

CHARGE SHEET

1. NAME OF ACCUSED (Last, First, MI) JENKINS, Richard W.			I. PERSONAL DATA 2. SSN 590-40-5187		3. GRADE OR RANK SFC	4. PAY GRADE E-7
5. UNIT OR ORGANIZATION 230th Finance Management Company, 82nd Special Troops Battalion, 82nd Sustainment Brigade, Bagram Airfield, Afghanistan APO AE 09354					6. CURRENT SERVICE	
					a. INITIAL DATE 20080128	b. TERM INDEF
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED	
a. BASIC \$4,131.30	b. SEA/FOREIGN DUTY \$100.00	c. TOTAL \$4,231.30	None		N/A	

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 80

SPECIFICATION: In that Sergeant First Class (E-7) Richard W. Jenkins, U.S. Army, did, at or near FOB Salerno, Afghanistan, between on or about 1 July 2009 and 7 December 2009, attempt to wrongfully commit indecent conduct, to wit: viewing Specialist Alyssa Barnett urinating by approaching her on foot, after having been warned not to approach her given her condition.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 89

SPECIFICATION: In that Sergeant First Class (E-7) Richard W. Jenkins, U.S. Army, did, at or near FOB Salerno, Afghanistan, on divers occasions, between on or about 24 July 2009 and 7 December 2009, behave himself with disrespect toward First Lieutenant Petrina Chow, his superior commissioned officer, then known by the said Sergeant First Class Jenkins to be his superior commissioned officer, by saying to her "I want to touch your stuff;" "I want all of you but you won't even give me some of you;" "When you have an orgasm, do you scream as loud as when I tickle you;" "I want to make love to you;" "I want you to strip for me;" "you are a woman, I am a man, I am attracted to you;" "when you get all hot and bothered you can knock on my door and I will take care of you;" "Can you draw me in the nude, I want to see how you draw my 70's Afro-style pubic hair . . . are you au natural down there;" "We should engage in karma sutra . . . Obtaining sexual pleasure without actual penetration," "I want to give you a rub down later tonight . . . the code word is 'Romeo Bravo';" "I'm going to divorce my wife and marry you, because you are one hot Asian woman;" or words to that effect.

(SEE CONTINUATION SHEET)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) ERVING, Wesley B.	b. GRADE O-4	c. ORGANIZATION OF ACCUSER 230th FMCO, 82nd STB, 82nd SBDE
d. SIGNATURE OF ACCUSER <i>Wesley B Erving</i>		e. DATE 2 FEB 10

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 2 day of February, 2010, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

AMY H. McCARTHY
Typed Name of Officer

HHC, 82nd SBDE
Organization of Officer

O-3
Grade

Article 136, UCMJ

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

[Handwritten Signature]
Signature

12.

On 2 FEB 10, 2010, the accused was informed of the charges against him/her and of the name of the accuser known to me (See R.C.M. 308 (a)) (See R.C.M. 308 if notification cannot be made.)

WESLEY B. ERVING

Typed Name of Immediate Commander

230th FMCO, 82nd STB, 82nd SBDE

Organization of Immediate Commander

O-4

Grade

Wesley B Erving

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 0955 hours, 3 Feb, 2010, at

82nd STB, 82nd SBDE

Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹

DAVID V. GILLUM

Typed Name of Officer

COMMANDING

Official Capacity of Officer Signing

O-5

Grade

[Signature]

Signature

V. REFERRAL; SERVICE OF CHARGES

14a DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

HQ, 1st Sustainment Command (Theater) Fort Bragg, NC

20100302

Referred for trial to the Special Court-martial convened by Court-Martial Convening Order

Number 2

dated 21 September 20 09₁₀, subject to the following instructions:²

By Command of MG Rogers

Command or Order

TIFFANY L. NOEL

Typed Name of Officer

MILITARY JUSTICE, NCOIC

Official Capacity of Officer Signing

E7

Grade

[Signature]

Signature

15.

On 4 March, 20 10, I (caused to be) served a copy hereof on (each of) the above named accused.

AMY H. MCCARTHY

Typed Name of Trial Counsel

O-3

Grade or Rank of Trial Counsel

[Signature]

Signature

FOOTNOTES: 1 -- When an appropriate commander signs personally, inapplicable words are stricken. 2 -- See R.C.M. 601(e) concerning instructions. If none, so state.

