

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (<i>Last, First, MI</i>) ROWE, James M.		2. SSN 304 98 0267	3. RANK/RATE Capt	4. PAY GRADE O-3
5. UNIT OR ORGANIZATION MARDET, Ft Sill, OK		DOB: 26 Oct 79	6. CURRENT SERVICE	
			a. INITIAL DATE 8 Oct 99	b. TERM INDEF
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		9. DATE(S) IMPOSED
\$5,617.80	N/A	\$5,617.80		None

II. CHARGES AND SPECIFICATIONS

10.

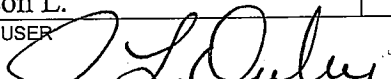
Charge I: Violation of the UCMJ, Article 120

Specification 1: [*Aggravated sexual assault by using threats or placing in fear*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010, cause First Lieutenant Ariana B. Klay, U.S. Marine Corps, to engage in a sexual act, to wit: penetrate with his penis the vagina of First Lieutenant Klay, by placing her in fear that he would inform her husband and her command of her alleged unlawful activities.

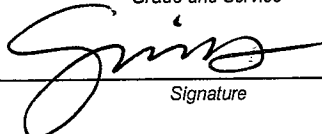
Specification 2: [*Abusive sexual contact by using threats or placing in fear*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010, cause First Lieutenant Ariana B. Klay, U.S. Marine Corps, to engage in a sexual contact, to wit: penetrating the mouth of First Lieuteant Klay with his penis and touching the vaginal area of First Lieutenant Klay by placing her in fear that he would inform her husband and her command of her alleged unlawful activities.

SEE SUPPLEMENTAL PAGE

III. PREFERRAL

11a. NAME OF ACCUSER (<i>Last, First, MI</i>) OWSLEY, Jason L.	b. GRADE SSgt	c. ORGANIZATION OF ACCUSER HqSvcBn, MCB, Quantico
d. SIGNATURE OF ACCUSER 		e. DATE 27 April 2011

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 27th day of April, 2011, 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.

C. M. HOOVER
Typed Name of Officer
Captain, U.S. Marine Corps
Grade and Service

Signature

HqSvcBn, MCB, Quantico, VA
Organization of Officer
Judge Advocate
Official Capacity to Administer Oaths
(See R.C.M. 307(b)—must be commissioned officer)

ORIGINAL

12. On 29 April, 20 11, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

S. L. ROSSOW

Typed Name of Immediate Commander

XO, Marine Artillery Detachment, Ft Sill, OK

Organization of Immediate Commander

Lieutenant Colonel, U.S. Marine Corps

Grade

Shane L. Rossow

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1700 hours, 27 April 20 11 at XO,
Marine Artillery Detachment, Ft Sill, OK Designation of Command or

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

FOR THE¹ Commanding Officer

S. L. ROSSOW

Typed Name of Officer

Executive Officer

Official Capacity of Officer Signing

Lieutenant Colonel, U.S. Marine Corps

Grade

Shane L. Rossow

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

MCCDC

b. PLACE

Quantico, Virginia

c. DATE

'AUG 09 2011

Referred for trial to the General court-martial convened by

GCMCO #1-10

DATED 4, August 20 10, subject to the following instructions:² None.

By _____ of _____

Command or Order

R. P. MILLS

Typed Name of Officer

Commanding General

Official Capacity of Officer Signing

Lieutenant General, U.S. Marine Corps

Grade

R. P. Mills

Signature

15. On 15 Aug, 20 11, I caused to be served a copy hereof on ~~(each of)~~ the above named accused.

C. M. HOOVER

Typed Name of Trial Counsel

Captain, U.S. Marine Corps

Grade or Rank of Trial Counsel

C. M. Hoover

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.

ORIGINAL

Specification 3: [*Abusive sexual contact by using threats or placing in fear*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010, cause First Lieutenant Ariana B. Klay, U.S. Marine Corps, to engage in a sexual contact, to wit: penetrate with Mr. Jeremy Owen's penis the mouth of First Lieutenant Klay by placing her in fear that he would inform her husband and her command of her alleged unlawful activities.

Specification 4: [*Indecent act*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010, wrongfully commit indecent conduct, to wit: engage in sexual contact, with First Lieutenant Ariana B. Klay, in the presence of Mr. Jeremy Owen.

Specification 5: [*Wrongful sexual contact*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010, engage in a sexual contact with First Lieutenant Ariana B. Klay, U.S. Marine Corps, to wit: penetrate with his penis the vagina of First Lieutenant Klay and such sexual contact was without legal justification or lawful authorization and without the permission of First Lieutenant Klay.

~~Charge III: Violation of the UCMJ, Article 125~~

~~Specification 1: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did, at or near Washington, D.C., on or about 28 August 2010, commit sodomy with First Lieutenant Ariana B. Klay, by force and without the consent of the said First Lieutenant Klay.~~

~~Specification 2: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did, at or near Washington, D.C., on or about 28 August 2010, commit sodomy with First Lieutenant Ariana B. Klay, by force and without the consent of the said First Lieutenant Klay.~~

~~Charge IV: Violation of the UCMJ, Article 127~~

~~Specification: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did, at or near Washington, D.C., on or about 28 August 2010, with intent unlawfully to obtain sexual contact, communicate to First Lieutenant Ariana B. Klay, U.S. Marine Corps, a threat to inform her husband and her command of her alleged unlawful activities.~~

~~Charge V: Violation of the UCMJ, Article 128~~

~~Specification: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010, assault First Lieutenant Ariana B. Klay, U.S. Marine Corps, who then was and was then known by the accused to be a commissioned officer of the U.S. Marine Corps, by touching his penis to the mouth and the vaginal area of First Lieutenant Klay.~~

