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OFFICER, 8 APR 20.

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DEPARTMENT OF THE ARMY
HQ, 528TH SUSTAINMENT BRIGADE (SPECIAL OPERATIONS) (AIRBORNE)
BLDG X-4047, NEW DAWN
FORT BRAGG, NORTH CAROLINA 28310

REPLY TO
ATTENTION OF:

AOSC-SHARP

10 August 2018

MEMORANDUM FOR Commander, United States Army Special Operations Command
(USASOC), Fort Bragg, NC

SUBJECT: Way Ahead from US v. Vallejo

1. Purpose: To provide the Commanding General of USASOC information and request an opportunity to improve the government's performance moving forward. From my view, a proper After Action Review (AAR) needs to be conducted in order to ensure that we can better provide services to victims of sexual assault.
2. Background:
 - a. On September 10, 2016, a First Lieutenant with the 82nd Airborne Division, Fort Bragg, NC, reported that she was sexually assaulted off-post. In order to protect her privacy, this Lieutenant will be referred hereinafter as Skip. Based on the testimony given at trial, many of the facts of the case were undisputed. I have left out much of the disputed testimony for brevity. However, the undisputed testimony indicated the following:
 - (1) The testimony demonstrated that Skip met SFC Vallejo, Christopher at Mac's Speed Shop, Fayetteville, NC on September 10, 2016. Skip had not previously known SFC Vallejo. When Skip met SFC Vallejo, he was wearing a ball cap and had a full beard. SFC Vallejo was a member of [REDACTED] USASOC, at the time of the assault.
 - (2) SFC Vallejo was hosting a fundraiser by Coast X Coast, a non-profit organization that he founded. Their stated mission is that they "honor fallen U.S. Special Operation Forces and enhance the quality of life of wounded members." SFC Vallejo is pictured on the cover page of their website at <https://coastxcoast.org/>.
 - (3) In September 2016, Coast X Coast was conducting a motorcycle ride from the west coast to the east coast and the group had stopped in Fayetteville, NC on September 10, 2016 in order to raise funds, sell merchandise, and sell raffle tickets for a custom built motorcycle.
 - (4) Witnesses for SFC Vallejo's Trial Defense testified that they saw SFC Vallejo state to the crowd at Mac's Speed Shop that he was on Active Duty, and that SFC Vallejo stated he was on Active Duty in order to solicit donations and sell raffle tickets at the venue.
 - (5) Later that evening, the group with Coast X Coast decided to leave Mac's Speed Shop and move the festivities to Paddy's Irish Pub in Fayetteville, NC. Skip was amongst the group and decided to also go to Paddy's for the "after party."

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(6) When Paddy's closed, Skip was invited to attend another "after party" at "the Warehouse." Skip thought that this was the name of another business establishment in Fayetteville. Skip then took a cab with her female friend, SFC Vallejo, and another member of [REDACTED] (who was not identified by USASOC after Fayetteville Police requested such information), to "the Warehouse."

(7) When Skip arrived at "the Warehouse" she was immediately concerned as she was quite literally at a warehouse and not at a business establishment of any kind. Testimony offered by Trial Defense indicated that this warehouse was where the group stores their motorcycles and other vehicles for Coast X Coast.

(8) Shortly after arriving, Skip and her female friend ordered an Uber to pick them up. According to Skip, she was very concerned about the location they were in, felt unsafe, and wanted to immediately leave. Skip then inquired as to where the restroom was. She was directed to a Port-a-Jon located outside of the warehouse.

(9) After using the Port-a-Jon, Skip testified that SFC Vallejo was standing immediately outside the Port-a-Jon as she exited. Skip stated that she felt "ambushed" as SFC Vallejo began kissing her. Skip testified that she told him "no" and to "stop." Skip testified that SFC Vallejo then took her to the back of the building and raped her on the hood of a car. There is video surveillance at the warehouse, but no video surveillance of the location that SFC Vallejo took Skip to, thus no video surveillance of the rape.

