



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

IN REPLY REFER TO:

5800

CG

NOV 24 2010

From: Commanding General  
To: Major Pietro P. Scarselli XXX XX 4846 USMC  
Subj: NOTIFICATION OF ARTICLE 15, UCMJ, HEARING  
Ref: (a) Paragraph 4, Part V, MCM (2008 ed.)  
(b) SECNAVINST 1920.6C

1. You are hereby notified that it is my intention to conduct an Article 15 hearing in accordance with reference (a). Prior to that hearing, you are advised of the following:

a. That you are accused of the following:

Violation of the UCMJ, Article 90

Specification: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, 29 Palms California having knowledge of a lawful order issued 14 July 2009 by Colonel Tim A. Green, his superior commissioned officer, then known by the accused to be his superior commissioned officer to cease and desist from debriefing Provost Martial Office Marines after they returned from interviews with the Command Inspector General, or words to that effect, did, at or near Marine Corps Air Ground Combat Center, 29 Palms California, on or about 18 July willfully disobey the same, by asking Gunnery Sergeant Buchanan, "How'd it go?" and "Are you ok?" within a day after Gunnery Sergeant Roy Buchanan, U.S. Marine Corps was interviewed by the Inspector General.

Violation of the UCMJ, Article 92

Specification 1: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, 29 Palms, California, who knew of his duties on board Marine Corps Air Ground Combat Center, 29 Palms, California, from about 12 May 2007 to about 12 May 2009, was derelict in the performance of those duties in that he negligently failed to report to the Headquarters Battalion, Commanding Officer that he had received allegations of adultery involving Master Gunnery Sergeant John P. Humberston, Sergeant Daniel Ellestad, U.S. Marine Corps and Lieutenant James Daly, civilian police officer, as it was his duty to do.

Specification 2: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, 29 Palms, California, who knew of his duties on board Marine Corps Air Ground Combat Center, 29 Palms, California, from about 12 May 2007 to about 12 May 2009, was derelict in the performance of those duties in that he negligently failed to oversee rifle qualification of PMO Marines, as it was his duty to do.

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Specification 3: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, 29 Palms, California, who knew of his duties on board Marine Corps Air Ground Combat Center, 29 Palms, California, on or about 9 October 2008, was derelict in the performance of those duties in that he negligently failed to ensure compliance with a lawful general order, to wit: Marine Corps Order 1700.28, dated 18 June 1997, in that U.S. Marines under his charge had been improperly punished by their Staff Non Commissioned Officers In Charge, for violating divers regulations: specifically, Lance Corporal Andrew Beebe, U.S. Marine Corps, was made to brief various watch sections on the Provost Marshal's Office's Philosophy on adultery; and Lance Corporal Russell Dixon, U.S. Marine Corps, and Lance Corporal Jeremy D. Angenend, U.S. Marine Corps, were made to perform menial labor around the Provost Marshal's Office on their days off.

Specification 4: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, 29 Palms, California, who knew of his duties on board Marine Corps Air Ground Combat Center, 29 Palms, California, from on or about 12 January 2008 to about 12 January 2009, was derelict in the performance of those duties in that he negligently failed to maintain good order and discipline by not properly supervising unit functions at the Provost Marshal's Office, where alcohol was provided and U.S. Marines under the age of 21 were present, as it was his duty to do, so that as a result on one known occasion a U.S. Marine under the age of 21 years of age did in fact drink alcohol.

Violation of the UCMJ, Article 134

Specification: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, 29 Palms, California, did, at or near 29 Palms, California, between on or about 1 November 2008 and 17 August 2009, fraternize with Master Gunnery Sergeant John P. Humbertson, U.S. Marine Corps, an enlisted person, on terms of military equality, to wit: living together at 72994 Manana Avenue in 29 Palms, California, in violation of the custom of the Naval Service of the United States that officers shall not fraternize with enlisted persons on terms of military equality.

Violation of the UCMJ, Article 133

Specification: In that Major Pietro P. Scarselli, U.S. Marine Corps, while on active duty at or near Marine Corps Air Ground Combat Center, 29 Palms, California, did, at or near 29 Palms, California, between on or about 12 May 2007 through on or about 12 May 2009 fail in his leadership of the 29 Palms Provost Marshall's Office (PMO) by failing to enforce lawful orders and regulations, failing to adhere to established standard operating procedures, failing to properly investigate and adjudicate allegations of misconduct by his subordinate military policemen, and creating a command climate of fraternization whereby there was a loss of good order and discipline within PMO, that, under the circumstances, these acts or omissions constituted conduct unbecoming an officer and a gentlemen.

b. That you may, upon request, examine available statements and evidence upon which the allegations are based.



