

# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before  
FLEMING, PENLAND, and COOPER  
Appellate Military Judges

UNITED STATES, Appellee  
v.  
Private E2 RONALD L. NGUYEN  
United States Army, Appellant

ARMY 20230319

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ORDER  
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WHEREAS:

On 7 June 2023, a military judge sitting as a general court-martial convicted appellant, contrary to his pleas, of two specifications of rape and two specifications of assault, in violation of Articles 120 and 128, Uniform Code of Military Justice, 10 U.S.C. §§ 920, 928 [UCMJ]. The military judge sentenced appellant to a dishonorable discharge and seven years confinement. Appellant's case is now pending review before this Court pursuant to Article 66, UMCJ.

On 3 April 2024, appellant filed a brief alleging *inter alia* he received ineffective assistance of counsel during his proceedings by his defense counsel, Major Todd M. Chard and Captain Tie She'l Chavis.

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 Major Chard and Captain Chavis addressing allegations of ineffective assistance of counsel during appellant's case. At a minimum, Major Chard and Captain Chavis shall answer the following question:

- a. Considering the rule of completeness, why did the defense not seek to admit appellant's full CID interview once the government successfully moved to admit an excerpt?

2. Major Chard and Captain Chavis shall attach any documents relevant to these questions not otherwise found in the record of trial.

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3. Appellate government counsel shall obtain from Major Chard and Captain Chavis the foregoing affidavit, along with any other documents provided, and file it with this court by no later than fourteen days after receipt of this order.

4. The government may provide Major Chard and Captain Chavis any portion of the record that may assist them in their responses, but may not provide them any sealed portion of the record absent further order of this court

DATE: 13 February 2025

FOR THE COURT:



JAMES W. HERRING, JR.  
Clerk of Court

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