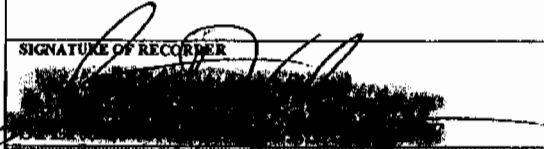



		PERSONAL APPEARANCE		X RECORD REVIEW	
COUNSEL		NAME OF COUNSEL AND OR ORGANIZATION		ADDRESS AND OR ORGANIZATION OF COUNSEL	
YES	NO	NONE			
	X				
MEMBERS SITTING				VOIT OF THE BOARD	
				HON	GEN
				UOTHC	OTHER
					DENY
					X
					X
					X
					X
					X
ISSUES 93.01/92.21		INDEX NUMBER 72.00		EXHIBITS SUBMITTED TO THE BOARD	
				1	ORDER APPOINTING THE BOARD
				2	APPLICATION FOR REVIEW OF DISCHARGE
				3	LETTER OF NOTIFICATION
				4	BRIEF OF PERSONNEL FILE
					COUNSEL'S RELEASE TO THE BOARD
					ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
					TAPE RECORDING OF PERSONAL APPEARANCE HEARING
HEARING DATE 010420		CASE NUMBER FD01-00072			
REMARKS Case heard at Washington, D.C. Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR					
SIGNATURE OF RECORDER			SIGNATURE OF BOARD PRESIDENT		
					
TO:			FROM:		
SAF/MIBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742			SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3 RD FLOOR ANDREWS AFB, MD 20762-7002		

GENERAL: The applicant appeals for upgrade of discharge to Honorable.

The applicant was offered a personal appearance before the Discharge Review Board but declined to exercise this right.

The attached brief contains the available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The applicant's issues are listed in the attached brief.

Issue 1. Applicant contends that he was young and immature at the time of his USAF service and should not be punished indefinitely for his mistakes. Records review revealed that applicant was discharged at his **own** request in lieu of trial by court martial. Court Martial charges for conspiring to commit larceny, consuming alcohol while underage and wrongfully using provoking words were preferred against the applicant on October 27, 1994 at Robbins Air Force Base. On December 8, 1994, a subsequent charge of larceny was added to the charge sheet. On January 10, 1995, the applicant wrote to his commander, stating in part, "I request that I be discharged from the United States Air Force according to AFI 36-3208, Chapter 4, in lieu of trial by court-martial...I understand that if this request is approved I may be discharged under other than honorable conditions, regardless of your recommendation. I am aware of the adverse nature of such a discharge and the possible consequences thereof. I know that it may deprive me of veteran's benefits.... I have been afforded the opportunity to consult legal counsel." The Warner-Robbins Air Logistics Center Commander subsequently granted his request for discharge in lieu of court proceedings, which could have led to a felony conviction. The Board recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence that he was immature or did not know right from wrong. The Board opined the applicant was as old as the vast majority of first term airmen who properly adhere to the Air Force standards of conduct. The Board concluded this issue was without merit.

Issue 2 applies to post-service activities. The Board recognized the applicant's efforts to be a good citizen since his discharge from the service; however, no inequity or impropriety was found which would justify an upgrade of the discharge. The Board concluded that the character of discharge was appropriate due to his misconduct.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided **full** administrative due process.

In view of the foregoing findings the Board further concludes that there exists no legal or equitable basis for upgrade of discharge.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a UOTH Disch fr USAF 95/02/10 UP AFI 36-3208, Chapter 4 (Triable by Court Martial). Appeals for Honorable Disch.

2. **BACKGROUND:**

a. DOB: 75/03/25. Enlmt Age: 18 2/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-37, E-76, G-74, M-72. PAFSC: 3P031 - Security Apprentice. DAS: 94/02/03.

b. Prior Sv: AFRes 93/06/15 - 93/09/16 (3 months 2 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enld as AB 93/09/17 for 4 yrs. Svd: 1 Yrs 4 Mo 24 Das, all AMS.

b. Grade Status: AMN - 94/03/17

c. Time Lost: none.

d. Art 15's: none.

e. Additional: none.

f. CM: none.

g. Record of SV: none.

