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CLERK OF THE COURT

IN THE UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES

UNITED STATES, Appellee	) **SUPPLEMENT TO PETITION FOR GRANT OF REVIEW**
v.	)
	) Crim. App. Dkt. No. ARMY 20230265
	) USCA Dkt. No. 26-0205/AR
Private (E-1) **TRENT M. MORLOCK**, United States Army, Appellant	)

TO THE JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES:

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Issues Presented

I. WHETHER DEFENSE COUNSEL WERE INEFFECTIVE BECAUSE THEY FAILED TO INVESTIGATE MRS. CM'S HALLUCINATIONS AND HER UNCONTROLLED SCHIZOPHRENIA AND IMPEACH HER WITH THE SAME.

II. WHETHER THE MILITARY JUDGE ABUSED HIS DISCRETION WHEN HE ADMITTED CS'S UNRELIABLE HEARSAY STATEMENTS UNDER THE RESIDUAL HEARSAY EXCEPTION.

Reasons to Grant Appellant's Petition

This Court should grant Appellant's petition concerning the first issue because the Army Court of Criminal Appeals (Army Court) applied the law in a manner inconsistent with this Court's precedent and at variance with the precedent of other service courts. This Court should grant Appellant's second presented issues because they are issues upon which this Court has not ruled, but should.

Statement of Statutory Jurisdiction

The Army Court had jurisdiction over this matter pursuant to Article 66, Uniform Code of Military Justice, 10 U.S.C. § 866 (2019) [hereinafter UCMJ]. This Honorable Court has jurisdiction over this matter under Article 67(a)(3), UCMJ, 10 U.S.C. §867(a)(3)(2019).

Statement of the Case

On September 13,2022, April 6 and May 8-11, 2023, a military judge sitting as a general court-martial tried Private Tent M. Morlock [Appellant]. Contrary to his pleas, the military judge convicted Appellant of one specification of sexual assault and two specifications of domestic violence, in violation of Articles 120 and 128b, Uniform Code of Military Justice, 10 U.S.C. §§ 920, 928 (2019) [UCMJ].[1] The military judge sentenced Appellant to a total of eight years and six months of confinement. Additionally, the military judge sentenced Appellant to be dishonorably discharged from the military service and to be reduced to the grade of E-1. (R. at 794-95). The Military Judge ordered that Appellant receive 151 days of *Allen* credit. *Id.*

On September 17, 2025, the Army Court issued a summary affirmance. *United States v. Morlock*, 2025 CCA LEXIS 451 (A. Ct. Crim. App. Sep. 17, 2025) (sum. disp.) (Appendix A). Appellant timely moved for reconsideration because his motion to attach Def. App. Ex. G was still pending. On April 13, 2026, the Army Court again summarily affirmed Appellant's convictions. *United*

[1] The military judge acquitted Appellant of numerous other offenses.

States v. Morlock, 2026 CCA LEXIS 183 (A. Ct. Crim. App. Apr. 13, 2026) (sum. disp.). This appeal followed.

Statement of Facts

Appellant was married to Mrs. CM.[2] Mrs. CM was a teenager when she married Appellant. (R. at 154). She was also already a mother, in consequence of an earlier liaison with someone other than Appellant. (R. at 155).

Mrs. CM's relationship with Appellant was turbulent. Mrs. C.M. described her relationship with Appellant as "wild" and admitted she used "lots of [illegal] drugs" during their early relationship. *Id.* Mrs. CM admitted that had a "toxic hometown life" and that she suffered from "mental illness" which fueled the unstable nature of the relationship. (R. at 156, 163).

Mrs. CM takes the psychotropic medications Trazadone and Seroquel. (R. at 168). Seroquel is an antipsychotic medication. Def. App. Exs. A, F. Although Mrs. CM listed Seroquel with her sleep medications, Seroquel is, in fact, used primarily to treat schizophrenia. Def. Ex. Ex. F. Mrs. CM suffers from schizophrenia. Def. App. Exs. B, G.

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[2] Although Mrs. CM used her maiden name during the court-martial, formally, she remained Mrs. Trent Morlock because she elected to obstruct Appellant's desired divorce by concealing herself from service of process. Appellant succeeded in divorcing Mrs. CM recently only because he was permitted to serve her with process by publication.

Mrs. CM is a regular abuser of marijuana. (R. at 228-29). Marijuana use aggravates the symptoms of paranoid schizophrenia. Def. App. Ex. E. Mrs. CM knew that Appellant reported her for marijuana possession and use on military installations, in violation of federal law. (R. at 229-30).

