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Ucmj army study guide

Can I receive two 15 articles at the same time? In general, no. Paragraph 3-10, AR 27-10 (Military Justice) states,When a non-judicial punishment has been imposed for a crime, the penalty cannot be re-imposed for the same crime under UCMJ, Art. 15. Once a non-judicial punishment has been imposed, it cannot be increased, after the appeal or otherwise. When a commander determines that non-judicial punishment is appropriate for a particular service member, all known offences determined to be appropriate for disposition for non-judicial punishment and ready to be considered at this time, including all offences arising from a single incident or course of conduct, will normally be considered together and not made the basis for multiple punishments. This provision does not restrict the commander's right to prefer court-martial charges for a previously punishable non-minor offense under the provisions of ucmj, Art. 15.La key part of this paragraph that you wish to pay attention to is highlighted. Basically, all known charges must be brought forward at the same time in Article 15. If you are getting various degrees of enterprise or field (or a combination of both) Article 15 at the same time, then you need to let your defense attorney know when talking to them. You should be provided with the opportunity to speak with the legal counsel at Test Defense Services upon receiving an Article 15 company or grade field. Do not waive this right and talk to a lawyer. Common misconceptions Now, there are a couple of situations where a soldier may seem to be getting several 15 articles at the same time, but they really aren't. I'll cover the following. Page 2 Can I receive two articles 15 at the same time? In general, no. Paragraph 3-10, AR 27-10 (Military Justice) states,When a non-judicial punishment has been imposed for a crime, the penalty cannot be re-imposed for the same crime under UCMJ, Art. 15. Once a non-judicial punishment has been imposed, it cannot be increased, after the appeal or otherwise. When a commander determines that non-judicial punishment is appropriate for a particular service member, all known offences determined to be appropriate for disposition for non-judicial punishment and ready to be considered at this time, including all offences arising from a single incident or course of conduct, will normally be considered together and not made the basis for multiple punishments. This provision does not restrict the commander's right to prefer court-martial charges for a previously punishable non-minor offense under the provisions of ucmj, Art. 15.La key part of this paragraph that you wish to pay attention to is highlighted. Basically, all known charges must be brought forward at the same time in Article 15. If you receive multiple company or field ratings (or a combination of the two) 15 at the same time, you must your defense attorney knows when you talk to them. You should be provided with the opportunity to speak with the legal counsel at Test Defense Services upon receiving an Article 15 company or grade field. Do not waive this right and talk to a lawyer. Common misconceptions Now, there are a couple of situations where a soldier may seem to be getting several 15 articles at the same time, but they really aren't. I'll cover the following. Situation 1: Soldier received a 15th field grade article and the process was completed. The punishment imposed was reduced to PFC, extra duty, and restraint for 45 days. At some point during extra duty, the Soldier was late for an additional duty on two occasions (violation of Art. 86, Not reporting to the site of duty). While the Soldier is completing the 45 days of additional service of article 15 initial, he receives a 2nd Article 15 for both times he was late for an additional duty. The punishment of the 2nd Article 15 was reduced to PV2 and 45 days of extra duty and restriction. As long as you set your intention when the punishment for the second Article 15 is imposed, you may direct that the extra 45 days of duty and restraint do not begin until after the duty and extra restriction of the first Article 15 has been completed. The Soldier ends up performing 90 consecutive days of extra service and 90 consecutive days of restraint. This is legally sound. Situation 2: Soldier received a 15th field grade article for being AWOL and the process was completed. The penalty imposed was the reduction to PFC, suspended for 180 days, the loss of 1/2 months of payment for 2 months, suspended for 180 days, 45 days of extra service and 45 days of restriction. As long as the Soldier has no misconduct for 180 days after imposition, the Soldier will not be reduced to PFC and will have no money taken from his salary.90 days after the imposition of the first Article 15 (before the 180 suspension is up) the Soldier participates in a unit of orinalysis and appears hot for marijuana. Due to the misconduct of marijuana, the imposing commander of the first Article 15 vacates the suspension of the reduction and loss of salary. The soldier is reduced to PFC and has the payment of 1/2 months for two months taken from his salary as imposed in the first Article 15. The Soldier also receives a 2nd Article 15 for the positive AU in which it is reduced to PV1, loss of 1/2 months pay for 2 months, 45 days of extra service and 45 days of restriction. This is not double jeopardy and the Soldier is not receiving 2 Article 15 at the same time. The suspended reduction to PFC and the first loss was implemented because the Soldier did not run out of trouble for 180 days. The reduction to PV1 and 2nd loss was due to the positive AU. These situations can be confusing. Be sure to talk to counsel at trial defense services if you have any I hope you've found this useful. Disclaimer: I am not a lawyer and the opinions presented are mine and should not be interpreted as legal advice. In addition, my opinions do not necessarily represent the views of DoD or its components. A link to AR 27-10 can be found here. 1) What does UCMJ mean? In: The Uniform Code of Military Justice 2) What does MCM mean? A: Manual for martial tracks 3) What does SCM mean? In: Summary courts of martial 4) What does GCM mean? A: General Court Martial 5) What article in the UCMJ covers non-judicial punishment? In: Article 15 6) What are the three types of non-judicial punishment (Article 15)? A: 1. Summary 2. Bachelor's degree in business 3. Field grade 7) How long after an incident can a company commander impose non-judicial punishment? A: No more than 2 years from the date of incident 8) How many items are there at the UCMJ? In: 146 articles with 12 sub-articles 9)What is the maximum punishment for a summary article 15? A: 1. Additional duties for 14 days. 2. Restriction of 14 days. 3. Oral reprimand or admonition. 10) What form is used for Article 15? A: DA form 2627 11) What are the rights given to soldiers under Article 31? A: The right to remain silent, the right to a lawyer, the right to a trial 12) What is the maximum punishment for an Article 15 degree company? A: 1.7 days of corrective custody (PFC and lower) 2. Restriction of 14 days. 3. Additional duties for 14 days. 4. Reduction of the grade by 1 (E-4 and lower) 5. Loss of 7 days of payment. 13) What is the year the UCMJ became law? In: 1951 14) What is the maximum punishment for a field grade article 15? A: 1. Correctional custody of 30 days (PFC and lower). 2. Restriction of 60 days. 3. 30 days of detention in quarters of 4. Additional duties for 45 days. 5. 1 or more degrees for e-4 and below, 1 degree for e-5.6 6. Loss of payment of 1/2 months for 2 months 15) What are the three types of court martial? A: Summary, special and general 16) What is the highest military court? In: The military appeals court 17) What are articles 77 – 134 known as? In: Punitive Articles 18) Who can impose article 15? A: Any commanding officer 19) Who can impose a field grade Article 15? A: Either 0-4 or higher This website is not affiliated with the U.S. government or military. UCMJ Articles Subchapter Sec Art. I. General Provisions 801 1 II. Capture and containment 807 7 III Non-judicial punishment 815 15IV. Judicial Jurisdiction Martial 816 16V. Composition of Courts of Martial 822 22VI. Proceedings prior to the trial 830 30 VII. Testing procedure 836 36 VIII. Sentences 855 55 IX. Post-trial procedure and review of courts-martial 859 59 X. Punitive articles 877 77 XI. Various provisions 935 135 *XII Court of Military Appeals 941 141 SUB CHAPTER 1. GENERAL PROVISIONSSSEC. Art.801. ART. 1. Definitions. In this chapter. (1) Judge Advocate judge-general of the Army, Navy and Air Force and, except when the Guard is operating as a service to the Navy, the General Council of the Department of Transportation. (2) The Navy, Marine Corps and Coast Guard designated as such by proper authority. (4) Officer in charge means a member of the Navy, Marine Corps, or Coast Guard designated as such by proper authority. (5) Senior officer in charge means a senior officer in command rank. (6) Cadet stands for a cadet from the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy. (7) Midshipman stands for a U.S. Naval Academy warman and any other captain on active duty in naval service. (8) Military refers to any or all of the armed forces. (9) Accuser means a person signing and swearing charges, anyone who directs the charges are nominally signed and sworn by another person who has a different interest from an official interest in the accused's prosecution. (10) Military Judge means an official of a detailed general or special martial tribunal in accordance with article 826 of this title (Article 26). (11) Law Specialist means an officer in charge of the Coast Guard appointed to the special service (law). (12) Legal officer means any officer in charge of the Navy, Marine Corps, or Coast Guard appointed to perform legal duties for a command. (13) Judge Advocate means– (A) an officer in the Corps of the Judge General of the Army or Navy;(B) an officer in the Air Force or Marine Corps who is appointed as a defending judge; o(C) a Coast Guard officer designated as a law specialist. (14) Registration, when used in connection with the procedure of a court-martial means – (A) an official written file, written summary, or other writing related to the procedure; or (B) an official audiotape, videotape, or similar material from which sound and visual images can be played, representing the procedure. 802. ART. 2. PERSONS SUBJECT TO THIS CHAPTER (a) The following persons are subject to this chapter: (1) Members of a regular component of the armed forces, including those waiting for discharge after the expiry of their enlistment conditions; volunteers from the time of their muster or acceptance into the armed forces; he induces from the moment of his actual induction into the armed forces; and other legally called or ordered persons, or to duty or training in the armed forces, from the dates on which they are required by the terms of the call or order to obey it. (2) Cadets, aviation cadets and midshipman. (3) Members of a reserve component during inactive training, but in the case of members of the Army National Guard United States or the United States Air National Guard only when they are on the Federal Service. (4) Retired members of a regular component of the armed forces that right of payment. (5) Retired members of a reserve component who are receiving hospitalization from an armed force. (6) Members of the Fleet Reserve and the Marine Corps Fleet Reserve. (7) Persons in the custody of the armed forces serving a sentence imposed by a court martial. (8) Members of the National Oceanic and Atmospheric Administration, public health service and other organizations, when assigned and served with the armed forces. (9) Prisoners of war in the custody of the armed forces. (10) In times of war, people who serve or accompany an armed force in the field. (11) Subject to any treaty or agreement that the United States is or may be part of any accepted state of international law, persons within an area otherwise leased or reserved or acquired for use by the United States that is under the control of the Secretary in question and that is outside the United States and outside the Channel Zone , the Commonwealth of Puerto Rico, Guam and the Virgin Islands. (b) The voluntary enlistment of anyone who has the ability to understand the importance of enlisting in the armed forces will be valid for the purposes of jurisdiction under subsection (a) and the change of status from civilian to member of the armed forces will be effective in taking the enlistment oath. (c) Notwithstanding any other provision of law, a person serving with an armed force who, (1) voluntarily submitted to military authority; (2) met the mental competence and minimum age ratings of articles 504 and 505 of this title at the time of voluntary submissions to military authority: (3) received a military salary or allowances; and (4) military functions performed: it is subject to this chapter until that person's active service has been ceased in accordance with the law or regulations enacted by the Secretary in question. (d) (1) A member of a reserve component that is not in active service and is subject to procedures provided for in Article 815 (Article 15) or Article 830 (Article 830) 30) in relation to an infringement against this chapter may be ordered to an involuntary active duty for the purposes of- (A) investigation under article 832 of this title (Article 32); (B) court-martial trial; or (C) non-judicial punishment under article 815 of this title (Article 15). (2) A member of a reserve component may not be ordered active duty under paragraph (1) except in connection with an offense committed while the member was in active service; or (B) in dormant training, but in the case of members of the U.S. Army National Guard or Air Air United States guard only when on federal duty. (3) The authority to order the active duty of a member under paragraph 1 shall be exercised in accordance with the regulations prescribed by the President. (4) A member may be ordered to active duty under paragraph (1) only by a person empowered to summon general martial courts into a regular component of the armed forces. (5) A member ordered active duty under paragraph (1), unless the active service order was approved by the Secretary in question, cannot– (A) be sentenced to confinement; or (B) be required to comply with a punishment of any restriction on freedom for a period other than a period of dormant training or active duty (apart from active duty ordered under paragraph (1)). 803. ART. 3. JURISDICTION TO TREAT CERTAIN PERSONNEL (a) Subject to Article 843 of this Title (Article 43), no person accused of having committed, while in a state in which he was subject to this chapter, a crime against this chapter, punishable by confinement for five years or more and whereby the person cannot be tried in the courts of the United States or a State , a territory, or District of Columbia, can be relieved of amenability to trial by court-martial on the grounds of termination of that status. (b) Every person discharged from the armed forces who is later accused of having fraudulently obtained their discharge is, subject to article 843 of this title (Article 43), subject to trial by the court-martial on this charge and is after apprehension subject to trial by court martial for all crimes under this chapter committed before fraudulent discharge (c) No person who has defected from the armed forces can be relieved in a susceptible way relief from the jurisdiction of this chapter. separation of any subsequent period of service. (d) A member of a reserve component subject to this chapter is not, by virtue of the termination of a period of active duty or inactive training, relieved of amenability to the jurisdiction of this chapter for a crime against this chapter committed during this period of active duty or inactive training. 