

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION TO EXAMINE
SEALED MATERIALS**

v.

Docket No. ARMY 20210368

Private First Class (E-3)

CHRISTIAN G. ALVARADO

United States Army

Appellant

Tried at Fort Bliss, Texas on 14 January, 15 April, and 8 and 14–18 June 2021, before a general court-martial appointed by the Commander, Headquarters, 1st Armored Division and Fort Bliss, Colonel Robert L. Shuck, 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. Alvarado*. Undersigned appellate defense counsel seek to examine the following portions of the record:

1. Appellate Exhibit (AE) XVII, Defense MRE 412 Notice, 14 May 2021;
2. AE XXVIII, Enclosure to Defense MRE 412 Notice;
3. AE XXIX, Government Response to Defense MRE 412 Notice, 21 May 2021;
4. AE XXX, Enclosure to Government Response to Defense MRE 412 Notice;
5. AE XL, Screenshots of Text Messages;
6. AE XLI, Disc ([REDACTED]);

7. AE XLII, Affidavit (PFC Alvarado), 7 June 2021;
8. AE XLIII, Screenshots of Mommy Stark;
9. AE XLIV, Letter;
10. AE XLV, Email, 1 June 2021;
11. AE XLVI, Petition for Order of Protection;
12. Transcript pages 68–110;
13. Transcript pages 200–08;
14. Transcript pages 420–25;
15. Transcript pages 474–494;
16. Closed session audio (ALVARADO-20210608-CLOSED-1241-1400);
17. Closed session audio (ALVARADO-20210614-CLOSED-CM1a-1219-1233);
18. Closed session audio (ALVARADO-20210615-CLOSED-CM2a-1646-1653); and
19. Closed session audio (ALVARADO-20210616-CLOSED-CM3a-0954-1021).

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.

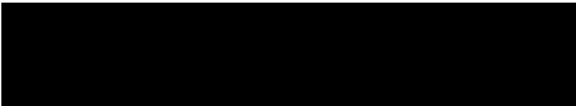
WHEREFORE, appellate defense counsel respectfully request that this court grant this motion.

Panel 2


MOTION TO EXAMINE
SEALED MATERIALS

GRANTED DJF
DENIED _____

DATE 20 April 2022



Christian E. DeLuke
Major, Judge Advocate
Branch Chief
Defense Appellate Division



Captain, 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 April 18, 2022.



MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division

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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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