

From: [Rico Mo](#)
To: [WHS Pentagon EM Mailbox DACIPAD](#)
Cc: [REDACTED]
Date: Thursday, July 20, 2023 3:16:49 PM

My name is Ricardo Morales and I am respectfully requesting to speak in person at the next DAC IPAD Sept 19 or 20 when ever they open public comments for . I plan to speak about my wrongful conviction during my military service in the United States Army. I Respectfully request that if chosen to be heard. Please notify me if selected by 19 August 2023 so that I have at least one month to schedule flights and make arrangements to stay in the area.



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
FORT LEAVENWORTH FIELD OFFICE
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FORT LEAVENWORTH, KS 66027-2313

ATZL-TDS

26 October 2018

MEMORANDUM THRU Staff Judge Advocate, Combined Arms Center and Fort Leavenworth, Fort Leavenworth, Kansas 66027

FOR Commanding General, Combined Arms Center and Fort Leavenworth, Fort Leavenworth, Kansas 66027

SUBJECT: Request for Clemency in Accordance with Rules for Courts-Martial 1105 and 1106, United States v. SPC Ricardo A. Morales

1. Authority. Pursuant to Rules for Courts-Martial (RCM) 1107 and Article 60, Uniform Code of Military Justice (UCMJ), you as the convening authority have the authority to set aside the findings and conviction in this case because the alleged offense occurred prior to 24 June 2014. The Defense asks that you disapprove all findings of guilty and all parts of the adjudged sentence – thereby setting aside the conviction. Alternatively, if you are unwilling to set aside the conviction Defense requests you approve the attached Post-Trial Chapter 10 request.

2. Background. On 1 June 2018, contrary to his pleas then-SPC, now-PVT Morales was found guilty of one specification of sexual assault in violation of Article 120, UCMJ. PVT Morales was sentenced to be reduced to the grade of E-1, 28 months confinement, and a dishonorable discharge. PVT Morales received 643 days of confinement credit.

3. The finding against PVT Morales is based upon the putative victim in this case, SPC [REDACTED] and her cohorts, SGT [REDACTED] and SSG [REDACTED] each extolling the others' credibility and truthfulness despite multiple witnesses' testimony and evidence to the contrary.

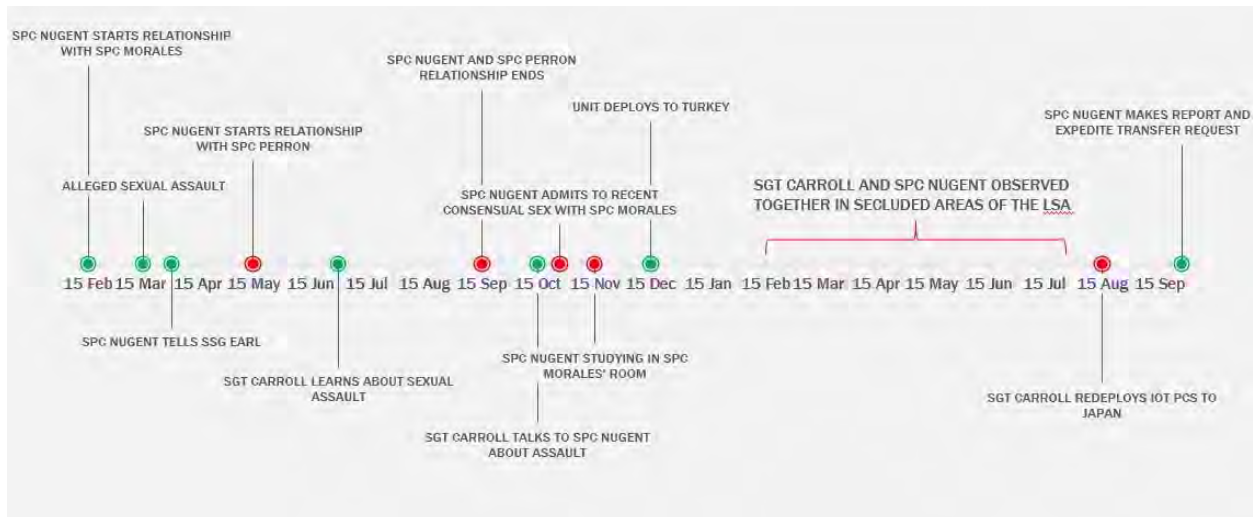
a. SPC [REDACTED] version of events was that she and PVT Morales maintained a friends-with-benefits relationship from February to March 2013 until PVT Morales made a joke about ejaculating inside of her. SPC [REDACTED] alleged that during their next sexual encounter PVT Morales pinned her down, removed all of her clothes, assaulted her, and then fell asleep next to her. In the 18 months after the alleged assault, SPC [REDACTED] claimed that she only interacted with PVT Morales when she was absolutely required to. When questioned about specific times she was seen with PVT Morales after the alleged assault, SPC [REDACTED] denied they ever happened.

b. The timeline below summarizes the relevant events. The items in red are events which SPC [REDACTED] denied or shaded the truth of, but multiple witnesses testified to

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directly observing. Attached as enclosures are excerpts of testimony from the trial which corresponds with the lies of SPC [REDACTED] SGT [REDACTED] and SSG [REDACTED]



