

Debunked: Fact-Checking the Pentagon's
Claims Regarding Military Justice

APPENDIX B

APPENDIX B

Timeline of POD FOIA Requests and Responses from the DoD B3

Protect Our Defenders Requests Under the FOIA B4

Department of Defense FOIA Response B18

Department of the Army FOIA Response..... B20

Department of the Army Submission to the Response Systems to
Adult Sexual Crimes Panel on Nov. 6, 2013 B151

Department of the Navy – Marine Corps FOIA Response B171

Department of the Navy FOIA Response B206

Timeline of POD FOIA Requests and Responses from the DoD



July 22, 2013 – Original Freedom of Information Act (FOIA) Submission to the Department of Defense (DoD) following Adm. Winnefeld's oral testimony to the Senate Committee on Armed Services (SASC).

July 23, 2013 – Letter from Adm. Winnefeld to Senator Levin re-stating the claims regarding the numbers, with no reference to records.

July 30, 2013 – (Received by POD Aug 15) Letter from DoD directing us to re-submit the FOIA requests to each service branch.

August 15, 2013 – Resubmitted FOIA at DoD request to each service branch.

August 26, 2013 – Response from Army FOIA Division saying request was forwarded to Office of Administrative Assistant to the Secretary of the Army and the Office of the Judge Advocate General for action. A second email from that division stating that our FOIA request was forwarded to the Office of the Judge Advocate General, Criminal Law Division.

September 5, 2013 – Response from Office of the Administrative Assistant to the Secretary of the Army saying they do not maintain records and do not have the records requested. "No record" determination assigned to the request.

October 8, 2013 – Response from Office of Judge Advocate General, Criminal Law Division of the Navy saying they "do not maintain a system of records including 120 cases charged by civilians, reasons for civilian law enforcement's declination, or the military's request for civilians to w/d charges." Said "What we will be able to provide is a redacted version of some particular cases where civilians declined to pursue, but that the Navy pursued. This information was not tracked in a system of records, so the number of cases we provide are the only ones we were able to identify. This would also satisfy the last portion of your request which asks for the ultimate disposition of those cases."

November 6, 2013 – Response from Navy FOIA Program Office saying request has been forwarded to the Office of the Judge Advocate General (OJAG), Criminal Law Division.

June 16, 2014 – Mailed letter to Adm. Winnefeld reiterating request. Enclosed original FOIA requests as well as follow-up requests that had been sent to each service branch.

July 30, 2014 – Email from OJAG Criminal Law Division in Navy:

"I am writing in regards to a FOIA request submitted back in October 2013 pertaining to about 120 cases/data that you are seeking. I know that it has been a long time to process this request, so I am trying to find out if you are still in need of this information. If you are still in need of this information, could you please email exactly what you are looking for, as with all the turnover that has been happening at Code 20 it seems that your request cannot be located, you will not lose your place in the queue, but if still needed I would like to do some research on the topic, If you could email me back it would greatly appreciated."

July 31, 2014 – We sent the OJAG a copy of our original FOIA. No response.

April 10, 2015 – Mailing from the Army with documents partially responsive to our FOIA request.

July 8, 2015 – We received an email from the Marine Corps with documents partially responsive to our FOIA request.

Protect Our Defenders Requests Under the Freedom of Information Act



Date: July 22, 2013

TO: THE OFFICE OF THE SECRETARY OF DEFENSE AND JOINT STAFF

To Whom it May Concern,

Please see attached signed copy of request noted below.

Name: Taryn Meeks

Mailing Address: 110 Maryland Ave NE, Suite 505, Washington, D.C. 20002

Email: tmeeks@protectourdefenders.com

Documents Requested: This is a FOIA request. I am requesting documents pertaining to the testimony of Admiral James Alexander Winnefeld, Vice Chairman of the Joint Chiefs of Staff, before the Senate Armed Services Committee on July 18, 2013. During his testimony on the U.S. Military's prosecutions of rape and sexual assault, Admiral Winnefeld made the following assertion: the Army found 49 cases in the last two years in which civilian lawyers declined to prosecute; commanders pursued the cases, leading to 25 convictions. The Marine Corps reported 28 cases declined by prosecutors that commanders pursued to 16 convictions.

I respectfully request any and all documents and data since the year 2008 that have been used to support this assertion made by Admiral Winnefeld.

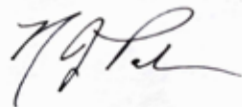
Specifically, I request the following information for the Army, Air Force, Navy, Marine Corps, and Coast Guard for 2013, 2012, 2011, 2010, 2009, 2008:

- All Article 120 cases which were charged by civilian law enforcement.
- All Article 120 cases which civilian law enforcement declined to prosecute.
- The reason for the civilian law enforcement declination, to include the military's request that civilian authorities withdraw charges.
- The ultimate disposition of the aforementioned cases, to include forum, conviction, and sentence awarded, if any.

I am willing to pay up to \$200.00 dollars. I request a fee waiver because disclosure of this data is in the public interest. This data has been provided as evidence against the passage of reforms to the Uniform Code of Military Justice that are currently pending in the United States Senate. Access to this data is critical to evaluating the potential effectiveness of proposed reforms.

This is an expedited request. This data has been provided to Congress and to the media as arguments for and against certain pending reforms. It is in the public interest for a victims' advocacy organization (representing male and female survivors of sexual assault within the military) to have access to this information. We will use this information to inform sexual assault victims (who are the subject of the data as well as the proposed reforms), as well as lawmakers and the public. Without timely access to the information knowledge of the true rates of prosecution by the military is restricted.

Very Respectfully,



Nancy Parrish



Date: August 15, 2013

TO: Department of the Army
ATTN: AHRC-PDD-FP
Freedom of Information & Privacy Acts Division
7701 Telegraph Road
Alexandria, VA 22315-3860

To Whom it May Concern,

Please see attached signed copy of request noted below.

Name: Taryn Meeks
Mailing Address: 110 Maryland Ave NE, Suite 505, Washington, D.C. 20002
Email: tmeeks@protectourdefenders.com

Documents Requested: This is a FOIA request. I am requesting documents pertaining to the testimony of Admiral James Alexander Winnefeld, Vice Chairman of the Joint Chiefs of Staff, before the Senate Armed Services Committee on July 18, 2013. During his testimony on the U.S. Military's prosecutions of rape and sexual assault, Admiral Winnefeld made the following assertion: the Army found 49 cases in the last two years in which civilian lawyers declined to prosecute; commanders pursued the cases, leading to 25 convictions. The Marine Corps reported 28 cases declined by prosecutors that commanders pursued to 16 convictions.

I respectfully request any and all documents and data since the year 2008 that have been used to support this assertion made by Admiral Winnefeld.

Specifically, I request the following information for the Army for 2013, 2012, 2011, 2010, 2009, 2008:

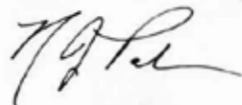
- All Article 120 cases which were charged by civilian law enforcement.
- All Article 120 cases which civilian law enforcement declined to prosecute.
- The reason for the civilian law enforcement declination, to include the military's request that civilian authorities withdraw charges.
- The ultimate disposition of the aforementioned cases, to include forum, conviction, and sentence awarded, if any.

I am willing to pay up to \$200.00 dollars. I request a fee waiver because disclosure of this data is in the public interest. This data has been provided

as evidence against the passage of reforms to the Uniform Code of Military Justice that are currently pending in the United States Senate. Access to this data is critical to evaluating the potential effectiveness of proposed reforms.

This is an expedited request. This data has been provided to Congress and to the media as arguments for and against certain pending reforms. It is in the public interest for a victims' advocacy organization (representing male and female survivors of sexual assault within the military) to have access to this information. We will use this information to inform sexual assault victims (who are the subject of the data as well as the proposed reforms), as well as lawmakers and the public. Without timely access to the information knowledge of the true rates of prosecution by the military is restricted.

Very Respectfully,



Nancy Parrish



Date: August 15, 2013

TO: Department of the Navy
Headquarters U.S. Marine Corps
3000 Marine Corps Pentagon, Room 2A288
Washington, D.C. 20350-3000

To Whom it May Concern,

Please see attached signed copy of request noted below.

Name: Taryn Meeks
Mailing Address: 110 Maryland Ave NE, Suite 505, Washington, D.C. 20002
Email: tmeeks@protectourdefenders.com

Documents Requested: This is a FOIA request. I am requesting documents pertaining to the testimony of Admiral James Alexander Winnefeld, Vice Chairman of the Joint Chiefs of Staff, before the Senate Armed Services Committee on July 18, 2013. During his testimony on the U.S. Military's prosecutions of rape and sexual assault, Admiral Winnefeld made the following assertion: the Army found 49 cases in the last two years in which civilian lawyers declined to prosecute; commanders pursued the cases, leading to 25 convictions. The Marine Corps reported 28 cases declined by prosecutors that commanders pursued to 16 convictions.

I respectfully request any and all documents and data since the year 2008 that have been used to support this assertion made by Admiral Winnefeld.

Specifically, I request the following information for the Marine Corps for 2013, 2012, 2011, 2010, 2009, 2008:

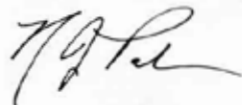
- All Article 120 cases which were charged by civilian law enforcement.
- All Article 120 cases which civilian law enforcement declined to prosecute.
- The reason for the civilian law enforcement declination, to include the military's request that civilian authorities withdraw charges.
- The ultimate disposition of the aforementioned cases, to include forum, conviction, and sentence awarded, if any.

I am willing to pay up to \$200.00 dollars. I request a fee waiver because disclosure of this data is in the public interest. This data has been provided as evidence against the passage of reforms to the Uniform Code of Military Justice

that are currently pending in the United States Senate. Access to this data is critical to evaluating the potential effectiveness of proposed reforms.

This is an expedited request. This data has been provided to Congress and to the media as arguments for and against certain pending reforms. It is in the public interest for a victims' advocacy organization (representing male and female survivors of sexual assault within the military) to have access to this information. We will use this information to inform sexual assault victims (who are the subject of the data as well as the proposed reforms), as well as lawmakers and the public. Without timely access to the information knowledge of the true rates of prosecution by the military is restricted.

Very Respectfully,



Nancy Parrish



Date: August 15, 2013

TO: SECNAV/CNO FOIA Office
Chief of Naval Operations (DNS-36)
2000 Navy Pentagon
Washington, D.C. 20350-2000

To Whom it May Concern,

Please see attached signed copy of request noted below.

Name: Taryn Meeks
Mailing Address: 110 Maryland Ave NE, Suite 505, Washington, D.C. 20002
Email: tmeeks@protectourdefenders.com

Documents Requested: This is a FOIA request. I am requesting documents pertaining to the testimony of Admiral James Alexander Winnefeld, Vice Chairman of the Joint Chiefs of Staff, before the Senate Armed Services Committee on July 18, 2013. During his testimony on the U.S. Military's prosecutions of rape and sexual assault, Admiral Winnefeld made the following assertion: the Army found 49 cases in the last two years in which civilian lawyers declined to prosecute; commanders pursued the cases, leading to 25 convictions. The Marine Corps reported 28 cases declined by prosecutors that commanders pursued to 16 convictions.

I respectfully request any and all documents and data since the year 2008 that have been used to support this assertion made by Admiral Winnefeld.

Specifically, I request the following information for the Navy for 2013, 2012, 2011, 2010, 2009, 2008:

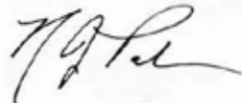
- All Article 120 cases which were charged by civilian law enforcement.
- All Article 120 cases which civilian law enforcement declined to prosecute.
- The reason for the civilian law enforcement declination, to include the military's request that civilian authorities withdraw charges.
- The ultimate disposition of the aforementioned cases, to include forum, conviction, and sentence awarded, if any.

I am willing to pay up to \$200.00 dollars. I request a fee waiver because disclosure of this data is in the public interest. This data has been provided as evidence against the passage of reforms to the Uniform Code of Military Justice

that are currently pending in the United States Senate. Access to this data is critical to evaluating the potential effectiveness of proposed reforms.

This is an expedited request. This data has been provided to Congress and to the media as arguments for and against certain pending reforms. It is in the public interest for a victims' advocacy organization (representing male and female survivors of sexual assault within the military) to have access to this information. We will use this information to inform sexual assault victims (who are the subject of the data as well as the proposed reforms), as well as lawmakers and the public. Without timely access to the information knowledge of the true rates of prosecution by the military is restricted.

Very Respectfully,



Nancy Parrish



Date: August 15, 2013

TO: Department of the Air Force
AF/ILCSE
1401 Wilson Blvd Suite 600
Arlington, VA 22209

To Whom it May Concern,

Please see attached signed copy of request noted below.

Name: Taryn Meeks

Mailing Address: 110 Maryland Ave NE, Suite 505, Washington, D.C. 20002

Email: tmeeks@protectourdefenders.com

Documents Requested: This is a FOIA request. I am requesting documents pertaining to the testimony of Admiral James Alexander Winnefeld, Vice Chairman of the Joint Chiefs of Staff, before the Senate Armed Services Committee on July 18, 2013. During his testimony on the U.S. Military's prosecutions of rape and sexual assault, Admiral Winnefeld made the following assertion: the Army found 49 cases in the last two years in which civilian lawyers declined to prosecute; commanders pursued the cases, leading to 25 convictions. The Marine Corps reported 28 cases declined by prosecutors that commanders pursued to 16 convictions.

I respectfully request any and all documents and data since the year 2008 that have been used to support this assertion made by Admiral Winnefeld.

Specifically, I request the following information for the Air Force for 2013, 2012, 2011, 2010, 2009, 2008:

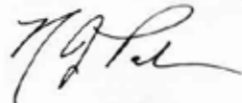
- All Article 120 cases which were charged by civilian law enforcement.
- All Article 120 cases which civilian law enforcement declined to prosecute.
- The reason for the civilian law enforcement declination, to include the military's request that civilian authorities withdraw charges.
- The ultimate disposition of the aforementioned cases, to include forum, conviction, and sentence awarded, if any.

I am willing to pay up to \$200.00 dollars. I request a fee waiver because disclosure of this data is in the public interest. This data has been provided as evidence against the passage of reforms to the Uniform Code of Military Justice

that are currently pending in the United States Senate. Access to this data is critical to evaluating the potential effectiveness of proposed reforms.

This is an expedited request. This data has been provided to Congress and to the media as arguments for and against certain pending reforms. It is in the public interest for a victims' advocacy organization (representing male and female survivors of sexual assault within the military) to have access to this information. We will use this information to inform sexual assault victims (who are the subject of the data as well as the proposed reforms), as well as lawmakers and the public. Without timely access to the information knowledge of the true rates of prosecution by the military is restricted.

Very Respectfully,



Nancy Parrish



Date: August 15, 2013

TO: HQ USCG Commandant
CG-61
2100 2nd Street, SW
Washington, D.C. 20593-0001

To Whom it May Concern,

Please see attached signed copy of request noted below.

Name: Taryn Meeks
Mailing Address: 110 Maryland Ave NE, Suite 505, Washington, D.C. 20002
Email: tmeeks@protectourdefenders.com

Documents Requested: This is a FOIA request. I am requesting documents pertaining to the testimony of Admiral James Alexander Winnefeld, Vice Chairman of the Joint Chiefs of Staff, before the Senate Armed Services Committee on July 18, 2013. During his testimony on the U.S. Military's prosecutions of rape and sexual assault, Admiral Winnefeld made the following assertion: the Army found 49 cases in the last two years in which civilian lawyers declined to prosecute; commanders pursued the cases, leading to 25 convictions. The Marine Corps reported 28 cases declined by prosecutors that commanders pursued to 16 convictions.

I respectfully request any and all documents and data since the year 2008 that have been used to support this assertion made by Admiral Winnefeld.

Specifically, I request the following information for the Coast Guard for 2013, 2012, 2011, 2010, 2009, 2008:

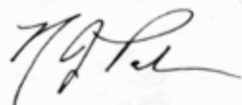
- All Article 120 cases which were charged by civilian law enforcement.
- All Article 120 cases which civilian law enforcement declined to prosecute.
- The reason for the civilian law enforcement declination, to include the military's request that civilian authorities withdraw charges.
- The ultimate disposition of the aforementioned cases, to include forum, conviction, and sentence awarded, if any.

I am willing to pay up to \$200.00 dollars. I request a fee waiver because disclosure of this data is in the public interest. This data has been provided as evidence against the passage of reforms to the Uniform Code of Military Justice

that are currently pending in the United States Senate. Access to this data is critical to evaluating the potential effectiveness of proposed reforms.

This is an expedited request. This data has been provided to Congress and to the media as arguments for and against certain pending reforms. It is in the public interest for a victims' advocacy organization (representing male and female survivors of sexual assault within the military) to have access to this information. We will use this information to inform sexual assault victims (who are the subject of the data as well as the proposed reforms), as well as lawmakers and the public. Without timely access to the information knowledge of the true rates of prosecution by the military is restricted.

Very Respectfully,



Nancy Parrish



June 16, 2014

Admiral James Winnefeld, Vice Chairman, Joint Chiefs of Staff
Office of the Chairman of the Joint Chiefs of Staff
9999 Joint Staff Pentagon
Washington, D.C. 20318-9999

Dear Admiral Winnefeld,

I am writing to seek clarification and documents in support of statements you made before the Senate Armed Services Committee on July 18, 2013. Specifically, you made a series of assertions regarding the military's prosecutions of rape and sexual assault, claiming that 1) the Army found 49 cases in the last two years in which civilian lawyers declined to prosecute, and that commanders pursued the cases, leading to 25 convictions, and 2) the Marine Corps reported 28 cases declined by civilian prosecutors that commanders pursued, resulting in 16 convictions.

Following these assertions, Protect Our Defenders submitted a series of FOIA requests to DoD and, subsequently, each branch of service requesting more information on these cases. Particularly, we requested 1) any and all documents and data since the year 2008 that have been used to support your claims; 2) for each branch of service, information regarding all Article 120 cases which were charged by civilian law enforcement as well as all Article 120 cases in which civilian law enforcement declined to prosecute; 3) the reason for the civilian law enforcement declination, to include the military's request that civilian authorities withdraw charges; and 4) the ultimate disposition of the aforementioned cases, to include forum, conviction, and sentence awarded, if any.

On August 23, 2013, we received an initial response from DoD stating they do not maintain such records, and directing us to the corresponding offices for each branch of service. Accordingly, we submitted requests to each of the service branches requesting the same information. However, these requests have also failed to produce any information or knowledge regarding the cases referenced in your testimony. No office—including DoD Office of General Council—has been able to give us any indication that these records exist or that they will be produced.

For this reason, we are reaching out to your office in hopes that you may be better equipped to provide us with the information supporting your assertions. As this is a matter of much public debate, and of crucial importance to the men and women who serve our country, I respectfully request your assistance in this matter.

I look forward to your response.

Sincerely,



Nancy Parrish

Enclosed: Copy of FOIA Requests Submitted to DOD and Each Branch of Service.

Protect Our Defenders | 110 Maryland Ave NE, Suite 505, Washington, D.C. 20002 | www.protectourdefenders.com

Department of Defense FOIA Response



**DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

JUL 30 2013

Ref: 13-F-1136

Taryn Meeks
110 Maryland Avenue NE, Suite 505
Washington, D.C. 20002

Dear Ms. Meeks:

This is in response to your Freedom of Information Act (FOIA) request dated July 22, 2013, which was assigned FOIA case number 13-F-1136. You requested documents pertaining to the testimony of Admiral James Alexander Winnefeld before the Senate Armed Services Committee on July 18, 2013. Specifically, you requested the following information for the Army, Air Force, Navy, Marine Corps, and Coast Guard for 2013, 2012, 2011, 2010, 2009, and 2008: all Article 120 cases which were charged by civilian law enforcement, Article 120 cases which civilian law enforcement declined to prosecute, the reason for the civilian law enforcement declination, to include the military's request that civilian authorities withdraw charges, the ultimate disposition of the aforementioned cases, to include forum, conviction, and sentence awarded, if any.

Please note that this office only processes FOIA requests for the Office of Secretary of Defense and the Joint Staff (OSD/JS). As there is no central FOIA processing point for the entire Department of Defense (DoD), each of the military services and various DoD components are responsible for processing of their own FOIA requests.

The Army, Air Force, Navy, Marine, and Coast Guard operate their own FOIA office and would have cognizance over the information you've requested. You may request these records, if they exist, directly from them at their respective address shown below:

Department of the Army
ATTN: AHRC-PDD-FP
Freedom of Information & Privacy Acts Division
7701 Telegraph Road
Alexandria, VA 22315-3860

Department of the Air Force
AF/ILCSE
1401 Wilson Blvd Suite 600
Arlington, VA 22209

SECNAV/CNO FOIA Office
Chief of Naval Operations (DNS-36)
2000 Navy Pentagon
Washington, D.C. 20350-2000

Department of the Navy
Headquarters U.S. Marine Corps
3000 Marine Corps Pentagon, Room 2A288
Washington, D.C. 20350-3000

HQ USCG Commandant
CG-61
2100 2ND Street, SW
Washington, D.C. 20593-0001

This action closes your request with this office. There are no assessable fees associated with this response in this instance.

Sincerely,

Paul J. Jacobsmeyer
Chief

Department of the Army FOIA Response

Protect Our Defenders Mail - FOIA Request 13-1403 (UNCLA...

<https://mail.google.com/mail/w/1/?ui=2&ik=07c1069175&view...>



Miranda Petersen [REDACTED]

FOIA Request 13-1403 (UNCLASSIFIED)

1 message

Miranda Petersen [REDACTED] Mon, Apr 11, 2016 at 11:40 AM
To: Miranda Petersen [REDACTED]

----- Forwarded message -----

From: Taryn Meeks [REDACTED]
Date: Mon, Aug 26, 2013 at 8:43 AM
Subject: Fwd: FW: FOIA Request 13-1403 (UNCLASSIFIED)
To: Nancy Parrish [REDACTED], Miranda Petersen [REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Mon, Aug 26, 2013 at 8:41 AM
Subject: FW: FOIA Request 13-1403 (UNCLASSIFIED)
To: [REDACTED]

Classification: UNCLASSIFIED
Caveats: NONE

Dear Ms. Parrish/Ms. Meeks,

This email and attached PDF responds to your FOIA request dated August 15, 2013 for records related to the testimony before the Senate Armed Services Committee on July 18, 2013. This included the assertion of Admiral Winnefeld who said that the Army had 49 cases in the last two years when civilian lawyers declined to prosecute but commanders did and made 25 convictions.

I have forwarded your request to the Office of the Administrative Assistant To the Secretary of the Army and the Office of the Judge Advocate General for action.

Their contact information is in the attached PDF, "FOIA Letter 13-1403."

Thank you for your participation in the Army's Freedom of Information Act Program.

VR

[REDACTED]

FOIA Analyst

Protect Our Defenders Mail - FOIA Request 13-1403 (UNCLA...

<https://mail.google.com/mail/u/1/?ui=2&ik=07c1069175&view...>

U.S. Army Records Management and Declassification Agency

Freedom of Information and Privacy Division


[REDACTED]

[REDACTED]

Classification: UNCLASSIFIED

Caveats: NONE

2 attachments

 **FOIA Letter 13-1403.pdf**
49K

 **smime.p7s**
6K

2 of 2

4/11/16, 11:41 AM



DEPARTMENT OF THE ARMY
FREEDOM OF INFORMATION AND PRIVACY DIVISION
7701 TELEGRAPH ROAD, SUITE 144
ALEXANDRIA, VA 22315-3905
August 23, 2013

U.S. Army Freedom of Information
and Privacy Act Office (FOI/PA 13-1403)

Nancy Parrish/Taryn Meeks
110 Maryland Avenue, NE, Suite 505
Washington, DC 20002

Dear Ms. Parrish/Ms. Meeks:

This responds to your Freedom of Information request dated 15 August 2013 for records related to the testimony before the Senate Armed Services Committee on July 18, 2013. This included the assertion of Admiral Winnefeld who said that the Army had 49 cases in the last two years when civilian lawyers declined to prosecute but commanders did and made 25 convictions. Your request is being processed in accordance with Title 5 United States Code 552, The Freedom of Information Act.

Please be advised that this office serves as the policy and oversight office for the Department of the Army Freedom of Information and Privacy Act entities and is not a repository for documents maintained by the Department of the Army. Requests for information and documents under the purview of the Army are forwarded to the activity most likely to have records for processing, and that activity has the responsibility for the review and release of the records in accordance with Army Regulation 25-55, The Army Freedom of Information Act Program.


We have forwarded your request to the following activities for action and direct response to you.

Office of the Administrative Assistant to the Secretary of the Army
ATTN: Jose L. Burgos
9301 Chapek Road
Bldg 1458, Room 2SE4708
Fort Belvoir, VA 22060-5527
usarmy.ncr.hqda-acc-ncr.mbx.foia@mail.mil
(703) 545-9139

Office of the Judge Advocate General
ATTN: DAJA-AL
2200 Army Pentagon
Washington, DC 20310-2200
foia-liaison@jagc-smtp.army.mil
(571) 256-2905

If you have any questions regarding the status of your request, you should contact the activities at the postal or e-mail addresses above. If this office can be of further assistance, please contact us at the address on the letterhead.

Sincerely,


Joseph E. Walukonis
Program Analyst
U.S. Army Freedom of
Information Act Office

Protect Our Defenders Mail - FOIA Referral (UNCLASSIFIED)

<https://mail.google.com/mail/w/1/?ui=2&ik=07c1069175&view...>



Miranda Petersen [REDACTED]

FOIA Referral (UNCLASSIFIED)

1 message

Miranda Petersen [REDACTED] Mon, Apr 11, 2016 at 11:39 AM
To: Miranda Petersen [REDACTED]

----- Forwarded message -----

From: **Taryn Meeks** [REDACTED]
Date: Mon, Aug 26, 2013 at 9:36 AM
Subject: Fwd: FOIA Referral (UNCLASSIFIED)
To: Nancy Parrish [REDACTED], Miranda Petersen [REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Mon, Aug 26, 2013 at 9:26 AM
Subject: FOIA Referral (UNCLASSIFIED)
To: [REDACTED]

Classification: UNCLASSIFIED
Caveats: NONE

Ms. Meeks,

I am writing to notify you that that the DA FOIA office incorrectly forwarded your FOIA request to this office, The Office of The Judge Advocate General, Administrative Law Division. This office is not a record custodian. I have correctly referred your FOIA request to the Office of The Judge Advocate General, Criminal Law Division. The POC contact information is below:

[REDACTED]
Paralegal
Office of The Judge Advocate General
Criminal Law Division
2200 Army Pentagon
Washington, DC 20310
Email: [REDACTED]

If you have any questions regarding the status of your FOIA request, please contact [REDACTED] directly. We have closed your case with this office. Thank you.

V/r,

[REDACTED]
Office of The Judge Advocate General
Administrative Law Division


Protect Our Defenders Mail - FOIA Referral (UNCLASSIFIED)


<https://mail.google.com/mail/u/1/?ui=2&ik=07e1069175&view...>

2200 Army Pentagon
Washington, Dc 20310

Classification: UNCLASSIFIED
Caveats: NONE

2 attachments

 **FOIA Letter 13-1403.pdf**
49K

 **smime.p7s**
6K

Protect Our Defenders Mail - FOIA request (UNCLASSIFIED)

<https://mail.google.com/mail/w/1/?ui=2&ik=07c1069175&view...>



Miranda Petersen [redacted]

FOIA request (UNCLASSIFIED)

Miranda Petersen [redacted] Mon, Apr 11, 2016 at 11:41 AM
To: Miranda Petersen [redacted]

----- Forwarded message -----

From: Taryn Meeks [redacted]
Date: Thu, Sep 5, 2013 at 8:50 AM
Subject: Fwd: FOIA request (UNCLASSIFIED)
To: Nancy Parrish [redacted], Miranda Petersen [redacted]

----- Forwarded message -----

From: [redacted]
Date: Thu, Sep 5, 2013 at 7:44 AM
Subject: FOIA request (UNCLASSIFIED)
To: [redacted]

Classification: UNCLASSIFIED
Caveats: NONE

Ms. Meeks,

Attached is this office's response to your FOIA request. Let me know if you have any questions.

Respectfully,

[redacted]
Program Manager, Freedom of Information Act
Special Programs Office
Office of the Administrative Assistant to the Secretary of the Army
Fort Belvoir, Virginia
[redacted]


Classification: UNCLASSIFIED
Caveats: NONE

2 attachments

 Closing Letter FA-13-0348.pdf
51K

Protect Our Defenders Mail - FOIA request (UNCLASSIFIED)

<https://mail.google.com/mail/u/1/?ui=2&ik=07c1069175&view...>

 **smime.p7s**
6K

2 of 2

4/11/16, 11:42 AM



CHIEF ATTORNEY &
LEGAL SERVICES

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE ADMINISTRATIVE ASSISTANT TO THE SECRETARY
9301 CHAPEK ROAD
FORT BELVOIR, VA 22060-5527

September 5, 2013

Nancy Parrish/Taryn Meeks
110 Maryland Avenue, NE
Suite 505
Washington, DC 20002

Dear Ms. Parrish/Ms. Meeks:

This is in response to your Freedom of Information Act (FOIA) request dated August 15, 2013 for records related to the testimony before the Senate Armed Services Committee on July 18, 2013. This included the assertion of Admiral Winnefeld who said that the Army had 49 cases in the last two years when civilian lawyers declined to prosecute but commanders did and made 25 convictions.

Your request was assigned our office tracking number FA-13-0348.

As a preliminary matter, our office does not maintain any records. When we receive a FOIA request, such as the one referenced above, we proceed to identify where responsive documents may be located so that they can be sent to our office for review and potential release. Often coordination with many other offices, activities, or agencies is involved to reply to a single FOIA request.

Our office contains none of the documents responsive to your request. Under 32 CFR part 505; appendix B, the Chief Attorney can only act for the Secretary of the Army on requests for records maintained by the Office of the Secretary of the Army and its serviced activities. Be advise, your request was referred to other Army activities. Each activity will provide you with a direct response.

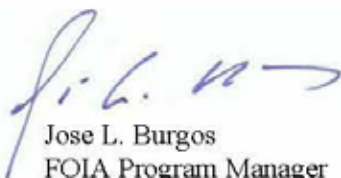
Under the FOIA a government agency is required to make a "good faith effort to conduct a search." 5 U.S.C. § 552(a)(3)(A). This office conducted an exhaustive search for any documents under the purview of the Office of the Army General Counsel, as described in your request letter. However, this search failed to yield responsive records. Our search process involved speaking with FOIA officials and other points of contact that might have been in possession or have knowledge of responsive documents. We have determined that this search was reasonable and that no responsive documents exist under our purview. See *Duenas Iturralde v. Comptroller of the Currency*, 315 F.3d 311, 3154 (D.C. Cir. 2003).

- 2 -

This letter constitutes a “no record” determination under the FOIA. The Administrative Assistant to the Secretary of the Army delegated Initial Denial Authority (IDA) under the FOIA to the Chief Attorney, to act for the Secretary of the Army on requests for records maintained by the Office of the Secretary of the Army and its serviced activities. If you desire a formal determination by the IDA, write to me and I will present the matter to him for his consideration. Please submit your request addressed to the Chief Attorney & Legal Services, Office of the Administrative Assistant to the Secretary of the Army, 9301 Chapek Road, Fort Belvoir, VA 22060-5527, within sixty (60) days of the date of this letter. In any such request, you should also provide a justification.

If you have questions or concerns regarding your current FOIA request, please contact me (703) 545-9139 or jose.burgos@us.army.mil. In all correspondence please refer to FOIA number FA-13-0348.

Sincerely,



Jose L. Burgos
FOIA Program Manager
Office of the Chief Attorney



DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
Criminal Law Division, Room 3D548
2200 Army Pentagon
Washington DC 20310-2200

April 10, 2015

Ms. Nancy Parrish
Protect Our Defenders
110 Maryland Ave NE, Suite 505
Washington, D.C. 20002

Dear Ms. Parrish:

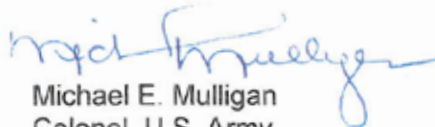
This letter responds to your Freedom of Information Act (FOIA) request for copies of Army documents provided to the office of the Joint Chiefs of Staff (JCS) and pertaining to the testimony of Admiral James A. Winnefeld, before the Senate Armed Services Committee.

Documents are enclosed in a redacted format. Some of those documents were provided to the JCS in a redacted format, and in accordance with your FOIA request are provided to you in that format with two documents having added FOIA redactions as noted on the document. Some of the enclosed documents have been redacted in this office and those redactions are also marked by the FOIA exemption. Names, locations and other information that would tend to readily identify third parties and victims or cause them personal embarrassment have been redacted. These redactions are appropriate in accordance with FOIA Exemptions 6 and 7(C), 5 U.S.C. §§ 552(b)(6) and 7(C), as release of this information would constitute a clearly unwarranted invasion of personal privacy. These documents were collected and created as part of a unique data call in support of a request for assistance.

One document, the Report of Result of Trial form for United States v. Ramirez lists a continuation sheet. The continuation sheet was not provided to the JCS.

Withholding of this information constitutes a partial denial of your request. This determination is made on behalf of Lieutenant General Flora D. Darpino, The Judge Advocate General. You may appeal this decision within sixty days of the date of this letter, through this office to the Secretary of the Army, Attention: Office of the General Counsel, 104 Army Pentagon, Room 3C546, Washington, D.C. 20310-0104.

Sincerely,



Michael E. Mulligan
Colonel, U.S. Army
Chief, Criminal Law Division

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

Completed Army Cases

Civilian Declination

EXSUM: The following is a non-exhaustive list of sexual assault allegations provided by Army Special Victim Prosecutors in which an Army commander elected to pursue court-martial charges against a Soldier offender in an off-post offense after the local civilian authorities either formally declined to prosecute or failed to pursue a full investigation. Statistically and anecdotally, Army commanders take difficult and challenging cases to trial because of the commander's interest in preserving good order and discipline.

I. Fort Campbell

1. U.S. v. SPC Bero (Fort Campbell) A (b) (6), (b) (7) (C) was sexually assaulted by the accused in a hotel room in (b) (6), (b) (7) (C). DA refused to prosecute citing insufficient evidence. He was convicted at a general court-martial of 2 specifications of wrongful sexual contact and acquitted of aggravated sexual contact and sentenced to reduction to E-1, 60 days confinement, and a bad conduct discharge.

2. U.S. v. SGT Henson (Fort Knox) A (b) (6), (b) (7) (C) was sexually assaulted by the accused (b) (6), (b) (7) (C) while she was visiting him in (b) (6), (b) (7) (C). The accused (b) (6), (b) (7) (C) and sexually assaulted her. (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) DA refused to prosecute citing insufficient evidence. He was convicted at a General Court-Martial of 2 specifications of aggravated sexual assault inflicting bodily harm and sentenced to reduction to E-1, 2 years confinement, and a bad conduct discharge.

3. U.S. v. SPC Kuxhaus (Fort Knox) (b) (6), (b) (7) (C) victim reports that she had been molested by (b) (6), (b) (7) (C), the accused in this case, over the course of 7 years. Civilian law enforcement, (b) (6), (b) (7) (C) refused to prosecute. Charges limited to a single incident that occurred while the soldier was on active duty due to personal jurisdiction issues. The accused submitted a Chapter 10 Discharge in Lieu of Court-Martial prior to the Article 32 Investigation. The victim adamantly supported the discharge since she did not want to face the accused at the Investigation.

4. U.S. v. Henson (Fort Knox) The accused, a sergeant with more than 14 years on active duty, met his (b) (6), (b) (7) (C) for a weekend in (b) (6), (b) (7) (C). He brought his (b) (6), (b) (7) (C) and other attractions. He (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) Investigation by local law enforcement resulted in a decision not to prosecute by the Carlsbad Police Department and DA, citing insufficient evidence. The chain



Redactions IAW Exemptions (b)(6) and (b)(7)(c)

of command preferred charges and the accused was tried by general court-martial. Contrary to his pleas, the accused was found guilty, sentenced to 2 years confinement, total forfeiture of all pay and allowances, reduction to E-1 and a bad conduct discharge.

II. Fort Leonard Wood

5. U.S. v. CPT Anselmi (Fort Leonard Wood) A (b) (6), (b) (7) (C) soldier reported that the accused invited (b) (6), (b) (7) (C) to his off post residence. The soldier (b) (6), (b) (7) (C) The soldier (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) prosecution, and the chain of command preferred charges for forcible sodomy and fraternization. Convicted of (non forcible) sodomy and fraternization and sentenced to a dismissal, one month confinement, and forfeitures of \$5,361 for two months.

III. Fort Drum

6. U.S. v. Dockery (Fort Detrick) The lieutenant colonel accused and victim (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) ned (b) (6), (b) (7) (C) it was their assessment that this was a case of (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) CID opened an investigation, completed additional investigative endeavors, and learned of several inappropriate relationships that the accused (a battalion commander) was having with junior enlisted females in his battalion. The accused was convicted of assault consummated by a battery, adultery, and prohibited relationship and sentenced to be confined for 17 months and a dismissal.

7. U.S. v. CDT Corker (West Point) While at Fort Drum for summer training, the accused (a West Point Cadet) had (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) investigated and the (b) (6), (b) (7) (C) County DA declined prosecution. CID opened up a case and completed additional investigative endeavors. Charges were preferred, and the accused was found guilty of Article 120 (indecent conduct) and acquitted of all other charges. The accused was sentenced to forfeit \$750 per month for 2 months and to be reprimanded.

8. U.S. v. PV2 Williams (Fort Drum) The accused had sexual intercourse with victim while victim's spouse was asleep in the next room after a night of heavy alcohol consumption. Civilian authorities declined prosecution. Charges were preferred, an Article 32 Investigation was held, a Chapter 10 Discharge in Lieu of Court-Martial was disapproved, and the case was referred to a General Court-Martial. The accused was acquitted of all charges and specifications.

9. U.S. v. PFC Pinkerman (Fort Drum) The accused begins (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) The case investigative

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

endeavors were completed to include a recorded pretext conversation. Charges were preferred, an Article 32 Investigation was held, and the case was referred to a General Court-Martial. The accused pled and was found guilty of Articles 128 (assault consummated by a battery for unwanted sexual intercourse) and 107 (false official statement). The accused was sentenced to be reduced to E1, to be confined for 45 days, and to be discharged with a bad conduct discharge.

10-11. U.S. v. SPC Moll and SSG Bourne (Fort Drum) The accused engaged (b) (6), (b) (7) (C)

(b) (6), (b) (7) (C) he returned to find the second accused having sexual intercourse with the victim. This was followed by a night of heavy alcohol consumption. When questioned by civilian law enforcement, both accused soldiers lied. Civilians declined prosecution and the civilian investigator even went as far as to call the victim a liar to her face and include such a conclusion in her report. CID opened a case and located additional victims and discovered additional misconduct to include that both accused soldiers had conspired to obstruct justice and did so in fact lie to Watertown PD. Charges were preferred, an Article 32 Investigation was held. Due to victim input with respect to Moll, Government approved an Offer to Plead Guilty for Moll that included testimonial immunity to testify against Bourne. SPC Moll pled and was found guilty of Articles 81 (conspiracy to obstruct justice), 107 (false official statement), and 86 (absent without leave). SPC Moll was sentenced to be reduced to E1, to be confined for 12 months, and to be discharged with a Bad Conduct Discharge. SSG Bourne pled and was found guilty of Articles 120 (wrongful sexual contact with female #1), 92 x2 (prohibited relationship with females #2 and #3), 134 (adultery with female #4), 134 (communicating a threat to female #4), 128 (aggravated assault upon female #4), 81 (conspiracy to obstruct justice), and 107 (false official statement). SSG Bourne was sentenced to be reduced to E1, to be confined for 30 months, and to be discharged with a bad conduct discharge.

12. U.S. v. SSG Liali (West Point) The accused sexually assaulted victim while in the process of transferring to West Point. The misconduct occurred off post and prosecution was declined due to several evidentiary challenges in the case. Charges were preferred, an Article 32 Investigation was waived, and the case was presented to the convening authority. A Chapter 10 Discharge in Lieu of Court-Martial was approved and the accused was discharged from the Army with an other than honorable discharge.

13. U.S. v. SPC Benitez (Fort Drum) The accused (b) (6), (b) (7) (C)
(b) (6), (b) (7) (C)
(b) (6), (b) (7) (C)

. Charges were preferred, and accused pled guilty to Articles 128 (assault consummated by a battery for pulling her hair, hitting her face, and biting her back and chest with his teeth) and 134 (adultery). The accused was sentenced to be reduced to E1, to be confined for 120 days, and to be discharged with a Bad Conduct Discharge.

14. U.S. v. SSG Armstrong (Fort Drum) (b) (6), (b) (7) (C)
(b) (6), (b) (7) (C)
(b) (6), (b) (7) (C) Previously convicted,

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

although not discharged, for possession of child pornography, the accused had failed to register as a sex offender on Fort Drum IAW AR 27-10. Upon a review of his media, child pornography was once again discovered in his possession. The local DA declined to prosecute and the chain of command preferred charges and referred them to a general court-martial. Ultimately, in accordance with an approved plea agreement, the accused pled and was found guilty of Articles 120 x2 (abusive sexual contact with a minor, indecent act), 134 x2 (possession of child pornography, obstruction of justice), and 92 (failing to register as a sex offender). The accused was sentenced to reduction to E1, 8 years confinement, and to be discharged with a BCD. The plea agreement limited confinement to 5 years.

IV. Fort Carson

15. U.S. v. Silva-Sadder (Fort Carson) The victim called 9-1-1 after an assault; and the local authorities responded and investigated. They determined that they did not have enough resources to dedicate to the investigation and the investigation stalled. CID learned of that situation and took investigative lead. CID uncovered two other victims of sex assault and one of battery. The accused noncommissioned officer was convicted of numerous sex assault offenses against three victims and a battery offense against a 4th victim and was sentenced to 35 years confinement, reduction to E-1, and a dishonorable discharge

16. U.S. v. Carpino (Fort Carson) The accused sexually assaulted two soldiers in the local jurisdiction at separate times. Two separate local LE investigations are conducted for each allegation. The local authorities determine there is not enough evidence to prosecute and the investigation stalled. The Army learned of the investigations and charged him with the offense. A court-martial found him not guilty of all charges.

17. US v. Chambers (Sill) The lieutenant (b) (6), (b) (7) (C)
 (b) (6), (b) (7) (C)

(b) (7) (C)
 sexual abuse occurred last in (b) (7) (C), the authorities transfer the case to (b) (6), (b) (7) PD, who conducts and investigation. (b) (6), PD then declines to investigate further. The following CID investigation revealed that the abuse had lasted several years. At a contested general court-martial, the lieutenant was found guilty of rape and other sexual assault, and was sentenced to 4 years confinement, forfeiture of all pay and allowances, and was dismissed from the service.

18. US v. PFC Uribe (Carson) A soldier engaged in a sexual relationship with a (b) (6), (b) (7) (C) year-old in Colorado Springs, CO. The local investigation is immediately turned over to CID since the sexual relationship was not a crime in Colorado due to the youth of the accused. During the investigation, through forensic examination of the accused's phone and interviews, CID learns that the accused has pornographic pictures of a (b) (6), (b) (7) (C). The DoJ shows a lot of interest in pursuing that investigation and jurisdiction for that offense is initially handed over to them. However, after some time passes, they decline to prosecute. The chain of command refers these charges to general court-martial, at which the

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

accused pled guilty and was sentenced to 20 months confinement, reduction to E-1, total forfeitures, and a bad conduct discharge.

VI. Military District of Washington

19-21. U.S. v. Bash/Champion/Willis (Fort Lee) Sexual assault of an adult that occurred at a hotel in (b) (6), (b) (7) VA while the unit was on an overnight pass. There were three assailants and one victim. There was no alcohol involved at the time of the assault but it was a factor in the events which occurred after the assault. All three assailants were taken to trial and two were convicted of sexual assault or forcible sodomy. One Soldier was sentenced to 18 months confinement, a dishonorable discharge, total forfeitures and reduction to E-1, a second Soldier was sentenced to 8 months confinement, a dishonorable discharge, total forfeitures and reduction to E-1 and the third Soldier was acquitted of all charges.

22. U.S. v. Nelson (Fort Lee) Sexual assault (b) (6), (b) (7) by a Soldier (b) (6), (b) (7) (C). Civilians declined to prosecute. This case was tried at court-martial and the accused was acquitted of the sexual assault charges and convicted of use of cocaine.

23. U.S. v. Saddler (Fort Eustis) This case involves a rape and forcible sodomy of (b) (6), (b) (7) (C). The Commonwealth's Attorney declined to prosecute. There was no physical evidence and no statement from the accused. The accused and the mother had been through a nasty divorce and child custody dispute. The Army prosecuted and the accused was convicted after less than an hour of deliberation. The accused was sentenced to 35 years confinement and a Dishonorable Discharge. The key piece of evidence was a hotel receipt that prosecution obtained with the help of the DoD liaison at the National Center for Missing and Exploited Children. The mother, local law enforcement, and child advocacy professionals were on hand to witness the verdict and applauded the Army's vindication of the rights of a (b) (6), (b) (7) child.

24. U.S. v. Lemasters (Fort Eustis) This case involves the rape of two victims. The accused strangled and raped two women, one an elderly civilian and the other a Soldier. The Commonwealth's Attorney tried the accused for the rape of the civilian but the trial ended in an acquittal. The Army tried the accused for the same rape of the civilian and added charges for the rape of the Soldier. The panel convicted the accused of the rape of the civilian and sentenced him to 10 years confinement and a Dishonorable Discharge. Both victims, local law enforcement, and the county victim advocate were on hand to witness the verdict and expressed renewed faith in the criminal justice system because of the Army's successful prosecution).

