

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

In Re R.C.

Petitioner

**PETITION FOR EXTRAORDINARY
RELIEF for a WRIT OF MANDAMUS**

v.

and

Colonel (O-6)

Thomas P. HYNES

Military Judge

Respondent

v.

MOTION TO STAY PROCEEDINGS

Staff Sergeant (E-6)

NATHANIEL P. COLEMAN

United States Army

Real Party in Interest

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

COMES NOW [REDACTED], by and through the undersigned Special Victims'

Counsel (SVC), petitioning for a writ of mandamus pursuant to Article 6b, Uniform Code of Military Justice (UCMJ) and The All Writs Act, 28 U.S.C. § 1651 in accordance with the Army Court of Criminal Appeals (ACCA) Rules of Practice and Procedure Rule 19 in the case in interest *United States v. Coleman*. [REDACTED] moves for an immediate stay of proceedings to halt the unauthorized and unreasonable disclosure of private mental health records privileged under Military Rule of Evidence (Mil. R. Evid.) 513. The detailed military judge in this case is currently

COL Thomas P. Hynes, having replaced LTC Tyler J. Heimann as military judge on 29 May 2025. The military judge ruled on 28 May 2025 that a portion of [REDACTED]'s mental and medical health records would be provided to the parties, without any redactions, by 2 June 2025. [REDACTED]'s request to the military judge to stay the proceedings to allow time to petition for a writ of mandamus was denied on 30 May 2025, unless ordered by ACCA. [REDACTED] requests an immediate stay of proceedings and execution of the trial court's 28 May 2025 ruling.

[REDACTED] asks for leave to substantively supplement this Petition for Relief Under Article 6b no later than 16 June 2025.

Statement of the Issues

[REDACTED] petitions this Court for relief in the form of a writ of mandamus issued pursuant to Article 6b(e), as the military judge's rulings violate [REDACTED]'s right to be treated with fairness and respect for her dignity and privacy in violation of Article 6b(a)(9), UCMJ. Portions of [REDACTED]'s mental health record that will be released on 2 June 2025 includes personally identifiable information unrelated to this case and could put [REDACTED]'s safety at risk. The ruling to provide privileged medical and mental health records to the parties also violates [REDACTED]'s privileges under Mil. R. Evid. 513(a) – to prevent any person from disclosing confidential communication – and Mil. R. Evid. 513(e)(4) – any disclosures must meet the requirements for an enumerated exception to the privilege.

Procedural Statement of the Case

On 7 March 2025, a Rule for Courts-Martial (R.C.M.) 802 conference was held between both parties and the military judge. The summary of the conference was provided on the record at the motions hearing on 10 March 2025. According to that summary, the military judge notified Defense that, if the Defense Motion to Compel Discovery included requests for Mil. R. Evid. 513 evidence, the Special Victims' Counsel (SVC) must be notified. Additionally, according to the Defense's oral description of their discovery request, the judge notified the Defense it did appear to be a Mil. R. Evid. 513 request. On 10 March 2025, there was a motions hearing to discuss the Defense Motion to Compel Discovery, submitted to the Government and court on 9 March 2025. Notably, both SVCs were not on the email submission.

Another motions hearing was scheduled for 14 March 2025 to allow time for the SVCs to receive and respond to Defense Motion to Compel Discovery, which contained a request for Mil. R. Evid. 513 information. An extension was granted for [REDACTED]'s written response, through her SVC, until 1000 EST on 13 March 2025. On 13 March 2025, SVC Response to Defense Motion to Compel Discovery was submitted, on behalf of [REDACTED], requesting that the Court deny Defense's motion to compel discovery/production of [REDACTED]'s medical and mental health records, diagnoses, treatments, and prescriptions.

On 14 March 2025, a closed hearing took place to discuss Defense Motion to Compel Discovery. On 19 March 2025, the court ruled that Defense Motion to Compel Discovery was granted in part. Defense's request to compel the production of [REDACTED]'s mental health diagnoses, medical and mental treatments, and mental health prescriptions from 14 April 2021 to present was granted. The ruling stated the military judge would conduct an in camera review of the documents to ensure there was no spillage of information not granted. On 20 March 2025, the court provided a signed order to the Government that directed Womack Army Medical Center (WAMC) to produce the above-mentioned information, sealed, in a memorandum format.