(1) Mrs. [REDACTED] one of SPC [REDACTED] best friends, testified to a conversation she had with SPC [REDACTED] in October 2013 where SPC [REDACTED] admitted to recently having sex with PVT Morales. This occurred shortly after SPC [REDACTED] stopped dating SPC [REDACTED] the Soldier she began dating after she and PVT Morales ended their friends-with-benefits relationship. During the court-martial, SPC [REDACTED] claimed she would never have had a conversation like that with Mrs. [REDACTED] but Mrs. [REDACTED] recalled another conversation between herself and SPC [REDACTED] during the time SPC [REDACTED] was having sex with PVT Morales where SPC [REDACTED] specifically discussed intimate portions of PVT Morales' body. (Enclosure 1)

(2) In her first statement to CID, SPC [REDACTED] claimed the only person she told about the assault was a close friend who she identified as SGT [REDACTED] several weeks later. In a later statement to CID she said that she also told SSG [REDACTED] a week after the alleged assault. When SPC [REDACTED] made her report, SSG [REDACTED] had already PCS'd from the unit. SSG [REDACTED] denied ever having such a conversation with SPC [REDACTED] However, while on CQ SSG [REDACTED] did see SPC [REDACTED] leaving PVT Morales' barracks room multiple times in the months following the alleged assault. He also saw them walking together outside the barracks on several occasions. (Enclosure 2)

(3) SGT [REDACTED] SPC [REDACTED] and PVT Morales studied for promotion and soldier of the quarter boards together in PVT Morales' room several times a week in October/November 2013. SGT [REDACTED] also testified to the three of them going to the Macaroni Grill for dinner after studying since it was SGT [REDACTED] first time to go to a Macaroni Grill. SGT [REDACTED] was not in the study group, but often spent time in PVT Morales' room. He also remembers seeing SPC [REDACTED] and

SGT [REDACTED] studying with PVT Morales in his room on multiple occasions.
(Enclosure 3)

c. In December 2013, SPC [REDACTED] and PVT Morales deployed with their unit to Turkey. There, SPC [REDACTED] became increasingly familiar with one of her NCOs, SGT [REDACTED]. SPC [REDACTED] and SGT [REDACTED] both claim that they had a close, but professional relationship and that SPC [REDACTED] confided in SGT [REDACTED] about the alleged assault. SPC [REDACTED] and SGT [REDACTED] denied ever being in isolated locations together, having physical contact with each other, or being in a relationship. Multiple witnesses testified to the contrary. (Enclosure 4)

(1) SSG [REDACTED] saw SPC [REDACTED] and SGT [REDACTED] sitting next to each other on a couch in the back of the unit's movie room. SGT [REDACTED] often saw SPC [REDACTED] and SGT [REDACTED] sitting alone in a back stairwell of the LSA building. SGT [REDACTED] saw SPC [REDACTED] and SGT [REDACTED] sitting alone at the LSA cantina at night. When they realized he was there they abruptly moved apart from each other. SGT [REDACTED] also saw them regularly hugging each other. When SGT [REDACTED] redeployed in August 2014, SGT [REDACTED] saw SPC [REDACTED] constantly crying.
(Enclosure 4)

(2) SGT [REDACTED] testified that no one ever spoke to him about their relationship or how they interacted with each other. CPT [REDACTED] their company commander, testified that he took SGT [REDACTED] aside for a lengthy conversation about his interaction with junior Soldiers and its appearance. SGT [REDACTED] spoke to SPC [REDACTED] and SGT [REDACTED] separately about their relationship and how it was being perceived. (Enclosure 5)

(3) After the unit redeployed, SPC [REDACTED] grabbed a rite-in-the-rain style notebook from the unit supply for her husband, also in the unit, to use during WLC. The notebooks had been part of the unit's supply of notebooks from Turkey. On the first page of the notebook was SPC [REDACTED] name and account usernames or passwords of either "[REDACTED]" or "[REDACTED]". SPC [REDACTED] testified that she preferred to use the notes feature on her phone which is consistent with only the first page of the notebook actually being used. (Enclosure 6)

(4) SGT [REDACTED] testified that he was never Facebook friends with SPC [REDACTED] parents; however, SPC [REDACTED] mother, Mrs. [REDACTED] testified that SGT [REDACTED] sent her and SPC [REDACTED] father a friend request. During her initial interview with Defense, Mrs. [REDACTED] said that SPC [REDACTED] often spoke about going to dinner and movies with SGT [REDACTED]. Between the time she was placed on the Defense's witness list and the date of trial she changed her story and denied ever saying that. (Enclosure 7).

