

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

UNITED STATES)	GENERAL COURT-MARTIAL
)	
v.)	
)	PAGE 56 MATTERS
JAMES M. ROWE)	
CAPTAIN)	
UNITES STATES MARINE CORPS)	10 November 2011
)	

The Government now provides the following as additions or modifications to the Government Page 56 Matters filed with the court and defense counsel on 24 October 2011:

- | | |
|-----------------------------------|--------------------------|
| a. Withdrawal of Charges Notice | Attached as Enclosure 1. |
| b. Modified Cleansed Charge Sheet | Attached as Enclosure 2. |
| c. Modified Witness List | Attached as Enclosure 3. |
| d. Modified Exhibit List | Attached as Enclosure 4. |

P. C. COMBE II
 Captain, U. S. Marine Corps
 Trial Counsel

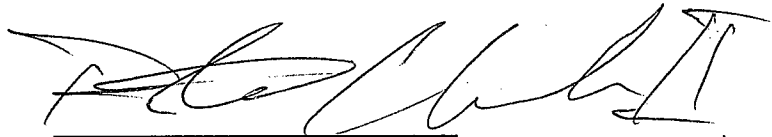
NAVY-MARINE CORPS TRIAL JUDICIARY
NORTHERN JUDICIAL CIRCUIT
GENERAL COURT-MARTIAL

UNITED STATES)	GENERAL COURT-MARTIAL
)	
v.)	CERTIFICATE OF WITHDRAWAL
)	OF CHARGES AND LANGUAGE
JAMES M. ROWE)	
CAPTAIN)	
UNITES STATES MARINE CORPS)	10 November 2011
)	

1. Pursuant to Northern Circuit Rule 6.2.10, notice of withdrawal of the following referred charges and specific language in the above captioned case is hereby filed with the court:

- a. Charge II,
- b. Charge VI, Specification 2,
- c. Charge VI, Specification 4, and
- d. Additional Charge, Specification 1, the specific language, ", kiss First Lieutenant Klay,".

2. The charges were withdrawn by Lieutenant General R. P. Mills, Commanding General, Marine Corps Combat Development Command, on 2 November 2011.

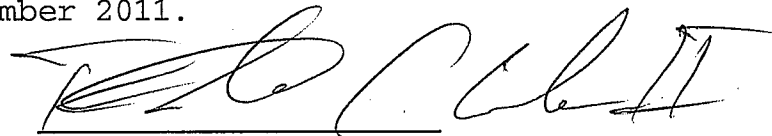


P. C. COMBE II
Captain, U. S. Marine Corps
Trial Counsel

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Certificate of Filing

I hereby attest that a copy of the foregoing was filed with the court electronically on 10 November 2011.



P. C. COMBE II
Captain, U. S. Marine Corps
Trial Counsel

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 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 IV: 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 V: 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
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v.)	
)	Witness List
JAMES M. ROWE)	
CAPTAIN)	
UNITES STATES MARINE CORPS)	10 November 2011
)	

The government may call the following witnesses during trial:


- a. Special Agent Janice Buckmon
2713 Mitscher Rd, SW
BLDG 168, Suite 200
Anacostia Annex, DC 20373
(202) 433-2510
(202) 345-2857
- b. Mrs. Ariana Klay
(703) 389-4040
- c. Cpl Garrett Quinn
Bravo Company
Marine Barracks Washington
(425) 495-2840 (c)
(202) 433-5922 (Company Commander Capt Scott McDonald)
- d. Mr. Jeremy Owens
1706 Base Road
Greensburg, Indiana 47240
(417) 718-6307
- e. Ms. Anna Barton
Sexual Assault Prevention Response Program
Marine Corps Base Quantico, Virginia
(703) 432-0053
- f. Mr. Benjamin Klay
(703) 389-4047

- g. Ms. Renetta Cowan
Licensed Clinical Social Worker
Malcolm Grow Medical Center
(240) 857-2849

- h. Dr. Gabriel Holguin
25930 Laurel Pass
San Antonio, Texas 78260
Phone: (210) 885-5320
Fax: (210) 547-0275
Gabriel_holguin@hotmail.com

- i. LT Andria Jones, USN
Naval Post Graduate School (Student)
1 University Circle
Monterey, CA 93943
(831) 656-2023; DSN: 756-3164 (Main Office)
(231) 286-3739 (c)

- j. LT Anne Gilson, USN
Naval District Washington
1411 Parsons Ave SE
Washington Navy Yard, DC 20374-5001
(202) 433-5020



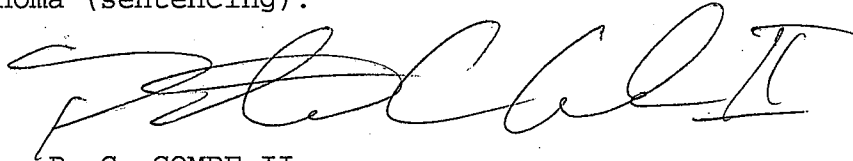
P. C. COMBE II
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JAMES M. ROWE)	
CAPTAIN)	
UNITES STATES MARINE CORPS)	10 November 2011

The government may introduce the following evidence currently in government custody during trial:

1. Audio Recording of recorded telephone conversation between the accused and then 1stLt Ariana Klay dated 25 January 2011 (including attendant transcript).
2. Official Military Personnel File of the accused (sentencing).
3. Record of Conviction: Case Number T-2010-28942, Municipal Court, City of Lawton, Oklahoma (sentencing).



P. C. COMBE II
Captain, U. S. Marine Corps
Trial counsel