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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

29OCT04

RAPE (II)

CONTROL: 29SEP04-DCAN-0049-8FNA

S/CAMPBELL, WILLIAM BRANDON/MIDN
 M/W/NCC1/S/453-85-7632/08OCT79/CLEBURN, TX
 V/DOWNS, ARIANA BEVIN/MIDN
 F/W/NCC2/S/532-94-8850/07JAN81/SEATTLE, WA

COMMAND/USNA ANNAPOLIS MD/00161

MADE AT/DCAN/ANNAPOLIS MD/MICHELLE L. ROBINSON, SPECIAL AGENT

EXHIBITS

- (1) Department Of Defense Police Incident Report/25SEP04...(Copy 0023/Command)
- (2) Statement Of Events From David SCHWIND/25SEP04...(Copy 0023/Command)
- (3) Statement From Ariana DOWNS/29SEP04...(Copy 0023/Command)
- (4) Military Protective Orders/29SEP04...(Copy 0023/Command)
- (5) Statement From Megan GRENNE/05OCT04...(Copy 0023/Command)
- (6) IA: Results Of Interview Of Andria JONES/05OCT04...(Copy 0023/Command)
- (7) IA: Result Of Interview Of Department Of Defense Officers/04OCT04...(Copy 0023/Command)
- (8) Results Of Interview Alvin ATHEY/13OCT04...(Copy 0023/Command)
- (9) Statement From Austin HULBERT/14OCT04...(Copy 0023/Command)
- (10) IA: Results Of Interview Of Daniel ZASTROW/14OCT04...(Copy 0023/Command)
- (11) IA: Results Of Interview Of Scott WADLE/18OCT04...(Copy 0023/Command)
- (12) Forensic Examination Request/19OCT04...(Copy 0023/Command)
- (13) Statement From Thomas KELLY/21OCT04...(Copy 0023/Command)
- (14) IA: Results Of Permissive Authorization For Search and Seizure of Vehicle/29OCT04...(Copy 0023/Command)
- (15) IA: Results Of Interview Of John TREPTOW...(Copy 0023/Command)
- (16) IA: Results Of Interview Of Robert RAGON...(Copy 0023/Command)
- (17) Statement From Ariana DOWNS/29OCT04...(Copy 0023/Command)
- (18) IA: Results Of Attempts to Identify Crime Scene/29OCT04 (Copy 0023/Command)

EXECUTIVE SUMMARY

1. This investigation was initiated on 29SEP04, after Lieutenant Commander Tally MCINTYRE, Staff Judge Advocate for the Commandant; United States Naval Academy (USNA) contacted NCIS to report an allegation of Rape. MIDN 2/C Ariana DOWNS (V/DOWNS) reported she was raped by MIDN 1/C William CAMPBELL (S/CAMPBELL) on 25SEP04. S/CAMPBELL drove V/DOWNS to a wooded area, approximately five (5) minutes from the USNA where the alleged rape occurred. The Department Of Defense (DOD) Police intervened after S/CAMPBELL and V/DOWNS had a physical altercation onboard the USNA following the alleged rape. S/CAMPBELL told the DOD officer that V/DOWNS was hysterical and that they had consensual sex off base. **V/DOWNS initially denied having sex with S/CAMPBELL to the DOD officers** and

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29Oct04

later indicated in a written statement to DOD Police that she had consensual sex with S/CAMPBELL. During a Preliminary Inquiry by the USNA, V/DOWNS stated that she did not consent to the sexual intercourse with S/CAMPBELL and she subsequently provided a statement to NCIS alleging she was raped by S/CAMPBELL. V/DOWNS declined a medical exam. The USNA issued Military Protective Orders against S/CAMPBELL and V/DOWNS.

