

Good afternoon, My name is Harold Pflager. I am a 90-year-old Military veteran who is the grandfather of TSgt. Robert Andrew Condon, who our family calls Andy. I'm a veteran of the Korean War 1953 and 1954. I was honorably discharged from the military. In my civilian workplace, I was required to train young men and women in an apprenticeship program which required me to make sure the program was in compliance with all apprenticeship standards, union Constitution, and all state and federal laws. I worked as an area coordinator, the director of operations, and finally as an administrative manager of the union apprentice program which covered the state of Ohio.

Andy spent a lot of time at my house because his parents were both police officers and his grandmother and I were always available as his caretaker. When he was under our care we never had reason to reprimand him for things other than over exuberance. I followed his career in the military and never found fault with what he did and had great pride in his accomplishments.

So, when I received a call from Andy, he explained where he was and asked me to notify his mother. When I notified his mother, she explained the problem further. We arrived at his base the following day. My daughter made arrangements to visit my grandson who was in a civilian jail. This jail was 30 miles plus away from his base and we could only see him that day at 10:30 pm the following evening, which I thought to be unusual. Also, in the room where we were talking to Andy was another Air Force inmate talking to a person. When that Air Force person passed by us leaving before we did, Andy identified him as a person he (Andy) had charged with having possession of or selling narcotics on the base (Hurlburt Field). This was the first time I knew that while doing his job, he found other Air Force individuals violating various drugs on the base.

Andy was told by his commanding officer to do more local work that would help him in getting promoted. When he went out and found nine Air Force members dealing and using drugs is when his activities and reports of such became a serious problem for him. Before these individuals were going to trial Andy was sent to Africa, out of schedule. His partner that was with him when these individuals were charged was then forced to be the one that processed the drug charges. She took two of them to court martial while he was away with guilty verdicts. When Andy returned from Africa is when all the sexual assault charges begin to appear.

The reason for this became quite apparent when a few days later the prosecution effectively charged him with being a serial rapist. At this time a Col. in charge of the base where the trial was being held asked the presiding judge to vacate nine charges filed by Andy against those individuals that were dealing in drugs one way or the other. As best I can understand, the reason for this was that one of the charges of sexual assault was also placed on an individual that had been part of the drug investigation as well. The judge stated that this was not necessary but allowed it to take place. This action took place at least 120 days before Andy was officially charged with any crime.

My daughter and I weren't allowed in the judge's chamber when this action was taking place but once they were making their decision we were allowed to talk with Andy. While waiting for their decision about what would happen when a decision was made. When the transcript of these proceedings were published I could then put my observations with the transcript. I told Andy while waiting for this decision to come down that I would back him

**in this endeavor till a justified result could happen. To this point no such result has transpired so we continue to object to this process that happened in this event.**

**They charged him with three rapes within a 60 day period. After he returned from Africa, the documents filed by one of the investigators had changes made to the original document filed by one of the alleged persons. Without this document they could not have charged Andy as a Serial Rapist and put him in pretrial confinement for the next year. It also was made apparent why the prosecution repeatedly tried to find other accusers for the next year.**

**This third person was found by the investigator that returned after having left and gone back to Quantico. When asked why he returned, he said he was trolling. No enlisted personnel makes such a move without orders to do so. Who gave the orders? Only one investigator was there for this interview. The prosecutors told my attorney that this person was the second alleged charging person but I can prove she was the third right after she was found to be a participant.**

**Only one of the individuals actually filed a charge and nothing she said happened was ever proven by evidence. The individual that the prosecutor said was number three had denied such activity took place and on the record had consented to sex and it was documented. The one they said was number two was the one whose report had been changed.**

**The prosecution regardless of how strongly they investigated all females after this time they could not find a third accuser regardless of how viciously they tried using false statements and lies.**

**They only found a propensity witness when they went back to Andy's former wife who probably was still by military standards qualified for family and military benefits making it possible to lose the same. When she agreed to say he was violent sometime during the marriage the prosecution then had a propensity witness to use. This happened just slightly before the final trial of Andy, one year after the original time he was put in pretrial confinement. The prosecutor that did this final interview had no witnesses or any written documentation that they took during this interview to prove that what they said to this individual was not coercion.**

