

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

v.

Specialist (E-4)

**NICHOLAS R. ST. JEAN**

United States Army

Appellant

**MOTION TO EXAMINE  
SEALED MATERIALS**

Docket No. ARMY 20190663

Tried at Fort Sill, Oklahoma on 10 May, 15 July, and 24-26 September 2019, before a general court-martial appointed by Commander, Fires Center of Excellence and Fort Sill, Colonel Robert L. Shuck, Colonel Douglas K. Watkins, and Lieutenant Colonel Joseph Marcee, 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 6.9 and 23 of this Court's Rules of Appellate Procedure, and moves to examine sealed materials contained in the record of *United States v. St. Jean*. The undersigned appellate defense counsel seek to examine Appellate Exhibits XV, XVI, XXXIV, and XXXV, as well as pages 28–48, 390–94 of the record of trial, which were subsequently sealed pursuant to Military Rule of Evidence 412.

In the present case, 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 ruling on the appellant's trial. Review of the materials

is also reasonably necessary in order for appellant, through counsel, to determine whether those exhibits and transcript pages contain evidence relevant to other anticipated assignments of error and merit presentation to this honorable Court for consideration as part of its Article 66, U.C.M.J. review.

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

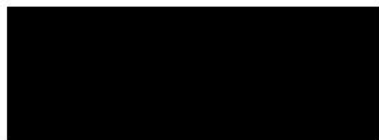
PANEL NO. 2

APPELLANT'S MOTION TO  
EXAMINE SEALED MATERIALS

GRANTED: \_

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

DATED: 28 OCT 2020



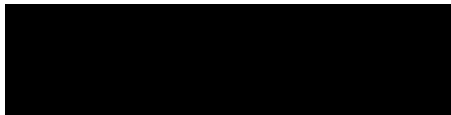
THOMAS J. TRAVERS  
CPT, JA  
Appellate Defense Counsel  
Defense Appellate Division



KYLE C. SPRAGUE  
MAJ, JA  
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 October 22, 2020.



MELINDA J. JOHNSON  
Paralegal Specialist  
Defense Appellate Division

