5830

CO

20 Feb 16

From: Captain John M. Smith 1234567890/0302 USMC

To: Commanding Officer

Subj: SAME AS SUBJECT ON CONVENING ORDER

Ref: (a) JAGINST 5800.7F, Chapter 2 (JAGMAN)

Encl: (1) Appointment Letter (always the first enclosure)

(2) Enclosures should be listed in the order in which they are cited

in the body of the investigation

(3) Each statement, affidavit, transcript or summary of testimony,

photograph, map, chart, document, or other exhibit should be a

separate enclosure

(4) Ex. “Statement of Joe Buck, signed by witness”

(5) Ex. “Photograph of 5 Feb 14 depicting the crime scene”

# Preliminary Statement

1. A preliminary statement informs convening and reviewing authorities of the bottom line up-front of the investigation results. It also indicates that all relevant evidence was collected or is forthcoming and that the investigating officer met each of the CA’s directives. After setting forth the nature of the investigation, the preliminary statement details difficulties encountered, extensions requested and granted, limited participation by any member or advisor, and any other information necessary for a complete understanding of the case. The itinerary of an investigator or board in obtaining information is not required. Also state in appropriate cases that the matter was first referred to NCIS and NCIS expressed no objection to proceeding with the investigation.

# Findings of Fact

1. Findings of Fact must be as specific as possible as to times, places, persons, and events. Each finding of fact must identify one fact only, and be supported by and cite to at least one enclosure to the report. [Encls (2), (3)]

2. Michael arrived at the restaurant at 1800. [Encls (2), (3)]

3. Michael, the Chief of Police, and Mr. Tattalia sat at table 4 of the restaurant. [Encls (3)]

4. Michael got up to go to the bathroom at 1815. [Encls (3), (5), (6)]

5. Before being allowed to go to the bathroom, Michael was searched for weapons when the Chief of Police stated, “he’s clean.” [Encls (3)]

6. At 1819 Michael returned to the table with a gun and fired 4 shots at the Chief of Police and Mr. Tattalia. [Encls (1)]

7. The Chief of Police and Mr. Tattalia succumbed to their wounds and died in the restaurant. [Encls (2)]

# Opinions

1. An opinion is a reasonable evaluation, reference, or conclusion based on facts found. Each opinion must be supported by findings of fact. Determination of line of duty and misconduct is properly stated as an opinion. [FF (#), (#)]

# Recommendations

1. Recommendations depend on the nature of the facts found and opinions expressed. Recommendations shall not be offered unless requested, and may be limited to certain subject areas.

J. L. SMITH