804 ART. 4. RIGHT OF THE DISMISSED OFFICER IN COURT-MARTIAL TRIAL (a) If any officer in charge, dismissed on the president's orders, makes a written request for trial by court martial that is established under oath, which has been wrongly dismissed, the president, as soon as practicable, will convene a general court martial to treat this officer on the charges on which he was dismissed. Such an convened court martial has jurisdiction to treat the dismissed officer on these charges, and will be deemed to have waived the right to uphold any statute of limitations applicable to a crime with which he is charged. martial court may, as part of its ruling, judge the affirmation of the dismissal, but if the court martial acquits the accused or if the court, as finally approved or affirmed, does not include dismissal or death, the Secretary concerned will replace with the dismissal ordered by the president a form of high authorized by administrative issue. (b) If the President does not convene a general court-martial within six months of drawing up a trial request under this article, the Secretary in question will replace with the president's dismissal order a form of high authorized for the administrative issue. (c) If a sick leave is replaced by a dismissal under this article, the President may only re-point the officer to that degree in charge and with such rank as, in the president's opinion, that the ex-officer would have reached if he had not been dismissed. The re-election of this former official will be without regard to the existence of a vacancy and will affect the state of promotion of other officials only to the extent that the President may lead. All the time between dismissal and re-election will be considered a real service for all purposes, including the right to pay and bonuses. (d) If an officer is discharged from any armed force by administrative action or is removed from the rolls on the president's orders, he is not entitled to trial under this article. 805. ART. 5. TERRITORIAL APPLICABILITY OF THIS CHAPTER This chapter applies in all places. 806. ART. 6. JUDGE LAWYERS AND LEGAL OFFICERS (a) The assignment for the duty of the defenders of the judge of the Army, Navy, Air Force and Coast Guard will be made to the recommendation of the judge attorney general of the armed force of which they are members. Assignment for duty as a judge defending the Marine Corps will be made by direction of the Commandant of the Marine Corps. The judge attorney general or senior members of his staff must carry out a frequent inspection in the field in supervision of the military justice administration. (b) The announcement of the authorities will be communicated at all times directly with their judges of personnel defenders or legal officials in matters relating to the administration of military justice; and the judge of the lawyer or legal officer of a higher or subordinate command, or with the Judge Attorney General. (c) No person who has acted as a member, military judge, trial attorney, assistant attorney, defense attorney, assistant defense attorney, or investigating officer in any case can act later as a personnel judge or legal officer to any review authority on the same case. (d) (1) A defending judge who is assigned or detailed to perform the duties of a civil office in the United States Government under Article 973*(b)(2)(B) of this title may perform such duties as may be requested by the affected agency, including representation of the United States in civil cases and (2) The Secretary of Defense, and the Secretary of Transport Transport with respect to the Coast Guard when it is not operating as a service in the Navy, it will prescribe the regulations provided that the reimbursement may be a condition of assistance by the attorney judges assigned or detailed under article 973(b)(2)(B) of this title. * 806th ART. 6. INVESTIGATION AND DISPOSAL OF MATTERS RELATING TO THE FITNESS OF MILITARY JUDGES. (a) The President shall prescribe proceedings for the investigation and disposal of charges, allegations or information relating to the fitness of a military judge or military appeal judge to perform the functions of the judge's position, to the extent practicable, proceedings will be uniform for all armed forces. (b) The Chairman must transmit a copy of the prescribed procedures in accordance with this section to the Senate Armed Services Committees and the House of Representatives. SUBCHAPTER II. APREHENSION AND CONTAINMENT SEC. Art. 807. ART. 7. APREHENSION (a) Capture is the taking of a person into custody. (b) Any person authorized under the regulations of the armed forces to detain persons subject to this chapter or for trial thereof may do so with the reasonable belief that a crime has been committed and that the person arrested committed it. (c) Commissioned officers, warrant officers, petty officers and non-commissioned officers have the authority to quell quarries, frayed and disorders among the people subject to this chapter involved. 808. ART. 8. APPREHENSION OF DEFECTION Any civilian official who has the authority to detain offenders under the laws of the United States or a State, Territory, Commonwealth or possession, or the District of Columbia may summarily detain an armed forces defector and hand him over into the custody of these forces. 809. ART. 9. Imposition OF RESTRAINT (a) Detention is a person's restriction on a warrant, not imposed as punishment for a crime, directing him to stay within certain specified limits. Confinement is a person's physical restraint. (b) An enrolled member may be ordered to detention or confinement by any officer in charge of a warrant, oral or written, delivered in person or through other persons subject to this chapter. A commanding officer may authorize law enforcement officers, petting officers or unsubscribed officers to order enlisted members of their command or subject to their authority in arrest or confinement. (c) An officer in charge, a law enforcement officer or a civilian subject to this chapter or trial under may be ordered to arrest or confinement only by a commanding officer whose authority is subject, in order, oral or written, delivered in person or by

the officer in charge. You cannot delegate the authority to order the arrest or confinement of these people. No person can be ordered into detention or confinement except for probable cause. (e) Nothing in this article authorizes persons authorized to detain offenders to ensure custody of an alleged offender until proper authority can be notified. 810. ART. 10. RESTRICTION OF PERSONS ACCUSED OF CRIMES ANYONE subject to this chapter charged with a crime under this chapter will be ordered to detention or confinement, as circumstances may require; but when he is accused only of a crime normally tried by a court-martial summary, he usually will not be placed in confinement. When anyone subject to this chapter is placed on arrest or confinement before the trial, immediate steps will be taken to inform him of the specific evil of which he is accused and to attempt or to dismiss the charges and release him. 811. ART. 11. REPORTS AND RECEPTION OF PRISONERS (a) Chief Marshal provost, commander or guard, or master of arms may refuse to receive or hold any prisoner committed to his post by an officer in charge of the armed forces, when the commission officer offers a statement, signed by him, of the offence charged against the prisoner. (b) All commanders of a guard or master of arms to whose prosecution an inmate is committed, within twenty-four hours after that engagement or as soon as he is relieved of the guard, denounce the officer commanding the name of the prisoner, the crime charged against him, and the name of the person who ordered or authorized the compromise. 812. ART. 12. CONFINEMENT WITH PROHIBITED ENEMY PRISONERS No member of the armed forces can be placed in confinement in immediate association with enemy prisoners or other foreign citizens not members of the armed forces. 813. ART. 13. PENALTY PROHIBITED BEFORE TRIAL No person, while on trial, may be subject to penalties or penalties other than arrest or confinement for pending charges against him, nor the arrest or confinement imposed on him will be more rigorous than the circumstances necessary to ensure his presence, but he may be subject to mild penalties during this period for discipline violations. 814. ART. 14. DELIVERY OF OFFENDERS TO CIVIL AUTHORITIES (a) Under these rules as the Secretary in question may prescribe, a member of the armed forces accused of a crime against civil authority can be handed over, upon request, to the civil authority for trial. (b) When delivery under this article is made to any civil authority of a person subject to a court-martial ruling, the delivery, if he follows the conviction in a civil court, interrupts the execution of the court-martial ruling, and the offender after having responded to the civil authorities for his crime will be, at the request of the competent military authority, he will be returned to military custody for the SUBCHAPTER III. NON-JUDICIAL PUNISHMENT ART. 15. NON-JUDICIAL PUNISHMENT OF THE COMMANDING OFFICER (a) In accordance with these regulations the President may prescribe, and by virtue of the additional regulations prescribed by the Secretary in question, limitations may be placed on the powers granted by this article regarding the type and amount of authorized punishment, the categories of commands and warrant officers who exercise authorized command to exercise these powers, the applicability of this article to a defendant who requires trial by court martial, and the types of courts of martial to which the case can be referred to this claim. However, except in the case of a member attached or embarked on a ship, punishment cannot be imposed on any member of the armed forces under this article if the member has, prior to the imposition of such punishment, required trial by court martial instead of such punishment. Under similar regulations, rules can be prescribed regarding the suspension of penalties authorized by the regulations of the Secretary in question, a commanding officer exercising general judicial martial jurisdiction or a general rank or flag officer in command may delegate their powers under this article to a principal assistant. (b) Subject to subsection (a) any commander may, in addition or instead of admonition or reprimand, impose one or more of the following disciplinary sanctions for minor offences without the intervention of a court-martial- (1) on the officers of his command- (A) restriction to certain specified limits, with or without suspension of duty, for no more than 30 consecutive days (B) if imposed by an official exercising general judicial martial jurisdictions or a general flag rank officer in command - (i) fourth detention for no more than 30 consecutive days; (ii) loss of no more than half of a month's salary per month for two months; (iii) restriction on certain specified limits, with or without suspension of duty, for no more than 60 consecutive days; (iv) the arrest of no more than half of a month's salary per month for three months; (2) to another personnel of his command, if imposed on a person attached or embarked on a boat, confinement on bread and water or decreased rations for no more than three consecutive days; (C) corrective custody for no more than seven consecutive days; (D) reduction to the next lower salary note, if the grade of which degrades is within the authority of promotion of the officer imposing the reduction or any civil servant subordinate to the one who imposes the reduction; (E) additional duties, including fatigue or other duties, for no more than 14 consecutive days; (F) restriction on certain specified limits, with or without suspension of service, for no more than 14 consecutive days; (G) detention of no more than 14 days' salary; (H) if imposed by an officer degree of major or lieutenant lieutenant or above- (i) the authorised punishment under clause (A); (ii) corrective custody for no more than 30 consecutive days; (iii) the loss of no more than half the salary of one month per month for two months; (iv) reduction to the lowest or lower salary note, if the grade of which is degraded falls within the authority to promote the officer imposing the reduction or any civil servant subordinate to the one imposing the reduction, by a member enlisted in a salary note higher than E-4 cannot be reduced more than two salary qualifications; (v) additional duties, including fatigue or other duties, for no more than 45 consecutive days; (vi) restriction on certain specified limits, with or without suspension of service, for no more than 60 consecutive days; (vii) arrest of no more than half of a month's salary per month for three months. The detention of the payment will be for a specified period of no more than a year, but if the term of service of the offender expires before, the detention will be terminated on this maturity. Two or more detention sentences cannot be combined in neighborhoods, confinement or bread and water or diminished rations, correctional custody, additional duties and restriction to run consecutively in the maximum possible amount for each. Whenever any of these punishments are combined to run consecutively, there must be a shipment. In addition, the loss of salary cannot be combined with the arrest of the payment without a shipment. For the purposes of this subsection, corrective custody is a person's physical restriction during service hours or not undue and may include additional homework, fatigue duties, or hard work. If practicable, correctional custody will not be served in immediate association with people awaiting trial or held in confinement in accordance with the trial by the court-martial. (c) A civil servant in office may impose on enlisted members assigned to the unit of which he is in charge of the penalty authorized under subsection (b)(2)(A)-(G) as the Secretary concerned may specifically prescribe by regulation. (d) The officer who imposes the penalty authorized in subsection (b), or his successor in command, may, at any time, suspend with proof any part or amount of the penalty not executed imposed and may suspend with proof a reduction of degree or loss imposed under subsection (b), whether it is executed or not, or partly punishment, whether executed or not executed, and restore all rights, privileges and property affected. It can also mitigate the reduction in degree to loss or detention of salary. When mitigating- (1) detention in quarters of restriction; (2) confinement on bread and water or decreased portions in correctional custody; (3) confinement of correctional on bread and water reduced to duties or additional restrictions, or both; or (4) additional duties to the restriction; mitigated punishment will not be for a period greater than mitigated punishment. When mitigating the loss of salary in the detention of the payment, the amount of the arrest will not be greater than the amount of the loss. When mitigating the reduction in degree to loss or detention of payment, the amount of the loss or detention will not exceed the amount that could have been initially imposed under this article by the officer who imposed the mitigated punishment. (e) A person punished under this article who deems his or her punishment unfair or disproportionate to the offense may, through the appropriate channels, appeal to the next higher authority. The appeal will be immediately forwarded and decided, but the punished person, meanwhile, may be required to submit to the punishment tried. The higher authority can exercise the same powers with regard to the penalty imposed under subsection (d) by the officer who imposed the punishment. Before acting on appeal from a penalty of (1) detention in quarters of seven days, (2) corrective custody for more than seven days, (3) loss of more than seven days of salary, (4) reduction of one or more salary qualifications for the fourth or higher salary note, (5) additional duties for more than 14 days; (6) restriction on more than 14 days; or (7) detention of more than one month's salary, the authority that may act on appeal will be the Secretary in question, a Lawyer, or the Trial Lawyer and Defense Attorney. (f) Any punishment imposed under this article for a crime against civil authority or a crime against military authority is a bar to the judgment of the same crime or crime that grows from the same crime, and is not subject to punishment under this article; but the fact that disciplinary punishment has been applied under this procedure will be considered in determining the measure of punishment to be tried in the event of a finding of guilty. (g) The Interested Secretary may, by regulation, prescribe the form of records to be kept under this article and may also prescribe that certain categories of these procedures will be in writing. SUBCHAPTER IV. JUDICIAL-MARTIAL JURISDICTION ART. 816. ART. 16. COURT-MARTIAL CLASSIFIED THE three types of courts-martial in each of the armed forces are- (1) general courts of martial, consisting of- (A) a military judge and no less than five members; or (B) only a military judge, if before the court mounts the accused, knowing the identity of the military judge and after consulting with the defense attorney, requests orally on the record or for a composite composite tribunal of a military judge and the military judge approves; (2) special courts of martial, consisting of- (A) no fewer than three members; or (B) a military judge and no less than three members; or (C) only a military judge, if one has been detailed to the court, and the accused under the same conditions as those prescribed in clause (1)(B) so requests; and (3) the summary-martial courts, consisting of a commissioned officer. 