Mrs. CM claimed that Appellant sexually assaulted her while she was asleep due to her medication. (R. at 234). She claimed that Appellant sexually assaulted her "several" or "2-3" times, depending on the listener. (R at 233-34). Mrs. CM claimed that she is "extremely sensitive" to Trazadone and that she only took half of her prescribed dose. (R. at 233). Mrs. CM's prescription for Trazadone, an antidepressant used off-label as a sleep aid, was of a typical dose. Trazadone would not typically cause a person to be rendered unconscious or unresponsive. (R. at 532). Although Seroquel is anti-psychotic medication used to treat schizophrenia, Mrs. CM claimed she was prescribed Seroquel for her insomnia. Seroquel is also unlikely to cause a person to become unresponsive or to sleep through a sexual assault. Def. App. Ex. A. Apparently to explain away this unlikelihood, Mrs. CM claimed that Appellant tampered with her medication. (R. at 219). The record contains no toxicological or other physical evidence supporting this accusation.

Mrs. CM's psychiatric illness manifested itself in histrionic displays. When Appellant informed Mrs. CM that he wanted to divorce her, she announced her

intention to slit her wrists and take a whole bottle of sleeping pills. (R. at 173). This statement, however, was made for purposes of "attention," as Mrs. CM claimed she did not actually intend to follow through on either threat. (R. at 173-74).

During a period of attempted reconciliation, Appellant and Mrs. CM "ended up getting into a physical altercation." (R. at 188). According to Mrs. CM, Appellant "thought that [Mrs. CM] had hit" Appellant in the back of the head. Mrs. CM admitted that Appellant responded by hitting back at Mrs. CM. *Id.*

Mrs. CM told Appellant "if you don't open this door, I'm going to tell the MPs and everybody that you raped me." (R. at 238). She further threatened to falsely report that Appellant "molested [his] sisters, abused [Mrs. CM's] animals, broke their bones" and "abused my son." (R. at 239).

Mrs. CM did not report her alleged sexual assaults immediately after they occurred. (R. at 246). Instead, she reported her allegations when MPs responded to the affray. (R. at 247). Despite having previously alleged sexual assault and despite having previously received briefings from a Special Victim's Counsel, Mrs. CM did not obtain a sexual assault forensic examination [SAFE]. (R. at 248). Despite her claim that Appellant has sexual assaulted her, Mrs. CM wanted to reconcile "romantically" with him after the alleged sexual assault. (R. at 180-81).

Mrs. CM claimed that Appellant whipped CS on the buttocks with an electrical extension cord. (R. at 220). She could not remember when this incident occurred without significant prompting from trial counsel. *Id.* She further testified that CM's biological father and his biological father's girlfriend abused CM. (R. at 229).

Although she claimed at trial that Appellant beat her son with an electrical cord, Mrs. CM told CID that Appellant had never physically abused CS. (R. at 250). CS testified that Appellant smacked him on the arm, not the buttocks. (R. at 291). CS further testified that Appellant used a USB cord, not an electrical cable. *Id.* Mrs. CM initially refused to have CS forensically interviewed in at a child forensic center. (R. at 252). Despite her claim that Appellant was abusive to CS, Mrs. CM continued to have Appellant babysit him. (R. at 209).

CS was visibly dirty when under CM's care. (R. at 408). He had stained clothing and bug bites. (R. at 419). Mrs. CM's house was filthy and in total disarray at the time she made her allegations against Appellant. (R. at 578). It had a strong smell of urine, feces and other unpleasant odors. (R. at 439). Despite her claims that Appellant was responsible for the filth, CM's house remained in an appalling state after Appellant left it. (R. at 613). Inability to maintain basic home cleanliness is a hallmark of uncontrolled schizophrenia. (Def. App. Ex. E).

CS's biological father physically disciplines CS in an abusive manner. (R. at 253). One of Mrs. CM's paramours, Private AT, beat CS to the extent that he bled. (R. at 310, 533). CS admitted that Private AT is always spanking him. (R. at 552). CS also experienced significant abuse when he lived with his biological father. (R. at 569). Private AT told CS that CS should keep Private AT's secrets. *Id.* CS agreed that Private AT told CS to accuse Appellant of touching CS's penis. *Id.* Mrs. CM told CS that Appellant had been jailed because he did bad things. (R. at 311).

