

On September 20, 2023; I intend to speak on behalf of my son, Tech Sergeant Robert Condon, who was falsely accused and wrongfully convicted of crimes that never occurred.

I plan to discuss the unethical, illegal and unconstitutional actions on the part of both the prosecutors and investigators to achieve such an outcome and destroy my son's life and cause devastation to all that love him.

I wish to make the committee aware that these things are happening and that they should be unacceptable to any American citizen.

Respectfully,

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DESTRUCTION OF EVIDENCE

Tech Sergeant Condon had placed an ad on Craigslist under Men Seeking Women. This ad suggested exploring aspects of BDSM, [REDACTED] answered that ad. Tech Sergeant Condon was in Africa at the time she answered and began communicating with Ms. [REDACTED] using his government issued Blackberry for at least 53 days. Ms. [REDACTED] interested and expressing that she had explored this type of relationship in the past, sent several suggestive photos and requests to Tech Sergeant Condon on what she would like them to do together.

In fact, she sent him photos and requests for just what she alleges happened on the night in question. However, Tech Sergeant Condon was ending the relationship that evening and maintains that he did not have any sexual relations with Ms. [REDACTED] that evening. The evidence supports his statements, not hers.

In addition, if the messages from this phone were shown in court it would have blown the Prosecution's case entirely. So, that phone was destroyed. That phone was destroyed while in the hands of the Prosecution. And, that phone was destroyed by Global Compusearch.

NOTE: It should be noted that Ms. [REDACTED] turned in an old phone to OSI with only 5 days of communication between them. Even on this phone she had deleted 7 or 8 messages of a sexual or romantic nature. She never turned in the phone with 53 days of communication and even though it was known that she had this phone and was listed in the original interview notes of (2) different OSI agents – the investigators from Quantico ignored this evidence.

Global Compusearch was hired by Tech Sergeant Condon's family as early as November 2013. The government came along in January 2014 and hired Global Compusearch, but the boss of the Condon expert. This is a CONFLICT OF INTEREST and in no way should have been allowed.

Attached are court testimony from Agent Denise Sawyer, Global Compusearch President Josiah Roloff and Special Agent Vorderbruggen (now deceased) dealing with the destruction of this phone and 53 days of communication between Airman [REDACTED] and Tech Sergeant Condon.

TESTIMONY OF AGENT SAWYER

1 Q. And did you understand that he used that phone really as the primary means of
2 communicating with AIC [REDACTED] while he was deployed?

3 A. There were several phone calls on that phone, yes.

4 Q. In addition to the phone calls, were there not thousands of text messages as well?

5 A. We weren't able to get the data off of that phone.

6 Q. Right. Because that phone was destroyed -- at least the chip that contained the data was
7 destroyed during the attempt to extract it, right?

8 A. I wasn't aware that it was destroyed in the attempt. I just knew that they -- we had tried,
9 from headquarters, to have the password reset so we could get access to it and that failed. So, once that
10 failed, we sent it to Global CompuSearch for them to do the chip off of the phone.

11 Q. But the end result is, today, those messages are lost --

12 A. Yeah, they're gone.

13 Q. -- and gone forever?

14 A. Yeah, unfortunately.

15 Q. And we will never know the content of those messages that were exchanged over those first
16 couple of months or at least weeks of their relationship?

17 A. Except for what was on Airman [REDACTED] phone.

18 Q. Right, but from the Blackberry.

19 A. That's correct.

20 Q. I want to briefly return to the execution of the search warrant. We have talked about the
21 laptop and the computer -- the laptop and the desktop -- I'm sorry -- but during the execution of that
22 search you knew it was important -- you were looking for any information that would tend to
23 corroborate or refute the version of events that AIC [REDACTED] had told you, right?

24 A. Correct.

25 Q. And during the execution of that search warrant, did you seek or look for a toothbrush?

TESTIMONY OF JOSIAH ROLOFF, PRESIDENT & SENIOR FORENSIC EXAMINER FOR GLOBAL
COMPUSEARCH

1 A. Yes.

2 Q. Could you tell from that LG phone what the last day of use was?

3 A. I could. From what I recall it was just the next month or probably the first or second day of
4 the next month.

5 Q. October of 2013?

6 A. Correct.

7 STC: Thank you, Your Honor. I have no further questions.

8 MJ: Defense Counsel, you may proceed.

9 SDC: Thank you, Your Honor.

10 **CROSS-EXAMINATION**

11 **BY SENIOR DEFENSE COUNSEL:**

12 Q. Good morning, Mr. Roloff.

13 A. Good morning.

14 Q. Now, I'd like to start by talking with the chip-off procedures that you did -- that were
15 conducted.

16 A. Sure.

17 Q. There was chip-off procedures conducted on the LG phone?

18 A. Correct.

19 Q. And on the Blackberry?

20 A. Yes.

21 Q. And the decision to do that chip-off procedure was made by the prosecution?

22 A. Yes.

23 Q. Knowing that it would destroy the phone?

24 A. Correct.

25 Q. Knowing that if it was unsuccessful it would destroy evidence?

1 A. I believe it was earlier that evening, but I don't recall the specific time.

2 Q. Were they taken at approximately 10:55 p.m.?

3 A. That sounds about right.

4 Q. Or I should say 11:55 p.m. Eastern Daylight Time, 10:55 p.m. Central Daylight Time.

5 A. Correct.

6 Q. Now, you talked a little bit on direct examination about the text messages between Sergeant

7 Condon and Airman First Class [REDACTED]

8 A. Yes.

9 Q. And you talked about the deleted text messages between the two of them?

10 A. Yes.

11 Q. And on direct examination you testified that there did not appear to be a selective deletion of

12 the text messages?

13 A. Correct.

14 Q. Isn't it true, that in the time period of 30 August 2013 until the 8th of September 2013, there

15 were a handful of text messages between Sergeant Condon and Airman [REDACTED] that she did selectively

16 delete?

17 A. During that timeframe, yeah. There were approximately seven that were deleted, but

18 recovered.

19 Q. So, they were removed from the -- she attempted to remove them from the phone?

20 A. Yes.

21 Q. And that wasn't at the beginning or the end of the time period?

22 A. No. It was kind of sporadically throughout.

23 Q. Did it appear that those messages were selectively deleted?

24 A. Those ones specifically would have had to be individually selected, yes.

TESTIMONY OF SPECIAL AGENT VORDERBRUGGEN

1 A. Yes.

2 Q. Tell me about when you recall seeing that phone for the first time.

3 A. Um, that was a long time ago, and I - I actually recall it being on my desk one day when I
4 was sitting over here at Hurlburt Field; because I have an office at both bases. Um, and one day, I
5 noticed someone had sat it on my desk, but I really don't know who put it there.

6 Q. So, you had a chance to look at the evidence tag in the case.

7 A. Yes, I looked at it.

8 Q. And who does that show turned over the phone to you?

9 A. Um, [REDACTED].

10 Q. Tell me about what you did with the phone when you saw it on your desk.

11 A. Um, I kept it there and I don't remember for what amount of time. But I know when it was
12 logged into evidence. [REDACTED] filled out the tag -- someone else filled out the tag, and he gave it to me
13 because I was the evi -- I was one of the evidence custodians in our squadron. And so, I would have
14 logged it in to evidence. And then, we maintained it for I forget how long, um, to be exact, before we
15 would have logged it out to the other unit that maintained all of our evidence for us for this case.

16 Q. And that would have be the one, the office over at Tyndall, correct?

17 A. Correct.

18 Q. So, what did you -- were you able to get into the phone itself?

19 A. No.

20 Q. Why not.

21 A. It was password protected. And I'm unaware of anybody ever tried to digitally extract it, but
22 I know it was password protected so nobody could just flip through it and look at it.

23 Q. When you saw it, at some point the phone was on?

24 A. Correct.

1 Q. Going back to the 6th and 7th of September, did you participate in an interview with AIC

2 [REDACTED]
3 A. Yes.

4 Q. And was, again, was this yourself and Agent Wilson, as well?

5 A. Yes.

6 Q. Specifically, on the 7th of September, did you -- where was this interview taken?

7 A. On the seventh?

8 Q. On the seventh.

9 A. It was over at the SVC Office, here, on Hurlburt Field.

10 Q. And you, at that point, you'd obviously had a chance to speak with her the previous day,
11 right?

12 A. Yes.

13 Q. So, you were familiar with what she had alleged?

14 A. Yes.

15 Q. Tell me about what your observations of her, specifically -- well, first of all, what uniform
16 was she wearing when you spoke with her?

17 A. Her ABU's.

18 Q. And were the sleeves down?

19 A. Yes.

20 Q. Tell me about your observations of her, the parts of her body that you could see, say, from
21 the t-shirt on up.

22 A. Um, they were clear of any injury, if that's what you're getting at. Um, she had no, no
23 markings or anything that we could see from her neck up.

24 Q. Redness?

25 A. No, I couldn't see any of that.

1 Q. Swelling?

2 A. No.

3 Q. Bruising?

4 A. No.

5 Q. Abrasions?

6 A. No.

7 Q. And did you -- did, at some point, you actually asked her to pull the uniform kind of aside so
8 you could get a better look?

9 A. Yes.

10 Q. And what did you -- did you notice anything different at that point?

11 A. No.

12 CDC: May I have just a moment?

13 MJ: You may.

14 [Defense counsel confer.]

