

**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF** §  
**JAMES WILLIAM RICHARDS, IV** § **CAUSE NO.** 55908  
**STATE BAR CARD NO. 00797313** §

**PETITION FOR COMPULSORY DISCIPLINE**

**TO THE BOARD OF DISCIPLINARY APPEALS:**

Petitioner, the Commission for Lawyer Discipline (hereinafter called "Petitioner"), brings this action against Respondent, James William Richards, IV, (hereinafter called "Respondent"), showing as follows:

1. This action is commenced by Petitioner pursuant to Part VIII of the Texas Rules of Disciplinary Procedure. Petitioner is also providing Respondent a copy of this Board's procedures for handling a compulsory discipline matter by attaching a copy of such procedures to this petition.

2. Respondent, James William Richards, IV, may be served with a true and correct copy of this Petition for Compulsory Discipline, its attachments, as well as a notice of hearing, at James W. Richards, IV, Inmate #92811, U.S. Disciplinary Barracks, 1301 N. Warehouse Road, Fort Leavenworth, Kansas 66027.

3. Attached hereto and made a part hereof for all intents and purposes as if the same were copied verbatim herein, is a true and correct copy of a set of documents in the Richards criminal case consisting of a Charge Sheet and a General Court-Martial Order (Exhibit 1). Petitioner expects to introduce a certified copy of Exhibit 1 at the time of hearing of this cause.

4. On or about June 28, 2012, Respondent, James William Richards, IV, was charged by Charge Sheet (Exhibit 1) with the following: Charge I: Violation of the UCMJ, Article 134, Specifications 1 through 6—Child Pornography, Specifications 7 through 11—Sexual Abuse of a Child; Charge II: Violation of the UCMJ, Article 92, Specifications 1 through 4—Failure to Obey Order; Charge III: Violation of the UCMJ, Article 133—Conduct Unbecoming an Officer and Gentleman; and Additional Charge: Violation of the UCMJ, Article 134—Child Pornography.

5. On or about December 18, 2012, the Charge Sheet was edited to dismiss the following: Charge I, Specifications 2 through 6, Charge III, and Additional Charge.

6. On or about April 26, 2013, a General Court-Martial Order (Exhibit 1) was entered in Cause No. 38346, in the Department of the Air Force Headquarters Air Education and Training Command Joint Base San Antonio Randolph, Texas 78150-4544, wherein Respondent was found guilty of Charge I: Violation of the UCMJ, Article 134, Specification 1—Child Pornography, Specifications 7 through 11—Sexual Abuse of a Child; and Charge II: Violation of the UCMJ, Article 92, Specifications 1 through 4—Failure to Obey Order and was committed to the custody of the Air Force Correction System for a term of 17 years confinement, forfeiture of all pay and allowances, and dismissal from the service.

7. Respondent, James William Richards, IV, whose bar card number is 00797313, is the same person as the Lieutenant Colonel James W. Richards, IV, who is the subject of the Charge Sheet and General Court-Martial Order described above, true and correct copies of which are attached hereto as Exhibit 1.

8. Attached hereto as Exhibit 2 and made a part hereof for all intents and purposes as if the same were copied verbatim herein is a true and correct copy of an affidavit of Rebecca

(Beth) Stevens, Attorney of Record for Petitioner herein, attesting to the fact that Respondent is the same person as the person who is the subject of the Charge Sheet and General Court-Martial Order entered in the Richards criminal case. Petitioner expects to introduce the original of said affidavit at the time of hearing of this cause.

9. The offenses for which Respondent was convicted (Child Pornography and Sexual Abuse of a Child) are intentional crimes as defined by Rule 1.06(T), Texas Rules of Disciplinary Procedure. They are as well serious crimes as defined by Rule 1.06(Z), Texas Rules of Disciplinary Procedure.

10. Having been found guilty and having been convicted of intentional crimes and such conviction currently being appealed, Respondent should be suspended as an attorney licensed to practice law in Texas during the appeal of his conviction. Further, upon a showing by Petitioner that the conviction has become final after determination of the appeal, Respondent should be disbarred as provided by Rule 8.05, Texas Rules of Disciplinary Procedure.

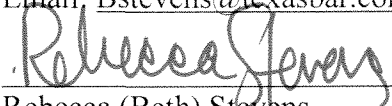
#### PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that Respondent be given notice of these proceedings as provided by law and, upon hearing of this matter, that the Board enter its order suspending Respondent during the appeal of his conviction, and for such other and further relief to which Petitioner may be entitled to receive including costs of court and attorney's fees.

Respectfully submitted,

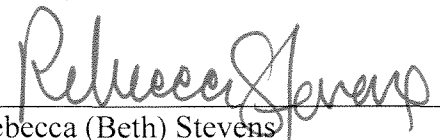
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\_\_\_\_\_  
Rebecca (Beth) Stevens  
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ATTORNEYS FOR PETITIONER

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been sent for personal service on James W. Richards, IV, Inmate #92811, U.S. Disciplinary Barracks, 1301 N. Warehouse Road, Fort Leavenworth, Kansas 66027, on this 12<sup>th</sup> day of March 2015.

  
\_\_\_\_\_  
Rebecca (Beth) Stevens

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN that a trial on the merits of the Petition for Compulsory Discipline heretofore sent to be filed with the Board of Disciplinary Appeals on this day, will be held in the courtroom of the Supreme Court of Texas, Tom C. Clark Building, 14th and Colorado Streets, Austin, Texas, at **9:00 a.m. on the 1st day of May 2015.**

  
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Rebecca (Beth) Stevens

# INTERNAL PROCEDURAL RULES

## Board of Disciplinary Appeals

*Effective February 19, 2015*

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## SECTION 1: GENERAL PROVISIONS

### Rule 1.01 Definitions

- (a) “BODA” is the Board of Disciplinary Appeals.
- (b) “Chair” is the member elected by BODA to serve as chair or, in the Chair’s absence, the member elected by BODA to serve as vice-chair.
- (c) “Classification” is the determination by the CDC under TRDP 2.10 or by BODA under TRDP 7.08(C) whether a grievance constitutes a “complaint” or an “inquiry.”
- (d) “BODA Clerk” is the executive director of BODA or other person appointed by BODA to assume all duties normally performed by the clerk of a court.
- (e) “CDC” is the Chief Disciplinary Counsel for the State Bar of Texas and his or her assistants.
- (f) “Commission” is the Commission for Lawyer Discipline, a permanent committee of the State Bar of Texas.
- (g) “Executive Director” is the executive director of BODA.
- (h) “Panel” is any three-member grouping of BODA under TRDP 7.05.
- (i) “Party” is a Complainant, a Respondent, or the Commission.
- (j) “TDRPC” is the Texas Disciplinary Rules of Professional Conduct.
- (k) “TRAP” is the Texas Rules of Appellate Procedure.
- (l) “TRCP” is the Texas Rules of Civil Procedure.
- (m) “TRDP” is the Texas Rules of Disciplinary Procedure.
- (n) “TRE” is the Texas Rules of Evidence.

### Rule 1.02 General Powers

Under TRDP 7.08, BODA has and may exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings. But TRDP 15.01 applies to the enforcement of a judgment of BODA.

### Rule 1.03 Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA, except for appeals

from classification decisions, which are governed by TRDP 2.10 and by Section 3 of these rules.

### Rule 1.04 Appointment of Panels

- (a) BODA may consider any matter or motion by panel, except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.
- (b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.

### Rule 1.05 Filing of Pleadings, Motions, and Other Papers

- (a) **Electronic Filing.** All documents must be filed electronically. Unrepresented persons or those without the means to file electronically may electronically file documents, but it is not required.
  - (1) **Email Address.** The email address of an attorney or an unrepresented party who electronically files a document must be included on the document.
  - (2) **Timely Filing.** Documents are filed electronically by emailing the document to the BODA Clerk at the email address designated by BODA for that purpose. A document filed by email will be considered filed the day that the email is sent. The date sent is the date shown for the message in the inbox of the email account designated for receiving filings. If a document is sent after 5:00 p.m. or on a weekend or holiday officially observed by the State of Texas, it is considered filed the next business day.
  - (3) It is the responsibility of the party filing a document by email to obtain the correct email address for BODA and to confirm that the document was received by BODA in legible form. Any document that is illegible or that cannot be opened as part of an email attachment will not be considered filed. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from BODA.



(4) **Exceptions.**

- (i) An appeal to BODA of a decision by the CDC to classify a grievance as an inquiry is not required to be filed electronically.
- (ii) The following documents must not be filed electronically:
  - a) documents that are filed under seal or subject to a pending motion to seal; and
  - b) documents to which access is otherwise restricted by court order.
- (iii) For good cause, BODA may permit a party to file other documents in paper form in a particular case.

(5) **Format.** An electronically filed document must:

- (i) be in text-searchable portable document format (PDF);
  - (ii) be directly converted to PDF rather than scanned, if possible; and
  - (iii) not be locked.
- (b) A paper will not be deemed filed if it is sent to an individual BODA member or to another address other than the address designated by BODA under Rule 1.05(a)(2).
- (c) **Signing.** Each brief, motion, or other paper filed must be signed by at least one attorney for the party or by the party pro se and must give the State Bar of Texas card number, mailing address, telephone number, email address, and fax number, if any, of each attorney whose name is signed or of the party (if applicable). A document is considered signed if the document includes:
- (1) an “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or
  - (2) an electronic image or scanned image of the signature.
- (d) **Paper Copies.** Unless required by BODA, a party need not file a paper copy of an electronically filed document.
- (e) **Service.** Copies of all documents filed by any party other than the record filed by the evidentiary panel clerk or the court reporter

must, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

**Rule 1.06 Service of Petition**

In any disciplinary proceeding before BODA initiated by service of a petition on the Respondent, the petition may be served by personal service; by certified mail with return receipt requested; or, if permitted by BODA, in any other manner that is authorized by the TRCP and reasonably calculated under all the circumstances to apprise the Respondent of the proceeding and to give him or her reasonable time to appear and answer. To establish service by certified mail, the return receipt must contain the Respondent’s signature.

