		CH	ARGE SHEET			
			PERSONAL DATA			
1. NAME OF ACCUS			2. SSN		3. GRADE OR RANK	4. PAY GRADE
EICKENHORS	ST, David I.		339 60	3370	Maj	0-4
5. UNIT OR ORGANI	ZATION				6. CURRENT SERVICE	
Marine Wing S	Support Squadron 371			DOB:	a. INITIAL DATE	b. TERM
Marine Wing Support Group 37			19 Dec 66			
Third Marine A				13 Dec 00		
	Air Station Miramar, C	alifornia				
Marine Corps	All Station Willamar, C	Jamorna			07.0	
			*		27 Sep 01	Indef
7. PAY PER MONTH			8. NATURE OF REST	TRAINT OFACCUSED	9. DATE(S) IMPOSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL			S 6	
			No.	ne	N/A	
\$6,851.10	None	\$6,851.10				
	51-000C2400 PMPLC 4	*				
			ES AND SPECIFICATI	ONS		
10. Charge I: Vid	plation of the UCMJ, A	article 128				
0 10 11 1						
Specification: In	that Major David I. Eid	kenhorst, U.S. N	Marine Corps, Mari	ne Wing Support So	quadron 371, Marine	Wing
Support Group 37	7, 3d Marine Aircraft V	Ving, on active d	uty, did, at or near	Camp Dwyer, Afgh	anistan, on or about	18 March
2011, commit an	assault upon SSgt Ch	ristopher Wilson	by gesturing towa	rd him with a dange	erous weapon likely	to produce
death or grievous	bodily harm, to wit: a	loaded firearm	by gostaining towa	a a min with a dailyt	orous weapon likely	to produce
dodin or grievous	bodiny riairii, to wit. a	oaueu meann.				
Charge II. Violet	ion of the LICALL Auto	do 124				
Charge II: Violat	ion of the UCMJ, Artic	ie 134				
Specification: In	that Major David I. Eic	kenhorst, U.S. N	Marine Corps, Mari	ne Wing Support So	quadron 371, Marine	Wing
Support Group 37	7, 3d Marine Aircraft V	Ving, on active d	utv. did. at or near	Camp Dwyer, Afgh	anistan, on or about	18 March
2011 wronafully	communicate to SSgt	Christopher Wile	on a threat to iniu	e him to wit: Major	Eigkonhorst said "	ou're fucking
un" then unholeto	red his weepen and a	oid "wont to wo	de an an early retire	e min, to wit. Major	Lickerinoist said,	you're lucking
ap then unitoiste	red his weapon and s	aid, wani io woi	k on an early retire	ement? and that ur	nder the circumstant	es, the
accused's conduc	ct was to the prejudice	e of good order a	nd discipline in the	armed forces .	or words to that e	ffect.
				U		
					ABY	10802
					2011	10807
			III. PREFERRAL			
11a. NAME OF ACC	USER (Last, First, MI)		b. GRADE	c. ORGANIZATION C	DE ACCUSER	
PERE', Chris			GySgt		CAS Miramar, CA	
d. SIGNATURE)OF			dyogi	HQHQHON, W		
	BULLI				e. DATE 201107	14
AEEIDAVIT: P	oforo mo the undere	inanal authorica	al b l			
AFFIDAVII: B	efore me, the unders	igned, authorize				
appeared the above named accuser this 14th day of 5014 2011, and signed the foregoing charges						
and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either						
has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of						
his/her knowledge and belief.						
	go and bonon.					
	A. B. HOLMES			HOUSE	ON MOAC M	
(See					RON, MCAS Mirama	ır, CA
	Typed Name of Officer			Orga	anization of Officer	
	Captain, U.S. Marine C	Corns			ludge Advocate	
Grade Grade				Judge Advocate		th.
				Official Capacity to Administer Oath (See R.C.M 307(b)- must be commissioned officer)		
	111 -			1000 11101111 007 (1	,	- Ciliodi)
Signature						