CS eventually underwent forensic interviews with KS, a child forensic interviewer at the Willow Tree Child Forensic Center. (R. at 326). KS was present only as a fact witness and was disallowed as an expert witness. (R. at 325-26, 334). Even though she was not qualified as an expert witness, the military judge utilized KS's assertion that the forensic interview followed accepted protocols to find that CS's statements were reliable and qualified for admission as residual hearsay exception. (R. a 358-60).

The Government's expert conceded that CM utilized age-inappropriate language in a different forensic interview, indicating that he had been coached. (R. at 521). He further conceded that children are more suggestible than adults. (R. at 526). Their memories may become corrupted as a result of suggestion. (R. at 527). They may misattribute wrongdoing as a result of suggestion. *Id.* Suggestion

may cause memory errors in which a young child believes that something happened which really did not. (R. at 529). It is an unsound practice to interview a parent where a child may hear the interview because of the possibility of contamination of the child witness's memory. (R. at 537). CS was present when CID agents interviewed CM and heard the interview. (R. at 583). CS specifically heard CM talk to CID agents about abuse allegations in which she alleged that Appellant abused CM. (R. at 621). CS testified that Appellant touched his penis with his hands. (R. at 292). CS denied that Appellant put his mouth on his penis. *Id.* This testimony was inconsistent with CS's previous interview and with specific acts charged in Charge I, Specification 1. The military judge acquitted Appellant of the specification dealing with CS's allegation.

Prior to trial. Appellant told his Defense Counsel that Mrs. CM suffers from schizophrenia and that her schizophrenia causes her to hallucinate. Def. App. Ex. B; Gov. App. Ex. 1. Defense counsel failed to investigate or develop this information. Gov. App. Ex. 1 and 2. Miss TH, a friend and former roommate of Mrs. CM, testified during pre-sentencing. She confirmed to Defense Appellate Counsel that Mrs. CM is a schizophrenic who suffers from hallucinations. Def.

App. Ex. G. She did not tell Trial Defense Counsel her knowledge of Mrs. CM's behavioral health because they did not ask her about it. *Id.*

Argument

I.

DEFENSE COUNSEL WERE INEFFECTIVE BECAUSE THEY FAILED TO INVESTIGATE MRS. CM'S HALLUCINATIONS AND UNCONTROLLED SCHIZOPHRENIA AND IMPEACH HER WITH THE SAME.

Standard of Review

This Court reviews claims that defense counsel were ineffective de novo. *United States v. Akbar*, 74 M.J. 364, 379 (C.A.A.F. 2015).

Law and Discussion

This Court should grant review because Defense Counsel knew of Mrs. C.M.'s schizophrenia but failed to investigate it. An appellant establishes ineffective assistance of counsel when (1) counsel's conduct was not objectively reasonable under prevailing professional norms; and (2) there is a reasonable probability that, but for counsel's unprofessional error, the findings or sentence would have been different. *United States v. Stinson*, 34 M.J. 303, 306 (C.M.A. 1992). Failure to adequately investigate and present relevant mental health evidence constitutes ineffective assistance of counsel where the uninvestigated

evidence would be useful in an appellant's defense. *United States v. Kreutzer*, 59 M.J. 773, 798 (A. Ct. Crim. App. 2004).

A. Evidence of Mrs. CM's hallucinations was highly relevant and probative.

This Court should grant review because evidence of Mrs. CM's hallucinations is highly relevant and probative. "Evidence of a witness's psychological history may be admissible when it goes to [a Prosecutrix's] credibility." *United States v. Sasso*, 59 F.3d 341, 347 (2nd Cir. 1995). "Mental instability [is] relevant to credibility…where **during the time-frame of the events testified to**, the witness… suffered from a severe illness, such as schizophrenia." *United States v. Butt*, 955 F.2d 77, 82-83 (1st Cir. 1992) (emphasis added). In determining whether psychiatric evidence is relevant and probative, this Court considers 1. the nature of the psychiatric problem, 2. the temporal recency or remoteness of the problem and 3. whether the witness suffered from the problem at the time of the events to which he is to testify. *Id.* Here, all three factors would have strongly favored admission of evidence of Mrs. CM's uncontrolled schizophrenia.

The first *Sasso* factor favors admission of evidence of Mrs. CM's schizophrenia. Paranoid and delusional conditions are likely to be probative evidence showing that a witness is unreliable. *Chnapkova v. Koh*, 985 F.2d 79, 81

(2d Cir. 1993). Here, Mrs. CM suffered from schizophrenia, a paranoid and delusional condition. It was therefore probative.

