

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION TO ATTACH DEFENSE  
APPELLATE EXHIBITS A, B, AND  
C**

v.

Docket No. ARMY 20220160

Private First Class (E-3)  
**STEFON M. REID,**  
United States Army,

Appellant

Tried at Fort Polk,<sup>1</sup> Louisiana, on 9  
and 30-31 March 2022 and 1 April  
2022, before a general court-martial  
appointed by the Commander, Joint  
Readiness Training Center and Fort  
Polk, LTC Scott Z. Hughes, military  
judge, presiding.

TO THE HONORABLE, THE JUDGES OF THE  
UNITED STATES ARMY COURT OF CRIMINAL APPEALS

COMES NOW the undersigned appellate defense counsel, under rule 23 of  
this court's Rules of Appellate Procedure, and moves to have this court admit  
Defense Appellate Exhibits A, B, and C, which are attached to this motion.

**Defense Appellate Exhibit A** is a 24 June 2021 interview of [REDACTED]  
[REDACTED] by CID. This Defense Appellate Exhibit is relevant to appellant's first  
and second assignments of error.

**Defense Appellate Exhibit B** is a Memorandum for Record regarding a 21  
March 2022 interview of [REDACTED] by government counsel prior to

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<sup>1</sup> Now named Fort Johnson.

trial. This Defense Appellate Exhibit is relevant to appellant's first and second assignments of error.

**Defense Appellate Exhibit C** is a Memorandum for Record regarding a 24 March 2022 interview of [REDACTED] by trial defense counsel prior to trial. This Defense Appellate Exhibit is relevant to appellant's first and second assignments of error.

### **Conclusion**

WHEREFORE, appellate defense counsel respectfully request that this court grant the instant motion, and attach Defense Appellate Exhibits A, B, and C.

PANEL NO. 2

MOTION TO ATTACH DEFENSE  
APPELLATE EXHIBIT A:

GRANTED: \_\_\_\_\_

DENIED: [REDACTED] *See Record of Trial*

DATE: 7 December 2023

MOTION TO ATTACH DEFENSE  
APPELLATE EXHIBIT B:

GRANTED: \_\_\_\_\_

DENIED: [REDACTED] *See Rule 23(b)*

DATE: 7 December 2023

[REDACTED]

JAKE D. NARE  
Major, Judge Advocate  
Appellate Defense Counsel  
Defense Appellate Division

[REDACTED]

MITCHELL D. HERNIAK  
Major, Judge Advocate  
Branch Chief  
Defense Appellate Division

MOTION TO ATTACH DEFENSE  
APPELLATE EXHIBIT C:

GRANTED: \_\_\_\_\_

DENIED:  See Rule 23(b)

DATE: Type text here

DEFENSE APPELLATE EXHIBIT A

CUI

## SWORN STATEMENT

CASE NUMBER: 00207-2021-CID054 - 067254  
LOCATION: Building 3220, Fort Polk, LA 71459  
NAME: [REDACTED], A [REDACTED]  
DODID/ SSN: [REDACTED]  
GRADE/STATUS: E3/AD  
DATE: 24 June 2021  
ORG/ADDRESS: 258<sup>th</sup> MP CO