15 **DIRECT EXAMINATION, (resumed)**

16 **BY CIVILIAN DEFENSE COUNSEL:**

17 Q: Just returning to the Blackberry for a moment.

18 A. Mm-hm.

19 Q. Was it unusual that a work assigned Blackberry would be password protected?

20 A. No. That's required.

21 CDC: Thank you.

22 MJ: Trial Counsel.

1 **CROSS-EXAMINATION**

2 **BY SENIOR TRIAL COUNSEL:**

3 Q. Agent Vorderbruggen, one of your prior jobs in OSI was as an FSC, is that right?

4 A. Correct.

5 Q. What's an FSC?

6 A. A Forensic Science Consultant.

7 Q. And if you could tell the members, just briefly, what an FSC does?

8 CDC: This - this is certainly beyond the scope, Judge.

9 MJ: Trial Counsel?

10 STC: Your Honor, I think it goes directly to why she did what she did as far as her actions with
11 any phones that the accused had --

12 MJ: Well, just the Blackberry.

13 STC: Yes, that's correct, sir.

14 MJ: That's all she's talking about.

15 STC: All right, sir.

16 MJ: Focus on the Blackberry. You may continue.

17 STC: Okay, sir. And I do intend to ask questions about an iPhone, as well. So, I would ask
18 permission to go ahead and ask the witness this now on the stand. I could certainly use direct exam
19 questions.

20 MJ: Defense Counsel?

21 CDC: They can call her in rebuttal if they figure that there was a proper method for the rebuttal.
22 But otherwise, this is not direct examination.

23 MJ: Concur. Trial Counsel, you can ask about the Blackberry and stay focused on that. If you
24 want to call her back in rebuttal, you may.

25 STC: Thank you.

1 **CROSS-EXAMINATION, (resumed)**

2 **BY SENIOR TRIAL COUNSEL:**

3 Q. So, this Blackberry -- as far as an FSC goes, are you familiar with, I believe they're called,
4 "Faraday Bags?"

5 A. I know what they are, yes.

6 Q. Okay. And the Blackberry was on your desk. Did it have a Faraday Bag on it?

7 A. No.

8 Q. All right. What is a Faraday Bag?

9 A. It is a bag made of special material that when the phone is placed inside of it, it makes it so
10 that nobody can remote access that phone in any way, shape, or form. It can't receive any signal.
11 Nobody can remotely shut it off or do anything to it.

12 Q. Okay. So, when you had it on your desk, this was also prior to the accused entering into pre-
13 trial confinement?

14 A. Yes.

15 Q. Okay. And just to be clear, he didn't have, for at least week, up until he went into pre-trial
16 confinement, he didn't have physical access to that building, correct?

17 A. Correct.

18 Q. Because y'all had moved him in the Maintenance Group --

19 A. Yes.

20 Q. -- and changed the cypher locks in the doors?

21 A. Yes.

22 Q. All right. So, he didn't have physical access to that phone, perhaps, during this time period,
23 but there was no Faraday Bag on it. So, is it possible, then, without a Faraday Bag, for someone to
24 remotely access and attempt to wipe the memory on a phone?

25 A. I'm not knowledgeable enough in digital evidence or digital media, period --

1 Q. Sure.

2 A. -- to really be able to answer that question.

3 Q. But that's the whole point of the Faraday Bag?

4 A. Correct.

5 Q. And this Blackberry did belong to the accused for quite some time?

6 A. My understanding is yes.

7 Q. In fact, the same one he took with him to Africa?

8 A. Yes.

9 STC: Thank you. I have no further questions.

10 MJ: Defense Counsel, any follow-up?

11 CDC: We don't have any further questions, sir.

12 MJ: Members of the court, do you have any questions for Special Agent Vorderbruggen? That's

13 a negative response from the court members.

14 Defense Counsel, do you want the witness held subject to recall.

15 CDC: We do not.

16 MJ: Trial Counsel?

17 STC: Yes, Your Honor.

18 [The witness was duly warned, temporarily excused, and withdrew from the courtroom.]

19 CDC: While she's exiting the courtroom, may we have just one moment?

20 MJ: Absolutely.

21 [Defense counsel confer.]

22 CDC: The defense is prepared to proceed.

23 MJ: You may.

24 CDC: The defense calls [REDACTED].

25

Monica Lopez vs Condon's Neighbor

1. The testimony of TSgt. C's neighbor, Ms. L.. She lives in the townhouse next to TSgt. C. and they have a shared wall. When TSgt. C. used the downstairs bathroom, she can hear it. Right next to this door is where M.L. alleges the assault began, yet this neighbor heard nothing. This neighbor had heard fights in that apartment from previous tenants, but nothing on this evening. Even her little dogs did not alert to a disturbance so close by. One little bark from one dog at 0200 hours, when M. L. was leaving the townhouse, nothing else.

1 Q. And you do so?

2 A. I do.

3 Q. And that's when he proceeds to spank you with the -- a paddle at least, right?

4 A. Yes, sir.

5 Q. And you're nude at this point, right?

6 A. I am.

7 Q. So, there's no clothing on your back side?

8 A. No.

9 Q. And you described him as spanking you very, very hard, right?

10 A. Yes, sir.

11 Q. In fact, so hard that you were screaming in pain?

12 A. Yes, sir.

13 Q. And he struck you more than six times?

14 A. I believe so.

15 Q. Now, your testimony today, as I understood it, you saw Prosecution Exhibit 5, right, the
16 black paddle, a moment ago, a few moments ago?

17 A. Yes.

18 Q. Is it your testimony today that you've never seen that paddle before?

19 A. I don't know if I have or haven't.

20 Q. Is it your testimony today that you never used a paddle in sexual relationships with Sergeant
21 Condon?

22 A. No. That's not my testimony.

23 Q. Your testimony is then that you did use a paddle in previous sexual encounters with Sergeant
24 Condon?

25 A. One previous one we had.

TESTIMONY OF NEIGHBOR- **KATHY LAGOZZINO**

1 I DC: Sir, it appears that one of the members is missing one of them. Could we ask which one
2 I they do not have?

3 I MJ: Absolutely.

4 I MBR (**MSgt McNabb**): It's that one. May I please --

5 I MBR (**Capt Miller**): - I need --

6 I MBR (**MSgt McNabb**): Oh, sorry.

7 I MBR (**Capt Miller**): It's missing.

8 I MJ: Can you see which exhibit that is?

9 I MBR (**MSgt McNabb**): H.

10 I DC: One moment, please.

11 I MJ: Defense Counsel, you can have mine.

12 I DC: Thank you. Retrieving -

13 I MJ: You're welcome.

14 I DC: - Defense Exhibit H from the military judge.

15 I MJ: It's a copy. Here you go.

16 I DC: Thank you, and providing to the military member.

17 I Sir, at this time, the defense calls **Ms. Kathy Lagozzino**.

18 I **KATHYLAGOZZINO**,

19 I **civilian, was called as a witness for the defense, being duly sworn, testified as follows:**

20 I TC: Ma'am, will you state your name for the record?

21 I WIT: Yes. **Kathy Louis Lagozzino**.

22 I TC: And in what city and state do you reside?

23 I WIT: **Fort Walton Beach, Florida**.

24 I TC: Do you know the accused, Tech Sergeant Condon, in this case?

25 I WIT: Yes, I do.

1 TC: Do you see him in the room?
2 WIT: Yes, I do.
3 TC: Can you point him out?
4 WIT: Yes, [pointing] he's right there.
5 TC: Positive identification of the accused. Your witness.
6 DC: Thank you.

7 **DIRECT EXAMINATION**

8 **BY DEFENSE COUNSEL:**

9 Q. Good afternoon, Miss Lagozzino. How are you doing?
10 I A. Hi. I'm okay. Thank you.
11 I Q. You said just a minute ago that you do, in fact, know Tech Sergeant Robert Condon?
12 A Yes.
13 Q. How do you know him?
14 I A. He's my next door neighbor.
15 I Q. Now, you say he's your neighbor. Where do you live?
16 I A. I live on - at 455 Waterway Lane, in the Harbor Townhome -Townhomes. He lives at 457.
17 I Q. What type of unit is Tech Sergeant Condon's apartment?
18 A He has a townhome. It's the end unit. It's the last one on the water.
19 Q. And is he on your right or on your left?
20 I A. Facing the units, he's on the right.
21 I Q. Now, Miss Lagozzino, before we go into describing the actual layout of the townhome, I
22 I would like to show you Defense Exhibits F, G, and H.
23 I Your Honor, may I approach the witness?
24 I MJ: You may.

1 I Q. I'm providing Defense Exhibits F, G, and H to the witness. And, if we could, let's just start
2 I with Defense Exhibit F. Do you know what this is?

3 I A. Yes.

4 I Q. Could you explain it to the members?

5 I A. This is the beginning of ~~Waterway Lane~~, the beginning of our street -- lane and the
6 I townhomes.

7 I Q. And now, we're moving over to Defense Exhibit G. What is this?

8 I A. The same; just a little closer in, closer to our units: ~~Waterway Lane~~.

9 I Q. And are your townhomes on the left or on the right of this picture?

10 I A. On the left.

11 I Q. And now, looking at Defense Exhibit H, could you explain to the members what this is a
12 I picture of?

13 I A. Yes. This is the very end. This would be where -well, his unit isn't in the picture, but this
14 I is the very end where the - where it meets the water and his unit is. Just out of the picture on the left.

15 I Q. And the witness is using her figure to point to the left of Defense Exhibit H.

16 I A. Yes. And you can also see the gazebo, which is right in front of his unit.

17 I Q. So, it looks like directly across from yours and Sergeant Condon's townhome that there is
18 I really no apartment right on --

19 I A. That's correct. It's water.

20 I Q. Thank you. I'm retrieving Defense Exhibits F, G, and H from the witness.

21 I All right. Let's talk a little bit more about the actual layout of your townhome. Could
22 I you describe for the members the general layout?

23 I A. Okay. It's a townhome, so it's a two-story. They're not very wide, but they're deep. They
24 I go long. So, I'm not sure - do you want me to -- exactly what you want me to - each room or -

25 I Q. No. That's fine. How many bedrooms do you have?

1 A. Two.

2 Q. And downstairs, what types of, I guess, living arrangements is downstairs?

3 I A. The entry foyer, there's a coat closet, kitchen, a small half-bath under the stairs, and the
4 I living area - the main living area.

5 I Q. Now what parts of your townhome and Tech Sergeant Condon's townhome connect?

6 I A. Okay. We have the entire wall on the right-hand side but upstairs and downstairs. That
7 I would include the foyer, the closet, the bathroom, the stairway, part of the family room downstairs.
8 I And, then, upstairs, it would include the major wall on both bedrooms upstairs.