The second factor favors admission. Mrs. CM's schizophrenia was uncontrolled at the time of the alleged incidents. (Def. App. Exs. B, G).

The third *Sasso* factor favors admission. The record indicates that Mrs. CM routinely abuses marijuana. (R. at 229). Marijuana use aggravates the symptoms of schizophrenia. (Def. App. Ex. E). Mrs. CM admitted she was experiencing the effects of her schizophrenia. According to Mrs. CM, "both of our mental illnesses were butting heads" at the time of her allegations. (R. at 156). Finally, the record independently shows that Mrs. CM's schizophrenic symptoms were not under control. Mrs. CM's residence and son were both filthy. (R. at 408). Inability to complete routine housekeeping and maintain cleanliness is a hallmark symptom of schizophrenia. Def. App. Ex. X. This Court should therefore find that Mrs. CM was experiencing the effects of schizophrenia at the time of the charged incidents. The third *Sasso* factor favors admission.

B. Defense Counsels' explanations are not reasonable.

Defense counsel's affidavits imply a false dichotomy between attacking Mrs. CM's credibility because she is untruthful and attacking her delusions. Gov. Ex. 1. As CPT BY admits, no such dichotomy exists because one is consistent with the other. Gov. App. Ex. 2. This Court will require a plausible explanation

for counsels' failure to admit evidence consistent with their theory, especially where a failure to investigate underlies the failure. *United States v. Marshall,* 52 M.J. 578, 582 (N-M Ct. Crim. App. 1999). Here, Defense Counsel failed to identify how attacking Mrs. CM as delusional would detract, instead of complement, the theory that she is untruthful. Evidence of Mrs. CM's hallucinations or delusions does not render Mrs. CM more truthful in the view of the factfinder. Instead, it provides an additional, consistent reason why she might state untruths.

Both counsel justify their failure to raise Mrs. CM's schizophrenia by raising their failure to investigate her condition. A counsel's "strategic" or "tactical" decision that is based on inadequate investigation can provide the foundation for a finding of ineffective assistance. *United States v. Davis,* 60 M.J. 469, 474-75 (C.A.A.F. 2005)). Here, Defense Counsel circularly reason that "[a]ttacking CM's credibility based on her schizophrenia was much weaker because we had no evidence her condition impacted her behavior…" Gov. App. Ex. 1. In other words, because Defense Counsel failed to investigate Mrs. CM's psychiatric history, they could not impeach her with evidence of delusional or hallucinatory psychosis. This failure does not justify the decision.

Finally, Defense Counsels' affidavits fail to address the "red flag" of Mrs. CM's use of Seroquel. Defense counsels' performance may be deficient if they

ignore and fail to further investigate "red flags" contained in the evidence available to them. *Loving v. United States,* 64 M.J. 132, 148 (C.A.A.F. 2006). Here, Defense Counsel unquestionably knew that Mrs. CM takes Seroquel. (R. at 168). Seroquel is an antipsychotic drug approved only for the treatment of "schizophrenia, bipolar disorder and major depressive disorder." See NDA 20-639 S-026, Final Approved Labeling, *SEROQUEL® (quetiapine fumarate)*, Food and Drug Administration available at https://www.accessdata.fda.gov/drugsatfda_docs/label/2006/020639s026lbl.pdf. Defense counsel claim that they reviewed the "Diagnostic and Statistical Manual of Mental Disorders (DSM) Fifth Edition," prepared with their expert witness psychologist, and interviewed the government expert witness psychiatrist about Mrs. CM's medication. (Gov. App. Exs. 1 and 2). Defense Counsel therefore should have known that Mrs. CM was taking a medication used to treat schizophrenia. This knowledge should therefore have alerted them that they needed to more deeply investigate Mrs. CM's psychiatric history.

CPT KH admits that Appellant told him of Mrs. CM's schizophrenia. (Gov. App. Ex. 1). CPT BY admits that Appellant told him of "some type of behavioral health condition, in the sense that she would behave violently and was generally untruthful." (Gov. App. Ex. 2). To the extent Defense Counsel claim Appellant did not tell them about the extent of Mrs. CM's symptoms, this Court should find

that they should have been independently aware of the need to investigate these symptoms because of Mrs. CM's use of anti-schizophrenia medication.