~~Charge VI: Violation of the UCMJ, Article 133~~

~~Specification: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, a married man, did, at or near Washington, D.C., between on or about 28 August 2010, wrongfully engage in sexual contact with First Lieutenant Ariana B. Klay, U.S. Marine Corps, a married woman not his wife, which conduct was unbecoming an officer and gentlemen.~~

ORIGINAL

Charge VII: Violation of the UCMJ, Article 134
VI

Specification 1: [*Adultery*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, a married man, did, at or near Washington, D.C., between on or about 28 August 2010, wrongfully have sexual intercourse with First Lieutenant Ariana B. Klay, U.S. Marine Corps, a married woman not his wife, *which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.*

Specification 2: [*Disorderly conduct, drunkenness*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, was, at or near Washington, D.C., on or about 28 August 2010, drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces, *which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.*

Specification 3: [*Indecent language*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did, at or near Washington, D.C., on or about 28 August 2010, orally communicate to Mr. Jeremy Owens, in the presence of First Lieutenant Ariana B. Klay, U.S. Marine Corps, certain indecent language, to wit: "Come on Jeremy, Ariana's going to show you what kind of slut she is" or words to that effect, *which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.*

Specification 4: [*Soliciting another to commit an offense*] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did, at or near Washington, D.C., on or about 28 August 2010, wrongfully solicit Mr. Jeremy Owens, to commit sodomy and abusive sexual contact with First Lieutenant Ariana B. Klay, U.S. Marine Corps, by threatening to inform her husband and her command of her alleged unlawful activities, *which conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.*

PCC 20111004

CMST 20110611

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ORIGINAL

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) ROWE, James M.		2. SSN 304 98 0267	3. RANK/RATE Capt	4. PAY GRADE O-3
5. UNIT OR ORGANIZATION MARDET, Ft Sill, OK		6. CURRENT SERVICE		
		DOB: 26 Oct 79	a. INITIAL DATE 8 Oct 99	b. TERM INDEF
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		9. DATE(S) IMPOSED None
\$5,617.80	N/A	\$5,617.80		
None				

II. CHARGES AND SPECIFICATIONS

~~10. Additional Charge I: Violation of the UCMJ, Article 120~~

~~Specification: [Indecent act] In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington D.C., between on or about 1 January 2010 to on or about 28 August 2010, wrongfully commit indecent conduct, to wit: sexual contact with First Lieutenant Ariana B. Klay, U.S. Marine Corps, in the presence of Jeremy Owen.~~

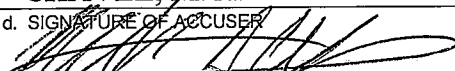
WITHDRAWN AND DISMISSED WITHOUT PREJUDICE
JUK SAUG 2011

Additional Charge II: Violation of the UCMJ, Article 133

Specification 1: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, a married man, did at or near Washington, D.C., Virginia, and West Virginia, on divers occasions, between on or about 1 January 2010 to on or about 28 August 2010, share a hotel room with First Lieutenant Ariana B. Klay, U.S. Marine Corps, kiss First Lieutenant Klay, and masturbate in the presence of First Lieutenant Klay, a married woman not his wife, which conduct was unbecoming of an officer and a gentleman.

Specification 2: In that Captain James M. Rowe, U.S. Marine Corps, on active duty, did at or near Washington, D.C., on or about 28 August 2010; used insulting and defamatory language toward a junior officer, First Lieutenant Ariana B. Klay, to wit: you are a slut, you are a whore, I am going to tell your husband and your command unless you give me head, suck Jeremy's dick, or words to that effect, which conduct was unbecoming of an officer and a gentleman.

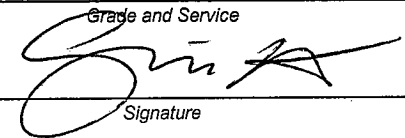
III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) CHAVEZ, M. A.	b. GRADE Cpl	c. ORGANIZATION OF ACCUSER HqSvcBn, MCB, Quantico
d. SIGNATURE OF ACCUSER 		e. DATE 4 AUGUST 2011

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 4th day of August, 2011, 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.

C. M. HOOVER

Typed Name of Officer
Captain, U.S. Marine Corps

Grade and Service


Signature

HqSvcBn, MCB, Quantico, VA

Organization of Officer
Judge Advocate

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

12. On 9 August, 20 11, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

R. A. ROYSE

Typed Name of Immediate Commander

Major, U.S. Marine Corps

XO, Marine Artillery Detachment, Ft Sill, OK

Organization of Immediate Commander

Richard A. Royse

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1530 hours, 5 August 20 11 at XO,
Designation of Command or

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

FOR THE¹ Commanding Officer

R. A. ROYSE

Typed Name of Officer

Major, U.S. Marine Corps

Grade

Richard A. Royse

Signature

Executive Officer

Official Capacity of Officer Signing

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

MCCDC

b. PLACE

Quantico, Virginia

c. DATE AUG 09 2011

Referred for trial to the General court-martial convened by

GCMCO #1-10

DATED 4, August, 20 10, subject to the following instructions:² To be tried in
conjunction with the charges preferred on 27 April 2011.

By _____ of _____
Command or Order

R. P. MILLS

Typed Name of Officer

Lieutenant General, U.S. Marine Corps

Grade

R. P. Mills

Signature

Commanding General

Official Capacity of Officer Signing

15. On 15 Aug, 20 11, I caused to be served a copy hereof on (each of) the above named accused.

C. M. HOOVER

Typed Name of Trial Counsel

C. M. Hoover

Signature

Captain, U.S. Marine Corps

Grade or Rank of Trial Counsel

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.

ORIGINAL