

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) SMITH, Craig R.		2. SSN 059-58-2514	3. RANK/RATE BMCS(SW/AW)	4. PAY GRADE E-8
5. UNIT OR ORGANIZATION Recruit Training Command			6. CURRENT SERVICE	
			a. INITIAL DATE 31 Jul 2009	b. TERM 4 years
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC \$4,901.70	b. SEA/FOREIGN DUTY N/A	c. TOTAL \$4,901.70	None	
			N/A	

II. CHARGES AND SPECIFICATIONS

10. CHARGE: **I VIOLATION OF THE UCMJ, ARTICLE 80 - Attempts**


Specification: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 18 October 2010, attempt to engage in wrongful sexual contact with Engineman Fireman Terfi J. Dull, U.S. Navy, to wit: reaching down the shorts of the said ENFN Dull, and such attempt of sexual contact was without legal justification or lawful authorization and without the permission of the said ENFN Dull.

Charge II: Violation of the UCMJ, Article 92 - Failure to obey order or regulation

Specification 1: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, onboard Recruit Training Command, from on or about 15 October 2010 to on or about 18 October 2010, fail to obey a lawful general order, to wit: SECNAVINST 5300.26d, dated 3 January 2006 by wrongfully creating a hostile working environment for Engineman Fireman Terfi J. Dull, U.S. Navy.

*****SEE CONTINUATION SHEETS*****

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) BALDWIN, LAKISHA M.	b. GRADE LN1(SW)	c. ORGANIZATION OF ACCUSER Region Legal Service Office Midwest
d. SIGNATURE OF ACCUSER 		e. DATE 28 Mar 2011

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 28th day of March, 2011, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

J. E. CLADY
Typed Name of Officer

Region Legal Service Office Midwest
Organization of Officer

LCDR, JAGC, USN
Grade and Service

Staff Judge Advocate
Official Capacity to Administer Oaths
(See R.C.M. 307(b)--must be commissioned officer)


Signature

ORIGINAL

BMCS(SW/AW) Craig R. Smith, U.S. Navy, 059-58-2514, Recruit Training Command, Great Lakes, Illinois:

Specification 2: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, onboard Recruit Training Command, from on or about 15 October 2010 to on or about 18 October 2010, fail to obey a lawful general order, to wit: NSTCINST 5370.1, dated 21 March 2008 by wrongfully engaging in an unduly familiar relationship with Engineman Fireman Terri J. Dull, U.S. Navy, while in a staff/instructor to student status.

Specification 3: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, having knowledge of a lawful order issued by Master Chief Electronics Technician Beth A. Holz, U.S. Navy, not to return to the ship or have contact with any recruits, an order which it was his duty to obey, did, at Recruit Training Command, on or about ~~15~~ 21 October 2010, fail to obey the same by wrongfully returning to the ship and went to his compartment.

Specification 4: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, having knowledge of a lawful order issued by Master Chief Electronics Technician Beth A. Holz, U.S. Navy, not to return to the ship or have contact with any recruits, an order which it was his duty to obey, did, at Recruit Training Command, on or about ~~15~~ 26 October 2010, fail to obey the same by entering the Recruit Navy Exchange and wrongfully engaging in conversation with recruits.

Specification 5: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, having knowledge of a lawful order issued by Master Chief Electronics Technician Beth A. Holz, U.S. Navy, not to return to the ship or have contact with any recruits, an order which it was his duty to obey, did, at Recruit Training Command, on or about 29 October 2010, fail to obey the same by, while driving his personally owned vehicle at Recruit Training Command, stopping and engaging in conversation with two female recruits who were walking along the side walk.

ORIGINAL

BMCS(SW/AW) Craig R. Smith, U.S. Navy, 059-58-2514, Recruit Training Command, Great Lakes, Illinois:

Charge III: Violation of the UCMJ, Article 120 - Rape, sexual assault, and other sexual misconduct

Specification 1: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 15 October 2010, engage in sexual contact with Engineman Fireman Ter*y*i J. Dull, U.S. Navy, to wit: reaching down the shirt of and grabbing the breast of the said ENFN Dull with his hand, and such sexual contact was without legal justification or lawful authorization and without the permission of the said ENFN Dull.

Specification 2: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 16 October 2010, intentionally expose in an indecent manner his erect penis while in a female barracks lavatory in the presence of Engineman Fireman Ter*y*i J. Dull, U.S. Navy.

Specification 3: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 17 October 2010, engage in sexual contact with Engineman Fireman Ter*y*i J. Dull, U.S. Navy, to wit: grabbing the vagina over the clothing of the said ENFN Dull with his hand, and such sexual contact was without legal justification or lawful authorization and without the permission of the said ENFN Dull.

Charge IV: Violation of the UCMJ, Article 128 - Assault

Specification 1: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 16 October 2010, unlawfully kiss Engineman Fireman Ter*y*i J. Dull, U.S. Navy, on the lips with his lips.

ORIGINAL

BMCS(SW/AW) Craig R. Smith, U.S. Navy, 059-58-2514, Recruit
Training Command, Great Lakes, Illinois:

Specification 2: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 16 October 2010, unlawfully grab Engineman Fireman Ter/i J. Dull, U.S. Navy, by the hair with his hand.

Specification 3: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 16 October 2010, unlawfully strike Engineman Fireman Ter/i J. Dull, U.S. Navy, on the buttocks with his hand.

Specification 4: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 17 October 2010, unlawfully grab Engineman Fireman Ter/i J. Dull, U.S. Navy, on the neck with his hand and pushed the said ENFN Dull against the wall.