On 31 March 2025, SVC Request for Reconsideration of the Court's Ruling was submitted, on behalf of [REDACTED], seeking the court to reconsider its 19 March 2025 ruling due to incorrect conclusions of law. [REDACTED] also requested the court issue a stay on its 20 March 2025 order and any additional orders based on the 19 March 2025 ruling. On 1 April 2025, the court agreed to allow oral argument on SVC Request for Reconsideration of the court's Ruling and hold the WAMC records sealed, if they were received by the court prior to a reconsideration ruling. On 4 April 2025, the oral argument on SVC Request for Reconsideration of the court's ruling was held in a closed session. The Defense and [REDACTED], through her SVC, presented oral argument. The court agreed to issue a revised ruling.

On 11 April 2025, the court issued a Reconsideration Ruling. Defense Motion to Compel Discovery was again granted, in part. The court granted the production of [REDACTED]'s mental health diagnoses, treatments, and prescriptions from 14 April 2021 to present. However, the court revised its previous ruling and denied the production of [REDACTED]'s medical records. The court again clarified that there would be an in camera review of the records to confirm there is no spillage of information not granted and further clarified that, should the in camera review reveal communications, the court would cease review and notify the parties.

CPT M.F., Office of the Special Trial Counsel (OSTC) Judge Advocate (JA), received [REDACTED]'s medical and mental health records from WAMC via DoDSafe on 17 April 2025. The records were not sealed or in a memorandum format, as the court's order requested. CPT M.F. downloaded [REDACTED]'s records to a Teams page accessible by anyone on the Government team. On 17 April 2025, upon noticing the error regarding [REDACTED]'s records, MAJ B.F., OSTC JA, took steps to rectify the situation by isolating the file, notifying [REDACTED], through her SVC, and asking the court for guidance. MAJ B.F. confirmed no individual from the Government team had opened the file at that point. The court requested the file be sent to the military judge directly.

On 21 April 2025, the court confirmed that [REDACTED]'s records were not in interrogatory format but were instead printouts from MHS Genesis that appeared to

contain communications. The military judge confirmed he stopped review immediately upon seeing what appeared to be communication. The court suggested three options to proceed: (1) return the records to WAMC and request they comply with the order, (2) send the records to the SVC to see if they contain communications, or (3) have the military judge review and redact the records, with ■■■■■'s consent and with SVC concurrence prior to providing to the parties. On 21 April 2025, ■■■■■ responded, through her SVC, and requested that the court return the records to WAMC and direct them to comply with the order. On 29 April 2025, MAJ B.F. notified ■■■■■, through her SVC, that the Defense was also requesting records from the Family Advocacy Program (FAP) which likely contained Mil. R. Evid. 513 information in addition to Mil. R. Evid. 514 information.

On 5 May 2025, a motions hearing was held to discuss, in part, a plan for ■■■■■'s records provided by WAMC. At that hearing, the Court decided that the first set of ■■■■■'s records would not be utilized for the court-martial. The Government would work with the WAMC legal advisor to confirm what was needed for ■■■■■'s records to be provided to the court both in the proper format and sealed. On 8 May 2025, the Government proposed a new order to the court for signature. This extended the deadline to 30 May 2025 for WAMC to provide ■■■■■'s mental health diagnoses, treatments, and prescriptions, sealed, in memorandum format, to the

court. The military judge signed and returned the proposed order to the Government on 12 May 2025.

On 20 May 2025, the Court received a sealed envelope from WAMC of ██████'s records. Those records were, again, not in memorandum format and contained, what appeared to be, communications. The military judge separated the records into two sections: (1) records that appeared to contain diagnoses, prescriptions, and dates of mental health appointments, and (2) records that included clinical notes which appeared to contain communications. The military judge resealed the privileged records – Section (2) – and notified the Parties Section (1) would be provided to the SVC for review and objection. On 20 May 2025, ██████'s SVC received Section (1) of ██████'s records from the court and was asked to highlight any information the SVC believed was Mil. R. Evid. 513 privileged information.

