in the case, and documents germane to timeliness of the appeal under Article 69(d)(2)(B), UCMJ.

**(3)** For interlocutory appeals by the United States reviewed under Rule 5(b)(5), the record shall be that described in R.C.M. 908(b)(5).

**(4)** For petitions for a new trial reviewed under Rule 5(b)(6), the record shall be those portions of the record as described in R.C.M. 1112(b) that the parties submit as necessary for the Court's review as well as any new matter submitted under subsection (b) of this rule.

**(5)** For sentence appeals by the United States reviewed under Rule 5(b)(7), the record shall be that described in R.C.M. 1117(d).

**(6)** For contempt proceedings reviewed under Rule 5(b)(8), the record shall be the contents described in R.C.M. 1112(b) and (f) of both the court-martial and the contempt proceeding that the parties determine are necessary for the Court's review.

(7) For petitions for extraordinary relief reviewed under Rules 5(b)(8) and (9), the record shall be those portions of the record that the petitioner or respondents submit as necessary for the Court's consideration as well as any new matter submitted under subsection (b) of this rule.

(b) In any case reviewed by the Court, the Court may consider matters not contained in the record of trial, as defined in Rule 6(a), if authorized by law to consider such matter, and:

(1) By agreement or stipulation of the parties;

(2) Upon taking judicial notice;

(3) When, upon motion filed in compliance with Rule 23, the Court determines the matters are relevant and necessary to determine an issue before it; or

(4) When, upon its own motion, the Court determines that it is necessary to consider matters contained outside the record. Prior to considering matters under this paragraph the Court shall provide the parties notice and an opportunity to object.

(c) *Correction of the Record.* The Court may, either *sua sponte* or upon motion, order correction of any substantial error or omission in the record of trial or may order an Article 66(f), UCMJ, proceeding to resolve questions regarding the correctness of the record of trial.

Rule 6.1 Correction of Record.

(a) The Clerk of the Court may reject incomplete records of trial prior to docketing for corrective administrative action.

(b) When the Court orders corrective action of a record of trial in a particular case, the record of trial will be returned to the Chief Trial Judge, Air Force Trial Judiciary. Once the record of trial is corrected, the original record of trial will be returned to JAJM, to deliver to the Court for re-docketing.

## **RULE 7. QUORUM**

(a) When sitting in panel, a majority of the judges assigned to that panel shall constitute a quorum. When sitting *en banc*, a majority of the judges in regular active service with the Court shall constitute a quorum. The concurrence of a majority of such judges, whether present and voting or voting telephonically or electronically, shall be required for a final resolution of any matter before the panel or Court *en banc*, subject to subsections (b), (c), and (d).

(b) Unless defined differently pursuant to Rule 7(c), a judge assigned to the Court shall be deemed to be in regular active service for the purposes of these rules if: (1) in the active component of the armed forces; (2) in the reserve component of the

armed forces and serving on active duty with the Court for a period of more than 30 consecutive days; or (3) a civilian judge who is a full-time employee of the agency from which appointed. Also, when a reserve component military judge who does not meet the above criteria is duly assigned to a matter, that judge shall be deemed to be in regular active service with respect to that matter.

(c) Each Court may establish its own definition of “regular active service” in its CCA rules even if inconsistent with Rule 7(b).

(d) Notwithstanding Rule 7(b), consistent with procedures as may be prescribed by the Chief Judge of the CCA concerned, a judge on the panel or Court considering a matter may, acting alone, issue all necessary orders, to include temporary orders or stays, provided the orders do not finally dispose of a petition, appeal, or case. A Court may delegate to its Clerk of the Court or other designated staff the authority to act on motions regarding procedural matters.

Rule 7.1 En Banc.

The Court sitting en banc includes all appellate military judges who are deemed to be in regular active status as that term is used in JRAP 7(b) and 7(c) and as determined by the Chief Judge, and are not recused or disqualified.

## **RULE 8. AMENDMENTS**

Proposed amendments to these rules may be submitted to the Chief Judge of any Court named in Rule 1 or to any Judge Advocate General. Before acting on any proposed amendment not received from the Chief Judges, the Judge Advocates General shall refer the proposal to the Chief Judges for comment. The Chief Judges shall confer on any proposed amendments and shall report to the Judge Advocates General as to the suitability of the proposals and their impact on the operation of the courts and military justice.

Rule 8.1 Questions and Suggested Amendments.

Questions regarding the AFCCA Rules of Practice and Procedure shall be addressed to the Clerk of the Court. Suggested amendments to these rules shall be provided to the Clerk of the Court for forwarding to the Chief Judge.

## **II. ATTORNEYS**

### **RULE 9. QUALIFICATION OF COUNSEL**

(a) *All Counsel.* Counsel in any case before the Court shall be a member in good standing of the Bar of the highest court of a State, Territory, Commonwealth, or Possession of the United States.

**(b) Military Counsel.** Assigned military appellate counsel shall, in addition, be certified and detailed in accordance with Article 27(b) and, as applicable, Article 70(a), UCMJ.

**(c) Admission.** Each Court may admit counsel to appear before it or may allow counsel to appear *pro hac vice*.

**(d) Suspension.** No counsel may appear in any proceeding before the Court while suspended from practice by the Judge Advocate General supervising the Court.

#### Rule 9.1 Qualification of Counsel.

No attorney shall practice before this Court unless admitted to practice before this Court or appearing *pro hac vice* or *pro se*, or as *amicus curiae* by leave of the Court. Counsel appearing *pro hac vice* follow the application procedures in Rule 9.2(a), and *amicus curiae* follow the procedures in Rule 22.1.

#### Rule 9.2 Admission to Practice Before the Court.

(a) *Application Procedure.* Each applicant shall file with the Clerk of the Court the *Application for Admission to Practice*, together with a Certificate of Good Standing in compliance with JRAP 9(a). The Certificate of Good Standing must be an original and must be dated within one year of the date of the application. The *Application for Admission to Practice* is located in Appendix D to these rules and may also be obtained from the Clerk of the Court or downloaded from the Court's website. Judge advocates must be qualified and certified by TJAG pursuant to Article 27(b), UCMJ, 10 U.S.C. § 827(b), before applying for admission unless Rule 9.2(e) applies. For JASOC students, see Rule 9.2(e).

(b) *Admission by Oath or Affirmation.* If the documents submitted demonstrate the applicant possesses the necessary qualifications, the Clerk of the Court shall so notify the applicant, who may be admitted without appearing in Court by subscribing a written oath or affirmation.

(c) *Motion for Admission.* Applicants may be admitted in open court on oral motion by an attorney admitted to practice before this Court. An attorney shall move for admission of an applicant by stating:

“May it please the Court, I am (Name), a member in good standing of the Bar of this Court. I move the admission of (Name of Applicant), a member of the Bar of the highest court of (the State/Commonwealth of (Name)). I have examined (his/her/their) credentials on file in the office of the Clerk, and I am satisfied that (he/she has) (they have) the qualifications for membership in the Bar of this Court.”

(d) *Oath of Admission.*

(1) Prior to admission, each applicant shall take the oath below. The Chief Judge, presiding Senior Judge, or Clerk of the Court shall administer the oath to applicants seeking admission in open court. All others must subscribe the oath or affirmation.

“I, (name of applicant), do solemnly (swear) (affirm) that I will support the Constitution of the United States, and that I will conduct myself as an attorney and counselor of this Court uprightly and according to law, (so help me, God).”

(2) After the applicant takes the oath, the Clerk of the Court shall issue a certificate of admission to the applicant.

(e) *Streamlined procedures for Judge Advocate Staff Officer Course (JASOC)*. Where the applicant is a current JASOC student at the United States Air Force Judge Advocate General’s School (AFJAGS), an AFJAGS representative will verify that the applicant possesses an original certificate of good standing from an approved licensing Bar of a State, Territory, Commonwealth, or Possession of the United States. The certificate of good standing must be dated within one year of the date of application. An AFJAGS representative will forward all completed *Applications for Admission to Practice* to the Court. *See* Appendix D. The Clerk of the Court may send the certificates of admission to the AFJAGS representative for distribution to the applicants.

## **RULE 10. CONDUCT OF COUNSEL**

**The conduct of counsel appearing before the Court shall be in accordance with rules of conduct prescribed pursuant to R.C.M. 109 by the Judge Advocate General of the service concerned. The Court, however, retains its authority to regulate counsel appearing before it, including the power to remove counsel from a particular case for misconduct in relation to that case or to punish counsel for contempt in accordance with Article 48, UCMJ, and Rule 28. Conduct deemed by the Court to warrant consideration of suspension from practice or other professional discipline shall be reported by the Court to the Judge Advocate General concerned.**

### Rule 10.1 Conduct of Counsel.

In addition to rules applicable in the respective jurisdictions of counsel appearing before the Court, the professional conduct of such counsel is governed by the current Manual for Courts-Martial, Rule 10 of this Court’s rules, the United States Air Force Rules of Professional Conduct (AFRPC), the Air Force Standards for Civility in Professional Conduct, Air Force Standards for Criminal Justice, and the Model Rules of Professional Conduct of the American Bar Association to the extent they are consistent with the aforementioned Air Force rules and standards.

### Rule 10.2 Reporting Requirements.

Any member of the Bar of this Court who is subjected to discipline that results in disbarment, suspension, or other loss of good standing in the Bar of any court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth, or possession of the United States, shall notify the Clerk of the Court not later than 10 business days after the notification of such action. Likewise, any member of

the Bar who is suspended from practice in courts-martial or another service court of criminal appeals or whose certification pursuant to Article 27(b), UCMJ, is withdrawn for cause shall notify the Clerk of the Court not later than 10 business days after such action.

#### Rule 10.3 Professional Misconduct.

(a) In addition to other actions that may be taken by the Court, allegations of professional misconduct, as defined by Rule 8.4 of the AFRPC, shall be referred to the appropriate professional authority in accordance with Rule 8.3 of the AFRPC and Department of the Air Force Instruction 51-110, *Professional Responsibility Program*, or its successor publication.

(b) If it appears that an attorney admitted to practice before this Court has engaged in conduct unbecoming a member of the Bar, has persistently or deliberately failed to comply with these rules or any other rule or order of the Court, or has engaged in misconduct as defined by Rule 8.4 of the AFRPC, the Court may enter an order affording the attorney an opportunity to show cause why the attorney should not be suspended from practice before this court or why the matter should not be referred to the appropriate professional authority.