AT  
TIME 1541

I would like to make the following statement under oath: So on the day of the incident, [REDACTED] has called me on my phone when I was at the gym. I was working out with [REDACTED] and my music turned off and I seen that she was calling me so I picked up the phone. [REDACTED] had asked what was I doing and if I'm busy. I said just doing legs and no my hands are free, what's up. She said never mind we can talk about it later and I said let's talk about it now, so then before she hangs up the phone I hear her crying. So I am thinking she is having an emotional outbreak because sometimes she does because she misses home. So I called a few more times and she didn't pick up, and then she did pick up, she was crying. I asked what's wrong and she wasn't responding, just crying. Then she hangs up again so I started calling her multiple times again, she picked up after a few times and was like saying that she needed me, and to hurry it's important. So whenever I'm at the gym she never tells me to see her so I told [REDACTED] we're done with the workout and I grabbed my stuff and I left the gym. So I get to the MP barracks and I go upstairs and I knock on her door but before she even opens I can kind of hear her crying. [REDACTED] opened the door and went straight to her room and sat on the bed while crying still. I said what happened but during that I noticed she's on the phone with someone. It was her aunt and her cousin. I asked again what had happened and no one answered. Then randomly [REDACTED] was like you need to call my mom. I said okay, so her mom picked up the phone and then I confirmed if it was her mom she said yeah and then I introduced myself and I asked what happened. Her mom told me that someone tried to raped [REDACTED]. Immediately I asked who, she didn't know. So her mom told me that [REDACTED] was doing her laundry and needed help taking it back to her room. A friend of hers asked did she need help and she said yeah, so they took the laundry to [REDACTED] room and they dropped it off. So after that she was guiding him out the door and before she opened the door, he turned around and was like can I get a kiss for helping you out. [REDACTED] said no and when she went to open the door he had grabbed her and manhandled her and took his penis out and tried to rape her. That's what I was told by the mother. I told her that we'll take care of it. I called [REDACTED] and told him I needed him for what had happened. He said he was coming to the room, he showed up I explained what had happened and that he'll contact her leadership and for me to call the MP's. I called the MP's. After they showed up they asked what had happened and explained everything that I knew to the best of my knowledge. The MP's took me to the dayroom on the second floor and started questioning me about everything again and what did I know. I told them everything once again to the best of my knowledge and told me that [REDACTED] had requested I go to the hospital with her. I went with an officer because he drove me to the hospital and [REDACTED] rode in the ambulance and once we got there I waited to get called back in the emergency room. So after getting called back I sat in a room with her and a little while later SARC came and explained

INITIALS OF PERSON MAKING STATEMENT. [REDACTED]

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CUI

Exhibit  
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00207-21-C1D054-009954

some stuff to [REDACTED] and doing their job as SARC. So while we were waiting I was just sitting there in the room with her and I asked her b [REDACTED] who did it after she had sat there for a little while. [REDACTED] said yeah, Told me it was Reid. I said b [REDACTED] you know at some point you should tell someone who it was so it doesn't happen again with anyone else because that's serious. So after a bit her uncle came and I left the room knowing he would want to talk to her alone. I was standing outside the door and had asked [REDACTED] to bring me food because he told me if I needed anything just let him know. So he got food for me and b [REDACTED]. Went I came back in they had already left to do the S.A.F.E. kit on b [REDACTED] I went back in the room and just waited some time. We left the hospital late that night and her uncle dropped me off back at the MP's barracks and had thanked me for being there with her and she had went and stayed with him for the night at his house.

Q: SA [REDACTED]

A: PFC [REDACTED], A [REDACTED]

Q: Did you type the above statement yourself and in your own words?

A: Yes

Q: What is the full name of "E [REDACTED]"?

A: C [REDACTED] [REDACTED]

Q: Can you fully identify Reid?

A: Don't know his first name and he's either a PV2 or PFC

Q: What is the full name and rank of [REDACTED]?

A: First name I don't know/ Rank Specialist

Q: Do you recall the names of the aunt and cousin that were on the phone with [REDACTED] when you entered the room the day of the incident?

A: No

Q: Around what day/time did you get to [REDACTED]'s room the day of the incident?

A: the day I don't know but it was in the Evening like 17:30 maybe

Q: Do you recall the uncle's name?

A: First name no, last name [REDACTED]

Q: Describe in detail [REDACTED]'s relationship with Reid.

A: They weren't super close it was more like just a friend at work that we used to see.

Q: Do you recall Reid talking about [REDACTED] prior to the incident?

A: No.

Q: Describe any interactions you have seen between Reid and [REDACTED].

A: There was a time she took him to get groceries and a haircut because he needed a ride but nothing weird had happened that day.

