

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee

v.

Specialist (E-4)  
**DAVID VANBUREN**  
United States Army,  
Appellant

**MOTION TO EXAMINE  
SEALED MATERIALS**

Docket No. ARMY 20220062

Tried at Wheeler Army Airfield,  
Hawaii, on 6 December 2021, 4  
February 2022 and 14-16 February  
2022, before a general court martial,  
appointed by the Commander, Eighth  
Army, Lieutenant Colonel Michael  
Korte, 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 Rules 6.9 and 23 of this court's Rules of Appellate Procedure, and moves to examine the Military Rule of Evidence (Mil. R. Evid.) 412 sealed material contained in the record of *United States v. Vanburen*. The undersigned counsel seeks to examine the following items:

1. Transcript pages 21-76 and 473-482 from closed sessions.
2. Appellate Exhibits II, III, IV and their subsections.<sup>1</sup>

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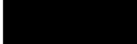
<sup>1</sup> There is no additional description of the "subsections" of the above referenced Appellate Exhibits provided in the military judge's sealing order.

In the present case, review of the materials sealed pursuant to the military judge is consistent with appellate defense counsel's obligations under Army Reg. 27-26, Rules of Professional Conduct for Lawyers, and is reasonably necessary 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 4

MOTION TO EXAMINE  
SEALED MATERIALS


GRANTED:  as amended

DENIED: \_\_\_\_\_

DATE: 8 DEC 2022



Sarah H. Bailey  
Captain, Judge Advocate  
Appellate Defense Counsel  
Defense Appellate Division



Tumentugs D. Armstrong  
Captain, Judge Advocate  
Acting 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 **2 December 2022**.



SARAH H. BAILEY  
CPT, JA  
Appellate Defense Counsel  
Defense Appellate Division