(10) After the assault, Skip returned to the inside of the warehouse in order to retrieve her friend, her phone, and get into the Uber. The Uber driver had called Skip, as he had trouble finding the location to pick her up. Skip's friend testified that Skip looked very upset and began walking very quickly away from the warehouse and toward the street. When Skip's friend asked what was wrong, Skip stated that "I was just fucking raped. I was just fucking raped."

(11) As Skip and her friend began to walk away from the warehouse and towards the street, they were followed by two people who testified at the trial. These witnesses indicated that they told Skip that the warehouse was a difficult location to find and that they would need to go to the nearest intersection to better flag down an Uber.

(12) Shortly thereafter, Skip saw what appeared to be an Uber and immediately got into the vehicle. It turned out that this was an Uber, just not the Uber Skip had ordered. As a result, the Uber driver stated that he could not take her as a fare since he had already been booked by another party. However, Skip would not leave the car and insisted that the Uber driver take them away immediately. The Uber driver would not leave until Skip cancelled her previous Uber and picked him up as the driver. After Skip was able to complete this, the Uber drove Skip and her friend to [REDACTED] home. Skip and [REDACTED] were previously romantically involved. Skip requested immunity from prosecution for fraternization before she testified in the trial, for which she was granted.

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(13) Upon arrival to [REDACTED] home, Skip, [REDACTED] and Skip's female friend had a brief conversation in the common area of the home. Then, Skip went into [REDACTED] room and told him that she had just been raped. [REDACTED] testified that he did not know exactly what to do. Consequently, all parties went to sleep.

(14) After a few hours of sleep, Skip woke up and called another friend of hers to pick her up and take her to Womack Army Medical Center.

b. On the day of the assault, Skip went to Womack Army Medical Center and had a Sexual Assault Forensic Exam (SAFE) conducted and filed a Restricted Report with the Sexual Assault Response Coordinator (SARC) on duty.

c. Approximately 3 days later, Skip changed her Restricted Report to Unrestricted and reported the sexual assault to CID. Skip was assigned a Special Victim's Counsel (SVC) and interviewed by CID.

d. Skip did not know the perpetrator was on Active Duty, but suspected that he was once in the military. However, CID quickly identified that the perpetrator was SFC Vallejo, Christopher, a member of [REDACTED] USASOC.

e. Shortly thereafter, CID referred this case to the Fayetteville Police Department. Skip has received conflicting information regarding why USASOC did not keep this case and sent it to Fayetteville for prosecution. Moreover, as the Fayetteville Police Department began their investigation, they indicated that they were blocked from interviewing many potential witnesses by USASOC. It was understood by the Fayetteville Police Department that this was because the people that they intended to interview were "classified."

f. Nevertheless, in early 2018, the Fayetteville Police Department completed its investigation into SFC Vallejo, preferred charges, and began preparing for trial. At this point, USASOC began to express an interest in bringing the case back onto Fort Bragg and prosecuting SFC Vallejo themselves. They did this after sitting on the case for two years.

g. Two weeks before the Fayetteville District Attorney's office was to go to trial with their case against SFC Vallejo, the Attorney's within USASOC told Skip that she failed to sign a "Victim Preference Statement." The Victim Preference Statement is a piece of paper that indicates whether or not Skip would like the Army or the local civilian jurisdiction to handle the case. At this point, Skip was inconsolable. She had been mentally preparing for trial for the last two years. And then, two weeks before she was scheduled to participate in SFC Vallejo's trial, USASOC stated that they would like to bring the trial on post and prosecute SFC Vallejo themselves. Skip indicated that she didn't care what happened and wondered why all of a sudden USASOC was taking an interest in this case.

h. Shortly thereafter, the Fayetteville District Attorney's office sent the case file to USASOC to prosecute and the trial was scheduled for late June 2018.

