

IN THE UNITED STATES COAST GUARD
COURT OF CRIMINAL APPEALS

David R. THOMS
Seaman (E-3)
U.S. Coast Guard,
Petitioner,

v.

CAPT Michael E. TOUSLEY, USCG
Military Judge

and

United States of America,
Respondents

27 January 2012

PETITION FOR EXTRAORDINARY
RELIEF IN THE FORM OF A WRIT
OF MANDAMUS; APPLICATION
FOR AN EMERGENCY STAY OF
PROCEEDINGS; MOTION FOR
APPOINTMENT OF APPELLATE
COUNSEL; AND MOTION TO
ATTACH, FILED 24 JANUARY 2012

MISC. DOCKET NO. 003-12

ORDER – PANEL SIX

Petitioner, who is undergoing trial by court-martial, has filed a petition for extraordinary relief styled as a request for relief in the nature of a writ of mandamus. He seeks a stay of proceedings pending further action by this Court. He seeks a writ of mandamus directing the military judge to compel the Government to produce Petitioner's expert at trial. Petitioner also moves for the appointment of appellate counsel. It is, by the Court, this 27th day of January, 2012,

ORDERED:

That Petitioner's Motion to Attach be, and the same is, hereby granted; that the application for an emergency stay of proceedings and the motion for appointment of appellate counsel are hereby denied; and 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,

Andrew R. Alder
Deputy Clerk of the Court

Copy: Chief, Office of Military Justice
Chief, Legal and Defense Services