**Rule 1.07 Hearing Setting and Notice**

- (a) **Original Petitions.** In any kind of case initiated by the CDC’s filing a petition or motion with BODA, the CDC may contact the BODA Clerk for the next regularly available hearing date before filing the original petition. If a hearing is set before the petition is filed, the petition must state the date, time, and place of the hearing. Except in the case of a petition to revoke probation under TRDP 2.23, the hearing date must be at least 30 days from the date that the petition is served on the Respondent.
- (b) **Expedited Settings.** If a party desires a hearing on a matter on a date earlier than the next regularly available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the request. Unless the parties agree otherwise, and except in the case of a petition to revoke probation under TRDP 2.23, the expedited hearing setting must be at least 30 days from the date of service of the petition, motion, or other pleading. BODA has the sole discretion to grant or deny a request for an expedited hearing date.
- (c) **Setting Notices.** BODA must notify the parties of any hearing date that is not noticed in an original petition or motion.
- (d) **Announcement Docket.** Attorneys and parties appearing before BODA must confirm their presence and present any questions regarding procedure to the BODA Clerk in the courtroom immediately prior to the time docket call is scheduled to begin. Each party with a matter on the docket must appear at the docket call to give an announcement of readiness, to give a time estimate for the

hearing, and to present any preliminary motions or matters. Immediately following the docket call, the Chair will set and announce the order of cases to be heard.

### **Rule 1.08 Time to Answer**

The Respondent may file an answer at any time, except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

### **Rule 1.09 Pretrial Procedure**

(a) **Motions.**

- (1) **Generally.** To request an order or other relief, a party must file a motion supported by sufficient cause with proof of service on all other parties. The motion must state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other documents must be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. Unless otherwise required by these rules or the TRDP, the form of a motion must comply with the TRCP or the TRAP.
- (2) **For Extension of Time.** All motions for extension of time in any matter before BODA must be in writing, comply with (a)(1), and specify the following:
  - (i) if applicable, the date of notice of decision of the evidentiary panel, together with the number and style of the case;
  - (ii) if an appeal has been perfected, the date when the appeal was perfected;
  - (iii) the original deadline for filing the item in question;
  - (iv) the length of time requested for the extension;
  - (v) the number of extensions of time that have been granted previously regarding the item in question; and
  - (vi) the facts relied on to reasonably explain the need for an extension.

- (b) **Pretrial Scheduling Conference.** Any party may request a pretrial scheduling conference,

or BODA on its own motion may require a pretrial scheduling conference.

- (c) **Trial Briefs.** In any disciplinary proceeding before BODA, except with leave, all trial briefs and memoranda must be filed with the BODA Clerk no later than ten days before the day of the hearing.
- (d) **Hearing Exhibits, Witness Lists, and Exhibits Tendered for Argument.** A party may file a witness list, exhibit, or any other document to be used at a hearing or oral argument before the hearing or argument. A party must bring to the hearing an original and 12 copies of any document that was not filed at least one business day before the hearing. The original and copies must be:
  - (1) marked;
  - (2) indexed with the title or description of the item offered as an exhibit; and
  - (3) if voluminous, bound to lie flat when open and tabbed in accordance with the index.

All documents must be marked and provided to the opposing party before the hearing or argument begins.

### **Rule 1.10 Decisions**

- (a) **Notice of Decisions.** The BODA Clerk must give notice of all decisions and opinions to the parties or their attorneys of record.
- (b) **Publication of Decisions.** BODA must report judgments or orders of public discipline:
  - (1) as required by the TRDP; and
  - (2) on its website for a period of at least ten years following the date of the disciplinary judgment or order.
- (c) **Abstracts of Classification Appeals.** BODA may, in its discretion, prepare an abstract of a classification appeal for a public reporting service.

### **Rule 1.11 Board of Disciplinary Appeals Opinions**

- (a) BODA may render judgment in any disciplinary matter with or without written opinion. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and must be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be

written. The names of the participating members must be noted on all written opinions of BODA.

- (b) Only a BODA member who participated in the decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this rule, in hearings in which evidence is taken, no member may participate in the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.
- (c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this rule and may be issued without a written opinion.

#### **Rule 1.12 BODA Work Product and Drafts**

A document or record of any nature—regardless of its form, characteristics, or means of transmission—that is created or produced in connection with or related to BODA’s adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, BODA staff, or any other person acting on behalf of or at the direction of BODA.

#### **Rule 1.13 Record Retention**

Records of appeals from classification decisions must be retained by the BODA Clerk for a period of at least three years from the date of disposition. Records of other disciplinary matters must be retained for a period of at least five years from the date of final judgment, or for at least one year after the date a suspension or disbarment ends, whichever is later. For purposes of this rule, a record is any document, paper, letter, map, book, tape, photograph, film, recording, or other material filed with BODA, regardless of its form, characteristics, or means of transmission.

#### **Rule 1.14 Costs of Reproduction of Records**

The BODA Clerk may charge a reasonable amount for the reproduction of nonconfidential records filed with BODA. The fee must be paid in advance to the BODA Clerk.

#### **Rule 1.15 Publication of These Rules**

These rules will be published as part of the TDRPC and TRDP.

## **SECTION 2: ETHICAL CONSIDERATIONS**

### **Rule 2.01 Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases**

- (a) A current member of BODA must not represent a party or testify voluntarily in a disciplinary action or proceeding. Any BODA member who is subpoenaed or otherwise compelled to appear at a disciplinary action or proceeding, including at a deposition, must promptly notify the BODA Chair.
- (b) A current BODA member must not serve as an expert witness on the TDRPC.
- (c) A BODA member may represent a party in a legal malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

### **Rule 2.02 Confidentiality**

- (a) BODA deliberations are confidential, must not be disclosed by BODA members or staff, and are not subject to disclosure or discovery.
- (b) Classification appeals, appeals from evidentiary judgments of private reprimand, appeals from an evidentiary judgment dismissing a case, interlocutory appeals or any interim proceedings from an ongoing evidentiary case, and disability cases are confidential under the TRDP. BODA must maintain all records associated with these cases as confidential, subject to disclosure only as provided in the TRDP and these rules.
- (c) If a member of BODA is subpoenaed or otherwise compelled by law to testify in any proceeding, the member must not disclose a matter that was discussed in conference in connection with a disciplinary case unless the member is required to do so by a court of competent jurisdiction.

### **Rule 2.03 Disqualification and Recusal of BODA Members**

- (a) BODA members are subject to disqualification and recusal as provided in TRCP 18b.
- (b) BODA members may, in addition to recusals under (a), voluntarily recuse themselves from any discussion and voting for any reason. The reasons that a BODA member is recused from a case are not subject to discovery.
- (c) These rules do not disqualify a lawyer who is a member of, or associated with, the law firm of

a BODA member from serving on a grievance committee or representing a party in a disciplinary proceeding or legal malpractice case. But a BODA member must recuse him- or herself from any matter in which a lawyer who is a member of, or associated with, the BODA member's firm is a party or represents a party.

### SECTION 3: CLASSIFICATION APPEALS

#### Rule 3.01 Notice of Right to Appeal

- (a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule.
- (b) To facilitate the potential filing of an appeal of a grievance classified as an inquiry, the CDC must send the Complainant an appeal notice form, approved by BODA, with the classification disposition. The form must include the docket number of the matter; the deadline for appealing; and information for mailing, faxing, or emailing the appeal notice form to BODA. The appeal notice form must be available in English and Spanish.

#### Rule 3.02 Record on Appeal

BODA must only consider documents that were filed with the CDC prior to the classification decision. When a notice of appeal from a classification decision has been filed, the CDC must forward to BODA a copy of the grievance and all supporting documentation. If the appeal challenges the classification of an amended grievance, the CDC must also send BODA a copy of the initial grievance, unless it has been destroyed.

### SECTION 4: APPEALS FROM EVIDENTIARY PANEL HEARINGS

#### Rule 4.01 Perfecting Appeal

- (a) **Appellate Timetable.** The date that the evidentiary judgment is signed starts the appellate timetable under this section. To make TRDP 2.21 consistent with this requirement, the date that the judgment is signed is the "date of notice" under Rule 2.21.
- (b) **Notification of the Evidentiary Judgment.** The clerk of the evidentiary panel must notify the parties of the judgment as set out in TRDP 2.21.
  - (1) The evidentiary panel clerk must notify the Commission and the Respondent in writing of the judgment. The notice must

contain a clear statement that any appeal of the judgment must be filed with BODA within 30 days of the date that the judgment was signed. The notice must include a copy of the judgment rendered.

- (2) The evidentiary panel clerk must notify the Complainant that a judgment has been rendered and provide a copy of the judgment, unless the evidentiary panel dismissed the case or imposed a private reprimand. In the case of a dismissal or private reprimand, the evidentiary panel clerk must notify the Complainant of the decision and that the contents of the judgment are confidential. Under TRDP 2.16, no additional information regarding the contents of a judgment of dismissal or private reprimand may be disclosed to the Complainant.
- (c) **Filing Notice of Appeal.** An appeal is perfected when a written notice of appeal is filed with BODA. If a notice of appeal and any other accompanying documents are mistakenly filed with the evidentiary panel clerk, the notice is deemed to have been filed the same day with BODA, and the evidentiary panel clerk must immediately send the BODA Clerk a copy of the notice and any accompanying documents.
- (d) **Time to File.** In accordance with TRDP 2.24, the notice of appeal must be filed within 30 days after the date the judgment is signed. In the event a motion for new trial or motion to modify the judgment is timely filed with the evidentiary panel, the notice of appeal must be filed with BODA within 90 days from the date the judgment is signed.
- (e) **Extension of Time.** A motion for an extension of time to file the notice of appeal must be filed no later than 15 days after the last day allowed for filing the notice of appeal. The motion must comply with Rule 1.09.

#### Rule 4.02 Record on Appeal

- (a) **Contents.** The record on appeal consists of the evidentiary panel clerk's record and, where necessary to the appeal, a reporter's record of the evidentiary panel hearing.
- (b) **Stipulation as to Record.** The parties may designate parts of the clerk's record and the reporter's record to be included in the record

on appeal by written stipulation filed with the clerk of the evidentiary panel.

