

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.

Carlos Rowe

Major, USMC

GENERAL COURT-MARTIAL

MEMORANDUM

OF

PRETRIAL AGREEMENT

I, Maj Rowe, 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 Commanding General's non-judicial punishment (NJP) for the charges and specifications listed below, PROVIDED the Convening Authority agrees to withdraw all charges and specifications against me from the pending General Court Martial and dismiss them with prejudice.

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 in this court-martial.

3. I understand that the jurisdictional limits on punishment at Commanding General's NJP are as follows: forfeiture of one-half of one month's pay for 2 months and arrest in quarters for 30 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 withdraw the charges from NJP and again refer them 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 in all respects.

7. I accept NJP for the following charges:

In that Major Carlos Rowe, U.S. Marine Corps, was, at or near Kansas City, Missouri, on or about 7 November 2009, in a public place, to wit: the Marine Corps Ball, drunk while in uniform, to the disgrace of the armed forces.

8. 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 all parties sign this agreement and before the date of the NJP is held, will be grounds for withdrawal from this agreement by the General or Special Court Martial Convening Authority.

9. I understand and agree that, in return for my accepting NJP, the Convening Authority will withdraw all of the charges and specifications I am currently facing from the court martial.

10. After the announcement of the punishment by the non-judicial punishment officer, the withdrawn charges and specifications will be dismissed by the Convening Authority with prejudice and the General Court Martial Convening Authority will recommend that I not be separated from the U.S. Marine Corps. The General Court Martial Convening Authority will also recommend that I not be required to show cause for my retention before a board of inquiry. I recognize that despite the General Court Martial Convening Authority

recommending my retention in the U.S. Marine Corps and the General Court Martial Convening Authority's recommendation that I not show cause before a board of inquiry; I may nonetheless be required by a higher authority superior to the General Court Martial Convening Authority to show cause before a board of inquiry, which may ultimately recommend I be separated despite the General Court Martial Convening Authority's recommendation for my retention until retirement.

11. There are no other agreements, oral or written, express or implied, between myself and the General and Special Court Martial Convening Authority, or any other representative of the government, except those written and contained in this agreement.

Date: 16 September 2010

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Christian Hur  
Captain  
U.S. Marine Corps  
Detailed Defense Counsel

*C. O. Rowe*  
\_\_\_\_\_  
Carlos Rowe  
Major  
U.S. Marine Corps  
Accused

\_\_\_\_\_  
Haytham Faraj, Esq.  
Civilian Defense Counsel

\_\_\_\_\_ Date: \_\_\_\_\_  
M. J. Bonnot  
Colonel  
U.S. Marine Corps  
Special Court Martial Convening Authority

The foregoing agreement is approved.

General Court Martial Convening Authority:

\_\_\_\_\_ Date: \_\_\_\_\_  
Ronald L. Bailey  
Major General  
U.S. Marine Corps  
Commanding General