

MARINE VICTIMS' LEGAL COUNSEL – IN THEIR OWN WORDS

Pacific VLCO

Below is some additional positive feedback I rec'd over the weekend from a client. She is another client (LCpl) who executed an expedited transfer, but she is doing well. She wrote:

"Also thank you for reminding me the corps is a family...and for all your help, assistance, and caring touch.

If it wasn't for you, the SARC, and my Victim Advocate, I would probably still be fighting the battle every day to get out of bed and convince myself to put on my uniform. Every day it has gotten easier since I have made progress out here in Cali."

Pacific VLCO

A family member spouse victim was assaulted by an active duty member (brother-in-law) while she was in Hawaii undergoing radiation treatment for cancer. She had progressed through the stages leading up to the trial without VLC assistance. Post article 32 she and her husband discovered that in addition to her cancer treatment, their only daughter also had a serious health problem that would necessitate their immediate relocation to the United States for treatment. The HQE suggested that the victim and her husband come and speak with me about their options in the case. The victim was very ill and did not think she could participate in a courts-martial and was afraid to let down the trial counsel and withdraw from the case. I explained all of her options and discussed her goals for the process. For her, an outcome that would potentially result in the offender's separation from the Corps while limiting her further participation was the goal. I assumed representation and was able to convey her wishes to the command in a way that allowed them to understand the impact of the process on the victim's health and wellbeing. The command decided to pursue administrative separation, the offender, a Staff Sergeant, was separated with an OTH. Following notification of the result, the victim's husband wrote me the following e-mail:

"Ma'am,

Thank you for your support throughout this ordeal. Although nothing can undo the pain, sorrow, and tears that my wife and I have endured, we can at least know that justice has been served. We look forward to putting all of this in the past in order to move forward with our lives. I am thankful for the fact that you were able to assist us in a time when we needed you the most. Thank you for looking out for my wife's absolute best interests. When it seemed as if there was no other solution to this complex dilemma, you were there.

Happy Holidays to you and your family ma'am. You hold a very special place in our heart.

Always Faithful,
Husband"

Pacific VLCO

On 21 January 2015, my client (A PFC who had just arrived on island and who was only a few months removed from the school house) was called from her room by the duty, allegedly to conduct a "tattoo and weight check" for her upcoming meritorious board. The instruction to the PFC occurred around midnight. My client, being new to the Fleet and on island, obliged because the duty was an E-5 Corpsman. The duty instructed the victim to remove all of her clothing except her bra and underwear and then inspected her body as if he were checking for something, while pretending he was on the phone talking to a GySgt who directed him to do the check. He was not on the phone with anyone. During the incident he touched her body on at least one occasion. When my client realized that the duty had made her disrobe under false pretenses, she reported the incident.

The unit CO sent an RLS to the LSSS to have charges preferred. In the meantime, the [senior commander] called my client into his office (along with a few other witnesses), removed his rank, and began speaking to my client "as a father" and telling her that she needed to be more vigilant and not blindly follow orders that she did that night (clear victim blaming). The [senior commander] sent her away and then he unilaterally pulled the RLS from the LSSS.

The TC detailed to the case (now not having any control over the case because there was no longer a RLS) could not advocate on behalf of the client but felt that it was wrong for the case not to be charged given the evidence at hand. The TC then called me and referred the victim to me. The victim elected VLC, I was detailed to represent the victim and "gave her a voice." I immediately engaged with the [senior commander] and asked him why he had pulled the RLS. I was given a multitude of reasons, but I continued to voice the victim's preference that the matter not be dropped. I asked that the RLS be sent back to the LSSS and my request was denied.

After hearing of how the [senior commander] now made himself a witness after his "counseling session" with my client, I realized he could not be the properly serve as convening authority. The [senior commander] again disagreed with me and said that this case only warranted a 6105. Following [his] refusal to recuse himself, I approached the [SJA to the higher commander's] office and presented them with the evidence. They agreed with me that this was a case worthy of a court-martial. They gave the [senior commander] the chance to give the case over to another convening authority, but he refused. Ultimately, the higher command took the case from the [senior commander] and sent the RLS back to the LSSS for charges pursuant to victim input and VLC advocacy. Charges were preferred.

