

IN THE UNITED STATES COAST GUARD
COURT OF CRIMINAL APPEALS

Sean V. MCGARRY,
Boatswain's Mate First Class (E-6),
U.S. Coast Guard,
Petitioner,

v.

CAPT Gail Kulisch, USCG
ETCM (SS) Michael W. Munhall, USN

and

United States of America,
Respondents

12 October 2007

PETITION FOR EXTRAORDINARY RELIEF
IN THE NATURE OF A WRIT OF *HABEAS*
CORPUS FILED 9 OCTOBER 2007

MISC. DOCKET NO. 001-08

ORDER – PANEL EIGHT

According to the petition, Petitioner was tried on 2-5 October 2007 at Boston, Massachusetts, by a special court-martial convened by Commander, First Coast Guard District. Contrary to his pleas, he was found guilty of four specifications of maltreatment, of causing a false official statement to be made, and of using reproachful words. The court sentenced Petitioner to confinement for one month, reduction to E-3, forfeiture of two-thirds of all pay and allowances for two months, and a reprimand. Detailed defense counsel submitted a request to defer confinement to the Convening Authority on 5 October 2007, which was denied.

Petitioner has filed a petition for extraordinary relief in the nature of a writ of *habeas corpus*. He argues that he is currently illegally confined by virtue of erroneous rulings by the military judge prohibiting the defense from arguing an accusing witness's character for untruthfulness under M.R.E. 608(b) and 608(c). Therefore, Petitioner requests that this Court issue a writ of *habeas corpus* ordering his immediate release from confinement. It is, by the Court, this 12th day of October, 2007,

ORDERED:

That Petitioner's 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
Appellate Defense Counsel