

[REDACTED]

To: [REDACTED] USARMY (US)
Subject: RE: Thank yous from victims (UNCLASSIFIED)

-----Original Message-----

From: [REDACTED] USARMY (US)
Sent: Wednesday, October 30, 2013 10:48 AM
To: [REDACTED] USARMY (US)
Cc: [REDACTED] USARMY HQDA TJAGICS (US); [REDACTED] USARMY (US)
Subject: RE: Thank yous from victims (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ma'am,

I have two cases and a nonprosecution:

U.S. v. [REDACTED] and U.S. v. [REDACTED] even though the latter ended in an acquittal, afterwards the victim told me and [REDACTED] "I couldn't have asked for better attorneys."

U.S. v. [REDACTED] the victim told me "he got exactly what he deserved, no more and no less" and that she felt "very well taken care of."

Also, in the case concerning [REDACTED] [REDACTED] even though we ended up not prosecuting the case due to insufficient evidence and an unwilling victim, the victim said "I'm just glad someone took me seriously and actually believed me."

V/R,

[REDACTED]

Our recent positive victim feedback includes:

U.S. v. [REDACTED] Positive victim feedback related to process, result, and government efforts (On 28 October 2013, the military judge, [REDACTED], accepted [REDACTED] plea of guilty to strangling his wife and pointing a loaded shotgun at his wife (Ag. Assault, Art. 128 x2), committing an assault consummated by a battery upon his wife (Art. 128) and adultery (Art. 134). The judge sentenced him to a Bad-Conduct Discharge, confinement for 130 days and reduction to E-1. The pretrial agreement limits the confinement to 121 days).

U.S. v. [REDACTED] [REDACTED] testified at trial and was present for sentencing. The case resulted in a sexual assault conviction and the victim was very happy with the result of trial and she and her family were appreciative of the work that went into the case.

U.S. v. [REDACTED] The victim, [REDACTED] testified at trial and was present for sentencing. Afterwards, she thanked both counsel for prosecuting the case and indicated she was extremely pleased with the outcome, in which the Soldier was found guilty and given a punitive discharge.

US v. [REDACTED] was very pleased with the outcome, which was a Chapter 10. She was pleased with the treatment she received from [REDACTED] and her ability to provide input on the outcome.

US v. [REDACTED] was reportedly pleased with the outcome of the case. (On 10 October 2013, at a General Court-Martial (Guilty Plea) convened on Rose Barracks, Germany, [REDACTED] U.S. Army, 1st Inland Cargo Transportation Company, 18th Combat Support Sustainment Battalion, plead Guilty of one charge and one specification of a violation of Article 120, UCMJ, Abusive Sexual Contact. A Military Judge alone presided over the guilty plea and deliberated on the sentencing argument for approximately one hour. The Military Judge sentenced [REDACTED] to: Reduction to E1; eight month confinement; and a bad conduct discharge. The OTP capped the sentence at 179 days).

From: [REDACTED] SARMY (US)
To: [REDACTED] (US); [REDACTED] USARMY (US)
Subject: Victims Appreciation (UNCLASSIFIED)
Date: Friday, November 01, 2013 3:17:52 PM

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

[REDACTED] coming the SVNCO I have received flowers from one victim, [REDACTED] and several text messages containing gratefulness for our assistance and overall positive feedback about the program from [REDACTED] and [REDACTED]

V/R

[REDACTED]

USA

Special Victims/Criminal Law Paralegal
Office of the Staff Judge Advocate
JRTC & Fort Polk
Tel: [REDACTED]
DSN [REDACTED]
FAX [REDACTED]

Classification: UNCLASSIFIED
Caveats: NONE

From: [REDACTED] IV USARMY MSCOE (US)
To: [REDACTED] CPT USARMY MSCOE (US)
Subject: RE: Email to SJAs (UNCLASSIFIED)
Date: Wednesday, October 30, 2013 12:53:02 PM
Attachments: [REDACTED].pdf
Eval 2.pdf
Eval April 2010 #2.pdf
Eval April 2010.pdf
Eval May 2010.pdf
Eval.pdf
[REDACTED].pdf
[REDACTED].pdf
RE [REDACTED] (UNCLASSIFIED).msg

Classification: UNCLASSIFIED
Caveats: NONE

Not sure if the attachments are exactly what you are looking for or not.

Double offenders in a rape case of one victim. She was very pleased with the assistance she received from the SVP, TC, VA and VWL. However, didn't like the process. We have others feel the same way; hated going thru the Article 32, trial prep, testimony in open court, etc., but was pleased with the assistance we provided.

