

- E-9, Army, Fort Bliss, accused of a lewd act on a child for allegedly placing his penis on the face of an eleven-year-old girl while she was sleeping—not guilty.

So much knowledge and experience with forensic evidence and witnesses is one of the pluses we bring to a case.

- Mr. Cave convinced a convening authority not to court-martial an officer for a long-term AWOL. Instead, administrative action was taken.

This case is an example of when early intervention may lead to alternative dispositions rather than court-martial.

- E-5, Army, Fort Bragg, investigated for raping and molesting his now-teenage daughter at multiple locations. Charged with three rapes of a child, six counts of sexually abusing a child, one specification of rape, one specification of sexual assault, two specifications of assault and battery, and one specification of domestic violence. Enlisted panel found him not guilty of everything except one simple assault. Sentence: reduction from E-5 to E-4 and no other punishment.
- E-6, Air Force, Hill Air Force Base. In a trial that made national and international news, a TSgt EOD (Explosive Ordnance Disposal) expert is accused of setting off two improvised bombs in Syria at MSS Green Village, injuring three other service members and himself. The TSgt was placed in pretrial confinement. Mr. Cave writes and files multiple motions to shape the trial while Mr. Freeburg prepares to open and close arguments and cross-examine the prosecution's witnesses. At trial, we show the prosecution's case is purely circumstantial, and there is an alibi defense they had missed! The members of the officer/enlisted panel find the client not guilty after just six hours of deliberations.

E-6, Marine Corps Base Quantico. The ex-girlfriend accused him of pointing a gun at her and using indecent language toward an Uber driver. At the Article 32 hearing, with a strong defense, Mr. Freeburg had the firearm charge dismissed because there was no probable cause. He was charged at a Special Court-Martial for assault and indecent language. The prosecutors chose not to call the ex-girlfriend as a witness. However, Mr. Freeburg's cross-examination revealed that the prosecution's evidence was extremely weak. Suddenly, they decided to call the ex-girlfriend as a surprise witness. Mr. Freeburg objected to her testifying. The judge ruled that a mistrial — even though the defense was winning — was the only remedy due to the prosecution's errors. Undeterred, the Marine Corps referred the case for a new trial. At this trial, the defense objected and requested a dismissal of the charges based on the Constitution's prohibition against Double Jeopardy. The judge denied the motion. Rather than wait for a second trial, Mr. Cave filed an extraordinary writ to appeal the judge's decision. The Court of Criminal Appeals granted our appeal. The result is that the Marine cannot be prosecuted!

Note, in a different case with the same issue the Marine military defense counsel did not file a writ but went through the trial. Their client was convicted. His case was reversed on appeal but by then he has served months in confinement.) The staff sergeant's case shows how knowledge of filing Writs of mandamus or prohibition can be used to protect a client's interest. Our case demonstrates how Mr. Cave's trial and appellate experience aligns with Mr. Freeburg's trial skills.

