



## Losing Your Future to Sexual Assault

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*9/6/2012 - Joint Base Andrews, Md. (AFNS) -- "I knew the minute our eyes met that she was the 'one.' We exchanged numbers and set up a date. It was planned to perfection. She was the 'one.' And then she Googled me. . .and told me never to contact her again. That's life as a registered sex offender. My face, my name, my address...for the world to see: Sex Offender."*

This is a very likely future for an Airman convicted of sexual assault. I know.

Since 1994, I've both prosecuted and represented Airmen charged in "Blue-on-Blue" crimes and all manner of sexual assaults. It happens that my memory of 9/11 was witnessing the attack on America and tragic loss of life on the news ... as I prepared my dress blues for the arraignment and trial of a client charged in the rape of a fellow Airman.

I've spent the better part of 18 years advising commanders, prosecuting cases, and representing Airmen charged with violating the Uniform Code of Military Justice. Currently, I am the chief appellate defense attorney in the Air Force. I lead a team of lawyers who defend Airmen after they've been convicted at a court-martial. It's our duty, as required by Article 70 of the UCMJ, to represent these Airmen, search for legal error in their cases, and advocate for their convictions to be overturned and their sentences set aside or reduced. This includes Airmen convicted of sexual assault, which I sadly say remains a large percentage of our docket.

As a matter of professional responsibility, it makes no difference to us whether or not our clients claim to be innocent or guilty -- our duty is to defend both equally well -- yes, even when they've confessed and pled guilty.

In plain speak, the Air Force is not our client, convicted Airmen are.

If you're concerned that my duties are in conflict with sexual assault prevention, don't be. In fact, the first thought I'll share with you is that there are not two sides to this problem. Yes, sides are taken in the courtroom, but nobody is "for" sexual assault or "against" accountability. "Zero tolerance" and potentially severe consequences for those who violate the law have been part of Air Force culture for many years. Accountability is the norm and not the exception. I see it every day at work and have for many years in different duties and settings.

Airmen convicted of a sexual offense face lifelong consequences. If the possibility of trial, conviction, jail, and a punitive discharge don't dissuade, consider the story at the beginning of this article. There's a high probability convicted Airmen will carry the label of "registered sex offender" for the rest of their lives. Sex offender registration allows federal and state law enforcement officers to monitor the location and activities of convicted sex offenders.

Airmen convicted of sexual assault at a court-martial are required to register in the state where they live, work, or attend school. Some states even require the offender to notify the registry if they are going on vacation in a different state. If the crime involved minors, state law may bar the offender from living or working near places where children frequent, such as a school, library, day-care center, or park.

Registration laws don't differentiate well between different types or degrees of sexual crimes, and some don't even try. Every state keeps a public registry of sex offenders. Many jurisdictions make this information available via a website or app, and may include the offender's full name, photograph and address.

These laws are designed as public-safety measures rather than additional punishment, but they can carry with them a substantial loss of freedom and liberty. After serving their sentences, Airmen often find it difficult to find a home or a job, and registration also impacts their freedom of association with families, friends and loved ones. What may not have been that big of a deal at age 19, can drastically alter your way of life when you're in your thirties and married with children. The consequences of a sexual assault conviction go far beyond the immediate sentence.

I share this perspective because prevention is better than prosecution. It's my hope that knowledge of the consequences may deter Airmen from a poor choice and a lifetime of regret. A sexual assault conviction is often just the beginning of a life of diminished freedom. Understanding the consequences today, may avert the sad

outcome of this destructive crime and help our fellow Airmen before they fail or realize too late that such illegal conduct has lasting ramifications beyond the possibility of conviction, confinement, and a punitive discharge. It's important that Airmen think about the lifelong consequences of sexual assault now, not when having it explained to them by an attorney. This cannot be understated: sexual assault crimes last a lifetime for all involved.

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