



UNITED STATES MARINE CORPS  
Joint Law Center, Defense Section  
Marine Corps Air Station Miramar  
P.O. Box 452022  
San Diego, California 92145-2022

IN REPLY REFER TO:  
5800  
JLC/DEF  
30 Sep 10

From: Senior Defense Counsel  
To: Trial Counsel, MCAS Miramar

SUBJ: CONTINUANCE REQUEST IN THE CASE OF UNITED STATES V.  
GUNNERY SERGEANT MARCUS S. BELL, XXX XX 9737/6672, USMC

Encl: (1) Continuance Request dtd 28 Sep 2010  
(2) Request for R.C.M. 706 Competency Board

1. Enclosed please find Attorney Haytham Faraj's continuance request for the Article 32 in the above-referenced case. Mr. Faraj has been retained by Gunnery Sergeant Bell to represent him. Enclosure (1).

2. The defense requests an initial 90 day continuance in order to complete a mental health evaluation. A request for this evaluation is enclosed as enclosure 2. If the evaluation and report are not issued within 90 days, the defense will seek an additional continuance.

A handwritten signature in black ink, appearing to read "M. L. Marshall", is located below the main text.

M. L. MARSHALL  
Major, U.S. Marine Corps  
Senior Defense Counsel

Copy to: (1) Accused  
(2) Detailed Defense Counsel

Neal A. Puckett, Esq.  
Lic: VA

Eric S. Montalvo, Esq.  
Lic: NJ, PA, DC

Haytham Faraj, Esq.  
Lic: IL, MI, DC



THE LAW FIRM OF PUCKETT AND FARAJ, PC

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September 28, 2010

**Via Email: douglas.hatch@usmc.mil**

Commanding General  
3<sup>rd</sup> Marine Aircraft Wing  
MASC Miramar  
San Diego, CA 92145

*Re: United States v. Gunnery Sergeant Marcus Bell; Article 32 continuance request*

The defense requests a continuance of the currently scheduled Article 32 hearing until such a time that a mental health evaluation of the accused is completed and a report issues. Such an evaluation is permitted and required pursuant to R.C.M. 706. The defense agrees that all delay arising from this request shall be excludable for the purposes of Article 10 of the U.C.M.J. and R.C.M. 707.

Sincerely,



Haytham Faraj, Esq.

Copy to:  
Detailed Defense Counsel  
Trial Counsel  
Client  
File



UNITED STATES MARINE CORPS

JOINT LAW CENTER  
MARINE CORPS AIR STATION  
MIRAMAR, CALIFORNIA 92145-2013

IN REPLY REFER TO:  
5800  
Def/mlm  
30 Sep 10

From: Detailed Defense Counsel  
To: Commanding General, Third Marine Aircraft Wing  
Via: Trial Counsel

Subj: REQUEST FOR R.C.M. 706 COMPETENCY BOARD IN THE CASE OF  
U.S. V. GUNNERY SERGEANT MARCUS S. BELL, XXX XX 9737/6672, USMC

Ref: (a) R.C.M. 706, 909, 916 of MCM, 2008

1. Pursuant to the reference, it is hereby requested that an inquiry be made into the mental condition of Gunnery Sergeant Marcus S. Bell, USMC, to determine whether Gunnery Sergeant Bell (1) was able to appreciate the nature and quality or the wrongfulness of his acts; and (2) is able to understand the nature of the proceedings against him. This request is due to Gunnery Sergeant Bell's recent hospitalization at John Peter Smith Hospital for suicidal ideation.

2. This fact creates a significant concern regarding whether Gunnery Sergeant Bell appreciated the nature and quality of his conduct, whether he has the ability to understand the nature of the proceedings he is facing, and whether he can assist in his defense. It is requested that Gunnery Sergeant Bell be subjected to medical scrutiny by a forensic psychologist in accordance with reference (a).

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

Enclosure (2)