(5) Additionally, SGT [REDACTED] and SPC [REDACTED] testified that they had several conversations about the alleged sexual assault and that it was very upsetting to SGT [REDACTED]. SGT [REDACTED] claimed he first learned about the alleged sexual assault in June 2013, but never reported it. SGT [REDACTED] also testified that after he re-deployed from Turkey he completely forgot about SPC [REDACTED] and her alleged sexual assault until a SHARP training event. The suggestion that the alleged assault bothered him so much, but that he completely forgot about it for a month after he left is outlandish. That he claims to have known about a sexual assault and sat on it for more than a year is equally outlandish. (Enclosure 8)

(d) The third party brought in to bolster SPC [REDACTED] testimony was SSG [REDACTED]. SSG [REDACTED] says her relationship with SPC [REDACTED] was strictly professional. However, at PVT Morales' first court-martial, SSG [REDACTED] SSG [REDACTED] (the married Soldier SSG [REDACTED] was accused of having an inappropriate relationship with), and SPC [REDACTED] went out drinking together. SSG [REDACTED] denied going out drinking with SPC [REDACTED] even though others saw her and she posted photos on Facebook within minutes of each other showing her out drinking with SPC [REDACTED] (Enclosure 9)



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(e) For 18 months SPC [REDACTED] worked in the same company as PVT Morales, but one month after SGT [REDACTED] redeployed in order to PCS to Japan she made her complaint against PVT Morales. She initially made a restricted report, but changed it to unrestricted the same day. This same-day switch from restricted to unrestricted allowed her to make an expedited transfer request for Japan. (Enclosure 10).

4. Conclusion. PVT Morales has continued to proclaim his innocence against the triumvirate of SPC [REDACTED] SGT [REDACTED] and SSG [REDACTED]. They have been allowed to repeatedly lie under oath without any repercussion. They have lied about the nature of their relationships with each other, they have lied about where they were, who they were with, and what they were doing. The long time spent working with PVT Morales, the departure of SGT [REDACTED] the timing of her complaint, and her request to transfer to Japan should cause any reasonable person to call into question the veracity of her claim. The fact that she has lied regarding so much of her behavior with PVT Morales and SGT [REDACTED] should render her completely unbelievable. Allowing the findings to stand as they are would be a miscarriage of justice. For these reasons we ask that you disapprove the findings of guilty and the adjudged sentence. Alternatively, we ask that you approve the Post-Trial Chapter 10.

5. The point of contact for this memorandum is the undersigned at 913-684-1862 or macayn.a.may.mil@mail.mil.

Encls

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Enclosure 1: SPC [REDACTED] Conversations with Mrs. [REDACTED]

Testimony of SPC [REDACTED]

5 Q. You didn't spend your off duty time with him?
6 A. Can you repeat the question, sir?
7 Q. You didn't spend your off duty time with him?
8 A. No, sir.
9 Q. And you never had sex with Specialist Morales again after
10 17 March?
11 A. No, sir.

Testimony of Mrs. [REDACTED]

1 A. We had been talking about what we had been up to, you know,
2 the week prior or whatever, and what was new, and she mentioned that
3 they had gotten-- not gotten back together, but had sex together or
4 hooking up.
5
6 Q. When was this concert?
7 A. October, sometime in October.
8 Q. Sorry, ma'am, can you speak up?
9 A. I'm sorry. It was in October.
10 Q. October of?
11 A. 2013. Well, September-- I can't remember.

Testimony of SPC [REDACTED]

6 Q. Isn't it true that you had a conversation with Miss Bittner
7 where you discussed intimate details about the accused's body?
8 A. No, sir.

Testimony of Mrs. [REDACTED]

10 Q. She wasn't sleeping during the drive?
11 A. On the way there? No, we slept on the way back. My
12 husband drove us on the way back.
13 Q. All right. Now, you had mentioned the conversation that
14 you had with her. But I'd like to ask you about a separate one.
15 A. Okay.
16 Q. Did you have a conversation with Specialist Nugent where
17 she discussed intimate details about Specialist Morales' body?
18 A. Yes.

Enclosure 2: Conversations between SPC [REDACTED] and SSG [REDACTED]

Sworn Statement of SPC [REDACTED]

Q: Who else have you told about this?

A: I told one person, but I don't want them to get involved. I told them as a friend who I trust. Please don't get them involved.

Testimony of SPC [REDACTED]

7 Q. Today you testified that you spoke with Sergeant Earl and
8 Sergeant Carroll about the assault?

9 A. Yes, sir.

10 Q. In your sworn statement you said you only told one person.

11 A. Yes, sir.

12 Q. You said that person was a friend that you trusted?

13 A. Yes, sir.

14 Q. You also asked CID not to get him involved?

15 A. Yes, sir.

12 Q. Specialist Nugent, you remember when you spoke to CID about
13 Staff Sergeant Earl?

14 A. Yes, sir.

15 Q. And it was 2 weeks later?

16 A. Yes, sir.

17 Q. And you waited another week to tell CID that Sergeant
18 Carroll was the friend that you referred to in your statement?

19 A. Yes, sir.

Testimony of SSG [REDACTED]

16 Q. In any conversation did she ever tell you that she had been
17 sexually assaulted?

18 A. No, sir, she did not.

19 Q. Did you ever have any conversation with Specialist Nugent
20 about sexual harassment stuff?

21 A. No, sir, I did not.

Enclosure 2: Conversations Between SPC [REDACTED] and SSG [REDACTED]

Testimony of SSG [REDACTED]

11 Q. After Specialist Nugent and Specialist Perrin stopped
12 dating did you ever see Specialist Nugent and Specialist Morales
13 together?

