

UNITED STATES

V.

JENKINS, RICHARD W.

SFC, U.S. Army

230th FMC, 82nd STB

82d Sustainment Brigade (SBDE)

Bagram Airfield, Afghanistan

APO AE 09354

DEFENSE WITNESS LIST

10 MAY 2010

COMES NOW, the accused, SFC RICHARD W. JENKINS, by and through his detailed defense counsel, and requests the following witnesses be physically produced for testimony in the above-captioned case on the merits and during presentencing proceedings:

- 1) **LTC Anita Thurston, MRSOI Coordinator, CAJMTC, Camp Atterbury, Indiana;**
anita.thurston@us.army.mil

LTC Thurston first met SFC Jenkins when he served as a squad leader (E-5) in her Detachment when she was the commander (as a 1LT), in approximately 1993. She participated in multiple weekend drills and ATs with SFC Jenkins during that time, and they interacted substantially during those activations. She witnessed him interact with many females in the unit, to include herself, as well as females within his squad. She will testify that she never witnessed nor heard report of any inappropriate behavior on the part of SFC Jenkins with any member of the unit, to include any allegations of harassment of females within the unit.

- 2) CPT Darren Pope, 33th Finance Management Company, Fort Drum, New York;
darren.pope@us.army.mil

CPT Pope was SFC Jenkins' Detachment Commander during their deployment to Bosnia in 2004. SFC Jenkins served as his detachment sergeant, overseeing all personnel and activities in the finance office. While deployed, they both worked in the same small office with all the soldiers, to include females subordinate to SFC Jenkins. CPT Pope will testify that he observed SFC Jenkins working with the soldiers on a daily basis, to include the females, and to never witnessed or heard report of any inappropriate behavior, of a sexual nature or otherwise. SFC Jenkins was always extremely dependable, and reliable, and put the needs of his soldiers first at all times. SFC Jenkins was known as the heart of the operation, often providing levity and jokes to keep the morale and attitude of the junior soldiers, typically on their first deployment, up and positive.

- 3) CPT Brett Dunn, 230th Finance Management Company, Afghanistan**

Detachment Commander for SFC Jenkins. Complaining witnesses all worked within CPT Dunn's detachment, which was a single building on FOB Salerno, Afghanistan. No complaints or reports were ever made to CPT Dunn, by any complaining witness, regarding inappropriate or sexual behavior of SFC Jenkins inside or outside the office,

and he never personally saw or heard any inappropriate actions or comments made by SFC Jenkins.

4) 1SG Tracy Lahr, 138th Finance Management Company, Indianapolis, Indiana

Prior to becoming 1SG of the Detachment, 1SG Lahr and SFC Jenkins served as Detachment Sergeants together in 2008. However, 1SG Lahr and SFC Jenkins have known one another since they served together as Squad leaders in the unit since approximately 1998. 1SG Lahr and SFC Jenkins have spent most of their careers working together in the unit, organizing training and preparing for drill weekends and mobilizations. 1SG Lahr will testify that, over the years, he has witnessed SFC Jenkins work with females (subordinates, peers, and superiors) and has never seen or heard any report of inappropriate behavior by SFC Jenkins toward any soldier, including any female. Based upon his many years of working with SFC Jenkins, he was extremely surprised to hear that allegations of a harassment or sexual assault nature had been made against SFC Jenkins by those he worked with during this deployment.

5) SFC Veronica Ernstes, 138th Financial Management Company, Indianapolis, Indiana; veronica.ernstes@us.army.mil

SFC Ernstes worked as a fellow Detachment Sergeant in 138th FMC. They have known one another since 1991 through the unit. They have served together as peers as well as times when SFC Ernstes outranked SFC Jenkins and she supervised him. During their almost 20 years together at this unit, she and SFC Jenkins have drilled and trained together. She has also had numerous opportunities to witness interactions between SFC Jenkins and other females in the unit, and has never witnessed anything inappropriate. She was very surprised to hear that his behavior would have been perceived as inappropriate or sexual in nature or motivation.

