



DEPARTMENT OF THE AIR FORCE
502D AIR BASE WING
JOINT BASE SAN ANTONIO

8 March 2013

MEMORANDUM FOR SVC (Capt [REDACTED])

FROM: TRIAL COUNSEL (Capt [REDACTED])

SUBJECT: Government Response to Special Victims Counsel (SVC) Request for Information Pertaining to *U.S. v. SrA [REDACTED]* & *U.S. v. Amn [REDACTED]*

1. Pursuant to the Crime Victims' Rights Act of 2004; SVC Rules of Practice and Procedure; Rules for Courts-Martial; Federal Rule of Criminal Procedure 16; Air Force Rules of Professional Responsibility; Air Force Standards for the Administration of Criminal Justice Discovery and Procedure Before Trial; the Uniform Rules of Practice Before Air Force Courts-Martial; and the Privacy Act of 1974, the Prosecution in the above-styled case hereby provides the SVC for [REDACTED] with the following information, as set forth in bold:

GOVERNMENT RESPONSES

2. A copy of the charge sheet.

A redacted charge sheets are attached.

3. Copies of all filed motions, Government and Defense, including any applicable attachments, pertaining to MRE 412, 513, 514, and 615. I also request copies of any orders or responses issued by the military judge.

Previously provided.

4. A copy of any and all completed investigations made in connection with this investigation prepared by the Air Force Office of Special Investigations, Military Police, Army CID, or any other State or Federal investigatory agency, including copies of all attachments.

The government does not intend to provide investigative material for *U.S. v. [REDACTED]* or *U.S. v. [REDACTED]* to any third party. Your client's statements are attached.

5. A copy of the Article 32 report.

The government does not intend to provide the Article 32 report for *U.S. v. [REDACTED]* or *U.S. v. [REDACTED]* to any third party. Your client's sworn testimony is attached.

6. If you have any questions or wish to discuss this case further, please contact me at

[REDACTED]

[REDACTED]

[REDACTED], Capt, USAF

Trial Counsel

Attachments:

1. Redacted Charge Sheet -- *U.S. v.* [REDACTED]
2. Redacted Charge Sheet -- *U.S. v.* [REDACTED]
3. [REDACTED] AF Form 1168
4. [REDACTED] email to Vandenburg OSI
5. [REDACTED] Summarized Testimony - [REDACTED] 32
6. [REDACTED] Summarized Testimony - [REDACTED] 32

[REDACTED]

CERTIFICATE OF SERVICE

I certify that I provided a copy of the foregoing Government Response to Request for Information to SVC, Captain [REDACTED], via email on 8 March 2013.

[REDACTED]

[REDACTED], Capt, USAF

Trial Counsel

DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCE JUDICIARY

UNITED STATES)	
)	
V.)	DEFENSE RESPONSE TO ALLEGED
)	VICTIM'S MOTION TO COMPEL
)	
████████████████████)	
18TH MUNITIONS SQUADRON (PACAF))	
KADENA AIR BASE, JAPAN)	
)	
)	
)	DATE: 9 OCTOBER 2013

**DEFENSE RESPONSE TO ALLEGED VICTIM'S MOTION
STYLED AS A MOTION TO COMPEL**

The Accused, ██████████, through defense counsel, requests this Honorable Court to deny the Alleged Victim's motion to compel as there is no basis in law to support granting such a motion and as it would be particularly unjust in this case.

FACTS

1. On 28 September 2013, Defense served Special Victims' Counsel (SVC) a Military Rules of Evidence (MRE) 412 notice; the Government and the Military Judge also received this notice. The notice describes facts and the nature of the evidence the Defense will introduce that might reasonably be described as related to previous sexual behavior or sexual predisposition of the alleged victim. The government responded seeking to exclude all the facts offered in the Defense MRE 412 motion and notice, but did not object to the sufficiency of notice to the alleged victim. Defense also understands the government did not provide any motions or responses to the SVC.

LAW

2. MRE 412 requires the moving party to *serve a motion on the opposing party* and the military judge and *notify the alleged victim* or representative. MRE 412(c)(1)(B)(emphasis added).

ARGUMENT

3. MRE 412 is clear, notice must be filed upon any alleged victim; but, the motion must be filed only upon the opposing party, here the government as the non-movant. It is not clear the movant has to give any more notice than that MRE 412 evidence will be offered so the alleged victim may attend a hearing and be heard on the issue. In abundance of caution and to expedite judicial efficiency, Defense gave advance notice of the facts and evidence it expects to be at issue at the hearing. To require more in this case will harm the defense of the Accused by disclosing to the Alleged Victim the theory of the defense case, the various manners in which she has fabricated, and her motivation to continue to fabricate. The alleged victim is on notice of the facts and nature of the evidence. If she contests the facts, the government will champion her cause; the government is already attempting to

exclude all evidence in the notice. With notice of the facts SVC, with leave of Court, can articulate any privacy interest the alleged victim may have in those facts if it is above and beyond what the government asserts. The SVC cited no Rule for Courts-Martial that states an Accused must harm his case by producing to the Alleged Victim the theory of his case as fodder for the Alleged Victim to further fabricate and prepare for cross-examination. Thus, this Court should deny the motion.

RELIEF REQUESTED

4. The Accused, requests this Honorable Court deny the Alleged Victim's motion to compel as there is no basis in law to support granting such a motion and as it would be particularly unjust in this case.

Respectfully submitted, 9 October 2013.



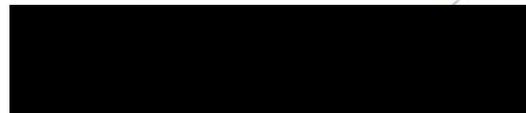
TRAVIS L. VAUGHAN, Capt, USAF
USAF Defense Counsel



MICHAEL L. BOYER, Maj,
Defense Counsel

CERTIFICATE OF SERVICE

I certify that I delivered an electronic copy of the foregoing document to the Special Victim's Counsel, Military Judge and Government Counsel, via e-mail, on 9 October 2013.



TRAVIS L. VAUGHAN, Capt, USAF
Defense Counsel