ORIGINAL

0001

T. A. PERRY	MWSG-37, 3d MAW, MCAS Miramar, CA			
Typed Name of Immediate Com		Organization	of Immediate Commander	
Major, U.S. Marine Corp	s			
Y A Q Grade				
Iny N 17				
Signature Signature				
IV. RECE	IPT BY SUMMARY CO	OURT-MARTIAL CONVE	NING AUTHORIT	Υ
The sworn charges were received at	1426 hours,	14 July	_ 2011 at _	MWSG-37, 3d MAW Designation of Command or
Officer Exercising Summary Court-Martial	Jurisdiction (See R.C.M.	M. 403)		•
			For ⁻	The 1 Commanding Officer
T. A. PERRY			2010	Legal Officer
Typed Name of Officer				Official Capacity of Officer Signing
Major, U.S. Marine Co	orps			
✓ Λ Λ ^{Grade}				
Ing 1 Ky				
Signature				
<i>U</i>	V. REFERRA	L; SERVICE OF CHARC	ES	
d Marine Aircraft Wing ferred for trial to the <u>General</u>	NING AUTHORITY court-martial co	b. PLACE San Diego, CA	MCO #1-09	c. DATE NOV 2 3 2011 e.
d Marine Aircraft Wing ferred for trial to the <u>General</u>	_ court-martial co	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruc	MCO #1-09 tions: Non	NOV 2 3 2011
d Marine Aircraft Wing ferred for trial to the <u>General</u>	_ court-martial co	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruc	MCO #1-09 tions: Non	NOV 2 3 2011
ferred for trial to the <u>General</u> ted 19 November 2009	_ court-martial co	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruc	MCO #1-09 tions: Non	NOV 2 3 2011
deferred for trial to the General ted 19 November 2009 A. W. O'DONNELL, JR.	_ court-martial co	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruc	MCO #1-09 tions: Non	e. Commanding General
d Marine Aircraft Wing ferred for trial to the <u>General</u> ted 19 November 2009 A. W. O'DONNELL, JR. Typed Name of Officer	court-martial co	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruc	MCO #1-09 tions: Non	NOV 2 3 2011 e.
aferred for trial to the <u>General</u> ted 19 November 2009 A. W. O'DONNELL, JR.	court-martial co	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruc	MCO #1-09 tions: Non	e. Commanding General
A. W. O'DONNELL, JR. Typed Name of Officer	court-martial co	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruc	MCO #1-09 tions: Non	e. Commanding General
A. W. O'DONNELL, JR. Typed Name of Officer	court-martial co	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruc	MCO #1-09 tions: Non	e. Commanding General
A. W. O'DONNELL, JR. Typed Name of Officer Major General, U.S. Marine C	court-martial comes by /////	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruction (///////////////////////////////////	MCO #1-09 tions: Non	e. Commanding General
A. W. O'DONNELL, JR. Typed Name of Officer Major General, U.S. Marine C Graye Signature	court-martial comes by /////	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruction (///////////////////////////////////	of on (each of)	e. Commanding General ficial Capacity of Officer Signing the above named accused.
ferred for trial to the General ted 19 November 2009 A. W. O'DONNELL, JR. Typed Name of Officer Major General, U.S. Marine C	court-martial comes by /////	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruction (///////////////////////////////////	of on (each of) MCO #1-09 Major, U.S	e. Commanding General ficial Capacity of Officer Signing the above named accused. Marine Corps
A. W. O'DONNELL, JR. Typed Name of Officer Major General, U.S. Marine C Graye Signature	court-martial comes by /////	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruction (///////////////////////////////////	of on (each of) MCO #1-09 Major, U.S	e. Commanding General ficial Capacity of Officer Signing the above named accused.
A. W. O'DONNELL, JR. Typed Name of Officer Major General, U.S. Marine C. Signature K. D. SMITH	court-martial comes by /////	b. PLACE San Diego, CA onvened by <u>GC</u> the following instruction (///////////////////////////////////	of on (each of) MCO #1-09 Major, U.S	e. Commanding General ficial Capacity of Officer Signing the above named accused. Marine Corps

