

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

Rules Changes

ORDER

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 17th day of April, 2025,

ORDERED:

That effective April 17, 2025, Rules 19, 21(b), 21A(c), 24, 26(f), 36(b), and 37 are promulgated as provided in the Attachment to this order (deletions appear with strikethrough and changes appear in bold typeface).

For the Court,

/s/

Malcolm H. Squires, Jr.
Clerk of the Court

Attachment

Rule 19 – Time Limits

(a) Petition for Grant of Review / Supplement / Answer / Reply:

(5) Filing of Petitions.

(C) *Grostefon* Issues. Issues raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), if not raised earlier, may be presented to the Court by motion filed pursuant to Rule 30(a) no later than **twenty-eight days** following the filing of the supplement to the petition.

(b) Certificate for Review / Brief / Answer / Reply:

(3) Other Cases. In all other cases involving a decision by a Court of Criminal Appeals, a certificate for review filed by the Judge Advocate General must be filed either: (a) no later than sixty days after the date of the Court of Criminal Appeals' decision (*see* Rules 22, 34(a)); or (b) no later than thirty days after a petition for grant of review is granted. In cases that involve both granted and certified issues, the Clerk may establish a consolidated briefing schedule for all issues. In cases that involve only certified issue(s), an appellant's brief must be filed in accordance with Rule 24 no later than **twenty-eight days** after the Clerk issues a notice that the certificate for review was docketed. An appellee's answer must be filed no later than **twenty-eight days** after an appellant's brief is filed. The appellant may file a reply no later than fourteen days after the appellee's answer is filed.

(f) Petition for New Trial. When a petition for new trial is filed with the Court in a case pending before the Court, a brief in support thereof, unless expressly incorporated in the petition, must be filed no later than **twenty-eight days** after the Clerk issues a notice that the petition was filed. The appellee may file an answer no later than **twenty-eight days** after the appellant's brief is filed. The appellant may file a reply no later than fourteen days after the appellee's answer is filed. *See* Rule 29.

Rule 21(b) – Supplement to Petition for Grant of Review

(b) The supplement to the petition must be filed in accordance with the applicable time limit set forth in Rule 19(a)(5), must include an Appendix containing an official copy of the decision of the Court of Criminal Appeals, and must 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 may not exceed 9,000 words. Any reply to the answer may not exceed 4,500 words. The supplement must contain:

(5) A direct and concise argument showing why there is good cause to grant the petition, demonstrating with particularity why the errors assigned are materially prejudicial to the substantial rights of the appellant. Where applicable, the supplement to the petition must indicate whether the court below has:

(D) decided the validity of a provision of **the Constitution**, the UCMJ or other act of Congress, the *Manual for Courts-Martial, United States*, a service regulation, a rule of court or a custom of the

service the validity of which was directly drawn into question in that court;

(6) A supplement submitted under this Rule must include a certificate stating that the number of words in the supplement complies with the applicable type-volume limitations of this Rule and Rule 37. ~~The person preparing the certificate may rely on the word count of the word processing system used to prepare the supplement. The certificate must state the number of words in the supplement.~~ Headings, footnotes, and quotations count toward the word limitation. The index, table of cases, statutes, and other relevant authorities, the appendix and any certificates of counsel do not count toward the limitation

Rule 21A(c) – Submissions under United States v. Grostefon

(c) Grostefon issues raised within **twenty-eight days** of the filing of the supplement under Rule 19(a)(5)(C) are subject to and included within the fifteen-page limit in Rule 21A(a). An appellee's answer to Grostefon issues may be filed no later than **twenty-one days** after the filing of such issues.

Rule 24 – Form, Content, and Type-Volume Limitations

(a) Form and Content. All briefs will conform to the printing, copying, and style requirements of Rule 37, be legible, and be substantially as follows:

Relevant Authorities

[The constitutional provisions, treaties, statutes, rules, ordinances, and regulations involved in the case, set out verbatim with appropriate citation. ~~If the provisions involved are lengthy,~~ **Alternatively, if a citation of the provision** alone suffices at this point, **the provision's pertinent text may be subsequently** set out in an appendix to the brief. **All citations must adhere to the specifications set forth in Rule 36B.]**

(c) Certificate of Compliance. A brief submitted under Rule 24(b) must include a certificate stating that the number of words in the brief complies with the applicable type-volume limitations of this Rule and Rule 37. ~~The person preparing the certificate may rely on the word count of the word processing system used to prepare the brief. The certificate must state the number of words in the brief.~~

Rule 26(f) – Amicus Curiae Briefs

(f) Except for good cause shown, a brief of an amicus curiae may be no more than one-half the maximum length authorized by Rule 24 for a brief of an appellant/petitioner. If the Court grants a party permission to file a longer brief, that does not affect the maximum length of an amicus curiae brief. **A brief submitted under this Rule must include a certificate stating that the number of words in the brief complies with the applicable type-volume limitations of this Rule and Rule 37.**

Rule 36(b) – Filing of Pleadings

(b) Electronic Filing

(1) If the petition for grant of review and the supplement to the petition for grant of review are filed electronically, an appendix to the supplement (containing the decision of the Court of Criminal Appeals, matters submitted pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), and other required matter) must also be filed electronically. ~~Record matters in the form of video media on CD-ROM or DVD may be submitted in a separate volume of the appendix that is filed in accordance with Rule 21(b).~~

(2) The joint appendix to the brief, ~~to include copies,~~ must be filed both in paper form and must also be filed electronically. See Rule 24.

Record matters in the form of video and audio media on CD-ROM or DVD shall be submitted in a separate volume of the appendix that is filed in accordance with Rule 21(b). ~~Audio and video recordings are exempt from this paper requirement for the joint appendix to the brief.~~ If the appellant or petitioner files the brief electronically, the joint appendix must be filed on the same day the brief is filed.

Rule 37 – Printing, Copying, and Style Requirements

(c) Style.

(1) All pleadings that consist of ten or more pages must be preceded by a subject index of the matter contained therein, with page references, and a table of cases (alphabetically arranged with citations), statutes, and other authorities cited, referencing the pages cited.

(2) Citations must conform with *The Bluebook: A Uniform System of Citation*.

(3) All references to the record of trial must include page numbers or exhibit designations, as appropriate.

(4) No pleading or other paper filed with the Court may incorporate by reference any material from any other source.

(d) Word Count. The person preparing the certificate may rely on the word count of the word-processing system used to prepare the pleading. The certificate must state the number of words in the pleading.