

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. NYSJ 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 go 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 feel 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 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.

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.