

**These are only some of the known incidents by Col Stephanie Smith, USMC, a Maryland attorney and a U.S. Marine Corps judge advocate.**

**Violation of the law:** Article 134 (obstruction of justice), Article 37 (unlawful command influence).

**Incident Summary:** As the SJA at MCRD San Diego, Colonel Smith told her prosecutor Capt Ahn to flip witnesses as part of the prosecution of a case. The intent of Colonel Smith was to alter the testimony of witnesses, but Capt Ahn disobeyed her orders.

**Witnesses:** Capt David Ahn

**Violation of the law:** Article 134 (obstruction of justice) , Article 37 (unlawful command influence).

**Incident Summary:** As the SJA at MCRD San Diego, Colonel Smith was seen by Capt Ahn intimidating a defense witness prior to that witness taking the stand during a trial recess.

**Witnesses:** Capt David Ahn, LtCol Patricio Tafoya.

**Violation of the law:** Article 134 (obstruction of justice), Article 37 (unlawful command influence).

**Incident Summary:** As the SJA at MCRD San Diego, in another GCM case that will be appealed, Colonel Smith told Maj Robert Bueno to get an alleged victim to change her testimony so that it would become more credible. Col Smith also reportedly said that she had been contacting witnesses in the case herself.

**Witnesses:** Capt Nicolas Grey, Maj Rob Bueno

**Violation of the law:** Article 134 (obstruction of justice), Article 107 (false official statement), JAGINST 5803.1C (Rule 4.1, truthfulness in statements to others), Article 37 (unlawful command influence).

**Incident Summary:** As the SJA at MCRD San Diego, Colonel Smith contacted panel members in an ongoing GCM case and advised them that the accused was guilty and he should not be given any assignments which would benefit his good military character. Later in that same case, Col Smith would disapprove via email of another email sent by her executive officer LtCol Gregory Bond to panel members that spoke of the guilt of an accused. However, Maj Balock would report that Col Smith had previously used similar language to him regarding the same accused as had LtCol Bond so that the contents her email (disavowing LtCol Bond's comments) were false.

**Witnesses:** Maj Christopher Balock, LtCol Thad Trapp.

**Violation of the law:** JAGINST 5803.1C (Rule 4.2, dealing with a represented person), HIPPA Act, Section 1177 (a class 5 federal felony)

**Incident Summary:** As the convening authority in a pending special court-martial for DUI at MCRD San Diego, Colonel Smith approached the accused SSgt Barna and had a private conversation with him about his case (angry words were exchanged), whom she knew at the time was represented by Col Applegate, SSgt Barna's attorney. Later, Col Smith obtained the medical records of SSgt Barna, reviewed those records and explored conducting a line of duty/line of misconduct investigation for injuries SSgt Barna had sustained years before even though there were no allegations or evidence that SSgt Barna's injuries had been incurred due to his own misconduct.

**Witnesses:** SSgt Barna, Col Applegate, ret.

**Violation of the law:** Article 93 (cruelty and maltreatment), LEGALADMINMAN Chapter 15

**Incident Summary:** Despite meeting Sgt King's wife, Col Smith began to suspect that Sgt Sidney King was in a contract marriage with a civilian woman in New York. A geographical bachelor, Sgt King was ordered to move out of his home in Temecula, CA, so that Sgt King lost his contract to purchase his home. Sgt King ended up living in his car for a week in the barrack's parking lot as a result of this order. Even though there was no complaint of nonsupport, Col Smith ordered Sgt King to pay \$850 per month to the mother of Sgt King's biological daughter. When legal assistance attorney Capt Clinger pointed out to Col Smith that this order was illegal and excessive, Col Smith intimidated Capt Clinger for doing his job. Later, Sgt King initiated an IG Complaint against Col Smith, but Col Smith received that IG Complaint.

**Witnesses:** Sgt Sidney King, Capt Aaron Clinger.

**Violation of the law:** Article 93 (cruelty and maltreatment)

**Incident Summary:** PFC Sutton was a Marine on restriction. He missed his evening chow. The barracks duty at the time, a Cpl Medina, gave Sutton some pizza because he was hungry. Sutton and Medina were NJP'd for this offense by Col Smith. Reportedly, Cpl Medina was reduced to LCpl and given restriction as a single mother for her offense.