9 I Q. And how long have you been living in your townhome?

10 I A. I bought it in about 1989. I lived there a few years and then I moved away. I came back to
11 I Fort Walton in about 2002 and I moved back into my unit in 2005.

12 I Q. Do you currently live with anyone?

13 A No.

14 Q. Did you live with anyone back in 2013?

15 I A. No. My daughter would - she went to school in Pensacola, so she would pop back for, you
16 I know, an occasional weekend, but primarily I lived alone.

17 I Q. How often would you say that you would interact with Tech Sergeant Condon?

18 I A. We were friendly. I'm - you know, whenever I saw him coming or going. I don't know
19 I how many times total that would be. You know, we might say a few words or, you know, always
20 I greeted each other if we saw each other.

21 I Q. Would you consider yourself a close friend of his?

22 I A. Not a real close friend, but - but we did have several conversations; especially, when it came
23 I to - I'm on the Board of Directors for the Harbor Townhome Association. And he needed some help
24 I with getting in touch with the owner about his unit, or his boat slip. He needed the lift for the Jet Ski
25 I fixed because it was inoperable. Things, you know -things of that nature.

1 [Q. What kind of a neighbor was Tech Sergeant Condon?

2 [A. I considered him a very good neighbor. He was very quiet, very, very considerate.

3 [Q. Would he have any, like, loud parties?

4 [A. Never. No, never.

5 [Q. What about his music?

6 [A. No. We heard his music one time and it happened to be on a time when my daughter was

7 [home visiting. And it was almost when he just first moved in. And my daughter teased him about his

8 [country music, and I guess, - after that, we never heard anything. So, in my mind, him realizing that we

9 [could hear the music, he turned it down.

10 [Q. What about walking up and down the stairs, could you hear that?

11 [A. Usually. Yes. Because it's a thin wall and his stairs are not carpeted; so, you can usually

12 [hear when somebody, you know, runs up or down the stairs. Yes.

13 [Q. If somebody was in the parking lot would - and you were inside of your townhome, would

14 [you be able to hear, perhaps, a conversation outside?

15 [A. Sometimes, if I was --depending on where I was in my unit. Unfortunately, the - all of the

16 [windows are not very well insulated I would say; so, some conversations, yes.

17 [Q. Now Tech Sergeant Condon, he has a motorcycle. Would you hear his motorcycle coming

18 [and going?

19 [A. No. He wQ.S - he has a Harley, but I can't remember how I found out, but somebody saw

20 [him pushing his motorcycle all the way down to the end of the street before starting it up, so that he

21 [wouldn't disturb anybody.

22 [Q. Now, have your neighbors always been this respectful?

23 [A. No. No.

24 [Q. Could you explain to the members what - a little bit more about what you mean?

1 [A. Just a couple of neighbors, in particular, we had. When I first moved back in with my
2 [daughter in about 2005, we had a couple of young Airmen who lived there in his unit. And, the way I
3 [can describe it best is they liked to get dnmk on the weekends and beat each other up. So, there was a
4 [lot of shouting and scuffling and, you know, things hitting the wall and a lot of noise, a lot of noise.

5 [Q. And you could hear this noise?

6 [A. Yes, absolutely. We could hear them shouting. We could hear them scuffling. We could
7 [actually tell where they were in the unit because, you know, you could just hear it. So, we knew when
8 [they had moved downstairs and upstairs.

9 [Q. And the witness is moving her hands from the left to right to show movement.

10 [A. And I'm referring to my daughter who was there at the time when those neighbors were
11 [there. My daughter lived with me. So, that was the "we".

12 [Q. Could you hear them - I'm just going to break down the locations. Could you hear them
13 [fighting when they were perhaps in the foyer area?

14 [A. Sure, absolutely.

15 [Q. What about by the staircase? Could you hear fighting then?

16 [A. Yes, up and down the stairs and in the bedrooms.

17 [Q. And you say bedrooms. Could you hear them in both bedrooms?

18 [A. Yes.

19 [Q. I believe you said that you could figure out where they were just following the sounds of
20 [their voice?

21 [**A. Yeah.**

22 [Q. Now do you remember the evening of September 4th?

23 [A. Yes.

24 [Q. How do you remember that evening?

1 I A. I remember it because shortly after that investigators came to talk to me about that week, that
2 I particular time period.

3 I Q. I'm going to draw your attention to this entire week just to make sure that we have the right
4 I nights.

5 I A. Sure.

6 I Q. For this entire week, the week of September 4th, what times were you home?

7 I A. I was home every evening.

8 I Q. After, approximately, what time would you say?

9 I A. In fact, I remember telling them that I'm almost always there. I'm - yes. So I'm -- I am
10 I medically retired, and I may go out to run an errand or two, but I'm almost always home.

11 I Q. Let's put a timeframe. Perhaps after six o'clock p.m.?

12 I A. For sure. Yes. Almost -

13 I Q. For sure?

14 I A. Yes.

15 I Q. So this entire week you -- for sure, you were home after six o'clock?

16 I A. Yes.

17 I Q. And what were you doing in the evenings?

18 I A. Cooked dinner, watched TV, or read a little bit.

19 I Q. When you watch TV, typically, what volume do you have it at?

20 I A. Oh, very softly.

21 I Q. Why is that?

22 I A. Well, because I know the walls are thin, and on the other side of me, they have surround
23 I sound, and so it's - it can be loud. So I always keep my TV turned down very softly.

24 I Q. And what time do you typically go to bed?

25 I A. Usually anywhere between 12:00 and 3:00 a.m.

1 I Q. And on September 4th, was this night any different?

2 A. No.

3 Q. Did your routine change at all?

4 I A. No. It's always pretty much the same.

5 I Q. All right. So you said you were downstairs watching TV?

6 A. Uh-huh.

7 Q. Let's talk a little bit about what you can hear when you're downstairs watching TV. From

8 I, your location of the television, where is the - your television located in your house?

9 I A. It's on the back wall where - to the -- you know, out to the, I guess, the patio. It's on the

10 I very back wall is where mine is located.

11 I Q. And is this the wall that would be, perhaps, opposite where you would enter the apartment?

12 I A. Yes. It would be - it would be as far away from the front door as you could get. Yes.

13 I Q. And about how close would you say your seat is to the shared wall with Tech Sergeant

14 I Condon?

15 A. Pretty close. I have two couches. I always tend to sit in the very same place. So that - the

16 I one that I'm on is very close to the wall; just a foot or two.

17 I Q. If someone were in Tech Sergeant Condon's apartment and were to open and close a cabinet

18 I door, is it possible for you to hear this?

19 I A. You can usually hear the cabinets if they're on the wall. Yes. You can hear if someone just

20 I lets one go and not, you know, doesn't close it like that. If you just sort of let it go, you can hear it.

21 I Q. And what about if you were in the downstairs bathroom by the staircase? What can you hear

22 I from there?

23 I A. If you don't turn on the fan, you can just about hear everything.

24 I Q. And when you say "everything," do you mean bowel movement?

1 A. You could definite -- I don't think I've ever heard that, but you could hear, like, someone
2 raising the commode and you could actually hear the voiding. Yeah. You could hear it.

3 Q. Voiding like urinating?

4 A. Yes. Yes. Right.

5 Q. Now that night, on September 4th, did you hear anything unusual?

6 A. I did not.

7 Q. Did you hear any yelling?

8 A. No.

9 Q. Any screaming?

10 A. No.

11 Q. Any fighting?

12 A. No.

13 Q. Anythumping?

14 I A. Nothing.

15 I Q. Did you hear anything hit your wall?

16 A. No.

17 Q. Now I recall you may have said at another time that one of your dogs may have barked one
18 I night that week?

19 A. Uh-huh.

20 Q. Can you tell us a bit about that?

21 I A. Well, they never were real specific about any details when the investigators came to talk to
22 I me. And, so, I was recalling the entire week, and I was to let them know if any - you know, if I'd heard
23 I anything any of those nights. And I did say that one night one of my dogs barked.

24 I Q. How many dogs do you have?

25 I A. Four.

1 [Q. Would it be unusual for one of your dogs to bark?
2 [A. That's kind of unusual for just one to bark without the rest chiming in. Yes.
3 [Q. Based on what you know about your dogs, what did that tell you?
4 [A. I'm sorry. Just -
5 [Q. The fact that just one had barked instead of four?
6 [A. Oh, probably something minor. Maybe a cabinet closing, a door closing, something like that.
7 [Something, you know - yeah, something small.
8 [Q. And approximately what time was it that you heard your dog bark?
9 [A. It was pretty late. I believe around 2:00 a.m. Somewhere around there, maybe a little later,
10 but around that time.
11 Q. So around 2:00 a.m. one night, but you're not positive exactly what night?
12 I A. I don't even know. I told them I didn't even know which night that would have been. Right.
13 I Q. Now this entire week, including September 4th, did you hear anything at all that resembled
14 I the interactions you heard when the old roommates were living there?
15 I A. No, nothing.
16 I DC: Thank you. **Ms. Lagozzino**, those are all the questions that I have, but just stay seated for
17 I just a few minutes and -
18 I WIT: Ofcourse.
19 I DC: -- the government may have a few questions -
20 WIT: Of course.
21 DC: -- for you as well.
22 I MJ: Trial Counsel, any questions?
23 I TC: Just one moment, Your Honor.
24 I [Trial counsel confer.]
25 I TC: All right Just a few questions for you.

██████████ (Initial Accuser) vs SANE Nurse

M.L. is the only accuser to make a sexual assault report of her own accord and she is a liar. That she is a liar is apparent to anyone that actually takes a look at the trial transcript itself. The truth is in there if anyone reads it and shows that there is no evidence to support these charges.

I have no idea why M. decided to make such an allegation, we may never know. The entire case is one of HE SAID/SHE SAID. The military has a new policy of "believe the victim" but this allows all types of lies. On the night in question, no one was a witness to the alleged offense. However, the next person that the accuser came into contact with was the SANE Nurse.

