

APPENDIX A

UNITED STATES OF AMERICA

v.

Jenkins, Richard W.

SFC, 590-40-5187, U.S. Army

230TH FMC, 82ND STB, 82ND SBDE

DOCKET NOTIFICATION

(AR 27-10)

SECTION A

(To be completed by trial counsel and delivered to defense counsel before 1500 hours on the first duty day after referral of charges to trial.)

1. Type of court-martial: ___ GCM ___ X SPCM
2. Date charges referred to trial: 2 March 2010.
3. Date **referred** charges served upon the accused: 4 March 2010.
4. Name of detailed defense counsel: CPT Rebecca Di Muro.
5. Date referred charges provided to defense counsel: 4 March 2010.
6. The prosecution will be ready for trial on and after: 8 March 2010. The military judge should consider the following matters when setting a trial date: [ANY pretrial restraint should be noted] _____
The unit (including all relevant witnesses) will redeploy the first and second weeks of April 2010.
7. Companion case(s): N/A

Amy H. McCarthy/ 431-4808
Printed Name/Telephone Number

//ORIGINAL SIGNED//
Captain, JA
Trial Counsel

amy.h.mccarthy@afghan.swa.army.mil
Email Address

6 March 2010
Date

SECTION B

(To be completed and delivered by defense counsel to trial counsel by 1500 hours on the third duty day after receipt.)

1. The defense:

☐ requests an earlier trial date of _____

☐ does not oppose a trial date as indicated in Section A.

☒ requests a delay until o/a 10 MAY 2010 for the following reason(s):

SFC Jenkins has retained civilian defense counsel, Mr. Haytham Faraj, Esq. Military defense counsel is submitting this EDN on his behalf. Mr Faraj will not be available to travel to Afghanistan to represent SFC Jenkins until o/a 8 MAY 2010, therefore, the Defense would request a trial date o/a 10 MAY 2010. The Defense is prepared to accept any delay as attributable in accordance with RCM 707 and thus will raise no speedy trial issues.

Mr. Faraj has previously scheduled trials throughout MAR, APR, and early MAY which make travel to Afghanistan to represent SFC Jenkins impossible. Additionally, this time will permit counsel to conduct substantive interviews of all complaining witnesses, as well as other factual/merits witnesses, both currently in Afghanistan and stateside, necessary for an adequate defense. There will be substantial witness travel coordination required in this case, as many of the Defense witnesses who will be requested are not located within the theater of operations. Additionally, some of those witnesses are civilians who will require extra coordination to ensure presence at trial. For the forgoing reasons, the Defense requests the above trial date.

2. Anticipated forum: ____ MJ alone ____ Officer Panel X Enlisted Panel

3. Anticipated pleas: ____ Guilty X Not Guilty ____ Mixed

4. Anticipated motions: Motion to Compel Witness Production (anticipated as there are several civilian and CONUS witnesses who will likely be requested); Multiplicity/Motion to Dismiss. This list is not exhaustive.

5. Estimated number of days for trial: 1 Day Motions; 2 Days Trial .

6. Civilian counsel: Mr. Haytham Faraj, Esq. 888-970-0005
(Name) (Telephone Number)

haytham@puckettfaraj.com
Email Address

DSN 318-431-4364
Printed Name/Telephone Number

Rebecca Di Muro
CPT, JA
Defense Counsel

rebecca.n.dimuro@afghan.swa.army.mil
Email Address

11 MAR 2010
Date

SECTION C

(To be completed by trial counsel and delivered to the military judge on the first duty day after return from the defense counsel.)

1. Contents of Section B are noted. The prosecution:

☒ [X] does not oppose the trial date requested by the defense.

☐ [] opposes the earlier trial date or delay requested by the defense for the following reasons:

_____.

2. Estimated number of days for trial: 2 days total including motions

CPT Amy H. McCarthy/ DSN 312-431-4808
Printed Name/Telephone Number

//Original Signed//
Captain, JA
Trial Counsel

12 March 2010
Date

NOTE: Charge Sheets, Convening Orders, and ERB or ORB and DA Form 2-1 must be delivered or faxed to the military judge NLT the day after referral.