

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION TO EXAMINE SEALED
MATERIALS**

v.

Docket No. ARMY 20220231

Private (E-2)

TREVON K. COLEY,
United States Army,

Appellant

Tried at Kaiserslautern, Germany, on
6 January 2022 and 2 May 2022 – 6
May 2022, before a general court-
martial appointed by the Commander,
Headquarters, 21st Theater
Sustainment, Lieutenant Colonel
Lance Smith, 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 Rules
6.9(a) and 23 of this court's Rules of Appellate Procedure, and move to examine
sealed materials contained in the record of *United States v. Coley*. The
undersigned appellate defense counsel, Major Rachel Gordienko (Branch Chief,
Defense Appellate Division), and Mr. Jonathan Potter (Senior Capital Defense
Counsel) seek to examine the following portions of the record: **Prosecution
Exhibits 4, 16, 24 for ID, 40 for ID, 42, and 50.**

These materials were sealed in accordance with Rule for Court-Martial
1113(a). Prosecution Exhibits 4 and 50 are autopsy photos. Prosecution Exhibit

16 and 42 are medical reports. Prosecution Exhibits 24 and 40 for identification are also medical reports.

Review of these materials is consistent with appellate defense counsel's obligations under Army Reg. 27-26, Rules of Professional Conduct for Lawyers, and is 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, Uniform Code of Military Justice, review.

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

PANEL NO. 4

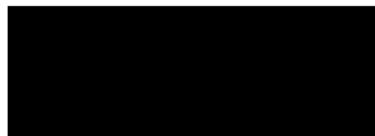
MOTION TO EXAMINE SEALED
MATERIAL

GRANTED:  See below

DENIED: _____

DATE: 3 JAN 2023

Please note sealed Defense Exhibit G and Pros. Ex. 25 for ID were not included in this motion to examine.



Rachel M. Rose
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division



Rachel P. Gordienko
Major, Judge Advocate
Branch Chief
Defense Appellate Division

Certificate of Filing and Service

I certify that a copy of the foregoing was electronically submitted to the
Army Court and Government Appellate Division on 29 December 2022.



Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division