817. ART. 17. JURISDICTION OF THE COURTS OF THE COURTS IN GENERAL (a) Each armed force has judicial-martial jurisdiction over all persons subject to this chapter. The exercise of jurisdiction by an armed force over the personnel of another armed force will be in accordance with the regulations prescribed by the President. (b) In all cases, the departmental review after that of the officer with authority to convene a general court martial for the command that held the trial, where this review is required under this chapter, will be conducted by the department that includes the armed force of which the accused is a member. 818. ART. 18. JURISDICTION OF THE GENERAL-MARTIAL COURTS Subject to Article 817 of this Title (Article 17), the General Courts of Martial have jurisdiction to treat persons subject to this chapter for any crime punishable by this chapter and may, under limitations as the President may prescribe, judge any punishment not prohibited by this chapter, including the death penalty when specifically authorized by this chapter. The general courts of martial also have jurisdiction to try anyone who by the law of war is subjected to trial by a military court and can judge any punishment permitted by the law of war. However, a general court martial of the type specified in Article 816(1)(B) of this Title (Article 16(1)(B)) shall not have jurisdiction to attempt anyone for any crime for which the death penalty may be tried unless the case has previously been referred to trial as a non-capital case. ART. 19. JURISDICTION OF THE SPECIAL-MARTIAL COURTS Subject to Article 817 of this Title (Article 17), special courts of martial have jurisdiction to treat persons subject to this chapter for any non-capital offence punishable by this chapter and, in accordance with rules as the President may prescribe, for capital offences. Special courts of law can, under limitations as the President may prescribe, judge any punishment not prohibited by this chapter except death, disgraceful discharge, dismissal, confinement for more than six months, hard work without confinement for more than three months, loss of pay greater than two-thirds of pay per month, or loss of pay for more than six months. You cannot judge a sick leave for misconduct unless a record has been made of the proceedings and testimony, the lawyer who has the qualifications prescribed under article 827(b) of this title (article 27(b)) was detailed to represent the accused, and a the judge was detailed in the trial, except in any case where a military judge could not be detailed in the trial, the summoning authority will make a detailed written statement, which will be added to the minutes, indicating the reason or reasons why a military judge could not be detailed. 820. ART. 20. COURTS SUMMARY-MARTIAL Jurisdiction Subject to Article 817 of this Title (Article 17), courts of martial summaries have jurisdiction to treat persons subject to this chapter, except officers, cadets, aviation cadets and midwife, for any non-capital offence punishable by this chapter. No person with respect to whom the summary-martial courts have jurisdiction can be brought to trial before a summary-martial court if opposed. If the objection to trial by summary-martial court is made by a defendant, the trial can be ordered by a special or general court martial as appropriate. Summary-martial courts may, under limitations as the president may prescribe, judge any punishment not prohibited by this chapter except death, dismissal, discharge of dishonorable or misconduct, confinement for more than a month, hard labor without confinement for more than 45 days, restrictions on specified limits for more than two months, or loss of more than two-thirds of a month's salary. 821. ART. 21. JURISDICTION OF COURTS-NON-EXCLUSIVE MARTIAL The provisions of this chapter that confer jurisdiction to the courts-martial do not deprive military commissions, provost courts, or other military courts of concurrent jurisdiction with respect to criminals or crimes that by statute or by the law of war can be tried by military commissions, provost courts, or other military courts. SUBCHAPTER V. COMPOSITION OF COURTS-MARTIAL SEC. 822. ART. 22. THE WHO MAY CONVENE GENERAL COURTS OF MARTIAL (a) The general courts of martial can be summoned by- (1) the President of the United States; (2) the Secretary of Defense; (3) the commanding officer of a unified or specified combat warrant; (4) the Secretary in question; (5) the commanding officer of a Territorial Department, an Army Group, an Army, an Army Corps, a division, a separate brigade, or a corresponding unit of the Army or Marine Corps; (6) the commander-in-chief of a fleet; the commanding officer of a naval station or larger Navy activity beyond the United States. (7) the commanding officer of an air command, an air force, an air division, or a separate wing of the Air Force or Marine Corps; (8) any other commanding officer appointed by the Secretary in question; or (9) any other commanding officer in any of the armed forces when empowered by the President. (b) If any of these commands is an accuser, the court shall be summoned by the highest competent authority, and in any case may be by this authority if it is considered desirable by him. 823. ART. 23. WHO CAN SUMMON SPECIAL COURTS MARTIAL (a) Special Special anyone who may convene a general court martial; (2) the commanding officer of a district, garrison, fort, camp, station, Air Force base, auxiliary air camp, or other place where members of the Army or Air Force are on duty; (3) the commanding officer of a brigade, regiment, separate battalion, or corresponding Army unit; (4) the commanding officer of a wing, group or separate squadron of the Air Force; (5) the commanding officer of any naval or Coast Guard vessel, shipyard, base or station; the commanding officer of any marine brigade, regiment, separate battalion, or corresponding unit; the commanding officer of any Navy barracks, wing, group, separate squadron, station, base, auxiliary air camp, or other place where Marine Corps members are on duty; (6) the commanding officer of any separate or separate command or group of units separated from any of the armed forces placed under a single commander for this purpose; or (7) the commanding officer or officer in charge of any other command when appointed by the Secretary in question. (b) If any of these officers is an accuser, the court will be summoned by the highest competent authority, and in any case may be summoned by this authority if it is deemed advisable by him. 824. ART. 24. WHO CAN CONVENE SUMMARY COURTS-MARTIAL (a) The summary-martial court can be summoned by- (1) anyone who can convene a general or special court martial tribunal; (2) the commanding officer of a separate company another Army detachment; (3) the commanding officer of a separate squadron or other Air Force detachment; or (4) the commanding officer or officer in charge of any other command when appointed by the Secretary in question. (b) When only one officer in charge is present with a command or detachment will be the court martial summary of this command or detachment and will hear and determine all summary martial court cases brought before him. The summary courts, however, can be summoned in any case by the superior competent authority when deemed desirable by him. 825. ART. 25. WHO CAN SERVE IN COURT-MARTIAL (a) Any officer in charge on active duty is eligible to serve in all court-martial for the trial of anyone who can legally be brought before these courts for trial. (b) Any officer of the order on active duty is eligible to serve in general and special courts for the trial of any enlisted member of an armed force who can legally be brought

members of a general or special court martial will be determined by a majority vote, but the determination to reconsider a finding of guilt or reconsider a sentence, in view of its decline, can be done by any minor vote indicating that reconsideration does not oppose the number of votes required for such a finding or a tie vote on a challenge disqualifies the member A tie vote on a motion for a finding of not guilty or in a motion concerning the issue of accused sanity, is a determination against the accused. A tie vote on any other issue is a determination in favor of the accused. 853. ART. 53. COURT TO ANNOUNCE THE ACTION A court martial will announce its findings and judgment to the parties as soon as it is determined. 854. ART. 54. TRIAL ACT (a) Each general court martial must deeper a separate record of the proceedings in each case brought before it, and the minutes will be authenticated by the military judge's signature. If the minutes cannot be authenticated by the military judge on the grounds of his death, disability or absence, he will be authenticated by the signature of the trial lawyer or by that of a member if the trial lawyer cannot authenticate him on the grounds of his death, disability or absence. In a court martial made up only of a military judge, the minutes will be authenticated by the judicial reporter under the same conditions that would impose such duty on a member under the subsection. (b) Each special and summary court martial will keep a separate record of the proceedings in each case, and the minutes will be authenticated in the way required by these regulations as the President may prescribe. (c) (1) A complete record of the proceedings and testimony must be prepared-- (A) in each general court-martial case in which the judgment includes death, dismissal, sick leave, or (if the judgment does not include a sick leave) or any other punishment that exceeds what may otherwise be tried by a special court-martial; and (B) in each special court-martial case in which the ruling includes a discharge of misconduct. (2) In all other martial court cases, the minutes will contain such matters that may be prescribed by the President's regulations. (d) A copy of the minutes of the proceedings of each general and special court martial will be given to the accused as soon as it is authenticated. SUBCHAPTER VIII. PHRASES Sec. Art. 855. ART. 55. CRUEL AND UNUSUAL PUNISHMENTS ARE PROHIBITED. Punishment for flogging, or by branding, marking or tattooing on the body, or any other cruel or unusual punishment, cannot be tried by a court martial or inflicted on anyone subject to this chapter. It is forbidden to use plates, single or double, except for safe custody purposes. 856. ART. 56. MAXIMUM LIMITS The penalty that a court martial can lead for a crime cannot exceed these limits as the president may prescribe for such a crime. 857. ART. 57. EFFECTIVE DATE OF JUDGMENTS (a) No loss may be extended to any payment or allowances accrued before the date on which the judgment is approved by the person acting under article 860(c) of this title (Article 60(c)). (b) Any period of confinement included in a judgment martial court begins to from the date on which the sentence is tried by the court martial, but the periods during which the confinement sentence is suspended or postponed will be excluded in the computer system from the service of the confinement period. (c) All other judgments of the courts of martial are effective on the orderly date executed. (d) In application by a defendant who is sentenced to prison for confinement that has not been ordered executed, the summoning authority, or, if the accused is no longer under his jurisdiction, the officer exercising general judicial-martial jurisdiction over the order to which the accused is currently assigned, may in his sole discretion postpone the service of the sentence to confinement. The postponement will end when the sentence is executed. The postponement can be rescinded at any time by the officer who granted it or, if the accused is no longer under his jurisdiction, by the officer exercising general-martial jurisdiction over the command to which the accused is currently assigned. 858. ART. 58. EXECUTION OF CONFINEMENT. (a) Under such instructions as the Secretary in question may prescribe, a confinement sentence judged by a court martial or other military court, whether or not the sentence includes discharge or dismissal, and whether or not the discharge or dismissal has been executed, can be brought to execution by confinement anywhere in confinement under the control of any of the armed forces or in any institution, or that the United States may use. People so confined to a criminal or corrective institution not under the control of one of the armed forces are subject to dame discipline and treatment as persons confined or committed by the courts of the United States or the State, Territory, District of Columbia, or place where the institution is located. (b) The omission of the words hard work of any court ruling - martial confinement does not deprive the authority to execute this sentence of power to require hard labor as part of the punishment. 858th ART. 58. SENTENCES: REDUCTION OF THE QUALIFICATION ENLISTED AFTER THE APPROVAL (a) Unless otherwise established in the regulations to be prescribed by the Secretary in question, a judicial-martial judgment of a member enlisted in a salary note greater than e-1, as approved by the summoning authority, which includes-- (1) a disgraceful discharge or misconduct; (2) confinement; or (3) hard work without confinement; reduces this member to pay for grade E1, effective on the date of this approval. (b) If the judgment of a member that is reduced in payment note under subsection (a) is set aside or disapproved, or, as ultimately approved, does not include any punishment called in subsection (a)(1), (2), or (3), whose rights and privileges were deprived to of this reduction will be restored to him and he has the right to the payment and allowances to which it would have been entitled during the period in which the reduction was in force, if it had not been so reduced. SUBCHAPTER IX. POST-TRIAL PROCEDURE AND REVIEW OF COURTS-MARTIAL 859. Error of the law; including offense.860. Action of the summoning authority. 