NARRATIVE

1. On 25SEP04, Officer ATHEY, DOD Police was on patrol at the USNA on Bronson Road when S/CAMPBELL approached his vehicle and requested his assistance because V/DOWNS was hysterical. He told the DOD Officer that he and V/DOWNS had consensual sex off base and when they returned to the USNA they engaged in a minor scuffle. V/DOWNS had a scratch on her nose, medical personnel arrived on the scene; however, V/DOWNS refused medical attention. S/CAMPBELL and V/DOWNS submitted written statements to DOD Police indicating that the sex was consensual. Exhibit (1) pertains.
2. Lieutenant David SCHWIND, 10th Company Officer was advised by DOD that S/CAMPBELL and V/DOWNS had consensual sex in a vehicle off base and when they returned to the USNA V/DOWNS expressed dismay and/or guilt over the situation. S/CAMPBELL dropped V/DOWNS off near Bronson Road and she lost her sandal over the fence, the two subsequently had a physical confrontation after S/CAMPBELL refused to get V/DOWNS sandal. When V/DOWNS was questioned by DOD she denied having sex with S/CAMPBELL. S/CAMPBELL showed the DOD officer the trashcan where he discarded the used condoms and V/DOWNS later confessed to having consensual sex with S/CAMPBELL. S/CAMPBELL met V/DOWNS in a bar in Annapolis that night. After returning to Bancroft Hall they went on a walk near the turf field. They began kissing and V/DOWNS lifted her dress to expose her body to S/CAMPBELL. S/CAMPBELL borrowed his roommate's car keys and they drove off base and had consensual sex. When they returned to the USNA V/DOWNS mentioned having a boyfriend and she became very emotional. S/CAMPBELL asked her to get out of the car and she refused. V/DOWNS told S/CAMPBELL that she could claim rape and destroy his career. She said that her father was a Lieutenant Colonel in the Marine Corps. V/DOWNS told S/CAMPBELL that she could destroy his career if she reported that he raped her, even though they both agreed that the sex was consensual. Exhibit (2) pertains.
3. V/DOWNS met S/CAMPBELL in a bar in downtown Annapolis that evening. After going for a walk on the yard they drove off base to an unknown wooded area. They began making out "pretty heavily". V/DOWNS removed her dress and S/CAMPBELL removed his shirt and pants. V/DOWNS told S/CAMPBELL that she did not want to have sex with him because she just met him. They continued making out and S/CAMPBELL removed his underwear and got on top of V/DOWNS. He moved her panties to the side and inserted his penis into her vagina without wearing a condom. V/DOWNS asked S/CAMPBELL what he was doing and he told her not to worry. After a few minutes he removed his penis and looked around the car for a condom. He noticed V/DOWNS was crying and he asked her what was wrong. She told him that she was disappointed in herself and angry for not preventing it better

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29Oct04

(referring to the sexual intercourse). S/CAMPBELL put the condom on, got on top of V/DOWNS and put his penis inside of her again. When they returned to the USNA, S/CAMPBELL and V/DOWNS had a physical altercation after S/CAMPBELL called V/DOWNS a whore. V/DOWNS got a scratch on her nose from the altercation. V/DOWNS declined a medical evaluation. Exhibit (3) pertains.

4. S/CAMPBELL would not participate in an interview with NCIS. The USNA issued Military Protective Orders to V/DOWNS and S/CAMPBELL. Exhibit (4) pertains.

5. Megan GREENE, V/DOWNS roommate met DOWNS at the FLEET Club in Annapolis around 9:30PM. They separated around 10:30pm and GREENE did not see V/DOWNS again until 11:50pm in Bancroft Hall. It was obvious that V/DOWNS had been drinking but she was not intoxicated. GREENE saw DOWNS again after 2:00am with Midshipmen Austin HULBERT and S/CAMPBELL in Bancroft Hall. V/DOWNS and S/CAMPBELL were talking in Bancroft Hall and eventually went on a walk. GREENE did not see DOWNS again until 6:30am on 25SEP04 when she returned to their room. DOWNS told GREENE that she and CAMPBELL drove off base and were "heavily making out" in a car, when CAMPBELL pulled V/DOWNS's panties to the side and inserted his penis inside of her. V/DOWNS said she cried but she did not say anything to S/CAMPBELL. After V/DOWNS told GREENE about the incident, GREENE told V/DOWNS that it sounds like she was raped. Exhibit (5) pertains.