25. US v. Snipe (MDW) The accused in this case followed the victim out of a bar in Arlington, VA, got into the back seat of a car with her and then (b) (6), (b) (7) (C). The driver of the vehicle heard (b) (6), (b) (7) (C). The accused has

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

a prior Article 15 for sexual harassment. Local prosecutors declined to charge the case because the assault occurred in the back of a moving vehicle that crossed at least two county lines. The chain of command preferred charges for a sexual assault and violations of sexual harassment policies. Convicted of one sexual contact offense only and sentenced to 179 days confinement, a bad conduct discharge and reduction to E-1.

VII. Fort Bragg

26. U.S. v. Davis (Fort Bragg) The accused's (b) (6), (b) (7) (C) in this case picked him up during his lunch break. They went to (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) The local DA was only willing to prosecute him for (b) (6), (b) (7) (C) the victim because she declined to go through a rape kit. The military judge found the accused guilty and sentenced him to be reduced to E1, to be confined for six years, forfeit all pay and allowances, and to be discharged with a dishonorable discharge.

27. U.S. v. Martin (Fort Bragg) The victim was staying at a female friend's apartment. Her friend invited another female friend who also brought the accused. The victim was not feeling well and decided to stay in. The accused and the others went to a bar. The accused left the bar early and returned to the apartment where the victim was sleeping in the master bedroom. He was severely intoxicated, climbed into bed with a fairly sober lieutenant and (b) (6), (b) (7) (C) The victim resisted and finally escaped. The (b) (6), (b) (7) (C) within two minutes of the assault. Local police responded and did not refer the case to the special victims unit. A military judge found the accused guilty of all specifications and sentenced him to six years confinement and a dismissal.

VIII. Fort Bliss

28. U.S. v. Barnes (Fort Bliss) In July 2006, accused raped a fellow Soldier by force while attending school at (b) (6), (b) (7) (C) The evidence consisted of the victim's statement and (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) All contact had been lost with the victim. The SVP dug into the case and found that the accused had also come up on a CODIS hit for a rape of a civilian, again while attending school at (b) (6), (b) (7) (C) in January 2009 (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) The local DA (who had recently been fired) (b) (6), (b) (7) (C) his desk and forgot about it. The accused was still in the Army and after the SVP reinitiated contact with both victims, they said they wanted to proceed to court-martial. The accused was found guilty of both rapes and sentenced to 15 years confinement and a dishonorable discharge.

29. U.S. v. Kurtzweil (Fort Bliss) The accused was a Major who touched (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) female (b) (6), (b) (7) (C) DA refused to take because the accused paid for his own polygraph examination and claimed to have passed the test. We took the case and the accused was convicted and received 30 days confinement and a dismissal. The victim was very happy with the result.

IX. Hawaii

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

30. U.S. v. Frye (Hawaii) After returning from a mission in Korea, the accused

(b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

She reported the sexual assault the next day. She had bruises (b) (6), (b) (7) (C) during the SAFE. Hawaii PD passed on the case, and the accused sued her for slander in civil court while CID was taking the case over. The accused's (b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

We believed the victim, and we put on an aggressive case with an expert to explain trauma and memory. The panel deliberated for 6 hours but ultimately acquitted him. The victim was very appreciative that we believed her and fought for her so hard, even though she was devastated by the outcome.

31. U.S. v. Brown (Hawaii) This was an (b) (6), (b) (7) (C) sexual assault that Hawaii PD turned down. CID became the lead investigative agency, and we charged the accused with aggravated sexual assault by substantial incapacitation of the victim. The accused was found guilty of aggravated sexual assault and abusive sexual contact in a contested judge alone case. The accused was sentenced to 15 months and a bad conduct discharge.

32. U.S. v. Young (Hawaii) In (b) (6), (b) (7) (C) sexual assault, Hawaii has indicated that they will decline cases in which the victim does not remember the act or is passed out during the act. Hawaii PD responded to this off-post sexual assault and remained the lead investigative agency for several months, even though investigative activity slowed after they took the victim's statement. The primary evidence of a sexual act came from the accused's statement which was taken several months after the fact. We charged the case because we believed the victim, but the accused was acquitted. The victim was disappointed, but she appreciated that we fought for her.

X. Joint Base Lewis-McChord

33. U.S. v. Scott (JBLM) The accused sexually assaulted (b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

The locals DA declined the case because of apparent issues with the victim, the nature of the (b) (6), (b) (7) (C) and some issues with (b) (6), (b) (7) (C). In 2007 the accused had (b) (6), (b) (7) (C) providing a full confession of the event wherein he described the event starting as consensual and then admitted

(b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

He (b) (6), (b) (7) (C). The chain of command preferred charges, and the accused was convicted at a general court-martial of 1 count of forcible sodomy, sentenced to 125 days of confinement and a bad conduct discharge.

34. U.S. v. Wilson (JBLM) The accused sexually assaulted fellow soldier at off-post residence while she was (b) (6), (b) (7) (C). The accused had

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

agreed (b) (6), (b) (7) (C)
(b) (6), (b) (7) (C)

the local DA declined to prosecute, and after a period of time destroyed the SAFE kit that had been taken the day following the assault. The chain of command preferred charges, and the accused was convicted at general court-martial of forcible sodomy, rape, and aggravated assault. He was sentenced to 2 years confinement and a dishonorable discharge.

XI. Fort Riley

(b) (6), (b) (7) (C) (Fort Riley) A male Soldier recognized a female civilian student at a bar in (b) (6), (b) (7) (C) from an earlier non-sexual encounter. (b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

After the accused left that same bar, he went to a nearby hotel with a group of people, but soon got kicked out when some people got too rowdy. As an apology, one of those civilian people invited the accused and a fellow soldier to a nearby apartment to sleep there. It turned out to be the same apartment where the victim was sleeping. And when the accused discovered this, he entered the room (over his battle buddy's warning not to), undressed, slid under the covers, and (b) (6), (b) (7) (C) the sleeping victim. The civilian police actively sought to hand the case over to CID since it was an adult-on-adult sexual assault with alcohol involved. The victim did fairly well at the Article 32 investigation, but later shared that she was very against having to testify at trial. When defense submitted an offer to plead to the lesser offense of assault consummated by a battery, the victim strongly supported this. The accused pled and received the maximum punishment possible - 6 months confinement, an E-1 reduction, and a bad conduct discharge.

XII. Alaska

36. U.S. v. Knight (Alaska) After a sluggish investigation by local authorities, the chain of command preferred charges against the accused for forcible rape and sexual assault. At a general court-martial, the accused was convicted of forcible digital penetration and was sentenced 5 years confinement and a punitive discharge.

XIII. Fort Benning

37. U.S. v. Wright (Fort Benning) While attending advanced individual training at Fort Huachuca, AZ, a junior enlisted soldier provided alcoholic drinks to another, but under-aged, female soldier. (b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

the accused sexually assaulted her. (b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)

The Arizona DA declined to prosecute, and the chain of command preferred charges of sexual assault and providing alcohol to a minor. He was convicted of all charges, sentenced to

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

reduction to E1, total forfeiture of all pay and allowances, 15 months of confinement, and a bad conduct discharge.

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

Additional Cases As of 30 August

Completed and Pending Cases

Civilian Declination

Joint Base Lewis-McChord

1. U.S. v. Dixon: The accused sexually assaulted 4 junior enlisted females in his home between December 2010 and August 2011. All of the assaults involved parties at the accused's home during which only Soldiers in the rank of E-3 and below were invited. The accused would provide alcohol and, when a female would become overly intoxicated, he would suggest they sleep in his room. Later, the accused would enter the room and assault the victim. The original complaining victim reported (b) (6), (b) (7) (C) [REDACTED]. She reported this to the local sheriff's office, which investigated the offense. The local DA declined to prosecute. Further investigation by CID and OSJA yielded 3 additional victims, two prior to the original and one subsequent. At a mixed plea general court-martial, the accused was found guilty of one count of wrongful sexual contact and three counts of battery in addition to other military offenses and was sentenced to reduction to E-1, total forfeitures, 33 months of confinement, and a bad conduct discharge.
2. U.S. v. Tobey: The accused sexually abused his step-daughter on several occasions between October 2001 and July 2010. The report was made to (b) (6), (b) (7) (C) State child protective services which founded the offense. The local jurisdiction declined to prosecute. The accused was found guilty at a general court-martial of four counts of Article 120 for wrongful sexual contact with a child under 12, a child under 16 (same victim), and lewd acts and was sentenced to reduction to E-1, confinement for six years, and a bad-conduct discharge.
3. U.S. v. McKluskey: The accused was driving with a junior enlisted after lunch and forced her hand on to his penis. The local jurisdiction declined to prosecute. The accused was found guilty of one count of Article 120 for wrongful sexual contact at a special court-martial and sentenced to reduction to E5 and confinement for 60 days.
4. U.S. Tsosie: The accused sexually assaulted two soldiers off post during two separate instances. The first victim became ill (b) (6), (b) (7) (C) [REDACTED]. The accused entered the room where the victim (b) (6), (b) (7) (C) [REDACTED] sexually assaulted her. The second victim was invited to the accused's (b) (6), (b) (7) (C) [REDACTED] (b) (6), (b) (7) (C) [REDACTED] the accused touched her beneath her clothes. The local jurisdiction declined to prosecute. The accused was convicted of both counts of 120 and sentenced to reduction to E1, confinement for four years, and a bad-conduct discharge.
5. U.S. v. Scott: The accused sexually assaulted (b) (6), [REDACTED] over the course of three years by waiting until (b) (6), (b) (7) (C) [REDACTED]

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

(b) (6), (b) (7) (C) The local DA declined the case because of apparent issues with the victim, the nature of the (b) (6), (b) (7) (C), and some issues with (b) (6), (b) (7) (C). In 2007, the accused had (b) (6), (b) (7) (C), providing a full confession of the event wherein he described the event starting as consensual and then admitted that he (b) (6), (b) (7) (C). He (b) (6), (b) (7) (C). (b) (6), (b) (7) (C) The chain of command preferred charges, and the accused was convicted at a general court-martial of one count of forcible sodomy, sentenced to 125 days of confinement and a bad conduct discharge.

6. U.S. v. Wilson: The accused sexually assaulted a fellow soldier at an off-post residence while she was under an alcohol-induced sleep. (b) (6), (b) (7) (C)

(b) (6), (b) (7) (C)
 (b) (6), (b) (7) (C) The accused (b) (6), (b) (7) (C)
 (b) (6), (b) (7) (C) (b) (6), (b) (7) (C)
 (b) (6), (b) (7) (C)
 (b) (6), (b) (7) (C) The local DA declined to prosecute, and after a period of time destroyed the SAFE kit that had been taken the day following the assault. The chain of command preferred charges, and the accused was convicted at general court-martial of forcible sodomy, rape, and aggravated assault. He was sentenced to two years confinement and a dishonorable discharge.

1 Cavalry Division

7. U.S. v. Osoriocentino: The accused was prosecuted for raping (b) (6), (b) (7) (C) in (b) (6), (b) (7) (C) vehicle following an argument after a night of drinking. Civilian police responded to a 911 call from a friend of (b) (6), (b) (7) (C) and found SFC Osoriocentino in the act of assaulting (b) (6), (b) (7) (C). Although (b) (6), (b) (7) (C) was seen at the time of the assault, (b) (6), (b) (7) (C) she quickly recanted and civilian authorities chose not to prosecute. The command pursued court-martial and SFC Osoriocentino was acquitted by an officer panel.

8. U.S. v. Hill: The accused was prosecuted for sexually assaulting a fellow Soldier (b) (6), (b) (7) (C). (b) (6), (b) (7) (C) The civilian police initially investigated the case for almost two years before deciding there was insufficient evidence to prosecute. The command charged SGT Hill with aggravated sexual assault and abusive sexual contact. SGT Hill was convicted by an Enlisted Panel and sentenced to be confined for four years, and to be discharged from the service with a Bad conduct Discharge.

Fort Hood III Corps

9. U.S. v. Gonzalez-Gomez: After the victim file (b) (6), (b) (7) (C) tatement, we gave it to New Jersey to start their own criminal investigation. They called in (b) (6), (b) (7) (C) who is on the indecent act charge and was the victim's (b) (6), (b) (7) (C). He denied everything on videotape and the police didn't do anything else with the case. LTC (b) (6), (b) (7) (C) prosecuted the case. The accused was

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

convicted and received six years confinement and a dishonorable discharge. After trial, CID was going to send the results to New Jersey to let them know we got a conviction on the co-accused.

10. U.S. v. Foreman: The detective got the victim to sign a declination after she wrote a long statement for (b) (6), (b) (7) (C) and she then went to CID. We prosecuted on her behalf for everything on the charge sheet. LTC (b) prosecuted the case. The accused received total forfeitures, reduction to E1, 19 months confinement, and a bad conduct discharge.

Fort Bliss

11. U.S. v. Ingersoll: On 2 October 2012, at a general court-martial, in accordance with his plea, SSG Brent Ingersoll, 212th Fires BDE, Fort Bliss, was found not guilty of Aggravated Sexual Abuse of a Child, Abusive Sexual Contact with a Child, Indecent Liberties with a Child, and Sodomy by a court-martial composed of an enlisted panel. Case was declined by local prosecutor's office.
12. U.S. v. Campbell: On 11 December 2012, at a general court-martial, in accordance with his plea, SPC Steven Campbell, A Company, 86th ESB, Fort Bliss, was found not guilty of Aggravated Sexual Assault by a court-martial composed of an enlisted panel. Case was declined by local prosecutor's office.
13. U.S. v. Safiedeen: On 12 December 2012, at a general court-martial, contrary to his plea, CPT Abess Safiedeen, HHC, 72d BSB, 212th Fires BDE, Fort Bliss, was found guilty of Aggravated Sexual Assault, in violation of Article 120, UCMJ; Wrongful Sexual Contact in violation of Article 120, UCMJ; and Fraternization in violation of Article 134, UCMJ. The court-martial, composed of an officer panel, sentenced him to a dismissal and confinement for four years. Case was declined by local prosecutor's office.
14. U.S. v. Garrett: On 3 April 2013, at a general court-martial, in accordance with his plea, PFC John Garrett, Rear Detachment, 11th ADA, Fort Bliss, was found guilty of Assault Consummated by Battery in violation of Article 128, UCMJ. The court-martial, composed of a Military Judge, sentenced him to a bad conduct discharge and confinement for six months (maximum sentence). Case was declined by local prosecutor's office.
15. U.S. v. Green: On 22 April 2013, at a general court-martial, in accordance with his plea, PFC Jimmy Lee Green, HHC, CAB, Fort Bliss, was found guilty of Assault Consummated by Battery in violation of Article 128, UCMJ. The court-martial, composed of a Military Judge, sentenced him to a bad conduct discharge and confinement for five months. Case was declined by local prosecutor's office.
16. U.S. v. Ramirez: On 25 April 2013, at a general court-martial, contrary to his plea, SFC Steven Ramirez III, USASMA, Fort Bliss, was found guilty of Indecent Liberty to a Minor and Providing Alcohol to a Minor, in violation of Article 134, UCMJ. The court-

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

martial, composed of an enlisted panel, sentenced him to a dishonorable discharge and confinement for a year. Case was declined by local prosecutor's office.

17. U.S. v. Kurtzweil: On 9 May 2013, at a general court-martial, contrary to his plea, MAJ Joseph Kurtzweil, BSB, 1AD, Fort Bliss, was found guilty of Abusive Sexual Contact of a Child who has reached the age of 12 but not 16, in violation of Article 120, UCMJ. The court-martial, composed of an officer panel, sentenced him to a dismissal and confinement for 30 days. Case was declined by local prosecutor's office.
18. U.S. v. Sentner: On 30 May 2013, at a general court-martial, contrary to his plea, SPC Ryan Sentner, Rear Detachment 1-43, 11th ADA, Fort Bliss, was found guilty of Rape by Force, in violation of Article 120, UCMJ. The court-martial, composed of a Military Judge, sentenced him to a dishonorable discharge and confinement for four years. Case was declined by local prosecutor's office.

Fort Sill

19. U.S. v. Flesher: The accused was alleged to have had a small party in his quarters on (b) (6), (b) (7) (C). At the party, he hosted some (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) provided them with alcohol and spent the night hanging out with them. After the party ended, SPC Flesher crossed the street to the house of a (b) (6), (b) (7) (C). He crawled through the window, (b) (6), (b) (7) (C). The victim (b) (6), (b) (7) (C). SPC Flesher continued (b) (6), (b) (7) (C). Immediately afterward, the victim reported the incident (b) (6), (b) (7) (C) who reported it to law enforcement. As a result of the same day report, a sexual assault forensic exam was conducted and SPC Flesher's DNA was recovered from the victim's vaginal area and bruising was identified on her arms. Despite this evidence, and because the legal age of consent in (b) (6), (b) (7) (C) the county district attorney declined prosecution stating there was "no indicia of rape in all the facts of this case" (see attached) as the victim did not scream or fight although her parents were home. As a result of this declination memorandum, the Army charged the case as an Article 120, Aggravated Sexual Assault, and SPC Flesher was convicted of that charge before an enlisted panel and sentenced to total forfeitures of all pay and allowances, reduction to E1, 7 years confinement, and a dishonorable discharge.

20. U.S. v. Wheeler: The accused was alleged to have sexually assaulted a local Oklahoma resident at (b) (6), (b) (7) (C) in (b) (6), (b) (7) (C), OK. The (b) (6), (b) (7) (C) County DA's Office declined prosecution as the alleged victim (b) (6), (b) (7) (C) SPC Wheeler to SPC Wheeler's (b) (6), (b) (7) (C). She stated that (b) (6), (b) (7) (C). After (b) (6), (b) (7) (C) County declined prosecution, the Army charged SPC Wheeler in the case under Article 120, Aggravated Sexual Assault and Wrongful Sexual Contact. SPC Wheeler was found not guilty by an enlisted panel.

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

21. U.S. v. Mena: The accused and alleged victim were together at a friend's house consuming alcohol following going out to see a movie in town. The alleged victim (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) The alleged victim claimed that (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) She claimed that (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) claimed that (b) (6), (b) (7) (C) (b) (6), (b) (7) (C) Police declined to refer the case to the DA, and the military assumed jurisdiction. The Accused was tried by general court-martial, and acquitted of all charges by a military judge alone.

New Pending Cases

1. U.S. v. PFC X: This is a pending case. The accused is alleged to have sexually assaulted and physically assaulted a civilian female in a hotel room in X. The Victim alleges that she met the Accused at a bar while drinking beers and talking. Victim alleges she became intoxicated and has only flashes of memories of being assaulted in an unknown hotel room in X. X District Attorneys declined to prosecute, citing insufficient evidence. After law enforcement conducted a pre-text phone call and obtained various admissions that corroborated the Victim's allegation, the Army charged the Accused with Sexual Assault and Assault Consummated by Battery. Charges are referred to general court-martial and trial is docketed for 9-11 September.
2. U.S. v. SPC X: This is a pending case. The accused is alleged to have attempted to forcibly sodomize (orally) a woman whom he had met on Plentyoffish.com. Civilian victim alleges the Accused came over to her home and, during the course of consensual sex, attempted to forcibly sodomize her. Victim fought with the Accused and eventually got away from him. Accused departed the Victim's residence. X Police Department determined that because penetration of the mouth did not occur, no offense was committed. The Army charged the Accused with Attempted Forcible Sodomy. Charges are referred to general court-martial and trial is docketed for 23-24 September.
3. U.S. v. CPT X: This is a pending case. The accused is alleged to have physically assaulted his wife during the course of a domestic altercation. The victim initially reported the assault to civilian law enforcement, but ultimately did not wish to cooperate with the civilian law enforcement and was determined to not pursue charges. After assessing the evidence, the Trial Counsel also discovered that the Accused had previously sexually assaulted his previous wife. Charges were preferred against the Accused for the previous sexual assault of his wife (forcible sodomy) as well as the physical assault on his current wife. Charges are referred to general court-martial and trial is docketed 22-24 October.
4. U.S. v. SPC X: This is a pending case. The accused is alleged to have engaged in sexual intercourse with a 14 year-old civilian while he was stationed in X. Because the child did not wish to testify against the Accused, the X prosecutors office declined to prosecute.

Redactions IAW Exemptions (b)(6) and (b)(7)(c)

Having assessed the evidence, we have prepared a charge sheet and intend to prefer charges soon.

5. U.S. v. 1LT X: This is a pending case. 1LT X is pending prosecution for Rape and Aggravated Sexual Assault of a fellow 1LT. 1LT X went to the victim's house for dinner. When the victim finished dinner and went to the kitchen, 1LT X came in behind her, choked her, and forced her to have sexual intercourse. The victim initially reported the allegation to civilian police; however, they initially mishandled the investigation (took report in open lobby of police station, requested victim to take polygraph), the victim filed a release of responsibility and the command picked up the case. 1LT X is currently pending an Article 32 investigation.
6. U.S. v. CPT X: This is a pending case. Accused has been inappropriately touching lower enlisted males on their genitalia at his off-post residence. Civilian DA declined prosecution. Referred to trial 8 August 2013.
7. U.S. v. SPC X: This is a pending case. Accused is in an ongoing relationship with a fellow soldier who states that he has beaten her, raped her, and forced her to perform fellatio numerous times from when they were stationed in Germany together as well as in El Paso and the most recent attack was New Year's day. Referred to trial 29 August 2013.
8. U.S. v. MAJ X: Four year old daughter accused dad of sexual assault (assaults occurred in X). DA never prosecuted. Army became aware of allegations and sent accused back to X from downrange. Referred to trial 27 June 2013.
9. Cases involving Miss (b) (6). Last year X County law enforcement investigated five cases of statutory rape and similar offenses by Soldiers from Fort X against a local 14 year old teenager. The X DA's Office declined prosecution in all of these cases as he determined that the sexual intercourse was consensual and Miss (b) (6) was seeking Soldiers with whom to have sexual intercourse online. The Army subsequently took jurisdiction over all of these cases, preferred charges, and is currently in various stages of litigation in all of these cases.
10. U.S. v MSG X: Service member accused of sexually assaulting his two teenage daughters, as well as his teenage niece, during various visits with the family. Also accused of spousal abuse and rape, on both his first and second wife, and sexual assault/attempted rape on a female houseguest. In one instance, SM provided his 12-year old daughter alcohol until she was highly intoxicated, then carried her to bed where he proceeded to "choke her out" claiming he needed to "calm her down" and then proceeded to sexually assault her. The two teenage daughters made initial report to the Cumberland County Police, who took video statements from each girl, but declined to further investigate and eventually closed the case. Military authorities resumed the investigation, and the additional misconduct was found. Service member has been flagged for adverse action, and case is currently pending the preferral of charges for rape, attempted rape, sexual assault, assault, and child endangerment.

Pending Army Cases

Civilian Declination

EXSUM: The following 15 cases, discussed in the letter from Admiral Winnifeld to Senator Gillibrand, are still pending court-martial. These cases were preferred by Army commanders after civilian authorities declined to prosecute. The details including the name of the accused and the location of the offense, have been redacted to prevent any undue influence on the outcomes of these cases.

1. U.S. v. PVT X: This is a pending case. A 19 year-old (homeless) victim reported the incident to the X Police Department. They refused to prosecute citing insufficient evidence. The Army has charged him based upon victim's allegations and some corroborating circumstantial evidence.
2. U.S. v. PVT X: This is a pending case. Three teen-aged victims (sisters of the accused) reported the incident to the X civilian law enforcement agency. They refused to prosecute citing insufficient evidence. The chain of command preferred charges including several offenses of abusive sexual contact and aggravated sexual assault.
3. U.S. v. SPC X: This is a pending case. The accused attended a party at an apartment complex celebrating a friend's birthday. After most party attendees became intoxicated, the victim and her female friend both laid down on the victim's bed to go to sleep. One was awakened by the accused fondling her outside of her clothing. She confronted him and told him to stop. He acted drunk and flopped down on the bed. This victim moved to the couch. The other female was awakened to the accused pulling down her pants and performing oral sex on her. She pleaded with him to stop and she cried. She immediately kicked everyone out of the apartment. The first victim went to the emergency room and underwent a Sexual Assault Forensic Examination. X PD investigated, but recommended the DA not pursue charges. Investigators interviewed the victims, implying during the interviews that the assaults were their own fault due to their own level of intoxication. The chain of command preferred charges and referred them to trial by general court-martial.
4. U.S. v. PFC X: This is a pending case. The retired senior warrant officer accused was recalled to active duty to face charges of sexually assaulting his daughters over a 15 year period. The state could not prosecute because of lack of jurisdiction. The chain of command preferred charges and referred them for trial in September 2013.
5. U.S. v. CDT X: This is a pending case. The accused had sex with an 18 year-old female civilian who was substantially incapacitated by alcohol while on a trip to NYC. Civilian authorities investigated and declined prosecution. CID subsequently investigated, and the chain of command intends to prefer charges.

6. U.S. v. SPC X: This is a pending case. The accused had sexual intercourse with female service member in his unit while on a pre-deployment pass to Atlantic City after a night of heavy alcohol consumption. Civilian authorities declined prosecution. Charges were preferred, an Article 32 Investigation was held, and the Article 32 Investigating Officer recommended dismissal of all charges; pending decision on referral.
7. U.S. v. PFC X: This is a pending case. On 8 SEP 2012, the accused was working at a bar and began buying the victim, a 28 year old civilian female drinks. The victim became so intoxicated she passed out twice in the female restroom and each time was found by patrons who notified the female bartender who assisted her. The victim's husband arrived at the bar looking for his wife. SPC X said he put her in a taxi and sent her home. The accused lied when he made this statement, as he knew victim was passed out in the latrine. He then assisted victim to his car, drove her to Wal-Mart, and had sex with her in the parking lot. He then drove victim to a bus stop a quarter mile from her home. The victim had been raped. SVP requested jurisdiction from X Sheriff's Office who did not want to prosecute the case. The chain of command has preferred charges.
8. U.S. v. SPC X: This is a pending case. The accused and his wife lived off post and allowed another Soldier and his wife (22 year-old B.T.) to stay with them for a few weeks. On the morning of 5 SEP 2012 SPC X climbed onto the victim's air mattress, put her in a choke hold and attempted to pull down her shorts. The victim weighed 92 pounds and is 5'1". She struggled but SPC X digitally penetrated her. The victim succeeded in escaping but did not report until 43 days later. SVP requested jurisdiction from X Sheriff's Office who did not want to prosecute the cases. Charges were preferred and is pending an Article 32 Investigation hearing.
9. U.S. v. PFC X: This is a pending case. A 25 year-old dependent reported that from the time she was 5 years old until she was 15, her step-father sexually assaulted her. She came forward once her mother and step-father divorced in 2012 when she was 24 years old. X originally investigated this case but chose not to go forward with charges due to delayed disclosure and lack of corroborating physical evidence. The SVP travelled to X to interview the victim and her aunts. Not all periods of abuse can be charged because the Statute of Limitations precludes all but 7 months of abuse. The chain of command has also charged the accused with physically assaulting the victim's mother in 2010. The case is docketed for general court-martial.
10. U.S. v. PFC X: This is a pending case. Sexual assault of an adult female by an Army recruiter at her residence. The accused claims that the encounter was consensual and the civilian authorities declined to prosecute. The chain of command intends to prefer charges.
11. U.S. v. PFC X/PFC X: These related cases are pending. Sexual assault of an adult that occurred at a hotel in X while the unit was on an overnight

pass. The victim was highly intoxicated at the time of the assault. The chain of command has preferred charges in both cases.

12. US v. LTC X: This is a pending case. The accused is a lieutenant colonel charged with repeated sexual assault of his step-daughter. The abuse began with touching when the victim was 10 and escalated to sexual intercourse which continued until she was 16. The victim would pretend to be asleep during these encounters. There is no physical evidence and no statement from the accused and the report was not made until approximately 2 years after the victim moved out of the house and the abuse stopped. The abuse was reported to X authorities who declined to prosecute due to the pending divorce proceedings between the victim's mother and the accused. The chain of command preferred charges and referred them to trial by general court-martial, docketed for September 2013.
13. US v. SPC X: This is a pending case. The accused in this case followed the victim out of a bar in X, got into the back seat of a car with her and then forcibly digitally penetrated her while they were on their way back to X. The driver of the vehicle heard the victim tell the accused to stop. The accused has a prior Article 15 for sexual harassment. Local prosecutors declined to charge the case because the assault occurred in the back of a moving vehicle that crossed at least two county lines. The chain of command preferred charges and referred them to trial by general court-martial, docketed for 23 July 2013.
14. US v. MAJ X: This is a pending case involving a major who is accused of sexually assaulting his 4 year old daughter. The local DA declined to take the case over concerns that the youth of the victim would prevent her from testifying effectively in court. This case is docketed for 17 September 2013.
15. US v. SPC X: This is a pending case involving a Specialist who is accused of sexually assaulting his daughter beginning when she was 2 years old. His daughter made an outcry at 2 years old, but the police told her mother that it would be the child's word against a soldier's, so the case went nowhere. The victim reported again at 4 years old, and the local DA has refused to pursue the case. We have investigated and charged the case.

DNA processing required. 10 USC § 1565

DEPARTMENT OF THE ARMY
HEADQUARTERS, FORT KNOX
FORT KNOX, KENTUCKY 40121

GENERAL COURT-MARTIAL ORDER
NUMBER 30

08 July 2013

Sergeant Paul B. Henson, [REDACTED], U.S. Army, F Company, 201st Brigade Support Battalion, 3d Brigade Combat Team, 1st Infantry Division, Fort Knox, Kentucky 40121, was arraigned at Fort Knox, Kentucky, on the following offenses at a General Court-Martial convened by Commander, Headquarters, Fort Knox.

Charge I: Article 120. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: Did, at or near Carlsbad, California, on or about 3 July 2010, engage in a sexual act, to wit: penetration of the vulva with his penis, with [REDACTED] who was substantially incapacitated. Plea: None Entered. Finding: None Entered. The military judge dismissed without prejudice on motion of trial counsel.

Specification 2: Did, at or near Carlsbad, California, on or about 3 July 2010, engage in a sexual act, to wit: penetration of the genital opening with his finger, with [REDACTED] who was substantially incapacitated. Plea: None Entered. Finding: None Entered. The military judge dismissed without prejudice on motion of trial counsel.

Specification 3 (Redesignated The Specification): Did, at or near Carlsbad, California, on or about 3 July 2010, wrongfully engage in sexual contact, to wit: slapping the buttocks without the permission of [REDACTED]. Plea: Not Guilty. Finding: Not Guilty.

Charge II: Article 134. Plea: Not Guilty. Finding: Guilty.

The Specification: Did, at or near Carlsbad, California, on or about 3 July 2010, wrongfully give alcoholic beverages to [REDACTED] and such conduct was of a nature to bring discredit upon the armed forces. Plea: Not Guilty. Finding: Guilty.

[The] Additional Charge: Article 120. Plea: Not Guilty. Finding: Guilty.

Specification 1: Did, at or near Carlsbad, California, on or about 3 July 2010, cause [REDACTED] to engage in a sexual act, to wit: penetration of her genital opening with his finger, by causing bodily harm upon her, to wit: pushing up on her and applying the weight of his body to her. Plea: Not Guilty. Finding: Guilty.

Specification 2: Did, at or near Carlsbad, California, on or about 3 July 2010, cause [REDACTED] to engage in a sexual act, to wit: penetration of her vulva with his penis, by causing bodily harm upon her, to wit: laying on her with the weight of his body and holding her. Plea: Not Guilty. Finding: Guilty.

GCMO No. 30, DA, HQ, Ft Knox, Ft Knox, KY 40121-5123, dtd 8 July 13 (CONT)

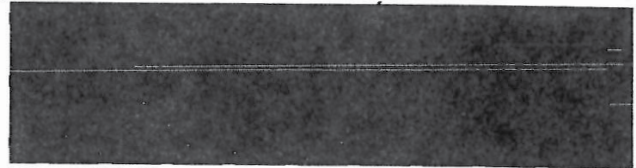
SENTENCE

Sentence was adjudged on 14 February 2013: To be discharged from the service with a Bad-Conduct Discharge, to be confined for two years, to forfeit all pay and allowances, and to be reduced to the grade of Private (E-1).

ACTION

In the case of Sergeant Paul B. Henson, [REDACTED], U.S. Army, F Company, 201st Brigade Support Battalion, 3d Brigade Combat Team, 1st Infantry Division, Fort Knox, Kentucky 40121, the sentence is approved and, except for the Bad-Conduct Discharge, will be executed. The accused will be credited with 15 days of confinement credit against the sentence to confinement.

BY COMMAND OF MAJOR GENERAL SMITH:



CPT, JA
Chief, Criminal Law Division

DISTRIBUTION:

Accused (1)
MJ, COL [REDACTED] (1)
MJ, LTC [REDACTED] (1)
TC, CPT [REDACTED] (1)
DC, CPT [REDACTED] (1)
CDR, USACC, ATTN: SJA (2)
CDR, F Co, 201st BSB, Ft Knox, KY 40121 (1)
CDR, 3d BCT, 1st ID, Ft Knox, KY 40121 (1)
PCF, Fort Knox, KY 40121 (1)
NAVCONBRIG Chesapeake, VA 23322 (1)
DFAS, Bldg 1384, Ft Knox, KY 40121 (2)
Clerk of Court, ATTN: JALS-CCZ, 9275 Gunston Rd, Ft Belvoir, VA 22060-5546 (10)
CDR, ATTN: AHRC-PDR-F, U.S. Army HRC, 1600 Spearhead Ave, Dept #420, Ft Knox, KY 40122-5420 (1)
HQ, USACIDC, ATTN: CIOP-ZC, 27130 Telegraph Rd, Quantico, VA 22134 (1)
HQ, ACC (DAPM-ACC), 150 Army Pentagon, Washington, DC 20310-0150 (1)
HQ, DA, Office of the Provost Marshal General, ATTN: MP Div Ops, 2800 Army Pentagon, Washington, DC 20310-2800 (1)
CDR, USACIL, Ft Gillem, ATTN: CODIS Lab, 4553 N 2d St, Bldg 213B, Forest Park, GA 30297-5122 (1)

GCMO No. 30, DA, HQ, Ft Knox, Ft Knox, KY 40121-5123, dtd 8 July 13 (CONT)

DISTRIBUTION: (CONT)

CDR, USACIL, 4930 N 31st, Forest Park, GA 30297-5205 (1)

SAC, 280th MP Det (CID), 3d MP Grp, ATTN: CIRC-CFK, Ft Knox, KY 40121 (1)

Record Set (1)

Department of the Army FOIA Responses



DEPARTMENT OF DEFENSE REPORT OF RESULT OF TRIAL				1. DATE OF TRIAL (YYYYMMDD)	
TO: (Convening Authority) Commander, United States Army Maneuver Support Center of Excellence, Fort Leonard Wood, Missouri 65473					
1. NOTIFICATION UNDER R.C.M. 1101 IS HEREBY GIVEN IN THE CASE OF THE UNITED STATES VERSUS:					
a. NAME (Last, First, Middle Initial)		b. BRANCH OF SERVICE	c. RANK/GRADE	d. DoD ID/SSN (Last 4)	
Anselmi, Ryan S		Army	CPT/O-3	[REDACTED]	
e. ORGANIZATION (Full address)		2.a. TYPE OF COURT-MARTIAL (X one)			
HHD, 92nd Military Police Battalion, 4th Maneuver Enhancement Brigade, Fort Leonard Wood, Missouri 65473		<input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SUMMARY <input type="checkbox"/> JUDGE ALONE <input type="checkbox"/> JUDGE ALONE			
b. CONVENED BY: COURT MARTIAL ORDER NUMBER(S) CMCO #17, as amended by CMCO Corrected Copy #6, dated 2 May 13		c. ISSUING COMMAND HQ, United States Army Maneuver Support Center of Excellence, FLW, MO 65473		d. DATE (YYYYMMDD) 20121017	
3. SUMMARY OF OFFENSES, PLEAS AND FINDINGS					
a. CHARGE/ SPECIFICATION NO(S).	b. UCMJ ARTICLE(S)	c. DIBRS CODE	d. BRIEF DESCRIPTION OF OFFENSE	e. PLEA	f. FINDING
			SEE CONTINUATION SHEET		
4.a. DATE ADJUDGED (YYYYMMDD) 20130516			b. DATE OF ANY FORFEITURES OR REDUCTIONS (YYYYMMDD) 20130530		
5. SENTENCE Confinement for 1 month; forfeiture of \$5,361.60 pay per month for 2 months; and to be dismissed from the service.					
6.a. CONTENTS OF PRE-TRIAL AGREEMENT CONCERNING SENTENCE TO CONFINEMENT (If any) None					
b. DAYS OF PRE-TRIAL CREDIT None		c. DAYS OF OTHER JUDGE ORDERED CREDIT None		d. TOTAL PRESENTENCE CREDIT TOWARD POST-TRIAL CONFINEMENT None	
7. DNA PROCESSING: IAW 10 U.S.C. §1565 <input checked="" type="checkbox"/> IS IS NOT REQUIRED.					
8. SEX OFFENDER REGISTRATION: IAW 42 U.S.C. § 14071 IS <input checked="" type="checkbox"/> IS NOT REQUIRED.					
9. COMPANION ACCUSED/CO-ACCUSED (Name(s) and Social Security Number(s) (If any)) None					
10. DISTRIBUTION (Copy provided to named Agencies/Unit(s)) HHD, 92d MP BN; SJA; Accused; and Defense Counsel.					
11. SIGNED BY (X one)		<input checked="" type="checkbox"/> TRIAL COUNSEL		<input type="checkbox"/> SUMMARY COURT-MARTIAL OFFICER	
a. NAME (Last, First, Middle Initial)		b. RANK/GRADE		c. BRANCH OF SERVICE	
[REDACTED]		CPT/O3		Army	
				e. DATE SIGNED (YYYYMMDD) 20130516	

DD FORM 2707-1, MAR 2013

PREVIOUS EDITION IS OBSOLETE.

Adobe Professional X

Department of the Army FOIA Responses



CONTINUATION SHEET, DD Form 2707-1, CPT ANSELMI, RYAN S., [REDACTED]
 HHD, 92nd Military Police Battalion 4th Maneuver Enhancement Brigade, Fort Leonard
 Wood, Missouri 65473

CH/ SPEC	ART	DIBRS CODE	BRIEF DESCRIPTION OF OFFENSE(S)	PLEA	FINDING
I/ THE	125	125-C	In that Captain Ryan Anselmi, U.S. Army, did, at or near Saint Robert, Missouri, on or about 18 June 2012, commit sodomy with Specialist [REDACTED] to wit: placing Specialist [REDACTED] penis into Captain Anselmi's mouth, by force and without the consent of the said Specialist [REDACTED]	Not Guilty	*Guilty
II/ 1	120	201-N-1	In that Captain Ryan Anselmi, U.S. Army, did, at or near Saint Robert, Missouri, on or about 18 June 2012, wrongfully commit indecent conduct, to wit: masturbating in the presence of Specialist [REDACTED]	Not Guilty**	
II/ 2	120	201-N-1	In that Captain Ryan Anselmi, U.S. Army, did, at or near Saint Robert, Missouri, on or about 18 June 2012, intentionally expose, in an indecent manner, his penis in his off-post quarters while in the presence of Specialist [REDACTED]	Not Guilty**	
III/ THE	134	134-B4	In that Captain Ryan Anselmi, U.S. Army, did, at or near Saint Robert, Missouri, on or about 17 June 2012 to, on or about 18 June 2012, knowingly fraternize with Specialist [REDACTED] an enlisted person, on terms of military equality, to wit: in that the Accused invited Specialist [REDACTED] to his private residence to consume alcohol and play video games, in violation of the custom of the United States Army that officers shall not fraternize with enlisted persons on terms of military equality, and that such conduct was to the prejudice of good order and discipline in the armed forces.	Not Guilty	Guilty

CONTINUATION SHEET, DD Form 2707-1, CPT ANSELMI, RYAN S. [REDACTED]
 HHD, 92nd Military Police Battalion 4th Maneuver Enhancement Brigade, Fort Leonard
 Wood, Missouri 65473

IV/ THE	133	133-C	<p>In that Captain Ryan Anselmi, U.S. Army, did, at or near Saint Robert, Missouri, on or about 17 June 2012 to, on or about, 18 June 2012, offer to gamble with Specialist [REDACTED] by wagering a blow-job to the winner of a video game, or words to that effect, then knowing that the said Specialist [REDACTED] was not a commissioned officer and was subordinate to the accused, that under the circumstances, the Accused's conduct was unbecoming of an officer and a gentlemen, and that such conduct was to the prejudice of good order and discipline in the armed forces.</p>	Not Guilty	Not Guilty
---------	-----	-------	--	------------	------------

* Not Guilty of Forcible Sodomy, but Guilty of the lesser included offense of Sodomy

** Dismissed by the Military Judge.

DNA Processing required. 10 USC § 1565

General Court-Martial Order Number 1 was the last of the series for 2011

DEPARTMENT OF THE ARMY
Headquarters, U.S. Army Support Activity
Joint Base McGuire-Dix-Lakehurst
Fort Dix, New Jersey 08640-5000

GENERAL COURT-MARTIAL ORDER
NUMBER 1

26 April 2012

Lieutenant Colonel Dennis E. Dockery, [REDACTED], Company B, U.S. Army Support Activity, Joint Base McGuire-Dix-Lakehurst, Fort Dix, New Jersey 08640 was arraigned at Fort Dix, New Jersey, on the following offenses at a general court-martial, convened by Commander, U.S. Army Support Activity, Joint Base McGuire-Dix-Lakehurst.

Charge 1. Article 120. Plea: Not Guilty. Finding: Dismissed.

Specification 1: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 17 April 2010, cause Ms. [REDACTED] to engage in a sexual act, to wit: sexual intercourse with him, by force, to wit: slapping her face with his hand, pushing her down on her bed with his hands, removing her clothes with his hands, choking her neck with his hands, pushing her against the wall with his hands, grabbing her hair with his hands, and pulling her head back with his hands. Plea: Not Guilty. Finding: Dismissed.

Specification 2: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 17 April 2010, cause Ms. [REDACTED] to engage in a sexual act, to wit: sexual intercourse with him, by threatening or placing the said Ms. [REDACTED] in fear that she would be subjected to death or grievous bodily harm, to wit: telling her "you are a renegade bitch and don't understand ownership," "how dare you question me," "this is for real, this is reality," "you know bitch, this is not a fucking game, this is not fantasy, this is real life," "if I have to come over every single day and beat your ass into submission, I will do that," "there's no quitting, there's no quitters, there's absolutely no saying 'no'," "I would have no problem breaking your jaw," and "on a scale from 1 to 10, the beating you just received was a 3," or words to that effect. Plea: Not Guilty. Finding: Dismissed.

Specification 3: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 17 April 2010, cause Ms. [REDACTED] to engage in a sexual act, to wit: sexual intercourse with him, by causing bodily harm upon her, to wit: slapping her face with his hand, pushing her down on her bed with his hands, removing her clothes with his hands, choking her neck with his hands, pushing her against the wall with his hands, grabbing her hair with his hands, and pulling her head back with his hands. Plea: Not Guilty. Finding: Dismissed.

20110796

GCMO No 1, DA, HQ, USASA, JBMDL, Fort Dix, NJ, dtd 26 April 2011

Specification 4: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 17 April 2010, cause Ms. [REDACTED] to engage in a sexual act, to wit: sexual intercourse with him, by threatening or placing the said Ms. [REDACTED] in fear of physical injury, to wit: telling her "you are a renegade bitch and don't understand ownership," "how dare you question me," "this is for real, this is reality," "you know bitch, this is not a fucking game, this is not fantasy, this is real life," "if I have to come over every single day and beat your ass into submission, I will do that," "there's no quitting, there's no quitters, there's absolutely no saying 'no'," "I would have no problem breaking your jaw," and "on a scale from 1 to 10, the beating you just received was a 3," or words to that effect. Plea: Not Guilty. Finding: Dismissed.

Specification 5: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 17 April 2010, engage in sexual contact with Ms. [REDACTED], to wit: causing her to rub his penis with her hands, causing her to suck his nipples with her mouth, penetrating her anus with his finger, and rubbing her buttocks with his penis, by force, to wit: slapping her face with his hand, pushing her down on her bed with his hands, removing her clothes with his hands, choking her neck with his hands, pushing her against the wall with his hands, grabbing her hair with his hands, and pulling her head back with his hands. Plea: Not Guilty. Finding: Dismissed.

Specification 6: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 17 April 2010, engage in sexual contact with Ms. [REDACTED], to wit: causing her to rub his penis with her hands, causing her to suck his nipples with her mouth, penetrating her anus with his finger, and rubbing her buttocks with his penis, by threatening or placing the said Ms. [REDACTED] in fear that she would be subjected to death or grievous bodily harm, to wit: telling her "you are a renegade bitch and don't understand ownership," "how dare you question me," "this is for real, this is reality," "you know bitch, this is not a fucking game, this is not fantasy, this is real life," "if I have to come over every single day and beat your ass into submission, I will do that," "there's no quitting, there's no quitters, there's absolutely no saying 'no'," "I would have no problem breaking your jaw," and "on a scale from 1 to 10, the beating you just received was a 3," or words to that effect. Plea: Not Guilty. Finding: Dismissed.

Specification 7: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 17 April 2010, engage in sexual contact with Ms. [REDACTED] to wit: causing her to rub his penis with her hands, causing her to suck his nipples with her mouth, penetrating her anus with his finger, and rubbing her buttocks with his penis, by causing bodily harm upon her, to wit: slapping her face with his hand, pushing her down on her bed with his hands, removing her clothes with his hands, choking her neck with his hands, pushing her against the wall with his hands, grabbing her hair with his hands, and pulling her head back with his hands. Plea: Not Guilty. Finding: Dismissed.

Specification 8: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 17 April 2010, engage in sexual contact with Ms. [REDACTED], to wit: causing her to rub his penis with her hands, causing her to suck his nipples with her mouth, penetrating her anus with his finger, and rubbing her buttocks with his penis, by threatening or placing the said Ms. [REDACTED] in fear of physical injury, to wit: telling her "you are a renegade bitch and don't understand ownership," "how dare you question me," "this is for real, this is reality," "you know

GCMO No 1, DA, HQ, USASA, JBMDL, Fort Dix, NJ, dtd 26 April 2011

bitch, this is not a fucking game, this is not fantasy, this is real life," "if I have to come over every single day and beat your ass into submission, I will do that," "there's no quitting, there's no quitters, there's absolutely no saying 'no'," "I would have no problem breaking your jaw," and "on a scale from 1 to 10, the beating you just received was a 3," or words to that effect.
Plea: Not Guilty. Finding: Dismissed.