CHARGE SHEET						
			PERSONAL DATA	*		
NAME OF ACCUSED (Last, First, MI) EICKENHORST, David I.			2. SSN	3. GRADE OR RANK	4. PAY GRADE	
5. UNIT OR ORGAN			339 60 3370	Maj 6. CURRENT SERVIC	0-4 F	
	Support Squadron 371	,	DOB:	a. INITIAL DATE	b. TERM	
Marine Wing S	Support Group 37,		19 Dec 66			
Third Marine A						
	Air Station Miramar, C	California		27 Sep 01	Indef	
7. PAY PER MONTH			8. NATURE OF RESTRAINT OFACCUSED	9. DATE(S) IMPOSED	•	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL				
\$6,851.10	None	\$6,851.10	None	N/A		
		II. CHARG	ES AND SPECIFICATIONS			
10. Additional C	harge I: Violation of t					
Support Group 37 2011, maltreat SS	7, Third Marine Aircrat Sgt Christopher Wilson	ft Wing, on active n, U.S. Marine C	Marine Corps, Marine Wing Support S e duty, did, at or near Camp Dwyer, A orps, a person subject to his orders, b "want to work on an early retirement,"	fghanistan, on or ab by unholstering his w	out 18 March reapon and	
Additional Char	ge II: Violation of the	UCMJ, Article 13	34			
Specification: In that Major David I. Eickenhorst, U.S. Marine Corps, Marine Wing Support Squadron 371, Marine Wing Support Group 37, Third Marine Aircraft Wing, on active duty, did, at or near Camp Dwyer, Afghanistan, on or about 18 March 2011, wrongfully and recklessly engage in conduct, to wit: unholstering and brandishing a loaded firearm in the presence of SSgt Christopher Wilson, U.S. Marine Corps, conduct likely to cause death or grievous bodily harm.						
III. PREFERRAL 11a. NAME OF ACCUSER (Last, First, MI) b. GRADE c. ORGANIZATION OF ACCUSER						
PERE', Chris				ICAS Miramar, CA		
d. SIGNATURE OF			a seg.	e. DATE OSP		
1	\$.r-			27 26 Stp	[1]	
appeared the a and specification	bove named accuser ons under oath that he nowledge of or has i	this <u>27</u> day /she is a person	ed by law to administer oaths in cas of	nd signed the forego ry Justice and that h	oing charges ne/she either	
	K. D. SMITH		попов	ON MCAS Miramar	CA	
Typed Name of Officer			HQHQRON, MCAS Miramar, CA Organization of Officer			
l	, spea Hame of Officer		Org	particular of Officer		
l						
	Major, U.S. Marine Co	rps		udge Advocate		
Grede				Official Capacity to Administer Oath		
(See R.C.M 307(b)- must be commissioned officer)						
Simulation of the state of the						
	Signature	0	RIGINAL			

12 On <u>5</u> ОстовЕR , 2011, the	accused was informed of the charges against him/her a	nd of the name(s) of		
the accuser(s) known to me (See R.C.M. 30	a)). (See R.C.M. 308 if notification cannot be made.)	id of the fiame(s) of		
T. A. PERRY	MWSG-37 3d MAW MC	AS Miramar CA		
Typed Name of Immediate Commande		MWSG-37, 3d MAW, MCAS Miramar, CA Organization of Immediate Commander		
Major, U.S. Marine Corps	and the state of t			
1 1 Gifte		THE CONTRACTOR OF THE CONTRACT		
Signature		1		
	IMMARY COURT MARTAL CONVENIES AUTHORITY			
13.	UMMARY COURT-MARTIAL CONVENING AUTHORITY			
The sworn charges were received at		-37, 3d MAW ion of Command or		
Officer Exercising Summary Court-Martial Jurisd	on (See R.C.M. 403)			
The state of the s	For The 1 Con	nmanding General		
T. A. PERRY	*** **** ***** ***** ****** ******	egal Officer		
Typed Name of Officer		pacity of Officer Signing		
Major, U.S. Marine Corps				
√ A Grade				
Signature Signature				
U Signature C				
	. REFERRAL; SERVICE OF CHARGES			
4a. DESIGNATION OF COMMAND OF CONVENING A 3d Marine Aircraft Wing	THORITY b. PLACE c. DATI	NOV 2 3 2011		
	Can Diogo, Ort	NOV & 0 2011		
Referred for trial to the General co	t-martial convened by GCMCO #1-09			
dated 19 November 2009 charges preferred on 14 July 2011.		conjunction with the		
marges preferred on 14 day 2011.	by ///////// of			
	Command or Order			
S (2	Command of Order			
A. W. O'DONNELL, JR. Typed Name of Officer	Comma	nding General ity of Officer Signing		
NATIVOGRANIA NATIVOGRANIA AM VARRANCIARAN EM MARI	Oniciai Capaci	ty of Officer Signing		
Major General, U.S. Marine Corps				
Grade				
CQ				
Signature				
_				
15. On				
, 2011, 1	aused to be) served a copy hereof on (each of) the above	named accused.		
K. D. SMITH	Major, U.S. Marine (Corps		
Typed Name of Trial Counsel	Grade or Rank of Trial C	ounsel		
Signature				
FOOTNOTES: 1-When an a	ropriate Commander signs personally, inapplicable words are str 1. 601(e) concerning instructions. If none, so state.	icken.		

