



UNITED STATES MARINE CORPS

MARINE CORPS AIR STATION  
BOX 99100  
YUMA, ARIZONA 85369-9100

StaO 5830.1C  
3CA  
07 APR 2011

STATION ORDER 5830.1C

From: Commanding Officer  
To: Distribution List

Subj: PRETRIAL CONFINEMENT FACILITY OPERATIONS

Ref: (a) SECNAVINST 1640.9C  
(b) MARADMIN 539-00  
(c) MCM, 2008, R.C.M. 305  
(d) MCM, 2008, R.C.M. 304  
(e) JAGINST 5800.7E

Encl: (1) Confinement Order, Example (Pre-Trial Confinement)  
(2) Required Items for Confinement of Post and Pretrial  
Male Service Members  
(3) Pretrial Confinement Letter, Example  
(4) Initial Reviewing Officer's Hearing Guide  
(5) Statement of Understanding for IRO  
(6) Initial Review Officer's Findings and Orders  
(7) Initial Review Officer's Release Order  
(8) Petition for Rehearing  
(9) Order Concerning Petition for Rehearing  
(10) Escort Chaser Card  
(11) DD Form 2708 Receipt for Prisoner or Detained Person  
(12) Confinement Order, Example (Summary Court-Martial)  
(13) Results of Trial Summary Court-Martial  
(14) Confinement Order, Example (Special and General)  
(15) Results of Trial, Example (Special and General)  
(16) Confinement Order, Example (Vacated Suspension)  
(17) Report of Proceedings to Vacate Suspension of a  
General or Special Court-Martial Including a Bad  
Conduct Discharge under Article 72, USMJ, and R.C.M.  
1109, DD Form 455.  
(18) Request for Deferment of Confinement, Example  
(19) Inmate's Release Order  
(20) DD Form 2704 Victim/Witness Certification and  
Election Concerning Inmate Status

1. Situation. To promulgate Pretrial Confinement Facility Operations, per the references.

2. Cancellation. StaO 5830.1B.

3. Mission. In accordance with reference (a) Pretrial Confinement Facilities may be established in areas where: there is a need for pretrial and very short post-trial confinement; an average number of detainees/prisoners does not justify more than 20 confinement spaces; and the full range of correctional programs provided by confinement facilities is not required. These facilities, when designated by the Secretary of the Navy as a naval place of confinement, may be used for extended pretrial confinement and, as a matter of necessity in some cases, post-trial confinement up to 30 days. Per references (a) and (b) the Marine Corps Air Station (MCAS) Yuma Confinement Facility is designated as a Pretrial Confinement Facility.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. Reference (a) states, "It is the policy of the Secretary of the Navy that treatment of persons in naval confinement will be uniform and in full accordance with the provisions of the Uniform Code of Military Justice and that the purpose of all confinement is the corrections of those confined." This policy will be strictly adhered to in the MCAS Yuma Pretrial Confinement Facility. This order is the basic directive of the operations of the MCAS Pretrial Confinement Facility and amplifies those instructions contained in reference (a) and other pertinent directives.

(2) Concept of Operations. Discipline is to be administered on a corrective rather than a punitive basis, and naval confinement facilities are to be administered on a uniform basis. It is desirable for persons under sentence of courts-martial or other military tribunals to be accorded uniform treatment in furtherance of equality within the Department of the Navy and in justice to the individuals concerned.

(a) Definitions

1. Arrest. Arrest is the restraint of a person by oral or written order not imposed as punishment, directing the person to remain within specified limits; a person in the status of arrest may not be required to perform full military

duties such as commanding or supervising personnel, serving as guard, or bearing arms. The status of arrest automatically ends when the arrestee is placed by competent authority on duty inconsistent with the status of arrest, but this shall not prevent requiring the person arrested to do ordinary cleaning or policing, or to take part in routine training and duties.

2. Confinement. Pretrial Confinement is the physical restraint imposed by competent authority, depriving a person of freedom pending disposition of offenses.

3. Commander. This term includes the immediate or higher commander of the prisoner and the commander of the installation on which the confinement facility is located.

4. Initial Review Officer (IRO). A neutral and detached officer in the grade of Major or higher. The IRO reviews the adequacy of probable cause to believe the prisoner has committed an offense and the necessity for continued pretrial confinement.

5. Detainees. A detainee is a person who has been legally ordered into confinement and is awaiting trial or rehearing, or is being held for questioning pursuant to an order by competent authority. This includes those persons who are pending vacation of a suspended sentence which includes confinement.

6. Prisoners. Persons adjudicated by a court-martial or military tribunal/military commission and ordered into confinement are prisoners whether or not the sentence has been ordered into execution.

7. Pretrial Restraint. Pretrial restraint is the moral or physical restraint on a person's liberty, which is imposed before and during disposition of charges. Pretrial restraint may consist of arrest, restriction in lieu of arrest, or confinement.

8. Pretrial Confinement Facility. A facility used for the confinement of pretrial detainees and post-trial prisoners who have 30 days or less confinement remaining to their adjusted release date upon convening authority action.

(b) Subordinate Elements Missions. The Commanding Officer (CO), MCAS Yuma is responsible for the establishment of the Confinement Facility. The Pretrial Confinement Facility

Officer in Charge (OIC) shall be appointed, in writing by the CO and shall be responsible directly to the CO for all matters pertaining to the facilities operation. The appointment order shall delineate the extent of delegation of administrative disciplinary authority, if any. The OIC shall operate the facility in full accordance with the requirements of the references, and is responsible for the training and supervision of all staff members assigned to the Pretrial Confinement Facility. The Pretrial Confinement Facility OIC will publish a Standard Operating Procedure to include special orders for staff personnel, emergency bills and a Victim/Witness Notification Program.

(c) Coordinating Instructions

1. Place of Confinement. The Pretrial Confinement Facility has been designated as a place of confinement, per the provisions of reference (a), article 1103.1, for personnel sentenced to confinement of 30 days or less. The maximum population of the Pretrial Confinement Facility is established by the Commandant of the Marine Corps.

2. Requirements for Pretrial Confinement. Any commissioned officer may order pretrial confinement of an enlisted person. An officer may be confined only by order of his or her CO. The commander of the person ordered into confinement shall direct the prisoner's release from pretrial confinement no later than 48 hours after confinement is ordered unless the commander believes, upon probable cause, that:

- a. An offense triable by a court-martial has been committed;
- b. The prisoner committed it;
- c. Less severe forms of pretrial restraint are inadequate; and
- d. Confinement is necessary because it is foreseeable that:
  - (1) The prisoner will not appear at trial, pretrial hearing, or investigation, or
  - (2) The prisoner will engage in serious criminal misconduct.

### 3. Pretrial Confinement

a. When a service member is placed in pretrial confinement, enclosure (1) will be used. Male Marines will have the required items per enclosure (2) with them upon confinement. No later than 48 hours after receipt of a report that a member of the commander's unit or organization has been confined, the commander shall decide whether pretrial confinement will continue. If the commander approves continued pretrial confinement, the commander shall prepare a written letter in accordance with enclosure (3) that states the reason for continued confinement. This letter, which is required for the IRO's hearing, will be submitted to the Joint Law Center. This letter should be submitted as soon as possible but no more than 72 hours after an individual has been ordered to confinement.

b. The Joint Law Center and the IRO will coordinate and schedule the date and time for the review of pretrial confinement. This review shall be made within 7 days of the imposition of pretrial confinement, ideally, as soon as possible after receipt of the 72 hour memorandum, but in no case later than 10 days. The Pretrial Confinement Facility Supervisor is required to ensure that the Joint Law Center is aware of the confinement and ensure that an IRO hearing has been scheduled. The IRO shall use enclosure (4) in conducting the hearing. After consulting a defense counsel, the detainee may choose to waive the hearing and accept the probable cause determination previously made by his CO. No hearing is then necessary. The IRO will examine the CO's probable cause determination letter (72 hour memorandum). If the IRO determines the letter contains the necessary requirements to continue pretrial confinement, a finding of continued pretrial confinement shall be made using page three of enclosure (6).

c. Promptly after the conclusion of the IRO hearing, the IRO shall determine whether the detainee should remain in pretrial confinement. The results of the hearing shall be recorded in summary, utilizing enclosure (6). If the decision is to continue confinement, it shall be in writing on page three of enclosure (6).