Specification 9: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 17 April 2010, wrongfully engage in sexual contact with Ms. [REDACTED] to wit: causing her to rub his penis with her hands, causing her to suck his nipples with her mouth, penetrating her anus with his finger, rubbing her buttocks with his penis, having sexual intercourse with her without using a condom, and ejaculating inside of her vagina, without the permission of the said Ms. F. Plea: Not Guilty. Finding: Dismissed.

Specification 10: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 4 February 2010, wrongfully engage in sexual contact with Ms. [REDACTED], to wit: striking her buttocks with a whip, without the permission of the said Ms. [REDACTED]. Plea: Not Guilty. Finding: Dismissed.

Charge II. Article 125. Plea: Not Guilty. Finding: Dismissed.

Specification: In that LTC Dennis Dockery, US Army, did, at or near Hamden, Connecticut, on or about 17 April 2010, commit sodomy with Ms. [REDACTED] by force and without the consent of the said Ms. [REDACTED]. Plea: Not Guilty. Finding: Dismissed.

Charge III. Article 128. Plea: Not Guilty. Finding: Dismissed.

Specification 1: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 4 February 2010, unlawfully slap Ms. [REDACTED] face with his hand and unlawfully strike her back and buttocks with a whip. Plea: Not Guilty. Finding: Dismissed.

Charge III. Article 128. Plea: Guilty. Finding: Guilty.

Specification 2: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 17 April 2010, unlawfully slap Ms. [REDACTED]'s face with his hand, push Ms. [REDACTED] down on her bed with his hands, remove Ms. F's clothes with his hands, choke Ms. [REDACTED] neck with his hands, push Ms. [REDACTED] against the wall with his hands, grab Ms. [REDACTED] hair with his hands, and pull Ms. [REDACTED] head back with his hands. Plea: Guilty*. Finding: Guilty.

*Guilty, except the words, "pushing her down on her bed with his hands, removing her clothes with hands." To the excepted words, Not Guilty.

Charge IV: Article 134. Plea: Guilty. Finding: Guilty.

Specification 1: In that LTC Dennis E. Dockery, US Army, did, at or near Hamden, Connecticut, on or about 17 April 2010, with intent to commit rape, commit an assault upon Ms. [REDACTED] by slapping her face with his hand, pushing her down on her bed with his hands, removing

GCMO No 1, DA, HQ, USASA, JBMDL, Fort Dix, NJ, dtd 26 April 2011

her clothes with his hands, choking her neck with his hands, pushing her against the wall with his hands, grabbing her hair with his hands, and pulling her head back with his hands, such conduct prejudicial to good order and discipline in the armed forces or of a nature to bring discredit upon the armed forces. Plea: Not Guilty. Finding: Dismissed.

Charge IV: Article 134. Plea: Guilty. Finding: Guilty.

Specification 2: In that LTC Dennis E. Dockery, US Army, a married man, did, at or near Hamden, Connecticut, on or about 17 April 2010, wrongfully have sexual intercourse with Ms. [REDACTED] a woman not his wife, such conduct prejudicial to good order and discipline in the armed forces or of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

Specification 3: In that LTC Dennis E. Dockery, US Army, a married man, did, at or near Hamden, Connecticut, on or about 4 February 2010, wrongfully have sexual intercourse with Ms. [REDACTED] a woman not his wife, such conduct prejudicial to good order and discipline in the armed forces or of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

Charge V: Article 92. Plea: Guilty. Finding: Guilty.

Specification 1: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 30 April 2010, on divers occasions, violate a lawful general regulation, to wit: paragraph 4-14(b), Army Regulation 600-20, dated 18 March 2008, by wrongfully having a prohibited relationship with SPC [REDACTED] by telling the said SPC [REDACTED] that his yahoo email screen name, [REDACTED] was in reference to his penis, by telling the said SPC [REDACTED] "You have other options besides your current boyfriend, and I could be your boyfriend," or words to that effect, and, by sending the said SPC [REDACTED] instant messages of a personal and sexual nature. Plea: Guilty. Finding: Guilty.

Charge V: Article 92 Plea: Not Entered. Finding: Dismissed prior to guilty plea.

Specification 2: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 30 April 2010, on divers occasions, violate a lawful general regulation, to wit: paragraph 4-14(b), Army Regulation 600-20, dated 18 March 2008, by wrongfully having a prohibited relationship with SGT [REDACTED], by having a sexual and intimate relationship with the said SGT [REDACTED]. Plea: Not entered. Finding: Dismissed prior to entry of Guilty plea.

Additional Charge I: Article 120. Plea: Not Guilty. Finding: Dismissed.

Specification 1: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 31 October 2009, on divers occasions, cause SGT [REDACTED] to engage in a sexual act, to wit: sexual intercourse with him, by force, to wit: slapping her face with his hand, pushing her down on his bed with his hands, and choking her neck with his hands. Plea: Not Guilty. Finding: Dismissed.

GCMO No 1, DA, HQ, USASA, JBMDL, Fort Dix, NJ, dtd 26 April 2011

Specification 2: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 31 October 2009, on divers occasions, cause SGT [REDACTED] to engage in a sexual act, to wit: sexual intercourse with him, by threatening or placing the said SGT [REDACTED] in fear that she would be subjected to death or grievous bodily harm, to wit: telling her "Come to my room now," "Shut up! Do what I say," "I will have sex with you in all your holes," "You will do what I say, or I will send you on a convoy and you know what happens on convoys," "I will never die by my own pistol," and "If you ever touch my pistol something bad would happen," or words to that effect. Plea: Not Guilty. Finding: Dismissed.

Specification 3: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 31 October 2009, on divers occasions, cause SGT [REDACTED] to engage in a sexual act, to wit: sexual intercourse with him, by causing bodily harm upon her, to wit: slapping her face with his hand, pushing her down on his bed with his hands, and choking her neck with his hands. Plea: Not Guilty. Finding: Dismissed.

Specification 4: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 31 October 2009, on divers occasions, cause SGT [REDACTED] to engage in a sexual act, to wit: sexual intercourse with him, by threatening or placing the said SGT [REDACTED] in fear of physical injury, to wit: telling her "Come to my room now," "Shut up! Do what I say," "I will have sex with you in all your holes," "You will do what I say, or I will send you on a convoy and you know what happens on convoys," "I will never die by my own pistol," and "if you ever touch my pistol something bad would happen," or words to that effect. Plea: Not Guilty. Finding: Dismissed.

Specification 5: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 31 October 2009, on divers occasions, wrongfully engage in sexual contact with SGT [REDACTED], to wit: sexual intercourse with her without the permission of the said SGT B. Plea: Not Guilty. Finding: Dismissed.

Additional Charge II: Article 125. Plea: Not Guilty. Finding: Dismissed.

Specification: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 31 October 2009, on divers occasions, commit sodomy with SGT [REDACTED] by force and without the consent of the said SGT [REDACTED], to wit: placing his hands on the back of the said SGT [REDACTED]'s head, forcing her head down towards his penis with his hands, and placing his penis in her mouth. Plea: Not Guilty. Finding: Dismissed.

Additional Charge III: Article 128. Plea: Not Guilty. Finding: Dismissed.

Specification: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 31 October 2009, on divers occasions, unlawfully touch SGT [REDACTED] by slapping her face with his hands, choking her neck with

GCMO No 1, DA, HQ, USASA, JBMDL, Fort Dix, NJ, dtd 26 April 2011

his hands, and pushing her down on his bed with his hands. Plea: Not Guilty. Finding: Dismissed.

Additional Charge IV: Article 92. Plea: Guilty. Finding: Guilty.

Specification: In that LTC Dennis E. Dockery, US Army, did, on divers occasions, at or near New Haven, Connecticut, between on or about 1 November 2008 and on or about 31 December 2008, at or near Joint Base McGuire-Dix Lakehurst, New Jersey, between on or about 1 April 2009 and on or about 31 May 2009, and at near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 31 October 2009, violate a lawful general regulation, to wit: paragraph 4-14(b), Army Regulation 600-20, dated 18 March 2008, by wrongfully having a prohibited relationship with SGT [REDACTED] to wit: having sexual intercourse with the said SGT [REDACTED]. Plea: Guilty. Finding: Guilty.

Additional Charge V: Article 93. Plea: Not Guilty. Finding: Dismissed.

Specification 1: In that LTC Dennis E. Dockery, US Army, did, at or near New Haven, Connecticut, between on or about 1 November 2008 and on or about 31 December 2008, did maltreat SGT [REDACTED] a person subject to his orders, by wrongfully having sexual intercourse with the said SGT [REDACTED] who was intoxicated. Plea: Not Guilty. Finding: Dismissed.

Additional Charge V: Article 93. Plea: Guilty**. Finding: Dismissed.

Specification 3: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 31 October 2009, on divers occasions, maltreat SGT [REDACTED], a person subject to his orders, by telling the said SGT [REDACTED] "Come to my room now," "Shut up! Do what I say," "I will have sex with you in all your holes," and "You will do what I say, or I will send you on a convoy and you know what happens on convoys," or words to that effect and having sexual intercourse with the said SGT [REDACTED]. Plea: Guilty**. Finding: Dismissed.

**Guilty, except the words, "You will do what I say, or I will send you a convoy and you know what happens on convoys." To the excepted words, Not Guilty.

Additional Charge V: Article 93. Plea: Not Guilty. Finding: Dismissed.

Specification 4: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 31 October 2009, on divers occasions, maltreat SGT [REDACTED], a person subject to his orders, by ordering SGT [REDACTED] to read his War College assignments and take his War College tests for him. Plea: Not Guilty. Finding: Dismissed.

GCMO No 1, DA, HQ, USASA, JBMDL, Fort Dix, NJ, dtd 26 April 2011

Additional Charge VI: Article 134. Plea: Not Guilty. Finding: Dismissed prior to trial.

Specification 1: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 31 October 2009, wrongfully communicate to SGT [REDACTED] a threat of injury, to wit: telling SGT [REDACTED] "You will do what I say, or I will send you on a convoy and you know what happens on convoys" or words to that effect. Plea: Not Guilty. Finding: Dismissed.

Specification 2: In that LTC Dennis E. Dockery, US Army, did, at or near Qayyarah Airfield West, Iraq, between on or about 1 June 2009 and on or about 31 October 2009, wrongfully communicate to SGT [REDACTED] a threat of injury, to wit: telling SGT [REDACTED] "I will never die by my own pistol" and "if you ever touch my pistol something bad would happen," or words to that effect. Plea: Not Guilty. Finding: Dismissed.


SENTENCE

Sentence was adjudged on 13 September 2011: Confinement for 17 months and dismissal from the service.

ACTION

Only so much of the sentence as provides for 17 months confinement, and dismissal from the service is approved and except for the part of the sentence extending to a dismissal, will be executed. The automatic forfeiture of pay was deferred on 27 September 2011 and is terminated this date. The forfeiture of all pay and allowances as required by Article 58b, UCMJ, is waived effective 26 April 2012 until 26 October 2012 for the benefit of Mrs. [REDACTED]. The sentence is approved and except for the portion of the sentence extending to a dismissal from the service will be executed.

BY ORDER OF COLONEL [REDACTED]



LTC, JA
Staff Judge Advocate

DISTRUBUTION:

Accused, (1)
MJ, COL [REDACTED] (1)
TC, CPT [REDACTED] (1)
TC, CPT [REDACTED] (1)
DC, CPT [REDACTED] (1)
Civilian Defense Counsel, Mr. Walter Bansley (1)

GCMO No 1, DA, HQ, USASA, JBMDL, Fort Dix, NJ, dtd 26 April 2011

DISTRIBUTION: (CONT)

Post Trial Attorney, Mr. [REDACTED] (1)
Cdr, Company B, Mobilization Readiness Battalion, Dix, NJ (1)
Cdr, Mobilization Readiness Battalion
Cdr, Headquarters, U.S. Army Support Activity, Fort Dix, NJ, ATTN: SJA (2)
Cdr, RCF, Ft. Leavenworth, KS 66027
Military Personnel Directorate, Fort Dix, New Jersey 08640 ATTN: Records Section (1)
U.S. Army Support Activity, Finance & Accounting (1)
U.S. Army Human Resources Command, ATTN: AHRC-MSP-S, 200 Stovall Street, Alexandria,
VA 22332-0400 (1)
Professor of Law, United States Military Academy, West Point, NY 10996 (2)
U.S. Army Human Resources Command, ATTN: AHRC-CIS-P, 1 Reserve Way, St. Louis,
MO 63132-5200 (1)
87th SFS, Joint Base Police, MDL, Fort Dix, NJ 08640 (1)
Clerk of Court, ATTN: JALS-CCZ, U.S. Army Legal Services Agency, HQDA, Suite 1200, 901
N. Stuart Street, Arlington, VA 22203-1837 (10)
HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506 (1)
HQDA, Office of the Provost Marshal General, ATTN: MP Division Operations, 2800 Army
Pentagon, Wash., D.C. 20310-2800 (1)
USARC, Office of the Staff Judge Advocate, ATTN: Chief Military Law Division, 1401
Deshler Street SW, Fort McPherson, GA 30330 (1)
Record Set (Original) (1)
Reference Set (1)

DNA processing required. 10 USC 1565.

General Court-Martial Order Number 1 was the last of the series for 2010.

DEPARTMENT OF THE ARMY
Headquarters, United States Military Academy
West Point, New York 10996

GENERAL COURT-MARTIAL ORDER
NUMBER 1

9 MAY 2012

Cadet Travis W. Corker, [REDACTED], US Army, C Company, 1st Regiment, United States Corps of Cadets, United States Military Academy, West Point, New York 10996, was arraigned at West Point, New York, on the following offenses at a General Court-Martial convened by the Superintendent, United States Military Academy.

Charge I: Article 120. Plea: Not Guilty. Finding: Guilty.

Specification 1: At or near Philadelphia, New York, on or about 17 July 2010, engage in sexual intercourse with [REDACTED] while she was substantially incapacitated. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: At or near Philadelphia, New York, on or about 17 July 2010, cause sexual contact with [REDACTED] by placing his hand inside [REDACTED] pants and underwear and rubbing her vagina while [REDACTED] was substantially incapacitated. Plea: Not Guilty. Finding: Not Guilty.

Specification 3: At or near Philadelphia, New York, on or about 17 July 2010, wrongfully engage in sexual contact with [REDACTED] by placing his hand inside [REDACTED] pants and underwear and rubbing her vagina, without the permission of [REDACTED]. Plea: Not Guilty. Finding: Not Guilty.

Specification 4: At or near Philadelphia, New York, on or about 17 July 2010, wrongfully commit indecent conduct by rubbing [REDACTED] stomach and leg with his hand; placing his hand inside [REDACTED] pants and underwear; rubbing [REDACTED] vagina with his hand; removing [REDACTED] pants and underwear with his hands; removing his pants and underwear with his hands; placing a condom on his penis with his hand; and penetrating [REDACTED] vagina with his penis while [REDACTED] and [REDACTED] were in the same room. Plea: Not Guilty. Finding: Guilty.

Charge II: Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: At or near Philadelphia, New York, on or about 17 July 2010, unlawfully rub [REDACTED] on her stomach and leg with his hand. Plea: Not Guilty. Finding: Not Guilty.

GCMO No. 1, DA, HQ, USMA, West Point, NY, dtd
(continued)

Specification 2: At or near Philadelphia, New York, on or about 17 July 2010, assault 2LT [REDACTED], a commissioned officer, by shaving off his eyebrow. Plea: Not Guilty. Finding: Not Guilty.

SENTENCE


Sentence was adjudged on 6 May 2011: To be reprimanded; to forfeit \$750 of pay per month for two months.

ACTION

Only so much of the sentence as provides for a reprimand is approved and will be executed. You are hereby reprimanded for wrongfully committing indecent conduct by rubbing the stomach and leg of a female Cadet with your hand, placing your hand inside said female Cadet's pants and underwear, rubbing her vagina with your hand, removing her pants and underwear with your hands, removing your pants and underwear with your hands, placing a condom on your penis with your hand, and penetrating her vagina with your penis while two other individuals were present in the same room.

DISTRIBUTION:

CDT [REDACTED] (1)
Military Judge (1)
Trial Counsel (1)
Defense Counsel (1)
TAC, C Co., 1st Rgt., USCC (1)
CMDT, USCC, USMA (1)
SUPT, USMA, ATTN: SJA (2)
SUPT, USMA, ATTN: MPD (1)
CDR, HRC, 1600 Spearhead Division Ave., FT Knox, KY (1)
Professor of Law, USMA (2)
CID, West Point (1)
HQ, USACIDC, CIOP-ZC, 6010 6th St., FT Belvoir, VA (1)
USACIL, 4930 N. 31st St., Forest Park, GA (1)
Clerk of Court, JALS-CCZ, USALSA, HQDA, 9275 Gunston Rd., FT Belvoir, VA (10)



DAVID H. HUNTOON, JR.
Lieutenant General, US Army
Superintendent

DEPARTMENT OF THE ARMY
Headquarters, Fort Drum
Fort Drum, New York 13602-5000

GENERAL COURT-MARTIAL ORDER
NUMBER 16

22 August 2012

Private (E2) Bruce A. Williams, [REDACTED] U.S. Army, Headquarters and Headquarters Company, Task Force Phoenix, 10th Combat Aviation Brigade, Fort Drum, New York, was arraigned at Fort Drum, New York, on the following offenses at a general court-martial convened by Commander, Fort Drum.

Charge I: Article 120, UCMJ. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: At or near Watertown, New York, on or about 9 October 2011, engage in sexual acts with Sergeant (E5) [REDACTED] to wit: penetrating her vulva with his tongue and fingers, and doing so while the said Sergeant (E5) [REDACTED] was substantially incapacitated. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: At or near Watertown, New York, on or about 9 October 2011, engage in sexual contact with Sergeant (E5) [REDACTED] to wit: licking her vagina with his tongue and rubbing her vagina with his fingers, and doing so while the said Sergeant (E5) [REDACTED] was substantially incapacitated. Plea: Not Guilty. Finding: Not Guilty.

Specification 3: At or near Watertown, New York, on or about 9 October 2011, wrongfully engage in sexual contact with Sergeant (E5) [REDACTED] to wit: licking her vagina with his tongue and rubbing her vagina with his fingers, without the permission of the said Sergeant (E5) [REDACTED]. Plea: Not Guilty. Finding: Not Guilty.

Specification 4: At or near Watertown, New York, on or about 9 October 2011, wrongfully commit indecent conduct with Sergeant (E5) [REDACTED] to wit: kissing her on her lips, biting her on her ear, licking and rubbing her vagina, and doing so while the said Sergeant (E5) [REDACTED] was highly intoxicated by alcohol, while the said Sergeant (E5) [REDACTED] was married to another Fort Drum Soldier, and while the said Sergeant (E5) [REDACTED] husband was asleep in another room in the same apartment. Plea: Not Guilty. Finding: Not Guilty.

20120591

GCMO No. 16, DA, HQ, Fort Drum, Fort Drum, New York 13602-5000, dated 22 Aug 2012 (continued)

Charge II: Article 134, UCMJ. Plea: None Entered. Finding: Dismissed.

The Specification: At or near Watertown, New York, on or about 9 October 2011, did wrongfully engage in sexual conduct with Sergeant (E5) [REDACTED] to wit: kissing her on her lips, biting her on her ear, licking and rubbing her vagina, and doing so while the said Sergeant (E5) [REDACTED] was highly intoxicated by alcohol, while the said Sergeant (E5) [REDACTED] was married to another Fort Drum Soldier, while the said Sergeant (E5) [REDACTED] husband was asleep in another room in the same apartment, and such conduct was prejudicial to good order and discipline in the armed forces. Plea: None Entered. Finding: Dismissed.

The findings were announced on 19 June 2012. All rights, privileges and property of which the accused may have been deprived of by virtue of these proceedings will be restored.

BY COMMAND OF MAJOR GENERAL MILLEY:



MAJ, JA
Chief, Military Justice

DISTRIBUTION:

- 1 - PVT Williams
- 1 - LTC [REDACTED] (MJ)
- 1 - CPT [REDACTED] (TC)
- 1 - CPT [REDACTED] (DC)
- 1 - Cdr, HHC, 10th CAB, Fort Drum, New York 13602
- 1 - Cdr, 10th CAB, Fort Drum, New York 13602
- 1 - Cdr, 10th SSB, ATTN: Enlisted Records/Finance, Fort Drum, New York 13602
- 1 - Cdr, 62d MP DET (CID), 10th MTN DIV (LI), Fort Drum, New York 13602
- 1 - Commander, U.S. Army Enlisted Records and Evaluation Center, ATTN: PCRE-FC, Ft Benjamin Harrison, IN 46249
- 1 - HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506
- 1 - HQ, DA, Office of the Provost Marshal General, ATTN: MP Division Operations, 2800 Army Pentagon, Washington, DC 20310-2800
- 1 - Clerk of Court, 901 North Stuart Street, Suite 1200, Arlington, VA 22203

DNA processing required. 10 U.S.C. Section 1565.

DEPARTMENT OF THE ARMY
Headquarters, Fort Drum
Fort Drum, New York 13602-5000

GENERAL COURT-MARTIAL ORDER
NUMBER 24

6 November 2012

Private First Class Cody J. Pinkerman, [REDACTED] U.S. Army, 2d Battalion, 87th Infantry Regiment (Rear) (Detachment), 3d Brigade Combat Team (Rear) (Provisional), Fort Drum, New York, was arraigned at Fort Drum, New York, on the following offenses at a general court-martial convened by Commander, Fort Drum.

Charge I: Article 107, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: At or near FOB Pasab, Afghanistan, on or about 31 May 2011, with intent to deceive, make to Special Agent [REDACTED], an official statement, to wit: "My wife did not tell me to stop having sex with her and, if she did, I did not hear her," or words to that effect, which statement was totally false, and was then known by the said Private First Class Pinkerman to be so false. Plea: Guilty. Finding: Guilty.

Charge II: Article 120, UCMJ. Plea: Not Guilty. Finding: Dismissed.

Specification 2: At or near Carthage, New York, on or about 31 January 2011, wrongfully engage in sexual contact, to wit: sexual intercourse, with, and without the permission of Mrs. [REDACTED]. Plea: Not Guilty. Finding: Dismissed.

Additional Charge I: Article 120, UCMJ. Plea: Not Guilty. Finding: Dismissed.

The Specification: At or near Carthage, New York, on or about 31 January 2011, cause Mrs. [REDACTED] to engage in a sexual act, to wit: sexual intercourse with him, by force, to wit: laying on top of her and applying his body weight upon her with such strength, power or restraint, sufficient that the said Mrs. [REDACTED] could not avoid or escape the sexual act. Plea: Not Guilty. Finding: Dismissed.

Additional Charge II: Article 128, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: At or near Carthage, New York, on or about 31 January 2011, unlawfully touch Mrs. [REDACTED] by laying on top of her and having sexual intercourse with her. Plea: Guilty. Finding: Guilty.

2010703

GCMO No. 24, DA, HQ, Fort Drum, Fort Drum, New York 13602-5000, dated 6 Nov 2012 (continued)

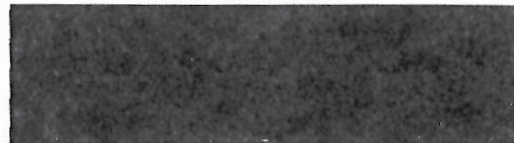
SENTENCE

The sentence was adjudged on 19 July 2012. The accused was sentenced to be reduced to the grade of Private/E1; to be confined for 45 days; and to be discharged from the service with a bad-conduct discharge.

ACTION

In the General Court-Martial case of Private First Class Cody J. Pinkerman, [REDACTED] U.S. Army, 2d Battalion, 87th Infantry Regiment (Rear) (Detachment), 3d Brigade Combat Team (Rear) (Provisional), Fort Drum, New York, the sentence is approved and, except for that portion of the sentence pertaining to a bad-conduct discharge, will be executed. Automatic forfeitures and reduction in rank were deferred effective 2 August 2012 and deferment is terminated on this date.

BY COMMAND OF MAJOR GENERAL MILLEY:



MAJ, JA
Chief, Military Justice

DISTRIBUTION:

- 1 - PFC Pinkerman
- 1 - LTC [REDACTED] (MJ)
- 1 - CPT [REDACTED] (TC)
- 1 - CPT [REDACTED] (DC)
- 1 - Cdr, 2-87 INF, 3d BCT, Fort Drum, New York 13602
- 1 - Cdr, 3d BCT, Fort Drum, New York 13602
- 1 - Cdr, 10th SSB, ATTN: Enlisted Records/Finance, Fort Drum, New York 13602
- 1 - Cdr, 62d MP DET (CID), 10th MTN DIV (LI), Fort Drum, New York 13602
- 1 - Cdr, Ft Sill RCF, 4071 NW Randolph Rd, Ft Sill, OK 73503
- 1 - Cdr, JRFCF, 830 Sabalu Road, Ft Leavenworth, KS 66027
- 1 - Commander, U.S. Army Resources Cmd, ATTN: Army Soldier Records Branch (AHRC-PDR-R), 1600 Spearhead Div Ave, Dept 420, Ft Knox, KY 40121
- 1 - HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506
- 1 - HQ, DA, Office of the Provost Marshal General, ATTN: MP Division Operations, 2800 Army Pentagon, Washington, DC 20310-2800
- 1 - U.S. Army Criminal Investigation Lab, Fort Gillem, ATTN: CODIS Lab, 4930 North 31st Street, Forest Park, GA 30297-5122
- 10 - Clerk of Court, 9275 Gunston Rd, Ft Belvoir, VA 22060
- 1 - Record Set/1 - Reference Set

DNA processing required. 10 U.S.C. Section 1565.

DEPARTMENT OF THE ARMY
Headquarters, Fort Drum
Fort Drum, New York 13602-5000

GENERAL COURT-MARTIAL ORDER
NUMBER 21

2 October 2012

Specialist Michael B. Moll, [REDACTED] U.S. Army, B Company, 2d Battalion, 14th Infantry Regiment, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry), Fort Drum, New York, was arraigned at Fort Drum, New York, on the following offenses at a general court-martial convened by Commander, Fort Drum.

Charge I: Article 120, UCMJ. Plea: Not Guilty. Finding: Dismissed.

Specification 1: At or near Watertown, New York, on or about 5 December 2010, engage in a sexual act, to wit: sexual intercourse with Specialist [REDACTED], who was substantially incapacitated. Plea: Not Guilty. Finding: Dismissed.

Specification 2: At or near Watertown, New York, on or about 5 December 2010, wrongfully engage in sexual contact with Specialist [REDACTED], to wit: having sexual intercourse with her and rubbing her vagina with his hands, doing so without the permission of the said Specialist [REDACTED]. Plea: Not Guilty. Finding: Dismissed.

Specification 3: At or near Watertown, New York, on or about 5 December 2010, wrongfully commit indecent conduct, to wit: having sexual intercourse with Specialist [REDACTED] while Staff Sergeant [REDACTED] was fondling the breasts and biting the nipple of the same Specialist [REDACTED] who was highly intoxicated. Plea: Not Guilty. Finding: Dismissed.

Charge II: Article 81, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: At or near Fort Drum, New York, on or about 8 December 2010, conspire with Staff Sergeant Richard A. Bourne to commit an offense under the Uniform Code of Military Justice, to wit: obstructing justice, and in order to effect the object of the said conspiracy the said Specialist Moll did provide false information to the Watertown Police Department as a part of a pending investigation. Plea: Guilty. Finding: Guilty.

20120472

GCMO No. 21, DA, HQ, Fort Drum, Fort Drum, New York 13602-5000, dated 2 Oct 2012 (continued)

Charge III: Article 107, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: At or near Watertown, New York, on or about 10 December 2010, with intent to deceive, make to Detective [REDACTED] of the Watertown Police Department, an official statement, to wit: "Staff Sergeant Richard A. Bourne did not touch Specialist [REDACTED] at all," or words to that effect, which statement was totally false and was then known by the said Specialist Moll to be so false. Plea: Guilty. Finding: Guilty.

Charge IV: Article 86, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: On or about 5 April 2011, without authority, absent himself from his unit, to wit: B Company, 2d Battalion, 14th Infantry Regiment, 2d Brigade Combat Team, located at Fort Drum, New York, and did remain so absent until on or about 27 February 2012. Plea: Guilty. Finding: Guilty.

SENTENCE

The sentence was adjudged on 10 May 2012. The accused was sentenced to be reduced to Private (E1), to be confined for 12 months, and to be discharged from the service with a bad-conduct discharge.

ACTION

In the General Court-Martial case of Specialist Michael B. Moll, [REDACTED], U.S. Army, B Company, 2d Battalion, 14th Infantry Regiment, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry), Fort Drum, New York, only so much of the sentence as provide for reduction to Private (E-1), confinement for eight (8) months, and a bad-conduct discharge is approved and, except for that part of the sentence pertaining to a bad-conduct discharge, will be executed. I have considered the request for deferment of automatic forfeitures and reduction in rank and do not find it appropriate in this case. The accused will be credited with 73 days of confinement against the sentence to confinement.

BY ORDER OF COLONEL (PROMOTABLE) [REDACTED]

[REDACTED]

MAJ, JA
Chief, Military Justice

GCMO No. 21, DA, HQ, Fort Drum, Fort Drum, New York 13602-5000, dated 2 Oct 2012 (continued)

DISTRIBUTION:

- 1 - SPC Moll
- 1 - LTC [REDACTED] (MJ)
- 1 - CPT [REDACTED] (TC)
- 1 - CPT [REDACTED] (DC)
- 1 - Cdr, B Co, 2-14th BCT, 2d BCT, Fort Drum, New York 13602
- 1 - Cdr, 2-14th BCT, 2d BCT, Fort Drum, New York 13602
- 1 - Cdr, 2d BCT, Fort Drum, New York 13602
- 1 - Cdr, 10th SSB, ATTN: Finance/Enlisted Records, Fort Drum, New York 13602
- 1 - Cdr, 62d MP DET (CID), 10th MTN DIV (LI), Fort Drum, New York 13602
- 1 - Cdr, Ft Sill RCF, 4071 NW Randolph Rd, Ft Sill, OK 73503
- 1 - Cdr, JRCF, 830 Sabalu Road, Ft Leavenworth, KS 66027
- 1 - Commander, U.S. Army Resources Cmd, ATTN: Army Soldier Records Branch (AHRC-PDR-R), 1600 Spearhead Div Ave, Dept 420, Ft Knox, KY 40121
- 1 - HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506
- 1 - HQ, DA, Office of the Provost Marshal General, ATTN: MP Division Operations, 2800 Army Pentagon, Washington, DC 20310-2800
- 1 - U.S. Army Criminal Investigation Lab, Fort Gillem, ATTN: CODIS Lab, 4930 North 31st Street, Forest Park, GA 30297-5122
- 10 - Clerk of Court, 901 North Stuart Street, Suite 1200, Arlington, VA 22203
- 1 - Record Set
- 1 - Reference Set

DNA processing required. 10 U.S.C. Section 1565.

DEPARTMENT OF THE ARMY
Headquarters, Fort Drum
Fort Drum, New York 13602-5000

GENERAL COURT-MARTIAL ORDER
NUMBER 26

21 November 2012

Staff Sergeant Richard A. Bourne, [REDACTED] U.S. Army, Headquarters and Headquarters Company, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry), Fort Drum, New York, was arraigned at Fort Drum, New York, on the following offenses at a general court-martial convened by Commander, Fort Drum.

Charge I: Article 120, UCMJ. Plea: Guilty. Finding: Guilty.

Specification 1: At or near Watertown, New York, on or about 5 December 2010, engage in a sexual act, to wit: sexual intercourse with Specialist [REDACTED], who was substantially incapacitated. Plea: Not Guilty. Finding: Dismissed.

Specification 2: At or near Watertown, New York, on or about 5 December 2010, engage in sexual contact with Specialist [REDACTED] to wit: fondling her breasts and biting her nipple, doing so when the said Specialist [REDACTED] was substantially incapacitated. Plea: Not Guilty. Finding: Dismissed.

Specification 3: At or near Watertown, New York, on or about 5 December 2010, wrongfully engage in sexual contact with Specialist [REDACTED] to wit: fondling her breasts and biting her nipple, without the permission of the said Specialist [REDACTED]. Plea: Guilty, except the words, "biting her nipple," and substituting therefor the words, "having sexual intercourse with her." Of the excepted words: Not Guilty. Of the substituted words: Guilty. Finding: Guilty, except the words, "biting her nipples," and substituting therefor the words, "having sexual intercourse with her." Of the excepted words: Not Guilty. Of the substituted words: Guilty.

Specification 4: At or near Watertown, New York, on or about 5 December 2010, wrongfully commit indecent conduct, to wit: fondling Specialist [REDACTED]'s breasts and biting her nipple while Specialist [REDACTED] was having sexual intercourse with the said Specialist [REDACTED] who was highly intoxicated. Plea: Not Guilty. Finding: Dismissed.

20120481

GCMO No. 26, DA, HQ, Fort Drum, Fort Drum, New York 13602-5000, dated 21 Nov 2012 (continued)

Charge II: Article 128, UCMJ. Plea: Not Guilty. Finding: Dismissed.

The Specification: At or near Watertown, New York, on or about 5 December 2010, unlawfully touch Specialist [REDACTED], by rubbing her breasts with his hands and biting her nipple with his teeth. Plea: Not Guilty. Finding: Dismissed.

Charge III: Article 92, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: At or near Fort Drum, New York, on or about 5 December 2010, violate a lawful general regulation, to wit: Army Regulation 600-20, paragraph 4-14(b), dated 18 March 2008, by wrongfully having a prohibited relationship with Specialist [REDACTED] to wit: having sexual intercourse with the said Specialist [REDACTED]. Plea: Guilty. Finding: Guilty.

Charge IV: Article 81, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: At or near Fort Drum, New York, on or about 5 December 2010, conspire with Specialist [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: obstructing justice, and in order to effect the object of the said conspiracy of the said Staff Sergeant Bourne did provide false information to the Watertown Police Department as a part of a pending investigation. Plea: Guilty. Finding: Guilty.

Charge V: Article 107, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: At or near Watertown, New York, on or about 9 December 2010, with intent to deceive, make to Detective [REDACTED] of the Watertown Police Department, an official statement, to wit: "I have not had any contact with Mike since the 5th of December and I did not touch [REDACTED] in any way," or words to that effect, which statement was totally false and was then known by the said Staff Sergeant Bourne to be so false. Plea: Guilty. Finding: Guilty.

Charge VI: Article 134, UCMJ. Plea: Not Guilty. Finding: Dismissed.

Specification 1: At or near Watertown, New York, wrongfully solicit Specialist [REDACTED] to have sexual intercourse with Specialist [REDACTED] while she was substantially incapacitated by saying "you should just fuck her," or words to that effect, such conduct prejudicial to good order and discipline in the armed forces or of a nature to bring discredit upon the armed forces. Plea: Not Guilty. Finding: Dismissed.

GCMO No. 26, DA, HQ, Fort Drum, Fort Drum, New York 13602-5000, dated 21 Nov 2012 (continued)

Specification 2: At or near Watertown, New York, on or about 5 December 2010, communicate to Specialist [REDACTED] in the presence of Specialist [REDACTED], certain indecent language, to wit: "you should just fuck her," or words to that effect, such conduct prejudicial to good order and discipline in the armed forces or of a nature to bring discredit upon the armed forces. Plea: Not Guilty. Finding: Dismissed.

Additional Charge I: Article 92, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: At or near Fort Drum, New York, on divers occasions, between on or about 1 November 2007 and on or about 31 May 2008, violate a lawful general regulation, to wit: Army Regulation 600-20 paragraph 4-14(b), dated 18 March 2008, by wrongfully having a prohibited relationship with then Specialist [REDACTED], to wit: kissing her on the mouth in her barracks room. Plea: Guilty. Finding: Guilty.

Additional Charge II: Article 134, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: A married man, did, at or near Fort Drum, New York, on or about 5 April 2008, wrongfully have sexual intercourse with then Specialist [REDACTED], a woman not his wife, such conduct being prejudicial to good order and discipline in the armed forces or of a nature to bring discredit to the armed forces. Plea: Guilty. Finding: Guilty.

Additional Charge III: Article 128, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: At or near Watertown, New York, between on or about 15 November 2010 and on or about 30 November 2010, commit an assault upon [REDACTED] by choking her neck with his hands with force likely to produce death or grievous bodily harm. Plea: Guilty. Finding: Guilty.

Additional Charge V: Article 134, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: At or near Fort Drum, New York, on or about 10 January 2012, wrongfully communicate to [REDACTED] a threat to injure her by sending a text message to her stating "Remember when I choked u and u almost blacked out. That's not even close to what I have in store for u this time," or words to that effect, such conduct prejudicial to good order and discipline in the armed forces or of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

GCMO No. 26, DA, HQ, Fort Drum, Fort Drum, New York 13602-5000, dated 21 Nov 2012 (continued)

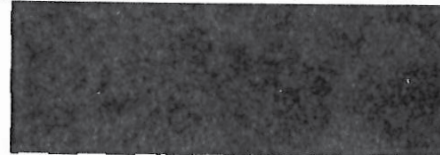
SENTENCE

The sentence was adjudged on 15 May 2012. The accused was sentenced to be reduced to the rank of Private (E1), to be confined for 30 months; and to be discharged from the service with a bad-conduct discharge.

ACTION

In the General Court-Martial case of Staff Sergeant Richard A. Bourne, [REDACTED] U.S. Army, Headquarters and Headquarters Company, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry), Fort Drum, New York, the sentence is approved and, except for that part of the sentence pertaining to a bad-conduct discharge, will be executed. Automatic forfeitures were waived on 22 August 2012 for a period of six months, with the direction that the funds be paid for the benefit of the accused's dependents, [REDACTED]

BY COMMAND OF MAJOR GENERAL MILLEY:



MAJ, JA
Chief, Military Justice

GCMO No. 26, DA, HQ, Fort Drum, Fort Drum, New York 13602-5000, dated 21 Nov 2012 (continued)

DISTRIBUTION:

- 1 - SSG Bourne
- 1 - LTC [REDACTED] (MJ)
- 1 - CPT [REDACTED] (TC)
- 1 - CPT [REDACTED] (DC)
- 1 - Cdr, HHC, 2d BCT, Fort Drum, New York 13602
- 1 - Cdr, 2d BCT, Fort Drum, New York 13602
- 1 - Cdr, 10th SSB, ATTN: Finance/Enlisted Records, Fort Drum, New York 13602
- 1 - Cdr, 62d MP DET (CID), 10th MTN DIV (LI), Fort Drum, New York 13602
- 1 - Cdr, Ft Sill RCF, 4071 NW Randoiph Rd, Ft Sill, OK 73503
- 1 - Cdr, NWJRC, Bldg 1450 Alder Road, Fort Lewis, WA 98433
- 1 - Commander, U.S. Army Resources Cmd, ATTN: Army Soldier Records Branch (AHRC-PDR-R), 1600 Spearhead Div Ave, Dept 420, Fort Knox, KY 40121
- 1 - HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506
- 1 - HQ, DA, Office of the Provost Marshal General, ATTN: MP Division Operations, 2800 Army Pentagon, Washington, DC 20310-2800
- 1 - U.S. Army Criminal Investigation Lab, Fort Gillem, ATTN: CODIS Lab, 4930 North 31st Street, Forest Park, GA 30297-5122
- 10 - Clerk of Court, 9275 Gunston Road, Fort Belvoir, VA 22060
- 1 - Record Set
- 1 - Reference Set

DNA processing required. 10 U.S.C. Section 1565.

DEPARTMENT OF THE ARMY
Headquarters, Fort Drum
Fort Drum, New York 13602-5000

SPECIAL COURT-MARTIAL ORDER
NUMBER 4

20 February 2013

Specialist Martin Benitez, Jr., [REDACTED] U.S. Army, C Company, 4th Battalion, 31st Infantry Regiment, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry), Fort Drum, New York, was arraigned at Fort Drum, New York, on the following offenses at a Special Court-Martial convened by Commander, Fort Drum.

Charge I: Article 120, UCMJ. Plea: Not Guilty. Finding: Dismissed on motion of Trial Counsel.

Specification 1: At or near Watertown, New York, on or about 15 August 2010, cause Ms. [REDACTED] to engage in a sexual act with him, to wit: sexual intercourse, by causing bodily harm to her, to wit: grabbing her head with his hands, pulling her hair with his hands and squeezing her throat with his hands. Plea: Not Guilty. Finding: Dismissed on motion of Trial Counsel.

Specification 2: At or near Watertown, New York, on or about 15 August 2010, cause Ms. [REDACTED] to engage in a sexual act with him, to wit: sexual intercourse, by placing her in fear that she would be subjected to bodily harm. Plea: Not Guilty. Finding: Dismissed on motion of Trial Counsel.

Specification 3: At or near Watertown, New York, on or about 15 August 2010, cause Ms. [REDACTED] to engage in a sexual act with him, to wit: sexual intercourse, doing so while she was substantially incapacitated. Plea: Not Guilty. Finding: Dismissed on motion of Trial Counsel.

Specification 4: At or near Watertown, New York, on or about 15 August 2010, wrongfully engage in sexual contact with Ms. [REDACTED], to wit: touching her face with his penis, without the permission of the said Ms. [REDACTED]. Plea: Not Guilty. Finding: Dismissed on motion of Trial Counsel.

Specification 5: At or near Watertown, New York, on or about 15 August 2010, wrongfully engage in sexual contact with Ms. [REDACTED], to wit: ejaculating on her face without the permission of the said Ms. [REDACTED]. Plea: Not Guilty. Finding: Dismissed on motion of Trial Counsel.

SPCMO No. 4, DA, HQ, Fort Drum, Fort Drum, New York 13602, dated 20 Feb 2013
(continued)

Specification 6: At or near Watertown, New York, on or about 15 August 2010, wrongfully commit an indecent act, to wit: exposing his penis and placing it in Ms. [REDACTED] mouth while another person was present in the same room. Plea: Not Guilty. Finding: Dismissed on motion of Trial Counsel.

Specification 7: At or near Watertown, New York, on or about 15 August 2010, wrongfully commit an indecent act, to wit: having sexual intercourse with Ms. [REDACTED] while another person was present in the same room. Plea: Not Guilty. Finding: Dismissed on motion of Trial Counsel.

Charge II: Article 125, UCMJ. Plea: Not Guilty. Finding: Dismissed on motion of Trial Counsel.

The Specification: At or near Watertown, New York, on or about 15 August 2010, commit sodomy with Ms. [REDACTED], by force and without the consent of the said Ms. [REDACTED]. Plea: Not Guilty. Finding: Dismissed on motion of Trial Counsel.

Charge III: Article 128, UCMJ. Plea: Guilty. Finding: Guilty.

Specification 1: At or near Watertown, New York, on or about 15 August 2010, commit an assault upon Ms. [REDACTED] by squeezing her throat with his hands, a means likely to produce death or serious bodily harm. Plea: Not Guilty. Finding: Dismissed on motion of Trial Counsel.

Specification 2: At or near Watertown, New York, on or about 15 August 2010, unlawfully touch Ms. [REDACTED] by grabbing the back of her head. Plea: Guilty. Finding: Dismissed on motion of Trial Counsel.

Specification 3: At or near Watertown, New York, on or about 15 August 2010, unlawfully touch Ms. [REDACTED] by pulling her hair with his hands, hitting her face with his hands, and biting her on her neck and chest with his teeth. Plea: Guilty. Finding: Guilty.

Specification 4: At or near Watertown, New York, on or about 15 August 2010, unlawfully touch Ms. [REDACTED] by ejaculating on her face. Plea: Not Guilty. Finding: Dismissed on motion of Trial Counsel.

SPCMO No. 4, DA, HQ, Fort Drum, Fort Drum, New York 13602, dated 20 Feb 2013
(continued)

Charge IV: Article 134, UCMJ. Plea: Guilty. Finding: Guilty.

The Specification: A married man, did, at or near Watertown, New York, on or about 15 August 2010, wrongfully have sexual intercourse with Ms. [REDACTED], a married woman, not his wife, such conduct being prejudicial to good order and discipline in the armed forces or of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty, except the words, "being prejudicial to good order and discipline in the armed forces." Of the excepted words: Not Guilty.

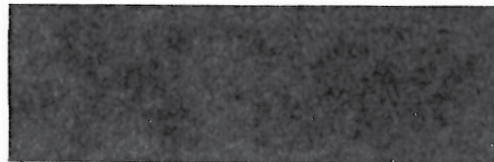
SENTENCE

The sentence was adjudged on 13 August 2012. The accused was sentenced to be reduced to the grade of Private (E1); to be confined for 120 days; and to be discharged from the service with a bad-conduct discharge.

ACTION

In the Special Court-Martial case of Specialist Martin Benitez, Jr., [REDACTED] U.S. Army, C Company, 4th Battalion, 31st Infantry Regiment, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry), Fort Drum, New York, the sentence is approved and, except for that part of the sentence pertaining to a bad-conduct discharge, will be executed. Automatic forfeitures were deferred effective 27 August 2012 and deferment is terminated on this date.

