

**DEPARTMENT OF THE NAVY
NAVY AND MARINE CORPS TRIAL JUDICIARY
WESTERN JUDICIAL CIRCUIT**

U N I T E D S T A T E S

v.

**PIETRO P. SCARSELLI
XXX XX 4846
MAJOR
UNITED STATES MARINE CORPS**

**GENERAL COURT-MARTIAL
MEMORANDUM
OF
PRETRIAL AGREEMENT**

I, Major Pietro P. Scarselli, U.S. Marine Corps, the accused in a general court-martial, hereby certify:

1. For good consideration and after consultation with my counsel, I agree to accept non-judicial punishment for the charges and specifications listed below, PROVIDED the convening authority agrees to withdraw and dismiss with prejudice all charges I am currently facing at a general court-martial upon the acceptance of my guilty pleas at NJP for the below listed charges and specifications.
2. I understand this offer and agreement cannot be used against me in the determination of my guilt on any matters arising from the charges and specifications made against me if this case is referred to court-martial.
3. I understand that the jurisdictional limits on punishment at Commanding General NJP for an O-4 are as follows: admonition or reprimand, forfeiture of one-half of one month's pay per month for 2 months, and restriction for 60 days or Extra Punishment Duties for 45 days.
4. I expressly understand that this pretrial agreement will become void in the event: (1) I refuse to accept NJP for the charges and specifications listed below; or (2) I initially agree to accept NJP, but prior to the time punishment is announced, I refuse NJP and demand trial by court-martial. I understand that if this agreement becomes null and void that the convening authority is free to refer the charges to a court-martial.
5. My counsel has fully advised me of the meaning and effect of my decision to accept NJP, and I fully understand and comprehend the meaning thereof and all the attendant effects and consequences.
6. I am satisfied with my defense counsel, Mr. Haytham Faraj, and Captain Christian Hur, USMC, in all respects.
7. I accept NJP for the following charges and agree to plead as follows:

	<u>CHARGE</u>	<u>PLEA</u>
Charge I:	Violation of Article 90, UCMJ	Guilty
Spec:	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 negligently 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.	Guilty
Charge II	Violation of Article 92, UCMJ	Guilty
Spec 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.	Guilty
Spec 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	Guilty

	performance of those duties in that he negligently failed to oversee rifle qualification of PMO Marines, as it was his duty to do.	
Spec 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.	Guilty
Spec 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.	Guilty
Charge III	VIOLATION OF THE UCMJ, ARTICLE 134	Guilty
Spec:	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,	Guilty

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.	
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10. I understand and agree that, in return for my plea of guilty, and following the announcement of the punishment by the Commanding General, the withdrawn language and/or charges and specifications will be dismissed by the convening authority with prejudice.

11. It is expressly understood that I will not commit any act of misconduct chargeable under the Uniform Code of Military Justice between the date both parties have signed this agreement and the date of the NJP. Any UCMJ violation on my part after both parties sign this agreement and before the date of the NJP is held, will be grounds for withdrawal from this agreement by the convening authority.

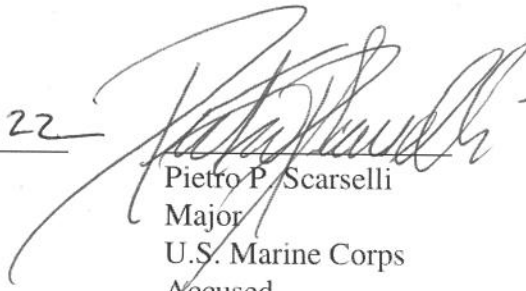
12. There are no other agreements, oral or written, express or implied, between myself and the convening authority, or any other representative of the government, except those written and contained in this agreement.

SO SUBMITTED,



Christian Hur
Captain
U.S. Marine Corps
Defense Counsel

10/1/22
Date



Pietro P. Scarselli
Major
U.S. Marine Corps
Accused

10/1/22
Date



with permission

Haytham Faraj
Civilian Defense Counsel

The foregoing agreement is approved.

Convening Authority: _____ Date: _____