

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

567893 21:48 20100718 IN:SSDEMAIL #3801 OUT:NIPRDAAAM #55425

REPORT OF INVESTIGATION (CLOSED)

13JUL10

INDECENT ASSAULT (II)

CONTROL: 01MAY10-FEYK-0238-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS FITZGERALD (DDG-62)/21824

MADE AT/FEYK/YOKOSUKA JA/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka JA ROI (INTERIM)/15JUN10 (Contains Exhibits 1 - 8)

EXHIBIT

(9) Copy of Commanding Officer's Non-Judicial Punishment/29JUN10
...(Copy all)

EXECUTIVE SUMMARY

1. Reference (A) detailed investigative findings, which were predicated when (b)(6), (b)(7)(C) reported that on 01MAY10, (b)(6), (b)(7)(C) indecently exposed his penis in the presence of (b)(6), (b)(7)(C) sexually harassed (b)(6), (b)(7)(C) and indecently assaulted (b)(6), (b)(7)(C). In addition, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN-73), reported that on 01MAY10, (b)(6), (b)(7)(C) sexually harassed (b)(6), (b)(7)(C). Evidence was developed, which implicated (b)(6), (b)(7)(C) in the indecent exposure, sexual harassment, and indecent assault against (b)(6), (b)(7)(C) as well as the sexual harassment against (b)(6), (b)(7)(C).

NARRATIVE

1. On 29JUN10, (b)(6), (b)(7)(C) was found guilty of violations of Uniform Code of Military Justice Article 92 (Disobey Order or Regulation) and Article 120 (Wrongful Sexual Contact and Indecent Exposure) at a Captain's Mast. (b)(6), (b)(7)(C) was awarded a reduction in rate to E-2, 45 days of extra duty, 45 days of restriction, and a suspended forfeiture of half month of pay for 2 months; Exhibit (9) pertains.

2. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

Special Agent Afloat, NCISRU USS GEORGE WASHINGTON
Special Agent, NCISRA Yokosuka, Japan
Investigator, NCISRA Yokosuka, Japan

ACTION

24B3: Submission of two (2) criminal fingerprint cards and three (3) mug shot photographs of (b)(6), (b)(7)(C) for inclusion into the FBI database.

FOR OFFICIAL USE ONLY
Page 1 of 2

F13-0580.FEYK 000001

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 01MAY10-FEYK-0238-8DNA/C

13Jul10

Tracking number: 7006 3450 0002 2577 9571.

DISTRIBUTION

NCISHQ: 0023 (M)

ACTION: 0024B3 (M)

INFO: FEYK/FEYO (E)/CO, USS GEORGE WASHINGTON (CVN-73) (M)/CO, USS
FITZGERALD (DDG-62) (M)/CO, CFAY VIA SJA, CFAY (M)/RLSO (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C)

V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000002

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

413203 19:57 20100323 IN:SSDEMAIL #39993 OUT:NIPRDAAAM #26424

REPORT OF INVESTIGATION (CLOSED)

22MAR10

RAPE (II)

CONTROL: 01NOV09-FEYK-0303-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/COMMANDER FLEET ACTIVITIES YOKOSUKA, JAPAN/31907

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka Japan ROI (INTERIM)/01DEC09 (Contains Exhibits 1 - 22)
- (B) NCISRA Yokosuka Japan ROI (INTERIM)/22JAN10

EXHIBIT

- (23) United States Department of Justice Letter of Declination/19MAR10... (Copy all)

EXECUTIVE SUMMARY

1. Investigation was initiated subsequent to notification from Commander = Fleet Activities Yokosuka (CFAY) Security Department that (b)(6), (b)(7)(C) = reported she was possibly sexually assaulted. (b)(6), (b)(7)(C) stated that on = 31OCT09, at approximately 1630 or 1700, she went out drinking with her = friends in the Honch District, and the last thing she remembered was = talking to a tall black male outside of a bar. (b)(6), (b)(7)(C) added she did not remember how she got home. (b)(6), (b)(7)(C) recalled she had only three (3) drinks that night, and it was not normal = for her to not remember events that happened after drinking that little = alcohol. An examination of the residence of (b)(6), (b)(7)(C) revealed no sign = of forced entry and no item of evidentiary value. Investigation revealed (b)(6), (b)(7)(C) was conscious and alert in the evening = of 31OCT09, and she walked with (b)(6), (b)(7)(C) Navy Dependent, towards = an alley near the Seven Eleven Convenience Store in the Honch District. = On 01NOV09 (b)(6), (b)(7)(C) was interviewed at NCISRA Yokosuka, Japan. (b)(6), (b)(7)(C) = stated he and (b)(6), (b)(7)(C) had consensual unsuccessful sexual intercourse, = and she performed oral copulation on him, but he did not ejaculate. When = (b)(6), (b)(7)(C) was presented with investigative findings and asked if it was = possible that she willingly walked with (b)(6), (b)(7)(C) and performed the = unsuccessful sexual intercourse and successful oral copulation, = (b)(6), (b)(7)(C) became emotionally upset and stated "videos don't lie." = Active investigation is complete. CFAY has declined to take any further = action on this case. The Domestic Security Section, Criminal Division, = United States Department of Justice (USDOJ), also declined prosecution = under the Military Extraterritorial Jurisdiction Act (MEJA). Command and = (b)(6), (b)(7)(C) were apprised of the status of this investigation.

NARRATIVE

- 1. This reactive investigation was initiated pursuant to suspected = violation of Article 120 (Rape) of the Uniform Code of Military

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 01NOV09-FEYK-0303-8FNA/C

22Mar10

Justice.

2. References (A) and (B) document investigative effort up to 28JAN10. =
On 19MAR10, Reporting Agent received a letter from (b)(6), (b)(7)(C) =
Trial Attorney, Domestic Security Section, Criminal Division, USDOJ, =
Washington, DC, indicating that the USDOJ declined prosecution under the =
MEJA due to insufficient evidence. Exhibit (23) pertains.

3 (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON =
(CVN-73), has been briefed through Participant (b)(6), (b)(7)(C) This =
investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan (b)(6), (b)(7)(C) =
Supervisory Special Agent, NCISRA Yokosuka, Japan (b)(6), (b)(7)(C), Special =
Agent, NCISRA Yokosuka, Japan (b)(6), (b)(7)(C) Special Agent, NCISRA =
Yokosuka, Japan (b)(6), (b)(7)(C) Special Agent Afloat, NCISRU USS GEORGE =
WASHINGTON (CVN-

73)
(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan (b)(6), (b)(7)(C) =
Investigator, NCISRA Yokosuka, Japan (b)(6), (b)(7)(C) USN, NCISRA =
Yokosuka, Japan (b)(6), (b)(7)(C) Acting Supervisory Special Agent, =
NCISRA Yokosuka,
Japan

DISTRIBUTION

NCISHQ: 0023 (E)

INFO: FEYK/FEYO (E)/CO CFAY Via SJA (H)/CO USS GEORGE WASHINGTON
(CVN-73) (ATTN: (b)(6), (b)(7)(C) Via (b)(6), (b)(7)(C)
SJA) (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

F13-0580.FEYK 000004

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

460393 04:59 20060803 IN:SSDEMAIL #55951 OUT:NIPRDAAAM #44792

REPORT OF INVESTIGATION (CLOSED)

02AUG06

SPECIAL INQUIRY (II)

CONTROL: 02AUG06-FEYK-0192-8XNA/C

I/USS FRANK CABLE (AS-40), YOKOSUKA, JAPAN/ALLEGATION OF SEXUAL
ASSAULT OF US NAVY MEMBER

COMMAND/USS FRANK CABLE (AS-40)/20865

MADE AT/FEYK/YOKOSUKA JA [REDACTED], SPECIAL AGENT

EXHIBIT(S)

(1) Sworn statement from [REDACTED] 01Aug06... (Original
HIMI/Copy Command)

NARRATIVE

1. On 01Aug06, Participating Agent [REDACTED] was notified by [REDACTED] [REDACTED] Supervisory Special Agent, NCISRA Guam, of an alleged rape concerning a Sailor stationed aboard the USS FRANK CABLE (AS-40). The USS FRANK CABLE (AS-40) is home ported in Guam, and is currently visiting Commander Fleet Activities Yokosuka (CFAY), Japan. PA [REDACTED] initiated contact with [REDACTED], USN, Legal Officer, USS FRANK CABLE (AS-40), who stated [REDACTED], USN, USS FRANK CABLE (AS-40), bearing no relationship to [REDACTED] recently reported she might have been raped in May 2006 while in Guam by a U.S. Navy member assigned to Security aboard the U.S. Navy base in Guam.
2. [REDACTED] stated the Command Sexual Assault Victim Intervention (SAVI) representative was notified, as well as the ship Medical Officer, the Executive Officer, and the Commanding Officer. PA [REDACTED] informed [REDACTED] NCISRA Yokosuka would make plans to interview [REDACTED].
3. On 02Aug06, Reporting Agent (RA) conducted an interview of [REDACTED] [REDACTED] at NCISRA Yokosuka wherein [REDACTED] reported engaging in consensual sexual intercourse with a white male named [REDACTED] (LNU), whom she believes to be assigned to base Security aboard Naval Base Guam. [REDACTED] stated she felt taken advantage of by [REDACTED] and after agreeing to have sex with him, she assumed they would continue a romantic relationship. [REDACTED] subsequently informed [REDACTED] he was not interested in a relationship with her, and [REDACTED] reported she later told friends only part of the description of her sexual encounter with [REDACTED]. When the Command initiated contact with [REDACTED] regarding a possible rape allegation, she was too embarrassed to correct their belief she was raped. [REDACTED] stated she felt relieved to provide the sworn statement to RA, and admitted knowing she was not a victim of rape, but that [REDACTED] took advantage of her. [REDACTED] did not report any criminal acts to NCISRA Yokosuka, stated she was not a victim of any crime, and was pleased with the outcome of her interaction with NCISRA Yokosuka. Exhibit (1) provides greater detail.

FOR OFFICIAL USE ONLY
Page 1 of 2

F13-0580.FEYK 000005

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02AUG06-FEYK-0192-8XNA/C

02Aug06

4. On 02Aug06, RA briefed (b)(6), (b)(7)(C) USN, Commanding Officer, USS FRANK CABLE (AS-40) regarding the results of interview with (b)(6), (b)(7)(C).
(b)(6), (b)(7)(C) No violation of criminal statutes reported, investigation is hereby closed. Original documents will be forwarded to HIMI for retention.

ACTION

0023B: ONLY report.

PARTICIPANT(S)

(b)(6), (b)(7)(C)

Acting Supervisory Special Agent, NCISRA Yokosuka,

JA

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/HIHN/HIMI (M)/CO USS FRANK CABLE (AS-40) (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 INY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000006

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

546915 02:10 20100706 IN:SSDEMAIL #786 OUT:NIPRDAAAM #51654

REPORT OF INVESTIGATION (CLOSED)

30JUN10

RAPE (II)

CONTROL: 02FEB09-GCGL-0020-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS JOHN MCCAIN/21686

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Great Lakes, IL ROI (INTERIM)/04MAR09
(Contains Exhibits 1-5)
- (B) NCISRA Great Lakes, IL ROI (INTERIM)/15MAY09
- (C) NCISRA Great Lakes, IL ROI (INTERIM)/15JUL09
- (D) NCISRA Great Lakes, IL ROI (INTERIM)/15JUL09
(Contains Exhibits 6-8)
- (E) NCISRA Great Lakes, IL ROI (INTERIM)/13NOV09
(Contains Exhibits 9-10)
- (F) NCISRA Yokosuka, Japan ROI (INTERIM)/29Dec09
- (G) NCISRA Yokosuka, Japan ROI (INTERIM)/09Feb10
(Contains Exhibit 11)
- (H) NCISRA Yokosuka, Japan ROI (INTERIM)/09Apr10
- (I) NCISRA Yokosuka, Japan ROI (INTERIM)/08Jun10

EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 02Feb09, after NCISRA Great Lakes, IL received information from (b)(6), (b)(7)(C) NRMW, Sexual Assault Response Coordinator, Naval Station Great Lakes Family Advocacy Program, Great Lakes, IL in regard to an alleged sexual assault on a United States Navy service member. On 02Feb09, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) was interviewed and reported (b)(6), (b)(7)(C) invited her to his parent's house in Chicago for a family party on 24Jan09. Originally, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were to spend the night at (b)(6), (b)(7)(C) parent's house, but due to overcrowding there was no room so (b)(6), (b)(7)(C) rented a hotel room for the two of them to stay in. (b)(6), (b)(7)(C) alleged that while in the hotel room, (b)(6), (b)(7)(C) forcibly removed her shorts and climbed on top of her at approximately 0300 hours on 25Jan09. (b)(6), (b)(7)(C) reported telling (b)(6), (b)(7)(C) and had a boyfriend and did not want to have sex with him. (b)(6), (b)(7)(C) advised she told (b)(6), (b)(7)(C) to stop and tried to resist him by pushing him away, however; (b)(6), (b)(7)(C) forcibly penetrated her vagina with his penis. (b)(6), (b)(7)(C) reported she asked (b)(6), (b)(7)(C) to put on a condom. (b)(6), (b)(7)(C) reportedly agreed then continued to have sexual intercourse with her. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) then performed oral sex on her and then removed his condom and forced her to perform oral sex on him. (b)(6), (b)(7)(C) advised the assault/rape ended at approximately 0630 hours. On the morning of 25Jan09, (b)(6), (b)(7)(C) returned to (b)(6), (b)(7)(C) parent's house

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02FEB09-GCGL-0020-8FNA/C

30Jun10

to go to church and to run errands. (b)(6), (b)(7)(C) was interviewed and invoked his right to legal counsel. The Region Legal Services Office (RLSO) Far East and (b)(6), (b)(7)(C) command declined prosecution. This case is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to an alleged violation of Article 120 (Rape, sexual assault and other sexual misconduct) of the Uniform Code of Military Justice.

2. On 30Jun10, (b)(6), (b)(7)(C) USN, Executive Officer, USS JOHN S. MCCAIN (DDG-56), was contacted and stated (b)(6), (b)(7)(C) is being processed out of the Navy and the command would not be pursuing charges against him in this case. Also, as background, on 05Feb10, (b)(6), (b)(7)(C) USN, Senior Trial Counsel, RLSO Far East, advised this case would not be prosecuted due to a lack of physical and testimonial evidence.

3. This case is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/CO, USS John McCain (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

384944 23:36 20060517 IN:SSDEMAIL #35900 OUT:NIPRDAAAM #24843

REPORT OF INVESTIGATION (CLOSED)

11MAY06

RAPE (II)

CONTROL: 02MAY06-FEYK-0111-8FNA/C

I/COMMANDER FLEET ACTIVITIES YOKOSUKA, YOKOSUKA, JA/REPORT OF ALLEGED
SEXUAL ASSAULT

COMMAND/USS KITTY HAWK (CV-63)/03363

MADE AT/FEYK/YOKOSUKA JA [REDACTED], SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Results of telephonic and personal contact with CFAY CID and CFAY Security regarding an alleged sexual assault/03May06...(Copy all)
- (2) Security Department Desk Journal/02May06...(Copy all)
- (3) IA: Results of Emergency Room interview of [REDACTED]
[REDACTED] 04May06...(Copy all)
- (4) IA: Results of contact with [REDACTED]
[REDACTED] 03May06...(Copy all)
- (5) IA: Results of crime scene examination/08May06...(Copy all)
- (6) IA: Results of interview with [REDACTED] 7May06...(Copy all)
- (7) IA: Results of criminal history record checks/10May06...(Copy all)
- (8) IA: Results of interview of [REDACTED]
USN/08May06...(Copy all)
- (9) IA: Results of interview with [REDACTED] 8May06...(Copy all)
- (10) IA: Results of interview of [REDACTED]
[REDACTED] 04May06...(Copy all)
- (11) IA: Results of contact with [REDACTED]
[REDACTED] 08May06...(Copy all)
- (12) IA: Results of contact with [REDACTED]/07May06...(Copy all)
- (13) IA: Results of contact with Command/07May06...(Copy all)
- (14) IA: Results of contact with Command/07May06...(Copy all)
- (15) IA: Results of Command notification of NCIS investigation/03May06...(Copy all)
- (16) IA: Results of contact with [REDACTED] 05May06...(Copy all)
- (17) IA: Results of contact with [REDACTED] 5May06...(Copy all)
- (18) IA: Collection of [REDACTED] sexual assault examination kit/09May06...(Copy all)
- (19) IA: [REDACTED] request for return of evidence/09May06...(Copy all)

EXECUTIVE SUMMARY

1. This reactive investigation was initiated pursuant to [REDACTED]
[REDACTED] USN, USS Lassen
(DDG-82) reporting she was raped in her home by [REDACTED]
USN, USS Kitty Hawk (CV-63). [REDACTED] then admitted telling her spouse a fictitious description of the rape incident. [REDACTED] was interviewed and exercised his right to counsel. [REDACTED] then provided a sworn statement recanting her rape allegation and detailing

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 6

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02MAY06-FEYK-0111-8FNA/C

11May06

consensual sexual activity between herself, (b)(6), (b)(7)(C) and her female friend, also present at the time (b)(6), (b)(7)(C) had sex with (b)(6), (b)(7)(C) further admitted she and her female friend conspired to falsely accuse (b)(6), (b)(7)(C) of rape to avoid the shame she felt at being unfaithful to her husband. (b)(6), (b)(7)(C) female friend was interviewed and persisted in trying to report the rape on behalf of (b)(6), (b)(7)(C) then filed numerous complaints on base alleging mistreatment by the hospital and NCIS. Command declined to pursue adjudication; case now closed.

NARRATIVE

1. This reactive investigation was initiated in response to suspected violations of the Uniform Code of Military Justice (UCMJ) Article 120 (Rape and Carnal Knowledge). On 02May06, Participating Agent (PA) (b)(6), (b)(7)(C) was notified that (b)(6), (b)(7)(C) hereafter referred to as (b)(6), (b)(7)(C) USN, USS Lassen (DDG-82) reported she was raped on 01May06 by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS Kitty Hawk (CV-63) (exhibit (1) pertains). PA (b)(6), (b)(7)(C) was contacted by the Command Investigative Division (CID) aboard Commander Fleet Activities Yokosuka (CFAY), Japan and notified that (b)(6), (b)(7)(C) and her friend (b)(6), (b)(7)(C) (hereafter referred to as (b)(6), (b)(7)(C) USN, USS Kitty Hawk (CV-63) were transported to the US Naval Hospital Yokosuka, where (b)(6), (b)(7)(C) was waiting to undergo a sexual assault examination (exhibit (2) pertains).

2. Reporting Agent (RA) and PA (b)(6), (b)(7)(C) arrived at the Emergency Room, US Naval Hospital Yokosuka at approximately 0200 on 02May06. (b)(6), (b)(7)(C) was provided the Victim and Witness Rights brochure, and a brief interview was conducted. RA interviewed (b)(6), (b)(7)(C) who reported she went out drinking with (b)(6), (b)(7)(C) on 01May06, and the women asked (b)(6), (b)(7)(C) for a ride home because they were too intoxicated to drive. While (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were out visiting various bars, (b)(6), (b)(7)(C) USN, USS Kitty Hawk (CV-63) babysat (b)(6), (b)(7)(C) two children, ages ten months and four years old, in the (b)(6), (b)(7)(C) residence. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) entered her home after driving the women back to her on-base residence, and all three individuals continued to drink alcohol together. (b)(6), (b)(7)(C) reported she and (b)(6), (b)(7)(C) eventually ended up sleeping in her bed in the master bedroom together, and (b)(6), (b)(7)(C) then entered the room, and raped (b)(6), (b)(7)(C) stated she was awakened by the sound of (b)(6), (b)(7)(C) voice in bed next to her and the sound of her baby crying, and realized (b)(6), (b)(7)(C) was laying on top of her in bed, having sex with her without her consent. (b)(6), (b)(7)(C) agreed to allow a crime scene examination of her home to be conducted, and also informed RA she lied to her husband about the circumstances of the rape, via her 02May06 e-mails, and informed her husband she was raped by a stranger (exhibit (3) pertains). (b)(6), (b)(7)(C) was briefly interviewed at the NAVHOSP, and provided her contact information, and agreed to go to NCIS later to be fully interviewed as a witness (exhibit (4) pertains).

3. On 02May06, a crime scene examination of (b)(6), (b)(7)(C) residence was conducted. No signs of a struggle were noted. Numerous alcohol bottles and shot glasses filled with alcohol were noted in the kitchen. The underwear and shorts (b)(6), (b)(7)(C) stated she wore prior to and immediately after being raped by (b)(6), (b)(7)(C) were collected as evidence.

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 6

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02MAY06-FEYK-0111-8FNA/C

11May06

RA returned (b)(6), (b)(7)(C) keys to her at the hospital upon completion of the crime scene examination (exhibit (5) pertains).

4. On 02May06, at 0840, (b)(6), (b)(7)(C) was interviewed by RA and PA (b)(6), (b)(7)(C) first waived his Article 31(B) rights, and asked if he was suspected of raping one woman (b)(6), (b)(7)(C) or two (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Shortly after waiving his rights, (b)(6), (b)(7)(C) exercised his right to counsel, and the interview was terminated without questioning (exhibit (6) pertains). Records checks on (b)(6), (b)(7)(C) revealed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (exhibit (7) pertains).

5. On 02May06, (b)(6), (b)(7)(C) was interviewed by RA and PA (b)(6), (b)(7)(C). Record checks indicate (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) reported meeting (b)(6), (b)(7)(C) two nights before the alleged rape, and sleeping in (b)(6), (b)(7)(C) bed the first night he met her. (b)(6), (b)(7)(C) further reported that two nights prior to the alleged rape, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had sex on the balcony of (b)(6), (b)(7)(C) on-base apartment. (b)(6), (b)(7)(C) denied all knowledge that (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) were raped on 01May06, the night he babysat (b)(6), (b)(7)(C) two daughters, and stated he did not hear any struggling or arguments during the night. (b)(6), (b)(7)(C) reported babysitting for (b)(6), (b)(7)(C) from 2200 on 30Apr06 to approximately 0130 on 01May06, and observing (b)(6), (b)(7)(C) consume alcohol when they returned home. (b)(6), (b)(7)(C) denied drinking any alcohol during the course of the night. (b)(6), (b)(7)(C) also stated (b)(6), (b)(7)(C) offered to allow (b)(6), (b)(7)(C) to observe them having sex, and asked (b)(6), (b)(7)(C) how much he would pay to watch; (b)(6), (b)(7)(C) offered (b)(6), (b)(7)(C) two hundred dollars to observe (b)(6), (b)(7)(C) engage in sexual acts with each other. (b)(6), (b)(7)(C) further stated he eavesdropped for at least ten minutes in (b)(6), (b)(7)(C) house, through a closed door, and was able to hear what he described as consensual sex between (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated he remained in the living room while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were in (b)(6), (b)(7)(C) bedroom with the door closed, and that neither (b)(6), (b)(7)(C) ever sought his assistance, had signs of physical injuries, or reported to him they were raped. (b)(6), (b)(7)(C) further stated that after (b)(6), (b)(7)(C) departed (b)(6), (b)(7)(C) residence together, he asked (b)(6), (b)(7)(C) what just happened, and she admitted having sex with (b)(6), (b)(7)(C) and emphasized her regret (exhibit (8) pertains).

6. On 02May06, (b)(6), (b)(7)(C) provided a sworn statement wherein she recanted her allegation of rape against (b)(6), (b)(7)(C) and admitted engaging in consensual sexual intercourse with (b)(6), (b)(7)(C) on 01May06. (b)(6), (b)(7)(C) further admitted engaging in consensual sexual acts with (b)(6), (b)(7)(C) prior to having sex with (b)(6), (b)(7)(C) and reported (b)(6), (b)(7)(C) has joked with her husband about having sex with (b)(6), (b)(7)(C) on numerous occasions. (b)(6), (b)(7)(C) stated she was fearful that (b)(6), (b)(7)(C) would harass her, and stated (b)(6), (b)(7)(C) already returned to her house on the evening of 01May06 to ask for her phone number, and offer to take her on a date. (b)(6), (b)(7)(C) stated she was alarmed by (b)(6), (b)(7)(C) visit to her home, and sought (b)(6), (b)(7)(C) advice in keeping (b)(6), (b)(7)(C) away from her home. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) devised a plan to report that (b)(6), (b)(7)(C) raped (b)(6), (b)(7)(C)

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02MAY06-FEYK-0111-8FNA/C

11May06

which would prevent (b)(6), (b)(7)(C) from further visits to (b)(6), (b)(7)(C) home. (b)(6), (b)(7)(C) also admitted reluctance to advise her husband she engaged in sexual acts with (b)(6), (b)(7)(C) but stated she knew she was not a victim of rape (exhibit (9) pertains).

7. On 02May06, (b)(6), (b)(7)(C) was interviewed and became extremely upset after learning (b)(6), (b)(7)(C) recanted her rape allegation. (b)(6), (b)(7)(C) advised RA and PA (b)(6), (b)(7)(C) she was a victim of rape in her past, and that women were not safe on the base because Base Security did not offer courtesy rides to drunk women. (b)(6), (b)(7)(C) continued to state she believed (b)(6), (b)(7)(C) was in fact a rape victim, but stated she did not see (b)(6), (b)(7)(C) rape (b)(6), (b)(7)(C) stated she did not recall what happened in bed while she slept with (b)(6), (b)(7)(C) then contradicted herself and stated that during the day on 02May06, she and (b)(6), (b)(7)(C) laughed and joked when (b)(6), (b)(7)(C) talked about how (b)(6), (b)(7)(C) almost bit (b)(6), (b)(7)(C) nipple off during the sexual acts between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) in the presence of (b)(6), (b)(7)(C) on 01May06. (b)(6), (b)(7)(C) acknowledged drinking large amounts of alcohol, and stated she felt that she also was a victim of sexual assault, and that she "should have" been the victim, not (b)(6), (b)(7)(C) explained she may have been sexually assaulted because she could not recall how her underwear was removed that night, and RA advised (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) admitted to removing her underwear. RA asked if (b)(6), (b)(7)(C) considered those actions to be non-consensual, and (b)(6), (b)(7)(C) declined to file a criminal complaint, and vehemently stated she was positive (b)(6), (b)(7)(C) did not penetrate her vagina. (b)(6), (b)(7)(C) further declined to have a sexual assault examination conducted, and did not file a criminal complaint. The interview was terminated without incident (exhibit (10) pertains).

8. On 02May06, at the conclusion of the interview with (b)(6), (b)(7)(C), she contacted (b)(6), (b)(7)(C) for a ride home, and (b)(6), (b)(7)(C) continued to speak and joke with RA and PA (b)(6), (b)(7)(C) arrived, and thanked RA and PA (b)(6), (b)(7)(C) again, then departed the NCIS office with (b)(6), (b)(7)(C) (exhibit (11) pertains). Approximately one hour after (b)(6), (b)(7)(C) departed the NCIS office together, (b)(6), (b)(7)(C) contacted RA's cell phone, and left a message stated she wished to withdraw the last paragraph of her statement, and that she no longer felt the sex with (b)(6), (b)(7)(C) was consensual. (b)(6), (b)(7)(C) stated she wished to reinstate her complaint of rape against (b)(6), (b)(7)(C) (exhibit (12) pertains).

9. On 02May06, RA contacted the USS Kitty Hawk (CV-63) to provide a status of (b)(6), (b)(7)(C) withdrawal of her rape allegation against (b)(6), (b)(7)(C) (exhibit (13) pertains). On 03May06, the Command was again contacted regarding (b)(6), (b)(7)(C) initial withdrawal of her rape allegation, followed by her voice mail message indicating (b)(6), (b)(7)(C) with to reinstate her rape allegation against (b)(6), (b)(7)(C). The Command advised they did not intend to pursue rape charges against (b)(6), (b)(7)(C) (exhibit (14) pertains). The USS Lassen (DDG-82) was also contacted, and apprised of the status of captioned investigation; information was obtained indicating the (b)(6), (b)(7)(C) exhibit (15) pertains).

10. On 04May06, RA was contacted by (b)(6), (b)(7)(C) CIV, Sexual Assault Response Coordinator (SARC), aboard CFAY. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) visited his office to complain that NCIS ignored her report of

WARNING

FOR OFFICIAL USE ONLY
Page 4 of 6

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000012

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02MAY06-FEYK-0111-8FNA/C

11May06

sexual assault, and that RA advised (b)(6), (b)(7)(C) not to seek a sexual assault examination at the Naval Hospital. RA advised (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) previously asked RA to communicate to (b)(6), (b)(7)(C) that the Sexual Assault Victim Intervention (SAVI) Advocate who assisted them at the hospital on 02May06 was not helpful. (b)(6), (b)(7)(C) was surprised at this information, because during (b)(6), (b)(7)(C) visit with (b)(6), (b)(7)(C) she expressed her satisfaction with the SAVI advocate (exhibit (16) pertains).

11. On 04May06, RA was contacted by (b)(6), (b)(7)(C) USN, Command (b)(6), (b)(7)(C) CFAY, who stated he was contacted by (b)(6), (b)(7)(C) and was very concerned by (b)(6), (b)(7)(C) claims. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) informed him (b)(6), (b)(7)(C) and her friend (b)(6), (b)(7)(C) were both victims of sexual assault, and that they were ignored by NCIS, no crime scene examination was conducted, and RA did not return any of (b)(6), (b)(7)(C) numerous phone calls. RA advised (b)(6), (b)(7)(C) details of the investigation could not be revealed, but that (b)(6), (b)(7)(C) never reported being a victim of sexual assault, and did not leave any messages on RA's cell phone or office phone number (exhibit (17) pertains).

12. On 09May06, RA contacted (b)(6), (b)(7)(C) USN Medical Corps, Nurse, Sexual Assault Nurse Examiner, US Naval Hospital Yokosuka. (b)(6), (b)(7)(C) conducted the sexual assault examination of (b)(6), (b)(7)(C) on 02May06, and confirmed (b)(6), (b)(7)(C) reported being raped by (b)(6), (b)(7)(C) had no knowledge of the sexual acts (b)(6), (b)(7)(C) reported she engaged in with (b)(6), (b)(7)(C). On 02May06, RA returned (b)(6), (b)(7)(C) house keys to (b)(6), (b)(7)(C) at the conclusion of the crime scene examination. (b)(6), (b)(7)(C) advised RA the sex assault kit stored at the hospital had an expired tag on the box; RA advised (b)(6), (b)(7)(C) that only the glass vials for blood had an expiration date, and she could simply replace the vials from the stock maintained in the hospital. On 09May06, (b)(6), (b)(7)(C) advised that (b)(6), (b)(7)(C) filed a written complaint against (b)(6), (b)(7)(C) alleging (b)(6), (b)(7)(C) ignored (b)(6), (b)(7)(C) during (b)(6), (b)(7)(C) sexual assault examination, and claiming (b)(6), (b)(7)(C) was also a victim of sexual assault. (b)(6), (b)(7)(C) denied knowledge that (b)(6), (b)(7)(C) claimed to be a victim of any crime, and stated she was only aware that (b)(6), (b)(7)(C) claimed to be a rape victim (exhibit (18) pertains). At the date of this report, (b)(6), (b)(7)(C) has not filed a criminal complaint regarding rape or sexual assault with NCIS or Base Security.

13. On 08May06, RA received a voice mail message from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) requesting return of evidence seized from the (b)(6), (b)(7)(C) residence during the 02May06 crime scene examination. On 09May06, RA returned the phone call, and advised (b)(6), (b)(7)(C) that all evidence would be returned as soon as a final disposition from the Command was received after submission of the NCIS report (exhibit (19) pertains).

14. Based on Command declination to pursue charges, this case is hereby closed.

ACTION

0023: ONLY report.

PARTICIPANT(S)

(b)(6), (b)(7)(C)

Special Agent, NCISRA Yokosuka, Japan
Special Agent, NCISRU USS Kitty Hawk (CV-63)
Agent, NCISRA Yokosuka, Japan

WARNING

FOR OFFICIAL USE ONLY
Page 5 of 6

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02MAY06-FEYK-0111-8FNA/C

11May06

DISTRIBUTION

NCISHQ: 0023B

ACTION: 0023

INFO: FEYK/CO USS KITTY HAWK (CV-63) (VIA FEXV) (H)/FEXV

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 6 of 6

F13-0580.FEYK 000014

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C8893 01:41 20121012 IN:SSDEMAIL #69826 OUT:NIPRDAAAM #69826

REPORT OF INVESTIGATION (CLOSED)

01OCT12

RAPE (II)

CONTROL: 02MAY12-FEYK-0303-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/COMMANDER FLEET ACTIVITIES YOKOSUKA JAPAN/48649

MADE AT/FEYK/RESIDENT AGENCY YOKOSUKA

(b)(6), (b)(7)(C)

INVESTIGATOR

REFERENCE(S)

- (A) NCISRA YOKOSUKA, JA ROI (INTERIM) (CONTAINS EXHIBITS 1-18)/25JUN12
- (B) NCISRA YOKOSUKA, JA ROI (INTERIM)/31AUG12

EXECUTIVE SUMMARY

1. References (A) and (B) detailed investigative findings which were predicated on (b)(6), (b)(7)(C) alleging (b)(6), (b)(7)(C) raped her in the early hours of 29APR12 in his government quarters aboard Commander Fleet Activities Yokosuka (CFAY), Japan. Evidence was developed showing (b)(6), (b)(7)(C) filed a false allegation.

NARRATIVE

1. This reactive investigation was conducted for possible violations of the Uniform Code of Military Justice (UCMJ) Article 120 (Rape, sexual assault, and other sexual misconduct.

2. On 28SEP12, (b)(6), (b)(7)(C) JAGC, USN, Region Legal Service Office (RLSO), Japan, advised all charges against (b)(6), (b)(7)(C) were dismissed and no legal or administrative action would be taken against him as (b)(6), (b)(7)(C) advised RLSO she no longer wanted to pursue this case.

3. This investigation is closed.

DISTRIBUTION

NCISHQ: 23B2/014C

INFO: RLSO (b)(6), (b)(7)(C) (H)/USS GEORGE WASHINGTON (CVN 73)
(Commanding Officer) (E)/FEYK

FOR OFFICIAL USE ONLY
Page 1 of 1

F13-0580.FEYK 000015

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

436627 23:10 20071015 IN:SSDEMAIL #29219 OUT:NIPRDAAAM #19751

REPORT OF INVESTIGATION (CLOSED)

02OCT07

RAPE (II)

CONTROL: 02OCT07-FEYK-0300-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/COMMANDER FLEET ACTIVITIES YOKOSUKA/61054

MADE AT/FEYK/YOKOSUKA JA (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) (b)(6), (b)(7)(C) Military Suspect's Acknowledgement and Waiver of Rights/29Aug07...(Copy All)
- (2) (b)(6), (b)(7)(C) Sworn Statement/29Aug07...(Copy All)
- (3) (b)(6), (b)(7)(C) Statement/30Aug07...(Copy All)
- (4) (b)(6), (b)(7)(C) Statement/31Aug07...(Copy All)
- (5) (b)(6), (b)(7)(C) Statement/31Aug07...(Copy All)

NARRATIVE

1. This case was initiated under a suspected violation of Uniformed Code of Military Justice (UCMJ) Article 120 (Rape).

2. On 27Aug07, (b)(6), (b)(7)(C) alleged she had been raped by (b)(6), (b)(7)(C) Commander Naval Forces Japan (CNFJ), on 25Aug07 while staying with him at a hotel in Kawasaki, Japan. (b)(6), (b)(7)(C) related she wanted to speak with (b)(6), (b)(7)(C) about paying her \$2000 to pay for a pregnancy and sexually transmitted disease test before filing an official complaint to authorities.

3. On 29Aug07, (b)(6), (b)(7)(C) was interviewed at NCISRA Yokosuka, Japan after he was advised of his rights and waived the same. (b)(6), (b)(7)(C) related he met (b)(6), (b)(7)(C) after she responded to a dating profile he had posted on the "Japan Cupid" website. After speaking with (b)(6), (b)(7)(C) on the telephone, (b)(6), (b)(7)(C) agreed to meet with her personally for a lunch date. Later that day, (b)(6), (b)(7)(C) rented a hotel room in Kawasaki, Japan. (b)(6), (b)(7)(C) stated he and (b)(6), (b)(7)(C) engaged in consensual sex during his stay at the hotel. (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) suggested several times that they engage in rough sex, but he refused. (b)(6), (b)(7)(C) related that as the night continued, his experience with (b)(6), (b)(7)(C) became stranger. (b)(6), (b)(7)(C) said he finally told (b)(6), (b)(7)(C) a lie that his son was sick and abruptly left the hotel room. Exhibits (1) and (2) provide details.

4. On 30Aug07, (b)(6), (b)(7)(C) CNFJ, was interviewed at NCISRA Yokosuka, Japan. When (b)(6), (b)(7)(C) contacted CNFJ to inform (b)(6), (b)(7)(C) Command about her alleged incident, (b)(6), (b)(7)(C) answered her call. (b)(6), (b)(7)(C) related to (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) raped her on 25Aug07. (b)(6), (b)(7)(C) claimed that (b)(6), (b)(7)(C) agreed to pay her \$2000 USD after she told him how she felt about him raping her, but he broke their agreement. (b)(6), (b)(7)(C) stated to (b)(6), (b)(7)(C) she did not want of make an official report. (b)(6), (b)(7)(C) expressed that she only wanted to get the money and be done with the situation. Exhibit (3) provides details.

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02OCT07-FEYK-0300-8FNA/C

02Oct07

5. On 31Aug07, (b)(6), (b)(7)(C) CNFJ, was interviewed at NCISRA Yokosuka, Japan. (b)(6), (b)(7)(C) acknowledged he saw (b)(6), (b)(7)(C) returning to near the Fleet Activities Yokosuka (FAY), Japan main gate on Saturday night, 25Aug07 at approximately 2115. Exhibit (4) provides further details.

6. On 31Aug07, (b)(6), (b)(7)(C) was interviewed at NCISRA Yokosuka, Japan regarding the phone call he made to (b)(6), (b)(7)(C) on 25Aug07. (b)(6), (b)(7)(C) stated he received a phone call from (b)(6), (b)(7)(C) on the evenings of 25Aug07. During their conversation, (b)(6), (b)(7)(C) related that (b)(6), (b)(7)(C) was exhibiting "crazy" behavior and he needed to get away from her. They developed a plan where (b)(6), (b)(7)(C) had agreed to call (b)(6), (b)(7)(C) with false information that his son was sick. Exhibit (5) provides details.

7. At this time, (b)(6), (b)(7)(C) has declined to make an official report to Japanese or U.S. authorities. Due to Japanese police jurisdiction, notification was made to Assistant Inspector (AI) (b)(6), (b)(7)(C) International Criminal Division, Kanagawa Prefecture Police Headquarters (KPPHQ), Japan of captioned investigation. AI (b)(6), (b)(7)(C) advised KPPHQ will not initiate an investigation without (b)(6), (b)(7)(C) providing a statement. On 12Oct07, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Regional legal Service Office-Pacific, was briefed on this case and concurs with the decision to close this investigation. This investigation is hereby closed.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan

ACTION

0023B: Only Report

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/002P/RLSO Japan (M)/CNFJ Attn: (b)(6), (b)(7)(C) (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000017

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

772380 19:55 20081028 IN:SSDEMAIL #44378 OUT:NIPRDAAAM #33657

REPORT OF INVESTIGATION (CLOSED)

15OCT08

INDECENT ASSAULT (II)

CONTROL: 04AUG08-FEYK-0180-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS BLUE RIDGE (LCC-19) /05840

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) INVESTIGATOR

EXHIBIT(S)

- (1) IA: Translation of the victim report, dated 31Jul08...(Copy all)
- (2) IA: Translation of the victim statement, dated 31Jul08...(Copy all)
- (3) IA: Translation of the suspect statement, dated 31Jul08...(Copy all)
- (4) IA: Translation of the non-compulsory inspection record, dated 31Jul08...(Copy all)

EXECUTIVE SUMMARY

1. This reciprocal investigation was initiated upon receipt of = information from Yotsuya Police Station (YPS), Tokyo Metropolitan Police = Department (TMPD), Tokyo, Japan, stating that (b)(6), (b)(7)(C) was arrested on = 31Jul08 for suspected violations of Article 5.1 and 8.1.2 of the Tokyo = Metropolitan Ordinance for prevention of violence, delinquent behavior, = and any other actions which cause considerable public nuisance. On = 31Jul08 at approximately 0937, on the sidewalk in front of Isetan = Department Store, 3-14-1 Shinjyuku, Shinjyuku Ward, Tokyo, (b)(6), (b)(7)(C) = allegedly approached (b)(6), (b)(7)(C) from behind and fondled her buttocks = with his right hand. (b)(6), (b)(7)(C) proceeded to follow after (b)(6), (b)(7)(C) and at = approx 0943 31Jul08, on the road in front of Shin Sekai Building, 3-6-1 = Shinjyuku, Shinjyuku Ward, Tokyo, (b)(6), (b)(7)(C) allegedly hugged (b)(6), (b)(7)(C) = from behind. YPS police officers responded to a 110 police emergency = call from the location of the alleged indecent assault at which time = (b)(6), (b)(7)(C) was escorted to the Oiwake Police Box, YPS for interrogation. = (b)(6), (b)(7)(C) was subsequently arrested at 0948 31Jul08. During the YPS = interview, (b)(6), (b)(7)(C) stated that he consumed alcohol until 0230 on = 31Jul08. YPS conducted a breathalyzer test which yielded 0.4 milligrams = (mg) of alcohol per liter of air (U.S. equivalent of 0.08% blood alcohol = content (BAC). (b)(6), (b)(7)(C) admitted culpability and was released from the YPS and = transported back to Fleet Activities Yokosuka (FAY) on 02Aug08.

NARRATIVE

1. Subsequent to the initiation of this investigation, Reporting = Investigator conducted a review of the Japanese police report pertaining = to the captioned investigation. Exhibits (1) to (4) pertain.

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 04AUG08-FEYK-0180-8DNA/C

15Oct08

2. On 08Aug08, (b)(6), (b)(7)(C) withdrew the official complaint against =
(b)(6), (b)(7)(C) after she received a 150,000 yen compensation fee. On 11Aug08, =
NCIS was advised by JPS that the Tokyo District Prosecutor's Office =
dropped the charges against (b)(6), (b)(7)(C) resulting in a non- indictment.

3. In Sep08, (b)(6), (b)(7)(C) was administratively separated from the U.S.
Navy due to alcohol rehabilitation failure.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/SJA 7th Fleet via SCI (b)(6), (b)(7)(C) (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 2 of 2

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

654330 02:12 20120816 IN:SSDEMAIL #34318 OUT:NIPRDAAAM #33605

REPORT OF INVESTIGATION (CLOSED)

10AUG12

SPECIAL INQUIRY (II)

CONTROL: 04JUN12-FEYK-0369-8XNA/C

(b)(6), (b)(7)(C)

COMMAND/USS COWPENS (CG-63)/21623

MADE AT/FEYK/YOKOSUKA JP (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka, Japan ROI (INTERIM)/06Jun12 (Contain Exhibits 1-7)

(B) NCISRA Yokosuka, Japan ROI (INTERIM)/26Jun12

EXHIBIT

(8) IA: Results of (b)(6), (b)(7)(C) s Report and Disposition of Offenses/18Jun12

EXECUTIVE SUMMARY

1. On 30May12, NCISRA Yokosuka was notified by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS COWPENS (CG-63), of a report of indecent exposure wherein (b)(6), (b)(7)(C) exposed his testicles near the face of (b)(6), (b)(7)(C) provided a sworn statement wherein he related how on 26May12, while asleep on the couch in the Engineering Supply Berthing Area aboard the USS COWPENS (CG-63), he awoke to (b)(6), (b)(7)(C) exposing his testicles near his face. (b)(6), (b)(7)(C) was unsure if (b)(6), (b)(7)(C) exposed testicles made contact with his face or any portion of his body as he was asleep. (b)(6), (b)(7)(C) was interrogated subsequent to a waiver of Article 31b rights and admitted to exposing his testicles near the face of (b)(6), (b)(7)(C) however, denied his testicles touched (b)(6), (b)(7)(C) Witness interviews conducted related (b)(6), (b)(7)(C) exposed his testicles near (b)(6), (b)(7)(C) while (b)(6), (b)(7)(C) was asleep on the couch in the Engineering Supply Berthing Area aboard the USS COWPENS (CG-63). On 18Jun12, (b)(6), (b)(7)(C) attended Captain's Mast wherein he was found guilty Uniform Code of Military Justice (UCMJ) Article 134 (Indecent Exposure). (b)(6), (b)(7)(C) received the following punishment: forfeiture of half pay per month for two months, and reduction in rank (suspended for six months), extra duty and restricted to the USS COWPENS for 45 days. This case is closed.

NARRATIVE

1. This reactive investigation pertains to the suspected violation of Article 120 (Indecent Exposure) of the Uniform Code of Military Justice. References (A) and (B) report prior investigative effort.

2. On 02Aug12, (b)(6), (b)(7)(C) USN, Executive Officer, USS COWPENS

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 04JUN12-FEYK-0369-8XNA/C

10Aug12

(CG-63), provided RA with the Report and Disposition of Captain's Mast which occurred on 18Jun12; Exhibit (8) pertains. (b)(6), (b)(7)(C) was found guilty Uniform Code of Military Justice (UCMJ) Article 134 (Indecent Exposure). (b)(6), (b)(7)(C) received the following punishment: forfeiture of half pay per month for two months, and reduction in rank (suspended for six months), extra duty and restricted to the USS COWPENS for 45 days. This case is closed.

DISTRIBUTION

NCISHQ: 023B

INFO: FEYK (b)(6), (b)(7)(C) USN, Commanding Officer, USS Cowpens, (CG-63) (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C)

V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000021

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

479810 00:26 20100519 IN:SSDEMAIL #53894 OUT:NIPRDAAAM #40031

REPORT OF INVESTIGATION (CLOSED)

14MAY10

RAPE (II)

CONTROL: 04MAR10-FEYK-0133-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/NAVCOMTELSTA YOKOSUKA JA/70278

MADE AT/FEYK/NCISRA YOKOSUKA (b)(6), (b)(7)(C) INVESTIATOR

REFERENCE

(A) NCISRA YOKOSUKA JA ROI(INTERIM)/28APR10 (Contains exhibit (1))

EXECUTIVE SUMMARY

1. On 04Mar10, NCIS was notified by the YPS of an allegation of rape made by (b)(6), (b)(7)(C) against (b)(6), (b)(7)(C). Allegedly, (b)(6), (b)(7)(C) met on a social networking website and agreed to meet in person after exchanging several text messages. On 04Jan10, (b)(6), (b)(7)(C) met for the first time and (b)(6), (b)(7)(C) allegedly insisted on taking (b)(6), (b)(7)(C) to an off-base hotel in Yokosuka, Japan and having sexual intercourse with her. (b)(6), (b)(7)(C) advised she refused, at which time (b)(6), (b)(7)(C) allegedly threatened her by saying he would punch her if she did not comply. (b)(6), (b)(7)(C) reported she was forced to go to the hotel and to have sexual intercourse against her will. On 04Feb10, (b)(6), (b)(7)(C) filed an official complaint with YPS. YPS contacted NCIS on 04Mar10 to confirm whether or not (b)(6), (b)(7)(C) was a SOFA member after learning his adoptive father was a military member. On 10May10, the Yokosuka Branch of Yokohama District Public Prosecutor's Office officially waived prosecutorial jurisdiction. This investigation is closed.

NARRATIVE

1. This reciprocal investigation was initiated pursuant to suspected violation of Article 177 of the Japanese Penal Code, Rape. Yokosuka Police Station (YPS), Kanagawa Prefectural Police exercised primary investigative jurisdiction and NCIS' role was limited to supporting the YPS investigation and keeping command apprised of developments.

2. On 10May10, the Yokosuka Branch of Yokohama District Public Prosecutor's Office officially waived prosecutorial jurisdiction which resulted in a non-indictment of (b)(6), (b)(7)(C) due to insufficient evidence. This investigation is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/NCTS CO (H)

FOR OFFICIAL USE ONLY

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000022

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 04MAR10-FEYK-0133-8FNA/C

14May10

(b)(6), (b)(7)(C)

V2 LNY

FOR OFFICIAL USE ONLY
Page 2 of 2

F13-0580.FEYK 000023

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

545706 01:21 20100702 IN:SSDEMAIL #315 OUT:NIPRDAAAM #51193

REPORT OF INVESTIGATION (CLOSED)

29JUN10

RAPE (II)

CONTROL: 04NOV09-FESS-0135-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS PATRIOT (MCM-7)/21453

MADE AT/FEYK/YOKOSUKA JA

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCES

- (A) NCISRA Sasebo, Japan ROI (INTERIM)/11Jan10
(Contains Exhibits 1 and 2)
- (B) NCISRA Sasebo, Japan ROI (INTERIM)/24Feb10
(Contains Exhibits 3-8)
- (C) NCISRA Yokosuka, Japan ROI (INTERIM)/17Jun10

EXECUTIVE SUMMARY

1. On 04Nov09, NCISRA Sasebo, Japan was notified regarding the alleged rape of (b)(6), (b)(7)(C). Although initially hesitant to provide NCIS with information, (b)(6), (b)(7)(C) stated she was sexually assaulted by a sailor she believed was assigned to the USS SHILOH (CG-67), which was temporarily visiting Sasebo. (b)(6), (b)(7)(C) described meeting her assailant in the local bar district and subsequently traveling with him back to her off base residence, where she says the assault occurred. (b)(6), (b)(7)(C) agreed to undergo a sexual assault examination. (b)(6), (b)(7)(C) also provided NCIS with a cellular telephone number believed to be her assailant's and was later attributed to (b)(6), (b)(7)(C) USN, USS SHILOH (CG-67). On 19Nov09, (b)(6), (b)(7)(C) declined further participation in the investigation and signed an NCIS Victim Preference Statement. (b)(6), (b)(7)(C) was interviewed and admitted to having consensual sexual intercourse with (b)(6), (b)(7)(C). After (b)(6), (b)(7)(C) interview, NCIS met with (b)(6), (b)(7)(C) and informed her of his involvement; however, (b)(6), (b)(7)(C) remained unwilling to participate in the investigation. On 29Jun10, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Executive Officer, USS SHILOH (CG-67), stated the ship would not pursue charges against (b)(6), (b)(7)(C). This case is closed.

NARRATIVE

1. The reactive investigation pertains to alleged violations of Article 120 (Rape, Sexual Assault and other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ).
2. On 28Jun10, (b)(6), (b)(7)(C) USN, Senior Trial Counsel, Region Legal Services Office (RLSO) Far East, was contacted and stated this case would not be prosecuted due to lack of physical evidence and (b)(6), (b)(7)(C) refusal to participate. On 29Jun10, (b)(6), (b)(7)(C) indicated she was aware of the status of this investigation and the command would not be pursuing adverse action against (b)(6), (b)(7)(C).
3. This case is closed.

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 04NOV09-FESS-0135-8FNA/C

29Jun10

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/Command (H)

FOR OFFICIAL USE ONLY

(p)(6), (b)(7)(C)

V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000025

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

711694 02:02 20110103 IN:SSDEMAIL #43705 OUT:NIPRDAAAM #29482

REPORT OF INVESTIGATION (CLOSED)

03JAN11

INDECENT ASSAULT (II)

CONTROL: 04NOV10-FEYK-0480-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS LASSEN (DDG-82)/21956

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

(A) NCISRA Yokosuka Japan ROI (INTERIM)/18Nov10 (Contains Exhibits 1-12)

EXHIBITS

(13) IA: Results of Administrative Action/29Dec10... (Copy all)

EXECUTIVE SUMMARY

1. On 04Nov10, NCISRA Yokosuka, Japan, was notified of an alleged sexual assault aboard the USS LASSEN (DDG-82). An interview was conducted with (b)(6), (b)(7)(C) who stated that on 04Nov10 at about 0100 hours, he was sleeping in his rack aboard the ship after having consumed some alcoholic beverages with friends, when he was awakened by someone touching his arm and side. (b)(6), (b)(7)(C) said he pushed the hand away and thought the person had left, but it was completely dark and he couldn't see. (b)(6), (b)(7)(C) stated that approximately 10 minutes later, he was still awake when he felt a hand caressing his arm, side, thighs, and then touching his penis on the outside of his shorts. (b)(6), (b)(7)(C) said he looked out of his bunk and saw (b)(6), (b)(7)(C) on the floor at the base of his rack. (b)(6), (b)(7)(C) advised he tried to chase after (b)(6), (b)(7)(C) but (b)(6), (b)(7)(C) he got away. Upon returning to his bunk, (b)(6), (b)(7)(C) found (b)(6), (b)(7)(C)'s cell phone beside of his bunk, which was subsequently entered into the NCISRA Yokosuka Evidence Custody System. (b)(6), (b)(7)(C) was interrogated and confessed to touching (b)(6), (b)(7)(C) genitals without (b)(6), (b)(7)(C) consent on the outside of and inside (b)(6), (b)(7)(C) shorts. On 14Dec10, (b)(6), (b)(7)(C) was administered Non-Judicial Punishment for Violation of Article 120, Wrongful Sexual Contact and awarded 3 days confinement with bread and water, forfeiture of 1/2 months pay for two months, reduction in rate to E-2, and an Other Than Honorable Discharge. Investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Indecent Assault) of the Uniform Code of Military Justice.

2. On 29Dec10, Reporting Agent (RA) met with (b)(6), (b)(7)(C)

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 04NOV10-FEYK-0480-8DNA/C

03Jan11

USN, Executive Officer, USS LASSEN (DDG-82), who provided a copy of the Commanding Officer's Non-Judicial Punishment and Administrative Separation paperwork for (b)(6), (b)(7)(C) was administered Non-judicial disciplinary action for Violation of Article 120, Wrongful Sexual Contact. (b)(6), (b)(7)(C) received three days confinement with bread and water, forfeiture of 1/2 months pay for two months, reduction in rate to E-2, and an Other Than Honorable Discharge; Exhibit (13) pertains.

3. (b)(6), (b)(7)(C) USN, Executive Officer USS LASSEN (DDG 82); (b)(6), (b)(7)(C) USN Senior Trial Counsel, Regional Legal Services Office, CFAY Japan; and (b)(6), (b)(7)(C) USN, CTF 70 JAG, were briefed on the status of this investigation, which is closed.

4. Due to the adjudication of (b)(6), (b)(7)(C) as documented, his fingerprints and photographs are forwarded to NCISHQ via certified mail.

PARTICIPANTS

(b)(6), (b)(7)(C)

Special Agent, NCISRA Yokosuka
Special Agent, NCISRA Yokosuka
Special Agent, NCISRA Yokosuka

ACTION

24B3: Submission of two (2) criminal fingerprint cards and three (3) mug shot photographs are for inclusion in the FBI database.

Certified Mail tracking number: 7008 1140 0001 8085 6089.

DISTRIBUTION

NCISHQ: 0023B

ACTION: 24B3 (M)

INFO: 02P/FEYK/Commanding Officer (C0) USS LASSEN (DDG 82)
(H) / (b)(6), (b)(7)(C) RLSD (H) / (b)(6), (b)(7)(C) CTF 70
JAG (H) / 11C12 (CCCR Package-RMB, Files Section) (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

441537 20:28 20100415 IN:SSDEMAIL #46088 OUT:NIPRDAAAM #32369

REPORT OF INVESTIGATION (CLOSED)

08APR10

RAPE (II)

CONTROL: 05APR10-FEYK-0193-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/NAVAL HOSPITAL YOKOSUKA, JAPAN/68292

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Interview with (b)(6), (b)(7)(C) 06Apr10... (Copy All/Less 0023B)
- (2) IA: Attempts to Locate (b)(6), (b)(7)(C) /07Apr10... (Copy All/Less 0023B)
- (3) IA: Attempts of Identify (b)(6), (b)(7)(C) via DBIDS/08Apr10... (Copy All/Less 0023B)

EXECUTIVE SUMMARY

1. On 02Apr10, (b)(6), (b)(7)(C) reported being raped by a former navy member = named (b)(6), (b)(7)(C) (NFI.) (b)(6), (b)(7)(C) said the rape occurred around the beginning = of March 2010, at her off-base residence. (b)(6), (b)(7)(C) said she did not = report the incident as she just put it behind her; however, a friend of = hers from her former command did report the incident. (b)(6), (b)(7)(C) said during the assault, she fought with (b)(6), (b)(7)(C) for about an = hour, at which point she stopped fighting and (b)(6), (b)(7)(C) forced sexual = intercourse with her. (b)(6), (b)(7)(C) said she laid there crying, and when (b)(6), (b)(7)(C) = saw her crying, he stopped and got off of her. (b)(6), (b)(7)(C) yelled at (b)(6), (b)(7)(C) = to get out of her house, and told him if he ever came back, she would = call the police. (b)(6), (b)(7)(C) declined to provide full details of the = assault, or to fully identify (b)(6), (b)(7)(C) signed a Victim Preference = Statement, and declined to allow her apartment to be photographed. = (b)(6), (b)(7)(C) also refused to have a sexual assault examination. Inquiries = with Personnel Support Detachment (PSD) on board Command Fleet = Activities, Yokosuka, Japan (CFAY); USNH Yokosuka; and the Defense = Biometrics Identification System (DBIDS) on board CFAY, failed to = identify (b)(6), (b)(7)(C). Attempts to identify (b)(6), (b)(7)(C) friend (b)(6), (b)(7)(C) (NFI) via = DBIDS were unsuccessful. As (b)(6), (b)(7)(C) has declined to further cooperate in = this investigation and logical attempts to identify (b)(6), (b)(7)(C) were = unsuccessful, this investigation is closed.

NARRATIVE

1. On 03Apr10, (b)(6), (b)(7)(C) provided limited details about being raped by a = former Navy member, (b)(6), (b)(7)(C) (NFI), whom she knew from being stationed with = him about five years ago. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) gained access to her = apartment about two or three weeks ago under the auspices of coming in = to watch a movie. Upon entry to her apartment, she said (b)(6), (b)(7)(C) immediately began groping her. (b)(6), (b)(7)(C) said she physically fought with = him to the point of exhaustion, and then he raped her. (b)(6), (b)(7)(C) declined to provide full details about the assault or the = identity of her assailant as she decided she wants to put the incident = behind her. Details of (b)(6), (b)(7)(C) interview, as well as her

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 1 of 2

F13-0580.FEYK 000028

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05APR10-FEYK-0193-8FNA/C

08Apr10

Victim Preference Statement, signed 06Apr10, are contained in Exhibit =
(1). (b)(6), (b)(7)(C) also declined to have her apartment examined and/or =
photographed, and she declined a sexual assault examination.

2. On 06Apr10, DBIDS inquiries conducted in an effort to identify (b)(6), (b)(7)(C)
on board CFAY met with negative results.

3. On 07Apr10, contact with USNH Yokosuka (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN disclosed they had no records of any males assigned to USNH =
Yokosuka with the first name of (b)(6), (b)(7)(C) five years ago (b)(6), (b)(7)(C)
timeframe.)

4. On 07Apr10, contact with (b)(6), (b)(7)(C) USN, PSD on board CFAY, =
was contacted. (b)(6), (b)(7)(C) advised there are no computerized records of =
personnel assigned to CFAY currently maintained from the
2005 timeframe, Exhibit (2) pertains.

5. As (b)(6), (b)(7)(C) has declined to further participate in this investigation, =
and all logical leads to identify (b)(6), (b)(7)(C) have been conducted, this =
investigative is closed.

6. (b)(6), (b)(7)(C) USN, Executive Officer, USNH Yokosuka, Japan; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN, Commanding Officer, CFAY, Japan; and (b)(6), (b)(7)(C) =
(b)(6), (b)(7)(C) USN, Region Legal Service Office, Yokosuka, Japan were apprised =
of the status of this investigation.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/0002P/CO, USNH (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

654101 02:33 20080623 IN:SSDEMAIL #16641 OUT:NIPRDAAAM #6546

REPORT OF INVESTIGATION (CLOSED)

23JUN08

RAPE (II)

CONTROL: 05FEB08-FEYK-0014-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS MUSTIN GC-67/21657

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISRA Yokosuka, Japan ROI (INTERIM)/22Apr07...(Contains exhs. 1-3)

EXHIBIT(S)

(4) Statement from (b)(6), (b)(7)(C) to Yokosuka Police Department/26Jan08...
(Copy all)

EXECUTIVE SUMMARY

1. (b)(6), (b)(7)(C) reported being raped during the early morning hours of 26Jan08, by (b)(6), (b)(7)(C) reference (A) pertains. (b)(6), (b)(7)(C) said she and (b)(6), (b)(7)(C) went to the Hotel Goddess in Yokosuka, where (b)(6), (b)(7)(C) got a room. Once in the room, (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) forced himself on her sexually both vaginally and anally. Following the assault, (b)(6), (b)(7)(C) fell asleep and (b)(6), (b)(7)(C) left the room and called her friend, who called the Japanese Police. The Yokosuka Police Department (YPD) interviewed (b)(6), (b)(7)(C) who admitted to having consensual sex with (b)(6), (b)(7)(C). After speaking to the Japanese Police, (b)(6), (b)(7)(C) declined to file an official complaint. A sexual assault examination was not conducted. YPD presented this investigation to their prosecutor who declined prosecution. (b)(6), (b)(7)(C) subsequently provided a sworn statement to NCIS. (b)(6), (b)(7)(C) was interviewed by the Japanese Police and admitted to having consensual sex with (b)(6), (b)(7)(C). When NCIS later attempted to interview (b)(6), (b)(7)(C) he requested an attorney. Interview of (b)(6), (b)(7)(C)'s friend (who translated between (b)(6), (b)(7)(C) failed to corroborate (b)(6), (b)(7)(C)'s story. Additionally, review of the videotape from the hotel also failed to corroborate (b)(6), (b)(7)(C) claim of being forced into the elevator with (b)(6), (b)(7)(C). Criminal history and Family Advocacy checks on (b)(6), (b)(7)(C) were negative. Command was apprised and provided a copy of the NCIS report. Following the review, command advised they will not be preferring charges against (b)(6), (b)(7)(C) for this reported offense. As all investigative effort has been completed, this investigation is closed.

NARRATIVE

1. On 17Jun08, contact with (b)(6), (b)(7)(C) O, USS MUSTIN (DDG-89) disclosed (b)(6), (b)(7)(C) is pending courts martial on other charges but no charges related to this investigation are being preferred.

2. Exhibit (4) was inadvertently not included on the prior report and is

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000030

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05FEB08-FEYK-0014-8FNA/C

23Jun08

hereby attached.

