

*Actual Unlawful Command Influence and Prosecutorial Misconduct by Assistant Trial Counsel*

62. The Assistant Trial Counsel in this case committed actual unlawful command influence by both coercing witnesses and unlawfully manipulating the court-martial process. Like the AFOSI Special Agents, Capt Bet-Sayad, repeatedly coerced the alleged victims and named witnesses against AFC Knutson. As a senior ranking officer, she was “aggressive” and threatened them with jail time, prosecution, or disenrollment. In many cases she would make comments like “we can move this meeting to the Superintendent’s office,” or “I’ll take you to the Superintendent to have you disenrolled,” and “he will sign your disenrollment orders,” or words to that effect. According to multiple cadets, she had a “narrative” and she wanted the cadets to adhere to it by asking cadets to put specific names or details in their sworn statements they were not confident

about. Cadets reported to Defense counsel that she sometimes gave cadets her notes to rely on in writing their statement or took and presumably discarded unsigned statements from cadets when the draft statements were not sufficient for her and asked them to start over. In at least two other cases, the Assistant Trial Counsel drafted statements for cadets and asked them to sign it later.

In several cases, the alleged victims interviewed by the Assistant Trial Counsel reported to Defense that they did not remember saying what is in their sworn statement or they were asked to be far more certain in their statement than they were comfortable honestly stating.

63. The Assistant Trial Counsel in this case also unlawfully manipulated this court-martial by violating professional ethical obligations to contact represented parties through counsel. She then took the highly-concerning step of advising several cadets that they did not need their defense counsel present. The Assistant Trial Counsel had to know these cadets were represented because in some cases they asked to speak to the ADC, and in one case she told a cadet “I wrote your LOR.” She then took unconscionable steps to coerce, threaten, and bully junior ranking personnel to write statements that fit her “narrative.” She threatened them with her superior position of authority, “put words in their mouth,” and forced them to write statements that did not accurately reflect their memory. She then provided those statements to Defense prior to the Article 32 hearing and in reliance therein, AFC Knutson waived his right to a hearing. The charges were subsequently referred to trial in reliance on her wrongfully obtained statements. She then noted the immunized statements she obtained under coercion in her Military Rule of Evidence 304(d) notice to the Defense for use at AFC Knutson’s court-martial. Her actions are shocking, have subverted justice, and denied AFC Knutson his right to a fair trial.