Fast forward, the defense submitted a PTA for a lower forum board waiver in March 2016. The client supported the PTA because she wanted to guarantee that the NCO Corpsman would never be able to do this again to someone else and would be guaranteed to get kicked out with an OTH. The [higher commander] signed the deal and it was over.

The client was beyond satisfied, she was ecstatic. She was always hesitant about joining the military because of some of the things she had seen in the media and when she felt that the original CG tried to brush it under the rug, she was devastated. The TC on the case had her hands tied because there was no RLS, and the only people that could help her were VLC. I was able to give her a voice. I was able to give her access to convening authorities and convince them to do the right thing by this PFC. And, at the end of the day, the [higher commander] did the right thing.

This truly is a good news story. This PFC has had her faith in the Marine Corps restored because of what VLC was able to do for her, and is now a Corporal of Marines. "

National Capitol Region VLCO

One of our clients has been victimized three times while serving in the Marine Corps. The first assault was in 2004 and she did not report; the second assault she reported and went to court-martial but did not have a VLC because it was in 2012; and the most recent assault she has VLC representation. Within just two days of working with VLC, she expressed immense gratitude and appreciation for the program and the difference this time than the other times. When we explained the attorney-client relationship and the confidentiality she would have with the VLC, she broke down and expressed how it is just so overwhelming to talk to someone and get advice but not worry about them having to be a witness or drug into the case. She explained that the process she went through in 2012 was terrible and she never felt like the trial counsel had time for her or was looking out for her interests. She feels that with VLC, it has made it easier this time and expressed heartfelt gratitude that she has someone looking out for her rights and representing what she wants throughout the process.

National Capitol Region VLCO

We had a client whose sexual assault was just one of many charges on her offender's charge sheet and the Trial Counsel was treating her as a piece of evidence and nothing more. He really showed little, if any, interest in her well-being throughout the process or consideration for her rights. As her VLC, we were able to focus entirely on what she wanted and make sure her voice was heard with the Trial Counsel and Convening Authority. We were able to argue and win both MRE 412 and 513 motions and prevent trial counsel and defense counsel from accessing information our client wanted to remain private. Although we believe the PTA outcome would have been the same with or without VLC representation, having a VLC involved in this case was critical for our client. We were able to advise her on the meaning of the PTA and explain that while her offender didn't plead guilty for the sexual assault, it didn't mean that what she experienced didn't happen or that she was being viewed as a liar. In the end she was happy with the PTA because it meant that she wouldn't have to endure a painful day in court and be re-victimized by the process, which she had wanted to avoid from the beginning. We were able to help her feel empowered by providing her input to the Convening Authority and giving her choices for how to proceed. In the end, we believe that VLC involvement in this case was beneficial in representing the victim's desires and protecting her privacy, which wouldn't have happened otherwise, and VLC involvement made the client feel empowered and help her with her healing process.

East Coast VLCO

Victim had a restricted report that was reported to NCIS by a friend. She initially just wanted NCIS to leave her alone, which I would have easily been able to help with, but after I explained my role and the military justice system, she asked "Will you be with me when I talk to NCIS?" I confirmed with her that I would be with her through the entire process including every interview. With this knowledge and knowing that a VLC would help her she decided to report to NCIS. Eventually the case got to a trial counsel that charged it and afterward the accused's defense attorney submitted a pre-trial agreement (PTA) for fraternization and adultery. After talking to the victim, who was happy to hear that she might not have to testify, we endorsed the deal. I assisted the victim with preparing her unsworn statement for the court and she asked me to stand by her as she read

it to the judge. Ultimately, the accused was convicted at a Court-Martial and discharged from the Marine Corps. The survivor was very happy with the result and is continuing on as a Marine.

West Coast VLCO

Male victim of a physical assault requested VLC services. The victim sincerely believed that a general court-martial was the only proper venue to adjudicate the charges due to the nature of the assault and injuries suffered. VLC learned that the accused command was planning on NJP'ing the accused. VLC submitted RMC 306 matters for the command's initial disposition decision. Based in part on the matters submitted to the convening authority, the CA ordered an Article 32 investigation. After the Article 32 hearing, the Preliminary Hearing Officer recommended that charges be referred to a special court-martial. The VLC submitted additional matters for the CA consideration and CA referred charges to a general court-martial.