



22 December 2014

SEXUAL ASSAULT



COURT-MARTIAL: At an April 2014 Court-Martial in Ansbach, Germany, a Specialist assigned to 12th Combat Aviation Brigade was found guilty by a military panel of rape in violation of Article 120.

SENTENCE: He was sentenced to 3 years confinement, reduction to Private E-1, and to be dishonorably discharged from the service.

FACTS: In September 2013, after a night of drinking, the victim, a Specialist, awoke to the accused Soldier sexually assaulting her. She called out for help and told him to stop, but he used his bodyweight to hold her down and rape her.

OBSERVATION: A sleeping person cannot consent to sex. A person's lack of verbal or physical resistance to sexual advances does not constitute consent. A person's submission to sexual contact resulting from the use of force, threat of force, or fear does not constitute consent. Army policy promotes sensitive care and confidential reporting for victims of sexual assault and accountability for those who commit these crimes. Commanders must be committed to eliminating incidents of sexual assault through a comprehensive policy that centers on awareness and prevention, training and education, victim advocacy, response, reporting and follow-up.

If you have been sexually assaulted, contact your Brigade Sexual Assault Response Coordinator, Victim Advocate, healthcare provider, CID, Staff Judge Advocate, Military Police, Behavioral Health, or the Chaplain. You may also call the DoD Safe Helpline from a DSN line at 94-877-995-5247 (toll free) or 001-877-995-5247 (not toll free).

For more guidance on reporting options and rights, visit
<https://www.safehelpline.org/>

Teal Hash # 14-004