

PRETRIAL INFORMATION REPORT

From: Trial Counsel

To: JUDACT, Clerk of Court

Subj: GCM ICO U.S. v. Captain James M. ROWE, USMC

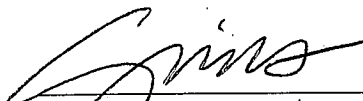
Ref: (a) Uniform Rules of Practice Before Navy-Marine Corps Courts-Martial


Encl: (1) Copy of Charge Sheet	<input checked="" type="checkbox"/>	enclosed	<input type="checkbox"/>	not enclosed
(2) Copy of Convening Order	<input checked="" type="checkbox"/>	enclosed	<input type="checkbox"/>	not enclosed
(3) Pretrial Agreement (Part one)	<input type="checkbox"/>	enclosed	<input checked="" type="checkbox"/>	not enclosed
(4) Page 43 matters	<input type="checkbox"/>	enclosed	<input checked="" type="checkbox"/>	not enclosed
(5) Anticipated Pleas/Forum	<input type="checkbox"/>	enclosed	<input checked="" type="checkbox"/>	not enclosed
(6) Motion for Docketing	<input checked="" type="checkbox"/>	enclosed	<input type="checkbox"/>	not enclosed
(7) Stipulation of Fact	<input type="checkbox"/>	enclosed	<input checked="" type="checkbox"/>	not enclosed
(8) Applicable Orders/Regulations	<input type="checkbox"/>	enclosed	<input checked="" type="checkbox"/>	not enclosed
(9) Prop elements (if Assimil.)	<input type="checkbox"/>	enclosed	<input checked="" type="checkbox"/>	not enclosed

1. Pursuant to Rule 7.1 of reference (a), the following information is provided:

- a. Date charges preferred: 27 Apr 2011; Day 120: 27 Aug 2011.
- b. Date charges referred: 9 Aug 2011.
- c. Proposed trial site: MCB Quantico.
- d. Expected duration of trial: 3 days.
- e. Prior Sessions:  Yes  No
- f. Names of Related case(s) (if any): None.
- g. Additional Counsel (not listed above): \_\_\_\_\_
- h. Pretrial Agreement:  Yes  No
- i. Article 39(a) session requested by  TC  DC to resolve:  
\_\_\_\_\_

j. Special requests (e.g. explain missing signature(s), specific times):  
\_\_\_\_\_

 22 AUG 2011  
C. M. HOOVER /  
Trial Counsel / date

 22 AUG  
Defense Counsel / date

**CHARGE SHEET**

**I. PERSONAL DATA**

1. NAME OF ACCUSED (Last, First, MI) ROWE, James M.		2. SSN 304 98 0267	3. RANK/RATE Capt	4. PAY GRADE O-3
5. UNIT OR ORGANIZATION MARDET, Ft Sill, OK		DOB: 26 Oct 79	6. CURRENT SERVICE	
			a. INITIAL DATE 8 Oct 99	b. TERM INDEF
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC \$5,617.80	b. SEA/FOREIGN DUTY N/A	c. TOTAL \$5,617.80	9. DATE(S) IMPOSED None	

**II. CHARGES AND SPECIFICATIONS**

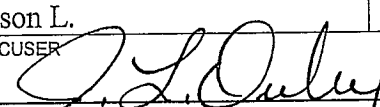
10.  
Charge I: Violation of the UCMJ, Article 120

Specification 1: [*Aggravated sexual assault by using threats or placing in fear*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010, cause First Lieutenant Ariana B. Klay, U.S. Marine Corps, to engage in a sexual act, to wit: penetrate with his penis the vagina of First Lieutenant Klay, by placing her in fear that he would inform her husband and her command of her alleged unlawful activities.

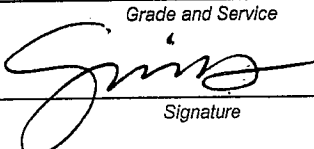
Specification 2: [*Abusive sexual contact by using threats or placing in fear*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010, cause First Lieutenant Ariana B. Klay, U.S. Marine Corps, to engage in a sexual contact, to wit: penetrating the mouth of First Lieuteant Klay with his penis and touching the vaginal area of First Lieutenant Klay by placing her in fear that he would inform her husband and her command of her alleged unlawful activities.