### **RULE 11. ASSIGNMENT OF COUNSEL**

**(a) Upon docketing of a case, the appropriate Judge Advocate General or designee shall, unless previously done, designate appellate military counsel to represent the parties and, if applicable and appropriate, victims of an offense as defined by Article 6b, UCMJ. In a case involving a petition for extraordinary relief when the United States is represented by counsel or when an accused has been denominated as the real party in interest by a filing party or by the Court, the Judge Advocate General or designee shall also designate appellate military counsel to represent such accused. Nothing in this Rule creates a right to counsel beyond that established by regulation or law.**

**(b) When civilian counsel represents an accused before the Court, the Court will notify counsel when the record of trial is received. If both civilian and assigned appellate defense counsel represent the accused, the Court will regard civilian counsel as primary counsel unless notified otherwise. Ordinarily, civilian counsel will use the accused's copy of the record. Unless otherwise prohibited by the Court, civilian counsel may reproduce, at no expense to the government, appellate defense counsel's copy of the record.**

#### Rule 11.1 Designation of Appellate Counsel.

(a) *Determination of Counsel Representation.* Upon docketing of a case before this Court, the Court will review each record of trial to determine if the appellant has requested representation by military appellate defense counsel. If unable to discern this from the record of trial, the Court shall return the record to the Appellate Records Branch of

JAJM to obtain an AF Form 304, *Request for Appellate Defense Counsel*.

(b) *Continuing Representation*. In any case that has been remanded for further proceedings, an appellant's prior request for military appellate defense counsel remains effective in subsequent appellate proceedings before this Court unless the appellant affirmatively withdraws the request in writing.

(c) *Appearance Pro Se*. The Court will notify TJAG or designee when an appellant who has appeared *pro se* subsequently requests military appellate counsel.

Rule 11.2 Retention of Civilian Counsel.

In any case where the appellant has retained civilian counsel in addition to military appellate counsel, JAJA will ensure civilian counsel's proper appearance before the Court and familiarization with these rules.

## **RULE 12. NOTICE OF APPEARANCE AND WITHDRAWAL OF COUNSEL**

**(a) Military and civilian appellate counsel shall file a written notice of appearance with the Court. The filing of any pleading relative to a case which contains the signature of counsel pursuant to Rule 14 constitutes notice of appearance of such counsel.**

**(b) Leave to withdraw by any counsel who has entered an appearance under subsection (a) must be requested by motion in accordance with Rule 23. A motion by an appellate defense counsel must indicate whether the accused consents or objects to the withdrawal, the reasons for the withdrawal, and the provisions that have been made for continued representation of the accused. A copy of a motion filed by an appellate defense counsel shall be delivered or mailed to the accused by the moving counsel.**

Rule 12.1 Notice of Appearance.

(a) To be eligible to enter a notice of appearance, counsel must be admitted to the Bar of this Court. *See* Rules 9.1, 9.2.

(b) Counsel who may enter a notice of appearance and be deemed counsel of record are those who represent an appellant or appellee; has filed a petition for extraordinary relief on behalf of a petitioner in accordance with JRAP 19 (to include petitions pursuant to Article 6b, UCMJ, 10 U.S.C. § 806b); has filed a petition for a new trial on behalf of a

petitioner pursuant to Article 73, UCMJ, 10 U.S.C. § 873; or has been invited by the Court or been granted leave to appear as *amicus curiae*.

(c) Filing of a Notice of Appearance or providing a signature on a filing does not in itself make one a counsel of record to a particular case.

Rule 12.2 Withdrawal of Appellate Defense Counsel.

Any appellate defense counsel who has requested leave to withdraw should, in indicating that “the provisions have been made for continued representation” per JRAP 12(b), (1) identify by name the successor appellate defense counsel, and (2) affirm that a thorough turnover of the record between counsel has been completed.

### III. PRACTICE BEFORE THE COURT

#### Rule 13. FILING AND SERVICE

**(a) A notice of appearance, pleading, or other paper required or permitted to be filed with the Court must be filed with the Clerk of that Court in such place and manner as may be required by CCA rules.**

**(b) At or before the filing of any pleading or other paper relative to a case, a copy thereof shall be served on all counsel of record, including *amicus curiae* counsel.**

**(c) Service by electronic means is complete upon transmission. If transmitted by mail or by other non-electronic means, service is complete upon receipt.**

Rule 13.1 Definition of Filing.

Under these Rules, the term “filings” includes pleadings or other documents submitted to the court relative to a case.

Rule 13.2 Method of Filing.

(a) The method for filing documents with the Court is electronic filing at the following email address: [af.jah.filing.workflow@us.af.mil](mailto:af.jah.filing.workflow@us.af.mil). No other method of electronic filing will be accepted absent approval from the Clerk of the Court.

(b) Paper filing will occur when the document to be filed contains classified material or matter under seal; or may occur where electronic filing proves impractical due to reasons such as the size of the document(s) or lack of access to email. Any electronic filing of such matters, to include the use of DOD SAFE (secure access file exchange), must be first approved by the Clerk of the Court. The place for filing papers is:

Clerk of the Court  
U.S. Air Force Court of Criminal Appeals  
1500 West Perimeter Road, Suite 1900  
Joint Base Andrews-Naval Air Facility Washington, MD 20762

(c) Follow Rule 17.1 et seq. on form, content, and length.

Rule 13.3 Service of Filings.

Filings with the Court shall be served on all counsel of record, including civilian counsel who have filed an appropriate notice of appearance in compliance with JRAP 12 and Rule 12.1, and will be evidenced in the document by use of the certificate format below. Service to the approved organizational electronic workflow inbox constitutes sufficient service for counsel assigned to JAJA or JAJG. Upon receipt, the electronic certificate of service shall be executed and electronically returned to the sender. Should a filing be in paper form, a Certificate of Service shall be executed and returned to the sender.

CERTIFICATE OF FILING AND SERVICE

I certify that the original and copies of the foregoing were [mailed] [delivered] [sent via \_\_\_\_\_] to the Court and served on [name and title of recipient] on [date].

---

(Typed Name of Certifying Person)  
(Organization or Firm) (Address)  
(Address)  
(Telephone No.)  
(Email Address – Non AF/JA Only)

Rule 13.4 Noncompliance with Rules.

(a) Failure to comply with any of these rules may result in rejection of the offered filing by the Clerk of the Court. Returned filings will not be attached to the record of trial and do not serve to toll any filing deadline.

(b) Filings which are contemptuous or disrespectful to the Court may be returned with no action or summarily dismissed.

**Rule 14. SIGNING OF PAPERS**

**All formal papers shall be signed, either by hand or electronically, and shall include, at a minimum, the signer's name, military grade (if applicable), email address, and the capacity in which the paper is signed. Such signature constitutes a certification that the statements made therein are true and correct to the best of the knowledge, information, and belief of the person or persons signing the paper and that the paper is filed in good faith and not for purposes of unnecessary delay.**

#### Rule 14.1 Signatures and Contact Information.

(a) Counsel of record admitted to practice before this Court may sign a filing submitted electronically by use of any commonly accepted mark that represents that person's electronic signature. Non-federal civilian counsel must also include a business address, business telephone number, email address, and state bar number below the signature line of each filing.

(b) An appellant proceeding *pro se* may sign a filing by use of any commonly accepted mark that represents that person's signature. A *pro se* appellant must also include all available current contact information (such as address, phone number, and email address) below the signature line.

(c) If any signatory who is not a *pro se* appellant is not a licensed attorney, the filing must contain the signature of at least one attorney admitted to practice before this Court. Such signature of one or more attorneys admitted to practice before this Court attests that the signing attorney has supervised the signing non-attorney and assumes responsibility for the content of the filing.

(d) One attorney may sign a filing "for" another person whose name appears on the filing, provided that attorney is authorized to do so. The Court will regard such a filing as personally signed by the attorney granting such authority.

### **Rule 15. COMPUTATION OF TIME**

**In computing any period of time prescribed or allowed by these rules, order of the Court, or any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, or a day on which the Court is closed when the act to be done is the filing of a paper with the Court, in which event the period runs until the end of the next day that is not a Saturday, Sunday, holiday, or day on which the Court is closed. Unless specified otherwise, "day" indicates calendar day, and shall end at 2359 Eastern Time.**

#### Rule 15.1 Initial Due Date for Appellant's Assignments of Error Brief.

An appellant has 60 days from date of docketing, JRAP 18(d)(1), or 60 days from date the Court receives the record of trial, JRAP 18(d)(2), to file his or her brief with the Court. If the 60th day falls on a Saturday, Sunday, legal holiday, or day on which the Court is closed, the first business day will be computed as the specific due date. New deadlines

resulting from requested enlargements of time are computed under Rules 15.2 and 15.3, *supra*.

#### Rule 15.2 Subsequent Due Dates and Filing Acceptance Dates.

When parties request an enlargement of time, if the Court sets a due date for a specific calendar date that falls on a Saturday, Sunday, legal holiday, or day on which the Court is closed, unless specifically noted by the Court, the filing will be accepted on the next day on which the Court is open (business day). The filing acceptance date does not extend the specific due date.

#### Rule 15.3 Due Dates for Enlargements of Time.

When determining due dates in requests for enlargements of time for which the Court has set a specific due date, counsel will count from the specific due date and not from the filing acceptance date, if different. See the following example:

Part I (EOT Timeline): Appellant's brief is due on Saturday, 18 January 2025. The motion for enlargement of time is due 7 days before, on Saturday, 11 January 2025. No later than Monday, 13 January 2025 (next business day after 11 January 2025), Appellant requests an enlargement of time for 30 days with a due date of 17 February 2025 (which is a Monday and a federal holiday, President's Day).

Part II (Brief Due Date): According to Rule 15.2, the filing of a pleading would be accepted as timely on Tuesday, 18 February 2025, the first business day after the holiday. If Appellant requests an additional enlargement of time, counsel will calculate the new requested due date from 17 February 2025.

### **Rule 16. WAIVER OR WITHDRAWAL OF APPELLATE REVIEW**

**Once a case has been received by the Court for appellate review, a waiver or withdrawal of appellate review filed in accordance with R.C.M. 1115 will be referred to the Court. Pursuant to Article 61(d), UCMJ, a valid waiver or withdrawal bars further review under Article 66. At its discretion, the Court may issue a show-cause order. If the Court determines the waiver or withdrawal to be valid, it shall dismiss the appeal and return the record of trial to the Judge Advocate General without further action by the Court.**

#### Rule 16.1 Filing of Waiver/Withdrawal.

A waiver or withdrawal from appellate review is accomplished by motion to the Court. *See* Rule 23.3(i).