We had a case in 2005 of child molestation by the adoptive father of his daughters. The local county was going to do the prosecution as they lived off post. Long story short...it took them so long, that the military finally took jurisdiction and prosecuted also and first. The mother was extremely grateful for the military doing a fast prosecution. Not sure if you could make this fit into the arena of sexual assault as it is consider a domestic crime.

If I recall any more specifics, I will forward them to you.

-----Original Message-----

From: [REDACTED] USARMY MSCOE (US)
Sent: Wednesday, October 30, 2013 9:10 AM
To: [REDACTED] USARMY MSCOE (US)
Cc: [REDACTED] USARMY MSCOE (US)
Subject: FW: Email to SJAs (UNCLASSIFIED)
Importance: High

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

Can you help with this.

Let's try and think of specific conversations we have had with victims who have thanked you/me/ the Army etc.

I have letters from the [REDACTED] but I don't think I have anything else in writing from anyone.

[REDACTED]

Victim Responses

██████████, SVP:

I can only say that generally I have had brief, positive in-person and telephone feedback from many victims, along the lines of appreciating the respect and dignity with which they felt treated, that I kept them well-informed, and that I helped them manage expectations. However, I have no particular correspondence to cite to.

██████████ (US v ██████████ I had a 25-30 min telephone conversation with her post-trial and she was generally complimentary of how we handled the case, and expressed her thanks in helping bring this to resolution...even though we lost on the SA charge.

██████████ (US v ██████████: received an email from her a month or so ago stating: "Thank you so much for everything I really appreciate it. You have definitely helped me through this."

██████████ (US v ██████████: was in the OSJA to see legal assistance and made a to stop by my office and say hello and let me know how she was doing.

██████████ mother of ██████████ (US v ██████████: set an appointment a week or so after trial to come see me in person and showed up with the sole purpose of thanking me for everything we did for her and her daughter.

██████████
US v. ██████████ (mom) and ██████████ (13 year old victim), both thanked ██████████ and I for our work on the case, and gave us hugs.

US v. ██████████ (GCM, NG/EP, G of most specifications, Life with parole, TF, Red to E1, DD), the foster mother ██████████ of the youngest three ██████████ children came up to me and thanked me profusely. The social worker for the younger children ██████████ St Francis Community Service, Junction City, KS) also thanked both ██████████ and I profusely after the trial. ██████████, who has many contacts in the civilian law enforcement and child protective services community, says that news of the success in the ██████████ trial is fairly far-reaching, and restored faith in the military justice system for many in the Fort Riley surrounding areas. I am not sure, but this may be part of the reason it was relatively easy for us to get jurisdiction of the second ██████████ offense.

The victim in US v. [REDACTED] (GCM, GP/JA to Art. 128 instead of Art. 120), also expressed a lot of appreciation to [REDACTED] and [REDACTED].

[REDACTED]

US v. [REDACTED] the family and grandmother (who is a paralegal) let [REDACTED] and I know that though they were disappointed in the sentence that [REDACTED] received they were very pleased and thought highly of the case the Army put forward for them and their children.

U.S. v. [REDACTED] (prosecuted on 2 October 2013 resulting in the Accused being convicted of various offenses and sentenced to 6 years confinement):

- Minor victim #1 would repeatedly text our Trial Counsel expressing thanks for her help throughout the process. Texts include language such as:
 - "I'm doing pretty good. I miss you. :(I feel like you're family and I don't get to see you anymore."
- Adult victim #2 expressed her gratitude with the following text message:
 - "I want to thank you so much. There is a peace that in no words can describe, You, [REDACTED] and [REDACTED] provided that this day. Thank You"
 - [REDACTED] this is [REDACTED] From the bottom of my heart thank you for what you did for us, especially [REDACTED] and [REDACTED] You will always remain a part of our family."

U.S. v. [REDACTED] (prosecuted on 10 September 2013 resulting in the Accused being acquitted.) This note is especially compelling because Nashville Police Department chose not to prosecute the case for lack of evidence. We prosecuted the case and presented a strong argument, though we failed to prove beyond a reasonable doubt.:

- [REDACTED], the victim's cousin and a primary witness from the trial, sent us the attached letter expressing her gratitude for the efforts we took to prosecute the case.