Q: Has [REDACTED] ever expressed any feeling of concern in regards to Reid?

A: No.

Q: Did Reid ever express sexual interest in [REDACTED]?

A: No

Q: At any point, has [REDACTED] detailed to you what happened?

A: Yes, when she confessed on who committed the sexual assault

Q: In detail describe what [REDACTED] disclosed to you about the sexual assault.

A: [REDACTED] was telling me how when he manhandled her that he choked her and grabbed her forearm to push her back into the room.

Q: Describe the manner in which she said he choked her.

"Statement of [REDACTED], A [REDACTED] taken on 24 June 2021, at Fort Polk, LA 7145, continued:"

00207-21-C10054-009954

A: I don't know

Q: When did [REDACTED] disclose to you that Reid manhandled her?

A: right after she told me that it was Reid that raped her.

Q: To clarify, where did this conversation take place?

A: The hospital

Q: Has [REDACTED] disclosed <sup>See</sup> any other details about the assault to you?

A: No

Q: Describe your relationship with [REDACTED].

A: we're close friends

Q: Have you ever been physically intimate with [REDACTED]?

A: yes

Q: Tell me when that occurred prior to the incident.

A: a few times in March and then the night before the incident.

Q: Have you ever been physically intimate with [REDACTED] on her bed?

A: yes

Q: Tell me when that occurred prior to the incident.

A: the night before the incident

Q: Would you like to add or delete anything from this statement?

A: No///End of Statement/// [REDACTED]

#### AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

[REDACTED]  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law  
To administer oaths, this 24 June 2021, at Fort Polk,  
LA, 71450

ORGANIZATION AND ADDRESS

SA [REDACTED]  
(Typed Name of Person Administering Oath)  
10 USC 930 31  
~~Article 126 (b)(4) UCMJ~~  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

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**DEFENSE APPELLATE EXHIBIT B**





DEPARTMENT OF THE ARMY  
HEADQUARTERS, JOINT READINESS TRAINING CENTER AND FORT POLK  
OFFICE OF THE STAFF JUDGE ADVOCATE  
7090 ALABAMA BUILDING 1454  
FORT POLK, LOUISIANA 71459

AFZX-JA

MEMORANDUM FOR RECORD

21 March 2022

SUBJECT: Potential witness interview with PFC A [REDACTED] [REDACTED]

1. On 21 March 2022, CPT [REDACTED] and CPT [REDACTED] held and interview with PFC [REDACTED].
2. PFC [REDACTED] said he met PFC [REDACTED] in February 2021, but remembered her from basic training. PFC [REDACTED] said he and PFC [REDACTED] are now engaged to be married. PFC [REDACTED] said that he and PFC [REDACTED] were friends with benefits in the beginning and were not in a committed relationship until after PFC [REDACTED] moved to Fort Drum. PFC [REDACTED] said PFC [REDACTED] was always truthful to PFC [REDACTED] about her sexual encounters. PFC [REDACTED] said he saw PFC Reid around, but did not know PFC Reid. PFC [REDACTED] said when he was in the box (JRTC rotation), he hung out with PFC Reid because he and PFC Reid had mutual friends. PFC [REDACTED] said PFC [REDACTED] was not friend with PFC Reid.
3. PFC [REDACTED] said on the day of the incident he asked PFC [REDACTED] to use her car to go to the gym. PFC [REDACTED] said when he was at the gym, PFC [REDACTED] called him and then hung up. PFC [REDACTED] said he called her four to five times and PFC [REDACTED] picked up the phone and was crying and then hung up again. PFC [REDACTED] said he called PFC [REDACTED] multiple times again and when PFC [REDACTED] answered she said she needed PFC [REDACTED]. PFC [REDACTED] said he went to the barracks and when he got to her door, PFC [REDACTED] could hear PFC [REDACTED] crying. PFC [REDACTED] said after PFC [REDACTED] let PFC [REDACTED] into her room, she got back into her bed with her phone in front of her. PFC [REDACTED] said PFC [REDACTED] did not have a roommate at the time. PFC [REDACTED] said he arrived to PFC [REDACTED]'s room at approximately 1730. PFC [REDACTED] said PFC [REDACTED] was on FaceTime with her aunt and cousin. PFC [REDACTED] said he asked what was going on and PFC B [REDACTED]'s cousin, Ms. [REDACTED], told PFC [REDACTED] to call PFC [REDACTED]'s mother, Ms. [REDACTED].
4. PFC [REDACTED] said he called Ms. [REDACTED] and Ms. [REDACTED] told PFC [REDACTED] everything she knew about the situation. PFC [REDACTED] said no one was in PFC [REDACTED]'s room when he arrived. PFC [REDACTED] said he called SGT [REDACTED] because SGT [REDACTED] is PFC [REDACTED]'s team leader and because PFC [REDACTED] did not know what to do for PFC [REDACTED] in the moment. PFC [REDACTED] said that SGT [REDACTED] told him to call the MPs and that he would come to the barracks. PFC [REDACTED] said SGT S [REDACTED] arrived to the room about 20-30 minutes after PFC [REDACTED] showed up. PFC [REDACTED] said he briefed SGT [REDACTED] when he arrived. PFC [REDACTED] said he called PFC [REDACTED]'s leadership.

