

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

**APPELLANT’S MOTION TO
ATTACH DEFENSE APPELLATE
EXHIBITS A–P**

Appellee

v.

Docket No. ARMY 20210520

Staff Sergeant (E-6)
LESLY J. LINDOR,
United States Army
Appellant

Tried at Fort Hood, Texas, on 30 June
and 21–22 September 2021, before a
general court-martial appointed by
Commander, Headquarters, III Corps
and Fort Hood, Colonel Maureen A.
Kohn, military judge, presiding.

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

COME NOW the undersigned appellate defense counsel, pursuant to Rule
23 of this court’s Rules of Appellate Procedure and move to have this court admit
Defense Appellate Exhibits A–P, which are attached to this motion.

Defense Appellate Exhibit A is a portion of an agent’s investigation report
indicating when suspicion of appellant’s role in his wife’s murder began. It is
relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431
(C.M.A. 1982).

Defense Appellate Exhibit B is a portion of an agent’s investigation report
indicating appellant was interviewed by law enforcement about his wife’s murder.
It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

Defense Appellate Exhibit C is a portion of a case activity summary indicating when law enforcement knew about appellant's email address. It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

Defense Appellate Exhibit D is a portion of a search authorization submitted for an email address registered to appellant. It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

Defense Appellate Exhibit E is a portion of an application and affidavit for a search warrant. It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

Defense Appellate Exhibit F is an email from a prosecutor concerning the processing of the case. It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

Defense Appellate Exhibit G is an email from the government to civilian authorities requesting release of files related to appellant's case. It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

Defense Appellate Exhibit H is appellant's demand for speedy trial. It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

Defense Appellate Exhibit I is a translation of conversations between appellant and a [REDACTED]. It demonstrates his intent regarding what the government specifically listed as evidence in aggravation in Prosecution Exhibit 1.

It is relevant to show that the government made efforts to introduce evidence of religious practice that appeared aggravating but did not make efforts to disclose the full context of any religious practice that may appear less aggravating.

Defense Appellate Exhibit J is an email between appellant's attorney and an expert assigned to the case. It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

Defense Appellate Exhibit K is an executive summary of a forensic examination report conducted into appellant's devices. It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

Defense Appellate Exhibit L is a portion of an agent's investigation report indicating when the government examined internet searches conducted by appellant. It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

Defense Appellate Exhibit M is an article published by the Army Times prior to appellant's court-martial. It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

Defense Appellate Exhibit N is an article published by Task and Purpose following appellant's court-martial. It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

Defense Appellate Exhibit O is a commander's 72-hour memorandum conducted pursuant to Rule for Court-Martial 305(h)(2)(C). It is relevant to show that the government improperly used appellant's religion throughout the court-martial process.

Defense Appellate Exhibit P is a series of emails showing that [REDACTED], a mitigation specialist, was approved and working with the defense team, but the defense knew he would not be available for trial in September 2021. It is relevant to matters raised pursuant to *United States v. Grostefon*, 12 M.J. 431.

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

PANEL 3

MOTION TO ATTACH DEFENSE APPELLATE EXHIBIT A:

GRANTED: _____

DENIED:  _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE APPELLATE EXHIBIT B:

GRANTED: _____

DENIED:  _____

DATE: 21 OCT 2022

Motion for reconsideration may be filed with a showing as to why this court should supplement the record. See *United States v. Jessie*, 79 M.J. 437 (C.A.A.F. 2020).



SEAN PATRICK FLYNN
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division



Major, Judge Advocate
Branch Chief
Defense Appellate Division

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT C:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT D:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT E:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT F:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT G:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT H:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT I:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT J:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT K:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT L:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT M:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT N:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT O:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

MOTION TO ATTACH DEFENSE
APPELLATE EXHIBIT P:

GRANTED: _____

DENIED: _____

DATE: 21 OCT 2022

Certificate of Filing and Service

I certify that a copy of the foregoing was electronically submitted to the

Court and the Government Appellate Division on 18 October 2022.



SEAN PATRICK FLYNN
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division

From: [USARMY Pentagon HQDA OTJAG Mailbox Clerk of Court eFiling](#)
To: [Flynn, Sean Patrick CPT USARMY HQDA TJAGLCS \(USA\)](#); [USARMY Pentagon HQDA OTJAG Mailbox TJ Service](#); [USARMY Pentagon HQDA OTJAG Mailbox GAD ACCAservice](#)
Cc: [USARMY Pentagon HQDA OTJAG Mailbox DAD ACCAservice](#); [Johnson, Melinda J CIV USARMY HQDA OTJAG \(USA\)](#); [Surratt, Michelle L CIV USARMY HQDA \(USA\)](#); [Liu, Joyce C MAJ USARMY HQDA TJAGLCS \(USA\)](#); [Potter, Jonathan F CIV USARMY HQDA OTJAG \(USA\)](#)
Subject: RE: Lindor-20210520-Appellant's Mot Att (221018)
Date: Wednesday, October 19, 2022 2:15:00 PM
Attachments: [Lindor-20210520-Appellant's Mot Att \(221018\).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

From: Flynn, Sean Patrick CPT USARMY HQDA TJAGLCS (USA) <sean.p.flynn40.mil@army.mil>
Sent: Tuesday, October 18, 2022 12:20 PM
To: USARMY Pentagon HQDA OTJAG Mailbox Clerk of Court eFiling <usarmy.pentagon.hqda-otjag.mbx.clerk-of-court-efiling@army.mil>; USARMY Pentagon HQDA OTJAG Mailbox TJ Service <usarmy.pentagon.hqda-otjag.mbx.tj-service@army.mil>; USARMY Pentagon HQDA OTJAG Mailbox GAD ACCAservice <usarmy.pentagon.hqda-otjag.mbx.gad-accaservice@army.mil>
Cc: USARMY Pentagon HQDA OTJAG Mailbox DAD ACCAservice <usarmy.pentagon.hqda-otjag.mbx.dad-accaservice@army.mil>; Johnson, Melinda J CIV USARMY HQDA OTJAG (USA) <melinda.j.johnson.civ@army.mil>; Surratt, Michelle L CIV USARMY HQDA (USA) <michelle.l.surratt.civ@army.mil>; Liu, Joyce C MAJ USARMY HQDA TJAGLCS (USA) <joyce.c.liu.mil@army.mil>; Potter, Jonathan F CIV USARMY HQDA OTJAG (USA) <jonathan.f.potter3.civ@army.mil>
Subject: Lindor-20210520-Appellant's Mot Att (221018)

Good Morning,

I hereby certify the following document was transmitted on the date/time of this message:

Lindor-20210520-Appellant's Mot Att (221018)

1 Attachment was served.

Please acknowledge receipt.

Respectfully,

Sean Patrick Flynn

CPT, JA
Appellate Defense Counsel

Defense Appellate Division
U.S. Army Legal Services Agency
9275 Gunston Road
Fort Belvoir, VA 22060-5546
(703) 693-0674

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