14 A. Yes, sir, I did.

15 Q. Where would you see them together?

16 A. Like I said, Specialist Morales had a vehicle, so he would
17 give people rides. Specialist Nugent never had a vehicle, Paul
18 Perrin never had a vehicle, so our installation we were on, we were
19 isolated, so just to go, like, the PX or to go shopping you had to go
20 to Ramstein, which is the Air Force base about 15 minutes away on the
21 autobahn, so, he would give people rides all the time. I mean
22 typical soldier stuff, they hung out.

1 Q. Did you ever see Specialist Nugent and Specialist Morales
2 together any other times?

3 A. More specifically than getting rides? Yes. I mean through
4 the barracks, walking, you know, talking, stuff like that when I was
5 on CQ, but I mean-- I mean that's just typical stuff that the
6 soldiers did in our platoon. They all hung out.

7 Q. Did you ever see Specialist Nugent leaving Specialist
8 Morales' room?

9 A. Yes, sir, I did. We were doing checks on our CQ and I've
10 seen her leave multiple times, but I can't put a specific number on
11 it or pinpoint the exact time as well. I mean this is four or five
12 years ago, so I just don't want to give bad information on dates or
13 anything.

14 Q. Was it after she had stopped dating Specialist Perrin?

15 A. It was after and before as well.

16 Q. Was this during duty hours?

17 A. It was while I was on CQ. I had CQ on the weekends and
18 then sometimes it was during the week, but either after duty hours or
19 on the weekend when I had CQ. Our CQ usually didn't run during the
20 duty hours. Occasionally people would sit on there, but for the most
21 part you went to work first, then around 1700 they actually started
22 CQ for people to be in charge of the barracks.

Enclosure 3: SPC [REDACTED] Study Group with SPC Morales and SGT [REDACTED]

Testimony of SPC [REDACTED]

7 Q. So did you, Spraggins, and Specialist Morales end up
8 studying for the boards together?
9 A. No, sir.
10 Q. You never studied in Specialist Morales' room while
11 preparing for the board?
12 A. No, sir.
13 Q. You and Specialist Morales and Specialist Spraggins go to
14 the Macaroni Grill?
15 A. No, sir.
16 Q. You ever pick up medicine for Specialist Morales with
17 Specialist Spraggins?
18 A. No, sir.

Testimony of SGT [REDACTED]

4 Q. When exact were you studying for the board?
5 A. I can't remember, but it was after I had got there in the
6 summer of 2013.
7 Q. So the second half of 2013?
8 A. Roger, sir.
9 Q. What did you do to study for the board?
10 A. We would study off the study material that was given to us
11 for the board, so we would just study whatever the LOI was.
12 Q. And who did you study with?
13 A. I would study with Morales and Nugent, sir.
14 Q. How many times per week do you think you were studying?
15 A. Three or four times per week, sir.

Testimony of SGT [REDACTED]

1 Q. Do you remember going out to dinner with the three of you
2 as a group?
3 A. Yes, sir.
4 Q. Where did you guys go to dinner?
5 A. We went to the Macaroni Grill.
6 Q. Why was that meal memorable?
7 A. Because that was my first time going to the Macaroni Grill
8 because I was new to Germany.
9 Q. Was that something that you had discussed with them?
10 A. What do you mean by discussed, sir?
11 Q. Talked with Specialist Nugent and Specialist Morales about
12 the fact that you hadn't been to the Macaroni Grill before.
13 A. Roger, sir.
14 Q. When did you guys go to the Macaroni Grill?
15 A. It was later in the evening, I believe so, sir.
16 Q. Was this still during that study session period?
17 A. Yes, sir, it was.
18 Q. What kind of table did you sit at?
19 A. We were sitting at a booth.
20 Q. Where did Specialist Nugent sit?
21 A. She sat next to Morales, sir.

Testimony of SGT [REDACTED]

12 Q. Was there ever a time you remember seeing Specialist Nugent
13 in Specialist Morales' room?
14 A. Yes.
15 Q. When was that?
16 A. This was around September timeframe. They were-- all three
17 of them were going to the board, Morales, Nugent, and Sergeant
18 Spraggins, and I would be in there with them, and they would be
19 studying and I would be in there just chilling in the background.
20 Q. Do you remember what year that was?
21 A. 2013.

1 Q. How many times do you think you saw Specialist Nugent in
2 Specialist Morales's room?
3 A. Three to four times.

Enclosure 5: SPC [REDACTED] Relationship with SGT [REDACTED]

Testimony of SPC [REDACTED]

12 Q. Your off-duty hours, your interaction with him was mostly
13 limited to eating and working out?

14 A. Yes, sir.

15 Q. There were usually others around if you and Carroll were
16 doing anything else?

17 A. Yes, sir.

18 Q. So, there really wasn't any time to be alone?

19 A. No, sir.

20 Q. Or really anywhere to be alone?

21 A. No, sir.

12 Q. Your off-duty hours, your interaction with him was mostly
13 limited to eating and working out?

14 A. Yes, sir.

15 Q. There were usually others around if you and Carroll were
16 doing anything else?

17 A. Yes, sir.

18 Q. So, there really wasn't any time to be alone?

19 A. No, sir.

20 Q. Or really anywhere to be alone?

21 A. No, sir.

Testimony of SGT [REDACTED]

