



**UNITED STATES MARINE CORPS**  
OFFICE OF THE STAFF JUDGE ADVOCATE  
DEFENSE SECTION  
MARINE CORPS RECRUIT DEPOT  
3700 CHOSIN AVENUE  
SAN DIEGO, CALIFORNIA 92140-5197

IN REPLY REFER TO:  
5800  
DEF  
27 OCT 10

From: Detailed Defense Counsel  
To: Commanding Officer  
Via: (1) Staff Judge Advocate  
(2) Trial Counsel

Subj: REQUEST FOR ORAL DEPOSITION OF MS. ALICIA CLANTON, ICO UNITED STATES v. SGT JOSE BRITO, U.S. MARINE CORPS

Ref: (a) R.C.M. 702, Manual for Courts-Martial 2008

1. Pursuant to the reference, the defense requests an oral deposition be ordered to take the testimony of Ms. Alicia Clanton, a civilian witness who resides in Southern California and whose address and telephone number are in the possession of the trial counsel. The defense does not presently believe that it has a current address or telephone number for her; otherwise it would not be submitting this deposition request.

2. During the depo, Ms. Alicia Clanton will be asked questions regarding her conversations with Sgt Brito and the trial counsel about the charges Sgt Brito faces regarding her. The defense will explore many collateral issues that are relevant, but would otherwise not be judicially economic at trial. Ms. Clanton will also be asked questions regarding her alleged past criminal misconduct that resulted in her being disqualified from joining the Marines. This could be embarrassing to ask in front of members.

3. The reasons for taking the deposition of Ms. Clanton are that these questions concern collateral matters that may affect the credibility of Ms. Clanton at trial. Ms. Clanton is presently unavailable for the defense to interview and the defense hasn't spoken with her since April 2010 when they had a very brief telephone conversation with her and she didn't attend the Art 32. Now, the defense is unable to contact Ms. Clanton. Taking a deposition under oath would be necessary to memorialize her testimony and enable defense counsel to have a good faith basis to ask these questions at trial.

4. Pursuant to RCM 702(c)(3), a request for a deposition may be denied only for good cause.

/s/  
C. P. HUR