

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

UNITED STATES)	
)	
)	
v.)	GOVERNMENT MOTION
)	TO COMPEL DEFENSE SUBMISSION
)	OF PAGE 56 MATTERS
Marina D. LOPEZ)	
Staff Sergeant)	
U.S. Marine Corps)	
)	28 July 2011
)	

1. **Nature of Motion.** Pursuant to Rule for Courts-Martial (RCM) 906(b)(7), the government moves the Court to compel defense submission of page 56 matters.

2. **Summary of Facts**

- a. The case of U.S. v. SSgt Lopez was originally docketed for trial on 31 May 2011 with the submission of page 56 matters due on the 11 May 2011.
- b. On 13 May 2011 defense filed a motion to continue which was granted until 3 August 2011.
- c. A 39(a) session was held on 19 July 2011 to litigate the defense motion to compel the production of 56 witnesses. At the 39(a) session the government moved to have a date set for the submission of page 56 matters. The military judge set 26 July 2011 as the deadline for submission of page 56 matters.
- d. On 25 July 2011 defense submitted an unopposed extension request for the submission of page 56 matters. This request was denied.
- e. To date the government has not received the defense witness list, defense request for instructions, or the defense exhibit list.

3. **Discussion**

The Court should compel the defense to submit Page 56 matters. The prosecution is hampered in its ability to prepare for trial. Without knowledge of the witnesses the defense is requesting the government cannot arrange for travel.

4. **Evidence and Burden of Proof.**

a. **Evidence.**

(1) Defense Unopposed Motion to Modify the Pre-Trial Order For Extension of Pg 56 Matters (Encl 1).

b. **Burden of Proof.** The government carries the burden of persuasion by a preponderance standard.

5. **Relief Requested.** The Government respectfully moves the Court to compel the defense to comply with the military judge's order to submit page 56 matters.

6. **Oral Argument.** If deemed necessary, the government respectfully requests oral argument.



M. N. MCGUIRE
1stLt, U.S. Marine Corps
Trial Counsel

Certificate of Service

I hereby attest that a copy of the foregoing motion was served on the Court and opposing counsel via email (PDF) on 28 July 2011.



M. N. MCGUIRE

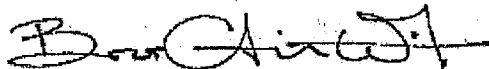
NAVY-MARINE CORPS TRIAL JUDICIARY
NORTHERN JUDICIAL CIRCUIT
SPECIAL COURT-MARTIAL

UNITED STATES)
)
V.) UNOPPOSED MOTION TO MODIFY
) THE PRE-TRIAL ORDER FOR
) EXTENSION OF PG 56 MATTERS
MARINA D. LOPEZ)
Staff Sergeant (E-6))
U.S. Marine Corps)

1. **Nature & Basis of Request.** Pursuant to Rules for Courts-Martial 906(b)(1), the Defense requests a continuance until 1800 on 27 July 2011 for both parties to file Pg 56 Matters. Civilian Counsel is currently out of the country and both he and Detailed Defense Counsel require time to confer on these matters once he returns.

2. **Procedural Posture.** The current deadline for Pg 56 Matters to be filed is noon, Tuesday, 26 June 2011. Trial Counsel is unopposed to the request.

Unopposed:



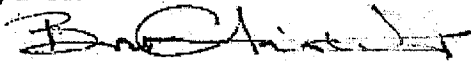
BRET A. WHITE
Captain, U.S. Marine Corps
Detailed Defense Counsel

///signed///

MARYANN N. McGUIRE
First Lieutenant, U.S. Marine Corps
Trial Counsel

CERTIFICATE OF SERVICE: I hereby certify that a copy of this motion was served electronically on Trial Counsel and the Court on ²³ July 2011.

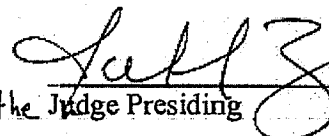
-85



BRET A. WHITE
Captain, U.S. Marine Corps
Detailed Defense Counsel

The preceding Motion is hereby ~~APPROVED~~ and ORDERED this 26th day of July 2011, by:

Disapproved


Clerk of Court
Northern Judicial
Circuit
for the Judge Presiding