1. The exam by the nurse, C. C., which occurred at approximately 0400 hours – so just a few hours later. M. alleges an extremely violent attack in which she was choked by being lifted off her feet by her neck, she was thrown to the floor and choked again, she was slapped in the face hard enough that she tasted blood, she was forced to have oral and vaginal sex, she was paddled and she was bitten on her shoulder. Yet read for yourself nurse C.'s findings – how could all this occur without a sign of injury? M. even alleges that she already had bruises from a previous encounter, yet again Nurse C. was unable to find them.

NOTE: A special subdermal camera was brought in from Quantico to look beneath the layers of skin on M. L.'s shoulder, no injury was found. The camera was working as they did view her tattoo. TSgt. C's DNA was found on her shoulder but not from a bite, because she crawled into his bed, laid her head on his chest – which placed her shoulder under his armpit the DNA was sweat – hot Florida night.

1 Q. So, you said you went over there with the idea that you were going to talk to him, help him
2 cope with whatever demons, I think you said, that he was dealing with, right?

3 A. Yes, sir.

4 Q. But when you got over there you ended up staying over through the rest of that night, right?

5 A. I don't remember if I stayed the night.

6 Q. But that was one of your sexual encounters that you --

7 A. Yes, sir.

8 Q. -- talked about on direct because that encounter, was it not, the one that led you to complain
9 about these bruises that you testified to on September 4th?

10 A. That's correct.

11 Q. And that was the incident that caused those bruises or that was the encounter that caused
12 those bruises?

13 A. Yes, sir.

14 Q. Were these visible bruises? Could you see them?

15 A. You could see them.

16 Q. You could?

17 A. Yes, sir.

18 Q. And so two days after that time when you were bruised through sexual intercourse, you make
19 these arrangements to go over again for dinner, right?

20 A. Yes.

21 Q. And you had been over to his house several times before?

22 A. Yes.

23 Q. And you'd spent the night there?

24 A. I believe I stayed the night one or two times, but not every time I went over did I stay the
25 night.

TESTIMONY OF [REDACTED] (SANE NURSE)

1 MJ: Defense Counsel.

2 SDC: Thank you, Your Honor.

3 **CROSS-EXAMINATION**

4 **BY SENIOR DEFENSE COUNSEL:**

5 Q. You've been a nurse for approximately 20 years?

6 A. Yes, sir.

7 Q. And you've been a SANE for the last three?

8 A. Yes, sir.

9 Q. And you've conducted SANE exams in your career or SAFE exams?

10 A. Yes, sir.

11 Q. In your capacity as a SANE nurse it's your responsibility to write down the history as given
12 to you?

13 A. Yes, sir.

14 Q. And you do not corroborate the history with anyone else in a case?

15 A. No, sir.

16 Q. When someone complains of a sexual assault and SANE exam is ordered isn't it true that you
17 have to document any and all findings?

18 A. Yes, sir.

19 Q. Because any and all findings are important.

20 A. Yes, sir.

21 Q. So, if no injury is documented the court can rely on that as record, that that was accurate at
22 the time of your examination, correct?

23 A. I documented that there were no gross visual -- no findings and gross visualization, yes, sir.

24 Q. Now, in your capacity as a SANE, you perform a physical exam and collect evidence?

25 A. Yes, sir.

1 Q. And do you actually perform the examination yourself? The examination that you
2 documented on the form, did you perform that yourself?

3 A. Yes, I did, sir.

4 Q. And I believe a physician conducted one part.

5 A. Yes, sir.

6 Q. But you were right there documenting everything that was found.

7 A. Absolutely, sir.

8 Q. And you're familiar with the scope of injuries that can occur through sex, correct?

9 A. Yes, sir.

10 Q. And in the course of your career you have documented injuries during SANE examinations?

11 A. Yes, sir.

12 Q. Now, what are some of the common genital injuries involved with the -- sex?

13 A. You can see contusions. You can see abrasions. There can be tearing of tissue. Any number
14 of things that you can see externally you can also internally.

15 Q. And you would also see redness potentially?

16 A. Potentially.

17 Q. Swelling?

18 A. Potentially.

19 Q. Bruising?

20 A. Potentially.

21 Q. And you talked a little bit about the healing rate of the female genitalia.

22 A. Yes, sir.

23 Q. And isn't it true, "by quickly" you mean that it can heal over the course of several days?

24 A. It could happen over the course of several days. It could happen as quickly as a few hours.
25 Everybody is different, sir.

1 Q. Now, in the course of your exam, you also document non-genital injuries?
2 A. Yes, sir.
3 Q. And would you say that you're qualified to identify swelling and bruising if present
4 anywhere on someone's body?
5 A. Absolutely, sir.
6 Q. And in this case, you did a physical examination of Airman [REDACTED]
7 A. Yes, sir.
8 Q. And you examined her from head to toe?
9 A. Yes, sir.
10 Q. You examined her face?
11 A. Yes, sir.
12 Q. Her mouth?
13 A. Yes, sir.
14 Q. And in fact, you had her open her mouth?
15 A. Yes, sir.
16 Q. So that you could examine the inside of her mouth?
17 A. Yes, sir.
18 Q. Now, inside her mouth you examined her cheeks?
19 A. Yes.
20 Q. Her teeth?
21 A. Yes, sir.
22 Q. Her gums?
23 A. Yes, sir.
24 Q. Her tongue?
25 A. Yes, sir.

1 Q. Basically everything that you could see inside her mouth?
2 A. Absolutely, sir.
3 Q. You also examined the rest of her body?
4 A. Yes, sir.
5 Q. Her neck?
6 A. Yes, sir.
7 Q. Her chest?
8 A. Yes, sir.
9 Q. Her arms?
10 A. Yes, sir.
11 Q. Her legs?
12 A. Yes, sir.
13 Q. Including her knees?
14 A. To my recollection, yes, sir, from head to toe.
15 Q. Would you have examined her inner thighs as well?
16 A. Yes, sir.
17 Q. And during this examination, it's safe to say that Airman [REDACTED] was not dressed?
18 A. Correct.
19 Q. Now, you used a Woods Lamp during your examination?
20 A. Yes, sir.
21 Q. Can you explain to the members what a Woods Lamp is?
22 A. A Woods Lamp is a special light that when in darkness you illuminate it over clothing, over
23 parts of the body, it will illuminate secretions, saliva, seminal fluid, but it can also highlight and
24 illuminate things like detergents, solutions, so you have to be careful at what you're looking for.
25 Q. And why do you use a Woods Lamp?

1 A. To help us as a tool to give us -- because some of our victims that show up have no
2 recollection of things that had gone on, so it's very important for us to examine every area. And if they
3 don't have a recollection, then the Woods Lamp may give us an indication of where we would need to
4 do swabs or to investigate a little bit further.

5 Q. And is it safe to say that a Woods Lamp would let you see maybe an injury that you couldn't
6 see with a naked eye?

7 A. It could potentially.

8 Q. Now, I'd like to focus in on a few areas of your exam.

9 A. Yes, sir.

10 Q. Now, you did document one spot on the exam and that was the shoulder?

11 A. Yes, sir.

12 Q. And on the shoulder there was some redness?

13 A. Yes, sir.

14 Q. Now, you examined her mouth and you examined both inside and out, correct?

15 A. Yes, sir.

16 Q. And if there were any injuries, you would have documented it?

17 A. Yes, sir.

18 Q. You would have documented any cuts?

19 A. If I had seen them, yes, sir.

20 Q. Loose teeth?

21 A. Yes, sir.

22 Q. Gum injuries?

23 A. Yes, sir.

24 Q. Basically, any finding inside Airman [REDACTED] mouth, you would have documented it?

25 A. Yes, sir.

1 Q. You did not find any signs of injury to her mouth?
2 A. I did not see anything visible.
3 Q. You also examined her neck?
4 A. Yes, sir.
5 Q. And Airman [REDACTED] told you that her neck was tender?
6 A. Yes.
7 Q. And that would be a subjective sign of injury?
8 A. Yes, sir.
9 Q. And that basically means that you, as a medically provider, have to take her at her word for
10 that?
11 A. Yes, sir.
12 Q. You found no swelling on her neck?
13 A. No, sir.
14 Q. No redness?
15 A. No, sir.
16 Q. No finger or thumb marks?
17 A. No, sir.
18 Q. No objective evidence of physical injury?
19 A. No, sir.
20 Q. You examined her knees?
21 A. Yes, sir.
22 Q. Did you see any abrasions, cuts, anything on her knees?
23 A. No, sir.
24 Q. In fact, you found no abrasions on her entire body?
25 A. No, sir.

1 Q. When you examined her inner thighs, did you see any evidence of bruising?
2 A. No, sir.
3 Q. You examined her buttocks?
4 A. Yes, sir.
5 Q. Fully unclothed?
6 A. Yes, sir.
7 Q. With and without the special lighting?
8 A. Yes, sir.
9 Q. You found no evidence of trauma?
10 A. No, sir.
11 Q. And you examined her genitals?
12 A. Yes, sir.
13 Q. And you found no objective evidence of genital trauma?
14 A. Nothing that was visible, sir.
15 Q. Now, genital trauma can come from both consensual and non-consensual sex?
16 A. Absolutely, sir,
17 Q. And the mark you found on Airman [REDACTED] shoulder that can come from consensual or non-
18 consensual activity?
19 A. Yes, sir.
20 SDC: Your Honor, may I have a moment?
21 MJ: You may.
22 [Defense counsel confer.]
23 SDC: Thank you. No further questions, Your Honor.
24 MJ: Trial Counsel?
25 ATC: Thank you, sir.

I am Holly Yeager, the mother of TSgt. Robert Andrew Condon, I'm a retired police officer; and 30-year veteran of the Toledo Police Department.

