

**DEPARTMENT OF THE NAVY
NAVY AND MARINE CORPS TRIAL JUDICIARY
WESTERN JUDICIAL CIRCUIT**

U N I T E D S T A T E S

v.

**PIETRO P. SCARSELLI
XXX XX 4846
MAJOR
UNITED STATES MARINE CORPS**

**GENERAL COURT-MARTIAL
MEMORANDUM
OF
PRETRIAL AGREEMENT**

I, Major Pietro P. Scarselli, U.S. Marine Corps, the accused in a general court-martial, hereby certify:

1. For good consideration and after consultation with my counsel, I agree to accept non-judicial punishment for the charges and specifications listed below, PROVIDED the convening authority agrees to withdraw the below-listed charges and specifications against me from general court-martial.
2. I understand this offer and agreement cannot be used against me in the determination of my guilt on any matters arising from the charges and specifications made against me if this case is referred to court-martial.
3. I understand that the jurisdictional limits on punishment at Commanding General's NJP for an O-4 are as follows: admonition or reprimand, forfeiture of one-half of one month's pay per month for 2 months and house restriction for 45 days.
4. I expressly understand that this pretrial agreement will become void in the event: (1) I refuse to accept NJP for the charges and specifications listed below; or (2) I initially agree to accept NJP, but prior to the time punishment is announced, I refuse NJP and demand trial by court-martial. I understand that if this agreement becomes null and void that the convening authority is free to refer the charges to a court-martial.
5. My counsel has fully advised me of the meaning and effect of my decision to accept NJP, and I fully understand and comprehend the meaning thereof and all the attendant effects and consequences.
6. I am satisfied with my defense counsel, Mr. Haytham Faraj, and Captain C. P. Hur, USMC, in all respects.
7. I accept NJP for the following charges and agree to plead as follows:

	<u>CHARGE</u>	<u>PLEA</u>
Charge I	Violation of Article 81, UCMJ	Not Guilty
Spec:	In that Maj Pietro P. Scarselli, U.S. Marine Corps while on active duty at or near Marine Corps Air Ground Combat Center, Twenty-Nine Palms CA, on or about 12 May 2009, conspire with MGySgt Humberston to commit an offense under the UCMJ, to wit: endeavor to impede the 11 May 2009 IG investigation into misconduct at the PMO in 29 Palms, CA by wrongfully influencing and intimidating Marines interviewed by the Command IG, and in order to effect the object of the conspiracy the said Maj Scarselli and MGySgt Humberston did wrongfully communicate with and intimidate said Marines following their interviews with the command IG	Not Guilty
Charge II:	Violation of Article 90, UCMJ	Guilty
Spec:	In that Maj Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twenty-Nine Palms CA having knowledge of a lawful order issued 14 July 2009 by Col Tim A. Green, his superior commanding officer, then known by the accused to be his superior commissioned officer to cease and desist from debriefing PMO Marines after they returned from interviews with the Command IG, or words to that effect, did , at or bear MCAGCC, 29 Palms CA, on or about 18 July negligently disobey the same by asking GySgt Roy Buchanan words to the effect, "How did it go?" following Buchanan's interview with the IG and noticing that Buchanan appeared visibly distraught.	Guilty
Charge III	Violation of Article 92, UCMJ	Guilty
Spec 1:	In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty, at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, who knew of his duties on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, from about 12 May 2007 to about 12 May 2009, was derelict in the performance of those duties in that he negligently failed to investigate allegations of adultery involving Master Gunnery Sergeant	Not Guilty

	John P. Humbertson, U.S. Marine Corps, Sergeant Daniel J. Ellestad, U.S. Marine Corps, and Lieutenant James Daly, and negligently failed to maintain professionalism and good order and discipline at the Provost Marshall's Office by allowing "Family Night" or "Beerpong Night" at the Provost Marshall's Office on divers Tuesdays where alcohol was consumed and no distinction between Marines of differing grades was made, as it was his duty to do.		
Spec 2:	In that Maj Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twenty-Nine Palms, CA, who knew of his duties on board MCAGCC, 29 Palms, CA, from about 12 May 2007 to about 12 May 2009, was derelict in the performance of those duties in that he negligently failed to uphold height and weight standards, failed to oversee rifle qualification of Marines at the PMO office, failed to ensure the physical readiness of his Marines in accordance with Marine Corps standards of physical training, and failed to maintain distinction between Marines of differing grades as it was his duty to do.	<i>Not</i> Guilty	
Spec 3:	In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty, at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, who knew of his duties on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 7 July 2009, was derelict in the performance of those duties in that he willfully failed to stop an installation pass from being issued to Robert T. Lemons, an individual against whom Major Scarselli knew there were active warrants, as it was his duty to do.	Not Guilty	
Spec 4:	In that Maj Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twenty-Nine Palms, CA, who knew of his duties on board MCAGCC, 29 Palms, CA, on or about 9 October 2008, violate a lawful general order, to wit: Marine Corps Order 1700.22E, dated 21 March 2006, by wrongfully providing alcohol to Lance Corporal Joseph Hopkins, U.S. Marine Corps, a person he knew to be under the age of twenty-	Not Guilty	

