

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

UNITED STATES

Appellee

**MOTION TO EXAMINE SEALED  
MATERIALS**

v.

Docket No. ARMY 20250081

Specialist (E-4)

**GERARDO S. FERRUFINO,**

United States Army,

Appellant

Tried at Joint Base Lewis-McChord,  
Washington between 24 and 27  
February 2025, before a general court-  
martial appointed by Commander, I  
Corps, Lieutenant Colonel Anne  
Hsieh, 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. SPC Gerardo S. Ferrufino*. The undersigned appellate defense counsel, Major Beau O. Watkins (Branch Chief, Defense Appellate Division), ~~Lieutenant Colonel Kyle Sprague (Deputy Chief, Defense Appellate Division), and Colonel Frank E. Kostik Jr. (Chief, Defense Appellate Division)~~ seek to examine the following portions of the record:

Mil R. Evid. 412 Sealed Materials

1. Appellate Exhibit IV - Government Notice and Motion in Limine for Admission of Evidence Pursuant to M.R.E. 412, 21 Jan 24

2. Appellate Exhibit VIII - Defense Notice and Motion to Admit Evidence Under Provisions of M.R.E. 412, 20 Feb 24
3. Appellate Exhibit VIII-A- Associated Exhibit to AE VIII (M.R.E. 412 Evidence).
4. Prosecution Exhibit 3 for Identification - SAFE Report, 18 Jul 21
5. Closed Session Audio - 18 Mar 24 (00:00:00-00:06:18), 25 Feb 25 (00:00:00-00:07:56), 27 Feb 25 (00:00:00-00:30:53), 27 Feb 25 (00:00:00-00:02:05)
6. Transcript Pages - (pages 33-38), (pages 487-494), (pages 696-717), (pages 719-720)

### **Statement of the Case**

Appellant was found guilty, contrary to his pleas, of one specification of kidnapping in violation of Article 125, Uniform Code of Military Justice, 10 U.S.C § 925. Undersigned appellate counsel needs to review the sealed transcript and appellate exhibits in order to adequately determine whether there are grounds to raise an Assignment of Error related to any of the sealed material.

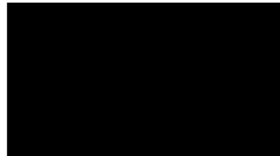
In the present case, review of the sealed materials is consistent with appellate defense counsel's obligations under Army Reg. 27-26, Rules of Professional Conduct for Lawyers, and is reasonably necessary for appellant, through counsel, to determine whether issues exist that merit presentation to this

honorable court for consideration as part of its Article 66, UCMJ, review.

Specifically, the undersigned counsel must examine the sealed materials to ensure an adequate factual and legal basis existed for finding of guilty to Specification 1 of Charge II.


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


PANEL NO. 4



MOTION TO EXAMINE SEALED MATERIAL

Jon C. Hope  
Captain, Judge Advocate  
Appellate Defense Counsel  
Defense Appellate Division

GRANTED:  As amended

DENIED:  In part

DATE: 14 August 2025



Beau O. Watkins  
Major, Judge Advocate  
Branch Chief  
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 August 11, 2025.



MELINDA J. JOHNSON  
Paralegal Specialist  
Defense Appellate Division