



UNITED STATES MARINE CORPS
OFFICE OF THE STAFF JUDGE ADVOCATE
DEFENSE SECTION
MARINE CORPS RECRUIT DEPOT
3700 CHOSIN AVENUE
SAN DIEGO, CALIFORNIA 92140-5197

IN REPLY REFER TO:
5800
DEF
1 Sept 10

From: Detailed Defense Counsel
To: Convening Authority
Via: (1) Trial Counsel
(2) Investigating Officer

Subj: 1ST REQUEST FOR DISCOVERY IN U.S. V. MAJ CARLOS ROWE,
USMC, AND WITNESS REQUEST

Ref: (a) R.C.M. 401-407, M.C.M., 2008
(b) R.C.M. 701-703, M.C.M., 2008

1. **Production request:** Regarding discovery, as provided in the references, the defense respectfully requests all documents for the following subject areas:

- a. Notes from any command or NCIS or other investigator concerning this case.
- b. Verbatim Transcripts of ALL witness recordings in this case. This is relevant and necessary for impeachment purposes and also for motion purposes.
- c. All documents in the Government's possession concerning this case, whether it intends to introduce this material or not, at the Article 32 or at trial.
- d. OMPFs and civilian personnel files for all witnesses who gave statements as part of the IG investigation in this case or are listed on the charge sheet (including Maj Rowe's OMPF and files for Ms. Vinson and Ms. Ogletree). MMSB will not give the defense an OMPF, but it will give the trial counsel this material.
- e. Videos, photos or other recordings related to this investigation or case in anyway, specifically recorded NCIS/IG interviews with witnesses and alleged victims.
- f. DNA, fingerprint or other forensic examinations or results, if they exist and related to this case in anyway.
- g. The results of US v. Henthorn reviews for derogatory information for any CID, NCIS agent or investigating officer that investigated this case.

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- h. Criminal background information, checks and CLEOC searches (as conducted or to be conducted by trial counsel, NCIS, or other US governmental agencies or the USMC) for all witnesses that will testify at the Article 32 in this case, specifically Tina Vinson and Laura Ogletree.
- i. Facebook and myspace and personal telephone records are requested for Tina Vinson and Laura Ogletree from July 2009 until present, specifically for the month of November 2009.
- j. Complete psychiatric, psychological and other counseling records concerning Tina Vinson and Laura Ogletree.
- k. Preliminary investigation, command investigation or other records concerning any previous complaints by Tina Vinson and Laura Ogletree against any person.
- l. Contact information (address and phone numbers and emails are requested) for Tina Vinson and Laura Ogletree and any other witness that will testify at the Article 32 hearing.
- m. Derogatory information (criminal history, NJP's, page 11's, adverse fitness reports, firings from jobs, tickets, prison time, convictions, mental disorders, etc.) for Tina Vinson and Laura Ogletree.
- n. Full OMPF of Tina Vinson and Laura Ogletree. Ms. Ogletree previously served on active duty but left under adverse circumstances. Please produce the same for Ms. Vinson as appropriate.
- o. All evidence that the Government intends to introduce at trial or at sentencing.
- p. Government Article 32 exhibit list
- q. Government witness list.
- r. Any evidence in the government's possession concerning this case that the government does not intend to introduce.
- s. GTCC statements and TAD records for Laura Ogletree (from July 2009 to present). This will be used to impeach the witness and the IO should receive it so as to understand Ms. Ogletree's motivations in this case.
- t. False complaints made by Ms. Ogletree. The defense is informed that Ms. Ogletree made a false complaint against MSgt Hounshell in connection with this case.
- u. Time and leave records for Laura Ogletree and Tina Vinson (July 2009 to present). This will be used to impeach the witnesses.
- v. Request for video surveillance (7-8 Nov 2009) from Raouls Velvet Room which is located at 7222 W. 119th St. Overland Park, KS 66213 (913) 469-0466. The defense believes that this existed at one point. The Government has seen fit to charge Maj Rowe with sex crimes for dancing in public and

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should use due diligence to obtain this material that will exculpate Maj Rowe. NCIS can seek a subpoena at this stage even if the trial counsel cannot.