6. Andria JONES, V/DOWNS roommate, was with V/DOWNS at the Fleet Club on 24SEP04. DOWNS had approximately four (4) mixed drinks, but she was not intoxicated. V/DOWNS told JONES that she went for a walk with S/CAMPBELL and they later went for a drive. They parked in an unknown wooded area and began "heavily making out". While they were making out V/DOWNS removed her dress and S/CAMPBELL pushed V/DOWNS panties to the side and began having sex with her. V/DOWNS cried during the sexual intercourse and when S/CAMPBELL asked her why she was crying she said, because I didn't want to have sex with you. At some point that night V/DOWNS told S/CAMPBELL that he raped her. Exhibit (6) pertains.

7. John ROEDER, DOD Police Officer, USNA, reports V/DOWNS initially denied having sexual intercourse with S/CAMPBELL. S/CAMPBELL showed ROEDER the trashcan where he discarded the condoms. V/DOWNS later admitted to having consensual sex with S/CAMPBELL. ROEDER has no knowledge of a DOD officer putting pressure on V/DOWNS to indicate that the sex with S/CAMPBELL was consensual. Petty Officer Jessie IZDEPSKI, DOD Police Officer, USNA reports V/DOWNS asked him what normally happens in cases like this and she asked what she should write in her statement. IZDEPSKI told V/DOWNS that many of these statements get dismissed due to inaccurate statements. He advised her to be thorough and honest in her statement. Exhibit (7) pertains.

8. Alvin ATHEY, Department Of Defense(DOD) Police Officer, USNA reportedly told V/DOWNS that it was important to indicate whether the sex was consensual or nonconsensual in her written statement. ATHEY noticed that that V/DOWNS used the word consensual in her statement;

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however, he did not tell her to change her statement to reflect the word consensual. Exhibit (8) pertains.

9. On 24SEP04, Austin HULBERT saw V/DOWNS in O'Brien's and introduced her to S/CAMPBELL. S/CAMPBELL had two beers and V/DOWNS had a drink. V/DOWNS appeared intoxicated (i.e. slightly stumbling). Days later, GREENE told HULBERT that S/CAMPBELL and V/DOWNS had sex off base. S/CAMPBELL later told HULBERT that he went for a walk with V/DOWNS on 24SEP04 and she pulled up her dress exposing her abdominal area. They subsequently went for a drive off base and had sex. When they returned to the USNA, V/DOWNS became upset and the two had a physical altercation on Bronson Road. A DOD Police Officer intervened and S/CAMPBELL told the officer that they had consensual sex. V/DOWNS initially denied having sex with S/CAMPBELL. Exhibit (9) pertains.

10. On 24SEP04, Dan ZASTROW and his girlfriend, Adriana KOHLER met V/DOWNS outside of the Fleet Club. It was apparent that V/DOWNS had been drinking. They went to two (2) other bars ACME's and Armadillo's. V/DOWNS had two (2) mixed drinks at the bars. V/DOWNS went back to the USNA to sign in for Taps and returned to Armadillo's around 12:30am. ZASTROW and his girlfriend went home around 1:30am and he did not see V/DOWNS again until 26SEP04. **V/DOWNS told ZASTROW that she and S/CAMPBELL had a physical altercation but she did not mention being sexually assaulted.** A few days later, V/DOWNS allowed ZASTROW to read a statement she prepared in her room, which provided details of the incident. Exhibit (10) pertains.

11. Major Scott WADLE, Preliminary Investigating Officer (PIO), met with V/DOWNS on 26SEP04 to discuss conduct violations. V/DOWNS provided a statement detailing the events between she and S/CAMPBELL. V/DOWNS reportedly drove off base to an unknown wooded area with S/CAMPBELL. **They began "making out heavily", she removed her dress and he moved her panties to the side and inserted his penis.** V/DOWNS became upset and S/CAMPBELL assured her not to worry as he reached for a condom and got back on top of her. On the way back to the USNA V/DOWNS told S/CAMPBELL that she was disappointed in what she had done and angry with him for doing that. When they returned to the USNA an altercation ensued on Bronson Road and the DOD police intervened. Major WADLE asked V/DOWNS if the sexual intercourse was consensual and she said, "No I don't think it was consensual". Exhibit (11) pertains.

12. Evidence seized from V/DOWNS has been forwarded to the United States Army Criminal Investigation Laboratory (USACIL) for analysis. Exhibit (12) pertains.

