

Dear Congressmen,

We, the friends and family of Captain Juan Gale, who has served nearly 17 years in the U.S. Air Force, are reaching out to you on his behalf. Captain Gale is currently embroiled in a distressing legal ordeal that has not only threatened his career and personal well-being but also highlighted significant issues within the military justice system regarding potential abuses of power.

Background: Captain Gale has been subject to continuous investigations and legal processes that appear unjust and disproportionately punitive. Starting in April 2021, following his role reinforcement of military discipline post-COVID-19 remote duty, he has faced multiple allegations ranging from abuse of power to sexual assault. Despite extensive investigations, including two Commander Directed Investigations and two by the Office of Special Investigations, no conclusive evidence has been presented against him.

In a troubling turn of events, after declining nonjudicial punishment due to lack of evidence, Captain Gale was subjected to further prosecution, which seems to stem not from substantive evidence but rather from a retaliatory motive by higher command. This series of actions culminated in repeated charges despite previous dismissals - a fact that raises grave concerns about the fairness and impartiality of the proceedings.

Concerns of Unlawful Influence and Judicial Misconduct: Particularly alarming are the admissions made during hearings, where senior officers acknowledged following directives to continue prosecution regardless of the judicial recommendations and evident lack of substantial evidence. Such instances of unlawful command influence undermine the very foundations of military justice and erode trust in the systems meant to protect the rights of those who serve.

Current Situation: As of now, Captain Gale faces an ongoing legal battle that has stretched for over three years without resolution, affecting his mental health and raising serious concerns about his future and safety. The stress and continuous pressure have left him, and our family, in a state of despair, fearing for his well-being and potential risks of severe depression or worse.

Plea for Congressional Oversight and Intervention: Given these circumstances, we respectfully urge your immediate intervention to ensure a thorough and unbiased review of Captain Gale's case. We ask for your support in calling for:

1. A Congressional investigation into the potential abuses of power and unlawful command influence in Captain Gale's case.
2. A halt to the current prosecution until a fair and impartial review can be conducted.
3. Legislative action to address and prevent such potential injustices within the military justice system.

Captain Gale's situation is not just a personal tragedy but a significant indicator of potential systemic issues within our military's judicial processes. As his representatives, your involvement

would be invaluable in restoring justice and faith in a system that currently stands to fail one of its dedicated servicemen.

Thank you for considering this urgent plea. We are hopeful for your support and look forward to your response. Please feel free to contact Juan's family and media team for any further information or discussion regarding this matter, at justice4juangale@gmail.com

For more information about the case, visit Justice4juangale.com

Sincerely,

[Enclosures: Timeline of Events, Detailed Case Summary]

Timeline of Events

- **April 2021:** Airmen return to base after working from home during the COVID-19 pandemic. Captain Juan Gale, as their supervisor, begins reinforcing military discipline.
- **July 2021:** Captain Juan Gale is awarded a pilot slot for the Air Force Reserve. When he discusses transitioning to the Reserve with his squadron commander, Lt Colonel Richard S Higashi, an investigation into allegations of favoritism, sexism, harassment, and abuse of power is initiated.
- **September 2021:** The allegations escalate to include sexual assault, prompting investigations by the Air Force Office of Special Investigations (OSI) in addition to commander-directed inquiries.
- **July 2021 - March 2022:** Two Commander Directed Investigations and two OSI investigations are conducted.
- **March - April 2022:** Captain Juan Gale is ordered to report to Wing Commander Colonel Keven P Coyle, who offers him an Article 15 twice with accusations of abuse of power, harassment of airmen, and later accusations of assault consummated by battery.
- **April 2022:** After nearly a year of investigations, no evidence is provided to support the allegations against Captain Juan Gale. He rejects both Article 15 offers and demands trial by court-martial.
- **December 2022:** Three days before a pretrial military Article 32 hearing, Captain Juan Gale is accused of being absent without leave (AWOL) for five months, despite providing evidence from his supervisors, of his presence at work, he receives a Letter of Counseling (LOC) from Colonel Coyle.
- **May 2023:** During a pre-court-martial Motions hearing, the lead prosecutor is dismissed due to prosecutorial misconduct. Colonel Coyle admits to following orders from Maj. Gen. Koscheski to proceed with court martial, despite recommendations against it.
- **June 2023:** Charges dismissed without prejudice by Major General Koscheski before the judge could dismiss with prejudice due to unlawfully influencing Colonel Coyle.
- **July 2023:** Charges against Captain Juan Gale are dismissed, but he is recharged with the same allegations just 30 days later under a new wing commander, Colonel Kenneth J Voigt.
- **February 2024:** A second round of Motion hearings begins, with a new judge, Major Tiny Bowman, overseeing the case. Despite admissions of unlawful influence, the case proceeds.
- **March 2024:** Judge Major Tiny Bowman is found to have conducted bias personal investigation and committed perjury.
- **Present:** Captain Juan Gale and his legal team are awaiting a decision on whether Judge Tiny Bowman will recuse herself due to her illegal actions and bias.