d. If it is determined that the detainee should be released from confinement because of either a decision made at the hearing, or if the hearing was waived, or that the 72 hour memorandum did not contain the necessary requirements to continue pretrial confinement, the IRO will so notify the

prisoner's commander, using page three of enclosures (6) and (7), and shall direct the Pretrial Confinement Facility OIC to release the detainee to the command. The commander may thereafter impose any authorized form of pretrial restraint, other than confinement, deemed necessary. Once released by the IRO, the service member may be re-confined only upon discovery, after the release order, of evidence of misconduct that either alone or in conjunction with all other available evidence, justifies confinement. The service member may not be re-confined on the same charges unless additional evidence and additional charges are discovered. The case will then be reviewed in the same manner with a new hearing.

e. If release from pretrial confinement is denied, the detainee may later petition the IRO in writing in the format set forth in enclosure (8), for new consideration of the case. In no event does a detainee have the right to a rehearing. Such petitions must be based on new circumstances that have arisen since the initial determination was made or on any new information as to whether the confinement should continue. A new hearing may be granted at the discretion of the IRO. If granted, the detainee shall be present. The IRO shall continue to maintain a record of the decision and the reasons therefore using enclosure (9), and shall append thereto all documentary evidence subsequently submitted.

f. The Pretrial Confinement Facility shall maintain copies of enclosures (4) through (9) in each case for their own records until completion of the appellate review per reference (e). These enclosures will be maintained in the detainee file, scanned and uploaded into the Correctional Management Information Systems.

#### 4. Confinement Information

a. The Pretrial Confinement Facility is not a Correctional Custody facility and will not accept article 15 correctional custody confinees.

b. Guidance concerning prisoner programs and regulations for prisoner conduct are contained in the Prisoner Rules and Regulations of the Pretrial Confinement Facility Standard Operating Procedures.

c. Once confined, prisoner custody and control, supervision, work assignment and custody classification of the prisoner are the purview of the Pretrial Confinement

Facility OIC. Administrative matters, such as pay and legal matters are still the responsibility of the confining command.

d. Once a week each prisoner must be visited by an officer or staff non-commissioned officer (SNCO) from their command to ascertain the prisoner's state of health, legal or personal needs. The scheduled time for this visit is 0730 to 1630 each Thursday. Prisoners are listed on the Weekly Prisoner Status Report, which is delivered to each CO who has personnel confined.

e. It is the command's responsibility to ensure that its prisoner appear in the proper uniform for courts-martial or other legal proceedings. The command will inform the Pretrial Confinement Facility of any appointment or court-martial 24 hours in advance.

f. The confining command must provide prisoner escorts anytime the prisoner is required to be temporarily released from the Pretrial Confinement Facility. Each escort must have a valid chaser card (enclosure (10)), a duty belt for each, and a DD Form 2708 (enclosure (11)) provided by the Pretrial Confinement Facility. Qualified escorts are not required for the permanent release of a prisoner; however a SNCO or officer is required for a permanent release of a prisoner.

g. All service members must attend a chaser class instructed by the staff of Pretrial Confinement Facility MCAS Yuma in order to be a qualified chaser.

h. Prisoners will be released during normal working hours. Prisoners will not be held in confinement beyond their release dates, as defined in reference (a), paragraph 7304.5d, to complete administrative disciplinary punishments, to await transportation, to complete forfeiture of pay or because of any indebtedness to the government.

## 5. Guidelines for Confining Prisoners

a. When a service member has been confined as a result of a Summary Court-Martial, enclosure (12) will be used. Enclosures (13) and (20), and if applicable, the Convening Authority's (CA's) Action must be provided. The required uniform and health and comfort items listed in enclosure (2) must accompany the service member.

b. When a service member has been confined as a result of a Special Court-Martial or a General Court-Martial, enclosure (14) will be used. Enclosures (15) and (20), a copy of the original Charge Sheet, and if applicable, any Pretrial Agreement Part 1 and Part 2 or CA's Action.

c. If the service member was already in pretrial confinement on the date of his courts-martial and receives confinement as a punishment, a new confinement is not required.

d. When a service member has been confined as the result of a vacated suspension, enclosure (16) will be submitted with all uniform and health and comfort items. Within seven days of confinement pages one through four of enclosure (17) will be completed and submitted to the Pretrial Confinement Facility. In addition the following may be required as well (call the Pretrial Confinement Facility Supervisor at 269-2881 to verify if they will be required); Results of Trial, Pretrial Agreement Part 1 and Part 2, and CA's action if applicable.

e. Any time confinement is deferred, a copy of enclosure (18) is required.

f. When completing the Confinement Order, the offense and charge must be listed in block 4. The charges should include the dates, times, and any information pertinent to the charges. In the case of an adjudged or sentenced prisoner, only the charges and specifications they were convicted of will be listed.

g. Authorized signatures for pretrial confinement of enlisted service members are as follows; any commissioned officer, Officer of the Day (OOD), or SNCO who is assigned as the OOD. It is preferred that the service member's CO signs the confinement order but is not required.

h. Authorized signatures for pretrial confinement of an officer are reserved only for that officer's CO.

i. Authorized signatures for post-trial confinement of an enlisted service member or an officer are as follows; the Trial Counsel or the Commanding Officer.

j. Before accepting a service member for confinement, he shall be examined by qualified medical personnel

to determine fitness for confinement. This determination will be a physical examination by a medical officer. The medical officer will complete and endorse block 9 of all confinement orders, enclosures (1, 12, 14, and 16). If a medical officer is not available at the time of confinement, the physical examination may be conducted by paramedical personnel, followed by a medical officer's examination, within 24 hours of the time confinement was directed. The results of the service member's last Human Immune Virus test must be annotated on the Confinement Order in block 9 and must have been within the past 12 months. Service members under the influence of alcohol, illegal drugs, or psychologically unfit, as determined by the medical officer, shall not be confined. Service members considered suicidal shall not be confined; however, upon a medical officer's determination that the service member is not suicidal but may have suicidal ideations or suicidal tendencies, the service member may be confined and placed on Prevention of Injury classification, provided the medical officer finds the service member otherwise fit for confinement.

k. Officers may be confined at the MCAS Yuma Pretrial Confinement Facility. In accordance with reference (a), it is preferred that when deemed necessary, officers be placed under arrest in quarters or another suitable place apart from the Confinement Facility for pretrial confinement. Officers that are confined as a result of a Court-Martial do have the right to request to be transferred to the United States Disciplinary Barracks.

l. Females will not be confined at the MCAS Yuma Pretrial Confinement Facility. Female service members that need to be confined will be confined at Naval Consolidated Brig Miramar, California.

(1) Once a female service member has been sentenced to confinement or when the need for pretrial confinement arises it is the individual command's responsibility to contact the Naval Consolidated Brig Miramar, California to coordinate the confinement of a female. The point of contact at the Naval Consolidated Brig Miramar is the Command Duty Officer at DSN 267-7053 or the Administration Office at DSN 267-7001.

(2) The confining command will provide chaser escorts and transportation for confinement and release. At least one of the escorts will be a female.

(3) All of the applicable paperwork specified in 4a(2)(c)a through f must accompany the service member and in addition, a pregnancy test must be given during the confinement physical and included in block 9 of the confinement order. The results of the test must accompany the service member.

(4) All procedures for female pretrial prisoners will be in accordance with procedures set forth by the Naval Consolidated Brig Miramar.

#### 6. Releases

a. A temporary release may be authorized for reasons of necessity only (i.e., request mast, medical, dental, haircuts, legal appointments, legal hearings, etc.). Enclosure (11), will be provided by the Pretrial Confinement Facility.

b. Enclosure (19), will be utilized when confinement is terminated. The Prisoner Release Order will be completed by the Pretrial Confinement Facility and signed by the Pretrial Confinement Facility OIC or Pretrial Confinement Facility Officer, when designated.

7. Transportation of Detainees/Prisoners. The confining unit will provide transportation and chaser escorts to and from all appointments. Prisoners sentenced to more than thirty days of confinement, will be transferred to Naval Consolidated Brig Miramar, California or Naval Consolidated Brig Charleston, South Carolina. The Pretrial Confinement Facility will coordinate with Headquarters Marine Corps Law Enforcement and Corrections to arrange the transfers. Marine Corps Absentee Collection Unit will provide transportation and escorts for all prisoners being transferred.

