

(17) “Members.” The members of a court-martial are the voting members detailed by the convening authority.

(18) “Military judge” means a judge advocate designated under Article 26(c) who is detailed under Article 26(a) or Article 30a to preside over a general or special court-martial or proceeding before referral. In the context of a summary court-martial, “military judge” means the summary court-martial officer. In the context of a pre-referral proceeding or a special court-martial consisting of a military judge alone, “military judge” includes a military magistrate designated under Article 19 or Article 30a.

(19) “Military magistrate” means a commissioned officer of the armed forces certified under Article 26a who is performing duties under Article 19 or 30a.

(20) “Party,” in the context of parties to a court-martial or other proceeding under these rules, means:

(A) The accused and any defense or associate or assistant defense counsel and agents of the defense counsel when acting on behalf of the accused with respect to the court-martial or proceeding in question; and

(B) Any trial or assistant trial counsel representing the United States, and agents of the trial counsel or such counsel when acting on behalf of the United States with respect to the court-martial or proceeding in question.

(21) “Preferral” is the act by which a person subject to the UCMJ formally accuses another person subject to the UCMJ of an offense, in accordance with R.C.M. 307(b).

(22) “Referral” is the order of a convening authority or a special trial counsel that one or more charges and specifications against an accused will be tried by a specified court-martial.

(23) “Referral authority” means a convening authority or special trial counsel who may

order that one or more charges and specifications against an accused be tried by a specified court-martial pursuant to R.C.M. 601.

(24) “Special trial counsel” means a judge advocate who is qualified, certified, and assigned as such by the Judge Advocate General of the armed force of which the officer is a member, or, in the case of the Marine Corps, by the Staff Judge Advocate to the Commandant of the Marine Corps, and who is independent of the military chains of command of both the victim and those accused of covered offenses over which a special trial counsel at any time exercises authority in accordance with Article 24a. Special trial counsel shall be well-trained, experienced, highly skilled and competent in handling cases involving covered offenses. Within the Department of Defense, special trial counsel work within dedicated offices under the overall supervision and oversight of a Lead Special Trial Counsel. Within the Coast Guard, special trial counsel work under the overall supervision and oversight of an officer designated under regulations prescribed by the Commandant of the Coast Guard.

(25) “Staff judge advocate” means a judge advocate so designated in the Army, Air Force, or Marine Corps, and means the principal legal advisor of a command in the Navy and Coast Guard who is a judge advocate.

(26) “*Sua sponte*” means that the person involved acts on that person’s initiative, without the need for a request, motion, or application.

(27) “Trial counsel,” unless otherwise specified in these rules, includes special trial counsel.

(28) “UCMJ” refers to the Uniform Code of Military Justice.

(29) “War, time of.” For purposes of R.C.M. 1004(c)(6) and of implementing the applicable paragraphs of Parts IV and V of this Manual only, “time of war” means a period of