

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION TO VIEW SEALED
MATERIALS**

v.

Docket No. ARMY 20220429

Private First Class

DAVY J. HALCHIMAI,

United States Army,

Appellant

Tried at Fort Bliss, Texas, on 14 February, 11 July, 5 August, and 16-19 August 2023, before a general court-martial appointed by the Commander, Headquarters, 1st Armored Division and Fort Bliss, Colonel Robert Shuck and Colonel Joseph R. Distaso, military judges, presiding.

TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES ARMY COURT OF CRIMINAL APPEALS

COME NOW the undersigned appellate defense counsel, pursuant to Rules 6.9 and 23 of this court's Rules of Appellate Procedure, and move to examine the following sealed materials contained in the record of the above captioned case, which were reviewed by trial counsel and defense counsel at trial, and which were subsequently sealed pursuant to Rule for Courts-Martial 1113(a): **Transcript Pages 153-162 and Appellate Exhibit XXX-A-C.** The sealed materials appear to relate to Military Rule of Evidence 412 (*see* R. at 171-72) and may contain errors appellant wishes to bring to this court's attention. Undersigned counsel has discussed privilege with appellant, and appellant does not believe any privileged

materials pertaining to him are in the record, and waives any privilege that might exist in the materials in the record.

Review of this material is consistent with appellate defense counsel's obligations under Army Reg. 27-26, Rules of Professional Conduct for Lawyers, and is 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, Uniform Code of Military Justice, review.

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

PANEL NO. 3

MOTION TO VIEW
TRANSCRIPT PAGES 153-162

GRANTED:  _____

DENIED: _____

DATE: 27 November 2023




Jonathan F. Potter
Senior Appellate Counsel
Defense Appellate Division



Robert W. Rodriguez
Major, Judge Advocate
Branch Chief
Defense Appellate Division

MOTION TO VIEW
App. Ex. XXX-A-C

GRANTED:  _____

DENIED: _____

DATE: 27 November 2023

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army
Court and Government Appellate Division on November 21, 2023.



MICHELLE L.W. SURRATT
Paralegal Specialist
Defense Appellate Division

