

(4) “Capital offense” means an offense for which death is an authorized punishment under the UCMJ and Part IV of this Manual or under the law of war.

(5) “Commander” means a commissioned officer in command or an officer in charge except in Part V or unless the context indicates otherwise.

(6) “Convening authority” includes a commissioned officer in command for the time being and successors in command.

(7) “Copy” means an accurate reproduction, however made. Whenever necessary and feasible, a copy may be made by handwriting.

(8) “Court-martial” includes, depending on the context:

(A) The military judge and members of a general or special court-martial;

(B) The military judge when a session of a general or special court-martial is conducted without members under Article 39(a);

(C) The military judge when a request for trial by military judge alone has been approved under R.C.M. 903;

(D) The military judge when the case is referred as a special court-martial consisting of a military judge alone under Article 16(c)(2)(A); or

(E) The summary court-martial officer.

(9) “Days.” When a period of time is expressed in a number of days, the period shall be in calendar days, unless otherwise specified. Unless otherwise specified, the date on which the period begins shall not count, but the date on which the period ends shall count as one day.

(10) “Deferral” of an offense means a special trial counsel declines to prefer charges for an offense or declines to refer charges to court-martial. Once a special trial counsel declines to

prefer or refer charges for an offense, a commander shall exercise authority within the scope of these rules.

(11) “Detail” means to order a person to perform a specific temporary duty, unless the context indicates otherwise.

(12) “Exercise authority over” means when a special trial counsel acts on a covered, related, or known offense in furtherance of a special trial counsel’s statutory duties or authorities under Article 24a(c).

(13) “Explosive” means gunpowders; powders used for blasting; all forms of high explosives; blasting materials; fuzes (other than electrical circuit breakers), detonators, and other detonating agents; smokeless powders; any explosive bomb, grenade, missile, or similar device; any incendiary bomb or grenade, fire bomb, or similar device; and any other compound, mixture, or device which is an explosive within the meaning of 18 U.S.C. § 232(5) or 844(j).

(14) “Firearm” means any weapon that is designed to or may be readily converted to expel any projectile by the action of an explosive.

(15) “Joint” in connection with military organization connotes activities, operations, organizations, and the like in which elements of more than one military service of the same nation participate.

(16) “Lead Special Trial Counsel” within the Department of Defense means a general or flag officer with significant experience in military justice who is responsible for a dedicated office within each Military Department from which office the Lead Special Trial Counsel will provide for the overall supervision and oversight of the activities of the special trial counsel of a Military Department or Military Service, and who reports directly to the Secretary concerned, without intervening authority.