

**CERTIFIED RECORD OF TRIAL**

(and accompanying papers)

of

Maragh

(Last Name)

Devonish

(First Name)

R

MI

(DoD ID No.)

LCpl/E-3

(Rank)

2d Battalion, 8th Marine Regiment

(Unit/Command Name)

United States Marine Corps

(Branch of Service)

Camp Lejeune, North Carolina

(Location)

By

Special Court-Martial (SPCM)

(GCM, SPCM, or SCM)

**COURT-MARTIAL**

Convened by

Commanding Officer

(Title of Convening Authority)

2d Battalion, 8th Marine Regiment, 2d Marine Division

(Unit/Command of Convening Authority)

Tried at

Camp Lejeune, North Carolina

(Place or Places of Trial)

On

1 December 2023, 28 February 2024, and 7 March 2024

(Date or Dates of Trial)

Companion and other cases

None

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

# CONVENING ORDER



UNITED STATES MARINE CORPS  
2D BATTALION 8TH MARINES  
2D MARINE DIVISION  
11TH MARINE FORCE  
PSC BOX 20103  
CAMP LEJEUNE NC 28542 0103

5800  
SPCM 1-22  
**17 NOV 2022**

From: Commanding Officer, 2d Battalion, 8th Marines  
To: 2d Battalion, 8th Marines

Subj: SPECIAL COURT-MARTIAL CONVENING ORDER 1-22

1. Pursuant to the authority contained in Article 23, Uniform Code of Military Justice, Rule for Courts-Martial 504, and Section 0120, Manual of the Judge Advocate General, a Special Court Martial is hereby convened with the following members. It may proceed at Marine Corps Base Camp Lejeune, North Carolina, or any such place as directed. The court will be constituted as follows:

- a. Captain [REDACTED] U.S. Marine Corps;
- b. First Lieutenant [REDACTED] U.S. Marine Corps;
- c. Second Lieutenant [REDACTED] U.S. Marine Corps;
- d. First Sergeant [REDACTED] U.S. Marine Corps; and,
- e. Gunnery Sergeant [REDACTED] U.S. Marine Corps

2. The point of contact for this is the Battalion Executive Officer, Major [REDACTED] at [REDACTED]  
[REDACTED] or [REDACTED]

[REDACTED]  
J. W. LANDERS

# CHARGE SHEET



CHARGE SHEET				
I. PERSONAL DATA				
1. NAME OF ACCUSED (Last, First, MI) MARAGH, Devonish R.		2. EDIPI [REDACTED]	3. RANK/RATE <b>LCPL</b> <b>PFC</b>	4. PAY GRADE E-3
5. UNIT OR ORGANIZATION 2d Battalion, 8th Marine Regiment, 2d Marine Division, Camp Lejeune, North Carolina		6. CURRENT SERVICE a. INITIAL DATE 31 Jan 22		b. TERM 4 Yrs
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC <b>\$2526.40</b> <del>\$2,259.90</del>	b. SEA/FOREIGN DUTY \$0.00	c. TOTAL <b>\$2526.40</b> <del>\$2,259.90</del>		NA
II. CHARGES AND SPECIFICATIONS				
10. <b>Charge I:</b> <span style="float: right;"><b>Violation of the UCMJ, Article 92</b></span>				
<b>Lance Corporal</b>				
<b>Specification: 1 (Violation of a General Order or Regulation):</b> In that <del>Private First Class</del> Devonish R. MARAGH, U.S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Lejeune, North Carolina, on or about 17 November 2022, violate a lawful general order, which was his duty to obey, to wit: paragraph 5, ALNAV 074/20, dated 24 July 2020, by wrongfully using Tetrahydrocannabinol-8.				
<b>Lance Corporal</b>				
<b>Specification: 2 (Violating General Order or Regulation):</b> In that <del>Private First Class</del> Devonish R. MARAGH, U.S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Lejeune, North Carolina, on or about 20 January 2023, violate a lawful general order, which was his duty to obey, to wit: Chapter 4, Subsection 1, Paragraph j, MCO 1700.22G, dated 16 November 2015, by wrongfully consuming alcohol under the minimum legal age.				
 <b>Charge II:</b> <span style="float: right;"><b>Violation of the UCMJ, Article 111</b></span>				
<b>Lance Corporal</b>				
<b>Specification: (Leaving the Scene of a Vehicle Accident):</b> In that <del>Private First Class</del> Devonish R. MARAGH, U.S. Marine Corps, on active duty, the driver of a vehicle at the time of an accident in which said vehicle was involved, and having knowledge of said accident, did, at or near Marine Corps Base Camp Lejeune, North Carolina, on or about 19 January 2023, wrongfully leave the scene of the accident without making his identity known.				
(see supplemental page)				
III. PREFERRAL; SERVICE OF CHARGES				
11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]		b. GRADE E-3	c. ORGANIZATION OF ACCUSER H&S Bn, MCIEAST, MCB, Camp Lejeune, NC	
d. SIGNATURE OF ACCUSER [REDACTED]			e. DATE <b>20230828</b>	
AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this <b>28</b> day of <b>August</b> 2023, and signed the foregoing charges and specifications under oath that she is a person subject to the Uniform Code of Military Justice and that she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of her knowledge and belief.				
<b>A. J. ZIMMERMAN II</b> _____ Typed Name of Officer <b>Capt, U. S. Marine Corps</b> [REDACTED]		<b>HqSptBn, MCI-East, MCB, Camp Lejeune, NC</b> _____ Organization of Officer <b>Judge Advocate</b> _____ Official Capacity to Administer Oaths (See R.C.M. 307(b)-must be commissioned officer)		

