IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES Appellee	**MOTION TO EXAMINE SEALED MATERIALS**
v.	Docket No. ARMY 20220345
Private First Class (E-3) **ANTHONY M. ELMORE,** United States Army, Appellant	Tried at Fort Bragg, North Carolina, on 17 February, 31 March, 27-30 June 2022, before a general court-martial appointed by the Commander, Headquarters, 82nd Airborne Division, Colonel J. Harper Cook, 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(a) and 23 of this court's Rules of Appellate Procedure and moves to examine sealed materials contained in the record of *United States v. PFC Elmore*. The undersigned appellate defense counsel seeks to examine the following portions of the record reviewed in pre-trial hearings and subsequently sealed pursuant to Military Rule of Evidence (Mil. R. Evid.) 412 and Rule for Court-Martial 1113:

1. Appellate Exhibits: II, II-A, III, III-A, III-B, VIII, VIII-A, IX, IX-A, XIII.

2. Audio and Transcript: Closed sessions from 31 March, 27 June, and 28 June 2022; pages 43-88; 450-455.

This is not a request to review material protected under Mil. R. Evid. 513.

Panel 2

In the present case, review of the materials sealed pursuant to Mil. R. Evid. 412 is consistent with appellate defense counsel's obligations under Army Reg. 27-26, Legal Services: Rules of Professional Conduct for Lawyers (28 June 2018), and is reasonably necessary to allow undersigned counsel to evaluate this material in order to adequately advise appellant.

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

[redacted]

TUMENTUGS D. ARMSTRONG
Captain, Judge Advocate
Defense Appellate Division

PANEL NO. 2

MOTION TO EXAMINE SEALED MATERIAL

GRANTED: _____

DENIED: _____

DATE: _____

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army Court and Government Appellate Division on March 20, 2023.

[redacted]

MICHELLE L.W. SURRATT
Paralegal Specialist
Defense Appellate Division
[redacted]