3. All investigative effort is complete and this investigation is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/CO, USS MUSTIN DDG-89 (M)/RLSO (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000031

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

97734 19:59 20050925 IN:SSDEMAIL #40208 OUT:NCISK-NET #22021

REPORT OF INVESTIGATION (CLOSED)

24SEP05

INDECENT ASSAULT (II)

CONTROL: 05JUL05-FEYK-0216-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS JOHN S. MCCAIN (DDG-56)/21686

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka ROI (INTERIM)/11Aug05

EXECUTIVE SUMMARY

1. (b)(6), (b)(7)(C) reported to his command that he was INDECENTLY ASSAULTED by (b)(6), (b)(7)(C) on 28Jun05. The incident was reported to have occurred within the USS John S. McCain (DDG-56) barbershop. A subsequent interview of (b)(6), (b)(7)(C) disclosed (b)(6), (b)(7)(C) fondled his genitals while kissing (b)(6), (b)(7)(C) in the mouth. (b)(6), (b)(7)(C) further reported (b)(6), (b)(7)(C) tried to place his (b)(6), (b)(7)(C) hand down the trousers of (b)(6), (b)(7)(C) reported the ASSAULT was unwarranted and caught him by total surprise. (b)(6), (b)(7)(C) was subsequently advised of his Article 31b rights and interrogated. (b)(6), (b)(7)(C) totally denied the allegations as reported by (b)(6), (b)(7)(C). There were no witnesses to this alleged offense.

NARRATIVE

1. This investigation was pursued under suspected violation of the Uniform Code of Military Justice (UCMJ) Article 134 (INDECENT ASSAULT).

2. Since submission of reference (A), on 18Aug05, (b)(6), (b)(7)(C) Executive Officer, USS John S. McCain (DDG-56) was contacted. (b)(6), (b)(7)(C) stated due to a lack of witnesses or physical evidence, it was unlikely command would take any action against (b)(6), (b)(7)(C).

3. As all logical investigative leads have been completed, this case is closed.

DISTRIBUTION

NCISHQ: 0023

INFO: 0029/FEYK/CO, USS John S. McCain (DDG-56) (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 1

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000032

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

986372 00:17 20050520 IN:SSDEMAIL #9227 OUT:NCISK-NET #43364

REPORT OF INVESTIGATION (CLOSED)

10MAY05

SPECIAL INQUIRY (II)

CONTROL: 05MAY05-FEYK-0145-8XNA/C

I/COMMANDER FLEET ACTIVITIES YOKOSUKA, JAPAN/REPORT OF ALLEGED NON-
CONSENSUAL SEXUAL
ACTIVITY

COMMAND/COMMANDER FLEET ACTIVITIES YOKOSUKA, JA/61054

MADE AT/FEYK/YOKOSUKA JA (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) STATEMENT (b)(6), (b)(7)(C) 05MAY05... (COPY ALL)
- (2) SCENE EXAMINATION/05MAY05... (COPY ALL)
- (3) SEXUAL ASSAULT EXAMINATION (b)(6), (b)(7)(C) 05MAY05... (COPY ALL)
- (4) STATEMENT/(b)(6), (b)(7)(C) 05MAY05... (COPY ALL)
- (5) PASS/CELL PHONE (b)(6), (b)(7)(C) 05MAY05 (COPY ALL)
- (6) PASS/SEXUAL ASSAULT KIT/(b)(6), (b)(7)(C) 5MAY05... (COPY ALL)
- (7) SEXUAL ASSAULT EXAMINATION/(b)(6), (b)(7)(C) 05MAY05... (COPY ALL)
- (8) STATEMENT/(b)(6), (b)(7)(C) 05MAY05... (COPY ALL)
- (9) IA: RESULTS OF INTERVIEW WITH (b)(6), (b)(7)(C) 5MAY05... (COPY ALL)
- (10) IA: RESULTS OF INTERVIEW WITH (b)(6), (b)(7)(C) /05MAY05... (COPY ALL)
- (11) IA: RESULTS OF INTERVIEW WITH KITTY HAWK PERSONNEL/05-
06MAY05... (COPY ALL)
- (12) IA: RESULTS OF INTERVIEW WITH (b)(6), (b)(7)(C) 05MAY05... (COPY ALL)
- (13) IA: RESULTS OF INTERVIEW WITH (b)(6), (b)(7)(C) AY05... (COPY ALL)
- (14) IA: RESULTS OF INTERVIEW WITH (b)(6), (b)(7)(C) 6MAY05... (COPY ALL)
- (15) STATEMENT (b)(6), (b)(7)(C) 06MAY05... (COPY ALL)
- (16) IA: RESULTS OF (b)(6), (b)(7)(C) CELLULAR TELEPHONE
ANALYSIS/09MAY05... (COPY ALL)
- (17) IA: RESULTS OF ACQUISITION OF VIDEO TAPES/10MAY05... (COPY ALL)

EXECUTIVE SUMMARY

1. On 05May05, CFAY Security Department contacted NCISRA Yokosuka and apprised of a reported Rape by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) reported she was Raped after (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) escorted her home from a night out in the Honch district of Yokosuka, Japan. (b)(6), (b)(7)(C) stated she met (b)(6), (b)(7)(C) an acquaintance, in a local bar and the two danced and talked before they decided to go home. Once in her barracks room (b)(6), (b)(7)(C) of building #3333, she changed clothes and lay in her bed fully clothed. She stated (b)(6), (b)(7)(C) went into her bathroom and while there, she fell asleep. (b)(6), (b)(7)(C) reported she woke up later during the night and discovered she was totally naked. She also reported (b)(6), (b)(7)(C) was lying in bed totally naked as well. (b)(6), (b)(7)(C) reported she was not injured; however, she was transported to the U.S. Naval Hospital (USNH) Yokosuka where she submitted to a sexual assault examination. A scene examination of (b)(6), (b)(7)(C) room was performed and several items of suspected evidence were seized. Photographs as well as a scene sketch were afforded. (b)(6), (b)(7)(C) was appraised of his article 31b rights and he admitted to having sex with (b)(6), (b)(7)(C) but denied the

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 5

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05MAY05-FEYK-0145-8XNA/C

10May05

sexual activity was rape. Several interviews were conducted with individuals who knew both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and those who saw the two in various clubs in the Honch district of Yokosuka. (b)(6), (b)(7)(C) was subsequently re-interviewed and admitted she was aware of (b)(6), (b)(7)(C) removing her sweater, her bra, turning her over and digitally penetrating her vagina with his finger(s). She stated (b)(6), (b)(7)(C) did not force her to engage in sexual activity with him, and she did not tell him to stop nor did she say no. Additionally, (b)(6), (b)(7)(C) stated she could have gotten up from bed and left her room at any time.

NARRATIVE

1. This investigation was pursued under suspected violation of the Uniform Code of Military Justice (UCMJ) Article 120 (RAPE).

2. On 05May05, (b)(6), (b)(7)(C) was interviewed and she provided a signed sworn statement wherein she described her account of the activities leading up to where she claimed she was raped by (b)(6), (b)(7)(C). She stated on the evening of 04May05, she saw (b)(6), (b)(7)(C) near the ATM located at club Alliance (A-club) on board CFAY, JA. She stated she only spoke to (b)(6), (b)(7)(C) as he was heading towards the Honch. She stated she later met with (b)(6), (b)(7)(C) in Club George's where they danced and talked before leaving to go to her barracks room. After arriving at her room, she stated (b)(6), (b)(7)(C) used her bathroom, and when he was finished, she went into the bathroom to change into "some comfortable clothes." She stated she later went to bed and fell asleep while (b)(6), (b)(7)(C) used the bathroom a second time. (b)(6), (b)(7)(C) stated she woke up later during the night and realized both she and (b)(6), (b)(7)(C) were totally naked and she believed she had been raped. Exhibit (1) pertains.

3. On 05May05, (b)(6), (b)(7)(C) was transported to the USNH Yokosuka, JA where she submitted to a sexual assault examination. The examination revealed there were no physical injuries, and no trauma to the vaginal area; however, semen was located within her vaginal canal. Exhibit (2) is a copy of the results of (b)(6), (b)(7)(C) sexual assault examination.

4. On 05May05, and examination of (b)(6), (b)(7)(C)'s assigned barracks room (b)(6), (b)(7)(C) located within building #3333, CFAY, JA, was conducted. Photographs were taken of the room and a sketch of the room was also afforded. Room (b)(6), (b)(7)(C) is actually two bedrooms with separated doors to a common area containing a kitchen sink, bathroom, and a small bathroom sink. Sized from the room were items of men and women clothing found on the floor, and samples of what appeared to be blood stains found on the toilet bowl and on the exterior of bedroom door. All items of evidence seized were entered into the NCISRA Yokosuka evidence custody system under log #039-05. Exhibit (3) pertains.

5. On 05May05, (b)(6), (b)(7)(C) was appropriately advised of his Article 31b rights and interrogated concerning this investigation. (b)(6), (b)(7)(C) admitted to engaging in consensual sexual activity with (b)(6), (b)(7)(C) but denied he raped her. Additionally, (b)(6), (b)(7)(C) provided a detailed account of all activity, from 04 to 05May05, leading up to intercourse with (b)(6), (b)(7)(C). Exhibit (4) pertains.

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 5

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05MAY05-FEYK-0145-8XNA/C

10May05

6. On 05May05, (b)(6), (b)(7)(C) was advised of his rights regarding search and seizure, and he executed exhibits (5) and (6), permissive authorization for search and seizure (PASS) forms, authorizing NCIS Special Agents (SA) to search and download information that maybe contained on his personal cell phone. He also authorized both NCIS Agents and hospital personnel to conduct a search and retrieved possible evidence from his person. Subsequently, it was determined the program used to down load information from (b)(6), (b)(7)(C) cellular telephones was to old to retrieve any information from his phone. (b)(6), (b)(7)(C) was examined at the USNH and the results are reported within exhibit (7).

7. On 05May05, (b)(6), (b)(7)(C) identified by (b)(6), (b)(7)(C) as someone who observed her in the presence of (b)(6), (b)(7)(C) on the evening of 04May05, was interviewed. (b)(6), (b)(7)(C) rovided information concerning his relationship with, and observation of (b)(6), (b)(7)(C) and the fact she notified him, both by phone and by c-mail, in the early morning of 05May05 to report she had been raped by (b)(6), (b)(7)(C) stated based on the information he received from (b)(6), (b)(7)(C) he notified the CFAY Security. Additional details are provided in (b)(6), (b)(7)(C) signed sworn statement (Exhibit (8)). (b)(6), (b)(7)(C) provided a verbal authorization for NCIS Special Agents to access and download information from his personal cell phone (b)(6), (b)(7)(C)

8. On 05May05, (b)(6), (b)(7)(C) roommate and co-worker of (b)(6), (b)(7)(C) was interviewed. (b)(6), (b)(7)(C) provided information concerning her observation of (b)(6), (b)(7)(C) flirting, dancing and kissing each other while at club George's, located in the Honch district of Yokosuka, JA. Additional details are contained in the Results of Interview with (b)(6), (b)(7)(C) (exhibit (9)).

9. On 05may05, (b)(6), (b)(7)(C) identified by (b)(6), (b)(7)(C) as a person who observed both (b)(6), (b)(7)(C) at club George's the evening on 04May05, was interviewed. (b)(6), (b)(7)(C) provided information concerning his observation of (b)(6), (b)(7)(C) dancing, flirting and kissing each other while at Club George's. (b)(6), (b)(7)(C) stated he also heard (b)(6), (b)(7)(C) asking (b)(6), (b)(7)(C) to walk her home because she was intoxicated. (b)(6), (b)(7)(C) provided additional pertinent information, which is contained within exhibit (10), a Results of interview with (b)(6), (b)(7)(C)

10. On 05 and 06May05, several USS Kitty Hawk (CV-63) personnel, identified by (b)(6), (b)(7)(C) as individuals who observed him the night of 04May05 in the Honch district of Yokosuka, JA, were interviewed, and they could provide no pertinent information to this investigation. Exhibit (11) pertains.

11. On 05may05, (b)(6), (b)(7)(C) identified by (b)(6), (b)(7)(C) supra as having been at club George's the night of 04May05, was interviewed. (b)(6), (b)(7)(C) provided information concerning his knowledge of both (b)(6), (b)(7)(C) and his observation of the two while they were in club George's on 04May05. (b)(6), (b)(7)(C) tated he also observed (b)(6), (b)(7)(C) dancing and kissing each other. He stated (b)(6), (b)(7)(C) appeared to "have a good buzz going," and (b)(6), (b)(7)(C) had

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05MAY05-FEYK-0145-8XNA/C

10May05

been drinking, but not drunk. A results of the interview with (b)(6), (b)(7)(C) is exhibit (12).

12. On 06May05, (b)(6), (b)(7)(C) was interviewed. (b)(6), (b)(7)(C) was identified by (b)(6), (b)(7)(C) as being at several clubs with her and (b)(6), (b)(7)(C) on the evening of 04May05. (b)(6), (b)(7)(C) provided information concerning his observation of both (b)(6), (b)(7)(C) on the evening of 04May05. He stated (b)(6), (b)(7)(C) advised him that she had a "buzz" and she was not going to drink anything else. He stated while with (b)(6), (b)(7)(C) supra, they ran into (b)(6), (b)(7)(C) near the "A" club and when (b)(6), (b)(7)(C) saw (b)(6), (b)(7)(C) "she jumped on (b)(6), (b)(7)(C) and gave him a hug as if she hadn't seen him in years." Additional pertinent information provided by (b)(6), (b)(7)(C) is contained in his Results of Interview. Exhibit (13) pertains.

13. On 06May05, (b)(6), (b)(7)(C) was interviewed. (b)(6), (b)(7)(C) was identified by (b)(6), (b)(7)(C) as one of the individuals she spent time with on the evening of 04May05. (b)(6), (b)(7)(C) could only corroborate being out with (b)(6), (b)(7)(C) and other members of CFAY Security on the evening of 04May05. (b)(6), (b)(7)(C) could provide no additional pertinent information. Exhibit (14) pertains.

14. On 06May05, (b)(6), (b)(7)(C) was re-interviewed concerning discrepancies noted in her first statement and information provided by witnesses and (b)(6), (b)(7)(C) stated she actually turned off the lights in her room and got in bed with (b)(6), (b)(7)(C) vice going to sleep prior to (b)(6), (b)(7)(C) exiting her bathroom. She stated she was aware of (b)(6), (b)(7)(C) taking off her sweater, unsnapping her bra, turning her over from laying on her stomach to her back, and digitally penetrating her vagina with his finger(s). She stated (b)(6), (b)(7)(C) did not use any force or try to prevent her from leaving, nor did she try to leave. Additionally, she stated she did not tell him to stop nor did she say no to what (b)(6), (b)(7)(C) was doing with her. (b)(6), (b)(7)(C) executed a second signed sworn statement, with additional pertinent information, which is appended as exhibit (15).

15. On 06May05, (b)(6), (b)(7)(C) USN, Commander Fleet Activities Yokosuka, along with (b)(6), (b)(7)(C) USN, Executive Officer CFAY, and (b)(6), (b)(7)(C) USN, Staff Judge Advocate for CFAY, was apprised of the contents of this investigation. Attempts to apprise the USS Kitty Hawk (CV-63) Judge met with negative results.

16. On 09May05, Participating Investigator (PI) (b)(6), (b)(7)(C) analyzed (b)(6), (b)(7)(C) supra, cellular telephone (b)(6), (b)(7)(C). The analysis resulted in the recovery of six (6) stored phone numbers, five (5) c-mail messages, and twelve (12) digital images. The results of the analysis is contained in exhibit (16), IA: Results of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) cellular Telephone Analysis.

17. On 09May05, (b)(6), (b)(7)(C) USN, Judge, USS Kitty Hawk (CV-63) was apprised of the status of this investigation.

18. On 10May05, video tapes from the CFAY main gate and building #3333 were obtained, and are maintained in the case file. The tapes

WARNING

FOR OFFICIAL USE ONLY
Page 4 of 5

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05MAY05-FEYK-0145-8XNA/C

10May05

will be viewed if deemed necessary.

19. Based on (b)(6), (b)(7)(C) statement that she was not forced to engage in a sexual relationship against her will with (b)(6), (b)(7)(C) and the fact no other element of Rape was discovered, this investigation is closed.

PARTICIPANT(S)

(b)(6), (b)(7)(C)

pecial Agent, NCISRA Yokosuka, JA
Special Agent, NCISRA Yokosuka, JA
Agent, NCISRA Yokosuka, JA
Investigator, NCISRA Yokosuka, JA
stigator, NCISRA Yokosuka, JA

ACTION

0023B: ONLY Report

DISTRIBUTION

NCISHQ: 0023B (M)

INFO: FEYK/CO, USS KITTY HAWK (CV-63), ATT: (b)(6), (b)(7)(C) M /CO,
CFAY, JA (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 5 of 5

F13-0580.FEYK 000037

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C44908 12:56 20121116 IN:SSDEMAIL #129668 OUT:NIPRDAAAM #129668

REPORT OF INVESTIGATION (CLOSED)

08OCT12

SPECIAL INQUIRY (II)

CONTROL: 05OCT12-FEYK-6016-8XNA/C

I/USS BLUE RIDGE (LCC-19)/REPORT OF POSSIBLE SEXUAL ASSAULT

COMMAND/COMSEVENTHFLEET /05840

MADE AT/FEYK/RESIDENT AGENCY YOKOSUKA/ (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) IA: RECEIPT OF VOLUNTARY STATEMENT FROM CFAY CID/05OCT12
- (2) IA: RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C) USN/05OCT12
- (3) IA: RESULTS OF COORDINATION WITH THE USS BLUE RIDGE MEDICAL DEPARTMENT/05OCT12

NARRATIVE

1. This case was initiated as a reactive investigation and pertains to alleged violations of Article 120 (Rape, sexual assault, and other sexual misconduct) of the Uniform Code of Military Justice (UCMJ).

2. On 24Sep12, NCISRA Yokosuka Japan received notification from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Criminal Investigations Division (CID) Commander Fleet Activities Yokosuka (CFAY) Japan of a possible sexual assault. According to (b)(6), (b)(7)(C) a sailor, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) SN, USS BLUE RIDGE, disclosed to his Command he suspected he had been drugged by a Japanese female while out socializing in the Honch District, Yokosuka Japan, on 21Sep12 and had no memory for approximately 24 hours. (b)(6), (b)(7)(C) then filed a report with Security in which he stated he may have been sexually assaulted. (b)(6), (b)(7)(C) provided a detailed voluntary statement to Security; Exhibit (1) pertains.

3. On 24Sep12, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) conducted an interview of (b)(6), (b)(7)(C) relayed he originally reported the incident because he was concerned he would test positive in a random urinalysis test. (b)(6), (b)(7)(C) stated he did not feel like he had been the victim of a sexual assault. (b)(6), (b)(7)(C) eventually admitted he had a history of blackouts from severe migraine headaches and suffered a blackout on the night in question. Further details are contained in his sworn written statement; Exhibit (2) pertains.

4. On 24Sep12, RA and PA (b)(6), (b)(7)(C) escorted (b)(6), (b)(7)(C) to the USS BLUE RIDGE where he retrieved a bottle of Fioricet with an active prescription until 05Oct12. RA briefed (b)(6), (b)(7)(C) USN, Medical Officer, USS BLUE RIDGE on (b)(6), (b)(7)(C) reported history of blackouts and medication prescribed. (b)(6), (b)(7)(C) advised he would conduct an evaluation of (b)(6), (b)(7)(C) and treat accordingly; Exhibit (3) pertains.

FOR OFFICIAL USE ONLY
Page 1 of 2

F13-0580.FEYK 000038

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 05OCT12-FEYK-6016-8XNA/C

08Oct12

5. Criminal records checks for [REDACTED] USN, were conducted utilizing the National Crime Information Center (NCIC), Defense Central Index of Investigations (DCII), Consolidated Law Enforcement Operations Center (CLEOC), and the NCIS Knowledge Network (K-Net) with negative results. A check of records on file with the Joint Personnel Adjudication System (JPAS) revealed [REDACTED] maintains a Secret security clearance. The records are maintained in the case file.

6. On 26Sep12, Participating Agent (PA) [REDACTED] briefed [REDACTED] [REDACTED] USN, Commanding Officer, USS BLUE RIDGE (LCC-19), regarding the medical incident involving [REDACTED] was briefed NCIS would not be opening an investigation as no criminal act was apparent. On 05Oct12, [REDACTED] USN, Regional Legal Services Office Yokosuka Japan, was also briefed. Investigation is closed.

PARTICIPANTS

[REDACTED] SPECIAL AGENT, NCISRA Yokosuka JP

DISTRIBUTION

NCISHQ:023B/014C

INFO :Commanding Officer USS BLUE RIDGE (LCC-19)

[REDACTED]

[REDACTED] USN) (H) /

Regional Legal Services Office Yokosuka Japan

[REDACTED]

USN) (H)/FEFO/002P/FEYK

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

101180 20:54 20090907 IN:SSDEMAIL #57431 OUT:NIPRDAAAM #44084

REPORT OF INVESTIGATION (CLOSED)

02SEP09

RAPE (II)

CONTROL: 06APR09-FEYK-0092-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/CFAY SECURITY/46193

MADE AT/FEYK/NCISRA YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

- (A) NCISRA YOKOSUKA, JAPAN ROI (INTERIM)/06JUN09...(Contains Exhibits 1-24)
- (B) NCISRA YOKOSUKA, JAPAN ROI (INTERIM)/26JUL09...(Contains Exhibits 25-26)

EXHIBITS

- (27) IA: Receipt of (b)(6), (b)(7)(C) Administrative Discharge Documents/01Sep09...(Copy All)

EXECUTIVE SUMMARY

1. On 24Mar09, a Co-Operating Witness, identified as (b)(7)(D) reported that a female named (b)(6), (b)(7)(C) later identified as (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated she was raped by two U.S. sailors subsequently identified as (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) of Security, Commander Fleet Activities Yokosuka, Japan (CFAY). (b)(6), (b)(7)(C) was interviewed and reported on 21Mar09, she was forced to have non-consensual sex with (b)(6), (b)(7)(C) inside of (b)(6), (b)(7)(C) off base residence. Text messages were recovered from (b)(6), (b)(7)(C) cellular phone that identify (b)(6), (b)(7)(C) as individuals who purchased a substance called spice from (b)(6), (b)(7)(C) in the past. Additionally, these messages ascertain there was an event that took place between (b)(6), (b)(7)(C) where they believed she was pregnant. Oral/Wire intercepts were conducted which resulted in information of evidentiary value being captured and subsequently burned onto compact discs and placed into evidence. (b)(6), (b)(7)(C) was interviewed and admitted to smoking spice with (b)(6), (b)(7)(C) on the night of 21Mar09. (b)(6), (b)(7)(C) claimed the sex with (b)(6), (b)(7)(C) was consensual before invoking his right to legal counsel. (b)(6), (b)(7)(C) elected to remain silent and provide no statement at all during an attempted interview. (b)(6), (b)(7)(C) allowed a Permissive Authorization for Search and Seizure of his off base residence. As the search was being conducted, (b)(6), (b)(7)(C) permitted the review of his cellular phone. Individuals who were in contact with (b)(6), (b)(7)(C) circa 21Mar09

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 06APR09-FEYK-0092-8FNA/C

02Sep09

were identified and interviewed. YPS interviewed (b)(6), (b)(7)(C) on 11Jun09 and a copy of her statement was obtained. On 24Jun09, (b)(6), (b)(7)(C) informed the legal office aboard CFAY, Japan that she did not want to participate in the investigation any longer. On 14Aug09 and 31Aug09, (b)(6), (b)(7)(C) were administratively separated from the United States Navy for misconduct.

NARRATIVE

1. This investigation was initiated pursuant to suspected violations of Article 120 (rape) of the Uniform Code of Military Justice (UCMJ). Reference (A) detailed investigative actions that took place between 24Mar09 and 06Jun09.

2. On 14Aug09 and 31Aug09, both (b)(6), (b)(7)(C) were administratively separated from the United States Navy for conduct labeled by the command as being a "serious offence", Exhibit (27) provides amplifying details. This case is closed.

ACTION

DIST: Please note the original transmission of this ROI inaccurately reflected the status code as (INTERIM) vice (CLOSED). This transmission accurately reflects the status code as (CLOSED) and supercedes all others. Any previous transmissions of this ROI should be destroyed and replaced with this ROI.

0023: Please delete any previous transmissions of this ROI from this CCN in the NCISHQ Case Information System.

DISTRIBUTION

NCISHQ: 0023B

ACTION: DIST

INFO: FEYK/CFAY CO, (b)(6), (b)(7)(C) H) /CFAY SJA, (b)(6), (b)(7)(C) H) /Yokosuka Police Station (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 INY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

226486 18:46 20111030 IN:SSDEMAIL #52202 OUT:NIPRDAAAM #51188

REPORT OF INVESTIGATION (CLOSED)

28OCT11

RAPE (II)

CONTROL: 06AUG11-FEYK-0489-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/COMMANDER FLEET ACTIVITIES YOKOSUKA/61581

MADE AT/FEYK/YOKOSUKA JP (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(1) NCISRA Yokosuka, Japan (INTERIM)/07Sep11(Contains Exhibits 1-15)

EXECUTIVE SUMMARY

1. On 06Aug11, NCISRA Yokosuka was contacted by Investigator (b)(6), (b)(7)(C) Command Investigations Division, Commander Fleet Activities Yokosuka (CFAY), Japan, regarding a reported sexual assault. (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) had reported to CFAY security and alleged (b)(6), (b)(7)(C) had physically assaulted him following their having consensual sex at Hotel New Yokosuka, Yokosuka, Japan. (b)(6), (b)(7)(C) tried to have (b)(6), (b)(7)(C) removed from the room by hotel security, but instead left the room and went to CFAY Security to report the incident. (b)(6), (b)(7)(C) further related that when (b)(6), (b)(7)(C) was found and questioned regarding the assault, she stated (b)(6), (b)(7)(C) had non-consensual sex with her after she had passed out from drinking. (b)(6), (b)(7)(C) related that after she awoke, (b)(6), (b)(7)(C) told her he was going to have sex with her again, which caused her to assault him and to leave the hotel room. (b)(6), (b)(7)(C) was interrogated subsequent to advisement and waiver of his Article 31b rights. (b)(6), (b)(7)(C) stated that on the evening of 05Aug11, after having a few drinks, he and (b)(6), (b)(7)(C) went to Hotel New Yokosuka where they had consensual sex. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) was not intoxicated to the point where she could not consent, and stated she was the initiator of sex. (b)(6), (b)(7)(C) stated that after having sex, he fell asleep and awoke to (b)(6), (b)(7)(C) assaulting him telling him he was going to be her boyfriend. Interviews conducted did not provide any further details in the furtherance of this investigation. (b)(6), (b)(7)(C) advised she no longer wanted to participate with this investigation. On 28Oct11, (b)(6), (b)(7)(C) Staff Judge Advocate (SJA), Commander Fleet Activities Yokosuka (CFAY), Japan, advised prosecutorial action would not be pursued in this case. This case is now closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the Uniform Code of Military Justice (UCMJ) Article 120 (Rape).

2. On 28Oct11, (b)(6), (b)(7)(C) Staff Judge Advocate (SJA), Commander

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 1 of 2

F13-0580.FEYK 000042

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 06AUG11-FEYK-0489-8FNA/C

28Oct11

Fleet Activities Yokosuka (CFAY), Japan, advised prosecutorial action would not be pursued in this case. (b)(6), (b)(7)(C) Commanding Officer (CO), CFAY, Japan, has been briefed throughout this case. This case is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/SJA CFAY(H)/RLSO Japan ATTN: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) CO, CFAY, Japan (H)
/CO, USS GEORGE WASHINGTON via SAA (b)(6), (b)(7)(C) E)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

569109 00:48 20100720 IN:SSDEMAIL #4207 OUT:NIPRDAAAM #55823

REPORT OF INVESTIGATION (CLOSED)

06JUL10

RAPE (II)

CONTROL: 06JUL10-FEYK-0328-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/FISC YOKOSUKA, FLEET MAIL CENTER YOKOHAMA/66748

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) Statement of (b)(6), (b)(7)(C) 06Jul10... (Copy All)
- (2) Statement of (b)(6), (b)(7)(C) 07Jul10... (Copy All)
- (3) IA: Results of Interview with (b)(6), (b)(7)(C) 16Jul10... (Copy All)
- (4) Statement of (b)(6), (b)(7)(C) /06Jul10... (Copy All)
- (5) IA: Results of Interview with (b)(6), (b)(7)(C) 08Jul10... (Copy All)
- (6) IA: Results of Interview with (b)(6), (b)(7)(C) 08Jul10... (Copy All)
- (7) Statement of Declination of (b)(6), (b)(7)(C) 08Jul10... (Copy All)

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, Sexual Assault and other Sexual Misconduct) of the Uniform Code of Military Justice (UCMJ).

2. On 05Jul10, NCISRA Yokosuka received notification from the Criminal Investigative Division, Commander Fleet Activities Yokosuka, Japan, that (b)(6), (b)(7)(C) USN, Fleet and Industrial Supply Center (FISC) Fleet Mail Center (FMC), Yokohama, Japan, was at the US Naval Hospital (USNH) Emergency Room being treated for an alleged rape that occurred on 18Jun10.

3. Following receipt of the initial notification and subsequent to (b)(6), (b)(7)(C) treatment at the USNH, (b)(6), (b)(7)(C) was interviewed by NCIS. (b)(6), (b)(7)(C) advised that on 18Jun10, she was having drinks at a friend's residence located in Negishi, Japan. (b)(6), (b)(7)(C) believed she started drinking Hornsby Ciders at approximately 1300hrs on 18Jun10, and opined she ingested approximately six Hornsby Ciders between 1300hrs and 2000hrs. (b)(6), (b)(7)(C) advised that after she departed her friend's residence at approximately 2000hrs, she returned to her barracks. (b)(6), (b)(7)(C) advised that while in the barracks, she met another friend and decided to play beer pong in (b)(6), (b)(7)(C) barrack's room. (b)(6), (b)(7)(C) stated she had a few more drinks consisting of beer, vodka, and tequila. (b)(6), (b)(7)(C) stated her memory of the night was blocky. (b)(6), (b)(7)(C) stated she did not remember leaving the beer pong event held in (b)(6), (b)(7)(C) barracks room, but did remember sitting up in a bed located in the barracks room

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 06JUL10-FEYK-0328-8FNA/C

06Jul10

assigned to (b)(6), (b)(7)(C) advised she remembered being naked in bed with (b)(6), (b)(7)(C) and seeing approximately five people walk into (b)(6), (b)(7)(C) room. (b)(6), (b)(7)(C) stated she recognized (b)(6), (b)(7)(C) as one of the five people and advised that after the people entered the room (b)(6), (b)(7)(C) told the people to leave and he shut the door. According to (b)(6), (b)(7)(C) the next thing she remembered was waking up the next morning and realizing she was not in her bed. (b)(6), (b)(7)(C) said she talked with (b)(6), (b)(7)(C) later that day and asked him if they had sex the night before. (b)(6), (b)(7)(C) said he jokingly said no at first, and then said he was kidding. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) said that she went to her room to get a condom and they had sex. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) told her that they had anal sex as well. (b)(6), (b)(7)(C) advised she had consensual sex with (b)(6), (b)(7)(C) only on occasion, 06Jun10; Exhibit (1) pertains.

4. On 07Jul10, (b)(6), (b)(7)(C) was interviewed again and wanted to add to her statement that she felt that "Rape" was too strong of a word for what happened to her. (b)(6), (b)(7)(C) stated she can't remember what happened, but she felt like she was taken advantage of; Exhibit (2) pertains.

5. On 07Jul10, (b)(6), (b)(7)(C) USN, USNH, was interviewed and stated she was at the aforementioned party and she said she did not think (b)(6), (b)(7)(C) appeared to be drunk. (b)(6), (b)(7)(C) stated she knew of (b)(6), (b)(7)(C) relationship with (b)(6), (b)(7)(C) and saw them leave the party together holding hands. (b)(6), (b)(7)(C) stated she looked out into the hallway and saw (b)(6), (b)(7)(C) kissing. (b)(6), (b)(7)(C) advised that she was with the group that went and banged on the door and saw (b)(6), (b)(7)(C) answer the door naked; Exhibit (3) pertains.

6. On 06Jul10, (b)(6), (b)(7)(C) USN, USNH, was interviewed and provided a sworn statement concerning her knowledge of the captioned investigation. (b)(6), (b)(7)(C) stated she was at the above mentioned party and saw (b)(6), (b)(7)(C) consume a few vodka and tequila drinks and noticed (b)(6), (b)(7)(C) was acting tipsy. (b)(6), (b)(7)(C) advised she saw (b)(6), (b)(7)(C) leave the party alone and then saw (b)(6), (b)(7)(C) follow after her. (b)(6), (b)(7)(C) said she was among the group that knocked on (b)(6), (b)(7)(C) door to play a prank. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) came to the door naked and she could see someone, whom she assumed was (b)(6), (b)(7)(C) scooting back on the bed and covering up; Exhibit (4) for pertains.

7. On 07Jul10, (b)(6), (b)(7)(C) USN, USNH, was interviewed and stated that it was his barracks room where the party began. (b)(6), (b)(7)(C) said that he did not see (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) leave the room, but he said he assumed that they had left together. (b)(6), (b)(7)(C) said he was in the group that went and knocked on (b)(6), (b)(7)(C) door. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) cracked the door open and the group barged into the room. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) was naked so he ran into bathroom, while the rest of the group went inside the room to find (b)(6), (b)(7)(C) on the bed covered up with a blanket. See Exhibit (5) for details.

8. On 08Jul10, (b)(6), (b)(7)(C) as interviewed and said that while at the party he observed (b)(6), (b)(7)(C) was talking normal and did not appear

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 06JUL10-FEYK-0328-8FNA/C

06Jul10

too intoxicated. (b)(6), (b)(7)(C) advised that he and (b)(6), (b)(7)(C) have had consensual sex on one other occasion, on 06Jun10, and have been in a relationship on and off for a couple of months. (b)(6), (b)(7)(C) stated he initiated the sex then (b)(6), (b)(7)(C) went to her room to get a condom, and they continued when she returned. (b)(6), (b)(7)(C) stated he would not have had sex with (b)(6), (b)(7)(C) if she was not actively participating. See Exhibit (6) for details.

9. On 08July10, (b)(6), (b)(7)(C) met with (b)(6), (b)(7)(C) Regional Legal Service Office, Yokosuka, Japan, and signed a statement of declination terminating her participation in the case, Exhibit (7) pertains.

10. Criminal history checks for (b)(6), (b)(7)(C) utilizing the National Crime Information Center (NCIC), Defense Central Index of Investigations (DCII), Knowledge Network (K-NET) and the Consolidated Law Enforcement Operations Center (CLEOC) were conducted and produced negative results for (b)(6), (b)(7)(C). CLEOC produced one (1) result for (b)(6), (b)(7)(C). A search of the Joint Personnel Adjudication System revealed (b)(6), (b)(7)(C) maintains a Secret Clearance. Record checks were conducted at the Fleet and Family Services Family Advocacy Program with negative results on both individuals. The Hard copies of all checks are maintained in the case file.

11. On 06Jul10, (b)(6), (b)(7)(C) was provided with a copy of DD Form 2701 (Victim/Witness Information). (b)(6), (b)(7)(C) USN, Commanding Officer, FISC, (b)(6), (b)(7)(C) MD, USN, Executive Officer, USNH, and (b)(6), (b)(7)(C) USN, Staff Judge Advocate (SJA), CFAY, was apprised of the status of this investigation. (b)(6), (b)(7)(C) advised that the aforementioned event did not meet the elements of the crime. All logical investigative steps have been completed and this investigation is closed.

ACTION

0023: Only Report

DISTRIBUTION

NCISHQ: 23B1

ACTION: 0023

INFO: ADPAC/FEYK/RLSO (Attn: (b)(6), (b)(7)(C)) (H)/USNH (Attn: CO) (H)/CFAY SJA(H)/FISC (Attn: CO) (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 3 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

424013 20:48 20100328 IN:SSDEMAIL #41194 OUT:NIPRDAAAM #27587

REPORT OF INVESTIGATION (CLOSED)

16MAR10

SPECIAL INQUIRY (II)

CONTROL: 06MAR10-FEYK-0140-8XNA/C

I/USS GEORGE WASHINGTON, YOKOSUKA, JAPAN/REPORT OF ALLEGED RAPE

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEYK/YOKOSUKA JAPAN/[REDACTED] SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Results of Contact with CFAY Security/08Mar10...(Copy All)
- (2) IA: Results of Contact with CFAY SAVI Coordinator/08Mar10...(Copy All)
- (3) IA: Results of Interview of [REDACTED] 08Mar10...(Copy All)
- (4) IA: Results of Contact with CFAY Security/09Mar10...(Copy All)
- (5) IA: Results of Interview of [REDACTED] 09Mar10...(Copy All)
- (6) IA: Results of Contact with CFAY Bachelor Officer's Quarters/09Mar10...(Copy All)
- (7) IA: Results of Telephonic Interview of [REDACTED] [REDACTED] 09Mar10...(Copy All)
- (8) IA: Results of Interview of [REDACTED] 09Mar10...(Copy All)
- (9) IA: Results of Second Telephonic Interview of [REDACTED] [REDACTED] 9Mar10...(Copy All)

EXECUTIVE SUMMARY

1. On 05Mar10, the Security Office, Commander Fleet Activities Yokosuka = (CFAY), Japan, contacted NCIS and advised they received a telephone call = from a female who identified herself only as [REDACTED]. [REDACTED] was later identified as [REDACTED] inquired regarding = the definition of rape and requested contact information for the Sexual = Assault Victim Intervention (SAVI) coordinator. [REDACTED] alleged that her = ex-boyfriend, later identified as [REDACTED] [REDACTED] USS George Washington, Yokosuka, Japan, sexually = assaulted her in a room located at the Bachelor's Officer's Quarters = (BOQ), CFAY, Japan, on 01Mar10. The incident was reported to [REDACTED] = Civ, Sexual Assault Response Coordinator (SARC), Family Advocacy Program = (FAP), CFAY, Japan, who then provided [REDACTED] contact information to the = SARC, Camp Zama, Japan. RA contacted [REDACTED] Camp Zama, Japan, who related [REDACTED] told him she was dating a member of = the US Navy (USN) and she had been sexually assaulted by him in a hotel = room on 01Mar10. [REDACTED] advised [REDACTED] wanted to cooperate with NCIS. Prior to making contact with [REDACTED] on 06Mar10, CFAY Security contacted = RA and advised [REDACTED]. [REDACTED] USS George Washington, Yokosuka, Japan, entered the CFAY = Security Office to report [REDACTED] for harassment and to tell their side of = the story. Participating Agent (PA) [REDACTED] telephonically interviewed = [REDACTED] who stated she had sex with [REDACTED] approximately four times = while in the BOQ room on 01Mar10. [REDACTED] advised the last time she and = [REDACTED] had sex that evening, was after they argued because [REDACTED] discovered [REDACTED] had been

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 5

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 06MAR10-FEYK-0140-8XNA/C

16Mar10

calling other girls. (b)(6), (b)(7)(C) provided amplifying details regarding each of = the four sexual encounters she had with (b)(6), (b)(7)(C) on 01Mar10. RA and = PA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who identified (b)(6), (b)(7)(C) as his = ex-girlfriend and stated (b)(6), (b)(7)(C) told him that he forced his penis on her = or raped her, while they were in the BOQ room together on 01Mar10. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) denied raping (b)(6), (b)(7)(C) and stated he had consensual sex with (b)(6), (b)(7)(C) = on 01Mar10. Subsequent to the termination PA (b)(6), (b)(7)(C) s first telephonic = interview with (b)(6), (b)(7)(C) she called PA (b)(6), (b)(7)(C) back and stated she did not = want to cooperate further with NCIS. (b)(6), (b)(7)(C) advised that since speaking = with PA (b)(6), (b)(7)(C) the first time, she now realized she was not raped. NCIS = coordination with (b)(6), (b)(7)(C) Staff Judge Advocate, CFAY, Japan, = revealed the information (b)(6), (b)(7)(C) provided regarding the sexual encounters = she had with (b)(6), (b)(7)(C) on 01Mar10, did not meet the elements listed = under UCMJ Article 120. All logical investigative steps have been = completed and this investigation is closed.

NARRATIVE

1. This investigation was initiated pursuant to suspected violations of = UCMJ Article 120 (Rape, Sexual assault, and Other sexual misconduct).

2. On 05Mar10, (b)(6), (b)(7)(C) Security Office, CFAY, = Japan, contacted RA regarding the receipt of a telephone call from a = female who identified herself only as (b)(6), (b)(7)(C) stated = (b)(6), (b)(7)(C) inquired regarding the definition of rape and requested contact = information for the SAVI. (b)(6), (b)(7)(C) informed (b)(6), (b)(7)(C) that on 01Mar10, her = ex-boyfriend sexually assaulted her in a BOQ room aboard CFAY, Japan. = (b)(6), (b)(7)(C) did not provide (b)(6), (b)(7)(C) with her ex-boyfriend's name (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated he reported the incident to (b)(6), (b)(7)(C) RA's attempts to = contact (b)(6), (b)(7)(C) on 05Mar10 met with negative results; Exhibit (1) = pertains.

3. On 06Mar10, (b)(6), (b)(7)(C) contacted RA and advised (b)(6), (b)(7)(C) (STUMP) name and = cellular telephone number had been forwarded to the SARC at Camp Zama, = Japan; Exhibit (2) pertains.

4. On 06Mar10, RA interviewed (b)(6), (b)(7)(C) to determine if he contacted (b)(6), (b)(7)(C) regarding the alleged sexual assault. (b)(6), (b)(7)(C) advised he contacted (b)(6), (b)(7)(C) and she identified herself to him as (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) her ex-boyfriend (b)(6), (b)(7)(C) was a member of the USN and she had been = sexually assaulted by him in a hotel room on 01Mar10. (b)(6), (b)(7)(C) related that = prior to the alleged sexual assault, she and her ex-boyfriend argued and = broke-up while in the hotel room on 01Mar10, because she discovered he = had been contacting other girls on his cellular telephone. (b)(6), (b)(7)(C) told = (b)(6), (b)(7)(C) that after she and her ex- boyfriend broke-up, he asked her to = lay in the bed with him. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) that while she was lying in = the bed with her ex- boyfriend, he took her pants off and had sexual = intercourse with her. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) that she didn't say no to the sexual intercourse, but = she also didn't say yes to the sexual intercourse. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) that she was crying and asking "why are you doing this"; Exhibit (3) = pertains.

5. On 06Mar10, (b)(6), (b)(7)(C) contacted RA and advised (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had entered the CFAY Security Office to report (b)(6), (b)(7)(C) for = harassment and to tell their side of the story. (b)(6), (b)(7)(C) related

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 5

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 06MAR10-FEYK-0140-8XNA/C

16Mar10

(b)(6), (b)(7)(C) provided him with copies of email messages (b)(6), (b)(7)(C) had sent to =
(b)(6), (b)(7)(C) Exhibit (4) pertains.

6. On 06Mar10, RA interviewed (b)(6), (b)(7)(C) stated he was not =
present at the BOQ the evening the alleged rape occurred. (b)(6), (b)(7)(C)
stated he told (b)(6), (b)(7)(C) he would report her to the CFAY Security Office, if =
she did not stop sending (b)(6), (b)(7)(C) harassing email messages (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) stated he took videos of the harassing communications (b)(6), (b)(7)(C)
received from (b)(6), (b)(7)(C) which were saved on his digital camera. (b)(6), (b)(7)(C)
granted authorization for NCIS to copy the data on his digital camera =
via NCIS form 5580/21, Permissive Authorization for Search and Seizure; =
Exhibit (5) pertains.

7. On 06Mar10, RA contacted (b)(6), (b)(7)(C) Civ, Japanese National (JN), =
Desk Clerk, BOQ, CFAY, Japan, to obtain the room number utilized by =
(b)(6), (b)(7)(C) on 01Mar10, and to determine if the room had been =
rented since the date of the alleged sexual assault. (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) advised that BOQ room number 333 was rented in (b)(6), (b)(7)(C) name on =
01Mar10 with a check-out date of 02Mar10. (b)(6), (b)(7)(C) advised the room had =
been rented by different customers since 02Mar10; Exhibit (6) pertains.

8. On 06Mar10, Participating Agent (PA) (b)(6), (b)(7)(C) conducted a telephonic =
interview of (b)(6), (b)(7)(C) concerning the alleged sexual assault. (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) advised she rented a room at the CFAY BOQ on 01Mar10, with her =
then boyfriend (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) was not present at =
the BOQ on 01Mar10. (b)(6), (b)(7)(C) provided amplifying details regarding four =
sexual encounters she had in the BOQ with (b)(6), (b)(7)(C) on 01Mar10. (b)(6), (b)(7)(C) =
advised that prior to the fourth sexual encounter of the evening with =
(b)(6), (b)(7)(C) she and (b)(6), (b)(7)(C) had argued because (b)(6), (b)(7)(C) discovered =
had been cheating on her after she looked at messages stored =
in his telephone. (b)(6), (b)(7)(C) stated she was crying on the couch, while (b)(6), (b)(7)(C) =
(b)(6), (b)(7)(C) was on the bed. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) asked her to come to the =
bed with him. (b)(6), (b)(7)(C) stated she went to the bed and they both began to =
kiss each other. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) told her he was sorry and she =
began to cry. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) took her pants and panties off, =
spread her legs, and then had sex with her a fourth time. (b)(6), (b)(7)(C) advised =
she was motionless and crying during the sexual intercourse. (b)(6), (b)(7)(C)
stated she did not feel threatened or forced while having sex the fourth =
time. (b)(6), (b)(7)(C) stated she told (b)(6), (b)(7)(C) during the sexual intercourse =
"this doesn't feel right" at which point, (b)(6), (b)(7)(C) stopped having sex =
with her. (b)(6), (b)(7)(C) advised she did not feel scared of (b)(6), (b)(7)(C)
further stated that she believed (b)(6), (b)(7)(C) would have stopped having =
sex with her, had she asked him to. (b)(6), (b)(7)(C) advised she wanted to =
cooperate with NCIS and agreed to meet with NCIS for another interview =
on 08Mar10; Exhibit (7) pertains.

9. On 06Mar10, RA and PA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) in reference
to the alleged rape reported by (b)(6), (b)(7)(C) was administered a =
rights advisement for suspected violation of UCMJ Article 120, in =
accordance with Article 31b of the UCMJ and documented via NCIS 5580/20, =
Military Suspect's Acknowledgement and Waiver of Rights. (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) waived his right to remain silent, consult with a retained =
or appointed lawyer, or have a lawyer present. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) =
was his ex-girlfriend and he met her in November or December 2009. (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) described (b)(6), (b)(7)(C) as obsessive and crazy. In regards to the sexual =

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 06MAR10-FEYK-0140-8XNA/C

16Mar10

encounter pertaining to (b)(6), (b)(7)(C) allegations of rape, (b)(6), (b)(7)(C) advised = that sex with (b)(6), (b)(7)(C) as always consensual and he denied ever forcing = himself on (b)(6), (b)(7)(C) or raping (b)(6), (b)(7)(C) confirmed (b)(6), (b)(7)(C) rented a = room at the BOQ, CFAY, Japan, on 01Mar10. (b)(6), (b)(7)(C) stated that at one = point later in the evening, (b)(6), (b)(7)(C) left the room to pick-up food and when = she returned, he had fallen asleep with his cellular telephone resting = on his chest. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) started looking through his = cellular telephone and she discovered that he had been emailing a girl = in the US. (b)(6), (b)(7)(C) stated he and (b)(6), (b)(7)(C) then began to argue and (b)(6), (b)(7)(C) said she was going to leave the room. (b)(6), (b)(7)(C) stated he asked (b)(6), (b)(7)(C) to stay in the room and the two of them eventually lay down on the bed = together.

(b)(6), (b)(7)(C) stated he and (b)(6), (b)(7)(C) started to kiss each other and he took = (b)(6), (b)(7)(C) pants off, while she removed her shirt. (b)(6), (b)(7)(C) stated they = then had consensual sex. The interview was video recorded and downloaded = to DVD, the original of which has been entered into NCISRA Yokosuka = Evidence Repository; Exhibit (8) pertains.

10. On 06Mar10, (b)(6), (b)(7)(C) contacted PA (b)(6), (b)(7)(C) subsequent to the conclusion = of the first telephonic interview detailed above. (b)(6), (b)(7)(C) stated she did = not want to cooperate further with NCIS. (b)(6), (b)(7)(C) advised that since = speaking with PA (b)(6), (b)(7)(C) the first time, she now realized she was not = raped. (b)(6), (b)(7)(C) stated the situation was blown out of control; Exhibit (9) = pertains.

11. Criminal history checks for (b)(6), (b)(7)(C) utilizing the National Crime = Information Center (NCIC), Defense Central Index of Investigations = (DCII), Knowledge Network (K-NET) and the Consolidated Law Enforcement = Operations Center (CLEOC) were conducted. The results are maintained in = the case file. A check of the Joint Personnel Adjudication System (JPAS) = revealed (b)(6), (b)(7)(C) maintains eligibility for a Secret security = clearance.

12. On 06Mar10, PA (b)(6), (b)(7)(C) coordinated captioned investigation with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Staff Judge Advocate, CFAY, Japan. (b)(6), (b)(7)(C) determined = the information provided to NCIS by (b)(6), (b)(7)(C) did not meet the elements = listed under UCMJ Article 120.

13. On 06Mar10, PA (b)(6), (b)(7)(C) briefed (b)(6), (b)(7)(C) Executive Officer, = USS George Washington, Yokosuka, Japan, regarding the details of = captioned investigation and the results of the coordination with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

14. All logical investigative steps have been completed and this = investigation is closed.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Supervisory Special Agent, NCISRA Yokosuka, Japan (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan (b)(6), (b)(7)(C) USN CID =
Investigator, NCISRA Yokosuka, Japan

DISTRIBUTION

NCISHQ: 0023A

INFO: 002P/FEYK/024A (b)(6), (b)(7)(C) Commanding
Officer, USS George Washington, Yokosuka, Japan (H)

WARNING

FOR OFFICIAL USE ONLY
Page 4 of 5

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 06MAR10-FEYK-0140-8XNA/C

16Mar10

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

FOR OFFICIAL USE ONLY

Page 5 of 5

F13-0580.FEYK 000051

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

914096 02:26 20090415 IN:SSDEMAIL #20934 OUT:NIPRDAAAM #8125

REPORT OF INVESTIGATION (CLOSED)

07APR09

RAPE (II)

CONTROL: 07APR09-FEYK-0095-8FNA/C

I/YOKOSUKA, JAPAN/REPORT OF POSSIBLE RAPE OF NAVY DEPENDENT WIFE

COMMAND/USS SHILOH CG-67/21657

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) Statement of (b)(6), (b)(7)(C) 03Apr09...(Copy all)
- (2) IA: Results of Contact with (b)(6), (b)(7)(C) 07Apr09...(Copy all)
- (3) Statement of (b)(6), (b)(7)(C) 3Apr09...(Copy all)
- (4) Statement of (b)(6), (b)(7)(C) 03Apr09...(Copy all)

EXECUTIVE SUMMARY

1. During the early morning hours of 02Apr09, U.S. Naval Hospital (USNH) Yokosuka, Japan reported the possible rape of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, who is assigned to the USS SHILOH CG-67. (b)(6), (b)(7)(C) was admitted to USNH Yokosuka after consuming a potent amount of alcohol (.245 BAC) while on the streets of the Honcho, outside the gates of Commander Fleet Activities Yokosuka, Japan. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) reported possibly being involved in a physical altercation and later, while still at USNH, alleged she had been sexually assaulted during the evening of 01Apr09.

2. USNH Yokosuka conducted a sexual assault examination on (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) which failed to confirm any type of sexual assault or sexual activity. (b)(6), (b)(7)(C) was interviewed the next day and stated she had no memory of being sexually assaulted. She also expressed her desire to put this incident behind her without further investigation, stating she has no recollection of the events of the evening after consuming the drinks and ultimately ending up at USNH Yokosuka. Reporting Agent (RA) recontacted (b)(6), (b)(7)(C) on 07Apr09, at which point (b)(6), (b)(7)(C) maintained her desire to not have any type of investigation conducted since she has no recollection of being either physically or sexually assaulted. Since (b)(6), (b)(7)(C) is no longer alleging she was raped, this investigation is closed.

NARRATIVE

1. This investigation was initiated pursuant to a possible violation of UCMJ Article 120, rape.

2. During the early morning hours of 02Apr09, Participating Agent (b)(6), (b)(7)(C) contacted (b)(6), (b)(7)(C) Sexual Assault Nurse Examiner, USNH Yokosuka, Japan. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) told her she had been accosted by an unknown white male brandishing a knife, who subsequently held her down and vaginally penetrated her, in the restroom of a bar in the Honch area of Yokosuka. (b)(6), (b)(7)(C) conducted a sexual assault examination on (b)(6), (b)(7)(C) however, no

FOR OFFICIAL USE ONLY
Page 1 of 2

F13-0580.FEYK 000052

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07APR09-FEYK-0095-8FNA/C

07Apr09

injuries or items of apparent evidentiary value were noted, Exhibit (1) pertains.

3. On 02Apr09, (b)(6), (b)(7)(C) was contacted by RA. (b)(6), (b)(7)(C) advised she only remembers "snippets" of the events that occurred late on the night on 01Apr09. She has no memory of being sexually assaulted and declined to pursue criminal charges based on her lack of memory and the fact her body didn't feel as though she had been sexually assaulted, Exhibit (2) pertains. RA advised (b)(6), (b)(7)(C) she would recontact her in a few days to re-affirm (b)(6), (b)(7)(C) decision.

4. On 03Apr09, CFAY Security Patrolmen (b)(6), (b)(7)(C) USN provided a statement with regard to finding (b)(6), (b)(7)(C) on the ground crying on Blue Street in Yokosuka, Japan. (b)(6), (b)(7)(C) as described as being upset and very intoxicated, but made no mention of possibly being raped, Exhibits (3) pertains.

5. On 07Apr09, RA recontacted (b)(6), (b)(7)(C) during which time (b)(6), (b)(7)(C) maintained her desire not to make a criminal complaint. (b)(6), (b)(7)(C) advised she spoke with (b)(6), (b)(7)(C) on 03Apr09, at which time she also informed her she would not pursue criminal charges due to her lack of recollection of the events of the evening of 01Apr09, Exhibit (4) pertains.

6. As (b)(6), (b)(7)(C) has stated she has no recollection of being sexually assaulted and her body did not feel as though she had been sexually assaulted, this investigation is closed.

ACTION

0023: ONLY Report

PARTICIPANT

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/CO, USS SHILOH (M)/CO, CFAY (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000053

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

707629 19:30 20080818 IN:SSDEMAIL #28727 OUT:NIPRDAAAM #18335

REPORT OF INVESTIGATION (CLOSED)

12AUG08

RAPE (II)

CONTROL: 07FEB08-FEYK-0016-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/CFAY, YOKOSUKA, JAPAN/61581

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka, Japan ROI (INTERIM)/23Apr08... (Contains exhs. 1-13)

EXECUTIVE SUMMARY

1. (b)(6), (b)(7)(C) reported on 03Feb08, (b)(6), (b)(7)(C) was at her on-base residence and they were having drinks. (b)(6), (b)(7)(C) reports her next recollection was waking up on 04Feb08, still drunk and having vaginal soreness with bleeding; however she did not seek any medical attention, reference (A) pertains. Her living room was in disarray and there was an unidentified stain on her sofa. (b)(6), (b)(7)(C) called (b)(6), (b)(7)(C) asked him what had happened and he told her they had sexual intercourse. (b)(6), (b)(7)(C) learned three days later, that a friend of hers reportedly witnessed (b)(6), (b)(7)(C) via webcam) groping (b)(6), (b)(7)(C) on the night of the alleged rape during a webcam session. Upon receipt of that information, (b)(6), (b)(7)(C) elected to report the assault. An interview of (b)(6), (b)(7)(C)'s husband disclosed he and (b)(6), (b)(7)(C) were good friends and (b)(6), (b)(7)(C) became a family friend to (b)(6), (b)(7)(C) and the (b)(6), (b)(7)(C) children. (b)(6), (b)(7)(C) friend who observed the interaction between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) claimed to have observed (via webcam) (b)(6), (b)(7)(C) hug each other, but added (b)(6), (b)(7)(C) appeared to be inebriated. A pretext phone call was placed by (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C) during which he admitted to the consensual sex even though he knew she was drunk. During interrogation, (b)(6), (b)(7)(C) admitted having sexual relations with (b)(6), (b)(7)(C) knowing she was self admittedly drunk, but did not feel he was breaking the law. The case was forwarded to the Regional Legal Service Office and an Article 32 hearing was conducted. Review of the information by the Investigating Officer recommended the case not go forward for trial. Charges against (b)(6), (b)(7)(C) have been withdrawn and this investigation is closed.

NARRATIVE

1. On 31Jul08, (b)(6), (b)(7)(C) Article 32 hearing was conducted. Following the hearing, the Investigating Officer reviewed the submitted testimony and made the recommendation that the case not go forward. In accordance with her recommendation, the charges against (b)(6), (b)(7)(C) have been withdrawn. This investigation is closed.

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000054

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07FEB08-FEYK-0016-8FNA/C

12Aug08

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/CO, CFAY (M)/CO USS SHILOH (M)/DIRECTOR, FFSC (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000055

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

267945 19:14 20060129 IN:SSDEMAIL #5740 OUT:NIPRDAAAM #60222

REPORT OF INVESTIGATION (CLOSED)

17JAN06

SPECIAL INQUIRY (II)

CONTROL: 07JAN06-FEYK-0006-8XNA/C

I/ZUSHI CITY JA/SUSPECTED UNAUTHORIZED PHOTOS OF SEX ACTS BETWEEN
MULTIPLE PARTNERS

COMMAND/COMMANDER FLEET ACTIVITIES YOKOSUKA/61581

MADE AT/FEYK/YOKOSUKA JAPAN [REDACTED] SPECIAL AGENT

EXHIBIT(S)

- (1) Statement [REDACTED] 08JAN06... (Copy All)
- (2) Permissive Authorization for Search and Seizure [REDACTED]
08JAN06... Copy All)
- (3) IA: Results of Interview of [REDACTED] AN06... Copy All)
- (4) IA: Results of Interview of [REDACTED] /21JAN06... Copy All)
- (5) Military Suspect's Acknowledgement and Waiver of Rights [REDACTED]
[REDACTED] /08JAN06... (Copy All)
- (6) Statement [REDACTED] 08JAN06... (Copy All)
- (7) IA: Incorrect Date on Statement of [REDACTED] 21JAN06... (Copy All)
- (8) IA: Receipt of [REDACTED] Statement from [REDACTED] 21JAN06...
(Copy All)
- (9) IA: Results of Victim Preference Statement [REDACTED] 09JAN06...
(Copy All)
- (10) IA: Results of Cellular Phone Search of USS CURTIS WILBUR
Sailors/11JAN06... (Copy All)
- (11) IA: Results of Brief with [REDACTED] SJA, USS KITTY HAWK
(CV-63)/21JAN06... (Copy All)
- (12) IA: Results of Brief with [REDACTED] XO, USN, USS CURTIS WILBUR
(DDG-54)/21JAN06... (Copy All)

EXECUTIVE SUMMARY

1. On 07JAN06, NCIS was contacted by Criminal Investigative Division (CID), Fleet Activities Yokosuka (FAY) Japan regarding the suspected allegation of rape of [REDACTED] USN, USS KITTY HAWK (CV-63), at an off base residence located at [REDACTED] Zushi-Shi Japan. The sailors suspected to have participated are: [REDACTED] USN, USS FITZGERALD (DDG-62), [REDACTED] USN, USS CURTIS WILBUR (DDG-54), [REDACTED] USN, USS CURTIS WILBUR (DDG-54), [REDACTED] USN, CURTIS WILBUR (DDG-54), and [REDACTED], USN, USS CURTIS WILBUR (DDG-54).

2. On 08JAN06, [REDACTED] provided a statement to NCIS and reported that on 03JAN06, she visited the off base residence stated above and communicated the evening consisted of alcohol consumption, music, pornographic videos, discussion of sex, and sexual intercourse. [REDACTED] advised she become intoxicated from 1 to 2 shots of Johnny Walker scotch (at the off base residence) and 2-3% Chu-hi drinks (Japanese alcohol) on the way to the residence. [REDACTED] reported she willingly went upstairs with [REDACTED] to one of the bedrooms, which

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 5

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07JAN06-FEYK-0006-8XNA/C

17Jan06

ultimately led to group sex between (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated she engaged in vaginal intercourse with (b)(6), (b)(7)(C) and anal sex with (b)(6), (b)(7)(C) recalled a penis being in her mouth but wasn't sure who it belonged to. (b)(6), (b)(7)(C) stated she didn't realize what was happening until she heard clicking and saw flashes from cellular telephones with cameras. (b)(6), (b)(7)(C) stated she became upset and began crying because photos were being taken. (b)(6), (b)(7)(C) reported, her friend, (b)(6), (b)(7)(C) USN, USS FITZGERALD (DDG-54), came upstairs, saw her crying and took her home via taxicab. Towards the conclusion of (b)(6), (b)(7)(C) statement, she admitted she might have said something to make the sailors believe she wanted to have sex. (b)(6), (b)(7)(C) stated she reported the alleged rape because she was concerned about the sexual photos and stated she did not want to continue with the investigation. (b)(6), (b)(7)(C) was briefed on and given the "Information for Victims and Witnesses of A Crime" brochure.

3. On 07JAN06, interviews conducted with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), USN, USS FITZGERALD (DDG-54), (b)(6), (b)(7)(C) friends, speculated that (b)(6), (b)(7)(C) willingly engaged in multiple partner sex but could not be certain.

4. On 08JAN06, in (b)(6), (b)(7)(C) USN, USS FITZGERALD (DDG-54) statement, he recalls (b)(6), (b)(7)(C) stating she could not use a latex condom because of her allergy to latex. (b)(6), (b)(7)(C) reported watching (b)(6), (b)(7)(C) engage in sex prior to adjourning to the balcony to have a cigarette. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) to masturbate (b)(6), (b)(7)(C) in addition to her sexual activities with (b)(6), (b)(7)(C) Reportedly, (b)(6), (b)(7)(C) masturbated (b)(6), (b)(7)(C) and then (b)(6), (b)(7)(C)

5. On 09JAN06, (b)(6), (b)(7)(C) returned to NCIS and confirmed she did not want to continue with the investigation. RA briefed (b)(6), (b)(7)(C) on the "Victim Preference Statement" (VPS) and she willingly provided her signature.

6. RA provided a brief to the USS CURTIS WILBUR (DDG-54) and the USS KITTY HAWK (CV-63) regarding investigative actions to date.

7. Based on investigative steps taken to date, and (b)(6), (b)(7)(C) recant of her initial report of alleged rape, no further actions will be taken. No use of weapons or drugs was reported. This investigation is being closed.