861. 61. Waiver or withdrawal of appeal.862. 62. Appeal of the United States. 863. 63. Rehearsed. 864. 64. Review by an advocate judge.865. 65. Provision of records. 866. 66. Review by Military Review Court.867. 67. Review by the Court of Military Appeals. *867a. Review by the Supreme Court.868. 68. Offices. 869. 69. Review in the office of judge Attorney General.870. 70. Appealing lawyer. 871. 71. Execution of judgment; suspension of the judgment.872. 72. Suspended holdings. 873. 73. Petition for a new trial.874. 74. Remission and suspension.875. 75. Restoration. 876. 76. End of proceedings, conclusions and judgments. 876th. 76th. Permission needed to be taken pending review of certain court martial convictions. 859. ART. 59. ERROR OF RIGHT; MINOR OFFENCE INCLUDING (a) A finding of martial court ruling cannot be held incorrect on the ground of a law error unless the error materially harms the substantial rights of the accused. (b) Any review authority with the power to approve or affirm a finding of guilt can approve or affirm, instead, much of the finding as it includes a minor crime included. 860. ART. 60. ACTION BY THE AUTHORITY SUMMONING (a) the conclusions and judgment of a court martial will be quickly informed to the convening authority after the announcement of the sentence. (b) (1) the accused may submit to the summoning authority in matters of consideration by the authority summoning with respect to the conclusions and the sentence. Except in a summary court case, this submission will be made within 10 days after the accused has received an authenticated record of the trial and, where appropriate, the recommendation of the instructor judge or legal officer under subsection (d). In a summary court-martial case, this submission will be made within seven days of the announcement of the ruling. (2) If the accused proves that additional time is required for the accused to present such matters, the summoning authority or another person taking action under this section, for a good cause, may extend the applicable period under paragraph (1) for no more than 20 additional days. (3) In a summary court-martial case, the accused will quickly be provided a copy of the trial record for use in the preparation of a filing authorized by paragraph (1). (4) The accused may waive his right to make a submission to the summoning authority under paragraph (1). This waiver must be made in writing and not be revoked. For the purposes of subsection (c)(2), the time when the accused can make a presentation under this subsection subsection it will be understood that it has expired after the presentation of this waiver to the organising authority. (c) (1) The authority under this section to modify the findings and judgment of a court martial is a matter of command prerogative involving the sole discretion of the summoning authority. In accordance with the regulations of the Secretary in question, an officer in charge for the time being, a successor in command, or anyone exercising general judicial martial jurisdiction may act under this section rather than the summoning authority. (2) Action on the judgment of a court martial will be taken by the summoning authority or by another person authorized to act under this section. In accordance with the regulations of the Secretary in question, this action can only be taken after consideration of the matters presented by the accused in subsection (b) or after the time expires for the presentation of these matters, whichever is earlier. The summoning authority or another person taking this action, in its sole discretion, may approve, disapprove, commover or suspend the sentence in whole or in part. (3) Action on the conclusions of a court-martial by the convening authority or another person acting on the sentence is not necessary. However, this person, in his sole discretion, may-- (A) dismiss any charge or specification leaving aside a finding of guilty of the latter; or (B) change a finding of guilty to a charge or specification to a finding guilty of a crime that is a minor offence included of the offense indicated in the charge or specification. (d) Before acting under this section on any general court martial court case or any special court-martial case that includes a misconduct sick leave, the summons authority or another person acting under this section will obtain and consider the written recommendation of your instructional judge or legal officer. The summoning authority or another person taking action under this section will refer the trial record to its judge of defense instruction or legal officer, and the judge defending staff or legal officer will use this record in drafting its recommendation. The recommendation of the judge of attorney staff or legal officer will include matters as the president may prescribe by regulation and will be served to the accused, who may file any matter in response under subsection (b). Non-opposition in responding to the recommendation or any matter attached to the recommendation waives the right to oppose it. (e) (1) The summoning authority or another person taking action under this section, in its sole discretion, may order a review procedure or rehear. (2) You can sort a review if there is an apparent error or omission in the registry or if the minutes show inappropriate or inconsistent action by a court of martial with respect to the conclusions or judgment that may be rectified without material substantial rights of the accused. Under no circumstances, however, can a procedure under review-- (A) reconsider a finding of not guilty of any specification or a sentence that amounts to a finding of not guilty; (B) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification established under this charge, which sufficiently alleges a violation of any article in this chapter; or (C) increase the severity of any article of the sentence unless the sentence prescribed for the offence is mandatory. (3) A rehearse can be ordered by the summoning authority or another person taking action under this section if it disapproves of the findings and judgment and lays out the reasons for disapproval of the results. If that person disapproves of the findings and sentence and does not order a rehear, he will dismiss the charges. A rehearse cannot be ordered regarding the findings, where there is a lack of sufficient evidence on record to support the findings. A rehearse can be ordered on the judgment if the summoning authority or another person who took action under this subsection disapproves of the ruling. 08001. SPAIN WAIVER OR WITHDRAWAL OF APPEALS CANCELLATION (a) In each case subject to review of appeal by virtue of article 866 or 869(a) of this title (article 66 or 69(a)), except in a case in which the judgment approved under article 860(c) of this title (article 60(c)) includes death, the accused may appear before the authority by submitting a statement expressly waiving the right of the prosecution to this review. This waiver will be signed by both the accused and the defence lawyer and must be submitted within 10 days after the action under sections 860(c) of this title (Article 60(c)) shall be attended to by the accused or the defence lawyer, the summoning authority or anyone else who takes this action, for a good reason, may extend the deadline for this presentation in no more than 30 days. (b) Except in a case in which the sentence passed under article 860(c) of this title (Article 60(c)) includes death, the accused may withdraw an appeal at any time. (c) Waiver of the right to appeal the review or withdrawal of an appeal under this bar review section under section 866 or 869(a) of this title (Article 66 or 69(a)). 862. ART. 62. U.S. appeal (a) (1) In a court martial pending over a military judge and in which a punitive discharge or other punishment is ordered or ruling by the military judge ending the proceedings with respect to a charge or specifications or that excludes evidence that is substantial proof of a fact material to the proceedings. However, the United States does not appeal an order or sentence that amounts to a finding of not guilty with regard to prosecution or specification. (2) An appeal of order or sentence cannot take unless the trial lawyer provides the military with written notification of appeal of the order or resolution within 72 hours of the order or resolution. This notice will include a certification by (b) An appeal under this section will be forwarded by means prescribed under the President's regulations directly to the Military Review Tribunal and, whenever practicable, will take precedence over the remaining proceedings before this court. In the resolution of an appeal under this section, the Military Review Tribunal may only act in matters of law, without prejudice to article 866(c) of this title (Article 66(c)). (c) Any delay period resulting from an appeal by virtue of this section is excluded to decide any matter relating to the denial of a quick trial unless a competent authority determines that the appeal was filed solely in order to be delayed with the knowledge that it was entirely frivolous and without merit. 863. ART. 63. REHEARINGS Each rehearse under this chapter will take place before a court martial composed of non-members of the court martial who first heard the case. After rehearsing the accused cannot be tried for any offence of which he was found not guilty by the first court martial, and no sentence greater than or greater than the original sentence can be imposed unless the sentence is based on a finding of guilt of a crime not considered on the merits in the original proceedings, or unless the sentence prescribed for the offence is compulsory. If the sentence passed after the first court-martial agreed to a prejudicial agreement and the accused in the rehearing changes his request regarding the charges or specifications on which the prejudicial agreement was based, or otherwise does not comply with the prejudicial agreement, the judgment on these charges or specifications may include any punishment that does not exceed the court judged legally in the first court 864. ART. 64. REVIEW BY A LAWYER JUDGE (a) Each case in which there has been a finding of guilt that is not reviewed under article 866 or 869(a) of this title (Article 66 or 69(a)) will be reviewed by an advocate judge under the regulations of the Secretary in question. An attorney for the judge cannot review a case under this subsection if he has acted in the same case as an accuser, investigating officer, court member, military judge, or lawyer or has otherwise acted on behalf of the prosecution or defense. The review of the judge's lawyer will be in writing and will contain the following conclusions: (1) The findings on whether-- (A) the court had jurisdiction over the accused and the crime; (B) the charge and specification declared an infringement; and (C) the judgment was within the prescribed limits as question of law. (2) A response to each allegation of error made in writing by the accused. (3) If the case is sent for subsection action (b), a recommendation on the appropriate measures to be taken opinion on whether corrective action is necessary as a matter of law. (b) The minutes of trial and related documents in each case reviewed under subsection (a) will be sent for action to the person exercising general judicial jurisdiction over the accused at the time the court was convened (or to the successor of that person in command) if-- (1) the lawyer of the judge who reviewed the case recommends corrective actions; (2) the judgment passed under article 860(c) of this title (Article 60(c)) extends to dismissal, sick leave of misconduct or disgraceful, or confinement for more than six months; or (3) this action is otherwise required by the regulations of the Secretary in question. (c) (1) The person to whom the trial record is sent and related documents under subsection (b) may-- (A) disapprove or approve the conclusions or judgment, in whole or in part; (B) send, commover or suspend the sentence in whole or in part; (C) except when the evidence was insufficient in the trial to support the findings, order an essay on the findings, on the sentence, or on both; or (D) dismiss the charges. (2) If a rehearse is ordered by the summoning authority finds it impracticable, it will dismiss the charges. (3) If the opinion of the lawyer judge in reviewing the judge's counsel in subsection (a) is that corrective action is necessary as a matter of law and if the person obliged to take action under subsection (b) does not take action that is at least as favorable to the accused as recommended by the defending judge, the minutes of judgment and action therein will be sent to the judge attorney general for review under article 869(b) thereof (article 69(b)). 865. ART. 65. PROVISION OF RECORDS (a) In a case subject to review of appeal by virtue of section 866 or 869(a) of this title (article 66 or 69(a)) in which the right to such review is not waived, or an appeal is not withdrawn, by virtue of article 861 of this title (Article 61), the minutes of judgment and action therein will be passed on to the General Judge for appropriate actions , the rest of the evidence files and related documents will be transmitted and arranged, since the Secretary may prescribe by regulation. 866. ART. 66. REVIEW BY MILITARY REVIEW COURT (a) Each judge attorney general will establish a Military Review Tribunal that will be composed of one or more panels, and each panel will be composed of no fewer than three appellant military judges. In order to review martial court cases, the court may sit on panels or as a whole in accordance with the rules prescribed in subsection (f). Any decision by a bay of panels will be upended by the court sitting as a whole in accordance with these rules. Military appeal judges to be assigned to a Court of Review can be official or civil commissioners, each of the must be a member of a bar in a federal court or a state's high court. The judge attorney general will appoint as counsel of the trial that the appeal is not taken in order to delay and (if the order or sentence appealed is one that excludes the evidence) that the evidence is substantial proof of a fact material in the proceedings. (3) An appeal under this section will be diligently prosecuted by the appealed Government lawyer. (b) An appeal under this section will be forwarded by a means prescribed under the President's regulations directly to the Military Review Tribunal and, whenever practicable, will take precedence over the remaining proceedings before this court. In the resolution of an appeal under this section, the Military Review Tribunal may only act in matters of law, without prejudice to article 666(c) of this title (Article 66(c)). (c) Any delay period resulting from an appeal under this section will be excluded in the decision of any matter relating to the denial of a quick trial unless a relevant authority determines that the appeal was filed solely in order to be fully delayed with the knowledge that it was entirely frivolous and without merit. * 867. ART. 67. REVIEW BY THE COURT OF APPEAL MILITARY FACILITIES (a) The Court of Military Appeals will review the minutes in -- (1) all cases in which the sentence, according to a Military Review Tribunal, extends to death; (2) all cases reviewed by a Military Review Tribunal that the Attorney General orders to be sent to the Court of Military Appeals for review; and (3) all cases reviewed by a Military Review Tribunal in which, at the request of the accused and for good cause shown, the Court of Military Appeals has granted review. (b) the accused may apply to the Court of Military Appeals for review of a decision by a military review tribunal within 60 days of the previous one of - (1) the date on which the decision is notified of the military review tribunal's decision; or (2) the date on which a copy of the Military Review Court's