## Rule 17. BRIEFS

**Except as otherwise expressly provided in these rules, form, content, and space limitations for pleadings and briefs shall be pursuant to CCA rules. Chief Judges shall confer with one another and endeavor to make such rules as consistent among the CCAs as practicable.**

### Rule 17.1 Filing Format.

(a) All appellate filings, excluding attachments, shall appear in proportional 12-point type—*e.g.*, Times New Roman or Century Schoolbook—typed and double-spaced so as to produce a clear black image on a single side of white 8.5-inch by 11-inch paper. Margins must be at least one inch on all four sides. Citations in filings shall conform to the current version of the U.S. Air Force Court of Criminal Appeals Citation Guide and the most recent edition of *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass’n et al.). In the event of an inconsistency between the Court’s Citation Guide and *The Bluebook*, *The Bluebook* controls. Images may not be embedded in briefs or other filings; instead, counsel may cite to such items in the record, include them in an appendix, or move the Court to attach them, as appropriate.

(b) Any filing submitted electronically to the Court shall be converted into a .pdf file. To reduce overall file size, avoid scanning if practicable. All electronic filings shall contain the following language in the email subject line: Certificate of Service – [Appellant’s Last Name] – ACM or Misc. Dkt. No. – [Title of Filing] (DD MMM YY). (Example: Certificate of Service – Jones – ACM S11111 – EOT 5 (15 Mar 25)).

(c) All electronic filings shall contain the following language in the email narrative block:

I hereby certify that the following documents were transmitted on the date/time of this message.

1. [Appellant’s Name] – [ACM or Misc. Dkt. No.] – [Title of Filing] (DD MMM YY)

[#] attachment(s) were served.

(d) All .pdf files shall utilize the following naming convention: [Appellant’s Last Name] [In re Victim’s Initials] [In re Petitioner’s Last Name] [In re United States (RPI Case Name)] – ACM or Misc. Dkt. No. – Title of Filing (DD MMM YY).

Examples:

Doe – 12345 – EOT 3 (15 Mar 25) [Same for Article 62 Appeals]

In re SD – Misc. Dkt. No. 2025-07 – EOT 1 (15 Mar 25)

In re Maliwat – Misc. Dkt. No. 2025-08 – EOT 1 (15 Mar 25).

In re United States (Robinson) – Misc. Dkt. No. 2022-09 – EOT 1 (15 Mar 22) [For Gov’t Interlocutory Appeals]

(e) Personnel should avoid including personally identifiable information in filings to the extent possible. However, if there is personally identifiable or sensitive information included in a filing, append “SENSITIVE” to the file name of the unredacted version. A separate, appropriately identified redacted version will be filed contemporaneously. See Rule 17.2 for additional guidance.

Example:

Doe – 12345 – Motion to Attach (1 Jan 25)

Doe – 12345 – Attachment to Motion to Attach (1 Jan 25) (SENSITIVE)

Doe – 12345 – Attachment to Motion to Attach (1 Jan 25) (REDACTED)

(f) All filings shall certify that each real party in interest was served with a copy of that filing.

#### Rule 17.2 Content of Filings.

(a) *Classified material.* Classified material or information derived from such material will not be filed electronically. Counsel seeking to file such material shall first contact the Clerk of the Court and the appropriate Security Manager for further instructions.

(b) *Material under seal.* Material under seal or information derived from such material shall be separately filed in accordance with Rule 13.2(b). See also Rule 23.3(o). Counsel will place the sealed materials in an envelope and serve a copy of the sealed materials on opposing counsel, who will indicate receipt of service, unless authorized by other means of transmission by the Clerk of Court. See example of Certificate of Service and Receipt below. Counsel will then file a Motion to File under Seal electronically and include in the text of the email message a notation that sealed material is being filed separately. Such motion shall be accompanied by any unsealed portions of the filing. Counsel filing material under seal with the Court will do so during normal duty hours.

### CERTIFICATE OF SERVICE AND RECEIPT

Motion to File under Seal, dated \_\_\_\_\_

*United States v. [Appellant]*, No. ACM \_\_\_\_\_

I certify that the material identified in the above motion was delivered to [name and title of recipient] on [date].

\_\_\_\_\_  
(Appellate representative name/signature)

I certify that I received the foregoing material on [date].

\_\_\_\_\_  
(Appellate representative name/signature)

The Court received the foregoing material on [date].

Note: Counsel of record may retain such materials; however, upon completion of appellate review, counsel shall destroy such materials.

(c) *Personally Identifiable and Sensitive Information.*

(1) All filings must be filed with an awareness that in accordance with Article 140a, UCMJ, 10 U.S.C. § 940a, certain filings must be posted on a public-facing website. The Military Justice Law and Policy Division (JAJM) has produced a “JAJM Redaction Guide for Filings and Court Records in Compliance with Article 140a, UCMJ” (Redaction Guide) that provides standards and training for all individuals responsible for redacting and reviewing documents to ensure compliance with the Privacy Act of 1974, 5 U.S.C. § 552a. The Redaction Guide is available on the Court’s website at <https://afcca.law.af.mil>. For further guidance, see the current version of Department of the Air Force Instruction (DAFI) 51-201, *Administration of Military Justice*. Accordingly, filings shall be in accordance with substantive redaction requirements in the current version of the Redaction Guide, to include separate, appropriately identified redacted and unredacted (SENSITIVE) versions of the filings, when necessary. Any questions about the Court’s guidance in relation to other directives or guidance can be directed to the Clerk of the Court.

(2) Notwithstanding any limitation in the Redaction Guide as to its applicability, its requirements shall apply to every filing to this Court.

(d) A party submitting a motion to attach will submit the motion as one .pdf file and the attachment(s) to the motion as a separate .pdf file. *See also* Rule 23.

Rule 17.3 Length of Filings.

Unless otherwise authorized by the Court, filings shall not exceed 50 pages, excluding indices, attachments, and appendices. Headings, footnotes, and quotations count toward the page limit. Counsel may, in accordance with Rule 23.3(q), move to exceed the page limit for good cause shown. A Motion to Exceed Page Limit, a Motion to File Under Seal, and a Motion to Attach, if associated with a brief, answer, or reply, will toll the due date for any responsive filing for opposing counsel until the Court has ruled on such motion. *See* Rule 18.1 for additional guidance pertaining to briefs.

## Rule 18. APPEALS BY THE ACCUSED

**(a) *Assignments of Error.*** Appellate counsel for the accused may file assignments of error, setting forth separately each error asserted.

**(b) *Grosteffon Issues.*** Issues raised pursuant to *United States v. Grosteffon*, 12 M.J. 431 (C.M.A. 1982), shall comply with CCA rules and counsel shall articulate *Grosteffon* issues with particularity.

**(c) *Pro Se Submissions.*** A litigant who represents him or herself is known as a “pro se” litigant.

(1) The Court and its employees cannot give legal advice to any person. All litigants are expected to follow the rules that govern the practice of law and be familiar with these rules and any CCA Rules established under Rule 3.

(2) *Pro se* filings must include a statement indicating whether designated military or other counsel currently represents the filer. A person who is represented by counsel may make a *pro se* filing only if the Court grants leave to file for good cause shown. To establish good cause, a person who is represented by a counsel who has entered an appearance must explain why representation by that counsel is inadequate.

**(d) *Time for Filing and Number of Briefs***

(1) *Automatic Appeals under Article 66(b)(3), UCMJ.* An appellant’s brief shall be filed no later than 60 days after the Court has received the record of trial pursuant to Article 65(b), UCMJ, and has docketed the case. An answer by the United States shall be filed no later than 30 days after the filing of an appellant’s brief. A reply brief may be filed by the appellant no later than 7 days after the filing of the United States’ answer. If no brief is filed on behalf of an accused, a brief on behalf of the United States may be filed within 30 days after expiration of the time allowed for the filing of a brief on behalf of the accused.

(2) *Non-automatic Appeals under Article 66(b)(1)(A), UCMJ.* An appeal under Article 66(b)(1)(A), UCMJ, shall be considered timely provided the accused files a Notice of Appeal with the Court, in such form as the Court may direct, before the later of: (1) 90 days after the accused is provided notice of appellate rights under Article 65(c), UCMJ; or (2) the date set by the Court by rule or order. As soon as practicable after the filing of a Notice of Appeal, the government shall provide the Court a complete record, including a verbatim transcript, and provide a copy to the defense. An appellant’s brief shall be filed no later than 60 days thereafter. An answer by the United States shall be filed no later than 30 days after the filing of an appellant’s brief. A reply brief may be filed by the appellant no later than 7 days after the filing of the United States’ answer.

**(3) *Appeals of Summary Courts-Martial under Article 66(b)(1)(B), UCMJ***

(A) An application for review of a summary court-martial under Article 66(b)(1)(B) shall be filed no later than 60 days from the earlier of: (1) the date on which the accused is notified of the decision of the Judge Advocate General; or (2) the date on which a copy of the decision of the Judge Advocate General is deposited in the United States mails in accordance with Article 69(d)(2)(B)(ii), UCMJ.

(B) The application shall state with particularity the asserted substantial basis for concluding that the Judge Advocate General’s action on review under Article 69(c) constituted prejudicial error.

**(C) Thereafter, no further briefs shall be filed unless ordered by the Court and upon such schedule as the Court may establish.**

**(4) Upon Remand or Reconsideration.** If a case has already been the subject of an initial order or decision by the Court and has been returned following a remand or grant of reconsideration, no further briefs shall be filed except to the extent permitted by CCA rule or order.

**(e) Appendix.** The brief of either party may include an appendix. If citing an unpublished opinion that is not available in the legal research platform used by the Court, a copy shall be attached in an appendix. The appendix may also include extracts of statutes, rules, or regulations. A motion must be filed under Rule 23 to attach any other matter.

Rule 18.1 Assignments of Error.

Assignments of error on behalf of an appellant shall be filed in compliance with Appendix A of these rules. Additionally, all briefs shall comply with the requirements set forth in Rule 17. Any briefs in excess of 30 pages, excluding indices, tables, attachments, appendices, or certificates of service, must include a subject index of the matters contained therein, along with a table of cases (alphabetically arranged), statutes, and other authorities cited and the page numbers of the brief where the cite appears. Briefs submitted on the merits of a case, without alleging any assignments of error, shall conform to the format set forth in Appendix B of these rules.

Rule 18.2 *Grostefon* Issues.

(a) Issues raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), shall be identified in counsel's brief as an assignment of error. The substance of such issue shall be presented in a separate Appendix to the brief filed under Rule 18.1. If the brief contains more than one appendix, the *Grostefon* brief shall be the first appendix. Unless the Court grants leave for good cause shown, this appendix shall be type-written and conform to Rule 17.1(a), shall not exceed 30 pages, and shall be submitted in conjunction with the brief filed under Rule 18.1.