U.S. v. [REDACTED] (prosecuted on 9 January 2013) resulting in the Accused being convicted of various offenses and sentenced to 1 year confinement):

- A follow up note from one of the several male victims of this male on male sexual abuse case said "Thank you for what you did. You let us tell our story and they believed us. They actually believed us."

U.S. v. [REDACTED] (prosecuted on 23 July 2013 resulting in the Accused being convicted of various sexual assault, rape, and violent offenses and sentenced to 10 years confinement):

- The victim responded to the lead Trial Counsel with a note saying "Thank you for being with me throughout this whole process. It really made me feel like I had someone who was there for me."

All the victims, and the husbands of two of them, in the [REDACTED] case gave a lot of thanks following the case. [REDACTED] still keeps in touch with [REDACTED] and may actually testify before one of the Congressional subcommittees with [REDACTED] on her experience.

The mothers in the [REDACTED] and [REDACTED] cases were both very appreciative. The mother in the Toro case gave me a hug. I think the mother in the [REDACTED] case wrote a short thank you to [REDACTED] for the office's efforts.

Very Respectfully,

[REDACTED]
[REDACTED] JA

Special Victim Prosecutor

O: [REDACTED]

M: [REDACTED]

Hood: US v. [REDACTED] a case that the civilians "prosecuted" and gave the [REDACTED] (a PA) a deferred adjudication on, with an 8 year SOR requirement. It was a "sting" operation where he thought he was soliciting a 15 year old girl for sex. The DA admitted that they didn't search his computers or read the chat logs he had before giving him the deal. He said it was a onetime deal and he'd never done anything like that before. All we had was a disk of the chat logs because the civilian police gave his computer back to him after initially collecting it. The TC dug into the chat logs that the DA had in her possession and they clearly showed an interest in doing very graphic things with little girls, offering his 10 year old son to one of his "chat partners" if he could watch, etc. I tried to light a fire under CID down at FSH to canvass his neighborhood because he referenced being interested one of his son's friends [REDACTED] but they didn't want to. He was convicted of 2 specifications of attempted sexual abuse of a child and received 1 year confinement and a dismissal. And I believe he was retirement eligible or close to it. CID didn't want to do anything, the civilian authorities didn't want to do anything. This was pure TC work to get this creep out of the Army. [REDACTED] put on the longest sentencing case the MJ had ever seen. The victim was so grateful to the Army for seeing this through after feeling like there was no justice in the first civilian case.

-----Original Message-----

From: [REDACTED] USARMY 1 TSC (US)

Sent: Friday, November 01, 2013 1:12 PM

To: [REDACTED] (US)

Cc: [REDACTED] USARMY 1 TSC (US); [REDACTED] LTC USARMY 1 TSC (US)

Subject: RE: Email to SJAs (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Ma'am,

I have been involved in two cases where I can recall receiving a "thank you" from the victim/family. Case names, year of trial, the jurisdiction, and a summary follow. Please let me know if you need me to elaborate further.

U.S. v. [REDACTED] (2010 trial at Fort Irwin). The father of the victim (15 year old, dependent child) thanked me during an interview shortly before trial. The accused was preying on high school dependents at the on-post swimming facility over the Summer. The father of the victim was glad to know that the accused was held accountable for his actions.

U.S. v. [REDACTED] (2011 trial at Schofield Barracks). The victim and her husband both thanked me for taking their case and obtaining a conviction. The victim told me she was angry because the civilians refused to prosecute. She believed the accused was going to get away with his crime, until the military contacted her about the case.

Very Respectfully,

[REDACTED]
JA

Chief, Military Justice
1st Sustainment Command (Theater)

[REDACTED]
DSN: [REDACTED]

From: [REDACTED] (S)
To: [REDACTED]
Cc: [REDACTED] USARMY HQDA OTJAG (US)
Subject: FW: RFI - Email to SJAs (UNCLASSIFIED)
Date: Sunday, November 03, 2013 12:37:54 PM
Attachments: [Sexual Assault.pdf](#)
Importance: High

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

Please copy and paste email and save attachment into Thank you folder for redaction.

[REDACTED]

Crim Law, OTJAG

[REDACTED]

-----Original Message-----

From: [REDACTED] USARMY (US)
Sent: Friday, November 01, 2013 6:07 PM
To: [REDACTED] CIV (US)
Cc: [REDACTED] USARMY 4 ID (US); [REDACTED] RC(S)
4ID; [REDACTED] USARMY (US)
Subject: RFI - Email to SJAs (UNCLASSIFIED)
Importance: High

Classification: UNCLASSIFIED
Caveats: NONE

Ma'am,

From Fort Carson (Rear):

BLUF: We do not have significant documentation on any "thank you" notes from sexual assault victims. Our SVP, [REDACTED] was able to recall a few instances of

"thank you" notes, and I received one "thank you" recently (see attached and below).

