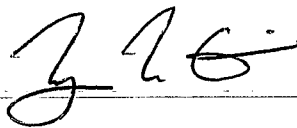


UNITED STATES NAVY-MARINE CORPS TRIAL JUDICIARY
NORTHERN JUDICIAL CIRCUIT
SPECIAL COURT MARTIAL

UNITED STATES)	
)	
v.)	
	)	GOVERNMENT PAGE 56 MATTERS
Marina D. LOPEZ)	
XXX-XX-8778)	
Staff Sergeant)	
U.S. Marine Corps	)	26 July 2011

1. The Government now provides the following:

- | | |
|---|--------------------------|
| a. Cleansed charge sheet | Attached as Enclosure 1. |
| b. Government witness list | Attached as Enclosure 2. |
| c. Military Judge <i>voir dire</i> | None. |
| d. Government proposed <i>voir dire</i> | Attached as Enclosure 3. |
| e. Government proposed instructions | Attached as Enclosure 4. |
| f. Government exhibit list | Attached as Enclosure 5. |
| g. Motions or responses | None. |
| h. Judicial notice | Attached as Enclosure 6. |
| i. Stipulations | None. |
| j. Findings Worksheet | Attached as Enclosure 7. |
| k. Sentencing Worksheet | Attached as Enclosure 8. |
| l. Modified convening order | Pending. |
| m. Court-martial members questionnaires | Pending. |



M. N. MCGUIRE
1stLt, USMC
Trial Counsel

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document and its enclosures was served on the court and opposing counsel via electronic mail on the 26th day of July, 2011.



M. N. MCGUIRE
1stLt, USMC
Trial Counsel

Charge I: Violation of the UCMJ, Article 92

Specification 1: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, having knowledge of a lawful written order issued by Colonel Richard C. Jackson II, to wit: paragraph 3000(1), Officer Candidates School Order P1530.3J, dated 9 April 2010, an order which it was her duty to obey, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, fail to obey the same by wrongfully running the platoon during hours of darkness in an area with uneven terrain and several obstacles which resulted in at least one injury.

Specification 2: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, having knowledge of a lawful written order issued by Colonel Richard C. Jackson II, to wit: paragraph 3003(2), Officer Candidates School Order P1530.3J, dated 9 April 2010, an order which it was her duty to obey, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, fail to obey the same by wrongfully pushing candidates out of her way, grabbing candidates clothing forcefully to correct them, and ripping bandages off of a candidate.

Specification 3: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, having knowledge of a lawful written order issued by Colonel Richard C. Jackson II, to wit: paragraph 3003(3)(e), Officer Candidates School Order P1530.3J, dated 9 April 2010, an order which it was her duty to obey, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, fail to obey the same by wrongfully assigning or calling candidates names such as,

- Billy
- stupid
- retarded
- idiots
- Ms. Cheeseburger
- Greasy Cheeseburger
- weak ass females
- piece of shit
- pieces of garbage
- fucking weirdo
- worthless piece of crap
- fat face
- fuck up
- pathetic
- disgusting
- that typical female
- zepol

Specification 4: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, having knowledge of a lawful written order issued by Colonel Richard C. Jackson II, to wit: paragraph 3003(10), Officer Candidates School Order P1530.3J, dated 9 April 2010, an order which it was her duty to obey, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, fail to obey the same by wrongfully using profanity towards and in the presence of candidates.

Specification 5: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, having knowledge of a lawful written order issued by Colonel Richard C. Jackson II, to wit: paragraph 3004(1), Officer Candidates School Order P1530.3J, dated 9 April 2010, an order which it was her duty to obey, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, fail to obey the same by wrongfully assigning platoon wide essays.

Specification 6: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, having knowledge of a lawful written order issued by Colonel Richard C. Jackson II, to wit: paragraph 3005(1)(a), Officer Candidates School Order P1530.3J, dated 9 April 2010, an order which it was her duty to obey, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, fail to obey the same by wrongfully sending the platoon in and at out of the buildings, and up and down the ladder wells with no training purpose.

Specification 7: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, having knowledge of a lawful written order issued by Colonel Richard C. Jackson II, to wit: paragraph 3005(1)(g), Officer Candidates School Order P1530.3J, dated 9 April 2010, an order which it was her duty to obey, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, fail to obey the same by wrongfully making candidates do "Incentive PT".

