

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
FLEMING, HAYES, and POND
Appellate Military Judges

UNITED STATES, Appellee
v.
Private First Class ANTHONY M. ELMORE
United States Army, Appellant

ARMY 20220345

ORDER

WHEREAS:

On 7 August 2023, appellant filed his brief. Appellant alleges his trial defense counsel, Mr. Mickey S. Williams and Captain (CPT) Sergio L. Suarez, were ineffective in their representation of appellant.

NOW THEREFORE, IT IS ORDERED:

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

a. Why did defense counsel not admit the complete DNA report into evidence?

b. Why did defense counsel choose Special Agent CS to testify regarding the DNA results in appellant's case instead of the examiner that conducted the DNA testing?

c. What was defense counsel's trial strategy regarding admitting DNA evidence in appellant's case?

d. Why did defense counsel not object to Victim's testimony regarding appellant telling Victim he "realized that he had done it" and "[i]t happened to his sister," (R. at 371), when such statements were not contained in the Snapchat exhibits admitted into evidence?

2. Captain Suarez and Mr. Williams shall attach any documents relevant to support their affidavits not otherwise found in the record of trial. *See* Army Reg.

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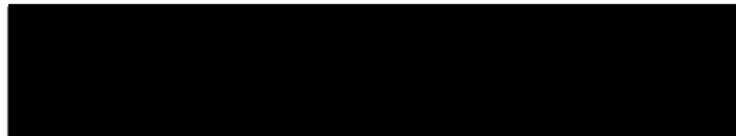
27-26, Rules of Professional Conduct for Lawyers, App. B, Rule 1.6(b)(2) (28 June 2018).

3. Government appellate counsel shall obtain from Mr. Williams and CPT Suarez such affidavits, along with any other documents provided, and file them with this Court no later than 14 days from the date of this order.

4. The government may provide Mr. Williams and CPT Suarez any portion of the record of trial that may assist them in their response, but the government may not provide them any sealed portions of the record absent further order of this court.

DATE: 15 April 2024

FOR THE COURT:



JAMES W. HERRING, JR.
Clerk of Court

CF: JALS-DA
JALS-GA
JALS-CCR
JALS-CR2