

RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

a. NAME OF ACCUSED (Last, First, MI) BRITO, JOSE L.	b. GRADE OR RANK SSGT	c. UNIT OR ORGANIZATION OF ACCUSED RS Orange, 12 th Marine Corps District	d. SSN 3183
2a. NAME OF CONVENING AUTHORITY (Last, first, mi) LANCE, JOE M.	b. RANK COL	c. POSITION Commanding Officer	d. ORGANIZATION OF CONVENING AUTHORITY 12 th Marine Corps District
3a. NAME OF SUMMARY COURT-MARTIAL (If SCM was accuser, so state) GERVASONI, M. J.	b. RANK MAJ	c. UNIT OR ORGANIZATION OF SUMMARY COURT-MARTIAL HEADQUARTERS, 12 th Marine Corps District	

(Check appropriate answer)

	YES	NO
4. At a preliminary proceeding held on <u>30 Sep</u> 20 <u>09</u> , the summary court-martial gave the accused a copy of the charge sheet.	<input checked="" type="checkbox"/>	
5. At that preliminary proceeding the summary court-martial informed the accused of the following:		
a. The fact the charge(s) had been referred to a summary court-martial for trial and the date of referral.	<input checked="" type="checkbox"/>	
b. The identity of the convening authority.	<input checked="" type="checkbox"/>	
c. The name(s) of the accuser(s).	<input checked="" type="checkbox"/>	
d. The general nature of the charge(s).	<input checked="" type="checkbox"/>	
e. The accused's right to object to trial by summary court-martial.	<input checked="" type="checkbox"/>	
f. The accused's right to inspect the allied papers and immediately available personnel records.	<input checked="" type="checkbox"/>	
g. The names of the witnesses who could be called to testify and any documents or physical evidence which the summary court-martial expected to introduce into evidence.	<input checked="" type="checkbox"/>	
h. The accused's right to cross-examine witnesses and have the summary court-martial cross-examine on behalf of the accused.	<input checked="" type="checkbox"/>	
i. The accused's right to call witnesses and produce evidence with the assistance of the summary court-martial if necessary.	<input checked="" type="checkbox"/>	
j. That during the trial the summary court-martial would not consider any matters, including statements previously made by the accused to the summary court-martial, unless admitted in accordance with the Military Rules of Evidence.	<input checked="" type="checkbox"/>	
k. The accused's right to testify on the merits or to remain silent, with the assurance that no adverse inference would be drawn by the summary court-martial from such silence.	<input checked="" type="checkbox"/>	
l. If any findings of guilty were announced, the accused's right to remain silent, to make an unsworn statement, oral or written or both, and to testify and to introduce evidence in extenuation or mitigation.	<input checked="" type="checkbox"/>	
m. The maximum sentence which could be adjudged if the accused was found guilty of the offense(s) alleged.	<input checked="" type="checkbox"/>	
n. The accused's right to plead guilty or not guilty.	<input checked="" type="checkbox"/>	

6. At the trial proceeding held on 30 Sep 2009 the accused, after being given a reasonable time to decide, did did not object to trial by summary court-martial. MB

(Note: The SCM may ask the accused to initial this entry at the time the election is made.) (Initial)

7a. The accused was was not represented by counsel. *(If the accused was represented by counsel, complete b, c, and d below.)*

b. NAME OF COUNSEL (Last, First, MI) N/A	c. RANK (If any)
d. COUNSEL QUALIFICATIONS	

8. The accused was arraigned on the attached charge(s) and specification(s). The accused's pleas and the findings reached are shown below:

CHARGE(S) AND SPECIFICATION(S)	PLEA(S)	FINDINGS (Including any exceptions and substitutions)
Charge I: 107	Guilty	Guilty
Specification: False official statements	Guilty	Guilty
Charge II: 134	Guilty	Guilty
Specification 1: Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button	Guilty	Guilty
Specification 2: Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button	Guilty	Guilty

9. The following sentence was adjudged:
 Reduction to E-5, forfeiture of \$1874 pay per month for one month. Recommend suspension of forfeiture of \$1874 pay per month for one month for a period of six months.

10. The accused was advised of the right to request that confinement be deferred. (Note: When confinement is adjudged.)

YES N/A NO

11. The accused was advised of the right to submit written matters to the convening authority, including a request for clemency, and of the right to request review by the Judge Advocate General.

YES NO

12. AUTHENTICATION


 Signature of Summary Court-Martial

30 SEP 09
 Date

13. ACTION BY CONVENING AUTHORITY

The findings and sentence of reduction to E-5 and forfeiture of \$1874 pay per month for one month is approved. The forfeiture of \$1874 pay per month for one month is suspended for a period of six months. Pursuant to Article 64a, UCMJ, the record of trial is forwarded to the Staff Judge Advocate, MCRD/WRR San Diego, CA for review.

J. M. LANCE

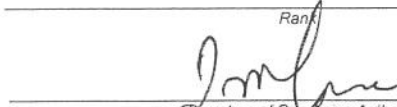
Typed Name of Convening Authority

Commanding Officer

Position of Convening Authority

Colonel

Rank


 Signature of Convening Authority

30 Sep, 09
 Date



RECORD OF CONVICTION BY SUMMARY COURT-MARTIAL (1070)

1 ORGANIZATION

Recruiting Station Orange, 12th Marine Corps District

2 BOOKER STATEMENT: I have been given the opportunity to consult with a lawyer, provided by the Government at no cost to me, in regard to a pending SCM for violation of Article (a) 107, 134 of the UCMJ. I understand I have the right to refuse this SCM. I (do) (do not) choose to exercise this right. I further understand that acceptance of SCM does not preclude my command from taking other adverse administrative action against me.

I further understand that acceptance of SCM does not preclude my command from taking other adverse administrative action against me.

[Signature]
Accepted Signature

30 Sep 09
Date

DATE
30 SEP 09

SIGNATURE
[Signature]

DATE OF TRIAL

30 SEP 09

3 SUMMARY OF CHARGES AND SPECIFICATIONS

Charge I. Spec. Art. 107 False Official Statements, Charge II. Spec 1 and 2. Art. 134 Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button.

4 FINDINGS OF EACH CHARGE AND SPECIFICATIONS

Charge I. Guilty. Spec. Guilty.
Charge II. Guilty Spec 1. Guilty.
Spec 2. Guilty.

5. ACCUSED:

WAS REPRESENTED BY COUNSEL

WAIVED REPRESENTATION BY COUNSEL

WAS NOT REPRESENTED BY COUNSEL

6. SENTENCE ADJUDGED:

Reduction to the pay grade of E-5/Sgt and forfeiture of \$1874 pay per month for 1 month.

7. CONVENING AUTHORITY'S ACTION:

The findings and sentence of reduction to E-5/Sgt is approved. The forfeiture of \$1874 pay per month for 1 month is suspended for a period of 6 months.

DATE OF ACTION
30 SEP 09

8. FINAL ADMINISTRATIVE ACTION AS APPROPRIATE HAS BEEN COMPLETED.

UNIT DIARY #

DATE:

9. SIGNATURE OF CONVENING AUTHORITY

[Signature]

10. GRADE

Colonel/O-6

11. TITLE AND ORGANIZATION

Commanding Officer, 12th Marine Corps District

BRITO, JOSE L.

NAME (Last)

(First)

(Middle)

SSN

3183

SSGT/E-6