- E-5, Dyess Air Force Base, accused by his estranged wife, amid a custody dispute, of sexually assault. Discovery of her employment records showed a long history of lying and mentally disturbed behavior. Five days before trial, the Air Force realizes the dishonesty and dismisses all charges!
- E-4, Army, Fort Meade. The estranged wife accused him of sexual assault and domestic violence. They were in the middle of a child custody dispute. Shortly before trial, our digital forensic extraction found evidence the alleged victim's history of lies and violence. Army agrees to a separation—court-martial!
- Grand Forks Air Force Base. Senior Airman accused of groping another Airman on two occasions while she was sleeping. She could not identify her assailant, yet Air Force preferred charges based upon "evidence" provided by another potential suspect! At a judge-alone trial, "Not Guilty."
- E-5, Army, Fort Meade, accused of the sexual assault of another Soldier he had a short-term relationship with. Eventually the Army agrees to a separation instead of a court-martial!
- O-5, Fort McNair. A Major accuses client of sexual assault at his home during a date. Client's retirement is paused, and charges are filed against him. At the Article 32 preliminary hearing, Mr. Freeburg strongly argues that the case should not go forward and that there is no probable cause because the sexual activity was clearly consensual, and the Major had a strong motive to fabricate her allegations. The hearing officer agrees and recommends dismissing the case. Ultimately, the Army dismisses the court-martial charges!
- E-5, Army, charged with the rape of along with battery and extramarital relations. After the defense discovered that the alleged victim had lied about various details of the relationship, lengthy litigation, the government agreed to a guilty plea for only misdemeanor assault and an extramarital relationship!
- O-3, Air Force, Pentagon. Officer is accused of financial crimes and held past his term of service for a court-martial. The Air Force is persuaded to drop the case—the officer leaves service without even going to trial!
- E-4, Air Force, Edwards AFB, is accused of sexually assaulting vaginally and anally another Airman and recording the sex. Then her best friend also accused the Senior Airman of sexually assaulting her on a different occasion! The first set of charges involved a night of casual, consensual sex in Korea. As the case made its way to trial, the charges were dropped of vaginal penetration for both the first and second alleged victim, leaving charges of forced anal penetration and recoding the sex for trial. At trial, Mr. Freeburg destroyed the

government's witnesses (including multiple experts) in front of an Air Force panel resulting in a verdict of "Not Guilty" to all charges and specifications!

- E-8, United States Army, Fort Knox, recruiter is accused of ingesting methamphetamine and lying about it. Mr. Freeburg brings the Army to the negotiating table where they agree to a summary court-martial (which is not legally a conviction) and protection of the Soldier's retirement.
- O-3, Navy Yard, is accused of soliciting sex from an underage male (actually an adult "vigilante"). Following our investigation, the Navy agrees to a separation instead of a court-martial.
- E-4, Fort Drum, is accused of sexual assault in a barracks room. After a long investigation, court-martial charges are preferred against the client. At the Article 32 preliminary hearing, Mr. Freeburg strongly argues that the case should not be prosecuted. The hearing officer agrees and recommends dismissing the case. Instead, charges are referred to a general court-martial. Mr. Freeburg investigates the case further and presents the government with discovery demands and expert requests while simultaneously explaining why the case should be dismissed. The Army agrees and dismisses all court-martial charges!
- E-6, Army, is accused of assaulting his teenage son on multiple occasions and then threatening to kill his command team. After charges were referred to a General Court-Martial (felony-level) with the government seeking serious prison time. After extensive discovery and motions litigation, the government came to a reasonable deal, resulting in a Special Court- Martial (misdemeanor-level) with no confinement being served!
- E-6, Army, Fort Knox, who was serving as the NCOIC for a LTG's Personal Security Detail is charged five specifications of sexual assault, one charge of aggravated assault with a loaded firearm and many charges for alcohol use, steroids, false official statements, fraternization and sexual harassment, all based upon allegations made by his team. Vigorously litigating the case from start to finish, Mr. Freeburg was able to have the steroid charges dropped before trial and then at trial, cross-examined the multiple accusers in front of the panel and then gave a closing argument that tied all of the reasonable doubts together. As a result, the panel acquitted the Soldier of all charges of sexual assault and aggravated assault, and most of the other specifications, resulting in a sentence to a reduction and forfeitures!
- E-3, Air Force, Sheppard Air Force Base, is accused of sexually assaulting two different Air Force enlisted women and is placed into pretrial confinement. Mr. Freeburg showed through numerous witness interviews that there were serious issues with one accuser's story and that the other accuser had only made her allegation after she was caught committing adultery with a different Airman. He is Chapter 4'd instead of court-martial.
- O-5, Army, Fort Belvoir, is accused of multiple specifications of sexual assault by a disgruntled officer with an axe to grind. After a year-long investigation, Mr. Freeburg presents Army C.I.D. with exculpatory evidence proving that the

allegations are a bold-faced lie. As a result, no probable cause is found and the investigation ends, saving the officer's career!

