Volume 1 of Volumes 5

CERTIFIED RECORD OF TRIAL

(and accompanying papers)

of

Bopp	Jesse	T	[redacted]	Cpl
(Last Name)	*(First Name)*	*MI*	*(DoD ID No.)*	*(Rank)*

2d Bn, 6th MarRegt, 2d MarDiv	USMC	Camp Lejeune, NC
(Unit/Command Name)	*(Branch of Service)*	*(Location)*

By

General Court-Martial (GCM) — COURT-MARTIAL

(GCM, SPCM, or SCM)

Convened by Commanding General

(Title of Convening Authority)

2d Marine Division

(Unit/Command of Convening Authority)

Tried at

Camp Lejeune, NC — On 30 January, 5 March, 17 June, 5 September 2024, and 6 and 7 January 2025

(Place or Places of Trial) — *(Date or Dates of Trial)*

Companion and other cases None.

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

This volume contains
Post-Trial Documents, Allied Documents, Audio

CHRONOLOGY SHEET

In the case of United States v. Corporal Jesse T. Bopp

(Rank and Name of Accused)

A. Investigation of most serious arraigned offense began: 20231018 *(YYYYMMDD)*

B. Arraignment took place on: 20240305 *(YYYYMMDD)*

C. Number of days between A and B: 139 *(Days)*

GS-12 Robert L. Walsh — WALSH.ROBERT.LEO.1038565555 Digitally signed by WALSH.ROBERT.LEO.1038565555 Date: 2025.04.24 08:16:18 -04'00'

Rank and Name of Staff Judge Advocate or Legal Officer — *Signature*

Explain any delays in the Remarks section.		**DATE (YYYYMMDD)**	**CUMULATIVE ELAPSED DAYS**
1. Earlier of [X] Accused placed under military restraint or [ ] Charges preferred		20231018	
2. Article 32 [X] report or [ ] waiver		20240117	91
3. Charges received by convening authority (CA)		20231129	42
4. Charges referred for trial		20240119	93
5. Arraignment		20240130	104
6. Less days of trial delay:			
Accused sick, in hospital, or AWOL			
Delay at request of defense			
Total authorized deduction			
Net days from 1 to 5			
7. Sentence or acquittal		20250107	447
8. Staff judge advocate clemency advice to CA	58	20250306	505
9. CA action	62	20250310	509
10. SJA notice of CA action to military judge	71	20250319	518
11. Entry of judgment (EOJ)	91	20250408	538
12. Record of trial certified	94	20250411	541
13. Transcript certified by court reporter (if after EOJ)	92	20250409	539
14. Record of trial forwarded to reviewing authority	107	20250424	554
15. Less days of post-trial delay:			
Accused sick, in hospital, or AWOL			
Delay at request of defense			
Total authorized deduction			
Net days from 7 to 14	**107**		
Net cumulative elapsed days from 1 to 14			**554**

REMARKS

COURT REPORTER

CERTIFICATION OF RECORD OF TRIAL

I SSgt Jerre'al J. Slade certify that this record of trial contains all of the items required under R.C.M. 1112(f), and the pleas, findings, and sentence are accurately reflected in the transcript accompanying the record of trial.

SLADE.JERREAL.JENAE.[redacted] Digitally signed by SLADE.JERREAL.JENAE.[redacted] Date: 2025.04.11 11:06:04 -04'00'

(Court Reporter)

11 April 2025

(Date)

MILITARY JUDGE VERIFICATION OF
RECORD OF TRIAL AND ATTACHMENTS

This record of trial and transcript were received by the Eastern Judicial Circuit on 19 Mar 25 and verified on 8 Apr 25. I have reviewed the foregoing record of trial and accompanying transcript for completeness. I hereby verify that this record of trial contains all of the items required under R.C.M. 1112(f), and the pleas, findings, and sentence are accurately reflected in the transcript accompanying the record of trial.

WORKMAN ADA[redacted] Digitally signed by [redacted] WORKMAN.ADAM [redacted] 2025.04.08 [redacted]

(Military Judge) 8 Apr 25 (Date)

Accused was confined at (name of confinement facility, if applicable):
MCI-East Regional Brig

Accused was assigned to (if different than confinement facility):

CERTIFIED RECORD OF TRIAL
of

Jeese	Bopp		T	Cpl
(First Name)	*(Last Name)*	*(DOD ID No.)*	*MI*	*(Rank)*

2d Bn, 6th Reg, 2d MarDiv	USMC	Camp Lejeune, NC
(Unit/Command Name)	*(Branch of Service)*	*(Location)*

Camp Lejeune, NC *(Place or Places of Trial)* On 30 January, 5 March, 17 June, 5 September 2024, and 6 and 7 January 2025 *(Date or Dates of Trial)*

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	TRANSCRIPT PAGE #	TIMESTAMP MM:DD:HH:MM
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Brief description:		
Brief description:		

Copies of certified record of trial distributed to accused and victim(s)

Copies of certified record of trial forwarded to CCA

Copies of certified record of trial forwarded for Article 64(a) or Article 65(d) review

TESTIMONY

in the case of United States v. Corporal Jesse T. Bopp

NAME OF WITNESS *(Last, First, Middle Initial)*		DIRECT AND REDIRECT		CROSS AND RECROSS		COURT	
ADD / DELETE	PROSECUTION	TRANSCRIPT PAGE #	TIMESTAMP MM:DD:HH:MM	TRANSCRIPT PAGE #	TIMESTAMP MM:DD:HH:MM	TRANSCRIPT PAGE #	TIMESTAMP MM:DD:HH:MM
+ -	Special Agent Matthew Hipple	139, 154		148			
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+ -	Ms. Sandra Turick	262					
+ -	Ms. Virginia Gorg	266					
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+ -	Mr. Edward Christison	275					
+ -	Ms. Kassandra Christison	281					
ADD / DELETE	DEFENSE	TRANSCRIPT PAGE #	TIMESTAMP MM:DD:HH:MM	TRANSCRIPT PAGE #	TIMESTAMP MM:DD:HH:MM	TRANSCRIPT PAGE #	TIMESTAMP MM:DD:HH:MM
+ -	LCpl Aiden Dickinson	31		37			
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ADD / DELETE	COURT	TRANSCRIPT PAGE #	TIMESTAMP MM:DD:HH:MM	TRANSCRIPT PAGE #	TIMESTAMP MM:DD:HH:MM	TRANSCRIPT PAGE #	TIMESTAMP MM:DD:HH:MM
+ -							

TRIAL EXHIBITS

in the case of United States v. Corporal Jesse T. Bopp

ADD / DELETE	NUMBER OR LETTER	DESCRIPTION (list prosecution and defense exhibits in the following order: offered and admitted, offered and not admitted; indicate whether any exhibit is sealed)	PAGE AND TIMESTAMP WHERE: OFFERED		ADMITTED / NOT ADMITTED	
			TRANSCRIPT PAGE #	TIMESTAMP MM:DD:HH:MM	TRANSCRIPT PAGE #	TIMESTAMP MM:DD:HH:MM
+ -	1	Stipulation of Fact	101		103	
+ -	2	911 Call Reporting Incident	137		138	
+ -	3	Autopsy Photos	137		138	
+ -	4	Amended Autopsy Report	137		138	
+ -	5	911 Call ICO Accused's Location After Incident	137		138	
+ -	6	Photos of Accused's Location Where He Was Found	137		138	
+ -	7	Base Order· Prohibited Firearms	137		138	
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+ -	9	Crime Scene Photos	137		138	
+ -	10	Accused's AA&E Package	137		138	
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+ -	D	SECNAV M-1640.1 dtd 15 May 2019	301		301	
+ -	E	MCI-E Regional Brig Progress Reports	301		301	
+ -	F	Family and Military Photos	301		301	
+ -	G	Character Witness Statements	301		301	
+ -	H	Accused's Unsworn Statement	301		301	

TRIAL EXHIBITS PRE-MARKED BUT NOT OFFERED & NOT ADMITTED

ADD / DELETE	NUMBER OR LETTER	DESCRIPTION (list all exhibits pre-marked for identification but not offered or admitted here; indicate whether any exhibit is sealed)
+ -		

APPELLATE EXHIBITS

ADD / DELETE	NUMBER OR LETTER	DESCRIPTION (list all exhibits pre-marked for identification but not offered or admitted here; indicate whether any exhibit is sealed)
+ -	I	Trial Management Order
+ -	II	VLC Notice of Representation
+ -	III	Request Excludable Delay
+ -	IV	2nd Request Excludable Delay
+ -	V	Govt Motion for Appropriate Relief (Trial Clock)
+ -	VI	Enclosures to AE V
+ -	VII	Email Traffic dtd 26 Jan 24 @ 10·03·25 P.M.
+ -	VIII	Email Traffic dtd 26 Jan 24 @ 2.21:00 P.M.
+ -	IX	Email Traffic dtd 29 Jan 24 @ 5:28:45 P.M.
+ -	X	Email Traffic dtd 30 Jan 24 @ 6:21·54 A.M.
+ -	XI	Email Traffic dtd 26 Jan 24 @ 7:24·28 A.M

+	-	XII	Appointment of 6b Designee
+	-	XIII	Defense Motion to Continue
+	-	XIV	Enclosures to AE XIII
+	-	XV	Government Response to AE XIII
+	-	XVI	Court Ruling to AE XIII (Email)
+	-	XVII	Government Motion in Limine
+	-	XVIII	Enclosures to AE XVII
+	-	XIX	Government Motion: Appropriate Relief
+	-	XX	Enclosures to AE XIX
+	-	XXI	Defense Motion in Limine
+	-	XXII	Enclosures to AE XXI
+	-	XXIII	VLC Notice of Representation (Ms. Christison)
+	-	XXIV	VLC Notice of Representation (Mr. Schwenk)
+	-	XXV	VLC Notice of Representation (Ms. Christison)
+	-	XXVI	VLC Notice of Representation (Ms. Christison)
+	-	XXVII	Email 802
+	-	XXVIII	Defense Response to AE XIX
+	-	XXIX	Government Response to AE XXI
+	-	XXX	Enclosures to AE XXIX
+	-	XXXI	Appointment of Designee
+	-	XXXII	Court's Ruling - Motion in Limine (404(b))
+	-	XXXIII	Request to Amend Milestones
+	-	XXXIV	Government Motion to Compel
+	-	XXXV	Enclosures to AE XXXIV
+	-	XXXVI	Defense Response to AE XXXIV
+	-	XXXVII	Enclosures to AE XXXVI
+	-	XXXVIII	VLC Notice of Representation
+	-	XXXIX	Government Response to AE XXXIII
+	-	XL	Defense Motion to Compel
+	-	XLI	Enclosures to AE XL
+	-	XLII	Government Response to AE XL
+	-	XLIII	Enclosures to AE XLII
+	-	XLIV	Defense Motion in Limine
+	-	XLV	Enclosures to AE XLIV
+	-	XLVI	Government Response to Defense Motion in Limine
+	-	XLVII	Enclosures to AE XLVI
+	-	XLVIII	VLC Request: Modification
+	-	XLIX	Email 802 Traffic
+	-	L	Enclosures to AE XLVIII
+	-	LI	CDC Notice of Representation
+	-	LII	Victim Unsworn Statement: Mother of Victim
+	-	LIII	Plea Agreement
+	-	LIV	VLC Notice of Representation: S J. Cavallaro
+	-	LV	CV - Molly House
+	-	LVI	Victim Impact Statement: Father of Victim
+	-	LVII	Appellate Rights Advisement

COURT EXHIBITS

ADD / DELETE		NUMBER OR LETTER	DESCRIPTION (include victim impact statements and unsworn statements here)
+	-		
+	-		
+	-		
+	-		
+	-		

RECEIPT FOR COPY OF COURT-MARTIAL DOCUMENT

I hereby acknowledge receipt of a copy of the _____
(title of document)

that was provided to me by _____ on _____
(full name of person providing document) *(date received)*

in the case of United States v. _____
(name of accused)

_____	_____	_____
(date signed)	*(full name of person receiving document)*	*(signature)*

Use this Receipt for Copy of Court-Martial Document (Receipt) when giving a copy of a document directly to someone entitled to receive it. If the Receipt is used, the Certificate of Service should not be used.

"Title of document" is the name of the document or other record of a court-martial proceeding given to the person entitled to it (e.g., audio recording, certified record of trial, statement of trial results, entry of judgment, or other document).

Copies of certified records of trial will be redacted in accordance with the instructions in relevant service regulations, if applicable.

If copy of a document prepared for distribution contains matters requiring security protection, see RCM 1112(e)(3)(A), MCM 2019.

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the _____
(title of document)

in the case of United States v. _____ was transmitted to
(name of accused)

at

_____ _____
(full name of person receiving document) *(place of delivery or address sent to)*

by

_____ _____
(means of effecting delivery) *(tracking number, if any)*

_____ _____ _____
(date) *(full name of person serving record)* *(signature of person serving record)*

☐ This Certificate of Service was used to transmit a document to accused's trial defense counsel instead of the accused because it was [choose one]

(Impracticable to serve the record of trial on the accused because he/she was transferred to (place)) (the accused requested such at trial) (the accused so requested in writing, which is attached) (the accused is absent without leave) (the accused refused to sign acknowledging receipt of the document)

☐ (other reason). _____

Use this Certificate of Service to memorialize the transmission or other delivery of a court-martial document or other record of a court-martial proceeding to a person other than by in-person delivery.

This Certificate of Service can be used for any document, for service to any person (e.g., accused, counsel for accused, victim, counsel for victim).

"Title of document" is the name of the document or other record of a court-martial proceeding given to the person entitled to it (e.g., audio recording, certified record of trial, statement of trial results, entry of judgment, or other document).

"Place of delivery or address sent to" is the street address or email address where the document or other record was sent or hand delivered when no receipt is obtained.

"Means of effecting delivery" is mail, hand delivery, email, messenger service, or other means of transmitting a document or other record.

If a tracking service is used, indicate tracking number and service (e.g., USPS, FEDEX, UPS).

If the accused has not provided an address at which to be served with a document or other record that the accused is entitled to, and trial defense counsel is not available or accused has no defense counsel, serve a copy of the document or other record to the accused's last known address in accordance with service regulations, if applicable.

Copies of certified records of trial will be redacted in accordance with the instructions in relevant service regulations, if applicable.

RECEIPT FOR COPY OF COURT-MARTIAL DOCUMENT

I hereby acknowledge receipt of a copy of the Certified Record of Trial in accordance with R.C.M. 1112
(title of document)

that was provided to me by CONARD, T.T GySgt/USMC on 20250416
(full name of person providing document) *(date received)*

in the case of United States v. BOPP, J.
(name of accused)

[redacted]

20250416 BOPP, JESSE T.
(date received) *(full name of person receiving document)*

Use this Receipt for Copy of Court-Martial Document (Receipt) when giving a copy of a document directly to the accused or counsel for the accused. If the Receipt is used, the Certificate of Service should not be used.

"Title of document" is the name of the document or other record of a court-martial proceeding given to the person entitled to it (e.g., audio recording, certified record of trial, statement of trial results, entry of judgment, or other document).

Copies of certified records of trial will be redacted in accordance with the instructions at the back of this template.

If a copy of a document prepared for distribution contains matters requiring security protection, see RCM 1112(e)(3)(A), MCM 2019.

From: NoReplyTo@mail.mil
To: Nagella LCpl Aaron W
Subject: [DoD SAFE] FRYMAN.ABBY.LUCILLE has picked up your drop-off!
Date: Thursday, April 17, 2025 8:37:33 AM

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: v7Cn52PRKgRPMf2D) has been picked-up.

The file, CA action Bopp (SJA signed).pdf, was picked up using the recipient code, JyA4W9, sent to FRYMAN.ABBY.LUCILLE at abby.fryman@usmc.mil.

You will not be notified about any further pick-ups of files in this drop-off by this recipient.

If this was a large drop-off (more than 200MB) and it has been picked up by all recipients, please consider deleting the drop-off early to free up disk space. Drop-offs are automatically deleted when they expire - currently 7 days. To delete a drop-off login to the SAFE site, click on the "Outbox" tab, click on the ClaimID of the desired drop-off, and click the Delete button.

Full information about the drop-off:

Claim ID:	v7Cn52PRKgRPMf2D
Drop-off Submitted:	2025-04-17 12:33:33 UTC
Drop-off Completed:	2025-04-17 12:33:48 UTC
Note:	

Good Morning Ma'am,

Please see below the R.C.M. 1112 materials ICO U.S. v Bopp, to be received by you on behalf of K.C, as elected for on their VEOR.

— Sender —

Name:	NAGELLA.AARON.WILLIAM
Organization:	USMC
Email Address:	aaron.w.nagella.mil@usmc.mil

— Files —

Name:	CA action Bopp (SJA signed).pdf
Description:	
Size:	1.5 MB
SHA-256 Checksum:	5EEF8CE6A6A2049FDF80A7C5A3A1FE1336B6A0029F5E50D3CC0FB77A00ABFE91
Content Type:	application/pdf

Name:	EOJ - Signed.pdf
Description:	
Size:	98.3 KB
SHA-256 Checksum:	B7BFA442F7E5D689C5CC98A6AC89851CCFBA5292AE58C89925FA377879EBBC3B
Content Type:	application/pdf

Name:	SOTR_Bopp SIGNED2.pdf
Description:	

Size:	2.5 MB
SHA-256 Checksum:	65093DEFAA57F86EDC3E10B4F93DF806568153A36AF57AF1BBD90B446618AF0D
Content Type:	application/pdf

Name:	SOTR_Bopp SIGNED3.pdf
Description:	
Size:	2.5 MB
SHA-256 Checksum:	FE8576FA863286466651B4A627E5F20CF942C8E0C7892679AD1E3AA5A973854D
Content Type:	application/pdf

Nagella LCpl Aaron W

From: NoReplyTo@mail.mil
Sent: Friday, April 18, 2025 7:39 AM
To: Nagella LCpl Aaron W
Subject: [DoD SAFE] Robert B. Schwenk has picked up your drop-off!

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: uBrad9AphwpK4Axu) has been picked-up.

The file, CA action Bopp (SJA signed).pdf, was picked up using the recipient code, EmsY9Z, sent to Robert B. Schwenk at [redacted]

You will not be notified about any further pick-ups of files in this drop-off by this recipient.

If this was a large drop-off (more than 200MB) and it has been picked up by all recipients, please consider deleting the drop-off early to free up disk space. Drop-offs are automatically deleted when they expire - currently 7 days. To delete a drop-off login to the SAFE site, click on the "Outbox" tab, click on the ClaimID of the desired drop-off, and click the Delete button.

Full information about the drop-off:

Claim ID: uBrad9AphwpK4Axu
Drop-off Submitted: 2025-04-16 17:14:46 UTC
Drop-off Completed: 2025-04-16 17:15:10 UTC
Note:

Good Afternoon Sir,

Please see the below attached R.C.M. 1112 Materials ICO U.S. v Bopp.

These were sent to you pursuant to your election in your Victims Election Of Rights.

Please follow the instructions on a secondary Email in order to retrieve them.

— Sender —
Name: NAGELLA.AARON.WILLIAM
Organization: USMC
Email Address: aaron.w.nagella.mil@usmc.mil
— Files —
Name: CA action Bopp (SJA signed).pdf
Description:
Size: 1.5 MB
SHA-256 Checksum: 5EEF8CE6A6A2049FDF80A7C5A3A1FE1336B6A0029F5E50D3CC0FB77A00ABFE91

Content Type:	application/pdf

Name:	EOJ - Signed.pdf
Description:	
Size:	98.3 KB
SHA-256 Checksum:	B7BFA442F7E5D689C5CC98A6AC89851CCFBA5292AE58C89925FA377879EBBC3B
Content Type:	application/pdf

Name:	SOTR_Bopp SIGNED2.pdf
Description:	
Size:	2.5 MB
SHA-256 Checksum:	65093DEFAA57F86EDC3E10B4F93DF806568153A36AF57AF1BBD90B446618AF0D
Content Type:	application/pdf

Name:	SOTR_Bopp SIGNED3.pdf
Description:	
Size:	2.5 MB
SHA-256 Checksum:	FE8576FA863286466651B4A627E5F20CF942C8E0C7892679AD1E3AA5A973854D
Content Type:	application/pdf

POST-TRIAL ACTION

SECTION A - STAFF JUDGE ADVOCATE REVIEW

1. NAME OF ACCUSED (LAST, FIRST, MI)	2. PAYGRADE/RANK	3. DoD ID NUMBER
Bopp, Jesse T.	E4	[redacted]

4. UNIT OR ORGANIZATION	5. CURRENT ENLISTMENT	6. TERM
2d Bn, 6th MarRegt, 2d MarDiv	14 January 2019	4 Yrs

7. CONVENING AUTHORITY (UNIT/ORGANIZATION)	8. COURT-MARTIAL TYPE	9. COMPOSITION	10. DATE SENTENCE ADJUDGED
2d MarDiv	General	Judge Alone - MJA16	7 January 2025

Post-Trial Matters to Consider

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

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

On 8 and 13 January 2025, each victim submitted matters for your consideration requesting that no clemency be provided in this case. On 21 January 2025, detailed defense counsel submitted matters for your consideration. You are required to consider these matters in determining the action you take on the findings of guilty or on the sentence.

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.).

24. Convening Authority Name/Title	25. SJA Name
D. L. ODOM/Commanding General	K. R. KILIAN

26. SJA signature	27. Date
KILIAN.KYLE.R[redacted] Digitally signed by KILIAN.KYLE.R[redacted] Date: 2025.03.06 12:54:27 -05'00'	Mar 6, 2025

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.]

General Court-Martial Order No. D25-1

Action.
In the General Court-Martial case of United States v. Cpl Jesse T. Bopp, U.S. Marine Corps, I have elected to take no action in this case. The Marine Corps Installations East Regional Brig, Camp Lejeune, North Carolina is designated as the initial place of confinement.

Confinement credit.
The accused will be credited with having served 447 days 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
[redacted]	10 MAR 2025

32. Date convening authority action was forwarded to PTPD or Review Shop. 19 Mar 2025

ENTRY OF JUDGMENT

SECTION A - ADMINISTRATIVE

1. NAME OF ACCUSED (LAST, FIRST, MI)	2. PAYGRADE/RANK	3. DoD ID NUMBER
Bopp, Jesse T.	E4	[redacted]

4. UNIT OR ORGANIZATION	5. CURRENT ENLISTMENT	6. TERM
2d Bn, 6th MarRegt, 2d MarDiv	14 January 2019	4 Yrs

7. CONVENING AUTHORITY (UNIT/ORGANIZATION)	8. COURT-MARTIAL TYPE	9. COMPOSITION	10. DATE COURT-MARTIAL ADJOURNED
2d MarDiv	General	Judge Alone - MJA16	7 January 2025

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: Did, on or about 18 October 2023, fail to obey a lawful general order which was his duty to obey, to wit: MCIEAST-MCB CAMLEJO 5500.1A, dtd 16 August 2021, para. 4(c)(1), by wrongfully, possessing, carrying, displaying, firing, and discharging a weapon aboard MCB CAMLEJ. Plea: Guilty. Finding: Guilty.

Charge II: Violation of Article 118, 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: Did, on or about 18 October 2023, murder LCpl A.S. by means of shooting him with a firearm. 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 119, UCMJ.
Plea: Guilty. Finding: Guilty.

Specification: Did, on or about 18 October 2023, by culpable negligence, unlawfully kill LCpl A.S. by means of shooting him with a firearm. 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: Dishonorable Discharge, reduction to pay grade E-1, and;

Charge I: Violation of Article 92, UCMJ.

Specification: 1 year confinement.

Charge III: Violation of 119, UCMJ.

Specification: 7 years confinement.

All confinement is to be served consecutively for a total of 8 years.

The accused is credited with having served 447 days of confinement.

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:
WORKMAN.ADAM.[redacted] Digitally signed by WORKMAN.ADAM.J[redacted] Date: 2025.04.08 13:44:43 -04'00'	Apr 8, 2025

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

18. Judge's signature:	19. Date judgment entered:

RECEIPT FOR COPY OF COURT-MARTIAL DOCUMENT

I hereby acknowledge receipt of a copy of the recordings of all open sessions of the Court-Martial, matters submitted to convening authority, and copies of the evidence admitted and appell.
(title of document)

that was provided to me by LCpl Joshua L. Alcantara *(full name of person providing document)* on 16 January 2025 *(date received)*

in the case of United States v. Cpl Jesse T. Bopp *(name of accused)*

20250116 *(date received)* Jesse Thomas Bopp *(full name of person receiving document)* [redacted]

Use this Receipt for Copy of Court-Martial Document (Receipt) when giving a copy of a document directly to the accused or counsel for the accused. If the Receipt is used, the Certificate of Service should not be used.

"Title of document" is the name of the document or other record of a court-martial proceeding given to the person entitled to it (e.g., audio recording, certified record of trial, statement of trial results, entry of judgment, or other document).

Copies of certified records of trial will be redacted in accordance with the instructions at the back of this template.

If a copy of a document prepared for distribution contains matters requiring security protection, see RCM 1112(e)(3)(A), MCM 2019.

From: NoReplyTo@mail.mil
To: Alcantara LCpl Joshua L
Subject: [DoD SAFE] Robert B. Schwenk Jr. has picked up your drop-off!
Date: Tuesday, January 21, 2025 9:42:28 AM

This is an automated message sent to you by the DoD SAFE service.

The drop-off you made (claim ID: dsGbs8mUPWSEde3j) has been picked-up.

The file, AEs_Redacted.pdf, was picked up using the recipient code, B9P5xU, sent to Robert B. Schwenk Jr. at [redacted]

You will not be notified about any further pick-ups of files in this drop-off by this recipient.

If this was a large drop-off (more than 200MB) and it has been picked up by all recipients, please consider deleting the drop-off early to free up disk space. Drop-offs are automatically deleted when they expire - currently 5 days. To delete a drop-off login to the SAFE site, click on the "Outbox" tab, click on the ClaimID of the desired drop-off, and click the Delete button.

Full information about the drop-off:

Claim ID:	dsGbs8mUPWSEde3j
Drop-off Submitted:	2025-01-17 15:32:47 UTC
Drop-off Completed:	2025-01-17 15:34:18 UTC

Note:

Passphrase is: USvBopp1106A

— Sender —

Name:	ALCANTARA.JOSHUA.LALIMARMO
Organization:	USMC
Email Address:	joshua.l.alcantara.mil@usmc.mil

— Files —

Name:	AEs_Redacted.pdf
Description:	
Size:	52.8 MB
SHA-256 Checksum:	0E7E7F19D216BA5D10473DC307F281F0A651DDBB07F68902A3F64A9DABF19077
Content Type:	application/pdf

Name:	DEs_Redacted.pdf
Description:	
Size:	34.0 MB
SHA-256 Checksum:	CDB98FE33E6160614B232D807F1F29E0F530A86A692E44A97227556D9EBCF65F
Content Type:	application/pdf

Name:	PEs.pdf
Description:	
Size:	5.4 MB
SHA-256 Checksum:	E13E50EA39FE85EB488278B2AE409B1CAF413202A61989F941D25855AE9F3621
Content Type:	application/pdf

Name: CSCO.pdf

Description:
Size: 85.2 KB
SHA-256 Checksum: 83272A369DF03A3AE40B55BB06935E0F177240337833C633C153569547196300
Content Type: application/pdf

Name: SOTR - Bopp SIGNED.pdf
Description:
Size: 2.5 MB
SHA-256 Checksum: 825A00075EA9E7F4FC8F93C8059B835D5E488B131FA1D8B622B3352A020B9F90
Content Type: application/pdf

Name: Audio 7 - Bopp.wav
Description:
Size: 80.1 MB
SHA-256 Checksum: BA9F8D0C7ADC73DB93FBA0D7D944A1110F6150D45905B76E725A64D98C2B2B5A
Content Type: audio/wav

Name: Audio 8 - Bopp.wav
Description:
Size: 41.0 MB
SHA-256 Checksum: 223EF2B91FDBB471B5317034BE55869C4DF2F86695218C25450A29368FEB8B26
Content Type: audio/wav

Name: Audio 9 - Bopp.wav
Description:
Size: 148.9 MB
SHA-256 Checksum: A5C177D4EF6AE194FC8D2C9E5A50AD8ECD60880324F17111D29F7C7DDBE2FED2
Content Type: audio/wav

Name: Audio 10 - Bopp.wav
Description:
Size: 66.0 MB
SHA-256 Checksum: 223187DE4BB430B17D635F1F04AD4178086BB99018FE4A69860F5C818D421CC2
Content Type: audio/wav

Name: Audio 11 - Bopp.wav
Description:
Size: 656.1 KB
SHA-256 Checksum: 2723CD2FE7926D5E63037773C689EB963C0215147F49F6DBD0A2DAE22A41379E
Content Type: audio/wav

Name: Audio 12 - Bopp.wav
Description:

Size:	203.3 MB
SHA-256 Checksum:	B3483B2921069C313522612A63502A13560B66248D1F265A23CD30F82D95699E
Content Type:	audio/wav

Name:	Audio 13 - Bopp.wav
Description:	
Size:	52.0 MB
SHA-256 Checksum:	EAF095DEF961B9769A6EE2F079E67BC58FE3FEE5FD2379FA5252379818FCE6AC
Content Type:	audio/wav

Name:	Audio 14 - Bopp.MP3
Description:	
Size:	16.3 MB
SHA-256 Checksum:	6E7D48E76C0DF4BA45DB4E8164A85A7855CC0CAA1B7ED99B8379D0FDE3880E3D
Content Type:	audio/mpeg

Name:	Audio 15 - Bopp.MP3
Description:	
Size:	40.1 MB
SHA-256 Checksum:	192F68E8776B57E278BF0FB630BE270B019109AC2983153CBCA9DFE66030DA2F
Content Type:	audio/mpeg

Name:	Audio 16 - Bopp.MP3
Description:	
Size:	39.0 MB
SHA-256 Checksum:	DED247AD50E89D2790020E69CAEF47E675461D3006AA6D52CA715F399F7355C2
Content Type:	audio/mpeg

Name:	Audio 17 - Bopp.MP3
Description:	
Size:	1.6 MB
SHA-256 Checksum:	0184DEA13020B379704275AAF6A20FFC1203017B57978763936D6BF81A6E573E
Content Type:	audio/mpeg

Name:	Audio 18 - Bopp.MP3
Description:	
Size:	627.3 KB
SHA-256 Checksum:	830C4CDBA1403BDAF9C27D5AADD8E0439C01481B0BDB59F4D690AE3D4CB52767
Content Type:	audio/mpeg

Name:	Audio 19 - Bopp.MP3
Description:	
Size:	1.6 MB

SHA-256 Checksum:	AA6F1B857A56ED6B5A5A935D289A1869AD75F0678AE6074DF507399FFC714347
Content Type:	audio/mpeg

Name:	Audio 1 - Bopp.wav
Description:	
Size:	5.2 MB
SHA-256 Checksum:	EB868B9500FEBBB70F9CEC8B41DBE96C1FAD9F9991474ABB4479940C44AE89F7
Content Type:	audio/wav

Name:	Audio 2 - Bopp.wav
Description:	
Size:	44.1 MB
SHA-256 Checksum:	84BD223D96F55E751CA0A0DD473F9EF0288B75B67401A694CF30035A67BC599D
Content Type:	audio/wav

Name:	Audio 3 - Bopp.wav
Description:	
Size:	39.7 MB
SHA-256 Checksum:	A7F05B2C4E5728E764F43B9D5F0F92DB6195194BF057797B89C1C9BF074D4ABD
Content Type:	audio/wav

Name:	Audio 4 - Bopp.wav
Description:	
Size:	78.8 MB
SHA-256 Checksum:	BB6EE3599E0A030C195923035754BB291ABC9AC0A5F98CBFA7A224924029A679
Content Type:	audio/wav

Name:	Audio 5 - Bopp.wav
Description:	
Size:	39.7 MB
SHA-256 Checksum:	A7F05B2C4E5728E764F43B9D5F0F92DB6195194BF057797B89C1C9BF074D4ABD
Content Type:	audio/wav

Name:	Audio 6 - Bopp.wav
Description:	
Size:	78.8 MB
SHA-256 Checksum:	BB6EE3599E0A030C195923035754BB291ABC9AC0A5F98CBFA7A224924029A679
Content Type:	audio/wav

UNITED STATES MARINE CORPS
VICTIMS' LEGAL COUNSEL ORGANIZATION
REGIONAL LEGAL SERVICES – EAST
LAW CENTER CAMP LEJEUNE
PSC BOX 20087
CAMP LEJEUNE NC 28542-0005

5800
VLC
13 Jan 25

From: Captain Abby L. Fryman, USMC, Victims' Legal Counsel
To: Convening Authority
Via: Staff Judge Advocate

Subj: ADDENDUM TO VICTIM MATTERS SUBMITTED TO THE CONVENING AUTHOIRTY POST-TRIAL IN THE CASE OF UNITED STATES V. CORPORAL JESSE T. BOPP, USMC

Ref: (a) 10 USC § 1044e
(b) R.C.M. 1106A

1. I, Captain Abby L. Fryman, have been detailed, in accordance with reference (a), as the Victims' Legal Counsel for Kassandra Christison, the Article 6b designated representative of LCpl Austin Schwenk, the deceased victim in the subject case.

2. In accordance with reference (b), Ms. Christison is exercising her right to submit to the convening authority matters post-trial in the subject case.

3. Ms. Christison, after being notified the defense counsel may be asking for a suspension on the sentence, strongly requests the convening authority **uphold** the sentence.

4. Despite Ms. Christison's opposition, a plea agreement was utilized which capped the amount of time the accused would receive at 12 years total and the judge ordered only 8 years in total. Ms. Christison strongly emphasizes that even the 8 years, is not nearly enough time in her eyes and heart to fully address the loss the accused has caused. Any action by the convening authority to suspend any portion of the sentence would be considered a total failure of the justice system to Ms. Christison. Ms. Christison and her family have already been drastically disappointed in the sentence and making it any shorter is an injustice to the victim, a dedicated Marine, LCpl Austin Schwenk.

5. I am available to discuss this matter at your convenience at (910) 915-9782 or abby.fryman@usmc.mil.

[redacted]

A. L. FRYMAN

UNITED STATES MARINE CORPS
REGIONAL VICTIMS LEGAL COUNSEL WEST
MARINE CORPS INSTALLATIONS WEST
BOX 555031
CAMP PENDLETON CA 92055-5031

IN REPLY REFER TO:
5800
VLCO
13 JAN 25

From: Captain Stefano J. Cavallaro, Victims' Legal Counsel, U.S. Marine Corps
To: Distribution List
Via: Staff Judge Advocate

Subj: VICTIM MATTERS SUBMITTED TO THE CONVENING AUTHOIRTY POST-TRIAL IN THE CASE OF UNITED STATES V. CORPORAL JESSE T. BOPP, USMC

Ref: (a) 10 USC § 1044e
(b) R.C.M. 1106A

1. I have been detailed, in accordance with reference (a), as the Victims' Legal Counsel for Robert Schwenk, Jr., the Article 6b designated representative of LCpl Austin Schwenk, the deceased victim in the subject case.

2. In accordance with reference (b), Mr. Schwenk is exercising his right to submit to the convening authority matters post-trial in the subject case.

3. Ms. Schwenk respectfully requests the convening authority **uphold** the sentence. Mr. Schwenk wanted to send this as a matter of formality and inform the Convening Authority of the impact this case has had on his and LCpl Schwenk's family.

4. Despite Mr Schwenk's opposition, a plea agreement was utilized which capped the amount of time the accused would receive to 12 years total. The military judge only 8 years in total. Mr. Schwenk strongly disagrees with the ordered sentence as insufficient for the crime and for the loss the accused has caused. LCpl Schwenk's lifelong dream was to be a Marine, but his time was cut short by the criminal actions of the Accused. The time the accused has received is insufficient and insulting to the time Mr. Schwenk and the Marine Corps have lost with LCpl Schwenk.

5. I am available to discuss this matter at your convenience at (760) 470-3397 or stefano.cavallaro@usmc.mil.

[redacted]
S.J. CAVALLARO

UNITED STATES MARINE CORPS
VICTIMS' LEGAL COUNSEL ORGANIZATION
REGIONAL LEGAL SERVICES – EAST
LAW CENTER CAMP LEJEUNE
PSC BOX 20087
CAMP LEJEUNE NC 28542-0005

5800
VLC
8 Jan 25

From: Captain Abby L. Fryman, USMC, Victims' Legal Counsel
To: Convening Authority
Via: Staff Judge Adovcate

Subj: VICTIM MATTERS SUBMITTED TO THE CONVENING AUTHOIRTY POST-TRIAL IN THE CASE OF UNITED STATES V. CORPORAL JESSE T. BOPP, USMC

Ref: (a) 10 USC § 1044e
(b) R.C.M. 1106A

1. I, Captain Abby L. Fryman, have been detailed, in accordance with reference (a), as the Victims' Legal Counsel for Kassandra Christison, the Article 6b designated representative of LCpl Austin Schwenk, the deceased victim in the subject case.

2. In accordance with reference (b), Ms. Christison is exercising her right to submit to the convening authority matters post-trial in the subject case.

3. Ms. Christison respectfully requests the convening authority **uphold** the sentence. Ms. Christison wanted to send this as a matter of formality and inform the Convening Authority one final time of the impact this case has had on her and LCpl Schwenk's family.

4. Despite Ms. Christison's opposition, a plea agreement was utilized which capped the amount of time the accused would receive at 12 years total and the judge had ordered only 8 years in total. Ms. Christison strongly emphasizes that this is not nearly enough time in her eyes and heart to fully address the loss the accused has caused. LCpl Schwenk's goal was to be a Marine-he was one-but his time was cut drastically short. The time the accused has received is incomparable to the time Ms. Christison and the Marine Corps have lost with LCpl Schwenk.

5. I am available to discuss this matter at your convenience at (910) 915-9782 or abby.fryman@usmc.mil.

[redacted]
A.L. FRYMAN

UNITED STATES MARINE CORPS
CHERRY POINT BRANCH, EASTERN REGION
MARINE CORPS DEFENSE SERVICES ORGANIZATION
MARINE CORPS AIR STATION, BOX 8007
CHERRY POINT, NORTH CAROLINA 28533-0007

5814
DSO/jar
21 Jan 25

From: Major Joshua A. Rehak, Detailed Defense Counsel
To: Convening Authority, Commanding General, 2d Marine Division

Subj: POST-TRIAL MATTERS ICO *UNITED STATES V. CORPORAL JESSE T. BOPP*

Ref: (a) Article 38(c), UCMJ
(b) R.C.M. 1106
(c) R.C.M. 1107
(d) Article 60a, UCMJ
(e) R.C.M. 1109, 1110
(f) JAGINST 5800.7F, CH-2
(g) SECNAV M-1640.1

1. Pursuant to references (a) and (b), Corporal Bopp, through counsel, respectfully submits the following matters in his case. Despite the limitations set forth under reference (c) - (e) on your clemency authority, Corporal Bopp would like to reiterate his remorse to A.S.'s family and friends, his unit, and the Marine Corps.

2. As you know, Corporal Bopp pleaded guilty to Article 92 and Article 119, UCMJ at a General Court-Martial on 6 and 7 January 2025. Pursuant to the plea agreement, the confinement range was established for 4-12 years and the adjudgment of total forfeitures, rank reduction, and a dishonorable discharge was agreed upon. The military judge awarded 8 years total confinement and did not recommend any suspension in the Statement of Trial Results.

3. Since the incident, Corporal Bopp has been remorseful and has always maintained that he wanted to take accountability for actions. In his unsworn statement, Corporal Bopp reiterated a promise to his family and others that he would do everything he can, every single day, to leave prison a better man than when he entered. Corporal Bopp has demonstrated this during his 15 months confinement at Camp Lejeune Regional Brig by being a model prisoner with no disciplinary marks against him, volunteering for laundry detail, attending classes, reading self-help books, and most importantly accepting responsibility for his actions on 6 and 7 January 2025. Corporal Bopp's actions showcase his sincerity and motivation to rehabilitate himself even where minimal tools and resources are present because of his status as a pre-trial prisoner. Corporal Bopp's actions further confirm that he adapted to confinement well and has the right rehabilitation attitude. Lieutenant Colonel Armstrong, and several other government witnesses, testified that they believe Corporal Bopp has rehabilitative potential when he re-enters society.

4. In an effort to deter others from committing the same offenses, Corporal Bopp would like to teach classes to units within 2d MARDIV and/or create a video with COMMSTRAT to be included in safety trainings (post-deployment, 101 Days of Summer, BITS, etc.) explaining what he did and the importance of proper firearm registration and storage on base. These classes will help others take better safety precautions and eliminate firearms in the barracks. It will promote

safety and good order and discipline within the Division. Corporal Bopp acknowledges that this tragedy was caused by him. However, as Lieutenant Colonel Armstrong testified during the hearing, "firearms in the barracks are a problem in 2d Marine Division." Corporal Bopp's devotion to teachings others about what happened shows his willingness to take accountability, rehabilitate, and promote general deterrence among the Marines that live in the barracks.

5. Corporal Bopp respectfully requests that the Convening Authority allow him to supplement any documents of support or videos teaching others before the Entry of Judgment in this case.

6. Lastly, Corporal Bopp renews his pretrial request for discovery of, and the opportunity to respond to, any matters you consider on this case before acting, including any the substance of any communications from senior military leaders, whether written or oral.

7. I respectfully request that this request and any response be forwarded for inclusion in the record of trial. I am available to discuss this or any related matter at 571-302-6093 or via email at joshua.rehak@usmc.mil. Thank you.

[redacted]

J. A. REHAK

Copy to:
Code 45

STATEMENT OF TRIAL RESULTS

SECTION A - ADMINISTRATIVE

1. NAME OF ACCUSED (last, first, MI)	2. BRANCH	3. PAYGRADE	4. DoD ID NUMBER
Bopp, Jesse, T	Marine Corps	E-4	[redacted]

5. CONVENING COMMAND	6. TYPE OF COURT-MARTIAL	7. COMPOSITION	8. DATE SENTENCE ADJUDGED
2d MarDiv	General	Judge Alone - MJA16	Jan 7, 2025

SECTION B - FINDINGS

SEE FINDINGS PAGE

SECTION C - TOTAL ADJUDGED SENTENCE

9. DISCHARGE OR DISMISSAL	10. CONFINEMENT	11. FORFEITURES	12. FINES	13. FINE PENALTY
Dishonorable discharge	8 yrs	N/A	N/A	N/A

14. REDUCTION	15. DEATH	16. REPRIMAND	17. HARD LABOR	18. RESTRICTION	19. HARD LABOR PERIOD
E-1	Yes ( ) No (•)	Yes ( ) No (•)	Yes ( ) No (•)	Yes ( ) No (•)	

20. PERIOD AND LIMITS OF RESTRICTION

SECTION D - CONFINEMENT CREDIT

21. DAYS OF PRETRIAL CONFINEMENT CREDIT	22. DAYS OF JUDICIALLY ORDERED CREDIT	23. TOTAL DAYS OF CREDIT
447		447 days

SECTION E - PLEA AGREEMENT OR PRE-TRIAL AGREEMENT

24. LIMITATIONS ON PUNISHMENT CONTAINED IN THE PLEA AGREEMENT OR PRE-TRIAL AGREEMENT

Dishonorable discharge shall be adjudged. Reduction to E-1 shall be adjudged. Fine shall not be adjudged. No other lawful punishment 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 ( ) No (•)		

28. FACTS SUPPORTING THE SUSPENSION OR CLEMENCY RECOMMENDATION

SECTION G - NOTIFICATIONS

29. Is sex offender registration required in accordance with 10 U.S.C. § 20901, appendix 4 to enclosure 2 of DoDI 1325.07, or DoDI 5525.20? Yes ( ) No (•)

30. Is DNA collection and submission required in accordance with 10 U.S.C. § 1565 and DoDI 5505.14? Yes (•) No ( )

31. Did this case involve a crime of domestic violence as defined in enclosure 2 of DoDI 6400.06? Yes ( ) No (•)

32. Does this case trigger a firearm possession prohibition in accordance with 18 U.S.C. § 922? Yes (•) No ( )

SECTION H - NOTES AND SIGNATURE

33. NAME OF JUDGE (last, first, MI)	34. BRANCH	35. PAYGRADE	36. DATE SIGNED	38. JUDGE'S SIGNATURE
WORKMAN, Adam, J	Marine Corps	O-6	Jan 7, 2025	WORKMAN.ADAM.J. [redacted] Digitally signed by WORKMAN.ADAM [redacted] Date: 2025.01.07 16:12:05 -05'00'

37. NOTES

Adobe Acrobat DC

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:	**Guilty**	Guilty	MCB CAMLEJO		092-A0
		Offense description	Violation of a lawful general order				
Charge II Plea: Not Guilty Finding: Not Guilty	118	Specification:	**Not Guilty**	Withdrawn			118-C-
		Offense description	Murder while engaging in an inherently dangerous act				
		Withdrawn and Dismissed	W/O prejudice to ripen into prejudice upon completion of appellate review where the findings and sentence have been upheld.				
Charge III Plea: Guilty Finding: Guilty	119	Specification:	**Guilty**	Guilty			119-B1
		Offense description	Involuntary manslaughter				

Adobe Acrobat DC

MILITARY JUDGE ALONE SEGMENTED SENTENCE

SECTION J - SENTENCING

CHARGE	SPECIFICATION	CONFINEMENT	CONCURRENT WITH	CONSECUTIVE WITH	FINE
Charge I	Specification:	1 year	N/A	Charge III, Specification 1	
Charge II	Specification:		N/A	N/A	
Charge III	Specification:	7 years	N/A	Charge I, Specification 1	

Adobe Acrobat DC

STATEMENT OF TRIAL RESULTS

SECTION A - ADMINISTRATIVE

1. NAME OF ACCUSED (last, first, MI)	2. BRANCH	3. PAYGRADE	4. DoD ID NUMBER
Bopp, Jesse, T	Marine Corps	E-4	[redacted]

5. CONVENING COMMAND	6. TYPE OF COURT-MARTIAL	7. COMPOSITION	8. DATE SENTENCE ADJUDGED
2d MarDiv	General	Judge Alone - MJA16	Jan 7, 2025

SECTION B - FINDINGS

SEE FINDINGS PAGE

SECTION C - TOTAL ADJUDGED SENTENCE

9. DISCHARGE OR DISMISSAL	10. CONFINEMENT	11. FORFEITURES	12. FINES	13. FINE PENALTY
Dishonorable discharge	8 years	N/A	N/A	N/A

14. REDUCTION	15. DEATH	16. REPRIMAND	17. HARD LABOR	18. RESTRICTION	19. HARD LABOR PERIOD
E-1	Yes ○ No ◉	Yes ○ No ◉	Yes ○ No ◉	Yes ○ No ◉	

20. PERIOD AND LIMITS OF RESTRICTION

SECTION D - CONFINEMENT CREDIT

21. DAYS OF PRETRIAL CONFINEMENT CREDIT	22. DAYS OF JUDICIALLY ORDERED CREDIT	23. TOTAL DAYS OF CREDIT
447		447 days

SECTION E - PLEA AGREEMENT OR PRE-TRIAL AGREEMENT

24. LIMITATIONS ON PUNISHMENT CONTAINED IN THE PLEA AGREEMENT OR PRE-TRIAL AGREEMENT

Dishonorable discharge shall be adjudged. Reduction to E-1 shall be adjudged. Confinement shall be adjudged no less than four but no more than 12 years. Fine shall not be adjudged. No other lawful punishment 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 ○ No ◉		

28. FACTS SUPPORTING THE SUSPENSION OR CLEMENCY RECOMMENDATION

SECTION G - NOTIFICATIONS

29. Is sex offender registration required in accordance with 10 U.S.C. § 20901, appendix 4 to enclosure 2 of DoDI 1325.07, or DoDI 5525.20? Yes ○ No ◉

30. Is DNA collection and submission required in accordance with 10 U.S.C. § 1565 and DoDI 5505.14? Yes ◉ No ○

31. Did this case involve a crime of domestic violence as defined in enclosure 2 of DoDI 6400.06? Yes ○ No ◉

32. Does this case trigger a firearm possession prohibition in accordance with 18 U.S.C. § 922? Yes ◉ No ○

SECTION H - NOTES AND SIGNATURE

33. NAME OF JUDGE (last, first, MI)	34. BRANCH	35. PAYGRADE	36. DATE SIGNED	38. JUDGE'S SIGNATURE
WORKMAN, Adam, J	Marine Corps	O-6	Mar 6, 2025	WORKMAN.ADAM.J. [redacted] Digitally signed by WORKMAN.ADAM [redacted] Date: 2025.03.06 09:38:24 -05'00'

37. NOTES

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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	Guilty	Guilty	MCB CAMLEJO		092-A0
		Offense description	Violation of a lawful general order				
Charge II Plea: Not Guilty Finding: W/D	118	Specification:	Not Guilty	W/D			118-C-
		Offense description	Murder while engaging in an inherently dangerous act				
		Withdrawn and Dismissed	W/O prejudice to ripen into prejudice upon completion of appellate review where the findings and sentence have been upheld.				
Charge III Plea: Guilty Finding: Guilty	119	Specification:	Guilty	Guilty			119-B1
		Offense description	Involuntary manslaughter				

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MILITARY JUDGE ALONE SEGMENTED SENTENCE					
SECTION J - SENTENCING					
CHARGE	SPECIFICATION	CONFINEMENT	CONCURRENT WITH	CONSECUTIVE WITH	FINE
Charge I	Specification:	1 year	N/A	Charge III, Specification 1	
Charge II	Specification:		N/A	N/A	
Charge III	Specification.	7 years	N/A	Charge I, Specification 1	

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CONFINEMENT ORDER

PRIVACY ADVISORY

Disclosure of this information is voluntary and will be used to record information about military member ordered into confinement pretrial, post-trial or as a result of nonjudicial punishment. For additional information, see System of Records Notice, A0190-47 DAPM-ACC, "Army Corrections System and Parole Board Records," NM01650-1 "Individual Confinement Records," and F031 AF SF A, "Correction and Rehabilitation Records" published at https://dpcld.defense.gov/Privacy/SORNs/. When completed, this form contains personally identifiable information and is protected by the Privacy Act of 1974, as amended.

1. PERSON TO BE CONFINED

a. NAME *(Last, First, Middle Initial)*	b. SOCIAL SECURITY NUMBER	2. DATE *(YYYYMMDD)*
Bopp, Jesse, T.	[redacted]	20250107

c. BRANCH	d. GRADE	e. UNIT/AGENCY *(Parent unit)*
USMC	E-4	2nd Battalion, 6th Marine Regiment, 2d Marine Division, Camp Lejeune, NC

3. TYPE OF CONFINEMENT

a. PRETRIAL	b. RESULT OF NJP	c. RESULT OF COURT-MARTIAL:
☐ NO ☒ YES	☒ NO ☐ YES	☐ NO ☒ YES

d. TYPE OF COURT-MARTIAL: ☐ SCM ☐ SPCM ☒ GCM ☐ VACATED SUSPENSION

4. OFFENSES/CHARGES OF UCMJ ARTICLES VIOLATED *(List all charge(s) if prisoner is pretrial. List guilty finding(s) only if prisoner is post-trial.)*

Charge I: Violation of Article 92 (Violation of a lawful general order)

Charge III: Violation of Article 119 (Involuntary Manslaughter)

5. SENTENCE ADJUDGED *(Annotate sentence from the result of trial)*

Dishonorable discharge, reduction to E-1, 8 years of confinement.

b. ADJUDGED DATE *(YYYYMMDD)*: 20250107

6. IF THE SENTENCE IS DEFERRED, THE DATE DEFERMENT IS TERMINATED *(YYYYMMDD)*: _____

7. PERSON DIRECTING CONFINEMENT

a. TYPED NAME *(Last, First, Middle Initial)*, GRADE AND TITLE	b. SIGNATURE	c. DATE *(YYYYMMDD)*	d. TIME
SAMUEL, Jason, D., O-4 / Major, Special Trial Counsel	SAMUEL JASON DARRYL 12 [redacted] Digitally signed by SAMUEL [redacted] DARRYL 12 Date: 2025.01.07 15:25:49 -05'00'	20250107	1524

8. LEGAL REVIEW AND APPROVAL REQUIRED *(Review required by different name at 7.a and b.)*

a. INCIDENT # 18-OCT-CALE-00856-7HMA ORI _____

b. DNA PROCESSING COLLECTED: ☒ IS ☐ IS NOT REQUIRED UNDER 10 U.S.C. 1565.
☒ YES ☐ NO KIT# 410-23 Date DNA collected *(YYYYMMDD)* 20241023

c. SEX OFFENDER REGISTRATION ☐ IS ☒ IS NOT REQUIRED UNDER 42 U.S.C. 14071.

d. TYPED NAME *(Last, First, Middle Initial)*, GRADE AND TITLE	e. SIGNATURE	f. DATE *(YYYYMMDD)*
Murrane, Shawn P., O-4/Major, Special Trial Counsel	MURRANE.SHAWN.PETER [redacted] Digitally signed by MURRANE.SHAWN.PETER [redacted] Date: 2025.01.07 15:29:45 [redacted]	20250107

9. MEDICAL CERTIFICATE

a. The above named prisoner was examined by me at _____ *(Time)* on _____ *(YYYYMMDD)* and found to be ☐ Fit ☐ Unfit for confinement. I certify that from this examination the execution of the foregoing sentence to confinement ☐ will ☐ will not produce serious injury to the prisoner's health.

b. The following irregularities were noted during the examination: *(List only non-medical information. Refer to SF 600 for all medical information, including HIV, TB and pregnancy tests and results.)*

10. EXAMINER

a. TYPED NAME *(Last, First, Middle Initial)*, GRADE AND TITLE	b. SIGNATURE	c. DATE *(YYYYMMDD)*	d. TIME

11. RECEIPT FOR PRISONER *(Completed by the correctional facility staff upon arrival of the prisoner)*

a. THE PRISONER NAMED ABOVE HAS BEEN RECEIVED FOR CONFINEMENT AT *(Facility Name and Location)*

_____

on _____ *(YYYYMMDD)* AND TIME: _____ *(Time)*

b. PERSON RECEIPTING FOR PRISONER *(Typed name (Last, First, Middle Initial), Grade and Title)*	c. SIGNATURE	d. DATE *(YYYYMMDD)*	e. TIME

PRELIMINARY HEARING OFFICER'S REPORT

(Of Charges Under Article 32, UCMJ and R.C.M. 405, Manual for Courts-Martial)
Use this version of DD Form 457 for hearings conducted on or after 1 January 2019

1a. FROM: *(Name of Preliminary Hearing Officer - Last, First, MI)*	b. GRADE	c. ORGANIZATION	d. DATE OF REPORT
McGuigan, Scott, J	O-5	USMC	20240117

2a. TO: *(Name of Officer who directed the Preliminary Hearing - Last, First, MI)*	b. TITLE	c. ORGANIZATION
Armstrong, J R.	Convening Authority	USMC

3a. NAME OF ACCUSED *(Last, First, MI)*	b. GRADE	c. ORGANIZATION	d. DATE OF CHARGES
Bopp, Jesse, T.	E-4	USMC	20231129

(Check appropriate answer)	YES	NO
4. IN ACCORDANCE WITH ARTICLE 32, UCMJ, AND R.C.M. 405, MANUAL FOR COURTS-MARTIAL, I CONDUCTED A PRELIMINARY HEARING CONCERNING THE CHARGES APPENDED HERETO (Exhibit 1)	☒	☐
5. THE ACCUSED WAS REPRESENTED BY COUNSEL (If not, see 9 below)	☒	☐
6. COUNSEL WHO REPRESENTED THE ACCUSED WAS QUALIFIED UNDER R.C.M. 405(d)(3), 502(d)(2)	☒	☐

7a. NAME OF DEFENSE COUNSEL *(Last, First, MI)*	b. GRADE	8a. NAME OF ASSISTANT DEFENSE COUNSEL *(If any)*	b. GRADE
Rehak, Joshua, A.	O-4		
c. ORGANIZATION (If appropriate)		c. ORGANIZATION (If appropriate)	
USMC			
d. ADDRESS *(If appropriate)*		d. ADDRESS *(If appropriate)*	

9. TO BE SIGNED BY ACCUSED IF ACCUSED WAIVES COUNSEL. (If accused does not sign, preliminary hearing officer will explain in detail in item 24.)

a. PLACE	b. Date

I HAVE BEEN INFORMED OF MY RIGHT TO BE REPRESENTED AT THIS PRELIMINARY HEARING BY COUNSEL, INCLUDING MY RIGHT TO CIVILIAN OR MILITARY COUNSEL OF MY CHOICE IF REASONABLY AVAILABLE. I WAIVE MY RIGHT TO COUNSEL AT THIS PRELIMINARY HEARING.

c. SIGNATURE OF ACCUSED

10. AT THE BEGINNING OF THE PRELIMINARY HEARING, I INFORMED THE ACCUSED OF: *(Check appropriate answer)*	YES	NO
a. THE RIGHT TO BE ADVISED OF THE CHARGES UNDER CONSIDERATION	☒	☐
b. THE IDENTITY OF THE ACCUSER	☒	☐
c. THE RIGHT AGAINST SELF-INCRIMINATION UNDER ARTICLE 31, UCMJ	☒	☐
d. THE PURPOSE OF THE PRELIMINARY HEARING	☒	☐
e. THE RIGHT TO BE PRESENT THROUGHOUT THE TAKING OF EVIDENCE (EXCEPT AS DESCRIBED IN R.C.M. 804(c)(2))	☒	☐
f. THE WITNESSES AND OTHER EVIDENCE KNOWN TO ME WHICH I EXPECTED THE GOVERNMENT TO PRESENT	☒	☐
g. THE RIGHT TO CROSS-EXAMINE WITNESSES ON MATTERS RELEVANT TO THE ISSUES FOR DETERMINATION IN R.C.M. 405(a)	☒	☐
h. THE RIGHT TO PRESENT MATTERS RELEVANT TO THE ISSUES FOR DETERMINATION IN R.C.M. 405(a)	☒	☐
i. THE RIGHT TO MAKE A SWORN OR UNSWORN STATEMENT RELEVANT TO THE ISSUES FOR DETERMINATION IN R.C.M. 405(a)	☒	☐
11a. THE ACCUSED AND ACCUSED'S COUNSEL WERE PRESENT THROUGHOUT THE PRESENTATION OF EVIDENCE *(If the accused or counsel were absent during any part of the presentation of evidence, complete item 11b below.)*	☒	☐

b. STATE THE CIRCUMSTANCES AND DESCRIBE THE PROCEEDINGS CONDUCTED IN THE ABSENCE OF ACCUSED OR COUNSEL

NOTE: If additional space is required for any item, enter the additional material in Item 24 or in the report referenced in Block 12b. Identify such material with the proper numerical and, if appropriate, lettered heading. (Example: "7c".)

12a. THE FOLLOWING WITNESSES TESTIFIED UNDER OATH:

Name *(Last, First, MI)*	GRADE *(If any)*	ORGANIZATION/ADDRESS *(Whichever is appropriate)*	YES	NO
None.				

b. THE PRELIMINARY HEARING REPORT REQUIRED BY RCM 405(l) IS ATTACHED	☒	☐
c. AT THE HEARING, EVIDENCE WAS OFFERED UNDER MILITARY RULES OF EVIDENCE *(Check appropriate box(es))* ☐ 412 ☐ 513 ☐ 514	☐	☒
d. PORTIONS OF THE HEARING WERE CLOSED	☐	☒
e. SEALED MATERIALS ARE INCLUDED IN THIS REPORT	☐	☒
13a. THE FOLLOWING STATEMENTS, DOCUMENTS, OR MATTERS WERE CONSIDERED; THE ACCUSED WAS PERMITTED TO EXAMINE EACH	☒	☐

DESCRIPTION OF ITEM	LOCATION OF ORIGINAL *(If not attached)*		
See supplemental PHO report.	In possession of GC.		

b. EACH ITEM CONSIDERED, OR A COPY OR RECITAL OF THE SUBSTANCE OR NATURE THEREOF, IS ATTACHED	☒	☐
14. THERE ARE GROUNDS TO BELIEVE THAT THE ACCUSED WAS NOT MENTALLY RESPONSIBLE FOR THE OFFENSE(S) OR NOT COMPETENT TO PARTICIPATE IN THE DEFENSE (See R.C.M. 909, 916(k))	☐	☒
15. ALL ESSENTIAL WITNESSES WILL BE AVAILABLE IN THE EVENT OF TRIAL	☒	☐
16. AN EXPLANATION OF ANY DELAYS IN THE HEARING IS ATTACHED HERETO	☒	☐
17. EACH SPECIFICATION ALLEGES AN OFFENSE	☒	☐
18. THERE IS PROBABLE CAUSE TO BELIEVE AN OFFENSE HAS BEEN COMMITTED AND THAT THE ACCUSED COMMITTED THE OFFENSE	☒	☐
19. THE UNITED STATES HAS JURISDICTION OVER THE OFFENSE(S) AND THE ACCUSED	☒	☐
20. ADDITIONAL UNCHARGED MISCONDUCT WAS CONSIDERED AND A RECOMMENDATION FOR DISPOSITION IS ATTACHED HERETO	☐	☒
21. SUPPLEMENTARY MATERIALS SUBMITTED PURSUANT TO R.C.M. 405(k)	☒	☐
22. I AM NOT AWARE OF ANY GROUNDS THAT WOULD DISQUALIFY ME FROM ACTING AS A PRELIMINARY HEARING OFFICER	☒	☐

23. I RECOMMEND:

a. TRIAL BY: ☐ SUMMARY ☐ SPECIAL ☒ GENERAL COURT-MARTIAL

b. ☐ OTHER (Specify)

24. REMARKS (Include, as necessary, explanation for any answers above.)
See supplementary PHO report.

25a. TYPED NAME OF PRELIMINARY HEARING OFFICER	b. GRADE	c. ORGANIZATION
McGuigan, Scott J.	O-5	USMC

d. SIGNATURE OF PRELIMINARY HEARING OFFICER	e. Date
MCGUIGAN.SCOTT.JONATHAN[redacted] Digitally signed by MCGUIGAN.SCOTT.JONATHAN[redacted] Date: 2024.01.17 23:40:05 -05'00'	20240117

17 Jan 2024

PRELIMINARY HEARING OFFICER'S REPORT, DD FORM 457, SUPPLEMENTAL PAGE

From: LtCol S. J. McGuigan, USMCR, Preliminary Hearing Officer
To: LtCol J. R. Armstrong, USMC, Convening Authority
Via: Maj J. D. Samuel, USMC, Government Counsel

Subj: PRELIMINARY HEARING OFFICER'S REPORT ICO UNITED STATES v. CORPORAL JESSE T. BOPP, USMC

Ref: (a) Appointment ltr 5800 CO dtd 29 Nov 2023
(b) Article 32, Uniform Code of Military Justice (UCMJ)
(c) Rule for Courts-Martial (R.C.M.) 405

Encl: (1) Preliminary Hearing Exhibits
(2) R.C.M. 405(l) matters
(3) Continuance Request

1. In accordance with references (a) through (c), I am submitting my preliminary hearing report for your review and consideration in the subject case. The following information is a supplement to DD Form 457 and includes the required information noted in R.C.M. 405(m).

2. The preliminary hearing was held on 3 January 2024 via Microsoft Teams.

3. Block 13a. The following statements, documents, and/or matters were considered; both accused were permitted to examine each. All original documents are maintained by Government Counsel (GC). Copies of the below listed Preliminary Hearing Exhibits (PHE) are attached to this report as Enclosure (1).

PH Exhibit No.	Description
1	Charge Sheet
2	Appointing Letter
3	Government Exhibits
4	Defense Exhibits
5	Audio recording of preliminary hearing

4. The following information is provided in accordance with R.C.M. 405(m)(2):

a. **PHO Qualifications.** As appointed, I served as the Preliminary Hearing Officer (PHO). I am a designated judge advocate who is certified under Article 27(b) of the UCMJ. I am senior in rank to the accused, GC, and detailed defense counsel (DC). I am not aware of any grounds for bias, prejudice, or impropriety that would disqualify me from serving as a PHO in the present case. Neither GC or DC objected to me serving as the PHO.

b. **Government Counsel.** The government was represented by counsel as indicated in reference (a). GC was present throughout the hearing.

c. **Defense Counsel.** Both the accused were represented as indicated on block 7 of the DD457.

d. **Victim's Legal Counsel (VLC).** LtCol S. Allen, USMC.

e. **Recording.** The hearing was recorded using Microsoft Teams. I have verified that the hearing was correctly and completely recorded. A digital file of the recording is attached to this report.

f. **Format and Personal Data on the Charge Sheet.** Prior to the hearing GC and DC were asked to review the personal data on the charge sheet and did not note any issues.

g. **Issues related to production of evidence.** None.

h. **Issues related to the victim of the alleged offense.** The victim is deceased.

(1) There were no relevant issues under M.R.E. 513 or 514.

(2) Evidence was not offered under MRE 412.

(3) There are no sealed matters in this report.

i. **Case testimony and synopsis.**

(1) LCpl Metcalf was interviewed by NCIS on 19 October 2023 and said that the accused came to his barracks room on 18 October 2023 intoxicated and consumed four additional alcoholic beverages while the socialized. LCpl Metcalf said the accused was very drunk but still "with it." LCpl Metcalf said that the accused left the room and returned with a gun, which LCpl Metcalf and the accused cleared before handling. LCpl Metcalf said the accused was showing off how he could clear the weapon by ejecting a round and catching it in his hand, even while he was intoxicated. LCpl Metcalf said that the accused then left with the pistol in condition 1 (round in the chamber) with Cpl House (who came by to borrow the accused's air fryer), who returned a short time later claiming that the accused "just killed Schwenk." LCpl Metcalf said that he heard banging (like wrestling) from the room next door but did not hear a gun shot. LCpl Metcalf went to Cpl House's barracks room and saw the victim on the ground with blood on his head and a Walther handgun on the floor that he recognized as the same weapon that the accused possessed. LCpl Metcalf said that he could feel that the victim still had a pulse and was breathing. LCpl Metcalf relayed this information to 911 and said that the victim was choking on blood so he tried to keep the blood cleared from the victim's airways. LCpl Metcalf said that the victim and accused worked together (the victim was one of the accused's Marines) in the armory and there were no issues between them. (GE 7).

(2) NCIS interviewed LCpl Dickinson who corroborated LCpl Metcalf's recollection of events. LCpl Dickinson said that the accused came to his barracks room, was intoxicated (but still under control), and had a pistol which he cleared, pointed at a wall, and then reloaded. LCpl Dickinson said that the accused left the room with the loaded pistol in his hand. LCpl Dickinson said that Cpl House came back to the room and claimed the accused killed the victim. LCpl Dickinson said that the accused had a dark sense of humor and joked that every day he got closer to his EAS that he was itching to kill someone." (GE 9).

(3) NCIS interviewed Cpl House twice (the victim was his roommate). Cpl House said that on the evening in question the accused came to his room, was intoxicated, and had a pistol. Cpl House said the accused aimed the pistol at his own head (the accused has a history of making suicidal jokes) and then aimed the pistol at the victim's head. The victim was sitting at his desk playing video games and said "whoa" and scooted back after the accused pointed the pistol at him. Cpl House said a second later the accused pulled the trigger and shot the victim in the head. Cpl House said the accused screamed "oh fuck" and ran out of the room. Cpl House returned to Cpl Metcalf's room and asked him to call 911. Cpl House said the accused drinks a lot but did not have a problem with the victim. Cpl House speculated that the accused did not believe the weapon was loaded because he pointed it at his own head. (GE 10, 11, DE B).

(4) The accused ran from the scene and was apprehended on base near a bridge. The accused was administered a portable breath test which indicated he was legally intoxicated at a .106 level. (GE 16, DE A).

(5) Cpl Grimison was interviewed by NCIS on 19 October 2023 and said that he was friends with the accused and they both worked in the armory. Cpl Grimison said the accused owned a black Walther 9mm pistol that the accused stored at Cpl Grimison's home because weapons were not allowed in the barracks. Cpl Grimison went camping with the accused on 14-15 October and the accused brought his pistol on the trip. The accused told Cpl Grimison that he still had his pistol in his possession on 15 October 2023. Cpl Grimison said the accused had good knowledge of firearms and was an expert shooter. Cpl Grimison said that he would drink with the accused at least once a week and that the accused would sometimes become intoxicated, but that the accused was in a good mood even when drunk. Cpl Grimison said that the accused would often make suicidal ideations while at work, but that it was perceived as a joke and the accused would put his unloaded duty pistol to his own head. (GE 5, 6).

(6) The accused owns the pistol he used to shoot the victim. (GE 15, 21).

(7) The victim is dead from a gunshot wound to the head. (GE 19, 20).

(8) The accused was an armory Marine and understood that he was not to point a weapon at any person except in limited situations while on duty as an armorer. (GE 24, 25).

j. **Analysis of the offenses.** During the time stated in the charges and specifications thereunder, the accused was on active duty (subject to the UCMJ) and therefore the Convening Authority has court-martial jurisdiction over the accused and the offenses (the offenses are

enumerated in the UCMJ). The charges and specifications allege an offense. I have no recommendations as to the form of the charges.

(Charge I Article 92, Specification Violation of a General Order)

Elements

(1) That there was in effect a certain lawful general (order) (regulation), to wit: (state the date and specific source of the alleged general order or regulation and quote the order or regulation or the specific portion thereof);
(2) That the accused had a duty to obey such (order) (regulation); and
(3) That (state the time and place alleged), the accused (violated) (failed to obey) this lawful general (order) (regulation) by (here the military judge should enumerate the specific acts and any state of mind or intent alleged which must be established by the prosecution in order to constitute the violation of the order or regulation).

Definitions

General (orders) (regulations) are those (orders) (regulations) which are generally applicable to an armed force and which are properly published by (the President) (the Secretary of (Defense) (Homeland Security) (or) (a military department).

General (orders) (regulations) also include those (orders) (regulations) which are generally applicable to the command of the officer issuing them throughout the command or a particular subdivision thereof and which are issued by (an officer having general court-martial jurisdiction) (or) (a general or flag officer in command) (or) (a commander superior to one of these).

Summary of Testimony and Documentary Evidence (R.C.M. 405(l)(2)(C))

A full summary of the evidence is in paragraph 4.i. MCIEAST-MCB CAMLEJO 5500.1A, dated 16 August 2021 is a lawful general order and the accused had a duty to obey it as an active duty Marine stationed aboard MCB Camp Lejeune. The accused possessed a 9mm pistol in the barracks aboard Camp Lejeune, which he brought into other barracks rooms to show several other Marines. The accused carried the weapon to two different barracks rooms and eventually fired/discharged the weapon at the victim.

Observations regarding witness availability or admissibility of evidence at trial (R.C.M. 405(l)(2)(C) and (D))

Admissible evidence will likely be sufficient to obtain and sustain a conviction in a trial by court-martial for this offense. Numerous witnesses saw the accused with a weapon in the barracks, the accused had a weapon case for the weapon in his room, and the accused admitted to another Marine that he had his pistol with him on base. Cpl House witnessed the accused display and

fire/discharge the pistol at the victim. The weapon was found on the floor of Cpl House's barracks room.

Determination as to probable cause (R.C.M. 405(a))

The standard for a PHO to use in making recommendations is "probable cause." A low evidentiary threshold exists for finding probable cause - all that is required "is the kind of fair probability on which reasonable and prudent people, not legal technicians, act." *Florida v. Harris*, 133 S. Ct. 1050 (2013). In defining "fair probability" the Supreme Court has stated, "[w]hile an effort to fix some general, numerically precise degree of certainty corresponding to 'probable cause' may not be helpful, it is clear that 'only the probability, and not a prima facie showing, of criminal activity is the standard of probable cause.'" *Illinois v. Gates*, 462 U.S. 213, 235, 103 S. Ct. 2317, 2330 (1983). Any finding of a "fair probability" should be based on the "totality of the circumstances." *Id.* Further, the Court has explained that "probable cause is a fluid concept -- turning on the assessment of probabilities in particular factual contexts -- not readily, or even usefully, reduced to a neat set of legal rules." *Id.* at 233.

Following my review of all the evidence presented at the preliminary hearing and assessing the probability in the particular factual context that the accused committed the charged offense, in my opinion, the Government has shown that there is a "fair probability" based on the evidence and totality of the circumstances that the accused committed the offense in the manner charged. Sufficient evidence exists to meet the "probable cause" standard of an Article 32 preliminary hearing for the charged offense.

(Charge II Article 118, Murder While Engaging in an Act Inherently Dangerous to Another)

Elements

(1) That (state the name or description of the alleged victim) is dead;
(2) That (his) (her) death resulted from the intentional act of the accused in (state the act alleged), at (state the time and place alleged);
(3) That this act was inherently dangerous to another and showed a wanton disregard for human life;
(4) That the accused knew that death or great bodily harm was a probable consequence of the act; and
(5) That the killing by the accused was unlawful.

Definitions

The killing of a human being is unlawful when done without legal justification or excuse.

The act must be intentional, but death or great bodily harm does not have to be the intended result.

(The act may even be accompanied by a wish that death will not be caused.)

An act shows a wanton disregard for human life when it is characterized by heedlessness of the probable consequences of the act, or indifference to the likelihood of death or great bodily harm, and demonstrates a total disregard for the known probable results of death or great bodily harm.

Although the accused must have intended the act and known its probable results, voluntary intoxication, by itself, is not a defense to this offense. Furthermore, voluntary intoxication, standing alone, will not reduce this offense to a lesser degree of unlawful killing.

Summary of Testimony and Documentary Evidence (R.C.M. 405(l)(2)(C))

A full summary of the evidence is in paragraph 4.i. The victim is dead from a gunshot wound as evidenced by the death certificate and autopsy report. Cpl House said that he witnessed the accused intentionally point a pistol at his own head and then intentionally point the pistol at the victim's head. Cpl House said the victim said "whoa" and started to back up in his chair. Cpl House said a moment later the accused intentionally pulled the trigger on the pistol, shot the victim in the head, yelled "oh fuck" or words to that effect, dropped the pistol, and ran from the scene. LCpls Dickinson and Metcalf said the accused loaded the pistol and chambered a round moments before walking to the victim's barracks room and shooting him. The Marines that spent time around the accused the evening in question said the accused was intoxicated but in control of his actions and "with it" to the point of being able to eject rounds from his pistol and catch them.

Observations regarding witness availability or admissibility of evidence at trial (R.C.M. 405(l)(2)(C) and (D))

Admissible evidence may be sufficient to obtain and sustain a conviction in a trial by court-martial for this offense. There will be three issues at trial (1) how the accused's level of intoxication affected his ability to intend the act and know the probable results (2) whether pointing a pistol at the victim's head and pulling the trigger is an act that shows a wanton disregard for human life (did the accused realize the pistol was loaded and did he mean to pull the trigger on the pistol? Cpl House speculates that the accused did not know the weapon was loaded because he pointed it at his own head right before shooting the victim, Cpl Grimison says the accused has a history of pointing his unloaded service pistol at this head, and the accused yelled "oh fuck" after shooting the accused which could indicate he was surprised the weapon was loaded. The evidence also shows that the weapon was loaded with round chambered when the accused brought it to Cpl Metcalf's room, meaning this was the normal state he kept the weapon in, two witnesses watched the accused insert a magazine into the weapon and chamber a round just before walking to the victim's barracks room, the shooting occurred just shortly after the accused arrived at the victim's barracks room.), and (3) did the accused know that death or great bodily harm would the result of his action (which will largely depend on whether the fact finder determines that the accused knew the pistol was loaded and that the accused intentionally pulled the trigger). For purposes of the preliminary hearing, the evidence presented satisfies all elements of the offense.

Determination as to probable cause (R.C.M. 405(a))

Following my review of all the evidence presented at the preliminary hearing and assessing the probability in the particular factual context that the accused committed the charged offense, in my opinion, the Government has shown that there is a "fair probability" based on the evidence and totality of the circumstances that the accused committed the offense as charged. Sufficient evidence exists to meet the "probable cause" standard of an Article 32 preliminary hearing for the charged offense.

(Charge III Article 119, Involuntary Manslaughter-Culpable Negligence)

Elements

(1) That (state the name or description of the alleged victim) is dead;
(2) That (his) (her) death resulted from the (act) (omission) of the accused in (state the act or omission alleged) at (state the time and place alleged);
(3) That the killing of (state the name or description of the alleged victim) by the accused was unlawful; (and)
(4) That this (act) (omission) constituted culpable negligence.

Definitions

Killing a human being is unlawful when done without legal justification or excuse.

"Culpable negligence" is a degree of carelessness greater than simple negligence. 'Simple negligence" is the absence of due care. The law requires everyone at all times to demonstrate the care for the safety of others that a reasonably careful person would demonstrate under the same or similar circumstances; this is what "due care" means. "Culpable negligence" is a negligent act or failure to act accompanied by a gross, reckless, wanton, or deliberate disregard for the foreseeable results to others.

You may find the accused guilty of involuntary manslaughter, only if you are satisfied beyond a reasonable doubt that the (act) (omission) of the accused which caused the death amounted to "culpable negligence."

The (act) (omission) must not only amount to culpable negligence, but must also be a proximate cause of death. "Proximate cause" means that the death must have been the natural and probable result of the accused's culpably negligent (act) (omission). The proximate cause does not have to be the only cause, but it must be a contributory cause which plays an important part in bringing about the death. (It is possible for the conduct of two or more persons to contribute each as a proximate cause to the death of another. If the accused's conduct was the proximate cause of the victim's death, the accused will not be relieved of criminal responsibility just because some other person's conduct was also a proximate cause of the death.) (If the death occurred only because of some

unforeseeable, independent, intervening cause which did not involve the accused, then the accused may not be convicted of involuntary manslaughter.) The burden is on the prosecution to prove beyond a reasonable doubt (that there was no independent, intervening cause) (and) (that the accused's culpable negligence was a proximate cause of the victim's death).

Summary of Testimony and Documentary Evidence (R.C.M. 405(l)(2)(C))

A full summary of the evidence is in paragraph 4.i. The victim is dead from a gunshot wound as evidenced by the death certificate and autopsy report. Cpl House said that he witnessed the accused intentionally point a pistol at his own head and then intentionally point the pistol at the victim's head. Cpl House said the victim said "whoa" and started to back up in his chair. Cpl House said a moment later the accused intentionally pulled the trigger on the pistol, shot the victim in the head, yelled "oh fuck" or words to that effect, dropped the pistol, and ran from the scene. LCpls Dickinson and Metcalf said the accused loaded the pistol and chambered a round moments before walking to the victim's barracks room and shooting him. The Marines that spent time around the accused the evening in question said the accused was intoxicated but in control of his actions and "with it" to the point of being able to eject rounds from his pistol and catch them.

Observations regarding witness availability or admissibility of evidence at trial (R.C.M. 405(l)(2)(C) and (D))

Admissible evidence will likely be sufficient to obtain and sustain a conviction in a trial by court-martial for this offense. Unlike the charge for a violation of Article 118, the government need not prove beyond a reasonable doubt that the act of pointing the pistol at the victim and pulling the trigger was inherently dangerous to another and showed a wanton disregard for human life or that the accused knew that death or great bodily harm was a probable consequence of the act. Instead, the government will need to prove that the act of pointing a loaded pistol at the victim's head and pulling the trigger was culpable negligence. There is sufficient evidence for all elements of this offense.

Determination as to probable cause (R.C.M. 405(a))

Following my review of all the evidence presented at the preliminary hearing and assessing the probability in the particular factual context that the accused committed the charged offense, in my opinion, the Government has shown that there is a "fair probability" based on the evidence and totality of the circumstances that the accused committed the charged misconduct. Sufficient evidence exists to meet the "probable cause" standard of an Article 32 preliminary hearing for the charged offense.

k. **Evidence of uncharged offenses.** During closing comments at the preliminary hearing DC asked that I comment on whether a charge for violation of UCMJ Article 134 Negligent Homicide would be more appropriate considering that it only required simple negligence on the part of the accused. It appears that the government could prove all the elements for negligent homicide. However, the evidence presented at the preliminary

hearing indicates that the accused's level of responsibility for the death of the victim was more in line with culpable negligence.

l. **Objections.** None.

m. **Chronology.**

29 Nov 23	Appointed Preliminary Hearing Officer and hearing set for 11 December 2023.
7 Dec 23	DC requests a continuance until 3 January 2023. I approved the continuance and delay from 29 November 2023 until 7 December 2023 which is attributable to the defense. This period of delay should be excluded from the applicable government clocks.
3 Jan 24	Hearing conducted and closed.

n. **Disposition Recommendation (R.C.M. 405(m)(2)(J) and (k).**

In reaching my disposition recommendation, I considered all the evidence presented by GC and DC at the preliminary hearing, the matters submitted by GC, DC, and VLC at enclosure (2), and the Disposition Guidance at Appendix 2.1 of the Manual for Courts-martial 2024 Edition. DC argues that the evidence shows the accused did not know that his pistol was loaded when he pointed it at the victim. I have discussed both sides of this issue and it will be for the finder of fact to decide. DC further argues that the act of the accused meets the definition of culpable negligence, not wanton disregard. I have also addressed the difference between these two standards under the charges for Article 118 and 119 above. Finally, DC argues that the appropriate charge in this case is for Article 134 Negligent homicide. While the government could easily prove this charge, it does not capture the gravity of the accused's actions. VLC states that the victim's family would prefer that all charges be referred for trial by General Court-martial and that the victim's death has caused irreparable harm to them. GC argues that there is probable cause of all charges, that the evidence (accused knew the pistol was loaded, pointed it at the victim's head, intentionally pulled the trigger, was trained in weapons handling and deadly force) supports wanton disregard for the victim, and that all charges should be referred for trial at General Court-martial. I concur with GC.

As discussed under each charge, admissible evidence will probably be sufficient to obtain and sustain a finding of guilty in a trial by court-martial. Charge III will be the most difficult for the government to prove at trial. I considered the nature, seriousness, and circumstances of the charged offenses and the accused's culpability in connection with the same. The evidence tends to show that the accused intentionally pointed a weapon at the victim's head and pulled the trigger moments after he loaded the weapon and chambered a round. The killing of victim was unprovoked and occurred in the barracks in front of other Marines. Further, the victim was junior in rank to the accused and was one of the Marines assigned to the accused. The accused was not willing to cooperate in the investigation and fled the scene immediately upon shooting the victim. Had the accused followed the order not to possess a personal weapon on base the death of the victim would not have occurred. Similarly, had the accused followed the four weapons safety

principles that every Marine is taught, the victim would not be dead. Alternative disposition options would not be appropriate due to the serious nature of the charged misconduct.

Based on all these considerations, I recommend that the charges and specifications thereunder be referred for trial by General Court-martial.

5. Should you need to contact me with any questions or for further discussion, my e-mail is scott.j.mcguigan.civ@us.navy.mil.

[redacted]

S. J. MCGUIGAN

DEPARTMENT OF THE NAVY
MARINE CORPS OFFICE OF SPECIAL TRIAL COUNSEL - MCB CAMP LEJEUNE
MARINE CORPS BASE CAMP LEJEUNE
PSC BOX 20010
CAMP LEJEUNE, NC 28542-0010

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UNITED STATES MARINE CORPS
2D BATTALION 6TH MARINES
2D MARINE DIVISION
PSC BOX 20099
CAMP LEJEUNE, NC 28542-0099

IN REPLY REFER TO:
5800
CO
29 Nov 23

From: Commanding Officer
To: Lieutenant Colonel Scott J. McGuigan, U.S. Marine Corps Reserves

Subj: APPOINTMENT AS ARTICLE 32 PRELIMINARY HEARING OFFICER IN CASE OF UNITED STATES V. CORPORAL JESSE T. BOPP, U.S. MARINE CORPS

Ref: (a) Article 32, UCMJ
(b) R.C.M. 405, MCM (2019 Edition)
(c) R.C.M. 707(c)
(d) Article 6b, UCMJ

Encl: (1) DD Form 458, Charge Sheet dtd 29 Nov 23

1. Pursuant to references (a) and (b), you are hereby appointed as preliminary hearing officer to conduct a preliminary hearing into all matters set forth in the charges and specifications preferred against Corporal Jesse T. Bopp, U.S. Marine Corps. Your investigation shall be conducted in accordance with the relevant provisions of the Manual for Courts-Martial, and current case law.

2. You shall conduct an impartial preliminary hearing which shall be limited to a determination of whether or not the specifications allege an offense under the UCMJ, whether or not there is probable cause to believe the accused committed the offenses charged, whether or not the convening authority has court-martial jurisdiction over the accused and over the offenses, and a recommendation as to the disposition that should be made of the case. In conducting this preliminary hearing and in making your report, you will be guided by the provisions of the references and by such other legal authorities as may be applicable.

3. The appropriate detailing authorities have detailed Major Jason D. Samuel, U.S. Marine Corps, as counsel for the government in this case, and Major Joshua A. Rehak, U.S. Marine Corps, as defense counsel for the accused and Major Kay Hill, U.S. Marine Corps as victim's legal counsel.

4. The hearing shall be held no later than 1300 on 11 December 2023, aboard Marine Corps Base Camp Lejeune, NC, in the uniform of the day. You are specifically granted the authority to grant one continuance for a reasonable duration up to 30 days in the subject case and, where appropriate, exclude the time from the government's R.C.M. 707 speedy trial clock. All continuance requests must be submitted to you, in writing, and, regardless of your decision, they must be included in your final report.

5. As provided in references (b) and (d), the victim has a right to be informed of the date, time, and location of the hearing, to refuse to testify, and to confer with the counsel for the government. The victim also has a right not to be excluded unless you receive clear and convincing evidence that the victim's testimony would be materially altered if the victim heard other testimony at the hearing. In this case, the victim will be represented by his parents, Mrs. Kaci Christison and Mr. Robert Schwenk.

6. You are directed to provide a report of the preliminary hearing as soon as possible after the conclusion of the hearing, but no later than 10 calendar days after the conclusion of the hearing. Any request for

Encl (1) PHE (2)

delay in submitting the report shall be made to me in writing. You are instructed to deliver your completed report to Government Counsel, who will be responsible for providing copies to me and the detailed defense counsel.

[redacted]

J. R. ARMSTRONG [redacted]

Copy to:
STC
DC

Encl (1) PHE (1)

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED *(Last, First, MI)*	2. EDIPI	3. RANK/RATE	4. PAY GRADE
BOPP, Jesse T.	[redacted]	Cpl	E-4

5. UNIT OR ORGANIZATION		6. CURRENT SERVICE	
		a. INITIAL DATE	b. TERM
2d Battalion, 6th Marine Regiment, 2d Marine Division, Camp Lejeune, North Carolina	EAS: 13 Jan 24	14 Jan 19	4 Yrs

7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		
	$0.00		Pre-Trial Confinement	18 Oct 23 - Present

II. CHARGES AND SPECIFICATIONS

10. **Charge I:** **Violation of the UCMJ, Article 92**

Specification (*Violation of a Lawful General Order*): In that Corporal JESSE T. BOPP, U.S. Marine Corps, on active duty, did, onboard Marine Corps Base Camp Lejeune, on or about 18 October 2023, fail to obey a lawful general order which was his duty to obey, to wit: MCIEAST-MCB CAMLEJO 5500.1A, dated 16 August 2021, paragraph 4(c)(1), by wrongfully, possessing, carrying, displaying, firing, and discharging a weapon aboard Marine Corps Base Camp Lejeune.

Charge II: **Violation of the UCMJ, Article 118**

Specification (*Murder - Act Inherently Dangerous to Another*): In that Corporal JESSE T. BOPP, U.S. Marine Corps, on active duty, did, onboard Marine Corps Base Camp Lejeune, on or about 18 October 2023, murder Lance Corporal A.S. by means of shooting him with a firearm.

Charge III: **Violation of the UCMJ, Article 119**

Specification (*Involuntary Manslaughter – Culpable Negligence*): In that Corporal JESSE T. BOPP, U.S. Marine Corps, on active duty, did, onboard Marine Corps Base Camp Lejeune, on or about 18 October 2023, by culpable negligence, unlawfully kill Lance Corporal A.S. by means of shooting him with a firearm.

III PREFERRAL; SERVICE OF CHARGES

11a. NAME OF ACCUSER *(Last, First, MI)*	b. GRADE	c. ORGANIZATION OF ACCUSER
REYESECHEUERRIA, Luis A.	Cpl	Office of Special Trial Counsel

d. SIGNATURE OF ACCUSER	e. DATE
[redacted] Digitally signed by REYESECHEUERRIA.LUIS.ARMANDO.1598001584 Date: 2023.11.29 10:26:12 -05'00'	29 November 2023

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this **29th** day of **November, 2023**, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

J. D. SAMUEL
Typed Name of Officer

Major, U.S. Marine Corps
[redacted]

Office of Special Trial Counsel
Organization of Officer

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

DD FORM 458 S/N 0102-LF-000-4580

Encl (1) PHE (1)

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

Typed Name of Immediate Commander | *Organization of Immediate Commander*

Grade

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at _____ hours, _____ _____ at _____
Designation of Command or

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

FOR THE _____

Typed Name of Officer | *Official Capacity of Officer Signing*

Grade

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE	c. DATE

Referred for trial to the General court-martial convened by courts-martial convening order # _____

dated _____ , _____ _____ , subject to the following instructions:[2] Prior to referral, I consulted with Trial Counsel in accordance with R.C.M. 406A.

_____ By XXXXXXXXXXXXXXX of _____
Command or Order

Typed Name of Officer | *Official Capacity of Officer Signing*

Grade

Signature

15. On _____ , _____ , I caused a copy hereof to be served on the above named accused.

Typed Name of Trial Counsel | Grade or Rank of Trial Counsel

Signature

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

DD FORM 458 Reverse

MCTFS BASIC INDIVIDUAL RECORD 10/19/2023
12:22:43

EDIPI: [redacted] NAME: BOPP, JESSE T
RUC: 13170 COMPANY CODE: H PRES-GRADE: E4 RECSTAT: 0 COMP CODE: 11
PLT CODE: HQS4 TRNGRP: R-RECSTAT: RCOMP-CODE:

---------- CONTRACT INFORMATION ----------

EAS: 20240113 COMPONENT CODE: 11 USMC ENLISTED
EOS: 20260619 ECC: 20240113 RESERVE COMPONENT CODE:
RESERVE ECC: 00000000 DATE ACCEPTED FIRST COMMISSION: 00000000
DATE OF ENL/ACCEPT: 20190114 DOD TRNGRP: TRAINING GRP:
AFADB: 20190114 PEBD: 20190114 MANDATORY DRILL START: 00000000 END: 00000000
DATE OF ORIG ENTRY: 20180620 DATE OF BASIC ELIG: 00000000MDP EXT MO: 00
LENGTH CURR ENL: 5 YRS PEF: MG MARINE GUARD
LENGTH CURR ENL: 00 MOS BONUS PEF: 0B NONE
LENGTH CURR EXT: 00 MONTHS COLLEGE FUND PEF: 0C NONE
NO EXT CURR ENL: 00 MGIB-SR STATUS:
TOTAL MONTHS EXT: 00 MONTHS ACTIVE DUTY MGIB STATUS: 5 OVEBP CODE: 3
EFF DTE CURR EXT: 00000000
MONTHS LAST ENL EXT: 00
TIME LOST CURR ENL: 0000 DAYS DESIG MIL PILOT: 00000000
SOURCE OF INT ENTRY MIL SER: C 6 YEAR OBL START: 00000000
SOURCE OF ENTRY: ADBA

POST 911 GIBILL ELIG BEGIN DT: 20190611 POST 911 GIBILL TR EDU BENE CD: 0
POST 911 GIBILL BENEFTS TR DT: 00000000 POST 911 GIBILL TR EDU OBL DT: 00000000

---------- SERVICE INFORMATION ----------

PRES GRADE: E4 DOR: 20220301 ACDU RUC: 13170 MCC: V26
SEL GRADE: DTE: 00000000 RESERVE RUC: MOB MCC:
FORMER RES RUC: FORMER RES MCC:
PROM RESTR STAT CD: PROM RESTR TERM DTE: 00000000 UIC: M13170
PME COMPLETE FLAG: N 1TAD RUC: 00000 MCC:
PME COMPLETE EFFECTIVE DATE: 20220301 2TAD RUC: 00000 MCC:
WORK STATION: 000
BILLET DESCRIPTION: ELECTRO OPTICAL ORDNANCE REP
ANNIVERSARY DATE: 00000000
PEN: 0206211M FAPRUC: 00000 RESERVE MCC:
DCTB: 20191114 FORMER RUC: 12151 FUTURE RUC:
DATE JOINED PRES UNIT: 20200804 IND LOC CODE: 37 133 0735 NC ONSLOW
DATE JOINED SMCR: 00000000

RCSP REGION CODE: RCSP REGION ASSIGN DATE: 00000000
RCSP REGION DESCRIPTION:
GEO LOC CODE: 285 RCSP COMPLETE FLAG:
GEO LOC DCTB: 201911
COMBAT SERV CODE: ROTATION TOUR DATE: 00000000
LAST COMBAT TOUR: 00000000 OVERSEAS CONTROL DATE: 20140901
OFF REMOVAL DATE: 00000000 LAST PHYS EXAM: 00000000
RESERVE UNIT JOIN DATE: 00000000 PHA DATE: 00000000
LAST SEP/DISCH DATE: 00000000
REASON:

PMOS: 2171 ADMOS1: ADMOS6: ADMOS11:
BMOS: 2171 ADMOS2: ADMOS7: ADMOS12:
SMOS: 0000 ADMOS3: ADMOS8:
JMOS: ADMOS4: ADMOS9:
JMOS ED: 00000000 ADMOS5: ADMOS10:
LAW ENFORCE/COUNTERINTEL ID: ISSUE DATE: 00000000

---------- PERSONAL INFORMATION ----------

Encl (1) PHE (3)

DATE OF BIRTH: [redacted] HOME OF RECORD: [redacted] [redacted]

HOME OF RECORD ZIP CODE: [redacted]
CITIZENSHIP: CA US
COUNTRY OF ORIGIN: US UNITED STATES
BLOOD TYPE: 2 A POS
CIVILIAN ED LEVEL: 12 12TH GRADE
SEX: M
CERT: L HS DIPL
MAJOR: AA HS ACADEMIC - H
RACE AGG CODE: E
RACE CODE: E WHITE
POPULATION GROUP: WHITE
ETHNIC CODE: P EUROPEAN/ANGLO
RELIGION: ZW NO PREFERENCE
DNA DATE: 20190314 HIV-TESTED: 000000
GOOD CONDUCT MEDAL DATE: 20220114
SMCR MEDAL DATE: 00000000
ARMED FORCES RESERVE MEDAL DATE: 00000000

---------- PERSONAL INFORMATION ----------

HOME TELEPHONE NUMBER: [redacted]
CELL PHONE NUMBER:
SECONDARY PHONE NUMBER:
WORK TELEPHONE NUMBER:
WORK DSN PHONE NUMBER PREFIX: 000

MAILING ADDRESS: [redacted]

ADDRESS VALIDATION: J MOL VALIDATION ONLY
PHYSICAL ADDRESS:
000000000

WORK EMAIL: JESSE.BOPP@USMC.MIL

WORK EMAIL DATE: 20230126
PERSONAL EMAIL: [redacted]

PERSONAL EMAIL DATE: 20230126
SECONDARY EMAIL:

---------- RECORD INFORMATION ----------

RECORD STATUS: 0 ACTIVE STATUS
RESERVE RECORD STATUS:
DISPUTED DATE: 00000000
DISPUTED DATA:
LAST SCREENING: 20191114
REASON: 2 ANNUAL SCREEN QUEST
SCREENING RESULT: Z ANNUAL SCREENING COMPL FOR ACDU ONLY
BAH DEPN CERTIFICATION DT: 20191114

---------- DEPENDENTS INFORMATION ----------

MARITAL STATUS: S SINGLE
TOTAL NUMBER DEPENDENTS: 00
DEPN CERT CODE: NONE
DEPN GEO LOC CODE:
DATE DEPN LOC BEGAN: 00000000
CUSTODY STATUS CODE: 0
SERVICE SPOUSE CODE:
FAM CARE PLAN VAL DT: 00000000
SERVICE SPOUSE DATE: 00000000

REL CD	SEX CD	DOB	DEPN NAME	GAIN DATE	LOCATION

*** THERE ARE NO REMARKS FOR INPUT SSN OR EDIPI ***

---------- BILLET IDENTIFICATION ----------

FUTURE BILLET IDENT CODE: A0000000000

ASSIGNED BILLET IDENT CODE: A0000000000

PRESENT BILLET IDENT CODE: M1317100210

RESERVE BILLET IDENT CODE:

FAP BILLET IDENT CODE:

Encl (1) PHE (3)

FORMER BILLET IDENT CODE M1215100412

---------- DUTY STATUS INFORMATION ----------

DUTY STATUS: D/MEDICAL
DUTY LIMIT: Q/TEMP LD (TLD) MED BOARD
DUTY LIMIT ED: 20230613
STR CAT: 0/ON DUTY W/BILLET THAT SERVES COMMAND MSN
STR CAT ED: 20221202
COMBAT CAS:
COMBAT CAS ED: 00000000

---------- RETIREMENT INFORMATION ----------

DATE 1ST ELIG RET (RES): 00000000
RET/FMCR DATE: 00000000
RET/FMCR FLAG:
RET/FMCR STAT:
RET/RETN FLAG:
RET/RETN DATE: 00000000

---------- CG/CO/OIC INFFORMATION ----------

CODE	DESC	PROM AUTH	FROM DATE	TO DATE

*** THERE ARE NO REMARKS FOR INPUT SSN OR EDIPI ***

I CERTIFY THAT MY ELIGIBILITY FOR ENTITLEMENT TO BASIC ALLOWANCE FOR HOUSING (BAH) AND DEPENDENTS LISTED ON MY DEPENDENCY ENTITLEMENT APPLICATION (NAVMC 10922) HAS/HAS NOT CHANGED SINCE MY LAST CERTIFICATION/UPDATE.

SIGNATURE: _____ DATE: _____ DEPN ZIP IF APPLICABLE _____

BIR CERTIFICATION SIGNATURE REQUIRED FOR BOTH ACTIVE DUTY AND RESERVE MARINES:

MARINE:_____DATE:_____ AUDITOR:_____UD NUM:____

UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE
PSC BOX 20005
CAMP LEJEUNE NC 28542-0005

MCIEAST-MCB CAMLEJO 5500.1A
SES/PMO
AUG 16 2021

MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE CAMP LEJEUNE ORDER 5500.1A

From: Commanding General
To: Distribution List

Subj: POSSESSION, REGISTRATION, USE, AND SALE OF PRIVATELY OWNED FIREARMS, WEAPONS, AMMUNITION, EXPLOSIVES, FIREWORKS, AND PYROTECHNICS

Ref: (a) 18 U.S.C. §13, Federal Assimilative Crimes Act
(b) 18 U.S.C. §922, Unlawful Acts
(c) General Statutes of North Carolina (NOTAL)
(d) MCO 5530.14A
(e) MCO 5500.6H Ch 1
(f) MARADMIN 719/19
(g) MARADMIN 176/14

Encl: (1) MCIEAST-MCB CAMLEJ Weapons Registration Form
(2) Firearms Regulations Acknowledgment Letter
(3) North Carolina General Statute §14-315.1

1. Situation. The unlawful sale, use and possession of privately owned firearms, weapons, ammunition, explosives, fireworks and pyrotechnics threaten the good order and discipline vital to the mission of Marine Corps Installations East-Marine Corps Base, Camp Lejeune (MCIEAST-MCB CAMLEJ). This necessitates implementation of regulations to protect the resources of MCB CAMLEJ; references (a) through (g) apply.

2. Cancellation. MCIEAST-MCB CAMELJO 5500.1 Ch 1.

3. Mission. This Order outlines the regulations concerning the possession, registration, transportation, storage, use and sale of privately owned firearms, weapons, ammunition, explosives, fireworks, and pyrotechnics by all personnel aboard MCB CAMLEJ.

a. Summary of Revision. This Order has been completely revised and should be read in its entirety.

b. Punitive Effect. Violations of this Order by military personnel are punishable as violations of Article 92 of the Uniform Code of Military Justice (UCMJ) and can subject the violator to court-martial or other judicial or administrative action. Individuals not subject to the UCMJ who fail to comply are subject to adverse administrative action or criminal prosecution as authorized by references (a) through (c) and other applicable Federal and state law.

DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited.

Violations by other individuals may subject the violator to trial in the Federal courts for violation of references (a) through (c).

c. Definitions

(1) "Firearms," as expressed in this Order, include devices which propel projectiles by explosive, gaseous expansion.

(2) "Weapons," as expressed in this Order, include air rifles, air pistols, starter pistols, blank, and similar-type pistols. Other items (i.e., bow, K-bar/knives, or metallic knuckles) that may be designed specifically to cause grievous bodily harm are also included in this definition.

(3) "Handguns," as expressed in this Order, include pistols, revolvers, or other firearms with a short stock designed to be held and fired by the use of a single hand.

(4) "Ammunition," as expressed in this Order, is a device charged with explosives, propellants, pyrotechnics, initiating composition or chemical material for use in connection with defense or offense including demolitions, training, ceremonial, or non-operational purposes.

(5) "Small Arms Ammunition," as expressed in this Order, is ammunition, without projectiles containing explosives (other than tracers), that is .50 caliber or smaller or for shotguns.

(6) Locked case/compartment, as expressed in this Order, for transportation and enduring on-base storage in housing and other billeting is a fully encased container such as a gun safe, hard plastic case, etc., that is capable of completely enclosing the firearm and being locked with a key or combination lock.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. The good order and discipline aboard military installations is a matter of paramount importance in safeguarding national security. Strict adherence to the standards established in this Order shall be maintained to ensure the security and safety of our community, which is essential to preserve good order and discipline aboard MCB CAMLEJ.

(2) Concept of Operations. Personnel residing on MCB CAMLEJ shall have the privilege of possessing their privately owned firearms, if they comply with all requirements of this Order and the references.

b. Tasks

(1) Commanding Officer (CO), Security and Emergency Services, Headquarters and Support Battalion shall:

(a) Implement the registration process for all privately-owned firearms stored on MCB CAMLEJ (registration applies only to personnel that reside on MCB CAMLEJ.

(b) Utilize the most current Marine Corps law enforcement database system to document all registered firearms on MCB CAMLEJ.

(c) Conduct a local records check of all personnel registering privately-owned firearms.

(d) Enforce provisions of this Order as they apply to possessing, registering, storing, transporting, and using privately-owned firearms.

(e) Ensure all newly assigned personnel are informed of the provisions of this Order.

(f) Ensure personnel that reside on MCB CAMLEJ and intend to store privately owned firearms in their quarters/residence, register those firearms with the Provost Marshal's Office (PMO) using the Weapons Registration Form in enclosure (1).

(2) Commanders of Subordinate and Tenant Commands:

(a) Ensure all newly assigned personnel are informed of this Order during initial orientation and as required to ensure continued awareness.

(b) Ensure all assigned Marines that reside on MCB CAMLEJ register all privately-owned firearms that they intend to store on Base, with PMO within 10 days of occupancy.

(c) Commanders with operational oversight of an armory are authorized in accordance with reference (e), to allow Marines to store privately-owned firearms within the unit armory and shall:

1. Develop written armory procedures that ensure daily armory sight counts and inventories that reflect accountability of privately-owned firearms.

2. Develop procedures that make it convenient for Marines to check weapons into and out of the armory.

3. Ensure that privately-owned firearms stored in the unit's armory are stored in locked containers, separate from military weapons and ammunition, and inventoried in accordance with reference (e).

4. Dispose of firearms in accordance with the guidance in reference (e), that have been determined to be abandoned in armory, including those whose owner(s) cannot be determined after reasonable inquiry, or whose owner(s) fail to remove their weapons after being provided notice and opportunity to claim.

(d) Ensure personal weapons and ammunition are permanently withdrawn from the armory only after written approval of the CO or authorized representatives.

(3) Individuals shall: All persons accessing MCB CAMELJ (to include Marines, government employees, contractors, dependents, visitors, and persons transiting the installation) shall comply with the regulations and requirements established in this Order.

c. Coordinating Instructions

(1) Possessing, carrying, displaying, firing, or discharging any firearm aboard the Installation, other than as authorized by the Commanding General (CG), MCIEAST-MCB CAMLEJ is prohibited.

(2) Owners of privately owned firearms must comply with all applicable Federal, state, and local laws for the purchase, registration, transportation, and storage of privately owned firearms and ammunition.

(3) Recreational shooting, hunting, and target practice on MCB CAMLEJ is permitted in approved areas only. Recreational shooting, hunting, and target practice by persons under 18 years of age is prohibited unless they are under the direct supervision or immediate control of a parent, guardian, officer, or staff noncommissioned officer (SNCO). Weapons Training Battalion shall obtain waivers for any underage shooting events outside of training military units.

(4) Family members desiring to purchase and/or maintain firearms on the Installation must have their sponsor register the firearms. Firearms shall be registered, per paragraph 4b(7) of this Order.

(5) Possession and Registration of Firearms and Weapons

(a) Per reference (b), it is a felony for anyone convicted of a "misdemeanor crime of domestic violence" to ship, transport, possess, or receive firearms or dispose of a firearm to any person

they know or reasonably believe has such a conviction. Reference (c) defines a "misdemeanor crime of domestic violence."

(b) Per reference (g), privately owned firearms are prohibited in all Federal facilities; to include government leased spaces and government vehicles.

(c) Military personnel (E-1 through E-5) residing in barracks:

1. Shall register their privately owned firearms with the PMO Administrative Section and then deliver the firearms to their organizational commander, who shall issue receipts, and provide storage per reference (e).

2. Shall deliver weapons, other than firearms, as defined in paragraph 3c(2), to the organizational commander for storage in the same manner as firearms.

(d) SNCOs and officers residing in Bachelor Enlisted Quarters (BEQ) or Bachelor Officer Quarters (BOQ):

1. Shall register all privately owned firearms retained in their on-base quarters with the PMO Administrative Section.

2. After registering firearms, SNCOs and officers shall read, and sign enclosure (2) acknowledging authorization to maintain firearms in BEQs and BOQs, and shall receive a copy of enclosure (2), and enclosure (3). SNCOs and officers must also complete enclosure (1) at the time of registration.

3. SNCOs and officers who previously registered their firearms and reside in BEQs and BOQs must sign enclosure (2) acknowledging they understand and shall comply with the updated firearms regulations. A signed copy of enclosure (2) must be provided to PMO.

4. All privately owned firearms stored for enduring on-base storage in housing and other billeting shall be in a fully encased container (e.g. gun safe, hard plastic case, gun cabinet, etc.) that is capable of completely enclosing the firearms and being locked with a key or combination lock. All firearms shall also be fitted with a trigger or cable lock while stored.

(e) All personnel residing in family housing:

1. Shall register all privately owned firearms retained in their on-base quarters with the PMO Administrative Section.

2. After registering firearms, personnel shall read, and sign enclosure (2) acknowledging authorization they understand and shall comply with the updated firearms regulations for maintaining firearms in family housing, and will receive a copy of enclosure (2), and enclosure (3). Personnel must also complete enclosure (1) at the time of registration.

3. Personnel who previously registered their firearms and reside in family housing must sign enclosure (2) acknowledging they understand and will comply with the updated firearms regulations. A signed copy of enclosure (2) must be provided to PMO.

4. All privately owned firearms stored for enduring on-base storage in housing and other billeting will be in a fully encased container (e.g. gun safe, hard plastic case, gun cabinet, etc.) that is capable of completely enclosing the firearms and being locked with a key or combination lock. All firearms shall also be fitted with a trigger or cable lock while stored.

(f) Per reference (g), any military issued firearm, authorized by the CG, MCIEAST-MCB CAMLEJ for retention in government quarters for enduring on-base storage in housing and other billeting must be stored in a fully encased container (e.g. gun safe, hard plastic case, gun cabinet, etc.) that is capable of completely enclosing the firearms and being locked with a key or combination lock. All firearms shall also be fitted with a trigger or cable lock while stored.

(g) Marine Corps Community Services owned shotguns are not required to be registered with the PMO Administrative Section, however all other provisions of this Order apply.

(h) All personnel who register their firearms shall notify the PMO Administrative Section when they sell or dispose of their firearms, or transfer to a new duty station.

(i) Military Police shall be notified when unregistered firearms are identified aboard MCB CAMLEJ. When not an instrument to other criminal activity, the firearm may be released to the owner's Commanding Officer (CO), held until properly registered, or seized as evidence until adjucative action is complete.

(6) Possession of Ammunition

(a) Personal ammunition of permanent or temporary personnel residing in the barracks, but not in family quarters, shall be delivered to organizational commanders, who will issue receipts, and provide storage per reference (e).

(b) Ammunition for privately owned firearms may be retained in family quarters, SNCO BEQs and Officer BOQs. Ammunition must be stored separately from firearms and in a container capable of being locked with a key or combination lock.

(7) Possession of Explosives, Fireworks, or Pyrotechnics. The possession or use of explosives, fireworks, or pyrotechnics is prohibited, except as required in the performance of official duties.

(8) Sales of Firearms at the Marine Corps Exchange (MCX). The MCX is authorized to sell certain types of firearms and weapons. Firearm sales shall be subject to the following controls:

(a) Handguns (pistols/revolvers) shall be sold to military members if they are 21 years of age and older.

(b) Handguns (pistols/revolvers) shall be sold to other bona-fide MCX patrons with the presentation of a permit issued by an appropriate county residence sheriff's department, as required by reference (c).

(c) Paragraph b(1) of reference (b) prohibits the sale or delivery of any handgun or handgun ammunition to any individual under the age 21, or any firearms, ammunition, or gunpowder to anyone under the age 18.

(d) The sale of all firearms shall be recorded, per the instructions contained in references (b) and (c).

(9) Personal Sales. When purchasing privately owned weapons from personnel who reside on the Installation and the weapon is to be retained aboard the Installation the purchaser must present a bill of sale to PMO prior to registration of the weapon(s).

(10) Concealed Handguns and Weapons

(a) It is prohibited for any personnel, regardless of state license or permit, to carry a concealed privately-owned firearm or any weapon that could cause bodily harm aboard MCB CAMLEJ.

(b) Qualified, active Marine Corps Law Enforcement professionals, who possess a valid Law Enforcement Officer Safety Act 18 U.S.C. §926B credentials are authorized to carry concealed privately-owned firearms aboard MCB CAMLEJ, per reference (f).

(11) Transporting Privately Owned Firearms aboard MCB CAMLEJ

(a) Transporting privately owned firearms is authorized in privately owned vehicles to and from an authorized storage area on-base to an off-base location consistent with Federal, state, or local

laws. In the event an individual is stopped by Law Enforcement while transporting privately owned firemarms, a declanation must be made to the officer per reference (c).

(b) Firearms may also be transported to and from on-base areas, where firearms use is authorized, such as hunting areas or recreational shooting ranges. Current policies that permit hunting on-base are adequate and those weapons are not required to be registered, unless they are stored on-base in a unit armory, housing, or billeting.

(c) Per reference (f), when transporting privately owned firearms aboard the Installation great care must be exercised and precautions taken to ensure the firearms are not loaded and prepared for employment by any occupant of the motor vehicle. It is a violation of this Order to transport a firearm in a vehicle unless the firearm is secured in a locked case/compartment.

(d) No loaded privately owned firearm shall be transported aboard the Installation with the exemption of qualified active Marine Corps Law Enforcement professionals, who possess a valid Law Enforcement Officer Saftey Act 18 U.S.C. §926B credentials.

(e) Privately owned firearms shall not be stored in an enduring or long term manner greater than 24 hours within privately owned vehicles aboard MCB CAMLEJ.

(f) Intermittent stops while transporting privately owned firearms are permitted.

(12) North Carolina Law

(a) The possession, use, sale, and/or other disposal and registration of certain firearms by personnel residing off the Installation are subject to the provisions of North Carolina State Laws.

(b) The provisions set forth by §14-415.10 of reference (c) (Open Carry/Concealed Handguns) ***will not*** apply to MCB CAMLEJ.

5. Administration and Logistics. This Order has been coordinated with and concurred by the CGs of MCIEAST-MCB CAMLEJ; II Marine Expeditionary Force; Commander, U.S. Marine Corps Forces, Special Operations Command; and the COs of the Naval Medical Center; U.S. Coast Guard Joint Maritime Training Center; Marine Corps Combat Service Support Schools; School of Infantry-East; and Marine Corps Engineer School.

6. Command and Signal

a. Command. This Order is applicable to MCB CAMLEJ and its subordinate and tenant commands.

b. Signal. This Order is effective the date signed.

[redacted]

M. JERNIGAN
Chief of Staff

DISTRIBUTION: A/C (plus H&S Bn, WTBn and Naval Medical Center)

AUG 16 2021

Weapons Registration Form

Reporting Requirement: DD-8370-01

Marine Corps Installations East-Marine Corps Base Camp Lejeune
Weapons Registration Form

Reset Form

Privacy Act Statement

Information contained on this form is maintained under the System of Records Notice NM08370-1, Weapons Registration (February 19, 2008, 73 FR 9104). **AUTHORITY:** 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397(SSN). **PRINCIPLE:** Individuals registering firearms or other weapons with station security offices and/or Provost Marshal; all individuals who purchase a firearm or weapon at authorized exchange activities; and/or individuals who reside in government quarters who possess privately-owned firearms; all individuals authorized access to individual armories. **PURPOSE:** To assure proper control of weapons on installations; to monitor and control purchase and disposition of weapons/accessories; and provide record of individuals authorized access to armory spaces. **ROUTINE USE:** In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act. **DISCLOSURE:** Disclosure of this information is mandatory to register weapons aboard the installation.

PERSONAL INFORMATION:

Last Name	First Name	Middle Name	Suffix (Jr.,Sr., III)	SSN

Date of Birth	Place of Birth (City/State, Country)	Weight	Height	Hair Color	Eye Color

Drivers License Number	Ethnicity	Race	Gender

Branch of Service	RANK:	Active Duty	Civilian

Organization	Work Telephone Number

Home Address (Local)	City	State	Zip Code	Home Telephone Number

WEAPON INFORMATION:

(1) Weapon Type	**Serial number**		
Make	Model	Caliber	**Barrel Length**
Year Made	Date Purchased	**Action (single/double/break/pump/semi-automatic, etc.)**	
Brief Description of Weapon	Location of Weapon (When not in use)		

**********EXTRA WEAPON(S)**********

(2) Weapon Type	Serial number		
Make	**Model**	Caliber	Barrel Length
Year Made	Date Purchased	Action (single/double/break/pump/semi-automatic, etc.)	
Brief Description of Weapon	Location of Weapon (When not in use)		

(3) Weapon Type	Serial number		
Make	Model	Caliber	Barrel Length
Year Made	Date Purchased	Action (single/double/break/pump/semi-automatic, etc.)	
Brief Description of Weapon	Location of Weapon (When not in use)		

(4) Weapon Type	Serial number		
Make	Model	Caliber	**Barrel Length**
Year Made	Date Purchased	**Action (single/double/break/pump/semi-automatic, etc.)**	
Brief Description of Weapon	Location of Weapon (When not in use)		

MCIEAST-MCB CAMLEJ/SES/PMO/53 (8/21) PREVIOUS EDITIONS ARE OBSOLETE ADOBE 9.0

Enclosure (1)

Encl (1) PHE (3)

Firearms Regulations Acknowledgement Letter

I, _____, acknowledge that I have read and understand MCIEAST-MCB CAMLEJO 5500.1A (Possession, Registration, Use and Sale of Privately Owned Firearms, Weapons, Ammunition, Explosives, Fireworks, and Pyrotechnics). Specifically, I understand the following:

1. All of my privately owned firearms and weapons will be stored in either my unit armory or my quarters. Firearms and weapons retained in my assigned quarters shall be inaccessible to minors.

2. Ammunition must be stored separately from firearms and in a container capable of being locked with a key or combination lock. In all cases, privately owned firearms shall be stored in a fully encased container (e.g. Commercial gun safe, hard plastic case, etc.) that is capable of completely enclosing the firearm and being locked with a key or combination lock. All firearms shall be fitted with a trigger lock.

3. All firearms shall remain unloaded until I am actually participating in authorized recreational shooting or hunting.

4. When transporting firearms or weapons, they shall be unloaded and secured in the trunk of the vehicle. If the vehicle does not have a trunk (i.e. truck, hatchback, van) the firearms or weapons may be in the passenger compartment inside a locked case or compartment.

5. Under no circumstances shall firearms, weapons, or ammunition be permanently stored in a privately owned vehicle aboard the Installation.

6. Enduring storage of firearms in a privately owned vehicle is temporarily authorized for transportation to or from an approved location for authorized use **for that day**, provided they comply with transportation/storage requirements indentified in this Order.

7. Carrying a concealed weapon is prohibited aboard the Installation with the exemption of qualified, active Marine Corps Law Enforcement professionals, who possess a valid Law Enforcement Officer Safety Act 18 U.S.C § 926 credentials.

8. Defiance of these regulations constitutes violations of lawful orders other than general orders and may be prosecuted under Article 92 of the Uniformed Code of Military Justice or applicable Federal or state statutes, as appropriate.

_____
Purchaser's Signature

_____
Date

Enclosure (2)

North Carolina General Statue §14-315.1

Upon the retail/commercial sale or transfer of any firearm, the seller or transferor will deliver a written copy of North Carolina General Statute §14-315.1 to the purchaser or transferee. Additionally, any retail or wholesale store, shop, or sales outlet that sells firearms will conspicuously post at each purchase counter the following warning in block letters not less than one inch height: **"IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM THAT CAN BE DISCHARGED IN A MANNER THAT A RESPONSIBLE PERSON SHOULD KNOW IS ACCESSIBLE TO A MINOR."** A violation of these provisions is a Class 1 misdemeanor under North Carolina law.

N.C.G.S §14-315.1. Storage of Firearms to Protect Minors

a. Any person who resides in the same premises as a minor, owns or possesses a firearm, and stores or leaves the firearm (i) in a condition that the firearm can be discharged and (ii) in a manner that the person knew or should have known that an unsupervised minor would be able to gain access to the firearm, is guilty of a Class 1 misdemeanor if a minor gains access to the firearm without the lawful permission of the minor's parents or a person having charge of the minor and the owner:

(1) Possesses it in violation of G.S. 14-269.2(b);

(2) Exhibits it in a public place in a careless, angry, or threatening manner;

(3) Causes personal injury or death with it not in self-defense; or

(4) Uses it in the commission of a crime.

b. Nothing in this section shall prohibit a person from carrying a firearm on their body, or placed in such close proximity that it can be used as easily and quickly as if carried on the body.

c. This section shall not apply if the minor obtained the firearm as a result of an unlawful entry by any person.

d. "Minor" as used in this section, means a person less than 18 years of age who is not emancipated. (1993, c. 558, s. 2; 1994, Ex. Sess., c. 14, s. 11.

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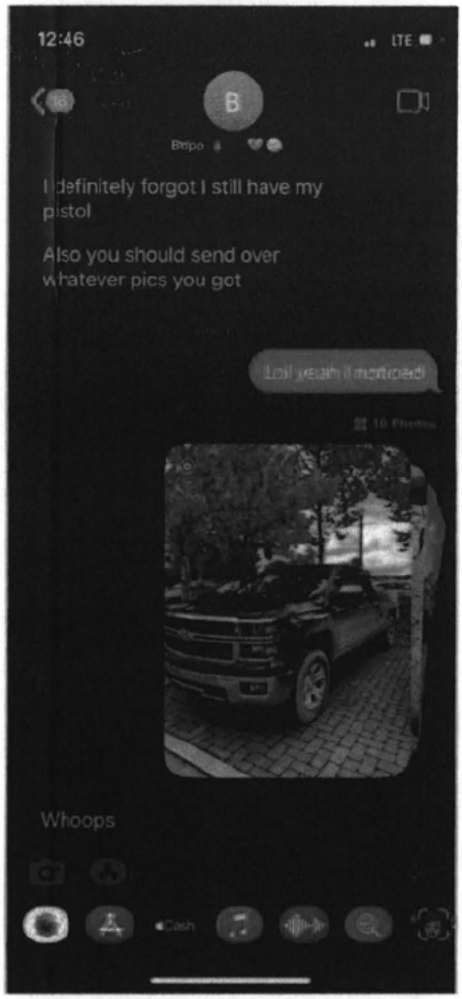
PHOTOGRAPH FORM



1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE:	**3. CCN:**	**4. AGENT'S NAME:**
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	SA Matthew HIPPLE
5. SUMMARY/DESCRIPTION:		**6. PHOTOGRAPHER/ DATE PHOTO TAKEN:**
PHOTOGRAPH DEPICTING A SCREENSHOT FROM CPL GRIMISON'S CELLULAR PHONE OF TEXT COMMUNICATION BETWEEN HIMSELF AND S/BOPP ON 15OCT23.		SA HIPPLE/19OCT23

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (1)

Enclosure (A)

Encl (1) PHE (3)

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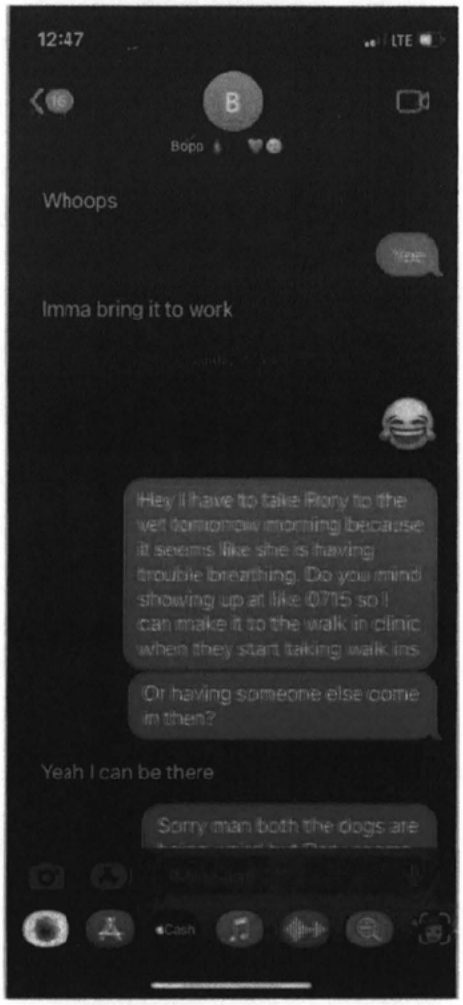
PHOTOGRAPH FORM



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NCISRA CAMP LEJEUNE, NC		
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NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (2)

Enclosure (A)

Encl (1) PHE (3)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 19OCT23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S/[redacted]/14APR00/BROOKFIELD, WI

RESULTS OF INTERVIEW OF CPL JOSHUA GRIMISON, USMC

1. On 19Oct23, Reporting Agent (RA) and Participating Agent (PA) Tyler ENNIS conducted and interview of Cpl Joshua GRIMISON, USMC, 2ND Battalion (2D BN), 6TH Marines (6TH MAR), 2D Marine Division (2D MARDIV), Camp Lejeune, NC (CLNC), at NCIS Resident Agency (NCISRA) CLNC, regarding his knowledge of the captioned investigation.

2. Cpl GRIMISON explained S/BOPP got to 2D BN, 6TH MAR, 2D MARDIV, CLNC a couple of months before him and stated through working together at the armory they became good friends. Cpl GRIMISON mentioned he and S/BOPP had been friends for about three years. Cpl GRIMISON stated he heard S/BOPP shot V/SCHWENK and V/SCHWENK passed away in the hospital.

3. Cpl GRIMISON relayed S/BOPP had a good relationship with his family and mentioned meeting S/BOPP's parents once before. Cpl GRIMISON described S/BOPP as a good person who was reserved with his emotions and as never violent. Cpl GRIMISON further stated S/BOPP had a good working relationship with everyone at the armory where they worked. Cpl GRIMISON detailed S/BOPP not sharing some things with him and described a time two weeks ago when S/BOPP's vehicle broke down and he never called to let Cpl GRIMISON know. Cpl GRIMISON stated for he found out about S/BOPP's vehicle breaking down just recently.

4. Cpl GRIMISON commented S/BOPP drank alcohol from time to time and mentioned S/BOPP drank too much alcohol on occasion. Cpl GRIMISON stated he learned about S/BOPP being on anxiety medication while they were on a deployment together in the Baltic Sea. Cpl GRIMISON did not mention anything about S/BOPP being anxious. Cpl GRIMISON relayed the last time he saw S/BOPP was at work on 18Oct23 and stated S/BOPP's behavior seemed relaxed, because he was getting out of the Marine Corps soon.

5. Cpl GRIMISON detailed S/BOPP had recently talked about meeting a girl on Tinder (NFI). Cpl GRIMISON thought this was unusual for S/BOPP, because he had not known S/BOPP to have a girlfriend before or put himself out there like that.

6. Cpl GRIMISON explained S/BOPP did own firearms and described one of the firearms as a black in color Walter P branded 9mm (millimeter) semi-automatic pistol. Cpl GRIMISON described the other firearm as a very old hunting rifle, he did not know the make or model of. Cpl GRIMISON mentioned S/BOPP stored his guns at Cpl GRIMISON's house, because S/BOPP was

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

not allowed to have his guns in his barracks room. Cpl GRIMISON detailed S/BOPP not having any ammunition in the safe, because they would typically go buy ammunition before they would go shoot. Cpl GRIMISON stated S/BOPP had been storing his guns in Cpl GRIMISON's safe at his off-base residence for approximately two years. Cpl GRIMISON estimated S/BOPP owned the Walter P 9mm pistol for about two years since purchasing it in Wisconsin.

7. Cpl GRIMISON relayed going camping with his wife (NFI) and S/BOPP on the weekend of 14Oct23. Cpl GRIMISON stated they went camping in the Croatan National Forest and returned home on 15Oct23. Cpl GRIMISON stated all three of them took their pistols with them camping out of concern for predators in the woods while camping. Cpl GRIMISON relayed they did not shoot their pistols while camping over the weekend.

8. Cpl GRIMISON detailed after returning home from camping S/BOPP left to return to his barracks while Cpl GRIMISON and his wife unpacked their camping supplies. Cpl GRIMISON noticed while putting his wife and his gun back in their safe on 15Oct23 S/BOPP had not returned his gun to the safe. Cpl GRIMISON mentioned he received a text message from S/BOPP stating, "I definitely forgot I still have my pistol" Cpl GRIMISON responded to S/BOPP's text message by stating "lol yeah I noticed" and S/BOPP responded "Imma bring it to work." There is no other mention of the pistol after that text message. Cpl GRIMISON provided ten (10) screenshots of text communication between himself and S/BOPP. Two (2) of the 10 photographs were placed onto 2 NCIS photo templates and are appended. Enclosure (A) pertains. All the screenshots were placed onto a DVD-R and appended as enclosure (B).

9. Cpl GRIMISON stated he did not know the condition S/BOPP left his pistol in when we had it camping but explained S/BOPP had a good knowledge of firearms and was qualified as an expert shooter in the USMC.

10. Cpl GRIMISON was unsure if S/BOPP had the pass code to the gun safe at his house but knew he shared it with S/BOPP previously. Cpl GRIMISON stated S/BOPP had access to the safe occasionally when Cpl GRIMISON and his wife were away and S/BOPP would watch their dogs. Cpl GRIMISON recalled during the beginning of October 2023 S/BOPP watched their dogs for them when they left town and had access to their house. Cpl GRIMISON further detailed going shooting with S/BOPP nearly once a month in the Croatan National Forest but had not been shooting since September 2023.

11. Cpl GRIMISON relayed S/BOPP would come over to his off-base residence about once a week to hang out. Cpl GRIMISON stated he and S/BOPP would typically play board games or watch a movie while drinking alcohol. Cpl GRIMISON described they would typically drink wine or beer but rarely over did it. Cpl GRIMISON mentioned S/BOPP did over drink from time to time and described the over drinking as consuming a large amount of alcohol. Cpl GRIMISON could not provide how much alcohol S/BOPP would drink when he over

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consumed but explained S/BOPP's demeanor was happy when he drank even when he over drank.

12. Cpl GRIMISON detailed S/BOPP had previously made suicidal ideations, but Cpl GRMISON could not recall exactly what the threats were. Cpl GRMISION stated it was typical for S/BOPP to make suicidal ideations which Cpl GRIMISON perceived as jokes. Cpl GRIMISON mentioned on several occasions S/BOPP had placed his duty gun to his head when it was unloaded. Cpl GRIMISON went on to say he and S/BOPP carried a pistol while working during their day as part of their job as armors. Cpl GRIMISON walked through the standard procedure for getting their service weapon from the armory to use for their duties during their shift. Cpl GRIMISON stated S/BOPP had never pointed a gun at him or his wife.

13. Cpl GRIMISON did not have any additional information pertinent to the above captioned investigation at that time.

14. A DVD-R containing the audio and visual recording of Cpl GRIMISON's interview is appended. Enclosure (C) pertains. This report serves as a summary of the interview and the recording should be reviewed for verbatim account.

ENCLOSURE(S)
(A) Two (2) NCIS Photo Templates of Cpl GRIMISON's Text Message Screenshots/19OCT23
(B) DVD-R Containing Screenshots of Text Communication Between Cpl GRIMISON and S/BOPP/19OCT23
(C) DVD-R Containing Audio/Video Recorded Interview of Cpl GRIMISON/19OCT23

REPORTED BY: MATTHEW HIPPLE, Special Agent
OFFICE: RESIDENT AGENCY CAMP LEJEUNE

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WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 20OCT23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S/[redacted]/14APR00/BROOKFIELD, WI

RESULTS OF PRELIMINARY INTERVIEW OF LCPL BRENNAN METCALF, USMC

1. On 19Oct23, Reporting Agent (RA) conducted an interview with LCpl Brennan METCALF, USMC, 2d Battalion (2d Bn), 6 Marines Regiment (6 Marines), 2d Marine Division (2d MarDiv) at NCISRA, Camp Lejeune, NC (CLNC) concerning the captioned investigation. RA identified himself to LCpl METCALF verbally and presented his NCIS credentials, followed by receiving LCpl METCALF's biographical information.

2. LCpl METCALF was unable to recall the time, but LCpl METCALF stated Cpl Jesse BOPP, (S/BOPP) USMC, 1st Bn, 6 Marines, 2d MarDiv, came to LCpl METCALF's barracks room intoxicated, located at barracks (HP), 3rd Deck, Room 321, Camp Lejeune, NC. LCpl METCALF stated he did not know what S/BOPP was drinking, however, LCpl METCALF stated S/BOPP had approximately four (4) alcoholic drinks. LCpl METCALF stated he, Cpl HOUSE (NFI), and S/BOPP were in LCpl METCALF's room, "smoking and joking," implying that he and S/BOPP were talking and joking around. LCpl METCALF stated at some point, S/BOPP left LCpl METCALF's room and S/BOPP came back to LCpl METCALF's room with a gun. LCpl METCALF stated he, himself held the gun and then gave the gun back to S/BOPP.

3. LCpl METCALF stated S/BOPP was talking to Cpl HOUSE about an air fryer, Cpl HOUSE wanted to borrow from S/BOPP. LCpl METCALF stated Cpl HOUSE gave S/BOPP three (3) twisted teas in exchange for S/BOPP's air fryer. LCpl METCALF stated at some point, Cpl HOUSE and S/BOPP left LCpl METCALF's room, but is unsure where Cpl HOUSE and S/BOPP went. LCpl METCALF stated at some point, he heard some banging, but LCpl METCALF stated he did not hear anything that sounded like a gun. LCpl METCALF stated it sounded like Cpl HOUSE and S/BOPP were wrestling.

4. LCpl METCALF stated at some point, Cpl HOUSE came into LCpl METCALF's room and said something to the effect of, S/BOPP just killed SCHWENK. LCpl METCALF stated he did not see Cpl HOUSE physically, but he knew it was Cpl HOUSE, from his voice. LCpl METCALF stated he thought Cpl HOUSE was joking. LCpl METCALF stated he left his room and went into V/SCHWENK and CPL HOUSE's room to check on V/SCHWENK. LCpl METCALF stated V/SCHWENK's door was already open, and LCpl METCALF saw V/SCHWENK on the ground with blood on his head and a gun on the floor. LCpl METCALF did not specify where the gun was located on the floor. However, LCpl METCALF stated he believed the gun make and model was a "Walther" handgun, with a red dot sight on it.

5. LCpl METCALF stated DILLAY (NFI) and "WELLS" (NFI) were outside on the

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Encl (1) PHE (3)

EXHIBIT (19)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 25OCT23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S/[redacted]/14APR00/BROOKFIELD, WI

RESULTS OF FOLLOW-UP INTERVIEW WITH LCPL BRENNAN METCALF, USMC

1. On 25Oct23, Reporting Agent (RA) and Participating Agent (PA) Tyler ENNIS conducted a follow-up interview with LCpl Brennan METCALF, USMC, 2nd Battalion, 6th Marines (2/6), 2nd Marine Division (2D MARDIV), Camp Lejeune, NC (CLNC) regarding his knowledge of the captioned investigation. The following is a summary of the interview and is not necessarily described in the order it was discussed. The interview was audio and video recorded in its entirety. Enclosure (A) pertains. For a verbatim account of the interview, refer to Enclosure (A).

2. LCpl METCALF went back to his barracks room after getting off work on 18Oct23. LCpl METCALF could not recall when he got off work. LCpl METCALF advised S/BOPP was at work on 18Oct23. LCpl METCALF recalled the members of the shop participated in yoga during lunch and S/BOPP took over for duty during the yoga, since he had an injured shoulder. LCpl METCALF stated the yoga was the only notable part of the work day.

3. After work LCpl METCALF was playing on his phone and LCpl METCALF's roommate LCpl Aiden DICKINSON, USMC, 2/6, 2D MARDIV, CLNC was in the room playing his video game. S/BOPP came over to LCpl METCALF's room; S/BOPP and LCpl METCALF were friends so it was typical for S/BOPP to come over. S/BOPP came over around 2000. LCpl METCALF explained his keycard did not work, like the other rooms in the building, so his door was normally propped open and S/BOPP walked in.

4. S/BOPP was "drunk, very drunk" when he came over to LCpl METCALF's room. LCpl METCALF explained S/BOPP was an "experienced drinker," so others might not realize how intoxicated he was; however, LCpl METCALF knew S/BOPP. S/BOPP was flush in the face and was not slurring his words, but LCpl METCALF advised S/BOPP had a specific speech pattern when he was intoxicated, he loses his train of thought and repeats himself a lot. S/BOPP was holding a square carton of an alcoholic drink. LCpl METCALF could not provide more detail of the drink, due to not wearing his glasses when S/BOPP was in his room. S/BOPP advised this was his fourth drink. LCpl METCALF summed it up as S/BOPP was "drunk, but he was with it" while S/BOPP was in his room. S/BOPP knew where he was, who he was talking to, and could stand on his own.

5. LCpl METCALF and S/BOPP were "shooting the shit" meaning talking about family, "bitching" about work, talking about firearms, video games, movies, etc. S/BOPP and LCpl METCALF talked about a "ND" (negligent discharge) that

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EXHIBIT (53)

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occurred on the ship during deployment; while it was a legitimate ND it was still the shooter's fault. S/BOPP and LCpl METCALF were talking about a firearm LCpl METCALF's parents had. Nothing in the conversation was of the norm for LCpl METCALF and S/BOPP. S/BOPP and LCpl METCALF were talking about pistols and then S/BOPP asked LCpl METCALF if he wanted to see something cool/awesome, S/BOPP left, and returned with his Walther's firearm. LCpl METCALF did not know if S/BOPP retrieved the firearm from his room or his vehicle; S/BOPP was only gone for a few minutes. S/BOPP came back with the firearm under his arm and showed both LCpl METCALF and LCpl DICKINSON the firearm. LCpl METCALF did not recall seeing that particular firearm prior.

6. LCpl METCALF was not surprised S/BOPP had a firearm. S/BOPP did not normally store his firearms in the barracks, but this was not the first time LCpl METCALF saw S/BOPP with a firearm. LCpl METCALF stated S/BOPP normally kept his firearms at "Grim's", Cpl Joshua GRIMINSON's, USMC, 2/6, 2D MARDIV, CLNC residence, since they shoot together on the weekends. However, if S/BOPP had just purchased a new firearm or he and Cpl GRIMINSON were going shooting he might leave the firearm in his vehicle. LCpl METCALF stated possibly once or twice S/BOPP had a firearm for a short time in the barracks. LCpl METCALF recalled observing S/BOPP having another pistol in his vehicle possibly prior to deployment, which he left for on 19Sep22.

7. Initially, LCpl METCALF stated S/BOPP gave him the firearm and he cleared it out, then he stated S/BOPP cleared it. LCpl METCALF struggled to recall who cleared the firearm, but ended with he believed S/BOPP cleared it or at least took out the magazine. LCpl METCALF recalled S/BOPP removing the magazine, but he could not recall if ammunition was ejected when S/BOPP cleared the firearm. LCpl METCALF remembered no ammunition hit the floor, but advised S/BOPP was experienced and was able to clear the weapon and catch the ejected ammunition in his hand even in his intoxicated state. According to LCpl METCALF, S/BOPP was showing off to LCpl DICKINSON and showed him he was able to clear the weapon and catch the ammunition in his hand. When clearing the weapons in the armory the marine could either let the round drop or catch it in their hand. LCpl METCALF stated S/BOPP cleared the firearm at least twice while in his room; once to give the firearm to LCpl METCALF and the other time showing off to LCpl DICKINSON. LCpl METCALF believed S/BOPP handed him the firearm with the magazine removed and the slide locked to the rear. LCpl METCALF recalled S/BOPP was wearing a green sweatshirt and he might have had the magazine in his pocket. LCpl METCALF knew S/BOPP was not wearing pants, so if S/BOPP had pockets it would have had to be in the sweatshirt. LCpl METCALF advised the firearm was not loaded when LCpl METCALF was handling the firearm, he checked the firearm, the "RMR" (optics), and the trigger, because it had a "trigger safety". LCpl METCALF advised the firearm did not have an external safety. LCpl METCALF and S/BOPP talked about the grip and the weight of the firearm. LCpl METCALF

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stated he never handled the magazine, but he did pull the trigger. LCpl METCALF advised he cleared the weapon prior to pulling the trigger. LCpl METCALF returned the firearm to S/BOPP with the slide locked to the rear.

8. When LCpl METCALF was asked if S/BOPP pointed the firearm at anyone he responded possibly at LCpl METCALF or himself (S/BOPP), but he did not believe he pointed it at LCpl DICKINSON. LCpl METCALF advised it would not have matter if S/BOPP did so when the firearm was loaded or unloaded, because LCpl METCALF had seen S/BOPP with firearms and he trusted S/BOPP to handle the firearm safely. LCpl METCALF stated he would have remembered if S/BOPP had pointed the firearm at LCpl DICKINSON, because he would have been upset with S/BOPP, because LCpl DICKINSON was his roommate. LCpl METCALF advised S/BOPP might have pointed the firearm at himself because its "armory humor"; LCpl METCALF admitted it was unprofessional and "stupid". When LCpl METCALF was asked if he would remember if S/BOPP pointed the firearm at S/BOPP's head, LCpl METCALF stated he would and now he did not believe S/BOPP did point the firearm at himself or LCpl METCALF that night. LCpl METCALF admitted he knew S/BOPP was intoxicated and he knew S/BOPP should not have had the firearm. LCpl METCALF was not concerned, but he was watching S/BOPP's behavior.

9. LCpl METCALF thought S/BOPP showed the firearm to LCpl DICKINSON, but did not give it to him. LCpl METCALF explained LCpl DICKINSON was playing his video game so he was not fully a part of the conversation. S/BOPP put the magazine in the firearm and put the firearm in "condition one" meaning magazine inserted, slide forward, and ammunition in the chamber. S/BOPP told LCpl DICKINSON to look and he racked the slide back, locking it back in place, and caught the round that was ejected, took the magazine out, put the round back in the magazine, reinserted the magazine, and sent the slide forward, making the firearm in "condition one". Afterwards S/BOPP left; to the best of LCpl METCALF's knowledge when S/BOPP left the room the firearm was in "condition one".

10. Cpl Benjamin HOUSE, USMC, 2/6, 2D MARDIV, CLNC came over at some point when S/BOPP and LCpl METCALF had the firearm in the room. LCpl METCALF was unsure if Cpl HOUSE touched the firearm that night; he did not believe he did. Cpl HOUSE stayed at the doorway. Cpl HOUSE and asked S/BOPP to use his air fryer. Cpl HOUSE and S/BOPP bartered; S/BOPP told Cpl HOUSE he could use the air fryer if Cpl HOUSE gave S/BOPP a few of his Twisted Teas. Cpl HOUSE started the conversation, because he asked to borrow the air fryer and S/BOPP started the bartering for the air fryer for the Twisted Teas, because he saw Cpl HOUSE had some. LCpl METCALF thought Cpl HOUSE was "tipsy," but could not advise how much Cpl HOUSE had to drink. Both Cpl HOUSE and S/BOPP left either together or seconds apart and LCpl METCALF continued to watch videos/playing on his phone. LCpl METCALF advised he had at least one earbud in. LCpl METCALF heard what he described as wrestling; he never heard

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anything that sounded like a gunshot. When LCpl METCALF was asked to describe the noises he heard; LCpl METCALF banged on the wall with his fist. He later explained it sounded like a wall locker getting pushed up against the wall, which was why he thought there were ground fighting. LCpl METCALF stated Cpl HOUSE and S/BOPP were friends and it was not uncommon for them to have a few alcoholic drinks and "mess around" in one of their rooms, so LCpl METCALF did not register the wrestling noises as unusual. S/BOPP and Cpl HOUSE would occasionally ground fight/spar with rules over the last drink when they would drink together. LCpl METCALF reported if they sparred in S/BOPP's room he could hear them, since it was next door, but if they were in V/SCHWENK's room LCpl METCALF would not have heard much, unless what he heard was the gunshot and he just did not register it as such. LCpl METCALF could not advised were Cpl HOUSE and S/BOPP were at the time. Seconds after LCpl METCALF heard the noise Cpl HOUSE came back in the room.

11. Cpl HOUSE came back, opened LCpl METCALF's door and said something to the effect of S/BOPP killed V/SCHWENK. LCpl METCALF described Cpl HOUSE's demeanor as high energy, talking loud and moving fast. Cpl HOUSE was not hysterical, crying, or "freaking out." LCpl METCALF originally thought it was a joke, but LCpl METCALF got out of bed and observed two marines, LCpl Elijah DILLAY, USMC, 2/6, 2D MARDIV, CLNC and Cpl Clifford SHELLS, USMC, 2/6, 2D MARDIV, CLNC; however, he did not observe S/BOPP. As a note, LCpl METCALF originally called Cpl SHELL "Cpl WELLS", but corrected himself when he thought about it. LCpl DILLAY was already calling 911. LCpl METCALF went to V/SCHWENK's room, he observed V/SCHWENK face down in a "pool of blood" and the firearm on the floor. LCpl METCALF recognized the firearm from earlier with S/BOPP, due to the "RMR" (the optics), a specific rail at the front for a flashlight, and the same trigger. After observing the firearm, LCpl METCALF reported everything "clicked into place" referring to Cpl HOUSE stating S/BOPP killed V/SCHWENK, V/SCHWENK lying on the floor, and S/BOPP's firearm on the floor. Cpl SHELLS stepped into V/SCHWENK's room and LCpl METCALF stated he pushed him out to secure the scene. LCpl METCALF approached V/SCHWENK, who according to LCpl METCALF had a pulse and was breathing. LCpl METCALF observed a "bullet wound" on the side of his head. LCpl METCALF reported he was Combat Life Saver (CLS) certified. LCpl DILLARY was still on the phone to 911, LCpl METCALF took the phone from him and told dispatch "male, single gunshot wound to the head, he's breathing, he has a pulse. What do I do?" LCpl METCALF attempted to keep V/SCHWENK's airway open; he could hear V/SCHWENK breathing, but he was also choking on blood. LCpl METCALF held V/SCHWENK's shoulders to help the blood drain out and prevent it from blocking his airway, he also sweep away the pool of blood from the floor so it would not block V/SCHWENK's nose, and occasionally swept the blood out of V/SCHWENK's mouth.

12. LCpl METCALF stated GySgt WOLD, who was duty (NFI), arrived and then left shortly after. Two individuals with badges, possibly Provost Marshal's Office (PMO), came into the room and LCpl METCALF gave them a brief report

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of V/SCHWENK. One of the PMO officer took over for LCpl METCALF with holding V/SCHWENK's shoulders, LCpl METCALF put the phone on the desk, and then he left the room.

13. LCpl METCALF advised V/SCHWENK was one of the armory's new members and S/BOPP was his Cpl and LCpl METCALF was his senior LCpl. LCpl METCALF reported V/SCHWENK and S/BOPP were not friends, but there was no animosity. LCpl METCALF detailed V/SCHWENK and S/BOPP were in different "peer groups" and it would be unprofessional if they were friends. S/BOPP never "picked on" V/SCHWENK, or gave him a hard time that was not warranted. LCpl METCALF did not believe S/BOPP and V/SCHWENK would be fighting; referring to the noise he believed was ground fighting. S/BOPP might have stopped by V/SCHWENK's barracks room even if Cpl HOUSE was not present to checked in on V/SCHWENK, because he was "his marine."

14. When asked if LCpl METCALF was consuming alcohol the night of the shooting he reported he does not drink.

15. Subsequent to the interview LCpl METCALF signed a Permissive Authorization for Search and Seizure for a sample of his deoxyribonucleic acid (DNA) and major case prints. Enclosure (B) pertains. LCpl METCALF's DNA was collected via a buccal sample utilizing two Cap-Shure swabs. LCpl METCALF's major case prints were collected by PA Daniel OTT. Both his DNA and major case prints were submitted to NCISRA Camp Lejeune Evidence under Log Number 408-23.

ENCLOSURE(S)
(A) DVD Containing Follow-up Interview of LCpl METCALF/25OCT23
(B) PASS for LCpl METCALF'S DNA and Major Case Prints/25OCT23

REPORTED BY: MEGAN ROBBINS, Special Agent
OFFICE: RESIDENT AGENCY CAMP LEJEUNE

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INVESTIGATIVE ACTION 25OCT23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S/[redacted]5/14APR00/BROOKFIELD, WI

RESULTS OF INTERVIEW OF LCPL AIDEN DICKINSON, USMC

1. On 25Oct23, Reporting Agent (RA) and Participating Agent (PA) Tyler ENNIS interviewed LCpl Aiden DICKINSON, USMC, 2nd Battalion, 6th Marine Regiment (2/6), 2nd Marine Division (2D MARDIV), Camp Lejeune, NC (CLNC), regarding his knowledge of the captioned investigation. As backyard, S/BOPP was in LCpl DICKINSON's barracks room HP 255 room 321, prior to V/SCHWENK being shot. The following is a summary of the interview and is not necessarily described in the order it was discussed. The interview was audio and video recorded in its entirety. Enclosure (A) pertains. For a verbatim account of the interview, refer to Enclosure (A).

2. LCpl DICKINSON was unable to recall when he returned to his barracks after work. Once he returned, he showered, then started playing video games (Spiderman) and watching Netflix on his phone, with his right earbud in. S/BOPP stopped by to talk to LCpl DICKINSON and LCpl Brennan METCALF, USMC, 2/6, 2D MARDIV,CLNC. LCpl DICKINSON explained S/BOPP coming over was a normal occurrence since he lived nearby. LCpl DICKINSON advised he believed S/BOPP came over approximately 1900 and left about 1945. LCpl DICKINSON described S/BOPP as "clearly drunk", but not the "drunkest" he has ever seen S/BOPP. S/BOPP had a beatbox (an alcoholic drink) in his hand and stated he was approximately "three in." LCpl DICKINSON advised S/BOPP could drink a lot and it was usual for S/BOPP to be intoxicated any day of the week. LCpl DICKINSON detailed S/BOPP was slurring his words; however, could stand and was coherent during the conversation. S/BOPP was joyous and joking around.

3. LCpl DICKINSON reported S/BOPP was wearing a sweatshirt and underwear. LCpl DICKINSON stated S/BOPP had the firearm with him when he walked in and only left to get Twisted Teas. LCpl DICKINSON believed he had the firearm tucked under his armpit when he walked in. LCpl DICKINSON stated S/BOPP showed them the firearm, twisted it around, grabbed the firearm magazine, showed LCpl DICKINSON and LCpl METCALF the magazine, S/BOPP inserted the magazine in the firearm, and then pointed the firearm at the wall. LCpl DICKINSON told S/BOPP "chill out" when he pointed it at the wall, because it was close to where LCpl DICKINSON was located and LCpl DICKINSON moved out of the way. After S/BOPP pointed the firearm at the wall he cleared it. S/BOPP handed the firearm to LCpl METCALF, who then handed it to LCpl DICKINSON, and then back to S/BOPP. When LCpl DICKINSON had the firearm the magazine was not inserted, the slide was forward, and the chamber was empty; LCpl DICKINSON reported he checked the condition of the weapon when he had it. LCpl DICKINSON stated S/BOPP might have raised the firearm more than

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EXHIBIT (54)

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just the one time at the wall; however, that was the only time LCpl DICKINSON was concerned and not feeling safe around S/BOPP. LCpl DICKINSON stated S/BOPP retrieved the magazine from his sweatshirt pocket or the side of his underwear; LCpl DICKINSON was not sure. The magazine had ammunition in it. LCpl DICKINSON was unaware if S/BOPP had any additional ammunition. LCpl DICKINSON did not observe S/BOPP manipulate any ammunition other than when he inserted the magazine that had ammunition it in.

4. LCpl DICKINSON reported while S/BOPP was in his room he was distracted playing his game and periodically would turn towards S/BOPP and LCpl METCALF and engage in their conversation. LCpl DICKINSON could hear them with his left ear, since he only had one earbud in. When LCpl DICKINSON was playing his game, S/BOPP and LCpl METCALF were off to his side. LCpl DICKINSON was paying attention to the conversation when S/BOPP put the magazine in the firearm, however, after that LCpl DICKINSON became annoyed at S/BOPP and returned to his video game. LCpl DICKINSON stated S/BOPP "annoys" him when S/BOPP is intoxicated. According to LCpl DICKINSON, S/BOPP left when he was told they were ready for bed and once S/BOPP left, LCpl DICKINSON returned to playing video game. LCpl DICKINSON assumed the firearm was clear when S/BOPP left his room, because he observed him clear it after S/BOPP pointed it at the wall. However, LCpl DICKINSON returned to playing his video game after S/BOPP cleared the firearm, and did not pay much attention to S/BOPP before he left. S/BOPP had the firearm in his hand when he left. S/BOPP did not say where he was going. LCpl DICKINSON admitted it was possible he did not see S/BOPP's movements the whole time and missed parts of the conversation.

5. LCpl DICKINSON advised Cpl Benjamin HOUSE, USMC, 2/6, 2D MARDIV, CLNC, stopped by to ask about an air fryer, but did not stay long. LCpl DICKINSON relayed Cpl HOUSE already knew about S/BOPP's firearm, that he had recently purchased it, and Cpl HOUSE did not ask about the firearm. According to LCpl DICKINSON, Cpl HOUSE left and S/BOPP stayed in the room and talked to LCpl DICKINSON and LCpl METCALF.

6. Approximately five to ten minutes after S/BOPP left, Cpl HOUSE came in and was frantic and told LCpl DICKINSON and LCpl METCALF "BOPP just shot SCHWENK." LCpl METCALF left the room, but told LCpl DICKINSON to stay. LCpl DICKINSON initially thought it was a joke; however, he eventually left the room and spoke with LCpl Elijah DILLAY, USMC, 2/6, 2D MARDIV, CLNC, which was when he realized it was not a joke. LCpl DICKINSON waited for the Officer of the Day (OOD) (NFI) and the duty from the barracks (NFI) to arrive. The duty from the barracks instructed LCpl DICKINSON to look out for Provost Marshal's Office (PMO) and ambulance. LCpl DICKINSON saw the ambulance down the road, so he went to them and directed them to the correct location. LCpl DICKINSON stated he informed PMO he had touched the weapon prior to the shooting.

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CONTROL:18OCT23-CALE-00856-7HMA **25OCT23**

7. The interview LCpl DICKINSON advised "he" made a joke stating "every day I get closer to EAOSing I'm itching to kill someone." LCpl DICKINSON advised this was a normal type of joke for "him" and "he" has a dark humor. It should be noted, on 17Nov23, RA contacted LCpl DICKINSON to clarify who "he" was; LCpl DICKINSON advised "he" was S/BOPP.

8. LCpl DICKINSON reported he never observed the firearm with ammunition in the chamber. LCpl DICKINSON did not know where S/BOPP was keeping the firearm, but he was not surprised he had one. LCpl DICKINSON knows individuals (NFI) have weapons in the barracks even though they are not suppose to.

9. LCpl DICKINSON did not observe S/BOPP mishandle weapons at work. LCpl DICKINSON advised S/BOPP handled more optics than weapons.

10. Subsequent to the interview LCpl DICKINSON signed a Permissive Authorization for Search and Seizure for a sample of his deoxyribonucleic acid (DNA) and major case prints. Enclosure (B) pertains. LCpl DICKINSON's DNA was collected via a buccal sample utilizing two Cap-Shure swabs. LCpl DICKINSON's major case prints were collected by RA. Both his DNA and major case prints were submitted to NCISRA Camp Lejeune Evidence under the Log Number 409-23.

ENCLOSURE(S)
(A) DVD Containing Interview of LCpl DICKINSON/25OCT23
(B) PASS for LCpl DICKINSON's DNA and Major Case Prints/25OCT23

REPORTED BY: MEGAN ROBBINS, Special Agent
OFFICE: RESIDENT AGENCY CAMP LEJEUNE

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 19OCT23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S/[redacted]/14APR00/BROOKFIELD, WI

RESULTS OF INITIAL INTERVIEW OF CPL BENJAMIN HOUSE, USMC

1. On 18Oct23, Reporting Agent (RA) and Participating Agent (PA) USMC Criminal Investigative Division (CID) Agent Jacob WILLIAMS, USMC conducted an initial interview of Cpl Benjamin HOUSE, USMC, 2nd Battalion (2d Bn), 6th Marine Regiment (6th Marines), 2nd Marine Division (2d MarDiv), Camp Lejeune, NC (CLNC). The interview was conducted in the 2nd deck lounge room of HP 255, CLNC. The interview was not audio or video recorded due to immediate concern of trying to locate S/BOPP and the ongoing concern for public safety. Cpl HOUSE was advised a more detailed interview would be completed at NCISRA CLNC in the near future. As background, Cpl HOUSE was identified as the roommate of V/SCHWENK, and was also described as a witness to the shooting by PA WILLIAMS. At the time of the interview, S/BOPP's whereabouts were unknown and there was an active search for him.

2. Cpl HOUSE confirmed he lived with V/SCHWENK in HP 255, Room 317. Cpl HOUSE stated S/BOPP was assigned to his same unit, and they were next door neighbors. S/BOPP's address was HP 255, Room 319. Cpl HOUSE stated S/BOPP had come into Room 317 and was apparently intoxicated. Cpl HOUSE elaborated that he was aware S/BOPP had consumed at least four (4) "beat box" 12% alcohol malt beverage drinks, and had also consumed an unknown amount of "Twisted Tea" alcoholic beverages. Cpl HOUSE indicated S/BOPP had tried to obtain food from him, which Cpl HOUSE declined to provide. Cpl HOUSE stated S/BOPP "whipped out" a pistol and aimed it at his own head. Cpl HOUSE stated S/BOPP had a history of making "suicidal" jokes. Cpl HOUSE stated S/BOPP then pointed the pistol at V/SCHWENK and fired the weapon one (1) time. Cpl HOUSE stated V/SCHWENK was struck by the bullet fired from the pistol. Cpl HOUSE stated S/BOPP "screamed," dropped the pistol on to the floor of the barracks room, and fled out of the room.

3. Cpl HOUSE stated he was not certain what clothing S/BOPP was wearing; however, Cpl HOUSE stated S/BOPP normally wore a black in color shirt and sweatpants. Cpl HOUSE stated he was unaware of S/BOPP's whereabouts. Cpl HOUSE denied knowing where S/BOPP would go on base. Cpl HOUSE indicated S/BOPP does have a close friend, who resides in the city limits of Jacksonville, NC. Cpl HOUSE identified the friend as Joshua "Grim" GRIMISON, phone number [redacted] address of [redacted] (NFI). Cpl HOUSE stated he had already attempted to call GRIMISON to ascertain S/BOPP's whereabouts; however, GRIMISON had not answered the phone. While speaking with RA, Cpl HOUSE received a phone call from GRIMISON. Cpl HOUSE placed the cell phone on the "speaker phone" setting when he answered the phone call. Cpl HOUSE spoke with GRIMISON and stated

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Encl (1) EXHIBIT (2)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:18OCT23-CALE-00856-7HMA **19OCT23**

"PMO" was looking for S/BOPP. GRIMISON stated he did not know where S/BOPP was located. No further questions were asked of GRIMISON, and Cpl HOUSE disconnected the phone line at RA's request.

4. Cpl HOUSE stated he would permit a search and processing of his barracks room for the captioned investigation. Cpl HOUSE signed a Permissive Authorization for Search and Seizure (PASS) for HP 255, Room 317, CLNC, Enclosure (A) pertains. Cpl HOUSE confirmed only he and V/SCHWENK resided in the listed barracks room. Cpl HOUSE stated he understood his barracks room would be unavailable to him for several days pending the progress of the captioned investigation.

5. All information obtained from the interview was forwarded to the Incident Command Post in an effort to locate S/BOPP. Cpl HOUSE was returned to LtCol James ARMSTRONG, USMC, Commanding Officer (CO), 2nd Bn, 6th Marines, 2d MarDiv, CLNC.

ENCLOSURE(S)
(A) Permissive Authorization for Search and Seizure of HP 255, Room 317/18OCT23

REPORTED BY: JASON GRIESS, Special Agent
OFFICE: RESIDENT AGENCY CAMP LEJEUNE

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 22OCT23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S/[redacted]/14APR00/BROOKFIELD, WI

RESULTS OF SECOND INTERVIEW OF CPL BENJAMIN HOUSE, USMC

1. On 18Oct23, Reporting Agent (RA) and SSA Joseph DICOSTANZO conducted an interview of V/SCHWENK's roommate, Cpl Benjamin HOUSE, USMC, 2nd Battalion (2d Bn), 6th Marine Regiment (6th Marines), 2nd Marine Division (2d MarDiv), Camp Lejeune, NC (CLNC), regarding the captioned investigation. The following is a summary of the interview, which was recorded in its entirety, and is not necessarily described in order it was discussed. The recording contains a verbatim account of the interview, which was subsequently burned onto a DVD-R. A copy of the DVD-R containing the audio/video recording of Cpl HOUSE's interview is appended to this report as Enclosure (A).

2. Cpl HOUSE said he got off work around 6:00 pm on 18Oct23 and V/SCHWENK was playing video games in his "civies" already; therefore, V/SCHWENK could have been back in the room for a while. Cpl HOUSE stated he went to the commissary to get food, then went to METCALF's (NFI) room where S/BOPP was present. Cpl HOUSE asked S/BOPP to borrow his air fryer and Cpl HOUSE retrieved the air fryer from S/BOPP's room, Room 319. Approximately ten (10) minutes later, Cpl HOUSE said his food was done and S/BOPP came into his room. Cpl HOUSE described S/BOPP as "extremely drunk" and said S/BOPP drank about four (4) "beatbox" 12% alcohol beverages and then "killed" some Twisted Teas. Cpl HOUSE said S/BOPP had his firearm tucked in his arm when he came into the room and S/BOPP was left-handed. Cpl HOUSE recalled S/BOPP trying a bite of his food and then S/BOPP made two (2) or three (3) suicidal "jokes" on himself while playing around with his firearm. Cpl HOUSE stated S/BOPP pointed the firearm at his own head with his finger on the trigger and then pointed the firearm at V/SCHWENK's head. Cpl HOUSE said S/BOPP was standing just inside the doorway when he pointed the firearm at V/SCHWENK's head. Cpl HOUSE recalled V/SCHWENK saying "whoa" and then "scooted back a little bit" in his chair. V/SCHWENK was reported to be at his desk playing video games. Cpl HOUSE stated a second later, S/BOPP pulled the trigger with a round in the chamber. Cpl HOUSE said S/BOPP was approximately one (1) foot away from V/SCHWENK when he pulled the trigger. Cpl HOUSE did not observe S/BOPP drop the firearm, however, Cpl HOUSE recalled a verbal scream from S/BOPP saying, "oh fuck." Cpl HOUSE said S/BOPP ran left out of the room, opposite of S/BOPP's car, after he pulled the trigger. Cpl HOUSE recalled going to METCALF's room where he said "yo, fucking call 911 right now, V/SCHWENK's been shot." Cpl HOUSE said he told others (NFI) to "call 911" and then he went to grab duty (NFI). Cpl HOUSE stated he and duty walked up and METCALF was holding V/SCHWENK. Cpl HOUSE thought S/BOPP was wearing sweatpants and a black shirt; however, Cpl HOUSE was told S/BOPP was in his underwear. Cpl HOUSE said S/BOPP usually wore black vans.

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Encl (1) PHEM(3) EXHIBIT (13)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:18OCT23-CALE-00856-7HMA **22OCT23**

3. Cpl HOUSE said S/BOPP and V/SCHWENK were friends. Cpl HOUSE stated, "we're all friends, we work together." Cpl HOUSE referred to the incident as "stupidity, absolute stupidity" and "accidental." Cpl HOUSE described S/BOPP as an individual who drinks every day and said, "he has a problem." Cpl HOUSE said S/BOPP drinks by himself and plays video games. Cpl HOUSE said when he saw S/BOPP the previous day, 17Oct23, around 5:00pm, S/BOPP was already drinking. Cpl HOUSE described S/BOPP as a "happy drunk" and stated S/BOPP wants to do his own thing. Cpl HOUSE said S/BOPP was not a "bad guy" and he goes to the gym with S/BOPP. Cpl HOUSE said S/BOPP was on anti-anxiety medications and maybe anti-depressants. Cpl HOUSE said he's known for about a year and a half that S/BOPP was on meds. Cpl HOUSE said S/BOPP was a fun guy to be around and much happier now because S/BOPP was supposed to get out in a few months. Cpl HOUSE met S/BOPP's parents once and said S/BOPP had a good relationship with them. Cpl HOUSE stated S/BOPP talked about his sister a lot.

4. Cpl HOUSE said S/BOPP kept his firearm and ammo off-base at Joshua GRIMISON's (NFI) house, located at 117 Wedgewood Drive, Jacksonville, NC. Cpl HOUSE said they worked with GRIMISON. Cpl HOUSE believed S/BOPP had his firearm on him because S/BOPP went shooting with GRIMISON this past weekend. Cpl HOUSE identified S/BOPP's gun as a "Walter P, 9mm."

5. Cpl HOUSE provided a rough sketch of barracks HP 255, Room 317, Enclosure (B) pertains. Cpl HOUSE identified where he, S/BOPP, and V/SCHWENK were situated when the incident occurred. Cpl HOUSE dated, initialed, and signed the sketch.

ENCLOSURE(S)
(A) DVD-R Containing Second Interview of Cpl Benjamin HOUSE, USMC/18OCT23
(B) Rough Sketch Provided by Cpl HOUSE, USMC/18OCT23

REPORTED BY: TYLER J ENNIS, Special Agent
OFFICE: RESIDENT AGENCY CAMP LEJEUNE

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B.S.H.

20231018 [redacted]

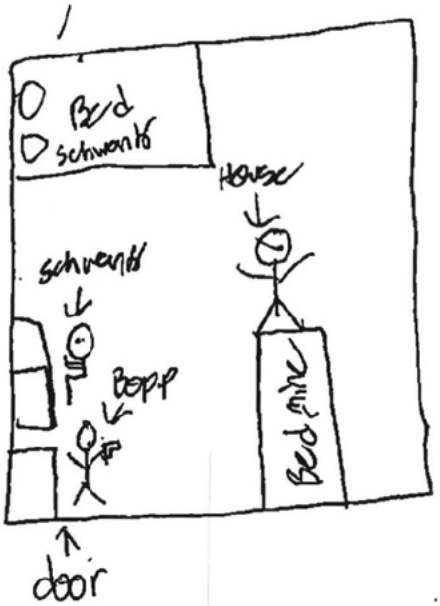

EXHIBIT (13) Encl (4) PAGE (3) ENCLOSURE (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE

PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : 18Oct23

I, Benjamin House, after being advised by SA Jason Gness that the Naval Criminal Investigative Service is conducting an investigation into Homicide, have been requested to permit a search of my Barracks Room HB255-Rm 317.

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 18Oct23 + beyond by NCIS, and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

[redacted]

Representative, Naval Criminal Investigative Service

[redacted]

Representative, ~~Naval Criminal Investigative Service~~ Marine CID

Command Representative

TIMES OF SEARCH

Start : 2151 18Oct23

End : 0505 19Oct23

...AVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. AGENT'S NAME: SA Megan ROBBINS
5. SUMMARY/DESCRIPTION: Close-up photograph depicting Walther PDP pistol bearing S/N: FDG1442 (Item F), subsequent to clearing.		6. PHOTOGRAPHER/ DATE PHOTO TAKEN: SA Jasmine WEEMS/18OCT23

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Photograph (26) of (52)

Enclosure (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. AGENT'S NAME: SA Megan ROBBINS
5. SUMMARY/DESCRIPTION: Mid-range photograph depicting the Walther PDP pistol (Item F) and the Walther magazine with one round ejected from pistol (Item G); with evidence markers.		6. PHOTOGRAPHER/ DATE PHOTO TAKEN: SA Jasmine WEEMS/18OCT23

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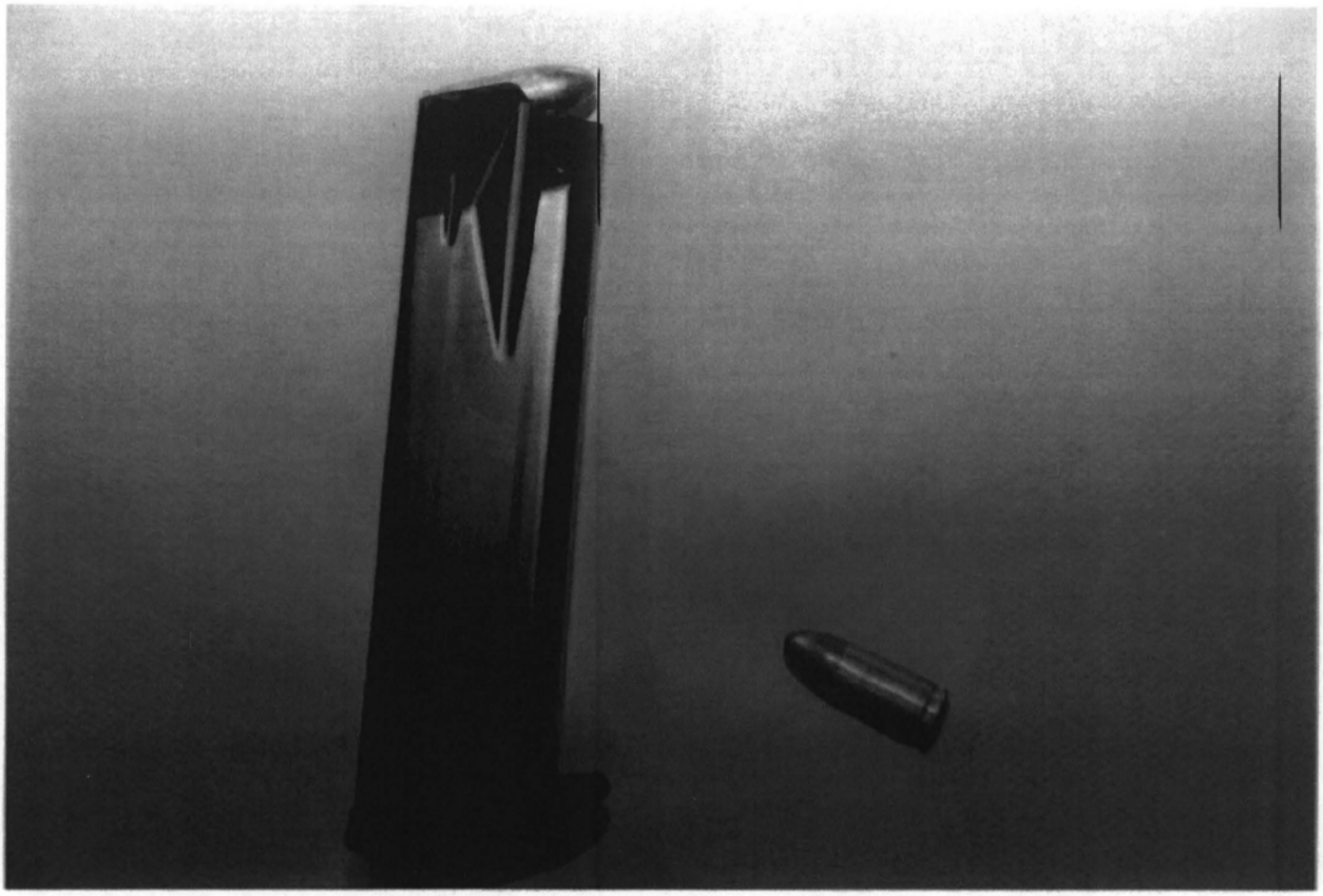
Photograph (27) of (52)

Enclosure (B)

.VAL CRIMINAL INVESTIGATIVE S_..'ICE
PHOTOGRAPH FORM



1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. AGENT'S NAME: SA Megan ROBBINS
5. SUMMARY/DESCRIPTION: Close-up photograph depicting the Walther magazine and one round ejected from pistol (Item G).		6. PHOTOGRAPHER/ DATE PHOTO TAKEN: SA Jasmine WEEMS/18OCT23

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (28) of (52)

Enclosure (B)

'AL CRIMINAL INVESTIGATIVE SE CE
PHOTOGRAPH FORM

1. OFFICE CODE:
NCISRA CAMP LEJEUNE, NC

2. TITLE:	3. CCN:	4. AGENT'S NAME:
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	SA Megan ROBBINS

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
Mid-range photograph depicting location of 'WIN 9mm luger" shell casing (Item O), with evidence marker. Note: The yellow circle was added to depict location of Item O.	SA Jasmine WEEMS/18OCT23

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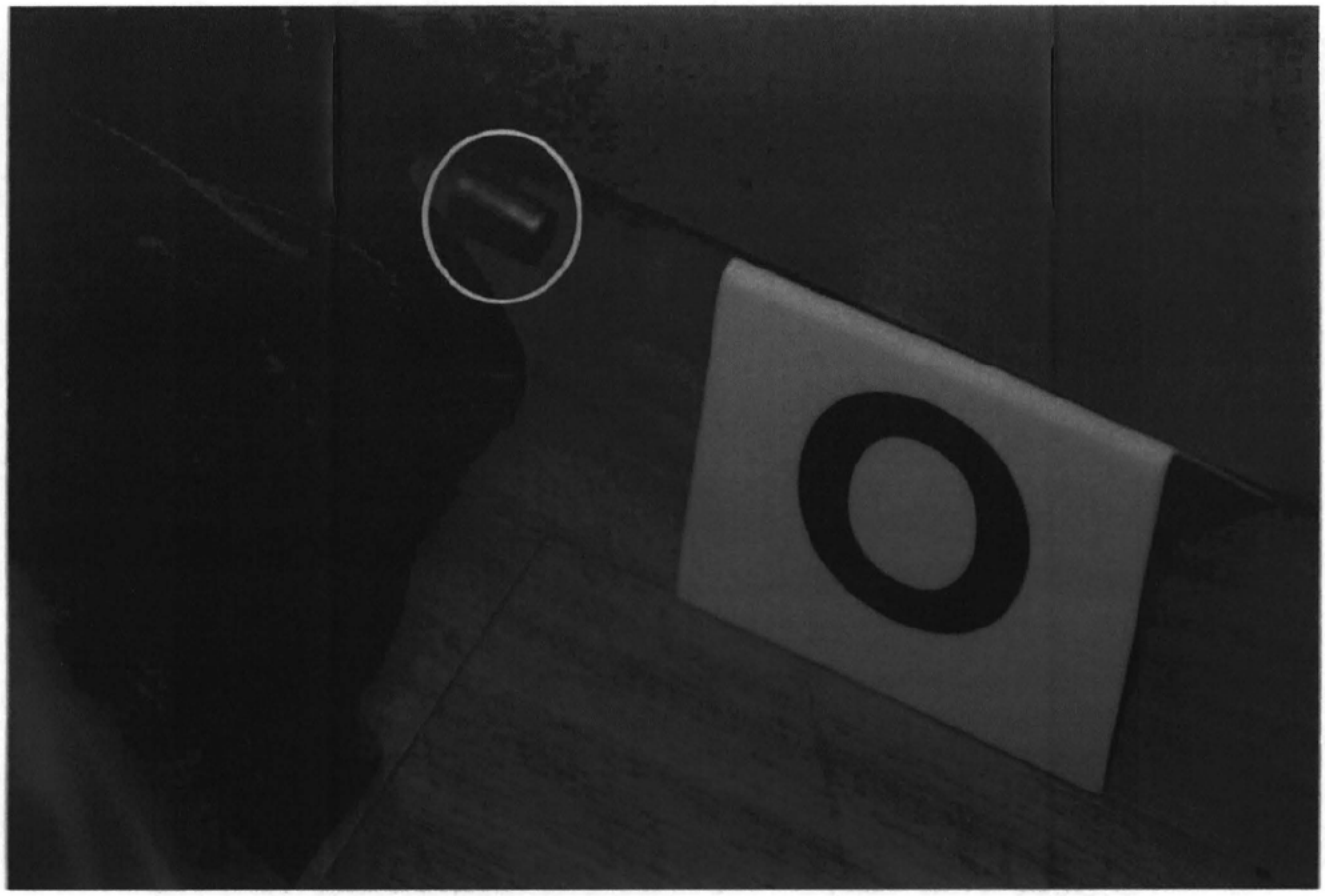
Photograph (46) of (52)

Enclosure (B)

VAL CRIMINAL INVESTIGATIVE S ICE
PHOTOGRAPH FORM



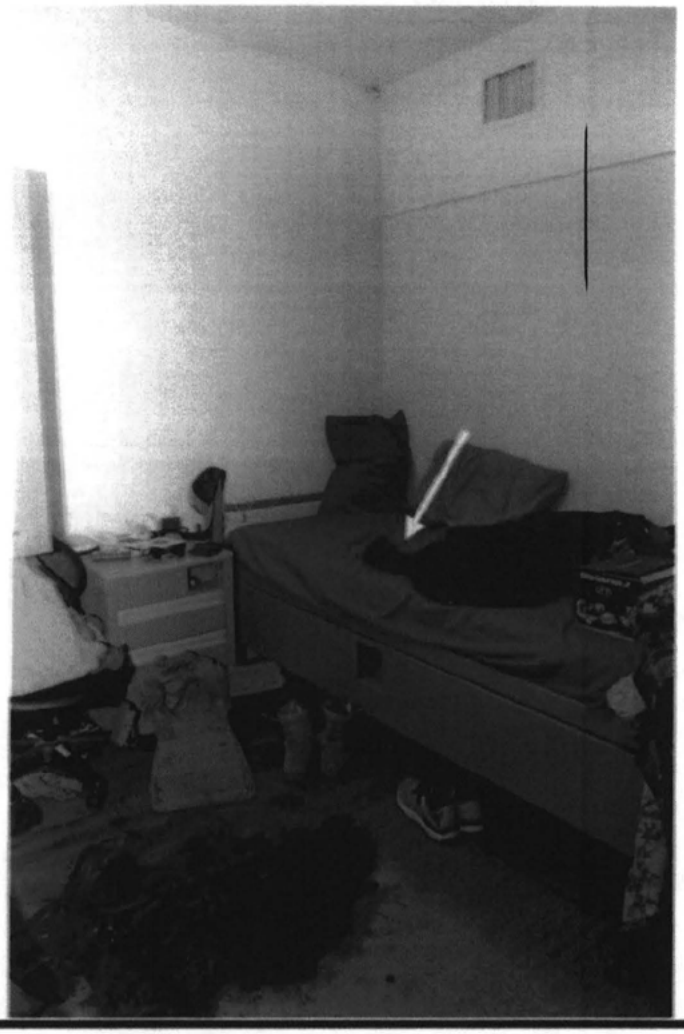
1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. AGENT'S NAME: SA Megan ROBBINS
5. SUMMARY/DESCRIPTION: Mid-range photograph depicting location of "WIN 9mm luger" shell casing (Item O). Note: The yellow circle was added to depict location of Item O.		6. PHOTOGRAPHER/ DATE PHOTO TAKEN: SA Jasmine WEEMS/18OCT23

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (47) of (52)

Enclosure (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. AGENT'S NAME: SA Megan ROBBINS
5. SUMMARY/DESCRIPTION: Overall photograph depicting location of suspected projectile (Item D). Note: The yellow arrow was added to depict the location of Item D.		6. PHOTOGRAPHER/ DATE PHOTO TAKEN: SA Jasmine WEEMS/18OCT23

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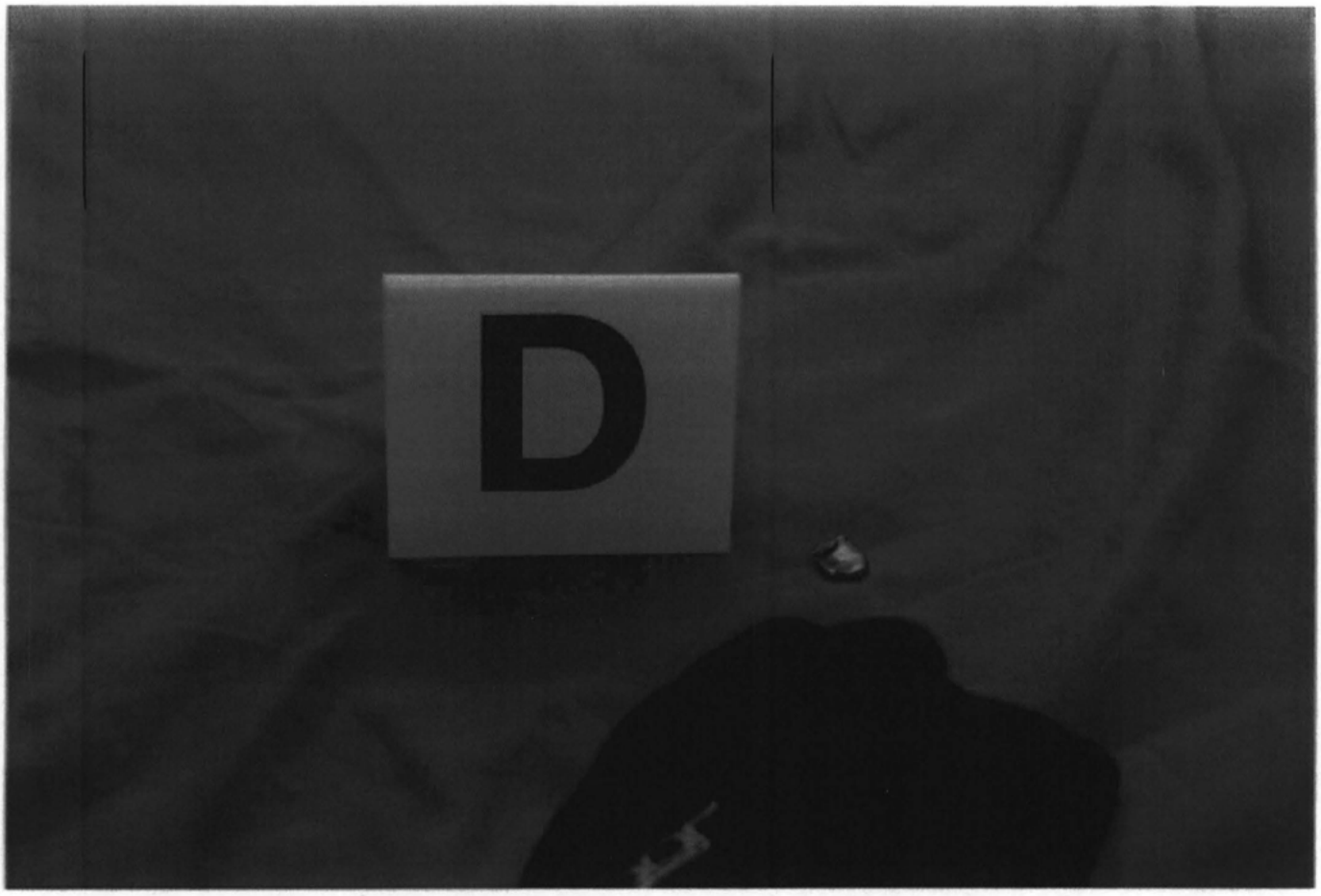
Photograph (19) of (52)

Enclosure (B)

'AL CRIMINAL INVESTIGATIVE SE..VICE
PHOTOGRAPH FORM



1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. AGENT'S NAME: SA Megan ROBBINS
5. SUMMARY/DESCRIPTION: Close-up photograph depicting the suspected projectile (Item D), with evidence marker.		6. PHOTOGRAPHER/ DATE PHOTO TAKEN: SA Jasmine WEEMS/18OCT23

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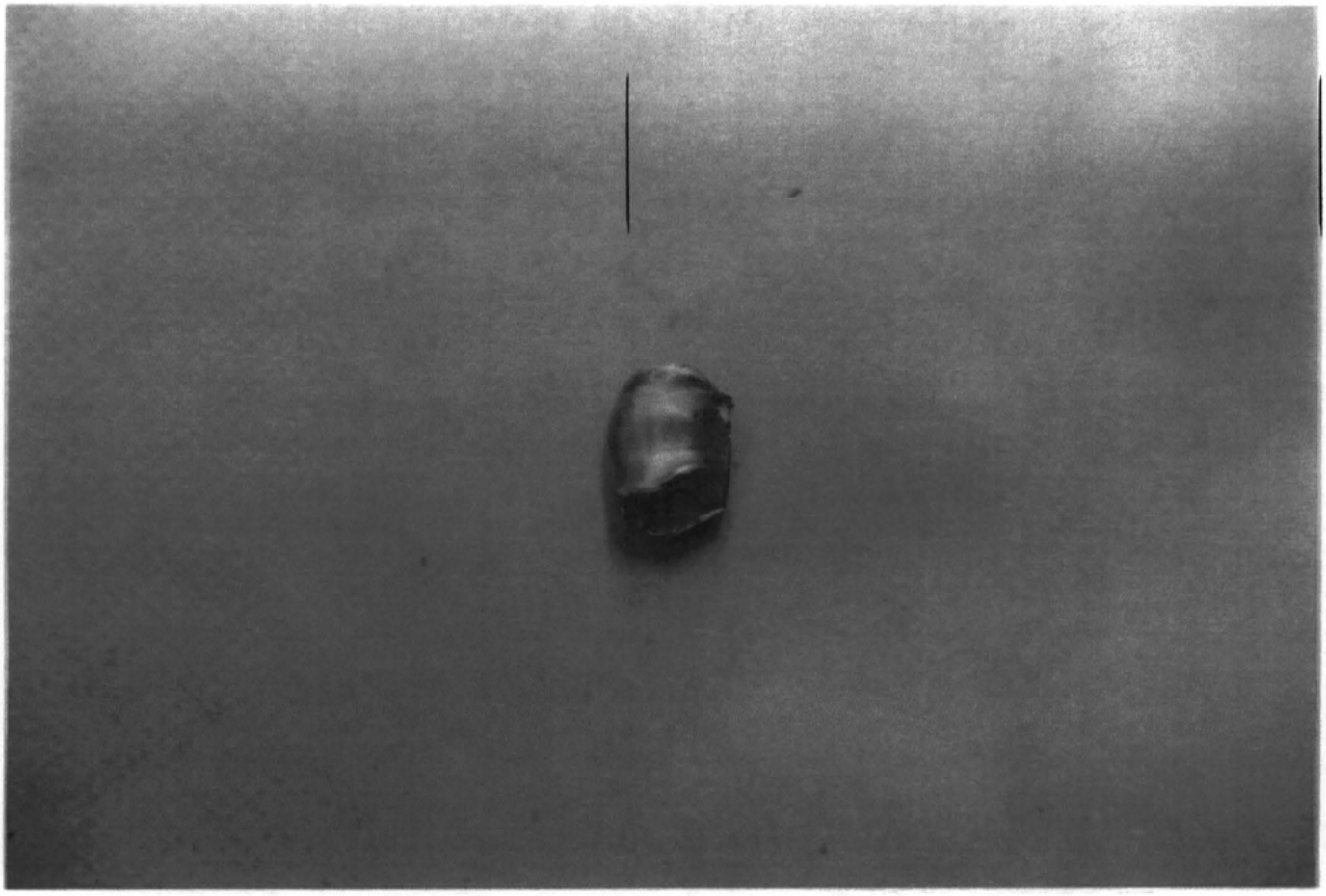
Photograph (20) of (52)

Enclosure (B)



1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. AGENT'S NAME: SA Megan ROBBINS
5. SUMMARY/DESCRIPTION: Close-up photograph depicting the suspected projectile (Item D).		6. PHOTOGRAPHER/ DATE PHOTO TAKEN: SA Jasmine WEEMS/18OCT23

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Photograph (21) of (52)

Enclosure (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. AGENT'S NAME: SA Megan ROBBINS

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
Overall photograph depicting suspected bloodstain containing suspected brass jacket fragment (Item I). Note: The yellow circle was added to depict the location of the suspected brass jacket fragment.	SA Jasmine WEEMS/18OCT23

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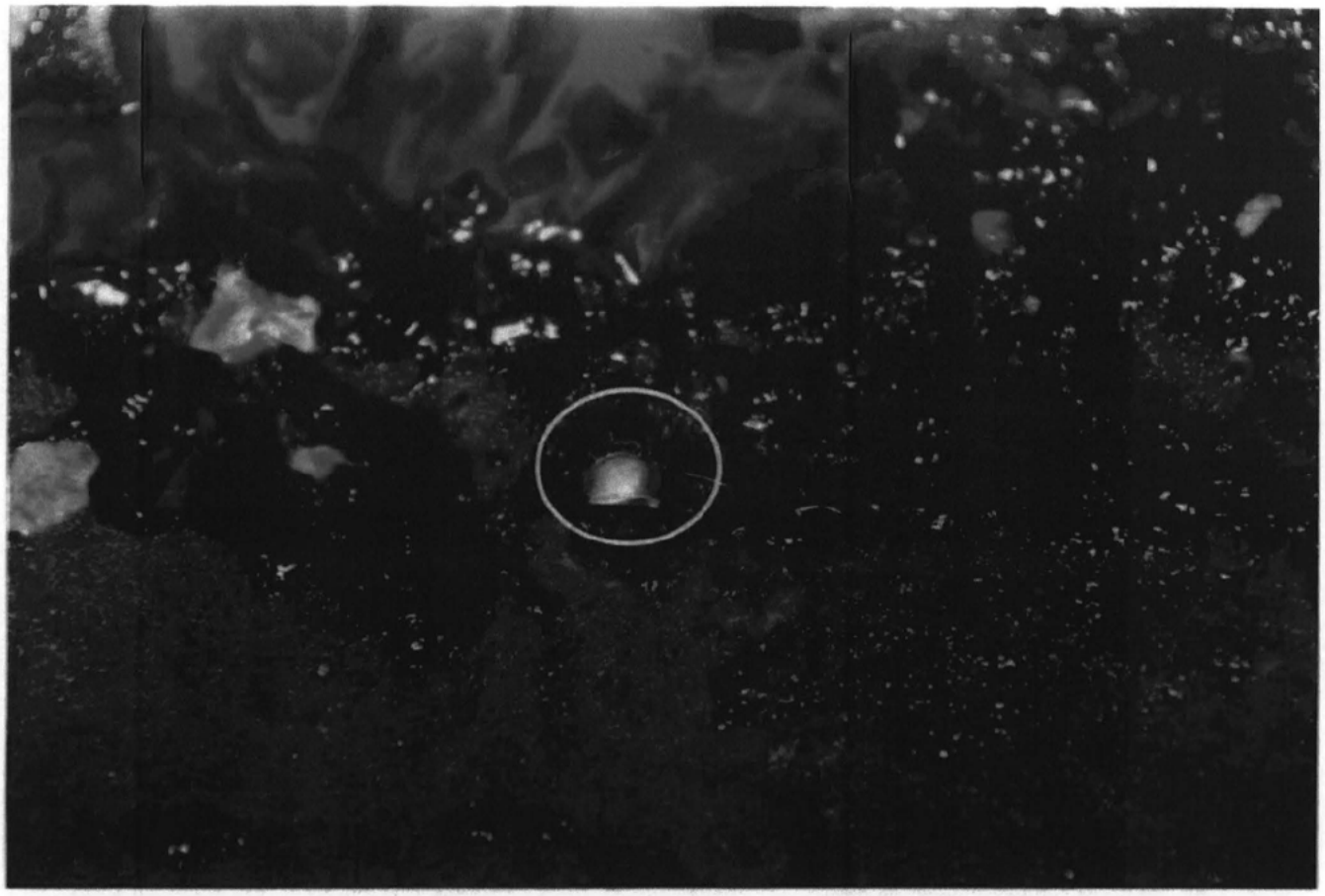
Photograph (32) of (52)

Enclosure (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE:	**3. CCN:**	**4. AGENT'S NAME:**
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	SA Megan ROBBINS

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
Close-up photograph depicting brass jacket fragment (Item I) in suspected bloodstain.	SA Jasmine WEEMS/18OCT23

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Photograph (34) of (52)

Enclosure (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE

PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : 10-19-23

I, Col Joshua Grimison, after being advised by SA Tyler Eaves that the Naval Criminal Investigative Service is conducting an investigation into Article 92, 118, ~~120~~, 119, 134 have been requested to permit a search of my residence and gun safe at 117 Widgewood Dr Jacksonville, NC 28546

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 19 Oct 23 by NCIS Special Agents, and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

[redacted] Signed: [redacted] 1220 19 Oct 23

[redacted]

Representative, Naval Criminal Investigative Service

[redacted]

Representative, Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH

Start : 1455

End : 1516

ENCLOSURE (A)

EXHIBIT (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC (CLNC)		
2. TITLE:	3. CCN:	4. DATE TAKEN:
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	19Oct23

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER:
Photograph (IMG_1074) depicts Cpl GRIMISON's master bedroom with his gun safe and S/BOPP's Carl Walther, 9mm Lugar pistol gun case, located on the bed. NOTE: A white arrow was added to depict the location of S/BOPP's pistol gun case. Brightness was increased by 30%.	SA Tyler ENNIS

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PHOTOGRAPH (3) OF (12) ENCLOSURE (B)

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NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC (CLNC)		
2. TITLE:	3. CCN:	4. DATE TAKEN:
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	19Oct23

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER:
Photograph (IMG_1076) depicts S/BOPP's Carl Walther, 9mm Lugar pistol gun case, located on Cpl GRIMISON's bed. NOTE: Brightness was increased by 20%.	SA Tyler ENNIS

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PHOTOGRAPH (4) OF (12)

ENCLOSURE (B)

CUI

Encl (1) PHE (3)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC (CLNC)		
2. TITLE:	3. CCN:	4. DATE TAKEN:
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	19Oct23

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER:
Photograph (IMG_1078) depicts S/BOPP's Carl Walther, 9mm Lugar pistol gun case, opened with additional firearm accessories and documentation located within. NOTE: Brightness was increased by 10%.	SA Tyler ENNIS

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PHOTOGRAPH (5) OF (12)

ENCLOSURE (B)

CUI

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC (CLNC)		
2. TITLE:	3. CCN:	4. DATE TAKEN:
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	19Oct23
5. SUMMARY/DESCRIPTION:		6. PHOTOGRAPHER:
Photograph (IMG_1082) depicts a Cabela's firearm sale transaction receipt, a firearm dealer notification (handgun transfer) document, and additional firearm documentation. The items were located in the upper-half of the pistol gun case, underneath the foam. NOTE: The brightness was increased by 30%.		SA Tyler ENNIS

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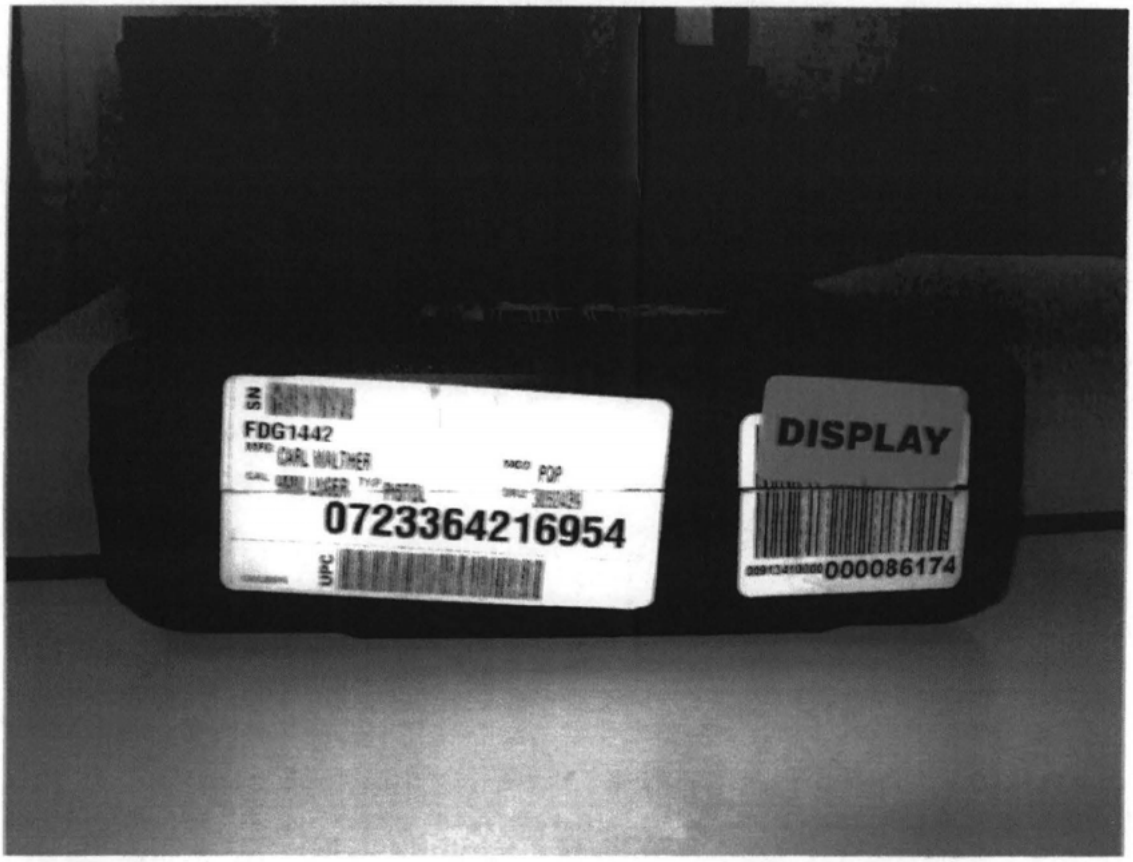
PHOTOGRAPH (6) OF (12) **ENCLOSURE (B)**

CUI

Encl (1) PHE (3)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC (CLNC)		
2. TITLE:	3. CCN:	4. DATE TAKEN:
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	19Oct23

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER:
Photograph (IMG_1111) depicts the side of S/BOPP's Carl Walther, 9mm Lugar pistol gun case. The above sticker displays the pistol S/N as "FDG1442" and the optic S/N as "0723364216954". NOTE: The brightness was increased by 30%.	SA Tyler ENNIS

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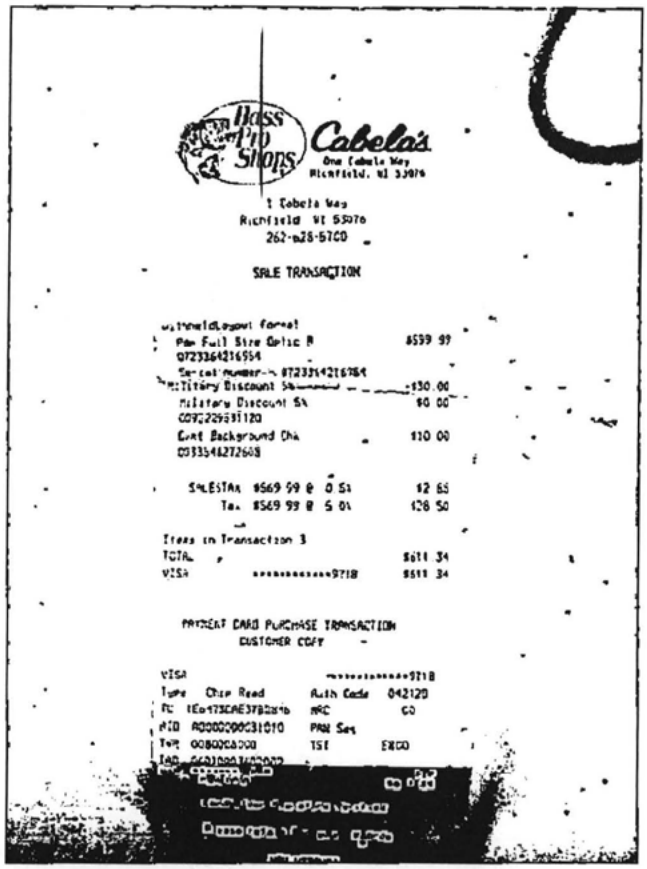
PHOTOGRAPH (7) OF (12) ENCLOSURE (B)

CUI

Encl (1) PHE (3)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



Cabela's
One Cabela Way
Richfield, WI 53076

1 Cabela Way
Richfield WI 53076
262-628-5700

SALE TRANSACTION

Pdw Full Size Optic R $599 99
0723364216954
Serial number-> 0723364216954
Military Discount Sa -$30 00
Military Discount Sa $0 00
0092229591120
Cust Background Chk $10 00
0933548272608

SALESTAX $569 99 @ 0 5% $2 85
Tax $569 99 @ 5 0% $28 50

Items in Transaction 3
TOTAL $611 34
VISA **********9718 $611 34

PAYMENT CARD PURCHASE TRANSACTION
CUSTOMER COPY

VISA **********9718
Type Chip Read Auth Code 042120
AC 1E0473CAE378B2b1b ARC 00
AID A0000000031010 PAN Seq
TVR 0080008000 TSI E800

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC (CLNC)		
2. TITLE:	**3. CCN:**	**4. DATE TAKEN:**
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	19Oct23

5. SUMMARY/DESCRIPTION:

Photograph (IMG_1106) depicts a Cabela's firearm sale transaction receipt dated 07-14-2021, recovered from S/BOPP's Carl Walther, 9mm Lugar pistol gun case. The receipt displayed the optic S/N as "0723364216954".

NOTE: The brightness was increased by 30%.