Specification 8: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, having knowledge of a lawful written order issued by Colonel Richard C. Jackson II, to wit: paragraph 3006(3)(a), Officer Candidates School Order P1530.3J, dated 9 April 2010, an order which it was her duty to obey, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, fail to obey the same by wrongfully not allowing candidates to receive medical care.

Specification 9: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, having knowledge of a lawful written order issued by Colonel Richard C. Jackson II, to wit: paragraph 3006(3)(b), Officer Candidates School Order P1530.3J, dated 9 April 2010, an order which it was her duty to obey, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, fail to obey the same by wrongfully waking candidates during hours of sleep for unauthorized reasons.

Specification 10: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, having knowledge of a lawful written order issued by Colonel Richard C. Jackson II, to wit: paragraph 3006(3)(m), Officer Candidates School Order P1530.3J, dated 9 April 2010, an order which it was her duty to obey, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, fail to obey the same by wrongfully causing candidates to be disrespectful to each other.

Specification 11: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, having knowledge of a lawful written order issued by Colonel Richard C. Jackson II, to wit: paragraph 5031(1), Officer Candidates School Order P1530.3J, dated 9 April 2010, an order which it was her duty to obey, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, fail to obey the same on divers occasions by wrongfully throwing candidates weapons to the ground.

Specification 12: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, fail to obey a lawful general order, to wit: Marine Corps Order 1700.28, by causing candidates to suffer or be exposed to activities that were cruel, abusive and humiliating.

Charge II: Violation of the UCMJ, Article 93

Specification: In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, was cruel toward Officer Candidates, persons subject to her orders, by:

-Running the platoon during hours of darkness in an area with uneven terrain and several obstacles which

resulted in at least one injury.

-Running on the parade deck after evening chow which resulted in candidates vomiting on the Parade Deck and not being provided with medical care.

-Not providing enough time to hygiene despite an increased occurrence of bacterial pneumonia and an increased likelihood of cellulites.

Charge III: Violation of the UCMJ, Article 134

Specification: [*Obstructing justice*] In that Staff Sergeant Marina D. Lopez, U.S. Marine Corps, on active duty, did, at or near Marine Corps Base Quantico, Virginia, between on or about 6 October 2010 to on or about 4 November 2010, wrongfully influence the actions of First Platoon Officer Candidates by telling them not to inform their Platoon Commander about the misconduct of Staff Sergeant Lopez and Gunnery Sergeant Jennifer N. Kelton, U.S. Marine Corps.

UNITED STATES NAVY-MARINE CORPS TRIAL JUDICIARY
NORTHERN JUDICIAL CIRCUIT
SPECIAL COURT MARTIAL

UNITED STATES)	
)	
v.)	
	)	GOVERNMENT'S WITNESS LIST
Marina D. LOPEZ)	
XXX-XX-8778)	
Staff Sergeant)	
U.S. Marine Corps	)	26 July 2011

1. 2ndLt Melissa Blake, Student, The Basic School, (805)264-5613
2. Michele Boeche, Candidate, Officer Candidate School, (703)784-2351
3. 2ndLt Kate Brannon, MAWS-14, (850) 832-0977
4. 2ndLt Kelsey Burnham, CLR-2, (330)340-7973
5. 2ndLt Emily Gabriel, Student, The Basic School, (303)868-7940
6. 2ndLt Corey Hughey, Student, The Basic School, (334)559-6223
7. 2ndLt Kelli Locosta, Student, API, Pensacola, Florida, (858)472-1037
8. 2ndLt Laura Pethel, Student, The Basic School, (757)642-3131
9. 2ndLt Phoebe Riner, Student, The Basic School, (202)497-8743
10. 2ndLt April (Tatton) Schaffer, Student, NJS, (707)332-1171
11. 2ndLt Kathleen O'Hara, Student, NJS, (949) 587-8944
12. Captain Crista D. Kraics, Staff, Officer Candidate School, (703)784-2351
13. LtCol Michael M. Richman, USMC, XO, Officer Candidate School, (703)784-2351
14. SgtMaj Jason P. Ruff, USMC, OCS, MCB, Quantico, (703)784-2351