(b) Counsel shall identify *Grostefon* issues with particularity and in the following form:

APPENDIX A

Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), Appellant, through appellate defense counsel, personally requests that this Court consider the following matters:

[List issues and include relevant legal authority and argument for each issue.]

### Rule 18.3 Subsequent Briefs.

Answer briefs and any reply briefs will follow the same format as assignments of error and respond separately to each assigned error. Answers may adopt the appellant's statement of the case and may state additional facts. Counsel for the United States need not respond to a case submitted on its merits.

### Rule 18.4 Supplemental Filings.

Supplemental filings must be submitted by motion for leave to file in accordance with Rule 23(d). If the motion is granted, the opposing party may file a response to the supplemental filing within 30 days or by the date set by the Court.

### Rule 18.5 Cases Eligible for Direct Appeal Review (Non-Automatic).

A notice of a direct appeal pursuant to Article 66(b)(1), UCMJ, will include the following: dates and locations of the court-martial; the sentence entered; and the date of the Government's notice to the appellant of the right to file an appeal, the date the notice was mailed to the appellant, and the date the appellant received the notice. An appellant's brief shall be filed no later than 60 days after the Court receives the verbatim transcript. *See* Rule 24.2.

### Rule 18.6 Filings Out of Time.

(a) Any filing that is submitted out of time shall so indicate in the caption and shall articulate good cause for why the filing is out of time. A filing is out of time when it is submitted after the applicable deadline for filing, and must comply with JRAP 23(d). However, *see* Rule 23.3(m) for motions for enlargements of time out of time.

(b) A notice of direct appeal pursuant to Article 66(b)(1), UCMJ, that is filed after the end of the 90-day period may be accepted at the discretion of the Court upon a showing of good cause that warrants acceptance. *See* Article 66(c)(1)(B), UCMJ.

### Rule 18.7 Filings Following Remands with no Initial Brief.

When a case has been the subject of a remand order by the Court but no initial brief had been filed, after the record of trial has been returned to the Court the appellant's brief shall be filed within the timeline established in the Court's Notice of Docketing or within 30 days, whichever is longer.

## **Rule 19. EXTRAORDINARY RELIEF**

**(a) *Applicability.*** This rule applies to petitions for extraordinary relief filed pursuant to 28 U.S.C. § 1651 and pursuant to Article 6b, UCMJ.

**(b) *Petition for Extraordinary Relief***

**(1)** A petition for extraordinary relief shall be filed as soon as possible but, in any event, no later than 20 days after the petitioner learns of the action complained

of. This does not, however, apply to petitions for writs of *habeas corpus* or *error coram nobis*, which may be filed at any time.

(2) A petition for extraordinary relief shall contain, at a minimum, the following:

(A) A history of the case including whether prior actions have been filed or are pending for the same relief in the Court or any other court and the disposition or status of such actions;

(B) A concise and objective statement of all facts relevant to the issue presented and of any pertinent opinion, order, or ruling;

(C) A statement of the issue(s);

(D) The specific relief sought;

(E) Reasons for granting the relief requested;

(F) In the case of a petition filed in the course of an ongoing proceeding, a statement of whether a stay of proceedings is requested. A proceeding is considered ongoing until it is docketed for appellate review pursuant to Article 66, UCMJ;

(G) The jurisdictional basis for relief sought and the reasons why the relief sought cannot be obtained during the ordinary course of appellate review; and

(H) If the petition relies on sealed matters, a statement identifying whether each party had access to the sealed material at trial;

(I) If necessary and authorized, a request for appointment of appellate counsel; and

(J) A copy of any order or opinion or any parts of the record that may be essential to understand the matters set forth in the petition.

(3) The petition for extraordinary relief shall be captioned “In Re [name of Petitioner]” and shall identify all real parties in interest.

(c) *Filing and Service.* A petitioner for extraordinary relief shall serve a copy of the petition on all respondents, real parties in interest, and any military judge whose decision, judgment, or order is the subject of the petition.

(d) *Notice to the Judge Advocate General.* Immediately upon the Court’s receipt of any petition, the Clerk of the Court shall forward a copy of the petition for extraordinary relief to the appropriate Judge Advocate General or designee.

(e) *Priority.* To the extent practicable, a petition for a writ of mandamus filed under Article 6b, UCMJ, shall have priority over all other proceedings.

**(f) *Initial Action by the Court.*** The Court may dismiss or deny the petition without answer, order the respondent to show cause and file an answer, or take whatever other action it deems appropriate.

**(g) *Answer***

(1) The respondent may not file a response to a writ petition unless the Court issues an order directing the respondent to show cause or granting leave to file a response. In such cases, unless otherwise specified, the respondent may file an answer within 20 days of receipt of the order and the petitioner may file a reply to the answer within 7 days of receipt of the answer.

(2) When the Court directs that an answer be filed, two or more respondents may answer jointly.

(3) The Court may invite or order any military judge whose decision, judgment, or order is the subject of the petition to respond or may invite any *amicus curiae* to do so. A military judge may request permission to respond but may not respond unless invited or ordered to do so by the Court.

**(g) *Oral Argument and Final Action.*** The Court may set the matter for oral argument. However, on the basis of the pleadings alone, the Court may grant or deny the relief sought or make such other order in the case as the circumstances require.

Rule 19.1 Filing and Service.

(a) The header of the petition shall identify each petitioner. If a petitioner is not the accused, the header shall also name the accused as the real party in interest. Documents accompanying the petition may be attached without a separate motion to attach. Petitions must include a certificate of service on each named respondent, each real party in interest, and the chiefs of the military appellate divisions and appellate counsel of record, as appropriate. Any petition filed on behalf of the United States or any officer or agent thereof shall be coordinated with the Chief, Government Trial and Appellate Operations Division (JAJG). Unless otherwise specified, the Chief, Military Justice Law & Policy (JAJM), is TJAG's designee under Rule 19(d).

(b) A notice of docketing shall serve as notice that the petition has been accepted by the Court.

(c) No supplemental filings will be accepted unless ordered by the Court. *See* Rule 18.4.

(d) For format, content, and length of petitions, *see* Rules 17.1 through 17.3.

Rule 19.2 Action on the Petition.

(a) If the petition concerns ongoing court-martial litigation, the Court may order the Government to provide the Court the charge sheet and any audio-recorded proceedings of the court-martial.

(b) If the Court orders a stay in the proceedings, the Clerk of the Court will send a copy of the stay order to the Government to be expeditiously delivered to the convening authority, military judge, and all counsel or unrepresented parties involved.

(c) If the Court allows a respondent to file an answer to the petition, the petitioner may file a reply to any such answer within 7 days of its filing.

#### Rule 19.3 Mental Competence or Responsibility.

Counsel may petition the Court to convene a board of medical officers to inquire into the mental competence or responsibility of the appellant. The petition for psychiatric evaluation shall be supported by a concise statement justifying the need for a current psychiatric evaluation and accompanied by supporting documentation to justify the order. A copy of the petition is served on all parties at the same time it is filed with the Court. The petition must include a motion to stay completion of appellate review for the period of time required to accomplish the evaluation. Counsel for the respondent has 7 days to file a reply. If the Court grants the petition, the case is sent to TJAG through the Chief Judge, Air Force Trial Judiciary, to arrange for the evaluation. The petition described in these rules is not a prerequisite and does not limit an appellant's right to petition for a new trial under Article 73, UCMJ.

## **Rule 20. APPEALS BY THE UNITED STATES**

### **(a) *Restricted Filing***

(1) Only a representative of the United States designated by the Judge Advocate General concerned may file an appeal by the United States under Article 62, UCMJ.

(2) Only the Judge Advocate General may approve the filing of an appeal of a sentence by the United States under Article 56(d), UCMJ.

### **(b) *Form of Appeal***

(1) An appeal under Article 62, UCMJ must comply with R.C.M. 908, these rules, and CCA rules. The appeal shall include the Notice of Appeal described in R.C.M. 908(b)(3). The Notice of Appeal must reflect the date and time of the military judge's ruling or order from which the appeal is taken and the date and time of service upon the military judge.

(2) An appeal under Article 56(d), UCMJ must comply with R.C.M. 1117, these rules, and CCA rules.

### **(c) *Time for Filing.* All procedural rules shall apply except as follows:**

#### **(1) *Appeal Under Article 62, UCMJ***

(A) The trial counsel shall have 20 days from the date of the Notice of Appeal to forward the appeal, including the record, to the representative of the United States designated by the Judge Advocate General. The person

designated by the Judge Advocate General shall, within 5 days of receipt, file the original record with the Court with a copy to opposing counsel. Appellate government counsel shall have 20 days from the date the appeal is filed with the Court to file a supporting brief. Should the United States decide to withdraw the appeal after it is received by the Court, appellate government counsel shall notify the Court in writing.

**(B) Appellee shall have 20 days from the date the United States' brief is filed to file an answer.**

**(C) The United States shall have 7 days from the date Appellee's answer is filed to file a reply brief.**

**(2) Pursuant to R.C.M. 1117, an appeal under Article 56(d), UCMJ must be filed within 60 days after the date on which the judgment of the court-martial is entered into the record.**

**(d) The parties shall give appeals under Article 62, UCMJ priority over all other proceedings where practicable.**

Rule 20.1 Processing Appeals by the United States.

(a) *Filing and Service.* Upon receipt of the original record and Notice of Appeal under Article 62, UCMJ, the Clerk of the Court will assign the matter a miscellaneous docket number and issue a notice of docketing to all interested parties. The Government representative filing the appeal shall promptly deliver one copy of the appeal each to JAJA, JAJG, and JAJD, and/or the VANP (JAJI) and JAJS, as appropriate.

(b) *Contents of the Appeal.*

(1) The appeal, pursuant to JRAP 20(c)(1), shall be accompanied by a brief on behalf of the United States, which shall include:

(A) a statement of the issues appealed;

(B) a statement of the case setting forth a concise chronology, a statement of facts of the case material to the ruling appealed from, and any other pertinent information regarding the proceedings;

(C) a direct and concise argument showing why relief should be granted and including each issue and point of law presented, citing pertinent authorities;

(D) a statement showing good cause why the appeal was not timely filed, if applicable;

(E) proof of service on the Chief, JAJA, and appellate counsel of record, if any;

(F) an appendix containing a record of proceedings prepared in accordance with R.C.M. 908(b)(5), or, if the record has not been completed when the appeal is filed, a summary of the evidence pursuant to R.C.M. 908(b)(6) and a copy of audio-recorded trial proceedings; and

(G) an appendix including a certificate of notice of appeal showing the date and time of the military judge's ruling and the date and time of service on the military judge.

(2) If the appeal and brief are filed before completion of a verbatim transcription of the record of proceedings, as soon as possible thereafter the appellant will complete and file the original and one copy of the transcription.

