

CERTIFIED RECORD OF TRIAL

(and accompanying papers)

of

Feist Dylan M. [REDACTED] Pvt/E-1
(Last Name) (First Name) MI (DoD ID No.) (Rank)

MALS-39, MAG-39, 3d MAW U.S. Marine Corps Camp Pendleton, California
(Unit/Command Name) (Branch of Service) (Location)

By

General Court-Martial (GCM)
(GCM, SPCM, or SCM)

COURT-MARTIAL

Convened by

Commanding General
(Title of Convening Authority)

3d Marine Aircraft Wing
(Unit/Command of Convening Authority)

Tried at

Marine Corps Air Station Miramar, California
(Place or Places of Trial)

On

12 January 2024, 29 March 2024
(Date or Dates of Trial)

Companion and other cases

[REDACTED]
(Rank, Name, DOD ID No., (if applicable), or enter "None")

CONVENING ORDER



UNITED STATES MARINE CORPS
3D MARINE AIRCRAFT WING, FMF
MARINE CORPS AIR STATION MIRAMAR
P. O. BOX 452022
SAN DIEGO, CALIFORNIA 92145-2022

IN REPLY REFER TO

5800

CG

OCT 06 2023

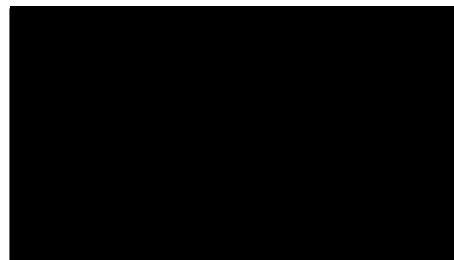
GENERAL COURT-MARTIAL CONVENING ORDER #1-23

A General Court-Martial is hereby convened with the following members and shall proceed at Marine Corps Air Station Miramar, San Diego, California, unless otherwise directed.

Members

Colonel [REDACTED] USMC;
Lieutenant Colonel [REDACTED] USMC;
Major [REDACTED] USMC;
Major [REDACTED] USMC;
Captain [REDACTED] USMC;
First Lieutenant [REDACTED] USMC;
First Lieutenant [REDACTED] USMC; and
Chief Warrant Officer-4 [REDACTED] USMC.

[REDACTED]
M. J. BORGSCHULTE
Major General
U.S. Marine Corps
Commanding General



CHARGE SHEET

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) FEIST, Dylan M.		2. EDIPI [REDACTED]	3. RANK/RATE Pvt	4. PAY GRADE E-1
5. UNIT OR ORGANIZATION Marine Aviation Logistics Squadron 39 Marine Aircraft Group 39 3d Marine Aircraft Wing, FMF Camp Pendleton, California		6. CURRENT SERVICE a. INITIAL DATE 29 Aug 2022 b. TERM 5 yrs		
7. PAY PER MONTH a. BASIC \$2,017.20 \$1,917.60 b. SEA/FOREIGN DUTY None c. TOTAL \$2,017.20 \$1,917.60		8. NATURE OF RESTRAINT OF ACCUSED Pre-Trial Confinement Pre-Trial Restriction Liberty		
9. DATE(S) IMPOSED 20240329 8 Mar 24 - Present 14 Sep 23 - 19 Sep 23 19 Sep 23 - PRESENT				

II. CHARGE AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 112a

"on divers occasions" - [REDACTED] (27 Dec 23)
Specification 1 (Wrongful Possession with Intent to Distribute): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully possess some amount of cocaine, a Schedule II controlled substance, with the intent to distribute the said controlled substance.

Specification 2 (Wrongful Distribution): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully distribute some amount of cocaine, a Schedule II controlled substance.

Specification 3 (Wrongful Use): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully use cocaine, a Schedule II controlled substance.

"on divers occasions" - [REDACTED] (27 Dec 23)
Specification 4 (Wrongful Introduction): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, between on or about 28 August 2023 and on or about 15 September 2023, wrongfully introduce some amount of cocaine, a Schedule II controlled substance, onto a vessel, aircraft, vehicle, or installation used by the armed forces or under the control of the armed forces, to wit: Marine Corps Base Camp Pendleton, with the intent to distribute the said controlled substance.

