



Lt Col Wilkerson with his son (b)(6) in Austria in August of 2012.

The below information was obtained from:

<http://militarypay.defense.gov/retirement/calc/index.html>. The information was put in with 20 years of service, retiring this year.

Retirement estimate at O-5

		Before Taxes			After Taxes	
Years Out	Year	Monthly Pay	Annual Pay	Cumulative	Annual Pay	Cumulative
1	2012	\$3,780	\$45,358	\$45,358	\$32,658	\$32,658
10	2021	\$5,152	\$61,819	\$532,115	\$44,509	\$383,123
20	2031	\$7,267	\$87,201	\$1,282,715	\$62,785	\$923,555
30	2041	\$10,250	\$123,006	\$2,341,512	\$88,564	\$1,685,888
40	2051	\$14,459	\$173,512	\$3,835,048	\$124,929	\$2,761,235

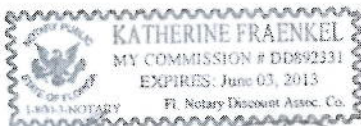
DEFENSE EXHIBITS OFFERED/REJECTED

AFFIDAVIT

1. I, Stephen Andrew Cassidy, am a full time Aquatic Director and Swimming Coach at Saint Andrew's School in Boca Raton, Florida. In this position, I am responsible for maintaining the day to day business of our 50-meter pool and teaching our students all levels of aquatic safety and expertise.
2. I first met James H. Wilkerson in the mid 1980's while I was an assistant swim coach at Florida State University in Tallahassee, Florida. James came to us a strong swimming candidate from the Bolles School in Jacksonville and was placed into my training squad. During the four years he was a collegiate student-athlete I would spend four to six hours daily pushing Jay to his limits physically, mentally and emotionally. His talent for long distance swimming emerged and we also traveled around the country and the world to participate in numerous marathon swimming events allowing me to closely observe him in stressful situations. Following those years I maintained a social relationship with him and got to know Lt Col Wilkerson's interaction with his family and friends in numerous informal settings.
3. I am aware that Lt Col Wilkerson has been accused of sexual assault, in violation of the Uniform Code of Military Justice.
4. Based on my observations of and contacts with Lt Col Wilkerson, I feel I have an in-depth understanding of him as an individual. I have formed an opinion regarding his character for truthfulness. I know him to be completely straightforward, honest, and completely truthful.

SWORN TO AND SUBSCRIBED THIS 24th DAY OF October, 2012 AT Boca Raton, FL

(b)(6)



Katherine Fraenkel

STATE OF Florida
COUNTY OF Palm Beach

Stephen A. "Sid" Cassidy
Aquatic Director & Head Swim Coach
Saint Andrew's School, Boca Raton, FL

Sworn to and signed before me this 24th day of October 2012.

AFFIDAVIT

1. I, Barbara June Ward, am the mother of Beth Renee Wilkerson, the wife of Lt. Col. James H. Wilkerson. I live with my husband, Col. Omer L. Ward at (b)(6)
My husband and I have been married for 42 years and I have considerable experience as a military wife, and particularly as the wife of a squadron commander and senior officer.

2. I first met Lt Col James H. Wilkerson about 1994 or 1995 shortly before he and my daughter Beth were married. I have had frequent contact with him since that time. He has visited in my home usually two or three time a year and my husband and I visit in his home approximately four times a year when they are in the CONUS. We also visited them a year ago in Italy. I have frequently observed my daughter and her husband in social settings with his superiors, peers and subordinates. I was able to closely observe their interactions with his superiors, peers, and subordinates and their wives in numerous non-duty informal settings.

3. I am aware that Lt Col Wilkerson has been accused of sexual assault, in violation of the Uniform Code of Military Justice.

4. Based on my observations of and contacts with Lt Col Wilkerson, I feel I have an in-depth understanding of him both as an officer in the United States Air Force and as an individual. I have formed an opinion regarding his character for truthfulness. I believe his truthfulness is irreproachable.

SWORN TO AND SUBSCRIBED THIS 17 DAY OF OCT 2012 AT 1610 CDT



BARBARA JUNE WARD
(b)(6)

STATE OF TEXAS
COUNTY OF MONTGOMERY

Sworn to and signed before me this 17th day of Oct. 2012.

Martha S. Sullivan
MARTHA S. SULLIVAN
TEXAS NOTARY PUBLIC

AFFIDAVIT

1. I, **Joseph William Ashy**, am a retired USAF four star General. I currently reside at (b)(6) (b)(6) my last position on active duty was "triple hatted" as: Commander, US Space Command; CINC NORAD; and Commander of AF Space Command. Previous to that, I was the NATO Southern Region Air Commander and conducted the combat air operations over the Balkans. Previous to that, I was commander, Air Training Command. Currently, I am president of Ashy & Associates, LLC, which is a consultant entity. I am the recipient of the Silver Star, and Defense Distinguished Service Medal among many other citations.

2. I first met Lt Col James H. Wilkerson in 2002 through his father-in-law and mother-in-law, Colonel (Retired) and Mrs. Sam Ward. Colonel Ward was one of my flight commanders in the 36 FS at Osan AB, Korea in 1975-76. The Wards currently live in our neighborhood and we are close friends. When Colonel and Mrs. Wilkerson have visited the Wards, we met them several times for family cook-outs. In 2004, I was asked by Lt Col Wilkerson to speak at an F-16 graduation Dinning Out at Luke AFB, AZ (his squadron was graduating a class and he was the assistant operations officer and event project officer). I worked with him on this event and also received a squadron tour and F-16 program orientation by Lt Col Wilkerson. Later on, we had regular communications when he sought my advice on assignment options to Joint Billets (which are necessary for Joint Duty) leading to command. I provided such advice. I have regularly kept in touch via email updates with him since meeting him. But when observing him in person in our meetings, I was most positively impressed with his breadth and depth of knowledge and how he conducted himself.