- E-2, Marine Corps, Camp Lejeune, was charged with the sexual assault of two alleged male victims after sexual encounters involving alcohol. He was placed in pretrial confinement after the second incident. After lengthy preparation and case investigation, the government agreed to a guilty plea for only misdemeanor battery and with a sentence of time served!
- E-3, Marine Corps, Camp Lejeune, was charged with male-on-male rape, penetrative sexual assault, multiple specifications of abusive sexual contact involving a total of eight alleged male victims, and several other charges, such as indecent language. He was placed in pretrial confinement. After lengthy preparation and case investigation into the many lies told by the alleged victims and after seating a panel on the first day of trial, the government agreed to a guilty plea for only misdemeanor battery and providing alcohol to minors, with a sentence of time served!
- E-2, Marine Corps, Camp Lejeune, was charged with penetrative sexual assault, multiple specifications of abusive sexual contact involving four alleged victims and several other charges. He was placed in pretrial confinement. Through a lengthy motions practice and an exhaustive case investigation along with the detailed Marine defense counsel, the government to the table to agree to a guilty plea for only misdemeanor battery and with time served!
- O-4, Navy, Navy Yard, officer with a sterling career at some of the United States' most decorated and deployed classified units and task forces, is accused of two specifications of assault, including use of a firearm. At trial, a very senior Navy officer panel acquitted him!
- E-4, United States Army, Joint Base Lewis-McChord, was charged with rape and four specifications of penetrative sexual assault, one charge of misdemeanor strangulation and one charge for violating an order not to drink alcohol. At trial, the cross-examination of the CID agent revealed that the Soldier was manipulated into making a false confession. Mr. Freeburg was also able to successfully cross-examine the government's expert in forensic psychology who testified as to "tonic immobility", instead showing that the alleged victim likely froze due to past trauma. Consequently, an enlisted panel acquitted the Soldier of all charges of rape and sexual assault!
- E-7, Army, Kaiserslautern, with nearly 25 years of service was accused of strangling his wife on four different occasions (aggravated assault), burning her with a frying pan and making a serious threat. The allegations were made in the context of a custody dispute and developed a gameplan to cross-examine the alleged victim on her motivations at trial. Despite the prosecution introducing supposed photos of injuries and testimony from an expert in strangulation, the Soldier was acquitted of all charges of aggravated assault and making threats and only convicted of one lesser included offense of misdemeanor battery (which was witnessed by a third party). No Confinement, Retirement Preserved.

E-7, Navy, Naval Station Norfolk, stationed overseas in 2018 was accused of three specifications of having sex with a prostitute overseas and three specifications of anal rape. In March 2019 he was found guilty of the prostitution charges only and the alleged rapes were dismissed. On appeal, he retained Mr. Cave to represent him. In February 2019, the civilian police in Virginia had been investigating allegations against the same E-7 of oral and vaginal rape of a local woman, as well as attempted anal rape, assault with intent to rape, and robbery. The civilian authorities decided not to prosecute so the now E-1 client was prosecuted at a general court-martial and elected to be represented by Mr. Cave. In this new trial, he was found not guilty of all charges and specifications.

- E-4, Air Force, Sheppard Air Force Base, is accused of having sexual intercourse with a thirteen-year-old girl and videoing a portion of the encounter as the production of child pornography. After extensive litigation and several continuances, the Air Force agrees to a Chapter 4 discharge instead of a court-martial.
- O-2, United States Navy, is raided by the FBI and is accused of the possession and distribution of hundreds of images of child pornography. Mr. Nathan Freeburg works with the officer through the investigation process to prepare and when charges are preferred fights the government with an aggressive motions practice. At trial, the prosecution shows the panel of senior Navy officers a highly explicit video of child pornography in an attempt to inflame their passions and convict the client based on emotion. Mr. Freeburg flips the government's strategy and computer forensic experts against them and wraps all the evidence together in a closing argument with the result that the panel only deliberates for two hours before acquitting the LTjg of all charges!
- E-6, Army, Fort Rucker, is accused of multiple specifications of sexual assault and fraternization by a junior Soldier with an ax to grind. Mr. Freeburg prepares a full-scale attack on the government's case for the Article 32 hearing. As a result, the Preliminary Hearing Officer (PHO) recommends not proceeding with a general court-martial. Finally, the government agrees and withdraws and dismisses the charges.
- E-6, United States Army, Fort Lee, is accused of attempted sexual assault, indecent exposure and soliciting the unauthorized access of a government computer system. Charges are referred to a Special Court-Martial even though the allegations were absurd. The government pushed the Soldier to submit a Chapter 10 in lieu of trial, threatening to make him a registered sex offender if he went to trial. Five days before the trial, the government withdrew and dismissed the charges.
- O-5, Fort Belvoir was accused of male-on-male sexual assault by two Soldiers. Advocacy by Mr. Cave post-Article 32, UCMJ, hearing, resulted in all charges being dismissed, and the client returned to full duty.

