



DEPARTMENT OF THE ARMY  
U.S. ARMY ARMOR CENTER AND FORT KNOX  
FORT KNOX, KENTUCKY 40121-5000

REPLY TO  
ATTENTION OF:

ATSB-SBC-A

14 August 2007

MEMORANDUM THRU Commander, 1<sup>st</sup> Squadron, 16<sup>th</sup> Cavalry Regiment, Fort  
Knox, KY 40121

FOR Commander, 16<sup>th</sup> Cavalry Regiment, Fort Knox, KY 40121

SUBJECT: Article 15 Appeal; SPC/E4 REGRETFUL, Deeply A., 123-45-6789

1. I was administered nonjudicial punishment for a violation of Article 128, UCMJ, (assault). The Battalion Commander reduced me to the grade of SPC/E4. I request the Article 15 be wholly set aside. In the alternative, I request that the punishment be mitigated by restoring me to NCO status.

2. The following matters are submitted in support of this request:

*a. Recanted Statement of Victim:* As I presented to my battalion commander at the initial Article 15 hearing, the victim, Mrs. Coholic, recanted her allegation twice, once in the presence of her husband, SPC Al Coholic. SPC Coholic also expressed to me that he knew his wife was lying based on a previous statement made to him a short time after the alleged incident. The second time Mrs. Coholic recanted her statement, she explained that I was at her house with my wife, that she and her husband had just been in a fight, and that she was trying to make her husband jealous by lying about me assaulting her. Based on Mrs. Coholic's original untruthful and absolutely incredible statement, I should have been found not guilty at the Article 15 hearing. There was more than enough evidence to cast reasonable doubt on the issue of guilt.

*b. Illegally Obtained Evidence:* All the evidence supporting the Article 15 finding is legally incompetent and would not have been admissible at a court-martial. The evidence indicates only that I was under the influence of alcohol in a private residence and innocently attempted to comfort Mrs. Coholic after the argument she had with her husband, SPC Al Coholic. In addition, it is absolutely clear that my statement, which the police investigator describes as a confession, was taken in violation of the 5th Amendment, Article 31, and case law. The battalion commander, therefore, used illegally obtained evidence to find me guilty of the offense.

*c. Impact of Punishment:* In this particular case, the guilty finding and punishment results in an injustice. I actually lost two ranks because I was removed from the E-6 promotion list. My Army career is over.

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*d. Good Duty Performance:* Attached find documents which indicate that I have been a good soldier over the course of my military career (enclosure 1). I have been awarded one ARCOM and two AAMs. My ten years of service should count for something.

3. *Relief Requested:* At the last minute, I decided to forego a chance at exoneration of all charges. I accepted the Article 15 so SPC Al Coholic and his wife would not have to experience a public trial. I request that you consider that Mrs. Coholic will not be required to publicly acknowledge that she fabricated the assault allegation. I ask that my altruistic decision be factored into your decision - it was done in true NCO fashion. I hereby request that the finding be wholly set aside. In the alternative, I request to be restored to NCO status and the Article 15 be wholly set aside.

4. I request a personal appearance before you if action is contemplated inconsistent with this appeal.

1 Encl  
as

DEEPLY A. REGRETFUL  
SPC, USA  
123-45-6789