3. I am aware that Lt Col Wilkerson has been accused of sexual assault, in violation of the Uniform Code of Military Justice.

4. Based on my observations of and contacts with Lt Col Wilkerson, I feel I have an in-depth understanding of him both as an officer in the United States Air Force and as an individual. I have formed an opinion regarding his character for truthfulness. I believe his truthfulness is irreproachable.

SWORN TO AND SUBSCRIBED THIS 15th DAY OF Oct 2012 AT 1500 L

(b)(6)

Joseph W. Ashy
General, USAF (Ret)

STATE OF Texas
COUNTY OF Montgomery

Sworn to and signed before me this 15th day of Oct. 2012.

Nancy L. Waltz



DEFENSE EXHIBIT 1 FOR ID
OFFERED PAGE 1 ACCEPTED/REJECTED PAGE 210
PAGE 1 OF 1

AFFIDAVIT

1. I, Jay D. Blume Jr., am a retired US Air Force Major General currently living (b)(6) Texas. I served in the USAF for 32 years and over 15 of those years was spent overseas (Europe and Asia) in positions of increasing responsibility. I was lastly assigned at the Pentagon Washington D.C. as Special Assistant to the Chief of Staff USAF for Base Realignment and Closure; other previous assignments were commander of Lowry Technical Training Center, Denver CO; commander NATO Airborne Early Warning Force Component, Geilenkerchen, Germany; Special Assistant to Chief of Staff, Supreme Headquarters Allied Powers Europe, Mons, Belgium; Wing Commander, 52nd Tactical Fighter Wing, Spangdahlem Air Base, West Germany; as well as chief of the fighter division, Headquarters USAF, Pentagon Washington D.C. I participated three times on extended deployments: three months to pull nuclear alert in USAFE at Cigli, Turkey; 13 months to fight in PACAF at Tuy Hoa Air Base, Republic of Vietnam; and 12 months to pull air defense alert in PACAF at Osan Air Base, Korea. I also participated in numerous deployments of several weeks for training to Nellis AFB, NV (2 times); Zaragoza AB, Spain (5 times); Decimomanno AB, Italy (3 times); Incirlik, AB, Turkey (2 times); Eglin AFB, FL (2 times); Karup AB, Denmark (1 time); and Clark AB, Philippines (1 time). I have been awarded various decorations for my accomplishments, to include: Dist. SVC MDL, w/one OLC; Def. Superior SVC MDL, w/ one OLC; Legion of Merit, Dist. Flying Cross, Meritorious SVC, w/ three OLCs; Air Medal, w/ 15 LOCS; AF Commendation MDL, w/two OLCs; RVN Gallantry Cross w/Palm, Kuwait Liberation Medal, Bundeswehr Gold Cross of Honor and Member Served in Support of Operation Desert Shield/Storm.

2. I first met Lt Col James H. Wilkerson in January 2004 while transporting an Experimental Aircraft from Seattle, Washington to Conroe, Texas. His father-in-law, Sam Ward, and I had purchased the aircraft and were flying it to Texas. We stopped over to spend the night in Litchfield, Arizona near Luke AF Base, AZ. Then Major Wilkerson was stationed at Luke as an instructor. He met us at the Litchfield airport and I was pleased to make his acquaintance. I continued to see him and his family on numerous occasions when they would visit their family, Sam and June Ward. The Wards are my good friends and live near me on Lake Conroe, North of Houston, TX. I became Jay Wilkerson's friend and confidant, and followed his career progressions with interest, being a mentor to him in his Air Force career. Our contact was always in informal sessions such as at our local airport, our friend's home, our home, or on other social outings.

3. I am aware that Lt Col Wilkerson has been accused of sexual assault, in violation of the Uniform Code of Military Justice.

4. Based on my observations of and contacts with Lt Col Wilkerson, I feel I have a good understanding of him as a United States Air Force officer and an individual. In my opinion he is completely truthful in every way.

SWORN TO AND SUBSCRIBED THIS 17 DAY OF OCT 2012 AT 11:00 am

(b)(6)

JAY D. BLUME, Jr.
Major General, USAF (Ret)

STATE OF TEXAS
COUNTY OF MONTGOMERY

Sworn to and signed before me this 17th day of October 2012.



Martha S. Sullivan
MARTHA S. SULLIVAN
TEXAS NOTARY PUBLIC

DECLARATION

I, John L. Dolan, hereby make the following declaration under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am a regular, active duty Air Force Brigadier General currently stationed at the Pentagon, as the Deputy Director, Legislative Liaison, Office of the Secretary of the Air Force. In this position, I am responsible for the liaison between the Air Force and Congress on issues such as legislative and constituent inquiries, programs and weapons systems. I have been previously assigned as the Commander, 8th Fighter Wing, Kunsan Air Base, Republic of Korea. I have also deployed to Joint Base Balad, Iraq as the Vice Wing Commander. I have been awarded various decorations for my accomplishments, to include: Defense Superior Service Medal, Legion of Merit and Bronze Star.
2. I first met Lt Col James H. Wilkerson in June, 2010 while we were both stationed at Kunsan AB, ROK. I was his wing commander from then until May, 2011. Lt Col Wilkerson's duties during this time included commander, 80th Fighter Squadron. During the year I knew him, I routinely had daily contact with him. Additionally, I had several social contacts with him during wing and squadron social functions. I was able to observe Lt Col Wilkerson's interaction with his superiors, peers, and subordinates, in the workplace and in numerous non-duty informal settings.
3. I am aware that Lt Col Wilkerson has been accused of sexual assault, in violation of the Uniform Code of Military Justice.
4. Based on my observations of and contacts with Lt Col Wilkerson, I feel I have an understanding of him both as an officer in the United States Air Force and as an individual. I have formed an opinion regarding his character for truthfulness. My opinion is that he is a truthful person.

