



UNITED STATES MARINE CORPS
OFFICE OF THE STAFF JUDGE ADVOCATE
MARINE CORPS BASE
BOX 555010
CAMP PENDLETON, CALIFORNIA 92055-5010

IN REPLY REFER TO
5800
DNF.
28 Oct 10

From: Major D. N. Fitz, Investigating Officer
To: Major D. C. Hatch, Trial Counsel
Major M. L. Marshall, Detailed Defense Counsel
Mr. H. Faraj, Civilian Defense Counsel

Subj: RESPONSE TO REQUEST FOR CONTINUANCE OF PRETRIAL INVESTIGATION ICO U.S.
V. CORPORAL ROBERT J. OCHOA, XXX XX 5486/6433

Ref: (a) R.C.M. 707(c)
(b) Appointing letter of Commanding Officer MALS-16, MAG-16, 1050
JSJA/MJO of 12 October 2010

1. The defense requested a continuance of the Pretrial Investigation into the alleged violations of the UCMJ in the subject case on 26 October 2010, to be continued from 27 October to 3 November 2010. As of the date of this letter, neither Detailed Defense Counsel nor Civilian Defense Counsel nor Trial Counsel is available to conduct the pretrial investigation on 3 November due to previous commitments.

2. Per the references, I have been delegated authority to grant continuances and excludable delay. The Detailed Defense Counsel, Trial Counsel and the Investigating Officer conducted a conference call where all parties agreed to continue this pretrial investigation until 16 November 2010. Therefore, the continuance request is granted; however, it is granted until 16 November 2010. The period from 27 October 2010 until 16 November 2010 is excludable delay.

D. N. FITZ


WESTERN JUDICIAL CIRCUIT
NAVY AND MARINE CORPS TRIAL JUDICIARY

UNITED STATES)	
)	
v.)	REQUEST FOR CONTINUANCE OF
)	ARTICLE 32 INVESTIGATION
ROBERT J. OCHOA)	
XXX XX 5486)	
CORPORAL)	26 OCTOBER 2010
U.S. MARINE CORPS)	

1. The defense hereby requests a continuance of the Article 32 Investigation in the case of US v. Ochoa. The Defense respectfully requests that the Article 32 Investigation in the subject case be continued from 27 October 2010 until 3 November 2010. The reason for this request is availability of civilian defense counsel already retained by Corporal Ochoa.


2. Such delay from 27 October 2010 until 3 November 2010 is excludable for speedy trial purposes under R.C.M. 707 and Article 10 of the UCMJ.

Date: 26 October 2010


M. L. MARSHALL
Major
U.S. Marine Corps
Detailed Defense Counsel

The defense continuance is opposed / unopposed. Government counsel unavailable on 3 Nov. for different government counsel will be appointed if IO grants continuance, however.

Date: 26 October 2010


D. C. Hatch
Major
U.S. Marine Corps
Trial Counsel

The defense continuance is not granted granted until 16 Nov 10.

Date: 28 Oct 10