BY COMMAND OF MAJOR GENERAL TOWNSEND:



MAJ, USA
Chief, Military Justice

SPCMO No. 4, DA, HQ, Fort Drum, Fort Drum, New York 13602, dated 20 Feb 2013
(continued)

DISTRIBUTION:

- 1 - SPC Benitez
- 1 - LTC [REDACTED] (MJ)
- 1 - CPT [REDACTED] (TC)
- 1 - CPT [REDACTED] (DC)
- 1 - Cdr, C Co, 4-31st INF REG, 2d BCT, Ft Drum, NY 13602
- 1 - Cdr, 4-31st INF REG, 2d BCT, Ft Drum, NY 13602
- 1 - Cdr, 2d BCT, Ft Drum, NY 13602
- 1 - Cdr, 10th SSB, ATTN: Enlisted Records/Finance, Ft Drum, NY 13602
- 1 - Cdr, 62d MP DET (CID), 10th MTN DIV (LI), Ft Drum, NY 13602
- 1 - Ft Sill RCF, 4071 NW Randolph Rd, Ft Sill, OK 73503
- 1 - Cdr, Midwest JRFC, 830 Sabalu Road, Ft Leavenworth, KS 66027
- 1 - Commander, U.S. Army Resources Cmd, ATTN: Army Soldier Records Branch (AHRC-PDR-R), 1600 Spearhead Div Ave, Dept 420, Ft Knox, KY 40121
- 1 - HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Ft Belvoir, VA 22060-5506
- 1 - HQ, DA, Office of the Provost Marshal General, ATTN: MP Division Operations, 2800 Army Pentagon, Washington, DC 20310-2800
- 1 - U.S. Army Criminal Investigation Lab, Fort Gillem, ATTN: CODIS Lab, 4930 North 31st Street, Forest Park, GA 30297-5122
- 1 - Clerk of Court, 9275 Gunston Road, Belvoir, VA
- 1 - Record of Trial
- 1 - Record Set
- 1 - Reference Set

DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

For use of this form, see AR 27-10, the proponent agency is OTJAG

TO: Commander, Headquarters, Fort Carson, Fort Carson, Colorado 80913

1. Notification under R.C.M. 110; and AR 27-10, paragraph 5-30 is hereby given in the case of the *United States v. Sergeant Alberto A. Silvasudder*, U.S. Army [REDACTED], Bravo Company, 10th Combat Support Hospital, Fort Carson, Colorado 80913

2. Trial by a General Court-Martial on 18 December 2012, 19 December 2012, 20 December 2012, 21 December 2012, and 22 December 2012, at Fort Carson, Colorado, convened by: Court Martial Convening Order 12, Headquarters, Fort Carson, Colorado, dated 17 September 2012, as amended by Court Martial Convening Order 17, Headquarters, Fort Carson, Colorado, dated 14 December 2012; and Court Martial Convening Order 18, Headquarters, Fort Carson, Colorado, dated 17 December 2012.

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES	PLEA	FINDING
(SEE CONTINUATION SHEETS)					

4. SENTENCE: To be reduced to the grade of E-1; to be confined for 35 years; and to be dishonorably discharged from the service.

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade (YYYYMMDD): 20121222/20130105.

6. Contents of pretrial agreement concerning sentence, if any: None.

7. Number of days of presentence confinement, if any: None.

8. Number of days of judge-ordered administrative credit for presentence confinement or restriction found tantamount to confinement, if any: None.

9. Total presentence confinement credit toward post-trial confinement: None.

10. Name(s) and SSN(s) of companion accused or co-accused, if any: None.

11. DNA processing is is not required.

12. Conviction(s) does does not require sex offender registration.

CF: Unit Commander: CPT Ramirez	TDS	MJ Post-trial	STA
SPCMA: COL Heussner	CDR. Finance	Military Judge: COL Grammel	CID
DC: CPT Felton	Court Reporter: SSG Love	TC: CPT Wayne	

TYPED NAME

SIGNATURE

RANK

BRANCH OF SERVICE

CPT

U.S. Army

08/21/2013 12:39

7195260057

FORT CARSON TDS

PAGE 03/05

**DEPARTMENT OF THE ARMY
REPORT OF RESULT OF TRIAL CONTINUATION SHEET**
For use of this form see AR 27-10, the proponent is TIAG.
(Continuation sheet 1 of 4 - Sergeant Alberto A. Silvasadder)

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ - SPEC	BRIEF DESCRIPTION OF OFFENSES	PLEA	FINDINGS
1	120	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 29 January 2011, engage in a sexual act, to wit: penetration of the vulva with his finger, with PFC [REDACTED] [REDACTED], by using force sufficient that she could not avoid or escape the sexual conduct *	NG	G
		2 In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 29 January 2011, engage in a sexual act, to wit: penetration of the vulva with his finger, with PFC [REDACTED] [REDACTED], who was substantially incapacitated.	**	**
		3 In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 29 January 2011, engage in sexual contact, to wit: touching the genitals of PFC [REDACTED] [REDACTED], while she was substantially incapacitated.	NG	G
		4 In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 29 January 2011, engage in sexual contact, to wit: touching the breasts of PFC [REDACTED] [REDACTED] with his mouth, by using force sufficient that she could not avoid or escape the sexual conduct.	NG	NG
		5 In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 29 January 2011, engage in sexual contact, to wit: touching the breasts of PFC [REDACTED] [REDACTED] with his mouth, while she was substantially incapacitated.	NG	G
		6 In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 29 January 2011, cause sexual contact with PFC [REDACTED] [REDACTED], to wit: touching his penis to her lips, while she was substantially incapacitated.	NG	G
		7 In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 29 January 2011, wrongfully commit indecent conduct, to wit: taking photographs of PFC [REDACTED] [REDACTED] naked without her consent.	NG	G

DEPARTMENT OF THE ARMY
REPORT OF RESULT OF TRIAL CONTINUATION SHEET
 For use of this form see AR 27-10, the proponent is TJAG.
 (Continuation sheet 2 of 4 - Sergeant Alberto A. Silvasadder)

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES	PLEA	FINDINGS
		8	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near El Paso County, Colorado, between on or about 01 December 2010 and on or about 31 December 2010, engage in a sexual act, to wit: penetrating with his penis the vagina of PFC [REDACTED] who was substantially incapacitated.	**	**
		9	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near El Paso County, Colorado, between on or about 01 December 2010 and on or about 31 December 2010, engage in a sexual act, to wit: touching the genitals of PFC [REDACTED] with his fingers, who was substantially incapacitated.	NG	G
		10	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near El Paso County, Colorado, between on or about 01 December 2010 and on or about 31 December 2010, engage in sexual act with PFC [REDACTED] to wit: touching her buttocks, while she was substantially incapacitated. ***	NG	G
		11	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near El Paso County, Colorado, between on or about 01 December 2010 and on or about 31 December 2010, engage in sexual contact with PFC [REDACTED], to wit: touching her anus with his finger, while she was substantially incapacitated.	NG	G
		12	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near El Paso County, Colorado, between on or about 01 December 2010 and on or about 31 December 2010, cause sexual contact with PFC [REDACTED], to wit: touching his penis to her hand, while she was substantially incapacitated.	NG	G
		13	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Colorado Springs, Colorado, between on or about 01 December 2010 and on or about 31 December 2010, wrongfully commit indecent conduct, to wit: taking photographs of PFC [REDACTED] naked without her consent.	NG	G
		14	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near El Paso County, Colorado, between on or about 01 December 2010 and on or about 31 December 2010, wrongfully commit indecent conduct, to wit: taking photographs of PFC [REDACTED] naked without her consent.	NG	G

**DEPARTMENT OF THE ARMY
REPORT OF RESULT OF TRIAL CONTINUATION SHEET**
For use of this form see AR 27-10, the proponent is TJAG.
(Continuation sheet 3 of 4 – Sergeant Alberto A. Silvasadder)

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES	PLEA	FINDINGS
		15	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near El Paso County, Colorado, between on or about 01 December 2010 and on or about 31 December 2010, wrongfully commit indecent conduct, to wit: taking photographs of PFC [REDACTED] [REDACTED] naked without her consent.	NG	G
		16	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near San Antonio, Texas, between on or about 16 July 2011 and on or about 23 July 2011, engage in sexual contact, to wit: touching the breasts of SGT [REDACTED] with his hands, while she was substantially incapacitated. ****	NG	NG
		17	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near San Antonio, Texas, between on or about 16 July 2011 and on or about 23 July 2011, wrongfully commit indecent conduct, to wit: taking photographs of SGT [REDACTED] [REDACTED] naked, without her consent.	NG	G
II	125	1	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 29 January 2011, commit sodomy with PFC [REDACTED] [REDACTED] by force and without her consent.	NG	G
		2	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near El Paso County, Colorado, between on or about 01 December 2010 and on or about 31 December 2010, commit sodomy with PFC [REDACTED] by force and without her consent.	NG	G
		3	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near San Antonio, Texas, between on or about 16 July 2011 and on or about 23 July 2011, commit sodomy with SGT [REDACTED] by force and without her consent.	NG	G
III	128	THE	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Cibola, Texas, between on or about 01 December 2009 and on or about 21 December 2009, unlawfully remove the pants of SGT [REDACTED].	NG	G
IV	134	1	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 11 October 2011, wrongfully possess a memory card containing at least 10 images of child pornography, as defined by 18 U.S.C. 2256, such conduct being of a nature to bring discredit upon the armed forces. ****	NG	G

DEPARTMENT OF THE ARMY
 REPORT OF RESULT OF TRIAL CONTINUATION SHEET
 For use of this form see AR 27-10, the proponent is TIAG.
 (Continuation sheet 4 of 4 – Sergeant Alberto A. Silvasadder)

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES	PLEA	FINDINGS
		2	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 14 September 2011, wrongfully possess a cellular telephone containing at least 3 images of child pornography, as defined by 18 U.S.C. 2256, such conduct being of a nature to bring discredit upon the armed forces.*****	NG	G
		3	In that Sergeant (E5) Alberto A. Silvasadder, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 29 January 2011, willfully and wrongfully confine and hold PFC [REDACTED] a person not a minor, against her will, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.	NG	G

*After pleas but before findings, specification was amended by excepting the word "act" and substituting therefor the word "contact" and by substituting the words "penetration of" and substituting therefor the word "touching."

**After pleas but before findings, the specification dismissed by the military judge.

*** After pleas but before findings, specification was amended by excepting the word "act" and substituting therefor the word "contact."

**** After pleas but before findings, the specification was amended by excepting the word "Rachael" and substituting therefor the word "Rachel."

***** After pleas but before findings, the specification was amended by excepting the words and figure "at least 10" and substituting therefor the word "some."

***** After pleas but before findings, the specification was amended by excepting the words and figure "at least 3" and substituting therefor the word "some."

DNA Processing Required. 10 USC 1565

DEPARTMENT OF THE ARMY
Headquarters, Fort Carson
Fort Carson, Colorado 80913-4145

GENERAL COURT-MARTIAL ORDER
NUMBER 19

8 August 2012

SPC Ross M. Carpino, U.S. Army, [REDACTED] Company C, 704th Brigade Support Battalion, 4th Infantry Brigade Combat Team, 4th Infantry Division, Fort Carson, Colorado, was arraigned on the following offenses at a General Court-Martial convened by the Commander, Headquarters, Fort Carson.

Charge I. Article 120. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: In that SPC Ross M. Carpino, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 1 January 2011, engage in a sexual act, to wit: penetration of SPC [REDACTED] vulva with his penis, while she was substantially incapable of declining participation in the sexual act. Prior to plea the military judge excepted the word [REDACTED] and substituted the word [REDACTED]. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: In that SPC Ross M. Carpino, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 16 April 2011, engage in a sexual act, to wit: touching the genitalia of SPC [REDACTED] with his hand, while she was substantially incapable of declining participation in the sexual contact. Plea: Not Guilty. Finding: Not Guilty.

Charge II. Article 128. Plea: Not Guilty. Finding: Not Guilty.

The Specification: In that SPC Ross M. Carpino, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 6 April 2011, unlawfully touch SPC [REDACTED] by pulling down her pants while she slept. Plea: Not Guilty. After pleas and before findings the military judge excepted to figure "6" and substituted the words and figure "16" and "or shorts" respectively. Finding: Not Guilty.

The Additional Charge. Article 90. Plea: Not Guilty. Finding: Guilty.

The Specification: In that SPC Ross M. Carpino, U.S. Army, having received a lawful command from CPT [REDACTED] his superior commissioned officer, then known by the accused to be his superior commissioned officer, to not have any contact with SPC [REDACTED] or words to that effect, did, at or near Fort Carson, Colorado, on divers occasions between on or about 18 April 2011 and on or about 31 October 2011, willfully disobey the same. Plea: Not Guilty. Finding: Guilty.

SENTENCE

Sentence adjudged on 24 April 2012: To be reduced to the grade of E1, to forfeit \$745.00 pay per month for three months, and to be restricted for 60 days to the limits of the Fort Carson barracks, dining facility, place of duty, and place of worship.

ACTION

The sentence is approved and will be executed.

BY COMMAND OF MAJOR GENERAL ANDER [REDACTED]

[REDACTED]
MSG, USA
NCOIC, Military Justice

DISTRIBUTION:

SPC Carpino

COL [REDACTED]

CPT [REDACTED]

CPT [REDACTED]

- [REDACTED] SJA V/W Liaison Officer, Fort Carson, CO 80913
- Cdr, HQ, Fort Carson, CO 80913
- Cdr, 4th IBCT, 4th ID, Fort Carson, CO 80913
- Cdr, 704th BSB, 4th IBCT, 4th ID, Fort Carson, CO 80913
- Cdr, 704th BSB, 4th IBCT, ATTN: S2, 4th ID, Fort Carson, CO 80913
- Cdr, 704th BSB, 4th IBCT, ATTN: S1, 4th ID, Fort Carson, CO 80913
- Cdr, Co C, 704th BSB, 4th IBCT, 4th ID, Fort Carson, CO 80913
- DMPO, Fort Carson, CO 80913
- Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249-5302
- DMPO-IN, 8899 East 56th Street, Indianapolis, IN 46249-4807
- HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506
- Army Corrections Command (DAPM-ACC), 150 Army Pentagon, Washington, DC 20310-0150
- Cdr, Fort Carson Field Office, 6th Region, USACIDC, ATTN: ISD, Fort Carson, CO 80913
- USACIL, 4930 North 31st Street, Forest Park, GA 30297-5205
- SJA, Fort Carson, CO 80913
- Clerk of Court, JALS-CCZ, U.S. Army Legal Services Agency, HQDA, 9275 Gunston Road, Fort Belvoir, VA 22060 (10)
- Record Set
- Reference Set

Department of the Army FOIA Responses



DEPARTMENT OF DEFENSE REPORT OF RESULT OF TRIAL			1. DATE OF TRIAL (YYYYMMDD) 20130529			
TO: (Convening Authority) Commander U.S. Army Fires Center of Excellence and Fort Sill, Fort Sill, Oklahoma 73503						
1. NOTIFICATION UNDER R.C.M. 1101 IS HEREBY GIVEN IN THE CASE OF THE UNITED STATES VERSUS:						
a. NAME (Last, First, Middle Initial) Chambers, Michael A.		b. BRANCH OF SERVICE Army	c. RANK/GRADE ILT/O2	d. DoD ID/SSN (Last 4) [REDACTED]		
e. ORGANIZATION (Full address) OSJA, Criminal Law Division Taylor Hall, Bldg 462 Hamilton Road, Fort Sill, Oklahoma 73503		2.a. TYPE OF COURT-MARTIAL (X one) <input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SUMMARY <input type="checkbox"/> JUDGE ALONE <input type="checkbox"/> JUDGE ALONE				
b. CONVENED BY: COURT MARTIAL ORDER NUMBER(S) 12. HQ, FCoEFS, Ft. Sill, OK, as amended by CMCO Number 1. 3rd Corrected copy, Dtd 13 September 2012, FCoEFS, Ft. Sill, OK		c. ISSUING COMMAND Commander, U.S. Army Fires Center of Excellence and Fort Sill, Fort Sill, OK 73503		d. DATE (YYYYMMDD) 20130531		
3. SUMMARY OF OFFENSES, PLEAS AND FINDINGS						
a. CHARGE/ SPECIFICATION NO(S).	b. UCMJ ARTICLE(S)	c. DIBRS CODE	d. BRIEF DESCRIPTION OF OFFENSE (See continuation sheet)		e. PLEA	f. FINDING
4.a. DATE ADJUDGED (YYYYMMDD) 20130531			b. DATE OF ANY FORFEITURES OR REDUCTIONS (YYYYMMDD) 20130614			
5. SENTENCE Forfeiture of all pay and allowances; Confinement for four (4) years; and Dismissal from service.						
6.a. CONTENTS OF PRE-TRIAL AGREEMENT CONCERNING SENTENCE TO CONFINEMENT (If any) N/A						
b. DAYS OF PRE-TRIAL CREDIT 1		c. DAYS OF OTHER JUDGE ORDERED CREDIT 2		d. TOTAL PRESENTENCE CREDIT TOWARD POST-TRIAL CONFINEMENT 3 days		
7. DNA PROCESSING: IAW 10 U.S.C. §1565			<input checked="" type="checkbox"/> IS	IS NOT REQUIRED.		
8. SEX OFFENDER REGISTRATION: IAW 42 U.S.C. §14071			<input checked="" type="checkbox"/> IS	IS NOT REQUIRED.		
9. COMPANION ACCUSED/CO-ACCUSED (Name(s) and Social Security Number(s) (If any)) None.						
10. DISTRIBUTION (Copy provided to named Agencies/Unit(s)) 1 - CG; 1 - SJA; 1 - Mil Chief Jus; 1 - BDE Cde; 1 - BN Cdr; 1 - Btry Cdr; 1 - Soldier; 1 - Defense Counsel; 1 - FAO; 1 - PSB.						
11. SIGNED BY (X one)		<input checked="" type="checkbox"/> TRIAL COUNSEL	SUMMARY COURT-MARTIAL OFFICER			
a. NAME (Last, First, Middle Initial) [REDACTED]		b. RANK/GRADE CPT/03	c. BRANCH OF SERVICE ARMY			
			e. DATE SIGNED (YYYYMMDD) 20130531			

DD FORM 2707-1, MAR 2013

PREVIOUS EDITION IS OBSOLETE.

Adobe Professional X

INSTRUCTIONS FOR COMPLETING DD FORM 2707-1, "DEPARTMENT OF DEFENSE REPORT OF RESULT OF TRIAL"

Date of Trial: Enter date (and all other dates) as 4 digit year, 2 digit month and 2 digit day, no separators.

To: Address to the Convening Authority (CA). Include at least two elements of CA unit, geographical location and ZIP code.

1. United States versus:

- Name. Enter the accused name (Last, First, Middle Initial).
- Branch of Service (Army, Navy, Air Force, etc.).
- Rank/Grade (E-6, etc.).
- DoD ID number or Social Security Number (Last 4 only).
- Organization. Accused full unit address. Include at least two elements of the accused unit, geographical location and ZIP code.

2. Type of Court Martial. a. Enter an "X" in the appropriate box.

b. - d. Convened by: Convening Order number(s), issuing command, and date(s) of the Court Martial Order Number(s), or, if the trial is by SCM, note on form as appropriate and enter the date of detail of the SCM from the referral on Part V, DD Form 458.

3. Summary of Offenses, Pleas, and Findings.

- Charge Number(s) and Specification(s), if any.
- UCMJ Article(s). Article number list from the Uniform Code of Military Justice (example: ART 121).
- DIBRS Code. Offense severity scale, reference DoDI 1325.7 for code listing (example: ART 121-A1).
- Brief Description of Offense (example: Larceny).
- e. - f. Pleas/Findings. Respective pleas and findings or other disposition.

4.a. Date Adjudged. Date of court-martial.

b. Date of Forfeitures or Reductions. Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a CM takes effect on the earlier of: (1) the date that is 14 days after date on which the sentence is adjudged; or (2) the date on which the sentence is approved by the convening authority.

5. Sentence. Enter the sentence of the court-martial. If trial resulted in an acquittal, enter "N/A".

6. Admin/Judicial Credit/Pre-Trial Agreement.

- Enter the content of pre-trial agreement concerning sentence, if any. If none, enter "None".
- Enter the number of days the accused was in pre-trial (pre-sentence confinement). If none, enter "N/A".
- Enter the number of days of judge ordered administrative credit for illegal pre-trial (pre-sentence) confinement restriction found tantamount to confinement, if any. If none, enter "N/A".
- Enter the total number of days of pre-trial and judge ordered credit (pre-sentence) confinement credit towards post-trial confinement, if any. If none, enter "N/A".

7. DNA Processing. In accordance with 10 U.S.C. 1565, DNA samples are required on each person subject to UCMJ who is or has been convicted of a "Qualifying Military Offense" (QMO). A QMO is any offense under UCMJ punishable by a sentence to confinement for more than one year, regardless of the sentence imposed. The Service is authorized to collect DNA samples at any time after a general or special court-martial sentence is adjudged for one or more QMO(s). It is the Court-Martial Convening Authority (CMCA) action under Article 60 that determines whether the result of trial concludes with a QMO conviction.
NOTE: DNA sample does not apply to the finding of SCM or proceeding under Article 15, UCMJ.

8. Sex Offender Registration. In accordance with 42 U.S.C. 14071: a person convicted of any of the offenses punishable under the UCMJ (reference DoDI 1325.7 --E27 for listing). NOTE: A "Qualifying Military Offense" is a felony or sexual offense determined by the Secretary of Defense to be a QMO for the purpose of 10 U.S.C.

9. Companion Accused/Co-Accused. Enter the name(s) and Social Security Number(s) (last 4 digits only) of companion or co-accused, if any. If none, enter "N/A".

10. Distribution. Enter a list of copies furnished to named agencies or units (example: Finance, Company, etc.). NOTE: Make sufficient copies after the form is signed by the trial counsel or SCM Officer. Forward the original to the convening authority.

11. Signed By. Enter an "X" in the box to indicate whether Trial Counsel or Summary Court-Martial Officer.

- e. Enter the full name, rank/grade and branch of service of the trial counsel or the summary court-martial officer.
NOTE: You should ensure that a copy of the Department of Defense Result of Trial is expeditiously provided to the Finance and Accounting Office (FAO) in any case involving a reduction in rank or forfeiture of pay or fine.

Department of the Army FOIA Responses



CONTINUATION SHEET, DD FORM 2707-1, PERTAINING TO FIRST LIEUTENANT MICHAEL A. CHAMBERS XXX-XX-████████ HEADQUARTERS AND HEADQUARTERS SUPPORT BATTERY, 2/4TH FIELD ARTILLERY, 214TH FIRES BRIGADE, FORT SILL, OKLAHOMA 73503

CHARGE(S) AND SPECIFICATION(S)	DIBRS CODE	PLEA	FINDING
CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 120	120- B3	NG	G
SPECIFICATION 1: In that First Lieutenant Michael A. Chambers, U.S. Army, did at or near Fort Sill, Oklahoma, between on or about 1 November 2009 and on or about 30 November 2009, engage in a sexual act, to wit: penetrate the vulva of Miss ██████ with his penis, a child who had not attained the age of 12 years.	120- B3	NG	G
SPECIFICATION 2: In that First Lieutenant Michael A. Chambers, U.S. Army, did at or near Fort Sill, Oklahoma, between on or about 1 November 2009 and on or about 30 November 2009, engage in a sexual contact, to wit: touching the genital area of Miss ██████ with his mouth, a child who had not attained the age of 12 years.	120- G1	NG	G
SPECIFICATION 3: In that First Lieutenant Michael A. Chambers, U.S. Army, did at or near Fort Sill, Oklahoma, between on or about 1 May 2010 and on or about 30 June 2010, engage in a sexual contact, to wit: touching the genital area of Miss ██████ with his mouth, a child who had not attained the age of 16 years.	120- G2	NG	NG
SPECIFICATION 4: In that First Lieutenant Michael A. Chambers, U.S. Army, did at or near Fort Sill, Oklahoma, between on or about 13 May 2008 and on or about 29 March 2010, engage in a sexual contact, to wit: touching the breast of Miss ██████ with his mouth, a child who had not attained the age of 12 years.	120-G1	NG	NG
CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 125	125-B2	NG	NG
THE SPECIFICATION: In that First Lieutenant Michael A. Chambers, U.S. Army, did, at or near Fort Sill, Oklahoma, between on or about 13 May 2008 and on or about 29 March 2010, commit sodomy with Miss ██████ a child under the age of 12.	125-B2	NG	NG



DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: Commander, Headquarters, Fort Carson, Fort Carson, Colorado 80913

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v. PFC Sergio Uribe, [REDACTED] F Company, 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Carson, Colorado 80913.

2. Trial by GENERAL court-martial on 12 March 2013, at Fort Carson, Colorado, convened by: CMCO Number 12, Headquarters, Fort Carson, Colorado, dated 17 September 2012.

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
----	----------	------	----------------------------------	------	---------

(SEE CONTINUATION SHEET)

4. SENTENCE: To be reduced to the grade of E-1; forfeiture of all pay and allowances; to be confined for 20 months, and to receive a Bad-Conduct Discharge.

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade (YYYYMMDD):
20130312/20130326

(See UCMJ Articles 57-58b and R.C.M. 1101.)

6. Contents of pretrial agreement concerning sentence, if any: To disapprove any confinement in excess of twenty-four (24) months.

7. Number of days of presentence confinement, if any: None.

8. Number of days of judge-ordered administrative credit for presentence confinement or restriction found tantamount to confinement, if any: None.

9. Total presentence confinement credit toward post-trial confinement: None.

10. Name(s) and SSN(s) of companion accused or co-accused, if any: None

11. DNA processing IAW 10 U.S.C. § 1565 is required.

12. Conviction does require sex offender registration IAW 42 U.S.C. § 14071.

CF: [REDACTED] DC: CPT [REDACTED] ADC: CPT [REDACTED]
 MJ: COL [REDACTED] ATC: MAJ [REDACTED]
 TC: CPT [REDACTED]

[REDACTED] Trial Counsel	SIGNATURE [REDACTED]
RANK CPT	BRANCH Judge Advocate

DA FORM 4430, MAY 2010 PREVIOUS EDITION IS OBSOLETE

DEPARTMENT OF THE ARMY
REPORT OF RESULT OF TRIAL

For use of this form see AR 27-10. The proponent agency is TJAG.

(Continuation sheet - page 2 – PFC URIBE)

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
I	80	1	In that Private First Class Sergio Uribe, U.S. Army, did, at or near Colorado Springs, Colorado, between on or about 1 May 2012 and on or about 31 May 2012 attempt to knowingly and wrongfully possess child pornography, to wit: a picture of Miss [REDACTED] a minor, engaging in sexually explicit conduct, such conduct being of a nature to bring discredit upon the armed forces.	G	G
		2	In that Private First Class Sergio Uribe, U.S. Army, did, at or near Colorado Springs, Colorado, between on or about 1 May 2012 and on or about 31 May 2012 attempt to knowingly and wrongfully distribute child pornography, to wit: a picture of Miss [REDACTED] a minor, engaging in sexually explicit conduct, such conduct being of a nature to bring discredit upon the armed forces.	N/G	N/G*
II	120	THE	In that Private First Class Sergio Uribe, U.S. Army, did, at or near Colorado Springs, Colorado, on or about 31 May 2012, wrongfully commit indecent conduct, to wit: send a photograph of his genitalia to Miss [REDACTED] a child under the age of 16 years.	G	G
III	134	1	In that Private First Class Sergio Uribe, U.S. Army, did, at or near Colorado Springs, Colorado, between on or about 1 May 2012 and on or about 10 June 2012 knowingly and wrongfully possess child pornography, to wit: two pictures of Miss [REDACTED] a minor, engaging in sexually explicit conduct, such conduct being of a nature to bring discredit upon the armed forces.	G	G

		2	In that Private First Class Sergio Uribe, U.S. Army, did, at or near Colorado Springs, Colorado, between on or about 1 May 2012 and on or about 10 June 2012 knowingly and wrongfully distribute child pornography, to wit: two pictures of Miss [REDACTED] a minor, engaging in sexually explicit conduct, such conduct being of a nature to bring discredit upon the armed forces.	N/G	N/G*
		3	In that Private First Class Sergio Uribe, U.S. Army, did, at or near Colorado Springs, Colorado, between on or about 1 May 2012 and on or about 31 May 2012, in writing communicated to Miss [REDACTED] a child under the age of 16 years, certain indecent language, to wit: words to the effect of "I am jerking off.", "Are you fingering yourself?", and "Send me nude pictures of yourself so that I will know what I will be fucking.", such conduct being of a nature to bring discredit upon the armed forces	N/G	N/G*
		4	In that Private First Class Sergio Uribe, U.S. Army, did, at or near Colorado Springs, Colorado, between on or about 1 May 2012 and on or about 31 May 2012, knowingly and wrongfully possess three pictures of Miss [REDACTED] a child under the age of 16 years, naked, with the intent to arouse and gratify himself, such conduct being of a nature to bring discredit upon the armed forces.	N/G	N/G*
Additional Charge	134	1	In that Private First Class Sergio Uribe, U.S. Army, did, at or near Colorado Springs, Colorado, between on or about 1 May 2012 and on or about 31 May 2012, wrongfully advise Miss [REDACTED] to knowingly and wrongfully produce child pornography, to wit: a picture of Miss [REDACTED] a minor, engaging in sexually explicit conduct, by asking Miss [REDACTED] to take a picture of her vagina, or words to that effect, such conduct being of a nature to bring discredit upon the armed forces.	N/G	N/G*

- | | | | |
|---|--|-----|------|
| 2 | <p>In that Private First Class Sergio Uribe, U.S. Army, did, at or near Colorado Springs, Colorado, between on or about 1 May 2012 and on or about 31 May 2012, wrongfully advise Miss ██████████ to knowingly and wrongfully distribute child pornography, to wit: a picture of Miss ██████████ a minor, engaging in sexually explicit conduct, by asking Miss ██████████ to send a picture of her vagina, or words to that effect, such conduct being of a nature to bring discredit upon the</p> | N/G | N/G* |
| 3 | <p>In that Private First Class Sergio Uribe, U.S. Army, did, at or near Colorado Springs, Colorado, between on or about 1 May 2012 and on or about 10 June 2012, wrongfully advise Miss ██████████ to knowingly and wrongfully produce child pornography, to wit: a picture of Miss ██████████ a minor, engaging in sexually explicit conduct, by asking Miss ██████████ to take picture of her vagina, or words to that effect, such conduct being of a nature to bring discredit upon the armed forces.</p> | N/G | N/G* |
| 4 | <p>In that Private First Class Sergio Uribe, U.S. Army, did, at or near Colorado Springs, Colorado, between on or about 1 May 2012 and on or about 10 June 2012, wrongfully advise Miss ██████████ to knowingly and wrongfully distribute child pornography, to wit: a picture of Miss ██████████ a minor, engaging in sexually explicit conduct, by asking Miss ██████████ to send a picture of her vagina, or words to that effect, such conduct being of a nature to bring discredit upon the armed forces.</p> | N/G | N/G* |

*Dismissed by the military judge after plea and before findings, IAW Pre-Trial Agreement. No findings were entered.

DNA processing required. 10 U.S.C. 1563

DEPARTMENT OF THE ARMY
US ARMY COMBINED ARMS SUPPORT COMMAND
SUSTAINMENT CENTER OF EXCELLENCE AND FORT LEE
FORT LEE, VIRGINIA 23801

GENERAL COURT-MARTIAL ORDER
NUMBER 6

APR 11 2013

Private (E-2) Marquill D. Willis, [REDACTED], U. S. Army, Headquarters and Headquarters Company, 23rd Quartermaster Brigade, Fort Lee, Virginia 23801, was arraigned on the following offenses at a General Court-Martial convened by the Commander, United States Army Combined Arms Support Command Sustainment Center of Excellence and Fort Lee.

Charge I: Article 120 Plea: Not Guilty. Finding: Guilty.

Specification 1: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, cause Private (E-1) [REDACTED] to engage in a sexual act, to wit: penetrating the vulva of Private (E-1) [REDACTED] with his penis, by pushing Private (E-1) [REDACTED] onto a bed, pulling her legs, and holding her body on the bed with strength sufficient that she could not avoid or escape the sexual act. Plea: None Entered. Finding: Withdrawn.

Specification 2 [renumbered Specification 1]: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, cause Private (E-1) [REDACTED] to engage in a sexual act, to wit: penetrating the vulva of Private (E-1) [REDACTED] with his penis, by pulling off her jeans and grabbing her legs with strength sufficient that she could not avoid or escape the sexual act. Plea: Not Guilty. Finding: Guilty.

Specification 3 [renumbered Specification 2]: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, cause Private (E-1) [REDACTED] to engage in a sexual act, to wit: penetrating the vulva of Private (E-1) [REDACTED] with his penis, by pushing her toward the bed, bending her over the bed, and holding her hands with strength sufficient that she could not avoid or escape the sexual act. Plea: Not Guilty. Finding: Guilty.

Specification 4 [renumbered Specification 3]: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, cause Private (E-1) [REDACTED] to engage in a sexual act, to wit: penetrating the vulva of Private (E-1) [REDACTED] with his penis, by holding her body on top of his body with strength sufficient that she could not avoid or escape the sexual act. Plea: Not Guilty. Finding: Guilty.

Specification 5: In that Private (E-2) Marquill Willis, U.S. Army, in conjunction with Private First Class Jeremy Champion, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, cause Private (E-1) [REDACTED] to engage in a sexual act, to wit: the penetration of the vulva of Private (E-1) [REDACTED] by the accused holding her body with his hands. Plea: None Entered. Finding: Withdrawn.

GCMO Number 6, DA, USACASCOM SCOE & FL, Fort Lee, Virginia, 23801-1809,
APR 11 2013 (continued)

Specification 6 [renumbered Specification 4]: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, wrongfully commit indecent conduct, to wit: engaging in sexual intercourse in the presence of others.
Plea: Not Guilty. Finding: Guilty.

Specification 7 [renumbered Specification 5]: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, wrongfully commit indecent conduct, to wit: engaging in oral sodomy in the presence of others.
Plea: Not Guilty. Finding: Guilty.

Specification 8: In that Private (E-2) Marquill Willis, U.S. Army, in conjunction with Private First Class Jeremy Champion, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, wrongfully commit indecent conduct, to wit: engaging in anal sodomy in the presence of others. Plea: None Entered. Finding: Withdrawn.

Charge II: Article 125 Plea: Not Guilty. Finding: Guilty.

Specification 1: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Fort Lee, Virginia, between on or about 31 October 2011 and on or about 11 November 2011, commit oral sodomy with Private (E-1) [REDACTED] by force and without the consent of the said Private (E-1) [REDACTED]. Plea: None Entered. Finding: Withdrawn.

Specification 2 [renumbered Specification 1]: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, commit oral sodomy with Private (E-1) [REDACTED] by force and without the consent of the said Private (E-1) [REDACTED]. Plea: Not Guilty. Finding: Guilty.

Specification 3 [renumbered Specification 2]: In that Private (E-2) Marquill Willis, U.S. Army, in conjunction with Private First Class Jeremy Champion, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, commit anal sodomy with Private (E-1) [REDACTED] by force and without the consent of the said Private (E-1) [REDACTED]. Plea: Not Guilty. Finding: Guilty.

Charge III: Article 81 Plea: Not Guilty. Finding: Guilty.

Specification 1: In that Private (E-2) Marquill, Willis, U.S. Army, did at or near Fort Lee, Virginia, between on or about 31 October 2011 and on or about 11 November 2011, conspire with Private (E-1) [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: Rape, and in order to effect the object of the conspiracy the said Private (E-2) [REDACTED] opened a closet door, entered the closet with Private (E-1) [REDACTED] and told her that she had to perform a sexual act in order to leave the closet. Plea: None Entered. Finding: Withdrawn.

GCMO Number 6, DA, USA/CASCOM SCOE & FI, Fort Lee, Virginia, 23801-1809,
APR 11 2013 (continued)

Specification 2 [renumbered Specification 1]: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, conspire with Private First Class Jeremy Champion to commit an offense under the Uniform Code of Military Justice, to wit: Rape, and in order to effect the object of the conspiracy the said Private (E-2) Marquill Willis penetrated Private (E-1) [REDACTED] vulva with his penis. Plea: Not Guilty. Finding: Guilty.

Specification 3 [renumbered Specification 2]: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, conspire with Private First Class Jeremy Champion to commit an offense under the Uniform Code of Military Justice, to wit: forcible sodomy, and in order to effect the object of the conspiracy the said Private (E-2) Marquill Willis caused Private (E-1) [REDACTED] to open her mouth by hitting her upper thigh, allowing Private First Class Jeremy Champion to put his penis in her mouth. Plea: Not Guilty. Finding: Guilty.

Specification 4 [renumbered Specification 3]: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, conspire with Private First Class Jeremy Champion to commit an offense under the Uniform Code of Military Justice, to wit: forcible anal sodomy, and in order to effect the object of the conspiracy the said Private (E-2) Marquill Willis held the body of Private (E-1) [REDACTED] with his hands and penetrated the vulva of Private (E-1) [REDACTED] with his penis, allowing Private First Class Jeremy Champion to penetrate the anus of Private (E-1) [REDACTED]. Plea: Not Guilty. Finding: Guilty.

Charge IV: Article 134 Plea: None Entered. Finding: Withdrawn.

Specification 1: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Fort Lee, Virginia, between on or about 31 October 2011 and or about 11 November 2011, willfully and wrongfully confine and hold Private (E-1) [REDACTED], a person not a minor, against her will and such conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces. Plea: None Entered. Finding: Withdrawn.

Specification 2: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, willfully and wrongfully inveigle and hold Private, (E-1) [REDACTED], a person not a minor, against her will and such conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces. Plea: None Entered. Finding: Withdrawn.

Charge V: Article 128 Plea: Not Guilty. Finding: Guilty.

Specification 1: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, unlawfully touch Private (E-1) [REDACTED] by slapping her upper thigh. Plea: Guilty. Finding: Guilty.

Specification 2: In that Private (E-2) Marquill Willis, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, unlawfully touch Private (E-1) [REDACTED] by bending her over the bed and grabbing her waist. Plea: None Entered. Finding: Withdrawn.

GCMO Number 6, DA, USACASCOM SCOE & FL, Fort Lee, Virginia, 23801-1809,
April 11 2013 (continued)

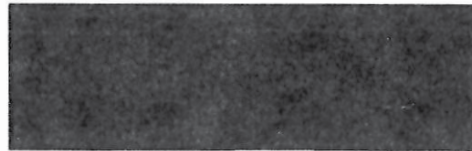
SENTENCE

Sentence was adjudged on 31 October 2012: To be reduced to the grade of E-1, to be confined for 18 months, and to be discharged from the service with a Dishonorable Discharge.

ACTION

In the case of Private (E-2) Marquill D. Willis, 226-69-9029, U. S. Army, Headquarters and Headquarters Company, 23rd Quartermaster Brigade, the sentence is approved, and except for that part of the sentence extending to a Dishonorable Discharge, will be executed. The automatic reduction to the grade of E-1, required by Article 58(a), UCMJ and AR 27-10, paragraph 5-29(e)(2), is effective this date.

BY COMMAND OF MAJOR GENERAL WYCHIE:



DISTRIBUTION:

- 1 - ACC, MI, TC, DC
- 1 - Ea Cdr concerned
- 1 - Cdr, USACASCOM SCOE & FL
- 2 - Cdr, USACASCOM SCOE & FL, ATTN: SJA
- 1 - PCF (W6CD2P) Fort Knox, KY 40221
- 1 - NAVCONBRIG Chesapeake, Chesapeake VA 23320
- 1 - CDR, USAEREC, PCRE-FS, ATTN: Locator, 8899 East 56th Street, Fort Benjamin Harrison, IN 46249-5301
- 1 - US Army CID, Fort Lee Resident Agency, Fort Lee, VA 23801
- 1 - HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506
- 1 - Army Corrections Command (DAPM-ACC), 150 Army Pentagon, Washington DC 20310-0150
- 1 - USACIL, 4930 North 31st Street, Forest Park, GA 30297-5205
- 1 - Department of Veterans Affairs, Regional Office and Insurance Center, 5000 Wissahickon Ave., Philadelphia, PA 19101
- 10 - Clerk of Court, JALS-CCZ, US Army Legal Services Agency, HQDA, 9275 Gunston Road, Fort Belvoir, VA 22060-5546

DNA processing required. 10 U.S.C. 1565

DEPARTMENT OF THE ARMY
US ARMY COMBINED ARMS SUPPORT COMMAND
SUSTAINMENT CENTER OF EXCELLENCE AND FORT LEE
FORT LEE, VIRGINIA 23801

GENERAL COURT-MARTIAL ORDER
NUMBER 8

6 May 2013

Private First Class Jeremy L. Champion, [REDACTED] U. S. Army, W Company, 266th Quartermaster Battalion, 23rd Quartermaster Brigade, Fort Lee, Virginia 23801, was arraigned on the following offenses at a General Court-Martial convened by the Commander, United States Army Combined Arms Support Command Sustainment Center of Excellence and Fort Lee.

Charge I: Article 120 Plea: Not Guilty. Finding: Guilty.

Specification 1: In that Private First Class Jeremy Champion, US Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, cause Private (E-1) [REDACTED] to engage in a sexual act, to wit: penetrating the vulva of Private (E-1) [REDACTED] with his penis, by grabbing her legs and holding them apart with strength sufficient that she could not avoid or escape the sexual act. Plea: Not Guilty. Finding: Withdrawn.

Specification 2: In that Private First Class Jeremy Champion, US Army, in conjunction with Private (E-2) Marquill Willis, US Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, cause Private (E-1) [REDACTED] to engage in a sexual act, to wit: the penetration of the vulva of Private (E-1) [REDACTED], by the accused engaging in anal sex with Private (E-1) [REDACTED] and holding her body with his hands, therefore allowing Private (E-2) Marquill Willis to penetrate her vulva with his penis. Plea: Not Guilty. Finding: Dismissed.

Specification 3: [After arraignment but prior to entry of pleas, merged with Specifications 4 and 5] In that Private First Class Jeremy Champion, US Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, engage in sexual contact, to wit: touching the anus of Private (E-1) [REDACTED], with his penis by causing bodily harm to her, to wit: grabbing her body with his hands.

Specification 3 changed to read:

Specification 3: In that Private First Class Jeremy Champion, US Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, wrongfully commit indecent conduct, to wit: engaging in oral sodomy, in anal sodomy, and engaging in sexual intercourse in the presence of others. Plea: Not Guilty. Finding: Dismissed.

Specification 4 [merged with Specifications 3 and 5]: In that Private First Class Jeremy Champion, US Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, wrongfully commit indecent conduct, to wit: engaging in sexual intercourse in the presence of others. Plea: Not Guilty. Finding: Dismissed.

2 - 121127

GCMO Number 8, DA, USACASCOM SCOE & FL, Fort Lee, Virginia, 23801-1809, 6 May 2013
(continued)

Specification 5: [merged with Specifications 3 and 4] In that Private First Class Jeremy Champion, US Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, wrongfully commit indecent conduct, to wit: engaging in oral sodomy in the presence of others. Plea: Not Guilty. Finding: Dismissed.

Charge II: Article 125 Plea: Not Guilty. Finding: Guilty.

Specification 1: [renumbered The Specification] In that Private First Class Jeremy Champion, US Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, commit oral sodomy with Private (E-1) [REDACTED] by force and without the consent of the said Private (E-1) [REDACTED]. Plea: Guilty. Finding: Guilty.

Specification 2: In that Private First Class Jeremy Champion, US Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, commit anal sodomy with Private (E-1) [REDACTED] by force and without the consent of the said Private (E-1) [REDACTED]. Plea: Not Guilty. Finding: Dismissed.

Charge III: Article 81 Plea: Not Guilty. Finding: Guilty.

Specification 1: In that Private First Class Jeremy Champion, US Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, conspire with Private (E-2) [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: Rape, and in order to effect the object of the conspiracy the said Private First Class Jeremy Champion penetrated the vulva of Private (E-1) [REDACTED] with his penis with a strength sufficient that she could not avoid or escape the sexual act. Plea: None Entered. Finding: Dismissed.

Specification 2 [renumbered The Specification]: In that Private First Class Jeremy Champion, US Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, conspire with Private (E-2) [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: forcible oral sodomy, and in order to effect the object of the conspiracy the said Private First Class Jeremy Champion pushed his penis into Private (E-1) [REDACTED] mouth. Plea: Not Guilty. Finding: Dismissed.

Specification 3: In that Private First Class Jeremy Champion, US Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, conspire with Private (E-2) [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: forcible anal sodomy, and in order to effect the object of the conspiracy the said Private First Class Jeremy Champion penetrated the anus of Private (E-1) [REDACTED] with his penis. Plea: Not Guilty. Finding: Dismissed.

SENTENCE

Sentence was adjudged on 11 December 2012: To be reduced to the grade of E-1, to forfeit all pay and allowances, to be confined for 8 months, and to be discharged from the service with a Dishonorable Discharge.

GCMO Number 8, DA, USACASCOM SCoE & FL, Fort Lee, Virginia, 23801-1809, 6 May 2013
(continued)

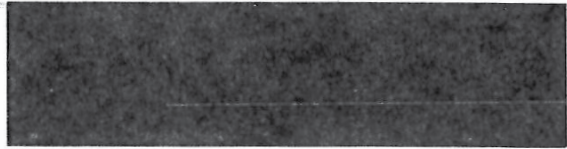
ACTION

In the General Court-Martial case of Private First Class Jeremy L. Champion, 377-15-8753, U. S. Army, W Company, 266th Quartermaster Battalion, 23rd Quartermaster Brigade, Fort Lee, Virginia 23801, the sentence is approved, and except for that part of the sentence extending to a Bad-Conduct Discharge, will be executed. The automatic reduction to the grade of E-1, required by Article 58(a), UCMJ and AR 27-10, paragraph 5-29(e)(2), is effective this date.

