

# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before  
WALKER, EWING, and PARKER  
Appellate Military Judges

UNITED STATES, Appellee  
v.  
Private E2 TREVON K. COLEY  
United States Army, Appellant

ARMY 20220231

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ORDER  
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## WHEREAS:

On 11 July 2023, appellant filed a motion for reconsideration of appellate discovery, requesting this Court order an affidavit from Lieutenant Colonel (Lt. Col.) Lance Smith. On 10 August 2023, the motion was granted.

## NOW THEREFORE, IT IS ORDERED:

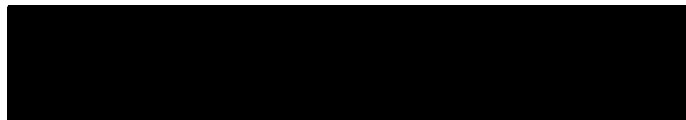
1. Appellate government counsel shall obtain an affidavit from Lt. Col. Lance Smith describing, to the best of his knowledge and belief at the time, the reason(s) for his detailing as the replacement military judge in the above-captioned case.
2. Lieutenant Colonel Smith will also provide information as to the substance of any conversations and/or emails, if any, about: (1) the basis for Judge Pritchard's recusal from the above-captioned case; (2) the history of Judge Pritchard's rulings on motions for unanimous verdicts; (3) whether there were any expectations as to how Lt. Col. Smith would rule on any motion for unanimous verdict; and, (4) whether Lt. Col. Smith was detailed as the military judge in appellant's case because of any prior rulings Lt. Col. Smith had historically made on motions for unanimous verdicts. Any such information will identify when, and with whom, these conversations occurred and copies of relevant emails, if any. If the emails no longer exist, then Lt. Col. Smith will identify from whom the emails originated and his/her duty title. Lt. Col. Smith shall attach any and all documents, including email messages, relevant to support his affidavit not otherwise found in the record of trial. The government may provide Lt. Col. Smith any portion of the record that may assist him in his response, but may not provide him any sealed portion of the record absent further order of this Court.

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3. Appellate government counsel shall obtain the affidavit from Lt. Col. Smith, along with any other documents provided, and file them with this no later than thirty days from the date of this order.

DATE: 10 August 2023

FOR THE COURT:



✓ JAMES W. HERRING, JR.  
Clerk of Court

CF: JALS-DA  
JALS-GA  
JALS-CCR  
JALS-CR4