



UNITED STATES MARINE CORPS

OFFICE OF THE STAFF JUDGE ADVOCATE
MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION
3700 CHOSIN AVENUE
SAN DIEGO, CALIFORNIA 92140-5001

IN REPLY REFER TO:
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2 SEP 10

From: Captain J. W. Torresala, USMC, Senior Trial Counsel
To: Captain C. P. Hur, USMC, Detailed Defense Counsel
Via: (1) Military Justice Officer, MCRD San Diego
(2) Investigating Officer

Subj: GOVERNMENT RESPONSE TO 1ST DEFENSE REQUEST FOR DISCOVERY
AND WITNESSES IN THE CASE OF UNITED STATES v. MAJOR
CARLOS ROWE, USMC

Ref: (a) R.C.M. 405(g) (1) (B), MCM (2008 ed.)
(b) R.C.M. 405(g) (1) (A), MCM (2008 ed.)

1. Pursuant to references (a) and (b), the Government will comply with the direction of the Investigating Officer with regards to production of evidence and witnesses that are deemed relevant and reasonably available.

2. With regards to witnesses, it is the Government's position that those located beyond the situs of the hearing (Maj Craig Grant, Maj Edwin Norris, and Capt Brian Trievel) are not reasonable available and telephonic testimony should be permitted (if they are determined to be relevant).

/s/
J. W. TORRESALA
Capt, USMC
Senior Trial Counsel

CERTIFICATE OF SERVICE

A true copy of this response was served upon the Defense on this date: 2 September 2010.

/s/
J. W. TORRESALA
Capt, USMC
Senior Trial Counsel