16 OCT 12

Date

(b)(6)

JOHN L. DOLAN, Brig Gen, USAF

AFFIDAVIT

1. I, Joseph T. Guastella, Jr., am a regular, active duty Air Force brigadier general currently stationed at Bagram Airfield, Afghanistan, as the Commander, 455th Air Expeditionary Wing. In this position, I command a composite wing that includes close air support; air mobility; combat search and rescue; intelligence, surveillance and reconnaissance; electronic attack; and aeromedical evacuation assets. My most recent assignments were as Deputy Director of Programs and Chief, Program Integration Division, Programs Directorate, Office of the Deputy Chief of Staff, Strategic Plans and Programs, Headquarters Air Force, Washington, District of Columbia, and Commander and Vice Commander, 20th Fighter Wing, Shaw Air Force Base, South Carolina.

2. I first met Lt Col James H. Wilkerson in 2008 when we were both stationed at Shaw Air Force Base, South Carolina with the 20th Fighter Wing. I was the vice wing commander from August to October 2008 and then the wing commander from October 2008 to June 2010. Lt Col Wilkerson's duties during this time were first as an operations officer in one of the fighter squadrons and then as the wing Chief of Safety. During the two years I knew him, I routinely had contact with him weekly. Additionally, I had occasional social contact with him, such as at wing events. I observed Lt Col Wilkerson's interaction with his superiors and peers in the workplace. Since June 2010, I had no contact with Lt Col Wilkerson until he contacted me in regard to this case.

3. I am aware that Lt Col Wilkerson has been accused of sexual assault in violation of the Uniform Code of Military Justice. I have no other knowledge of or involvement with the case.

4. Based on my observations of and contacts with Lt Col Wilkerson in the 2008-2010 time period, I feel I have an understanding of him both as an officer in the United States Air Force and as an individual. I have formed an opinion regarding his character for truthfulness. My opinion is that he is a truthful person.

SWORN TO AND SUBSCRIBED THIS 11th DAY OF OCTOBER 2012 AT BAGRAM AIRFIELD, AFGHANISTAN.

(b)(6)

JOSEPH T. GUASTELLA, JR.
Brigadier General, USAF

With the United States Armed Forces at Bagram Airfield, Afghanistan

On this 11th day of October 2012, I, a judge advocate, authorized the general powers of a Notary Public under the provisions of Title 10, United States Code, Section 1044a, certify that the person whose name is signed to this instrument is within the class defined by Title 10, United States Code, Section 1044, did personally appear before me and, after the contents of this instrument had been read and explained, did sign this instrument and acknowledge doing so freely and voluntarily for the purposes, and considerations set forth above.

JULIE J.R. HUYGEN, Lt Col, USAF, 455th AW

SEAL

AFFIDAVIT

1. I, Omer Lydell Ward, am a regular, retired Air Force Colonel. I live with my wife at (b)(6) (b)(6). My last position on active duty was as the Deputy Commander for Operations of the 602nd Tactical Air Control Wing at Davis Monthan AFB, Arizona. In that position, I was responsible for the operations of two flying squadrons, three tactical control squadrons, five mobile radar detachments and all Air Force tactical support detachments to the U. S. Army west of the Mississippi. I was previously assigned as Squadron Commander of the 306 Tactical Fighter Training Squadron at Homestead AFB, FL. I served in various other positions throughout my career as a fighter pilot, including a combat tour in which I flew over 100 missions in North Vietnam. I have been awarded the Distinguished Flying Cross twice, thirteen Air Medals and numerous other awards and decorations both for combat operations and peacetime service.

2. I first met Lt Col James H. Wilkerson about 1994 or 1995 shortly before he and my daughter Beth were married. I have had frequent contact with him since that time. He has visited in my home usually two or three time a year and my wife and I visit in his home approximately four times a year when they are in the CONUS. We also visited them a year ago in Italy. I have occasionally visited his workplace as a guest and have frequently observed him in social settings with his superiors, peers and subordinates. I was able to closely observe Lt Col Wilkerson's interactions with his superiors, peers, and subordinates, occasionally in the workplace and often in numerous non-duty informal settings. He and I have also engaged in numerous conversations about his Air Force career and the jobs/duties that he holds.

3. I am aware that Lt Col Wilkerson has been accused of sexual assault, in violation of the Uniform Code of Military Justice.

4. Based on my observations of and contacts with Lt Col Wilkerson, I feel I have an in-depth understanding of him both as an officer in the United States Air Force and as an individual. I have formed an opinion regarding his character for truthfulness. I believe he is an honest and truthful person.

SWORN TO AND SUBSCRIBED THIS 17 DAY OF OCT 2012 AT 1610 CDT



(b)(6)

OMER L. WARD
Colonel, USAF (Retired)

STATE OF TEXAS
COUNTY OF MONTGOMERY

Sworn to and signed before me this 17th day of OCT 2012.

