CHARGE SHEET								
I. PERSONAL DATA								
1. NAME OF AC	CUSED (Last, First, MI)		2. SSN		3. RANK/RATE	4. PAY GRADE		
POYTHRESS, Kizzy N.			254 65	9742	GySgt	E-7		
5. UNIT OR ORGANIZATION					6. CURRENT SERVICE			
					a. INITIAL DATE	b. TERM		
HqSvcBn, MCB, Quantico, VA			T	WINDE AGGINGED	15 Nov 06	4 Yrs		
7. PAY PER MO a. BASIC	NTH b. SEA/FOREIGN DUTY	c. TOTAL	8. NATURE OF RESTR	AINT OF ACCUSED	9. DATE(S) IMPOSED			
a. briolo	D. GERT ONE GIVE	V. (-9.7	no:	ne.	N/A			
\$3,699.00	None	\$3,699.00	110.	10		^		
\$5,077.00	110110		ARGES AND SPECIFIC	ATIONS	l			
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)								
11a NAME OF	ACCUSER (Last, First, MI)		III. PREFERRAL b. GRADE	c. ORGANIZATION	OF ACCUSER			
			Sgt		B, Quantico, VA			
d. SIGNATURE OF ACCUSER e. DATE 18 FER					18 FEB10			
AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this								
Typed Name of Officer			Organization of Officer					
	Major, U.S. Marine	e Corps	Judge Advocate					
	Grade and Service			Official Capacity to Administer Oaths				
(See R.C.M, 307(b)-must be commissioned officer)								