13. Thomas KELLY, S/CAMPBELL's roommate did not know that S/CAMPBELL borrowed his car until he told him about the incident with V/DOWNS a few weeks later. S/CAMPBELL told KELLY he met V/DOWNS while he was in O'Brien's with HULBERT. He and V/DOWNS went for a walk that night and V/DOWNS became very flirtatious. She lifted her dress and exposed her abdominal area. S/CAMPBELL borrowed KELLY's car keys and he and V/DOWNS drove off base to a wooded area. **S/CAMPBELL and V/DOWNS began kissing and V/DOWNS began masturbating. V/DOWNS asked**

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S/CAMPBELL to suck her nipples. S/CAMPBELL put on a condom and had sexual intercourse with V/DOWNS on top. S/CAMPBELL changed condoms and he and V/DOWNS switched positions with S/CAMPBELL on top. When they returned to the USNA V/DOWNS became upset stating that she screwed things up with her boyfriend. KELLY's vehicle was searched and there no evidence found. Exhibits (13) and (14) pertain.

14. John TREPTOW saw S/CAMPBELL, HULBERT, and an unknown female, later described as V/DOWNS outside of O'Brien's bar on 25SEP04 around 2:00am. TREPTOW walked back to Bancroft Hall with the group. S/CAMPBELL and V/DOWNS appeared to be interested in each other. HULBERT appeared to be trying to "hook S/CAMPBELL up with V/DOWNS". S/CAMPBELL stayed in the hall talking with V/DOWNS and TREPTOW returned to his room. Exhibit (15) pertains.

15. S/CAMPBELL told Robert RAGON that he met V/DOWNS at O'Brien's on 24SEP04. They returned to Bancroft Hall and later went on a walk. V/DOWNS started bragging about the shape of her body and lifted her dress exposing her abdominal area. V/DOWNS kissed S/CAMPBELL and removed her dress completely. S/CAMPBELL borrowed his roommate's car keys and he and V/DOWNS drove off base to an unknown location. V/DOWNS took her dress off inside of the car and began masturbating. She asked S/CAMPBELL to suck her nipples and they had sex. After they returned to the USNA, V/DOWNS became angry about having sex with S/CAMPBELL stating that she screwed up her relationship with her boyfriend. V/DOWNS kicked her foot in the air and her sandal went over a fence on Bronson Road. S/CAMPBELL refused to climb the fence to get V/DOWNS sandal and they had a verbal altercation, which became physical. The DOD Police intervened and S/CAMPBELL said he and V/DOWNS had consensual sex. Exhibit (16) pertains.

16. On 29OCT04, V/DOWNS was reinterviewed. She does not recall having a discussion with S/CAMPBELL about having a boyfriend. She stated that her Dad has no connection to the service other than he was enlisted in the National Guard several years ago. V/DOWNS denied having any sexual contact with S/CAMPBELL prior to leaving the USNA. She does not recall talking about her abdominal area or exposing her abdominal area to S/CAMPBELL. V/DOWNS does not know if S/CAMPBELL used more than one (1) condom. She remembers S/CAMPBELL searching the car for a condom and she believes he was wearing one when they had sex. V/DOWNS is not sure which DOD Police Officer she was talking to but she asked the officer if she had to mention the sex between she and S/CAMPBELL in her written statement. The officer told her that she needed to indicate whether the sex was consensual or nonconsensual. Exhibit (17) pertains.

17. V/DOWNS was taken on a drive near the USNA; however, she did not recognize an area where the alleged rape may have occurred. She did identify the area along Bronson Road where the physical altercation occurred. Exhibit (18) pertains. Completion of this investigation is pending the return of physical evidence from USACIL.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

01DEC04

RAPE (II)

CONTROL: 29SEP04-DCAN-0049-8FNA

S/CAMPBELL, WILLIAM BRANDON/MIDN
 M/W/NCC1/S/453-85-7632/08OCT79/CLEBURN, TX
 V/DOWNS, ARIANA BEVIN/MIDN
 F/W/NCC2/S/532-94-8850/07JAN91/SEATTLE, WA

