



THE LAW FIRM OF PUCKETT AND FARAJ, PC

Nov 7, 2011

Via email

Capt Peter Combe
Trial Counsel
Quantico, VA

Re: Request for production of Defense Witnesses in the case of United States v. Capt James M. Rowe

Ref: (a) Article 46, UCMJ
(b) MCM, 2008, R.C.M. 703(c)(2)(B)
(c) MCM, 2008, R.C.M. 1001(e)

1. Pursuant to the provisions of references (a) - (c), the defense in the general court-martial case of United States v. Captain James M. Rowe, respectfully requests that the following witnesses be produced to testify on the merits, and if necessary, during presentencing. Witnesses that may testify in presentencing in addition to the merits have been noted with an “(S)” after the name:

- a. Capt Bryan Wilson (803) 309-6472 or (803) 727-0297

Capt Wilson will testify on the merits about information on 1stLt Klay's character, specifically that she lacks integrity and is untruthful. He will also testify that when he caught her in an act of misconduct she attempted to divert attention from the allegations by accusing him of sexual harassment.

- b. Maj John Barclay: Barracks Investigator. 202-498-8904 or 301-861-8473

Conducted initial investigation into incidents at 8th and I involving 1stLt Klay. Maj Barclay will testify on the merits that 1stLt Klay used Capt Rowe as a reference during the investigation he conducted in November, 2010. His testimony is necessary, relevant and material because it directly contradicts and impeaches Klay's allegations of Rape.

The alleged rape occurred in August 2010.

c. Maj Andrew Warren (757) 477-5355

Will testify on the merits that 1stLt Klay made allegations against him during her NJP. Her allegations accused Maj Warrant of sexual misconduct ten months before Klay went to NJP. His testimony is relevant because it demonstrates a pattern of conduct by Klay when she is accused of misconduct. The evidence is material because it bears a clear resemblance to Klay's conduct in the case. This evidence is not available from any other witness which makes Maj Warren a necessary witness.

d. Suzanne Brick 703-786-4649

Ms. Brick is 1stLt Klay's former boss who will testify on the merits that 1stLt Klay is not a truthful person. Ms. Brick's testimony is necessary and relevant because she will directly contradict much of the testimony that will be offered by 1stLt Klay about what has happened at 8th and I and the events surrounding this investigation. Ms. Brick is also expected to be a rebuttal witness based on expected testimony from Klay. Klay testified at the Article 32 that she did not have a relationship with Capt Rowe. Ms. Brick will testify that on multiple occasions Klay told her that she has a relationship with Rowe.

e. LtCol Hudspeth (investigator) nicole.hudspeth@usmc.mil

LtCol Hudspeth will testify on the merits that 1stLt Klay hindered her initial investigation into ongoing Officer misconduct at 8th and I and that 1stLt Klay is not a truthful person. Her testimony is necessary and relevant because her investigation ultimately led to the investigation surrounding this case and because LtCol Hudspeth has direct knowledge of 1stLt Klay's poor credibility. Based on LtCol Hudspeth's investigation and interviews of numerous witnesses, LtCol Hudspeth will testify that Klay has a reputation for untruthfulness and for fabricating stories.

- f. LtCol Henger: Former Barracks XO: 858-577-6422. “(S)”

LtCol Henger the executive officer while Capt Rowe held the billets of platoon commander and company commander. LtCol Henger saw, interacted with, and supervised Capt Rowe on a near daily basis from July 2008 to August 2010. He will testify about Capt Rowe’s good military character, his truthfulness, peacableness and law abidingness.

- g. LtCol Rush Filson: Current XO: 202-433-4891. “(S)”

LtCol Filson and Capt Rowe were company commanders at the same time from July 2008 to August 2010. During that period Capt Rowe and LtCol Filson became friends and had numerous professional and personal discussions. LtCol Filson assumed the XO billet in August 2010 and had direct cognizance over Capt Rowe. LtCol Filson will testify about Capt Rowe’s good military character, truthfulness and law abidingness. LtCol Filson will also testify about Klay’s poor character for truthfulness.

- h. Col Paul Montanus: Barracks CO: 202-433-4891. “(S)”

Col Montanus is the Barracks CO. Col Montanus’ testimony will be used to impeach Klay. He will testify that Klay told him after her NJP that Capt Rowe had been a help to her. Her NJP took place in September of 2010. She alleged that she was raped in August of 2010, a mere three weeks before that.

- i. Col Andrew H. Smith: 910-451-9978. “(S)”

Col Smith was Co of the Barracks from July 2008 to July 2010. Col Smith will testify that Capt Rowe has good military character and is truthful. Col Smith was Capt Rowe’s RO and later RS from Nov 2009 until July 2010.

- j. Master Sergeant Donovan Thomas: 951-216-5570. “(S)”

He is the former Battery Gunny of India 3/11 while Capt Rowe served as XO. MSgt Thomas will testify on the merits to Capt Rowe's good military character while deployed to Iraq from July 2007 until May 2008. He had opportunity to observe Capt Rowe from June 2007 until June 2008. They maintain a professional relationship . His testimony is necessary and relevant because he offers the perspective of a senior enlisted Marine and as a Marine who served with Capt Rowe in Iraq during combat operations

- k. Maj Steve Ford. Fordsk08@yahoo.com; 602-256-9304. "(S)"

Maj Ford is Capt Rowe's former battery commander at India 3/11 from may 2006 until June 2008. He will testify about Capt Rowe's good military character and character for truthfulness. His testimony is relevant and necessary because Capt Rowe worked for him for 2 ½ years. He observed him in a supervisory capacity during combat operations in Iraq and while in garrison in the U.S..

- l. LtCol James C. Lewis. Former Battalion Commander 3/11: 703-614-1777. "(S)"

LtCol Lewis was Capt Rowe's battalion commander from June 2007 until June 2008. LtCol Lewis rated Capt Rowe the number one Lieutenant in the battalion. He will provide good military character testimony. LtCol Lewis' testimony is necessary and relevant because he can provide a unique perspective based on a foundation of knowledge from interacting with both Capt Rowe and Capt Rowe's wife while Mrs. Rowe was involved with the Battalion Key Volunteer program.

- m. Maigen Rowe 540-735-5627

Mrs. Rowe will testify that she had many interactions and conversations with Klay after August 2010. She will testify that she did not notice any change in Klay's demeanor or

Certificate of Service

I certify that a copy of this request was delivered by electronic means to trial counsel on November 8, 2011.

_____/S/
Haytham Faraj, Esq.