IF YOU ARE WILLING TO CHEAT, YOU CAN MAKE ANYONE GUILTY OF A CRIME

- Andy was denied legal representation when the military intentionally & repeatedly geographically separated him from his privately hired attorney - keeping him from being able to assist in his own defense.
- He spent 77 days in solitary confinement in a civilian facility later charged with starving prisoners, Andy lost 40 lbs.
- His "Speedy Trial Rights" were denied because he spent 344 days confined before trial.
- He was denied "INNOCENT UNTIL PROVEN GUILTY", when the convening authority threw out 9 drug cases that Andy and his partner had discovered and charged – 120 days before he, himself, was charged with any crime *EVEN THOUGH 2 OF THE DRUG DEFENDANTS HAD ALREADY BEEN FOUND GUILTY AT COURT MARTIAL.*
- The primary accuser described a brutal rape, which included bruising on her legs, marks on her neck from being choked and a bite wound. The SANE nurse found ZERO evidence of any injuries. She also found ZERO evidence that the accuser had sexual intercourse of

any kind with Andy. She used a Woods Lamp to see even the slightest injury, NOTHING.

- The OSI interviewing officer was also unable to see any bruises. OSI ordered a special subdermal camera from Quantico, VA to look for trauma under the layers of skin for this severe bite to her shoulder, ZERO trauma seen but they knew the camera was working because they saw the layers of her tattoo. *(I am able to send the entire testimony of SANE nurse if requested).*
- The investigators began SEARCHING to find a credible accuser. They forced Andy's work partner, who had a consensual romantic relationship with him to become an accuser: They took her phone with an ILLEGAL SEARCH WARRANT and then used her own minor misconduct TO FORCE HER TO CLAIM VICTIM STATUS AGAINST ANDY.

She repeatedly stated that she was not a victim and as an OSI agent herself had just finished the Advanced Course in Sexual Assault Investigation – shouldn't she know?

She felt so strongly that this was wrong, that she wrote a 3-page letter to the convening authority begging not to have any part of this trial and was ORDERED to testify as a victim – *(A.D.'s Letter, attached with the rest of proof at the end of this document).*

Defense attorneys requested background checks on everyone involved in the case – the prosecutor and investigators did not disclose the prior FELONY CONVICTION of the original accuser. Her felony conviction meant that she had fraudulently enlisted in the Air Force.

- The request for this information was filed by Air Force defense attorneys Oct. 2013 – about a year before Andy's trial.

- [REDACTED] states in a letter to Congresswoman Kaptur that the Defense had the felony conviction information, one day before post-trial clemency, Jan. 2015. *(Letter from [REDACTED] to Congresswoman Marcy Kaptur)*
- I have proof that we never received it from the Air Force at all. It was found, because we hired a private investigator in 2017 – too late for trial – too late for the Air Force appeal and rejected by CAAF because we hadn't used it at trial. *(Affidavits from [REDACTED] – Air Force assigned attorney doing the post-trial clemency request)*
- After spending over \$250,000 of our family's life savings to defend my son, who here believes that if I had received that information one day before my son's post trial clemency hearing that I wouldn't have presented it?
- She also stated in this letter that Andy's first request for Parole was denied – weeks before it had even been sent to her – will he ever receive parole if they are denied without even being viewed? *(Proof of first request for clemency, denied two months before it was even sent from the USDB – mentioned as second issued in [REDACTED] letter)*
- Andy's friend was interviewed by two OSI agents - who presented her with false evidence, accusing her of have an affair with Andy. They threatened they would tell her deployed husband that she was having an affair. Knowing it wasn't true, she refused to cooperate; however, how does this align with the Air Force creed: "A Tradition of Honor & a Legacy of Valor?" *(Andy's friends letter).*

- Andy's phone was DESTROYED while in the hands of the PROSECUTION. 55 days of communication between Andy and the original accuser was destroyed; this valuable evidence to support Andy was lost. *(Testimony of [REDACTED] on destruction of evidence).*
- This evidence should have been retrievable on accusers' phone – it was noted that she had TWO PHONES - the investigators did not collect it!

Andy has not received a fair appellate review because the prosecutor (JH) who was tasked with creating the record of trial, certifying it and distributing it to all parties – made a second flawed record and sent it to JUST Andy's Appellate LAWYER.

She removed 66 pages and then re-numbered the record so that the Defense Appellate attorney had no idea that he did not have the complete record. *(Certification of record of trial by [REDACTED] then a copy of each last page the correct record and the flawed record – please notice the page numbers.)*

I want this case overturned and my son returned to us immediately.

I want him paid his military pay for every day he has been away from us.

I want him to receive his 20-year military pension that he was eligible for in April of this year.

I want [REDACTED] court martialled for Conduct Unbecoming an Officer for lying to a member of Congress.

I want an investigation done into case and anyone else responsible for this miscarriage of justice and pain caused to my son and family – punished.

TO: AFSOC/CC

28 April 2014

FROM: [REDACTED]

SUBJECT: Testimony in *United States v. TSgt Robert Condon*

1. Sir, I am submitting this letter to respectfully request that I not be ordered to testify in the upcoming General Court Martial, *United States v. TSgt Robert Condon*. On 3 October 2013, you signed a letter granting me testimonial immunity in exchange for my cooperation with the investigation and testimony at trial. Since that time, I have been very unhappy with the way that the investigation has been conducted and I no longer wish to testify. Please consider the following new information in support of my request.

2. From the very beginning, this was never an investigation that I wanted to be part of. First, I had a personal relationship with TSgt Condon and I felt my participation would be a betrayal to him. Second, I am a very private person and participating in this case so far has already resulted in various invasions into my personal life that are very embarrassing for me. My first two interviews, for example, took place at my duty office. It was an emotional interview for me and it was obvious to my co-workers that I was seriously involved. These interviews should have taken place at a separate location.

3. I was also told during my first interview with OSI that no one in my chain of command would be informed of the information I provided, whether I disclosed a sexual assault or not. I was told that due to the sensitivity of the case and the persons involved, any information I provided pertaining to my relationship with TSgt Condon would only be reviewed by a few higher HQ personnel. While writing my statement, I was informed that my Commander, my outgoing Superintendent, my inboard Superintendent, and the AFOSI HQ Psychologist among others, were notified. Second, three of my co-workers were chosen to escort TSgt Condon from confinement to the Art 32. I am concerned in trying to plead his case to the agents who escorted him, TSgt Condon revealed intimate personal details about myself, our relationship, and/or confirmed my role in this case to them. Further, while at the Article 32 these same agents were in the courtroom listening to much of the testimony and evidence presented. One of the biggest reasons I decided to PCS is because too many people who I interacted with on a daily basis learned too much about this investigation. This made it difficult to focus at and remain confident at work. I only hope that their knowledge will not follow me throughout the rest of my career.

4. The confiscation of my phone eliminated any remaining desire to participate in this case. Prior to the confiscation and during my second interview, SA Paradis and SA Sawyer asked to review my phone. I told them that they could look at relevant messages while the phone remained in my control. SA Paradis took my phone from my hand, placed it on the desktop and began to snap photos of it. I told him multiple times that this made me uncomfortable. His response was to criticize my reluctance by implying as an agent I should know better, that forfeiting my phone's content should be expected. I decided to let them take the photos they needed because it would help, despite SA Paradis' continued offenses.

5. I was later asked to participate in a third interview with two agents who work at another office and whom I frequently interact with. When the interview began I was asked a few questions

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DEFENSE EXH OFFERED PAGE 5
ACQUIRE PAGE R.
Appellate Exhibit CVT
Page Marked 8103
Page 1 of 3

relating to my immunity request. The agents asked if my phone was in my possession and presented a search and seizure warrant. First, they never explained to me the basis for the warrant. Second, the agents had already taken dozens of photos of relevant messages from my phone and already had TSgt Condon's phone in evidence. It did not make sense that mine was also needed; I have never been comfortable with my phone being seized nor with the way it was seized. It is also well known throughout the OSI community that it is rare to seize a witness's or victim's phone. However, it was made adamantly clear to me on several occasions that I was obligated to turn in my phone as part of my immunity agreement; that the immunity requires my "full participation." It was implied that if I did not consent to release my phone, my immunity agreement would be void. I later learned that the Search and Seizure Authorization provided for my phone while at Eglin AFB was not legal, as the warrant was issued for Hurstfield Field. Yet the agents refused to return my phone and demanded I provide my password.

6. This was very upsetting. What bothers me the most is that no one else understood why it was such a big deal that my phone was seized. The seizure of my phone seemed inconsequential to all parties involved, except for myself. As I've previously stated, I am a VERY private person and to have multiple persons accessing all of my most intimate data without my permission was a profound violation of my privacy. No one concerned themselves with how they would feel if they were in my position. There was very little relevant data; most of the information on my phone has nothing to do with this case or investigation.

7. My participation in this case has not only deeply affected my personal life, but my professional life too. I was removed from the Criminal Investigations office and moved into the Counterintelligence Investigations office. I was told that this would prevent any "conflict of interest." I was angered by this decision because it happened so suddenly and it felt like I was being punished.

8. Throughout the investigation, I do not feel that the OSI agents who interviewed me and some of the legal personnel were respectful or straightforward with me. I felt the immunity agreement was used as a tool to manipulate me into testifying and has been held over my head at every step. I do not believe these tactics are ethical, nor do they uphold the values of integrity within our legal system. For example, I was provided with a false sense of control when asked to sign Consent for Search and Seizure for my phone only to find out that the consent was irrelevant, as a search warrant was issued anyway. Discovering that I had no real control has only caused more damage and I feel compelled to object to how wrong this is.

