

# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before  
SMAWLEY, BROOKHART, and PENLAND  
Appellate Military Judges

**UNITED STATES, Petitioner**

**v.**

**Colonel CHARLES L. PRITCHARD, Military Judge,  
United States Army, Respondent**

**and**

**Master Sergeant KEITH FERREIRA,  
United States Army,  
Real Party in Interest**

ARMY MISC 20220034

-----  
ORDER  
-----

**WHEREAS:**

The Real Party in Interest (RPI) stands accused of various offenses before a general court-martial set to convene in the Fifth Judicial Circuit, Vicenza, Italy, on 1 February 2022. Trial Defense Counsel in this case filed a motion with the trial court seeking an instruction to the members that any finding of guilty must be by unanimous vote. On 13 January 2022, the military judge, after considering the briefs of trial and defense counsel, issued a 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.”

On 25 January 2022, the government filed a “Request for a Stay of Proceedings” with this Court, seeking to stay the court-martial in this case. Contemporaneous with its request for a stay, the government also filed a “Petition for a Writ of Prohibition” pursuant to Rule 19(b) of the Joint Rules of Appellate Procedure for the Courts of Criminal Appeals. The government petitions this court to “prevent the military judge from issuing his unanimous verdict instruction.”

On 25 January 2022, the RPI filed a motion before this court asking us to deny the government’s request for a stay.

**NOW, THEREFORE, IT IS ORDERED:**

1. The Petitioner’s request for a stay is GRANTED and shall remain in effect until it is vacated by this court.

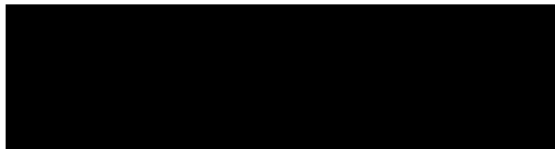
FERREIRA – ARMY MISC 20220034

2. The RPI's request that we not grant the government's request for a stay is DENIED.

3. The RPI may, within 20 days of receipt of this order, file an answer with this court. The Petitioner will then have 7 days of receipt of any answer from the RPI to submit a reply brief.

DATE: 28 January 2022

FOR THE COURT:



✓ JOHN P. TAITT  
Clerk of Court

CF: JALS-DA	JALS-CCR
JALS-GA	Respondent
JALS-CR3	Real Party in Interest
JALS-CCZ	