ORIGINAL

12. On <u>1 Sept</u> , 2023, the accused was informed of the charges against him and of the name of the accuser known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)		
<u>[REDACTED]</u> Typed Name of Immediate Commander	<u>2nd Bn, 8th Mar, 2d MarDiv</u> Organization of Immediate Commander	
<u>1st Lt, U.S. Marine Corps</u> <u>[REDACTED]</u>		
IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY		
13. The sworn charges were received at <u>1ST</u> hours, <u>0800</u> , 2023 at <u>2nd Bn, 8th Mar, 2d MarDiv</u> <u>Camp Lejeune, NC</u> Designation of Commander		
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)		
FOR THE: <u>[REDACTED]</u> Typed Name of Officer <u>1st Lt, U.S. Marine Corps</u> <u>[REDACTED]</u>	<u>COMMANDING OFFICER</u> <u>Legal Officer</u> Official Capacity of Officer Signing	
V. REFERRAL; SERVICE OF CHARGES		
14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY <u>2d Battalion, 8th Marine Regiment, 2d Marine Division</u>	b. PLACE <u>Camp Lejeune, North Carolina</u>	c. DATE <u>20230901</u>
Referred for trial to the <u>Special</u> court-martial convened by this document, <u>1-22</u>		
dated <u>17 November</u> , 2022, subject to the following instructions: <sup>2</sup> <u>Prior to referral, I consulted with</u> <u>Trial Counsel in accordance with R.C.M. 406A.</u>		
By <u>XXXXXXXXXXXXXXXXXX</u> of <u>[REDACTED]</u> Command or Order		
<u>[REDACTED]</u> Typed Name of Officer <u>LtCol, U.S. Marine Corps</u> Grade <u>[REDACTED]</u> Signature	<u>COMMANDING OFFICER</u> Official Capacity of Officer Signing	
15. On <u>1 September</u> , 2023, I caused to be served a copy hereof on the above named accused.		
<u>A. J. ZIMMERMAN II</u> Counsel <u>[REDACTED]</u>	<u>Capt, U. S. Marine Corps</u> Grade or Rank of Trial Counsel	
FOOTNOTES 1 -- When an appropriate commander signs personally, inapplicable words are stricken 2 -- See R.C.M. 60(f) concerning instructions. If none, so state		

CERTIFIED TRUE COPY

A. J. Zimmerman II Capt. U.S. Marine Corps 20230901

**Charge III:**

**Violation of the UCMJ, Article 113**

**Specification: (Reckless Operation of a Vehicle):** In that ~~Private First Class~~ <sup>Lance Corporal</sup> Devonish R. MARAGH, U.S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Lejeune, North Carolina, on or about 19 January 2023, physically control a vehicle, to wit: a passenger car, in a reckless manner by operating the vehicle at a high rate of speed in a parking lot.

**Charge IV:**

**Violation of the UCMJ, Article 121**

**Specification: (Wrongful Appropriation):** In that ~~Private First Class~~ <sup>Lance Corporal</sup> Devonish R. MARAGH, U.S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Lejeune, North Carolina, on or about 19 January 2023, wrongfully appropriate a motor vehicle, of a value greater than \$1,000, the property of [REDACTED]

**Charge V:**

**Violation of the UCMJ, Article 129**

**Specification: (Burglary):** In that ~~Private First Class~~ <sup>Lance Corporal</sup> Devonish R. MARAGH, U.S. Marine Corps, on active duty, did, at or near Marine Corps Base Camp Lejeune, North Carolina, on or about 19 January 2023, unlawfully break and enter the structure of Private First Class [REDACTED] to wit: [REDACTED] Marine Corps Base Camp Lejeune, with intent to commit an offense under the Uniform Code of Military Justice therein, to wit: Article 121 Wrongful Appropriation.

