

AFFIDAVIT

This Affidavit of the Accused is made pursuant to the protections of MRE 304(f). MRE 304(f) provides that "the accused may testify for the limited purpose of denying that the accused made the statement or that the statement was made voluntarily...Nothing said by the accused... may be used against the accused for any purpose other than in a prosecution for perjury, false swearing, or the making of a false official statement." MRE 104 permits hearsay, such as this Affidavit, to be used at a 39a session.

AFFIANT, Sgt Jose Brito, USMC, says that per his best memory, the below is true and correct:

On about 18 December 2008 at about 1945 I was interviewed by Captain Christopher Siekman, USMC.

Capt Siekman sat me down on his couch.

He said that SSGT Underwood was in the room to be a witness of the investigation that he is doing.

Then, he said he was going to ask me some questions concerning a letter that Alicia Clanton wrote.

He told me that I was not facing any charges. He said he was just asking me about the poolee letter.

He said he had to read me my rights first. He then read me word for word everything that is listed on the rights acknowledgement form of my 18 December 2008 statement...the rights and then the waiver of rights.

As he read me each right, he asked me if I understood, I said yes.

I did not sign or initial the statement until after I gave him a statement, which he typed up, he printed it, I reviewed it and then he went over it with me.

I would not have given any statement to Capt Siekman or anyone else had I known that I was suspected of a crime.

Had Capt Siekman advised me that I was suspected of an offense at anytime, I would have immediately asked to go see a lawyer the next morning, just like I did when NCIS attempted to take a statement from me (on about 19 January 2010) and they advised me I was suspected of misconduct. I told NCIS I did not want to give a statement at that time and I wanted to go see a lawyer.

I swear that the above official statement is true and correct to the best of my knowledge.

Brilo, Jose
Print Name


Signature

24 Aug 2010
Date

Initial: JB