Additionally:

[REDACTED] was able to recall that the victims and at least two husbands in

██████████ were giving praise at the conclusion of that case. ██████████

██████████ from the ██████████ case still keeps in touch with our SVA.

This was the SM that gave the CNN interview.

The mother in US v. ██████████ was appreciative for our work on her daughter's case. Toro took the victim home one night after the bars downtown and forced himself upon her. He engaged in numerous sexual acts and pled to the sheet. ██████████ received a 9 years confinement and a DD.

Although not sexual assault but still a 120 case, the mother in US v.

██████████ was very appreciative after the conviction of ██████████ ██████████ had sex with her underage daughter. He was a friend of the family. ██████████ received 10 months confinement and a BCD.

Again although it is not a sexual assault case, it was still a 120 case.

The family in US v. ██████████ was very appreciative for our work in the conviction of ██████████ ██████████ was sending sexually explicit messages to their 12 year old daughter as well as spying on her while she was changing. He was a friend of the family. The text message (PII has not been redacted) is attached.

V/r,

██████████
██████████
JA

Deputy Staff Judge Advocate
4th Infantry Division
██████████

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Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: [REDACTED] USARMY (US)
To: [REDACTED] S)
Subject: TCAP SUSPENSE
Date: Wednesday, October 30, 2013 4:40:26 PM
Attachments: [photo.png](#)

Beth,

Here's more:

U.S. v. [REDACTED] Child victim disclosed sexual abuse in FEB 2011 against step-father. Mother forced daughter to recant and Gov't lost all contact with Family. When SVP arrived in July 2012 he reengaged family. It took close to 10 attempts but finally mother agreed to meet with him. SVP explained support and TC to mother. SVP got mother in job-training, got victim in counseling, got accused moved out of the home, and assisted Family to get a \$10,000 AER grant to move to AZ. The day Family was being moved the movers found drugs in the home. CID went to home and "unpacked" everything. Family was kicked off post. SVP personally cleaned house and helped repack all HHG as movers would not go to home without home being cleaned and packaged. SVP met with movers. Trial resulted in a DD and 16 years confinement. Mother has told SVP on numerous occasions that he "saved" the family.

U.S. v. [REDACTED] Accused got a DD and 20 years for raping two women. Photo are texts between one victim (April V) and SVP.

V/R

[REDACTED]
[REDACTED] JA

Special Victim Prosecutor
JRTC & Fort Polk, Fort Polk, LA

Office (COM): [REDACTED]

Office (DSN): [REDACTED]

Cel: [REDACTED]

Fax: [REDACTED]

[REDACTED] mil@mail.mil

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DEPARTMENT OF THE ARMY
U.S. ARMY MANEUVER SUPPORT CENTER OF EXCELLENCE
OFFICE OF THE STAFF JUDGE ADVOCATE
316 MISSOURI AVENUE
FORT LEONARD WOOD, MISSOURI 65473-8932

ATZT-JA

1 November 2013

MEMORANDUM THRU Deputy Staff Judge Advocate (ATZA-JA)

FOR Staff Judge Advocate (ATZT-JA)

SUBJECT: Consolidated "Thank You" Vignettes for OTJAG Criminal Law

The following vignettes, compiled by [REDACTED] based on TC input, are provided in response to [REDACTED] request pertaining to Request For Information responding back to the Congressionally-appointed Response System Panel (RSP) examining the military justice response to sexual assault. [REDACTED] said he is looking for "thank you" letters/e-mails/summaries of phone calls that SJAs or their Chiefs of Justice or Trial Counsel have received from victims of sexual assault or their Families. OTJAG will redact all PII to alleviate privacy concerns. Responses should be e-mailed by COB to [REDACTED] civ@mail.mil.

Encl
as

[REDACTED]

JA

Chief, Military Justice Division

US v. [REDACTED]. The victim in the case had a fiancée who was a potential sentencing witness regarding victim impact. As part of our pre-sentencing preparation we discussed the impact the sexual assault had on the victim. She indicated that he had been much more withdrawn than beforehand. She thanked us for our assistance in this case and indicated that she felt that going through the process would assist in his ability to move past the incident.