**SEE SUPPLEMENTAL PAGE**

**III. PREFERRAL**

11a. NAME OF ACCUSER (Last, First, MI) OWSLEY, Jason L.	b. GRADE SSgt	c. ORGANIZATION OF ACCUSER HqSvcBn, MCB, Quantico
d. SIGNATURE OF ACCUSER 	e. DATE 27 April 2011	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 27<sup>th</sup> day of April, 2011, 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.

C. M. HOOVER  
\_\_\_\_\_  
*Typed Name of Officer*  
Captain, U.S. Marine Corps  
\_\_\_\_\_  
*Grade and Service*  
  
\_\_\_\_\_  
*Signature*

HqSvcBn, MCB, Quantico, VA  
\_\_\_\_\_  
*Organization of Officer*  
Judge Advocate  
\_\_\_\_\_  
*Official Capacity to Administer Oaths*  
(See R.C.M. 307(b)—must be commissioned officer)

**ORIGINAL**

12. On 29 April, 20 11, 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. L. ROSSOW

*Typed Name of Immediate Commander*

XO, Marine Artillery Detachment, Ft Sill, OK

*Organization of Immediate Commander*

Lieutenant Colonel, U.S. Marine Corps

*Grade*

Shane L. Rossow

*Signature*

**IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY**

13. The sworn charges were received at 1700 hours, 27 April 20 11 at XO,  
Marine Artillery Detachment, Ft Sill, OK *Designation of Command or*

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

FOR THE<sup>1</sup> Commanding Officer

S. L. ROSSOW

*Typed Name of Officer*

Executive Officer

*Official Capacity of Officer Signing*

Lieutenant Colonel, U.S. Marine Corps

*Grade*

Shane L. Rossow

*Signature*

**V. REFERRAL; SERVICE OF CHARGES**

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

MCCDC

b. PLACE

Quantico, Virginia

c. DATE

AUG 09 2011

Referred for trial to the General court-martial convened by

GCMCO #1-10

DATED 4, August 20 10, subject to the following instructions:<sup>2</sup> None.

By \_\_\_\_\_ of \_\_\_\_\_

*Command or Order*

R. P. MILLS

*Typed Name of Officer*

Commanding General

*Official Capacity of Officer Signing*

Lieutenant General, U.S. Marine Corps

*Grade*

R P Mills

*Signature*

15. On 15 Aug, 20 11, I ~~caused to be~~ served a copy hereof on ~~(each of)~~ the above named accused.

C. M. HOOVER

*Typed Name of Trial Counsel*

Captain, U.S. Marine Corps

*Grade or Rank of Trial Counsel*

C. M. Hoover

*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.

Specification 3: [*Abusive sexual contact by using threats or placing in fear*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010, cause First Lieutenant Ariana B. Klay, U.S. Marine Corps, to engage in a sexual contact, to wit: penetrate with Mr. Jeremy Owen's penis the mouth of First Lieutenant Klay by placing her in fear that he would inform her husband and her command of her alleged unlawful activities.

Specification 4: [*Indecent act*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010, wrongfully commit indecent conduct, to wit: engage in sexual contact, with First Lieutenant Ariana B. Klay, in the presence of Mr. Jeremy Owen.

Specification 5: [*Wrongful sexual contact*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010, engage in a sexual contact with First Lieutenant Ariana B. Klay, U.S. Marine Corps, to wit: penetrate with his penis the vagina of First Lieutenant Klay and such sexual contact was without legal justification or lawful authorization and without the permission of First Lieutenant Klay.

Charge III: Violation of the UCMJ, Article 125

Specification 1: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did, at or near Washington, D.C., on or about 28 August 2010, commit sodomy with First Lieutenant Ariana B. Klay, by force and without the consent of the said First Lieutenant Klay.

Specification 2: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did, at or near Washington, D.C., on or about 28 August 2010, commit sodomy with First Lieutenant Ariana B. Klay, by force and without the consent of the said First Lieutenant Klay.

