

**United States Court of Appeals
for the Armed Forces
Washington, D.C.**

Frank D. WUTERICH,)	USCA Dkt. No. 11-8009/MC
)	Crim.App. Dkt. No. 200800183
Appellant)	
)	
v.)	<u>O R D E R</u>
)	
David L. Jones, Lieutenant)	
Colonel, U.S. Marine Corps,)	
in his official capacity as)	
Military Judge,)	
)	
and)	
)	
UNITED STATES,)	
Appellees)	

On consideration of the writ-appeal petition for review of the decision of the United States Navy-Marine Corps Court of Criminal Appeals on application for extraordinary relief, the Appellees' answer to the writ-appeal petition, and the Appellant's reply to Appellees' answer, it is, this 20th day of December, 2010,

ORDERED:

That the decision of the United States Navy-Marine Corps Court of Criminal Appeals is vacated and the case is remanded to that court to 1) obtain the transcripts of the Article 39(a) sessions held on September 13 and 14, 2010, both sealed and unsealed; 2) determine whether the sealed portion should remain sealed; and 3) determine whether the military judge abused his discretion in determining that good cause existed to sever the attorney-client relationship; and

WUTERICH v. Jones and the United States, # 11-8009

That the Court of Criminal Appeals shall complete its review and return the case to this Court by January 10, 2011.

For the Court,

/s/ William A. DeCicco
Clerk of the Court

cc: The Judge Advocate General of the Navy
Counsel for Appellant (SULLIVAN)
Counsel for Appellees (KELLER)