(Signature

DD FORM 458

S/N 0102-LF-000-4580

L. N. SPAIN Typed Name of Invencedate Commander Chief Warrant Officer-3, U.S. Marine Corps Signature IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY 13. The swom charges were received at \$\frac{1}{2}\text{DO}\$ hours, \$\frac{1}{2}\text{Log}\$, \$\frac{1}{2}\text{2}\$ of at \$\frac{1}{2}\text{HqSvcBn}\$, MCB Designation of Command or Officer Exercising Summary Court-Martial Justiciation (See R.C.M. 403) FOR THE! Commanding Officer L. N. SPAIN Typed Name of Officer Signing V. REFERRAL, SERVICE OF CHARGES 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY The Designation of Command of Convening Authority V. REFERRAL, SERVICE OF CHARGES 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY The Designation of Commanding Officer Chief Warrant Officer-3, U.S. Marine Corps Grado V. REFERRAL, SERVICE OF CHARGES 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY Designation of Commanding Officer The Designation of Commanding Officer Outhority of Officer Signing Command of Officer Officed Capacity of Officer Signing Commanding Officer Officed Capacity of Officer Signing Colonel, U.S. Marine Corps Grade C. J. BROADSTON Major, U.S. Marine Corps Grade of Rank of Yield Coursel	12. On A 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.)							
Typed Name of Immediate Commander Chief Warrant Officer-3, U.S. Marine Corps Signature N. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY II. The sworn charges were received at IdOO hours, Ido, 24 20 10 at Indexed at Idoo Designation of Command or Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403) FOR THE Commanding Officer L. N. SPAIN FOR THE Commanding Officer L. N. SPAIN Chief Warrant Officer-3, U.S. Marine Corps Grade V. REFERRAL; SERVICE OF CHARGES 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY Referred for trial to the Special court-martial convened by CMCO# 1-09 Dated 29 June 20 09 , subject to the following instructions: None. By MINIMARY Marine Corps Grado Colonel, U.S. Marine Corps Grado Colonel, U.S. Marine Corps Grado C. J. BROADSTON Major, U.S. Marine Corps Major, U.S. Marine Corps Major, U.S. Marine Corps								
Chief Warrant Officer-3, U.S. Marine Corps Chief Warrant Officer-3, U.S. Marine Corps Chief Warrant Officer-3, U.S. Marine Corps Commanding Summary Count-Martial Jurisdiction (See R.C.M. 403)		Organization of Immediate Commander						
Signature IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY 13. The sworn charges were received at \$\begin{align*}{ c c c c c c c c c c c c c c c c c c c								
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13. The sworn charges were received at \$\frac{DOD}{DOD hours}\$, \$\frac{1}{20}\$, \$\frac{JJ}{20}\$, \$\frac{10}{20}\$ at \$\frac{1}{10}\$ Separation of Command or Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)} FOR THE \$\frac{1}{20}\$, \$\frac{10}{20}\$, \$\frac{1}{20}\$, \$\frac{10}{20}\$, \$\frac{1}{20}\$, \$\frac{10}{20}\$, \$\frac{10}	La Spain							
13. The sworn charges were received at \$\frac{1}{1200}\$ hours, \$\frac{1}{120}\$ 20 10 at \$\frac{1}{10}\$ 4 \frac{1}{10}\$ 4 \frac								
Outentico, VA Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403) FOR THE¹ Commanding Officer Legal Officer Typed Name of Officer-3, U.S. Marine Corps Grade V. REFERRAL; SERVICE OF CHARGES 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY D. PLACE C. DATE HqSvcBn, MCB Quantico, VA FEB 2.6 2010 Referred for trial to the Special court-martial convened by CMCO# 1-09 Dated 29 June 20 09 , subject to the following instructions:² None. By Milliminiminimi of								
Officer Exercising Summary Count-Marthal Juntediction (See R.C.M. 403) I. N. SPAIN Typed Name of Officer Chief Warrant Officer-3, U.S. Marine Corps Grade V. REFERRAL; SERVICE OF CHARGES 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY HqSvcBn, MCB Dated 29 June 20 9 15. DATE Commanding Officer CMCO# 1-09 COMMAND OF CONVENING AUTHORITY CMCO# 1-09 CMCO# 1-09 Dated 15. On MAR 0 1 LUI0 20 10 11 (Gussel to be) served a copy hereof on (each et) the above named accused. Major, U.S. Marine Corps C. J. BROADSTON Major, U.S. Marine Corps Major, U.S. Marine Corps Major, U.S. Marine Corps	13. The sworn charges were received at 1200 hours, 150, 24 20 10 at HqSvcBn, MCB Designation of Command or							
L. N. SPAIN Legal Officer	Quantico, VA							
L. N. SPAIN Typed Name of Officer Chief Warrant Officer-3, U.S. Marine Corps Grade V. REFERRAL; SERVICE OF CHARGES 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY HqSvcBn, MCB Dated 29 June 20 09, subject to the following instructions: None. By								
Typed Name of Officer 3, U.S. Marine Corps Grads V. REFERRAL; SERVICE OF CHARGES 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY IN PLACE HqSvcBn, MCB Dated 29 June 20 09 subject to the following instructions: None. By		•						
Chief Warrant Officer-3, U.S. Marine Corps Chief Warrant Officer-3, U.S. Marine Corps								
V. REFERRAL; SERVICE OF CHARGES 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY b. PLACE c. DATE HqSvcBn, MCB Quantico, VA FEB 2.6 2010 Referred for trial to the Special court-martial convened by CMCO# 1-09 Dated 29 June 20 09 , subject to the following instructions: 2 None. By	Typed Name of Officer	Official Capacity of Officer Signing						
V. REFERRAL; SERVICE OF CHARGES 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY b. PLACE c. DATE HqSvcBn, MCB Quantico, VA FEB 2.6 2010 Referred for trial to the Special court-martial convened by CMCO# 1-09 Dated 29 June 20 09 , subject to the following instructions: Place None. By Milliminiminiminiminiminiminiminiminimini	Chief Warrant Officer-3, U.S. Marine Corps	•						
V. REFERRAL; SERVICE OF CHARGES 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY HqSvcBn, MCB Quantico, VA FEB 26 2010 Referred for trial to the Special court-martial convened by CMCO# 1-09 Dated 29 June 20 09 , subject to the following instructions: None. By	Grade							
V. REFERRAL; SERVICE OF CHARGES 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY HqSvcBn, MCB Quantico, VA FEB 26 2010 Referred for trial to the Special court-martial convened by CMCO# 1-09 Dated 29 June 20 09 , subject to the following instructions: None. By	J. Dain							
14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY HqSvcBn, MCB Quantico, VA FEB 2 6 2010 Referred for trial to the Special court-martial convened by CMCO# 1-09 Dated 29 June 20 09 , subject to the following instructions: None. By ///////////////////////////////////								
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Referred for trial to the Special court-martial convened by CMCO# 1-09 Dated 29 June 20 09 , subject to the following instructions: None. By		Overtice VA						
Dated 29 June 20 09 , subject to the following instructions: None. By	HqSvcBn, MCB Quantico, VA FEB 2 0 2010							
By ////////////////////////////////////	Referred for trial to the Special court-martial convened by CMCO# 1-09							
By ////////////////////////////////////								
By ////////////////////////////////////	2. 37							
J. E. JOHNSON Commanding Officer Typed Name of Officer Colonel, U.S. Marine Corps Grade Signature 15. On MAR 0.1 LU10 20 10 , I (aused to be) served a copy hereof on (each ef) the above named accused. C. J. BROADSTON Major, U.S. Marine Corps	<u>Dated 29 June 20 09</u>	, subject to the following instructions: TVOIDE.						
J. E. JOHNSON Commanding Officer Typed Name of Officer Colonel, U.S. Marine Corps Grade Signature 15. On MAR 0.1 LU10 20 10 , I (aused to be) served a copy hereof on (each ef) the above named accused. C. J. BROADSTON Major, U.S. Marine Corps								
Typed Name of Officer Colonel, U.S. Marine Corps Grade Signature 15. On MAR 0.1 LU10 20 10 , I (aused to be) served a copy hereof on (each et) the above named accused. C. J. BROADSTON Commanding Officer Official Capacity of Officer Signing Colonel, U.S. Marine Corps MAR 0.1 LU10 20 10 , I (aused to be) served a copy hereof on (each et) the above named accused. Major, U.S. Marine Corps	By ////////// of							
Colonel, U.S. Marine Corps Grade Signature 15. On MAR 0 1 LU10 20 10 , I (caused to be) served a copy hereof on (cach ef) the above named accused. C. J. BROADSTON Major, U.S. Marine Corps	C,ommand or Order							
Typed Name of Officer Colonel, U.S. Marine Corps Grade Signature 15. On MAR 0.1 LU10 20 10 , I (aused to be) served a copy hereof on (each ef) the above named accused. C. J. BROADSTON Major, U.S. Marine Corps	J. E. JOHNSON	Commanding Officer						
15. On MAR 0 1 LU10 20 10 , I (caused to be) served a copy hereof on (cach of) the above named accused. C. J. BROADSTON Major, U.S. Marine Corps		Official Capacity of Officer Signing						
15. On MAR 0 1 LU10 20 10 , I (caused to be) served a copy hereof on (cach of) the above named accused. C. J. BROADSTON Major, U.S. Marine Corps		•						
Signature 15. On MAR 0 1 LU10 20 10 , I (caused to be) served a copy hereof on (cach of) the above named accused. C. J. BROADSTON Major, U.S. Marine Corps								
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C. J. BROADSTON Major, U.S. Marine Corps	Signature							
0,0,0,0,0	15. On MAR 0 1 LU10 20 10 , I (caused to be) served a copy hereof on (each of) the above named accused.							
	C. J. BROADSTON							
		Grade or Rank of Trial Counsel						
	(1/XI)							
Signature	Sionature							
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.