

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee

v.

Specialist (E-3)

THOMAS YEPEZ

United States Army,

Appellant

**MOTION TO EXAMINE
SEALED MATERIALS**

Docket No. ARMY 20210236

Tried at Fort Hood, Texas, on 11
March 2020, 8 May 2020, and 26-27
April 2021, before a general court-
martial appointed by
Commander, Headquarters, 1st Cavalry
Division, Colonel Lanny Acosta,
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 Rule 23 of
this court's Internal Rules of Practice and Procedure, and moves to examine sealed
materials contained in the record of *United States v. Yepez*. The undersigned
appellate defense counsel seeks to examine all materials and related trial transcripts
sealed by the military judge in the sealing order dated 30 November, 2021.

(Sealing Order).

1. Transcript pages 42-99, 107-110.
2. Appellate Exhibit XIII (Special Victims Counsel Response to Defense
Motion to Introduce 412).

In the present case, review of the materials sealed pursuant to Mil. R. Evid. 412 is consistent with appellate defense counsel's obligations under Army Reg. 27-26, Rules of Professional Conduct for Lawyers, and is reasonably necessary to evaluate the effect of the military judge's evidentiary rulings on the appellant's trial. Review of the materials is also reasonably necessary in order 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 requests that this court grant the instant motion.

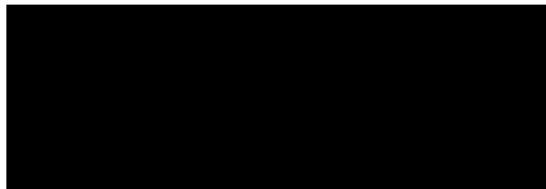
PANEL NO. 3

MOTION TO EXAMINE
SEALED MATERIALS

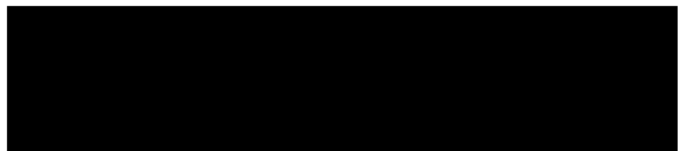
GRANTED: 

DENIED: _____

DATE: 8 June 2022



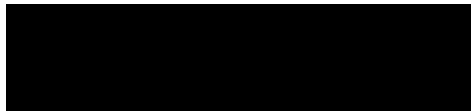
SARAH H. BAILEY
CPT, JA
Appellate Defense Counsel



CHRISTIAN E. DELUKE
MAJ, JA
Branch Chief
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 June 7, 2022.



MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division

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Cc: [Bailey, Sarah H CPT USARMY HQDA OTJAG \(USA\)](#); [DeLuke, Christian E MAJ USARMY HQDA OTJAG \(USA\)](#); [Surratt, Michelle L CIV USARMY HQDA \(USA\)](#); [USARMY Pentagon HQDA OTJAG Mailbox GAD ACCAservice](#); [USARMY Pentagon HQDA OTJAG Mailbox DAD ACCAservice](#)
Subject: RE: Yepez-20210236-Motion to Examine Sealed Materials-(220607)
Date: Wednesday, June 8, 2022 11:57:00 AM
Attachments: [Yepez-20210236- Motion to Examine Sealed Materials-\(220607\).pdf](#)

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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