

testimony, or documents. The criminal complaint, prosecuted through the civilian Federal courts, has as its purpose punishment for failing to comply with process issued by military authority. It serves to vindicate the military interest in obtaining compliance with its lawful process.

For subpoenas issued for a pretrial investigation pursuant to Article 32 under subsection (f)(4)(B), the general court-martial convening authority with jurisdiction over the case may issue a warrant of attachment to compel production of documents."

(k) The Discussion immediately following R.C.M. 703(f)(1) is amended to read as follows:

"Relevance is defined by Mil. R. Evid. 401. Relevant evidence is necessary when it is not cumulative and when it would contribute to a party's presentation of the case in some positive way on a matter in issue. A matter is not in issue when it is stipulated as a fact. The discovery and introduction of classified or other government information is controlled by Mil. R. Evid. 505 and 506."

(l) The following Discussion is added immediately after R.C.M. 703(f)(4)(B):

"The National Defense Authorization Act for Fiscal Year 2012, P.L. 112-81, § 542, amended Article 47 to allow the issuance of subpoenas duces tecum for Article 32 hearings. Although the amended language cites Article 32(b), this new subpoena power

extends to documents subpoenaed by the investigating officer and counsel representing the United States, whether or not requested by the defense.”

(m) The following Discussion is inserted immediately after R.C.M. 1103(b)(3)(N):

“Per R.C.M. 1114(f), consult service regulations for distribution of promulgating orders.”

(n) The following Discussion is added immediately after R.C.M. 1103(g)(3)(B):

“This rule is not intended to limit the Services’ discretion to provide records of trial to other individuals.”

(o) The following Discussion is inserted immediately after R.C.M. 1103(g)(3)(D):

“Subsections (b)(3)(N) and (g)(3) of this rule were added to implement Article 54(e), UCMJ, in compliance with the National Defense Authorization Act for Fiscal Year 2012 (P.L. 112-81, § 586). Service of a copy of the record of trial on a victim is prescribed in R.C.M. 1104(b)(1)(E).”

(p) The following Discussion is added immediately after R.C.M. 1104(b)(1)(E):

“Subsection (b)(1)(E) of this rule was added to implement Article 54(e), UCMJ, in compliance with the National Defense Authorization Act for Fiscal Year 2012 (P.L. 112-81, § 586). The