**(c) Responsibility for Filing Record.**

**(1) Clerk's Record.**

- (i) After receiving notice that an appeal has been filed, the clerk of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk's record.
- (ii) Unless the parties stipulate otherwise, the clerk's record on appeal must contain the items listed in TRAP 34.5(a) and any other paper on file with the evidentiary panel, including the election letter, all pleadings on which the hearing was held, the docket sheet, the evidentiary panel's charge, any findings of fact and conclusions of law, all other pleadings, the judgment or other orders appealed from, the notice of decision sent to each party, any postsubmission pleadings and briefs, and the notice of appeal.
- (iii) If the clerk of the evidentiary panel is unable for any reason to prepare and transmit the clerk's record by the due date, he or she must promptly notify BODA and the parties, explain why the clerk's record cannot be timely filed, and give the date by which he or she expects the clerk's record to be filed.

**(2) Reporter's Record.**

- (i) The court reporter for the evidentiary panel is responsible for timely filing the reporter's record if:
  - a) a notice of appeal has been filed;
  - b) a party has requested that all or part of the reporter's record be prepared; and
  - c) the party requesting all or part of the reporter's record has paid the reporter's fee or has made satisfactory arrangements with the reporter.
- (ii) If the court reporter is unable for any reason to prepare and transmit the reporter's record by the due date, he

or she must promptly notify BODA and the parties, explain the reasons why the reporter's record cannot be timely filed, and give the date by which he or she expects the reporter's record to be filed.

**(d) Preparation of Clerk's Record.**

**(1) To prepare the clerk's record, the evidentiary panel clerk must:**

- (i) gather the documents designated by the parties' written stipulation or, if no stipulation was filed, the documents required under (c)(1)(ii);
- (ii) start each document on a new page;
- (iii) include the date of filing on each document;
- (iv) arrange the documents in chronological order, either by the date of filing or the date of occurrence;
- (v) number the pages of the clerk's record in the manner required by (d)(2);
- (vi) prepare and include, after the front cover of the clerk's record, a detailed table of contents that complies with (d)(3); and
- (vii) certify the clerk's record.

**(2) The clerk must start the page numbering on the front cover of the first volume of the clerk's record and continue to number all pages consecutively—including the front and back covers, tables of contents, certification page, and separator pages, if any—until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page.**

**(3) The table of contents must:**

- (i) identify each document in the entire record (including sealed documents); the date each document was filed; and, except for sealed documents, the page on which each document begins;
- (ii) be double-spaced;

- (iii) conform to the order in which documents appear in the clerk's record, rather than in alphabetical order;
  - (iv) contain bookmarks linking each description in the table of contents (except for descriptions of sealed documents) to the page on which the document begins; and
  - (v) if the record consists of multiple volumes, indicate the page on which each volume begins.
- (e) **Electronic Filing of the Clerk's Record.** The evidentiary panel clerk must file the record electronically. When filing a clerk's record in electronic form, the evidentiary panel clerk must:
  - (1) file each computer file in text-searchable Portable Document Format (PDF);
  - (2) create electronic bookmarks to mark the first page of each document in the clerk's record;
  - (3) limit the size of each computer file to 100 MB or less, if possible; and
  - (4) directly convert, rather than scan, the record to PDF, if possible.
- (f) **Preparation of the Reporter's Record.**
  - (1) The appellant, at or before the time prescribed for perfecting the appeal, must make a written request for the reporter's record to the court reporter for the evidentiary panel. The request must designate the portion of the evidence and other proceedings to be included. A copy of the request must be filed with the evidentiary panel and BODA and must be served on the appellee. The reporter's record must be certified by the court reporter for the evidentiary panel.
  - (2) The court reporter or recorder must prepare and file the reporter's record in accordance with TRAP 34.6 and 35 and the Uniform Format Manual for Texas Reporters' Records.
  - (3) The court reporter or recorder must file the reporter's record in an electronic format by emailing the document to the email address designated by BODA for that purpose.
  - (4) The court reporter or recorder must
    - include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise
- (6) In exhibit volumes, the court reporter or recorder must create bookmarks to mark the first page of each exhibit document.
- (g) **Other Requests.** At any time before the clerk's record is prepared, or within ten days after service of a copy of appellant's request for the reporter's record, any party may file a written designation requesting that additional exhibits and portions of testimony be included in the record. The request must be filed with the evidentiary panel and BODA and must be served on the other party.
- (h) **Inaccuracies or Defects.** If the clerk's record is found to be defective or inaccurate, the BODA Clerk must inform the clerk of the evidentiary panel of the defect or inaccuracy and instruct the clerk to make the correction. Any inaccuracies in the reporter's record may be corrected by agreement of the parties without the court reporter's recertification. Any dispute regarding the reporter's record that the parties are unable to resolve by agreement must be resolved by the evidentiary panel.
- (i) **Appeal from Private Reprimand.** Under TRDP 2.16, in an appeal from a judgment of private reprimand, BODA must mark the record as confidential, remove the attorney's name from the case style, and take any other steps necessary to preserve the confidentiality of the private reprimand.

#### Rule 4.03 Time to File Record

- (a) **Timetable.** The clerk's record and reporter's record must be filed within 60 days after the date the judgment is signed. If a motion for new trial or motion to modify the judgment is filed with the evidentiary panel, the clerk's record and the reporter's record must be filed within 120 days from the date the original judgment is signed, unless a modified judgment is signed, in which case the clerk's record and the reporter's record must be filed within 60 days of the signing of the modified judgment. Failure to file either the clerk's record or the reporter's record on time does not affect BODA's jurisdiction, but may result in BODA's exercising its discretion to dismiss the appeal, affirm the judgment appealed from,

disregard materials filed late, or apply presumptions against the appellant.

(b) **If No Record Filed.**

(1) If the clerk's record or reporter's record has not been timely filed, the BODA Clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within 30 days. The BODA Clerk must send a copy of this notice to all the parties and the clerk of the evidentiary panel.

(2) If no reporter's record is filed due to appellant's fault, and if the clerk's record has been filed, BODA may, after first giving the appellant notice and a reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:

- (i) the appellant failed to request a reporter's record; or
- (ii) the appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record, and the appellant is not entitled to proceed without payment of costs.

(c) **Extension of Time to File the Reporter's Record.** When an extension of time is requested for filing the reporter's record, the facts relied on to reasonably explain the need for an extension must be supported by an affidavit of the court reporter. The affidavit must include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.

(d) **Supplemental Record.** If anything material to either party is omitted from the clerk's record or reporter's record, BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel or the court reporter for the evidentiary panel.

#### **Rule 4.04 Copies of the Record**

The record may not be withdrawn from the custody of the BODA Clerk. Any party may obtain a copy of the record or any designated part thereof by making a written request to the BODA Clerk and paying any charges for reproduction in advance.

#### **Rule 4.05 Requisites of Briefs**

(a) **Appellant's Filing Date.** Appellant's brief must be filed within 30 days after the clerk's record or the reporter's record is filed, whichever is later.

(b) **Appellee's Filing Date.** Appellee's brief must be filed within 30 days after the appellant's brief is filed.

(c) **Contents.** Briefs must contain:

- (1) a complete list of the names and addresses of all parties to the final decision and their counsel;
- (2) a table of contents indicating the subject matter of each issue or point, or group of issues or points, with page references where the discussion of each point relied on may be found;
- (3) an index of authorities arranged alphabetically and indicating the pages where the authorities are cited;
- (4) a statement of the case containing a brief general statement of the nature of the cause or offense and the result;
- (5) a statement, without argument, of the basis of BODA's jurisdiction;
- (6) a statement of the issues presented for review or points of error on which the appeal is predicated;
- (7) a statement of facts that is without argument, is supported by record references, and details the facts relating to the issues or points relied on in the appeal;
- (8) the argument and authorities;
- (9) conclusion and prayer for relief;
- (10) a certificate of service; and
- (11) an appendix of record excerpts pertinent to the issues presented for review.

(d) **Length of Briefs; Contents Included and Excluded.** In calculating the length of a document, every word and every part of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of the parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of the jurisdiction,

- signature, proof of service, certificate of compliance, and appendix. Briefs must not exceed 15,000 words if computer-generated, and 50 pages if not, except on leave of BODA. A reply brief must not exceed 7,500 words if computer-generated, and 25 pages if not, except on leave of BODA. A computer-generated document must include a certificate by counsel or the unrepresented party stating the number of words in the document. The person who signs the certification may rely on the word count of the computer program used to prepare the document.
- (e) **Amendment or Supplementation.** BODA has discretion to grant leave to amend or supplement briefs.
  - (f) **Failure of the Appellant to File a Brief.** If the appellant fails to timely file a brief, BODA may:
    - (1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure, and the appellee is not significantly injured by the appellant's failure to timely file a brief;
    - (2) decline to dismiss the appeal and make further orders within its discretion as it considers proper; or
    - (3) if an appellee's brief is filed, regard that brief as correctly presenting the case and affirm the evidentiary panel's judgment on that brief without examining the record.
- (2) the dispositive issue or issues have been authoritatively decided;
  - (3) the facts and legal arguments are adequately presented in the briefs and record; or
  - (4) the decisional process would not be significantly aided by oral argument.
- (c) **Time Allowed.** Each party will have 20 minutes to argue. BODA may, on the request of a party or on its own, extend or shorten the time allowed for oral argument. The appellant may reserve a portion of his or her allotted time for rebuttal.

#### Rule 4.07 Decision and Judgment

- (a) **Decision.** BODA may do any of the following:
  - (1) affirm in whole or in part the decision of the evidentiary panel;
  - (2) modify the panel's findings and affirm the findings as modified;
  - (3) reverse in whole or in part the panel's findings and render the decision that the panel should have rendered; or
  - (4) reverse the panel's findings and remand the cause for further proceedings to be conducted by:
    - (i) the panel that entered the findings; or
    - (ii) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.
- (b) **Mandate.** In every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties.

