

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

In re)	
UNITED STATES,)	
)	
<i>Petitioner</i>)	
)	ORDER
v.)	
)	Misc. Dkt. No. 2005-02
First Lieutenant)	
JOSEPH J. HARDING,)	Panel No. 3
USAF,)	
)	
and)	
)	
Colonel)	
DAVID F. BRASH,)	
Military Judge,)	
)	
<i>Respondents</i>)	

On 24 June 2005, the petitioner submitted a Petition for Extraordinary Relief in the Nature of a Stay of Court-Martial Proceedings and a motion for expedited review of this petition. The United States has petitioned this Court for an emergency stay in the court-martial proceedings in the case of *United States v. Harding*. The petitioner contends the military judge has “abused his discretion by severing charges and proceeding to trial on charges as to only one victim in this case.” Additionally, the petitioner asserts that the military judge intends to proceed with the trial this afternoon and on Saturday, 25 June 2005. However, the petitioner did not provide the Court with a copy of the charge sheet, a statement of facts, or any analysis supporting their argument.

Without such justification or a response from the respondent, this Court is unable to determine whether there is an adequate basis to grant a stay of the proceedings. We note that the petitioner states this information will be submitted in a “subsequent addendum,” and we are willing to consider it at the time of its submission.

Upon review and consideration of the petitioner’s request, we find the petitioner has failed to provide justification warranting extraordinary relief in the form of a stay of court-martial proceedings.

Accordingly, it is by the Court, this 24th day of June 2005,

ORDERED:

That the Petition for Extraordinary Relief in the Nature of a Stay of Court-Martial Proceedings is

DENIED.

FOR THE COURT

OFFICIAL

JANE E. BOOMER, Major, USAF
Chief Commissioner