Martha S. Sullivan

MARTHA S. SULLIVAN

TEXAS NOTARY PUBLIC

AFFIDAVIT

1. I, Stephen Douglas Pedrotty, am a regular, active duty Air Force Colonel currently stationed at Davis Monthan Air Force Base, as the Director of Operations. In this position, I am responsible for synchronization and execution of all U.S. Air Force actions in the SOUTHCOM area of operations as well as coordination of operational issues for ten active duty and thirteen Air National Guard wings within the western United States. I have been previously assigned as Operations Group Commander at Kunsan Air Base Korea and Squadron Commander of the 332d Expeditionary Operations Support Squadron at Balad Air Base Iraq. I have also deployed 14 times to Dhahran Air Base, Saudi Arabia; Al Kharg Air Base, Saudi Arabia; Al Jabber Air Base, Kuwait; Incirlik Air Base, Turkey and Balad Air Base Iraq. I have been awarded various decorations for my accomplishments, to include The Legion of Merit, The Bronze Star, and the Air Medal with 14 Oak Leaf Clusters as well as 24 other less significant awards.

2. I first met Lt Col James H. Wilkerson in July 2010 while we were both stationed at Kunsan Air Base, Republic of Korea. I was his commander from then until June 2011 when he was reassigned to Aviano AB, Italy. Lt Col Wilkerson's duties during this time included commanding the 80th Fighter Squadron. During the year I knew him, I routinely had contact with him daily. Additionally, I had frequent social contacts with him such as attending squadron functions held by the 80th Fighter Squadron. I was able to closely observe Lt Col Wilkerson's interaction with his superiors, peers, and subordinates, in the workplace and in numerous non-duty informal settings.

3. I am aware that Lt Col Wilkerson has been accused of sexual assault, in violation of the Uniform Code of Military Justice.

4. Based on my observations of and contacts with Lt Col Wilkerson, I feel I have an in-depth understanding of him both as an officer in the United States Air Force and as an individual. I have formed an opinion regarding his character for truthfulness. My opinion is that he is a truthful person.

SWORN TO AND SUBSCRIBED THIS 18 DAY OF Oct 2012 AT 11 00.

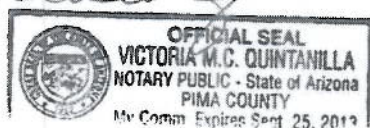
(b)(6)

STEPHEN D. PEDROTTY, Colonel, USAF

STATE OF ARIZONA
COUNTY OF PIMA

Sworn to and signed before me this 18th day of Oct 2012.

Victoria M.C. Quintanilla



DEFENSE EXHIBIT FOR ID
OFFERED PAGE 301 ACCEPTED/REJECTED PAGE 310
PAGE 1 OF 1

AFFIDAVIT

1. I, Blake Wayne Thomas, am a regular, retired Air Force Colonel. I live with my wife, Sandra Lee Thomas, retired Air Force Colonel, at (b)(6) my last position on active duty was Detachment 1, 347th Operations Group Commander, MacDill AFB, FL. In this position, I was responsible for on-site support for all ACC active and gained deployed operations. I have been previously assigned as 4th Fighter Wing Operations Group Deputy Commander at Seymour Johnson AFB, NC, and 71st Fighter Squadron Commander at Langley AFB, VA. I have also served in various positions throughout my career as a fighter pilot in combat and as a Joint Staff Officer. I deployed 3 times during Desert Storm. I am the recipient of the Legion of Merit, Defense Meritorious Service, 2 Air Medals, Aerial Achievement as well as many other awards and decorations. Currently, I am a Captain with Southwest Airlines, based in Houston, TX.

2. I first met Lt Col James H. Wilkerson in 1993 while we were both stationed at Langley AFB, VA. I was the 71st Fighter Squadron Commander and Lt Col Wilkerson was in the banked pilot program. We had weekly contact when he came to liaise and participate in the flying operations. I was able to closely observe Colonel Wilkerson's interaction within the squadron both in duty and non-duty settings. I have had continuous contact with Colonel Wilkerson since then, a few times in person, but mainly through my Sister and his Father-in-law. My Sister, Denise Garlan, is one of Beth Wilkerson's best friends. Colonel (Retired) Sam Ward was my Commander for Operations at Davis Monthan AFB, AZ, my Father-in-law during the 10 years I was married to his Daughter, Beth, and is to this day one of my dearest friends. Even though Beth and I are since divorced, I have kept in contact with both her and Lt Col Wilkerson both on a professional and personal level.

3. I am aware that Lt Col Wilkerson has been accused of sexual assault, in violation of the Uniform Code of Military Justice.

4. Based on my observations of and contacts with Lt Col Wilkerson, I feel I have an in-depth understanding of him both as an airman in the United States Air Force and as an individual. I have formed opinions of Lt Col Wilkerson. I believe his truthfulness is irreproachable.

SWORN TO AND SUBSCRIBED THIS 19 DAY OF Oct 2012 AT 1212.

(b)(6)

Blake W. Thomas
Colonel, USAF (Ret)

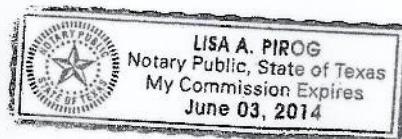
STATE OF Texas
COUNTY OF Fort Bend

Sworn to and signed before me this 19th day of Oct 2012.