#### Rule 4.06 Oral Argument

- (a) **Request.** A party desiring oral argument must note the request on the front cover of the party's brief. A party's failure to timely request oral argument waives the party's right to argue. A party who has requested argument may later withdraw the request. But even if a party has waived oral argument, BODA may direct the party to appear and argue. If oral argument is granted, the clerk will notify the parties of the time and place for submission.
- (b) **Right to Oral Argument.** A party who has filed a brief and who has timely requested oral argument may argue the case to BODA unless BODA, after examining the briefs, decides that oral argument is unnecessary for any of the following reasons:
  - (1) the appeal is frivolous;

#### Rule 4.08 Appointment of Statewide Grievance Committee

If BODA remands a cause for further proceedings before a statewide grievance committee, the BODA Chair will appoint the statewide grievance committee in accordance with TRDP 2.27. The committee must consist of six members: four attorney members and two public members randomly selected from the current pool of grievance committee members. Two alternates, consisting of one attorney and one public member, must also be selected. BODA will appoint the initial chair



who will serve until the members of the statewide grievance committee elect a chair of the committee at the first meeting. The BODA Clerk will notify the Respondent and the CDC that a committee has been appointed.

#### **Rule 4.09 Involuntary Dismissal**

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal:

- (a) for want of jurisdiction;
- (b) for want of prosecution; or
- (c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

### **SECTION 5: PETITIONS TO REVOKE PROBATION**

#### **Rule 5.01 Initiation and Service**

- (a) Before filing a motion to revoke the probation of an attorney who has been sanctioned, the CDC must contact the BODA Clerk to confirm whether the next regularly available hearing date will comply with the 30-day requirement of TRDP. The Chair may designate a three-member panel to hear the motion, if necessary, to meet the 30-day requirement of TRDP 2.23.
- (b) Upon filing the motion, the CDC must serve the Respondent with the motion and any supporting documents in accordance with TRDP 2.23, the TRCP, and these rules. The CDC must notify BODA of the date that service is obtained on the Respondent.

#### **Rule 5.02 Hearing**

Within 30 days of service of the motion on the Respondent, BODA must docket and set the matter for a hearing and notify the parties of the time and place of the hearing. On a showing of good cause by a party or on its own motion, BODA may continue the case to a future hearing date as circumstances require.

### **SECTION 6: COMPULSORY DISCIPLINE**

#### **Rule 6.01 Initiation of Proceeding**

Under TRDP 8.03, the CDC must file a petition for compulsory discipline with BODA and serve the

Respondent in accordance with the TRDP and Rule 1.06 of these rules.

#### **Rule 6.02 Interlocutory Suspension**

- (a) **Interlocutory Suspension.** In any compulsory proceeding under TRDP Part VIII in which BODA determines that the Respondent has been convicted of an Intentional Crime and that the criminal conviction is on direct appeal, BODA may suspend the Respondent's license to practice law by interlocutory order. In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the direct appeal of the criminal conviction is final. For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.
- (b) **Criminal Conviction Affirmed.** If the criminal conviction made the basis of a compulsory interlocutory suspension is affirmed and becomes final, the CDC must file a motion for final judgment that complies with TRDP 8.05.
  - (1) If the criminal sentence is fully probated or is an order of deferred adjudication, the motion for final judgment must contain notice of a hearing date. The motion will be set on BODA's next available hearing date.
  - (2) If the criminal sentence is not fully probated:
    - (i) BODA may proceed to decide the motion without a hearing if the attorney does not file a verified denial within ten days of service of the motion; or
    - (ii) BODA may set the motion for a hearing on the next available hearing date if the attorney timely files a verified denial.
- (c) **Criminal Conviction Reversed.** If an appellate court issues a mandate reversing the criminal conviction while a Respondent is subject to an interlocutory suspension, the Respondent may file a motion to terminate the interlocutory suspension. The motion to terminate the interlocutory suspension must have certified copies of the decision and mandate of the reversing court attached. If the CDC does not file an opposition to the termination within ten

days of being served with the motion, BODA may proceed to decide the motion without a hearing or set the matter for a hearing on its own motion. If the CDC timely opposes the motion, BODA must set the motion for a hearing on its next available hearing date. An order terminating an interlocutory order of suspension does not automatically reinstate a Respondent's license.

## **SECTION 7: RECIPROCAL DISCIPLINE**

### **Rule 7.01 Initiation of Proceeding**

The Commission for Lawyer Discipline may initiate an action for reciprocal discipline by filing a petition with BODA under TRDP Part IX and these rules. The petition must request that the Respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction, including a certified copy of the order or judgment rendered against the Respondent.

### **Rule 7.02 Order to Show Cause**

When a petition is filed, the Chair immediately issues a show cause order and a hearing notice and forwards them to the CDC, who must serve the order and notice on the Respondent. The CDC must notify BODA of the date that service is obtained.

### **Rule 7.03 Attorney's Response**

If the Respondent does not file an answer within 30 days of being served with the order and notice but thereafter appears at the hearing, BODA may, at the discretion of the Chair, receive testimony from the Respondent relating to the merits of the petition.

## **SECTION 8: DISTRICT DISABILITY COMMITTEE HEARINGS**

### **Rule 8.01 Appointment of District Disability Committee**

- (a) If the evidentiary panel of the grievance committee finds under TRDP 2.17(P)(2), or the CDC reasonably believes under TRDP 2.14(C), that a Respondent is suffering from a disability, the rules in this section will apply to the de novo proceeding before the District Disability Committee held under TRDP Part XII.
- (b) Upon receiving an evidentiary panel's finding or the CDC's referral that an attorney is believed to be suffering from a disability, the BODA Chair must appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. BODA will reimburse District Disability Committee

members for reasonable expenses directly related to service on the District Disability Committee. The BODA Clerk must notify the CDC and the Respondent that a committee has been appointed and notify the Respondent where to locate the procedural rules governing disability proceedings.

- (c) A Respondent who has been notified that a disability referral will be or has been made to BODA may, at any time, waive in writing the appointment of the District Disability Committee or the hearing before the District Disability Committee and enter into an agreed judgment of indefinite disability suspension, provided that the Respondent is competent to waive the hearing. If the Respondent is not represented, the waiver must include a statement affirming that the Respondent has been advised of the right to appointed counsel and waives that right as well.
- (d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee must be filed with the BODA Clerk.
- (e) Should any member of the District Disability Committee become unable to serve, the BODA Chair may appoint a substitute member.

### **Rule 8.02 Petition and Answer**

- (a) **Petition.** Upon being notified that the District Disability Committee has been appointed by BODA, the CDC must, within 20 days, file with the BODA Clerk and serve on the Respondent a copy of a petition for indefinite disability suspension. Service may be made in person or by certified mail, return receipt requested. If service is by certified mail, the return receipt with the Respondent's signature must be filed with the BODA Clerk.
- (b) **Answer.** The Respondent must, within 30 days after service of the petition for indefinite disability suspension, file an answer with the BODA Clerk and serve a copy of the answer on the CDC.
- (c) **Hearing Setting.** The BODA Clerk must set the final hearing as instructed by the chair of the District Disability Committee and send notice of the hearing to the parties.

### **Rule 8.03 Discovery**

- (a) **Limited Discovery.** The District Disability Committee may permit limited discovery. The

party seeking discovery must file with the BODA Clerk a written request that makes a clear showing of good cause and substantial need and a proposed order. If the District Disability Committee authorizes discovery in a case, it must issue a written order. The order may impose limitations or deadlines on the discovery.

- (b) **Physical or Mental Examinations.** On written motion by the Commission or on its own motion, the District Disability Committee may order the Respondent to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. Nothing in this rule limits the Respondent's right to an examination by a professional of his or her choice in addition to any exam ordered by the District Disability Committee.

(1) **Motion.** The Respondent must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(2) **Report.** The examining professional must file with the BODA Clerk a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the CDC and the Respondent.

- (c) **Objections.** A party must make any objection to a request for discovery within 15 days of receiving the motion by filing a written objection with the BODA Clerk. BODA may decide any objection or contest to a discovery motion.

#### **Rule 8.04 Ability to Compel Attendance**

The Respondent and the CDC may confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses by subpoena, enforceable by an order of a district court of proper jurisdiction, is available to the Respondent and the CDC as provided in TRCP 176.

#### **Rule 8.05 Respondent's Right to Counsel**

- (a) The notice to the Respondent that a District Disability Committee has been appointed and the petition for indefinite disability suspension must state that the Respondent may request appointment of counsel by BODA to represent him or her at the disability hearing. BODA will reimburse appointed counsel for

reasonable expenses directly related to representation of the Respondent.

- (b) To receive appointed counsel under TRDP 12.02, the Respondent must file a written request with the BODA Clerk within 30 days of the date that Respondent is served with the petition for indefinite disability suspension. A late request must demonstrate good cause for the Respondent's failure to file a timely request.

#### **Rule 8.06 Hearing**

The party seeking to establish the disability must prove by a preponderance of the evidence that the Respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee must admit all relevant evidence that is necessary for a fair and complete hearing. The TRE are advisory but not binding on the chair.

#### **Rule 8.07 Notice of Decision**

The District Disability Committee must certify its finding regarding disability to BODA, which will issue the final judgment in the matter.

#### **Rule 8.08 Confidentiality**

All proceedings before the District Disability Committee and BODA, if necessary, are closed to the public. All matters before the District Disability Committee are confidential and are not subject to disclosure or discovery, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court of Texas.

### **SECTION 9: DISABILITY REINSTATEMENTS**

#### **Rule 9.01 Petition for Reinstatement**

- (a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. The petitioner must serve a copy of the petition on the CDC in the manner required by TRDP 12.06. The TRCP apply to a reinstatement proceeding unless they conflict with these rules.
- (b) The petition must include the information required by TRDP 12.06. If the judgment of disability suspension contained terms or conditions relating to misconduct by the petitioner prior to the suspension, the petition must affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has

a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.

- (c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may make all or any part of the record of the proceeding confidential.