Charge IV: Violation of the UCMJ, Article 127

Specification: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did, at or near Washington, D.C., on or about 28 August 2010, with intent unlawfully to obtain sexual contact, communicate to First Lieutenant Ariana B. Klay, U.S. Marine Corps, a threat to inform her husband and her command of her alleged unlawful activities.

Charge V: Violation of the UCMJ, Article 128

Specification: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010, assault First Lieutenant Ariana B. Klay, U.S. Marine Corps, who then was and was then known by the accused to be a commissioned officer of the U.S. Marine Corps, by touching his penis to the mouth and the vaginal area of First Lieutenant Klay.

Charge VI: Violation of the UCMJ, Article 133

Specification: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, a married man, did, at or near Washington, D.C., between on or about 28 August 2010, wrongfully engage in sexual contact with First Lieutenant Ariana B. Klay, U.S. Marine Corps, a married woman not his wife, which conduct was unbecoming an officer and gentlemen.

ORIGINAL

Charge VII: Violation of the UCMJ, Article 134

5  
6/11  
Specification 1: [Adultery] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, a married man, did, at or near Washington, D.C., between on or about 28 August 2010, wrongfully have sexual intercourse with First Lieutenant Ariana B. Klay, U.S. Marine Corps, a married woman not his wife, which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

6  
6/11  
Specification 2: [Disorderly conduct, drunkenness] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, was, at or near Washington, D.C., on or about 28 August 2010, drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces, which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

7  
6/11  
Specification 3: [Indecent language] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did, at or near Washington, D.C., on or about 28 August 2010, orally communicate to Mr. Jeremy Owens, in the presence of First Lieutenant Ariana B. Klay, U.S. Marine Corps, certain indecent language, to wit: "Come on Jeremy, Ariana's going to show you what kind of slut she is" or words to that effect, which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

8  
6/11  
Specification 4: [Soliciting another to commit an offense] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did, at or near Washington, D.C., on or about 28 August 2010, wrongfully solicit Mr. Jeremy Owens, to commit sodomy and abusive sexual contact with First Lieutenant Ariana B. Klay, U.S. Marine Corps, by threatening to inform her husband and her command of her alleged unlawful activities, which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

ORIGINAL

**CHARGE SHEET**

**I. PERSONAL DATA**

1. NAME OF ACCUSED (Last, First, MI) ROWE, James M.			2. SSN 304 98 0267	3. RANK/RATE Capt	4. PAY GRADE O-3
5. UNIT OR ORGANIZATION MARDET, Ft Sill, OK			DOB: 26 Oct 79	6. CURRENT SERVICE	
				a. INITIAL DATE 8 Oct 99	b. TERM INDEF
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED None	9. DATE(S) IMPOSED None	
a. BASIC \$5,617.80	b. SEA/FOREIGN DUTY N/A	c. TOTAL \$5,617.80			

**II. CHARGES AND SPECIFICATIONS**

Additional Charge I: Violation of the UCMJ, Article 120

Specification: [~~Indecent act~~] In that ~~Captain~~ James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington D.C., between on or about 1 January 2010 to on or about 28 August 2010, wrongfully commit indecent conduct, to wit: sexual contact with First Lieutenant Ariana B. Klay, U.S. Marine Corps, in the presence of Jeremy Owen.

*WITHDRAWN AND DISMISSED WITHOUT PREJUDICE*  
*5 AUG 2011*

Additional Charge II: Violation of the UCMJ, Article 133

Specification 1: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, a married man, did at or near Washington, D.C., Virginia, and West Virginia, on divers occasions, between on or about 1 January 2010 to on or about 28 August 2010, share a hotel room with First Lieutenant Ariana B. Klay, U.S. Marine Corps, kiss First Lieutenant Klay, and masturbate in the presence of First Lieutenant Klay, a married woman not his wife, which conduct was unbecoming of an officer and a gentleman.

Specification 2: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010; used insulting and defamatory language toward a junior officer, First Lieutenant Ariana B. Klay, to wit: you are a slut, you are a whore, I am going to tell your husband and your command unless you give me head, suck Jeremy's dick, or words to that effect, which conduct was unbecoming of an officer and a gentleman.

