

**WESTERN JUDICIAL CIRCUIT  
NAVY-MARINE CORPS TRIAL JUDICIARY**

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|                   |   |                               |
|-------------------|---|-------------------------------|
| UNITED STATES     | ) | GENERAL COURT-MARTIAL         |
|                   | ) |                               |
| v.                | ) |                               |
|                   | ) |                               |
| MUNOZ, Eduardo    | ) | <b>MEMORANDUM OF PRETRIAL</b> |
| Staff Sergeant,   | ) | <b>AGREEMENT</b>              |
| U.S. Marine Corps | ) |                               |
| XXX-XX-4510       | ) | <b>(PART II)</b>              |
|                   | ) |                               |

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I, SSgt Munoz, USMC, the accused in a GENERAL COURT-martial, in exchange for good consideration and after thorough consultation with my defense counsel, do fully understand and agree to the following terms and conditions:

1. **Punitive Discharge:** May be approved as adjudged. However, if a Dishonorable Discharge is adjudged, the Convening Authority agrees to approve only a Bad Conduct Discharge.
  
2. **Confinement:** May be approved as adjudged. However, all confinement in excess of nine (9) months will be suspended for the period of confinement served plus six (6) months thereafter, at which time, unless sooner vacated, the suspended portion will be remitted without further action. This agreement constitutes my request for, and the Convening Authority's approval of, deferment of all confinement suspended pursuant to the terms of this Agreement until the date the Convening Authority acts on the sentence. If a punitive discharge is adjudged, I will promptly request voluntary appellate leave.
  
3. **Forfeitures or Fines:**
  - a. **Adjudged Forfeitures:** May be approved as adjudged. However, adjudged forfeitures will be suspended for twelve (12) months from the date of the Convening Authority's action, at which time, unless sooner vacated, all suspended adjudged forfeitures will be remitted without further action. Upon acceptance of this Agreement, the Accused agrees to initiate an allotment to an account solely owned and accessible to the Accused's wife, Sonia Munoz, in the full amount of his pay and allowances. This Agreement constitutes the Accused's request for, and the Convening Authority's approval of, deferment of all adjudged forfeitures which are to be suspended pursuant to the terms of this Agreement and would otherwise become effective under Article 57(a)(1), UCMJ. The period of deferment will run from the date adjudged forfeitures would otherwise become effective until the date of the Convening Authority's action.
  
  - b. **Automatic Forfeitures:** Automatic forfeitures will be deferred provided the Accused established and maintains a dependent's allotment in the total amount of the deferred forfeiture amount during the entire period of deferment, per the allotment provision of paragraph 3a above.

This Agreement constitutes the Accused's request for, and the Convening Authority's approval of, deferment of automatic forfeitures pursuant to Article 58b(a)(1), UCMJ. The period of deferment will run from the date automatic forfeitures would otherwise become effective under Article 58b(a)(1), UCMJ, until the date the Convening Authority acts on the sentence. Further, this Agreement constitutes the Accused's request for, and the Convening Authority's approval of, waiver of automatic forfeitures. The period of waiver will run from the date of the Convening Authority's action and shall not exceed six (6) months. The deferred and waived forfeitures shall be paid to the Accused's wife, Sonia Munoz.

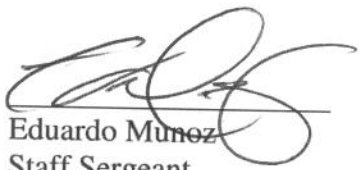
**4. Reduction:**


- a. **Adjudged Reduction:** May be approved as adjudged.
- b. **Automatic Reduction:** May be approved as adjudged.

**5. Other lawful punishments:** May be approved as adjudged.

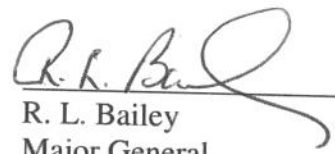
I fully understand, and have discussed with my counsel, how this agreement will effect any sentence that I may be awarded by the court-martial.

By my signature below I acknowledge that I have read this agreement completely, discussed it with my counsel, understand it in all respects, and am prepared to abide by its terms.

Accused:  Date: 3 Feb 11  
Eduardo Munoz  
Staff Sergeant  
U.S. Marine Corps

Defense Counsel:  Date: 3 Feb 11  
Christian P. Hur  
Captain  
U.S. Marine Corps

**The foregoing pretrial agreement is approved, including the sentence limitation portion of this agreement.**

Convening Authority:  Date: 7 Feb 11  
R. L. Bailey  
Major General  
U.S. Marine Corps