	one.		
Spec 5:	In that Maj Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twenty-Nine Palms, CA, who knew of his duties on board MCAGCC, 29 Palms, CA, on or about 9 October 2008, violate a lawful general order, to wit: Marine Corps Order 1700.28, dated 18 June 1997, by condoning hazing of LCpl Andrew Beebe, U.S. Marine Corps, when LCpl Beebe was forced to give a brief to the various watch sections about Adultery, the PMO Philosophy on adultery, and the punitive consequences of being convicted of adultery in an effort to humiliate and oppress the same.	Not Guilty	
Spec 6:	In that Maj Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twenty-Nine Palms, CA, who knew of his duties on board MCAGCC, 29 Palms, CA, on or about 9 October 2008, violate a lawful general order, to wit: Marine Corps Order 1700.28, dated 18 June 1997, by hazing of LCpl Russell Dixon, U.S. Marine Corps, by forcing LCpl Dixon to work cleaning and performing menial labor on his non-working days as improper punishment for LCpl Joseph Hopkins, U.S. Marine Corps flooding several barracks rooms.	Not Guilty	
Spec 7:	In that Maj Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twenty-Nine Palms, CA, who knew of his duties on board MCAGCC, 29 Palms, CA, on or about 9 October 2008, violate a lawful general order, to wit: Marine Corps Order 1700.28, dated 18 June 1997, by hazing of LCpl Jeremy D. Angenend, U.S. Marine Corps, by forcing LCpl Dixon to work cleaning and performing menial labor on his non-working days as improper punishment for LCpl Joseph Hopkins, U.S. Marine Corps flooding several barracks rooms.	Not Guilty	
Charge IV	Violation of Article 93, UCMJ	Not Guilty	
Spec 1:	In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, on board Marine Corps Air Ground Combat Center, Twentynine Palms,	Not Guilty	

	California, from about 1 March 2009 until about 11 May 2009, did maltreat Lance Corporal Andrew S. Beebe, U.S. Marine Corps, a person subject to his orders, by forcing Lance Corporal Beebe to work cleaning and performing menial labor such as repainting and pulling weeds, as improper punishment for alleged adultery without due process of law or adjudication.		
Spec 2:	In that Maj Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twenty-Nine Palms, CA, who knew of his duties on board MCAGCC, 29 Palms, CA, on or about 11 Oct 2008, did maltreat LCpl Russell Dixon, U.S. Marine Corps, a person subject to his orders, by forcing LCpl Dixon to work cleaning and performing menial labor on his non-working days, as improper punishment for LCpl Joseph Hopkins, U.S. Marine Corps, flooding several barracks rooms.	Not Guilty	
Spec 3:	In that Maj Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twenty-Nine Palms, CA, who knew of his duties on board MCAGCC, 29 Palms, CA, on or about 11 October 2008, did maltreat LCpl Russell Dixon, U.S. Marine Corps, a person subject to his orders, by forcing LCpl Dixon to work cleaning and performing menial labor on his non-working days, as improper punishment for LCpl Joseph Hopkins, U.S. Marine Corps, flooding several barracks rooms.	Not Guilty	
Charge V	Violation of Article 107, UCMJ	Not Guilty	
Spec 1:	In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 8 July 2009, with intent to deceive, make to the Command Inspector General, Mr. David N. Gill, an official statement, to wit: when asked about a Personal Fitness Test in December of 2008, Major Scarselli replied, "Yes, that was my score, 220 points. SSgt Baker monitored," which statement was totally false, and was then known by the said Major Scarselli to be so false.	Not Guilty	

