

**UNITED STATES AIR FORCE
COURT OF CRIMINAL APPEALS**

In re John Robert DEMOS,)	Misc. Dkt. No. 2020-03
<i>Petitioner</i>)	
)	
)	
)	ORDER
)	
)	
)	Panel 2

This order resolves Petitioner’s 4 April 2020 *pro se* request for extraordinary relief in the nature of a writ of habeas corpus, asking this court to review Petitioner’s case and to immediately release him from confinement at the Washington State Penitentiary. This court lacks jurisdiction to review this matter or to grant the relief Petitioner requests.

The military Courts of Criminal Appeals are courts of limited jurisdiction which “must exercise their jurisdiction in strict compliance with their authorizing statutes.” *Ctr. for Constitutional Rights v. United States*, 72 M.J. 126, 128 (C.A.A.F. 2013). The jurisdiction of the Courts of Criminal Appeals is defined by Article 66, UCMJ, 10 U.S.C. § 866.* Article 66(c) provides, in pertinent part:

In a case referred to it, the Court of Criminal Appeals may act only with respect to the findings and sentence as approved by the convening authority. It may affirm only such findings of guilty and the sentence or such part or amount of the sentence, as it finds correct in law and fact and determines, on the basis of the entire record, should be approved.

Thus, our review is generally confined to the results of courts-martial as approved by the court-martial convening authority.

Although the All Writs Act, 28 U.S.C. § 1651(a), does confer authority to issue extraordinary writs in certain cases, it does not enlarge the jurisdiction of this court, and “the writ must be in aid of . . . existing statutory jurisdiction.”

* References to the Uniform Code of Military Justice are to the *Manual for Courts-Martial, United States* (2016 ed.). Article 66, UCMJ, was substantially revised effective 1 January 2019, but it appears Petitioner was convicted and sentenced prior to that date. In any event, the 2019 revisions to Article 66 are even more explicit in limiting this court’s jurisdiction to results of courts-martial. See 10 U.S.C. § 866(b), (d)(1), to the *Manual for Courts-Martial, United States* (2019 ed.).

United States v. Chapman, 75 M.J. 598, 600 (A.F. Ct. Crim. App. 2016) (citation omitted). Therefore, we have no authority to review criminal convictions and sentences imposed by civilian courts.

According to Petitioner's filing, he is currently serving confinement in the Washington State Penitentiary as a result of criminal convictions in the state courts of Washington. His filing does not indicate any past or present personal affiliation with the United States Air Force or any of the armed forces, or that he was ever tried by a court-martial. Absent indicia that Petitioner has been tried and sentenced by court-martial, and for reasons heretofore stated, this court lacks jurisdiction under Article 66, UCMJ, to review his petition.

Accordingly, it is by the court on this 10th day of July, 2020,

ORDERED:

The Petitioner's 4 April 2020 *pro se* request for extraordinary relief in the nature of a writ of habeas corpus is hereby **DENIED**.



FOR THE COURT

Carol K. Joyce

CAROL K. JOYCE
Clerk of the Court