

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) HAWK, JOSHUA E.		2. SSN 561 57 8658	3. GRADE OR RANK SSGT	4. PAY GRADE E-6	
5. UNIT OR ORGANIZATION SUPPORT BATTALION, RECRUIT TRAINING REGIMENT, MCRD, SAN DIEGO, CA		6. CURRENT SERVICE			
		a. INITIAL DATE 18 OCT 05	b. TERM 4 YRS		
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED NONE		
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL			
\$3,044.	NONE	\$3,044.70			
9. DATE(S) IMPOSED NONE					

II. CHARGES AND SPECIFICATIONS

CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 80


Specification: In that Staff Sergeant Joshua E. Hawk, United States Marine Corps, on active duty, did, at or near San Diego, California, on or about 11 September 2008, attempt to cause Danielle Ligon to engage in a sexual act, to wit: sexual intercourse by using strength and power sufficient that she could not avoid or escape the sexual conduct.

CHARGE II: Violation of the UCMJ, Article 92

Specification: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty, did at or near Marine Corps Recruit Depot San Diego, California, on or about 11 September 2008 fail to obey a lawful general regulation, to wit: paragraph 2.a., Chapter 10-1, SECNAV M-5510.30B, dated June 2006, by wrongfully failing to report that he had been arrested for public intoxication, delaying or resisting arrest, and disturbing the peace by the Calipatria Police Department on or about 27 February 2000.

(Continued on Supplemental Charge Sheet 1)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) OSPINA, JHONY A.	b. GRADE SGT	c. ORGANIZATION OF ACCUSER HQSVCBN, MCRD, SAN DIEGO, CA
d. SIGNATURE OF ACCUSER 		e. DATE 27 July 2009

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 27 day of July, 2009, 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 he/she is true to the best of his/her knowledge and belief.

BROCKS D. BRADEN
Typed Name of Officer

HQSVCBN, MCRD, SAN DIEGO, CA
Organization of Officer

CAPTAIN, U.S. MARINE CORPS
Grade

JUDGE ADVOCATE
Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)

Signature

ORIGINAL

12.

On 28 July, 20 09 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.)

TAMIKO A. SHIBATA

Typed Name of Immediate Commander

MAJOR, U.S. MARINE CORPS

Grade

Tal Shibata

Signature

MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION, SAN DIEGO, CA

Organization of Immediate Commander

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 0930 hours, 28 July 20 09 at

MCRD/WRR, SAN DIEGO, CA

Organization of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹

COMMANDING GENERAL

TAMIKO A. SHIBATA

Typed Name of Officer

MAJOR, U.S. MARINE CORPS

Grade

Tal Shibata

Signature

DEPUTY G-1 OFFICER

Official Capacity of Officer Signing

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

MCRD/WRR

b. PLACE

SAN DIEGO, CA

c. DATE

31 JUL 2009

Referred for trial to the GENERAL court-martial convened by

GCMO #1-09

DATED 1 MARCH 20 09

, subject to the following instructions:²

N/A

By

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Of

Command or Order

A. SALINAS

Typed Name of Officer

BRIGADIER GENERAL

Grade

A Salinas

Signature

COMMANDING GENERAL

Official Capacity of Officer Signing

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 1

I. PERSONAL DATA			
1. NAME OF ACCUSED (Last, First, MI)	2. SSN	3. GRADE OR RANK	4. PAY GRADE
HAWK, JOSHUA E.	561 57 8658	SSGT	E-6

Specification 2: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty, who knew of his duties at or near Marine Recruit Depot San Diego, California, on or about 11 September 2008, was derelict in the performance of those duties in that he willfully failed to disclose that he had been arrested for public intoxication, delaying or resisting arrest, and disturbing the peace by the Calipatria Police Department on or about 27 February 2000, while entering personal information into the Electronic Questionnaire for Investigations Processing system of the United States Office of Personnel Management for a Single Scope Background Investigation request #4426645, as it was his duty to do.

Specification 3: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty, who knew of his duties at or near Marine Recruit Depot San Diego, California, on or about 11 September 2008, was derelict in the performance of those duties in that he willfully failed to disclose on his Electronic Questionnaire for Investigations Processing system of the United States Office of Personnel Management for a Single Scope Background Investigation request #4426645 that he had a stepfather, James Joseph Clayton, as it was his duty to do.

Specification 4: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty, who knew of his duties at or near Marine Recruit Depot San Diego, California, on or about 11 September 2008, was derelict in the performance of those duties in that he willfully failed to list on his Electronic Questionnaire for Investigations Processing system of the United States Office of Personnel Management for a Single Scope Background Investigation Request #4426645, foreign countries he had visited in the previous 7 years, which it was his duty to do.