#### 8. Custody and Classifications and Billeting

a. Initial custody classification to incoming prisoners will be Medium-In custody, unless specific reasons exist for Maximum custody.

b. Custody re-classifications are determined by the Pretrial Confinement Supervisor, Officer and OIC only, and may be changed where sufficient cause exist at their discretion.

c. All initial confinements will be billeted in either a squad bay or a segregation cell dependent upon their custody and the facilities current occupancy. Segregation cells are used for prisoners presenting the greatest threat to themselves, others, or an escape risks. Segregation cells are designated as single occupancy only.

9. Working Parties Outside the Pretrial Confinement Facility. Medium-Out custody prisoners will be the only prisoners utilized for working parties outside the Pretrial Confinement Facility, and will not be required to wear restraints.

10. Victim/Witness Program. The Pretrial Confinement Facility, in coordination with the Joint Law Center, shall establish a Victim/Witness Program. All requests for information shall be addressed to the Joint Law Center at MCAS Yuma, who will coordinate liaison with the Pretrial Confinement Facility Victim/Witness coordinator.

5. Administration and Logistics. Contact the MCAS Yuma, Provost Marshal's Office for information about the contents of this order.

6. Command and Signal

a. Command. This order pertains to all military personnel aboard MCAS Yuma.

b. Signal. This order is effective as of the date signed.

  
M. A. WERTH

DISTRIBUTION: B

CONFINEMENT ORDER				
1. PERSON TO BE CONFINED			2. DATE (YYYYMMDD)	
a. NAME (Last, First, Middle) DOE, JOHN JACOB		b. SSN 123-45-6789	20110224	
c. BRANCH OF SERVICE USMC	d. GRADE PFC/E-2	e. MILITARY ORGANIZATION (From): H&HS, MCAS YUMA, AZ		
TYPE OF CONFINEMENT				
3.a. PRE-TRIAL <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES		b. RESULT OF NJP <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		
c. RESULT OF COURT MARTIAL: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES				
TYPE: <input type="checkbox"/> SCM <input type="checkbox"/> SPCM <input type="checkbox"/> GCM <input type="checkbox"/> VACATED SUSPENSION				
d. DNA PROCESSING <input type="checkbox"/> IS <input type="checkbox"/> IS NOT REQUIRED UNDER 10 U.S.C. 1565.				
4. OFFENSES/CHARGES OF UCMJ ARTICLES VIOLATED: ART 86 UNAUTHORIZED ABSENCE FROM 1630/20110201 TO 0915/20110224 ART 92 DISOBEYING A LWAFUL ORDER FROM SGTMAJ JONES				
5. SENTENCE ADJUDGED:			b. ADJUDGED DATE (YYYYMMDD):	
6. IF THE SENTENCE IS DEFERRED, THE DATE DEFERMENT IS TERMINATED:				
7. PERSON DIRECTING CONFINEMENT				
a. TYPED NAME, GRADE AND TITLE: B. A. MARINE, LTCOL, CO		b. SIGNATURE	c. DATE (YYYYMMDD) 20110224	d. TIME 13:00
8.a. NAME, GRADE, TITLE OF LEGAL REVIEW AND APPROVAL		b. SIGNATURE:		c. DATE (YYYYMMDD)
MEDICAL CERTIFICATE				
9a. The above named inmate was examined by me at <u>13:30</u> on <u>20110224</u> and found to be <input checked="" type="checkbox"/> Fit <input type="checkbox"/> Unfit (Time) (YYYYMMDD) for confinement. I certify that from this examination the execution of the foregoing sentence to confinement <input type="checkbox"/> will <input checked="" type="checkbox"/> will not produce serious injury to the inmate's health.				
b. The following irregularities were noted during the examination (If none, so state):				
c. HIV Test administered on (YYYYMMDD): _____				
d. Pregnancy test administered on (YYYYMMDD): _____ <input type="checkbox"/> N/A				
10. EXAMINER				
a. TYPED NAME, GRADE AND TITLE: I. M. DOCTOR, LT MC USN (MO)		b. SIGNATURE	c. DATE (YYYYMMDD) 20110224	d. TIME 13:30
RECEIPT FOR INMATE				
11.a. THE INMATE NAMED ABOVE HAS BEEN RECEIVED FOR CONFINEMENT AT: _____ (Facility Name and Location)				
ON _____ AND TIME: _____ (YYYYMMDD) (Time)				
b. PERSON RECEIPTING FOR INMATE TYPED NAME, GRADE AND TITLE:		c. SIGNATURE:	d. DATE (YYYYMMDD)	e. TIME

REQUIRED ITEMS FOR CONFINEMENT OF POST  
AND PRETRIAL MALE SERVICE MEMBERS

1. The below listed clothing and health and comfort items are required to be with service members upon confinement at the MCAS Yuma, Pretrial Confinement Facility. During normal working hours, all applicable items are required. If a confinement occurs after normal working hours, the parent command is responsible for getting required items to the confined male service member the next working day. Unserviceable items will not be accepted.

2. If a service member does not have the prescribed uniforms, a NAVMC 604 Form will be filled out for any missing gear. If a service member is in a non-pay status a NAVMC 604 Form must be prepared for issue of clothing as 0 + MMC funded issue. A DD 504 Form will be used to request health and comfort supplies when the service member is in a pay status.

INDIVIDUAL CLOTHING

Boots (No Steel Toes)	2
Boot Bands	2
White Underwear/boxers	6
Green Undershirts (No Logos)	10
Boot Socks (green, black)	8
White Socks	3
Running Shoes	1
Service Sweats/Running Suit	1

OPTIONAL ITEMS

Face Wash	
Chap Stick	
Books/Periodicals (soft cover only)	
Foot Powder	
Dental Floss	
Pens/Pencils	
Religious Object	
Photographs	
Writing Tablet	
Q-Tips	
Wedding Band	

HEALTH AND COMFORT

Toothbrush	1
Toothpaste	1
Toothbrush Holder	1
Soap (Bar Soap Only)	4
White/Brown Towel	2
White/Brown Facecloth	2
Disposable Razors	4
Shower Shoes	1
Shave Cream	1
Laundry Bag	1
Laundry Detergent	1
Deodorant (sticks only)	2
Soap Dish	1
Nail Clippers	1
Marker	1
Comb	1
Shampoo	1

Medical and Dental Records are required if available.

NORMAL WORKING HOURS (MON-FRI 0730-1630)

ENCLOSURE (2)



## UNITED STATES MARINE CORPS

MARINE WING SUPPORT SQUADRON 371  
MARINE WING SUPPORT GROUP 37  
3D MARINE AIRCRAFT WING, MARFORPAC  
BOX 99210  
MCAS YUMA, AZ 85369-9210

IN REPLY REFER TO  
5800  
CO  
24 FEB 2011

From: Commanding Officer  
To: Initial Review Officer, MCAS Yuma Joint Law Center  
Subj: PRETRIAL CONFINEMENT IN THE CASE OF PRIVATE FIRST CLASS JOHN J. DOE  
XXX XX 6789/0311 USMC  
Ref: (a) R.C.M. 305, MCM (series)  
Encl: (1) Confinement Order of 21 February 2011  
(2) RLS dtd xx Feb 2011  
(3) Report of Offense  
(4) Witness statements  
(5) Unit Punishment Book  
(6) Derogatory Counseling's

1. In accordance with reference (a), the following information is provided for the purpose of conducting a hearing into the pretrial confinement of Private First Class John J. Doe xxx xx 6789/1391 USMC.

a. **Date and Place of Pretrial Confinement:**

21 February 2011 at MCAS Yuma Pretrial Confinement Facility

b. **Offenses Charged:**

(1) Article 86 - Unauthorized Absence, in that Private First Class John J. Doe, Marine Wing Support Squadron 371 (MWSS-371) did, on or about 18 February 2011, without authority, absent himself from his appointed place of duty.

(2) Article XX -

(3) Article XX -

c. **General Circumstances:**

1. This Marine is being charged with Article 86 - Unauthorized Absence, Article XX - .

2. **Previous Disciplinary Action:** Summarize any previous actions.

3. **Extenuating or Mitigating Circumstances:** Summarize any of these circumstances.