6) SFC William Huntzinger, Jr., 230th Finance Management Company, Afghanistan; william.huntzinger@us.army.mil

SFC Huntzinger worked in the same Detachment as all witnesses, on FOB Salerno. He worked in the customer service area, where the printers and common areas were. He would often witness interactions between SFC Jenkins and all 3 complaining witnesses, and never witnessed any discomfort between any of them. He never saw SFC Jenkins approach LT Chow in a manner she was not comfortable with, and never heard her tell him to stop, or any words to that effect, as she claimed in her sworn statement. He also witnessed them eating lunch and dinner together, which LT Chow claims never occurred.

7) SGT DeAndria Harlan, 230th Finance Management Company, Afghanistan (contact information previously listed on Government Witness List)

SGT Harlan worked in the same Detachment as all witnesses on FOB Salerno. She was also on a previous deployment with SFC Jenkins in 2004. She personally worked at a desk right next to LT Chow, which was in an area slightly removed from the main finance office customer service area, and closer to the detachment commander's work area, near the vault. She often saw LT Chow and SFC Jenkins interact when SFC Jenkins would come to the back office to use the SIPR computer or speak with LT Chow, and she never noticed anything unprofessional or inappropriate of a sexual nature occur between

them. She also did not notice LT Chow acting uncomfortably with SFC Jenkins when they would interact.

8) SSG Jody Wilson, Installation Support, Camp Atterbury, IN;

jody.lynn.wilson@us.army.mil

SGT Wilson first met SFC Jenkins in approximately 1995, when she joined the 138th FMC. Through the years, SFC Jenkins has served as SSG (then SPC) Wilson's Squad Leader, with constant interaction. During this time, there were also always other females in the unit besides just SSG Wilson, who she would observe interacting with SFC Jenkins. In 2000, SFC Jenkins and SSG Wilson mobilized and deployed together to Kosovo – where SFC Jenkins served as her Squad Leader during all pre-deployment training events in the US and overseas. Then, in 2006, SSG Wilson served again with SFC Jenkins on the Wounded Warrior Pay Management Program at DFAS. Based upon these years of daily interaction, SSG Wilson will testify that SFC Jenkins always went above and beyond for his soldiers – male and female, he was always available to talk to them, he never made them feel uncomfortable or maltreated, and that he worked tirelessly to help and mentor the junior soldiers, encouraging them to develop and grow.

9) SGT Ericka Daniels, 138th Financial Management Company, Indianapolis, Indiana;

ericka.daniels@us.army.mil

SFC Jenkins has been the immediate supervisor of SGT Daniels, either as Squad Leader or Detachment Sergeant, from approximately 2000-2004. They deployed together twice, in 2000 to Kosovo, and in 2004 to Bosnia, where they worked in the same small office on a daily basis. During the Bosnia deployment, SFC Jenkins served as Detachment Sergeant and SGT (then SPC) Daniels worked as an accounting clerk. SGT Daniels will testify that SFC Jenkins was a motivational leader, that he always sought to take care of the soldiers, that he has a “silly” nature and he jokes with his soldiers to motivate them and keep morale up. She will testify that he never acted inappropriately or treated her or other soldiers with disrespect.

10) SPC David Mowrey, 230th Finance Management Company, Afghanistan;

david.mowrey@gmail.com

SPC Mowrey worked in the same Detachment as all witnesses on FOB Salerno. He worked in the customer service area, where the printers and common areas were. He would often witness interactions between SFC Jenkins and all 3 complaining witnesses, and will testify that they all interacted comfortably with one another. In particular, he witnessed SFC Jenkins “air humping” items throughout the office, and will testify that it was never done in a sexual manner, and that when it occurred it was always in front of many people and there was never any touching involved.