6. PHOTOGRAPHER:

SA Tyler ENNIS

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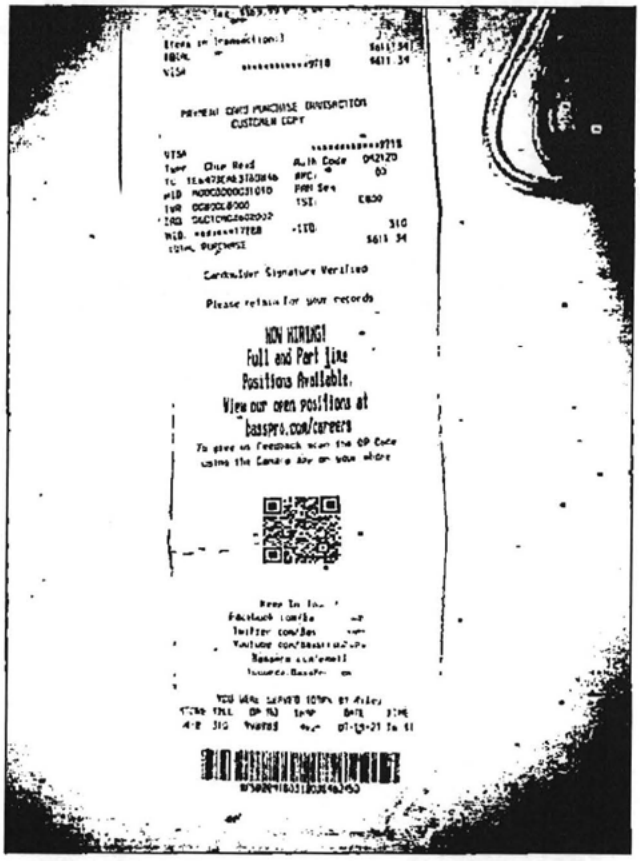
PHOTOGRAPH (8) OF (12)

ENCLOSURE (B)

CUI

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



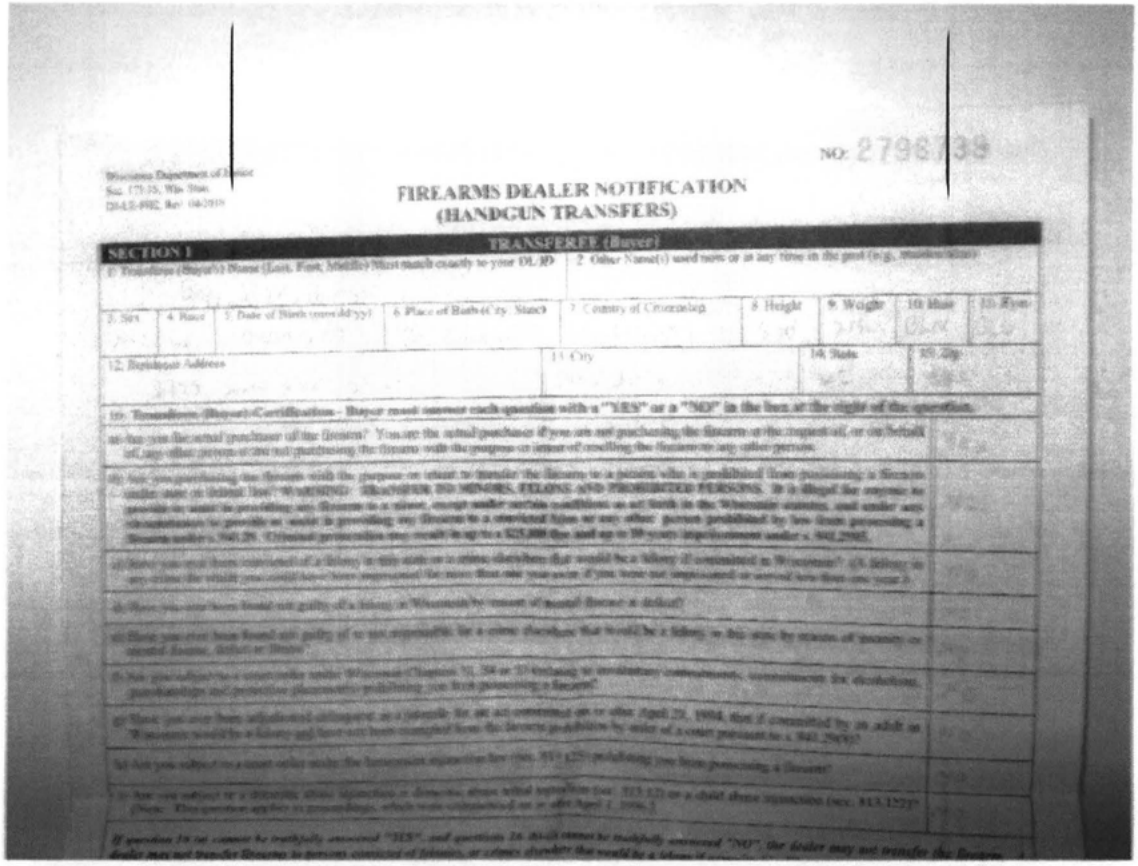
1. OFFICE CODE: NCISRA CAMP LEJEUNE, NC (CLNC)		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	**3. CCN:** 18OCT23-CALE-00856-7HMA	**4. DATE TAKEN:** 19Oct23
5. SUMMARY/DESCRIPTION: Photograph (IMG_1107) depicts a Cabela's firearm sale transaction receipt dated 07-14-2021, recovered from S/BOPP's Carl Walther, 9mm Lugar pistol gun case. NOTE: The brightness was increased by 30%.		**6. PHOTOGRAPHER:** SA Tyler ENNIS

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

PHOTOGRAPH (9) OF (12) **ENCLOSURE (B)**

CUI

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



NO: 2796738

FIREARMS DEALER NOTIFICATION
(HANDGUN TRANSFERS)

SECTION I — TRANSFEREE (Buyer)

1. OFFICE CODE:	NCISRA CAMP LEJEUNE, NC (CLNC)

2. TITLE:	3. CCN:	4. DATE TAKEN:
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	19Oct23

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER:
Photograph (IMG_1108) depicts a firearm dealer notification (handgun transfers), NO: 2796738, documentation dated "07-14-21" in S/BOPP's name. The documentation was recovered from S/BOPP's Carl Walther, 9mm Lugar pistol gun case. NOTE: The brightness was increased by 30%.	SA Tyler ENNIS

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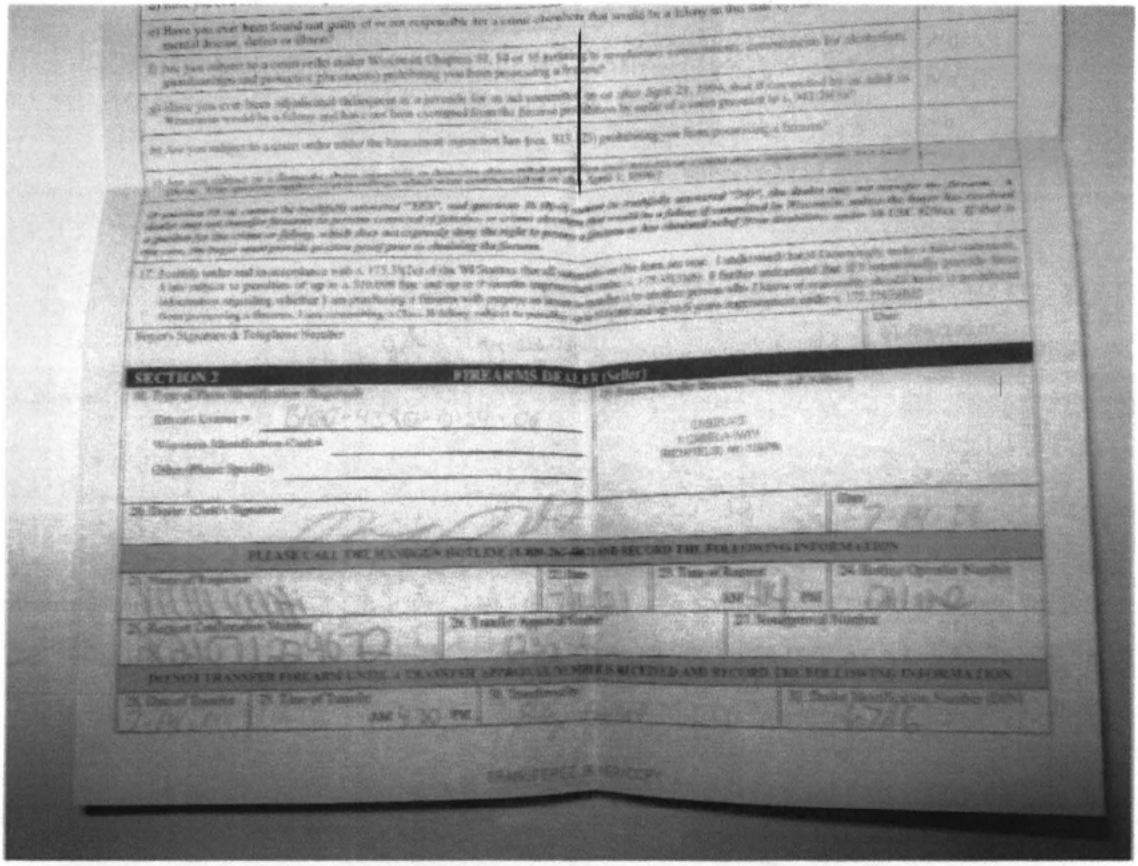
PHOTOGRAPH (10) OF (12)

ENCLOSURE (B)

CUI

Encl (1) PHE (3)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC (CLNC)		
2. TITLE:	3. CCN:	4. DATE TAKEN:
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	19Oct23

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER:
Photograph (IMG_1109) depicts a firearm dealer notification (handgun transfers), NO: 2796738, documentation dated "07-14-21" in S/BOPP's name. The documentation was recovered from S/BOPP's Carl Walther, 9mm Lugar pistol gun case. **NOTE: The brightness was increased by 30%.**	**SA Tyler ENNIS**

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

PHOTOGRAPH (11) OF (12) **ENCLOSURE (B)**

CUI

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 18OCT23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S/[redacted]/14APR00/BROOKFIELD, WI

RESULTS OF INITIAL CONTACT WITH LCPL MATTHEW VANN, USMC

1. On 18Oct23 at approximately 2230, Reporting Agent (RA) and Participating Agents (PA) Mike BROWNING, Justin STRATTON, and Kevin HEMMELGARN, responded to the area of Wilson Blvd, on the bridge crossing over Wallace Creek, Camp Lejeune, NC (CLNC), in reference to S/BOPP being apprehended in the vicinity. Of note, there were several Provost Marshal's Office (PMO) patrol officers and USMC Criminal Investigation Division (CID) Agents on scene, however, S/BOPP had already been apprehended and transported to NCIS Resident Agency Camp Lejeune prior to RA's arrival.

2. There were two witnesses in a vehicle who were standing by to be interviewed: LCpl Matthew Evan VANN, USMC, 3rd Battalion, 6th Marines, 2nd Marine Division, CLNC, (passenger) and Cpl Dylan KANE, USMC (driver). For ease of the reader, as S/BOPP was identified as the person observed on the shoulder of the road by VANN and KANE, he will be referred to as such throughout the remainder of this report.

3. RA made contact with VANN, who explained he and KANE were driving back from dinner when they observed an individual (S/BOPP), who appeared to be "crouched down" and "passed out" on the shoulder of the road. They subsequently pulled over a short distance past S/BOPP, and KANE called 911 and waited for Police to arrive.

4. VANN relayed they did not make any contact with S/BOPP, nor did they approach him. VANN explained he heard through a group text (NFI) that someone had been shot and the shooter was on the run. According to VANN, he and KANE surmised S/BOPP could have been the shooter, which was why they did not approach him.

5. VANN pointed to the approximate location where he observed S/BOPP on the bridge. A subsequent search of the area was conducted and reported under separate cover.

REPORTED BY: MICHELE HARRIS, Special Agent
OFFICE: RESIDENT AGENCY CAMP LEJEUNE

PAGE 1 LAST JD V2 LNN

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WITHOUT SPECIFIC AUTHORIZATION FROM THE [illegible]ICE

Encl (1) PHE (3)

EXHIBIT (7)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC (CALE)		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. DATE TAKEN: 20OCT23
5. SUMMARY/DESCRIPTION: Day time photograph showing signs after Bridge SWC350A Camp Lejeune, NC indicating the exit for Wallace Creek Road and Commissary/PX and Minimart.		6. PHOTOGRAPHER: SA CHRISTOPHER HITE

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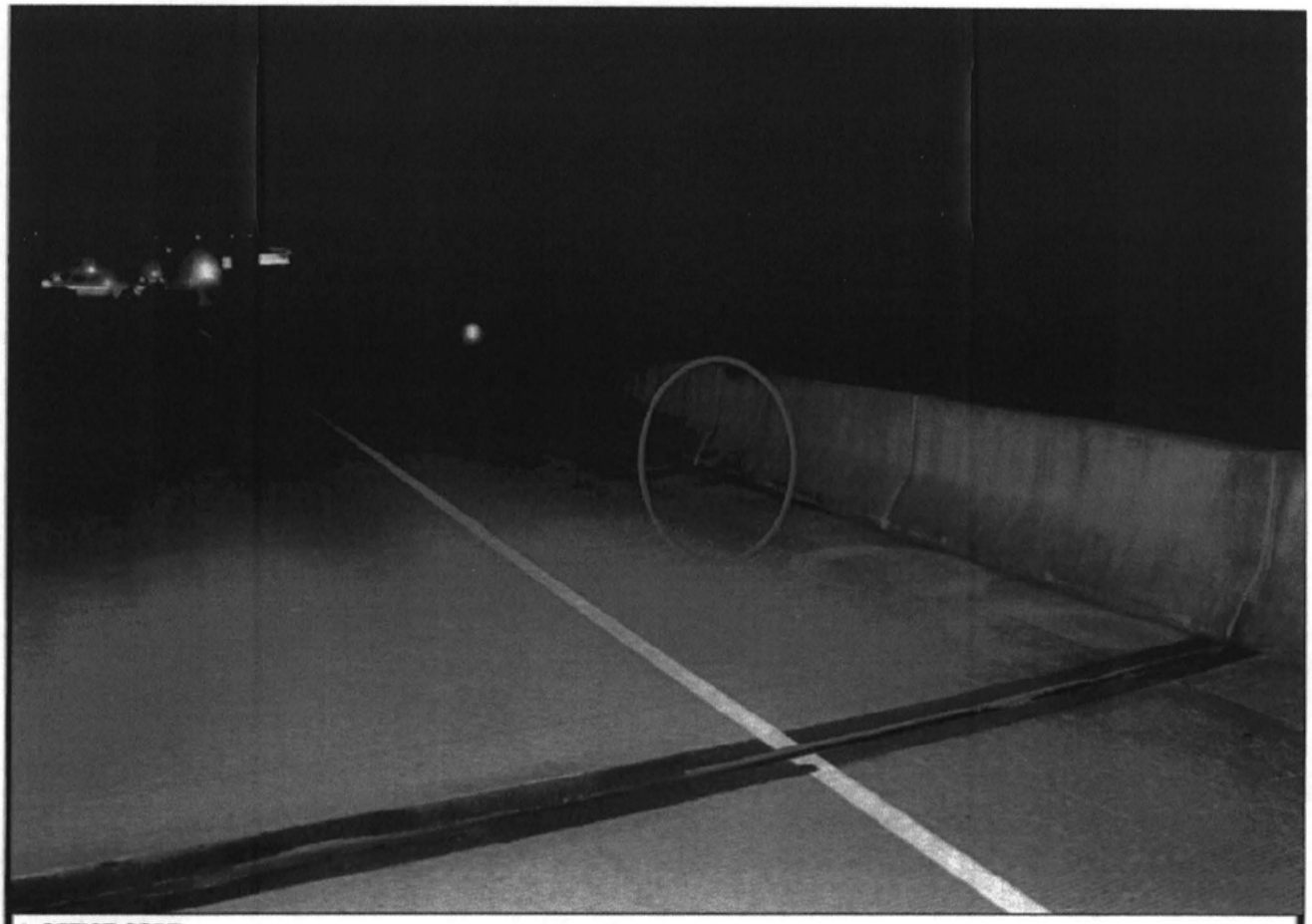
PHOTOGRAPH (2) OF (8)

ENCLOSURE (B)

Encl (1) PHE (3)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



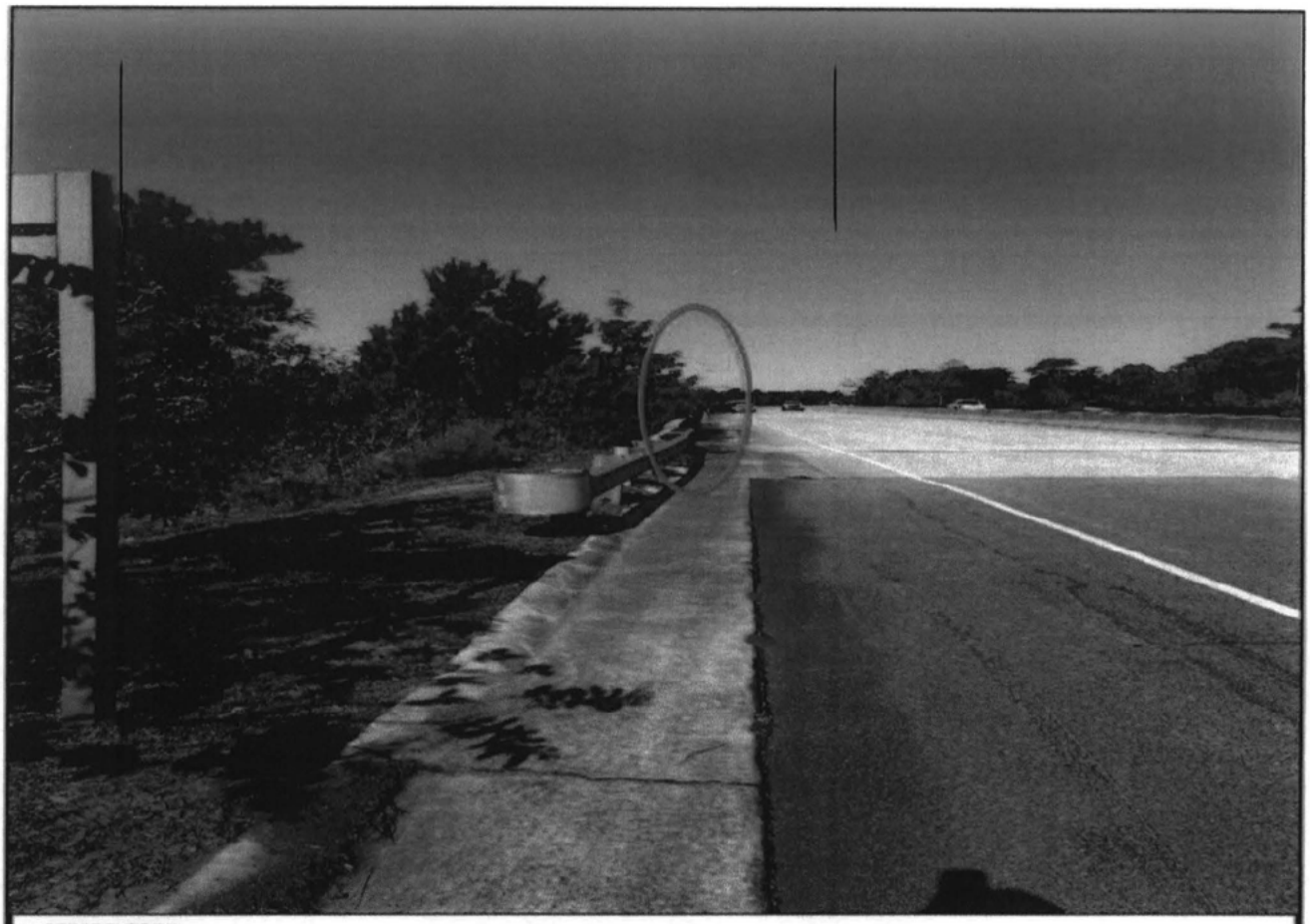
1. OFFICE CODE: NCISRA CAMP LEJEUNE, NC (CALE)		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. DATE TAKEN: 18OCT23
5. SUMMARY/DESCRIPTION: Location where S/BOPP was located by the Provost Marshal's Office on Bridge SWC350A Camp Lejeune, NC after 911 call of someone lying beside the road. S/BOPP was located approximately one hundred forty-seven (147) feet from the sign indicating the Commissary/PX and Minimart. A red in color oval has been place to indicate the location.		6. PHOTOGRAPHER: SA CHRISTOPHER HITE

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

PHOTOGRAPH (3) OF (8)

ENCLOSURE (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



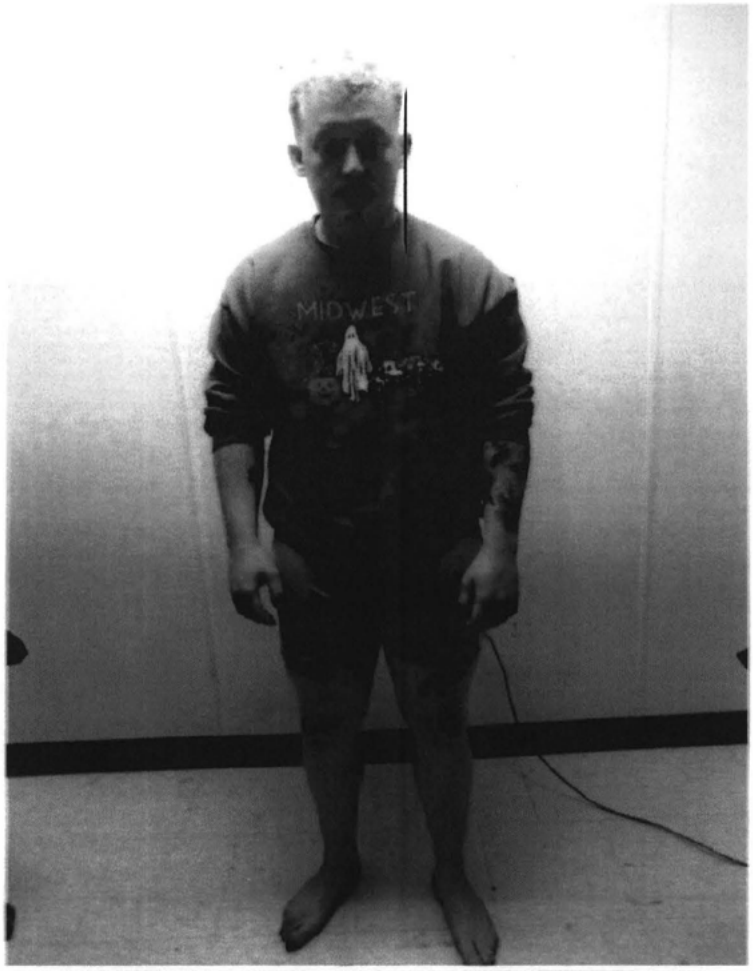
1. OFFICE CODE: NCISRA CAMP LEJEUNE, NC (CALE)		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. DATE TAKEN: 20OCT23
5. SUMMARY/DESCRIPTION: Day time photograph showing the location of S/BOPP from the sign indicating the Commissary/PX and Minimart after Bridge SWC350A Camp Lejeune, NC. An orange in color traffic cone was placed to assist with marking the location. A red in color oval has been place to indicate the location. S/BOPP was located approximately one hundred forty-seven (147) feet from the sign indicating the Commissary/PX and Minimart.		6. PHOTOGRAPHER: SA CHRISTOPHER HITE

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

PHOTOGRAPH (4) OF (8)

ENCLOSURE (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE:	**3. CCN:**	**4. AGENT'S NAME:**
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	SA MEGAN ROBBINS

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
Photograph depicting overall front view of S/BOPP, his condition and clothing during the time of his apprehension.	SA RYAN VANKIRK/19OCT23

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (1)

Enclosure (A)

EXHIBIT (20)

Encl (1) PHE (3)

NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES
N.C. VITAL RECORDS

CERTIFICATE OF DEATH

STATE FILE NO. 089b

DECEDENT — TYPE/PRINT IN PERMANENT BLACK, BLUE-BLACK OR BLUE INK

DECEDENT'S LEGAL NAME

1a. FIRST	1b. MIDDLE	1c. LAST	1d. SUFFIX	1e. LAST NAME PRIOR TO FIRST MARRIAGE
Austin	Brian	Schwenk	*****	Schwenk
aka	aka	aka	aka	

2. SEX	3a. AGE-LAST BIRTHDAY (Yrs)	3b. UNDER 1 YEAR: Months	Days	3c. UNDER 1 DAY: Hours	Minutes	4. DATE OF BIRTH	5. BIRTHPLACE (County/State or Foreign Country)	6. DATE OF DEATH
Male	19					[redacted]	Onslow, NC	October 18, 2023

7a. PLACE OF DEATH	7b. FACILITY NAME (If not institution, give street, number, city or town)
ER/Outpatient	Naval Medical Center Camp Lejeune

7c. COUNTY OF DEATH	8. MARITAL STATUS	9. SURVIVING SPOUSE (Give name prior to first marriage)
Onslow	Never married	

UNCERTIFIED

10a. DECEDENT'S USUAL OCCUPATION	10b. KIND OF BUSINESS/INDUSTRY	11. DECEDENT'S SOCIAL SECURITY NUMBER
LCPL	US Marines	[redacted]

12a. RESIDENCE-STATE OR FOREIGN COUNTRY	12b. RESIDENCE-COUNTY	12c. RESIDENCE-CITY OR TOWN
North Carolina	Onslow	Camp Lejeune

12d. RESIDENCE-STREET AND NUMBER	12e. INSIDE CITY LIMITS	12f. ZIP CODE	13. WAS DECEDENT EVER IN U.S. ARMED FORCES?
Barracks Room HD255	Yes	28542	Yes

14. DECEDENT'S EDUCATION	15. DECEDENT OF HISPANIC ORIGIN?	16. DECEDENT'S RACE
High School graduate or GED completed	Not Spanish/Hispanic/Latino	White

PARENTS

17. FATHER/PARENT NAME (First, Middle, Last, Suffix) (Last Name Prior to First Marriage)	18. MOTHER/PARENT NAME (First, Middle, Last, Suffix) (Last Name Prior to First Marriage)
Robert B. Schwenk Jr.	Kassandra L. Fuller

19a. INFORMANT'S NAME	19b. RELATIONSHIP TO DECEDENT	19c. MAILING ADDRESS (Street and Number, City, State, Zip Code)
Kassandra L. Christison	Mother	[redacted]

DISPOSITION

20a. METHOD OF DISPOSITION	20b. PLACE OF DISPOSITION (Name of cemetery, crematory, other place)	20c. LOCATION (City or Town and State)
Cremation	Brunner Cremation Company	Mentor, Ohio

21a. SIGNATURE OF FUNERAL DIRECTOR	21b. LICENSE NO.	21c. NAME OF EMBALMER	21d. LICENSE NO.
Richard T. Wilhide (Signature Authenticated)	[redacted]	Richard T. Wilhide	[redacted]

22. NAME AND ADDRESS OF FUNERAL HOME
Lafayette Funeral Home, Inc., 6651 Raeford Rd, Fayetteville, NC 28304

MEDICAL CERTIFICATION

23. Part I. Enter the chain of events (diseases, injuries or complications) that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology on lines b, c and/or d. Enter only one cause on a line. DO NOT ABBREVIATE.

		Approximate interval Onset to death for IMMEDIATE CAUSE
IMMEDIATE CAUSE (Final disease or condition resulting in death) →	a. Gunshot Wound of the Head	Sec
	Due to (or as a consequence of)	
Sequentially list conditions, if any, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST	b.	
	Due to (or as a consequence of)	
	c.	
	Due to (or as a consequence of)	
	d.	

UNCERTIFIED

PART II: Other significant conditions contributing to death but not resulting in the underlying cause given in PART I

24a. WAS AN AUTOPSY PERFORMED?	24b. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?
Yes	Yes

25. MANNER OF DEATH	26. WAS CASE REFERRED TO MEDICAL EXAMINER?	27. TIME OF DEATH (Approximate)	28. DID TOBACCO USE CONTRIBUTE TO DEATH?	29. PREGNANCY STATUS, IF APPLIES
Homicide	Yes	1945	No	Not Applicable

BURIAL/CREMATION PERMIT
Medical Examiner: Authorization by Disposition/Transportation. After the medical examiner completes and signs this Burial Transit permit/cremation authorization, it constitutes authority for burial, cremation, transportation or removal from the state. A copy of this form serves as a Burial/Cremation Permit.

MEDICAL EXAMINER ONLY

30. DATE PRONOUNCED	31a. DATE OF INJURY	31b. TIME OF INJURY	31c. INJURY AT WORK?	31d. PLACE OF INJURY	31e. IF TRANSPORTATION INJURY SPECIFY:
10/18/2023	10/18/2023	07:44 PM	No	Other Building	

31f. DESCRIBE HOW INJURY OCCURRED	31g. LOCATION OF INJURY (Street/Number/City/State)
Shot by other	1 Barracks HP 255 317, Jacksonville, NC 28540

CERTIFIER

32. CERTIFIER
I certify that, to the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated.

33a. SIGNATURE AND TITLE OF CERTIFIER	33b. LICENSE NO.	33c. DATE SIGNED
John C. Walsh, ME (Signature Authenticated)	0101250648	10/24/2023

33d. NAME AND ADDRESS OF CERTIFIER	34. CASE ID NUMBER
John C. Walsh [redacted]	9797739

REGISTRAR

35. SIGNATURE OF LOCAL REGISTRAR	36. LOCAL FILE DATE	37. DATE REGISTERED BY STATE
Christie Gumble (Signature Authenticated)	10/25/2023	10/25/2023

ITEM(S) AND DATE(S) CORRECTED/AMENDED

EXHIBIT (70) ENCLOSURE (A)

Omega K. Jarman, Register Onslow County

Encl (1) PHE (3)

DHHS 187
(REVISED 03/04/2019)
N.C. VITAL RECORDS

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 23OCT23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S/[redacted]14APR00/BROOKFIELD, WI

RESULTS OF AUTOPSY ATTENDANCE

1. On 21Oct23, Reporting Agent (RA), Participating Agent (PA) Tyler ENNIS, and Forensic Consultant (FC) Rachel CLERGY attended the autopsy of V/SCHWENK at the Naval Medical Center Camp Lejeune (NMCCL). As background, V/SCHWENK was reported to have been shot by S/BOPP when V/SCHWENK was in V/SCHWENK's barrack room.

2. In attendance at the autopsy were:
Nicholas YUHAS, Special Agent, NCIS
Tyler ENNIS, Special Agent, NCIS
Rachel CLERGY, FC, NCIS
Jennifer BARTZ, Lab Technician, NMCCL
SPC Johnathan LEVINE, US Army, Armed Forces Medical Examiner System (AFMES)
Kera MAYFIELD, Investigator, AFMES
Wayne HOPKINS, Investigator, AFMES
Maj Leah SCHUPPENER, DO, USAF, Deputy Medical Examiner, AFMES

3. V/SCHWENK's body was removed from the temperature controlled room at approximately 0754 hours and the initial overall photographs were stated by SPC LEVINE at approximately 0758. At approximately 0940 Maj SCHUPPENER started the autopsy. At approximately 1117 the autopsy was completed. At approximately 1123 NCIS started to collect V/SCHWENK's fingerprints. NCIS collected "ten prints" for AFMES as well as "ten prints" and major case prints for NCIS. The prints cards for NCIS were seized at approximately 1226 as evidence Item (A) and were submitted to the NCIS evidence facility, under log #404-23. The body was released back to NMCCL at approximately 1227.

4. During the autopsy, Maj SCHUPPENER noted a suspected entrance wound on the left side of V/SCHWENK's head and a suspected exit wound on the right side of V/SCHWENK's head. Also noted were soot and searing, a suspected muzzle stamp, and soot on the bone on the left side of V/SCHWENK's head. Per Maj SCHUPPENER, the findings of the autopsy were consistent with a contact range of fire gunshot wound of the head. The cause of death was determined to be a "Gunshot Wound of the Head".

5. A computerized tomography (CT) scan was conducted on V/SCHWENK prior to the autopsy by NMCCL. The imaging showed a possible item in V/SCHWENK's brain/head. This item was found to be a piece of suspected skull bone, and not a piece of a projectile.

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Encl (1) [illegible] EXHIBIT (45)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:18OCT23-CALE-00856-7HMA | 23OCT23

REPORTED BY: NICHOLAS YUHAS, Special Agent
OFFICE: RESIDENT AGENCY CAMP LEJEUNE

PAGE 2 LAST JD V2 LNN

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Encl (1) PHE (3)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 19OCT23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S[redacted]6/14APR00/BROOKFIELD, WI

RESULTS OF CASS EXECUTION OF S/BOPP'S JEEP CHEROKEE

1. On 19Oct23, Reporting Agent (RA) and Participating Investigator (PI) Sandy HUTCHENS executed a Command Authorization for Search and Seizure (CASS) on S/BOPP's vehicle. The CASS was authorized and signed by LtCol James ARMSTRONG, USMC, Commanding Officer (CO), 2nd Battalion (2d Bn), 6th Marine Regiment (6th Marines), 2nd Marine Division (2d MarDiv), Camp Lejeune, NC (CLNC), Enclosure (A) pertains. S/BOPP's vehicle was identified as a black in color, 2014 Jeep Cherokee bearing Wisconsin Registration APL-8150.

2. S/BOPP's vehicle was located in the parking lot adjacent to barracks building HP 255, CLNC. RA utilized an Olympus Tough digital camera, S/N BHVA24665, to document S/BOPP's vehicle. A total of 25 photographs were taken. Of those photographs, five (5) photographs were selected and placed onto an NCIS photograph template, Enclosure (B) pertains. A CD-R Disc containing all photographs was appended, Enclosure (C) pertains.

3. The vehicle was unlocked using the key fob located in S/BOPP's barracks, HP 255, Room 319, which was undergoing a separate CASS at the same time, which is documented under a separate cover. A black in color Pelican case, model 1470, with yellow paint on the lid, was located in the rear cargo area of the S/BOPP's vehicle. The container was found unlocked, and it only contained foam padding. The foam padding on the bottom of the case had darker discolored stains. The Pelican case was seized, sealed in a brown paper bag, and documented under Evidence Custody Document (ECD) log number 401-23, and was placed into NCISRA Camp Lejeune, NC Evidence Custody System.

4. PI HUTCHENS drafted a hand drawn sketch of the vehicle. A final sketch was constructed from the rough sketch utilizing Scene PD, which included the location of the seized item, Enclosure (D) pertains.

5. The vehicle was secured and the key fob was left in S/BOPP's barracks room. A copy of the CASS was left in S/BOPP's barrack's room. Additionally, a property receipt was completed for the seized Pelican case, and left with the copy of the CASS, Enclosure (E) pertains.

ENCLOSURE(S)
(A) Command Authorization for Search and Seizure of S/BOPP's Vehicle/19OCT23

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:18OCT23-CALE-00856-7HMA **19OCT23**

(B) (5) NCIS Photograph Templates/19OCT23
(C) CD-R Disc Containing Digital Images of CASS Execution of S/BOPP's Vehicle/19OCT23
(D) ScenePD Sketch Of S/BOPP's Vehicle/19OCT23
(E) Property Receipt/19OCT23

REPORTED BY: JASON GRIESS, Special Agent
OFFICE: RESIDENT AGENCY CAMP LEJEUNE

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WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

Command Authorization for Search and Seizure

UNITED STATES OF AMERICA
VS.
Cpl Jesse Thomas BOPP, USMC

TO: Agents/Authorized Representatives of the Naval Criminal Investigative Service

Affidavit(s) having been made before me by Special Agent Jason GRIESS

That there is reason to believe that on the person of and/or on the premises known as:
See Attachments A.

which is/are under my jurisdiction,

there is now being concealed certain property, namely:
See Attachment B.

I am satisfied that there is probable cause to believe that the property so described is being concealed on the person and/or premises above described and that grounds for application for issuance of a command authorized search exist as stated in the supporting affidavit(s).

YOU ARE HEREBY AUTHORIZED TO SEARCH the person and/or place named for the property specified and if the property is found there to seize it, leaving a copy of this authorization and receipt for the property taken. You will provide a signed receipt to this command, containing a full description of every item seized.

Any assistance desired in conducting this search will be furnished by this command.

Dated this 19TH day of Oct, 2023.

[redacted]
Signature of Person Authorizing Search

LtCol, USMC, Commanding Officer
Rank, Service, Title

2d Battalion, 6TH Marines
Command

Naval Criminal Investigative Service

UNITED STATES OF AMERICA
VS.
Cpl Jesse Thomas BOPP, USMC

BEFORE the LtCol James ARMSTRONG, Commanding Officer, 2nd Bn, 6th Marines, 2nd MarDiv, CLNC

The undersigned, being duly sworn, requests authority to search:
See Attachments A.

Believing that there is now being concealed certain property, namely:
See Attachments B.

The request for authorization to search and seize is made in connection with an investigation into the offense(s) of :
Uniform Code of Military Justice - Article 118 (Murder) and Article 119 (Manslaughter).

The facts and circumstances known to me tending to establish the foregoing grounds for authorization to search and seize, including comments demonstrating the reliability of the information and/or informant, are as follows:
See Affidavit. [redacted]

Signature of Affiant
Representative, Naval Criminal Investigative Service

Sworn to before me, and subscribed in my presence, this 19th day of Oct, 2023. [redacted]

Signature of Person Administering Oath
LtCol, USMC, Commanding Officer 2d Battalion, 6th Marines
Rank, Service, Title

NCIS 5580/1 (1/2001) (Formerly NCISFORM 023/08-92)

Encl (1) PHE (3)

ATTACHMENT A

Person, Premises and Property to Be Searched

1. Black in color 2014 Jeep Cherokee, bearing Wisconsin Registration Number APL8150.

ATTACHMENT B

Particular Things to be Seized

The following items and data are to be seized and searched for evidence, fruits, and instrumentalities related to violations of Article 118 (Murder) and Article 119 (Manslaughter) of the Uniform Code of Military Justice (UCMJ):

1) Firearms
2) Ammunition
3) Holsters
4) Firearm storage containers
5) Purchase Receipts for firearms and/or ammunition

AFFIDAVIT IN SUPPORT OF

APPLICATION FOR COMMAND AUTHORIZATION FOR SEARCH AND SEIZURE

AGENT BACKGROUND

1. I, Jason Griess (Your Affiant), Special Agent with the United States Naval Criminal Investigative Service Resident Agency (NCISRA), Camp Lejeune, North Carolina (CLNC), being first duly sworn, hereby depose and state as follows:

2. Your Affiant is a Special Agent with U. S. Naval Criminal Investigative Service (NCIS). Your Affiant has been assigned to NCIS since July 2022. Your Affiant is currently assigned to the General Crimes Squad, NCISRA CLNC. Your Affiant is routinely tasked to investigate violations of the Uniform Code of Military Justice (UCMJ) and Federal crimes. These types of violations include crimes of violence, domestic violence, adult sexual assault and abusive sexual contact, larceny, theft, crimes against persons, and crimes related to child exploitation and child pornography, including the illegal production, distribution, receipt, and possession of child pornography.

3. Your Affiant has completed a five-month NCIS Special Agent Basic Training Integrated (SABTI) program at the Federal Law Enforcement Training Center in Glynco, GA. These programs provided Your Affiant with instruction regarding death investigations, sex crimes investigations, narcotics investigations, military law, civilian federal law, and other practical issues for investigators. Your Affiant has participated in a number of investigations as a Federal Special Agent. During these investigations, Your Affiant has conducted interviews, interrogations, and other follow-up investigative actions. Prior to becoming a Special Agent with NCIS, Your Affiant was Police Officer and Detective with the Jacksonville Police Department in Jacksonville, NC for over ten years. As a Detective, Your Affiant was assigned to the Federal Bureau of Investigation's (FBI) Coastal Carolina Child Exploitation and Human Trafficking Task Force as a Task Force Officer (TFO). Your Affiant possesses a Bachelor's degree in Criminal Justice through the University of North Carolina at Wilmington (UNCW).

4. This affidavit is based upon the investigative efforts of Your Affiant as well as other NCIS agents and other law enforcement members. Since this affidavit is being submitted for the limited purpose of securing a search warrant, Your Affiant has not included each and every finding from the investigation; rather, Your Affiant has set forth a summary of the investigation to date in order to establish probable cause that evidence, fruits, and instrumentalities of said violations are contained in said premises.

INVESTIGATION FACTS

5. On 18Oct23, Your Affiant was notified by USMC Criminal Investigative Division (CID) Agent Jacob WILLIAMS of a shooting that had just occurred at Barracks HP 255, Room 317, CLNC. The victim of the shooting was identified as LCpl Austin SCHWENK (V/SCHWENK), USMC, 2nd Battalion (2d Bn), 6th Marine Regiment (6th Marines), 2nd Marine Division (2d

MarDiv), CLNC. Agent WILLIAMS further advised the subject of the shooting was identified as Cpl Jesse BOPP (S/BOPP), USMC, 2d Bn, 6th Marines, 2d MarDiv, CLNC. Agent WILLIAMS advised S/BOPP fled the area after the incident. Officers of the Provost Marshals Office attempted to pursue S/BOPP; however, he was unable to be located. Agent WILLIAMS indicated V/SCHWENK succumbed to his wounds, and his time of death was confirmed at 2001 hours on 18Oct23 by Dr. Raymond CUDNIK, Naval Medical Center Camp Lejeune.

6. Your Affiant arrived at HP 255 and conducted an initial interview with Cpl Benjamin HOUSE, USMC, 2d Bn, 6th Marines, 2d MarDiv, CLNC. Cpl HOUSE confirmed he is the roommate of V/SCHWENK, and they both reside at HP 255, Room 317 together. Cpl HOUSE stated S/BOPP had entered Room 317, where he and V/SCHWENK were at. Cpl HOUSE indicated S/BOPP appeared to be intoxicated as a result of consumption of numerous alcoholic beverages. Cpl HOUSE specifically stated he was aware S/BOPP had consumed at least four (4) alcohol beverages. Cpl HOUSE stated S/BOPP "whipped out" a pistol and aimed it at his own head. Cpl HOUSE stated S/BOPP then aimed the pistol toward V/SCHWENK and fired the weapon one (1) time. Cpl HOUSE stated S/BOPP "screamed," dropped the firearm onto the ground, and fled out of the barracks room.

7. Cpl HOUSE stated to Your Affiant that S/BOPP resides directly next door to them, in HP255, Room 319. Cpl HOUSE stated S/BOPP does not have a roommate at this time. In a later interview with NCIS Supervisory Special Agent Joe DiCostanzo, Cpl HOUSE stated S/BOPP has told him that S/BOPP regularly takes anti-anxiety medications.

8. A scene examination was completed by NCISRA Camp Lejeune Major Case Response Team of Barracks HP 255, Room 317, subject to a Permissive Authorization for Search and Seizure (PASS) that was signed by Cpl HOUSE. A Walther PP pistol, Serial Number FDG1442, was located and seized from the barracks room during the scene examination.

9. A black in color 2014 Jeep Cherokee, bearing Wisconsin Registration APL8150, was located in the parking lot immediately adjacent to HP 255. The vehicle was found to be registered to S/BOPP. S/BOPP was previously recorded operating this vehicle on 13Mar23 as part of an unrelated traffic violation for a separate individual (Incident # 13MAR23-24LE-01100-7LMA). A visual examination of the exterior area of the vehicle resulted in observation of a small, black in color, Pelican brand hard case in the rear cargo area. The Pelican hard case was of consistent size to store a pistol or similarly sized objects.

10. Your Affiant is aware that pistols are commonly sold in manufacture boxes. Additionally, it is common that the receipts of the firearm purchase and associated ammunition will be stored with the firearm itself. Pistols are commonly transported in manufacture boxes, holsters, and locking containers such as hard cases.

11. The location of the keys for the 2014 Black in Color Jeep Cherokee, bearing Wisconsin Registration APL8150, are currently unknown. Your Affiant will make reasonable efforts to locate the keys for the vehicle; however, if no keys are unable to be located. Your Affiant, or those tasked by NCIS, will utilize reasonable means to access the vehicle with the intent of causing the least amount of damage.

CONCLUSION

12. Based on the information above, Your Affiant submits probable cause exists to believe evidence of Murder, a violation of Article 118, and Manslaughter, a violation of 119 of the UCMJ, exists in the vehicle as described in Attachment [redacted]

Dated this 19 day of October, 2023. [redacted]

Signature of Affiant
Special Agent, NCIS

[redacted]

Signature of Person Authorizing Search

Lt Col, USMC, Commanding Officer

Rank, Service, Title

2d Battalion, 6th Marines

Command

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE:	3. CCN:	4. AGENT'S NAME:
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	SA J. GRIESS
5. SUMMARY/DESCRIPTION:		6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
Overall Digital Image of Front of S/BOPP's Vehicle		SA J. GRIESS/19OCT23

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (1) of (5)

CUI

Enclosure (B)

Encl (1) PHE (3)

EXHIBIT (2)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE:	3. CCN:	4. AGENT'S NAME:
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	SA J. GRIESS
5. SUMMARY/DESCRIPTION:		6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
Overall Digital Image of Rear of S/BOPP's Vehicle		SA J. GRIESS/19OCT23

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (2) of (5)

CUI

Enclosure (B)

Encl (1) PHE (3)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE:	3. CCN:	4. AGENT'S NAME:
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	SA J. GRIESS
5. SUMMARY/DESCRIPTION:		6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
Overall Digital Image of Rear of S/BOPP's Vehicle with Cargo Area Open		SA J. GRIESS/19OCT23

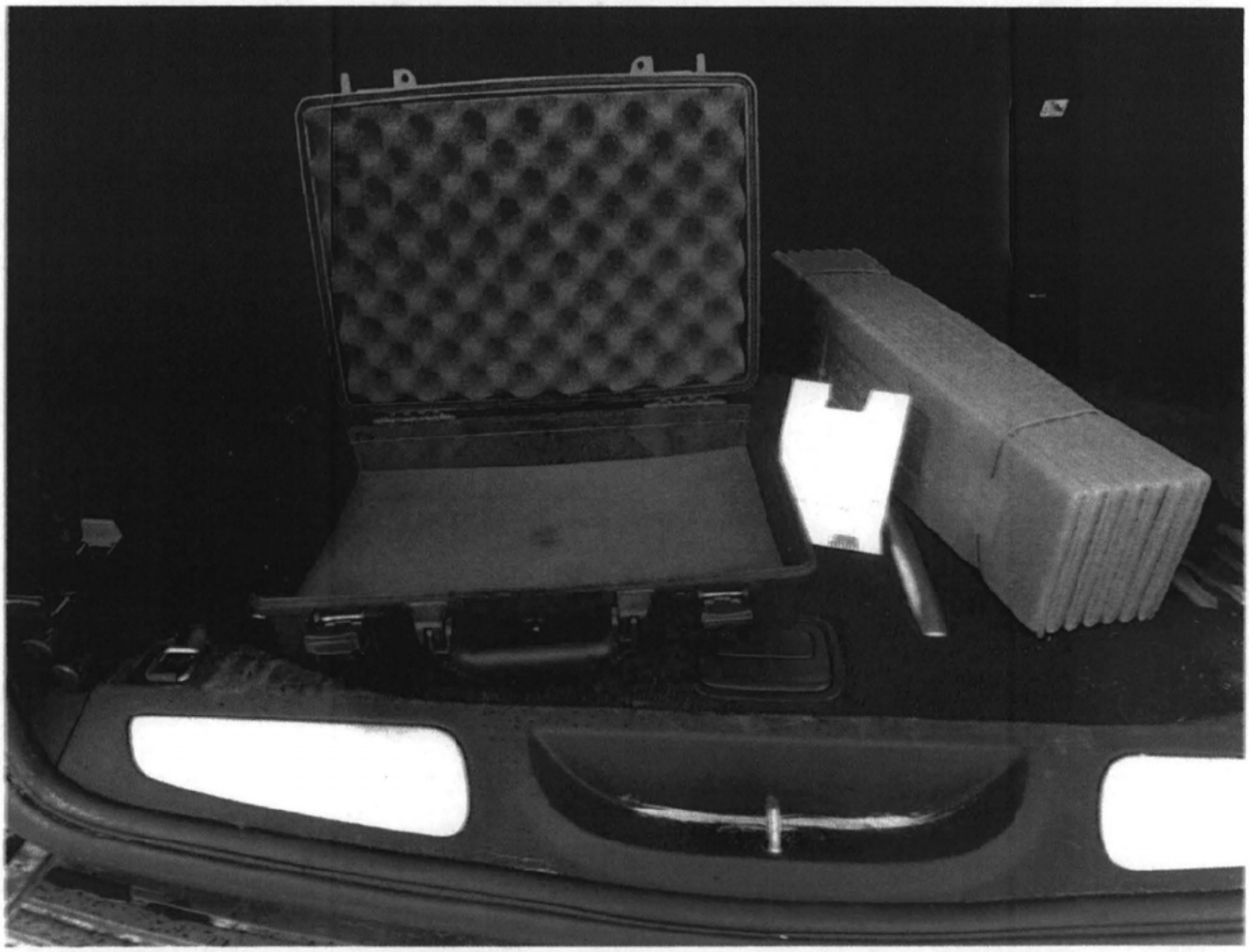
NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (3) of (5)

CUI

Enclosure (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE:	3. CCN:	4. AGENT'S NAME:
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	SA J. GRIESS
5. SUMMARY/DESCRIPTION:		6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
Overall Digital Image of Open Pelican Hard Case		SA J. GRIESS/19OCT23

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (4) of (5)

CUI

Enclosure (B)

Encl (1) PHE (3)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 27OCT23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S/[redacted]/14APR00/BROOKFIELD, WI

RESULTS OF SCREENING INTERVIEW OF CPL TAREN CARAVEAU, USMC

1. On 26OCT23, Reporting Agent (RA) conducted a screening interview of Cpl Taren CARAVEAU, USMC, 2nd Battalion (2d Bn), 6th Marine Regiment (6th Marines), 2nd Marine Division (2d MarDiv), Camp Lejeune, NC (CLNC), regarding his knowledge of the captioned investigation. The interview took place at the Command Building for 2d Bn, 6th Marines, located at (HP) 213, CLNC.

2. Cpl CARAVEAU stated Marines in the armory are very proficient in weapon systems and clearing procedures, due to the extensive training they receive. Marines in the armory are taught to always properly clear their weapon systems prior to returning it to the armory. Cpl CARAVEAU explained Marines are trained to take their weapons to the clearing barrel and begin the clearing procedure by releasing the magazine and pulling the slide back to the rear, to release the ammo in the chamber. Marines are taught to activate the safety mechanism on the weapon and to keep the slide pulled back to the rear to show the weapon is safe. Cpl CARAVEAU said Marines then carry the weapon above their shoulder with the muzzle pointing up and wait in line in this same position to return the weapon to the armory. Marines must turn in the safe and empty weapon with the butt stock of the weapon facing them and the barrel towards the armory window. During this entire procedure, Marines are taught to keep their finger off of the trigger. All Marines must follow this safety procedure per policy when returning a weapon to the armory.

3. In April 2021, Cpl CARAVEAU stated he first met S/BOPP when Cpl CARAVEAU began working in the armory. S/BOPP had already been working in the armory as an Optics Technician, and was there prior to Cpl CARAVEAU's arrival. S/BOPP and Cpl CARAVEAU resided in the same barracks building until approximately September 2022, when Cpl CARAVEAU moved off-base with his fiancé (NFI). Cpl CARAVEAU described his relationship with S/BOPP as "close," as they frequently spent time together at work and outside of work. S/BOPP taught classes on optics to junior Marines and was proficient with weapon systems.

4. On approximately two to three occasions, Cpl CARAVEAU witnessed S/BOPP be "lazy" when handling his weapon. S/BOPP would clear his pistol and place it back into his holster instead of over his shoulder. Cpl CARAVEAU theorized it might have been because S/BOPP had an injured shoulder; however, he couldn't remember which shoulder was injured. Cpl CARAVEAU was not concerned since he knew S/BOPP was very proficient in weapon systems; however, if a

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ACCESS HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM RVICE

Encl (1) PHE (3)

EXHIBIT (59)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:18OCT23-CALE-00856-7HMA **27OCT23**

new Marine would have done the same thing, Cpl CARAVEAU would have corrected the Marine. Cpl CARAVEAU stated he heard S/BOPP state "I am tired of working here, I will just do it," meaning he would shoot himself. Cpl CARAVEAU was not concerned by S/BOPP's comments, because he knew S/BOPP was just tired of being in the U.S. Marine Corps and was getting out soon. Cpl CARAVEAU never witness S/BOPP put a weapon to his head.

5. In approximately February 2023 or March 2023, V/SCHWENK began working at the armory. Cpl CARAVEAU did not interact much with V/SCHWENK. S/BOPP and V/SCHWENK worked together, but were not close friends. Cpl CARAVEAU stated he did not know of any issues between S/BOPP and V/SCHWENK.

6. On 18OCT23, Cpl CARAVEAU left work between approximately 1530 and 1630. S/BOPP was still working when he left. Cpl CARAVEAU believed S/BOPP played video games and drank beer when he got off of work, but he had no first hand knowledge of this. He described S/BOPP as a person who drank more alcohol than most other people. Cpl CARAVEAU was "shocked" when he heard about the incident since "that is not BOPP." Cpl CARAVEAU stated that S/BOPP and "grim," known as Cpl Joshua GRIMISON, USMC, 2d Bn, 6th Marines, 2d MarDiv, CLNC, were "best friends."

7. Cpl CARAVEAU had no additional relevant information and the interview was terminated.

REPORTED BY: ERIN TAYLOR CUELLAR, Special Agent
OFFICE: RESIDENT AGENCY CAMP LEJEUNE

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ACCESS HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

NAVMC 11386 (REV. 06-09) (EF)
FOUO – Privacy Sensitive when filled in.

PERSONNEL SCREENING FORM
FOR ARMS, AMMUNITION, AND EXPLOSIVES (AA&E)

Screening (check one): ☒ INITIAL ☐ ANNUAL

Ref: (a) MCO 5530.14A
(b) MCO P4400.150

Individual being Screened		
Rank: CPL	Name: BOPP, JESSE, T	
EPIDI: [redacted]	MOS: 2171	Billet: Optics Technician
Date of Screening: 2022.0816	Signature: [redacted]	

Individual Conducting Screening		
Rank: 1stLt	Name: ROBERSON, TAYLOR L	
EDIPI: [redacted]	MOS:0402	Billet: Assistant Logistics Officer/ AA&E Officer
Date of Screening: 20220722	Signature: [redacted]	

SUBJECT	YES	NO	N/A	REMARKS
Individual's medical record has been screened by a competent medical authority. There are no medical conditions that would prevent this individual from handling AA&E.	☒	☐	☐	(BAS) Print Lindsay E. Murphy, MD LT, MC, USN NPI: 1649806126 Sign [redacted]
Individual's service record book or officer qualification record has been screened. There is no derogatory information that would prohibit this individual from handling AA&E.	☒	☐	☐	(S1) Print Sgt Jordan [redacted]
Individual has no pending legal action and/or convictions by court-martial, civilian courts, or non-judicial punishments that would prohibit this individual from handling AA&E	☒	☐	☐	(LEGAL) Print Sgt Jordan [redacted]
Individual demonstrates the requisite maturity, judgment, and leadership required to handle AA&E.	☒	☐	☐	(AA&E) Print LT ROBERSON [redacted]
Has the Individual had a National Agency Check (NACLC) or Entrance National Agency Check (ENTNAC) completed and is the result posted in the MMS system?	☒	☐	☐	(S2) Print [illegible] [redacted]
Has the Individual qualified with the required security weapon within the last 12 months?	☒	☐	☐	(BTR) Print LT ROBERSON [redacted]
Has the Individual completed instructions in the use of deadly force in the last three months and signed a deadly force certification if required to be armed in the performance of his/her duties?	☒	☐	☐	(Armory) Print LT ROBERSON Si [redacted]

Based on the above information, I have determined that the subject Marine (check one):

☒ does meet the personnel requirements to handle AA&E in the performance of their regular duties.

☐ currently does not meet the personnel screening requirements to handle AA&E in performance of their regular duties. Individual will be re-evaluated in _____ days.

☐ can not meet the personnel screening requirements to handle AA&E in performance of their regular duties. A summary of the findings for non-qualification are attached. If appropriate, the command will request via that action be taken to re-train and/or reassign subject individual to an occupational field not requiring routine handling of AA&E.

Retention: This record will be maintained for one year after termination of the individual's assignment, or one year after final interview if the individual is disqualified during the screening or re-screening process.

QUALIFICATION TO POSSESS FIREARMS OR AMMUNITION

PRIVACY ACT STATEMENT

AUTHORITY: 18 U.S.C. 922(g)(9); E.O. 9397.

PRINCIPAL PURPOSE(S): To obtain information to determine if you have been convicted of a crime of domestic violence which would disqualify you from shipping, transporting, possessing or receiving either Government-issued or private firearms or ammunition and to determine if reassignment, reclassification, detail or other administrative action is warranted. Your Social Security Number is solicited solely for purposes of verifying your identity.

ROUTINE USE(S): To the Department of Justice so that such information can be included in the National Instant Criminal Background Check System which may be used by firearm licensees (importers, manufacturers or dealers) to determine whether individuals are qualified to receive or possess firearms and ammunition.

DISCLOSURE: Mandatory for all personnel who are required to certify. Failure to provide the information may result in (1) (military only) the imposition of criminal or administrative penalties for failing to obey a lawful order, and (2) (civilian only) the imposition of administrative penalties, to include removal from Federal service. However, neither your answers nor information or evidence gained by reason of your answers can be used against you in any criminal prosecution for a violation of Title 18, United States Code, Section 922(g)(9), including (military only) prosecutions under the Uniform Code of Military Justice, based on a violation of Section 922(g)(9), for conduct which occurred prior to the completion of this form. The answers you furnish and any information resulting therefrom, however, may be used against you in a criminal or administrative proceedings if you knowingly and willfully provide false statements or information.

SECTION I - INSTRUCTIONS

An amendment to the Gun Control Act of 1968 (18 U.S.C. 922) makes it a felony for anyone who has been convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. It is also a felony for any person to sell or otherwise dispose of a firearm to any person so convicted.

The Department of Defense has, by policy, expanded the prohibitions contained in Title 18 Section 922(g)(9) to those military or civilian personnel who have felony convictions for crimes of domestic violence. Convictions of crimes of domestic violence do not include summary court-martial convictions, the imposition of nonjudicial punishment (Article 15, UCMJ), or deferred prosecutions (or similar alternative dispositions) in civilian courts. Furthermore, a person shall not be considered as having committed a "crime of domestic violence" for purposes of the firearms restriction of the Gun Control Act unless all of the following elements are present:

(1) the person was convicted of a crime;

(2) the offense has as its factual basis the use or attempted use of physical force, or threatened use of a deadly weapon;

(3) the convicted offender was at the time of the offense:
- (a) a current or former spouse, parent or guardian of the victim,
- (b) a person with whom the victim shared a child in common,
- (c) a person who was cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or
- (d) a person who was similarly situated to a spouse, parent, or guardian of the victim;

(4) the convicted offender was represented by counsel, or knowingly and intelligently waived the right to counsel;

(5) if entitled to have the case tried by jury, the case was actually tried by jury or the person knowingly and intelligently waived the right to have the case tried by jury;

(6) the conviction has not been expunged or set aside, or the convicted offender has not been pardoned for the offense or had civil rights restored, unless the pardon, expungement, or restoration of civil rights provides that the person may not ship, transport, possess or receive firearms.

If you have ever received a domestic violence conviction: (1) you may not possess any firearm or ammunition; and (2) you must return any Government-issued firearm or ammunition to your commander or immediate supervisor; and (3) you must take steps to relinquish possession of any privately owned firearms or ammunition. Furthermore, any previously issued authorization to possess a firearm or ammunition is revoked.

If you have any questions, or you are uncertain if you have such a conviction, you may wish to contact a legal assistance attorney, if eligible, or a private attorney, at your own expense.

SECTION II - QUALIFICATION INQUIRY *(Complete and return to your commander or immediate supervisor within 10 days of receipt)*

1. HAVE YOU EVER BEEN CONVICTED OF A CRIME OF DOMESTIC VIOLENCE AS DESCRIBED ABOVE: *(Initial and date)*

YES	NO JTB 20220814	I DON'T KNOW *(Provide explanation on reverse)*

2. IF YOU ANSWERED "YES" TO THE FIRST QUESTION, PROVIDE THE FOLLOWING INFORMATION WITH RESPECT TO THE CONVICTION:

a. COURT/JURISDICTION	b. DOCKET/CASE NUMBER
c. STATUTE/CHARGE	d. DATE SENTENCED *(YYYYMMDD)*

3. CERTIFICATION. I hereby certify that, to the best of my information and belief, all of the information provided by me is true, correct, complete, and made in good faith. I understand that false or fraudulent information provided herein may be grounds for criminal and/or administrative proceedings, to include (if civilian) adverse action, up to and including removal, and (if military) disciplinary action under the Uniform Code of Military Justice. I further understand that I have a continuing obligation to inform my Commander or Supervisor should I be convicted of a crime of domestic violence in the future.

a. NAME *(Last, First, Middle Initial)*	b. RANK/GRADE	c. EDIPI
BOPP. JESSE, T	CPL / E4	[redacted]
d. ORGANIZATION	**e. SIGNATURE**	**f. DATE SIGNED** *(YYYYMMDD)*
2D BATTALION, 6TH MARINES	[redacted]	20220814

DD FORM 2760, DEC 2002

Encl (1) PHE (3)

LOCAL RECORDS CHECK (1600)
NAVMC 10482 (REV. 3-93) (EF) (Previous editions will be used)

SN: 0000-00-005-2402 U/I: 50 SH PER PG DATE: 20221213

NAME *(Last, First, Middle)*	EDIPI	GRADE	MOS
BOPP, JESSE, T	[redacted]	E4	2171

ORGANIZATION
2d Battalion, 6th Marines

DATE OF BIRTH	PLACE OF BIRTH	CITIZENSHIP
[redacted]	BROOKFIELD, WI	U.S.A.

NAME OF SPOUSE *(Last, First, Middle)*	DATE OF BIRTH	PLACE OF BIRTH	CITIZENSHIP

CLEARANCE STATUS *(Degree)*	BASIS	COMPLETED BY (Agency)	DATE COMPLETED
SECRET			

PURPOSE FOR REQUESTING LOCAL RECORDS SCREENING
AA&E SCREENING

RESULTS OF COMMAND SCREENING

RECORDS CHECKED:

☐ OQR/SRB ☐ HEALTH RECORD ☐ UNIT PUNISHMENT LOG BOOK

RECORDS SCREENED BY THE COMMAND REFLECT (*Check appropriate block*):

☐ NO DEROGATORY ☐ FOLLOWING INFORMATION:

M.P. RECORDS CHECK		
Date 19 OCT 22	Yes	No
Remarks No Records Found [redacted]		

Herman Oden Jr, PMO Admin

[redacted]

(Signature of Requesting Official)

UNITED STATES MARINE CORPS
2D BATTALION 6TH MARINES
2D MARINE DIVISION
FLEET MARINE FORCE
PSC BOX 20099
CAMP LEJEUNE NC 28542-0099

IN REPLY REFER TO:
8000
ORD

From: Arms, Ammunition, and Explosive (AA&E) Officer
To: Personnel Officer

Subj: MCTMS ENTRIES FOR AA&E SCREENINGS

Ref: (a) MCO P4400.150
(b) MCO 5530.14
(C) MARADMIN 085/16 182315ZFEB 16

1. Per the references, the below listed personnel have been screened and found qualified for duties involving Arms, Ammunition, and Explosives:

NAME	RANK	EDIPI
ROBERSON, KEVIN M.	SSGT	[redacted]
RYSAVY, TYLER	SGT	
ACEBO, JOSHUA	CPL	
CARAVEAU, TAREN	CPL	
EVANS, MICHEAL	CPL	
GRIMISON, JOSHUA	CPL	
BOPP, JESSE	LCPL	
ROJASMILLER, KRISTIAN H.	LCPL	

2. It is requested that the individuals listed above have a Type Transaction Code (TTC) 483, Arms AA&E screen entered into the Marine Corps Total Force System (MCTFS). Provide a copy of the certified unit diary printout to the Arms, Ammunition, and Explosive Officer.

3. Point of contact for this matter is First Lieutenant Taylor L. Roberson at (910-451-1577).

[redacted]

T. L. ROBERSON

UNITED STATES MARINE CORPS
2D BATTALION 6TH MARINES
2D MARINE DIVISION
FLEET MARINE FORCE
PSC BOX 20099
CAMP LEJEUNE NC 28542-0099

IN REPLY REFER TO:
5530
ORD

From: Arms, Ammunition, and Explosive (AA&E) Officer
To: Medical Officer

Subj: MEDICAL SCREENING FOR AA&E DUTIES ICO CORPORAL JESSE T. BOPP
[redacted] USMC

Ref: (a) MCO 5530.14A

1. Please screen the above individual's health record for assignment to Arms, Ammunition, and Explosive (AA&E) duty. A positive response to any of the questions below **may** disqualify the individual from assignment to working with AA&E in the performance of his/her duties.

a. Does the Marine have history of alcohol abuse?
Yes ____ No X.

b. Has the Marine been the subject of psychiatric evaluation?
Yes ____ No X.

c. Has the Marine been treated for suicidal tendencies?
Yes ____ No X.

d. Has the Marine been treated for depression?
Yes ____ No X.

e. Has the Marine been treated for stress?
Yes ____ No X.

f. Has the Marine been treated for drug abuse?
Yes ____ No X.

g. Is the Marine under any permanent medication that might degrade his/her mental capacity?
Yes ____ No X.

2. The above Marine's Medical Record Book has been reviewed.

[redacted]

MEDICAL OFFICER SIGNATURE AND DATE

UNITED STATES MARINE CORPS
2D BATTALION, 6TH MARINES
2D MARINE DIVISION
PSC BOX 20099
CAMP LEJEUNE, NC 28542-0099

5220
S-2
9 Sep 22

From: Security Assistant
To: Manpower Management Enlisted Assignment

Subj: CERTIFICATION OF SECURITY CLEARANCE IN CASE OF CORPORAL BOPP, JESSE T. [redacted] USMC

1. This letter is issued to certify the subject's security clearance was adjudicated by the Department of the Navy, Central Adjudication Facility, Washington D.C. and may be used to verify your security eligibility.

2. The subject's service records indicate the following pertinent details regarding your security clearance:

Open Investigation: N/A

PSQ sent date: N/A

Investigation Summary: Tier 3 from OPM, Closed 2018-08-08.

Adjudication Summary: PSI Adjudication completed with a favorable determination eligibility of Secret on 2018-08-20 from DoD CAF.

3. Point of contact is 2d Battalion, 6th Marine Regiment S-2 at (910) 450-8533.

[redacted]

R. L. WOLD

Encl (1) PHE (3)

M4 RIFLE LOADING AND CLEARING PROCEDURES PRACTICAL APPLICATION

ALL PROCEDURES WILL BE DONE WITH EXTREME CARE AND ATTENTION TO DETAIL.

LOADING PROCEDURES	YES	NO
1. Successfully placed weapon on safe. Pulled charging handle fully rearward and checked chamber. Showed clear.	✓	
2. Released the charging handle. Successfully inserted magazine and pushed upward until magazine catch engages.	✓	
3. Successfully pointed the weapon into the clearing barrel, with the weapon on safe. Successfully racked a round pulling charging handle to the rear and releasing.	✓	

CLEARING PROCEDURES	YES	NO
1. Successfully ensured rifle was on safe. Pointed directly into the clearing barrel.	✓	
2. Successfully depressed the magazine catch and removed the magazine.	✓	
3. Successfully locked the bolt to the rear while observing the round ejected from the chamber.	✓	
4. Successfully inspected the receiver and chamber to show clear.	✓	
5. Pressed the bolt catch and dry fired the weapon into the clearing barrel. Placed the weapon on safe and locked the bolt to the rear. Closed ejection port cover. Returned rifle to the appropriate rack storage space.	✓	

PRINTED NAME OF MARINE BEING TESTED	SIGNATURE	DATE
CPL BOPP JESSE	[redacted]	20220816

PRINTED NAME OF TESTER	SIGNATURE	DATE
Sgt Kysauy Tyler	[redacted]	20220816

M9 PISTOL LOADING AND CLEARING PROCEDURES PRACTICAL APPLICATION

ALL PROCEDURES WILL BE DONE WITH EXTREME CARE AND ATTENTION TO DETAIL.

LOADING PROCEDURES	YES	NO
1. Successfully loaded two magazines with 15 rounds.	✓	
2. Successfully removed pistol from holster, placed it on safe and locked the slide to the rear. Visually and physically inspected the chamber and magazine well for ammunition. Once confirmed clear, slowly released the slide.	✓	
3. Successfully pointed the weapon into the clearing barrel, with the weapon on safe. Inserted one fully loaded magazine. Chambered a round using the "Sling Shot" method.	✓	
4. Successfully placed the pistol in the holster and it was on safe. Placed the second fully loaded magazine into the ammunition pouch.	✓	

CLEARING PROCEDURES	YES	NO
1. Successfully removed the weapon from the holster and ensured it was on safe. Pointed directly into the clearing barrel.	✓	
2. Successfully depressed the magazine catch and removed the magazine.	✓	
3. Successfully locked the slide to the rear while catching the round ejected from the chamber.	✓	
4. Successfully inspected the chamber and magazine well to show clear. Released the slide and dry fired the weapon into the clearing barrel. Placed the weapon on safe and locked the slide to the rear. Returned the pistol to the appropriate rack/storage space.	✓	

PRINTED NAME OF MARINE BEING TESTED	SIGNATURE	DATE
Cpl Boff, Jesse	[redacted]	20220816

PRINTED NAME OF TESTER	SIGNATURE	DATE
Sgt Ryscuy Tyler	[redacted]	20220816

Encl (1) PHE (3)

STATEMENT OF UNDERSTANDING

"I understand that my behavior on duty as well as off duty is expected to reflect mature, stable judgment and that I may be removed from my duties involving control of arms, ammunition and explosives, or other administrative action taken, if my behavior does not reflect high standards. I further understand that serious harm can come from my failure to properly carry out my duties. I am aware that my improper actions or failure to carry out my duties may result in criminal prosecution, fines, and imprisonment. I understand and accept the responsibility to safeguard arms, ammunition and/or explosives."

INITIAL SCREENING

SIGN: [redacted] DATE: 20221205

ANNUAL RE-SCREEN

SIGN: [redacted] DATE: 20221205

SIGN: _____ DATE: _____

SIGN: _____ DATE: _____

SIGN: _____ DATE: _____

SIGN: _____ DATE: _____

SIGN: _____ DATE: _____

CERTIFICATION OF ANNUAL ARMORY CUSTODIAN TRAINING

The below listed Marine has been trained in the following areas prior to assuming duties as an armory custodian:

1. AA&E Reporting Requirements
2. Key AA&E Billets
3. Access Control
4. Communications
5. Duress Procedures
6. Open/Closing Procedures
7. AA&E Storage
8. Transportation of AA&E
9. Issue/Recovery Procedures
10. Sight Counts
11. Privately Owned Weapons
12. Stock List 3 Management
13. Preventative Maintenance
14. Command Policies/Unit Directives

MARINE TRAINED:

CPL BOPP 9530/2171

RANK NAME LAST 4/MOS

MARINE CONDUCTING TRAINING/REFRESHER TRAINING:

PRINT/SIGN: LCPL [redacted] DATE: _____

PRINT/SIGN: _____ DATE: _____

PRINT/SIGN: _____ DATE: _____

PRINT/SIGN: _____ DATE: _____

PRINT/SIGN: _____ DATE: _____

PRINT/SIGN: _____ DATE: _____

INDIVIDUAL'S ACKNOWLEDGEMENT OF SPECIFIC INSTRUCTIONS FOR ARMED SECURITY AND LAW ENFORCEMENT PERSONNEL REGARDING THE USE OF FORCE

Name (Last, First, M. I.)	Rank	EDIPI(Last 4)	Date
Bopp, Jesse, T	Cpl	[redacted]	10 [illegible]

1. Inherent Right of Self Defense. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Unless otherwise directed by a unit commander as detailed below, I may :

[redacted] Exercise individual self-defense in response to a hostile act or demonstrated hostile act.

[redacted] However, I understand that when I am assigned and acting as a part of a unit, my individual self-defense should be considered a subset of unit self-defense. As such, my unit commander may limit my individual inherent right of self-defense.

2. De-Escalation and the Use of Non-Deadly Force. I understand that:

[redacted] When time and circumstances permit, the threatening force should be warned and given the opportunity to withdraw or cease threatening action.

[redacted] Normally, force is to be used only as a last resort, and the force should be the minimum necessary. If force is required, a non-deadly force is authorized and may be used to control a situation and accomplish the mission, or to provide self-defense of DOD force, defense of non-DOD persons in the vicinity if directly related to the assigned mission, or in defense of the protected property, when doing so is reasonable under the circumstances.

3. The use of Deadly Force.

[redacted] When DOD unit commanders reasonably believe that a person poses an imminent thereat of death or serious bodily harm to DOD forces. Unit self-defense includes the defense of other DOD forces in the vicinity.

[redacted] In defense of non-DOD persons in the vicinity, when directly related to the assigned mission.

[redacted] When deadly force resonably appears to be necessary to prevent the actual theft or sabotage of properly designated assets vital to national security.

[redacted] When deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of inherently dangerous property (i.e., explosives, weapons, ammunition, etc.).

[redacted] When deadly force reasonably appears to be necessary to prevent the sabotage of national critical infrastruture. For the purpose of DOD operations, "national critical infrastructure" is defined as President-designated public utilities, or similar critical infrastruture, vital to public, health and safety, the damage to which the President determines would create an imminent threat of death or serious bodily harm.

4. Additionaly, when directly related to the assigned mission, deadly force is authorized under the following cicumstances:

[redacted] When deadly force reasonably appears to be necessary to prevent the commission of a serious offense that involves imminent threat of death or serious bodily harm (for example, setting fire to an inhabited dwelling or sniping), including the defense of other persons, where deadly force is directed against the person threatening to commit the offense. Examples include murder, armed robbery, and aggravated assault.

[redacted] When deadly force reasonably appears to be necessary to prevent the escape of a prisoner, provided there is a probable cause to believe that such person(s) have committed or attempted to commit a serious offense, that is, one that involves imminent threat of death or serious bodily harm, would pose an imminent threat of death or serious bodily harm to DOD forces or other in the vicinity.

[redacted] When deadly force reasonably appears necessary to arrest or apprehend a person who, there is probable cause to believe, has commited a serious offense (as indicated in paragraph 3, above).

5. Additional Specific Instructions:

[redacted] I am prohibited from firing warning shots.

[redacted] I will remove my pistol from holster only when:

(1) The use of deadly force is imminent, or to affect the apprehension of a suspect I belive to be armed or dangerous, or to gain control of a dangerous situation.

(2) Ordered to do so by competent authority.

(3) Returning it to storage.

(4) Cleaning it in an authroized area.

c. JTB I will show due regard for safety of innocent bystanders when using force.

[redacted] I will not point any firearm at any person, except:

a. To gain control of a situation.

b. When I intend to use deadly force.

c. During on-duty reaction drill, only after I have checked the firearm and it has also been checked by my supervisor to ensure no rounds are in the weapon.

[redacted] If I chamber a round in a rifle or shotgun, or remove my pistol from its holster, proper notificiations will be made and a Statement of Force form completed.

[redacted] When clearing a firearm, I will follow current policies and procedures pertaining to firearms handling, clearing, and safety.

a. No weapon will be cleared without a supervisor (NCO or above) present and clearing will be accomplished only in the designated area (i.e., clearing barrel).

Encl (1) PHE (3)

b. When drawing a weapon from the armory/arms room, rounds will be drawn after ensuring the weapon is clear.

c. When returning a weapon to the armory/arms room, rounds will always be properly accounted for and turned in prior to clearing the weapon, unless a round has been chambered.

d. I will report any violation of these policies or procedures immediately to the proper authority.

[redacted] I am prohibited from using a privately owned firearm or ammunition on duty.

[redacted] During training, exercises and testing, I will check my firearm and have it double checked by another person, to ensure that no live rounds are in the weapon and that there is no magazine inserted in the weapon.

[redacted] I will comply with these principles when using non-lethal weapons or techniques in such a manner that could cause death or serious bodily harm.

12. Acknowledgement. I have been instructed on the use of deadly force and acknowledge that I understand and will comply with the basic rules for the use of deadly force and weapons safety. I acknowledge that failure to comply with the basic rules for the use of force and weapons safety may result in administrative, disciplinary, and/or penalties.

20220816
Date

CPL BOPP, JESSE
Rank/Printed Name

[redacted]

Encl (1) PHE (3)

STATEMENT OF UNDERSTANDING

"I understand the importance of working in an armory. The armory compound and all bays are designated as a level two restricted area. My duties involve the safety, security, and accountability of arms, ammunition and explosives. My actions will be guided by the orders and directives governing armory procedures and the control of arms, ammunition, and explosives. I will familiarize myself with those orders and directives. Specifically, I have read and understand Chapter 8 of Marine Corps Order 5530.14A, Division Order 8000.2D, and Regimental Order 8000.1A. I understand that failing to follow and enforce these orders will lead to non-judicial punishment. Knowing that, I accept the responsibility of working in the Regimental Armory. I will follow and enforce these orders."

Print: CPL Bopp, Jesse

Sign: [redacted]

Date: 20221205

Encl (1) PHE (3)

TABLE OF CONTENTS
ARTICLE 32 HEARING IN CASE OF CORPORAL JESSE T. BOPP

DE-A NCIS Results of Portable Breath Test on Cpl Bopp

DE-B NCIS Results of Follow-up Interview with Cpl House dtd 9 Nov23

DE-C NCIS Results of Submitting Evidence to USACIL

DE-A

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 21OCT23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S[redacted]6/14APR00/BROOKFIELD, WI

RESULTS OF PORTABLE BREATH TEST ON S/BOPP ON 18OCT23 AND CONSULTATION WITH TRIAL COUNSEL

1. On 18Oct23 at approximately 2250 Cpl Jesse Thomas BOPP, USMC (S/BOPP) was escorted to NCISRA Camp Lejeune by the Provost Marshal's Office (PMO). As background, S/BOPP was reported by a witness, Cpl Ben HOUSE, USMC, to have been intoxicated when he shot V/SCHWENK and ran away from the barracks building at approximately 1948. In consultation with Major Jason SAMUEL, USMC, Office of Special Trial Counsel, and Major Matt SCHONEWEIS, Senior Trial Counsel, who were present at NCISRA Camp Lejeune, it was determined that a portable breath test should be administered to S/BOPP to determine if he was still inebriated or would be fit for Article 31B Rights and subsequent NCIS interview.

2. On 18Oct23 at approximately 2300, Sgt Alex POIMBOEUF, USMC, PMO Traffic Officer, administered a Portable Breath Test (PBT) to S/BOPP. Sgt POIMBOEUF informed Reporting Agent (RA) that S/BOPP registered a .106 on the PBT which is legally intoxicated past the .08 level.

3. Major SAMUEL and Maj SCHONEWEIS consulted with RA and the determination was made that S/BOPP should be afforded rest and sufficient time to reduce his level of intoxication prior to being read his Article 31B Rights and speaking with NCIS.

REPORTED BY: JOSEPH DICOSTANZO, Supervisory Special Agent
OFFICE: CAROLINAS FIELD OFFICE

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Encl (1) PHE (4)
EXHIBIT (11)

DE-B

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 09NOV23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S/[redacted]/14APR00/BROOKFIELD, WI

RESULTS OF FOLLOW-UP INTERVIEW WITH CPL BENJAMIN HOUSE, USMC

1. On 09Nov23, Reporting Agent (RA) and Participating Agent (PA) Tyler ENNIS conducted a follow-up interview with Cpl Benjamin HOUSE, USMC, 2nd Battalion, 6th Marines (2/6), 2nd Marine Division (2D MARDIV), Camp Lejeune, NC (CLNC) to gather clarifying information regarding his knowledge of the caption investigation. The following is a summary of the interview and is not necessarily described in the order it was discussed. The interview was audio and video recorded in its entirety. Enclosure (A) pertains. For a verbatim account of the interview, refer to Enclosure (A).

2. Cpl HOUSE advised no one besides S/BOPP touched S/BOPP's firearm when he was in Cpl HOUSE's barracks room, HP 255 Room 317. Cpl HOUSE mentioned individuals (NFI) might have handled S/BOPP's firearm in LCpl Brennan METCALF's, USMC, 2/6, 2D MARDIV, CLNC, room; however, Cpl HOUSE did not have firsthand knowledge of this due to not being in LCpl METCALF's room long enough. Cpl HOUSE was in LCpl METCALF's room briefly to ask S/BOPP about his air fryer, while he was there Cpl HOUSE did not observe S/BOPP's firearm. Since the incident Cpl HOUSE spoke with LCpl METCALF and LCpl Aiden DICKINSON, USMC, 2/6, 2D MARDIV, CLNC and was told S/BOPP had the firearm in LCpl METCALF's room. Cpl HOUSE advised he had seen the firearm S/BOPP had prior; however, not in the barracks and not the night of the incident before S/BOPP walked into Cpl HOUSE's room. Cpl HOUSE did not touch the firearm after the shooting; Cpl HOUSE thought S/BOPP still had the firearm that was why he told law enforcement he would not be surprised if S/BOPP committed suicide.

3. When Cpl HOUSE was asked if S/BOPP manipulated the firearm while in Cpl HOUSE's room, Cpl HOUSE responded S/BOPP "messed around" with it. Cpl HOUSE further explained by messed around he meant pointing the firearm at himself and V/SCHWENK. Cpl HOUSE did not believe S/BOPP thought the firearm was loaded, because he pointed the firearm at himself and V/SCHWENK. When RA clarified what was meant by manipulation, Cpl HOUSE advised he did not observe S/BOPP manipulate the firearm.

4. Cpl HOUSE advised he was not drinking alcohol the night of the shooting. Cpl HOUSE was planning on drinking Twisted Teas; however, he never did, but S/BOPP drank them.

5. During the interview, RA gave Cpl HOUSE a Victim and Witness Assistance Program pamphlet (VWAP).

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WITHOUT SPECIFIC AUTHORIZATION FROM T[illegible]TIVE SERVIC

Encl (1) RHE (4)
EXHIBIT (74)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:18OCT23-CALE-00856-7HMA **09NOV23**

ENCLOSURE(S)
(A) DVD+R CONTAINING FOLLOW-UP INTERVIEW WITH CPL HOUSE, USMC/09NOV23

REPORTED BY: MEGAN ROBBINS, Special Agent
OFFICE: RESIDENT AGENCY CAMP LEJEUNE

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Encl (1) PHE (4)

DE-C

Encl (1) PHE (4)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION 15NOV23

CONTROL: 18OCT23-CALE-00856-7HMA

S/BOPP, JESSE THOMAS/CPL USMC
M/W/MEE4/S[redacted]5/14APR00/BROOKFIELD, WI

RESULTS OF SUBMITTING EVIDENCE TO USACIL

1. On 31Oct23, Reporting Agent (RA) submitted a Pre-Submission Forensic Laboratory Examination Request to the U.S. Army Criminal Investigation Laboratory (USACIL).

2. RA and Kelli COUSEY, CIV, Physical Science Technician, USCIL, had multiple interactions and on 03Nov23, RA was provided USACIL Case Number, 23-ATL-01667.

3. Multiple items of evidence were cyanoacrylate fumed, which was documented in a separate report.

4. On 09Nov23, a signed copy of the request form sent to USACIL was sent to Corrie HYMAN, CIV, Evidence Custodian, NCCL. Enclosure (A). Log Number 396-23 Item E was removed from the USACIL form after it was submitted to USACIL, since it was returned to the owner. The return of the cellphone was documented under a separate report.

5. On 15Nov23, HYMAN sent the evidence to USACIL.

ENCLOSURE(S)
(A) Signed Forensic Laboratory Examination Request/09Nov23

REPORTED BY: MEGAN ROBBINS, Special Agent
OFFICE: RESIDENT AGENCY CAMP LEJEUNE

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Encl (1) PHE (4)

EXHIBIT (75)

FORENSIC LABORATORY EXAMINATION REQUEST

1. TO:	2. FROM:	4. EXAM PRIORITY	5. LAB USE ONLY
☒ USACIL 4930 N. 31st Street Forest Park,GA 30297-5205 ☐ FXL ☐ AGENCY DFE ☐ Have any of the items ever been submitted to any other laboratory? (Specify)	Naval Criminal Investigative Service Camp Lejeune, NC 1250 G Birch Street Camp Lejeune, NC 28547 Phone: (910) 449-6012 Fax: (910) 451-8206	○ ROUTINE ◉ EXPEDITE ☐ TRIAL DATE: _____ ☒ Subject in pre-trial confinement ☐ Subject Pending PCS/Separation Date: _____ ☐ Other (Specify in block 13)	a. LAB CASE # 23-ATL-01667
	3. RETURN EVIDENCE TO: Evidence Custodian Naval Criminal Investigative Service Field Office Carolinas 1250 G Birch Street Camp Lejeune, NC		b. RECEIVED DATE

6. SUBMITTING AGENCY/UNIT CASE NUMBER	7. TYPE OF OFFENSE
18OCT23-CALE-00856-7HMA	Homicide/Manslaughter

8. PREVIOUS EVIDENCE SUBMITTED OR PRE-SUBMISSION LAB CASE NUMBER

DATE:	MAIL METHOD:	LAB CASE #:

9. SUSPECT(S) [*Last, first and middle names(s)*]	10. VICTIM(S) [*Last, first and middle name(s)*]
Bopp, Jesse Thomas	Schwenk, Austin Brian

11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED (*e.g., Summary of investigation, crime scene sketches/photographs, statements, SA kit paperwork*)

On 18Oct23, NCISRA Camp Lejeune was notified of a shooting that occurred in barracks HP 255, Room 317, CLNC. The victim was identified as LCpl Austin Brian SCHWENK, USMC (V/SCHWENK). V/SCHWENK was transported to Naval Medical Center Camp Lejeune with an apparent gunshot wound to the head, where he was pronounced deceased at 2001 hours on 18Oct23. V/SCHWENK's roommate, Cpl Benjamin HOUSE, USMC, was in the room and witnessed the shooting. Cpl HOUSE confirmed Cpl Jesse Thomas BOPP, USMC (S/BOPP), was the individual who shot V/SCHWENK. Cpl HOUSE stated S/BOPP was intoxicated at the time, and there was no altercation leading up to the shooting. S/BOPP fled the scene prior to law enforcement arrival. S/BOPP was later located and apprehended by PMO. NCISRA CLNC Major Case Response Team (MCRT) responded and conducted a scene examination of V/SCHWENK's barracks room and seized items of evidentiary value. On 18Oct23 prior to the incident S/BOPP showed the firearm used to LCpl Brennan METCALF, USMC, and LCpl Aiden DICKINSON, USMC; both of which advised they touched the firearm. The firearm was moved in the scene prior to NCIS' arrival.

12. EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT WITH ALTERNATE ID (ECM ITEM NUMBER)
1	White and gold Apple iPhone in a UAG case Item A Log Number 396-23
2	ACER laptop Item B Log Number 396-23
3	Apple iPad in a Targus black case Item C Log Number 396-23
4	Silver in color suspected projectile Item D Log Number 396-23
5	Black in color Walther PDP with optics Item F Log Number 396-23
6	Black in color Walther Magazine containing an unknown number of rounds and 1 round of "WIN 9mm Luger" ejected from the pistol (Item F) chamber Item G Log Number 396-23
7	Suspected brass jacket fragement Item I Log Number 396-23
8	"WIN 9mm Luger" Shell Casing Item O Log Number 396-23
9	Silver in color 9mm Sig Luger Casing with struck primer Item A Log Number 397-23

12. EVIDENCE SUBMITTED *(Continued)*

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
10	USACIL gunshot residue evidence collection kit Item A Log Number 398-23
11	Sweatshirt, green in color Item A Log Number 399-23
12	Pair of boxer briefs, grey in color Item B Log Number 399-23
13	Black Apple Smart Watch containing suspected blood Item D Log Number 405-23
14	Buccal swabs containing LCpl Brennan Metcalf's DNA Item A Log Number 408-23
15	Major case prints of LCpl Brennan Metcalf Item B Log Number 408-23
16	Buccal swabs containing LCpl Aiden Dickinson's DNA Item A Log Number 409-23
17	Major case prints of LCpl Aiden Dickinson Item B Log Number 409-23
18	Buccal swabs containing S/BOPP's DNA Item A Log Number 410-23
19	Major case prints of S/BOPP Item B Log Number 410-23
210	Fingerprint cards taken from V/SCHWENK Item A Log Number 404-23

13. EXAMINATION(S) REQUESTED (*Briefly furnish any information or instructions that might assist the laboratory in examining the evidence*)

Examine Exhibits 1-3, and 14 for any information related to V/SCHWENK's death to include activity within 24 hours of his death, text messages, phone calls, internet history, social media, game/shat activity, photographs, etc.
Examine Exhibit 4 for trace evidence, V/SCHWENK's DNA, and compare to Exhibit 6.
Examin Exhibits 6, 7, 8, 9, 10 for trace, biological evidence, fingerprints, function testing, test firing, and NIBIN entry. Photographs of the muzzle with scale to be sent to AFMES. Compare to Exhibits 4, 8, 9, 10, 15, 16, 17, 18 ,19, 20, 21, and V/SCHWEK's DNA from AFMES.
Examine Exhibits 8, 9, and 10 against test fire of Exhibit 6
Examine Exhibit 11 for GSR
Examine Exhibits 12 and 13 for GSR, trace, and biological evidence. Compare to V/SCHWENK's DNA. Use IR photograph to document Exhibits 12 and 13.

14.a. INVESTIGATOR AND ALTERNATE POC *(Typed or printed) (Mandatory information)*
SA Megan Robbins
SSA Joe DiCostanzo

b. TELEPHONE (*Primary/Alt*): (910)545-9530 (primary)

c. DSN (*Primary/Alt*):

d. E-Mail: Megan.Robbins@ncis.navy.mil (primary)

15.a. DATE: 09Nov23

b. TYPE/PRINTED NAME OF REQUESTOR: Megan Robbins

c. SIGNATURE: [redacted]

d. TELEPHONE (*Primary/Alt*): (360)362-6177 (alt)

e. DSN (*Primary/Alt*):

f. E-Mail: joseph.dicostanzo@ncis.navy.mil (alt)

16. LAB USE ONLY

LAB CASE #
23-ATL-01667

UNITED STATES MARINE CORPS
CHERRY POINT BRANCH, EASTERN REGION
MARINE CORPS DEFENSE SERVICES ORGANIZATION
MARINE CORPS AIR STATION, BOX 8007
CHERRY POINT, NORTH CAROLINA 28533-0007

IN REPLY REFER TO
5800
DSO/jar
4 Jan 24

From: Detailed Defense Counsel
To: Preliminary Hearing Officer

Subj: DEFENSE COMMENTS FOR PRELIMINARY HEARING ICO UNITED STATES V. CORPORAL JESSE T. BOPP, USMC

Ref: (a) Article 32, UCMJ
(b) R.C.M. 405, MCM 2024
(c) R.C.M. 601(d)(2), MCM 2024
(d) Government Preliminary Hearing Exhibits 1-25
(e) Defense Preliminary Hearing Exhibits A - C

1. In accordance with references (a) through (c) and in response to reference (d), defense respectfully offers the comments below and reference (e) for the Preliminary Hearing Officer's consideration.

2. Background. On 18 October 2023, Corporal (Cpl) Bopp, Cpl House, Lance Corporal (LCpl) Metcalf, LCpl Dickinson, and LCpl Schwenk were all in the barracks spending time together. Cpl Bopp was showing the Marines his pistol. During this time, Cpl Bopp was also drinking. LCpl Metcalf and LCpl Dickinson held and controlled Cpl Bopp's pistol. Eventually, Cpl House asked Cpl Bopp to borrow Cpl Bopp's air fryer to make food. Cpl Bopp then went to Cpl House and LCpl Schwenk's room. While there, Cpl Bopp was showing LCpl Schwenk the pistol, and Cpl House was making dinner. A round was discharged from the pistol, and LCpl Schwenk tragically lost his life.

3. Probable Cause. In order to determine whether probable cause exists to believe the accused committed the offenses charged, each specification must first state an actual offense. Next, trustworthy evidence must provide the basis to believe that the accused committed the properly alleged offenses. Put simply, probable cause exists when there is "an honest and strong suspicion" that a crime has occurred based on "reasonably trustworthy information."[1] Mere suspicion or theory is insufficient.[2] A finding of probable cause must be predicated on actual facts from a *reliable* and *competent* source.[3] Further in *Gates*, the Court held that probable cause is "totality-of-the-circumstances approach."[4] A probable cause determination is important and should be treated with due regard; when met, the standard allows Government actors to take actions with sweeping implications for the rights and liberties of Americans.

4. New Referral Standard and R.C.M. 601(d)(2). While not in affect at the time of the incident in October 2023, the 2024 Manual for Courts-Martial (MCM) is now applicable. Under the R.C.M. 601(d)(2), referral authorities are required to consider "whether the admissible evidence

[1] *Beck v. Ohio*, 379 U.S. 89, 91 (1964).
[2] *United States v. Leedy*, 65 M.J. 208, 213 (C.A.A.F. 2007).
[3] *Illinois v. Gates*, 462, U.S. 213, 236-39 (1983).
[4] *Id* at 230.

Encl (2)

will probably be sufficient to obtain and sustain a conviction." Here, the defense specifically asks the Preliminary Hearing Officer to opine as to whether the available evidence can sustain and maintain a conviction.

5. Charge II: Violation of the UCMJ, Article 118.

Specification (Murder – Act Inherently Dangerous to Another): The crux of the government's burden is whether Cpl Bopp (1) acted intentionally, (2) that the act was both inherently dangerous to another and showed a wanton disregard for human life, and (3) that Cpl Bopp knew that death or great bodily harm was a probable consequence of the act.

Turning to intentional act and knowledge, the Court has held that in a case involving murder for an act inherently dangerous to another that the government must prove "that death result from an intentional act of the accused."[5] The government has not provided specific evidence to the intentional act. Assuming that the intentional act is the pulling of the trigger, the evidence does not prove that Cpl Bopp was acting with any intent. They have not provided any forensic evidence to show that the pistol was pointed in an intentional direction, and the government has not shown that Cpl Bopp was not acting by accident. The government's evidence rests on GE 11 when Cpl House informed law enforcement that he saw Cpl Bopp point the pistol at LCpl Schwenk. However, Cpl House did not tell law enforcement that Cpl Bopp ever load the magazine or chambered a round. Cpl House also said that Cpl Bopp was pointing the pistol at Cpl Bopp. Additionally, LCpl Metcalf and LCpl Dickinson both told law enforcement that when Cpl House told them what happened, they thought it was a joke because they could not believe that Cpl Bopp would intentionally shoot anyone. These factors are important for determining whether Cpl Bopp acted intentionally and for the knowledge element as well. Furthermore, in DE-B, Cpl House informed law enforcement that he, Cpl House who has known Cpl Bopp for years, does not believe that Cpl Bopp knew the weapon was loaded because Cpl Bopp would not have pointed a loaded weapon at himself and LCpl Schwenk. Statements from both LCpl Metcalf and LCpl Dickinson, people that have worked and lived with Cpl Bopp for years, also show that Cpl Bopp did not have knowledge about the pistol being loaded.

Another key piece of evidence regarding knowledge is Cpl Bopp's intoxication level. Cpl House, LCpl Metcalf, and LCpl Dickinson all saw Cpl Bopp drinking. Furthermore, DE-A shows Cpl Bopp had a blood alcohol content of .106. While voluntary intoxication is not a defense, alcohols impact on the brain, memory, and knowledge are factors to consider when determining whether Cpl Bopp knew the condition of the pistol especially after multiple people held the pistol.

The government has not provided evidence that Cpl Bopp committed an inherently dangerous act and a wanton disregard for human life. LCpl Metcalf and now Sergeant (Sgt) Grimison, informed law enforcement that they have not seen Cpl Bopp mishandle weapons or act unsafe with weapons. The government's argument seemed to rest on the fact that Cpl Bopp worked in the armory and basic firearms safety principles. However, that alone does not establish wanton disregard by the definition in the UCMJ. In fact, the UCMJ provides examples of inherently dangerous acts – specifically throwing a live grenade in jest or flying an airplane very low over one or more person to cause alarm. Pointing a firearm at another in jest and

[5] *United States V. Hartley*, 36 C.M.R. 405, 412 (U.S. C.M.A. 1966).

pulling the trigger believing without taking reasonable precautions to ensure it is not dangerous is by definition an example of culpable negligence. The government has not met the probable cause standard for charging murder which carries a life sentence.

6. Charge III:

Specification (Involuntary Manslaughter - Culpable Negligence): Ultimately, the government must prove that Cpl Bopp's actions constituted culpable negligence. Culpable negligence is defined as "a degree of carelessness greater than simple negligence. It is a negligent act or omission accompanied by a culpable disregard for the foreseeable consequences to others of that act or omission." The main issue is whether Cpl Bopp knew or did not know the foreseeable consequences. The government must provide evidence that Cpl Bopp disregarded the foreseeable consequences, and it has failed to do so. For the consequences to be foreseeable, there must be knowledge. As discussed above, the pistol passed the hands of several individuals that night. Cpl House even told law enforcement that Cpl Bopp would not knowingly point a loaded firearm at himself or anyone else. The government has not shown that the consequences were foreseeable. The government has not met the probable cause standard for this charge.

7. Article 134, UCMJ, Negligent Homicide: The UCMJ has a separate offense that covers this circumstance – negligent homicide. To prove negligent homicide, the government must show that a certain person is dead; the death resulted from the act or failure to act of the accused; that the killing by the accused was unlawful; that the act or failure to act amounted to simple negligence; and that under the circumstances it was either to the prejudice of good order and disciple, a nature to bring discredit upon the armed forces, or both. Here, the issue is whether Cpl Bopp was acting negligently – whether he acted with absence of due case of the safety of LCpl Schwenk. Working with and being trained in firearms means understanding the duty of due care to others. Pointing a firearm, loaded or not, in the direction of another is not acting with due care. A key difference in this offense compared to Murder or Involuntary Manslaughter is the knowledge element. Negligent homicide does not require knowledge of the foreseeable consequences which is why under the circumstances in this case, it is more suitable and just.

8. Recommended Disposition of Charges. Ultimately, the totality of Cpl Bopp's actions do not show a degree of wanton disregard for human life or culpable negligence required to meet the probable cause standard. Therefore, based on the evidence provided, a more appropriate charge of Article 134 of the UCMJ, Negligent Homicide, should be preferred in this case.

9. Point of contact for this matter is Major Joshua A. Rehak at 252-466-4873 or joshua.rehak@usmc.mil.

[redacted]
J. A. REHAK
Major, USMC
Detailed Defense Counsel

Copy to:
Trial Counsel
Victim Legal Counsel

Encl (2)

UNITED STATES MARINE CORPS
CHERRY POINT BRANCH, EASTERN REGION
MARINE CORPS DEFENSE SERVICES ORGANIZATION
MARINE CORPS AIR STATION, BOX 8007
CHERRY POINT, NORTH CAROLINA 28533-0007

IN REPLY REFER TO
5800
DSO/jar
8 Jan 24

From: Detailed Defense Counsel
To: Preliminary Hearing Officer

Subj: DEFENSE COMMENTS FOR PRELIMINARY HEARING ICO UNITED STATES V. CORPORAL JESSE T. BOPP, USMC

Ref: (a) Article 32, UCMJ
(b) R.C.M. 405, MCM 2024
(c) Government Preliminary Hearing Comments Dated 4 Jan 24
(d) Defense Preliminary Hearing Comments Dated 4 Jan 24

1. In addition to reference (d), defense submits the following comments in rebuttal to reference (c).

2. The government argues that Corporal (Cpl) Bopp's experience, training, and proficiency with a firearm show that Cpl Bopp was acting in a wanton disregard to human life. This argument is misleading and distracting to the legal issue. It is not supported by any law or case law on the issue of wanton disregard for human life.[1] Additionally, the facts do not support that Cpl Bopp knew the pistol was loaded.

3. The government argued that the "evidence is abundantly clear" that Cpl Bopp knew his pistol was loaded. This is not supported by the government or defense exhibits. Cpl House stated that Cpl Bopp would not point a pistol that he knew was loaded at himself or anyone else. Lance Corporal (LCpl) Metcalf, initially, remembered Cpl Bopp "clearing" the pistol. LCpl Dickinson told investigators that he did not observe ammunition in Cpl Bopp's pistol. Furthermore, the government has not provided fingerprints of who touch the pistol slide or magazine.

4. A finding of probable cause must be predicated on actual facts from a reliable and competent source.[2] There is no evidence to support probable cause for an Article 118(3) charge. As argued in reference (d), an Article 134 Negligent Homicide charge is more supported by the evidence that Cpl Bopp did not act with due care.

5. Point of contact for this matter is Major Joshua A. Rehak at 252-466-4873 or joshua.rehak@usmc.mil.

[redacted]
J. A. Rehak
Major, USMC

Copy to:
Trial Counsel
Victim's Legal Counsel

[1] Examples of Inherently Dangerous Conduct: *United States v. McMonagle*, 38 M.J. 53 (C.M.A. 1993) (firing a weapon indiscriminately in an inhabited); *United States v. Hartley*, 36 C.M.R. 405 (C.M.A. 1966) (shooting into a crowded room); *United States v. Vandenack*, 15 M.J. 230 (C.M.A. 1983) (speeding and intentionally running red light after a prior accident); and *United States v. Campos*, No. ARMY 20060301, 2008 CCA LEXIS 532 (A. Ct. Crim. App. July 31, 2008) (intentionally driving a car into a group of people at a high rate of speed without caring about the consequences).
[2] *Illinois v. Gates*, 462, U.S. 213, 236-39 (1983).

