

Accused

VERBATIM

RECORD OF TRIAL¹

(and accompanying papers)

of

MANION, Terry F.

237 89 42

Private E-1

(Last name, first name, middle initial)

(Service number)

(Rank or grade)

VMFA-451, MAG-31

Marine Corps Air Station

U.S. Marine Corps

Beaufort, South Carolina 29902

(Organization and armed force)

(Station or ship)

By

GENERAL

COURT-MARTIAL

Appointed by

COMMANDING GENERAL

(Title of convening authority)

2d Marine Aircraft Wing, FMF, Atlantic

(Command of convening authority)

Tried at

MCAS, Cherry Point, N. C.

on **21 April**

19 70

(Place or places of trial)

(Date or dates of trial)

back cover or instructions as to preparation and arrangement.

CHRONOLOGY SHEET¹

In the case of
(Name of accused)

Date of alleged commission of earliest offense tried: 19.....

Date record forwarded to The Judge Advocate General: 19.....

.....
(Signature and rank of staff judge advocate or legal officer)

¹ In a case forwarded to The Judge Advocate General, the staff judge advocate or legal officer is responsible for completion of the Chronology Sheet. Trial counsel should report any authorized deductions and reasons for unusual delay in the trial of the case.

² Or supervisory authority under art. 65c (par. 94a (1), (2), MCM, 1951).

³ In computing days between two dates, disregard first day and count last day. The actual number of days in each month will be counted.

⁴ Item 1 is not applicable when accused is not arrested or confined or when he is in confinement under a sentence of court-martial at time charges preferred. Item 2 will be the zero date if item 1 is not applicable.

⁵ May not be applicable to trial by special court-martial.

⁶ Only this item may be deducted.

⁷ If sentence, as approved by convening authority under item 8, does not involve BCD, items 1 to 8 will be completed, and chronology signed, by such convening authority or his representative.

	Date	Cumulative Elapsed Days ⁴
1. Accused arrested or confined by military authority of command in which trial held ⁵	19.....	0
2. Charges preferred (date of affidavit)		
3. Article 32 investigation (date of report) ⁶		
4. Charges received by convening authority		
5. Charges referred for trial		
6. Sentence or acquittal		
Less days:		
Accused sick, in hospital, or AWOL		
Delay at request of defense		
Total authorized deduction		
7. Net elapsed days to sentence or acquittal		
8. Record received by convening authority (if other than GCM authority in item 9)		
Action ⁷		
9. Record received by officer authorized to convene GCM ⁸		
Action ⁹		

REMARKS:

HEADQUARTERS
2d Marine Aircraft Wing, FMF, Atlantic
Marine Corps Air Station, Cherry Point, N. C. 28533

21 April 1970

From: Private Terry F. Marion, 237 88 42, U. S. Marine Corps
To: Judge Advocate General of the Navy

Subj: Appellate rights

Ref: (a) Par 48k(3), MCM (Revised edition), 1969
(b) Art 66, UCMJ

1. In accordance with reference (a), I have been informed of my appellate rights, including the right to be represented by appellate defense counsel before the Court of Military Review established pursuant to reference (b), in the review of my trial by General courts-martial held on 21 April 1970 at Marine Corps Air Station, Cherry Point, N. C.

2. I (do) (do not) desire to be represented by appellate defense counsel before the said Court of Military Review.

Terry F. Marion
TERRY F. MARION

WITNESS:

J. M. Michael
J. M. MICHAEL, Capt., USMC
(Defense Counsel ██████████)

21 April 1970

(Date)

HEADQUARTERS
2d Marine Aircraft Wing, FMF, Atlantic
Marine Corps Air Station, Cherry Point, N. C. 28533

17/RRF. oah
5800
7 Apr 1970

From: Wing Staff Judge Advocate
To: Commanding General, 2d Marine Aircraft Wing
Subj: Recommendation for trial by general court-martial: case of
Private First Class Terry F. MANION, 237 89 42, U. S. Marine
Corps
Ref: (a) MCM, 1969 (Revised Edition) Par 35
(b) Article 32, UCMJ
Encl: (1) Art 32 InvRpt, case of PFC MANION
(2) SRS of Accused

1. I have reviewed the subject recommendation in accordance with reference (a). My opinions and recommendations are as follows:

a. There has been substantial compliance with reference (b). The accused was represented by appointed counsel, Captain R. A. DEL BELLO, U. S. Marine Corps Reserve, a lawyer certified under Article 27(b) of the Uniform Code of Military Justice, throughout the investigation. The accused was present during the introduction of all evidence against him, and was afforded the right to introduce evidence in his own behalf.

b. Charge I and its Specification allege an offense under Article 87 of the Uniform Code of Military Justice. The evidence introduced at the pre-trial investigation would appear to warrant the allegation.

The specification alleges that the accused missed the movement of a flight to Yuma, Arizona, through neglect, on 5 May 1969. Testimony of the accused's Officer-In-Charge, at the time, Chief Warrant Officer-2 FRAUMAN, showed that the unit was scheduled to go on a weapons deployment to Marine Corps Air Station, Yuma on 5 May. Chief Warrant Officer FRAUMAN further testified that each man scheduled to deploy was listed on an aircraft manifest that he had to initial, that each man's Noncommissioned-Officer-In-Charge informed him of the departure plans, and that he himself had a meeting of the entire shop at which he went over the movement plans. Further, Chief Warrant Officer FRAUMAN saw the accused still aboard the air station after the planes had left for Marine Corps Air Station, Yuma.

c. Charge II and its Specification alleges an offence under Article 66 of the Uniform Code of Military Justice. Specifically, they allege an unauthorized absence from 12 May 1969 until 31 July 1969. The allegation appears to be warranted by the evidence.

The entries on the page 12 of the accused's service record book establish that the accused was in fact absent without authority for the period alleged.

d. The Additional Charge and its Specification allege an offence under Article 66 of the Uniform Code of Military Justice. Specifically they allege an unauthorized absence from 8 August 1969 until 26 January 1970. This charge also appears warranted by the evidence introduced at the pre-trial investigation.

The page 10 entries establish that the accused was on un-authorized absence for the period alleged.

2. The service record book of the accused reveals that he is 22 years old and single. He enlisted in the Marine Corps on 16 October 1967 for a period of four years. He is a high school graduate and has a GCT of 116. His primary MOS is ADJ (Instructor) and his average markings are General Military Proficiency, 3.0, Proficiency, 4.1, and Conduct, 4.0 (See Individual Proficiency Marks of "G" for desertion). He is entitled to wear the National Defense Service Medal. His record for other disabilities the following Summary Courts-Martial and Nonjudicial punishment:

1. **APR 69 - ADJ:** Viol Art 52, UCMJ. Failure to report as ordered to JRC, MCAS, Okinawa by 2400, 23Mar69. Sentence to UCL for 15 days and forfe 340.00 per day for 1 mo. (A on 1Apr69) approved and ordered executed. SA on 1Mar70 approved.

2. **May 69 - ADJ:** Viol Art 56, UCMJ. UA from 14-24Feb69. And restriction for 30 days. Red to 3-2, and forfe 325.00 per day for 1 mo. Red suspended for 4 mo with proviso for automatic resumption.

3. The pre-trial investigating officer and the Commanding Officer, Marine Aircraft Group 31, recommended that the accused be referred to trial by general court-martial on the charges and specifications detailed herein. After careful consideration of these recommendations, the nature of the offenses, and the past record of the accused, I concur in their recommendations.

17/EBF:cmh
5800

4. Upon conviction of the offenses which I have recommended for trial a general court-martial could adjudge a maximum sentence of dishonorable discharge, confinement at hard labor for a period of two years and six months, reduction to pay grade E-1, and total forfeitures of all pay and allowances.
5. An endorsement has been prepared for your signature to effect this recommendation in the event you concur therein.

E. B. MALLON

HEADQUARTERS
Marine Aircraft Group 31, 2dMAW, FMFLant
MCAS, Beaufort, South Carolina 29902

17:JDH:jdh
5813
17 March 1970

From: Commanding Officer
To: Commanding General, 2d Marine Aircraft Wing, Fleet
Marine Force, Atlantic, Marine Corps Air Station,
Cherry Point, North Carolina (Attn: Staff Legal)

Subj: Recommended trial by General Court-Martial in the
case of Private Terry F. MANION, 237 89 42, USMC

Ref: (a) Article 33, UCMJ
(b) MCM, 1969

Encl: (1) Investigating Officer's Report (Form DD-457) dtd 16Mar70
with enclosures and service record book of the accused
attached
(2) Chronological Record dtd 17 March 1970

1. In compliance with references (a) and (b), it is recommended
that Private Terry F. MANION, be brought to trial before a general
court-martial on the charges of Violation of the Uniform Code of
Military Justice, Article 87, one specification, and Violation of
the Uniform Code of Military Justice, Article 86, two specifications.
Enclosure (1) is forwarded to amplify this recommendation.

2. All personnel expected to be called as witnesses in the subject
case are presently station aboard this command and will be retained
pending trial.

4. Enclosure (2) is forwarded to explain the failure to forward
this recommendation with the time limit prescribed in reference
(a).

5. Private Terry F. MANION, U. S. Marine Corps is presently in
pre-trial confinement at the Station Brig, Marine Corps Air Station,
Cherry Point, North Carolina.


V. L. PEEBLES
Colonel, U. S. Marine Corps
Commanding

HEADQUARTERS
Marine Aircraft Group 31, 2dMAW, FMFLant
MCAS, Beaufort, South Carolina 29902

17:JDH:jdh
5813
17 March 1970

From: Commanding Officer
To: Commanding General, 2d Marine Aircraft Wing, Fleet
Marine Force, Atlantic, Marine Corps Air Station,
Cherry Point, North Carolina

Subj: Chronological record of processing in Article 32,
Pretrial Investigation in the case of Pvt. Terry
F. MANION, 237 89 42, USMC

Ref: (a) Article 33, UCMJ

1. In accordance with reference (a), time periods involved in
the subject investigation were as follows:

- a. 26Jan70 - Accused apprehended by Civil Authorities
- b. 12Feb70 - Accused deliver under guard to VMFA-451,
MAG-31, MCAS, Bft., S. C./Additional Charge
Article 85 added to Charge Sheet/Office
Hours held by CO, VMFA-451/Accused referred
to CO, MAG-31 recommending trial by GCM
- c. 13Feb70 - Charge Sheet received at Group Legal Office
- d. 14 & 15 Feb 70 - Weekend
- e. 16Feb70 - Case reviewed by MAG-31 Legal Office
- f. 18Feb70 - CO, MAG-31 signs Appointing Order for Article
32 Investigation/Materials sent to Investigating
Officer
- g. 3Mar70 - Request from Investigating Officer for extension
of time received/Extension granted
- h. 11Mar70 - Article 32 Investigation held this date
- i. 14 & 15 Mar70 - Weekend
- j. 16Mar70 - Investigation completed and typed this date
- k. 17Mar70 - Investigation forwarded to CG, 2dMAW recommending
trial by GCM.