# **TRIAL COURT MOTIONS & RESPONSES**

**SPECIAL COURT-MARTIAL  
NAVY-MARINE CORPS TRIAL JUDICIARY  
EASTERN JUDICIAL CIRCUIT**

UNITED STATES

v.

DEVONISH MARAGH  
LANCE CORPORAL  
U.S. Marine Corps

DEFENSE MOTION FOR  
APPROPRIATE RELIEF  
(Continuance Request)

Date: 26 February 2024

**1. Nature of Motion.** Pursuant to Rule for Courts-Martial 906(b)(1), the Defense moves the court for a continuance of the subject case.

**2. Summary of Facts.**

- a. Trial is scheduled to commence on 5 March 2024.
- b. Defense has been engaged with immigration attorneys starting on 3 January 2024 and received a final opinion on 16 February 2024.
- c. Defense submitted a pretrial agreement on 22 February 2024 and there has been no response from the government.

**3. Evidence and Burden of Proof.** The Defense has the burden of proof by a preponderance of the evidence. The following attachments are offered in support of this motion:

Enclosure 1: Email Traffic with Immigration Attorneys

Enclosure 2: Pretrial Agreement dtd 22 Feb 24

**4. Argument.** LCpl Maragh is permanent resident and not a U.S. citizen. Defense Counsel has sought guidance from immigration attorneys on the impacts various resolutions of LCpl Maragh's case may have on his immigration status. "With only a small degree of hyperbole, the immigration laws have been termed 'second only to the Internal Revenue Code in complexity.'"

“With only a small degree of hyperbole, the immigration laws have been termed ‘second only to the Internal Revenue Code in complexity.’ *Castro-O’Ryan v. U.S. Dep’t of Immigr. and Naturalization*, 847 F.2d 1307, 1312 (9th Cir. 1987) (quoting *E. Hull, With-out Justice For All*, 107 (1985).

Defense has consulted with and received advice from immigration attorneys on possible consequences for LCpl Maragh. Based on their knowledge and advice, a pretrial agreement was then submitted within a week. Defense respectfully requests a one-month continuance to continue in meaningful plea negotiations with the full advice from immigrations attorneys.

**5. Relief Requested.** Pursuant to Rule For Courts-Martial 906(b)(1), the Defense respectfully requests the Court for a one month continuance of the subject case.

  
S. M. TROTTIER  
Captain, U.S. Marine Corps  
Defense Counsel



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**Certificate of Service**

I hereby attest that a copy of the foregoing motion was served electronically on the Court and opposing counsel on 26 February 2023.

[REDACTED]

S. M. TROTTIER  
Captain, U.S. Marine Corps  
Defense Counsel

.....

**Trial Counsel Response**

The Government opposes/does not oppose the Motion for Continuance.

\_\_\_\_\_  
A. ZIMMERMAN  
Captain, U.S. Marine Corps  
Trial Counsel

# 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
Maragh, Devonish R.	Marine Corps	E-3	
5. CONVENING COMMAND	6. TYPE OF COURT-MARTIAL	7. COMPOSITION	8. DATE SENTENCE ADJUDGED
2d BN, 8th Marine Regiment, 2d Marine Division	Special	Judge Alone - MJA 16	Mar 7, 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
Not adjudged	3 Months	None	N/A	N/A
14. REDUCTION	15. DEATH	16. REPRIMAND	17. HARD LABOR	18. RESTRICTION
E-1	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>	Yes <input type="radio"/> No <input checked="" type="radio"/>	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	22. DAYS OF JUDICIALLY ORDERED CREDIT	23. TOTAL DAYS OF CREDIT
0		0 days

## SECTION E - PLEA AGREEMENT OR PRE-TRIAL AGREEMENT

24. LIMITATIONS ON PUNISHMENT CONTAINED IN THE PLEA AGREEMENT OR PRE-TRIAL AGREEMENT
No punitive discharge will be adjudged. A minimum of 3 months and a maximum of 6 months of confinement shall be adjudged. Forfeitures may be adjudged. No fine shall be adjudged. Reduction shall be adjudged to the grade of E-1. 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?	26. PORTION TO WHICH IT APPLIES	27. RECOMMENDED DURATION
Yes <input type="radio"/> No <input checked="" type="radio"/>		

