

**UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS**

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In re	)	
UNITED STATES	)	
	)	
<i>Petitioner</i>	)	
	)	ORDER
v.	)	
	)	Misc. Dkt. No. 2005-02
First Lieutenant	)	
JOSEPH J. HARDING,	)	Panel No. 3
USAF,	)	
	)	
and	)	
	)	
Colonel	)	
DAVID F. BRASH,	)	
Military Judge,	)	
	)	
<i>Respondents</i>	)	

On 24 June 2005, the petitioner submitted a Petition for Extraordinary Relief in the Nature of a Stay of Court-Martial Proceedings and a motion for expedited review of this petition. The United States petitioned this Court for an emergency stay in the court-martial proceedings in the case of *United States v. Harding*, contending the military judge had “abused his discretion by severing charges and proceeding to trial on charges as to only one victim in this case.” However, the petitioner provided no additional information, i.e., a copy of the charge sheet, a statement of the facts, or any analysis to support their argument. Instead, the petitioner stated they would file this information in a “subsequent addendum” to the Court.

After due consideration, this Court denied the petition on the evening of 24 June 2005, holding that, without sufficient justification or additional information, the Court was unable to determine whether there was an adequate basis to grant a stay of the proceedings. We granted leave to the petitioner to file their “subsequent addendum” for our additional consideration.

On 25 June 2005, the petitioner filed an Addendum to the Petition for Extraordinary Relief in the Nature of a Stay of Court-Martial Proceedings. Upon consideration of the Addendum to said petition, we find the petitioner has established sufficient basis for this Court to grant said relief to allow this Court to fully consider the issues raised therein.

Accordingly, it is by the Court, this 25th day of June 2005,

ORDERED:

(1) That the Petition for Extraordinary Relief in the Nature of a Stay of Court-Martial Proceedings is GRANTED.

(2) That the respondents show cause and file an answer within 7 days of the date of this order, or take whatever other action they deem appropriate. Rule 20(f), Joint Courts of Criminal Appeals Rules of Practice and Procedure.

FOR THE COURT

OFFICIAL

JANE E. BOOMER, Major, USAF  
Chief Commissioner