

INITIAL REVIEW OFFICER  
Marine Corps Base  
Camp Smedley D. Butler  
Okinawa, Japan  
-or-  
Marine Corps Air Station  
Iwakuni, Japan

UNITED STATES )  
 )  
 ) INITIAL REVIEW OFFICER'S  
VS. )  
 ) FINDINGS AND ORDERS  
GRADE: )  
NAME: )  
SSN: ) Joan H. Orr  
UNIT: ) Initial Review Officer

**BACKGROUND INFORMATION**

Date and time detainee was confined: 2010 02 26 / 0103

Date detainee's CO was notified of confinement: 2010 02 25 / 0800

Date CO's confinement letter to IRO received: 10 03 01

Alleged Offender (s): PFC Thompson, Z.B.

UCMJ Violations (Articles): 85 : Desertion  
\_\_\_\_\_  
\_\_\_\_\_

Date/time of this initial review hearing: 1500 , 10 03 01

Duty Defense Counsel: Capt Shinn

Unit Representative (s)/Trial Counsel: MSgt Marsh

Others (list names of all persons at hearing, e.g., witnesses)  
Cpl Goodrich

INITIAL REVIEW OFFICER'S FINDINGS AND ORDERS

HEARING SUMMARY

(Use additional sheets if necessary)

1. The detainee (check each after verification):
  - a.  Was advised/made aware of Art. 31 (b) rights by IRO.
  - b.  Was shown or read the CO's letter by IRO.
  - c.  Was represented by counsel.
  - d.  Personally appeared before IRO or Waived personal appearance before IRO after having the opportunity to consult with counsel.

(NOTE: If detainee waives hearing, obtain a "Waiver of IRO Hearing" form signed by the detainee and, if applicable, defense counsel. You MUST still review the detainee's confinement by filling out this form and making findings below.)

2. Basis for confinement:

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a. The unit representative (s) / trial counsel presented the following basis for confinement.

- (1)  An offense triable by court martial has been committed, AND
- (2)  There is probable cause to believe the accused committed the offense

b. The unit representative (s)/ trial counsel presented the following reason (s) for the detainee's continued confinement (check any that apply, then list facts and evidence presented below):

- (1)  Detainee **will not** appear at trial, pretrial hearing or investigation, OR
- (2)  Detainee **will** engage in serious criminal misconduct, AND
- (3)  Less severe forms of restraint are inadequate.

c. Facts and evidence presented by unit representative (s) / trial counsel:

- (1) *History of drug use ... Did not complete therapy.*
- (2) *Can use him at work; he can contribute to mission. Would take him back.*
- (3) *Granted his restriction for NTP w/o problem.*

ENCLOSURE (3)  
Ch 1 (27 OCT 2003)

INITIAL REVIEW OFFICER'S FINDINGS AND ORDERS

3. The detainee made a statement supporting release.  
\_\_\_ Yes/  No.

(If Yes, summarize the statement (s) made by the detainee on a separate sheet and attach to this report.)

4. The defense counsel presented the following facts, evidence and reason (s) for detainee's release.

- a. ~~Intention~~ Intention:  
Article 76 : UA
  - b. - Mitigating Circumstances: Biological Mom died of drug overdose
  - c. - Stegmond's psychiatric Care
  - d. - Complied w/ all restriction prior to Pt Lema incident.  
- Approved for PTAD/Recruiters Assistance.  
- Not a flight risk / No passport
- No plans of going UA.  
- More appropriate for SEM

FINDINGS

(Each item must be circled and initialed.)

Having considered the Co's letter, the facts/evidence presented by the unit representative (s), the detainee or detainee's defense counsel, and any other matter listed above, and based on a preponderance of the evidence:

1. I do / ~~do not~~ find good cause to extend the 7-day time limit for initial review.  
SW (Init)

2. I do / ~~do not~~ find probable cause to believe an offense (s) triable by court-martial was committed. SW (Init)

3. I do / ~~do not~~ find probable cause to believe that the detainee committed said offense (s). JH (Init)

4. As discussed below, I find probable cause to believe that confinement is / ~~is not~~ necessary because it is foreseeable that, if released:

INITIAL REVIEW OFFICER'S FINDINGS AND ORDERS

- a. The detainee will / ~~will not~~ appear at trial, pretrial hearings, or investigation, JW (Init)
- b. The detainee ~~will~~ / will not engage in serious criminal misconduct. JW (Init)

(If you circled "will", explain the nature of the serious criminal misconduct below. "Serious criminal misconduct" includes, but is not limited to, intimidation of witnesses or other obstruction of justice, serious injury or others, or other offenses that pose a threat to the safety of the community or to the effectiveness, morale, discipline, readiness, or safety of the command or to the national security of the United States.)