decision is deposited, after being attended to by an appellant registration lawyer for the accused (if any), is deposited in us emails for delivery by first class email to the accused at an address provided by the accused , or, if this address has not been provided by the accused, at the last address listed by the accused in his official service record. The Court of Military Appeals will act on this request quickly in accordance with the court's rules. (c) In any case reviewed by her, the Court of Military Appeals may only act with regard to the conclusions and judgment passed the summoning authority and how it is affirmed or set aside as incorrect in law by the Military Review Tribunal. In a case that the judge attorney general orders to send to the Court of Military Appeals, this action should be taken only with regard to the issues raised by him. In a case revised to of the accused, this action should be taken only with regard to the issues specified in the granting of review. The Court of Military Appeals will take action only on matters of law. (d) If the Court of Military Appeals sets aside the findings and judgment, it may be, except when the gang establishment relies on a lack of sufficient evidence in the minutes to support the findings, order a rehear. If he sets aside the conclusions and sentence and does not order a rehear, charges will be ordered to be dismissed. (e) Having acted on a case, the Court of Military Appeals may direct the Attorney General To return the minutes to the Military Review Tribunal for further review in accordance with the Court's decision. Otherwise, unless there is further action by the president or secretary in question, the judge attorney general will instruct the summons authority to take action in accordance with this decision. If the court has ordered a rehearse, but the summoning authority finds a rehearse impracticable, it can dismiss the charges. * 867th ART. 67. REVIEW BY THE SUPREME COURT (a) The decisions of the United States Court of Military Appeals are subject to review by the Supreme Court in writing of certiorari as set forth in Article 1259 of Title 28. The Supreme Court cannot review by a certiorary writ under this section any action by the Court of Military Appeals in refusing to grant a review request. (b) The accused may request to the Supreme Court a certiorary document without prepayment of fees and expenses or security for it and without filing the declaration required by Article 1915(a) of Title 28. 868. ART. 68. DELEGATIONS The interested secretary may direct the Judge Attorney General to establish a branch with any command. The branch will be under an assistant attorney general judge who, with the consent of the Judge Advocate General, can establish a Military Review Tribunal with one or more panels. This assistant attorney general judge and any military review tribunal established by him may act for that command under the general supervision of the attorney general judge, the respective functions that the attorney general judge and a Military Review Tribunal established by the judge attorney general would otherwise be required to perform with regard to all cases involving judgments that do not require approval by the president. 869. ART. 69. REVIEW IN THE OFFICE OF THE JUDGE ATTORNEY GENERAL *(a) The minutes of judgment in each general court martial that is not otherwise reviewed under article 866 of this title (Article 66) will be examined in the office of the Judge-General's Office if there is a finding of guilt and the accused does not renounce or withdraw his or her appeal for review under Article 861 of this title (Article 61). If any part of the conclusions or judgment is not supported by law or if of the judgment is adequate, the Attorney General judge may modify or set aside the conclusions of the judgment or both. (b) Conclusions or judgments, or both, in a court-martial case not reviewed under subsection (a) or under article 866 of this title (Article 66) may be amended or set aside, in whole or in part, by the judge attorney general on the grounds of newly discovered evidence, fraud in court, lack of jurisdiction over the accused or the crime , the prejudicial error to the substantial rights of the accused, or the adequacy of the sentence. If this case is considered in the application of the accused, the application must be submitted to the office of the judge attorney general by the accused on or before the last day of the two-year period from the date on which the sentence is approved under article 860(c) of this title (Article 60(c)), unless the accused establishes good cause for not filing within that period. (c) If the attorney general judge sets aside the findings or sentence, he can, except when the sidelines option is based on fitting sufficient evidence into the minutes to support the findings, order a rehear. If he sets aside the conclusions and sentence and does not order a rehear, he will order the charges to be dismissed. If the judge attorney general orders a rehearse by the summoning authority finds impractical, the summoning authority will dismiss the charges. *(d) A Military Review Tribunal may review, under article 866 of this title (Article 66)-- (1) any martial court case that (A) is subject to the action of the judge attorney general under this section, and (b) is sent to the Military Review Tribunal on the orders of the Attorney General; and, (2) any action taken by the Attorney General by virtue of this section in this case. *(e) Without prejudice to article 866 of this title (Article 66), in any case reviewed by a Military Review Tribunal under this section, the Court may take action only in matters of law. 870. ART. 70. APPELLATE COUNSEL (a) The attorney general judge will detail in his office one or more officials in charge as an adviser to the Appealing Government, and one or more officials in charge as an appellant defense attorney, who are qualified under article 827(b)(1) of this title (Article 27(b)(1)). (b) The Government's appeals attorney will represent the United States before the Military Review Court or the Court of Military Appeals when directed by the Attorney General. The Appeals Government's attorney may represent the United States before the Supreme Court in cases arising out under this chapter when requested by the Attorney General. (c) The appeals defence counsel will represent the accused before the Court of Review the Court of Military Appeals or the Supreme Court, when requested by the accused; (2) when the United States is represented by the attorney; O O when the judge attorney general has sent the case to the Court of Military Appeals. (d) The accused has the right to be represented before the Military Review Court, the Court of Military Appeals, or the Supreme Court by the civil lawyer if provided. (e) The military appeal lawyer will also perform these other duties in relation to reviewing martial court cases as directed by the judge attorney general. 871. ART. 71. EXECUTION OF SENTENCE: SUSPENSION OF SENTENCE (a) If the court-martial ruling extends to death, that part of the sentence providing the death may not be executed until it is approved by the President. In this case, the President may commover, refer or suspend the sentence, or any part thereof, as he sees fit. This part of the sentence that provides death cannot be suspended. (b) If in the case of a commissioned officer, cadet or midshipman, the judgment of a court-martial extends to dismissal, this part of the judgment provided by dismissal may not be executed until it is approved by the Secretary in question or by that undersecretary as may be appointed by the Secretary in question. In this case, the Secretary, Undersecretary or Undersecretary, if applicable, may commute, refer or suspend the sentence, or any part of the judgment, as he sees fit. In times of war or national emergency can comber a dismissal sentence to reduce to any degree enlisted. Such a reduced person may be required to serve for the duration of the war or emergency and six months later. (c) (1) If a sentence extends to death, dismissal, or dishonorable discharge or misconduct and if the right of the accused is not waived to appeal for review, and an appeal is not withdrawn, under article 861 of this title (Article 61), this part of the sentence extending to death, dismissal, or a disgraceful discharge or misconduct may not be executed until there is a final judgment on the death, dismissal, or a disgraceful discharge or misconduct may not be executed until there is a final judgment on the procedure (and with regard to death or dismissal), approval in subsection (a) or (b), as applicable. A judgment on the legality of the proceedings is final in these cases when the review is completed by a Military Review Tribunal and-- (A) the time for the accused to submit a review request by the Court of Military Appeals has expired and the accused has not filed such a request for such a review and the case is not under review by this Court. (B) this request is rejected by the Court of Military Appeals; or (C) the review is completed in accordance with the ruling of the Court of Military Appeals and-- (i) a request for a certiorary writ is not presented within the deadlines prescribed by the Supreme Court; (ii) this request is rejected by the Supreme Court; (iii) the review is otherwise completed in accordance with the Supreme Court's ruling. (2) If a judgment extends to or an appeal is withdrawn, under article 861 of this title (Article 61), this part of the judgment extending to dismissal or a misconduct sick leave may not be executed until review of the case by a defending judge (and any action of this section) under Article 864 of that title (Article 64). Any other part of a court-martial ruling can be ordered executed by the convening authority or another person acting on the case under Article 860 of that title (Article 60) when approved by hum under this section. (d) The summoning authority or another person acting on the case under article 860 of this title (Article 60) may suspend the execution of any sentence or part thereof, except for a death penalty. 872. ART. 72. HOLIDAY SUSPENSION (a) Before the holiday of the suspension of a special court - martial ruling which, as approved includes a discharge of misconduct, or any general court martial court ruling, the officer who has special judicial-martial jurisdiction over the probationary will hold a hearing on the alleged violation of probation. The probationary will be represented at the hearing by the lawyer if he so wishes. (b) The minutes of the hearing will be sent and the recommendation of the officer who has special judicial martial jurisdiction for action to the officer exercising the general judicial-martial jurisdiction over the probationer. If the suspension is vacated, any non-executed part of the judgment will be executed, except for a dismissal, subject to restrictions applicable to section 871(c) of this title (Article 71(c)). The holiday of the suspension of a dismissal is not effective until it is approved by the Secretary in question. (c) The suspension of another sentence may be vacuied by any competent authority to summon, by the order in which the accused is serving or assigned, a court of the type that imposed the sentence. 873. ART. 73. PETITION FOR A NEW TRIAL At any time within two years of approval by the authority summoning a court-martial ruling, the accused may request the attorney general judge for a new trial on the grounds of newly discovered evidence or fraud in court. If the accused's case is pending before a Military Review Tribunal or before the Military Appeals Tribunal, the judge attorney general will refer the request to the appropriate court or action. Otherwise, the attorney general judge will act on the request. 874. ART. 74. REHEAR AND SUSPENSION (a) The Secretary in question, when appointed by him, any Undersecretary, Undersecretary, Judge Attorney General, or commanding officer may send or suspend any part or amount of the non-executed part of any sentence, including all non-collectible forfeitures other than a judgment prescribed by the President. (b) The Secretary in question may, for a good cause, cause, an administrative form of discharge or sick leave or discharge, or a discharge, to be executed in accordance with the judgment of a court martial. 875. ART. 75. RESTORATION (a) By virtue of regulations such as that of the President may prescribe, all rights, privileges and assets affected by an executed part of a martial court ruling that has been set aside or disapproved, except for an executed dismissal or discharge, will be restored unless a new trial or trial is ordered and that executed part is included in a judgment imposed in the new trial or trial. (b) If a previously executed sentence is not imposed for dishonorable or misconduct in a new trial, the Secretary concerned will be replaced by a form of high authorised by administrative issuance unless the accused serves the rest of this sentence. (c) If a previously executed sentence of dismissal by not being imposed on a new trial, the Secretary in question will be replaced by a form of discharge authorised by administrative issue, and the officer in charge dismissed by the judgment may be re-appointed by the President alone to this degree in charge and with such rank as in the opinion of the president that the ex-officer would have reached if he had not been dismissed. The re-election of this former official will be without regard to the existence of a vacancy and will affect the state of promotion of other officials only to the extent that the President may lead. All the time between dismissal and re-election will be considered a real service for all purposes, including the right to pay and bonuses. 876. ART. 76. END OF PROCEEDINGS, CONCLUSIONS AND JUDGMENTS The appellant review of the trial records provided by this chapter, the proceedings, the conclusions and judgments of the courts of martial, approved, reviewed or affirmed as required by this chapter, and all dismissals and terminations carried out in execution under judgments of the courts of martial after the approval, review or affirmation required by this chapter, are definitive and conclusive. The orders for the publication of the courts-martial procedure and all actions taken in accordance with these proceedings are binding on all departments, courts, agencies and officials of the United States, subject only to a request for a new trial as established in Article 873 of this Title (Article 73) and the action of the Secretary concerned as provided for in Article 874 of this Title (Article 74), and the authority of the President. 876th ART. 76a. PERMISSION NECESSARY TO BE TAKEN PENDING REVIEW OF CERTAIN JUDICIAL-MARTIAL CONVICTIONS Under the regulations prescribed by the Secretary in question, a defendant who has been convicted by a court martial may be required to take leave pending termination of the action under this subchapter if the sentence, as approved under Article 860 title (Article 60), includes a dismissal not spent or one not spent or discharge of misconduct, the accused may be obliged to initiate such permission on the date on which the judgment is approved under article 860 of this title (Article 60) or at any time after that date, and such permission may continue until the date on which the action under this subchapter is completed or may be terminated at any previous time. SUBCHAPTER X. PUNITIVE ARTICLES. ART. 877. 77. Main 878. 78. Accessory after the events879. 79. Conviction of minor offences included 880. 80. Attempts 881. 81. Conspiracy. 882. 82. Request. 883. 83. Enlistment, appointment or fraudulent separation. 884. 84. Illegal enlistment, appointment or separation. 885. 85. Desertion. 886. 86. Absence without permission. 887. 87. Missing movement. 888. 88. Contempt toward officials.889. 89. Disrespect towards the senior officer in charge.890. 