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5. PFC [REDACTED] said PFC [REDACTED] was in shock and could not speak as if she was scared. PFC [REDACTED] said PFC [REDACTED] was shaking and would not let anyone physically touch her. PFC [REDACTED] said he had never seen PFC [REDACTED] like that before. PFC [REDACTED] said Ms. [REDACTED] told PFC [REDACTED] to take PFC B [REDACTED] to the hospital. PFC [REDACTED] said he asked PFC [REDACTED] who sexually assaulted her and PFC [REDACTED] did not respond, PFC B [REDACTED] only cried. PFC [REDACTED] said he started naming people and when PFC [REDACTED] named PFC Reid, PFC [REDACTED]'s crying became more intense. PFC [REDACTED] said PFC [REDACTED] never confirmed verbally, but that PFC [REDACTED]'s emotions became more intense after he said PFC Reid's name. PFC [REDACTED] said the patrols took about 5-10 minutes after being called to report to PFC [REDACTED]'s room. PFC [REDACTED] said he was questioned by three patrols. PFC [REDACTED] said the younger officer asked PFC [REDACTED] if she wanted to go to the hospital, to which she said yes. PFC [REDACTED] said PFC [REDACTED] rode in the ambulance to the hospital while PFC [REDACTED] rode in the patrol vehicle to the hospital.

6. PFC [REDACTED] said PFC [REDACTED]'s SARC showed up at the hospital and explained PFC [REDACTED]'s options to report sexual assault. PFC [REDACTED] said PFC [REDACTED]'s mother said that someone tried to sexual assault PFC [REDACTED] not that someone actually penetrated PFC [REDACTED] without her consent. PFC [REDACTED] said he realized PFC [REDACTED] did not tell her mother the entire truth because PFC [REDACTED] agreed to get a SAFE Kit. PFC [REDACTED] said PFC [REDACTED] told him, while at the hospital, that PFC Reid was the person that sexually assaulted her. PFC [REDACTED] said PFC [REDACTED]'s uncle came to the hospital, told PFC [REDACTED] to get out of the room, and talked with PFC [REDACTED]. PFC [REDACTED] said he asked PFC [REDACTED] if she was hungry, asked SGT [REDACTED] to get McDonalds for PFC [REDACTED] and PFC [REDACTED], and sent money via CashApp to SGT S [REDACTED]. PFC [REDACTED] said when he came back with the food, PFC [REDACTED] had been taken to get her SAFE Kit completed. PFC [REDACTED] said PFC [REDACTED] may have felt embarrassed of what happened to her and did not want to tell people.

