



UNITED STATES MARINE CORPS
OFFICE OF THE STAFF JUDGE ADVOCATE
MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
BOX 788102
TWENTYNINE PALMS, CALIFORNIA 92278-8102

5800
SJA

From: Staff Judge Advocate, MCAGCC, Twentynine Palms
To: Commanding General, MCAGCC, Twentynine Palms

Subj: PRETRIAL ADVICE IN THE CASE OF UNITED STATES V. MAJOR
PIETRO P. SCARSELLI, XXX XX 4846, USMC

Ref: (a) UCMJ, Art 34
(b) MCM, R.C.M. 406 (2008)
(c) MCM, R.C.M. 405 (2008)

Encl: (1) Commanding Officer ltr 5800 CO of 17 Dec 2009
(2) Charge Sheet preferred 2 Nov 2009
(3) Article 32 Waiver dtd 17 Dec 2009
(4) Investigative Exhibits

1. Preliminary Information. Enclosure (1) is the Commanding Officer's recommendation to refer the charges and specifications contained in enclosure (2) to trial by general court-martial. Enclosure (3) contains Major Scarselli's waiver of his right to an Article 32 hearing. Enclosure (4) contains evidence of the offenses.

2. Staff Judge Advocate's Review. Pursuant to the requirements of references (a) and (b), I have reviewed enclosures (2) and (3) and found them to be in substantial compliance with reference (c). Based on my review of the enclosures, it is my opinion that:

a. Each of the specifications under the charges alleges an offense under the UCMJ;

b. The allegations of each of the offenses contained in enclosure (2) are warranted by evidence indicated in enclosure (4).

c. A court-martial would have jurisdiction over the accused and the alleged offenses;

d. The charges and specifications should be referred for trial by general court-martial.

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3. Referral of the Charges. Your signature on Part V of the charge sheet at enclosure (2) will effect a referral to trial by general court-martial.

A handwritten signature in cursive script, appearing to read "R. J. Ashbacher".

R. J. ASHBACHER