

### CHARGE SHEET

I. PERSONAL DATA				
1. NAME OF ACCUSED ( <i>Last, First, MI</i> ) <b>POYTHRESS, Kizzy N.</b>		2. SSN <b>254 65 9742</b>	3. RANK/RATE <b>GySgt</b>	4. PAY GRADE <b>E-7</b>
5. UNIT OR ORGANIZATION <b>HqSvcBn, MCB, Quantico, VA</b>			6. CURRENT SERVICE	
			a. INITIAL DATE <b>15 Nov 06</b>	b. TERM <b>4 Yrs</b>
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	None	N/A
<b>\$3,699.00</b>	None	<b>\$3,699.00</b>		

### II. CHARGES AND SPECIFICATIONS

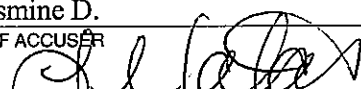
10. Charge I: Violation of the UCMJ, Article 92

Specification: In that Gunnery Sergeant Kizzy N. Poythress, U.S. Marine Corps, on active duty, who knew or should have known of her duties at or near Okinawa, Japan and Quantico, Virginia, from about 1 December 2008 to about 30 June 2009, was derelict in the performance of those duties in that she willfully failed to provide support to her dependent husband, Mr. Vann Green Jr., while receiving Basic Allowance For Housing at the with dependent rate, as it was her duty to do.

Charge II: Violation of the UCMJ, Article 107

Specification 1: In that Gunnery Sergeant Kizzy N. Poythress, U.S. Marine Corps, on active duty, did, at or near Quantico, Virginia, on or about, 4 August 2008, with intent to deceive, sign an official document to wit: a Temporary Lodging Expense Allowance Certification, which document was false in that her dependent husband, Mr. Vann Green Jr., did not stay with her at the temporary lodging facility during the dates and at the location listed therein.

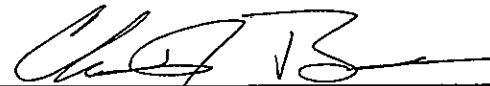
(SEE SUPPLEMENTAL PAGE)

III. PREFERRAL		
11a. NAME OF ACCUSER ( <i>Last, First, MI</i> ) <b>MATOS, Jasmine D.</b>	b. GRADE <b>Sgt</b>	c. ORGANIZATION OF ACCUSER <b>HqSvcBn, MCB, Quantico, VA</b>
d. SIGNATURE OF ACCUSER 		e. DATE <b>18 FEB 10</b>

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 18<sup>th</sup> day of Feb 20 10, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

C. J. BROADSTON  
*Typed Name of Officer*

Major, U.S. Marine Corps  
*Grade and Service*

  
*Signature*

HqSvcBn, MCB Quantico, VA  
*Organization of Officer*

Judge Advocate  
*Official Capacity to Administer Oaths*  
*(See R.C.M. 307(b)--must be commissioned officer)*

ORIGINAL

12. On 22 February 20 10, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

L. N. SPAIN

*Typed Name of Immediate Commander*

HqSvcBn, MCB, Quantico, VA

*Organization of Immediate Commander*

Chief Warrant Officer-3, U.S. Marine Corps

*L. N. Spain*

*Signature*

**IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY**

13. The sworn charges were received at 1200 hours, Feb. 24 20 10 at HqSvcBn, MCB  
Quantico, VA  
*Designation of Command or*  
*Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)*

FOR THE Commanding Officer

L. N. SPAIN

*Typed Name of Officer*

Legal Officer

*Official Capacity of Officer Signing*

Chief Warrant Officer-3, U.S. Marine Corps

*L. N. Spain*

*Signature*

**V. REFERRAL; SERVICE OF CHARGES**

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY <u>HqSvcBn, MCB</u>	b. PLACE <u>Quantico, VA</u>	c. DATE <u>FEB 26 2010</u>
---	---------------------------------	-------------------------------

Referred for trial to the Special court-martial convened by CMCO# 1-09

Dated 29 June 20 09, subject to the following instructions:<sup>2</sup> None.