2. **Special Request:** That the Article 32 proceedings in this case be moved from MCRD San Diego, CA to the HQ of 9th MCD. The defense is requesting many military witnesses and the government will likely be requesting the same. It therefore makes fiscal and logical sense for this investigation to be conducted where the evidence, Maj Rowe, the accusers and the vast majority of the other witnesses are located. This will save the Government time and money.

3. **Witness request:** the following witnesses are respectfully requested at the Article 32. Due to time constraints, the "expected areas of testimony" summaries are what the defense counsel believes the witnesses would likely say if they testified truthfully.

Name: LtCol Mark Tingle.

Contact: 9th MCD XO. 816-843-3875. MARK.TINGLE@MARINES.USMC.MIL.
9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: Keeps alcohol in his fridge and the CO knows or should know about it. Aware of travel complaints and integrity issues of Ms. Ogletree. Also aware of Maj Rowe's performance with his Marines around the office and whether or not prejudice to good order and discipline has occurred.

Name: Col Matthew J. Bonnot

Contact: 816-843-3876. 9thMCD HQ, 3805 E 155TH ST BLDG 710.
KANSAS CITY MO 0064147. MATTHEW.BONNOT@MARINES.USMC.MIL

Expected areas of testimony: Awareness, or lack thereof; of, alcohol on his premises, and being consumed by his subordinates. Can also comment as to whether or not good order and discipline has been impacted by Maj Rowe's actions at the HQ.

Name: GySgt Richard Potter

Contact: richard.potter@marines.usmc.mil

816-843-3930. Potter GySgt Richard J

816 843-3930. Cell: 7609870028.

9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: From his stand point, dancing between Maj Rowe and the women was consensual. They came back multiple times. For sure, Laura Ogletree came back multiple times. Maj Rowe went next door trying to get away from them. When they came back, the women came back to Maj Rowe and started dancing with him again. The witness can also discuss prior

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disagreements Ms. Ogletree had with Maj Rowe concerning travel vouchers. Ogletree made a travel claim, it was denied and she was mad at Maj Rowe. The night of dancing, Rowe was fine at the bar. Rowe was not drunk and disorderly. Potter with him the whole night. He has never seen him fraternize with the Marines. Yes, Maj Rowe when it was football season Maj Rowe would open his house to everyone that wanted to go. It was open to everyone. Regarding alcohol being consumed at 9thMCD HQ, he knows XO had beer in the fridge too and has seen other officers consume alcohol at the HQ.

Name: MSgt Michael S. Hounshell

Contact: 816-843-3932, michael.hounshell@marines.usmc.mil
My work phone is 816-843-3932, My cell phone is 619-804-5919.
9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: This isn't the first time Ogletree has made a false complaint. Ogletree admitted lying about the photos in a complaint against Hounshell. Specifically, Ogletree admitted making a false accusation against Hounshell. Maj Rowe is a great guy. Ogletree means well, but a lot of her problems derive from the problems she has at home. One of her sons was a problem. Never saw anything from Rowe about sex harassment. Maj Rowe kept things professional. XO at 9thMCD had alcohol in his fridge. XO told MSgt to go drink the beer. Top was briefly at the ball the night of the incident. Saw Maj Rowe talking to civilians at the bar. Maj Rowe was being professional. When Laura Ogletree came off of her emergency leave she asked to talk to Hounshell (January 2010). She claimed that Maj Rowe was feeling up on her. Ogletree said it wasn't a big deal and she was fine with it. Ogletree didn't want Top to say anything. MSgt has been in 19 years. Thinks the whole investigation is not credible. Doesn't think Rowe assaulted anybody. Has never seen Maj Rowe act drunk and disorderly. Regarding beer drinking at 9thMCD HQ, beer drinking was done with seniors to talk about the week's events. It was professionally done. During football season, Maj Rowe would invite everybody over to his house. Carson is the only one that went. Only 1 time he knows about it. Williams husband (Marcus) showed up too, a former marine.

