

# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before  
FLEMING, PENLAND, and SCHLACK  
Appellate Military Judges

UNITED STATES, Appellee  
v.  
Staff Sergeant JOEL A. CORRINARD  
United States Army, Appellant

ARMY 20220616

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ORDER  
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WHEREAS:

On 2 December 2022, an enlisted panel sitting as a general court-martial convicted appellant, contrary to his pleas, of two specifications of sexual assault and one specification of abusive sexual contact in violation of Article 120, Uniform Code of Military Justice, 10 U.S.C. §§ 920. The military judge sentenced appellant to seventy-two months of confinement and a dishonorable discharge. Appellant's case is now pending review before this Court pursuant to Article 66, UMCJ.

On 1 February 2024, appellant filed a brief alleging *inter alia* he received ineffective assistance of counsel during his court-martial proceedings when his defense counsel, Captain (CPT) Kimberly Hurt and Major (MAJ) Jacob Gadd, failed to investigate and introduce the alleged victim's medication history relevant at the time of the alleged assault.

In reviewing the record and appellant's allegations of ineffectiveness, we conclude that affidavits from appellant's trial defense counsel are required to address appellant's allegations.

NOW, THEREFORE, IT IS ORDERED:

1. Appellate government counsel shall obtain an affidavit from CPT Kimberly Hurt and MAJ Jacob Gadd addressing allegations of ineffective assistance of counsel during appellant's case. At a minimum, CPT Kimberly Hurt and MAJ Jacob Gadd shall answer the following questions:

- a. Were you aware the alleged victim was prescribed multiple medications or substances, including hormones, in this case?

- b. What steps did you take to determine whether any of those medications or substances could impact a person's behavior, perception, or memory?
  - c. If you learned that any one of the medications or substances, or the combination of them, could have an impact on a person's behavior, perception, or memory what steps did you take to determine whether those medications or substances impacted the alleged victim in this case?
  - d. If you knew about the alleged victim's medications and substances, what was the strength of evidence or tactical reason for not using the evidence to corroborate the appellant's version of events?
2. CPT Kimberly Hurt and MAJ Jacob Gadd will attach any documents relevant to these questions not otherwise found in the record of trial.
3. Appellate government counsel shall obtain from CPT Kimberly Hurt and MAJ Jacob Gadd the foregoing affidavits, along with any other documents provided, and file them with this court not later than fourteen (14) days after the date of this order.
4. The government may provide CPT Kimberly Hurt and MAJ Jacob Gadd 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: 5 December 2024

FOR THE COURT:



JAMES W. HERRING, JR.  
Clerk of Court

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