Encl (2)

DEPARTMENT OF THE NAVY
MARINE CORPS OFFICE OF SPECIAL TRIAL COUNSEL – MCB CAMP LEJEUNE
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5811
OSTC
4 Jan 23

From: Special Trial Counsel
To: Preliminary Hearing Officer

Subj: GOVERNMENT COMMENTS ON THE EVIDENCE ICO ARTICLE 32 HEARING FOR UNITED STATES V. CORPORAL JESSE T. BOPP, USMC

Ref: (a) Articles 2 and 3, UCMJ (2024)
(b) Rules for Courts-Martial (RCM), 2024 Manual for Courts-Martial (MCM)
(c) Government Exhibits (1 – 25)
(d) Defense Exhibits (A – C)

1. These written comments are submitted in accordance with reference (b) to aid the Preliminary Hearing Officer (PHO) in weighing the facts required for the limited scope and purpose of the preliminary hearing.[1]

2. **Does Each Specification Allege an Offense?** The Government submits that each specification alleges an offense against the UCMJ. As required by RCM 207(c)(2) and (3), each charge plainly "states the article of the UCMJ…which the accused is alleged to have violated," and each "specification is a plain, concise, and definite statement of the essential facts constituting the offense charged." Accordingly, the Government believes that each specification alleges an offense. The Government would welcome any comment by the PHO on potential defects in the charges or specifications.

3. **Is There Probable Cause To Believe That The Accused Committed The Offenses Charged?**

a. On Wednesday, 18 October 2023, Cpl Jesse Bopp brought his loaded Walther Pistol into LCpl Brennan Metcalf's and LCpl Aiden Dickinson's barracks room at barracks HP 255. Cpl Bopp was wearing a green sweater and gray underwear, with no pants, socks, or shoes on. He unloaded and displayed the weapon to the two Marines. After the Marines took turns holding the weapon, they returned it to Cpl Bopp, and Cpl Bopp reloaded the weapon. After reloading the weapon, Cpl Bopp began to toy with the weapon by unloading and loading it while speaking with the two Marines. At some point while all of this was happening, Cpl Benjamin House came to LCpls Dickinson and Metcalf's room and asked to borrow Cpl Bopp's air fryer. Cpl Bopp bartered with Cpl House for some Twisted Teas[2] in exchange for use of the air fryer. Cpl House then left to retrieve the air fryer while Cpl Bopp continued to talk to LCpls Dickinson and Metcalf.

[1] "The issues for determination at a preliminary hearing are limited to the following: whether each specification alleges an offense; whether there is probable cause to believe that the accused committed the offense or offenses charged, whether the convening authority has court-martial jurisdiction over the accused and over the offense; and to recommend the disposition that should be made of the case." R.C.M. 405(a)
[2] An alcoholic iced tea drink.

Encl (2)

b. A short while later, Cpl Bopp left LCpls Dickinson and Metcalf's room and went to Cpl House's room. Cpl House was using the air fryer while his roommate, LCpl Austin Schwenk, was playing video games. Cpl Bopp brought the weapon with him. Shortly after coming to Cpl House's room, Cpl Bopp produced the pistol, pointed it at his head, and then pointed it at LCpl Schwenk. LCpl Schwenk recoiled and then Cpl Bopp pulled the trigger, discharging a round into LCpl Schwenk's head. Cpl Bopp immediately dropped the weapon, screamed, and fled the barracks on foot. Cpl House shouted for the Marines in the barracks to call 911. A short time thereafter, PMO, CID, and NCIS responded to the scene and a manhunt began for Cpl Bopp. Cpl Bopp was eventually apprehended on the Wilson Bridge approximately 3 hours later. He was taken into custody by NCIS and when breathalyzed he blew a .106. He was given food, water, and a chance to sleep prior to being brought in for questioning, whereupon he invoked his Article 31b rights. Based on these facts and the below supporting exhibits, probable cause exists to believe that the accused committed each charged offense.

Charge: I, Article 92 (Violation of a Lawful General Order)

c. Government Exhibit 4 is CAMLEJO 5500.1A, page 4, para 4(c)(1). The order prohibits "possessing, carrying, displaying, firing, or discharging any firearm aboard the installation, other than as authorized."[3] The order further states that privately owned firearms "are prohibited in all federal facilities,"[4] "shall not be stored in an enduring or long term manner greater than 24 hours within privately owned vehicles,"[5] and "[a]mmunition must be stored separately from firearms and in a container capable of being locked with a key or combination lock."[6] Government Exhibit 15 shows evidence of the firearm ownership, including the serial number of the weapon: FDG 1442.[7] The serial number on the gun case matches the serial number of the weapon recovered at the crime scene.[8] Government Exhibit 21 shows the photo of the gun case in Cpl Bopp's car used to store the weapon. Government Exhibits 5 & 6 show the text messages between Cpl Bopp and then-Cpl Joshua Grimison where Cpl Bopp admits to having his weapon on the base, and Cpl Grimison explains how Cpl Bopp typically stores his weapon. Government Exhibits 7 through 12 show that Cpl Bopp possessed, carried, displayed, fired, and discharged his pistol in front of Cpl House and LCpls Metcalf and Dickinson.

Charge II, Article 118 (Murder - Inherently Dangerous Act)(Elements 1, 2, 4, and 5) & Charge III, Article 119 (Involuntary Manslaughter)

d. Government Exhibit 19 is the uncertified death certificate[9] for LCpl Schwenk. Immediate cause of death denotes "Gunshot Wound to the Head."[10] Government Exhibit 20 is a summary of the autopsy performed on LCpl Schwenk. The cause of death was determined to be a "Gunshot wound to the head."[11] Government Exhibit 3 shows Cpl Bopp's MOS as 2171[12]. Government

[3] GE 4, Page 4 of 12. Para. (4)(c)(1).
[4] GE 4, Page 5 of 12. Para 4(c)(5)(b).
[5] GE 4, Page 8 of 12. Para 4 (c)(11)(e).
[6] GE 4, Page 7 of 12. Para 4 (c)(6)(b).
[7] GE 15, Page 6 of 10.
[8] GE 12, Page 2 of 4.
[9] A certified death certificate denotes a paid copy from the North Carolina Department of Human and Health Services. The information contained on the death certificate is still accurate.
[10] GE 19
[11] GE 20, Page 1 of 2.
[12] Electro-Optical Ordnance Repairer

Exhibits 10 & 11 are the statements of Cpl House describing Cpl Bopp shooting LCpl Schwenk in the head with his pistol. Government Exhibits 7, 8, and 9, are the statements of LCpls Metcalf and Dickinson describing Cpl Bopp bringing the loaded pistol into their room, unloading it, and then loading it again right before he left their room. LCpl Metcalf also states that after the shooting, he went to LCpl Schwenk's room and saw Schwenk face down in a pool of blood, and a firearm was on the floor, and he recognized that firearm as the one Cpl Bopp brought into his room earlier because of the optic[13] on the weapon.[14] Government Exhibits 12, 13, and 14 show the crime scene photos where the weapon, shell casings and two bullet fragments were recovered. Government Exhibits 16 and 17 show that during the manhunt for Cpl Bopp, LCpl Matthew Vann spotted him lying on the side of the road on the Wilson Bridge, and photos were taken documenting the location he was found in. Government Exhibit 18 shows photos of Cpl Bopp after he was apprehended by law enforcement.

Charge II, Article 118 (Murder - Inherently Dangerous Act)(Element 3)

e. Government Exhibit 22 is Cpl Taren Caraveau's statement describing Cpl Bopp's familiarity and proficiency with weapons. Government Exhibit 23 is Cpl Bopp's Arms, Ammunition, and Explosives certification where he shows demonstrated proficiency with loading and clearing a pistol[15], and signs a Statement of Understanding acknowledging that "[he] further understands that serious harm can come from my failure to properly carry out my duties."[16] Government Exhibit 24 is Cpl Bopp's Use of Force Agreement where he initials stating his understanding that "[he] will not point any firearm at any person, except...when I intend to use deadly force."[17] Government Exhibit 25 is Cpl Bopp's Armory Statement of Understanding where he acknowledges his "duties involv[ing] the safety...of arms, ammunition and explosives."[18]

Jury Instructions

f. Voluntary intoxication by itself is not a defense to Article 118(3).[19] For a general intent crime, voluntary intoxication may not be considered for impact on an accused's ignorance or belief.[20]

g. To show the differences between wanton disregard and culpable negligence the following is offered: "An act shows a wanton disregard for human life when it is characterized by heedlessness of the probable consequences of the act, or indifference to the likelihood of death or great bodily harm, and demonstrates a total disregard for the known probable results of death or

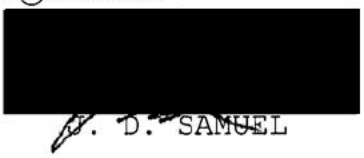
[13] GE #15, Page 7 of 10, display the receipt for the optic. GE #12, Page 2 of 4, showing optic mounted on pistol found at scene.
[14] GE #8, Page 4 of 5, Para. 11.
[15] GE #23, Page 8 of 10.
[16] GE #23, Page 9 of 10.
[17] GE #24, Page 2 of 3.
[18] GE #25.
[19] "Although the accused must have intended the act and known its probable results, voluntary intoxication, by itself, is not a defense to this offense. Furthermore, voluntary intoxication, standing alone, will not reduce this offense to a lesser degree of unlawful killing." Military Judges Benchbook, 3a–42–3. MURDER WHILE ENGAGING IN AN ACT INHERENTLY DANGEROUS TO ANOTHER (ARTICLE 118)
[20] "There has been some evidence concerning the accused's state of intoxication at the time of the alleged offense. On the question of whether the accused's (ignorance) (belief) was reasonable, you may not consider the accused's intoxication, if any, because a reasonable (ignorance) (belief) is one that an ordinary, prudent, sober adult would have under the circumstances of this case. Voluntary intoxication does not permit what would be an unreasonable (ignorance) (belief) in the mind of a sober person to be considered reasonable because the person is intoxicated." Military Judges Benchbook, 5-11-2. IGNORANCE OR MISTAKE--WHEN ONLY GENERAL INTENT IS IN ISSUE

great bodily harm,"[21] and "'Culpable negligence' is a degree of carelessness greater than simple negligence. 'Simple negligence" is the absence of due care. The law requires everyone at all times to demonstrate the care for the safety of others that a reasonably careful person would demonstrate under the same or similar circumstances; this is what 'due care' means. 'Culpable negligence' is a negligent act or failure to act accompanied by a gross, reckless, wanton, or deliberate disregard for the foreseeable results to others."[22] The evidence is abundantly clear that Cpl Bopp knew that his weapon was loaded, heedlessly pointed the weapon at LCpl Schwenk, and pulled the trigger discharging a round in LCpl Schwenk, despite being fully trained and certified in weapons handling, weapons safety, and the use of deadly force. In doing so there is probable cause that his actions showed a wanton disregard for the life of LCpl Schwenk.

4. **Does The Convening Authority Have Jurisdiction Over The Accused And The Offenses?** Pursuant to References (a) and (b), the convening authority has jurisdiction over the accused and the offenses. The accused was an active-duty Marine at the time of the shooting, and the shooting occurred onboard Marine Corps Base Camp Lejeune, North Carolina, in barracks HP 255. Article 2, UCMJ, states that the following category of person is subject to the UCMJ, "Members of a regular component of the armed forces..."[23] RCM 202(c)(1) states that, "Court-martial jurisdiction attaches over a person when action with a view to trial of that person is taken." RCM 203 states, "[C]ourts-martial may try any offense under the UCMJ and, in the case of general courts-martial, the law of war." Therefore, the convening authority has jurisdiction to try both the accused and the offenses.

5. **What Disposition Should Be Made Of The Case?** The Government requests that the PHO recommend each of the charges and specifications be sent to a general court-martial.

6. The point of contact in this matter is Major Jason Samuel, Special Trial Counsel, at (910) 451-9725 or via email at jason.d.samuel.mil@usmc.mil.



J. D. SAMUEL

[21] Military Judges Benchbook, 3a–42–3.
[22] Military Judges Benchbook, 3a–43–2.
[23] Article 2, UCMJ: "(a) The following persons are subject to this chapter:
(1) Members of a regular component of the armed forces, including those awaiting discharge after expiration of their terms of enlistment; volunteers from the time of their muster or acceptance into the armed forces; inductees from the time of their actual induction into the armed forces; and other persons lawfully called or ordered into, or to duty in or for training in, the armed forces, from the dates when they are required by the terms of the call or order to obey it."

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
VICTIMS' LEGAL COUNSEL ORGANIZATION
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:
5800
VLC
4 Jan 24

From: Lieutenant Colonel Stacy M. Allen
To: Preliminary Hearing Officer

Subj: WRITTEN COMMENTS AND VICTIMS' PREFERENCE IN THE CASE OF UNITED STATES V. CORPORAL JESSE T. BOPP, USMC

Ref: (a) R.C.M. 405
(b) 10 U.S.C. 806b

1. In accordance with the reference, the following comments and preferences are submitted to the Preliminary Hearing Officer (PHO) for consideration.

2. Mr. Robert Schwenk Jr., and Mrs. Kassandra (Kaci) Christison, the parents of the decedent, Lance Corporal Austin Schwenk, have an unquestionable preference that all charges preferred by the Office of the Special Trial Counsel on 29 November 2023 be referred by the Convening Authority to a General Court-Martial.

3. Austin was a young Marine with a promising career, a passion for life, and a loving family. During a 2022 Military Signing Ceremony at Riverside Local Schools honoring graduates going off to military service, Austin stated, "I joined the Marines because I have grown up around the Marines. My father was a Marine and he's always given me a reason to look up to him. I chose the Marines for the simple fact that it would give me the discipline and leadership that I will be able to use later in my life." Austin will never have the chance to use the discipline and leadership instilled in him as a Marine because of the actions of the Accused.

4. What happened to Austin was needless, senseless, and tragic. Austin's untimely death has forever changed the life of his family and all those from whom he was taken too soon.

a. Robert served in the Marine Corps for four years as a 4421 Legal Clerk. From his time in service and serving overseas in Fallujah in 2005, Robert suffers from debilitating PTSD. Austin's death has not only caused Robert immense emotional pain but has exacerbated his mental health struggles. The loss of Austin has created a void in Robert's life that can never be filled.

b. Austin's brother Bryce is also suffering. Bryce's already very introverted nature has become even worse since Austin's death. Austin's little sister Fiona, who is only eight years old, will never get to hug her brother, *her person*, again. Fiona's face will never light up again as Austin enters a room to surprise her with a visit home from training. Fiona misses Austin terribly and doesn't understand why he is gone forever.

c. On New Year's Eve, Kaci wrote the following words. They beautifully and tragically capture the impact Austin's death has had on her and their family.

> I know this year wasn't all bad. It had some bright spots. My best friend got married (finally!) and we got some work done around our house, my bathroom 👩 , some minor and major surgeries… yet all I can think about is how it's ended.
>
> The hardest year of my entire life crammed into 2 and a half months. Just… fuck. How time can keep moving on when it feels like my world just stopped. I have heard it said that the greatest loss a human being can experience is the loss of a child. This is true. It doesn't just change you, it demolishes you. I was supposed to protect you forever. I was supposed to teach you, guide you, and love you forever. I was NOT supposed to miss you forever. The quiet moments when is when it all catches up to me. Every time. It's not the memories we have made, it's when I realize again that you won't be here for the ones we had yet to make. I have become intimately aware of the balance between despair and gratefulness. I refuse to allow the tragedy of Austin's death to negate the beauty of his life, the depth of his impact, and the sheer joy with which he loved his life.
>
> I cannot help but be grateful for the those that have been here. From family and friends, to his friends that have reached out, the other MoMs that have become lifelines for me, and the Marines that were his family and friends that have become mine as well.
>
> From the amazing staff at Brunner's, with a very special and heart felt thank you to Jason Sanden for all he did and has continued to do. He was a pillar for me. I really cannot imagine how anything would have gone without him and I cannot thank him enough.
>
> The owners of Sara's Place and Mama Roberto's for donating an incredible amount of food that they did not have to do.
>
> To Anna and the AFC family, we may all be in different places and different gyms now but, they all stepped up to help us. The entire 24 family. I know what they are capable of and being on the other side of that, was not a place I ever wanted to be but I am so grateful they have had my back in this.
>
> To Gunny LaRoche, I barely remember his face or that he was the one that knocked on my door and changed my entire life, but he had a job to do and he has done it well. He was and is such an empathic and kind person to help us navigate all that came.
>
> To Austin, I'm so sorry I couldn't protect you. I'm sorry I don't have a way to change this. You deserved to have such a full and long life, not this one that was far too short before you even had a chance to get started. Somewhere in a parallel

universe I'm hugging you and telling you about my day and you'd be telling me about yours. But in this reality, right now, I'm writing these words and wondering what life would be like without grief and heartbreak. I hate the moments when I think of plans we made and then realize you won't be there for them. Those have been the worst. It's like it happens all over again. I lose you again. I will spend my whole life missing you but also loving you, and you won't be here for any of it. I'm not sure how I feel about this new year, it won't be the same. Nothing ever will. Not without you here. I hope that you have Sapphire riding in the mustang with you cruising around somewhere, just like Dean had the Impala. No doubt endings are hard. But then again nothing ever really ends.

I love you 3000

5. Nothing will ever bring Austin back, but his family can and should receive justice in this case. For all of these reasons, the PHO should recommend referral of the Article 92, 118, and 119 charges against the Accused to a General Court-Martial. Given the evidence available, the conduct at issue, and the impact of the Accused's actions, the PHO should not recommend any lesser charges in this case.

S. M. ALLEN

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IN REPLY REFER TO:
5800-82
SDC/jar
7 Dec 23

From: Detailed Defense Counsel
To: Preliminary Hearing Officer

Subj: CONTINUANCE REQUEST FOR THE ARTICLE 32 HEARING IN THE CASE OF UNITED STATES V. CORPORAL JESSE T. BOPP, USMC

Ref: (a) Appointing Order dated 29 Nov 2023
(b) R.C.M. 405 (Manual for Courts-Martial, 2023)
(c) R.C.M. 707 (Manual for Courts-Martial, 2023)

1. Through counsel, and pursuant to references (a) through (c), Corporal (Cpl) Bopp respectfully requests a continuance of the Article 32 Preliminary Hearing currently scheduled for no later than 11 December 2023, until 3 January 2024. A continuance is necessary in this hearing to afford the defense adequate time to review the significant amount of evidence, secure the presence of potential witnesses at the hearing, and prepare matters in extenuation and mitigation.

2. Government provided defense discovery on 28 November, 30 November, and 1 December. This discovery is approximately 900 pages, 16 videos with hours of interview and other recording, and over 1,000 photographs.

3. Reference (a) authorizes the Preliminary Hearing Officer to approve requests for delay up to thirty (30) days, but directs that requests for delay beyond that be submitted to the Convening Authority. As this request is for twenty-four (24) days, the request is being submitted to the Preliminary Hearing Officer. The defense acknowledges that the twenty-four (24) days for this continuance are attributable to the defense for purposes of reference (c).

4. The point of contact for this request is detailed defense counsel: Major Joshua A. Rehak at joshua.rehak@usmc.mil or 252-466-4873.

[redacted]J. A. REHAK
Major, USMC

Encl (3)

US v. OPP, J. T.
SKYCRAFT
DVD+R 16X 4.7GB
[AUDIO & VIDEO]

Allied Papers

UNITED STATES MARINE CORPS
2D MARINE DIVISION
FLEET MARINE FORCE
PSC BOX 20003
CAMP LEJEUNE, NC 28542-0003

IN REPLY REFER TO
5800
GCMCO 1-22
NOV 2 3 2022

GENERAL COURT-MARTIAL CONVENING ORDER 1-22

Pursuant to the authority contained in Article 22, Uniform Code of Military Justice, Rule for Courts-Martial 504, and Section 0120, Manual of the Judge Advocate General, a General 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:

MEMBERS:

Major Joshua R. Johnson, U.S. Marine Corps;
Major Aaron T. Cauble, U.S. Marine Corps;
Captain John J. Schoberl IV, U.S. Marine Corps;
Captain Joshua C. Daniels, U.S. Marine Corps;
Captain Luke D. Johnson, U.S. Marine Corps;
Captain Samuel T. Disselkamp, U.S. Marine Corps;
First Lieutenant Niall C. Gallagher, U.S. Marine Corps; and,
First Lieutenant Jack C. Merritt, U.S. Marine Corps.

[redacted]

C. L. WORTH JR [redacted]

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)	2. EDIPI	3. RANK/RATE	4. PAY GRADE
BOPP, Jesse T.	[redacted]	Cpl	E-4

5. UNIT OR ORGANIZATION		6. CURRENT SERVICE a. INITIAL DATE	b. TERM
2d Battalion, 6th Marine Regiment, 2d Marine Division, Camp Lejeune, North Carolina	EAS: 13 Jan 24	14 Jan 19	4 Yrs

7. PAY PER MONTH a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	8. NATURE OF RESTRAINT OF ACCUSED	9. DATE(S) IMPOSED
$3,204.30	$0.00	$3,204.30	Pre-Trial Confinement	18 Oct 23 - Present

II. CHARGES AND SPECIFICATIONS

10. **Charge I:** **Violation of the UCMJ, Article 92**

Specification (*Violation of a Lawful General Order*): In that Corporal JESSE T. BOPP, U.S. Marine Corps, on active duty, did, onboard Marine Corps Base Camp Lejeune, on or about 18 October 2023, fail to obey a lawful general order which was his duty to obey, to wit: MCIEAST-MCB CAMLEJO 5500.1A, dated 16 August 2021, paragraph 4(c)(1), by wrongfully, possessing, carrying, displaying, firing, and discharging a weapon aboard Marine Corps Base Camp Lejeune.

Charge II: **Violation of the UCMJ, Article 118**

Specification (*Murder - Act Inherently Dangerous to Another*): In that Corporal JESSE T. BOPP, U.S. Marine Corps, on active duty, did, onboard Marine Corps Base Camp Lejeune, on or about 18 October 2023, murder Lance Corporal A.S. by means of shooting him with a firearm.

Charge III: **Violation of the UCMJ, Article 119**

Specification (*Involuntary Manslaughter – Culpable Negligence*): In that Corporal JESSE T. BOPP, U.S. Marine Corps, on active duty, did, onboard Marine Corps Base Camp Lejeune, on or about 18 October 2023, by culpable negligence, unlawfully kill Lance Corporal A.S. by means of shooting him with a firearm.

III PREFERRAL; SERVICE OF CHARGES

11a. NAME OF ACCUSER (Last, First, MI)	b. GRADE	c. ORGANIZATION OF ACCUSER
REYESECHEUERRIA, Luis A.	Cpl	Office of Special Trial Counsel

d. SIGNATURE OF ACCUSER	e. DATE
REYESECHEUERRIA.LUIS.ARMANDO.1598001584 Digitally signed by REYESECHEUERRIA.LUIS.ARMANDO.1598001584 Date: 2023.11.29 10:26:12 -05'00'	29 November 2023

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 29th day of November, 2023, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

J. D. SAMUEL
Typed Name of Officer

Major, U.S. Marine Corps

[redacted]

Office of Special Trial Counsel
Organization of Officer

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

12. On 08 December, 2023, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. *(See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)*

Michael P. Foley — *Typed Name of Immediate Commander*

2d Battalion, 6th Marines, 2d Marine Division, Camp Lejeune, NC — *Organization of Immediate Commander*

Sergeant Major, U.S. Marine Corps

[redacted]

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1630 hours, 29 November 2023 at 2d Battalion, 6th Marines, 2d Marine Division, Camp Lejeune, NC — *Designation of Command or Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)*

FOR THE Commanding Officer

Elliot H. Wehrle — *Typed Name of Officer*

Legal Officer — *Official Capacity of Officer Signing*

Second Lieutenant, U.S. Marine Corps — Grade

[redacted]

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE	c. DATE
2d Marine Division	Camp Lejeune, North Carolina	JAN 19 2024

Referred for trial to the General court-martial convened by courts-martial convening order # 1-22

dated Nov 23 2022, subject to the following instructions:[2] None

By XXXXXXXXXXXXXXX of — *Command or Order*

C. L. WORTH JR. — *Typed Name of Officer*

COMMANDING GENERAL — *Official Capacity of Officer Signing*

Major General, U.S. Marine Corps

[redacted]

15. On 24 JANUARY, 2024, I caused a copy hereof to be served on the above named accused.

J. D. SAMUEL — Typed Name of Trial Counsel

Major, U.S. Marine Corps — Grade or Rank of Trial Counsel

[redacted]

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

UNITED STATES MARINE CORPS
2D BATTALION 6TH MARINES
2D MARINE DIVISION, FMF
PSC BOX 20099
CAMP LEJEUNE, NORTH CAROLINA 28542-0099

IN REPLY REFER TO
5811
CO
18 Jan 24

From: Commanding Officer, 2d Battalion, 6th Marines
To: Commanding General, 2d Marine Division
Via: Staff Judge Advocate, 2d Marine Division

Subj: RECOMMENDATION FOR GENERAL COURT-MARTIAL IN THE CASE OF UNITED STATES V. LANCE CORPORAL JESSE T. BOPP, U.S. MARINE CORPS

Ref: (a) NCIS ROI CCN: 18OCT23-CALE-00856-7HMA
(b) Article 32 Appointing Order dtd 29 Nov 23
(c) Preliminary Hearing Officer's Report dtd 17 Jan 24
(d) R.C.M. 405, MCM (2019 Edition)
(e) Article 32, UCMJ
(f) Article 33, UCMJ
(g) R.C.M. 401(c)(2)(A), MCM (2023 Edition)

Encl: (1) DD Form 458, Preferred Charge Sheet dated 29 Nov 23

1. As indicated in enclosure (1) charges were preferred on 29 November 2023, based on the information contained in reference (a). In accordance with references (d) and (e), I ordered Lieutenant Colonel Scott J. McGuigan, U.S. Marine Corps Reserves, to conduct a preliminary hearing into the truth of the allegations set forth in the subject case. Consistent with reference (c) Lieutenant Colonel McGuigan issued his Preliminary Hearing Officer's report on 17 January 2024, finding sufficient probable cause for the charges contained in enclosure (1).

2. In furtherance of reference (b), I believe there is probable cause that the accused committed the crimes alleged in the charges and specifications.

3. After careful consideration of references (a) through (g), I agree with Lieutenant Colonel McGuigan that the military justice system has subject matter jurisdiction over the alleged offenses. Based on the circumstances surrounding the misconduct and the seriousness of the offenses, I recommend that the charges and specifications be referred to a General Court-Martial.

ARMSTRONG.JAMES.ROBERT.[redacted] Digitally signed by ARMSTRONG.JAMES.ROBERT.[redacted] Date: 2024.01.18 12:27:32 -05'00'

J. R. ARMSTRONG

Copy to:
Trial Counsel
Defense Counsel
Staff Judge Advocate

UNITED STATES MARINE CORPS
2D MARINE DIVISION
FLEET MARINE FORCE
PSC BOX 20003
CAMP LEJEUNE, NORTH CAROLINA 28542-0003

IN REPLY REFER TO:
5811
SJA
JAN 18 2024

From: Staff Judge Advocate, 2d Marine Division
To: Commanding General, 2d Marine Division

Subj: PRETRIAL ADVICE IN THE CASE OF UNITED STATES V. LANCE CORPORAL JESSE T. BOPP, U.S. MARINE CORPS

Ref: (a) Article 34, UCMJ
(b) R.C.M. 406. MCM (2024 Edition)
(c) R.C.M. 405, MCM (2024 Edition)
(d) R.C.M. 407, MCM (2024 Edition)
(e) Article 32, UCMJ

Encl: (1) DD Form 458, Charge Sheet of 29 Nov 23
(2) NCIS ROI CCN: 18OCT23-CALE-00856
(3) Preliminary Hearing Officer Report dtd 17 Jan 24

1. **Staff Judge Advocate's Review**. Pursuant to the requirements of references (a) and (b), I have reviewed the enclosures. It is my opinion that:

a. The charges and specifications allege offenses under the Uniform Code of Military Justice, enclosure (1);

b. There is probable cause to believe that the Accused committed the offenses charged, enclosure (2) and (3); and,

c. A court-martial would have jurisdiction over the Accused and the offenses alleged.

2. **Recommendation**. An Article 32 Preliminary Hearing was directed to investigate the allegations contained in enclosures (1) and (2). On 3 January 2024, the Preliminary Hearing was conducted. Pursuant to references (c) through (e), the Preliminary Hearing Officer found sufficient probable cause to believe the accused committed the offenses charged in enclosure (1) and recommended that the charges and specifications thereunder be referred to trial by general court-martial, enclosure (3). I concur and recommend all charges and specifications be referred to trial by general court-martial.

3. **Referral of the Charge**. Your signature on Part V of the charge sheet, enclosure (1), will affect referral to trial by general court-martial.

[redacted]
K. R. KILIAN

Audio

AUDIO

PL Bopp, JESSE T., USMC, 15464395
BN, 6th MAR, 2d MARDIV, Camp Lejeune,

Convened by CG, 2d Marine Division
ied at Camp Lejeune, NC, on 30 Jan, 5 Mar, 17 Ju
5 Sep 2024, 6 and 7 Jan 2025

INSTRUCTIONS FOR ASSEMBLING THE CERTIFIED RECORD OF TRIAL

Arrange and bind the record of trial with allied papers in the sequence indicated below. The court reporter is responsible for certifying the record of trial prior to transmittal for appellate review, in accordance with R.C.M. 1112 and JAG/CNLSCINST 5813.1G.

1. Pages 1 (Cover page) and 2 (Chronology Sheet) of DD Form 490 (enclosure 7).

2. Court reporter certification of Record of Trial (enclosure 8).

3. Military Judge verification of Record of Trial (enclosure 8).

4. DD Form 490 (pages 3-6 and any continuation pages if needed) (enclosure 7).

5. Completed Post-Trial Checklist from JAG/CNLSCINST 5814.1G (enclosure 2).

6. Completed Convening Authority's Action Checklist (enclosure 4).

7. Post-Trial Documents.

a. Certificates/Proof of Service of the Certified Record of Trial to the accused and victim, if applicable (enclosure 7).

b. Convening Authority's Action and Entry of Judgment (enclosure 6).

c. Any requests for copies of the court-martial record pursuant to R.C.M. 1106 or 1106A (attach written requests, and any certificates/proof of service, but do not attach the victim's post-trial rights advisement or DD Form 2704).

d. Matters submitted by the accused and/or victim under R.C.M. 1106 or 1106A, or any written waiver of the right to submit such matters. Include all responses to requests here as well.

e. Any deferment request and the action on it (including any request to waive automatic forfeitures under Article 58b).

f. Conditions of suspension and proof of service on probationer under R.C.M. 1107, if any.

g. All clemency recommendations by members or military judge, if any.

h. Statement of Trial Results (enclosure 1).

i. Crime Reporting Information.

j. Accused's request for appellate defense counsel, or waiver/withdrawal of appellate review under R.C.M. 1115, if applicable.

k. All transfer orders, confinement orders, and excess leave orders.

l. Briefs of counsel submitted after trial, if any.

8. Preliminary Hearing.

a. DD Form 457, Preliminary Hearing Officer's Report, pursuant to Article 32, if such hearing was conducted, followed by any other allied papers that accompanied the charges when referred for trial (including any matters submitted under R.C.M. 405(l), unless included elsewhere in the record of trial).*

b. Waiver of Article 32 Hearing (if applicable).

9. Pre-Trial Allied Papers.

a. Convening Order and all amending convening orders.

b. DD Form 458, Charge Sheet (unless included at the point of arraignment in the transcript).

INSTRUCTIONS FOR ASSEMBLING THE CERTIFIED RECORD OF TRIAL

i. Any other information that could be used to identify a specific person other than the accused.

*If the report of preliminary hearing or record of trial contains exhibits, proceedings, or other materials ordered sealed by the preliminary hearing officer or military judge, counsel for the Government, the court reporter, or trial counsel shall cause such materials to be sealed to prevent unauthorized examination or disclosure, pursuant to R.C.M. 1113. Sealed material shall be properly marked, individually placed in separate envelopes with a copy of the preliminary hearing officer or military judge sealing order affixed to it, and inserted at the appropriate place in the record of trial. Do not duplicate sealed material to include it in any copy of the record of trial. Instead, insert a copy of the sealing order in lieu of any sealed material, in any copies of the record of trial.

DIVIDERS ARE NOT NECESSARY TO SEPARATE EACH SECTION. IF USED, THEY CAN BE PAPER RATHER THAN CARD STOCK. IF A PARTICULAR COMPONENT IS NOT APPLICABLE IN THE RECORD OF TRIAL, SUCH AS AN ARTICLE 32 HEARING, EXHIBITS NOT ADMITTED, POST-TRIAL PROCEEDINGS AND VACATION HEARINGS, DO NOT INSERT A DIVIDER OR PLACEHOLDER.

FRONT AND BACK COVER MUST BE ON BLUE CARDS STOCK AND LABELED WITH GUM LABELS.

Binding. Each volume of a record of trial should be no more than 1.5 inches thick and bound at the top with metal or plastic fasteners. **DO NOT** interlace or "piggy-back" prong fasteners to create an oversized volume. **DO NOT** place hole punches where it covers up the evidence or language in the transcript. When it becomes necessary to assemble the record of trial in more than one volume, the volumes will be numbered consecutively, on the front cover, as illustrated below:

Volume 1 of 4 (Pages 1-250)
Volume 2 of 4 (Pages 251-400)
Volume 3 of 4 (Pages 401-652)
Volume 4 of 4 (Pages 653-901 and Exhibits)

Make the first volume of a multi-volume record an inch thick or smaller to allow for inclusion of post-trial documents. Limit subsequent volumes to 1.5 inches, unless dividing them requires assembling an additional volume smaller than a half inch.

Label the upper right-hand corner or the Preparation and Certification of Record of Trial Form (enclosure (8)) to reflect which copy it is, i.e., "**ORIGINAL**," "**ACCUSED**," "**REVIEW**" etc.

Volume 2 of Volumes 5

CERTIFIED RECORD OF TRIAL

(and accompanying papers)

of

Bopp	Jesse	T	[redacted]	Cpl
(Last Name)	*(First Name)*	*MI*	*(DoD ID No.)*	*(Rank)*

2d Bn, 6th MarRegt, 2d MarDiv	USMC	Camp Lejeune, NC
(Unit/Command Name)	*(Branch of Service)*	*(Location)*

By

General Court-Martial (GCM) COURT-MARTIAL

(GCM, SPCM, or SCM)

Convened by Commanding General

(Title of Convening Authority)

2d Marine Division

(Unit/Command of Convening Authority)

Tried at

Camp Lejeune, NC On 30 January, 5 March, 17 June, 5 September 2024, and 6 and 7 January 2025

(Place or Places of Trial) *(Date or Dates of Trial)*

Companion and other cases None.

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

This volume contains
Transcript pgs 1-292

Transcript

PROCEEDINGS OF A GENERAL COURT-MARTIAL

[The military judge called the Article 39(a) session to order at Marine Corps Base Camp Lejeune, North Carolina, at 0904, 30 January 2024, pursuant to the following order:]

[General Court-Martial Convening Order Number 1-22, 2d Marine Division, Camp Lejeune, North Carolina.]

[END OF PAGE]

[The Article 39(a) session was called to order at 0904, 30 January 2024.]

MJ: This court-martial is called to order in the case of *United States v. Corporal Jesse T. Bopp, USMC.* The date is 30 January 2024, time on deck is 0904.

We are here for an arraignment; however, only one of the detailed defense counsel is present. Captain McLaughlin, and could you please state your -- record on the defense's position with regard to going forward this morning with an arraignment?

ADC: Yes, sir. Good morning, sir.

MJ: Good morning.

ADC: Corporal Bopp has made it clear that he will not waive Major Rehak's appearance, who is the other detailed defense counsel to this case. And so he does not want to move forward until he is available on 5 March.

MJ: Okay. All right. I would note that previously we the government filed a motion for appropriate relief to toll the speedy trial clock; I've got that here; it's been marked as Appellate Exhibit V. I was reluctant to grant their request, in the absence of detailed counsel, not on the record, without an opportunity for a hearing.

Government, would you like me to reconsider that now that we are on the record, we've got detailed counsel present?

TC: Yes, Your Honor.

MJ: Okay. Captain McLaughlin, I tasked you before we came on with finding out when Major Rehak would be available for an arraignment, and what date did you say?

ADC: 5 March, sir.

MJ: All right. Well, given that the government is ready to proceed now, has made that manifestly clear. And we are here for an arraignment but the accused is unwilling to go forward, I am going to toll the speedy-trial clock until 5 March 2024, at which time, we will get together for an arraignment.

ADC: Yes, sir. Understood.

MJ: Government, can we make that happen?

TC: Yes, Your Honor.

MJ: Okay. And then we have had some 802s via email; those have been marked -- those emails have been marked as Appellate Exhibit XI.

Counsel, do you want to add or modify anything to that -- it's on the record?

TC: Yes, Your Honor. We added all the email correspondence that had been taking place, as well as some of the attachments to the exhibits, and those have all been updated with the court reporter.

MJ: Thank you.

Defense, anything?

ADC: Nothing to add, sir.

MJ: Okay. Well, anything we need to take up now?

TC: Nothing from the government?

ADC: No, sir.

MJ: Okay. See you on 5 March.

Court is in recess.

[The Article 39(a) session recessed at 0907, 30 January 2024.]

[The Article 39(a) session was called to order at 0907, 5 March 2024.]

MJ: This Article 39(a) session is called to order. All parties previously present when the court recessed are again present, with the exception of the court reporter was previously Staff Sergeant Slade, has now been replaced by Sergeant Fetterman. Sergeant Fetterman has previously been sworn. And I, Major Mossor, have replaced Colonel Workman as the military judge for this arraignment.

Were there any other personnel changes to note from the parties?

TC: Yes, Your Honor. And Major Rehak was not present at the last session.

MJ: That's correct. So the last session was not an actual arraignment. I think you all just got on the record with Colonel Workman. Major Rehak was not present. And ultimately, from that hearing, Colonel Workman had ordered the arraignment to be on today's date.

TC: That's correct, Your Honor.

MJ: Very well. Prior to coming on the record, we did have some brief R.C.M. 802s. One was some email traffic, just, scheduling this hearing on the docket. Additionally, today, in the presence of the parties and the accused -- military judge, just discussed the personnel, but we've already gone over. As well as the military judge went with the trial counsel and the court reporter through the appellate exhibits and the allied papers to make sure that we had everything with the court reporter correctly because some of the allied papers are not saved onto the teams file. But as long as they're with the court reporter and attached the record, the Court is satisfied.

We also discussed the government's proposed -- has a proposed memo and the defense has a proposed TMO with different dates that we're going to address that on the record following the initial arraignment script.

Anything to add or correct for my summation of the 802?

TC: Nothing from the government, Your Honor.

DC: Concur with nothing to add, Your Honor.

MJ: All right.

Trial Counsel?

TC: This court-martial is convened by Major General Calvert Worth, 2nd Marine Division, by General Court-Martial Convening Order Number 1-22, dated 23 November 2022; copies of which have

been furnished to the military judge, counsel, and the accused, and which will be inserted at this point in the record.

No article 30(a) proceedings were held in connection with this case.

The charges have been properly referred to this court for trial and were served on the accused on 24 January 2024. The five-day statutory waiting period has expired.

The prosecution is ready to proceed with the arraignment in the case of *United States v. Corporal Jesse T. Bopp*.

The accused and the following persons detailed to this court are present:

Major William Mossor, Military Judge;

Major Jason D. Samuel, Trial Counsel;

And Major Joshua Rehak and Captain Jessica McLauhgin, Defense Counsel; and,

Lieutenant Colonel Stacy Allen, Victim's Legal Counsel.

The members are absent.

Sergeant Maygon Fetterman has been detailed reporter for this court and has been previously sworn.

I've been detailed to this court-martial by Brigadier General Woodard, Lead Special Trial Counsel of the Marine Corps. I'm qualified and certified under Articles 24(a) and Article 27(b), and sworn under Article 42(a), Uniform Code of Military

Justice. I have not acted in any manner that might tend to disqualify me in this court-martial.

MJ: Thank you, trial counsel.

Lieutenant Colonel Allen, I do have your notice of appearance marked as an appellate exhibit previously, but could you announce your detailing and qualifications for the record?

VLC (LTCOL ALLEN): Yes. I have been detailed to this court-martial by Colonel Ian Peden, the Chief Victim's Legal Counsel of the Marine Corps. I'm qualified and certified under Article 27(b) and sworn under Article 42(a) of the Uniform Code of Military Justice. I have not acted in any manner that might tend to disqualify me in this court-martial.

MJ: Thank you, ma'am.

Corporal Bopp, I'm now going to go over your rights to counsel with you. There will be several questions I'm asking you throughout today's hearing, and you may remain seated during my questioning with you. There will be a portion where I ask you and your counsel to stand there, understood?

ACC: Yes, Your Honor.

[The accused did as directed.]

MJ: All right. You have the right to be represented by Major Rehak and Captain McLaughin, your detailed military defense counsel. They are lawyers certified by the Judge Advocate General as qualified to act as your defense counsel and they are

members of the Marine Corps Defense Services Organization. Their services are provided at no expense to you.

You also have the right to be represented by military counsel of your own selection, provided that the counsel you request is reasonably available. If you were represented by military counsel of your own selection, then your detailed counsel would normally be excused; however, you could request that your detailed counsel continue to represent you, but your request would not have to be granted.

Do you understand that?

ACC: Yes, sir.

MJ: In addition to your military defense counsel, you have the right to be represented by civilian counsel at no expense to the government. Civilian counsel may represent you along with your military defense counsel, or you could excuse your military counsel and be represented only by civilian counsel.

Do you understand that?

ACC: Yes, sir.

MJ: Do you have questions about your rights to counsel?

ACC: No, sir.

MJ: By whom do you wish to be represented?

ACC: Major Rehak and Captain McLaughin only, sir.

MJ: By them alone?

ACC: Yes, sir.

MJ: Defense counsel, please announce your detailing and qualifications.

DC: Good morning, Your Honor. All members of the defense team have been detailed to this court-martial by the Chief Defense Counsel of the Marine Corps at the time, Colonel -- Colonel Valerie Danyluk. All detailed members of the defense are qualified and certified under Article 27(b) and sworn in accordance with Article 42(a), Uniform Code of Military Justice. No member of the defense team has acted in a disqualifying manner.

MJ: Thank you, defense.

I have been properly certified and sworn and detailed by the Circuit Military Judge of the Eastern Judicial Circuit to this court-martial for this arraignment. I'm not aware of any matter that might be ground for challenge against me, but I invite both voir dire and/or challenge. Does either side desire to question or challenge me?

TC: No, Your Honor.

DC: No, Your Honor.

MJ: Counsel for both sides appear to have the requisite qualifications and all personnel required to be sworn have been sworn.

Trial counsel will now announce the general nature of the charges.

TC: The general nature of the charges in this case are violations of Article 92 of the UCMJ, Violation of a Lawful General Order; Article 118 of the UCMJ, Murder -- Act Inherently Dangerous to Another; and Article 119 of the UCMJ, Involuntary Manslaughter, Culpable negligence.

The charges were preferred by Corporal Luis A. Reyesecheurria, and forwarded with recommendations as to disposition by Lieutenant Colonel J. R. Armstrong, commanding officer, 2d Battalion, 6th Marines.

An Article 32 preliminary hearing was conducted by Lieutenant Colonel Scott McGuigan, United States Marine Corps Reserves.

MJ: Corporal Bopp, you have the right to be tried by a court consisting of eight members. After impanelment, as a result of excusal, the court could be reduced to no fewer than six members. You're also advised that no member of the court would be junior in rank to you. You may request that the members of the court be comprised entirely of officers, that is, commissioned and/or warrant officers, or of at least one-third enlisted members. If you do not make such a request, then the court shall be comprised of members in accordance with the law.

Do you understand what I've said so far?

ACC: Yes, sir.

MJ: If you were tried by court members, the members will

vote by secret, written ballot and three-fourths of the members must agree before you could be found guilty of any offense. If you are found guilty in a trial with members, you will have the option of electing sentencing by military judge alone or sentencing by court members.

If you elect to be sentenced by court members, three-fourths of the members must agree in voting on a sentence. If you do not elect to be sentenced by court members, then the military judge will decide the appropriate sentence for you.

Alternatively, you may request to be tried by military judge alone. If your request is approved, there will be no court members. The military judge will decide whether you're guilty or not guilty. And if found guilty, the military judge will determine the sentence for you.

Do you understand the difference between trial before members and trial before military judge alone?

ACC: Yes, sir.

MJ: Do you understand the choices that you have?

ACC: Yes, sir.

MJ: What type of court do you wish to be tried?

DC: Corporal Bopp requests to reserve pleas -- reserve our forum selection in the accordances of the trial management order, Your Honor.

MJ: Defense's request to reserve forum selection in

accordance with the trial management order, which has not been set yet, but to the later date that will be set, is granted.

The accused will now be arraigned.

Trial counsel?

TC: All parties to the trial have been furnished with a copy of the charges. Does the accused want them read?

DC: Corporal Bopp waives the reading of the charges, Your Honor.

MJ: Very well. The reading may be omitted.

And trial counsel, where -- were the charges signed by a person subject to the code?

TC: Yes, Your Honor. The charges are signed by Corporal Luis Reyesesecheurria, a person subject to the code as accuser was properly sworn to before a commissioned officer of the Armed Forces authorized to administer oaths, and is properly referred to this court for trial.

MJ: All right. Corporal Bopp, I am going to ask for you and your defense counsel, please rise at this time.

[The accused and defense counsel did as directed.]

MJ: How do you plead? And before receiving your plea, I advise you that any motions to dismiss or grant other appropriate relief should be made at this time, and your defense counsel will speak for you.

DC: Corporal Bopp requests to reserve pleas and motions in

accordance with the trial management order, Your Honor.

MJ: Very well. The defense request to reserve pleas and motions in accordance with the trial management order, that will be later set, is granted.

You may be seated.

[The accused and defense counsel did as directed.]

MJ: Corporal Bopp, what has just happened is called an arraignment. An arraignment has certain legal consequences, one of which I'd like to explain to you now. Under ordinary circumstances, you have the right to be present at every session and stage of your trial; however, if you are voluntarily absent at any point in this trial going forward, you may forfeit your right to be present. Future sessions of this trial, including sentencing, if necessary, could go forward even if you are not present.

Do you understand that?

ACC: Yes, sir.

MJ: It is important that you keep your defense counsel and your chain of command apprised of your whereabouts at all times between now and future sessions of this court-martial.

Do you have any questions about what I have told you?

ACC: No, sir.

MJ: Any questions about anything we've gone over today?

ACC: Not currently, sir.

MJ: Very well.

Counsel, we will now go over the trial management order. So what I've got from the government sets a discovery Article 39(a) on 4 April 2024, expert consultant Article 39(a) on 16 April 2024, an additional Article 39(a) session for 28 May 2024, and the trial dates of 1 through 16 August 2024.

From the defense, I've got the discovery 39(a) on 16 April 2024, the expert consultant 39(a) -- this is where we start to depart pretty -- pretty significantly from the government's proposal -- is 1 July 2024, the defense incorporated an additional 39(a) session on 20 August 2024, and then the final 39(a) session on 22 November 2024, and trial dates for 20 through 31 January 2025.

Government, what is your position on the Trial Management Order? I understand you have your submission and you indicated in our 802 that you object to the defense's proposed dates.

TC: Yes, Your Honor. Given the nature of this case and the status of the discovery, the government believes that this case should go to trial much sooner. Also, given the accused's status in pretrial confinement, the government is ready to proceed to trial much sooner than almost a year from now.

The -- another thing to note that the government, in its proposed TMO also had a backup date of 11 June 24 as a fourth

39(a) -- fourth 39(a) date if -- if necessary, to ensure that all the necessary things that need to be litigated can be litigated in the phases, and stages to preserve the trial date.

MJ: Very well.

Defense?

DC: Yes, Your Honor. I think one of the issues here is we are talking about a complicated case of the complex issues. We're going to need multiple experts. And if we get those experts, if we just constantly are shifting dates, we don't really have a set date in stone. Pushing the dates out allows us to actually have a realistic goal of when we can actually go to trial with realistic milestones in between.

It's easy to say we can get expert requests and everything done in April, but we know how this really happens in our -- in our system: It takes time for a general to process an expert request; it takes time for their SJA to process expert requests. And we're not just talking about one simple expert request. We're told about needing multiple experts in a case like this.

That alone is -- should be enough for the Courts to move the trial dates past August. These experts already are booking into the summer. If we say, hey, we're going to set these trial dates for August, so we're trying to find experts in August, we're already going to be moving to November. At this

point, that's just the reality of the circumstance.

So trying to set these arbitrary dates with really no backing behind them for April and May and then basically waiting two months between June, July to get to August with nothing due it just doesn't make sense. The defense's TMO constantly has us moving the ball towards trial. In July, August, and November, it gives us actual time to build our case and to actually rebuild -- to rebut the defense case -- the government, Your Honor.

MJ: Defense, the Court's concern is, obviously, efficiently taking care of the case and moving it along. You know, this is, of course, way outside of the 90 day, you know, guideline that is given by the EJC rules; even the government's proposed dates are outside of that.

The Court understands your point on, you know, complex complicated case with complex issues, but not addressing experts in a 39(a) until 1 July, that's seems like a pretty significant departure. I mean, that's, like, four months to figure out your experts when, you know, you would normally be into a GCM by then.

DC: And -- yes, Your Honor, and I think that's a valid concern. But we're talking about needing experts, you know, to inspect NCIS' Digital's, DC3, to inspect what USACIL did, which is, you know, fingerprints and gunshot residue. There's multiple different things that we're going to need different experts for.

And it's -- the 39(a) might not be until 1 July, but

the actual requests are due in May and that's going to take time to build those requests. And it's also going take time for the command to weigh in on those requests. And then, to have to actually be -- build the file, you know, realistic motions about those experts, it's going to take to 1 July. And that's just experts. That's not even the other lay witnesses we're going have to go down and track and interview.

I mean, there's a lot that is going to be done in this case. And I understand that it -- it's not within the -- you know, the 90-day timeline, but -- but it is a different type of case, it's different.

MJ: It is. But as the government pointed out, I mean, the trial dates you're asking for are almost a year out from when we were originally going to ring this case. I mean, that's -- that's a very significant departure from -- from any kind of guideline. But really, that's a lot delay before getting to trial.

DC: Absolutely, Your Honor, and if I -- you know, if the Court would like me to submit, I could submit other services, how they do these type of cases in the civilian world. I mean, we're talking about a case that normally -- a homicide case normally not going to trial for years. And we're talking about just over one year from day of incident to trial in our system. I mean, other systems don't even move that fast. And we're still moving

extremely fast.

When you compare it to a civilian case where it takes usually three to four years or even the other services where it takes a year to two years. I mean, I could cite specific cases that we've seen recently in our system that have taken multiple years, like *GilMatt*[ph], to get from incident to trial or, you know, the other two cases involved in that. I mean, this is a realistic TMO. Trying to rush to an August trial date, it's just not realistic. And we're going to be coming back here. We're going be asking for continuances and continuances, and then we're going be looking at expert schedules over and over again and bumping out cases just because of experts availability.

MJ: I think that's why the government was trying to set the expert consultants -- expert witness stuff earlier; you get that done in the next month. That way, you do get them locked in for scheduling for trial. Why do you need four months to figure out your experts instead of just a month?

DC: You're under strict availability of a defense counsel on both these cases. We don't have the -- the long arm of the government like they have with USACIL, DC3, and NCIS are controlled by the government. We actually have to go find our experts. And I'll just say, I've got two trials scheduled this month back to back right now. Captain McLauglin has multiple trials scheduled this month and next. I have boards of inquiry

and adsep boards scheduled throughout both of these months. I mean, having these -- it's -- we're not going to be effective, if we can't push our expert due dates out until May.

MJ: Thank you, defense. Of course, I'm not going require you to submit additional material -- probably --

DC: Yes, Your Honor.

MJ: -- from other courts. I would like to hear from, Lieutenant Colonel Allen, if you have a position on -- I know you can't -- you don't really have standing on when the trials actually scheduled, but under Article 6(b), I believe the victim has --

VLC (LTCOL ALLEN): Correct, Your Honor, I recognize you. Yes, I recognize we don't drive scheduling, but thank you for allowing me to be -- say something I missed. So I do have predominantly favorable to the government, TMO. I do have a couple issues on my end, both for a -- personal leave and on behalf of my clients.

I would request slight deviation from the government TMO with respect to the 39(a) date that's scheduled for 28 May. I would request to move that a week to the right into the first week of June. And then, we do have some issues with the trial dates. I have leave in the system until the 6th of August and I believe that the trial counsel goes on leave in mid August, which will naturally, perhaps, push us to the right a little bit.

The next most feasible dates for trial for my clients and I, again, recognizing that we don't drive the trial schedule is 7 to 23 October, which, kind of, puts us in between two TMOs. I don't know if that makes it any more or less appealing to either side, but those are our dates that would be acceptable from our perspective.

MJ: Thank you, Victims Legal Counsel.

All right. So what I'm going to do -- I don't want to overstep my detailing either from Colonel Workman, but I'll encourage the parties to do is get together, submit an additional TMO to Colonel Workman for him to make the final ruling on. I've taken notes of your arguments and he'll have the audio from this so he can take in any other considerations from you all.

But if you all want to submit, again, your -- your own TMOs -- I can tell you, defense, I don't think he's going to -- he's going to give you a year but, you know, he's going to consider that it is a complicated case of complex issues, Major Samuel, and I don't think pushing it past August is completely unreasonable given the charges in this case.

So I encourage you all just to get back together, get the input from the VLC as well on the dates, and come back to Colonel Workman with either two additional proposed TMOs for him to rule on or possibly you all agree on one.

TC: Yes, Your Honor. And if I may, just to -- to orient

the Court, especially if Colonel Workman may be reviewing this audio. The defense has been provided, at this moment, with about 80 percent of all the discovery. And given -- the defense, they know what experts they even want, especially -- they're talking about what schedules are available. And they -- it sounds like they've already been discussing what experts they need.

The vast majority of the USACIL discovery will be provided -- has been provided. And I think there's one missing piece that we just got back which they will get in short order. So they've had the vast majority of this discovery since the Article 32 that was originally gathered for December until that got continued into January. So this is not a case where the defense has not been able to view and understand what they're going to need to litigate this case. They've already had that -- they've had that information for some time. To the extent that the Court takes into consideration the defense saying that they would be ineffective, the -- the defense has had this discovery for a significant period of time to orient themselves on the nature of the case, Your Honor.

MJ: Thank you, Major Samuel. I think the defense's point, though, is not that they would be ineffective as they have not received the discovery they need, just that in the next month for when you're trying to schedule the expert 39(a), they just -- they have a lot going on in the next month. And if Colonel

Workman wants to, he can order you all to give your schedules over to him.

I take it at face value what the defense is telling me is -- as far as their trials. In fact, I know Major Rehak is going be in a trial with me next week. So understanding that their own schedules, their point, that they were making, was not that they haven't, maybe, already started researching experts and talking to experts, but they don't -- they're not going have enough time to litigate the issue in the next month. This is what they were saying to be effective. So I just want to clarify that anything else, Major Samuel?

TC: Nothing from the government.

MJ: And, Major Rehak, I understand you'd like to stand the trial out, but was there anything else you needed to bring up?

DC: No, Your Honor. With what you said, we -- we concur with what you were just saying about our schedules.

MJ: Okay. Very well.

DC: Yes, Your Honor.

MJ: All right. Is there any other issues we need to take up before this court recesses?

TC: Nothing from the government, Your Honor.

DC: Nothing from the defense, Your Honor.

MJ: Very well. This court is in recess.

[The Article 39(a) session recessed at 0931, 5 March 2024.]

[The Article 39(a) session was called to order at 0912, 17 June 2024.]

MJ: This general court-martial is called to order in the case of *United States v. Bopp*. The date is 17 June 2024. The time on deck is 0912. All parties present when the court last recessed are again present, with the addition of our victim's legal counsel.

Ma'am, would you like to state your qualifications on the record for us and who you represent?

VLC (MS. FAIR): Yes, Your Honor. Good morning, my name is Chasity Fair. And I represent Ms. K.C., first victim, in this case. I'm a member and in good standing [inaudible] bar of the District of Columbia, and I have not acted in any manner that may disqualify me.

MJ: Thank you.

Additionally, we have a VLC participating remotely from Camp Pendleton.

Captain, why do you go ahead and state your detailing qualifications on the record.

VLC (MS. FAIR): Yes, Your Honor. Good morning. I am Captain Stefano Cavallaro. I have been to detailed to represent Mr. Robert Schwenk, who is the Article 66 designee of the nameD victim in this case. I've been detailed by the Regional Victim's Legal Counsel-West, Major Angel Alfaro. I'm qualified and

certified under Article 27(b) and sworn under Article 42(a) of the UCMJ. I have reviewed and understand the current Navy-Marine Corps Trial Judiciary Rules of Court, as well as both the Eastern and Western Judicial Circuit rules. I have not acted in any manner which may tend to disqualify being the in court-martial.

Thank you, Your Honor.

MJ: Thank you. Additionally, we have Captain Kim, who requested to be partially excused for this morning's 39(a) session. He is tending to another court-martial as well, so he'll be coming and going. We'll get his detailing and qualifications on the record at a later time.

The VLC notices of appearance have been attached to the record. They can be found at Appellate Exhibits XXIII through XXVI.

By way of summarizing prior R.C.M. sessions, we did have some communications through email: They dealt mostly with logistical matters, as I just mentioned; we talked about the remote presence of the VLC. The defense gave notice to the Court that they would like to make a rear entrance into the courtroom, which the Court granted. There was the government's request for the Court to sign witness designee letters, which the Court has done, and those have been attached to the record as well as the next appellate exhibit in order. And there were also some questions regarding the utilization of NCORS, which is the

Navy-Marine Corps' latest attempt to track cases electronically.

The Court received, additionally, some M.R.E. 304 notices from the government. The defense updated the Court that it was still working on seeking expert witness funding requests. The defense also filed a continuance request that was granted by the Court; that is attached as Appellate Exhibit XVII to the record.

The parties also worked out the final iteration of the trial management order, which has been attached as Appellate Exhibit I; that is the TMO that was signed on 2 May. The government sought a warrant for the accused's Discord account; all parties were CC'd on that request and the Court's granting of that request.

And Major Samuel, that's been attached as the next appellate exhibit in order or an Appellate Exhibit?

TC: Yes, Your Honor.

MJ: Okay.

TC: Yes, Your Honor, it has been.

MJ: Thank you.

TC: As well as the return.

MJ: The return was attached as well. Okay. And most of these emails, if not all of them, have been attached to the record as Appellate Exhibit XXVII.

Does either party desire to add anything more to that

or modify that in any way? If so, you may proceed.

TC: Yes, Your Honor. One other item that I believe the Court missed was that the government and defense agreed to lay witness request dates that the Court granted -- a lay witness request date of 10 July for the request being made, 24 July for the response so that it could be litigated at the 12 August motion session.

MJ: And that was done via email, correct?

TC: Yes -- yes. And that email is attached to --

MJ: And is that included in Appellate Exhibit XXVII?

TC: Yes, sir.

MJ: Defense, anything you want to add or modify to that?

DC: Good morning, Your Honor. My apologies. I'm just double checking through something. If I could just have maybe a minute, Your Honor?

MJ: Sure.

DC: Thanks. Yes. I think, just for the record, to clarify one thing, I think you said the accused's Discord, but I think it was actually Lance Corporal Schwenk's Discord was what was sought in the warrant, Your Honor, just to clarify that. But --

MJ: You are correct about that. Thank you.

DC: Thank you, Your Honor. Other than that, defense concurs with nothing to add.

MJ: So that brings us to the purpose of today's hearing,

which is to litigate a couple of motions that were filed.

Counsel, how do you want to take those up, in what order?

TC: Your Honor, I think the more substantive motion that appears to be fully contested is probably the defense motion for 404(b)-- the exclusion of 404b.

As to the two government motions, the motion in limine for the lawfulness of the order; the defense said that they did not intend to file a response, but it is not clear to the Government whether that is a concession of the issue or sort of a request to wait at a later time.

And then, also for the motion for the preliminary admissibility of the vehicle search. I think, again, the defense is not really clear whether or not that's a contested issue. The defense appears to be requesting to not have to make a position on that at this time.

But absent that -- so that -- that could, sort of, determine whether or not we have to litigate all three today or is it really just going to be the defense motion for appropriate relief for the 404(b) notice.

MJ: Defense, what's your position with regard to the order -- the lawfulness of the order?

DC: It's a lawful general order, Your Honor. I think it's pretty clear that it is.

MJ: Okay. All right. That resolves that, I think.

And then with regard to the vehicle search?

DC: Yes. So, Your Honor, I think the issue with the vehicle searches is we're not going to give up objections to the admissibility of things that we don't know what the government's trying to admit, you know. It's the ISO mat in the -- found in the trunk of the car that he's trying to admit for what is it, right? I mean, if that's what it is, it's probably not relevant, right?

So we can't give up, you know, any admissibility issues over what the government might want to admit at trial; however, regarding the actual search itself, we didn't raise a motion suppressing the search or saying that it's an unlawful search, Your Honor.

So I think it's pretty clear that defense's position is it's not at issue -- the searche isn't at issue. The admissibility of what the -- what the government wants; I don't know what they want to admit at trial yet. So we might still have objections to those things, Your Honor.

MJ: Okay. Government, what exactly are you seeking to admit today? Is it just the CASS, is it the fruits of the search; what are you seeking to preadmit?

TC: So it is to get the admission of the CASS and say that the search was, in fact, lawful. That's the first item.

The second item is the gun case that was found in the rear of the accused's vehicle. That's another issue.

And then, also, depending on what the defense may argue at trial, how the search was conducted of both the barracks room and of the vehicle may become relevant. But we don't know what they may be contesting. At this point, the government's -- the only piece of evidence the government is looking to introduce is the gun case, but also to get a ruling on the admissibility of the CASSs for both the barracks room and -- and the vehicle.

MJ: Okay. So you're not seeking to preadmit the CASS, you're seeking a ruling from the Court on the lawfulness of the CASS, correct?

TC: Yes, Your Honor.

MJ: Okay. Well, it sounds like the defense is not contesting that.

TC: So if the CASS is not being contested, then I think that resolves that -- that issue, Your Honor.

MJ: Okay.

TC: If defense is not saying that search was unlawful, then I think -- I think we're good in that and they would still be able to have their objections as to relevance of any particular item that would come up at trial. I don't think they waive that by saying that the case was lawful.

MJ: Okay. Defense, would you agree with that?

DC: I would, Your Honor. Yes.

MJ: Okay. All right.

DC: And sorry, Your Honor, if I may -- I just want to be clear here too -- I think when we're talking about the lawfulness of the CASS we're not necessarily talking about admitting the four corners of the paper either, right? Because I don't think that there's -- I think that we would have an objection to admitting just the document itself. An NCIS agent getting on the stand and saying these are the steps I took and this is what I did. I think it's fine. But talking about having a commander's signature and all that type of stuff, we might have an objection to that, obviously. But regarding the lawfulness of the search, we didn't raise a motion. So I don't think we see an issue with it, Your Honor.

MJ: Okay. Okay. All right. Does that clear that up then for your government?

TC: Yes, it does, Your Honor.

MJ: Okay. All right. So then that leaves the 404(b) motion on the table. Is there any additional evidence that the parties would like to offer as it pertains to the 404(b)?

DC: Yes, Your Honor. So, captain McLaughlin will be the one arguing the motion for the record. But we do have a witness -- probably two -- that we would like to call. One of them, I believe, is here. We'd just have to stop and see if

Lance Corporal Dickinson is here. The other one will be Lance Corporal Metcalf. He's on predeployment leave right now, so we would ask the Court that we be able to call him telephonically and let him testify. I assume the testimony of both will take about 10 to 15 minutes, Your Honor.

MJ: Okay, all right. Well, you may proceed with calling your witness. Let's verify that they're here.

[The defense counsel did as directed.]

LANCE CORPORAL AIDEN P. DICKINSON, U.S. Marine Corps, was called as a witness for the defense, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. All right. And can you please state your full name and spell your last name for the record?

A. Yes. Aiden Parker Dickinson; my last name is D-I-C-K-I-N-S-O-N.

Q. And what is your rank?

A. Lance Corporal.

Q. And what unit are you assigned to?

A. Victor 26.

Q. And where is that unit located?

A. Camp Lejeune.

TC: Thank you.

DC: May I proceed?

MJ: You may proceed.

DC: Thank you.

Questions by the defense counsel:

Q. Good morning, Lance Corporal Dickinson. How are you doing today?

A. Pretty good today.

Q. All right. So I want to talk to you a little bit about some statements that you made. Do you remember being interviewed by NCIS in October of 2023?

A. Yes, sir.

Q. And do you remember telling them a little bit about -- or talking to them about the night in question?

A. Yes, sir.

Q. Do you remember making a comment to them that Corporal Bopp had made a statement like, every day I get closer to EASing I'm itching to kill someone?

A. Yes, sir.

Q. And what do you, kind of -- can you explain to the Court what you remember about that statement?

A. It just, kind of, replays in my mind sometimes just because it didn't really age too well to me.

Q. What do you mean by that?

A. Just because, you know, the events that happened

afterwards and it's just not really something that sat well with me afterwards.

Q. Okay. Now -- sorry, I'm going to take some notes as we go to. What were you, kind of, doing in the -- in the room when Corporal Bopp was there?

A. I was just playing video games and then listening to some music in my right earbud and then turning and joining in the conversation every now and then.

Q. Okay. And what do you mean by joining in the conversation every now and then?

A. Just because, you know, I'd get bored of the game for a second or, you know, there was a piece of the conversation that I could add to, but I wasn't fully involved in the conversation.

Q. And who was that conversation between?

A. Me, Corporal Bopp, and Lance Corporal Metcalf.

Q. All right. So I want to kind of paint a picture for the judge, where were you sitting in your room?

A. I was sitting on the -- when you would walk into the room and would be on the left side right in front of my wall locker.

Q. All right. And then, what are you looking at, a TV? Or what are you looking at?

A. Yes, I'm looking at my TV.

Q. All right. And what video game were you playing?

A. *Spider-Man 2.*

Q. All right. Now, you mentioned that Corporal Bopp and Lance Corporal Metcalf were in the room as well.

A. Yes.

Q. Where were they standing?

A. Corporal Bopp was standing at the doorway and Lance Corporal Metcalf was sitting on his bed.

Q. And where's Lance Corporal Metcalf's bed in that room?

A. Right to the right whenever you walk in.

Q. So I'm going to try to paint this picture, so if I open the room and I'm facing the jury box to the left, that's where you would be sitting, right? Where you're kind of sitting in the witness stand right now?

A. Yes.

Q. And you'd be facing the wall, though, is that right?

A. Yes.

Q. All right. And then to the right, that would be where Lance Corpora Metcalf's bed is; is that right?

A. Yes, sir.

Q. And Corporal Bopp and Lance Corporal Metcalf were standing by the doorway?

A. Lance Corporal Metcalf was sitting in his rack and then Corporal Bopp was standing at the doorway.

Q. Okay. Thank you. How long were they talking?

A. I want to say around 45 minutes to an hour.

Q. And what were they talking about?

A. Just about really anything, work going on throughout the weeks; they talked about how Metcalf's parents were looking to buy a new gun or a shotgun or something, just talked about that. We talked about his pistol that he had and briefly about video games because that's what I was playing.

Q. Now, that night when -- let's kind of back up, how long had you been at the unit at that time?

A. I was there for about two and a half months to three.

Q. All right. Did you know Corporal Bopp pretty well at that point in time?

A. Not really, no.

Q. All right. What about Lance Corporal Metcalf?

A. Yes, just because we're roommates. So I got to know him more than I did anyone else.

Q. And where's Corporal Bopp's room in relation to yours and Lance Corporal Metcalf's room?

A. Right next door.

Q. All right. And I know you said right next door, but is it left next door?

A. Yes.

Q. Okay. So you all worked in the armory; is that right?

A. Yes, sir.

Q. All right. Talk to me about the kind of culture in the armory.

A. Pretty good. I mean, it was more, like, just a bunch of boys working together. We'd -- would mess around every now and then, joke around, but it was pretty serious, at that time, because we were going through inspections.

Q. Okay. So, now you mentioned you joked around. What did you all joke about?

A. Just, kind of, shooting the shit, I would say, you know, just, kind of, messing around, roasting each other, just normal --

Q. Just normal humor?

A. Yes.

Q. Okay. Well, sometimes some of that humor, like dark humor?

A. Yes.

Q. And what do you mean by when you say dark humor?

A. Just from topics that really people are sensitive to, it could be literally any -- anything.

Q. Okay. Fair to say things, sometimes, like suicide or something like that?

A. Yes.

Q. And was that common for all of you in the armory?

A. Yes, sir.

DC: All right. Your Honor, may have a moment?

MJ: You may.

Questions continued by the defense counsel continued:

Q. Lance Corporal Dickinson, when -- when you talked about dark humor, you said it was, kind of, generally everyone in the armory, right?

A. Yes, sir.

Q. Is that including Corporal Bopp?

A. Yes.

Q. All right. Now, I want to talk a little bit more about Corporal Bopp. Have you ever seen him, like, threaten anyone?

A. No.

Q. Had you ever seen him joke about killing anyone else?

A. Yes.

Q. Just that one time?

A. Yes.

Q. And then in the armory, though, had he ever made any comments about wanting to kill anyone or anything like that?

A. Not that I can remember off the top of my head, no.

DC: Okay. All right. Thank you, Lance Corporal.

Your Honor, I have no further questions at this time.

MJ: Major Samuel, cross examination?

TC: Yes, Your Honor.

CROSS-EXAMINATION

Questions by the trial counsel:

Q. Good morning, Lance Corporal Dickinson. You were talking about what was going on in the room, did Corporal Bopp have any items with him in the room?

A. Yes, sir.

Q. What item did he have?

A. He had his pistol with him.

Q. What was he doing with that pistol?

A. He was showing it off to me and Lance Corporal Metcalf. Just, kind of, showing us it, flipping it around, just kind, of playing with it.

Q. Was that pistol loaded?

A. At one time, yes.

Q. And while he had that pistol, did he ever point it at anybody in that room?

A. Not directly, but close.

Q. Close. Who did he point the pistol close to?

A. Towards me.

Q. Okay. When that happened, what did you do?

A. I, kind of, moved out of the way and made it apparent that I didn't like that.

Q. How did you make that apparent to him?

A. I turned to -- turn to him, gave him a -- kind of, a bad look and told him, to watch out, and he cleared the pistol

afterwards.

Q. Did he say anything when you did that?

A. He apologized, yes.

Q. And sometime in that conversation, I believe he -- that is when Corporal Bopp said that, I'm itching to kill someone, right?

A. Yes.

Q. Corporal Bopp left your room shortly after that time?

A. Yes, sir.

Q. Okay. And then short while after that is when you heard that Lance Corporal Schwenk had been shot, correct?

A. Yes, sir.

TC: Thank you. I have no further questions, Your Honor.

MJ: Any redirect in light of that?

DC: No, Your Honor.

[The witness was warned, excused, and withdrew from the courtroom.]

MJ: Court is in recess.

[The Article 39(a) session recessed at 0933, 17 June 2024.]

[The Article 39(a) session was called to order at 0935, 17 June 2024.]

MJ: Court is called back to session. All parties present when the court last recessed are again present. Same date, time on deck is 0935.

Defense, you may proceed.

DC: Thank you, Your Honor. At this time, we call Lance Corporal Brennon Metcalf to the stand by way of telephone.

May I enter?

MJ: You may.

LANCE CORPORAL BRENNON D. METCALF, U.S. Marine Corps, was called as a witness for the defense, was sworn, and testified telephonically as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Okay. You can be seated. Are you in a place where you can speak freely?

A. Yes, sir, I am.

Q. No distractions, no one else around you?

A. No, sir.

Q. Can you please state your full name and spell your last name?

A. My name is Brennon Daniel Metcalf, spelled M-E-T-C-A-L-F.

Q. And what is your rank?

A. Lance Corporal.

Q. What unit are you currently assigned to enter?

A. Victor 26.

Q. And where is that unit located?

A. Camp Lejeune.

TC: Okay. Thank you so much. I'm turning you over now to Major Rehak.

Questions by the defense counsel:

Q. Lance Corporal Metcalf, good morning.

A. Good morning, sir.

Q. Thanks for making yourself available. I already, kind of, informed the judge why you're not here, but can you, kind of, let him know where you're at and why you're not here, too?

A. Yes, sir. I am on pre-deployment leave in preparation for going to Japan with ADVENT[ph] this coming July.

Q. All right.

A. And I'm in northern Pennsylvania with my family.

Q. Thank you. How long have you been with Victor 26?

A. I checked in -- in November of 2021 so -- excuse me. November of 2020, so, four years.

Q. And how long have you known Corporal Bopp?

A. The entire time.

Q. Okay. So over three years; is that right?

A. Over three years. Yes, sir.

Q. All right. How well do you know Corporal Bopp?

A. I would say quite well. We were very close.

Q. What do you mean by that?

A. We had a personal as well as a professional

relationship we were lance corporals together, we deployed together, I was there when he was promoted and we were -- we were close friends.

Q. Okay. Now, I want to talk to you a little bit about 18 October 2023; what were -- what were you doing that night?

A. That night, I was in my room as I normally am. I was on my phone, I don't remember exactly what -- probably watching YouTube or Netflix or something of that nature.

Q. All right. What happened when Corporal Bopp came into your room and started talking with you?

A. So, Corporal Bopp came to my room; this is not unusual. It was just me and him and my roommate and we were just talking as normal. Like I said, we were friends and we talked about work; we talked about family; we talked about movies and video games and whatever other shared hobbies and interests. He had been drinking, which was also not unusual, and it was just a pleasant conversation.

Q. Okay. Now, you mentioned your roommate, is that Lance Corporal Dickinson?

A. Yes, sir. It is.

Q. Okay. Now, while you and Corporal Bopp were talking, what was Lance Corporal Dickinson doing?

A. He was at his computer -- I'm sorry. It was not a computer -- his game system, playing video games and his phone

was in front of him. So he's probably watching a movie or listening to a podcast at one point.

Q. Okay. Was he totally involved in your guy's conversation?

A. I would say sporadically. At one point, he had his headphones in but then took them off to talk with us, put them back on, at some point, took them back off again, just kind of as the conversation been.

Q. And sometimes people have different definitions of sporadically. But you mean kind of just in-and-out of that conversation; is that fair to say?

A. Yes, sir. That's what I mean, just in-and-out as the conversation ran its course.

Q. And was it mostly a conversation between you and Corporal Bopp?

A. I would say mostly, yes.

Q. All right. Now, before we talk a bit more about that conversation I want to talk a little bit about the armory; what's the culture like in the armory?

A. The armory is usually very close because it's a very small shop. We have very long working hours and we don't get out a lot, as some would say. So we're very comfortable around each other. The -- a -- it's much more a relaxed culture as much as we can while still maintaining professionalism. But it's just

we're -- we're in such a confined space with so much work and so much time together that we get very comfortable and relaxed around each other. And so the way that I would talk to Corporal Bopp, even considering our -- our pre-standing relationship before his promotion would be considered atypical to, maybe, some other units, shops that are in the Marine Corps.

Q. Makes sense. Now, did you all in the armory joke around a lot?

A. Yes, very much, in a way that is not suited for [inaudible].

Q. What do you mean -- what do you mean by that?

A. Well, the jokes and things we would say to each other is very crude, very crass. It was just part of the relationship and the culture of how we operated, how we communicated. It was -- no one ever took offense, we did not have any problems or our feelings or offense taken to any of the jokes or things that we would say to each other.

Q. And Lance Corporal Metcalf, you know, just want to, kind of, narrow in a little bit; have you all joked about things like suicide before?

A. Yes, sir, very much.

Q. What about things like, just, death in general?

A. Yes, sir.

Q. Okay. Now, is that something that Corporal Bopp would

joke about too?

A. Yes, sir.

Q. All right. Had you ever heard Corporal Bopp make jokes about hurting anyone else?

A. Well, I can't think of a specific example. I would essentially say, yes.

Q. And why is that?

A. I'm sorry, sir?

Q. Why is that?

A. Just because it was something that we would all do. It wasn't -- I -- I, again, I can't think of an example, but I know definitely we would joke about me fighting him or him fighting me, especially if something had gone wrong and we were annoyed with each other. But it was never in a threatening way, it was just, you know, camaraderie sort of way. But if he -- you asked me, has he ever made a joke about fighting someone or hurting someone, I would say most definitely.

Q. Okay. Just kind of normal to Marine Corps culture, though?

A. Yes, sir. I would say that.

Q. Now, what about hurting himself; had you ever heard him make jokes about that?

A. Yes, sir.

Q. All right. And Lance Corporal Metcalf, kind of, going

back to 18 October when -- when you were -- when you and Corporal Bopp were talking and joking around. Did you ever hear him make a joke or comment that, every day he gets closer to EASing, he's itching to kill someone?

A. No, sir. I don't remember saying anything like that.

Q. Okay. And that night, had you been drinking or anything?

A. No, sir, I don't drink.

DC: Your Honor, may I have a moment?

MJ: You may.

DC: Lance Corporal Metcalf, thank you. The -- the prosecutor, Major Samuel, and the judge might have some questions for you, okay?

WIT: Yes, sir.

DC: Thanks.

MJ: Major Samuel, cross-examination?

TC: One moment, Your Honor.

CROSS-EXAMINATION

Questions by the trial counsel:

Q. Lance Corporal Metcalf, it's Major Samuel. Can you hear me?

A. Yes, sir, I can.

Q. Okay. So you were talking with Major Rehak about the close relationship that you had with Corporal Bopp; is that why

you --

A. Yes.

Q. -- were talking about firearms in the room?

A. Yes, sir. We were discussing a -- we were discussing a weapon that my parents had, a shotgun. He had gone shooting recently -- I do not remember when or with whom, but we were talking about that as well. And obviously, our job revolves around firearms and weapons systems, so we talk about them pretty -- pretty frequently.

Q. In reference to him going shooting recently, did he ever show you the pistol he used for shooting?

A. That specific night, he came back to the room with a pistol. I don't know if it was the pistol he took shooting or not. We were just on the topic, and then he left and came back with a weapon.

Q. Okay. When he came back with the weapon, was that weapon loaded?

A. Yes, sir.

Q. Okay. And you've stayed in touch with Corporal Bopp since he was placed in pretrial confinement; correct?

A. I don't know if I would phrase it like that, sir, but I have been in touch with him. We've had one phone call and one in-person visit.

Q. Okay. Did he write an apology letter to you for what

happened that night?

A. He wrote a letter, not to me, specifically, but to the shop as a whole and then 2 other letters that were not to me.

Q. Okay. Now, while you were -- going back to the night of 18 October, while you were in the room, what was he doing with the pistol that he brought in?

A. I would describe the showing off, sir, in that: He unloaded and loaded it several times, he cleared it out and handed it to me, he was talking about the different features and qualities of the weapon, and just demonstrating his property.

Q. Okay. Was Lance Corporal Dickinson present that entire time?

A. Yes, sir, he was.

Q. Okay. How long have you had you been roommates with Lance Corporal Dickinson at that time?

A. My rough estimate would be six months, plus or minus.

Q. Okay.

A. I don't think I could be more accurate than that.

Q. All right. And are you -- are you still roommates with Lance Corporal Dickinson?

A. Yes, sir, I am.

Q. Okay. And in the time that you've known him, do you think that he's a truthful person?

A. Lance Corporal Dickinson? Yes, I do.

TC: Okay. Thank you. I don't have any further questions for you, lance Corporal Metcalf.

WIT: Thank you, sir.

MJ: Defense, anything in light of that?

DC: No, Your Honor.

[The witness was warned, excused, and the telaphonic call was terminated.]

DC: The call has ended, Your Honor.

MJ: Thank you, defense. Do you have any additional evidence you'd like to present on this?

DC: No, Your Honor.

MJ: Government, do you have any evidence that you would like to present?

TC: No, Your Honor.

MJ: Okay. Well, we'll go ahead and proceed to argument then.

Defense?

ADC: Good morning, Your Honor.

MJ: Good morning.

ADC: So, sir, with this motion, they've notified us of a number of things. We'd like to pick up, just, on the piece of evidence we were talking about with the witnesses, and then we can go back if -- if that's, okay?

MJ: Okay.

ADC: So what we are talking about is a statement from Corporal Bopp that demonstrates his dark sense of humor that he is known to have and other Marines are known to have. And that is simply impermissible for 404(b) evidence. If we turn to the three factors in *Reynolds*, Your Honor:

Turning to the first factor: The government must show that the fact finder could reasonably find by a preponderance of the evidence that this misconduct actually occurred. And while we did not contest that in our motion itself, given the evidence we have seen today, it is our position that the government has failed to even meet the first prong of the *Reynolds* test.

What we have is two separate witnesses in the room that night, one of which was actually a part of the conversation -- Metcalf, who was a part of the entire conversation and does not recall Corporal Bopp ever making such a statement. The other witness is Lance Corporal Dickinson, who is probably suffering from both his memory -- suffering from both the trauma and from the -- the time that has passed. From him, we heard that, he was look -- facing away from the conversation, that he had a right earbud in at least the entire time, that he was playing video games, that he was potentially also on his phone watching a movie or listening to a podcast. He was not really actually a part of that conversation.

We also see that he -- if you look at the ROI that we

provided, that Dickinson found Corporal Bopp to be annoying when he was drunk, and so he likely was also trying to stay out of that conversation because he found Corporal Bopp annoying. In that ROI, we also see that Lance Corporal Dickinson does state that Bopp has a dark sense of humor, and this is a normal -- normal type of humor that these Marines have.

And so when we look at the first prong of the *Reynolds* test, the government has failed to meet their burden. While low, they still have failed to meet it.

Which brings me to the second one, if -- if, Your Honor, you believe that they have met it with Dickinson's testimony, that brings me, then, to the second prong, which is basically the probative value of a material issue other than character evidence. Again, this is just character evidence of Corporal Bopp's dark sense of humor.

If Corporal Bopp was -- and if we look at the elements of what the government has to prove, this dark sense of humor does not actually make a fact of consequence more or less likely. If Corporal Bopp, for example was charged with Article 118, (1) or (2), then maybe the government would meet their burden for the second prong here, but that's simply not what we are here for.

And said they have to prove that Corporal Bopp engaged in an act which is inherently dangerous to another for their 118 charge, and that he was culpably negligent for the 119 charge.

This is evidence of -- if we're taking it as not dark humor and this is actually his intent, this was evidence of his intent to kill then. And that is not probative of an element that the government must prove here.

And if we take that to the logical end, right? As we have seen this is just a type of humor that we know that -- that Marines share amongst themselves. And this would almost have a snowball effect should we -- should Marines be afraid of -- of the dark sense of humor that a lot of us share with each other. Because then it's going to be, possibly, permissible in a court-martial against -- against us if we, ourselves, are a part of an accident like we are here for today.

And finally, Your Honor, that brings me to the third factor. If you do believe that this somehow is probative, the prejudicial impact of this evidence far outweighs any probative value that it could have. Again, this would be the government bringing in evidence of a more egregious crime. If we're not -- if it's not a piece of his dark sense of humor, this is just evidence of his intent to kill then, which is far more prejudicial than it is probative. And they don't need to prove that he had an intent to kill.

Yes, And to that point, when we look at *Reynolds* -- and *Reynolds* also asks us to look at the *Barry* factors. This would confuse the members and confuse what is at issue here, right? So

the members would -- would likely inadvertently use this type of evidence to say that, yes, maybe he did have an intent to kill, which is confusing to the members.

Barring any questions, Your Honor, for this piece of evidence, that's all that we have.

MJ: Okay. So you did state -- or you did propose that perhaps this was an accident. Would this evidence be relevant to refute the claim that there was an accident?

ADC: Well -- but -- one second, Your Honor.

Sir, so I'm not -- so I guess it wouldn't rebut -- it would not rebut that because that's not at issue, right? At issue here is whether or not he's culpably negligent or whether or not he is doing some inherently dangerous act. It's not, does he have the intent to kill, which is what his dark sense of humor would be used to do.

I guess, of course, it would be defense position that this is an accident, right? But if we look at the charge sheet, that -- that is what that would that suggest anyways. That this was a culpably negligent accident. So the issue here is not an intent to kill.

MJ: Did you want to take up everything that I gave you notice on? A lot of it -- you apparently don't dispute or you just, kind of, want to take it up one at a time.

ADC: So we can take the rest -- or the rest of it, we

really don't dispute. We just dispute it being characterized as 404(b) evidence. And so I don't know if, Your Honor, you want to take up that issue now or wait until were talking about instructions.

MJ: Well, there was also the issue of -- in your written in motion, which has been marked as Appellate Exhibit XXI, I think you also brought up the issue regarding the perception of drunkenness.

ADC: Yes, sir.

MJ: Intoxication?

ADC: Sure.

Government in their is -- basically is trying to introduce sergeant -- this sergeant's opinion about whether or not Corporal Bopp blacks out while drinking alcohol. And again not that we necessarily object under 404(b), but we just object to this person, one, opining to such because it's speculation. And so they don't know -- they are not in Corporal Bopp's mind and they don't know if he is blacking out. It's just an impermissible opinion for a lay witness to -- to make.

MJ: You may proceed.

ADC: That's all, Your Honor.

MJ: Okay. So you -- you object to it being characterized as blackout evidence or that he was blacked out, if I understand you?

ADC: Yes. Because the sergeant just doesn't know, right? The sergeant is not in Corporal Bopp's brain. He has no idea whether or not when Corporal Bopp is blacked out or not. Everyone -- individuals blackout and show signs of blackout differently, and the sergeant just simply cannot know whether or not Corporal Black -- Corporal Bopp was blacked out.

MJ: Okay. But as far as his perceptions of intoxication, would you object to that as well?

ADC: No. I mean, if he can -- he can talk about what he saw as character -- like, characteristics of Corporal Bopp that night or on other nights. But to say that it was a blackout is just misleading because the sergeant does not know.

MJ: Okay. And with regard to the other issues which have been characterized as *res gestae*, the Court is not inclined to make a determination with regard to instructions at this time and that's something we'll take up later.

ADC: Yes, sir. Other than that, sir, defense has nothing further.

MJ: Okay.

Major Samuel?

TC: Yes, Your Honor. So going to the crux of the matter with Lance Corporal Dickinson's statement, it's important. I believe it's very clear, the testimony that Lance Corporal Dickinson provided today that he does remember that statement.

And it does stick out in his brain. The defense is arguing that for some reason, this statement should not -- it should not come in -- it shouldn't be -- shouldn't be entered in based off of *Reynolds*. But I think the first prong of the *Reynolds* test is whether or not the members could reasonably find that this is a thing by the proponents of the evidence and that's what the Court's decision is based off of.

Based off of this testimony that we've heard today, clearly, Lance Corporal Dickinson remembered that event. He articulated that event. He also articulated the basis for why he remembers because, as he said, "It didn't age very well." And that obviously is a reference to the fact that after Corporal Bopp makes the statement, he then shoots and kills Lance Corporal Schwenk.

The defense didn't attack his memory. They merely suggested that he wasn't positioned close enough to hear the statement, and that's the -- during their examination. But what Lance Corporal Dickinson said was he was involved in parts of the conversation and not involved in other parts of the conversation. He had his EarPod[sic] in, he was playing video games, but he was there and around, but he wasn't super involved. So that's unconscious evidence. But they haven't attacked his credibility as to how he knows that particular statement.

Likewise, when they called Lance Corporal Metcalf,

Lance Corporal Metcalf didn't attack Lance Corporal Dickinson's memory, the fact that he was there, and also recalled Lance Corporal Dickinson participating sporadically in the conversation.

I think it's fair to say that the members could reasonably find by preponderance of the evidence that Corporal Bopp made that statement. And so this clearly satisfies the first prong of the *Reynolds test*.

As to the second prong, one of the elements that the government has to prove for the Article 118(3) charge is that, there was a wanton disregard for human life. And this statement goes directly to that wanton disregard, in that, mere minutes before he took Lance Corporal Schwank's life by discharging a firearm into his head; he said, I am itching to kill someone.

The intent piece here that the government has to prove is not the intent to commit murder, which would be either 118(1) or 118(2), But we do have to show that Corporal Bopp did an intentional act that was inherently dangerous with wanton disregard for human life, and that intentional act was discharging a firearm at Lance Corporal Schwenk.

So the pulling of that trigger, pulling out the -- pulling out the pistol, pulling the trigger, all of those things are -- are relevant with that statement to walking up and crossing that line of either the culpable negligence for the

Article 119 charge, the involuntary manslaughter, or the 118(3), murder charge, which requires an inherently dangerous act with wanton disregard for human life. So that statement is directly tied to those two elements of the two charges that the government has charged.

Now, the -- the defense has brought up that this was -- the VLC is back. Okay.

The defense has brought up that this perhaps could have been an accident, right? But I think to, Your Honor's point, this is -- this is directly -- this statement would be directly relevant to the members to determine whether or not this was some sort of mere accident, which the government believes that it was not a mere accident at all.

This was a very intentional act by somebody who had already shown he was not caring about what was happened, as demonstrated by that statement by Lance Corporal Dickinson, and thus discharged a firearm into one of his fellow Marines.

As to the third prong of -- of the *Reynolds* test of whether or not it would confuse the members, I think I touched on the intent piece here for my discussion of the second prong, but this would not confuse the members. It's quite simple testimony. And all of this is essentially almost *res gestae*. In the moments before the actual incident occurred, this is where Lance Corporal Dickenson records Corporal Bopp's statement that he's making,

which is also relevant to the Article 92 charge, for possessing -- possessing that firearm as well, because that is all what's going on in the context, playing, loading, and unloading that firearm that he should not be having in the barracks, in front of these Marines; making the statement about itching to kill someone, and then, minutes later, actually killing someone.

So we think that for the purposes of the *Reynolds* test and surviving 403 balancing test, this is clearly the -- the unfair prejudice does not substantially outweigh the probative value in this case. Given the set of facts, given the temporal proximity to the actual death of Lance Corporal Schwank, I do believe that this clearly meets the 403 balancing test under the *Barry* factors, as well.

I'll pause there, Your Honor, in case the Court has any questions about that particular statement before I move on to address the other items that we've discussed.

MJ: So in your written filing, Appellate Exhibit XXIX, you mentioned that this may go to motive; is it your position that this statement may go to motive?

TC: Depending on how -- depending on how this -- this is argued, Your Honor. And obviously, the defense has no burden or ability to bring up any sort of defense, but potentially at trial, they could articulate that there is just no reason for him to have done this. He would have never done that. He was out of

his mind.

This statement would go directly to the state of mind that he had, at the time, "given I'm itching to kill someone," and explaining why he would, then, do this inherently dangerous act. So we do believe that it would go to those items, Your Honor. And that -- and I think that would be dependent on what -- what the arguments or the cross examination or the attacks on the evidence would be by the defense. We may not be able to fully determine that, at this time.

And so the government would not request an instruction to things that haven't been reasonably raised by the evidence at this time. But that could become relevant by the close of the -- by the close of the case, in which we may request that instruction, Your Honor.

MJ: Okay. Let's hear your argument with regard to the drunkenness.

TC: So in regards to the drunkenness, Your Honor, again, this is in the -- in the -- in the abundance of caution, we are noticing all of these things that may come up, depending on what the defense could potentially argue. And if their argument will be -- or if Corporal Bopp were to take the stand and say, like, I didn't know what was going on, I couldn't function. I was just so drunk this had never happened. The government would then be prepared and would have already noticed the ability to say,

here's another Marine who has observed him when he was drunk before and notes that he doesn't have these difficulties or issues.

MJ: Do you intend to elicit testimony from the witness that he was blacked out or in a state of blackout?

TC: No. No, Your Honor. No. Because I think that -- what's -- one, he was not -- that witness was not there and present that night to observe -- to observe what happened. So I think that would be improper for him to -- to base that off of. But in terms of rebutting the accused's potential testimony, I do believe that the testimony that they have seen him drunk before, and how he normally functions would be well within lay opinion testimony and in the scope of his rational perception.

And then, also, Your Honor, to address one more -- one more issue and if -- one more point, as to the blackout nature. It is not the government's intent to argue that the accused was blacked out. We don't believe that he was. Even the testimony elicited today by Lance Corporal Metcalf describes the accused as being drunk as normal; however, he does describe him as loading and unloading the weapon and taking those, sort of, actions, so we would not believe that he was blackout drunk. So that's not part of the government's theory.

And then finally, Your Honor, to the 404(b) instruction, and in the defense motion, they did cite that they

believe some of this evidence is *res gestae;* however, should not receive a 404(b) instruction. The government would just ask for some -- some clarity there, because obviously when we get to the close of the case and that's when instructions and what all the evidence would be relevant for.

But depending on what the defense may choose to argue and -- again, the defense doesn't have to present a case, but if they were to present certain things -- and I do believe that a lot of that evidence, as it comes in, would be relevant for a 404(b) instruction for the government to argue for some of those purposes to rebut some of the defenses that they may potentially bring up. One that was suggested today was accident.

MJ: Well, we'll take up instructions after the presentation of all the evidence yet prior to argument.

TC: Yes, sir. Yes, sir. Barring any other questions from the Court.

MJ: So there was some evidence that there are some testimony that the accused pointed the pistol at Dickenson; I believe it was? Is -- that -- would be another crime, wrong, or. Do act you intend to elicit that testimony at trial?

TC: Yes. I believe that that testimony would be elicited.

MJ: Okay. Did you provide notice of that?

TC: We have not noticed that -- that testimony. I think in the process of preparing for this motion in interviews with Lance

Corporal Dickinson, after we had already done our 404(b) notices, he gave a little bit more clarity on what he meant in the proximity of that. So we do intend to -- to notice that it would be late -- it would -- it would -- it would be late, Your Honor, with the TMO and we acknowledge that.

MJ: Okay. Well, just if you're going to do it, just don't -- do it as soon as possible.

TC: Yes, Your Honor.

MJ: Okay. Anything else?

TC: Nothing from the government, Your Honor.

MJ: Okay. Defense, anything else?

ADC: Briefly, Your Honor. Just going back to the idea that they want to use this to prove a wanton disregard for human life. Again, when we look at those very factors, the Court also needs to consider if they can show -- show other types of evidence in an easier way and in a way that's less prejudicial to Corporal Bopp.

I mean they can, they've been talking about that, they've been talking about how he was apparently playing with the gun, how he was unloading it, loading it, showing off while drinking of this weapon, while drinking, on top of all of those things. Then, additionally, introducing his dark sense of humor by a witness that really wasn't paying attention to the conversation anyways and apparently had a weapon pointed at him

and was upset, just does not meet any of the three factors in *Reynolds*.

And again, we'll confuse the members. And then going back to the idea of introducing the -- the blackout or not, my understanding is the government does not intend to talk about blackout -- I guess that it's a moot point, at this point -- but, I mean, the government just -- just should not be allowed to put on a lay witness to talk about the blackout and the drunk -- the levels of drunkenness of Corporal Bopp when they -- when a lay witness would have no idea about blackouts and -- and how someone can function when they're drunk and all of those things. And so we would object to any type of evidence like that.

MJ: Okay. Well, my understanding of what the government may do is largely dependent on the defense's case and whether or not the accused testifies, according to his right or. Whether he decides not to, that probably, from what I'm gathering prompt the government to potentially offer that testimony or not.

ADC: I understood, sir.

MJ: Is that a fair understanding? Did I understand you correctly on that Major Samuel?

TC: Yes, Your Honor.

ADC: Understood.

MJ: And that is how we would take that up, but I think in an abundance of caution, they're just putting you on notice so

that we can -- so that we can flush as much out of this, right now, as possible.

ADC: Yes, sir.

Nothing further from us, sir.

MJ: Okay. All right. Anything with regard to the other motions you want to take up at this time? I think we worked through those. We have the order of the vehicle search; are we good on all of that?

TC: Yes, Your Honor. And I think if the defense is conceding the other two motions, then I think that's nothing --

MJ: Well, I think they are on certain grounds. But some of it, you know, they're not fully apprized of the contours of all this evidence and how it may be presented at trial, and there are some objections that they can't make at this time. But I think with regard to the constitutionality of the Fourth Amendment and the search, it sounds like they are not objecting on those grounds, at this time, nor do they intend to; is that correct, defense?

DC: That's correct, Your Honor.

MJ: Okay. And they're not contesting the lawfulness of the order as well. So, is there anything else? What's our next trial milestone?

DC: I believe it's in August, Your Honor. Our next 39(a), I believe is in August.

TC: One moment, Your Honor. I want to make sure --

MJ: And, defense, at one point this morning, you mentioned that you'd have pleas and forum today. I don't remember if that was on the record or off the record, but if it was off the record, I don't believe we summarized it, so it's on the record now.

DC: Thank you, Your Honor.

TC: Your Honor, so the -- yes. The TMO had pleas and forum. The government would just request that those pleas be entered into today. It would spare the need for -- for writing. And, obviously, the accused could elect to change the pleas and forum, as well --

MJ: Defense -- what's your position on that defense; just entering pleas and form on the record right now?

DC: I'd rather do it in writing, Your Honor, and have more opportunity to discuss it with him. I mean, obviously, being in the brig, it's difficult to talk with him about all this stuff and me being up at Cherry Point. So I'd like to just talk with him and do that in writing.

MJ: Okay. That's fine. I mean, the trial milestones are already set and everything anyway, so I don't see a lot of real practical purpose in doing that. So we'll take them in writing. We'll give them a chance to discuss all of those options in person, since they're all together today.

TC: Yes, Your Honor. And then the next -- the next TMO milestone -- and then -- would be 10th July, declaration of expert witness and reciprocal discovery. To this point, as attached in the appellate exhibits and discussed in the 802 summary, the government has received no requests to fund any experts at government expense.

While we understand that Corporal Bopp may choose to fund experts at his own expense, right now, there is no -- been no request to have any expert there. So the government believes that the defense does not intend to ask for any expert at the government expense, but may declare some that are funded through some -- some other means. And that would be on 10 July..

DC: I'll just point out to the Court, if -- if you'd like, Your Honor, the experts were dealing with right now are government employees. So we're -- we haven't asked for funding for them because they're part of the government. But that's as far as I'd like to go with that, if that's okay?

MJ: Okay. Well, they still may require travel expenses or things like that. So make sure that if you intend to -- to offer them that you let the government know as soon as possible.

DC: Yes, Your Honor.

MJ: And that may -- it's also preparation on their end as well, which is why we put these milestones in place.

DC: And they're tracking the trial dates, Your Honor.

MJ: So there's no issue with experts, right now, about any dates -- like that? I'm just -- I'm also concerned about the government's ability to --

DC: Tracking, Your Honor.

MJ: -- prep for any rebuttal experts and to prepare their case, depending on whoever you may call. So there's no point in hiding the cards, the facts are what they are. Just, you know, let them know what we're doing and we can run this as efficiently as possible.

Okay. Anything else?

TC: Well, Your Honor, to that end, the government would request there be some date. We're 30 days past the last date where the Court order --

MJ: Wait. There is a date. So if anything arises at this point, you know, there would necessarily be some good cause required so.

TC: I understand, Your Honor.

MJ: Okay. All right. Anything else to take up?

TC: One moment, Your Honor. Let me just check my -- my notes.

MJ: When is our next 39(a)?

TC: That's be 12 August, Your Honor. That is our 39(a) to discuss reciprocal discovery issues and *Daubert*, as well, per the TMO. That's all from the government, Your Honor.

MJ: Okay. Well, if that's it -- is that everything?

DC: Nothing from defense, Your Honor.

MJ: Court is in recess.

[The Article 39(a) session recessed at 1018, 17 June 2024.]

[The Article 39(a) session was called to order at 0912, 5 September 2024.]

MJ: Court is called back to order. All parties present when the court last recessed are again present with a couple of exceptions that we'll get to here in a moment. The date is 5 September 2024, time on deck is 0912.