(c) *Withdrawal of Appeal.* If the United States elects to withdraw an appeal, appellate government counsel shall file a motion to withdraw the appeal. If the motion is granted, the original record shall be released to the Appellate Records Branch of JAJM.

## **Rule 21. PETITIONS FOR NEW TRIAL**

**(a) Whether submitted to the Judge Advocate General by the accused in *propria persona* or by counsel for the accused, a timely petition for a new trial submitted under Article 73, UCMJ, while the accused's case is pending before a Court of Criminal Appeals shall be filed in accordance with these and CCA rules and shall comply with R.C.M. 1210(c).**

**(b) Upon receipt of a petition for new trial submitted by other than appellate defense counsel, the Court will notify all appellate counsel of record of such fact.**

**(c) A petition for new trial shall explicitly state whether the petitioner intends to file a separate, supplemental brief in support of the petition. Unless the petition specifically states that the petitioner intends to file a supplemental brief, the petition shall be construed as incorporating a brief in support of the petition and the respondent may file an answer within 30 days after filing of the petition. If, alternatively, the petition indicates intent to file a supplemental brief in support of the petition, the petitioner shall have 30 days from filing the petition to file the brief in support of the petition and the respondent may file an answer within 30 days after filing of the brief. A reply may be filed no later than 7 days after the filing of the respondent's answer.**

### Rule 21.1 Filing Petitions for New Trial.

Petitions for new trial shall not be filed directly with the Court. Consistent with Article 73, UCMJ, and R.C.M. 1210, all petitions for new trial shall be submitted to TJAG via JAJM. If the petitioner's case is already pending before this Court or the United States Court of Appeals for the Armed Forces, TJAG shall refer the petition to the appropriate court for action. For petitions referred to this Court, the Clerk of the Court will issue a notice of docketing to appellate counsel and will forward the petition to the panel to which the case is assigned.

## Rule 22. AMICUS CURIAE BRIEFS

(a) A brief of an *amicus curiae* may be filed (1) by invitation of the Court; or (2) by motion for leave to file granted by the Court.

(b) Only an attorney admitted to practice as a member of the Bar of the Court or an attorney appearing *pro hac vice* may file an *amicus curiae* brief.

(c) All motions and briefs filed under Rule 22(a)(2) must contain a statement of the movant's interest and why the matters asserted are relevant to the disposition of the case. *Amicus curiae* briefs filed pursuant to Rule 22(a)(2) that bring relevant matter to the attention of the Court not already brought to its attention by the parties may be of considerable help to the Court. An *amicus curiae* brief that does not serve this purpose burdens the Court, and its filing is not favored. Unless the movant is a victim of an offense as defined by Article 6b, UCMJ, the motion must also provide a statement as to whether the parties consent to the filing of the *amicus curiae* brief.

### Rule 22.1. Filing and Service.

(a) Any attorney seeking leave to file as *amicus curiae* under Rule 22(a)(2) may file a brief with a motion for leave to file, conditioned upon fulfillment of Rule 22(b).

(b) An attorney under Rule 22(b) who represents an *amicus curiae* and is authorized to file a brief under Rule 22(a) may file a motion for leave to have a law student enter an appearance on behalf of an *amicus curiae*. Argument by a law student granted permission to appear on behalf of an *amicus curiae* may be requested by motion filed in accordance with Rule 25.2.

(c) Unless otherwise specified by the Court, an *amicus curiae* brief in support of a party shall be filed no later than 10 calendar days after that party has filed its brief. If neither party is supported, the *amicus curiae* brief shall be filed no later than 10 calendar days after the filing of the Government's answer (Article 66, UCMJ, reviews) or the appellee's reply brief (Article 62, UCMJ, appeals). In the case of a petition for extraordinary relief, an *amicus curiae* brief should be submitted as soon as possible after the notice of docketing the petition.

(d) *Amicus curiae* briefs must be signed in accordance with Rule 14.1(b), filed in accordance with Rule 17, and served in accordance with Rule 13.2.

(e) Neither the hearing nor the disposition of a case will be delayed (1) pending action on a motion for leave to file an *amicus curiae* brief, (2) pending action on a motion of *amicus curiae* to participate in a hearing, or (3) in order to await the filing of an *amicus curiae* brief.

## Rule 23. MOTIONS

(a) *Content.* All motions shall be filed in writing, unless presented by leave of the Court during a hearing, and state with particularity the relief sought and the grounds therefor.

(b) *Motions to Attach Documents*

(1) The Court will normally not consider any facts outside of the record, as described in Rule 6. Requests to consider factual material not in the record shall be presented by a motion to attach. The motion shall explain why it is appropriate for the Court's consideration. Motions filed pursuant to this rule will be granted only for good cause shown.

(2) If a party desires to attach a statement of a person to the record for consideration by the Court on any matter, such statement shall be made either as an affidavit or as an unsworn declaration under penalty of perjury pursuant to 28 U.S.C. § 1746.

(3) All documents written in a language other than English shall have attached a certified English translation.

(c) *Opposition.* Unless prescribed otherwise by CCA rules, any opposition to a motion shall be filed within 7 days after receipt of the motion by the opposing party.

(d) *Leave to File.* Any pleading not authorized or required by these or CCA rules shall be accompanied by a motion for leave to file such pleading. A motion for leave to file the pleading and the pleading may be combined in the same document.

### Rule 23.1 Filing of Motions.

(a) The United States and those persons with standing to do so may file any appropriate motion with the Court. Using the format contained in Appendix C, each motion will state with particularity the relief sought, the grounds therefor, and the specific Rule authorizing such relief. Except as otherwise provided in these Rules, each motion (and any opposition to a motion) will be separately filed before the Court and shall not be incorporated in any other pleading or consolidated in one motion.

(b) Consent motions are encouraged and will expedite a ruling on a motion. See *Department of the Air Force Standards for Civility in Professional Conduct*, ¶¶ 10, 12, printed in Department of the Air Force Instruction 51-110, *Professional Responsibility Program*, Attachment 4 (12 Jan. 2026). In the case of a defense motion, if appellate counsel for the United States has not yet been assigned to the case, appellate defense counsel may consult with any appropriate JAJG representative. If the opposing counsel consents to the relief requested by the motion, the title of the motion shall begin with the words "Consent Motion."

(c) *Expedited Rulings on Motions.* The Court may, in its discretion, rule on motions before the opposing filing is received. Any party adversely affected by the Court's action may move for reconsideration, vacation, or modification of such action.

#### Rule 23.2 Response to Motions.

Responses to motions for enlargement of time, for waiver/withdrawal of appellate review, to examine previously disclosed materials, to cite supplemental authority, and to exceed page limit must be filed within 2 business days after service on the responding party. Responses to all other motions must be filed within 7 days after service on the responding party.

#### Rule 23.3 Types of Motions.

Any motion that is not expressly authorized by the following rules must be accompanied by a motion for leave to file, setting forth the basis upon which the filing shall be permitted. The following motions do not require an accompanying motion for leave to file:

(a) *Motion for Oral Argument.* See Rule 25.

(b) *Motion to Attach Documents.* A motion to attach documents to the record of trial shall include a title and summary of the proposed items to be attached and a statement as to their relevance and necessity to the case. Statements must comply with Rule 23(b) to be accepted. If a document other than a statement is moved for attachment and the authenticity of the document is not readily apparent, an affidavit or unsworn declaration as to its authenticity shall be included. Additionally, a party electronically filing a motion to attach will submit the motion as one .pdf file and the attachment(s) as a separate .pdf file.

For example:

Doe - 40000 - Motion to Attach (1 Jan 25)

Doe - 40000 - Attachments to Motion to Attach (1 Jan 25)

[Note: use the date the filing is submitted, not the date(s) of attachment(s).]

(c) *Motion to Stay Proceedings.* See Rules 19.1(a) and 23.1(a).

(d) *Motion to Cite Supplemental Authority.* In the event that relevant new law has been issued or discovered by counsel subsequent to the submission of a brief, counsel may supplement the brief by bringing the citation of a relevant authority to the attention of the Court. Such motions will briefly explain the relevance of each newly cited authority to the issues before the Court. See Rule 25.2(e).

(e) *Motion to Compel.* A motion to compel an action may be submitted when necessary and appropriate. Such a motion should identify with particularity the action being sought and why it is necessary and appropriate to compel such action. A motion for enlargement of time may be combined with a motion to compel an affidavit or declaration.

(f) *Motion to Examine (and Transmit) Sealed Material.*

(1) A motion to examine sealed materials may be combined with a motion to transmit sealed materials. Counsel are encouraged to submit a consent motion and request examination and transmission, as necessary, by counsel for both parties.

(2) If the requested material was previously released to trial or defense counsel, counsel shall so state this in their motion, and will comply with the colorable showing requirements set forth in R.C.M. 1103A(b)(4)(B)(i) (*Manual for Courts-Martial, United States* (2016 ed.)), if the case was referred prior to 1 January 2019, or R.C.M. 1113(b)(3)(B)(i) (*Manual for Courts-Martial, United States* (2024 ed.)), if the case was referred on or after 1 January 2019. If the requested material was previously reviewed *in camera* but not released to trial or defense counsel, counsel shall comply with the requirements for good cause set forth in R.C.M. 1103A(b)(4)(B)(ii), 2016 *MCM*, if the case was referred prior to 1 January 2019, or R.C.M. 1113(b)(3)(B)(ii), 2024 *MCM*, if the case was referred on or after 1 January 2019.

(3) If a motion to examine is granted, counsel will arrange such viewings directly with the Court's administrative staff.

(4) No counsel granted access to the materials may photocopy, photograph, reproduce, disclose, or make available their contents to any other individual outside that counsel's immediate staff detailed to the case without the Court's prior written authorization.

(g) *Motion to File Amicus Curiae Brief.* See Rule 22.1.

(h) *Motion for Withdrawal of Appellate Defense Counsel.* See Rule 12.3.

(i) *Motion for Withdrawal of Appellate Review.* An appellant moving to waive or withdraw their case from appellate review with regard to a special or general court-martial must use the appropriate DD Form 2330, *Waiver/Withdrawal of Appellate Rights in General and Special Courts-Martial*. The motion may be combined with a motion to attach the completed DD Form 2330. See Rule 16. Attaching the DD Form 2330 will not change the 2-day opposition period.

(j) *Suggestion for En Banc Consideration.* See Rule 27.

(k) *Motion for Reconsideration with or without En Banc.* If a party wishes the Court as a whole to reconsider a previous decision issued by a panel, one consolidated pleading may be submitted moving for reconsideration and suggesting that the motion be considered—and the matter reconsidered, if granted—*en banc*. See Rule 31.