NARRATIVE

1. This investigation began as a reactive investigation into the suspected violation of the Uniformed Code of Military Justice (UCMJ) Article 120 (Rape and Carnal Knowledge), when (b)(6), (b)(7)(C) reported that, on 03JAN06, she had been allegedly raped.

2. On 07JAN06, NCIS was contacted by Criminal Investigative Division (CID), Fleet Activities Yokosuka (FAY) Japan regarding the suspected allegation of rape of (b)(6), (b)(7)(C) USN, USS KITTY HAWK (CV-63), at an off base residence located at (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Zushi-Shi Japan. The sailors suspected to have

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 5

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07JAN06-FEYK-0006-8XNA/C

17Jan06

participated in the initial report of alleged rape are (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN, USS FITZGERALD (DDG-62), (b)(6), (b)(7)(C)
USN, USS CURTIS WILBUR (DDG-54), (b)(6), (b)(7)(C) USN,
USS CURTIS WILBUR (DDG-54), (b)(6), (b)(7)(C) USN, CURTIS
WILBUR (DDG-54), and (b)(6), (b)(7)(C) USN, USS CURTIS
WILBUR (DDG-54). (b)(6), (b)(7)(C) reside in the dwelling.

3. On 08JAN06, RA obtained a statement from (b)(6), (b)(7)(C) in which, she reported that on 03JAN06, she and friends, (b)(6), (b)(7)(C) USN, USS FITZGERALD (DDG-54) and (b)(6), (b)(7)(C) USN, USS FITZGERALD (DDG-54) visited the off base residence stated above. (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN, USS FITZGERALD (DDG-54) met (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) at a train en route to the off base residence. Exhibit (1) pertains. (b)(6), (b)(7)(C) communicated she was the only female sailor amidst seven other male sailors and stated the evening consisted of alcohol consumption, music, pornographic videos, engaging in sex oriented discussions, and the act of sexual intercourse. (b)(6), (b)(7)(C) advised all the sailors were consuming alcohol and she reported becoming intoxicated from 1 to 2 shots of Johnny Walker scotch (at the off base residence) and 2-3% Chu-hi drinks (Japanese alcohol) on the way to the off base residence. (b)(6), (b)(7)(C) reported, after being in the residence for approximately 20 minutes, she willingly went upstairs with (b)(6), (b)(7)(C) to one of the bedrooms. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) lead the way upstairs and she followed. (b)(6), (b)(7)(C) recalls asking if she ever "participated in a threesome" but could not recollect her response. The discussion led to group sex between (b)(6), (b)(7)(C) recalled (b)(6), (b)(7)(C) undressing the both of them but could not recall her comments this time. According to (b)(6), (b)(7)(C) prior to her mounting in a straddle position and engaging in vaginal intercourse, (b)(6), (b)(7)(C) called downstairs (2-story apartment) to (b)(6), (b)(7)(C) to participate. (b)(6), (b)(7)(C) came upstairs, disrobed, and simultaneously engaged in anal sex with (b)(6), (b)(7)(C) communicated the anal sex was hurting her and began to cry but because of her intoxicated state, does not recall telling (b)(6), (b)(7)(C) to stop. (b)(6), (b)(7)(C) reported a penis being in her mouth but was not sure whom it belonged to.

4. (b)(6), (b)(7)(C) stated she did not realize what was happening until she heard clicking and saw flashes coming from cellular telephones with cameras. (b)(6), (b)(7)(C) stated she became upset and began crying because obscene photos of her were being taken. (b)(6), (b)(7)(C) demanded the photos of her be deleted and asked (b)(6), (b)(7)(C) assistance in ensuring this would take place. (b)(6), (b)(7)(C) agreed and took (b)(6), (b)(7)(C) home via taxicab.

5. (b)(6), (b)(7)(C) reported that during the time of the incident, she was romantically involved with married sailor, (b)(6), (b)(7)(C) USN, USS FITZGERALD (DDG-62). (b)(6), (b)(7)(C) stated she was led to believe that (b)(6), (b)(7)(C) a friend of (b)(6), (b)(7)(C) was in the process of finalizing his divorce.

6. Towards the conclusion of (b)(6), (b)(7)(C) statement, she admitted she might have said something to make the sailors believe she wanted to have sex but could not recall. She stated her reasoning for reporting the alleged rape was out of concern for the sexual photos and stated she did not want to continue with the investigation.

WARNING

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07JAN06-FEYK-0006-8XNA/C

17Jan06

Prior to (b)(6), (b)(7)(C) departing NCIS, she was briefed on and given the "Information for Victims and Witnesses of A Crime" brochure. RA offered (b)(6), (b)(7)(C) an explanation pertaining to alleged victims who decide not to participate in an investigation but did not mention the Victim Preference Statement (VPS). (b)(6), (b)(7)(C) signed a Permissive Authorization for Search and Seizure (PASS) to allow RA to search her camera for sexually explicit photos of her. Exhibit (2) pertains. Results of the search concluded in negative findings for sexual photos of (b)(6), (b)(7)(C)

7. On 07JAN06, interviews conducted with (b)(6), (b)(7)(C) friends, speculated that (b)(6), (b)(7)(C) willingly engaged in multiple partner sex but could not be certain. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) kept repeating, "I'm a whore, I'm a whore." Exhibits (3) and (4) pertain.

8. On 08JAN06, (b)(6), (b)(7)(C) signed a rights waiver prior to rendering a statement to NCIS. Exhibit (5) pertains. In (b)(6), (b)(7)(C) statement, he recalls that, while he was at the bottom of the stairs, he heard (b)(6), (b)(7)(C) discussing sexual positions as they were disrobing and recalls (b)(6), (b)(7)(C) advising she could not use a condom because her allergy to latex. (b)(6), (b)(7)(C) did not recall this comment. (b)(6), (b)(7)(C) reported watching (b)(6), (b)(7)(C) engage in sex prior to adjourning to the balcony to have a cigarette. (b)(6), (b)(7)(C) stated he returned with (b)(6), (b)(7)(C) approximately 10 minutes later to witness the three still engaged in sexual intercourse. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) to masturbate (b)(6), (b)(7)(C) in addition to her activities with (b)(6), (b)(7)(C). Reportedly, (b)(6), (b)(7)(C) began to masturbate (b)(6), (b)(7)(C). Shortly afterwards, (b)(6), (b)(7)(C) supposedly switched with (b)(6), (b)(7)(C) and was masturbated by (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) became upset when she realized photos were being taken of her. Exhibit (6) pertains. RA recognized that in the beginning of (b)(6), (b)(7)(C) statement, it reflected the incorrect date of "08 December 2006" but it is accurately depicted at the end of the statement to reflect "08 January 2006". Exhibit (7) pertains.

9. On 08JAN06, NCIS obtained a copy of (b)(6), (b)(7)(C) statement and Navy Victim Preference Reporting Statement from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), USN, USS KITTY HAWK (CV-63), regarding (b)(6), (b)(7)(C) initial report of alleged sexual assault. (b)(6), (b)(7)(C) effected initial contact with (b)(6), (b)(7)(C). Exhibit (8) pertains.

10. On 09JAN06, (b)(6), (b)(7)(C) returned to NCIS and reconfirmed she did not want to continue with the investigation. RA reiterated the procedures for alleged victims not wanting to participate in an investigation and briefed (b)(6), (b)(7)(C) about the VPS. (b)(6), (b)(7)(C) assured RA she understood and willingly signed the VPS. Exhibit (9) pertains.

11. On 11JAN06, RA effected telephone contact with (b)(6), (b)(7)(C) and advised a cursory review of the cellular phones w/cameras, involved in captioned investigation, was conducted and the results were negative for sexually explicit photos of her. Exhibit (10) pertains.

12. RA provided a brief to Staff Judge Advocate (SJA), (b)(6), (b)(7)(C)

WARNING

FOR OFFICIAL USE ONLY
Page 4 of 5

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07JAN06-FEYK-0006-8XNA/C

17Jan06

(b)(6), (b)(7)(C) USN, USS KITTY HAWK (CV-63), on the status of the case.
Exhibit (11) pertains.

13. RA provided a brief to (b)(6), (b)(7)(C) XO, USS CURTIS WILBUR (DDG-54) regarding investigative actions to date. (b)(6), (b)(7)(C) advised RA that a Disciplinary Review Board (DRB) was conducted for (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) regarding underage drinking and irresponsible actions. (b)(6), (b)(7)(C) advised the sailors received the restriction of having their blue liberty cards (over night privileges) temporarily taken away and were given white liberty cards (return to ship by midnight). DRB results are pending. Exhibit (12) pertains.

14. Based on investigative actions taken to date, and (b)(6), (b)(7)(C) recant of her initial report of alleged rape, no further actions will be taken. No use of weapons or drugs was reported. This investigation is being closed.

PARTICIPANT(S)

(b)(6), (b)(7)(C)

t, NCISRA Yokosuka, JA
tor, NCISRA Yokosuka, JA
tor, Criminal Investigator, FAY, JA
ster-at-Arms, USS CURTIS WILBUR (DDG-54), JA
aster-at-Arms, USS KITTY HAWK (CV-63), JA

ACTION

0023B: ONLY report.

DISTRIBUTION

NCISHQ: 0023B

ACTION: 0023B

INFO: FEYK/HHN/FEXV/USS CURTIS WILBUR CG-63 (ATTN: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) CO) (M) /USS FITZGERALD DDG-62 (ATTN: (b)(6), (b)(7)(C) CO)
(M) /TSO (ATTN: (b)(6), (b)(7)(C)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 5 of 5

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

588241 19:25 20100809 IN:SSDEMAIL #9293 OUT:NIPRDAAAM #60805

REPORT OF INVESTIGATION (CLOSED)

10AUG10

INDECENT ASSAULT (II)

CONTROL: 07JUN10-FEYK-0288-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS CURTIS WILBUR (DDG 54)/21640

MADE AT/FEYK/YOKOSUKA JAPAN

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka, Japan ROI (INTERIM)/20Jul10... (Contains Exhibits 1-10)

EXHIBIT

(11) IA: Results of Contact with the USS CURTIS WILBUR/04Aug10... (Copy All)

EXECUTIVE SUMMARY

1. On 07Jun10, (b)(6), (b)(7)(C) Executive Officer, USS CURTIS WILBUR (DDG-54), Yokosuka, Japan, contacted NCISRA Yokosuka and reported he received information that Information (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), USN, USS CURTIS WILBUR (DDG-54), was sexually assaulted while on liberty in Busan, Korea by (b)(6), (b)(7)(C). On 09Jun10, (b)(6), (b)(7)(C) was interviewed and stated that while at a blanket store with her liberty buddy, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS CURTIS WILBUR (DDG-54), she was met by (b)(6), (b)(7)(C) USN, USS CURTIS WILBUR (DDG-54). (b)(6), (b)(7)(C) said she saw (b)(6), (b)(7)(C) liberty buddy, playing around in the store with a tennis racket and he appeared to be drunk. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) came up from behind her and hit her in her butt twice with a tennis racket. (b)(6), (b)(7)(C) stated that she reacted and hit (b)(6), (b)(7)(C) with her fist in the stomach. (b)(6), (b)(7)(C) said that (b)(6), (b)(7)(C) also swiped at her crotch with his cupped right hand. (b)(6), (b)(7)(C) said that (b)(6), (b)(7)(C) just stood there. (b)(6), (b)(7)(C) stated that she and (b)(6), (b)(7)(C) left the blanket store. (b)(6), (b)(7)(C) was interviewed and stated he did not remember any physical contact with (b)(6), (b)(7)(C) that night in the store. (b)(6), (b)(7)(C) was interviewed and stated she did not see the incident occur. (b)(6), (b)(7)(C) was interviewed and stated he did see (b)(6), (b)(7)(C) with a tennis racket, but did not see any physical contact between (b)(6), (b)(7)(C) was interviewed and provided a statement. (b)(6), (b)(7)(C) said he did not remember having a tennis racket or having any physical contact with (b)(6), (b)(7)(C) said he would be willing to take a polygraph examination. Several blanket store owners on Texas Street, Busan, Korea were interviewed; however, nothing of evidentiary value was obtained. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Executive Officer, USS CURTIS WILBUR (DDG-54) advised that (b)(6), (b)(7)(C) Commanding Officer, USS CURTIS WILBUR (DDG-54), acting under guidance of the Judge Advocate General (JAG), issued

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07JUN10-FEYK-0288-8DNA/C

10Aug10

(b)(6), (b)(7)(C) a nonpunitive letter of caution in lieu of disciplinary action. All investigative leads are complete. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, sexual assault and other sexual misconduct) of the Uniform Code of Military Justice (UCMJ).

2. Subsequent to the submission of Reference (A), on 04Aug10, (b)(6), (b)(7)(C) advised that (b)(6), (b)(7)(C) was issued a letter of caution and that no disciplinary action was warranted; Exhibit (11) pertains.

3. All investigative leads have been completed and this investigation is closed.

DISTRIBUTION

NCISHQ: 0023

INFO: FEYK/Command (H)/CTF70 SJA (M)/RLSO (Attn: (b)(6), (b)(7)(C))
(b)(6), (b)(7)(C) (H)/CFAY SJA (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

595790 22:09 20120624 IN:SSDEMAIL #19461 OUT:NIPRDAAAM #19040

REPORT OF INVESTIGATION (CLOSED)

21JUN12

RAPE (II)

CONTROL: 07JUN11-FEYK-0343-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/US FLEET AND INDUSTRIAL SUPPLY CENTER/62649

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka, Japan ROI (INTERIM)/07AUG11(Contains Exhibits 1-6)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM)/22Sep11(Contains Exhibits 7-24)
- (C) NCISRA Yokosuka, Japan ROI (INTERIM)/22Nov11(Contains Exhibits 25-26)
- (D) NCISRA Yokosuka, Japan ROI (INTERIM)/16Jan12(Contains Exhibits 27-91)
- (E) NCISRA Yokosuka, Japan ROI (INTERIM)/14Mar12
- (F) NCISRA Yokosuka, Japan ROI (INTERIM)/01May12

EXHIBIT

(92) Results of (b)(6), (b)(7)(C) Administrative Separation Board/23May12

EXECUTIVE SUMMARY

1. On 06Jun11, NCISRA Yokosuka received notification from (b)(6), (b)(7)(C) Criminal Investigations Division (CID), Commander Fleet Activities Yokosuka (CFAY), Japan, regarding (b)(6), (b)(7)(C) was suspected of raping (b)(6), (b)(7)(C) at his off base residence in Yokohama, Japan. The Isezaki Police Station (IPS) asserted primary investigative jurisdiction. Subsequent to the notification, Participant (b)(6), (b)(7)(C) contacted Inspector (b)(6), (b)(7)(C) International Criminal Investigations Section, IPS, Kanagawa Prefectural Police, Yokohama, Japan. According to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) was approached by (b)(6), (b)(7)(C) at a Starbucks coffee shop in Yokohama, Japan, on 05Jun11. (b)(6), (b)(7)(C) went to (b)(6), (b)(7)(C) residence with him, after he asked her for assistance with setting up his computer. (b)(6), (b)(7)(C) advised the alleged rape occurred inside of (b)(6), (b)(7)(C)'s residence and (b)(6), (b)(7)(C) did not resist due to fear. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) was unsure if she had been penetrated during the sexual intercourse because (b)(6), (b)(7)(C) IPS issued a Search Warrant for (b)(6), (b)(7)(C) residence, personal locker, and his temporary barracks room. On 13Jun11 and 15Jun11, NCIS assisted IPS with the searches and items of evidentiary value were seized and transferred to IPS. IPS has conducted several investigative steps to include attempts to identify eye witnesses, reviews of security camera footage, and forensic analysis of evidence seized from

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07JUN11-FEYK-0343-8FNA/C

21Jun12

(b)(6), (b)(7)(C) barracks room. On 18Aug11, the Japanese Prosecutor's Office officially declined to pursue the investigation and relinquished jurisdiction to the USN. On 22Aug11, IPS provided NCIS with copies of the Japanese Police Reports. NCIS Investigators completed the translations of the investigative reports submitted by IPS, including the details of the initial investigative steps conducted by IPS, the notifications and referral of the captioned investigation, and the details of the search warrants conducted and evidence collected. NCIS reviewed the electronic media seized from (b)(6), (b)(7)(C) and recovered photographs of (b)(6), (b)(7)(C) from his iPhone and laptop computer. On 09Dec11, Reporting Agent attempted to interview (b)(6), (b)(7)(C) however, subsequent to being advised of his 31b Military Suspects Rights, he invoked the right to remain silent. On 23May12, an Administrative Separation Board voted 3 to 0 for (b)(6), (b)(7)(C) to be separated from the US NAVY with an Other Than Honorable Discharge. This case is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Japanese Penal Code 177 (Rape) and Article 120 (Rape, sexual assault, other sexual misconduct) of the Uniform Code of Military Justice. NCISRA Yokosuka has assumed jurisdiction of the case.

2. Subsequent to submission of References (A)-(F), on 18Jun12, Reporting Agent (RA) received notification from (b)(6), (b)(7)(C) USN, Trial Counsel, Region Legal Services Office (RLSO), Japan, an Administrative Separation Board voted 3 to 0 for (b)(6), (b)(7)(C) to be separated from the US NAVY with an Other Than Honorable Discharge on 23May12; Exhibit (92) pertains.

3. On 21Jun12, final disposition for (b)(6), (b)(7)(C) was entered into the Livescan fingerprint system. This case is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK (b)(6), (b)(7)(C) CO, FISC, Yokosuka, Japan (H) / (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN, Deputy Force Judge Advocate, Regional Legal
Service Office, Yokosuka, Japan (H) (b)(6), (b)(7)(C) USN, SJA,
CFAY, Japan (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

490503 02:52 20120516 IN:SSDEMAIL #8453 OUT:NIPRDAAAM #8219

REPORT OF INVESTIGATION (CLOSED)

14MAY12

RAPE (II)

CONTROL: 07MAY12-FEYK-0307-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEYK/YOKOSUKA JAPA (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Interview with (b)(6), (b)(7)(C) 14May12... (Copy All)
- (2) IA: Contact with (b)(6), (b)(7)(C) 15May12... (Copy All)
- (3) IA: Results of Contact with (b)(6), (b)(7)(C) SARC, and (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) VA/14May12... (Copy All)
- (4) IA: Results of Third Meeting with (b)(6), (b)(7)(C) 14May12... (Copy All)

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violation of Uniform Code of Military Justice (UCMJ) Article 120 (Rape, sexual assault, and other sexual misconduct).

2. On 06May12, NCISRA Yokosuka was notified by Investigator (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Criminal Investigations Division (CID), Commander Fleet Activities Yokosuka (CFAY), Japan, that during (b)(6), (b)(7)(C) CID interrogation for potential violation of UCMJ Article 112a (she was caught huffing inhalants on 06May12), (b)(6), (b)(7)(C) stated she was the victim of a sexual assault and made a restricted report on 30Apr12. (b)(6), (b)(7)(C) declined to provide CID any further details of the alleged report of sexual assault. Upon learning of this alleged sexual assault (b)(6), (b)(7)(C) contacted Reporting Agent (RA). RA responded to CFAY CID and met with (b)(6), (b)(7)(C) provided limited information to RA about the alleged assault and stated she did not want to make a report or discuss the details further. (b)(6), (b)(7)(C) claimed that "someone put something in her drink" and she awoke in a hotel and saw condom wrappers on the floor. She stated she went to United States Naval Hospital (USNH) Yokosuka, and attempted to have a Sexual Assault Forensic Examination (SAFE), but stopped before the examination took place. (b)(6), (b)(7)(C) stated she had a Sexual Assault and Violence Intervention (SAVI) representative and was aware of all of her options for further reporting and counseling services. Exhibit (1) pertains. (b)(6), (b)(7)(C) is currently on restriction and assigned to the Transient Personnel Unit (TPU), CFAY, Japan.

3. On 08May12, RA attempted to meet with (b)(6), (b)(7)(C) regarding the incident and to advise her of her options for participating in the investigation. (b)(6), (b)(7)(C) did not show up for her appointment as she was again caught huffing inhalants in her barracks. (b)(6), (b)(7)(C) was again caught huffing inhalants on 09May12. On 11May12, (b)(6), (b)(7)(C) met

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000065

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07MAY12-FEYK-0307-8FNA/C

14May12

with Participant (b)(6), (b)(7)(C) Participant (b)(6), (b)(7)(C) asked if she wanted to participate in an investigation and again (b)(6), (b)(7)(C) declined to provide information and she signed a Victim Witness Preference Statement (VPS). Exhibit (2) pertains. (b)(6), (b)(7)(C) was also provided with a Victim/Witness Assistance Pamphlet. The VPS form was later inspected and it was discovered that (b)(6), (b)(7)(C) circled "NO" in reference to having "the opportunity to consult with a victim advocate, counselor, or other person(s) of my choosing before making the following decision," on the VPS form.

4. On 11May12, RA contacted (b)(6), (b)(7)(C) Civ, Sexual Assault Response Coordinator (SARC), CFAY, regarding (b)(6), (b)(7)(C) confirmed that (b)(6), (b)(7)(C) indeed had a Victim Advocate (VA), (b)(6), (b)(7)(C) and informed that (b)(6), (b)(7)(C) had met with (b)(6), (b)(7)(C) at least six documented times. On 14May12, RA spoke with (b)(6), (b)(7)(C) who confirmed that (b)(6), (b)(7)(C) had consulted with her numerous times and wanted assistance regarding her potential separation from the Navy. Exhibit (3) pertains.

5. On 14May12, RA and Participant (b)(6), (b)(7)(C) met with (b)(6), (b)(7)(C) who stated she thought she circled "NO" to relate that she did not want an investigation into her allegations of sexual assault as she admitted she did not read the VPS form the first time. (b)(6), (b)(7)(C) read and related she understood the VPS form, circled "Yes" to having consulted with a VA, and that she understood the VPS form. (b)(6), (b)(7)(C) signed and dated the VPS form. Exhibit (4) pertains.

6. Criminal history checks with the National Crime Information Center (NCIC), Defense Central Index of Investigation (DCII), Department of Defense Employee Interactive Data System (DEIDS), NCIS K-Net, and the Consolidated Law Enforcement Operations Center (CLEOC) were queried on (b)(6), (b)(7)(C) with negative results. Joint Personnel Adjudication System (JPAS) was queried and revealed that (b)(6), (b)(7)(C) is not eligible for a Secret Clearance. (b)(6), (b)(7)(C) CFAY. The records are maintained in the case file.

7. On 07May12, RA contacted (b)(6), (b)(7)(C) Officer in Charge (OIC), TPU, CFAY, Japan, and notified her of the alleged sexual assault. Also on 07May12, RA contacted (b)(6), (b)(7)(C) Civ, SARC, CFAY, Japan, and PA (b)(6), (b)(7)(C) contacted and notified Command aboard the USS George Washington regarding the initiation of captioned investigation. As (b)(6), (b)(7)(C) declined to provide detailed information of the alleged sexual assault and declined to participate in this investigation, there are no further logical leads to pursue. On 15May12, (b)(6), (b)(7)(C) Staff Judge Advocate (SJA), CFAY, Japan, advised (b)(6), (b)(7)(C) was in the process of being separated from the US Navy due to huffing inhalants. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent Afloat USS George Washington (CVN-73) investigator, NCISRA Yokosuka, Japan

ACTION

0023: Only Report

FOR OFFICIAL USE ONLY
Page 2 of 3

F13-0580.FEYK 000066

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07MAY12-FEYK-0307-8FNA/C

14May12

DISTRIBUTION

NCISHQ: 023B

ACTION: 0023

INFO: FEYK/USS GEORGE WASHINGTON ATTN: SAA (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) SJA, CFAY, Japan (H) (b)(6), (b)(7)(C) USN, CO, CFAY,
Japan (H)/002P

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 3 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

260314 18:39 20111206 IN:SSDEMAIL #61418 OUT:NIPRDAAAM #60930

REPORT OF INVESTIGATION (CLOSED)

05DEC11

RAPE (II)

CONTROL: 08FEB10-FEYK-0074-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka, Japan ROI (INTERIM)/18Feb10 (Contains Exhibits 1-15)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM)/23Mar10 (Contains Exhibits 16-21)
- (C) NCISRA Yokosuka, Japan ROI (INTERIM)/03May10
- (D) NCISRA Yokosuka, Japan ROI (INTERIM)/25Jun10
- (E) NCISRA Yokosuka, Japan ROI (INTERIM)/25Aug10
- (F) NCISRA Yokosuka, Japan ROI (INTERIM)/07Oct10
- (G) NCISRA Yokosuka, Japan ROI (INTERIM)/29Dec10
- (H) NCISRA Yokosuka, Japan ROI (INTERIM)/14Feb11
- (I) NCISRA Yokosuka, Japan ROI (INTERIM)/12Apr11
- (J) NCISRA Yokosuka, Japan ROI (INTERIM)/22May11
- (K) NCISRA Yokosuka, Japan ROI (INTERIM)/30Jun11
- (L) NCISRA Yokosuka, Japan ROI (INTERIM)/24Aug11 (Contains Exhibit 22)
- (M) NCISRA Yokosuka, Japan ROI (INTERIM)/24Oct11 (Contains Exhibits 23-25)

EXHIBIT

- (26) IA: Receipt of Results of Trial pertaining to (b)(6), (b)(7)(C) 02Dec11...(Copy All, less RLSO)

EXECUTIVE SUMMARY

1. On 07FEB10, (b)(6), (b)(7)(C) reported being sexually assaulted on the evening of 06FEB10, References (A) through (M) pertain. (b)(6), (b)(7)(C) reported to NCIS she had been out drinking with (b)(6), (b)(7)(C) and two other friends at a bar in the Honch, outside of Commander Fleet Activities Yokosuka, Japan. The four of them subsequently left for (b)(6), (b)(7)(C)'s off-base residence to watch a movie and spend the night. (b)(6), (b)(7)(C) offered (b)(6), (b)(7)(C) his bed, and soon after (b)(6), (b)(7)(C) went to bed, (b)(6), (b)(7)(C) entered the room and got into bed with her wearing only his boxer shorts. (b)(6), (b)(7)(C) said she thought (b)(6), (b)(7)(C) would just stay on "his side of the bed" but then he started kissing her neck. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) to stop, but instead he "snapped." According to (b)(6), (b)(7)(C) became angry, aggressive and then forcefully pulled the pajama bottoms and her panties off of her. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) digitally penetrated her vagina and vaginally penetrated her with his penis. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) then

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000068

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 08FEB10-FEYK-0074-8FNA/C

05Dec11

attempted to perform oral sex on her, at which point (b)(6), (b)(7)(C) was able to shove him away from her and get up off of the bed. (b)(6), (b)(7)(C) put on her clothing, left the bedroom and went down the stairs to leave. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) followed her down the stairs, pushing her, calling her names and telling her to leave his house. Witness interviews of all but one person stated there was no physical contact between (b)(6), (b)(7)(C) leading up to the time of the

alleged sexual assault. There were no witnesses to any type of altercation at (b)(6), (b)(7)(C) residence, until (b)(6), (b)(7)(C) woke the other female present, telling her to "get her friend." (b)(6), (b)(7)(C) and her friend returned to Yokosuka. Interviews were conducted pertaining to Facebook and text messages pertaining to (b)(6), (b)(7)(C). On 05Dec11, (b)(6), (b)(7)(C) was sentenced pursuant to a General Court's Martial where he was convicted of violation of four specifications of UCMJ Article 120 (UCMJ). (b)(6), (b)(7)(C) was sentenced to a Dishonorable Discharge, five years confinement, reduction to E-1, and forfeiture of all pay and allowances. This case is now closed.

NARRATIVE

1. This investigation pertains to suspected violations of UCMJ Article 120 (Rape, sexual assault, and other sexual misconduct).

2. On 05Dec11, (b)(6), (b)(7)(C) was sentenced pursuant to a General Court's Martial where he was convicted of violation of four specifications of UCMJ Article 120 (UCMJ). (b)(6), (b)(7)(C) was sentenced to a Dishonorable Discharge, five years confinement, reduction to E-1, and forfeiture of all pay and allowances, Exhibit (26) pertains.

3. On 05Dec11, Participating Agent (PA) (b)(6), (b)(7)(C), briefed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Acting Commander, USS George Washington (CVN 73) and (b)(6), (b)(7)(C) USN, Staff Judge Advocate (SJA), USS George Washington (CVN 73), on the results of the GCM pertaining to (b)(6), (b)(7)(C). Case is now closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/FEYO/RLSO (H)/CO, USS GEORGE WASHINGTON via (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 2 of 2

F13-0580.FEYK 000069

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

554409 01:03 20080305 IN:SSDEMAIL #57461 OUT:NIPRDAAAM #47752

REPORT OF INVESTIGATION (CLOSED)

13FEB08

RAPE (II)

CONTROL: 08MAY07-FEYK-0128-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS BLUE RIDGE (LCC-19)/05840

MADE AT/FEYK/YOKOSUKA JA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

- (A) NCISRA Yokosuka, JA ROI(INTERIM)/13JUN07 (Contains Exhibits 1 - 5)
- (B) NCISRA Yokosuka, JA ROI(INTERIM)/08AUG07 (Contains Exhibits 6 - 7)
- (C) NCISRA Yokosuka, JA ROI(INTERIM)/15SEP07
- (D) NCISRA Yokosuka, JA ROI(INTERIM)/05DEC07

EXHIBIT

- (9) IA: Results of interview of (b)(6), (b)(7)(C) 19DEC07...(Copy all)

EXECUTIVE SUMMARY

1. On 08MAY07, (b)(6), (b)(7)(C) reported that she may have been sexually assaulted on the night of 23MAR07. (b)(6), (b)(7)(C) stated she believes she may have been sexually assaulted because she was told by an individual she knew as (b)(6), (b)(7)(C), whose real name is (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS Kitty Hawk (CV 63), Yokosuka, Japan, that she was seen lying naked on the floor of a barracks room surrounded by three partially identified males, on the night of 23MAR07. (b)(6), (b)(7)(C) stated she does not remember much about that night but recalled waking up in (b)(6), (b)(7)(C) USN, USS Blue Ride (LCC-19), Yokosuka, Japan, room the next morning. (b)(6), (b)(7)(C) was interviewed and stated he had consensual sex with (b)(6), (b)(7)(C) in the night of 22MAR07 and tried to wake her up the next morning for work but was unsuccessful and left (b)(6), (b)(7)(C) in his room. Two other individuals were interviewed and confirmed (b)(6), (b)(7)(C) slept in (b)(6), (b)(7)(C) room on the night of 22MAR07 and stated it would be unlikely for (b)(6), (b)(7)(C) to lie about the incident. (b)(6), (b)(7)(C) was interviewed and provided amplifying details confirming his observation of (b)(6), (b)(7)(C) lying on the floor naked; partially covered by a blanket in (b)(6), (b)(7)(C) (NFI) barracks room on an evening some time between JAN07 and mid-MAR07. (b)(6), (b)(7)(C) USN, USS Kitty Hawk (CV 63), was allegedly observed standing over (b)(6), (b)(7)(C) in (b)(6), (b)(7)(C) barracks room. A subsequent interview was conducted of (b)(6), (b)(7)(C) who stipulated he is familiar with (b)(6), (b)(7)(C) but has no knowledge of captioned investigation.

2. All investigative leads have been exhausted. A culprit could not be determined. This investigation is closed.

NARRATIVE

FOR OFFICIAL USE ONLY
Page 1 of 2

F13-0580.FEYK 000070

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 08MAY07-FEYK-0128-8FNA/C

13Feb08

1. This reactive investigation is being conducted pursuant to suspected violations of Uniform Code of Military Justice (UCMJ) Article 120 (Rape).

2. On 11Dec07, (b)(6), (b)(7)(C) was re-interviewed regarding her recollection of the alleged sexual assault. (b)(6), (b)(7)(C) could not provide additional details regarding the night she was intoxicated and allegedly sexually assaulted. (b)(6), (b)(7)(C) communicated that though she was intoxicated she is positive that (b)(6), (b)(7)(C) would not engage in non-consensual sex with her. Exhibit (9) pertains

3. All investigative leads have been exhausted. A culprit could not be determined. This investigation is closed.

DISTRIBUTION

NCISHQ: 0023B11

INFO: FEYK/USS BLUE RIDGE (LLC-19) via NCIS SCIO (b)(6), (b)(7)(C)
(M)/Commander 7th Fleet via NCIS SCIO (b)(6), (b)(7)(C) (M)/RLSO
Pacific (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000071

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

514147 23:48 20100616 IN:SSDEMAIL #61361 OUT:NIPRDAAAM #47344

REPORT OF INVESTIGATION (CLOSED)

15JUN10

INDECENT ASSAULT (II)

CONTROL: 08MAY10-SNSN-0099-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS LASSEN (DDG-82)/21956

MADE AT/FEYK/YOKOSUKA JA

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCES

- (A) NCISFO SINGAPORE ROI (INTERIM)/10MAY10 (Contains Exhibits 1 - 5)
- (B) NCISRA YOKOSUKA JA ROI (INTERIM)/21MAY10
- (C) NCISRA YOKOSUKA JA ROI (INTERIM)/28MAY10 (Contains Exhibit 6)

EXECUTIVE SUMMARY

1. This investigation was initiated after (b)(6), (b)(7)(C) reported she had been indecently assaulted on three occasions by (b)(6), (b)(7)(C). References (A) through (C) detail prior investigative activity. On 14JUN10, (b)(6), (b)(7)(C) USN, Executive Officer, USS LASSEN (DDG-82), notified Reporting Agent that (b)(6), (b)(7)(C) was found guilty of violations of Uniform Code of Military Justice Article 120 (Wrongful sexual contact) and Article 92 (Failure to obey order or regulation) at a Captain's Mast. (b)(6), (b)(7)(C) was awarded a reduction in rank to E-3, forfeiture of half month of pay for 2 months, 45 days of restriction, 45 days of extra duty, and an administrative separation from the United States Navy.

NARRATIVE

1. On 14JUN10, (b)(6), (b)(7)(C) USN, Executive Officer, USS LASSEN (DDG-82), notified Reporting Agent that (b)(6), (b)(7)(C) was found guilty to violations of Uniform Code of Military Justice Article 120 (Wrongful sexual contact) and Article 92 (Failure to obey order or regulation) at a Captain's Mast.

2. (b)(6), (b)(7)(C) was awarded a reduction in rank to E-3, forfeiture of half month of pay for 2 months, 45 days of restriction, 45 days of extra duty, and an administrative separation from the United States Navy.

3. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

Special Agent, NCISFO Singapore
Special Agent, NCISFO Singapore
Special Agent, NCISFO Singapore
Eld Computer Specialist, NCISFO Singapore

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 1 of 2

F13-0580.FEYK 000072

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 08MAY10-SNSN-0099-8DNA/C

15Jun10

ACTION

24B3: Submission of two (2) criminal fingerprint cards and three (3) mug shot photographs of (b)(6), (b)(7)(C) for inclusion into the FBI database. Tracking number: 7006 3450 0002 2577 8239.

DISTRIBUTION

NCISHQ: 0023

ACTION: 0024B3 (M)

INFO: FEYK/CO, USS LASSEN (DDG-82) (M)/CO, CFAY VIA SJA, CFAY (H)/
RLSO (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000073

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

138102 02:12 20091021 IN:SSDEMAIL #3308 OUT:NIPRDAAAM #54969

REPORT OF INVESTIGATION (CLOSED)

14OCT09

RAPE (II)

CONTROL: 09JUL09-FEYK-0198-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/MARINE CORPS EMBASSY SECURITY GROUP TOKYO JAPAN/54050

MADE AT/FEYK/YOKOSUKA JAPAN/

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCE

- (A) NCISRA Yokosuka, Japan ROI (INTERIM)/04AUG09...Contains Exhibits (1) - (7)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM)/28AUG09...Contains Exhibits (8) - (9)

EXECUTIVE SUMMARY

1. Investigation initiated 09JUL09 when (b)(6), (b)(7)(C) reported she was raped by an unknown Caucasian male in an undisclosed hotel room in Tokyo Japan between 0130 and 0900 on 09JUL09. Tokyo Metropolitan Police Department (TMPD) was contacted by the U.S. Embassy and conducted an inquiry into the allegation. (b)(6), (b)(7)(C) and two other U.S. Marine personnel were interviewed by the Tokyo Metropolitan Police Department (TMPD). (b)(6), (b)(7)(C) believes her drink may have been spiked with a date rape drug by her assailant prior to the alleged rape. TMPD obtained urine samples from (b)(6), (b)(7)(C) and two other U.S. Marines to determine if any of their drinks may have been spiked the night of the alleged sexual assault. (b)(6), (b)(7)(C) was examined by a sexual Assault Nurse Examiner (SANE) at a Japanese Hospital and physical evidence was seized by TMPD. According to (b)(6), (b)(7)(C) Security Attache, Regional Security Office, U.S. Embassy Tokyo, Japan, TMPD was able to identify the hotel where the alleged sexual assault took Place. (b)(6), (b)(7)(C) subsequently identified her alleged assailant as a U.S. Citizen named (b)(6), (b)(7)(C) from a TMPD photo lineup. Inquiries with Japanese Immigration revealed (b)(6), (b)(7)(C) left Japan on 12JUL09. On 19JUL09, (b)(6), (b)(7)(C) was transferred to Quantico, VA for victim assistance and counseling purposes. On 31JUL09, TMPD reported laboratory analysis of the urine samples obtained from (b)(6), (b)(7)(C) and her fellow command members came back negative for date rape drugs. (b)(6), (b)(7)(C) was located on 10AUG09 in the State of Delaware and was interviewed by agents from NCISRA Annapolis. He denied raping (b)(6), (b)(7)(C) and admitted to having consensual sex with her on 09JUL09. (b)(6), (b)(7)(C) provided a DNA saliva sample.

NARRATIVE

1. This investigation is being conducted under suspected violations of Article 177 of the Japanese Penal Code, Rape.
2. Subsequent to the submission of Reference (B), on 14OCT09, Reporting Agent and Investigator (b)(6), (b)(7)(C) met Detective Sergeant

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 09JUL09-FEYK-0198-8FNA/C

14Oct09

(b)(6), (b)(7)(C) (TMPD), Azabu Police Station (APS), Tokyo, Japan at NCISRA Yokosuka, Japan. Detective (b)(6), (b)(7)(C) advised sufficient evidence does not exist to present this investigation to the Japanese Prosecutor's office. The DNA evidence seized from (b)(6), (b)(7)(C) and retained at NCIS Yokosuka under log number 120-09 will be permanently transferred to TMPD.

3. On 15OCT09, reporting agent Contacted (b)(6), (b)(7)(C) Security Attache', U.S. Embassy, Tokyo, Japan who concurs with closing this investigation as the only venue in which the alleged subject can be prosecuted is the Japanese judicial system and TMPD has relayed the investigation will not be presented for prosecution.

DISCLOSURE ACCOUNTING

4. A copy of this Report of Investigation will be provided to (b)(6), (b)(7)(C) Security Attach=E9', Regional Security Office, U.S. Embassy Tokyo, Japan for release to the TMPD. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

al Agent NCISRA Yokosuka, Japan
pecial Agent, NCISRA Annapolis, MD
cial Agent, NCISRA Annapolis, MD
Investigator, NCISRA Yokosuka, Japan
al Agent, Department of State, Tokyo, Japan

ACTION

A.DCQV: Brief case status to command.

DISTRIBUTION

NCISHQ: 0023

ACTION: DCQV

INFO: FEYK/DCWA/CFAY Commanding Officer(H)/RSO U.S.

Embassy Attn: (b)(6), (b)(7)(C) H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 2 of 2

F13-0580.FEYK 000075

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

460161 19:04 20060802 IN:SSDEMAIL #55875 OUT:NIPRDAAAM #44717

REPORT OF INVESTIGATION (CLOSED)

01AUG06

INDECENT ASSAULT (II)

CONTROL: 09MAR06-FEYK-0080-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS KITTY HAWK (CV-63)/03363

MADE AT/FEYK/NCISRA YOKOSUKA JA/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISRA YOKOSUKA JA ROI(INTERIM)/16MAY06 (Contains exhibits 1-11)

EXHIBIT(S)

(12) IA: Results of contact with RLSO/30Jul06...(Copy all)

(13) IA: Results of contact with Command/30Jul06...(Copy all)

(14) Color photographs of (b)(6), (b)(7)(C) 03Apr06...(Original 0023B)

EXECUTIVE SUMMARY

1. On 10Mar06, (b)(6), (b)(7)(C) reported she was sexually assaulted by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS Kitty Hawk (CV-63), when he removed her clothing and fondled and kissed her body and genitals against her wishes. (b)(6), (b)(7)(C) was interviewed and admitted culpability, and agreed he ignored (b)(6), (b)(7)(C) request to cease sexual activity with her. Background interviews were conducted and revealed that (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) appears to be friendly and somewhat aggressive towards women when he is intoxicated, but no prior sexual assaults were reported. A consensual electronic wire intercept was conducted, and (b)(6), (b)(7)(C) apologized to (b)(6), (b)(7)(C) numerous times for holding her down and hurting her hands and leg during the incident. Regional Legal Services Office (RLSO) declined prosecution, and the Command subsequently verbally counseled (b)(6), (b)(7)(C) regarding his actions with (b)(6), (b)(7)(C). No further administrative/judicial actions pending; case closed.

NARRATIVE

1. Pursuant to investigative steps documented in Reference (A), Reporting Agent (RA) received notification from the Regional Legal Services Office (RLSO) of declination to prosecute (b)(6), (b)(7)(C) in captioned investigation (exhibit (12) pertains). Subsequently, the Command provided a verbal counseling to (b)(6), (b)(7)(C) regarding captioned investigation (exhibit (13) pertains). No additional administrative or judicial actions are pending.

2. Photographs of (b)(6), (b)(7)(C) are being forwarded for inclusion in the NCISHQ master file (exhibit (14) pertains). Case now closed.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Special Agent Afloat, NCISRU USS Kitty Hawk (CV-63)

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 09MAR06-FEYK-0080-8DNA/C

01Aug06

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/FEXV (M)/CO USS KITTY HAWK (CV-63) (H VIA FEXV)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000077

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

430110 02:33 20060705 IN:SSDEMAIL #48167 OUT:NIPRDAAAM #36964

REPORT OF INVESTIGATION (CLOSED)

23JUN06

INDECENT ASSAULT (II)

CONTROL: 10JUN06-FEYK-0153-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS BLUE RIDGE (LCC19)/05840

MADE AT/FEYK/YOKOSUKA JP (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Notification of Duty Call and contact with CID Investigator (b)(6), (b)(7)(C) 09JUN06... (Copy Command)
- (2) Sworn Statement of (b)(6), (b)(7)(C) 10JUN06... (Copy Command)
- (3) Sworn Statement of (b)(6), (b)(7)(C) 10JUN06... (Copy Command)
- (4) IA: Results of Interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 10JUN06... (Copy Command)
- (5) Sworn Statement of (b)(6), (b)(7)(C) 11JUN06... (Copy Command)
- (6) Sworn Statement of (b)(6), (b)(7)(C) 13JUN06... (Copy Command)
- (7) IA: Results of Interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 11JUN06... (Copy Command)
- (8) IA: Results of Interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 11JUN06... (Copy Command)
- (9) IA: Results of Permissive Search of Barracks 1492, room (b)(6), (b)(7)(C) 11JUN06... (Copy Command)
- (10) IA: Results of Interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 12JUN06... (Copy Command)
- (11) IA: Results of Interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) /12JUN06... (Copy Command)
- (12) IA: Results of Interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 12JUN06... (Copy Command)
- (13) IA: Results of contact with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 13JUN06... (Copy Command)
- (14) IA: Results of Interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 13JUN06... (Copy Command)
- (15) IA: Results of Interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 14JUN06... (Copy Command)

NARRATIVE

1. This reactive investigation was completed due to suspected violation of Uniform Code of Military Justice, Article 134, (Indecent Assault).

2. On 09Jun06, Criminal Investigation Division (CID) Investigator (b)(6), (b)(7)(C) hereafter referred to as SEAY), Commander Fleet

FOR OFFICIAL USE ONLY
Page 1 of 4

F13-0580.FEYK 000078

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 10JUN06-FEYK-0153-8DNA/C

23Jun06

Activities Yokosuka (CFAY), contacted Reporting Agent (RA) concerning a reported Indecent Assault said to have occurred aboard CFAY in Barracks 1492, Room (b)(6), (b)(7)(C) in the late afternoon, approximately 1730, of 09JUN06. Exhibit (1) provides detail. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), USN, (hereafter referred to as (b)(6), (b)(7)(C)) reported to CFAY Security her shipmate, (b)(6), (b)(7)(C) USN, (hereafter referred to as (b)(6), (b)(7)(C)), placed his hand inside her pants and inserted his finger(s) into her vagina without her permission and while she slept. (b)(6), (b)(7)(C) was interviewed by RA 09JUN06 and 10JUN06 and provided a sworn statement on 10JUN06. Exhibit (2) pertains.

3. On 10JUN06, (b)(6), (b)(7)(C) was interviewed by RA and admitted consensual sexual touching of his shipmate, (b)(6), (b)(7)(C) stated however, (b)(6), (b)(7)(C) was not only awake during the time in question, but was even enjoying his touch. (b)(6), (b)(7)(C) acknowledged he has known (b)(6), (b)(7)(C) for only a couple weeks, but stated she was often flirtatious with him and even smacked his butt on occasion in a playful and flirty way. (b)(6), (b)(7)(C) stated the entire touching event lasted somewhere around one minute and when (b)(6), (b)(7)(C) left his room she was not crying, nor was she visibly angry or asking for help. He did report she seemed a little upset. Exhibit (3) pertains.

4. (b)(6), (b)(7)(C) USN, (hereafter referred to as (b)(6), (b)(7)(C)) was identified by (b)(6), (b)(7)(C) as being present when they both first arrived together at (b)(6), (b)(7)(C) barracks room slightly before 1500 hours, 09JUN06. (b)(6), (b)(7)(C) is identified as one of (b)(6), (b)(7)(C)'s two roommates and is a shipmate of both (b)(6), (b)(7)(C) (b)(6), (b)(7)(C). On 10JUN06, (b)(6), (b)(7)(C) was interviewed by RA concerning his knowledge of the alleged indecent assault. (b)(6), (b)(7)(C) reportedly left the room 10 or 15 minutes after (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) arrived deciding on his own to give his roommate (b)(6), (b)(7)(C) and his guest, (b)(6), (b)(7)(C) privacy. (b)(6), (b)(7)(C) reported he returned to his barracks room an hour or an hour and a half later, approximately 1600 or 1630. (b)(6), (b)(7)(C) stated he was slightly surprised upon his return when he noticed a shipmate, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, (hereafter referred to as (b)(6), (b)(7)(C)) present in the room with (b)(6), (b)(7)(C) remained in the room only a few minutes, and then left again. Exhibit (4) provides detail.

5. (b)(6), (b)(7)(C) was also identified by (b)(6), (b)(7)(C) as being present in the barracks room for approximately 1 hour just prior to the reported assault. (b)(6), (b)(7)(C) was subsequently interviewed by RA and provided a sworn statement. (b)(6), (b)(7)(C) denied witnessing an assault while in the barracks room with (b)(6), (b)(7)(C) reported friendly and cordial conversation among all present, and even light friendly horseplay between (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) briefly coming into the room, and then leaving again. (b)(6), (b)(7)(C) also reported generally good spirits in the room among all of them and even described everything as "normal" as he left. (b)(6), (b)(7)(C) reported both (b)(6), (b)(7)(C) were fully clothed and awake when he left around 1730 hours, 09JUN06. Exhibit (5) pertains.

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 10JUN06-FEYK-0153-8DNA/C

23Jun06

6. (b)(6), (b)(7)(C) identified (b)(6), (b)(7)(C) USN, (hereafter referred to as (b)(6), (b)(7)(C) as the first person she confided in subsequent to the alleged indecent assault. (b)(6), (b)(7)(C) was on a smoke deck a couple minutes walk from barracks 1492, nearer to barracks 1530. (b)(6), (b)(7)(C) was interviewed by RA and provided a sworn statement. (b)(6), (b)(7)(C) recalled (b)(6), (b)(7)(C) being visibly upset. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) had apparently been crying. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) identified (b)(6), (b)(7)(C) by name as having assaulted her while she slept. (b)(6), (b)(7)(C) telephoned CFAY Security and reported the indecent assault after listening to (b)(6), (b)(7)(C) describe what had occurred and determining (b)(6), (b)(7)(C) was still in his barracks room. Exhibit (6) pertains.

7. On 11JUN06, RA and Participating Agent (PA) (b)(6), (b)(7)(C) interviewed two shipmates of (b)(6), (b)(7)(C) and learned (b)(6), (b)(7)(C) had been told during the early afternoon of 09JUN06, (b)(6), (b)(7)(C) reportedly performed consensual oral sodomy upon a male shipmate a few days prior on the smoke deck aboard the USS BLUE RIDGE. Exhibits (7) and (8) provide detail.

8. Also on 11JUN06, RA and PA (b)(6), (b)(7)(C) executed a Permissive Authorization for Search and Seizure of (b)(6), (b)(7)(C) barracks room, located at building 1492, room (b)(6), (b)(7)(C). No items of evidentiary value were seized, however (b)(6), (b)(7)(C)'s music CD, Mariah Carey, was recovered. Exhibit (9) provides detail.

9. On 12JUN06, RA interviewed three additional shipmates of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) to determine if (b)(6), (b)(7)(C) had a known history of indecent assault reporting. During the interviews, RA uncovered a pattern of reported flirtatious behavior on the part of (b)(6), (b)(7)(C) toward male shipmate(s), including (b)(6), (b)(7)(C) and significant reported alcohol abuse, but no pattern of indecent assault reporting. One interviewee also reported consensual sexual intercourse with (b)(6), (b)(7)(C) in the week prior to this reported indecent assault and further described (b)(6), (b)(7)(C) as sexually aggressive. Two of the interviewees reported attending and recently graduating "A" school with (b)(6), (b)(7)(C). Exhibits (10 - 12) provide details.

10. On 13JUN06, RA met with (b)(6), (b)(7)(C) and discussed his sworn statement of 10JUN06. (b)(6), (b)(7)(C) stood by his previous claim, all touching was consensual and was not indecent. (b)(6), (b)(7)(C) reported since the incident he had not spoken to (b)(6), (b)(7)(C) and had in fact been served with a military protection order prohibiting such contact. (b)(6), (b)(7)(C) stated he was still stunned and shocked by (b)(6), (b)(7)(C)'s abrupt turn around in behavior and subsequent report of indecent assault. Exhibit (13) provides details.

11. RA also met again with (b)(6), (b)(7)(C) on 13JUN06, and returned her Mariah Carey music CD she left in (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated she felt shipmates were looking at her and treating her differently since the incident. She stated she feels uncomfortable aboard the ship. (b)(6), (b)(7)(C) stated she consulted with her Chaplain and is also seeking professional medical counseling to include alcohol counseling. Additionally, while discussing the investigation (b)(6), (b)(7)(C) asked RA if she could influence a decision not to

WARNING

FOR OFFICIAL USE ONLY
Page 3 of 4

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 10JUN06-FEYK-0153-8DNA/C

23Jun06

prosecute (b)(6), (b)(7)(C) for indecent assault. (b)(6), (b)(7)(C) stated in hindsight she more clearly understood why (b)(6), (b)(7)(C) did what he did. She stated she never told him he could touch her sexually, but she believes now it was a misunderstanding and she does not want to see (b)(6), (b)(7)(C) get into further trouble. (b)(6), (b)(7)(C) signed a Victim Preference Statement and inserted a handwritten declaration. Exhibit (14) pertains.

12. On 14JUN06, RA met with Trial Services Office (TSO) attorney's (b)(6), (b)(7)(C) (hereafter referred to as (b)(6), (b)(7)(C) who reviewed the various statements, including the Victim Preference Statement, and notes pertaining to the case and advised RA they would not prosecute.

13. Later on 14JUN06, RA briefed (b)(6), (b)(7)(C) Commanding Officer (hereafter referred to as (b)(6), (b)(7)(C) USS BLUE RIDGE, and (b)(6), (b)(7)(C) (hereafter referred to as (b)(6), (b)(7)(C) concerning the investigation. After sharing the statements and notes from the case and after discussing the total investigation to date with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) determined, due to the totality of the circumstances, not to refer the case for criminal prosecution. RA informed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) of the conversation with TSO and provided him contact information to (b)(6), (b)(7)(C)

14. Later on 14JUN06, after the Command meeting, RA was visited by (b)(6), (b)(7)(C) at NCISRA Yokosuka. (b)(6), (b)(7)(C) provided RA a hand written note on the back of an ATM receipt from (b)(6), (b)(7)(C) where in she states "...it was a misunderstanding. I'm sorry. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) provided a brief handwritten statement attesting to when and where he obtained the note. Exhibit (15) pertains.

15. Criminal History, Service Records, Local Agency, CLEOC, and DCII checks were performed on (b)(6), (b)(7)(C) with negative results. No alcohol or drug use is suspected or admitted by either (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) No weapons were reported to be involved. All logical investigative leads are complete. Command and TSO advise no formal criminal charges will be made against (b)(6), (b)(7)(C) This investigation is complete. Case closed.

ACTION ONLY Report.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan

DISTRIBUTION

NCISHQ: 0023B11

ACTION: 0023B11

INFO: FEYK/CO USS BLUE RIDGE (H)/TSO (H) (ATTN (b)(6), (b)(7)(C)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 4 of 4

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000081

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

967231 00:10 20090615 IN:SSDEMAIL #36634 OUT:NIPRDAAAM #23583

REPORT OF INVESTIGATION (CLOSED)

12JUN09

RAPE (II)

CONTROL: 10JUN09-FEYK-0173-8FNA/C

I/USS BLUERIDGE LCC-19, YOKOSUKA, JAPAN/REPORTED RAPE OF FEMALE
SAILOR IN THE HANJI DISTRICT OF MIRA, JAPAN

COMMAND/USS BLUERIDGE (LCC-19)/05840

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Interview with (b)(6), (b)(7)(C) Jun09...(Copy all)
- (2) IA: Results of Interview with (b)(6), (b)(7)(C) 1Jun09...(Copy all)
- (3) Statement of (b)(6), (b)(7)(C) 11Jun09...(Copy all)
- (4) IA: Review of Videotape/12Jun09...(Copy all)
- (5) Statement of (b)(6), (b)(7)(C) 12Jun09...(Copy all)

EXECUTIVE SUMMARY

1. On 10Jun09, command reported the alleged rape of (b)(6), (b)(7)(C) =
(b)(6), (b)(7)(C) USN, assigned to the USS BLUERIDGE (LCC-19), by (b)(6), (b)(7)(C) =
(b)(6), (b)(7)(C) USN, also assigned to the command. (b)(6), (b)(7)(C) was interviewed and =
elected not to make a statement. (b)(6), (b)(7)(C) was interviewed and stated he =
was drunk and blacked-out. His only recollection was waking up and =
seeing (b)(6), (b)(7)(C) on top of having sexual intercourse with him. He also =
recalled seeing (b)(6), (b)(7)(C) and
(b)(6), (b)(7)(C) watching them from the doorway. (b)(6), (b)(7)(C) advised he saw =
(b)(6), (b)(7)(C) having sex, and (b)(6), (b)(7)(C) was on top of (b)(6), (b)(7)(C) =
recorded the event. Review of the videotape corroborated what appeared =
to be consensual sex, with (b)(6), (b)(7)(C) on top of (b)(6), (b)(7)(C) was =
reinterviewed and realized she had been mistaken about her allegation =
against (b)(6), (b)(7)(C). The command Executive Officer was apprised of the =
outcome of the investigation and advised no command action would be =
taken. This investigation is closed.

NARRATIVE

1. On 10Jun09, (b)(6), (b)(7)(C) was interviewed regarding her =
report to her (b)(6), (b)(7)(C) that she had =
been assaulted by (b)(6), (b)(7)(C) on 22May09. (b)(6), (b)(7)(C) said she had no intention of =
reporting the incident, but her LPO was coercing her to tell him why she =
had to keep seeing the Chaplain. (b)(6), (b)(7)(C) declined to provide facts =
regarding the assault, except to say she had blacked out at (b)(6), (b)(7)(C) =
house, and awoke to find (b)(6), (b)(7)(C) having sex with her. (b)(6), (b)(7)(C) said she then =
passed out again, Exhibit (1) pertains.

2. On 11Jun09, (b)(6), (b)(7)(C) was interviewed regarding the =
rape allegation involving (b)(6), (b)(7)(C) advised he was drunk that night =
and when he went to bed, he awoke to find (b)(6), (b)(7)(C) having sex with him, and =
she was on top of him. (b)(6), (b)(7)(C) remembered seeing (b)(6), (b)(7)(C) in the =
doorway, and (b)(6), (b)(7)(C) asking them if they could have some privacy. (b)(6), (b)(7)(C) =
denied raping (b)(6), (b)(7)(C). Exhibit (2) refers.

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 10JUN09-FEYK-0173-8FNA/C

12Jun09

3. On 11Jun09, (b)(6), (b)(7)(C) as interviewed about the alleged rape that occurred at his off base residence on 22May09. (b)(6), (b)(7)(C) advised when (b)(6), (b)(7)(C) came home that night (b)(6), (b)(7)(C) stays at (b)(6), (b)(7)(C)'s house), (b)(6), (b)(7)(C) was drunk and went right to bed. (b)(6), (b)(7)(C) said a while later, he and (b)(6), (b)(7)(C) heard creaking coming from upstairs so they went to check on it. They found (b)(6), (b)(7)(C) having what appeared to be consensual sexual intercourse, and (b)(6), (b)(7)(C) was on top of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) engaged them in conversation, asked them if they were enjoying the show and eventually asked for some privacy. (b)(6), (b)(7)(C) videotaped the encounter. Additionally, (b)(6), (b)(7)(C) said both he and (b)(6), (b)(7)(C) had sexual intercourse with (b)(6), (b)(7)(C) that night, Exhibit (3) pertains.

4. On 12Jun09, (b)(6), (b)(7)(C) returned to the NCIS office with the video of (b)(6), (b)(7)(C) having sex. Review of the tape by Reporting Agent confirms (b)(6), (b)(7)(C) is on top of (b)(6), (b)(7)(C) and they are involved in what appears to be consensual sex, Exhibit (4) refers.

5. On 12Jun09, (b)(6), (b)(7)(C) returned to the NCIS office. After being advised by RA of what the investigation determined, (b)(6), (b)(7)(C) appeared somewhat dazed. She executed a sworn statement stating she had been mistaken in her allegation against (b)(6), (b)(7)(C). Exhibit (5) pertains.

6. On 12Jun09, (b)(6), (b)(7)(C) 7th Fleet Chief of Staff; (b)(6), (b)(7)(C) Commanding Officer USS BLUERIDGE; and (b)(6), (b)(7)(C) Executive Officer USS BLUERIDGE; were advised of the outcome of this investigation. Command advised there will be no judicial/administrative action taken. This investigation is closed.

ACTION

0023B: Only Report

PARTICIPANT

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan

DISTRIBUTION

NCISHQ: 0023B (M)

INFO: FEYK/CO, USS BLUERIDGE (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000083

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

411942 23:40 20120924 IN:SSDEMAIL #100203 OUT:NIPRDAAAM #98293

REPORT OF INVESTIGATION (CLOSED)

19SEP12

RAPE (II)

CONTROL: 10JUN12-FEYK-0378-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS MUSTIN (DDG-89)/22997

MADE AT/FEYK/YOKOSUKA JAPAN

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCE

- (A) NCISRA Yokosuka, Japan ROI (INTERIM)/03Jul12...(Contains Exhibits 1-13)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM)/22Aug12...(Contains Exhibits 14)

EXECUTIVE SUMMARY

1. On 09JUN12, (b)(6), (b)(7)(C) Investigator, Criminal Investigations Division (CID) Commander Fleet Activities Yokosuka (CFAY), Japan, reported an alleged rape of (b)(6), (b)(7)(C) perpetrated by (b)(6), (b)(7)(C) underwent a Sexual Assault Forensic Exam (SAFE) at the U. S. Naval Hospital (USNH), CFAY, Japan. Reporting Agent (RA) subsequently interviewed (b)(6), (b)(7)(C) and obtained a sworn statement. (b)(6), (b)(7)(C) explained how on the afternoon of 09Jun12, she went to (b)(6), (b)(7)(C) barracks room where she sat with him on the sofa and played video games. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) touched her breast under her bra and touched her vagina on the outside of her panties. (b)(6), (b)(7)(C) stated she told (b)(6), (b)(7)(C) to stop and he did. (b)(6), (b)(7)(C) described how she laid on her stomach and (b)(6), (b)(7)(C) got behind her, pulled down her pantyhose and panties, and then penetrated her vagina with his penis. (b)(6), (b)(7)(C) advised she told (b)(6), (b)(7)(C) to stop several times and he eventually did after approximately five minutes. (b)(6), (b)(7)(C) was interviewed by RA and Participating Agent (PA) (b)(6), (b)(7)(C) subsequent to the advisement and waiver of his Article 31(b) rights. (b)(6), (b)(7)(C) provided a sworn statement and explained how he removed (b)(6), (b)(7)(C) panties and pantyhose with one hand and inserted his penis into her vagina. (b)(6), (b)(7)(C) stated he heard (b)(6), (b)(7)(C) say "no" but wasn't sure how many times before he ultimately stopped. (b)(6), (b)(7)(C) explained he asked (b)(6), (b)(7)(C) why she wanted him to stop having sex with her. (b)(6), (b)(7)(C) posed this question to (b)(6), (b)(7)(C) while his penis was still in her vagina. (b)(6), (b)(7)(C) explained how (b)(6), (b)(7)(C) told him to stop because she felt like it was cheating on her boyfriend. (b)(6), (b)(7)(C) advised he removed his penis from her vagina and they both dressed themselves at that point. Witness interviews were conducted concerning their knowledge of the alleged rape. (b)(6), (b)(7)(C) informed (b)(6), (b)(7)(C) USN, Senior Trial

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 10JUN12-FEYK-0378-8FNA/C

19Sep12

Counsel, Region Legal Services Office (RLSO), Yokosuka, Japan she did not wish to proceed with the case and signed a victim declination letter. Case is closed due to command's decision to not award (b)(6), (b)(7)(C) with administrative/judicial punishment.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, sexual assault and other sexual misconduct) of the Uniform Code of Military Justice (UCMJ). References (A)-(B) detail previous investigative steps.

2. On 12Sep12, (b)(6), (b)(7)(C) Executive Officer (XO), USS MUSTIN (DDG 89) notified RA regarding the command's decision to not seek administrative/judicial punishment for (b)(6), (b)(7)(C) This investigation is closed.

