

Colonel found not guilty

A colonel who once headed the Air Force's sexual assault branch was acquitted Wednesday of an assault charge stemming from an incident this year in which he was accused of groping a young woman outside a Crystal City bar. The not guilty verdict in the case of Lt. Col. Jeffrey Krusinski brings to an abrupt end a case that rocked the military, largely because it came amid a surge in the number of sexual assaults on military personnel and a political fight over how the military should handle such complaints. Prosecutors had dropped a sexual battery charge against Krusinski in July, but they still sought to prove that he grabbed a woman's buttocks. Jurors in Arlington County who heard two days of testimony, though, had doubts, deliberating for less than two hours before returning their decision. Forewoman Alison Kutchma said that "the commonwealth did not present the evidence to meet the threshold of reasonable doubt." The verdict, she said, was "separate from anything we might have thought or felt." "A lot of lives were impacted, and that impact doesn't have to be proven," Kutchma said. She declined to elaborate, saying she did not want to upset those involved. It remains unclear what - if any - impact Krusinski's acquittal will have on the legislative debate about whether military sexual assault cases should be handled outside the chain of command, something the Pentagon has resisted. Susan Burke, an outspoken advocate of victims' rights, said that Krusinski was tried in a civilian court and that his acquittal "doesn't reflect anything one way or the other on the failures of the military courts." "Nobody expects or anticipates that civilian courts get 100 percent conviction rates," she said. "I think that his arrest was a significant enough wake-up call to the military that they better start looking at the qualifications and the backgrounds of the people in those jobs, and I would doubt that an acquittal is going to cause them to rethink that." The accusations against Krusinski, 42, were simple ones that might resonate with any woman who has been accosted at a bar. Prosecutors said the Air Force colonel was intoxicated and approached the 23-year-old American University graduate from behind, grabbing her buttocks, and then asked her whether she liked it. The woman began hitting him, witnesses said. "There is no doubt he touched her, and there is no doubt she didn't like it," Arlington County Senior Assistant Commonwealth's Attorney Cari Steele told jurors in her closing argument Wednesday. "She felt totally violated." Krusinski's defense was equally simple: Inconsistencies riddled the accounts offered by witnesses and Krusinski's accuser, and no one could be sure what happened. Barry Coburn, Krusinski's attorney, highlighted in particular that the woman denied striking Krusinski with her cellphone after the alleged groping - something other witnesses said she did - and that Krusinski stood still while the woman attacked him. Coburn said it was unlikely that someone who had grabbed a woman's buttocks would behave nonaggressively in the face of such violence. "If he had done that, would he have then reacted with such passivity while being beaten to a pulp?" Coburn said. "That alone is reasonable doubt." Prosecutors called the inconsistencies "truly minor matters" that Coburn raised only as a "distraction." Commonwealth's Attorney Theo Stamos said after the verdict that she was disappointed, and she praised the woman who alleged that she was groped for her "willingness to put up with really difficult circumstances." "We thought we put on a good case," Stamos said. The woman could not immediately be reached to comment. She testified at the trial that she was on the phone with a friend outside the bar when Krusinski came up behind her, gave her behind a "squeeze" and asked her if she liked

it. A server from the bar testified that she, too, was groped by Krusinski that night, as was a co-worker. Lt. Col. Allen Herritage, an Air Force spokesman, said Krusinski had been reassigned from the Sexual Assault Prevention and Response office, which shapes sexual assault policy and works to develop and implement prevention programs. Now that he has been acquitted, Air Force officials will conduct their own review of the case to determine if any military discipline is warranted, Herritage said. As Krusinski left court, he told reporters: "All I want to say is I love my kids." He did not return a phone message later, and his attorney declined to comment. Chad McFarland, a former U.S. Army major who spent eight years in the Judge Advocate General's office as a prosecutor, said that Krusinski could be charged in military court with the same or similar offenses. Because the military and civilian systems are different sovereigns, trying someone twice for the same crime is allowed. But McFarland, who works with the Washington law firm of Tully Rinckey and remains in the active duty reserves, said it is more likely that Krusinski's superiors will punish him administratively. "The military has a myriad of administrative actions it can take," McFarland said. "I think he can expect to receive some career-ending action."