

IN THE UNITED STATES COAST GUARD
COURT OF CRIMINAL APPEALS

Thomas A. MORTON,
Master Chief Storekeeper (E-9),
U.S. Coast Guard,
Petitioner,

v.

CAPT Brian M. Judge, USCG
Military Judge

and
United States of America,
Respondents

18 September 2007

EXPEDITED PETITION FOR
EXTRAORDINARY RELIEF IN THE
NATURE OF MANDAMUS OR, IN THE
ALTERNATIVE, PROHIBITION; MOTION
FOR STAY OF THE PROCEEDINGS
BELOW; REQUEST FOR APPOINTMENT
OF APPELLATE DEFENSE COUNSEL;
MOTION TO AMEND BRIEF IN SUPPORT
OF PETITION; AND MOTION TO AMEND
PETITION FILED 7 SEPTEMBER 2007

MISC. DOCKET NO. 003-07

ORDER – PANEL TWO

Petitioner, who is undergoing trial by court-martial, has filed a petition for extraordinary relief styled as a request for relief in the nature of a writ of mandamus or, in the alternative, a writ of prohibition. He seeks a stay of proceedings pending further action by this Court. He seeks a writ of mandamus directing the trial judge to grant funding for a defense investigator, compel depositions for certain witnesses, suppress the testimony of certain other witnesses, and compel the production of a complainant's diary, or, in the alternative, to prohibit the trial from going forward until the requested relief has been granted. Petitioner also requests the appointment of appellate defense counsel to assist his civilian counsel. Petitioner also filed a Motion to Amend Brief in Support of Petition and Motion to Amend Petition on 7 September 2007. It is, by the Court, this 18th day of September, 2007,

ORDERED:

That Petitioner's Motions to Amend the Brief in Support of Petition and to Amend Petition be, and the same are, hereby granted; that the request for appointment of appellate defense counsel and Motion for Stay of the Proceedings Below be, and the same are, hereby denied; and that the Expedited 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
Chief, Legal and Defense Services
John B. Wells, Esquire