

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee

**UNOPPOSED MOTION TO FILE
UNDER SEAL – REQUEST FOR
RECONSIDERATION**

v.

Docket No. ARMY 20200337

Sergeant (E-5)
TREVAR D. TINSLEY,
United States Army,
Appellant

Tried at Fort Bragg, North Carolina,
on 14 April, 22–24 June, and 1 July
2020, before a general court-martial
appointed by Commander, United
States Army John F. Kennedy Special
Warfare Center and School, Colonel
Charles Pritchard and Lieutenant
Colonel Christopher Martin, Military
Judges, presiding.

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

COMES NOW the United States, by and through undersigned appellate
government counsel, pursuant to Rule 17.2(b) of this Court’s Rules of Appellate
Procedure, and moves to file portions of Assignments of Error (AEs) I–IV under
seal in the case of *United States v. Tinsley*.

1. On 19 August 2021, the undersigned counsel filed a motion to file portions of the Brief on Behalf of Appellee under seal. On 23 August 2021, this Honorable Court denied that motion. Based on the following information below, this undersigned counsel requests reconsideration of the Court’s ruling.¹

¹ Pursuant to Rule 13.7 of this Court’s Rules of Appellate Procedure, this request comes within forty-eight hours of the Court’s ruling, such that Appellee may

2. The government submits this request because counsel for appellant submitted a brief that expressly references sealed motions and sealed materials from a closed Article 39(a), UCMJ session during the court-martial. (Appellant's Br. 9–22). In particular, appellant alleges three assignments of error that make it necessary to reference sealed evidence.
3. First, appellant alleges an assignment of error dealing with Military Rule of Evidence (Mil. R. Evid.) 412 (Appellant's Br. 18), which specifically references testimony and written pleadings, as well as the military judge's ruling. (R. at 18; App. Ex. I). The military judge sealed each of these underlying materials (App. Ex. I, III–V), and therefore the government requests the ability to redact the contents within its motion to maintain the privacy afforded pursuant to Mil. R. Evid. 412.
4. Second, appellant alleges two assignments of error dealing with Mil. R. Evid. 513 (Appellant's Br. 9, 16), which specifically references testimony and written pleadings, as well as the military judge's ruling, that are all sealed material. (R. at 18; App. Ex. XVI, XVII). Therefore, the government requests the ability to redact the contents within its motion as it pertains to these assignments of error, such that the privacy afforded to Mil. R. Evid. 513 is also maintained.
5. These assignments of error span approximately sixty sealed pages in the record of trial (ROT), including testimony, arguments by counsel, and questions from the military judge—all of which are relevant and necessary to reference in response to the above-mentioned assignments of error. (R. at 18).
6. In order to properly respond to appellant's assignments of error, the Brief on Behalf of Appellee should be filed under seal in accordance with this Court's Rules of Appellate Procedure, Mil. R. Evid. 412, and Mil. R. Evid. 513.
7. Appellant does not oppose this motion.

remedy the initial non-compliance with the Court's rules, serving to toll the filing deadline such that the pleadings in this case will not be considered out of time.

WHEREFORE, the United States prays that this Honorable Court grant this new motion to file the Brief on Behalf of Appellee under seal.

Panel No. 3

UNOPPOSED MOTION TO FILE
UNDER SEAL



KAREY B. MARREN
CPT, JA
Appellate Attorney,
Government Appellate Division

GRANTED: _____

DENIED: _____

DATE: _____

CERTIFICATE OF SERVICE, U.S. v. TINSLEY (20200337)

I certify a copy of the foregoing was sent via electronic submission to Mr.

[REDACTED], civilian appellate defense counsel, at [REDACTED]

and the Defense Appellate Division, at [REDACTED]

[REDACTED] on the 23rd day of August 2021.

[REDACTED]

DANIEL L. MANN
Senior Paralegal Specialist
Government Appellate Division

[REDACTED]