

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee

v.

Sergeant (E-5)
TREVAR D. TINSLEY
United States Army,
Appellant

MOTION FOR ORAL ARGUMENT
ON ASSIGNMENTS OF ERROR I
AND III

Docket No. ARMY 20200337

Tried at Fort Bragg, North Carolina, on
14 April, 22-24 June, and 1 July 2020,
before a general court-martial
appointed by Commander, United
States Army John F. Kennedy Special
Warfare Center and School, Colonel
Charles Pritchard and Lieutenant
Colonel Christopher Martin, Military
Judges, presiding.

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES ARMY
COURT OF CRIMINAL APPEALS

COME NOW undersigned appellate defense counsel, pursuant to Rules 23
and 25 of this Court's Rules of Practice and Procedure, and request oral argument
on behalf of the appellant, Sergeant Trevar D. Tinsley. Undersigned counsel
request argument on the first and third Assignments of Error:

On Assignment of Error I, at trial, defense counsel requested that Dr.

██████ serve as both a consultant and expert witness. There is no requirement to
request one or the other. Based on the briefs, there seems to be a confusion about
the roles of an expert consultant and an expert witness. Consultants regularly
become witnesses and there is no requirement for a special request for an expert

witness be produced “without the veil of privilege” as suggested by the government brief. (Gov. Br. 10). The military judge limited his ruling to the consultant analysis. Undersigned counsel believe that oral argument would assist this Court in reviewing the judge’s consultant analysis and his failure to make findings of fact and conclusions of law regarding the expert witness request.

Assignment of Error III involves the military judge limiting the defense from adequately confronting and offering evidence related to Ms. [REDACTED] claims regarding other Soldiers. The government brief suggests that the defense needed to prove it was a false accusation. (Gov. Br. 34). It does not matter whether Ms. [REDACTED] accusation against the other men was false or not. The entire case came down to what Ms. [REDACTED] perceived happened that evening and early morning. While a false accusation is relevant, any accusation alleged to have occurred immediately before heading to a private hotel room with Appellant is also relevant. Argument will assist the Court in sorting through the facts and multiple versions of the incident at issue. Argument will help the Court with the prejudice analysis as the entire case came down to Ms. [REDACTED] credibility, unusual behavior, ability to perceive, and memory.

Argument would also benefit the Court as this is a sealed issue and open discussion in a closed setting would assist the Court with understanding the

nuanced fact pattern and the impact of the judge's decision on Appellant's right to a fair trial and confrontation.

Conclusion

WHEREFORE, appellant, through undersigned appellate defense counsel, respectfully request this Court grant the motion for oral argument.


PANEL NO. 3

APPELLANT'S MOTION
FOR ORAL ARGUMENT
ON ASSIGNMENTS OF
ERROR I AND III.

GRANTED: _____

DENIED:  _____

DATE: 17 November 2021




FOR
Michael Millios
Civilian Appellate Defense Counsel



LAUREN M. TEEL
CPT, JA
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army Court and Government Appellate Division on September 15, 2021.


MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division