**This supposed interview took place on the phone by a prosecutor after this witness had previously 4 times testified under oath that no such activity took place when interviewed by two or more investigators; and signed an affidavit that there was never violence nor sexual assault during their marriage – while he was being vetted for OSI. The only way that number two could be number two is if they counted her after the real number two had sent a letter to higher authority saying she did not want to be a victim. This is long after Andy had been put in pretrial confinement.**

**The reason that three alleged accusers are placed in order by the prosecution is that accuser number one is a military person, number two is a military person, the third alleged person was a civilian. For that reason they told my hired attorney that number two was number three and number three was number two. Reason for this is quite apparent in further investigation which included calling all females on Andy's telephone**

to find a third alleged female person. This also is why the judge called this a complicated investigation when it really was not.

The prosecutors lost or destroyed evidence. Prosecutors failed to tell the defense all results of background checks as well.

The prosecutors repeatedly said Andy was a liar and had apologized to his former wife. When I found the actual tape conversation there was no apology. This conversation was given to one of the Air Force Defense Attorneys, a female and she gave it to my paid attorney. The next day at the trial I saw my attorney hand the prosecutor a piece of paper. My attorney told me that the prosecutor said it had to have a yellow car on it and it did. This report that I gave to my attorney has not appeared in any of the legal proceedings I have read.

I had hired a private investigator that found the individual that filed the first charge of sexual assault had a felony arrest that was not reported in the trial. Also finding a history of lying was reported and found against the first charging person as well.

When reported to the prosecutor they said they already had it. The female defense attorney that wrote the report for clemency said that she did not have it and if she had she would have used it in her writings.

I could go on and on about violations that took place during these investigations and trials but the one that stands out most at this time is two trial transcripts which could not be an accident. The defense lawyer I hired to handle the appeal procedures had one such transcript and Andy had the real transcript. Before my hired Appellant Attorney received the trial transcript he had asked for it three or four times before he got one which was altered.

We have actual proof that the transcript he received from the prosecution was the one that he used during all appellant proceedings. The fact that there were two transcripts was not reported by the prosecution but discovered after all of our appeals administratively played out. Once I realized there were two transcripts I then understood some of the discourse that was taking place between Andy and his attorney handling the appeal. I thought that without doubt Andy would now get a second chance at appeal retrials but no such thing was forthcoming and that is why we continue and will continue to fight this miscarriage of justice.

One of the most unjust activities done during this case is as follows: the Judge who was the Chief Judge in the region insisted on handling this case himself; he also was found to be in violation of procedures in another case of a sexual problem. Further causing inability to handle Andy's case in a timely manner because of other commitments was the reason which caused delays. He (Judge) had responsibilities at Guantánamo base for trials concerning terrorism. He was found to improperly handle himself while there and all cases that he presided over four the last four years were overturned and the terrorists were not convicted or found innocent. It amazes me that the legal system being used for Andy and terrorism is more lenient for terrorists than for proven dedicated members of the military.

**It is clearly apparent to anyone with common sense reading the above information that for the good of the service this event was used. Command influence had to take place up to the highest levels.**

**A proper result in this command interferes in military legal events is as follows:**

**1. Andy gets paid the entire time he spent while incarcerated. He retains all of his benefits lost during Incarceration.**

**2. I am reimbursed all funds that I needed to use defending His case At various courts and bases.**

**3. I will be reimbursed somehow for all the anxiety I put on myself, my family and my family's reputation by allegations illegally performed by the military justice system as well as the Federal Justice System.**

Good Afternoon, my name is Harold Pflager, I am a military veteran who is the grandfather of Sgt. Robert Andrew Condon. I am a veteran of the Korean War, and I was honorably discharged. In my civilian workplace, I was required to train young men and women in an apprenticeship program, union Constitution and all state and federal laws. I worked as an administrative manager of the Union apprentice program for the Union in the state of Ohio.

Andy spent a lot of time at my house, because his parents were both police officers and his grandmother and I were available as caretakers.

I received a call from Andy, from jail; and he asked me to notify his mother. My daughter made arrangements for us to visit Andy, who was being held in a civilian jail. We could only see him at 10:30 pm the following evening, which I thought to be unusual.

There was only one other visitor, who Andy identified as an Airman that he had just charged with selling drugs on the base at Hurlburt Field. Why would the investigator of a crime (Andy) be held at the same place as someone he had charged with a crime?