State of TX
County of Fort Bend

Sworn to and subscribed before me on
the 19th day of Oct, 2012

Lisa A. Pirog
Notary Public's Signature
My Commission Expires 6/3/14



AFFIDAVIT

1. I, John Emilio Vargas Jr., am a regular, active duty Air Force Lieutenant Colonel currently stationed at Shaw AFB as the 77th Fighter Squadron Commander. In this position, I am responsible for developing and maximizing the combat capability of 42 fighter pilots and 11 Airmen. I have a broad background of experience flying the F-16 performing as an aircraft commander, instructor and evaluator pilot, weapons officer, flight commander and director of operations. I've served in these positions in a number of duty locations including Shaw AFB SC, Kunsan AB Republic of Korea, Aviano AB Italy, Nellis AFB NV, and in Washington D.C. as a Military Legislative Fellow in the U.S. Senate. I've also been deployed to combat on five occasions to various locations including Incirlik AB, Turkey, for Operation NORTHERN WATCH, Prince Sultan AB, Saudi Arabia, for Operation SOUTHERN WATCH, Al Udeid AB, Qatar, and Balad AB, Iraq, in support of Operations IRAQI FREEDOM and ENDURING FREEDOM, and most recently to Aviano AB, Italy, conducting Operation UNIFIED PROTECTOR over Libya. I've been awarded various decorations for my accomplishments, to include: the Meritorious Service Medal, the Air Medal, the Aerial Achievement Medal, and the Air Force Commendation Medal. Major Awards include being named the winner of the 2006 Colonel James Jabara Award and the 2006 U.S. Air Forces Europe Fighter Aviator of the Year.

2. I first met Lt Col James H. Wilkerson in March 2010 while we were both stationed at Shaw AFB. During this timeframe I received a handoff of director of operations duties for the 77th Fighter Squadron from Lt Col Wilkerson. He was on his way out of the position, bound for Korea and a command opportunity; I was incoming to the position. In all we had approximately three weeks of overlap prior to his departure in April 2010. During the three years I've known him, I've routinely had contact with him on a monthly basis. While I was deployed to Aviano AB, I had daily interaction with him as I was under his command while he served as the 31st Fighter Wing Deputy Operations Group Commander. Additionally, I've had frequent social contact with him including attending various community gatherings, base events, and family outings. I was able to closely observe Lt Col Wilkerson's interaction with his superiors, peers, and subordinates, in the workplace and in numerous non-duty informal settings.

3. I am aware that Lt Col Wilkerson has been accused of sexual assault, in violation of the Uniform Code of Military Justice.

4. Based on my observations of and contacts with Lt Col Wilkerson, I feel I have an in-depth understanding of him both as an officer in the United States Air Force and as an individual. I have formed an opinion regarding his character for truthfulness. I believe his truthfulness is irreproachable. His character for telling the truth is outstanding.


SWORN TO AND SUBSCRIBED THIS 10 DAY OF Oct 2012 AT SHAW AFB, S.C.

(b)(6)

JOHN E. VARGAS JR., Lt Col, USAF
Commander, 77th Fighter Squadron

STATE OF S.C.
COUNTY OF Sumter

Sworn to and signed before me this 10 day of Oct 2012.


EDWARD L. JOYCE, Notary Public
State of S.C., County of Sumter
My Commission Expires Dec. 05, 2013

AFFIDAVIT

1. I, Benjamin Lee Bradley, am a regular, active duty Air Force Lieutenant Colonel currently stationed at Kandahar Air Base, as the Deputy Operations Group Commander. In this position, I am responsible for the combat operations of 670 airmen comprising eight squadrons and two detachments operating over one hundred aircraft of nine different types. I have been previously assigned as Commander 79th Fighter Squadron, Director of Operations 55th Fighter Squadron, Joint Forces Command Liaison Officer, and Aide de Camp to the Commander Air Education and Training Command. I have also deployed 5 times to 4 locations. I have been awarded various decorations for my accomplishments, to include: the Defense Meritorious Service Medal, the Meritorious Service Medal, and three Air Medals.

2. I first met Lt Col James H. Wilkerson in March 2008 while we were both stationed at Shaw Air Force Base. I was his neighbor and friend from then until the present time. Lt Col Wilkerson's duties during this time included 20th Fighter Wing Chief of Safety, 77th Fighter Squadron Director of Operations, and Commander of the 80th Fighter Squadron. During the 4 years I have known him, I routinely had daily contact with him from 2008 to 2010 and then quarterly contact with him from 2010 to the present time. Additionally, I had frequent social contacts with him such as family weekends together as well as many social events and neighborhood parties. I was able to closely observe Lt Col Wilkerson's interaction with his superiors, peers, and subordinates, in the workplace and in numerous non-duty informal settings.

3. I am aware that Lt Col Wilkerson has been accused of sexual assault, in violation of the Uniform Code of Military Justice.

4. Based on my observations of and contacts with Lt Col Wilkerson, I feel I have an in-depth understanding of him both as an officer in the United States Air Force and as an individual. I have formed an opinion regarding his character for truthfulness. I believe his character for telling the truth is outstanding.


SWORN TO AND SUBSCRIBED THIS 19th DAY OF OCT 2012 AT KANDAHAR AF, AFGHANISTAN

(b)(6)

BENJAMIN L. BRADLEY
Lt Col, USAF

STATE OF Afghanistan
COUNTY OF Kandahar Airfield

Sworn to and signed before me this 19 day of OCT 2012.