18 Q. So you didn't spend any time sitting with Specialist Nugent
19 in the back stairwell of the main LSA building?

20 A. Negative, sir.

21 Q. You didn't spend time sitting next to each on a couch in
22 some movie room?

1 A. Negative, sir.

2 Q. You didn't spend time hanging around the cantina late at
3 night?

4 A. Negative, sir.

5 Q. And you didn't hug each other in the mornings while you
6 were waiting for the bus?

7 A. Negative, sir.

Testimony of SSG [REDACTED]

1 Q. How would you describe her interactions with him?

2 A. At first I thought it was just professional, but then, you

3 know, you can tell it was more than professional. In a sense

4 professionally you'd see them every once in a while together, but you

5 seen them everywhere together, in the movie area, at the Cantina, by

6 the little stand they had outside to eat, and in places they

7 shouldn't have been together.

8 Q. Where was this movie room?

9 A. It was inside the-- inside the living area, but it was all

10 the way to the back of the building.

11 Q. Where would they be in the movie room?

12 A. They would be sitting in the corner, sitting very close to

13 each other, like, basically touching.

14 Q. How close were they?

15 A. I mean touching basically.

16 DC: Record reflect that the witness put his hands together to

17 show how close they were sitting.

18 Was there room for them to sit further apart?

19 A. Yes.

20 Q. What else was noteworthy about them sitting in the movie

21 room together?

Testimony of SGT [REDACTED]

5 Q. During the deployment did you ever see Specialist Nugent

6 and Sergeant Carroll hugging each other?

7 A. Yes.

8 Q. How often would this occur?

9 A. It's hard to say. Sometimes during the crew changes or in

10 the morning when we walk outside the LSA to see-- cause we will get a

11 little bus that would take us to the site, and they would kind of

12 like hug and then-- that was pretty much it.

13 Q. So you saw this multiple times?

14 A. Yes.

Testimony of SGT [REDACTED]

16 Q. Where would you see them when they were off duty?

17 A. So we had two different locations. We had one onsite and

18 one in our barracks. They were often hanging around in the stairwell

19 at night toward like the back of the barracks.

Testimony of SGT [REDACTED]

1 A. It was on the second floor. It was like, kind of like back
2 stairwell that wasn't used very often.
3 Q. So you said the stairwell wasn't used very often?
4 A. Negative.
5 Q. Why did you use that stairwell?
6 A. Usually I would just be in passing, either going down,
7 because it was closest to the male barracks mailroom, so whenever I
8 seen them it would more in passing whenever I decided to use that
9 stairwell.
10 Q. So were you hanging out with them in the stairwell?
11 A. Negative.
12 Q. Who else would you see with them in the stairwell?
13 A. It was just Sergeant Carroll and Specialist Nugent.
14 Q. What time of day would you typically see them there?
15 A. It was mostly toward the evening at night.
16 Q. How far apart would Specialist Nugent and Sergeant Carroll
17 be sitting from each other?
18 A. They were pretty close to each other.
19 Q. Were they right next to each other?
20 A. Yes, they were.

Testimony of SGT [REDACTED]

6 A. I was coming from soccer practice. It's a-- I was--used to
7 play with a team that we had in Turkey and they were sitting in what
8 we called the Turkey Cantina or the Cantina, and they sell sandwiches
9 and stuff in it, and I was coming through the woods and they were
10 sitting on the bench where we always sit. You know, you go eat
11 there, they have these two little picnic bench with the table in the
12 middle, and I was coming through and I saw they were sitting
13 together.
14 Q. What time of the day did you see them there?
15 A. I want to say maybe about 18, 1900.
16 Q. Can you describe how they were sitting?
17 A. They were sitting next to each other facing the opposite
18 way of the-- it's kind of hard to describe because I totally just--
19 you know, I can't particularly say they were facing away from the
20 LSA, cause that's the building that we come through that we stay at,
21 so If I had the pictures for you, the LSA is on the right, the

Testimony of SGT [REDACTED]

1 Cantina is on the left side, maybe about 200 meters, and they were
2 facing, like, north, if that makes sense.

3 Q. How close were they sitting next to each other?

4 A. They were touching each other. I mean they were next to
5 each other.

6 Q. Was there any gap between them?

7 A. No, sir.

8 Q. And how far away were you when you saw them?

9 A. Maybe 75, 100 meters.

10 Q. And did they see you?

11 A. Not when I was approaching. They saw me coming when I was
12 almost like parallel with them and they just kind of like separated
13 when they saw me, but, you know, she didn't talk to me or anything.
14 I just kept walking.

15 Q. After they saw you, how far away were they sitting apart
16 from each other?

17 A. Like, 6 to 8 inches. They just scoot up a little bit.

Enclosure 6: SPC [REDACTED] and SGT [REDACTED] Questioned About Their Relationship

Testimony of SGT [REDACTED]

3 Q. Okay. For-- I'm sorry, just a moment. Were you ever
4 counselled about an inappropriate relationship or the perception of
5 an inappropriate relationship while you were in Turkey?