Since our last session of court, Mr. Kopka has joined the defense team. Would you please state your qualifications for the record?

CDC: Yes, sir. Good morning, sir. Sir, I'm currently licensed and in good standing in the District of Columbia. I have not acted in any manner which may tend to disqualify me at this court-martial, sir.

[The civilian defense counsel was sworn.]

MJ: And your notice of appearance has been attached to the record?

CDC: Sir, I will -- emailed it to the court reporter. I thought I had it sent it over earlier, but I'll get it to her.

MJ: Appreciate it.

Major Samuel, could you please give us just a quick

update on -- on who's here in terms of VLCs and who's participating remotely?

TC: Yes, Your Honor. So with us today, we have Captain Abby Fryman, she is appearing as VLC for Mrs. Chistison. She has not been on the record previously and is prepared to put her qualifications on when the Court is ready.

On the VTC, I believe we have Captain Cavallaro out at Camp Pendleton.

And Miss Chastity Fair, who was on the record at our last session of court, is not present today. Mr. Ryan Guild's, another victim's legal counsel, is also not present today.

MJ: Okay. Thank you. And Major Rehak, one of the detailed defense counsel is also not here today. He had an obligation with another Marine Corps Duty.

Corporal Bopp, were you aware that Major Rehak would not be here today?

ACC: Yes, sir.

MJ: Are you prepared and willing to proceed in his absence?

ACC: Yes, sir.

MJ: You have a right to have him present here today. If you did not want to go forward in his absence, you could make that request to the Court and it is something I would consider.

Do you understand that?

ACC: Yes, sir.

MJ: Okay. But you are prepared to proceed today with Mr. Kopka and Captain McLaughin?

ACC: Yes, sir, I am.

MJ: And we anticipate that he will be present, again, at the next session of trial.

As far as 802s, we had a brief 802 here, in the presence of the accused, before coming on the record; Mr. Kopka gave us a quick update on the status of one of the motions, that would be the defense motion to compel witnesses, which I believe has been marked as Appellate Exhibit XL.

Mr. Kopka, would you give us a quick summary of what we discussed?

CDC: Yes, sir. Counsel, prior to the hearing, we were able to sort through some of the witnesses that were subjected to the motion to compel production. Specifically, the government has agreed to approve both Maureen and Thomas Bopp, along with Delaney Bopp, for production at trial in January, along with Bridget Helfenstein will be produced as well. Both Anne Matte and Jessica Santiago will be allowed to participate telephonically. So counsel have sorted through the witnesses that were subject to that motion [inaudible] will be produced to will be allowed to participate telephonically.

MJ: Okay. So is there any need to litigate Appellate Exhibit XL today?

CDC: No, sir.

MJ: Thank you.

CDC: Aye, sir.

MJ: In addition to that, the parties have communicated pursuant to 802 via email -- and all of those emails have been printed off and attached as Appellate Exhibit XLIX.

Counsel, anything to add or modify in terms of an 802 summary?

TC: Just to provide clarity to what's in the 802, Your Honor. Specifically, there were two rulings by the Court that have been attached, one granting the amendment to the trial management order and a continuance, as well as a ruling granting exception to the rule to allow for telephonic participation by the victims today; and the victims today are present on the VTC call, as well, Your Honor. Nothing further from the Government.

MJ: Thank you. Defense, anything else?

CDC: Concur with nothing to add, sir.

MJ: So that leaves us with a couple of motions today. The government filed a motion in limine and the defense also filed a 404(b) motion.

Counsel, how would you like to proceed, in terms of what we take up first?

TC: I think we were only prepared for one motion today Which motion limine are you referring to, Your Honor?

MJ: I am referring to Appellate Exhibit XXXIV, the government motion to compel pursuant to R.C.M. 703(d)(3) has that been resolved by the amendment to the trial management order?

TC: I believe your ruling was that -- that had been mooted by the amendment, Your Honor.

CDC: I concur, sir.

MJ: Okay. All right. Good. We're all on the same page with that then. So that leaves the defense motion with regard to the 404(b) matters.

Defense, do you have any additional evidence that you would like to present to the Court with regard to this?

CDC: No, Your Honor.

MJ: Government, do you have any --

TC: Your Honor, we haven't put Captain Fryman's detailing credentials on the record yet.

MJ: Thank you. Captain Fryman, please add your detailing qualifications.

VLC (CAPT FRYMAN): Thank you, sir. Good morning, I represent Kassandra Christison, the Article 6 designated representative for the victim in this case. I have been detailed to this court-martial by Regional Victim's Legal Counsel Major Calebe Rice. I am qualified and certified under Article 27(b) and sworn under Article 42(a) of the Uniform Code of Military Justice. I have not acted in any manner that would tend to

disqualify me in this court-martial.

MJ: And who do you represent?

VLC (CAPT FRYMAN): Miss Kassandra Christison, sir.

MJ: All right. Thank you. Anybody else?

TC: No. I believe everybody else present has put their detailing on the record.

MJ: I appreciate that. Okay. So that brings us to Appellate Exhibit XLIV, which is, the defense motion in limine as it pertains to M.R.E. 404(b).

Defense, you indicated you don't have any additional evidence?

CDC: That's correct, Your Honor.

MJ: Government, do you have any additional evidence that support your --

TC: No, Your Honor.

MJ: -- response? Okay. Well, then in that case, let's go ahead and move to arguments.

CDC: Yes, sir. Good morning, Your Honor.

MJ: Good morning.

CDC: So, just by way of background, the government provided defense on 17 June 2024, its notice of intent to admit additional 404(b) evidence. And then we also received an additional notice on 19 July to admit additional 404(b) evidence. It's defense's position that both of these should be excluded as, one, they're

propensity evidence, they are not relevant and they fail the *Reynolds* test.

The first piece of evidence that the government has notified defense of is that Corporal Bopp allegedly pointed a loaded -- loaded weapon at Lance Corporal Dickinson and Lance Corporal Dickinson told Corporal Bopp not to do so, to which Corporal Bopp stated, I am sorry.

The government has notified defense that they believe that this -- I'm sorry -- shows that Corporal Bopp was mentally able to understand that pointing a loaded weapon at another human being was dangerous and inappropriate -- inappropriate. Defense believes that this should be left out: One, because it's not relevant; and, two, because at the very least, it's propensity evidence and it should be barred under the *Reynolds* factors.

Turning to it being not relevant as an initial -- initial matter. This alleged incident occurred in a different room, it occurred before anything happened with the victim in this case, and it occurred to a different individual. So given all of -- the -- the -- the time and -- and who it happened to -- apparently happened to, it's just not relevant in this case.

And additionally, all that this shows is that Corporal Bopp was told by another Marine that his actions made him uncomfortable. And when Corporal Bopp was told that his actions were making another Marine uncomfortable he responded, I'm sorry.

And he stopped doing what -- what his actions were.

Again, all of this shows is that Corporal Bopp had a normal human being reaction when he was told by someone to please stop doing that, he says, I'm sorry, and he stops doing it. Such actions are just not relevant at all to the actual incident at hand. But if -- if the Court believes that somehow this is relevant, it's really a propensity issue, right? What the government is trying to argue is that hours before the alleged incident, Corporal Bopp had pointed a weapon at another Marine, and then later on, he does the exact same thing which is just merely propensity.

But moving on, if we look at the -- the *Reynolds* factors, if we look to the first one, this alleged incident makes no fact of [inaudible] with the government must prove more or less likely. The government, again, asserts that this shows that Corporal Bopp is mentally able to understand that pointing a loaded weapon at another human being was dangerous and inappropriate, but they don't actually show -- they don't actually show this assumption with any evidence. Again, they show that he has a normal human being reaction by saying, I'm sorry, when someone tells him not to do something.

And additionally, Marines are overwhelmingly taught not to point weapons at other people, right? So it's very unlikely that when Lance Corporal Dickinson, apparently, told Corporal

Bopp not to point a weapon at him that this is the first time that Corporal Bopp was, "mentally able to understand that putting a loaded weapon at another human being was dangerous and inappropriate."

And given the charges in this case, Your Honor, in the manner in which the government wants to present this statement by Corporal Bopp, the prejudice that will occur to Corporal Bopp and his ability to mount a defense will be far outweighed by any probative value that, really -- this irrelevant, alleged incident may provide the government.

This evidence is neither legally, neurologically relevant. If we look at the *Barry* factors, again, the probative value of this evidence, I'm not really sure what it is given that it's to another Marine, it's in another room, it's hours before the alleged incident.

But additionally, if we look at the factor, if the government's potential to present less prejudicial evidence. The government has already talked about less prejudicial evidence that they intend to offer in their previous 404(b) notice. They intend to show that Corporal Bopp has signed a number of statements that he understands what the four weapon safety rules are, one of which is, do not point a weapon at anything you do not intend to shoot. And so he is aware, by being a Marine, and all of that evidence that the government intends to introduce --

all of the signatures that it is -- again, what the government's purpose of this is pointing a weapon is inappropriate. He is aware of that and they have far less prejudicial evidence to present that point to the members.

And turning to the members itself, this would be confusing and a distraction to the members, right? This incident is a -- is the government showing that Corporal Bopp has previously pointed a weapon at someone else, therefore, he likely did it again and he understood the dangers of doing so. This is distracting and -- especially to Marines who -- again, we have been taught over and over and over again not to point weapons at someone else. And so it's distracting to them. It's confusing and it's more prejudicial than it is probative. And for those reasons, defense believes that should be left out.

MJ: All right. So under the *Reynolds* test -- do I understand that you don't think they'll be able to establish the predicate facts, that they won't be able to establish that this even happened?

CDC: Sir, we have -- I mean we have -- Lance Corporal Dickinson has stated in the previous -- in the last 39(a), that this happened. And that's where this notice that we received was after that hearing that this happened. It's really more the two other *Reynolds* factors, two and three, that the government will fail to be able to show: One, is that this is somehow probative

of -- of any element that they have to prove; and, two, that this is more probative than it is prejudicial. Those are really the factors that they would fail.

MJ: Okay. Is that the first time that Lance Corporal Dickinson had mentioned that?

CDC: We have prover notes, Your Honor, that have been attached as one of our enclosures. I'm trying to remember if that was before or after.

MJ: So with regard -- let me ask you this while you're looking. So with regard to the propensity concerns --

CDC: Yes, sir.

MJ: -- is it that he pointed the weapon that would be inappropriate propensity evidence or is it -- what is the government after here? What's your understanding? Or do they want to show that he pointed the weapon? Is that what they're really after? Or that -- the statement, "I'm sorry" is -- what is the probative effect of what they're looking for here as far as you understand it?

And I'll ask the same question here in a minute.

CDC: Well, further notice, Your Honor. They have said that the -- I'm sorry -- that the evidence is offered to show that the accused was mentally able to understand that pointing a loaded weapon at another human being was dangerous and inappropriate. So I guess the point the -- the propensity argument, Your Honor,

is just -- I guess, is related to the confusion to fact finders and the prejudice that this would have for Corporal Bopp. This, to the -- to members that will show that he has done it before, and then on that night, he did it again.

MJ: Okay. Could that argument be curtailed, though in other words? You know, it's one thing if they're saying, look, he pointed his weapon at the victim, he pointed his weapon at everybody that night. I mean, that would be one thing, and that might go to propensity. But on the other hand, they might just argue that, look, he knew the weapon was loaded. He knew the weapon was dangerous, and he knew he shouldn't point it at people because he apologized on another occasion when he did that. That would be a different argument would you agree?

CDC: I agree that's a different argument, but -- but, again, the -- that goes to the issue with -- with the -- I'm sorry -- and that it's, again, someone -- he has -- someone has explained to him, to Corporal Bopp, that they are uncomfortable with his actions. And then, he responds by saying, "I'm sorry." That does not tell the -- the government then makes a leap to say that that means that he understands that pointing loaded weapon at someone is inappropriate.

But really what it points to is that someone told him, I'm uncomfortable with your actions and he responded with, I'm sorry.

MJ: All right. Government, would you like to present argument?

TC: Yes, Your Honor. So I think what's clear to be pointed out is why the -- why the government wants this evidence in particular. This evidence is to show that on the same night that the accused shot and killed Lance Corporal Schwenk, mere minutes before he did that, not hours, minutes, Your Honor, is when he was in the room with Dickenson and Metcalf as they testified at their last session of court and that's when he points this weapon at him and Dickenson says, Whoa, man; he goes, I'm sorry, and he pulls the weapon down. That is directly relevant to Charge I.

Charge I, we have charged him with possession of a weapon so any instance of possession on that night is, obviously, directly relevant and legally relevant. And Dickinson seeing him possess the weapon pointed at him, that -- that is -- that is directly relevant for the Article 92 charge. As for the -- Charges II and III, they are directly relevant. Well, specifically, Charge II is directly relevant to show that he knew that pointing a loaded weapon at somebody, or any sort of weapon at somebody, is not something that you can do.

Obviously, we can't get into Corporal Bopp's mind at that moment, so that would be an inference that I believe the government is allowed to draw from his response when confronted about pointing a weapon near someone not even directly at him.

But near him was enough to make him back away.

And so clearly, according to the *Reynolds* -- the *Reynolds* factors, right? Does the evidence reasonably support that he committed the act? Yes. The sworn testimony of Lance Corporal Dickinson, at our last session of court, supports that. Does it make a fact of consequence, more or less probable? Did he possess the weapon? Yes. Is there direct evidence of that possession? Yes. Is there direct evidence of knowing possession. Yes. That goes to proctor, too.

And then, the probative value of the evidence. Well, again, highly relevant to proving the Charge that the accused, when told not to point a weapon, pulls it down, and says, "I'm sorry." So that's directly relevant to -- to Charge I, at least. And if it's relevant to Charge I, Your Honor, then -- then it comes in. But here's why it's also relevant to Charge II.

So again, *Reynolds*: factor does the really evidence support it? It does, because the testimony of Lance Corporal Dickinson. Again, does the evidence make a fact of consequence more or less probable? Yes, it does, because the government will be able to argue -- it has to argue for Charge II that he acted with a wanton disregard for human life by pulling that trigger and killing Lance Corporal Schwenk.

Again, one of the ways that we show that this was wanton disregard is the fact that minutes before that night, he

had been warned. He had been chastised about pointing the weapon at another human being, and he responded with, "I'm sorry," meaning he knew what he was doing was not something he should be doing.

Obviously, again, the government has provided this evidence, that the defense has pointed out, that shows that he knows what the weapon safety rules are. He's well trained in that he signed the use of force agreements. He understands all weapons handling and safety. But again, those -- those pieces of evidence create the whole picture. But that incident that occurred minutes before he took Lance Corporal Schwenk's life is also relevant for Charge -- for the factor to the other *Reynolds* factors.

And then, third, is the probative value of the evidence substantially outweighed by the danger of unfair prejudice? It is not outweighed by the danger of unfair prejudice: To the argument that the defense made, saying that it is prejudicial. It is because it shows that the accused committed the crime of which he is charged and it is fairly prejudicial against him. It is not unfairly.

So, Your Honor -- so I think it looks like we're taking these, sort of, in turn. So I think pending any questions from the Court on that first statement, I think that's where -- the government would stay there.

MJ: So in your notice -- I don't recall in your notice if you stated that you also believe this was *res gestae,* but I believe that was part of your response to their motion. How do you say this as being *res gestae*?

TC: So the entire course of -- of -- of the act that the government has to prove, at least, towards Charge I. For Charge I, it is part of his possession and it shows the possession of the weapon. So that -- I think that's not necessarily a gesture that goes directly to it. But in terms of Charge II and III, this is the moment in which -- this is the room where Corporal Bopp loads the weapon. As the testimony of Lance Corporal Metcalf, at our last session of court, indicated it was at this room, that when he left the room is when he had loaded that weapon again and walked out, right?

He had brought the weapon into the room, loaded and then unloaded the weapon, proceeded to pass it around with all the other Marines. And that's when they talked about it. And then when he loaded it again for the first time, he points it again at Lance Corporal Dickinson -- that's the incident that we're describing here, pulls the weapon down continues having the conversation with Metcalf, as Lance Corporal Metcalf described, and then loaded, put in a round condition one -- well, put a round in the chamber, walked out of the room -- and what we believe happened is he walked out of that room and went directly

to Lance Corporal Schwenk's room. We have not been able to precisely narrow down the time, but we know it's minutes; we know it was not hours.

MJ: So the timeline there appears to be a dispute with regard to the timeline which may be relevant if -- in determining whether or not this is res gestae.

What evidence do you point to that supports that this was minutes -- a matter of minutes?

TC: Your Honor, I'm not sure that if in the previous session of court, Lance Corporal Metcalf described when he heard the shot, of which, he would have, said that the bang that he hear is when Corporal House came out to get him was only minutes apart. I'm not entirely sure if that came out at that session. The government is able to -- can -- can supplement the record to, kind of, make that timeline a little bit more clear.

We can't isolate it down to the second and precise times because -- because we don't know. But the recollection of all the eyewitnesses, Lance Corporal Dickinson and Metcalf, was -- it was minutes afterwards.

MJ: And so in support of your response, you have attached -- it looks like Appellate Exhibit XLVII?

TC: Yes, Your Honor.

MJ: Is that all you have attached at this point?

TC: Correct, Your Honor.

MJ: And what's the relevance of that?

TC: So the relevance of that goes to the next -- I think we're going to talk about the philosophy and it goes -- and it goes to that to show that there is no safety on -- on -- on that weapon.

MJ: All right. We'll get to that in just a minute. So what -- what is the general gist of what you want to argue in terms of this evidence? And you don't have to give me a carbon copy of your closing argument, but if you were to give your closing argument right now, what do you want to argue with regard to this particular transaction, if you will?

TC: We would argue that this is evidence that shows that when Corporal Bopp shot and killed Lance Corporal Schwenk, he knew the weapon was loaded and he knew he shouldn't point it at another human being because if Dickinson, minutes earlier, had told him not to point the weapon at me and he said, "I'm sorry," and that goes directly to the wanton disregard for human life that he had.

MJ: Defense, anything in light of that?

CDC: One moment, sir.

MJ: Sure.

CDC: Yes, sir. So I'm having a hard time pulling it up in a previous -- at our previous 39(a). I believe that Lance Corporal Dickinson's prover notes have been attached to the

record, and I am going to have to find that for the Court, but I think that the parties are just misremembering what Dickinson said. And that it was he wasn't sure if when he when Corporal Bopp left the room, whether or not the weapon was loaded, he did say Corporal Bopp unload and load the weapon a number of times and that the weapon was being passed around amongst the Marines. And so the idea that this is just because he loads the weapon and then walks in and then kills the victim, it just is not supported by the evidence that the government has -- has provided.

And nor was it supported by if -- I'm remembering correctly, nor is it supported by the testimony of Lance Corporal Dickinson. I don't think that anyone was actually certain that -- that he walked out with a loaded weapon. So it being *res gestae* is just not supported by the facts.

MJ: Okay. I'll give both parties until COB today to supplement the record --

CDC: Yes, sir.

MJ: -- with anything you have.

TC: Yes, Your Honor.

MJ: And if you can just point me to a particular time hack in the audio I think you both have access to the audio, don't you?

CDC: Sure.

MJ: Can you just point me to a particular time hack in the

audio from our previous 39(a), or if there is some other evidence that you want to submit in support of your positions, I will allow that.

TC: Yes, Your Honor. And I think to -- to clarify, Lance Corporal -- defense counsel is correct that Lance Corporal Dickinson does not remember exactly the time and moment when Corporal Bopp left the room. That -- this testimony comes from Lance Corporal Metcalf, he's the one that remembers the precisely and the loading of the weapon and leaving. So I think that makes clear something --

MJ: When both parties go back, you may find some other contextual clues that help illustrate or set some parameters on the timelines.

CDC: Yes, sir.

MJ: Should we move on to what's been characterized as the "habit" evidence?

CDC: Yes, sir. Sir, it's defense's position that this is -- this fails the 403 and therefore the *Reynolds* factors test based on the last factor of the *Reynolds* test. In light of how the government has -- has stated that they want to use this evidence in their notice, they told Defense that they intend to use this evidence -- this evidence will be offered to show that the accused had no reasonable belief that his weapon was not loaded when he shot and killed the Lance Corporal -- the victim

in this case.

And so as an initial matter, Marines are taught that when you're -- when you have a weapon -- when you have a pistol, that we carry it in condition one, because that's the point in carrying a weapon when you're on duty or anything like that; the point of having a pistol is to be able to easily employ it.

So having this general philosophy that, apparently, Marines believe that he has -- is just a philosophy of -- of handling a pistol -- handling a pistol. And so it does not actually prove what the government is getting at, that it proves that he had no reasonable belief to -- that the weapon was not in or was in -- was not in condition one, because then when we actually look at the facts of that night; one, we have Corporal Bopp, who is admittedly drinking according to all of the witnesses; and then two, we have both witnesses, Metcalf and Dickinson saying that multiple Marines were handling that weapon, that they were unloading it, that they were taking the magazine out, all of these things. And so this piece of evidence does not actually prove what the government is getting at; it just proves that, like any pistol carrier, he believes that if you're carrying your pistol, that you should have it in condition one.

But that does not actually show that the habit was true on that night. It just shows that he has this idea -- this general philosophy that we are taught as Marines and then on the

night in question, he was drinking and unloading and reloading this weapon. And so it doesn't actually support the idea that he had no reasonable belief that his weapon was not loaded.

MJ: Government?

TC: Your Honor, I believe that --

MJ: Hold on one second.

Court's in recess.

[The Article 39(a) session recessed at 0940, 5 September 2024.]

[The Article 39(a) session was called to order at 0942, 5 September 2024.]

MJ: Court is called back to order. All parties present when the court last recessed are again present. Same date, time on deck is 0942.

Government, would you like to pick up where you left off there?

TC: Yes, Your Honor. So I think when the defense argues that this evidence fails 403, I think it's clear -- I think it needs to be made a little bit more clear what the government -- how the government intends to present this evidence here, and that is Corporal Bopp is charged with murder and involuntary manslaughter.

For the murder charge -- and one of the instructions that the judge is likely to read to the members, it includes some examples of acts that are inherently dangerous to another. And

one would be that throwing a live grenade at another in jest is one of the acts that the M.C.M. lists. I think it is very likely that the defense will try to argue that this is an involuntary manslaughter case, based off of that definition of culpable negligence, where in -- it says pointing a pistol in jest at another and pulling the trigger, believing, but without taking reasonable precautions to ascertain that it would not be dangerous. And I think that's likely what the defense is going to try to argue for; involuntary manslaughter over the murder.

Why that's important and why this particular piece of evidence is important is the government intends to show that Corporal Bopp knew the weapon was loaded and therefore it is more akin to throwing a live grenade at another person than having a reasonable belief that the weapon was not, in fact, loaded. Because as we know, the weapon was loaded because Lance Corporal Schwenk is dead.

Lance Corporal Metcalf, in his previous testimony, in front of the Court, also says that Corporal Bopp loaded the weapon before he left the room. He has also reiterated that in every statement he has given since, and in his initial statements, which we will provide to the Court to supplement the record. And that's why it's incredibly relevant and valuable. And it's not 403 to -- to say that his philosophy of always having a condition one weapon goes directly against any argument

that he had a reasonable belief that his weapon was not, in fact, loaded, at that time.

Lance Corporal Metcalf has detailed his relationship with Corporal Bopp. I think that also came out in the last session where they have known each other for a long time. They are good friends; they talk about guns. In fact, Lance Corporal Metcalf talking about guns or what gun he wanted to get his mother was the reason that Corporal Bopp went to his car, retrieved his pistol, and brought it into the barracks that night, to show off that -- to show off that weapon.

So given -- given that context of him having this philosophical belief that his weapon was loaded and always keeping a round in the chamber of his weapon, it would strain credulity. Then, to -- for the defense to then argue that he did not know that the weapon was loaded -- and that's why this is an involuntary manslaughter versus a murder.

And the government's position is going to be it is a murder, inherently dangerous, because this is akin to throwing a live grenade at another person because he had a weapon that he always kept loaded. He believed in keeping it loaded; it was, in fact, loaded that night. And when he pulled the trigger, a round discharged into Lance Corporal Schwenk. And so that's why the government believes that -- that evidence is highly probative and should not be subject to exclusion under 403.

MJ: Defense, anything else in light of that?

ADC: Nothing else, Your Honor.

MJ: The Court will take this motion under advisement.

Counsel, any additional matters to take up at this time?

TC: Just one point of clarification, Your Honor. Just to make sure I understand -- I was writing things down in terms of the supplement that you're looking for -- the parties -- just things that clarify the timeline is that what you're looking for?

MJ: That's what I ask for. If you have anything else that you want to add, that's fine too.

TC: Okay. Thank you, Your Honor. Nothing -- nothing else from the Government.

MJ: Defense?

CDC: Nothing else from the defense, sir.

MJ: Court's in recess.

[The Article 39(a) session recessed at 0947, 5 September 2024.]

[The court-martial was called to order at 0906, 6 January 2025.]

MJ: This general court-martial is called to order in the case of *United States v. Bopp.* We are at Camp Lejeune, North Carolina. The date is 6 January 2025. The time on deck is 0906.

Our court reporter, Sergeant Fetterman, has been replaced by Staff Sergeant Slade.

Prior to convening this morning, we had a couple of

802s just to coordinate logistics and whatnot for today's proceeding.

Counsel, anything else you want to put on the record with regard to that?

TC: Nothing on the record in regards to the past 802s, Your Honor, but there may be some other issues to -- to take up, to put on the record.

CDC: Yes, sir. Concur with nothing to add on the prior 802s. We do want to, just briefly, have an 802 with you, or at least -- I guess we can summarize it on the record, on a couple of, just, issues that counsel want to bring to your attention.

In -- in terms of administrative planning, sir, there are several witnesses identified from both the government and defense. Both parties calculate the 447 days of pretrial credit towards confinement.

MJ: How many days do you calculate?

CDC: 447, sir.

In addition, the government is -- is calling Lieutenant Commander House, a medical officer. We discussed that that is an alternate that -- that was not the initial medical officer that conducted the autopsy. Pursuant to the agreement, Corporal Bopp is going to voluntarily waive that right to confront the alternative expert in -- in the government's case. So possibly during the -- the plea inquiry, sir, we ask about waiveable

motions so Corporal Bopp is prepared to discuss with his knowing and voluntary waiver of that right in the confrontation clause to confront him.

MJ: Okay.

TC: Yes, Your Honor. An additional item was the potential conflict disclosed by defense about the judicial appraisal that, Your Honor, had done for me previously this year. I spoke to defense about that. I don't believe there is any objection, but I did want to put that on the record as well and --

Thank you. Sorry. I wasn't -- my microphone wasn't on.

There was a judicial appraisal that was submitted for me, by you, Your Honor, and we've disclosed that to the defense. I don't believe there is to be an objection to that, but I want to make sure that that's on the record for them. As well as there's some new regulation -- new R.C.M. governing victim impact statements that may come up. We can take that up a little bit later, but we want to get the Court's way forward on the best way to present testimony that is now able to be considered for victim impact, either in the government's case in aggravation or separately.

MJ: Okay. All right. We'll -- we'll take a preview of that when we get a little bit closer. And thank you for the reminder on the judicial appraisal.

Major Samuel did approach me a few months ago requesting an appraisal for the Judicial Screening Board. I did offer him one, it was favorable. I don't think it will impact my ability to be fair or impartial during this proceeding, but you're free to question me on that if you'd like.

CDC: Sir, that was the only question I was going to ask you in understanding that you, as a Senior Circuit Judge, had seen a lot of the counsel perform in front of you in the court room and there was a favorable endorsement for Major Samuel, was that you would be able to be fair and impartial in considering the totality of both the government's case, in Corporal Bopp's case here today, and I believe that you are able to do so, sir.

MJ: All right. Anything else to take up at this time?

TC: Nothing from the government.

CDC: No, sir.

MJ: Corporal Bopp, at a prior session of court, we talked about your forum rights, that is, the right for you to be tried by a court composed of members, that is, essentially, a jury or to be tried by a court composed of a military judge alone.

Do you remember going over those rights?

ACC: Yes, sir. I do.

MJ: Have you discussed those rights with your counsel?

ACC: Yes, sir. I have.

MJ: Do you have any questions about those rights?

ACC: Not at this time, sir.

MJ: By what type of court do you wish to be tried?

ACC: By a judge alone, sir.

MJ: Is there a written request for trial by military judge alone?

CDC: Sir, it's contained in the plea agreement.

MJ: Government, do you have a copy of the plea agreement?

TC: I don't have a printed copy of it, Your Honor.

CDC: I have one. Let me double check that I have two.

Sir, may I approach?

MJ: You may.

CDC: Sir, I'm handing the court reporter, just, a copy of the plea agreement.

MJ: Thank you.

CDC: Aye, sir.

MJ: We'll have that marked as the next appellate exhibit in order.

Corporal Bopp, I have here Appellate Exhibit LIII, which is the plea agreement.

Is this your signature at the end of this agreement?

ACC: Yes, sir. It is.

MJ: At the sign -- at the time that you signed this request, did you know I would be the military judge in your case?

ACC: Yes, sir. I did.

MJ: Is your request a voluntary one? By that, I mean, are you making this request of your own free will?

ACC: Yes, I am, sir.

MJ: If I approve your request by -- for trial by me alone, you give up your right to be tried by a court composed of members.

Do you understand that?

ACC: Yes, sir.

MJ: Do you still wish to be tried by me alone?

ACC: Yes, sir. I do.

MJ: Your request is approved.

The court is assembled.

At this time, we'll take the pleas.

Accused and counsel, please rise.

[The accused and defense counsel did as directed.]

MJ: Corporal Bopp, how do you plead? But before receiving your plea, I advise you that any motions to dismiss or grant other appropriate relief should be made at this time. Your defense counsel will speak for you.

CDC: Sir:

To Charge I:	**Guilty.**
To the sole Specification of Charge I:	**Guilty.**
To Charge I:	**Guilty.**
To Charge II:	**Not guilty.**
To the sole Specification under Charge II:	**Not guilty.**

Charge II:	**Not guilty.**
To Charge III:	**Guilty.**
To the sole Specification under Charge III:	**Guilty.**
Charge III:	**Guilty.**

MJ: Thank you. You may be seated.

[The accused and defense counsel did as directed.]

MJ: Corporal Bopp, your counsel has entered pleas of guilty for you to the sole Specification of Charge I as well as the sole Specification of Charge III. And to both of those charges, your plea of guilty will not be accepted unless you understand its meaning and effect.

I'm going to discuss with you your guilt -- your plea of guilty. You may consult with your defense counsel prior to answering any of my questions. If you have any questions, feel free to ask them.

A plea of guilty is equivalent to a conviction and is the strongest form of proof known to the law. On your plea alone, and without receiving any evidence, this Court can find you guilty of the offenses to which you have pled guilty. Your plea will not be accepted unless you realize that by your plea, you admit every act or omission and element of the offenses to which you have pled guilty and that you are pleading guilty because you actually are guilty. If you do not believe that you are guilty, then you should not plead guilty for any reason.

Do you understand what I have said so far?

ACC: Yes, sir.

MJ: By your plea of guilty, you give up three important rights, but you give up these rights solely with respect to the offenses to which you have pled guilty:

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, your right to have this court-martial decide whether or not you are guilty based upon the evidence the prosecution would present and on any evidence you may introduce;

Third, the right to be confronted by, and to cross-examine, any witness called against you.

Do you have any questions about these rights?

ACC: No, sir, I do not.

MJ: Do you understand that by pleading guilty, you no longer have these rights with -- with respect to the offenses to which you have pled guilty?

ACC: Yes, sir.

MJ: If you continue with your guilty plea, you will be placed under oath and I will question you to determine whether you are guilty. Anything you tell me may be used against you in the sentencing portion of the trial.

Do you understand this?

ACC: Yes, sir. I do.

MJ: If you tell me anything that is untrue, your statements may be used against you later for perjury or making false statements.

Do you understand this?

ACC: Yes, sir. I do.

MJ: Trial counsel, please place the accused under oath.

[The accused was sworn.]

MJ: Is there a stipulation of fact?

TC: Yes, Your Honor. It should be Prosecution Exhibit 1.

MJ: I have that here.

Defense, do you have a copy of that there at your table?

CDC: Yes, sir.

MJ: Corporal Bopp, did you sign the stipulation of fact?

ACC: Yes, sir.

MJ: Did you read this document thoroughly before you signed it?

ACC: Yes, sir. I have.

MJ: Do both counsel agree to the stipulation and that your signatures appear on the documents?

TC: Yes, Your Honor.

CDC: Yes, sir.

MJ: Corporal Bopp, a stipulation of fact is an agreement

among the trial counsel, your defense counsel, and you, that the contents of the stipulation are true and, if entered into evidence, are uncontradicted facts in this case. No one can be forced to enter into a stipulation, so you should enter into it only if you truly want to do so.

Do you understand this?

ACC: Yes, sir.

MJ: Are you voluntarily entering into this stipulation because you believe it is in your best interest to do so?

ACC: Yes, sir.

MJ: If I admit this stipulation into evidence, it will be used in two ways:

First, I will use it to determine if you are guilty of the offenses to which you pled guilty;

Second, I will use it to determine an appropriate sentence for you.

Do you understand and agree to these uses of the stipulation?

ACC: Yes, sir. I do.

MJ: Do both counsel also agree to these uses?

TC: Yes, Your Honor.

CDC: Yes, sir.

MJ: Corporal Bopp, a stipulation of fact ordinarily cannot be contradicted. If it should be contradicted after I have

accepted your guilty plea, I will reopen this inquiry. You should therefore let me know if there is anything you disagree with or feel is untrue.

Do you understand that?

ACC: Yes, sir.

MJ: At this time, I want you to read your copy of the stipulation silently to yourself as I read it to myself.

[The accused did as directed.]

MJ: Corporal Bopp, have you finished reading it?

ACC: Yes, sir. I have.

MJ: Is everything in the stipulation true?

ACC: Yes, sir. It is.

MJ: Is there anything in the stipulation that you do not wish to admit is true?

ACC: No, sir.

MJ: Do you agree, under oath, that the matters contained in the stipulation are true and correct to the best of your knowledge and belief?

ACC: Yes, sir.

MJ: Defense counsel, do you have any objection to Prosecution Exhibit 1 for identification?

CDC: No, sir.

MJ: Prosecution Exhibit 1 for identification is admitted into evidence, subject to my acceptance of the accused's guilty

plea.

Corporal Bopp, at this time, I am going to explain the elements of the offenses to which you have pled guilty. By "elements," I mean those facts which the prosecution would have to prove beyond a reasonable doubt before you could be found guilty if you had pled not guilty.

When I state each element, ask yourself two things:

First, is the element true; and,

Second, do you wish to admit that it is true?

After I list the elements for you, be prepared to talk to me about the facts regarding the offenses.

Do you have a copy of the charge sheet in front of you?

ACC: Yes, sir. I do.

MJ: First, we're going to look at the sole Specification of Charge I. There, you pled guilty to a violation of a lawful general order pursuant to Article 92 of the Uniform Code of Military Justice.

The elements of that offense are:

One, that there was in existence a certain lawful general order in the following terms, Marine Corps East, Marine Corps Base Camp Lejeune Order 5500.1A dated 16 August 2021;

Two, that you had a duty to obey such order; and,

Three, that on 18 October 2023, onboard Marine Corps Base Camp Lejeune, North Carolina, you violated Marine Corps

East, Marine Corps Base Camp Lejeune Order 5500.1A dated 16 August 2021, paragraph 4c(1) by wrongfully possessing, carrying, displaying, fire -- firing, and discharging a weapon aboard Marine Corps Base Camp Lejeune.

The term "general order or regulation," to be lawful, must relate to specific military duty and be one which is authorized under the circumstances. A general order or regulation is lawful if it is reasonably necessary to safeguard and to protect the morale, discipline, and usefulness of the members of a command and is directly connected with the maintenance of good order in the services. It is illegal if it is unrelated to military duty, its sole purpose is to accomplish some private end, it is arbitrary and unreasonable, or it is given for the sole purpose of increasing the penalty for an offense which it is expected you may commit.

"General orders or regulations" are those orders or regulations which are generally applicable to an armed force and which are properly published by the President, the Secretary of Defense, or a military department such as the Secretary of the Navy. General orders also include those orders, which are generally applicable throughout the commands of the officer issuing them or throughout a particular subdivision thereof in which are issued by an officer having general court-martial jurisdiction or a general or flag officer in command or a

commander superior to one of these.

Any questions about those elements and definitions?

ACC: No, sir.

MJ: Now, I'm going to ask you some general questions.

Are you currently on active duty in the U.S. Marine corps?

ACC: Yes, sir. I am.

MJ: On -- on 18 October 2023, were you a member of the U.S. Marine Corps on active duty?

ACC: Yes, sir. I was.

MJ: Have you been discharged or released from active duty since that date?

ACC: No, sir. I have not.

MJ: In the specification, is your name, rank, unit, and branch of service correctly stated and spelled?

ACC: Yes, sir. It is.

MJ: Do you understand the elements and definitions as I have read them to you?

ACC: Yes, sir. I do.

MJ: Again, any questions about any of them?

ACC: No, sir.

MJ: Do you understand that your plea of guilty admits that these elements accurately describe what you did?

ACC: Yes, sir.

MJ: Do you believe and admit that the elements and definitions taken together correctly describe what you did?

ACC: Yes, sir.

MJ: Do you believe and admit -- at this time, I want you to tell me why you are guilty of the offense listed in the Specification of Charge I.

ACC: Because on October 18 of 2023, I brought my personally owned firearm onboard Camp Lejeune and wrongfully discharged that firearm, sir.

MJ: All right. In addition to bringing it aboard the installation and discharging it, what else did you do with it that is violative of the order?

ACC: I had an -- in my barracks -- in my barracks room.

MJ: Okay. So in other words, you possessed it aboard the installation?

ACC: Yes, sir.

MJ: Does that include carrying as well?

ACC: Yes, sir. It does.

MJ: And at some point, did you display the weapon?

ACC: Yes, sir. I did.

MJ: Are you familiar with the order 5500.1A?

ACC: Yes, sir.

MJ: And how were you familiar with it?

ACC: I've -- I've reviewed it recently and, at the time,

was made generally available and, probably, posted everywhere, sir.

MJ: What was your -- at the time on -- on 18 October of 2023, what was your general understanding of -- of having weapons aboard the installation or in the barracks?

ACC: That there was to be no personally-owned weapons, either in the barracks or onboard Camp Lejeune, sir.

MJ: And this -- this was a personally-owned weapon?

ACC: Yes, sir.

MJ: This was not a duty weapon or anything like that?

ACC: No, sir. It's not.

MJ: And how did you become aware of the regulation? How did you know that you weren't supposed to have weapons aboard the installation or in the barracks of a personal nature?

ACC: The orders posted throughout the barracks or in the CP, sir. And I've been given information regarding the proper storage of personnel weapons.

MJ: And what is proper storage?

ACC: Either in the armory or off base, sir.

MJ: So there are procedures for -- for how to store a personally-owned weapon?

ACC: Yes, sir.

MJ: And you were generally familiar with the proper way of storage?

ACC: Yes, sir. I was.

MJ: Do you agree and admit that 5500.1A meets the definition of a general regulation, as I have defined that term for you?

ACC: Yes, sir.

MJ: -- or general order?

Do you agree and admit that 5500.1A was a lawful general order?

ACC: Yes, sir. I do.

MJ: And do you believe that this order was in effect on 18 October 2023?

ACC: Yes, sir.

MJ: Do you agree and admit that you had a duty to obey this order?

ACC: Yes, sir. I did.

MJ: And why did you have a duty to obey it?

ACC: Because I was on active duty, so I had a duty to follow all lawfully given orders, at the time, sir.

MJ: And, again, on 18 October 2023, aboard Camp -- aboard Marine Corps Base Camp Lejeune, did you violate the order?

ACC: Yes, sir. I did.

MJ: Were there any conditions on the order? In other words, was it okay to bring a personal weapon onboard the base and put it in the barracks if there were certain conditions that

applied? Were you aware of any conditional language in the order?

ACC: No, sir.

MJ: Did anyone authorize you to violate the order?

ACC: No, sir. They did not.

MJ: Did you believe, in any way, that you were authorized to violate the order?

ACC: No, sir. I did not.

MJ: Did anything or anyone force you to violate the order?

ACC: No, sir. I did not.

MJ: Do you believe you had any legal justification or excuse for violating the order?

ACC: No, sir.

MJ: Could you have avoided violating this lawful general order if you had wanted to?

ACC: Yes, sir. I could have.

MJ: You admit that on 18 October 2023, aboard Marine Corps Base Camp Lejeune, North Carolina, you violated the order, which you had a duty to obey, by wrongfully possessing, carrying, displaying, firing, and discharging a weapon aboard the installation?

ACC: Yes, sir.

MJ: Do you believe that the order was a punitive order?

ACC: Yes, sir.

MJ: Is that something you discussed with your counsel?

ACC: Yes, sir.

MJ: Counsel, any questions? Any further questions that you'd like me to ask?

TC: Nothing from the government, Your Honor.

CDC: No, sir.

MJ: Corporal Bopp, let's take a look now at the sole Specification of Charge III. There, you have pled guilty to involuntary manslaughter by culpable negligence in violation of Article 119 of the Uniform Code of Military Justice.

The elements of that offense are:

One, that Lance Corporal Austin Schwenk is dead;

Two, that his death resulted from the act or omission of you, and that you shot him with a pistol at Barracks HP-255 on -- on 18 October 2023;

Three, that the killing of Lance Corporal Schwenk, by you, was unlawful; and,

Four, that this act amounted to culpable negligence.

Now, I'm going to read some definitions to you.

Killing a human being is "unlawful" when done without legal justification or excuse.

"Culpable negligence" is a degree of carelessness greater than simple negligence.

"Simple negligence" is the absence of due care. The

law requires everyone, at all times, to demonstrate the care for the safety of others that a reasonably careful person would demonstrate under the same or similar circumstances. This is what due care means.

"Culpable negligence" is a negligent act or failure to act accompanied by a gross, reckless, wanton, or deliberate disregard for the foreseeable results to others. The act must not only amount to culpable negligence, but must also be a proximate cause of death.

"Proximate cause" means that the death must have been the normal -- excuse me -- the natural and probable result of the accused's culpably negligent act. The proximate cause does not have to be the only cause, but it must be a contributory cause, which plays an important part in bringing about the death. It is possible for the conduct of two or more persons to contribute, each as a proximate cause, to the death of another. If your conduct was a proximate cause of the victim's death, you will not be relieved of criminal responsibility just because some other person's conduct was also a proximate cause of the death.

If the death occurred only because of some unforeseeable independent intervening -- intervening cause, which did not involve you, then you may not be convicted of involuntary manslaughter.

If you're "culpable negligence" was a proximate cause

of the death, you are not relieved of criminal responsibility just because the negligence of the deceased may also have contributed to his death. The conduct of the deceased is; however, important on the issue of whether your culpable negligence, if any, was a proximate cause of death.

Accordingly, a certain act may be a proximate cause of death, even if it is not the only cause. As long as it -- as long as it is a direct or contributing cause and plays an important role in causing the death.

An act is not a "proximate cause of the death," if some other force, independent of the accused's act, intervenes as a cause of death.

All right. I'm going to ask you some of those general questions as I begin here.

Are you currently on active duty in the U.S. Marine Corps?

ACC: Yes, sir. I am.

MJ: On 18 October 2023, were you a member of the U.S. Marine Corps on active duty?

ACC: Yes, sir. I was.

MJ: Have you been discharged or released from active duty since that date?

ACC: No, sir.

MJ: In the specification, is your name, rank, unit, and

branch of service correctly stated and spelled?

ACC: Yes, sir. It is.

MJ: Do you understand the elements and definitions as I have read them to you?

ACC: Yes, sir.

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

ACC: No, sir.

MJ: Do you understand that your plea of guilty admits that these elements accurately describe what you did?

ACC: Yes, sir.

MJ: Do you believe and admit that the elements and definitions taken together correctly describe what you did?

ACC: Yes, sir.

MJ: Tell me, in your own words, why you believe you are guilty of this offense.

ACC: Because on 18 -- October 18 of 2023 on Camp Lejeune, I unlawfully discharged my firearm, which resulted in the death of Lance Corporal Schwenk, sir.

MJ: How did -- how did the discharge of your firearm result in his death?

ACC: I had shot him in the head, sir. He died from that, sir.

MJ: Is it true that Lance Corporal Schwenk is dead?

ACC: Yes, sir.

MJ: How do you know?

ACC: I was informed by law enforcement, sir.

MJ: How else do you know?

ACC: I've reviewed the autopsy, sir.

MJ: Was Lance Corporal Schwenk, ultimately, pronounced dead by a medical doctor?

ACC: Yes, sir. He was.

MJ: Was Lance Corporal Schwenk's death a result of your act or failure to act?

ACC: Yes, sir. It was.

MJ: Tell me where and when this occurred.

ACC: It was on the night of October 18th, 2023, on Camp Lejeune in Room 7 -- 317 of Barracks HP-255.

MJ: Describe, again, the act which caused his death.

ACC: It was by having discharged the pistol in his direction, sir.

MJ: And how did that result in his death?

ACC: Because the round hit him, sir.

MJ: And where did it hit him?

ACC: In the head, sir.

MJ: Do you believe, at the time of the killing, that you had any legal justification or authorization for killing Lance Corporal Schwenk?

ACC: No, sir.

MJ: Do you believe you were acting in self-defense or defending another?

ACC: No, sir.

MJ: Did anyone force or -- or coerce you into killing Lance Corporal Schwenk?

ACC: No, sir.

MJ: Was it a freely made decision, on your part, to kill Lance Corporal Schwenk?

ACC: Yes, sir.

MJ: Could you have avoided killing him, if you had wanted to?

ACC: Yes, sir. I could have.

MJ: Do you believe that killing him was unlawful?

ACC: Yes, sir.

MJ: Do you believe that your act amounted to culpable negligence?

ACC: Yes, sir.

MJ: And how -- how was that culpably negligent, based on the definition that I described to you?

ACC: Because it was a reckless act and a lack of due care for safety of others, sir.

MJ: Okay. So the lack of -- remember as I defined it -- the lack of "due care" is simple negligence, okay? And here, we're talking about culpable negligence. And you mentioned, part

of it there, that -- that makes it amount to culpable negligence. But tell me again why you believe that this is more than simple negligence and why it is culpable negligence.

ACC: Because the -- that act was reckless, sir.

MJ: Was it a deliberate disregard for foreseeable results?

ACC: Yes, sir. It was.

MJ: And -- and why do you say that?

ACC: Because I -- I didn't have care as to the consequences of what my actions could have been, sir.

MJ: Okay. And did you deliberate -- deliberately disregard what those potential consequences could be?

ACC: Yes, sir. I did.

MJ: Was your negligent act or failure to act accompanied by a gross, reckless, wanton, or deliberate disregard for the foreseeable results to others?

ACC: Yes, sir.

MJ: And, again, How so?

ACC: Because in the act of pointing the firearm towards him and pulling the trigger, that's complete disregard for what could have happened -- resulted from that, sir.

MJ: And a result like this, essentially a death, is foreseeable under those circumstances?

ACC: Yes, sir.

MJ: Was the victim's death a natural and probable results

of your culpably negligent act?

ACC: Yes, sir.

MJ: Counsel, any questions in light of those, or any additional questions?

TC: Your Honor, based on some of the evidence, I believe the defense intends to admit, I think it may be prudent for the Court to go over the defense of accident to ensure that that does not imply -- that that does not apply here. It's not an accidental shooting.

MJ: The court's in recess.

[The court-martial recessed at 0945, 6 January 2025.]

[The court-martial was called to order at 0958, 6 January 2025?]

MJ: Court is called back to order. Same date; time on deck is 0958. All parties present when the court last recessed are again present.

In a brief 802, outside the presence of the accused, both counsel approached me and gave me a brief update on what might be raised in the presentencing case. And there may be some references to an accident, which is why we will go into this, briefly, right now.

In addition, counsel gave me a brief preview of how they intend to put on some of their presentencing evidence.

Counsel, anything else in light of that?

TC: Concur. Nothing to add, Your Honor.

CDC: Concur. Nothing to add, Your Honor.

MJ: Corporal Bopp, let's talk about the definition of "accident" and that, as it may apply, as a legal defense. If you were doing a lawful act, in a lawful manner, free of any negligence on your part, and an unexpected death occurred, then you would not be criminally liable.

The defense of accident has three parts:

First, the act of you resulting in the death must have been lawful;

Second, you must not have been negligent. In other words, you must have been acting with the amount of care for the safety of others that a reasonably prudent person would have used under the same or similar circumstance cases; and

Third, the death must have been unforeseeable and unintentional.

So based on that definition, Corporal Bopp, do you believe that the defense of accident applies?

ACC: No, sir.

MJ: First of all, it -- it requires that -- if it were to apply, it would require that you were doing something lawful.

And is what you were doing lawful?

ACC: No, sir.

MJ: We already went over that with regard to the first specification and the first charge; do you recall?

ACC: Yes, sir.

MJ: Okay. And that it's -- it's not lawful to have a firearm in the barracks.

Secondly, what you were doing must not have been negligent. I believe we've already established that your act was negligent.

Do you agree with that?

ACC: Yes, sir. I do.

MJ: And, third, the death must have been unforeseeable and intentional. We -- we did talk about the foreseeability of -- of this act and its ultimate consequence; do you recall that?

ACC: Yes, sir.

MJ: Okay. Do you believe in any way that it was unforeseeable that this could happen?

ACC: No, sir.

MJ: So, given all of that, considering the definition of "accident," as it -- as it might apply, do you believe the -- the defense of accident would exist here in your case?

ACC: No, sir.

MJ: Counsel, anything in addition to that?

TC: Nothing further from the government, Your Honor.

CDC: No, sir.

MJ: Trial counsel, what do you calculate to be the maximum punishment?

TC: The maximum punishment, Your Honor, without the plea agreement, it would be for the -- the charges that the accused is pleading guilty to, would be 10 years of confinement for the Article 119; 2 years of confinement for Article 92; total forfeitures of pay and allowances; and a dishonorable discharge.

Under the plea agreement, the maximum punishment is 10 years for the Article 119; 2 years for the Article 92; total forfeitures of pay and allowances; and a dishonorable discharge.

MJ: Defense counsel, do you agree?

CDC: Yes, sir.

MJ: All right. Corporal Bopp, the maximum punishment authorized by law in this case, based solely on your guilty plea, is 12 years of confinement, total forfeitures, dishonorable discharge, and a reduction to E-1.

Trial counsel, I believe we've already been over it, but is there a plea agreement in this case?

TC: Yes, Your Honor. There is.

MJ: And I have it here marked as Appellate Exhibit LIII.

Corporal Bopp, we will now discuss your plea agreement.

Does he have a copy there with him?

CDC: Yes, sir.

MJ: Corporal Bopp, I asked you this once before, but did you sign this agreement?

ACC: Yes, sir. I did.

MJ: And did you read it thoroughly before you signed it?

ACC: Yes, sir. I did.

MJ: Do you understand the contents of your plea agreement?

ACC: Yes, sir. I do.

MJ: Did anyone force you, in any way, to enter into this agreement?

ACC: No, sir. They did not.

MJ: Does this agreement contain all the understandings or agreements that you have in this case?

ACC: Yes, sir.

MJ: Has anyone made any promises to you that are not written into this agreement in an attempt to get you to plead guilty?

ACC: No, sir.

MJ: Counsel, is Appellate Exhibit LIII the full and complete agreement in this case, and are you satisfied that there are no other agreements?

TC: Yes, Your Honor.

CDC: Yes, sir.

MJ: Corporal Bopp, the law requires that I discuss the conditions of your agreement with you. Let's look at the terms of your agreements.

In Paragraph 1, you agree to enter pleas as indicated below. I would note that you've complied with that.

Paragraph 2 sets -- is what we just discussed and that is that this agreement sets forth the entire agreement between you and the convening authority and that there are no other written, oral, or implied agreements.

Paragraph 3 states that you're satisfied with your defense counsel, Mr. Kopka, Major Rehak, and Captain McLaughlin in all respects and consider them qualified to represent you at this court-martial.

Paragraph 4 states that you may withdraw from the agreement for any reason prior to acceptance of the plea by the military judge. And that you understand that you may also request to withdraw from this plea agreement after its acceptance, but before the sentence is announced if good cause is shown.

Now, Paragraph 5 sets forth the conditions for which the convening authority may withdraw from the agreement. And they may withdraw at any time before your substantial performance of the promises contained in this agreement are fulfilled. They may withdraw upon your failure to fulfill any material promised or condition in the agreements. They may withdraw when inquiry by the military judge discloses a disagreement to a material term in the agreements, or they may withdraw if findings are set aside because a plea of guilty is held unprovident on appellate review.

Paragraph 6 lays forth what happens if there's any

future misconduct.

Subparagraph "a" states that should you commit any misconduct in the future, after the signing of the agreement but before the date of trial, such misconduct may be the basis for the convening authority to unilaterally withdraw.

Paragraph 6b states that if you were to commit any misconduct after the date of trial, but before the date of the entry of judgment, the convening authority may, after first complying with notice and hearing requirements consistent with Article 72 UCMJ and R.C.M. 1108, vacate the portion of the sentence that was suspended as a result of the military judge's or the trial counsel's, recommendation. Should the convening authority vacate the suspension of any portion of your sentence based on misconduct occurring after the date of trial but before entry of judgment, you understand any suspended portion of your sentence may be imposed upon you.

You also understand that should you commit any misconduct after the date of entry of judgment or violate any of the conditions of suspension stated in this agreement, during the period in which any part of your sentence is suspended, the convening authority may, after complying with the procedures set forth in R.C.M. 1108, vacate any periods of suspension recommended by the military judge, or the trial counsel, and approved by the convening authority. And you understand that

previously suspended portion of your sentence could be imposed upon you.

Did you discuss all these with your counsel?

ACC: Yes, sir. I did.

MJ: Paragraph 7 states that if either side withdraws from the agreement, then your offer to plead guilty and enter into this agreement cannot be used against you, in any way, to prove whether you are guilty or not guilty of the charges alleged against you in this court-martial or in determining an appropriate sentence.

Paragraph 8 is -- are certain -- contains agreements by you.

8a is your agreement to plea, and you have complied with that.

8b is the finding and sentencing forum election. We've already been over that. You've complied with that.

Paragraph 8c are witness considerations. You've agreed not to request, in presentencing, at government expense, the presence of any witnesses located out of the area.

Do you still feel that you're able to put on an adequate defense?

ACC: Yes, sir.

MJ: And have you discussed with your counsel other ways in which you can put forth presentencing evidence for me to

consider?

ACC: Yes, sir.

MJ: And you're confident that you're able to effectively do that?

ACC: Yes, sir.

MJ: Okay. Paragraph 8d is your agreement not to object to evidence offered, that includes relevant service record documents; relevant medical or autopsy reports; relevant command investigation materials; relevant NCIS evidentiary material; relevant statements offered by the defense in extenuation and mitigation; relevant expert reports or relevant statements offered by the government in aggravation to include written, audio or videotaped statements, or telephonic testimony of any crime victim or relevant witness being offered by either party during presentencing, or relevant unsworn testimony by a crime victim who exercises the right to be reasonably heard and is called by the court-martial in accordance with R.C.M. 1001A on the basis of foundation, hearsay, lack of confrontation, or authenticity.

Each party will provide the other party final witness and exhibit lists covered by this paragraph at least 7 calendar days prior to the scheduled presentencing proceeding. This provision does not interfere with your ability to present an effective and complete case in extenuation and mitigation.

And have you been over all this with your counsel?

ACC: Yes, sir. I have.

MJ: And did you get -- did you get a list, in advance, of the witnesses that the government intends to -- to offer?

ACC: Yes, sir.

MJ: Paragraph 8e is the stipulation of fact; we've already been over that.

Paragraph 8f are -- covers motions. It states that you, specifically, agree to waive all motions except those that are nonwaiveable pursuant to R.C.M 705(c)(1)(B) or otherwise.

Are there any outstanding motions before the Court, counsel?

TC: I don't believe there are any motions from the government.

CDC: I do not believe there are any either, sir. Just with regards to the -- the issue we raised during the 802. As it relates, the alternative expert -- with regard to the autopsy performance, we discussed that as an issue that Corporal Bopp could, certainly, raise and in challenging. But in the determination to remain within the limitations of the pretrial agreement, he has agreed to voluntarily waive that issue as it relates to any pertainable [sic] motion to suppress or preclude testimony, sir.

MJ: Okay. And you see that as a waiveable issue?

CDC: We do, sir.

MJ: Any nonwaiveable motions that were not filed?

CDC: No, sir.

MJ: Paragraph 9 are the -- lays forth the agreements by the convening authority. The convening authority agrees to do the following -- and that is under 9a: To withdraw the language and charge and specifications to which you have pled not guilty in return for your pleas of guilty.

And following the military judge's acceptance of your pleas, as set forth below, the convening authority agrees that after the announcement of the sentence by the military judge, the withdraw language, charge, and specifications will be dismissed without prejudice to ripen into prejudice upon completion of appellate review where the findings and sentence have been upheld.

Paragraph 10 sets forth the sentencing parameters that the Court will -- will impose pursuant to your agreement with the government. 10a states that a dishonorable discharge shall be adjudged, so the Court has no discretion with regard to that. That is something that you've agreed to receive with the government.

10b confinement shall be adjudged to set forth in Table A. We'll go over that, here, in just a moment.

10c states that total forfeiture shall be adjudged.

10d states that a fine shall not be adjudged.

10e states that reduction to E-1 shall be adjudged.

And 10f says no other lawful punishments may be a adjudged.

And in accordance with Table A, for the Specification of Charge I, the Court has the discretion to sentence you between 1 and 2 years. And for the Specification of Charge III, the Court has the discretion to sentence you between 3 and 10 years for a total of a range of 4 to 12 years.

Have you been over this with your counsel?

ACC: Yes, sir.

MJ: 11 has certain notification requirements or provisions. It states you've been involved with the following potential consequences.

11a states that, because of your guilty pleas to the charges and specifications contained in this agreement, you may be precluded, by law, from owning, receiving, or transporting any firearms that have been transported in interstate or foreign commerce under Title 18 of the United States Code, Section 922(g).

Have you been over this with your counsel?

ACC: Yes, sir.

MJ: 11b, your defense counsel has advised you that your guilty plea, to the charges and specifications contained in this

agreement, may result in your discharge from the Marine Corps for misconduct, either by punitive or administrative means. This may require you to repay the government for any and all advanced education assistance benefits.

Did you receive any advanced education assistance benefits?

ACC: No, sir.

MJ: 11c states that your counsel has advised you that any punitive discharge that is adjudged, and ultimately approved in your case, may adversely affect your ability to receive veterans and all other benefits accrued as a result of your military service.

Do you understand that?

ACC: Yes, sir.

MJ: And 11d states that you may be placed on appellate leave if the sentence, as approved, includes an unsuspended punitive discharge. You understand that an individual placed into an appellate leave status will normally not receive any pay or allowances. And you further understand that receipt of pay or allowances while in an appellate leave status will depend on the amount of accrued leave you have accumulated and chose to use, and on the sentence awarded by this court-martial. Further, you agree that should a punitive discharge be adjudged, you will submit, at the conclusion of your trial, a written request to be

placed on appellate leave.

Do you understand that as well?

ACC: Yes, sir.

MJ: Any questions about anything contained in your plea agreements?

ACC: No, sir.

MJ: And you feel comfortable with your understanding of it?

ACC: I do, sir.

MJ: And you've been able to discuss it with your counsel as much as you'd like?

ACC: Yes, sir.

MJ: If I accept your plea agreement, the Court and the parties, to include you, will be bound by the terms of the agreement, to include imposing a sentence that comports with the limitations contained in the agreement.

Do you understand that?

ACC: Yes, sir.

MJ: It looks like you're past your EAS date?

ACC: Yes, sir. I am.

MJ: So by operation of that, you understand that all your military pay and allowances will stop on that date?

ACC: Yes, sir.

MJ: Regardless of the sentence because you're past your EAS?

ACC: I do, sir.

MJ: Have you had enough time to discuss the agreement with your defense counsel?

ACC: Yes, sir.

MJ: Are you satisfied with your defense counsel's advice concerning this plea agreement?

ACC: I am, sir.

MJ: Do you enter the agreement of your own free will?

ACC: Yes, sir. I do.

MJ: Has anyone tried to force you to make this plea agreement?

ACC: No, sir. They have not.

MJ: Do you have any questions about your plea agreements?

ACC: No, sir.

MJ: Do you fully understand all the terms of the plea agreement and how they affect your case?

ACC: Yes, sir.

MJ: Are you pleading guilty, not only because you hope to receive a lighter sentence or to receive the relief set forth in the plea agreement, but because you believe that you are -- but because you are convinced that you are, in fact, guilty?

ACC: I am convinced that I'm guilty, sir.

MJ: Do counsel for both sides agree with the Court's interpretation of the plea agreement?

TC: Yes, Your Honor.

CDC: Yes, sir.

MJ: The plea agreement is accepted.

Defense, have you had enough time and opportunity to discuss this case with Corporal Bopp?

CDC: Yes, sir.

MJ: Corporal Bopp, have you had enough time and opportunity to discuss this case with your defense counsel?

ACC: Yes, sir.

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

ACC: Yes, sir. I have.

MJ: Are you satisfied that your defense counsel's advice has been in your best interest?

ACC: Yes, sir.

MJ: Are you satisfied with your defense counsel?

ACC: Yes, sir.

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

ACC: I am, sir.

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

ACC: No, sir.

MJ: Do you have any questions as to the meaning and effect of a plea of guilty?

ACC: No, sir.

MJ: Do you fully understand the meaning and effect of your plea of guilty?

ACC: Yes, sir. I do.

MJ: Do you understand that even though you believe you are guilty, you have the legal right to plead not guilty and to place upon the government the burden of proving your guilt beyond a reasonable doubt?

ACC: Yes, sir.

MJ: And I ask everyone this; are you a citizen of the United States?

ACC: Yes, sir.

MJ: Take a moment, now, and consult, again, with your defense counsel, then tell me whether you still want to plead guilty.

ACC: Yes, sir.

MJ: Corporal Bopp, I find that your plea of guilty is made voluntarily and with full knowledge of its meaning and effect. I further find that you have knowingly, intelligently, and consciously waived your rights against self-incrimination, to a trial of the facts by a court-martial, and to be confronted by the witnesses against you.

Accordingly your plea of guilty is provident and is accepted; however, I advise you that you may request to withdraw your guilty plea, at any time, before the sentence is announced. And if you have a good reason for your request, I will grant it.

Government, do you have a motion?

TC: Your Honor, at this time, the government would withdraw and dismiss the charge and specification to which the accused has pled not guilty without prejudice to ripen into prejudice upon the completion of appellate review where the findings and sentence have been upheld.

MJ: The motion is granted.

Accused and counsel, please rise.

[The accused and defense counsel did as directed.]

MJ: Corporal Bopp, in accordance with your plea of guilty, this Court finds you:

To the sole Specification of Charge I:	**Guilty.**
Of Charge I:	**Guilty**
To the sole Specification of Charge III:	**Guilty.**
To Charge III:	**Guilty.**

Thank you. You may be seated.

[The accused and defense counsel did as directed.]

MJ: Corporal Bopp, we now enter the sentencing phase of the trial, where you have the right to present matters in extenuation and mitigation, that is, matters about the offenses or yourself

which you want me to consider in deciding your sentence.

In addition to testimony of witnesses and the offering of documentary evidence, you may testify under oath as to these matters, or you may remain silent, in which case, I will not draw any adverse inference from your silence.

On the other hand, if you desire, you may make an unsworn statement. Because the statement is unsworn, you cannot be cross-examined on it; however, the government may offer evidence to rebut any statement of fact contained in an unsworn statement. An unsworn statement may be made orally, in writing, or both. It may be made by you, by your counsel on your behalf, or by both.

Do you understand these rights?

ACC: Yes, sir. I do.

MJ: Counsel, is the personal data on the front page of the charge sheet correct?

TC: Your Honor, because we just cross over into the new fiscal year, I do believe that we need to update the pay information. Other than that, I -- I believe everything else is correct.

MJ: Okay. Why don't you do that at the next --

TC: Thank you.

MJ: Defense, has the accused been punished in any way that would constitute illegal pretrial punishment under Article 13?

CDC: No, sir.

MJ: Corporal Bopp, is that correct?

ACC: Yes, sir.

MJ: And you've been over that with your counsel, you know what that means?

ACC: I have, sir. Yes.

MJ: Counsel, based on the information on the charge sheet, the accused is to be credited with 447 days of pretrial confinement credit.

Do you agree with that calculation?

TC: Yes, Your Honor. If this hearing goes in tomorrow, which we expect, then yes, 447 would be correct. It'd be 446 as of today.

CDC: Concur, sir.

MJ: Any crime victim who is present at this presentencing proceeding has the right to be reasonably heard, including the right to make a sworn statement, unsworn statement, or both. A crime victim may exercise this right following the government's opportunity to present evidence.

Trial counsel, do you have other evidence to present at this time?

TC: Yes, Your Honor. The government would seek to admit Prosecution Exhibit 1 through 19 for identification and ask that the words "for identification" be deleted.

MJ: I believe PE-1 has already been admitted.

Defense, any objection to Prosecution Exhibits 2 through 19?

CDC: No, sir.

MJ: Prosecution Exhibits 2 through 19 are admitted into evidence and the words "FID" are deleted.

TC: Government, do you have any additional evidence?

TC: Yes, Your Honor. The government would request a brief recess just to get the tech set up, and to make sure the witness are standing by ready to go, Your Honor.

MJ: Court is in recess.

[The court-martial recessed at 1021, 6 January 2025.]

[The court-martial was called to order at 1034, 6 January 2025.]

MJ: Court is called to order. All parties present when the court last recessed are again present. Same date; time on deck is 1034.

The -- the parties brought to my attention, during the break, that they may be seeking a -- a slight modification to the plea agreement. So, if that happens, we'll take that up at the appropriate time.

Major Samuel, are you ready to proceed?

TC: No, Your Honor. I think the witness said he is here, I just need to confirm he is actually outside.

MJ: Okay.

TC: I apologize, Your Honor. Requesting permission to step out of the -- my apologies, Your Honor. The government is ready.

MJ: You may proceed.

TC: At this time, the government would call Special Agent Matt Hipple to the stand.

MATTHEW HIPPLE, a civilian, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please state your full name and spell your last name for the record?

A. Yes. My full name is Matthew Alan [ph] Hipple, and my last name is spelled H-I-P-P-L-E.

Q. What is your current job?

A. I'm a special agent with NCIS.

Q. And where are you located for work?

A. Camp Lejeune, North Carolina.

Q. Can you give us a brief summary of your career up to your time here today?

A. Yes. Prior to becoming a special agent, I was a local cop for 12 years, and I've been a special agent for -- going on 3 years now.

Q. Okay. Are you the case agent that was assigned to the *United States v. Bopp case*?

A. Yes. Currently, yes, sir.

Q. Okay. Were you the original case agent?

A. No, sir.

Q. Okay. Are you familiar with the facts of this investigation?

A. Yes, sir. I am.

Q. Can you give a brief overview, to the military judge, of what led us up here today?

A. Yes, sir. On October 18, 2023, Bopp went into Schwenk's barracks room and shot him.

Q. Okay. Now, I'd like to talk to you about how law enforcement became aware of the killing of Lance Corporal Schwenk by Corporal Bopp, okay?

Was there a 911 call placed?

A. Yes, sir. There was.

Q. Okay. Did NCIS obtain a copy of that 911 call?

A. Yes, sir. We did.

Q. And that call came in on 18 October 2023?

A. That's correct.

TC: Your Honor, request permission to publish Prosecution Exhibit 2.

MJ: You may.

[Prosecution Exhibit 2 was played in open court.]

Questions continued by the trial counsel:

Q. Special Agent Hipple, can you explain how NCIS becomes aware of a case like this?

A. So typically, what would happen is PMO, they're first responders, so they'll be dispatched to a 911 call, similar to this. And after they get to the scene, make a determination, CID would be notified, and then in turn, CID would notify NCIS of something like this.

Q. And why is NCIS notified of something like this?

A. Just because of the severity of the crime -- potential crime.

Q. And are certain crimes under the exclusive jurisdiction of NCIS to investigate?

A. Yes, sir. That's correct.

Q. Based on your investigation and the investigation that was done in this case, by NCIS, was there any evidence that Corporal Bopp attended -- attempted to render any medical aid to Lance Corporal Schwenk?

A. No, sir.

Q. If Corporal Bopp wasn't there rendering aid, where was Corporal Bopp when this occurred?

A. He had fled the scene.

Q. Talking about the scene, I'd like to show you Prosecution Exhibits 9 and 12.

TC: Your Honor, request permission to publish Prosecution

Exhibit 9 and 12?

MJ: You may.

Questions continued by the trial counsel:

Q. Special Agent Hipple, can you give the military judge an overview of what we're looking at in this photograph?

A. In -- this photo is a overview of a depiction of Schwenk's room facing the east direction.

Q. Okay. Is that -- from the east direction, is that showing the entrance into the room?

A. Yes, sir. That's correct.

Q. Is there a laptop -- computer visible in there?

A. No, sir. I don't -- I don't see the laptop.

Q. On the --

A. Excuse me. I apologize. It looks like there is a laptop.

Q. Okay. Can you describe what we're looking at and any items of evidentiary value that the -- NCIS uncovered -- part of their investigation with this photo?

A. Again, this is an overall depiction of Schwenk's room -- barracks room. And in the photo, you can see there is a circular hole in the door of the wall locker there. And in addition to the marking there on the -- the bed.

Q. Is that the marking you're referring to in this next photograph, Special Agent Hipple?

A. Yes, sir. That's correct.

Q. Okay. And what is important about the marking with that yellow arrow on the -- in the photograph?

A. That's the location of the suspected projectile.

Q. Were there any parts of the ammunition found in -- in the room as well?

A. Yes, sir. There was.

Q. Can you describe for the military judge what was found in -- in these two photos here?

A. Yes, sir. That is the shell casing for a Winchester 9 millimeter Luger.

Q. Okay. Was there any other portions of the ammunition found -- of that round found in that room?

A. Yes, sir. There was.

Q. Was that round analyzed by -- by a lab?

A. Yes, sir. It was.

Q. And can you talk about the findings of the lab in relation to the firearm?

A. The -- the round matched the -- the firearm. As far as being shot from that firearm.

Q. Was this the firearm that was found?

A. Yes, sir. That is.

Q. Okay. Who's the owner of that firearm?

A. The owner of that firearm is Bopp.

Q. And that was the firearm that was found at the scene that the round was forensically matched to?

A. Yes, sir. That's correct.

Q. Did Corporal Bopp store that weapon anywhere?

A. I believe so. Yes, sir.

Q. Okay. Did NCIS find a gun case for that -- for his pistol?

A. Yes, sir. We did.

Q. Where was that gun case found?

A. That was located in the cargo area of his -- his vehicle.

Q. Now, I want to go back to something you said. You said that after Lance Corporal Schwenk was shot and killed, Corporal Bopp had fled the scene?

A. Yes, sir. That is correct.

Q. Can you describe what the standard NCIS protocol is with -- if there is a suspect on -- at large?

A. Yes, sir. So, typically, in situations where there's a subject at large, particularly, one that potentially is dangerous, they'll issue a BOLO. PMO will issue a BOLO, which is "be on the lookout" notifying local area law enforcement to be on the lookout for an individual. You know, typically, give information where the individual was last seen, who the individual is, what they were last seen wearing. And that will

be shared, like I said, with local agencies in an effort to attempt to locate that individual.

Q. Okay. Where -- did NCIS have to employ similar procedures to locate Corporal Bopp?

A. Yes, sir. They did.

Q. Okay. And can you describe some of the efforts -- other efforts they've made to locate him?

A. Yes. We searched, obviously, the area of where the barracks rooms is located. I know we searched different -- the 7-day store to see if there's video footage of him passing through there. K-9s were utilized in an effort to attempt to locate him as well.

Q. Did Corporal Bopp turn himself into law enforcement?

A. No, sir. He didn't.

Q. Did he turn himself into his command?

A. No, sir. He didn't.

Q. Did he have to be captured by law enforcement?

A. Yes, sir. He did.

Q. And, approximately, what time was his capture taking place that night?

A. I believe it was around 10 p.m.

Q. Okay. And do you know how law enforcement was notified of where he was located?

A. Yes, sir. Received a 911 call.

TC: Okay. Your Honor, permission to publish Prosecution Exhibits 5 and 6.

MJ: You may.

[Prosecution Exhibit 5 was played in open court.]

Questions continued by the trial counsel:

Q. Special Agent, can you describe what happened when law enforcement arrived on the scene that night?

A. Yes, sir. PMO and NCIS both responded to that area, at which point, they, obviously, drew their weapons, made it -- identified the individual as Bopp, placed him into handcuffs, and put him in the back of a vehicle to transport.

Q. Okay. And this photograph that you're looking at right now -- see these next three photographs from Prosecution Exhibit 6.

Can you describe to the military judge what we're looking at in -- in this first photo here?

A. Yes. This is a daytime photograph showing signs after the bridge, where he was located.

Q. And in this photograph?

A. That's the location where Bopp was located on the bridge on the night of the incident.

Q. And in this photograph?

A. Again, this is another daytime photo of the location where he -- Bopp was located.

Q. Special Agent Hipple, about how far away from the barracks is that location where Corporal Bopp ran?

A. That's about 1 and 1/2 to 2 miles.

TC: Now, I'd like you to take a look at -- Your Honor, request permission to publish Prosecution Exhibit 3 -- 13?

MJ: You may.

Questions continued by the trial counsel:

Q. I'll let you take a look at this photograph.

A. Yes, sir.

Q. Can you describe, to the military judge, who is in this photograph and when this was taken?

A. This photograph was taken on the 19th of October, and this is a photograph of Bopp and what he was wearing when he was located.

Q. Can you describe, to the military judge, what -- what he was wearing?

A. Yes, sir. That's a green sweatshirt and he's got some boxer briefs on.

Q. So those are not shorts?

A. No, sir. Those are boxer briefs.

Q. Okay. Is he wearing any pants?

A. No, sir.

Q. Any socks?

A. No, sir.

Q. Does he have any shoes on?

A. No, sir.

Q. Okay. Did NCIS remove those articles of clothing from him?

A. No, sir.

Q. So is it fair to say that that's how he was found running?

A. Yes, sir. That's accurate.

Q. Special Agent Hipple, I just want to recap the things that you've talked about, just based on your investigation.

Is there any evidence that Corporal Bopp called 91 [sic] to report that he had shot and killed Lance Corporal Schwenk?

A. No, sir.

Q. Is there any evidence that he tried to perform any medical aid or render any assistance to Lance Corporal Schwenk?

A. No, sir.

Q. Is there any evidence that he sought to turn himself in after he shot and killed Lance Corporal Schwenk?

A. No, sir.

TC: Okay. I have no further questions. The defense may have some.

ADC: The defense has questions, sir.

CROSS-EXAMINATION

Questions by the assistant defense counsel:

Q. Special Agent, good morning.

A. Good morning.

Q. I just have a few follow-up questions based on what the government has asked you. I want to talk about -- we just left off on the idea of Corporal Bopp fleeing the scene.

Now, immediately after Corporal Bopp fired the rounds, he screamed, right?

A. I believe so.

Q. He screamed something along the lines of "Oh, fuck," or something like that?

A. That's accurate.

Q. And then, he dropped the weapon and he ran, right?

A. Yes.

Q. And he exited from the -- he exited left from the barracks room?

A. I believe so.

Q. Away from where his car is parked, right?

A. Yes.

Q. And he exited the barracks building and he ran, right?

A. Yes.

Q. And just like we saw in that picture, he had no shoes on, right?

A. Yes.

Q. He had no socks on?

A. No.

Q. No pants on?

A. No.

Q. In his underwear?

A. Yes.

Q. And a sweat top, right?

A. Yes.

Q. And when he ran, he left his phone behind?

A. Yes.

Q. He left the weapon behind?

A. Yes.

Q. He left his car behind?

A. Yes.

Q. He left his keys behind?

A. Yes.

Q. Okay. So ultimately, when he was found by PMO, he was in his underwear, sweat top, and had nothing else on him, right?

A. That is accurate.

Q. Okay. Now, this incident happened -- the incident, I mean the shooting, happened in the barracks from about 1920 to 1930 that night --

A. Yes.

Q. -- around then. And, actually, we heard two 911 calls,

but there was a third 911 call that night at about 2022, when a woman named Mercedes Butler called to say that -- to report that she saw someone on the Wilson Bridge, correct?

A. I am unfamiliar with that.

Q. Okay. Did you never review --

A. No, ma'am.

Q. -- such a 911 call?

Okay. So we heard a 911 call at 20 -- 20 -- 2005ish [ph], right? Calling to report him?

A. Yes.

Q. And you're -- as a case agent, you're unaware that there was another 911 call, 2 hours previous --

A. That is accurate. Yes.

Q. -- reporting someone laying there?

Okay. Now, when Corporal Bopp was found by PMO, he didn't try to flee, right?

A. No.

Q. He didn't run away from them, right?

A. No. No -- no -- no.

Q. Right. And, again, he didn't try to flee base or anything like that, right?

A. Not after he was approached by PMO. I mean, I don't -- what do you -- I guess, can you reword it? What do you mean?

Q. He never left base, right?

A. No, he never left.

Q. And he had a vehicle to do so, right?

A. Yes, ma'am.

Q. Presumably, he had other friends who had vehicles, who could help him do so as well?

A. Yes, ma'am.

Q. Okay. When he was apprehended, he -- he cooperated, right?

A. Yes, ma'am.

Q. He was asked what his name was and he immediately gave his name?

A. That's correct.

Q. And when he was told to get into the prone position, he complied as well?

A. That is accurate.

Q. Okay. And that night, Corporal Bopp was not read his rights because it was determined that he was too intoxicated to be read his rights, right?

A. Yes, ma'am.

Q. And so instead, NCIS brought him into the Inn of the Corps, right?

A. Yes, ma'am.

Q. And they monitored him all night?

A. That's correct.

Q. And throughout the night he slept, correct?

A. Yes, ma'am.

Q. And he was cooperative, right?

A. Yes, absolutely.

Q. Just a few last questions, sir. Now, we're here today because Corporal Bopp has decided to plead guilty, right?

Correct?

A. Yes.

Q. And he has decided, essentially, to take accountability, right?

A. Yes.

Q. And he's waiving his right, his constitutional right, to go to a trial, right?

A. Yes.

Q. Waiving his constitutional right to force the government to prove him guilty beyond a reasonable doubt, right?

A. Yes.

Q. And pleading guilty guarantees that he will leave the Marine Corps with a dishonorable discharge?

A. I believe so.

Q. And pleading guilty will guarantee that he's going to serve 4 to 12 years in jail, correct?

A. I believe so.

ADC2: Thank you, sir. I have no further questions.

MJ: Government, any redirect in light of that?

TC: One question, Your Honor.

REDIRECT EXAMINATION

Questions by the trial counsel:

Q. Special Agent Hipple, was there any evidence in your investigation that when Corporal Bopp ran away, it was to get help for Lance Corporal Schwenk?

A. No, sir.

TC: Okay. No further questions, Your Honor.

MJ: Defense, anything in light of that?

ADC: No, Your Honor.

[The witness was excused and withdrew from the courtroom.]

MJ: Government, do you have another witness?

TC: Yes, Your Honor. At this time, the government would call Lieutenant Colonel James Armstrong to the stand.

LIEUTENANT COLONEL JAMES R. ARMSTRONG, U.S. Marine Corps, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please state your full name and spell your last name?

A. James Robert Armstrong, A-R-M-S-T-R-O-N-G.

Q. What is your rank and current billet, sir?

A. I'm a lieutenant colonel, currently serving as the commanding officer of 2d Battalion, 6th Marines.

Q. Is that unit currently deployed?

A. It is.

Q. And where is that unit normally located?

A. Current -- normally we're assigned here at Camp Lejeune, North Carolina.

Q. Okay. Would you provide the military judge just a brief overview of your military background and career, sir?

A. I originally commissioned in 2006. Upon conclusion of the Infantry Officer Course and Lab Leaders Course, I was assigned to 2d Light Armored Reconnaissance Battalion, where I served as a platoon commander, a company executive officer, and company commander; deploying twice, once to Afghanistan and once to Iraq.

Upon conclusion of my tour here at Camp Lejeune, I reported to the Basic School where I served as an instructor for the Basic Officer Course. And then, spent 2 years as an Infantry Officer Course Instructor.

At that point, I was selected as a Marine Corps Olmsted Scholar, where I completed 10 months of language training at Monterey before being assigned to Montenegro, where I did 2 years completing -- completing the Olmsted Scholar Program.

Upon the conclusion of that tour, I reported to 3rd

Battalion, 1st Marines in Camp Pendleton, where I served as a company commander, executive officer, and battalion operations officer. Deploying twice, once on UDP and once as part of the 13th Marine Expeditionary Unit. Upon the completion of that tour, I reported to Headquarters Marine Corps where I served as the ground combat arms major's monitor for 2 years. And then, as the operations officer and section head for officer assignments branch.

It was during that tour, that I was selected for command of 2d Battalion, 6th Marines and reported to the 2d Marine Division in June of '22, where I served as the current operations officer for the division for 6 months before assuming command of 2d Battalion, 6th Marines in December of '22. I've held that position until present.

Q. Okay. And, sir, you mentioned that your unit is currently deployed.

After this hearing is over, will you rejoin your unit?

A. I will.

Q. I want to talk with you about the fall of 2023 -- or late summer, early fall of 2023. While you were in -- well, you're still in command of 2d Battalion, 6th Marines -- was there an issue in the 2d Marine Division concerning weapons in the barracks?

A. There -- there was an issue. Really, a combination of

a couple incidents across Camp Lejeune at large. I think even from outside the division with firearms related issues, most of them improperly registered, unauthorized on base. But in June or July, there had been a couple of fatalities as a result here on Camp Lejeune.

As a result of that, the Commanding General of 2d Marine Division, at that time, General Worth, issued an order to all the battalion commanders that we would conduct a health and comfort of all spaces to ensure that there were no unauthorized firearms being stored in the barracks or in the personally operated vehicles.

Q. Did you order a health and comfort inspection for 2d Battalion, 6th Marines?

A. I did. I -- I brought the battalion in and talked to them ahead of time. Up until that point, I had no indications that the Marines and sailors in the battalion had not been adhering to the orders. But one of the things that I had talked about since taking command was that the three guiding principles that we would operate by are trust, attitude, and discipline.

And I defined "discipline" for the formation as doing the things we say we're going to do, and not doing the things we say we're not going to do. And that this was an opportunity for us to generate trust with our higher headquarters by demonstrating through verification that we were adhering to the

appropriate policies and orders as directed by our higher headquarters.

Q. So at the time, when you had that formation and ordered that health and comfort, was Corporal Bopp a member of your battalion?

A. He was.

Q. Was Lance Corporal Schwenk a member of your battalion?

A. He was.

Q. Did you give the Marines an opportunity, an amnesty period, to handle their firearms if they had them in the barracks unlawfully?

A. Yes. The -- the battalion was going through a transition period during the summer of '23 where many of the members who had completed the previous deployment with the unit were rotating out. And as a result, we were receiving a lot of new joins to the unit, some coming from entry level training, others coming from other units across the Marine Corps.

While the order directing no -- no unauthorized firearms in the barracks is generally standard across the Marine Corps, every installation has its own specific procedures for how to register firearms on base. So I recognized that with a number of our individuals either having been deployed for a period of time and potentially having acquired firearms upon their return or joining from other locations many, probably, at their first

permanent duty station, that there was a need to explain the process for registering firearms appropriately and for the process that allowed those Marines to legally store their firearms within the battalion's armory as -- as part of that process.

So the formation that I called, I announced that we would be doing the health and comfort inspection. Then I asked the armory chief, Gunnery Sergeant Roberson [ph], to come forward and describe the process for how to register firearms, and then store them in the armory because the -- the firearm has to be registered on base first before it can be stored in the armory that I'm responsible for.

In addition to that, all the company first sergeants were given the -- what was the hard copy form, which was the procedure at the time, in order -- blank hard copy forms so that they could be filled out by the Marines. So that those who had not previously known the process could bring themselves in compliance.

Q. And after you provided the Marines that opportunity, did you then commence the health and comfort inspection?

A. I did.

Q. Now, I'd like to fast forward to 18 October 2023, on the day that Corporal Bopp killed Lance Corporal Schwenk.

Can you describe how you first became aware of that

shooting?

A. I'd been working late that day. And Sergeant Major Foley and I had wrapped up probably around 1830, 1845 that evening. My quarters are -- are on installation. And so, I had departed from my quarters roughly 1900 and had just arrived home. I received a phone call from Sergeant Major Foley, who had spoken with the OOD. And at the time, the initial report to me was there was a shooting in the barracks and that one of our Marines had been injured.

I immediately left my quarters and came back to the battalion command post where I linked up with the OOD, the officer of the day, and -- and was one of the first individuals on scene. At that point, Lance Corporal Schwenk had already been transported out of the battalion spaces to the -- the naval hospital.

Q. When you returned -- and you returned to the command post, what were your primary concerns for your unit?

A. My primary concern was to immediately see to the safety and well-being of the Marines that were there. To understand the situation it was -- as it was unfolding and -- and to make more sense of it. And then, for those individuals who were affected, to ensure that there were appropriate resources to help them deal with the situation as it occurred. So I called in the battalion chaplain and I called in our military and family life counselor

and made a space in the battalion available to allow people to congregate and -- and work through the immediate emotions and -- and to just process the situation.

Q. Were there specific Marines on scene that you were concerned about?

A. Yes. Corporal House, who was Lance Corporal Schwenk's roommate, was -- was -- who had been present at the -- at the time the incident occurred in -- in the room. I wanted to ensure that he was okay. And then, there were a number of other Marines and sailors who had been first responders, to include my officer of the day, who had -- had either been in the immediate aftermath -- in the seconds following the shooting or had been first responders and tended to Lance Corporal Schwenk prior to the -- the EMS personnel arriving.

Q. Did -- how long did those efforts continue, was that just a night of 18 October thing or did you provide these resources ongoing?

A. We continued to provide those resources for -- for months afterwards. And -- and many of the individuals who were involved in the incident still meet with the chaplain and the military family life counselor today regarding that incident.

In addition to that, the following morning, we canceled the training plan for the day, pulled in the battalion to explain the situation as it existed, to let them know about Lance

Corporal Schwenk's passing, and to ensure that broad spectrum, those who -- who were not immediately involved in the situation, but who knew Lance Corporal Schwenk or knew Corporal Bopp and had concerns about their -- that -- that those resources were available to them as well.

Q. You mentioned that you canceled training to hold, you know, to -- to brief the battalion on what was going on.

Can you describe to the military judge, the impact for the unit to preparing to deploy to cancel the training?

A. Yes. So as a -- in the summer of '23, the battalion had stood two major inspections: Commanding Generals Readiness Inspection and FASMO, the Field Service Maintenance program. Which test -- we're checking the battalion's overall readiness in preparation for the upcoming deployment. We knew we were slated for a UDP to deploy in August of '24 as part of that. And there was a primary readiness generating exercise -- was an adversary force exercise that was occurring in January of '24, shortly after the return from the holiday period.

It -- the October to December period was really about the -- receiving the -- the new Marines to the formation and ensuring that we were prepared to execute what we would be expected to do as part of the service level training exercise that we were about to participate in. Which involved the battalion executing, at multiple echelons, both the -- the

battalion as a whole formation, all the way down to the -- the platoons and the squads. We had an exercise that we were supposed to do in October, that was an external exercise that had been canceled. And so the battalion had -- had to take ownership of its own preparation during that period of time in order to do that. So we were a little bit behind where we wanted to be in preparing for those exercises.

And so as a result of canceling training leading up to that, it -- it had cascading effects of what we had to do in order to be prepared to -- to execute the live-fire training scheduled in January. And then, ultimately, to meet the certification requirements to deploy to the service's priority theater.

Q. Corporal Bopp and Lance Corporal Schwenk both worked in the armory, correct?

A. That is correct.

Q. Can you talk about -- to the -- the impact of -- the impacts to the armory at that time?

A. So the armory is a -- it is a small section within the battalion's logistics section which serves a critical role to the battalion, being an infantry battalion, being able to execute its -- its primary mission set. The equipment that is housed in the armory is essential for the readiness of the -- of the unit, both in the routine preventative maintenance checks and services

that are conducted by the armory personnel that ensure that the weapons and the optics are prepared for the training that we do. As well as the repair of the equipment that becomes damaged as a result of the training that we do.

There is an extensive amount of equipment in an infantry battalion armory, all of which serves a -- a critical role in the amount of equipment to the number of maintainers is always an overwhelming ratio. It's an unfavorable ratio: There's -- there's more equipment that needs to be maintained then there are -- simply are people to do it. And so, every individual who works in that armory has a very detailed work load of things that they're responsible for in order to ensure that the battalion retains its ability to -- to train and execute its mission.

While there are a multitude -- while there are several Marines within the armory who possess the same military occupational specialty, they -- the loss of -- of just one of those creates a significant drop in the ability to continue to conduct the daily actions that are required in order to ensure that the equipment is in the highest state of readiness.

Q. Did the armory have to be closed for any period of time?

A. It did. In the days following, we closed the armory to allow the armory personnel -- it's a very tight knit group,

especially at the time, that -- in October of '23. Several of the individuals had done the last deployment together and had done the work up through that deployment. We were welcoming in new individuals who were part of it, many of which had gone through MOS training with Lance Corporal Schwenk. And -- and in order to ensure that they, as people, were able to process this, we -- we closed the armory to allow that time.

Q. So, now, I'd like to talk to you about your -- your experience and -- and how this impacted you as the -- as the commander with both of these being -- being your Marines.

Have you lost Marines in combat before?

A. Unfortunately, I have. I have lost Marines while deployed fighting the -- the Taliban in -- in Afghanistan and those losses are hard, but they're tied to the mission. Marines go into combat expecting to win, but knowing that -- that a lot of times the adversary that we fight is -- is -- has that same expectation. And every loss is significant and sometimes we lose sight, in an organization as large as an infantry battalion that has almost 1000 humans working through it, that each one of those humans plays an important role. Not just in the battalion accomplishing its mission, but an important role to the other individuals that are pursuing that same objective.

And so, when you lose an individual in combat, you can't replace what that person was, what that person was both

in -- in what they provided in their technical skill set, their experience base, but -- but also what that person provides, for who they are, and -- and what they've -- what they've added to the team that -- that is out there executing the mission far from home.

Q. And how does losing a Marine in garrison compare to -- to those losses?

A. Losing a Marine in garrison is -- every time you lose a Marine, it hits hard, but losing a Marine in garrison hits even harder. Because when -- when you do operational missions against an adversary, there's an acknowledgment that -- that the loss of life exists. When we do some of the high-risk training that an infantry battalion executes, where there's live fire from both small arms, mortars, machine guns, frequently aircraft, we have a plan to mitigate the risk that's associated with it. And -- and we -- we come up with a plan to do that.

But when we're in garrison, there's -- there's an expectation that we're surrounded by fellow Marines and the threat of harm is -- when so much of what we do comes with a high level of risk, the garrison is the safe space. Garrison is the place where -- where we can let down the guard a little bit because -- because it's -- it's our family. And when you lose a Marine in garrison -- the reasons that we justify losing people in combat aren't there, and -- and it's almost inexplicable. And

it's more difficult to process.

Q. Does that weigh on you as a battalion commander; that Lance Corporal Schwenk was lost here in garrison?

A. Absolutely.

Q. Can you describe that for the judge?

A. I mean, there's not a day that goes by that I don't think of what -- what could I have done; could I have said something differently; could I have been in a different place; as an individual, could I have -- could I have put more emphasis on things to my subordinate commanders? Were there -- were there ways that even -- even though we tried to make understanding what to do as -- as easy and as clear as possible -- there's -- I think I'm not alone in -- in saying that, you know, as a commander. We -- the whole -- the whole battalion has -- has continued to reflect on that. A multitude of different things that -- that we could have potentially done that would have kept us from being here today.

TC: Thank you, sir. I have no further questions for you.

MJ: Defense?

CDC: Yes, sir. May I enter?

MJ: You may.

CROSS-EXAMINATION

Questions by the civilian defense counsel:

Q. Sir, good morning.

A. Good morning.

Q. Talking, right? It is all hard and I appreciate you coming in from Oki; traveling out here to speak at the hearing.

Sir, I asked you a few questions the other day, when you got back from Okinawa. I wanted to just follow up on some of those questions with you here today, just to give the judge a bit more perspective.

So, sir, you came to know Corporal Bopp as one of your Marines as the commander of 2/6?

A. That's correct.

Q. And, you know, sir, you just spoke with Jason a little bit about the armory being small, not a lot of Marines. You had a little bit of familiarity as the battalion commander with all the Marines that work in the armory; is that fair to say, sir?

A. It is.

Q. And with Corporal Bopp, you know, also spoke a little bit about he did his exit interview as his EAS was coming up in January of 2024.

You recall talking to him during that process?

A. I do.

Q. So you were familiar that he had some shoulder injuries and -- and, you know, candidly, as commander, your concern was that you wanted to make sure he was okay to separate physically at that time?

A. That's correct.

Q. And in coming to know Corporal Bopp and the Marines in the armory there was no misconduct that he had committed throughout his time under your command?

A. No. He -- his -- his official military performance file indicated that he was a high performer within the armory and had done no previous misconduct.

So he was doing everything expected of him and, you know, sir, we have talked -- you know, we are here because Corporal Bopp has accepted responsibility for the decisions he made on 18 October 2023. And as the commander you drafted a confinement order; is that accurate, sir?

A. I did.

Q. And that confinement order placed him, Corporal Bopp, in pretrial confinement. As part of that process, you are inquired to provide command visits weekly, sir?

A. We are.

Q. And company leadership, company commander, first sergeant, usually conduct those visits weekly with Corporal Bopp; is that accurate, sir?

A. That's correct.

Q. But you as a battalion commander draft the confinement order. Those reports are processed back to you?

A. They are and I would receive them upon the conclusion

of the command visits.

Q. And so, you're aware, sir, that Corporal Bopp's behavior has been exemplary since he has been placed in confinement?

A. The reports indicate that he has complied -- been fully compliant at all times.

Q. And, sir, I want to talk to you a little bit about something we spoke on, right? In -- in that your leaders, right, your subordinate leaders have also told you that Corporal Bopp has been incredibly remorseful; is that accurate, sir?

A. That's correct.

Q. And you're aware that he has accepted responsibility for those decisions and they conveyed to you that -- and I think you said directly too, sir, he knows why he is there?

A. Yes.

Q. And so, when you look at, kind of, what you've learned of his remorse as it's been expressed to your -- your leadership, to you as the commander, his acceptance and responsibility.

You and I have talked about rehabilitative potential, do you recall that, sir?

A. I do.

Q. You know, it is something the judge can look at when determining the appropriate punishment. Now, I'm not going to quote you, sir, but -- and, please, correct me if I don't get

this right, you stated that there is no indication since the event occurred that he is incapable of -- or he is beyond the ability to rehabilitate?

A. That's correct.

Q. So based on that, sir, do you think he has some opportunity to -- to rehabilitate in light of his acceptance of responsibility?

A. I -- I get asked to make this decision a lot as a commander when addressing misconduct for Marines on a multitude of issues. And what I've learned over more than 24 months in command is that the potential for rehabilitation exists in every Marine. The critical fact is the actions and the acceptance of responsibility and -- and the acknowledgment of -- of rehabilitation is -- is an active endeavor on that part.

CDC: Understood, sir. Thank you, sir. I don't have any additional questions.

MJ: Government, anything in light of that?

TC: No, Your Honor.

[The witness was excused and withdrew from the courtroom.]

MJ: Okay. Major Samuel, who's your next witness?

TC: Lance Corporal Dickinson, sir.

MJ: How long do you think that will take?

TC: I don't think that it will take very long, but --

MJ: Let's go ahead and proceed with that one then.

TC: Okay. Yes, sir.

At this time the government would call Lance Corporal Dickinson to the stand.

LANCE CORPORAL AIDEN DICKINSON, U.S. Marine Corps, was called as a witness for the prosecution, was resworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please provide your name, rank, and, please, spell your last name for the record?

A. Aiden Dickinson, Lance Corporal. D-I-C-K-I-N-S-O-N.

Q. And to what unit are you currently assigned?

A. V 2/6.

Q. Okay. Where is that unit normally located?

A. Camp Lejeune.

Q. Are they located in Camp Lejeune right now?

A. Some of us are, the majority is in Okinawa.

Q. Okay. Are they deployed to Okinawa?

A. Yes, sir.

Q. And did you come back for the purpose of this hearing?

A. Yes, sir.

Q. What's your billet at 2d Battalion, 6th Marines?

A. Optics tech or electro-optic ordnance repairer.

Q. Okay. How long have you been in the Marine Corps?

A. Just over 2 1/2 years.

Q. Okay. Were you ever taught your weapon safety rules?

A. Yes, sir.

Q. Okay. Where were you taught your weapon safety rules?

A. Boot camp, MCT, basically, everywhere in the Marine Corps.

Q. Are those reinforced throughout all of your training?

A. Yes, sir.

Q. Okay. Are those rules -- well, I will ask you this way: Do you work in the armory here at Camp Lejeune?

A. Yes, sir.

Q. Are those rules posted anywhere in or around the armory?

A. Yes, sir.

Q. What's the purpose of having weapon safety rules?

A. For the protection of yourself and others around you.

Q. Okay. Are you familiar with an arms, ammunition, and explosive package?

A. Yes.

Q. Okay. Can you describe to the military judge what the significance of that certification is?

A. Yes, sir.

It's, basically, showing that you're fit, both physically and mentally, to work in the armory and to handle

weapons and explosives.

Q. Are all Marines in a battalion required to have those?

A. Not in the entire battalion, but if you are working in the armory, yes.

Q. And is that something that only the staff NCOs have or the NCOs have and not the junior Marines, or is it everybody?

A. Everybody.

Q. Now, I want to take you back to 18 October 2023, that night, okay?

A. Yes, sir.

Q. Okay. Were you in your room that night?

A. Yes, sir.

Q. Can you describe to the military judge the sequence of events that led to Corporal Bopp coming into your room that night?

A. Yes, sir.

Q. Corporal Bopp walked into my room later in the afternoon, it was dark out, I don't clearly remember the time off the top of my head right now, but came in and was showing me and Lance Corporal Metcalf the pistol. I think he had recently got it, but he was showing it to us. And I was playing my video game at the time, it's mainly small talk for about 45 minutes. He showed us a gun, he passed it around to us, showing it off, and left the room.

Q. Okay. Now, I'd like to, sort of, focus in on a couple of things there.

First, are Marines allowed to bring their personal firearms into the barracks?

A. No, sir.

Q. Is that common knowledge or a surprise?

A. It's common knowledge.

Q. So when Corporal Bopp brought his firearm into the barracks, do you know if that weapon was loaded or not?

A. No.

Q. Okay. When he was in the room, did he ever load or unload that weapon?

A. Yes, sir.

Q. Okay. Can you describe that to the judge?

A. He would show us the magazine, showed us what kind of ammunition he had, what kind of magazine, and he would pop it in, pop it out, just, kind of, flip it around, play with it.

Q. And at some point, did Corporal Bopp ever aim that weapon in the barracks?

A. Yes, sir.

Q. Can you describe exactly what took place to the judge?

A. He aimed the weapon towards the wall. It was close to my vicinity, but not, you know, aimed directly at me. I showed that I didn't really enjoy that he pointed it in my vicinity and

he unloaded it, showed clear, and apologized. And I just went back to my video game.

Q. Are Marines supposed to aim weapons near other human individuals?

A. No, sir.

Q. So you mentioned that Corporal Bopp, at some point, leaves your room?

A. Yes, sir.

Q. Okay. Before he left your room, was there anything that he said that night that caught your attention?

A. Yes, sir.

Q. Okay. What was that?

A. He made a joke to us that the closer he gets to his EAS date, the more he itches to kill someone.

Q. Okay. And why do you -- why does that stand out to you?

A. It didn't stand out to me in the moment because dark humor is a common thing in the military, but it just really didn't age too well with me. It stuck out afterwards because of the events that occurred afterwards.

