



UNITED STATES MARINE CORPS

OFFICE OF THE STAFF JUDGE ADVOCATE
MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION
3700 CHOSIN AVENUE
SAN DIEGO, CALIFORNIA 92140-5001

IN REPLY REFER TO:
5810
9D
28 SEP 10

From: Captain J. W. Torresala, USMC, Senior Trial Counsel
To: Captain C. P. Hur, USMC, Detailed Defense Counsel

Subj: SUPPLEMENTARY GOVERNMENT NOTICE RE 3RD DEFENSE REQUEST
FOR DISCOVERY IN THE CASE OF UNITED STATES v. SERGEANT
JOSE L. BRITO, USMC

Ref: (a) R.C.M. 701 and 703, MCM (2008 ed.)
(b) 18 U.S.C. Sec. 3500 (1998)
(c) Brady v. Maryland, 373 U.S. 83 (1963)
(d) U.S. v. Webster, 1 M.J. 216 (C.M.A. 1975)
(e) U.S. v. Kinzer, 39 M.J. 559 (ACMR 1994)
(f) Giglio v. U.S., 405 U.S. 105 (1972)

1. Pursuant to References (a) through (f), the Government hereby provides notice of information requested by the 3rd Defense Request for Discovery dated 20 August 2010, which the Government granted and agreed to provide as soon as the information became available:

- a. **[Paragraph 1.g.]** Granted. No results were found.
- b. **[Paragraph 1.h.]** Granted. Previously transmitted to Defense.
- c. **[Paragraph 1.i.]** Granted. Previously transmitted to Defense.
- d. **[Paragraph 1.o.]** Granted. SSgt Mattson received district-level NJP for the incident with Alicia Clanton, a page 11 entry for the NJP, non-recommended to GySgt, and termination of his special duty assignment pay.

2. The above response constitutes all information known to the Government through due diligence at the time this response was transmitted. Should any of the requested information become known to the Government subsequent to this response, it will be furnished to the Defense as soon as possible.

3. The Government requests reciprocal discovery as required by Reference (a) and applicable case law, including but not limited to:

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a. Notification and disclosure of any documentary evidence the Defense has obtained independently and intends to present during its case on the merits, during cross examination of Government witnesses, or on sentencing.

b. Notification and disclosure of any evidence (of any kind) regarding prior sexual history of witnesses the Defense intends to use during its case on the merits, during cross examination of Government witnesses, or on sentencing.

4. As noted in R.C.M. 701(d), this request continues before and during trial.

/s/
J. W. TORRESALA
Capt, USMC
Senior Trial Counsel

CERTIFICATE OF SERVICE

A true copy of this response was served upon the Defense on this date: 28 September 2010.

/s/
J. W. TORRESALA
Capt, USMC
Senior Trial Counsel