6 A. Negative, sir.

Testimony of CPT [REDACTED]

3 Q. Did you ever have to counsel Sergeant Carroll for his
4 interaction with junior soldiers?

5 A. Yes, I did.

6 Q. What prompted you to counsel Sergeant Carroll?

7 A. I was notified of a perception of favoritism between
8 Sergeant Carroll and some of his soldiers. One of the specified
9 soldiers was Specialist Nugent in particular, and since I was new to
10 the unit and my unit had an overall perception of favoritism among
11 some of NCOs, I decided to talk to all of my leadership that were
12 identified by some of the junior enlisted and decided to discuss with
13 them what it means to have a special relationship with a soldier and
14 how perceptions of favoritism can come about based upon the
15 interactions with soldiers, whether that be eating with them,
16 discussing anything with them or finding time when you are off shift
17 and spending time where it does not seem like you were discussing
18 professional or anything oriented to our job or mission.

Testimony of SGT [REDACTED]

13 Q. Did you ever talk to Sergeant Carroll about what you saw?

14 A. Not about that particular incident, but I know me and
15 Starks, which is Specialist Starks. I mean we all slept in the same
16 room and we were like, "Hey, man, you know, you're spending a lot
17 time with Nugent and she doesn't talk to any of her friends and it
18 doesn't look right that as an NCO you're always spending time with
19 her and she being a female specialist," and he was like, "Oh, it's
20 nothing like that," and he just kind of like brushed it off, but
21 every time me or somebody would talk to him about it, he just brush

Enclosure 6: SPC [REDACTED] and SGT [REDACTED] Questioned About Their Relationship

Testimony of SGT [REDACTED]

1 it off. He was just, like, he will not talk about [inaudible]. He
2 would not-- it was like he didn't care.

3 Q. So you weren't the only one to talk with him about his
4 relationship with Specialist Nugent?

5 A. No.

11 Q. How did Specialist Nugent react to your conversation about
12 her spending time with Sergeant Carroll?

13 A. She had a little fit, 'cause later on I on site and I
14 talked to her. I was like, "Hey, can I talk to you," she was like,
15 "Sure", and I was like, "What's going on? You know, you cannot just
16 stop to talking to all of us, Malamachi, to Bittner, to McMillen,
17 like, you know, you just don't want to talk to no one," and I'm like,
18 "What have we done for us to deserve this?" I'm like, "You know, we
19 in this together." I'm like, "If you need anything, let us know."
20 I'm like, "Now you're just spending all this time with Carroll and
21 that doesn't look right." And she was like, "Oh, no, nothing's going
22 on. You know, he's just my friend," and she just told me she didn't

1 want to be here in Turkey. She's like, "I just don't want to be
2 here." And I was like, "Well, I'm pretty sure none of us want to be
3 here," and she just got angry and left me. She didn't talk to me
4 much about it.

Enclosure 7: SPC [REDACTED] Password Notebook

Testimony of SPC [REDACTED]

7 Q. Did you ever keep any notes in any kind of green notebook
8 or any sort of notebook at all?

9 A. No, ma'am.

10 Q. Do you remember ever writing down in any kind of notebook
11 anything about passwords or usernames?

12 A. No, ma'am.

Testimony of SPC [REDACTED]

10 Q. After the unit redeployed did you find something that
11 belonged to Specialist Nugent?

12 A. I did. It was a writing a green book. Like, whenever you
13 go to WLC, and stuff like that, you have the big notebooks. It had a
14 cover on it, so at the time my-- he's now my ex-husband, but at the
15 time my husband needed a book for WLC, so I had given him my book
16 that was in my office. It had come back in our supplies after we had
17 returned back. I opened the front cover of the book. The front part
18 on the green it showed Amanda Nugent written across it, and then in
19 the front it said, "My baby Carroll" or "Picture Carroll," one of the
20 two. I know it had to do with Sergeant Carroll. I, at the time,
21 didn't know that it was going to be needed for anything and I knew

1 that I didn't want my husband at the time having stuff like that
2 written in his book for WLC.

Testimony of SGT [REDACTED]

21 Q. Now, at some point you also sent a Facebook friend request
22 to Specialist Nugent's parents?

1 A. Not to my knowledge, sir.

2 Q. You were never friends with Specialist-- with Kimberly
3 Nugent, Specialist Nugent's mother?

4 A. Not to my knowledge, sir.

5 Q. So you didn't unfriend them within the last month or two?

6 A. Not to my knowledge, sir.

Testimony of Mrs. [REDACTED]

1 A. No. He had sent a friend request and I accepted just to be
2 polite because I knew that it was someone she was in the military
3 with, but I never interacted with him.

4 Q. Did Picture Carroll only send a Facebook request to you?

5 A. He sent one to my husband as well.

6 Q. Did you both accept his friendship request?

7 A. Yes.

Testimony of Mrs. [REDACTED]

13 Q. And do you remember me asking you about what Specialist
14 Nugent, Amanda Nugent said to you about what she did with Sergeant
15 Carroll?

16 A. Yes.

17 Q. Do you remember saying that Specialist Amanda Nugent said
18 they were going to the movies together?

19 A. I don't-- I don't remember saying that they said they were
20 going to the movies. I just remember saying that I thought they had
21 talked about seeing movies, not that they were going to the movies,

1 but I don't know that for sure, I was just guessing, but I don't
2 really remember.