90. Voluntarily assault or disobey the senior officer in charge. 891. 91. Insubordinate conduct toward warrant officer, unsued officer, or small officer.892. 92. Breach of order or regulation.893. 93. Cruelty and abuse.894. 94. Mutiny or sedition. 895. 95. Resistance, breach of detention and escape.896. 96. Release of prisoners without adequate authority.897. 97. Unlawful detention. 898. 98. Breach of procedural rules.899. 99. Bad behavior before the enemy. 900. 100. Convincing subordinate surrender. 901. 101. Misuse of countersign.902. 102. Force a safeguard. 903. 103. Capture or abandoned property.904. 104. Help the enemy. 905. 105. Misconduct as a prisoner. 906. 106. Spies. 907. 107. False official statements. 908. 108. United States military property loss, damage, destruction, or unlawful disposal. 909. 109. Property other than United States military property: waste, shoulders or destruction. 910. 110. Undue danger of the ship.911. 111. Drunk or reckless driving.912. 112. Drunk on duty. 912th. 112th. Illicit use, possession, etc., of controlled substances. 913. 113. Sentry misconduct. 914. 114. Dueling. 915. 115. Malingering. 916. 116. Riot or breach of the peace. 917. 117. Provoked speeches or gestures. 918. 118. Murder. 919. 119. Homicide. 920. 120. Carnal rape and knowledge.921. 121. Larceny and misappropriation.922. 122. Theft. 923. 123. Counterfeiting. 923rd. 123rd. Make, draw or pronounce check, draft or order without sufficient funds. 924. 124. Maiming. 925. 125. Sodomy. 926. 126. Arson. 927. 127. Extortion. 928. 128. Assault. 929. 129. Theft. 930. 130. Violation. 931. 131. Perjury. 932. 132. Fraud against the United States.933. 133. Conduct that is not sent to an officer and a gentleman. 934. 134. general article. 877. ART. 77. MAIN Anyone punished under this chapter who, (1) commits a crime punishable by this chapter, or aid, abets, commands or seeks its commission or (2) makes an act that, if direct, direct, for him would be punished for this chapter, he is a director. 878. ART. 78. ACCESSORY AFTER THE FACT Anyone subject to this chapter who, knowing that a crime punishable by this chapter has been committed, receives, comforts or helps the offender in order to hinder or impede their comprehension, trial or punishment will be punished as a court martial can lead. 879. ART. 79. CONVICTION OF MINOR OFFENCE A defendant can be found guilty of a crime necessarily included in the offence charged with or an attempt to commit the offence charged with or a crime necessarily included thereof. 880. ART. 80. ATTEMPTS (a) An act, made with specific intention to commit an offense under this chapter, which amounts to more than mere preparation and tending, although not, to make its commission, is an attempt to commit this crime. (b) Anyone subject to this chapter who attempts to commit any crime punishable by this chapter will be punished as a court-martial can lead, unless prescribed specifically. (c) Anyone subject to this chapter can be convicted of an attempt to commit a crime, although it appears in court that the crime was consummated.881. ART. 81. CONSPIRACY Anyone subject to this chapter conspiring with anyone else to commit a crime under this chapter, if one or more of the conspirators makes an act to effect the object of the conspiracy, be punished as a court martial can lead. 882. ART. 82. REQUESTED APPLICATION (a) Any person subject to this chapter who requests or obtains another or another who defects in violation of article 885 of this title (Article 85) or mutiny in violation of article 894 of this title (Article 94) will be punished, if the offence requested or advised is attempted or committed, will be punished with the punishment provided for , however, if the offence requested or advised is not committed or attempted, it will be punished as a court martial can lead. (b) Any person subject to this chapter who requests or obtains another or another who commits an act or bad behaviour before the enemy in violation of article 899 of this title (Article 99) or sedition in violation of article 894 of this title (Article 94) will be punished, if the offence requested or advised is committed, will be punished with the penalty , however, if the offence requested or advised is not committed, it will be punished as a court martial. 883. ART. 83. FRAUDULENT ENLISTMENT, APPOINTMENT OR SEPARATION Anyone who-- (1) contracts their own enlistment or appointment or appointment in the armed forces, knowing false representation or deliberate concealment regarding their qualifications for enlistment or appointment and receives payment or allowances therein; or (2) acquires its own of the armed forces knowing the false representation or deliberate concealment as to their eligibility for this enlistment; will be punished as a court martial can lead. 884. ART. 84. ILLEGAL ENLISTMENT, APPOINTMENT OR SEPARATION Anyone subject to this chapter who makes an enlistment or appointment or separation of the armed forces from anyone known to be ineligible for such enlistment, appointment or separation because it is prohibited by law, regulation or order will be punished as a court martial may lead. 885. ART. 85. INSERTION (a) Any member of the armed forces who, without authority, goes or remains absent from their unity, organization or place of duty with the intention of staying away from it permanently; (2) abandons its unit, organization or place of duty with the intention of avoiding dangerous duty or suffocating significant service; or (3) without being regularly separated from one of the armed forces enlists or accepts an appointment in it or another of the armed forces without fully disclosing the fact that it has not been regularly separated, or enters any foreign armed service except when authorized by the United States; is guilty of desertion. (b) Any officer in charge of the armed forces who, after tendering his resignation and prior to his acceptance, leaves his or her position without permission and with the intention of staying away from it permanently is guilty of desertion. (c) Anyone found guilty of desert desertion or attempt will be punished, if the offence is committed in times of war, death or other punishment as a court martial can direct, but if desert desertion or attempt occurs at any other time, for this punishment, other than death, as a court martial can lead. 886. ART. 86. ABSENCE WITHOUT LEAVE No member of the armed forces who, without authority-- (1) does not go to their designated job at the prescribed time; (2) goes from this site; or (3) absent or remains absent from your unit, organization or workplace in which you are required to be at the prescribed time; will be punished as a court martial can lead. 887. ART. 87. LACK OF MOVEMENT Anyone subject to this chapter who by negligence or design loses the movement of a ship, plane or unit with which you are required in the course of duty to move will be punished as a court martial can lead. 888. ART. 88. CONTEMPT TOWARDS OFFICIALS Any officer in charge who uses disparaging words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of Transportation, or the Governor or legislature of any State, Territory, Commonwealth, or possession in which he is on duty or present will be punished as a court martial can lead. 889. ART. 89 DISRESPECT FOR A SUPERIOR IN CHARGE person subject to this chapter who behaves with disrespect towards his superior in charge of will be punished as a court martial can lead. 809. ART. 90. VOLUNTARILY ASSAULT OR DISOBEY THE SENIOR OFFICER IN CHARGE. Anyone subject to this chapter who, (1) hits his officer-in-charge superior or draws or raises any weapons or offers any violence against him while in the execution of his officer; (c2) voluntarily disobeys a legal command of its in charge officer superior; will be punished, if the crime is committed in times of war, death or other punishment as a court martial can direct, and if the crime is committed at any other time, for this punishment, other than death, as a court martial can lead. 891. ART. 91. INSUBORDINATE CONDUCT TOWARDS WARRANT OFFICER, UNCOMMISSIONED OFFICER, OR PETTY OFFICER Any warrant officer or enlisted member who-- (1) attacks or assaults a warrant officer, unsutandred officer, or petty officer, while that officer is in the execution of his office; (2) voluntarily disobeys the legal order of a warrant officer, unsubsoldier officer, or small officer; or (3) treats with contempt or is disrespectful in language or deportation towards a warrant officer, uncommissioned officer, or small officer while that officer is in the execution of his office; will be punished as a court martial can lead. 892. ART. 92. BREACH OF THE ORDER OR REGULATION Anyone subject to this chapter who, (1) violates or breaches any general legal order or regulation; (2) To be aware of any other legal order issued by any member of the armed forces, which is their duty to obey, does not obey order; or (3) is deducted from performing its duties; will be punished as a court martial can lead. 893. ART. 93. CRUELTY AND MISTREATMENT Anyone subject to this chapter who is guilty of cruelty towards, or oppression or mistreatment of, anyone subject to their orders will be punished as a court-martial can lead. 894. ART. 94. MUTINY OR SEDITION (a) Anyone subject to this chapter who, with the intention of usurping or annulling legal military authority, refuses, in concert with anyone else, to obey orders or otherwise do their duty or create any violence or disturbance is guilty of mutiny; (2) with the intention of causing the overthrow or destruction of legal civil authority, creates, in concert with any other person, rebellion, violence or disturbance against this authority is guilty of sedition; (3) does not do everything possible to prevent and suppress a riot or sedition that is committed in his presence, or does not take all reasonable means to inform his in charge superior or commander of a riot or sedition that he knows or has reason to believe is occurring, he is guilty of a failure to suppress or report a riot or sedition. (b) A that she is found guilty of attempted mutiny, mutiny, sedition or lack of suppression or reporting of a riot or sedition sedition be punishable by death or such other punishment as a court martial can direct. 895. ART. 95. RESISTANCE, BREACH OF DETENTION AND ESCAPE Anyone subject to this chapter who resists the capture or breaking of detention or escapes custody will be punished as a court-martial can lead. 896. ART. 96. RELEASING PRISONER WITHOUT PROPER AUTHORITY Anyone subject to this chapter who, without adequate authority, releases any prisoner committed to his or her office, or who by negligence or design suffers any prisoner to escape, will be punished as a court-martial can lead, whether or not the prisoner was committed in strict compliance with the law. 897. ART. 97. ILLEGAL DETENTION Anyone subject to this chapter who, except as provided by law, arrests or confiscates any person will be punished as a court-martial. 898. ART. 98. BREACH OF PROCEDURAL RULES Anyone subject to this chapter who-- (1) is liable for an unnecessary delay in the provision of any case of a person accused of a crime under this chapter; or (2) knowingly and intentionally breaches or complies with any provision of this chapter regulating the proceedings before, during or after the trial of a defendant; will be punished as a court martial can lead. 899. ART. 99. MISCONDUCT BEFORE THE ENEMY Any person subject to this chapter that before or in the presence of the enemy--(1) flees; (2) shamefully abandons, surrenders or delivers any command, unit, place or military property that is your duty to defend; (3) through disobedience, oblivion or intentional misconduct jeopardizes the safety of any such command, unit, place or military property; (4) throws his arms or ammunition; (5) is guilty of cowardly conduct; (6) leaves his place of duty to loot or plunder; (7) causes false alarms in any command, unit or site under the control of the armed forces; (8) voluntarily does not do its best to meet, get involved, capture or destroy any enemy troops, fighters, ships, aircraft, or anything else, which is their duty to meet, engage, capture or destroy; or (9) all practicable relief and assistance to any troops, fighters, ships or aircraft of the armed forces belonging to the United States or its allies are allowed when engaged in battle; he will be punished for death or this punishment as a court martial can lead. 900. ART. 100. SUBORDINATE IMPERIOUS SURRENDER Any person subject to this chapter who ob obeys or attempts to force the commander of any place, ship, aircraft or military property, or any body of members of the armed forces, to assign it to an enemy or to abandon it, or to attack the colours or flag to enemy without proper authority, will be punished by death or this punishment as a court martial can lead. 901. ART. 101. MISUSE OF THE PASSWORD Anyone subject to this chapter who Wartime reveals probation or countersigns anyone who does not have the right to receive it or who gives to another who has the right to receive and use probation or countersign a different parole or countersignation than, according to their knowledge, was authorized and forced to give, will be punished for death or this other punishment as a court martial can direct. 902. ART. 102. FORCING A SAFEGUARD Anyone subject to this chapter forces a safeguard to suffer death or other punishment as a court martial can direct. 903. ART. 103. CAPTURED OR ABANDONED PROPERTY (a) All persons subject to this chapter will protect all public property taken from the enemy for united states service, and shall give notice and surrender to appropriate authority without delay all properties captured or abandoned in their power, custody or control. (b) Anyone subject to this chapter who-- (1) breaches the functions prescribed in the subsection (a); (i) purchase, sells, trades, or in any way deals with or has captured or abandoned goods, so you receive or expect any profit, profit, or an advantage for yourself or another directly or indirectly connected to yourself; or (3) is engaged in looting or looting; will be punished as a court martial can lead. 904. ART. 104. HELP THE ENEMY Anyone who, (1) helps, or attempts to help, the enemy with weapons, ammunition, supplies, money, or other things; or (2) without adequate authority, knowing that it harbors or (protects or gives intelligence or communicates or corresponds to or maintains any relationship with the enemy, either directly or indirectly, will suffer death or any other punishment as a martial or military judicial commission can direct. 905. ART 105. MISCONDUCT AS A PRISONER Anyone subject to this chapter who, while in the hands of the wartime enemy, (1) for the purpose of ensuring favorable treatment by their captors acts without adequate authority in a manner contrary to law, custom or regulation, to the detriment of others of any nationality held by the enemy as civilian or military prisoners; or (2) while in a position of authority over these persons they mistreat them without justified cause; will be punished as a court martial can lead. 906. ART. 106. SPIES Anyone who in wartime is lurking as a spy or acting as a spy on or over any place, ship or plane, within the control or jurisdiction of any of the armed forces, or at or over any shipyard, any manufactory or industrial plant, or any other place or institution engaged in work in aid of the pursuit of war by the United States, or, elsewhere, will be tried by a general court or by a military commission and conviction will be punished by death. 906th ART. 106a. ESPIONAGE (A) (1) Anyone subject to this chapter who, with intention or read to believe that it should be used for the injury of the United States or for the benefit of a foreign nation, communicates, delivers or transmits, or attempts to communicate, deliver or transmits, any information that is classified as a secret or confidential, or that is so classified, will be punished as a court