Spec 2:	In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 14 July 2009, with intent to deceive; make to Colonel Tim A. Green, U.S. Marine Corps, and official statement, to wit: when told that he was not to debrief Provost Martial Office Marines after they spoke with the Command Inspector General, Major Scarselli replied, that he "Was not debriefing Marines," which statement was totally false, and was then known by the said Major Scarselli to be so false.	Not Guilty
Charge VI	Violation of Article 134, UCMJ	Guilty
Spec 1:	In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 10 July 2009, knowingly fraternize with Staff Sergeant James E. Baker, U.S. Marine Corps, an enlisted person, on terms of military equality, to wit: repeatedly text messaging and calling Staff Sergeant Baker requesting to borrow money, in violation of the custom of the Naval Service of the United States that officers shall not fraternize with enlisted persons on terms of military equality.	Not Guilty
Spec 2:	In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, at or near Twentynine Palms, California, between on or about 1 October 2008 and 17 August 2009, knowingly fraternize with Master Gunnery Sergeant John P. Humbertson, U.S. Marine Corps, an enlisted person, on terms of military equality, to wit: living together at 72994 Manana Avenue in Twentynine Palms, California, in violation of the custom of the Naval Service of the United States that officers shall not fraternize with enlisted persons on terms of military equality.	Guilty
Spec 3:	In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, on board Marine Corps	Not Guilty

	Air Ground Combat Center, Twentynine Palms, California, on or about 20 May 2009, wrongfully endeavor to impede an investigation in the cases of Major Pietro P. Scarselli and Master Gunnery Sergeant John P. Humbertson, U.S. Marine Corps, by wrongfully contacting Staff Sergeant James E. Baker, U.S. Marine Corps, and telling him to inform Mr. D.N. Gill that Staff Sergeant Baker monitored a Personal Fitness Test for Major Scarselli at the end of 2008.		
Spec 4:	In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 15 June 2009, wrongfully endeavor to impede an investigation in the cases of Major Pietro P. Scarselli and Master Gunnery Sergeant John P. Humbertson, U.S. Marine Corps, by having the Staff Non-Commissioned Officers of the Provost Marshall's Office swear a "loyalty oath" to the Provost Marshall and agree to keep him off the skyline.	Not Guilty	
Spec 5:	In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 19 March 2009, wrongfully solicit Staff Sergeant James E. Baker, U.S. Marine Corps, to submit, with intent to deceive, a signed official record, to wit: a Marine Corps Martial Arts Program training certificate, which record was false in that Major Scarselli had never completed a training regimen monitored by Staff Sergeant Baker, and was then known by Major Scarselli to be so false.	Not Guilty	
Spec 6:	In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty, at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 20 May 2009, wrongfully solicit Staff Sergeant James E. Baker, U.S. Marine Corps, to make to the Command Inspector General, Mr. David N. Gill, with intent	Not Guilty	

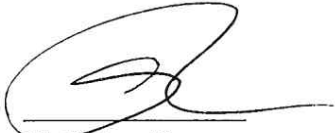
	to deceive, an official statement, to wit: that he had monitored a Personal Fitness Test for Major Scarselli in December of 2008, which statement was totally false, and was then known by Major Scarselli to be so false.		
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10. I understand and agree that, in return for my plea of guilty, and following the announcement of the punishment by the Commanding General, the withdrawn language and/or charges and specifications will be dismissed by the convening authority with prejudice.

11. It is expressly understood that I will not commit any act of misconduct chargeable under the Uniform Code of Military Justice between the date both parties have signed this agreement and the date of the NJP. Any UCMJ violation on my part after both parties sign this agreement and before the date of the NJP is held, will be grounds for withdrawal from this agreement by the convening authority.

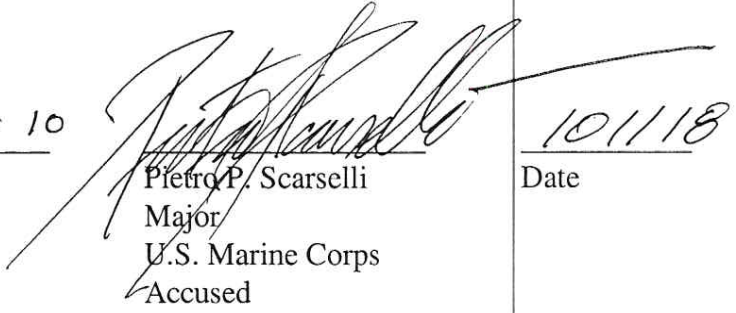
12. There are no other agreements, oral or written, express or implied, between myself and the convening authority, or any other representative of the government, except those written and contained in this agreement.

Respectfully submitted,



Christian Hur
Captain
U.S. Marine Corps
Defense Counsel

18 Nov 10
Date



Pietro P. Scarselli
Major
U.S. Marine Corps
Accused

10/1/18
Date



Haytham Faraj
Civilian Defense Counsel

The foregoing agreement is approved.

Convening Authority: _____ Date: _____