Specification 5 (Wrongful Possession with Intent to Distribute): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully possess some amount of psilocybin mushrooms, a Schedule I controlled substance, with the intent to distribute the said controlled substance.

III. PREFERRAL

b. GRADE E-3		c. ORGANIZATION OF ACCUSER HqHqRon, MCAS Miramar, California
e. DATE 6 October 2023		

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this 6 day of October 2023, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

N. T. WRENN

Typed Name of Officer

CAPTAIN, USMC

Signature

HqHqRon, MCAS Miramar

Organization of Officer

TRIAL COUNSEL

Official Capacity to Administer Oaths
(See R.C.M. 307(b)--must be commissioned officer)

12. On 13 OCT, 20 23, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

[REDACTED]
Typed Name of Immediate Commander

MALS-39, MAG-39, 3d MAW, Camp Pendleton, California
Organization of Immediate Commander

FIRST LIEUTENANT, USMC
[REDACTED]

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1600 hours, 6 OCT 20 23 at MALS-39, MAG-39, 3d MAW,
Camp Pendleton, California
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE COMMANDING OFFICER

[REDACTED]
Typed Name of Officer

LEGAL OFFICER
Official Capacity of Officer Signing

FIRST LIEUTENANT, USMC
[REDACTED]

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

3d Marine Aircraft Wing

b. PLACE

San Diego, California

c. DATE

DEC 29 2023

Referred for trial to the General court-martial convened by GCMCO #1-23

Dated 6 October 20 23, subject to the following instructions: to be tried in
conjunction with the charges and specification preferred on 22 December 2023

by Command or Order of Command or Order

M. J. BORGSCHULTE

Typed Name of Officer

COMMANDING GENERAL

Official Capacity of Officer Signing

MAJOR GENERAL, U.S. MARINE CORPS
[REDACTED]

Signature

15. On 4 January, 20 24, 01042024 (caused to be) served a copy hereof on the above named accused.

N. T. WRENN

Typed Name of Trial Counsel

CAPTAIN, USMC

Grade or Rank of Trial Counsel

Signature

FOOTNOTES

- 1 - When an appropriate commander signs personally, inapplicable words are stricken.
2 - See R.C.M. 601(e) concerning instructions. If none, so state.

SUPPLEMENTAL CHARGE SHEET 1

I. PERSONAL DATA

1. NAME OF ACCUSED (<i>Last, First, MI</i>) FEIST, Dylan M.	2. EDIPI [REDACTED]	3. RANK/RATE Pvt	4. PAY GRADE E-1
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Specification 6 (Wrongful Distribution): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully distribute some amount of psilocybin mushrooms, a Schedule I controlled substance.

Specification 7 (Wrongful Use): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully use psilocybin mushrooms, a Schedule I controlled substance.

Specification 8 (Wrongful Possession with Intent to Distribute): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully possess some amount of lysergic acid diethylamide (LSD), a Schedule I controlled substance, with the intent to distribute the said controlled substance.

Specification 9 (Wrongful Distribution): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully distribute some amount of lysergic acid diethylamide (LSD), a Schedule I controlled substance.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 81

Specification (Conspiracy): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, between on or about 1 June 2023 and on or about 15 September 2023, conspire with Lance Corporal [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: violation of Article 112a, wrongful possession with intent to distribute controlled substances, and in order to effect the object of the conspiracy the said Private Dylan M. FEIST and Lance Corporal [REDACTED] stored:

- Cocaine, a Schedule II controlled substance;
 - Psilocybin mushrooms, a Schedule I controlled substance;
 - Lysergic acid diethylamide (LSD), a Schedule I controlled substance;
- at the residence of the said Lance Corporal [REDACTED]

(END)

ADDITIONAL CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) FEIST, Dylan M.		2. EDIPI [REDACTED]	3. RANK/RATE Pvt	4. PAY GRADE E-1
5. UNIT OR ORGANIZATION Marine Aviation Logistics Squadron 39 Marine Aircraft Group 39 3d Marine Aircraft Wing, FMF Camp Pendleton, California			6. CURRENT SERVICE	
			a. INITIAL DATE 29 Aug 22	b. TERM 5 yrs
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED Pre-Trial Confinement Pre-Trial Restriction Conditions on Liberty	9. DATE(S) IMPOSED 14Sep23 – 19Sep23 20Oct23 – PRESENT	
a. BASIC \$2,017.20 \$1,917.00	b. SEA/FOREIGN DUTY None			