BY COMMAND OF MAJOR GENERAL WYCHE:

DISTRIBUTION:

- 1 - ACC, MJ, TC, DC
- 1 - Ea Cdr concerned
- 1 - Cdr, USACASCOM SCoE & FL
- 2 - Cdr, USACASCOM SCoE & FL, ATTN: SJA
- 1 - PCF (W6CSPR) Fort Sill, OK 73503
- 1 - Midwest Joint Regional Correctional Facility, Fort Leavenworth, KS 66027
- 1 - CDR, USAREK, PCRE-FS, ATTN: Locator, 8899 East 56th Street, Fort Benjamin Harrison, IN 46249-5301
- 1 - US Army CID, Fort Lee Resident Agency, Fort Lee, VA 23801
- 1 - HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506
- 1 - Army Corrections Command (DAPM-ACC), 150 Army Pentagon, Washington DC 20310-0150
- 1 - USACIL, 4930 North 31st Street, Forest Park, GA 30297-5205
- 1 - Department of Veterans Affairs, Regional Office and Insurance Center, 5000 Wissahickon Avenue, Philadelphia, PA 19101
- 10 - Clerk of Court, JALS-CCZ, US Army Legal Services Agency, HQDA, 9275 Gunston Road, Fort Belvoir, VA 22060-5546



CPT, JA
Chief Military Justice

DEPARTMENT OF THE ARMY
US ARMY COMBINED ARMS SUPPORT COMMAND
SUSTAINMENT CENTER OF EXCELLENCE AND FORT LEE
FORT LEE, VIRGINIA 23801

GENERAL COURT-MARTIAL ORDER
NUMBER 14

4 October 2012

Private (E-1) Assamad A. Bash, [REDACTED] U.S. Army, Headquarters and Headquarters Company, 23rd Quartermaster Brigade, Fort Lee, Virginia, 23801, was arraigned at Fort Lee, Virginia, 23801, on the following offenses at a general court-martial convened by the Commander, United States Army Combined Arms Support Command Sustainment Center of Excellence and Fort Lee.

Charge I: Article 80 Plea: Not Guilty. Finding: Not Guilty.

The Specification: In that Private (E-1) Assamad Bash, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, attempt to commit oral sodomy with Private (E-1) [REDACTED] by force and without her consent by exposing his penis and pushing it toward her mouth. Plea: Not Guilty. Finding: Not Guilty.

Charge II: Article 120 Plea: Not Guilty. Finding: Not Guilty.

Specification 1: In that Private (E-1) Assamad Bash, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, engage in sexual contact with Private (E-1) [REDACTED] to wit: touching her with his penis, and such sexual contact was without legal justification or lawful authorization and without the permission of Private (E-1) [REDACTED]. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: In that Private (E-1) Assamad Bash, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, wrongfully commit indecent conduct, to wit: observing Private (E-2) Marquill Willis engage in sexual intercourse with Private (E-1) [REDACTED]. Plea: Not Guilty. Finding: Not Guilty.

Specification 3: In that Private (E-1) Assamad Bash, U.S. Army, did, at or near Colonial Heights, Virginia, on or about 12 November 2011, wrongfully commit indecent conduct, to wit: observing Private First Class (E-3) Jeremy Champion engage in oral sodomy with Private (E-1) [REDACTED]. Plea: Not Guilty. Finding: Not Guilty.

The findings of not guilty were announced on 4 October 2012. All rights, privileges and property of which the accused has been deprived by virtue of these proceedings will be restored.

GCMO Number 14, DA, USACASCOM SCoE & FL, Fort Lee, Virginia, 23801-1809, dated
4 October 2012 (continued)

BY COMMAND OF MAJOR GENERAL WYCHIE



DISTRIBUTION:

- 1 - ACC, MJ, TC, DC
- 1 - Ea Cdr concerned
- 1 - Cdr, USACASCOM SCoE & FL
- 2 - Cdr, USACASCOM SCoE & FL, ATTN: SJA
- 1 - Soldier One Stop (Records Section), Fort Lee, VA 23801
- 1 - Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249
- 1 - US Army CID, Fort Lee Resident Agency, Fort Lee, VA 23801
- 1 - HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506
- 1 - Army Corrections Command (DAPM-ACC), 150 Army Pentagon, Washington DC 20310-0150
- 1 - USACIL, 4930 North 31st Street, Forest Park, GA 30297-5205
- 10 - Clerk of Court, JALS-CCZ, US Army Legal Services Agency, HQDA, 9275 Gunston Road, Fort Belvoir, VA 22060-5546

CPT, JA
Chief of Military Justice

DNA processing required. 10 U.S.C. 1565

DEPARTMENT OF THE ARMY
US ARMY COMBINED ARMS SUPPORT COMMAND
SUSTAINMENT CENTER OF EXCELLENCE AND FORT LEE
FORT LEE, VIRGINIA 23801

GENERAL COURT-MARTIAL ORDER
NUMBER 9

30 April 2013

Private (E-1) Alexander F. Nelson, [REDACTED], U.S. Army, Company D, 73rd Ordnance Battalion, 59th Ordnance Brigade, Eglin AFB, Florida, was arraigned on the following offenses at a General Court-Martial convened by the Commander, United States Army Combined Arms Support Command Sustainment Center of Excellence and Fort Lee.

Charge I [renumbered The Charge]: Article 120 Plea: Not Guilty. Finding: Not Guilty.

Specification 1: In that Private First Class Alexander F. Nelson, U.S. Army, did, at or near Saint Robert, Missouri, on or about 22 December 2010, engage in a sexual act, to wit: penetrated with his penis the vulva of [REDACTED] a child who had attained the age of 12 years, but had not attained the age of 16 years, by using restraint applied to her stomach sufficient that she could not avoid or escape the sexual conduct. Plea: None Entered. Finding: Withdrawn.

Specification 2 [renumbered Specification 1]: In that Private First Class Alexander F. Nelson, U.S. Army, did, at or near Saint Robert, Missouri, on or about 22 December 2010, cause [REDACTED] to engage in a sexual act, to wit: penetrated her vulva with his penis, by causing bodily harm upon her, to wit: holding and pulling her body with his hand. Plea: Not Guilty. Finding: Not Guilty.

Specification 3 [renumbered Specification 2]: In that Private First Class Alexander F. Nelson, U.S. Army, did, at or near Saint Robert, Missouri, on or about 22 December 2010, engage in a sexual act, to wit: penetrated [REDACTED] vulva with his penis with [REDACTED], who had attained the age of 12 years, but had not attained the age of 16 years. Plea: Not Guilty. Finding: Not Guilty.

Specification 4: In that Private First Class Alexander F. Nelson, U.S. Army, did, at or near Saint Robert Missouri, on or about 22 December 2010, take indecent liberties in the physical presence of [REDACTED], a female under 16 years of age, by engaging in sexual conduct, to wit: penetrated with his penis the vulva of [REDACTED] with the intent to gratify the sexual desire of the said PFC Nelson. Plea: None Entered. Finding: Withdrawn.

Specification 5 [renumbered Specification 3]: In that Private First Class Alexander F. Nelson, U.S. Army, did, at or near Saint Robert, Missouri, on or about 22 December 2010, wrongfully commit indecent conduct, to wit: penetrated [REDACTED] vulva with his penis in the presence of others. Plea: Not Guilty. Finding: Not Guilty.

GCMO Number 9, DA, USACASCOM SCOE & FL, Fort Lee, Virginia, 23801-1809,
30 April 2013 (continued)

Additional Charge I: Article 112a Plea: Not Guilty. Finding: Guilty.

The Specification: In that Private First Class Alexander F. Nelson, U.S. Army, did, at or near Eglin Air Force Base, Florida, between on or about 10 May 2012 and on or about 13 May 2012, wrongfully use cocaine. Plea: Not Guilty. Finding: Guilty.

Additional Charge II: Article 112a Plea: Not Guilty. Finding: Dismissed.

The Specification: In that Private First Class Alexander F. Nelson, U.S. Army, did, at or near Eglin Air Force Base, Florida, between on or about 1 July 2012 and on or about 5 July 2012, wrongfully use d-methamphetamine, a schedule II controlled substance. Plea: Not Guilty. Finding: Dismissed.

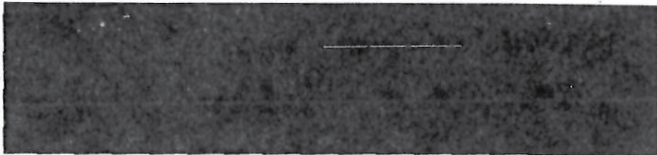
SENTENCE

Sentence was adjudged on 20 December 2012: To be reduced to the grade of E-1, to forfeit \$700.00 pay per month for 3 months; to be restricted for 60 days to the limits of: company area, place of worship, medical and dental facilities and dining facilities.

ACTION

The sentence is approved and will be executed.

BY COMMAND OF MAJOR GENERAL WYCHE:



DISTRIBUTION:

- 1 - ACC, MJ, TC, DC
- 1 - Ea Cdr concerned
- 1 - Cdr, USACASCOM SCOE & FL
- 2 - Cdr, USACASCOM SCOE & FL, ATTN: SJA
- 1 - CDR, USAEREC, PCRE-FS, ATTN: Locator, 8899 East 56th Street, Fort Benjamin Harrison, IN 46249-5301
- 1 - US Army CID, Fort Lee Resident Agency, Fort Lee, VA 23801
- 1 - HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506
- 1 - Army Corrections Command (DAPM-ACC), 150 Army Pentagon, Washington DC 20310-0150
- 1 - USACIL, 4930 North 31st Street, Forest Park, GA 30297-5205
- 1 - Department of Veterans Affairs, Regional Office and Insurance Center, 5000 Wissahickon Avenue, Philadelphia, PA 19101
- 10 - Clerk of Court, JALS-CCZ, US Army Legal Services Agency, HQDA, 9275 Gunston Road, Fort Belvoir, VA 22060-5546

CPT, JA
Chief of Military Justice

DEPARTMENT OF THE ARMY
US ARMY COMBINED ARMS SUPPORT COMMAND
SUSTAINMENT CENTER OF EXCELLENCE AND FORT LEE
FORT LEE, VIRGINIA 23801

GENERAL COURT-MARTIAL ORDER
NUMBER 2

19 January 2012

Sergeant Cecil Saddler [Jr.], [REDACTED] US Army, 558th Transportation Company, 10th Transportation Battalion, 7th Sustainment Brigade (Rear)(Provisional), Joint Base Langley-Eustis, VA 23604, on the following offenses at a general court-martial convened by the Commander, United States Army Combined Arms Support Command Sustainment Center of Excellence and Fort Lee.

Charge I: Article 120. Plea: Not Guilty. Finding: Guilty.

Specification 1: In that Sergeant Cecil Saddler [Jr.], US Army, did, at or near Fort Eustis, Virginia, on divers occasions, between on or about 16 November 2007 and 14 December 2008, engage in a sexual act, to wit: contact between the penis of the accused and the vulva of [REDACTED] a child who had not attained the age of 12 years. Plea: Not Guilty. Finding: Guilty.

Specification 2: In that Sergeant Cecil Saddler [Jr.], US Army, did, at or near Fort Eustis, Virginia, on divers occasions, between on or about 16 November 2007 and 14 December 2008, engage in a sexual act, to wit: penetration of the genital opening of [REDACTED], a child who had not attained the age of 12 years, by the accused's finger. Plea: Not Guilty. Finding: Guilty.

Specification 3: In that Sergeant Cecil Saddler [Jr.], US Army, did, at or near Fort Eustis, Virginia, between on or about 16 November 2007 and 14 December 2008, engage in a sexual act, to wit: contact between the penis of the accused and the vulva of [REDACTED], a child who had not attained the age of 12 years. Plea: Not Guilty. Finding: Not Guilty.

Specification 4: In that Sergeant Cecil Saddler [Jr.], US Army, did, at or near Fort Eustis, Virginia, on divers occasions, between on or about 16 November 2007 and 14 December 2008, engage in sexual contact, to wit: touching the breast of [REDACTED], a child who had not attained the age of 12 years. Plea: Not Guilty. Finding: Guilty.

Specification 5: In that Sergeant Cecil Saddler [Jr.], US Army, did, at or near Fort Eustis, Virginia, on divers occasions, between on or about 16 November 2007 and 14 December 2008, engage in sexual contact, to wit: touching the genitalia of [REDACTED], a child who had not attained the age of 12 years. Plea: Not Guilty. Finding: Guilty.

Specification 6: In that Sergeant Cecil Saddler [Jr.], US Army, did, at or near Fort Eustis, Virginia, between on or about 16 November 2007 and 14 December 2008, engage in sexual contact, to wit: touching the genitalia of [REDACTED] a child who had not attained the age of 12 years. Plea: Not Guilty. Finding: Not Guilty.

Charge II: Article 125. Plea: Not Guilty. Finding: Guilty

Specification 1: In that Sergeant Cecil Saddler [Jr.], US Army, did, at or near Fort Eustis, Virginia, on divers occasions, between on or about 16 November 2007 and 14 December 2008, commit sodomy with [REDACTED] a child under the age of 12. Plea: Not Guilty. Finding: Guilty.

GCMO Number 2, DA, USACASCOM SCOE & FL, Fort Lee, Virginia, 23801-1809, dated 19 January 2011 (continued)

Specification 2: In that Sergeant Cecil Saddler [Jr.], US Army, did, at or near Fort Eustis, Virginia, between on or about 16 November 2007 and 14 December 2008, commit sodomy with [REDACTED], a child under the age of 12. Plea: Not Guilty. Finding: Not Guilty.

Charge III: Article 134. Plea: Not Guilty. Finding: Not Guilty.

The Specification: In that Sergeant Cecil Saddler [Jr.], US Army, did, at or near Hampton, Virginia, between on or about 1 April 2007 and on or about 30 June 2007, commit an indecent assault upon [REDACTED] a person not his wife, by placing his body against her body, and by placing his hand on her thigh and attempting to touch her vagina, with intent to gratify his sexual desires. Plea: Not Guilty. Finding: Not Guilty.

SENTENCE

Sentence was adjudged on 10 August 2011: To be confined for 35 years, to forfeit all pay and allowances and to be discharged from the service with a Dishonorable Discharge.

ACTION

The sentence is approved and, except for that part of the sentence extending to a Dishonorable Discharge, will be executed.

BY COMMAND OF MAJOR GENERAL HODGE:



DISTRIBUTION:

- 1 - ACC, MJ, TC, DC
- 1 - Ea Cdr concerned
- 1 - Cdr, USACASCOM&FL
- 2 - Cdr, USACASCOM & FL, ATTN: SJA
- 1 - PCF (W6CSPR) Fort Sill, OK 73503
- 1 - USDB, ATTN: CJA, 1301 N. Warehouse Road, Fort Leavenworth KS 66027
- 1 - MPD/PSC, ATTN: Records Section, 662 Sheppards Place, JBL-E, VA 23604
- 1 - Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249
- 1 - Cdr, 12th Military Police Detachment, 3rd Military Police Group (CID), JBL-E, VA 23604
- 1 - CDR, PMO, SUP SVC, Attn: S. Baumgart, 648 Washington Boulevard, JBL-E, VA 23604
- 1 - The Edge Research & Development, Transition Mgr/RSO, 601 Hines Circle, JBL-E, VA 23604
- 1 - Strength Branch Manager, 601 Hines Circle, JBL-E, VA 23604
- 1 - HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506
- 1 - Army Corrections Command (DAPM-ACC), 150 Army Pentagon, Washington DC 20310-0150
- 1 - USACIL, 4930 North 31st Street, Forest Park, GA 30297-5205
- 10 - Clerk of Court, JALS-CCZ, US Army Legal Services Agency, HQDA, 9275 Gunston Road, Fort Belvoir, VA 22060-5546

DNA processing required IAW 10 USC 1565

DEPARTMENT OF THE ARMY
US ARMY COMBINED ARMS SUPPORT COMMAND
SUSTAINMENT CENTER OF EXCELLENCE & FORT LEE
2221 ADAMS AVENUE
FORT LEE, VIRGINIA 23801-2102

GENERAL COURT-MARTIAL ORDER
NUMBER 8

1 May 2012

Private (E-2) Seth D. LeMasters, [REDACTED] US Army, H Company, 1st Battalion, 222nd Aviation Regiment, US Army Aviation Logistics School, Joint Base Langley-Eustis, VA 23604, was arraigned at Joint Base Langley-Eustis on the following offenses at a general Court-Martial convened by the Commander, United States Army Combined Arms Support Command Sustainment Center of Excellence and Fort Lee, Fort Lee, Virginia.

Charge I: Article 120. Plea: Not Guilty. Finding: Not Guilty, but Guilty of a Lesser Included Offense of aggravated sexual assault, in violation of Article 120, UCMJ.

Specification 1: In that Private (E-2) Seth D. LeMasters, US Army, did, at or near Newport News, Virginia, on or about 15 February 2010, cause Private [REDACTED] to engage in a sexual act, to wit: penetrating the genital opening of Private [REDACTED] with his finger, by using force sufficient that she could not avoid or escape the sexual conduct. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: In that Private (E-2) Seth D. LeMasters, US Army, did, at or near Newport News, Virginia, on or about 15 February 2010, engage in sexual contact, to wit: touching and penetrating the anus of Private [REDACTED] with his finger by rendering her unconscious. Plea: Not Guilty. Finding: Not Guilty.

Specification 3: In that Private (E-2) Seth D. LeMasters, US Army, did, at or near Gloucester, Virginia, on or about 26 November 2010, cause Miss [REDACTED] to engage in sexual contact, to wit: penetrating the vagina of Miss [REDACTED] with his penis, by using force sufficient that she could not avoid or escape the sexual conduct. Plea: Not Guilty. Finding: Not Guilty, but Guilty of a Lesser Included Offense of aggravated sexual assault, in violation of Article 120, UCMJ.

Charge II: Article 128. Plea: Not Guilty. Finding: Guilty.

Specification 1: In that Private (E-2) Seth D. LeMasters, US Army, did, at or near Newport News, Virginia, on or about 15 February 2010, unlawfully strangle Private [REDACTED] by grabbing her neck with his hand and squeezing. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: In that Private (E-2) Seth D. LeMasters, US Army, did, at or near Gloucester, Virginia, on or about 26 November 2010, unlawfully strangle Miss [REDACTED] by placing his arm around her neck from behind and applying pressure. Plea: Not Guilty. Finding: Guilty.

GCMO No. 8, DA, USACASCOM SCoE & FL, Fort Lee, Virginia 23801-1809, dated
1 May 2012 (continued)

SENTENCE

Sentence was adjudged on 15 December 2011: To be reduced to the grade of E-1, to forfeit all pay and allowances, to be confined for 10 years, and to be discharged from the service with a Dishonorable Discharge.

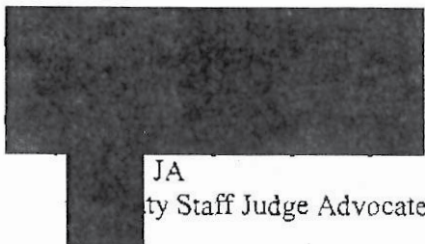
ACTION

The sentence is approved, and except for that part of the sentence extending to a Dishonorable Discharge, will be executed. The accused will be credited with 384 days of pretrial confinement credit against the sentence to confinement.

BY COMMAND OF MAJOR GENERAL JAMES L. HODGE:

DISTRIBUTION:

- 1 – ACC, MJ, TC, DC
- 1 – Ea Cdr concerned
- 1 – Cdr, USACASCOM SCoE & FL
- 2 – Cdr, USACASCOM SCoE & FL, ATTN: SJA
- 1 – PCF (W6CSPR) Fort Sill OK 73503
- 1 – USDB, Fort Leavenworth KS 66027
- 1 – Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249
- 1 – US Army CID, Fort Lee Resident Agency, Fort Lee, VA 23801
- 1 – HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506
- 1 – Army Corrections Command (DAPM-ACC), 150 Army Pentagon, Washington DC 20310-0150
- 1 – USACIL, 4930 North 31st Street, Forest Park, GA 30297-5205
- 10 – Clerk of Court, JALS-CCZ, US Army Legal Services Agency, HQDA, 9275 Gunston Road, Fort Belvoir, VA 22060-5546



Department of the Army FOIA Responses



DEPARTMENT OF DEFENSE REPORT OF RESULT OF TRIAL			1. DATE OF TRIAL (YYYYMMDD) 20130726		
TO: (Convening Authority) Commander, Headquarters, U.S. Army Military District of Washington, Fort Lesley J. McNair, DC 20319					
1. NOTIFICATION UNDER R.C.M. 1101 IS HEREBY GIVEN IN THE CASE OF THE UNITED STATES VERSUS:					
a. NAME (Last, First, Middle Initial) Snipe, Maurice A.		b. BRANCH OF SERVICE U.S. Army	c. RANK/GRADE SPC/E4	d. DoD ID/SSN (Last 4) [REDACTED]	
a. ORGANIZATION (Full address) 289th MP CO, 4TH BN, 3D U.S. INF REGT (TOG) FORT MYER, VA 22211		2.a. TYPE OF COURT-MARTIAL (X one) <input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SUMMARY <input type="checkbox"/> JUDGE ALONE <input type="checkbox"/> JUDGE ALONE			
b. CONVENED BY: COURT MARTIAL ORDER NUMBER(S) 1, amended by CMCO 3 & 4		c. ISSUING COMMAND HQs, U.S. Army Military District of Washington Fort Lesley J. McNair, DC 20319		d. DATE (YYYYMMDD) 20130211	
3. SUMMARY OF OFFENSES, PLEAS AND FINDINGS					
a. CHARGE/SPECIFICATION NO(S)	b. UCMJ ARTICLE(S)	c. DIBRS CODE	d. BRIEF DESCRIPTION OF OFFENSE	e. PLEA	f. FINDING
			See Continuation Sheet.		
4.a. DATE ADJUDGED (YYYYMMDD) 20130726			b. DATE OF ANY FORFEITURES OR REDUCTIONS (YYYYMMDD) 20130809		
5. SENTENCE To be reduced to Private (E1); to be confined for 179 days; and to be separated from the service with a Bad Conduct Discharge.					
8.a. CONTENTS OF PRE-TRIAL AGREEMENT CONCERNING SENTENCE TO CONFINEMENT (if any) NA					
b. DAYS OF PRE-TRIAL CREDIT NA		c. DAYS OF OTHER JUDGE ORDERED CREDIT NA		d. TOTAL PRESENTENCE CREDIT TOWARD POST-TRIAL CONFINEMENT NA	
7. DNA PROCESSING: IAW 10 U.S.C. §1565 <input checked="" type="checkbox"/> IS <input type="checkbox"/> IS NOT REQUIRED.					
8. SEX OFFENDER REGISTRATION: IAW 42 U.S.C. §14071 <input checked="" type="checkbox"/> IS <input type="checkbox"/> IS NOT REQUIRED.					
9. COMPANION ACCUSED/CO-ACCUSED (Name(s) and Social Security Number(s) (if any)) N/A					
10. DISTRIBUTION (Copy provided to named Agencies/Instit(s)) Cdr, 289 MP Co, 4th Bn, 3d U.S. Inf Regt (TOG); Cdr, HQs, 4th Bn, 3d U.S. Inf Regt (TOG); Cdr, HQs, 3d U.S. Inf Regt (TOG); Cdr, HQs, USAWDW; Confinement Facility (CF); Service Member; Defense Counsel; FAO; PSB.					
11. SIGNED BY (X one)		<input checked="" type="checkbox"/> TRIAL COUNSEL		<input type="checkbox"/> SUMMARY COURT-MARTIAL OFFICER	
a. NAME (Last, First, Middle Initial) [REDACTED]		b. RANK/GRADE CPT/O3		c. BRANCH OF SERVICE JA	
				d. DATE SIGNED (YYYYMMDD) 20130726	

DD FORM 2707-1, MAR 2013

PREVIOUS EDITION IS OBSOLETE.

Adc/bu Professional X

Department of the Army FOIA Responses



CONTINUATION SHEET, DD FORM 2707-1, PERTAINING TO SPC SNIPE, MAURICE A. [REDACTED]
 289TH MP COMPANY, 4TH BATTALION, 3D U.S. INFANTRY REGIMENT (THE OLD GUARD),
 FORT MYER, VIRGINIA 22211

Item 3 Continued:

		120-H2	2	In that Specialist Maurice A. Snipe, U.S. Army, did, at or near Washington, District of Columbia, on or about 10 November 2012, commit a sexual act upon Private [REDACTED] to wit: placing his fingers inside her vulva, by causing bodily harm upon her, to wit: by pulling her legs over his, reaching under her skirt and pulling her underwear to the side.	NG/G
III	128	128-A-	THE	In that Specialist Maurice A. Snipe, U.S. Army, did, at or near Washington, District of Columbia, on or about 10 November 2012, assault Private [REDACTED] by grabbing her hand and forcing it toward his crotch.	NG/NG
IV	134	134-U2	THE	In that Specialist Maurice A Snipe, U.S. Army, did, at or near Arlington, Virginia, on or about 11 November 2012, wrongfully endeavor to impede an investigation by US Army Criminal Investigation Division agents into the sexual assault of Private [REDACTED] to wit: by deleting all pictures, text messages, and other information related to the incidents that occurred on 10 November 2012 from his personal cell phone, and that said conduct was of a nature to bring discredit upon the armed forces.	NG/NG

Department of the Army FOIA Responses




DEPARTMENT OF DEFENSE REPORT OF RESULT OF TRIAL				1. DATE OF TRIAL (YYYYMMDD)	
TO: (Convening Authority) CDR, Headquarters, Fort Bliss, Fort Bliss, TX 79918					
1. NOTIFICATION UNDER R.C.M. 1101 IS HEREBY GIVEN IN THE CASE OF THE UNITED STATES VERSUS:					
a. NAME (Last, First, Middle Initial)		b. BRANCH OF SERVICE	c. RANK/GRADE	d. DoD ID/SSN (Last 4)	
Kurtzweil, Joseph, D.		U.S. Army	MAJ/O-4	[REDACTED]	
e. ORGANIZATION (Full address)		2.a. TYPE OF COURT-MARTIAL (X one)			
HHC, 125th BSB, 3d IBCT, 1st AD, Fort Bliss, Texas 79918		<input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SUMMARY <input type="checkbox"/> JUDGE ALONE <input type="checkbox"/> JUDGE ALONE			
b. CONVENED BY: COURT MARTIAL ORDER NUMBER(S)		c. ISSUING COMMAND		d. DATE (YYYYMMDD)	
CMCO #97 dated 3 Oct 2012; as corrected by CMCO #97 CC dated 25 Feb 2013; as superseded by CMCO #1 dated 25 Feb 2013		HQ, Fort Bliss, TX 79918		20130221	
3. SUMMARY OF OFFENSES, PLEAS AND FINDINGS					
a. CHARGE/SPECIFICATION NO(S).	b. UCMJ ARTICLE(S)	c. DIBRS CODE	d. BRIEF DESCRIPTION OF OFFENSE	e. PLEA	f. FINDING
THE	120			NG	G
THE		120-11	Abusive Sexual Contact with a Child 12-Under 16 Years Old On/After 1 Oct 07	NG	G
4.a. DATE ADJUDGED (YYYYMMDD)			b. DATE OF ANY FORFEITURES OR REDUCTIONS (YYYYMMDD)		
20130509			20130523		
5. SENTENCE					
To be confined for 30 days and to be Dismissed from service.					
6.a. CONTENTS OF PRE-TRIAL AGREEMENT CONCERNING SENTENCE TO CONFINEMENT (If any)					
NA					
b. DAYS OF PRE-TRIAL CREDIT		c. DAYS OF OTHER JUDGE ORDERED CREDIT		d. TOTAL PRESENTENCE CREDIT TOWARD POST-TRIAL CONFINEMENT	
NA		NA		NA	
7. DNA PROCESSING: IAW 10 U.S.C. §1565		<input checked="" type="checkbox"/>	IS	IS NOT REQUIRED.	
8. SEX OFFENDER REGISTRATION: IAW 42 U.S.C. § 14071		<input checked="" type="checkbox"/>	IS	IS NOT REQUIRED.	
9. COMPANION ACCUSED/CO-ACCUSED (Name(s) and Social Security Number(s) (If any))					
NA					
10. DISTRIBUTION (Copy provided to named Agencies/Unit(s))					
Cdr, 1st AD; Cdr, 3/1AD; Cdr, 125 BSB, 3/1AD; Cdr, HHC, 125th BSB, 3/1AD					
11. SIGNED BY (X one)		TRIAL COUNSEL		SUMMARY COURT-MARTIAL OFFICER	
[REDACTED]		[REDACTED]		[REDACTED]	
		b. RANK/GRADE		c. BRANCH OF SERVICE	
		CPT/O3		U.S. Army	
				e. DATE SIGNED (YYYYMMDD)	
				20130509	

DD FORM 2707-1 MAR 2013

PREVIOUS EDITION IS OBSOLETE.

Adobe Professional X

CONTINUATION SHEET, DD Form 2707-1, Pertaining to Kurtzweil, Joseph D., MAJ, xxx-xx-
HHC, 125th Brigade Support Battalion, 3D Infantry Brigade Combat Team, 1st Armored Division, Fort
Bliss, TX 79918

Item 2b, continued:

As superseded by CMCO #4 dated 22 Mar 2013; As superseded by CMCO #8 dated 18 Apr 2013; as
corrected by CMCO #8 CC dated 18 Apr 2013; as amended by CMCO #12 dated 6 May 2013.

General Court-Martial Order Number 8 was the last in the series for 2012.

DEPARTMENT OF THE ARMY
Headquarters, 8th Theater Sustainment Command
Fort Shafter, Hawaii 96858

GENERAL COURT-MARTIAL ORDER
NUMBER 1

12 February 2013

Sergeant First Class John D. Frye, [REDACTED], U.S. Army, Headquarters and Headquarters Company, 8th Special Troops Battalion, 8th Theater Sustainment Command, Fort Shafter, Hawaii, was arraigned at Wheeler Army Airfield, Hawaii, on the following offenses at a General Court-Martial convened by Commander, Headquarters, 8th Theater Sustainment Command.

Charge I. Article 120. Plea: Not Guilty. Finding: Not Guilty.

Specification: Did, at or near the island of Oahu, on or about 21 June 2011, cause [REDACTED] to engage in a sexual act, to wit: penetrating her vulva with his finger, by causing bodily harm to her, to wit: pushing her against a wall and shoving his hand in her pants. Plea: Not Guilty. Finding: Not Guilty.

Charge II. Article 125. Plea: Not Guilty. Finding: Not Guilty.

Specification: Did, at or near the island of Oahu, on or about 21 June 2011, commit sodomy with [REDACTED] by force and without the consent of the said [REDACTED]. Plea: Not Guilty. Finding: Not Guilty.

Charge III. Article 128. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: Did, at or near the island of Oahu, on or about 21 June 2011, unlawfully squeeze and twist [REDACTED] breasts with his hand. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: Did, at or near the island of Oahu, on or about 21 June 2011, unlawfully strike [REDACTED] on the face with his hand. Plea: Not Guilty. Finding: Not Guilty.

The findings were announced on 9 January 2013. All rights, privileges and property of which the accused may have been deprived of by virtue of these proceedings will be restored.

BY COMMAND OF MAJOR GENERAL LYONS:

[REDACTED]
MAJ, JA
Chief, Military Justice

GCMO No. 1, DA, Headquarters, 8th Theater Sustainment Command, Fort Shafter, Hawaii
96858, dated 12 February 2013 (continued)

DISTRIBUTION:

1-Accused (SFC Frye)

1-MJ (COL [REDACTED])

1-TC (CPT [REDACTED])

1-DC (MAJ [REDACTED])

1-Cdr, HHC, 8th STB

1-Cdr, 8th TSC

2-SJA, 8th TSC

1-SJA, Fort Sill, OK 73503

1-Cdr, 125th FIN MGT CO, ATTN: Special Actions, Schofield Barracks, HI 96857

1-Cdr, USAREC, ATTN: PCRE-FS, Fort Benjamin Harrison, IN 46249

1-USACIDC (Evidence Custodian), Schofield Barracks, HI 96857

1-PCF, Bldg. 3601, Packard Rd., Fort Sill, OK 73503-5100, Attn.: Ms. Diaz

1-HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506

1-USACIDL, 4553 N 2nd, Forest Park, GA 30297-5122

1-HQ, Department of the Army, Office of the Provost Marshal General, ATTN: MP Division
Operations, 2800 Army Pentagon, Washington, DC 20310-2800

1-PMO, ATTN: Admin Records, Schofield Barracks, HI 96857

10-Clerk of Court, ATTN: JALS-CCZ, U.S. Army Legal Services Agency, HQDA, 901 N.
Stuart St., Arlington, VA 22203

1-Directot, U.S. Army Crime Records Center, Building 1465, 6010 6th Street, Fort Belvoir, VA
22060-5585

1-Reference Set

1-Record Section

CORRECTED COPY

General Court-Martial Order Number 13 was the last of the series for 2012

DNA processing is required. 10 U.S.C. § 1565

DEPARTMENT OF THE ARMY
Headquarters United States Army Maneuver Center of Excellence
1 Karker Street, Building 4
Fort Benning, Georgia 31905-4500

GENERAL COURT-MARTIAL ORDER
NUMBER 1

1 March 2013

Specialist Patrick A. Wright, [REDACTED], US Army, Headquarters and Headquarters Company, Maneuver Center of Excellence, Fort Benning, Georgia, was arraigned at Fort Benning, Georgia, on the following offenses at a general court-martial, convened by the Commander, United States Army Maneuver Center of Excellence.

Charge I: Article 120. Plea: Guilty. Finding: Guilty.

Specification 1: At or near Sierra Vista, AZ, between on or about 1 July 2010 and on or about 1 October 2010, engaged in a sexual act, to wit: penetrate with his penis, the vulva of SPC [REDACTED] who was substantially incapacitated. Plea: Guilty. Finding: Guilty.

Specification 2: At or near Sierra Vista, AZ, between on or about 1 July 2010 and on or about 1 October 2010, caused SPC [REDACTED] to engage in a sexual act, to wit: penetration, with his penis, the vulva of SPC [REDACTED] causing bodily harm upon her to wit: spreading her legs open. Plea: Guilty. Finding: Guilty.

Charge II: Article 107. Plea: None. Finding: Dismissed.

Specification 1: At or near Lakeland, FL, on or about 15 November 2011, with intent to deceive, made to SA [REDACTED], an official statement, to wit: replying "No" when asked, "Did SPC [REDACTED] appear to pass out at anytime while having sexual intercourse with her?" and replying "Because she kissed me back when I kissed her and she started touching me over my clothes and never stopped me from touching or removing any of her clothes" when asked "What made you believe SPC [REDACTED] wanted to have sexual intercourse with you," or words to that effect, which statements were totally false, and were then known by the accused to be false. Plea: None. Finding: Dismissed.

Specification 2: At or near Lakeland, FL, on or about 12 October 2011, with intent to deceive, made to SA [REDACTED], an official statement, to wit: replying "No" when asked "Did [REDACTED] tell you no or stop at any time when you are having sexual intercourse," or words to that effect, which statement was totally false, and was then known by the accused to be false. Plea: None. Finding: Dismissed.

20121075

GCMO No. 1, DA, HQ, MCOE, Ft Benning, GA 31905, dtd 1 Mar 13, cont.

Charge III: Article 134. Plea: Guilty. Finding: Guilty.

The Specification: At or near Sierra Vista, AZ, between on or about 1 July 2010 and on or about 1 October 2010, provided alcohol to SPC [REDACTED] a person who was under the legal age to consume alcohol, such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces. Plea: Guilty. Finding: Guilty.

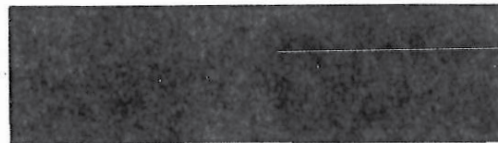
SENTENCE

The sentence was adjudged on 29 November 2012. To be reduced to the grade of Private (E-1), to forfeit all pay and allowances, to be confined for 15 months, and to be discharged from the service with a bad-conduct discharge.

ACTION

The sentence is approved and, except for that part of the sentence extending to a bad-conduct discharge, will be executed.

BY COMMAND OF MAJOR GENERAL MCMASTER:



DISTRIBUTION:

Accused

Military Judge

Trial Counsel

Defense Counsel

Cdr, IHIC, MCOE

Cdr, MCOE

Cdr, MCOE, ATTN: SJA (2) Fort Benning, GA 31905

Cdr, Naval Support Activity Northwest Annex, Chesapeake, VA 23322

Cdr, Naval Consolidated Brig Chesapeake, Chesapeake, VA 23322

Naval Consolidated Brig Chesapeake, Chesapeake, VA 23322

Personnel Control Facility, ATTN: Personnel Records, Ft Knox, KY 40121

Cdr, HRC, ATTN: AHRC-PDR-R, 1600 Spearhead Ave Dept #420, Ft Knox, KY 40122

Cdr, Military Police Activity, Fort Benning, Georgia 31905

HQ, USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506

HQDA, Office of the Provost Marshal General, ATTN: MP Division Operations, 2800 Army

Pentagon, Washington, D.C. 20310-2800

U.S. Army Criminal Investigation Lab, Fort Gillem, ATTN: CODIS Lab, 4553 North 2d Street,

Bldg 213B, Forest Park, Georgia 30297-5122

Clerk of Court, (JALS-CC), 9275 Gunston Rd, Fort Belvoir, VA 22060 (10)

Record Set



DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: Commander, III Corps and Fort Hood, Fort Hood, Texas 76544-5034

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v Private Carlos A. GONZALEZ GOMEZ, [REDACTED] U.S. Army, 602d Support Maintenance Company, 553d Combat Sustainment Support Battalion, 4th Sustainment Brigade, Fort Hood, Texas 76544.

2. Trial by General court-martial on 19, 29 and 30 November 2012, at Fort Hood, Texas, convened by: CMCO #59, Headquarters, III Corps and Fort Hood, Fort Hood, TX, dated 18 June 2012; as amended by CMCO #85, same headquarters, dated 13 November 2012; as amended by CMCO #86, same headquarters, dated 21 November 2012; as amended by CMCO # 88, same headquarters, dated 28 November 2012.

3. Summary of offenses, pleas, and findings:

CH	ART	UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
I	91		THE	Having received a lawful order from SFC [REDACTED] a non-commissioned officer, then known by PVT Carlos A. Gonzalez Gomez to be a non-commissioned officer, to have no contact with PVT [REDACTED] and to not violate the the no contact order with him, or words to that effect, an order which it was his duty to obey, did, a/n New Jersey and a/n New York, between o/a 29 Dec 11 and o/a 1 Jan 12, willfully disobey the same.	NG	G

[SEE CONTINUATION SHEET]

4. SENTENCE: (Trial by officer panel) To be confined for 6 years; and to be dishonorably discharged from the Service.

5. Date sentence adjudged and effective date of any forfeiture/reduction in grade (YYYYMMDD): 20121130/20121214.

(Subject to Convening Authority's approval of waiver, if any.) (See UCMJ Articles 57-58b and R.C.M. 1101.)

6. Contents of pretrial agreement concerning sentence, if any: None.

7. Number of days of pre-sentence confinement, if any: None.

8. Number of days of judge-ordered administrative credit (e.g., Article 13 violation or pre-sentence restriction found tantamount to confinement), if any: None.

9. Total pre-sentence confinement credit toward post-trial confinement: None.

10. Name(s) and SSN(s) of companion accused or co-accused, if any: None.

11. DNA processing IAW 10 U.S.C. § 1565 is required.

12. Conviction does require sex offender registration IAW 42 U.S.C. § 14071.

MJ: COL [REDACTED]
CR: SGT [REDACTED]

TC: CPT [REDACTED]
ATC: LTC [REDACTED]

DC: MAJ [REDACTED]
ADC: CPT [REDACTED]

[REDACTED]

SIGNATURE [REDACTED]

RANK
CPT

BRANCH OF SERVICE
JA

CONTINUATION SHEET, DA FORM 4430 PERTAINING TO PVT CARLOS A. GONZALEZ GOMEZ, ██████████ 602D SUPPORT MAINTENANCE COMPANY, 553D COMBAT SUSTAINMENT SUPPORT BATTALION, 4TH SUSTAINMENT BRIGADE, Fort Hood, Texas 76544.

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
II	107	1	Did, a/n Fort Hood, TX o/a 29 Dec 11, with intent to deceive, make to SFC ██████████ an official statement, to wit: I am going to Austin with a couple of friends and am not going to be hanging out with PVT ██████████ or words to that effect, when asked to account for his plans over the weekend, which statement was totally false, and was then known by the said PVT Carlos A. Gonzalez Gomez to be so false.	NG	G
		2	Did, a/n New Jersey and a/n New York o/a 1 Jan 12, with intent to deceive, make to SSG ██████████ an official statement, to wit: I am in Austin or words to that effect, which statement was totally false, and was then known by the said PVT Carlos A. Gonzalez Gomez to be so false.	NG	G
		3	Did, a/n New Jersey and a/n New York o/a 1 Jan 12, with intent to deceive, make to SFC ██████████ an official statement, to wit: that he was in Austin and that his friend that drove was drunk and passed out so it would be sometime before he could make it back, or words to that effect, which statement was totally false, and was then known by the accused to be so false.	NG	G
		4	Did, a/n New Jersey and a/n New York o/a 1 Jan 12, with intent to deceive, make to SFC ██████████ an official statement, to wit: that he was in California at his father's house, or words to that effect, which statement was totally false, and was then known by the said PVT Carlos A. Gonzalez Gomez to be so false.	NG	G

CONTINUATION SHEET, DA FORM 4430 PERTAINING TO PVT CARLOS A. GONZALEZ GOMEZ, ██████████ 602D SUPPORT MAINTENANCE COMPANY, 553D COMBAT SUSTAINMENT SUPPORT BATTALION, 4TH SUSTAINMENT BRIGADE, Fort Hood, Texas 76544.

3. Summary of offenses, pleas, and findings:

ADD CH	ART	UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
III	120		1	Did, a/n New Jersey and a/n New York, between o/a 31 Dec 11 and o/a 1 Jan 12, wrongfully commit indecent conduct, to wit: laid next to PVT ██████████ in bed engaging in sexual contact with him including penetrating PVT ██████████ anus with his penis, in the presence of Mr. ██████████	NG	G
			2	Did, a/n New Jersey and a/n New York, between o/a 31 Dec 11 and o/a 1 Jan 12, engage in sexual contact with PVT ██████████ to wit: penetrated PVT ██████████ anus with his penis, while PVT ██████████ was substantially incapacitated, substantially incapable of appraising the nature of the sexual contact, substantially incapable of declining participation in the sexual contact and substantially incapable of communicating unwillingness to engage in the sexual contact.	NG	G
			3	Did, a/n New Jersey and a/n New York, between o/a 31 Dec 11 and o/a about 1 Jan 12, engage in sexual contact with PVT ██████████ to wit: penetrated PVT ██████████ anus with his penis, and such sexual contact was without legal justification or lawful authorization and without the permission of PVT ██████████ and was done with the intent to arouse or gratify the sexual desires of PVT Carlos A. Gonzalez Gomez.	NG	G
IV	125		THE	Did, a/n New Jersey and a/n New York, between o/a 31 Dec 11 and o/a 1 Jan 12, commit sodomy with PVT ██████████ by force and without the consent of the said PVT ██████████	NG	G

CONTINUATION SHEET, DA FORM 4430 PERTAINING TO PVT CARLOS A. GONZALEZ GOMEZ, [REDACTED] 602D SUPPORT MAINTENANCE COMPANY, 553D COMBAT SUSTAINMENT SUPPORT BATTALION, 4TH SUSTAINMENT BRIGADE, Fort Hood, Texas 76544.

CH	ART	UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
V		134	THE	Did, a/n New Jersey and a/n New York, between o/a 31 Dec 11 and o/a 1 Jan 12, with intent to commit sodomy, commit an assault upon PVT [REDACTED] by forcibly penetrating PVT [REDACTED] anus with his penis, and that the said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.	NG	D*

* After arraignment, the trial counsel's motion to dismiss Charge V and its specification was granted by the military judge.