a court martial can lead, except that if found guilty under clause (1) or (4), he will suffer lifelong death or imprisonment as a court martial can lead. 919. ART. 119. MANSLAUGHTER (a) Anyone subject to this chapter who, with the intention of killing or inflicting extensive bodily harm, illegally kills a human in the heat of sudden passion caused by proper provocation is guilty of voluntary manslaughter and will be punished as a court martial can lead. (b) Any person subject to this chapter who, with no intention of killing or inflicting great bodily harm, illegally kills a human being, (1) by guilty; or (2) when perpetuating or attempting to perpetrate a crime, other than those named in clause (4) of section 918 of this title (Article 118), directly directly the person; he is guilty of involuntary manslaughter and will be punished as a court martial can lead. 920. ART. 120. CARNAL RAPE AND KNOWLEDGE (a) Anyone subject to this chapter who commits an act of sexual intercourse with a woman not his wife, by force and without consent, is guilty of rape and will be punished for death or such a punishment as a court martial can direct. (b) Anyone subject to this chapter who, in circumstances that do not amount to rape, commits an act of sexual intercourse with a woman not his wife who has not reached the age of sixteen, is guilty of carnal knowledge and will be punished as a court martial can lead. (c) Penetration, however slight, is sufficient to complete any of these crimes. 921. ART. 121. ILLEGAL LARCENY AND APPROPRIATION (a) Any person subject to this chapter that takes, obtains or wrongly retains, by any means, from the possession of the owner or any other person any money, personal goods, or item of value of any kind– (1) with the permanent intention of depriving or defrauding another person of the use and benefit of the property or ap appropriate its gained use or the use of anyone other than the owner , steals this property and is guilty of larceny; or (2) with the intention of depriving or temporarily defrauding another person of the use and benefit of the property or ap appropriate their own use of anyone other than the owner, is guilty of misappropriation. (b) Anyone found guilty of larceny or misappropriation will be punished as a court martial can lead. 922. ART. 122. THEFT Any person subject to this chapter who intends to steal takes anything of value from the person or in the presence of another, against their will, through force or violence or fear of immediate or future injury to their person or property or to the person or property of a family member or member of their family or any person in their company at the time of theft , is guilty of theft and will be punished as a court martial can lead. 923. ART. 123. FORGERY Any person subject to this chapter who, with the intention of defrauding – (1) falsely makes or alters any signature, or any part of, any writing that, if genuine, would apparently impose a legal liability on another or change their legal right or responsibility to their prejudice; or (2) pronounces, offers, issues or transfers this writing, known to him for being so made or altered; he is guilty of forgery and will be punished as a court martial can lead. 923rd ART. 123. MAKE, DRAW OR PRONOUNCE CHEQUE, DRAFT OR ORDER WITHOUT SUFFICIENT FUNDS Anyone subject to this chapter who, (1) for the contracting of any article or thing value, with the intention of defrauding; o(2) for the payment of any due obligation passed, or for any other purpose, with the intention of deceiving; does, draws, pronounces or delivers any check, draft or command of payment of money in any bank or other depository, knowing at the time that the manufacturer or drawer does not have or will not have sufficient funds in, or credit with, the bank or other depository for the payment of this check, draft, or order in full presentation, will be punished as a court martial can lead. The realization, drawing, pronunciation or delivery by a manufacturer or drawer of a check, draft or order, whose payment is denied by the drawer due to the insufestation of funds of the manufacturer or drawer in possession or control of the drawer, is a prima facie evidence of its intention to defraud or deceive and its knowledge of insufficient funds in , or credit with , this bank or other depository, unless the manufacturer or drawer pays the holder the amount owed within five days of receiving the notice, orally or in writing, that the check, draft or order was not currently paid. in this section the word credit means an agreement or understanding, express or implicit, with the bank or another depository for the payment of this check, draft or order.924. ART. 124. MAIMING Anyone subject to this chapter who, with the intention of injuring, disfiguring or deactivating, inflicts on the person of another an injury that, (1) seriously disfigures his person by a mutilation of the same; (2) destroys or deactivates any member or organ in your body; or (3) seriously decreases your physical vigour by injury to any member or organ;is guilty of killing and will be punished as a court martial can lead. 925. ART. 125. SODOMY (a) Anyone subject to this chapter engaged in unnatural carnal copulation with another person of the same sex or opposite or with an animal is guilty of sodomy. Penetration, however slight, is enough to complete the offense. (b) Anyone found guilty of sodomy will be punished as a court martial can lead.926. ART. 126. ARSON (a) Any person subject to this chapter who voluntarily or maliciously burns or fires an inhabited home, or any other structure, mobile or immovable, in which the offender's knowledge exists at the time a human being is guilty of aggravated fire and will be punished as a court martial can lead. (b) Anyone subject to this chapter who burns or fires voluntarily and maliciously on the property of another, except as set out in subsection (a), is guilty of a simple fire and will be punished as a court martial can lead. 927. ART. 127. EXTORTION Anyone subject to this chapter who communicates threats to another person with their intention to obtain anything of value or any acquittal, advantage or immunity is guilty of extortion and will be punished as a court martial can lead. 928. ART. 128. ASSAULT (a) Any subject to this chapter attempting or offering with force or unlawful violence to do bodily harm to another person, whether or not consumed the attempt or offer, is guilty the assault and will be punished as a court martial can lead. (b) Anyone subject to this chapter who– (1) commits an assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm; or (2) commits an assault and intentionally inflicts serious bodily harm with or without a weapon; he is guilty of aggravated assault and will be punished as a court martial can lead. 929. ART. 129. THEFT Anyone subject to this chapter who, with the intention of committing a punishable offence under article 918-929 of this title (Article 118-128), breaks and enters, at night, the dwelling of another, is guilty of theft and will be punished as a court martial can lead. 930. ART. 130. HOUSEBREAKING Anyone subject to this chapter who illegally enters another's building or structure with intent to commit a criminal offence therein is guilty of breaking the home and will be punished as a court martial can lead. 931. ART. 131. PERJURY Anyone subject to this chapter who in a judicial proceeding or ongoing justice voluntarily and corruptly– (1) in a legal oath or in a form permitted by law to be replaced by an oath, gives any false witness material to the matter or matter of investigation; or (2) in any statement, certificate, verification or declaration under penalty or perjury as persueded in accordance with article 1746 of Title 28, United States Code, subscribes any false statement material to the matter or matter of investigation;is guilty of perjury and will be punished as a court martial can lead. 932. ART. 132. U.S. FRAUD Anyone subject to this chapter, (1) who, knowingly false or fraudulent, (A) makes any claim against the United States or any officer thereof; or (B) submits to anyone in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof; (2) that, in order to obtain the approval, bonus or payment of any claim against the United States or any official thereof (A) makes or uses any writing or other document knowing that it contains false or fraudulent statements; (B) makes any oath to any fact or any writing or other document knowing that the oath is false; or (C) falsify or falsify any signature in any writing or other document, or use any signature that knows it must be forged or forged; (3) that, having collected, possession, custody or control of any money, or other property or the United States, furnished or intended for the armed forces thereof, knowing that it delivers to anyone who has the authority to receive it, any amount thereof to which receive a certificate or receipt; or (4) that, being authorized to make or deliver any document proving receipt of any property in the United States furnished or intended for the armed forces thereof, thereof, to anyone who writes without having full knowledge of the truth of the statements contained there in it and with the intention of defrauding the United States; after conviction, he will be punished as a court martial can lead. 933. ART. 133. IMMINENT CONDUCT AN OFFICER AND A KNIGHT Any officer in charge, cadet or midshipman who is convicted of conduct that cannot become an officer and a knight will be punished as a court martial can lead. 934. ART. 134. GENERAL ARTICLE Although not specifically mentioned in this chapter, all disorders and negligences to the detriment of good order and discipline in the armed forces, all conduct of nature to bring discredit to the armed forces, and non-capital crimes and crimes, of which the persons subject to this chapter may be guilty, will be taken by the cognition of a general , special or summary court martial, in accordance with the nature and degree of crime, and will be punished at the discretion of this court. SUBCHAPTER XI. VARIOUS LAYOUTS. Art. 936. 135. Courts of consultation 936. 136. Authority to administer oaths and act as a notary.937. 137. Articles to be explained. 938. 138. Bug complaints.939. 139. Repair of injuries to the property. 940. 140. Delegation of the President. 935. ART. 135. COURTS OF INQUIRY (a) Courts of Inquiry to investigate any matter can be summoned by anyone authorised to convene a general court martial or by anyone else appointed by the Secretary concerned for this purpose, whether or not the persons involved have requested such an investigation. (b) A court of inquiry is made up of three or more officials in charge. For each court of inquiry the summoning authority will also appoint counsel for the court. (c) Any person subject to this chapter whose conduct is subject to consultation will be designated as a party. Anyone subject to this chapter or employed by the Department of Defense who has a direct interest in the subject of the investigation has the right to be designated as a party at the request of the court. Any person designated as a party must receive due notice and has the right to be present, to be represented by the lawyer, to examine witnesses and to introduce evidence. (d) Members of a court of inquiry can be challenged by a party, but only for cause manifested in court. (e) Members, lawyer, reporter and interpreters of the investigative courts must take an oath to faithfully perform their duties. (f) Witnesses may be summoned to appear and testify and be examined before the courts of inquiry, as arranged in the courts of law. (g) The courts of inquiry must make conclusions of the facts, but they cannot opinions or make recommendations unless necessary to do so by the organising authority. (h) Each court of inquiry will keep a record of its procedure, which will be authenticated by the signatures of the President and the court's lawyer and forwarded to the Authority. If the record cannot be authenticated by the president, it will be signed by a member rather than the president. If the minutes cannot be authenticated by the court's counsel, it will be signed by a member rather than the lawyer. * 936. ART. 136. AUTHORITY TO ADMINISTER OATHS AND ACT AS A NOTARY (A) The following persons on active duty or carrying out inactive training may administer oaths for the purposes of military administration, including military justice, and have the general powers of a notary public and a consul of the United States, in the execution of all notarial acts to be executed by members of any of the armed forces , wherever they may be, by persons serving, hiring or accompanying the armed forces outside the United States and outside the Channel Zone, Puerto Rico, Guam and the Virgin Islands, and by others subject to this chapter outside the United States. (1) All defenders of the judge (2) All courts of martial summary. (3) All adjudicating, adjutant assistants, acting adjutants and personnel assistants. (4) All commanding officers of the Navy, Marine Corps and Coast Guard. (5) All advocates and legal officers staff judges, and acting judge advocates or assistants of staff and legal officers. (6) All other persons appointed by regulations of the armed forces or by statute. .(b) The following persons on active duty or in the exercise of inactive training may administer the necessary oaths in the exercise of their duties: (1) The President, the military judge, the trial lawyer and the assistant counsel for all general and special court martial courts. (2) The President and the court's counsel of any court of inquiry. (3) All officers appointed to take a deposition. (4) All people detailed to conduct an investigation. (5) All recruitment officers. (6) All other persons designated by regulation of the armed forces or by statute. (c) No commission may be paid or received by any person for the performance of any notarial act authorized here. (d) The signature without stamp of any person acting as a notary, together with the title of his office, is proof prima facie of his authority. * 937. ART. 137. ARTICLES TO EXPLAIN. (a) (1) Sections of this title (articles of the Uniform Code of Military Justice) specified in paragraph (3) will be carefully explained to each member inscribed at the time of (or within six following days)– (A) the initial entry of the member into active service; or (B) the initial entry of the partner in a service state with a booking component. (2) These sections (articles) will be explained again– (A) after the member has completed six months of active service or, in the case of a member of a booking component, once the has completed basic training or recruitment; (B) at the time the member re-enlists. (3) This subsection applies to sections 802, 803, 807-815, 825, 827, 831, 831, 838, 855, 877-934, and 937-939 of this title (articles 2 , 3, 7-15, 25, 27, 31, 38, 55, 77-134, and 137-139). (b) The text of the Uniform Code of Military Justice and the regulations prescribed by the President under this Code will be made available to a member on active duty or to a member of a reserve component, at the request of the member, for personal examination of the member. 938. ART. 138. ALLEGATIONS OF MISTAKEN Any member of the armed forces who is deemed wrong by their commanding officer, and who, due to his request to this commanding officer, is denied redress, can complain to any senior officer, who will forward the complaint to the office exercising judicial-martial jurisdiction over the officer against whom it is made. The officer exercising general judicial-martial jurisdiction will examine the complaint and take appropriate action to correct the evil he complains about; and, as soon as possible, will send the Secretary a real statement of this complaint, with the procedure thereof. 