

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) Scarselli, Pietro P.		2. SSN 126 66 4846	3. GRADE OR RANK Major	4. PAY GRADE O-4
5. UNIT OR ORGANIZATION Headquarters Battalion Marine Air Ground Task Force Training Command, Twentynine Palms, California 92278			6. CURRENT SERVICE	
			a. INITIAL DATE 18 January 1994	b. TERM Indefinite
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC \$6,534.30	b. SEA/FOREIGN DUTY N/A	c. TOTAL \$6,534.30	1. DATE(S) IMPOSED None	

II. CHARGES AND SPECIFICATIONS

CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 81

Specification: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 12 May 2009, conspire with Master Gunnery Sergeant John P. Humbertson, U.S. Marine Corps, to commit an offense under the Uniform Code of Military Justice, to wit: endeavor to impede the 13 May 2009 Inspector General's investigation into misconduct at the Provost Marshall's Office in Twentynine Palms, California, by wrongfully influencing and intimidating Marines interviewed by the Command Inspector General, and in order to effect the object of the conspiracy the said Major Scarselli and Master Gunnery Sergeant Humbertson did wrongfully communicate with and intimidate said Marines following their interviews with the Command Inspector General.

There is nothing in discovery that even establishes this


CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 90

Specification: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, having knowledge of a lawful order issued 14 July 2009 by Colonel Tim A. Green, his superior commissioned officer, then known by the accused to be his superior commissioned officer, to cease and desist from debriefing Provost Marshal Office Marines after they returned from interviews with the Command Inspector General, or words to that effect, did, at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 18 July 2008, willfully disobey the same.

can be proven w/c help of the direct order if this is the fact that I tried to call backer - even he swore that I never made actual contact anyone

SEE SUPPLEMENTAL PAGE

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) Henderson, J. K.	b. GRADE Major	c. ORGANIZATION OF ACCUSER HqBn, MAGTFTC, 29 Palms, CA 92278
d. SIGNATURE OF ACCUSER 	e. DATE 2 Nov 09	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 2nd day of November, 2009, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

D. GILINSKY

Typed Name of Officer

Captain

Grade


Signature

HqBn, MAGTFTC, 29 Palms, CA 92278

Organization of Officer

Judge Advocate

*Official Capacity to Administer Oath
(See R.C.M 307(b)- must be commissioned officer)*

12. On _____, 20____, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

S. G. KELLEY

Name of Immediate Commander

Captain

Grade

Signature

HqBn, MCAGCC

Organization of Immediate Commander

V. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at _____ hours, _____ 20____ at MCCES, MAGTFTC
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

For The ¹ _____ Commanding Officer

S. G. KELLEY

Typed Name of Officer

Major

Grade

Signature

Legal Officer

Official Capacity of Officer Signing

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

HqBn, MAGTFTC

b. PLACE

Twentynine Palms, CA

c. DATED

Referred for trial to the _____ court-martial convened by _____
dated, _____, subject to the following instructions:² None.

By //////////////////// of _____
Command or Order

Commanding Officer

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15. On _____, 20____, I (caused to be) served a copy hereof on (each of) the above named accused.

D. GILINSKY

Typed Name of Trial Counsel

Captain

Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1-When an appropriate Commander signs personally, inapplicable words are stricken.
2-See R.C.M. 601(e) concerning instructions. If none, so state.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 92

Specification 1: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty, at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, who knew of his duties on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, from about 12 May 2007 to about 12 May 2009, was derelict in the performance of those duties in that he willfully failed to investigate allegations of adultery involving Master Gunnery Sergeant John P. Humbertson, U.S. Marine Corps, Sergeant Daniel J. Ellestad, U.S. Marine Corps, and Lieutenant James Daly, as it was his duty to do. *Handwritten: "Cook"*

Specification 2: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty, at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, who knew of his duties on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, from about 12 May 2007 to about 12 May 2009, was derelict in the performance of those duties in that he negligently failed to uphold height and weight standards, failed to oversee rifle qualification of Marines at the Provost Marshall's Office, failed to ensure the physical readiness of his Marines in accordance with Marine Corps standards of physical training, and failed to maintain distinction between Marines of differing grades, as it was his duty to do. *Handwritten: "Cook"*