US v. [REDACTED]: [REDACTED] was being investigated for sexual abuse of a child. We were unable to fully substantiate the sexual nature of the injuries and he eventually was convicted of physically abusing the child. The grandmother of the child picked the child up the night the incident was reported and was primary caretaker for the child after the assault. She was extremely emotional about repairing the child and very much appreciated the work and outcome in the case. The child's mother also had a positive experience and our work with her and the case got her past some of the self-blaming for leaving her child with his abuser.

US v [REDACTED]: Sexual assault case happened off post in Pulaski County. County collected evidence and sent it to state crime lab with inconclusive results. The victim told us the county law enforcement officer that interviewed her, treated her rudely and as if she was making a false report. The accused denied even having sex with her. County declined to prosecute. The Army took jurisdiction and tried the case. The trial ended in an acquittal, but the victim was grateful that the Army picked the case up and she had her day in court to tell what the accused had done to her.

US v. [REDACTED] Victim and her boyfriend/fiancé thanked us in person and were very grateful that we believed them and fought for them. Victim noted that the conviction brought for her a refreshing wave of calm that the panel believed her and that they wouldn't allow a guilty man to get away with a crime.

US v. [REDACTED] Victim and her mother were thankful that we believed them, that even though we had little evidence to work with, we brought the best case we had to trial in order to receive a satisfying, just result. She thanked us for traveling out to California to visit her and for staying in close contact with her throughout the entire ordeal.

US v. [REDACTED] Teenage girl victim was molested by her step father while visiting. The Army recalled the accused to active duty where he was tried and convicted. The victim and her family were extremely grateful for the support. The victim sent written thank you notes to the SVP, TC and VWC. The victims' family sent additional thank you notes at Christmas time thanking the major players for the support they received.

US v. [REDACTED]: Soldier victim was sexually assaulted after a party. The Army tried the case which resulted in an acquittal of the sex charges. The victim struggled emotionally throughout the trial and was watched over very closely by all members of the team. When the victim returned to her home station she gave a brief on her experience during

a post wide domestic violence stand down. Her first Sergeant emailed me this information that she had done a remarkable job and that she was a Survivor.

US v. [REDACTED]: The victim struggled a great deal through the process of the court-martial because the accused was a fellow officer and classmate. The trial counsel formed a very supportive relationship with the victim and kept her informed throughout the process. The trial ended in an acquittal but the victim was very grateful to the team that supported her and helped her through the trial.

US v. [REDACTED]: The victim was engaged at the time of the assault and her fiancé was deploying. Her family lived about 2 hours away. She struggled with nightmares, anxiety and trust issues with her unit. She thanked the team (TC, SVP, VWL, VA) for always being willing to take time for her, to listen to her any time of day or night, for believing in her when she felt like her entire unit was against her. For a couple of weeks her mother commuted daily 2 hours one way back and forth to work to stay with her daughter. Her mother was very grateful for the time the TC, VA, VWL and behavioral health worker spent with her daughter to help her through this process when she was not able to be her with her. Her father appreciated how we also kept him and his wife informed, with the victim's permission, on the case status and explained the process.

US v. [REDACTED]: This was a spousal rape case. The spouse thanked the team that assisted her. Aware that most spousal rape case are not prosecuted in the civilian sector, she was grateful that the military prosecuted the case and he was sentenced to confinement and a military discharge.

US v. [REDACTED] This was an alleged sexual assault. It was a guilty plea to AR 350-6 violation. The victim was grateful that he was punished and would no longer be in the military.

1. US v. [REDACTED]: Civilian victim, [REDACTED] called my trial, [REDACTED] to personally thank her for her continued support. Both [REDACTED] and her child were victims of domestic violence.

2. US v. [REDACTED]: [REDACTED], victim of SA by [REDACTED], stopped by the office and thanked my trail counsel, [REDACTED] for his work in the case. [REDACTED] had been a previous victim and stated that this case was handled properly and restored her faith in the process.

3. US v. [REDACTED] [REDACTED], the victim of Rape and assault, called [REDACTED] to thank him for his work in the named case.

4. US v. [REDACTED] [REDACTED], the mother of child SA victims, sent [REDACTED] an email thanking him for negotiating a deal that kept her minor daughter off of the witness stand, yet punished the accused appropriately. [REDACTED] has since deleted the e-mail.

5. US v. [REDACTED]: This civilian SA victim, [REDACTED] thanked both [REDACTED] our SVP and [REDACTED], trail counsel for the work in this case. The e-mail is attached.