**III. PREFERRAL**

11a. NAME OF ACCUSER (Last, First, MI) CHAVEZ, M. A.	b. GRADE Cpl	c. ORGANIZATION OF ACCUSER HqSvcBn, MCB, Quantico
d. SIGNATURE OF ACCUSER 	e. DATE 4 AUGUST 2011	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 4th day of August, 2011, 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.

C. M. HOOVER  
 \_\_\_\_\_  
 Typed Name of Officer  
 Captain, U.S. Marine Corps  
 \_\_\_\_\_  
 Grade and Service  
  
 \_\_\_\_\_  
 Signature

HqSvcBn, MCB, Quantico, VA  
 \_\_\_\_\_  
 Organization of Officer  
 Judge Advocate  
 \_\_\_\_\_  
 Official Capacity to Administer Oaths  
 (See R.C.M. 307(b)—must be commissioned officer)

12. On 9 August, 20 11, 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.)

R. A. ROYSE

*Typed Name of Immediate Commander*

Major, U.S. Marine Corps

XO, Marine Artillery Detachment, Ft Sill, OK

*Organization of Immediate Commander*

Richard A. Royse

*Signature*

**IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY**

13. The sworn charges were received at 1530 hours, 5 August 20 11 at XO,  
Marine Artillery Detachment, Ft Sill, OK

*Designation of Command or*

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

FOR THE<sup>1</sup> Commanding Officer

R. A. ROYSE

*Typed Name of Officer*

Major, U.S. Marine Corps

*Grade*

Richard A. Royse

*Signature*

Executive Officer

*Official Capacity of Officer Signing*

**V. REFERRAL; SERVICE OF CHARGES**

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

MCCDC

b. PLACE

Quantico, Virginia

c. DATE AUG 09 2011

Referred for trial to the General court-martial convened by

GCMCO #1-10

DATED 4, August 20 10, subject to the following instructions:<sup>2</sup> To be tried in  
conjunction with the charges preferred on 27 April 2011.

By \_\_\_\_\_ of \_\_\_\_\_

*Command or Order*

R. P. MILLS

*Typed Name of Officer*

Lieutenant General, U.S. Marine Corps

*Grade*

R. P. Mills

*Signature*

Commanding General

*Official Capacity of Officer Signing*

15. On 15 Aug, 20 11, I ~~caused to be~~ served a copy hereof on ~~(each of)~~ the above named accused.

C. M. HOOVER

*Typed Name of Trial Counsel*

C. M. Hoover

*Signature*

Captain, U.S. Marine Corps

*Grade or Rank of Trial Counsel*

**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.



UNITED STATES MARINE CORPS  
MARINE CORPS COMBAT DEVELOPMENT COMMAND  
3300 RUSSELL ROAD  
QUANTICO, VA 22134-5033

IN REPLY REFER TO:  
5800  
C 06

AUG 04 2010

GENERAL COURT-MARTIAL CONVENING ORDER 1-10

Pursuant to Article 22 of the Uniform Code of Military Justice and JAG Manual, section 0120, a General Court-Martial is hereby convened. It may try such persons as may be properly brought before it and shall meet at Marine Corps Base Quantico, Virginia, unless otherwise directed. The Court will be constituted as follows:

**MEMBERS:**

Colonel Paul D. Damren, U.S. Marine Corps;  
Colonel Michael A. Micucci, U.S. Marine Corps;  
Lieutenant Colonel Pierre G. Hollis, U.S. Marine Corps;  
Lieutenant Colonel David K. Jarvis, U.S. Marine Corps; and  
Major Martin R. Lewis, U.S. Marine Corps.

Pursuant to the JAG Manual, Section 0136; and R.C.M. 505(c)(1), MCM, I hereby delegate authority to excuse individual members to the Staff Judge Advocate.

GEORGE J. FLYNN  
Lieutenant General  
U.S. Marine Corps  
Commanding General

**Certified A True Copy**

Judge Advocate  
MCB Quantico VA  
Authority: 10 U.S.C. 1044a

**ORIGINAL**



U.S. NAVY-MARINE CORPS TRIAL JUDICIARY  
NORTHERN JUDICIAL CIRCUIT  
GENERAL COURT-MARTIAL

UNITED STATES  
V.  
Captain James ROWE

1. This Pretrial Order is issued pursuant to RCM 701(g)(1). This order is intended to complement and ensure the smooth and orderly progression of this case. Nothing within this order shall be construed to supercede any rule found within the Manual for Courts-Martial or other regulatory, statutory or constitutional obligation or right of either party.