L. M. PHILLIPPE
By direction

INVESTIGATING OFFICER'S REPORT

(Of charges under the provisions of Article 32, Uniform Code of Military Justice, and paragraph 34, Manual for Courts-Martial, U.S., 1951)

FIRST INDORSEMENT

FROM: (Grade, name and organization of investigating officer)

Major J. P. FINNEGAN, MARS-31, MAG-31, 2dMAW, FMFLant

DATE OF REPORT

16 March 1970

TO: (Title and organization of officer who directed report to be made)

Commanding Officer, Marine Aircraft Group 31

GRADE AND NAME OF ACCUSED

Pvt. Terry F. MANION

SERVICE NUMBER

237 89 42

ORGANIZATION

VMFA-451, MAG-31,

DATE OF CHARGES

7 May 1969

(Check appropriate answer)

YES NO

1. IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 32, UNIFORM CODE OF MILITARY JUSTICE, AND PARAGRAPH 34, MANUAL FOR COURTS-MARTIAL, 1951, I HAVE INVESTIGATED THE CHARGES (Exhibit 1) APPENDED HERETO. (If, and as soon as, it is determined the accused elects not to be represented by counsel or by qualified counsel during the investigation, the investigating officer will complete in ink items 1 through 4, except 4f, and will ask the accused to sign item 4e.) 2. AT THE OUTSET OF THE INVESTIGATION I READ TO THE ACCUSED THE PROVISIONS OF ARTICLE 31, UNIFORM CODE OF MILITARY JUSTICE, AND ALSO ADVISED HIM: a. OF THE NATURE OF THE OFFENSE(S) CHARGED AGAINST HIM b. OF THE NAME OF THE ACCUSER c. OF THE NAMES OF THE WITNESSES AGAINST HIM SO FAR AS KNOWN BY ME d. THAT THE CHARGES WERE ABOUT TO BE INVESTIGATED BY ME e. OF HIS RIGHT, UPON HIS REQUEST, TO HAVE COUNSEL REPRESENT HIM AT THE INVESTIGATION, EITHER- (1) CIVILIAN COUNSEL, IF PROVIDED BY HIM, OR (2) MILITARY COUNSEL OF HIS OWN SELECTION, IF SUCH COUNSEL BE REASONABLY AVAILABLE, OR (3) COUNSEL, QUALIFIED UNDER ARTICLE 27(b), APPOINTED BY THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION f. OF HIS RIGHT TO CROSS-EXAMINE ALL AVAILABLE WITNESSES AGAINST HIM g. OF HIS RIGHT TO PRESENT ANYTHING HE MIGHT DESIRE IN HIS OWN BEHALF, EITHER IN DEFENSE OR MITIGATION h. OF HIS RIGHT TO HAVE THE INVESTIGATING OFFICER EXAMINE AVAILABLE WITNESSES REQUESTED BY HIM i. OF HIS RIGHT TO MAKE A STATEMENT IN ANY FORM j. OF HIS RIGHT TO REMAIN SILENT OR TO REFUSE TO MAKE ANY STATEMENT REGARDING ANY OFFENSE OF WHICH HE WAS ACCUSED OR CONCERNING WHICH HE IS BEING INVESTIGATED k. THAT ANY STATEMENT MADE BY HIM MIGHT BE USED AS EVIDENCE AGAINST HIM IN A TRIAL BY COURT-MARTIAL 3. a. THE ACCUSED REQUESTED MILITARY COUNSEL BY NAME b. NAME AND GRADE OF SUCH COUNSEL

N/A

ORGANIZATION

N/A

c. MILITARY COUNSEL REQUESTED BY NAME WAS QUALIFIED WITHIN THE MEANING OF ARTICLE 27(b), UNIFORM CODE OF MILITARY JUSTICE

N/A

d. IF ANSWER TO PRECEDING ITEM WAS "NO", ACCUSED WAS INFORMED THAT SUCH UNQUALIFIED COUNSEL MAY NOT REPRESENT HIM AT ANY GENERAL COURT-MARTIAL

N/A

e. MILITARY COUNSEL REQUESTED BY NAME WAS REASONABLY AVAILABLE. (If not available, explain in item 18, having reference to paragraph 34c, Manual for Courts-Martial, 1951, page 46)

N/A

f. THE ACCUSED STATED HE WOULD BE REPRESENTED BY CIVILIAN COUNSEL g. NAME AND ADDRESS OF SUCH COUNSEL

N/A

MEMBER OF THE BAR OF

N/A

h. (This item to be used by accused's civilian counsel only)

N/A

Place and date

I HEREBY ENTER MY APPEARANCE FOR THE ABOVE-NAMED ACCUSED AND REPRESENT THAT I AM A MEMBER OF THE BAR OF

N/A

N/A

(Signature of Counsel)

4. a. THE ACCUSED REQUESTED THAT COUNSEL BE APPOINTED BY THE GENERAL COURT-MARTIAL AUTHORITY TO REPRESENT HIM b. NAME AND GRADE OF SUCH APPOINTED COUNSEL R. A. DEL BELLO, Captain H&HS, MCAS, Beaufort, S.C.

ORGANIZATION

c. APPOINTED COUNSEL (as in b above) WAS QUALIFIED WITHIN THE MEANING OF ARTICLE 27(b), UNIFORM CODE OF MILITARY JUSTICE

N/A

d. IF ANSWER TO PRECEDING ITEM (4c) IS "NO", ACCUSED SPECIFICALLY WAIVED COUNSEL WITH SUCH QUALIFICATIONS

N/A

e. (To be signed by accused if answer to 3a and 4a, or 3c, or 4c was "NO". If accused fails to sign, investigating officer will explain circumstances in detail in item 18)

N/A

Date

I HAVE BEEN INFORMED OF MY RIGHT TO REPRESENTATION AT THE INVESTIGATION BY COUNSEL QUALIFIED UNDER ARTICLE 27(b), UNIFORM CODE OF MILITARY JUSTICE. I HEREBY WAIVE MY RIGHT TO (SUCH QUALIFIED COUNSEL) (COUNSEL).

N/A

(Signature of Accused)

NOTE: If additional space is required for any item, enter the additional material on a separate sheet. Be sure to identify such material with the proper numerical and, when appropriate, lettered heading (Example, "5c"). Securely attach any additional sheet to the form and add a note in the appropriate item of the form: "See additional sheet." Any matters considered pursuant to paragraph 34, MCM, 1951, which are not identifiable with some other heading in the form should be entered in item 18.

DD FORM 457 PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE.

1 JUN 59

S/N 0101-801-3800

(Check appropriate answer continued)

YES NO

f. COUNSEL FOR THE ACCUSED WAS PRESENT THROUGHOUT THE INVESTIGATION (If the accused waives the right to have counsel present throughout all or a part of the investigation after having requested counsel, state the circumstances and the particular proceedings conducted in the absence of such counsel)

XX

5. a. IN THE PRESENCE OF THE ACCUSED I HAVE INTERROGATED ALL AVAILABLE WITNESSES UNDER OATH OR AFFIRMATION AND HAVE EXAMINED ALL DOCUMENTARY EVIDENCE ON BOTH SIDES. X

b. I HAVE REDUCED THE MATERIAL TESTIMONY GIVEN BY EACH SUCH WITNESS UNDER DIRECT AND CROSS-EXAMINATION TO A SWORN OR AFFIRMED WRITTEN STATEMENT EMBODYING THE SUBSTANCE OF THE TESTIMONY TAKEN ON BOTH SIDES. X

c. THE SWORN OR AFFIRMED WRITTEN STATEMENTS OF SUCH WITNESSES ARE APPENDED HERETO AS INDICATED: X

NAME AND GRADE OF WITNESSES WHO WERE PRESENT	ORGANIZATION OR ADDRESS	EXHIBIT NUMBER

6. a. THE SUBSTANCE OF THE EXPECTED TESTIMONY OF EACH OF THE FOLLOWING ABSENT WITNESSES WHOSE PRESENCE WAS NOT REQUESTED BY THE ACCUSED, OR WHO, HAVING BEEN REQUESTED, WERE NOT AVAILABLE, OR FOR WHOM THE REQUEST WAS WITHDRAWN, WAS OBTAINED FROM SUCH WITNESSES IN THE FORM OF A SWORN OR AFFIRMED WRITTEN STATEMENT, OR WAS STIPULATED TO BY THE ACCUSED IN WRITING. SUCH STATEMENTS OR STIPULATIONS ARE APPENDED HERETO AS INDICATED:

NAME AND GRADE OF ABSENT WITNESSES	ORGANIZATION OR ADDRESS	EXHIBIT NUMBER
CWO2 E.H. FRAUMAN, USMC	VMFA-451, MAG-31, MCAS, Bft., S.C.	7

b. A COPY OF EACH SUCH WRITTEN STATEMENT HAS BEEN SHOWN TO THE ACCUSED. X

c. IF AN ABSENT WITNESS IS REQUESTED BY THE ACCUSED BUT IS NOT AVAILABLE, ENTER A PROPER EXPLANATION

7. a. THE FOLLOWING DOCUMENTS HAVE BEEN EXAMINED, SHOWN TO THE ACCUSED, AND ARE APPENDED AS INDICATED (describe documents)	EXHIBIT NUMBER
MPRep #281-70-270 dtd 27Jan70	1
Page 13(1) fr Accused's SRE	2
Attesting Cert dtd 5Aug69	3

b. IF ANY DOCUMENTS MADE AVAILABLE TO THE INVESTIGATING OFFICER WERE NOT EXAMINED OR WERE EXAMINED BUT NOT SHOWN TO THE ACCUSED, OR WERE EXAMINED BUT ARE NOT APPENDED, STATE THE REASONS

8. a. THE FOLLOWING DESCRIBED REAL EVIDENCE WAS EXAMINED, SHOWN TO THE ACCUSED, AND IS NOW PRESERVED FOR SAFEKEEPING AS INDICATED:	EXHIBIT NUMBER