- LCpl, U.S. Marine Corps. Convicted at a court-martial for sexual assault and sentenced to four years in prison and a dishonorable discharge he retained Mr. Freeburg to file an appeal in the Navy-Marine Court of Criminal Appeals. Mr. Freeburg argued on appeal that the evidence was factually insufficient for a conviction and that the government had committed prosecutorial misconduct and the military judge had erred in denying a defense witness.
- E-4, Air Force, RAF Lakenheath, receipt and possession of child pornography, solicitation of child pornography and attempted receipt of child pornography for having intimate pictures of his sixteen year-old girlfriend. Chapter 4 Separation in Lieu of Trial.

O-3, Norfolk, rape of a female co-worker, a situation where he was the real victim. We reported this to the MCIO, met with the MCIO, and provided some corroboration of the allegation that he was the victim. As a result of a (strangely) thorough investigation with the client's cooperation he was cleared and returned to full duty. This is an example of when it is helpful to hire civilian counsel early. Mr. Cave's work here forestalled even the preferral of charges which otherwise were likely to come.

- E-5, Marine Corps, Quantico, illicit drug use under Article 112a, UCMJ, the client was adamant that the urinalysis had resulted in a false positive and was awaiting a medical discharge. Mr. Freeburg conducted an aggressive motions practice, setting the stage for trial. After the motions hearing, the command drops the case allowing the medical discharge to go through.
- E-6, Army, Fort Shafter, sexual assault of his ex-wife and of indecent recording and broadcast, all allegations leading to sex-offender registration. A week before trial, the prosecution offers a Chapter 10 discharge in lieu of trial, meaning no conviction, no registration, which the Accused accepts.
- E-5, United States Marine Corps, Parris Island, 12 specifications of Article 132, UCMJ (making a false claim), 10 specifications of Article 124, UCMJ (also making a false claim), 10 specifications of Article 107, UCMJ (false official statement), and 10 specifications of Article 121, UCMJ (larceny), for a total of 42 specifications! After rejecting an absurd government proposal for a deal, Mr. Freeburg conducted an aggressive motions practice, setting the stage for trial. At trial, Mr. Freeburg developed the client's defense through the prosecution's own witnesses. Despite the five-page charge sheet the panel took just over an hour to deliver a Not Guilty verdict!
- E-6 Client is alleged to have gone AWOL for about three years, and he was paid during this time. At the Article 32, UCMJ investigation, he is charged with a three-year AWOL (not desertion) and stealing \$140,000.00+ in pay. In Article 32, we show that he began his absence six months later than alleged. The unit had him unaccounted for during that time, even though he was present for duty. We have charges dismissed (without prejudice) at trial for a speedy trial violation. So, we start again, and this time, the client is ordered to undergo a mental health evaluation. As is typical, the R.C.M. 706 is done

quickly and less than thoroughly. So, in steps, the defense expert will find that the client is currently paranoid and schizophrenic. We contest the charges in a judge-alone trial. After the prosecution presents its evidence, the military judge dismisses the AWOL charge, and we present an affirmative defense of lack of mental responsibility. Result: Guilty of theft of \$112,000.00 in pay. The sentence, R.I.R. to E-1, Bad Conduct Discharge, is a fine of \$11,330.00 (with up to a year of confinement if the fine is not paid).