(Discharged from Robins AFB)

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (1) Yrs (7) Mos (26) Das

TAMS: (1) Yrs (4) Mos (24) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 01/01/26.
(Change Discharge to Honorable)

Issue 1: Dear Sirs, I write to you this day requesting a deserved Honorable discharge, as well as my life back.

I enlisted in the U.S.A.F. because I love my country and the freedoms it allows its citizens. Prior to enlistment, I worked hard to attain the rank of Eagle Boy Scout in my Local Troup \$44. While serving in the U.S.A.F. I was an honor graduate at Tech School in Lackland AFB. I received Markmanship Rifle for the Army in New Jersey. I scored a 98.68 on my Q.C. test. I volunteered my off duty time for Corona Top in June of 94. I enrolled in college as was

encouraged by my supervisors.

To give to the heart of the matter, I refused to rat out another member of my squadron and thus found myself in trouble. More mature now than then I wished I would have been more cooperative. My Sgts. were shocked that I (airman ----) was on Barricks (sic) restriction--longer than was allowed by Air Force Standards. I neV̄er at any time seen my lawyer face to face. I was harassed and told numerous times I was not allowed to even call my lawyer. ~

The Air Force placed (3) charges on me. I have enclosed them. Please, judge for yourself their merits. I was being charged because I exercised my right to remain silent on a fellow Airman. After I was taken off duty, my rights were violated, life became hell, and I was not a problem to anyone at anytime continuing to follow orders and clean the Barricks (sic). I have kept a journal of this ordeal, allow me to burn this so I may go on with my life. Since my seperation (sic) from the U.S.A.F. I have taught Sunday School as I have been raised in the church all my life. I have also received a BA degree in Political Science from the University of -----, and owe no student loans, I do not seek an Honorable discharge for fringe benefits, only to secure my honor. I have recently bought a house but grow depressed.

I carry (and have carried for 6 yrs) an embarrasement, to myself, my family, and to the U.S.A.F. what I did was wrong. I achknowlege this. I do not deserve the heartache I have carried around for 6 years day in and day out. I have had not run-ins with the law, no charges, no convictions, no debt, no license suspensions, etc, either before or after my enlistment. I am an upstanding citizen and do have honor, and strive to show honor, yet I have a piece that judges me on actions that were misunderstood from 6 yrs ago. I live with this punishment daily and try to over compensate for this. Sometimes I wish I would have stayed in the U.S.A.F because I would have left with an Honorable Discharge, but I chose to seperated (sic), all I wanted was to go home. I did not know the consequences then. Before I enlisted I was an honorable man, today I am an Honorable man.

I am an honorable man.

Thus, I request that I am granted an Honorable Discharge. I will answer any questions you may have and have included some documents to read.

ATCH

1. Applicant's Letter.
2. College Transcript.
3. Bachelor's Degree.
4. Page IV-71, UCMJ.
5. Request For Discharge in Lieu of Court Martial.
6. AFI 36,3208, Chapter 4 Discharge Request.
7. Area Defense Counsel Report.
8. Character Reference.
9. Legal Review.
10. Memorandum For 78 ABW/CC, 02 Feb 95.
11. Grant of Testimonial Immunity, 13 Jan 95.
12. Testimonial Immunity and Order to Testify.

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13. Charge Sheet.
14. Letter of Congratulations.
15. Certificate of Achievement.

