



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE LEGAL OPERATIONS AGENCY (HQ AFLOA)

16 September 2011

MEMORANDUM FOR 7 BW/JA (Trial Counsel)

FROM: AFLOA/JAJD (Capt Ranae Doser-Pascual)
Mr. Neal Puckett, Esq. and Mr. Haytham Faraj, Esq.

SUBJECT: *United States v. 1Lt Patrick T. Burke* – Request to Travel Witness

1. In compliance with R.C.M 703(c)(2)(B), the Defense respectfully requests the government travel the following witnesses in the above-referenced case:

a. **Witness for Findings/Rebuttal and Sentencing:** Col Robert Shaw, USAF (Ret), SSN (please contact witness to obtain); address: 7344 s. Moore St, Littleton, CO 80127; phone (303) 564-7925. Col Robert Shaw retired from the USAF reserves in 2007 after 30 years of active and reserve duty. A 1977 USAFA Graduate, Col Shaw flew T-38s as an instructor pilot in Undergraduate Pilot Training as well as in Pilot Instructor Training at Randolph AFB. In the USAF Reserves, Col Shaw served as an Academy Liaison Officer for USAFA in the Denver area. Col Shaw has known 1Lt Burke since the Lieutenant was a child, and served as his "Sponsor Parent" while 1Lt Burke was a cadet at USAFA. Col Shaw spent nearly every weekend with 1Lt Burke from August 2003 until May 2007. Col Shaw believes that 1Lt Burke is an officer of the utmost integrity and discipline. Having observed his growth at USAFA, Col Shaw knows that 1Lt Burke has little other desire than to serve and grow as an officer and leader. He will testify as to 1Lt Burke's good military character and character for law abidingness.

b. **Witness for Findings/Rebuttal and Sentencing:** Maj Mathew McCarty, ANG, SSN (please contact witness to obtain); address: 9323 North Red Diamond, Tucson AZ 85742; phone 830-313-6900. Maj Mathew McCarty served in the USAF for 11 years from 2000 to 2011, and in the ANG from 2011-Present. Maj McCarty spent 4 years flying F-16s at Osan AFB and Shaw AFB, and met 1Lt Burke while he was assigned as a T-38 Instructor Pilot at Laughlin AFB. Maj McCarty was 1Lt Burke's flight commander in his T-38 phase of pilot training, and observed 1Lt Burke everyday from May of 2008 until May of 2009 when 1Lt Burke PCSed to his assignment at Dyess AFB. In Maj McCarty's opinion, 1Lt Burke was one of the top students he had the chance to fly with, both in the aircraft and around the squadron. 1Lt Burke demonstrated leadership in his pilot training flight that Maj McCarty believes improved the ability of his classmates to learn. Maj McCarty voted to award 1Lt Burke with the Deadalio award for integrity, service, and patriotism. Maj McCarty has remained in contact with 1Lt Burke during the Lieutenant's assignment here at Dyess, and he believes that the qualities that the Lieutenant possesses are essential to the growth and development of the Combat Air Force. Maj McCarty will testify as to 1Lt Burke's good military character and character for law abidingness.

2. If there are any additional witnesses, or if one or both of these witnesses no longer need to be traveled, the Defense will immediately notify the Government. If you have any questions regarding this witness notice, the Defense can be reached individually at ranae.doser-

pascual@pentagon.af.mil or 240-612-4792, Mr. Neal Puckett at 703-706-9566 or
neal@puckettfaraj.com, or Mr. Haytham Faraj at 703-706-9566 or haytham@puckettfaraj.com.

For the Defense,

A handwritten signature in blue ink, appearing to read "Ranae L. Dosser-Pascual", with a long horizontal flourish extending to the right.

RANAE L. DOSER-PASCUAL, Capt, USAF
Defense Counsel