

AFFIDAVIT

AFFIANT, being first duly sworn, deposes and says of his/her own personal knowledge:

On or about June of 2008 I was trial counsel at MCRD San Diego. At the time I was handling U.S. v SSgt Medina. As a military justice section we would have approximately two meetings a week with the SJA and the meetings would last anywhere between an hour and a half to over two hours. At these meetings we would brief the SJA on the cases that we were in charge of and the concerns that we had with cases. At one of these meetings I briefed the SJA that the defense had two character witnesses from the clothing section. Both witnesses were retired former Marines that were civilian supervisors of the section. I briefed the SJA that these two witnesses would testify on behalf of the accused as his supervisor and would testify that he was a good Marine even if he were convicted of sexual assault and inappropriate relationship with a junior Marine. At the time the SJA asked me whether or not I attempted to flip the witnesses and that the witnesses needed to know who they worked for, who was paying them, and who writes their fit reps. During this same meeting the SJA instructed me to interview the witnesses again. After the meeting I took Capt Torresala who was at the meeting with me to re-interview the witnesses. Both Capt Torresala and I re-interviewed the witnesses but did not mention who they were working for, who was paying them their salary, and who was writing their reports.

On October of 2008 I was assigned as the Senior Defense Counsel here at MCRD San Diego. During this time period I took on SSgt Kuehler as a client and his case was adjudicated in January of 2009. During the trial the SJA was seated behind the bar where the public is allowed to view the trial. During the trial the SJA instructed Capt Hart the

trial counsel to stand up and make an objection to which Capt Hart did stand up and make an objection. When the Military Judge asked for his basis the SJA instructed Capt Hart on the basis from behind the bar. At the time I did not object because the objection was overruled by the Military Judge. Further at the same trial during a recess I was informed by a few individuals that the SJA was talking to one of my character witnesses, Maj Blanchard, in an angry manner. Upon learning of this issue I went up to the second deck and located the SJA did observe the SJA talking with my witness in an emotional manner. I approached both individuals and asked the SJA whether or not she was attempting to influence the testimony of my witness. The SJA responded in the negative and proceeded to close the hatch so she could be alone with my witness. As this was going on Maj Blanchard looked up at me and informed me that he could handle the situation. At the time of trial Maj Blanchard did not change his testimony on the stand so I did ask for any relief at the time.

David Ahn
Print Name

[Signature]
Signature

16 OCT 09
Date

Subscribed and sworn to before me on 16 OCTOBER 09 at MCRD, San Diego, California.

[Signature]

C. P. HUR
Captain, USMC

Authorized to administer oaths
and act as notary by 10 USC 936
and 10 USC 1044a. No seal required.