

# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before  
FLEMING, HAYES, and MORRIS  
Appellate Military Judges

**UNITED STATES, Appellee**  
**v.**  
**Staff Sergeant MICHAEL L. WILSON**  
**United States Army, Appellant**

ARMY 20210276

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ORDER  
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**WHEREAS:**

On 22 September 2022, appellant filed his brief. Appellant's brief alleges his trial defense Counsel, Captain (CPT) Jordan Santo and CPT Andrew Whitlock, were ineffective in their representation of appellant.

**NOW THEREFORE, IT IS ORDERED:**

1. Appellate government counsel shall obtain affidavits from CPT Santo and CPT Whitlock, addressing appellant's allegations of ineffective assistance of counsel. At a minimum, such affidavits should address:

- a. Did defense counsel investigate Staff Sergeant (SSG) Wilson's "pending" Post Traumatic Stress Disorder diagnosis, specifically relating to any disclosures of childhood sexual abuse?
- b. What information did defense counsel provide SSG Wilson regarding his forum rights with respect to presentencing, specifically with respect to any potential risks of segmented sentencing by the military judge?
- c. What was the strategic basis for defense counsel's presentencing forum recommendation, and for SSG Wilson's decision to be sentenced by the military judge?

2. Captains Santo and Whitlock shall attach any documents relevant to support their affidavits not otherwise found in the record of trial. *See* Army Reg. 27-26, Rules of Professional Conduct for Lawyers, App. B, Rule 1.6(b)(2) (28 June 2018).

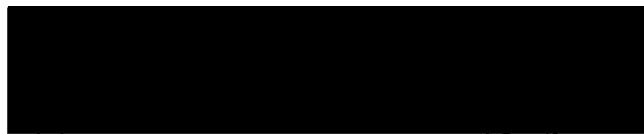
WILSON —ARMY 20210276

3. Government appellate counsel shall obtain from CPTs Santo and Whitlock such affidavits, along with any other documents provided, and file them with this Court no later than 14 days after the date of this order.

4. The government may provide CPTs Santo and Whitlock any portion of the record of trial that may assist them in their response, but may not provide them any documents from the appellate record or sealed portions of the record absent further order of this court.

DATE: 6 April 2023

FOR THE COURT:



✓ JAMES W. HERRING, JR.  
Clerk of Court

CF: JALS-DA  
JALS-GA  
JALS-CCR  
JALS-CCZ  
JALS-TJ