

**IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS**

UNITED STATES

Appellee

**MOTION FOR ORAL ARGUMENT**

v.

Docket No. ARMY 20240106

Specialist (E-4)

**STEVEN A. HOLMES,**

United States Army,

Appellant

Tried at Fort Riley, Kansas, on  
5 July 2023, 30 January 2024, 4-6 March  
2024, before a general court-martial  
appointed by the Commander, 1st  
Infantry Division and Fort Riley,  
Colonels Steven Henricks, Scott Oravec,  
and Gregory R. Bockin, 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  
23 and 25 of this Court's Rules of Appellate Procedure, and request oral argument  
on behalf of the appellant. Undersigned counsel request argument on the following  
assignments of error.

**I. WHETHER THE MILITARY JUDGE ERRED IN FAILING  
TO STRIKE THE ALLEGED VICTIM'S TESTIMONY OR  
DECLARE A MISTRIAL UNDER R.C.M. 914.**

**II. WHETHER THE MILITARY JUDGE ERRED IN FINDING  
APPELLANTS STATEMENT TO CID WAS VOLUNTARY.**

Argument is appropriate for several reasons. First, oral argument on both  
assignments of error will better assist this Court at arriving at an informed and

reasoned decision. Second, the first assignment of error presents a unique opportunity to address a trial courts remedies when presented with a violation of Rules of Courts-Martial 914. Third, it allows this Court to clarify whether an agent Criminal Investigations Division can proactively dissuade an accused from invoking his right to counsel after a waiver.

### **Conclusion**

WHEREFORE, appellant, through undersigned appellate defense counsel, respectfully request this Court grant the motion for oral argument.

PANEL NO. 3

MOTION FOR  
ORAL ARGUMENT

GRANTED: \_\_\_\_\_

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

DATE: 7 March 2025



Beau O. Watkins  
Major, Judge Advocate  
Appellate Defense Counsel  
Defense Appellate Division

**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was electronically filed with the Army  
Court and Government Appellate Division on December 2, 2024.



MELINDA J. JOHNSON  
Paralegal Specialist  
Defense Appellate Division

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**Subject:** RE: Holmes-20240106-Motion for Oral Argument-(241202)  
**Date:** Tuesday, December 3, 2024 8:50:00 AM  
**Attachments:** [Holmes-20240106-Motion for Oral Argument-\(241202\).pdf](#)

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Your pleading is in compliance with the Court's Rules of Practice and Procedure, and the pleading is accepted.

Very respectfully,

Office of the U.S. Army Clerk of Court  
9275 Gunston Road, Bldg. 1450  
Fort Belvoir, VA 22060-5546

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v/r

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