#### **Rule 9.02 Discovery**

The discovery period is 60 days from the date that the petition for reinstatement is filed. The BODA Clerk will set the petition for a hearing on the first date available after the close of the discovery period and must notify the parties of the time and place of the hearing. BODA may continue the hearing for good cause shown.

#### **Rule 9.03 Physical or Mental Examinations**

- (a) On written motion by the Commission or on its own, BODA may order the petitioner seeking reinstatement to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. The petitioner must be served with a copy of the motion and given at least seven days to respond. BODA may hold a hearing before ruling on the motion but is not required to do so.
- (b) The petitioner must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.
- (c) The examining professional must file a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the parties.
- (d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.
- (e) Nothing in this rule limits the petitioner's right to an examination by a professional of his or her choice in addition to any exam ordered by BODA.

#### **Rule 9.04 Judgment**

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the

petitioner provides additional proof as directed by BODA. The judgment may include other orders necessary to protect the public and the petitioner's potential clients.

### **SECTION 10: APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS**

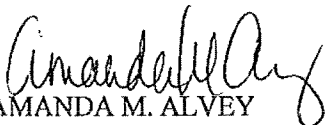
#### **Rule 10.01 Appeals to the Supreme Court**

- (a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.
- (b) The appealing party must file the notice of appeal directly with the clerk of the Supreme Court of Texas within 14 days of receiving notice of a final determination by BODA. The record must be filed within 60 days after BODA's determination. The appealing party's brief is due 30 days after the record is filed, and the responding party's brief is due 30 days thereafter. The BODA Clerk must send the parties a notice of BODA's final decision that includes the information in this paragraph.
- (c) An appeal to the Supreme Court is governed by TRDP 7.11 and the TRAP.

DEPARTMENT OF THE AIR FORCE

I, AMANDA M. ALVEY, Information Review and Release Specialist, Justice and Court Activities, Air Force Legal Operations Agency, United States Air Force, Washington, D.C., do hereby certify that I am the custodian for the record of trial on *United States v Lieutenant Colonel James W. Richards, IV*. As such, I have caused a search to be made of all information relating to this requested information and certify that the attached documents are accurate copies of documents taken from the original record of trial maintained at this headquarters.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

  
AMANDA M. ALVEY  
Information Review and Release Specialist  
Justice & Court Activities Branch  
Air Force Legal Operations Agency

Executed this 6<sup>th</sup> day of November, 2014, at JB Andrews.

Exhibit

1

# CHARGE SHEET

## I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) RICHARDS, JAMES W., IV		2. SSN [425863] (b)(6)	3. GRADE OR RANK Lieutenant Colonel	4. PAY GRADE O-5
5. UNIT OR ORGANIZATION Air Force Legal Operations Agency/Utility Law Field Support Center (HQ USAF) Tyndall AFB FL 32403			6. CURRENT SERVICE a. INITIAL DATE 20 Apr 1997 b. TERM INDEF	
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC \$7,301.10	b. SEA/FOREIGN DUTY \$0.00	c. TOTAL \$7,301.10	Civil Confinement Military Confinement Civil Confinement	
			9. DATE(S) IMPOSED 10 Nov 2011 to 10 Nov 2011 12 Mar 2012 to 23 Apr 2012 23 Apr 2012 to Present	

## II. CHARGES AND SPECIFICATIONS

### 10. CHARGE I: Violation of the UCMJ, Article 134

Specification 1: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, between on or about 12 March 2007 and on or about 12 March 2012, wrongfully and knowingly possess more than one video and picture of indistinguishable minors engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline or of a nature to bring discredit upon the armed forces.

Specification 2: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 10 June 2005, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline or of a nature to bring discredit upon the armed forces.

Specification 3: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 6 July 2005, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline or of a nature to bring discredit upon the armed forces.

Specification 4: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 27 November 2005, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline or of a nature to bring discredit upon the armed forces.

## III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) FINCHER, DANIEL B.	11b. GRADE Brig Gen	11c. ORGANIZATION OF ACCUSER Air Force Legal Operations Agency
12. SIGNATURE OF ACCUSER (b)(6)		13. DATE 28 Jun 2012

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser this 28th day of June, 2012, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

DAVID A. COGGIN  
Typed Name of Officer

Major  
Grade

(b)(6)

Signature

Air Force Legal Operations Agency  
Organization of Officer

Assistant Staff Judge Advocate  
Official Capacity to Administer Oath  
(See R.C.M. 307(b)(1) - must be commissioned officer)

12.

On 2 July, 20 12, the accused was informed of the charges against him/her and of the names(s) of the accuser(s) known to me (See R.C.M. 303(a)). (See R.C.M. 308 if notification cannot be made.)

DANIEL B. FINCHER

Type Name of Immediate Commander

Air Force Legal Operations Agency

Organization of Immediate Commander

Brigadier General

(b)(6)

Signature

#### IV. RECEIPT BY SUMMARY COURT MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1310 hours, 2 July, 20 12, at 325th Fighter Wing (AETG)

Designation of Command or

Tyndall Air Force Base, Florida

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE COMMANDER

JULIE L. RUTHERFORD

Type Name of Officer

Staff Judge Advocate

Official Capacity of Officer Signing

Lieutenant Colonel

Grade

(b)(6)

Signature

#### V. REFERRAL, SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE	c. DATE
<u>HEADQUARTERS AIR EDUCATION AND TRAINING</u>	<u>Randolph AFB, Texas</u>	<u>27 August 2012</u>

COMMAND

Referred for trial to the general court-martial board convened by Special Order A-5

dated 27 August 20 12, subject to the following instructions: none

BY FOR THE COMMANDER

Command or Order

LISA L. TURNER

Typed Name of Officer

Staff Judge Advocate

Official Capacity of Officer Signing

(b)(6)

Signature

15.

On 27 August, 20 12, I (caused to be) served a copy hereof on (each of) the above named accused.

MATTHEW L. TUSING

Typed Name of Trial Counsel

Captain

Grade or Rank of Trial Counsel

(b)(6)

Signature

FOOTNOTES: 1 - When on appropriate commander signs personally, inapplicable words are stricken.  
2 - See R.C.M. 601(e) concerning instructions. If none, so state

# CHARGE SHEET

(Continuation)

## CHARGES AND SPECIFICATIONS

Specification 5: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 1 October 2006, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was of a nature to bring discredit upon the armed forces. (b)(6)

Specification 6: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 9 December 2006, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was of a nature to bring discredit upon the armed forces. (b)(6)

Specification 7: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 10 June 2005, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing his fingers on the buttocks of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was of a nature to bring discredit upon the armed forces. (b)(6)

Specification 8: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 10 June 2005, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing his fingers on the penis of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was of a nature to bring discredit upon the armed forces. (b)(6)

Specification 9: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 6 July 2005, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing string around the testicles and penis of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was of a nature to bring discredit upon the armed forces. (b)(6)

Specification 10: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 27 November 2005, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing his penis on the buttocks of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was of a nature to bring discredit upon the armed forces. (b)(6)

Specification 11: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 1 October 2006, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing the fingers of (b)(6) on the penis of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was of a nature to bring discredit upon the armed forces. (b)(6)

1. NAME OF ACCUSED (Last, First, MI)

RICHARDS, JAMES W., IV

2. SSN

(b)(6)

DD FORM Continuation (EG)

PREVIOUS EDITION IS OBSOLETE.

PAGE 3



# CHARGE SHEET

(Continuation)

## CHARGES AND SPECIFICATIONS

### CHARGE II: Violation of the UCMJ, Article 92

Specification 1: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, having knowledge of a lawful order issued by the Air Force Legal Operations Agency Commander, to wit: refrain from any contact with any person associated with "Big Brothers Big Sisters," or whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, knew to be associated with any mentoring program, including any child he had mentored or are currently mentoring, regardless of current age, including their family members, dated 24 June 2011, 12 September 2011, and 6 January 2012, <sup>respectively</sup> (b)(6), an order which it was his duty to obey, did, within the continental United States, between on or about 1 November 2011 to on or about 10 March 2012, on divers occasions, fail to obey the same by communicating with (b)(6), known by the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, to be the younger sibling of (b)(6) a child whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, sponsored or mentored in Big Brothers Big Sisters.

Specification 2: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, having knowledge of a lawful order issued by the Air Force Legal Operations Agency Commander, to wit: refrain from any contact with any person associated with "Big Brothers Big Sisters," or whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, knew to be associated with any mentoring program, including any child he had mentored or are currently mentoring, regardless of current age, including their family members, dated 24 June 2011, 12 September 2011, and 6 January 2012, <sup>respectively</sup> (b)(6), an order which it was his duty to obey, did, within the continental United States, between on or about 3 February 2012 to on or about 15 February 2012, on divers occasions, fail to obey the same by communicating with (b)(6) a child whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, sponsored or mentored in Big Brothers Big Sisters.

Specification 3: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, having knowledge of a lawful order issued by the Air Force Legal Operations Agency Commander, to wit: refrain from any contact with any person associated with "Big Brothers Big Sisters," or whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, knew to be associated with any mentoring program, including any child he had mentored or are currently mentoring, regardless of current age, including their family members, dated 24 June 2011, 12 September 2011, and 6 January 2012, <sup>respectively</sup> (b)(6), an order which it was his duty to obey, did, within the continental United States, between on or about 21 July 2011 to on or about 26 February 2012, on divers occasions, fail to obey the same by communicating with (b)(6) a child whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, sponsored or mentored in Big Brothers Big Sisters.

Specification 4: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, having knowledge of a lawful order issued by the Air Force Legal Operations Agency Commander, to wit: refrain from contacting or communicating with (b)(6) and to remain at all times and places at least 500 feet away from (b)(6) dated 10 November 2011 and 6 January 2012, <sup>respectively</sup> (b)(6), an order which it was his duty to obey, did, within the continental United States, between on or about 11 November 2011 and on or about 11 March 2012, on divers occasions, fail to obey the same by communicating with and being within 500 feet with (b)(6).

### CHARGE III: Violation of the UCMJ, Article 133

Specification: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, between on or about 1 July 2010 and on or about 11 March 2012, on divers occasions, wrongfully engage in <sup>an inappropriate relationship</sup> (b)(6) aged (b)(6) years, which conduct was unbecoming an officer and gentleman.