939. ART. 139. REPAIR OF PROPERTY INJURIES (a) Whenever a complaint is filed with any commanding officer voluntary damage has been done to the property of any person or that their property has been wrongly taken by members of the armed forces, they may, in accordance with the regulations that the Secretary in question may prescribe, convene a board to investigate the complaint. The board will consist of one to three officials in charge and, for the purposes of the investigation, has the power to summon witnesses and examine them in oath, to receive depositions or other documentary evidence, and to assess the damages suffered against those responsible. The evaluation of the damages caused by the board is subject to the approval of the command, and in the amount approved by him will be charged against the payment of the offenders. The order of the commanding officer leading the charges here authorized is conclusive about any officer paying for payment by him to those injured in the damages assessed and approved. (b) If the offenders cannot be found, but the organisation or landside to which they belong is known, charges may be charged for the amount of damages assessed and approved in the proportion that may be considered fair to individual members thereof who are shown to have been present at the scene at the time the damages they complained were inflicted. , as determined by the council's approved conclusions. 940. ART. 140. DELEGATION OF THE PRESIDENT. The President may delegate any authority that was bound to him under this chapter, and provide the sub-delegation of any of these authorities. *SUBCHAPTER XII. COURT OF APPEAL MILITARY INSTALLATIONSEC. ART. 941. ART. 141. STATUS There is a background court known as the United States Court of Military Appeals. court establishes article 1 of the Law on The Court is located for administrative purposes only in the Department of Defense. 942. ART. 142. Judges. (a) NUMBER. The United States Court of Military Appeals is made up of five judges. (b) APPOINTMENT; Rating. (1) Each judge of the court shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, for a period determined in paragraph (2). A judge can serve as a senior judge as arranged in subsection (e). (2) A judge's term will expire as follows: (A) In the case of a judge to be appointed after 31 March and before 1 October of any year, the term will expire on 30 September of the year on which the fifteenth anniversary of the appointment takes place. (B) In the case of a judge to be appointed from 30 September of any year and before 1 April of the following year, the term will expire fifteen years after this September 30. (3) No more than three of the judges can be appointed from the same political party, and no person can be appointed to be a court judge unless the person is a member of the order of a federal court or a state's high court. (c) ELIMINATION. The judges of the court may be removed from office by the President, after notification and hearing, for– (1) neglect of duty; (2) misconduct; or (3) mental or physical disability. A judge cannot be removed by the president for any other cause. (d) PAY AND ALLOWANCES. Every judge on the court is entitled to the same salary and travel allowances that are, and from the moment it may be, provided for by the judges of the United States Courts of Appeals. (e) SENIOR JUDGES. (1) A former court judge who is receiving retired salary or an annuity under article 945 of this title (Article 145) or under Subject III of Chapter 83 or Chapter 84 of Title 5 will be a superior judge. (2) (A) The chief judge of the court may ask a superior court judge, with the consent of the high judge, to perform judicial duties with the court– (i) during a period in which a court judge cannot perform their duties due to illness or other disability; (ii) during a period when a position of judge of the court is vacant; or (iii) in any case in which a court judge recuses hid. (B) A senior judge will be paid for each day in which he performs judicial duties before the court an amount equal to the daily equivalent of the annual rate of payment provided for a court judge. This salary will be instead of retired payment and instead of an annuity under article 945 of this title (Article 145), Sub-Chapter III of Chapter 83 or Sub-Chapter II of Chapter 84 of Title 5, or any other retirement system for Federal Government employees. (3) A superior judge, while the duties to which the section 2, this office space and staff assistance will be available, since the chief judge deems appropriate and will be entitled to the per diem, we say, allowances and other allowances provided for court judges. (4) A senior judge will be considered as a United States officer or employee with regard to his status as a senior judge, but only during the periods when the senior judge is performing duties referred to in paragraph (2). For the purposes of Article 205 of Title 18, a senior judge will be considered as a special government employee during these periods. Any provision of the law prohibiting or limiting the political or business activities of a United States employee will apply to a superior judge only during those periods. (5) The court must prescribe rules for the use and conduct of the court's senior judges. The chief judge of the court must pass on these rules, and any amendments to these rules, to the Senate Armed Services Committees and the House of Representatives no later than 15 days after these rules or amendments are issued, where appropriate. (6) For the purposes of Subgame III of Chapter 83 of Title 5 (relating to the Retirement and Disability System of public administration) and chapter 84 of this title (relating to the Federal Employee Retirement System) and for the purposes of any other retirement system of the Federal Government for federal government employees–(A) a period during which a senior judge performs functions referred to in paragraph (2) will not be considered service (B) no amount of a senior judge's salary will be retained as a retirement contribution under article 8334, 8343, 8342, or 8432 of Title 5 or under another retirement system during any period during which the senior judge performs arbitration duties in paragraph (2); (c) no contribution will be made by the Federal Government to any retirement system with respect to a senior judge during any period during which the senior judge performs functions referred to in paragraph (2); and (D) a senior judge will not be considered an ascendant for any period during which the superior judge performs functions referred to in paragraph (2). (f) SERVICE OF THE JUDGES OF ARTICLE III. (1) The Chief Judge of the United States, at the request of the chief judge of the court, may appoint a judge of a U.S. appeals court or a district court of the United States to perform the functions of judge of the United States Court of Military Appeals– (A) for a period that a court judge cannot perform his or her duties due to illness or other disabilities; or (B) in any case in which a court judge recuses hid. (2) A designation under paragraph (1) may only be made with the consent of the appointed judge and the concurrence of the chief judge of the appeals court or district court in question. (3) By we say, travel allowances and allowances paid to the judge appointed in relation to the performance of the functions of the court will be paid from available funds payment of allowances and these allowances for the judges of the court. (g) VACANCY EFFECT IN COURT. A vacancy in the court does not prejudice the right of the rest of the judges to exercise the powers of the court. 943. ART. 143. ORGANIZATION AND EMPLOYEES (a) CHIEF JUDGE. The president will occasionally appoint one of the judges of the United States Court of Military Appeals to be chief justice of the court. (b) PRECEDENCE OF JUDGES. The chief judge of the court will take priority and preside over any session he attends. The other judges will take priority and preside in accordance with the seniority of their original commissions. Judges whose committees have the same date will have priority according to age of age. (c) STATUS AS A LAWYER. (1) The jobs of the Court of Military Appeals are exempt from competitive service. The appointments to these positions will be made by the court, without the concurrence of any other official or employee of the executive branch, since in the same way that appointments are made to other positions of the executive branch of a confidential or political nature - determining for which it is not practicable to examine or hold a competitive examination, these positions will not be counted as positions of this character for the purposes of any limitation in the number of positions of this nature provided for in the law. (2) In making appointments to the positions described in section 1, preference will be given, among equally qualified persons, to persons who are eligible preferential (as defined in section 2108(3) of Title 5). 944. ART. 144. PROCEDURE The United States Court of Military Appeals may prescribe its procedural rules and may determine the number of judges needed to constitute a quorum. 945. ART. 145. ANNUITIES FOR JUDGES AND SURVIVORS (a) RETIREMENT ANNUITIES FOR JUDGES. (1) A person who has completed a service term for which he was appointed a judge of the United States Court of Military Appeals is eligible for an annuity under this section after the separation from civil service to the Federal Government. (2) It will be paid to a person who is eligible for any annuity in this section if, at the time you are eligible to receive this annuity, choose to receive this life annuity instead of any other life annuity for which you may be eligible at the time of these elections (either an immediate or deferred income) under subgame III of Chapter 83 or Subsaptern II of Chapter 84 of Title 5 or any other retirement system for civil employees of the Federal Government. These elections cannot be revoked. (3) (A) The Secretary of Defense will notify the Director of the Office of Personnel Management each time a choice by virtue of paragraph (2) affecting any right or interest under Substamen III of Chapter 83 or Sub-85 of Title 5 as a judge of the United States Court of Military Appeals. (B) Upon receiving any notification under subparagraph (A) in the case of a person making a choice under (2), the Director will determine the amount of the person's single credit under Substaptator III of Chapter 83 or Subet II of Chapter 84 of Title 5, where applicable, and will ask the Treasury Secretary to transfer this amount from the Public Function Retirement and Disability Fund to the Department of Defense of the Retirement Fund Military. The Treasury Secretary will make any transfer so requested. (C) In determining the amount of a single credit by virtue of section 8331(8) of Title 5 for the purposes of this paragraph, (i) interest will be calculated using the rates in section 8334(e)(3) of this title; and (ii) the completion of 5 years of civil service (or longer) will not be a basis for excluding interest. (b) AMOUNT OF THE ANNUITY. The annuity paid under this section to a person making an election under subsection (a)(2) is 80 percent of a judge's pay rate on active duty to the United States Court of Military Appeals as of the date the person is separated form civil service. (c) RELATION TO THE THRIFT SAVINGS PLAN. Nothing in this section affects any right of anyone to participate in the savings plan in section 8351 of Title 5 subseapter III of chapter 84 of this title. (d) SURVIVING INCOME. The Secretary of Defense must prescribe by regulation a program to provide annuities for survivors and ex-spouses of people receiving annuities in section by reason of elections made by these persons under subsection (a)(2). This program, as far as possible, will provide benefits and establish terms and conditions similar to those provided for in survivor and former spouse annuity programs in other retirement systems for civil employees of the Federal Government. The program may include provisions for reducing the annuity paid to the person as a condition for the survivor's annuity. A choice of a judge (including a superior judge) or a former judge to receive an annuity under this section terminates any right or interest that any other individual may have to an annuity of survival in any other retirement system for civil employees of the Federal Government based on that judge's service or former judge as a civil servant or Federal Government employee (except for an election under subsection (g)(1)(B)). (e) COST-OF-LIVING INCREASES. The Secretary of Defence will periodically increase the annuities and survival income paid in this section to take into account changes in the cost of living. The Secretary must prescribe by regulatory procedures for the increase of the in this section. This system will provide, as far as possible, the adjustments similar to those provided in other retirement systems for civilian employees of the Federal Government. (f) DUAL COMPENSATION. A person who is receiving an annuity under this section on the grounds of service as a court judge and who is appointed to a position in the Federal Government, during that person's service period in that position, will be entitled to receive only the annuity under this section or the payment of that position, whichever is higher. (g) CHOICE OF JUDICIAL RETIREMENT BENEFITS. (1) A person who is receiving an annuity under this section on the grounds of service as a judge of the court and who is subsequently appointed as a judge or judge of the United States to hold the position during good behavior and who is removed from that position, or of regular service in that position, will be paid either- (A) the annuity under this section , or (B) the annuity or salary to which he is entitled by reason of his service as a judge or judge of the United States, as determined by a choice of that person at the time of his removal from office, or of the regular active service in office, justice or judge of the United States. These elections cannot be revoked. (2) A choice of a person to pay an annuity or salary in accordance with paragraph (1)(B) ends (A) any choice previously made by that person to provide a survival income in accordance with subsection (d), and (B) any right of any other person to receive a surviving life annuity in accordance with subsection (d) based on that person's service. (h) SOURCE OF PAYMENT OF ANNUITIES. The annuities and survival income paid in this section will be paid to the Military Retirement Fund of the Department of Defense. 946. ART. 146. CODE COMMITTEE (a) ANNUAL SURVEY. At least annually, a committee will conduct a full annual survey on the operation of this chapter. (b) COMPOSITION OF THE COMMITTEE. the committee will consist of: (1) the judges of the United States Court of Military Appeals; (2) the judge advocates general of the Army, Navy and Air Force, Chief Counsel of the Coast Guard, and The Chief of Staff Judge Defending the Commandant of the Marine Corps; and (3) two members of the public appointed by the Secretary of Defense. (c) REPORTS. (1) After each survey, the committee will submit a report – (A) to the Senate Armed Services Committees and House of Representatives; i(B) Amy's recommendation of the committee concerning the uniformity of policies regarding sentences; (ii) amendments to this chapter; and (iii) any other matter deemed appropriate by the Committee. (d) QUALIFICATION AND CONDITIONS OF THE DESIGNATED MEMBERS. Each committee member appointed by the Secretary of Defense under subsection (B)(3) will be a recognized authority on military justice or criminal law. Each member for a term of three years. (e) APPLICABILITY OF THE LAW OF THE FEDERAL ADVISORY COMMITTEE. The Law of the Federal Advisory Committee (5 USA, C'application I) will not apply to the committee. Committee.

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