b. IF CERTAIN REAL EVIDENCE WHICH WAS EXAMINED WAS NOT SHOWN TO THE ACCUSED, STATE THE REASONS

Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15	Q16	Q17	Q18	Q19	Q20	Q21	Q22	Q23	Q24	Q25	Q26	Q27	Q28	Q29	Q30	Q31	Q32	Q33	Q34	Q35	Q36	Q37	Q38	Q39	Q40	Q41	Q42	Q43	Q44	Q45	Q46	Q47	Q48	Q49	Q50	Q51	Q52	Q53	Q54	Q55	Q56	Q57	Q58	Q59	Q60	Q61	Q62	Q63	Q64	Q65	Q66	Q67	Q68	Q69	Q70	Q71	Q72	Q73	Q74	Q75	Q76	Q77	Q78	Q79	Q80	Q81	Q82	Q83	Q84	Q85	Q86	Q87	Q88	Q89	Q90	Q91	Q92	Q93	Q94	Q95	Q96	Q97	Q98	Q99	Q100	Q101	Q102	Q103	Q104	Q105	Q106	Q107	Q108	Q109	Q110	Q111	Q112	Q113	Q114	Q115	Q116	Q117	Q118	Q119	Q120	Q121	Q122	Q123	Q124	Q125	Q126	Q127	Q128	Q129	Q130	Q131	Q132	Q133	Q134	Q135	Q136	Q137	Q138	Q139	Q140	Q141	Q142	Q143	Q144	Q145	Q146	Q147	Q148	Q149	Q150	Q151	Q152	Q153	Q154	Q155	Q156	Q157	Q158	Q159	Q160	Q161	Q162	Q163	Q164	Q165	Q166	Q167	Q168	Q169	Q170	Q171	Q172	Q173	Q174	Q175	Q176	Q177	Q178	Q179	Q180	Q181	Q182	Q183	Q184	Q185	Q186	Q187	Q188	Q189	Q190	Q191	Q192	Q193	Q194	Q195	Q196	Q197	Q198	Q199	Q200	Q201	Q202	Q203	Q204	Q205	Q206	Q207	Q208	Q209	Q210	Q211	Q212	Q213	Q214	Q215	Q216	Q217	Q218	Q219	Q220	Q221	Q222	Q223	Q224	Q225	Q226	Q227	Q228	Q229	Q230	Q231	Q232	Q233	Q234	Q235	Q236	Q237	Q238	Q239	Q240	Q241	Q242	Q243	Q244	Q245	Q246	Q247	Q248	Q249	Q250	Q251	Q252	Q253	Q254	Q255	Q256	Q257	Q258	Q259	Q260	Q261	Q262	Q263	Q264	Q265	Q266	Q267	Q268	Q269	Q270	Q271	Q272	Q273	Q274	Q275	Q276	Q277	Q278	Q279	Q280	Q281	Q282	Q283	Q284	Q285	Q286	Q287	Q288	Q289	Q290	Q291	Q292	Q293	Q294	Q295	Q296	Q297	Q298	Q299	Q300	Q301	Q302	Q303	Q304	Q305	Q306	Q307	Q308	Q309	Q310	Q311	Q312	Q313	Q314	Q315	Q316	Q317	Q318	Q319	Q320	Q321	Q322	Q323	Q324	Q325	Q326	Q327	Q328	Q329	Q330	Q331	Q332	Q333	Q334	Q335	Q336	Q337	Q338	Q339	Q340	Q341	Q342	Q343	Q344	Q345	Q346	Q347	Q348	Q349	Q350	Q351	Q352	Q353	Q354	Q355	Q356	Q357	Q358	Q359	Q360	Q361	Q362	Q363	Q364	Q365	Q366	Q367	Q368	Q369	Q370	Q371	Q372	Q373	Q374	Q375	Q376	Q377	Q378	Q379	Q380	Q381	Q382	Q383	Q384	Q385	Q386	Q387	Q388	Q389	Q390	Q391	Q392	Q393	Q394	Q395	Q396	Q397	Q398	Q399	Q400	Q401	Q402	Q403	Q404	Q405	Q406	Q407	Q408	Q409	Q410	Q411	Q412	Q413	Q414	Q415	Q416	Q417	Q418	Q419	Q420	Q421	Q422	Q423	Q424	Q425	Q426	Q427	Q428	Q429	Q430	Q431	Q432	Q433	Q434	Q435	Q436	Q437	Q438	Q439	Q440	Q441	Q442	Q443	Q444	Q445	Q446	Q447	Q448	Q449	Q450	Q451	Q452	Q453	Q454	Q455	Q456	Q457	Q458	Q459	Q460	Q461	Q462	Q463	Q464	Q465	Q466	Q467	Q468	Q469	Q470	Q471	Q472	Q473	Q474	Q475	Q476	Q477	Q478	Q479	Q480	Q481	Q482	Q483	Q484	Q485	Q486	Q487	Q488	Q489	Q490	Q491	Q492	Q493	Q494	Q495	Q496	Q497	Q498	Q499	Q500	Q501	Q502	Q503	Q504	Q505	Q506	Q507	Q508	Q509	Q510	Q511	Q512	Q513	Q514	Q515	Q516	Q517	Q518	Q519	Q520	Q521	Q522	Q523	Q524	Q525	Q526	Q527	Q528	Q529	Q530	Q531	Q532	Q533	Q534	Q535	Q536	Q537	Q538	Q539	Q540	Q541	Q542	Q543	Q544	Q545	Q546	Q547	Q548	Q549	Q550	Q551	Q552	Q553	Q554	Q555	Q556	Q557	Q558	Q559	Q560	Q561	Q562	Q563	Q564	Q565	Q566	Q567	Q568	Q569	Q570	Q571	Q572	Q573	Q574	Q575	Q576	Q577	Q578	Q579	Q580	Q581	Q582	Q583	Q584	Q585	Q586	Q587	Q588	Q589	Q590	Q591	Q592	Q593	Q594	Q595	Q596	Q597	Q598	Q599	Q600	Q601	Q602	Q603	Q604	Q605	Q606	Q607	Q608	Q609	Q610	Q611	Q612	Q613	Q614	Q615	Q616	Q617	Q618	Q619	Q620	Q621	Q622	Q623	Q624	Q625	Q626	Q627	Q628	Q629	Q630	Q631	Q632	Q633	Q634	Q635	Q636	Q637	Q638	Q639	Q640	Q641	Q642	Q643	Q644	Q645	Q646	Q647	Q648	Q649	Q650	Q651	Q652	Q653	Q654	Q655	Q656	Q657	Q658	Q659	Q660	Q661	Q662	Q663	Q664	Q665	Q666	Q667	Q668	Q669	Q670	Q671	Q672	Q673	Q674	Q675	Q676	Q677	Q678	Q679	Q680	Q681	Q682	Q683	Q684	Q685	Q686	Q687	Q688	Q689	Q690	Q691	Q692	Q693	Q694	Q695	Q696	Q697	Q698	Q699	Q700	Q701	Q702	Q703	Q704	Q705	Q706	Q707	Q708	Q709	Q710	Q711	Q712	Q713	Q714	Q715	Q716	Q717	Q718	Q719	Q720	Q721	Q722	Q723	Q724	Q725	Q726	Q727	Q728	Q729	Q730	Q731	Q732	Q733	Q734	Q735	Q736	Q737	Q738	Q739	Q740	Q741	Q742	Q743	Q744	Q745	Q746	Q747	Q748	Q749	Q750	Q751	Q752	Q753	Q754	Q755	Q756	Q757	Q758	Q759	Q760	Q761	Q762	Q763	Q764	Q765	Q766	Q767	Q768	Q769	Q770	Q771	Q772	Q773	Q774	Q775	Q776	Q777	Q778	Q779	Q780	Q781	Q782	Q783	Q784	Q785	Q786	Q787	Q788	Q789	Q790	Q791	Q792	Q793	Q794	Q795	Q796	Q797	Q798	Q799	Q800	Q801	Q802	Q803	Q804	Q805	Q806	Q807	Q808	Q809	Q810	Q811	Q812	Q813	Q814	Q815	Q816	Q817	Q818	Q819	Q820	Q821	Q822	Q823	Q824	Q825	Q826	Q827	Q828	Q829	Q830	Q831	Q832	Q833	Q834	Q835	Q836	Q837	Q838	Q839	Q840	Q841	Q842	Q843	Q844	Q845	Q846	Q847	Q848	Q849	Q850	Q851	Q852	Q853	Q854	Q855	Q856	Q857	Q858	Q859	Q860	Q861	Q862	Q863	Q864	Q865	Q866	Q867	Q868	Q869	Q870	Q871	Q872	Q873	Q874	Q875	Q876	Q877	Q878	Q879	Q880

18. REMARKS (If more space is required, attach additional sheets. Check YES NO if additional sheets are attached)

Documents examined during the investigation indicate that, due to the presence of a valid identification card and no evidence of denial of being a member of the armed forces, that Charge II, a violation of Article 85, UCMJ, desertion, should be changed to a violation of Article 86, UCMJ, unauthorized absence.

7.a.	Appt order 17:LMP:jdh over 5830 dtd 18Feb70	4
	Req for ext of time dtd 3Mar70	5
	1st End on Maj. FINNEGAN's ltr dtd 3Mar70	6
	UD#087-69 dtd 690505 (2 Pages)	8
	UD#087-69 (3 Pages)	9
	Form DA 1132 dtd 27Jan70	10
	Form DA 1132	11

19. I HAVE NO PREVIOUS CONNECTION WITH THIS CASE OR ANY CLOSELY RELATED CASE. (If any connection is indicated, attach a full explanation.) I AM NOT AWARE OF ANY REASONS WHICH WOULD DISQUALIFY ME FROM ACTING AS INVESTIGATING OFFICER. (If any reasons appear to exist, attach a statement giving full details.)

TYPED NAME, GRADE, AND ORGANIZATION OF INVESTIGATING OFFICER	SIGNATURE
M. P. FINNEGAN, Maj, MABS-31, MAG-31 2d MAU, FMFLant, MCAS, Beaufort, S.C.	

* U.S. GOVERNMENT PRINTING OFFICE: 1966 O-218-480

(Check appropriate answer continued)

YES NO

9. THE ACCUSED AFTER HAVING BEEN INFORMED OF HIS RIGHT TO MAKE A STATEMENT OR REMAIN SILENT: a. STATED THAT HE DID NOT DESIRE TO MAKE A STATEMENT b. MADE A STATEMENT APPENDED HERETO (Exhibit) c. THE CIRCUMSTANCES OF THE TAKING OF ANY CONFESSION OR ADMISSION OF ACCUSED WERE INQUIRED INTO BY ME AND SUCH CONFESSION OR ADMISSION APPEARS TO HAVE BEEN OBTAINED IN ACCORDANCE WITH ARTICLE 31, UNIFORM CODE OF MILITARY JUSTICE, AND/OR THE 5TH AMENDMENT. (Where appropriate, attach statement of person taking confession or admission showing circumstances of taking)	<input checked="" type="checkbox"/> X
d. THE ACCUSED, AFTER BEING ADVISED THAT HE DID NOT HAVE TO MAKE ANY STATEMENT WITH RESPECT TO IT, WAS SHOWN THE CONFESSION OR ADMISSION AND DID NOT CONTEST IT AS BEING NOT IN COMPLIANCE WITH ARTICLE 31, UNIFORM CODE OF MILITARY JUSTICE. (If the confession or admission was contested, attach accused's explanation of the circumstances.)	<input checked="" type="checkbox"/> X
10. a. THERE WERE REASONABLE GROUNDS FOR INQUIRING INTO THE MENTAL RESPONSIBILITY OF THE ACCUSED AT THE TIME OF THE ALLEGED OFFENSE (MCM, 120b) b. THERE WERE REASONABLE GROUNDS FOR INQUIRING INTO THE MENTAL CAPACITY OF THE ACCUSED AT THE TIME OF THE INVESTIGATION (MCM, 120c) c. IF GROUNDS FOR INQUIRY AS TO THE ACCUSED'S MENTAL CONDITION EXISTS, STATE REASONS THEREFOR AND ACTION TAKEN	<input checked="" type="checkbox"/> X
d. A REPORT OF A (BOARD OF MEDICAL OFFICERS) (PSYCHIATRIST) IS APPENDED (Exhibit)	<input checked="" type="checkbox"/> X
11. ALL ESSENTIAL WITNESSES WILL BE AVAILABLE IN THE EVENT OF TRIAL. (If any essential witness(es) will not be so available, list name, address, reason for nonavailability, and recommendation, if any, whether a deposition should be taken. List estimated date of separation and/or transfer, if pertinent and available)	<input checked="" type="checkbox"/> X
12. EXPLANATORY OR EXTENUATING CIRCUMSTANCES ARE SUBMITTED HEREWITH.	<input checked="" type="checkbox"/> X
13. a. I HAVE INVESTIGATED AND FIND 1 PREVIOUS CONVICTION(S) OF OFFENSES COMMITTED WITHIN THE THREE YEARS NEXT PRECEDING THE COMMISSION OF AN OFFENSE WITH WHICH THE ACCUSED IS NOW CHARGED (MCM, 1951, par 756(2)) AND DURING: (1) A CURRENT ENLISTMENT, VOLUNTARY EXTENSION OF ENLISTMENT, APPOINTMENT, OR OTHER ENGAGEMENT OR OBLIGATION FOR SERVICE OF THE ACCUSED, OR (2) THE LAST ENLISTMENT, APPOINTMENT, OR OTHER ENGAGEMENT OR OBLIGATION FOR SERVICE OF THE ACCUSED WHICH TERMINATED UNDER OTHER THAN HONORABLE CONDITIONS OR FROM WHICH THE ACCUSED DESERTED AND SUBSEQUENTLY ENLISTED.	<input checked="" type="checkbox"/> X
b. AN EXTRACT COPY OF THE ACCUSED'S MILITARY RECORDS OF PREVIOUS CONVICTIONS IS APPENDED (Exhibit)	<input checked="" type="checkbox"/> X
14. IN ARRIVING AT MY CONCLUSIONS I HAVE CONSIDERED NOT ONLY THE NATURE OF THE OFFENSE(S) AND THE EVIDENCE IN THE CASE, BUT I HAVE LIKEWISE CONSIDERED THE AGE OF THE ACCUSED, HIS MILITARY SERVICE, AND THE ESTABLISHED POLICY THAT TRIAL BY GENERAL COURT-MARTIAL WILL BE RESORTED TO ONLY WHEN THE CHARGES CAN BE DISPOSED OF IN NO OTHER MANNER CONSISTENT WITH MILITARY DISCIPLINE.	<input checked="" type="checkbox"/> X
15. THE CHARGES AND SPECIFICATIONS ARE IN PROPER FORM AND THE MATTERS CONTAINED THEREIN ARE TRUE, TO THE BEST OF MY KNOWLEDGE AND BELIEF; (If the answer is "NO", explain and indicate recommended action on additional sheet).	<input checked="" type="checkbox"/> X
16. ANY INCLOSURES RECEIVED BY ME WITH THE CHARGES AND NOT LISTED ABOVE AS AN EXHIBIT ARE SECURELY FASTENED TOGETHER AND APPENDED HERETO AS ONE EXHIBIT (Exhibit). If no such inclosures were received, check "NO".	<input checked="" type="checkbox"/> X
17. (Check appropriate box ONLY if trial is recommended) TRIAL BY <input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SUMMARY	COURT-MARTIAL IS RECOMMENDED.

