



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
12 Oct 10

From: Trial Counsel
To: Detailed Defense Counsel

Subj: GOVERNMENT RESPONSE TO MILITARY JUDGE MANDATED BILL OF PARTICULARS IN THE CASE OF UNITED STATES v. JOSE L. BRITO, USMC

Ref: (a) R.C.M. 906(b)(6), MCM (2008 ed.)
(b) First Amendment to Defense Motion for Appropriate Relief, dtd 27 Sep 10

1. In accordance with references (a) and (b), and by direction of the Military Judge, the Government hereby provides a bill of particulars as follows:

a. With regards to the Sole Specification of Charge I, Sgt Brito is alleged to have engaged in a non-professional personal relationship with Alicia Clanton by having dinner with Alicia Clanton in San Clemente in early December 2008, consuming alcohol with Alicia Clanton in the Recruiting Station Orange HQ, and having sexual relations with Alicia Clanton on at least three separate occasions in December 2008.

b. With regards to the Sole Specification of Additional Charge I, Sgt Brito is alleged to have engaged in a non-professional personal relationship with Perris Weiland by making sexual comments and jokes and asking for oral copulation from Perris Weiland during Spring of 2008, allowing Perris Weiland to sleep at his apartment in 2008, having sexual relations with Perris Weiland on at least one occasion during Summer 2008, and having oral copulation with Perris Weiland on multiple occasions during 2008.

c. With regards to Charge II, Specification 1 and the Sole Specification of Additional Charge II, the conduct that is prejudicial to good order and discipline or of a nature to bring discredit on the armed forces is having an adulterous affair while engaged as a canvassing recruiter in the Marine Corps and being responsible for maintaining a professional image to members of the community.

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2. In accordance with reference (a), nothing herein shall act to restrict the Government's proof at trial or impose an additional duty on the Government to prove those contentions or assertions made herein.

/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: 12 October 2010.

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