II. CHARGE AND SPECIFICATIONS

10. ADDITIONAL CHARGE: VIOLATION OF THE UCMJ, ARTICLE 112a

Specification 1 (Wrongful Possession with Intent to Distribute): In that Private Dylan M. Feist, U.S. Marine Corps, did, at or near Camp Pendleton, California, ~~on divers occasions~~, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully possess some amount of methamphetamine, a Schedule II controlled substance, with the intent to distribute the said controlled substance.
* [REDACTED] TRIAL COUNSEL 20240329

Specification 2 (Wrongful Possession with Intent to Distribute): In that Private Dylan M. Feist, U.S. Marine Corps, did, at or near Camp Pendleton, California, ~~on divers occasions~~, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully possess some amount of ketamine, a Schedule III controlled substance, with the intent to distribute the said controlled substance.
* [REDACTED] TRIAL COUNSEL 20240329

Specification 3 (Wrongful Possession with Intent to Distribute): In that Private Dylan M. Feist, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully possess some amount of Methylenedioxymethamphetamine (MDMA), a Schedule I controlled substance, with the intent to distribute [REDACTED] controlled substance.

*34- (END)

20240112

III. PREFERRAL

[REDACTED]		b. GRADE E-3	c. ORGANIZATION OF ACCUSER HqHqRon, MCAS Miramar, California
d. SIGNATURE OF ACCUSER [REDACTED]		e. DATE 22 December 2023	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this 22nd day of December 2023, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

N. T. WRENN

Typed Name of Officer

CAPTAIN, USMC

Signature

HqHqRon, MCAS Miramar

Organization of Officer

TRIAL COUNSEL

Official Capacity to Administer Oaths
(See R.C.M. 307(b)--must be commissioned officer)

12. On 22 December, 20 23, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

[REDACTED]
Typed Name of Immediate Commander

MALS-39, MAG-39, 3d MAW, Camp Pendleton, California
Organization of Immediate Commander

FIRST LIEUTENANT, USMC
[REDACTED]

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1340 hours, 22 Decemebr 20 23 at MALS-39, MAG-39, 3d MAW,
Designation of Command or

Camp Pendleton, California

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE COMMANDING OFFICER

LEGAL OFFICER

Official Capacity of Officer Signing

[REDACTED]
Typed Name of Officer

FIRST LIEUTENANT, USMC
[REDACTED]

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

3d Marine Aircraft Wing

b. PLACE

San Diego, CA

c. DATE

DEC 29 2023

Referred for trial to the General court-martial convened by GCMCO #1-23

Dated 6 October 20 23, subject to the following instructions: to be tried in
conjunction with the charges and specifications preferred on 6 October 2023.

by [REDACTED] of [REDACTED]
Command or Order

M. J. BORGSCHULTE

Commanding General

Typed Name of Officer

Official Capacity of Officer Signing

MAJOR GENERAL, U.S. MARINE CORPS
[REDACTED]

15. On 4 January, 20 24, I caused to be served a copy hereof on the above named accused.

[REDACTED]
Typed Name of Trial Counsel

CAPTAIN, USMC

Grade or Rank of Trial Counsel

[REDACTED]
Signature

FOOTNOTES

- 1 When an appropriate commander signs personally, inapplicable words are stricken.
- 2 See R.C.M. 601(e) concerning instructions. If none, so state.

