

UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before
HAIGHT, PENLAND, and WOLFE
Appellate Military Judges

The UNITED STATES, Petitioner
v.
Sergeant ROBERT B. BERGDAHL
United States Army, Respondent

ARMY MISC 20160173

Headquarters, U.S. Army Forces Command
Jeffery R. Nance, Military Judge

For Petitioner: Colonel Mark H. Sydenham, JA; Captain Jihan Walker, JA; Captain Carling M. Dunham, JA (on brief).

For Respondent: Lieutenant Colonel Jonathan F. Potter, JA; Captain Nina S. Banks, JA; Lieutenant Colonel Franklin D. Rosenblatt, JA; Captain Matthew D. Bernstein, JA; Eugene R. Fidell, Esquire (on brief).

25 March 2016

SUMMARY DISPOSITION AND ACTION
ON PETITION FOR EXTRAORDINARY RELIEF IN THE
NATURE OF A WRIT OF PROHIBITION

Per Curiam:

Petitioner is charged with desertion and misbehavior before the enemy, in violation of Articles 85 and 99, Uniform Code of Military Justice, 10 U.S.C. §§ 885 and 899.

On 18 March 2016, the government petitioned this court for extraordinary relief in the nature of a writ of prohibition. Specifically, petitioner asks this court to “issue a writ of prohibition to order the defense team to abide by the automatic stay pursuant to Rule[] for Court-Martial (R.C.M.) 908(b)(4) and the formal stay issued by this court and abide by the protective orders issued by the convening authority, which are still in effect pending further litigation.”

The petition of the United States for extraordinary relief in the nature of a writ of prohibition is hereby DENIED.



FOR THE COURT:

A handwritten signature in black ink, appearing to read "John P. Taitt".

JOHN P. TAITT
Acting Clerk of Court