1. NAME OF ACCUSED (Last, First, MI)  
RICHARDS, JAMES W., IV

(b)(6)

CHARGE SHEET					
I. PERSONAL DATA					
1. NAME OF ACCUSED (Last, First, MI) RICHARDS, JAMES W., IV		2. SSN [425863] (b)(6)	3. GRADE OR RANK Lieutenant Colonel	4. PAY GRADE O-5	
5. UNIT OR ORGANIZATION Air Force Legal Operations Agency/Utility Law Field Support Center (HQ USAP) Tyndall AFB FL 32403			6. COURTESY ADVISE 20 Apr 1997	7. TERM INDEF	
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACTIVITY		
a. BASIC	b. SEPARATION DUTY	c. TOTAL	9. DATES IMPOSED		
\$7,301.10	\$0.00	\$7,301.10	Civil Confinement 10 Nov 2011 to 10 Nov 2011		
			Military Confinement 12 Mar 2012 to 23 Apr 2012		
			Civil Confinement 23 Apr 2012 to present		
II. CHARGES AND SPECIFICATIONS					
10. ADDITIONAL CHARGE: Violation of the UCMJ, Article 134					
Specification: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 9 July 2005, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces.					
III. PREFERRAL					
11. NAME OF ACCUSER (Last, First, MI) FINCHER, DANIEL B.		12. GRADE Brig Gen	13. ORGANIZATION OF ACCUSER Air Force Legal Operations Agency		
14. NAME OF ACCUSED (b)(6)		15. DATE 20 Aug 2012			
AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser this 20 day of August, 2012, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.					
DUSTIN C. LANE Typed Name of Officer Major Grade (b)(6)			Air Force Legal Operations Agency Organization of Officer (b)(6) Assistant Staff Judge Advocate Official Capacity to Administer Oath (See R.C.M. 307(b)(1) - must be commissioned officer)		
Signature					

12. On <u>20 August</u> , 20 <u>12</u> , the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 3108(a)). (See R.C.M. 308 if notification cannot be made.)		
<u>DANIEL B. FINCHER</u> <i>Type Name of Immediate Commander</i> Brigadier General	<u>AFLOA/CC</u> <i>Organization of Immediate Commander</i>	
<div style="background-color: black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <i>Signature</i>		
IV. RECEIPT BY SUMMARY COURT MARTIAL CONVENING AUTHORITY		
The sworn charges were received at <u>1630</u> hours, <u>20 August</u> , 20 <u>12</u> , at <u>325th Fighter Wing (AETC)</u> <i>Designation of Command or</i> <u>Tyndall Air Force Base, Florida</u> <i>Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)</i>		
<u>JULIE L. RUTHERFORD</u> <i>Type Name of Officer</i> Lieutenant Colonel	FOR THE: <u>COMMANDER</u> Staff Judge Advocate <i>Official Capacity of Officer Signing</i>	
<div style="background-color: black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <i>Signature</i>		
V. REFERRAL, SERVICE OF CHARGES		
14a. DESIGNATION OF COMMAND OR CONVENING AUTHORITY <u>HEADQUARTERS AIR EDUCATION AND TRAINING COMMAND</u>	b. PLACE <u>Randolph AFB, Texas</u>	c. DATE <u>27 August 2012</u>
Referred for trial to the <u>general</u> court-martial board convened by <u>Special Order A-5</u>		
dated <u>27 August</u> , 20 <u>12</u> subject to the following instructions: <sup>1</sup>		
To be tried with the original charges, dated <u>28 June 2012</u> .		
BY FOR THE COMMANDER <u>XOF</u> <i>Command or Order</i>		
<u>LISA L. TURNER</u> <i>Typed Name of Officer</i> Colonel	Staff Judge Advocate <i>Official Capacity of Officer Signing</i>	
<div style="background-color: black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <i>Signature</i>		
15. On <u>27 AUGUST</u> , 20 <u>12</u> , I (caused to be) served a copy hereof on <del>each of</del> the above named accused.		
<u>MATTHEW L. TUSING</u> <i>Typed Name of Trial Counsel</i>	<u>Captain</u> <i>Grade or Rank of Trial Counsel</i>	
<div style="background-color: black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <i>Signature</i>		
<small>FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.          2 - See R.C.M. 401(e) concerning instructions. If none, so state.</small>		

# CHARGE SHEET

## I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) RICHARDS, JAMES W., IV		2. SSN [425863] (b)(6)	3. GRADE OR RANK Lieutenant Colonel	4. PAY GRADE O-5
5. UNIT OR ORGANIZATION Air Force Legal Operations Agency/Utility Law Field Support Center (HQ USAF) Tyndall AFB FL 32403			6. CURRENT SERVICE a. INITIAL DATE 20 Apr 1997 b. TERM INDEF	
7. PAY PER MONTH a. BASIC \$7,425.30 \$7,301.10 b. SEA/FOREIGN DUTY \$0.00 c. TOTAL \$7,425.30 \$7,301.10			8. NATURE OF RESTRAINT OF ACCUSED Civil Confinement Military Confinement Civil Confinement	
9. DATE(S) IMPOSED 10 Nov 2011 to 10 Nov 2011 12 Mar 2012 to 23 Apr 2012 23 Apr 2012 to Present				

## II. CHARGES AND SPECIFICATIONS

### 10. CHARGE I: Violation of the UCMJ, Article 134

Specification 1: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, between on or about 12 March 2007 and on or about 12 March 2012, wrongfully and knowingly possess more than one video and picture of indistinguishable minors engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline or of a nature to bring discredit upon the armed forces. **Dismissed 18 Dec 2012**

Specification 2: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 10 June 2005, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline or of a nature to bring discredit upon the armed forces. **Dismissed 18 Dec 2012**

Specification 3: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 6 July 2005, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline or of a nature to bring discredit upon the armed forces. **Dismissed 18 Dec 2012**

Specification 4: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 27 November 2005, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline or of a nature to bring discredit upon the armed forces. **Dismissed 18 Dec 2012**

## III. REFERRAL

11a. NAME OF ACCUSER (Last, First, MI) FINCHER, DANIEL B.	b. GRADE Brig Gen	c. ORGANIZATION OF ACCUSER Air Force Legal Operations Agency
d. SIGNATURE OF ACCUSER (b)(6)	e. DATE 28 Jun 2012	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser this 28th day of June, 2012, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

DAVID A. COGGIN  
Typed Name of Officer

Air Force Legal Operations Agency  
Organization of Officer

Major  
Grade

Assistant Staff Judge Advocate  
Official Capacity to Administer Oath  
(See R.C.M. 307(b)(1) - must be commissioned officer)

(b)(6)

Signature

12. On 2 July, 20 12, the accused was informed of the charges against him/her and of the names(s) of the accuser(s) known to me (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

DANIEL B. FINCHER  
Type Name of Immediate Commander

Air Force Legal Operations Agency  
Organization of Immediate Commander

Brigadier General

(b)(6)

Signature

IV. RECEIPT BY SUMMARY COURT MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1310 hours, 2 July, 20 12, at 325th Fighter Wing (AETG)  
Designation of Command or

Tyndall Air Force Base, Florida

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE COMMANDER

JULIE L. RUTHERFORD

Type Name of Officer

Staff Judge Advocate

Official Capacity of Officer Signing

Lieutenant Colonel

(b)(6)

Signature

V. REFERRAL, SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY HEADQUARTERS AIR EDUCATION AND TRAINING b. PLACE Randolph AFB, Texas c. DATE 27 August 2012

COMMAND Referred for trial to the general court-martial board convened by Special Order A-5

dated 27 August 20 12, subject to the following instructions: 2 none

By: FOR THE COMMANDER of:   
Command or Order

LISA L. TURNER

Typed Name of Officer

Staff Judge Advocate

Official Capacity of Officer Signing

Colonel

(b)(6)

Grade

15. On 27 August, 20 12, I (caused to be) served a copy hereof on (each of) the above named accused.

MATTHEW L. TUSING

Typed Name of Trial Counsel

Captain

Grade or Rank of Trial Counsel

(b)(6)

Signature

FOOTNOTES: 1--When an appropriate commander signs personally, inapplicable words are stricken.  
2--See R.C.M. 601(e) concerning instructions. If none, so state.

# CHARGE SHEET

(Continuation)

## CHARGES AND SPECIFICATIONS

Specification 5: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 1 October 2006, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was of a nature to bring discredit upon the armed forces. *discussed 18 Dec 2012*

Specification 6: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 9 December 2006, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was of a nature to bring discredit upon the armed forces. *discussed 18 Dec 2012*

Specification 7: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 10 June 2005, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing his fingers on the buttocks of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was of a nature to bring discredit upon the armed forces.

Specification 8: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 10 June 2005, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing his fingers on the penis of NOAH ROSE, with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was of a nature to bring discredit upon the armed forces.

Specification 9: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 6 July 2005, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing string around the testicles and penis of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was of a nature to bring discredit upon the armed forces.

Specification 10: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 27 November 2005, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing his penis on the buttocks of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was of a nature to bring discredit upon the armed forces.

Specification 11: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 1 October 2006, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing the fingers of (b)(6) on the penis of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was of a nature to bring discredit upon the armed forces.

1. NAME OF ACCUSED (Last, First, MI)  
RICHARDS, JAMES W., IV

2. SSN  
(b)(6)

# CHARGE SHEET

(Continuation)

## CHARGES AND SPECIFICATIONS

### CHARGE II: Violation of the UCMJ, Article 92

Specification 1: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, having knowledge of a lawful order issued by the Air Force Legal Operations Agency Commander, to wit: refrain from any contact with any person associated with "Big Brothers Big Sisters," or whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, knew to be associated with any mentoring program, including any child he had mentored or are currently mentoring, regardless of current age, including their family members, dated 24 June 2011, 12 September 2011, and 6 January 2012, <sup>respectively</sup> an order which it was his duty to obey, did, within the continental United States, between on or about 1 November 2011 to on or about 10 March 2012, on divers occasions, fail to obey the same by communicating with (b)(6) known by the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, to be the younger sibling of (b)(6) a child whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, sponsored or mentored in Big Brothers Big Sisters.