Specification 3: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty, at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, who knew of his duties on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, from about 12 May 2007 to about 12 May 2009, was derelict in the performance of those duties in that he willfully failed to maintain professionalism and good order and discipline at the Provost Marshall's Office by allowing "Family Night" or "Beerpong Night" at the Provost Marshall's Office on divers Tuesdays where alcohol was consumed and no distinction between Marines of differing grades was made, as it was his duty to do. *Handwritten: "Cook"*

Specification 4: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty, at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, who knew of his duties on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 7 July 2009, was derelict in the performance of those duties in that he willfully failed to stop an installation pass from being issued to Robert T. Lemons, an individual against whom Major Scarselli knew there were active warrants, as it was his duty to do.

Specification 5: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty, at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 9 October 2008, violate a lawful general order, to wit: Marine Corps Order 1700.22E, dated 21 March 2006, by wrongfully providing alcohol to Lance Corporal Joseph Hopkins, U.S. Marine Corps, a person he knew to be under the age of twenty-one. *Handwritten: "Cook"*

Specification 6: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 1 March 2009, violate a lawful general order, to wit: Marine Corps Order 1700.28, dated 18 June 1997, by condoning the hazing of Lance Corporal Andrew S. Beebe, U.S. Marine Corps, when Lance Corporal Beebe was forced to give a brief to the various watch sections about adultery, the Provost Marshall's philosophy on adultery, and the punitive consequences of being convicted of adultery in an effort to humiliate and oppress the same. *Handwritten: "Cook"*

Specification 7: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 11 October 2008, violate a lawful general order, to wit: Marine Corps Order 1700.28, dated 18 June 1997, by hazing Lance Corporal Russell D. Dixon, U.S. Marine Corps, by forcing Lance Corporal Dixon to work cleaning and performing menial labor on his non-working days as improper punishment for Lance Corporal Joseph Hopkins, U.S. Marine Corps, flooding several barracks rooms. *Handwritten: "Cook"*

Specification 8: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 11 October 2008, violate a lawful general order, to wit: Marine Corps Order 1700.28, dated 18 June 1997, by hazing Lance Corporal Jeremy D. Angenend, U.S. Marine Corps, by forcing Lance Corporal Angenend to work cleaning and performing menial labor on his non-working days as improper punishment for Lance Corporal Joseph Hopkins, U.S. Marine Corps, flooding several barracks rooms. *Handwritten: "Cook"*

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CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 93

Specification 1: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, from about 1 March 2009 until about 11 May 2009, did maltreat Lance Corporal Andrew S. Beebe, U.S. Marine Corps, a person subject to his orders, by forcing Lance Corporal Beebe to work cleaning and performing menial labor such as repainting and pulling weeds, as improper punishment for alleged adultery without due process of law or adjudication.

Specification 2: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on about 11 October 2008, did maltreat Lance Corporal Russell D. Dixon, U.S. Marine Corps, a person subject to his orders, by forcing Lance Corporal Dixon to work cleaning and performing menial labor on his non-working days as improper punishment for Lance Corporal Joseph Hopkins, U.S. Marine Corps, flooding several barracks rooms.

Specification 3: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on about 11 October 2008, did maltreat Lance Corporal Jeremy D. Angenend, U.S. Marine Corps, a person subject to his orders, by placing Lance Corporal Angenend on a working party cleaning and performing menial labor on his non-working days as improper punishment for Lance Corporal Joseph Hopkins, U.S. Marine Corps flooding several barracks rooms.

CHARGE V: VIOLATION OF THE UCMJ, ARTICLE 107

Specification 1: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 8 July 2009, with intent to deceive, make to the Command Inspector General, MA David N. Gill, an official statement, to wit: when asked about a Personal Fitness Test in December of 2008, Major Scarselli replied, "Yes, that was my score, 220 points. SSgt Baker monitored," which statement was totally false, and was then known by the said Major Scarselli to be so false.