In early 2013, Andy's command asked him to do more criminal work stateside – to help him in future advancement. He soon uncovered 9 Air Force members dealing drugs. Before they could even come to trial, Andy was deployed again – out of schedule – to Africa. When he returned – the sexual assault charges began to appear.

The Col. of the base, demanded that the 9 charges filed by Andy against those individuals dealing drugs, be thrown out. Maybe because he was seen by the other inmate? Maybe because 3 of the 9 were on

the special hand-picked by the convening authority – Airmen’s Council – future leaders of the Air Force.

While there was only 1 primary accuser – the investigator’s seemed determined to find 3 – so that they could call him a SERIAL RAPIST – that intent is stated in this police report. *(SEE ATTACHMENT– A 1 PAGE OF A POLICE REPORT FROM THE OKALOOSA POLICE DEPARTMENT WHERE THE POLICE OFFICER STATES THAT OSI AGENT P, INFORMED HER THAT HE WAS GOING TO USE THIS TO MAKE HIM INTO A SERIAL RAPIST).*

To get this third accuser, investigators convinced an accuser to change her typewritten statement when it did not describe actions that constituted a crime. With this 3<sup>rd</sup> accuser – they placed him in pre-trial confinement. *(SEE ATTACHMENT 2 & 3 WHERE OSI AGENT P, CONVINCED HER TO CHANGE HER STATEMENT WHEN IT DID NOT DESCRIBE ANY CRIME & AND HER TESTIMONY FROM THE TRIAL WHERE SHE TOLD AGENT P, THAT SHE WAS “100% WILLING EVERYTIME”).*

This third person was found by the investigator after he returned from Quantico for the second time. When asked why he returned – he stated that he was “trolling”. No enlisted person makes such a move without orders to do so. Who gave the orders? He violated OSI rules and he was the only agent present when he interviewed this third person.

They went back to Andy’s ex-wife – who had previously signed an affidavit (while he was being vetted to become an OSI agent) that there was never any violence nor sexual assault during their marriage. She was interviewed 4 times by two agent teams – and maintained this. However, when interviewed by only the Prosecutor without recordings or witnesses – she became a propensity witness.

There are many violations – but the ones I observed most are:

1. The prosecution lost or destroyed evidence.
2. The Prosecutors failed to tell the defense all results of background checks.
3. The Prosecution created 2 trial transcripts, giving a flawed one to just the Defense Appellate Attorney

Some of the most unjust activities during this case:

- 1) The Judge, who was the Chief Judge in the Air Force, insisted on handling this case himself.
- 2) He also was found to be in violation of procedures in another sexual assault case.
- 3) His prior commitments, caused delays in Andy's case – keeping him in confinement another 2 months before trial.
- 4) The Judge had responsibilities at Guantanamo base for trials concerning terrorism. He was found to be improperly handling himself and all cases that he had presided over for 4 years were overturned.

It amazes me that the legal system used for terrorist was more constitutionally sound than for dedicated members of the military.

It is clearly apparent to anyone with common sense – this was about “the good order and discipline of the Air Force” rather than justice. Command influence had to take place up to the highest levels.

**A PROPER RESULT IS AS FOLLOWS:**

- 1) Andy gets paid the entire time he spent incarcerated.
- 2) He retains all of his benefits lost during incarceration.
- 3) I am reimbursed all funds that I needed to use defending his case.
- 4) I will be reimbursed somehow for all the anxiety, put upon myself, my family, my family’s reputation by allegations illegally performed by the military justice system.



██████████ stated after that incident Condon would continue to send her text messages. She said at first she would ignore them but would end up responding. They would talk via text message. ██████████ told me between the incident in May and October they continued to talk and on occasion, Condon would come spend the night with her. She said they would mostly "cuddle" and it was not a problem.

