

IN THE UNITED STATES COAST GUARD
COURT OF CRIMINAL APPEALS

Jonathan A. Cooper
Lieutenant (O-3)
U.S. Coast Guard,
Petitioner

v.

Matthew J. Fay
Captain (O-6)
U.S. Coast Guard,
Military Judge,
Respondent

05 JUNE 2017

PETITION FOR EXTRAORDINARY
RELIEF IN THE NATURE OF A WRIT
OF MANDAMUS, FILED 01 JUNE 2017

MISC. DOCKET NO. 002-17

ORDER – PANEL THIRTY-FIVE

Petitioner is an accused at a general court-martial convened by Commander, Atlantic Area. He has filed a Petition for Extraordinary Relief in the nature of a Writ of Mandamus, and requests a stay of further proceedings while this Court considers the matter. He seeks an order directed to the military judge, ordering him “to respect the orders of the Courts of the States of Washington and Idaho.”

Charges against Petitioner were preferred on 27 September 2016, charging him with false official statement in a specification alleging that he falsely signed an official record that was false in that CC was not his spouse; and with larceny of services in a specification alleging that he falsely pretended that CC was eligible for medical benefits. He asserts that the State of Washington, by order dated November 18, 2016, recognizes a marriage between him and CC from October 11, 2000. Petitioner’s grievance lies in the military judge’s order of 18 April 2017, denying Petitioner’s motion for a ruling that, as a matter of law, Petitioner and CC have been married continuously from October 11, 2000 to present without interruption.

It is, by the Court, this 4th day of June, 2017,

ORDERED:

That the request for a stay of proceedings is denied; that 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,

Sarah P. Valdes
Clerk of the Court

Copy: LCDR Griffin, Trial Defense Counsel
Staff Judge Advocate, Coast Guard Atlantic Area
Appellate Government Counsel
Appellate Defense Counsel
Office of Military Justice