3 Q. Do you remember telling me that they were going out to
4 dinner?

5 A. Not that they were going out to dinner, but that I thought
6 they had talked about-- that she had talked about eating dinner with
7 him at some point, but I don't remember for sure.

8 Q. So it was something that they had already gone and done?

9 A. Yes, but I don't remember specifically her saying, "We went
10 to dinner." I just thought that she had talked about, you know,
11 eating with him, maybe not even dinner. It could have been lunch.

21 Q. Do you remember telling me that she [sic] was somebody that
22 Amanda had dated for a while?

Enclosure 8: Mrs. [REDACTED] SPC [REDACTED] and SGT [REDACTED]

Testimony of Mrs. [REDACTED]

1 A. I do remember telling you that, but I was only speculating
2 that they dated because I guess I assumed that, you know, since she
3 was single that she was free to date someone if she was friends with
4 them, but I shouldn't have said that because I never really know or
5 knew for sure if they did date. I just knew that they were friends.

Testimony of Ms. Diana Butler

15	Q.	What did Miss Nugent say about what Amanda Nugent was doing
16		with Sergeant Carroll?
17	A.	Mrs. Nugent?
18	Q.	Mrs. Nugent.
19	A.	She believed that they were dating.
20	Q.	What did she say about what they were doing together?
21	A.	Oh, that they watched movies together, they ate together.
1	Q.	Did she say what her impression of their relationship was
2		based upon her conversations with Amanda Nugent?
3	A.	Yes, she did.
4	Q.	What did she say her impression was?
5	A.	She believed that they were dating. She mentioned it a
6		couple of times.

Enclosure 9: SGT [REDACTED] Concern After Re-deployment

Testimony of SGT [REDACTED]

1 Q. You guys had talked about that a couple times?

2 A. Roger, sir.

3 Q. And it was something that was bothering you?

4 A. Yes, she told me not to tell anybody.

5 Q. And it's something that personally bothered you?

6 A. Roger, sir.

7 Q. But you forgot about all of that until you went to a SHARP
8 training event?

9 A. Roger, sir.

10 Q. And by the time you actually spoke with the SHARP rep you'd
11 known about the allegation for 14 or 15 months?

12 A. Roger, sir.

Enclosure 10: SSG [REDACTED] Drinking with SPC [REDACTED]

Testimony of SSG [REDACTED]

2 Q. It wasn't taken at a bar called Texas Hold'em?
3 A. No, sir. I don't remember the bar, but I know it was not
4 Texas Hold'em.
5 Q. Sergeant Alexander, you didn't just go out to dinner with
6 Specialist Nugent that night, did you?
7 A. No, sir.
8 Q. You also went out drinking with her?
9 A. There was more than just me and her, but, yes.
10 Q. So there was someone else with you?
11 A. Yes, sir.
12 Q. The other person was Staff Sergeant Ryan Sandberg.
13 A. Yes, sir.
14 Q. He also went out drinking with you and Specialist Nugent?
15 A. Yes, sir.
16 Q. And isn't it true that you were investigated for having an
17 inappropriate relationship with him?
18 A. No, sir.

Testimony of SSG [REDACTED]

19 Q. What did Staff Sergeant Alexander tell you she was going to
20 go do?
21 A. She actually invited me to go downtown drinking with her,
22 Specialist Nugent, and Staff Sergeant-- I can't recall his name--
1 Sergeant Sanberg, that's what it was. To the Texas Hold'em, which is
2 like a local bar that they had in Kaiserslautern. Very Americanized,
3 most of the soldiers went there.
4 Q. What kind of establishment was that?
5 A. It's a Huka bar, plus they sell alcoholic beverages.
6 People just sit on the couch, drink and smoke Huka and talk.

Testimony of SPC [REDACTED]

3 Q. Do you recall-- do you remember seeing Sergeant Alexander
4 downtown afterwards?
5 A. When there was a-- there was two clothing shops, they were
6 already closed, that were like two and three buildings down from
7 Texas Hold'em. They were actually have a open class vacation, like
8 where you could walk in and see all the new inventory that they had
9 just brought in. It was a German store, so I absolutely loved buying
10 there, but whenever I had passed by I was laughing cause I had-- my
11 mother was with me and my daughter. It was kind of late at night and
12 I probably shouldn't have been out with my child that late, but
13 whenever I had passed by I started laughing because I had seen
14 Sergeant Sandberg, Sergeant-- what was her name? Christina--
15 Alexander. Sergeant Alexander and Nugent were downtown at Texas
16 Hold'em.



DEPARTMENT OF THE ARMY
10TH ARMY AIR AND MISSILE DEFENSE COMMAND
CMR 422
APO AE 09067

AECG-AMD

30 September 2014

MEMORANDUM FOR RECORD

SUBJECT: Request Expedited Transfer

1. I, SPC Nugent, Amanda, N., am requesting an expedited transfer to another location due to a sexual assault that occurred approximately March 2013. I am continually around and seeing the offender which is having a negative effect on me.
2. I am requesting a transfer to the following locations:
 - a. Okinawa, Japan
 - b. Fort Hood, TX
 - c. Fort Bragg, NC
3. I understand that this transfer request will be needs of the Army and that I am not guaranteed this transfer. I also understand that every effort will be made to try and fill my request.
4. I am ~~requesting~~ not requesting advocacy services at my gaining installation if my transfer is approved.
5. Point of Contact for this memorandum is Ms. Carmen Leggett at DSN 493-2550 or email Carmen.h.leggett.civ@mail.mil.