DISTRIBUTION

NCISHQ: 023B

INFO: FEYK/CO, USS MUSTIN(H)/CO, USS CURTIS
WILBUR(H)/RLSO(H)/SJA, CTF70(H)/CFAY, CO(H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 2 of 2

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

648475 21:44 20080615 IN:SSDEMAIL #15031 OUT:NIPRDAAAM #4971

REPORT OF INVESTIGATION (CLOSED)

16JUN08

RAPE (II)

CONTROL: 10MAY07-FEYK-0136-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS BLUE RIDGE (LCC-19)/05840

MADE AT/FEYK/NCISRA YOKOSUKA JAPAN

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCES

- (A) NCISRA YOKOSUKA, JA ROI (INTERIM)/15JUN07... (Contains Exhibits 1-15)
- (B) NCISRA YOKOSUKA, JA ROI (INTERIM)/03AUG07
- (C) NCISRA YOKOSUKA, JA ROI (INTERIM)/18SEP07 (Contains Exhibits 16-17)
- (D) NCISRA YOKOSUKA, JA ROI (INTERIM)/01JUN08

EXECUTIVE SUMMARY

1. On 10May07, (b)(6), (b)(7)(C) reported that she may have been sexually assaulted on the night of 28Apr07 by (b)(6), (b)(7)(C) stated her belief that she may have been sexually assaulted stems from how she felt the next morning and comments people made to her regarding the events of that night. She stated, she does not actually remember what happened on the night of the alleged assault.

Several potential witnesses were interviewed and provided amplifying details prior to (b)(6), (b)(7)(C) being interviewed at which time they denied sexually assaulting (b)(6), (b)(7)(C). On 31May07 (b)(6), (b)(7)(C) was re-interviewed and stated she had not been forthcoming during her initial interview. (b)(6), (b)(7)(C) stated she did remember what happened on the night of the alleged assault.

She stated she had consensual sex with (b)(6), (b)(7)(C) and then he restrained her while (b)(6), (b)(7)(C) had non- consensual sex with her. On 31May07, (b)(6), (b)(7)(C) and

(b)(6), (b)(7)(C) were re- interviewed and denied the allegations levied against them by (b)(6), (b)(7)(C) were subsequently taken to an Article

32 hearing where the charges against them were dismissed. This investigation is closed.

NARRATIVE

1. On 29Nov07, (b)(6), (b)(7)(C) were taken to an Article 32 hearing and as a result all charges against them were dismissed.

2. Due to an administrative error pertaining to an associated investigation the information in this report was not reported in accordance with NCIS timeliness requirements. Submission of this report and correction of the administrative error have been coordinated with Code 0023. This investigation is closed.

WARNING

FOR OFFICIAL/USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 10MAY07-FEYK-0136-8FNA/C

16Jun08

DISTRIBUTION

NCISHQ: 0023

INFO: FEYK

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(D)

V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000087

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

662316 01:12 20120824 IN:SSDEMAIL #36652 OUT:NIPRDAAAM #35880

REPORT OF INVESTIGATION (CLOSED)

22AUG12

RAPE (II)

CONTROL: 10MAY12-FEYK-0314-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/CFAY, SECURITY DEPARTMENT/61581

MADE AT/FEYK/YOKOSUKA JP (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka JA ROI (INTERIM)/14JUN12 (Contains Exhibits 1-20)

EXECUTIVE SUMMARY

1. On 10May12, (b)(6), (b)(7)(C) USN, Investigator, Criminal Investigation Division, Commander Fleet Activities Yokosuka (CFAY), Japan, notified Participating Agent (PA) (b)(6), (b)(7)(C) of a reported sexual assault and incident of domestic violence being alleged by (b)(6), (b)(7)(C) against (b)(6), (b)(7)(C) stated on 05May12, (b)(6), (b)(7)(C) sexually assaulted her at their off-base residence. (b)(6), (b)(7)(C) stated on 08May12, (b)(6), (b)(7)(C) had physically assaulted her by kicking and punching her. (b)(6), (b)(7)(C) was interrogated and denied ever sexually assaulting (b)(6), (b)(7)(C) stating their sex on 05May12 was consensual. (b)(6), (b)(7)(C) also denied ever punching or kicking (b)(6), (b)(7)(C) but admitted to shoving and pushing (b)(6), (b)(7)(C) during their argument on 08May12. A co-worker of (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) approached her on 19May12 and asked for her assistance in getting (b)(6), (b)(7)(C) to meet with him, commenting his career and possible incarceration were both at stake. This attempt to contact (b)(6), (b)(7)(C) occurred while an MPO was in place prohibiting (b)(6), (b)(7)(C) from attempting to contact (b)(6), (b)(7)(C) including via third parties. On 30May12, (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) called out to her when he saw her at Church, during a time when an MPO prohibited (b)(6), (b)(7)(C) from directly contacting (b)(6), (b)(7)(C) On 22Aug12, (b)(6), (b)(7)(C) CFAY Staff Judge Advocate, informed RA of the disposition of captioned investigation. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) was taken before a Disciplinary Review Board (DRB) on 27Jul12 and all criminal charges were dismissed. Investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant a suspected violations of Article 120 (Rape, sexual assault, and other sexual misconduct), and Article 128 (Assault), of the Uniform Code of Military Justice.

2. On 22Aug12, (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) was taken before a DRB on

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580 FEYK 000088

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 10MAY12-FEYK-0314-8FNA/C

22Aug12

27Jul12 and all criminal charges were dismissed. According to (b)(6), (b)(7)(C) the case was not able to go to an Article 32 because (b)(6), (b)(7)(C) recanted her statement. This investigation is closed.

DISTRIBUTION

NCISQH: 023B

ACTION:

INFO: FEYK/COMMAND

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

342164 01:37 20120227 IN:SSDEMAIL #82793 OUT:NIPRDAAAM #81793

REPORT OF INVESTIGATION (CLOSED)

27FEB12

INDECENT ASSAULT (II)

CONTROL: 10OCT11-FEYK-0602-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS CURTIS WILBUR (DDG-54)/21640

MADE AT/FEYK/ YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

- (A) NCISRA Yokosuka, Japan ROI (INTERIM)/01Nov11(Contains Exhibits 1-18)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM)/30Dec11

EXHIBITS

- (19) Results of (b)(6), (b)(7)(C) Non-Judicial Punishment Hearing/30Dec11...(Copy All)
- (20) Results of (b)(6), (b)(7)(C) Administrative Separation Board/17Feb12...(Copy All)

EXECUTIVE SUMMARY

1. On 08OCT11, while underway, (b)(6), (b)(7)(C) Executive Officer, USS CURTIS WILBUR (DDG 54), Yokosuka, Japan, contacted Reporting Agent (RA) and advised that (b)(6), (b)(7)(C) was indecently assaulted by (b)(6), (b)(7)(C) while at a bar in the Honcho district of Yokosuka, Japan, in September 2011. On 10Oct11, (b)(6), (b)(7)(C) was interviewed and stated that on 09Sep11, she was at a party at a bar called "Geo's". (b)(6), (b)(7)(C) advised that at one point in the evening, (b)(6), (b)(7)(C) placed his hand on her back and then slid his hand down to her buttocks and moved one of his fingers in and around the crack of her butt. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) placed his hand on her buttocks a second time and she let out a loud noise and moved away from him. (b)(6), (b)(7)(C) stated that on 06Oct11, (b)(6), (b)(7)(C) became upset with her and grabbed the top front part of her coveralls and pulled with enough force to unsnap the top button. (b)(6), (b)(7)(C) stated she was eventually backed into a corner by (b)(6), (b)(7)(C) and she sat on a stool. (b)(6), (b)(7)(C) added that (b)(6), (b)(7)(C) pushed her onto the floor in a squat position and then sat on her back, asking her, "Do you give?" (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) got up after she told him, "I give." (b)(6), (b)(7)(C) advised that a third incident occurred on 07Oct11, in the passage way near the galley when she heard (b)(6), (b)(7)(C) call her name, and she ignored him. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) then grabbed her jacket on her left arm and said, "You're on my hate list and I'm going to get you." (b)(6), (b)(7)(C) stated that while in the galley line on 08Oct11, (b)(6), (b)(7)(C) grabbed her hands and said, "let's make up." (b)(6), (b)(7)(C) waived his Article 31b rights and was interviewed. (b)(6), (b)(7)(C) stated he attended

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 10OCT11-FEYK-0602-8DNA/C

27Feb12

the party at club "Geo's" in September 2011, but had no recollection of seeing (b)(6), (b)(7)(C) there. (b)(6), (b)(7)(C) denied touching or grabbing (b)(6), (b)(7)(C) at any time in or near the galley on the days following the incident. Multiple witness interviews were conducted. (b)(6), (b)(7)(C) Electronic Service Record was reviewed and one (1) prior Non Judicial Punishment was noted. The medical office space onboard the ship was searched and photographed. On 29Dec11, a Non-Judicial Punishment Hearing was conducted and (b)(6), (b)(7)(C) was found guilty of two (2) specifications of the Uniform Code of Military Justice (UCMJ) Article 92 (Failure to Obey an Order or Regulation) and two (2) specifications of UCMJ Article 128 (Assault). (b)(6), (b)(7)(C) received a punitive letter of reprimand and a forfeiture of \$1,500 per month for two (2) months. On 16Feb12, an Administrative Separation Board was conducted and it was decided that (b)(6), (b)(7)(C) be retained in the US Navy. This case is hereby closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, sexual assault and other sexual misconduct) of the Uniform Code of Military Justice (UCMJ).

2. On 29Dec11, a Non-Judicial Punishment Hearing was conducted and (b)(6), (b)(7)(C) was found guilty of two (2) specifications of the Uniform Code of Military Justice (UCMJ) Article 92 (Failure to Obey an Order or Regulation) and two (2) specifications of UCMJ Article 128 (Assault). (b)(6), (b)(7)(C) received a punitive letter of reprimand and a forfeiture of \$1,500 per month for two (2) months; Exhibit (19) pertains.

3. On 16Feb12, an Administrative Separation Board was conducted and it was decided that (b)(6), (b)(7)(C) be retained in the US Navy; Exhibit (20) pertains.

4. On 27Feb12, (b)(6), (b)(7)(C) USN, CO, USS CURTIS WILBUR (DDG-54), was briefed on the status of captioned investigation. (b)(6), (b)(7)(C) fingerprints and mug-shots were previously submitted electronically via Live Scan transaction number FEYK0000000143. On 27Feb12, the Final Disposition Report (R-84) was submitted via certified US Mail number 7008 1140 8085 6782 to the FBI, CJIS Division, Clarksburg, WV 26306. This case is hereby closed.

DISTRIBUTION

NCISHQ: 023B

INFO: FEYK/ (b)(6), (b)(7)(C) USN, CO, USS CURTIS WILBUR (DDG-54)
(H) / (b)(6), (b)(7)(C) USN, Force Judge Advocate, Task
Force Seven Zero/Carrier Strike Group Five (H) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN, RLSO, CFAY (H)/014C/002P

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C)

V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 2 of 2

F13-0580.FEYK 000091

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C136186 00:21 20130313 IN:SSDEMAIL #176456 OUT:NIPRDAAAM #176456

REPORT OF INVESTIGATION (CLOSED)

11MAR13

SEXUAL ASSAULT - ADULT (II)

CONTROL: 11DEC12-FEYK-6101-8SNA/C

(b)(6), (b)(7)(C)

COMMAND/USS BLUE RIDGE (LCC-19)/05840

MADE AT/FEYK/RESIDENT AGENCY YOKOSUKA (b)(6), (b)(7)(C) INVESTIGATOR

REFERENCE(S)

- (A) NCISRA Yokosuka JA ROI(INTERIM) (Contains Exhibits 1-15)/07JAN13
- (B) NCISRA Yokosuka JA ROI(INTERIM)/12FEB13

EXECUTIVE SUMMARY

1. On 10DEC12, (b)(6), (b)(7)(C) stated she and (b)(6), (b)(7)(C) began drinking an assortment of alcoholic beverages beginning at 1100 until around 1800. They returned to a rented room at the Navy Gateway Inn and Suites on board Commander Fleet Activities Yokosuka (CFAY), Japan where (b)(6), (b)(7)(C) initiated horseplay leading to (b)(6), (b)(7)(C) kissing her and attempting to digitally penetrate her. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) to stop and (b)(6), (b)(7)(C) stopped. (b)(6), (b)(7)(C) started kissing (b)(6), (b)(7)(C) again and (b)(6), (b)(7)(C) stated if they were going to have sexual intercourse, (b)(6), (b)(7)(C) would have to wear a condom. (b)(6), (b)(7)(C) got a condom, but could not sustain an erection and (b)(6), (b)(7)(C) voluntarily performed fellatio on (b)(6), (b)(7)(C) then they engaged in consensual vaginal intercourse. In an NCIS interview, (b)(6), (b)(7)(C) stated the sexual encounter was consensual, but regrettable, and thought (b)(6), (b)(7)(C) took advantage of her.

2. On 27FEB13, Region Legal Service Office, Yokosuka, Japan advised there would be no legal action from their office or from (b)(6), (b)(7)(C) Command in this case due to the lack of substantial evidence to support the victim's allegations.

NARRATIVE

1. This reactive investigation was initiated for suspected violations of the Uniform Code of Military Justice (UCMJ), Article 120 (Rape and other sexual misconduct).

2. On 27FEB13, Reporting Investigator (RI) was contacted by (b)(6), (b)(7)(C)

FOR OFFICIAL USE ONLY
Page 1 of 2

F13-0580.FEYK 000092

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 11DEC12-FEYK-6101-8SNA/C

11Mar13

b)(6), (b)(7)(C) JAGC USN, stating the Region Legal Service Office (RLSO) and the commanding officer of the USS BLUE RIDGE (LCC 19) concur there is no substantial evidence to support the victim's allegations and no action will be taken by either the RLSO or the commanding officer of the USS BLUE RIDGE (LCC 19).

3. This investigation is closed.

DISTRIBUTION

NCISHQ:23B2

INFO :USS BLUE RIDGE (LCC 19) (CO/XO) (H)/FEYK/FEFO/RLSO (LT
INNS) (H)

FOR OFFICIAL USE ONLY
Page 2 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

440092 22:28 20060713 IN:SSDEMAIL #50655 OUT:NIPRDAAAM #39416

REPORT OF INVESTIGATION (INFO)

11JUL06

INDECENT ASSAULT (II)

CONTROL: 11JUL06-FEYK-0176-8DNA

(b)(6), (b)(7)(C)

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) INVESTIGATOR

EXHIBIT(S)

- | | | |
|--------------------------------|-------------------|-------------------------------|
| (1) IA: Result of interview to | (b)(6), (b)(7)(C) | ctim)/14Jun06...(Copy all) |
| (2) IA: Result of interview to | | itness)/14Jun06...(Copy all) |
| (3) IA: Result of interview to | | witness)/14Jun06...(Copy all) |
| (4) IA: Result of interview to | | 4Jun06...(Copy all) |
| (5) IA: Result of interview to | | 5Jun06...(Copy all) |
| (6) IA: Result of interview to | | 5Jun06...(Copy all) |
| (7) IA: Result of interview to | | 1Jun06...(Copy all) |

NARRATIVE

1. At 2025 hours on 14Jun06, an emergency call was received from (b)(6), (b)(7)(C) and the officers of Yokosuka Police Station (YPS), Kanagawa Prefectural Police, were dispatched to the scene known as the "Y-Deck", located in the vicinity of Keihin Kyuko Yokosuka Chuo Train Station at 1-5 Wakamatsu Cho, Yokosuka City, Kanagawa Prefecture. (b)(6), (b)(7)(C) claimed at approximately 1955 hours, she was approached by (b)(6), (b)(7)(C) as she was seated on the bench just outside of the Yokosuka Chuo Train Station, talking to her friends. (b)(6), (b)(7)(C) spoke to her, grabbed her right hand with his left hand then rubbed (b)(6), (b)(7)(C) buttock with his right hand. He then proceeded to touch (b)(6), (b)(7)(C) left breast with his left index finger. (b)(6), (b)(7)(C) walked away toward the Yokosuka Chuo Train Station, however, at approx 2010, he returned to the Y Deck, and hugged (b)(6), (b)(7)(C) from the rear and kissed her on her lips. (b)(6), (b)(7)(C) went to the police box near the Y Deck, however, no police officer was present. (b)(6), (b)(7)(C) proceeded to call the YPS using her cellular phone.

2. When the police officers arrived at the scene, (b)(6), (b)(7)(C) was found sitting on the bench, talking to an unidentified foreigner. When the police asked (b)(6), (b)(7)(C) in English, if he hugged (b)(6), (b)(7)(C) and touched her body, (b)(6), (b)(7)(C) denied involvement by saying "I did not do anything. I just talked to her". (b)(6), (b)(7)(C)'s friends who witnessed the incident told the police (b)(6), (b)(7)(C) touched (b)(6), (b)(7)(C) body, walked away, then approached (b)(6), (b)(7)(C) once again to hug and kiss her. At 2045 on 14Jun06, (b)(6), (b)(7)(C) was arrested for indecent assault, Penal Code 176. Subsequent to the arrest of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) filed an official complaint to the YPS.

3. On 29Jun06, (b)(6), (b)(7)(C) paid 200,000 yen (approx \$1,700.00) to (b)(6), (b)(7)(C)'s family. (b)(6), (b)(7)(C)'s family accepted the money for apology,

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 11JUL06-FEYK-0176-8DNA

11Jul06

however, refused to withdraw the complaint against

(b)(6), (b)(7)(C)

4. On 05Jul06, Yokosuka Branch, Yokohama District Public Prosecutor's Office indicted (b)(6), (b)(7)(C) for article 3 and article 11.1.1 of the Kanagawa Prefectural Government Ordinance (prevention of violence and unlawful act causing remarkable public annoyance).

5. On 05Jul06, (b)(6), (b)(7)(C) appeared before a Judge of Yokosuka Summary Court, who delivered a summary order to pay a fine of 300,000 yen (approx \$2,560.00). Subsequent to the delivery of summary order, (b)(6), (b)(7)(C) was released to his command.

6. Copies of the YPS police reports were obtained from International Criminal Investigations Section (ICIS), YPS, and were synoptically translated. Exhibits (1) to (7) pertain. This investigation is complete.

DISTRIBUTION

NCISHQ: 0023B11

INFO: FEYK/FISC YOKOSUKA JAPAN (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000095

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C14640 00:46 20121017 IN:SSDEMAIL #68950 OUT:NIPRDAAAM #68950

REPORT OF INVESTIGATION (CLOSED)

16OCT12

INDECENT ASSAULT (II)

CONTROL: 12MAR12-FEYK-0149-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS STETHEM DDG-63/21825

MADE AT/FEYK/RESIDENT AGENCY YOKOSUKA

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA YOKOSUKA ROI (INTERIM) / (CONTAINS EXHIBITS 1-18) / 03MAY12
- (B) NCISRA YOKOSUKA ROI (INTERIM) / 05JUL12
- (C) NCISRA YOKOSUKA ROI (INTERIM) / 06SEP12

EXHIBIT(S)

- (19) IA: Results of Declination Letter/02Aug12

EXECUTIVE SUMMARY

1. On 09Mar12, (b)(6), (b)(7)(C) reported he was sexually assaulted by (b)(6), (b)(7)(C)

in August 2011 at (b)(6), (b)(7)(C) off-base apartment near Commander Fleet

Activities Yokosuka, Japan. The dates have been verified via text

messages on (b)(6), (b)(7)(C) cellular phone as 02Sep11 through 03Sep11.

(b)(6), (b)(7)(C) provided a sworn and signed statement describing the sexual

assault. (b)(6), (b)(7)(C) explained how on the night of the assault, he was

out with various friends, to include (b)(6), (b)(7)(C) at the Honcho District

of Yokosuka, Japan. The Honcho District is located across the street

from CFAY and is a known social area with various bars, night clubs,

and restaurants. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) offered to help (b)(6), (b)(7)(C) back

to the base because (b)(6), (b)(7)(C) was too intoxicated to walk back alone.

(b)(6), (b)(7)(C) stated because of his level of intoxication, he opted to stay

at (b)(6), (b)(7)(C) off base apartment located outside of the Womble Gate,

WARNING

FOR OFFICIAL USE ONLY

Page 1 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000096

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 12MAR12-FEYK-0149-8DNA/C

16Oct12

CFAY, Japan. (b)(6), (b)(7)(C) reported while he was at (b)(6), (b)(7)(C) off-base apartment, (b)(6), (b)(7)(C) made several sexual advances at him. (b)(6), (b)(7)(C) stated he pushed (b)(6), (b)(7)(C) away and told (b)(6), (b)(7)(C) "that wasn't going down and I'm not like that." (b)(6), (b)(7)(C) stated he took his shoes off, lay in (b)(6), (b)(7)(C) bed, and "passed out." (b)(6), (b)(7)(C) further reported he woke up to (b)(6), (b)(7)(C) performing oral sex on him. (b)(6), (b)(7)(C) stated he was aware of what was going on, but was unable to move or talk. (b)(6), (b)(7)(C) stated he was incapacitated, but mentally and physically aware of everything going on. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) then kissed him on the face and mouth. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) then removed the remainder of (b)(6), (b)(7)(C) clothing from the waist down and straddled over his (b)(6), (b)(7)(C) groin area. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) grabbed (b)(6), (b)(7)(C) penis and inserted it into his (b)(6), (b)(7)(C) anus. (b)(6), (b)(7)(C) stated he has no memory of anything after this because he passed out again. (b)(6), (b)(7)(C) added he thinks (b)(6), (b)(7)(C) took photos of the sexual acts. (b)(6), (b)(7)(C) was provided with a Victim Witness Assistance Program pamphlet and met with his Victim Advocate immediately after his interview with RA. (b)(6), (b)(7)(C) was interrogated on 14Mar12 subsequent to waiving his Article 31b Rights. (b)(6), (b)(7)(C) provided a sworn and signed statement admitting to having sexual relations with (b)(6), (b)(7)(C) According to (b)(6), (b)(7)(C) he "thought" (b)(6), (b)(7)(C) was aware of what was going on and okay with having sexual relations with (b)(6), (b)(7)(C) at the time of the incident. (b)(6), (b)(7)(C) further added it is possible (b)(6), (b)(7)(C) was incapacitated during the sexual acts because he recalled (b)(6), (b)(7)(C) was not "actively" participating in the

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 12MAR12-FEYK-0149-8DNA/C

16Oct12

sexual acts. Digital media was reviewed and various nude photographs

of (b)(6), (b)(7)(C) were identified. On 17Oct12, RA received an official letter of declination with recommendation the captioned investigation be closed without action from (b)(6), (b)(7)(C) Commanding Officer (CO), USS STETHEM (DDG-63). All investigative and administrative action is complete. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violation of the Uniform Code of Military Justice (UCMJ) Article 120 (Rape, Sexual Assault, and other Sexual Misconduct) and Article 125 (Sodomy). References (A) through (C) report prior investigative effort.

2. On 17Oct12, RA received an official letter of declination with recommendation the captioned investigation be closed without action. This letter was signed by (b)(6), (b)(7)(C) Commanding Officer (CO), USS STETHEM (DDG-63); Exhibit (19) pertains. (b)(6), (b)(7)(C) Region Legal Service Office (RLSO) was briefed on the status of captioned investigation. No criminal charges are being pursued. This investigation is closed.

DISTRIBUTION

NCISHQ: 0023

INFO: COMMAND USS STETHEM (DDG-63) (b)(6), (b)(7)(C) USN, (XO)
(M)/CFAY RLSO (b)(6), (b)(7)(C) USN (H)/FEYK

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

307306 19:45 20120123 IN:SSDEMAIL #73454 OUT:NIPRDAAAM #72666

REPORT OF INVESTIGATION (CLOSED)

23JAN12

RAPE (II)

CONTROL: 12NOV11-FEYK-0668-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS COWPENS CG-63/21623

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka, JA ROI (INTERIM)/14DEC11 (Contains Exhibits 1-13)

EXHIBIT

(14) IA: Results of Administrative Action/11JAN12...(Copy All)

EXECUTIVE SUMMARY

1. On 11Nov11, NCISRA Yokosuka, Japan, was notified by (b)(6), (b)(7)(C) Criminal Investigations Division (CID), Commander Fleet Activities Yokosuka (CFAY), Japan, regarding the alleged rape of (b)(6), (b)(7)(C) was interviewed in the presence of (b)(6), (b)(7)(C) USS MCCAMPBELL (DDG-85), at (b)(6), (b)(7)(C) request. (b)(6), (b)(7)(C) provided a signed sworn statement detailing an unknown evening in Oct11, wherein she and (b)(6), (b)(7)(C) Civ, (a student at (b)(6), (b)(7)(C) met with (b)(6), (b)(7)(C) at Purdy Gym aboard CFAY. (b)(6), (b)(7)(C) stated she performed oral sex on (b)(6), (b)(7)(C) and then had vaginal intercourse with him on the floor and on the sink. (b)(6), (b)(7)(C) stated she "did not feel like having sex" but felt as if (b)(6), (b)(7)(C) may hurt her if she did not comply. (b)(6), (b)(7)(C) stated she reported the rape to (b)(6), (b)(7)(C) after (b)(6), (b)(7)(C) discovered her secret Facebook account wherein she participated in sexually explicit messages and alcohol use with online friends. (b)(6), (b)(7)(C) was subsequently interviewed and provided a statement detailing how he and (b)(6), (b)(7)(C) had consensual oral and vaginal/penile intercourse in the men's restroom behind the Purdy gym. (b)(6), (b)(7)(C) was interviewed and he stated (b)(6), (b)(7)(C) had consensual sexual intercourse inside of the men's restroom behind the Purdy gym. Various witnesses have also been interviewed. (b)(6), (b)(7)(C) was re-interviewed and she stated, "I feel like I was raped because I feel like he (b)(6), (b)(7)(C) took advantage of me." (b)(6), (b)(7)(C) indicated that during the incident, she did not give (b)(6), (b)(7)(C) any reason to think she was not a willing participant. Photographic coverage of Bldg. 1008, the men's restroom behind the Purdy gym was obtained. Investigation was forwarded to CFAY Legal for administrative and/or judicial review. (b)(6), (b)(7)(C) both received administrative action subsequent to a Command Administrative Forum (CAF). All administrative action is complete; this investigation is closed.

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 1 of 2

F13-0580.FEYK 000099

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 12NOV11-FEYK-0668-8FNA/C

23Jan12

NARRATIVE

1. This reactive investigation was initiated due to a suspected violation of Title 18 United States Code (U.S.C.) 2241 (Forcible Sexual Assault).

2. On 11JAN12, (b)(6), (b)(7)(C) Staff Judge Advocate (SJA), Commander Fleet Activities Yokosuka (CFAY), Japan, advised the parties involved in captioned investigation, to include (b)(6), (b)(7)(C) both received administrative action for their unlawful actions aboard CFAY. Subsequent to a CAF, (b)(6), (b)(7)(C) received mandatory counseling, six (6) months curfew of 1900 hours, and 150 hours of community service. (b)(6), (b)(7)(C) Civ, received mandatory counseling, six (6) months of curfew (1900) hours, and 25 hours of community service; Exhibit (14) pertains.

3. (b)(6), (b)(7)(C) Executive Officer (XO), USS COWPENS (CG-63) was briefed on the outcome of captioned investigation. All investigative and administrative/judicial action is complete; investigation is closed.

DISTRIBUTION

NCISHQ: 023B

INFO: FEYK (b)(6), (b)(7)(C) USN, CO, USS COWPENS (CG-63)
(H) (b)(6), (b)(7)(C) USN, CO, CFAY (H)/002P

FOR OFFICIAL / USE ONLY

(b)(6), (b)(7)(D) V2 INY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000100

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

504206 20:36 20080110 IN:SSDEMAIL #45740 OUT:NIPRDAAAM #36335

REPORT OF INVESTIGATION (CLOSED)

04DEC07

INDECENT ASSAULT (II)

CONTROL: 12SEP07-FEYK-0273-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS BLUE RIDGE (LCC-19)/05840

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES s

- (A) NCISRA Yokosuka ROI (INTERIM)/12Sep07... (Contains Exhibits 1-4)
- (B) NCISRA Yokosuka ROI (INTERIM)/09Nov07

EXECUTIVE SUMMARY

1. This case was initiated as a reactive investigation and pertains to a suspected violation of UCMJ Article 134 (Assault - Indecent).

2. On 11Sep07, (b)(6), (b)(7)(C) USN, notified Reporting Agent he was the victim of an indecent assault by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) in the first week of August, fondled (b)(6), (b)(7)(C)'s genitalia while (b)(6), (b)(7)(C) was sleeping in his bed on board USS BLUE RIDGE (LCC-19). Also on 11Sep07, (b)(6), (b)(7)(C) provided a sworn statement admitting he committed an indecent assault on (b)(6), (b)(7)(C) went to Captain's Mast on 25Sep07 and was awarded 45 days restriction at TPU, 45 days extra duties, forfeiture of pay for 2 months, and reduction in rate to E-2.

NARRATIVE

1. On 27Nov07, (b)(6), (b)(7)(C) Executive Officer USS BLUE RIDGE (LCC-19), notified Reporting Agent (b)(6), (b)(7)(C) went to Captain's Mast on 25Sep07 and was found to have violated UCMJ Article 134 - Indecent Acts with Another.

2. (b)(6), (b)(7)(C) was awarded 45 days restriction at the Transient Personnel Unit, 45 days extra duties, forfeiture of pay for 2 months, and reduction in rate to E-2. This investigation is closed.

DISTRIBUTION

NCISHQ: 0023B (M)

INFO: FEYK/NLSO PACIFIC (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) VZ LNY

WARNING

FOR OFFICIAL USE ONLY

Page 1 of 1

F13-0580.FEYK 000101

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

954535 02:09 20090601 IN:SSDEMAIL #32714 OUT:NIPRDAAAM #19754

REPORT OF INVESTIGATION (CLOSED)

01JUN09

RAPE (II)

CONTROL: 13DEC08-FEYK-0329-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/COMMANDER FLEET ACTIVITIES YOKOSUKA, JAPAN/61054

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka, Japan ROI (INTERIM)/06FEB09... (Contains Exhibits 1-17)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM)/07MAR09... (Contains Exhibits 18-19)

EXECUTIVE SUMMARY

1. Investigation initiated 13DEC08, when (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) forcibly sodomized and raped her on multiple occasions between 12NOV08 and 12DEC08 in the master bedroom of their off base residence (b)(6), (b)(7)(C) Japan. On 13DEC08, (b)(6), (b)(7)(C) was treated at the Yokosuka Naval Hospital (YNH) aboard Commander Fleet Activities Yokosuka (CFAY), Japan where a sexual assault kit was completed during her examination. The sexual assault kit was seized and entered into evidence. A Crime Scene Examination (CSE) of (b)(6), (b)(7)(C) off base residence was completed. CSE was limited to description and documentation of the incident scene and collection of physical evidence. During interview, (b)(6), (b)(7)(C) initially denied having anal sodomy with (b)(6), (b)(7)(C) however, after further questioning, (b)(6), (b)(7)(C) admitted having consensual anal sodomy and vaginal sexual intercourse on the dates in question. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) told him "No" when he told her he wanted to have vaginal sexual intercourse on 12DEC08, however, (b)(6), (b)(7)(C) stated all sexual encounters with (b)(6), (b)(7)(C) between 12NOV09 and 12DEC09 were consensual. (b)(6), (b)(7)(C) interview was recorded on a DVD and entered into evidence. A copy of the DVD was provided to Command Staff Judge Advocate (SJA) and Regional Legal Service Office (RLSO). (b)(6), (b)(7)(C) was served with a military protection order (MPO) during his interview. (b)(6), (b)(7)(C) consented to the search of his vehicle, which resulted in the seizure of evidence. On 15DEC08, (b)(6), (b)(7)(C) provided a signed sworn statement of the alleged assaults. On 30DEC08, (b)(6), (b)(7)(C) stated she no longer wished to cooperate with this investigation or the potential prosecution of (b)(6), (b)(7)(C) for the crimes she alleged he committed. (b)(6), (b)(7)(C) Officer in Charge (OIC) and Chief were interviewed and provided amplifying details of (b)(6), (b)(7)(C) volatile relationship; however, neither could provide direct evidence of the sexual assaults (b)(6), (b)(7)(C) alleged occurred between 12NOV09 and 12DEC09. (b)(6), (b)(7)(C) was interviewed and

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13DEC08-FEYK-0329-8FNA/C

01Jun09

stated (b)(6), (b)(7)(C) forcibly sodomized her and raped her with a wine cooler bottle (b)(6), (b)(7)(C) however, when re-contacted, (b)(6), (b)(7)(C) stated she receives approximately \$1400.00 per month in child support and refuses to testify against (b)(6), (b)(7)(C) claimed to have reported the alleged forced sodomy to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) at the time of the alleged assaults. (b)(6), (b)(7)(C) was interviewed and claimed (b)(6), (b)(7)(C) always wanted to have anal sodomy with her; however, she refused. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) never sexually assaulted her. (b)(6), (b)(7)(C) was re-interviewed and adamantly denied forcing sodomy on (b)(6), (b)(7)(C) or raping her with a wine cooler bottle. (b)(6), (b)(7)(C) further denied all allegations previously made by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) s second interview was recorded on DVD and entered into evidence. A copy of the DVD was provided to Command SJA and RLSO. The original DVD recording of the interview was entered into evidence at NCISRA Yokosuka, Japan. (b)(6), (b)(7)(C) came to NCISRA Yokosuka, Japan to "recant" her two previous statements made to NCIS. When asked if the incidents actually occurred, (b)(6), (b)(7)(C) stated she did not want to talk about it. (b)(6), (b)(7)(C) visit was recorded on DVD and the original is stored on a DVD in case file. A copy of (b)(6), (b)(7)(C) s visit was provided to Command SJA and RLSO. (b)(6), (b)(7)(C) was interviewed. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) would not watch (b)(6), (b)(7)(C) and refused to work. (b)(6), (b)(7)(C) said it took (b)(6), (b)(7)(C) 12 years to pay her (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) never displayed violent behavior during (b)(6), (b)(7)(C) and never attempted to rape her or force her to have sexual intercourse. (b)(6), (b)(7)(C) former (b)(6), (b)(7)(C) was interviewed. (b)(6), (b)(7)(C) said he does not recall (b)(6), (b)(7)(C) reporting she was forcibly sodomized by (b)(6), (b)(7)(C) however, he recalled (b)(6), (b)(7)(C) being very persistent in contacting (b)(6), (b)(7)(C) concerning issues she had with (b)(6), (b)(7)(C) recalled counseling (b)(6), (b)(7)(C) regarding his financial obligations to (b)(6), (b)(7)(C). Prosecution was declined, citing (b)(6), (b)(7)(C) decision to not cooperate and a lack of evidence. This case is closed.

NARRATIVE

1. Investigation was conducted under suspected violations of Uniform Code of Military Justice (UCMJ) Article 120 (Rape) and Article 125 (Sodomy).

2. Subsequent to submission of Reference (A), on 12MAY09, Reporting Agent contacted (b)(6), (b)(7)(C) JAGC, USN, Staff Judge Advocate (SJA) CFAY, who advised no charges were filed against (b)(6), (b)(7)(C) due to (b)(6), (b)(7)(C) unwillingness to testify and lack of sufficient evidence. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) were referred to CFAY Family Advocacy Program (FAP) for family and marital counseling. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

cial Agent NCISRA Yokosuka, Japan
Agent NCISRA Yokosuka, Japan
gent NCISRA Yokosuka, Japan
estigator CID Yokosuka, Japan
Special Agent NCISRU Little Creek, VA

(b)(6), (b)(7)(C) Investigator, NCISRU Cleveland, OH

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13DEC08-FEYK-0329-8FNA/C

01Jun09

(b)(6), (b)(7)(C)

Special Agent NCISRA Patuxent River, MD
Special Agent, NCISRA Dallas, TX

DISTRIBUTION

NCISHQ: 0023 (M)

INFO: DIST/FEYK/Command (Attn: (b)(6), (b)(7)(C)) (H) /CFAY Family

Advocacy (Attn: (b)(6), (b)(7)(C)) (H) /RLSO (Attn: (b)(6), (b)(7)(C))
(H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 3 of 3

F13-0580.FEYK 000104

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

371279 19:42 20120319 IN:SSDEMAIL #89780 OUT:NIPRDAAAM #88232

REPORT OF INVESTIGATION (CLOSED)

19MAR12

RAPE (II)

CONTROL: 13DEC11-FEYK-0717-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS COWPENS (CG 63) /21623

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka Japan ROI (INTERIM)/10JAN12 (Contains Exhibits 1-8)
- (B) NCISRA Yokosuka Japan ROI (INTERIM)/13FEB12 (Contains Exhibits 9-17)

EXHIBIT

- (18) IA: Results of Command Declination/02Mar12...(Copy All)

EXECUTIVE SUMMARY

1. On 15Nov11, (b)(6), (b)(7)(C) Executive Officer (XO), USS COWPENS (CG 63), reported to NCISRA Yokosuka, Japan, that (b)(6), (b)(7)(C) alleged she was raped aboard the USS COWPENS (CG 63) by (b)(6), (b)(7)(C) sometime in July 2011. On 21Nov11, upon return to Commander Fleet Activities Yokosuka (CFAY), Japan, (b)(6), (b)(7)(C) was interviewed and provided details pertaining to one alleged incident of indecent assault and one alleged incident of rape inflicted upon her by (b)(6), (b)(7)(C) was provided with a Victim Witness Assistance Program pamphlet and her command assigned her with a Sexual Assault Victim Advocate. (b)(6), (b)(7)(C) USN, Commanding Officer, USS COWPENS (CG 63), issued both (b)(6), (b)(7)(C) Military Protection Orders and (b)(6), (b)(7)(C) was temporarily transferred to the USS MUSTIN (DDG 89) as a result of the reported incident. Subsequent to Reference (A), various witness interviews have been conducted. On 24Jan12, (b)(6), (b)(7)(C) signed a Declination Statement in an effort to cease her involvement with the case. Subsequently, (b)(6), (b)(7)(C) was transferred to USS TORTUGA (LSD 46) in Sasebo, Japan per her request. On 02Mar12, (b)(6), (b)(7)(C) Commanding Officer, USS COWPENS (CG 63) provided a memo stating Commands decision to decline administrative and/or judicial action regarding captioned investigation. All investigative action is complete, this investigation is closed.

NARRATIVE

- 1. This reactive investigation was initiated pursuant to suspected violation of the Uniform Code of Military Justice (UCMJ) Article 120 (Rape).

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13DEC11-FEYK-0717-8FNA/C

19Mar12

2. On 02Mar12, (b)(6), (b)(7)(C) provided a memo stating Command's decision to decline administrative and/or judicial action regarding captioned investigation. (b)(6), (b)(7)(C) indicated there was no evidence to substantiate the claim of sexual assault made by (b)(6), (b)(7)(C) Exhibit (18) pertains. All investigative/judicial action has been completed; this investigation is closed.

DISTRIBUTION

NCISHQ: 023B

INFO: FEYK (b)(6), (b)(7)(C) USN, CO, USS COWPENS (CG-63) (H) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN, Lead Trial Counsel, RLSO, Yokosuka, Japan
(H) / (b)(6), (b)(7)(C) Civ, Sexual Assault Response Coordinator, CFAY,
Japan (H) / 002P/014C

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000106

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

955763 02:51 20090602 IN:SSDEMAIL #33195 OUT:NIPRDAAAM #20228

REPORT OF INVESTIGATION (CLOSED)

02JUN09

INDECENT ASSAULT (II)

CONTROL: 13FEB09-FEYK-0036-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS FITZGERALD (DDG-62)/21824

MADE AT/FEYK/YOKOSUKA JAPAN

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka, Japan ROI (INTERIM)/22Apr09...(Contains Exhibits 1
- 13)

EXECUTIVE SUMMARY

1. Investigation was initiated after (b)(6), (b)(7)(C) reported being pushed against a wall by (b)(6), (b)(7)(C) USN during a command port visit in Sapporo, Japan. During the subsequent investigation by the command, (b)(6), (b)(7)(C) reported also being sexually assaulted by (b)(6), (b)(7)(C) numerous times, Reference (A) pertains. (b)(6), (b)(7)(C) admitted to a three day dating period with (b)(6), (b)(7)(C) in Jan09, stating the majority of the unwanted touching occurred outside that timeframe. Fellow command members reported (b)(6), (b)(7)(C) appeared to be "a couple" and they were often seen holding hands, kissing, and dancing prior to, and after that three day timeframe. (b)(6), (b)(7)(C) was seen by one shipmate sitting on (b)(6), (b)(7)(C) lap after that timeframe. (b)(6), (b)(7)(C) said any physical contact between himself and (b)(6), (b)(7)(C) was consensual. Command was apprised of the results of the investigation and advised they would not be taking any action in this matter. As all investigative action is complete, this investigation is closed.

NARRATIVE

1. On 02Jun09, (b)(6), (b)(7)(C) Executive Officer, USS FITZGERALD (DDG-62), advised upon reviewing investigative results, no action would be taken in regard to this investigation.

2. All investigative efforts are complete and this investigation is closed.

DISTRIBUTION

NCISHQ: 0023B(M)

INFO: FEYK/CO, USS FITZGERALD (DDG-62) (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 1

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000107

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

731333 00:40 20070602 IN:SSDEMAIL #64540 OUT:NIPRDAAAM #53610

REPORT OF INVESTIGATION (CLOSED)

23MAY07

RAPE (II)

CONTROL: 13NOV06-FEYK-0284-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/FLEET INDUSTRIAL SUPPLY CENTER YOKOSUKA, JAPAN/62649

MADE AT/FEYK/YOKOSUKA JA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISRA Yokosuka JA ROI (INTERIM)/09Jan07 (Contains Exhibits 1-19)

EXHIBIT(S)

(20) IA: Results of Review of Enlisted Service Records/15Nov06...
(Copy Command, RLSO and FEYK only)

EXECUTIVE SUMMARY

1. On 13Nov06, (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) sexually assaulted her on 11Nov06 between the hours of 2300 and 2330 in her Bachelor's Enlisted Quarters (BEQ), Building 3333, Room (b)(6), (b)(7)(C) CFAY, Japan. (b)(6), (b)(7)(C) related she had been consuming alcohol with (b)(6), (b)(7)(C) and "passed out" while he was in her room. (b)(6), (b)(7)(C) stated she woke up the next morning around 0500 to find herself naked from the waist down and experiencing vaginal discomfort. After reporting the incident, (b)(6), (b)(7)(C) underwent a sexual assault examination which yielded negative results for vaginal trauma. A crime scene examination of (b)(6), (b)(7)(C)'s BEQ room was conducted. Multiple items of evidentiary value were seized and entered into the NCIS evidence custody system. Crime scene examination produced no signs of struggle or visible remnants of sexual activity. (b)(6), (b)(7)(C) denied culpability and stated he had consensual oral and vaginal sex with (b)(6), (b)(7)(C) on the night she alleges he raped her. (b)(6), (b)(7)(C) further conveyed he and (b)(6), (b)(7)(C) engaged in sexual intercourse in the past and it was always consensual.

2. (b)(6), (b)(7)(C) JAGC, USN, Regional Legal Service Office, Yokosuka, Japan interviewed (b)(6), (b)(7)(C) and determined a lack of sufficient evidence exists to merit prosecution of (b)(6), (b)(7)(C).

NARRATIVE

1. This reactive investigation was initiated under suspected violation of Uniformed Code of Military Justice Article 120 (Rape).

2. On 14Nov06, Participating Agent (b)(6), (b)(7)(C) reviewed (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) service records. No derogatory entries were noted, Exhibit (20) pertains.

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000108

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13NOV06-FEYK-0284-8FNA/C

23May07

3. On 24Apr07, Reporting Agent met with (b)(6), (b)(7)(C) JAGC, (b)(6), (b)(7)(C) USN, regarding the prosecutorial status of cited investigation. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) advised he interviewed (b)(6), (b)(7)(C) on 22Feb07. (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) as unable to provide any credible information to substantiate her claims. (b)(6), (b)(7)(C) advised, based on case facts and his interview with (b)(6), (b)(7)(C) a lack of sufficient evidence exists to merit prosecution of (b)(6), (b)(7)(C)

4. All logical leads have been exhausted and Command has been apprised of case status. Investigation is closed.

PARTICIPANT(S)

(b)(6), (b)(7)(C)

Special Agent, NCISRA Yokosuka, Japan

DISTRIBUTION

NCISHQ: 0023B

ACTION 0023B

INFO: 24D/FEYK/XO, Command (M)/CFAY RLISO (Attn (b)(6), (b)(7)(C) (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000109

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

701314 07:52 20070428 IN:SSDEMAIL #56799 OUT:NIPRDAAAM #45812

REPORT OF INVESTIGATION (CLOSED)

26APR07

INDECENT ASSAULT (II)

CONTROL: 14NOV06-FEYK-0290-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/UNITED STATES NAVAL HOSPITAL YOKOSUKA/68292

MADE AT/FEYK/YOKOSUKA JA/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISRA Yokosuka JA ROI(INTERIM)/26Feb07 (Contains Exhibits 1 - 8)

EXECUTIVE SUMMARY

1. On 27Oct06, (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) sexually assaulted her circa 12Jul06 at her residence in Yokohama, Japan. (b)(6), (b)(7)(C) advised she knew (b)(6), (b)(7)(C) because he hired her as a part-time housekeeper and cook at his on-base residence in the CFAY Bachelor's Officer Quarters (BOQ). (b)(6), (b)(7)(C) provided a sworn statement where she stated (b)(6), (b)(7)(C) made an unannounced visit to her residence and forced his way into her apartment. While inside her apartment, (b)(6), (b)(7)(C) forced her to perform oral sex on him. During the alleged assault, (b)(6), (b)(7)(C) threatened to file a false complaint that she stole items from his apartment if she did not comply with his demands to perform oral sex on him.

2. (b)(6), (b)(7)(C) USN, JAGC, Military Justice Department Head, Region Legal Service Office, Yokosuka, Japan was apprised of investigation and declined to prosecute due to lack of sufficient evidence.

NARRATIVE

1. This investigation pertains to suspected violation of Uniformed Code of Military Justice Article 125 (Sodomy).

2. During this reporting period, (b)(6), (b)(7)(C) determined there was insufficient evidence to prosecute (b)(6), (b)(7)(C) and subsequently referred the case back to Command. As a result, (b)(6), (b)(7)(C) USN, Commanding Officer, United States Naval Hospital, Yokosuka, Japan took no disciplinary action against (b)(6), (b)(7)(C) but ordered him not to have any further contact with (b)(6), (b)(7)(C). Investigation closed.

PARTICIPANT(S)

(b)(6), (b)(7)(C)

Special Agent, NCISRA Yokosuka, JA
Investigator, NCISRA Yokosuka, JA
(b)(6), (b)(7)(C) Investigator, CID

DISTRIBUTION

NCISHQ: 0023B

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000110

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 14NOV06-FEYK-0290-8DNA/C

26Apr07

ACTION 0023B

INFO: 24A/FEYK/CO, USNH (H)/CFAY RL SO (Attn: (b)(6), (b)(7)(C) (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C51902 00:01 20121121 IN:SSDEMAIL #166857 OUT:NIPRDAAAM #166857

REPORT OF INVESTIGATION (CLOSED)

20NOV12

SPECIAL INQUIRY (II)

CONTROL: 14NOV12-FEYK-6080-8XNA/C

(b)(6), (b)(7)(C)

COMMAND/USNH YOKOSUKA JAPAN/68292

MADE AT/FEYK/RESIDENT AGENCY YOKOSUKA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

(A) NCISRA YOKOSUKA CASE FILE: (b)(6), (b)(7)(C)
USN/CCN: 18OCT12-FEYK-6036-7VNA/18OCT12

EXHIBIT(S)

(1) IA: RESULTS OF INTERVIEW OF (b)(6), (b)(7)(C) 20NOV12

NARRATIVE

1. This investigation was initiated pursuant to a suspected violation of the Uniform Code of Military Justice (UCMJ) Article 120 (Sexual Misconduct).

2. On 18Oct12, (b)(6), (b)(7)(C) was interviewed regarding a domestic assault she was involved in earlier that evening. Upon completion of the interview, (b)(6), (b)(7)(C) made a voluntary statement indicating she had been a victim of sexual misconduct over a year ago while she was in A school. (b)(6), (b)(7)(C) stated a fellow recruit attempted to "get into her pants" while she was sleeping. Once (b)(6), (b)(7)(C) realized she'd just made an official report to NCIS regarding the incident, she decided she did not wish to speak of the incident any longer; Exhibit (1) pertains.

3. On 20Nov12, (b)(6), (b)(7)(C) Executive Officer (XO) USNH Yokosuka, Japan, and (b)(6), (b)(7)(C) Sexual Assault Response Coordinator (SARC) were briefed on the status of captioned investigation. All investigative action is complete. This case is closed.

DISTRIBUTION

NCISHQ:23B2

INFO :FEOK/FEYK

FOR OFFICIAL USE ONLY
Page 1 of 1

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000112

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

342180 02:05 20120227 IN:SSDEMAIL #82802 OUT:NIPRDAAAM #81802

REPORT OF INVESTIGATION (CLOSED)

15FEB12

RAPE (II)

CONTROL: 15FEB12-FEYK-0082-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS COWPENS (CG 63)/21623

MADE AT/FEYK/YOKOSUKA JP (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Interview of (b)(6), (b)(7)(C) 5Feb12...(Copy All)
- (2) IA: Receipt of Victim Preference Statement/17Feb12...(Copy All)

NARRATIVE

1. This reactive investigation was initiated subsequent to the disclosure of an alleged rape made by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS COWPENS (CG 63), hereafter (b)(6), (b)(7)(C) during the conduct of an interview in support of an investigative tasking by NCISRU San Antonio, TX. This case pertains to suspected violations of the Uniform Code of Military Justice (UCMJ) Article 120 (Rape).

2. As background, on 15Feb12, Reporting Agent (RA) interviewed (b)(6), (b)(7)(C) regarding a separate investigation. (b)(6), (b)(7)(C) reported he was raped around October 2011, by an unknown male in a San Antonio, TX bar while he attended training at Ft. Sam Houston, Texas. (b)(6), (b)(7)(C) subsequently stated he did not wish to participate in an investigation regarding the alleged rape; Exhibit (1) pertains. (b)(6), (b)(7)(C) was provided a Victim Witness Assistance Pamphlet (VWAP).

3. On 17Feb12, (b)(6), (b)(7)(C) signed a Victim Preference Statement (VPS), indicating he did not wish to provide additional information or participate in the investigation and in the prosecution of the unknown suspect; Exhibit (2) pertains.

4. A criminal history check with the National Crime Information Center (NCIC), Defense Central Index of Investigation (DCII), Joint Personnel Adjudication System (JPAS), NCIS K-Net, and the Consolidated Law Enforcement Operations Center (CLEOC), were queried on (b)(6), (b)(7)(C) and met with negative results. The results are maintained in the case file.

5. On 14Feb12, (b)(6), (b)(7)(C) USN, Commanding Officer (CO), USS COWPENS (CG 63), was apprised of the disclosure made by (b)(6), (b)(7)(C). This investigation is closed.

ACTION

0023: ONLY Report

DISTRIBUTION

NCISHQ: 023B

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 15FEB12-FEYK-0082-8FNA/C

15Feb12

ACTION: 0023

INFO: 23B2/FEYK/002P/014C

FOR OFFICIAL USE ONLY
(b)(6), (b)(7)(C) V2 LNY

FOR OFFICIAL USE ONLY
Page 2 of 2

F13-0580.FEYK 000114

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

108307 22:26 20110706 IN:SSDEMAIL #23915 OUT:NIPRDAAAM #23498

REPORT OF INVESTIGATION (CLOSED)

06JUL11

RAPE (II)

CONTROL: 15SEP09-NEEA-0103-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS COWPENS (CG-63)/21623

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Earle, NJ ROI(INTERIM)/19NOV09 (Contains Exhibits 1-2)
- (B) NCISRA Earle, NJ ROI(INTERIM)/07Jan10
- (C) NCISRA Earle, NJ ROI(INTERIM)/10Mar10 (Contains Exhibits 3-7)
- (D) NCISRA Earle, NJ ROI(INTERIM)/06May10 (Contains Exhibits 8-9)
- (E) NCISRA Earle, NJ ROI(INTERIM)/06Jul10 (Contains Exhibits 10-11)
- (F) NCISRA Yokosuka, Japan ROI(INTERIM)/31Jul10
- (G) NCISRA Yokosuka, Japan ROI(INTERIM)/15Oct10
- (H) NCISRA Yokosuka, Japan ROI(INTERIM)/29Dec10
- (I) NCISRA Yokosuka, Japan ROI(INTERIM)/23Feb11
- (J) NCISRA Yokosuka, Japan ROI(INTERIM)/27Apr11 (Contains Exhibits 12-16)
- (K) NCISRA Yokosuka, Japan ROI(INTERIM)/06May11 (Contains Exhibits 17- 21)

EXHIBITS

- (22) IA: Results of Data Extraction/13May11...(Copy All)
- (23) IA: Results of Data Extraction/06Jun11...(Copy All)
- (24) IA: Results of Service of Court Order/14Jun11/03May11...
(Copy All)
- (25) Victim Declination Acknowledgement/23Jun11...(Copy All)

EXECUTIVE SUMMARY

1. Investigation was initiated following receipt of information from (b)(6), (b)(7)(C) that she was raped by (b)(6), (b)(7)(C). The alleged incident occurred on 29Dec08, at (b)(6), (b)(7)(C) off-base apartment near Commander Fleet Activities Yokosuka (CFAY), Japan. (b)(6), (b)(7)(C) advised she traveled to Japan from New York to visit (b)(6), (b)(7)(C) with whom she had an on-again, off-again, relationship. The trip was to determine to what extent she still had feelings for (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) advised she had consensual sex with (b)(6), (b)(7)(C) during her visit, but then realized her feelings for him had changed and thereafter, declined his sexual advances. According to (b)(6), (b)(7)(C) subsequently raped her after she came out of the shower wearing only a towel. During a pretext phone call from (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C) he apologized for raping her. He subsequently deposited money into her bank account. An attempt to interview (b)(6), (b)(7)(C) ended with him invoking his right to seek legal counsel; References (A) through (K) pertain. The review of (b)(6), (b)(7)(C) computer, and accessible emails

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 15SEP09-NEEA-0103-8FNA/C

06Jul11

failed to provide any information of apparent relevant value. Copies of (b)(6), (b)(7)(C) mental health records were obtained and provided directly to the Region Legal Service Office (RLSO) for in camera review by the trial judge. The General Courts Martial (GCM) was scheduled to begin on 27Jun11; however, (b)(6), (b)(7)(C) ultimately decided she no longer wanted to participate in the GCM proceedings. As a result, charges against (b)(6), (b)(7)(C) were dropped without prejudice. All investigative action is complete and this investigation is closed.

NARRATIVE

1. This investigation was initiated pursuant to suspected violation of UCMJ Article 120 (Rape, sexual assault, and other sexual misconduct).

2. Between 28Apr11 and 09May11, (b)(6), (b)(7)(C) personal laptop contents were forensically extracted and analyzed by Participating Agent (b)(6), (b)(7)(C) and Participant (b)(6), (b)(7)(C). The reviews failed to identify any relevant information pertinent to this investigation; Exhibits (22) and (23) pertain

3. Following (b)(6), (b)(7)(C) reported rape, she received mental health treatment from (b)(6), (b)(7)(C) Civ, Counselor, (b)(6), (b)(7)(C). On 14Jun11, Participating Agent (b)(6), (b)(7)(C) served (b)(6), (b)(7)(C) with a subpoena to provide (b)(6), (b)(7)(C) mental health and therapy records; Exhibit (24) refers. (b)(6), (b)(7)(C) subsequently forwarded copies of (b)(6), (b)(7)(C) records directly to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Trial Counsel, RLSO, Yokosuka, Japan for in-camera review by the trial judge.

4. On 23Jun11, (b)(6), (b)(7)(C) advised contact with (b)(6), (b)(7)(C) disclosed she no longer wanted to participate in judicial proceedings against (b)(6), (b)(7)(C). Forwarded the RLSO Victim Declination Acknowledgement; Exhibit (25) pertains.

5. Due to (b)(6), (b)(7)(C) desire to no longer go forward with criminal proceedings against (b)(6), (b)(7)(C) all court proceedings have been withdrawn by trial counsel and dismissed without prejudice. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan
(b)(6), (b)(7)(C) Computer Analyst, Camp Pendleton, CA
(b)(6), (b)(7)(C) al Agent, NCISRA Earle, NJ

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/NEEA/NENP/002P/CO, USS COWPENS (CG-63) (H) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) Trial Counsel, RLSO, Yokosuka, Japan (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

FOR OFFICIAL USE ONLY
Page 2 of 2

F13-0580.FEYK 000116

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C124347 01:06 20130227 IN:SSDEMAIL #210736 OUT:NIPRDAAAM #210736

REPORT OF INVESTIGATION (CLOSED ONLY)

25FEB13

SEXUAL ASSAULT - ADULT (II)

CONTROL: 16FEB13-FEYK-0044-8SNA/C

(b)(6), (b)(7)(C)

COMMAND/USS ANTIETAM/21387

MADE AT/FEYK/RESIDENT AGENCY YOKOSUKA (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Results of initial response to USNH Yokosuka/16Feb13
- (2) IA: Results of Interview (b)(6), (b)(7)(C) 16Feb13
- (3) IA: Results of Interview/ (b)(6), (b)(7)(C) USN/16Feb13
- (4) Sworn Statement (b)(6), (b)(7)(C) 16Feb13
- (5) IA: Results of PASS/Hotel New Yokosuka Room #924/16Feb13
- (6) IA: Results of database queries/16Feb13.
- (7) Sworn Statement (b)(6), (b)(7)(C) 19Feb13

NARRATIVE

1. This reactive investigation pertains to a reported incident of a sexual assault. Upon investigation no criminal statutes were identified or apply and the report was determined to be unfounded.

2. On 16Feb13, at 0030 hours, Reporting Agent (RA) who was assigned as the NCISRA Yokosuka duty agent, received notification of an alleged sexual assault from (b)(6), (b)(7)(C) Investigator (INV), Criminal Investigations Division (CID), Command Fleet Activities Yokosuka (CFAY). INV (b)(6), (b)(7)(C) reported being contacted by CFAY Security who advised a (b)(6), (b)(7)(C) attempting to gain access to CFAY via the main gate at approximately 2355 hours. CFAY Security reported that (b)(6), (b)(7)(C) was observed with no shoes, no liberty buddy, covered in food or vomit, five (5) minutes prior to curfew. When escorted into the security office to determine the circumstances surrounding his appearance, (b)(6), (b)(7)(C) claimed he passed out in the Honcho District adjacent to CFAY and awoke believing he had been sexually assaulted.

(b)(6), (b)(7)(C) reported the subject was a CTT1 from his command and described him as a white male, 6'0" to 6'2", brown hair, long face, wearing a grey hooded shirt. He then stated he no longer wanted to speak to security. An ambulance was summoned, (b)(6), (b)(7)(C) s command, the USS ANITETAM (CG 54), was contacted to arrange for a victim advocate, and he was transported to U.S. Naval Hospital (USNH) Yokosuka. INV (b)(6), (b)(7)(C) attempted to gather additional information at the hospital but was denied access by the victim advocate based on her claim that the report was restricted. INV (b)(6), (b)(7)(C) subsequently contacted (b)(6), (b)(7)(C) USN, Duty Judge Advocate General (JAG),

FOR OFFICIAL USE ONLY
Page 1 of 4

F13-0580.FEYK 000117

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 16FEB13-FEYK-0044-8SNA/C

25Feb13

CFAY, who confirmed that because (b)(6), (b)(7)(C) had mentioned the alleged sexual assault to CFAY Security the report was considered unrestricted.

3. RA responded to hospital and made contact with emergency room (ER) staff and the assigned victim advocate from the USS ANTIETAM (CG-54). The attending physician, (b)(6), (b)(7)(C) USN, advised (b)(6), (b)(7)(C) was intoxicated but alert and oriented to person, place, date/time, and event. No injury was observed or reported. Subsequent to the physicians evaluation he was prepared to be released. RA then spoke with the victim advocate and the sexual assault nurse examiner (SANE). The victim advocate recommended the SANE nurse attempt to conduct the sexual assault forensic examination (SAFE) prior to the NCIS interview in order to maintain the subject's level of cooperation. (b)(6), (b)(7)(C) subsequently consented to the SAFE examination. Upon completion, the SANE advised there were no observed or reported injuries, and added that (b)(6), (b)(7)(C) left through the majority of the SAFE.

4. RA then made contact with (b)(6), (b)(7)(C) he was determined through questioning to be alert and oriented, followed normal conversation patterns, and was aware of why he was at the hospital. (b)(6), (b)(7)(C) reported leaving CFAY at about 1700 hours, obtained a tattoo at a parlor in the Honcho District from 1800-1930 hours, after which time he met up with four (4) friends from his command. Two (2) of the friends had pre-arranged to be liberty buddies. All five (5) individuals went to the Boot Camp Bar in the Honcho District where they each consumed several alcoholic beverages.

(b)(6), (b)(7)(C) does not remember leaving the bar nor did he remember whom he left with. The next thing he claimed to remember was being in a room in the Hotel New Yokosuka, 1-12 Honcho District, Yokosuka City, with a white male from his command. (b)(6), (b)(7)(C) said he remembers sitting on the bed in the room while the CTT1 sat in a chair. He reported the CTT1 telling him several times he should not leave and to stay in the room. (b)(6), (b)(7)(C) reported feeling very uneasy with the CTT1's insistence to stay in the room. He said he felt like he was going to be sexually assaulted so he jumped up from the bed, spilling a takeout container of Coco's Curry, and ran from the room. He added that he had taken his shoes off when he entered the room, and subsequently left them in the room when he ran out. He does not remember the room number, floor number, or how he got out of the hotel. (b)(6), (b)(7)(C) only remembers being behind the Hotel New Yokosuka, stuck behind a locked gate. He said he tried to get out the gate but had to later jump it in order to return to base. He recalled making contact with security and telling them about a sexual assault. When asked if he was injured he said "no". He also denied being touched by the CTT1 in a nonconsensual or offensive manner. He denied being involved in any conversation indicating the CTT1 wanted to have a sexual encounter, and reported he was unable to explain why he feared being sexually assaulted. RA confirmed he was not reporting being touched, assaulted, or solicited to have a sexual encounter and only felt as if it "might" occur. (b)(6), (b)(7)(C) said at no time was any of his clothing off during his time in the hotel room and he did not remember anything occurring before or after being in the hotel. (b)(6), (b)(7)(C) was provided a VWAP pamphlet and left with his command victim advocate. Exhibit (2) provides amplifying detail.

