

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee

v.

Master Sergeant (E-8)  
**ANDREW D. STEELE**  
United States Army  
Appellant

**MOTION TO ATTACH DEFENSE  
APPELLATE EXHIBIT A**

Docket No. ARMY 20170303

Tried at Joint Base Lewis-McChord, Washington, on 2 March, 21 April, 16-19 May, 4 October 2017, 23 January 2020, 3 April 2020, 8 September 2020, 25 September 2020, 21-23 October 2020, before a general court-martial appointed by Commander, Headquarters, 7<sup>th</sup> Infantry Division, Colonel J. Harper Cook and Lieutenant Colonel Matthew Fitzgerald, Military Judges, presiding over sentence rehearing.


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

COME NOW the undersigned appellate defense counsel, under Rule 23(b) of this honorable court's Rules of Practice and Procedure, and move to have this court admit Defense Appellate Exhibit A, a signed declaration from Master Sergeant (MSG) Andrew Steele (appellant). Attaching Defense Appellate Exhibit A is necessary to inform the court appellant is registered as a sex offender. The court granted oral argument on the conviction that requires registration, and asked why it should exercise plenary authority in his case. Sex offender registration for consensual nudity with no victim, while a collateral consequence, merits

consideration. *See, e.g., United States v. Pena*, 64 M.J. 259, 266 (C.A.A.F. 2007) (When “pertinent facts are not in the record of trial...it is particularly important that the appellant provide us with a ‘clear record’ of the facts and circumstances relevant to the claim of legal error.”); *United States v. Brennan*, 58 M.J. 351, 353 (C.A.A.F. 2003) (Outside materials were used to resolve issues raised by the record but not fully resolvable with only the record.); *United States v. Erby*, 54 M.J. 476, 477 (C.A.A.F. 2001) (Outside materials were considered to resolve issues even though those issues were not raised by the record.).

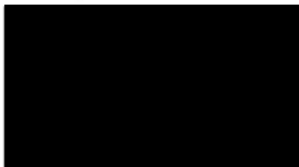
PANEL NO. 4

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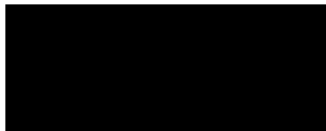
GRANTED: \_\_\_\_\_

DENIED: \_\_\_\_\_

DATE: 15 FEB 2022



LAUREN M. TEEL  
CPT, JA  
Defense Appellate Division



JONATHAN F. POTTER  
Senior Capital Defense Counsel  
Defense Appellate Division

DEFENSE APPELLATE  
EXHIBIT  
A

## DECLARATION


I, Andrew Steele, fully understand the contents of this entire statement. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

I was informed by the government counsel at 7<sup>th</sup> Infantry Division that I had to register as a sex offender at my first trial because of my conviction for indecent exposure.

I have had to register as a sex offender in Washington and again in Oregon when I moved in 2021. Sex offender registration also makes me have to notify each state 10 days in advance every time I visit family between Oregon and Washington.


I'm not allowed to possess a firearm and must defend my home with a bow.

Executed on this the 10 day of February 2022 pursuant to 28 U.S.C. § 1746.

  
\_\_\_\_\_  
Andrew Steele

**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 11, 2022.



MELINDA J. JOHNSON  
Paralegal Specialist  
Defense Appellate Division

