



Yongsan MP gets nine months, discharge for sex assault Soldier Acquitted of Rape Charge

October 23, 2005

By: T.D. Flack

YONGSAN GARRISON, South Korea — A U.S. military policeman was convicted Friday in a sexual assault case involving a female soldier and was sentenced to nine months' confinement and a bad conduct discharge.

The jury also reduced Sgt. Jason L. Fleming's rank to E-1 and required he forfeit all pay and allowances.

Fleming was found guilty of indecently assaulting and attempting to forcibly sodomize the woman. But the seven-member jury — three male officers, three male noncommissioned officers and one female NCO — acquitted him of charges of rape and making a false official statement in connection with the April 17 crime.

Fleming faced a maximum punishment of a dishonorable discharge and 20 years in prison. He had volunteered to accept a bad conduct discharge in lieu of confinement.

During a tearful unsworn statement to the court prior to sentencing, Fleming apologized for the assault.

"I am deeply sorry for my actions," said Fleming, a member of the 501st Military Intelligence Brigade.

He said he caused pain to everyone involved — from his wife and infant son to the victim — with his "terrible choice."

"I have seen the pain on" her face, he said of the victim.

He said he hopes that someday he will be forgiven, but if it happens it will be "long before I'm able to forgive myself."

The prosecution team of Capt. Rochelle Howard and Capt. Kristian Murray sought a six-year prison sentence and dishonorable discharge to send a message to the entire community.

“Sgt. Fleming is a predator,” Murray told the jury. “He saw her drunk ... easy prey.”

Defense attorneys Capt. C. Jack Marks and Capt. James Culp told the court their client was a soldier who simply made a mistake.

“He’s been a good soldier and we know that,” Marks stated prior to the sentencing deliberation.

Marks said Fleming must live with the stigma of a federal conviction and having to register as a sexual offender.

“Life is over for Sgt. Fleming,” Marks said when asking the jury for the bad conduct discharge instead of confinement.

On the night of the incident, Fleming helped take the drunken woman to her barracks room. She testified she remembered little of the evening and wasn’t fully conscious when she felt someone kissing her body and taking off her pants. She said when she became fully aware of what was happening, she discovered Fleming having intercourse with her. She said he told her repeatedly that they hadn’t had sex, that they had only kissed.

Fleming told investigators from Criminal Investigative Command — referred to as CID — that the woman kissed him first and she took off her own clothes.

During closing arguments early Friday morning, Howard asked the jurors why Fleming felt the need to convince the victim they hadn’t had sex after the incident.

“No one was saying ‘sex’ except Sgt. Fleming,” she said. And “how could she consent if she physically cannot even take care of herself?” Howard asked.

“He took care of her to the point where he could take advantage of her,” she said.

Culp argued that jurors only have to read his client’s CID statement.

“It screams the truth,” Culp said.

He said Fleming, who continued to drink that night, made a bad decision to be in the room with the victim.

“It was stupid but that doesn’t make him a criminal,” he said.

Culp also was critical of the victim’s testimony, pointing out repeated answers of “I don’t know.”

“This case is about two lonely, drunk people who engaged in stupid, intimate activity,” he said.

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