- Board finds no abusive sexual contact during a board of inquiry for an O-5.
- E-5 accused of physical assault on his twin babies. After Article 32 of the UCMJ investigation, the convening authority approved an administrative discharge instead of a court-martial.
- Field grade officer client was directed to show cause for retention based on GOMR for alleged T.C.S. travel fraud - unanimous vote for Retention.
- An officer client was placed in pretrial confinement for espionage, threatening the President, threatening the local Sheriff, fake Purple Heart/combat action ribbon/combat commendation medal, fake jump wings, fake E.W.X. pin, lying about his deployment history, and lying to get V.A. medical benefits. Ultimately, charges were referred to trial, except for the espionage. We got some charges dismissed during pretrial litigation and a substantial number of extra confinement credits for errors in the P.T.C. process and discovery violations. After a fully contested trial, the client was found not guilty of all charges except some related to the false awards and lying to hospital officials about his awards. More credit was received because of further P.T.C. errors.
- Navy O-3E was found guilty at N.J.P. of D.W.I. and processed for administrative separation based on misconduct. In this case, we did what neither the command nor the military defense counsel had done. We consulted with an expert. Based on that expert's review, we were able to show that the B.A.C. reported as 0.145 should have been reported as 0.0145. Based on that "new" evidence, the Board found NO misconduct, and the L.T. was returned to duty.
- Navy O-6, suspected of communicating threats, email stalking, and order violations. Non-punitive letter of reprimand and retirement in grade.
- USMC O-5 was ordered to appear before a retirement grade determination board based on allegations of spouse abuse. He was allowed to retire in his current grade.
- O-6. The case began as a serious sexual assault allegation. It was resolved as Article 15 for conduct unbecoming.
- E-4. Accused of sexual assault on two different complaining witnesses and an assault on a third. It was resolved through administrative separation instead of trial.
- E-5. Recruiter accused of falsifying recruiting documents. Charges were referred to Special Court-Martial and resolved with written counseling and early retirement.

- Army E-3. Accused of raping spouse on four occasions, twice with a weapon; raping a girlfriend twice; multiple assaults, aggravated assaults, and threats against a spouse; multiple assaults and weapon-related threats against a second girlfriend; obstruction of justice. Found guilty of several assaults and threats on their spouse and the second girlfriend but not guilty of all rapes and most of the assaults. She was sentenced to 18 months confinement and a discharge for bad conduct.
- Army E-4: Accused of assaulting a female Soldier and accused of sexually assaulting another female Soldier. After a contested judge trial, the judge was not guilty of the charges.
- Marine E-5 accused of attempting to steal a total of \$2400.00 from his roommate's bank account, misuse of a government travel card while PCSing, false official statements, and wire fraud. Found guilty of attempted theft and false official statement, not guilty to misuse of GTCC and wire fraud. The prosecution argued for 18 months confinement, sentenced to six.
- **The USDB Riot.** United States v. Army E-1. Client one of 13 accused of mutiny, kidnapping, multiple assaults, and property damage at the Maximum SHU, USDB, Leavenworth. The prosecution believed he started the mutiny and was a ringleader. He pleaded not guilty to all charges. He was found not guilty of kidnapping and assault and sentenced to five years of confinement. The military judge gave nine months of Article 13 credit. Additionally, the judge considered other post-mutiny practices that were not Article 13 but were "almost" U.C.I., and awarded two years of confinement less than what he would have served. Another inmate who helped start the mutiny and assaults pleaded guilty to all charges. He was sentenced to 15 years of confinement, which was reduced to eight years with a P.T.A.
- Army E-5. The client was initially accused of rape and sexual assaults on a military spouse and an indecent act on a Soldier. Shortly before trial, the complaining witnesses to the rape came forward to "tell the truth," and confessed they'd lied. Summary court-martial on the unrelated indecent act.
- Army E-7 convicted of B.A.H. fraud over \$132K and associated charges, sentenced to a B.C.D. and six months confinement. The appeals court ordered a new trial based on newly discovered evidence. At a new trial, convicted of more than \$500.00 in attempted fraud and sentenced to R.I.R. to E-6, \$1000.00 forfeiture per month for two months.

