

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT A**

v.

Docket No. ARMY 20200391

Staff Sergeant (E-6)

LADONIES P. STRONG

United States Army

Appellant

Tried at Fort Stewart, Georgia, on 16 December 2019, 14-18 July 2020, and 20 July 2020, before a general court-martial appointed by the Commander, Fort Stewart, Georgia, Colonel G. Bret Batdorff, military judge, 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 Practice and Procedure, and moves to have this court admit Defense Appellate Exhibit A, which is attached to this motion.

Defense Appellate Exhibit A is the affidavit of Staff Sergeant Strong, the appellant. This affidavit is relevant because it provides the factual predicate for appellant's Eighth Amendment claim of unlawful confinement conditions raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982). Additionally, the affidavit is relevant to appellant's claim of unreasonable post-trial delay, also raised pursuant to *United States v. Grostefon*.

Conclusion

WHEREFORE, appellate defense counsel respectfully requests that this court grant the instant motion and attach Defense Appellate Exhibit A.

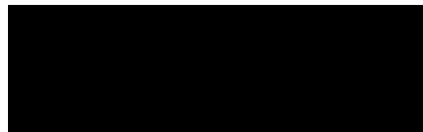
PANEL NO. 3

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT A:

GRANTED:  _____

DENIED: _____

DATE: 29 November 2021



Joseph A. Seaton, Jr.
Captain, Judge Advocate
Acting Branch Chief
Defense Appellate Division

DEFENSE APPELLATE EXHIBIT A

On June 29, 2021 I was taken from NCBM to a clinic located on Marine Corps Air Station Miramar to have a COVID test administered for an upcoming medical procedure. I was called down to Receiving and Release (R&R) and placed in handcuffs around 1040 hours, while the cuffs were being put on ABF2 Heredia made a statement about the cuffs being the broken ones due to the difficulty she had with getting them secured. I stayed in cuffs until I returned (about an hour later), once back at the brig the staff attempted to remove the cuffs from my wrists. First, the left cuff was removed by LSI Wu then she attempted to remove the right cuff but was unsuccessful, another staff member (Balla) tried to use his key and it got stuck in the cuff. At that time the Command Duty Officer (CDO), Chief Gulley was called to assist. He eventually got the key removed then tried his own key which also got stuck for a short time before he was able to remove it. Chief Gulley made the decision to call members of the staff that were trained to fix locks. Dodd, Romeo, and Dicken used different tools and items to get the cuff off but were still unsuccessful, an Army correctional officer (SFC Doran) also tried to remove the cuffs and explained that due to a mechanism being broken inside the cuff the key or other tools they were using wouldn't work, a MA for the Navy was called to assist; he informed them of the same thing as the correctional officer. At that time the idea of cutting the cuff off started being talked about between the members of the staff while Dicken was still attempting to unlock the cuff; he hit something in the cuff which forced them to tighten even more around my wrist to such an extent they were embedded into my skin and pressed against the bone. I heard someone from the staff state they were waiting for approval from Chief Gulley to proceed with cutting off the cuff. After waiting for some time staff members appeared with bolt cutters, a Dremel saw, and personal protection equipment. Dicken tried to explain to me how they were going to attempt to get the cuffs off. Due to the cuffs being so embedded into my skin the staff made the decision to use the saw to get the cuff off rather than the bolt cutters to prevent them from cutting into my skin, someone suggested medical be called to give their input and also to be on standby. The Executive Officer, Major McKeever, and other higher ranking members of the staff came down to R&R to witness the removal of the cuff. Medical personnel held my arm steady while the cuffs were being sawed off due to me not being having enough strength to hold my arm in place, sparks flew from the Dremel and the pressure on my wrist increased. When the cuff finally was removed I was taken back to medical to have the incident documented at this time it was around 1445 and I had been in that cuff for roughly four hours. At no time was I asked if I was ok with what was being done nor did I give my consent to the members of the staff to carry out what was ordered to them by the CDO. Since that day I've experienced pain from my forearm down to my wrist, it's hard for me to write and hold on to things for long periods of time and I have trouble with bending my wrist when trying to exercise. What transpired on this day coincides with violations described in the eighth amendment and I am requesting this be considered.

I swear that this statement is true under the penalty of perjury.

Laboris Strong

CERTIFICATE OF FILING AND SERVICE

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



JOSEPH A. SEATON, JR.
CPT, JA
Acting Branch Chief
Defense Appellate Division