11) SPC David Schroeder, 230th Finance Management Company, Afghanistan;

killermorrow@yahoo.com

SPC Schroeder worked in the same Detachment as all witnesses, on FOB Salerno. He worked in the customer service area, where the printers and common areas were. He would often witness interactions between SFC Jenkins and all 3 complaining witnesses, and never witnessed any discomfort between any of them. SPC Schroeder will also testify that on numerous occasions he witnessed LT Chow and SFC Jenkins laughing and

joking together, in direct contradiction to LT Chow's allegations. He will testify that it was a common office joke that LT Chow and SFC Jenkins had some kind of "relationship" because of how close and comfortable they would act with one another and how often they would spend time together.

12) SPC Ashley Nakasone, 230th Finance Management Company, Afghanistan (contact information previously listed on Government Witness list)

SPC Nakasone worked in the same Detachment as all the witnesses, and is listed as a complaining witness as well. She works in the customer service area, which is also where SFC Jenkins sits. SPC Nakasone will testify that SFC Jenkins was the heart to the office, often making jokes and fooling around to keep morale up in a detachment with very low morale. Also, SPC Nakasone was present with SPC Barnett during the "shield black" which makes up the facts underlying Charge 1, and will testify that she was the one who spoke with SFC Jenkins when he walked out back to see what was taking them so long, that she stood with him outside, and that he never attempted to see what SPC Barnett was doing once she told him to stay with her because SPC Barnett was not finished.

**13) SPC Andrew Merkel, 230th Finance Management Company, Afghanistan;
andrew.merkel@us.army.mil**

SPC Merkel worked in the same Detachment as all witnesses, on FOB Salerno. He worked in the customer service area, where the printers and common areas were. He would often witness interactions between SFC Jenkins and all 3 complaining witnesses, and never witnessed anything inappropriate or any discomfort between any of them. In particular, he will recall a time when he witnessed LT Chow sitting on SFC Jenkins lap at his desk, laughing and joking with him. LT Chow never attempted to pull away from him or said anything to him like "no" or "stop that." On several other occasions, SPC Merkel witnessed LT Chow when SFC Jenkins would "air hump" near her, and she would laugh and giggle the same way that everyone in the office did when he made this joke. This is all in direct contradiction to assertions made by LT Chow.

**14) Ms. (formerly PFC) Marlena Bowens; Fort McPherson, GA;
marlena.bowens@us.army.mil**

Ms. Bowens (formerly PFC Bowens) first met SFC Jenkins when she worked for him with 138th FMC in 2004. At that time, SFC Jenkins was the Detachment Sergeant for her detachment. She then mobilized with that detachment and they deployed to Bosnia in 2004. She worked closely under the supervision of SFC Jenkins as a military pay clerk. She will testify that SFC Jenkins took a personal interest and investment of time in the problems of his junior soldiers, especially those who were away from home for the first time. He was always available to speak with the soldiers about their issues, one-on-one, sacrificing his time whenever they needed it to check on them and ensure their morale was high.

15) Ms. Loretta Stradley, Technician, Accounts Payable (Army) – Accounting Section, DFAS, Indianapolis, Indiana; loretta.stradley@dfas.mil

SFC Jenkins initially met Ms. Stradley in 1999 when they both worked at DFAS in the same section. They continued to work together in this very small section until

approximately 2003. During this time, they had daily interactions, including office socializing and small group projects – often working weekends and long hours. There were many other female personnel that worked in this same section at the time. Ms. Stradley will testify that during these years and close working conditions, she never witnessed nor heard reports of SFC Jenkins acting inappropriately or sexually harassing anyone in the workplace.

16) Ms. Yaritza Gonzales, Fort Stewart, GA – Installation Management, Ft. Stewart; yaritza.gonzales@us.army.mil

In 2007 Ms. Gonzales worked with SFC Jenkins on Wounded Warrior Pay Program – in particular the initial execution/functionality of that program which occurred at Ft., Stewart, GA. SFC Jenkins worked with Ms. Gonzales in very close quarters, on a daily basis, in this high pressure environment – and never had any issues. Ms., Gonzales will testify that she thought extremely highly of SFC Jenkins, never found him to be inappropriate in the workplace, and believed him to be a very good motivator and respectful co-worker.