On 23 May 2025, ██████ through her SVC, asserted via email her earlier objection regarding what was included in Mil. R. Evid. 513 privileged information after Executive Order 14130. Additionally, ██████ requested the Court return the non-responsive documents – all records provided by WAMC – to the records custodian and request the information be provided in memorandum format. Lastly, ██████ requested the military judge recuse himself from the case because ██████'s records were reviewed, in camera, when they were not provided in the proper format and

noticeably contained information that was privileged under Mil. R. Evid. 513. The military judge requested that [REDACTED]'s objections be filed in a captioned document. An SVC Motion for Appropriate Relief was filed with the court on 28 May 2025, which included proposed redactions of the Mil. R. Evid. 513 material.

On 28 May 2025, the military judge issued a supplemental ruling addressing portions of [REDACTED]'s requested relief. The military judge ruled that there were no grounds for his recusal and that Section (1) of [REDACTED]'s records would be provided to the parties, unredacted, beginning 2 June 2025.

On 29 May 2025, COL Thomas P. Hynes was detailed as the new military judge. On 29 May 2025, [REDACTED] requested the court stay the proceedings to allow time for [REDACTED] to petition ACCA for a writ of mandamus before her records were provided to both parties. On 30 May 2025, the military judge denied a stay of the proceedings and informed [REDACTED] only a stay from ACCA would halt proceedings.

A Stay is Appropriate

Article 6b(e)(1) states “[i]f the victim of an offense under this chapter believes that a court-martial ruling violates the rights of the victim afforded by a section (article) or rule specified in paragraph (4), the victim may petition the Court of Criminal Appeals for a writ of mandamus. . .” [REDACTED] seeks an immediate, emergent stay to protect her right to (1) object to production of these records pursuant to her rights expressly enumerated in R.C.M. 703(g)(3)(I); (2) be treated

with respect for her privacy and dignity under Article 6b(a)(9); (3) ensure her fair treatment to include due process as required under Article 6b(a)(9); (4) to prevent the unauthorized disclosure of potentially privileged Mil. R. Evid. 513 records while this court reviews the merits of this Petition; and (5) ensure the military judge does not unreasonably order invasion of her privacy by issuing a court order for which the law does not currently authorize.

Additionally, denying [REDACTED]'s petition for stay while she prepares to file her writ of mandamus will immediately cause [REDACTED] harm without an avenue for [REDACTED] to seek redress. Contained in the records is personal information related to [REDACTED]'s current address which the Accused is not aware of. The stay prevents the trial court from continuing to pursue production of [REDACTED]'s sensitive medical and mental health records, the disclosure of which violates privacy rights that Congress, and the President meant to protect in Article 6b, UCMJ, R.C.M. 703, and Mil. R. Evid. 513. Granting the stay allows [REDACTED] to seek redress from this court on an issue of law. Any ruling by this court will affect [REDACTED]'s rights.

There is no R.C.M. effectuating the right of crime victims to seek redress in the Courts of Criminal Appeals under Article 6b, UCMJ; nonetheless, R.C.M. 908 provides guidance on processing of interlocutory appeals by the United States. [REDACTED] contends her seeking redress from this court is similar. [REDACTED] believes the ruling violated her Article 6b, UCMJ rights, and, if executed, will be irreparable without a

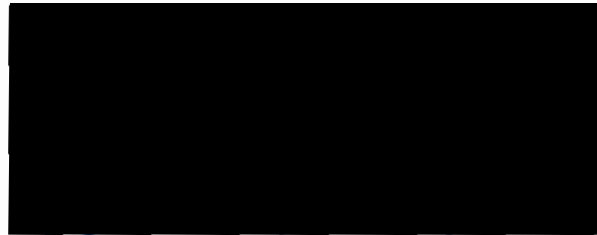
stay. [REDACTED] s SVC is expeditiously filing this Petition for a Writ of Mandamus under Article 6b and Motion for Stay but does seek until 16 June 2025 to file a brief to supplement this Petition.

[REDACTED] seeks an immediate, emergent stay to prevent a violation of her rights.

Respectfully submitted 30 May 2025.



