

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

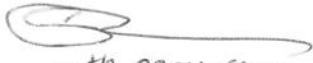
In reference to the Pretrial Agreement dated 22 November 2010 offered by the Accused in a General Court-Martial, Major Pietro P. Scarselli, the following specially negotiated provisions shall be incorporated and made material terms of the agreement. Should the Accused fail to comply with these provisions, the Convening Authority may unilaterally withdraw from the Pretrial Agreement, and refer the charges and specifications to a General Court-Martial.

1. Recognizing that time is of the essence, both parties agree to make all reasonable efforts to expeditiously resolve this matter.
2. That the Commanding General's Non-Judicial Punishment take place no later than 10 December 2010.
3. That should the Show Cause Authority order a Board of Inquiry be conducted in accordance with SECNAVINST 1920.6C, the Accused agrees not to request, at Government expense, the presence of any witness located outside of Twentynine Palms, CA. This provision does not interfere with the Accused's ability to present his case at a Board of Inquiry, and does not prevent the Accused from using alternate means such as telephonic testimony from presenting his case.
4. Should the Show Cause Authority order a Board of Inquiry be conducted in accordance with SECNAVINST 1920.6C, the Accused agrees that such Board of Inquiry will take place no later than 30 days from the date that notification is made to the Accused.
5. These four specifically negotiated provisions, in conjunction with the pretrial agreement offered by the Accused dated 22 November 2010 contain the whole of the agreement between the Accused and the Convening Authority. There are no other agreements, oral or written, express or implied, between the Accused and the convening authority, or any other representative of the government, except those written and contained in this agreement.

The foregoing agreement is approved.

Convening Authority: David G. Kelly Date: 23 November 2010
David G. Kelly, For Brigadier General H. S. Clardy III

SO APPROVED AS MODIFIED,


with permission

23 Nov 10

Christian Hur
Captain
U.S. Marine Corps
Defense Counsel

Date

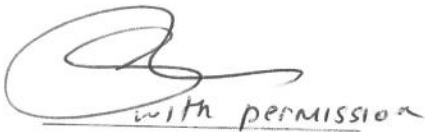


with permission

23 Nov 10

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

Date


with permission

Haytham Faraj
Civilian Defense Counsel