Enclosure (3)

Subj: PRETRIAL CONFINEMENT IN THE CASE OF PRIVATE FIRST CLASS JOHN J. DOE  
XXX XX 6789/0311 USMC

4. **Recommended Continued Pretrial Confinement:** Continued pretrial confinement in this case is appropriate pursuant to the references because I have probable cause to believe that:

- a. Summary of probable cause.
- b. Private First Class John J. Doe was the perpetrator of this offense.
- c. Confinement is necessary because it is foreseeable that:
  - (1) List of reasons

5. Commanding Officer Statement: Any additional comments from the Commanding Officer.

L. B. PULLER  
LtCOL USMC

**IRO HEARING GUIDE****ICO****XXX XX****/****USMC**

Detainee Rank/Name/Last 4 of Social

**IRO:** My name is Lieutenant Colonel Workman, and this hearing is being conducted to determine whether you should be continued in or released from Pretrial confinement. You were placed into Pretrial confinement at \_\_\_\_\_ on \_\_\_\_\_ 2009 by your Commanding Officer. Is that correct?

**DETAINEE:** Yes, Sir/Ma'am

**IRO:** Are you in fact \_\_\_\_\_ **XXX XX** / **USMC?**  
(detainee Rank/Name/Last 4 of Social)

**DETAINEE:** Yes, Sir/Ma'am

**IRO:** Are you currently on active duty in the military service?

**DETAINEE:** Yes, Sir/Ma'am

Note: If detainee indicates "no sir" – have detainee consult with defense counsel. If answer is still "no" – call hearing to a recess and contact Base SJA at 269-3484.

**IRO:** Have you received a letter from your Commanding Officer telling you why you were placed in Pretrial confinement?

**DETAINEE:** Yes, Sir/Ma'am

**IRO:** Have you read and signed your Statement of Understanding?

**DETAINEE:** Yes, Sir/Ma'am

**IRO:** I want to re-advise you of your right to remain silent. Anything you say, can, and will be held against you at this Hearing and at your Courts-Martial. I also want to re-advise you of your right to counsel. If you choose to speak, you may stop at anytime without prejudice. I understand that for the purpose of this hearing, you have elected to retain Captain Williams as your Defense Counsel. Is that correct?

**DETAINEE:** Yes, Sir/Ma'am

**IRO:** (*Direct to Defense Counsel*) Do you wish to read him the rest of his rights?

**DEFENSE:** No, we waive. (*If yes read rights from Statement of Understanding*)

**IRO: (Direct to Detainee)** Very well. I have read the letter from your Commanding Officer telling me why he believes that you should continue Pretrial confinement, and now I am going to ask your unit representatives to elaborate.

**IRO: (Direct to the Unit representatives)** You may now state your case.

**IRO: (Direct to Defense Counsel)** You may now state your case.

**IRO: (Direct to the Unit representatives)** Does the unit have anything additional to add?

**IRO: (Direct to Defense Counsel)** Does the Defense have anything additional to add?

**IRO: (Direct to Detainee and Defense Counsel)** Very well. Having considered the facts and evidence presented at this hearing, I find the following (initial next to each that applies):

(1) An offense triable by a Special or General Courts-Martial has been committed, \_\_\_\_\_

**and**

(2) That the detainee committed it \_\_\_\_\_.

*(continue only if you are going to determine that continued pretrial confinement is necessary)*

(3) That Pretrial confinement is necessary because it is foreseeable that:

(a) the detainee will not appear at his trial, \_\_\_\_\_

**and/or**

(b) the detainee will engage in serious criminal misconduct, \_\_\_\_\_

**and**

(4) Less severe forms of restraint (restriction) are inadequate. \_\_\_\_\_

Note: must initial 3(a) or (b) and (4) in all cases where continued pretrial confinement is warranted.

(5) That the Detainee shall **CONTINUE** Pretrial confinement.

**OR**

(5) That the Detainee shall be **RELEASED FROM** Pretrial confinement.

**IRO: (Direct to Detainee):** You are dismissed

**END OF HEARING**

Date: \_\_\_\_\_

LtCol M. Workman, USMC  
Base Magistrate  
MCAS, Yuma, Arizona

STATEMENT OF UNDERSTANDING

- a. I have been informed as to the nature of the offenses for which I have been placed in pre-trial confinement. I have received and read the letter from my Commanding Officer in regard to the charges. \_\_\_\_\_
- b. I understand that I have the right to remain silent and that any statements made by me can be used against me at the Magistrate's Hearing and/or at my Courts-martial. \_\_\_\_\_
- c. I have the right to terminate any statement I decide to make at any time. \_\_\_\_\_
- d. I have the right to present to the IRO relevant documents and may make a written or oral statement and/or have my defense counsel make a statement on my behalf. \_\_\_\_\_
- e. I understand that the IRO must conduct a pre-trial confinement hearing within seven days of my initial confinement and make a decision to either order me to be released from or continued in pre-trial confinement. \_\_\_\_\_
- f. I understand the procedures that will be used by the IRO to review my pre-trial confinement as ordered by my command. \_\_\_\_\_
- g. I understand that I have the right to a military defense counsel appointed to represent me at the IRO hearing free of charge or have a civilian counsel represent me at no expense to the government. \_\_\_\_\_
1. I (do) (do not) desire that military counsel be assigned to represent me at the initial review and I understand that he/she will be assigned only for this limited purpose of the IRO hearing. \_\_\_\_\_
  2. I (do) (do not) desire to retain civilian counsel at my own expense. \_\_\_\_\_
  3. I request a delay of my IRO Hearing, not to exceed seven days, in order to retain civilian counsel. \_\_\_\_\_

---

 WITNESS

---

 DETAINEE SIGNATURE

---

 DATE

INITIAL REVIEW OFFICER  
BASE BRIG  
MCAS, YUMA, ARIZONA

INITIAL REVIEW OFFICER'S FINDINGS AND ORDER

UNITED STATES  
VS

NAME: \_\_\_\_\_  
RANK: \_\_\_\_\_  
SSN: \_\_\_\_\_  
UNIT: \_\_\_\_\_

BACKGROUND INFORMATION

Date and time detainee ordered to confinement: \_\_\_\_\_  
Date CO notified detainee of confinement: \_\_\_\_\_  
Date CO's Confinement Order/Letter received by IRO: \_\_\_\_\_  
Offense(s) alleged: UCMJ Article(s): \_\_\_\_\_

Personnel in attendance at the Initial Review Hearing (See below):

INITIAL REVIEW OFFICER: \_\_\_\_\_

DUTY DEFENSE COUNCIL: \_\_\_\_\_

UNIT REPRESENTATIVE(S): \_\_\_\_\_

HEARING SUMMARY

1. The detainee:

- a. Was advised of his rights, including Art. 31 UCMJ.  
(Statement of Understanding)     YES     NO
- b. Was shown or read CO's letter to IRO.     YES     NO
- c. Was represented by council.     YES     NO
- d. Personally appeared before IRO.     YES     NO
- e. Waived personal appearance before IRO.     YES     NO

Enclosure (6)

The unit, via the Commander's memoranda and/or unit representative(s) presented the following reason(s) and supporting evidence for continued confinement:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

3. The detainee made a statement supporting release:  YES  NO

If yes, summary of statement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The defense counsel presented the following reason/rationale for the detainee's release: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. The following other information/document(s) was presented or considered: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Having considered the CO's Letter, the facts/evidence presented by the unit representative(s), the detainee testimony (as appropriate), the testimony of the detainee's defense counsel, other relevant testimony and documentary evidence:

- \_\_\_ I (do) (do not) find good cause to extend the time limit on Initial Review.
- \_\_\_ I (do) (do not) find probable cause to believe an offense triable by courts-martial has been committed.
- \_\_\_ I (do) (do not) find it probable cause to believe that the detainee committed it.
- \_\_\_ I find that less severe forms of restraint (have) (have not) been considered.
- \_\_\_ I find that less severe forms of restraint are (adequate) (inadequate).
- \_\_\_ I find that it is reasonably foreseeable that if released, the detainee (will) (will not) appear at trial, a pre-trial hearing or applicable investigations.
- \_\_\_ I find that it is reasonably foreseeable that if released, the detainee (will) (will not) engage in further serious criminal misconduct.
- \_\_\_ I find that it is reasonably foreseeable that if released, the detainee (will) (will not) commit other offenses punishable under the UCMJ which pose a serious threat to safety, moral, discipline or readiness of his Command, or to the U.S. Armed Forces.
- \_\_\_ I find alternate action (is) (is not) appropriate.

