

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
BROOKHART, PENLAND, and ARGUELLES
Appellate Military Judges

UNITED STATES, Appellee
v.
Private First Class LUIS A. MORALESSANCHEZ
United States Army, Appellant

ARMY 20210286

ORDER

WHEREAS:

On 31 January 2022, this court received the record of trial in this case for review pursuant to Article 66(b)(3), Uniform Code of Military Justice [UCMJ]. Appellant's trial took place on 5 June 2020, 3 August 2020, 22 September 2020, 14, 25-26 January 2021, 19 February 2021, and 3-8, 10, 17 May 2021. Rule for Courts-Martial [R.C.M.] 1112(b)(1) states the record of trial shall include a "substantially verbatim recording of the court-martial proceedings except sessions closed for deliberations and voting[.]" The audio recording contained within the record of trial is missing the court-martial proceedings occurring on 3 May 2021, from 1442 to 1507 (R. at 507-517); 4 May 2021, from 0902 to 1707 (R. at 518-697); 5 May 2021, from 0905 to 1855 (R. at 698-978), and; 10 May 2021, from 1105 to 1126 (R. at 1447-1456).

NOW THEREFORE, IT IS ORDERED:

Pursuant to R.C.M. 1112(d)(2), we remand this case to the military judge to produce a substantially verbatim recording of the court-martial proceedings in accordance with R.C.M. 1112(b)(1) (to include giving appropriate notice to the parties of the proposed correction and giving the parties reasonable access to the court reporter notes or recordings of the proceedings). A new certification pursuant to R.C.M. 1112(c) will then be completed and returned to this court within fourteen days from the date of this order.

Any brief on behalf of appellant shall be filed within 60 days after the date on which the missing audio is received by this Court. Appellee may file and answer on behalf of the United States within 30 days after any brief and assignments of error have been filed on behalf of appellant. A reply brief on behalf of appellant may be

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filed no later than 7 days after the filing of a response brief on behalf of the United States.

DATE: 28 October 2022

FOR THE COURT

A large black rectangular redaction box covering the signature of James W. Herring, Jr.

JAMES W. HERRING, JR.
Clerk of Court

CF: JALS-TJ
JALS-DA
JALS-CCR

SJA
JALS-GA
JALS-CR3