01/03/08/ia



FD01-00072

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS WARNER ROBINS AIR LOGISTICS CENTER (AFMC)

MEMORANDUM FOR 78 ABW/CC
WR-ALC/CC
- IN TURN

03 February 1995

FROM: WR-ALC/JA

SUBJECT: Legal Review, **Request for Discharge in Lieu of Trial** by
Courts-Martial - Airman J [REDACTED]

1. ACTION:

A. On 27 October 1994, three charges, with one specification each, were preferred against Airman [REDACTED]. He was charged with conspiracy, violation of a lawful general regulation, and use of provoking words to a civilian, violations of Articles 81, 92, and 134, respectively. On 8 December 1994, an additional charge of larceny, a violation of Article 121 was preferred against the Accused. On 10 January 1995, in accordance with Air Force Instruction (AFI) 36-3208, Chapter 4, Amn [REDACTED] submitted a request for discharge in lieu of trial by court-martial. Action on the Chapter 4 Request for Discharge was held in abeyance pending Amn [REDACTED] compliance with an order to cooperate in the investigation and prosecution of a related case.

B. The commander, 78 Security Police Squadron (SPS), recommended approval of the Accused's request on 02 February 1995. If the request is approved, he recommends that Amn [REDACTED] receive an Under Other Than Honorable Conditions Discharge (UOTHC).

2. FACTS:

A. In July of 1994, Amn [REDACTED] asked to borrow a slim-jim from Amn [REDACTED] for the purpose of unlocking the automobile of Amn [REDACTED] ex-girlfriend and taking her checkbook. Amn [REDACTED] said he took the checkbook as a prank to get back at his ex-girlfriend for the things she had done to him in the past. Amn [REDACTED] gave the slim-jim to [REDACTED], and then accompanied him to the car and stood by watching while [REDACTED] entered the car and took the checkbook. Then, some months later, in October 1994, Amn [REDACTED] consumed alcohol while underage and, on another occasion, allegedly uttered profanity (provoking words) to the wife of another military member, a violation of Article 134, in that the conduct was service discrediting and was prejudicial to good order and discipline.

B. Amn [REDACTED] the co-conspirator in the larceny, was also charged with several other offenses, some of which were much more serious even than breaking into a car and taking a checkbook. Amn [REDACTED] was prosecuted at a General Courts-Martial which concluded on 31 Jan 95. Among the findings of guilt in that case, Amn [REDACTED] was found guilty at trial of conspiracy to wrongfully appropriate and



wrongful appropriation of the checkbook, and underage drinking; he was found not guilty of the Article 134 offense of uttering provoking words.

3. EVIDENCE FOR THE ACCUSED and RESPONSE THERETO:

A. Amn [REDACTED] is represented by Captain [REDACTED] Area Defense Counsel, Moody AFB, Georgia. The Accused is aware that, if his request is approved, the characterization of his service may be UOTHC. Accompanying his request for discharge, Amn [REDACTED] and his defense counsel each submitted letters for your consideration. Amn [REDACTED] also submitted a character statement from [REDACTED]

B. In his letter, [REDACTED] asks that he be discharged with a general discharge under honorable conditions. He says that he did not intend to bring discredit upon the service. He addresses his background and some of the circumstances surrounding the offenses. He accepts no responsibility, however, for the conspiracy, larceny, or provoking words. He says that he did not intend to take the checkbook nor did he have any reason to do so, that it was all Amn [REDACTED] doing. He also denies that he uttered profanity to the civilian wife of another military member. He does admit to underage drinking, but argues that it shouldn't be subject to courts-martial charges. He says he understands the law must be obeyed, but he feels the misconduct is not so severe that it should be a court-martial charge. He feels he has been punished already by having been removed from law enforcement, and in having to endure the emotional ordeal he has had to endure. He says he has learned his lesson and would like to establish a life for himself as a civilian as soon as possible.