Q. Okay. Let's talk about the events that occurred afterwards.

What -- did Corporal House come to your room after Corporal Bopp left?

A. Yes, sir.

Q. Okay. Can you tell the military judge what Corporal House said?

A. Yes, sir. Corporal House, briefly opened up the door, told us that Bopp had just shot Schwenk, and then he closed the door and ran to go get help.

Q. And is that what you're talking about when you say it didn't age well?

A. Yes, sir.

Q. Okay. Now, you mentioned Lance Corporal Metcalf before, is Lance Corporal Metcalf your roommate?

A. Yes, sir.

Q. Okay. What did Lance Corporal Metcalf do when Corporal House came to your room?

A. He looked at me and we looked in confusion. I was just assuming at first that it was a really messed up joke. But the more we thought about it, we were like, Well, maybe we should check it out. Metcalf told me to stay in the room; I had no objection to that at all. And he said he would go to check it out and if he doesn't come back in a few minutes, then see what's up and go get help if we need it.

Q. And is that what Lance Corporal Metcalf did?

A. Yes, sir.

Q. Okay. And what is your understanding of what Lance

Corporal Metcalf and others found?

A. Metcalf walked into the room and saw Schwenk on the floor bleeding, and he, kind of, talked to him and was trying to help him and keep him awake for as long as possible.

Q. So I'd like to talk to you a little bit about the aftermath, okay?

When did you find out that Lance Corporal Schwenk had passed away?

A. It was about an hour to 2 hours afterwards.

Q. Okay. And how did that impact you at that time?

A. A lot of different emotions at once. A lot of sadness, fear, just, a lot -- a lot of emotions going on at once.

Q. And can you describe any, I guess -- after the initial reaction, can you describe the impact that this situation has had on you since?

A. Yes, sir. For about months afterwards, especially in the armory, it was very quiet. A lot of heads down low and a lot of sad moments. I had multiple panic attacks, I haven't had one in a while, but small things would, kind of, trigger it or, you know, I'd get in a bad mood for the day to be able to take my mind off it.

Q. And have you sought help for those things?

A. Not officially. I usually just talk to my mother and my dad. They're, kind of, like, my therapist.

Q. Okay. Can you talk about the lasting impact it's had on the armory section leading up to the deployment?

A. Yes, sir. Some more than others -- it was affected. I'm pretty good at being open with my opinions and emotions so it wasn't as bad with me as some other people, but it was a long work in progress. Eventually, we got back into a good workflow and we were able to get things done, but it was slow the first two months afterwards, it's, kind of, clicking and getting things going.

TC: Thank you. Lance Corporal Dickinson, I don't have any further questions for you.

WIT: Thank you, sir.

MJ: Defense, anything in light of that?

ADC: Yes, sir.

CROSS-EXAMINATION

Questions by the assistance defense counsel:

Q. Lance Corporal, good morning.

A. Good morning.

Q. I want to go back to some of the things you were talking about with Major Samuel about that night, okay? That night you were playing video games, right?

A. Yes, ma'am.

Q. And you were also -- was it listening to a podcast or watching Netflix?

A. I was watching YouTube.

Q. Watching YouTube, okay.

So you had your video game going and you had YouTube going, right?

A. Yes, ma'am.

Q. And you had an earpod in to listen to this, and you're facing, obviously, your screens, right?

A. Yes, ma'am.

Q. And behind you was -- at one point, Corporal Bopp came in and Metcalf came -- was already in?

A. Yes, ma'am.

Q. And they were having a conversation together?

A. Yes, ma'am.

Q. And it was during that conversation that you heard -- you thought you overheard that statement by Corporal Bopp, right?

A. Yes, ma'am.

Q. The itching, right? Correct?

A. Yes, ma'am.

Q. And it's true that you were not only just paying attention to your video games and YouTube, but you had also, at some point, stopped listening altogether because you found Corporal Bopp annoying when he drinks, right?

A. Sometimes. I mean, I find a lot of people annoying when they drink --

Q. Sure.

A. -- especially, if you're sober yourself, drunk people are, kind of, annoying when you're not drunk yourself.

Q. Right. And so, because of that, you, kind of, tuned them out, right?

A. Yes, ma'am.

Q. Okay. On direct you stated that dark humor is common within the Marine Corps, right?

A. Yes, ma'am.

Q. And that's why this particular statement, at the time, did not stick out to you in any way, right? In fact, you told NCIS that this type of humor was, quote, Very -- was a very normal joke, right?

A. Yes, ma'am.

Q. And that I, quote, "Did not throw you off or anything because he has a very dark sense of humor," right?

A. Yes, ma'am.

Q. And by "he," you meant Corporal Bopp, right?

A. Yes, ma'am.

Q. Okay. Now, you talked a little bit about the weapon being pointed -- while in your room, being pointed in your general direction, right?

A. Yes, ma'am.

Q. And how you told Corporal Bopp that you were

uncomfortable with that?

A. Yes, ma'am.

Q. And you say it on direct that you -- when that happened, you said something along the lines of: He was sorry, and then he unloaded the weapon, right?

A. Yes, ma'am.

Q. But when he racked the slide back, no ammo came out, correct?

A. No, ma'am.

Q. So it was not actually loaded, right?

A. Yes, ma'am.

Q. Okay. And that night, you stated that you handled the pistol, right?

A. Yes.

Q. And that Metcalf handled the pistol as well?

A. Yes, ma'am.

Q. Okay. That night, you also did not go into Lance Corporal Schwenk's room, correct?

A. No, ma'am.

Q. You stayed in your room?

A. Yes, ma'am.

Q. Okay. Shifting gears a little bit; I want to talk about how things changed within the barracks a little bit after this incident, okay?

A. Yes, ma'am.

Q. After Lance Corporal Schwenk died, the level of rowdiness within the barracks went down, right?

A. Yes, ma'am.

Q. And the level of drinking went down in the barracks, right?

A. Yes, ma'am.

Q. And this was a purposeful effort by the Marines in the barracks to calm things down, right?

A. Yes, ma'am.

Q. The Marines wanted to be safer, right?

A. Yes, ma'am.

Q. And the Marines had learned what could happen if we're not safe, right?

A. Yes, ma'am.

Q. Okay. And this was all a direct result of how Lance Corporal Schwenk died, right?

A. Yes, ma'am.

Q. Okay. And then, finally, I want to, just, talk about why we're here today. You know Corporal Bopp is pleading guilty here today, right?

A. Yes, ma'am.

Q. In your own words, you believe that this is the right thing for him to do, right?

A. Yes, ma'am.

Q. And that this is, ultimately, a step in the right direction, right?

A. Yes, ma'am.

ADC: Thank you. Lance Corporal, I have no further questions.

WIT: Thank you.

MJ: Government, anything in light of that?

TC: No, Your Honor.

[The witness was excused and withdrew from the courtroom.]

MJ: Government, who's your next witness?

TC: Lance Corporal Metcalf.

MJ: How long do you think that one will take, similar?

TC: About -- similar.

MJ: Let's proceed with that.

TC: At this time, the government would call Lance Corporal Brennan Metcalf to the stand.

LANCE CORPORAL BRENNAN D. METCALF, U.S. Marine Corps, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please state your rank, full name, and spell your last name?

A. It's Lance Corporal Brennan Daniel Metcalf; spelled: M-E-T-C-A-L-F.

Q. And what is your current billet?

A. I'm a battalion maintainer.

Q. Okay. And what battalion are you assigned to?

A. I'm assigned to V 2/6, at Camp Lejeune.

Q. Okay. Is V 2/6 currently at Camp Lejeune?

A. No. They are currently deployed to Okinawa, Japan.

Q. Okay. And have you returned here to -- for this -- for the purposes of this hearing?

A. Yes, sir. I have.

Q. Okay. How long have you been assigned to V 2/6?

A. Since November of 2021.

Q. And during that time, have you always worked in the armory?

A. Yes, sir. I have.

Q. Okay. Can you talk about your knowledge of the four weapon safety rules?

A. Well, sir, the four weapon safety rules are:

Treat every weapon as if it were loaded;

Never point your weapon at anything you do not intend to shoot;

Keep your finger straight and off the trigger until you're ready to fire; and,

Keep your weapon on safe until you intend to fire.

Q. Where did you first learn those?

A. I first learned those in boot camp.

Q. Have those rules been reiterated at every level of your training since?

A. Yes, sir. They have.

Q. And in the armory, are those rules posted anywhere in or around the armory?

A. Yes, sir. They're posted inside the compound and the front gate.

Q. Why are those weapon safety rules important?

A. They teach Marines to treat weapons with respect and know the damage they can cause and try and mitigate that damage.

Q. Now, given that you've worked in the armory, are you familiar with the AA&E, arms ammunition and explosives package?

A. Yes, sir. I am.

Q. Okay. Can you describe, to the military judge, the significance of that package?

A. Sir, an AA&E package is an initial screener that is required for any Marine to work inside the armory. It -- to make sure that they're qualified and have the proper training.

Q. Is that something that you've undergone?

A. Yes, sir.

Q. Okay. Are all Marines in an infantry battalion

required to do that?

A. No, sir.

Q. Who -- who is required to do an AA&E package?

A. Only Marines that are working in the armory or will handle arms and ammunitions directly, such as ammo runners or ammo techs.

Q. And why is that?

A. It's to ensure that they have the proper training and are qualified to do their job.

Q. Does that training encompass any aspect of safety?

A. Yes, sir.

Q. Now, I'd like to bring you to the night of 18 October 2023.

Did Corporal Bopp come to your barracks room that night?

A. Yes, sir.

Q. Okay. Do you have a roommate?

A. I do.

Q. Who is your roommate?

A. Lance Corporal Dickinson.

Q. Okay. And you said Corporal Bopp came to your barracks room.

Can you describe to the military judge the circumstances that occurred?

A. Sir, myself and my roommate were in my barracks room just relaxing after a day of work. Corporal Bopp and I are friends, and he stopped by just to -- to talk and hang out with me. We talked about a variety of topics, everything from movies, books, video games, to -- to guns, weapons, work. And at some point, he had left and came back to show me his -- his pistol.

Q. When he brought the pistol into your room, was it loaded?

A. Yes, sir.

Q. How do you know it was loaded?

A. Because he unloaded it when he came in.

Q. Okay. And what did he do with that pistol?

A. He showed it off. He -- he gave it to me so I could look at it, he showed it to my roommate.

Q. And after you all had passed that pistol around, what did he do next?

A. Corporal House had come to talk to him and to ask him for an air fryer or to borrow it. And he reloaded the pistol, and then left the room with -- or just after Corporal House.

Q. Now, what was Corporal Bopp wearing when he was in your room?

A. He was wearing a green -- either sweatshirt or hoodie, and boxer briefs.

Q. No -- no pants?

A. Not that I remember. No, sir.

Q. No shoes, no socks?

A. I don't remember.

Q. And so, after he left your room, a short time later, did Corporal House come to your room?

A. Yes. Immediately -- or not -- very shortly thereafter. Corporal House came to my room, opened the door and said something to the effect of "Bopp just killed Schwenk." And then, he ran off.

Q. What did you do when that happened?

A. I got up. I thought it was a joke or -- or a prank of some sort, but I couldn't not just go and check in on everybody. So I got up and maybe threw some, like, gym shorts or something on, put shoes on or whatever, and I -- and I left the room to -- to go just check in on everybody.

Q. And once you -- did you go into Lance Corporal Schwenk's room?

A. Yes, sir.

Q. What did you see when you got there?

A. As soon as I entered the room, I saw the gun that we had just been looking at on the floor on the right side of the door, and I saw Schwenk facedown on the floor in a pool of blood.

Q. Okay. What did you do when you saw -- before I ask that, did you see Corporal Bopp anywhere near -- around?

A. No, sir.

Q. Okay. So what did you do when you did not see Corporal Bopp?

A. Well, immediately, I treated Lance Corporal Schwenk as a patient. And so, I went to him to check for vital signs to see if he was still alive, to try and care for his wound as best as I could.

Q. Did you talk to 911 at any time?

A. Yes, sir. The -- the wound was beyond what I've been trained to treat. So I took the phone from another Marine who was on the phone with 911 to ask the 911 operator for first aid instructions.

Q. Okay. And did you attempt to perform any first aid?

A. Yes, sir. I held Schwenk's body in a way that would keep his airway clear to allow the -- the blood that was accumulating in his -- his mouth and navel cavity to drain out so he could continue breathing.

Q. While you were doing that, did Corporal Bopp come back into the room?

A. No, sir.

Q. Did you see Corporal Bopp again that night?

A. No, sir.

Q. To your understanding and knowledge, was Corporal Bopp ever involved in providing any medical aid to Lance Corporal

Schwenk?

A. Not that I witnessed. No, sir.

Q. Was there a time where you stopped performing any medical aid or treatment for Lance Corporal Schwenk?

A. The only time I stopped performing first aid is when the first responders arrived. I don't know if they were EMS or PMO, they were just people in uniform with badges, and I assume they had better training and equipment than I did. So I gave them an assessment of the patient, what I knew, and handed him off; put the phone down with 911.

Q. And after you left the room, did you come to find out later that Lance Corporal Schwenk had passed away?

A. Yes, sir. We did.

Q. Okay. Now, I'd like to talk about that.

Did you, Corporal Bopp, Lance Corporal Schwenk, Lance Corporal Dickinson, all work in the armory?

A. Yes, sir. We did.

Q. Would you describe the armory as being very close and tight knit?

A. Very much.

Q. So how did the death of Lance Corporal Schwenk impact the armory?

A. I mean, we were all devastated, sir. He was our new Marine, we cared for him very much. We were looking forward to

training together to -- to deploy together. And it affected us all in different ways I'm sure, but it -- the general feeling was that we felt like we lost two Marines.

Q. And in that moment, those were those impacts, but then you all eventually deployed?

A. Most of us deployed. Yes, sir.

Q. Okay.

A. Several Marines either left the unit or remained on RBE.

Q. Can you talk about the impacts on the rest of the armory that lingered throughout the deployment?

A. Well, Corporal House left the unit following afterwards because he would -- he didn't feel ready to deploy. So we lost some experience and another friend of mine there. Corporal Hadley also remained on RBE pending some medical issues. And going into the deployment, we felt like we were a little, I don't know, "empty" is the only word that comes to mind, sir.

TC: I don't have any further questions for you, Lance Corporal Metcalf.

WIT: Thanks you, sir.

MJ: Defense?

DC: Yes, Your Honor.

May I enter?

MJ: You may.

DC: Thanks.

CROSS-EXAMINATION

Questions by the defense counsel:

Q. Good morning, Lance Corporal Metcalf, good to see you.

A. Sir, good morning.

Q. All right. I want to talk to you a little bit about that night to start off with.

Now, you mentioned that when Corporal Bopp was in the room with the firearm you played with it too, right, or you handled it as well?

A. Yes, sir. I did.

Q. And so did Lance Corporal Dickinson?

A. Yes, sir.

Q. All right. And after House came in and left the room and came back and told you that Bopp had shot Schwenk, you said you thought that was a joke, right?

A. Yes, sir. I did.

Q. You thought you would walk into that room and all three of them would be laughing, right?

A. Yes, sir.

Q. And that's because something like this is out of character for Corporal Bopp; is that right?

A. Absolutely, sir.

Q. And you've known him for over two years at this point?

A. Yes, sir. I think close to three.

Q. Now, I want to talk to you a little bit about that -- about dark humor; it's pretty common in the Marine Corps, right?

A. Yes, sir. Very much.

Q. Even with Corporal Bopp, that's, kind of, common, right?

A. Yes, sir.

Q. Jokes about suicide, things like that, right?

A. Absolutely.

Q. Now, when you were talking with Corporal Bopp on October 18, Lance Corporal Dickinson wasn't fully engaged in that conversation, right?

A. He was playing a video game, sir.

Q. Okay. And he was in, kind of, the corner of the room -- and I know these rooms are small, but he was, kind of, in the corner of the room, right?

A. Yes, sir. He was in and out of the conversation.

Q. Okay. You never heard Corporal Bopp make a joke about wanting to kill someone, right?

A. No, sir. Not that night.

Q. Okay. And if he did make dark humor jokes, it was usually about self-inflicted harm, right?

A. Yes, sir.

Q. Okay. Now, after this, about a year ago, you went and

visited Corporal Bopp in the brig.

Is that right?

A. Yes, sir. I did.

Q. And you also spoke to him over the phone?

A. I did, once.

Q. And he had written a letter to -- to the armory, right?

A. Yes, sir. He did.

Q. And he was remorseful in that?

A. Very much.

Q. He wanted to take accountability?

A. Yes, sir.

Q. And when you talked to him in the brig, you minister to him, right?

A. Yes, sir. I attempted to; I am a devout Christian.

Q. Okay. Yes, for the judge's -- what I mean when I say "minister," is you're a Christian -- devout Christian, right?

A. Yes, sir.

Q. And you wanted to talk to him about things like forgiveness and remorse, right?

A. Yes, sir.

Q. And you know now that Corporal Bopp has even read the Bible, right?

A. Yes, sir. That's what we talked about.

Q. Okay. And you know that he wanted to take a plea

agreement, right?

A. Yes, sir.

Q. He wanted to take accountability.

A. Yes, sir.

Q. And that's something that you see as a good first step to -- to rehabilitation from this event, right?

A. Yes, sir. I do.

DC: Okay. May I have a moment.

No further questions, Your Honor. Thank you.

MJ: Government, anything in light of that?

TC: No, Your Honor.

[The witness was excused and withdrew from the courtroom.]

MJ: Counsel, lets go ahead and take a recess. We'll reconvene at 1300, does that work for everyone?

TC: Yes, sir.

DC: Yes, Your Honor.

MJ: Court is in recess.

[The court-martial recessed at 1155, 6 January 2025.]

[The court-martial was called to order at 1307, 6 January 2025.]

MJ: Court is called back to order. All parties present when the court last recessed are again present. Same date; time on deck is 1307.

During the break, did the parties make a change to the plea agreement?

TC: Yes, Your Honor. We penned in an ink change to the plea agreement and the pay data on the charge sheet.

MJ: What was the change to the plea agreement?

TC: That we removed the "total forfeitures shall be adjudged" section because that's a legal and factual impossibility.

MJ: Okay. And this was an agreement that took place between both parties and the convening authority?

TC: Yes. Yes, Your Honor.

MJ: All right. Corporal Bopp, are you aware of this change to your agreement?

ACC: Yes, sir. I am.

MJ: Okay. Defense, any objection?

CDC: No, sir.

MJ: Okay. The plea agreement is still accepted.

Government, you may call your next witness.

TC: Thank you, Your Honor.

At this time, the government would call Lieutenant Colonel Molly House to the stand.

LIEUTENANT COLONEL MOLLY HOUSE, U.S. Marine Corps, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please provide the Court with your rank, name, and spell your last name, please?

A. Yes. I am Lieutenant Colonel Molly House, last name is H-O-U-S-E.

Q. Okay. And what is your billet, ma'am?

A. I am a forensic pathologist with the Armed Forces Medical Examiner System.

Q. And where are you currently located?

A. Currently located at Joint Base Lewis-McChord in Washington State.

Q. Ma'am, so you said you're a forensic pathologist?

A. Correct.

Q. Okay. Can you describe to the Court, what's a forensic pathologist?

A. Of course. Forensic pathologist starts out -- I have a bachelor's degree in forensic science, an undergraduate degree. From there, a forensic pathologist starts by going through 4 years of medical school. After that 4 years of pathology residency, which is further training in clinical and anatomic pathology -- after that, I practiced general pathology for 8 years. Following that, I did -- to become a forensic pathologist, you're required to do one extra year of training in just forensics. You're board certified after that. If you pass the boards, then you are a board certified forensic pathologist.

Q. Can you explain what a "board certified forensic pathologist" means?

A. Yes. Autopsy pathology can be practiced by any certified pathologist; however, forensic pathology is a pathologist specifically trained in determining cause and manner of death, particularly, in non-natural deaths or questionable deaths or unattended deaths.

Q. Now, you mentioned that you had additional forensic pathology training; is that called a "fellowship"?

A. Correct. Yes.

Q. Okay. Have you completed any other additional educations beyond medical school?

A. We do continuing education where we do continuing education activities in our field, so it's ongoing. But fellowship was the last formal training that I attended.

Q. And in your field, have you ever written any scholarly articles or publications?

A. I have been a part and co-authored on some, yes.

Q. And what about teaching, do you ever teach?

A. I do teach. I was also a residency program director up at Madigan Army Medical Center for a year and have worked with residents while I was a general pathologist at Fort Hood.

Q. And can you describe, for the Court, what's a program director and residents? Can you describe what that means?

A. Yes. So the 4 years of training, specific to pathology, that pathologists undergo after medical school, it is a formal residency and it is run by a program director, that is the person that oversees that -- the residents and their training and make sure they're meeting all the standard education requirements that are part of a residency and ensuring that they are prepared to pass their boards to be able to practice pathology.

Q. Okay. And you are on active duty in the United States Army?

A. Correct.

TC: Okay. At this time, Your Honor, the government would tender Dr. House as an expert in the field of forensic pathology.

MJ: Any objections?

CDC: No, sir.

MJ: The witness will be so recognized.

Questions continued by the trial counsel:

Q. Dr. House, I'd like to take you to this case, okay? Are you aware of an autopsy -- was performed in this case?

A. Yes.

Q. Okay. And did you conduct that autopsy?

A. I did not.

Q. Okay. Did you arrive at your -- did you independently

review that autopsy?

A. I did. Yes.

Q. Can you explain what that means, to do an independent review?

A. Yes. The pathologist that conducted the autopsy -- as part of the autopsy, the pathologist writes a comprehensive report on their findings, detailing, and then establishing a cause and manner of death supported by their findings.

In addition, there are also photographs taken to document the findings during the autopsy. So I reviewed that report and the autopsy photos.

Q. And did you use the autopsy photos to reach your own conclusions in this case?

A. Yes.

Q. Okay. Now, I'd like to talk to you a little bit about it.

Were you able to ascertain the cause of death in this case?

A. Yes, it's a gunshot wound to the head.

Q. Now, before we get to talk about -- more about the gunshot wound to the head, what's already been admitted into evidence is -- is the 911 call that you're -- you're familiar with that?

A. I have not heard it.

Q. But you're familiar with the -- the details of sounding --

A. Yes.

Q. -- like potential loss of life and it was not immediate?

A. Yes.

Q. Okay. So I'd like to talk to you about that a little bit. So on the 911 call, that's been admitted into evidence, what you hear is what sounds like, or is being described, that somebody is still alive after a gunshot wound to the head.

Can you describe what's happening for us?

A. Yes.

CDC: Sir, I'm, just, going to have to object on speculation here. She's admitted on the stand that she has not listened to the tape.

MJ: Response?

TC: Well, it's not asking her to speculate on listening to the tape because she's familiar with the sounds of someone dying, essentially. And also, describe why -- what it may appear to someone that there's still life, she can describe why that's -- that's not life in her training and experience as an expert. She is familiar with those facts.

MJ: Okay. So her testimony is based on her training and experience and not on the tape?

TC: Correct, Your Honor.

MJ: Overruled, to that extent.

Questions continued by the trial counsel:

A. So often in cases with this same cause of death, the things that are described as having happened by witnesses include coughing, gasping, some movement, which is not at all unusual in these kinds of catastrophic brain injuries. Particularly, depending on where the wound is in the brain, the higher it is towards the top of the head, often, there is some residual movement. The lower it is on the brain, the shorter the duration of that movement, and it is caused by residual primitive reflexes that are part of the brain stem and the functioning of the brain.

The coughing and the gasping are what we call primitive reflexes controlled by the brain stem. And as an injured brain dies, these reflexes, sort of, kick off and they appear to be indicative of life; however, as the brain dies, these reflexes become not purposeful and not life sustaining and not indicative of a brain that is able to sustain life.

Q. To the outside observer, is that something that you could readily tell?

A. Whether or not they were -- we call them "agonal reflexes."

Q. Yes, ma'am.

A. I think in -- most observers that I have heard speak on

it, it appears purposeful. It appears that this person is capable of regaining life, that it doesn't correlate with the severity of the injury. I think a medical professional recognizes it for what it is, that it is the body dying.

TC: Okay. Thank you, ma'am. Now, I'd like to show you Prosecution Exhibit 3.

Your Honor, I'm doing a limited publish of Prosecution Exhibit 3, that's visible only to the Court, the witness, and counsel table. It is not visible to the gallery and is only located on that far screen.

MJ: Defense, are you able to see it?

CDC: Yes, sir.

TC: Showing the first photo and Prosecution Exhibit 3. Questions continued by the trial counsel:

Q. Can you describe to the Court what we're looking at here, Dr. House?

A. That is a gunshot wound of entrance on the left temple.

Q. Okay. And then, turning to the second photo of Prosecution Exhibit 3, can you describe that?

A. It is a gunshot wound at the exit, on the right lateral forehead.

Q. Okay. Now, going back to the first photograph, can you explain this -- any -- any significant items that you -- are visible on that photo?

A. There are several key features that we usually use to determine a contact entrance wound.

Q. And Doctor, when you say "contact," what does that mean?

A. That means the muzzle is placed against the skin.

Q. As in, directly against the skin or just in close proximity?

A. Directly against the skin.

Q. Okay. How can you tell that based off of this photo?

A. Based off of this photo and the location, what happens when a gun is discharged and the gas and the particulate matter is discharged from the end of the barrel, it penetrates the skin, expands the skin back against the muzzle of the gun, and leaves a fairly distinctive, what we call a "muzzle imprint," which is a ring of abrasion around the entrance wound. Oftentimes, the features of the gun will leave, also, small abrasions, which it appears that there is one.

Additionally, the particulate matter that's discharged from the weapon will go directly into the wound track. It will be sometimes on the surface of the bone underneath and that is not something that we see to that extent when the muzzle is not in contact with the skin.

Q. So could this muzzle stamp, as you described, be caused if the weapon was maybe 6 inches away from the victim's head?

A. No. Six inches away, there would be deposition of soot around the wound. It would also be stippling, which is unburned particulate matter that comes out at a high enough rate of speed and at a temperature that it abrades the skin. It creates small abrasions around the wound, which we call stippling and is indicative of what we call an intermediate range, but not contact.

Q. So in -- in other words, would stippling look like little dots?

A. Yes, correct.

Q. Are little dots present in this photograph, ma'am?

A. Not that I would recognize as stippling, no. I would not -- those are -- stippling is not present around that wound.

Q. What would we expect to see if -- what would we expect to see if the weapon was not placed directly against his head when it was fired? What would -- might be some of the forensic marks that you would look for to identify that?

A. Deposition of soot where the barrel is placed directly -- perpendicularly, if you will, against the skin. The discharge of soot, as I said, goes directly into the wound track. If it's a loose contact, or say it's a portion of the muzzle is in contact with the skin but not the entire muzzle, you will get soot deposition on the surface of the skin. And, oftentimes, you don't see a complete muzzle abrasion, that ring around the wound

that I can see on this picture.

Q. Are there any other specific forensic hallmarks that you would look for?

A. Oftentimes, we see that there's a red ring of contusion or a bruise around it. I would just say this has all the characteristics of a very typical contact entrance wound.

Q. So having reviewed the autopsy, the -- the photos, have you reached your own opinions about this case?

A. Yes. The -- go ahead.

Q. And -- and what are those opinions?

A. The -- the cause of death was a contact entrance wound to the head.

Q. Okay.

A. It was the cause of death.

Q. Okay. And are those opinions held with a reasonable degree of scientific and medical certainty?

A. Yes.

TC: Okay. Thank you.

Your Honor, I have no further questions.

MJ: Defense, cross-examination?

CDC: May I enter, sir?

MJ: You may.

CROSS-EXAMINATION

Questions by the civilian defense counsel:

Q. Lieutenant Colonel, good afternoon.

So you did not conduct the autopsy --

A. Correct.

Q. -- in this case?

A. Correct.

Q. You never administered any of the procedures employed in the autopsy report?

A. Correct.

Q. You did not, you know, see and view the deceased and conduct an examination?

A. Correct.

Q. So your testimony is limited to a review of the initial autopsy report?

A. Yes.

Q. In addition to the amended autopsy report?

A. Correct.

Q. Outside of that, have you reviewed any additional materials associated with the investigation?

A. I have seen the scene photographs.

Q. And the agent spoke earlier, Special Agent Hipple, spoke to the scene -- and we've heard some witness testimony as well as some additional witness testimony.

You never visited the scene, ma'am?

A. I did not.

Q. Have -- you aware that there was a witness present when this event, the tragedy, took place?

A. Yes.

Q. That that witness was sitting there observing Corporal Bopp at the time of the shooting?

A. Yes.

Q. And you're aware that that witness has given statements to NCIS related to the ongoing investigation?

A. Yes.

Q. And, again, your -- your review is -- is based on -- your testimony is based on your review of documentary reports?

A. Correct.

Q. Were you aware that Corporal House, the Marine that was in the room, stated that Corporal Bopp was in the doorway when this happened?

A. I did not know that.

Q. And that he gave a distance of a foot away?

A. Okay.

Q. Again, you're -- you're not the one who conducted the initial autopsy. You're going off the review and -- and your subsequent review of the photographs?

A. Correct.

Q. So when you say the muzzle -- muzzle stamp type testimony, it's also fair that a witness who may recall the

distance -- and it's a barracks room, within close proximity is also possible?

A. Correct.

CDC: All right. Thank you, ma'am.

MJ: Government, anything in light of that?

TC: Yes, Your Honor.

REDIRECT EXAMINATION

Questions by the trial counsel:

Q. Dr. House, is it possible, if you were standing over a foot of way, to have caused that contact wound?

A. No.

Q. Can you explain why not?

A. The physics of a firearm do not allow for a muzzle stamp in that pattern and without stippling or soot deposition on a wound like that.

Q. And then, you're aware of the autopsy that was done in this case?

A. Correct. Yes.

Q. You've reviewed that autopsy?

A. Yes.

Q. Are your conclusions any different than the doctor who performed the autopsy?

A. No. No.

TC: Thank you, ma'am.

MJ: Defense, anything in light of that?

CDC: Yes, sir. Briefly, sir.

RECROSS-EXAMINATION

Questions by the civilian defense counsel:

Q. Lieutenant Colonel you're aware that the Major never used the term "muzzle stamp" in the report?

A. Yes.

Q. That she never used it in her amended report?

A. Correct.

Q. So it was not included in either of her reports?

A. Correct.

CDC: Thank you.

MJ: Government, anything in light of that?

TC: Yes, Your Honor.

REDIRECT EXAMINATION

Questions by the trial counsel:

Q. Did she use the word "contact" in her report?

A. She did. And she described it as a stamp.

TC: Thank you, Your Honor.

[The witness was warned and withdrew from the courtroom.]

MJ: Counsel, there was -- there was no objection to this particular witness based on a lack of confrontation or anything like that.

Is that consistent with Paragraph 8d of the plea

agreement, where you agreed not to object to relevant testimony of any crime victim or relevant witness being offered by either party during presentencing or relevant unsworn testimony by a crime victim, based on that provision of the plea agreement?

CDC: Correct, sir.

MJ: All right. Well, the Court finds that -- that such an objection is waiveable.

And, Corporal Bopp, have you discussed this with your counsel, that the possibility of -- of calling the doctor, who originally conducted the autopsy?

ACC: Yes. I have, sir.

MJ: And is -- is this a right that you're willing to waive?

ACC: Yes, sir.

MJ: All right. And I find that you have knowingly, intelligently, and voluntarily waive that right.

Government, you may call your next witness.

TC: Thank you, Your Honor. At this time, the government would call Corporal Benjamin House to the stand.

CORPORAL BENJAMIN S. HOUSE, U.S. Marine Corps, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please state your full name, rank, and spell your last name for the record?

A. Corporal Benjamin Selby [PH] House, H-O-U-S-E.

Q. Okay. What unit are you currently assigned with?

A. 2d LAR.

Q. Okay. And where is that unit located?

A. On Camp Lejeune.

Q. How long have you been in the Marine Corps, Corporal House?

A. I served for 3 years.

Q. And in those 3 years, were you ever assigned to 2d Battalion, 6th Marines?

A. Yes.

Q. From what time were you assigned there?

A. July '22 to July of 2024.

Q. Okay. Did you work in the armory?

A. Yes, sir.

Q. What is your current billet?

A. Preventative maintenance.

Q. Okay. Excuse me. And what was your billet then?

A. Preventive maintenance.

Q. Did you work with Corporal Bopp, in the armory?

A. I did.

Q. Okay. And do you know Lance Corporal Schwenk?

A. Yes. I did.

Q. How do you know Lance Corporal Schwenk?

A. He was my roommate.

Q. In the barracks?

A. In the barracks. Yes.

Q. Are you familiar with your four weapon safety rules?

A. Yes, sir.

Q. Okay. Where did you first learn those weapons safety rules?

A. Boot camp.

Q. Have you had those weapon safety rules reiterated at every point of your training in the Marine Corps?

A. Yes, sir.

Q. Okay. Are those weapons safety rules displayed in, or around, the armory?

A. Yes, sir.

Q. Okay. What is the purpose of those rules?

A. To ensure that nothing bad happens.

Q. Are you familiar with a [sic] Arms Ammunition and Explosives package?

A. Yes. The AA&E package.

Q. Okay. Can you describe to the military judge what that is?

A. It, essentially, says that you're cleared medically and -- from PMO that you can work in an armory, sir.

Q. Is every Marine required to get one of those screenings

in the battalion?

A. No. I do not believe so.

Q. Okay. Who is required to get those screenings?

A. Armored personnel.

Q. Why is that?

A. Because you need to be medically fit and have no legal trouble to be able to work in the armory.

Q. Okay. Does that AA&E screening package also cover weapon safety issues?

A. Yes, sir.

Q. Now, you mentioned that you knew Lance Corporal Schwenk because he was your roommate?

A. Yes, sir.

Q. Can you describe to the military judge what it was like having Schwenk as your roommate?

A. He -- he was a good roommate; cleaned; kept quiet; loved playing video games; loved fast food, domino's especially.

Overall, couldn't have had anybody else better.

Q. Was he fairly new to the unit?

A. Yes, sir.

Q. Okay. How about -- how long were you roommates with him?

A. I believe about 5 to 6 months.

Q. And I'd like to talk to you about the end of that 6

months, okay?

A. Yes, sir.

Q. So on the night of 18 October 2023, was Lance Corporal Schwenk your roommate?

A. Yes, sir.

Q. Okay. Was he in your room that night?

A. Yes, sir.

Q. Okay. Was there any point that you tried to get something to cook with?

A. Yes, sir. An air fryer.

Q. Okay. Can you describe the circumstances of you getting that air fryer and who you got it from?

A. I just got done with the gym and picked up some food from the commissary. And I needed an air fryer to cook my dinner and Corporal Bopp had one that I asked him to borrow. And proceeded to ask him for it when I went to Metcalf's room, which he was in. And then, he gave me permission to grab it in exchange for -- I gave him a few drinks. I grabbed the air fryer out of his room and went to my room and proceeded to make dinner.

Q. Okay. When you got back into your room and you were making dinner, what was -- well, was Lance Corporal Schwenk in your room?

A. Yes, sir.

Q. What was he doing?

A. Playing video games.

Q. Okay. And where did he play video games, with a console or?

A. It was on a computer.

Q. Okay. Where did he keep that computer?

A. Closer to the front door, right next to his bed.

Q. Okay. And so, while you were -- while he was playing video games and you were cooking, did Corporal Bopp ever come into your room?

A. Yes, sir.

Q. Okay. Can you describe for us the circumstances of what occurred when he came into your room?

A. Corporal Bopp entered the room and he tried to bite the dinner that I made using his air fryer. After trying a bite, he walked over closer to the door area and had his firearm on him. I did not think much of it at the time, looking back I -- I should have. Proceeded to make a gesture towards himself, which wasn't completely out of the normal, I just thought he was joking. Then proceeded to point it at Lance Corporal Schwenk's head and pulled the trigger.

Q. When he pulled the trigger, that firearm -- after it was pointed at Lance Corporal Schwenk's head, what happened?

A. The firearm went off and killed him.

Q. Did Corporal Bopp call 911?

A. No, sir.

Q. Did he try to assist Lance Corporal Schwenk in any way?

A. No, sir.

Q. What did he do?

A. Screamed. Like -- inaudible. I was not sure what it was and ran.

Q. Did he run downstairs to the duty?

A. No, sir.

Q. To the best of your knowledge, where did he go?

A. I -- I have no idea, sir.

Q. Suffice it to say, you're not aware that he ran to get any help for Lance Corporal Schwenk?

A. Yes, sir.

Q. So after you saw him get shot, what -- what did you do?

A. I ran to Metcalf's room to grab -- Lance Corporal Metcalf's room to grab him because that was my first instinct. I knew he would knew -- he would know what to do more than I did.

After that, I proceeded to run downstairs and grab the duty after I informed a couple of other people to call 911. And then, once I got back up stairs, with the duty, is when I found Lance Corporal Metcalf holding his head as I watched him bleed out.

Q. And when you say "his," are you referring to Lance Corporal Schwenk?

A. Yes.

Q. What was going through your mind when you were watching Lance Corporal Schwenk bleed out on the floor?

A. My mind was honestly very, kind of, blank at the time, I was really focusing on what was going on and was thinking about how my friend was dead.

Q. Okay. Did someone confirm that Lance Corporal Schwenk had passed to you?

A. Yes. I believe I was told, a little bit later, that he died in the ambulance on the way to the hospital.

Q. Can you describe your feelings when you first found out that he was dead?

A. Shock and disbelief that this happened.

Q. And can you explain why you'd be in shock and disbelief?

A. That -- first, that he was dead, that was shocking part and that my good friend, Corporal Bopp, did this and how it could have happened, I suppose.

Q. And what do you mean by "How this could have happened"?

A. It -- I never could have thought something like was going to happen. I was, I think, desensitized to weapons working around them so much, I didn't think much of it. Looking back on it, that was a poor decision.

Q. Is the armory section fairly close?

A. Yes.

Q. Okay. How did this -- how did Corporal Bopp killing Lance Corporal Schwenk affect the armory?

A. It was very depressing. It turned into more of a hostile work environment, but nobody wanted to be there. It was not a healthier suitable place to be around due to the tragedy.

Q. Was the unit scheduled to deploy at that time?

A. Yes, they were. To Okinawa, Japan.

Q. Okay. Did you go on the deployment with the unit?

A. I did not, sir.

Q. Why not?

A. At the time, I've gone to a lot of therapy and done a lot of things and for me to leave, at the time, probably would not have been conducive to helping me mentally with therapy and leaving what's helping me heal.

Q. And when you talk about therapy, was this something that you entered because of what happened the night of 18 October?

A. Yes, sir.

Q. How did it feel leaving the rest of your brothers to deploy without you?

A. It was sad, but also relieving, kind of -- to seeing some of them move on and knowing that I can work on myself here.

Q. And can you talk about some of the impacts, to you

personally, as a result of this?

A. Yes, sir. The lack of eating, I lost about 30 to 40 pounds;

I stopped going to the gym, which was my -- I loved going to the gym, we used to do it almost every day, myself and Corporal Bopp;

The slight drinking problems that occurred after, trying to cope; and,

Just relationship problems after that.

Q. Since that's all happened, are you -- feel that you are ready to deploy again?

A. I am now, sir. Yes.

Q. And how has this impacted your view of -- would you have any guilt about what happened to Lance Corporal Schwenk, as a senior man in the room?

A. Up until a while ago, I -- yes. Luckily, through therapy and some help, I've been able to separate some things mentally and know that it wasn't my fault. But in -- in the back of my head, I still blame myself some.

Q. And -- and why were you blaming yourself?

A. Just to think that if I were of -- said something right before, maybe try to stop -- stop him, but I don't -- I couldn't have done that so.

TC: Okay. Thank you, Corporal House. I don't have any

further questions for you.

WIT: Thank you, sir.

MJ: Defense cross?

CDC: Yes, sir. May I enter?

MJ: You may.

CROSS-EXAMINATION

Questions by the civilian defense counsel:

Q. Corporal, good afternoon.

A. Good afternoon, sir.

Q. I'm just going to talk to you a little bit about your testimony, okay?

A. Yes, sir.

Q. You're aware -- I -- I know you know Corporal Bopp pretty well.

A. Yes, sir.

Q. I know you guys used to go to the gym together, both NCOs together in the armory -- it's -- close.

A. Yes.

Q. You're aware that Corporal Bopp has accepted full responsibility for everything that happened?

A. Yes, sir.

Q. Right before you came in here, he pled guilty to the military judge and accepted full responsibility.

I do want to talk to you a little bit about your

testimony with Major Samuel though, okay?

A. Yes, sir.

Q. And, again, this is just to give some context of everything for the judge to process it.

So you were in your room, I think cooking salmon --

A. Yes, sir.

Q. -- when Corporal Bopp showed up?

A. Yes, sir.

Q. You mentioned -- do you recall talking with NCIS, Corporal?

A. Yes, I do.

Q. They sat with you twice?

A. Yes.

Q. And you recall talking with the agents about what happened that night?

A. Yes.

Q. So you're -- you're in your room and Corporal Bopp comes in there -- you gave him some alcohol?

A. Yes. I did.

Q. It was Twisted Teas?

A. Yes, sir.

Q. I think he told NCIS he had -- he had been drinking?

A. Yes, sir.

Q. You also, kind of, walked NCIS through the details of

what happened that night?

A. Yes, sir.

Q. You agree that was on -- talked with NCIS on 18 October --

A. Yes.

Q. -- the night the tragedy happened?

You mentioned, specifically, that the location that Corporal Bopp was -- and I think you just mentioned it, he was at the -- the doorway of the barracks room?

A. Yes, sir.

Q. And you mentioned he gestured with the firearm to Major Samuel, in fact, he pointed at his own head?

A. Yes, sir.

Q. In -- when and after that happened, you mentioned he pointed it in the vicinity of Lance Corporal Schwenk's head?

A. Yes, sir.

Q. And you told NCIS that he was a foot away; do you recall that?

A. Yes, sir.

Q. Okay. And that is something that is branded in your mind?

A. Yes, sir.

Q. I mean, I understand the trauma it's caused you, but that's what you saw?

A. He was close, yes.

Q. And, again, you know, in -- in part of this process, you mentioned that after he -- firearm went off, he said something?

A. Yes, sir.

Q. Do you recall telling NCIS "I'm a curse." All right? He said, "Oh, fuck," do you remember saying that?

A. Yes, sir.

Q. What's that?

A. Yes, sir.

Q. Okay. And then, he had a panicked reaction to what had happened?

A. Yes, sir.

Q. In part because, you know, he had gestured at his own head and just, kind of, shocked the firearm went off?

A. Yes, sir.

Q. We -- we talked a little bit about his acceptance of responsibility and you know that he's written letters to the folks in the armory, right? Before he had any lawyers, before anybody was involved, he wrote letters; you're aware of those?

A. Yes, sir.

Q. Some to Grim, some to the Marines in the armory apologizing for everything that happened; do you recall those?

A. I've only seen one of them, but yes.

Q. But you know that he did write letters on his own saying --

A. Yes, sir.

Q. So we -- we talked with my office a little bit, you know, he -- he knows he made a terrible decision, right? He made a huge mistake that's impacted families, everyone in this room, to include you, Corporal?

A. Yes, sir.

Q. But in accepting responsibility for his decisions, you know, we talked a little bit about can he learn from this, right?

Does he have rehabilitative potential, you know. You think, knowing your friend and the NCO, that he can work to be a better person moving forward?

A. Yes, sir.

CDC: Thank you, Corporal. I don't have any additional questions for you.

WIT: Thank you, sir.

MJ: Government, anything in light of that?

TC: No, Your Honor.

[The witness was excused and withdrew from the courtroom.]

MJ: Government, do you have another witness?

TC: I do, Your Honor. And -- but this is the portion where we have some of the family witnesses and if I could -- a few moments to start getting the technology ready that way we can

move trough them in, sort of, a rapid succession, Your Honor.

MJ: Do you need a recess?

TC: Yes, Your Honor.

MJ: Court is in recess.

[The court-martial recessed at 1343, 6 January 2025.]

[The court-martial was called to order at 1355, 6 January 2025.]

MJ: The court-martial is called back to order. All parties present when the court last recessed are again present. Time on deck is 1355.

Trial counsel, you may proceed.

TC: Thank you. At this time, the government would call Mr. Robert Schwenk Sr. to the stand.

Robert B. Schwenk Sr., a civilian, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please state your full name and spell your last name for the record?

A. Robert Bryan Schwenk, S-C-H-W-E-N-K.

Q. And where do you currently reside?

A. In --

MJ: Major, one second, please.

Court's in recess.

[The court-martial recessed at 1357, 6 January 2025.]

[The court-martial was called to order at 1358, 6 January 2025.]

MJ: Court is called back to order. All parties present when the court last recessed are again present. Time on deck is 1358.

Major Samuel, why don't you just start from the top?

ROBERT B. SCHWENK SR., a civilian, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Could you please state your full name, and then spell your last name for the record?

A. Robert Brian Schwenk, S-C-H-W-E-N-K.

Q. Okay. And in what city and state do you currently reside?

A. I live in Palm Bay, Florida.

Q. Okay. Mr. Schwenk, how do you know Lance Corporal Schwenk?

A. He's my grandson.

Q. And when did you first meet your grandson?

A. Well, it was -- my son was deployed. He was over in Iraq. He was born here at Camp Lejeune. And Kasey came home and that's when I really got to spend a lot of time with the boys.

Q. Okay. Do you have two grandsons?

A. I have more than two, but they have two, yes.

Q. Okay. I think there's some photos that you provided that will help you explain a little bit more about your life with your -- your grandson?

A. Yes.

Q. Okay. So we're looking at, currently, photo template one.

Can you describe what's happening in each of these photos here?

A. Well, the first one, the photo on the right, I was doing work on the roof. I was tucking the chimney and the boys are very adventurous, they wanted to come help grandpa. So very gingerly, we helped them up the ladder and I said, You guys sit here. And so, they sat there and they enjoyed their time up there with me.

Going around the clock, the bottom left, we were down at the creek and we would often go for hikes and walks. And we were down at the creek and they like to do a little swimming, there's a natural water slide down there in the rocks that we would go down all the time. And so, that one there, we were just kicking up the water, splashing about.

The top left, I used to travel a lot for work, and I come back and I had bought -- made sure the boys had some ATVs. And, of course, as adventurous as they are, while I was mowing the lawn, they wanted to follow me around. It was just -- it was

so cute, it was a very wonderful, joyous time.

Q. Can you, please, point out for the judge, which one is Austin in each of those photos?

A. Okay. So the photo on the right, he's the little guy. Bryce is the one that's waving. And then, on the bottom one, Austin is on the left. And then, up there on the following, the mower, Austin's the one right behind me.

Q. Okay. How about in these photos, can you talk to us about what's happening here?

A. So we'll go back to that upper right first, and as you can see, we always -- with the ATVs, and everything else that we've done, we've always practiced safety. So they have helmets, I wouldn't let them ride without helmets.

And then, Marine week came there in Cleveland. And so, these next photos are of the Marine week, where, like, you see both Bryce and Austin are on the Jeep. And then, Austin's up there on the tank and just loving it. And, of course, he's got his dad's cap on.

Q. About how old is Austin in the photo, on the tank?

A. I'd say, give or take, probably six.

Q. Okay. Are these more photos from Marine week?

A. Yes. Yes. So this is -- I don't know if this is when he decided he was definitely going in, but he loved the -- you know, the aircrafts and he loved everything to do with the

Marines, the weapons. While we were there, they actually knew more about the weapons than I did because of Metal -- Call of Duty.

So and -- and at this particular time, Austin actually got his first challenge coin ever. He shot the javelin and got 100 percent on that, and they gave him a challenge coin. It was his very first challenge coin.

Q. Talk to me about these photos here.

A. Okay. This -- this was a blast. So before all of this went down, I mean, we're skipping a lot in between, but that's okay. August, on the -- before all of this went down, Austin had called me and said he was told that he needed to take leave. So --

Q. August of 2023?

A. Yes.

Q. Okay.

A. And -- and so, I -- he said, Grandpa, can you come get me? And I said, Of course I will, of course I will. I said, Let me -- let me come up with something that we can do. I say, How much time do we have? And he says, We have a week. So good, so I said, Let's go whitewater rafting. And at that point in time, I -- I made a phone call to Austin's father and asked him to join us. So the three of us went. I talked to the guide on the raft and I said, Do me a favor -- because I've been before, they have

not been. And I say, Can you put an active duty Marine and a retired Marine up front? I said, Let them get the time of their life. So he -- he obliged and he did.

And as you can see, like, if you look at the -- every one of those pictures, in the front of the raft, Austin is on the right. He's got his paddle up, he's got his paddle down, and he's got a grin on his face. You couldn't take Scotch-Brite to get it off. It just -- he's having the time of his life.

And his dad was too, his dad's got the GoPro on top of his head, filming the whole thing. So he wanted to capture the whole thing with Austin.

Q. Okay. Can I talk to you about these photos here?

A. Yes. So the one on the left, right after we went -- the whitewater rafting, the one on the left, if you go across from where they're at, they have an area you can hike a trail, it's called the "Never Ending Wall." And I did part of it before by myself, but Austin is very adventurous.

So in the picture on the left, you'll see Austin's father, Austin in the middle, and myself posing on the -- on the peak out there. So right below us is that river, the new river that we were just rafting on. And then, during that time period, Austin was like, you know, we -- we -- we're working on giving him an experience while we were out. This -- this was our time.

And I asked him, I said, What do you want to do? And

he says, Well, the Flight 93 Memorial was someplace he really wanted to go. And so, the picture on the right is -- what they call it? The talking bells -- Whispering Bells at the Flight 93 Memorial. And we took that picture there of Austin. And he said -- he said -- he did say too, he says, Thank you, that was on my bucket list.

And then, from there, we -- well, yes. Okay. These came up, but that's okay. So the one on the right is a picture at a ruins of a church at Harpers Ferry. And the one on the left is a picture of Austin standing on one of the walls of the skyline drive, you know, one of the pull-off overlooks.

So how we got there, Austin -- we were going down -- I was bringing them back to the base and he goes, You know grandpa, the mountains are my happy place. I took a hard left, we went to the mountains and I brought him up there. Now, he would take time -- just like he's standing on that wall right now. He would take time, he would stop, he would take everything in, he would look and -- and we don't have the picture when he was on the battlefield at Gettysburg. But when we were at the battlefield of Gettysburg, he's -- overlook the battlefield and he's just taking it all in and what's in front of him. It was just a very enlightening experience for him. And -- and to see him do it like that, it's just amazing.

While we were on that trip, we got to see a lot of

wildlife, a deer had crossed the road and Austin put his hand out. The deer walked up to him and he pet that deer. I'd never seen that before in my life. We saw rattlesnakes; we saw turkeys. He -- he just had the time of his life up there. It was just -- it was a wonderful, wonderful experience.

Q. What about that picture on the right there?

A. The one on the right, that's -- that's when we were at Harpers Ferry and we were at the church. And at Harpers Ferry, he had to buy that hat. That's a very distinctive hat that he had to have. And he was just climbing around in there exploring the ruins of this church. You know, there was a room behind him that he went in, he looked around, and he's just taking it all in. It was just -- it was just such an amazing time with him, you know.

He appreciated everything like that. He appreciated the history, he appreciated all his education that he could get. You know, like, when we were at the Flight 93 Memorial, I cannot tell you how much time he took. He read, I think, every name that was on there and everyone's story. And then, it was Grandpa, check this out, come here, look, look.

You know, he wanted to take his time and soak it all up. He was a sponge, you know? It was just beautiful.

Q. Yes, sir.

A. So there we are at Gettysburg, he is sitting with

Abraham Lincoln there. He is so -- on the left, he -- he liked that history. And then, of course, those of us who know Austin, he loved to eat. So I think that it got cut off a little bit, but that sandwich was that tall. I'm telling you, I don't know how he could eat that, but he -- he did. And he enjoyed himself, you know, and that -- of all the experiences that we have -- and I think this is the last photos -- and so, out of all the experiences we had, when I dropped him off at base, he's the only -- the only -- he's the only one of my grandchildren that will, no questions asked, he'll turn around and -- he was headed towards his barracks, I went up there, I helped him take his stuff to his barracks, but he turns around and every time -- every time he would say, I love you, grandpa. I love you, Grandpa, he'd say. I think we had a special bond, just amazing times.

So, I'd like to say more, but I'm going to read my statement, correct?

Q. You'll read your statement, but I was going to ask you, sir --

A. Yes.

Q. I was going to ask you, how did you find out that he had been killed?

A. Oh my God. We were on our second leg of a transatlantic cruise. And we were coming back, and we're in the

middle of the ocean. And the wife likes to read a book and she likes her space so I'm sitting on the sun deck, people watching and playing Sudoku. She comes running out and I'm seeing -- watching her run all over the deck and she's looking for something, I wasn't sure what. At the time, I had no idea. I said, Well, something's really got her worked up. And I said, You know, I better -- you know, Hey, I'm up here. So she came up. And she told me. Somehow they got ahold of us out at sea. And she told me, there was absolutely nothing we could do.

That night -- that night, actually, I got to bear my bottom to some woman because she called medical and they came and gave me a sedative so I could sleep. I -- I had to be chemically induced. I just couldn't -- it's totally devastating. And it's devastating to her too. That -- that -- that's definitely one of the hardest days in my life.

And, of course, being at sea, you can't do anything. It was -- it was bad. And, I think, we had, what, five more days at sea before we got back? So it's five days at sea, needless to say, on a cruise ship -- was not a pleasurable cruise, it was not. I just wanted to get back.

Q. Can you talk about the impact on you of not having your grandson anymore?

A. Well, a lot of times I cry myself to sleep. I get up in the morning and I cry. Moments during the day, I have to stop

what I'm doing because he's not there. And, of course, I have pictures of him in the house and I'm always sitting there looking at him. You know, he's -- he's a really, really good kid. You couldn't ask for anyone better. You know, he's very caring and it just left a hole like you wouldn't believe.

And nobody, nobody deserves to have that. Be it your child or your grandchild or your parent, you know? Somebody whose life is just starting and it comes to an abrupt end like that, it's not fair -- it's not fair. You know, it's the rough way to go, rough way to live. I miss him every day. So just in case you didn't know too, he does have my middle name and my last name.

TC: Sir, I don't have any further questions for you at this time.

MJ: Defense?

CDC: No, questions.

[The witness was excused and resumed his seat in the gallery.]

TC: Your Honor, at this time, the government would call Mrs. Patricia Schwenk to the stand.

MJ: You may.

PATRICIA A. SCHWENK, a civilian, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Ma'am, can you please state your full name and spell your last name for the record?

A. Yes. I am Patricia Ann Schwenk, S-C-H-W-E-N-K.

Q. And what city and state do you currently reside?

A. So we live in Palm Bay in Florida.

Q. Okay. Ma'am, how did you know Lance Corporal Austin Schwenk?

A. I first met Austin when he was 11, 12 years old. I just met his grandpa and I came over for a visit.

So, essentially, we married, eventually, and I was his step-grandma -- his British grandma, as he used to call me.

Q. Was that a source of good natured ribbing between you and Austin?

A. Oh, yes. It was always Royal Marines are better than the U.S. Marines, and he had a smart-ass answer every single time. I would text him on July the Fourth and say, "Happy traitor's day, you ungrateful colonial." I won't tell you what he said, but it wasn't very polite.

Q. Can you describe your relationship with -- with Austin?

A. Yes. I think Austin was the first person to actually accept me into the family, apart from his grandpa. He was a great kid. He -- he had a depth to him that belied his years. If -- if you were having a conversation with him and you shut your eyes, you would think you were talking to a wise, wise old

man. And it wasn't book knowledge, it -- it's almost as if he'd been here before. He had an awareness that a lot of young men don't have. Had a caring nature, he was a peacemaker. If people were fighting, Austin was the one to put it right. He -- usually, by playing the fool, but he saw the best in people, every time, and he always wanted to be smooth, happy.

The other thing that -- two things that really spring to mind about him is whenever we use to take him out, you would inevitably lose him. And if you needed to find him, you'd go and find a veteran or a group of veterans. And he was there 11, 12, 13, shaking their hands, deep in conversation, thank you for your service.

The other big thing about him -- we have another grandson who has special needs, and these children can be exasperating sometimes. And Austin just had endless patience where we couldn't, maybe, get through to this child, Austin always could. He always had the answer, he always had the solution, and he wasn't big headed about it. It -- it just came naturally to him. He -- he was a calming -- calming influence on people.

Q. Can you describe how you heard that Austin had been killed?

A. As my husband said, we were on a cruise ship in the middle of the ocean and I had gone back to the room. And the --

the light on the phone was beeping and I answered it. And I -- we just got a message ring Robert Junior, so they patched me through on the satellite phone and Austin's dad told me what had happened.

And, of course, at that point, I wasn't exactly sure where my husband was on the ship. So I had to withstand my own feelings and -- and go look for him. And, eventually, found him and I could hardly get the words out. But we went back, he phoned his son, and explained what happened and we just dealt with it from there on then.

Q. You said you had to stuff some of those feelings down, can you describe what feelings that you were experiencing at that time?

A. I suppose probably the best way to say it is that Austin wasn't my grandson by blood, but he's my grandson in here. It was as if he'd taken one of my own. Heartbroken, couldn't believe it.

Q. And can you describe the -- the impact that his death has had on your family, your husband since?

A. So, yes. It -- obviously, it's had an impact on everybody. But Austin had a special bond with his grandpa. And on the day that Jesse Bopp decided to take his life, he took a bit of his grandpa's heart and he took a part of my husband that I could never recover.

TC: Okay. Thank you, ma'am. I don't have any further questions for you.

MJ: Defense, cross?

CDC: No, sir.

[The witness was excused and resumed her seat in the gallery.]

TC: Your Honor, at this time, the government would call Mr. Dan Hanson.

MJ: You may proceed.

DAN E. HANSON, a civilian, was called as a witness for the prosection, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Sir, can you please state your full name and spell your last name?

A. Daniel Edward Hanson, H-A-N-S-O-N.

Q. And what city and state do you currently reside?

A. New Castle, Pennsylvania.

Q. And have you ever served in the military?

A. Yes, sir. I was medically retired from the Marine Corps in 2009.

Q. And what rank did you retire?

A. Corporal.

Q. Sir, how did you know Lance Corporal Schwenk?

A. Well, I -- I've known his dad and his mother since I

was kids [sic] -- his dad a little longer; I've known Bob since I was about 12 years old. For a good majority of our lives, we were inseparable. I mean, and I'm talking a good majority of our lives. And, obviously, I knew Bryce when he was born, and I met Austin when he was five months old when I returned home from Afghanistan in 2004.

Q. Okay. Can you describe what it was like for you the first time you met Austin?

A. Well, I had a particularly tough deployment that time. I was at -- hanging out at Bob's house, his dad's house. And, actually, the first time that I was there, I held him and it was night and I put him to sleep. And I don't know, I just remember crying because he was -- there's just a little baby. And like I said, we had a pretty tough deployment that time, so maybe I was just feeling a little emotional at the time. And that was the first time I met Austin.

Q. And in the years since, can you describe the relationship that you and Austin had?

A. Well, most of it was when he was younger. I used to go to -- I -- I basically lived at their house because I hated the barracks. So I went to their house, I mean, every day, just about.

When Bob had deployed, originally, I would stop out there and I'd say, "Hi" to Kasey and Bryce and Austin would be

out there; he was always the hyper one, running around. He had endless energy and, obviously, Bob's known -- Bob -- they've known my kids and I've known their kids while they've been growing up their whole lives. And I've always been around their whole lives, so just, like I said, we watched them grow up.

Q. How did you find out that Austin had been killed?

A. Me and Bob, actually, we, kind of, had a little bit of a lover's quarrel, I guess you can call it. We weren't talking much for a minute, but he called at about 4 something in the morning. And I was laying next to my wife and I'd seen -- I was like, you know, concerned the length of time that we had gone without talking for a few months now, I knew something probably wasn't right. And I -- so I called him back and he said, Austin -- Austin's gone. And I was like -- at first, I didn't -- I mean, I just woke up, so I was like, What do you -- what are you talking about? And he said, "Austin's gone, somebody shot him in his barracks room." And he told me what happened.

Q. And can you describe the feelings that you experienced in that moment?

A. Well, at first I was shocked. And -- and then, I went into what I typically go into, which was anger and rage. Because, you know, unfortunately, shit like that -- just stuff like that, it irritates me. So I was mad, and then I was sad. And then, you know, we just, kind of, went through all the

emotions that you go through after that, where you meet up.

And then, I had to see Bob -- and we went to his house that night and me and my other best friend, who we all grew up with -- we went to his house to try to, you know, just to -- because he -- he was living close to us in east Palestine at the time. So we drove over to, I mean, grieve with them, which, you know, how do you do that when someone just lost their son like that?

And, you know, Bob, he and -- he had to go to the hospital that night. He had a horrible anxiety attack -- the ambulance -- we had to get him in an ambulance and take him to the hospital and just, kind of, deal with it. And then, obviously, his mother and step-father is like -- you talk to them, and then it really hit when Bob's dad, Rob, is -- he's like another dad to me. I've known him since I was a little -- little kid, he's always been, kind of, a second dad to me, outside my step-dad, he's my step-dad, my step dad number two. And seeing him, and then watching him who -- like we grew up a little tough, so seeing him have the emotions that he had and break down, we did -- I think that's, kind of, when it, like, really, like, hit, like, how devastating it is; how that shouldn't happen.

So, you know, then that's, kind of, when a lot of emotions really came was when we went to get him from the airport and take him to the funeral home.

Q. If there is a way that you can, sort of, sum up or describe Austin in a way -- in a manner that defined him to you for the judge? Is there a way you can do that?

A. He was selfless. He cared about everybody else more than he cared about himself. The kid volunteered for things, always trying to help people. As Kasey said, he -- he would walk up to a group of veterans and chat their ears off well before he's ever in the Marine Corps. He wanted to be a Marine because me and his dad were in the Marines. He knew that I had had a couple particularly tough tours in the Marine Corps, specifically in '03 with Task Force Tarawa and that time in '04 in Afghanistan and about six years ago, you know, I, kind of, hit a really, really bad spot in my life. I'm at rock bottom, and Austin -- he reached out to me every single day -- every single day to check on me.

You know, Rob and Patricia, they brought me food. I was living in a condo, on a cot, man. And I'm talking, like, I was -- I was in the worst place of my life and that kid checked on me every single day to make sure that I was doing okay.

You know, I mean -- yes, okay. I'm like his -- his funcle [ph], his fake uncle, his godfather. I -- at that time, I'm a 30 -- 37-year-old man, you know, this kid is just coming into adulthood, but that's what he cared about doing. He wanted to check on me because he knew what me and his dad had. He knew

what we had been through, and he wanted make sure that I was good.

I mean, I'm not -- there's not a lot of 18-year-old kids out there that are going to do that. And that was who Austin was; he cared about others, he was selfless, he was smart. The kid was -- he was so intelligent and -- 19-years-old and he was taken in his barracks room, in his safe place, at his home, in a cowardly manner.

And, I'm sorry, but to me that's unforgivable. I understand that justice has to do what justice has to do, but that kid -- that kid was a selfless kid, and he didn't deserve that.

TC: Thank you, sir. I have no further questions for you.

MJ: Defense, any cross?

CDC: No, sir.

[The witness was excused and resumed his seat in the gallery.]

Government, do you have another witness?

TC: Yes, Your Honor. At this time, the government would call Mr. Mark Thomson to the stand.

MJ: You may proceed.

MARK C. THOMSON, a civilian, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please state your full name and spell your last name for the record?

A. Mark Christopher Thomson, T-H-O-M-S-O-N.

Q. And what city and state do you currently reside?

A. Independence, Ohio.

Q. Were you -- ever served in the military?

A. Yes, sir.

Q. Okay. And what branch of the military?

A. United States Marine Corps.

Q. Okay. And what rank did you achieve?

A. Corporal.

Q. Sir, how do you know Lance Corporal Austin Schwenk?

A. I met Austin about 13 years ago, through his mother, Kasey. We are all avid off-roaders, Jeeps, I met him -- so he's probably about 7 years old.

Q. And can you describe what your relationship with him was like in that off-roading community?

A. I -- I like to think of it as a little bit of a mentor/mentee relationship. Every time I saw him, as everybody said, he pestered me. I mean, grilled me with questions about the Marine Corps from day one. You know, as you saw in the pictures from his grandfather, you know, at a young age, he knew -- he knew his calling. I'm 50 years old, I still don't know my calling, but this kid did.

Q. And when did you find out that he had been killed?

A. That night, Kasey texted my wife and said, Austin has been shot in the barracks. We immediately jumped in our car and made a 35-minute drive and probably about 20 minutes to go out to her -- her house.

Q. Okay. Can you describe the emotions that you were feeling at that time?

A. I consider myself a logical person, so I was trying to process through and remain logical as a lot of emotions were flying around. I said, let's not jump to any conclusions. It could be overblown, we might be getting second-hand information, but it turns out, I was wrong.

Q. And can you talk about the impact that Austin's death has had on his mother and his -- the rest of his family?

A. It's -- catastrophic is not even a strong enough word. You know, you've heard several people before me talk about how kind, compassionate, empathetic, sneaky, smart -- you know, everybody that was around Austin was infected by his passion. Whether it was for, you know, his hobbies, right? He loved cars -- he loved fast cars, he loved off-road vehicles. When he talked about them, he loved it. You could sense the love that he brought to the conversation.

And missing that -- you know, Kasey has a lot of get togethers at her house and, you know, the -- the enthusiasm, the

entertainment value, without him, it's -- sorry Kasey, it's not the same.

Q. Can you describe the impact that losing, how who you describe as your mentee, has had on you?

A. Oh, it's awful. I mean, I know I -- I take the mentee title -- mentor/mentee title very literally. He knew he was going to the Marine Corps because of his dad, right? And -- and Dan, he knew, but the fact that I got to be apart of that decision and encouraging him to follow his passion into the Marine Corps, I feel honored.

I think the Marine Corps -- I'm going to echo what the Lieutenant Colonel said, it hits hard when you lose somebody like that. He knew, he ate, slept, breathed the Marine Corps, right? He was proud. He embodied the values of the Marine Corps: Honor, courage, commitment. He was the epitome of what a Marine is. His family and friends didn't just lose him, the Marine Corps did. The -- the United States lost him because he would have been a lifer. He would have stayed in and been an exceptional Marine for 20, 30 years. And we got that yanked away with only 2 years in the Marine Corps, 19 years of life.

It's tragic, it's catastrophic, it's unbelievable. And it's -- to be quite honest, it's unforgivable because it could have been prevented. What -- what happened should never have happened, right? Everybody knows better. You -- you tell

somebody about this and they just can't believe it. They're in disbelief. It's dismay and rant.

Q. Is there a way that you can sum up who Austin was for you and -- and define that for -- for the military judge?

A. Yes. To echo what Patricia said, he was an old soul. He -- he knew a lot of stuff, right? I like -- I like how she said he played the fool. If you would look at Austin, the way he acted sometimes, you would not think that he had the depth of character that he did on the surface. But as you knew him and got to know him better and better, his impact was profound. It was deep, it was meaningful. He had meaningful relationships with everybody he engaged with.

You heard stories about how he talked to other veterans. They wanted to keep talking to him. And, you know, a lot of veterans want to tell stories. It wasn't like that; he was actually interested and wanted to hear and learn about what they experienced. And he wanted to freely share what he experienced. As limited as it was, he wanted to learn, he wanted to better himself, and he wanted to help those people like Dan, when they needed to be heard. He was compassionate, he was just a loving kid.

TC: Thank you, sir. I don't have any further questions for you.

WIT: Thank you, Major.

MJ: One moment, please.

Defense, any cross?

CDC: No, sir.

[The witness was excused and resumed his seat in the gallery.]

WIT: Thank you, sir.

TC: Your Honor, at this time, the government would call Mrs. Angelique Thomson to the stand.

MJ: You may proceed.

ANGELIQUE THOMSON, a civilian, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please state your full name and spell your last name for the record?

A. My name is Angelique Thomson, T-H-O-M-S-O-N.

Q. And in what current -- in what city and state do you currently reside in?

A. Independence, Ohio.

Q. Okay. How did you know Austin Schwenk?

A. I met Austin in 2016, when I became friends with his mom. And I had the pleasure of watching him grow up to be an incredible young man.

Q. Can you talk a little bit about the relationship that you, Lance Corporal Schwenk, and his mother had?

A. He loved doing everything. It didn't matter if we were having girl time on the couch or off-roading, getting muddy. He always wanted to be there. So him not being with us now is -- there's no words. Being a mother myself, we have a son that were very similar. So she'd call me with those, "Let me tell you what this boy did today." Like, "Girl, I know, I had a day like that too." We had the same in that, so it's going to be hard not to get those stories.

Q. How did you first come to learn that Austin had been killed?

A. As my husband said, I just happened to wake up in the middle of the night, to go to the bathroom, playing on my phone and I got a text from her saying, "Austin's gone." I think it said something about, I got that call that I always regretted and hoped I never get.

And so, I woke my husband up. I was like, "I'm not really sure what's going on, but we have to go to Kasey's, right now." And so, we did and we stayed there with them well into the next day.

Q. Can you describe what it was like when you first arrived at Kasey's house?

A. It's -- shock. Everybody was immediately in shock. And the more details we came to found [sic] out, it didn't make that situation any better. It's not something that -- as it's

been said before, when you have a loved one join the military, you know there's a risk there, that one day they won't come home, but not like this. Not because of this.

Q. Can you talk about the impacts that you've noticed on the family of losing Austin?

A. It's just -- it's just an incredible loss. He's -- not a lot of people have somebody in their life that they know they can count on, and Austin was that for anyone that became close with him. So not having that for a lot of people is something that has been really hard to deal with. He brought joy and passion; just compassionate with everybody that he met. He was a great kid and we are going to miss him.

Q. Can you talk a little bit about the impact that this has had on you?

A. Being a mother, there's really -- you -- you never expect your child to go before you. That is something you just don't ever learn to be able to deal with. And that pains me -- excuse me. That pain is never going to go away for her. And we're very empathetic people, so I feel that every day.

Q. Is there anything that you can tell the judge that would sum up and define Austin and how you would define him?

A. He was a very adventurous young man. And like everybody else said, he always made you laugh. But he knew from the beginning what he wanted for his life; he had goals and

dreams and that was all taken from him.

TC: Thank you, ma'am. I don't have any further questions for you.

WIT: Thank you.

MJ: Defense, any cross?

CDC: No, sir.

[The witness was excused and resumed her seat in the gallery.]

TC: Your Honor, at this time, the government would call Ms. Anna Dey to the stand.

MJ: You may proceed.

ANNA M. DEY, a civilian, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please state your full name and spell your last name for the record?

A. Sure. Anna Melissa Dey, D-E-Y.

Q. And in what city and state do you currently reside?

A. Kirtland Hills, Ohio.

Q. How did you first know -- come to know Lance Corporal Austin Schwenk?

A. I owned a gym and Kasey, and her then boyfriend, Ed, were members. And Kasey said her son really wanted to start working out to be a Marine one day. And so, she came and

invested a lot in her son, not only a gym membership, but a personal training agreement. And so, I met Austin in that capacity initially.

Q. Okay. Can you describe what your relationship with Austin was like?

A. Yes. So training at Anytime Fitness was like back to back. So Kasey would train, and then Austin sometimes because they would drive together. So it would be, like, 30 minutes and 30 minutes. And so, in the 30 minutes when his mom was training, Austin would come in and just -- it's just funny to hear everyone speak to his old soul because I always thought for being 14, 15, 16, 17, it's so funny that Austin actually wants to hang out with me, because I'm an old lady to him, but he just wanted to talk.

And so, he was -- he was so fun and funny. He would always come in, always sit in my office. There were plenty of other places in the gym he could go, but I knew I would get a solid hour of Austin time every week that -- that he would come to Anytime Fitness. And he was -- he came all the time; very, very committed.

Q. What other sort of things did you find unusual in someone that age?

A. Very -- I don't know if tunnel vision is the right word, but everyone spoke to his -- his -- he was -- I guess goal oriented is a better way to describe it, but I -- I guess I had

never had met a child -- most kids are just worried about kids things. Austin was very focused in -- he was -- I'm getting -- I'm training to be a Marine one day, that's my goal. That was his goal when he met with his personal trainer about, like, you know, that's, kind of, the initial consultation part of onboarding.

And so, just unique in that capacity that he was so focused on that goal at such a young age and so open to talking about it with people twice, three times his age.

Q. Now, you mentioned goals. Was there something in particular that Austin made a goal to do that was pretty important to -- to -- to you in the gym community?

A. Yes. Yes. So I created a charity event called the "24 and 24," and it's really hard. And that was, kind of, the whole point of it, was you run 1 mile on the hour, every hour, for a calendar day. So it's 24 miles over the course of 24 hours, but chopped up into these one -- little 1 mile increments, which is really hard mentally because it's a start and stop. It's not just a marathon, it's -- you have to do it at midnight and 1 a.m. and 2 a.m. and 3 a.m. and so on. And I created it to raise money for a child battling leukemia.

And it has since grown into, like, this incredible like force. And we've raised over 2.6 million dollars for not just that one child, but now for hundreds of children that battle life

threatening illnesses. And when Austin would talk to me in my office, you know, I was always recruiting for this event. And I was not recruiting Austin because he was a kid. And at the time, it was like, Well, this is for adults, this is like a full 24 hour, sleepless, physical challenge, but Austin wanted to do it. And I -- I like, you know, just like the business owners, like, what's a liability? Can I even have a child doing this? But Kasey was totally on board with it. And so, Austin, in his pursuit of getting fit for the Marines, put "I want to be a 24 and 24 challenger at the age of 14 1/2 or 15 and run this event for a local child in my community battling leukemia."

And -- and he did it, and then, he did it again, and then, he did it again, and then, he did it again. And so, he's, to this day, the only child that has completed the 24 and 24, four separate times.

Q. How did you first come to learn that Austin had been killed?

A. The 20 -- so this charity event is, like, very -- I mean, it's now gotten so big, not so much, but the core group of people who started doing it when I created it was smaller and Austin was one of -- I think our third year that he participated in -- this was our tenth year.

So, anyways, it was one of the other challengers who texted me early in the morning. And then, I think Kasey texted

me that -- within a few hours or I might say -- I can't recall how quickly, but I remember initially hearing it from one of the challengers who is also very close with Austin.

Q. And when you heard that news, how did that impact you?

A. So it has -- I'm -- I'm not from a military background or military family, so I don't really have the -- like, that stuff doesn't happen, you know, like, that's just -- like, it doesn't happen so just super, super, super upsetting. I mean -- and it's worth noting, like, as the family talks about Austin, he was so super unique, it's -- none of this is an exaggeration. Like, he was such a goofy old soul, like, he's so funny to me.

But one thing that is really relevant that I -- is the significance of what Austin accomplished in his short life. Like, doing the 24 and 24 is not like a 1-day thing. You train for six months leading up to it. It's -- it's a marathon, in sorts, but harder in my opinion. And so, if you really look at it, 4 years as in -- a challenger in that event, like, that -- that equates to damn near 20 percent of Austin's young life that he spent focusing exclusively on raising money for kids battling life threatening illnesses.

And Austin led that event, meaning he would have been doing that event for as long as -- as -- as it happened, which will be, you know, I have an obligation to always host it. So, I guess, what I'm getting at is there -- there's something here

with, not just the loss in his immediate family, but also the community at large because his absence from that event is significant and it's significant to the families and the children that we raise money for and that we run for as well.

Q. Now, I understand that there's a couple of photos that you wanted to show, to sort of talk about the aftermath of what happened -- after what happened -- after him being killed, what your organization did.

Can we talk about that a little bit?

A. Yes. So, I don't know if you can see, but in that black and white picture, that's a post Austin made on his Facebook after he ran the event the first year. And again, a kid -- a kid which -- and in the post, he just spoke to -- in that picture, the small one, of him with the little girl, that's his first wish kid.

Because at the completion of the 24 and 24, once you run your final mile, if your wish kid is healthy enough, they come and they actually place the medal around your neck and they thank you; and their parents are there and they thank you. The runners are the ones who create the wishes for these kids. So Austin was meeting his first wish kid right there, getting medaled by her and he wrote in that caption something along the lines of like, how -- how proud of himself he was, how significant this was to him, how impactful his participation in

this event was for him, and how he couldn't wait to come back.

And then, of course, he followed up with that promise, which adults say they're going to come back all the time. And then, when it's time to re-up, they're like, Oh, that was really hard. But -- so saying you're going to do it again is one thing, doing it again is another, and then doing it again four times in a row.

And so, those are pictures from, you know, each -- so this is something I put together for his funeral, his calling hours. The year -- three of the years that he ran photos, and then challengers from the -- one of the things we do is we wear bright colored shirts. Every team is in a bright shirt, so we all wore our bright shirts, to just have -- like, with his mother's permission, to have a loud and cheerful and, like, prideful presence at -- at his calling hours. And so, everyone signed that.

And then, the miles at the 24 and 24, they have sponsors, like -- you know, a company will sponsor it. And so, we have 1 mile during the event that we run in memory or in honor of a loved one, a wish child that we've lost, if -- or someone in your own family. So we encourage the runners -- it's usually, like, midnight or 1 a.m. when people are losing steam and we encourage the runners to wear -- write on a nametag the name of who they're running for during that mile, it's also just like a

powerful -- like, because that's when you're like, "Why am I doing this? This is so hard, I just want to quit." And so, it's at, like -- let's trigger our memories why we're here. Let's get motivated to make it through the middle of the night and get -- get this done.

And so, historically, that mile has just been called the memory mile. And so, we -- and then -- but, now, and indefinitely here forward, we have renamed it the Lance Corporal Austin Schwenk Memorial Mile. And so, we now have a mile at that event, indefinitely, that will be in Austin's honor so.

Q. Is there anything that you'd like to say to the judge to, sort of, sum up and define who Austin was to you?

A. I think -- in the loss of human life, they're always going to have a really big support system around that person that was lost -- was going to be deeply impacted and, of course, that's the case here.

But I just -- Austin wasn't just unique, he was uniquely incredible. What he accomplished in 19 years; running the 24 and 24, raising thousands of dollars for children battling life threatening illnesses in his community, giving back, not only to people in his network, but to little kids he didn't know as a teenager when other kids were out doing shenanigans. I mean, it was impactful, significant, unique is to say it lightly. It's very, very special. Shocking to people that he could do

this event, shocking that he would do it over and over again as a child.

So, you know, his loss is, obviously, so significant to this circle, but it's just significant in general. And I just think it's worth noting what incredible time he spent in his short time here.

TC: Thank you, ma'am. I don't have any further questions for you.

WIT: Thank you.

MJ: Defense, any cross?

CDC: No, sir.

[The witness was excused and resumed her seat in the gallery.]

TC: Your Honor, at this time, the government would call Ms. Sandy Tuick to the stand.

MJ: You may proceed.

SANDRA M. TURICK, a civilian, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Ma'am, can you please state your full name and spell your last name?

A. Sandra Marie Turick, T-U-R-I-C-K.

Q. And in what city and state do you currently reside?

A. Walterboro, South Carolina.

Q. Ma'am, how did you know Lance Corporal Austin Schwenk?

A. He was my great nephew in more ways then [sic] one. I probably met him before he was even born, when I got a birthday card that had his name on it -- that I'll never get again.

Q. Can you talk about what your relationship was like with Lance Corporal Schwenk?

A. I knew a lot of his likes and dislikes, probably a lot of like in many ways. I guess more or less, in the fact that we did have a very realistic look on life and we knew what was good and what was bad. And we always did our best to be that way. I had a lot of interactions with him on, like, Facebook and social media that really solidified, to me, the integrity that person had. He was the best kid I ever knew.

Q. And did he come down to your home to visit?

A. Yes. He did.

Q. Okay. Can you talk a little bit about that? I think you have -- there's a video --

A. There is a video.

Q. -- you want to show?

A. When he was 15, they came for a visit. Spent a couple of days on a family vacation. I introduced him to my horses. Horses that tend to be, kind of, cautious in nature and don't necessarily trust right away. It takes a long time to form a bond. He met Champ and Ziggy, they're both horses, but he -- he

and Champ took a liking to each other immediately and Austin wanted to ride him. Sure, go ahead.

Champ happened to be out in the yard with just a halter on, eating grass. I said, "Go right ahead. If you fall off, it's your fault." And he walked up to Champ and he talked to Champ and he hopped right on. And Champ's like, Okay, I like this kid. And never did anything bad, they walked around. Austin, kind of, guided him here and there. Austin had no experience with this horse, never met him before.

But that bond that they formed carried over to when Austin graduated from boot camp and they, again, spent a day or two at our house since it is right there. And they picked that right back up, he got on, they walked -- they were, just, best of friends. And that little pony was so proud to be carrying his Marine around.

Q. I think we have a video of that to show.

A. Yes. That was when he was 15. It -- it just -- he looks so natural and just -- Champ was like, Okay, I don't care.

Q. When did you first learn that Austin had been killed?

A. It was about 3 in the morning. And his grandmother, my sister, called. And that -- I don't know -- that's why I wake up at 3 o'clock in the morning from now -- you know, I've -- this morning, 3 o'clock in the morning, I was awake. And that is -- she told me and I was like, I just can't believe this.

Q. Can you describe the impact that his death has had on his family?

A. I'm -- I'm sorry?

Q. On his family?

A. On his family?

It shattered us. It will never be the same, we all love each other, we're always there to support each other, but something's missing and it's Austin; he's missing. And I don't -- I don't know how to deal with that some days, and I know I'm not the only one with that problem. I'm not a mother myself, but I can definitely relate to what it must be -- feel like for a mother to lose their child at such a young age, to such tragic circumstances.

Q. And, ma'am, is there anything that you'd like to tell the judge to, sort of, sum up and define who Austin was to you?

A. In a lot of ways, Austin was, kind of, my hero. The first experience I ever saw him walking up to a veteran, he was 15 and I was so impressed, it pushed me out of my comfort zone to where I will now go and do that. I've always had respect for the military, but Austin was the epitome of respect. He had integrity and loyalty, and he knew what he wanted to do. He did it, he became a Marine and he made me so proud and he knew how proud I was of him.

TC: Thank you, ma'am. I don't have any further questions

for you.

MJ: Defense any cross?

CDC: No, sir.

[The witness was excused and resumed her seat in the gallery.]

TC: Your Honor, at this time, the government would call Ms. Virginia Gorg to the stand.

MJ: You may proceed.

VIRGINIA GORG, a civilian, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please state your full name and spell your last name?

A. Virginia Ann Gorg, G-O-R-G.

Q. And in what city and state do you currently reside?

A. Painesville, Ohio.

Q. Okay. How do you know Lance Corporal Austin Schwenk?

A. He's my grandson.

Q. Can you tell me about the first time you met your grandson, Austin?

A. He was probably just a couple of months old. His mom and dad and Bryce and Austin, we, kind of, met halfway between Camp Lejeune and my house. And that's how I met him the first time. He was just a tiny baby then.

Q. And can you describe your relationship with Austin as he was growing up?

A. When the boys were maybe one and three, or thereabouts, they and their mom came to visit for the summer and never left, so they lived with me. So I have a unique opportunity to have helped raise the boys. I did things with them that grandparents don't always get to do. I went to parent-teacher conferences and took them to movies, parks, the Wright-Patterson Air Force Base Museum. I -- we went -- so many places. Sometimes it was just the boys and me, sometimes it was their mom and the boys and me, but I just had that -- we had the very closeness that, like I said, a lot of grandparents don't get that because they lived with me.

Q. And I think you have a couple of pictures here, when they were -- when they were young.

Can you describe what's happening in the left picture for us?

A. In the left picture, we were at Lake Erie, because we live pretty close to Lake Erie. The sunset and the boys -- I have several pictures at home too and they were just out there enjoying the sunset, the beach. And it was just -- such -- a picture of Austin just enjoying -- he was looking at something, I'm not even sure of what he was looking at, but he was fascinated by whatever it was.

And that was Austin. He just looked at everything in a different way. The rest of us couldn't look at things like him. He was -- he had some vision that we didn't have.

Q. And then, what about the photo on the right? Who's in that photograph?

A. That's Austin on -- the little one on the left and that's his brother, Bryce. And my mom had passed away in 2012, and she had an organ. And I inherited the organ, so I brought it to my house and they used to sit there and play music and play Christmas -- dinner music for us and make up songs and -- it was just -- it was amazing. I think Austin was doing the little pedal thingies and Bryce was doing the keys, I don't remember. But they were making up songs and they always wanted to do dinner music for us.

Q. Obviously, you said that you knew him from when he was little, can you talk a little bit about him as an older teenager?

A. I watched him grow from just a kid to a very dedicated, committed young man who knew exactly what he wanted in life. I remember a time when he was maybe two, and we were out to dinner, and, all of a sudden, he disappeared from the table.

And guess what; he was talking to veterans. He was over there talking to all the veterans. And as we've heard several times now, that's what he did. He went over there and he'd say, "I'm going to be a Marine," and all his life that's

what he talked about. He, just, continued that -- to continue to grow he was -- he was always there. He was always wanting to be part of our lives. He didn't want to be that kid who is off being a teenager with his friends. He wanted to be with us during whatever we were doing.

Q. And how did you first come to hear -- how did you first come to hear that he had been killed?

A. Kasey, his mom, called me right after she had the visit, and she could barely get the words out. And I remember thinking, I hear what you're saying, but I don't understand it. It was like she was speaking a foreign language and -- and her husband came and picked me up and brought me over to their house. And it was just -- that's how I heard, early in the morning.

Q. And can you describe the impact that his death has had on you, ma'am?

A. He's my favorite youngest grandson, and I don't have him anymore. I do have a favorite oldest grandson, of course, but I only have one grandson alive now. And that's the impact, there's no more memories to be made. Nothing new that I can remember, I can only go back and remember the past. And so, the impact has been a loss. It's like someone cuts off an arm and it's never going to come back.

TC: Thank you, ma'am. I don't have any further questions for you at this time.

WIT: Okay.

CDC: No questions, sir.

[The witness was excused and resumed her seat in the gallery.]

TC: Your Honor, at this time, the government would call Mr. Bryce Gorg to the stand.

MJ: You may proceed.

BRYCE J. GORG, a civilian, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please state your full name and spell your last name for the record?

A. Bryce James Gorg, G-O-R-G.

Q. Okay. And in what city and state do you currently reside?

A. Perry, Ohio.

Q. How do you know Lance Corporal Austin Schwenk?

A. I'm his older brother.

Q. Okay. Can you tell us a little bit about what it was like growing up -- him and you, together?

A. He was always more adventurous than me. I'm -- he was the extrovert, I'm the introvert. He -- I think -- we -- some of the best moments I can remember was us messing around. I mean, we both had the ATVs, and there was one moment, I know -- I think

he had a -- he had a slight scar from it, I think, but we crashed into each other, into the fence at my grandpa's house. And he was just -- he was always adventurous, always seeking something to do.

Q. Was he easy to get along with growing up?

A. For the most part. I mean, brothers always have a little bit of that sibling rivalry. But for the most part, yes. We had a lot of the same likes, so -- yes, same hobbies and stuff.

Q. What sort of hobbies did you two share together?

A. Movies, Anime, I -- but the biggest one was video games, we would play together a lot. Actually, one of my -- a couple of my best memories I made with him was -- one of the last good memories I definitely made was January 1st, the New Year's Day of that year, like -- it was, like, New Year's Eve or New Year's Day -- we started New Year's Eve, continued into New Year's Day, we were playing a game of Call of Duty Zombies. And we actually completed the easter egg, we didn't get the cut scene, but we did get the trophy for it and that was one of the last -- we, sort of, were trying to complete all the easter eggs together and that was the first one we completed.

Q. And for those who may not understand, what's an easter egg in the video game context?

A. Most of the time, an Easter egg is usually a reference

to another form of media -- another game, or something. In Call of Duty Zombies, it's more of a story to the zombie franchise. It creates more story aspect to it than some other zombies and whatnot.

Q. Now, we've seen the photos of you and your brother at Marine week. So was it any surprise to you when he decided to join the Marine Corps?

A. Absolutely not. Not at all. He's -- he was always looking forward to the military. He was always thanking veterans, he was always working out, working towards it. I mean, when he finally came home from boot camp, the line he would say over and over is, "I'm a Marine" -- would be his line all the time -- would be saying it all the time.

Q. And what impact did that have on you, seeing your brother set out this goal, and then, accomplish it?

A. I was proud. And it definitely made me want to do better, and I attempted to; did online school again, it didn't work out. And then, this past fall, I've actually returned and I've actually been doing really well, and planning on returning here in the spring semester as well.

Q. And when did you find out that your brother had been killed?

A. Right before that, a few hours earlier, I was playing some games with some -- with a friend of mine, when I get a call

from my dad. I didn't answer, initially, because I was in the middle of the game. As soon as I got done, I called him back and he told me -- he informed me that he learned that there was a shooter on base and he couldn't get in touch with Austin.

So I went on to Discord, reached out to him, saw that he was online playing Zombies -- at least, at the time, I believed he was playing Zombies. And I told dad, He's probably just too busy to respond right now. He'll respond as soon as he can.

I ended up going to bed -- 1 or 2 o'clock in the morning. About an hour or two and a half -- hour and a half to, like, two and a half hours later, I get woken up by a call, and I couldn't believe it. I think, between the fact that I wasn't fully awake and I never know what to do with emotions like that, I was sort of lost. I wanted to talk to someone. I tried talking to my best friends, but they were both asleep. I end up just going, "I need to do something." I jumped in the shower, took a really quick shower. As soon as I stepped out of the shower, both my friends are awake and I, finally, broke down.

And then, it was a mess of trying to call some people. And then, I think, the one thing that stands out to me the most in that morning was, maybe, two hours later, when I'm still pretty awake -- it's later in the morning, I finally got around to taking a nap before heading over to my mom's -- but before

that, I get a text from a childhood friend of mine and Austin, she was a sister to us, Rhiannon [ph], and she was just wondering if it was true. If what she heard was true, and when I called her and couldn't say a word, she -- she knew it was true. And hearing her break down on that phone sticked [sic] with me for a long time.

Q. You mentioned before that you and your brother shared a special love and interests of hobby and video games together.

How has that been for you when you log on?

A. Austin and I never chatted very often, we never played super often, either, so it hasn't been too much of a difference. But it's always hard closer to holidays when a lot of my other friends I play with aren't on, he would always be someone I could text and be like, "Hey, you able to play?"

He usually would be -- unless he's, obviously, busy doing something else. But recently, the past holidays, it's been really hard because I don't have someone to play with when I really want to. And it's always hard when I see his Steam account, because it shows the number of days it's been since he was last online, and seeing those be 400 and something days that it shows just makes it that much more real when most of the time it doesn't.

Q. Is there something that you can tell the judge to sum up your brother that -- and how he is defined to you?

A. I mean, he was a brother to me. I mean, if you -- there's no real good way to explain what that means because it's different for everyone. But when you have a sibling, you know what I'm talking about with that bond you have with them.

TC: Thank you, sir. I don't have any further questions for you.

MJ: Defense?

CDC: No questions, sir.

[The witness was excused and resumed his seat in the gallery.]

TC: This time, Your Honor, the government would call Mr. Ed Christison to the stand.

EDWARD F. CHRISTISON, a civilian, was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Can you please state your full name and spell your last name?

A. My name is Edward Francis Christison, C-H-R-I-S-T-I-S-O-N.

Q. And in what city and state do you currently reside?

A. Willowick, Ohio.

Q. How do you know Lance Corporal Austin Schwenk?

A. Back in 2012, I bought a mustang and I joined his mom and Austin's grandmother at a car show. And Austin would go

around and convince people to vote for my car so that it would win the end of show competition. After that, I would stay friends with the family for -- about 7 years later, his mom and I became a family and Austin became my stepchild -- stepson.

Q. Can you talk a little bit about what that was like, being a step-father to Austin?

A. It was new to me, it was a great experience. Him and his brother are like children -- my children. Austin and I shared a common interest in cars, video games. A few years later, I started working out and I became a runner, and Austin would always push me. And he and I would actually compete -- friendly competition and he made me a better runner.

Q. Did he ever beat you?

A. Oh, he beat me. Yes, I beat him once though.

Q. And can you talk a little bit about what that was like, developing that bond with -- with him?

A. It was amazing, he -- he was like a hero to me. I wish, at that age, I had his drive, his motivation for everything in life, his personality. I looked up to him.

Q. How did you first come to learn that he had been killed?

A. So we got a notification that somebody was at our front door, and we have cameras and, you know, my wife looked and I looked and we saw two dress Marines. I instantly know what that

means, but my first thought was, Oh, no, he's in trouble. What did he do? And the second I open the door and saw that they were actually standing there, it hit me. And my wife was right behind me and they told me -- told us.

Q. What did they say to you, if you recall?

A. That Austin Schwenk was involved in a shooting in the barracks and he was no longer with us.

Q. Can you describe the emotions that you were feeling in that moment when you heard those words from those uniformed Marines?

A. No, I can't. It was unreal. It felt like time stopped. I felt like I was sleeping. I -- I was waiting to wake up. I didn't believe it. It took, probably, 12 hours before it hit me, that this is actually happening, this is real life and that he's no longer with us.

Q. Can you describe a little bit of -- in the immediate aftermath, the sort of things that the family did as they first heard this news?

A. We surrounded ourselves with as many people as we could. I think our house was full of people for a good 2 months after that, it got a little overwhelming. Just all of the love and support from everybody we knew, and I appreciated every bit of it.

Q. Now, you mentioned that you and Austin had -- you were

forming a bond and pushing each other and competing. I think there's a video of something that you all did together that -- that you'd like to show.

Can you describe a little bit of the background before we watch the video?

A. Yes. We -- Austin started to get the travel bug, and we wanted to take him on a trip. We pulled him out of school, a few days early from his end of year -- junior year.

Q. And about how old was he at this time?

A. Fifteen or sixteen, maybe fifteen.

Q. Okay. Please continue, sir.

A. We pulled him out of school and the plan was to take him down to Nashville and hang out on my aunt and uncle's boat and watch an air show on Percy Priest Lake. So we ended up getting into town a little early and his mom and I wanted to take him down to the city of Nashville to show him the main strip. So we went to one of my wife's favorite places and showed him that, he looked across the way and he saw one of his favorite country artists at a bar there. So we took him over, we went up to the rooftop. My wife and I bought him a drink and we all sat there enjoying it.

After that, we went to my aunt and uncle's, ended up going out on their boat. One of the things that we kept hyping Austin about was -- there's a cliff and it's, kind of, like a

joke there, it's an initiation to hang out on the -- on the lake. I did it myself. So it's about 30, 40 feet high, you climb up to the top and you jump off. Well, my uncle has a rule that if you jump off of it, you're wearing a life vest. That's his rule for his boat, Austin was so mad about it at first. He ended up getting up to the top, he looked over the edge. He's like, No. He saw how high it was, took a few minutes to convince him and motivate him and he made the jump. And he got out of the water, he's like, That hurt, I'm not doing that again.

Q. I believe we have a video of that.

So before the video starts, can you point out which one is Austin in the video?

A. Yes, sir. Austin is on the edge in the red and white, blue swimming trunks.

[Prosecution Exhibit 16 was published to the court.]

Questions by the trial counsel continued:

A. After that, we -- all of us drank some cheap wine and we watched the Blue Angels perform tricks right above us and it was a great weekend. My aunt and uncle always wanted us to come back, he always wanted to go back whenever he got the chance and we were just waiting for a good time to.

Q. Did he ever get a chance to go back?

A. No, sir.

Q. So talking now about the impact of his death on your

family and your wife, can -- can you describe that for us?

A. We host a lot of events at our house, we host all of the holidays. We always have some dumb, little party going on, and now we always have an empty chair at the holidays, at birthdays, on all of the trips that we had planned. One of them was supposed to happen this year.

And, now, for the rest of my life, I have to see the pain in my wife's eyes because her baby was unfairly stolen away from her and there is nothing I could do for her other than to be there for her. It sucks, it's not right.

Q. Is there anything that you can tell the judge to, sort of, sum up and describe how you would define Austin?

A. Yes. I would define him as one of a kind. As a civilian, as a young man, he -- there's nobody like him. And as a Marine, he was dedicated, motivated, nothing was going to stand in his way from accomplishing his goal. And I believe at -- at an age that he was at, that is so rare nowadays. He's a hero, he's an inspiration.

TC: Thank you, sir. I don't have any further questions for you.

MJ: Defense Cross?

CDC: No, sir.

[The witness was excused and resumed his seat in the gallery.]

TC: Your Honor, at this time, the government would call

Ms. Kasey Christison to the stand.

MJ: You may proceed.

KASSANDRA L. CHRISTISON, a civilian, was called as a witness for the defense, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Ma'am, can you, please, state your full name and spell your last name?

A. Kassandra Lin Christinson, C-H-R-I-S-T-I-S-O-N.

Q. And in what city and state do you currently reside?

A. Willowick, Ohio.

Q. How do you know Lance Corporal Austin Schwenk?

A. He is my son.

Q. Can you tell us a little bit about Austin and things going on in his life around when he was born?

A. Well, he was born here, on this base. His dad was in the Marines and he happened to be stationed here at the time. Actually, he was born in the Naval Hospital here.

Q. And, ma'am, I know you provided a number of photos and videos that I'd like to show the judge.

So in this -- first two photos here, can you describe what we're looking at?

A. Yes. In the photo on the left, he's snuggling Slime, my cat, although he claimed him as his. And in the photo on the

right was at a joint birthday party for him and his brother since they are only about a month apart. We had Jungle Terry come and he brought all the exotic animals, and that's Austin in the red holding the chinchilla.

Q. Okay. Was Jungle Terry Something that you all did frequently when he was young?

A. Yes. We -- probably 3 or 4 years in a row.

Q. And why was that?

A. He loved animals. They both did -- do.

Q. Can you describe what we're looking at in these photos here, ma'am?

A. The photo on the left again, I remember my mom and I just had a day where we were just like, Let's just take the kids to Put-in-Bay, just for a day.

Q. And what is Put-in-Bay?

A. Yes. It's a small island in -- on Lake Erie near Cedar Point. So we just took them out for the day. Just something to do, we just, kind of, wandered the island. And then, in the photo on the right, Austin eating ice cream as it's melting all over him.

Q. Did Austin love ice cream?

A. Yes. Yes, very much. Anything -- anything sweet; all the junk food.

Q. What was his favorite topping?

A. Sprinkles.

Q. These photos here, can you describe these for us?

A. Photo on the right, we had done a parade one year for -- I don't remember -- I think it might have been Memorial Day. And Austin was actually riding -- and I had borrowed a car from a friend that was a convertible for the parade. And he was riding with me, and when he saw the Marines, he was like, I have to go -- I have to go meet them. And I was like, Okay, but you can't do it while the car is moving.

So after the parade was over, he got to meet them all and got his picture taken with them. The other two photos -- just Austin being his goofy self. He -- the -- the hat in the bottom picture -- I'm pretty sure he wore that almost every day for probably almost a year, even in the summer, he loved that hat.

Q. About what age is Austin in these photos here?

A. I'd say five or six, maybe.

Q. These photos here, can you talk a little bit about these?

A. So in 2019, my husband and I got married and we did it on a cruise ship in Saint Thomas, and we took Austin with us. So the photo there is at the wedding, at the beach. He was pointing out something, I don't know why, but it's actually one of my favorite pictures; it always has been. But he loved every second

of that trip, getting to just see new places and travel the world. And he thought it was the best thing ever.

The photo on the right was the day after we had rented ATVs in Saint Martin. And we were self-guided tour, essentially, and we went the whole perimeter of the island; that photo was taken at Orient Beach. And then, right after we left there, we had gone to Maho Beach, where the planes take off and land, right over the order there. And we watched the planes a couple of times and we had to turn around, but we couldn't do it where we were at so we had to go down this other side street and it dead ended; it was right next to the airport.

And earlier in the day, Mark had actually wrecked his ATV and couldn't drive it anymore. So one of the -- our other friends was -- was driving it since he was injured. And as soon as he wrecked it, Austin, who had been riding with my husband, was like, No. He was riding with me after that.