Name: Christopher Burgess

Contact: 816-843-3933, christopher.burgess@marines.usmc.mil
O (816) 843-3933
F (816) 843-3972
Personal Cell: 8168787124.

9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: He has served with Ogletree in the past. He is Ogletree's supervisor. He can comment on civilian

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personnel in office drinking with Maj Rowe. Can also comment on Major Rowe's leadership of the supply and logistics sections. Can also comment on his observations of Maj Rowe with subordinates in the office and also whether there was any observation of good order and discipline that eroded. Can also comment on his evaluations of Ms. Ogletree and Ms. Vinson. Can also comment on Sergeants Williams and Carson having attended an event at Major Rowe's house and whether it appears they were given preferential treatment. Can also comment on who else was invited to events at Maj Rowe's house. Can also comment on the fact that Corporal Dejarnette was nominated by Major Rowe and MSgt Hounshell for Marine of Quarter over both Sergeants.

Name: Laura Ogletree

Contact: 816-843-3945, laura.ogletree@marines.usmc.mil, cell: 816-536-5143

9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: One of the accusers against Maj Rowe.

Name: Tina Vinson

Contact: 816-843-3973 (work) or 816-213-2358 (cell), or 8163376404. tina.vinson@marines.usmc.mil.

9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: One of the accusers against Maj Rowe.

Name: Capt Daniel Ramirez

Contact: Cell: 559283285906. 816-843-3941.

daniel.ramirez@marines.usmc.mil

9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: Beer was consumed at the 9th MCD HQ. Also can comment on Maj Rowe's leadership over his section. Can also comment on his observation and evaluation of both Laura Ogletree and Tina Vinson. His testimony can also contradict Laura Ogletree's statement of being unable to work with Major Rowe.

Name: Cpl Jacob S. Dejarnette. Dejarnette Cpl Jacob S

Contact: jacob.dejarnette@marines.usmc.mil, 816-843-3895

9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: Personally saw Vinson and Ogletree dancing with Maj Rowe the night of ball. Can also comment on alleged fraternization of Maj Rowe with subordinates.

Name: Sgt Orion Carson

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Contact: 816-843-3935, orion.carson@marines.usmc.mil Cell:
9723336575. 9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO
0064147.

Expected areas of testimony: Can tell the IO whether or not Maj
Rowe actually fraternized with the troops. Can also discuss the
nature of alcohol consumption at 9thMCDHQ. He can also discuss if
there was any prejudice to good order and discipline because of
Maj Rowe.

Name: Sgt Alaina J. Williams

Contact: alaina.williams@marines.usmc.mil, 816-843-3934, cell
phone is 815-997-4895. 9thMCD HQ, 3805 E 155TH ST BLDG 710.
KANSAS CITY MO 0064147.

Expected areas of testimony: Can tell the IO whether or not Maj
Rowe fraternized with the troops. Can also discuss the nature of
alcohol consumption at 9thMCDHQ. She can also discuss if there
was any prejudice to good order and discipline because of Maj
Rowe. Can also discuss the nature that Maj Rowe invited members
of the section over to his house. Can also discuss whether or not
Maj Rowe treated any particular staff member differently from
another (preferential treatment).

Name: Mr. Marcus Williams

Contact: cell phone is 815-997-4895. BIGDOG091584@YAHOO.COM

Expected areas of testimony: Former Marine. Husband of Sgt
Alaina Williams. Also showed up to house of Maj Rowe during
football season with another Marine.

Name: CWO4 Nicole Holt

Contact: NICOLE.HOLT@MARINES.USMC.MIL, 816-843-3882. 9thMCD HQ,
3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: Personnel officer with insight into
civilian employees at 9thMCD HQ. Ogletree has abused the
government's travel card program by using it not in an official
status right before an investigation. Maj Rowe then moved
Ogletree under Burgess and told him to take appropriate action.

