

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**APPELLANT’S MOTION TO
COMPEL PRODUCTION OF
PROSECUTION EXHIBIT 26**

v.

Docket No. ARMY 20190663

Specialist (E-4)

NICHOLAS R. ST. JEAN

United States Army

Appellant

Tried at Fort Sill, Oklahoma, on 24-26

September 2019; before a general

court-martial appointed by

Commander, Fires Center of

Excellence and Fort Sill, Colonels

Robert L. Shuck and Douglas K.

Watkins and Lieutenant Colonel Joseph

T. Marcee, Military Judges, presiding.

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

COMES NOW the undersigned appellate defense counsel, pursuant to Rule 23 of this Court’s Rules of Appellate Procedure, and moves this honorable court to compel the government to produce a working copy of Prosecution Exhibit 26. The record of trial (ROT) contains a disc purporting to be Prosecution Exhibit 26, but that disc is defective.

In accordance with Rule for Courts-Martial (RCM) 1112(b)(6), admitted exhibits shall be included as part of the record of trial. Without this disc, which contains the accused’s statements to law enforcement, appellate defense counsel cannot perform a full review of the case, and this Court cannot perform its full

review pursuant to Article 66, Uniform Code of Military Justice. The accused's statements were relevant to all the offenses for which he was found guilty and are critical to evaluating multiple assignments of error under consideration by appellate defense counsel. Therefore, the undersigned appellate defense counsel respectfully request that the government be compelled to produce a working copy of Prosecution Exhibit 26.


PANEL NO. 2

APPELLANT'S MOTION TO
COMPEL PRODUCTION OF
PROSECUTION EXHIBIT 26

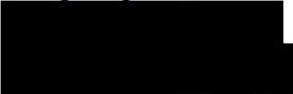
GRANTED: 

DENIED: _____

DATED: 3 Dec 20

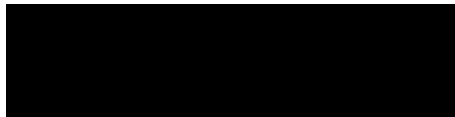

THOMAS J. TRAVERS
CPT, JA
Appellate Defense Counsel
Defense Appellate Division


Civilian Appellate Defense Counsel
Gary Myers, Daniel Conway and Assoc.


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CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army
Court and Government Appellate Division on December 2, 2020.



MELINDA J. JOHNSON
Paralegal Specialist
Defense Appellate Division

