

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

United States,

Appellee

**CONSENT MOTION TO VIEW
CLOSED HEARING**

v.

Docket No. ARMY 20230235

Specialist (E-4)

ROY A. WORDLAW,

United States Army,

Appellant

Tried at Fort Wheeler Army Airfield,
Hawaii, on 1 December 2022, 24
February 2023, and 24–27 April 2023,
before a general court-martial
convened by Commander, 25th
Infantry Division, Lieutenant Colonel
Michael Korte, Military Judge,
presiding.

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

COMES NOW the government, joined by appellant, pursuant to Rules 6.9(a)
and 23 of this Honorable Court’s Rules of Practice and Procedure and hereby
requests this court allow the personnel assigned to the defense and appellate
divisions to view the closed hearing in *United States v. Wordlaw*.

On 23 December 2024, this court ordered a closed hearing to hear argument
regarding the case of *United States v. Wordlaw*. The basis of this closure involves
appellant’s assertion that “defense counsel were ineffective for not introducing
extensive evidence of prior sexual activity[,]” which would require a closed
hearing under Mil. R. Evid. 412(c)(2).

The government and defense move jointly to allow personnel currently

assigned to the government and defense appellate divisions, to include the government's winter intern,¹ to view the closed hearings. This request is limited to viewing the closed hearing and would still prohibit any member from either division from disclosing any sealed materials discussed in the hearing. The basis for this request is as follows:

1. to prepare counsel from the appellate divisions, generally, in anticipation of similar or analogous future arguments regarding these important appellate issues; and
2. to prepare counsel from the appellate divisions, specifically, in the case that on a future date a different member of either appellate division represents either party at the Court of Appeals for the Armed Forces on this same case.

This court, under Rule 6.9(a) and Rules for Courts-Martial 1113(3)(B) may permit examination upon a colorable showing that examination is reasonably necessary to a proper fulfillment of the appellate counsel's responsibilities. A basic responsibility of a judge advocate is competence. Army Regulation [AR] 27-26, Rules of Professional Conduct for Lawyers, para. 6(d) (6 Jun. 2018).

Additionally, "[a]s a member of a learned profession, a lawyer should cultivate

¹ Mr. [REDACTED], winter extern, is currently the only intern assigned to either division. The government respectfully requests that he be allowed to attend the hearing for educational and professional development purposes in anticipation of his admission into the Army JAG Corps following his graduation in 2025.

knowledge of the law beyond its use for clients, employ that knowledge in reform of the law, and work to strengthen legal education.” *Id.* at (f). This cultivation of knowledge includes “striv[ing] to attain the highest level of skill[.]” *Id.* at (g). Both parties maintain that viewing and learning from oral argument and questions from the court best enable counsel to achieve that end.

WHEREFORE, the government and appellant jointly request this court permit personnel from both the government and defense appellate division to view the closed hearing.



ANTHONY J. SCARPATI
CPT, JA
Appellate Attorney, Government
Appellate Division

MOTION FOR PERSONNEL
ASSIGNED TO EACH APPELLATE
DIVISION TO VIEW (BUT NOT
DISCLOSE) THE CLOSED
HEARING:

PANEL: 2

GRANTED: _____

DENIED: _____

DATE: _____

CERTIFICATE OF SERVICE, U.S. v. WORDLAW (20230235)

I certify that a copy of the foregoing was sent via electronic submission to
the Defense Appellate Division at [REDACTED]

[REDACTED] on the 16th day of January, 2025.

[REDACTED]
Senior Paralegal Specialist
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[REDACTED]