15. 2ndLt Evita M. Ayala, Student, The Basic School, (571) 839-6587

16. 1stSgt Christopher Farrell, Staff, OCS, (703)784-2351



M. N. MCGUIRE
1stLt, USMC
Trial Counsel

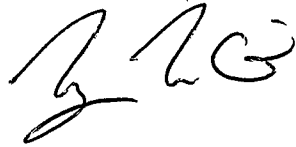
UNITED STATES NAVY-MARINE CORPS TRIAL JUDICIARY
NORTHERN JUDICIAL CIRCUIT
SPECIAL COURT MARTIAL

UNITED STATES)	
)	
v.	)	GOVERNMENT PROPOSED <i>VOIR DIRE</i>
)	
Marina D. LOPEZ)	
XXX-XX-8778)	
Staff Sergeant)	
U.S. Marine Corps	)	26 July 2011

1. Has every member received a command from a superior during his or her military career?
2. Would every member agree that a lawful command is not always phrased as formally as: "I hereby command you to do X"?
3. Would every member agree that a lawful command from a superior must be followed even if it is not formatted in a phrase that states, "I hereby command you to do X"?
4. Does everyone agree that oftentimes, military commands articulate a desired end state, and give subordinates some flexibility in how to execute?
5. Has any member ever served on the drill field either as a drill instructor or a platoon or series commander?
6. During boot camp or Officer Candidate School you may have been verbally or physically demeaned in front of other recruits or candidates. Did any member experience such treatment during boot camp or Officer Candidate School?
7. Do the members agree that the standards that applied to platoon sergeants or drill instructors when you went through boot camp or officer candidate school are not the standards at issue in this court-martial?
8. Does any member believe that standards for Officer Candidates going through Officer Candidate School are less stringent than they should be?

9. Does any member believe that officer candidates should be maltreated as a rite of passage?

10. Does any member believe that the initiation process of becoming a Marine Officer should require persevering through degrading treatment?

A handwritten signature in black ink, appearing to read 'M. N. McGuire', written in a cursive style.

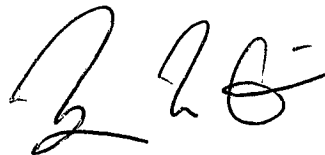
M. N. MCGUIRE
1stLt, USMC
Trial Counsel

UNITED STATES NAVY-MARINE CORPS TRIAL JUDICIARY
NORTHERN JUDICIAL CIRCUIT
SPECIAL COURT MARTIAL

UNITED STATES)	
)	
v.	)	PROPOSED INSTRUCTIONS
)	
Marina D. LOPEZ)	
XXX-XX-8778)	
Staff Sergeant)	
U.S. Marine Corps	)	26 July 2011

The Government respectfully requests that the following instructions be provided to the members at trial. All paragraph citations refer to the Electronic Military Judge's Benchbook (DA Pam 27-9) dated 1 January 2010.

<u>Instruction</u>	<u>Paragraph</u>
Violating Other Written Order	3-16-2
Credibility of Witnesses	7-7-1
Character for Untruthfulness	7-8-3
Variance-findings by exceptions and substitutions	7-15
Vicarious Liability- Co-Conspirators	7-1-4
Judicial Notice	7-6
Spillover	7-17



M. N. MCGUIRE
1stLt, USMC
Trial Counsel

UNITED STATES NAVY-MARINE CORPS TRIAL JUDICIARY
NORTHERN JUDICIAL CIRCUIT
SPECIAL COURT MARTIAL

UNITED STATES)

v.)

Marina D. LOPEZ)

XXX-XX-8778)

Staff Sergeant)

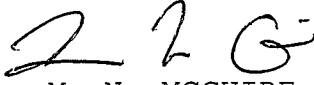
U.S. Marine Corps)

GOVERNMENT EXHIBIT LIST

26 July 2011

1. Subject to modification, addition, or change, the Government may introduce the following evidence on the merits:

- a. Statement of Understanding signed by the Accused dated 091006
- b. Statement of Understanding signed by the Accused dated 100527
- c. Officer Candidate School, SOP Power Point presentation, dated 100928
- d. Officer Candidate School, Hazing Power Point presentation, by 1stSgt Farrell
- e. Hazing Prevention Class Roster dated 27 September 2010
- f. Fall 2010 SOC Schedule 20100928, 27 Sept 10 - 30 Sept 10
- g. Photographs of the grounds at Officer Candidate School including (1) aerial shot of the area encompassing the Bobo Chow Building and Chow Annex Building and surrounding grassy areas, (2) aerial photograph of the OCS parade deck, (3) photographs of the staging/grassy areas outside and adjacent to Bobo Hall
- h. Officer Candidate School Order P 1530.3J, dated 9 April 2010
- i. Marine Corps Order 1700.28 dated 18 June 2007