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 type="radio"/> No <input checked="" 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
Mossor, William	Marine Corps	O-4	Mar 7, 2024	MOSSOR, WILLIAM JOSEPH Digitally signed by MOSSOR, WILLIAM JOSEPH Date: 2024.03.07 13:17:28 -05'00'
37. NOTES				

# 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 Plea: Guilty Finding: Guilty	92	Specification 1:	Not Guilty	W/D			092-A0
		Offense description	Violation of a lawful general order				
		Withdrawn and Dismissed	W/D without prejudice to ripen into prejudice upon completion of appellate review where findings and sentence are upheld.				
		Specification 2:	Guilty	Guilty			Empty
		Offense description	Violation of a lawful general order				
Charge: II Plea: Not Guilty Finding: W/D	111	Specification:	Not Guilty	W/D			134-O1
		Offense description	Fleeing the scene of an accident - principal				
		Withdrawn and Dismissed	W/D without prejudice to ripen into prejudice upon completion of appellate review where findings and sentence are upheld.				
Charge: III Plea: Guilty Finding: Guilty	113	Specification:	Guilty	Guilty			111-B2
		Offense description	Reckless driving				
Charge: IV Plea: Guilty Finding: Guilty	121	Specification:	Guilty	Guilty			Empty
		Offense description	Misappropriation of property of a value of more than \$1000				
Charge: V Plea: Guilty Finding: Guilty	129	Specification:	Guilty	Guilty			129---
		Offense description	Burglary				

MILITARY JUDGE ALONE SEGMENTED SENTENCE	
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## SECTION J - SENTENCING

CHARGE	SPECIFICATION	CONFINEMENT	CONCURRENT WITH	CONSECUTIVE WITH	FINE
Charge: I Plea: Guilty Finding: Guilty	Specification 1	N/A	N/A	N/A	N/A
	Specification 2	3 months	All others	N/A	N/A
Charge: II Plea: Not Guilty Finding: W/D	Specification	N/A	N/A	N/A	N/A
Charge: III Plea: Guilty Finding: Guilty	Specification	3 months	All others	N/A	N/A
Charge: IV Plea: Guilty Finding: Guilty	Specification	3 months	All others	N/A	N/A
Charge: V Plea: Guilty Finding: Guilty	Specification	3 months	All others	N/A	N/A

# 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
Maragh, Devonish R.		E3	
4. UNIT OR ORGANIZATION		5. CURRENT ENLISTMENT	6. TERM
2d Bn, 8th MarRegt		31 January 2022	4 Yrs
7. CONVENING AUTHORITY (UNIT/ORGANIZATION)	8. COURT-MARTIAL TYPE	9. COMPOSITION	10. DATE SENTENCE ADJUDGED
2d Bn, 8th MarRegt	Special	Judge Alone - MJA16	7 March 2024
<b>Post-Trial Matters to Consider</b>			
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 checked="" type="radio"/> Yes	<input 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.			
<p>On 25 March 2024, detailed defense counsel submitted matters for your consideration, specifically requesting you suspend the adjudged reduction to pay grade E-1, the forfeitures, and grant any other clemency available. It is noted that there were no adjudged forfeitures in this case and automatic forfeitures pursuant to Art 58b, UCMJ, do not apply. You are required to consider these matters in determining the action you take on the findings of guilt or on the sentence.</p> <p>I have advised the Convening Authority of clemency authority based on the earliest findings of guilty for an offense committed on or after 1 January 2019 pursuant to R.C.M. 1109, MCM (2024 Ed.).</p>			
24. Convening Authority Name/Title		25. SJA Name	
<div style="background-color: black; width: 100px; height: 20px; margin-bottom: 5px;"></div> Commanding Officer		<div style="background-color: black; width: 100px; height: 20px; margin-bottom: 5px;"></div>	
26. SJA signature		27. Date	
<div style="background-color: black; width: 100%; height: 40px;"></div>		Apr 4, 2024	

Convening Authority's Action -

Maragh, Devonish R.

## 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.]

Special Court-Martial Order No. D24-06

**Action.**

In the Special Court-Martial case of United States v. Lance Corporal Devonish R. Maragh, U.S. Marine Corps, the sentence is approved and will be executed. The Marine Corps Installations East Regional Brig, Camp Lejeune, North Carolina is designated as the initial place of confinement.