(l) *Motion to Abate Proceedings.* In the case of an appellant who died before completion of appellate review under Article 66, UCMJ, a motion to abate proceedings shall be accompanied by a death certificate.

(m) *Motion for Enlargement of Time (EOT) or Motion for EOT Out of Time (OOT)*. See Rule 24.

(n) *Motion to Amend or Replace Pleading*. If counsel discovers a pleading previously submitted to the Court requires correction, counsel may file a motion to amend the pleading. The motion will include a corrected copy of the page(s) of the pleading that require correction. Alternatively, counsel may file a motion to replace the pleading in its entirety. Any such motions shall specifically identify the correction.

(o) *Motion to File under Seal*. See Rules 13.2(b) and 17.2(c)(2).

(p) *Motion to Strike*. A motion to strike any portion of a filing may be filed within 7 days after service of the filing upon the moving party. See Rule 17.

(q) *Motion to Exceed Page Limit*. See Rule 17.3.

(r) *Motion to Suspend the Rules*. See Rule 32.

(s) *Motion to Publish Decision*. See Rule 30.3.

(t) *Motion to Remand*. Any party may move for remand to correct a post-trial processing error by apprising the Court of an obvious error in the post-trial processing phase.

## IV. PROCEEDINGS OF THE COURT

### Rule 24. EXTENSIONS OF TIME AND INTERLOCUTORY MATTERS

**Except as otherwise provided in Rule 31(e), the Court, in its discretion, may extend any time limits prescribed and may dispose of any interlocutory or other appropriate matter not specifically covered by these rules, in such manner as may appear to be required for a full, fair, and expeditious consideration of the case.**

#### Rule 24.1 Chambers Conferences.

At its discretion, the Court may, upon motion of any party or *sua sponte*, order a conference in its chambers to discuss a pending motion or other pending matter in a particular case. Any such conference requires the attendance of at least one counsel per party.

#### Rule 24.2 Direct Appeals.

(1) Unless previously specified by an order of this court, these rules will apply to appeals pursuant to Article 66(b)(1), UCMJ.

(2) An appellant may move for an enlargement of the time specified in Article 66(c)(1)(A), UCMJ, to file an appeal under Article 66(b)(1), UCMJ. See Rule 18.5.

## Rule 24.3 Enlargements of Time.

### (a) General.

(1) Upon motion, the Court may grant an enlargement of time to file a brief, answer, motion, motion response, or other filing permitted under these rules. Motions for enlargement of time must be submitted at least 7 calendar days before the applicable due date. A motion for an enlargement of time to file a reply brief must be requested at least 3 calendar days before the filing is due. *See* Rule 15.3 regarding determination of due dates for requests for enlargements of time.

(2) Any motion for enlargement of time not filed in compliance with Rule 24.3(a)(1) will be titled as a motion filed out of time – *i.e.*, Motion for EOT XX OOT. Good cause specifically must be shown why the filing was submitted out of time in addition to any other showing of good cause for the enlargement. Any motion for enlargement of time out of time does not automatically extend the filing deadline, and counsel should not presume a motion for enlargement of time out of time will be granted. In the absence of a granted motion for enlargement of time out of time, the original filing deadline remains in place.

(3) Each motion for enlargement of time will note whether it is the (First), (Second), (Third), or subsequent such motion in the case.

(4) A motion for an enlargement of time accompanying a motion to compel an affidavit or declaration may be granted for more than 30 days for good cause shown to allow the moving party time to receive and comment on the affidavit or declaration.

### (b) Appellant's Initial Brief.

(1) An appellant's first motion for enlargement of time to file an assignments of error brief may be granted for up to 60 calendar days, and does not require a showing of good cause. An appellant's second motion for enlargement of time to file an assignments of error brief may be granted for up to 60 calendar days, and will only be granted when good cause is shown with particularity. Any subsequent motions for enlargement of time to file briefs also requires a showing of good cause and may be granted for periods up to 30 calendar days.

(2) A showing of good cause shall contain the basis for the requested enlargement and the following information:

the number of days that will have elapsed since docketing on the date requested, regardless of the date the record of trial was received by the Court;

the number of specifications;

the findings and sentence approved by the convening authority;

the length of the written transcript of the appellant's trial, the number of trial and appellate exhibits, and the size of the electronic record of trial;

whether the appellant is currently confined;

a detailed explanation of the number and complexity of counsel's pending cases, and a statement of other matters that have priority over the subject case. If counsel's workload is cited as the reason for the delay, an explanation of counsel's other duties.

a statement as to progress being made on the subject case (to include whether counsel has begun or completed reviewing the record, whether any assignments of error have been identified, whether counsel has begun or completed drafting the assignments of error brief, and when counsel anticipates the assignments of error may be filed, as applicable);

whether the appellant was informed of the appellant's right to speedy appellate review;

whether the appellant was informed of the requested enlargement, and agrees with the requested enlargement; and

any other information counsel deems relevant to the request.

(c) Appellee's Answer.

An appellee's motion for enlargement to file an answer will only be granted when good cause is shown with particularity and shall contain the following information: the number of days that will have elapsed since docketing on the date requested; the reason for the requested delay; and, if counsel's workload is cited as the reason for the delay, an explanation of counsel's other duties since the assignment of error brief was filed.

## **Rule 25. ORAL ARGUMENTS**

**Oral arguments may be heard in the discretion of the Court upon motion or when otherwise ordered by the Court. Any motion for oral argument shall be filed no later than the due date for a reply brief. Such motion shall identify the issue(s) on which counsel seek argument.**

### Rule 25.1 Oral Argument Notice.

A matter before the Court will be docketed on the oral argument docket by a notice of hearing. The order will notify all counsel of record of the location, date, time, panel hearing oral argument, and any limitations of said argument. Upon motion or at the Court's discretion, the Court may close oral argument, or portions thereof, to the public. The Court may also invite law students, as part of its Oral Argument Outreach Program, to make argument as well.

### Rule 25.2 Argument by Amicus Curiae or an Appellant Pro Se.

The Court, at its discretion, may grant a motion by counsel for amicus curiae or by an appellant *pro se* for leave to participate in oral argument. A motion of amicus curiae to participate in oral argument will not normally be granted, except where good cause is shown for amicus curiae's participation in oral argument, or when the Court invites law students, assigned as amicus curiae, to make argument as part of its Oral Argument Outreach Program.

### Rule 25.3 Administration of Oral Argument.

(a) *Argument Procedure.* The senior judge of the panel presides at oral argument.

(b) *Length and Order of Oral Argument.* Unless the Court specifies otherwise, each counsel will be allotted 30 minutes to present oral argument for their side. Counsel desiring additional time shall show good cause by a motion for leave to exceed time limit for oral argument. The appellant, petitioner in the case of argument on extraordinary writs, or movant in the case of argument on motions commences the argument. Counsel for the appellant, petitioner, or movant may reserve a portion of the allotted time for rebuttal. Ordinarily, surrebuttal is not permitted.

(c) *Counsel.* Ordinarily, only one counsel may present oral argument for each side. Counsel wishing to deviate from this rule must obtain leave of the Court by motion. Any counsel who has entered an appearance in the case may be seated at the counsel table. Absent leave of the Court, only members of the Bar or counsel appearing *pro hac vice* or as amicus curiae may be seated inside the bar of the Court. During argument, counsel will avoid using victims' names and any person's personally identifying information including, *inter alia*, financial account information, addresses, and dates of birth.

(d) *Decorum.* Military counsel shall appear in the Service Dress uniform (Class A). Civilian counsel shall wear similarly conservative business attire. Smoking, "vaping," using smokeless tobacco products, drinking, eating, and chewing gum are prohibited in the courtroom. Counsel arguing the case are permitted to drink water. Electronic devices shall be turned off or silenced in the courtroom.

(e) *Supplemental Citations of Authority.* Before oral argument, counsel may move to cite supplemental authority. Such supplemental citations of authority shall be filed no later than 2 business days prior to oral argument except for good cause shown. A supplemental citation of authority lists any legal authority not previously cited that counsel wishes to raise for the Court's consideration in oral argument. A supplemental citation of authority may contain a brief statement as to the relevance of the cited authorities; extensive argument is not appropriate in a supplemental citation of authority. Counsel may also move to cite supplemental authority within 7 days following oral argument to cite any legal authority presented in oral argument that was not previously cited. *See* Rule 23.3(d).

(f) *Memorandum of Argument.* Within 7 calendar days following oral argument, counsel may submit a motion for leave to file a memorandum of argument, addressing matters arising during the oral argument or correcting any representation by counsel made during

oral argument. If such motion is granted, the opposing party may submit a reply to a memorandum of argument without motion for leave to file within 7 calendar days following the submission of the memorandum of argument.

Rule 25.4. Failure to Appear.

The Court may regard the failure of appellate counsel to appear at the time and place set for oral argument as a waiver of argument. At its discretion, the Court may proceed without that counsel's argument or continue the argument until a later date. Additionally, the Court may issue a show cause order requiring counsel to provide a written explanation for their failure to appear.

## **Rule 26. RECORDING, PHOTOGRAPHING, BROADCASTING, OR TELECASTING OF HEARINGS**

**The recording, photographing, broadcasting, or televising of any session of the Court or other activity relating thereto is prohibited unless the Court specifically authorizes it.**

Rule 26.1 Recorded Hearings.

An audio recording of an oral argument before the Court ordinarily is produced by Court staff or other personnel working on behalf of the Court. The audio recording of an oral argument in an individual case may be cancelled by order of the Court for good cause, including unavailability of equipment or personnel. When practical, audio recordings of oral arguments are available to the public via the Court's website. Individual requests for copies or a transcript of the audio recording may be directed to the Clerk of the Court.

## **Rule 27. EN BANC PROCEEDINGS**

**(a) A majority of judges who are in regular active service, as defined in Rule 7 or CCA rules, and not disqualified may, *sua sponte* or in response to a suggestion, order that an appeal or other proceeding be considered or reconsidered by the Court *en banc*. En banc consideration or reconsideration is not favored and ordinarily will not be ordered unless: (1) necessary to secure or maintain uniformity of the Court's decisions; (2) the opinion overrules a binding precedent of the Court; (3) the proceeding involves a question of exceptional importance; or (4) a sentence being reviewed pursuant to Article 66, UCMJ, extends to death.**

**(b) A party may suggest consideration or reconsideration of a proceeding *en banc*. In cases being reviewed pursuant to Article 66, UCMJ, a suggestion for *en banc* consideration must be filed with the Court within 7 days after the United States files its answer to the assignments of error, or the appellant files a reply under Rule 18(d). In other proceedings, the suggestion must be filed with the party's initial pleading, or within 7 days after the response thereto is filed. A suggestion for *en banc* reconsideration must be made within the time prescribed by Rule 31**

for filing a motion for reconsideration. No response may be filed to a suggestion for *en banc* consideration or reconsideration unless the Court so orders.