██████████ explained on the night of 10/05/13, she was at The Red Door Saloon with friends when she saw Condon. She and Condon began to talk and he asked to come to her house to "cuddle" with her. ██████████ agreed and they departed. When they arrived at her residence, ██████████ got dressed in her clothing to sleep in. She laid down in bed as Condon went to the bathroom. A few minutes later, Condon exited the bathroom naked. ██████████ told Condon that she did not want to engage in sexual intercourse with him. Condon walked to where ██████████ was lying. He had his penis in his hand as he approached her. ██████████ stated Condon forced his penis into her mouth making her perform oral sex upon him. She said after a few minutes he forced her onto her back and removed her clothes. She stated he then forced her to have penis/vaginal sexual intercourse with him. She again told him that she did not want to and to stop. He told her that she really did not mean "no" and that she really wanted to have sex with him. After a few minutes Condon stopped having sexual intercourse with her and sat on the edge of the bed. Condon sat on the edge of the bed and put his head between his knees as if he was ashamed. ██████████ said after a few minutes Condon got dressed and they both fell asleep. When they woke up the next morning Condon did not say anything to ██████████ regarding this incident and he departed.

██████████ stated she did talk to Condon after this incident and asked if he had ever forced her into having sexual intercourse with him. ██████████ told Condon that he had not because she was afraid of his reaction if she told him that he had. He told her that he was under investigation for a sexual assault and that she might be contacted by an OSI agent for an interview. ██████████ found it strange that he told her this but she knew that she was not the only person this happened to if he was telling her that.

During the morning of 10/10/13, she received a text from Condon. She replied with a one word answer. Condon told her that she was being "cryptic" when he replied to her. Later talking with ██████████ it was learned he said this to the other victims after similar incidents. ██████████ also told me he located another victim who was sexually battered by Condon increasing the number of victims to three. He said that per the UCMIJ code, Condon would be classified a "serial" offender and arrested as such. ██████████ said upon Condon's arrest he would probably be transported to a facility in Charleston, South Carolina.

I spoke with ██████████ it was decided that since ██████████ was requesting OSI to work the case jurisdiction would be transferred to them.

This case is to be closed referred to USAF OSI.

Case Status: Closed

[REDACTED]

On September 14th he called me and asked if I had heard from anyone asking questions about him. He also asked if I ever felt like he was violent, forceful or made me do anything I did not want to. A week or so later he told me he was under investigation at work, in his words about a bull shit claim.

The most recent encounter was Saturday October 5, 2013. He told me he wanted to come over and cuddle. I allowed him to come over under the premise that there would be no sex. We have hung out before at his request to just cuddle, no sex. The night before I told him verbatim "I'm not mad or upset with you about anything but I really think we should just be friends". When he arrived at my house we went upstairs to my bedroom. I was in the bathroom washing my face and he came in and started making sexual advances. I told him I just want to cuddle, no sex and went and got in bed. He used the bathroom then came and laid down next to me. He then got on his knees on the bed and put his penis close to my face asking me to perform oral sex on him. I said no, and he replied "I'm not really what you want, [REDACTED] forced me to perform oral sex on him then we had intercourse".

Since [REDACTED] own Rob he carried his credentials on him. Also in the past he has made comments bragging/joking about getting out of traffic stops or DUIs by flashing his badge, I never witnessed that happen. He also always had a gun on him, to include while we were out drinking.

[REDACTED] implying that I did want to perform oral sex. He put his penis in my mouth and I did perform oral sex. Then we had intercourse. Throughout that night at my house I re-iterated to him several times that I did in fact want to be just friends.

[REDACTED]

End of Statement

1 A. He did.

2 Q. And you said that you had a pretty normal sex life?

3 A. Yes.

4 Q. You said that he never forced himself on you?

5 A. I did say that, yes.

6 Q. And you said that he never took advantage of you in a drunken state?

7 A. Yes.

8 Q. You told [REDACTED] that you were 100 percent willing every time?

9 A. Yes.

10 Q. You told [REDACTED] that you said no to some sex acts and Tech Sergeant Condon always

11 respected it?

12 A. Yes.

13 Q. In fact, the first time when you spoke to [REDACTED] about the May incident, you told him

14 that there was no penetration that occurred at all?

15 A. Yes.

16 Q. Now, during this interview, [REDACTED] told you he was -- Tech Sergeant Condon was

17 under investigation for a sex assault?

18 A. He told me he was under investigation. I do not remember clearly if he told me what the

19 specifics of the charges were, but, yes.

20 Q. After interviewing you, he told you to type up a statement or write up a statement?

21 A. He asked if I would be willing, yes.

22 Q. And to meet him at Starbucks later that evening?

23 A. He said he would meet me later to retrieve it from me.

24 Q. And you would agree that writing the statement was very important?

25 A. Yes.