TRIAL COURT MOTIONS & RESPONSES

**THERE ARE NO TRIAL COURT MOTIONS
AND RESPONSES**

REQUESTS

THERE ARE NO REQUESTS

NOTICES

THERE ARE NO NOTICES

COURT RULINGS & ORDERS

**THERE ARE NO COURT RULINGS
AND ORDERS**

STATEMENT OF TRIAL RESULTS

STATEMENT OF TRIAL RESULTS					
SECTION A - ADMINISTRATIVE					
1. NAME OF ACCUSED (last, first, MI) Feist, Dylan M.		2. BRANCH Marine Corps		3. PAYGRADE E-1	4. DoD ID NUMBER [REDACTED]
5. CONVENING COMMAND 3d Marine Aircraft Wing		6. TYPE OF COURT-MARTIAL General		7. COMPOSITION Judge Alone - MJA16	8. DATE SENTENCE ADJUDGED Mar 29, 2024
SECTION B - FINDINGS					
SEE FINDINGS PAGE					
SECTION C - TOTAL ADJUDGED SENTENCE					
9. DISCHARGE OR DISMISSAL Dishonorable discharge		10. CONFINEMENT 96 months		11. FORFEITURES Total Forfeitures	
				12. FINES None	13. FINE PENALTY N/A
14. REDUCTION None	15. DEATH Yes <input type="radio"/> No <input checked="" type="radio"/>	16. REPRIMAND Yes <input type="radio"/> No <input checked="" type="radio"/>	17. HARD LABOR Yes <input type="radio"/> No <input checked="" type="radio"/>	18. RESTRICTION Yes <input type="radio"/> No <input checked="" type="radio"/>	19. HARD LABOR PERIOD N/A
20. PERIOD AND LIMITS OF RESTRICTION N/A					
SECTION D - CONFINEMENT CREDIT					
21. DAYS OF PRETRIAL CONFINEMENT CREDIT 27		22. DAYS OF JUDICIALLY ORDERED CREDIT 0		23. TOTAL DAYS OF CREDIT 27 days	
SECTION E - PLEA AGREEMENT OR PRE-TRIAL AGREEMENT					
24. LIMITATIONS ON PUNISHMENT CONTAINED IN THE PLEA AGREEMENT OR PRE-TRIAL AGREEMENT No discharge or any punitive discharge may be adjudged; No less than 36 months of confinement and no more than 108 months of confinement shall be adjudged; Forfeitures may be adjudged; Fines may be adjudged; Reduction may be adjudged; No other lawful punishments shall be adjudged.					
SECTION F - SUSPENSION OR CLEMENCY RECOMMENDATION					
25. DID THE MILITARY JUDGE RECOMMEND SUSPENSION OF THE SENTENCE OR CLEMENCY? Yes <input type="radio"/> No <input checked="" type="radio"/>		26. PORTION TO WHICH IT APPLIES [REDACTED]		27. RECOMMENDED DURATION [REDACTED]	
28. FACTS SUPPORTING THE SUSPENSION OR CLEMENCY RECOMMENDATION [REDACTED]					
SECTION G - NOTIFICATIONS					
29. Is sex offender registration required in accordance with appendix 4 to enclosure 2 of DoDI 1325.07?					Yes <input type="radio"/> No <input checked="" type="radio"/>
30. Is DNA collection and submission required in accordance with 10 U.S.C. § 1565 and DoDI 5505.14?					Yes <input checked="" type="radio"/> No <input type="radio"/>
31. Did this case involve a crime of domestic violence as defined in enclosure 2 of DoDI 6400.06?					Yes <input type="radio"/> No <input checked="" type="radio"/>
32. Does this case trigger a firearm possession prohibition in accordance with 18 U.S.C. § 922?					Yes <input checked="" type="radio"/> No <input type="radio"/>
SECTION H - NOTES AND SIGNATURE					
33. NAME OF JUDGE (last, first, MI) Harris, Matthew M.		34. BRANCH Marine Corps		35. PAYGRADE O-5	36. DATE SIGNED Mar 29, 2024
37. NOTES [REDACTED]				38. JUDGE'S SIGNATURE HARRIS.MATTHEW.MOSLEY Digitally signed by HARRIS.MATTHEW.MOSLEY. Date: 2024.03.29 18:51:23 -07'00'	