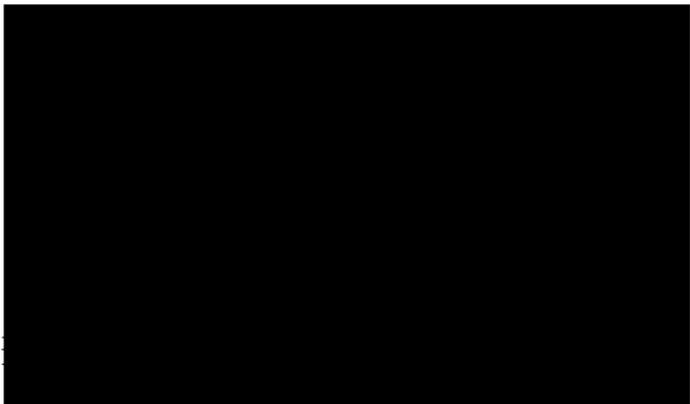
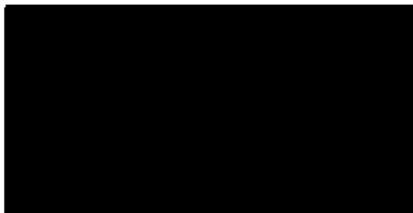
9. I have tried to tolerate feeling mistreated because I felt I was doing the right thing. I am not so sure anymore. The government's actions have had a much more significant impact on my life than anything between TSgt Condon and I. I had compartmentalized my relationship with TSgt Condon and only spoke of our relationship because I felt responsible for the injury caused to these other women. I also felt professionally responsible. After all, it is my duty to protect others and help them find justice through seeking the truth.

10. I must emphasize that everything I have explained above has caused an overwhelming amount of distress in my life. I am overcome with a great deal of stress, anxiety, and guilt when I think about having to testify. This is something that I want to put behind me. Not just because

I feel so mistreated by the government, but because TSgt Condon is someone I care about. No one seems to understand the emotional complexity of this situation.

11. I strongly believe that testifying will be detrimental to my mental health. I want nothing more than to heal properly and move forward. I feel if I am forced to testify it will result in me taking several steps backward in any progress I have made. Sir, I respectfully ask that you please re-consider the order given to me to testify. I have discussed this matter with my Special Victim's Counsel and I understand that this may result in the action of my immunity being withdrawn. I also understand without my testimony the Government may not be able to successfully prosecute TSgt Condon for the charges related to me.

Submitted Very Respectfully,





DEPARTMENT OF THE AIR FORCE
OFFICE OF THE JUDGE ADVOCATE GENERAL
MILITARY JUSTICE AND DISCIPLINE

October 20, 2021

[REDACTED]
1500 West Perimeter Road, Suite 1330
Joint Base Andrews Naval Air Facility Washington, MD 20762

Congresswoman Marcy Kaptur
Ninth District, Ohio
17021 Lorain Avenue
Cleveland, OH 44111

Dear Congresswoman Kaptur:

I am in receipt of a letter and related documents on behalf of your constituent, Inmate Robert Condon. You requested review of three issues, as noted and discussed below. As the Director of Military Justice and Discipline for the Air Force, your letter was referred to me for review and to respond.

First, you inquired whether there was exculpatory evidence on behalf of Inmate Condon the jury did not see, but has since come to light. The evidence Inmate Condon references as exculpatory involves an allegation against one of his accusers, A1C M.L. Although the information was not known at trial, it was known as early as January 29, 2015, when Inmate Condon submitted a request for clemency following his conviction. Further, Inmate Condon's defense counsel acknowledged additional information regarding A1C M.L. was known prior to his appeal to the United States Court of Appeals for the Armed Forces (CAAF). On March 1, 2018, CAAF reviewed Inmate Condon's request and affirmed the findings and sentence. On May 22, 2018, Inmate Condon filed a petition with the United States Supreme Court specifically citing the evidence he refers to as exculpatory. After review of the petition, the Supreme Court denied the request for certiorari.

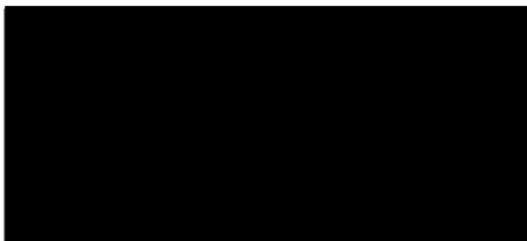
Second, you asked what rights and legal recourse Inmate Condon has if exculpatory evidence does exist. Inmate Condon's court-martial is final and there is no further appellate relief available to him within the military justice system. Moreover, Inmate Condon has applied to the Air Force Clemency and Parole Board and those requests have thus far been denied. Finally, he applied for a Pardon from President Donald Trump, and that was also denied.

Lastly, you asked whether changes to the UCMJ were made to adjust maximum sentencing penalties, and if so, how Inmate Condon may seek reduction of his 30 year sentence. There were no changes to the UCMJ that would reduce the maximum sentence for the offenses for which he was found guilty. As we have previously communicated to Inmate Condon and his family, we recommend they continue to request relief through the Air Force Clemency and

Parole Board for reduction of his sentence as this is the proper avenue at this stage in the process. As part of that process, Inmate Condon can request his family appear on his behalf in front of the Air Force Clemency and Parole Board.

I hope this information is helpful.

Sincerely,



**IN THE UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES**

UNITED STATES,
Appellee

v.

CONDON, Robert A.
Technical Sergeant (E-6)
U. S. Air Force,
Appellant

[REDACTED]
Crim. App. No. ACM 38765

USCA Dkt. No. 17-0392/AF

**TO THE JUDGES OF THE UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES:**

1. I am [REDACTED] I am CEO and a licensed private investigator with [REDACTED]
[REDACTED] We routinely conduct background investigations as part of our business in the Northwest area.

2. At the request of Mr. Condon, I conducted a detailed background check of ML. I was asked to look for information that might reflect on her credibility such as fraud, lying, theft, or similar types of issues. I am a retired Sherriff's detective and am experienced in identifying information that may affect a witness's credibility as well as that of suspects.

3. I searched commonly available databases used by investigators to find background information on people. I uncovered several records, including an apparent criminal conviction record (attachment A). The retrieved information was readily available.

4. I continued my investigation to find supporting documents and other records relevant to the possible criminal conviction. I have received several documents from the Kennewick Police Department, Kennewick, Washington.

a. The first set of documents show a case from 2011, in which it was alleged ML assaulted a friend by slapping her in the face during an argument. ML denied the slap. (Attachment B.)

b. The second set of documents show a criminal case for theft-shoplifting in July 2010. In summary, store security saw and recorded ML and two friends shoplifting various clothing items at a local Macy's. In August 2010, a criminal complaint was filed with the Benton County District Court, Washington, against the three individuals, alleging a violation of section 10.10.020 of the Washington Code. I have included only the part of the report relevant to ML (at least one of the other two was a juvenile at the time and her case was "diverted." (Attachment C.)

5. I am continuing my investigation and several requests for information remain outstanding.

6. I have provided the printed documents to Mr. Condon and his appeal lawyers.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Executed: 21 May 2017

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES**

UNITED STATES,

Appellee

v.

CONDON, Robert A.
Technical Sergeant (E-6)
U. S. Air Force,

Appellant

DECLARATION OF TRIAL
DEFENSE COUNSEL

Crim. App. No. ACM 38765

USCA Dkt. No. 17-0392/AF

**TO THE JUDGES OF THE UNITED STATES COURT OF
APPEALS FOR THE ARMED FORCES:**

I am [REDACTED] USAF. I was the military defense counsel representing Appellant at trial.

1. I have been provided a document (attached) that appears to document a criminal conviction for theft of ML. She was one of the complaining witnesses to allegations of which Appellant was convicted.

2. The defense was not provided the document or information in it prior to trial. It is my understanding that such information would be within the ambit of *Kyles*, in that the information may have value in impeaching the credibility of the witness. *Kyles v. Whitley*, 514 U.S. 419 (1995). I have attached a copy of a defense discovery request made to the prosecution on 16 October 2013, and would refer the Court to page 6,

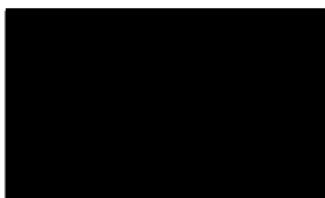
item q, which seeks credibility information in addition to the prosecutor's obligations.

a. We would have obtained a certified copy of the conviction, and then offered it under Mil. R. Evid. 609.

b. We would have determined whether the conviction happened before enlistment into the Armed Forces, and if so was declared during the recruiting process with the recruiter or at MEPS. If the conviction was not declared, there would be a false statement under oath and the making of a false statement under oath could be asked about on cross-examination. Mil. R. Evid. 608(b).

c. We would have determined if ML had obtained a security clearance and failed to disclose the conviction when submitting the Standard Form 86 or EPSQ. If the conviction was not declared, there would be a false statement under oath and the making of a false statement under oath could be asked about on cross-examination. Mil. R. Evid. 608(b).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Executed: 14 May 2017



DEPARTMENT OF THE AIR FORCE
OFFICE OF THE JUDGE ADVOCATE GENERAL
MILITARY JUSTICE AND DISCIPLINE

October 20, 2021

[REDACTED]
1500 West Perimeter Road, Suite 1330
Joint Base Andrews Naval Air Facility Washington, MD 20762

Congresswoman Marcy Kaptur
Ninth District, Ohio
17021 Lorain Avenue
Cleveland, OH 44111

Dear Congresswoman Kaptur:

I am in receipt of a letter and related documents on behalf of your constituent, Inmate Robert Condon. You requested review of three issues, as noted and discussed below. As the Director of Military Justice and Discipline for the Air Force, your letter was referred to me for review and to respond.

First, you inquired whether there was exculpatory evidence on behalf of Inmate Condon the jury did not see, but has since come to light. The evidence Inmate Condon references as exculpatory involves an allegation against one of his accusers, A1C M.L. Although the information was not known at trial, it was known as early as January 29, 2015, when Inmate Condon submitted a request for clemency following his conviction. Further, Inmate Condon's defense counsel acknowledged additional information regarding A1C M.L. was known prior to his appeal to the United States Court of Appeals for the Armed Forces (CAAF). On March 1, 2018, CAAF reviewed Inmate Condon's request and affirmed the findings and sentence. On May 22, 2018, Inmate Condon filed a petition with the United States Supreme Court specifically citing the evidence he refers to as exculpatory. After review of the petition, the Supreme Court denied the request for certiorari.

