

Chain of events questioned as rape trial begins at Yongsan

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By: T.D. Flack

YONGSAN GARRISON, South Korea — The trial of a military policeman accused of raping a fellow soldier began Thursday with a seven-member jury hearing several hours' testimony.

Sgt. Jason L. Fleming, of the 501st Military Intelligence Brigade, is charged with rape, sodomy, making a false official statement and indecent assault in connection with an April 17 incident.

According to testimony, Fleming observed the drunken woman being escorted back to her barracks room by two male soldiers. He helped get her to her room and stayed to assist.

The woman testified she remembers little of the trip home, just "bits and pieces" after drinking in Itaewon.

"Since I'm not a strong drinker, I usually don't drink that much," she testified. She remembered drinking a little at a unit function and one bar that night but couldn't testify to the exact amount she drank at a final bar with her friend because the bartender kept refilling her half-empty cup.

Her friend, one of the male soldiers who helped her home, said he and the soldier eventually left her in the room alone with Fleming.

The woman testified she remembered hearing a male voice and feeling someone kissing her breasts and elsewhere on her body, then pulling her pants down.

She said she wasn't fully conscious and the events seemed a little as if they were happening in a dream.

"I don't want to say I was asleep," she said. "I was more passed out than sleeping."

When she became fully aware of what was happening, she said, she was nude and a man was having intercourse with her. She pulled away from him and asked what was happening.

She said Fleming pulled his clothes on and told her nothing had happened, they had only

kissed and that it was a mistake because he was the father of a newborn baby.

“I was in shock,” she said.

The next morning, she told her friend and immediate supervisor she believed something bad happened with Fleming.

“I know what happened,” she said, but was “trying to hope ... it hadn’t happened.”

She gave few details and stressed to the soldiers that she didn’t want to get anyone in trouble. She said she felt guilty and worried that something she had done might have caused Fleming’s actions.

While talking to her boss, Fleming came to the area. Her boss talked to Fleming then suggested he talk to the woman to see if they could piece together what had happened.

She said he continued to say nothing had occurred but the kissing. The woman stated she knew he was lying but didn’t “want to be part of ruining a baby’s life.”

“Basically he made me feel like a cheap whore” by lying about what happened, she said.

Eventually senior members of the command learned of the incident and called the Criminal Investigative Command — referred to as CID. She met twice with investigators but told them both times that she wouldn’t make a statement.

During a third meeting — this time with a female agent — she made her statement accusing Fleming of the rape.

Defense attorney Capt. James Culp, co-defending with Capt. C. Jack Marks, attacked apparent differences among Thursday’s testimony, testimony during the case’s Article 32 hearing and CID reports.

Culp keyed on the fact that in early CID statements, the woman stated remembering kissing Fleming.

“I couldn’t have said that, sir,” she replied to repeated questions.

Under Culp’s questioning, she also stated that while passed out her attempts at saying “no” might have been mistaken for a “moaning sound.”

CID agent James Carsten, who interviewed Fleming, said the sergeant told him the woman kissed him first. She took off her own shirt, Fleming told CID, and took off her bra.

Defense attorneys also called Greg Barisich, director of the Alcohol Treatment Center at the

121st Medical Hospital, to testify as an expert of alcohol-induced amnesia.

Barisich said such blackouts are different from passing out. Passing out, he said, is the body going to sleep. During blackouts, however, people are still walking, talking or even drinking — but they don't remember the events.

When asked if someone could give a knowing consent, he replied “it would probably be unlikely.”

He did say that after a period of time, someone might be able to regain some memories from a blackout.

Evelyn Ridgley, from the U.S. Army Criminal Investigative Lab, stated in a letter to the court that on items sent to her for testing, including pants, a blanket and pieces of the woman's mattress, Ridgley found no DNA that conclusively matched Fleming's.

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