5. Subsequent to the interview of (b)(6), (b)(7)(C) at approximately 0700 hours, RA briefed the CFAY Command Duty Officer (CDO), and the USS ANITETAM (CG 54) CDO. RA also requested assistance from USS ANTIETAM (CG 54) Security in

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 16FEB13-FEYK-0044-8SNA/C

25Feb13

identifying the CTT1 (b)(6), (b)(7)(C) had described. At approximately 1330 hours, (b)(6), (b)(7)(C), USS ANTIETAM (CG 54), advised they had possibly identified the subject as (b)(6), (b)(7)(C) reported being unable to recall (b)(6), (b)(7)(C) who was currently on liberty for the weekend. Subsequent to this notification, RA and (b)(6), (b)(7)(C) Investigator, NCISRA Yokosuka, were able to successfully locate (b)(6), (b)(7)(C) at the Hotel New Yokosuka. RA and (b)(6), (b)(7)(C) made contact with (b)(6), (b)(7)(C) at room #924 and were permitted to enter his room to discuss the investigation. While in the room, the shoes that were left by (b)(6), (b)(7)(C) were located. (b)(6), (b)(7)(C) fully cooperated and agreed to accompany RA and (b)(6), (b)(7)(C) to NCISRA Yokosuka for a formal interview. At 1557 hours the recorded interview began. (b)(6), (b)(7)(C) described making contact with (b)(6), (b)(7)(C) at the Boot Camp Bar in the Honcho District. He reported observing him highly intoxicated and clearly impaired despite having what appeared to be two (2) to four (4) liberty buddies. (b)(6), (b)(7)(C) reported at the point that it appeared (b)(6), (b)(7)(C) was being left on his own, he decided to step in to keep him from getting in trouble or picked up by shore patrol. (b)(6), (b)(7)(C) described taking him to eat at Coco Curry's on HWY 16, and then to his room #924 at the Hotel New Yokosuka. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) was highly intoxicated and while in the room (b)(6), (b)(7)(C) asked to use his cell phone. (b)(6), (b)(7)(C) had a San Diego based phone that did not function in Japan. (b)(6), (b)(7)(C) described advising (b)(6), (b)(7)(C) to stay in the room to avoid being picked up by shore patrol. He described (b)(6), (b)(7)(C) as making a mess while eating his curry takeout while seated on the bed. (b)(6), (b)(7)(C) said after repeatedly asking to use his phone, (b)(6), (b)(7)(C) got up off the bed and walked out of the room. He estimated the time to be approximately 2300 hours. After approximately one (1) hour, when (b)(6), (b)(7)(C) did not return for his shoes, (b)(6), (b)(7)(C) assumed he had met back up with his friends. The next thing he reported was being contacted by NCIS. (b)(6), (b)(7)(C) denied sexually assaulting (b)(6), (b)(7)(C). He said he never touched him in any way, other than to hold him up and steady him while walking to eat, and back to the hotel. (b)(6), (b)(7)(C) reported only being in the hotel room with (b)(6), (b)(7)(C) for less than 15 minutes before he left. He had no idea why (b)(6), (b)(7)(C) would accuse him of a sexual assault, reported only trying to help him out, and was very angry that the claim had been made. (b)(6), (b)(7)(C) subsequently provided a sworn statement. Following the sworn statement, (b)(6), (b)(7)(C) signed a Permissive Authorization for Search and Seizure (PASS) to provide two (2) Buccal Swabs for DNA collection purposes. Exhibits (3) and (4) provide amplifying detail.

6. Following the interview of (b)(6), (b)(7)(C) he signed a second PASS for his hotel room at the Hotel New Yokosuka, room #924. At 1915 hours the PASS was executed. RA observed stains on the bed, bed spread, and floor similar with (b)(6), (b)(7)(C)'s reports curry being spilt. Photographs were taken of the room and its contents. Also, a sketch of the room was completed. Exhibit (5) provides amplifying detail. (b)(6), (b)(7)(C) was subsequently released to his command via (b)(6), (b)(7)(C) at 1945 hours.

7. On 16Feb13, at approximately 2000 hours, RA provided a verbal brief to (b)(6), (b)(7)(C) Executive Officer (XO), USS ANTIETAM (CG 54). RA advised that arrangements were made to re-interview (b)(6), (b)(7)(C) and obtain a sworn statement regarding the details surrounding the night of 15Feb13. RA advised that if (b)(6), (b)(7)(C) statement did not change from his original interview on 16Feb13, RA would deliver the results of the closed investigation when completed.

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE. CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 16FEB13-FEYK-0044-8SNA/C

25Feb13

8. On 19Feb13, RA conducted database queries on (b)(6), (b)(7)(C) Exhibit (6) pertains.

9. On 19Feb13, at 0924 hours, RA conducted a second interview of (b)(6), (b)(7)(C) During the interview, RA requested that (b)(6), (b)(7)(C) describe the events of 15Feb13 a second time. During this interview, (b)(6), (b)(7)(C) detailed the evenings timeline and reported having no knowledge of the events from the point he was in the Boot Camp Bar, until he remembered being in the hotel room with (b)(6), (b)(7)(C) He again confirmed that he was not touched in an offensive or suggestive manner, or without his consent. He confirmed that there was no discussion or suggestion of sexual acts with (b)(6), (b)(7)(C) and that he did not engage in any sex act with any person that entire night. He was unable to describe why he feared being sexually assaulted by (b)(6), (b)(7)(C) other than (b)(6), (b)(7)(C) insistence that he stay in the hotel. (b)(6), (b)(7)(C) provided a sworn statement. Exhibit (7) pertains.

10. The SAFE kit was maintained by the SANE and subsequently transported to long term storage per USNH protocol. The recorded video of the interview of (b)(6), (b)(7)(C) photographs from the PASS of Hotel New Yokosuka room #924, and the two (2) buccal swabs collected from (b)(6), (b)(7)(C) were placed in the NCISRA Yokosuka Evidence Custody System via log number FEYK 047-13. Due to the details of the incident reported by (b)(6), (b)(7)(C) all of which do not meet any elements associated with a UCMJ Article 120 violation, or attempted violation, and with the lack of evidence of a crime occurring, this investigation is closed as unfounded with the concurrence of Supervisory Special Agent (b)(6), (b)(7)(C)

PARTICIPANTS

(b)(6), (b)(7)(C), INVESTIGATOR, RESIDENT AGENCY YOKOSUKA

DISTRIBUTION

NCISHQ:014C/0023

INFO :FEFO/002P/FEYK (Executive Officer (XO) (b)(6), (b)(7)(C) USN)
(H)

FOR OFFICIAL USE ONLY
Page 4 of 4

F13-0580.FEYK 000120

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

749999 17:47 20110203 IN:SSDEMAIL #52460 OUT:NIPRDAAAM #38081

REPORT OF INVESTIGATION (CLOSED)

01FEB11

RAPE (II)

CONTROL: 16JAN11-FEYK-0014-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS BLUE RIDGE (LCC-19)/05840

MADE AT/FEYK/YOKOSUKA JAPAN

(b)(6), (b)(7)(C)

SPECIAL AGENT

EXHIBITS

- (1) IA: Acquisition of Handwritten Note of (b)(6), (b)(7)(C) 20Jan11... (Copy All)
- (2) Sworn Statement of (b)(6), (b)(7)(C) 16Jan11... (Copy All)
- (3) IA: Results of Interview of (b)(6), (b)(7)(C) 17Jan11... (Copy All)
- (4) IA: Results of Permissive Authorization for Search and Seizure for (b)(6), (b)(7)(C) 17Jan11... (Copy All)
- (5) Sworn Statement of (b)(6), (b)(7)(C) 16Jan11... (Copy All)
- (6) IA: Acquisition of Miscellaneous Writings/20Jan11... (Copy All)
- (7) Sworn Statement of (b)(6), (b)(7)(C) 16Jan11... (Copy All)
- (8) IA: Results of Crime Scene Examination/31Jan11... (Copy All)
- (9) IA: Results of Interview of (b)(6), (b)(7)(C) 18Jan11... (Copy All)
- (10) IA: Voicemail Recording of (b)(6), (b)(7)(C) 1Jan11... (Copy All)
- (11) IA: Results of Interview of (b)(6), (b)(7)(C) 19Jan11... (Copy All)
- (12) Sworn Statement of (b)(6), (b)(7)(C) 20Jan11... (Copy All)
- (13) IA: Results of Permissive Authorization for Search and Seizure/ (b)(6), (b)(7)(C) 20Jan11... (Copy All)
- (14) IA: Results of Surreptitious Recording/24Jan11... (Copy All)
- (15) IA: Results of Interview of (b)(6), (b)(7)(C) 25Jan11... (Copy All)
- (16) IA: Results of Interview of (b)(6), (b)(7)(C) 28Jan11... (Copy All)
- (17) Sworn Statement of (b)(6), (b)(7)(C) 28Jan11... (Copy All)
- (18) IA: Receipt of Evidence (b)(6), (b)(7)(C) Feb10... (Copy All)
- (19) IA: Receipt of Evidence (b)(6), (b)(7)(C) 3Feb10... (Copy All)

EXECUTIVE SUMMARY

1. On 16JAN11, NCIS received telephonic notification from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USS Blue Ridge (LCC-19), Yokosuka, Japan, that a sailor identified as (b)(6), (b)(7)(C) had returned to the ship from an Unauthorized Absence (U/A) status and during questioning about her whereabouts, she reported she had been raped by (b)(6), (b)(7)(C) USN, USS Blue Ridge (LCC-19), Ypkosuka, Japan, while at his residence. (b)(6), (b)(7)(C) was transported to NCISRA Yokosuka, Japan, wherein (b)(6), (b)(7)(C) waived his Article 31b rights and denied raping

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 6

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 16JAN11-FEYK-0014-8FNA/C

01Feb11

(b)(6), (b)(7)(C) but admitted to having consensual sexual intercourse with (b)(6), (b)(7)(C) was interviewed and indicated that while at (b)(6), (b)(7)(C) residence, (b)(6), (b)(7)(C) crawled into the bed where she was sleeping, got on top of her, pinned her to the bed, and raped her. (b)(6), (b)(7)(C) stated several times she told (b)(6), (b)(7)(C) to stop and he told her to "shut the fuck up" and that there was no use in her screaming because no one would hear her. A Sexual Assault Examination was conducted on (b)(6), (b)(7)(C) and sexual assault evidence collection kit was logged into the NCISRA Yokosuka evidence repository system. Multiple interviews were conducted of several of (b)(6), (b)(7)(C) friends and acquaintances, who each provided different accounts of what happened to (b)(6), (b)(7)(C) on 15Jan11. On 20Jan11, (b)(6), (b)(7)(C) USN, USS Blue Ridge (LCC-19), provided a statement indicating (b)(6), (b)(7)(C) told her she was not raped and she had never told anyone she was raped. (b)(6), (b)(7)(C) also stated (b)(6), (b)(7)(C) told her the whole situation got out of hand and she wasn't sure why she said she was raped. On 24Jan11, an oral intercept initiated and captured statements from (b)(6), (b)(7)(C) indicating she was not raped by (b)(6), (b)(7)(C) and that she did not want to get into trouble for having an unauthorized absence. On 28Jan11, after waiving her Article 31b rights (b)(6), (b)(7)(C) was interviewed and confessed to providing a false statement to NCIS. (b)(6), (b)(7)(C) advised the sexual relations between herself and (b)(6), (b)(7)(C) were consensual and what she provided in her NCIS statement on 16Jan11 was false. On 31Jan11, (b)(6), (b)(7)(C) Deputy Force Judge Advocate, Regional Legal Service Office, Yokosuka, Japan, was briefed regarding (b)(6), (b)(7)(C) confession. This investigation is closed and a subsequent investigation will be opened on (b)(6), (b)(7)(C) for providing false statements.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the Uniform Code of Military Justice (UCMJ) Article 120 (Rape, sexual assault, and other sexual misconduct).

2. On 15Jan11, (b)(6), (b)(7)(C) USN, USS Blue Ridge (LCC-19), Yokosuka, Japan, provided NCIS with a handwritten note by (b)(6), (b)(7)(C) describing her account of her alleged rape by (b)(6), (b)(7)(C). Exhibit (1) pertains.

3. On 16Jan11 (b)(6), (b)(7)(C) USN, USS Blue Ridge, (LCC-19), Yokosuka, Japan, provided a statement describing (b)(6), (b)(7)(C) reason for being in an unauthorized absence status. (b)(6), (b)(7)(C) stated he gave (b)(6), (b)(7)(C) a piece of paper to write her reason and after reading that (b)(6), (b)(7)(C) was sexually assaulted, he reported the incident to a Sexual Assault Victim Intervention coordinator; Exhibit (2) pertains.

4. On 16Jan11, (b)(6), (b)(7)(C) USN, US Naval Hospital, Yokosuka, Japan, was interviewed and advised she was the duty Sexual Assault Examination Nurse and she conducted the sexual assault examination on (b)(6), (b)(7)(C) provided NCIS with the sexual assault evidence collection kit, which was subsequently logged into the NCISRA Yokosuka evidence repository system; Exhibit (3) pertains.

5. On 16Jan11, (b)(6), (b)(7)(C) cellular telephone and Facebook account were searched subsequent to her providing authorization via a Permissive

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 6

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 16JAN11-FEYK-0014-8FNA/C

01Feb11

Authorization for Search and Seizure. (b)(6), (b)(7)(C) cellular telephone was called several times between 0055 and 0945 hours on 15Jan11 by friends and other unidentified phone numbers. (b)(6), (b)(7)(C)s Facebook account was searched and discovered conversations between (b)(6), (b)(7)(C) and her mother, and other individuals discussing relationship issues and other romantic interests; Exhibit (4) pertains.

6. On 16Jan11, (b)(6), (b)(7)(C) was interviewed and provided a statement indicating while at (b)(6), (b)(7)(C) residence (b)(6), (b)(7)(C) crawled into the bed where she was sleeping, got on top of her, pinned her to the bed, and raped her. (b)(6), (b)(7)(C) stated several times she told (b)(6), (b)(7)(C) to stop and he told her to "shut the fuck up" and that there was no use in her screaming because no one would hear her. (b)(6), (b)(7)(C) reported following the rape, (b)(6), (b)(7)(C) told her she needed to shower, at which time she did and subsequently left (b)(6), (b)(7)(C) residence and made her way back to the USS Blue Ridge; Exhibit (5) pertains.

7. On 16Jan11, following (b)(6), (b)(7)(C) interview, a piece of paper was discovered in the interview room that (b)(6), (b)(7)(C) wrote things on while NCIS agent were not present. A few notes on the paper included the following statements: "kill me now", "part of me just want to die & be done this!", "I wish I was dead!", "I'm emotionally unstable!!", and "I just want to crawl under a rock and die." (b)(6), (b)(7)(C) stated she did not have any suicidal thoughts following the discovery of the notes; Exhibit (6) pertains.

8. On 16Jan11, (b)(6), (b)(7)(C) was located and transported to NCISRA Yokosuka, Japan, wherein (b)(6), (b)(7)(C) was advised of his Article 31b rights, which he subsequently waived. (b)(6), (b)(7)(C) was interviewed and indicated he did not rape (b)(6), (b)(7)(C) but admitted to having consensual sexual intercourse with her. (b)(6), (b)(7)(C) provided a detailed statement to include things said and sexual acts performed; Exhibit (7) pertains.

9. On 16Jan11, a crime scene examination was conducted at (b)(6), (b)(7)(C) residence in Yokosuka, Japan. Photographs and sketches of the residence were taken to document the scene and items of evidentiary value were taken and logged into the NCISRA Yokosuka, Japan evidence repository system under log number 027-11; Exhibit (8) pertains.

10. On 18Jan11, (b)(6), (b)(7)(C) was interviewed and stated (b)(6), (b)(7)(C) told her she was raped by (b)(6), (b)(7)(C) via Facebook message, but did not know any details about the alleged rape. (b)(6), (b)(7)(C) advised she had not talked to (b)(6), (b)(7)(C) in detail about the alleged rape, but saw her on "Blue Street" in Yokosuka, Japan on the afternoon of 16Jan11 at the Soft Bank cell phone shop. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) appeared distracted, but was happy to see her, and for the most part acted normal. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) looked tired and stated she left her glasses at (b)(6), (b)(7)(C) house. (b)(6), (b)(7)(C) recalled joking with (b)(6), (b)(7)(C) about her evening with (b)(6), (b)(7)(C) along with the other friends she was with at the time. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) laughed at their comments, but would not provide details regarding sexual intercourse with (b)(6), (b)(7)(C) Exhibit (9) pertains.

11. On 18Jan11, (b)(6), (b)(7)(C) left a voicemail for NCIS agents indicating she had a conversation with (b)(6), (b)(7)(C) who stated she was not raped and she

WARNING

FOR OFFICIAL USE ONLY
Page 3 of 6

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 16JAN11-FEYK-0014-8FNA/C

01Feb11

never told anybody that she was raped. A copy of the recording was logged into the NCISRA Yokosuka, Japan, evidence repository system; Exhibit (10) pertains.

12. On 19Jan11, (b)(6), (b)(7)(C) USN, USS Blue Ridge (LCC-19) was interviewed (b)(6), (b)(7)(C) who stated she saw (b)(6), (b)(7)(C) at Chili's Restaurant, the A-Club a short time later, and Club US throughout the night. (b)(6), (b)(7)(C) advised she did not see (b)(6), (b)(7)(C) with any type of drink while at the A-Club or Club US. (b)(6), (b)(7)(C) stated she did not think (b)(6), (b)(7)(C) would drink in front of her if (b)(6), (b)(7)(C) were under age, because she is a (b)(6), (b)(7)(C) aboard the ship. (b)(6), (b)(7)(C) stated that at around the same time, (b)(6), (b)(7)(C) stated she was going to go back to the ship and (b)(6), (b)(7)(C) stated he was going to go home. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) told her (b)(6), (b)(7)(C) was going to take her back to the ship and she thought that would be okay since (b)(6), (b)(7)(C) was an E-6. (b)(6), (b)(7)(C) advised the following day, (b)(6), (b)(7)(C) called her as the SAVI representative and told her people were making things up about her being raped because of the liberty card issue. (b)(6), (b)(7)(C) said she talked to (b)(6), (b)(7)(C) who stated (b)(6), (b)(7)(C) asked him for a ride back to the base. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) said he should have never said yes to giving (b)(6), (b)(7)(C) a ride and allowing her to stay at his house. (b)(6), (b)(7)(C) further stated he would never rape anyone. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) gave (b)(6), (b)(7)(C) a ride to 'Blue Street' in Yokosuka and dropped her off in front of the Soft Bank cell phone store; Exhibit (11) pertains.

13. On 20Jan11, (b)(6), (b)(7)(C) provided a statement indicating (b)(6), (b)(7)(C) told her she was not raped and never told anyone she was raped. (b)(6), (b)(7)(C) also stated (b)(6), (b)(7)(C) told her the whole situation got out of hand and she wasn't sure why she said she was raped; Exhibit (12) pertains.

14. On 20Jan11, (b)(6), (b)(7)(C) Facebook account was reviewed to find a Facebook message chain between herself and (b)(6), (b)(7)(C). The message chain was found which indicated (b)(6), (b)(7)(C) was raped by (b)(6), (b)(7)(C) and she was 'tipsy', but not drunk. (b)(6), (b)(7)(C) also recorded the conversation between her and (b)(6), (b)(7)(C) but the recording is inaudible; Exhibit (13) pertains.

15. On 24Jan11, an oral wire intercept was successful in capturing statements from (b)(6), (b)(7)(C) indicating she was not raped by (b)(6), (b)(7)(C) and that she did not want to get into trouble for having an unauthorized absence. The recording included the following statements by (b)(6), (b)(7)(C): "It's not rape or whatever", "Shit, I probably raped him if anything", "It wasn't no rape, it was no where near as bad as rape", "Fuck NCIS, they can suck my left..."; Exhibit (14) provides amplifying details.

16. On 25Jan11, (b)(6), (b)(7)(C) USN, USS Blue Ridge (LCC-19), was interviewed and stated that at approximately 2359 hours on 14Jan11, (b)(6), (b)(7)(C) told her she was going to go back to the ship. (b)(6), (b)(7)(C) stated a short while after calling (b)(6), (b)(7)(C) on 15Jan11, she saw (b)(6), (b)(7)(C) in her civilian clothes on the ship. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) took her back to his house because (b)(6), (b)(7)(C) had her white liberty card. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) said she went to sleep in (b)(6), (b)(7)(C) bed and was sleeping for approximately 45 minutes before he raped her. (b)(6), (b)(7)(C) disclosed that (b)(6), (b)(7)(C) gave a different story to (b)(6), (b)(7)(C).

WARNING

FOR OFFICIAL USE ONLY
Page 4 of 6

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 16JAN11-FEYK-0014-8FNA/C

01Feb11

(b)(6), (b)(7)(C) USN, USS Blue Ridge (LCC-19). (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) was not drinking alcoholic beverages on the night of 14Jan11, but (b)(6), (b)(7)(C) was telling everyone she was drunk. (b)(6), (b)(7)(C) opined the allegation was false because (b)(6), (b)(7)(C) was hanging out all day after she got raped. (b)(6), (b)(7)(C) also stated she thought it was odd that (b)(6), (b)(7)(C) was telling people different stories of how she was raped; Exhibit (15) pertains.

17. On 28Jan11, (b)(6), (b)(7)(C) USN, USS Blue Ridge (LCC-19), was interviewed and stated (b)(6), (b)(7)(C) came back to the ship at approximately 1800 hours on 15Jan11 and told her she went to (b)(6), (b)(7)(C) house and watched a movie. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) appeared to be somewhat excited when describing her evening. Later, (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) told her she was raped by (b)(6), (b)(7)(C) as she was combing her hair in front of a mirror. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) told her on another occasion that (b)(6), (b)(7)(C) pinned her down on the bed and raped her. (b)(6), (b)(7)(C) stated it was odd that (b)(6), (b)(7)(C)'s story was always different. (b)(6), (b)(7)(C) stated she saw (b)(6), (b)(7)(C) on the evening of 14Jan11 and (b)(6), (b)(7)(C) appeared as if she had a couple of alcoholic beverages, but did not appear drunk. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) had lied to her friends before. (b)(6), (b)(7)(C) opined (b)(6), (b)(7)(C) rape allegation was false; Exhibit (16) pertains.

18. On 28Jan11, after waiving her Article 31b rights (b)(6), (b)(7)(C) was interviewed and confessed to providing a false statement to NCIS. (b)(6), (b)(7)(C) provided a statement advising the sexual relations between herself and (b)(6), (b)(7)(C) were consensual and what she provided in her first NCIS statement on 16Jan11 was false. (b)(6), (b)(7)(C) stated she did not want to get into trouble by her Command for an unauthorized absence. (b)(6), (b)(7)(C) further advised she panicked and did not know what else to say to in order not to get into trouble; Exhibit (17) pertains.

19. On 02Feb11, a recording of (b)(6), (b)(7)(C) 28Jan11 interview was copied to a DVD and logged into the NCISRA Yokosuka, Japan evidence repository system; Exhibit (18) pertains.

20. On 03Feb11, a recording of (b)(6), (b)(7)(C) 16Jan11 interview was copied to a DVD and logged into the NCISRA Yokosuka, Japan evidence repository system; Exhibit (19) pertains.

21. On 31Jan11, (b)(6), (b)(7)(C) Deputy Force Judge Advocate, Regional Legal Service Office, Yokosuka, Japan, was briefed regarding (b)(6), (b)(7)(C) confession, the closure of captioned investigation, and the initiation of a separate investigation on (b)(6), (b)(7)(C) for providing false statements. (b)(6), (b)(7)(C) USN, CO, USS Blue Ridge (LCC-19), was also apprised of status of this investigation. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

al Agent, NCISRA Yokosuka, Japan
ial Agent, NCISRA Yokosuka, Japan
ial Agent, NCISRA Yokosuka, Japan
ecial Agent, NCISRA Yokosuka, Japan
Special Agent, NCISRA Yokosuka, Japan

DISTRIBUTION

FOR OFFICIAL USE ONLY
Page 5 of 6

F13-0580.FEYK 000125

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 16JAN11-FEYK-0014-8FNA/C

01Feb11

NCISHQ: 0023B

INFO: FEYK/Commanding Officer, USS Blue Ridge (LCC-19)/CFAY CO
(H)/CFAY SJA (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C)

V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 6 of 6

F13-0580.FEYK 000126

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

//23/YK//

REPORT OF INVESTIGATION (CLOSED)

12FEB07

INDECENT ASSAULT (II)

CONTROL: 16OCT05-FEYK-0321-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS FITZGERALD (DDG-62)/21824

MADE AT/FEYK/YOKOSUKA JA/

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCES

- (A) NCISRA YOKOSUKA ROI (INTERIM)/01DEC05 (Exhibits 1-17 pertain)
- (B) NCISRA YOKOSUKA ROI (INTERIM)/25JAN06 (Exhibits 18-22 pertain)
- (C) NCISRA YOKOSUKA ROI (INTERIM)/07APR06 (Exhibits 23-25 pertain)
- (D) NCISRA YOKOSUKA ROI (INTERIM)/03AUG06 (Exhibits 26-28 pertain)
- (E) NCISRA YOKOSUKA ROI (INTERIM)/27NOV06

EXHIBIT

- (29) Record Of Proceedings Of An Administrative Board In Case of (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) USN/05Oct06... (Copy All)

EXECUTIVE SUMMARY

1. On 14Oct05, (b)(6), (b)(7)(C) reported she was sexually assaulted in the late hours of 13Oct05 by (b)(6), (b)(7)(C) in her hotel room in Kagoshima, Japan, where the USS Fitzgerald (DDG-62) was in port. (b)(6), (b)(7)(C) reported that she and a group of friends assigned to the USS Fitzgerald (DDG-62) rented hotel rooms in Kagoshima, and started drinking alcohol, then (b)(6), (b)(7)(C) became tired and went to her room to sleep. She later awoke and saw (b)(6), (b)(7)(C)'s head between her legs as he performed oral sex on her. When (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) what just happened, he apologized numerous times. (b)(6), (b)(7)(C) was later interviewed and admitted entering (b)(6), (b)(7)(C)'s hotel room uninvited, and trying to wake her, then fondling her genitals with his hand, removing her underwear and performing oral sex on her. (b)(6), (b)(7)(C) claimed (b)(6), (b)(7)(C) was awake initially, but (b)(6), (b)(7)(C) admitted he had to call her name numerous times when he intended to ask if she was interested in having sexual intercourse. Interviews of hotel staff confirm (b)(6), (b)(7)(C)'s hotel room door was left unsecured at the time. (b)(6), (b)(7)(C) entered the room and subsequently sexually assaulted her. On 29Sep06, (b)(6), (b)(7)(C) was reduced to E-5 at Captain's Mast, and an Administrative Board found (b)(6), (b)(7)(C) not guilty of sexually assaulting (b)(6), (b)(7)(C).

NARRATIVE

FOR OFFICIAL USE ONLY

Page 1

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
 CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE ACCESS
 HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED WITHOUT SPECIFIC
 AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

SUBJ:

(b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

1. Investigative details were previously documented in References (A) through (D). Since the submission of Reference (E), on 12Feb07 a copy of (b)(6), (b)(7)(C) Administrative Board proceedings was obtained from (b)(6), (b)(7)(C) USN, Executive Officer, USS FITZGERALD (DDG-62), Exhibit (29) provides amplifying details. This investigation is complete and this case is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/COMMAND (M) (ATTN: XO, (b)(6), (b)(7)(C)

CASE CONTROL		
	INITIALS	DATE
CCS		2/15/07
MAILED		2/15/07 (N)
XEROXD		
FAXD		
SSD		2/15/07
PROCOM		
DMS		

FOR OFFICIAL USE ONLY

Page 2

LAST

V2 LNY

F13-0580.FEYK 000128

(b)(6), (b)(7)(C)

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
 CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE ACCESS
 HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED WITHOUT SPECIFIC
 AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

552791 21:26 20061112 IN:SSDEMAIL #16553 OUT:NIPRDAAAM #5252

REPORT OF INVESTIGATION (CLOSED)

03NOV06

INDECENT ASSAULT (II)

CONTROL: 16OCT06-FEYK-0256-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/COMMANDER FLEET ACTIVITIES YOKOSUKA/61581

MADE AT/FEYK/YOKOSUKA JA/ (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) (b)(6), (b)(7)(C) Sworn Statement/12Oct06...(Copy all/Less ADPAC)
- (2) (b)(6), (b)(7)(C) Civilian Suspect's Acknowledgement and Waiver of Rights Form/13Oct06...(Copy all/Less ADPAC)
- (3) (b)(6), (b)(7)(C) Sworn Statement/13Oct06...(Copy all/Less ADPAC)
- (4) (b)(6), (b)(7)(C) S Sworn Statement/30Oct06...(Copy all/Less ADPAC)

NARRATIVE

1. This reactive investigation pertains to suspected violation of 18 USC =A7113(a) (Assault within maritime and territorial jurisdiction).

2. On 12Oct06, NCISRA Yokosuka, Japan was contacted by (b)(6), (b)(7)(C) who reported she had been sexually assaulted on 11Oct06 in Kamakura, Japan. (b)(6), (b)(7)(C) was interviewed at NCISRA Yokosuka, Japan and provided a sworn statement. (b)(6), (b)(7)(C) stated she was visiting her (b)(6), (b)(7)(C) dependant of a civilian contractor employed at the University of Texas aboard Yokosuka Naval Base, hereafter referred to as (b)(6), (b)(7)(C). During (b)(6), (b)(7)(C) visit, (b)(6), (b)(7)(C) introduced her to his co-worker, (b)(6), (b)(7)(C) Civilian, USN, hereafter referred to as (b)(6), (b)(7)(C). After (b)(6), (b)(7)(C) was introduced to (b)(6), (b)(7)(C) he offered to take her on a tour of the Great Buddha Shrine in Kamakura, Japan, which she accepted. During the tour, (b)(6), (b)(7)(C) decided to take a photograph of the shrine. While taking a photograph, (b)(6), (b)(7)(C) states (b)(6), (b)(7)(C) stood behind her and pressed what she thought was his erect penis (clothed) against her buttocks (clothed). (b)(6), (b)(7)(C) immediately stepped away from (b)(6), (b)(7)(C) however he reportedly did the same thing again. Exhibit (1) provides further details.

3. (b)(6), (b)(7)(C) was subsequently interviewed on 13Oct06 after being advised of and waiving his rights. (b)(6), (b)(7)(C) provided a sworn statement wherein he denied having any physical contact of a sexual nature with (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) explained he never became sexually excited with (b)(6), (b)(7)(C) or expressed any interest in her during their trip to Kamakura. (b)(6), (b)(7)(C) could not explain why (b)(6), (b)(7)(C) would make such a claim. Exhibits (2) and (3) pertain.

4. On 30Oct06, (b)(6), (b)(7)(C) was interviewed regarding her knowledge of the events surrounding this investigation. (b)(6), (b)(7)(C) provided a statement wherein she detailed a phone call she received from

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 16OCT06-FEYK-0256-8DNA/C

03Nov06

(b)(6), (b)(7)(C) after the alleged assault occurred. According to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) expressed she was not feeling well and (b)(6), (b)(7)(C) had done something "very inappropriate" to her. When (b)(6), (b)(7)(C) met (b)(6), (b)(7)(C) in person later that day, (b)(6), (b)(7)(C) detailed how (b)(6), (b)(7)(C) assaulted her inside the Great Buddha shrine by pressing his erect genitals (clothed) on her buttocks. (b)(6), (b)(7)(C) also stated (b)(6), (b)(7)(C) appeared disgusted and upset. Exhibit (4) provides further details.

5. Due to the reported location of the alleged incident, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) International Criminal Investigations Section, Yokosuka Police Station, Kanagawa Prefecture Police (KPP), was apprised of cited incident. Based upon (b)(6), (b)(7)(C) statement, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) advised the elements of a Japanese criminal violation did not apply. (b)(6), (b)(7)(C) also advised KPP would not initiate an investigation.

6. (b)(6), (b)(7)(C) USN, JAGC, Region Legal Service Office, Yokosuka, Japan was apprised of captioned investigation. (b)(6), (b)(7)(C) did not believe a civilian prosecution against (b)(6), (b)(7)(C) was warranted due to the lack of evidence. (b)(6), (b)(7)(C) CFAY SJA, was apprised of the incident and subsequent investigation and due to the circumstances opined no civilian adjudication against (b)(6), (b)(7)(C) was appropriate. This investigation is complete. This case is closed.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Investigator, NCISRA Yokosuka, JA

ACTION

0023B: Only Report.

DISTRIBUTION

NCISHQ: 0023B

ACTION: 0023B

INFO: ADPAC/FEYK/RLSO Japan, Attn: (b)(6), (b)(7)(C) (M) /CNFJ LEGAL, Attn:

(b)(6), (b)(7)(C) (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

338475 02:04 20120223 IN:SSDEMAIL #81873 OUT:NIPRDAAAM #80890

REPORT OF INVESTIGATION (CLOSED)

23FEB12

INDECENT ASSAULT (II)

CONTROL: 17JUL11-FEYK-0412-8DMA/C

(b)(6), (b)(7)(C)

COMMAND/CBTLOGBN 4 CBTLOGREGT 3 3D MLG OKINAWA, JAPAN /38404

MADE AT/FEYK/NCISRA YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

- (A) NCISRA Yokosuka, Japan ROI (INTERIM)/16Sep11 (Contains Exhibits 1-8)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM)/03Nov11 (Contains Exhibits 9-12)
- (C) NCISRA Yokosuka, Japan ROI (INTERIM)/30Dec11 (Contains Exhibit 13)

EXHIBIT

(14) Results of DNA Comparison/Analysis/06Feb12...(Copy All)

EXECUTIVE SUMMARY

1. On 17Jul11, (b)(6), (b)(7)(C) Investigator, Command Investigation Division (CID), Okinawa, Japan, contacted Participating Agent (PA) (b)(6), (b)(7)(C) regarding a potential sexual assault involving (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) had contacted his command and related he believed he had been the victim of sexual assault. (b)(6), (b)(7)(C) could recall no details concerning the location of the apartment he allegedly woke up in and he declined to file a formal complaint with Japanese Police. (b)(6), (b)(7)(C) underwent a Sexual Assault Forensic Exam (SAFE). (b)(6), (b)(7)(C) USN, Sexual Assault Nurse Examiner, USNH, Yokosuka, stated that results of the exam were negative and inconclusive to (b)(6), (b)(7)(C) recollection of the events. The SAFE Kit was collected and submitted to the U.S. Army Criminal Investigation Laboratory (USACIL) for analysis. (b)(6), (b)(7)(C) stated that on 16Jul11, he, (b)(6), (b)(7)(C) USMC, CBTLOGBN 4, CBTLOGREGT 3, 3D MLG, Camp Foster, Okinawa, Japan, and a third Marine who was later fully identified as (b)(6), (b)(7)(C) USMC, 7TH Communication Battalion III, were on a layover at Tokyo Narita Airport, en-route to Okinawa, Japan, and decided to stay the night at the Tokyo Excel Hotel. (b)(6), (b)(7)(C) stated that he and (b)(6), (b)(7)(C) were drinking a lot of Rum and Coke at club "WOMB." (b)(6), (b)(7)(C) stated that he did not remember leaving the club, but he later woke up in a strange apartment, naked, and in a child's bed. (b)(6), (b)(7)(C) stated that he did not see anyone else in the apartment. (b)(6), (b)(7)(C) stated that while he was walking back to his hotel, he felt something from his anus that felt like lotion. (b)(6), (b)(7)(C) stated he had no memory of where the apartment was or any details about the area surrounding the apartment. (b)(6), (b)(7)(C) were interviewed, but could not provide any additional information concerning a crime scene or possible suspects. (b)(6), (b)(7)(C) sexual

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 1 of 3

F13-0580.FEYK 000131

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 17JUL11-FEYK-0412-8DMA/C

23Feb12

assault kit was analyzed by Trace Evidence Branch, USACIL. A review of the report revealed foreign fibers and hairs were collected from (b)(6), (b)(7)(C)'s jeans, shirt and underwear. The report stated the hairs and fibers could be compared to a possible source if one was identified. RA was contacted by (b)(6), (b)(7)(C) Civ, Forensic DNA Examiner, USACIL DNA Branch, requesting known DNA samples from (b)(6), (b)(7)(C) for elimination purposes. On 26Sep11, (b)(6), (b)(7)(C) reported the results of (b)(6), (b)(7)(C) Sexual Assault Kit DNA analysis. The report stated semen was identified on (b)(6), (b)(7)(C)'s shirt; however no spermatozoa were observed. All other items in the kit were negative for bodily fluids. On 11Oct11, Participating Agent (PA) (b)(6), (b)(7)(C) collected DNA swabs from (b)(6), (b)(7)(C) and submitted the swabs to the USACIL DNA Branch. Inquiries were made to the Tokyo Metropolitan Police Department (TMPD) to identify any possible video cameras inside and outside of club "WOMB" and the surrounding streets. TMPD reported that no cameras are located in those areas. RA received the Report of Toxicological Examination Results from (b)(6), (b)(7)(C) PhD, Certifying Scientist, Forensic Toxicology Laboratory, Office of the Armed Forces Medical Examiner, Rockville MD. A review of the report revealed (b)(6), (b)(7)(C) blood and urine samples were examined; however no ethanol or drugs were discovered. To date, no suspect or crime scene has been identified. (b)(6), (b)(7)(C) was re-interviewed; however could not provide any additional details of the incident. The USACIL DNA lab issued a report revealing the stain on (b)(6), (b)(7)(C) shirt did not contain any DNA for comparison purposes. The DNA on swabs taken from (b)(6), (b)(7)(C) underwear matched the DNA profile of (b)(6), (b)(7)(C). All investigative steps are complete. Due to the lack of developing a Subject, crime scene, and other supporting witnesses and evidence, this investigation is hereby closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Uniform Code of Military Justice (UCMJ) Article 120 (Rape, sexual assault and other sexual misconduct).

2. On 06Feb12, Reporting Agent (RA) received the USACIL DNA lab issued a report revealing the stain on (b)(6), (b)(7)(C) shirt did not contain any DNA for comparison purposes. The DNA on swabs taken from (b)(6), (b)(7)(C) underwear matched the DNA profile of (b)(6), (b)(7)(C); Exhibit (14) pertains.

3. To date, no suspect or crime scene has been identified. All investigative steps are complete. Due to the lack of developing a Subject, crime scene, and other supporting witnesses and evidence, this investigation is hereby closed.

ACTION

FEOK: Provide copy of report to (b)(6), (b)(7)(C) USMC,

Executive Officer, CLB-4 DSN: (b)(6), (b)(7)(C) email:

(b)(6), (b)(7)(C)

DISTRIBUTION

NCISHQ: 0023B

ACTION: FEOK (M)

INFO: FEYK/014C (b)(6), (b)(7)(C) USMC, Executive Officer, CLB-4 (H)

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 2 of 3

F13-0580.FEYK 000132

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 17JUL11-FEYK-0412-8DMA/C

23Feb12

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C)

V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 3 of 3

F13-0580.FEYK 000133

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

374766 21:29 20120321 IN:SSDEMAIL #90681 OUT:NIPRDAAAM #89081

REPORT OF INVESTIGATION (CLOSED)

20MAR12

RAPE (II)

CONTROL: 18DEC11-FEYK-0726-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS COWPENS (CG-63)/21623

MADE AT/FEYK/NCISRA YOKOSUKA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka, Japan ROI (INTERIM)/17Feb12 (Contains Exhibits 1-16)

EXECUTIVE SUMMARY

1. On 18Dec11 at approximately 0500 hours, Participating Agent (PA) (b)(6), (b)(7)(C) received notification from the Criminal Investigations Division (CID), Commander Fleet Activities Yokosuka (CFAY), Japan, regarding the potential rape of (b)(6), (b)(7)(C). CID reported that (b)(6), (b)(7)(C) friend, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS COWPENS (CG-63), reportedly notified CFAY Security of the incident after returning to her room at the Gateway Inn aboard CFAY and finding (b)(6), (b)(7)(C) lying on top of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) was transported to the US Naval Hospital (USNH), Yokosuka, Japan, to undergo a Sexual Assault Forensic Examination (SAFE). PA (b)(6), (b)(7)(C) arrived at the USNH and was told by (b)(6), (b)(7)(C) USN, Doctor of (b)(6), (b)(7)(C) USNH, that (b)(6), (b)(7)(C) reported she had been raped in a Bachelor Officer's Quarter (BOQ) room on base. (b)(6), (b)(7)(C) stated that on the evening of 17Dec11, she had been at a bar with friends from the USS COWPENS (CG-63). (b)(6), (b)(7)(C) reportedly had three or four alcoholic beverages and was inebriated. (b)(6), (b)(7)(C) stated she lost her memory after approximately 2300 hours and her next memory was at approximately 0400 hours when (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) if she was okay, after waking up next to (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) was advised of and waived his Article 31b rights. (b)(6), (b)(7)(C) stated that on the night of 17Dec11, he and (b)(6), (b)(7)(C) went out drinking in the Honch district of Yokosuka. (b)(6), (b)(7)(C) stated that at approximately midnight, he and (b)(6), (b)(7)(C) walked back to the BOQ room and engaged in consensual sex. (b)(6), (b)(7)(C) stated they were both drunk, but (b)(6), (b)(7)(C) appeared to be aware of what she was doing. (b)(6), (b)(7)(C) consented to a Sexual Assault Forensic Examination (SAFE) at the USNH, Yokosuka, Japan. Multiple witness interviews were conducted concerning the events of the night in question. Service record books for (b)(6), (b)(7)(C) were reviewed. (b)(6), (b)(7)(C) USN, Trial Counsel, Region Legal Services Office (RLSO), Yokosuka, Japan, met with (b)(6), (b)(7)(C) and briefed her with an update of the case. (b)(6), (b)(7)(C) signed a Declination Statement, withdrawing herself

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000134

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 18DEC11-FEYK-0726-8FNA/C

20Mar12

from participation in the investigation. Due to the declination to participate in the investigation, signed by (b)(6), (b)(7)(C) RLSO and the USS COWPENS (CG-63) have declined to proceed further with judicial/administrative action. This case is hereby closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Uniform Code of Military Justice (UCMJ) Article 120 (Rape, sexual assault, and other sexual misconduct).

2. Subsequent to the submission of Reference (A), on 14Mar12, RA was informed by (b)(6), (b)(7)(C) USN, Trial Counsel, Region Legal Services Office (RLSO), Yokosuka, Japan, that due to (b)(6), (b)(7)(C) declined to participate in the investigation, RLSO and (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, CO, USS COWPENS (CG-63) have decided not to move forward with the case.

3. On 15Mar12, RA briefed Participating Agent (PA) (b)(6), (b)(7)(C) the status of the investigation. On 19Mar12 PA (b)(6), (b)(7)(C) notified RA that (b)(6), (b)(7)(C) had been briefed on the status of the investigation and provided RA with (b)(6), (b)(7)(C) current address for the return of her items. Due to the declination to participate in the investigation, signed by (b)(6), (b)(7)(C) RLSO and the USS COWPENS (CG-63) have declined to proceed further with judicial/administrative action. This case is hereby closed.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan
(b)(6), (b)(7)(C) Special Agent Afloat, NCISRU USS GEORGE HW BUSH (CVN-77), Norfolk, VA

DISTRIBUTION

NCISHQ: 0023

INFO: FEYK/NFNF (b)(6), (b)(7)(C) USN, CO, CFAY (H) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN, CO, USS GEORGE HW BUSH (CVN-77) via (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN, CO, USS COWPENS (CG-63)
(H) (b)(6), (b)(7)(C) USN, Force Judge Advocate, Task Force 70, Carrier Strike Group Five (H) (b)(6), (b)(7)(C) USN, RLSO, CFAY (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

641137 20:38 20080604 IN:SSDEMAIL #12850 OUT:NIPRDAAAM #2852

REPORT OF INVESTIGATION (CLOSED)

03JUN08

INDECENT ASSAULT (II)

CONTROL: 18JAN08-FEYK-0003-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/COMMANDER FLEET ACTIVITIES YOKOSUKA/61054

MADE AT/FEYK/NCISFO YOKOSUKA JAPAN

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCES

(A) NCISRA YOKOSUKA ROI (INTERIM) /17MAR08

(B) NCISRA YOKOSUKA ROI (INTERIM) /07APR08 (Contains Exhibits 1-22)

EXHIBITS

(23) CFAY Letter: Disposition of Civilian Administrative Forum
(CAF)/29May08...(Copy all)

EXECUTIVE SUMMARY

1. This investigation was opened to report the details and disposition of a Japanese Police investigation into an alleged indecent assault of a (b)(6), (b)(7)(C) national female, (b)(6), (b)(7)(C) by (b)(6), (b)(7)(C) GS-4, hereafter referred to as (b)(6), (b)(7)(C)

2. On 06Oct07, between the hours of 0330 and 0410, (b)(6), (b)(7)(C) was allegedly assaulted twice by (b)(6), (b)(7)(C) once inside a bar in Shibuya, Tokyo, and then again outside the bar in an alley. The first incident involved (b)(6), (b)(7)(C) exposing his genitals to (b)(6), (b)(7)(C) in a bar restroom and attempting to push her head towards his penis. (b)(6), (b)(7)(C) pushed (b)(6), (b)(7)(C) away and went back into the bar. The victim later left the bar with (b)(6), (b)(7)(C) and reported (b)(6), (b)(7)(C) exposed himself and forcibly inserted his penis into (b)(6), (b)(7)(C) mouth while walking together in an alley. (b)(6), (b)(7)(C) stated she resisted, struggled, and fell backwards as she pushed away from (b)(6), (b)(7)(C) took a taxi to her residence, and later that day went to a hospital to be treated for bruises obtained during her struggle with (b)(6), (b)(7)(C)

3. NCISRA Yokosuka was notified by Shibuya Police that during interview (b)(6), (b)(7)(C) admitted to the physical contact with (b)(6), (b)(7)(C) but stated the contact was consensual. Shibuya Police also notified NCISRA Yokosuka a private settlement had been negotiated between (b)(6), (b)(7)(C) through their respective legal representatives. On 28Mar08, Shibuya Police stated the Prosecutor's Office declined to indict (b)(6), (b)(7)(C)

4. On 29May08, (b)(6), (b)(7)(C) received 150 hours of community service on board Commander Fleet Activities Yokosuka as a result of a Civilian Administrative Forum hearing.

FOR OFFICIAL USE ONLY
Page 1 of 2

F13-0580.FEYK 000136

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 18JAN08-FEYK-0003-8DNA/C

03Jun08

NARRATIVE

1. This investigation was opened to report the details and disposition of a Japanese Police investigation into an alleged indecent assault of a (b)(6), (b)(7)(C) national female, (b)(6), (b)(7)(C) by (b)(6), (b)(7)(C)

2. On 29May08, (b)(6), (b)(7)(C) received 150 hours of community service on board Commander Fleet Activities Yokosuka, suspended debarment, and suspended removal from Japan as a result of a Civilian Adjudication Forum hearing. Exhibit (23) pertains. Investigation is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/CFAY Legal/PSA Pacific

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000137

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

646744 03:04 20120809 IN:SSDEMAIL #32646 OUT:NIPRDAAAM #31988

REPORT OF INVESTIGATION (CLOSED)

02AUG12

RAPE (II)

CONTROL: 18JUL12-FEYK-0480-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/U.S. NAVAL HOSPITAL YOKOSUKA/68292

MADE AT/FEYK/YOKOSUKA JAPAN

(b)(6), (b)(7)(C)

INVESTIGATOR

EXECUTIVE SUMMARY

1. On 17JUL12, NCISRA Yokosuka, Japan was notified by (b)(6), (b)(7)(C) CIV, Sexual Assault Response Coordinator (SARC), Fleet and Family Service Center (FFSC), Commander Fleet Activities Yokosuka (CFAY), Japan regarding (b)(6), (b)(7)(C) filing an "Unrestricted" report of an rape which occurred on 10DEC11 by

(b)(6), (b)(7)(C)

NARRATIVE

1. On 02AUG12, RLSO Yokosuka, Japan requested NCISRA Yokosuka, Japan to merge this investigation with case 18APR12-FEYK-0254-8FNA. It will be prosecuted as a single case with multiple victims.

2. This case is closed with all investigative activity conducted to this point and any subsequent investigation will be reported under 18APR12-FEYK-0254-8FNA.

DISTRIBUTION

NCISHQ: 023B

INFO: FEYK

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 1 of 1

F13-0580.FEYK 000138

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

791952 03:07 20110325 IN:SSDEMAIL #1680 OUT:NIPRDAAAM #52021

REPORT OF INVESTIGATION (CLOSED)

24MAR11

INDECENT ASSAULT (II)

CONTROL: 18NOV10-FEYK-0496-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS MCCAMPBELL (DDG-85)/22993

MADE AT/FEYK/YOKOSUKA JAPAN

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka, Japan ROI (INTERIM)/01Dec10...(Contains Exhibits 1-5)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM)/25Jan11

EXHIBITS

- (6) Receipt of Non Judicial Punishment Results for (b)(6), (b)(7)(C) 24Mar11...(Copy All)
- (7) Receipt of Separation Board Findings/Recommendations Sheet/24Mar11...(Copy All)

EXECUTIVE SUMMARY

1. On 17Nov10, NCISRA Yokosuka, Japan, was notified by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Staff Judge Advocate (SJA), Commander Fleet Activities Yokosuka (CFAY), Japan, that (b)(6), (b)(7)(C) was indecently assaulted by (b)(6), (b)(7)(C). As background, (b)(6), (b)(7)(C) is a massage therapist at the Purdy Gym, CFAY, Japan. (b)(6), (b)(7)(C) was interviewed and stated that at the conclusion of the Thai massage for (b)(6), (b)(7)(C) he untied her pants, got on his knees and had his face close to her genitals. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) stood up, exposed his penis, and said, "Can you suck me?". (b)(6), (b)(7)(C) stated she was shocked and left the room. A search of the massage room was conducted and no items of evidentiary value were noted. (b)(6), (b)(7)(C) was interviewed subsequent to advisement and waiver of his Article 31b rights and he provided a sworn statement wherein he admitted full culpability to exposing his penis to (b)(6), (b)(7)(C). On 08Dec10, (b)(6), (b)(7)(C) was subject to Non-judicial Punishment (NJP) and was found guilty of a violation of Uniform Code of Military Justice (UCMJ) Article 92 (Failure to Obey Order or Regulation). (b)(6), (b)(7)(C) was awarded 60 days restriction to the ship and a reduction in rate of one pay grade. Subsequent to receipt of his Non-Judicial Punishment, (b)(6), (b)(7)(C) was subject to a Separation Board and was awarded an Other than Honorable Discharge (OTH) from the US Navy. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to a suspected violation of Article 120 (Rape, sexual assault, and other sexual misconduct) and Article 128 (Assault) of the Uniformed Code of

FOR OFFICIAL USE ONLY
Page 1 of 2

F13-0580.FEYK 000139

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 18NOV10-FEYK-0496-8DNA/C

24Mar11

Military Justice (UCMJ).

2. Subsequent to the submission of References (A) and (B), on 08Dec10, a Non-Judicial Punishment (NJP) hearing was conducted to wit (b)(6), (b)(7)(C) was found guilty of a violation of Uniform Code of Military Justice (UCMJ) Article 92 (Failure to Obey Order or Regulation). (b)(6), (b)(7)(C) was awarded 60 days restriction to the ship and a reduction in rate one pay grade; Exhibit (6) contains additional details.

3. On 08Mar11, (b)(6), (b)(7)(C) USN, 2nd LT, Legal Officer, USS MCCAMPBELL (DDG-85) advised that an administrative separation board was conducted and (b)(6), (b)(7)(C) was awarded an Other the Honorable Discharge; Exhibit (7) for additional details.

4. On 24Mar11, (b)(6), (b)(7)(C) fingerprints and mug shots were electronically transmitted via LiveScan transaction number FEYK0000000091. This investigation is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: 024A/24B3/002P/FEYK (b)(6), (b)(7)(C) Deputy Force Judge Advocate, Regional Legal Service Office, Yokosuka, Japan (H) / (b)(6), (b)(7)(C), USN, Commanding Office (CO), CFAY, Japan (H) / CFAY SJA (H) / Command CO (H) / CTF70 SJA (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 2 of 2

F13-0580.FEYK 000140

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

767264 00:26 20081023 IN:SSDEMAIL #42925 OUT:NIPRDAAAM #32250

REPORT OF INVESTIGATION (CLOSED)

09OCT08

INDECENT ASSAULT (II)

CONTROL: 19DEC07-FEYK-0361-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS SHILOH (CG 67) /21657

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

- (A) NCISRA Yokosuka, Japan ROI (INTERIM) /29Apr08... (Contains Exhs. 1-22)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM) /28May08... (Contains Exhs. 23-27)
- (C) NCISRA Yokosuka, Japan ROI (INTERIM) /10Jun08... (Contains Exhs. 28-50)
- (D) NCISRA Yokosuka, Japan ROI (INTERIM) /09Sep08... (Contains Exhs. 51-55)

EXECUTIVE SUMMARY

1. On 19DEC07, NCISRA Yokosuka was notified of an alleged indecent = assault that occurred aboard the USS SHILOH (CG-67) on 18DEC07, = references (A) - (D) pertain. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) expressed = romantic feelings towards her, caressed and attempted to kiss her breast = during a breast examination in (b)(6), (b)(7)(C) office. Subsequent to (b)(6), (b)(7)(C) allegation, two additional indecent assault = allegations against (b)(6), (b)(7)(C) surfaced. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) made unsolicited verbal and physical sexual advances towards her during = a medical visit. (b)(6), (b)(7)(C) alleged (b)(6), (b)(7)(C) rendered what she thought = was an extended breast exam that resulted in (b)(6), (b)(7)(C) telling (b)(6), (b)(7)(C) = she had "perfect, beautiful breasts." (b)(6), (b)(7)(C) denied culpability and = (b)(6), (b)(7)(C) advised she was present for at least one of the breast = examinations and stated nothing out of the ordinary occurred. Command = has been apprised of action to date and advised after discussing the = matter with the Regional Legal Service Office they have declined to = refer charges against (b)(6), (b)(7)(C) All investigative action has been = completed and this investigation is closed.

NARRATIVE

1. On 07Oct08, (b)(6), (b)(7)(C) USN, Trial Counsel, Regional Legal = Service Office, Yokosuka, Japan advised (b)(6), (b)(7)(C) command declined to = prefer charges after consultation with RLSC.

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 19DEC07-FEYK-0361-8DNA/C

09Oct08

2. This investigation is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/CO, USS SHILOH (CG-67) (M)/RLSO (ATTN: (M)

(b)(6), (b)(7)(C)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C)

V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

418167 22:59 20060619 IN:SSDEMAIL #44333 OUT:NIPRDAAAM #33171

REPORT OF INVESTIGATION (CLOSED)

16JUN06

INDECENT ASSAULT (II)

CONTROL: 19JAN06-FEYK-0015-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/NAVCOMTELSTA YOKOSUKA JA/70278

MADE AT/FEYK/YOKOSUKA JA

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCE(S) (S)

NCISRA Yokosuka ROI(INTERIM)/06FEB06 (Contains Exhibits 1 - 25)

EXHIBIT(S)

- (26) IA: Results of Interview of (b)(6), (b)(7)(C) 16FEB06...(Copy FEYK only)
- (27) IA: Results of Interview of (b)(6), (b)(7)(C) /23FEB06...(Copy FEYK only)
- (28) IA: Results of Photographic Police Report from Yokosuka Police Station/14FEB06...(Copy FEYK only)
- (29) IA: Results of Report of Investigations from Yokosuka Police Station/14FEB06...(Copy FEYK only)
- (30) IA: Results of Report of Investigation from Yokosuka Police Station/14FEB06...(Copy FEYK only)
- (31) IA: Results of Synoptic Translation of Yokosuka Police Station Police Reports/27FEB06...(Copy FEYK only)
- (32) IA: Receipt of Motion to Suppress/30MAR06...(Copy All)
- (33) IA: Report of Results of Special Courts-Martial of (b)(6), (b)(7)(C) 16JUN06...(Copy All)
- (34) Fingerprint cards of (b)(6), (b)(7)(C) 19JAN06...(Orig to NCISHQ only)
- (35) Photographs of (b)(6), (b)(7)(C) 19JAN06...(Orig to NCISHQ only)

EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 19JAN06, following notification from Criminal Investigative Division (CID), Security Department, Commander Fleet Activities Yokosuka (CFAY), Japan, that a (b)(6), (b)(7)(C) national, later identified as (b)(6), (b)(7)(C), reported that on 19JAN06, at approximately 0200, she was forced into a (b)(6), (b)(7)(C) male's off-base apartment, assaulted, and rape was attempted. The male was apprehended on scene by CFAY Security and identified as (b)(6), (b)(7)(C) USN, NCTS. Initial contact between (b)(6), (b)(7)(C) occurred at a local club, located in the Honch district of Yokosuka, JA, called "Shall Town", where both engaged in alcohol consumption.

2. Navy Legal Service Office (NLSO) filed for a motion to suppress the statement NCIS Yokosuka obtained from (b)(6), (b)(7)(C). At Special Courts-Martial aboard CFAY Japan, (b)(6), (b)(7)(C) plead not guilty to Uniform Code of Military Justice of violations of Article 91 (Willfully

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 19JAN06-FEYK-0015-8DNA/C

16Jun06

Disobeying an Order), Article 109 (Willful Destruction), Article 128 (Assault - Battery), and Article 134 (Indecent Assault). (b)(6), (b)(7)(C) was found not guilty on Article 91, Article 128, and Article 134. Charges were withdrawn for Article 109. This investigation is closed.

NARRATIVE

1. This investigation was initiated based on NCIS concurrent jurisdiction of the suspected violations of the Uniform Code of Military Justice (UCMJ), Article 97 (Unlawful Detention), Article 128 (Assault - Battery), and Article 134 (Indecent Assault). During the investigation the violation of Article 97 was declined. The violation of UCMJ Article 91 (Willfully Disobeying an Order) and Article 109 (Willful Destruction) was assumed. On 27JAN06, the Yokosuka Police Station (YPS) declined jurisdiction. NCIS assumed primary jurisdiction.

2. Subsequent to investigative steps documented in Reference (A), Case Agent obtained additional reports from YPS and the results of (b)(6), (b)(7)(C) s Special Courts-Martial (SPCM).

3. Participating Investigator (PI) (b)(6), (b)(7)(C) obtained a statement from (b)(6), (b)(7)(C) USN, CFAY Security Detachment, regarding his knowledge of captioned investigation. Exhibit (26) pertains. Participating Agent (b)(6), (b)(7)(C) obtained a statement from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) regarding her knowledge of captioned investigation. An initial interview was conducted with (b)(6), (b)(7)(C) earlier during the investigation. Exhibit (27) pertains. TSO obtained these reports earlier during the investigation.

4. PI (b)(6), (b)(7)(C) obtained police reports from YPS regarding their initial investigative steps. Exhibits (28) through (31) pertain.

5. Navy Legal Service Office (NLSO) filed for a motion to suppress the statement NCIS Yokosuka obtained from (b)(6), (b)(7)(C) on the basis of (b)(6), (b)(7)(C) invoking his right to counsel while in the custody of CFAY Security. Exhibit (32) pertains.

6. At a SPCM aboard CFAY Japan, (b)(6), (b)(7)(C) plead not guilty to the violation of Article 91 (Willfully Disobeying an Order), Article 109 (Willful Destruction), Article 128 (Assault - Battery), and Article 134 (Indecent Assault). (b)(6), (b)(7)(C) was found not guilty on Article 91, Article 128, and Article 134. Charges were withdrawn for Article 109. Exhibit (33) pertains. Command was briefed regarding the results of the SPCM.

7. (b)(6), (b)(7)(C) fingerprints are being forwarded to NCISHQ, Code 23CL, Washington, DC Exhibit (34) pertains. Photographs of (b)(6), (b)(7)(C) are being forwarded for inclusion in to NCISHQ MASTER FILE. Exhibit (35) pertains. This investigation is closed.

PARTICIPANT(S)

(b)(6), (b)(7)(C)

pecial Agent, NCISRU Misawa, JA
vestigator, NCISRA Yokosuka, JA

Investigator, NCISRA Yokosuka, JA

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 19JAN06-FEYK-0015-8DNA/C

16Jun06

ACTION

0023CL: Forward (b)(6), (b)(7)(C) Fingerprint cards to the FBI
Identification Division, Washington, DC.

DISTRIBUTION

NCISHQ: 0023B

ACTION: 0023CL

INFO: FEYK/Trial Service Office Yokosuka (ATTN: (b)(6), (b)(7)(C)
(M) /NAVCOMTELSTA (ATTN: (b)(6), (b)(7)(C) (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 3 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

134743 03:58 20070705 IN:SSDEMAIL #6528 OUT:NIPRDAAAM #60592

REPORT OF INVESTIGATION (CLOSED)

29JUN07

SPECIAL INQUIRY (II)

CONTROL: 19JUN07-FEYK-0195-8XMA/C

(b)(6), (b)(7)(C)

COMMAND/COMBINED ARMS TRAINING CENTER/20229

MADE AT/FEYK/YOKOSUKA JA (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) Victim's Medical History and Assault Information/19May07...(Copy all, less 0023 and 002P)
- (2) IA: Results of Interview with (b)(6), (b)(7)(C) 19Jun07...(Copy all, less 0023 and 002P)

EXECUTIVE SUMMARY

1. On 18Jun07, Commander Fleet Activities Yokosuka (CFAY) Criminal Investigation Division, reported they received information from (b)(6), (b)(7)(C) Command that he was possibly sodomized by an unknown assailant and that (b)(6), (b)(7)(C) may have stabbed his attacker. Preliminary inquiries revealed (b)(6), (b)(7)(C) spent the weekend in the Roppongi Entertainment District of Tokyo, Japan when he became severely intoxicated to the point of passing out. When (b)(6), (b)(7)(C) regained full consciousness the next morning, he found himself at a Japanese hospital in Tokyo. When (b)(6), (b)(7)(C) woke up in the hospital, (b)(6), (b)(7)(C) allegedly stated to (b)(6), (b)(7)(C) USMC, that he was sodomized and had killed his attacker. (b)(6), (b)(7)(C) was subsequently taken to United States Naval Hospital (USNH), Yokosuka, Japan where a sexual assault evidence collection kit was completed, showing no signs of forcible sodomy. (b)(6), (b)(7)(C) was interviewed and could not substantiate the aforementioned complaint or allegation. Inquiries with local law enforcement in the Roppongi District of Tokyo, Japan were made and revealed no murders or similar incidents reported.

NARRATIVE

1. This reactive investigation pertains to suspected violations of Article 120 of the Uniformed Code of Military Justice (Sodomy).