C. The letter from the Area Defense Counsel (ADC) makes persuasive argument that Amn [REDACTED] realizes the gravity of his mistakes, that he has successfully changed his life and personal associations, and that he is committed to not repeating such misconduct in the future. However, the ADC erroneously believes the evidence is not sufficient to convict her client if this case were to proceed to trial. She asks for favorable consideration of the Chapter 4 Request for Discharge based not only on her client's desires, but also on what she believes is insufficient evidence in the case. The ADC's legal argument is erroneous and without merit.

(1) The evidence to support the conspiracy allegation includes the following: (a) the conduct of the parties, which provides persuasive circumstantial evidence that the parties reached a common understanding, either explicitly or implicitly, to take the checkbook; (b) Amn [REDACTED] admissions that he loaned the slimjim to Amn [REDACTED], knowing that he intended to break into the car, and that he accompanied Amn [REDACTED] to the car and stood by watching while he opened the car and took the checkbook; (c) Amn [REDACTED] written statement to the Security Police, which implies that he knew, in advance, that the purpose of entering the car was to take the checkbook; and, most importantly, (d) the testimony at [REDACTED] trial of TSgt [REDACTED] the investigator who questioned Amn [REDACTED] and took his written statement, that he specifically remembers

Amn [REDACTED] admitting to him that he [REDACTED] knew of [REDACTED] intentions of using the slimjim to enter the car for the purpose of taking the checkbook. TSgt [REDACTED]' narrative of the interview of suspects, attached to the incident report and prepared back in August near the time of the offenses, support his testimony at trial as well. Of note also is the fact that Amn [REDACTED] was found guilty at trial of the charge of conspiracy; the court found him guilty of conspiracy to wrongfully appropriate, a lesser included offense, the difference being in whether he intended to permanently deprive or temporarily deprive the owner of her checkbook. There is no question that the evidence is sufficient to support a conspiracy charge against Amn [REDACTED] at trial or otherwise. The error in the ADC's analysis is that she didn't consider the Lesser Included Offenses (LIO) and whether her client could be convicted of an LIO.

(2) With regard to Charge 11, the ADC erroneously believes the Charge Fails to State an Offense. The ADC cites a 1984 Georgia case, Kelly v. State, 252 Ga.208, 312 S.E.2d 328, as the authority for her position. [REDACTED] discusses the Georgia Code Section then in existence and notes that subsection (d) carves out an exception to the general rule such that members of the military could, at that time, purchase, possess, or consume alcoholic beverages. The ADC failed to discover in her research, however, that the Official Code of Georgia was amended in 1990 and the exception pertaining to military members no longer exists. The current state of the law is that it is unlawful for persons under the age of 21 to purchase or knowingly possess any alcoholic beverage. The Code still carves out three exceptions to the general rule, but none specifically apply to members of the military. Official Code of Georgia Annotated (OCGA), Section 3-3-23, as amended, 1990. Moreover, the inference is raised that a person has to possess alcohol before he or she consumes it; therefore, underage consumption of alcohol is sufficient to support a conviction for possession under this section of the Code. See, Lee v. State, 201 Ga. App. 827, 412 S.E.2d 563 (1991), cert denied, 201 Ga. App. 904, 412 S.E.2d 563 (1992); Gilbert v. State, 262 Ga. 840, 426 S.E.2d 155 (1993). Finally, the Accused was charged with a violation of regulation. Though Air Force Regulation (AFR) 215-7 was superceded by Air Force Instruction (AFI) 34-119 in July, 1994, the AFI does not become effective until received by the installation's PDO. At the time Amn [REDACTED] was charged, the AFI was not available or effective on Robins AFB. It should be noted also that the prohibition against underage drinking was not changed in any way simply because provision of the AFR is now embodied in a provision of an Air Force Instruction. Amn [REDACTED] was properly charged with violating AFR 215-7 regarding underage drinking, as further defined in the OCGA, section 3-3-23.