Specification 5: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty, who knew of his duties at or near Marine Recruit Depot San Diego, California, on or about 7 October 2008, was derelict in the performance of those duties in that he willfully failed to make true and complete statements to an Office of Personnel Management Investigator during a Single Scope Background Investigation interview, to wit: "On 20 May 2008, I was riding on a buggy taxi, alone, around 0200." or words to that effect, "On 16 August 2003, I went to a restaurant. I started drinking and something happened. I do not know if I said something or someone else said something that was wrong. I went outside to sit on a bench. Michael and Steven Moore came outside. Michael started talking to me and we began to argue over what was said inside. Michael pushed me down and then both Michael and Steven began to kick me. I was knocked unconscious." or words to that effect, and "On 27 February 2000, I had not been drinking." or words to that effect, which it was his duty to do.

(Continued on Supplemental Charge Sheet 2)

ORIGINAL

SUPPLEMENTAL CHARGE SHEET 2

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) HAWK, JOSHUA E.	2. SSN 561 57 8658	3. GRADE OR RANK SSGT	4. PAY GRADE E-6
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CHARGE III: Violation of the UCMJ, Article 107

Specification 1: In that Staff Sergeant Joshua E. Hawk, United States Marine Corps, on active duty, did, at or near San Diego, California, on or about 15 October 2008, with intent to deceive, make to Special Agent Rick Rendon of the Naval Criminal Investigative Service, an official statement, to wit: That on 11 September 2008 at MCRD, Ms. Emiliana L. Argueta (AKA: Amy) told SSgt Hawk, "She might like you." referring to Ms. Danielle Ligon; Ms. Danielle Ligon was dancing with the guys behind them at the table; Ms. Danielle Ligon took SSgt Hawk's right hand and put it on her crotch over her clothes; SSgt Hawk immediately pulled her hand away when she did this; while at the bar, SSgt Hawk and Ms. Danielle Ligon kissed a couple of times on the mouth in the view of others; Ms. Emiliana L. Argueta and SSgt Mora knocked on his door while he was watching TV around 2230 and asked him where Ms. Danielle Ligon was and he said that she was not there; nothing sexual occurred after Ms. Danielle Ligon told him to stop; SSgt Hawk opened the passenger door on his side while in the SUV with Ms. Danielle Ligon; and that Ms. Danielle Ligon lifted her hips to get her pants down beyond her butt, which statements were totally false and was then known by the said Staff Sergeant Joshua E. Hawk, to be so false.

Specification 2: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty did, at or near Marine Corps Recruit Depot San Diego, California on or about 11 September 2008, with intent to deceive, make an official statement, by signing his United States Office of Personnel Management Electronic Questionnaires for Investigation Processing (e-QIP) Investigation Request #4426645 thus stating that same document was true, complete, and correct, which statement was false in that said Staff Sergeant Hawk failed to disclose that on or about 27 February 2000 he was arrested and charged with public intoxication, delaying or resisting an officer, and disturbing the peace, that he had a stepfather, James Joseph Clayton, and was then known by the said Staff Sergeant Hawk to be so false.

Specification 3: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty did, at or near Marine Corps Recruit Depot San Diego, California on or about 11 September 2008, with intent to deceive, make an official statement, to wit: by stating "not applicable" when told to "List foreign countries you have visited, except on travel under official Government orders, working back 7 years" on his United States Office of Personnel Management Electronic Questionnaires for Investigation Processing (e-QIP) Investigation Request #4426645, which statement was totally false, and was then known by the said Staff Sergeant Hawk to be so false.

Specification 4: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty did, at or near Marine Corps Recruit Depot San Diego, on or about 7 October 2008, with intent to deceive, make to Special Investigator Claude Carris Jr. of The Office of Personnel Management Investigations, an official statement, to wit: "On 20 May 2008, I was riding on a buggy taxi, alone, around 0200." or words to that effect, "On 16 August 2003, I went to a restaurant. I started drinking and something happened. I do not know if I said something or someone else said something that was wrong. I went outside to sit on a bench. Michael and Steven Moore came outside. Michael started talking to me and we began to argue over what was said inside. Michael pushed me down and then both Michael and Steven began to kick me. I was knocked unconscious." or words to that effect, and "On 27 February 2000, I had not been drinking." or words to that effect, which statements were false, and were then known by the said Staff Sergeant Hawk to be so false.