By //////////////////// of \_\_\_\_\_  
*Command or Order*

J. E. JOHNSON

*Typed Name of Officer*

Commanding Officer

*Official Capacity of Officer Signing*

Colonel, U.S. Marine Corps

*Grade*

*J. E. Johnson*

*Signature*

15. On MAR 01 2010 20 10, I (caused to be) served a copy hereof on (each of) the above named accused.

C. J. BROADSTON

*Typed Name of Trial Counsel*

Major, U.S. Marine Corps

*Grade or Rank of Trial Counsel*

*C. J. Broadston*

*Signature*

FOOTNOTES 1 -- When an appropriate commander signs personally, inapplicable words are stricken.  
2 -- See R.C.M. 601(e) concerning instructions. If none, so state.

Charge II: Violation of the UCMJ, Article 107

Specification 2: In that Gunnery Sergeant Kizzy N. Poythress, U.S. Marine Corps, on active duty, did, at or near Quantico, Virginia, on or about 1 July 2009, with intent to deceive Mr. Russell E. Glover, Deputy Command Inspector General, and Ms. Lisa Jones, Investigative Assistant, make an official statement to wit: which statement was false in that the said Gunnery Sergeant Kizzy N. Poythress stayed with the said Staff Sergeant Diana McDougal, U.S. Marine Corps, for one week.

Specification 3: In that Gunnery Sergeant Kizzy N. Poythress, U.S. Marine Corps, on active duty, did, at or near Quantico, Virginia, on or about 1 July 2009, with intent to deceive, make to Mr. Russell E. Glover, Deputy Command Inspector General, and Ms. Lisa Jones, Investigative Assistant, official statements to wit:

- that she stayed with Staff Sergeant Diana McDougal, U.S. Marine Corps, for three months,
- that her husband was with her during her stay at the residence of Staff Sergeant Diana McDougal, U.S. Marine Corps,
- that she was then providing monetary support to her husband, Mr. Vann Green Jr., through a joint bank account,
- that she has never displayed pictures of Gunnery Sergeant Timothy Clay, U.S. Marine Corps, or his daughter, on her desk or desktop at work,
- that she does not refer to Gunnery Sergeant Timothy Clay's fourteen year old daughter, Engle Clay, as her daughter,
- that she does not refer to Gunnery Sergeant Timothy Clay, U.S. Marine Corps, as her boyfriend or husband, and
- that she and Gunnery Sergeant Timothy Clay, U.S. Marine Corps, have never had sexual relations,

or words to the effect of those above, which statements were totally false, and then known by the said Gunnery Sergeant Kizzy N. Poythress to be so false.

Specification 4: In that Gunnery Sergeant Kizzy N. Poythress, U.S. Marine Corps, on active duty, did, at or near Quantico, Virginia, on or about 5 August 2009, with intent to deceive, make to Mr. Russell E. Glover, Deputy Command Inspector General, and Ms. Lisa Jones, Investigative Assistant, make official statements to wit:

- that she and her husband, Mr. Vann Green Jr. stayed at Crossroads Inn, Quantico, Virginia, for approximately ten days,
- that her husband, Mr. Vann Green Jr. came to Quantico, Virginia for approximately three months,
- that she and Gunnery Sergeant Timothy Clay, U.S. Marine Corps, were not living together as husband and wife,
- that she and Gunnery Sergeant Timothy Clay, U.S. Marine Corps, live in the same house but sleep in different bedrooms,

or words to the effect of those above, which statements were totally false, and then known by the said Gunnery Sergeant Kizzy N. Poythress to be so false.

ORIGINAL

Charge III: Violation of the UCMJ, Article 121

Specification: In that Gunnery Sergeant Kizzy N. Poythress, U.S. Marine Corps, on active duty, did, at or near Quantico, Virginia, from about 1 December 2008 to about 30 June 2009, steal United States currency, military property, of a value of more than \$500.00, the property of the United States.

Charge IV: Violation of the UCMJ, Article 134

Specification 1: In that Gunnery Sergeant Kizzy N. Poythress, U.S. Marine Corps, a married woman, on active duty, did, at or near Quantico, Virginia, on divers occasions, between on or about 1 November 2008 and 30 June 2009, wrongfully have sexual intercourse with Gunnery Sergeant Timothy Clay, U.S. Marine Corps, a man not her husband.

Specification 2: In that Gunnery Sergeant Kizzy N. Poythress, U.S. Marine Corps, on active duty, did, at or near Quantico, Virginia, from about 18 August 2008 to about 30 June 2009, wrongfully cohabit with Gunnery Sergeant Timothy Clay, U.S. Marine Corps, a man not her husband.