(3) With regard to Charge 111, the legal analysis of the ADC is again flawed and her reasoning faulty. Amn [REDACTED] was charged with an Article 134 offense, conduct which is service discrediting and is prejudicial to good order and discipline. In her discussion, the ADC keeps referring to Article 117, of the Uniform Code of Military Justice (UCMJ). Article 117 addresses a similar offense, but its elements do not apply in Amn [REDACTED] case. Article 117 makes it unlawful for any person who is subject to the UCMJ to use provoking or

reproachful words or gestures towards any other person who is subject to the UCMJ. In Amn [REDACTED] case, his behavior was a general disorder under Article 134, **judged in** the context of surrounding circumstances, because he uttered certain profanity to a civilian, the wife of another military member, a person not herself subject to the UCMJ. An Article 134 offense is not preempted by Article 117 because each charge can pertain, and this case does pertain, to a different group of persons. Congress specifically made it unlawful to utter provoking or reproachful words to another military member, but Congress did not intend Article 117 to preclude charging a member with a general disorder, if judged in the context of surrounding circumstances the conduct of the Accused was either prejudicial to good order and discipline or service discrediting. The specific general disorder with which Amn [REDACTED] is charged is that he uttered profanity toward the wife of another military member, by calling her a "fucking bitch", and under the circumstances, those words were provoking and tended to induce a greater disorder and further breach of the peace. The background facts and circumstances is that Amn S [REDACTED] and Amn [REDACTED] were pals, they frequently were in one another's company, and in fact, **had been involved** in similar misconduct together. Mrs [REDACTED] reported Amn S [REDACTED] for certain of his misconduct, and there was also other **history of tension or strained relationship** between Mrs [REDACTED] and Amn S [REDACTED]. Mrs [REDACTED] testified at the [REDACTED] trial that, **on the day in question, she was at the bank transacting business**. She saw Amn S [REDACTED] and Amn [REDACTED] follow her from the bank to the post office. She said [REDACTED] and S [REDACTED] did not conduct business at the post office but merely stood by and watched her and talked among themselves. She felt they were talking about her. As she walked past them, [REDACTED] is said to have uttered a veiled threat: "Don't worry about it, everybody gets theirs in the end." Mrs [REDACTED] testified that she was upset by their behavior and frightened by their remark, because she didn't know what they meant. Later that day, Mrs [REDACTED] and her husband were at the bowling alley, and S [REDACTED] and [REDACTED] came in. According to Mrs [REDACTED] they started pointing at her and laughing at her and ridiculing her in public. When they saw her husband return from the restroom, they ran out of the bowling alley. Mrs [REDACTED] testified that she was angered and provoked by their behavior all day, including the behavior at the bowling alley and that she ran after them and told them she was tired of their sick joke and she wasn't going to put up with it anymore and she was going to tell their supervisors. **She** testified that both uttered profanity to her and that she was very angered by it. She said she did not fight with them but that her husband was standing by if things had gotten out of hand. She said she went back into the bowling alley and called and reported the incident. Under these circumstances, the behavior of Amn [REDACTED] **was a general disorder**. The ADC could certainly attack the credibility of Mrs [REDACTED] on the witness stand at trial, but the inescapable fact is that **the court judges the credibility of all witnesses**, including the Accused and his motive to fabricate or put himself in the best light possible; and, the court could certainly find Amn [REDACTED] guilty of the charged offense even though it is one person's word against another. As of this date the Defense has made no request for witness. Amn [REDACTED] was found not guilty of this charged offense, but we do not know the reason for this finding: it could have been the credibility

of the witness, or it could have been that they did not think the conduct was criminal under the circumstances. A finding of "not guilty" in ~~Shelton's~~ case does not preclude a finding of "guilty" in Amn ~~Shelton's~~ case. Contrary to the ADC's assertions, there is no requirement or element that the person to whom the words were uttered be subject to the UCMJ. It should also be noted that the Defense did make a motion to dismiss this charge in ~~Shelton's~~ case, for "Failure to State an Offense", and the motion was denied by Judge ~~Shelton~~, a "senior military judge."