Detailed Case Summary

The names and events disclosed below are all public record due to being presented in court or acted upon Juan Gale, and under the 1st Amendment can be shown.

This summary outlines a father's urgent plea for justice concerning his son, whose well-being and mental health have been severely impacted by nearly four years of egregious and relentless events in a unique and troubling case within the US military.

Captain Juan Gale, a 34-year-old Afro Latino, has served honorably in the Air Force for nearly 17 years. The Air Force has given him purpose, life, friends, and family.

As you remember, 2020 through 2021 was the height of Covid19. During that time, many airmen were allowed to work from home and they were not experiencing normal military discipline. In April of 2021, the airmen were brought back on base, and were expected to adhere to the standard expectations and discipline policies (i.e.: passing their PT tests, showing up to work on time, proper dress, and appearance, etc.). Juan Gale, being their supervisor, began the process of reinforcing that discipline. --- Please keep this in mind as I progress through this timeline of events.

In July 2021, Juan was awarded a pilot slot for the Air Force Reserve. When he approached his squadron commander, Lt Colonel Richard S Higashi, about beginning the process to transition from Active Duty to the Air Force Reserves and finding a replacement for his Flight Commander duties, Lt Colonel Higashi informed Juan that he was initiating a Commander Directed Investigation into allegations from his Airmen of Favoritism, Sexism, Harassment, and Abuse of Power. These complaints were coming from the same airmen that were mentioned above, who were disciplined after coming back from Covid. Although Juan adamantly professed his innocence, he understood it was the command's responsibility to investigate the allegations.

Two months later, in September 2021, Juan was informed by Lt Colonel Higashi that the allegations had escalated to include sexual assault, prompting investigations by the Air Force Office of Special Investigations (OSI) in addition to the commander-directed inquiries. Juan was in disbelief and knew this was getting out of hand, so he immediately hired a civilian military attorney.

From July 2021 to March 2022, there were (2) Commander Directed Investigations and (2) OSI investigations conducted on Juan.

From March 2022 and April of 2022, Juan was ordered to report to the Wing Commander of the 552d ACW, Colonel Keven P Coyle, without his civilian lawyer or his Airmen Defense counsel present. During which time, Colonel Coyle berated Juan, calling him a disgrace to the Air Force, while offering him an Article 15 twice with accusations of Abuse of Power, Harassment of Airmen, and dropping the accusations of sexual assault, to accusations of assault consummated by battery. For both offers, Colonel Coyle gave Juan three days to take each Article 15 offer to his lawyers for review and consideration.

Still, Juan professed his innocence. Each time, he took both Article 15 offers to his lawyers, where it was discovered that after almost a year, (2) commander-directed investigations, and (2) OSI investigations, they had provided not a single piece of evidence in support of the allegations against Juan, for he and his legal team to review in accordance with *DAFI 51-202 3.4. Standard of Proof. To quote DAFI 51-202 3.4: The burden of proof to be utilized for imposition of nonjudicial punishment (Article 15), to include adjudication of any appeal, shall be a preponderance of the evidence. 3.5. Providing Evidence to the Member. 3.5.1. After a commander serves the AF Form 3070 on a member, that member and the member's counsel have a right to examine the evidence, except as noted in paragraphs 3.5.2 and 3.5.3 The evidence includes that which the commander intends to rely upon in determining whether the member committed the alleged offense(s), and if applicable, regarding whether to impose punishment, and the quantum, if any, of punishment to be imposed. This includes any summary of a statement provided by the victim or witness.*

In April 2022, after 9 months of Juan being berated by the 552d ACW Tinker command, JAG, and OSI, there was ZERO evidence provided with both Article 15 offers. On top of Juan professing his innocence, and with zero evidence from the commander, it was clear to Juan and his legal counsel, that he had to turn down both Article 15 offers and demand trial by court-martial. When he did so, Colonel Coyle was infuriated and ordered JAG to send Juan to Court Martial. However, JAG must not have been prepared for Juan to turn down the Article 15, as it was another five months before they preferred charges against him to court martial, and all that 72nd JAG did was turn the assault consummated by battery charges, back up to sexual assault allegation charges for court martial. Clear and vindictive manipulation.