Unless otherwise specifically noted, all documents or motions ordered or filed with the court shall be filed with the court and opposing counsel **no later than 1200** on the day ordered.

2. Trial is set to begin in the above styled case at **0800, 1 November 2011** at Marine Corps Base Quantico, Virginia. Counsel shall comply with this order or seek relief from the undersigned judge or the Circuit Military Judge as soon as possible. **Items preceded by an asterisk shall also be provided to the military judge.**

3. Not later than **1 September 2011**, trial counsel shall provide the following items to the defense:

- a. Papers accompanying the charges, convening orders, and statements. (RCM 701(a)(1)).
- b. Names, phone numbers, addresses, and for military witnesses, unit of assignment of witnesses in the government's case in chief. (RCM 701(a)(3)).
- c. Notice of records of prior convictions of the accused to be offered on the merits, if any. (RCM 701(a)(4)).
- d. Notice of immunity or leniency to prosecution witnesses, if any. (MRE 301(c)(2)).
- e. Disclosure of known evidence that is favorable to the defense, if any. (RCM 701(a)(6)).
- f. Disclosure of relevant statements made by the accused, if any. (MRE 304(d)(1)).
- g. Disclosure of evidence seized from or the property of the accused, if any. (MRE 311(d)(1)).
- h. Disclosure of evidence of prior identification of the accused, if any. (MRE 321(c)(1)).
- i. Disclosure as required by MRE 413(b), and 414(b) if applicable.

4. Not later than 5 calendar days after receipt by the trial counsel of a request from the defense counsel under RCM 701(a)(2) or (5), or MRE 404(b), trial counsel will provide the notice or make the disclosures required by the applicable rule.

5. Defense counsel will provide notice and disclosure to the trial counsel in accordance with the following schedule:

U.S. NAVY-MARINE CORPS TRIAL JUDICIARY  
NORTHERN JUDICIAL CIRCUIT  
GENERAL COURT-MARTIAL

\*a. Not later than **9 September 2011**, submit any request for the employment of a defense expert [consultant and/or witness]. (RCM 703(d)).

b. Not later than **9 September 2011**:

(1) Request production of out-of-area witnesses (RCM 703)(c)(2)(A)). An out-of-area witness is defined as one requiring funded travel and/or per diem. In this regard, the parties are reminded that a "synopsis" as this term is used in the RCM, is not a generalized statement of the subject matter of the witness' testimony. A "synopsis" is a summary, in narrative form, of the requested witness' actual testimony. Response to Defense requests for witness production are due no later than **16 Sept 2011**.

\*(2) If applicable, provide written notice of intent to offer evidence of the defense of alibi, innocent ingestion, lack of mental responsibility, or the defense's intent to introduce expert testimony as to the accused's mental condition fully complying with RCM 701 (b)(2) in the particulars contained in the notice.

\*(3) If applicable, file a written motion and provide notice of intent to offer relevant evidence of specific instances of the purported victim's past sexual behavior as required by MRE 412(c)(1)(A) and (B).

c. Not later than **18 October 2011**:

(1) Provide names, addresses, unit of assignment if applicable, and telephone numbers of witnesses for the defense case-in-chief and provide copies of their statements. (RCM 701(b)(1)(A)).

\*(2) Provide notice of forum and pleas. This shall be accomplished, at a minimum with a Pretrial Information Report initiated by trial counsel and endorsed by defense counsel.

d. Not later than 5 calendar days after receipt by the defense counsel from the trial counsel under RCM 701(b)(1)(B) or RCM 701 (b)(3) or (4), the defense will make the disclosure required by the applicable Rule.