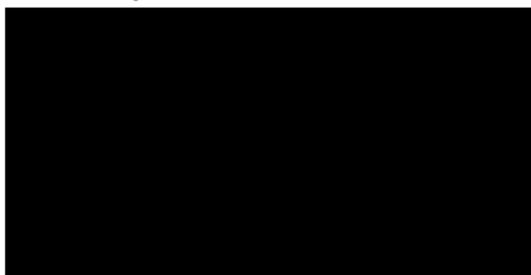
Second, you asked what rights and legal recourse Inmate Condon has if exculpatory evidence does exist. Inmate Condon's court-martial is final and there is no further appellate relief available to him within the military justice system. Moreover, Inmate Condon has applied to the Air Force Clemency and Parole Board and those requests have thus far been denied. Finally, he applied for a Pardon from President Donald Trump, and that was also denied.

Lastly, you asked whether changes to the UCMJ were made to adjust maximum sentencing penalties, and if so, how Inmate Condon may seek reduction of his 30 year sentence. There were no changes to the UCMJ that would reduce the maximum sentence for the offenses for which he was found guilty. As we have previously communicated to Inmate Condon and his family, we recommend they continue to request relief through the Air Force Clemency and

Parole Board for reduction of his sentence as this is the proper avenue at this stage in the process. As part of that process, Inmate Condon can request his family appear on his behalf in front of the Air Force Clemency and Parole Board.

I hope this information is helpful.

Sincerely,



PRISONER REQUEST
(See Privacy Act Statement)

212

TRACKING NUMBER (if applicable)

1253438-K

PRIVACY ACT STATEMENT

AUTHORITY: Chapter 48, Title 10 U.S.C., Military Correctional Facilities; 10 U.S.C. 3013, Secretary of the Army; DoD Directive 1030.1, Victim and Witness Assistance; DoD Directive, Victim and Witness Assistance Procedures; and DoD Instruction 1325.07, Administration of Military Correctional Facilities and Clemency and Parole Authority.

PRINCIPAL PURPOSE(S): Prisoners use this form to initiate an interview or communication with Correctional System staff. Staff members approve or disapprove the request, adding pertinent remarks relevant to the interview.

ROUTINE USE(S): Information may be disclosed to local, state, and federal law enforcement and investigative agencies for investigation and possible criminal prosecution, civil court actions or regulatory orders. The "Blanket Routine Uses" set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

DISCLOSURE: Voluntary. However, failure to provide the requested information may result in the denial of the request.

1. TO DIA - [REDACTED]	2. DATE (YYYYMMDD) 2022/01/20
-------------------------------	--------------------------------------

SECTION I - NATURE OF REQUEST

Indicate type of request in block 3.a. (X appropriate box(es)) and explain request in block 3.b. (use the back of this form if necessary).

3.a. TYPE OF REQUEST INTERVIEW GRIEVANCE OTHER

3.b. REMARKS (Explain request)

I turned in an out of cycle clemency request to DIA on 9-16-2021. I received the results on 22 Jan 2022. Do you happen to know when this request was sent from DIA to the USAF Clemency and Parol Board?

4. PRISONER'S NAME (Last, First, Middle Initial) Corden Robert A	5. REGISTRATION NUMBER [REDACTED]	6. BRANCH OF SERVICE 1 USAF
---	--------------------------------------	--------------------------------

7. SIGNATURE OF PRISONER

SECTION II - FACILITY USE ONLY

8.a. FORWARDED TO (Printed Name, Grade, and Organization) [REDACTED] GS5, DIA Boards	8.b. DATE (YYYYMMDD) 20220122
---	----------------------------------

9. INTERVIEW WAS HELD WITH (Printed Name, Grade, and Organization) N/A	9.b. DATE (YYYYMMDD)
---	----------------------

10. REMARKS
On or about 12/15/2021.

SECTION III - ACKNOWLEDGEMENT BY PRISONER

11. PRISONER'S NAME (Last, First, Middle Initial) Corden Robert A	12. SIGNATURE OF PRISONER [Signature]	13. DATE (YYYYMMDD) 20220123
14. STAFF MEMBER'S NAME (Last, First, Middle Initial)	15. SIGNATURE OF STAFF MEMBER	16. DATE (YYYYMMDD)

To Whom it May Concern,

I met Rob shortly after moving to Destin, FL through a mutual friend. We soon became fast friends and hung out almost daily with our group of mutual friends. It felt like a charmed life. We were all happy to be together, laughing, watching football, and having drinks at the bar; a very normal life for any twenty something. We all spent a lot of time together, usually at our regular bar or beach, with occasional dinners at each others' homes which we called "family dinner". When you spend that much time with someone you really get to know them. Also, life as a "local" at a local's bar makes it very difficult to keep any secrets. We all wanted to be there for each other and knew each other's lives. Rob shared many details with me about his life and his thoughts, and we enjoyed talking about many things. He would tell me about the girls he was seeing and introduce them to us. I always felt safe with him and so did our friend group. He is what I would describe as calm, even a peacemaker. I only saw someone try to pick a fight with him once at the bar (which is rare, living in a tourist town, drunk idiots start fights more often than not) and he calmly diffused the situation, the incident ended in a hand shake.

I never once saw him be inappropriate with anyone. He was always honest and forthcoming when we spoke. As a close friend group we looked out for one another. If any of our friends drove to the bar in a car or motorcycle many of our friends who lived nearby would let us stay

with them. Our mutual friend [REDACTED] and my best friend, would have Rob stay at her house if he rode his bike to the bar. He slept in the same bed as she did, as friends. Nothing inappropriate ever happened between them and I would never let my best friend be in that position with someone I didn't trust. Sometimes a few of us would stay at [REDACTED] house, some on the sofas and some in any bed we could find. We would wake and have breakfast and laugh about our previous night's fun. We were all just normal twenty somethings, enjoying life and laughing at our local watering hole. What was to come seemed unfathomable.

Sometime later his family let me know he would be out of pocket for a while but I didn't know why and I assumed it was work related. I didn't know anything about the cases he worked but knew that occasionally his work was more laborious and demanding than other times. It seemed a normal message to receive.

So I was very confused when a woman from the Air Force called me to schedule a time to talk about "my friend Robert". I asked her why and which Robert she was referring to. She had very poor phone skills and did not elaborate. She seemed put off that I asked her to confirm the person she was referencing. She did not tell me what the meeting would be about and was very vague. Since I have no affiliation with the Air Force and she was incredibly unclear as to why they wanted to speak with me, I declined the meeting. She seemed

shocked and mentioned that people do not say "no" to this request. I again told her "no thank you", and ended the call. They reached out again and I asked my husband to contact the lead investigator to clarify why they wanted to speak to me as I could not get a clear answer. This woman told him that Rob had my phone number on his call list and it was simply concerning this matter and it was wise to speak to them now as to avoid being subpoenaed and risk facing ill treatment in court. This seemed odd but as we trusted the lead investigator, I agreed to speak to them.

Two female investigators came to my home while I was home alone, as my husband was deployed to Afghanistan at the time. They asked me very strange and frivolous questions about Rob's girlfriend [REDACTED] and other relationships he had. I found this odd because at the time I did not know the nature of any charges against him or details of the case. I asked why they asked me these things, and they said they just wanted to clarify things about Rob as a person.

Later in the interview things took a drastic turn. One investigator said, "what if I told you we have evidence that you are having an affair with Rob?" I remember being so blindsided and shocked by this question. I felt my body lean across the table and I looked her in the eye and said "I would tell you that you don't have this evidence because I'm not having an affair with Rob." She told me they had a Skype conversation between us

to confirm the affair. I told her that she did not. She said, "I have these Skype conversations between him and a girl named [REDACTED] and you go by [REDACTED] don't you?" I said, "yes, I go by the name [REDACTED] but I've never Skyped with Rob ever". I stood up to get my computer in order to pull up my Skype app to show her. Before I could open it, she said "well, what's your Skype name?" I said [REDACTED] "it's my name". I showed her all of my calls on my Skype app, which were to my father and my book club. She then admitted it might be a conversation between a different girl named [REDACTED] I asked them why they would pretend to have evidence of this and tell me that they did. The other investigator said, "we just want to make sure you are not a victim". I asked her, "a victim of what??" She did not answer my question. I found it so odd they would threaten me with false evidence and insult me in my own home with an accusation of an affair, while my husband was deployed.... while also refusing to explain why I would be a victim and what the charges against Rob actually were. They then had me write a statement in which I made sure to document some of the things I have written in this letter, as well as to state we did not have an affair or any other relationship other than friends.

I felt very disrespected by the investigators and also found their weak attempt to fish for some type of wrongdoing on my part and on Rob's part to be despicable let alone incredibly un-savvy. I in no way felt

they ever cared if I were a victim of anything. I more so only felt their thinly veiled attempts at fishing for ridiculous evidence to be immature and unprofessional. I was sad to see Air Force investigators treat a military spouse (or any woman, rather) as just a pawn in their investigation. I assumed their investigation had to be incredibly weak to accuse a wife of a deployed Soldier of an affair in her own home with such insufficient evidence. From the initial phone call to the interview with investigators, I found the treatment of the Air Force towards me to be unprofessional, dishonest, and manipulative. I have no doubt that they treated other women as poorly and as ineptly.

To later find out that this investigation was somehow successful was astonishing. I know Rob to be a good man, and an excellent Airman. Someone who served their country and risked their life should never be treated this way. Civilian women should never be treated this way in the pursuit of truth. It flies in the face of true victims and puts a dark stain on the purpose of such agencies.

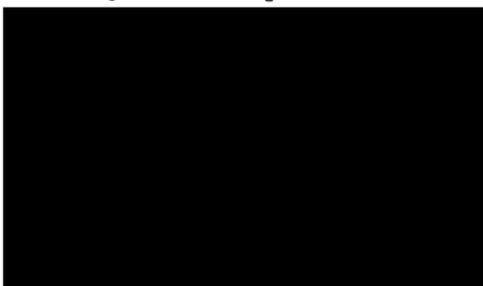
The behavior of the Airmen and military professionals during and after this investigation and trial is a tragic mishandling of justice. I hope that you will look at the actual facts of this case and my statements. I also hope you will consider any information attained from such an incompetent group of investigators to be manipulatively malevolent. These people did not care about actual

victims and this is evident in their treatment of women during the investigative process.