2. On 18Jun07, (b)(6), (b)(7)(C) Commander Fleet Activities Yokosuka Criminal Investigation Division, contacted NCIS to report they had received information from (b)(6), (b)(7)(C) Command that he was possibly sodomized by an unknown assailant and that (b)(6), (b)(7)(C) may have stabbed his attacker. As background, (b)(6), (b)(7)(C) was spending the weekend on 16Jun07 in the Roppongi Entertainment District of Tokyo, Japan when he became severely intoxicated to the point of passing out. When (b)(6), (b)(7)(C) regained full consciousness the next morning, he found himself at a Japanese hospital in Tokyo. When (b)(6), (b)(7)(C) woke up in the hospital, (b)(6), (b)(7)(C) designated liberty buddy, (b)(6), (b)(7)(C) USMC, and (b)(6), (b)(7)(C) were at his side. (b)(6), (b)(7)(C) reportedly stated (b)(6), (b)(7)(C) went into his hotel

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 19JUN07-FEYK-0195-8XMA/C

29Jun07

bathroom and drank an entire bottle of Jack Daniel's brand whiskey after returning from Roppongi. Command also reported that (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC, stated that (b)(6), (b)(7)(C) made a claim that he was raped and had killed his attacker. Based on (b)(6), (b)(7)(C) account of the statement made by (b)(6), (b)(7)(C) he was taken to United States Naval Hospital (USNH), Yokosuka, Japan where a sexual assault evidence collection kit was completed. Additionally, alcohol screening and urinalysis for illegal drugs were taken.

3. On 18Jun07, Reporting Agent responded to the USNH Emergency Room and conducted preliminary inquiries. (b)(6), (b)(7)(C) Sexual Assault Nurse Examiner, USNH, examined (b)(6), (b)(7)(C) and noted no signs or suspicions of anal lacerations, bruises, discharge, or trauma. RA seized the sexual assault evidence collection kit which was entered it into evidence under log # 072-07. (b)(6), (b)(7)(C) also provided a copy of (b)(6), (b)(7)(C)'s sexual assault medical examination results, Exhibit (1) pertains.

4. On 18Jun07, (b)(6), (b)(7)(C) was interviewed at the USNH hospital. He had no knowledge or recollection of being sodomized or killing anyone or making statements to that effect. (b)(6), (b)(7)(C) expressed he agreed to seek medical attention at USNH as a cautionary measure. Exhibit (2) provides details.

5. On 19Jun07, (b)(6), (b)(7)(C) Commanding Officer, Combined Arms Training Center, Camp Fuji, Japan was briefed on the information developed during the course of investigation. Due to a lack of credible evidence indicating a crime was committed, this investigation is closed.

ACTION

0023: Only Report.

DISTRIBUTION

NCISHQ: 0023B

ACTION: 0023B

INFO: 002P/FEYK/FEAJ/Command, Attn: (b)(6), (b)(7)(C) (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

682765 02:18 20120914 IN:SSDEMAIL #42353 OUT:NIPRDAAAM #41421

REPORT OF INVESTIGATION (CLOSED)

31AUG12

INDECENT ASSAULT (II)

CONTROL: 20AUG12-FEYK-0547-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS FITZGERALD (DDG-62)/21824

MADE AT/FEYK/YOKOSUKA JA (b)(6), (b)(7)(C), SPECIAL AGENT

EXHIBITS

- (1) Statement of (b)(6), (b)(7)(C) 20AUG12... (Copy All)
- (2) IA: Results of Interview - (b)(6), (b)(7)(C) 21AUG12... (Copy All)
- (3) IA: Results of Contact With (b)(6), (b)(7)(C) 21AUG12... (Copy All)
- (4) Statement of (b)(6), (b)(7)(C) 21AUG12... (Copy All)
- (5) Statement of (b)(6), (b)(7)(C) 21AUG12... (Copy All)
- (6) IA: Results of Interview - (b)(6), (b)(7)(C) 21AUG12... (Copy All)

EXECUTIVE SUMMARY

1. On 20AUG12, NCISRA Yokosuka, Japan received notification from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) CO, USS FITZGERALD (DDG-62), USN, of (b)(6), (b)(7)(C) being indecently assaulted (slapped on the buttocks) by (b)(6), (b)(7)(C) circa JUN11 while they were assigned to the USS FITZGERALD (DDG-62). Congresswoman Diana DEGETTE, Civ, was also informed of the indecent assault by (b)(6), (b)(7)(C) mother and she (DEGETTE) reportedly expressed an interest in traveling to Japan to further investigate this incident. (b)(6), (b)(7)(C) was interviewed and provided detailed information pertaining to the alleged indecent assaults. (b)(6), (b)(7)(C) was interviewed and confessed to indecently assaulting (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, were interviewed and provided information regarding the corrective actions taken to address the indecent assaults. Subsequent to the corrective actions taken by the chain of command in OCT11, there were no more indecent assaults or other issues between (b)(6), (b)(7)(C) This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of UCMJ Article 120 (Sexual Contact).

2. On 20AUG12, PA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) regarding her allegations of being indecently assaulted by (b)(6), (b)(7)(C) reported three separate instances in JUN11 where (b)(6), (b)(7)(C) slapped her on the buttocks, over clothing, with an open hand. (b)(6), (b)(7)(C) described the slaps as similar to the way football players slap each other. (b)(6), (b)(7)(C) stated she told (b)(6), (b)(7)(C) to stop touching her in that manner after the first slap but did not express her disapproval the next two

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 20AUG12-FEYK-0547-8DNA/C

31Aug12

times. (b)(6), (b)(7)(C) said she reported these incidents to her chain of command, which acted to resolve the issue. (b)(6), (b)(7)(C) mentioned she was not fearful of retaliation from (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated after corrective actions were taken, circa OCT11, by her chain of command she did not have any more issues with (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) cited the primary reason for reporting the indecent assaults were to illustrate her perception of the disparity in disciplinary treatment she and her fianc, (b)(6), (b)(7)(C) USN, USS FITZGERALD (DDG-62), received in comparison to other sailors assigned to the ship. PA (b)(6), (b)(7)(C) provided (b)(6), (b)(7)(C) a Victim Witness Assistance Pamphlet. Exhibit (1) pertains.

3. On 21Aug12, (b)(6), (b)(7)(C) returned to NCISRA Yokosuka, Japan to provide PA (b)(6), (b)(7)(C) a copy of the statement (b)(6), (b)(7)(C) previously provided to her command. (b)(6), (b)(7)(C) statement to her command provided details into her alleged sexual assaults to include her advising (b)(6), (b)(7)(C) to stop touching her in that fashion, which she states he did not. (b)(6), (b)(7)(C) identified she reported the incident assaults to her chain of command but felt the issue was swept under the rug. (b)(6), (b)(7)(C) informed PA (b)(6), (b)(7)(C) after (b)(6), (b)(7)(C) spoke with (b)(6), (b)(7)(C) did not touch her inappropriately anymore nor make any advances towards her. The majority of (b)(6), (b)(7)(C) statement to command detailed her perception of unfair disciplinary actions received by her and her fianc. (b)(6), (b)(7)(C) statement also documents several instances of her admitted misconduct to include physical altercations with (b)(6), (b)(7)(C) and unauthorized absences. (b)(6), (b)(7)(C) said she informed her mother, (b)(6), (b)(7)(C) CIV, of the alleged unfair treatment and indecent assaults. (b)(6), (b)(7)(C) reportedly contacted Diana DEGETTE, Civ, Colorado Congresswoman, regarding (b)(6), (b)(7)(C) account of unfair treatment in her command. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) informed her (circa mid AUG12) Congresswomen DEGETTE or a representative from her office was in the process of flying to Japan to conduct an investigation regarding (b)(6), (b)(7)(C) allegations. Exhibit (2) pertains.

4. On 21Aug12, (b)(6), (b)(7)(C) USN, Executive Officer (XO), USS FITZGERALD (DDG-62), was contacted regarding the captioned investigation. (b)(6), (b)(7)(C) provided PA (b)(6), (b)(7)(C) a copy of (b)(6), (b)(7)(C) statement she provided to command in addition to a letter from (b)(6), (b)(7)(C) who reportedly wrote Congress regarding the disciplinary environment aboard the USS FITZGERALD (DDG-62). (b)(6), (b)(7)(C) reported to Congress (b)(6), (b)(7)(C) was involved in a sexual harassment encounter and the incident was swept under the rug. (b)(6), (b)(7)(C) added (b)(6), (b)(7)(C) was terrified to report the allegation out of fear of retaliation. (b)(6), (b)(7)(C) stated she wanted (b)(6), (b)(7)(C) transferred to the U.S. to finish her contract with the Navy. Exhibit (3) pertains.

5. On 21AUG12, RA interviewed (b)(6), (b)(7)(C) regarding his involvement with the indecent assaults of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) waived his Article 31B Rights, agreed conduct a recorded interview, and provided a sworn statement to RA. (b)(6), (b)(7)(C) admitted to slapping (b)(6), (b)(7)(C) on her buttocks on several occasions. (b)(6), (b)(7)(C) denied seeking or receiving any sexual gratification from these acts. (b)(6), (b)(7)(C) stated he would slap (b)(6), (b)(7)(C) on her buttocks exclusively as a way of congratulating her for a job well done. (b)(6), (b)(7)(C) recalled being counseled by (b)(6), (b)(7)(C).

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 20AUG12-FEYK-0547-8DNA/C

31Aug12

and (b)(6), (b)(7)(C) regarding his inappropriate touching of sailors aboard the ship. (b)(6), (b)(7)(C) stated after this informal counseling session he stopped touching all sailors in that manner. Exhibit (4) pertains.

6. On 21AUG12, PA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) USN, regarding his knowledge of disciplinary actions taken to address the inappropriate contact between (b)(6), (b)(7)(C) explained he did not recall much regarding (b)(6), (b)(7)(C) indecently assaulting (b)(6), (b)(7)(C) assumed the interview pertained to other disciplinary issues involving (b)(6), (b)(7)(C) characterized the atmosphere in his division, during the general timeframe of the indecent assaults, as playful. (b)(6), (b)(7)(C) stated he never witnessed any inappropriate contact between (b)(6), (b)(7)(C) nor discussed any sexual harassment allegations with the two. Exhibit (5) pertains.

7. On 21AUG12, RA interviewed (b)(6), (b)(7)(C) USN, regarding his knowledge of disciplinary actions taken to address the inappropriate contact between (b)(6), (b)(7)(C) stated prior to this reported incident he has never heard any allegations like this regarding (b)(6), (b)(7)(C) and intended to resolve the matter quickly. (b)(6), (b)(7)(C) explained around OCT11 he verbally counseled (b)(6), (b)(7)(C) regarding his conduct and inappropriate touching of (b)(6), (b)(7)(C) said he never documented the incident in writing but he never heard another complaint about (b)(6), (b)(7)(C) inappropriately touching another sailor. Exhibit (6) pertains.

8. On 21AUG12, (b)(6), (b)(7)(C) CO, FITZGERALD (DDG-62), USN, was provided an investigative update. (b)(6), (b)(7)(C) informed RA and PA (b)(6), (b)(7)(C) the USS FITZGERALD (DDG-62) will commence a deployment on 22AUG12 and is not scheduled to return for several months.

9. This investigation is closed.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, JAPAN

ACTION

0023: ONLY Report

DISTRIBUTION

NCISHQ: 002P/0023

INFO: FEYK (b)(6), (b)(7)(C) Commanding Officer, USS FITZGERALD (DDG-62)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 3 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C105827 22:56 20130204 IN:SSDEMAIL #194996 OUT:NIPRDAAAM #194996

REPORT OF INVESTIGATION (CLOSED)

25JAN13

SEXUAL ASSAULT - ADULT (II)

CONTROL: 20JAN13-FEYK-0015-8SNA/C

(b)(6), (b)(7)(C)

(CVN-73)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEYK/RESIDENT AGENCY YOKOSUKA (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) IA: RESULTS OF INTERVIEW OF
- (2) IA: RESULTS OF INTERVIEW OF
- (3) IA: RESULTS OF INTERVIEW OF
- (4) IA: RESULTS OF INTERVIEW OF
- (5) IA: RESULTS OF INTERVIEW OF

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

- (6) IA: RESULTS OF INTERVIEW OF
- (7) IA: RESULTS OF INTERVIEW OF
- (8) IA: RESULTS OF INTERVIEW OF
- (9) IA: RESULTS OF INTERVIEW OF
- (10) IA: RESULTS OF INTERVIEW OF

(b)(6), (b)(7)(C)

EXECUTIVE SUMMARY

1. On 20JAN13, NCIS Resident Agency, Yokosuka, Japan was notified by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN; Investigator, Criminal Investigations Division (CID), Commander Fleet Activities Yokosuka (CFAY) Security Department; regarding an alleged sexual assault which occurred the night before in the "Honch" district of Yokosuka immediately adjacent to the CFAY Naval Installation. (b)(6), (b)(7)(C) obtained few details of the incident but related the alleged victim was in the Emergency Room of the U.S. Naval Hospital (USNH), CFAY. Upon arriving at the USNH, Reporting Agent (RA) was met by Mass Communications Specialist (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN; Sexual Assault Response Coordinator (SARC), USS GEORGE WASHINGTON (CVN-73). (b)(6), (b)(7)(C) identified the alleged victim as (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN-73), (hereafter (b)(6), (b)(7)(C) and relayed (b)(6), (b)(7)(C) was brought into the USNH regarding vaginal pain experienced while urinating and did not know the cause of the pain. (b)(6), (b)(7)(C) relayed (b)(6), (b)(7)(C) was brought to the USNH the previous evening after having lost consciousness after drinking to excess in Club "ISTANBUL" located in the "Honch" area of Yokosuka. (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) was brought to the USNH by ambulance and medical personnel performed medical procedures to include the insertion of a catheter. (b)(6), (b)(7)(C) was interviewed and related she did not remember anything which occurred the previous evening but specifically stated she came to the USNH for the sole purpose of determining why she was experiencing pain while urinating. (b)(6), (b)(7)(C) maintains she doesn't believe she was sexually assaulted but admits the Security Department aboard the ship "strongly

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 4

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 20JAN13-FEYK-0015-8SNA/C

25Jan13

encouraged" she be checked out for a possible sexual assault. Subsequently, (b)(6), (b)(7)(C) refused the sexual assault examination by medical personnel for purposes of collecting evidence. The attending Emergency Room physician, (b)(6), (b)(7)(C) USN; relayed his initial examination of (b)(6), (b)(7)(C) did not reveal physical evidence a sexual assault took place and stated the description of pain from (b)(6), (b)(7)(C) is consistent with a catheter insertion. Witnesses with (b)(6), (b)(7)(C) the previous night were located and interviewed to provide a timeline of events. Based on witness interviews, evidence suggests a sexual assault did not occur and the vaginal pain experienced by (b)(6), (b)(7)(C) is the result of the insertion of a catheter for medical purposes consistent with an unconscious patient. This investigation is closed.

NARRATIVE

1. On 20JAN13, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON; was interviewed. (b)(6), (b)(7)(C) relayed she and (b)(6), (b)(7)(C) checked into their Bachelor Officer's Quarters (BOQ) room for a birthday party at approximately 1620. (b)(6), (b)(7)(C) made only one drink for (b)(6), (b)(7)(C) as others from the ship showed up (a total of two other people) and ate a birthday dinner. (b)(6), (b)(7)(C) estimates the group left for Club ISTANBUL at approximately 2015, and relayed she asked one of the group, (b)(6), (b)(7)(C) to accompany (b)(6), (b)(7)(C) while she wanted to look for a friend identified only as " (b)(6), (b)(7)(C) relayed she saw (b)(6), (b)(7)(C) enter Club ISTANBUL approximately ten minutes later. (b)(6), (b)(7)(C) contends after a few minutes, (b)(6), (b)(7)(C) passed out and the shore patrol were contacted. (b)(6), (b)(7)(C) relays (b)(6), (b)(7)(C) was never alone with anyone except (b)(6), (b)(7)(C) and maintains she had to ask (b)(6), (b)(7)(C) several times to accompany (b)(6), (b)(7)(C) does not believe a sexual assault could have taken place, Exhibit (1) pertains.

2. On 20JAN13, Logistics Specialist (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON, was interviewed. (b)(6), (b)(7)(C) related he came to the BOQ to celebrate a birthday party and went into the "Honch" district of Yokosuka to go to a club. Upon reaching Club ISTANBUL, (b)(6), (b)(7)(C) stated he was asked several times by (b)(6), (b)(7)(C) to go and "keep an eye" on (b)(6), (b)(7)(C) as she tried to locate a friend. (b)(6), (b)(7)(C) contends he went with (b)(6), (b)(7)(C) to another club, but no military member was in the club. After not finding the friend, (b)(6), (b)(7)(C) relayed he and (b)(6), (b)(7)(C) returned to Club ISTANBUL, where (b)(6), (b)(7)(C) passed out while sitting on his lap. (b)(6), (b)(7)(C) added two members of the ships' crew immediately came to aid (b)(6), (b)(7)(C) but he was unfamiliar with them, Exhibit (2) pertains.

3. On 20JAN13, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON, was interviewed. (b)(6), (b)(7)(C) relayed she heard (b)(6), (b)(7)(C) asking for assistance after (b)(6), (b)(7)(C) passed out. (b)(6), (b)(7)(C) stated she and (b)(6), (b)(7)(C) immediately helped get (b)(6), (b)(7)(C) off of (b)(6), (b)(7)(C) and tried to revive (b)(6), (b)(7)(C) by carrying her to the bathroom and dabbing wet towels on (b)(6), (b)(7)(C) face. (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) to get the Shore Patrol, and (b)(6), (b)(7)(C) stayed in the bathroom with (b)(6), (b)(7)(C) and an employee of Club ISTANBUL to continue attempting to revive (b)(6), (b)(7)(C) Upon arrival of the Shore Patrol, they asked (b)(6), (b)(7)(C) to accompany (b)(6), (b)(7)(C) to the USNH for treatment.

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 20JAN13-FEYK-0015-8SNA/C

25Jan13

(b)(6), (b)(7)(C) rode with (b)(6), (b)(7)(C) to the USNH, providing pertinent information to medical personnel, Exhibit (3) pertains.

4. On 20JAN13, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON, was interviewed. (b)(6), (b)(7)(C) relayed he saw (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) come into Club ISTANBUL. (b)(6), (b)(7)(C) stated he heard (b)(6), (b)(7)(C) ask for assistance after (b)(6), (b)(7)(C) passed out on his lap, whereupon he and (b)(6), (b)(7)(C) picked up (b)(6), (b)(7)(C) and took her to the restroom attempting to revive her. When the attempts to revive (b)(6), (b)(7)(C) failed, (b)(6), (b)(7)(C) relayed (b)(6), (b)(7)(C) asked him to get the Shore Patrol in order to call an ambulance for (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) went into the street and accompanied Shore Patrol back to Club ISTANBUL. (b)(6), (b)(7)(C) relayed he assisted in carrying (b)(6), (b)(7)(C) back to the Duty Van, and watched them pull away with (b)(6), (b)(7)(C) inside the van to meet the ambulance to the USNH, Exhibit (4) pertains.

5. On 20JAN13, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON, were interviewed. The only information provided by (b)(6), (b)(7)(C) was that they saw (b)(6), (b)(7)(C) and a group of people they recognized as being crew members of the USS GEORGE WASHINGTON walk into Club ISTANBUL. Approximately twenty-five minutes later, they saw the Shore Patrol go into Club ISTANBUL and carry (b)(6), (b)(7)(C) out of the club and load her into the Duty Van. Neither (b)(6), (b)(7)(C) nor (b)(6), (b)(7)(C) knew what happened to (b)(6), (b)(7)(C). Exhibit (5) pertains.

6. On 20JAN13, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON, was interviewed. (b)(6), (b)(7)(C) relayed he was inside Club ISTANBUL when he saw (b)(6), (b)(7)(C) pass out. (b)(6), (b)(7)(C) witnessed (b)(6), (b)(7)(C) being carried into the restroom by (b)(6), (b)(7)(C) and assisted by obtaining a bottle of water for (b)(6), (b)(7)(C). Exhibit (6) pertains.

7. On 20JAN13, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON, was interviewed. (b)(6), (b)(7)(C) was part of the initial group with (b)(6), (b)(7)(C) eating dinner in the BOQ room. (b)(6), (b)(7)(C) relayed he noticed (b)(6), (b)(7)(C) passed out on the couch of Club ISTANBUL just before (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) took her to the restroom. (b)(6), (b)(7)(C) relayed he did not see anyone around (b)(6), (b)(7)(C) until (b)(6), (b)(7)(C) moved her and helped the Shore Patrol carry (b)(6), (b)(7)(C) out of the bar, Exhibit (7) pertains.

8. On 20JAN13, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON, was interviewed. (b)(6), (b)(7)(C) relayed she noticed (b)(6), (b)(7)(C) passed out on the couch and later saw the Shore Patrol taking (b)(6), (b)(7)(C) out of the bar, Exhibit (8) pertains.

9. On 20JAN13 (b)(6), (b)(7)(C) was interviewed. (b)(6), (b)(7)(C) relayed she experienced painful urination after being released from the USNH. (b)(6), (b)(7)(C) reported this to the USS GEORGE WASHINGTON Security Department, who notified the Sexual Assault Prevention and Response representative (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) relayed (b)(6), (b)(7)(C) asked her if she wished to start an investigation and (b)(6), (b)(7)(C) assumed the investigation would be into why she was experiencing urinary tract pain. (b)(6), (b)(7)(C) admitted she did not understand (b)(6), (b)(7)(C) to mean initiate a sexual assault investigation. (b)(6), (b)(7)(C) relayed the attending physician at USNH explained to her she was having urinary tract pain because a catheter had to be inserted into her urethra in order to extract a urine specimen, as she

WARNING

FOR OFFICIAL USE ONLY
Page 3 of 4

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 20JAN13-FEYK-0015-8SNA/C

25Jan13

was unconscious when she was admitted to the USNH the previous night.

(b)(6), (b)(7)(C) admitted she misunderstood what "initiating an investigation" meant and only wanted to know why she was experiencing urinary tract pain. After hearing the opinion of the attending physician and SARC nurse, (b)(6), (b)(7)(C) refused to submit to a sexual assault kit and declined any further investigation, explaining she discovered the reason for the painful urination. (b)(6), (b)(7)(C) stated she did not intend for a sexual assault investigation to start and only wanted to know why she was experiencing painful urination. (b)(6), (b)(7)(C) was provided a Victim and Witness Assistance Pamphlet (VWAP), Exhibit (9) pertains.

10. On 20JAN13, (b)(6), (b)(7)(C) USN, Staff Judge Advocate (SJA), USS GEORGE WASHINGTON and (b)(6), (b)(7)(C) USN, Executive Officer (XO), USS GEORGE WASHINGTON, were presented a full briefing and concurred with the closure of this investigation. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

SPECIAL AGENT, FEYK

DISTRIBUTION

NCISHQ:23B2

INFO :002P/FEYK/FEXO (H)

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

456412 19:55 20060730 IN:SSDEMAIL #54749 OUT:NIPRDAAAM #43599

REPORT OF INVESTIGATION (CLOSED)

26JUL06

SPECIAL INQUIRY (II)

CONTROL: 20JUL06-FEYK-0181-8XNA/C

I/CFAY JA/REPORT OF ALLEGED RAPE OF ACTIVE DUTY MEMBER AT THE NAVY
LODGE

COMMAND/USS STETHEM (DDG 63)/21825

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Results of Contact with Command/25JUL06...(Copy All)
- (2) IA: Receipt of Police Desk Journal/25JUL06...(Copy all)
- (3) IA: Results of Contact with the Navy Lodge/25JUL06...(Copy All)
- (4) IA: Results of Preliminary Interview of (b)(6), (b)(7)(C) at
USNH/25JUL06...(Copy All)
- (5) IA: Results of Contact with (b)(6), (b)(7)(C) 26JUL06...(Copy All)
- (6) IA: Results of Service Record Book Reviews/26JUL06...(Copy All)
- (7) IA: Results of Verbal CASS from (b)(6), (b)(7)(C) 25JUL06...(Copy
All)
- (8) IA: Results of Search of (b)(6), (b)(7)(C) Rack, Locker and Workspace/
26JUL06...(Copy All)
- (9) IA: Results of Interview of (b)(6), (b)(7)(C) 5JUL06...(Copy All)
- (10) IA: Results of Interview of (b)(6), (b)(7)(C) 20JUL06...(Copy All)
- (11) Statement of (b)(6), (b)(7)(C) UL06...(Copy All)
- (12) Statement of (b)(6), (b)(7)(C) 19JUL06...(Copy All)
- (13) Statement of (b)(6), (b)(7)(C) 06...(Copy All)
- (14) Statement of (b)(6), (b)(7)(C) 6...(Copy All)
- (15) IA: Receipt of Voluntary Statements from Command/26JUL06...(Copy
All)
- (16) IA: Results of Brief with Command/25JUL06...(Copy All)
- (17) IA: Results of Brief of Navy Lodge Management/25JUL06...(Copy
All)
- (18) IA: Results of Interview of (b)(6), (b)(7)(C) 25JUL06...(Copy All)
- (19) IA: Results of Interview of (b)(6), (b)(7)(C) JUL06...(Copy All)
- (20) IA: Results of Crime Scene Examination/25JUL06...(Copy All)
- (21) IA: Results of Interview of (b)(6), (b)(7)(C) /26JUL06...(Copy All)
- (22) IA: Results of Telephonic Interview of (b)(6), (b)(7)(C) 26JUL06...(Copy
All)
- (23) IA: Results of Interview of (b)(6), (b)(7)(C) 25JUL06...(Copy All)
- (24) IA: Results of Interview of (b)(6), (b)(7)(C) 5JUL06...(Copy All)
- (25) IA: Results of Interview of (b)(6), (b)(7)(C) ..(Copy All)
- (26) IA: Results of Interview of (b)(6), (b)(7)(C) 25JUL06...(Copy All)
- (27) Statement of (b)(6), (b)(7)(C) 21JUL06...(Copy All)
- (28) IA: Documentation of Voice Messages of (b)(6), (b)(7)(C) 25JUL06...(Copy
All)
- (29) IA: Results of Command Brief/25JUL06...(Copy All)
- (30) Victim Preference Statement (b)(6), (b)(7)(C) 24JUL06...(Copy All)
- (31) Statement of (b)(6), (b)(7)(C) 26JUL06...(Copy All)
- (32) Statement of (b)(6), (b)(7)(C) /26JUL06...(Copy All)

FOR OFFICIAL USE ONLY
Page 1 of 5

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 20JUL06-FEYK-0181-8XNA/C

26Jul06

NARRATIVE

1. This investigation began as a reactive investigation into the suspected violation of the Uniformed Code of Military Justice (UCMJ) Article 120 (Rape), when [REDACTED] (b)(6), (b)(7)(C), USN, USS STETHEM (DDG 63) reported she had been raped during the evening of 17JUL06. Information obtained during the investigation indicates no criminal statutes apply.

2. On 19JUL06, NCIS Resident Agency (NCISRA) Yokosuka was contacted by the Executive Officer, [REDACTED] (b)(6), (b)(7)(C) USN, USS STETHEM (DDG 63) regarding the suspected rape of [REDACTED] (b)(6), (b)(7)(C) at the Navy Lodge located aboard Commander Fleet Activities Yokosuka (CFAY) Japan. The sailor suspected to have committed the alleged rape is [REDACTED] (b)(6), (b)(7)(C) [REDACTED] (b)(6), (b)(7)(C) USN, USS STETHEM (DDG 63). [REDACTED] (b)(6), (b)(7)(C) advised the active ingredient found in cold medicines, referred to as "DXM", was believed to have been abused during this incident. Exhibit (1) pertains. On 19JUL06 [REDACTED] (b)(6), (b)(7)(C) was extremely combative aboard the USS STETHEM (DDG 63) and was subsequently transported to U.S. Naval Hospital (USNH) Yokosuka, Japan for treatment. Exhibit (2) pertains.

3. On 19JUL06, Reporting Agent (RA) effected contact with the Navy Lodge Yokosuka to determine the room [REDACTED] (b)(6), (b)(7)(C) utilized on 17JUL06. It was determined [REDACTED] (b)(6), (b)(7)(C) checked into Bldg J200, Room [REDACTED] (b)(6), (b)(7)(C) Exhibit (3) pertains.

4. On 19JUL06, RA conducted a preliminary interview with [REDACTED] (b)(6), (b)(7)(C) in the presence of Sexual Assault Nurse Examiner (SANE), [REDACTED] (b)(6), (b)(7)(C) [REDACTED] (b)(6), (b)(7)(C) USN, Medical Corps, USNH Yokosuka, and [REDACTED] (b)(6), (b)(7)(C) [REDACTED] (b)(6), (b)(7)(C) USN, CFAY duty Sexual Assault Victim Intervention (SAVI) representative. [REDACTED] (b)(6), (b)(7)(C) said on 17Jul06, she told [REDACTED] (b)(6), (b)(7)(C) she did not want to have sex. [REDACTED] (b)(6), (b)(7)(C) reported [REDACTED] (b)(6), (b)(7)(C) forced her to ingest 20 cough and cold type medicine pills, removed her clothing, and raped her. [REDACTED] (b)(6), (b)(7)(C) refused the pelvic exam portion of the sexual assault examination. [REDACTED] (b)(6), (b)(7)(C) s friend [REDACTED] (b)(6), (b)(7)(C) USN, USS STETHEM (DDG 63), reported the rape to the Command. [REDACTED] (b)(6), (b)(7)(C) reported [REDACTED] (b)(6), (b)(7)(C) contacted her via her cellular phone since the incident so RA obtained a Permissive Authorization for Search and Seizure (PASS) from [REDACTED] (b)(6), (b)(7)(C) for her cellular telephone. RA conducted a cursory review of [REDACTED] (b)(6), (b)(7)(C) s cellular phone and found a text message [REDACTED] (b)(6), (b)(7)(C) sent to [REDACTED] (b)(6), (b)(7)(C) on 18JUL06, exhibiting the message, "I was late 4 work! I told u!". [REDACTED] (b)(6), (b)(7)(C) advised she only received a few hours of sleep within the last 48 hours and was extremely tired. [REDACTED] (b)(6), (b)(7)(C) incomplete sexual assault kit was entered into the NCISRA Yokosuka evidence custody system under log number 086-06. Exhibit (4) pertains.

5. On 19JUL06, the Command was briefed on status of the investigation by Participating Agent (PA [REDACTED] (b)(6), (b)(7)(C) PA [REDACTED] (b)(6), (b)(7)(C) requested the Command have several sailors made available to NCISRA Yokosuka for interviews regarding their knowledge of, or involvement in, captioned investigation. Additionally, PA [REDACTED] (b)(6), (b)(7)(C) obtained and conducted a thorough review of the Service Record Books (SRB) for [REDACTED] (b)(6), (b)(7)(C) No significant data was retrieved. Exhibits (5) and (6) pertain.

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 20JUL06-FEYK-0181-8XNA/C

26Jul06

6. On 19JUL06, PA (b)(6), (b)(7)(C) obtained verbal Command Authorization for Search and Seizure (CASS) of (b)(6), (b)(7)(C) sleeping quarters and workspace. PA (b)(6), (b)(7)(C) and Participating Investigators (PI) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) conducted the search of (b)(6), (b)(7)(C) spaces aboard the APL-40 and the USS STETHEM. Various cold and cough medicine and receipts were seized and entered into the NCISRA Yokosuka evidence custody system under log number 087-06. Exhibits (7) and (8) pertain.

7. On 19JUL06, PI (b)(6), (b)(7)(C) conducted an interview with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USNH, and (b)(6), (b)(7)(C) CFAY Security Detachment, Japan, at USNH Yokosuka, regarding the combative disposition of (b)(6), (b)(7)(C) upon arrival at the USNH Yokosuka. PI (b)(6), (b)(7)(C) was advised (b)(6), (b)(7)(C) was in no condition to be interviewed by law enforcement. Exhibits (9) and (10) pertain.

8. On 19JUL06, RA conducted an interview with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS STETHEM (DDG 63), regarding his knowledge of (b)(6), (b)(7)(C) and his friend, (b)(6), (b)(7)(C) reported seeing (b)(6), (b)(7)(C) together a few times during the weekend prior to the alleged rape. (b)(6), (b)(7)(C) divulged (b)(6), (b)(7)(C) appeared to be forcefully kissing (b)(6), (b)(7)(C) one of those times. Exhibit (11) provides amplifying details.

9. On 19JUL06, PA (b)(6), (b)(7)(C) and PI (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) regarding the report he made to his Command that (b)(6), (b)(7)(C) was raped. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) told him (b)(6), (b)(7)(C) forced her to take some pills and to have sex with him, even though (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) she did not want to. Exhibit (12) provides amplifying details.

10. On 19JUL06, PI (b)(6), (b)(7)(C) conducted an interview with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS STETHEM (DDG 63), regarding his knowledge of the statements (b)(6), (b)(7)(C) made to the Command. Exhibit (13) pertains.

11. On 19JUL06, PA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) USN, USS STETHEM (DDG 63), duty Master-At-Arms, regarding the statements he extracted from (b)(6), (b)(7)(C) before NCISRA Yokosuka was notified of the rape allegation. Though very cooperative, (b)(6), (b)(7)(C) communicated to PA (b)(6), (b)(7)(C) he had not slept in the last 36 hours and requested to return to NCISRA Yokosuka on 20JUL06, to finish his statement. The Command provided PA (b)(6), (b)(7)(C) the voluntary statements (b)(6), (b)(7)(C) initially provided to (b)(6), (b)(7)(C) during the early morning hours of 19JUL06 prior to NCIS involvement. Exhibits (14) and (15) pertain.

12. On 20JUL06, RA provided Command an update on the status of the investigative actions taken to date. Exhibit (16) pertains.

13. On 20JUL06, RA conducted a brief with (b)(6), (b)(7)(C) CIV, (b)(6), (b)(7)(C) Atsugi Navy Lodge and (b)(6), (b)(7)(C) NEX Loss Prevention, regarding the alleged rape that occurred at the Navy Lodge. (b)(6), (b)(7)(C) rovided RA with the key to Rm 622 in building J200 and made personnel available for interviews. Exhibit (17) pertains. RA and PI (b)(6), (b)(7)(C) conducted interviews of the housekeeper and front desk clerk prior to processing the crime scene,

WARNING

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 20JUL06-FEYK-0181-8XNA/C

26Jul06

which yielded negative results. Exhibits (18) and (19) pertain. RA provided photograph documentation as PA (b)(6), (b)(7)(C) and PI (b)(6), (b)(7)(C) processed the alleged crime scene. The alleged crime scene was not pristine upon NCISRA Yokosuka's arrival as it was cleaned and occupied after (b)(6), (b)(7)(C) departed. NCISRA Yokosuka entered Rm (b)(6), (b)(7)(C) at approximately 1638 and departed at 1850. Exhibit (20) pertains. PA (b)(6), (b)(7)(C) conducted an interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), US ARMY, who occupied the room next door (Rm (b)(6), (b)(7)(C) to Rm (b)(6), (b)(7)(C) interview yielded negative results. Exhibit (21) pertains. Prior to departing the alleged crime scene, PA (b)(6), (b)(7)(C) interviewed front desk clerk, (b)(6), (b)(7)(C) CIV, Navy Lodge, who remembered checking (b)(6), (b)(7)(C) into the lodge on 17JUL06. (b)(6), (b)(7)(C) could not recall any negative activity during her shift. Exhibit (22) pertains.

14. On 20JUL06, PI (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), USN, USS STETHEM (DDG 63), and (b)(6), (b)(7)(C) USN, USS STETHEM (DDG 63), regarding captioned investigation. (b)(6), (b)(7)(C) acknowledged his friendship with (b)(6), (b)(7)(C) and stated he only heard rumors of the alleged rape. Exhibit (23) pertains. (b)(6), (b)(7)(C) apprised (b)(6), (b)(7)(C) of the alleged rape who then notified (b)(6), (b)(7)(C) Exhibit (24) pertains.

15. On 20JUL06, PI (b)(6), (b)(7)(C) interviewed Navy Lodge Yokosuka front desk clerk, (b)(6), (b)(7)(C) CIV, who stated (b)(6), (b)(7)(C) checked out of his room (Rm (b)(6), (b)(7)(C) on 18JUL06, without incident. Exhibit (25) pertains.

16. On 21JUL06, PI (b)(6), (b)(7)(C) conducted an interview with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS STETHEM (DDG 63), regarding his involvement in captioned investigation. (b)(6), (b)(7)(C) advised he was unaware of the rape allegations until 0915 on 19JUL06. Exhibit (26) pertains.

17. On 21JUL06, RA conducted an interview with (b)(6), (b)(7)(C) at the NCISRA Yokosuka building regarding her allegations of rape. (b)(6), (b)(7)(C) related a different description of the incident with (b)(6), (b)(7)(C) than the initial report of rape. (b)(6), (b)(7)(C) reported she was not forced to have sex with (b)(6), (b)(7)(C) and denied telling (b)(6), (b)(7)(C) she did not want to have sex with him. (b)(6), (b)(7)(C) communicated she let the allegation of rape continue until now because it had been blown out of proportion by her Command. (b)(6), (b)(7)(C) shared she never intended to report allegations of rape; it was (b)(6), (b)(7)(C) s decision. (b)(6), (b)(7)(C) signed another PASS for the search of her cellular phone, so RA could view and listen to calls and messages from (b)(6), (b)(7)(C) During his stay in the hospital, following the 17Jul06 incident, (b)(6), (b)(7)(C) called (b)(6), (b)(7)(C) at least two times, leaving a voice message each time, confessing his love for her and requesting she visit him at the hospital. (b)(6), (b)(7)(C) was given the "Information for Victims and Witnesses of Crime" brochure prior to her departure. Exhibits (27) and (28) provide details. Command was apprised of (b)(6), (b)(7)(C) report. Exhibit (29) pertains.

18. On 24JUL06, (b)(6), (b)(7)(C) returned to the NCIS building and confirmed she did not want to continue with the investigation. RA briefed (b)(6), (b)(7)(C) on the "Victim Preference Statement" (VPS) and advised she

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 20JUL06-FEYK-0181-8XNA/C

26Jul06

could obtain further counsel prior to signing it. (b)(6), (b)(7)(C) telephoned CFAY SAVI representative, (b)(6), (b)(7)(C) then signed the VPS. PA (b)(6), (b)(7)(C) was present during this meeting. Exhibit (30) pertains.

19. On 24JUL06, RA telephoned (b)(6), (b)(7)(C), USN, Legal Officer, USNH, to check on the status of (b)(6), (b)(7)(C) condition. (b)(6), (b)(7)(C) advised the USNH Psychiatry Staff was considering a medical evacuation of (b)(6), (b)(7)(C) to Okinawa, JA for substance abuse detoxification and counseling.

20. On 26JUL06, Commanding Officer, (b)(6), (b)(7)(C) USN, USS STETHEM (DDG 63), and (b)(6), (b)(7)(C) visited the NCISRA Yokosuka to sign their statements previously provided to RA on 21JUL06. Exhibits (31) and (32) pertain.

21. Based on investigative steps taken to date, and (b)(6), (b)(7)(C) withdrawal of her allegation of rape, no further actions will be taken. No use of weapons or alcohol were reported. The only drug use reported was the excessive use of legal over-the-counter cough and cold medicine pills purportedly containing "DXM". Investigation is complete and is being closed.

PARTICIPANT(S)

(b)(6), (b)(7)(C)

Acting Supervisory Special Agent, NCISRA Yokosuka, JA

(b)(6), (b)(7)(C)

Special Agent, NCISRA Yokosuka, JA
Investigator, NCISRA Yokosuka, JA
Investigator, NCISRA Yokosuka, JA
Investigator, NCISRA Yokosuka, JA
Investigator, NCISRA Yokosuka, JA

ACTION

0023B: ONLY Report

DISTRIBUTION

NCISHQ: 0023B

ACTION: 0023B

INFO: FEYK/HIHN/Command (ATTN: CO)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 5 of 5

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

814649 22:55 20081221 IN:SSDEMAIL #56429 OUT:NIPRDAAAM #45157

REPORT OF INVESTIGATION (CLOSED)

18DEC08

RAPE (II)

CONTROL: 20OCT08-FEYK-0267-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS BLUE RIDGE (LCC-19)/05840

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka, Japan ROI/23OCT08...(Contains Exhibits 1 - 8)

EXHIBITS

(9) IA: IT3 Results of Interview with (b)(6), (b)(7)(C) 03NOV08...(Copy = Command and SDVT-1 only)

EXECUTIVE SUMMARY

1. Investigation initiated 20OCT08, upon receipt of information from = (b)(6), (b)(7)(C) MC, USN, Sexual Assault Nurse Examiner(SANE), = Yokosuka Naval Hospital aboard Commander Fleet Activities Yokosuka, = Japan, (CFAY), that (b)(6), (b)(7)(C) was examined on 20OCT08 after she reported she was raped during the early morning hours = of 17OCT08 by an unknown sailor. (b)(6), (b)(7)(C) provided details of the alleged = rape to the SANE, however, refused to give a statement to law = enforcement. (b)(6), (b)(7)(C) subsequently executed a victims preference = statement refusing to cooperate with this investigation or the = prosecution of her unknown assailant. Reporting agent identified = (b)(6), (b)(7)(C) alleged assailant as (b)(6), (b)(7)(C) USN, SDVT-1, who was in = port in Yokosuka, Japan aboard the USS OHIO (SSGN 726) during the time = frame of the alleged Rape. Reporting agent interviewed (b)(6), (b)(7)(C) who = admitted to having consensual sexual intercourse with (b)(6), (b)(7)(C) on 17OCT08, = however, denied ever raping and or sexually assaulting (b)(6), (b)(7)(C)

NARRATIVE

1. This case was initiated as a reactive investigation and is being = conducted under suspected violations of Article 120 of the Uniform Code = of Military Justice (UCMJ), Rape/Aggravated Sexual Assault.

2. Subsequent to the submission of reference (A), On 03NOV08, = Participant (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) USN at NCISRA Everett, = WA. (b)(6), (b)(7)(C) stated he spoke to (b)(6), (b)(7)(C) after the alleged rape. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) identified her assailant only as a submariner and that = (b)(6), (b)(7)(C) admitted to consuming excessive amounts of alcohol with her = assailant the night the alleged rape took place. (b)(6), (b)(7)(C) stated he = encouraged (b)(6), (b)(7)(C) to report the incident, but (b)(6), (b)(7)(C) did not want to. (b)(6), (b)(7)(C) said he spoke to (b)(6), (b)(7)(C) approximately two weeks after the initial = phone call and (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) she reported the rape. (b)(6), (b)(7)(C) did not know if (b)(6), (b)(7)(C) had been involved in similar incidents in = the past. (b)(6), (b)(7)(C) said (b)(6), (b)(7)(C) usually makes good decisions, Exhibit (9) pertains.

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 20OCT08-FEYK-0267-8FNA/C

18Dec08

3. On 11DEC08, (b)(6), (b)(7)(C) Executive Officer, SDVT-1, Pearl Harbor, =
HI advised no Non Judicial Punishment (NJP) or official charges will be =
pursued against (b)(6), (b)(7)(C) SDVT-1 due to the lack of sufficient =
evidence.

4. A copy of this ROI will be mailed to Commanding Officer Seal =
Delivery Vehicle Team ONE (SDVT-1) 2001 Victor Wharf Access Rd, BLDG
987 Pearl City, HI 96782-3356, and Commanding Officer USS Blue Ridge
(LCC-19) for information purposes. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C), Special Agent, NCISRA Yokosuka, Japan
Special Agent, NCISRU USS Abraham Lincoln

(b)(6), (b)(7)(C)

DISTRIBUTION

NCISHQ: 0023

INFO: FEYK/HIHN/Commanding Officer USS Blue Ridge (LCC-19) (H),
Commanding Officer SDVT-1 Victor Warf 1400 Pearl City, HI 96782-3356
(M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 2 of 2

F13-0580.FEYK 000161

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

456472 04:21 20060731 IN:SSDEMAIL #54779 OUT:NIPRDAAAM #43629

REPORT OF INVESTIGATION (CLOSED)

27JUL06

RAPE (II)

CONTROL: 21APR05-FEYK-0134-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/US NAVAL HOSPITAL YOKOSUKA/68292

MADE AT/FEYK/YOKOSUKA JA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

- (A) NCISRA YOKOSUKA JA ROI(INTERIM)/06JUL05 (Contains exhibits 1-27)
- (B) NCISRA YOKOSUKA JA ROI(INTERIM)/24AUG05 (Contains exhibits 28-30)
- (C) NCISRA YOKOSUKA JA ROI(INTERIM)/31OCT05 (Contains exhibits 31-33)
- (D) NCISRA YOKOSUKA JA ROI(INTERIM)/29DEC05 (Contains exhibits 34-38)
- (E) NCISRA YOKOSUKA JA ROI(INTERIM)/25JAN06 (Contains exhibit 39)
- (F) NCISRA YOKOSUKA JA ROI(INTERIM)/13MAR06 (Contains exhibit 40)
- (G) NCISRA YOKOSUKA JA ROI(INTERIM)/05MAY06 (Contains exhibit 41)

EXHIBIT(S)

- (42) IA: Results of contact with Command/23Jun06...(Copy all)
- (43) IA: Results of contact with (b)(6), (b)(7)(C) 3Jun06...(Copy all)
- (44) Color photographs of (b)(6), (b)(7)(C) 11May05...(Original 0023B only)

EXECUTIVE SUMMARY

1. On 09Apr05, Base Security was notified that (b)(6), (b)(7)(C) falsely imprisoned a (b)(6), (b)(7)(C) female in his residence aboard the Ikego Housing Base, and after responding to the residence, documented the injuries visible on (b)(6), (b)(7)(C). The Criminal Investigation Division (CID) aboard Commander Fleet Activities Yokosuka (CFAY), Japan initiated an investigation into the assault of (b)(6), (b)(7)(C) to include background interviews of (b)(6), (b)(7)(C) then (b)(6), (b)(7)(C). During interview by CID, (b)(6), (b)(7)(C) acknowledged a history of domestic violence (b)(6), (b)(7)(C) and claimed he raped her on two occasions in 2004. NCIS was subsequently notified, and the captioned investigation was initiated. (b)(6), (b)(7)(C) and was previously referred to as: (b)(6), (b)(7)(C), CIV.

2. Investigative steps to date reveal that (b)(6), (b)(7)(C) visited an off base hospital on 24Jan04, for injuries she allegedly sustained from (b)(6), (b)(7)(C) but she did not advise the physician that she was raped the previous night. (b)(6), (b)(7)(C) reported that (b)(6), (b)(7)(C) raped her twice in 2004. During interview, (b)(6), (b)(7)(C) waived his Article 31b rights, and denied raping (b)(6), (b)(7)(C) but acknowledged assaulting

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 21APR05-FEYK-0134-8FNA/C

27Jul06

(b)(6), (b)(7)(C) with a closed fist in Jan04. Review of (b)(6), (b)(7)(C) phone records following issuance of military protective orders barring contact with (b)(6), (b)(7)(C) revealed that calls from (b)(6), (b)(7)(C)'s residence were made to their phone numbers at least 36 times. An Administrative Board was convened, and the Board ruled insufficient evidence was presented to award (b)(6), (b)(7)(C) punishment. Command advised no further administrative/judicial action would be pursued; investigation now closed.

NARRATIVE

1. Pursuant to investigative steps documented in References (A)-(G), an Administrative Board was convened on 10May06, and the Board concluded insufficient evidence was presented; no punishment was awarded to (b)(6), (b)(7)(C). Contact with Command revealed no further administrative or adjudicative action would be pursued, exhibit (42) pertains.

2. On 18Jun06, RA spoke with (b)(6), (b)(7)(C) who indicated regret at refusing to testify in the adjudicative process against (b)(6), (b)(7)(C) and stated (b)(6), (b)(7)(C) was currently pursuing a lawsuit against her, exhibit (43) pertains. Photographs of (b)(6), (b)(7)(C) are being forwarded for inclusion in the NCISHQ master file, exhibit (44) pertains. All investigative actions and administrative/judicial actions are hereby complete. This investigation is now closed.

3. ACCOUNTING DISCLOSURE: A copy of this report with exhibits will be provided to Assistant Inspector (b)(6), (b)(7)(C), Criminal Investigations Division, Zushi Police Station, #4-8-41 Sakurayama, Zushi City, Kanagawa Prefecture, Japan, phone number: 046-871-0110 ext# (b)(6), (b)(7)(C).

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/TRIAL SERVICES OFFICE (ATTN: (b)(6), (b)(7)(C)) (H)/CO US NAVAL HOSPITAL YOKOSUKA (M)/CRIMINAL INVESTIGATIONS DIVISION, ZUSHI POLICE STATION (ATTN: (b)(6), (b)(7)(C)) ASSISTANT INSPECTOR) (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 INY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

533619 00:58 20100622 IN:SSDEMAIL #62423 OUT:NIPRDAAAM #48366

REPORT OF INVESTIGATION (CLOSED)

20JUN10

INDECENT ASSAULT (II)

CONTROL: 21MAY10-FEYK-0275-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEXO/NCISRU USS GW (CVN 73) (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) Statement of (b)(6), (b)(7)(C) 21May10... (Copy All)
- (2) Statement of (b)(6), (b)(7)(C) USN/29May10... (Copy All)
- (3) Statement of (b)(6), (b)(7)(C) USN/29May10... (Copy All)
- (4) IA: Results of Interview of (b)(6), (b)(7)(C) 30May10... (Copy All)
- (5) IA: Results of Interview of (b)(6), (b)(7)(C) USN/30May10... (Copy All)
- (6) Statement of (b)(6), (b)(7)(C) USN/30May10... (Copy All)
- (7) IA: Results of Permissive Authorization for Search and Seizure of (b)(6), (b)(7)(C) FACEBOOK.COM Account/30May10... (Copy All)
- (8) Statement of (b)(6), (b)(7)(C) USN/30May10... (Copy All)
- (9) IA: Results of Permissive Authorization For Search and Seizure of (b)(6), (b)(7)(C) s WWW.FACEBOOK.COM Account 30May10... (Copy All)
- (10) IA: Results of Interview of (b)(6), (b)(7)(C) USN/31May10... (Copy All)
- (11) IA: Results of Contact with (b)(6), (b)(7)(C) 03Jun10... (Copy All)
- (12) IA: Results of Non Judicial Punishment of (b)(6), (b)(7)(C) 08Jun10... (Copy All)

EXECUTIVE SUMMARY

1. On 21May10, (b)(6), (b)(7)(C) reported that on 14Apr10, (b)(6), (b)(7)(C) forcibly kissed her and touched her breasts on the outside of her clothing. Pertinent witnesses were identified and interviewed, which resulted in numerous items of evidentiary value being discovered. Following advisement and waiver of rights, (b)(6), (b)(7)(C) was interviewed, wherein he admitted culpability to kissing (b)(6), (b)(7)(C) on the night of 01Apr10, but denied culpability to touching her breast area. On 08Jun10, (b)(6), (b)(7)(C) was subject to Non Judicial Punishment before the Commanding Officer of the USS GEORGE WASHINGTON (CVN 73). (b)(6), (b)(7)(C) was found guilty of Article 92 (Failure to obey a lawful general order), and was awarded reduction in rate (suspended for six months) and loss of \$1,341.00 for one month. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, sexual assault, and other sexual misconduct) of the Uniform Code of Military Justice (UCMJ).

FOR OFFICIAL USE ONLY
Page 1 of 4

F13-0580.FEYK 000164

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 21MAY10-FEYK-0275-8DNA/C

20Jun10

2. On 21May10, (b)(6), (b)(7)(C) USN USS GEORGE WASHINGTON (CVN 73) was interviewed. (b)(6), (b)(7)(C) reported that on the night of 14Apr10, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) forcibly kissed her and touched her breast area on the outside of her clothing, Exhibit (1) pertains.

3. On 29May10, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) was interviewed. (b)(6), (b)(7)(C) reported he was aware that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had an issue where (b)(6), (b)(7)(C) was too strict with (b)(6), (b)(7)(C) however, he thought this issue had been resolved as (b)(6), (b)(7)(C) apologized in front of his shop and directly to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) opined that (b)(6), (b)(7)(C) may be fabricating the indecent assault allegations against (b)(6), (b)(7)(C) in an attempt to avoid missing ships movement, Exhibit (2) pertains.

4. On 29May10, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) was interviewed. (b)(6), (b)(7)(C) reported that on the night of 11Apr10, he was with (b)(6), (b)(7)(C) and was aware of a five minute time span when (b)(6), (b)(7)(C) were together by themselves. (b)(6), (b)(7)(C) reported when he walked up to (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) they were both standing by each other and when (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) if she was ready to go, she said, "Yes." (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) reported to him as they walked back to base that (b)(6), (b)(7)(C) asked if he could kiss her; however, (b)(6), (b)(7)(C) never stated whether or not if (b)(6), (b)(7)(C) had in fact kissed her. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) looked okay and was not emotionally upset after leaving (b)(6), (b)(7)(C) to return to base, Exhibit (3) pertains.

5. On 30May10, following advisement and waiver of rights, (b)(6), (b)(7)(C) was interviewed. (b)(6), (b)(7)(C) admitted culpability to kissing (b)(6), (b)(7)(C) on the night of 01Apr10; however, he was adamant that he did not touch (b)(6), (b)(7)(C) breast area. (b)(6), (b)(7)(C) stated the following day he apologized to (b)(6), (b)(7)(C) and allegedly she had accepted his apology for kissing her. Additionally, (b)(6), (b)(7)(C) stated he has had conversations with (b)(6), (b)(7)(C) about her wanting to leave or get out of the US Navy. (b)(6), (b)(7)(C) provided consent to have his USS GEORGE WASHINGTON (CVN 73) electronic mail and www.facebook.com accounts reviewed, which revealed various items of evidentiary value, Exhibit (4) provides further details.

6. On 30May10, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) was interviewed. (b)(6), (b)(7)(C) reported he was good friends with (b)(6), (b)(7)(C) and further reported if (b)(6), (b)(7)(C) had in fact been sexually assaulted by (b)(6), (b)(7)(C) he was confident that (b)(6), (b)(7)(C) would have reported this information to him; however, she had not. (b)(6), (b)(7)(C) reported he last saw (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) on the night of 17May10, the night before the USS GEORGE WASHINGTON (CVN 73) departed Commander Fleet Activities, Yokosuka, Japan for deployment. Additionally, (b)(6), (b)(7)(C) reported he believed (b)(6), (b)(7)(C) may have become too intoxicated on the night of 17May10 and this is why she missed the ship's movement. Lastly, (b)(6), (b)(7)(C) provided consent to have his personal camera reviewed via a Permissive Authorization for Search and Seizure form, which resulted in numerous photographs of (b)(6), (b)(7)(C)

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 4

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 21MAY10-FEYK-0275-8DNA/C

20Jun10

and other sailors from the USS GEORGE WASHINGTON (CVN 73) on the night of 17May10, drinking in the Honch area, which is adjacent to CFAY, Japan, Exhibit (5) pertains.

7. On 30May10, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) was interviewed. (b)(6), (b)(7)(C) reported that on 01Apr10, she was informed by (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) had forced a kiss on her and stuck his tongue inside of her mouth. (b)(6), (b)(7)(C) stated she was aware that (b)(6), (b)(7)(C) did not like the way her shop was treating her aboard the ship and had talked about going UA numerous times. (b)(6), (b)(7)(C) also stated (b)(6), (b)(7)(C) had spoke about purchasing a plane ticket to return home; however, no further information was relayed to (b)(6), (b)(7)(C) in regards to the purchase of this ticket, Exhibit (6) pertains.

8. On 30May10, (b)(6), (b)(7)(C) provided consent to review her www.facebook.com page via a Permissive Authorization for Search and Seizure form. This review resulted in identifying numerous pages of texts/messages from (b)(6), (b)(7)(C) dating back to 24Mar10. Attempts to recover information for (b)(6), (b)(7)(C) resulted in negative efforts, Exhibit (7) pertains.

9. On 30May10, (b)(6), (b)(7)(C) USN USS GEORGE WASHINGTON (CVN 73) was interviewed. (b)(6), (b)(7)(C) reported she thought that (b)(6), (b)(7)(C) missed ship movement because of a Sailor who had recently been discharged from the Navy, (b)(6), (b)(7)(C) USN. When questioned about (b)(6), (b)(7)(C) interaction with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated she was aware that (b)(6), (b)(7)(C) was strict on (b)(6), (b)(7)(C) however, he had in fact apologized to (b)(6), (b)(7)(C) in front of their shop, Exhibit (8) pertains.

10. On 30May10, (b)(6), (b)(7)(C) provided consent to have her www.facebook.com account reviewed via a Permissive Authorization for Search and Seizure form. This review resulted in obtaining one text message that (b)(6), (b)(7)(C) sent to (b)(6), (b)(7)(C) on the morning of 18Mar10 asking where she was. Additionally, a review for (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) accounts resulted in information for (b)(6), (b)(7)(C) being obtained, Exhibit (9) pertains.

11. On 31May10, (b)(6), (b)(7)(C) USN, USS GEORGE WASHINGTON (CVN 73) was interviewed. (b)(6), (b)(7)(C) reported he was aware that (b)(6), (b)(7)(C) had made allegations against (b)(6), (b)(7)(C) however, (b)(6), (b)(7)(C) opined that if (b)(6), (b)(7)(C) had in fact been sexually assaulted by (b)(6), (b)(7)(C) would have confided in him as she tells him everything about her life. (b)(6), (b)(7)(C) reported that during the early morning hours of 18Mar10, he observed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, enter into Hotel Goddess. (b)(6), (b)(7)(C) opined that (b)(6), (b)(7)(C) overslept and was making allegations against (b)(6), (b)(7)(C) to prevent herself from getting into trouble for missing ships movement. (b)(6), (b)(7)(C) stated he has had conversations with (b)(6), (b)(7)(C) where she stated she wanted out of the Navy because she could not handle it. (b)(6), (b)(7)(C) stated he was aware that (b)(6), (b)(7)(C) had talked about purchasing a plane ticket to fly back to the United States, Exhibit (10) provides further details.

WARNING

FOR OFFICIAL USE ONLY
Page 3 of 4

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 21MAY10-FEYK-0275-8DNA/C

20Jun10

12. On 03Jun10, (b)(6), (b)(7)(C) provided a pre-typed statement detailing further details about his interaction with (b)(6), (b)(7)(C) advised he and (b)(6), (b)(7)(C) spoke briefly about having sexual intercourse; however, (b)(6), (b)(7)(C) alleged he informed (b)(6), (b)(7)(C) it would never happen for various reasons. (b)(6), (b)(7)(C) reported he placed his hands on (b)(6), (b)(7)(C)'s face and kissed her and following this he and (b)(6), (b)(7)(C) were interrupted by (b)(6), (b)(7)(C) Infra, Exhibit (11) pertains.

13. On 08Jun10, (b)(6), (b)(7)(C) was subject to Non Judicial Punishment before the Commanding Officer of the USS GEORGE WASHINGTON (CVN 73). (b)(6), (b)(7)(C) was found guilty of Article 92 (Failure to obey a lawful general order), and was awarded reduction in rate (suspended for six months) and loss of \$1,341.00 for one month, Exhibit (12) pertains. This investigation is closed.

DISTRIBUTION

NCISHQ: 0023B/0024

INFO: FEYK/FEXO

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 / LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 4 of 4

F13-0580.FEYK 000167

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

368907 23:54 20120318 IN:SSDEMAIL #89334 OUT:NIPRDAAAM #87801

REPORT OF INVESTIGATION (CLOSED)

19MAR12

RAPE (II)

CONTROL: 21NOV11-FEYK-0681-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka, Japan Case File: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN/CCN: 29OCT11-FEYK-0639-7GNA
(B) NCISRA Yokosuka, Japan Case File: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) SN/CCN: 29OCT11-FEYK-0638-8FNA
(C) NCISRA Yokosuka ROI (INTERIM)/17JAN12 (Contains Exhibits 1-27)

EXHIBITS

- (28) USACIL DNA Branch Final Report/22FEB12... (Copy all)
(29) Report of Disposition of Offense(s) for (b)(6), (b)(7)(C)
20JAN12... (Copy all)
(30) IA: Results of Interview of (b)(6), (b)(7)(C) 5MAR12... (Copy all)

EXECUTIVE SUMMARY

1. On 29Oct11, (b)(6), (b)(7)(C) USN, Investigator, Criminal Investigation Division (CID), Commander Fleet Activities Yokosuka (CFAY), Japan, contacted NCIS after (b)(6), (b)(7)(C) was found passed out near the Womble gate of CFAY. According to (b)(6), (b)(7)(C) USN, and (b)(6), (b)(7)(C) Civ, reported seeing (b)(6), (b)(7)(C) on the ground in the Kosuge Building lobby, located at 2-16 Otaki Cho, Yokosuka City, Japan. This building houses Angelo's Bar, which is located on the fifth floor. (b)(6), (b)(7)(C) was observed passed out with her panties pulled down and a (b)(6), (b)(7)(C) ale, later identified as (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS George Washington (CVN 73), standing above her pulling his pants up. (b)(6), (b)(7)(C) then ran off and struck (b)(6), (b)(7)(C) on the face with his hand when she attempted to stop him. While being interrogated, (b)(6), (b)(7)(C) identified (b)(6), (b)(7)(C) as being with him throughout the evening of 28OCT11 and the morning of 29OCT11. References (A) and (B) document the initiation of assault and rape investigations involving (b)(6), (b)(7)(C). On 29Oct11, (b)(6), (b)(7)(C) was interrogated subsequent to his advisement and waiver of Article 31b Rights. (b)(6), (b)(7)(C) provided a sworn statement detailing the events on the evening of 28OCT11 and morning of 29OCT11. (b)(6), (b)(7)(C) stated that while at Angelo's Bar, he and (b)(6), (b)(7)(C) were kissing and fondling each other in a nearby staircase. (b)(6), (b)(7)(C) stated he inserted his penis into (b)(6), (b)(7)(C) but he could not stay erect. (b)(6), (b)(7)(C) aid he left (b)(6), (b)(7)(C) at Angelo's a short time later and

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000168

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 21NOV11-FEYK-0681-8FNA/C

19Mar12

returned to CFAY. To date, several interviews have been conducted, including an interview of (b)(6), (b)(7)(C) an interrogation of (b)(6), (b)(7)(C) as well as a search of (b)(6), (b)(7)(C)'s BEQ room. Sexual Assault Forensic Exams (SAFE) were conducted and DNA samples collected. Surveillance videos from the Kosuge Building were reviewed, as well as applicable medical records. Results of testing from the US Army Criminal Investigations Laboratory (USACIL) revealed the presence of (b)(6), (b)(7)(C)'s semen DNA and non-semen DNA on swabs taken from (b)(6), (b)(7)(C)'s vagina and stains in her underwear. On 25JAN12, (b)(6), (b)(7)(C) received NJP from (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN73) for violations of UCMJ Article 92 for "wrongfully consuming alcohol between the hours of 0200 and 0600", and for Article 134, "being drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces." This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape) of the Uniform Code of Military Justice (UCMJ).

2. On 23FEB12, Reporting Agent (RA) received a memorandum from USACIL DNA Branch dated 22FEB12. The results of their testing revealed the presence of (b)(6), (b)(7)(C)'s semen DNA and non-semen DNA on swabs taken from (b)(6), (b)(7)(C)'s vagina/cervix and stains in her underwear; Exhibit (28) applies.

