



UNITED STATES MARINE CORPS
OFFICE OF THE STAFF JUDGE ADVOCATE
3250 CATLIN AVENUE
MARINE CORPS BASE
QUANTICO, VIRGINIA 22134

IN REPLY REFER TO:
5800
B0521
1 Sep 11

From: Captain Peter C. Combe II, Trial Counsel
To: Mr. Jeremy J. Owens

Subj: DEPOSITION IN THE GENERAL COURT-MARTIAL OF UNITED STATES V. JAMES M. ROWE, USMC, 0267/0802

Encl: (1) DD Form 453 dated 1 September 2011 (2 Copies)

1. You have been identified of a material witness in the general court-martial of United States v. James M. Rowe, currently scheduled for 1-4 November 2011 at Marine Corps Base Quantico, Virginia. In connection with that court-martial, the convening authority has ordered that you be deposed at Marine Corps Base Quantico, Virginia no later than 15 September 2011.

2. Enclosure (1) is a Federal Subpoena to testify at the deposition (DD Form 453). This subpoena requires that you appear before the deposition officer at the designated time and place. Failure to comply with this subpoena may subject you to a fine of \$500, imprisonment for six (6) months, or both. Furthermore, failure to comply with this subpoena may result in your being taken into custody and brought before the court-martial or deposition officer under a Warrant of Attachment.

3. Upon receipt of Enclosure (1), you are hereby requested to return a signed copy to the point of contact listed below. You are also to keep one copy for your own records and use.

4. The point of contact for the enclosed subpoena is:

Capt P. C. Combe II
3250 Catlin Avenue
Office of the Staff Judge Advocate
Military Justice Section
Quantico, Virginia 22134

Phone: (703) 784-0037
Fax: (703) 784-0035
Email: peter.combe@usmc.mil

P. C. COMBE II

SUBPOENA

The President of the United States, to Jeremy Owens
(Name and Title of Person being Subpoenaed)

You are hereby summoned and required to appear on the 15 day of September, 2011, at 4:00

o'clock P .M., at Marine Corps Base Quantico, (before Captain Antonio Contreras
(Place of Proceeding) (Name and Title of Deposition Officer)

designated to take your deposition)(a _____ court-martial of the United States) (a court of inquiry),

appointed by Lieutenant General R. P. Mills, U. S. Marine Corps, dated 31 August,
(Identification of Convening Order or Convening Authority)

2011, to testify as a witness in the matter of United States v. James M. Rowe
(Name of Case)

(and bring with you _____).
(Specific Identification of Documents or Other Evidence)

Failure to appear and testify is punishable by a fine of not more than \$500 or imprisonment for a period not more than six months, or both. (10 U.S.C. § 847). Failure to appear may also result in your being taken into custody and brought before the court-martial (_____ Deposition Officer) under a Warrant of Attachment (DD Form 454).

Manual for Courts-Martial R.C.M. 703(e)(2)(G).

Bring this subpoena with you and do not depart from the proceeding without proper permission.

Subscribed at Marine Corps Base Quantico this 1 day of September, 2011.


(Signature (See R.C.M. 703 (e)(2)(C)))

The witness is requested to sign one copy of this subpoena and to return the signed copy to the person serving the subpoena.

I hereby accept service of the above subpoena. _____
Signature of Witness

NOTE: If the witness does not sign, complete the following:

Personally appeared before me, the undersigned authority, _____,

who, being first duly sworn according to law, deposes and says that at _____,

_____, he personally delivered to _____ in person a duplicate of this subpoena.

Grade Signature

Subscribed and sworn to before me at _____, this _____ day of _____

Grade

Official Status Signature



UNITED STATES MARINE CORPS
MARINE CORPS COMBAT DEVELOPMENT COMMAND
3300 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5033

5800
C 06

AUG 31 2011

From: Commanding General
To: Military Justice Officer, Marine Corps Base Quantico

Subj: REQUEST FOR DEPOSITION IN THE CASE OF UNITED STATES V. CAPTAIN JAMES
M. ROWE 0267/0802 USMC

Ref: (a) Rule for Courts-Martial 702, UCMJ

1. The request is hereby approved, and Captain Antonio M. Contreras, U.S. Marine Corps is hereby appointed deposition officer.
2. Captain Antonio M. Contreras will familiarize himself with his duties under RCM 702 and Article 49, UCMJ and will complete the deposition no later than 15 September 2011.


RICHARD P. MILLS

Copy to:
Captain Antonio M. Contreras, USMC



UNITED STATES MARINE CORPS
OFFICE OF THE STAFF JUDGE ADVOCATE
3250 CATLIN AVENUE
MARINE CORPS BASE
QUANTICO, VIRGINIA 22134-5001

5800
B 0521
25 Aug 11

From: Military Justice Officer, Marine Corps Base Quantico
To: Commanding General, Marine Corps Combat Development Command
Subj: REQUEST FOR DEPOSITION IN THE CASE OF UNITED STATES V. CAPTAIN JAMES
M. ROWE 0267/0802 USMC
Ref: (a) Rule for Courts-Martial 702, UCMJ

1. This is a request to order the oral deposition of Mr. Jeremy Owens, a necessary and material witness in the above captioned case.
2. Captain James M. Rowe, USMC is pending a General Court-Martial at Marine Corps Base Quantico, Virginia. Captain Rowe is being prosecuted for alleged (1) Rape and Carnal Knowledge; specifically, aggravated sexual assault by using threats or placing in fear, abusive sexual contact by using threats and placing in fear, indecent act, and wrongful sexual contact, (2) Sodomy, (3) Extortion, (4) Assault, (5) Conduct Unbecoming an Officer and a Gentleman, and (6) General Article offenses; specifically, adultery, disorderly conduct and drunkenness, indecent language and soliciting another to commit an offense. All of the aforesaid occurred on or about 28 August 2010. Mr. Owens, a percipient witness, is alleged to have been present during and a participant in the sexual assault.
3. Mr. Owens is a critical witness as he was present when the alleged misconduct occurred and has personal knowledge regarding the charged misconduct. Mr. Owens will be called to testify to the facts and details surrounding the sexual assault.
4. Pursuant to paragraph (c)(2)(C) of the reference, this deposition is requested because Mr. Owens has evaded requests by Naval Criminal Investigative Service special agents, trial counsel, and defense counsel for questioning in preparation of Captain Rowe's impending General Court-Martial. Mr. Owens has stated that he will not voluntarily appear at Captain Rowe's General Court-Martial. Due to Mr. Owens evasive and uncooperative position, it is likely that he will be unavailable at the time of Captain Rowe's General Court-Martial. As such, an oral disposition of Mr. Owens is requested to preserve his testimony for use at Court-Martial.
5. Mr. Owens' is currently employed at GECOM, Corp., 1025 Barachel Lance, Greensburg, Indiana 47240-1269. Mr. Owens is not currently pending criminal charges in civilian criminal court as a result of the sexual assault. Adequate preparation for a fair trial and preservation of this witness's testimony are the reasons for requesting an oral deposition.


C. M. HOOVER