STATEMENT OF TRIAL RESULTS - FINDINGS

SECTION I - LIST OF FINDINGS

CHARGE	ARTICLE	SPECIFICATION	PLEA	FINDING	ORDER OR REGULATION VIOLATED	LIO OR INCHOATE OFFENSE ARTICLE	DIBRS	
Charge I	112a	Specification 1:	Guilty	Guilty			112AB1	
		Offense description	Possession of Schedule I / II / III controlled drugs with intent to distribute					
		Specification 2:	Guilty	Guilty				112AD1
		Offense description	Distributing Schedule I / II / III controlled drugs					
		Specification 3:	Guilty	Guilty				112AC1
		Offense description	Use of Schedule I / II / III controlled drugs					
		Specification 4:	Guilty	Guilty				112AG1
		Offense description	Introduction of Schedule I / II / III controlled drugs					
		Specification 5:	Guilty	Guilty				112AB1
		Offense description	Possession of Schedule I / II / III controlled drugs with intent to distribute					
		Specification 6:	Not Guilty	W/D				112AD1
		Offense description	Distributing Schedule I / II / III controlled drugs					
		Withdrawn and Dismissed	WITHOUT PREJUDICE TO RIPEN INTO PREJUDICE UPON COMPLETION OF APPELLATE REVIEW.					
		Specification 7:	Guilty	Guilty				112AC1
		Offense description	Use of Schedule I / II / III controlled drugs					
		Specification 8:	Guilty	Guilty				112AB1
		Offense description	Possession of Schedule I / II / III controlled drugs with intent to distribute					
		Specification 9:	Guilty	Guilty				112AD1
Offense description	Distributing Schedule I / II / III controlled drugs							
Charge II	81	Specification:	Guilty	Guilty			90Z	
		Offense description	Conspiracy					
Additional Charge	112a	Specification 1:	Guilty	Guilty			112AB1	
		Offense description	Possession of Schedule I / II / III controlled drugs with intent to distribute					
		Specification 2:	Guilty	Guilty				112AB1
		Offense description	Possession of Schedule I / II / III controlled drugs with intent to distribute					
		Specification 3:	Guilty	Guilty				112AB1
Offense description	Possession of Schedule I / II / III controlled drugs with intent to distribute							

MILITARY JUDGE ALONE SEGMENTED SENTENCE

SECTION J - SENTENCING

CHARGE	SPECIFICATION	CONFINEMENT	CONCURRENT WITH	CONSECUTIVE WITH	FINE
Charge I	Specification 1:	36 Months	all others	N/A	None.
	Specification 2:	96 Months	all others	N/A	None.
	Specification 3:	36 Months	all others	N/A	None.
	Specification 4:	60 Months	all others	N/A	None.
	Specification 5:	36 Months	all others	N/A	None.
	Specification 6:	N/A	N/A	N/A	N/A
	Specification 7:	36 Months	all others	N/A	None.
	Specification 8:	36 Months	all others	N/A	None.
	Specification 9:	96 Months	all others	N/A	None.
Charge II	Specification:	96 Months	all others	N/A	None.
Additional Charge	Specification 1:	60 Months	all others	N/A	None.
	Specification 2:	36 Months	all others	N/A	None.
	Specification 3:	36 Months	all others	N/A	None.

CONVENING AUTHORITY'S ACTIONS

POST-TRIAL ACTION

SECTION A - STAFF JUDGE ADVOCATE REVIEW

1. NAME OF ACCUSED (LAST, FIRST, MI) Feist, Dylan M.		2. PAYGRADE/RANK E1	3. DoD ID NUMBER [REDACTED]
4. UNIT OR ORGANIZATION MALS-39, MAG-39, 3d MAW		5. CURRENT ENLISTMENT 29-Aug-2022	6. TERM 5 years
7. CONVENING AUTHORITY (UNIT/ORGANIZATION) 3d Marine Aircraft Wing	8. COURT-MARTIAL TYPE General	9. COMPOSITION Judge Alone - MJA16	10. DATE SENTENCE ADJUDGED 29-Mar-2024

Post-Trial Matters to Consider

11. Has the accused made a request for deferment of reduction in grade?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
12. Has the accused made a request for deferment of confinement?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
13. Has the accused made a request for deferment of adjudged forfeitures?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
14. Has the accused made a request for deferment of automatic forfeitures?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
15. Has the accused made a request for waiver of automatic forfeitures?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
16. Has the accused submitted necessary information for transferring forfeitures for benefit of dependents?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
17. Has the accused submitted matters for convening authority's review?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
18. Has the victim(s) submitted matters for convening authority's review?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
19. Has the accused submitted any rebuttal matters?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
20. Has the military judge made a suspension or clemency recommendation?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
21. Has the trial counsel made a recommendation to suspend any part of the sentence?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
22. Did the court-martial sentence the accused to a reprimand issued by the convening authority?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