17) Ms. Kelly Christian, Chief, Defense Agency Accounts Payable, DFAS, Indianapolis, Indiana; kelly.christian@dfas.mil

Ms. Christian initially met Mr. (SFC) Jenkins when they both worked as accounting technicians at DFAS in approximately 1995, and worked together as peers for about 5 years. Since then, they have remained co-workers, though Ms. Christian has continued to climb the ranks in DFAS. Over the course of their time together at DFAS, in addition to being a peer with Mr. Jenkins, she also served as team leader and eventually certifier over Mr. Jenkins, supervising and reviewing his work. During these years of interaction, several females, including Ms. Christian herself, worked with or supervised Mr. Jenkins. Ms. Christian will testify she never witnessed nor had any personal issues with Mr. Jenkins during these many years. She never had anyone report inappropriate behavior in the workplace, or believed there to be any issues with the conduct of Mr. Jenkins.

18) Ms. Gina Brown, Center for Financial Excellence, DFAS, Indianapolis, Indiana, gina.brown@dfas.mil

SFC Jenkins and Ms. Brown initially met in 1993 as co-workers at DFAS while Ms. Brown worked as a receptionist at a supervisors section. They were also members of the same professional associations, and would interact during those events as well. During the years, they became friends, often spending time socializing in the office, to include daily walks during lunch breaks. They spent countless hours talking about their personal lives and their work environment – and they often socialized with others in the office, forming a small office group for lunch and events. Ms. Brown will testify that SFC Jenkins never acted inappropriately in the workplace, or otherwise, and she never witnessed or heard any complaints or reports about his behavior and interactions with women in the workplace.

19) Mr. David Sparks, Supervisor, Accounts Payable (Army), DFAS, Indianapolis, Indiana; david.sparks@dfas.mil

Mr. Sparks initially met Mr. (SFC) Jenkins when they worked together as accounting technicians at DFAS in 1995. They worked together for several years, in very close

proximity, with many females on the team as well – including working as a team leader in 2005, and briefly again when Mr. Jenkins had a break in active duty service in 2008. During this time, Mr. Sparks often observed Mr. Jenkins interactions with co-workers, to include females, and never witnessed or heard report that Mr. Jenkins had ever acted inappropriately toward any female on their team or in their office. Mr. Sparks was extremely surprised to learn of the allegations against Mr. Jenkins with regard to his behavior in the workplace.

20) SGM (Ret.) Earl Whiteside, Systems Accountant, Financial Systems Security, Military Pay Operations, DFAS, Indianapolis, Indiana; earl.whitesides@dfas.mil
SGM Whiteside initially met SFC Jenkins just after he joined in the Army in 1990. At that time, SGM Whiteside was just nearing retirement, and serving as SGM at Fort Benjamin Harrison, Indianapolis. Quickly, SGM Whiteside became a mentor for SJA Jenkins, and they remained close. Then, from 1993-1995, (now) Mr. Whiteside had another opportunity to observe SFC Jenkins, when he supervised him at DFAS in the Debt and Claims Management Department, in a civilian capacity. During that time, Mr. Whiteside had many females working in the office as well, and will testify that he never observed or heard report of any inappropriate behavior of SFC Jenkins in that workplace. He will also testify that, considering how well he knows SFC Jenkins and his knowledge of him as a soldier/NCO and co-worker, he was extremely surprised to hear that any allegations of inappropriate sexual advances or harassment had been made against SFC Jenkins, and has always known him to be a soldier who put the needs of his soldiers before his own.

The Defense reserves the right to supplement this witness list, if necessary.

This Defense Witness list was served on the Government Counsel and the Court via email on 10 May 2010.

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REBECCA N. DI MURO
CPT, JA
Defense Counsel