

Members of DAC-IPAD,

I am retired Colonel Daniel Hunter Wilson, United States Marine. My case is a textbook example of how the preoccupation with eliminating sexual assaults in the military has led to wrongful prosecutions of cases that have destroyed the careers of many military members – mine included.

Barely a week after I was notified that I was to be considered for promotion by the Brigadier General selection board, I was falsely accused by the wife of a fellow Marine of inappropriately touching one of their three daughters at a dinner party, hosted in my home on base. Her daughter repeatedly denied that I had touched her inappropriately, and I had sat right next to the child's father and a guest throughout the evening. Neither had witnessed any inappropriate behavior on my part.

NCIS agents charged me with raping the child. When the DNA evidence came back, the only DNA discovered on the girl's underwear was her own father's. NCIS ignored this inconvenient fact, and a second investigation was launched to uncover any other "dirt." A third investigation was layered on top of the other two to ensure full scrutiny of my entire career. Prior to my court martial, I was facing twenty-seven charges: everything from multiple rape charges to sending a prank email. A second woman in an act of revenge against my wife, made a false claim that I had raped her, and I was remanded to pretrial confinement for eight months. None of the three investigations turned up a shred of evidence to substantiate the original charge. The sexual assault medical exam was squeaky clean, while the DNA evidence revealed that there were 3.2 trillion more likely male suspects than I. No pornography of any kind was ever recovered from any of my electronic media, computers, phones, or other devices, and certainly no child pornography.

At my court martial, I was found "not guilty" of all six charges from the individual who had accused me of rape. I was found "not guilty" of nine of ten charges from my original accuser who claimed I had touched her daughter inappropriately. However, the jury found me "guilty" of a sexual assault charge very similar to two they had found me "not guilty" of. They then gave me a sentence about one fifth of the maximum sentence. This signaled to me that they found me "guilty" to protect their own careers and the institution of the Marine Corps from getting a black eye. The light sentence

was to ease their own guilty consciences for shooting one of their own Marines in the back and leaving him behind on the legal battlefield.

Nearly two years later, the Navy's Appellate Court exonerated me in an extremely rare decision to set aside my sexual assault conviction "with prejudice," for factual and legal insufficiency. However, it took my lawyers another 109 days to get me released from the Brig, and only after I was forced to sign a "dirty deal" with my convening authority. Under duress, I did sign, and was released after 1009 days of wrongful confinement. Although, the Marine Corps restored most of my pay from my time in prison, most of that went to covering my legal expenses.

My convening authority then weaponized the retirement process, asking the Secretary of the Navy that I be paid in retirement as a Lieutenant Colonel instead of as a full bird Colonel, which amounts to a \$2,500.00 fine for the rest of my life. This, after the convening authority had promised me in writing "no punishment," and had annotated as such in his supplemental court martial order. I was also given an "other-than-honorable" characterization of my 39 years of honorable service.

I do have a few thoughts on how to put "justice" back into the military justice system in light of my seven years in various billets as a convening authority myself, coupled with my time in prison on the other side of the street.

Accountability: There is no accountability for wrongful prosecutions, and thus no incentives to not prosecute cases. There is no accountability for accusers who make false allegations. I'm proposing a federal law with stiff penalties, which will be the only way to effectively deter future false allegations. My convening authority even contacted both of my discredited accusers to solicit emotional letters to bolster their "ask" of the SecNav to have me punished administratively.

Separation: I believe that a special Division needs to be created under the Department of Justice, called the "Division of Military Justice," handling all court martial cases with no connections whatsoever to the Department of Defense.

Jury: Needs to be of peers, not senior members. Every military member needs to be in the jury pool with random selections by computer. If Lance Corporal [REDACTED] is selected to sit on a jury at Fort Liberty, then he's sent TAD for said period. A jury needs to be a full twelve members and must reach a unanimous agreement (all twelve) for a conviction – not just 75% of the members. I must stop here due to time constraints. Thank you for hearing me out.