23. Summary of Clemency/Deferment Requested by Accused and/or Crime Victim, if applicable.

- SJA consulted with the Convening Authority (CA) and explained his clemency authority under Art. 60, UCMJ.
 - The accused waived his rights to submit matters pursuant to R.C.M. 1106.
 - Per paragraph 9.b of the plea agreement, upon receipt of the substantial assistance letter (LETTER), the CA agrees to act under R.C.M. 1109(e) and reduce the confinement to at least 24 months for each of the specifications to which the accused plead guilty to and for the reduced confinement for each specifications to be concurrently with each other. At the time of this action, paragraph 9.b of the plea agreement is not applicable as there was no LETTER provided to the CA. However, should the LETTER be provided provided to the CA after action herein but before the Entry of Judgment (EOJ), a new CA Action will be executed and appropriate action taken on the sentence IAW paragraph 9.b of the plea agreement. If the LETTER is provided after the EOJ, a new CA Action will be done IAW RCM 1109.

24. Convening Authority Name/Title Major General M. J. BORGSCHULTE/ Commanding General	25. SJA Name Colonel [REDACTED]
26. SJA signature [REDACTED]	27. Date 30 MAY 2024

Convening Authority's Action -

Feist, Dylan M.

SECTION B - CONVENING AUTHORITY ACTION

28. Having reviewed all matters submitted by the accused and the victim(s) pursuant to R.C.M. 1106/1106A, and after being advised by the staff judge advocate or legal officer, I take the following action in this case: [If deferring or waiving any punishment, indicate the date the deferment/waiver will end. Attach signed reprimand if applicable. Indicate what action, if any, taken on suspension recommendation(s) or clemency recommendations from the judge.]

- The accused waived his rights to submit matters pursuant to R.C.M. 1106.

- Per paragraph 9.b of the plea agreement, upon receipt of the substantial assistance letter (LETTER), the CA agrees to act under R.C.M. 1109(e) and reduce the confinement to at least 24 months for each of the specifications to which the accused plead guilty to and for the reduced confinement for each specifications to be concurrently with each other. At the time of this action, paragraph 9.b of the plea agreement is not applicable as there was no LETTER provided to the CA. However, should the LETTER be provided provided to the CA after action herein but before the Entry of Judgment (EOJ), a new CA Action will be executed and appropriate action taken on the sentence IAW paragraph 9.b of the plea agreement. If the LETTER is provided after the EOJ, a new CA Action will be done IAW RCM 1109.

- I take no action on the findings or sentence.

29. Convening authority's written explanation of the reasons for taking action on offenses with mandatory minimum punishments or offenses for which the maximum sentence to confinement that may be adjudged exceeds two years, or offenses where the adjudged sentence includes a punitive discharge (Dismissal, DD, BCD) or confinement for more than six months, or a violation of Art. 120(a) or 120(b) or 120b:

N/A

30. Convening Authority's signature



31. Date

5/30/24

32. Date convening authority action was forwarded to PTPD or Review Shop.

Convening Authority's Action -

Feist, Dylan M.

CONTINUATION SHEET - CA'S ACTION AND ENTRY OF JUDGMENT

23. Summary of Clemency/Deferment Requested by Accused and/or Crime Victim, if applicable. (Continued)

Convening Authority's Action -

Frist, Dylan M.

ENTRY OF JUDGMENT

ENTRY OF JUDGMENT**SECTION A - ADMINISTRATIVE**

1. NAME OF ACCUSED (LAST, FIRST, MI) Feist, Dylan M.		2. PAYGRADE/RANK E1	3. DoD ID NUMBER [REDACTED]
4. UNIT OR ORGANIZATION MALS-39, MAG-39, 3d MAW		5. CURRENT ENLISTMENT 29-Aug-2022	6. TERM 5 years
7. CONVENING AUTHORITY (UNIT/ORGANIZATION) 3d Marine Aircraft Wing	8. COURT-MARTIAL TYPE General	9. COMPOSITION Judge Alone - MJA16	10. DATE COURT-MARTIAL ADJOURNED 29-Mar-2024

SECTION B - ENTRY OF JUDGMENT****MUST be signed by the Military Judge (or Circuit Military Judge) within 20 days of receipt****

11. Findings of each charge and specification referred to trial. [Summary of each charge and specification (include at a minimum the gravamen of the offense), the plea of the accused, the findings or other disposition accounting for any exceptions and substitutions, any modifications made by the convening authority or any post-trial ruling, order, or other determination by the military judge. R.C.M. 1111(b)(1)]

Charge I: Violation of the UCMJ, Article 112a

Plea: Guilty. Finding: Guilty.

