

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,
Petitioner

**REQUEST FOR A STAY OF
PROCEEDINGS**

Case No. ARMY Misc. 20220001

v.

Colonel (O-6)
PRITCHARD, CHARLES L.,
Military Judge,
Respondent

Lieutenant Colonel (O-5)
DIAL, ANDREW J.,
U.S. Army
Real Party in Interest

TO THE HONORABLE, THE JUDGES OF THE
UNITED STATES ARMY COURT OF CRIMINAL APPEALS

COMES NOW the United States, by and through undersigned appellate government counsel, and requests a stay of proceedings in *United States v. Lieutenant Colonel Andrew J. Dial* pending this Court's decision on the Government's forthcoming writ of prohibition.

The United States has brought charges against Lieutenant Colonel (LTC) Andrew J. Dial, with a panel trial docketed for 10 January 2022. Prior to trial, defense filed a motion requesting the trial judge to require the court-martial panel to vote unanimously for any findings of guilty. On 17 December 2021, the trial judge ordered both parties to brief three specified issues related to the defense's

motion. On 3 January 2022, the military judge issued a written ruling granting the defense motion, stating: “The Court will instruct the panel that any finding of guilty must be by unanimous vote, and the Court will ask the panel president before announcement of findings if each guilty finding was the result of a unanimous vote.”

Pursuant to Rule 19(b)(F) of this Court’s Practice and Procedure, the petitioner may request a stay of proceedings when filing a petition for extraordinary relief. The United States hereby requests a stay of proceedings to prevent the case from proceeding until this Court determines whether to grant the requested relief.

The Government intends to submit a petition for extraordinary relief based on the military judge’s ruling. As of the time of this filing, the case of *United States v. Dial* is scheduled to begin on or about 10 January 2022. Witnesses for the trial are traveling OCONUS to testify, and some are already en route. Without the stay of proceedings, the trial will proceed before the United States is able to file a complete and thorough petition.¹

¹ The United States received the military judge’s ruling on the date of this pleading, and therefore it has twenty (20) days to file the petition for extraordinary relief. See Rule 19(b)(1).

WHEREFORE, the United States respectfully asks this Court grant a stay of proceedings in the ongoing proceeding.



KAREY B. MARREN
CPT, JA
Branch Chief, Government
Appellate Division

MOTION
GRANTED DENIED
[Signature] 5 JAN. 2022

PANEL NO. __