COMMAND/USNA ANNAPOLIS MD/00161

MADE AT/DCAN/ANNAPOLIS MD/MICHELLE L. ROBINSON, SPECIAL AGENT

REFERENCE

(A) NCISRA Annapolis MD ROI (INTERIM)/29OCT04 (Contains Exhibits 1-18)

EXHIBITS

- (19) US Army Criminal Investigation Laboratory, Forensic Division Report/16NOV04... (Copy 0023/Command)
- (20) IA: Results Of Interview Of Quinn RINEHART/15NOV04... (Copy 0023/Command)
- (21) IA: Results Of Interview Of Ariana DOWNS/18NOV04... (Copy 0023/Command)
- (22) IA: Results Of Interview Of Michael KANE/19NOV04... (Copy 0023/Command)
- (23) IA: Results Of Interview Of Devin BLOWES/18NOV04... (Copy 0023/Command)
- (24) IA: Results Of Interview Of May WEDLUND/30NOV04... (Copy 0023/Command)

EXECUTIVE SUMMARY

1. This investigation was initiated on 29SEP04, after Lieutenant Commander Tally MCINTYRE, Staff Judge Advocate for the Commandant, United States Naval Academy (USNA) contacted the Naval Criminal Investigative Service (NCIS) to report an allegation of Rape. MIDN 2/C Ariana DOWNS (V/DOWNS) reported she was raped by MIDN 1/C William CAMPBELL (S/CAMPBELL) on 25SEP04. S/CAMPBELL drove V/DOWNS to a wooded area, approximately five (5) minutes from the USNA where the alleged rape occurred. The Department Of Defense (DOD) Police intervened after S/CAMPBELL and V/DOWNS had a physical altercation onboard the USNA following the alleged rape. V/DOWNS initially denied having sex with S/CAMPBELL and later indicated in a written statement to DOD Police that she had consensual sex with S/CAMPBELL. During a Preliminary Inquiry by the USNA, V/DOWNS stated that she did not consent to the sexual intercourse with S/CAMPBELL and she subsequently provided a statement to NCIS alleging she was raped by S/CAMPBELL. V/DOWNS declined a medical exam. Evidence collected from V/DOWNS was forwarded to the US Army Criminal Investigation Laboratory (USACIL) for analysis. The USNA issued Military Protective Orders against S/CAMPBELL and V/DOWNS. Reference (A) provides amplifying details.

NARRATIVE

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01Dec04

1. USACIL's Forensic Division Report revealed there was no semen found on the evidence submitted for analysis. Exhibit (19) pertains.
2. Quinn RINEHART, 2nd Lieutenant (LT), USNA reportedly had a conversation with V/DOWNS one week prior to the alleged Rape. DOWNS said she was "seeing" LT Michael KANE, USMC JAG who was stationed in Quantico, VA at the time. V/DOWNS dated KANE from December 2003 until February 2004. KANE referred to V/DOWNS as a friend that he does not know very well. KANE denied having a relationship with V/DOWNS. KANE had no knowledge of an incident of a sexual nature involving V/DOWNS. Exhibits (20) through (22) pertain
3. V/DOWNS also dated 2nd LT Devin BLOWES, USMC. BLOWES and KANE both reside in North Carolina. DOWNS traveled to North Carolina on 13NOV04 expecting to see BLOWES however he was out of town. DOWNS told BLOWES that she would be visiting her uncle or father who is a Marine Corps JAG in NC. BLOWES had no knowledge of an incident of a sexual nature involving V/DOWNS. Exhibit (23) pertains.
4. Midshipman 1/C May WEDLUND was interviewed regarding her past relationship with S/CAMPBELL. She acknowledged dating S/CAMPBELL; however, no derogatory information was reported. Exhibit (24) pertains.