MILITARY POLICE REPORT
For use of this form, see AR 190-45; the proponent
agency is the Office of The Provost MarshalBa 173 dtd 27 Jan 70
MPR #281-70-27REF ID: A67844 (for cross
reference)

XXX INFORMATION		<input type="checkbox"/> COMPLAINT	COMMANDING OFFICER'S REPORT OF ACTION REQUIRED (See reverse side)				
/THRU: Commanding General Marine Corps Air Station TO: ATTN: Provost Marshal Beaufort, South Carolina		FROM: Provost Marshal Office Fort McPherson, Georgia					
1. SUBJECT/COMPLAINANT/ DOB: 2 Jan 48 MANIAN, Terry Frank		2. SERVICE NO./SSAN PVT E-2 2378942		3. ORGANIZATION (Include location & tel no) Mag 31, VMFA 451, Beaufort, S.C.			
4. DESCRIPTION (Complete on all civilians and military personnel whose identity is in question)							
COLOR OF EYES Brown	COLOR OF HAIR Brown	COMPLEXION Fair	AGE 22	WEIGHT 161	HEIGHT 66 ^{1/2} "	IDENTIFYING MARKS (Tattoos, scars, etc.) None noted.	
5a. DRESS		b. CONDITION	c. BEHAVIOR		d. UNDER INFLUENCE OF (Check appropriate box)		
UNIFORM		CLEAN	COOPERATIVE		<input type="checkbox"/> ALCOHOL		
CIVILIAN CLOTHING		DIRTY	UNCOOPERATIVE		<input type="checkbox"/> OTHER (Explain)		
		NEAT	BELLIGERENT				
		MUSSED					
6. COMPLAINT (Specify type and location)		Roseroom, Moreland Ave Atlanta, Ga.				HOUR 2240	
DESERTION (APPREHENDED FEDERAL)						DATE 26 Jan 70	
7. RECEIVED BY (Typed or printed name, grade, and position)							
RANSLOW, Lawrence G.		SGT E-5	MP D/SGT		<input type="checkbox"/> IN PERSON <input type="checkbox"/> BY TELEPHONE <input type="checkbox"/> BY MAIL		
8. DETAILS OF INFORMATION OR COMPLAINT (WHO, WHAT, WHEN, WHERE, HOW and WHY. Continue on reverse side. Attach statements of personnel related to report, as appropriate.) At the above time, date and location Subject was apprehended by FBI Agents THOMPSON, Robert and PONDERY, James. Subject was transported and released to MP D/SGT RANSLOW at Bldg #102, Ft. McPherson Ga at 2250 hrs, 26 Jan 70. Subject AMOL as of 8 Aug 69, DFLR: 7 Sep 69, verified by DD Form 553 dtd 9 Sep 69 prepared by MCAS, Beaufort, S.C. Subject had a valid ID card in his possession. PREVIOUS RECORD: NONE							
9. EVALUATION: <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MILITARY OFFENSE <input type="checkbox"/> TRAFFIC							
10. PERSONS RELATED TO REPORT (Insert category of relationship letter opposite name. Continue on reverse side)							
A COMPLAINANT	B VICTIM	C SUSPECT	D WITNESS	E MIL POLICE	F INVESTIGATED BY	G APPREHENDED BY	
NAME		GRADE		SERVICE NO./SSAN		ORGANIZATION OR ADDRESS	
G THOMPSON, Robert		FBI Agent				FBI Section, Atlanta, Ga	
G PONDERY, James		FBI Agent				FBI Section, Atlanta, Ga	
E RANSLOW, Lawrence		SGT		018 36 1563	525th MP Co, Ft McPherson, Ga		
11. DISPOSITION OF: INFORMATION/COMPLAINT (See a.) OFFENDER (See b.) EVIDENCE (See c.)							
a. REFERRED TO: PATROL MPCT (See report number at top of page)				c. EVIDENCE (List and describe, or summarize as appropriate)			
b. OTHER AGENCY (Specify) NONE							
b. OFFENDER Rel to 6th Marine District, Atlanta, Georgia				F0XXAMXXAMXX (Strike out if inapplicable)			
INCLOSURES (Statements and receipts)		DISTRIBUTION		TYPED NAME, GRADE, AND TITLE OF REPORTING OFFICER MARION F SODER, MAJ, MPC Provost Marshal			
		1- CG 1- CO, Mag 31 1- 6th Marines 1- FILE		SIGNATURE <i>Marion F. Soder</i> 1/55			

DA FORM 1 SEP 60 10-32

REPLACES DD FORMS 578, 501, AND 582
WHICH ARE OBSOLETE IN THE ARMY

Exhibit 1

RECORD OF CONVICTION BY COURT-MARTIAL

1. ORGANIZATION

VMFA-451, MAG-31, 2dMAW, FMFLant, MCAS, Beaufort, S. C. 29902

2. TRIED BY: SUMMARY COURT-MARTIAL SPECIAL COURT-MARTIAL GENERAL COURT-MARTIAL DATE OF TRIAL 3 April 1969
(Check one)

3. SUMMARY OF CHARGES AND SPECIFICATIONS:

Chg - Violation art 92: Spec. Failure to obey a lawful order issued by Col Lonnie P. BAITES, USMC to report by 2400, 23Mar69 to the OIC, at the Joint Reception Center, MCAS, Cherry Point, N.C. for TAD for a period of about 15 days in connection with Ordnance NAMO Training, class convening 24Mar69, did, while enroute to MCAS, Cherry Point, N. C., on or about 23Mar69 at 2400, fail to obey the same by failing to report by 2400, 23Mar69.

4. FINDINGS ON EACH CHARGE AND SPECIFICATIONS:

Chg--Guilty
SPEC to Chg--Guilty

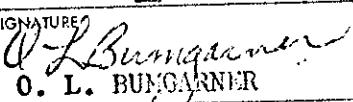
5. SENTENCE ADJUDGED:

To be confined at hard labor for fifteen days and to forfeit \$40.00 per month for one month.

6. CONVENING AUTHORITY'S ACTION

DATE OF ACTION: 3 April 1969

Approved and ordered executed.

7. COMPLETE ONE: DISBURSING OFFICER NOTIFIED Date: 7Apr69 UD#067-69 PAY STATUS NOT AFFECTED8. SIGNATURE: 
O. L. BUNGARNER

9. RANK: 1stLt

10. TITLE AND ORGANIZATION

AdminO, By direction, VMFA-451, MAG-31
2dMAW, FMFLant, MCAS, Beaufort, S. C.

11. SUPERVISORY AUTHORITY'S ACTION ON FINDINGS AND SENTENCE

DATE OF ACTION: 13 May 1969

Approved

12. COMPLETE ONE: DISBURSING OFFICER NOTIFIED Date:
EMBOSSED PLATE IMPRESSION PAY STATUS NOT AFFECTED13. SIGNATURE: 
O. L. BUNGARNER

14. RANK: 1stLt

15. TITLE AND ORGANIZATION

AdminO, By direction, VMFA-451, MAG-31
2dMAW, FMFLant, MCAS, Beaufort, S. C.

PPC	260-74-2639
MANTON	Terry
NAME (Last)	(First)
F. (Middle)	
SERVICE NO.	

NAME (Last) (First) F. (Middle) SERVICE NO.
File in SRB
NMFC 118(13)-PD (REV. 10-62)
SUPersedes 11-55 EDITION
WHICH MAY BE USED

(File in SRB)

13 [1]

(Signed copy to Commandant of the Marine Corps (Code DK))

U. S. GOVERNMENT PRINTING OFFICE: 1962 OF-665389

Exhibit

Exhibit 2

ATTESTING CERTIFICATE

A TRUE COPY of the original on file in the office of

VMFA-451, MAG-31, 2dMAW, FMFLant, MCAS, Beaufort, S. C. 29902
(Name of command where the record is filed)

O L Bumgarner
 Signature of officer having official
 custody of record

1st Lt. O. L. BUMGARNER, Admin
 Grade and Title

5 August 1969

Date certificate executed

EXTRACTED ENTRIES FROM UNIT DIARY'S 87-69, 93-69, 111-69 AND 143-69

MANION	TF	2378942	TO UA 0730 FR UA 1030 HIST: MIS MOVEMENT
MANION	TF	2378942	690512 TO UA 0731 HIST: ABS WITHOUT LIBERTY
MANION	TF	2378942	DROP DCLDES AS OF 0731 ON 690512 HIST: SR RET
MANION	TF	2378942	FR DES DU STRCAT O BILMOS 6511 690731 FR UA 0805 HIST: PVT TERRY FRANK MANION 6511 USMC FR DES AND UA {AWOL} WHEN SUR R AT COMD AND RESTRICTED ATL SPCM
UNIT DIARY 149-69			
MANION	TF	2378942	690808 TO UA 1301 HIST: ABS WITHOUT LIBERTY
UNIT DIARY 153-69			
MANION	TF	2378942	CORR {143-69-01} JD FR DES DU
UNIT DIARY 169-69			
MANION	TF	2378942	690907 DROP DCLDES AS OF 1301 690808 HIST: SR RET
UNIT DIARY 031-70			
MANION	TF	2378942	JOIN FR DES DU STRCAT O BILMOS 6511 FR UA 1235 HIST: PFC TERRY F MANION 6511 USMC FR DES AND UA {AWOL} WHEN APRND BY FBI DEL UNDER GD AND RESTRICTED ATL SPCM

Exhibit 3

HEADQUARTERS
Marine Aircraft Group 31, 2dMAW, FMFLant
MCAS, Beaufort, South Carolina 29902

17:LMP:jdh
5830
18 Feb 1970

From: Commanding Officer
To: Major W. P. FINNEGAN, 08 32 74, U. S. Marine Corps,
Marine Air Base Squadron 31, Marine Aircraft Group 31,
Marine Corps Air Station, Beaufort, South Carolina.

Subj: Investigation to inquire into the circumstances surrounding the alleged violations of Article 87, 86, and 85 of the Uniform Code of Military Justice; case of Private Terry F. MANION, 237 89 42, U. S. Marine Corps

Ref: (a) Article 32, UCMJ
(b) Paragraph 34, MCM 1969
(c) WgO P5800.3A

Encl: (1) Charge Sheet on Pvt. T. F. MANION, USMC

1. You are appointed to conduct a thorough, formal, and impartial investigation in accordance with the provisions of references (a), (b), and (c) on 18 February 1970 or as soon thereafter as practicable, for the purpose of inquiring into all circumstances connected with the alleged offenses on page 2 of enclosure (1).
2. You are directed to submit your investigation by 6 March 1970, complete with findings, opinions, and recommendations. In the event an extension of time becomes necessary, such request for extension shall be in writing.



J. T. CLINE
By direction

Exhibit 4

HEADQUARTERS
Marine Air Base Squadron 31
Marine Aircraft Group 31, 2dMAW, FMFLant
MCAS, Beaufort, South Carolina 29902

3 March 1970

From: Major W. P. Finnegan Jr., 083274 USMC
To: Commanding Officer

Subj: Extension of time in Article 32 Investigation; request for

Ref: (a) CO, MAG-31, Appointing Order 17:IMP:jdh over 5830 of 18 Feb 1970.

1. In accordance with reference (a) an investigation was commenced to inquire into the circumstances surrounding the violations noted in reference (a).

2. Upon returning from TAD at Little Creek, Va. and receiving my appointing order on 23 Feb. 1970 I learned that the appointed Defense council, Capt R.A. Del Bello, had departed on leave.

3. Capt R. A. Del Bello, the appointed defense council returns from leave on 3 March 1970.

4. The subject of the investigation is presently being confined at the brig at Cherry Point, N.C. and arrangements will have to be made both for transportation and for a court recorder - should it be more expedient to hold the formal proceedings in Cherry Point rather than transporting the accused to Beaufort, S.C. - all of which will have to be delayed until the Defense council returns from leave.

5. For this reason, it is requested that I be granted an extension of time including such time as I receive this correspondence and five days thereafter.

W.P. Finnegan Jr.
W. P. FINNEGAN JR.

Exhibit 5

17:JDH:jdh
5830
3 March 1970

FIRST ENDORSEMENT on Major FINNEGAN's ltr of 3 March 1970

From: Commanding Officer, Marine Aircraft Group 31
To: Major W. P. FINNEGAN Jr., 08 32 74, USMC

Subj: Extension of time in Article 32 Investigation; request
for

1. Returned, request approved.
2. Effective this date you are granted an extension of seven (7) days for the completion of the subject investigation. You will submit the subject investigation to this Headquarters by 10 March 1970.


V. J. PEEBLES

Exhibit 6

W. W. Frauman
m. 0510 0832-79

CW 2 W. W. FRAUMAN III, 098 680, USMC.

In November 1968 I was assigned to MAG 31 as VMFA 457's ordinance officer. In the first part of May 457 was going to Yuma on deployment.

To move the personnel back man was assigned by manifest to a particular aircraft. Each man installed his name on the manifest and was also told what aircraft he was on by his NCOIC.

