

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

ORDER

WHEREAS:

On 24 February 2023, appellant filed his brief to this Court alleging his trial defense counsel were ineffective by failing to interview: (1) medical professionals who treated Specialist (SPC) [REDACTED] and Private First Class (PFC) [REDACTED] after the accident, and (2) the accident reconstruction expert, Mr. Bernhard Buhrmann. Appellant also alleges his counsel were ineffective by failing to present Mr. Buhrmann's expert conclusion regarding the car accident.

NOW THEREFORE, IT IS ORDERED:

1. Appellate government counsel shall obtain affidavits from Mr. Michael Coco and Captain Garrett Brooks addressing appellant's allegations of ineffective assistance of counsel. At minimum, such affidavits should address:

a. Did defense counsel interview medical experts who treated SPC [REDACTED] and PFC [REDACTED] after the accident in preparation of trial? If not, what were the legal or strategic reasons for not interviewing the medical professionals? If so, what were the legal or strategic reasons for not presenting their testimony at trial? *See* Appellant's Brief, 14-19.

b. Did defense counsel interview Mr. Bernhard Buhrmann in preparation for trial? If not, what were the legal or strategic reasons for not interviewing Mr. Buhrmann? If so, what were the legal or strategic reasons for not presenting his testimony at trial? Specifically, what were the legal or strategic reasons for not presenting evidence of Mr. Buhrmann's expert summary/conclusion regarding the car accident at trial? *See* Appellant's Brief, 14-19; Def. App. Ex. A.

COLEY — ARMY 20220231

2. Mr. Michael Coco and Captain Garrett Brooks 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).

3. Appellate government counsel shall obtain from Mr. Michael Coco and Captain Garrett Brooks such affidavits, along with any other documents provided, and file them with this Court no later than thirty days from the date of this order.

4. The government may provide Mr. Michael Coco and Captain Garrett Brooks any portion of the record that may assist them in their response, but may not provide them any sealed portion of the record absent further order of this court.

DATE: 16 August 2023

FOR THE COURT:



JAMES W. HERRING, JR.
Clerk of Court

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