(4) The additional charge alleges that Amn ~~Shelton~~ stole a checkbook in violation of Article 121, UCMJ. Amn ~~Shelton~~ was charged as a "principal", as though he actually committed the offense because he aided and abetted and helped procure the commission of the offense. Article 77, UCMJ, says that anyone who aids, abets, counsels, commands, or procures the commission of an offense is punishable as a "principal", just as though he was actually the one who committed the offense. Amn ~~Shelton~~ was charged with larceny because there is ample evidence that he gave ~~Shelton~~ the slim-jim, knowing the purpose of which was to unlawfully enter the car of ~~Shelton~~ and take her checkbook, and that he accompanied Amn ~~Shelton~~ and watched while the offense was committed. Under these circumstances, Amn ~~Shelton~~ was properly charged. The only question in this matter is whether they intended to permanently or temporarily deprive the victim of her property. The court found Amn ~~Shelton~~ guilty of intending to temporarily deprive the owner of her checkbook; Amn ~~Shelton~~ can be found guilty of that charge as well, as an accomplice, pursuant to the guidance under Article 77. Once again, the ADC's legal analysis is without merit.

D. Based on the evidence, the discussion mentioned above, and the findings of the court members in the related case, it is likely the prosecution will be successful in three, if not four, of the charged offenses. Whether the Accused would receive a punitive discharge at trial is not the issue in this case; the issue is what is in the best interests of the Air Force, the unit, and the member, and what is a just, fair, and appropriate disposition of this case. The unit commander believes it would be in the best interests of the Air Force and his unit to approve the Chapter 4 Request for Discharge. We concur with the unit commander's recommendation for approval of the Request. An immediate discharge of Amn ~~Shelton~~ would enable the unit commander to replace an unproductive member of his unit with a productive member, and it would, as discussed by the ADC, save the government the cost of litigation. Judicial economy is not, however, a preeminent factor in deciding what is in the best interests of the Air Force. The Accused's youth, immaturity, and level of involvement in these offenses are primary factors in this determination.

E. If Amn ~~Shelton~~ Request for Discharge is approved, 78 SPS/CC recommends that he receive an Under Other Than Honorable Conditions Discharge. We concur in that recommendation. We nonconcur with the ADC's assessment that Amn ~~Shelton~~ service has been honest and faithful. A UOTHC is appropriate because Amn ~~Shelton~~ actions, his criminal behavior, his dishonest and unfaithful service, constitute a signifi-

cant departure from the conduct expected of airmen. He abused his position of trust when he gave an instrumentality of his profession, a slimjim issued to law enforcement to effect good, to a fellow military member so that the other military member could break into a privately owned vehicle and take a checkbook. He also abused his position of trust when he, a member of the security police / law enforcement profession, decided to break the law instead of upholding the law, as he had sworn to do. Nonetheless, on balance, for all the reasons stated above, approval of the Chapter 4 Request for Discharge would be in the best interests of the Air Force, but only a UOTHC would appropriately characterize his service, in my opinion.

4. DISCUSSION:

The Charges in this case have been properly preferred and referred to a Special Courts-Martial. The Charges meet the authorized punishment threshold of a punitive discharge. The maximum possible sentence would be a Bad Conduct Discharge, confinement for 6 months, forfeitures of two-thirds pay per month for six months, a fine not to exceed that amount, and reduction to the lowest enlisted grade. This is the maximum sentence a Special Courts-Martial may impose. There are no errors or irregularities which would preclude the acceptance of the Request for Discharge in Lieu of Trial by Courts-Martial. For a discussion of alleged evidentiary weaknesses, see the discussion in paragraph 3 above.

5. OPTIONS FOR THE SPCM CONVENING AUTHORITY:

A. Recommend approval of the Accused's Request for Discharge by signing the appropriate letter at attachment 2, and forward the package to the GCM Convening Authority for decision. You may recommend an honorable, general, or under other than honorable conditions discharge. Should you recommend a service characterization of something other than UOTHC, you must state the specific reasons for your recommendation.