ORDER

Accordingly, the detainee shall be (Continued in) (Released from) pre-trial confinement.

Executed at MCAS, Yuma, AZ on \_\_\_\_\_.

---

INITIAL REVIEW OFFICER

INITIAL REVIEW OFFICER'S RELEASE ORDER

20110228  
DATE

IN REFERENCE TO: JOHN J. DOE XXX XX 6789/0311 USMC

On the above date, a hearing was held pursuant to the requirements of MCM, R.C.M. 305. On the basis of the evidence then coming before the Initial Review Officer (IRO), it is determined that continued pretrial confinement is not appropriate. The service member is entitled to release from pretrial confinement.

Comments:

---

Initial Review Officer

Copy to:  
Orig: CO  
SNM  
IRO  
Joint Law Center  
SNCOIC Detention Facility

ENCLOSURE (7)

PETITION FOR REHEARING

20110228  
DATE

IN THE MATTER OF: JOHN J. DOE XXX XX 6789/0311 USMC

The petitioner requests that a rehearing be conducted for a new consideration of findings in this matter on the grounds of:

The Commanding Officer and Director, Law Center have been notified.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Copy to:  
Orig: CO  
SNM  
IRO  
Joint Law Center  
SNCOIC Detention Facility

ENCLOSURE (8)

ORDER CONCERNING PETITION FOR REHEARING

20110228  
DATE

IN THE MATTER OF: JOHN J. DOE XXX XX 6789/0311 USMC

Upon the petition of John J. Doe for a new consideration of my findings in this matter on \_\_\_\_\_, based on the following new information:

The petition for a rehearing is denied. A rehearing for a new consideration of my findings will take place at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_.

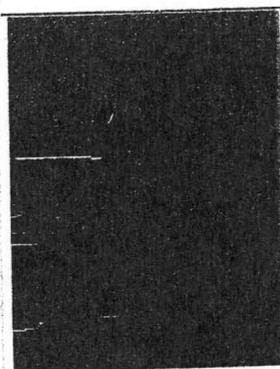
\_\_\_\_\_  
Initial Review Officer

Copy to:  
Orig: CO  
SNM  
IRO  
Joint Law Center  
SNCOIC Detention Facility

ENCLOSURE (9)

ESCORT CHASER CARD

MCAS Yuma



BIRTH: 1987NOV17  
HEIGHT: 6-00  
WEIGHT: 175  
EYES: BLU  
HAIR: BRN  
VEHICLE:  
PLATE:  
ID NUMBER:  
**160120733**  
Type: ActiveDuty  
Agency: USMC

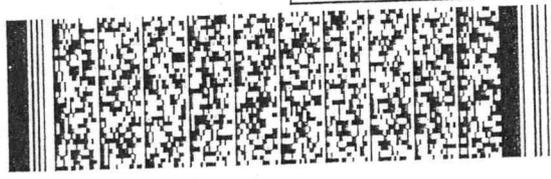


**MARINE, I M.**

**Expires: 2012MAR03**

SPONSOR DATA:  
**MSGT**  
**MITCHELL, CORY W**  
**BRIG**  
**928-269-2881**

ACCESS RESTRICTIONS:  
**Su M Tu W Th F Sa**  
**0000-2359**  
DESTINATION  
**BRIG CHASER**



RECEIPT FOR INMATE OR DETAINED PERSON		
1. RECEIVED FROM <i>(Unit or Agency and Station)</i>	2. TIME	3. DATE <i>(YYYYMMDD)</i>
4. INMATE NAME <i>(Last, First, Middle)</i>	5. SSN	6. GRADE
7. ORGANIZATION	8. STATION	
9. OFFENSE _____ _____		
10. PERSONAL PROPERTY _____ _____		
11. REMARKS _____ _____		
12. NAME AND TITLE OF PERSON RECEIVING ABOVE INDIVIDUAL	13. SSN	14. GRADE
15. RECEIVING UNIT OR AGENCY AND STATION	16. SIGNATURE	

DD FORM 2708, NOV 1999

Adobe Professional 7.0

Enclosure (11)

CONFINEMENT ORDER				
1. PERSON TO BE CONFINED			2. DATE (YYYYMMDD)	
a. NAME (Last, First, Middle) DOE, JOHN JASON		b. SSN 123456789	20110224	
c. BRANCH OF SERVICE USMC	d. GRADE PFC/E-2	e. MILITARY ORGANIZATION (From): H&HS, MCAS YUMA, AZ		
TYPE OF CONFINEMENT				
a. PRE-TRIAL <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		b. RESULT OF NJP <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		
c. RESULT OF COURT MARTIAL: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES				
TYPE: <input checked="" type="checkbox"/> SCM <input type="checkbox"/> SPCM <input type="checkbox"/> GCM <input type="checkbox"/> VACATED SUSPENSION				
4. OFFENSES/CHARGES OF UCMJ ARTICLES VIOLATED: ART 86 UA FROM 1630/20110101 TO 0915/20110124				
5. SENTENCE ADJUDGED: CONFINEMENT x30 DAYS, REDUCED TO E-1, FF OF \$875 x1 MONTH			b. ADJUDGED DATE (YYYYMMDD): 20110224	
6. IF THE SENTENCE IS DEFERRED, THE DATE DEFERMENT IS TERMINATED:				
7. PERSON DIRECTING CONFINEMENT				
a. TYPED NAME, GRADE AND TITLE: B.A. MARINE, LTCOL, CO		b. SIGNATURE	c. DATE (YYYYMMDD) 20110224	d. TIME 1300
8.a. NAME, GRADE, TITLE OF LEGAL REVIEW AND APPROVAL		b. SIGNATURE:		c. DATE (YYYYMMDD)
MEDICAL CERTIFICATE				
9a. The above named inmate was examined by me at <u>1330</u> on <u>20110224</u> and found to be <input checked="" type="checkbox"/> Fit <input type="checkbox"/> Unfit for confinement. I certify that from this examination the execution of the foregoing sentence to confinement <input type="checkbox"/> will <input checked="" type="checkbox"/> will not produce serious injury to the inmate's health.				
b. The following irregularities were noted during the examination (If none, so state):				
c. HIV Test administered on (YYYYMMDD): _____				
d. Pregnancy test administered on (YYYYMMDD): _____ <input type="checkbox"/> N/A				
10. EXAMINER				
a. TYPED NAME, GRADE AND TITLE: I.M. DOCTOR, LT MC USN, MO		b. SIGNATURE	c. DATE (YYYYMMDD) 20110224	d. TIME 1330
RECEIPT FOR INMATE				
11.a. THE INMATE NAMED ABOVE HAS BEEN RECEIVED FOR CONFINEMENT AT: _____ (Facility Name and Location)				
ON _____ AND TIME: _____ (YYYYMMDD) (Time)				
b. PERSON RECEIPTING FOR INMATE TYPED NAME, GRADE AND TITLE:		c. SIGNATURE:	d. DATE (YYYYMMDD)	e. TIME

DD FORM 2707, NOV 1999

Enclosure (12)

UNITED STATES MARINE CORPS  
 Joint Law Center  
 Box 99126  
 Marine Corps Air Station  
 Yuma, Arizona 85369-9126

To: Commanding Officer, Headquarters and Headquarters Squadron, MCAS Yuma  
 UNITED STATES )  
 )  
 V. ) SUMMARY COURT-MARTIAL  
 )  
 ) Results of Trial  
 )  
 DOE, JOHN )  
 XXX XX 6789 ) Date 24 Feb 11  
 Private First Class )  
 U.S. Marine Corps )

---

1. The accused was tried on 24 February 2011 by Summary Court-Martial Officer, Lieutenant Colonel Chesty P. Puller, with results as follows:

<u>Offenses</u>		<u>Pleas</u>	<u>Findings</u>
Charge I:	Violation of Art xx, UCMJ	G	G
Spec:	Wrongful Use of	G	G

2. The sentence adjudged: Confinement for 26 days and reduction to E-1.
3. Effective Date of Forfeitures: Pursuant to Article 57, UCMJ, the reduction to pay grade E-1 shall apply effectively 11 March 2011 or upon the Convening Authority's Action, whichever comes soonest.

