

**United States Court of Appeals
for the Armed Forces
Washington, D.C.**

In Re:)
)
) ORDER
CHANGE OF RULES)
)
)

Upon careful consideration of certain proposed changes to the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces, which were presented to and reviewed by the Rules Advisory Committee of the United States Court of Appeals for the Armed Forces and thereafter published in the Federal Register for comment, it is, by the Court, this 5th day of May, 2010,

ORDERED:

That effective July 1, 2010, Rule 21(b) and Rule 21(b)(5)(G) are hereby amended and new Rule 21A shall take effect, as provided in the attachment to this Order (changes appear in bold typeface).

For the Court,

/s/ William A. DeCicco
Clerk of the Court

RULE 21. SUPPLEMENT TO PETITION FOR GRANT OF REVIEW

(a) Unchanged.

(b) The supplement to the petition shall be filed in accordance with the applicable time limit set forth in Rule 19(a)(5)(A) or (B), shall include an Appendix containing a copy of the decision of the Court of Criminal Appeals, unpublished opinions cited in the brief, relevant extracts of rules and regulations, and shall conform to the provisions of Rules 35A and 37. **Unless authorized by order of the Court or by motion of a party granted by the Court, the supplement and any answer thereto shall not exceed 25 pages, except that a supplement or answer containing no more than 9,000 words or 900 lines of text is also acceptable. Any reply to the answer shall not exceed 10 pages, except that a reply containing 4,000 words or 400 lines of text is also acceptable.** The supplement shall contain: [paragraphs (1)-(4) of Rule 21(b) are unchanged].

Rule 21(b)(5):

[Paragraphs (A)-(F) unchanged].

(G) taken inadequate corrective action after remand by the Court subsequent to grant of an earlier petition in the

same case and that appellant wishes to seek review in the Supreme Court of the United States **specifying the issue or issues on which certiorari review would be sought, whether related to the remand or to the original decision by this Court;** and [remainder of Rule 21(b) unchanged].

RULE 21A. SUBMISSIONS UNDER UNITED STATES v. GROSTEFON

(a) Issues raised pursuant to United States v. Grostefon, 12 M.J. 431 (C.M.A. 1982), shall be presented in a separate Appendix to the supplement not to exceed 15 pages.

(b) Grostefon issues shall be identified by counsel with particularity substantially in the following form:

APPENDIX

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 any argument for each issue.]

(c) Grostefon issues raised within 30 days of the filing of the supplement under Rule 19(a)(5)(C) are subject to and included within the 15-page limit in Rule 21A(a).