B. Disapprove the Accused's Request by signing the appropriate letter at attachment 2, and order the Accused to stand trial.

6. OPTIONS FOR THE GCM CONVENING AUTHORITY:

A. Accept and Approve the AFI 36-3208, Chapter 4, Request for Discharge in Lieu of Trial by Courts-Martial by indicating the appropriate service characterization, setting forth your reasons, and signing the applicable decision letter at attachment 1.

B. Disapprove the Request for Discharge by signing the alternative decision letter, at attachment 1, and order the Accused to stand trial.

7. RECOMMENDATIONS:

A. That the SPCM Convening Authority recommend acceptance of the Request for Discharge, specifying a UOTHC service characterization, and forwarding the discharge package to the GCM Convening Authority for decision.

B. That the GCM Convening Authority accept and approve the Request for Discharge, specifying a UOTHC service characterization, and signing an order that the Accused be discharged pursuant to AFI 36-3208, Chapter 4, for misconduct that constitutes a significant departure from the conduct expected of airmen.



Staff Judge Advocate

7 Attachments

1. GCM Decision Letters
2. SPCM Recommendation/Decision Letters
3. Legal Review
4. Unit Commanders Recommendation
5. Charge Sheets (two)
6. Incident Reports (three) w/
supporting documentation and
statements of Accused and witnesses
7. Accused's Request for Discharge,
together w/ ADC Letter and Character
Statement

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) [REDACTED] R.		2. SSN [REDACTED]	3. GRADE OR RANK Amn	4. PAY GRADE E-2
5. UNIT OR ORGANIZATION 78th Security Police Squadron Robins AFB, GA			6. CURRENT SERVICE	
			a. INITIAL DATE 17 Sep 93	b. TERM 4 yrs
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	None	
\$933.30	\$0.00	\$933.30	9. DATE(S) IMPOSED NA	

II. CHARGES AND SPECIFICATIONS

10. CHARGE: I VIOLATION OF THE UCMJ, ARTICLE 81

SPECIFICATION:

In that Airman [REDACTED] 78th Security Police Squadron, United States Air Force, did, at or near Robins Air Force Base, Georgia, during the month of July 1994, conspire with Airman [REDACTED] to commit an offense under the Uniform Code of Military Justice, to wit: larceny of a checkbook, of some value, the property of [REDACTED], and in order to effect the object of the conspiracy the said Airman [REDACTED] gave the said Airman [REDACTED] "Slim-Jim" tool, which the said Airman [REDACTED] used to forcibly enter the automobile of [REDACTED] and steal her checkbook from within the vehicle.

Charge: II Violation of the UCMJ, Article: 92

In that Airman [REDACTED], 78th Security Police Squadron, Robins Air Force Base, Georgia, did, at Robins Air Force Base, Georgia, on or about 6 October 1994, violate a lawful general regulation, to wit: paragraph 1-4, Air Force Regulation 215-7, dated 27 September 1991, by wrongfully consuming alcoholic beverages while below the minimum age.

Charge: III Violation of the UCMJ, Article: 134

In that Airman [REDACTED] 78th Security Police Squadron, Robins Air Force Base, Georgia, did, at Robins Air Force Base, Georgia, on or about 3 October 1994, wrongfully use provoking words, to wit: "Yeah, you fucking bitch," or words to that effect towards [REDACTED]

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) C [REDACTED]	b. GRADE [REDACTED]	c. ORGANIZATION OF ACCUSER 78th Security Police Squadron
d. SIGNATURE OF ACCUSER [REDACTED]		e. DATE 27 OCT 94

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 27 day of October, 19 94, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Typed Name of Officer

WR-ALC/JA

Organization of Officer

Captain, USAF

Grade

Assistant Judge Advocate.

Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be commissioned officer)

Signature