CONTINUATION SHEET, DD FORM 458, PERTAINING TO JENKINS, Richard W., SFC, 590-40-5187, 230th Finance Management Company, 82nd Special Troops Battalion, 82nd Sustainment Brigade, Bagram Airfield, Afghanistan, APO AE 09354

Item 10 (Cont'd)

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 93

SPECIFICATION: In that Sergeant First Class (E-7) Richard W. Jenkins, U.S. Army, at or near FOB Salerno, Afghanistan, on divers occasions between on or about 1 June 2009 and 8 December 2009, did maltreat Specialist Alyssa Barnett, a person subject to his orders, by attempting to touch her breasts and buttocks and by mocking her attempts to stop him.

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 120

SPECIFICATION 1: In that Sergeant First Class (E-7) Richard W. Jenkins, U.S. Army, did, at or near FOB Salerno, Afghanistan, on divers occasions, between on or about 31 July 2009 and 18 November 2009, engage in sexual contact with First Lieutenant Petrina Chow, to wit: grabbing her buttocks with his hand and kissing her head, and such sexual contact was without legal justification or lawful authorization and without the permission of First Lieutenant Petrina Chow.

SPECIFICATION 2: In that Sergeant First Class (E-7) Richard W. Jenkins, U.S. Army, did, at or near FOB Salerno, Afghanistan, on divers occasions between on or about 1 June 2009 and 8 December 2009, engage in sexual contact with Specialist Alyssa Barnett, to wit: thrusting his pelvis and groin area against Specialist Alyssa Barnett's legs and buttocks, and such sexual contact was without legal justification or lawful authorization and without the permission of Specialist Alyssa Barnett.

SPECIFICATION 3: In that Sergeant First Class (E-7) Richard W. Jenkins, U.S. Army, did, at or near FOB Salerno, Afghanistan, on divers occasions between on or about 1 June 2009 and 8 December 2009, engage in sexual contact with Specialist Ashley Nakasone, to wit: thrusting his pelvis and groin area against Specialist Ashley Nakasone's legs and buttocks, and such sexual contact was without legal justification or lawful authorization and without the permission of Specialist Ashley Nakasone.

SPECIFICATION 4: In that Sergeant First Class (E-7) Richard W. Jenkins, U.S. Army, did, at or near FOB Salerno, Afghanistan, on divers occasions between on or about 1 June 2009 and 8 December 2009, engage in sexual contact with Specialist Alyssa Barnett, to wit: grabbing and hitting her buttocks with his hand, and such sexual contact was without legal justification or lawful authorization and without the permission of Specialist Alyssa Barnett.



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST SUSTAINMENT COMMAND (THEATER)
FORT BRAGG, NORTH CAROLINA 28310-6000

REPLY TO
ATTENTION OF

ACEN-TSC-JA

02 MAR 2010

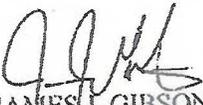
MEMORANDUM FOR Commander, 1st Sustainment Command (Theater), Fort Bragg, North Carolina 28310

SUBJECT: Advice on Disposition of Court-Martial Charges, United States v. SPC Richard W. Jenkins, 590-40-5187, 230th Finance Management Company, 82nd Special Troops Battalion, 82nd Sustainment Brigade, Bagram Airfield, Afghanistan APO AE 09354

1. I have reviewed the attached charges, specifications, and allied papers in the case of SPC Richard W. Jenkins and render this advice in accordance with Rule for Courts-Martial 406, Manual for Courts-Martial.
2. Legal Conclusion. I reach the following legal conclusions:
 - a. The charges and specifications allege offenses under the UCMJ;
 - b. The allegations in the charges and specifications are warranted by the evidence contained in the report of investigation; and
 - c. There is court-martial jurisdiction over the accused and the charged offenses.
3. The chain of command recommends trial by special court-martial.
4. Staff Judge Advocate's Recommendation: I recommend that you refer all charges and specifications preferred on February 2010, to be tried by the special court-martial convened by Court-Martial Convening Order Number 2, this headquarters, dated 21 September 2009.

4 Encls

1. DD Form 458, Charge Sheet
w/Cdrs' Recommendations
2. CMCO #2
3. Allied Papers
4. ERB

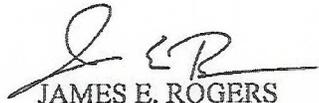

JAMES J. GIBSON
LTC, JA
Staff Judge Advocate

02 MAR 2010

ACEN-TSC-JA

SUBJECT: Advice on Disposition of Court-Martial Charges, United States v. SFC Richard W. Jenkins, 590-40-5187, 230th Finance Management Company, 82nd Special Troops Battalion, 82nd Sustainment Brigade, Bagram Airfield, Afghanistan APO AE 09354

The recommendation of the Staff Judge Advocate is approved.



JAMES E. ROGERS
Major General, USA
Commanding