

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:

“(9) *Severance of multiple accused.* Severance of multiple accused, if it appears that an accused or the Government is prejudiced by a joint or common trial. In a common trial, a severance shall be granted whenever any accused, other than the moving accused, faces charges unrelated to those charged against the moving accused.”

(bbbb) R.C.M. 906(b)(13) is amended to read as follows:

“(13) *Admissibility.* Preliminary ruling on admissibility of evidence.”

(cccc) R.C.M. 906(b)(14) is amended to read as follows:

“(14) *Mental capacity or responsibility.* Motions relating to mental capacity or responsibility of the accused.”

(dddd) Rule 908(b)(6) is amended to read as follows:

“(6) *Forwarding.* Upon written notice to the military judge under R.C.M. 908(b)(3), the trial counsel shall promptly and by expeditious means forward the appeal to a representative of the Government designated by the Judge Advocate General. The matter forwarded shall include: a statement of the issues appealed; the record of the proceedings or, if preparation of the record has not been completed, a summary of the evidence; and such other matters as the Secretary concerned may prescribe.”

(eeee) Rule 908(b)(7) is amended to read as follows:

“(7) *Appeal filed.*

(A) In cases over which a special trial counsel exercises authority, the decision to appeal shall be made by:

- (i) if within the Department of Defense, a Lead Special Trial Counsel; or
- (ii) if within the Coast Guard, a special trial counsel designated under regulations by the Secretary concerned.