

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	
Appellee)	ACM 37249
)	
v.)	
)	ORDER
Captain (O-3))	
EDWARD T. HUDSON,)	
USAF,)	
Appellant)	Panel No. 2

On 16 April 2010, counsel for the United States submitted a Motion for Appropriate Relief, requesting this Court to order the appellant and his civilian appellate defense counsel to show cause whether a conflict of interest exists which impacts the civilian counsel's continued representation of the appellant. The motion is based upon statements made in the appellant's Grostefon assignment of error alleging a Moreno violation. Counsel for the United States highlights the following issue as raising an issue of conflict:

"In my opinion, I have extremely competent lawyers; however their caseload commitments should not be attributed to me, as that is out of my control. The reputation, demand for and popularity of my civilian appellate defense counsel should also not be held against me. I have no issue with his ability, only his availability."

In review of the appellant's entire Grostefon submission, this Court notes his submission is peppered with statements of dissatisfaction regarding both his appellate counsel.

Pursuant to United States v. Carter, 40 M.J. 102, 105 (C.M.R. 1994), an appellant is entitled to conflict-free representation during the post-trial review process. Upon notification of an issue of a potential conflict, our superior court requires the matter be resolved.

Granted, the appellant states he has no issue with his counsel; however, he also repeatedly complains of the counsels' delays due to caseload commitments and availability.

Accordingly, it is by the Court on this 28th day of April, 2010,

ORDERED:

The United States Motion for Appropriate Relief is hereby **GRANTED IN PART**.

Military and civilian counsel for the appellant shall resolve this issue of a potential conflict of interest. Upon resolution, this Court requires that the appellant file either a notice of withdrawal and termination of representation, or notice that the appellant requires both counsel to continue such representation despite his statements indicating to the contrary.

Such notice shall be filed with the Court no later than **28 May 2010**.

FOR THE COURT

OFFICIAL



A handwritten signature in blue ink, appearing to read "STEVEN LUCAS", is written over the seal and extends to the right.

STEVEN LUCAS, YA-02, DAF
Clerk of the Court