

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) BRITO, JOSE L.		2. SSN 612 58 3183	3. GRADE OR RANK SGT	4. PAY GRADE E-5
5. UNIT OR ORGANIZATION 12TH MCD, MCRD, WRR, SAN DIEGO, CA			6. CURRENT SERVICE	
			a. INITIAL DATE 13 Jul 06	b. TERM 4 Yrs
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC \$2,907.00	b. SEA/FOREIGN DUTY NONE	c. TOTAL \$2,907	NONE	NONE

II. CHARGES AND SPECIFICATIONS

ADDITIONAL CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 92

Specification 1: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, having knowledge of a lawful order issued by the Commanding Officer, Recruiting Station Orange, California, to wit: Recruiting Station Orange Military Protective Order, dated 25 March 2010, an order which it was his duty to obey, did, at or near Mission Viejo, California, on or about March 2010, fail to obey the same by wrongfully interacting and having unauthorized contact with Ms. Karen Walker, a former member of the delayed entry program.


Specification 2: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, did, at or near Mission Viejo, California, from on or about January 2008 to on or about July 2008, violate a lawful general order, to wit: Depot Order P1100.4B dated 1 September 2004, by wrongfully engaging in a nonprofessional relationship with Lance Corporal Perris Weiland, United States Marine Corps, then a prospective recruit applicant.

ADDITIONAL CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 120

Specification: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, did, at or near San Clemente, California, on or about May 2008 to about July 2008, cause Lance Corporal Perris Weiland, United States Marine Corps, to engage in a sexual act, to wit: sexual intercourse, by using strength sufficient that she could not avoid the sexual conduct.

(Continued on Supplemental Charge Sheet)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) ARMSTRONG, RYAN	b. GRADE LCPL	c. ORGANIZATION OF ACCUSER HQSVCBN, MCRD SAN DIEGO, CA
d. SIGNATURE OF ACCUSER 		e. DATE 31 Mar 10

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 31 day of MARCH, 20 10, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

T. J. HART
Typed Name of Officer

HQSVCBN, MCRD SAN DIEGO, CA
Organization of Officer

CAPTAIN
Grade

TRIAL COUNSEL

Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)


Signature

2.

On 31 March, 20 10 the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

T. A. SPARKS

Typed Name of Immediate Commander

CAPTAIN, U.S. MARINE CORPS

Grade

Signature

12TH MARINE CORPS DISTRICT

Organization of Immediate Commander

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1220 hours, 31 March 20 10 at

12TH MARINE CORPS DISTRICT

Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹

COMMANDING OFFICER

T. A. SPARKS

Typed Name of Officer

CAPTAIN, U. S. MARINE CORPS

Grade

Signature

LEGAL OFFICER

Official Capacity of Officer Signing

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

12TH MARINE CORPS DISTRICT

b. PLACE

SAN DIEGO, CALIFORNIA

c. DATE

Referred for trial to the _____ court-martial convened by _____

20

, subject to the following instructions:²

By

////////////////////

Of

Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15.

On _____, 20 _____, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.
2 — See R.C.M. 601(e) concerning instructions. If none, so state.

SUPPLEMENTAL CHARGE SHEET

I. PERSONAL DATA			
1. NAME OF ACCUSED (Last, First, MI)	2. SSN	3. GRADE OR RANK	4. PAY GRADE
BRITO, JOSE L.	612 58 3183	SGT	E-5

ADDITIONAL CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 134

Specification 1: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, a married man, did, at or near San Clemente, California, between about May 2008 to about July 2008, wrongfully have sexual intercourse with Lance Corporal Perris Weiland, United States Marine Corps, a woman not his wife.

Specification 2: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, did, at or near Mission Viejo, California, on or about March 2010, wrongfully endeavor to impede a trial by court-martial by influencing the testimony of Ms. Alicia Clanton, a witness in the case of United States versus Sergeant Jose L. Brito, United States Marine Corps, by communicating certain language to wit: "I need your help," "Tell them that I would never do that," and "Tell them that we didn't hook up until after you were discharged from the DEP," or words to that effect.

END

ORIGINAL