In *United States v. Miller*, CAAF considered whether "the automatic closure of [M.R.E. 412 hearings] violates an accused's constitutional or regulatory right to a public trial." *United States v. Miller*, slip op. at 2 (C.A.A.F. 2025). It held an accused's Sixth Amendment right to a public trial does not extend to M.R.E. 412 hearings. *Id.*

Appellant applied to the Supreme Court to extend the time to file petition for writ of certiorari and the Chief Justice granted the application. (Docket link).

> Applicant intends to file a petition for certiorari raising the same question that CAAF decided—whether the automatic closure of M.R.E. 412 hearings violates the accused's Sixth Amendment right to a public trial under *Waller* and *Presley*. This question is of substantial importantce [sic] not only within the military justice system, but in civilian federal courts, as well—since M.R.E. 412 and Fed. R. Evid. 412 are materially identical. Moreover, as the CAAF majority noted, state supreme courts are **divided** on whether the Sixth Amendment requires case-specific closure determinations in similar circumstances. See Exh. A, at 5 n.5 (citing cases); cf. *Pitts v. Mississippi*, 607 U.S. 1, 1 (2025) (per curiam) (reinforcing the need for "case specific" findings of "necessity" before witnesses can be screened from the defendant without violating the Sixth Amendment's Confrontation Clause).

Application for an Extension of Time Within Which to File a Petition for a Writ of Certiorari, No. 25A656 (U.S. Sup. Ct. Dec. 2, 2025). Appellant requests additional time to file a writ of certiorari because Professor Stephen Vladeck has recently been retained.

To the criticism of some, the Supreme Court does not often review courts-martial. *See* Steve Vladeck, "*The Missing Court-Martial Docket*," One First (Jan. 9, 2023). The most recent case to be reviewed from CAAF is *United States v. Briggs* where the Supreme Court unanimously reversed. 592 U.S. 69 (2020). CAAF's opinion noted how every state has evidentiary rules— commonly referred to as rape-shield laws—similar to M.R.E. 412. *See Miller*, slip op. at 1, n.1.