3. On 25JAN12, (b)(6), (b)(7)(C) received NJP from (b)(6), (b)(7)(C) USN, Commanding Officer, USS GEORGE WASHINGTON (CVN73) for violations of UCMJ Article 92 for "wrongfully consuming alcohol between the hours of 0200 and 0600", and for Article 134, "being drunk and disorderly, which conduct was of a nature to bring discredit upon the armed forces." Exhibit (29) pertains.

4. On 14MAR12, RA and Participating Agent (PA) (b)(6), (b)(7)(C) attempted to further interview (b)(6), (b)(7)(C) in order clarify items in his statement he provided to the Naval Criminal Investigative Service on 29OCT11. When RA advised and explained to (b)(6), (b)(7)(C) the Military Suspect's Acknowledgement and Waiver of Rights form, (b)(6), (b)(7)(C) chose to exercise his right to remain silent; Exhibit (30) applies.

5. Due to command adjudication, in tandem with the completion of all logical investigative steps, this investigation is closed. On 01MAR12, PA (b)(6), (b)(7)(C) briefed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Executive Officer (XO), USS George Washington (CVN 73) regarding the pending closure of captioned investigation. On 19Mar12, (b)(6), (b)(7)(C) Trial Counsel, Regional Legal Service Office (RLSO), Yokosuka, Japan, was briefed on the closure of captioned investigation.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent Afloat, NCISRU, USS George Washington, Yokosuka, Japan

DISTRIBUTION

NCISHQ: 0023

FOR OFFICIAL USE ONLY
Page 2 of 3

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 21NOV11-FEYK-0681-8FNA/C

19Mar12

INFO: FEYK/002P/014C/ (b)(6), (b)(7)(C) USN, Commanding Officer,
USS GEORGE WASHINGTON (CVN73) via (b)(6), (b)(7)(C)
(H) (b)(6), (b)(7)(C) Lead Trial Counsel, Regional Legal
Service Office, Yokosuka, Japan (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C)

V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 3 of 3

F13-0580.FEYK 000170

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

2464 01:00 20090728 IN:SSDEMAIL #47443 OUT:NIPRDAAAM #34243

REPORT OF INVESTIGATION (CLOSED)

24JUL09

RAPE (II)

CONTROL: 22MAR09-FEYK-0082-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/COMMANDER NAVAL FORCES JAPAN/57006

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka ROI (INTERIM)/07May09 (Contains Exhibits 1-13)

EXECUTIVE SUMMARY

1. (b)(6), (b)(7)(C) reported to security personnel on 21Mar09 that she was = raped by (b)(6), (b)(7)(C) USN, on Friday = evening, 20Mar09. Security had responded to (b)(6), (b)(7)(C) on base residence = in response to a call from (b)(6), (b)(7)(C) reporting (b)(6), (b)(7)(C) refused to leave = the residence and had threatened to take (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) A forensic medical examination of (b)(6), (b)(7)(C) was = conducted at the hospital. (b)(6), (b)(7)(C) described to the sexual assault = nurse examiner (SANE) that she had been staying at (b)(6), (b)(7)(C) = apartment since her arrival to Japan on 14Mar09 to (b)(6), (b)(7)(C) = (b)(6), (b)(7)(C) claimed (b)(6), (b)(7)(C) locked her in his bedroom, forced her onto his = bed, partially removed her clothing, and then began vaginal intercourse = before he was interrupted by (b)(6), (b)(7)(C) knocking on the door. = Bruises were noted to each thigh of (b)(6), (b)(7)(C) and redness to her = "cervical os."

(b)(6), (b)(7)(C) consented to an interview and a permissive search of his = apartment on 22Mar09. (b)(6), (b)(7)(C) maintained he had consensual sex with = (b)(6), (b)(7)(C) on Friday and that she removed her own clothing and insisted = he use condoms. (b)(6), (b)(7)(C) declared he told (b)(6), (b)(7)(C) to leave his = apartment on Saturday night, 21Mar09, when she returned from a meeting = she had arranged over the internet with a guy she had just met. Two = types of condoms and a fitted sheet were seized from (b)(6), (b)(7)(C) = apartment. During a detailed interview, (b)(6), (b)(7)(C) repeated what she = told the SANE, but unequivocally declared (b)(6), (b)(7)(C) did not use a condom.

2 (b)(6), (b)(7)(C) clarified in a 24Mar09 interview that he purchased additional = condoms Friday night in anticipation of later asking (b)(6), (b)(7)(C) for sex. = Inquiries at the commissary confirmed (b)(6), (b)(7)(C) purchase of a box of = condoms on Friday evening. The same afternoon, a sworn statement was = taken from (b)(6), (b)(7)(C) after she took (b)(6), (b)(7)(C) out of school and tried = to pick up (b)(6), (b)(7)(C) from the babysitter, causing concern she was = attempting to kidnap the children. (b)(6), (b)(7)(C) claimed she was only = planning to keep them overnight. (b)(6), (b)(7)(C) confirmed during = a 01Apr09 interview that he met (b)(6), (b)(7)(C) Friday morning, 20Mar09, = rendezvoused with her the next evening, and had sexual intercourse with her on =

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 22MAR09-FEYK-0082-8FNA/C

24Jul09

Monday, 23Mar09. No pertinent information was obtained during an interview of (b)(6), (b)(7)(C) claimed that approximately one week prior to 21Mar09, (b)(6), (b)(7)(C) disclosed during a conversation with her that he and (b)(6), (b)(7)(C) had engaged in sex. On 17Apr09, after declaring she wanted to withdraw from participating in the case, (b)(6), (b)(7)(C) expressed she gave in to (b)(6), (b)(7)(C) repeated sexual advances out of fear he would kick her out of the apartment if she didn't.

3. (b)(6), (b)(7)(C) expressed a willingness to undergo a polygraph examination relative to (b)(6), (b)(7)(C)'s allegation that he raped her; however, a request to administer the exam was declined. Citing a lack of evidence, no action is being taken by Command. This investigation is closed.

NARRATIVE

1. This reactive investigation pertained to reported violations of UCMJ = Article 120 (Rape).

2. Reference (A) documents investigative activities that occurred prior to this report. A request submitted to NCIS Headquarters to administer a polygraph examination to (b)(6), (b)(7)(C) was declined, citing the elements of rape were not met. On 11Jun09, (b)(6), (b)(7)(C) was advised a polygraph examination of (b)(6), (b)(7)(C) would not be conducted. According to (b)(6), (b)(7)(C) Command would not take any judicial or administrative action against (b)(6), (b)(7)(C) in reference to the rape allegation. This investigation is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/Staff Judge Advocate (SJA) CNFJ (ATTN: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) H)/Command (ATTN: (b)(6), (b)(7)(C) (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

508704 08:09 20060922 IN:SSDEMAIL #3947 OUT:NIPRDAAAM #57641

REPORT OF INVESTIGATION (CLOSED)

22SEP06

SPECIAL INQUIRY (II)

CONTROL: 22SEP06-FEYK-0235-8XNA/C

(b)(6), (b)(7)(C)

COMMAND/COMMANDER FLEET ACTIVITIES YOKOSUKA/61518

MADE AT/FEYK/YOKOSUKA JAPAN / (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Results of Interview of (b)(6), (b)(7)(C) 25AUG06... (Copy All/Less ADPAC)
- (2) Signed Sworn Statement from (b)(6), (b)(7)(C) 24AUG06... (Copy All/Less ADPAC)
- (3) IA: Results of Interview of (b)(6), (b)(7)(C) 07SEP06... (Copy All/Less ADPAC)
- (4) IA: Results of Telephonic Interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 07SEP06... (Copy All/Less ADPAC)

NARRATIVE

1. This reactive investigation was initiated based on a request, from the command of Commander Fleet Activities Yokosuka (CFAY), and focused on possible violations of the Uniform Code of Military Justice (UCMJ) Article 133, Conduct Unbecoming an Officer, and Article 134, Adultery.

2. On 21Aug06, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) in regards to his knowledge of the rules and regulations that govern the conduct of Navy chaplains and his knowledge of the ongoing investigation into the activities of (b)(6), (b)(7)(C) regarding his interaction with (b)(6), (b)(7)(C) stated after being briefed on the CFAY Command Investigations Division (CID) investigation he relieved (b)(6), (b)(7)(C) of his (b)(6), (b)(7)(C) duties. (b)(6), (b)(7)(C) stated he spoke to (b)(6), (b)(7)(C) on a few occasions regarding events taking place in his life but stated (b)(6), (b)(7)(C) CFAY, was the person who took (b)(6), (b)(7)(C) under his wing and talked with him the most.

3. (b)(6), (b)(7)(C) advised that to become a Navy chaplain one must be formally endorsed by an endorsing church. He went on to state that a Navy chaplain is bound by the Navy Chaplain's Code of Ethics and whatever rules and guidelines are imposed by the individual chaplain's endorsing church. (b)(6), (b)(7)(C) stated if a chaplain violates the rules and regulations of their endorsing church the church can then revoke the chaplain's endorsement making that chaplain ineligible to continue their duties as a Navy chaplain. (b)(6), (b)(7)(C) also provided RA with a copy of the Navy Chaplain Corps' Code of ethics in which he highlighted the following two phrases: "I will never use that power in ways that violate the personhood of another

FOR OFFICIAL USE ONLY
Page 1 of 4

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000173

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 22SEP06-FEYK-0235-8XNA/C

22Sep06

human being religiously, emotionally or sexually" and "I will use my pastoral office only for that which is best for the persons under my ministry". When asked about the possibility of (b)(6), (b)(7)(C) becoming romantically involved with other individuals (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated that he is unaware of any other people, other than the woman who filed the current complaint against him, whom (b)(6), (b)(7)(C) counseled on a regular basis. Exhibit (1) pertains.

4. On 24Aug06, RA interviewed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) hereinafter referred to as (b)(6), (b)(7)(C) in regards to his knowledge of (b)(6), (b)(7)(C) interaction with (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) has obsessive compulsive disorder (OCD) and he felt she needed someone to talk to other than himself. (b)(6), (b)(7)(C) stated he encouraged her to call the CFAY chapel and speak with someone. He stated in late June or early July she contacted the chapel and spoke with (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) would speak on the telephone for one to two hours per day usually beginning around 2300. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) eventually met with (b)(6), (b)(7)(C) in person and after her meeting told (b)(6), (b)(7)(C) that she really believed (b)(6), (b)(7)(C) was going to help her. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) told him that during her counseling sessions and telephone calls with (b)(6), (b)(7)(C) he would ask her a lot of questions about sex. (b)(6), (b)(7)(C) recalled one occasion when (b)(6), (b)(7)(C) told him that (b)(6), (b)(7)(C) had asked her what a "sixty-nine", referring to the sexual position, was and when she told him she did not know he told her what it was.

5. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) told him, on 19Jul06, that (b)(6), (b)(7)(C) had invited her to his room at the BOQ, while (b)(6), (b)(7)(C) and his son were away on a camping trip. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) told him she went to (b)(6), (b)(7)(C) room and they ended up kissing. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) told him that the kiss led to (b)(6), (b)(7)(C) touching her crotch and breasts. (b)(6), (b)(7)(C) stated he was told by (b)(6), (b)(7)(C) that during this touching (b)(6), (b)(7)(C) was wearing only boxer shorts and she was fully clothed. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) told him she started to cry during the touching and (b)(6), (b)(7)(C) topped. (b)(6), (b)(7)(C) stated he asked (b)(6), (b)(7)(C) why she went to (b)(6), (b)(7)(C) room and she stated to him that he was a priest and she felt she could trust him. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) continued to have telephonic contact with (b)(6), (b)(7)(C) after this incident and asked her not to say anything to anyone about what happened. (b)(6), (b)(7)(C) stated he feels that (b)(6), (b)(7)(C) took advantage of (b)(6), (b)(7)(C) because she is trusting and gullible. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) was supposed to be counseling (b)(6), (b)(7)(C) in a professional capacity and he used his position to take advantage of her. Exhibit (2) pertains.

6. On 07Sep06, RA interviewed (b)(6), (b)(7)(C) CFAY, concerning his knowledge of the existence of any type of relationship between (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) had spoken to him and received guidance from him as (b)(6), (b)(7)(C) on certain occasions and that those conversations were privileged communications and the content of such conversations would not be disclosed. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) had counseled the woman who made the complaint against him, whose name he did not know, but who has been identified as (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) had come to him and told him that (b)(6), (b)(7)(C) was an obsessive person and later related to (b)(6), (b)(7)(C) that she began to obsess over him. (b)(6), (b)(7)(C) stated he advised

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 4

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 22SEP06-FEYK-0235-8XNA/C

22Sep06

(b)(6), (b)(7)(C) to be careful and recommended that he refer the woman to another (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) told him that he repeatedly told (b)(6), (b)(7)(C) that he could not see her anymore and she should see another (b)(6), (b)(7)(C) but, according to what (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) she continued to call him. (b)(6), (b)(7)(C) stated he does not know exactly what happened between (b)(6), (b)(7)(C) and that he has no knowledge of (b)(6), (b)(7)(C) having anything other than professional relationships with other individuals whom he has counseled. He also added that in his opinion, (b)(6), (b)(7)(C) has been an outstanding chaplain. Exhibit (3) pertains.

7. On 07Sep06, RA received a phone call from and telephonically interviewed (b)(6), (b)(7)(C) herein after referred to as (b)(6), (b)(7)(C) regarding her interaction with (b)(6), (b)(7)(C) stated she began talking to (b)(6), (b)(7)(C) after she called the CFAY chapel sometime in May06 looking for someone to talk to about problems she was having with her husband, her depression, and issues caused by her obsessive compulsive disorder (b)(6), (b)(7)(C) stated she talked to (b)(6), (b)(7)(C) on a daily basis over a period of approximately two months for one to two hours at a time. (b)(6), (b)(7)(C) stated the first time she met (b)(6), (b)(7)(C) in person was when she went to see him at the chapel with her mother. She stated she only went to the chapel for counseling on two or three occasions and that most of their contact was telephonic. (b)(6), (b)(7)(C) stated she began to have feelings for (b)(6), (b)(7)(C) because he was helping her and would listen to her. She stated she had a dream about him kissing her, which she told him about. (b)(6), (b)(7)(C) stated that the day after she told (b)(6), (b)(7)(C) about her dream he invited her to his Bachelors Officer's Quarters room.

8. (b)(6), (b)(7)(C) stated she went to (b)(6), (b)(7)(C)'s BOQ room on three occasions after he had asked her to come over. She stated (b)(6), (b)(7)(C) told her he would massage her back and stated he has a lot of friends who come over to watch movies. (b)(6), (b)(7)(C) stated she didn't see anything wrong with going to his room because he (b)(6), (b)(7)(C) She stated the first time she went to his room he kissed her on the cheek and told her he had an emotional connection with her. (b)(6), (b)(7)(C) stated the second time she went to (b)(6), (b)(7)(C) room they talked and hugged each other. She stated the third time she went to his room occurred on a Saturday night / Sunday morning on which (b)(6), (b)(7)(C) had asked her to meet him at his BOQ room. (b)(6), (b)(7)(C) stated she went to his room at the predetermined time but (b)(6), (b)(7)(C) was not there. She stated she called him on his cell phone and asked him why he didn't meet her. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) responded by telling her that he wanted to make love to her. She stated that after talking to (b)(6), (b)(7)(C) she met him at his room at 0200 and ended up spending the night there. When asked what happened on the night she spent with (b)(6), (b)(7)(C) responded by saying (b)(6), (b)(7)(C) touched her body and kissed her, but they did not have sex. (b)(6), (b)(7)(C) stated they both had their clothes off at the time (b)(6), (b)(7)(C) touched her body and that she started to feel guilty about "committing adultery (b)(6), (b)(7)(C) and started to cry. (b)(6), (b)(7)(C) stated when she started to cry, (b)(6), (b)(7)(C) stopped touching her and stated he could not have a relationship with her anymore because she was married.

9. (b)(6), (b)(7)(C) stated she still attempted to contact (b)(6), (b)(7)(C)

WARNING

FOR OFFICIAL USE ONLY
Page 3 of 4

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 22SEP06-FEYK-0235-8XNA/C

22Sep06

telephonically after this incident but that he tried to create distance between them and told her that what happened was a mistake.

(b)(6), (b)(7)(C) stated she spoke to (b)(6), (b)(7)(C) on the phone approximately one week prior to this interview and was told by him that they could not be friends anymore. (b)(6), (b)(7)(C) stated she has been trying to call (b)(6), (b)(7)(C) at his BOQ room and on his cell phone but has not been able to reach him. (b)(6), (b)(7)(C) stated she did not want to meet with RA in person because she does not want to get (b)(6), (b)(7)(C) in trouble or get him kicked out of the Navy. (b)(6), (b)(7)(C) stated the nine (9) pages of statements she had written and faxed to CFAY CID were statements (b)(6), (b)(7)(C) had made to her over the duration of their contact with each other and that those along with her telephonic conversation with RA should be sufficient. (b)(6), (b)(7)(C) stated she always thought of (b)(6), (b)(7)(C) as a counselor and not as a boyfriend and that she still thinks of him as a therapist. She stated she believes (b)(6), (b)(7)(C) thought of her only as a patient and she feels that what happened was a one time mistake but does not feel that (b)(6), (b)(7)(C) took advantage of her. Exhibit (4) pertains.

10. On 19Sep06, RA contacted (b)(6), (b)(7)(C) attorney, (b)(6), (b)(7)(C) knowing that (b)(6), (b)(7)(C) was scheduled to have returned from leave status on 15Sep06, and requested an interview with his client. (b)(6), (b)(7)(C) stated he would consult with his client and get back to RA with a decision. As of the date of this report, RA has not heard back from (b)(6), (b)(7)(C). On 21Sep06, RA was informed by Acting Supervisory Special Agent (b)(6), (b)(7)(C) that CFAY SJA, (b)(6), (b)(7)(C) advised him on 21Sep06 that it was his understanding that (b)(6), (b)(7)(C) would not be making his client available for an interview. All NCIS investigative efforts are complete and this investigation is closed.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan

ACTION

0023: ONLY Report.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/ADPAC/CFAY, ATTN: Commanding Officer (H)/RLSO Pacific,

ATTN: (b)(6), (b)(7)(C) (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY

Page 4 of 4

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

609614 03:01 20100903 IN:SSDEMAIL #15408 OUT:NIPRDAAAM #1795

REPORT OF INVESTIGATION (CLOSED)

01SEP10

SEXUAL ASSAULT (II)

CONTROL: 23JUL10-FEYK-0351-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS BLUE RIDGE (LCC19)/05840

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Interview of (b)(6), (b)(7)(C) USN/23JUL10...(Copy all)
- (2) IA: Results of Interview of (b)(6), (b)(7)(C) 3JUL10...(Copy all)
- (3) Statement of (b)(6), (b)(7)(C) USN/24JUL10...(Copy all)
- (4) Statement of (b)(6), (b)(7)(C) USN/25JUL10...(Copy all)
- (5) Statement of (b)(6), (b)(7)(C) UL10...(Copy all)
- (6) Statement of (b)(6), (b)(7)(C) USN/25JUL10...(Copy all)
- (7) IA: Results of Interview of (b)(6), (b)(7)(C) 25JUL10...(Copy all)
- (8) IA: Examination of (b)(6), (b)(7)(C) S Berthing Area/25JUL10...(Copy all)
- (9) IA: Results of Interview of (b)(6), (b)(7)(C) USN/25JUL10...(Copy all)
- (10) Statement of (b)(6), (b)(7)(C) SN/25JUL10...(Copy all)
- (11) Statement of (b)(6), (b)(7)(C) USN/26JUL10...(Copy all)
- (12) IA: Results of Interview of (b)(6), (b)(7)(C) USN/10AUG10...(Copy all)
- (13) Statement of (b)(6), (b)(7)(C) SN/10AUG10...(Copy all)
- (14) IA: Results of Interview of (b)(6), (b)(7)(C) USN/25AUG10...(Copy all)
- (15) IA: Results of Inquiries at the United States Naval Hospital, Yokosuka, Japan/11AUG10...(Copy all)
- (16) Statement of (b)(6), (b)(7)(C) USN/12AUG10...(Copy all)
- (17) Statement of (b)(6), (b)(7)(C) USN/13AUG10...(Copy all)
- (18) Military Suspect's Acknowledgement and Waiver of Rights/13Aug10...(Copy all)
- (19) Statement of (b)(6), (b)(7)(C) 13AUG108...(Copy all)
- (20) Statement of (b)(6), (b)(7)(C) USN/14AUG10...(Copy all)

EXECUTIVE SUMMARY

1. On 22Jul10, (b)(6), (b)(7)(C) USN, USS BLUE RIDGE (LCC 19), advised Reporting Agent (RA) of an alleged sexual assault on (b)(6), (b)(7)(C) USN, USS BLUE RIDGE (LCC19). On 23Jul10, RA interviewed (b)(6), (b)(7)(C) concerning the allegations. (b)(6), (b)(7)(C) advised he believed something "bad" was happening to him while he was sleeping onboard the ship (b)(6), (b)(7)(C) stated that on approximately 27Jun10, he awoke from a dream with a sore and bleeding anus. (b)(6), (b)(7)(C) further stated there was also a clear wet liquid on his anus and underwear. (b)(6), (b)(7)(C) informed RA that he reported this incident to his chain of command and he was

FOR OFFICIAL USE ONLY
Page 1 of 6

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 23JUL10-FEYK-0351-8FNA/C

01Sep10

subsequently referred to the command Sexual Assault Victim Intervention (SAVI) representative and was later taken to United States Naval Hospital (USNH), Yokosuka, Japan for an examination.

(b)(6), (b)(7)(C) added he felt someone had touched his butt on other occasions while he was sleeping. (b)(6), (b)(7)(C) stated the incidents occurred when it was dark, so he did not see who allegedly assaulted him. Various people were interviewed to include fellow co-workers, berthing mates, and other personnel involved in this incident. After (b)(6), (b)(7)(C) was initially interviewed, he went to the ship's Medical Officer and expressed suicidal idealizations. (b)(6), (b)(7)(C) was subsequently detached from the ship and transferred to the USNH Yokosuka, Japan for treatment. During this time, it was determined that (b)(6), (b)(7)(C) was not a threat to himself, was not suitable for further government service, and he was recommended for separation.

(b)(6), (b)(7)(C) was re-interviewed and confessed to lying about the sexual assault. Command advised that no further action would be taken against (b)(6), (b)(7)(C) and he would be separated by the USN. As (b)(6), (b)(7)(C) admitted he lied about the alleged sexual assault, this investigation is hereby closed and another investigation will be initiated pertaining to false statements.

NARRATIVE

1. This case was initiated as a reactive investigation and pertains to a suspected violation of Uniform Code of Military Justice (UCMJ) Article 120 (Rape, sexual assault, and other sexual misconduct).

2. On 22Jul10, (b)(6), (b)(7)(C) USN, USS BLUE RIDGE (LCC 19), advised RA that his (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, had questioned (b)(6), (b)(7)(C) concerning an alleged sexual assault. (b)(6), (b)(7)(C) provided RA with two statements concerning the allegations that were taken by the MAA Office; Exhibit (1) pertains.

3. On 23Jul10, RA interviewed (b)(6), (b)(7)(C) concerning the alleged sexual assault. (b)(6), (b)(7)(C) stated that in February or March of 2010, he went out with some co-workers to socialize and consume alcoholic beverages. (b)(6), (b)(7)(C) stated he is underage, so he rarely consumes alcohol. (b)(6), (b)(7)(C) stated he became drunk and upon returning to the ship, he passed out in his rack. (b)(6), (b)(7)(C) stated the next morning, he awoke after having a dream that something "bad" had happened to him and his back and anus were sore. (b)(6), (b)(7)(C) further stated he had similar dreams over the next couple of months and (b)(6), (b)(7)(C) tried to identify who was doing this to him. (b)(6), (b)(7)(C) advised that on one occasion, he confronted a fellow shipmate, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS BLUE RIDGE (LCC 19) who he was suspicious of. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) denied any wrongdoing. During the interview, (b)(6), (b)(7)(C) stated that life is too short and he wanted to get out of the US Navy to be home with his family; Exhibit (2).

4. On 24Jul10, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USS BLUE RIDGE (LCC 19), provided RA with a statement concerning his knowledge of the alleged sexual assault of (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) was a quiet but energetic and hard working individual prior to going to Commanding Officer (CO) Captain's Mast. (b)(6), (b)(7)(C) stated that around April 2010, (b)(6), (b)(7)(C) informed him that he felt something bad

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 6

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 23JUL10-FEYK-0351-8FNA/C

01Sep10

may have happened to him while he was sleeping. (b)(6), (b)(7)(C) said he informed (b)(6), (b)(7)(C) that if he determined that something happened or if it happened again, to let him know and he would take the proper action. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) was very vague about what happened. According to (b)(6), (b)(7)(C) later told him that something happened and his (b)(6), (b)(7)(C) anus was sore and bleeding; therefore (b)(6), (b)(7)(C) was immediately referred to the command SAVI representative. According to (b)(6), (b)(7)(C) took unauthorized liberty and was awarded restriction for his actions. (b)(6), (b)(7)(C) stated that after (b)(6), (b)(7)(C) completed his restriction, he took leave to the states. (b)(6), (b)(7)(C) stated he believed (b)(6), (b)(7)(C) wanted to get out of the USN and would do anything to accomplish this; Exhibit (3) pertains.

5. On 25Jul10, (b)(6), (b)(7)(C) USN, Communications Department, USS BLUE RIDGE (LCC 19), provided RA with a statement concerning his knowledge of the alleged sexual assault of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated that he felt (b)(6), (b)(7)(C) had personal problems that concerned his family and his girlfriend. (b)(6), (b)(7)(C) added that he noticed (b)(6), (b)(7)(C) on the phone a lot and (b)(6), (b)(7)(C) would inform him of being home sick. (b)(6), (b)(7)(C) stated that he felt that once (b)(6), (b)(7)(C) makes up his mind to do something, he will do whatever he can to accomplish it. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) once confronted him about being touched while sleeping. (b)(6), (b)(7)(C) stated he did not know who allegedly touched (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) informed RA that he felt that (b)(6), (b)(7)(C) wanted to get out of the US Navy and would do anything to accomplish this; Exhibit (4) pertains.

6. On 25Jul10, (b)(6), (b)(7)(C) USN, Communications Department, USS BLUE RIDGE (LCC 19) provided a statement concerning his knowledge of (b)(6), (b)(7)(C)'s alleged sexual assault. (b)(6), (b)(7)(C) stated he heard that (b)(6), (b)(7)(C) had been groped in berthing. (b)(6), (b)(7)(C) believed (b)(6), (b)(7)(C) wanted to get out of the USN; Exhibit (5) pertains.

7. On 25Jul10, (b)(6), (b)(7)(C) USN, Communications Department, USS BLUE RIDGE (LCC 19), provided RA with a statement concerning his knowledge of the alleged sexual assault of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) advised that he was assigned by the ship to watch (b)(6), (b)(7)(C). According to (b)(6), (b)(7)(C) told him that he (b)(6), (b)(7)(C) had told the doctor that he wanted to jump off the ship. (b)(6), (b)(7)(C) had no information regarding the alleged assault; Exhibit (6) pertains.

8. On 25Jul10, with the assistance of (b)(6), (b)(7)(C) USN, Administration Department, USS BLUE RIDGE (LCC 19), RA interviewed (b)(6), (b)(7)(C) of (b)(6), (b)(7)(C) concerning the alleged sexual assault on (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated that she felt something happened to (b)(6), (b)(7)(C) on several occasions while he was onboard the ship. (b)(6), (b)(7)(C) further stated that (b)(6), (b)(7)(C) informed her that he believed he was being drugged before he was assaulted. (b)(6), (b)(7)(C) informed RA that she wanted (b)(6), (b)(7)(C) out of the US Navy; Exhibit (7) pertains.

9. On 25Jul10, RA examined (b)(6), (b)(7)(C) berthing area. RA walked through the lounge and berthing area to see how the area was laid

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 23JUL10-FEYK-0351-8FNA/C

01Sep10

out; Exhibit (8) pertains.

10. On 25Jul10, RA interviewed (b)(6), (b)(7)(C) USS BLUE RIDGE (LCC 19), concerning his knowledge of (b)(6), (b)(7)(C) alleged sexual assault. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) came to him concerning soreness and bleeding of the anus. (b)(6), (b)(7)(C) stated that he referred (b)(6), (b)(7)(C) to USNH Yokosuka, Japan, for an examination. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) could have been drug and further added that (b)(6), (b)(7)(C) informed (b)(6), (b)(7)(C) that he wanted out of the US Navy; Exhibit (9) pertains.

11. On 25Jul10, (b)(6), (b)(7)(C) USN, Communications Department, USS BLUE RIDGE (LCC 19) provided RA with a statement concerning his knowledge of the alleged sexual assault of (b)(6), (b)(7)(C) informed RA that while (b)(6), (b)(7)(C) berths in close proximity to him, they rarely talk. (b)(6), (b)(7)(C) further stated that he had not heard anything about the allegations. Additional information is provided in Exhibit (10).

12. On 25Jul10, (b)(6), (b)(7)(C) USN, Communications Department, USS BLUE RIDGE (LCC 19) provided RA with a statement concerning his knowledge of the alleged sexual assault of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) stated that he had no knowledge of the allegations and further stated he rarely interacted with (b)(6), (b)(7)(C) did inform RA that around 03Jun10, he noticed (b)(6), (b)(7)(C) came to their berthing area and was very upset, which he had never observed before; Exhibit (11) provides additional information.

13. On 9Aug10, RA interviewed (b)(6), (b)(7)(C) as follow up on (b)(6), (b)(7)(C) According to (b)(6), (b)(7)(C) after questioning (b)(6), (b)(7)(C) he went to medical with suicidal idealizations. (b)(6), (b)(7)(C) was placed on suicide watch until he was able to be transported to USNH Yokosuka, Japan for treatment. It was determined that (b)(6), (b)(7)(C) was not suitable for continued military service and he was recommended for administrative separation. Exhibit (12) pertains.

14. On 10Aug10, RA interviewed (b)(6), (b)(7)(C) USN, Command SAVI Representative, USS BLUE RIDGE (LCC 19) concerning his knowledge of the alleged sexual assault of (b)(6), (b)(7)(C) According to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) approached him and told him he thought something bad happened to him and his anus was sore and bleeding. Due to having bleeding involved, (b)(6), (b)(7)(C) immediately took (b)(6), (b)(7)(C) to medical for an examination. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) wanted out of the US Navy. (b)(6), (b)(7)(C) further stated that there were no other claims of other males being sexually assaulted; Exhibit (13) pertains.

15. On 10Aug10, PA interviewed (b)(6), (b)(7)(C) USN, Communications Department, (b)(6), (b)(7)(C) USS BLUE RIDGE (LCC 19), concerning his knowledge of a torn log book on or around 03Jun10. Previously, RA interviewed (b)(6), (b)(7)(C) who stated that he observed (b)(6), (b)(7)(C) upset around this date (b)(6), (b)(7)(C) further stated that upon entering the berthing lounge the next morning, he noticed a log book was ripped up and scattered throughout the lounge. (b)(6), (b)(7)(C) showed RA the berthing log book. RA noticed that the page that covered 03Jun10, was torn in half length wise;

WARNING

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 23JUL10-FEYK-0351-8FNA/C

01Sep10

Exhibit (14) pertains.

16. On 11Aug10, Participating Agent (PA) (b)(6), (b)(7)(C) made inquiries at the USNH Yokosuka, Japan, concerning (b)(6), (b)(7)(C)'s hospital visits. PA (b)(6), (b)(7)(C) was provided the medical records for (b)(6), (b)(7)(C)'s medical visits on 25Jun10 and 27Jul10. The first medical record pertains to (b)(6), (b)(7)(C)'s visit to the Emergency Room, after reporting his alleged sexual assault. The second medical record pertains to his suicidal idealizations; Exhibit (15) pertains.

17. On 12Aug10, RA interviewed (b)(6), (b)(7)(C) USN, (b)(6), (b)(7)(C) Administration Department, USS BLUE RIDGE (LCC 19), concerning her knowledge of the alleged sexual assault of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) informed RA that (b)(6), (b)(7)(C) confronted her concerning his alleged sexual assault. According to (b)(6), (b)(7)(C) felt that something bad had happened to him while he was sleeping. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) that he could not recall everything, he did not see the person and when it happened, it was as if he was dreaming and was out of his body. (b)(6), (b)(7)(C) added that upon hearing this she escorted (b)(6), (b)(7)(C) to medical; Exhibit (16) pertains.

18. On 13Aug10, RA interviewed (b)(6), (b)(7)(C) USN, Medical Department, USS BLUE RIDGE (LCC 19), concerning her knowledge of the alleged sexual assault on (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated that she spoke with (b)(6), (b)(7)(C) when he was brought to medical. (b)(6), (b)(7)(C) stated that she followed procedures for sexual assault victim, but could not recall any details. (b)(6), (b)(7)(C) informed RA that details were recorded in (b)(6), (b)(7)(C) medical record; Exhibit (17) pertains.

19. On 13Aug10, PA (b)(6), (b)(7)(C) and PA (b)(6), (b)(7)(C) re-interviewed (b)(6), (b)(7)(C) concerning his alleged sexual assault. During the interview, (b)(6), (b)(7)(C) confessed that he fabricated the sexual assault allegations. (b)(6), (b)(7)(C) informed PA (b)(6), (b)(7)(C) and PA (b)(6), (b)(7)(C) that he wanted out of the US Navy because the recent passing of his grandfather and the declining health of his mother. Also, (b)(6), (b)(7)(C) thought that he was going to be a US Navy SEAL when he went into the US Navy and felt that his recruiter lied to him, so he now wanted to get out of the US Navy; Exhibits (18) and (19) pertain.

20. On 13Aug10, RA informed the CO and XO, USS BLUE RIDGE (LCC 19) regarding (b)(6), (b)(7)(C)'s confession, that he made-up the allegations. RA was advised that (b)(6), (b)(7)(C) would be administratively separated from the USN.

21. On 14Aug10, RA interviewed (b)(6), (b)(7)(C) USN, Communications Department, USS BLUE RIDGE (LCC 19), concerning her knowledge of the alleged sexual assault of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated that she was pretty close to (b)(6), (b)(7)(C) and he never said anything about being sexually assaulted. Exhibit (20) pertains.

22. As (b)(6), (b)(7)(C) admitted he lied about the alleged sexual assault, this investigation is hereby closed and another investigation will be initiated pertaining to false statements provided by (b)(6), (b)(7)(C).

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 23JUL10-FEYK-0351-8FNA/C

01Sep10

PARTICIPANTS

(b)(6), (b)(7)(C)

Special Agent, NCISRA Yokosuka, Japan

Special Agent, NCISRA Yokosuka, Japan

DISTRIBUTION

NCISHQ: 0023B

INFO: 02P/FEYK/024A/Commanding Officer, USS BLUE RIDGE (LCC-19)
(H)/RLSO (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C)

V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 6 of 6

F13-0580.FEYK 000182

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

410715 21:23 20120923 IN:SSDEMAIL #99744 OUT:NIPRDAAAM #97846

REPORT OF INVESTIGATION (CLOSED)

21SEP12

INDECENT ASSAULT (II)

CONTROL: 23JUL12-FEYK-0485-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS BLUE RIDGE (LCC-19)/05840

MADE AT/FEYK/YOKOSUKA JA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka, JA, Report of Investigation (Interim)/26Aug12
(Contains Exhibits 1-11)

EXHIBIT

(12) Non-Punitive Letter of Caution/11Sep12...(Copy 0023B Only)

EXECUTIVE SUMMARY

1. This investigation was initiated after (b)(6), (b)(7)(C) alleged she was slapped on the buttocks by (b)(6), (b)(7)(C) on the night of 20Jul12 in the Honch entertainment district of Yokosuka. (b)(6), (b)(7)(C) was interviewed, and admitted culpability in slapping (b)(6), (b)(7)(C) on the buttocks on the night in question. Although no eyewitnesses to the incident were identified, several people were interviewed who said (b)(6), (b)(7)(C) told them about being struck by (b)(6), (b)(7)(C) shortly after the incident allegedly occurred and (b)(6), (b)(7)(C) seemed upset. One witness recounted she was struck on the buttocks in a similar manner the same night, and (b)(6), (b)(7)(C) was standing with a group of people in close proximity to her. This witness could not identify her assailant. (b)(6), (b)(7)(C) was re-interrogated regarding this incident, but claimed to have no memory of slapping anyone else on the buttocks. Command counseled (b)(6), (b)(7)(C) for his inappropriate behavior and issued him a non-punitive letter of caution (NIPLOC). This investigation is closed.

NARRATIVE

1. This reactive investigation pertained to a suspected violation of Article 120, Abusive Sexual Contact, of the Uniform Code of Military Justice (UCMJ 120). Reference (A) reports prior investigative effort.

2. on 18Sep12 (b)(6), (b)(7)(C) USN, Legal Officer, USS BLUE RIDGE (LCC-19), informed Reporting Agent (RA) Command had disposed of the allegation against (b)(6), (b)(7)(C) via administrative action. Specifically, on 11Sep12, (b)(6), (b)(7)(C) was counseled by (b)(6), (b)(7)(C) USN, Commanding Officer, USS BLUE RIDGE, regarding his inappropriate behavior toward (b)(6), (b)(7)(C) and issued a NIPLOC, Exhibit (12) pertains. (b)(6), (b)(7)(C) advised Command would take no further action against (b)(6), (b)(7)(C).

3. On 20Sep12, RA briefed (b)(6), (b)(7)(C) as to the closure of this

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 23JUL12-FEYK-0485-8DNA/C

21Sep12

investigation. RA also advised (b)(6), (b)(7)(C) of the results of administrative action taken against (b)(6), (b)(7)(C)

4. On 21Sep12, RA mailed a R-84 (Disposition of Offenses) form to the FBI documenting Command's administrative action against (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) fingerprints and mug-shots had previously been submitted via LIVESCAN on 25Jul12. This investigation is closed.

DISTRIBUTION

NCISHQ: 023B (M)

INFO: FEYK/Command (H)

~~FOR OFFICIAL USE ONLY~~

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000184

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

493839 01:00 20120518 IN:SSDEMAIL #9380 OUT:NIPRDAAAM #9127

REPORT OF INVESTIGATION (CLOSED)

18MAY12

INDECENT ASSAULT (II)

CONTROL: 23MAR12-FEYK-0198-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS COWPENS (CG-63)/21623

MADE AT/FEYK/NCISRA YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Yokosuka, Japan ROI (INTERIM)/23APR12 (Contains Exhibits 1-17)

EXHIBITS

(18) IA: Receipt of (b)(6), (b)(7)(C) Victim Declination Acknowledgement/
18MAY12

EXECUTIVE SUMMARY

1. On 23Mar12, NCISRU USS GEORGE WASHINGTON (CVN-73) received notification from (b)(6), (b)(7)(C) USN, Sexual Assault Response Coordinator, USS GEORGE WASHINGTON (CVN-73), of the receipt of an unrestricted report of sexual assault involving (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) was interviewed and stated that at approximately 0430 on 22MAR12, she was awakened to being touched around her vagina by a male she knew as (b)(6), (b)(7)(C). This incident occurred aboard Barge APL-40 in a common area lounge, Commander Fleet Activities Yokosuka (CFAY), Japan. (b)(6), (b)(7)(C) stated she told him to get off her, which he did. (b)(6), (b)(7)(C) declined to participate in a Sexual Assault Forensic Examination (SAFE) or consent to the seizure of her clothing. (b)(6), (b)(7)(C) was subsequently identified as (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) was re-interviewed and disclosed that she previously had consensual sex with (b)(6), (b)(7)(C) on 19MAR12. (b)(6), (b)(7)(C) was interrogated and advised he and (b)(6), (b)(7)(C) engaged in consensual sex on 19MAR12, as well as on 22MAR12 at approximately 0400. A search of the lounge did not result in the recovery of any items of evidentiary value. Several interviews of (b)(6), (b)(7)(C) shipmates and friends were conducted. On 18May12, Participating Agent (PA) (b)(6), (b)(7)(C) contacted (b)(6), (b)(7)(C) USN, Commanding Officer, USS COWPENS (CG-63) to determine if command would take judicial/administrative action concerning this investigation. (b)(6), (b)(7)(C) advised he would take no judicial/administrative action regarding this investigation. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 23MAR12-FEYK-0198-8DNA/C

18May12

violations of Article 120 (Wrongful Sexual Contact) of the Uniform Code of Military Justice (UCMJ).

2. On 17MAY12, Reporting Agent (RA) received a Victim Declination Acknowledgement from (b)(6), (b)(7)(C) USN, Regional Legal Services Office (RLSO), Commander Fleet Activities Yokosuka (CFAY), Japan. This document was signed by (b)(6), (b)(7)(C) and stated that she no longer desired to participate in this investigation. (b)(6), (b)(7)(C) subsequently forwarded this document to the USS COWPENS; Exhibit (1) pertains.

3. On 18May12, PA (b)(6), (b)(7)(C) contacted (b)(6), (b)(7)(C) to determine if command would take judicial/administrative action concerning this investigation. (b)(6), (b)(7)(C) advised he would take no judicial or administrative action regarding this investigation. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Executive Officer, USS GEORGE WASHINGTON (CVN-73); (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, Command Judge Advocate, USS GEORGE WASHINGTON (CVN-73); and (b)(6), (b)(7)(C) USN, CTF-70, Command Judge Advocate, have been briefed on the status of this case, which is now closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

Supervisory Special Agent, NCISRA Yokosuka, JA
Special Agent, NCISRU USS George Washington

DISTRIBUTION

NCISHQ: 023B

INFO: FEYK/FEXO/002P/014C (b)(6), (b)(7)(C) USN, Commanding Officer, USS COWPENS (CG-63) (b)(6), (b)(7)(C) USN, Executive Officer, USS GEORGE WASHINGTON (CVN-73) (H) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Senior Trial Counsel, Regional Legal Service Office, Yokosuka, Japan (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

306530 18:36 20091208 IN:SSDEMAIL #15234 OUT:NIPRDAAAM #1840

REPORT OF INVESTIGATION (CLOSED)

02DEC09

INDECENT ASSAULT (II)

CONTROL: 23NOV09-FEYK-0349-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/COMMANDER FLEET ACTIVITIES YOKOSUKSA/61581

MADE AT/FEYK/YOKOSUKA JAPAN

(b)(6), (b)(7)(C)

SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Interview of (b)(6), (b)(7)(C) 3Nov09... (Copy SJA only)
- (2) IA: Results of Contact with USS Cowpens (CG-63)/24Nov09... (Copy SJA only)
- (3) IA: Results of Reinterview of (b)(6), (b)(7)(C) 01Dec09... (Copy SJA only)
- (4) IA: Results of Contact with Navy Exchange Loss Prevention/02Dec09... (Copy SJA only)

NARRATIVE

1. This reactive investigation is being conducted pursuant to a = suspected violation of Article 120 (Rape, sexual assault and other = sexual misconduct) of the Uniform Code of Military Justice.

2. This investigation was initiated on 23Nov09 following the = notification from Security, Commander Fleet Activities Yokosuka (CFAY), = Japan to NCISRA Yokosuka that the dependent spouse of a United States = Navy member was reporting she had been sexually assaulted. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) hereafter (b)(6), (b)(7)(C) reported she had been sexually assaulted = by a black male inside a bar located in the "Honch", an entertainment = district located adjacent to CFAY, Japan.

3. (b)(6), (b)(7)(C) reported flirting and consuming alcohol with the male who = invited her to his hotel room (NFI). (b)(6), (b)(7)(C) refused the offer but = subsequently began kissing the male and allowing him to unbutton her = pants. The male reportedly digitally penetrated (b)(6), (b)(7)(C)'s vagina = causing her to scream. The male allegedly briefly covered (b)(6), (b)(7)(C) mouth, stifling her scream, then left the bar. (b)(6), (b)(7)(C) reported the = black male identified himself as (b)(6), (b)(7)(C) a Chief Petty = Officer (CPO) and eighteen year veteran of the United States Navy, = currently assigned to the USS Cowpens (CG-63). (b)(6), (b)(7)(C) was transported = to the United States Naval Hospital (USNH) where she was offered, but = refused, a sexual assault examination. (b)(6), (b)(7)(C) further refused to = provide a sworn statement detailing the incident. Exhibit (1) pertains.

4. On 24Nov09, contact with the Executive Officer (XO) of the USS = Cowpens (CG-63) and a review of the ship's crew revealed no Chief Petty = Officers or any other personnel matching the description provided by = (b)(6), (b)(7)(C) Exhibit (2) pertains.

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 23NOV09-FEYK-0349-8DNA/C

02Dec09

5. On 01Dec09, (b)(6), (b)(7)(C) was recontacted and refused a second time to provide a sworn statement regarding the incident. (b)(6), (b)(7)(C) did report = she was in the Navy Exchange (NEX) Home Accents Store on 28Nov09 where she observed the black male who she alleges sexually = assaulted her on 23Nov09. Contact was made with NEX Loss = Prevention/Security who advised the cameras in the NEX Home Accents = Store are not connected to a recording system. Exhibits (3) and (4) = pertain.

6. (b)(6), (b)(7)(C) Judge Advocate General (JAG) Corps, USN, Regional = Legal Service Office (RLSO), CFAY, Japan was advised of the incident, = the information provided by (b)(6), (b)(7)(C) and the results of the captioned = investigation. (b)(6), (b)(7)(C) advised no violation of the Uniform Code of = Military Justice (UCMJ) could be substantiated based on the fact pattern = provided by (b)(6), (b)(7)(C)

7. Based on the lack of evidence necessary to substantiate a UCMJ = violation and the lack of an identifiable subject, this investigation is = closed.

PARTICIPANT

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan

ACTION

0023: ONLY Report

DISTRIBUTION

NCISHQ: 23B1

ACTION: 0023

INFO: 02P/FEYK/CFAY SJA (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

463043 19:50 20120419 IN:SSDEMAIL #1006 OUT:NIPRDAAAM #980

REPORT OF INVESTIGATION (CLOSED)

19APR12

RAPE (II)

CONTROL: 23NOV11-FEYK-0691-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS MUSTIN (DDG-89)/22997

MADE AT/FEYK/NCISRA YOKOSUKA JAPAN

(b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka, Japan ROI (INTERIM)/24Jan12 (Contains Exhibits 1-12)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM)/21Mar12

EXHIBIT

- (13) IA: Receipt of USS MUSTIN (DDG-89) Letter of Declination/06Apr12... (Copy All)

EXECUTIVE SUMMARY

1. On 16Nov11, while underway (b)(6), (b)(7)(C) executive Officer, USS MUSTIN (DDG-89), reported to NCISRA Yokosuka, Japan, that (b)(6), (b)(7)(C) alleged she was sexually assaulted by (b)(6), (b)(7)(C) in January 2011 in Tokyo, Japan. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) was assigned a Sexual Assault Victim's Advocate to assist her. On 22Nov11, upon return to Commander Fleet Activities Yokosuka (CFAY), Japan, (b)(6), (b)(7)(C) was interviewed and provided a sworn statement pertaining to an alleged rape inflicted upon her by (b)(6), (b)(7)(C) on 20Jan11, at the New Sanno Hotel in Tokyo. (b)(6), (b)(7)(C) advised that a few weeks following the incident, she began dating (b)(6), (b)(7)(C) stated she and (b)(6), (b)(7)(C) would have consensual sex throughout their on and off relationship until August, when (b)(6), (b)(7)(C) broke up with her. (b)(6), (b)(7)(C) stated she did not report the incident until now, because she was afraid of her chain of command. (b)(6), (b)(7)(C) was interviewed and admitted to having a sexual relationship with (b)(6), (b)(7)(C) from November 2010 to August 2011. (b)(6), (b)(7)(C) recalled the night in question, and stated they had consensual sex. Witness interviews were conducted and revealed (b)(6), (b)(7)(C) had a history of arguing at work; however, no one had knowledge of their personal relationship. Sailors present in Tokyo on the night in question stated that they witnessed (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) together and drinking alcohol throughout the night, until they split up and went back to the New Sanno Hotel. A check of the New Sanno Hotel records revealed on 06Jan11, (b)(6), (b)(7)(C) stayed at the hotel for one night in room number 539 and (b)(6), (b)(7)(C) was listed as a second guest. RA reviewed the electronic service records for (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) RA searched (b)(6), (b)(7)(C) personal telephone and discovered text messages to and from (b)(6), (b)(7)(C) however, all previously deleted

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 1 of 2

F13-0580.FEYK 000189

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 23NOV11-FEYK-0691-8FNA/C

19Apr12

content was not recoverable. On 13Mar12, (b)(6), (b)(7)(C) declined to participate in further interviews. On 05Apr12, (b)(6), (b)(7)(C) notified Reporting Agent (RA) that the command has declined to prosecute the case. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of Article 120 (Rape, sexual assault, and other sexual misconduct) of the Uniform Code of Military Justice (UCMJ).

2. Subsequent to the submission of References (A) and (B), on 05Apr12, (b)(6), (b)(7)(C) notified RA that (b)(6), (b)(7)(C) USN, Commanding Officer (CO), USS MUSTIN (DDG-89) declined to prosecution of captioned investigation. RA received a declination letter signed by (b)(6), (b)(7)(C) Exhibit (13) pertains. On 11Mar12, (b)(6), (b)(7)(C) USN, Trial Counsel, Region Legal Services Office, (RLSO), Yokosuka, Japan was briefed on the status of the investigation. This investigation is closed.

DISTRIBUTION

NCISHQ: 023B

INFO: FEYK (b)(6), (b)(7)(C) USN, XO, USS MUSTIN (DDG-89) (H) /
(b)(6), (b)(7)(C) USN, Force Judge Advocate, Task Force
Seven Zero/Carrier Strike Group Five (H) (b)(6), (b)(7)(C)
USN, RLSO, CFAY (H) /014C/002P

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000190

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

733101 19:11 20080918 IN:SSDEMAIL #35017 OUT:NIPRDAAAM #24536

REPORT OF INVESTIGATION (CLOSED)

12AUG08

INDECENT ASSAULT (II)

CONTROL: 24FEB08-FEYK-0046-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS COWPENS CG-63/21623

MADE AT/FEYK/ YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISRA Yokosuka, Japan ROI (INTERIM)/30May08... (Contains exhs. 1-17)

EXECUTIVE SUMMARY

1. On 24Feb08, NCISRA Yokosuka was notified of an alleged indecent assault that occurred between (b)(6), (b)(7)(C). The reported incident happened at (b)(6), (b)(7)(C) off base residence located at (b)(6), (b)(7)(C) Yokosuka, Japan, during the early morning hours of 24Feb08. On 23Feb08, (b)(6), (b)(7)(C) boyfriend (b)(6), (b)(7)(C) USN, USS COWPENS (CG-63 (b)(6), (b)(7)(C) friend (b)(6), (b)(7)(C) CIV, and (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS COWPENS (CG-63) went to various bars to drink alcohol in the Honcho district of Yokosuka, Japan. At approximately 0200, on 24Feb08, the group ended the night at (b)(6), (b)(7)(C) residence and engaged in additional consumption of alcohol. After a few hours, everyone but (b)(6), (b)(7)(C) fell asleep on (b)(6), (b)(7)(C) living room floor. (b)(6), (b)(7)(C) got under the covers next to (b)(6), (b)(7)(C) and allegedly fondled her breast and genital area. (b)(6), (b)(7)(C) thought (b)(6), (b)(7)(C) was touching her sexually until she became fully awake and realized it was (b)(6), (b)(7)(C) admitted culpability to touching (b)(6), (b)(7)(C) breast, placing his penis in her hands and attempting to place his hands down her pants. (b)(6), (b)(7)(C) stated he was intoxicated and apologized for his actions. Command was apprised of the incident and after reviewing the NCIS investigation, they handled the matter administratively. Investigative action has been completed and this investigation is closed.

NARRATIVE

1. On 12Aug08, Contact with (b)(6), (b)(7)(C) USN, Trial Counsel, Regional Legal Service Office, CFAY, Japan advised no charges will be preferred against (b)(6), (b)(7)(C)

2. On 10Sep08, contact with (b)(6), (b)(7)(C) USN, XO, USS COWPENS (CG-63) advised (b)(6), (b)(7)(C) was awarded Class "C" Liberty during the pendency of this investigation. Following the investigation, command closed out there case with a page 13 entry. As all investigative action has been completed, this investigation is closed.

DISTRIBUTION

NCISHQ: 0023B

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 24FEB08-FEYK-0046-8DNA/C

12Aug08

INFO: FEYK/USS COWPENS (CG-67) (ATTN: CO) (M)/Regional Legal
Services Office (ATTN: (b)(6), (b)(7)(C)) (M)

FOR OFFICIAL USE ONLY
(b)(6), (b)(7)(C) ~~V~~2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 2 of 2

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

394497 22:17 20100304 IN:SSDEMAIL #35282 OUT:NIPRDAAAM #21834

REPORT OF INVESTIGATION (CLOSED)

03MAR10

RAPE (II)

CONTROL: 24NOV09-FEYK-0353-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS CURTIS WILBER/21640

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(A) NCISRA Yokosuka, Japan ROI (INTERIM)/09DEC09...(Contains Exhibits 1-12)

EXHIBIT

(13) IA: Receipt of (b)(6), (b)(7)(C) S victims Preference Statement...(Copy All)

EXECUTIVE SUMMARY

1. On 23NOV09 NCISRA Yokosuka responded to the Transient Personnel Unit (TPU) barracks on board Commander Fleet Activities Yokosuka (CFAY) Japan. Interviews of (b)(6), (b)(7)(C) neighbors revealed that (b)(6), (b)(7)(C) woke up Saturday morning, 21NOV09, naked, in her bed and felt like she had sex, but had no memory of the night before. During an interview, (b)(6), (b)(7)(C) stated she is prescribed Prozac for depression and Ambien for insomnia. (b)(6), (b)(7)(C) stated she had taken her (b)(6), (b)(7)(C) Friday night, 20NOV09. (b)(6), (b)(7)(C) USN, was identified by (b)(6), (b)(7)(C) neighbor (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, as being the person who was with (b)(6), (b)(7)(C) on Friday night 20NOV09. In a subsequent interview, (b)(6), (b)(7)(C) stated he was with (b)(6), (b)(7)(C) Friday night and they had consensual sex and fell asleep together. (b)(6), (b)(7)(C) also stated he was not aware that (b)(6), (b)(7)(C) was taking medication that night. (b)(6), (b)(7)(C) met with (b)(6), (b)(7)(C) Judge Advocate General Corps (JAGC), Trial Counsel, Regional Legal Service Office (RLSO) and NCIS, at which time she advised she no longer wanted to cooperate with the investigation. Command advised no disciplinary action was warranted due to the results of the NCIS investigation and (b)(6), (b)(7)(C) ecision to discontinue her participation in the investigation. This investigation is closed.

NARRATIVE

1. This investigation pertains to suspected violations of the Uniform Code of Military Justice (UCMJ) Article 120 (Sexual Assault).

2. Since the submission of Reference (A) on 23FEB10, (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) and PA (b)(6), (b)(7)(C) she no longer desired to participate in the investigation surrounding the sexual assault. (b)(6), (b)(7)(C) signed a Victim Preference Statement. Refer to Exhibit (13) for additional details. (b)(6), (b)(7)(C) Staff Judge Advocate, Carrier Task Force 70 (CTF 70), advised that Commanding Officer (CO) (b)(6), (b)(7)(C) USS CURTIS WILBER (DDG-54) determined no disciplinary action was warranted due to the results of the NCIS investigation and

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 24NOV09-FEYK-0353-8FNA/C

03Mar10

(b)(6), (b)(7)(C) decision to discontinue her participation in the investigation. This investigation is closed.

PARTICIPANT

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan

DISTRIBUTION

NCISHQ: 0023INFO: FEYK/COMMAND(H)/CFAY SJA(H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 2 of 2

F13-0580.FEYK 000194

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

699748 01:01 20101216 IN:SSDEMAIL #40571 OUT:NIPRDAAAM #26415

REPORT OF INVESTIGATION (CLOSED)

16DEC10

SEXUAL ASSAULT (II)

CONTROL: 25AUG10-FEYK-0391-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS FITZGERALD (DDG-62)/21824

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka, Japan ROI (INTERIM)/31Aug10 (Contains Exhibits 1-11)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM)/21Oct10 (Contains Exhibits 12-14)

EXHIBITS

- (15) IA: Results of Attempts to Contact (b)(6), (b)(7)(C) 19Nov10... (Copy All)
- (16) IA: Photo Confirmation of (b)(6), (b)(7)(C) by TMPD/11Dec10... (Copy All)

EXECUTIVE SUMMARY

1. On 23Aug10, (b)(6), (b)(7)(C) called the Regional Legal Service Office (RLSO), Commander Naval Forces Japan (CNFJ), Yokosuka, Japan, to report she had been raped by a sailor she identified as (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS Fitzgerald (DDG-62), Yokosuka, Japan. NCISRA Yokosuka contacted the Tokyo Metropolitan Police Department (TMPD) to obtain further details concerning the alleged rape. TMPD advised they responded to her call; however, they would not initiate an investigation into the allegations made against (b)(6), (b)(7)(C). TMPD advised that (b)(6), (b)(7)(C) filed 13 false police reports with TMPD in the last two years. After receiving the information concerning the alleged rape, (b)(6), (b)(7)(C) was contacted by NCISRA Yokosuka via telephone in effort to arrange an interview. (b)(6), (b)(7)(C) advised she was raped by (b)(6), (b)(7)(C) on 21Aug10, while inside of her residence in Tokyo, Japan, and stated (b)(6), (b)(7)(C) placed a sleeping pill into her tea. (b)(6), (b)(7)(C) related she had consensual sexual intercourse with (b)(6), (b)(7)(C) two times prior to the alleged rape. (b)(6), (b)(7)(C) stated she would meet with NCIS and permit a crime scene examination of her residence. However, when NCISRA Yokosuka Special Agents arrived at (b)(6), (b)(7)(C) residence in Tokyo on 26Aug10 to conduct the crime scene examination and interview, (b)(6), (b)(7)(C) failed to answer her door or telephone. (b)(6), (b)(7)(C) refused to cooperate with the Japanese Police and refused to meet with NCIS after NCISRA Yokosuka made several additional attempts to interview her to include scheduling an appointment with her on 28Aug10. (b)(6), (b)(7)(C) was interviewed and denied raping (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) advised that on 21Aug10, he was at the Central Hotel in Yokosuka, Japan, with his girlfriend he identified as (b)(6), (b)(7)(C) (NFI). (b)(6), (b)(7)(C) had no other identification information for (b)(6), (b)(7)(C). On 04Oct10, Reporting Agent (RA) reviewed the video provided by the Central Hotel

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 1 of 3

F13-0580.FEYK 000195

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 25AUG10-FEYK-0391-8FNA/C

16Dec10

and (b)(6), (b)(7)(C) was observed in the video checking in at the hotel on 21Aug10 at approximately 1315hrs, with a woman who did not appear to resemble (b)(6), (b)(7)(C). The hotel video shows (b)(6), (b)(7)(C) checking out on 21Aug10 between the times of 2304 and 2310 with what appears to be the same woman who was with him earlier in the day while. On 25Aug10, NCISRA Yokosuka received a copy of the rape allegation made by (b)(6), (b)(7)(C) to TMPD. The report indicated (b)(6), (b)(7)(C) had a history of making false allegations and is recognized as being mentally disturbed. The report also indicates the Japanese Police declined to open an investigation since there was insufficient evidence to support (b)(6), (b)(7)(C) rape allegation. As (b)(6), (b)(7)(C) was seen on video in Yokosuka on the date of the alleged rape in Tokyo, this investigation is closed. Should (b)(6), (b)(7)(C) decide to contact NCISRA Yokosuka and agree to be interviewed, then subsequent investigative action will be initiated as deemed appropriate. This investigation is closed.

NARRATIVE

1. This reactive investigation was conducted pursuant to possible violations of Article 120 (Rape) of the Uniform Code of Military Justice.

2. From 27Sep10 through 12Oct10, RA and Participant (b)(6), (b)(7)(C) attempted multiple times by telephone to contact (b)(6), (b)(7)(C) did not answer one call made to her cellular phone by RA and (b)(6), (b)(7)(C). In addition, RA called (b)(6), (b)(7)(C) on her cellular phone on 19Oct10 and 17Nov10. Both times, (b)(6), (b)(7)(C) did not answer. (b)(6), (b)(7)(C) cellular phone number was previously provided to RA by (b)(6), (b)(7)(C) did not know (b)(6), (b)(7)(C) last name when asked by RA. (b)(6), (b)(7)(C) stated he only knew her as (b)(6), (b)(7)(C). See Exhibit (15).

3. On 10Dec10, Participant (b)(6), (b)(7)(C) contacted (b)(6), (b)(7)(C), 2nd Organized Crime Control Division, Organized Crime Control Bureau, TMPD to confirm if the woman in the computer image on the website "Girls Like You" and listed under the name (b)(6), (b)(7)(C) is (b)(6), (b)(7)(C) contacted the police officers from the Mejiro Police Station that initially responded to (b)(6), (b)(7)(C) residence on 21Aug10. The responding police officers of the Mejiro Police Station confirmed to (b)(6), (b)(7)(C) the woman in the image on the website "Girls Like You" is (b)(6), (b)(7)(C) see Exhibit (16).

4. Should (b)(6), (b)(7)(C) decide to contact NCISRA Yokosuka and agree to be interviewed, then subsequent investigative action will be initiated as deemed appropriate. All logical investigative leads have been exhausted and this investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

Supervisory Special Agent, NCISRA Yokosuka, Japan
Special Agent, NCISRA Yokosuka, Japan
Investigator, NCISRA Yokosuka, Japan
Investigator, NCISRA Yokosuka, Japan

DISTRIBUTION

NCISHQ: 0023

FOR OFFICIAL USE ONLY
Page 2 of 3

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 25AUG10-FEYK-0391-8FNA/C

16Dec10

INFO: 002P/FEYK/CO, USS Fitzgerald (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 3 of 3

F13-0580.FEYK 000197

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

422907 22:17 20060623 IN:SSDEMAIL #45908 OUT:NIPRDAAAM #34711

REPORT OF INVESTIGATION (CLOSED)

22JUN06

RAPE (II)

CONTROL: 26NOV05-HIMI-0119-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS COWPENS (CG-63)/21623

MADE AT/FEYK/NCISRA YOKOSUKA JA (b)(6), (b)(7)(C), SPECIAL AGENT

REFERENCE(S) (S)

- (A) NCISRA MARIANAS GU ROI (INTERIM)/30NOV05 (Contains exhibits 1-6)
- (B) NCISRA YOKOSUKA JA ROI (INTERIM)/23FEB06 (Contains exhibits 7-23)
- (C) NCISRA YOKOSUKA JA ROI (INTERIM)/20MAR06 (Contains exhibits 24-25)

EXHIBIT(S)

- (26) IA: Results of interview with (b)(6), (b)(7)(C)/07Apr06...(Copy all)
- (27) IA: Results of contact with Trial Services Office/21Jun06...(Copy all)
- (28) IA: Results of contact with (b)(6), (b)(7)(C) 21Jun06...(Copy all)
- (29) IA: Results of contact with Command/14Jun06...(Copy all)
- (30) IA: Results of interview with (b)(6), (b)(7)(C) 21Jun06...(Copy all)

EXECUTIVE SUMMARY

1. On 26Nov05, NCIS Resident Agency (NCISRA) Marianas initiated an investigation into the alleged rape of (b)(6), (b)(7)(C) on 25Nov05 during a command port visit in Saipan. NCISRA Marianas was notified of the alleged rape due to the USS Cowpens (CG-63) transiting through Guam on its way back to Yokosuka, Japan, where it is forward deployed. On 26Nov05, (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) raped her twice in his hotel room at the Saipan Ocean View Hotel in Garapan, Saipan. (b)(6), (b)(7)(C) reported that (b)(6), (b)(7)(C) overpowered her as she laid in bed in his hotel room, and forced her to have vaginal intercourse with him.