But our friend Mackenzie had been riding it at this point, and she went to break -- and after Mark had wrecked it, it had messed up the handlebars. And instead of braking, it turned very suddenly and she went into the fence of the airport. And I'm going -- and she was behind me and I hear Austin, behind me, say, "Oh shit." And I turned and I see Mackenzie just going over her handlebars. And Austin is jumping off of my ATV -- he got to her before I did, before my husband, before anybody got to her,

and we were the furthest ones from her. And he ran all the way there, first one to help her, make sure she was okay.

The -- the picture on the right was right after we had gotten off the ship. We had stopped to see my aunt on the way home, in South Carolina, and he was so excited to get to ride around on -- on Champ. And that was -- that was his buddy when we were there.

And then, on the left, that was the summer of 2020. Everything was shut down and he took his paddleboard out and we took some kayaks and we went and kayaked the Mentor Lagoons and into Lake Erie.

Q. Okay. Can you talk a little about these photos here?

A. The photo on the left was September 13, 2020. He was running the first responders 5K with my husband and his brother. And -- they -- it -- when we got there, it was an overcast morning, but the second we crossed the start line, it was just sheets of rain. And he ran the whole thing, every second of it. He -- that was -- that was his this thing.

Q. About how old was he in that photo?

A. Sixteen.

Q. And what about the one on the -- on the right? What's he hugging?

A. That's his car -- sorry. My mom got that car in 2000, it is a '95 Mustang. I learned to drive stick on that, and

during Covid, I taught Austin to drive stick on that. But he loved that car, it's never seen a winter. It's always been in storage in the winter, so that is one of the times when it was going in storage, and he was saying goodbye. I -- I have his -- his journal from boot camp and between that and all the texts that we've exchanged, I tried to make his dream for that car a reality.

Q. And what do you mean by "making his dream for the car a reality"?

A. He wanted it to be faster and more powerful, and he wanted to, as he called it, ghost-mode it. Where it's a flat black so that he could turn the lights off at night and just open it; that was what he wanted to do, and she's 98 percent done.

Q. Did he have anything from the Marine Corps that he wanted included with it?

A. So I -- I took some liberties with his -- with his dream and have turned it, a little bit, into a memorial car. In his boot camp journal, he actually drew a picture of the Mustang emblem, the horse, and added an EGA in the middle. So I had a -- I cut some vinyl sticker for it and painted it out and put that on the car so that it matches. And then, before the car was wrapped, we had a very large EGA cut and put on the roof, and then wrapped over it, so it's almost an embossed style.

Q. Now, we've heard a little bit from this day about the

24 and 24.

Can you talk a little bit about what Austin participating in this event meant for you?

A. Austin watch me compete in this event the year before this photo was taken. And I remember he did a couple of miles with me later in the evening, and I think a couple of the early morning miles and he was like, I'm going to do this. And I was like, Okay, go for it. I'm not doing it, but you can; and he did. He started talking to Anna right after that, and he did it. And in this photo, he had just completed his 24th mile and his wish kid had presented him with his medal.

Q. I think you have a video of him running in --

A. Yes.

Q. -- this as well?

Is that him in the middle there?

A. Yes, with the rainbow leggings.

Q. And can you describe the significance of the rainbow leggings?

A. It was an 80s themed mile and he took to the theme miles very seriously. He -- if it was themed, he was dressed up for it, without fail.

[Prosecution Exhibit 16 was published to the court.]

Questions by the trial counsel continued:

Q. Can you talk a little bit about these photos here?

A. So the -- the photo on the right was the beach mile. He did his whole mile exactly as you see him in that photo, with the goggles and the snorkel and the -- in the -- just the whole 9 yards. And then, the photo on the left was when he was also working for Anna at Clean Eatz for a couple of years. I think this was on his birthday, they, kind of, always did a little something for them.

Q. You mentioned that -- I mean, Ms. Dey mentioned before that he was big into fitness and getting ready for the Marine Corps.

Can you talk a little bit about that?

A. He -- he trained extensively. I mean, this is just a small example of what he did, but there -- he had -- they had a sled that you could put the weights on and push. And we put, I want to say, 150 pounds on that sled, and then his brother also stood on it and Austin pushed it from one end to the other. But he -- he trained hard.

[Prosecution Exhibit 16 was published to the court.]

Questions by the trial counsel continued:

Q. And can you tell us a little bit about what's happening in -- in these two photos and their significance to you?

A. This is his senior year, in his high school, Riverside, they do a military signing ceremony. This was probably the week before graduation, all the kids that are joining the military,

they all come and sign the form stating that their -- their intent to join. I know the News Herald was there, and it's a pretty significant event.

And then, that brick wall behind him, in the photo on the right, is something that Riverside did where -- to honor all the veterans that have graduated from there and he has a brick now, too.

Q. We've heard that one of his lifelong goals was to be a Marine.

Can you tell us a little bit about what it meant for you to see him accomplish that goal?

A. I've never been more proud in my life. I knew he would do it. I knew he would excel at it. At family day -- at his -- at his graduation -- at the end of it, you know, the -- the Marines have to stand at attention until their family members come up to them. I remember getting to him first and just -- he was just crying. I just -- the way he hugged me in that moment. It was the best hug of my life.

Q. And the other photo there, can you tell us what's happening in that photo?

A. We had gone to the medieval fair; I always get season passes. And he just wanted to go with me one day and so he went along for the ride.

Q. And these photos here?

A. These were -- the one on the left was when he was home, right after boot camp and his brother's car needed an oil change. And Austin wouldn't let him take it anywhere, so he was like, We'll get it, we'll do it. I'll show you how to do it. So he did.

And then, the photo on the right was the same year, so '22 when Austin was home at Christmas. Yes, just, some of the --

Q. And that was your last Christmas with Austin?

A. Yes. Yes, it was.

Q. And I want to talk a little bit about the moment when you found out that Austin had been killed.

Can you describe that for us?

A. I don't remember a whole lot of that morning -- night, whatever it would be classified as. I remember something waking me up, and then seeing a notification on my phone for a Ring camera. And I remember seeing the thumbnail for it and thinking, as I see -- I could only see one Marine and he was in his Service Alphas. And I remember thinking, Why is Austin here? And why is he in his uniform? I was barely awake and I -- I woke up my husband, and by the time I realized there was actually somebody at the door, I mean, you know what that means. I -- I don't remember anything -- I was in such a fog, it just -- just couldn't be real.

After the Marines left, I -- I called my mom. I tried

to call Bryce and he hadn't answered right away. So I texted his best friends that he lives with. I was like, he needs to call me now. I knew his one -- roommate friend would be up soon, so I knew he'd see it.

And then, I remember -- I remember calling Angelique and she didn't answer. And then, I remember she called me back and I was like two Marines showed up at my door, and she was like we're on our way and I think she hung up on me. And my husband went to pick up my mom. And I remember going and getting one of Austin's hoodies that still smelled like him and those are the only moments I really remember.

Q. And as I understand, it's been mentioned before, the 24 and 24 event was -- was very big for -- for Austin.

And there was something special done for him then?

A. Yes. They named a Memorial Mile in memory of him. I remember when Anna first told me she was doing this she -- like, after it got closer, I remembered asking her, Do I need to talk? Am I going to have to speak? And she's like, No. It's completely optional. And we get to the event, I get -- I help Bryce and Ed get all set up, a little campsite. And everybody heads down for announcements and she says, Before the Memorial Mile, we'll -- we'll have a family member speaking. So everybody needs to be down here 15 minutes early. And I remember being so mad like, Oh, I have 2 and 1/2 hours to figure out what I'm going

to say to, like, 1,000 people.

And, just, nothing prepares you for seeing exactly what you see on that screen -- on a 20-foot screen. There was -- it took -- it took my breath away.

Q. Is there something that you can convey, in words, to define to the judge who your son was and who -- what he meant to you?

A. I think it has been said a few times today that he is one of the kind, unique, an old soul, but he was my son, and he was my friend, he was everything. I'd give anything to have him back.

Q. It's been mentioned a couple of times that Austin had goals. One of those goals being to join the Marines, one to run the 24 and 24.

Was there also another special goal that he had that he got to do?

A. He was a bit of an adrenaline junkie and, you know, he wanted to do everything. In the video, where he jumps off the cliff, sometimes he has reservations about things that may or may not work out well for him. He -- right before -- right after he graduated and before he left for boot camp, he went skydiving with my mom; it was his graduation present, and he had so much fun doing it. I knew that they were -- his unit was set to deploy and they weren't going to be here for this past Christmas.

INSTRUCTIONS FOR ASSEMBLING THE CERTIFIED RECORD OF TRIAL

Arrange and bind the record of trial with allied papers in the sequence indicated below. The court reporter is responsible for certifying the record of trial prior to transmittal for appellate review, in accordance with R.C.M. 1112 and JAG/CNLSCINST 5813.1G.

1. Pages 1 (Cover page) and 2 (Chronology Sheet) of DD Form 490 (enclosure 7).

2. Court reporter certification of Record of Trial (enclosure 8).

3. Military Judge verification of Record of Trial (enclosure 8).

4. DD Form 490 (pages 3-6 and any continuation pages if needed) (enclosure 7).

5. Completed Post-Trial Checklist from JAG/CNLSCINST 5814.1G (enclosure 2).

6. Completed Convening Authority's Action Checklist (enclosure 4).

7. Post-Trial Documents.

a. Certificates/Proof of Service of the Certified Record of Trial to the accused and victim, if applicable (enclosure 7).

b. Convening Authority's Action and Entry of Judgment (enclosure 6).

c. Any requests for copies of the court-martial record pursuant to R.C.M. 1106 or 1106A (attach written requests, and any certificates/proof of service, but do not attach the victim's post-trial rights advisement or DD Form 2704).

d. Matters submitted by the accused and/or victim under R.C.M. 1106 or 1106A, or any written waiver of the right to submit such matters. Include all responses to requests here as well.

e. Any deferment request and the action on it (including any request to waive automatic forfeitures under Article 58b).

f. Conditions of suspension and proof of service on probationer under R.C.M. 1107, if any.

g. All clemency recommendations by members or military judge, if any.

h. Statement of Trial Results (enclosure 1).

i. Crime Reporting Information.

j. Accused's request for appellate defense counsel, or waiver/withdrawal of appellate review under R.C.M. 1115, if applicable.

k. All transfer orders, confinement orders, and excess leave orders.

l. Briefs of counsel submitted after trial, if any.

8. Preliminary Hearing.

a. DD Form 457, Preliminary Hearing Officer's Report, pursuant to Article 32, if such hearing was conducted, followed by any other allied papers that accompanied the charges when referred for trial (including any matters submitted under R.C.M. 405(l), unless included elsewhere in the record of trial).*

b. Waiver of Article 32 Hearing (if applicable).

9. Pre-Trial Allied Papers.

a. Convening Order and all amending convening orders.

b. DD Form 458, Charge Sheet (unless included at the point of arraignment in the transcript).

INSTRUCTIONS FOR ASSEMBLING THE CERTIFIED RECORD OF TRIAL

i. Any other information that could be used to identify a specific person other than the accused.

*If the report of preliminary hearing or record of trial contains exhibits, proceedings, or other materials ordered sealed by the preliminary hearing officer or military judge, counsel for the Government, the court reporter, or trial counsel shall cause such materials to be sealed to prevent unauthorized examination or disclosure, pursuant to R.C.M. 1113. Sealed material shall be properly marked, individually placed in separate envelopes with a copy of the preliminary hearing officer or military judge sealing order affixed to it, and inserted at the appropriate place in the record of trial. Do not duplicate sealed material to include it in any copy of the record of trial. Instead, insert a copy of the sealing order in lieu of any sealed material, in any copies of the record of trial.

DIVIDERS ARE NOT NECESSARY TO SEPARATE EACH SECTION. IF USED, THEY CAN BE PAPER RATHER THAN CARD STOCK. IF A PARTICULAR COMPONENT IS NOT APPLICABLE IN THE RECORD OF TRIAL, SUCH AS AN ARTICLE 32 HEARING, EXHIBITS NOT ADMITTED, POST-TRIAL PROCEEDINGS AND VACATION HEARINGS, DO NOT INSERT A DIVIDER OR PLACEHOLDER.

FRONT AND BACK COVER MUST BE ON BLUE CARDS STOCK AND LABELED WITH GUM LABELS.

Binding. Each volume of a record of trial should be no more than 1.5 inches thick and bound at the top with metal or plastic fasteners. **DO NOT** interlace or "piggy-back" prong fasteners to create an oversized volume. **DO NOT** place hole punches where it covers up the evidence or language in the transcript. When it becomes necessary to assemble the record of trial in more than one volume, the volumes will be numbered consecutively, on the front cover, as illustrated below:

Volume 1 of 4 (Pages 1-250)
Volume 2 of 4 (Pages 251-400)
Volume 3 of 4 (Pages 401-652)
Volume 4 of 4 (Pages 653-901 and Exhibits)

Make the first volume of a multi-volume record an inch thick or smaller to allow for inclusion of post-trial documents. Limit subsequent volumes to 1.5 inches, unless dividing them requires assembling an additional volume smaller than a half inch.

Label the upper right-hand corner or the Preparation and Certification of Record of Trial Form (enclosure (8)) to reflect which copy it is, i.e., "**ORIGINAL**," "**ACCUSED**," "**REVIEW**" etc.

Volume 3 of Volumes 5

CERTIFIED RECORD OF TRIAL

(and accompanying papers)

of

Bopp	Jesse	T	[redacted]	Cpl
(Last Name)	*(First Name)*	*MI*	*(DoD ID No.)*	*(Rank)*

2d Bn, 6th MarRegt, 2d MarDiv	USMC	Camp Lejeune, NC
(Unit/Command Name)	*(Branch of Service)*	*(Location)*

By

General Court-Martial (GCM) COURT-MARTIAL

(GCM, SPCM, or SCM)

Convened by Commanding General

(Title of Convening Authority)

2d Marine Division

(Unit/Command of Convening Authority)

Tried at

Camp Lejeune, NC On 30 January, 5 March, 17 June, 5 September 2024, and 6 and 7 January 2025

(Place or Places of Trial) *(Date or Dates of Trial)*

Companion and other cases None.

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

This volume contains
Transcript pgs 293-403, PEs OA, DEs OA A-E

Transcript

And so, we made a plan, You know what, we were going to do a family vacation, go to the Outer Banks, and we're all going to go skydiving in the Outer Banks. I just wanted to do -- he wanted every experience he could have.

[Prosecution Exhibit 16 was published to the court.]

TC: Ma'am, I don't have any further questions for you at this time.

MJ: Defense, any cross?

[The witness was excused and resumed her seat in the gallery.]

MJ: Government, any additional witnesses?

TC: The government has no additional evidence, Your Honor. The government rests.

MJ: All right. VLC's, what do you have in mind at this point?

VLC (CAPT FRYMAN): I know my client would also like to make an unsworn impact statement.

I believe you as well?

MJ: Okay.

VLC (CAPT FRYMAN): I think we would prefer a little bit of a brief recess, if that's all right, sir, before we get into the impact statement?

MJ: Court is in recess.

[The court-martial recessed at 1551, 6 January 2025.]

[The court-martial was called to order at 1604, 6 January 2024.]

MJ: This court-martial is called back to order. All parties present when the court last recessed are again present. Same date; time on deck is 1604.

Captain Fryman, would you like to go first with your client?

TC: Sir, actually, Captain Fryman and I, we discussed that Mr. Schwenk is going to go first and then, I believe the grandparents, and then the -- the mom after that, sir.

MJ: That is fine, please proceed.

TC: Thank you, sir. I am going to hand over the mic to Mr. Schwenk.

[The victim read Appellate Exhibit LVI in open court.]

MJ: Captain Fryman, who's next?

VLC (CAPT FRYMAN): Yes, Your Honor. Robert Schwenk Sr. is going to announce his statement.

I'm just going go leave the mic over here.

ROBERT SCHWENK SR: So this will be a little shorter because I said most of it there, and I don't want to repeat so -- I'm going to bring up a few more things, again. You know, Austin was very wrongful. So, this statement here, cannot cover the feelings and the hurt that I carry inside of me every day. It's just a mere blip. We don't have enough time, we don't have enough time here. Hell, nobody has enough time on Earth.

Austin was smart, bright, intelligent. He loved to do

a lot of things with others and help others, there is -- you guys have all seen here by everybody's testimonies that have gone here. One of the things that I've always done with those kids -- I showed you on the video -- the safety, where he wore the helmets on the ATVs.

The next safety thing that we really taught them was -- I was an avid hunter, I hunted a lot. So those boys at a very young age, both Bryce and Austin, would help me with those guns. They knew to clear them and make sure they were safe. And I -- they -- they would -- I think -- I think Bryce was 12 years old and he was shooting the AR, but he knew how to tear it down too, he knew how to clean it. And Austin was doing the AK; they knew their gun safety.

We would go hiking, fishing, paddle boarding, you saw them on the paddleboard, we bought them a paddleboard. My wife, from England, she got me into paddle boarding, and first thing I did was show Austin and he goes, I want to do that, that's something I want to do. So we helped him out, we got him there.

And as we said, he always loved the veterans. So the one time that he finally got back together, and we got him -- got him over to my dad's house, his great-grandfather, who's a Korean War veteran, and they had a book set up with pictures. He sat there for hours with him and explained every picture of what he did when he was in Korea. So it was just a wonderful experience

with Austin and veterans.

To me, one of the highlights was -- is after he graduated from boot camp, when I approached him, I thanked him for being a Marine and a veteran. I said, all those times that you thanked everybody else -- you would walk up to a complete stranger and thank them, it's my turn to thank you, and he lit up with joy, it was just a lot of pride there. He really, really liked that.

So -- before I mention here a few things, you know, it could all be taken away from you in a blink of an eye. You don't know what's going to happen. You know, there's both the initial and the charge hearings, we have been to all of them and -- and as -- as pop said -- I've came to quite a few of them myself, and not once, not once, again, I'm touching on it, did I see a glimpse of remorse. Not once. I heard it from your attorney. Excuse me, I don't mean to direct it. I heard it from the attorney, but I never heard it from the individual.

So Austin's dream was to be called a Marine. He was called a Marine, but then he was stripped of that. And it comes all down to choices, the choices that everybody makes in life, takes a turn and makes that direction of which way you're heading in life. Austin chose to be a Marine. I got to leave it at that.

The last time I got to see Austin, the very last time,

was in a coffin. It was in a -- he had to be rebuilt; you could tell the damage. It wasn't truly Austin, but it was Austin; it was very hard. This act, to me, was intentional. Austin had no way to flee or defend himself. You have -- every time you're taught out there, it's fight or flight. He had no chance to fly, there was only one exit and that door was blocked.

Our family is forever broken from this; forever. I, myself, from my frustrations and anguish and everything that I did while this was going on, I missed a few of the hearings because I took Austin -- I have his ashes around my neck, and I took Austin and we went for a hike. And we hiked 435 miles with 90 pounds on my back on the Appalachian Trail.

I was -- I was hiking and I was in serious pain, I finally -- my wife told me I had to get off before I had to have my foot amputated. So everybody would ask you, Why are you hiking? And I would tell them, I'm hiking for Austin. My grandson was taken from me, and he told me that the mountains was his happy place. So I'm taking him to his happy place even if it pained me.

And everything I was doing -- and everybody I talked to, I made some forever friends there, some fellow Marines that were out there hiking. And we plan on getting up with each other. All the time -- we -- we see each other, talk to each other all the time. And they are very, very broken by this too.

It affects everybody that hears this story.

And, again, everyone I tell cries because they know, as a parent and a grandparent, what -- they don't know how it would feel to lose that child, to lose a part of you. I guess, like Bob said, I don't get to see him walk down the aisle. I don't get great-grandchildren from him. And he was full of it, he would have made wrongful little babies. And they would have probably been Marines too, just because the way that Austin is.

And, again, no grandparent, no parent, no father, no mother, should ever, ever, ever have to go through this. When a fellow brother performs this action. Thank you.

VLC (CAPT FRYMAN): Your Honor, Ms. Virginia Gorg will give a statement.

VIRGINIA GORG: Your Honor, I know I said some of this during my time up here, but I want to reiterate some of this. I wrote this impact statement because I really wasn't sure if I was going to get here due to the snow that we were expecting in Cleveland, but I did make it.

Austin impacted me in many ways, but his obvious love for everyone was foremost in his life. He would help me with anything I needed, from changing a light bulb to hanging up shells. He ran in the 24 and 24, a local fundraiser for children with life threatening illnesses. In the 24 and 24, each contestant runs 1 mile every hour for 24 hours straight. Austin

ran for 4 years, and he missed '22 due to being in boot camp. He planned to run in the 2023 event instead; a mile was dedicated to him.

In '22, when Austin graduated high school, turned 18 and joined the Marines, he wanted to do something special with me; he chose skydiving. As my gift to him, we both went skydiving, both of us. On June 8, 2022, we separately stepped out of perfectly good airplanes at 12,000 feet and experienced a sense of freedom never felt before. Although each of us did a tandem jump, but not together, it was incredible. You saw snippet of that in that little video, but this was Austin: a daredevil, an adventurer, a friend to everyone, a social butterfly, and my favorite youngest grandson.

I've known Austin since his birth, and when he was about one and Bryce was about three, they, with their mother, moved in with me, giving me a unique advantage as a grandmother. I helped raise the boys; went to many of their parent-teacher conferences; took them to church; made sure they were both baptized. And I can remember when Austin was baptized, his smile was bigger than you could ever imagine. He had a strong faith. We did wrongful things with them that a lot of grandparents don't get to do.

Austin was a son, a brother, a grandson, a friend, a Marine. He lived with honor, integrity, and pride. His life was

unfairly and horribly taken from us and him. I feel the sentence to be imposed is not enough. Austin was robbed out of probably 60 years of life. Austin's life was unfairly, cruelly taken from him, his family, and friends. We have to spend the rest of our days without him, living in grief -- constant grief.

I just humbly ask, Your Honor, that you consider our words before -- when you are imposing sentencing. I speak these words honestly and from my heart. Thank you.

VLC (CAPT FRYMAN): Your Honor, finally, my client Ms. Kassandra Christison.

[The victim read Appellate Exhibit LVI in open court]

VLC (CAPT FRYMAN): Nothing further from VLC, Your Honor.

MJ: Thank you.

Counsel, anything else to take up at this time?

TC: Nothing from the government, Your Honor.

CDC: No, sir.

MJ: We are going to take a recess. We will reconvene tomorrow at 0900.

Court's in recess.

[The court-martial recessed at 1632, 6 January 2025.]

[The court-martial was called to order at 0909, 7 January 2025.]

MJ: This court-martial is called back to order. The date is 7 January 2025; the time on deck is 0909. All parties present when the court last recessed are again present.

Defense, would you like to present some evidence?

CDC: Yes, sir. Good morning, sir.

MJ: Good morning.

CDC: [Inaudible] 2023, sir, is a series of, just, information related to his incentive level and his progress reports and performance since he's been in pretrial confinement;

G for ID is a series of 39 character statements in support of Bopp's rehabilitative potential;

H for ID is an unsworn statement, which we will supplement here today with question and answer with counsel.

Respectfully request that A through H with the words for ID be deleted and they be introduced into evidence?

MJ: Government, any objection?

TC: No objections, Your Honor.

MJ: Defense exhibits A through H are admitted into evidence; the words "FID" are deleted.

Do you have any witnesses you would like to call?

DC: Yes, Your Honor. Good morning.

LIEUTENANT COMMANDER MARCUS VANSICKLE, U.S. NAVY, was called as a witness for the defense, was sworn, and testified as follows:

DIRECT EXAMINATION

Question by the trial counsel:

Q. Can you please state your full name and spell your last name?

A. Marcus Vansickle, V-A-N-S-I-C-K-L-E.

Q. And what is your rank?

A. Lieutenant Commander.

Q. And what unit are you assigned to?

A. Marine Forces Cyberspace Command, Fort Meade, Maryland.

TC: Okay. Thank you. Your witness.

Questions by the defense counsel:

Q. Good morning, Lieutenant Commander Vansickle. Just to start, can you briefly explain to the judge how you became involved in this case?

A. Sure. Your Honor, I was brought on as a consultant to evaluate Corporal Bopp for his risk of violent recidivism.

Q. Now, before we talk more about this case, specifically, I want the judge to get to know you a little bit better. What is your current occupation?

A. I'm presently assigned as the command psychologist and floor surgeon to Commander Marine Forces Cyberspace Command at Fort Meade. By training, I'm a clinical and forensic psychologist.

Q. And just briefly speaking, what is forensic psychology?

A. It's the interaction between the courts and psychology. So the application of psychological science as it relates to the legal system.

Q. And how long have you worked in psychology?

A. Since -- 2011 is when I started graduate training in psychology.

Q. And what is an advanced medical psychologists -- advanced practice medical psychologists? Sorry.

A. So in addition to completing my PhD in psychology, I also completed a post-doctoral master's in clinical psychopharmacology, an additional year of supervised practice and an additional licensure exam. And that entitled me to obtain both a medical license as well as a psychological license. So I'm permitted to prescribe, and in this arena, testify on factors related to psychopharmacology.

Q. Talking about your military service, how long have you been in the military?

A. I've been in the military for 23 and a half years, roughly.

Q. And can you give wave tops of your career to the military judge?

A. Your Honor, I enlisted in the Marine Corps in 2001. I was a Marine until 2011, assigned to MECEP as a staff sergeant. I was accepted to the Uniformed Services University so I switched branches commissioning. So, essentially, left the Marine Corps and accepted a commission into the Navy, attended the Uniformed Services University for four years, and then went on to serve in clinical positions at Naval Medical Center Portsmouth, Fort

Belvoir, Guantanamo Bay, Pearl Harbor, Walter Reed Center for Forensic Behavioral Sciences, and now, Fort Meade, Maryland.

Q. In your time, had you -- have you deployed?

A. I have. I deployed to Iraq in 2005, to Guantanamo in 2017, 2018ish.

Q. Now, I want to switch gears and talk a little bit about your educational background. I think you touched on some of those, but can you briefly describe your educational background?

A. Yes. I have a Bachelor's Degree in Applied Psychology from University of Illinois in Chicago, master in science and a PhD in Clinical Psychology from the Uniformed Services University; a Master's in Clinical Pharmacology from Fairleigh Dickinson University, as well as a two-year fellowship in forensic psychology.

Q. Are you required to maintain licenses to practice?

A. I am. So I'm presently licensed in Virginia, Maryland, and Texas, as a psychologist; in Louisiana, as an advanced practice medical psychologist; and then, have a certificate to practice across the United States.

Q. During your education, did you do any fellowships?

A. I did two. I completed a two-year forensic fellowship at Center for Forensics, which is focused on state, federal, and military law. During that two years, I supported courts-martial events like this; risk assessments. In addition, rotated through

the FBI's Behavioral Analysis Unit for threat assessment; the NSA doing insider threat detection; and risk assessment at -- and a maximum security state mental health facility conducting confidence evaluations and risk for release evaluations.

Q. I may have missed this, but are you board certified?

A. I am board certified in behavioral and cognitive psychology.

Q. Are you published in any peer reviewed journals?

A. I am. I published several articles on self-directed violence and book chapters related to military culture, stress, and self-directed violence.

Q. Now, do you also have continuing education that you have to do as well?

A. Yes, I'm required to maintain continuing education for each of my licenses.

Q. And for those licensure, do you also teach others?

A. As part of the -- just as part of my practice, yes. I have a faculty appointment to the Uniformed Services University. In addition to that, the Navy has used me to train other psychologists and psychiatrists in confidence evaluations and risk assessments. And then, the DoD has brought me out to TJAG and -- to support things like DCAP and TCAP, providing education to joint forces attorneys across the DoD.

Q. Are you a member of any professional organizations?

A. I am a member of the American Psychological Association, the Association of Threat Assessment Professionals, and multiple divisions within the American Psychological Association.

Q. Now, have you testified in court before?

A. I have.

Q. And about how many cases have you testified as an expert witness?

A. In UCMJ cases, approximately, 12, and then several civilian cases as well.

Q. Have you testified both for the defense and the government?

A. I have. Looking at my split, kind of, yesterday before coming in here, seven for the government -- seven for defense, five for the government; so, nearly, equally split.

Q. Now, you mentioned risk and threat assessments, can you briefly describe what those are?

A. So conducting risk assessments -- threat assessments are a process of using an evidence based strategy or approach to review relevant materials to determine whether or not there's risk of a violent act. And if so, what steps can and should be taken to prevent or reduce the risk of that type of attack of future violence.

Q. You also mentioned specialty evaluations you do. What

are those?

A. Across my time in the military, security clearance evaluations, both initial, as well as maintaining clearances, specialty evaluations for law enforcement. So particularly in my time with the FBI, looking at threat assessment and risk of future violence, specialty evaluations within, sort of, the forensic hospital settings or looking at risk of release.

In addition to that, sort of, competence in criminal responsibility evaluations, as well as evaluations like for this case; so risk of violent recidivism, whether it's physical violence, sexual violence, or domestic violence.

Q. What is risk recidivism, generally speaking?

A. So it's specific here. The risk of recidivism is the likelihood that a person may re-offend.

Q. And how do you conduct these evaluations?

A. Typically, over the course of one to two days, conduct a psychological evaluation of the defendant or the accused. In addition to a clinical evaluation, I conduct a records review of all materials available as well as their medical records, legal records. So for here, the report of investigation an -- and then, conduct a series of psychological assessments and forensic assessments -- guided to look at factors static and dynamic factors relevant to risk recidivism.

Q. Okay. What specific test do you use when you are

conducting a risk recidivism evaluation?

A. There are several tests that can be used, and they will vary depending on the type of violence and the individual that we're looking at. Specific to this case and cases similar to it, I use the VSLR psychopathy checklist to look at psychopathy as due to its predictive power validity related to risk of violence. The VRAG-R, the Violence Risk Assessment Guide Revised, as an actuarial measure look -- that's used to look at risk of future violence. And the HCR-20 so it's a historical, clinical, and risk factor structured professional judgment tool designed to look at the risk of future violence.

Q. Okay. And are these -- why is it important to use multiple approaches?

A. Because violence is an extremely low-base rate event and predicting violence is a difficult task. And looking at multiple approaches allows us to -- to get a full picture of the person. So actuarial measures are -- have been validated. The VRAG-R has ranges between a 70 and 80 percent, sort of, area under the curve. Looking at predictive validity, it's a good tool; however, it only looks at static factors, whereas including other measures that include dynamic factors allows us to look at some of the issues that may increase or decrease risk and may account for present day activities as opposed to just historical factors.

Q. Now, are these methods studied and reviewed by psychologists and other scientists?

A. Yes, they are.

Q. And are these evaluations based on reliable scientific principles and methods?

A. They are.

DC: Your Honor, at this time, I would tender Lieutenant Commander Vansickle as an expert in clinical and forensic psychology.

MJ: Any objection?

TC: No objection, Your Honor.

MJ: The witness will be so recognized.

Questions continued by the defense counsel:

Q. Lieutenant Commander Vansickle, I want to talk a little bit more about this case, specifically. Now, you mentioned you conduct an evaluation on Corporal Bopp is that right?

A. That's correct.

Q. What did you review prior to conducting that evaluation?

A. So prior to even meeting with Corporal Bopp, I was provided the report of investigation on -- the series of the reports of investigation, in addition to his OMPF, so his military personnel file, his basic individual record, his basic training record, and any and all other, sort of, legal materials

relevant to the case were provided to me.

Q. Does that include his progress report and letters that he wrote while in the brig?

A. So, yes. I did review his progress report, the letters generated in the brig, and I also reviewed his medical and mental health records.

Q. What type of evaluations did you conduct on Corporal Bopp and what type of test did you use?

A. So I conducted a clinical interview. So I met with Bopp over the course of -- with Corporal Bopp over the course of two days. I want to say, approximately, eight to ten hours total. I conducted a clinical interview. In addition to that, I administered the HCR-20, the PCL-R, so the two measures that I just talked about, and then also conducted a balance risk -- risk appraisal guide review of his record, so that it is done directly by looking at the available evidence in his -- in his history.

Q. Now Corporal Bopp's PCL-R scale was a 0; what does that mean?

A. So that PCL-R is a measure -- or a tool that looks at psychopathy or risk of psychopathy. Psychopathy is defined, sort of as a blend of both behaviors and -- and personality. So a lack of empathy, a lack of remorse, willful, sort of, disregard of others. In addition to behavior such as, sort of, parasitic living, or lack of responsibility; the typical things we consider

when envisioning a psychopath. That measure scale -- the scale runs from Zero to 40, with a cut score of -- a score greater than 30 is typically considered indicative of psychopathy. Additional publications on the measure have broken that into, kind of, risk categories between low, moderate, and high. And in additional, sort of, very low risk so a score below 26.

So Corporal Bopp having a Zero out of 40 places him in less than the one percentile range for forensic evaluees. So these are people who are being charged with violent offenses. And simply put, it just means that he's -- that he's at a very, very low risk of having psychopathy -- psychopathy or psychopathy being present. When taking into account the predictive power of psychopathy towards violent behavior, it's also indicative of a reduced likelihood of recidivism.

Q. Okay. Now, you mentioned the -- the VRAG-R, is that another test you conducted on Corporal Bopp?

A. It is.

Q. And he had a score of negative 23; what does that mean?

A. So the VRAG-R places respondents into one of nine buckets. So this is a measure that really places people in risk categories. His score of negative 23 places him in the 14 percentile of assessed violent offenders. The bucket that he's placed in is bucket two, which sets out the, sort of, risk of violent offenses for people who score similar to the way that

Corporal Bopp scored. So looking at that score, and that bucket, generates both a five-year and a 12-year risk of recidivism. That score correlates with a five-year risk of recidivism of 12 percent.

So roughly 12 out of 100 people in that bucket are likely to re-offend over the course of five years, and a 12-year risk of recidivism of 24 percent. So looking at 24 out of 100 over a period of 12 years, you see that increased simply because there's a greater period of time that we're now accounting for.

Q. Now, you also use the HCR-20 scale with Corporal Bopp; is that right?

A. That's correct.

Q. And his scale -- or his result, in that, was low; what does that mean?

A. So this is -- this is a structured professional judgment tool. So it's not going to give you a direction number or percentile, but rather it allows us to take into consideration historical factors, to include, sort of, positive factors: Family support availability, history, academic performance, occupational performance, his clinical picture, as well as, future risk. And then, it allows us a structured view of risk; taking into account more of these dynamic factors, the things that can fluctuate.

In consideration of all those things, really the two

primary risks that stood out were substance use; given it's relevant, specifically, to the instant offense, as well as, stress management. So he had a history of -- actually positive stress management of seeking mental health counseling during pre-deployment and then, sort of, poor choice in stress management and alcohol use in the months leading up to the event.

So taking into account all of those factors, it found him to be at a low risk with the additional management strategies of continued involvement in any alcohol counseling, goals of abstinence from substances, as well as stress management.

Q. You talked a little bit about alcohol on the night of 18 October 2023, just generally speaking, did alcohol impact Corporal Bopp's judgment?

A. So in looking over the factors and the breathalyzer that was done, in the amount of time that had passed between the event and when the breathalyzer was done, I estimated Corporal Bopp to have a BAC of approximately 0.16, which should be twice the legal limit. And at that rate it would be likely that, that impacted his judgment or decision making.

Q. Okay. Now, based on your assessments in this case, Corporal Bopp's plan for the future, his family support, does he have an adequate risk assessment plan, at this point in time?

A. I believe he does. He -- he has a strong history of work performance. He has family support. I was able to read

through the letters from his family, his neighbors, and friends -- and family who are willing to provide employment support, counseling, financial support to him as needed. He has a history of positive performance in tough environments. I think those factors are necessary for him to have a positive transition with low risk. As long as those members are still willing to support him. Then, yes, I think he does have a -- a -- a good risk management strategy in place.

Q. You mentioned that he has a low risk assessment overall. Do you have any concerns about Corporal Bopp being released and being a violent offender?

A. There's -- There's always the risk that somebody may have a violent re-offense. I think in considering of all of the types of assessments given he fell into the lower, very low category of all.

Q. Is that the lowest risk offense you've seen in somebody in the military?

A. It is, that I've conducted personally.

DC: Your honor, may I have a moment?

MJ: You may.

DC: Thank you, Dr. Vansickle. Your Honor, I have no questions at this time.

MJ: Government, cross?

TC: Yes, Your Honor.

CROSS-EXAMINATION

Questions continued by the trial counsel:

Q. Commander, you mentioned that -- excuse me -- you mentioned before that you previously served in the Marine Corps; and you were an enlisted Marine?

A. Yes, that's correct.

Q. Do you still remember your four weapon safety rules?

A. Yes, I do.

Q. Now in -- I think you mentioned just briefly, that -- I think I'm quoting this, right -- like, so the percentages category that Corporal Bopp fell into is a bucket in which you've seen 24 out of 100 people -- 24 out of 100; is this what the survey shows to, potentially, violent re-offend. Is that correct? Did I understand that correctly?

A. So that's over the course of 12 years. So -- that -- those buckets predict a five-year window to a 12 year window. So over the five-year window, it's twelve out of 100. If we're trying to project out to 12 years and it raises to 25.

Q. Okay. And so in Corporal Bopp's case, were he to re-offend, that could potentially mean 24 more people dead, right?

A. So that's not -- I would say that isn't an appropriate interpretation of that. So that's saying that of 100 people with this risk category 24 of those people are likely to re-offend.

So not that one person is likely to re-offend 24 times.

Q. No, I meant that potentially of those folks, 24 people, if they committed the same exact offense again, would commit that offense again, right?

A. Would commit a violent offense, so not the exact specific events. But it's -- so it doesn't go directly like, this offense to that offense, but anything that would be categorized as violent.

Q. And I guess what I'm really getting at is, I think what you said earlier is that, the risk that Corporal Bopp would kill somebody, again is not zero, correct?

A. Correct. It's not Zero.

Q. Now, you spoke -- you mentioned that you spoke with Corporal Bopp and you had a conversation with him, correct?

A. Yes, that's correct.

Q. And the defense provided you evidence, the ROIs to review?

A. Yes.

Q. And you got to see the autopsy photos.

A. Yes, I did.

Q. When Corporal Bopp was speaking to you, did he tell you that he had pressed the weapon up against Lance Corporal Schwenk's head, as you saw in the autopsy photos?

A. So, I think, two points here:

One, he did not tell me that he had pressed a weapon up against Lance Corporal Schwenk's head;

And, point two, would be in review of the autopsy, there were not any powder marks found on Lance Corporal Schwenk's head to indicate that he had fired with a weapon pressed up against his head.

Q. So you're saying that the forensic evidence that was admitted to this court that showed those marks, you never saw that?

A. What I'm saying is, is my review of the autopsy and the comments related to the firearm were that it stated, that -- that there were no pattern marks on his forehead. Now, autopsies are outside of my area of expertise so this is my review of that evidence.

Q. Understood. Now, your assessment takes into account the considerations of his previous life, correct?

A. That's correct.

Q. The family support?

A. Yes.

Q. Any prior offenses?

A. Yes.

Q. Fair to say that, all of those factors would have been exactly the same on 17 October 2023.

A. Yes.

Q. And since Corporal Bopp, since, essentially, 19 October -- 18 October -- 19 October 2023, Corporal BOP has been living in a locked compound?

A. Yes, that's my understanding.

Q. With guards?

A. Yes, that's my understanding.

Q. He's not committed any serious crimes.

A. Since October?

Q. Since 19 October.

A. To the contrary, the Brig Report show that he's been behaving exemplary.

Q. And that's because he's been confined in the brig since 19 October, correct?

A. That he hasn't committed any crimes or that he's behaved in an exemplary manner?

Q. That is all the result of him being in confinement, correct?

A. So I can't say that that is the result of him being in confinement. I would say that I've assessed individuals who have conducted violent acts in confinement. Who have taken substances in confinement. So, yes, he has been confinement. And, yes, that has prevented him from having access to -- to firearms or -- or being out in town. I couldn't say for sure that, that is what has stopped him from acting out in any specific way.

TC: Thank you, Doctor.

MJ: Defense, anything in light of that?

DC: Yes, sir, just briefly.

REDIRECT EXAMINATION

Questions by the defense counsel:

Q. Commander Vansickle, I think Major Samuel was asking you a little bit about the VRAG-R, specifically, when we're talking about buckets, right? Is that what -- you know, why do you use three different tests in this dynamic approach?

A. To account for all factors. So that the VRAG is an actuarial measure. It's a great measure. It has -- it has good evidence. But there are examples where -- that the -- using it without including dynamic factors would be to a folly, right? So if the concern was that an individual would, you know, conduct a future violent action, based on solely the VRAG, a person's score may be high. However, let's say that individual experienced some sort of medical condition where now they're confined to a wheelchair, right? The VRAG would not take that into consideration.

By using a structured professional judgment tool allows for that to be taken into consideration. So it takes into consideration factors other than just that person's history related to violence; but also how and -- and when they may do so again, and what may mitigate that.

DC: Thank you. No further questions, Your Honor.

MJ: Government, anything in light of that.

TC: No, Your Honor.

MJ: Defense, do you have another witness.

ADC: Yes, sir. Good morning, sir. Could we take a 5-minute recess, just to get them on the phone.

MJ: Court is recess.

[The court-martial recessed at 0909, 7 January 2025.]

[The court-martial was called to order at 0945, 7 January 2025.]

MJ: Court is called back to order. All parties present when the court last recessed are again present. Same date; time on deck is 0945.

Defense, you may call your next witness.

ADC: Yes, sir. We are calling Ms. Claire Freitag.

CLAIRE H. FREITAG, a civilian, was called as a witness for the defense, was sworn, and testified telephonically as follows:

DIRECT EXAMINATION

Question by the trial counsel:

Q. Can you please state your full name and spell your last name for us?

A. My full name is Claire Horning Freitag, spelled F-R-E-I-T-A-G.

Q. Okay. And in what city and state do you reside?

A. I live in Menomonee Falls, Wisconsin.

TC: Thank you, ma'am. I'm turning you over to the defense counsel, Captain McLaughlin.

WIT: Thank you.

Questions by the defense counsel:

Q. Good morning, again, ma'am.

A. Good morning.

Q. Can you please introduce yourself to the military judge, how do you know Corporal Bopp?

A. My name is Claire Freitag, and I am Jesse Bopp's aunt on his mother's side.

Q. And as his aunt, are you close to Corporal Bopp?

A. I've known Jesse since he was born, yes.

Q. And how would you describe Jesse as a kid growing up?

A. Jesse was a smiley boy. He was inquisitive. He was fun to be around. He -- he loved to -- being busy and doing things.

Q. And as his aunt, you said that you're close to him. Can you describe, a little bit, for the military judge, your family dynamics, are you a close family?

A. We are a close family; we are a large family. We get together a lot: Holidays, birthdays, graduations, lots of things.

Q. When you say you're a large family, how many cousins and how many aunts and uncles are in this family?

A. Let's see. Jesse has probably 14 or 15 aunts and uncles and 30 cousins -- at least, 35.

Q. And do most of you still live within close proximity of each other?

A. Mostly everybody, right, a few people have moved away.

Q. And you said you all are close when Jesse goes home. Is it fair to say that it's not just his mom and dad who will help him get back on his -- back on his two feet?

A. Definitely. He'll have a network of aunts, uncles, cousins, friends from school. A lot of people are invested in making sure that Jesse has a -- has a really smooth transition.

Q. Now, before we get more into Jesse, I know you and I had talked about this previously. I know you haven't been able to be here in the courtroom today, but we are here with the Schwenk family. Is there anything that you would like to say to the family?

A. My one thing that I would like to say is that my heart grieves for you completely. We are so sorry about what happened.

Q. And ma'am, on that note, you've received letters from Jesse and you've been talking to his parents while he's been in the brig. Has Jesse expressed his remorse for the situation?

A. Yes. Jesse is so sorry for what happened. Nothing can describe, I don't think, the feeling that you wish that one second in time could have not happened.

Q. Sure. Now, kind of, going back to -- you talked about how close your family is. You know, when he's done with this sentence, it could be up to 12 years from now that he gets out and he goes back home. You stated that he has the support of this large family. How do you all plan to help support Jesse?

A. Well, one of the ways is to make sure that everybody's invested in what he needs going forward from this. When he gets home, he's going to have his parents, he's going to have his sister, of course, they're going to be his first line of contact. But I think that the rest of the family will be there to not only give him emotional support, but contacts within whatever he might wish to do when he gets home, a job wise, I mean.

We have contacts in the printing business, we have contacts in the trades; aunts, uncles, cousins, friends from school, friends from his family camping group, we'll be able to support him and help him find a place where he can be a real asset to his community going forward, that he can be the best man that he can be.

Q. Sure. And, kind of, along that lines[sic], ma'am, you know, knowing Jesse, you've known him his whole life; do you believe that he has the potential, at the end of all this, to rehabilitate and become a productive member of society?

A. I do. I absolutely believe that.

Q. And what is it about Jesse that makes you believe that?

A. In all the time that I've known Jesse, he's been a kind person, he's very intelligent, he's -- he's willing to put the hard work in to make sure that this happens. That he is just a -- he's -- he's willing to work hard for what he wants and what he needs. And he knows that he's going to need to go forward. And he's going to -- he's going to work at that as hard as he can.

ADC: Okay. Thank you so much, ma'am. I have no further questions. The government may have some questions for you.

WIT: Okay. Thank you.

TC: No questions, Your Honor.

[The witness was excused and the telephonic connection was terminated.]

ADC: And, sir, we have one more telephonic witness. His name is Mr. Cagle. He is standing by, so I should be able to get him right now.

CONRAD CAGLE, a civilian, was called as a witness for the defense, was sworn, and testified telephonically as follows:

DIRECT EXAMINATION

Question by the trial counsel:

Q. Please state your full name and spell your last name.

A. Okay. My name is Conrad Cagle, and I'm going to spell both my first and last name because it's an unusual spelling; first name is C-A-H-N-R-A-D; last name is Cagle, C-A-G-L-E.

Q. And in what city and state do you currently reside, sir?

A. Racine, Wisconsin.

TC: Thank you, sir. I'm turning you over to Captain McLaughlin.

Questions by the defense counsel:

Q. Good morning again, sir. Can you please introduce yourself to the military judge, what is your current occupation?

A. I am currently employed as a -- an area maintenance tech in the -- for the United States Postal Service.

Q. And so did you ever serve in the Marine Corps?

A. Yes. I served 20 -- 20 plus in the Marine Corps. I'm a retired -- active duty.

Q. And what rank did you retire at, sir?

A. I retired as a gunnery sergeant.

Q. Okay. How do you know Corporal Jesse Bopp?

A. We have been family -- our families have been friends for pretty much as long as he's been alive. I knew his mother and we -- excuse me -- we got together -- we belong to this group called the Christian Family Campers. And we camp together every year at an old conservation corps camp and do family picnics and stuff. But yes, I've known them since -- pretty much since he was born.

Q. Okay. And can you talk, briefly, about this Christian

family camp, that is how you got to know him and his family? Can you just describe a little bit what that camp, is just briefly?

A. It's my -- my wife -- I, kind of, married into it. My wife's family started it with a bunch of other big catholic families, like, 60 plus years ago because they had such large families. It was, kind of, cost prohibitive to go on vacation and stuff, so they found out they could rent these old conservation corps camps there, kind of, like, Girl Scouts, Boy Scout camp type things with a lake and a chow hall and everything for, like, 25 dollars back then.

And they would -- and they would rent a U-Haul or Ryder or whatever big truck, put all the gear in it, and then everybody would ride up there and spend a week together. And they had -- obviously, they had, you know, liturgies and stuff like that; but they also -- every day, they would have activities for the kids; everything from fishing, crafts, trampoline, rifle range, archery, canoeing, all this different stuff -- water skiing. And they would, you know -- they're, like, mandatory. They would have to go to all these. And the parents would spot and supervise them.

So I got to learn -- you know, you get to learn at be around a lot of the younger kids as they're growing up and, you know, kind of see say how they're developing and how they interact with your kids and stuff like that. And we've been

doing this -- I've been married to my wife for 41 years, so I've been doing it for 41 years.

Q. Okay. And are people in this -- this camp group, or -- are you guys close to each other?

A. They're like family.

Q. And --

A. I mean, we go -- I mean, everything from -- we go to each other's, you know, graduations and weddings and funerals and you name it. We've -- we -- we -- we basically -- there's, like, 100 people that go every year so, you know, there's been a couple families come and go, but most of them have been, you know, the -- the Stallers[ph] have -- you know, my grandchildren are going now so.

Q. Okay.

A. So -- but, yes, we pretty, pretty tight knit group of people. I mean, I could name 100 people by -- you know, by -- by name because, like I said, we -- it's just not just a week during the summer, it's, you know, we have the picnics and we have meetings and we have get-togethers. And anything that happens big in one of the people's families, you know, everybody's invited.

Q. Okay. So it's safe to say that this group of people is very supportive of each other?

A. Very supportive. Very, very -- if you need something,

you know, all you got to do is call.

Q. And at this camp, you said you got to know Jesse. How would you describe Jesse growing up?

A. Well, I mean, he was like most of the kids, you know, he was very energetic, but I also noticed that, you know, like, when we were doing the fishing, and stuff like that, he was always, kind of, like, had a nurturing thing about him; where if they the younger kids, couldn't get -- get something, couldn't do something, he always tried to help them out and, you know -- you know, kind of, show them stuff.

We also had, like, a high ropes course and a low ropes course. And he would come out there and help me with that. I was one of the instructors, you know, the zip lines and all that stuff. And, you know, some of the kids would get scared and stuff and he would help talk them through it, and stuff like that. Very -- very -- you know, a good heart kind of kid.

Q. Yes. When did you first learn that Jesse wanted to join the Marine Corps?

A. Actually, it was probably, like -- probably a couple of months, maybe a year before he actually enlisted, you know. We don't -- we don't hear about everything, but it's not unusual. I -- I -- I'm -- I'm the only Marine in the group there are some other veterans, but I guess I -- you know, I'm not a meek and mild person, so I, kind of, I stick out in the crowd a lot, I

guess. At least that's what people tell me.

Q. So --

A. But he -- I guess, he took a liking to what I was -- you know, I would talk to him about the Marine Corps and stuff I would do. I was an ordnance man, you know, and all the places I got to see. And I also told him that it wasn't -- it wasn't if you wanted -- you know, if you wanted to get a good education, join the Air Force or -- excuse me, the Navy. If you wanted great facilities you join the Air Force; if you wanted a challenge -- you wanted to challenge yourself, you went in the Marine Corps.

Q. And were you surprised when Jesse chose to take that challenge on?

A. Not at all. The kid's got the character. He's got, you know, he's -- he's got the it, you know, that he can -- I think that he would -- wouldn't have had, you know -- wouldn't have had much problems, you know, we all have problems with boot camp, but I mean, I thought he had what it took to make a Marine.

Q. Now, earlier, you talked about this camp family and you said that you all are supportive of each other. When Jesse is done with the sentence, which could be up to 12 years; would this camp family support him?

A. Of course. I mean -- I mean -- going forward, I mean, obviously, you know. This is just a horrendous thing that

happened but, you know, I think he's got what it takes to come out the other side. He's got -- he's got good character. You know, he's -- and, personally, I'd help him in any way I can. I think the world of the kid, and I'm sure the rest of the -- you know, the rest of our -- our camper family thinks the same.

And I mean, it's not going to be something that's going to be easy. He's got a long way -- a long road ahead of him and it's not something he's ever going to forget. So you have too -- he's got to learn to live with it, but I think he's got the stones to make it through it.

Q. And you touched on something, sir, about him getting back on his two feet. Do you believe that Jesse has the potential to rehabilitate and be a productive member of society?

A. I think it's going to take a lot of work. And I think -- I, personally, think that he has -- he has it in him to turn this around. Obviously, it's going to take a lot of work, but I think he has what it takes to -- to get through this and become productive, again, and, you know, try. He's probably going to spend the rest of his life trying to make up for it. That's, kind of, like, the kid he is.

ADC: Yes, sir. Thank you. I have no further questions. The government or the military judge may.

WIT: Okay.

TC: No cross-examination, Your Honor.

[The witness was excused and the telephonic connection was terminated.]

MJ: Defense, do you have another witness?

CDC: We do, sir.

MJ: Okay.

CDC: We call Ms. Maureen Bopp.

MAUREEN E. HORNING-BOPP, a civilian, was called as a witness for the defense, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

Q. Please state your full name and spell your last name.

A. My name is Maureen Elizabeth Horning-Bopp. And my last name is H-O-R-N-I-N-G-B-O-P-P.

Q. And what city and state do you currently reside?

A. I live in [inaudible], Wisconsin.

TC: Thank you, ma'am.

Questions by the defense counsel:

Q. Ma'am, good morning.

A. Good morning.

Q. Would you please introduce yourself to the military judge?

A. My name is Maureen Horning-Bopp. I grew up just outside Milwaukee, a family of 12. Went to Catholic grade school, catholic high school, worked various jobs, married, had

kids, stayed home with them for 12 years.

Q. And ma'am, you sat in yesterday and today; and what would you like to say to the folks here in attendance?

A. First of all, I -- I just also want to say that I'm absolutely devastated by what happened. I can't -- I can't imagine what you're feeling and I wish I could change it. But just, you know, that we think about you and we're very, very sorry.

Q. Ma'am -- and ma'am, you mentioned a large family. Aunt Claire spoke to it as well; a lot of uncles, cousins. Do you have a family military history as well?

A. I do. Yes. Some older relatives, like, my -- my great uncles that were in World War I; my father served in the Korean War, stateside; and his brother was also in the Marine Corps during the Korean War; and I had two siblings: A brother who was a career Navy man, and my sister was in the Army for several years.

Q. And, you know, your son, Jesse, you were a stay-at-home mom for a while, with him and Delany. For a judge to, kind of, understand who he is; how would you describe your son growing up?

A. He was -- he's a very good baby, very good, you know, just an -- awesome kid. He -- sister was four years older, so he, kind of, followed her around and did what she did. They got along really well. He was very good in school. He liked to

build things, liked to read -- was very gentle, used to foster cats and kittens for many, many years when we -- when they were younger. And he was so good with the litters of animals that we had taken care of them and getting them ready to be adopted. And he just was very singularly focused on certain things -- reading. And then, it was reading for the Marines. He did really well in high school. Just a really good and strong person.

Q. I want to talk a little bit about some of those aspects, you know, fostering. We heard you speak a little bit about Camp -- Christian Camp and the kids. Would you describe him as caring --

A. Yes --

Q. Caring person?

A. -- very caring.

Q. He's somewhat reserved, though, fair to say?

A. Yes. Yes, he's shy, but there's several -- just in speaking to the camp group that we go to, there are several young people up there who have had interactions with Jesse over the years that have remembered him. Like, they talk about Jesse; they do what Jesse does. They -- he took the time to talk to some of his younger cousins and some of the younger kids at camp and left a huge impression on a lot of -- a lot of them.

Q. The judge is going to read through his -- his record, he's going to see that he had a high GT score. Did he do well

academically in high school?

A. Yes, he did really well. We would -- as the year went on, he would -- even in grade school, he would take high school classes; and then in high school, he took college classes. And I was in touch with all of his teachers, you know, throughout the year, all four years he was in high school. And just nothing but praise for him as far as his performance and his -- his attitude in class. And he was just really well liked by -- by his teachers, maybe not so much by his -- his classmates because he's -- his high grades made the curve a little bit more difficult for them -- but, that was just a joke -- but yes, he was just very well regarded.

Q. And your husband, Tom, is going to speak about scouts, Rotary clubs, and things that he was involved with in the community, but can you speak to -- on the education piece -- did he travel abroad to help folks in Belize and Guatemala teach and work in the community?

A. He did. He took Spanish all during grade school and then he took it in high school. And then, there's an opportunity through the Spanish program that you can take a trip to different countries. His sister went to Belize -- no, Jesse went to Belize; she went to Costa Rica. It's a learning trip, they do some teaching, they do some learning, do some traveling; but you have to be in the Spanish National Honor Society to be able to

take the trip. And also they have to not have had any -- any kind of indiscretions during high school at all for -- you would not allow to be going on this trip.

Q. At that point, was he a good kid -- well behaved growing up?

A. Yes. Yes. Yes. Never got a demerit in school. Never, anything like that. I mean, you know, obviously was, you know, precocious sometimes, but just goofing around. Nothing that stood out in any way. And he respected his teachers and respected, you know, the people that he was around at all times.

Q. And you mentioned he was curious. We became fixated on certain things and his decision to join the Marine Corps. What impact did that have on the family?

A. It was a surprise because I had been working out for a couple of years at -- and doing his studies, but I didn't -- I wasn't sure what he was going to be doing. But as soon as he let us know that's what he chose, we got behind him in any way that we could.

We, you know, helped him get ready. And he chose when he was going to leave. And we did whatever we could to -- to back him up in that decision, knowing that he had good intentions. He said he was going to be -- he wanted to help people; that was it.

Q. And he served throughout the duration of his

enlistment, and you maintained contact with him throughout. And I mean, you mentioned earlier, it's unfortunate it is a horrible situation has happened. And I want to ask you, if you talked with your son, Jesse, about his remorse, regret for what happened, with Austin?

A. We did the very first time. We came down a week or two after it happened. We met with Jesse and, you know, the first words out of his mouth were, you know, I'm sorry, I can't -- I can't take this back, but I'm going to be a better man. And he -- he knew right away what had happened and what he needed to do to, I guess, get through it or something.

He knew that this was a -- a wave of things that was going to go over our family and their family, obviously, and everybody around us. That he needed to focus on doing whatever he could to make it right and accepting responsibility -- accepting responsibility exactly. He said that from the very beginning.

Q. So, you know, knowing your son, as he sits here, 24 years old, do you believe he has rehabilitative potential?

A. I do. I do. He's very singularly focused. He -- he, you know, sets his mind to things. And he really makes a plan and sets a goal. And so, I believe that given the opportunity, he'll be able to make his way and he'll be, you know, a good family member, a good citizen. He's going give back, I believe.

Q. And you heard Lieutenant Commander speak earlier about your support and how that's important to him going forward, you heard from -- from Aunt Claire about the extent of aunts, uncles, cousins, and Gunny Cagle from the Christian camp crew of folks going on 40 years. Do you -- and I know your immediate family is sitting here -- do you all plan on continuing to support him?

A. Absolutely. We're very tight, very close. It's just the four of us, but -- and Annie -- but, we have the full support of any of our friends on either side of -- we have friends from grade school, the camp group, my family, there's just a lot and everyone's completely behind Jesse, there's never a question of that. So they will be there when the time comes to help us.

Q. And in closing, ma'am, is there anything else you'd like to say to the folks here, the military judge?

A. I just want to say I was very proud of my son that day that I met him after it happened, that he took fully [sic] responsibility and has just been devastated by this. For Austin's family, and between him and the rest of my family, we are just very sorry for any of this. And it's -- in terms of Jessie's life this was one moment, out of his whole life, that was just a defining moment, and I don't want it to define him for the rest of his life. He -- it's -- it's something that, you know, we'll never get over. And his parents, I can't even imagine what they're going through. I --

CDC: Ma'am, thank you. I don't have any additional questions. The government counsel may have some.

TC: No cross-examination, Your Honor.

[The witness was excused and resumed her seat in the gallery.]

MJ: Defense, you may call your next witness.

CDC: Thank you.

DELANY BOPP, a civilian, was called as a witness for the defense, was sworn, and testified as follows:

DIRECT EXAMINATION

Question by the trial counsel:

Q. Can you please state your full name and spell your last name?

A. My name is Delany Bopp, B-O-P-P.

Q. And what city and state do you live?

A. New Berlin, Wisconsin.

TC: Thank you.

Questions by the Civilian Defense Counsel:

Q. Good morning. Can you please introduce yourself to the military judge?

A. I'm Delany. I am Jesse's older sister and his only sibling.

Q. And, Delany, you sat through this proceeding with your family, what would you first like to say to the Court?

A. Just that, I'm so -- I'm so sorry for the circumstances

that we're here for. I can't begin to put myself in your shoes. There's nothing that can be done to change what has happened. I just want you to know I'm sorry.

Q. Delany, here, Jesse's older sister, from the sibling perspective, you can talk a little bit about who Jesse was -- is to you and how he was growing up?

A. Yes. So Jesse's one of my best friends. You know, we're -- we're siblings, but I think we're -- I -- I really would genuinely consider him one of my best -- one of my best friends when I -- only friends. Our entire lives, we've gotten along, just always -- I think we're somewhat unique in that. We genuinely have always gotten along. We've never -- never gotten in a fight. We share a lot of similarities. Just couldn't be any closer.

So growing up, we spent a lot of time together. We've done a lot together. We've shared, you know, our interests our values. And the relationship I have with him is just one of the most important things to me. He's one of the most important people.

Q. What are some of those shared interests you all have?

A. We've -- you know, we've always done a lot together as a family. We both always loved nature, animals; we're both readers. You know, spend time outside and will play a lot of video games; that's something we've always shared. We -- you

know, we both really value our -- our family. We are all extremely close. Yes, you know, we see -- we see the world in a lot of the same ways, I think, and yes. We just -- you know, we've always -- always done everything together pretty much.

Q. You said y'all have never had a sibling fight, right? And I've got a brother. A lot of folks --

A. We might have had the occasional, like, argument or we annoy each other. But genuinely, we've never -- never had a time that we're, you know -- we've fought or we've, you know, not gotten along. That's just -- that's just how we are, you know.

Q. In that dynamic, fostering animals, being curious with nature, or being curious in general, life, is he -- would you describe him as a caring person?

A. Very, very much. He's just -- some -- some people are just, like, good at their core; that's what he is. He's a -- he's always been selfless. I know he cares so much about the people around him, his family, his friends, everybody. He's always looking out for people.

We're always checking in on each other. He's -- he's extremely mentally and emotionally strong. It's something I've always admired about him. He's very, very smart. He's -- he's just -- he really is -- he -- he's a gentle person; he really is. He's never ever wanted to hurt anyone. He's always concerned about how his actions affected other people, which makes this

situation so hard.

Q. So given how close -- your understanding, you're a little bit older, was your brother excited about joining Marine Corps?

A. Yes. At first, I think it was -- it was pretty difficult for us all to accept just because, you know, we were constantly worried about something happening to him. We're going to be sad about him being away from home. But I think when we -- when we learned his -- his reasons for joining, you know, he really admired his -- his family members who were in the service, especially our grandfathers. You know, he found inspiration in them and admired what they did.

But he -- he talked about, you know, he wanted to be part of something, kind of, bigger than himself. He wanted the opportunity to -- to help people to do something for this country. And it was just extremely, extremely admirable. He knew how -- how difficult it was going to be. He knew -- you know, he had some idea of the challenges he would face, and he still -- he still did it. I had no doubt that he would be able to do it. I just can't believe how strong he is in so many aspects. And yes, it's just -- I admire him so much for making that choice and for what he has accomplished.

Q. You know, we are here, as you know, your brother is accepting responsibility for his decisions and the tragedy that

took place on 18 October 2023. You guys are very, very close; you're friends -- you're best friends, but you're also siblings. Has your brother talked to you about his level of remorse and regret for what happened that night?

A. Yes. No, not from -- you know, the very beginning, he's accepted the responsibility. He's not once tried to evade any consequences. You don't know how heavily this weights on him. Before this, I don't -- he's not someone who talks about his emotions very much or shows his emotions very much.

He's -- I would describe it as a pretty stoic person, but I know he feels things very, very deeply. I don't remember before this a time in his adult life, I've ever seen him cry. First time he called us, after this happened, we didn't really talk much, he just cried. When we came down to see him -- sorry -- the first time, it was the same thing.

I know -- I have only an idea of how much -- how much pain he has been in, you know. We have a hard time talking about it, but I say it -- I know -- I know him better than almost anyone, I see it and know it, he'll carry this forever. And he's just going have too, you know -- I know he has the strength to go on and do something positive and to be the best man because I know he's -- he's a good man he's just -- he's going to carry this pain.

Q. And you mentioned something that the judge can consider

a decision here today; he can move forward, right? You believe you know him better than any anyone in this room, do you believe your brother has rehabilitative potential?

A. Absolutely, I do. Jesse -- and, you know, our family, overall, we've -- we've gone through some hard, hard things. Jesse has faced challenges. He's put in a lot of work, you know, throughout his life for different things. And I just -- the mental, emotional strength that he has, I just can't believe it sometimes. I -- sometimes I don't -- I don't think I could do a lot of the things he's done, but still, you know, he's standing.

I think he's just -- he's good; he's so smart. He -- all he wants -- all he's trying to do since this happens -- everything positive and productive he possibly can. I know he's going to trying to make up for this forever. But he really has the strength to do something good with the rest of his life, and he has the tools. He has all the support in the world. I -- I will do absolutely everything for him, forever. And, yes, I just -- I really think he has the potential to do -- to do good with the rest of his life.

Q. And similar to your mom, your aunt, and gunny, as you just stated, you'll continue to support him. Do you believe that he has the full support of his family?

A. Yes, our -- our family is so incredibly close, especially, you know, the five of us here. We just -- there's

never been a time that we've not been close. We are so -- you know, we encourage each other and support each other in everything. And the environment that our parents have created for us, it is so -- there's so much love and there's so much support. We know there's nothing that we wouldn't do for each other, and for Jesse, that's never going to change. Yes, we just -- we just couldn't. We couldn't love and support each other more.

Q. And, Delany, what else would you like to say in closing here today?

A. Just, again, that I'm -- you know, there's not been a day that's gone by that we haven't -- that we haven't thought of Austin and his family. I know nothing can change because it happened. All I, just, only wanted to do here today was able to provide some perspective on who my brother is. And I know that -- I know that he's going to do everything he can going forward to be, as you stated, again, from the first day, to -- to be a better man. And to, you know, be a productive, positive person, and I know that he can do that.

CDC: Thank you. I don't have any additional questions, Major Samuel may.

TC: No cross-examination, Your Honor.

[The witness resumed seat in the gallery.]

MJ: You may call your next witness.

ANNE-MARIE MATTE, a civilian, was called as a witness for the defense, was sworn, and testified as follows:

DIRECT EXAMINATION

Question by the trial counsel:

Q. Please state your full name and spell your last name.

A. My name is Annie-Marie Matte, M-A-T-T-E.

Q. And what city and state do you live in?

A. Des Moines, Iowa.

TC: Thank you.

Questions by the Civilian Defense Counsel:

Q. Good morning.

A. Good morning.

Q. Would you please introduce yourself to the military judge?

A. Hello, sir. I'm Annie. I'm Delany's, best friend, and I've known the Bopp family since we met in high school. And Jessie's been like a little brother to me ever since.

Q. How did you come to be involved with the Bopp family?

A. Delaney was a very kind and supportive human for me. I have a very hard family history and past, and I -- I lost contact with most of my biological family very young when I was 8. Father -- my stepfather, technically, died when I was 19. And the family has always been there for me; they've adopted me, like one of their own and taken me in to camp and Thanksgiving and

Christmas. And we've celebrated each other's birthdays and we've been there for each other. And they didn't know me, besides, Delnay vouching for me. They didn't know who I am[sic] or where I came from, and they accepted me as their third kid. And I can never repay them for that.

Q. From your perspective, is that how the family -- the Christian camp group, is that how they are as people -- as individuals?

A. Yes. The first year I went to camp was only a month after my father passed from brain cancer, in our living room. And even though I was devastated and a little spiky, as one gets with grief, they all -- were all very kind to me. They all made sure that I was involved in all the activities since I was 19. The first year I went, they tried to make sure that I also had a chance to do the kid activities like the Ropes Course and all that kind of stuff. They're very welcoming and kind people.

Q. Supportive?

A. Yes.

Q. And you've been here the last two days?

A. Yes.

Q. As a member of the family?

A. Yes.

Q. What do you want to say to the folks here in the courtroom?

A. I want to say that we're all so sorry for everything that's happened. So sorry. And I know what it's like to lose a very close family member, but I cannot imagine what it was like to lose Austin. And I know that this is going to be hard and it's going to be awful and I'm very sorry. And I know there's no making it right, but know that we think about it every day and the second words out of our mouths, when we heard and they were discussing it were how awful it must be for all of you. And there isn't a day that we don't think about how this impacts you all, and I'm very sorry.

Q. How much older are you than Corporal Bopp?

A. About four or five years.

Q. So how would you describe as a -- as a sister? How would you describe Jesse to the judge?

A. He was always a very kind kid. He was actually the first person in the family to say that I was, basically, his sister. And it's very welcoming to me, even though, like -- like, I said, they don't know much about me besides hanging out with Delany and, you know, kind of giving him that [inaudible]. And he's always been very kind to younger kids at camp and he's a very good listener.

We would stay up and talk -- especially when he was in the Marines -- about rough stuff because he knows what I've been through. And he knows that I've also seen a lot of really hard

things, and, you know, people struggling and -- and -- and dying. And he was always a very good listener. He was always there physically with a helping hand. He's not a very expressive, person but I know that he feels things very deeply. And I know that he's always tried to have a positive impact on the people around him.

Q. Those late night phone calls, right, and him always being there for you; is he caring?

A. Very much so. And there's a bunch of little kids at camp who would follow him around, which many people might find quite annoying, but he would always sit there and talk them through different skills. He would have picked up, like, whittling or hiking and how exactly to catch the best fish out of Beaver's rock or, you know, what to do when they're having a hard time because -- one of our cousins passed away very young with three very young children. And I know that they all look up to Jesse and I know that he's been there for them after their dad passed type of person.

Q. Just the type of person he is?

A. Yes.

Q. And, you know, when he decided to -- to enlist in the United States Marine Corps, you know, we've heard from Maureen that there's an extensive family history. Was he excited at that opportunity?

A. He was. I know that all he ever wanted to do was to help people, was to be the best person he could be, and make a positive impact; and he saw the Marines is his way to do that.

Q. And you mentioned -- did you continue to maintain contact with him as he worked through his contract?

A. Absolutely, sir, I did. We would meet him -- and Delany would often spend weeknights -- weekend nights playing Minecraft together. So making really cool things and talking about our days. And I know that he was devastated when he lost a friend to a helicopter accident and we would talk about it every year on the anniversary, and I know that he really cared.

Q. So that time growing up, he still made time to be there for you, for Delany -- and a sibling, but also an outgoing and caring dynamic?

A. Yes, sir.

Q. Is he incredibly important to you?

A. Yes, sir, he is.

Q. And makes all this harder having been around you as a family, understanding he's accepted responsibility for decisions he made on 18 October 2023, has he -- do you think he is remorseful and regretful of all of the things that happened that evening?

A. Extremely so. And I can tell because he's not always the best with words, but he's dedicated a lot of time to looking

into philosophy and how to work towards atoning for what he's done. And I know that he's sought all the resources that he can. And I know that every day he thinks about it and it will shadow him his entire life, and it will shadow our entire family.

Q. And his devotion to self-improvement, reading and educating himself in the facility that he is in, do you believe that he has rehabilitative potential and can he learn from this?

A. I do. Jesse sets his mind to something, he does it. He set his mind to becoming a Marine, to helping people, and he did. And one summer, I came back to visit and he was taller than me and had bulked out quite a bit. And he told us he was going to join up. And I was very apprehensive at first because my older brother, and my family going back to the Civil War, all had service. Both of my grandparents -- my grandfathers were in World War II, I have a great grandfather who served in the Civil war, and my uncle was a Marine, my cousins were Air force and I know that it changes people and I know how hard it could be.

Q. And do you think that he can take this experience here today and grow from it as a result?

A. Yes, I know that it's going to be incredibly emotionally difficult for both of our families moving forward. And I know that there's nothing we can do to fix it, to change what happened but I know that what we can do moving forward is to try and better the people in the community around this.

Q. This -- Corporal Bopp -- does Jesse have your support moving forward?

A. He does. I'll be there for him, absolutely.

Q. In closing, is there anything else you'd like to say to the court?

A. I would like, to again, reiterate that we are so sorry for what happened, for Austin passing, and we know that there is no way to make it right. And that losing someone like that is terrible and tragic and that grief is a long process and if there is anything that we could do, we would. And I'm, again, so sorry for what happened in October. I am so sorry for the loss of Austin. I know from your testimony that he was very involved in his community and that he brought good into the world and I'm very sorry that the world lost him.

CDC: Okay. Thank you. I don't have any additional questions. I'm sorry. If you could just remain seated, please.

TC: No cross-examination, Your Honor.

[The witness was excused and resumed seat in the gallery.]

MJ: That next witness defense?

THOMAS A. BOPP, A CIVILIAN, was called as a witness for the defense, was sworn, and testified as follows:

DIRECT EXAMINATION

Question by the trial counsel:

Q. Can you please state your full name and spell your last

name?

A. Thomas Allen Bopp, B-O-P-P.

Q. And where do you live, what city and state?

A. Wisconsin.

TC: Thank you.

Questions by the Civilian Defense Counsel:

Q. Tom, good morning, sir.

A. Good morning.

Q. Could you please introduce yourself to the military judge?

A. My name is Tom Bopp. I'm Jessie's father.

Q. And, sir, you sat here with your family throughout the proceedings here today, what would you start, like -- start by saying?

A. You've heard it from everybody else in my family, but it is true, and I hope you can believe that. We think about you every day from day one, and we can't imagine the loss that you're feeling. We have lost loved ones, but it doesn't compare, I'm sure, to losing a child and all I can say is I'm sorry. I hope that you have the support and family and loved ones around you that can help you to find some peace and move forward.

Q. Sir, I'd like to ask you a little bit about your background -- your family background. Do you have any family military history of service?

A. I do. My dad was one of seven brothers and five sisters. All seven of the brothers served in the military, mostly army from Korea to Vietnam, two of the sisters also were in the army, served mostly on the home front. My father was -- he was the oldest of the 12. He served in World War II in the Army -- Air Force; he was radio operator of a V17, and actually, they were shot down in Germany -- over Germany with, about, ten months left in the war, and they were entered as POWs.

Q. And your son, Jess, was he aware of both Maureen, your wife, and your family's military service?

A. Yes, he is.

Q. My dad served and my uncle served in the Marine Corps. Do you think that inspired your son to want to join?

A. I'm sure that some of that was an influence on Jesse, for sure. I think he looked at my dad, his grandpa, and really admired what he had done. And actually, my dad's dad was in World War I. So there is a big history there of military service.

Q. But before he got to that commitment at 18, because he did enlist at 18, can you share with the judge a little bit about from -- from your dad's perspective, right, how was your son growing up, what was involved with community work, education, athletics?

A. He was, I'd say, a typical kid. He was a loving kid.

He was very gentle, probably -- he was a bit shy. But he was involved in Cub Scouts, Boy Scouts. I was actually his troop leader for a few years during that period. He did -- he played basketball, baseball, volleyball, he was in track -- made a lot of friends during that point -- or that time of his life -- during the time of his life. I think as he got closer to high school, though, you looked more at the -- he was looking more at the academic side of it. Before, he took mostly AP courses, earning few college credits already, prior to graduation.

He was part of the French and Spanish Honor Society. And you heard he actually took a trip to Guatemala and Belize, where they live with the locals and taught English in the schools there. I think that was a big part of his, kind of, growing process.

He, as you heard about camp, camp has been a huge part of our lives. It's -- it started with my wife -- was her family is one of the core four families that started that, and they've been going since they were born. And I know that is still probably the place that they most want to be. That's their -- their -- their place.

Q. So to ask you a few questions. In light of that, you know, a lot of AP courses on society?

A. Yes.

Q. Jesse, he could have considered college?

A. Yes.

Q. Athletics, Rotary club, in addition to scouts, he was involved in the community as well?

A. He was actually part of the Rotary club in high school as well, and they did work on -- in the community on issues that were in our -- in our community.

Q. And in terms of the camp, you know, there's a lot of statements from folks from camp and you heard from Maureen earlier, and Cagle, Jesse, he was also involved in committing his time to the younger population in that camping group?

A. Yes, a lot of the kids looked up to Jesse, they followed him around camp quite a bit, and he always had time for them. That was -- it was -- it was fun to watch. It was -- you know, being a parent, it's like watching your kids interact with the other kids. And again, it's a big part of our life. So the fact that they enjoyed it as much as they do was -- was a big deal. When I married my wife Maureen, 35 years ago -- and I've been growing ever since and our kids have been gone since they were born. And again, that's their place to be -- is at camp.

Q. So demonstrated -- demonstrating conduct of leadership, good academics, civil service, it's, kind of, a natural progression given your family history for him to enlist?

A. Yes. It was still a surprise. I -- I thought with his academic record that he was going to be, like, going off to

college or something like that. And when he first told us, I was -- I was actually a bit surprised, maybe a little shocked. It shouldn't have been in hindsight, but at that moment, it was. But again, he, kind of, sat us down and told us what his reasoning was for wanting to enlist. And he, again, it was -- he wanted to be able to help people that either couldn't help themselves or were unable to. That was part of what he wanted to do and that's part of the way he was growing up as a kid too, always wanting to help somebody.

Q. Was he excited?

A. He was very excited. I can tell you when we got to the graduation at boot camp, it was probably one of the proudest moments of our life.

Q. And obviously, he's been -- through his time at 6th Reg, 2/6, 22nd MEU on a deployment, and he's coming up on the end of his obligated service when the incident happened in October -- go ahead.

A. I was just going to say it was -- it was hard when he was gone. And I could tell, you know, he communicate with those -- that I could tell that, it was he was missing home for sure; you could hear it in his voice. But when he started doing this training for deployment, you could just hear the excitement in his voice. He was finally going to do what he enlisted to do. He was going to be contributing and helping people. And I know

it was probably the highlight of his military -- time in the military.

Q. Tom, we've been here, you understand the situation that happened in October. Maureen spoke, Delany spoke, and spoken on this piece, you know, when you first heard from Jesse, what level of regret, remorse, did you express to you?

A. That first phone call -- we weren't even able to talk; the emotions were -- were too high. And the grief, it was just again -- it was -- it was something that we -- we couldn't believe had actually happened but when we got down here, we were able to sit and talk. As you've heard before, Jesse, the only thing he could say is I want to -- I can't undo this. And we know that can't happen. It's -- there was a life lost, but he took responsibility. And he just says, I -- I'll do what I have to do to accept the punishment and take responsibility for what I've done but he's -- he's been -- as you heard from Delany as well, it's like I could see it in his face.

Q. He's -- from the inception, he communicated to you, as a father, that he's made a horrible mistake and wants to accept responsibility for it. And as Delany stated, this is going to, in fact, impact both -- both families forever, right?

A. Yes. Again, I can't even imagine. We've -- we've lost -- I've lost my parents, and Maureen's parents are gone. Between us, we've lost three brothers. We have this support

group that has gotten us through those hard times, but I can't even imagine the pain of losing the son or daughter.

Q. In Jesse's role in accepting responsibility as Lieutenant Colonel Armstrong stated yesterday --

A. Right.

Q. -- a step towards rehabilitation, do you believe you know your son better than anyone here? Do you believe that he has rehabilitated?

A. Most definitely. He's -- he's -- he's -- 24 years. He's done the right thing; he's helped people. I can't believe -- with all my heart, every part of me knows that he's going to try to be better for the rest of his life. He's going to do whatever he needs to do to try to atone for this tragedy. I just -- I just know that he can get on the other side of this. He's smart. He's strong. He has our family. He has an extended family that can help him move forward.

Q. And some of those individuals that have written statements in that network of support have employed Jesse before. Have they discussed with you giving him employment opportunities in the future?

A. Yes. After I retired, I actually did some new building remodeling work for a good friend of mine -- lifelong friend of mine who's a general contractor. And actually prior to Jesse's enlistment, he worked with us as well. He did a little bit of

everything, but mostly it was finished carpentry and things like that. And I know that people like that and other friends that we have in our large circle of friends and family have expressed the same thing; that they are there for him, whatever he needs from us -- from them he'll have anything he needs.

Q. And as you sat here throughout the duration of the hearings, anything else you'd like to say to the Court?

A. Again, most of what has been happening here; I -- I -- I'm still in disbelief. I can't believe we are all here. I hate the fact that we're all here. I just know my son is -- he's not a violent person. He's never been a violent person for his whole life. He's never been in a fight. He was never in a detention in high school. So everything he's done has been what you would expect from a good son, a good person. I just truly hope that you have what you need going forward to try to get past -- you'll never get past, but -- just to be able to move forward with your life and find some peace, hopefully.

CDC: Tom, thank you. I don't have any additional questions.

MJ: Major Samuel?

TC: No cross-examination, Your Honor.

[The witness resumed his seat in the gallery.]

MJ: Do you have another witness?

CDC: No additional witnesses, sir.

Can we do a health and comfort, sir.

[The court-martial recessed at 1055, 7 January 2025.]

[The court-martial was called to order at 1107, on 7 January 2025.]

MJ: Court is called back to order. All parties present when the court last recessed are again present. The time on deck is 1107.

Defense, you may continue.

CDC: Thank you, sir. Sir, at this point, Corporal Bopp would like to supplement his written unsworn statement, DE H, with the assistance of counsel, an question and answer session.

MJ: You may.

UNSWORN STATEMENT

Q. Corporal Bopp, what would you first like to say here today.

A. I'd just like to say that I'm sorry, for what I've taken from you. I always prided myself on taking care of the people around me and knowing how badly I -- I failed that. I know my -- my family and some of my friends and whatnot have forgiven me, and I understand that many of you may never forgive me. And I know that the one man whose forgiveness would be -- would mean the most to me, I'll never receive that. And I'll have to bear that weight for the rest of my life.

Sometimes it is hard to stand under that weight. So I

can't even begin to imagine the depths of the pain that I have caused you because of my actions. And I -- this was something that never should have happened. And it's not something that I can take back. And I can't make it better. All that I can do is be here and be held accountable. I'm willing to accept any punishment that is handed down to me because I know I can't -- I can't make this right. I can't give you the closure to that, but I can be here to take responsibility for it and that's what I'm trying to do.

To my family, I have costed you many [inaudible]. This is just not something that we should have to go through. And you'll never know what it means to me that you are all still standing here by my side. I will always appreciate that. I know during the very first time that I talked to you after this happened, I told you that I was willing to accept full responsibility for what I have done; I accept whatever consequences are handed down to me.

And now, if I was given the opportunity to get out and walk out of prison a better man than the one that walked in, did I -- I'm still trying to work on that, I promise, but I will get there. And I know I will get there, because of the support that I have from all of you.

Sir, to you, and to the Court and I'd like to talk specifically, to the Marines in here. I'm sorry that I'm the

reason I'm gathered here today. Because as a Marine, and especially as an NCO, I had a responsibility to protect the Marines that were under me and I failed in that.

You as well, sir, you -- you were a good BC. You did right by us and you -- you, in turn -- you entrusted us to be an example and to lead the people under us, and I failed you. And that -- I sincerely regret that, sir.

Q. Corporal, I think the judge has heard a little bit from your family about your upbringing and who you are as a person, but just to amplify some of that -- it gives the judge a better understanding of who you are as a person -- what were you involved with growing up, activities, education?

A. Growing up, my -- my parents did what they could. Sent us to good schools. We went to a private Catholic school, as long as we could afford it. And while I was there, like my dad said, I went through Cub Scouts and Boy Scout, and he was my troop leader. Went through every sport I get could into -- even through Cub Scouts.

I mean, my dad was one of the coaches for -- for our baseball and softball teams. Same through middle school, I went through, well, basketball, track, volleyball, baseball, everything. And then in high school, I said I'd focused a lot more heavily on academics. That's when I began -- began to have more opportunities to -- to do good -- to have something that

mattered to me. It's not just affecting the people around me, but affecting everybody that -- that I could reach. So I took opportunities to volunteer to -- through Rotary, through -- to my other classes, through any sports and academics and then ultimately, that decision led me to enlist.

Q. What -- what are the variables that made you gravitate towards enlisting in the military?

A. Like my father had mentioned earlier, some of my -- some of my earliest memories of my grandparents were -- on my grandpa -- on my mother's side was -- she would take me to him to go and volunteer in the food pantries and stuff there. And then, my grandpa on my dad's side, I would just -- we'd go over there and help them out with any of the work around the house and whatnot that he couldn't -- he could do anymore.

I was surrounded by people like that. And the one thing that they all had in common was that they were -- they were prior service. They were people that I looked up to and that I respected and people that I wanted to emulate. So that -- those -- that was the main driver of why I joined.

Q. How old were you when you enlisted?

A. I was 18.

Q. Can you walk the judge through your time and service?

A. Yes, sir. In 2019 January, I shipped out to boot camp. I went through MCRD San Diego for both boot camp and MCT. And

then, I went to Fort Lee, Virginia, for my six-month MOS school to become an optics tech. And after that, I hit the fleet in the fall of -- I think it was November of 2019 to 6th Regiment working under Sergeant Travers and CWO Raines. And they're the ones who taught me the ropes of what my job meant day to day and what it meant to be a Marine now that I was really in the fleet and I -- I was really there.

But I told them that I wanted to deploy, that I wanted to do more exercises and just experience more of the Marine Corps. So they -- they gave me the opportunity to transfer to battalion. So they sent me to 2/6 in the summer of 2020. While I was there, we started off -- went through a FSMAO[ph] with a whole -- whole new group of people. We all showed up at the same time and we all just had to gear up for that inspection. We did great with that. And then, take right off and to work for deployment for the MEU that partook in some -- some training exercise for that. And then, got the opportunity to be the main haptics tech on our ship of the deployment.

And then, coming back, I had about a year left on my contract. So my main job was just continue on with the billet that I'd been assigned, as well as -- it was to -- to train all the -- all the new Marines that we've got.

Q. What was your end of obligated service?

A. It was January 13 of 2024, sir.

Q. And so the incident happened 18 October 2023?

A. Yes, sir.

Q. I want to talk to some things that you chose to do on your own accord in that time frame.

A. Yes, sir.

Q. You mentioned it earlier, the first time you talked to your parents, what did you express to them?

A. I told them that I was sorry and that I knew what I had done could not be done. And so I told them that, you know, it was hard because I was -- I was supposed to be home in two months, but I told them that, however long it was, I was willing to accept the consequence of that because I couldn't -- I couldn't fix it.

Q. We've -- we've introduced a couple of handwritten letters that you wrote in December.

A. Yes, sir.

Q. Who did you write those letters to?

A. That was initially to Sergeant Jamison and his wife, who is my best friend. And then, another letter to the rest of our section because we were a very close section.

Q. And you wrote those letters apologizing for what happened?

A. Yes, sir. I hadn't -- I hadn't been able to speak to them up until that point, obviously, because my confinement. So

that was -- that was my way of reaching out to them because they needed to hear from me. They needed to know that while I didn't intend for this, that it was my fault, and that I will accept the responsibility, and that I was sorry, and that I -- I hoped that they would -- they would stick together and be there for each other after this.

Q. You also submitted a letter along with family letters to the CG admitting fault and wanting to take responsibility?

A. Yes, sir, I did.

Q. Had you had a plea agreement at that point?

A. No, sir, I did not.

Q. I want to talk to you a little bit about -- you've been in confinement for 447 days?

A. Yes, sir.

Q. What have you been doing in the facility?

A. Well, like I said, my -- my promise to my -- to my family was that I would be a better man walking out than the one that walked in. And so every -- every day, you know, what gets me out of bed in the morning, what helps me sleep at night is that knowing that I've improved myself in some manner, you know, physical, mental, emotional. Whether it's the training I do or the books I read, you know, I've, you know, any -- any mental health books that have or the Bible or AA, they're all things that, you know, I -- I take in and I try to learn from so that I

can think about the decisions that I've made that led me to this point and make better ones going forward from here.

Q. Corporal, have you also volunteered for some work details in the facility?

A. Yes, sir. I've always had a -- a pretty full plate with work both before and during the Marine Corps, so it's something to do during the day. Been doing the laundry detail for the past year. I've both volunteered and been selected for their quarterly PTC boards to try and -- representatives selected to question the command of the brig, for any -- any indiscretions or stresses we might have had or any -- any questions that we have to try and make the facility better. They select representatives that have been selected repeatedly for that, I am happy to be representative for pretrial there, to answer all their questions.

Q. So those PTC boards, those are convened by the chief warrant officer and the brig CO?

A. Yes, sir, they are.

Q. How does the selection process work, is -- is the staff? Involved? Explain to the judge how you were selected for that role?

A. Counselors program -- or the counselors from the program's office, they have people specifically work for pretrial at for post-trial and based on your behavior and your ability to

fairly represent everybody in either pretrial or post trial, respectively, your counselor will then come up and ask you -- because it has to be volunteer -- they'll come up and ask you to be a representative based on your good behavior and your ability to represent everybody fairly. And then they are chosen, and then, if you agree, then you go up on the board to represent your side of the brig there, sir.

Q. The representatives from pretrial confinement are part of that process?

A. There's two every quarter, sir.

Q. How many have you been selected to participate?

A. Three, sir.

Q. And that's based on your behavior?

A. Yes, sir.

Q. So your dad and some of the statements, obviously, there's a tremendous network of support for you: Your immediate family, your extended family, your camp family, and your friends. Some of the statements -- judge may read, there are some employment opportunities for you. As transition will come at some point, have you started to plan for your next chapter in terms of transition?

A. Yes, sir. As I was nearing my EAS -- obviously, when this occurred, I had already started planning out everything from my job, like I said, I have previous -- previous history working

in the trades and that was going to be what I was going to start out doing. At the time, I was planning on using the GI Bill for on-the-job training and for housing. I understand that it's no longer an option for me, but I still have quite a few connections within the job fields that I'm interested in because I -- I enjoy working with my hands and building things.

So I have quite a few opportunities with that, you know -- whatever time -- has opportunities for me to work towards that during confinement. But that -- that's what I'm planning on doing, sir.

Q. Corporal, you've accepted responsibility. You've been trying to do that from the beginning; accept your responsibility here in front of the military judge and Austin's family.

Do you regret what happened that evening?

A. Biggest regret of my life, sir. It's something I think about every day.

Q. What -- what fuels that regret or why do you regret that?

A. I guess, like I said, sir, I was -- I was just supposed to be training over the new generation of Marines we had at the unit and he just -- just got there. Now, he's gone because of me, because of my actions that night, because of the poor decisions that I made. I -- I can't change any of those. But I wish I hadn't made those decisions. I shouldn't had drink that

night, I shouldn't have the pistol in barracks, I shouldn't have run away when the gun went off.

Q. Jesse, as you've accepted responsibility, as you come [inaudible] here with your statements, what else would you like to say?

A. Again, I only just begin to know, Austin. I've never known him as well as you did, so I can't understand the hole that his death has left in your lives. You're -- I only had a few good memories that I had with him. Based on everything that you showed, you -- and so many good memories with him and should've had a lifetime with it, and I took that away from you.

This is not a pain that I will ever be able to set down. It is something that will always be with me. That is okay because no matter what my punishment is my repentance for this -- for this should last for the rest of my life because it cost him the rest of his because of my actions. I'm truly sorry for the lost I've made you go through. I'm sorry.

Again, just grateful that you're all here for me and all my extended family and everybody is here for me. I thank you for the love and support that you continue to show me every day.

Sir, for you as well, for -- for the unit, 2/6 was my home for years and the armory was my home. They were all my family, they were my brothers and I betrayed them, when -- I betrayed their trust. And I hope that as a unit and as

individual they're able to gain that trust back because it's real -- they should be able to trust their families, sir. And I'm sorry, sir.

Sir, again, I'm sorry that we're here because of me today but I'm here to take full accountability of this tragedy. I take -- I'll take all responsibility for what happened that night. I accept whatever punishment is handed down to me, sir.

MJ: Corporal, thank you.

We're not going to get to it right now, but have you prepared the post-trial rights under R.C.M. 1010?

Do you have a copy of that?

CDC: Yes, sir.

MJ: Okay. We'll get to that in a few minutes.

Corporal Bopp, one thing that we need to go over really quickly, there's been evidence of voluntary intoxication. Have you spoken with your counsel about the defense of voluntary intoxication?

ACC: Yes, sir, I have.

MJ: Voluntary intoxication applies to certain offenses under the UCMJ, in particular, offenses where you have an element of specific intent or premeditation or knowledge.

Do you remember yesterday when we went over the elements of -- of -- of the offenses to which you have pled guilty?

ACC: Yes, sir, I do.

MJ: Okay. As you may recall, none of those offenses had any of those particular elements.

Do you understand that?

ACC: Yes, sir.

MJ: So given that, do you believe that voluntary intoxication applies, in any way, to you -- to the offenses to which you pled guilty?

ACC: No, I do not, sir.

MJ: Counsel, do you agree with my summation of the Court's position?

CDC: Concur, Your Honor, nothing to add.

TC: Concur, sir.

MJ: I find that you are still provident and I still accept your pleas.

Government, do have a case for rebuttal?

TC: No, Your Honor.

MJ: Are both sides prepared to argue?

TC: Yes, Your honor.

CDC: Yes, sir.

MJ: Government, you may proceed.

TC: Thank you, your Honor.

We're here today because Corporal Jesse Bopp chose to press a loaded pistol against the head of Lance Corporal Austin

Schwenk and pulled the trigger of that pistol, killing him. Corporal Bopp chose, by his actions, to snuff out the life of a young Marine. A young man who wanted nothing more than to serve and help others. A young man, since the time he was very little, all he wanted was to be a Marine, to serve. And Corporals Bopp's choices are what brought us here today because he made that choice to put that head -- put that pistol against his head, and then to run away from the consequences of his own actions.

That series of choices first started with him bringing that unregistered weapon onto the base. He knew he wasn't supposed to do that. He knew there was a process and procedure for that. The battalion commander spoke and told you, Your Honor, that just a couple of months before he had briefed the entirety of the battalion on what they were supposed to do when it came to their weapons, but Corporal Bopp chose to disregard that.

How do we know that he chose to disregard that? Well, Your Honor, it's because he told us. In these text messages that he sent to Sergeant Grimson earlier that week, before 18 October 2023, he acknowledged that he still had his pistol with him on the base, and that he was supposed to bring it to work, which was the armory.

He then made a series of other choices; bringing that unregistered firearm onto the base, storing it in his car, you

heard the NCIS agent talk about where that firearm was located, and they found it in the storage of his vehicle. Then, you heard Lance Corporal Metcalf talk about the conversation that they were having, where he decided to bring that weapon into the barracks, violating this order in multiple ways.

Again, he knew this because he couldn't possess it. He wasn't supposed to carry it with him, he wasn't supposed to be showing it to other Marines -- as the corporal showing off this weapon to the junior Marines in his unit. That he was their NCO, he was supposed to be their leader. And that's the choice that he made, obviously, by firing that weapon into the head of Lance Corporal Schwenk. Because, again, Your Honor, he knew no weapons in the barracks.

You've heard the testimony that Corporal Bopp loaded and unloaded that weapon. You also heard testimony that he was playing with that weapon, popping the rounds in and out of the weapon. And then, once he loaded it, he left that room, went into Lance Corporal Schwenk's room, pointed that weapon at him, pressed that pistol up against his head, discharged that pistol, and then he ran away.

He knew that all of his actions were wrong because he was trained. The Marines in the armory section explain what the arm to ammunition and explosive forms are, the certification that Corporal Bopp received. He required a medical screening to make

sure that there's no history of mental health issues, alcohol abuse issues, substance abuse, issues of any kind. And then, it also required that Marines understand and sign and acknowledge that they have a responsibility to be safe in their -- in their duties, their behavior, even off duty, must reflect high standards. This is what is required of everyone to work in the armory. And Corporal Bopp was no exception.

But, then, he chose to disregard his training. He chose, when Lance Corporal Schwenk was bleeding, to not call 911 and get any help for him. He chose to run away. To run away from his responsibilities as a non-commissioned officer of Marines, and allow his junior Marines, the lance corporals, to tend to Lance Corporal Schwenk while he fled. One and a half two miles away, depending on which route he took, he fled, with no thought for anyone other than himself. He fled with no pants, no socks, no shoes.

Your Honor, as -- has been made abundantly clear, every Marine knows the four weapons safety rules. They are taught these rules the minute they set foot onto the yellow footprints: Treat every weapon as if it were loaded; never point a weapon at anything you do not intend to shoot; keep your finger straight and off the trigger until you're ready to fire. Keep the weapon on safe until you intend to fire.

But Corporal Bopp had that training, he knew better.

He knew just -- not just the basics. It was reiterated because he had to sign a use of force agreement and he had to acknowledge that he would never do the thing he chose to do on 18 October 2023. And he acknowledged what he was not supposed to do. And he also acknowledged the consequences of what happens when you don't follow weapon safety and weapons procedures.

And Your Honor, those choices must carry consequences. The sentence that you are going to give out and you are going to impose, Your Honor, must reflect the seriousness of this offense for an Article 119 violation. There is no greater violation than pressing a loaded weapon up against the head of another Marine and taking that Marine's life. There could be no more serious offense than taking unjustly the life of a fellow Marine. Your Honor, it is manifestly clear that no sentence that you impose is ever going to bring back Lance Corporal Schwenk. But the sentence that you must do impose must still promote justice.

In this case, we've seen -- we have heard about remorse, Your Honor, remorse. And the defense has provided Defense Exhibit C to you to show you the letters that he wrote, saying that he was remorseful for what he had done. But, Your Honor, as you take a look at these letters that he wrote to his friends at the armory, that he wrote to Sergeant Grimson and his wife, you will see in there 33 times where the word "I" or some variant is mentioned. But nowhere in any of these letters will

you find it say, I killed Lance Corporal Schwenk. Nowhere in these letters that he wrote, expressing his remorse, we're told -- you will see where he says I'm so sorry for Lance Corporal Schwenk's family. In fact, Your Honor, in these letters that you are going to read, you will see nowhere in them that he mentions Lance Corporal Schwenk's name.

The forensic evidence that the government presented to you, Your Honor, shows you that the accused still is not accepting the full measure of his actions that day. Because the forensic evidence shows conclusively that he pressed that weapon against his head and pulled the trigger. And that is what is wrote in the autopsy. When it references the contact you have -- that you have the description of those injuries before you, Your Honor. Those minimization does show that the sentence that you impose must promote justice.

This was not an accidental shooting with two Marines playing around with weapons in the barracks. This didn't happen at a live fire training event. This wasn't a mistake made in combat. This was one Marine in his room playing video games, which he loved to do, by himself, and another Marine walking in, taking a pistol, pressing against his head, and killing him.

And as his stipulation of facts says to you, Your Honor, with wanton disregard for this foreseeable consequence of what his actions, his choices, would do to Lance Corporal

Schwenk. Your Honor, the sentence that you impose must maintain good order and discipline. The testimony that the defense, when they asked Corporal House about the impact and the culture change in the barracks, the Marines are aware of this case. They're watching this case. They are waiting to see what your sentence will be, Your Honor.

What you will determine as what the proper and appropriate punishment should be for somebody who takes the life of a fellow Marine in the barracks, in this manner. The Battalion Commander told you that he held that formation because there had been a series of incidents within 2d Marine Division concerning weapons and gun safety. And that is why he held that formation, that is why he gave everyone an opportunity to do the right thing, to be disciplined, to not do what they say they're not going to do. And yet, just a couple of months afterwards, Corporal Bopp did this.

Your Honor, Corporal Bopp made multiple conscious choices on the night of 18 October 2023. He blew through every stop sign that his training taught him to avoid. We would not be here if he had not brought that weapon on base. We would not be here if he had just left that weapon in the car. We would not be here if he had not brought it into the barracks, but he chose to bring that weapon into the barracks; to bring that loaded weapon into the barracks; to walk into Lance Corporal Schwenk's room,

press that weapon against his head, pull the trigger of that weapon, and then to run away from the consequences of his own actions.

And, Your Honor, those actions, those choices by Corporal Bopp warrant a severe punishment and that is why the government asked you today that you sentence him: To a dishonorable discharge for his dishonorable actions, and that you also sentence him to ten years of confinement for involuntary manslaughter and two years of confinement for all of the multiple violations of the lawful general order.

Thank you, Your Honor.

MJ: Defense?

CDC: May I enter, sir?

MJ: You may.

CDC: Sir, the government counsel just got up here and spoke and discussed choices. They use that term frequently, "choices," choices that Corporal Bopp made. That was the theme and the theory of their closing argument. They spent the entirety of that argument focusing on evidence that they presented related to the orders violation, and ultimately the conclusion that based on the orders violation, that led to the wrongful death of -- of Austin on 18 October, which it did.

Those choices, Corporal Bopp has accepted full responsibility for since the inception of this case. He entered

into a voluntary plea agreement. He entered into a detailed stipulation of fact. He went through a detailed exchange with you as the military judge related to those choices. He has accepted full responsibility for the decisions he made on 18 October, for a tragedy that has impacted two families forever. And there's no denying the weight of his plea, decision to enter a plea, the stipulation, and subsequent conviction. Nor is there any doubt in the pain he has caused the victim's family and his loved ones, our hearts go out to them. We acknowledge that here today, that he made some decisions that caused the loss of Austin's life, and he knows that.

