

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
FLEMING, PENLAND, and MORRIS
Appellate Military Judges

UNITED STATES, Appellee
v.
Specialist JACOB A. DICKERSON
United States Army, Appellant

ARMY 20220118

ORDER

WHEREAS:

On 14 March 2022, a military judge sitting as a general court-martial convicted appellant, pursuant to his pleas, of dereliction in the performance of duties by culpable inefficiency and one specification of wrongful use of a controlled substance, in violation of Articles 92 and 112a, Uniform Code of Military Justice, 10 U.S.C. §§ 892, 912a [UCMJ]. The military judge sentenced appellant to a bad-conduct discharge and seventy-five days of confinement. Appellant's case is now pending review before this Court pursuant to Article 66, UMCJ.

On 13 February 2024, appellant filed a brief alleging *inter alia* he received ineffective assistance of counsel during his proceedings by his defense counsel, Captain Hailey E. Manfredi and Captain Michael J. Brown.

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.

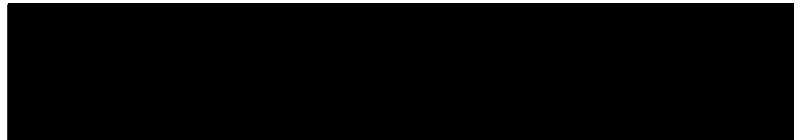
NOW, THEREFORE, IT IS ORDERED:

1. Appellate government counsel shall obtain an affidavit from Captain Manfredi and Captain Brown addressing allegations of ineffective assistance of counsel during appellant's case. At a minimum, Captain Manfredi and Captain Brown shall answer the following questions:
 - a. You successfully argued at the Article 32 preliminary hearing that Charge II, alleging appellant was derelict in the performance of his duties, failed to state an offense. Prior to entry of pleas, why did you elect not to bring a motion to dismiss Charge II on those grounds?

- b. Why did you advise appellant that pleading guilty to Charge II was in his best interest, especially given the concerns that Charge II failed to state an offense?
 - c. On one occasion, when engaged in confidential communications with appellant regarding the government offer to plea, counsel made a phone call. While on the phone, Captain Manfredi repeatedly asked appellant whether he was going to accept the plea deal. To the best of your recollection, who was on the phone during your confidential communications with appellant?
2. Captain Manfredi and Captain Brown shall attach any documents relevant to these questions not otherwise found in the record of trial.
3. Appellate government counsel shall obtain from Captain Manfredi and Captain Brown the foregoing affidavits, along with any other documents provided, and file them with this court no later than 20 December 2024.
4. The government may provide Captain Manfredi and Captain Brown any portion of the record that may assist them with their respective responses.

DATE: 13 December 2024

FOR THE COURT:



JAMES W. HERRING
Clerk of Court

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