

Model Request Letter

APPENDIX C | FILLABLE DRAFTING VERSION

APPENDIX C: MODEL REQUEST LETTER

How to use this document. This letter is written to be sent by defense counsel on counsel's own letterhead, not by the undersigned. Expect the command to route it through its legal office; build in lead time of several weeks. Send the draft affidavit at Appendix B with it, expressly as a draft for the affiant's verification and correction. Copy the trial counsel.

Editing this drafting version: shaded boxes contain the exact source placeholders and case-dependent paragraphs. Replace their text with the case details. Text must fit visibly; use the final continuation page for longer additions. The physical signature line is left for signing.

Letter date

[Date]

Clinical Services Director
Naval Consolidated Brig Miramar
P.O. Box 452135
San Diego, CA 92145-2135

Copy recipients and case

Copy to: Commanding Officer, NCBM; Brig Legal Office; Trial Counsel, [case]

Subject, accused name and case identifier

Subject: Request for affidavit concerning the Sex Offender Treatment Program — United States v. [Name], [case identifier]

Director salutation

Dear [Director]:

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Client identity and sentencing date

I represent [rank and name], who is scheduled for sentencing before a general court-martial on [date]. I write to request an affidavit from your office describing the Sex Offender Treatment Program at Naval Consolidated Brig Miramar and the criteria governing entry into it. Affidavits of this kind have previously been provided by your office, most recently in the matters known to me by the affidavits of Ms. Deborah A. Owen dated 17 March 2016 and Ms. Jeanmarie Mangindin dated 21 September 2020.

I am not asking your office to express any view about my client, about his risk, about his suitability for treatment, or about what sentence he should receive. I am asking only for a statement of what the program is and what the current rules of access to it are, so that the military judge understands the practical consequence of the sentence imposed. The eligibility threshold has changed since 2016, and I do not wish to place a stale figure before the court.

Specifically, I request that the affidavit address:

1. The affiant's position, credentials, and basis of knowledge.
2. Whether NCBM remains the exclusive site in Navy corrections for the SOTP, and whether you are aware of any equivalent offense-specific program at any other military correctional facility, including at Fort Leavenworth.
3. Whether prisoners of the Air Force, Army, and Coast Guard are accepted into the SOTP on the same terms as Navy and Marine Corps prisoners, and how a non-Navy prisoner is designated to NCBM for that purpose.
4. The current structure, phases, and expected duration of the SOTP, and how it differs from the Sex Offense Education Course in intensity, duration, disclosure requirements, and clinical content.
5. The current minimum confinement remaining, on arrival at NCBM, required for enrollment; the document that fixes it; and its effective date.
6. Every element included in computing that figure, including pretrial confinement credit, transfer time, orientation, the wait for program entry, the assessment period, and good conduct and earned time abatement.
7. Whether any mechanism exists by which a prisoner falling below the threshold may preserve eligibility, and how it is invoked.
8. The current interval between arrival at NCBM and entry into Phase I, and any current waiting list.

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9. For a prisoner whose remaining confinement substantially exceeds the program length, when in the sentence the program is ordinarily commenced, and whether entry is sequenced relative to the projected release date.
10. What programming an ineligible prisoner receives instead, and how that programming differs from the SOTP in intensity, duration, disclosure requirements, and clinical content.
11. The consequences of beginning Phase I without completing it, and the current policy on transferring prisoners actively in Phase I.
12. The aftercare and community transition services provided.
13. Whether the SOTP has ever been the subject of an outcome or recidivism evaluation, whether the command maintains any post-release recidivism data on program participants, and if so whether that data can be released. I ask this because I have been unable to locate any published outcome study of the program, and I would rather state that accurately to the court than leave it as an open question.

Item 14: Requested conditional sentence computations

14. If your office is willing to provide it, a conditional computation, framed without reference to my client: whether a prisoner arriving with an adjudged sentence of [X] months and [Y] months of pretrial confinement credit would be eligible, and whether a prisoner arriving with an adjudged sentence of [Z] months and the same credit would be eligible and when he would ordinarily enter the program.

I enclose a draft affidavit tracking the structure your office has used previously. It is offered solely to reduce the burden of preparation. Please treat it as a draft to be verified, corrected, supplemented, or rejected; I do not ask that any language I have drafted be adopted unless it is accurate.

Sentencing date, response deadline, telephone and email

Sentencing is set for [date] and I would be grateful for a response by [date]. I am available at [telephone] and [email], and I am glad to work through the brig legal office or trial counsel if that is the preferred channel.

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Thank you for your assistance.

Respectfully,

Physical signature

Defense counsel name and rank

[Name], [rank]

Defense Counsel

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Continuation space

Identify the paragraph or item continued. All text in these boxes prints; use additional pages if needed. Save a copy after editing.

Paragraph / item and continuation text - first block

Paragraph / item and continuation text - second block