

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

v.

Private First Class (E-3)  
**AUSTIN C. HAMILTON**  
United States Army  
Appellant

MOTION TO EXAMINE  
SEALED MATERIALS

Docket No. ARMY 20200347

Tried at Joint Base Lewis-McChord,  
Washington, on 20 February, 15 May,  
and 22-26 June 2020, before a general  
court-martial appointed by  
Commander, 7th Infantry Division,  
Colonel Joseph Keeler, 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 23.5 and 6.9 of this court's Rules of Appellate Procedure, and moves to examine sealed materials contained in the record of *United States v. Hamilton*. The undersigned appellate defense counsel seeks to examine Appellate Exhibits V, VIII, XXX, XXXII, XXXIII, and the transcript pages pertaining to these items (pages 15-29, 269-293, 299-301), which were sealed pursuant to Military Rule of Evidence (Mil. R. Evid.) 412<sup>1</sup> and Rule for Court-Martial 1113.

---

<sup>1</sup> Appellate defense counsel notes that the statement in the sealing order that the items are sealed pursuant to Mil. R. Evid. 513 appears to be a scrivener's error since all the listed items involve only Mil. R. Evid. 412 evidence.

In the present case, review of the sealed materials is consistent with appellate defense counsel's obligations under Army Reg. 27-26, Rules of Professional Conduct for Lawyers, and is reasonably necessary to evaluate the effect of the military judge's evidentiary rulings on appellant's trial. Review of the materials is also 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, UCMJ, review.

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

PANEL NO. 4

MOTION TO EXAMINE  
SEALED MATERIALS

GRANTED: 

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

DATE: DEC - 8 2020



JODIE L. GRIMM

MAJ, JA

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 December 3, 2020.

  
MELINDA J. JOHNSON  
Paralegal Specialist  
Defense Appellate Division  