Melissa Droddy, Sgt USAF
Paralegal

NOTARY BY FEDERAL STATUTE
10 U.S.C. 1044a
IAW AFI 51-504

AFFIDAVIT

1. I, ROD R. GARD, am an active duty guard. retired Air Force Lt Col currently employed at Southwest Airlines, as a First Officer. In this position, I am responsible for the safe transportation of citizens within the United States. I have been previously assigned as the 301FS Assistant Director of Operations, 61FS Weapons Officer and Flight Commander, 414 Aggressor Squadron Weapons Flight Commander and others. I have also deployed two times to Southwest Asia and many times in the United States and Canada. I have been awarded various decorations for my accomplishments, to include: Meritorious Service Medals, Air Medals, Air Force Commendation Medal, AF Outstanding unit Award with Valor Device, Combat Readiness Medal, National Defense Service Medal with service, Southwest Asia Service Medal with silver stars, Global War on Terrorism Service Medal, AF Overseas Ribbon, AF Longevity Service, AF Training Ribbon, Kuwait Liberation Medal, Kuwait Liberation Medal, Southwest Asia Service Medal, and more.
2. I first met Lt Col James H. Wilkerson in 1998 while we were both stationed at Luke AFB and then again a few years later in the 61FS again at Luke AFB. I was his Instructor Pilot, Weapons Officer, Flight Commander, co-worker and friend from then and now. Lt Col Wilkerson's duties during this time included student, Flight Commander, Assistant Director of Operations and others. During the 14 years I've known him, I routinely had contact with him side by side and now recently once or twice a year. Additionally, I had frequent social contacts with him from squadron social events, temporary duties and recreational trips together. I was able to closely observe Lt Col Wilkerson's interaction with his superiors, peers, and subordinates, in the workplace and in numerous non-duty informal settings.
3. I am aware that Lt Col Wilkerson has been accused of sexual assault, in violation of the Uniform Code of Military Justice.
4. Based on my observations of and contacts with Lt Col Wilkerson, I feel I have an in-depth understanding of him both as an officer in the United States Air Force and as an individual. I have formed an opinion regarding his character for truthfulness. In my opinion Lt Col Wilkerson's character for telling the truth is irreproachable and second to none.

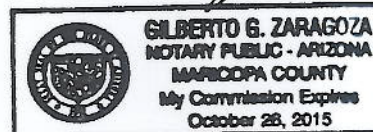
SWORN TO AND SUBSCRIBED THIS 16 DAY OF OCT 2012 AT 0955

(b)(6)

ROD R. GARD, Lt Col Ret, USAF

STATE OF AZ
COUNTY OF Maricopa

Sworn to and signed before me this 16th day of October 2012.



AFFIDAVIT

1. I, Gene Symmers Sherer, am a regular, active duty Air Force Lt Colonel currently stationed at Misawa Air Base, Japan, as the Commander of the 14th Fighter Squadron. In this position, I am responsible for the good order and discipline of the members of my unit and my unit's ability to execute our combat mission. I have been previously assigned as a Director of Operations at Kunsan Air Base, Republic of Korea, a Joint Staff action officer at the Pentagon, an Assistant Director of Operations at Spangdahlem Air Base, Germany and a Flight Commander at both Kunsan Air Base and Shaw Air Force Base. I have deployed to Incirlik Air Base to support Operation Northern Watch and to Saudi Arabia to support Operation Iraqi Freedom. I have been awarded various decorations for my accomplishments, to include: the Distinguished Flying Cross and several Air Medals.

2. I first met Lt Col James H. Wilkerson in June 2010 while we were both stationed at Kunsan Air Base. I was his Director of Operations from then until May 2011. Lt Col Wilkerson's duties during this time included command of the 80th Fighter Squadron. During the year I knew him, I routinely had contact with him on a daily basis, seven days a week. Additionally, I had frequent social contact with him during squadron social functions and non-squadron related functions since we lived beside each other. I was able to closely observe Lt Col Wilkerson's interaction with his superiors, peers, and subordinates, in the workplace and in numerous non-duty informal settings.

3. I am aware that Lt Col Wilkerson has been accused of sexual assault, in violation of the Uniform Code of Military Justice.

4. Based on my observations of and contacts with Lt Col Wilkerson, I feel I have an in-depth understanding of him both as an officer in the United States Air Force and as an individual. I have formed an opinion regarding his character for truthfulness. My opinion is that he is a truthful person and his character for telling the truth is outstanding.


SWORN TO AND SUBSCRIBED THIS 16 DAY OF Oct 2012 AT 0900.

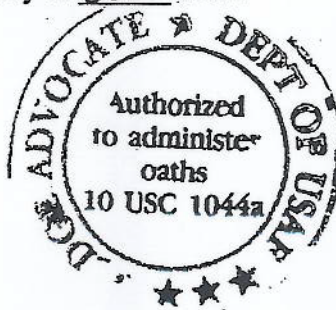
(b)(6)

GENE S. SHERER, LT COL, USAF

FEDERAL
STATE OF STATUTE
COUNTY OF 10 USC 1044a

Sworn to and signed before me this 16th day of Oct 2012.


ANDREW T. GOLSETH
Paralegal
NOTARY BY FEDERAL STATUTE
10 U.S.C 1044a
IAW AFI 51-504



APPELLATE EXHIBITS



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS THIRD AIR FORCE (USAF)

24 OCT 2012

MEMORANDUM FOR 31 FW/JA

FROM: 3 AF/JA

SUBJECT: Excusal of Court Member

I have been advised that Colonel James Herron, HQ USAF A5/8/9, court member in a court-martial convened by Special Order A-29, this headquarters, dated 2 August 2012, scheduled to convene on 26 October 2012, is unable to act as court member. Pursuant to the authority delegated to me by the Commander, Headquarters Third Air Force, the general court-martial convening authority in this case, Colonel James Herron is excused under R.C.M. 505(c).

