

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

<b>UNITED STATES,</b>	)	<b>ACM 37460</b>
<b>Appellee</b>	)	
	)	
<b>v.</b>	)	
	)	<b>ORDER</b>
<b>Captain (O-3)</b>	)	
<b>BRENT A. CAMPBELL,</b>	)	
<b>USAF,</b>	)	
<b>Appellant</b>	)	<b>Panel No. 2</b>

On 03 December 2010, counsel for the United States filed a Motion to Seal Documents with this Court, pursuant to Rule 23 of this Court's Rules of Practice and Procedure, requesting that the following documents from the Record of Trial (R.O.T.) in the above-styled case:

- I.O. Exhibits 3-6, 14-15 (R.O.T., Vol 2 of 15)
- I.O. Exhibits 16-22 (R.O.T., Vol 3 of 15)
- I.O. Exhibits 23-40 (R.O.T., Vol 4 of 15)
- I.O. Exhibits 41-58 (R.O.T., Vol 5 of 15)
- Prosecution Exhibits 2-13 (R.O.T., Vol 11 of 15)
- Prosecution Exhibits 14-23 (R.O.T., Vol 12 of 15)
- Prosecution Exhibits 24-34 (R.O.T., Vol 13 of 15)
- Prosecution Exhibits 35-40 (R.O.T., Vol 14 of 15)\*
- Appellate Exhibit XXIII, page 8 (R.O.T., Vol 15 of 15)

It is by the Court on this 6th day of December, 2010,

**ORDERED:**

That the motion by the United States is **GRANTED** and that the originals of the aforementioned exhibit(s) in the above-referenced case be sealed pursuant to R.C.M. 1103A, and that any copies of such exhibits in the possession of the appellant, the appellant's counsel, or the appellee, be destroyed immediately.

It is also ordered that this Court shall be notified, by notice that this order has been complied with, no later than 17 December 2010.

FOR THE COURT

OFFICIAL



A handwritten signature in blue ink, appearing to read "S. Lucas", is written over a faint horizontal line.

STEVEN LUCAS  
Clerk of the Court

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\* Prosecution Exhibits 42-43, Appellant's medical records, are also contained in this volume, however the appellant's records need not be sealed.

**IN THE UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

UNITED STATES, ) MOTION TO SEAL  
Appellee, ) DOCUMENTS  
)  
v. )  
) ACM 37460  
Captain (O-3) )  
BRENT A. CAMPBELL, USAF )  
Appellant. ) Panel No. 2

**TO THE HONORABLE, THE JUDGES OF  
THE AIR FORCE COURT OF CRIMINAL APPEALS**

Pursuant to Rule 23 of this Court's Rules of Practice and Procedure, the United States hereby moves to seal the following documents from the record of trial in the above-styled case:

- I.O. Exhibits 3-6, 14-15 (R.O.T., Vol 2 of 15)
- I.O. Exhibits 16-22 (R.O.T., Vol 3 of 15)
- I.O. Exhibits 23-40 (R.O.T., Vol 4 of 15)
- I.O. Exhibits 41-58 (R.O.T., Vol 5 of 15)
- Prosecution Exhibits 2-13 (R.O.T., Vol 11 of 15)
- Prosecution Exhibits 14-23 (R.O.T., Vol 12 of 15)
- Prosecution Exhibits 24-34 (R.O.T., Vol 13 of 15)
- Prosecution Exhibits 35-40 (R.O.T., Vol 14 of 15)<sup>1</sup>
- Appellate Exhibit XXIII, page 8 (R.O.T., Vol 15 of 15)

These exhibits contain personally identifiable information (PII) for a variety of patients to whom Appellant fraudulently prescribed medication, but for reasons unknown, were not placed

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<sup>1</sup> Prosecution Exhibits 42-43, Appellant's medical records, are also contained in this volume.

under seal prior to authentication of the record.<sup>2</sup> In attempting to resolve this matter on appeal, the government contacted the Medical Law Branch at AFLOA/JACC inquiring into any potential HIPAA concerns pertaining to the unsealed medical records. Lt Col Robin Brodrick confirmed that since the documents were properly obtained from the healthcare provider pursuant to a valid law enforcement request, the documents were no longer protected under HIPAA.

In the interest of patient and victim privacy, the United States respectfully requests that the Court place the documents identified above under seal, and order the destruction of any and all copies. Undersigned counsel has coordinated with Appellate Defense Counsel, who does not oppose this request.

WHEREFORE, the United States respectfully requests this Court grant this Motion.



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<sup>2</sup> Pursuant to Appellant's motion to compel, the military judge conducted an *in camera* review of several CDs marked as Appellate Exhibits III-VII. According to the trial counsel, the CDs contained information protected under Health Insurance Portability and Accountability Act (HIPAA). (R. at 9-12.) Following his *in camera* review, the military judge identified which documents he would release and ordered Appellate Exhibits III-VI sealed. (Id.) Per the Court's instruction, the government has reviewed Appellate Exhibit VII and can confirm that it does not contain any PII material.



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**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was delivered to the Court and to Colonel Eric Eklund, Chief, Appellate Defense Division, on 3 December 2010, via electronic filing.



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