# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
FLOR, POND, and STEELE
Appellate Military Judges

**UNITED STATES, Appellee**
**v.**
**Corporal RICHARD K. WILCOXSON**
**United States Army, Appellant**

ARMY 20240104

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ORDER
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WHEREAS:

On 5 March 2024, a military judge, sitting as a general court-martial, convicted appellant, contrary to his pleas, of one specification of attempting to commit a lewd act upon a minor, one specification of assault consummated by a battery of a child, and two specifications of possessing child pornography, in violation of Articles 80, 128, and 134, Uniform Code of Military Justice, 10 U.S.C. §§ 880, 928, 934 [UCMJ]. Consistent with his plea, the military judge convicted appellant of one specification of assault consummated by a battery of a child, in violation of Article 128, UCMJ. The military judge sentenced appellant to a dishonorable discharge, thirty-six months of confinement, and reduction to the grade of E-1. Appellant's case is now pending review before this court pursuant to Article 66, UCMJ.

On appeal, appellant now asserts—and government appellate counsel concede—that he is entitled to a sentence rehearing because appellant elected to be sentenced to a unitary sentence under the pre-2019 sentencing rules, and the military judge announced a segmented sentence.

NOW, THEREFORE, IT IS ORDERED:

This Court on its own motion requests supplemental briefing on the following aspects of Assignment of Error III:

> 1. Whether appellant waived his right to a unitary sentence when defense counsel failed to notify the military judge of appellant's previous election and failed to object to the sentence as adjudged by the military judge?

2. If not waived, whether the military judge's announcement of a segmented sentence, after the appellant elected unitary sentence, constituted structural error?

3. If the error was neither waived nor structural, whether appellant was prejudiced by the military judge adjudging a segmented sentence?

Appellant shall file a brief on the specified issues not later than fourteen days from the date of this order. Appellee may file a reply brief not later than ten days after the filing of appellant's brief.

DATE: 18 February 2026

FOR THE COURT:

[redacted]

JAMES W. HERRING
Clerk of Court

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