

UNITED STATES NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS

Frank D. Wuterich
Staff Sergeant (E-6)
U. S. Marine Corps,
Petitioner

v.

UNITED STATES,
Respondent

NMCCA NO. 200800183

PETITION FOR EXTRAORDINARY
RELIEF IN THE NATURE OF A WRIT
OF MANDAMUS

O R D E R

Upon consideration of the pleadings of the parties and the record of trial, it is, by the Court, this 25th day of July, 2011,

ORDERED:

1. That the Court will hear oral argument on the following issues:

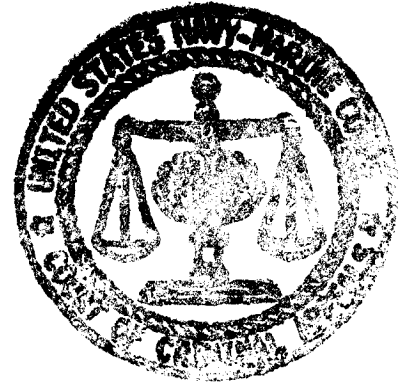
- I. WHETHER THE PETITIONER MEETS THE THRESHOLD REQUIREMENTS FOR MANDAMUS RELIEF BASED UPON HIS CLAIM THAT LTCOL VOKEY, HIS FORMER DETAILED DEFENSE COUNSEL AND CIVILIAN DEFENSE COUNSEL, SHOULD BE RESTORED TO HIS DEFENSE TEAM BEFORE PETITIONER'S COURT-MARTIAL PROCEEDS.
- II. WHETHER LTCOL VOKEY VOLUNTARILY TERMINATED HIS REPRESENTATION OF THE PETITIONER WHEN HE ALERTED THE TRIAL JUDGE TO A CONFLICT OF INTEREST AND MOVED TO WITHDRAW HIMSELF AS CIVILIAN DEFENSE COUNSEL IN SEPTEMBER 2010.
- III. IF LTCOL VOKEY VOLUNTARILY RETIRED FROM ACTIVE DUTY AND THEN ASSUMED THE MANTLE OF CIVILIAN DEFENSE COUNSEL IN REPRESENTING THE PETITIONER IS RESTORATION TO ACTIVE DUTY A VIABLE OPTION FOR REMEDY.

2. That the Court will hear oral argument on the above issues on 8 August 2011 at 1100. Argument will be conducted in the courtroom at the U.S. Navy-Marine Corps Court of Criminal

Appeals, 1254 Charles Morris Street SE (BLDG 58), Washington
Navy Yard, DC 20374-5124.

For the Court,

R.H. TROIDL
Clerk of Court
25 July 2011



Copy to:
NMCCA (51.2)
45 (Maj Kirk Sripinyo, USMC)
46 (Capt Samuel C. Moore, USMC)
02