

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
BURTON, FLEMING, and PARKER
Appellate Military Judges

UNITED STATES, Petitioner
v.
Lieutenant Colonel JOSEPH T. MARCEE,
Military Judge, Respondent

and

Private (E1) RICHARD A. ROEL,
United States Army, Real Party in Interest

ARMY MISC 20210550

ORDER

WHEREAS:

On 12 October 2021, the United States filed a petition for extraordinary relief in the form of a writ of mandamus with this Court. Petitioner requests this Court compel the military judge to withdraw his findings of not guilty to Specification 1 of Charge I and The Specification of Charge II. Private Richard A. Roel, real party in interest, has not filed a brief with this Court addressing the United States' petition.

NOW THEREFORE, IT IS ORDERED:

On its own motion, this Court specifies the following issue:

I.

WHETHER THIS COURT HAS JURISDICTION OVER
THE GOVERNMENT'S PETITION FOR
EXTRAORDINARY RELIEF, AND, IF SO, WHETHER
THIS COURT SHOULD ORDER THE MILITARY
JUDGE TO WITHDRAW HIS FINDINGS OF NOT
GUILTY.

ROEL—ARMY MISC 20210550

Private Richard A. Roel, real party in interest, shall file a brief on the specified issue no later than fourteen days from the date of this order. Petitioner may file a reply brief no later than seven days after Private Roel's brief.

DATE: 25 October 2021

FOR THE COURT:



JOHN P. TAITT
Clerk of Court

CF: JALS-DA
JALS-GA
JALS-CCR
JALS-CCZ
JALS-CR2