And it was evident during his exchange with you and throughout the unsworn statement he made here -- here today; however, we asked the Court during the deliberation process and look at the isolated actions. That's evidence that you have in front of him [sic]. An isolated series of actions and events that took place on 18 October. But also look at the person behind those choices, as the government put them. The choices that led to the tragedy that took place on October 2023. Engage in Corporal Bopp -- who you are here to sentence, engage in Corporal Bopp's remorse and rehabilitation -- rehabilitative potential.

So generally, what have we learned about Corporal Bopp from the testimony you've heard here today, he grew up in a great

family. He's got an extended network of support both through. His immediate family, extended family, camp family, friends, folks that he's impacted his life. And that -- throughout his 24 years on this planet, we learned that he was academically gifted in high school, AP courses, spent time doing volunteer work, Rotary club, traveling overseas to teach and work with communities, and police in Guatemala. That he was academically and athletically involved in his community, as well as through his commitment throughout his time in high school.

We also learned that he joined because of an extensive family military history. He had service members on both sides of his parents that inspired him to want to join, and he did so at the age of 18. We learned that he excelled through his time in the Marine Corps boot camp through to six -- 6th, Reg, to 2/6, to the 22nd MEU. And you've had testimony from both sides that reflect all of that collectively as, kind of, a snapshot of who is leading up to his time in the Marine Corps.

We understand the incident took place on October of 2023, three months shy of his EAS. So when you look at the evidence that's in front of you, engaging in appropriate sentence, and to start with the government's case and focusing in on what you learned, again, against Corporal Bopp's acceptance of responsibility, his unwavering commitment to saying you did wrong on that evening, and made a series of poor choices with you here

today.

But the government spoke with NCIS Agent Hippel. That was their first witness who came in to speak to the investigative endeavors they took in playing a 911 call that prompted, I guess, their response and then really didn't have much involvement in the case as he was not the lead agent. But what we did learn from him during cross-examination that Corporal Bopp was cooperative. It was complied that he followed orders. He sat in the hotel room with them without any issues at all, and that he eventually, as the agent testified to, accepted full responsibility for all of his conduct and actions on the 18 of October. That is what you need to look at from the extraction of that testimony from the special agent with regards to the person you are charged with sentencing here today.

The agent also spoke to the fleeing. And the government spoke a little bit about that decision that Robert made on 18 October. And as to what you hear today, he regrets that more than anything; that he should have never left the scene. But you also have that balanced against Corporal House's testimony where he said, as the firearm was discharged, he screamed, Oh "F"-- Oh, fuck," panicked in a sense.

You know, you also have Lieutenant Commander Vansickle's testimony that alcohol impaired some of the decisions he made that evening. Specifically, with regard to this

scenario, as the gun discharged in an involuntary manner. Ultimately, what it looks like here, though, is in terms of the evidence as it's been presented to you, based on the comments from Corporal House, in addition, to Corporal Bopp's regret in fleeing, this is a moment of panic, ill willed and a poor decision for the moment. Again, he wishes he could go back and change that.

Lieutenant Colonel Armstrong was also called by the government to speak to information that was held based on some issues with weapons in the armory. And in -- around 2nd Marine Division Marine Division, essentially, and to the impact of the loss of a battalion commander, which is understood. But he also gave you some perspective into Corporal Bopp. This is -- all in the government's case.

He spoke to being familiar with Corporal Bopp, did an exit interview with him, had been familiar with him in his time at 2/6 as a battalion commander because the armory was small. He had no disciplinary issues with Corporal Bopp throughout his time in service leading up to his exit interview prior to his EAS. He was a great Marine. He was a good worker. He followed the rules. He followed what was expected of him with regards to his conduct and behavior as an NCO. Again, balance all of this against the isolated series of tragic decisions he made and choices he did make on 18 October 2023.

What is also telling, again, from the government's case, and Lieutenant Colonel Armstrong, is that he also spoke to rehabilitative potential and that, potentially -- that -- and he said it exists in every Marine. And most critical factor is the actions by the individual to take accountability; corporal Bopp has done that.

He also spoke to you about the time that Corporal Bopp has spent in confinement. Those weekly command visits that his company-level leadership were doing in evaluating whether Corporal Bopp was doing the right thing in confinement. And as you heard, Lieutenant Commander Vansickle, not everybody does. What the CO told you, as the battalion commander, is that he has demonstrated true remorse. He understood why he was there. These are some of the things that Lieutenant Colonel Armstrong told you that he has learned as the battalion commander and that he's understanding the dynamic in the situation.

We also ask, when you go into the deliberation process for -- to bolster that understanding. Take a look at his brig-performance report, that is Defense Exhibit D and E that you have for consideration from Corporal Moon, his counselor; that's his prison summary, as of December 2024.

As a 24-year-old he has a calm and considerate demeanor. He's quiet, keeps to himself, knows how to follow orders, and is considered an above average prisoner. He's

attended life skills, anger management, financial management programs, work assignments; include interior work and laundry. Corporal Bopp has obtained level incentive 4, which is only awarded to model prisoners. He displays utmost respect for the brig staff. And as you heard in his statement, he's also been voluntarily selected by the brig leadership and the Brig CO, on at least three separate occasions, to meet with the brig staff, the CO of the brig, and he is lead PTC, as he's in pretrial confinement counseling sessions to -- how to improve the facility from the perspective of somebody who's in it. They trust in his opinion and his feedback with regards to ensuring that the facilities are running as they need to.

The government also called Lance Corporal Dickinson, all right? Again, I saw his testimony as a bit more of a -- an impact of general deterrence, that the incident had that has already been cured. As you heard from Lance Corporal Dickinson, he spoke to the fact that since this has happened, Marines want to take better steps to ensure that they're following the right things to do in the barracks. A sentence does not need to be excessive, in light of his testimony, because general deterrence appeared to have been met.

They are well aware of what took place on 18 October in the barracks of 2/6. And as he spoke, he did speak to the fact that it has had an impact on how we carry ourselves in the

barracks. So deterrence has already been met in that level -- in terms of a need for general deterrence, nor is anyone coming here to speak to a continued trend of issues with regards to rowdiness, or disruptive behavior, or firearm possession, and discharge, or display, as the government went through their slides within the barracks area of 2/6

Specific deterrence -- I'll just comment on it briefly, because among the deterrent aspect, of it is met by his acceptance of responsibility and everything you've learned about him today. So for the government to focus on general deterrence as a level of a need for excessive sentences is not warranted because they only really focused on Lance Corporal Dickenson's testimony.

He did also speak, again, when you glean the person that you were here to adjudicate a sentence on, he spoke to Corporal Bopp's rehabilitative potential, and this is the government's witness. Lance Corporal Dickinson stated that pleading guilty was the right thing to do and a step in the right direction, that he can move forward and learn from this.

Lance Corporal Metcalf, and another government witness, sir, came in here to speak, again, to the choices that were made on the 18th of October. He spoke to Corporal Bopp since he's been in confinement, and he testified to you that he was absolutely shocked by the allegations because they are completely

out of character for Corporal Bopp. Again, an isolated series of choices that he accepts the responsibility for in one day -- one day.

He also has received these letters that the government spoke to. And Defense Exhibit C that he wrote to the unit, apologizing for what happened. And those letters are -- in some Marine at pretrial confinement, it is a Marine who then understood his rights upon being questioned by NCIS, understood his rights to invoke. And -- but he chose to make and write a letter.

The first one was to Sergeant Grimson and his wife, "I'd like to tell you I'm sorry," "I never meant to hurt anybody," "I don't deserve your forgiveness," "I cannot fix this," "All I can do is accept whatever punishment is handed down to me." Marines that he wrote this to worked in the armory, they knew Austin, they knew Corporal Bopp. They knew what he was saying, sir. Understanding that -- that is a aspect of -- of a decision by an individual who was accused to opine a letter well, before adjudication well, before an agreement, well, before any resolution to the Marines in his unit.

And the second letter also speaks to the same. This was to Sergeant Grimson and the entire unit, "I'm sorry for what happened," "I'm trying to do what I can to accept responsibility for what happened and face whatever consequences that come with

that." And these are the Marines that work in the armory, and that's who he addressed it to. They knew what he was talking about just because he did not use a name or state that there was a loss of life. They understood what he was in confinement for and why he was writing these letters.

Lance Corporal Metcalf also testified, sir, to the fact that he has visited Corporal Bopp in the brig and that he described him as extremely remorseful -- extremely remorseful for what has happened. In fact, Lance Corporal Metcalf conveyed to you that when he met with Corporal Bopp in the brig, he said Corporal Bopp said to him, I want to take a plea. I want to accept responsibility. Lance Corporal Metcalf also gave you his opinion, knowing and having worked with Corporal Bopp and being present through the duration of the 18th of October, in the first room and in the second room, that he truly believes that Corporal Bopp has tremendous -- or he has shown rehabilitative potential, that he can learn from all of this. And this is -- this is a summation of the government's witnesses.

We understand the act; he violated the order and he discharged the firearm. He has accepted responsibility for that. But engaging in appropriate sentence, it's crucial to consider the totality of the individual who has accepted responsibility for those decisions.

Lieutenant Colonel House, to speak on here just because

it needs to be accurately captured on the record. She did not perform the autopsy. She did not evaluate Austin in any capacity as a medical officer. She did not create the photographs or the reports, the initial report, and the amended report. She had no direct involvement outside in reading and reviewing what was produced to her by the now retired medical officer.

She confirmed, on the stand, that the prior medical officer, who actually did the autopsy, created the initial report and the medical report. That neither of those reports, they did not use the term, "muzzle stamp." Why, sir? Because when you specifically look at 4 -- page 4, the MO who did perform the autopsy stated specifically, no soot, gunpowder particles, gunpowder, stippling, or muzzle stamp is identified on the skin surrounding the wound. That is why Lieutenant Commander Vansickle was so confused by the question, he read that autopsy, he read both of them. It can't be -- as clear as it is that this was no muzzle stamp case, there was no pressing of the firearm in the head.

And further, Lieutenant Colonel House had no idea that there was somebody that was watching the entirety of the encounter, and that is Corporal House, between Corporal Bopp and Lance Corporal Shwenk as an eyewitness to the duration and totality of the sequence of events. And he said he was -- he stated that Corporal Bopp was in the doorway, Austin was on the

bed about a foot away. So, sir, to be clear in terms of what the actual autopsy report states -- please take a look at page 4 of PE 4 -- and Corporal House's testimony. And as I talked to him about that, he was very clear that it was a series of events he would not forget.

The last government witness that the government called was Corporal House, again, spoke to rehabilitative potential. He knows Corporal Bopp, they went to the gym together, they were friendly, he knows how he's carried himself as a fellow NCO, as he was the other NCO involved in all of this. And he said, accepting responsibility is the right thing to do; he can learn and move forward from this.

So this is where the government's case has given you additional information with regards to the individual you're charged with sentencing here today as the military judge. To give you perspective, general deterrence has been met. House has spoken to that specific deterrence has been met. Corporal Bopp is here. He's written those letters and he engaged in, essentially, a memorandum to support an agreement prior to that agreement being signed, sir, as you learned during his own sworn statement.

That is unusual, but he was adamant on pursuing an apology letter and accept responsibility to accompany an agreement. So he's written letters. He's written letters to the

convening authority prior to acceptance of any plea. This young man wanted to accept responsibility for what happened from the beginning -- sir, from the beginning. And that was evident during his communications to you as a military judge.

Sir, again, I want to talk a little bit about the defense's case and highlight some of the things that we'd asked you to consider when fashioning an appropriate sentence. Lieutenant Commander Vansickle spoke as a forensic psychologist. He spoke to you. He's got 11 years in the Marine Corps, he was a Staff Sergeant before he became a Navy Corps -- Navy Medical Corps officer. You know, he talked about the risk assessment with you, sir, and that's crucial to understand. You got what -- you've heard from Lieutenant Colonel Armstrong, his behavior. And you'll see in all the character statements, in support for Corporal Bopp. That he had a tragic series of events and choices he made on 18 October 2023.

That's why we felt having Lieutenant Commander Vansickle come in and do a two-day evaluation of Corporal Bopp diving to recidivism. Is there a risk here or was this truly a series of bad choices and a bad night and not a definition of the individual, to give you some solace as the military judge awarding a sentence. And what's important to note is that he did do this assessment. He conducted the three tests that were driven towards an zero likelihood of re-offending. Is there a

likelihood of recidivism? He focused on static and dynamic tests, and he did a multi method approach. Major Samuel just wanted to focus on one aspect of the three, but that's not how they do things in Lieutenant Commander Vansicle's world, as he told you.

We do all three to ensure that the report is thorough, complete, and gauges all different dynamics of psychology because he has an obligation to opine truthfully and accurately, based on science, based on methodology, based on what they know can be driven towards a satisfactory result. He did three or he did the HARE[ph] Psychotherapy Checklist; the PCL-R, Violence risk appraisal guide; and the HCR 20-v3, in order to determine whether there was that risk of recidivism. Multiple approaches, you know, to determine what -- because he said, violence is hard to predict, that's what he told you here today.

He scored Zero on the HAIR[ph] test, scored low risk, second bucket on VRAG test, and then low risk on the HCR. What's important to note in that -- Lieutenant Commander Vansickle's testimony is that he also looked at the totality of everything and the risk management plan associated with Corporal Bopp; the tremendous level of support he has, the lack of any other disciplinary conduct or action, employment opportunities that were presented to him, and ultimately, what he looked at in terms of the isolated series of events that took place on 18 October,

that he's very low -- very low risk to reoffend.

And in fact, what I thought was the most telling during the conduct of his testimony, that he has done multiple risk assessments for both an expert in UCMJ hearings in the civilian world, in the military setting; he told you directly, sir, that this is the lowest he has seen, the lowest risk assessment he has completed for any individuals accused of any type of violent crime. Corporal BOP is the lowest risk to re-offend, sir. And he told you that directly during the conduct of his testimony and it ties to your evaluation of the evidence here today in determining an appropriate punishment.

The defense also called several witnesses to give you examples of the true level of support he has. Not just immediate family present here today, but also, really, geographically all over the Midwest, if not across the country. They both -- his parents come from large families; there's a tremendous network of aunts, uncles, and cousins. They all fully support Corporal Bopp moving forward. And that is important to understand as you look at his transition at some point and what sentence -- in light of everything we've talked on with regards to his excessive responsibility risk to reoffend. And we started with his aunt, and she spoke to the fact that they're all invested in him. His Aunt Clear, spoke to the fact that they all fully support; him that he absolutely has rehabilitative potential.

Gunny Cagle, 20-year Marine Corps veteran, spoke to his time at the Christian family camp and his involvement, leadership role, who he is as a person, sir. It's a tragedy, this is a tragedy for everybody in this room -- but who he is as a person outside of that tragedy on 18 October. And he absolutely can move forward. This is going to be hard, but that's why it's important for you to understand that he has a true network of support as he does moving forward.

His family -- his immediate family -- his mom, Maureen, came in and absolutely spoke to who he is; great in school, he's fostering kids, he's caring, quiet, shy, not a violent person, no history of any disciplinary issues. That he did well academically. That he was certainly somebody that family is very important to. She talked about the regret and the remorse as Tom, Delaney all did in their testimony. The very first opportunity that he could sit down with them, he echoed to them, I am sorry, I can't undo this, all I can do is accept responsibility for it.

Delaney, his sister, they are incredibly close, they are best friends, sir. And she talked to just this; this nurturing, loving person who cares for animals, video games, good to his core. Selfless, sir, is the way she described her brother. Looks out for others, gentle, admired service members always wanted to serve. He's accepted responsibility. She told

you quite succinctly, as Tom also echoed, They see it in their son, they see it in their brother, that it pains him, that he has caused this tragedy; it impacted his family, and more importantly, another family. And these are the folks that have known him 24 years on this planet, sir.

In addition to Delaney and Maureen, his mother and his sister, Annie came in and spoke and this is somebody that came into the family; she suffered obstacles in life, had some challenges, but it was the Bopp family that welcomed her in. Has cared and loved her as if she's a sister, as she is. And as you heard from Annie's testimony, Jesse was the first one to acknowledge that you are my sister. That's apart of who he is as a person, but also reflective of the parents and the extended family that he will return to in terms of a gauge of continued support moving forward as he transitions into the next chapter of his life.

Tom, his father, came in and, again, spoke to you just who -- who he is as a young person and who he is sitting here today and the disbelief that this is all happening. And unfortunately, he's -- the only thing that Bopp, that he can do is accept responsibility, sit and look his family in the eyes and say, I made a mistake, as he's done, and address the loss that the -- Austin's family experience as well, which he has done here today, sir. They gave you overwhelming support -- they gave you

evidence of overwhelming support as he transitions.

Again, the act is the act, and he's acknowledged and accepted responsibility. What we're asking is to look at the person, the choices. Balance what is fair and equitable in light of everything that you've learned about both Corporal Bopp and the series of events that took place.

So there's a series of roughly 40 character statements. I've got anecdotes for all of them, sir, but I will just capture it for you. From the service member standpoint, everywhere from staff sergeant to sergeants to corporals, all speak to his overwhelming commitment to the Marine Corps, his duties, his desire to want to help others, his remorse, his regret, and his rehabilitative potential. There's a series of family members, friends, extended family members -- and friends, sir, that -- that, again, some have connections to the military, as Mr. Bigger does, his sons out in Oki; some are family friends from their whole life; some are of the camp -- the Christian care camp, with them.

All of them, sir, give you a glean of who he is: Gentle, compassionate, remorseful. They're all aware of his acceptance of responsibility. They all will tell you that he is deeply regretful for the incidents that took place and the choices he made on 18 October. Overwhelmingly, they are convinced and they will tell you as you read through them the

deliberation process that he has true rehabilitative potential moving forward, sir. And that is something that has been evident throughout the government's case, but also through the defense's case. Both in the form of live witness testimony and in the 39-plus statements that were provided on his behalf. That they speak to their true belief, that not only does he have rehabilitative potential, but he's got 24 aunts and uncles, 18 cousins, and an extended network of family support that will be there for him as he move forward in life. Those statements are, as you read through them, we ask that you do focus in on that aspect of rehabilitative potential.

So, sir, you've seen many different variants of unsworn statements. This is obviously a tragedy, as I started this conversation off, for both families that are involved here today. But he has shown deep remorse for his actions, not only in the days following the incident -- as you heard and as he communicated to his family -- the letters he wrote to his unit, the letters he wrote to the convening authority, but he is continually reflected on what happened; grappling with the enormity of his mistake.

It's not just an act of contrition, it is a demonstration of understanding what he did was wrong and that is as devastating impacts, and that is the specific deterrent aspect of it, sir. You can gauge in evaluating his credibility to the

Court and the totality of his acceptance responsibility. Sir, Corporal has accepted responsibility and we do not believe the higher end of the range of potential punishment is mandated, sir, you shall adjudge that.

So I'm going to focus in on my request for leniency on confinement -- on confinement. He is passed his EAS, his confinement is the issue, with regards to adjudication. He will be dishonorably discharge, sir; he's agreed to do so. And he's accepted responsibility.

We're looking for you to consider, sir, respectfully, a sentence that allows for rehabilitation rather than one solely punishes. He understands the act is tragic. He understands the significance of the act and the choices he made. A sentence that acknowledges the severity of the crime, but also recognize the potential for growth and redemption. That's what I focused on in my argument to you, sir, that he has growth. He has the ability to redeem himself, in light of this loss.

So we believe any combination of sentence to exceed six years would be excessive. We are respectfully requesting that the Court understand the minimum is four, but for confinement not to exceed six years at the discretion of the military judge. We feel that is fair. And just in light of the totality of everything you've heard about his acceptance, about his remorse, about his choices that he's accepted responsibility for, and the

totality of who he is as a Marine, as a person.

Sir, thank you.

MJ: Defense, have you advised the accused orally and in writing of his post-trial and appellate rights including the rights contained in Rule for Court-Martial 1010.

DC: Yes, Your Honor; however, I forgot the form at our office, I forgot to bring it.

MJ: Okay. You don't have a copy here? Did your client sign it?

DC: Yes, Your Honor.

MJ: Okay. All right. Just make sure you bring that back, when we reconvene -- when the court opens back up and you have it marked prior to that as well.

DC: Will do, sir.

MJ: Court is closed.

[The court-martial closed at 1215, 7 January 2025.]

[The court-martial opened at 1434, 7 January 2025.]

MJ: This general court-martial is called back to order. All parties present when the court last recessed are again present. Same date; time on deck is 1434.

I have Appellate Exhibit LVII, which is an appellate-rights advice form.

Corporal Bopp, did you sign this form?

ACC: Yes, sir, I did.

MJ: And defense counsel, is this your signature on Appellate Exhibit LVII as well?

DC: Yes, Your Honor, it is.

MJ: Corporal Bopp, did your defense counsel explain your post-trial and appellate rights to you?

ACC: Yes, sir, they did.

MJ: Do you have any questions about your post-trial and appellate rights?

ACC: At this time, no, sir.

MJ: Which counsel will be responsible for post-trial actions in this case?

DC: I will, Your Honor, Major Rehak.

MJ: Accused and counsel, please rise.

[The accused and defense counsel did as directed.]

MJ: Corporal Bopp, this Court sentences you as follows:

To be discharged with a dishonorable discharge;
To be reduced to the pay grade of E-1;
To be confined:
For the sole Specification of Charge I for a period of two years;
To be confined: For the sole Specification of Charge III for a period of 8 years.

For both periods to run concurrently.

And you are to receive 447 days of pretrial confinement credit.

Thank you. You may be seated.

[The accused and defense counsel did as directed.]

MJ: Counsel, are there any other matters to take up before this court adjourns?

TC: Nothing from the government, Your Honor.

DC: No, sir.

MJ: The Court is adjourned.

[The court-martial adjourned at 1436, 7 January 2025.]

[The Article 39(a) session was called to order at 1440, 7 January 2025.]

MJ: We are in a post-trial 39(a) session. All parties present when the Court last recessed are, again, present. The provision in Table A of the plea agreement that said that the charges were to run consecutively, typically in these cases, the Court has the discretion to order charges to run concurrently. But Table 8 does state that these are to be run consecutively. I have spoken with the parties, that was their understanding as to my parameters for limitations.

The Court is going to close again for deliberations. I'm going to take a few minutes, reassess what I'm going to do based on this contingency. And we will come back, plan on 1500.

The Court is closed.

[The Article 39(a) session closed at 1441, 7 January 2025.]

[The court-martial opened at 1505, 7 January.]

MJ: This court-martial is called back to order in the case of *United States v. Bopp*. Same date, time on deck is 1505.

According to Rule for Court-Martial 1007(c). If the announced sentence is not the one actually determined by the court-martial, the error may be corrected by a new announcement made before entry of judgments into the record. The Court's intent given was to sentence the accused for an aggregate of eight years. Accordingly, the Court has reassessed the segmented nature of the charges and sentences the accused as follows:

Accused and counsel, please rise.

[The accused and defense counsel did as directed.]

MJ: To be discharged with a dishonorable discharge;

To be reduced to the pay grade of E-1;

To be confined for the sole Specification of Charge I for 1 year;

To be confined for the sole Specification of Charge III for 7 years.

Both periods of confinement to run consecutively, for an aggregate of eight years.

And to receive 447 days of pretrial confinement credit.

You may be seated.

[The accused and defense counsel did as directed.]

MJ: Any questions about that?

TC: Your Honor, under R.C.M. 1007, the government would object to that because we believe that that would be a

reconsideration, in that the Court announced what the sentence would be for each specification in accordance with the plea agreement. And only said -- made an error with regard to consecutive to concurrent.

So the government would just put that objection on the record.

MJ: Your objection is noted.

Defense, do you have anything?

DC: No, sir.

MJ: This court-martial is adjourned.

[The court-martial adjourned at 1507, 7 January 2025.]

[END OF PAGE]

COURT REPORTER/TRANSCRIPTIONIST

CERTIFICATION OF TRANSCRIPT

I Corporal Margarita SeverianoJuan certify that this written transcript is a true, accurate, and complete copy of the audio or other electronic recording of the court-martial proceeding in the case of U.S. v. Corporal Jesse T. Bopp), which was held at Camp Lejeune, NC on 30 Jan, 5 Mar, 17 Jun, and 5 Sep 2024, 6 and 7 Jan 2024.

SEVERIANOJUAN.M[redacted] Digitally signed by SEVERIANOJUAN.MARGARITA.16[redacted] Date: 2025.04.09 16:16:24 -04'00'

(Court Reporter)(Transcriptionist)

9 April 2025

(Date)

Prosecution Exhibits Admitted

NAVY-MARINE CORPS TRIAL JUDICIARY
EASTERN JUDICIAL CIRCUIT
GENERAL COURT-MARTIAL

UNITED STATES v. Jesse T. Bopp Corporal U.S. Marine Corps	**STIPULATION OF FACT** 18 December 2024

1. I am, Corporal (Cpl) Jesse T. Bopp United States Marine Corps, the Accused in the court-martial now pending. I entered into service on 14 January 2019, and have been on continuous active duty since that date. I have not been released or discharged from active-duty service at any time. I have never received a DD-214 or a final accounting of my pay for this current period of enlistment. My present military organization is 2d Battalion, 6th Marines, 6th Marine Regiment, 2d Marine Division, Marine Corps Base Camp Lejeune.

2. I am entering this Stipulation of Fact of my own free will. No one has forced or threatened me to enter this Stipulation of Fact. I understand that I have the right to not enter into this Stipulation of Fact and that this Stipulation of Fact will not be accepted without my consent. I understand that if this Stipulation of Fact is entered into evidence, the facts contained in it cannot be contradicted by either the Government or myself. I have read and discussed this Stipulation of Fact with my counsel. Everything contained within this Stipulation of Fact is true. I understand that, if admitted into evidence, this Stipulation of Fact will be used in the following four ways:

a. To determine if I am guilty of the offenses to which I have pleaded guilty;
b. To determine an appropriate sentence;
c. To be considered by reviewing authorities in reviewing my case; and
d. To rule on any applicable motions, if any.

3. I agree to these four uses and consent to this Stipulation of Fact being admitted by the military judge at my court-martial.

4. It is further agreed by and between trial counsel and defense counsel, with my express consent, that the Military Rules of Evidence and Rules for Courts-Martial do not apply to the contents of this document, that the contents are admissible into evidence, and that such contents shall be considered by the sentencing authority without regard to evidentiary and procedural rules that—absent such agreement—would govern such evidence's admissibility.

5. The following facts are provided to establish the factual predicate that I am guilty of the offenses to which I have pleaded guilty. Prior to entering into this stipulation of fact I reviewed with my defense counsel the elements and definitions associated with the offenses to which I am pleading guilty. I fully understand the definitions and elements and understand that my plea of guilty admits that these elements accurately describe what I did. Furthermore, I believe and admit that the elements and definitions taken together correctly describe what I did.

6. Charge I, Specification: Violation of UCMJ, Article 92

ELEMENTS:

(1) That there was in existence a certain lawful general order in the following terms: MCIEAST-MCB CAMLEJO 5500.1A, dated 16 August 2021;

(2) That you had a duty to obey such order; and

(3) That on 18 October 2023, onboard Marine Corps Base Camp Lejeune, North Carolina, you violated MCIEAST-MCB CAMLEJO 5500. IA, dated 16 August 2021, paragraph 4(c)(I), by wrongfully, possessing, carrying, displaying, firing, and discharging a weapon aboard Marine Corps Base Camp Lejeune.

DEFINITIONS:

The term "General Order or Regulation", to be lawful, must relate to specific military duty and be one which is authorized under the circumstances. A general order or regulation is lawful if it is reasonably necessary to safeguard and protect the morale, discipline, and usefulness of the members of a command and is directly connected with the maintenance of good order in the services. It is illegal if it is unrelated to military duty; its sole purpose is to accomplish some

private end; it is arbitrary and unreasonable; or it is given for the sole purpose of increasing the penalty for an offense which it is expected you may commit.

General orders or regulations are those orders or regulations which are generally applicable to an armed force and which are properly published by the President, the Secretary of Defense or a military department such as the Secretary of the Navy.

General orders also include those orders which are generally applicable throughout the command of the officer issuing them or throughout a particular subdivision thereof and which are issued by a general or flag officer in command.

I understand the charge and specification regarding the above offense, as well as the elements and definitions of that offense.

a. I have reviewed MCIEAST-MCB CAMLEJO 5500.1A, dated 16 August 2021, with my defense counsel.
b. This order was issued by the Commanding General of Marine Corps Installations East (MCI-East), Marine Corps Base Camp Lejeune, and signed by direction by the Chief of Staff.
c. Colonel Jernigan was authorized to issue this order on behalf of the Commanding General using his title, Chief of Staff, pursuant to MCIEAST-MCB CAMLEJO 5000.1A,[1] and MCIEAST-MCB CAMLEJO 5400.1A.
d. The order went into effect on 16 August 2021.
e. This order was properly published on the MCI-East website and distributed to the tenant commands.
f. I believe and admit that MCIEAST-MCB CAMLEJO 5500.1A was a lawful order in effect on 18 October 2023.
g. I believe that MCIEAST-MCB CAMLEJO 5500.1A is reasonably necessary to safeguard and protect the morale, discipline, and usefulness of all servicemembers aboard Marine Corps Base Camp Lejeune.

[1] Enclosure 2: MCIEAST-MCB CAMLEJO 5000.1A., Enclosure 1, "Chief of Staff (Authorized to sign by 'Title' vice 'By direction')."

h. I believe and admit that MCIEAST-MCB CAMLEJO 5500.1A applied to me on 18 October 2023.

i. I understand the provisions included in MCIEAST-MCB CAMLEJO 5500.1A.

j. I believe that I had a duty to obey MCIEAST-MCB CAMLEJO 5500.1A.

k. I had this duty to obey the order because I am an active duty Marine assigned to Marine Corps Base Camp Lejeune, North Carolina and because I lived in Barracks HP 255, Room 319.

l. I believe and admit that I violated my duty under MCIEAST-MCB CAMLEJO 5500.1A on 18 October 2023.

m. I specifically violated this order by possessing, carrying, displaying, firing, and discharging my privately owned weapon, a Walther PDP pistol, Serial Number FDG1442, in Barracks HP 255 on 18 October 2023.

n. My failure to follow MCIEAST-MCB CAMLEJO 5500.1A on 18 October 2023 was wrongful and done without any legal justification or excuse.

o. I knew that I was not permitted to possess, carry, display, fire, or discharge my privately owned weapon, a Walther PDP pistol, Serial Number FDG1442, in Barracks HP 255 on 18 October 2023.

p. I could have not possessed, carried, displayed, fired, or discharged my privately owned weapon, a Walther PP pistol, Serial Number FDG1442, in Barracks HP 255 on 18 October 2023 if I had wanted to. But I specifically chose to do those actions of my own free will.

q. No one forced or coerced me into violating this order. I freely chose to do so.

<u>Charge III, Specification: Violation of UCMJ, Article 119</u>

ELEMENTS:

(1) That Lance Corporal Austin Schwenk is dead;

(2) That his death resulted from the act or omission of you in that you shot him with a pistol at Barracks HP 255 on 18 October 2023;

(3) That the killing of Lance Corporal Schwenk by you was unlawful; and)

(4) That this act amounted to culpable negligence.

DEFINITIONS:

Killing a human being is unlawful when done without legal justification or excuse.

"Culpable negligence" is a degree of carelessness greater than simple negligence. 'Simple negligence" is the absence of due care. The law requires everyone at all times to demonstrate the care for the safety of others that a reasonably careful person would demonstrate under the same or similar circumstances; this is what "due care" means. "Culpable negligence" is a negligent act or failure to act accompanied by a gross, reckless, wanton, or deliberate disregard for the foreseeable results to others.

The act must not only amount to culpable negligence, but must also be a proximate cause of death. "Proximate cause" means that the death must have been the natural and probable result of the accused's culpably negligent act. The proximate cause does not have to be the only cause, but it must be a contributory cause which plays an important part in bringing about the death. It is possible for the conduct of two or more persons to contribute each as a proximate cause to the death of another. If your conduct was the proximate cause of the victim's death, you will not be relieved of criminal responsibility just because some other person's conduct was also a proximate cause of the death. If the death occurred only because of some unforeseeable, independent, intervening cause which did not involve you, then you may not be convicted of involuntary manslaughter.

If your culpable negligence was a proximate cause of the death, you are not relieved of criminal responsibility just because the negligence of the deceased may also have contributed to his/her death. The conduct of the deceased is, however, important on the issue of whether your culpable negligence, if any, was a proximate cause of death. Accordingly, a certain act may be a proximate cause of death even if it is not the only cause, as long as it is a direct or contributing cause and plays an important role in causing the death. An act is not a proximate cause of the death if some other force independent of the accused's act intervened as a cause of death.

I understand the charge and specification regarding the above offense, as well as the elements and definitions of that offense.

a. I know that Lance Corporal Austin Schwenk is dead.
b. I know he is dead because I was told by law enforcement that he was dead.
c. I have come to understand that Lance Corporal Austin Schwenk was pronounced dead by a medical doctor.
d. Lance Corporal Schwenk is dead because of my act.
e. On 18 October 2023, I shot Lance Corporal Schwenk in the head with my Walther PDP pistol, Serial Number FDG1442, in Barracks HP 255, onboard Marine Corps Base Camp Lejeune, North Carolina.
f. On 18 October 2023, I pointed my Walther PDP pistol, Serial Number FDG1442, in the direction of Lance Corporal Schwenk and pulled the trigger, discharging a round into Lance Corporal Schwenk's head. This act killed him.
g. I did not have any legal justification or authorization to kill Lance Corporal Schwenk.
h. At no time was I acting in self-defense or defense of another.
i. No one forced or coerced me into killing Lance Corporal Schwenk.
j. I made the decision to pull the trigger on the pistol, which killed Lance Corporal Schwenk.
k. I could have avoided killing Lance Corporal Schwenk if I did not pull the trigger on the pistol.
l. I do believe that killing Lance Corporal Schwenk was unlawful for me to do.
m. I agree that my actions amounted to culpable negligence.
n. My negligent act was accompanied by a gross, reckless, wanton, or deliberate disregard for the foreseeable results to Lance Corporal Schwenk.
o. By pointing a pistol at Lance Corporal Schwenk, and pulling the trigger, I had a gross, reckless, wanton, or deliberate disregard for the foreseeable result that Lance Corporal Schwenk would be shot by the pistol and possibly killed.
p. Lance Corporal Schwenk's death was a natural and probable result of my shooting him with my pistol.

q. I understand and believe that shooting a human being in the head with a pistol will naturally and probably result in their death.

[The remainder of this page is intentionally left blank]

SIGNATURE PAGE

By my signature below, I acknowledge that I have read this stipulation completely, discussed it with my counsel, understand it in all respects, and am prepared to abide by its terms.

Accused: [redacted] Date: 20241218

Jesse T. Bopp
Corporal, U.S. Marine Corps

Defense Counsel: [redacted] Date: 2024/12/18

Mr. Eric Kopka, Esq.

Defense Counsel: [redacted] Date: 2024/12/18

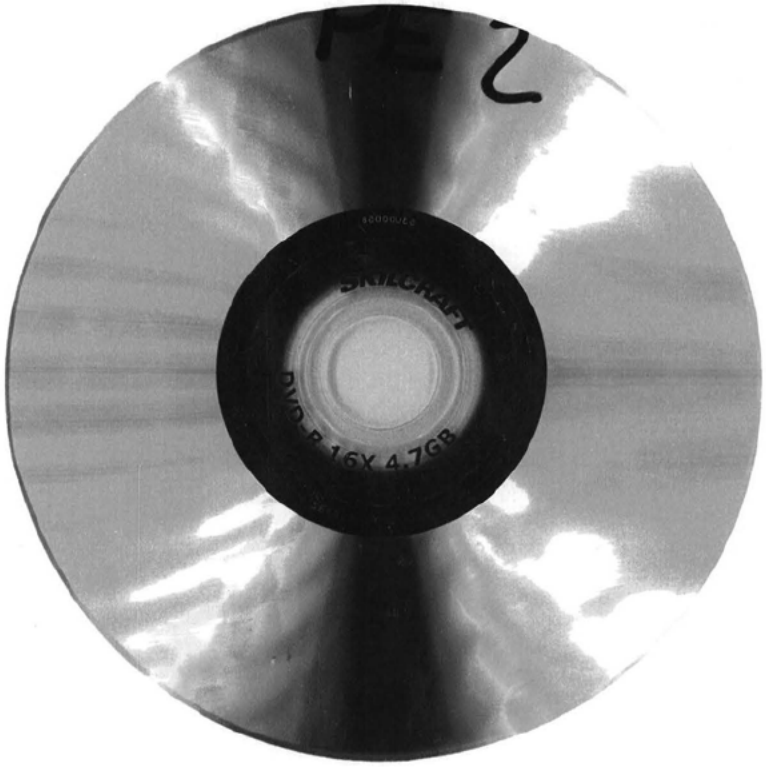
Joshua Rehak
Major, U.S. Marine Corps

Defense Counsel: [redacted] Date: 20241219

Jessica McLaughlin
Captain, U.S. Marine Corps

Special Trial Counsel: SAMUEL.JASON.DARRYL.[redacted] Digitally signed by SAMUEL.JASON.DARRYL.1294[redacted] Date: 2024.12.20 16:18:11 -05'00' Date: 20241220

Jason D. Samuel
Major, U.S. Marine Corps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NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

1. OFFICE CODE: NCISRA CAMP LEJEUNE, NC (CALE)		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. DATE TAKEN: 20OCT23
5. SUMMARY/DESCRIPTION: Day time photograph showing signs after Bridge SWC350A Camp Lejeune, NC indicating the exit for Wallace Creek Road and Commissary/PX and Minimart.		6. PHOTOGRAPHER: SA CHRISTOPHER HITE

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

PHOTOGRAPH (2) OF (8)

ENCLOSURE (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

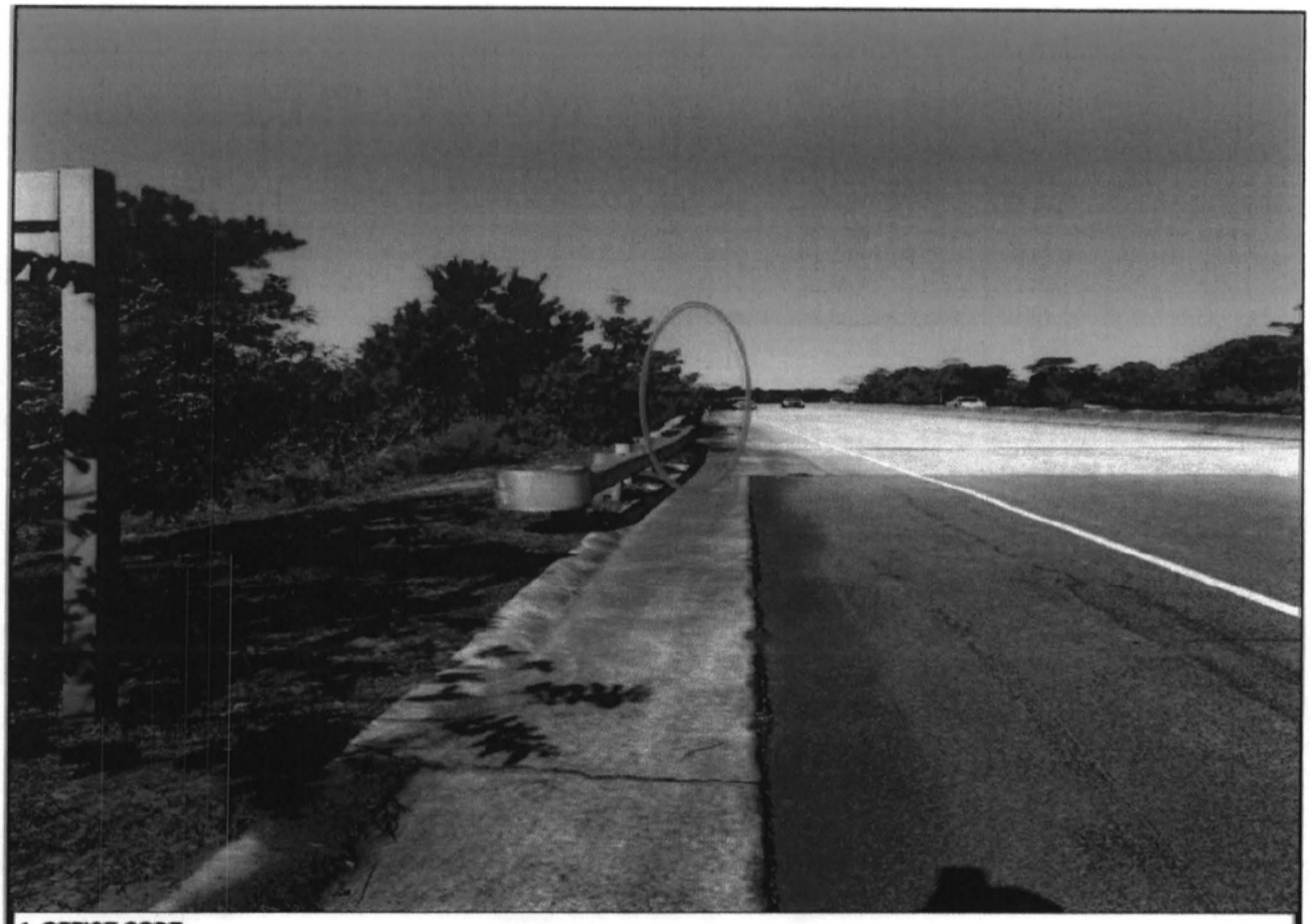
1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC (CALE)		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. DATE TAKEN: 18OCT23
5. SUMMARY/DESCRIPTION: Location where S/BOPP was located by the Provost Marshal's Office on Bridge SWC350A Camp Lejeune, NC after 911 call of someone lying beside the road. S/BOPP was located approximately one hundred forty-seven (147) feet from the sign indicating the Commissary/PX and Minimart. A red in color oval has been place to indicate the location.		6. PHOTOGRAPHER: SA CHRISTOPHER HITE

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

PHOTOGRAPH (3) OF (8)

ENCLOSURE (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC (CALE)		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. DATE TAKEN: 20OCT23
5. SUMMARY/DESCRIPTION: Day time photograph showing the location of S/BOPP from the sign indicating the Commissary/PX and Minimart after Bridge SWC350A Camp Lejeune, NC. An orange in color traffic cone was placed to assist with marking the location. A red in color oval has been place to indicate the location. S/BOPP was located approximately one hundred forty-seven (147) feet from the sign indicating the Commissary/PX and Minimart.		6. PHOTOGRAPHER: SA CHRISTOPHER HITE

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

PHOTOGRAPH (4) OF (8)

ENCLOSURE (B)

UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE
PSC BOX 20005
CAMP LEJEUNE NC 28542-0005

MCIEAST-MCB CAMLEJO 5500.1A
SES/PMO

AUG 16 2021

MARINE CORPS INSTALLATIONS EAST-MARINE CORPS BASE CAMP LEJEUNE ORDER 5500.1A

From: Commanding General
To: Distribution List

Subj: POSSESSION, REGISTRATION, USE, AND SALE OF PRIVATELY OWNED FIREARMS, WEAPONS, AMMUNITION, EXPLOSIVES, FIREWORKS, AND PYROTECHNICS

Ref: (a) 18 U.S.C. §13, Federal Assimilative Crimes Act
(b) 18 U.S.C. §922, Unlawful Acts
(c) General Statutes of North Carolina (NOTAL)
(d) MCO 5530.14A
(e) MCO 5500.6H Ch 1
(f) MARADMIN 719/19
(g) MARADMIN 176/14

Encl: (1) MCIEAST-MCB CAMLEJ Weapons Registration Form
(2) Firearms Regulations Acknowledgment Letter
(3) North Carolina General Statute §14-315.1

1. Situation. The unlawful sale, use and possession of privately owned firearms, weapons, ammunition, explosives, fireworks and pyrotechnics threaten the good order and discipline vital to the mission of Marine Corps Installations East-Marine Corps Base, Camp Lejeune (MCIEAST-MCB CAMLEJ). This necessitates implementation of regulations to protect the resources of MCB CAMLEJ; references (a) through (g) apply.

2. Cancellation. MCIEAST-MCB CAMELJO 5500.1 Ch 1.

3. Mission. This Order outlines the regulations concerning the possession, registration, transportation, storage, use and sale of privately owned firearms, weapons, ammunition, explosives, fireworks, and pyrotechnics by all personnel aboard MCB CAMLEJ.

a. Summary of Revision. This Order has been completely revised and should be read in its entirety.

b. Punitive Effect. Violations of this Order by military personnel are punishable as violations of Article 92 of the Uniform Code of Military Justice (UCMJ) and can subject the violator to court-martial or other judicial or administrative action. Individuals not subject to the UCMJ who fail to comply are subject to adverse administrative action or criminal prosecution as authorized by references (a) through (c) and other applicable Federal and state law.

DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited.

Violations by other individuals may subject the violator to trial in the Federal courts for violation of references (a) through (c).

c. Definitions

(1) "Firearms," as expressed in this Order, include devices which propel projectiles by explosive, gaseous expansion.

(2) "Weapons," as expressed in this Order, include air rifles, air pistols, starter pistols, blank, and similar-type pistols. Other items (i.e., bow, K-bar/knives, or metallic knuckles) that may be designed specifically to cause grievous bodily harm are also included in this definition.

(3) "Handguns," as expressed in this Order, include pistols, revolvers, or other firearms with a short stock designed to be held and fired by the use of a single hand.

(4) "Ammunition," as expressed in this Order, is a device charged with explosives, propellants, pyrotechnics, initiating composition or chemical material for use in connection with defense or offense including demolitions, training, ceremonial, or non-operational purposes.

(5) "Small Arms Ammunition," as expressed in this Order, is ammunition, without projectiles containing explosives (other than tracers), that is .50 caliber or smaller or for shotguns.

(6) Locked case/compartment, as expressed in this Order, for transportation and enduring on-base storage in housing and other billeting is a fully encased container such as a gun safe, hard plastic case, etc., that is capable of completely enclosing the firearm and being locked with a key or combination lock.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. The good order and discipline aboard military installations is a matter of paramount importance in safeguarding national security. Strict adherence to the standards established in this Order shall be maintained to ensure the security and safety of our community, which is essential to preserve good order and discipline aboard MCB CAMLEJ.

(2) Concept of Operations. Personnel residing on MCB CAMLEJ shall have the privilege of possessing their privately owned firearms, if they comply with all requirements of this Order and the references.

b. Tasks

(1) Commanding Officer (CO), Security and Emergency Services, Headquarters and Support Battalion shall:

(a) Implement the registration process for all privately-owned firearms stored on MCB CAMLEJ (registration applies only to personnel that reside on MCB CAMLEJ.

(b) Utilize the most current Marine Corps law enforcement database system to document all registered firearms on MCB CAMLEJ.

(c) Conduct a local records check of all personnel registering privately-owned firearms.

(d) Enforce provisions of this Order as they apply to possessing, registering, storing, transporting, and using privately-owned firearms.

(e) Ensure all newly assigned personnel are informed of the provisions of this Order.

(f) Ensure personnel that reside on MCB CAMLEJ and intend to store privately owned firearms in their quarters/residence, register those firearms with the Provost Marshal's Office (PMO) using the Weapons Registration Form in enclosure (1).

(2) Commanders of Subordinate and Tenant Commands:

(a) Ensure all newly assigned personnel are informed of this Order during initial orientation and as required to ensure continued awareness.

(b) Ensure all assigned Marines that reside on MCB CAMLEJ register all privately-owned firearms that they intend to store on Base, with PMO within 10 days of occupancy.

(c) Commanders with operational oversight of an armory are authorized in accordance with reference (e), to allow Marines to store privately-owned firearms within the unit armory and shall:

1. Develop written armory procedures that ensure daily armory sight counts and inventories that reflect accountability of privately-owned firearms.

2. Develop procedures that make it convenient for Marines to check weapons into and out of the armory.

3. Ensure that privately-owned firearms stored in the unit's armory are stored in locked containers, separate from military weapons and ammunition, and inventoried in accordance with reference (e).

4. Dispose of firearms in accordance with the guidance in reference (e), that have been determined to be abandoned in armory, including those whose owner(s) cannot be determined after reasonable inquiry, or whose owner(s) fail to remove their weapons after being provided notice and opportunity to claim.

(d) Ensure personal weapons and ammunition are permanently withdrawn from the armory only after written approval of the CO or authorized representatives.

(3) Individuals shall: All persons accessing MCB CAMELJ (to include Marines, government employees, contractors, dependents, visitors, and persons transiting the installation) shall comply with the regulations and requirements established in this Order.

c. Coordinating Instructions

(1) Possessing, carrying, displaying, firing, or discharging any firearm aboard the Installation, other than as authorized by the Commanding General (CG), MCIEAST-MCB CAMLEJ is prohibited.

(2) Owners of privately owned firearms must comply with all applicable Federal, state, and local laws for the purchase, registration, transportation, and storage of privately owned firearms and ammunition.

(3) Recreational shooting, hunting, and target practice on MCB CAMLEJ is permitted in approved areas only. Recreational shooting, hunting, and target practice by persons under 18 years of age is prohibited unless they are under the direct supervision or immediate control of a parent, guardian, officer, or staff noncommissioned officer (SNCO). Weapons Training Battalion shall obtain waivers for any underage shooting events outside of training military units.

(4) Family members desiring to purchase and/or maintain firearms on the Installation must have their sponsor register the firearms. Firearms shall be registered, per paragraph 4b(7) of this Order.

(5) Possession and Registration of Firearms and Weapons

(a) Per reference (b), it is a felony for anyone convicted of a "misdemeanor crime of domestic violence" to ship, transport, possess, or receive firearms or dispose of a firearm to any person

they know or reasonably believe has such a conviction. Reference (c) defines a "misdemeanor crime of domestic violence."

(b) Per reference (g), privately owned firearms are prohibited in all Federal facilities; to include government leased spaces and government vehicles.

(c) Military personnel (E-1 through E-5) residing in barracks:

1. Shall register their privately owned firearms with the PMO Administrative Section and then deliver the firearms to their organizational commander, who shall issue receipts, and provide storage per reference (e).

2. Shall deliver weapons, other than firearms, as defined in paragraph 3c(2), to the organizational commander for storage in the same manner as firearms.

(d) SNCOs and officers residing in Bachelor Enlisted Quarters (BEQ) or Bachelor Officer Quarters (BOQ):

1. Shall register all privately owned firearms retained in their on-base quarters with the PMO Administrative Section.

2. After registering firearms, SNCOs and officers shall read, and sign enclosure (2) acknowledging authorization to maintain firearms in BEQs and BOQs, and shall receive a copy of enclosure (2), and enclosure (3). SNCOs and officers must also complete enclosure (1) at the time of registration.

3. SNCOs and officers who previously registered their firearms and reside in BEQs and BOQs must sign enclosure (2) acknowledging they understand and shall comply with the updated firearms regulations. A signed copy of enclosure (2) must be provided to PMO.

4. All privately owned firearms stored for enduring on-base storage in housing and other billeting shall be in a fully encased container (e.g. gun safe, hard plastic case, gun cabinet, etc.) that is capable of completely enclosing the firearms and being locked with a key or combination lock. All firearms shall also be fitted with a trigger or cable lock while stored.

(e) All personnel residing in family housing:

1. Shall register all privately owned firearms retained in their on-base quarters with the PMO Administrative Section.

2. After registering firearms, personnel shall read, and sign enclosure (2) acknowledging authorization they understand and shall comply with the updated firearms regulations for maintaining firearms in family housing, and will receive a copy of enclosure (2), and enclosure (3). Personnel must also complete enclosure (1) at the time of registration.

3. Personnel who previously registered their firearms and reside in family housing must sign enclosure (2) acknowledging they understand and will comply with the updated firearms regulations. A signed copy of enclosure (2) must be provided to PMO.

4. All privately owned firearms stored for enduring on-base storage in housing and other billeting will be in a fully encased container (e.g. gun safe, hard plastic case, gun cabinet, etc.) that is capable of completely enclosing the firearms and being locked with a key or combination lock. All firearms shall also be fitted with a trigger or cable lock while stored.

(f) Per reference (g), any military issued firearm, authorized by the CG, MCIEAST-MCB CAMLEJ for retention in government quarters for enduring on-base storage in housing and other billeting must be stored in a fully encased container (e.g. gun safe, hard plastic case, gun cabinet, etc.) that is capable of completely enclosing the firearms and being locked with a key or combination lock. All firearms shall also be fitted with a trigger or cable lock while stored.

(g) Marine Corps Community Services owned shotguns are not required to be registered with the PMO Administrative Section, however all other provisions of this Order apply.

(h) All personnel who register their firearms shall notify the PMO Administrative Section when they sell or dispose of their firearms, or transfer to a new duty station.

(i) Military Police shall be notified when unregistered firearms are identified aboard MCB CAMLEJ. When not an instrument to other criminal activity, the firearm may be released to the owner's Commanding Officer (CO), held until properly registered, or seized as evidence until adjucative action is complete.

(6) Possession of Ammunition

(a) Personal ammunition of permanent or temporary personnel residing in the barracks, but not in family quarters, shall be delivered to organizational commanders, who will issue receipts, and provide storage per reference (e).

(b) Ammunition for privately owned firearms may be retained in family quarters, SNCO BEQs and Officer BOQs. Ammunition must be stored separately from firearms and in a container capable of being locked with a key or combination lock.

(7) Possession of Explosives, Fireworks, or Pyrotechnics. The possession or use of explosives, fireworks, or pyrotechnics is prohibited, except as required in the performance of official duties.

(8) Sales of Firearms at the Marine Corps Exchange (MCX). The MCX is authorized to sell certain types of firearms and weapons. Firearm sales shall be subject to the following controls:

(a) Handguns (pistols/revolvers) shall be sold to military members if they are 21 years of age and older.

(b) Handguns (pistols/revolvers) shall be sold to other bona-fide MCX patrons with the presentation of a permit issued by an appropriate county residence sheriff's department, as required by reference (c).

(c) Paragraph b(1) of reference (b) prohibits the sale or delivery of any handgun or handgun ammunition to any individual under the age 21, or any firearms, ammunition, or gunpowder to anyone under the age 18.

(d) The sale of all firearms shall be recorded, per the instructions contained in references (b) and (c).

(9) Personal Sales. When purchasing privately owned weapons from personnel who reside on the Installation and the weapon is to be retained aboard the Installation the purchaser must present a bill of sale to PMO prior to registration of the weapon(s).

(10) Concealed Handguns and Weapons

(a) It is prohibited for any personnel, regardless of state license or permit, to carry a concealed privately-owned firearm or any weapon that could cause bodily harm aboard MCB CAMLEJ.

(b) Qualified, active Marine Corps Law Enforcement professionals, who possess a valid Law Enforcement Officer Safety Act 18 U.S.C. §926B credentials are authorized to carry concealed privately-owned firearms aboard MCB CAMLEJ, per reference (f).

(11) Transporting Privately Owned Firearms aboard MCB CAMLEJ

(a) Transporting privately owned firearms is authorized in privately owned vehicles to and from an authorized storage area on-base to an off-base location consistent with Federal, state, or local

laws. In the event an individual is stopped by Law Enforcement while transporting privately owned firemarms, a declanation must be made to the officer per reference (c).

(b) Firearms may also be transported to and from on-base areas, where firearms use is authorized, such as hunting areas or recreational shooting ranges. Current policies that permit hunting on-base are adequate and those weapons are not required to be registered, unless they are stored on-base in a unit armory, housing, or billeting.

(c) Per reference (f), when transporting privately owned firearms aboard the Installation great care must be exercised and precautions taken to ensure the firearms are not loaded and prepared for employment by any occupant of the motor vehicle. It is a violation of this Order to transport a firearm in a vehicle unless the firearm is secured in a locked case/compartment.

(d) No loaded privately owned firearm shall be transported aboard the Installation with the exemption of qualified active Marine Corps Law Enforcement professionals, who possess a valid Law Enforcement Officer Saftey Act 18 U.S.C. §926B credentials.

(e) Privately owned firearms shall not be stored in an enduring or long term manner greater than 24 hours within privately owned vehicles aboard MCB CAMLEJ.

(f) Intermittent stops while transporting privately owned firearms are permitted.

(12) North Carolina Law

(a) The possession, use, sale, and/or other disposal and registration of certain firearms by personnel residing off the Installation are subject to the provisions of North Carolina State Laws.

(b) The provisions set forth by §14-415.10 of reference (c) (Open Carry/Concealed Handguns) ***will not*** apply to MCB CAMLEJ.

5. Administration and Logistics. This Order has been coordinated with and concurred by the CGs of MCIEAST-MCB CAMLEJ; II Marine Expeditionary Force; Commander, U.S. Marine Corps Forces, Special Operations Command; and the COs of the Naval Medical Center; U.S. Coast Guard Joint Maritime Training Center; Marine Corps Combat Service Support Schools; School of Infantry-East; and Marine Corps Engineer School.

6. Command and Signal

a. Command. This Order is applicable to MCB CAMLEJ and its subordinate and tenant commands.

b. Signal. This Order is effective the date signed.

M. JERNIGAN
Chief of Staff

DISTRIBUTION: A/C (plus H&S Bn, WTBn and Naval Medical Center)

AUG 16 2021

Weapons Registration Form

Reporting Requirement: DD-8370-01

Marine Corps Installations East-Marine Corps Base Camp Lejeune
Weapons Registration Form

Reset Form

Privacy Act Statement

Information contained on this form is maintained under the System of Records Notice NM08370-1, Weapons Registration (February 19, 2008, 73 FR 9104). **AUTHORITY**: 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397(SSN). **PRINCIPLE**: Individuals registering firearms or other weapons with station security offices and/or Provost Marshal; all individuals who purchase a firearm or weapon at authorized exchange activities; and/or individuals who reside in government quarters who possess privately-owned firearms; all individuals authorized access to individual armories. **PURPOSE**: To assure proper control of weapons on installations; to monitor and control purchase and disposition of weapons/accessories; and provide record of individual's authorized access to armory spaces. **ROUTINE USE**: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act. **DISCLOSURE**: Disclosure of this information is mandatory to register weapons aboard the installation.

PERSONAL INFORMATION:

Last Name	First Name	Middle Name	Suffix (Jr.,Sr., III)	SSN

Date of Birth	Place of Birth (City/State, Country)	Weight	Height	Hair Color	Eye Color

Drivers License Number	Ethnicity	Race	Gender

Branch of Service	RANK:	Active Duty	Civilian

Organization	Work Telephone Number

Home Address (Local)	City	State	Zip Code	Home Telephone Number

WEAPON INFORMATION:

(1) Weapon Type	**Serial number**		
Make	Model	Caliber	**Barrel Length**
Year Made	Date Purchased	**Action (single/double/break/pump/semi-automatic, etc.)**	
Brief Description of Weapon	Location of Weapon (When not in use)		

***

Firearms Regulations Acknowledgement Letter

I, _____, acknowledge that I have read and understand MCIEAST-MCB CAMLEJO 5500.1A (Possession, Registration, Use and Sale of Privately Owned Firearms, Weapons, Ammunition, Explosives, Fireworks, and Pyrotechnics). Specifically, I understand the following:

1. All of my privately owned firearms and weapons will be stored in either my unit armory or my quarters. Firearms and weapons retained in my assigned quarters shall be inaccessible to minors.

2. Ammunition must be stored separately from firearms and in a container capable of being locked with a key or combination lock. In all cases, privately owned firearms shall be stored in a fully encased container (e.g. Commercial gun safe, hard plastic case, etc.) that is capable of completely enclosing the firearm and being locked with a key or combination lock. All firearms shall be fitted with a trigger lock.

3. All firearms shall remain unloaded until I am actually participating in authorized recreational shooting or hunting.

4. When transporting firearms or weapons, they shall be unloaded and secured in the trunk of the vehicle. If the vehicle does not have a trunk (i.e. truck, hatchback, van) the firearms or weapons may be in the passenger compartment inside a locked case or compartment.

5. Under no circumstances shall firearms, weapons, or ammunition be permanently stored in a privately owned vehicle aboard the Installation.

6. Enduring storage of firearms in a privately owned vehicle is temporarily authorized for transportation to or from an approved location for authorized use **for that day**, provided they comply with transportation/storage requirements indentified in this Order.

7. Carrying a concealed weapon is prohibited aboard the Installation with the exemption of qualified, active Marine Corps Law Enforcement professionals, who possess a valid Law Enforcement Officer Safety Act 18 U.S.C § 926 credentials.

8. Defiance of these regulations constitutes violations of lawful orders other than general orders and may be prosecuted under Article 92 of the Uniformed Code of Military Justice or applicable Federal or state statutes, as appropriate.

_____
Purchaser's Signature

_____
Date

Enclosure (2)

AUG 16 2021

North Carolina General Statue §14-315.1

Upon the retail/commercial sale or transfer of any firearm, the seller or transferor will deliver a written copy of North Carolina General Statute §14-315.1 to the purchaser or transferee. Additionally, any retail or wholesale store, shop, or sales outlet that sells firearms will conspicuously post at each purchase counter the following warning in block letters not less than one inch height: **"IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM THAT CAN BE DISCHARGED IN A MANNER THAT A RESPONSIBLE PERSON SHOULD KNOW IS ACCESSIBLE TO A MINOR."** A violation of these provisions is a Class 1 misdemeanor under North Carolina law.

N.C.G.S §14-315.1. Storage of Firearms to Protect Minors

a. Any person who resides in the same premises as a minor, owns or possesses a firearm, and stores or leaves the firearm (i) in a condition that the firearm can be discharged and (ii) in a manner that the person knew or should have known that an unsupervised minor would be able to gain access to the firearm, is guilty of a Class 1 misdemeanor if a minor gains access to the firearm without the lawful permission of the minor's parents or a person having charge of the minor and the owner:

(1) Possesses it in violation of G.S. 14-269.2(b);

(2) Exhibits it in a public place in a careless, angry, or threatening manner;

(3) Causes personal injury or death with it not in self-defense; or

(4) Uses it in the commission of a crime.

b. Nothing in this section shall prohibit a person from carrying a firearm on their body, or placed in such close proximity that it can be used as easily and quickly as if carried on the body.

c. This section shall not apply if the minor obtained the firearm as a result of an unlawful entry by any person.

d. "Minor" as used in this section, means a person less than 18 years of age who is not emancipated. (1993, c. 558, s. 2; 1994, Ex. Sess., c. 14, s. 11.

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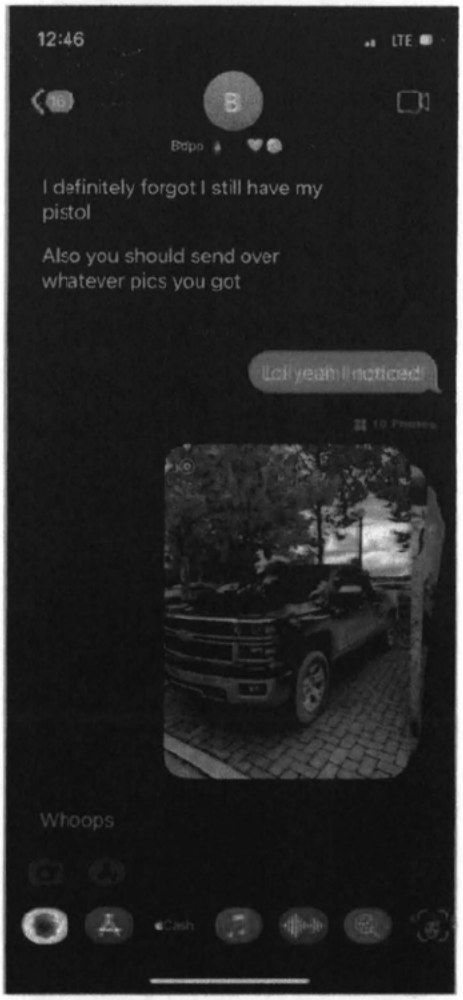


1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE:	**3. CCN:**	**4. AGENT'S NAME:**
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	SA Matthew HIPPLE

5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
PHOTOGRAPH DEPICTING A SCREENSHOT FROM CPL GRIMISON'S CELLULAR PHONE OF TEXT COMMUNICATION BETWEEN HIMSELF AND S/BOPP ON 15OCT23.	SA HIPPLE/19OCT23

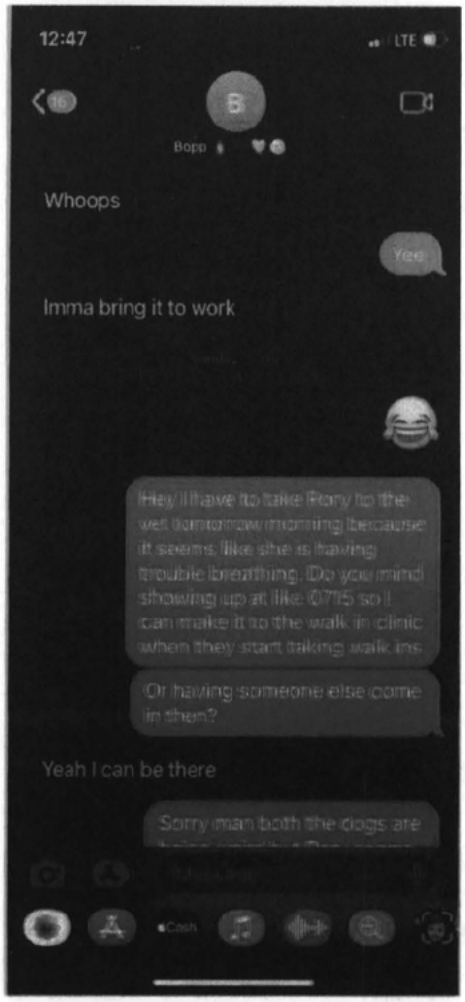
NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (1)

Enclosure (A)

Prosecution Exhibit 8 ~~FID~~

EXHIBIT (37)



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Photograph (2)

Enclosure (A)

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2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. AGENT'S NAME: SA Megan ROBBINS
5. SUMMARY/DESCRIPTION: Overall photograph depicting V/SCHWENK'S room facing the east direction.		6. PHOTOGRAPHER/ DATE PHOTO TAKEN: SA Jasmine WEEMS/18OCT23

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (5) of (52)

Enclosure (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
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Photograph (6) of (52)

Enclosure (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
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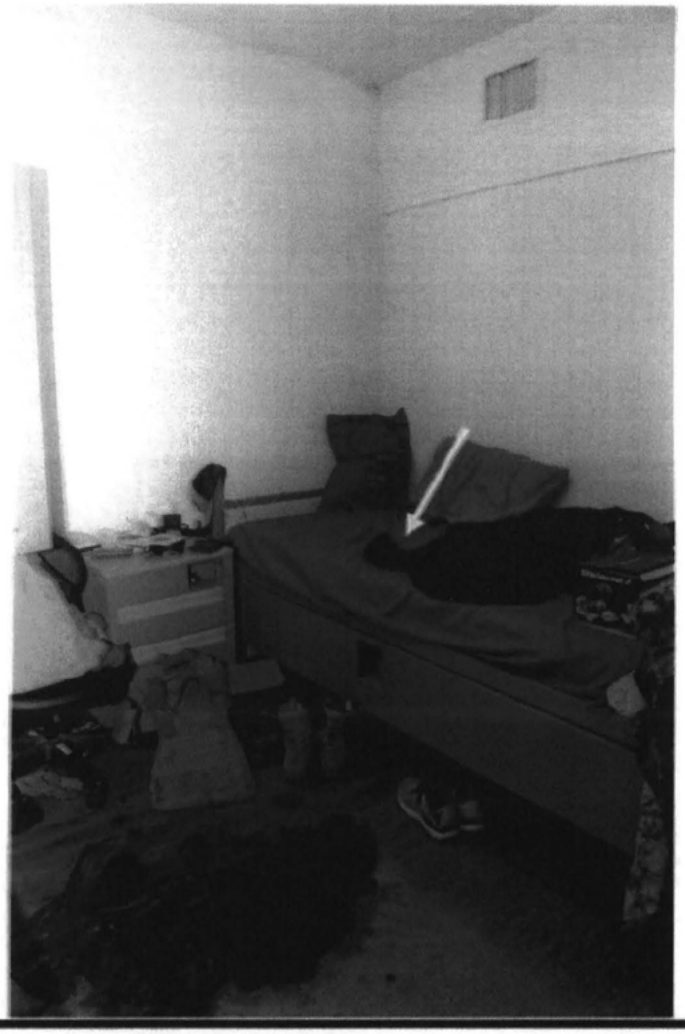

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2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. AGENT'S NAME: SA Megan ROBBINS
5. SUMMARY/DESCRIPTION: Overall photograph depicting location of suspected projectile (Item D). Note: The yellow arrow was added to depict the location of Item D.		6. PHOTOGRAPHER/ DATE PHOTO TAKEN: SA Jasmine WEEMS/18OCT23

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (19) of (52)

Enclosure (B)

'AL CRIMINAL INVESTIGATIVE SE CE
PHOTOGRAPH FORM

1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. AGENT'S NAME: SA Megan ROBBINS

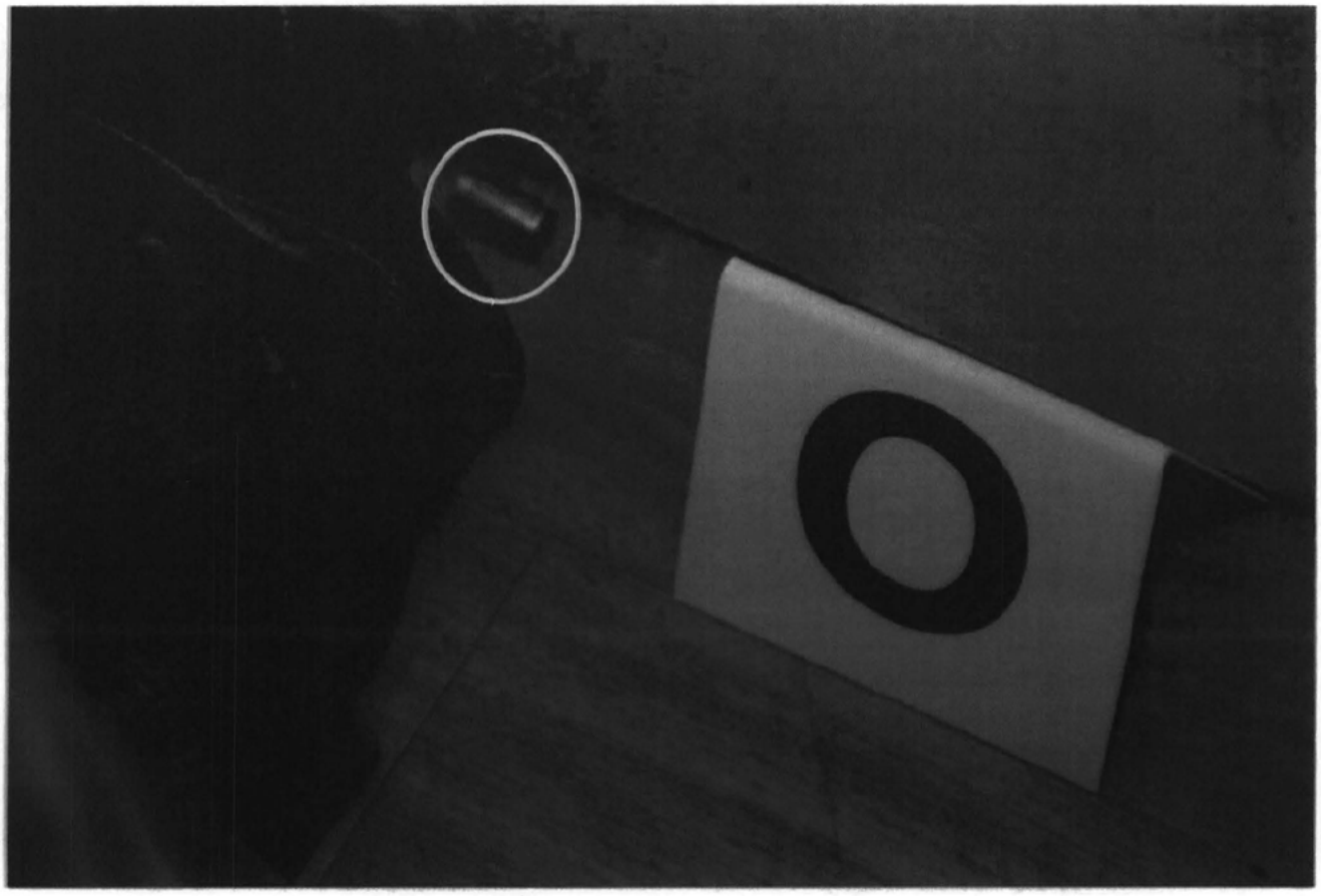
5. SUMMARY/DESCRIPTION:	6. PHOTOGRAPHER/ DATE PHOTO TAKEN:
Mid-range photograph depicting location of 'WIN 9mm luger" shell casing (Item O), with evidence marker. Note: The yellow circle was added to depict location of Item O.	SA Jasmine WEEMS/18OCT23

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (46) of (52)

Enclosure (B)

VAL CRIMINAL INVESTIGATIVE S ICE
PHOTOGRAPH FORM



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NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (47) of (52)

Enclosure (B)

NAVMC 11386 (REV. 06-09) (EF)
FOUO – Privacy Sensitive when filled in.

PERSONNEL SCREENING FORM
FOR ARMS, AMMUNITION, AND EXPLOSIVES (AA&E)

Screening (check one): ☒ INITIAL ☐ ANNUAL

Ref: (a) MCO 5530.14A
(b) MCO P4400.150

Individual being Screened		
Rank: CPL	Name: BOPP, JESSE, T	
EPIDI: [redacted]	MOS: 2171	Billet: Optics Technician
Date of Screening: 2022.08.16	Signature [redacted]	

Individual Conducting Screening		
Rank: 1stLt	Name: ROBERSON, TAYLOR L	
EDIPI: [redacted]	MOS:0402	Billet: Assistant Logistics Officer/ AA&E Officer
Date of Screening: 20220722	Signature: [redacted]	

SUBJECT	YES	NO	N/A	REMARKS
Individual's medical record has been screened by a competent medical authority. There are no medical conditions that would prevent this individual from handling AA&E.	☒	☐	☐	(BAS) Lindsay E. Murphy, MD LT, MC, USN Print NPI: [redacted] Sign [redacted]
Individual's service record book or officer qualification record has been screened. There is no derogatory information that would prohibit this individual from handling AA&E.	☒	☐	☐	(S1) Print Sgt Jordan [redacted]
Individual has no pending legal action and/or convictions by court-martial, civilian courts, or non-judicial punishments that would prohibit this individual from handling AA&E	☒	☐	☐	(LEGAL) Print Sgt Jordan [redacted]
Individual demonstrates the requisite maturity, judgment, and leadership required to handle AA&E.	☒	☐	☐	(AA&E) Print LT ROBERSON [redacted]
Has the Individual had a National Agency Check (NACLC) or Entrance National Agency Check (ENTNAC) completed and is the result posted in the MMS system?	☒	☐	☐	(S2) Print [illegible] [redacted]
Has the Individual qualified with the required security weapon within the last 12 months?	☒	☐	☐	(BTR) Print LT ROBERSON [redacted]
Has the Individual completed instructions in the use of deadly force in the last three months and signed a deadly force certification if required to be armed in the performance of his/her duties?	☒	☐	☐	(Armory) Print LT ROBERSON Si [redacted]

Based on the above information, I have determined that the subject Marine (check one):

☒ does meet the personnel requirements to handle AA&E in the performance of their regular duties.

☐ currently does not meet the personnel screening requirements to handle AA&E in performance of their regular duties. Individual will be re-evaluated in _____ days.

☐ can not meet the personnel screening requirements to handle AA&E in performance of their regular duties. A summary of the findings for non-qualification are attached. If appropriate, the command will request via that action be taken to re-train and/or reassign subject individual to an occupational field not requiring routine handling of AA&E.

Retention: This record will be maintained for one year after termination of the individual's assignment, or one year after final interview if the individual is disqualified during the screening or re-screening process.

Prosecution Exhibit 10 PID

EXHIBIT (76) ENCLOSURE (8)

QUALIFICATION TO POSSESS FIREARMS OR AMMUNITION

PRIVACY ACT STATEMENT

AUTHORITY: 18 U.S.C. 922(g)(9); E.O. 9397.

PRINCIPAL PURPOSE(S): To obtain information to determine if you have been convicted of a crime of domestic violence which would disqualify you from shipping, transporting, possessing or receiving either Government-issued or private firearms or ammunition and to determine if reassignment, reclassification, detail or other administrative action is warranted. Your Social Security Number is solicited solely for purposes of verifying your identity.

ROUTINE USE(S): To the Department of Justice so that such information can be included in the National Instant Criminal Background Check System which may be used by firearm licensees (importers, manufacturers or dealers) to determine whether individuals are qualified to receive or possess firearms and ammunition.

DISCLOSURE: Mandatory for all personnel who are required to certify. Failure to provide the information may result in (1) (military only) the imposition of criminal or administrative penalties for failing to obey a lawful order, and (2) (civilian only) the imposition of administrative penalties, to include removal from Federal service. However, neither your answers nor information or evidence gained by reason of your answers can be used against you in any criminal prosecution for a violation of Title 18, United States Code, Section 922(g)(9), including (military only) prosecutions under the Uniform Code of Military Justice, based on a violation of Section 922(g)(9), for conduct which occurred prior to the completion of this form. The answers you furnish and any information resulting therefrom, however, may be used against you in a criminal or administrative proceedings if you knowingly and willfully provide false statements or information.

SECTION I - INSTRUCTIONS

An amendment to the Gun Control Act of 1968 (18 U.S.C. 922) makes it a felony for anyone who has been convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. It is also a felony for any person to sell or otherwise dispose of a firearm to any person so convicted.

The Department of Defense has, by policy, expanded the prohibitions contained in Title 18 Section 922(g)(9) to those military or civilian personnel who have felony convictions for crimes of domestic violence. Convictions of crimes of domestic violence do not include summary court-martial convictions, the imposition of nonjudicial punishment (Article 15, UCMJ), or deferred prosecutions (or similar alternative dispositions) in civilian courts. Furthermore, a person shall not be considered as having committed a "crime of domestic violence" for purposes of the firearms restriction of the Gun Control Act unless all of the following elements are present:

(1) the person was convicted of a crime;

(2) the offense has as its factual basis the use or attempted use of physical force, or threatened use of a deadly weapon;

(3) the convicted offender was at the time of the offense:
- (a) a current or former spouse, parent or guardian of the victim,
- (b) a person with whom the victim shared a child in common,
- (c) a person who was cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or
- (d) a person who was similarly situated to a spouse, parent, or guardian of the victim;

(4) the convicted offender was represented by counsel, or knowingly and intelligently waived the right to counsel;

(5) if entitled to have the case tried by jury, the case was actually tried by jury or the person knowingly and intelligently waived the right to have the case tried by jury;

(6) the conviction has not been expunged or set aside, or the convicted offender has not been pardoned for the offense or had civil rights restored, unless the pardon, expungement, or restoration of civil rights provides that the person may not ship, transport, possess or receive firearms.

If you have ever received a domestic violence conviction: (1) you may not possess any firearm or ammunition; and (2) you must return any Government-issued firearm or ammunition to your commander or immediate supervisor; and (3) you must take steps to relinquish possession of any privately owned firearms or ammunition. Furthermore, any previously issued authorization to possess a firearm or ammunition is revoked.

If you have any questions, or you are uncertain if you have such a conviction, you may wish to contact a legal assistance attorney, if eligible, or a private attorney, at your own expense.

SECTION II - QUALIFICATION INQUIRY *(Complete and return to your commander or immediate supervisor within 10 days of receipt)*

1. HAVE YOU EVER BEEN CONVICTED OF A CRIME OF DOMESTIC VIOLENCE AS DESCRIBED ABOVE: *(Initial and date)*

YES	NO JYB 20220814	I DON'T KNOW *(Provide explanation on reverse)*

2. IF YOU ANSWERED "YES" TO THE FIRST QUESTION, PROVIDE THE FOLLOWING INFORMATION WITH RESPECT TO THE CONVICTION:

a. COURT/JURISDICTION	b. DOCKET/CASE NUMBER
c. STATUTE/CHARGE	d. DATE SENTENCED *(YYYYMMDD)*

3. CERTIFICATION. I hereby certify that, to the best of my information and belief, all of the information provided by me is true, correct, complete, and made in good faith. I understand that false or fraudulent information provided herein may be grounds for criminal and/or administrative proceedings, to include (if civilian) adverse action, up to and including removal, and (if military) disciplinary action under the Uniform Code of Military Justice. I further understand that I have a continuing obligation to inform my Commander or Supervisor should I be convicted of a crime of domestic violence in the future.

a. NAME *(Last, First, Middle Initial)*	b. RANK/GRADE	c. EDIPI
BOPP. JESSE, T	CPL / E4	[redacted]
d. ORGANIZATION	**e. SIGNATURE**	**f. DATE SIGNED** *(YYYYMMDD)*
2D BATTALION, 6TH MARINES	[redacted]	20220814

DD FORM 2760, DEC 2002

LOCAL RECORDS CHECK (1600)
NAVMC 10482 (REV. 3-93) (EF) (Previous editions will be used)

SN: 0000-00-005-2402 U/I: 50 SH PER PG DATE: 20221213

NAME (Last, First, Middle)	EDIPI	GRADE	MOS
BOPP, JESSE, T	[redacted]	E4	2171

ORGANIZATION
2d Battalion, 6th Marines

DATE OF BIRTH	PLACE OF BIRTH	CITIZENSHIP
[redacted]	BROOKFIELD, WI	U.S.A.

NAME OF SPOUSE (Last, First, Middle)	DATE OF BIRTH	PLACE OF BIRTH	CITIZENSHIP

CLEARANCE STATUS (Degree)	BASIS	COMPLETED BY (Agency)	DATE COMPLETED
SECRET			

PURPOSE FOR REQUESTING LOCAL RECORDS SCREENING
AA&E SCREENING

RESULTS OF COMMAND SCREENING

RECORDS CHECKED:

☐ OQR/SRB ☐ HEALTH RECORD ☐ UNIT PUNISHMENT LOG BOOK

RECORDS SCREENED BY THE COMMAND REFLECT (Check appropriate block):

☐ NO DEROGATORY ☐ FOLLOWING INFORMATION:

M.P. RECORDS CHECK
Date 19 OCT 22 Yes No
Remarks No Records Found
[redacted]
Herman Owen Jr, PMO Admin

[redacted]
(Signature of Requesting Official)

UNITED STATES MARINE CORPS
2D BATTALION 6TH MARINES
2D MARINE DIVISION
FLEET MARINE FORCE
PSC BOX 20099
CAMP LEJEUNE NC 28542-0099

IN REPLY REFER TO:
8000
ORD

From: Arms, Ammunition, and Explosive (AA&E) Officer
To: Personnel Officer

Subj: MCTMS ENTRIES FOR AA&E SCREENINGS

Ref: (a) MCO P4400.150
(b) MCO 5530.14
(C) MARADMIN 085/16 182315ZFEB 16

1. Per the references, the below listed personnel have been screened and found qualified for duties involving Arms, Ammunition, and Explosives:

NAME	RANK	EDIPI
ROBERSON, KEVIN M.	SSGT	[redacted]
RYSAVY, TYLER	SGT	
ACEBO, JOSHUA	CPL	
CARAVEAU, TAREN	CPL	
EVANS, MICHEAL	CPL	
GRIMISON, JOSHUA	CPL	
BOPP, JESSE	LCPL	
ROJASMILLER, KRISTIAN H.	LCPL	

2. It is requested that the individuals listed above have a Type Transaction Code (TTC) 483, Arms AA&E screen entered into the Marine Corps Total Force System (MCTFS). Provide a copy of the certified unit diary printout to the Arms, Ammunition, and Explosive Officer.

3. Point of contact for this matter is First Lieutenant Taylor L. Roberson at (910-451-1577).

[redacted]

T. L. ROBERSON

FOR OFFICIAL USE ONLY.

UNITED STATES MARINE CORPS
2D BATTALION 6TH MARINES
2D MARINE DIVISION
FLEET MARINE FORCE
PSC BOX 20099
CAMP LEJEUNE NC 28542-0099

IN REPLY REFER TO:
5530
ORD

From: Arms, Ammunition, and Explosive (AA&E) Officer
To: Medical Officer

Subj: MEDICAL SCREENING FOR AA&E DUTIES ICO CORPORAL JESSE T. BOPP
[redacted] 2171 USMC

Ref: (a) MCO 5530.14A

1. Please screen the above individual's health record for assignment to Arms, Ammunition, and Explosive (AA&E) duty. A positive response to any of the questions below **may** disqualify the individual from assignment to working with AA&E in the performance of his/her duties.

a. Does the Marine have history of alcohol abuse?
Yes _____ No X.

b. Has the Marine been the subject of psychiatric evaluation?
Yes _____ No X.

c. Has the Marine been treated for suicidal tendencies?
Yes _____ No X.

d. Has the Marine been treated for depression?
Yes _____ No X.

e. Has the Marine been treated for stress?
Yes _____ No X.

f. Has the Marine been treated for drug abuse?
Yes _____ No X.

g. Is the Marine under any permanent medication that might degrade his/her mental capacity?
Yes _____ No X.

2. The above Marine's Medical Record Book has been reviewed.

[redacted] Lindsay E. Murphy, MD
LT, MC, USN
NPI: [redacted]

MEDICAL OFFICER SIGNATURE AND DATE

UNITED STATES MARINE CORPS
2D BATTALION, 6TH MARINES
2D MARINE DIVISION
PSC BOX 20099
CAMP LEJEUNE, NC 28542-0099

5220
S-2
9 Sep 22

From: Security Assistant
To: Manpower Management Enlisted Assignment

Subj: CERTIFICATION OF SECURITY CLEARANCE IN CASE OF CORPORAL BOPP, JESSE T. [redacted] USMC

1. This letter is issued to certify the subject's security clearance was adjudicated by the Department of the Navy, Central Adjudication Facility, Washington D.C. and may be used to verify your security eligibility.

2. The subject's service records indicate the following pertinent details regarding your security clearance:

Open Investigation: N/A

PSQ sent date: N/A

Investigation Summary: Tier 3 from OPM, Closed 2018-08-08.

Adjudication Summary: PSI Adjudication completed with a favorable determination eligibility of Secret on 2018-08-20 from DoD CAF.

3. Point of contact is 2d Battalion, 6th Marine Regiment S-2 at (910) 450-8533.

[redacted]

R. L. WOLD

M4 RIFLE LOADING AND CLEARING PROCEDURES PRACTICAL APPLICATION

ALL PROCEDURES WILL BE DONE WITH EXTREME CARE AND ATTENTION TO DETAIL.

LOADING PROCEDURES	YES	NO
1. Successfully placed weapon on safe. Pulled charging handle fully rearward and checked chamber. Showed clear.	✓	
2. Released the charging handle. Successfully inserted magazine and pushed upward until magazine catch engages.	✓	
3. Successfully pointed the weapon into the clearing barrel, with the weapon on safe. Successfully racked a round pulling charging handle to the rear and releasing.	✓	

CLEARING PROCEDURES	YES	NO
1. Successfully ensured rifle was on safe. Pointed directly into the clearing barrel.	✓	
2. Successfully depressed the magazine catch and removed the magazine.	✓	
3. Successfully locked the bolt to the rear while observing the round ejected from the chamber.	✓	
4. Successfully inspected the receiver and chamber to show clear.	✓	
5. Pressed the bolt catch and dry fired the weapon into the clearing barrel. Placed the weapon on safe and locked the bolt to the rear. Closed ejection port cover. Returned rifle to the appropriate rack storage space.	✓	

PRINTED NAME OF MARINE BEING TESTED	SIGNATURE	DATE
CPL BOPP JESSE	[redacted]	20220816

PRINTED NAME OF TESTER		DATE
Sgt Krysavy Tyler	[redacted]	20220816

M9 PISTOL LOADING AND CLEARING PROCEDURES PRACTICAL APPLICATION

ALL PROCEDURES WILL BE DONE WITH EXTREME CARE AND ATTENTION TO DETAIL.

LOADING PROCEDURES	YES	NO
1. Successfully loaded two magazines with 15 rounds.	✓	
2. Successfully removed pistol from holster, placed it on safe and locked the slide to the rear. Visually and physically inspected the chamber and magazine well for ammunition. Once confirmed clear, slowly released the slide.	✓	
3. Successfully pointed the weapon into the clearing barrel, with the weapon on safe. Inserted one fully loaded magazine. Chambered a round using the "Sling Shot" method.	✓	
4. Successfully placed the pistol in the holster and it was on safe. Placed the second fully loaded magazine into the ammunition pouch.	✓	

CLEARING PROCEDURES	YES	NO
1. Successfully removed the weapon from the holster and ensured it was on safe. Pointed directly into the clearing barrel.	✓	
2. Successfully depressed the magazine catch and removed the magazine.	✓	
3. Successfully locked the slide to the rear while catching the round ejected from the chamber.	✓	
4. Successfully inspected the chamber and magazine well to show clear. Released the slide and dry fired the weapon into the clearing barrel. Placed the weapon on safe and locked the slide to the rear. Returned the pistol to the appropriate rack/storage space.	✓	

Cpl Boffwesse	[redacted]	20220816
PRINTED NAME OF MARINE BEING TESTED	SIGNATURE	DATE
Sgt Ryscuy Tyler	[redacted]	20220816
PRINTED NAME OF TESTER		DATE

STATEMENT OF UNDERSTANDING

"I understand that my behavior on duty as well as off duty is expected to reflect mature, stable judgment and that I may be removed from my duties involving control of arms, ammunition and explosives, or other administrative action taken, if my behavior does not reflect high standards. I further understand that serious harm can come from my failure to properly carry out my duties. I am aware that my improper actions or failure to carry out my duties may result in criminal prosecution, fines, and imprisonment. I understand and accept the responsibility to safeguard arms, ammunition and/or explosives."

INITIAL SCREENING

SIGN: [redacted] DATE: 20221205

ANNUAL RE-SCREEN

SIGN: [redacted] DATE: 20221205

SIGN: _____ DATE: _____

SIGN: _____ DATE: _____

SIGN: _____ DATE: _____

SIGN: _____ DATE: _____

SIGN: _____ DATE: _____

CERTIFICATION OF ANNUAL ARMORY CUSTODIAN TRAINING

The below listed Marine has been trained in the following areas prior to assuming duties as an armory custodian:

1. AA&E Reporting Requirements
2. Key AA&E Billets
3. Access Control
4. Communications
5. Duress Procedures
6. Open/Closing Procedures
7. AA&E Storage
8. Transportation of AA&E
9. Issue/Recovery Procedures
10. Sight Counts
11. Privately Owned Weapons
12. Stock List 3 Management
13. Preventative Maintenance
14. Command Policies/Unit Directives

MARINE TRAINED:

CPL BOPP 9530/2171

RANK NAME LAST 4/MOS

MARINE CONDUCTING TRAINING/REFRESHER TRAINING:

PRINT/SIGN: LCPL Metcalf, [redacted] DATE: _____

PRINT/SIGN: _____ DATE: _____

PRINT/SIGN: _____ DATE: _____

PRINT/SIGN: _____ DATE: _____

PRINT/SIGN: _____ DATE: _____

PRINT/SIGN: _____ DATE: _____

INDIVIDUAL'S ACKNOWLEDGEMENT OF SPECIFIC INSTRUCTIONS FOR ARMED SECURITY AND LAW ENFORCEMENT PERSONNEL REGARDING THE USE OF FORCE

Name (Last, First, M. I.)	Rank	EDIPI (Last 4)	Date
Bopp, Jesse, T	Cpl	[redacted]	20120811

1. Inherent Right of Self Defense. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Unless otherwise directed by a unit commander as detailed below, I may :

a. JTD Exercise individual self-defense in response to a hostile act or demonstrated hostile act.

b. JTD However, I understand that when I am assigned and acting as a part of a unit, my individual self-defense should be considered a subset of unit self-defense. As such, my unit commander may limit my individual inherent right of self-defense.

2. De-Escalation and the Use of Non-Deadly Force. I understand that:

a. JTD When time and circumstances permit, the threatening force should be warned and given the opportunity to withdraw or cease threatening action.

b. JTD Normally, force is to be used only as a last resort, and the force should be the minimum necessary. If force is required, a non-deadly force is authorized and may be used to control a situation and accomplish the mission, or to provide self-defense of DOD force, defense of non-DOD persons in the vicinity if directly related to the assigned mission, or in defense of the protected property, when doing so is reasonable under the circumstances.

3. The use of Deadly Force.

a. JTD When DOD unit commanders reasonably believe that a person poses an imminent thereat of death or serious bodily harm to DOD forces. Unit self-defense includes the defense of other DOD forces in the vicinity.

b. JTD In defense of non-DOD persons in the vicinity, when directly related to the assigned mission.

c. JTD When deadly force resonably appears to be necessary to prevent the actual theft or sabotage of properly designated assets vital to national security.

d. JTD When deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of inherently dangerous property (i.e., explosives, weapons, ammunition, etc.).

e. JTD When deadly force reasonably appears to be necessary to prevent the sabotage of national critical infrastruture. For the purpose of DOD operations, "national critical infrastructure" is defined as President-designated public utilities, or similar critical infrastruture, vital to public, health and safety, the damage to which the President determines would create an imminent threat of death or serious bodily harm.

4. Additionaly, when directly related to the assigned mission, deadly force is authorized under the following cicumstances:

a. JTB When deadly force reasonably appears to be necessary to prevent the commission of a serious offense that involves imminent threat of death or serious bodily harm (for example, setting fire to an inhabited dwelling or sniping), including the defense of other persons, where deadly force is directed against the person threatening to commit the offense. Examples include murder, armed robbery, and aggravated assault.

b. JTB When deadly force reasonably appears to be necessary to prevent the escape of a prisoner, provided there is a probable cause to believe that such person(s) have committed or attempted to commit a serious offense, that is, one that involves imminent threat of death or serious bodily harm, would pose an imminent threat of death or serious bodily harm to DOD forces or other in the vicinity.

c. JTB When deadly force reasonably appears necessary to arrest or apprehend a person who, there is probable cause to believe, has commited a serious offense (as indicated in paragraph 3, above).

5. Additional Specific Instructions:

a. JTB I am prohibited from firing warning shots.

b. JTB I will remove my pistol from holster only when:

(1) The use of deadly force is imminent, or to affect the apprehension of a suspect I belive to be armed or dangerous, or to gain control of a dangerous situation.

(2) Ordered to do so by competent authority.

(3) Returning it to storage.

(4) Cleaning it in an authroized area.

c. JTB I will show due regard for safety of innocent bystanders when using force.

6. JTB I will not point any firearm at any person, except:

a. To gain control of a situation.

b. When I intend to use deadly force.

c. During on-duty reaction drill, only after I have checked the firearm and it has also been checked by my supervisor to ensure no rounds are in the weapon.

7. JTB If I chamber a round in a rifle or shotgun, or remove my pistol from its holster, proper notificiations will be made and a Statement of Force form completed.

8. JTB When clearing a firearm, I will follow current policies and procedures pertaining to firearms handling, clearing, and safety.

a. No weapon will be cleared without a supervisor (NCO or above) present and clearing will be accomplished only in the designated area (i.e., clearing barrel).

b. When drawing a weapon from the armory/arms room, rounds will be drawn after ensuring the weapon is clear.

c. When returning a weapon to the armory/arms room, rounds will always be properly accounted for and turned in prior to clearing the weapon, unless a round has been chambered.

d. I will report any violation of these policies or procedures immediately to the proper authority.

9. JKB I am prohibited from using a privately owned firearm or ammunition on duty.

10. JKB During training, exercises and testing, I will check my firearm and have it double checked by another person, to ensure that no live rounds are in the weapon and that there is no magazine inserted in the weapon.

11. JKB I will comply with these principles when using non-lethal weapons or techniques in such a manner that could cause death or serious bodily harm.

12. Acknowledgement. I have been instructed on the use of deadly force and acknowledge that I understand and will comply with the basic rules for the use of deadly force and weapons safety. I acknowledge that failure to comply with the basic rules for the use of force and weapons safety may result in administrative, disciplinary, and/or penalties.

20220816
Date

CPL BOPP, JESSE
Rank/Printed Name

[redacted]
Signature

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM

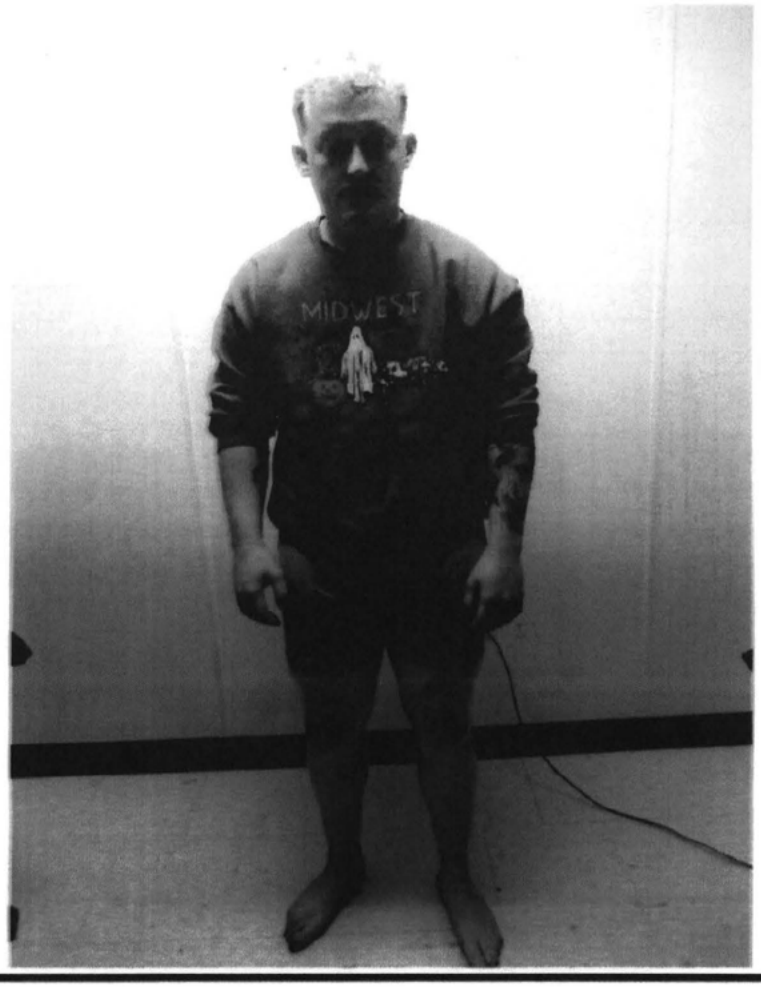
1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE: S/BOPP, JESSE THOMAS/CPL USMC	3. CCN: 18OCT23-CALE-00856-7HMA	4. AGENT'S NAME: SA Megan ROBBINS
5. SUMMARY/DESCRIPTION: Close-up photograph depicting Walther PDP pistol bearing S/N: FDG1442 (Item F), subsequent to clearing.		6. PHOTOGRAPHER/ DATE PHOTO TAKEN: SA Jasmine WEEMS/18OCT23

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (26) of (52)

Enclosure (B)

NAVAL CRIMINAL INVESTIGATIVE SERVICE
PHOTOGRAPH FORM



1. OFFICE CODE:		
NCISRA CAMP LEJEUNE, NC		
2. TITLE:	**3. CCN:**	**4. AGENT'S NAME:**
S/BOPP, JESSE THOMAS/CPL USMC	18OCT23-CALE-00856-7HMA	SA MEGAN ROBBINS
5. SUMMARY/DESCRIPTION:		**6. PHOTOGRAPHER/ DATE PHOTO TAKEN:**
Photograph depicting overall front view of S/BOPP, his condition and clothing during the time of his apprehension.		SA RYAN VANKIRK/19OCT23

NCIS 5580/91 (Rev 06-2010) PREVIOUS EDITIONS ARE OBSOLETE

Photograph (1)

Enclosure (A)

EXHIBIT (20)
000503
Prosecution Exhibit 13 ~~FID~~
Page 1 of 1