

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
KRIMBILL, BROOKHART, and ARGUELLES
Appellate Military Judges

UNITED STATES, Appellee
v.
Sergeant TREVAR D. TINSLEY
United States Army, Appellant

ARMY 20200337

ORDER

WHEREAS:

Appellant's case is pending review before this Court pursuant to Article 66, Uniform Code of Military Justice, 10 U.S.C. § 866.

On 1 December 2020, we granted a motion permitting appellant's military appellate defense counsel to examine sealed materials contained in appellant's record of trial. On 12 January 2021, we granted a motion permitting appellant's civilian appellate defense counsel to examine the same sealed materials. Appellant now seeks leave for his military appellate defense counsel to "photocopy and transmit one copy of [the identified sealed materials] in this case to [appellant's] civilian appellate defense counsel."

The sealed materials appellant seeks to copy and transmit consist of transcript pages 19-81, and Appellate Exhibits I, III, IV, V, VI, XVI, and XVII, all of which were sealed pursuant to Military Rule of Evidence 412 and Rule for Courts-Martial 1113. Appellant's motion is based on the need for his civilian appellate defense counsel to review the sealed matters in question in order to represent appellant on appeal.

NOW THEREFORE, IT IS ORDERED:

1. Appellant's Motion to Photocopy [and Transmit] Sealed Materials to is GRANTED. Appellant's military counsel may copy and transmit the above listed sealed matters in appellant's record of trial, subject to the following instructions and protective order:

- a. All sealed materials shall remain under seal.
- b. Appellate defense counsel may make one hard copy of the above listed sealed materials, and may forward that hard copy, via certified mail, to appellant's

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civilian appellate defense counsel. No electronic copying or transmitting of the sealed materials is authorized.

c. No other copies of the sealed matters—physical, digital, or otherwise—may be made.

d. Appellate defense counsel and appellant may discuss all of the sealed matters in this case, but neither appellate defense counsel, nor appellant, shall disclose the sealed matters or information any further without prior approval from this Court. Appellate defense counsel may continue to use the sealed information within appropriate pleadings in representing appellant subject to the Court's Rules of Practice and Procedure.

e. Upon completion of the appellate process, civilian appellate defense counsel must return their copy of the sealed materials to the Clerk of Court via certified mail.

DATE: 15 January 2021

FOR THE COURT:

(b) (6)

MALCOLM H. SQUIRES, JR.
Clerk of Court

CF: JALS-DA
JALS-GA
JALS-CCR
JALS-CCZ
JALS-CR3
Michael Millios, Esquire