



UNITED STATES MARINE CORPS
MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
BOX 788100
TWENTYNINE PALMS, CALIFORNIA 92278-8100

5800
SJA
26 Mar 10

From: Commanding General, MCGCC, Twentynine Palms
To: Detailed Defense Counsel
Via: (1) Staff Judge Advocate
(2) Trial Counsel

Subj: REQUEST FOR ORAL DEPOSITIONS IN THE CASE OF MAJOR
PIETRO P. SCARSELLI XXX-XX-4846

Ref: (a) R.C.M. 702, MCM (2008 Edition)
(b) Defense Request for Depositions, dtd 25 March 10

1. Pursuant to the above references, the defense requested oral depositions of Mr. David Gill, the command inspector general aboard Marine Corps Air Ground Combat Center, Twentynine Palms, and Staff Sergeant James Baker, Headquarters Battalion.
2. The defense deposition request is hereby denied. Rule for Courts-Martial 702(c)(3)(A), dealing with general actions on request, states that a request for deposition may be denied only for good cause. The discussion to this rule adds that "The fact that the witness is or will be available for trial is a good cause for denial in the absence of unusual circumstances..."
3. Counsel for the Accused has made no suggestion that either witness will not be available for trial. Similarly, both witnesses have been continually available to the defense since preferral of charges. No showing of exceptional circumstances that would require a deposition has been made.


R. J. ASHBACHER
By direction