(b)(6), (b)(7)(C) also said that (b)(6), (b)(7)(C) had sex with her a second time a few hours later, and that although she again told him, "no," she did not physically resist because she felt that it would be futile to resist (b)(6), (b)(7)(C) a second time.

2. (b)(6), (b)(7)(C) was interviewed on 26Nov05 wherein he admitted one incident of consensual sexual intercourse with (b)(6), (b)(7)(C) but denied raping (b)(6), (b)(7)(C). NCISRA Yokosuka assumed the investigation in Dec05, and conducted re-interviews of (b)(6), (b)(7)(C) as well as witness (b)(6), (b)(7)(C) interviews. Various witnesses reported seeing (b)(6), (b)(7)(C) intoxicated and talking to each other on 25Nov05 at Club Gig, in Saipan. (b)(6), (b)(7)(C) signed sworn statements to NCIS providing contradictory information. An unverified report was received claiming (b)(6), (b)(7)(C) previously extorted approximately \$800 from a

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 26NOV05-HIMI-0119-8FNA/C

22Jun06

fellow shipmate after engaging in a sexual relationship with him. The Trial Services Office has declined prosecution in captioned investigation, and (b)(6), (b)(7)(C) was fined \$4000 for fraternization at Captain's Mast. Case now closed.

NARRATIVE

1. Pursuant to investigative steps documented in References (A)-(C), (b)(6), (b)(7)(C) was interviewed and stated she was still concerned about being charged for fraternization, but did not explain why (exhibit (26) pertains). The Trial Services Office (TSO), Pacific Detachment notified the Command that TSO declined to prosecute (b)(6), (b)(7)(C) on captioned investigation (exhibit (27) pertains).

2. (b)(6), (b)(7)(C) was notified that TSO declined to prosecute (b)(6), (b)(7)(C) and she stated she was disappointed with that outcome. (b)(6), (b)(7)(C) requested to meet with Reporting Agent (RA) to further discuss the case, but missed her scheduled appointment and did not re-contact RA (exhibit (28) pertains).

3. Command subsequently notified RA that (b)(6), (b)(7)(C) went to Captain's Mast on 12May06, and was fined \$4000 (four thousand dollars) for fraternization with (b)(6), (b)(7)(C) was also transferred to the USS Stethem (DDG-63) pending his early return to the United States (exhibit (29) pertains).

4. On 15Jun06, RA interviewed (b)(6), (b)(7)(C) who denied (b)(6), (b)(7)(C) ever tried to extort money from him in exchange for her recantation of her rape allegation. (b)(6), (b)(7)(C) stated he did not know why (b)(6), (b)(7)(C) falsely accused him of rape, but agreed he deserved to be punished for fraternization (exhibit (30) pertains).

5. All investigative and adjudicative actions are complete, and this case is now closed.

ACTION

0023B: Case closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/Trial Services Office (ATTN: (b)(6), (b)(7)(C) (M) /CO USS
COWPENS (CG-63) (ATTN: (b)(6), (b)(7)(C) (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

742205 19:41 20110127 IN:SSDEMAIL #50582 OUT:NIPRDAAAM #36251

REPORT OF INVESTIGATION (CLOSED)

26JAN11

RAPE (II)

CONTROL: 28AUG09-DCAN-0055-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/COMMANDER FLEET ACTIVITIES YOKOSUKA, JAPAN/31907

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Annapolis, MD ROI (INTERIM)/15Oct09...(Contains Exhibits 1-12)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM)/05Nov09
- (C) NCISRA Yokosuka, Japan ROI (INTERIM)/02Dec09...(Contains Exhibit 13)
- (D) NCISRA Yokosuka, Japan ROI (INTERIM)/16Feb10
- (E) NCISRA Yokosuka, Japan ROI (INTERIM)/02Apr10...(Contains Exhibits 14-15)
- (F) NCISRA Yokosuka, Japan ROI (INTERIM)/21Jun10...(Contains Exhibit 16)
- (G) NCISRA Yokosuka, Japan ROI (INTERIM)/16Aug10...(Contains Exhibits 17-21)
- (H) NCISRA Yokosuka, Japan ROI (INTERIM)/15Oct10
- (I) NCISRA Yokosuka, Japan ROI (INTERIM)/21Dec10...(Contains Exhibits 22-29)

EXHIBITS

- (30) IA: Results of Contact with (b)(6), (b)(7)(C) 16Dec10...(Copy All)
- (31) IA: Receipt of Article 32 Results/26Jan11...(Copy All)

EXECUTIVE SUMMARY

1. On 28Aug09, (b)(6), (b)(7)(C) provided a statement alleging she was raped by (b)(6), (b)(7)(C) and his half brother, (b)(6), (b)(7)(C) (NFI) on 31Dec08 at her house in (b)(6), (b)(7)(C). A review of (b)(6), (b)(7)(C) personal journal and cell phone data corroborated statements made by (b)(6), (b)(7)(C) to NCIS. The Baltimore County Police Department was notified of the allegation, but declined participation. (b)(6), (b)(7)(C) was interviewed at NCISRA Yokosuka and invoked his right to counsel. (b)(6), (b)(7)(C) was re-interviewed concerning any details that would help in locating (b)(6), (b)(7)(C) half brother (b)(6), (b)(7)(C) restated her prior description, adding she remembered he said he played baseball for a college in Virginia. The department of Motor Vehicles in Virginia was contacted and based on the information provided by (b)(6), (b)(7)(C) to NCIS; sent a photograph of (b)(6), (b)(7)(C) after being shown a photo lineup which included a photo of (b)(6), (b)(7)(C) did not select his photograph. (b)(6), (b)(7)(C) Civ, was interviewed and stated that (b)(6), (b)(7)(C) did not have a brother or half

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 28AUG09-DCAN-0055-8FNA/C

26Jan11

brother named (b)(6), (b)(7)(C) nor did she know anyone associated to her son by that name. To date, the full identity of (b)(6), (b)(7)(C) is unknown. An Article 32 hearing was set to be conducted on 25Jan11; however, prior to the hearing (b)(6), (b)(7)(C) presented new evidence and the charges were subsequently dismissed. No further judicial/administrative action is expected, this investigation is closed.

NARRATIVE

1. This investigation was initiated as a reactive investigation pursuant to a suspected violation of Uniform Code of Military Justice Article 120 (Rape).

2. Subsequent to the submission of References (A)-(I). (b)(6), (b)(7)(C) was interviewed on 16Dec10, and stated that she was in fact (b)(6), (b)(7)(C) mother and that he did not have a brother or half brother named (b)(6), (b)(7)(C) nor did she know anyone by that name; Exhibit (30) pertains.

3. On 25Jan11, (b)(6), (b)(7)(C) USN, Trial Counsel, Regional Legal Service Office (RLSO), Yokosuka, Japan, advised that prior to the scheduled Article 32 hearing for the captioned investigation, (b)(6), (b)(7)(C) presented video evidence to the court wherein he, another sailor (NFI), and (b)(6), (b)(7)(C) were engaged in consensual group sex at (b)(6), (b)(7)(C) residence. The evidence was discussed with (b)(6), (b)(7)(C) over the phone and she admitted to (b)(6), (b)(7)(C) that the video taped event took place weeks after the alleged Rape on 31Dec08 and was consensual. (b)(6), (b)(7)(C) advised that that charges against (b)(6), (b)(7)(C) were dismissed without prejudice. See Exhibit (31) for additional details.

4. No further judicial/administrative action is expected, this investigation is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/DCWA/DCAN/Command (H)/CTF70 SJA (H)/RLSO (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C153693 19:26 20130404 IN:SSDEMAIL #71626 OUT:NIPRDAAAM #71626

REPORT OF INVESTIGATION (CLOSED)

03APR13

INDECENT ASSAULT (II)

CONTROL: 28AUG12-FEYK-0558-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS BONHOMME RICHARD (LHD-6)/22202

MADE AT/FESS/RESIDENT AGENCY SASEBO (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA FEYK ROI (INTERIM) (CONTAINING EXHIBITS 1-6)/03OCT12
- (B) NCISRA SASEBO JAPAN ROI (INTERIM)/06NOV12
- (C) NCISRA SASEBO JAPAN ROI (INTERIM)/08JAN13
- (D) NCISRA SASEBO JAPAN ROI (INTERIM)/13MAR13

EXHIBIT(S)

- (7) IA: RESULTS OF NON-JUDICIAL PUNISHMENT FOR (b)(6), (b)(7)(C) 02APR13

EXECUTIVE SUMMARY

1. On 26AUG12, (b)(6), (b)(7)(C) USN, Security Officer (SECO), USS BONHOMME RICHARD (LHD-6), contacted NCISRA Yokosuka, Japan concerning an allegation of sexual assault involving (b)(6), (b)(7)(C) advised the alleged incident occurred on 25AUG12 at approximately 2335 onboard the USS BONHOMME RICHARD. According to (b)(6), (b)(7)(C) reported she was walking towards the female berthing and passed by the CPO mess when (b)(6), (b)(7)(C) grabbed her right breast several times. (b)(6), (b)(7)(C) advised she immediately reported the incident to (b)(6), (b)(7)(C) NFI. On 26AUG12, at approximately 0025, (b)(6), (b)(7)(C) Blood/Alcohol Concentration (BAC) was recorded to be 0.192%. Due to the ship's schedule, interviews of (b)(6), (b)(7)(C) were conducted in Okinawa, Japan on 30AUG12. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) walked past her and grabbed her right breast and squeezed it a few times. (b)(6), (b)(7)(C) was advised of his Article 31(b) rights, which he acknowledged and waived. (b)(6), (b)(7)(C) admitted to indecently assaulting (b)(6), (b)(7)(C) and stated at the time he was intoxicated. NCISRA Yokosuka Agents completed witness interviews and photographic coverage of the alleged crime scene prior to case being transferred to NCISRA Sasebo Japan. Pursuant to active investigation being completed, on 18MAR13, (b)(6), (b)(7)(C) was adjudicated via Commanding Officer's Non-Judicial Punishment (NJP). (b)(6), (b)(7)(C) USN was briefed throughout captioned investigation.

NARRATIVE

- 1. This reactive investigation was initiated pursuant to suspected violation of the Uniform Code of Military Justice (UCMJ), Article 120 (Sexual Assault).

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 28AUG12-FEYK-0558-8DNA/C

03Apr13

2. On 18MAR13, (b)(6), (b)(7)(C) received Non-Judicial Punishment for violations of UCMJ Article 120 (Abusive sexual contact by causing bodily harm). (b)(6), (b)(7)(C) was awarded 60 days restriction, forfeiture of half a month's pay for 2 months, and reduction to E-2, Exhibit (7) pertains.

3. This investigation is closed.

DISTRIBUTION

NCISHQ:23B2

INFO : FEFO/COMMAND (b)(6), (b)(7)(C) USN) (H) /CFAS SJA (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN) (M) /002P

FOR OFFICIAL USE ONLY
Page 2 of 2

F13-0580.FEYK 000203

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C24315 23:41 20121025 IN:SSDEMAIL #71721 OUT:NIPRDAAAM #71721

REPORT OF INVESTIGATION (CLOSED)

25OCT12

INDECENT ASSAULT (II)

CONTROL: 28AUG12-FEYK-0560-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN-73)/21412

MADE AT/FEYK/RESIDENT AGENCY YOKOSUKA

(b)(6), (b)(7)(C)

SPECIAL AGENT

EXHIBIT(S)

- (1) Statement of (b)(6), (b)(7)(C) 29AUG12
- (2) IA: RESULTS OF INTERVIEW - (b)(6), (b)(7)(C) 05SEP12
- (3) IA: ATTEMPT TO OBTAIN VIDEO RECORDING/05SEP12
- (4) IA: FOLLOW-ON ATTEMPT TO OBTAIN VIDEO RECORDING/07SEP12
- (5) IA: CONTACT WITH (b)(6), (b)(7)(C) 18SEP12

EXECUTIVE SUMMARY

1. On 28AUG12, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) contacted (b)(6), (b)(7)(C) subsequent to notification regarding her indecent assault by an unidentified male in Yokosuka, Japan. (b)(6), (b)(7)(C) stated she was patronizing the Boot Camp Bar when an unidentified male approached her, made unwanted attempts to socialize with her, and grabbed her breasts and buttocks (over her clothing). (b)(6), (b)(7)(C) provided a description for the suspect and said she did not know the unidentified male and opined no one else in the bar knew the unidentified male. Subsequent attempts to identify the suspect and potential video recordings of the incident were met with negative results. (b)(6), (b)(7)(C) did not want to assist with the investigation and departed Japan permanently for educational pursuits. No logical leads remain for this investigation. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the Uniform Code of Military Justice Article 120 (Sexual Contact).

2. On 28AUG12, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) contacted (b)(6), (b)(7)(C) at her residence, (b)(6), (b)(7)(C) Yokosuka Naval Base, Yokosuka, Japan, regarding an indecent assault by an unidentified male in the Honcho, a bar/entertainment district in the immediate vicinity of Yokosuka Naval Base. (b)(6), (b)(7)(C) stated at approximately 0155 on 21AUG12 she was patronizing the Boot Camp Bar when an unidentified male approached her, made unwanted attempts to socialize with her, and grabbed her breasts and buttocks (over her clothing). (b)(6), (b)(7)(C) recalled becoming upset and returning home after being fondled by the unidentified male. (b)(6), (b)(7)(C) said she did not

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 1 of 3

F13-0580.FEYK 000204

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 28AUG12-FEYK-0560-8DNA/C

25Oct12

know the unidentified male and opined no one else in the bar knew the unidentified male. (b)(6), (b)(7)(C) provided a description for the unidentified suspect. (b)(6), (b)(7)(C) added she was alone at the time of the incident and did not believe there were any witnesses. (b)(6), (b)(7)(C) was provided a Victim Witness Assistance Pamphlet as well as a Victim Preference Statement (VPS). The information (b)(6), (b)(7)(C) provided was captured in a statement. Exhibit (1) pertains.

3. On 29AUG12, (b)(6), (b)(7)(C) signed the statement she provided at her residence. (b)(6), (b)(7)(C) also provided a signed VPS documenting her decision to not participate in the investigation.

4. On 31AUG12, RA visited the Boot Camp Bar, located in the Honcho, to identify any witnesses or documentation connected to the alleged indecent assault of (b)(6), (b)(7)(C). RA identified himself then provided a description of (b)(6), (b)(7)(C) as well as the incident, according to the statement (b)(6), (b)(7)(C) provided on 29AUG12, and asked if anyone present recognized her or was present during the described indecent assault.

(b)(6), (b)(7)(C) Boot Camp Bar, Yokosuka, Japan, was the only employee present to respond in the positive. (b)(6), (b)(7)(C) explained the alleged indecent assault probably occurred in the center of the bar at approximately 0100. (b)(6), (b)(7)(C) described the suspect and commented (b)(6), (b)(7)(C) appeared highly annoyed, raising her voice and gesturing for the suspect to leave, while the suspect was conversing with her. (b)(6), (b)(7)(C) stated he did not actually witness any inappropriate contact but saw the suspect in close proximity to (b)(6), (b)(7)(C) and leave on two occasions, in approximately a 15 minute time-frame, after (b)(6), (b)(7)(C) expressed disgust with his presence. (b)(6), (b)(7)(C) said he has not seen the suspect since that night. Exhibit (2) pertains.

5. On 31AUG12, while conducting screening interviews at Boot Camp Bar, Honcho, Yokosuka, Japan, RA observed a video camera that, if functioning, would have likely documented the alleged indecent assault and possibly help identify the suspect. RA asked (b)(6), (b)(7)(C) if he could get a copy of the video from 21AUG12 from the camera as well as the duration the footage is stored. (b)(6), (b)(7)(C) replied the footage is stored for approximately seven days to one month and he would have to get permission from the Boot Camp Bar Manager to provide a copy of the video to RA. Attempts to locate the manager were met with negative results. RA provided his contact information to (b)(6), (b)(7)(C) and asked him to provide it to the Boot Camp Bar Manager. RA also asked (b)(6), (b)(7)(C) to address the issue with the manager and contact RA with the results. (b)(6), (b)(7)(C) agreed to provide the assistance. Exhibit (3) pertains.

6. On 04SEP12, RA visited the Boot Camp Bar, located in the immediate

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 28AUG12-FEYK-0560-8DNA/C

25Oct12

vicinity of Fleet Activities Yokosuka, Japan, to recover video footage potentially connected to the alleged indecent assault of (b)(6), (b)(7)(C). RA re-contacted (b)(6), (b)(7)(C) regarding obtaining a copy of the video from 21AUG12 at Boot Camp Bar that likely contained footage of the alleged indecent assault of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) replied the Boot Camp Bar Manager has not been available to discuss providing video footage of the bar. RA expressed the benefit of receiving the video in a timely fashion and told (b)(6), (b)(7)(C) to discuss this with the manager the first opportunity he gets. (b)(6), (b)(7)(C) agreed to do as RA asked. Exhibit (4) pertains.

7. On 14SEP12, RA contacted (b)(6), (b)(7)(C) to confirm the date she will depart Japan. (b)(6), (b)(7)(C) stated she will permanently leave Japan from Tokyo Narita International Airport on 17OCT12. (b)(6), (b)(7)(C) confirmed she is not leaving due to concerns about her health or well being.

(b)(6), (b)(7)(C) added she still does not have any interest in participating in the investigation; she wishes to return to the U.S. in pursuit of an advanced degree. Exhibit (5) pertains.

8. Positive identification of the suspect has not been established. All logical leads have been pursued. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

SPECIAL AGENT, NCISRA Yokosuka, Japan

DISTRIBUTION

NCISHQ: 023B

INFO: FEYK

FOR OFFICIAL USE ONLY

Page 3 of 3

F13-0580.FEYK 000206

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

322044 03:50 20091216 IN:SSDEMAIL #17090 OUT:NIPRDAAAM #3676

REPORT OF INVESTIGATION (CLOSED)

16DEC09

RAPE (II)

CONTROL: 28SEP08-FEYK-0221-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/UNITED STATES NAVAL HOSPITAL YOKOSUKA/68292

MADE AT/FEYK/YOKOSUKA JP (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA YOKOSUKA JP ROI (INTERIM)/18Dec08 (Contains Exhibits 1-19)
- (B) NCISRA YOKOSUKA JP ROI (INTERIM)/15Jul09 (Contains Exhibit 20)
- (C) NCISRA YOKOSUKA JP ROI (INTERIM)/22Sep09 (Contains Exhibits 21-23)
- (D) NCISRA YOKOSUKA JP ROI (INTERIM)/22Sep09 (Contains Exhibits 21-24)

EXHIBITS

- (25) (b)(6), (b)(7)(C) Military Suspects' Acknowledgement and Waiver of Rights/24Sep09... (Copy All)
- (26) Sworn Statement of (b)(6), (b)(7)(C) 24Sep09... (Copy All)
- (27) (b)(6), (b)(7)(C) Signed Declination Statement/25Nov09... (Copy All)

EXECUTIVE SUMMARY

1. Investigation initiated on 28Sep08 after (b)(6), (b)(7)(C) checked into the USNH Emergency Room and reported she had been sexually assaulted. (b)(6), (b)(7)(C) stated that on 28Sep08 at approximately 0130 she had been led to a hotel in Tokyo, Japan where she had been raped by (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) further stated (b)(6), (b)(7)(C) was accompanied by (b)(6), (b)(7)(C) who she alleged videotaped the incident. During NCIS interview, (b)(6), (b)(7)(C) denied raping (b)(6), (b)(7)(C) but admitted having consensual sex with her. (b)(6), (b)(7)(C) invoked his right to remain silent. During the investigation, (b)(6), (b)(7)(C) underwent a polygraph examination during which deception was indicated. A follow-up interview of (b)(6), (b)(7)(C) was conducted during which he maintained he had consensual sex with (b)(6), (b)(7)(C) on 28Sep09, the date of the alleged incident, and again in July 2009. (b)(6), (b)(7)(C) was re-interviewed and confirmed she had consensual sex with (b)(6), (b)(7)(C) in July 2009. On 25Nov09, (b)(6), (b)(7)(C) provided a sworn statement advising she did want to participate in any further investigative or judicial proceedings regarding captioned investigation. Based on (b)(6), (b)(7)(C) decision, (b)(6), (b)(7)(C) JAGC, USN, Regional Legal Services Office (RLSO) declined to prosecute this case.

NARRATIVE

1. This investigation pertains to suspected violation of Uniform

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 28SEP08-FEYK-0221-8FNA/C

16Dec09

Code of Military Justice Article 120 (Rape).

2. Reference (D) reported the results of a follow-up interview of (b)(6), (b)(7)(C). During the interview, he maintained that he had consensual sex with (b)(6), (b)(7)(C) on 28Sep09. (b)(6), (b)(7)(C) also mentioned that he had consensual sex with (b)(6), (b)(7)(C) again circa July 2009 at her off base apartment after meeting her in the local Honch area and walking her home. (b)(6), (b)(7)(C) statement and Rights Waiver were inadvertently left out of the previous report. Exhibits (25) and (26) pertain.

3. During reporting period, (b)(6), (b)(7)(C) expressed that she wanted this investigation to be over and just wanted to put the situation behind her. On 25Nov09, (b)(6), (b)(7)(C) met with RA and (b)(6), (b)(7)(C) at the RLSO office. During the meeting, (b)(6), (b)(7)(C) stated she did not wish to participate in any future investigative steps or court proceedings related to this investigation. Because of (b)(6), (b)(7)(C) decision, (b)(6), (b)(7)(C) declined to prosecute at this time. Exhibit (27) pertains.

4. (b)(6), (b)(7)(C) Commanding Officer, USS STETHEM (DDG 63) was briefed on the details of the investigation. Command advised that no action would be taken against (b)(6), (b)(7)(C) pertaining to this investigation. This investigation is hereby closed.

DISTRIBUTION

NCISHQ: 0023

INFO: FEYK/XO, USS STETHEM(M)/XO, USNH(M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000208

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

609446 21:54 20120708 IN:SSDEMAIL #23254 OUT:NIPRDAAAM #22869

REPORT OF INVESTIGATION (CLOSED)

19JUN12

INDECENT ASSAULT (II)

CONTROL: 29FEB12-FEYK-0107-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS MUSTIN (DDG-89)/22997

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka, Japan ROI (INTERIM)/28Mar12 (Contains Exhibits 1-8)
- (B) NCISRA Yokosuka, Japan ROI (INTERIM)/02May12 (Contains Exhibits 9-14)

EXHIBITS

- (15) IA: Results of Interview of (b)(6), (b)(7)(C) 17May12... (Copy All)
- (16) Results of (b)(6), (b)(7)(C) s Non Judicial Punishment Hearing/ 06Jun12... (Copy All)

EXECUTIVE SUMMARY

1. On 29Feb12, (b)(6), (b)(7)(C) USN, Executive Officer (XO), USS MUSTIN (DDG-89), reported to NCISRA Yokosuka, Japan, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) alleged they had been sexually harassed and assaulted by (b)(6), (b)(7)(C) for the past several months while on board the USS MUSTIN (DDG-89). Both (b)(6), (b)(7)(C) were interviewed and detailed instances of inappropriate conduct by (b)(6), (b)(7)(C). They alleged (b)(6), (b)(7)(C) rubbed his groin on their legs, lifted up their breasts, and made comments about raping them. Additionally, (b)(6), (b)(7)(C) echoed the allegations made by (b)(6), (b)(7)(C) saying (b)(6), (b)(7)(C) did the same things to her. (b)(6), (b)(7)(C) USN, USS MUSTIN (DDG-89) provided a sworn statement detailing an assault inflicted upon him by (b)(6), (b)(7)(C) explained how, while on the mess deck, (b)(6), (b)(7)(C) rabbed him by the arm and stuck a fork in his forearm. On 01Mar12, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) attempted to interrogate (b)(6), (b)(7)(C) however, he invoked his right to speak with an attorney and ended the interview. RA conducted a search of the Service Record Books (SRB) of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) no derogatory information was

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 29FEB12-FEYK-0107-8DNA/C

19Jun12

obtained. RA interviewed (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, USS MUSTIN (DDG-89), who stated he received complaints by (b)(6), (b)(7)(C) approximately two (2) weeks after (b)(6), (b)(7)(C) went to the Executive Officer's Inquiry (XOI) pertaining to his lack of professionalism and leadership ability. (b)(6), (b)(7)(C) opined that the change in (b)(6), (b)(7)(C) leadership style from good friend to a boss did not sit well with (b)(6), (b)(7)(C) and could be a reason for their complaints. Other witness interviews were conducted which were in agreement with the victim's statements. (b)(6), (b)(7)(C) was found guilty of violations of the Uniform Code of Military Justice (UCMJ) Article 92 (Dereliction of Duty), Article 128 (Assault Consummated by Battery, and Article 128 (Simple Assault) at Captain's Mast, and subsequently sentenced. This case is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected violations of the Uniform Code of Military Justice (UCMJ) Article 120 (Rape, sexual assault, and other sexual misconduct).

2. Subsequent to the submission of References (A)-(B), on 17May12, PA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) Civ, former USS MUSTIN (DDG-89) sailor concerning his knowledge of (b)(6), (b)(7)(C) inappropriate behavior. Exhibit (15) pertains.

3. On 06Jun12, (b)(6), (b)(7)(C) was awarded Non-judicial Punishment (NJP) at Captain's Mast. (b)(6), (b)(7)(C) USN, Commanding Officer (CO) found (b)(6), (b)(7)(C) guilty of violations of the Uniform Code of Military Justice (UCMJ) Article 92 (Dereliction of Duty), Article 128 (Assault Consummated by Battery, and Article 128 (Simple Assault). (b)(6), (b)(7)(C) was sentenced to 45 days of restriction with extra duties to the USS MUSTIN (DDG-89), forfeiture of half pay per month for two months, and reduction in rank to E5. Additionally, (b)(6), (b)(7)(C) is being processed for administrative separation from the US Navy; Exhibit (16) pertains.

4. On 18Jun12, final disposition for (b)(6), (b)(7)(C) was entered into the Livescan fingerprint system. This case is closed.

PARTICIPANT

(b)(6), (b)(7)(C) Special Agent, NCISRU Tampa, FL

DISTRIBUTION

NCISHQ: 0023

INFO: FEYK (b)(6), (b)(7)(C) USN, XO, USS MUSTIN (DDG-89) (H) (b)(6), (b)(7)(C) USN, Force Judge Advocate, Task Force Seven Zero Carrier Strike Group Five (H) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, RLSO, CFAY (H) /NCISHQ-014C

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

223800 19:36 20070912 IN:SSDEMAIL #22327 OUT:NIPRDAAAM #12832

REPORT OF INVESTIGATION (CLOSED)

24AUG07

INDECENT ASSAULT (II)

CONTROL: 29MAY07-FEYK-0180-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS JOHN S. MCCAIN (DDG 56)/21686

MADE AT/FEYK/YOKOSUKA JA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka, JA ROI(INTERIM)/08Jun07...(Contains Exhibits 1-10)
- (B) NCISRA Yokosuka, JA ROI(INTERIM)/27Jul07...(Contains Exhibits 11-16)

EXHIBITS

- (17) IA: Results of Oral Wire Intercept/30Jul07...(Copy All)

EXECUTIVE SUMMARY

1. On 29May07 NCISRA Yokosuka was notified by the command of the USS JOHN S. MCCAIN (DDG 56) stating (b)(6), (b)(7)(C) had reported being sexually harassed and sexually assaulted by (b)(6), (b)(7)(C). Subsequent to the information received from Command, (b)(6), (b)(7)(C) was interviewed by NCISRA Yokosuka. (b)(6), (b)(7)(C) stated from approximately May 2005 through May 2007 (b)(6), (b)(7)(C) continually made sexual comments and advances towards him. According to (b)(6), (b)(7)(C) the activity culminated in him being forced to perform oral copulation on (b)(6), (b)(7)(C) on (1) occasion in (b)(6), (b)(7)(C) office aboard the USS JOHN S. MCCAIN (DDG 56) (b)(6), (b)(7)(C) was interrogated and admitted having consensual oral copulation with (b)(6), (b)(7)(C) on two (2) occasions, but denied using any force on (b)(6), (b)(7)(C). On 21Aug07, (b)(6), (b)(7)(C) attended a Summary Courts-Martial for violation of UCMJ Article 134 (Fraternization). (b)(6), (b)(7)(C) was awarded a reduction in rate, total forfeitures of \$4,084 and restricted to base for two (2) months.

NARRATIVE

1. Investigative details are documented in Reference (A) and (B). Since the submission of Reference (B), on 27Jul07, a face to face oral wire intercept between (b)(6), (b)(7)(C) was conducted. (b)(6), (b)(7)(C) denied using his influence or forcing (b)(6), (b)(7)(C) to perform oral copulation on him. Refer to Exhibit (17) for additional details.

2. On 22Aug07, (b)(6), (b)(7)(C) Region Legal Service Office, advised (b)(6), (b)(7)(C) attended a Summary Courts-Martial on 21Aug07 for violation of UCMJ Article 134 (Fraternization). (b)(6), (b)(7)(C) was awarded a reduction in rate to an E-6, total forfeitures of \$4,084 and restriction to base for two (2) months. Investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, JA (b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, JA (b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, JA

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 29MAY07-FEYK-0180-8DNA/C

24Aug07

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, JA (b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, JA

DISTRIBUTION

NCISHQ: 0023

INFO: FEYK/COMMAND (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000212

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

210689 03:36 20091202 IN:SSDEMAIL #13336 OUT:NIPRDAAAM #64969

REPORT OF INVESTIGATION (CLOSED)

02DEC09

INDECENT ASSAULT (II)

CONTROL: 29MAY09-FEYK-0150-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/USS STETHEM (DDG-63)/21825

MADE AT/FEYK/YOKOSUKA JP (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISFO Far East Yokosuka, Japan ROI (INTERIM)/29Jun09
(Contains Exhibits 1-7)
- (B) NCISFO Far East Yokosuka, Japan ROI (INTERIM)/03Sep09
(Contains Exhibits 8-11)
- (C) NCISFO Far East Yokosuka, Japan ROI (INTERIM)/02Nov09

EXHIBITS

- (12) IA: Results of Polygraph Examination of (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) 31Oct09... (Copy All/Less FEYK)
- (13) Sworn Statement (b)(6), (b)(7)(C) 09Nov09... (Copy All/Less FEYK)

EXECUTIVE SUMMARY

1. On 29May09, (b)(6), (b)(7)(C) reported she had been sexually =
assaulted on 26Apr09 at her on base residence by (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) provided a sworn statement which describes she and =
(b)(6), (b)(7)(C) playfully wrestling before falling, at which point (b)(6), (b)(7)(C) =
pulled up her shirt, exposing her breasts. (b)(6), (b)(7)(C) alleged she =
told (b)(6), (b)(7)(C) "no" several times after which (b)(6), (b)(7)(C) began sucking on =
her breast. (b)(6), (b)(7)(C) also stated (b)(6), (b)(7)(C) exposed his genitals =
to her during the incident. An oral/wire intercept was conducted in the =
form of a recorded telephone conversation between (b)(6), (b)(7)(C) and =
(b)(6), (b)(7)(C). During the conversation (b)(6), (b)(7)(C) admitted to sucking =
(b)(6), (b)(7)(C)'s breast but maintained she had consented to the =
contact by saying "okay," when he told her to relax.
(b)(6), (b)(7)(C) was interviewed twice and provided two sworn statements =
detailing the incident, adding that he and (b)(6), (b)(7)(C) went into =
her bedroom and she began "grinding" on him. (b)(6), (b)(7)(C) initially =
denied any activity occurred between her and (b)(6), (b)(7)(C) in her bedroom, =
but during a 09Nov09 re-interview, (b)(6), (b)(7)(C) admitted to allowing =
(b)(6), (b)(7)(C) to suck her breast in the bedroom.
References (A) through (C) provide additional detail. (b)(6), (b)(7)(C) =
command declined to pursue formal charges. This case is closed.

NARRATIVE

1. This case was initiated as a reactive investigation and pertains to =
violations of Article 120 (Indecent Assault) of the Uniform Code of =
Military Justice (UCMJ).

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 29MAY09-FEYK-0150-8DNA/C

02Dec09

2. On 31Oct09, (b)(6), (b)(7)(C) was administered a polygraph examination at the = NCIS Far East Field Office. The on-site examiner determined no = deception was detected in (b)(6), (b)(7)(C)'s responses to relevant questions, = particularly, whether (b)(6), (b)(7)(C) exposed himself to (b)(6), (b)(7)(C) and = whether he sucked her breast a second time in her bedroom. A subsequent = review of the test data by NCIS polygraph personnel changed the on-site = ruling of "no deception" to "no opinion." During the exam, (b)(6), (b)(7)(C) = stated (b)(6), (b)(7)(C) pulled his penis out of his shorts while they = were in the bedroom. (b)(6), (b)(7)(C) provided an additional statement to this = effect; Exhibit (12) pertains.

3. On 09Nov09, (b)(6), (b)(7)(C) was re-interviewed. After initially = denying spending time in her bedroom with (b)(6), (b)(7)(C) she eventually = admitted that after (b)(6), (b)(7)(C) sucked her breast on the floor, the two of = them went to her bedroom where (b)(6), (b)(7)(C) sucked her breast again while = she was lying on the bed. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) sucked her = breast for approximately two minutes before she told him "no" and he = stopped. (b)(6), (b)(7)(C) provided an additional statement detailing = these events; Exhibit (13) pertains.

4. On 11Nov09, (b)(6), (b)(7)(C) USN, Staff Judge Advocate, Carrier = Strike Group Five (CVW-5), stated charges against (b)(6), (b)(7)(C) would not be = pursued based on the polygraph exam results and further statements made = by (b)(6), (b)(7)(C) stated this decision was made in concert = with (b)(6), (b)(7)(C) command.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/FEAJ/Command (H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000214

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

476491 21:48 20120502 IN:SSDEMAIL #4609 OUT:NIPRDAAAM #4446

REPORT OF INVESTIGATION (CLOSED)

02MAY12

RAPE (II)

CONTROL: 29OCT11-FEYK-0638-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS GEORGE WASHINGTON (CVN 73)/21412

MADE AT/FEYK/YOKOSUKA JA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka, Japan Case File: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) USN/CCN: 29OCT11-FEYK-0639-7GNA
(B) NCISRA Yokosuka ROI (INTERIM)/20NOV11 (Contains Exhibits 1-24)
(C) NCISRA Yokosuka ROI (INTERIM)/19JAN12 (Contains Exhibits 25-32)
(D) NCISRA Yokosuka ROI (INTERIM)/29FEB12 (Contains Exhibits 33-38)
(E) NCISRA Yokosuka ROI (INTERIM)/26MAR12 (Contains Exhibits 39-41)
(F) NCISRA Yokosuka ROI (INTERIM)/06APR12 (Contains Exhibit 42)
(G) NCISRA Yokosuka ROI (INTERIM)/17APR12 (Contains Exhibit 43)

EXHIBITS

- (44) Report of Results of Trial In the Case of United States V/
(b)(6), (b)(7)(C) U.S. Navy,
(b)(6), (b)(7)(C) 27APR12... (Copy all)

EXECUTIVE SUMMARY

1. On 29Oct11, (b)(6), (b)(7)(C) USN, Criminal Investigation Division (CID), Commander Fleet Activities Yokosuka (CFAY), Japan, contacted NCISRA Yokosuka after (b)(6), (b)(7)(C) was found passed out near the Womble gate of CFAY. According to (b)(6), (b)(7)(C) USN and (b)(6), (b)(7)(C) Civ, reported seeing (b)(6), (b)(7)(C) on the ground in the Kosuge Building lobby, located at 2-16 Otaki Cho, Yokosuka City, Japan. This building houses Angelo's Bar, which is located on the fifth floor. (b)(6), (b)(7)(C) was observed passed out with her panties pulled down and a white male, later identified as (b)(6), (b)(7)(C) standing above her pulling his pants up. (b)(6), (b)(7)(C) then ran off and struck (b)(6), (b)(7)(C) in the face with his hand when she attempted to stop him; Reference (A) documents this assault. Utilizing various video surveillance, (b)(6), (b)(7)(C) was subsequently identified, interrogated, and admitted to having sex with (b)(6), (b)(7)(C) on 29OCT11. A Sexual Assault Forensic Examination was conducted on (b)(6), (b)(7)(C) and a Permissive Authorization for Search and Seizure (PASS) was executed on (b)(6), (b)(7)(C) barracks room. Video surveillance from the building that houses Angelo's Bar was also obtained and several witness interviews have been conducted. Additionally, electronic media seized from (b)(6), (b)(7)(C) was reviewed. Results of testing from the US Army Criminal Investigations Laboratory (USACIL) revealed the presence of

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000215

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 29OCT11-FEYK-0638-8FNA/C

02May12

(b)(6), (b)(7)(C) s non-semen DNA on stains from (b)(6), (b)(7)(C) underwear. (b)(6), (b)(7)(C) was given a trial by General Court-Martial 23-27APR12. He was found guilty of violations of Articles 92, 120, 128 and 134 of the Uniform Code of Military Justice (UCMJ). (b)(6), (b)(7)(C) was awarded a Bad Conduct Discharge (BCD), six (6) months confinement, forfeiture of all pay and allowances while confined, and reduction in rank to E-1. This investigation is closed.

NARRATIVE

1. This case was conducted as a reactive investigation and pertains to suspected violations of Article 120 (Rape) of the UCMJ.

2. Subsequent to the submission of Reference (G), (b)(6), (b)(7)(C) was given a trial by General Court-Martial 23-27APR12; Exhibit (44) applies. He was found "Guilty" of violations of the following articles of the Uniform Code of Military Justice (UCMJ): Article 92 (Failure To Obey General Order), Wrongfully consuming alcohol between the hours of 0200 and 0600; Article 120 (Indecent Act On Or After October 1, 2007), Engage in sexual acts in [REDACTED] while in a public place; Article 128 (Assault: By Battery), Unlawfully strike the face of a female foreign national with his hand; Article 134 (Drunk/Disorderly: Bring Discredit), Drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces.

3. (b)(6), (b)(7)(C) was found "Not Guilty" of the following violations of the UCMJ: Article 120 (Aggravated Sexual Assault When Victim Is Substantially Incapacitated / Unable To Appraise Act, Decline Participation, or Communicate Unwillingness on or After October 1, 2007), Engage in a sexual act with [REDACTED] to wit: penetrating her vagina with his penis, while she was substantially incapacitated; Article 120 (Abusive Sexual Contact When Victim Insubstantially Incapacitated / Unable To Appraise Act, Decline Participation, or Communicate Unwillingness on or After October 1, 2007), Engage in a sexual act with L.P., to wit: penetrating her vulva with his tongue, while she was substantially incapacitated; Article 120 (Aggravated Sexual Assault When Victim Is Substantially Incapacitated / Unable To Appraise Act, Decline Participation, or Communicate Unwillingness on or After October 1, 2007). Engage in a sexual act with L.P., to wit: penetrating her vagina with his finger, while she was substantially incapacitated.

4. As a result of the above findings, (b)(6), (b)(7)(C) was awarded a BCD, six (6) months confinement with 102 days of pretrial confinement credited, forfeiture of all pay and allowances while confined, and reduction in rank to E-1. (b)(6), (b)(7)(C) is not subject to sex offender notification required per 42 USC 14071.

5. (b)(6), (b)(7)(C) USN, Commanding Officer (CO), CFAY, Japan; (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, CO, USS GEORGE WASHINGTON (CVN 73); and (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Regional Legal Service Office (RLSO), Yokosuka, Japan were briefed on the closure of this investigation. This investigation is closed.

DISTRIBUTION

NCISHQ: 023B

INFO: FEYK/002P/FEYO (b)(6), (b)(7)(C) USN, Commanding Officer,

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY
Page 2 of 3

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 29OCT11-FEYK-0638-8FNA/C

02May12

CFAY, Japan (H) / [REDACTED] (b)(6), (b)(7)(C) USN, CO, USS GEORGE
WASHINGTON (CVN 73) (H) [REDACTED] (b)(6), (b)(7)(C) Senior Trial Counsel,
Regional Legal Service Office, Yokosuka, Japan (H)

~~FOR OFFICIAL USE ONLY~~

[REDACTED] (b)(6), (b)(7)(C) V2 LNN

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 3 of 3

F13-0580.FEYK 000217

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

198387 22:03 20111013 IN:SSDEMAIL #48106 OUT:NIPRDAAAM #47165

REPORT OF INVESTIGATION (CLOSED)

14OCT11

RAPE (II)

CONTROL: 29SEP11-FEYK-0586-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS LASSEN (DDG-82)/21956

MADE AT/FEYK/YOKOSUKA JAPAN (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Interview of (b)(6), (b)(7)(C) 6Oct11...(Copy All)
- (2) IA: Results of Second Meeting with (b)(6), (b)(7)(C) 14Oct11...(Copy All)
- (3) IA: Results of Contact with (b)(6), (b)(7)(C) SARC, CFAY/ 14Oct11...(Copy All)

EXECUTIVE SUMMARY

1. On 26Sep11, (b)(6), (b)(7)(C) USN, Executive Officer, USS LASSEN (DDG-82), notified NCISRA Yokosuka, Japan, via email that (b)(6), (b)(7)(C) reported she suspected she was sexually assaulted sometime in Jun11. (b)(6), (b)(7)(C) related that after being out with friends one evening, she awoke the following morning in the Bachelor Enlisted Quarters feeling, "sore." Per (b)(6), (b)(7)(C) email, (b)(6), (b)(7)(C) did not disclose the identities of the friends, the location, or the alleged perpetrator. (b)(6), (b)(7)(C) was interviewed by NCIS on 29Sep11 due to the ship's schedule. (b)(6), (b)(7)(C) declined to provide details of the alleged assault and stated she did not wish for an investigation to be initiated. (b)(6), (b)(7)(C) stated she already gave limited information to her command appointed Victim Advocate (VA) and NCIS could have that report, however, she did not want to be contacted to elaborate or clarify any of the details. (b)(6), (b)(7)(C) was provided with a Victim Witness Assistance Program pamphlet and she related she understood her rights as a victim. (b)(6), (b)(7)(C) returned to NCISRA Yokosuka, Japan, on 06Oct11 to sign a Victim Preference Statement. On 07Oct11, Reporting Agent (RA) reviewed the VA report submitted to the Sexual Assault Response Coordinator (SARC) at the Fleet and Family Support Center, Commander Fleet Activities Yokosuka (CFAY), Japan. The report had no information of investigative value. No viable leads were able to be garnered from the investigative steps taken in pursuit of this investigation. This investigation is closed.

NARRATIVE

1. This reactive investigation was initiated on 29Sep11 due to suspected violations of the Uniform Code of Military Justice (UCMJ) Article 120 (Rape).

2. On 29Sep11, RA met with (b)(6), (b)(7)(C) to discuss the details of the sexual assault she reported to (b)(6), (b)(7)(C) Commanding Officer, USS LASSEN (DDG-82) in Sep11. (b)(6), (b)(7)(C) declined to provide any

FOR OFFICIAL USE ONLY
Page 1 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 29SEP11-FEYK-0586-8FNA/C

14Oct11

amplifying details of the incident as she did not wish for an investigation to be initiated. (b)(6), (b)(7)(C) did however inform that NCIS could have the report taken by her VA for any additional information, but added she did not want to be contacted to clarify any of the information. Exhibit (1) pertains.

3. On 06Oct11, (b)(6), (b)(7)(C) returned to NCISRA Yokosuka, Japan, to sign a Victim's Preference Statement form. (b)(6), (b)(7)(C) indicated she understood the form before signing it. Exhibit (2) pertains.

4. On 07Oct11, RA met with (b)(6), (b)(7)(C) Sexual Assault Response Coordinator (SARC), Fleet and Family Services Center, CFAY, regarding the VA report of (b)(6), (b)(7)(C) alleged assault. (b)(6), (b)(7)(C) allowed RA to review the report that had no amplifying information into the alleged suspect, location, or incident. RA also reviewed the Situation Report (SITREP) of the incident released by the command, which also did not have any information of investigative value. Exhibit (3) pertains.

5. Due to the lack of information into the identities of the alleged suspect, witnesses, and location, there are no logical leads to pursue. Command has been apprised of the status of this investigation, which is closed.

DISTRIBUTION

NCISHQ: 0023B

INFO: FEYK/002P/014C/CO USS LASSEN (DDG-82) Attn: (b)(6), (b)(7)(C) (H) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Regional Legal Service Office, Yokosuka, Japan
(H)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C) V2 LNY

WARNING

FOR OFFICIAL USE ONLY
Page 2 of 2

F13-0580.FEYK 000219

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

83089 00:09 20050912 IN:SSDEMAIL #36919 OUT:NCISK-NET #17802

REPORT OF INVESTIGATION (CLOSED)

03SEP05

RAPE (II)

CONTROL: 30AUG05-FEYK-0271-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/YOKOTA AIR FORCE BASE, YOKOTA, JAPAN/00000

MADE AT/FEYK/NCISRA YOKOSUKA JAPAN (b)(6), (b)(7)(C) INVESTIGATOR

REFERENCE(S) (S)

(A) OSI CASE #: (b)(6), (b)(7)(C)

EXHIBIT

(1) Statement, of (b)(6), (b)(7)(C) USN/02Sep05... (Orig OSI, Copy Dist.)

NARRATIVE

1. Specific phase investigation predicated on Yokota Air Force Base Office of Special Investigation's (OSI) investigation into suspected violations of Article 120, Rape and Carnal Knowledge, Uniform Code of Military Justice. All requested investigative assistance is complete. Investigation is closed.

2. Specific phase investigation initiated on 30Aug05 subsequent to receipt of request for investigative assistance from Special Agent (b)(6), (b)(7)(C) OSI. Special Agent (b)(6), (b)(7)(C) advised that (b)(6), (b)(7)(C) reported on 16Jul05, that (b)(6), (b)(7)(C) raped her in the New Sanno Hotel, Tokyo, Japan, during the early morning hours of 16Jul05. Subsequent investigative efforts by OSI determined that (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN, was registered at the New Sanno Hotel in an adjacent room to the room (b)(6), (b)(7)(C) was reportedly raped in.

Special Agent (b)(6), (b)(7)(C) requested investigative assistance in locating, fully identifying, and interviewing (b)(6), (b)(7)(C) to determine if he witnessed anything relating to the matter under investigation.

3. On 02Sep05, (b)(6), (b)(7)(C) USN, was interviewed at the NCIS office aboard Commander Fleet Activities Yokosuka Japan (FCAY). (b)(6), (b)(7)(C) provided a detailed sworn statement indicating that he did rent a room at the New Sanno Hotel at about 2219, 15Jul05; however, he departed the hotel immediately after checking in and was socializing in the Roppongi entertainment district of Tokyo, Japan, with friends from about 2235, 15Jul05 to about 0500, 16Jul05 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) indicated he had no first hand information about the matter, stating that they only noticed what appeared to be security

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 30AUG05-FEYK-0271-8FNA/C

03Sep05

in the room next to his assigned room when they went to check out at about 1020, 16Jul05, exhibit (1) pertains.

ACTION

0023: ONLY Report

DISTRIBUTION

NCISHQ: 0023

INFO: FEYK/YOKOTA OSI (M)

FOR OFFICIAL ~~USE ONLY~~

(b)(6), (b)(7)(C) V2 INY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000221

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

308339 19:53 20091209 IN:SSDEMAIL #15774 OUT:NIPRDAAAM #2377

REPORT OF INVESTIGATION (CLOSED)

07DEC09

RAPE (II)

CONTROL: 30JAN09-FEYK-0019-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/USS MUSTIN (DDG-89), CFAY, JAPAN/22997

MADE AT/FEYK/YOKOSUKA JA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Yokosuka ROI (INTERIM)/22FEB09 (Contains Exhibits 1 - 11)
- (B) NCISRA Yokosuka ROI (INTERIM)/16MAY09 (Contains Exhibits 12 - 33)
- (C) NCISRA Yokosuka ROI (INTERIM)/25JUL09 (Contains Exhibits 34 - 35)
- (D) NCISRA Yokosuka ROI (INTERIM)/16SEP09 (Contains Exhibit 36)
- (E) NCISRA Yokosuka ROI (INTERIM)/23NOV09 (Contains Exhibit 37)

EXECUTIVE SUMMARY

1. Investigation was initiated on 29JAN09 after it was reported (b)(6), (b)(7)(C) was raped on 04JAN09 by an unknown person in a barracks room aboard = Commander Fleet Activities Yokosuka (CFAY), Japan. (b)(6), (b)(7)(C) reported = that on 29DEC08, she called about a text book advertised on a bulletin = board outside the Central Texas College (CTC) office and arranged to = meet the seller on 04JAN09 to purchase the book.

(b)(6), (b)(7)(C) stated she met the seller, and he led her to a barracks room, = where she drank a cup of water he offered her. (b)(6), (b)(7)(C) said she then = found herself groggy and unable to move. (b)(6), (b)(7)(C) added that when she = woke up, she found herself naked and partially covered with a blanket, = the bed wet, and her "private area" hurt. Efforts to identify a logical = suspect were exhausted and produced negative results. Command, Region = Legal Services Office, and (b)(6), (b)(7)(C) were apprised of the status of this = investigation.

NARRATIVE

1. This reactive investigation was initiated pursuant to suspected = violations of Articles 112a (wrongful use, possession, etc., of = controlled substances), 120 (rape, sexual assault, and other sexual = misconduct), 128 (assault consummated by a battery), and 134 (assault = with intent to commit rape) of the Uniform Code of Military Justice.

2. References (A) through (E) document investigative actions up to = 23NOV09.

3. During the course of the investigation, (b)(6), (b)(7)(C) USN, USS = THEODORE ROOSEVELT (CVN-71), was identified as a person of interest. On = 07DEC09, Reporting Agent was notified by Participant (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) = (b)(6), (b)(7)(C) on the advice of the Navy Legal Service Office, Norfolk, VA, = exercised his Article 31b rights and declined to undergo a polygraph = examination.

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 30JAN09-FEYK-0019-8FNA/C

07Dec09

4. All logical investigative leads have been exhausted, and no suspect = was identified. This investigation is hereby closed.

PARTICIPANT

(b)(6), (b)(7)(C)

Special Agent Afloat, NCISRU USS THEODORE ROOSEVELT
(CVN-71)

DISTRIBUTION

NCISHQ: 0023

INFO: FEYK/Command (m)/CO, CFAY (m)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C)

V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 2 of 2

F13-0580.FEYK 000223

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

C81705 23:36 20130107 IN:SSDEMAIL #71192 OUT:NIPRDAAAM #71192

REPORT OF INVESTIGATION (CLOSED)

07JAN13

RAPE (II)

CONTROL: 30JUL12-FEYK-0499-8FNA/C

(b)(6), (b)(7)(C)

COMMAND/COMFLTACT YOKOSUKA SECURITY DETACHMENT/46193

MADE AT/FEYK/RESIDENT AGENCY YOKOSUKA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRU KEY WEST FL CASE FILE: 12AUG06-MPKW-0002-7VNA/12AUG06 CCN: (b)(6), (b)(7)(C)
- (B) NCISFO YOKOSUKA JA CASE FILE: 23NOV09-FEYK-0349-8DNA/23NOV09 CCN: (b)(6), (b)(7)(C)
- (C) NCISFO YOKOSUKA JA CASE FILE: 14APR10-FEYK-0221-7VNA/14APR10 CCN: (b)(6), (b)(7)(C)
- (D) NCISRA YOKOSUKA JA CASE FILE: 07OCT12-FEYK-6019-7VNA/08OCT12 CCN: (b)(6), (b)(7)(C)
- (E) NCISRA YOKOSUKA JA ROI (INTERIM)/(CONTAINS EXHIBITS 1-6)/24AUG12
- (F) NCISRA YOKOSUKA ROI (INTERIM)/(CONTAINS EXHIBITS 7-11)/23OCT12
- (G) NCICRA YOKOSUKA ROI(INTERIM)/21DEC12

EXECUTIVE SUMMARY

1. On 26Jul12, (b)(6), (b)(7)(C) contacted Participating Agent (PA) (b)(6), (b)(7)(C) to report how (b)(6), (b)(7)(C) has sexually assaulted her on numerous occasions throughout the duration of (b)(6), (b)(7)(C) stated she did not feel comfortable discussing the sexual assault incidents with PA (b)(6), (b)(7)(C) over the phone and a subsequent interview was scheduled. (b)(6), (b)(7)(C) failed to show or call for the scheduled interview and attempts to contact (b)(6), (b)(7)(C) via telephone were unsuccessful. After several attempts at contacting (b)(6), (b)(7)(C) she finally contacted PA (b)(6), (b)(7)(C) and agreed to provide a statement on 27Jul12. (b)(6), (b)(7)(C) subsequently declined to provide a statement and indicated (b)(6), (b)(7)(C) agreed to sign the paperwork for an (b)(6), (b)(7)(C) and she no longer wished to speak to NCIS regarding the sexual assault allegations she previously made against (b)(6), (b)(7)(C) Further attempts were made in an effort to interview (b)(6), (b)(7)(C) and to provide her with a Victim Witness Advocacy Program (VWAP) pamphlet. (b)(6), (b)(7)(C) later contacted PA and stated she'd been advised by her U.S. based attorney not to provide a statement to NCIS and to not sign any paperwork regarding the captioned investigation. On 23Aug12, (b)(6), (b)(7)(C) exercised his right to remain silent after being advised of his Article 31b Rights, and declined to provide a statement to NCIS regarding allegations of sexual assault made against him by (b)(6), (b)(7)(C) Background checks on both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) revealed a history of domestic violence allegations by both

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 2

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

F13-0580.FEYK 000224

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 30JUL12-FEYK-0499-8FNA/C

07Jan13

parties and one conviction of Domestic Assault on (b)(6), (b)(7)(C) On 07Oct12, (b)(6), (b)(7)(C) provided a written statement to CFAY Security alleging (b)(6), (b)(7)(C) attempted to choke her during a recent domestic dispute. (b)(6), (b)(7)(C) continues to decline to provide a statement to NCIS regarding captioned investigation. On 07Jan13, (b)(6), (b)(7)(C) JAG, CFAY, advised the criminal charges against (b)(6), (b)(7)(C) were dismissed in December 2012. All administrative and/or judicial action regarding captioned investigation is complete; investigation is closed.

NARRATIVE

1. This reactive investigation was initiated pursuant to potential violations of the Uniform Code of Code of Justice (UCMJ) Article 120 (Rape, Sexual Assault, and other Sexual Misconduct). Reference (A) through (G) report prior investigative activity.

2. On 21Dec12, (b)(6), (b)(7)(C) Commanding Officer (CO), CFAY, was briefed on the status of captioned investigation. On 07Jan13, (b)(6), (b)(7)(C) JAG, CFAY, advised the criminal charges against (b)(6), (b)(7)(C) were dismissed in December 2012. (b)(6), (b)(7)(C) further added that (b)(6), (b)(7)(C) is currently pending Command administrative action for providing false information to his Command regarding a Domestic Violence arrest and conviction from Mar1990. All administrative and/or judicial action regarding captioned investigation is complete; investigation is closed.

DISTRIBUTION

NCISHQ:23B2

INFO :FEFO/CFAY HQ (b)(6), (b)(7)(C) CO) (H)/FEYK

FOR OFFICIAL USE ONLY
Page 2 of 2

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

988148 02:26 20090710 IN:SSDEMAIL #42893 OUT:NIPRDAAAM #29744

REPORT OF INVESTIGATION (CLOSED)

01JUL09

INDECENT ASSAULT (II)

CONTROL: 30JUN09-FEYK-0192-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/COMFLEACT, YOKOSUKA/61054

MADE AT/FEYK/YOKOSUKA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) Statement of (b)(6), (b)(7)(C) /25Jun09... (Copy all)
- (2) IA: Results of Interview with (b)(6), (b)(7)(C) 30Jun09...
(Copy all)
- (3) IA: Results of Interview with (b)(6), (b)(7)(C) 30Jun09...
(Copy all)
- (4) CFAY Desk Journal/24Jun09... (Copy all)

EXECUTIVE SUMMARY

1. On 24Jun09, (b)(6), (b)(7)(C) alleged she was kissed against her will by (b)(6), (b)(7)(C) stated she and (b)(6), (b)(7)(C) were seated in front of the commissary when (b)(6), (b)(7)(C) kissed her against her will. (b)(6), (b)(7)(C) then left the area. (b)(6), (b)(7)(C) stated he kissed (b)(6), (b)(7)(C) but she never protested or attempted to escape the situation. Contact with the commissary director disclosed there are no video cameras in place. One witness advised he rode by on his bicycle, saw (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and only witnessed (b)(6), (b)(7)(C) with her legs across (b)(6), (b)(7)(C). There were no signs of unwanted contact. Review of the CFAY Security Department desk journal revealed (b)(6), (b)(7)(C) was apprehended within hours of the alleged assault; however, his blood alcohol level was between .084% and .079%. Command was apprised and advised based on the information obtained, no judicial/administrative action will be taken. This investigation is closed.

NARRATIVE

1. On 24Jun09, at 2210, CFAY Security reported an alleged indecent assault of (b)(6), (b)(7)(C). Due to the hour of the report, (b)(6), (b)(7)(C) was not formally interviewed by Participant (b)(6), (b)(7)(C) until 25Jun09; however, she was able to provide enough information to CFAY Security for them to locate (b)(6), (b)(7)(C) during the early hours of 25Jun09. (b)(6), (b)(7)(C) was subsequently taken into custody by CFAY Security.

2. On 25Jun09, (b)(6), (b)(7)(C) was interviewed by Participant (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) said she and (b)(6), (b)(7)(C) walked from King Street on board CFAY, to her towers building (Sakura Heights), and then across the street to the NEX. The NEX was closed so they sat on the bench outside and talked. (b)(6), (b)(7)(C) kissed her on her head and then he kissed her again on her head, side of her head and her neck. (b)(6), (b)(7)(C) said she then had to leave so she got up and went home, Exhibit (1) refers.

3. On 25Jun09, (b)(6), (b)(7)(C) after being advised of his Article 31B rights,

WARNING

FOR OFFICIAL USE ONLY
Page 1 of 3

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 30JUN09-FEYK-0192-8DNA/C

01Jul09

which he waived, was interviewed by Reporting Agent. The interview was recorded via camcorder. (b)(6), (b)(7)(C) admitted meeting (b)(6), (b)(7)(C) and walking and talking with her, but denied any indecent assault. (b)(6), (b)(7)(C) also said he only kissed (b)(6), (b)(7)(C) on the head while they were sitting on the bench in front of the CFAY Commissary. As (b)(6), (b)(7)(C) command (USS KEY WEST (SSN-722)) was leaving that afternoon (25Jun09), his interview was conducted expediently. (b)(6), (b)(7)(C) admitted drinking without a liberty partner, but denied being drunk. Additionally, (b)(6), (b)(7)(C) requested to contact (b)(6), (b)(7)(C) to apologize to her and her parents, but was advised that would not be appropriate. Instead, (b)(6), (b)(7)(C) wrote a note of apology to (b)(6), (b)(7)(C) Exhibit (2) pertains.

4. On 25Jun09, (b)(6), (b)(7)(C) Executive Officer, USS KEY WEST (SSN-722), was apprised of the results of interviews of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) was returned to his command and they proceeded to their next port of call.

5. On 26Jun09, contact was made with (b)(6), (b)(7)(C) civilian, CFAY Commissary Director with regard to any video cameras outside of the CFAY commissary. (b)(6), (b)(7)(C) advised there is no video recording equipment outside of the CFAY Commissary.

6. During the course of this investigation, information surfaced regarding a Navy LCDR from COMSUBGRU7, who had ridden his bicycle past the commissary between 2215 and 2230. This was the same time (b)(6), (b)(7)(C) were seated in the area. The bicycle rider was identified as (b)(6), (b)(7)(C)

7. On 26Jun09, (b)(6), (b)(7)(C) USN, advised he had ridden past the CFAY commissary around 2215-2230, and witnessed a Caucasian female and dark skinned male seated in front of the commissary. (b)(6), (b)(7)(C) said the couple stuck out to him due to the racial differences, adding they appeared to be "having a moment." (b)(6), (b)(7)(C) did not see any signs of distress, nor did either party ask for any assistance. (b)(6), (b)(7)(C) added there were also other people walking in the area at the time, Exhibit (3) refers.

8. On 30Jun09, a review of the CFAY Security desk journal disclosed (b)(6), (b)(7)(C) reported to CFAY Security at 0120. (b)(6), (b)(7)(C) admitted meeting a young female and talking to her on the bench in front of the commissary. At 0150, (b)(6), (b)(7)(C) was Administered a breathalyzer. The test results revealed (b)(6), (b)(7)(C) blood alcohol content to be .084 and .079, Exhibit (4) pertains.

9. (b)(6), (b)(7)(C) was apprised of the results of the investigation and advised no judicial/administrative action will be taken regarding this matter. This investigation is closed.

PARTICIPANT

(b)(6), (b)(7)(C) Special Agent, NCISRA Yokosuka, Japan

ACTION

0023B: ONLY Report

DISTRIBUTION

FOR OFFICIAL USE ONLY
Page 2 of 3

F13-0580.FEYK 000227

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 30JUN09-FEYK-0192-8DNA/C

01Jul09

NCISHQ: 0023B (M)

INFO: FEYK/JAG, CFAY (H) /CO, CFAY (H) /CO USS KEY
WEST (M)

FOR OFFICIAL USE ONLY

(b)(6), (b)(7)(C)

V2 LNY

WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE
ACCESS HERE TO CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

FOR OFFICIAL USE ONLY

Page 3 of 3

F13-0580.FEYK 000228