M. N. MCGUIRE

1stLt, USMC

Trial Counsel

UNITED STATES NAVY-MARINE CORPS TRIAL JUDICIARY
NORTHERN JUDICIAL CIRCUIT
SPECIAL COURT MARTIAL

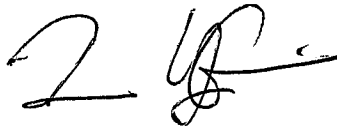
UNITED STATES)	
)	
v.	)	JUDICIAL NOTICE
)	
Marina D. LOPEZ)	
XXX-XX-8778)	
Staff Sergeant)	
U.S. Marine Corps	)	26 July 2011

1. Nature of Request. In accordance with MRE 201, the government respectfully request that the court take judicial notice of the following in the subject named case:

a. that Officer Candidates School Order P 1530.3J, dated 09 April 2010 is a lawful order and was in existence at the time of the alleged incidents, and

b. that Marine Corps Order 1700.28, dated 18 June 97 is a lawful general order and was in existence at the time of the alleged incidents.

In support of this request, copies of the pertinent pages of these orders are provided as an attachment.



M. N. MCGUIRE
1stLt, USMC
Trial Counsel

UNITED STATES NAVY-MARINE CORPS TRIAL JUDICIARY
NORTHERN JUDICIAL CIRCUIT
SPECIAL COURT MARTIAL

UNITED STATES)	
)	
v.	)	FINDINGS WORKSHEET
)	
Marina D. LOPEZ)	
XXX-XX-8778)	
Staff Sergeant)	
U.S. Marine Corps	)	26 July 2011

[NOTE: After the court members have reached their findings, the President shall strike out all inapplicable language. After the Military Judge has reviewed the worksheet, the President will announce the findings by reading the remaining language. The President will not read the language in bold print.]

Staff Sergeant Marina D. Lopez, U.S. Marine Corps, this special court-martial finds you:

I. IN THE CASE OF COMPLETE ACQUITTAL ANNOUNCE:

Of the charges and specifications thereunder: NOT GUILTY

OR

II. IN THE CASE OF COMPLETE CONVICTION ANNOUNCE:

Of the charges and specifications thereunder: GUILTY

OR

III. MIXED FINDINGS, FINDINGS BY EXCEPTIONS AND SUBSTITUTIONS,
OR FINDING OF GUILT FOR A LESSER INCLUDED OFFENSE

Use this part of the findings worksheet: (1) if you find the Accused guilty of some, but not all the Specifications, and/or (2) if you find the Accused guilty of a Specification, but need to make a minor variation to the language used in the Specification. Circle or check the appropriate findings in parentheses and strike out those that do not apply. Without reading the language in bold out loud, the President shall announce:

Charge I and Specification 1

Of charge I and specification 1:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____, " and

Substituting therefore the word(s):

" _____, " and

Of the excepted word(s): (NOT GUILTY)

Of the substituted word(s): (GUILTY)

Of the Charge: (GUILTY)

Charge I and Specification 2

Of charge I and specification 2:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____, " and

Substituting therefore the word(s):

" _____, " and

Of the excepted word(s): (NOT GUILTY)

Of the substituted word(s): (GUILTY)

Of the Charge: (GUILTY)

Charge I and Specification 3

Of charge I and specification 3:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____, " and

Substituting therefore the word(s):

" _____, " and

Of the excepted word(s): (NOT GUILTY)

Of the substituted word(s): (GUILTY)

Of the Charge: (GUILTY)

Charge I and Specification 4

Of charge I and specification 4:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____, " and

Substituting therefore the word(s):

" _____, " and

Of the excepted word(s): (NOT GUILTY)

Of the substituted word(s): (GUILTY)

Of the Charge: (GUILTY)