**Witnesses:** PFC Sutton, Cpl Diana Medina

**Violation of the law:** Article 93 (cruelty and maltreatment), Art 134 (Wrongful interference with an adverse administrative proceeding)

**Incident Summary:** GySgt Navagonzalez wrote a letter of recommendation to HQMC for his subordinate Marine SSgt Cleary to keep his MOS as a career retention specialist. For writing this letter and going against the intent of his commanding officer Col Smith, GySgt Navagonzalez was threatened with NJP by Col Smith and also pressured into withdrawing his letter of recommendation. After GySgt Navagonzalez filed an IG complaint against Col Smith, he was told by his OIC that the command wasn't interested in NJP'ing him anymore. Meanwhile, SSgt Cleary was threatened with NJP for not checking out of MCRD properly to go to an authorized TAD course at Camp Pendleton, CA. Col Smith became angry with SSgt Cleary as her career recruiter at the battalion when Cleary failed to answer his cell phone when he was on leave. Cleary was fired for this transgression and later Col Smith participated in attempts to have the MOS of SSgt Cleary revoked.

**Witnesses:** SSgt Cleary, GySgt Navagonzalez.

**Violation of the law:** Article 13 (unlawful pretrial punishment), Article 93 (cruelty and maltreatment), Article 97 (unlawful detention)

**Incident Summary:** Privates Phillipowsky and Benton were arrested and placed into pretrial confinement on the basis that they had sexually assaulted a PFC Steiwn. In reality, the three of them had used spice in the Fall of 2009 before it was widely known that spice was illegal for Marines and then the three of them engaged in consensual sex. In any event, Steiwn gave an interview to two judge advocates where she made very clear via audio recording that she did not believe she was raped by either Marine. Despite this information, Phillipowsky and Benton remained in the brig for over 30 days until they pled guilty at a summary court martial for spice use and were administratively separated from the Marines.

**Witnesses:** Nicholas Phillipowsky, Benton.

**Violation of the law:** Article 93 (cruelty and maltreatment)

**Incident Summary:** PFC Smith received a special court martial for assault and was being administratively separated from the Marines. After he served his adjudged punishment, PFC Smith reported that he was ordered by SgtMaj Jones, Col Smith's Battalion SgtMaj, to construct a battalion formation out of cigarette butts discarded at the barracks. PFC Smith purportedly videoed some of this incident. Purportedly, Col Smith told PFC Smith to not tell anyone that he had ever been a Marine on his way out of the Marine Corps.

**Witnesses:** PFC Smith, SgtMaj Jones.

**Violation of the law:** Article 93 (cruelty and maltreatment)

**Incident Summary:** Col Smith chastised Capt Kessler for not punishing her Marines for minor offenses.

**Witnesses:** Capt Katrina Kessler.

**Violation of the law:** Article 10 (speedy trial), RCM 707 (speedy trial)

**Incident Summary:** As SJA, her MOJO shop lost two speedy trial motions in close proximity so that MCRD's criminal cases were dismissed from trial. Maj Bueno was fired by Col Smith for this as MOJO and received an adverse fitness report from her, but Col Smith avoided any accountability for this even though she was the OIC of the law center at the time. When she was SJA, the junior enlisted Marines of the law center would frequently hear Col Smith yelling at Maj Bueno and berating him.

**Witnesses:** Maj Robert Bueno.

**Violation of the law:** Article 92 (Navy Regulations Chapter 11, paragraph 1137, failure to report the offenses of another)

**Incident Summary:** Despite punishing her subordinates for such minor offenses as giving hungry Marines a slice of pizza or writing letters of recommendation contrary to her wishes, Col Smith's former adjutant Capt David Cote receives only a non punitive letter of caution for his own admitted adultery with a woman not his wife.

**Witnesses:** Capt David Cote.

**Violation of the law:** Article 133 (conduct unbecoming of an officer)

**Incident Summary:** Lanier went to an NJP before Col Smith. At the NJP she disparaged the spouse of this Marine and used language unbecoming of an officer of her grade and position.

**Witnesses:** John Paul Lanier