\* 6. Not later than **30 Sept 2011**, both the trial and defense counsel will provide briefs on any motion. The responding party shall reply not later than 7 calendar days after receipt of the motion. All motions (except for docketing motions and continuance motions or those specifically delineated on a case-by-case basis by the undersigned military judge) **shall** include respective counsel's proposed findings of fact and findings of law. **Article 39a for motions hearing scheduled for 14 Oct 2011.**

7. The trial counsel shall notify the defense counsel of its intent to deny the defense any witness or expert consultant requested by the defense not later than 3 calendar days after receipt of a request for that witness. If a motion to compel production is deemed appropriate by the defense, counsel shall endeavor to make timely requests as well as timely motions to compel production so as to meet all milestone dates within this order or seek the Court's leave for alterations or deviations from this order. Deviations may be granted for good cause shown.

U.S. NAVY-MARINE CORPS TRIAL JUDICIARY  
NORTHERN JUDICIAL CIRCUIT  
GENERAL COURT-MARTIAL

8. If during or before the court-martial, a party discovers additional evidence or material previously requested or required to be produced which is subject to discovery or inspection under RCM 701, or any other matter with regard to which notice or disclosure was required to be given under RCM 701 or this order, that party shall immediately notify the other party.

\* 9. Not later than **24 October 2011**, if the forum selected will be with members (either on merits or sentencing only) both Trial and Defense Counsel shall provide to the court with appropriate service between themselves, as appropriate, a cleansed charge sheet, witnesses lists, proposed voir dire, proposed findings instructions and findings worksheet. Should the member's trial be for sentencing only, counsel may substitute proposed sentencing instructions and a sentencing worksheet for proposed findings instructions and worksheet.

10. During the pendency of this action, R.C.M. 802 sessions and or Article 39a sessions may be requested or directed as deemed necessary by the Court or parties.

\_\_\_\_\_  
Military Judge

\_\_\_\_\_  
Date

UNITED STATES NAVY-MARINE CORPS TRIAL JUDICIARY  
NORTHERN JUDICIAL CIRCUIT  
GENERAL COURT MARTIAL

UNITED STATES  V.  Captain James ROWE	MOTION FOR DOCKETING
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From: Captain C. M. HOOVER, Trial Counsel  
To: Major McConnell, USMC, Defense Counsel

1. The government requests 29 August 2011 for arraignment/trial in the above captioned case to be tried at MCB Quantico.
2. THE ATTACHED PRETRIAL ORDER (PTO) IS PROPOSED.

  
C. M. HOOVER

Dated: 22 Aug 11

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From: Major McConnell, Defense Counsel  
To: Captain C. M. HOOVER, Trial Counsel

1.  The above arr/trial date and proposed PTO is acceptable.  
 The above arr/trial date and proposed PTO is not acceptable, and the date of /ATTACHED PTO is proposed. (if approved by the military judge, delay is normally excludable under R.C.M. 707 absent a showing to the contrary).
2. Anticipated Forum:  Members;  Military Judge Alone.
3. Anticipated Motions: Reserved
4. Anticipated Pleas: Reserved
5. Additional Comments: Reserved

  
Defense Counsel

Dated:

---

From: Captain C. M. HOOVER, Trial Counsel

To: Circuit/Docketing Military Judge or detailed military judge as appropriate

1.  The arr/trial date of 29 August 2011 AND PTO is **mutually agreeable** to the trial and defense counsel.  
 The trial and defense counsel were not able to reach a mutually agreeable date and PTO – both the government's as well as the defense's proposed PTOs are attached.



C. M. HOOVER

**\*Counsel are advised that if they do not receive a court signed copy of the PTO soon after submitting this MFD, that they have an affirmative duty to acquire a copy of the PTO for this case.\***

Attachment 3: CH1 to 1 June 2009 local Rules

MOTION FOR DOCKETING WORKSHEET  
ICO US V ROWE

1 Sep 11: Discovery Deadline

9 Sep 11: Defense expert requests due

9 Sep 11: Defense request for witnesses due

16 Sep 11: Government response to defense witness request

30 Sep 11: Motions deadline

14 Oct 11: Art 39a for motions hearing

18 Oct 11: Written notice of forum selection/pleas deadline

24 Oct 11: Page 56 matters, as well as CMCO modifications  
and member's questionnaires deadline

1 Nov 11: Trial commences and is expected to last for three  
days