Had Defense Counsel investigated Mrs. C.M.'s uncontrolled schizophrenia, they would have discovered publicly available information indicating that Mrs. C.M.'s mental illness has been long-term, uncontrolled, and that she behaves violently in consequence. *See e.g.* Aly Delp, Area Teen Accused of Pulling Knife and Threatening to Kill Man Waives Hearing, (July 23, 2020), available at https://www.explorevenango.com/local/2020/07/31/area-teen-accused-of-pulling-knife-and-threatening-to-kill-man-waives-hearing-556898/. They further would have discovered that she had hallucinations. Def. App. Ex. G. There simply was no reason for Defense Counsel not to impeach Mrs. C.M.'s credibility with her uncontrolled schizophrenia. Defense Counsel were therefore ineffective. This Court should therefore grant review because evidence of Mrs. CM's hallucinations was highly relevant and probative as it went directly to her credibility.

II.

THE MILITARY JUDGE ABUSED HIS DISCRETION WHEN HE ADMITTED CS'S UNRELIABLE HEARSAY STATEMENTS UNDER THE RESIDUAL HEARSAY EXCEPTION.

Standard of Review

This court reviews a military judge's decision to admit statements under the residual hearsay rule for clear error. *United States v. Donaldson*, 58 M.J. 477, 488 (C.A.A.F. 2003).

Argument

This court should grant review because the Military Judge erred in admitting video recordings of KS's child forensic interviews with CS under Mil. R. Evid 807. The Military Judge erred because CS's statements fit inside of, but did not meet, established hearsay exceptions. Further, the military judge erred because CS's statements did not contain strong indicia of reliability.

A. CS's statements were prior inconsistent statements that did not qualify for admission. They were not residualresidual hearsay, because residualresidual hearsay includes only evidence not covered by an existing exception or exemption.

CS's Child Forensic Interviews [CFIs] with KS were prior inconsistent statements because they were not consistent with CS's in-court testimony and were admitted for that reason. "[E]vidence which is not covered by other exceptions" is admissible under the residual hearsay rule. *United States v. Whalen*, 15 M.J. 872, 877-78 (A.C.M.R. 1983) (quoting *United States v. Bailey*, 581 F.2d 341, 347 (3d Cir. 1978)). Here, the Military Rules of Evidence contains a hearsay exemption dealing with prior statements inconsistent with in-court testimony. Mil. R. Evid. 801(d)(1). Although the military judge characterized CS's in-court testimony as a

lack of memory, (R. at 350-51), lack of memory is simply a type of prior inconsistent statement. "[L]eading treatises have pointed out, an 'inconsistent statement'… include[s] vague or evasive answers, claims of memory loss, and explicit refusals to answer. *See* 5 Weinstein's Federal Evidence § 801.21[b] (2024 ed.); 30B Wright & Miller, Federal Practice and Procedure § 6744 (2024 ed.); *United States v. Schuemake*, 124 F.4th 1174, 1177 (9th Cir. 2024).

The portions of Pros. Ex. 23 relevant to the remaining charges deal with events CS remembered in court. CS's descriptions in the CFI of the assaults Appellant allegedly committed, however, were inconsistent with his in-court testimony. CS's statements in the CFI were therefore within a category of exemption contained in the rule, the exemption for prior inconsistent statements. This exemption is contained in Mil. R. Evid. 801(d)(1).

The Military Judge erred in admitting Pros. Ex. 23 as residual hearsay because Mil. R. Evid. 801(d)(1) deals with the circumstances under which prior consistent statements are admissible. The residual hearsay rule does not allow "an unfettered exercise of judicial discretion." *Id.* (quoting Saltzburg and Redden, *Federal Rules of Evidence Manual* 557 (2d ed. 1977). "Evidence that may be admissible under this provision is, by definition, unusual. It does not fit within established hearsay exceptions or exemptions." S. Saltzburg et al., 2 *Military Rules of Evidence Manual* § 807.02[3] (9th ed.). Here, the CFIs were covered by

another exemption, Mil. R. Evid. 801(d)(1). CS's CFI interview failed to meet that rule's criteria for admissibility because those statements were not made under oath. Therefore, the CFIs were not admissible at all.

B. The statements lacked reliability.

This Court should grant review because the military judge erred in finding that CS's statements contained in the CFI's were reliable. The residual hearsay exception is "intended to apply [only] to highly reliable…evidence." *United States v. Giambra*, 33 M.J. 331, 334 (C.M.A. 1991) (citing S. Saltzburg, et al., Military Rules of Evidence Manual 659 (2nd ed. 1986). The Military Judge abused his discretion in finding that the CFI's were reliable because of the risk his statements were the product of influence, misattribution, or both. Further, CID's sloppy investigative technique contaminated CS's memory.

