

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 a. BASIC \$2,907.00 b. SEA/FOREIGN DUTY NONE c. TOTAL \$2,907		8. NATURE OF RESTRAINT OF ACCUSED NONE	9. DATE(S) IMPOSED NONE	

II. CHARGES AND SPECIFICATIONS

CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 92

Specification 1: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, did, at or near Costa Mesa, California, on divers occasions, from on or about October 2008 to about December 2008, violate a lawful general order, to wit: Depot Order P1100.4B dated 1 September 2004, by wrongfully engaging in a nonprofessional relationship with Ms. Alicia Clanton, a prospective recruit applicant.


Specification 2: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, did, at or near Orange County, California, from on or about January 2008 to on or about May 2008, violate a lawful general order, to wit: Depot Order P1100.4B dated 1 September 2004, by wrongfully engaging in a nonprofessional relationship with Ms. Brittany Reaves, a prospective recruit applicant.

Specification 3: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, did, at or near Costa Mesa, California, on divers occasions, from on or about October 2008 to about December 2008, violate a lawful general order, to wit: Paragraph 4(g), Marine Corps Order 1700.22E, dated 21 March 2006, by wrongfully providing alcohol to Ms. Alicia Clanton, a prospective recruit applicant.

Specification 4: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, did, at or near Orange County, California, from on or about 1 May 2008 to on or about 31 May 2008, violate a lawful general order, to wit: Paragraph 4(g), Marine Corps Order 1700.22E, dated 21 March 2006, by wrongfully providing alcohol to Ms. Brittany Reaves, a prospective recruit applicant.

(Continued on Supplemental Charge Sheet)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) OSPINA, JHONY	b. GRADE SGT	c. ORGANIZATION OF ACCUSER HQSVCBN, MCRD SAN DIEGO, CA
d. SIGNATURE OF ACCUSER 		e. DATE 18 Feb 2010

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 18 day of FEBRUARY, 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 22 Feb, 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 1240 hours, 22 Feb 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

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 107

Specification 1: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, did, at or near Santa Ana, California, on or about 18 December 2008, with the intent to deceive, make to Captain Christopher Siekman, United States Marine Corps, an official statement, to wit: When asked how Ms. Alicia Clanton ended up at the Marine Corps Ball in November 2008 with Staff Sergeant Mark K. Mattson, United States Marine Corps, "We were all shocked to see her there, but I guess she met Staff Sergeant Mattson about a year ago or so, plus or minus, at a bar. I have no idea what establishment or what city," and "I saw her and I was shocked. I then asked SSgt Mattson and he said that he met her a year ago. Ms. Clanton was also shocked to see us," which statements were totally false, and were then known by the said Sergeant Jose L. Brito, to be so false.

Specification 2: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, did, at or near Santa Ana, California, on or about 18 December 2008, with the intent to deceive, make to Captain Christopher Siekman, United States Marine Corps, an official statement, to wit: When asked how Ms. Alicia Clanton met Staff Sergeant Mark K. Mattson, United States Marine Corps, "I was having dinner with Ms. Clanton at Ichi Biri in San Clemente. I was there with her alone until Mattson showed up," which statement was totally false, and was then known by the said Sergeant Jose L. Brito, to be so false.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 120

Specification: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, did, at or near Orange County, California, on or about 1 May 2008 to on or about 31 May 2008, cause Ms. Brittany Reaves to engage in a sexual act, to wit: sexual intercourse, by using strength sufficient that she could not avoid or escape the sexual conduct.

CHARGE IV: 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, on divers occasions, at or near Costa Mesa, California, between on or about October 2008 to December 2008, wrongfully have sexual intercourse with Ms. Alicia Clanton, a woman not his wife.

Specification 2: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, a married man, did, at or near Orange County, California, between on or about 1 May 2008 to on or about 31 May 2008, wrongfully have sexual intercourse with Ms. Brittany Reaves, a woman not his wife.

Specification 3: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, did, at or near Costa Mesa, California, from on or about 1 December 2008 to on or about 31 December 2008, wrongfully endeavored to impede an investigation by communicating to Ms. Alicia Clanton, a potential witness in an official investigation, to not return telephone calls to Capt Christopher Siekman, United States Marines Corps, the investigating officer, and that if she did, it would hurt her chances of joining the Marine Corps.

Specification 4: In that Sergeant Jose L. Brito, United States Marine Corps, on active duty, did, at or near San Clemente, California, from on or about 1 December 2008 to on or about 31 December 2008, wrongfully endeavored to impede an investigation by communicating to Staff Sergeant Mark K. Mattson, United States Marine Corps, a witness in an official investigation, to communicate to Captain Christopher Siekman, United States Marine Corps, the investigating officer, that he, SSgt Mattson, met Ms. Alicia Clanton about a year ago at a bar in Huntington Beach and that he had not talked to her in the last year.

END

ORIGINAL

RECEIPT FOR COPY OF PREFERRED CHARGE SHEET

I, Brito J.L., HEREBY ACKNOWLEDGE RECIEPT OF
(Accused)

A COPY OF THE PREFERRED CHARGE SHEET FOR MY COURT-MARTIAL.

DELIVERED TO ME AT 1240 ON THIS 22 DAY OF
(time) (date)

FEB, 2010.
(Month)

M. J.
Witness

[Signature]
Accused