L. B. PULLER

Copy to:  
 IPAC  
 Record of trial

CONFINEMENT ORDER				
1. PERSON TO BE CONFINED			2. DATE (YYYYMMDD)	
a. NAME (Last, First, Middle) DOE, JOHN JASON		b. SSN 123456789	20110224	
c. BRANCH OF SERVICE USMC	d. GRADE PFC/E-2	e. MILITARY ORGANIZATION (From): H&HS, MCAS YUMA, AZ		
TYPE OF CONFINEMENT				
a. PRE-TRIAL <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		b. RESULT OF NJP <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		
c. RESULT OF COURT MARTIAL: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES				
TYPE: <input type="checkbox"/> SCM <input type="checkbox"/> SPCM <input checked="" type="checkbox"/> GCM <input type="checkbox"/> VACATED SUSPENSION				
4. OFFENSES/CHARGES OF UCMJ ARTICLES VIOLATED: ART 120 - RAPE				
5. SENTENCE ADJUDGED: CONFINEMENT x3 MONTHS, RED TO E-1, Forfeiture of All pay and allowances, BCD			b. ADJUDGED DATE (YYYYMMDD): 20110224	
6. IF THE SENTENCE IS DEFERRED, THE DATE DEFERMENT IS TERMINATED:				
7. PERSON DIRECTING CONFINEMENT				
a. TYPED NAME, GRADE AND TITLE: B.A. MARINE, LTCOL, CO		b. SIGNATURE	c. DATE (YYYYMMDD) 20110224	d. TIME 1300
8.a. NAME, GRADE, TITLE OF LEGAL REVIEW AND APPROVAL		b. SIGNATURE:		c. DATE (YYYYMMDD)
MEDICAL CERTIFICATE				
9a. The above named inmate was examined by me at <u>1330</u> on <u>20110224</u> and found to be <input checked="" type="checkbox"/> Fit <input type="checkbox"/> Unfit (Time) (YYYYMMDD) for confinement. I certify that from this examination the execution of the foregoing sentence to confinement <input type="checkbox"/> will <input checked="" type="checkbox"/> will not produce serious injury to the inmate's health.				
b. The following irregularities were noted during the examination (if none, so state):				
c. HIV Test administered on (YYYYMMDD): _____				
d. Pregnancy test administered on (YYYYMMDD): _____ <input type="checkbox"/> N/A				
10. EXAMINER				
a. TYPED NAME, GRADE AND TITLE: I.M. DOCTOR, LT MC USN, MO		b. SIGNATURE	c. DATE (YYYYMMDD) 20110224	d. TIME 1330
RECEIPT FOR INMATE				
11.a. THE INMATE NAMED ABOVE HAS BEEN RECEIVED FOR CONFINEMENT AT: _____ (Facility Name and Location)				
ON _____ AND TIME: _____ (YYYYMMDD) (Time)				
b. PERSON RECEIPTING FOR INMATE TYPED NAME, GRADE AND TITLE:		c. SIGNATURE:	d. DATE (YYYYMMDD)	e. TIME

DD FORM 2707, NOV 1999

Enclosure (14)



**UNITED STATES MARINE CORPS**

JOINT LAW CENTER  
MARINE CORPS AIR STATION YUMA  
BOX 99126  
YUMA, ARIZONA 85369-9126

IN REPLY REFER TO  
5813  
OJAD/TC2  
24 FEB 2011

From: Trial Counsel  
To: Commanding Officer, Headquarters and Headquarters Squadron

Subj: REPORT OF RESULTS TRIAL ICO PRIVATE FIRST CLASS JOHN J. DOE XXX XX 6789/0311 USMC

1. Per R.C.M. 1101(a), MCM, notification is hereby given in the case of United States v. Private First Class John J. Doe, XXX XX 6789, a trial by Special Court-Martial occurring at Marine Corps Air Station Yuma, Arizona, convened by the Commanding Officer, Headquarters and Headquarters Squadron.

2. Offenses, pleas, and findings:

Offenses		Pleas	Findings
Charge:	Summary of violation(s)	G	G
Spec:			

3. Forum: Military Judge Alone or Members.

4. Sentence adjudged:

5. Date sentence adjudged:

6. Credits to be applied to confinement, if any:

a. Pretrial Confinement:

b. Judicially-ordered credits:

Total credits:

7. Terms of the pretrial agreement:

a. Punitive Discharge:

b. Confinement:

Enclosure (15)

Subj: REPORT OF RESULTS TRIAL ICO PRIVATE FIRST CLASS JOHN J.  
DOE XXX XX 6789/0311 USMC

c. (1) Forfeitures or Fines:

(2) Automatic forfeiture of pay and allowances under Article 58(b), USMC, apply.

d. (1) Reduction:

(2) Automatic Reduction under Article 58(a), UCMJ, apply.

e. Other lawful punishments:

8. DNA Collection is required per 10 U.S.C. Sec. 1565:

\_\_\_\_\_ No \_\_\_\_\_ Yes

9. Upon convening authority's action in this case, sex offender notification may be required per 42 U.S.C. Sec. 14071:

\_\_\_\_\_ No \_\_\_\_\_ Yes

L. B. PULLER  
LtCOL USMC

Copy to:  
MJ:  
DC:  
REP:  
MilJus/TC  
Record of Trial  
IPAC  
Detention Facility  
Review

Enclosure (15)

CONFINEMENT ORDER				
1. PERSON TO BE CONFINED			2. DATE (YYYYMMDD)	
a. NAME (Last, First, Middle) DOE, JOHN JASON		b. SSN 123456789	20110224	
c. BRANCH OF SERVICE USMC	d. GRADE PFC/E-2	e. MILITARY ORGANIZATION (From): H&HS, MCAS YUMA, AZ		
TYPE OF CONFINEMENT				
a. PRE-TRIAL <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		b. RESULT OF NJP <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		
c. RESULT OF COURT MARTIAL: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES				
TYPE: <input type="checkbox"/> SCM <input type="checkbox"/> SPCM <input type="checkbox"/> GCM <input checked="" type="checkbox"/> VACATED SUSPENSION				
4. OFFENSES/CHARGES OF UCMJ ARTICLES VIOLATED: ART 86, 92, 111, 112a, 134				
5. SENTENCE ADJUDGED: CONFINEMENT x5 MONTHS, RED TO E-1, BCD			b. ADJUDGED DATE (YYYYMMDD): 20101201	
6. IF THE SENTENCE IS DEFERRED, THE DATE DEFERMENT IS TERMINATED:				
7. PERSON DIRECTING CONFINEMENT				
a. TYPED NAME, GRADE AND TITLE: B.A. MARINE, LTCOL, CO		b. SIGNATURE	c. DATE (YYYYMMDD) 20110224	d. TIME 1300
8.a. NAME, GRADE, TITLE OF LEGAL REVIEW AND APPROVAL		b. SIGNATURE:		c. DATE (YYYYMMDD)
MEDICAL CERTIFICATE				
9a. The above named inmate was examined by me at <u>1330</u> on <u>20110224</u> and found to be <input checked="" type="checkbox"/> Fit <input type="checkbox"/> Unfit (Time) (YYYYMMDD) for confinement. I certify that from this examination the execution of the foregoing sentence to confinement <input type="checkbox"/> will <input checked="" type="checkbox"/> will not produce serious injury to the inmate's health.				
b. The following irregularities were noted during the examination (if none, so state):				
c. HIV Test administered on (YYYYMMDD): _____				
d. Pregnancy test administered on (YYYYMMDD): _____ <input type="checkbox"/> N/A				
10. EXAMINER				
a. TYPED NAME, GRADE AND TITLE: I.M. DOCTOR, LT MC USN, MO		b. SIGNATURE	c. DATE (YYYYMMDD) 20110224	d. TIME 1330
RECEIPT FOR INMATE				
11.a. THE INMATE NAMED ABOVE HAS BEEN RECEIVED FOR CONFINEMENT AT: _____ (Facility Name and Location)				
ON _____ AND TIME: _____ (YYYYMMDD) (Time)				
b. PERSON RECEIPTING FOR INMATE TYPED NAME, GRADE AND TITLE:		c. SIGNATURE:	d. DATE (YYYYMMDD)	e. TIME

