



Managing Partner Greg T. Rinckey talks about the sentencing phase in Brig. Gen. Sinclair's case with Maggie Ybarra of the Washington Times

Officer discount: General's lenient sentence in sex-assault case sparks debate

Lawmakers and legal experts Thursday questioned the seemingly lenient sentence given to an Army general in a high-profile U.S. military sexual-assault case, saying it smacked of being an "officer discount" that will bolster widespread perceptions of unfairness in the nation's military justice system. A military tribunal leveled a reprimand and a \$20,000 fine against Brig. Gen. Jeffrey A. Sinclair, who is believed to be the highest-ranking U.S. military officer ever to have faced a court-martial on sexual assault charges. While Gen. Sinclair is likely also to have his retirement pay significantly reduced, he will walk away from the case without jail time after the assault charges were dropped in a plea bargain that saw him admit to lesser charges of an extramarital affair with the captain who had initially accused him of forcing oral sex on her. He also pleaded guilty to inappropriate relations with two other women. The outcome of the case, which has drawn political and national attention to the Pentagon's response to accusations of sexual misconduct in the ranks, prompted outrage among some on Capitol Hill on Thursday. "This is another sordid example of how truly broken the military justice system is," said Rep. Jackie Speier, California Democrat, who described the general's sentence as "laughable." "Even when the world is watching, the military has demonstrated their incompetence at meting out justice," Mrs. Speier said in a statement. "This sentence is a mockery of military justice, a slap on the wrist nowhere close to being proportional to Sinclair's offenses." Former Army Judge Advocate General's Corps attorney Greg Rinckey told The Washington Times that Gen. Sinclair

received what some in the military will see as an "officer discount" in the case, meaning a lesser punishment than an enlisted soldier would have received. "There are sure to be people who look at the case, from the manner in which the Army prosecuted it, to the judgment itself, and ask if justice was truly served," added U.S. Rep. Duncan Hunter, a California Republican and member of the House Armed Services Committee. Mr. Hunter, who was a Marine major before being elected to Congress, told The Times that there simply should be no imbalance between the system of punishment for officers and for enlisted soldiers. If anything, he said, officers like Gen. Sinclair "should be held to an ever higher standard" because they are supposed to lead by example and responsible for order and discipline. Gen. Sinclair, a 51-year-old former deputy commander of the storied 82nd Airborne Division, appeared satisfied Thursday with the way the case had played out. "The system worked. I've always been proud of my Army," he said outside the court at Fort Bragg, N.C. "All I want to do now is go north and hug my kids and my wife." The general had initially brought up on sexual assault charges punishable by life in prison, including one that accused him of twice forcing a female captain to perform oral sex and threatening to kill her if she told anyone about their three-year adulterous affair in Iraq and Afghanistan. But earlier this week, prosecutors agreed to plea-bargain those charges after their rape case began to crumble. Gen. Sinclair's lawyers hammered away at his accuser's credibility and raised questions about whether the general's commander had improperly pressed ahead with a trial because of political considerations — namely, a desire to show the Army's resolve to combat sexual misconduct. Earlier this year, the lead prosecutor came to believe the woman lied under oath at a pretrial hearing about when she found an old iPhone containing messages between her and the general. Within weeks, the prosecutor was found drunk and suicidal in a Washington hotel, distraught over a superior's refusal to drop the sexual-assault charges, according to testimony. He was later removed from the case. In an unusual move earlier this month, as the trial was getting ready to begin, the judge in the case, Col. James Pohl, more or less ordered a plea bargain to be reached because of the possibility of command interference. The plea bargain worked out by the defense and military prosecutors called for no more than 18 months. Col. Pohl did not explain how he arrived at the much lighter sentence he imposed. Retired Rear Adm. Jamie Barnett, a lawyer

who helped represent the accuser, said the woman was disappointed with the sentence, which he called a "slap on the wrist." "A sentence doesn't take away any of the pain and anguish that she has endured," Rear Adm. Barnett said. If Gen. Sinclair had not announced his retirement, an Army disciplinary board would have almost certainly forced him into it. Now the board will decide whether to demote him, which could cost him hundreds of thousands of dollars in benefits during his retirement. Gen. Sinclair made about \$145,000 a year in base pay. That potential outcome could be the reason for why Gen. Sinclair seemingly walked away from a military crime with a minimal judicial backlash, according to Mr. Rinckey. "I think the judge, in the back of his mind, knows that he's going to face a grade determination board," he said.

This article is based in part on wire service reports.