(END OF CHARGES)



DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL						
For use of this form, see AR 27-10; the proponent agency is OTJAG						
TO: Commander, III Corps and Fort Hood, Fort Hood, Texas 76544-5034						
1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v Specialist (E4) Matthew FOREMAN, [REDACTED] US Army, A Company, 62d Expeditionary Signal Battalion, 11th Signal Brigade, Fort Hood, Texas 76544.						
2. Trial by General court-martial on 16 August 2012, 3 October 2012, 30 October 2012, and 28 January 2013 at Fort Hood, Texas, convened by: CMCO Number 59, Headquarters, III Corps and Fort Hood, Fort Hood, Texas, dated 18 June 2012.						
3. Summary of offenses, pleas, and findings:						
CH	ART	UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
I	109		THE	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, willfully and wrongfully damage a dog by throwing it, injuring its body, the dog being of some value, the amount of said damage being over \$500.00, the property of SPC [REDACTED]	NG	NG
II	120		THE	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, cause SPC [REDACTED] to engage in a sexual act, to wit: penetrating her vulva with his penis, by using strength, power and restraint applied to SPC [REDACTED] sufficient that she could not avoid or escape the sexual conduct.	NG	D*
[SEE CONTINUATION SHEET]						
4. SENTENCE: (Trial by MJ alone, LTC [REDACTED] To forfeit all pay and allowances; to be reduced to E1; to be confined for 19 months; and to be discharged from the Service with a bad-conduct discharge.						
5. Date sentence adjudged and effective date of any forfeiture/reduction in grade (YYYYMMDD): 20130128/20130211. <small>(Subject to Convening Authority's approval of waiver, if any.) (See UCMJ Articles 57-58b and R.C.M. 1191.)</small>						
6. Contents of pretrial agreement concerning sentence, if any: a.) Disapprove any confinement in excess of eight (8) months.						
7. Number of days of pre-sentence confinement, if any: none.						
8. Number of days of judge-ordered administrative credit (e.g., Article 13 violation or pre-sentence restriction found tantamount to confinement), if any: N/A.						
9. Total pre-sentence confinement credit toward post-trial confinement: N/A						
10. Name(s) and SSN(s) of companion accused or co-accused, if any: None						
11. DNA processing IAW 10 U.S.C. § 1565 is required.						
12. Conviction does not require sex offender registration IAW 42 U.S.C. § 14071.						
MJ: LTC [REDACTED]		TC: LTC [REDACTED]		DC: CPT [REDACTED]		
CR: SGT [REDACTED]		TC: CPT [REDACTED]		DC: MAJ [REDACTED]		
RANK		CPT		JA		

Department of the Army FOIA Responses



CONTINUATION SHEET, DA FORM 4430 PERTAINING TO SPC MATTHEW W. FOREMAN, [REDACTED], US Army, A Company, 62d Expeditionary Signal Battalion, 11th signal Brigade, Fort Hood, Texas 76544

3. Summary of offenses, pleas, and findings (continued):

CH	ART	UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
III	120a		THE	SPC Matthew Foreman should have known that SPC [REDACTED] would be placed in reasonable fear of bodily harm to herself, did, o/n 1 MAR 10 Fort Hood, Texas, between o/a and 15 DEC 10, wrongfully engage in a course of conduct directed at SPC [REDACTED], to wit: ringing the doorbell when she answer, hid his vehicle by her house, waiting in front of her school for her to come out, and stopping her from leaving in her car, thereby inducing in SPC [REDACTED] a reasonable fear of bodily harm to herself.	NG	NG
IV	121	1		Did, a/n Fort Hood, Texas, between o/a 1 MAR 2010 and 1 DEC 10, wrongfully appropriate a phone, of some value, the property of SPC [REDACTED]	G	G
			2	Did, a/n Fort Hood, Texas between o/a 1 OCT 10 and 15 DEC 10, wrongfully appropriate a backpack, containing personal documents and belongings, of some value, the property of SPC [REDACTED]	NG	G
V	125		THE	Did a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, commit sodomy with SPC [REDACTED] by force without the consent of SPC [REDACTED]	NG	D*
VI	128	1		Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, commit an assault upon SPC [REDACTED] by strangling her on the neck, with force and means likely to produce death or grievous bodily harm, to wit: constricting her neck with his hands to prevent breathing and blood circulation.	NG	NG**
			2	Did, a/n Fort Hood, Texas between o/a 1 MAR 10 and 1 DEC 10, unlawfully grab the face of SPC [REDACTED] with his hand.	G	G
			3	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, unlawfully place a pillow and blanket over SPC [REDACTED] mouth and nose with his hands.	NG	G*

CONTINUATION SHEET, DA FORM 4430 PERTAINING TO SPC MATTHEW W. FOREMAN, [REDACTED] US Army, A Company, 62d Expeditionary Signal Battalion, 11th signal Brigade, Fort Hood, Texas 76544

3. Summary of offenses, pleas, and findings (continued):

CH	ART	UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
			4	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, unlawfully pick up the body of SPC [REDACTED] with his hands and shoulders and refuse to put her down.	NG	G
			5	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, unlawfully spit on SPC [REDACTED] face with saliva from his mouth.	G	G
			6	Did, a/n Fort Hood, Texas, on divers occasions between o/a 1 MAR 10 and 1 DEC 10, unlawfully grab SPC [REDACTED] on her wrist with his hand.	NG	G
			7	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, assault SPC [REDACTED] by throwing a table at her.	NG	G
			8	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, assault SPC [REDACTED] by throwing a chessboard at her.	NG	G
VII	134		1	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, with intent to commit rape, commit assault upon SPC [REDACTED] by picking her up and carrying her up the stairs, throwing her on the bed, grabbing her breasts and kissing her neck, while she was resisting, which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.	NG	D*
			2	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, wrongfully and intentionally interfere with SPC [REDACTED], when taking the phone from her so she could not call the police to report him for misconduct, which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.	NG	NG
			3	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, wrongfully injure a dog by throwing it, resulting in a large veterinary bill, which conduct, under the circumstances was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.	NG	NG



CONTINUATION SHEET, DA FORM 4430 PERTAINING TO SPC MATTHEW W. FOREMAN, [REDACTED] US Army, A Company, 62d Expeditionary Signal Battalion, 11th signal Brigade, Fort Hood, Texas 76544

3. Summary of offenses, pleas, and findings (continued):

CH	ART	UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
			4	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, willfully and wrongfully carry away SPC [REDACTED] a person not a minor, against her will, which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.	NG	G
			5	Did, a/n Fort Hood, Texas, on divers occasions between o/a 1 MAR 10 and 1 DEC 10, willfully and wrongfully confine SPC [REDACTED] a person not a minor, against her will, by blocking her and getting in front of her when she was trying to get out of the kitchen door, and locking the kitchen door so she could not leave the building, which conduct, under the circumstances, was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.	NG	D**
			6	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, wrongfully communicate to SGT [REDACTED] a threat to "bust open" CPL [REDACTED] head, or words to that effect, which conduct was to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces.	NG	NG**
			7	Did, a/n Fort Hood, Texas, between o/a 1 MAR 10 and 1 DEC 10, wrongfully communicate to SPC [REDACTED] a threat to burn and destroy her citizenship paperwork and her passport, or words to that effect, which conduct, under the circumstances, was prejudicial to the good order and discipline of the armed forces and of a nature to bring discredit upon the armed forces.	NG	G

D*-The Military Judge granted a Government motion to dismiss The Specification of C Charge II and Charge II, The Specification of Charge V and Charge V, and Specification 1 of Charge VII with prejudice after plea was found provident and before findings evidence was given.

D**The Military Judge dismissed Specification 5 of Charge VII based on Defense motion of failure to state an offense prior to announcing findings.

NG* The Military Judge made an RCM 917 ruling finding the accused NG of Specification 6 of Charge VII after plea was found provident and before findings were announced.

NG** The Military Judge granted a Defense motion to dismiss and entered a verdict of NG of Specification 1 of Charge VI and Specification 6 of Charge VII after plea was found provident and before findings were announced.

G* Guilty, except the words "and blanket" of the excepted words, Not Guilty, of the Specification, Guilty.

DEPARTMENT OF THE ARMY
HEADQUARTERS, FORT BLISS
FORT BLISS, TX 79918

GENERAL COURT-MARTIAL ORDER
NUMBER 17

15 May 2013

Staff Sergeant Brent A. Ingersoll, [REDACTED] U.S. Army, Headquarters and Headquarters Company, 1st Battalion, 77th Armor Regiment, 4th Heavy Brigade Combat Team, 1st Armored Division, Fort Bliss, Texas, 79918, was arraigned at Fort Bliss, Texas, on the following offenses at a general court-martial convened by the Commander, Headquarters, Fort Bliss.

Charge I. Article 120. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: Between on or about 13 December 2007 and on or about 21 January 2012, on divers occasions, at or near Fort Bliss, Texas, the accused, did, engage in a lewd act, to wit: touch with his hand the genitalia of [REDACTED] a child who had not attained the age of 16 years. Plea: Not Guilty. Finding: Not Guilty.

Specification 2: Between on or about 13 December 2007 and on or about 21 January 2012, on divers occasions, at or near Fort Bliss, Texas, the accused, did, engage in a lewd act, to wit: cause his genitalia to be touched by [REDACTED] a child who had not attained the age of 16 years. Plea: Not Guilty. Finding: Not Guilty.

Specification 3: Between on or about 11 September 2009 and on or about 21 January 2012, on divers occasions, at or near Fort Bliss, Texas, the accused, did, engage in sexual contact, to wit: touch with his hand the breasts of [REDACTED] a child who had attained the age of 12 years but had not attained the age of 16 years. Plea: Not Guilty. Finding: Not Guilty.

Specification 4: Between on or about 11 September 2009 and on or about 21 January 2012, on divers occasions, at or near Fort Bliss, Texas, the accused, did, engage in sexual contact, to wit: touch with his hand the genitalia of [REDACTED], a child who had attained the age of 12 years but had not attained the age of 16 years. Plea: Not Guilty. Finding: Not Guilty.

Specification 5: Between on or about 11 September 2009 and on or about 21 January 2012, on divers occasions, at or near Fort Bliss, Texas, and Elephant Butte Lake, New Mexico, the accused, did, cause [REDACTED] to engage in sexual contact, to wit: touch with his penis the hand of [REDACTED] a child who had attained the age of 12 years but had not attained the age of 16 years. Plea: Not Guilty. Finding: Not Guilty.

Specification 6: Between on or about 13 December 2007 and on or about 21 January 2012, on divers occasions, at or near Fort Bliss, Texas, the accused, did, take indecent liberties in the physical presence of [REDACTED] a female under 16 years of age, by exposing his penis, with the intent to arouse, appeal to, or gratify the sexual desire of the accused. Plea: Not Guilty. Finding: Not Guilty.

GCMO No. 17, DA, HQ, Fort Bliss, Fort Bliss, TX, 79916, dated 15 May 2013 (Continued)

Charge II. Article 125. Plea: Not Guilty. Finding: Not Guilty.


The Specification: Between on or about 11 September 2009 and on or about 21 January 2012, at or near Fort Bliss, Texas, the accused, did, commit sodomy with [REDACTED] a child who had attained the age of 12 but was under the age of 16 years. Plea: Not Guilty. Finding: Not Guilty.

The findings were announced on 3 October 2012. All rights, privileges and property of which the accused may have been deprived of by virtue of these proceedings will be restored.

BY COMMAND OF MAJOR GENERAL PITTARD:

DISTRIBUTION:

- 1-Accused
- 1-Military Judge (COL [REDACTED])
- 1-Trial Counsel (CPT [REDACTED])
- 1-Defense Counsel (CPT [REDACTED])
- 1-Cdr, HHC, 1st Bn, 77th AR Regt., 4th HBCT, 1st AR DIV
- 1-Cdr, 1st Bn, 77th AR Regt., 4th HBCT, 1st AR DIV
- 1-Cdr, 4th HBCT, 1st AR DIV
- 1-AFBL-DHR-AGR, AFBL-DRM-F, AFBL-PM
- 1-Cdr, 76th MP DET (CID), 11th MP BN CID
- 2-Cdr, HQ, Fort Bliss, ATTN: SJA
- 1-U.S. Army Court of Criminal Appeals, ATTN: Clerk of Court (JALS-CCZ),
9275 Gunston Road, Fort Belvoir, Virginia 22060-5546
- 1-U.S. Army HRC, ATTN: AHRC-PDR-RB, 1600 Spearhead Division Avenue,
Dept. 420, Fort Knox, Kentucky 40122-5402
- 1-Director, U.S. Army Crime Records Center, Russell Knox Building,
27130 Telegraph Road, Quantico, Virginia 22134
- 1-Cdr, HQ, U.S. Army CID Command, Russell Knox Building,
27130 Telegraph Road, Quantico, Virginia 22134
- 1-Record Set
- 1-Reference Set



M A
Chief, Military Justice

DEPARTMENT OF THE ARMY
HEADQUARTERS, FORT BLISS
FORT BLISS, TX 79918

GENERAL COURT-MARTIAL ORDER
NUMBER 25

17 July 2013

Specialist Steven C. Campbell, [REDACTED] U.S. Army, A Company, 86th Expeditionary Signal Battalion, Fort Bliss, Texas, 79918, was arraigned at Fort Bliss, Texas, on the following offenses at a general court-martial convened by the Commander, Headquarters, Fort Bliss.

The Charge. Article 120. Plea: Not Guilty. Finding: Not Guilty.

Specification 1: Between on or about 1 March 2011 and on or about 31 May 2011, at or near Sierra Vista, Arizona, the accused, did, cause Specialist (E-4) [REDACTED] to engage in a sexual act, to wit: inserting his finger in Specialist (E-4) [REDACTED] vulva, by placing her in fear of physical injury to her person. (After arraignment but before entry of pleas, the military judge granted the unopposed motion of Trial Counsel to dismiss Specification 1 of The Charge.) Plea: None Entered. Finding: Dismissed.

Specification 2 (Re-numbered as Specification 1 of The Charge): Between on or about 1 March 2011 and on or about 31 May 2011, at or near Sierra Vista, Arizona, the accused, did, cause Specialist (E-4) [REDACTED] to engage in a sexual act, to wit: inserting his finger in Specialist (E-4) [REDACTED] vulva, who was substantially incapable of communicating unwillingness to engage in the sexual act. (After arraignment but before entry of pleas, the military judge granted the unopposed motion of Trial Counsel to amend Specification 2 of The Charge by striking the words, symbols, and figure, "cause Specialist (E-4) [REDACTED] to" and by re-numbering it.) Plea: Not Guilty. Finding: Not Guilty.

Specification 3: Between on or about 1 March 2011 and on or about 31 May 2011, at or near Sierra Vista, Arizona, the accused, did, engage in sexual contact, with Specialist (E-4) [REDACTED] to wit: touching her genitalia with his finger, by placing her in fear of physical injury to her person. (After arraignment but before entry of pleas, the military judge granted the unopposed motion of Trial Counsel to dismiss Specification 3 of The Charge.) Plea: None Entered. Finding: Dismissed.

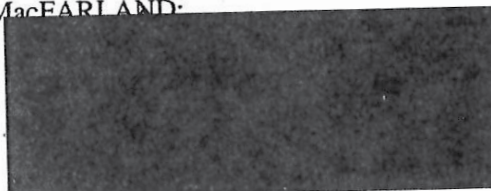
Specification 4 (Re-numbered as Specification 2 of The Charge): Between on or about 1 March 2011 and on or about 31 May 2011, at or near Sierra Vista, Arizona, the accused, did, wrongfully engage in sexual contact with Specialist (E-4) [REDACTED], to wit: touching her genitalia with his finger, while Specialist (E-4) [REDACTED] was substantially incapable of communicating unwillingness to engage in the sexual contact. (After arraignment but before entry of pleas, the military judge granted the unopposed motion of Trial Counsel to amend Specification 4 of The Charge by striking the word, "wrongfully" and by re-numbering it.) Plea: Not Guilty. Finding: Not Guilty.

GCMO No. 25, DA, HQ, Fort Bliss, Fort Bliss, TX, 79916, dated 17 July 2013 (Continued)

Specification 5: Between on or about 1 March 2011 and on or about 31 May 2011, at or near Sierra Vista, Arizona, the accused, did, engage in sexual contact with Specialist (E-4) [REDACTED] to wit: touching her breasts with his hands, and such sexual contact was without legal justification or lawful authorization and without the permission of Specialist (E-4) [REDACTED] (After arraignment but before entry of pleas, the military judge granted the unopposed motion of Trial Counsel to dismiss Specification 5 of The Charge.) Plea: None Entered. Finding: Dismissed.

The findings were announced on 13 December 2012. All rights, privileges, and property of which the accused may have been deprived of by virtue of these proceedings will be restored.

BY COMMAND OF MAJOR GENERAL MacEARLAND:



DISTRIBUTION:

- 1-Accused
- 1-Military Judge (LTC [REDACTED])
- 1-Trial Counsel (CPT [REDACTED])
- 1-Defense Counsel (CPT [REDACTED])
- 1-Cdr, A Co, 86th ESB
- 1-AFBL-DHR-AGR, AFBL-DRM-F, AFBL-PM
- 1-Cdr, 76th MP DET (CID), 11th MP BN CID
- 2-Cdr, HQ, Fort Bliss, ATTN: SJA
- 1-U.S. Army Court of Criminal Appeals, ATTN: Clerk of Court (JALS-CCZ),
9275 Gunston Road, Fort Belvoir, Virginia 22060-5546
- 1-U.S. Army HRC, ATTN: AHRC-PDR-RB, 1600 Spearhead Division Avenue,
Dept. 420, Fort Knox, Kentucky 40122-5402
- 1-Director, U.S. Army Crime Records Center, Russell Knox Building,
27130 Telegraph Road, Quantico, Virginia 22134
- 1-Cdr, HQ, U.S. Army CID Command, Russell Knox Building,
27130 Telegraph Road, Quantico, Virginia 22134
- 1-Record Set
- 1-Reference Set

MAJ, JA
Chief, Military Justice



DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

For use of this form, see AR 27-10; the proponent agency is OTJAG.

TO:
Commander, Fort Bliss, Fort Bliss, TX 79918

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v _____

SAFIEDEEN, Abess K., CPT, [REDACTED] HHC, 72nd BSB, 212th FiB, 1st AD, Fort Bliss, TX 79918

2. Trial by General court-martial on 11-12 DEC, 2012 at Fort Bliss, TX 79918

convened by: CMCO Number 84 HQ, Fort Bliss, Fort Bliss, TX, dated 13 Apr 2012; as superseded by CMCO 90, dtd 11 Jul 12; 90cc, dtd 11 Jul 12; CMCO 92, dtd 24 Aug 12; CMCO 94; dtd 11 Sep 12; CMCO 97, 3 Oct 12;

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSE(S)	PLEA	FINDING
----	----------	------	---------------------------------	------	---------

SEE CONTINUATION SHEETS 1-3

4. SENTENCE:

To be confined for 48 months. To be dismissed from the service.

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade (YYYYMMDD): 20121212/20121226
(See UCMJ Articles 57-58b and R.C.M. 1101.)

6. Contents of pretrial agreement concerning sentence, if any:
None

7. Number of days of presentence confinement, if any: None

8. Number of days of judge-ordered administrative credit for presentence confinement or restriction found tantamount to confinement, if any: None

9. Total presentence confinement credit toward post-trial confinement: None

10. Name(s) and SSN(s) of companion accused or co-accused, if any:
N/A

11. DNA processing is is not required.

12. Conviction(s) does does not require sex offender registration.

CF:
CDR, HHC, 72d BSB, 212th FiB, 1st AD
Fort Bliss, TX 79918

CDR, 72d BSB, 212th FiB, 1st AD
Fort Bliss, TX 79918

TYPED NAME

SIGN

RANK

BRA

CPT

JA

CONTINUATION SHEET 1, DA Form 4430, Pertaining to SAFIEDEEN, Abess K., CPT,
 [REDACTED] HHC, 72d BSB, 212th FiB, 1st AD, Fort Bliss, TX 79918

2. Continued: as amended by CMCO 104, dtd 10 Dec 12

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES	PLEA	FINDING
I	120			NG	G
		1	Between o/a 1 Nov 11 and o/a 30 Nov 11, at or near El Paso, TX, the accused did, cause SPC [REDACTED] to engage in a sexual act, to wit: insert his penis in her vulva, by causing bodily harm upon her, to wit: an offensive touching.	NG	G
		2	Between o/a 1 Aug 11 and o/a 31 Aug 11 at or near El Paso, TX, the accused did, cause PFC [REDACTED] to engage in sexual act, to wit: insert his finger and/or penis in her genital opening, by causing bodily harm upon her, to wit: an offensive touching.	NG	NG
		3	Between o/a 1 Aug 11 and o/a 31 Aug 11, at or near El Paso, TX, the accused did, wrongfully engage in sexual contact with PFC [REDACTED] to wit: touch her breast with his hand and such sexual contact was without legal justification or lawful authorization and without the permission of PFC [REDACTED]	NG	G

CONTINUATION SHEET 2, DA Form 4430, Pertaining to SAFIEDEEN, Abess K., CPT,
 [REDACTED] HHC, 72d BSB, 212th FiB, 1st AD, Fort Bliss, TX 79918

II 134

NG G

1 Between o/a 1 Nov 11 and o/a 30 Nov at or near El Paso, TX, the accused did, knowingly fraternize with SPC [REDACTED] an enlisted person, on terms of military equality, to wit: inviting her to his residence, consuming alcohol with her and engaging in sexual intercourse with her, in violation of custom of the United States Army that an officer shall not fraternize with enlisted persons on terms of military equality, which conduct, under the circumstances, was prejudicial to the good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

NG G

2 Between o/a 1 Aug 11 and o/a 31 Aug 11, at or near El Paso, TX, the accused did, knowingly fraternize with PFC [REDACTED] an enlisted person, on terms of military equality, to wit: inviting her to his residence, kissing, touching her breast, and digitally penetrating her, in violation of the custom of the United States Army that officers shall not fraternize with enlisted persons on terms of military equality, which conduct, under the circumstances, was prejudicial to the good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

NG G¹

3 Between o/a 15 Oct 11 and o/a 15 Nov 11, at or near El Paso, TX, the accused did, knowingly fraternize with PV2 [REDACTED], an enlisted person, on terms of military equality, to wit: inviting her to his residence to spend the night with him, in violation of the custom of the United States Army that officers shall not fraternize with enlisted persons on terms of military equality, which conduct, under the circumstances, was prejudicial to the good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

NG G

CONTINUATION SHEET 3, DA Form 4430, Pertaining to SAFIEDEEN, Abess K., CPT,
[REDACTED] HHC, 72d BSB, 212th FiB, 1st AD, Fort Bliss, TX 79918

4	Between o/a 1 May 11 and o/a 30 Jun 11, at or near El Paso, TX, the accused did knowingly fraternize with SPC [REDACTED], an enlisted person, on terms of military equality, to wit: inviting her to his residence, in violation of the custom of the United States Army that officers shall not fraternize with enlisted persons on terms of military equality, which conduct, under the circumstances, was prejudicial to the good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.	NG	G
---	--	----	---

1. Guilty, except the words "digitally penetrating her." Of the excepted words, Not Guilty.

DNA Processing required. 10 U.S.C. § 1565

DEPARTMENT OF THE ARMY
HEADQUARTERS, FORT BLISS
FORT BLISS, TX 79918

GENERAL COURT-MARTIAL ORDER
NUMBER 29

18 July 2013

Private First Class John L. Garrett II, [REDACTED] U.S. Army, Rear Detachment, 1st Battalion, 43rd Air Defense Artillery Regiment, 11th Air Defense Artillery Brigade, Fort Bliss, Texas, 79916, was arraigned at Fort Bliss, Texas, on the following offenses at a general court-martial convened by the Commander, Headquarters, Fort Bliss.

Charge I. Article 81. Plea: Not Guilty. (After entry of pleas but before findings, the military judge granted the unopposed motion of Trial to dismiss Charge I.) Finding: Dismissed.

The Specification: On or about 19 May 2012, at or near El Paso, Texas, the accused, did, conspire with Private First Class [REDACTED] to commit an offense under the UCMJ, to wit: rape, in violation of Article 120 of the UCMJ, and in order to effect the object of the conspiracy the said accused did pull Private [REDACTED] shorts down. Plea: Not Guilty. (After entry of pleas but before findings, the military judge granted the unopposed motion of Trial Counsel to dismiss The Specification of Charge I.) Finding: Dismissed.

Charge II (Should have been re-designated as "The" Charge.). Article 120. Plea: Not Guilty, but Guilty to the lesser included offense of assault consummated by a battery, in violation of Article 128, UCMJ. (After entry of pleas but before findings, the military judge granted the unopposed motion of Trial Counsel to dismiss the greater offense of forcible rape in Charge II.) Finding: Not Guilty, but Guilty to the lesser included offense of assault consummated by a battery, in violation of Article 128, UCMJ.

The Specification: On or about 19 May 2012, at or near El Paso, Texas, the accused, did, cause Private [REDACTED] to engage in a sexual act, to wit: inserted his finger and his penis into Private [REDACTED] vagina, by using strength, power, and restraint applied to Private [REDACTED] sufficient that she could not avoid or escape the sexual conduct. Plea: Not Guilty but Guilty to the lesser included offense of assault consummated by a battery in violation of Article 128, UCMJ, in that the accused, U.S. Army, did, at or near El Paso, Texas, on or about 19 May 2012, unlawfully touch Private [REDACTED] on her vagina with his penis. (After entry of pleas but before findings, the military judge granted the unopposed motion of Trial Counsel to dismiss the greater offense of forcible rape in The Specification of Charge II.) Finding: Guilty as amended.

SENTENCE

Sentence was adjudged on 3 April 2013: to be discharged from the service with a Bad-Conduct Discharge, to be confined for six months, and to be reduced to Private, E-1.

GCMO No. 29, DA, HQ, Fort Bliss, Fort Bliss, TX, 79916, dated 18 July 2013 (Continued)

ACTION

The sentence is approved and, except for the Bad-Conduct Discharge, will be executed. On 18 April 2013, the General Court-Martial Convening Authority approved a waiver of the automatic forfeiture of all pay and allowances, for six months from the effective date of sentence, and for the waiver to be paid to the accused's spouse, Mrs. [REDACTED]

BY COMMAND OF MAJOR GENERAL MacFARLAND:



DISTRIBUTION:

- 1-Accused
- 1-Military Judge (LTC [REDACTED])
- 1-Trial Counsel (CPT [REDACTED])
- 1-Defense Counsel (CPT [REDACTED])
- 1-Cdr, Rear D, 1/43 ADA Regt., 11th ADA Bde
- 1-Cdr, 11th ADA Bde
- 1-AFBL-DHR-AGR, AFBL-DRM-F, AFBL-PM
- 1-Cdr, 76th MP DET (CID), 11th MP BN CID
- 2-Cdr, HQ, Fort Bliss, ATTN: SJA
- 10-U.S. Army Court of Criminal Appeals, ATTN: Clerk of Court (JALS-CCZ),
9275 Gunston Road, Fort Belvoir, Virginia 22060-5546
- 1-U.S. Army HRC, ATTN: AHRC-PDR-RB, 1600 Spearhead Division Avenue,
Dept. 420, Fort Knox, Kentucky 40122-5402
- 1-U.S. Army Criminal Investigation Laboratory, Fort Gillem, ATTN: CODIS Lab,
4930 North 31st Street, Forest Park, Georgia 30297-5205
- 1-Director, U.S. Army Crime Records Center, Russell Knox Building,
27130 Telegraph Road, Quantico, Virginia 22134
- 1-Cdr, HQ, U.S. Army CID Command, Russell Knox Building,
27130 Telegraph Road, Quantico, Virginia 22134
- 1-HQDA, Office of the PMG, ATTN: MP Operations Division,
150 Army Pentagon, Washington, DC 20310-0150
- 1-U.S. Army PCF, Fort Sill, Oklahoma 73503
- 1-Midwest Joint RCF, Fort Leavenworth, Kansas 66027
- 1-Record Set
- 1-Reference Set

Department of the Army FOIA Responses



DEPARTMENT OF DEFENSE REPORT OF RESULT OF TRIAL				1. DATE OF TRIAL (YYYYMMDD)	
TO: (Convening Authority) Cdr. Headquarters, Fort Bliss, Fort Bliss, TX 79918					
1. NOTIFICATION UNDER R.C.M. 1101 IS HEREBY GIVEN IN THE CASE OF THE UNITED STATES VERSUS:					
a. NAME (Last, First, Middle Initial)		b. BRANCH OF SERVICE	c. RANK/GRADE	d. DoD ID/SSN (Last 4)	
RAMIREZ, Steven II		U.S. Army	SFC/E-7	(b) (6), (b) (7) (C)	
e. ORGANIZATION (Full address)		2.a. TYPE OF COURT-MARTIAL (X one)			
HHC, U.S. Army Sergeants Major Academy, 1st AR DIV, Fort Bliss, TX 79918		<input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SUMMARY <input type="checkbox"/> JUDGE ALONE <input type="checkbox"/> JUDGE ALONE			
b. CONVENED BY: COURT MARTIAL ORDER NUMBER(S) #90 dtd 11 JUL 12 superseded by #90cc dtd 11 JUL 12; #92 dtd 24 AUG 12; #98 dtd 11 SEP 12: (See Continuation Sheet)			c. ISSUING COMMAND HQ, Fort Bliss, TX 79918	d. DATE (YYYYMMDD) 20120813	
3. SUMMARY OF OFFENSES, PLEAS AND FINDINGS					
a. CHARGE/ SPECIFICATION NO(S)	b. UCMJ ARTICLE(S)	c. DIBRS CODE	d. BRIEF DESCRIPTION OF OFFENSE	e. PLEA	f. FINDING
I 1	120	120-D1	Aggravated sexual assault of a child 12 but under 16 years old.	NG	NG
2		120-II	Abusive sexual contact with child 12 but under 16 years old.	NG	NG
3		120-G1	Aggravated sexual contact with a child under 12 years old.	NG	NG
4		120-II	Abusive sexual contact with child 12 but under 16 years old.	NG	NG
5		120-II	Indecent liberty with a child.	NG	C
II The	134	134-Z-	Provided alcohol to a minor, conduct prejudicial to good order and discipline in the armed forces.	NG	C
4.a. DATE ADJUDGED (YYYYMMDD) 20130425			b. DATE OF ANY FORFEITURES OR REDUCTIONS (YYYYMMDD) 20130509		
5. SENTENCE To be dishonorably discharged from the service, to be confined for one year, (See Continuation Sheet)					
6.a. CONTENTS OF PRE-TRIAL AGREEMENT CONCERNING SENTENCE TO CONFINEMENT (If any) N/A					
b. DAYS OF PRE-TRIAL CREDIT N/A		c. DAYS OF OTHER JUDGE ORDER 120 days		d. TOTAL PRESENTENCE CREDIT TOWARD CONFINEMENT 120 days	
		(b) (6), (b) (7) (C)		(b) (6), (b) (7) (C)	
7. DNA PROCESSING: IAW 10 U.S.C. §1585 <input checked="" type="checkbox"/> IS <input type="checkbox"/> IS NOT REQUIRED.					
8. SEX OFFENDER REGISTRATION: IAW 42 U.S.C. § 14071 <input checked="" type="checkbox"/> IS <input type="checkbox"/> IS NOT REQUIRED.					
9. COMPANION ACCUSED/CO-ACCUSED (Name(s) and Social Security Number(s) (If any)) N/A (b) (6), (b) (7)					
10. DISTRIBUTION (Copy provided to named Agency/Unit(s)) Commandant, USASMA; Cdr, Bde Med Com; SJA, USAFEG; Confinement Facility (CC); FAO; PSB; Accused; Defense Counsel. (b) (6), (b) (7) (C)					
11. SIGNED BY (X one)			SUMMARY COURT-MARTIAL OFFICER		
a. NAME (Last, First, Middle Initial) CAIN, Stacey B.		b. RANK/GRADE CPT/O-3		c. BRANCH OF SERVICE JA/U.S. Army	
(b) (6), (b) (7) (C)		(b) (6), (b) (7) (C)		d. DATE SIGNED (YYYYMMDD) 20130425	

PREVIOUS EDITION IS OBSOLETE

Adobe Professional X

Department of the Army FOIA Responses



DEPARTMENT OF DEFENSE REPORT OF RESULT OF TRIAL				1. DATE OF TRIAL (YYYYMMDD)	
20130530					
TO: (Convening Authority) Commander, Fort Bliss and Fort Bliss, Texas 79918					
1. NOTIFICATION UNDER R.C.M. 1101 IS HEREBY GIVEN IN THE CASE OF THE UNITED STATES VERSUS:					
a. NAME (Last, First, Middle Initial)		b. BRANCH OF SERVICE	c. RANK/GRADE	d. DoD ID/SSN (Last 4)	
Sentner, Ryan L.		US Army	PFC/E-3	[REDACTED]	
e. ORGANIZATION (Full address)		2.a. TYPE OF COURT-MARTIAL (X one)			
Rear Detachment, 1st Battalion, 43rd Air Defense Artillery, 11th Air Defense Artillery Brigade, Fort Bliss, Texas 79916		<input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SUMMARY <input checked="" type="checkbox"/> JUDGE ALONE <input type="checkbox"/> JUDGE ALONE			
b. CONVENED BY: COURT MARTIAL ORDER NUMBER(S)		c. ISSUING COMMAND		d. DATE (YYYYMMDD)	
CMCO #97, dated 3 Oct 12, superseded by CMCO #97cc, dated 3 Oct 12, superseded by CMCO #1, dated 25 Feb 13,		HQ, Fort Bliss, Texas		20130123	
3. SUMMARY OF OFFENSES, PLEAS AND FINDINGS					
a. CHARGE/SPECIFICATION NO(S)	b. UCMJ ARTICLE(S)	c. DIBRS CODE	d. BRIEF DESCRIPTION OF OFFENSE	e. PLEA	f. FINDING
I The	81	120-A1	Conspiracy - Rape Using force on/after 1 Oct 07	NG NG	NG NG
II The	120	120-A1	Rape. Using Force on/after 1 Oct 07	NG NG	G G
(SEE CONTINUATION SHEET)					
4.a. DATE ADJUDGED (YYYYMMDD)			b. DATE OF ANY FORFEITURES OR REDUCTIONS (YYYYMMDD)		
20130530			20130613		
5. SENTENCE Confinement for 4 years, and to be discharged from the US Army with a Dishonorable Discharge.					
6.a. CONTENTS OF PRE-TRIAL AGREEMENT CONCERNING SENTENCE TO CONFINEMENT (If any) None.					
b. DAYS OF PRE-TRIAL CREDIT		c. DAYS OF OTHER JUDGE ORDERED CREDIT		d. TOTAL PRESENTENCE CREDIT TOWARD POST-TRIAL CONFINEMENT	
N/A		N/A		N/A	
7. DNA PROCESSING: IAW 10 U.S.C. §1565			<input checked="" type="checkbox"/> IS	IS NOT REQUIRED.	
8. SEX OFFENDER REGISTRATION: IAW 42 U.S.C. § 14071			<input checked="" type="checkbox"/> IS	IS NOT REQUIRED.	
9. COMPANION ACCUSED/CO ACCUSED (Name(s) and Social Security Number(s) (If any)) [REDACTED]					
10. DISTRIBUTION (Copy provided to named Agencies/Unit(s)) Cdr, RD, I-43, 11th Bde; SJA; USAFB; PSB; Accused; Defense Counsel.					
11. SIGNED BY (X one)		<input checked="" type="checkbox"/> TRIAL COUNSEL	<input type="checkbox"/> SUMMARY COURT-MARTIAL OFFICER		
a. NAME (Last, First, Middle Initial)		b. RANK/GRADE	c. BRANCH OF SERVICE		
[REDACTED]		CPT/O-3	US Army		
d. SIGNATURE			e. DATE SIGNED (YYYYMMDD)		
[REDACTED]			20130530		

DD FORM 1300, 1 MAR 2010

PREVIOUS EDITION IS OBSOLETE

Adobe Professional X

CONTINUATION SHEET, DD Form 2707-1, Pertaining to SENTNER, Ryan L., PFC,
[REDACTED] RD, 1-43 ADA, 11th ADA Bde, Fort Bliss, TX 79916

Continued from block 2.b.:

Superseded by CMCO #4, dated 22 Mar 13, superseded by CMCO #8, dated 18 April 13,
superseded by CMCO #8cc, dated 18 April 13, superseded by CMCO #13, dated 10 May 13.

10/06/2010----- [REDACTED] Decline

This matter is being declined. The reasons were provided to the alleged victim and her family when we met with them on 8/26/2010. The basic reasons are as follows: No physical evidence, intoxication by the parties, alleged assault took place in victim's home (with her entire family home) yet she failed to call for help or try to alert anyone, alleged assault went on for 15 minutes where suspect did not hold her down or cover her mouth yet no call for help even though mom and step-dad just feet away, after assault she did not inform family but rather went down the street and told her friend, went back home and went to sleep with siblings, friend didn't immediately tell her mom until later in the morning, etc. There is no indicia of rape in all the facts of this case. There is a substantial lack of evidence that could be used to prove this beyond a reasonable doubt. Therefore, charges are declined.

Department of the Army FOIA Responses



CORRECTED COPY

DEPARTMENT OF DEFENSE REPORT OF RESULT OF TRIAL			1. DATE OF TRIAL (YYYYMMDD) 20130606		
TO: (Convening Authority) Commander, Headquarters, Joint Readiness Training Center and Fort Polk Fort Polk, Louisiana 71459					
1. NOTIFICATION UNDER R.C.M. 1101 IS HEREBY GIVEN IN THE CASE OF THE UNITED STATES VERSUS:					
a. NAME (Last, First, Middle Initial) Pond, Jeremy M.		b. BRANCH OF SERVICE US Army BB	c. RANK/GRADE SPC	d. DoD ID/SSN (Last 4) [REDACTED]	
e. ORGANIZATION (Full address) 204th MP Co, 519th MP BN, Fort Polk, LA 71459		2.a. TYPE OF COURT-MARTIAL (X one) <input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SUMMARY <input type="checkbox"/> JUDGE ALONE <input type="checkbox"/> JUDGE ALONE			
b. CONVENED BY: COURT MARTIAL ORDER NUMBER(S) CMCO #6, viced CMCO #12, viced CMCO #13		c. ISSUING COMMAND HQ, JRTC and Ft Polk		d. DATE (YYYYMMDD) 20130213	
3. SUMMARY OF OFFENSES, PLEAS AND FINDINGS					
a. CHARGE/ SPECIFICATION NO(S)	b. UCMJ ARTICLE(S)	c. DIBRS CODE	d. BRIEF DESCRIPTION OF OFFENSE	e. PLEA	f. FINDINGS
			SEE CONTINUATION SHEET		
4.a. DATE ADJUDGED (YYYYMMDD) 20130607			b. DATE OF ANY FORFEITURES OR REDUCTIONS (YYYYMMDD) NA 20130621 ^{BB}		
5. SENTENCE To be confined for 5 months, and to be discharged with a Bad Conduct Discharge					
6.a. CONTENTS OF PRE-TRIAL AGREEMENT CONCERNING SENTENCE TO CONFINEMENT (If any) N/A					
b. DAYS OF PRE-TRIAL CREDIT 0		c. DAYS OF OTHER JUDGE ORDERED CREDIT 0		d. TOTAL PRESENTENCE CREDIT TOWARD POST-TRIAL CONFINEMENT 0	
7. DNA PROCESSING: IAW 10 U.S.C. § 1566 <input checked="" type="checkbox"/> IS			<input type="checkbox"/> IS NOT REQUIRED.		
8. SEX OFFENDER REGISTRATION: IAW 42 U.S.C. § 14071 <input type="checkbox"/> IS			<input checked="" type="checkbox"/> IS NOT REQUIRED.		
9. COMPANION ACCUSED/CO-ACCUSED (Name(s) and Social Security Number(s) (If any)) N/A					
10. DISTRIBUTION (Copy provided to named Agencies/Unit(s)) Cdr, 204th MP Co, 519th MP Bn; SJA, HQ, JRTC and Ft Polk; PSB; Accused; Defense Counsel.					
11. SIGNED BY (X one) <input checked="" type="checkbox"/> TRIAL COUNSEL		<input type="checkbox"/> SUMMARY COURT-MARTIAL OFFICER			
a. NAME (Last, First, Middle Initial) [REDACTED]		b. RANK/GRADE MAJ	c. BRANCH OF SERVICE JA	e. DATE SIGNED (YYYYMMDD) 20130607	

PREVIOUS EDITION IS OBSOLETE.

APD PE v1.00ES

Department of the Army FOIA Responses



CONTINUATION SHEET, DD Form 2707-1 – SPC POND, JEREMY, M., [REDACTED] U.S. Army, 204th Military Police Company, 519th Military Police Battalion, Fort Polk, LA 71459

Item 3 Continued:

a. CHARGE /SPECIFICATION NO(S)	b. UCMJ ARTICLE(S)	c. DIBRS CODE	d. BRIEF DESCRIPTION OF OFFENSE	e. PLEA	f. FINDINGS
I	107	107-B-	To the charge	Not Guilty	Guilty
		1	In that Specialist Jeremy M Pond, U.S. Army, did, at or near Fort Polk, Louisiana, on or about 26 September 2012, with intent to deceive, make to Special Agent [REDACTED] an official statement, to wit: "No," in response to the questions, "Did you have sexual intercourse with Mrs. [REDACTED]" and "Did you bite Mrs. [REDACTED]" which statements were was totally false, and were was then known by the said Specialist Pond to be so false.	Not Guilty	Guilty
II	120	120-	To the charge	Not Guilty	Not Guilty
		1	In that Specialist Jeremy M Pond, U.S. Army, did, at or near Leesville, Louisiana, between on or about 8 September 2012 and on or about 9 September 2012, commit a sexual act upon Mrs. [REDACTED] to wit: placing his penis in her vulva, when Mrs. [REDACTED] was incapable of consenting to the sexual act due to impairment by a drug, intoxicant, or other similar substance, and that condition was known or reasonably should have been known by the Accused.	Not Guilty	Not Guilty
III	128	128-B-	To the charge	Not Guilty	Not Guilty
		1	In that Specialist Jeremy M Pond, U.S. Army, did, at or near Leesville, Louisiana, between on or about 8 September 2012 and on or about 9 September 2012, unlawfully bite Mrs. [REDACTED] on the neck.	Not Guilty	Not Guilty
IV	134	134-B1	To the charge	Not Guilty	Guilty
		1	In that Specialist Jeremy M Pond, U.S. Army, a married man, did, at or near	Not Guilty	Guilty

CONTINUATION SHEET, DD Form 2707-1 -- SPC POND, JEREMY, M., [REDACTED] U.S. Army, 204th Military Police Company, 519th Military Police Battalion, Fort Polk, LA 71459

			Leesville, Louisiana, between on or about 8 September 2012 and on or about 9 September 2012, wrongfully have sexual intercourse with Mrs. [REDACTED] a married woman not his wife, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.		
--	--	--	--	--	--

1

Department of the Army FOIA Responses



CONTINUATION SHEET DA FORM 4430 1 of 2, SSG CARLSON, Robert D. [REDACTED]
 U.S. Army, A Company, 1st Battalion, 24th Infantry Regiment, Fort Wainwright, AK 99703

Item 2, continued: United States Army Alaska, dated 31 August 2012, as amended by CMCO 1, same HQ, dated 16 January 2013.

