

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 Lieutenant 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.

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 II: 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 III: 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.

Charge IV: Violation of the UCMJ, Article 134

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: [*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.

Additional Charge: 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, 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.

NAVY-MARINE CORPS TRIAL JUDICIARY
NORTHERN JUDICIAL CIRCUIT
GENERAL COURT-MARTIAL

UNITED STATES)	GENERAL COURT-MARTIAL
)	
v.)	
)	FINDINGS WORKSHEET
JAMES M. ROWE)	
CAPTAIN)	
UNITES STATES MARINE CORPS)	

[NOTE: After the court members have reached their findings, the President shall strike out all inapplicable language. After the Military Judge has reviewed the worksheet, the President will announce the findings by reading the remaining language. The President will not read the language in bold print.]

Captain James M. Rowe, U.S. Marine Corps, this general court-martial finds you:

I. IN THE CASE OF COMPLETE ACQUITTAL ANNOUNCE:

Of all charges and specifications thereunder: NOT GUILTY

OR

II. IN THE CASE OF COMPLETE CONVICTION ANNOUNCE:

Of all charges and specifications thereunder: GUILTY

OR

III. MIXED FINDINGS, FINDINGS BY EXCEPTIONS AND SUBSTITUTIONS, or FINDING OF GUILT FOR A LESSER INCLUDED OFFENSE FOR THE ADDITIONAL CHARGE.

Use this part of the findings worksheet: (1) if you find the Accused guilty of some, but not all the Specifications, and/or (2) if you find the Accused guilty of a Specification, but need to make a minor variation to the language used in the Specification, or (3) you find the accused guilty of the Lesser Included Offense (LIO) to Charge I, Specification 5. Circle or check the appropriate findings in parentheses and strike out those that do not apply. Without reading the language in bold out loud, the President shall announce:

Charge I and Specifications:

➤ Of Specification 1 of Charge I: (NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____
_____, " and

Substituting therefore the word(s):

" _____
_____, " and

Of the excepted word(s): (Not Guilty)

Of the substituted word(s): (Guilty)

➤ Of Specification 2 of Charge I: (NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____
_____, " and

Substituting therefore the word(s):

" _____
_____, " and

Of the excepted word(s): (Not Guilty)

Of the substituted word(s): (Guilty)

➤ Of Specification 3 of Charge I: (NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____
_____, " and

Substituting therefore the word(s):

" _____
_____, " and

Of the excepted word(s): (Not Guilty)

Of the substituted word(s): (Guilty)

➤ Of Specification 4 of Charge I: (NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____
_____, " and

Substituting therefore the word(s):

" _____
_____, " and

Of the excepted word(s): (Not Guilty)

Of the substituted word(s): (Guilty)

➤ Of Specification 5 of Charge I: (NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

"

_____, " and

Substituting therefore the word(s):

"

_____, " and

Of the excepted word(s): (Not Guilty)

Of the substituted word(s): (Guilty)

OR, if guilty of the lesser included offense of Assault Consummated by a Battery

NOT GUILTY, but of the Lesser Included Offense of Assault Consummated by a Battery, GUILTY.

*The Accused is GUILTY of Charge I if found guilty of at least one of the specifications thereunder.

➤ Of the Charge I: (Guilty) / (NOT GUILTY)

Charge II and Specification:

➤ of the sole Specification of Charge II: (NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____
_____, " and

Substituting therefore the word(s):

" _____
_____, " and

Of the excepted word(s): (Not Guilty)

Of the substituted word(s): (Guilty)

*The Accused is GUILTY of Charge II if found guilty of at least one of the specifications thereunder.

➤ Of the Charge II: (Guilty) / (NOT GUILTY)

Charge III and Specification:

➤ of the sole Specification of Charge III: (NOT GUILTY) /
(GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

"

_____, " and

Substituting therefore the word(s):

"

_____, " and

Of the excepted word(s): (Not Guilty)

Of the substituted word(s): (Guilty)

***The Accused is GUILTY of Charge III if found guilty of at least one of the specifications thereunder.**

➤ Of the Charge III: (Guilty) / (NOT GUILTY)

Charge IV and Specifications:

➤ Of Specification 1 of Charge IV: (NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____

_____, " and _____

Substituting therefore the word(s):

" _____

_____, " and _____

Of the excepted word(s): (Not Guilty)

Of the substituted word(s): (Guilty)

➤ Of Specification 2 of Charge IV: (NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____

_____, " and _____

Substituting therefore the word(s):

" _____

_____, " and _____

Of the excepted word(s): (Not Guilty)

Of the substituted word(s): (Guilty)

***The Accused is GUILTY of Charge IV if found guilty of at least one of the specifications thereunder.**

Of the Charge IV: (Guilty) / (NOT GUILTY)

Additional Charge and Specifications:

- Of Specification 1 of the Additional Charge:
(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____
_____, " and

Substituting therefore the word(s):

" _____
_____, " and

Of the excepted word(s): (Not Guilty)
Of the substituted word(s): (Guilty)

- Of Specification 2 of the Additional Charge:
(NOT GUILTY) / (GUILTY)

OR, if a minor variation to the language in the Specification is necessary

GUILTY, except the word(s):

" _____
_____, " and

Substituting therefore the word(s):

" _____
_____, " and

Of the excepted word(s): (Not Guilty)
Of the substituted word(s): (Guilty)

*The Accused is GUILTY of the Additional Charge if found guilty of at least one of the specifications thereunder.

➤ Of the Additional Charge: (Guilty) / (NOT GUILTY)

President's Signature (date)