

“Rule 805. [Reserved]”.

(rrr) R.C.M. 810(a)(4) is amended to read as follows:

“(4) *Additional charges.* A referral authority may refer additional charges for trial together with charges as to which a rehearing has been directed.”

(sss) R.C.M. 810(a)(5) is amended to read as follows:

“(5) *Rehearing impracticable.* If a rehearing was authorized on one or more findings, the convening authority, or in cases referred by a special trial counsel, a special trial counsel, may dismiss the affected charges if the referral authority determines that a rehearing is impracticable. If the referral authority dismisses such charges, a rehearing may proceed on any remaining charges not dismissed by the referral authority.”

(ttt) R.C.M. 810(f)(1) is amended to read as follows:

“(1) *In general.* A Court of Criminal Appeals may order a remand for additional fact finding, or for other reasons, in order to address a substantial issue on appeal. A remand under this subsection is generally not appropriate to determine facts or investigate matters which could, through a party’s exercise of reasonable diligence, have been investigated or considered at trial. Such orders shall be directed to the Chief Trial Judge. The Judge Advocate General, or the Judge Advocate General’s delegate, shall designate a general court-martial convening authority who shall provide support for the hearing. In cases which were referred by a special trial counsel, a special trial counsel designated under regulations prescribed by the Secretary concerned shall be notified of any remand.”

(uuu) R.C.M. 810(f)(3) is amended to read as follows:

“(3) *Remand impracticable.* If the general court-martial convening authority designated under R.C.M. 810(f)(1) or, in cases which were referred by a special trial counsel, a special trial

counsel determines that the remand is impracticable due to military exigencies or other reasons, a Government appellate attorney shall notify the Court of Criminal Appeals. Upon receipt of such notification, the Court of Criminal Appeals may take any action authorized by law that does not materially prejudice the substantial rights of the accused.”

(vvv) R.C.M. 902(b)(3) is amended to read as follows:

“(3) Where the military judge has been or will be a witness in the same case; is the accuser; has forwarded charges in the case with a personal recommendation as to disposition; has referred charges in the case; or, except in the performance of duties as military judge in a previous trial of the same or a related case, has expressed an opinion concerning the guilt or innocence of the accused.”

(www) R.C.M. 905(e)(2) is amended to read as follows:

“(2) Other motions, requests, defenses, or objections, except lack of jurisdiction, must be raised before the court-martial is adjourned for that case. Failure to raise such other motions, requests, defenses, or objections shall constitute forfeiture, absent an affirmative waiver.”

(xxx) R.C.M. 906(b)(3) is amended to read as follows:

“(3) *Corrections.* Correction of defects in the Article 32 preliminary hearing, pretrial advice, or a written determination by special trial counsel.”

(yyy) R.C.M. 906(b)(5) is amended to read as follows:

“(5) *Severance of specifications.* Severance of a duplicitous specification into two or more specifications.”

(zzz) R.C.M. 906(b)(7) is amended to read as follows:

“(7) *Discovery and Production.* Discovery and production of evidence and witnesses.”

(aaaa) R.C.M. 906(b)(9) is amended to read as follows: