

UNITED STATES NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS

Frank 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 STAY
OF COURT-MARTIAL PROCEEDINGS

O R D E R

C. [Signature]
10/27/10

On 25 October 2010, the Petitioner filed a petition for extraordinary relief in the nature of a stay of court-martial proceedings. The Petitioner seeks to stay proceedings of his court-martial pending issuance of the military judge's findings of fact and conclusions of law concerning the military judge's denial of Petitioner's motion for appropriate relief arising from a claimed severance of his attorney-client relationship with detailed military counsel. The Petitioner also seeks a stay to permit filing of a petition for extraordinary relief challenging that denial. On 27 October 2010, Petitioner filed a motion for leave to file a motion to attach the military judge's findings of fact and conclusions of law.

After consideration of the entire pleadings filed to date, it is, by the Court, this 27 day of October 2010,

ORDERED:

The motion for leave to file a motion to attach the military judge's findings of fact and conclusions of law is GRANTED.

The petition for extraordinary relief in the nature of a stay is DENIED without prejudice to the Petitioner's ability to petition for relief from the military judge's denial of the motion for appropriate relief.

In light of our action, the Government's 26 October 2010 request for expedited review or for an immediate stay pending resolution of the Petitioner's petition for extraordinary relief is DENIED as moot.

For the Court

R.H. Troidl
For R.H. TROIDL
Clerk of Court



27 Oct 2010

Copy to:
NMCCA (51.3)
Petitioner (via U.S. mail)
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46 (B.K. Keller)
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