7. The point of contact for the memorandum is the undersigned at [REDACTED]

[REDACTED]  
[REDACTED]  
SPC, U.S. Army  
Trial Paralegal Specialist

DEFENSE APPELLATE EXHIBIT C





DEPARTMENT OF THE ARMY  
UNITED STATES ARMY TRIAL DEFENSE SERVICE  
MISSISSIPPI VALLEY REGION, FORT POLK FIELD OFFICE  
1918 15TH STREET, BUILDING 1946  
FORT POLK, LOUISIANA 71459

AFZH-JA-TDS

24 March 2022

MEMORANDUM FOR RECORD

SUBJECT: Victim Witness Interview – US v. PFC Stefon Reid

1. On Thursday, 24 March 2022, I sat in on a telephonic interview with PFC [REDACTED], PFC [REDACTED]'s SVC and [REDACTED] to discuss the events that occurred on 13 June 2022.

2. PFC [REDACTED] arrived to Fort Polk 4 February 2021, the alleged assault occurred on 13 June 2021, and PFC [REDACTED] pcs'd for compassionate reassignment to Fort Drum 20 August 2021.

PFC [REDACTED] and PFC Reid were in the same company and battalion (204th MP Co, 519th MP BN), however PFC [REDACTED] could not recall her unit at the time of the interview. Both PFC [REDACTED] and PFC Reid lived in the same barracks, on the same floor (2<sup>nd</sup>) and at opposite ends of each other. PFC [REDACTED]'s barracks room was directly across from the laundry room on the second floor; and at the time of the alleged assault PFC [REDACTED] did not have a roommate. PFC [REDACTED] says PFC Reid was a "friend of a friend". PFC [REDACTED] was/is friends with PVT [REDACTED] and now *fiancé* PFC A [REDACTED]. PFC [REDACTED] proposed to PFC B [REDACTED] sometime in December 2021 after Christmas over the phone and again in January 2022 when he visited her in NY during leave for his birthday with his parents on FaceTime. PFC [REDACTED] expressed, her and PFC [REDACTED] only had a sexual relationship the entire time beginning 25 February 2021 until they were engaged. During the time of their sexual relationship they had not identified as boyfriend and girlfriend. PFC [REDACTED], PFC [REDACTED], PFC [REDACTED] and PFC Reid only hung out during a JRTC rotation. PFC [REDACTED] had a pregnancy scare and was unable to go on any training missions but remand in "the box" the entire time with her unit. Later she learned she was *not* pregnant. The only other time PFC [REDACTED] spent any time with PFC Reid outside of 13 June 2021 was to take PFC Reid to get his hair cut and get groceries which she delivered to his room; that is the only time PFC [REDACTED] had ever been to PFC Reid's room.

On 13 June 2022, PFC [REDACTED] was thawing catfish which she intended to fry and began laundry. PFC [REDACTED] explained she has black out curtains on her windows and did not know what time of day it was because she did not keep track of time. PFC [REDACTED] stated she did not stay in the laundry room while her closed washed and dried and instead stayed in her room watching a Lilo and Stitch television series on Disney+. Once PFC [REDACTED] was headed to grab her clothes out the dryer, she propped her main barracks door open and saw PFC Reid coming down the hall. He followed her into the laundry room and asked if she needed help with her laundry. PFC [REDACTED] did not use a