Item 3, continued:

CH	ART UCMJ	SPEC	Brief Description of Offenses	Plea	Finding
I	80	1	In that Staff Sergeant Robert D. Carlson, U.S. Army, did at or near Fairbanks, Alaska, on or about 22 July 2012, with premeditation, attempt to murder Sergeant [REDACTED] of the Fairbanks Police Department, by means of shooting at Sergeant [REDACTED] with a pistol.	NG	Dismissed
II	128	1	In that Staff Sergeant Robert D. Carlson, U.S. Army, did at or near Fairbanks, Alaska, on or about 22 July 2012, commit an assault upon Sergeant [REDACTED] of the Fairbanks Police Department, by shooting at him with a dangerous weapon likely to produce death or grievous bodily harm, to wit: a loaded firearm.	G	G
		2	In that Staff Sergeant Robert D. Carlson, U.S. Army, did at or near Fairbanks, Alaska, on or about 22 July 2012, commit an assault upon Ms. [REDACTED] by shooting at her with a dangerous weapon likely to produce death or grievous bodily harm, to wit: a loaded firearm.	G	G
		3	In that Staff Sergeant Robert D. Carlson, U.S. Army, did at or near Fairbanks, Alaska, on or about 22 July 2012, commit an assault upon Ms. [REDACTED] by shooting at her with a dangerous weapon likely to produce death or grievous bodily harm, to wit: a loaded firearm.	G	G
		4	In that Staff Sergeant Robert D. Carlson, U.S. Army, did at or near Fairbanks, Alaska, on or about 22 July 2012, commit an assault upon Ms. [REDACTED] by shooting at her with a dangerous weapon likely to produce death or grievous bodily harm, to wit: a loaded firearm.	G	G
		5	In that Staff Sergeant Robert D. Carlson, U.S. Army, did at or near Fairbanks, Alaska, on or about 22 July 2012, commit an assault upon Ms. [REDACTED] by pointing at her with a dangerous weapon likely to produce death or grievous bodily harm, to wit: a loaded firearm.	NG	Dismissed

Department of the Army FOIA Responses



CONTINUATION SHEET DA FORM 4430 2 of 2, , SSG CARLSON, Robert D., [REDACTED]
 U.S. Army, A Company, 1st Battalion, 24th Infantry Regiment, Fort Wainwright, AK 99703

		6	In that Staff Sergeant Robert D. Carlson, U.S. Army, did at or near Fairbanks, Alaska, on or about 22 July 2012, unlawfully strike Ms. [REDACTED] in the face with his hand.	G	G
III	134	1	In that Staff Sergeant Robert D. Carlson, U.S. Army, did at or near Fairbanks, Alaska, on or about 22 July 2012, wrongfully communicate to Ms. [REDACTED] a threat, by stating that "if the police show up, there will be bloodshed," or words to that, effect and that said conduct was prejudicial to good order and discipline in the armed forces, and was of a nature to bring discredit upon the armed forces.	NG	Dismissed
		2	In that Staff Sergeant Robert D. Carlson, U.S. Army, did at or near Fairbanks, Alaska, on or about 22 July 2012, wrongfully and willfully discharge a firearm, to wit: a pistol, from the window of his apartment building at the Birchwood Homes apartment complex, under circumstances such as to endanger human life, and that said conduct was prejudicial to good order and discipline in the armed forces, and was of a nature to bring discredit upon the armed forces.	G	G
		3	In that Staff Sergeant Robert D. Carlson, U.S. Army, did at or near Fairbanks, Alaska, on or about 22 July 2012, wrongfully and wantonly engage in conduct, to wit: shooting at Sergeant [REDACTED] of the Fairbanks Police Department with a pistol, conduct likely to cause death or grievous bodily harm to Sergeant [REDACTED] and that said conduct was prejudicial to good order and discipline in the armed forces, and was of a nature to bring discredit upon the armed forces.	G	G

Department of the Army FOIA Responses



DEPARTMENT OF DEFENSE REPORT OF RESULT OF TRIAL			1. DATE OF TRIAL (YYYYMMDD) 20130604		
TO: (Convening Authority) Commander, Headquarters, Joint Readiness Training Center and Fort Polk, Fort Polk, Louisiana 71459					
1. NOTIFICATION UNDER R.C.M. 1101 IS HEREBY GIVEN IN THE CASE OF THE UNITED STATES VERSUS:					
a. NAME (Last, First, Middle Initial) Labue, Daniel P.		b. BRANCH OF SERVICE Army	c. RANK/GRADE SPC	d. DoD ID/SSN (Last 4) [REDACTED]	
e. ORGANIZATION (Full address) HHC, 1st MEB, Fort Polk, LA 71459		2.a. TYPE OF COURT-MARTIAL (X one) <input checked="" type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SUMMARY <input checked="" type="checkbox"/> JUDGE ALONE <input type="checkbox"/> JUDGE ALONE			
b. CONVENED BY: COURT MARTIAL ORDER NUMBER(S) CMCO #6		c. ISSUING COMMAND HQ, JRTC & Fort Polk		d. DATE (YYYYMMDD) 20130213	
3. SUMMARY OF OFFENSES, PLEAS AND FINDINGS					
a. CHARGE/ SPECIFICATION NO(S).	b. UCMJ ARTICLE(S)	c. DIBRS CODE	d. BRIEF DESCRIPTION OF OFFENSE	e. PLEA	f. FINDINGS
SEE CONTINUATION SHEET					
4.a. DATE ADJUDGED (YYYYMMDD) 20130604			b. DATE OF ANY FORFEITURES OR REDUCTIONS (YYYYMMDD) N/A		
5. SENTENCE N/A					
6.a. CONTENTS OF PRE-TRIAL AGREEMENT CONCERNING SENTENCE TO CONFINEMENT (If any) N/A					
b. DAYS OF PRE-TRIAL CREDIT 0		c. DAYS OF OTHER JUDGE ORDERED CREDIT 0		d. TOTAL PRESENTENCE CREDIT TOWARD POST-TRIAL CONFINEMENT 0	
7. DNA PROCESSING: IAW 10 U.S.C. § 1565 <input type="checkbox"/> IS <input type="checkbox"/> IS NOT REQUIRED.					
8. SEX OFFENDER REGISTRATION: IAW 42 U.S.C. § 14071 <input type="checkbox"/> IS <input checked="" type="checkbox"/> IS NOT REQUIRED.					
9. COMPANION ACCUSED/CO-ACCUSED (Name(s) and Social Security Number(s) (If any)) None					
10. DISTRIBUTION (Copy provided to named Agencies/Unit(s)) Cdr, JRTC & FP, Cdr, 1st MEB; Cdr 88th BSB; Cdr HHC; SJA, JRTC & FP, Confinement Facility (CF); FAO; PSB; Accused; DC.					
11. SIGNED BY (X one) <input checked="" type="checkbox"/> TRIAL COUNSEL <input type="checkbox"/> SUMMARY COURT-MARTIAL OFFICER					
a. NAME (Last, First, Middle Initial) [REDACTED]		b. RANK/GRADE MAJ/O-4	c. BRANCH OF SERVICE JA	e. DATE SIGNED (YYYYMMDD) 20130604	
d. SIGNATURE [REDACTED]					

PREVIOUS EDITION IS OBSOLETE

APD PE v1 30ES

Department of the Army FOIA Responses



CONTINUATION SHEET, DA FORM 2707-1, Specialist Labue, Daniel P., ██████████ Headquarters and Headquarters Company, 1st Maneuver Enhancement Brigade, Fort Polk, Louisiana 71459

3. Summary of Offenses (Cont'd):

CH	SPEC	ART UCMJ	DIBRS CODE	BRIEF DESCRIPTION OF OFFENSES	PLEA	FINDING
I		120		To the charge	Not Guilty	Not Guilty
	1		120-	In that Specialist Daniel P. Labue, U.S. Army, did, at or near Fort Polk, Louisiana, on or about 5 September 2012, commit a sexual act upon ██████████ to wit: inserting his finger into her vulva by unlawful force, to wit: using restraint applied to ██████████ sufficient that she could not avoid or escape the sexual conduct.	Not Guilty	Not Guilty
	2		120-	In that Specialist Daniel P. Labue, U.S. Army, did, at or near Fort Polk, Louisiana, on or about 5 September 2012, commit a sexual act upon ██████████ to wit: touching her vagina with his hand by unlawful force, to wit: using restraint applied to ██████████ sufficient that she could not avoid or escape the sexual conduct.	Not Guilty	Not Guilty
	3		120-	In that Specialist Daniel P. Labue, U.S. Army, did, at or near Fort Polk, Louisiana, on or about 5 September 2012, cause sexual contact by ██████████ to wit: touching his penis through his clothing with her hand, by unlawful force, to wit: using restraint applied to ██████████ sufficient that she could not avoid or escape the sexual conduct.	Not Guilty	Not Guilty
	4		120-	In that Specialist Daniel P. Labue, U.S. Army, did, at the Courtyard Marriott in Dothan, Alabama, between on or about 23 May 2009 and on or about 7 June 2009, wrongfully commit indecent conduct, to wit: while having sexual intercourse with PV2 ██████████ encouraged PV2 ██████████ to perform oral sex on Specialist ██████████ by pulling PV2 ██████████ hair and motioning for Specialist ██████████ to stand up.	Not Guilty	Not Guilty
II		80		To the charge	Not Guilty	Not Guilty

Department of the Army FOIA Responses



CONTINUATION SHEET, DD FORM 2707-1, PERTAINING TO SPC SNIPE, MAURICE A., [REDACTED]
 289TH MP COMPANY, 4TH BATTALION, 3D U.S. INFANTRY REGIMENT (THE OLD GUARD),
 FORT MYER, VIRGINIA 22211

Item 3 Continued:

CH	ART. UCMJ	DIBRS CODE	SPEC	BRIEF DESCRIPTION OF OFFENSE(S)	PLEA/FINDING
I	92	092-A0	1	In that Specialist Maurice A. Snipe, U.S. Army, did, at or near Arlington, Virginia, on divers occasions, between on or about 18 October 2012 and about 09 November 2012, violate a lawful general regulation, to wit: paragraph 7-3a, Army Regulation 600-20, Army Command Policy dated 20 September 2012, by wrongfully soliciting explicit photos from Private First Class [REDACTED] and sending harassing text messages of a sexual nature.	NG/NG
		092-A0	2	In that Specialist Maurice A. Snipe, U.S. Army, did, at or near Arlington, Virginia, on divers occasions, between on or about 31 May 2012 and 31 October 2012, violate a lawful general regulation, to wit: paragraph 7-3a, Army Regulation 600-20, Army Command Policy dated 20 September 2012, by wrongfully soliciting explicit photos from Private First Class [REDACTED] and sending harassing text messages of a sexual nature.	NG/NG
II	120	120-H2	1	In that Specialist Maurice A. Snipe, U.S. Army, did, at or near Washington, District of Columbia, on or about 10 November 2012, commit a sexual act upon Private [REDACTED], to wit: placing his fingers inside her vulva, by causing bodily harm upon her, to wit: by reaching under her skirt and pulling her underwear aside.	NG/NG

Department of the Army FOIA Responses



	THE		082-A	In that Specialist Daniel P. Labue, U.S. Army, did, at or near Fort Polk, Louisiana, on or about 5 September 2012, attempt to place his penis in the vulva of ██████████ by restraining her sufficient that she could not avoid or escape the sexual conduct.	Not Guilty	Not Guilty
III		128		To the charge	Not Guilty	Not Guilty
	1		128-B-	In that Specialist Daniel P. Labue, U.S. Army, did, at or near Fort Polk, Louisiana, on or about 5 September 2012, unlawfully assault ██████████ by placing her in a choke hold and pulling her toward him.	Not Guilty	Not Guilty
	2		128-A-	In that Specialist Daniel P. Labue, U.S. Army, did, at or near Fort Polk, Louisiana, on or about 5 September 2012, unlawfully grab ██████████ on her forearm with his hand and attempt to hug her.	Not Guilty	Not Guilty
IV		107		To the charge	Not Guilty	Not Guilty
	THE		107-B-	In that Specialist Daniel P. Labue, U.S. Army, did, at or near Fort Polk, Louisiana, on or about 19 October 2012, with intent to deceive, make to Special Agent ██████████ an official statement, to wit: "No. None whatsoever" or words to that effect in response to the question "During the time that you have known Mrs. ██████████ have you ever made any type of sexual advances to her," which statement was totally false, and was then known by the said Specialist Labue to be so false.	Not Guilty	Not Guilty

(END OF CHARGES)

Department of the Army Submission to the Response Systems to Adult Sexual Crimes Panel on November 6, 2013

Retrieved from:

http://responsesystemspanel.whs.mil/public/docs/meetings/20131107/Public_Comment/CL_Darpino_RSP_Ltr_Attch_20131106.pdf

Completed Army Cases

Civilian Declination

EXSUM: The following is a non-exhaustive list of sexual assault allegations provided by Army Special Victim Prosecutors in which an Army commander elected to pursue court-martial charges against a Soldier offender in an off-post offense after the local civilian authorities either formally declined to prosecute or failed to pursue a full investigation. Statistically and anecdotally, Army commanders take difficult and challenging cases to trial because of the commander's interest in preserving good order and discipline.

I. Fort Campbell

1. U.S. v. SPC Bero (Fort Campbell) A 19 year-old private was sexually assaulted by the accused in a hotel room in Nashville. Nashville DA refused to prosecute citing insufficient evidence. He was convicted at a general court-martial of 2 specifications of wrongful sexual contact and acquitted of aggravated sexual contact and sentenced to reduction to E-1, 60 days confinement, and a bad conduct discharge.

2. U.S. v. SGT Henson (Fort Knox) A 16 year-old girl was sexually assaulted by the accused (the victim's uncle) while she was visiting him in California. The accused plied her with Jack Daniels and sexually assaulted her. Carlsbad, California DA refused to prosecute citing insufficient evidence. He was convicted at a General Court-Martial of 2 specifications of aggravated sexual assault inflicting bodily harm and sentenced to reduction to E-1, 2 years confinement, and a bad conduct discharge.

3. U.S. v. SPC Kuxhaus (Fort Knox) A 16 year-old victim reports that she had been molested by her half brother, the accused in this case, over the course of 7 years. Civilian law enforcement, New Braunfels PD & Guadalupe County, TX refused to prosecute. Charges limited to a single incident that occurred while the soldier was on active duty due to personal jurisdiction issues. The accused submitted a Chapter 10 Discharge in Lieu of Court-Martial prior to the Article 32 Investigation. The victim adamantly supported the discharge since she did not want to face the accused at the Investigation.

4. U.S. v. Henson (Fort Knox) The accused, a sergeant with more than 14 years on active duty, met his 15 year-old niece for a weekend in California. He brought his niece out to visit Sea World and other attractions. He purchased a bottle of alcohol and made mixed drinks for his niece and himself in the hotel room. The accused purchased a skimpy bikini for his niece and asked her to model it for him. After feeling tired, the victim fell asleep on one side of the queen-sized bed. She was awakened when he sexually assaulted and then raped her. Investigation by local law enforcement resulted in a decision not to prosecute by the Carlsbad Police Department and DA, citing insufficient evidence. The chain of command preferred charges and the accused was tried by general court-martial. Contrary to his pleas, the accused was found guilty, sentenced to 2 years confinement, total forfeiture of all pay and allowances, reduction to E-1 and a bad conduct discharge.

II. Fort Leonard Wood

5. U.S. v. CPT Anselmi (Fort Leonard Wood) A junior enlisted male soldier reported that the accused invited him to his off post residence. The soldier blacked out and woke up to find the accused orally sodomizing him. The soldier ran from the house in a panic and was later tazered by the local police because he was drunk and screaming "I just got raped!" The local authorities declined prosecution, and the chain of command preferred charges for forcible sodomy and fraternization. Convicted of (non forcible) sodomy and fraternization and sentenced to a dismissal, one month confinement, and forfeitures of \$5,361 for two months.

III. Fort Drum

6. U.S. v. Dockery (Fort Detrick) The lieutenant colonel accused and victim were in a "master-slave" relationship based upon sexual violence and role-playing. Pictures of the victim taken immediately afterwards displayed a severely blackened eye and serious bruising. Civilian authorities in Connecticut declined to prosecute; it was their assessment that this was a case of rough sex getting out of hand. CID opened an investigation, completed additional investigative endeavors, and learned of several inappropriate relationships that the accused (a battalion commander) was having with junior enlisted females in his battalion. The accused was convicted of assault consummated by a battery, adultery, and prohibited relationship and sentenced to be confined for 17 months and a dismissal.

7. U.S. v. CDT Corker (West Point) While at Fort Drum for summer training, the accused (a West Point Cadet) had sexual intercourse with victim at a party while others were present in the room after a night of heavy alcohol consumption. NYSIP investigated and the Jefferson County DA declined prosecution. CID opened up a case and completed additional investigative endeavors. Charges were preferred, and the accused was found guilty of Article 120 (indecent conduct) and acquitted of all other charges. The accused was sentenced to forfeit \$750 per month for 2 months and to be reprimanded.

8. U.S. v. PV2 Williams (Fort Drum) The accused had sexual intercourse with victim while victim's spouse was asleep in the next room after a night of heavy alcohol consumption. Civilian authorities declined prosecution. Charges were preferred, an Article 32 Investigation was held, a Chapter 10 Discharge in Lieu of Court-Martial was disapproved, and the case was referred to a General Court-Martial. The accused was acquitted of all charges and specifications.

9. U.S. v. PFC Pinkerman (Fort Drum) The accused begins having sexual intercourse with his wife, who had just had their baby. During the intercourse, the wife tells him to stop because it is too painful. The accused disregards her saying no, continues to have sex with her for 1-3 minutes until he ejaculates. The case was declined by civilian authorities. CID opened a case, additional investigative endeavors were completed to include a recorded pretext conversation. Charges were preferred, an Article 32 Investigation was held, and the case was referred to a General Court-Martial. The accused pled and was found guilty of Articles 128 (assault consummated by a battery for unwanted sexual intercourse) and 107 (false

official statement). The accused was sentenced to be reduced to E1, to be confined for 45 days, and to be discharged with a bad conduct discharge.

10-11. U.S. v. SPC Moll and SSG Bourne (Fort Drum) The accused engaged in sexual intercourse with victim while she was substantially incapacitated by alcohol while the second accused was present in the same room. When the accused left the room to go to the bathroom, he returned to find the second accused having sexual intercourse with the victim. This was followed by a night of heavy alcohol consumption. When questioned by civilian law enforcement, both accused soldiers lied. Civilians declined prosecution and the civilian investigator even went as far as to call the victim a liar to her face and include such a conclusion in her report. CID opened a case and located additional victims and discovered additional misconduct to include that both accused soldiers had conspired to obstruct justice and did so in fact lie to Watertown PD. Charges were preferred, an Article 32 Investigation was held. Due to victim input with respect to Moll, Government approved an Offer to Plead Guilty for Moll that included testimonial immunity to testify against Bourne. SPC Moll pled and was found guilty of Articles 81 (conspiracy to obstruct justice), 107 (false official statement), and 86 (absent without leave). SPC Moll was sentenced to be reduced to E1, to be confined for 12 months, and to be discharged with a Bad Conduct Discharge. SSG Bourne pled and was found guilty of Articles 120 (wrongful sexual contact with female #1), 92 x2 (prohibited relationship with females #2 and #3), 134 (adultery with female #4), 134 (communicating a threat to female #4), 128 (aggravated assault upon female #4), 81 (conspiracy to obstruct justice), and 107 (false official statement). SSG Bourne was sentenced to be reduced to E1, to be confined for 30 months, and to be discharged with a bad conduct discharge.

12. U.S. v. SSG Liali (West Point) The accused sexually assaulted victim while in the process of transferring to West Point. The misconduct occurred off post and prosecution was declined due to several evidentiary challenges in the case. Charges were preferred, an Article 32 Investigation was waived, and the case was presented to the convening authority. A Chapter 10 Discharge in Lieu of Court-Martial was approved and the accused was discharged from the Army with an other than honorable discharge.

13. U.S. v. SPC Benitez (Fort Drum) The accused had sex with victim by force and without her consent after a night of heavy drinking. Victim felt mistreated by civilian investigators. DA declined to prosecute. CID conducted additional investigative endeavors. Charges were preferred, and accused pled guilty to Articles 128 (assault consummated by a battery for pulling her hair, hitting her face, and biting her back and chest with his teeth) and 134 (adultery). The accused was sentenced to be reduced to E1, to be confined for 120 days, and to be discharged with a Bad Conduct Discharge.

14. U.S. v. SSG Armstrong (Fort Drum) A minor female awoke to the accused touching her buttocks and breasts over her clothing. The accused also sent sexually explicit text messages to the same minor victim. Previously convicted, although not discharged, for possession of child pornography, the accused had failed to register as a sex offender on Fort Drum IAW AR 27-10. Upon a review of his media, child pornography was once again discovered in his possession. The local DA declined to prosecute and the chain of command preferred charges and

referred them to a general court-martial. Ultimately, in accordance with an approved plea agreement, the accused pled and was found guilty of Articles 120 x2 (abusive sexual contact with a minor, indecent act), 134 x2 (possession of child pornography, obstruction of justice), and 92 (failing to register as a sex offender). The accused was sentenced to reduction to E1, 8 years confinement, and to be discharged with a BCD. The plea agreement limited confinement to 5 years.

IV. Fort Carson

15. U.S. v. Silva-Sadder (Fort Carson) The victim called 9-1-1 after an assault; and the local authorities responded and investigated. They determined that they did not have enough resources to dedicate to the investigation and the investigation stalled. CID learned of that situation and took investigative lead. CID uncovered two other victims of sex assault and one of battery. The accused noncommissioned officer was convicted of numerous sex assault offenses against three victims and a battery offense against a 4th victim and was sentenced to 35 years confinement, reduction to E-1, and a dishonorable discharge

16. U.S. v. Carpino (Fort Carson) The accused sexually assaulted two soldiers in the local jurisdiction at separate times. Two separate local LE investigations are conducted for each allegation. The local authorities determine there is not enough evidence to prosecute and the investigation stalled. The Army learned of the investigations and charged him with the offense. A court-martial found him not guilty of all charges.

17. US v. Chambers (Sill) The lieutenant accused raised his 11 year-old daughter for several years, but then sends her to live with her mother in Detroit, MI. About 5 months later, the mother tells her daughter that she might reconcile with her dad, at which point the child outcries that he had raped her. An investigation begins in Michigan. When local LE learn that the rape and other sexual abuse occurred last in Lawton, OK, the authorities transfer the case to Lawton PD, who conducts and investigation. Lawton PD then declines to investigate further. The following CID investigation revealed that the abuse had lasted several years. At a contested general court-martial, the lieutenant was found guilty of rape and other sexual assault, and was sentenced to 4 years confinement, forfeiture of all pay and allowances, and was dismissed from the service.

18. US v. PFC Uribe (Carson) A soldier engaged in a sexual relationship with a 15 year-old in Colorado Springs, CO. The local investigation is immediately turned over to CID since the sexual relationship was not a crime in Colorado due to the youth of the accused. During the investigation, through forensic examination of the accused's phone and interviews, CID learns that the accused has pornographic pictures of a 16 year-old from New Mexico. The DoJ shows a lot of interest in pursuing that investigation and jurisdiction for that offense is initially handed over to them. However, after some time passes, they decline to prosecute. The chain of command refers these charges to general court-martial, at which the accused pled guilty and was sentenced to 20 months confinement, reduction to E-1, total forfeitures, and a bad conduct discharge.

VI. Military District of Washington

19-21. U.S. v. Bash/Champion/Willis (Fort Lee) Sexual assault of an adult that occurred at a hotel in Petersburg, VA while the unit was on an overnight pass. There were three assailants and one victim. There was no alcohol involved at the time of the assault but it was a factor in the events which occurred after the assault. All three assailants were taken to trial and two were convicted of sexual assault or forcible sodomy. One Soldier was sentenced to 18 months confinement, a dishonorable discharge, total forfeitures and reduction to E-1, a second Soldier was sentenced to 8 months confinement, a dishonorable discharge, total forfeitures and reduction to E-1 and the third Soldier was acquitted of all charges.

22. U.S. v. Nelson (Fort Lee) Sexual assault of a minor by a Soldier which resulted in her pregnancy. Civilians declined to prosecute. This case was tried at court-martial and the accused was acquitted of the sexual assault charges and convicted of use of cocaine.

23. U.S. v Saddler (Fort Eustis) This case involves a rape and forcible sodomy of 10-year-old autistic girl. The Commonwealth's Attorney declined to prosecute. There was no physical evidence and no statement from the accused. The accused and the mother had been through a nasty divorce and child custody dispute. The Army prosecuted and the accused was convicted after less than an hour of deliberation. The accused was sentenced to 35 years confinement and a Dishonorable Discharge. The key piece of evidence was a hotel receipt that prosecution obtained with the help of the DoD liaison at the National Center for Missing and Exploited Children. The mother, local law enforcement, and child advocacy professionals were on hand to witness the verdict and applauded the Army's vindication of the rights of a disabled child.

24. U.S. v. Lemasters (Fort Eustis) This case involves the rape of two victims. The accused strangled and raped two women, one an elderly civilian and the other a Soldier. The Commonwealth's Attorney tried the accused for the rape of the civilian but the trial ended in an acquittal. The Army tried the accused for the same rape of the civilian and added charges for the rape of the Soldier. The panel convicted the accused of the rape of the civilian and sentenced him to 10 years confinement and a Dishonorable Discharge. Both victims, local law enforcement, and the county victim advocate were on hand to witness the verdict and expressed renewed faith in the criminal justice system because of the Army's successful prosecution).

25. US v. Snipe (MDW) The accused in this case followed the victim out of a bar in Arlington, VA, got into the back seat of a car with her and then forcibly digitally penetrated her while they were on their way back to Fort Myer, VA. The driver of the vehicle heard the victim tell the accused to stop. The accused has a prior Article 15 for sexual harassment. Local prosecutors declined to charge the case because the assault occurred in the back of a moving vehicle that crossed at least two county lines. The chain of command preferred charges for a sexual assault and violations of sexual harassment policies. Convicted of one

sexual contact offense only and sentenced to 179 days confinement, a bad conduct discharge and reduction to E-1.

VII. Fort Bragg

26. U.S. v. Davis (Fort Bragg) The accused's wife the victim in this case picked him up during his lunch break. They went to their house and he beat, choked, and sexually assaulted her with his penis and fingers. Her teenage daughters could hear her pleading for the accused to stop. The local DA was only willing to prosecute him for strangling the victim because she declined to go through a rape kit. The military judge found the accused guilty and sentenced him to be reduced to E1, to be confined for six years, forfeit all pay and allowances, and to be discharged with a dishonorable discharge.

27. U.S. v. Martin (Fort Bragg) The victim was staying at a female friend's apartment. Her friend invited another female friend who also brought the accused. The victim was not feeling well and decided to stay in. The accused and the others went to a bar. The accused left the bar early and returned to the apartment where the victim was sleeping in the master bedroom. He was severely intoxicated, climbed into bed with a fairly sober lieutenant and forcibly digitally penetrated her. The victim resisted and finally escaped. The victim was on the phone with 911 within two minutes of the assault. Local police responded and did not refer the case to the special victims unit. A military judge found the accused guilty of all specifications and sentenced him to six years confinement and a dismissal.

VIII. Fort Bliss

28. U.S. v. Barnes (Fort Bliss) In July 2006, accused raped a fellow Soldier by force while attending school at Fort Huachuca. The evidence consisted of the Victim's statement and the fact that she was found by MPs running down the road in her underwear, crying after she escaped the room she was raped in. All contact had been lost with the victim. The SVP dug into the case and found that the accused had also come up on a CODIS hit for a rape of a civilian, again while attending school at Fort Huachuca in January 2009 (started out as consensual sex and did not stop when victim said no). The local DA (who had recently been fired) had apparently just stuck the file in his desk and forgot about it. The accused was still in the Army and after the SVP reinitiated contact with both victims, they said they wanted to proceed to court-martial. The accused was found guilty of both rapes and sentenced to 15 years confinement and a dishonorable discharge.

29. U.S. v. Kurtzweil (Fort Bliss) The accused was a Major who touched the breasts and vagina of a 15 year old female. El Paso DA refused to take the case because the accused paid for his own polygraph examination and claimed to have passed the test. We took the case and the accused was convicted and received 30 days confinement and a dismissal. The victim was very happy with the result.

IX. Hawaii

30. U.S. v. Frye (Hawaii) After returning from a mission in Korea, the accused became verbally abusive to his live-in girlfriend, complaining that she was not submissive enough to him, telling her that he did not love her, and demanding

that she leave the house in the middle of the night. She went to bed, and he came upstairs and asked her if she wanted to have sex. She said no and tried to leave. He physically and sexually assaulted her, and she fled the house in the middle of the night, traumatized. She reported the sexual assault the next day. She had bruises on her nipples during the SAFE. Hawaii PD passed on the case, and the accused sued her for slander in civil court while CID was taking the case over. The accused's ex-wife said that he was physically, sexually, and emotionally abusive to her as well, but she was petrified and she didn't want to be involved past the Article 32, and the offenses relating to her were outside the statute of limitations. We believed the victim, and we put on an aggressive case with an expert to explain trauma and memory. The panel deliberated for 6 hours but ultimately acquitted him. The victim was very appreciative that we believed her and fought for her so hard, even though she was devastated by the outcome.

31. U.S. v. Brown (Hawaii) This was an alcohol-facilitated sexual assault that Hawaii PD turned down. CID became the lead investigative agency, and we charged the accused with aggravated sexual assault by substantial incapacitation of the victim. The accused was found guilty of aggravated sexual assault and abusive sexual contact in a contested judge alone case. The accused was sentenced to 15 months and a bad conduct discharge.

32. U.S. v. Young (Hawaii) In alcohol-facilitated sexual assault, Hawaii has indicated that they will decline cases in which the victim does not remember the act or is passed out during the act. Hawaii PD responded to this off-post sexual assault and remained the lead investigative agency for several months, even though investigative activity slowed after they took the victim's statement. The primary evidence of a sexual act came from the accused's statement which was taken several months after the fact. We charged the case because we believed the victim, but the accused was acquitted. The victim was disappointed, but she appreciated that we fought for her.

X. Joint Base Lewis-McChord

33. U.S. v. Scott (JBLM) The accused sexually assaulted his wife over the course of 3 years by waiting until she was under the influence of her pain and sleep medication and forcibly sodomizing and sexually assaulting her. The locals DA declined the case because of apparent issues with the victim, the nature of the marital relationship, and some issues with narcotics abuse. In 2007 the accused had forcibly sodomized his previous wife, providing a full confession of the event wherein he described the event starting as consensual and then admitted that he did not stop despite her cries and pleas. He held his hand over her mouth to quiet her screams. The chain of command preferred charges, and the accused was convicted at a general court-martial of 1 count of forcible sodomy, sentenced to 125 days of confinement and a bad conduct discharge.

34. U.S. v. Wilson (JBLM) The accused sexually assaulted fellow soldier at off-post residence while she was under an alcohol-induced sleep. The accused had agreed to take the intoxicated victim home from the bar got her into her apartment and then she fell asleep in her bed. The accused entered her bedroom, crawled into bed with her and began digitally penetrated her. The victim batted the accused's arm away and passed out. While the victim was passed out the

accused sexually assaulted her, and she awoke to him forcibly sodomizing her. The local DA declined to prosecute, and after a period of time destroyed the SAFE kit that had been taken the day following the assault. The chain of command preferred charges, and the accused was convicted at general court-martial of forcible sodomy, rape, and aggravated assault. He was sentenced to 2 years confinement and a dishonorable discharge.

XI. Fort Riley

35. U.S. v. SPC Miller (Fort Riley) A male Soldier recognized a female civilian University of Kansas student at a bar in Lawrence, KS from an earlier non-sexual encounter. Though the victim had exchanged phone numbers earlier, she had decided she wanted no relationship at all. She rebuked his advances that evening and went with friends to a nearby apartment where she slept by herself in a bedroom behind a closed door. After the accused left that same bar, he went to a nearby hotel with a group of people, but soon got kicked out when some people got too rowdy. As an apology, one of those civilian people invited the accused and a fellow soldier to a nearby apartment to sleep there. It turned out to be the same apartment where the victim was sleeping. And when the accused discovered this, he entered the room (over his battle buddy's warning not to), undressed, slid under the covers, and digitally penetrated the sleeping victim. The civilian police actively sought to hand the case over to CID since it was an adult-on-adult sexual assault with alcohol involved. The victim did fairly well at the Article 32 investigation, but later shared that she was very against having to testify at trial. When defense submitted an offer to plead to the lesser offense of assault consummated by a battery, the victim strongly supported this. The accused pled and received the maximum punishment possible - 6 months confinement, an E-1 reduction, and a bad conduct discharge.

XII. Alaska

36. U.S. v. Knight (Alaska) After a sluggish investigation by local authorities, the chain of command preferred charges against the accused for forcible rape and sexual assault. At a general court-martial, the accused was convicted of forcible digital penetration and was sentenced 5 years confinement and a punitive discharge.

XIII. Fort Benning

37. U.S. v. Wright (Fort Benning) While attending advanced individual training at Fort Huachuca, AZ, a junior enlisted soldier provided alcoholic drinks to another, but under-aged, female soldier. While she was intoxicated, she confided in the accused that she had been previously raped by an uncle. When she felt unconscious, the accused sexually assaulted her. She roused during the assault and told him to stop and to get off of her. The Arizona DA declined to prosecute, and the chain of command preferred charges of sexual assault and providing alcohol to a minor. He was convicted of all charges, sentenced to reduction to E1, total forfeiture of all pay and allowances, 15 months of confinement, and a bad conduct discharge.

Pending Army Cases

Civilian Declination

EXSUM: The following 15 cases are still pending court-martial. These charges in these cases were preferred by Army commanders after civilian authorities declined to prosecute. The details including the name of the accused and the location of the offense, have been redacted to prevent any undue influence on the outcomes of these cases.

1. U.S. v. PVT X: This is a pending case. A 19 year-old (homeless) victim reported the incident to the X Police Department. They refused to prosecute citing insufficient evidence. The Army has charged him based upon victim's allegations and some corroborating circumstantial evidence.
2. U.S. v. PVT X: This is a pending case. Three teen-aged victims (sisters of the accused) reported the incident to the X civilian law enforcement agency. They refused to prosecute citing insufficient evidence. The chain of command preferred charges including several offenses of abusive sexual contact and aggravated sexual assault.
3. U.S. v. SPC X: This is a pending case. The accused attended a party at an apartment complex celebrating a friend's birthday. After most party attendees became intoxicated, the victim and her female friend both laid down on the victim's bed to go to sleep. One was awakened by the accused fondling her outside of her clothing. She confronted him and told him to stop. He acted drunk and flopped down on the bed. This victim moved to the couch. The other female was awakened to the accused pulling down her pants and performing oral sex on her. She pleaded with him to stop and she cried. She immediately kicked everyone out of the apartment. The first victim went to the emergency room and underwent a Sexual Assault Forensic Examination. X PD investigated, but recommended the DA not pursue charges. Investigators interviewed the victims, implying during the interviews that the assaults were their own fault due to their own level of intoxication. The chain of command preferred charges had referred them to trial by general court-martial.
4. U.S. v. PFC X: This is a pending case. The retired senior warrant officer accused was recalled to active duty to face charges of sexually assaulting his daughters over a 15 year period. The state could not prosecute because of lack of jurisdiction. The chain of command preferred charges and referred them for trial in September 2013.
5. U.S. v. CDT X: This is a pending case. The accused had sex with an 18 year-old female civilian who was substantially incapacitated by alcohol while on a trip to NYC. Civilian authorities investigated and declined prosecution. CID subsequently investigated, and the chain of command intends to prefer charges.
6. U.S. v. SPC X: This is a pending case. The accused had sexual intercourse with female service member in his unit while on a pre-deployment pass to Atlantic City after a night of heavy alcohol consumption. Civilian authorities declined prosecution. Charges were preferred, an Article 32

Investigation was held, and the Article 32 Investigating Officer recommended dismissal of all charges; pending decision on referral.

7. U.S. v. PFC X: This is a pending case. On 8 SEP 2012, the accused was working at a bar and began buying the victim, a 28 year old civilian female drinks. The victim became so intoxicated she passed out twice in the female restroom and each time was found by patrons who notified the female bartender who assisted her. The victim's husband arrived at the bar looking for his wife. SPC X said he put her in a taxi and sent her home. The accused lied when he made this statement, as he knew victim was passed out in the latrine. He then assisted victim to his car, drove her to Wal-Mart, and had sex with her in the parking lot. He then drove victim to a bus stop a quarter mile from her home. The victim had been raped. SVP requested jurisdiction from X Sheriff's Office who did not want to prosecute the case. The chain of command has preferred charges.
8. U.S. v. SPC X: This is a pending case. The accused and his wife lived off post and allowed another Soldier and his wife (22 year-old B.T.) to stay with them for a few weeks. On the morning of 5 SEP 2012 SPC X climbed onto the victim's air mattress, put her in a choke hold and attempted to pull down her shorts. The victim weighed 92 pounds and is 5'1". She struggled but SPC X digitally penetrated her. The victim succeeded in escaping but did not report until 43 days later. SVP requested jurisdiction from X Sheriff's Office who did not want to prosecute the cases. Charges were preferred and is pending an Article 32 Investigation hearing.
9. U.S. v. PFC X: This is a pending case. A 25 year-old dependent reported that from the time she was 5 years old until she was 15, her step-father sexually assaulted her. She came forward once her mother and step-father divorced in 2012 when she was 24 years old. X originally investigated this case but chose not to go forward with charges due to delayed disclosure and lack of corroborating physical evidence. The SVP travelled to X to interview the victim and her aunts. Not all periods of abuse can be charged because the Statute of Limitations precludes all but 7 months of abuse. The chain of command has also charged the accused with physically assaulting the victim's mother in 2010. The case is docketed for general court-martial.
10. U.S. v. PFC X: This is a pending case. Sexual assault of an adult female by an Army recruiter at her residence. The accused claims that the encounter was consensual and the civilian authorities declined to prosecute. The chain of command intends to prefer charges.
11. U.S. v. PFC X/PFC X: These related cases are pending. Sexual assault of an adult that occurred at a hotel in X while the unit was on an overnight pass. The victim was highly intoxicated at the time of the assault. The chain of command has preferred charges in both cases.
12. US v. LTC X: This is a pending case. The accused is a lieutenant colonel charged with repeated sexual assault of his step-daughter. The abuse began with touching when the victim was 10 and escalated to sexual intercourse

which continued until she was 16. The victim would pretend to be asleep during these encounters. There is no physical evidence and no statement from the accused and the report was not made until approximately 2 years after the victim moved out of the house and the abuse stopped. The abuse was reported to X authorities who declined to prosecute due to the pending divorce proceedings between the victim's mother and the accused. The chain of command preferred charges and referred them to trial by general court-martial, docketed for September 2013.

13. US v. SPC X: This is a pending case. The accused in this case followed the victim out of a bar in X, got into the back seat of a car with her and then forcibly digitally penetrated her while they were on their way back to X. The driver of the vehicle heard the victim tell the accused to stop. The accused has a prior Article 15 for sexual harassment. Local prosecutors declined to charge the case because the assault occurred in the back of a moving vehicle that crossed at least two county lines. The chain of command preferred charges and referred them to trial by general court-martial, docketed for 23 July 2013.
14. US v. MAJ X: This is a pending case involving a major who is accused of sexually assaulting his 4 year old daughter. The local DA declined to take the case over concerns that the youth of the victim would prevent her from testifying effectively in court. This case is docketed for 17 September 2013.
15. US v. SPC X: This is a pending case involving a Specialist who is accused of sexually assaulting his daughter beginning when she was 2 years old. His daughter made an outcry at 2 years old, but the police told her mother that it would be the child's word against a soldier's, so the case went nowhere. The victim reported again at 4 years old, and the local DA has refused to pursue the case. We have investigated and charged the case.

Additional Cases As of 30 August

Completed and Pending Cases

Civilian Declination

Joint Base Lewis-McChord

1. U.S. v. Dixon: The accused sexually assaulted 4 junior enlisted females in his home between December 2010 and August 2011. All of the assaults involved parties at the accused's home during which only Soldiers in the rank of E-3 and below were invited. The accused would provide alcohol and, when a female would become overly intoxicated, he would suggest they sleep in his room. Later, the accused would enter the room and assault the victim. The original complaining victim reported that she awoke to being touched by the accused on her breasts and that the accused attempted to digitally penetrate her. She reported this to the local sheriff's office, which investigated the offense. The local DA declined to prosecute. Further investigation by CID and OSJA yielded 3 additional victims, two prior to the original and one subsequent. At a mixed plea general court-martial, the accused was found guilty of one count of wrongful sexual contact and three counts of battery in addition to other military offenses and was sentenced to reduction to E-1, total forfeitures, 33 months of confinement, and a bad conduct discharge.
2. U.S. v. Tobey: The accused sexually abused his step-daughter on several occasions between October 2001 and July 2010. The report was made to Washington State child protective services which founded the offense. The local jurisdiction declined to prosecute. The accused was found guilty at a general court-martial of four counts of Article 120 for wrongful sexual contact with a child under 12, a child under 16 (same victim), and lewd acts and was sentenced to reduction to E-1, confinement for six years, and a bad-conduct discharge.
3. U.S. v. McKluskey: The accused was driving with a junior enlisted after lunch and forced her hand on to his penis. The local jurisdiction declined to prosecute. The accused was found guilty of one count of Article 120 for wrongful sexual contact at a special court-martial and sentenced to reduction to E5 and confinement for 60 days.
4. U.S. Tsosie: The accused sexually assaulted two soldiers off post during two separate instances. The first victim became ill while having sex with her boyfriend (not the accused). The accused entered the room where the victim was vomiting and while comforting her, sexually assaulted her. The second victim was invited to the accused's house after he met her at a party and she was not feeling well. While the victim was laying on the couch trying to rest, the accused touched her beneath her clothes. The local jurisdiction declined to prosecute. The accused was convicted of both counts of 120 and sentenced to reduction to E1, confinement for four years, and a bad-conduct discharge.
5. U.S. v. Scott: The accused sexually assaulted his wife over the course of three years by waiting until she was under the influence of her pain and sleep medication and forcibly

sodomizing and sexually assaulting her. The local DA declined the case because of apparent issues with the victim, the nature of the marital relationship, and some issues with narcotics abuse. In 2007, the accused had forcibly sodomized his previous wife, providing a full confession of the event wherein he described the event starting as consensual and then admitted that he did not stop despite her cries and pleas. He held his hand over her mouth to quiet her screams. The chain of command preferred charges, and the accused was convicted at a general court-martial of one count of forcible sodomy, sentenced to 125 days of confinement and a bad conduct discharge.

6. U.S. v. Wilson: The accused sexually assaulted a fellow soldier at an off-post residence while she was under an alcohol-induced sleep. The accused had agreed to take the intoxicated victim home from the bar got her into her apartment and then she fell asleep in her bed. The accused entered her bedroom, crawled into bed with her and began digitally penetrated her. The victim batted the accused's arm away and passed out. While the victim was passed out, the accused sexually assaulted her. She awoke to him forcibly sodomizing her. The local DA declined to prosecute, and after a period of time destroyed the SAFE kit that had been taken the day following the assault. The chain of command preferred charges, and the accused was convicted at general court-martial of forcible sodomy, rape, and aggravated assault. He was sentenced to two years confinement and a dishonorable discharge.

1 Cavalry Division

7. U.S. v. Osoriocentino: The accused was prosecuted for raping his wife in their vehicle following an argument after a night of drinking. Civilian police responded to a 911 call from a friend of Mrs. Osoriocentino and found SFC Osoriocentino in the act of assaulting his wife. Although his wife was seen at the time of the assault covered in her own vomit (caused by the force of her husband on top of her), crying and trying to push her husband off of her, she quickly recanted and civilian authorities chose not to prosecute. The command pursued court-martial and SFC Osoriocentino was acquitted by an officer panel.
8. U.S. v. Hill: The accused was prosecuted for sexually assaulting a fellow Soldier when she was substantially incapable of declining participation in the sexual act. The civilian police initially investigated the case for almost two years before deciding there was insufficient evidence to prosecute. The command charged SGT Hill with aggravated sexual assault and abusive sexual contact. SGT Hill was convicted by an Enlisted Panel and sentenced to be confined for four years, and to be discharged from the service with a Bad conduct Discharge.

Fort Hood III Corps

9. U.S. v. Gonzalez-Gomez: After the victim filed his statement, we gave it to New Jersey to start their own criminal investigation. They called in Mr. J, who is on the indecent act charge and was the victim's uncle. He denied everything on videotape and the police didn't do anything else with the case. LTC M prosecuted the case. The accused was

convicted and received six years confinement and a dishonorable discharge. After trial, CID was going to send the results to New Jersey to let them know we got a conviction on the co-accused.

10. U.S. v. Foreman: The detective got the victim to sign a declination after she wrote a long statement for Copperas Cove, and she then went to CID. We prosecuted on her behalf for everything on the charge sheet. LTC M prosecuted the case. The accused received total forfeitures, reduction to E1, 19 months confinement, and a bad conduct discharge.

Fort Bliss

11. U.S. v. Ingersoll: On 2 October 2012, at a general court-martial, in accordance with his plea, SSG Brent Ingersoll, 212th Fires BDE, Fort Bliss, was found not guilty of Aggravated Sexual Abuse of a Child, Abusive Sexual Contact with a Child, Indecent Liberties with a Child, and Sodomy by a court-martial composed of an enlisted panel. Case was declined by local prosecutor's office.
12. U.S. v. Campbell: On 11 December 2012, at a general court-martial, in accordance with his plea, SPC Steven Campbell, A Company, 86th ESB, Fort Bliss, was found not guilty of Aggravated Sexual Assault by a court-martial composed of an enlisted panel. Case was declined by local prosecutor's office.
13. U.S. v. Safiedeen: On 12 December 2012, at a general court-martial, contrary to his plea, CPT Abess Safiedeen, HHC, 72d BSB, 212th Fires BDE, Fort Bliss, was found guilty of Aggravated Sexual Assault, in violation of Article 120, UCMJ; Wrongful Sexual Contact in violation of Article 120, UCMJ; and Fraternization in violation of Article 134, UCMJ. The court-martial, composed of an officer panel, sentenced him to a dismissal and confinement for four years. Case was declined by local prosecutor's office.
14. U.S. v. Garrett: On 3 April 2013, at a general court-martial, in accordance with his plea, PFC John Garrett, Rear Detachment, 11th ADA, Fort Bliss, was found guilty of Assault Consummated by Battery in violation of Article 128, UCMJ. The court-martial, composed of a Military Judge, sentenced him to a bad conduct discharge and confinement for six months (maximum sentence). Case was declined by local prosecutor's office.
15. U.S. v. Green: On 22 April 2013, at a general court-martial, in accordance with his plea, PFC Jimmy Lee Green, HHC, CAB, Fort Bliss, was found guilty of Assault Consummated by Battery in violation of Article 128, UCMJ. The court-martial, composed of a Military Judge, sentenced him to a bad conduct discharge and confinement for five months. Case was declined by local prosecutor's office.
16. U.S. v. Ramirez: On 25 April 2013, at a general court-martial, contrary to his plea, SFC Steven Ramirez III, USASMA, Fort Bliss, was found guilty of Indecent Liberty to a Minor and Providing Alcohol to a Minor, in violation of Article 134, UCMJ. The court-

martial, composed of an enlisted panel, sentenced him to a dishonorable discharge and confinement for a year. Case was declined by local prosecutor's office.

17. U.S. v. Kurtzweil: On 9 May 2013, at a general court-martial, contrary to his plea, MAJ Joseph Kurtzweil, BSB, 1AD, Fort Bliss, was found guilty of Abusive Sexual Contact of a Child who has reached the age of 12 but not 16, in violation of Article 120, UCMJ. The court-martial, composed of an officer panel, sentenced him to a dismissal and confinement for 30 days. Case was declined by local prosecutor's office.
18. U.S. v. Sentner: On 30 May 2013, at a general court-martial, contrary to his plea, SPC Ryan Sentner, Rear Detachment 1-43, 11th ADA, Fort Bliss, was found guilty of Rape by Force, in violation of Article 120, UCMJ. The court-martial, composed of a Military Judge, sentenced him to a dishonorable discharge and confinement for four years. Case was declined by local prosecutor's office.

Fort Sill

19. U.S. v. Flesher: The accused was alleged to have had a small party in his quarters on Dugway Proving Grounds. At the party, he hosted some local minors aged 13-16 years old who lived on post. He provided them with alcohol and spent the night hanging out with them. After the party ended, SPC Flesher crossed the street to the house of a 16 year old girl. He crawled through the window, found her passed out on her bed and engaged in sexual intercourse with her. The victim woke up, attempted to tell him to stop and push him off of her. SPC Flesher continued until ejaculation and then left through the same window. Shortly afterward, the victim reported the incident to a friend, who reported it to her mother, who reported it to law enforcement. As a result of the same day report, a sexual assault forensic exam was conducted and SPC Flesher's DNA was recovered from the victim's vaginal area and bruising was identified on her arms. Despite this evidence, and because the legal age of consent in both Utah and the Army is 16, the county district attorney declined prosecution stating there was "no indicia of rape in all the facts of this case" (see attached) as the victim did not scream or fight although her parents were home. As a result of this declination memorandum, the Army charged the case as an Article 120, Aggravated Sexual Assault, and SPC Flesher was convicted of that charge before an enlisted panel and sentenced to total forfeitures of all pay and allowances, reduction to E1, 7 years confinement, and a dishonorable discharge.
20. U.S. v. Wheeler: The accused was alleged to have sexually assaulted a local Oklahoma resident at a friend's off-post residence in Cache, OK after meeting her in a bar in Lawton, OK. The Comanche County DA's Office declined prosecution as the alleged victim voluntarily went with SPC Wheeler to SPC Wheeler's friend's house after leaving the bar. She stated that she intended to spend the night with him, but did not intend to have sexual intercourse with him. After Comanche County declined prosecution, the Army charged SPC Wheeler in the case under Article 120, Aggravated Sexual Assault and Wrongful Sexual Contact. SPC Wheeler was found not guilty by an enlisted panel.

21. U.S. v. Mena: The accused and alleged victim were together at a friend's house consuming alcohol following going out to see a movie in town. The alleged victim admitted that after a verbal altercation on the phone with her fiancé in Texas, she had kissed the accused and exposed her breasts to him earlier in the evening. The alleged victim claimed that she woke up with the Accused on top of her, but could not initially remember whether or not she felt any penetration. She claimed that she told him to stop and then went into the room of the apartment resident, claimed that the Accused had been on top of her and remained in that room the rest of the evening. Fayetteville Police declined to refer the case to the DA, and the military assumed jurisdiction. The Accused was tried by general court-martial, and acquitted of all charges by a military judge alone.