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i. During the trial, Trial Defense indicated that they wanted to be able to interview Skip prior to her taking the stand and stated that Skip had declined to meet with them. Skip was assigned a SVC, who was to coordinate any such requests with Skip. However, due to the heavy rotation of SVC's, Skip was assigned five different SVC's. And the SVC she was assigned for the trial, she had only been assigned to her matter for approximately one month. At some point, this led the Trial Defense to file a motion where they requested that the court allow them to pierce the veil of confidentiality between Skip and one of her former SVC's, CPT Stokes. Judge Nance, the trial judge in US v. Vallejo, granted this motion and ordered that CPT Stokes immediately return from leave and make herself available to testify. Judge Nance also stated in open court and on the record that "SVC's just do whatever they want," and further indicated his disgust for SVC's in general.

j. Through CPT Stokes' counsel, CPT Stokes provided stipulated testimony. CPT Stokes stipulation provided, in part, that Skip indicated to CPT Stokes that Skip did not want to speak with Trial Defense. During Skip's testimony at trial, Skip testified that she was willing to speak to Trial Defense, but was waiting on her Attorney to coordinate this.

k. After all the testimony had been given and the panel went back to deliberate, Judge Nance brought CPT Stokes into the courtroom, on the record, and verbally berated her on the stand. CPT Stokes was not sworn in, and when Judge Nance asked if she had anything to say, CPT Stokes declined and left.

l. Skip testified on the stand for more than 7 hours during the trial. The court had to recess twice during this time as Skip began to cry uncontrollably and was unable to continue. SFC Vallejo elected to not testify in his defense at trial.

m. After the panel had an opportunity to deliberate, they returned a verdict of "not guilty."

3. Discussion. This case has raised some concerns and they are as follows:

a. Why was SFC Vallejo allowed to continue to operate the "Warehouse"? According to Fayetteville's records, in May 2016, they approached SFC Vallejo when they observed him throwing parties at this location. They indicated to him that he was not allowed to have parties at the warehouse and told him that he needed to immediately cease and desist. SFC Vallejo did not and as a result, Skip was raped 4 months later in September 2016. Moreover, even after SFC Vallejo was charged and under investigation for the rape of Skip, he continued to throw parties at the warehouse. Why was this allowed to continue?

b. Why did USASOC not allow the Fayetteville Police Department to interview all interested parties as it pertained to this crime?

c. Why did USASOC not keep the case at the onset and why did they let the Fayetteville Police Department handle the action for two years before USASOC decided to prosecute it instead?

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d. Why is SFC Vallejo soliciting donations for a non-profit using his position as an Active Duty Service Member? And where is the money going? On the night of the assault, they raffled off a custom built motorcycle. However, none of the applicable tax documents, such as the IRS form 990, for a 501(3)(c) have been filed for Coast X Coast. Is SFC Vallejo operating an illicit warehouse while laundering money? Is USASOC addressing this matter at all?

e. After SFC Vallejo was charged with the crime, one of the female Captains that testified in his defense at trial reached out to Skip's former unit in order to gain intel to disparage Skip. Skip's previous leadership immediately notified Skip of this and Skip reported this through her SVC. What happened to this Captain? Was any action ever taken against her for attempting to interfere with an ongoing criminal action? USASOC indicated to Skip that they were delaying action against this Captain until the trial was complete. But Skip has not received any new information. What is the status of this action?

4. Recommendation. As an Attorney myself, I can certainly appreciate the nuances of the justice system. But in my view, Skip never had a chance. I would like to open a dialogue and have my questions addressed so that we may 1) provide better services to victims of sexual assault, and 2) properly prosecute, deter, and prevent our Service Members from committing such assaults. There seems to be multiple opportunities where proper intervention could have alleviated much of the issues that arose. I have attempted to get the answers to my questions thus far, but have been unsuccessful. We owe it to our victims to fight for them and ensure their safety. I appreciate you taking the time to look into my request and I look forward to your feedback.

5. Point of contact for this memorandum is Lindsey Knapp at lindsay.a.knapp@socom.mil or (910) 643-8108.



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