ACTION

0023B: Active investigation completed. Case pending
judicial/administrative action.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

28JAN05

RAPE (II)

CONTROL: 29SEP04-DCAN-0049-BFNA

S/CAMPBELL, WILLIAM BRANDON/MIDN

M/W/NCC1/S/453-85-7632/09OCT79/CLEBURN, TX

V/DOWNS, ARIANA BEVIN/MIDN

F/W/NCC2/S/532-94-8850/07JAN81/SEATTLE, WA

COMMAND/USNA ANNAPOLIS MD/00161

MADE AT/DCAN/ANNAPOLIS MD/MICHELLE L. ROBINSON, SPECIAL AGENT

REFERENCE

(A) NCISRA Annapolis MD ROI (INTERIM)/29OCT04 (Contains Exhibits 1-18)

(B) NCISRA Annapolis MD ROI (INTERIM)/01DEC04 (Contains Exhibits 19-24)

EXECUTIVE SUMMARY

1. This investigation was initiated on 29SEP04, after Lieutenant Commander Tally MCINTYRE, Staff Judge Advocate for the Commandant; United States Naval Academy (USNA) contacted the Naval Criminal Investigative Service (NCIS) to report an allegation of Rape. MIDN 2/C Ariana DOWNS (V/DOWNS) reported she was raped by MIDN 1/C William CAMPBELL (S/CAMPBELL) on 25SEP04. S/CAMPBELL drove V/DOWNS to a wooded area, approximately five (5) minutes from the USNA where the alleged rape occurred. The Department Of Defense (DOD) Police intervened after S/CAMPBELL and V/DOWNS had a physical altercation onboard the USNA following the alleged rape. V/DOWNS initially denied having sex with S/CAMPBELL and later indicated in a written statement to DOD Police that she had consensual sex with S/CAMPBELL. During a Preliminary Inquiry by the USNA, V/DOWNS stated that she did not consent to the sexual intercourse with S/CAMPBELL and she subsequently provided a statement to NCIS alleging she was raped by S/CAMPBELL. V/DOWNS declined a medical exam. Evidence collected from V/DOWNS was forwarded to the US Army Criminal Investigation Laboratory (USACIL) for analysis. The USNA issued Military Protective Orders against S/CAMPBELL and V/DOWNS. Reference (A) provides amplifying details.

NARRATIVE

1. On 13JAN05, S/CAMPBELL had an Article 32 Hearing. On 28JAN05, Lieutenant Commander Tally MCINTYRE, Staff Judge Advocate Commandants Office, United States Naval Academy, advised the Investigating Officer's report has not been completed.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

28MAR05

RAPE (II)

CONTROL: 29SEP04-DCAN-0049-8FNA/C

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- (B) NCISRA Annapolis MD ROI (INTERIM)/01DEC04 (Contains Exhibits 19-24)
- (C) NCISRA Annapolis MD ROI (INTERIM)/28JAN05

EXHIBIT

- (25) IA: Results Of Telephonic Conversation With Tally MCINTYRE/28MAR05... (Copy 0023/Command)

EXECUTIVE SUMMARY

1. This investigation was initiated on 29SEP04, after Lieutenant Commander Tally MCINTYRE, Staff Judge Advocate for the Commandant, United States Naval Academy (USNA) contacted the Naval Criminal Investigative Service (NCIS) to report an allegation of Rape. MIDN 2/C Ariana DOWNS (V/DOWNS) reported she was raped by MIDN 1/C William CAMPBELL (S/CAMPBELL) on 25SEP04. S/CAMPBELL drove V/DOWNS to a wooded area, approximately five (5) minutes from the USNA where the alleged rape occurred. The Department Of Defense (DOD) Police intervened after S/CAMPBELL and V/DOWNS had a physical altercation onboard the USNA following the alleged rape. V/DOWNS initially denied having sex with S/CAMPBELL and later indicated in a written statement to DOD Police that she had consensual sex with S/CAMPBELL. During a Preliminary Inquiry by the USNA, V/DOWNS stated that she did not consent to the sexual intercourse with S/CAMPBELL and she subsequently provided a statement to NCIS alleging she was raped by S/CAMPBELL. V/DOWNS declined a medical exam. Evidence collected from V/DOWNS was forwarded to the US Army Criminal Investigation Laboratory (USACIL) for analysis. The USNA issued Military Protective Orders against S/CAMPBELL and V/DOWNS. Reference (A) provides amplifying details.

NARRATIVE

1. On 28MAR05, Lieutenant Commander Tally MCINTYRE, Staff Judge Advocate Commandant's Office, United States Naval Academy, advised the charges against S/CAMPBELL have been dismissed. Exhibit (25) pertains. This investigation is closed.

DISTRIBUTION

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