(Continued on Supplemental Charge Sheet 3)

ORIGINAL

SUPPLEMENTAL CHARGE SHEET 3

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)	2. SSN	3. GRADE OR RANK	4. PAY GRADE
HAWK, JOSHUA E.	561 57 8658	SSGT	E-6

Specification 5: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty did, at or near Marine Corps Air Station Miramar, California, on or about 10 October 2008, with intent to deceive, make to Special Agent Rick Rendon of the Naval Criminal Investigative Service, an official statement, to wit: "Sergeant Mahoe told me he had sex with Danielle a few weeks before this incident" or words to that effect, "Danielle took my right hand and put it on her crotch over her clothes" or words to that effect, "I exited the SUV and went to my room while Danielle stayed in the SUV" or words to that effect, and "Amy and Staff Sergeant Mora knocked on my door while I was watching TV," or words to that effect, which statements were totally false, and were then known by the said Staff Sergeant Hawk to be so false.

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 120

Specification: In that Staff Sergeant Joshua E. Hawk, United States Marine Corps, on active duty, did, at or near San Diego, California, on or about 11 September 2008, cause Danielle Ligon to engage in a sexual act, to wit: exposing her breast, having her nipple sucked, having her breast grabbed, and having her vagina penetrated with the insertion of his fingers, by causing bodily harm upon her, to wit: pulling the back right side of her hair causing pain and redness to her scalp and head, gagging her by inserting his fingers into her mouth causing redness and soreness to the inside of her mouth, and by also causing her to obtain scrapes, bruises and abrasions throughout her body she obtained during her struggle and escape from the said Staff Sergeant Joshua E. Hawk, United States Marine Corps.

CHARGE V: Violation of the UCMJ, Article 134

Specification 1: In that Staff Sergeant Joshua E. Hawk, United States Marine Corps, on active duty, was, at or near San Diego, California, on or about 11 September 2008, drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces.

Specification 2: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, did at or near Marine Corps Recruit Depot San Diego, California, on or about 11 September 2008 knowingly and willfully concealed a material fact by failing to disclose that he had been arrested for public intoxication, delaying or resisting arrest, and disturbing the peace by the Calipatria Police Department on or about 27 February 2000, while entering personal information into the Electronic Questionnaire for Investigations Processing system of the United States Office of Personnel Management for a Single Scope Background Investigation in violation of 18 U.S. Code Section 1001.

Specification 3: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty, was, at or near 600 5th Avenue, San Diego, California, on or about 20 May 2008, drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces.

(Continued on Supplemental Charge Sheet 4)

ORIGINAL

SUPPLEMENTAL CHARGE SHEET 4

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)	2. SSN	3. GRADE OR RANK	4. PAY GRADE
HAWK, JOSHUA E.	561 57 8658	SSGT	E-6

Specification 4: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty did, at or near Marine Corps Recruit Depot San Diego, California, on or about 11 September 2008, knowingly and willfully conceal a material fact by failing to disclose that he had a stepfather, James Joseph Clayton, while entering personal information into the Electronic Questionnaire for Investigations Processing system of the United States Office of Personnel Management for a Single Scope Background Investigation request #4426645 and sign the same document stating that statements were complete in violation of 18 U.S. Code Section 1001.

Specification 5: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty did, at or near Marine Corps Recruit Depot San Diego, California, on or about 11 September 2008, knowingly and willfully make a false statement or representation by marking "not applicable" when asked to "List foreign countries you have visited, except on travel under official Government orders, working back 7 years" on the Electronic Questionnaire for Investigations Processing system of the United States Office of Personnel Management for a Single Scope Background Investigation Request #4426645 and sign the same document stating that statements were true, complete, and correct in violation of 18 U.S. Code Section 1001.

Specification 6: In that Staff Sergeant Joshua Eli Hawk, United States Marine Corps, on active duty did, at or near Marine Corps Recruit Depot San Diego, California, on or about 7 October 2008, knowingly and willfully make materially false statements or representations to an Office of Personnel Management Investigator during a Single Scope Background Investigation interview, to wit "On 20 May 2008, I was riding on a buggy taxi, alone, around 0200." or words to that effect, "On 16 August 2003, I went to a restaurant. I started drinking and something happened. I do not know if I said something or someone else said something that was wrong. I went outside to sit on a bench. Michael and Steven Moore came outside. Michael started talking to me and we began to argue over what was said inside. Michael pushed me down and then both Michael and Steven began to kick me. I was knocked unconscious." or words to that effect, and "On 27 February 2000, I had not been drinking." or words to that effect, which statements were false, and were then known by the said Staff Sergeant Hawk to be so false in violation of 18 U.S. Code Section 1001.

(End)

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