

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION TO EXAMINE SEALED
MATERIALS**

v.

Docket No. ARMY 20230319

Specialist (E-4)

RONALD L. NGUYEN,

United States Army,

Appellant

Tried at Fort Liberty, North Carolina,
on 8 December 2022, 26 January
2023, and 5 to 7 June 2023, before a
general court-martial appointed by the
Commander, XVIII Airborne Corps,
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. Nguyen*. The undersigned appellate defense counsel seeks to examine pages 23-90, 104-149, and Appellate Exhibits II, II-A; III, III-A, VI, XVII, and XVII-A. These excerpts relate to a series of Article 39(a) hearings closed pursuant the provisions of Military Rule of Evidence 412.

Review of these 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 the appellant's trial. Review of the materials is reasonably

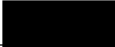
Panel 3

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

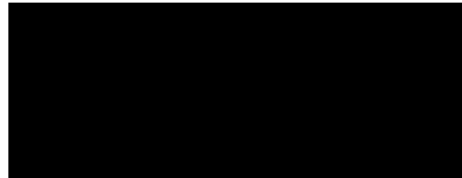
PANEL NO. 3

MOTION TO EXAMINE SEALED
MATERIALS

GRANTED:  _____

DENIED: _____

DATE: 26 January 2024



Stephen R. Millwood
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division



Robert D. Luyties
Major, Judge Advocate
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 January 24, 2024.



MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division