DD FORM 2707, NOV 1999

Enclosure (16)

**REPORT OF PROCEEDINGS TO VACATE SUSPENSION OF A GENERAL COURT-MARTIAL SENTENCE  
OR OF A SPECIAL COURT-MARTIAL SENTENCE INCLUDING A BAD-CONDUCT DISCHARGE  
UNDER ARTICLE 72, UCMJ, and R.C.M. 1109**

1a. TO: (Name of Officer exercising general court-martial jurisdiction - Last, First, MI)		2a. FROM: (Name of Officer exercising special court-martial jurisdiction - Last, First, MI)	
b. TITLE		b. TITLE	
c. ORGANIZATION		c. ORGANIZATION	
3a. NAME OF PROBATIONER (Last, First, MI)	b. RANK	c. SSN	d. ORGANIZATION
4. DATA AS TO TRIAL BY COURT-MARTIAL. ATTACH A COPY OF THE COURT-MARTIAL ORDER AND ANY SUPPLEMENTARY ORDERS OR, IF NO COURT-MARTIAL ORDER HAS BEEN PROMULGATED OR IS AVAILABLE, ATTACH A SUMMARY OF THE CHARGES AND SPECIFICATIONS, FINDINGS, SENTENCE, INITIAL ACTION, AND ANY SUPPLEMENTARY ACTIONS. ATTACH A COPY OF THE WRITTEN NOTICE OF SUSPENSION (See R.C.M. 1108(c)).			
5. ALLEGED VIOLATION(S) OF THE CONDITIONS OF SUSPENSION. (BRIEF STATEMENT AND DATE. See R.C.M. 1108(c) AND 1109(a) CONCERNING THE CONDITIONS OF SUSPENSION.)			
(Check appropriate answer)			
6. PURSUANT TO THE PROVISIONS OF ARTICLE 72, UCMJ, AND R.C.M. 1109, A HEARING WAS HELD ON THE ALLEGED VIOLATION(S) OF THE CONDITIONS OF SUSPENSION.			YES NO
7. BEFORE THE HEARING THE AUTHORITY CONDUCTING THE HEARING CAUSED THE PROBATIONER TO BE NOTIFIED OF (see R.C.M. 1109(d)(1)(B)):			
a. THE TIME, PLACE, AND PURPOSE OF THE HEARING.			
b. THE RIGHT TO BE PRESENT AT THE HEARING.			
c. THE ALLEGED VIOLATION(S) OF THE CONDITIONS OF SUSPENSION AND THE EVIDENCE EXPECTED TO BE RELIED ON.			
d. THE RIGHT TO BE REPRESENTED AT THE HEARING BY CIVILIAN COUNSEL PROVIDED BY THE PROBATIONER OR, UPON REQUEST, BY MILITARY COUNSEL DETAILED FOR THIS PURPOSE.			
e. THE OPPORTUNITY TO BE HEARD, TO PRESENT WITNESSES AND OTHER EVIDENCE, AND THE RIGHT TO CONFRONT AND CROSS-EXAMINE ADVERSE WITNESSES UNLESS THE HEARING OFFICER DETERMINES THAT THERE IS GOOD CAUSE FOR NOT ALLOWING CONFRONTATION AND CROSS-EXAMINATION.			
8a. THE PROBATIONER REQUESTED DETAILED MILITARY COUNSEL.			
b. NAME OF DETAILED COUNSEL (Last, First, MI)	c. RANK	d. ORGANIZATION	
e. DETAILED COUNSEL WAS QUALIFIED WITHIN THE MEANING OF ARTICLE 27(b), UCMJ, and R.C.M. 502(d).			
<p>NOTE: If this form is used and additional space is required for any item, enter the additional material in Block 18 or on a separate sheet. Identify such material with the proper heading (Example: "3d"). Securely attach any additional sheet(s) and add a note in the appropriate item: "See Block 18" or "See additional sheet." This form may be used to vacate a suspended special court-martial sentence not including a bad-conduct discharge or a suspended summary court-martial sentence under R.C.M. 1109(e) by lining through or altering the form, as appropriate.</p>			

<i>(Check appropriate answer)</i>			YES	NO
9a. THE PROBATIONER INDICATED THAT HE/SHE WOULD BE REPRESENTED BY CIVILIAN COUNSEL PROVIDED BY HIM/HER.				
b. NAME OF CIVILIAN COUNSEL <i>(Last, First, MI)</i>	c. ADDRESS OF CIVILIAN COUNSEL			
d. ENTRY OF APPEARANCE BY PROBATIONER'S CIVILIAN COUNSEL. I HEREBY ENTER MY APPEARANCE FOR THE ABOVE NAMED PROBATIONER AND REPRESENT THAT I AM A MEMBER IN GOOD STANDING OF THE FOLLOWING BAR(S) (LIST OR LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE LAW (EXPLAIN) (see R.C.M. 502(d)(3) CONCERNING QUALIFICATIONS):				
e. SIGNATURE OF COUNSEL		f. DATE		
10a. DETAILED COUNSEL OR CIVILIAN COUNSEL WAS PRESENT THROUGHOUT THE PROCEEDINGS. <i>(If probationer waives the right to have counsel present throughout part or all of the proceedings after requesting detailed counsel or employing civilian counsel, complete b. below.)</i>				
b. STATE CIRCUMSTANCES AND SPECIFIC PROCEEDING(S) CONDUCTED IN ABSENCE OF COUNSEL.				
11. <i>(To be signed by probationer if answer to items 8 or 9 was "No." If probationer fails to sign, the hearing officer shall explain in Item 18.)</i> I have been informed and understand my right under R.C.M. 1109(d) to representation at this hearing by civilian counsel provided by me or, upon request, by detailed military counsel. I hereby knowingly waive my right to such: a. <input type="checkbox"/> Detailed Counsel                      b. <input type="checkbox"/> Civilian Counsel				
c. SIGNATURE OF PROBATIONER		d. DATE		
12a. THE PROBATIONER WAS AFFORDED THE RIGHT TO OBTAIN WITNESSES AND PRODUCE EVIDENCE (see R.C.M. 405(g)).				
b. IN THE PRESENCE OF PROBATIONER I QUESTIONED UNDER OATH ALL AVAILABLE WITNESSES AND EXAMINED DOCUMENTARY AND REAL EVIDENCE FOR BOTH SIDES ANY DOCUMENTS AND REAL EVIDENCE WERE SHOWN TO THE PROBATIONER.				
c. THE PROBATIONER WAS AFFORDED THE RIGHT TO CROSS EXAMINE ALL AVAILABLE WITNESSES.				
d. I HAVE SUMMARIZED THE EVIDENCE CONSIDERED IN EXHIBIT _____				
e. THE FOLLOWING WITNESSES REQUESTED BY THE ACCUSED WERE NOT AVAILABLE UNDER R.C.M. 405(g) FOR THE REASONS INDICATED. <i>(Explain why requested witnesses were unavailable and any alternatives to testimony under R.C.M. 405(g)(4) used.)</i>				
NAME <i>(Last, First, MI)</i>	REASON UNAVAILABLE	ALTERNATIVES		
13. AFTER HAVING BEEN INFORMED OF THE RIGHT TO REMAIN SILENT OR MAKE A STATEMENT, THE PROBATIONER				
a. INDICATED THAT HE/SHE DID NOT WISH TO MAKE A STATEMENT				
b. MADE A STATEMENT SUMMARIZED IN EXHIBIT _____				

<i>(Check appropriate answer)</i>			YES	NO
14a. THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE PROBATIONER NOW OR AT THE TIME OF THE ALLEGED VIOLATION WAS NOT MENTALLY RESPONSIBLE (see R.C.M. 916(k)) OR IS NOW INCOMPETENT TO PARTICIPATE IN THE VACATION PROCEEDING (see R.C.M. 909).				
b. INDICATE THE GROUNDS FOR SUCH BELIEF AND THE ACTION TAKEN.				
c. A REPORT OF MEDICAL OFFICERS UNDER R.C.M. 706 IS ATTACHED AS EXHIBIT _____				
15. IF PROBATIONER WAS CONFINED PENDING VACATION PROCEEDINGS UNDER R.C.M. 1109(c):				
a. I FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROBATIONER VIOLATED THE CONDITIONS OF SUSPENSION.				
b. I DO NOT FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROBATIONER VIOLATED THE CONDITIONS OF SUSPENSION AND ORDER HIS/HER RELEASE UNDER R.C.M. 1109(d)(1)(E).				
16. RECOMMENDATION OF THE OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION OVER THE PROBATIONER.				
a. I RECOMMEND THAT THE SUSPENSION OF THE SENTENCE BE VACATED. <i>(Indicate type and amount of punishment, if any, to be vacated.)</i>				
b. I RECOMMEND THAT THE PROCEEDINGS TO VACATE SUSPENSION BE DROPPED.				
c. I RECOMMEND <i>(state other recommendation):</i>				
17a. NAME OF OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION OVER PROBATIONER	b. RANK	c. ORGANIZATION		
d. SIGNATURE			e. DATE	
18. REMARKS				

