

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee

**MOTION TO EXAMINE SEALED
MATERIALS**

v.

Docket No. ARMY 20220223

Private (E-2)

OSCAR A. BATRES

United States Army,

Appellant

Tried at Fort Bragg, North Carolina,
on 18 January, 27 January, 21 March,
and 2 – 5 May 2022, before a general
court-martial appointed by the
Commander, 82d Airborne Division,
Colonel Gregory B. Batdorff, 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 6.9 and 23 of this court's Rules of Appellate Procedure, and move to examine the following sealed material contained in the record of the above-captioned case, which was reviewed by trial counsel and defense counsel at trial, and which was subsequently sealed pursuant to Rule for Courts-Martial 1113: **AE X and X-A (Mil. R. Evid. 412 Motion); AE XI and XI-A (Mil. R. Evid. 412 response); and transcript pages 56–94 and associated audio.** These materials were sealed in accordance with Rule for Court-Martial 1113(a). All materials relate to Mil. R. Evid. 412. These exhibits may contain errors appellant wishes to bring to this court's attention.

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.

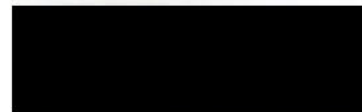
PANEL NO. 4

MOTION TO EXAMINE SEALED
MATERIAL

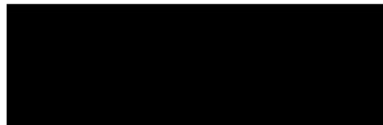
GRANTED: 

DENIED: _____

DATE: 10 FEB 2023



MATTHEW S. FIELDS
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division



MITCHELL D. HERNIAK
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 Army
Court and Government Appellate Division on February 8, 2023.



MICHELLE L.W. SURRATT
Paralegal Specialist
Defense Appellate Division