Specification 2: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, having knowledge of a lawful order issued by the Air Force Legal Operations Agency Commander, to wit: refrain from any contact with any person associated with "Big Brothers Big Sisters," or whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, knew to be associated with any mentoring program, including any child he had mentored or are currently mentoring, regardless of current age, including their family members, dated 24 June 2011, 12 September 2011, and 6 January 2012, <sup>respectively</sup> an order which it was his duty to obey, did, within the continental United States, between on or about 3 February 2012 to on or about 15 February 2012, on divers occasions, fail to obey the same by communicating with (b)(6) a child whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, sponsored or mentored in Big Brothers Big Sisters.

Specification 3: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, having knowledge of a lawful order issued by the Air Force Legal Operations Agency Commander, to wit: refrain from any contact with any person associated with "Big Brothers Big Sisters," or whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, knew to be associated with any mentoring program, including any child he had mentored or are currently mentoring, regardless of current age, including their family members, dated 24 June 2011, 12 September 2011, and 6 January 2012, <sup>respectively</sup> an order which it was his duty to obey, did, within the continental United States, between on or about 21 July 2011 to on or about 26 February 2012, on divers occasions, fail to obey the same by communicating with (b)(6) a child whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, sponsored or mentored in Big Brothers Big Sisters.

Specification 4: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, having knowledge of a lawful order issued by the Air Force Legal Operations Agency Commander, to wit: refrain from contacting or communicating with (b)(6) and to remain at all times and places at least 500 feet away from (b)(6) dated 10 November 2011 and 6 January 2012, <sup>respectively</sup> an order which it was his duty to obey, did, within the continental United States, between on or about 11 November 2011 and on or about 11 March 2012, on divers occasions, fail to obey the same by communicating with and being within 500 feet of (b)(6)

### CHARGE III: Violation of the UCMJ, Article 133

Specification: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, between on or about 1 July 2010 and on or about 11 March 2012, on divers occasions, wrongfully engage in oral and non-oral sexual relations with (b)(6) aged (b)(6) years, which conduct was unbecoming an officer and gentleman.

dismissed 18 Dec 2012

1. NAME OF ACCUSED (Last, First, MI)  
RICHARDS, JAMES W., IV

2. SSN  
(b)(6)

# CHARGE SHEET

## I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) RICHARDS, JAMES W., IV		2. SSN [425863] (b)(6)	3. GRADE OR RANK Lieutenant Colonel	4. PAY GRADE O-5
5. UNIT OR ORGANIZATION Air Force Legal Operations Agency/Utility Law Field Support Center (HQ USAF) Tyndall AFB FL 32403			6. CURRENT SERVICE a. INITIAL DATE 20 Apr 1997 b. TERM INDEF	
7. PAY PER MONTH a. BASIC \$7,301.10 b. SEA/FOREIGN DUTY \$0.00 c. TOTAL \$7,301.10			8. NATURE OF RESTRAINT OF ACCUSED Civil Confinement Military Confinement Civil Confinement	
9. DATE(S) IMPOSED 10 Nov 2011 to 10 Nov 2011 12 Mar 2012 to 23 Apr 2012 23 Apr 2012 to present				

## II. CHARGES AND SPECIFICATIONS

10. ADDITIONAL CHARGE: Violation of the UCMJ, Article 134

~~Specification: In that LIEUTENANT COLONEL JAMES W. RICHARDS, IV, United States Air Force, Air Force Legal Operations Agency, Utility Law Field Support Center, Tyndall Air Force Base, Florida, did, within the continental United States, on or about 9 July 2005, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces; dismissed 18 Dec 2012~~

## III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) FINCHER, DANIEL B.	b. GRADE Brig Gen	c. ORGANIZATION OF ACCUSER Air Force Legal Operations Agency
d. DATE OF ACCUSATION (b)(6)		e. DATE 20 Aug 2012

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oath in cases of this character, personally appeared the above named accuser this 20 day of August, 2012, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

DUSTIN C. LANE

Typed Name of Officer

Major

Grade

(b)(6)

Signature

Air Force Legal Operations Agency

Organization of Officer

Assistant Staff Judge Advocate

Official Capacity to Administer Oath  
(See R.C.M. 307(b)(1) - must be commissioned officer)



11.12

12. On 20 August, 20 12, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

DANIEL B. FINCHER

AFLOA/CC

Type Name of Immediate Commander

Organization of Immediate Commander

Brigadier General

(b)(6)

#### IV. RECEIPT BY SUMMARY COURT MARTIAL CONVENING AUTHORITY

The sworn charges were received at 1630 hours, 20 August, 2012, at 325th Fighter Wing,

Designation of Command or

Tyndall Air Force Base, Florida

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE COMMANDER

JULIE L. RUTHERFORD

Staff Judge Advocate

Type Name of Officer

Official Capacity of Officer Signing

Lieutenant Colonel

(b)(6)

Signature

#### V. REFERRAL, SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY  
HEADQUARTERS AIR EDUCATION AND  
TRAINING COMMAND

b. PLACE

Randolph AFB, Texas

c. DATE

27 August 2012

Referred for trial to the general court-martial board convened by Special Order A-5

dated 27 August, 2012 subject to the following instructions: <sup>2</sup>

To be tried with the original charges, dated 28 June 2012

By FOR THE COMMANDER

at

Command or Order

LISA L. TURNER

Staff Judge Advocate

Typed Name of Office

Official Capacity of Office Signing

Colonel

Grade

(b)(6)

Signature

15.

On 27 August, 2012, I (caused to be) served a copy hereof on ~~(each of)~~ the above named accused.

MATTHEW L. TUSING

Captain

(b)(6)

Grade or Rank of Trial Counsel

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.

2 - See R.C.M. 601(e) concerning instructions. If none, so state.

**DNA Processing Required. 10 U.S.C. § 1565**

**DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR EDUCATION AND TRAINING COMMAND  
JOINT BASE SAN ANTONIO RANDOLPH, TEXAS 78150-4544**

General Court-Martial Order  
No. 12

26 April 2013

LIEUTENANT COLONEL JAMES W. RICHARDS, IV, (b)(6) United States Air Force, Air Force Legal Operations Agency/Utility Law Field Support Center, was arraigned at Tyndall Air Force Base, Florida, on the following offenses at a court-martial convened by this headquarters.

**CHARGE I: Article 134. Plea: NG. Finding: G.**

Specification 1: Did, within the continental United States, between on or about 2 July 2007 and on or about 12 March 2012, wrongfully and knowingly possess more than one digital image of minors engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces. Plea: NG, Finding: G.

Specification 2: Did, within the continental United States, on or about 10 June 2005, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces. (Dismissed prior to pleas by military judge upon defense motion.)

Specification 3: Did, within the continental United States, on or about 6 July 2005, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces. (Dismissed prior to pleas by military judge upon defense motion.)

Specification 4: Did, within the continental United States, on or about 27 November 2005, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces. (Dismissed prior to pleas by military judge upon defense motion.)

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GCMO No. 12, HQ AETC, Joint Base San Antonio Randolph TX, dated 26 April 2013.

Specification 5: Did, within the continental United States, on or about 1 October 2006, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces. (Dismissed prior to pleas by military judge upon defense motion.)

Specification 6: Did, within the continental United States, on or about 9 December 2006, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces. (Dismissed prior to pleas by military judge upon defense motion.)

Specification 7 (renumbered as Specification 2): Did, within the continental United States, on or about 10 June 2005, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing his fingers on the buttocks of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces. Plea: NG. Finding: G.

Specification 8 (renumbered as Specification 3): Did, within the continental United States, on or about 10 June 2005, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing his fingers on the penis of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces. Plea: NG. Finding: G.

Specification 9 (renumbered as Specification 4): Did, within the continental United States, on or about 6 July 2005, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing string around the testicles and penis of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces. Plea: NG. Finding: G.

Specification 10 (renumbered as Specification 5): Did, within the continental United States, on or about 27 November 2005, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing his penis on the buttocks of

GCMO No. 12, HQ AETC, Joint Base San Antonio Randolph TX, dated 26 April 2013.

(b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces. Plea: NG. Finding: G.

Specification 11 (renumbered as Specification 6): Did, within the continental United States, on or about 1 October 2006, commit an indecent act upon the body of (b)(6) a male under 16 years of age, not the spouse of the accused, by placing the fingers of (b)(6) on the penis of (b)(6) with intent to gratify the sexual desires of the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces. Plea: NG. Finding: G.

CHARGE II: Article 92. Plea: NG. Finding: G.

Specification 1: Having knowledge of a lawful order issued by the Air Force Legal Operations Agency Commander, to wit: refrain from any contact with any person associated with "Big Brothers Big Sisters," or whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, knew to be associated with any mentoring program, including any child he had mentored or are currently mentoring, regardless of current age, including their family members, dated 24 June 2011, 12 September 2011, and 6 January 2012, respectively, an order which it was his duty to obey, did, within the continental United States, between on or about 1 November 2011 to on or about 10 March 2012, on divers occasions, fail to obey the same by communicating with (b)(6) known by the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, to be the younger sibling of (b)(6) child whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, sponsored or mentored in Big Brothers Big Sisters. Plea: NG. Finding: G.

Specification 2: Having knowledge of a lawful order issued by the Air Force Legal Operations Agency Commander, to wit: refrain from any contact with any person associated with "Big Brothers Big Sisters," or whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, knew to be associated with any mentoring program, including any child he had mentored or are currently mentoring, regardless of current age, including their family members, dated 24 June 2011, 12 September 2011, and 6 January 2012, respectively, an order which it was his duty to obey, did, within the continental United States, between on or about 3 February 2011 to on or about 15 February 2012, on divers occasions, fail to obey the same by communicating with (b)(6) a child whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, sponsored or mentored in Big Brothers Big Sisters. Plea: NG. Finding: G.

