



DEPARTMENT OF THE NAVY
NAVY-MARINE CORPS APPELLATE REVIEW ACTIVITY
1254 CHARLES MORRIS STREET SE SUITE 228
WASHINGTON, DC 20374-5214

IN REPLY REFER TO:
5814
Ser 40/100485
30 Aug 10

From: Judge Advocate General
To: Military Judge, Navy-Marine Corps Trial Judiciary,
Washington, DC (Attn: Major Robert G. Palmer, USMC)

Subj: PETITION FOR EXTRAORDINARY RELIEF IN THE NATURE OF A WRIT
OF MANDAMUS ICO *CPL JOSHUA W. SIMS, USMC v. MAJOR ROBERT
G. PALMER, USMC and UNITED STATES*

Encl: (1) NMCCA order of 30 Aug 10

1. Enclosure (1) is forwarded as a matter under your
cognizance.


L. M. BECOAT
By direction

Copy to:
HQHQRON MCAS BEAUFORT SC
NMCCA
Capt Brooks (IMC)
Capt Evans (TC)
Code 45
Code 46
Code 40

UNITED STATES NAVY-MARINE CORPS COURT OF CRIMINAL APPEALS

Joshua W. Sims
Corporal (E-4)
U. S. Marine Corps
Petitioner

v.

Major Robert G. Palmer, USMC
Military Judge
and
UNITED STATES
Respondent

NMCCA NO. 201000485

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

O R D E R

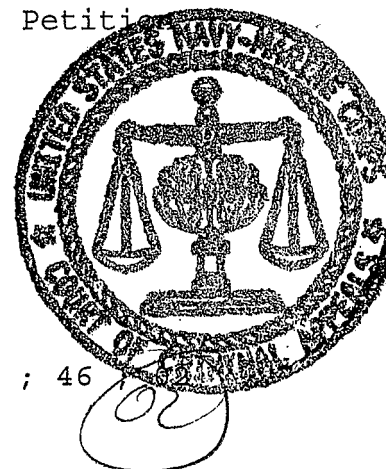
On 26 August 2010, the petitioner filed a Petition for Extraordinary Relief in the Nature of a Writ of Mandamus and Supporting Brief. He asks the Court to stay the court-martial proceedings against him and to order the respondent to recuse himself from the court-martial.¹ It is, by the Court, this 30th day of August 2010,

ORDERED:

1. That the court-martial of the appellant is stayed until further order of this Court. The Navy-Marine Corps Appellate Review Activity will immediately transmit this order to the parties.
2. That the Judge Advocate General is requested to appoint counsel to represent the respondent.
3. That the respondent show cause, on or before 10 September 2010, why the requested Writ of Mandamus should not be issued.
4. That the Government produce an authenticated transcript of the Article 39(a), UCMJ, session of the petitioner's court-martial relevant to the issue before this Court on or before 16 September 2010, to include all exhibits related to the Petition.

For the Court

R.H. TROIDL
Clerk of Court
30 Aug 2010



Copy to:

NMCCA (51.1)

Maj Palmer (By NAMARA); Capt Brooks (DC) (By NAMARA); 45 ; 46
05; 52

¹ The petitioner initially captioned the case as United States v. Sims. The caption has been modified by the court to reflect the real parties in interest.

ENC1 (1)