AMANDA N. NUGENT
SPC, USA



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
FORT LEAVENWORTH FIELD OFFICE
415 CUSTER AVENUE, BUILDING 55
FORT LEAVENWORTH, KS 66027-2313

ATZL-TDS

26 October 2018

MEMORANDUM THRU Staff Judge Advocate, Combined Arms Center and Fort Leavenworth, Fort Leavenworth, KS 66027-2313
FOR Commanding General, Combined Arms Center and Fort Leavenworth, Fort Leavenworth, KS 66027-2313

SUBJECT: Post-Trial Discharge Request IAW AR 635-200, Chapter 10 – PVT Ricardo A. Morales.

1. I, PVT Ricardo Andres Morales, 597-28-4314, hereby voluntarily request discharge under AR 635-200, Chapter 10 in lieu of approval of any and all findings of guilty and all parts of the adjudged sentence; thus, setting aside the federal conviction. I understand that I may request discharge under AR 635-200, Chapter 10 because the following charges, or lesser included violations, of which I have been found guilty of at my court-martial on 31 May 2018, authorize the imposition of a bad conduct or dishonorable discharge:

a. One specification in violation of Article 120, UCMJ.

2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have further been advised of the implications that are attached to my request. By submitting this request for discharge, I acknowledge that I understand the elements of the offenses charged and that I am guilty of one or more of the charges against me, or of a lesser included offense therein contained, which authorizes the imposition of a bad conduct or dishonorable discharge. Moreover, I hereby state that under no circumstances do I desire further rehabilitation, for I have no desire to perform further military service. I have served all of my adjudged punishment to date.

3. Prior to completing this form, I have been afforded the opportunity to confer with appointed counsel for consultation who has fully advised me of the nature of my rights under the Uniform Code of Military Justice, and the elements of the offense to which I have been found guilty, the facts which must be established by competent evidence beyond a reasonable doubt to sustain a finding of guilty, the possible defenses which appear to be available at this time, and the maximum permissible punishment if found guilty. Although he has furnished me legal advice, this decision is my own.

4. I understand that, if my request for discharge is accepted, I may be discharged under conditions other than honorable, and that if I am discharged from the service under other than honorable conditions, I will be reduced to the lowest enlisted grade. I have

ATZL-TDS

SUBJECT: Post-Trial Discharge Request IAW AR 635-200, Chapter 10 – PVT Ricardo A. Morales.

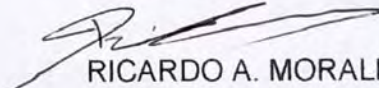
been advised and understand the possible effects of an Under Other Than Honorable Conditions Discharge and that, as a result of the issuance of such a discharge, I will be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law. I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Conditions Discharge. I further understand that there is no automatic upgrading or review by any Government agency of a less than honorable discharge and that I must apply to the Army Discharge Review Board or the Army Board for Correction of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded.

5. I understand that, once my request for discharge is submitted, it may be withdrawn only with consent of the commander exercising general court-martial authority, or without that commander's consent in the event trial results in an acquittal or the sentence does not include a punitive discharge even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent.

6. I have been advised that I may submit any statements I desire in my own behalf. Statements in my own behalf are submitted with this request.

7. I hereby acknowledge receipt of a copy of this request for discharge.

10/26/2016



RICARDO A. MORALES
PVT, U.S. Army

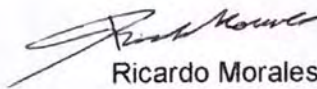
Sir,

My name is Ricardo Morales and I still maintain my innocence. My family and I have been through an emotional wreck. We have been through this process not once, but twice for a person who in-court could not get her story straight. Someone who came to court and lied under oath numerous times. It is frustrating to know I've lost everything based upon the credibility of SPC Nugent. I ask that you please take action in my case and give my family peace of mind.

If the evidence provided to you does not convince you of my innocence, please consider my chapter 10 request so we can move on with our lives and I do not have to register as a sex offender for the rest of my life for someone who is untruthful. I have a family that I am working very hard as an electrician apprentice to provide for them. I've also enrolled in school to help my success and bounce back from this. A federal conviction, with a dishonorable discharge and sex offender registration will forever limit my ability to provide for them and re-enter society in a productive fashion. My leaders and peers testified at the trial to my work ethic and treatment of others and that without this court-martial I would have been a good NCO. I do not want to be a burden on my family or anyone else.

I am only 28 years old and already served more than two years in confinement. Approving the chapter 10 will allow me the opportunity to rebuild my life into something meaningful. To grow into the man my children and family can be proud of.

W/26/2018

A handwritten signature in black ink, appearing to read 'Ricardo Morales', written over a horizontal line.

Ricardo Morales