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Specification 3: Having knowledge of a lawful order issued by the Air Force Legal Operations Agency Commander, to wit: refrain from any contact with any person associated with "Big Brothers Big Sisters," or whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, knew to be associated with any mentoring program, including any child he had mentored or are currently mentoring, regardless of current age, including their family members, dated 24 June 2011, 12 September 2011, and 6 January 2012, respectively, an order which it was his duty to obey, did, within the continental United States, between on or about 21 July 2011 to on or about 26 February 2012, on divers occasions, fail to obey the same by communicating with (b)(6) (b)(6) a child whom the said LIEUTENANT COLONEL JAMES W. RICHARDS, IV, sponsored or mentored in Big Brothers Big Sisters. Plea: NG. Finding: G.

Specification 4: Having knowledge of a lawful order issued by the Air Force Legal Operations Agency Commander, to wit: refrain from contacting or communicating with (b)(6) (b)(6) and to remain at all times and places at least 500 feet away, from (b)(6) dated 10 November 2011 and 6 January 2012, respectively, an order which it was his duty to obey, did, within the continental United States, between on or about 11 November 2011 and on or about 11 March 2012, on divers occasions, fail to obey the same by communicating with and being within 500 feet with (b)(6) Plea: NG. Finding: G.

CHARGE III: Article 133. (Dismissed prior to pleas by military judge upon defense motion.)

Specification: Did, within the continental United States, between on or about 1 July 2010 and on or about 11 March 2012, on divers occasions, wrongfully engage in an inappropriate relationship with (b)(6) age (b)(6) years, which conduct was unbecoming an officer and a gentleman. (Dismissed prior to pleas by military judge upon defense motion.)

ADDITIONAL CHARGE: Article 134. (Dismissed prior to pleas by military judge upon defense motion.)

Specification: Did, within the continental United States, on or about 9 July 2005, wrongfully and knowingly produce more than one picture of a minor engaging in sexually explicit conduct, which conduct was prejudicial to good order and discipline and of a nature to bring discredit upon the armed forces. (Dismissed prior to pleas by military judge upon defense motion.)

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SENTENCE

Sentence adjudged by military judge on 21 February 2013: Forfeiture of all pay and allowances, dismissal from the service, and 17 years confinement.

ACTION

In the case of LIEUTENANT COLONEL JAMES W. RICHARDS, IV, (b)(6) United States Air Force, Air Force Legal Operations Agency/Utility Law Field Support Center, the sentence is approved and, except for the dismissal, will be executed. The accused will be credited administratively with 75 days against the sentence to confinement for unusually harsh circumstances experienced in pretrial confinement. The Air Force Corrections System is designated for the purpose of confinement, and the confinement will be served therein or elsewhere as directed by Headquarters Air Force Security Forces Center, Corrections Division. Unless competent authority otherwise directs, upon completion of the sentence to confinement, LIEUTENANT COLONEL JAMES W. RICHARDS, IV, will be required, under Article 76a, UCMJ, to take leave pending completion of appellate review.

EDWARD A. RICE, JR.  
General, USAF  
Commander

FOR THE COMMANDER

(b)(6)

ERIN L. TURNER, Colonel, USAF  
Staff Judge Advocate

DISTRIBUTION:

1 - Lt Col James W. Richards, IV, 1301 North Warehouse Road, Fort Leavenworth KS 66027  
(ACC)

GCMO No. 12, HQ ABTC, Joint Base San Antonio Randolph TX, dated 26 April 2013.

- 1 - Col Mark L. Allred, AFLOA/JAT, 1500 West Perimeter Road, Suite 1150, Joint Base Andrews Naval Air Facility Washington MD 20762 (MJ)
- 1 - Col Don M. Christensen, AFLOA/JAIG, 1500 West Perimeter Road, Suite 1190, Joint Base Andrews Naval Air Facility Washington MD 20762 (TC)
- 1 - Capt Matthew L. Tusing, 325 FW/JA, 445 Suwannee Road, Suite 110, Tyndall AFB FL 32403-5539 (ATC)
- 1 - Capt Mark W. Mason, 325 FW/JA, 445 Suwannee Road, Suite 110, Tyndall AFB FL 32403-5539 (ATC)
- 1 - Maj Nicholas W. McCue, AFLOA/JAJD, 450 First Street, Travis AFB CA 94535-2479 (SDC)
- 1 - Capt Timothy M. Goines, AFLOA/ADC, 7813 Hangar Loop Drive, MacDill AFB FL 33621 (DC)
- 1 - HQ ABTC/CC, 1 F Street, Suite 1, Joint Base San Antonio Randolph TX 78150-4544
- 1 - AFLOA/CC, 1500 West Perimeter Road, Suite 1330, Joint Base Andrews Naval Air Facility Washington MD 20762
- 1 - 325 FW/CC, 501 Suwannee Road, Suite 1, Tyndall AFB FL 32403-5541
- \*1 - Fort Leavenworth, Air Force Liaison, 1301 North Warehouse Road, Fort Leavenworth KS 66027
- 4 - 325 FSS/PMFP, 445 Suwannee Road, Suite 142, Tyndall AFB FL 32403
- 1 - 325 FW/JA, 445 Suwannee Road, Suite 110, Tyndall AFB FL 32403-5539
- 1 - AFOSI Det 419, 206 Mississippi Road, Tyndall AFB FL 32403-5316
- 1 - AFC&PB, SAF Personnel Council, 1500 West Perimeter Road, Suite 3700, Joint Base Andrews Naval Air Facility Washington MD 20762-7002
- \*1 - HQ AFSEC/SFC, 1517 Billy Mitchell Boulevard, Joint Base San Antonio Lackland TX 78236-0119
- \*7 - AFLOA/JAJM, 1500 West Perimeter Road, Suite 1130, Joint Base Andrews Naval Air Facility Washington MD 20762
- \*1 - HQ AFPC/DPSIR, 550 C Street West, Suite 21, Joint Base San Antonio Randolph TX 78150-4723
- 1 - 325 CPTS/FSMPD, 445 Suwannee Road, Suite 259, Tyndall AFB, FL 32403-5539
- 1 - HQ ABTC/JA, 61 Main Circle, Suite 1, Joint Base San Antonio Randolph TX 78150-4544
- 1 - DFAS/IN-D&CM, 8899 East Fifty-Sixth Street, Indianapolis IN 46249
- 1 - DFAS/IN-JFLTBA, Department 3300, 8899 East Fifty-Sixth Street, Indianapolis IN 46249
- 1 - AFCAF/PSA, 600 Tenth Street, Suite 360, Fort Mead MD 20755-5115
- 1 - HQ AFDW/JAJR, 1500 West Perimeter Road, Suite 5770, Joint Base Andrews Naval Air Facility Washington MD 20762

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- 1 – U.S. Army Criminal Investigations Laboratory, ATTN: CODIS Lab, 4930 North Thirty-First Street, Forest Park GA 30297-9864
- 1 – HQ USAFA/DFL, 2354 Fairchild Drive, Suite 6H-100, United States Air Force Academy CO 80840-6248
- 1 – Professor of Law (MADN-LAW), United States Military Academy, Official Mail & Distribution Center, 646 Swift Road, West Point NY 10996-1905
- 1 – Professor of Law, United States Coast Guard Academy, 15 Mohegan Avenue, New London CT 06320-4195
- 1 – Holm Center/CRDP, Attn: Curriculum Manager 1, 551 East Maxwell Boulevard, Maxwell AFB AL 36112-6106
- 1 – HQ AFPC/DPSOS, 550 C Street West, Suite 3, Joint Base San Antonio Randolph TX 78150-4713
- 1 – HQ AETC/A1, 1850 First Street West, Suite 1, Joint Base San Antonio Randolph TX 78150

\*Recipients of unexpurgated CMO.



AFFIDAVIT

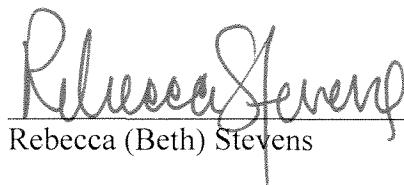
THE STATE OF TEXAS     §  
                                     §  
COUNTY OF TRAVIS     §

BEFORE ME, the undersigned authority, on this day personally appeared Rebecca (Beth) Stevens, Petitioner's attorney of record, who, being by me duly sworn, deposed as follows:

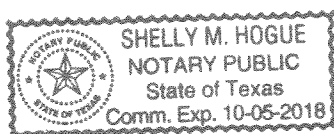
"My name is Rebecca (Beth) Stevens. I am over the age of 18 years, of sound mind, capable of making this affidavit, and state the following:

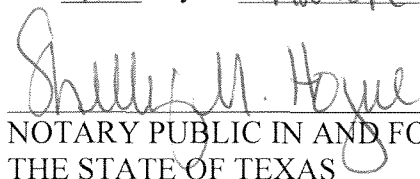
Based upon information and belief, James William Richards, IV, whose Texas Bar Card Number is 00797313, is licensed as an attorney and counselor at law in the State of Texas. Based upon information and belief, James William Richards, IV, named as Respondent in the Petition for Compulsory Discipline filed with the Board of Disciplinary Appeals is one and the same person as the Lieutenant Colonel James W. Richards who is the subject of the General Court-Martial Order in a Criminal Case entered in Cause No. 38346, in the Department of the Air Force Headquarters Air Education and Training Command Joint Base San Antonio Randolph, Texas 78150-4544, wherein Respondent was found guilty of Charge I: Violation of the UCMJ, Article 134, Specification 1—Child Pornography, Specifications 7 through 11—Sexual Abuse of a Child; and Charge II: Violation of the UCMJ, Article 92, Specifications 1 through 4—Failure to Obey Order and was committed to the custody of the Air Force Correction System for a term of 17 years confinement, forfeiture of all pay and allowances, and dismissal from the service."

FURTHER Affiant saith not.

  
\_\_\_\_\_  
Rebecca (Beth) Stevens

SWORN AND SUBSCRIBED before me on the 12 day of March 2015.



  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

Exhibit

2