



UNITED STATES MARINE CORPS
JOINT LAW CENTER, DEFENSE SECTION
MARINE CORPS AIR STATION MIRAMAR
P. O. BOX 452022
SAN DIEGO, CA 92145-2022

IN REPLY REFER TO:

5800
JSJA/DEF
23 June 10

From: Detailed Defense Counsel
To: Commanding General, 3RD Marine Aircraft Wing
Via: Trial Counsel

Subj: REQUEST FOR TAD ORDERS FOR THE DEFENSE TO CONDUCT WITNESS INTERVIEWS
AND SITE INVESTIGATION IN THE CASE OF UNITED STATES V. CORPORAL PALANKA
R. ROUMER

Ref: (a) RCM 502(d)(6), 701, and 703, Manual for Courts-Martial (2008)
(b) Article 46, UCMJ

1. Pursuant to the references, it is hereby requested that the defense be provided with the funds to travel to Las Vegas, NV and inspect the scene of the alleged crime and interview witnesses in preparation of the Article 32 hearing for U.S. v. Roumer.

2. In the interests of justice, due process, and to ensure Cpl Roumer receives a fair trial, funding for travel is relevant and necessary. Per reference (a):

(A) *General duties of defense counsel.* Defense counsel must: guard the interests of the accused zealously within the bounds of the law without regard to personal opinion as to the guilt of the accused. Defense counsel should try to obtain complete knowledge of the facts of the case before advising the accused, and should give the accused a candid opinion of the merits of the case.

(B) *Preparation for trial.* Defense counsel may have the assistance of trial counsel in obtaining the presence of witnesses and evidence for the defense. See R.C.M. 703. Defense counsel should: prepare to make an opening statement of the defense case (see R.C.M. 913(b)); and prepare to examine and cross-examine witnesses, and to make final argument on the findings and, if necessary, on sentencing (see R.C.M. 919; 1001(g)).

(C) *Trial.* Defense counsel should represent and protect the interests of the accused at trial.

3. In order to zealously advocate for Cpl Roumer, defense counsel needs access to the alleged crime scene in this case. As stated in R.C.M. 502, defense should obtain *complete knowledge of the facts of the case.*

4. Cpl Roumer potentially faces criminal charges for assault, sexual assault, false official statement and forcible sodomy. He faces the possibility of life in prison and a dishonorable discharge. These

consequences will follow him for the rest of his life. To prepare an effective defense, his counsel must travel to the alleged crime scene. The Article 32 hearing is scheduled for 14 May 2010. This site visit is necessary for defense counsel to access witnesses, investigate the crime scene, and prepare cross-examination as well as argument. To deny such request would be to deny Cpl Roumer his rights to *effective* assistance of counsel.

5. The defense requests such funding for the following individuals:

- a. Captain Ryan R. Crosswell
- b. Corporal Palanka Roumer - the accused is necessary for this trip to show the defense team the where the alleged incidents took place and to walk the defense team through the events of that night.
- c. Lance Corporal Kathryn Garrett - the defense clerk's presence is necessary in case the defense needs to introduce testimony collected during the course of the visit, as neither the accused or counsel would be able to testify on such matters.

6. The defense requests funding for this trip for 8-9 July 2010. Due to the lengthy travel time by POV, the defense requests to travel to Las Vegas by air. In the alternative, if air travel is not granted, the defense requests funding from 8-10 Jul 2010.

7. If there are any questions or concerns regarding this request, please do not hesitate to contact Captain Ryan R. Crosswell at 858-577-1838 or ryan.crosswell@usmc.mil.



R. R. CROSSWELL