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c. That you have the right not to make any statement concerning these offenses.

d. That any statement you do make may be used against you during these proceedings or in trial by court-martial or in administrative separation proceedings under reference (b).

e. That you may consult with a lawyer, either a civilian attorney retained by you at your own expense, or a judge advocate at no expense to you, if one is reasonably available.

f. That you will receive a hearing at which you will be accorded the following rights:

g. To be present before the officer conducting the hearing or, if you waive such personal appearance, to submit written matters for consideration;

(1) To be advised of the offenses of which you are suspected;

(2) That you will not be compelled to make any statement regarding offenses charged and that any statement you do make can be used against you;

(3) To be present during the presentation of all information against you, including the testimony of witnesses present and the receipt of written statement. Copies of any statements will be furnished to you;

(4) To have made available to you for inspection all items of information in the nature of physical or documentary evidence to be considered by the officer conducting the hearing;

(5) To present to the officer conducting the proceedings appropriate matters in mitigation, extenuation or defense of the alleged charge. Matters in mitigation do not constitute a defense but do reduce the degree of culpability; such matters might include a fine military record, either previous or subsequent to the alleged offenses. Matters in extenuation are matters that render an offense less aggravated or reprehensible than it would otherwise be, but such matters do not also constitute a defense. A matter offered in defense is offered as a reason in law or in fact why you should not be found guilty of the alleged charge;

(6) To have the proceedings open to the public, unless good cause for closing the proceedings can be shown, or unless the punishment to be imposed will not exceed restriction for 14 days and an oral reprimand.


2. A report of this non-judicial punishment [NJP] will be made to the Commandant of the Marine Corps (CMC) and you may be subject to involuntary separation proceedings directed by the CMC or an appropriate show cause authority in your chain of command. If you are voluntarily or involuntarily separated before you complete an active duty service requirement incurred because you received advanced education assistance (USNA, ROTC, FLEP, etc.), you may be required to reimburse the U.S. on a pro rata basis for the unserved portion of the active service requirement.

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3. You are further advised that if NJP is imposed, you have the right to appeal to the next superior authority within five working days, if you consider the punishment unjust or disproportionate to the offenses for which it is imposed.

4. Unless attached to or embarked in a vessel, you have a right to refuse NJP. If you refuse NJP, charges could be referred for trial by general court-martial. If charges are referred to a general court-martial you will have the right to be represented by counsel. The maximum punishment that could be imposed if you accept NJP is a reprimand (orally or in writing), 30 days arrest in quarters or 60 days restriction, and forfeiture of half of one month's pay for two months.

5. You will indicate, by return endorsement hereon, your understanding of the foregoing and return it within five (5) days.



H. S. CLARDY, III

Copy to:  
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IN REPLY REFER TO:  
 5800  
 CG

FIRST ENDORSEMENT on CG's ltr 5800 CG of 24 Nov 10

From: Major Pietro P. Scarselli XXX XX 4846 USMC  
 To: Commanding General

Subj: ARTICLE 15, UCMJ - ACKNOWLEDGEMENT AND RIGHTS FORM

1. Knowing and understanding all of my rights as set forth in the notification letter dated 24 November 2010, I desire to exercise the following rights:

a. Lawyer

\_\_\_\_\_ I wish to talk to a military lawyer before completing the remainder of this form.

\_\_\_\_\_ I wish to talk to a civilian lawyer before completing the remainder of this form.

\_\_\_\_\_ I hereby voluntarily, knowingly, and intelligently give up my right to talk to a lawyer.

\_\_\_\_\_  
 (Signature of witness)

\_\_\_\_\_  
 Major Pietro Scarselli

\_\_\_\_\_  
 (Date)

\_\_\_\_\_ I talked to \_\_\_\_\_, a lawyer \_\_\_\_\_

\_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Signature of witness)

\_\_\_\_\_  
 Major Pietro Scarselli

\_\_\_\_\_  
 (Date)

b. Right to refuse nonjudicial punishment I hereby acknowledge my understanding of the advice stated in the Commander's notification letter, and my right to demand trial by court-martial in lieu of nonjudicial punishment. Prior to taking this decision, I have had the opportunity to consult with a lawyer.

\_\_\_\_\_ I refuse nonjudicial punishment.

\_\_\_\_\_ I accept nonjudicial punishment. I understand that acceptance of nonjudicial punishment does not preclude further administrative action against me.

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c. Personal appearance

\_\_\_\_\_ I request a personal appearance before the Commanding General

\_\_\_\_\_ I waive a personal appearance.

\_\_\_\_\_ I do not desire to submit any written matters for consideration.

\_\_\_\_\_ Written matters are attached.

d. Elections at personal appearance

\_\_\_\_\_ I request that the following witnesses be present at my nonjudicial punishment proceeding:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ I request that my nonjudicial punishment proceeding be open to the public.

2. I also acknowledge that if I am voluntarily or involuntarily separated before I complete an active duty service requirement incurred and if I received advanced education assistance (USNA, ROTC, FLEP, etc...), that I may be required to reimburse the U.S. on a pro rata basis for the unserved portion of the active service requirement.

\_\_\_\_\_  
(Signature of witness)

\_\_\_\_\_  
Major Pietro Scarselli

\_\_\_\_\_  
(Date)