United States v. Velez. This case required extensive assistance from a forensic crime scene perspective, a forensic psychologist, and a forensic psychiatrist. The R.C.M. 706 board found a "brief psychotic episode" but insignificant. The defense experts found a major mental defect. However, neither rose to the level of an affirmative defense of insanity on the charges to which Velez pleaded guilty. The prosecution dismissed a premeditated murder charge. In this case, the defense had made a P.T.A. offer of 20 years in February 2010 and an offer of 25 years in June 2010 - both of which were

rejected. The prosecution came to the defense in early 2011 with a request for an offer of 28 years.

- Air Force E-5: Rape. In this case, we could mount an aggressive defense at the Article 32, UCMJ hearing. Subsequently, all charges were dismissed.
- Represented the Executive Officer, USS IOWA (BB-61), during the investigation after the turret explosion.
- O-8 initially investigated for severe sexual assault offenses and received a Secretarial punitive letter.
- O-7 investigated for Joint Ethics Regulation issues.
- O-6 commanding officer charged with negligent grounding of a vessel.
- Commodore charged with negligence resulting in death and injuries during a Close-In-Weapons System exercise.
- United States v. Army E-6 (JTF Guantanamo Bay, Cuba): Orders violation and misconduct toward detainee. Acquittal by Members at trial.
- The 2010 USDB Leavenworth Riot: United States v. Army E-1. Client one of 13 accused of mutiny, kidnapping, multiple assaults, and property damage at the Maximum SHU, USDB, Leavenworth. Prosecution took the position that he started the mutiny and was a ringleader. Plead not guilty to all charges. Found not guilty of kidnapping and an assault. Sentenced to five years confinement. Military judge gave nine months Article 13 credit. In addition, judge took into account other practices post mutiny that were not Article 13, but were "almost" UCI, and gave two years confinement less than he would of. Another inmate who helped start the mutiny and assaults plead guilty to all charges. He was sentenced to 15 years confinement, which was reduced to eight years with a PTA.
- Army O-3 (Iraq): EPW and assault issues. Dismissed with LOR, after Art. 32 report.
- Army O - 3 - Gen. Off. Article 15 hearing. Charge dismissed at hearing.
- Army Nat'l Guard E - 8 - Gen. Off. Article 15. Charge dismissed at hearing.
- Navy O-3E found guilty at NJP of DWI and processed for administrative separation based on misconduct. We did what neither the command nor the military defense counsel had done--consulted with an expert. The expert's review showed that the BAC, reported as 0.145 should have been reported as 0.0145--yes a typo. Based on that "new" evidence, the Board found NO misconduct.
- Navy O-6, suspected of communicating threats, email stalking, and orders violations. Non-punitive letter of reprimand and retired in grade.
- USMC O-5 ordered to appear before a retirement grade determination board based on allegations of spouse abuse. Retired in current grade.
- O-6. Case began as a serious sexual assault allegation. Resolved as an Article 15 for conduct unbecoming. Client arrested for public indecency; client makes formal apology (An apology is considered a virtue in Japan. Apologies show that a person takes responsibility and avoids blaming others. When one apologizes and shows one's remorse, the Japanese are more willing to forgive); Japanese Prosecution suspended for sailor accused of nudity in a cafe (and jurisdiction ceded to the U.S. under the SOFA). The case was resolved at Captain's Mast (Article. 15).