On the particular day we deployed I was Marion's OIC and became aware of him because after the planes left I saw Marion on board the air station ~~at~~ approximately 200 yards from the main gate walking towards the station.

As I recall I personally spoke to the whole shop regarding time and place of the movement. I didn't tell Marion personally to make the movement.

Walter W. Frauman III

VNFA-451, MAG-31
MCAS, FIFELANT, MCAS
LAUFORT, SOUTH CAROLINA 29802TO
COMMANDING GENERAL
MARINE CORPS BASE
CHAMPION, SOUTH CAROLINA 29842 (BPI 23)
CERTIFIED TO BE
A TRUE COPY

BY CERTIFIED COPY HEREOF, THE DISBURSING OFFICER IS AUTHORIZED AND DIRECTED TO ADJUST, AS INDICATED, THE PAY RECORDS OF THE INDIVIDUALS LISTED BELOW.

NAME	GROUP	REMARKS
	GROUP 1	ROSTER TO TAD 1000 NONEXCESS
	GROUP 2	ROSTER TO TAD 1000 NONEXCESS SUSPEND COMRATS 1000
KOLECKI	SU	FR TAD 0900
FRAUNAN III	SU	ON LV 690420 TO 690505 (02)
MUHLENFORTH JR	LS	RELACDU COFG DIR CMC TR MCR ASG. MCC 423 RE 1 LV 27-0 DAS LSL SUETT HIST: AUTH MARCOSEPHAN 4012-1A & MCO 1900-2F & MCBUL 1900 DTD 690206 PMA 3 LATHROP AVE BATTLE CREEK MICH 49017 EAS 691101
PETERSEN	RE	690502 HIST: WJP AND 690502 14 DAS RESTR ED TO LCPL SUSPENDED FOR 03 NO
GRANT	RV	EXEMPT FOR TAX 02 HIST: W4 ATT DISB COPY TO TAD 1000 NONEXCESS SUSPEND COMRATS 1000
JOLLIFF	JD	EXEMPT FOR TAX 03 HIST: W4 ATT DISB COPY
HAGEMAN	TC	690503 ATT TERM 0730
MANION	TF	TO UA 0730 FR UA 1030 HIST: MIS MOVEMENT
ADES	WE	HIST: CORR (076-69) NAME ADES WE
MCCARTHY	GJ	HIST: CORR (076-69) NAME MCCARTHY GJ
CECKA	RJ	HIST: CORR (078-69) MSN 0102499
HALSTEAD	JU	HIST: CORR (078-69) MSN 2380525
DIARY NO.	DATE	PAGE 1 OF 2 PAGES
037-69	690505	

UNIT COPY

Exhibit 8

UNIT
VFA-451, MAG-31
MCAS
MAUFORT, SOUTH CAROLINA 29702TO
COMMANDING GENERAL
MARINE CORPS BASE
CAMP LEJEUNE, NC 28582 EDITION 2
CERTIFIED TO BE
A TRUE COPY

BY CERTIFIED COPY HEREOF, THE DISBURSING OFFICER IS AUTHORIZED AND DIRECTED TO ADJUST, AS INDICATED, THE PAY RECORDS OF THE INDIVIDUALS LISTED BELOW.

NAME			REMARKS
SCROGGINS ✓	CA	2346619	HIST:CORR 1070-691 MSN 2346619
HEIST ✓	KL	2137793	HIST:CORR 1071-691 MSN 2137793
WASHINGTON ✓	JA	2308871	CORR 1084-69-013 690418 TO 690430 1131
ROGERS ✓	MI	0105005	CORR 1085-691 HIST:ECORR TO GROUP 1 NAME ROGERS MI
THOMAS JR. ?	UD	2312215	SFNP:CORR 108 OTHER RUE EAS 200680 EOS 200680 EAS 200531 EOS 200531

CERTIFIED TO BE CORRECT

L. BUMGARNER, 1STLT USMC ADMIN
BY DIRECTION OF THE
COMMANDING OFFICER

	SFNP: JOINED	ASB	CHG	NC	TOTAL	ATI
MAR OFF	47	29	15	43	144	1
MAR ENL	336	317	34	353	1000	4
OTHER OFF	1	2	0	2	4	1
OTHER ENL	1	0	0	0	0	1
TOTAL	385	348	49	396	638	

MRY NO.

087-69

DATE

690505

PAGE 2 OF 2 PAGES

UNIT COPY

SQUADRON 451 RDC US452
MA-33, 2D MAU, DELANT
MCAS BEAUFORT, C
215.2

MARINE CORPS BASE
BOX 17
CAMP LEJEUNE C 28542 (DPI 2)

GROUP 1
MARINE OFFICERS

ALONIGHT JR JK

KOJALCZYK ES

MARINE ENLISTED

CONF XANDERAS II P

BAKER VP

X BARTHOL OM

DAUER CL

X BLUE JS

X BREIGHT RD

BROWN HA

X CHERNAUCKAS RG

X CREECH JW

X CYR DJ

X DANIELSON RJ

X DAVIDSON BA

X DAVIS WC

X DIAZ GV

X DILLON DD

X DODGE ER

X DREYER JG

X FARRELL TT

X GARCIA AT

X GEARHART DA

X GRIESCH DR

CONF HACKER ME

X HARRIS RL

X HENRY RD

X HERST RJ

X HEJITT HC

X HOOVER RD

X HUBBELL LH

X HULLIONS RW

X HUGHES FA

X JACKSON JS

X JENSEN CP

X JOYNER CH

X KEATING JT

X KEMP WF

X KING JA

X KUPETZ SC

X LALICATA JR JS

X MARKUS LD

X MCKINNEY MO

X MILLER JW

CONF MORGAN BE

X MORSE GL

UNIT DIARY 087-69
PAGE 1 OF 2 PAGES

CERTIFIED TO BE
A TRUE COPY

079167

075409

2311774

1305787

2269574

2368090

2223365

2240334

2426632

2305938

2397271

2446756

2163443

2357245

2308462

2230838

2377620

2249557

2206560

2393560

2013415

2203187

2300936

2485239

2452144

2433838

2434136

2392726

2430944

2346209

2256610

2420664

2371783

2400906

2336244

2162430

2271649

2209325

2396252

2351436

2380923

2326045

2190346

2407699

2224823

ATT

ATT

ATT

ATT

ATT

ATT

ATT

ATT

Exhibit 9

CERTIFIED TO BE
A TRUE COPY

MARINE FIGHTER/ATTACK
SQUADRON 453 RUC 01453
MAG-31, ZMHAW, FMFLANT
11-3, BEAUFORT, S C

COMMANDING GENERAL
MARINE CORPS BASE
BOX 17
CAMP LEJEUNE, NC 28542

GROUP 1
MARINE ENLISTED

X MURPHY	OR	2335385
X PEEULES	DI	2320022
X PIERCE	ER	2334028
X POSPICHAL	GR	2410170
X RATHIE	DR	2443757
X REISER	CC	2440486
X REYNOLDS	HS	2393074
X RHODES JR	RE	2263597
X RULL	JM	2422045
X SADUSKY JR	SN	2339382
X SEATON	DD	2362169
X SEELEY	DD	2391581
X SELF	JJ	2384938
CONF SEJELL JR	KJ	2254626
X SMITH	EC	2312158
X SPANGLER	R	2263225
CONF SPEARIAN JR	JT	2428361
X SZALCIINSKI	RS	2227683
X TAYLOR	E	2345126
X TELLIER	RA	2370222
X TERRY	DR	2137247
CONF THOMAS JR	DD	2312215
X THURSDY	JC	2263122
X TOTH	JA	2367315
X TREPEL	KR	2360913
X WALKER	JO	2409363
CONF WALTER	LH	2483226
CONF WALKER	SJ	2133602
X BIDDLE	DR	2211360
X BILLS	RS	2403648
X WELSH	RL	2356048
X BISCH	RM	2326436
X WILLIAMS	DE	2425597
CONF WILSON	JS	2256732
X WITTSCHECK	JC	2377274
X WOLF	HH	2465902

ATT
ATT

ATT

NAVY OFFICERS

SRITT	JG	696961
-------	----	--------

UNIT DIARY 007-64

PAGE 2 OF 2 PAGES

CERTIFIED TO BE
A TRUE COPY

MARINE FIGHTER/ATTACK
SQUADRON 451 RUC 01451
MAG-31, RDNAF, FIFFLANT,
MCAS, BEAUFORT, S C
29912

COMMANDING GENERAL
MARINE CORPS BASE
BOX 17
CAMP LEJEUNE, NC 28542

GROUP 2
MARINE ENLISTED

XABNERTHY	CR	1656091
XBENTON	TP	2306194
XBOND	JL	2455749
XBONNER	JU	2437063
XBROOKS	TR	2377251
XBROWN	JU	1313967
XSYELICK	JF	2190866
CGIBSON	WE	2179846
XGREGOROVIC	SU	2346531
XHASTINGS	MD	2236381
XHULLINGSWORTH	RL	2353901
XJENKINS	DC	1354940
XLAFIGURA	VJ	1642393
XACELHANEY JR	JL	2172006
XMINIUTTI	JB	1972169
XPERRY	JH	1102620
XROSE	LA	2441183
XRYAN	LE	1345731
XSHIVLER	TR	1936552
XSPERRY	AD	1180633
XSCOUTH	RM	2173256
XSOARDS	JP	2365050
XSTAS	SU	2149338
XVIRDEN	TE	2137725
XWALDHAUER	KE	1416056
XWEDDINGTON	WJ	2358181
XWYATT	RR	2305626
XYOUNGBLOOD	DJ	2454496

ATT

ATT

UNIT DIARY 06/168
PAGE 1 OF 1 PAGES

WITHDRAWALS OF STORED PROPERTY			ADDITIONS TO PROPERTY "STORED" SINCE CONFINEMENT		
DATE	DESCRIPTION OF PROPERTY	SIGNATURE OF PRISONER	DATE	DESCRIPTION OF PROPERTY	SIGNATURE OF CUSTODIAN

PRIISONER'S PERSONAL PROPERTY LIST - PERSONAL DEPOSIT FUND
(AR 210-174)

DATE

LAST NAME - FIRST NAME - MIDDLE INITIAL

REGISTER OR SERVICE NUMBER
237-89-12

MANION, TERRY F.

DA FORM 1 SEP 68 1132

EDITION OF 1 OCT 62, IS OBSOLETE

Exhibit 11

WITHDRAWALS OF STORED PROPERTY			ADDITIONS TO PROPERTY "STORED" SINCE CONFINEMENT		
DATE	DESCRIPTION OF PROPERTY	SIGNATURE OF PRISONER	DATE	DESCRIPTION OF PROPERTY	SIGNATURE OF CUSTODIAN

VERBATIM

RECORD OF TRIAL

(Proper)

of

MONTER, Terry F.
(Last name, first name, middle initial)

207-88-67
(Service number)

Rank or grade
E-1

VMA-451, RIO-31
U. S. Marine Corps
(Organization and armed force)

**Marine Corps Air Station
Beaufort, South Carolina 29902**
(Station or camp)

By

COURT-MARTIAL

Appointed by **COMMANDER, CIVILIAN**
(Name of convening authority)

207-88-67
(Command of convening authority, FMP, AVIATION)

Tried at

MCAS, Cherry Point, N.C.
(Place or places of trial) on **21 April 1970**
(Date or dates of trial)

INDEX	RECORD
Introduction of counsel.....	R-.....
Challenges.....	R-.....
Arraignment.....	R-.....
Motions.....	R-.....
Pleas.....	R-.....
Instructions on findings.....	R-.....
Findings.....	R-.....
Sentence.....	R-.....
Proceedings in revision.....	R-.....

TESTIMONY

NAME OF WITNESS	Direct and Redirect	Cross and Recross	Court
PROSECUTION			
207-88-67	11-12	13, 15	
	13-14	14-15	
DEFENSE			
207-88-67	17-18	18-20	None
	20	20	None
COURT			

EXHIBITS ADMITTED IN EVIDENCE

COPIES OF RECORD¹

1 copy of record furnished the accused as per attached certificate or receipt.
2 copy(ies) of record forwarded herewith.

RECEIPT FOR COPY OF RECORD²

I hereby acknowledge receipt of a copy of the above-described record of trial, delivered to me at this day of 19.....

