



UNITED STATES MARINE CORPS
OFFICE OF THE STAFF JUDGE ADVOCATE
MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION
3700 CHOSIN AVENUE, BUILDING 12
SAN DIEGO, CALIFORNIA 92140-5197

IN REPLY REFER TO:

5811

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8 JUL 2009

MEMORANDUM

From: Assistant Chief of Staff, Staff Judge Advocate
To: Commanding General, MCRD/WRR San Diego, CA

Subj: ADVICE AND RECOMMENDATION CONCERNING THE CHARGES AGAINST
STAFF SERGEANT JOSHUA E. HAWK 8658 USMC

Ref: (a) MCM (2008 Edition)
(b) U.C.M.J
(c) JAGINST 5800.7E, Manual of Judge Advocate General

Encl: (1) Original Charge Sheet dtd 6 May 09
(2) Additional Charge Sheet dtd 26 Jun 09
(3) Additional Charge Sheet dtd 13 Jul 09
(4) Article 32 Investigation Report dtd 4 Jun 09
(5) Article 32 Investigation Report Addendum dtd 24 Jul 09
(6) Amended Charge Sheet
(7) General Court-Martial Convening Order #1-09 of 1 Mar 09

1. This advice is submitted in accordance with Rule for Courts-Martial 406 of reference (a) and Article 34 of reference (b). I have reviewed the enclosures pursuant to the references, and my advice follows.

2. ANALYSIS OF THE CHARGES AND SPECIFICATIONS. The accused is charged with the offenses indicated in enclosures (1), (2) and (3). The specifications allege offenses under the punitive articles of reference (b) and are warranted by the evidence indicated in enclosures (4) and (5).

3. JURISDICTION. A General Court-Martial would have personal and subject matter jurisdiction over the accused and each offense alleged.

4. ARTICLE 32 INVESTIGATION. Per enclosures (4) and (5), the Investigating Officer recommends trial by General Court-Martial.

5. RECOMMENDATION. I have directed that new charges be preferred to reduce the administrative challenges entailed in dealing with three charge sheets. See enclosure (6). I recommend that the charges and specifications contained in enclosure (6) be referred to a trial by General Court-Martial convened by enclosure (7). The charges and specifications contained in enclosures (1), (2) and (3) will be withdrawn and dismissed. If you concur, please sign enclosure (6) where indicated.


S. E. JACKSON