IN THE UNITED STATES ARMY
COURT OF CRIMINAL APPEALS

UNITED STATES Appellee	**MOTION TO CONSIDER**
v.	Docket No. ARMY 20190663
Specialist (E-4) **NICHOLAS R. ST. JEAN** United States Army Appellant	Tried at Fort Sill, Oklahoma, on 24-26 September 2019 by a general court-martial convened by Commander, Fires Center of Excellence and Fort Sill, Colonel Douglas Watkins and LTC Joseph Marcee, and Colonel Robert Shuck, military judges, presiding.

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

COMES NOW the undersigned appellate defense counsel, under rule 23 of this court's Rules of Appellate Procedure, and moves this court to consider the following documents, which are attached to this motion.

1. *Sworn Statement, 8 June 2018*. This document is relevant to appellant's eighth assignment of error. Of note, appellate defense counsel cannot locate a marked copy of Pros. Ex. 23 for ID within the record of trial. The government attempted to introduce this exhibit into evidence, but the military judge sustained a defense objection thereto. It is clear from context, including the notation "Refused to Sign," that the attached sworn statement, contained within the allied papers, is the same document as Pros. Ex. 23 for ID.

PANEL NO. 2

2. Post-Trial Matters, 16 October 2019. This document is relevant to appellant's sixth assignment of error.

WHEREFORE, appellate defense counsel respectfully request that this court grant the instant motion, and consider the above listed documents.

Panel No. 2

MOTION TO CONSIDER:

GRANTED: DJF Post-Trial Matters Granted

DENIED: DJF Sworn Statement Denied

DATED: 11 January 2022

[redacted]

THOMAS J. TRAVERS
CPT, JA
Appellate Defense Counsel
Defense Appellate Division

[redacted]

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CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army Court and Government Appellate Division on February 26, 2021.

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Subject:	RE: St. Jean-20190663-Motion to Consider-(210226)
Date:	Monday, March 1, 2021 12:53:00 PM
Attachments:	St Jean - 20190663-Motion to Consider-(210226).pdf

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

Very respectfully,

Office of the U.S. Army Clerk of Court
9275 Gunston Road, Bldg. 1450
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From: Johnson, Melinda J CIV USARMY HQDA OTJAG (USA) <melinda.j.johnson.civ@mail.mil>
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v/r
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