

IN THE UNITED STATES COAST GUARD
COURT OF CRIMINAL APPEALS

Daniel A. GARCIA,
Fireman (E-3),
U.S. Coast Guard,
Petitioner,

16 April 2008

v.

RADM J.E. CROWLEY, Jr., USCG
Convening Authority
Respondent

PETITION FOR EXTRAORDINARY
RELIEF IN THE NATURE OF A
WRIT OF MANDAMUS OR WRIT OF PROHIBITION;
APPLICATION FOR STAY OF PROCEEDINGS; AND
REQUEST FOR APPOINTMENT OF APPELLATE
DEFENSE COUNSEL FILED WITH THIS COURT ON
15 April 2008

MISC. DOCKET NO. 004-08

ORDER – PANEL THREE

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 or, in the alternative, a writ of prohibition. He seeks an emergency order staying the Article 32, UCMJ, investigation pending action by this Court on the 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 Petitioner with a copy of the audiotapes or a transcript; or, in the alternative, a writ of prohibition prohibiting Respondent from preventing the defense from preparing a privileged transcript of the proceeding. Petitioner also requests this Court to appoint appellate defense counsel. It is, by the Court, this 16th day of April, 2008,

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 UCMJ.

For the Court,

Jane R. Lee
Clerk of the Court

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