New Pending Cases

1. U.S. v. PFC X: This is a pending case. The accused is alleged to have sexually assaulted and physically assaulted a civilian female in a hotel room in X. The Victim alleges that she met the Accused at a bar while drinking beers and talking. Victim alleges she became intoxicated and has only flashes of memories of being assaulted in an unknown hotel room in X. X District Attorneys declined to prosecute, citing insufficient evidence. After law enforcement conducted a pre-text phone call and obtained various admissions that corroborated the Victim's allegation, the Army charged the Accused with Sexual Assault and Assault Consummated by Battery. Charges are referred to general court-martial and trial is docketed for 9-11 September.
2. U.S. v. SPC X: This is a pending case. The accused is alleged to have attempted to forcibly sodomize (orally) a woman whom he had met on Plentyoffish.com. Civilian victim alleges the Accused came over to her home and, during the course of consensual sex, attempted to forcibly sodomize her. Victim fought with the Accused and eventually got away from him. Accused departed the Victim's residence. X Police Department determined that because penetration of the mouth did not occur, no offense was committed. The Army charged the Accused with Attempted Forcible Sodomy. Charges are referred to general court-martial and trial is docketed for 23-24 September.
3. U.S. v. CPT X: This is a pending case. The accused is alleged to have physically assaulted his wife during the course of a domestic altercation. The victim initially reported the assault to civilian law enforcement, but ultimately did not wish to cooperate with the civilian law enforcement and was determined to not pursue charges. After assessing the evidence, the Trial Counsel also discovered that the Accused had previously sexually assaulted his previous wife. Charges were preferred against the Accused for the previous sexual assault of his wife (forcible sodomy) as well as the physical assault on his current wife. Charges are referred to general court-martial and trial is docketed 22-24 October.
4. U.S. v. SPC X: This is a pending case. The accused is alleged to have engaged in sexual intercourse with a 14 year-old civilian while he was stationed in X. Because the child did not wish to testify against the Accused, the X prosecutors office declined to prosecute.

Having assessed the evidence, we have prepared a charge sheet and intend to prefer charges soon.

5. U.S. v. 1LT X: This is a pending case. 1LT X is pending prosecution for Rape and Aggravated Sexual Assault of a fellow 1LT. 1LT X went to the victim's house for dinner. When the victim finished dinner and went to the kitchen, 1LT X came in behind her, choked her, and forced her to have sexual intercourse. The victim initially reported the allegation to civilian police; however, they initially mishandled the investigation (took report in open lobby of police station, requested victim to take polygraph), the victim filed a release of responsibility and the command picked up the case. 1LT X is currently pending an Article 32 investigation.
6. U.S. v. CPT X: This is a pending case. Accused has been inappropriately touching lower enlisted males on their genitalia at his off-post residence. Civilian DA declined prosecution. Referred to trial 8 August 2013.
7. U.S. v. SPC X: This is a pending case. Accused is in an ongoing relationship with a fellow soldier who states that he has beaten her, raped her, and forced her to perform fellatio numerous times from when they were stationed in Germany together as well as in El Paso and the most recent attack was New Year's day. Referred to trial 29 August 2013.
8. U.S. v. MAJ X: Four year old daughter accused dad of sexual assault (assaults occurred in X). DA never prosecuted. Army became aware of allegations and sent accused back to X from downrange. Referred to trial 27 June 2013.
9. Cases involving Miss M.H.: Last year X County law enforcement investigated five cases of statutory rape and similar offenses by Soldiers from Fort X against a local 14 year old teenager. The X DA's Office declined prosecution in all of these cases as he determined that the sexual intercourse was consensual and Miss M.H. was seeking Soldiers with whom to have sexual intercourse online. The Army subsequently took jurisdiction over all of these cases, preferred charges, and is currently in various stages of litigation in all of these cases.
10. U.S. v MSG X: Service member accused of sexually assaulting his two teenage daughters, as well as his teenage niece, during various visits with the family. Also accused of spousal abuse and rape, on both his first and second wife, and sexual assault/attempted rape on a female houseguest. In one instance, SM provided his 12-year old daughter alcohol until she was highly intoxicated, then carried her to bed where he proceeded to "choke her out" claiming he needed to "calm her down" and then proceeded to sexually assault her. The two teenage daughters made initial report to the Cumberland County Police, who took video statements from each girl, but declined to further investigate and eventually closed the case. Military authorities resumed the investigation, and the additional misconduct was found. Service member has been flagged for adverse action, and case is currently pending the preferral of charges for rape, attempted rape, sexual assault, assault, and child endangerment.

Department of the Navy – Marine Corps FOIA Response



Miranda Petersen [REDACTED]

FOIA request DON-USMC-201300544 (2013F041032)

Wed, Jul 8, 2015 at 3:16 PM

To: [REDACTED]

Dear Ms. Meeks -- with my sincere apologies for the delay in responding to your request, please find attached the information you requested. Should you have any questions or concerns, please don't hesitate to contact me directly. Thank you for your patience.





Best regards,

[REDACTED]
Head, FOIA/PA Programs
Headquarters, U.S. Marine Corps
3000 Marine Corps Pentagon
Washington, DC 20350-3000
[REDACTED]

FOR OFFICIAL USE ONLY - MISUSE OR UNAUTHORIZED DISCLOSURE IS PROHIBITED

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information that is confidential and/or privileged (attorney work product/attorney-client). Any unauthorized review, use, disclosure or distribution may result in civil and/or criminal penalties. If you are not the intended recipient, please contact the sender by reply e-mail and destroy any copies of the original message.

4 attachments

-  **20150708 - ARSF to Req (fnl) 13-1032.pdf**
44K
-  **Sen Gillibrand RFI Response - 28 Cases (red) (2 pgs).pdf**
85K
-  **Detailed Court-Martial List (red) (28 pgs).pdf**
192K
-  **smime.p7s**
6K



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

5720
ARSF
July 8, 2015

[REDACTED]
MS TARYN MEEKS
110 MARYLAND AVE NE SUITE 505
WASHINGTON DC 20002

Dear Ms. Meeks:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT (FOIA) REQUEST, FILE
NUMBER DON-USMC-2013-000544 (2013F041032)

This responds to your August 15, 2013, request for records related to Admiral James Winnefeld's testimony before the Senate Armed Services committee on July 18, 2013. Please accept our sincere apologies for the delay in responding to your request; we greatly appreciate your patience.

In an effort to identify responsive records, we initiated a search of the files maintained by both the Office of Legislative Affairs (OLA) and the Judge Advocate Division (Military Justice Branch) (JAM). Personnel at OLA were unable to locate any documents responsive to your request. However, JAM did retrieve two such records and we have enclosed a copy for you with this letter. The first is a memorandum detailing the Marine Corps' response to a Senate request for additional information about military prosecutions in cases that had been declined by civilian authorities. The second is a list of all twenty-eight such prosecutions within the Marine Corps, and includes detailed information itemized for each one.

You will see that small portions have been redacted. Specifically, we routinely withhold names and identifying information associated with military personnel pursuant to FOIA exemption (b)(6), which prohibits disclosure of personal information when an individual's privacy interest in it outweighs any public interest.

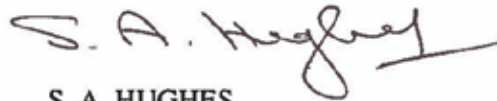
You may consider this to be an adverse determination that may be appealed. You may send an appeal to the Judge Advocate General (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Your appeal, if any, must be postmarked within 60 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe it should be granted. I recommend that your appeal and its envelope both bear the notation, "Freedom of Information Act Appeal."

We have categorized you as an "other requester" for the purpose of assessing FOIA processing fees. In this instance, all applicable fees are waived in light of the length of time it has taken for us to provide you with a response.

5720
ARSF
July 8, 2015

I am the official responsible for this determination. Should you have any questions concerning this action, please do not hesitate to contact me directly at 703-614-3685, or via email to sally.hughes@usmc.mil.

Sincerely,



S. A. HUGHES
Head, FOIA/PA Section

Enclosures

5800
JAM2
29 Aug 13

MEMORANDUM

Subj: USMC RESPONSE TO SENATE INQUIRY ON CIVILIAN DECLINATIONS

Ref: (a) Senator Gillibrand ltr of 29 Jul 13
(b) USMC response to Sen. McCaskill SASC QFR dtd 4 Jun 13
(c) LSSS responses to RFI on civilian prosecutions

Encl: (1) Civilian declination courts-martial summaries
(2) Civilian declination documentation

1. Senator Gillibrand sent a letter (reference (a)) to Admiral Winnefeld requesting additional information about military prosecutions of sexual assault cases that civilian jurisdictions declined to prosecute. The Marine Corps had previously reported twenty-eight such cases during the period from February 2010 through June 2013 (reference (b)). The 28 cases ranged from penetration offenses of adults and children to other sexual misconduct under Article 120 and 120c, e.g. indecent acts, over that time period.

To adequately respond to Senator Gillibrand's letter, the Marine Corps sent requests for information to its Legal Services Support Sections (LSSSs). Based on that responsive information, the Marine Corps reports that it prosecuted 28 cases involving sexual misconduct that civilian jurisdictions declined to prosecute. The Marine Corps obtained convictions for Article 120 offenses in 14 of those cases and convictions for collateral misconduct in 4 additional cases. One additional case is pending a guilty plea but the Marine Corps cannot confirm the conviction until the court-martial. Our initial report in reference (a) stated that the Marine Corps prosecuted 28 cases that civilian authorities declined to prosecute and obtained 16 sexual assault convictions.

2. Itemized responses. Enclosure (1) includes itemized, detailed responses for each of the twenty-eight prosecutions previously cited. These details pertain to questions one through six of reference (a). A summary of that information follows:

a. Enclosure (1) contains details on the precise interaction between civilian and military authorities insofar as the responding LSSSs had that information.

b. Information regarding how the civilian jurisdictions declined to prosecute: 9 deferred to military jurisdiction, 15 stated there was insufficient evidence or that they would not pursue an investigation or charges, and 4 stated that there were victim credibility or cooperation issues that precluded prosecution.

c. The exact charges the Marine Corps pursued, along with the charges of which the accused were convicted.

d. In cases with Article 32 Investigations, the recommendations of the investigating officers, staff judge advocates, and convening authorities.

Subj: USMC RESPONSE TO SENATE INQUIRY ON CIVILIAN DECLINATIONS

f. Any actions the convening authorities took under Article 60.

3. Civilian prosecutions

a. The Marine Corps does not normally track civilian prosecutions of Marines, although our Regional Legal Service Support Sections noted examples of such instances. These anecdotal responses indicate that in the vast majority of these cases, the Marine Corps administratively separated the accused facing civilian prosecution for the commission of a serious offense.

b. Once a Marine is separated, there is no mechanism in place to track civilian criminal sentences. Therefore, the Marine Corps cannot provide reliable information about civilian convictions.

4. Documentation. Enclosure (2) includes 1 disc containing digital copies of the convening orders, report of results of trial, and convening authorities' actions for the twenty-eight Marine Corps courts-martial commanders convened following civilian declinations. The Marine Corps requires more time to identify by name each prosecutor, agent or other civilian official, and their respective phone numbers and addresses.

5. Conclusion. Marine Corps commanders take their responsibilities to victims and their Marines seriously. Their willingness to take these cases to court-martial, despite difficulties with evidence (as demonstrated by civilian jurisdictions' declinations), is proof that commanders are committed to ensuring accountability for offenders who commit sexual assault.

6. Point of contact for this matter is (b)(6), (b)(7)(C) [redacted] @usmc.mil, 703-693-(b)(6), (b)(7)(C)

28 Aug 13

2010-2013: Prosecutions by USMC After Civilian Jurisdictions Declined to Prosecute

1. At a General Court-Martial at Camp Lejeune, North Carolina, Private First Class (b)(6), (b)(7)(C) was convicted by a military judge alone of attempted rape of a child, sexual abuse of a child, and adultery. The military judge sentenced the accused to 8 years confinement, reduction to E-1, and a dishonorable discharge. (MALS 14, MAG 14) (29 April 2013)

a. Precise interaction. Conversation between senior trial counsel (STC) and district attorney (DA), and between NCIS and Onslow County Sheriff's Department (based on recollection of STC).

b. Nature of declination. Deferral to military prosecution due to likelihood of quicker prosecution and more stringent punishment.

c. Character of conviction(s). Combination of attempted sexual assault of a child (penetration), sexual assault of a child (contact), and collateral misconduct, as indicated above.

d. Recommendations

(1) Investigating Officer (IO): Art. 32 investigation waived

(2) Staff Judge Advocate (SJA): General Court-Martial (GCM)

(3) Convening Authority (CA): GCM

(4) Was IO a judge advocate? N/A

e. Sentence. See above for adjudged sentence.

(1) Appellate review. Pending before the Navy-Marine Corps Court of Criminal Appeals.

f. Article 60 clemency. None.

2. At a Special Court-Martial at Camp Lejeune, North Carolina, Private First Class (b)(6), (b)(7)(C) was convicted by a military judge alone of an indecent act and adultery. The military judge sentenced the accused to 35 days confinement, 30 days hard labor without confinement, forfeiture of \$300 pay per month for 2 months, a reprimand, and 15 days restriction. (2d Supp Bn, CLR 25) (14 March 2013)

a. Precise interaction. Naval Criminal Investigative Service (NCIS) contact with Jacksonville Police Department and Onslow County District Attorney.

b. Nature of declination. Investigative declination due to lack of evidence. Following discussion with the Assistant District Attorney, Jacksonville Police Department determined that the case lacked prosecutorial merit because victim lacked credibility. NCIS assumed investigative lead.

c. Character of conviction(s). Combination of sexual misconduct (indecent act) and collateral misconduct, as indicated above.

d. Recommendations

(1) IO: N/A

(2) SJA: N/A

(3) CA: N/A

(4) Was IO a judge advocate? N/A

e. Sentence. See above for adjudged sentence.

(1) Appellate review. N/A.

f. Article 60 clemency. None.

3. At a General Court-Martial at Marine Corps Base, Quantico, Virginia, Lance Corporal (b)(6), (b)(7)(C) was acquitted by a panel of officer and enlisted members of sexual assault and adultery. (HqSvcBn, MCB Quantico, VA) (23 March 2010)

- a. Precise interaction. NCIS contact with civilian law enforcement (based on recollection of STC).
- b. Nature of declination. Declined to investigate.
- c. Character of conviction(s). Acquitted.
- d. Recommendations
 - (1) IO: No action
 - (2) SJA: GCM
 - (3) CA: GCM
 - (4) Was IO a judge advocate? Yes
- e. Sentence. N/A.
 - (1) Appellate review. N/A.
- f. Article 60 clemency. N/A.

4. At a General Court-Martial at Marine Corps Air Station, Yuma, Private First Class (b)(6), (b)(7)(C) was convicted by a military judge alone of aggravated sexual assault of a child age 12-15, false official statement, and an orders violation. The military judge sentenced the accused to 3 years confinement, forfeiture of all pay and allowances, reduction to E-1, and a bad conduct discharge. (MALS 13, MAG 13) (28 February 2011)

a. Precise interaction. The lead trial counsel (TC) spoke to the Yuma County prosecutor's office via telephone.

b. Nature of declination. Declined to prosecute due to lack of evidence.

c. Character of conviction(s). Combination of sexual assault of a child (penetration) and collateral misconduct as indicated above.

d. Recommendations

(1) IO: GCM

(2) SJA: GCM

(3) CA: GCM

(4) Was IO a judge advocate? Yes

e. Sentence. See above for adjudged sentence.

(1) Appellate review. Affirmed by the Navy-Marine Corps Court of Criminal Appeals.

f. Article 60 clemency. Confinement in excess of 18 months suspended pursuant to a pretrial agreement (PTA).

5. At a General Court-Martial at Cherry Point, North Carolina, Major (b)(6), (b)(7)(C) was convicted by a military judge alone of conduct unbecoming and disorderly conduct; indecent act offenses withdrawn in pursuant to a pretrial agreement. The military judge sentenced the accused to 30 days confinement, a reprimand, and a dismissal. (MWHS-2, 2D MAW) (27 January 2012)

a. Precise interaction. Staff judge advocate (SJA) and Onslow County District Attorney's Office conversation.

b. Nature of declination. Deferral to military prosecution because alleged victim was a service member and because the military was able to more appropriately charge indecent act (indecent exposure) offenses.

c. Character of conviction(s). Collateral misconduct as indicated above.

d. Recommendations

(1) Investigating Officer: Art. 32 investigation waived

(2) SJA: GCM

(3) CA: GCM

(4) Was IO a judge advocate? N/A

e. Sentence. See above for adjudged sentence.

(1) Appellate review. Affirmed by the Navy-Marine Corps Court of Criminal Appeals.

f. Article 60 clemency. Letter of reprimand disapproved; forfeitures waived for six months for the benefit of a dependent of the accused, pursuant to PTA.

6. At a General Court-Martial at Region Legal Service Office Southeast, Jacksonville, Florida, Lance Corporal (b)(6), (b)(7)(C) was convicted by a military judge alone of an orders violation, an indecent act, and assault consummated by a battery. The military judge sentenced the accused to 18 months confinement, reduction to E-1, and a bad conduct discharge. (MCSF Bn, II MEF) (13 November 2012)

a. Precise interaction. E-mail discussion between installation SJA, NCIS, civilian law enforcement and DA.

b. Nature of declination. Determination that UCMJ addressed factual circumstances of sexual assault due to incapacitation better than Missouri state law.

c. Character of conviction(s). Combination of sexual misconduct (indecent act) and collateral misconduct as indicated above.

d. Recommendations

(1) Investigating Officer: GCM

(2) SJA: GCM

(3) CA: GCM

(4) Was IO a judge advocate? Yes

e. Sentence. See above for adjudged sentence.

(1) Appellate review. Affirmed by the Navy-Marine Corps Court of Criminal Appeals.

f. Article 60 clemency. Confinement in excess of 12 months suspended pursuant to a PTA.

7. At a Special Court-Martial at Region Legal Service Office Southeast, Jacksonville, Florida, Lance Corporal (b)(6), (b)(7)(C) was convicted by a military judge alone of an indecent act. The military judge sentenced the accused to 90 days confinement, forfeiture of \$900 pay per month for 3 months, reduction to E-1, and a bad conduct discharge. (MCSF Bn, II MEF) (29 October 2012)

a. Precise interaction. E-mail discussion between installation SJA, NCIS, civilian law enforcement and DA.

b. Nature of declination. Determination that UCMJ addressed factual circumstances of sexual assault due to incapacitation better than Missouri state law.

c. Character of conviction(s). Sexual misconduct (indecent act).

d. Recommendations

(1) Investigating Officer: GCM

(2) SJA: GCM

(3) CA: SPCM

(4) Was IO a judge advocate? Yes

e. Sentence. See above for adjudged sentence.

(1) Appellate review. N/A.

f. Article 60 clemency. Disapproval of bad conduct discharge.

8. At a General Court-Martial at Marine Corps Air Station Yuma, Arizona, Sergeant (b)(6), (b)(7)(C) was acquitted by a panel of officer and enlisted members of abusive sexual contact with a child age 12-15. (MAG 13, 3d MAW) (12 May 2011)

a. Precise interaction. Yuma County DA declined to prosecute prior to military request for jurisdiction. Trial counsel requested and received confirmation of declination.

b. Nature of declination. Insufficient evidence.

c. Character of conviction(s). Acquitted.

d. Recommendations

(1) Investigating Officer: GCM

(2) SJA: GCM

(3) CA: GCM

(4) Was IO a judge advocate? Yes

e. Sentence. N/A.

(1) Appellate review. N/A.

f. Article 60 clemency. N/A.

9. At a General Court-Martial at Region Legal Service Office Southeast, Jacksonville, Florida, Lance Corporal (b)(6), (b)(7)(C) was convicted by a military judge alone of aggravated sexual assault and use of a controlled substance. The military judge sentenced the accused to 12 years confinement, reduction to E-1, and a dishonorable discharge. (MCSF Bn, II MEF) (27 September 2012)

a. Precise interaction. E-mail discussion between installation SJA, NCIS, civilian law enforcement and DA.

b. Nature of declination. Determination that UCMJ addressed factual circumstances of sexual assault due to incapacitation better than Missouri state law.

c. Character of conviction(s). Combination of sexual assault (penetration) and collateral misconduct as indicated above.

d. Recommendations

(1) Investigating Officer: GCM

(2) SJA: GCM

(3) CA: GCM

(4) Was IO a judge advocate? Yes

e. Sentence. See above for adjudged sentence.

(1) Appellate review. Affirmed by the Navy-Marine Corps Court of Criminal Appeals.

f. Article 60 clemency. Confinement in excess of four years suspended pursuant to a PTA.

10. At a General Court-Martial at Camp Lejeune, North Carolina, Lance Corporal (b)(6), (b)(7)(C) was convicted by a military judge alone of aggravated sexual assault of a child, unauthorized absence, and child pornography. The military judge sentenced the accused to 9 years confinement, reduction to E-1, forfeiture of all pay and allowances, and a dishonorable discharge. (MSOR, MARSOC) (26 April 2010)

a. Precise interaction. Civilians dropped “contributing to delinquency of a minor” charges after NCIS took the lead in investigating. Civilian investigators believed that lack of cooperation from victim’s parents would inhibit investigation.

b. Nature of declination. Deferral to military prosecution, issues with victim cooperation.

c. Character of conviction(s). Combination of sexual assault of a child (penetration) and collateral misconduct as indicated above.

d. Recommendations

(1) Investigating Officer: Art. 32 investigation waived

(2) SJA: GCM

(3) CA: GCM

(4) Was IO a judge advocate? N/A

e. Sentence. See above for adjudged sentence.

(1) Appellate review. Affirmed by the Navy-Marine Corps Court of Criminal Appeals.

f. Article 60 clemency. Confinement in excess of six years suspended pursuant to a PTA.

11. At a General Court-Martial at Region Legal Service Office Southeast, Jacksonville, Florida, Corporal (b)(6), (b)(7)(C) was acquitted by a panel of officers and enlisted members of sexual assault. (MCSF Bn, II MEF) (17 January 2013)

- a. Precise interaction. E-mail discussion between installation SJA, NCIS, civilian law enforcement and DA.
- b. Nature of declination. Determination that UCMJ addressed factual circumstances of sexual assault due to incapacitation better than Missouri state law.
- c. Character of conviction(s). Acquitted.
- d. Recommendations
 - (1) Investigating Officer: NJP
 - (2) SJA: GCM
 - (3) CA: GCM
 - (4) Was IO a judge advocate? Yes
- e. Sentence. N/A.
 - (1) Appellate review. N/A.
- f. Article 60 clemency. N/A.

12. At a Special Court-Martial at Camp Pendleton, California, Private (b)(6), (b)(7)(C) was convicted by a military judge alone of assault consummated by a battery, adultery, and disorderly conduct, but acquitted of wrongful sexual contact. The military judge sentenced the accused to 90 days confinement, forfeiture of \$950 pay per month for 3 months, and a bad conduct discharge. (5th Bn, 11th Mar) (28 April 2011)

a. Precise interaction. Written declination from San Diego District Attorney's Office. NCIS then coordinated transfer of jurisdiction with civilian law enforcement.

b. Nature of declination. DA affirmatively declined to prosecute through a "Complaint Request Evaluation" because the alleged victim gave inconsistent statements to investigators.

c. Character of conviction(s). Collateral misconduct as indicated above.

d. Recommendations

(1) Investigating Officer: N/A

(2) SJA: N/A

(3) CA: N/A

(4) Was IO a judge advocate? N/A

e. Sentence. See above for adjudged sentence.

(1) Appellate review. Affirmed by the Navy-Marine Corps Court of Criminal Appeals.

f. Article 60 clemency. None.

13. At a Special Court-Martial at Camp Lejeune, North Carolina, Corporal (b)(6), (b)(7)(C) was convicted by a military judge alone of indecent act and adultery. The military judge sentenced the accused to 30 days confinement, 60 days hard labor without confinement, reduction to E-1, forfeiture of \$600 pay per month for 3 months, 60 days restriction, and a bad conduct discharge. (CLR 25) (1 March 2013)

a. Precise interaction. Naval Criminal Investigative Service (NCIS) email contact with Jacksonville Police Department.

b. Nature of declination. Investigative declination due to lack of evidence.

c. Character of conviction(s). Combination of sexual misconduct (indecent act) and collateral misconduct, as indicated above.

d. Recommendations

(1) Investigating Officer: N/A

(2) SJA: N/A

(3) CA: N/A

(4) Was IO a judge advocate? N/A

e. Sentence. See above for adjudged sentence.

(1) Appellate review. Pending before the Navy-Marine Corps Court of Criminal Appeals.

f. Article 60 clemency. Disapproval of hard labor without confinement and restriction.

14. At a General Court-Martial at Camp Lejeune, North Carolina, Staff Sergeant (b)(6), (b)(7)(C) was convicted by a military judge alone of indecent exposure and child pornography. The military judge sentenced the accused to 18 months confinement, forfeiture of all pay and allowances, reduction to E-1, and a bad conduct discharge. (MHG, II MEF) (18 July 2011)

a. Precise interaction. NCIS telephone contact with Macomb County, MI Sherriff's Office.

b. Nature of declination. Investigative declination. Macomb County Sherriff's Office requested that NCIS assume control of investigation upon realizing that the accused was an active duty Marine stationed in Iraq.

c. Character of conviction(s). Sexual misconduct (child pornography and indecent exposure) as indicated above.

d. Recommendations

(1) Investigating Officer: Art. 32 investigation waived

(2) SJA: GCM

(3) CA: GCM

(4) Was IO a judge advocate? N/A

e. Sentence. See above for adjudged sentence.

(1) Appellate review. Affirmed by the Navy-Marine Corps Court of Criminal Appeals.

f. Article 60 clemency. Confinement in excess of twelve months suspended pursuant to a PTA.

15. At a General Court-Martial at Camp Pendleton, California, Corporal (b)(6), (b)(7)(C) was convicted by a military judge alone of abusive sexual contact with a child, aggravated sexual assault of a child, an orders violation, and child pornography. The military judge sentenced the accused to 54 months confinement, reduction to E-1, and a dishonorable discharge. (2d Bn, 5th Mar) (14 February 2011)

a. Precise interaction. Written communications between NCIS and the Eugene Police Department, Springfield, OR.

b. Nature of declination. Investigative declination. Civilian law enforcement cited victim's preference for prosecution through military.

c. Character of conviction(s). Sexual assault of a child (penetration), sexual assault of a child (contact), sexual misconduct (child pornography), and collateral misconduct as indicated above.

d. Recommendations

(1) Investigating Officer: GCM

(2) SJA: GCM

(3) CA: GCM

(4) Was IO a judge advocate? Yes

e. Sentence. See above for adjudged sentence.

(1) Appellate review. Affirmed by the Navy-Marine Corps Court of Criminal Appeals.

f. Article 60 clemency. None.

6. At a General Court-Martial at Region Legal Service Office Southeast, Jacksonville, Florida, Lance Corporal (b)(6), (b)(7)(C) was convicted by a military judge alone of an orders violation, an indecent act, and assault consummated by a battery. The military judge sentenced the accused to 18 months confinement, reduction to E-1, and a bad conduct discharge. (MCSF Bn, II MEF) (13 November 2012)

a. Precise interaction. E-mail discussion between installation SJA, NCIS, civilian law enforcement and DA.

b. Nature of declination. Determination that UCMJ addressed factual circumstances of sexual assault due to incapacitation better than Missouri state law.

c. Character of conviction(s). Combination of sexual misconduct (indecent act) and collateral misconduct as indicated above.

d. Recommendations

(1) Investigating Officer: GCM

(2) SJA: GCM

(3) CA: GCM

(4) Was IO a judge advocate? Yes

e. Sentence. See above for adjudged sentence.

(1) Appellate review. Affirmed by the Navy-Marine Corps Court of Criminal Appeals.

f. Article 60 clemency. Confinement in excess of 12 months suspended pursuant to a PTA.

16. Pending a guilty plea at General Court-Martial at Marine Corps Air Station Miramar, California, Sergeant (b)(6), (b)(7)(C) is charged with aggravated sexual contact, assault consummated by a battery, false official statements, communicating threats, indecent language, orders violations, and child pornography. (MCRC (West)) (trial date set for 9 September 2013)

- a. Precise interaction. Written communications between TC and Los Angeles Police Department.
- b. Nature of declination. Declined to prosecute due to lack of sufficient evidence.
- c. Character of conviction(s). Pending guilty plea at court-martial.
- d. Recommendations
 - (1) Investigating Officer: SPCM
 - (2) SJA: GCM
 - (3) CA: GCM
 - (4) Was IO a judge advocate? Yes
- e. Sentence. Pending.
 - (1) Appellate review. Pending court-martial.
- f. Article 60 clemency. Pending court-martial.

17. At a General Court-Martial at San Diego, California, Gunnery Sergeant (b)(6), (b)(7)(C) was convicted by officer and enlisted members of aggravated sexual assault and adultery. The panel sentenced the accused to forfeiture of all pay and allowances, reduction to E-1, and a dishonorable discharge. (MCRC (West)) (3 May 2013)

- a. Precise interaction. SJA and TC communication with Anchorage District Attorney.
- b. Nature of declination. Deferred to military jurisdiction.
- c. Character of conviction(s). Combination of sexual assault (penetration) and collateral misconduct as indicated above.
- d. Recommendations
 - (1) Investigating Officer: GCM
 - (2) SJA: GCM
 - (3) CA: GCM
 - (4) Was IO a judge advocate? Yes
- e. Sentence. See above for adjudged sentence.
 - (1) Appellate review. Pending before the Navy-Marine Corps Court of Criminal Appeals.
- f. Article 60 clemency. None.

18. At a General Court-Martial at Camp Lejeune, North Carolina, Corporal (b)(6), (b)(7)(C) was convicted by a military judge alone of aggravated sexual assault, adultery, and a false official statement. The military judge sentenced the accused to 5 years confinement, forfeiture of all pay and allowances, reduction to E-1, and a dishonorable discharge. (3d Bn, 9th Mar) (15 May 2013)

- a. Precise interaction. Communication between NCIS and Jacksonville Police Department.
- b. Nature of declination. Investigative declination. The civilian police department closed the case after multiple unsuccessful attempts to contact the victim.
- c. Character of conviction(s). Combination of sexual assault (penetration) and collateral misconduct, as indicated above.
- d. Recommendations
 - (1) Investigating Officer: GCM
 - (2) SJA: GCM
 - (3) CA: GCM
 - (4) Was IO a judge advocate? Yes
- e. Sentence. See above for adjudged sentence.
 - (1) Appellate review. Pending transmittal to the Navy-Marine Corps Court of Criminal Appeals.
- f. Article 60 clemency. Pending CA's action. CA agreed to suspend confinement in excess of 42 months and defer forfeitures in favor of the wife of the accused pursuant to a pretrial agreement.

19. At a General Court-Martial at Marine Corps Base, Quantico, Virginia, Staff Sergeant (b)(6), (b)(7)(C) was acquitted by a panel of officer and enlisted members of aggravated sexual assault. (Trng Cmd) (29 October 2010)

- a. Precise interaction. Conversation between TC and civilian authorities.
- b. Nature of declination. Written declination to file charges.
- c. Character of conviction(s). Acquitted.
- d. Recommendations
 - (1) Investigating Officer: GCM
 - (2) SJA: GCM
 - (3) CA: GCM
 - (4) Was IO a judge advocate? Yes
- e. Sentence. N/A.
 - (1) Appellate review. N/A.
- f. Article 60 clemency. N/A.

20. At a General Court-Martial at Parris Island, South Carolina, Staff Sergeant (b)(6), (b)(7)(C) was acquitted by a panel of officer and enlisted members of rape of a child, aggravated sexual assault of a child, abusive sexual contact with a child, indecent liberties in the presence of a child, indecent act, sodomy with a child, adultery, and communicating a threat. (MCRC (East)) (21 May 2011)

- a. Precise interaction. SJA interaction with Florida State Attorney.
- b. Nature of declination. Written declination to file charges from Florida State Attorney.
- c. Character of conviction(s). Acquitted.
- d. Recommendations
 - (1) Investigating Officer: GCM
 - (2) SJA: GCM
 - (3) CA: GCM
 - (4) Was IO a judge advocate? Yes
- e. Sentence. N/A.
 - (1) Appellate review. N/A.
- f. Article 60 clemency. N/A.

21. At a General Court-Martial at Twentynine Palms, California, Corporal (b)(6), (b)(7)(C) was acquitted by officer and enlisted members of aggravated sexual assault. (MWSS 374) (6 May 2011)

- a. Precise interaction. Conversation between TC and DA (recollection of TC).
- b. Nature of declination. Declined to charge due to lack of evidence.
- c. Character of conviction(s). Acquitted.
- d. Recommendations
 - (1) Investigating Officer: GCM
 - (2) SJA: GCM
 - (3) CA: GCM
 - (4) Was IO a judge advocate? Yes
- e. Sentence. See above for adjudged sentence.
 - (1) Appellate review. N/A.
- f. Article 60 clemency. N/A.

22. At a Special Court-Martial at Parris Island, South Carolina, Sergeant (b)(6), (b)(7)(C) was convicted by a military judge alone of orders violations and false official statements, but acquitted of aggravated sexual contact, abusive sexual contact, and wrongful sexual contact. The military judge sentenced the accused to 5 months confinement, reduction to E-1, and a bad conduct discharge. (MCRC (East)) (4 June 2012)

- a. Precise interaction. Phone conversation between TC and police detective (recollection of TC).
- b. Nature of declination. DA declined to prosecute due to minor nature of the offense.
- c. Character of conviction(s). Collateral misconduct.
- d. Recommendations
 - (1) Investigating Officer: N/A
 - (2) SJA: N/A
 - (3) CA: N/A
 - (4) Was IO a judge advocate? N/A
- e. Sentence. See above for adjudged sentence.
 - (1) Appellate review. Affirmed by the Navy-Marine Corps Court of Criminal Appeals.
- f. Article 60 clemency. None.

23. At a General Court-Martial at Camp Lejeune, North Carolina, Corporal (b)(6), (b)(7)(C) was convicted by a military judge alone of aggravated sexual assault of a child, abusive sexual contact with a child, and enticement of a child. The military judge sentenced the accused to 100 days confinement, forfeiture of all pay and allowances, reduction to E-1, and a bad conduct discharge. (2d Bn, 6th Mar) (12 August 2011)

- a. Precise interaction. Conversation between TC and DA (recollection of TC).
- b. Nature of declination. Deferral to military prosecution as more appropriate.
- c. Character of conviction(s). Sexual assault with a child (penetration), sexual assault with a child (contact), sexual misconduct (enticement of a child).
- d. Recommendations
 - (1) Investigating Officer: Art. 32 investigation waived
 - (2) SJA: GCM
 - (3) CA: GCM
 - (4) Was IO a judge advocate? N/A
- e. Sentence. See above for adjudged sentence.
 - (1) Appellate review. Affirmed by the Navy-Marine Corps Court of Criminal Appeals.
- f. Article 60 clemency. None.

24. At a General Court-Martial at Marine Corps Air Station Miramar, California, Lance Corporal ^{(b)(6), (b)(7)(C)} _{(b)(6), (b)(7)(C)} was convicted by a military judge alone of aggravated sexual contact and aggravated sexual assault. The military judge sentenced the accused to 8 years confinement, reduction to E-1, forfeiture of all pay and allowances, and a dishonorable discharge. (TECOM) (7 February 2013)

- a. Precise interaction. Conversation between Army CID and Sierra Vista, AZ Police Department.
- b. Nature of declination. Civilian law enforcement determined further investigation not warranted.
- c. Character of conviction(s). Sexual assault (penetration and contact offense).
- d. Recommendations
 - (1) Investigating Officer: GCM
 - (2) SJA: GCM
 - (3) CA: GCM
 - (4) Was IO a judge advocate? Yes
- e. Sentence. See above for adjudged sentence.
 - (1) Appellate review. Pending before the Navy-Marine Corps Court of Criminal Appeals.
- f. Article 60 clemency. None.

25. At a Special Court-Martial at Marine Corps Recruit Depot San Diego, California, Staff Sergeant (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) was acquitted by officer members of assault consummated by a battery, orders violation, and false official statement. Wrongful sexual contact charges withdrawn (MCRC (West)) (31 August 2011)

a. Precise interaction. Written contact between Canyon County Sheriff's Office and NCIS.

b. Nature of declination. Investigative declination based on insufficient evidence. Sheriff's Office declined further investigation.

c. Character of conviction(s). Acquitted.

d. Recommendations

(1) Investigating Officer: N/A

(2) SJA: N/A

(3) CA: N/A

(4) Was IO a judge advocate? N/A

e. Sentence. N/A

(1) Appellate review. N/A

f. Article 60 clemency. N/A

26. At a General Court-Martial at Region Legal Service Office Southeast, Jacksonville, Florida, Corporal (b)(6), (b)(7)(C) was acquitted by officer and enlisted members of indecent conduct. (MCSF Bn, II MEF) (6 March 2013)

a. Precise interaction. E-mail discussion between installation SJA, NCIS, civilian law enforcement and DA.

b. Nature of declination. Determination that UCMJ addressed factual circumstances of sexual assault due to incapacitation better than Missouri state law.

c. Character of conviction(s). Acquitted.

d. Recommendations

(1) Investigating Officer: GCM

(2) SJA: GCM

(3) CA: GCM

(4) Was IO a judge advocate? Yes

e. Sentence. N/A

(1) Appellate review. N/A

f. Article 60 clemency. N/A

27. At a General Court-Martial at Marine Corps Air Station Miramar, California, Captain (b)(6), (b)(7)(C) was convicted by officer members of conduct unbecoming, but acquitted of rape. The panel imposed no punishment. (HqBn MWHS 3, 3d MAW) (11 March 2011)

- a. Precise interaction. NCIS communications with San Diego DA and New Orleans DA.
- b. Nature of declination. Declined to prosecute based on insufficient evidence. San Diego DA declined to prosecute based on locus of alleged crime; New Orleans DA declined to prosecute based upon insufficient evidence.
- c. Character of conviction(s). Collateral misconduct, as indicated above.
- d. Recommendations
 - (1) Investigating Officer: GCM
 - (2) SJA: GCM
 - (3) CA: GCM
 - (4) Was IO a judge advocate? Yes
- e. Sentence. None.
 - (1) Appellate review. N/A
- f. Article 60 clemency. N/A

28. At a General Court-Martial at Marine Corps Air Station Miramar, San Diego, California, Lance Corporal (b)(6), (b)(7)(C) was acquitted by officer and enlisted members of aggravated sexual assault and communicating a threat. (MAG 16) (6 May 2013)

a. Precise interaction. Communications between El Cajon, CA Police Department, San Diego District Attorney, and NCIS.

b. Nature of declination. Declined to prosecute based on insufficient evidence. San Diego DA declined to prosecute due to lack of physical evidence and the late nature of the report.

c. Character of conviction(s). Acquitted.

d. Recommendations

(1) Investigating Officer: GCM

(2) SJA: GCM

(3) CA: GCM

(4) Was IO a judge advocate? Yes

e. Sentence. See above for adjudged sentence.

(1) Appellate review. N/A

f. Article 60 clemency. N/A

Department of the Navy FOIA Response



Miranda Petersen [REDACTED]

FOIA

Tue, Oct 8, 2013 at 10:29 AM

To: Miranda Petersen [REDACTED]
Cc: [REDACTED]

Ms. Petersen,

Your request was received and we are currently working with multiple departments in processing this request.

However, I did want to advise you that we, Code 20, do not maintain a system of records that would include a lot of the information you are requesting.

We may be able to identify a number of cases which civilian prosecutors decline to take, but that the Navy prosecuted.

However, we do not maintain a system of records including 120 cases charged by civilians, reasons for civilian law enforcement's declination, or the military's request for civilians to w/d charges.

What we will be able to provide is a redacted version of some particular cases where civilians declined to pursue, but that the Navy pursued. This information was not tracked in a system of records, so the number of cases we provide are the only ones we were able to identify. This would also satisfy the last portion of your request which asks for the ultimate disposition of those cases.

If you have any questions, please let me know.

V/r,

[REDACTED]
LT, JAGC, USN
Office of the Judge Advocate General
Criminal Law Division, Code 20
1254 Charles Morris ST, SE, Suite B-01
Washington Navy Yard, DC 20374-5124
[REDACTED]

FOR OFFICIAL USE ONLY / PRIVACY SENSITIVE / ATTORNEY WORK PRODUCT. The information contained in this e-mail and/or accompanying documents was prepared by the Director of the Criminal Law Division, Office of the Judge Advocate General of the Navy and is intended for the exclusive use of the individuals to whom it is addressed. It may contain information that is pre-decisional, privileged or protected from release under the Privacy Act, FOIA or other applicable laws. Do not disseminate this e-mail, or its contents, to anyone who does not have an official need for access, or without the express consent of the sender. If you are not the intended recipient, you are on notice that copying, disclosure or any distribution of this message, in any form, is prohibited. Any misuse or unauthorized disclosure can result in both civil and criminal penalties.

-----Original Message-----

Protect Our Defenders Mail - FOIA

11/12/13, 2:01 PM

To: [REDACTED]
Subject: Re: FOIA

Hi [REDACTED],


Taryn is no longer the point person at our organization, and I am now handling the FOIA requests submitted by our office. I would love to speak with you and answer any questions you may have.

Thank you,
Miranda

Miranda Petersen
Policy Advisor & Program Director

Protect Our Defenders

[REDACTED] www.protectourdefenders.com <<http://www.protectourdefenders.com/>>

 **smime.p7s**
6K



Miranda Petersen [REDACTED]

FOIA CASE DON 2013F041961 RESP TO REQ ML

Wed, Nov 6, 2013 at 3:29 PM

To: [REDACTED]

Taryn Meeks
Protect Our Defenders
110 Maryland Ave NE, Suite 505
Washington, DC 20002

Dear Taryn Meeks:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUEST; FOIA CASE NUMBER DON2013F041961

This is in reference to your Freedom of Information Act (FOIA) request dated August 15, 2013 (copy attached). Your request was received in our office on September 24, 2013.



We have determined that the information you are seeking may be maintained by Office of the Judge Advocate General (OJAG), Criminal Law Division (Code 20), located at 1254 Charles Morris Street SE, Suite B01, Washington Navy Yard, DC 20374-5124. Therefore, we have forwarded your request to that office for action and direct response to you. Please be advised OJAG (Code 20) will address your request for expedited processing and a fee waiver.

Questions regarding the action this office has taken during the initial processing of your request may be directed to our FOIA service center at (202) 685-0412. For questions regarding the current status of your request, please contact a FOIA Coordinator at OJAG (Code 20) directly at (202) 685-7056.

Sincerely,

[REDACTED]
Head, DON FOIA/PA Program Office

2 attachments

-  **2013F041961 FOIA REQ.pdf**
72K
-  **smime.p7s**
6K



Date: August 15, 2013

TO: SECNAV/CNO FOIA Office
Chief of Naval Operations (DNS-36)
2000 Navy Pentagon
Washington, D.C. 20350-2000

Dept Of the Navy (OPNAV) PA/FOIA Policy Office
Freedom Of Information/Privacy Act Request
Date Received: 9-24-13 Statutory due date: 10-22-13
DON PA/FOIA/consult Tracking Number: 2013FO4196
Acknowledgement date: _____

To Whom it May Concern,

Please see attached signed copy of request noted below.

Name: Taryn Meeks
Mailing Address: 110 Maryland Ave NE, Suite 505, Washington, D.C. 20002
Email: tmeeks@protectourdefenders.com

Documents Requested: This is a FOIA request. I am requesting documents pertaining to the testimony of Admiral James Alexander Winnefeld, Vice Chairman of the Joint Chiefs of Staff, before the Senate Armed Services Committee on July 18, 2013. During his testimony on the U.S. Military's prosecutions of rape and sexual assault, Admiral Winnefeld made the following assertion: the Army found 49 cases in the last two years in which civilian lawyers declined to prosecute; commanders pursued the cases, leading to 25 convictions. The Marine Corps reported 28 cases declined by prosecutors that commanders pursued to 16 convictions.

I respectfully request any and all documents and data since the year 2008 that have been used to support this assertion made by Admiral Winnefeld.

Specifically, I request the following information for the Navy for 2013, 2012, 2011, 2010, 2009, 2008:

- All Article 120 cases which were charged by civilian law enforcement.
- All Article 120 cases which civilian law enforcement declined to prosecute.
- The reason for the civilian law enforcement declination, to include the military's request that civilian authorities withdraw charges.
- The ultimate disposition of the aforementioned cases, to include forum, conviction, and sentence awarded, if any.

I am willing to pay up to \$200.00 dollars. I request a fee waiver because disclosure of this data is in the public interest. This data has been provided as evidence against the passage of reforms to the Uniform Code of Military Justice

that are currently pending in the United States Senate. Access to this data is critical to evaluating the potential effectiveness of proposed reforms.

This is an expedited request. This data has been provided to Congress and to the media as arguments for and against certain pending reforms. It is in the public interest for a victims' advocacy organization (representing male and female survivors of sexual assault within the military) to have access to this information. We will use this information to inform sexual assault victims (who are the subject of the data as well as the proposed reforms), as well as lawmakers and the public. Without timely access to the information knowledge of the true rates of prosecution by the military is restricted.

Very Respectfully,



Nancy Parrish

4/11/2016

Protect Our Defenders Mail - Fwd: FOIA REQUEST



Yelena Tsilker [REDACTED]

Fwd: FOIA REQUEST

1 message

mpetersen [REDACTED]

Thu, Feb 11, 2016 at 9:27 AM

To: Yelena Tsilker [REDACTED]

Begin forwarded message:

From: [REDACTED]
Date: July 30, 2014 at 7:23:49 AM EDT
To: [REDACTED]
Subject: FOIA REQUEST

Miranda,

Good morning, I am writing in regards to a FOIA request submitted back in October 2013 pertaining to about 120 cases/data that you are seeking. I know that it has been a long time to process this request, so I am trying to find out if you are still in need of this information. If you are still in need of this information, could you please email exactly what you are looking for, as with all the turnover that has been happening at Code 20 it seems that your request cannot be located, you will not lose your place in the queue, but if still needed I would like to do some research on the topic, if you could email me back it would be greatly appreciated.

V/r

[REDACTED]
Office of the Judge Advocate General
Criminal Law Division, Code 20
1254 Charles Morris ST, SE, Suite B-01
Washington Navy Yard, DC 20374-5124
[REDACTED]