

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES**

L.C.)	
Midshipman)	
U.S. Navy)	
<i>Appellant,</i>)	MOTION OF PROTECT OUR DEFENDERS
)	FOR LEAVE TO FILE AN <i>AMICUS</i>
v.)	<i>CURIAE</i> BRIEF IN SUPPORT OF
)	APPELLANT MIDSHIPMAN L.C.
)	
Daniel J. Daugherty)	
Colonel)	
U.S.M.C.)	
(in his official capacity)	Crim.App. Misc. Dkt. No.
as Military Judge))	201400044
<i>Appellee,</i>)	
)	USCAAF Misc. Dkt. No.
&)	14-8010/NA
)	
)	
Joshua L. Tate)	Dated 13 February 2014
Midshipman)	
U.S. Navy)	
<i>Real Party In Interest.</i>)	
)	

**TO THE HONORABLE, THE JUDGES OF THE UNITED STATES
COURT OF APPEALS FOR THE ARMED FORCES**

COMES NOW Protect Our Defenders, by and through its undersigned counsel, and pursuant to Rule 26(a)(3) of the Rules of Practice and Procedure for the United States Court of Appeals for the Armed Forces, moves for leave to file an *amicus curiae* brief in support of the petition filed by Appellant Midshipman L.C.

INTEREST OF THE *AMICUS CURIAE* PROTECT OUR DEFENDERS

Protect Our Defender's honors, supports, and gives voice to the brave men and women in uniform who have been raped, assaulted or harassed by fellow service members. On their behalf, we seek improvements to the military justice system and culture, to reduce the incidence of sexual assault, more consistently and effectively prosecute those guilty of sex related crimes, and better protect the interest of the victims.

Protect Our Defenders educates the public and policymakers on the crisis of sexual violence in the military. Rates of rape, sexual assault, and harassment within the military remain unacceptably high. Reporting by victims is unacceptably low, primarily due to fear of the consequences. Survivors of sexual violence in the military must receive justice and appropriate medical support. Those guilty of perpetrating crimes must be held accountable.

To address these issues, Protect Our Defenders engages policymakers on issues affecting victims of military sexual violence.

We are committed to supporting processes that consistently find justice, through thorough, objective investigations and fair trials.

REASONS WHY A BRIEF OF *AMICUS CURIAE* IS DESIRABLE

The Appellant's Petition clearly and plainly gives good cause why this Court should accept the Petition for review and why Military Judge Colonel Daniel Daugherty's Order should be reversed. Protect Our Defenders' *Amicus Curiae* brief explains how and why this Court's review is needed to provide guidance to military judges and service courts of criminal appeals and to inform victims of their privilege rights under Mil.R.Evid. 513 as well as all other privileges recognized by the Military Rules of Evidence. Protect Our Defenders also provides the military sexual assault victims' perspective that is not provided in any other brief.

Date: 13 February 2014

Respectfully submitted,

/SIGNED ELECTRONICALLY/

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* Application for Admission to Practice before the Court of Appeals for the Armed Forces will be submitted in accordance with Rule 38(b).

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was transmitted by electronic means on February 13, 2014, to the following:

- (1) This Court: efiling@armfor.uscourts.gov
- (2) The Navy-Marine Corps Court of Criminal Appeals:
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