- *United States v. Army E-3*. Accused of raping spouse on four occasions, twice with a weapon; raping a girlfriend twice; multiple assaults, aggravated assaults, and threats against a spouse; multiple assaults and weapon-related threats against a second girlfriend; obstruction of justice. Found guilty of several assaults and threats on spouse and the second girlfriend, not guilty of all rapes, and most of the assaults. Sentenced to 18 months confinement and a bad conduct discharge.
- *United States v. Army E-4*: Accused of assaulting a female Soldier and accused of sexual assaulting another female Soldier. After a contested judge alone trial - found not guilty of the charges.
- *United States v. Army E-5* (update). Client initially accused of rape and sexual assaults on a military spouse and an indecent act on a Soldier. After Article 32, and shortly before trial the complaining witnesses to the rape came forward to "tell the truth," and confessed they'd lied - there was no rape.
- *United States v. Army E-7*. Initially convicted of BAH fraud in excess of \$132K and associated charges; sentenced to a BCD and six months confinement. New trial ordered by the appeals court based on newly discovered evidence. At new trial convicted of attempted fraud in excess of \$500.00; sentenced to RIR to E-6, \$1000.00 forfeiture per month for two months.
- *United States v. Velez*. This case required extensive assistance from a forensic crime scene perspective as well as a forensic psychologist and a forensic psychiatrist. The R.C.M. 706 board found a "brief psychotic episode" but not major. The defense experts found a major mental defect. However, neither rose to the level of an affirmative defense of insanity on the charges to which Velez plead guilty to. The prosecution dismissed a premeditated murder charge. In this case the defense had made a PTA offer of 20 years in February 2010, and an offer of 25 years in June of 2010 - both of which were rejected. The prosecution came to the defense in early 2011 with a request for an offer of 28 years.
- *Air Force E-5*: Rape. In this case we were able to mount an aggressive defense at the Article 32, UCMJ, hearing. Subsequently all charges were dismissed.
- *Army E-5*: This was the last of seven related cases at Fort Bragg. The group was initially charged with voluntary manslaughter under Article 119, UCMJ. Client ultimately plead guilty at SPCM to an assault. He was sentenced to a one paygrade reduction and 30 days hard labor without confinement.
- *Army E-8*: This was an Army TCS Task Force/TDY prosecution. After the Article 32, UCMJ, investigation charges were ultimately referred to a BCD special court-martial. Pretrial litigation resulted in some charges being merged on multiplicity grounds, and some limits being placed on the prosecution evidence. During trial the judge deferred ruling on a R.C.M. 917 motion to dismiss after the prosecution rested. After the Members entered findings the military judge then took up the issue of which charges if any should be dismissed. Using the analysis from *United States v. Griffith*, 27 M.J. 42 (C.M.A. 1988), the military judge dismissed a substantial portion of the charges: a part of a conspiracy charge, a false official statement charge, the two frauds against the government charges, and reduced the alleged larceny from over \$500.00 to "some amount." The Members understandably seemed a little shocked and confused. Sentence-90 days confinement, reduction to E-6, and forfeitures of pay for six months. There was no BCD and no fine. {Update} This 24-year veteran was allowed to retire.

- Navy E-6: Based on our quick reaction to the report of investigation client was well prepared with an outline and defense to charges of sexual harassment and sexual assault made by a subordinate's wife. Client was well prepared to present his case to the DRB who recommended no action and XOI that recommended no action. Case was dismissed without any adverse action by CO after reviewing the report of investigation and the client's well-presented outline and package regarding his defense.
- Army E-3: Rape, threat to kill commander, theft of drugs, damage to government property, and multiple 92's. Sentence limited to 30 months. In this case there were several confessions; yet it took the members almost 13 hours to decide the findings, and another 7 hours to decide sentence. This is a case where - once again - CID "inadvertently" used the "I know he was lying" ploy at trial; and also the civilian Detective used the word "polygraph." It's amazing how often experienced investigators inadvertently blurt out that "he was lying, etc.
- USN E-3, intent to damage an MH53E #2EAPS/#2engine with FOD (a large rock) and endanger the lives of the crew - sentenced to 9 months confinement at a special court-martial.
- Army O-2, theft and misuse of prescription medications, theft, dereliction.
- Army WO, Murder of Iraqi military officer.
- Army E-7, Murder, assault, false official statements.
- Army O-4: Fraud of \$27,000.00 in flight pay; dismissed after Art. 32.

This list was much longer, but over the years, I have removed many items because they duplicate successes in similar cases to those above.