Specification 1 (Wrongful Possession with Intent to Distribute): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California; on divers occasions between on or about 1 June 2023 and on or about 15 September 2023, wrongfully possess some amount of cocaine, a Schedule II controlled substance, with the intent to distribute the said controlled substance.

Plea: Guilty Finding: Guilty

Specification 2 (Wrongful Distribution): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully distribute some amount of cocaine, a Schedule II controlled substance.

Plea: Guilty Finding: Guilty

Specification 3 (Wrongful Use): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully use cocaine, a Schedule II controlled substance.

Plea: Guilty Finding: Guilty

Specification 4 (Wrongful Introduction): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California; on divers occasions between on or about 28 August 2023 and on or about 15 September 2023, wrongfully introduce some amount of cocaine, a Schedule II controlled substance, onto a vessel, aircraft, vehicle, or installation used by the armed forces or under the control of the armed forces, to wit: Marine Corps Base Camp Pendleton, with the intent to distribute the said controlled substance.

Plea: Guilty Finding: Guilty

Specification 5 (Wrongful Possession with Intent to Distribute): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully possess some amount of psilocybin mushrooms, a Schedule I controlled substance, with the intent to distribute the said controlled substance.

Plea: Guilty Finding: Guilty

-----SEE FINDINGS ON CONTINUATION SHEET-----

12. Sentence to be Entered. Account for any modifications made by reason of any post-trial action by the convening authority (including any action taken based on a suspension recommendation), confinement credit, or any post-trial rule, order, or other determination by the military judge. R.C.M. 1111(b)(2). If the sentence was determined by a military judge, ensure confinement and fines are segmented as well as if a sentence shall run concurrently or consecutively.

The Military Judge (segmented sentencing) adjudged the following sentence:

- Total forfeitures.

- Confinement:

Charge I: Violation of the UCMJ, Article 112a

Specification 1: 36 months of confinement

Specification 2: 96 months of confinement

Specification 3: 36 months of confinement

Specification 4: 60 months of confinement

Specification 5: 36 months of confinement

Specification 7: 36 months of confinement

Specification 8: 36 months of confinement

Specification 9: 96 months of confinement

Charge II: Violation of the UCMJ, Article 81

Specification: 96 months of confinement

Additional Charge: Violation of the UCMJ, Article 112a

Specification 1: 60 months of confinement

Specification 2: 36 months of confinement

Specification 3: 36 months of confinement

Confinement will run concurrently.

- Total confinement time will be 96 months.

- Dishonorable discharge.

Plea Agreement:

- Punitive Discharge: No limitation are placed on the Military Judge. The full range of options is available from no punitive discharge to the most severe punitive discharge permitted in this case: dishonorable discharge.

- Confinement: A total minimum of 36 months and a maximum of 108 months of confinement shall be adjudged for the specification 1, 2, 4, 5, 8 and 9 of Charge I. A total minimum of 36 months and a maximum of 108 months of the sole specification of Charge II. A total minimum of 36 months and a maximum of 108 months for the specification 1, 2, and 3 of the Additional Charge. A total minimum of 36 months and the maximum of 60 months of confinement shall be adjudged for specification 3 and 7 for Charge I. All confinement will run concurrently. Total confinement time will be 96 months.

-----SEE CONTINUATION SHEET-----

13. Deferment and Waiver. Include the nature of the request, the CA's Action, the effective date of the deferment, and date the deferment ended. For waivers, include the effective date and the length of the waiver. RCM 1111(b)(3)

N/A. The accused did not request deferment or waiver.

14. Action convening authority took on any suspension recommendation from the military judge:

N/A. The Military Judge did not recommend suspension.

HARRIS.MATTHEW.M
OSLEY. [REDACTED]

Digitally signed by
HARRIS.MATTHEW.MOSLEY. [REDACTED]
[REDACTED]
Date: 2024.07.31 15:19:45 -07'00'

Jul 31, 2024

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11. Findings (Continued)

Specification 6 (Wrongful Distribution): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully distribute some amount of psilocybin mushrooms, a Schedule I controlled substance.