(c) A suggestion for *en banc* consideration or reconsideration shall be transmitted to each judge of the Court who is in regular active service and not disqualified, but a vote need not be taken to determine whether the case shall be considered or reconsidered *en banc* unless a judge requests a vote.

(d) Although only the Court *en banc* may overrule a binding precedent, a party may argue, in its brief and oral argument, to overrule a binding precedent without petitioning for hearing *en banc*. The panel will decide whether to ask the remaining judges to consider hearing the case *en banc*.

#### Rule 27.1 Definitions.

For purposes of this rule, “uniformity of the Court’s decisions” refers to panels of this Court. A “question of exceptional importance” includes a novel question of law not previously considered by a military appellate court and argument that existing case law should be overruled or modified.

#### Rule 27.2 Acceptance of Filing.

The Clerk of the Court may return with no action a suggestion for *en banc* consideration or reconsideration when the motion does not comply with Rule 31(c) and other applicable rules.

## Rule 28. CONTEMPT

### (a) *Contempt Proceedings*

(1) Under Article 48, UCMJ, any judge detailed to the Court may punish any person for contempt.

(2) *Summary Disposition.* A judge of the Court may summarily punish contempt when the judge directly witnesses the contemptuous conduct during the course of an appellate proceeding. Prior to holding a person in contempt, the judge shall provide the alleged offender with an opportunity to make a statement. If the alleged offender declines to make a statement, no negative inference will be drawn. If a contempt is punished summarily, the judge shall ensure there is an adequate record accurately reflecting the misconduct that the judge directly witnessed.

(3) *Disposition upon Notice and Hearing.* If the judge did not personally witness the contemptuous conduct at issue, the alleged offender shall be provided written notice of the alleged contempt and given a reasonable opportunity to respond and to present evidence before the Court. The written notice shall include notice that the alleged offender has the right to be represented by counsel and that no negative inference will be drawn from

failure to respond and to present evidence. The government shall provide military alleged offenders counsel at no expense to them. The contempt must be proved beyond a reasonable doubt before it may be punished.

(4) *Appeal.* A person found in contempt by the Court shall be notified of their right to appeal the contempt findings and sentence to the United States Court of Appeals for the Armed Forces in accordance with that Court's rules and Article 48, UCMJ.

(5) *Stays.* Upon written request or upon its own motion, the Court may stay the imposition of punishment pending an appeal.

**(b) Appeals from Contempt Proceedings Below**

(1) *Notice of Appeal.* Any person found in contempt by a military judge or military magistrate may appeal the punishment by filing a notice of appeal with the Court, via the Clerk of the Court, within 20 days of being found in contempt. The notice of appeal must, at a minimum:

(A) be titled *In Re [Contempt-Appellant]*;

(B) list the parties to the proceeding, the name of the judicial officer who made the contempt finding, any alleged victims as defined under Article 6b, UCMJ, and the punishment imposed, if applicable;

(C) list the names and addresses of counsel for all parties to the proceeding and any victims of an offense as defined by article 6b, UCMJ; and

(D) indicate whether the contempt-appellant requests a stay of unexecuted punishment.

(2) *Action by United States upon Service.* Within 20 days of receiving or filing a notice of appeal, the trial counsel shall forward a record of the contempt proceedings to appellate counsel for the United States. Appellate counsel for the United States shall promptly file the original record of the contempt proceedings with the Clerk of the Court and forward copies to opposing counsel.

(3) *Action by Court upon Service.* Upon receipt of any notice of appeal, the Clerk of the Court will docket the case and forward a copy of the notice to the appropriate Judge Advocate General or designee.

**(4) Resolution of Appeal**

(A) *Briefing.* A contempt-appellant must file a brief in support of his or her appeal within 30 days of being served with a copy of the record under subsection (b)(2) of this rule. Opposing counsel may respond within 20 days of receiving the contempt-appellant's brief. If appellate government division is conflicted or elects not to respond, the Court may direct the Judge Advocate General to detail appellate counsel to defend the finding of contempt and punishment.

(B) *Argument.* The Court may, in its discretion, order oral argument.

(C) *Final action.* An appeal of a finding of contempt will be reviewed for an abuse of discretion. The Court may affirm or set aside the finding or the punishment, in whole or in part, or make any other order in the case as the circumstances require.

## Rule 29. ARTICLE 66(F) PROCEEDINGS

(a) *In General.* The Court may, upon motion by any party or *sua sponte*, order a remand under Article 66(f)(3), UCMJ for further proceedings. Such orders shall be directed to the Chief Trial Judge. The Judge Advocate General or designee shall designate a general court-martial convening authority who shall provide support for the hearing. Although within the discretion of the Court, remand is generally not appropriate to determine facts or investigate matters that could, through a party's exercise of reasonable diligence, have been investigated or considered at trial, or to resolve post-trial claims that are:

(1) inadequate on their face;

(2) facially adequate but appellate filings and the record as a whole compellingly demonstrate their improbability;

(3) uncontested; or

(4) based on statements or documents not included in the record of trial and

(A) the statement is unsworn or not filed in compliance with Rule 23(b); or

(B) the statement is made by a person who lacks personal knowledge of the material facts that the Court is asked to rely on.

(b) *Jurisdiction.* The Court ordering remand retains jurisdiction unless it expressly dismisses the appellate proceeding.

(1) *Remand When Court Retains Jurisdiction.* When a Court remands but does not dismiss the appellate proceeding, such as for fact-finding or for correction of the record, the remand does not return jurisdiction over the case to the court-martial and military judge. Rather, the Court retains jurisdiction over the case throughout the Article 66(f) proceeding. Such a remand is an appellate proceeding conducted on behalf of the Court but presided over by a military judge or magistrate. Any finding or recommendation arising out of a proceeding shall be forwarded to the Court for consideration and action.

(2) *Remand When Court Dismisses Appellate Proceeding and Returns Jurisdiction.* A remand of a case that returns jurisdiction over the case to the military judge and court-martial will specifically state the scope of the remand and the range of actions that may be taken. If an action during a remand terminates the case, an appellate attorney authorized to act on behalf of the United States shall so inform the Court. Such a remand may be appropriate, for instance, when

a matter in the case requires corrective action by the trial court such as to correct an error in the judgment or to address an inconsistency or omission in the factual basis of an accused's plea.

(c) *Remand Impracticable.* The convening authority designated to provide support or, as applicable, a special trial counsel, may determine that the proceeding is impracticable. In such a case, an appellate attorney authorized to act on behalf of the United States shall forward this determination, accompanied by an explanation for the determination, to the Court. The Court may direct that the proceeding continue. If the Court does not direct that the proceeding continue, the Court may take any other action authorized by law that does not materially prejudice the substantial rights of the accused.

(d) *Article 66(f) Hearings.* The military judge detailed to an Article 66(f) proceeding may order one or more Article 66(f) hearings as may be necessary to fulfill the purpose of the remand. The following procedural rules shall apply at Article 66(f) hearings directed under this rule:

(1) A record of the proceedings shall be created and certified in substantial compliance with R.C.M. 1112.

(2) The parties may question and challenge the military judge as provided by R.C.M. 902.

(3) In the case of a remand in which the Court has returned jurisdiction over the case under subsection (a)(2) the rules applicable to the conduct of a post-trial Article 39(a) shall apply.

(4) In the case of a remand in which the Court has maintained jurisdiction over the case under subsection (a)(1) the following rules shall apply:

(A) The Judge Advocate General shall provide the accused with the same right to counsel as would be had at a post-trial Article 39(a) session.

(B) The accused's right to personally be present at a proceeding shall generally be the same as for similar proceedings held in United States District Courts. The military judge may authorize remote appearances of witnesses and parties as provided by R.C.M. 914A and 914B.

(C) The military judge may apply any other Rule for Courts-Martial that the military judge determines is appropriate to apply to a post-conviction fact-finding hearing for the just determination of the issues involved. In applying such a rule, the military judge shall construe the rule to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay.

## Rule 30. ORDERS AND DECISIONS OF THE COURT

**The Court shall give notice of its orders and decisions by promptly serving them, when rendered, on appellate counsel, including civilian counsel, if any, and the Judge Advocate General, or designee, as appropriate.**

### Rule 30.1 Orders of the Court.

(a) An order of the Court is a command or directive issued by the Court and may be either interlocutory or final in nature. The Court may issue any orders necessary for the resolution of an issue before it, to include setting time frames for action, *sua sponte* or upon motion by counsel accompanied by sufficient justification for the order. The order may be issued by the Court at its discretion after a review of the record or upon motion by counsel accompanied by sufficient documentation to justify the order.

(b) An order of the Court may be signed by an appellate judge or it may be authenticated by signature of the Clerk of the Court or designee. All orders will contain the official signature block of the signee and the Court seal shall be affixed to the document.

### Rule 30.2 Effective Date of Decision.

Decisions of this Court that resolve an appeal or petition are not self-executing. Normally, decisions of this Court that resolve an appeal or petition become final when the time period for requesting reconsideration has expired and neither party has timely filed to have the issue heard by the United States Court of Appeals for the Armed Forces (CAAF). *See* JRAP 31. Interlocutory orders are generally effective upon issuance, unless the Court indicates otherwise.

### Rule 30.3 Publication of Opinions.

(a) *Published Opinions.* Published opinions are those that call attention to a rule of law or procedure that appears to be overlooked or misinterpreted or those that make a significant contribution to military justice jurisprudence. Published opinions serve as precedent, providing the rationale of the Court's decision to the public, the parties, military practitioners, and judicial authorities.

(b) *Motion to Publish Decision.* The Court may authorize publication of a previously unpublished opinion at its discretion or upon written motion to the Court. Such motion to publish a decision shall be submitted no later than 14 days following issuance of the unpublished decision. The opposing party may respond to the motion to publish a decision within 7 days of the motion to publish a decision.

(c) Any judge may propose publication, but the Chief Judge determines whether any particular decision of the Court will be published. Such determination is subject to reversal by a vote of a three-quarters supermajority of the judges in regular active service with the Court at the time of the vote who are not recused or otherwise disqualified from the matter.