TERRY F. DUNIGAN

.....
(Signature of accused)

I hereby acknowledge receipt of a copy of the above-described record of trial, delivered to me at this day of 19.....

(Signature of accused)

CERTIFICATE IN LIEU OF RECEIPT

....., 19.....
(Place) (Date)

I certify that on this date delivery of a copy of the above-described record of trial, including all exhibits admitted in evidence or descriptions thereof, was made to the accused,

, at,
(Name of accused) (Place of delivery)
by, and that the
(Means of effecting delivery, i. e., mail, messenger, etc.)

receipt of the accused had not been received on the date this record was forwarded to the convening authority. The receipt of the accused will be forwarded as soon as it is received.

(Signature of trial counsel)

¹ For instructions as to preparation of copies of record, see back cover or appendix 9f, MCM, 1951.
² If copy of record prepared for accused contains matters requiring security protection, see paragraph 82g, MCM, 1951.

2d Marine
Marine Corps

ADQUARTERS
2d Wing, FMF, Atlantic
ion, Cherry Point, N. C. 28533

United States of America

Pat Terry F. M.

I have been informed
military judge detailed
ifications pending against
with my defense counsel,
military judge alone. I
to be tried by a court
listed personnel).

20 April
(dated)

Prior to the signing
accused of his right to
officers (and of his right
enlisted members not of

20 April
(dated)

Argument is (not) requested

I approve (disapprove)

21 April, 19
(dated)

Request for Trial Before
Military Judge Alone (Art 16,
UCMJ)

Capt Chappman, USMC is the
(name and rank of military judge)
court-martial to which the charges and speci-
been referred for trial. After consulting
request that the court be composed of the
s request with full knowledge of my right
composed of (commissioned) officers (and en-

Terry F. M.
Accused

foregoing request, I advised fully the above
fore a court-martial composed of (commissioned)
(such court consist of at least one-third
upon his request).

John Michael, CAPT USMC
Defense Counsel

Appleton, CAPT USMC
Trial Counsel

foregoing request for trial before me alone.

John Michael, CAPT USMC
Military Judge

HEADQUARTERS
2d Marine Aircraft Wing, FMF, Atlantic
Marine Corps Air Station, Cherry Point, N. C. 28533

17/EBF:jln
5814
Ser: 1-70
12 MAR 1970

From: Commanding General
To: Colonel John E. HANSEN, U. S. Marine Corps, Marine Wing Headquarters Group 2, 2d Marine Aircraft Wing, FMFLant
Subj: Convening order for a general court-martial
Ref: (a) Article 22, UCMJ

1. Pursuant to the authority vested in me by reference (a), a general court-martial is hereby convened. It may proceed at Marine Corps Air Station, Cherry Point, North Carolina, to try such persons as may properly be brought before it. The court will be constituted as follows:

MILITARY JUDGE

Captain James F. CHAPMAN, U. S. Naval Reserve, certified, designated and assigned in accordance with Article 26(b) and (c), and previously sworn in accordance with Article 42(a).

MEMBERS

Colonel John E. HANSEN, U. S. Marine Corps	(MWHG-2)
Lieutenant Colonel Dan C. ALEXANDER, U. S. Marine Corps	(MCCRTG-20)
Lieutenant Colonel Paul F. MELCHER, U. S. Marine Corps	(MWHG-2)
Major Milton T. HESTY, U. S. Marine Corps	(MWSG-27)
Major Terrance P. BAKER, U. S. Marine Corps	(MAG-14)
Major Charles M. DOYLE, U. S. Marine Corps	(MAG-14)
Major Billy R. BRIDGEWATER, U. S. Marine Corps	(MWSG-27)
Major Thomas E. LEWIS, U. S. Marine Corps	(MCCRTG-20)
Captain Vincent A. SPALDING, U. S. Marine Corps	(MACG-28)

COUNSEL

Captain John P. PROCTOR, U. S. Marine Corps Reserve, TRIAL COUNSEL certified in accordance with Article 27(b) and previously sworn in accordance with Article 42(a).

Captain Leonard W. BELTER, U. S. Marine Corps Reserve, and Captain Joseph J. DeMICHAEL, U. S. Marine Corps Reserve, DEFENSE COUNSEL, both certified in accordance with Article 27(b) and previously sworn in

17/ESF:jln
5814
Ser: 1-70

accordance with Article 42(a), any one or both of whom may serve as defense counsel.

Captain Phillip R. WEST, U. S. Marine Corps Reserve, certified in accordance with Article 27(b) and previously sworn in accordance with Article 42(a), DEFENSE COUNSEL for the cases of U. S. v. Private Daniel M. PERRY, U. S. Marine Corps, and Private First Class Bradley R. ENTRESS, U. S. Marine Corps, only.

2. All cases in the hands of the trial counsel of the general court-martial convened by my convening order serial 12-69 dated 24 October 1969, as modified, in which trial proceedings have not begun or in which the accused has not requested trial by the military judge alone, will be brought to trial before the court hereby convened.

/s/ M. E. Carl
M. E. CARL
Major General, U. S. Marine Corps
Commanding, 2d Marine Aircraft Wing

Copy to:

Each individual
CO, MWHG-2
CO, MCCRCIO-20
CO, MAG-14
CO, MWSG-27
CO, MACG-28

HEADQUARTERS
2d Marine Aircraft Wing, FMF, Atlantic
Marine Corps Air Station, Cherry Point, N. C. 28533

17/EBF:omh
5814
Ser: 1A-70
30 MAR 1970

From: Commanding General
To: Colonel John E. HANSEN, U. S. Marine Corps, Marine Wing Headquarters Group 2, 2d Marine Aircraft Wing, FMF, Atlantic
Subj: Convening order for general court-martial serial 1-70, modification of

1. Lieutenant Harold L. STOLLER Jr., U. S. Naval Reserve, certified in accordance with Article 27(b), Uniform Code of Military Justice, and previously sworn in accordance with Article 42(a), Uniform Code of Military Justice, is hereby appointed as DEFENSE COUNSEL of the subject general court-martial.

/s/M. E. Carl
M. E. CARL
Major General, U. S. Marine Corps
Commanding, 2d Marine Aircraft Wing

Copy to:
Each individual
CO, MWHG-2
CO, MCCRTG-20
CO, MAG-14
CO, MWSG-27
CO, MACG-28

PROCEEDINGS OF A **GENERAL** COURT-MARTIAL

which met (at) (on board) **XXXXXXX MCAS, Cherry Point, N. C.**, at **0905** hours,

21 April 1970, pursuant to the following orders:¹

¹ Here insert a literal copy of the orders appointing the court and copies of any amending orders. Any request of an enlisted accused for enlisted court members will be inserted immediately following the appointing orders, together with any declaration of the nonavailability of such enlisted persons.

MJ: This Article 39(a) Session in the case of United States versus Private Terry F. MANION will come to order.

NOTE: The Article 39(a) Session was called to order at 0905 hours, 21 April 1970.

TC: This court is convened by Major General M. E. CARL's convening order, Serial I-70 dated the 12th day of March 1970 as amended by convening order Serial IA-70 dated the 30th day of March 1970. A copy of which has been furnished to the Military Judge, counsel and the accused and to the reporter for insertion at this point in the record. The charges have been properly referred to this court for trial and was served on the accused by me, Captain PROCTOR, on the 10th day of April 1970. The following persons named in the convening orders are present:

Captain James F. CHAPMAN, USNR, MILITARY JUDGE;
Captain J. P. PROCTOR, USMCR, TRIAL COUNSEL; and
Captain Joseph J. DEMICHAEL, USMCR, DEFENSE COUNSEL.

TC: The members and the following persons named in the convening orders are absent: Defense Counsel, Captain Leonard W. BELTER, USMCR and Lieutenant H. L. STOLLER, Jr., USNR.

TC: The prosecution is now ready to proceed with the trial in the case of United States against Private Terry F. MANION, U. S. Marine Corps, a member of Marine Fighter/Attack Squadron 431, Marine Aircraft Group 31, 2d Marine Aircraft Wing, Fleet Marine Force, Atlantic, Marine Corps Air Station, Beaufort, South Carolina, who is present in court. Staff Sergeant KNIGHT has been detailed reporter for this court and will now be sworn.

NOTE: The reporter, Staff Sergeant Chester E. KNIGHT, USMC, was sworn.

TC: The legal qualifications and status as to oath of the member of the prosecution are correctly stated in the convening order. No member of the prosecution named in the convening orders has acted as investigating officer, Military Judge, court member or member of the defense in this case or as counsel for the accused at a pretrial investigation or other proceedings involving the same general matter.

MJ: Captain DEMICHAEL, have you informed the accused of his rights concerning counsel as set forth in Article 38(b) of the Uniform Code of Military Justice?

DC: I have, Your Honor.

MJ: MANION, you have the right to be represented at this trial by a civilian lawyer provided by you at your own expense. Do you understand this?

ACC: Yes, Your Honor.

MJ: You also have the right to be represented free of charge by military counsel of your own selection if he is reasonably available. Do you understand this?

ACC: Yes, Your Honor.

MJ: And if you are represented by either civilian lawyer or military counsel of your own selection, Captain DEMICHAEL will continue to represent you as your appointed counsel if you wish or if you prefer, he will be excused. Do you understand this?

ACC: Yes, Your Honor.

MJ: Do you also understand that you have a right to have the other appointed members of the defense present at this trial namely Captain Leonard W. BELTER and Lieutenant Harold STOLLER?

ACD: Yes, Your Honor.

MJ: Do you expressly waive their presence at this trial?

ACD: Yes, Your Honor.

MJ: Very well. By whom will the accused be defended?

DC: Your Honor, the accused will be defended by Captain Joseph J. DEMICHAEL, U. S. Marine Corps Reserve.

TC: Will counsel representing the accused state whether his legal qualifications are other than as stated in the convening orders?

DC: They are not.

TC: Has any member of the defense acted as the accuser, a member of the prosecution, investigating officer, Military Judge or a member of the court in this case?

DC: He has not.

MJ: It appears that counsel for both sides have the requisite qualifications. Personnel of the court will be sworn.

NOTE: The Military Judge, trial and defense counsel were sworn.

TC: The general nature of the charges in this case are as follows: Charge 1 is a violation of the Uniform Code of Military Justice, Article 87: In that Private Terry F. MANION, U. S. Marine Corps, did, at Marine Corps Air Station, Beaufort, South Carolina, on or about 5 May 1969, through neglect, miss the movement of flight one, Yuma Deployment, with which he was required in the course of duty to move. Charge 11 is a violation of the Uniform Code of Military Justice, Article 86: In that Private Terry F. MANION, U. S. Marine Corps, did, on or about 12 May 1969, without authority, absent himself from his organization and did remain so absent until on or about 31 July 1969. Additional Charge 1 is a violation of the Uniform Code of Military Justice, Article 86: In that Private Terry F. MANION, U. S. Marine Corps, did, on or about 8 August 1969, without authority, absent himself from his unit and did remain so absent until he was apprehended on or about 26 January 1970. The charges were preferred by Staff Sergeant J. ONTIVEROS and forwarded with recommendations as to disposition by Colonel V. J. FEEDLES and investigated by Major W. P. FINNEGAN. The Military Judge will not be a witness for the prosecution. If the Military Judge is aware of any matters which he believes may be a grounds for challenge by either side against him he should now state such matters.

MJ: I know of no such matters.

TC: The prosecution has no challenges for cause against the Military Judge. Does the accused desire to challenge the Military Judge for cause?

DC: The accused does not.

MJ: I have before me a request for trial before Military Judge alone, signed by the accused and witnessed by counsel for both sides. Captain DEMICHAEL, have you discussed fully with the accused his right to and implications of trial before Military Judge, alone?

DC: Yes, I have.

MJ: And have you delineated for him the differences between a court-martial with members and one composed of Military Judge, alone?

DC: Yes, I have.

MJ: Private MANION, have you discussed the right to end the meaning of trial by Military Judge, alone, with your counsel?

ACC: Yes, Your Honor.

MJ: Are you satisfied that you understand what it means?

ACC: Yes, Your Honor.

MJ: Do you have any questions about what you discussed with your counsel in this respect?

ACC: No, Your Honor.

MJ: And do you understand that you may be tried by a court consisting of at least five officers or request to be tried before Military Judge, alone?

ACC: Yes, Your Honor.

MJ: Has it been explained to you that on your request at least one-third of a court consisting of members will be enlisted men?