Specification 5: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 17 October 2010, unlawfully kiss Engineman Fireman Ter/i J. Dull, U.S. Navy, on the lips with his lips.

Specification 6: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 18 October 2010, unlawfully punch Engineman Fireman Ter/i J. Dull, U.S. Navy, on her arms about six (6) times with his fist.

Specification 7: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 18 October 2010, unlawfully grab Engineman Fireman Ter/i J. Dull, U.S. Navy, on the wrist with his hand and pulled the said ENFN Dull back.

ORIGINAL

Specification 8: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 18 October 2010, assault Engineman Fireman Terzi J. Dull, U.S. Navy, by reaching at the shorts of the said ENFN Dull with his hands.

Specification 9: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 18 October 2010, unlawfully grab Engineman Fireman Terzi J. Dull, U.S. Navy, on her face with his hand.

Specification 10: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 18 October 2010, unlawfully kiss Engineman Fireman Terzi J. Dull, U.S. Navy, on the lips with his lips.

Charge V: Violation of the UCMJ, Article 134 (Threat, communicating)

Specification 1: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 16 October 2010, wrongfully communicate to Engineman Fireman Terzi J. Dull, U.S. Navy, a threat, to wit: "I'm going to make the rest of your time at bootcamp hell if you don't give me what I want," or words to that effect.

Specification 2: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 16 October 2010, wrongfully communicate to Engineman Fireman Terzi J. Dull, U.S. Navy, a threat, to wit: "I'm going to get you after graduation. I'll find you at your "A" school," or words to that effect.

ORIGINAL

*Dismissed without prejudice
James St. J.
5/25/2011*

*Dismissed without prejudice
James St. J.
5/23/2011*

Continuation of DD Form 458 ICO
BMCS(SW/AW) Craig R. Smith, U.S. Navy, 059-58-2514, Recruit
Training Command, Great Lakes, Illinois:

Specification 3: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, did, at Recruit Training Command, on or about 18 October 2010, wrongfully communicate to Engineman Fireman Terri J. Dull, U.S. Navy, a threat, to wit: "You have two choices: For every mistake that I find, you can get punched or kiss me," or words to that effect.

ORIGINAL

12. On 26 MAY 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.)

M. L. CHISM

Typed Name of Immediate Commander-Legalman

Region Legal Service Office Midwest

Organization of Immediate Commander-Legalman

LN1, USN

Grade

M. L. Chism

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1530 Hours, 25 MAY 20 11 at Navy Region Midwest

Designation of Command or

Great Lakes, Illinois

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

FOR THE¹

J. E. KNAPP, JR.

Typed Name of Officer

COMMANDER, Acting

Official Capacity of Officer Signing

CAPT, USN

Grade

James E. Knapp, Jr.

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

Navy Region Midwest

Great Lakes, Illinois

25 MAY 2011

Referred for trial to the General Court-martial convened by my general court-martial convening order 4-11

dated 20 May 20 11, subject to the following instructions:² This additional charge is to be tried along with the original charges preferred on 28 March 2011 and referred on 25 May 2011.

R

J. E. KNAPP, JR.

Typed Name of Officer

COMMANDER, Acting

Official Capacity of Officer Signing

CAPT, USN

Grade

James E. Knapp, Jr.

Signature

15. On 26 MAY 11 20 11, I (caused to be) served a copy hereof on (each of) the above named accused.

C. V. SCHEFF

Typed Name of Trial Counsel

LT, USN

Grade or Rank of Trial Counsel

C. V. Scheff

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.

CHARGE SHEET

I. PERSONAL DATA


1. NAME OF ACCUSED (Last, First, MI) SMITH, Craig R.		2. SSN 059-58-2514	3. RANK/RATE BMCS (SW/AW)	4. PAY GRADE E-8
5. UNIT OR ORGANIZATION Recruit Training Command		DOB: 16 May 1968	6. CURRENT SERVICE	
			a. INITIAL DATE 31 Jul 2009	b. TERM 4 years
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC \$4,901.70	b. SEA/FOREIGN DUTY N/A	c. TOTAL \$4,901.70	None	
				N/A

ADDITIONAL II. CHARGES AND SPECIFICATIONS

10. CHARGE: **VIOLATION OF THE UCMJ, ARTICLE 92 - Failure to obey order or regulation**

Specification: In that Senior Chief Boatswain's Mate (Surface Warfare/Aviation Warfare) Craig R. Smith, U.S. Navy, Recruit Training Command, Great Lakes, Illinois, on active duty, having knowledge of a lawful order issued by Master Chief Electronics Technician Beth A. Holz, U.S. Navy, not to return to the ship or have contact with any recruits, an order which it was his duty to obey, did, at Recruit Training Command, Great Lakes, Illinois, on or about 24 October 2010, fail to obey the same by wrongfully contacting Gas Turbine System Technician (Electrical) Fireman Courtney Watson, U.S. Navy.

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) CHISM, Myron L.	b. GRADE LN1	c. ORGANIZATION OF ACCUSER Region Legal Service Office Midwest
d. SIGNATURE OF ACCUSER 		e. DATE 25 MAY 2011

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 25th day of MAY, 2011, and signed the foregoing charges and specifications under oath that he/~~she~~ is a person subject to the Uniform Code of Military Justice and that he/~~she~~ either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/~~her~~ knowledge and belief.

S. J. UPRIGHT
Typed Name of Officer

Region Legal Service Office Midwest
Organization of Officer

LTJG, JAGC, USN
Grade and Service

Staff Judge Advocate
*Official Capacity to Administer Oaths
(See R.C.M. 307(b)--must be commissioned officer)*


Signature