

IN THE UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES

Airman First Class (E-3))
L.R.M., USAF)
)
Appellant,) MOTION OF PROTECT OUR DEFENDERS
) FOR LEAVE TO FILE AN AMICUS
v.) CURIAE BRIEF IN SUPPORT OF
) APPELLANT A1C L.R.M.
)
Lieutenant Colonel (O-5))
JOSHUA KASTENBERG, USAF,)
) USCA Dkt. No. 13-5006/AF Crim.
Appellee,)
) App. Misc. Dkt. No. 2013-05
&)
)
)
Airman First Class (E-3)) Dated 28 May 2013
NICHOLAS E. DANIELS, USAF)
)
Real Party In Interest.)
)

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 Appellant A1C L.R.M.

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

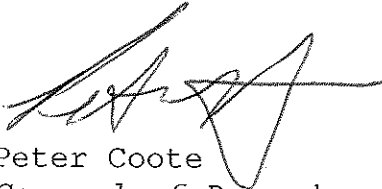
All briefs in opposition to Appellant submitted to this Honorable Court and to the Air Force Court of Criminal Appeals argue that permitting Appellant to be represented by counsel

would be unprecedented in American and military criminal justice jurisprudence. Protect Our Defenders offers case law that demonstrates that it is actually quite common and ordinary.

No brief submitted to this Honorable Court or to the Air Force Court of Criminal Appeals offers a view of the military justice system from the perspective of the sexual assault victim. Protect Our Defenders offers the victim's perspective.

Date: May 28, 2013

Respectfully submitted,



Peter Coote
Counsel of Record
Pennoni Associates Inc.
One Drexel Plaza
3001 Market Street
Philadelphia PA 19104
pcoote@pennoni.com
(215) 254-7857

*Attorney for Amicus Curiae
Protect Our Defenders*

CERTIFICATE OF FILING AND SERVICE

I certify that the foregoing was electronically mailed to the Court, Appellant, Appellee, Real Party in Interest, and *amici curiae* Air Force Appellate Government Division, Air Force Trial Defense Division, Marine Corps Defense Services Organization, Army Defense Appellate Division, and Appellate Defense Division for the Navy-Marine Corps on 28 May, 2013.



Peter Coote
Counsel of Record
Pennoni Associates Inc.
One Drexel Plaza
3001 Market Street
Philadelphia PA 19104
pcoote@pennoni.com
(215) 254-7857

Attorney for Amicus Curiae
Protect Our Defenders