Charge I and Specification 5

Of charge I and specification 5:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____, " and

Substituting therefore the word(s):

" _____, " and

Of the excepted word(s): (NOT GUILTY)

Of the substituted word(s): (GUILTY)

Of the Charge: (GUILTY)

Charge I and Specification 6

Of charge I and specification 6:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____, " and

Substituting therefore the word(s):

" _____, " and

Of the excepted word(s): (NOT GUILTY)

Of the substituted word(s): (GUILTY)

Of the Charge: (GUILTY)

Charge I and Specification 7

Of charge I and specification 7:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

"

_____, " and

Substituting therefore the word(s):

"

_____, " and

Of the excepted word(s): (NOT GUILTY)

Of the substituted word(s): (GUILTY)

Of the Charge: (GUILTY)

Charge I and Specification 8

Of charge I and specification 8:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

"

_____, " and

Substituting therefore the word(s):

"

_____, " and

Of the excepted word(s): (NOT GUILTY)

Of the substituted word(s): (GUILTY)

Of the Charge: (GUILTY)

Charge I and Specification 9

Of charge I and specification 9:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

"

_____, " and

Substituting therefore the word(s):

"

_____, " and

Of the excepted word(s): (NOT GUILTY)

Of the substituted word(s): (GUILTY)

Of the Charge: (GUILTY)

Charge I and Specification 10

Of charge I and specification 10:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

"

_____, " and

Substituting therefore the word(s):

"

_____, " and

Of the excepted word(s): (NOT GUILTY)

Of the substituted word(s): (GUILTY)

Of the Charge: (GUILTY)

Charge I and Specification 11

Of charge I and specification 11:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

"

_____, " and

Substituting therefore the word(s):

"

_____, " and

Of the excepted word(s): (NOT GUILTY)
Of the substituted word(s): (GUILTY)
Of the Charge: (GUILTY)

Charge I and Specification 12

Of charge I and specification 12:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____, " and

Substituting therefore the word(s):

" _____, " and

Of the excepted word(s): (NOT GUILTY)
Of the substituted word(s): (GUILTY)
Of the Charge: (GUILTY)

Charge II and its Sole Specification

Of charge II and its Sole Specification:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____, " and

Substituting therefore the word(s):

" _____, " and

Of the excepted word(s): (NOT GUILTY)
Of the substituted word(s): (GUILTY)
Of the Charge: (GUILTY)

Charge III and its Sole Specification

Of charge III and its Sole Specification:

(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____, " and

Substituting therefore the word(s):

" _____, " and

Of the excepted word(s): (NOT GUILTY)

Of the substituted word(s): (GUILTY)

Of the Charge: (GUILTY)

President's Signature

Date

UNITED STATES NAVY-MARINE CORPS TRIAL JUDICIARY
NORTHERN JUDICIAL CIRCUIT
SPECIAL COURT MARTIAL

UNITED STATES)	
)	
v.	)	SENTENCING WORKSHEET
)	
Marina D. LOPEZ)	
XXX-XX-8778)	
Staff Sergeant)	
U.S. Marine Corps	)	26 July 2011

[NOTE: After the members have reached their findings, the President shall strike out all inapplicable language. After the Military Judge has reviewed the worksheet, the President will announce the findings by reading the remaining language. The President will not read the language in bold or italicized print.]

Staff Sergeant Marina D. Lopez, U.S. Marine Corps, this special court-martial sentences you:

[IN THE CASE OF NO PUNISHMENT:]

1. To no punishment.

[IN THE CASE OF REPRIMAND:]

2. To be reprimanded.

[IN THE CASE OF FINE AND/OR FORFEITURES:]

3. To forfeit \$ _____ pay per month for _____ (months).

[IN THE CASE OF REDUCTION IN RANK:]

4. To be reduced in rank to pay grade _____.

[IN THE CASE OF RESTRAINT:]

5. To be restricted for _____ (days) (months) [*Not to exceed 60 days*]
6. To perform hard labor, without confinement for _____ (days) (months) [*Not to exceed 3 months*]
7. To be confined for _____ (days) (months) [*Not to exceed 12 months*]

[IN THE CASE OF PUNITIVE DISCHARGE:]

8. To receive a Bad Conduct Discharge from the service.

President's Signature

Date