(b)(6)

JOSEPH P. BIALKE, Colonel, USAF
Staff Judge Advocate

cc:
Colonel James Herron



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS THIRD AIR FORCE (USAF)

MEMORANDUM FOR 31 FW/JA

24 OCT 2012

FROM: 3 AF/JA

SUBJECT: Excusal of Court Member

I have been advised that Lieutenant Colonel Robert E. Lehman, 86 MDG, court member in a court-martial convened by Special Order A-1, this headquarters, dated 5 October 2012, scheduled to convene on 26 October 2012, is unable to act as court member. Pursuant to the authority delegated to me by the Commander, Headquarters Third Air Force, the general court-martial convening authority in this case, Lieutenant Colonel Robert E. Lehman is excused under R.C.M. 505(c).

(b)(6)

JOSEPH P. BIALKE, Colonel, USAF
Staff Judge Advocate

cc:

Lt Col Lehman



DEPARTMENT OF THE AIR FORCE
31st FIGHTER WING (USAF)

10 September 2012

MEMORANDUM FOR MAJOR PILAR WENNRICH

FROM: Lt Col James H. Wilkerson III

SUBJECT: Release of Military Defense Counsel

1. I release Major Pilar Wennrich from representing me in any further military-justice matters. Major Wennrich has fully explained my rights to counsel to me, I fully understand these rights, and I am knowingly, voluntarily, and intelligently signing this release.
2. I understand that I have the right to be represented by Captain Jeffrey Martin, my other detailed defense counsel, or by a military counsel of my choice, if such individual military counsel is reasonably available. If granted individual military counsel, I understand that I do not have the right to be represented by both individual military counsel and detailed defense counsel. I can request that detailed defense counsel remain on the case to act as associate counsel, but that request need not be granted. I also understand that I have the right to retain the services of civilian defense counsel, at no expense to the United States. I have retained civilian defense counsel, Mr. Frank Spinner, and I acknowledge that I can keep my military lawyer on the case to assist my civilian lawyer, or I could excuse my military lawyer and be represented only by my civilian lawyer.
3. Court-martial charges have been referred against me; I understand that this release is not effective until such time as the military judge assigned to my case approves it. Until such time as the military judge approves this release, I understand that Major Wennrich shall take reasonable steps to protect my legal rights.
4. I further understand that the attorney-client privilege still applies to the information Major Wennrich knows and possesses regarding my case and that Major Wennrich cannot release such attorney-client information without my express consent. I [DO] ~~[DO NOT]~~ consent to Major Wennrich releasing all such attorney-client information to any counsel, civilian or military, who may represent me in the future. Also, I [DO] ~~[DO NOT]~~ consent to Major Wennrich discussing my case with any such counsel.

(b)(6)

JAMES H. WILKERSON, Lt Col, USAF

I have fully advised Lt Col Wilkerson concerning the foregoing rights. I believe that Lt Col Wilkerson's decision to release me is a voluntary one.

(b)(6)

PILAR G. WENNRICH, Maj, USAF
Senior Defense Counsel

CHARGE I: Violation of the UCMJ, Article 120

Specification 1: In that LIEUTENANT COLONEL JAMES H. WILKERSON, United States Air Force, 31st Operations Group, Aviano Air Base, Italy, did, at or near Roveredo in Piano, Italy, on or about 24 March 2012, engage in sexual contact with Ms. (b)(6), to wit: fondling her breasts with his hands, doing so when Ms. (b)(6) was substantially incapable of appraising the nature of the sexual contact.

Specification 2: In that LIEUTENANT COLONEL JAMES H. WILKERSON, United States Air Force, 31st Operations Group, Aviano Air Base, Italy, did, at or near Roveredo in Piano, Italy, on or about 24 March 2012, engage in a sexual act with Ms. (b)(6) to wit: digital penetration of her vagina, doing so when Ms. (b)(6) was substantially incapable of appraising the nature of the sexual act.

CHARGE II: Violation of the UCMJ, Article 133

Specification 1: In that LIEUTENANT COLONEL JAMES H. WILKERSON, United States Air Force, 31st Operations Group, Aviano Air Base, Italy, a married man, did, at or near Roveredo in Piano, Italy, on or about 24 March 2012, wrongfully enter a bed occupied by Ms. (b)(6) a woman not his wife, which act, under the circumstances, constituted conduct unbecoming an officer and a gentleman.

Specification 2: In that LIEUTENANT COLONEL JAMES H. WILKERSON, United States Air Force, 31st Operations Group, Aviano Air Base, Italy, a married man, did, at or near Roveredo in Piano, Italy, on or about 24 March 2012, wrongfully engage in sexual contact with Ms. (b)(6) a woman not his wife, to wit: fondling her breasts with his hands, which act, under the circumstances, constituted conduct unbecoming an officer and a gentleman.

Specification 3: In that LIEUTENANT COLONEL JAMES H. WILKERSON, United States Air Force, 31st Operations Group, Aviano Air Base, Italy, a married man, did, at or near Roveredo in Piano, Italy, on or about 24 March 2012, wrongfully engage in a sexual act with Ms. (b)(6), a woman not his wife, to wit: digital penetration of her vagina, which act, under the circumstances, constituted conduct unbecoming an officer and a gentleman.

DEPARTMENT OF THE AIR FORCE
UNITED STATES AIR FORCE JUDICIARY

UNITED STATES

v.