Specification 2: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 30 July 2009, with intent to deceive, make to the Command Inspector General, Mr. David N. Gill, and official statement, to wit: when asked about a text message sent to SSgt James Baker, U.S. Marine Corps, requesting a loan, Major Scarselli replied, "That was for a trip to Big Bear for Provost Martial Office. I was paying a portion, he was paying a portion of the money," which statement was totally false, and was then known by the said Major Scarselli to be so false.

Specification 3: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 30 July 2009, with intent to deceive, make to the Command Inspector General, Mr. David N. Gill, and official statement, to wit: when asked about borrowing money from various people, Major Scarselli replied, "I have not borrowed any money from anyone," which statement was totally false, and was then known by the said Major Scarselli to be so false.

Specification 4: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 12 August 2009, with intent to deceive, make to the Command Inspector General, Mr. David N. Gill, and official statement, to wit: when asked about Marine Corps Martial Arts Program Gray Belt training in March of 2009, Major Scarselli replied, "I did the training with Colonel Quoss," which statement was totally false, and was then known by the said Major Scarselli to be so false.

Specification 5: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 14 July 2009, with intent to deceive, make to Colonel Tim A. Green, U.S. Marine Corps, and official statement, to wit: when told that he was not to debrief Provost Martial Office Marines after they spoke with the Command Inspector General, Major Scarselli replied, that he "Was not debriefing Marines," which statement was totally false, and was then known by the said Major Scarselli to be so false.

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CHARGE VI: VIOLATION OF THE UCMJ, ARTICLE 134

Specification 1: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 10 July 2009, knowingly fraternize with Staff Sergeant James E. Baker, U.S. Marine Corps, an enlisted person, on terms of military equality, to wit: repeatedly text messaging and calling Staff Sergeant Baker requesting to borrow money, in violation of the custom of the Naval Service of the United States that officers shall not fraternize with enlisted persons on terms of military equality.

Specification 2: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, at or near Twentynine Palms, California, between on or about 1 October 2008 and 17 August 2009, knowingly fraternize with Master Gunnery Sergeant John P. Humbertson, U.S. Marine Corps, an enlisted person, on terms of military equality, to wit: living together at 72994 Manaha Avenue in Twentynine Palms, California, in violation of the custom of the Naval Service of the United States that officers shall not fraternize with enlisted persons on terms of military equality.

Specification 3: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 20 May 2009, wrongfully endeavor to impede an investigation in the cases of Major Pietro P. Scarselli and Master Gunnery Sergeant John P. Humbertson, U.S. Marine Corps, by wrongfully contacting Staff Sergeant James E. Baker, U.S. Marine Corps, and telling him to inform Mr. D.N. Gill that Staff Sergeant Baker monitored a Personal Fitness Test for Major Scarselli at the end of 2008.

Specification 4: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 15 June 2009, wrongfully endeavor to impede an investigation in the cases of Major Pietro P. Scarselli and Master Gunnery Sergeant John P. Humbertson, U.S. Marine Corps, by having the Staff Non-Commissioned Officers of the Provost Marshall's Office swear a "loyalty oath" to the Provost Marshall and agree to keep him off the skyline.

Specification 5: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 19 March 2009, wrongfully solicit Staff Sergeant James E. Baker, U.S. Marine Corps, to submit, with intent to deceive, a signed official record, to wit: a Marine Corps Martial Arts Program training certificate, which record was false in that Major Scarselli had never completed a training regimen monitored by Staff Sergeant Baker, and was then known by Major Scarselli to be so false.

Specification 6: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty, at or near Marine Corps Air Ground Combat Center, Twentynine Palms, California, did, on board Marine Corps Air Ground Combat Center, Twentynine Palms, California, on or about 20 May 2009, wrongfully solicit Staff Sergeant James E. Baker, U.S. Marine Corps, to make to the Command Inspector General, Mr. David N. Gill, with intent to deceive, an official statement, to wit: that he had monitored a Personal Fitness Test for Major Scarselli in December of 2008, which statement was totally false, and was then known by Major Scarselli to be so false.

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