Kyla M. Nichols
Captain, Judge Advocate
Special Victims' Counsel
Office of the Staff Judge Advocate
XVIII Airborne Corps
2843 Normandy Dr, BLDG 4
Fort Bragg, NC 28310
Kyla.M.Nichols.mil@army.mil



Christopher W. Genrich
GS-14, HQDA-OTJAG
Appellate Special Victims' Counsel
Special Victims' Counsel Program
2200 Army Pentagon, RM 3B548
Washington, DC 20310
Christopher.W.Genrich.civ@army.mil

Motion to Stay

Panel No. 2

GRANTED DJF

DENIED _____

DATE 30 May 2025

Motion to Supplement the Writ Petition

Panel No. 2

GRANTED DJF*

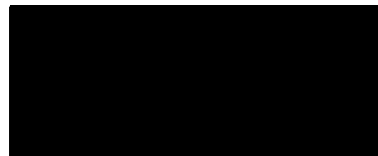
DENIED DJF

DATE 30 May 2025

*Counsel has until 9 June 2025 to supplement their petition.

Certificate of Service

I certify that a copy of the foregoing was sent via electronic submission to the Army Court, Military Judge, Trial Defense Counsel, and Government Trial Counsel at usarmy.pentagon.hqda-otjag.mbx.clerk-of-court-efiling@army.mil, usarmy.pentagon.hqda-otjag.mbx.dad-accaservice@army.mil, usarmy.pentagon.hqda-otjag.mbx.gad-accaservice@army.mil, cynthia.m.bernstine.mil@army.mil, franz.e.bernard.mil@army.mil, samantha.h.gottlieb.mil@army.mil, emma.k.fowler.mil@army.mil, matthew.r.ferguson14.mil@army.mil, barry.j.fitzgerald6.mil@army.mil, and thomas.p.hynes.mil@army.mil, on this 30th day of May, 2025.



Kyla M. Nichols
Special Victims' Counsel
Office of the Staff Judge Advocate
XVIII Airborne Corps
2843 Normandy Dr, BLDG 4
Fort Bragg, NC 28310
703-347-3432
Kyla.M.Nichols.mil@army.mil

From: [USARMY Pentagon HQDA OTJAG Mailbox Clerk of Court eFiling](#)
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Cc: [Genrich, Christopher W CIV USARMY HQDA OTJAG \(USA\)](#); [USARMY Pentagon HQDA OTJAG Mailbox TJ Service](#)
Subject: RE: In Re RC-2025____-Victim Writ of Mandamus and Mot to Stay-(250530)
Date: Friday, May 30, 2025 1:51:00 PM
Attachments: [In Re RC-20250000-Victim Writ of Mand and Mot to Stay-\(250530\).pdf](#)

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

From: Nichols, Kyla M CPT USARMY XVIII ABN CORPS (USA) <kyla.m.nichols.mil@army.mil>
Sent: Friday, May 30, 2025 1:48 PM
To: USARMY Pentagon HQDA OTJAG Mailbox Clerk of Court eFiling <usarmy.pentagon.hqda-otjag.mbx.clerk-of-court-efiling@army.mil>; USARMY Pentagon HQDA OTJAG Mailbox GAD ACCAservice <usarmy.pentagon.hqda-otjag.mbx.gad-accaservice@army.mil>; USARMY Pentagon HQDA OTJAG Mailbox DAD ACCAservice <usarmy.pentagon.hqda-otjag.mbx.dad-accaservice@army.mil>
Cc: Genrich, Christopher W CIV USARMY HQDA OTJAG (USA) <christopher.w.genrich.civ@army.mil>
Subject: In Re RC-20250000-Victim Writ of Mand and Mot to Stay-(250530)

To whom it may concern,

I hereby certify the following documents were transmitted on 30 1345 May 2025.

In Re RC-20250000-Victim Writ of Mand and Mot to Stay-(250530)

1 attachment was served.

Please acknowledge receipt of this message.

Very Respectfully,

Kyla M. Nichols
CPT, JA
Special Victims' Counsel

Office of the Staff Judge Advocate

XVIII Airborne Corps & Fort Bragg

Located in: Soldier Support Center, Bldg 4-2843 Normandy Dr.

Ft Bragg, NC 28310

Government Cell: 703-347-3432

Email: Kyla.m.nichols.mil@army.mil