

**IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS**

UNITED STATES

Appellee

**MOTION TO EXAMINE  
SEALED MATERIALS**

v.

Docket No. ARMY 20210071

Specialist (E-4)

**JORGE G. MARTINEZCOLON**

United States Army

Appellant

Tried at Fort Hood, Texas, on 9-12 February 2021, before a general court-martial appointed by the Commander, Headquarters, III Corps and Fort Hood, Lieutenant Colonel Scott Z. Hughes, military judge, presiding.

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

COMES NOW the undersigned appellate defense counsel, pursuant to Rules 6.9 and 23 of this court's Rules of Appellate Procedure, and move to examine sealed materials contained in the record of *United States v. MartinezColon*.

Undersigned appellate defense counsel seek to examine the following portions of the record:

1. Record pages 26-28, closed hearing on Military Rule of Evidence (Mil. R. Evid.) 412;
2. Appellate Exhibit XIV (Defense Mil. R. Evid. 412 Motion);
3. Appellate Exhibit XV (Enclosure to AE XIV);
4. Appellate Exhibit XVI (Government Mil. R. Evid. 412 Response);
5. Appellate Exhibit XVII (Enclosure to AE XVI); and
6. Appellate Exhibit XLV (Mil. R. Evid. 412 Ruling).

In the present case, review of the sealed materials is consistent with appellate defense counsel's obligations under Army Reg. 27-26, Rules of Professional Conduct for Lawyers, and is reasonably necessary for appellant, through counsel, to determine whether issues exist that merit presentation to this honorable court for consideration as part of its Article 66, UCMJ, review.

WHEREFORE, appellate defense counsel respectfully request that this court grant this motion.

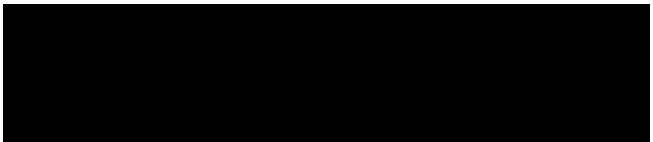
Panel 3

MOTION TO EXAMINE  
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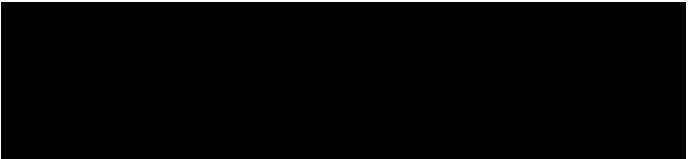
GRANTED DS

DENIED       

DATE 17 FEB 2022



FOR  
William E. Cassara  
Civilian Appellate Counsel  
P.O Box 2688  
918 Hunting Horn Way  
Evans, GA 30809



Christian E. DeLuke  
Major, Judge Advocate  
Appellate Defense Counsel  
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 February 10, 2022.



**Paralegal Specialist  
Defense Appellate Division  
(703) 693-0737**

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**Subject:** RE: MartinezColon-20210071-View Sealed Material (220210)  
**Date:** Friday, February 11, 2022 10:11:00 AM  
**Attachments:** [MartinezColon-20210071-View Sealed Material \(220210\).pdf](#)

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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,

Office of the U.S. Army Clerk of Court  
9275 Gunston Road, Bldg. 1450  
Fort Belvoir, VA 22060-5546

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v/r  
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