Name: Sgt Matthew D. Gregory

Contact: matthew.gregory@marines.usmc.mil, 816-843-3940. 9thMCD
HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: This witness can discuss alcohol
consumption at 9thMCD HQ and also whether or not Maj Rowe's
conduct was prejudicial to good order and discipline. This
witness saw Ms. Vinson and Ms. Ogletree with Maj Rowe and night of
ball.

Name: LtCol Gabriel Valdez

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Contact: GABRIEL.VALDEZ@MARINES.USMC.MIL. (816)843-3902. 9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: OpsO at 9MCD. He is a character witness for Maj Rowe. He can speak to prejudice to good order and discipline at the office, if any, because of Major Rowe's conduct.

Name: Capt Brian Trievel

Contact: BRIAN.TRIEVEL@MARINES.USMC.MIL. 3rd MLG HQ, Japan. 011-81-611-737-2100.

Expected areas of testimony: Alcohol was consumed by the staff at 9MCD. He was the former legal officer there.

Name: Nicold D. Kerzman

Contact: nicole.kerzman@marines.usmc.mil, 816-843-3944. 9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: As a civilian employee, she can comment as to whether or not Maj Rowe behaved inappropriately with civilian employees under his charge and whether or not his behavior impacted good order and discipline.

Name: Maj Paul Batty

Contact: PAUL.BATTY@MARINES.USMC.MIL. (816)843-3946. 9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: Comptroller at 9thMCD. He is a good character witness for Maj Rowe. His testimony can impeach Ogletree. Can also comment over the leadership Maj Rowe exercised over his section.

Name: Major Craig Grant

Contact: CRAIG.GRANT@USMC.MIL. 843-228-7148. 2ndMAW Beaufort, NC.

Expected areas of testimony: He knows alcohol is consumed in recruiting by recruiting personnel and is not a problem if done after hours appropriately. He is also a character witness for Maj Rowe.

Name: Major John Williams III

Contact: WILLIAMSJH@MARINES.USMC.MIL (816)843-3922. 9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: He knows alcohol is consumed in recruiting by recruiting personnel and is not a problem if done after hours appropriately. He is also a character witness for Maj Rowe.

Name: Major Edwin Norris

Contact: EDWIN.NORRIS1@USMC.MIL . CLB2, CAMP LEJEUNE NC 0028542. 910-451-0604.

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Expected areas of testimony: Command Climate under Maj Rowe.
Awareness of any consumption of alcohol within the District HQ.
Evaluation of Laura Ogletree and Tina Vinson and how he
categorized them. As their previous supervisor, awareness of any
adverse actions as it related to Laura Ogletree and Tina Vinson.

Name: Mr. Tom Hanner

Contact: 9thMCD HQ, 3805 E 155TH ST BLDG 710. KANSAS CITY MO
0064147.

Expected areas of testimony: Awareness of consumption of alcohol
within the District HQ. Awareness of Maj Rowe's behavior towards
civilian employees. Awareness of any prejudice to good order and
discipline because of Maj Rowe's conduct.

Name: GySgt Andy Morley (Career Planner)

Contact: ANDY.MORLEY@MARINES.USMC.MIL. 816-843-3924. 9thMCD HQ,
3805 E 155TH ST BLDG 710. KANSAS CITY MO 0064147.

Expected areas of testimony: Career planner at 9thMCD HQ.
Awareness of consumption of alcohol within the District HQ.
Awareness of Maj Rowe's behavior towards civilian employees.
Awareness of any prejudice to good order and discipline because of
Maj Rowe's conduct.

4. Please inform the defense counsel immediately if any of the
above witnesses or evidence will be denied and provide the basis
for denial. The Defense also requests that the Government
continue to disclose information as it is obtained in accordance
with this discovery request.

/s/

C. P. HUR
Captain, USMC