## Rule 31. RECONSIDERATION

- (a) The Court may, either upon motion or *sua sponte*, reconsider any order, decision, or opinion of the Court.
- (b) A motion for reconsideration must be filed no later than 30 days after the date of the order, decision, or opinion. The motion shall briefly and directly state the grounds for reconsideration, including a statement of facts showing jurisdiction in the Court.
- (c) An answer to a motion for reconsideration must be filed no later than 7 days after receipt of a copy of the motion.
- (d) If the Court announces its intent to reconsider, no briefs or arguments may be filed unless the Court so directs.
- (e) Pursuant to Rule 24, the Court may, for good cause shown, extend the time for filing a motion for reconsideration, but in no instance beyond the deadline for filing a petition for review, certificate for review, or writ appeal with the United States Court of Appeals for the Armed Forces. Likewise, the Court may *sua sponte* reconsider an order, decision, or opinion at any time, but in no instance beyond the deadline for filing a petition for review, certificate for review, or writ appeal with the United States Court of Appeals for the Armed Forces.

### Rule 31.1 Motion to Reconsider Interlocutory Orders and Summary Decisions Not Disposing of a Case.

Upon motion by a party or on its own motion, the Court may reconsider an interlocutory order or summary decision previously rendered by it, provided that the CAAF has not obtained jurisdiction of the case. Jurisdiction vests with the CAAF when a petition or certificate has been filed with that court. A motion for reconsideration must state with particularity the interlocutory order the moving party seeks to have reconsidered and whether any other court has acquired jurisdiction over the case. For example, a party may move for reconsideration of a summary denial to conduct oral argument, an order to compel production of documents, or an order to conduct a hearing under Article 66(f)(3), UCMJ, or *United States v. DuBay*, 37 C.M.R. 411 (C.M.A. 1967). Such a motion must make a showing of good cause before the Court will reconsider a court order.

### Rule 31.2 Motion to Reconsider Decisions or Orders Disposing of a Case.

(a) *In General.* At the Court's discretion and within 30 days of its decision or order, or upon motion by a party within 30 days after delivery of the decision to the respective appellate divisions or to the place of business of civilian appellate defense counsel, the Court may reconsider a decision or order disposing the case previously rendered by it, provided that the CAAF has not obtained jurisdiction of the case. Jurisdiction vests with the CAAF when a petition or certificate has been filed with that court. A motion for reconsideration must state the date on which the appellate division or civilian counsel received a copy of the Court's prior decision, which portions of the decision the moving

party seeks to have reconsidered, the basis for reconsideration, and whether any other court has acquired jurisdiction over the case. In addition to serving the opposing party, the moving party must also serve a copy of the motion on the Appellate Records Branch of JAJM.

(b) *Determination of Reconsideration.* Ordinarily, reconsideration will not be granted without a showing that one of the following grounds exists:

- (1) A material legal or factual matter was overlooked or misapplied in the decision;
- (2) A change in the law occurred after the case was submitted and was overlooked or misapplied by the Court;
- (3) The decision conflicts with a decision of the Supreme Court of the United States, the CAAF, another service court of criminal appeals, or this Court, and such conflict was overlooked in the decision; or
- (4) New information is received that raises a substantial issue as to the mental responsibility of the accused at the time of the offense or the accused's mental capacity to stand trial.

(c) *Order Granting Reconsideration.* Unless otherwise announced, an order granting reconsideration vacates the decision to be reconsidered.

(d) *Panel Reconsideration.* To the extent practicable, the same judges who originally decided a matter shall constitute the panel to act on a motion for reconsideration and, if granted, the matter on reconsideration. To the extent that is not practicable, the Chief Judge shall retain the discretion to assign the matter to a standing or special panel.

## Rule 32. SUSPENSION OF RULES

**Except as provided in Rule 31(e), for good cause shown, the Court may suspend any of these rules in a particular case, on application of a party or on its own motion, and may order proceedings in accordance with its direction.**

Rule 32.1 Suspension of Internal Rules.

For good cause shown, the Court acting as a whole or a panel may suspend the requirements or provisions of any of these internal rules on petition of a party or on its own motion and may order proceedings in accordance with its direction.



FOR THE COURT

*Carol K. Joyce*

CAROL K. JOYCE  
Clerk of the Court

A handwritten signature in blue ink, appearing to read "John C. Johnson".

JOHN C. JOHNSON, Colonel, USAF  
Chief Appellate Military Judge

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS  
RULES OF PRACTICE AND PROCEDURE

APPENDICES

**Appendix A – Format for Brief on Behalf of Appellant**

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

UNITED STATES	)	<b>BRIEF ON BEHALF OF</b>
<i>Appellee</i>	)	<b>APPELLANT</b>
	)	
v.	)	Before Panel No. X
	)	
[Rank of Appellant]	)	No. ACM XXXXX
<b>[NAME OF APPELLANT]</b>	)	
United States Air Force	)	[Date Filed]
<i>Appellant</i>	)	

**TO THE HONORABLE, THE JUDGES OF THE  
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

**Assignment(s) of Error**

[Set forth each assignment of error in bold type. If asserting more than one error, number each assignment of error with consecutive Roman Numerals. See AFCCA Rule 18.2 regarding issues raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982).]

**Statement of the Case**

[Set forth a concise summary of the chronology of the case, including dates of trial, the general nature of the charges, pleas, findings, and sentence at trial. Include the action of the convening authority and any other pertinent information about the processing of the case.]

**Statement of Facts**

[Accurately set forth all facts pertinent to the issues raised. All references to matters contained in the record shall show record page numbers and any exhibit designations. Answers may adopt the appellant’s statement of facts if there is no dispute; may state additional facts; or, if there is a dispute, may restate the facts as they appear from the appellee’s viewpoint. The repetition of uncontroverted matters is not desired. Assertions of fact should be supported by specific citations to the record of trial, exhibits, or allied papers, as appropriate.]

**Argument**

[Set forth each assignment of error in bold type, followed by separate argument for each error. Arguments shall discuss briefly the question presented, citing and quoting such authorities as are deemed pertinent. Each argument shall include a statement of the applicable standard of review and must be followed by a prayer for the specified relief requested.]

**Appendix**

[An appendix may set forth matters for the convenience of the Court, such as extracts from the record of trial, statutes, rules, or regulations. Appendices may not be used to submit extra- record factual matters, which must instead be submitted to the Court by separate

motion.]  
[Signature of Counsel]  
[Name, rank and branch of military counsel, or name of civilian  
counsel] [Title]  
[Organization]  
[Business Address (if civilian counsel)]  
[Business Phone Number (if civilian counsel)]  
[Business Email Address (if civilian counsel)]  
[State Bar No. (if civilian counsel)]

### **CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were [mailed][delivered][sent via  

---

] to the Court and served on [name and title of recipient] on [date].

[Signature of  
certifier] [Name, etc.,  
Organization]

**Appendix B – Format for Brief Submitted on its Merits**

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

<b>UNITED STATES</b>	)	<b>MERITS BRIEF</b>
<i>Appellee</i>	)	
	)	
v.	)	Before Panel No. X
	)	
[Rank of Appellant]	)	No. ACM XXXXX
<b>[NAME OF APPELLANT]</b>	)	
United States Air Force	)	[Date Filed]
<i>Appellant</i>	)	

**TO THE HONORABLE, THE JUDGES OF THE  
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

**Submission of Case Without Specific Assignments of Error**

The undersigned appellate defense counsel attests that [he/she] has, on behalf of Appellant, carefully examined the record of trial in this case. Appellant does not admit that the findings and sentence are correct in law and fact, but submits the case to this Honorable Court on its merits with no specific assignments of error.

[Signature of Counsel]  
[Name, rank and branch of military counsel, or name of civilian  
counsel] [Title]  
[Organization]  
[Business Address (if civilian counsel)]  
[Business Phone Number (if civilian counsel)]  
[Business Email Address (if civilian counsel)]  
[State Bar No. (if civilian counsel)]

**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were [mailed][delivered][sent via  
\_\_\_\_\_]  
] to the Court and served on [name and title of recipient] on [date].

[Signature of certifier]  
[Name, etc., Organization]

**Appendix C – Format for Motion/Opposition**

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

UNITED STATES	)	[APPELLANT’S / APPELLEE’S]
<i>Appellee</i>	)	[MOTION / OPPOSITION TO MOTION]
	)	_____
	)	
v.	)	Before Panel No. X
	)	
[Rank of Appellant]	)	No. ACM XXXXX
[NAME OF APPELLANT]	)	
United States Air Force	)	[Date Filed]
<i>Appellant</i>	)	

**TO THE HONORABLE, THE JUDGES OF THE  
UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS:**

[Set forth basis for motion/opposition].

[Signature of Counsel]  
[Name, rank and branch of military counsel, or name of civilian  
counsel] [Title]  
[Organization]  
[Business Address (if civilian counsel)]  
[Business Phone Number (if civilian counsel)]  
[Business Email Address (if civilian counsel)]  
[State Bar No. (if civilian counsel)]

**CERTIFICATE OF FILING AND SERVICE**

I certify that the original and copies of the foregoing were [mailed][delivered][sent via  
\_\_\_\_\_]  
] to the Court and served on [name and title of recipient] on [date].

[Signature of certifier]  
[Name, etc.,  
Organization]

Appendix D – Application for Admission to Practice



**United States Air Force Court of Criminal Appeals**  
**1500 West Perimeter Road, Suite 1900**  
**Joint Base Andrews – Naval Air Facility Washington, MD 20762**

1. Full Name: \_\_\_\_\_
2. Correspondence should be addressed to you as Mr./Ms./Mrs./Miss/Rank: \_\_\_\_\_
3. Name to be printed on Certificate of Admission: \_\_\_\_\_
4. Residence Address: \_\_\_\_\_
5. Office Name/Address: \_\_\_\_\_  
\_\_\_\_\_
6. Other names by which you may be or have been known: \_\_\_\_\_  
\_\_\_\_\_
7. Telephone: ( \_\_\_\_ ) \_\_\_\_\_ Fax: ( \_\_\_\_ ) \_\_\_\_\_
8. Email Address: \_\_\_\_\_
9. Law School Name, Location, and Degree with Year granted:  
\_\_\_\_\_  
\_\_\_\_\_
10. Federal and State Courts to which you are admitted to practice law:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. Place applicant is presently engaged in the practice of law: \_\_\_\_\_  
\_\_\_\_\_
  - (a) Have you ever been disbarred or suspended from practice before any court, department, bureau, or commission of any state or the United States, or received any reprimand from any such agency pertaining to your fitness as a member of the bar?  
\_\_\_\_\_ If so, attach a complete explanation.
  - (b) Are you currently under any type of criminal or other investigation?  
\_\_\_\_\_ If so, attach a complete explanation.
12. I plan to be admitted by oral motion in open court: (Yes) (No).

**Note:** The applicant must submit this completed form together with an original signed certificate from an officer of a court listed in #10 above indicating that the applicant is an attorney and is currently a