**Disposition.**

Pursuant to Article 65, Uniform Code of Military Justice, the record of trial will be forwarded to the Navy-Marine Corps Appellate Review Activity (Code 40), Office of the Judge Advocate General, Washington Navy Yard, Washington, D.C. 20374 for review.

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

20240410

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

14 Jun 24

# ENTRY OF JUDGMENT

## ENTRY OF JUDGMENT

### SECTION A - ADMINISTRATIVE

1. NAME OF ACCUSED (LAST, FIRST, MI)	2. PAYGRADE/RANK	3. DoD ID NUMBER	
Maragh, Devonish R.	E3		
4. UNIT OR ORGANIZATION	5. CURRENT ENLISTMENT	6. TERM	
2d Bn, 8th Mar, 2d MarDiv	31 January 2022	4 Yrs	
7. CONVENING AUTHORITY (UNIT/ORGANIZATION)	8. COURT-MARTIAL TYPE	9. COMPOSITION	10. DATE COURT-MARTIAL ADJOURNED
2d Bn, 8th Mar, 2d MarDiv	Special	Judge Alone - MJA16	7 March 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 Article 92, UCMJ.

Plea: Guilty. Finding: Guilty.

Specification 1: Did, on or about 17 November 2022, violate a lawful general order, which was his duty to obey, to wit: Paragraph 5, ALNAV 074/20, dated 24 July 2020, by wrongfully using Tetrahydrocannabinol-8. Plea: Not Guilty. Finding: Dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Specification 2: Did, on or about 20 January 2023, violate a lawful general order, which was his duty to obey, to wit: Chapter 4, Subsection 1, Paragraph j, MCO 1700.22G, dated 16 November 2015, by wrongfully consuming alcohol under the minimum legal age. Plea: Guilty. Finding: Guilty.

Charge II: Violation of Article 111, UCMJ.

Plea: Not Guilty. Finding: Dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Specification: The driver of a vehicle at the time of an accident in which said vehicle was involved, and having knowledge of said accident, did, on or about 19 January 2023, wrongfully leave the scene of an accident without making his identity known. Plea: Not Guilty. Finding: Dismissed without prejudice, to ripen into prejudice upon completion of appellate review in which the findings and sentence are affirmed.

Charge III: Violation of Article 113, UCMJ.

Plea: Guilty. Finding: Guilty.

Specification: Did, on or about 19 January 2023, physically control a vehicle, to wit: a passenger car, in a reckless manner by operating the vehicle at a high rate of speed in a parking lot. Plea: Guilty. Finding: Guilty.

Charge IV: Violation of Article 121, UCMJ.

Plea: Guilty. Finding: Guilty.

Specification: Did, on or about 19 January 2023, wrongfully appropriate a motor vehicle, of a value greater than \$1,000.00, the property of K.H. Plea: Guilty. Finding: Guilty.

**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.

Military Judge: Reduction to pay grade E-1, and;

Charge I: Violation of Article 92, UCMJ.

Specification 2: 3 months confinement.

Charge III: Violation of Article 113, UCMJ.

Specification: 3 months confinement.

Charge IV: Violation of Article 121, UCMJ.

Specification: 3 months confinement.

Charge V: Violation of Article 129, UCMJ.

Specification: 3 months confinement.

All confinement is to be served concurrently for a total of 3 months.

No confinement credit awarded.

**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.

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

N/A.

15. Judge's signature:		16. Date judgment entered:	
MOSSOR.WILLIAM.J OSEPH. [REDACTED] Digitally signed by MOSSOR.WILLIAM.JOSEPH [REDACTED] Date: 2024.06.17 15:41:07 -04'00'		Jun 17, 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.			
<div></div>			
18. Judge's signature:		19. Date judgment entered:	
<div></div>		<div></div>	

CONTINUATION SHEET - ENTRY OF JUDGMENT

11. Findings (Continued)

Charge V: Violation of Article 129, UCMJ.

Plea: Guilty. Finding: Guilty.

Specification: Did, on or about 19 January 2023, unlawfully break and enter the structure of PFC [REDACTED], to wit: [REDACTED] Marine Corps Base Camp Lejeune, with intent to commit an offense under the Uniform Code of Military Justice therein, to wit: Article 121, wrongful appropriation. Plea: Guilty. Finding: Guilty.

# APPELLATE INFORMATION



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

**REMAND**

**THERE WERE NO REMANDS**

**NOTICE OF COMPLETION OF  
APPELLATE REVIEW**