



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
1254 CHARLES MORRIS STREET SE SUITE B01  
WASHINGTON, DC 20374-5124

IN REPLY REFER TO:

5814

Ser 02/105

JUL 20 2011

From: Judge Advocate General  
To: Commanding General, Marine Corps Recruit Depot/Western  
Recruiting Region, 1600 Henderson Avenue, Suite 238, San  
Diego, California 92140-5001 (Attn: SJA)

Subj: APPLICATION FOR RELIEF PURSUANT TO ARTICLE 69(b), UCMJ,  
ICO STAFF SERGEANT JOSHUA E. HAWK, XXX-XX-8658, U.S.  
MARINE CORPS; NMCCA NO. 201100101

Ref: (a) Article 59(a), UCMJ  
(b) Article 69(b), UCMJ

Encl: (1) Copy of JAG action 5814 Ser 02/104 of  
(2) Record of trial

JUL 20 2011

1. This office has examined the subject case in accordance with the references. Enclosure (1) sets forth the results of this examination.

2. A copy of this letter, with enclosure (1), should be delivered to Mr. Hawk. Enclosure (2) is returned.

A handwritten signature in black ink, appearing to read "P. B. COLLINS", written over a horizontal line.

P. B. COLLINS  
By direction

Copy to (w/o encl (2)):  
CMC (JAM)  
MJ: (Col J. R. Ewers, USMC)  
TC: (Maj B. D. Braden, USMC)  
DC: (Capt C. P. Hur, USMC)  
IMC: (Capt M. J. McDonald, USMC)  
Accused

IN THE OFFICE OF THE  
JUDGE ADVOCATE GENERAL OF THE NAVY

5814  
Ser 02/104

U N I T E D S T A T E S	)	NMCCA NO. 201100101
	)	
v.	)	Review of application filed
	)	pursuant to Article 69(b),
Joshua E. HAWK	)	UCMJ, with respect to the
Staff Sergeant (E-6)	)	special court-martial convened
U.S. Marine Corps	)	by Commanding General, Marine
	)	Corps Recruit Depot San Diego,
	)	California
	)	
	)	Sentence adjudged:
	)	15 March 2010

The record of trial in the foregoing case, the applicant's Article 69(b) application dated 25 October 2010, and the enclosures thereto have been reviewed in accordance with Articles 59(a) and 69(b), Uniform Code of Military Justice, 10 U.S.C. §§ 859(a) and 869(b). After careful consideration of the applicant's allegations that he is entitled to relief as a result of newly discovered evidence of unlawful command influence and on the basis of certain pretrial rulings by the military judge, it has been determined that there is no newly discovered evidence warranting relief and that no error materially prejudicial to the substantial rights of the applicant was committed. Accordingly, the application for relief is denied.



P. B. COLLINS  
By direction of the  
Judge Advocate General

JUL 20 2011