DD Form 455, AUG 84, Page 3

Enclosure (17)

REMARKS (Continued)

<i>(Check appropriate answer)</i>		YES	NO
19. DECISION OF THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION OVER PROBATIONER.			
a. VACATE SUSPENSION OF THE SENTENCE TO <i>(specify type/amount of punishment to be vacated):</i>			
b. NOT TO VACATE.			
c. OTHER <i>(specify):</i>			
d. IF DECISION IS TO VACATE, INDICATE EVIDENCE RELIED ON:			
e. IF DECISION IS TO VACATE, INDICATE REASONS FOR VACATING:			
20a. NAME OF OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION OVER PROBATIONER	b. RANK	c. ORGANIZATION	
d. SIGNATURE		e. DATE	

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**UNITED STATES MARINE CORPS**

Headquarters and Headquarters Squadron  
Marine Corps Air Station  
Yuma, Arizona 85369

5800  
Code  
24 FEB 2011

From: Private John J. Doe 123 45 6789/0311 USMC  
To: Commanding Officer, Marine Corps Air Station Yuma  
Via: Commanding Officer, Headquarters and Headquarters Squadron, Marine Corps Air Station Yuma

Subj: REQUEST FOR DEFERMENT OF CONFINEMENT

1. I respectfully request the Convening Authority to defer my confinement until 28 February 2011. This request is based on the LIST THE REASON FOR REQUEST.

JOHN J. DOE

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SSIC  
Code  
24 FEB 2011

FIRST ENDORSEMENT

From: Commanding Officer, Marine Corps Air Station Yuma  
To: Private John J. Doe 123 45 6789/0311 USMC

1. Returned approved/disapproved. Effective this date, I defer your confinement until date.

CA's Name

Enclosure (18)

INMATE'S RELEASE ORDER		
1. TO: Confinement or Brig Officer	2. INSTALLATION:	3. DATE (YYYYMMDD):
4. THE INMATE NAMED BELOW WILL BE RELEASED FROM CONFINEMENT THE ORGANIZATION SHOWN.		AND DELIVERED TO (YYYYMMDD)
5. INMATE NAME ( <i>Last, First, Middle</i> )	6. SSN	7. GRADE
8. SERVICE BRANCH	9. ORGANIZATION	
10. REASON FOR RELEASE : _____ _____		
FOR THE COMMANDER		
11. AUTHENTICATING OFFICER NAME ( <i>Last, First, MI</i> )	12. SIGNATURE	
13. GRADE, ORGANIZATION, AND TITLE		
RECEIPT		
14. RECEIPT OF THE ABOVE NAMED RELEASED PERSON IS ACKNOWLEDGED.	15. DATE (YYYYMMDD)	16. TIME
17. NAME, GRADE, ORGANIZATION, TITLE	18. SIGNATURE	
19. REMARKS: _____ _____		

DD FORM 2718, NOV 1999

**VICTIM/WITNESS CERTIFICATION AND ELECTION CONCERNING INMATE STATUS**

*(This form is exempt from Freedom of Information Act release.)*

**PRIVACY ACT STATEMENT**

**AUTHORITY:** 42 U.S.C. 10606 *et sec.*, Victim's Rights and Restitution Act of 1990; 18 U.S.C. 1501 *et sec.*, Victim and Witness Protection Act of 1982.

**PRINCIPAL PURPOSES:** To inform victims and witnesses of their post-trial rights; to determine whether the victim or witness of a crime elects to be notified of changes in the confinement status of a convicted criminal offender; and to record the election by the victim or witness of their desire to be notified about subsequent changes in inmate status.

**ROUTINE USES:** None.

**DISCLOSURE:** Voluntary; however, failure to provide identifying information will prevent the corrections facility from notifying victim or witness of changes in a criminal offender's status.

**SECTION I - ADMINISTRATIVE INFORMATION**

Installation \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_  
 Incident Number \_\_\_\_\_ Organizational Identifier (ORI) \_\_\_\_\_

**SECTION II - CERTIFICATION OF NO VICTIM OR WITNESS**

*(Complete this section only if there are no victims or witnesses who are entitled to notification under the Victim's Rights and Restitution Act of 1990, and DoD Instruction 1030.2.)*

As representative for the Government in the court-martial case of United States v. \_\_\_\_\_  
*(Name of accused) (Last, first, middle initial)*

\_\_\_\_\_ , convened by \_\_\_\_\_  
*(Social Security Number) (Court-martial convening order number, date, and issuing command)*

I certify that this case does not involve a victim or witness entitled to receive information about the confinement status of the defendant as required by the Victim's Rights and Restitution Act of 1990 (Public Law 101-647; 104 Stat. 4820).

\_\_\_\_\_  
*(Signature of person certifying) (Typed name (Last, first))*  
 \_\_\_\_\_  
*(Date) (YYYYMMDD) (Grade and title)*

**SECTION III - CERTIFICATION OF ADVICE TO VICTIM(S) AND WITNESS(ES)**

*(Complete this section when there are victims or witnesses entitled to notification.)*

I certify that on this date I personally notified the victim(s) and witness(es) in the court-martial case of United States v.

\_\_\_\_\_ , \_\_\_\_\_  
*(Name of accused) (Last, first, middle initial) (Social Security Number)*  
 convened by \_\_\_\_\_  
*(Court-martial convening order number, date, and issuing command)*

whose sentence included confinement, of their right under the Victim's Rights and Restitution Act of 1990 (Public Law 101-647, 104 Stat. 4820), to receive information about the status of the inmate, to include length of sentence, anticipated earliest release date, likely place of confinement, the possibility of transfer, and the right to receive notification of a new place of confinement. I advised of the possibility of parole or clemency with an explanation of these terms. Additionally, I advised of the right to prior notification of the inmate's parole hearings, release from confinement, escape and death. I advised that to receive notification of the inmate's transfer, parole hearings, and release from confinement, the victim or witness must provide the information required in Section IV of this form. I advised all victims and witnesses that if they elect to terminate or reinstate notifications, or if they change their address listed above, they must contact the Military Service Central Repository listed in Section V.

\_\_\_\_\_  
*(Signature of person providing notification) (Typed name (Last, first))*  
 \_\_\_\_\_  
*(Date) (YYYYMMDD) (Grade and title)*

**SECTION IV - ELECTION TO BE NOTIFIED**

The victim(s) and witness(es) listed below have elected the right to receive information about changes in the status of the inmate by initialing the "Yes" block. If the inmate is transferred, they understand that they will be notified of the address of the new confinement facility. They also understand that if they move or their telephone number changes, they must notify the confinement facility of the new address or telephone numbers in order to be notified.

LIST ALL VICTIMS AND WITNESSES INVOLVED IN THE CASE. (Indicate whether a victim or witness by entering "V" or "W" in the appropriate column. Those who elect to be notified of inmate status changes should initial in the "Yes" column; otherwise initial the "No" column.)

NAME (Last, First, Middle Initial)	ADDRESS (Street, Apartment No., City, State, ZIP Code)	TELEPHONE NUMBER (Include Area Code)	V OR W	NOTIFY	
				YES	NO

**SECTION V - DISTRIBUTION**

ADDRESSES (Include 9-digit ZIP Code and telephone number.)

MILITARY SERVICE CENTRAL REPOSITORY

LOCAL CONFINEMENT FACILITY (Name and address)

LAW ENFORCEMENT/SPECIAL INVESTIGATION

VICTIM/WITNESS (Individual will receive a copy with all other victim/witness addresses blacked out.)