



UNITED STATES MARINE CORPS

BRIG COMPANY

SECURITY BATTALION

MARINE CORPS BASE

BOX 555051

CAMP PENDLETON, CALIFORNIA 92055-5051

IN REPLY REFER TO:

5800

S-1

(Date)

From: Commanding Officer, (Unit/Command)

To: (Rank, Name, SSN, Branch of Service)

Subj: 48-HOUR PROBABLE CAUSE DETERMINATION AND PRETRIAL
CONFINEMENT ADVICE

Ref: (a) MCM, 2008

Encl: (1) Statement of Understanding

1. Pursuant to the reference and acting as a neutral and detached officer, I have reviewed the adequacy of probable cause to continue pretrial confinement in your case. I have determined that there is adequate probable cause for your continued pretrial confinement.

2. Pursuant to the reference, you are being placed in pretrial confinement for the following violation of the Uniform Code of Military Justice of which you are suspected of having committed.

Article/Nature of Offenses

Art. 91 SNM showed insubordinate conduct towards SNM by making threats of assault on or about 1752, 080213 by stating he would hit anyone that would get in his way of going UA.

Art. 92 SNM failed to obey a lawful order given by Battalion Commander by refusing to go to CCU as a result of NJP on or about 080212.

Art. 128 SNM assaulted SNM and caused bodily harm by head-butting him on the mouth three times on or about 1945, 080213.

3. You have the right to remain silent; any statement, either oral or in writing, made by you may be used against you in a trial by court-martial or at the initial review of your pretrial confinement. You have the right to terminate any statement made by you at any time.

4. You have the right to retain civilian counsel at no expense to the U.S. Government, or the right to request assignment of military counsel. If you should request military counsel, counsel will be provided to you before initial review of your pretrial confinement status. Said counsel may be assigned for the limited purpose of representing you at the initial review.

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You do not have the right to request individual military counsel for purposes of the pretrial confinement hearing.

5. Pretrial confinement in your case will be reviewed in accordance with RCM 305(i) of the reference, as follows:

a. Within seven (7) days of the imposition of confinement a review will be conducted by the detailed reviewing officer to ascertain probable cause that you committed an offense and the necessity for pretrial confinement.

b. The review will be made by a neutral and detached officer.

c. The review will include:

(1) A review of the memorandum submitted by me.

(2) A review of any additional written matters to include any submitted by you.

d. You and your assigned counsel, if desired will be allowed to appear in front of the reviewing officer to make a statement.

e. A command representative may appear before the reviewing officer to make a statement.

6. Upon completion of the review and based upon the reviewing officer's conclusions, he will approve continued pretrial confinement or he will order your immediate release.

SIGNATURE

(MUST BE SIGNED BY THE COMMANDING OFFICER OR ACTING)

IF ACTING, THEN A COPY OF THE ACTING LETTER MUST BE PROVIDED

CANNOT BE BY DIRECTION