ACC: Yes, Your Honor.

MJ: Do you realize that in a trial before members, two-thirds of the members voting by secret written ballot, must concur in all findings of guilty?

ACC: Yes, Your Honor.

MJ: Do you also understand that two-thirds of the members, voting by secret written ballot, must concur in the sentence should you be found guilty?

ACC: Yes, Your Honor.

MJ: Now, in a trial before me alone, do you understand that I alone will determine your guilt or innocence?

ACC: Yes, Your Honor.

MJ: And do you also understand that I alone will sentence you should you be found guilty?

ACC: Yes, Your Honor.

MJ: Knowing and understanding the differences between trial before members and trial before me, alone, as explained by your defense counsel and by me, do you still wish to be tried before me, alone?

ACC: Yes, Your Honor.

MR. Very well. The request for trial before Military Judge alone is approved and the court is now assembled. The written request for trial before Military Judge alone will be appended to the convening orders and made part of the record of trial in this case.

MR. Master Trial Counsel, you may arraign the accused.

MR. All parties to the trial have been furnished with a copy of the charges. Does the accused desire that they be read?

MR. The accused does not.

MR. The reading of the charges may be omitted.

Charge : Violation of the Uniform Code of Military Justice, Article 87.

Specification: In that Private Terry F. Manion, U. S. Marine Corps, Marine Fighter/Attack Squadron Four Fifty-One, Marine Aircraft Group Thirty-One, Second Marine Air Wing, Fleet Marine Force Atlantic, Marine Corps Air Station, Beaufort, South Carolina, did, at Marine Corps Air Station, Beaufort, South Carolina, or on or about 5 May 1969, through neglect, aids the movement of flight one, Yuma Deployment, with which he was required in the course of duty to move.

Additional Charge: Violation of the Uniform Code of Military Justice, Article 86

Specification: In that Private Terry F. MANION, U. S. Marine Corps, Marine Fighter Attack Squadron 451, Marine Aircraft Group 31, 2d Marine Aircraft Wing, Fleet Marine Force, Atlantic, Marine Corps Air Station, Beaufort, South Carolina, did, on or about 0731, 12 May 1969, without authority, absent himself from his organization, to wit: Marine Fighter Attack Squadron 451, Marine Aircraft Group 31, located at Marine Corps Air Station, Beaufort, South Carolina, and did remain so absent until on or about 0805, 31 July 1969.

Additional Charge II: Violation of the Uniform Code of Military Justice, Article 85

Specification: In that Private Terry F. MANION, U. S. Marine Corps, Marine Fighter/Attack Squadron 451, Marine Aircraft Group 31, 2d Marine Aircraft Wing, Fleet Marine Force, Atlantic, Marine Corps Air Station, Beaufort, South Carolina did, on or about 1301 hours, 8 August 1969, without authority and with intent to remain away therefrom permanently, absent himself from his unit, to wit: Marine Air-Fighter/Attack Squadron 451, Marine Aircraft Group 31, 2d Marine Aircraft Wing, Fleet Marine Force, Atlantic, located at Marine Corps Air Station, Beaufort, South Carolina, and did remain so absent in desertion until he was apprehended on or about 2240 hours, 26 January 1970.

NAME, GRADE, AND ORGANIZATION OF ACCUSER J. ORTIVERO, SGT, VMFA-451, MAG-31, 20MM, VMPLANT, MCAS, Beaufort, S. C. 29902	SIGNATURE <i>J. Ortivero</i>
---	---------------------------------

AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this 12th day of February, 1970, 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 in fact, to the best of his knowledge and belief.

VMFA-451, MAG-31, 20MM, VMPLANT, Captain, MCAS, Beaufort, S. C. 29902

GRADE AND ORGANIZATION OF OFFICER

H. C. Hill
SIGNATURE

SIGNATURE

Administrative Officer

OFFICIAL CHARACTER, AS ADJUTANT, SUMMARY COURT, ETC.
(MCM, 29g, and Article 30g and 136)

H. A. Hill

TYPED NAME

Officer administering oath must be a commissioned officer.

12 February 1970

DATE

I have this date informed the accused of the charges against him (MCM, 32j(1)).

C. U. CHASEN, LtCol, VMFA-451, MAG-31, 20MM, VMPLANT, MCAS, Beaufort, S. C. 29902

C. U. Chase
SIGNATURE

NAME, GRADE, AND ORGANIZATION OF IMMEDIATE COMMANDER

SIGNATURE

VMFA-451, MAG-31, 20MM, VMPLANT, Marine Corps Air Station, Beaufort, S.C. 12 Feb 1970

DESIGNATION OF COMMAND OF OFFICER EXERCISING
SUMMARY COURT-MARTIAL JURISDICTION

PLACE

DATE

The sworn charges above were received at 0900 hours, this date (MCM, 33b).FOR THE
|||||

C. U. CHASEN, LtCol, Commanding Officer

NAME, GRADE, AND OFFICIAL CAPACITY OF OFFICER SIGNING

C. U. Chase
SIGNATURE

1ST INDORSEMENT

2d Marine Aircraft Wing, MCAS Cherry Point, N. C. 28533

8 Apr 1 1970

DATE

Referred for trial to the general court-martial appointed by my convening order

serial 1-70 dated 12 M

, 12 MAR 1970, subject to the following instructions:

None.

181 — 181
||||| — |||||

M. E. CARL, Major General, USMC, Commanding

NAME, GRADE, AND OFFICIAL CAPACITY OF OFFICER SIGNING

1/ M. E. CARL

SIGNATURE

I have served a copy hereof on each of the above-named accused, this 10th day of April, 1970.

Captain John P. Proctor, USAF
NAME, GRADE, AND ORGANIZATION OF TRIAL COUNSEL

1/ John P. Proctor
SIGNATURE

1/ When an appropriate commander signs personally, inapplicable words are stricken out. 2/ Relative to proper instructions which may be included in the indorsement of reference for trial, see MCM, 33j(1). If none, so state.

Fill in blank numbers of pertinent charges and specifications or "all specifications and charges," as may be appropriate for use unless departmental regulations prevent such election (MCM, 32f(2)).

THE ACCUSED HAS BEEN PERMITTED AND HAS ELECTED TO REFUSE PUNISHMENT UNDER ARTICLE 15 AS TO
 THE ACCUSED HAS NOT BEEN OFFERED PUNISHMENT UNDER ARTICLE 15 AS TO

NAME, GRADE, AND ORGANIZATION OF OFFICER EXERCISING ARTICLE 15 JURISDICTION	SIGNATURE
---	-----------

RECORD OF TRIAL BY SUMMARY COURT-MARTIAL	CASE NUMBER (inserted by convening authority)
--	--

TO BE FILLED IN BY SUMMARY COURT AS APPLICABLE

1. WAS THE ACCUSED ADVISED IN ACCORDANCE WITH PARAGRAPH 79d, MCM, 1951? YES

When an accused has been permitted and has elected to refuse punishment under Article 15, trial by summary court-martial may proceed despite his objection.

2. THE ACCUSED, HAVING REFUSED TO CONSENT IN WRITING TO TRIAL BY SUMMARY COURT-MARTIAL AND NOT HAVING BEEN PERMITTED TO REFUSE PUNISHMENT UNDER ARTICLE 15, THE CHARGES ARE HEREWITHE RETURNED TO THE CONVENING AUTHORITY.

NAME, GRADE, AND ORGANIZATION OF SUMMARY COURT OFFICER	SIGNATURE
--	-----------

TO BE FILLED IN BY THE ACCUSED

<input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> OBJECT TO TRIAL BY SUMMARY COURT-MARTIAL	SIGNATURE OF ACCUSED
---	----------------------

SPECIFICATIONS AND CHARGES	PLEAS	FINDINGS	SENTENCE OR REMARKS
NUMBER OF PREVIOUS CONVICTIONS CONSIDERED (MCM, 75b(2))			

PLACE AND DATE OF TRIAL	DATE SENTENCE ADJUDGED
-------------------------	------------------------

NAME, GRADE, ORGANIZATION, AND ARMED FORCE OF SUMMARY COURT OFFICER (MCM, 4g)	SIGNATURE
---	-----------

Enter after signature, "Only officer present with command", if such is the case.

TO BE FILLED IN BY CONVENING AUTHORITY (MCM, 89, and app. 14g.)

ORGANIZATION	PLACE	DATE
--------------	-------	------

ACTION OF CONVENING AUTHORITY		
-------------------------------	--	--

NAME, GRADE, AND ORGANIZATION OF CONVENING AUTHORITY	SIGNATURE
--	-----------

ENTERED ON APPROPRIATE PERSONNEL RECORDS IN CASE OF CONVICTION. (MCM, 91g)	
NAME, GRADE, AND DESIGNATION OF OFFICER RESPONSIBLE FOR ACCUSED'S RECORDS	SIGNATURE

NOTE: Summary of evidence, if required by the convening or higher authority, will be attached on separate pages.

U.S. GOVERNMENT PRINTING OFFICE : 1962 O-659708

NAME, GRADE, AND ORGANIZATION OF ACCUSER

C. ONTIVEROS, Ssgt, VMFA-451, MAG-31, 2dMAW
FNPLant, MCAS, Beaufort, South Carolina

SIGNATURE



AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this 31 day of July, 1969, 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 in fact, to the best of his knowledge and belief.

1stLt, VMFA-451, MAG-31, 2dMAW, FNPLant
MCAS, Beaufort, South Carolina

GRADE AND ORGANIZATION OF OFFICER

SIGNATURE



Administrative Officer

OFFICIAL CHARACTER, AS ADJUTANT, SUMMARY COURT, ETC.
(MCM, 29g, and Article 30g and 136)

O. L. BUNGARNER

TYPED NAME

Officer administering oath must be a commissioned officer.

31 July 1969
DATE

I have this date informed the accused of the charges against him (MCM, 32f(1)).

C. U. GEBSKE, LtCol, VMFA-451, MAG-31, 2dMAW
FNPLant, MCAS, Beaufort, South Carolina

NAME, GRADE AND ORGANIZATION OF IMMEDIATE COMMANDER

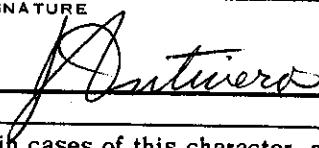


SIGNATURE

NAME, GRADE, AND ORGANIZATION OF ACCUSER

SIGNATURE

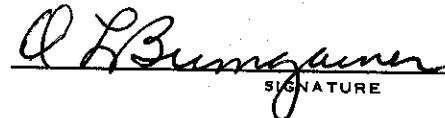
J. ONTIVEROS, Staff Sergeant, USMC
VMFA-451, MAG-31, MCAS, Beaufort, S. C.



Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this 7th day of May, 1969, 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 in fact, to the best of his knowledge and belief.

1st Lt, USMC, VMFA-451
MAG-31, MCAS, Beaufort, S. C.

GRADE AND ORGANIZATION OF OFFICER



SIGNATURE

Administrative Officer
OFFICIAL CHARACTER AS ADJUTANT, SUMMARY COURT, ETC.
VMFA-451, MAG-31, MCAS, Beaufort, S. C.

O. L. BUMGARNER SIGNATURE

Officer administering oath must be a commissioned officer.

7 May 1969 DATE

I have this date informed the accused of the charges against him (MCM, 32f(1)).

J. R. THORCOMPTON, Major, USMC
NAME, GRADE AND ORGANIZATION OF IMPELLEUR COMMANDER

SIGNATURE

VMFA-451, MAG-31, 2dMAW, FMFlant, MCAS, Beaufort, South Carolina

31 July 1969

DESIGNATION OF COMMAND OF OFFICER EXERCISING
SUMMARY COURT-MARTIAL JURISDICTION

PLACE

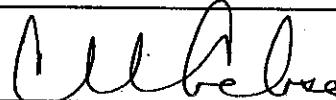
DATE

The sworn charges above were received at _____ hours, this date (MCM, 33b).



C. U. GEBSEN, LtCol, Commanding Officer

NAME, GRADE, AND OFFICIAL CAPACITY OF OFFICER SIGNING



SIGNATURE

1ST INDORSEMENT

MAG-31, 2dMAW, FMFlant, MCAS, Beaufort, South Carolina

DESIGNATION OF COMMAND OF CONVENING AUTHORITY

8 August 1969

Referred for trial to Special court-martial appointed by my appointing order

Serial 7-69

dated 1 August 1969 1969, subject to the following instructions:²

1 BY 1 COMMAND OR ORDER 1 of 1

J. PEEBLES, Col, Commanding Officer

NAME, GRADE, AND OFFICIAL CAPACITY OF OFFICER SIGNING

SIGNATURE

I have served a copy hereof on each of the above-named accused, this _____ day of _____, 19____.