EXPLANATION:

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5. I find that a less severe form of restraint is / ~~is not~~ adequate. \_\_\_\_\_ (Init)

Accordingly, the detainee shall remain in / ~~be released~~ from pretrial confinement. JW (Init)

Executed at (check one)

Joint Forces Brig, MCB, Camp Butler, OR

Detention Center, MCAS, Iwakuni, Japan

this 1st day of MARCH, 2010.




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Initial Review Officer



UNITED STATES MARINE CORPS

COMBAT LOGISTICS REGIMENT 3

3D MARINE LOGISTICS GROUP

UNIT 38416

FPO AP 96604-8416

IN REPLY REFER TO:

5800

LEG

26 FEB 2010

From: Commanding Officer, Combat Logistics Regiment 3  
To: Initial Review Officer

Subj: PRETRIAL CONFINEMENT IN THE CASE OF PRIVATE FIRST CLASS  
ZACKARY B. THOMPSON XXX XX 3084/3521

Ref: (a) R.C.M. 305, MCM (2008 ed.)  
(b) SECNAVINST 1640.10  
(c) MCBJO 1640.1C

Encl: (1) Confinement Order  
(2) RLS for Special Court Martial  
(3) DD 553 Deserter form of 8 Jan 2010  
(4) UA letter of 15 Dec 2009  
(5) Deserter Information Point Notification  
(6) DD 616 Report of Return of Absentee/Deserter  
(7) Right side SRB

1. Pursuant to reference (a), Private First Class Thompson was ordered into pretrial confinement at 0800 on 25 February 2010. I signed enclosure (1) that details the name of the prisoner and the offenses charged. The same day, I reviewed enclosures (2) through (7) and discussed the circumstances with the witnesses. I determined at that time that there was adequate probable cause to continue pretrial confinement and I decided that pretrial confinement would continue for the reasons set forth in this memorandum.

2. In accordance with references (b) and (c), the following information is presented in addition to that contained in the enclosures:

UNIT: GSMT Co, CLR 3, 3d MLG AGE: 20 years old

AVERAGE SCORES: PRO: 4.3 CON: 3.1 EDUCATION: 12 HS Dipl

GT: 98 TIME AND DATE CONFINED: 0103 ON: 26 February 2010

TOTAL SERVICE TO DATE: 1 year, 9 months and 14 days

MARITAL STATUS: SINGLE SPOUSE IN LOCAL AREA: N/A

NUMBER OF CHILDREN: N/A

CAPT SHINN

Subj: PRETRIAL CONFINEMENT IN THE CASE OF PRIVATE FIRST CLASS  
ZACKARY B. THOMPSON XXX XX 3084/3521

3. The service member is alleged to have committed the following offenses:

<u>UCMJ ARTICLE</u>	<u>DESCRIPTION OF MISCONDUCT</u>
85	On or about 100108 SNM remained absent from CLR-3 for a period of approximately 49 days.

4. I have probable cause to believe that Private First Class Thompson committed the offense as set forth in paragraph 3. My decision that Private First Class Thompson should remain in confinement is based on the following reasons:

a. After PFC Thompson's non-judicial punishment held on 18 November 2009, his previous history of drug and alcohol abuse was discussed in detail. I then gave PFC Thompson the opportunity to attend alcohol and drug rehabilitation at the Point Loma Naval Hospital, San Diego, California. PFC Thompson agreed to attend treatment and arrived at the facility on 8 December 2009. Upon arrival PFC Thompson was checked into the treatment center and immediately afterwards absented himself from the treatment location. On or about 17 February 2010, PFC Thompson's father, Walter Thompson, was in contact with his son in an attempt to convince him to contact the Marine Corps Absentee Collection Unit. PFC Thompson eventually consented to contact the collection unit but failed to contact them at an agreed to, specified time. The collection unit then contacted civilian authorities and PFC Thompson was apprehended by the Huntsville Alabama Police Department on 21 February 2010. PFC Thompson has remained away from this unit for approximately 49 days.

5. The previous disciplinary record of the service member and the Administrative Actions is as follows:

a. NJP on 18 November 2009 for violation of Article 92. Final disposition taken: reduction to E-2/PFC, forfeiture of \$784.00 for 2 months suspended for 6 months, 45 days restriction and 45 days EPD.

6. In making my decision, I also considered the following matters in extenuation and mitigation:

- 1 year, 9 months and 14 days time in service.