Lt Col James H. Wilkerson
31st Fighter Wing (USAFE)
Aviano AB, Italy

)
)
)
)
)
)
)

DEFENSE MOTION TO
COMPEL DISCOVERY

18 October 2012

COMES NOW Lt Col James Wilkerson, by and through counsel, pursuant to Article 46, UCMJ, Rules for Courts-Martial (RCM) 701 and 906(b)(7), and moves this Honorable Court to compel the Government to produce certain evidence.

FACTS

1. On 14 June 2012, Maj Eric Weber, preferred two charges and five specifications against Lt Col Wilkerson. The charges were referred to a General Court-Martial on 2 August 2012 and served on Lt Col Wilkerson on 7 August 2012. On 25 September 2012, defense counsel served a second discovery request upon the Government seeking non-privileged emails of Brig Gen Zobrist and Lt Gen Franklin. Attachment 1.
2. On 15 October 2012, the Government, through trial counsel, informed the Defense that they would not be providing the emails as part of discovery.
3. There was an Air Force Academy sex/rape allegation scandal that became publically debated and acted on 2003. After that scandal, sweeping changes and reactions took place within the Air Force and DoD.
4. One of those reactions were mandatory rape/sexual assault briefings that routinely, knowingly and with the acquiescence or approval of Air Force authorities, have misstated the law of rape/sexual assault as it relates to an alleged victim who has been drinking. These briefings, and this environment, has continued unabated and accelerated since that time.
5. Virtually the entire Air Force population, and everyone involved in the Air Force military justice system, has been audience to these mandatory rape/sexual assault briefings and has potentially been impacted by them.
6. Air Force judges, staff judge advocates, prosecutors, defense counsel, and others within the Air Force military justice system know incorrect sexual assault briefings are taking place with regularity. Presumably, so too do the military and civilian leaders within the system – including the SECDEF, SECAF, Chief of Staff, TJAG, JAJM, GCMCA, SPCMCA, servicing staff judge advocates.

7. Of note, the new Air Force Chief of Staff, General Welsh, was the USAFE Commander prior to the change of command ceremony on 10 August 2012. Even more so, General Welsh was testifying before Congress about sexual assaults in the Air Force on 19 July 2012, during which time Lt Col Wilkerson was in his chain of command.

8. In recent years, the push for rape and sexual assault prosecutions and convictions has increased, by civilian politicians, service secretaries, and military hierarchy alike. When justice and the correct outcome should be the goal, that is not the stated nor the actual goal. The goal is simply increased prosecutions and convictions.

9. The accuser in this case has predictably been impacted by these briefings and the environment, just as all participants in the court-martial of U.S. v. Lt Col Wilkerson have been.

10. Given the oppressive atmosphere in the military and Air Force military justice system, and the loud proclamations of the need for more prosecutions and convictions, Lt Col Wilkerson did not truly have a fair consideration of his case. If this motion is denied, Lt Col Wilkerson will never be afforded an opportunity to see the political pressure or considerations of his commanders when they made their decisions or had decisions withheld from them.

LAW

11. "The military justice system provides for broader discovery than required by practice in federal civilian criminal trials." United States v. Santos, 59 M.J. 317, 321 (C.A.A.F. 2004). "R.C.M. 701(a)(2)(A) requires the Government, upon defense request, to allow inspection of any tangible objects, such as papers and documents, that are 'are within the possession, custody, or control of military authorities, and which are material to the preparation of the defense.'" Id. "Evidence that could be used at trial to impeach witnesses is subject to discovery under these provisions." Id.

12. The court in United States v. Reece, 25 M.J. 93, (C.M.A. 1987) held that the only restrictions placed on the liberal discovery of documentary evidence by the accused are that the evidence must be relevant and necessary to the subject matter of the inquiry, and the request must be reasonable. Relevant evidence is "any evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." M.R.E. 401. The threshold for relevance is low. Reece at 95. Evidence is necessary when it would contribute to a party's presentation of the case in some positive way on a matter in issue. Id.

ANALYSIS & ARGUMENT

13. The defense requests that this Honorable Court enter an order compelling the Government to produce any non-privileged emails of Brig Gen Zobrist and Lt Gen Franklin concerning Lt Col Wilkerson's court-martial and/or investigation. These emails will shed light and either expose or eliminate any doubt about any unlawful command influence in this case, to include but not limited to, political pressure from the Air Force Chief of Staff, the Secretary of the Air Force, and the Secretary of Defense. Specifically, Gen Welsh (Lt Gen Franklin's rater) was being

interrogated about sexual assaults in the military during his Congressional testimony on 19 July 2012, during the same time Lt Gen Franklin was considering whether this case should go forward to court-martial. Keeping that in mind, there is certainly the perception that Lt Gen Franklin received some pressure to have this case referred so as not to hurt the chances of his rater to be approved as the next Air Force Chief of Staff.

14. As production of discovery is a much lower bar than admission at trial, these documents are certainly relevant to ensure Lt Col Wilkerson's rights under the Uniform Code of Military Justice (UCMJ) are protected and that we either expose any unlawful command influence under Article 37, UCMJ, or in the alternative, quell any doubt as to its existence.

CONCLUSION

15. For the reasons stated herein, the defense respectfully requests this Honorable Court order the Government to produce the evidence set forth in paragraph 2.

//Signed//

JEFFREY S. MARTIN, Capt, USAF
Defense Counsel

CERTIFICATE OF SERVICE

I certify that a copy of this defense motion to compel was served via e-mail on the Military Judge (Col Brown) and trial counsel (Capt Beliles and Capt Nguyen) on 18 October 2012.

//Signed//

JEFFREY S. MARTIN, Capt, USAF
Defense Counsel