IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES, Appellee v. Sergeant First Class (E-7) **PATRICK H. HATFIELD, JR.** United States Army, Appellant	MOTION FOR ORAL ARGUMENT ON ASSIGNMENTS OF ERROR II AND III Docket No. ARMY 20200410 Tried at Fort Bliss, Texas, on 28 October and 13 December 2019, 11 February and 20-24 July 2020, before a general court-martial appointed by Commander, Headquarters, Fort Bliss, Colonel Steven Henricks and Colonel Mike Devine, 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 First Class Patrick Hatfield. Undersigned counsel request argument on the second and third Assignments of Error:

II.

WHETHER THE MILITARY JUDGE ERRED BY ADMITTING STATEMENTS MADE BY THE COMPLAINING WITNESS DURING A PRETRIAL "FORENSIC" INTERVIEW AS PRIOR CONSISTENT STATEMENTS.

III.

WHETHER THE MILITARY JUDGE'S ERRONEOUS INSTRUCTION ON APPELLANT'S FORUM RIGHTS WAS JURISDICTIONAL ERROR.

Both Assignments of Error II and III cover complex applications of the law. Assignment of Error II is complex area of evidentiary rules that have been decided in multiple ways by different courts. Assignment of Error III covers a gap that many military justice practitioners to this point have missed because of its nuance and complexity. Oral argument will help both parties and the court get to the proper ruling for appellant.

Conclusion

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

PANEL NO. 2

APPELLANT'S MOTION
FOR ORAL ARGUMENT
ON AE II AND III

GRANTED: _____

DENIED: [redacted]

DATE: 18 January 2022

[redacted]

LAUREN M. TEEL
CPT, JA
Defense Appellate Division

[redacted]

RACHEL P. GORDIENKO
MAJ, JA
Branch Chief
Defense Appellate Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army Court and Government Appellate Division on November 1, 2021.

[redacted]
MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division
([redacted])

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Subject:	RE: Hatfield-20200410- Motion for Oral Argument on AE II and III-(211101)
Date:	Tuesday, November 2, 2021 12:00:00 PM
Attachments:	Hatfield-20200410-Motion for Oral Argument on AE II and III-(211101).pdf

Your pleading is in compliance with the Court's Rules of Practice and Procedure, and the pleading is accepted.

Very respectfully,

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v/r
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