NAME, GRADE, AND ORGANIZATION OF TRIAL COUNSEL

SIGNATURE

¹ When an appropriate commander signs personally, inapplicable words are stricken out. ² Relative to proper instructions which may be included in the indorsement of reference for trial, see MCM, 33j(1). If none, so state.

Fill in blank numbers of pertinent charges and specifications or "all specifications and charges," as may be appropriate for use unless departmental regulations prevent such election (MCM, 32f(2)).

THE ACCUSED HAS BEEN PERMITTED AND HAS ELECTED TO REFUSE PUNISHMENT UNDER ARTICLE 15 AS TO

THE ACCUSED HAS NOT BEEN OFFERED PUNISHMENT UNDER ARTICLE 15 AS TO the charge and its specification.

NAME, GRADE, AND ORGANIZATION OF OFFICER EXERCISING ARTICLE 15 JURISDICTION J. R. THROGMORTON, Major, VMA-451, MAG-31, 24MAW, FMFLANT, MCAS, Beaufort, South Carolina	SIGNATURE
--	-----------

RECORD OF TRIAL BY SUMMARY COURT-MARTIAL	CASE NUMBER (Inserted by convening authority)
TO BE FILLED IN BY SUMMARY COURT AS APPLICABLE	

1. WAS THE ACCUSED ADVISED IN ACCORDANCE WITH PARAGRAPH 79d, MCM, 1981? YES

When an accused has been permitted and has elected to refuse punishment under Article 15, trial by summary court-martial may proceed despite his objection.

2. THE ACCUSED, HAVING REFUSED TO CONSENT IN WRITING TO TRIAL BY SUMMARY COURT-MARTIAL AND NOT HAVING BEEN PERMITTED TO REFUSE PUNISHMENT UNDER ARTICLE 15, THE CHARGES ARE HEREWITH RETURNED TO THE CONVENING AUTHORITY.

NAME, GRADE, AND ORGANIZATION OF SUMMARY COURT OFFICER	SIGNATURE
--	-----------

TO BE FILLED IN BY THE ACCUSED		SIGNATURE OF ACCUSED
<input type="checkbox"/> CONSENT <input type="checkbox"/> OBJECT	TO TRIAL BY SUMMARY COURT-MARTIAL	

TO BE FILLED IN BY THE ACCUSED

SIGNATURE OF ACCUSED

CONSENT OBJECT TO TRIAL BY SUMMARY COURT-MARTIAL

SPECIFICATIONS AND CHARGES	PLEAS	FINDINGS	SENTENCE OR REMARKS

**NUMBER OF PREVIOUS CONVICTIONS CONSIDERED
(MCM, 75b(2))**

PLACE AND DATE OF TRIAL _____ DATE SENTENCE ADJUDGED _____

Enter after signature: "Only officer present with command". If such is the case,

DATE SENTENCE ADJUDGED

NAME, GRADE, ORGANIZATION, AND ARMED FORCE OF SUMMARY COURT OFFICER (MCM, 40) SIGNATURE

Enter after signature, "Only officer present with command", if such is the case.

TO BE FILLED IN BY CONVENING AUTHORITY (MCM, 89, and app. 14a.)

ORGANIZATION _____ PLACE _____ DATE _____

ACTION OF CONVENING AUTHORITY

NAME, GRADE, AND ORGANIZATION OF CONVENING AUTHORITY	SIGNATURE
--	-----------

ENTERED ON APPROPRIATE PERSONNEL RECORDS IN CASE OF CONVICTION. (MCM- 94c)

NAME, GRADE, AND DESIGNATION OF OFFICER RESPONSIBLE FOR ACCUSED'S RECORDS

NOTE: Summary of evidence, if required by the convening or higher authority, will be attached on separate pages.

TD: The charges are signed by Staff Sergeant J. CNTIVEROS, a person subject to the Code as the accuser. They are properly sworn to before a commissioned officer of the Armed Forces authorized to administer oaths and are properly referred to this court for trial by Major General M. E. CARL, the convening authority. The charges were served on the accused by me, Captain PRETOR, on the 10th day of April 1970.

MJ: Private Terry F. MANION, I now ask you how do you plead? But before receiving your plea I advise you that any motion to dismiss any charge or to grant other relief should be made at this time.

AC: Your Honor, the accused has no motions to make and pleads as follows:

To the Charge and Specification of Charge I: Not Guilty.

To Additional Charge I and the Specification: Guilty.

To Additional Charge II and Specification: Guilty.

MJ: Private MANION, it is my purpose to explain fully the meaning and effect of your pleas of guilty to the two offenses of absence without leave alleged in Charge II and Additional Charge I. I suggest that you hold a copy of the charges and specifications in your hand so that you may refer to them readily during this hearing. Your plea of guilty will not be accepted unless you understand their meaning and effect. You are legally entitled to plead not guilty even though you believe you are guilty and thus place upon the prosecution the burden of proving your guilt beyond a reasonable doubt. A plea of guilty is equivalent to a conviction and is the strongest form of proof known to the law. On your plea alone, without receiving any evidence, this court can find you guilty of the offenses to which you plead guilty. Your plea will not be accepted unless you understand its meaning and effect and unless you realize that by your plea you admit every act or omission and every element with respect to the offenses to which you plead guilty and that you are pleading guilty because you really are guilty. If you are not convinced that you are in fact guilty you should not allow any other considerations to influence you to plead guilty. Do you understand that I have just told you?

AC: Yes, Your Honor.

MJ: And do you have any questions about that at this time?

AC: No, Your Honor.

MJ: I am going to list the elements of the offenses to which you have pleaded guilty. These are the facts which the prosecution must prove beyond a reasonable doubt before the court could find you guilty if you should plead not guilty. As I state each of these elements, ask yourself whether it is absolutely true and whether you wish to admit that it is true and then be prepared to discuss each of these essential facts with me when I have finished. In the Specification of Charge II you are charged with the offense of absence without leave in violation of Article 86 of the Uniform Code of Military Justice. The legal elements of this offense as charged are these: That on or about 0731 hours, 12 May 1969 you absented yourself from your organization which was Marine Fighter/Attack Squadron 451, Marine Aircraft Group 31, located at Marine Corps Air Station, Beaufort, South Carolina. Do you admit this?

AC: Yes, sir.

MJ: The second element of that offense is that your absence was without proper authority from anyone competent to give you leave. Do you admit this?

ACC: Yes, Your Honor.

MJ: And the third element of that offense is that your absence endured on or about 12 May 1969 until it was terminated on or about 0805 hours, 31 July 1969. Do you admit this?

ACC: Yes, Your Honor.

MJ: And the Specification of Additional Charge 1 you are charged with a second offense of absence without leave in violation of Article 86 of the Uniform Code of Military Justice. The legal elements of this offense as charged are these: First, that on or about 1301 hours, 8 August 1969, you absented yourself from your unit which was Marine Fighter/Attack Squadron 451, Marine Aircraft Group 31, 2d Marine Aircraft Wing, Fleet Marine Force, Atlantic, located at Marine Corps Air Station, Beaufort, South Carolina. Do you admit this?

ACC: Yes, Your Honor.

MJ: And the second element of that offense is that your absence from this unit was without proper authority from anyone competent to give you leave. Do you admit this?

ACC: Yes, Your Honor.

MJ: And the third element of that offense is that your absence from your unit endured from on or about 1301 hours, 8 August 1969 until you were apprehended on or about 2240 hours, 26 January 1970. Do you admit this?

ACC: Yes, Your Honor.

MJ: Now that I have enumerated the elements of these offenses to which you have pleaded guilty do you understand them?

ACC: Yes, Your Honor.

MJ: Do you have any questions about any of them?

ACC: No, Your Honor.

MJ: Do you understand that your plea of guilty would admit that each of these elements accurately describes what you did?

ACC: Yes, Your Honor.

MJ: And do you believe and admit that taken together these elements correctly describe what you did?

ACC: Yes, Your Honor.

MJ: Captain DEMIGHAEL, what advice have you given the accused as to the maximum punishment which could be adjudged for a conviction of these two offenses to which he has pleaded guilty?

DG: Total forfeiture of all pay and allowances, confinement at hard labor for two years and a dishonorable discharge.

MJ: Mister Trial Counsel, do you agree with that?

TG: I do, Your Honor.

MJ: Private MANION, on your plea of guilty alone, you could lawfully be sentenced to the maximum punishment authorized. In this case the maximum punishment for the offenses to which you have pleaded guilty would be

dishonorable discharge, confinement of hard labor for two years and forfeiture of all pay and allowances. Do you have any question as to the sentence that could be imposed for a conviction of these two offenses to which you plead guilty?

ACC: No, Your Honor.

MJ: Captain DEMICHAEL, have you as defense counsel had ample time and opportunity to discuss this case with the accused?

DC: I have, Your Honor.

MJ: Private MANNION, have you had ample time and opportunity to discuss this case with your defense counsel?

ACC: Yes, Your Honor.

MJ: Have you in fact consulted fully with your defense counsel and received the full benefit of his advice?

ACC: Yes, Your Honor.

MJ: Are you satisfied that your counsels advice is to your own best interest?

ACC: Yes, Your Honor.

MJ: Are you pleading guilty voluntarily and of your own free will?

ACC: Yes, Your Honor.

MJ: Are you satisfied with your defense counsel?

ACC: Yes, Your Honor.

MJ: Has anyone made any threats or tried in any other way to force you to plead guilty?

ACC: No, Your Honor.

MJ: And you fully understand that even though you feel that you are guilty of these two offenses that you have the legal and moral right to plead not guilty and place the burden upon the government to prove your guilt by legal and competent evidence beyond a reasonable doubt?

ACC: Yes, Your Honor.

MJ: Private MANNION, by your plea of guilty to these offenses you waive and by waive I mean give up certain important rights. However, you waive these rights only as to the findings of the offenses to which your plea is entered. That is, only as to the two specifications alleged in Charge 11 and Additional Charge 1. You retain these rights as to the offense to which you plead not guilty. Do you understand what I have just told you?

ACC: Yes, Your Honor.

MJ: These rights that you give up are these. First, the right against self-incrimination. That is the right to say nothing at all. Second, the right to a trial of the facts by this court. That is, the right to have this court decide whether or not you are guilty based upon the evidence which the

prosecution will present and on any evidence you may introduce. Third, the right to be confronted by and to cross-examine any witness against you. Do you understand what these rights are?

ACC: Yes, Your Honor.

MJ: And do you further understand that by pleading guilty to these two absence offenses that you no longer have these rights as to those offenses?

ACC: Yes, Your Honor.

MJ: Very well. I find that the pleas of guilty are made voluntarily and with full knowledge of their meaning and effect. I further specifically find that the accused has knowingly, intelligently and consciously waived his right against self-incrimination, to a trial of the facts by a court-martial and to be confronted by the witnesses against him. Accordingly, the pleas of guilty to the two absence offenses are provident and will be accepted.

TC: Your Honor, the prosecution has no opening statement concerning Charge 1 which is a violation of the Uniform Code of Military Justice, Article 87. Does the defense desire to make an opening statement at this point?

DC: The defense does not.

TC: Very well. The prosecution will call Warrant Officer FRAUMAN.

Chief Warrant Officer - 2 W. W. FRAUMAN, III, 098680, U. S. Marine Corps, was called as a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q: Mr. FRAUMAN, for the record would you please state your full name?
A: William W. FRAUMAN, III.

Q: And your rank?
A: Chief Warrant Officer - 2.

Q: Your present organization?
A: HAMS-31, MAG-31, Beaufort, South Carolina.

Q: And your armed service?
A: United States Marine Corps.

Q: Do you know the accused in this case?
A: Yes, I do.

Q: Would you point to him please and state his name?
A: (Pointing to the accused) Terry MANNION.

TC: Let the record reflect that the witness pointed to the accused.

Q: Mr. FRAUMAN, would you please tell this court what your assigned duties were during the first week of May 1969?
A: I was the OIC of the ordnance section of VMA-451...VMFA-451.