

**CERTIFIED RECORD OF TRIAL**

(and accompanying papers)

of

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

MALS-39, MAG-39, 3d MAW

(Unit/Command Name)

U.S. Marine Corps

(Branch of Service)

Camp Pendleton, California

(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

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

# **CONVENING ORDER**



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

IN REPLY REFER TO

5800  
CG

OCT 06 2023

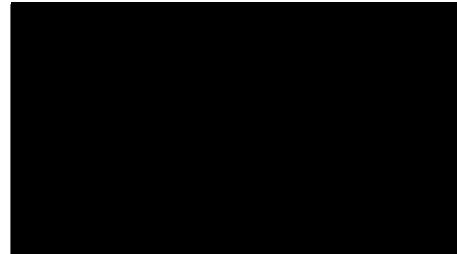
**GENERAL COURT-MARTIAL CONVENING ORDER #1-23**

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) <b>FEIST, Dylan M.</b>	2. EDIPI [REDACTED]	3. RANK/RATE <b>Pvt</b>	4. PAY GRADE <b>E-1</b>
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 [REDACTED] \$2,017.20 20240329 \$1,917.00		8. NATURE OF RESTRAINT OF ACCUSED  b. SEA/FOREIGN DUTY None	
c. TOTAL [REDACTED] \$2,017.20 20240329		9. DATE(S) IMPOSED [REDACTED] 20240329 8 Mar 24 - Present Pre-Trial Confinement Conditioned 14 Sep 23 - 19 Sep 23 Pre-Trial Restriction Liberty 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.

**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)**

ORIGINAL

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.)

\_\_\_\_\_  
Typed Name of Immediate Commander

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

FIRST LIEUTENANT, USMC  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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  
Designation of Command or

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

FOR THE<sup>1</sup> COMMANDING OFFICER

LEGAL OFFICER

Official Capacity of Officer Signing

FIRST LIEUTENANT, USMC  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 6CMCO #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. BORGSHULTE

Typed Name of Officer

COMMANDING GENERAL

Official Capacity of Officer Signing

MAJOR GENERAL, U.S. MARINE CORPS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 (Last, First, MI)	2. EDIPI	3. RANK/RATE	4. PAY GRADE
FEIST, Dylan M.	[REDACTED]	Pvt	E-1

**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 a. BASIC \$2,617.20 \$1,917.00 20240329	b. SEA/FOREIGN DUTY None	c. TOTAL \$2,017.20 \$1,917.00 20240329	8. NATURE OF RESTRAINT OF ACCUSED Pre-Trial Confinement Pre-Trial Restriction <i>Condition on Liberty</i>
		9. DATE(S) IMPOSED 20240329 8Mar24-Present, 20240329 14Sep23 – 19Sep23; 20240329 20Oct23 – PRESENT	

## 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 the said controlled substance.

"34" (END)

20240112

## III. PREFERRAL

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)



# 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)	2. BRANCH	3. PAYGRADE	4. DoD ID NUMBER
Feist, Dylan M.	Marine Corps	E-1	
5. CONVENING COMMAND	6. TYPE OF COURT-MARTIAL	7. COMPOSITION	8. DATE SENTENCE ADJUDGED
3d Marine Aircraft Wing	General	Judge Alone - MJA16	Mar 29, 2024

### SECTION B - FINDINGS

SEE FINDINGS PAGE

### SECTION C - TOTAL ADJUDGED SENTENCE

9. DISCHARGE OR DISMISSAL	10. CONFINEMENT	11. FORFEITURES	12. FINES	13. FINE PENALTY	
Dishonorable discharge	96 months	Total Forfeitures	None	N/A	
14. REDUCTION	15. DEATH	16. REPRIMAND	17. HARD LABOR	18. RESTRICTION	19. HARD LABOR PERIOD
None	Yes <input type="radio"/> No <input checked="" type="radio"/>	N/A			

### 20. PERIOD AND LIMITS OF RESTRICTION

N/A
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### SECTION D - CONFINEMENT CREDIT

21. DAYS OF PRETRIAL CONFINEMENT CREDIT	22. DAYS OF JUDICIALLY ORDERED CREDIT	23. TOTAL DAYS OF CREDIT
27	0	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
27. RECOMMENDED DURATION		

#### 28. FACTS SUPPORTING THE SUSPENSION OR CLEMENCY RECOMMENDATION

--

### 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)	34. BRANCH	35. PAYGRADE	36. DATE SIGNED	38. JUDGE'S SIGNATURE
Harris, Matthew M.	Marine Corps	O-5	Mar 29, 2024	HARRIS.MATTHEW.MOSLEY Y. [REDACTED]
37. NOTES				
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)	2. PAYGRADE/RANK	3. DoD ID NUMBER	
Feist, Dylan M.	E1	[REDACTED]	
4. UNIT OR ORGANIZATION	5. CURRENT ENLISTMENT	6. TERM	
MALS-39, MAG-39, 3d MAW	29-Aug-2022	5 years	
7. CONVENING AUTHORITY (UNIT/ORGANIZATION)	8. COURT-MARTIAL TYPE	9. COMPOSITION	10. DATE SENTENCE ADJUDGED
3d Marine Aircraft Wing	General	Judge Alone - MJA16	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	25. SJA Name
Major General M. J. BORGSCHEDE/ Commanding General	Colonel [REDACTED]
26. SJA signature	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 -

Feist, 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 sever 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.

15. Judge's signature:

HARRIS.MATTHEW.M  
OSLEY. [REDACTED]

Digitally signed by

HARRIS.MATTHEW.MOSLEY. [REDACTED]

Date: 2024.07.31 15:19:45 -07'00'

16. Date judgment entered:

Jul 31, 2024

17. In accordance with RCM 1111(c)(1), the military judge who entered a judgment may modify the judgment to correct computational or clerical errors within 14 days after the judgment was initially entered. Include any modifications here and resign the Entry of Judgment.

18. Judge's signature:

19. Date judgment entered:

## 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-Methylenedioxymphetamines (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**