basket to transport her clothes and carried them in her arms. PFC B asked PFC Reid to grab the remaining clothes out of the dryer. PFC B was washing civilian clothes. PFC Reid walked into PFC B's room and noticed how clean it was, under the impression she had a barracks inspection coming up. PFC B explained she was cleaning up her room because she was having company over. PFC Reid asked if he could come by and PFC B said yes, but later. PFC Reid said he would go to his room to shower and change clothes. Shortly after PFC Reid returned and asked if he could come in. PFC B agreed however she expressed no one else had arrived yet. PFC B could not remember if PFC Reid had changed clothes. PFC Reid asked if he could sit on her bed because PFC B had not grabbed her additional chairs for guest out of the vacant barracks room next to hers. PFC B said yes. PFC Reid started asking PFC B personal questions about her relationship with PFC and inquiring if she was in fact pregnant. PFC B was uncomfortable with the line of questioning and pretended to call a friend, PFC M. PFC answered the phone but told PFC she was at work and hung up the phone shortly after. PFC remained on the phone and pretended she was still having a conversation with PFC in hopes PFC Reid would leave her room. He did not and PFC pretended to end the call a few minutes later. PFC sat in the middle of the bed feet over the side while PFC vacuumed and tidied. PFC retrieved the other chairs and moved her stuffed animals from the bed to next to her closet and sat at the head of the bed. PFC Reid had moved further towards the foot of the bed once PFC sat down. PFC said soon after she sat down PFC Reid asked her for a kiss as "battle buddies" for helping bring her laundry into her barracks room and moved closer to the center of the bed. PFC tried to laugh it off and she said PFC Reid grabbed the bottom half of her face and tried to kiss her. PFC rolled over off the bed onto her night stand that was leveled similar to her bed. The bed was pushed up against the wall and the head of the bed was next to the night stand leaving the foot of the bed and opposite side as the only two ways to climb on to the bed easily. PFC Reid grabbed PFC's body bringing her on to the bed fully (head to toe) and laid her on her back resting his body on top of her. PFC could not remember if PFC was straddling her but knew one hand was on her arm and one leg was pressed on top of hers. PFC told PFC Reid to get off of her and he again asked her for a kiss as battle buddies. PFC Reid tried to put his hand in PFC's shorts and could not because her shorts were too tight. He then tried to put his exposed penis in her shorts through one of the leg holes and was again unsuccessful. PFC struggled to free herself from PFC Reid's hold and yelled at him to get off. PFC Reid kept saying "you know you want it" and "just give me a kiss as a battle buddy". PFC tried once more to get up and said PFC Reid pushed her back down with one hand on her shoulder and one hand on her thigh (however when asked again by CPT PFC said she could not recall if his hand was on her shoulder or arm but the force of his weight held her down). PFC Reid then tried to pull her shorts down and was successful and penetrated her. PFC told PFC Reid one last time to get off and he said "no". PFC Reid then flipped PFC over on to her stomach and penetrated her again. PFC stopped yelling, resisting, and was not crying.

PFC [REDACTED] stated PFC Reid “finished” on her back. After, PFC [REDACTED] was able to get up, she pulled up her shorts, and pretended to call PFC [REDACTED] again. PFC [REDACTED] then told PFC Reid PFC [REDACTED] was on her way and he needed to leave. PFC [REDACTED] could not recall what PFC Reid said before he left her room. Once PFC Reid left, PFC [REDACTED] sat on her bed crying and FaceTimed her cousin, and gave a brief description of what happened. PFC [REDACTED]’s cousin called the MPs, PFC [REDACTED]’s aunt, mother, and PFC [REDACTED]. PFC [REDACTED] knew PFC [REDACTED]’s family well. PFC [REDACTED] could not remember who called her first, her mother or PFC [REDACTED] but remembers she had a hard time speaking to her mother on the phone. PFC Reid arrived to PFC [REDACTED]’s barracks room first and the MPs arrived shortly after. PFC [REDACTED] was concerned and worried for PFC [REDACTED]. The MPs took PFC [REDACTED] to BJACH where she told the nurse, Ms. [REDACTED] all accounts of the alleged assault and consented to a SAFE.

3. The point of contact for this memorandum is the undersigned, available at [REDACTED] or by [REDACTED]

[REDACTED]  
[REDACTED]  
CPL, U.S ARMY  
Trial Defense Paralegal



**CERTIFICATE OF FILING AND SERVICE**

I certify that a copy of the foregoing was electronically submitted to Army  
Court and Government Appellate Division on December 6, 2023.

See Rule 23(b)

7 December 2023



**MICHELLE L.W. SURRATT**  
**Paralegal Specialist**  
**Defense Appellate Division**