Plea: Not Guilty Finding: W/D*

Specification 7 (Wrongful Use): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully use psilocybin mushrooms, a Schedule I controlled substance.

Plea: Guilty Finding: Guilty

Specification 8 (Wrongful Possession with Intent to Distribute): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully possess some amount of lysergic acid diethylamide (LSD), a Schedule I controlled substance, with the intent to distribute the said controlled substance.

Plea: Guilty Finding: Guilty

Specification 9 (Wrongful Distribution): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully distribute some amount of lysergic acid diethylamide (LSD), a Schedule I controlled substance.

Plea: Guilty Finding: Guilty

Charge II: Violation of the UCMJ, Article 81

Plea: Guilty Finding: Guilty

Specification (Conspiracy): In that Private Dylan M. FEIST, U.S. Marine Corps, did, at or near Camp Pendleton, California, between on or about 1 June 2023 and on or about 15 September 2023, conspire with Lance Corporal [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: violation of Article 112a, wrongful possession with intent to distribute controlled substances, and in order to effect the object of the conspiracy the said Private Dylan M. FEIST and Lance Corporal [REDACTED] stored: Cocaine, a Schedule II controlled substance; Psilocybin mushrooms, a Schedule I controlled substance; Lysergic acid diethylamide (LSD), a Schedule I controlled substance; at the residence of the said Lance Corporal [REDACTED]

Plea: Guilty Finding: Guilty

Additional Charge: Violation of the UCMJ, Article 112a

Plea: Guilty Finding: Guilty

Specification 1 (Wrongful Possession with Intent to Distribute): In that Private Dylan M. Feist, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully possess some amount of methamphetamine, a Schedule II controlled substance, with the intent to distribute the said controlled substance.

Plea: Guilty Finding: Guilty#

Specification 2 (Wrongful Possession with Intent to Distribute): In that Private Dylan M. Feist, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully possess some amount of ketamine, a Schedule III controlled substance, with the intent to distribute the said controlled substance.

Plea: Guilty Finding: Guilty#

Specification 3 (Wrongful Possession with Intent to Distribute): In that Private Dylan M. Feist, U.S. Marine Corps, did, at or near Camp Pendleton, California, on divers occasions, between on or about 1 June 2023 and on or about 15 September 2023, wrongfully possess some amount of 3,4-Methylenedioxymethamphetamines (MDMA), a Schedule I controlled substance, with the intent to distribute the said controlled substance.

Plea: Guilty Finding: Guilty

* After the announcement of the sentence by the Military Judge, the withdrawn charges and specifications will be dismissed without prejudice to ripen into prejudice upon completion of appellate review where the findings and sentence have been upheld.

Language "on divers occasions" withdrawn and dismissed by convening authority prior to findings.

12. Sentence (Continued)

Plea Agreement:

- Forfeitures may be adjudged.
- Fine may be adjudged.
- Reduction may be adjudged.
- No other lawful punishments will be adjudged.

Convening Authority:

- The accused waived his rights to submit matters pursuant to R.C.M. 1106.
- Per paragraph 9.b of the plea agreement, upon receipt of the substantial assistance letter (LETTER), the CA agrees to act under R.C.M. 1109(e) and reduce the confinement to at least 24 months for each of the specifications to which the accused plead guilty to and for the reduced confinement for each specifications to be concurrently with each other. At the time of this action, paragraph 9.b of the plea agreement is not applicable as there was no LETTER provided to the CA. However, should the LETTER be provided provided to the CA after action herein but before the Entry of Judgment (EOJ), a new CA Action will be executed and appropriate action taken on the sentence IAW paragraph 9.b of the plea agreement. If the LETTER is provided after the EOJ, a new CA Action will be done IAW RCM 1109.

Pretrial confinement credit:

The Accused was credited with 27 days of pretrial confinement credit.

APPELLATE INFORMATION

**THERE IS NO APPELLATE
INFORMATION AT THIS TIME**

REMAND

THERE WERE NO REMANDS

**NOTICE OF COMPLETION OF
APPELLATE REVIEW**