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IPAD Committee
Washington, DC

Committee Members:

My family and I would like to thank the committee for the opportunity to attend and speak during the public comments portion of your meeting on behalf of my son, Tech. Sgt. Matthew Phillip Leipart.

Sexual violence in any form is a serious matter and should not be taken lightly, thoroughly investigated, and prosecuted to its fullest extent. With that said the scales of justice, specifically justice for military members must be balanced. Not leaning at all towards the claims of the accused or the accuser. The accuser must present much more than their words for a conviction to be obtained. The accused in this country, at least in the civilian realm, are INNOCENT until Proven Guilty! Proof beyond a reasonable doubt. Proof which includes undeniable evidence that what has been claimed to have happened, actually did. Proof coming from a source or sources that do not have a reason or an agenda to fabricate a story that will destroy the accused, his family and relatives for the rest of their lives.

I believe the military justice system has a daunting and monumental task to provide this justice for those victims that have been harmed and still provide military members equal justice in defending themselves against these most serious claims. In any case, the scale of justice MUST start equal for both the accused and the accuser. My concern is that for my son Matthew as well as many others, this is not the case. The statements in the next paragraph are those presented as precedent cited for Legal and Factual Sufficiency of Sexual Assault Convictions regarding my son Matthew's case and I am sure are used as well for similar cases.

"In resolving questions of legal sufficiency, we are bound to draw every reasonable influence from the record in favor of the prosecution" C.A.A.F. 2001 in United States v. Barner

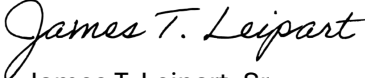
"The test for legal sufficiency is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt" C.A.A.F 2018 in United States v. Robinson

“An accused can be properly convicted of a sexual offense on the word of a single victim alone
C.A.A.F. 2020 in United States v. Prasad

And....the standard for legal sufficiency involves a very low threshold to sustain a conviction King,
78 M.J. at 221

I ask the members do the above underlined portions of the last four statements represent a balanced scale of justice for accused military members in general and my son Matthew in particular? The answer must be Hell NO! Jesus Christ himself could not get an acquittal for Matthew or anyone else using these statements as the basis for legal and factual sufficiency of sexual assault conviction. Military members cannot and should not be convicted of sexual assault based only on the word of an alleged victim. With the standard that has been in place, alleged victims are incentivized to make false and unprovable claims that will ruin the falsely accused and ultimately the United States volunteer military.

Respectfully


James T. Leipart, Sr.