Here, both CS's biological father and Private AT physically abused CS. (R. at 552, 568). Young children who suffer abuse from multiple sources are prone to misattribute the abuse to uninvolved individuals. (R. at 527). Further, CS overheard CID's interview of his mother in which she discussed her sundry allegations against Appellant, including physical violence. (R. at 536). This interview technique is incorrect because of the risk of contaminating the memory of a young child of CS's age. *Id.* The government's expert agreed that this sloppy investigative technique potentially contaminated CS's memory. (R. at 538). CS

could not remember the details of Appellant's supposed assault of him and gave testimony concerning this supposed assault which was at variance with the charge. (R. at 291).

The military judge further abused his discretion by finding that CS's testimony was reliable because of KS's opinion that CS had not been coached. (R. at 358-60, 384). A lay witness may not give testimony "based on scientific, technical, or other specialized knowledge…". Mil. R. Evid. 701(c). Lay witnesses may not explain medical causation or give diagnosis. *United States v. Gomez*, 76 M.J. 76, 79 (C.A.A.F. 2017) (citing *Felkins v. City of Lakewood*, 774 F.3d 647, 652 (10th Cir. 2014)). An opinion concerning indicia of coaching is an expert, not lay, subject of testimony. *United States v. Birdsall*, 47 M.J. 404, 409-410 (C.A.A.F. 1998). Here, KS was not an expert witness. She therefore could not opine whether CS had been coached. This court should grant review for the purpose of clarifying that the residual hearsay rule requires strong indicia of reliability and that strong indica are not present in this case.

Conclusion

WHEREFORE, Appellant respectfully requests that this honorable Court grant his petition for review.

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Certificate of Compliance with Rules 24(c) and 37

1. This Supplement to the Petition complies with the type-volume limitation of Rule 24(c) because it contains 3,769 words.

2. This Supplement to the Petition complies with the typeface and type style requirements of Rule 37 because it has been prepared in Times New Roman font, using 14-point type with one-inch margins.

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Certificate of Filing and Service

I certify that the foregoing was electronically delivered to this Court and Army Government Appellate Division, and on June 22, 2026.

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APPENDIX

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
COOPER, WILLIAMS, and SCHLACK
Appellate Military Judges

UNITED STATES, Appellee
v.
Private E1 TRENT M. MORLOCK
United States Army, Appellant

ARMY 20230265

Headquarters, Fort Stewart
Albert G. Courie III and Stephan E. Nolten, Military Judges
Lieutenant Colonel Tanasha N. Stinson, Staff Judge Advocate

For Appellant: Captain Robert W. Duffie, JA; Robert Feldmeier, Esquire (on brief and reply brief); Captain Eli M. Creighton, JA; Robert Feldmeier, Esquire (on supplemental brief).

For Appellee: Colonel Richard E. Gorini, JA; Captain Anthony J. Scarpati, JA; Captain Vy T. Nguyen, JA (on brief).

13 April 2026

DECISION ON RECONSIDERATION

Per Curiam:

On 29 January 2025, appellant submitted this case with four assignments of error, including ineffective assistance of counsel, and seven *Grostefon* matters. *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982). On 11 June 2025, this court ordered affidavits from trial defense counsel and on 25 July 2025, granted the government's motion to attach said affidavits to the record (Government Appellate Exhibit 1 and 2). On 15 September 2025, this court granted appellant's motion to attach Defense Appellate Exhibits A–F (exhibits relevant to the ineffective assistance claim) and granted appellant's subsequent motion to attach Defense Appellate Exhibit G (an affidavit in support of the ineffective assistance claim). However, notice of these granted motions was not provided to counsel. Two days later, on 17 September 2025, the court summarily affirmed the findings and the sentence.

On 15 October 2025, because counsel was unaware that their motions to attach had been granted before the issuance of the summary affirmance, appellant requested reconsideration of the claim of ineffective assistance of counsel. This court granted the motion for reconsideration.

Now, upon reconsideration, and after reviewing the initial brief, reply brief, supplemental brief and reconsideration request submitted by appellant, all matters submitted by appellant pursuant to *United States v. Grostefon*, Defense Appellate Exhibits A–G, the response brief submitted by appellee, Government Appellate Exhibits 1 and 2, and the trial record, we again find defense counsel's performance was not ineffective. Accordingly, the findings of guilty and the sentence are AFFIRMED.

FOR THE COURT:

JAMES W. HERRING, JR.
Clerk of Court