

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION FOR ORAL
ARGUMENT**

v.

Docket No. ARMY 20190663

Specialist (E-4)

NICHOLAS R. ST. JEAN

United States Army

Appellant

Tried at Fort Sill, Oklahoma, on 10 May, 15 July, and 24-26 September 2019, before a general court-martial convened by Commander, Fires Center of Excellence and Fort Sill, Colonels Douglas Watkins and Robert Shuck, and Lieutenant Colonel Joseph Marcee, military judges, presiding.

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

COME NOW the 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, Specialist Nicholas St. Jean. Undersigned counsel request argument on the following assignments of error.

**I. WHETHER THE MILITARY JUDGE ERRED BY
ALLOWING THE GOVERNMENT TO PRESENT
HUMAN LIE DETECTOR EVIDENCE.**

**II. WHETHER THE MILITARY JUDGE ERRED
BY ALLOWING THE GOVERNMENT TO MAKE
IMPROPER HUMAN LIE DETECTOR
ARGUMENT.**

**IV. WHETHER THE MILITARY JUDGE ERRED
BY EXCLUDING EVIDENCE UNDER MIL. R.
EVID. 412.**

The first two assignments of error are closely related and intertwined. The government and appellant disagree on the standard of review and who opened the door to the evidence in question for these errors. With regard to the fourth assignment of error, the government and defense fundamentally disagree on the ability of the defense to use the evidence in question in order to present an alternate theory. For each of the errors above, undersigned counsel believe oral argument from both sides would assist this Court in arriving at an informed and reasoned decision.

Conclusion

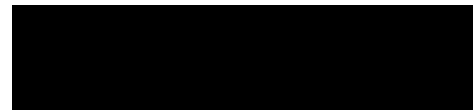
WHEREFORE, appellant, through the undersigned defense counsel, respectfully requests this Court grant the motion for oral argument.

PANEL NO. 2
MOTION FOR ORAL ARGUMENT

GRANTED: _____

DENIED: DJF

DATE: 11 January 2022



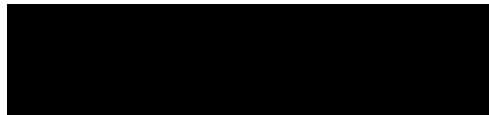
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CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army
Court and Government Appellate Division on July 12, 2021.



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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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