

# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before  
PENLAND, MORRIS, and ARGUELLES  
Appellate Military Judges

UNITED STATES, Appellee  
v.  
Specialist TONEY E. HENDERSON, JR.  
United States Army, Appellant

ARMY 20210543

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ORDER  
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## WHEREAS:

On 20 January 2023, appellant filed his brief to this Court alleging prosecutorial misconduct. Appellant asserts prosecutorial misconduct occurred, *inter alia*, when the Special Victim Prosecutor misstated facts about evidence introduced pursuant to Mil. R. Evid. 413. Appellee filed their response on 3 May 2023. Appellant filed a reply brief on 5 May 2023. This Court ordered oral argument on 23 May 2023.

## NOW, THEREFORE, IT IS ORDERED:

1. Appellate government counsel shall obtain and move to attach to the record any and all note(s) taken by Major Stacee Cain involving the “bad-written note,” (R. at 1348), also referred to in the record by Major Stacee Cain as “wrong note.” (R. at 1336).
2. Appellate government counsel may provide Major Stacee Cain any portion of the record that may assist in securing the relevant note(s), but may not provide any sealed portion of the record absent further order of this court.
3. Upon completion, appellate government counsel shall obtain from Major Stacee Cain such note(s) and file them with this court no later than seven days from the date of this order.

HENDERSON – ARMY 20210543

Date: 21 June 2023

FOR THE COURT



JAMES W. HERRING, JR.  
Clerk of Court

CF: JALS-DA  
JALS-GA  
JALS-CCR  
JALS-TJ  
JALS-CR3