

- Q. I'm not asking you whether this was said or not, but did I read it correctly from this transcript?
- A. Yup.
- Q. Okay. Does this refresh your recollection of the conversation at all?
- A. Yes.
- Q. When I asked you questions about whether you had some doubts as to whether this was made up in your mind, you said that you don't recollect that conversation. Does that --
- A. Yes, I do. I do remember --
- Q. Okay. What were you going --
- A. Because Rowe kept on asking why I would bring it up now all of a sudden, and I said I guess I hated that I know of our friendship or whatever that anytime I referred to it, he acted -- he made me feel invalidated -- like, I had just made up something in my mind, and that's what I didn't want.
- Q. Did he say, why did you bring it up? I don't ever remember him saying that.
- A. My main point that I was trying to express is that my discussions with him were invalidating as to what actually happened.
- Q. Okay. So at some point, you did have some doubt as to whether you were imagining this or it was true?
- A. I don't ever feel like I just made it up.
- Q. You just told me that you wanted him to validate something that you were thinking of?
- A. Yes.
- Q. Which means that you had some doubt as to its truthfulness -- or not truthfulness, but as to its existence?
- A. No, it definitely happened.
- Q. I understand. At the time you had this conversation and before, were you having some doubts as to whether what you believe you experienced actually happened?
- A. Unfortunately, I know that that happened.

Q. Okay. So when you were --
A. My conversations with Rowe -- talking to him made me feel like I had made it up in my head and it was right and validated.
Q. It made you feel that way?
A. Um hm.
Q. All right. And you needed him to say that the feeling wasn't true?
A. No, I just wanted him to have remorse for it, which he did express.

CC: I don't have any more questions.

IO: Government?

GC: No, sir.

IO: I've asked mine along the way. All right. Listen, you're done for the night, we are not, but you are.

I want to remind you of your obligation not to discuss this testimony with anybody else outside of this room, not with the NCIS agent, not with anybody who wasn't in here today, nobody.

I also know you are feeling pretty low right about now, and you've struggled with some issues before. You got these guys here -- back here in the back, SARP. What is your role on the left, RP?

RP: Uniform Victim Advocate Branch.

IO: You are an RP though; right?

RP: I am an RP, sir.

IO: Okay. So you are the UVA and you are the SARP. Okay.

So you've got two advocates there to lean on. I can see from the fact that they stay here until 1030 that they are committed to you and your case. Make sure you rely on them. What I mean by that is: You've had some instances where you went low before. Don't let this

thing -- however it turns out and however you feel right now -- don't let it send you downward.

Even though I chewed your ass for something a little while ago, I care about you as a Marine and as a person, and I don't want you to descend into this downward spiral of, you know, this cavern of hopelessness or something like that that would cause you to do something regretful and irresponsible.

Do you understand what I am telling you?

WIT: Yes, sir.

IO: Those guys back there get paid for this. They will get their credit -- she'll get her credit hours and she'll get some special liberty or something like that. Don't feel like you are putting them out, that's their job and that's their responsibility. All right? So don't not rely on the people that are here. This doesn't exist hardly anywhere in civil society that you have two people committed just to you. Usually, it is reversed. It's one person and they have a 30 person caseload to take care of. You've got an institution here that really does care about you because you past the mustard at some point to be a Marine, so don't throw that away.

Are you feeling me?

WIT: Yes, sir.

IO: Okay. Thanks. You're dismissed.

The witness departed the courtroom.

Transcription stopped at 2226, 6 June 2011.


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ATTESTING CERTIFICATE

I am a qualified court reporter in the U.S. Marine Corps, sworn in accordance with Article 42(a) of the UCMJ, and assigned to the Office of the Staff Judge Advocate, Marine Corps Base, Quantico, Virginia.

I declare under penalty of perjury that this transcript is a true and accurate verbatim account of the testimony of First Lieutenant Ariana B. Klay, U.S. Marine Corps, during the Article 32 Hearing on 6 June 2011 in the case of *United States v. Captain James M. Rowe*, U.S. Marine Corps. Such transcript was produced from a digital audio recording of the courtroom proceedings of 6 June 2011.

Executed this 20th day of June 2011 at the Office of the Staff Judge Advocate, Marine Corps Base, Quantico, Virginia.



D. R. Miller
Sergeant
U.S. Marine Corps