

IN THE UNITED STATES COAST GUARD
COURT OF CRIMINAL APPEALS

Charles R. SERGENT,
Machinery Technician First Class (E-6),
U.S. Coast Guard,
Petitioner,

v.

RDML S. W. Rochon, USCG
Convening Authority
Respondent

20 December 2006

PETITION FOR EXTRAORDINARY
RELIEF IN THE NATURE OF A
WRIT OF MANDAMUS; PETITION FOR
EXTRAORDINARY RELIEF IN THE
NATURE OF A WRIT OF PROHIBITION;
APPLICATION FOR AN EMERGENCY
STAY OF PROCEEDINGS; AND REQUEST
FOR APPOINTMENT OF APPELLATE
DEFENSE COUNSEL FILED WITH THIS
COURT ON 15 DECEMBER 2006

MISC. DOCKET NO. 001-07

ORDER – PANEL NINE

Petitioner, who has been charged with offenses under the Uniform Code of Military Justice (UCMJ) that are scheduled to be investigated under Article 32, UCMJ, has filed a petition for extraordinary relief styled as a request for relief in the nature of a writ of mandamus and a writ of prohibition. He seeks an emergency order staying the Article 32, UCMJ, investigation until this Court rules on the substantive issues raised in his petition. He seeks a writ of mandamus ordering Respondent to detail a reporter to the investigation at no cost to the Petitioner and to provide the Petitioner with a copy of the audiotapes or a transcript; or, in the alternative, a writ of prohibition prohibiting Respondent from interfering with the defense preparation of his case by requiring Respondent to permit the defense to record the investigation without any requirement to provide a written transcript to the Investigating Officer or the Government. Petitioner also moves this Court to have appellate defense counsel appointed to represent him. It is, by the Court, this 20th day of December 2006,

ORDERED:

That the application for an emergency stay of proceedings and the request for appointment of appellate defense counsel are hereby denied, and the Petition for Extraordinary Relief is dismissed without prejudice to Petitioner's right to raise the issues therein in the course of normal review under the Uniform Code of Military Justice.

For the Court,

Jane R. Lim
Clerk of the Court

Copy: Chief, Office of Military Justice
Appellate Government Counsel
Appellate Defense Counsel