I find it incredibly difficult that myself, and other women in our close friend group and group of acquaintances have no negative things to say about Rob in general, let alone his treatment of women, to somehow mean nothing to the investigation. Our testimony meant nothing. How can what we all know to be true not be taken into consideration?

I want to believe the military still has its roots in honest servitude to its country, military servicemen and women, and the civilians who rely on their sacrifice. This concept is hard to hold onto in light of what I have experienced and the outcome of this trial. It is with a heavy heart that I implore you to do the job of an honest pursuer of truth and justice, because I have lost so much faith in the process and the character of those who serve the Air Force. I hope that you or anyone can prove me so very wrong in this matter.

Respectfully,



1 Q. And did you understand that he used that phone really as the primary means of
2 communicating with [REDACTED] while he was deployed?

3 A. There were several phone calls on that phone, yes.

4 Q. In addition to the phone calls, were there not thousands of text messages as well?

5 A. We weren't able to get the data off of that phone.

6 Q. Right. Because that phone was destroyed -- at least the chip that contained the data was
7 destroyed during the attempt to extract it, right?

8 A. I wasn't aware that it was destroyed in the attempt. I just knew that they -- we had tried,
9 from headquarters, to have the password reset so we could get access to it and that failed. So, once that
10 failed, we sent it to Global CompuSearch for them to do the chip off of the phone.

11 Q. But the end result is, today, those messages are lost --

12 A. Yeah, they're gone.

13 Q. -- and gone forever?

14 A. Yeah, unfortunately.

15 Q. And we will never know the content of those messages that were exchanged over those first
16 couple of months or at least weeks of their relationship?

17 A. Except for what was on [REDACTED] phone.

18 Q. Right, but from the Blackberry.

19 A. That's correct.

20 Q. I want to briefly return to the execution of the search warrant. We have talked about the
21 laptop and the computer -- the laptop and the desktop -- I'm sorry -- but during the execution of that
22 search you knew it was important -- you were looking for any information that would tend to
23 corroborate or refute the version of events that [REDACTED] had told you, right?

24 A. Correct.

25 Q. And during the execution of that search warrant, did you seek or look for a toothbrush?

TESTIMONY OF [REDACTED] PRESIDENT & SENIOR FORENSIC EXAMINER FOR GLOBAL
COMPUSEARCH

1 A. Yes.

2 Q. Could you tell from that LG phone what the last day of use was?

3 A. I could. From what I recall it was just the next month or probably the first or second day of
4 the next month.

5 Q. October of 2013?

6 A. Correct.

7 STC: Thank you, Your Honor. I have no further questions.

8 MJ: Defense Counsel, you may proceed.

9 SDC: Thank you, Your Honor.

10 **CROSS-EXAMINATION**

11 **BY SENIOR DEFENSE COUNSEL:**

12 Q. Good morning, [REDACTED]

13 A. Good morning.

14 Q. Now, I'd like to start by talking with the chip-off procedures that you did -- that were
15 conducted.

16 A. Sure.

17 Q. There was chip-off procedures conducted on the LG phone?

18 A. Correct.

19 Q. And on the Blackberry?

20 A. Yes.

21 Q. And the decision to do that chip-off procedure was made by the prosecution?

22 A. Yes.

23 Q. Knowing that it would destroy the phone?

24 A. Correct.

25 Q. Knowing that if it was unsuccessful it would destroy evidence?

1 A. I believe it was earlier that evening, but I don't recall the specific time.

2 Q. Were they taken at approximately 10:55 p.m.?

3 A. That sounds about right.

4 Q. Or I should say 11:55 p.m. Eastern Daylight Time, 10:55 p.m. Central Daylight Time.

5 A. Correct.

6 Q. Now, you talked a little bit on direct examination about the text messages between Sergeant
7 Condon and [REDACTED]

8 A. Yes.

9 Q. And you talked about the deleted text messages between the two of them?

10 A. Yes.

11 Q. And on direct examination you testified that there did not appear to be a selective deletion of
12 the text messages?

13 A. Correct.

14 Q. Isn't it true, that in the time period of 30 August 2013 until the 8th of September 2013, there
15 were a handful of text messages between Sergeant Condon and [REDACTED] that she did selectively
16 delete?

17 A. During that timeframe, yeah. There were approximately seven that were deleted, but
18 recovered.

19 Q. So, they were removed from the -- she attempted to remove them from the phone?

20 A. Yes.

21 Q. And that wasn't at the beginning or the end of the time period?

22 A. No. It was kind of sporadically throughout.

23 Q. Did it appear that those messages were selectively deleted?

24 A. Those ones specifically would have had to be individually selected, yes.

TESTIMONY OF [REDACTED]

1 A. Yes.

2 Q. Tell me about when you recall seeing that phone for the first time.

3 A. Um, that was a long time ago, and I - I actually recall it being on my desk one day when I
4 was sitting over here at Hurlburt Field; because I have an office at both bases. Um, and one day, I
5 noticed someone had sat it on my desk, but I really don't know who put it there.

6 Q. So, you had a chance to look at the evidence tag in the case.

7 A. Yes, I looked at it.

8 Q. And who does that show turned over the phone to you?

9 A. Um, [REDACTED]

10 Q. Tell me about what you did with the phone when you saw it on your desk.

11 A. Um, I kept it there and I don't remember for what amount of time. But I know when it was
12 logged into evidence, [REDACTED] filled out the tag -- someone else filled out the tag, and he gave it to me
13 because I was the evi -- I was one of the evidence custodians in our squadron. And so, I would have
14 logged it in to evidence. And then, we maintained it for I forget how long, um, to be exact, before we
15 would have logged it out to the other unit that maintained all of our evidence for us for this case.

16 Q. And that would have be the one, the office over at Tyndall, correct?

17 A. Correct.

18 Q. So, what did you -- were you able to get into the phone itself?

19 A. No.

20 Q. Why not.

21 A. It was password protected. And I'm unaware of anybody ever tried to digitally extract it, but
22 I know it was password protected so nobody could just flip through it and look at it.

23 Q. When you saw it, at some point the phone was on?

24 A. Correct.

1 Q. Going back to the 6th and 7th of September, did you participate in an interview with [REDACTED]

2 [REDACTED]

3 A. Yes.

4 Q. And was, again, was this yourself and [REDACTED] as well?

5 A. Yes.

6 Q. Specifically, on the 7th of September, did you -- where was this interview taken?

7 A. On the seventh?

8 Q. On the seventh.

9 A. It was over at the SVC Office, here, on Hurlburt Field.

10 Q. And you, at that point, you'd obviously had a chance to speak with her the previous day,
11 right?

12 A. Yes.

13 Q. So, you were familiar with what she had alleged?

14 A. Yes.

15 Q. Tell me about what your observations of her, specifically -- well, first of all, what uniform
16 was she wearing when you spoke with her?

17 A. Her ABU's.

18 Q. And were the sleeves down?

19 A. Yes.

20 Q. Tell me about your observations of her, the parts of her body that you could see, say, from
21 the t-shirt on up.

22 A. Um, they were clear of any injury, if that's what you're getting at. Um, she had no, no
23 markings or anything that we could see from her neck up.

24 Q. Redness?

25 A. No, I couldn't see any of that.

1 Q. Swelling?

2 A. No.

3 Q. Bruising?

4 A. No.

5 Q. Abrasions?

6 A. No.

7 Q. And did you -- did, at some point, you actually asked her to pull the uniform kind of aside so
8 you could get a better look?

9 A. Yes.

10 Q. And what did you -- did you notice anything different at that point?

11 A. No.

12 CDC: May I have just a moment?

13 MJ: You may.

14 [Defense counsel confer.]

15 **DIRECT EXAMINATION, (resumed)**

16 **BY CIVILIAN DEFENSE COUNSEL:**

17 Q. Just returning to the Blackberry for a moment.

18 A. Mm-hm.

19 Q. Was it unusual that a work assigned Blackberry would be password protected?

20 A. No. That's required.

21 CDC: Thank you.

22 MJ: Trial Counsel.

* On 14 December 2014 Judge Spath certified my Record of Trial which was 1851 pages long...

AUTHENTICATION OF RECORD OF TRIAL

In the case of

United States v. Technical Sergeant Robert A. Condon

AUTHENTICATION OF RECORD

I examined the Record of Trial in the above-referenced case and find that it accurately reports the proceedings. I authenticate the Record of Trial in accordance with RCM 1104, MCM, pages 12-1851.

14 December 2014
DATE

SPATH.VANCE.HU
DSON.1013673990

VANCE H. SPATH, Col, USAF
Military Judge

Digitally signed by
SPATH.VANCE.HUDSON.1013673990
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USAF,
cn=SPATH.VANCE.HUDSON.1013673990
Date: 2014.12.14 08:34:44 -0500

* The Record of Trial that I have and that the Government
used is 1851 pages long...

1 MJ: All right. Everybody, for you guys, I would stay in your deliberation room for about 10
2 minutes or so just to give everyone here time to clear out of your way. Whenever the court members
3 leave give them the privacy and respect they deserve.

4 STC: Yes, Your Honor.

5 MJ: This court's adjourned.

6 [The court-martial adjourned at 1400, 25 September 2014.]

7 [END OF PAGE]

* But, The Record of Trial that my Defense Counsel was sent
ends on page 1785. It has the same content as my 1851.

1 MJ: All right. Everybody, for you guys, I would stay in your deliberation room for about 10
2 minutes or so just to give everyone here time to clear out of your way. Whenever the court members
3 leave give them the privacy and respect they deserve.

4 STC: Yes, Your Honor.

5 MJ: This court's adjourned.

6 [The court-martial adjourned at 1400, 25 September 2014.]

7 [END OF PAGE]