UNITED STATES MARINE CORPS



3D MARINE AIRCRAFT WING MARINE CORPS AIR STATION MIRAMAR PO BOX 452038 SAN DIEGO CA 92145-2038

IN REPLY REFER TO: 5800 SJA

NOV 2 3 2011

From: Staff Judge Advocate

To: Commanding General, 3d Marine Aircraft Wing

Subj: PRETRIAL ADVICE IN THE CASE OF UNITED STATES V. MAJOR DAVID I.

EICKENHORST, XXX XX 3370/1302, USMC

Ref: (a) Article 32, UCMJ

(b) Article 33, UCMJ

(c) Article 34, UCMJ

(d) RCM 202, MCM, United States (2008 ed.)

(e) RCM 405, MCM, United States (2008 ed.)

(f) RCM 406, MCM, United States (2008 ed.)

(g) Judge Advocate General Instruction 5800.7D, Manual of the Judge Advocate General (JAGMAN)

Encl: (1) Charge Sheet dtd 14 Jul 11

(2) Additional Charge Sheet dtd 27 Sep 11

(3) Article 32 Appointing Order dtd 17 Aug 11

(4) Investigating Officer Report dtd 17 Oct 11

(5) 3D MAW GCMCO #1-09 of 19 Nov 09

- 1. Major David I. Eickenhorst, USMC, the accused, is assigned to Marine Wing Support Squadron 371, Marine Wing Support Group 37, 3d Marine Aircraft Wing and is stationed at Marine Corps Air Station Yuma, Arizona. The charges against the him are contained in enclosures (1) and (2). Enclosure (3) is a letter from the Commanding General, 3d Marine Aircraft Wing directing an Article 32, UCMJ, pretrial investigation into the charges and specifications. The investigation was assigned to Major Hugh J. Redman, USMC, on 17 Aug 11. Enclosure (4) is the Investigating Officer's Report.
- 2. Analysis of the Charges and Specifications: The accused is charged in enclosures (1) and (2) with the following violations of the Uniform Code of Military Justice (UCMJ): one specification under Article 93, UCMJ, cruelty and maltreatment, one specification under Article 128, UCMJ, assault, aggravated with a dangerous weapon, one specification under Article 134, UCMJ, communicating a threat, and one specification under Article 134, UCMJ, reckless endangerment.
- 3. <u>Sufficiency of the Charges and Specifications</u>: I have reviewed the charges and specifications contained in enclosures (1) and (2). Per references (a) through (g), my advice is that:
- a. The charges and specifications allege offenses under the Uniform Code of Military Justice.

- Subj: PRETRIAL ADVICE IN THE CASE OF <u>UNITED STATES V. MAJOR DAVID I.</u> EICKENHORST, XXX XX 3370/1302, <u>USMC</u>
- b. The charges and specifications have been investigated properly pursuant to references (a) and (e); and, the offenses are supported by the evidence contained in enclosure (4).
- c. A general court-martial would have jurisdiction over the accused and the offenses alleged.
- d. I concur with the Investigating Officer's findings but recommend that the charges be referred to a general court martial.

4. Recommended disposition of the Charges and Specifications:

- a. The Investigating Officer found that there were reasonable grounds to believe the accused committed the offenses alleged in the charges and specifications. Further, he recommended that charges and specifications for reckless endangerment and dereliction of duty be referred to Commanding General's Non-judicial punishment for final disposition, enclosure (4).
- b. I agree with the Investigating Officer that there are reasonable grounds to believe the accused committed the charged offenses alleged in enclosures (1) and (2). However, I disagree with his recommendation to dispose of these charges at Commanding General's Non-judicial Punishment. I believe the serious nature of these charges warrants referral of all charges and specifications to a general court-martial.
- 5. <u>Action</u>: If you agree, you may refer the charges and specifications to a general court-martial convened by enclosure (5) by signing the referral block (Part V) of the charge sheet in enclosures (1) and (2).

PHILIP J. HETZ JR