Juan professed his innocence and held steadfast.

In December 2022, three days before the pretrial military Article 32 hearing, Colonel Coyle, and Lt Colonel Higashi, ordered Juan into their office and again berated him, accusing him of being absent without leave (AWOL) for five months and gave him three days to respond. Juan could not believe he was being accused of such an egregious crime without any evidence. However, he and his defense team gathered military memos from all his supervisors and witnesses that saw him at work every day in those past five months. Juan provided the memos where his own supervisors attested to him never being AWOL. Still, Colonel Coyle gave Juan a Letter of Counseling (LOC) as he doubled down on his intent to punish Juan, regardless of the truth.

The pretrial Article 32 hearing occurred, where all the airmen who executed the original accusations of Favoritism, Sexism, Harassment, and Abuse of Power were questioned by Juan's legal team. The Airmen who made the original accusations, admitted, under oath, that Juan never did the things he was accused of; they just didn't like him and wanted to remove him from being their flight commander. This left the sexual assault accusers. Two out of the three accusers (now married to each other), were proven to have committed perjury under oath and lied to OSI and command. The judge was in such disbelief that she recommended that none of the charges go forward to court-martial. However, Colonel Coyle, and the 72nd Air Base SJA, Lt Colonel Janet Eberle, ignored the Judge's recommendation and continued to press for court-martial.

During this time, Juan was treated horribly by Lt Colonel Higashi; he was removed from flight commander, security clearance suspended, removed from instructor upgrade, and told his career in the Air Force was finished. Juan was essentially treated guilty until proven innocent, which is not only unconstitutional but contrary to everything we stand for.

In May 2023, a pre-court-martial Motions hearing was held where the lead prosecutor, Captain Melissa B Lopes, was fired and dismissed from court, due to Juan's defense team proving that she committed malicious prosecution, prosecutorial misconduct, was manipulating and attempting to suppress evidence. In addition, many witnesses came forward stating that Captain Melissa B Lopes attempted to intimidate them if they did not provide negative statements against Juan.

Additionally, Colonel Coyle was also questioned by Juan's legal team about Colonel Coyle's discussions concerning Juan, with both the leadership of the 72nd AW and 552d ACW, along with his overall actions, treatment, and personal influence on the case. Most importantly, Colonel Coyle was questioned as to why he continued to press forward for court martial, when the recommendation by the pre-court-martial judge was not to go forward. To this, Colonel Coyle admitted under oath that he was following the orders of Maj. Gen. Koscheski, who said he wanted Juan to go to court martial no matter what.

The military judge could not believe what he had just heard from Colonel Coyle, as this was a violation of the UCMJ and a crime according to *10 U.S. Code § 837 - Art. 37. Command influence (3) No person subject to this chapter may attempt to coerce or, by any unauthorized means, attempt to influence the action of a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority or preliminary hearing officer with respect to such acts taken pursuant to this chapter as prescribed by the President.*

In May 2023, the military judge announced that he would rule on the unlawful command influence and if the 72nd JAG prosecution could not come up with evidence or a case study where it showed that Major General Michael G Koscheski did not commit a crime, the judge would dismiss the case. In less than 30 days, Major General Michael G Koscheski, who was up for promotion to Lt General, dismissed the case without prejudice, before the judge would dismiss it with prejudice citing the crimes the general had committed.

Juan and his legal counsel assumed that after 2 years of a legal fight, Tinker Command would allow Juan to move on with his life and career in the Air Force Reserves, but they were very wrong.

In July 2023, After another 30 days had passed, Colonel Kenneth J Voigt had become the new Wing Commander of the 552d ACW along with Lt Colonel William McCormick who had taken over for Lt Colonel Richard Higashi. During which time, even though all the charges were dismissed, the command and JAG had refused to reinstate Juan's security clearance and allow him to begin separating the Active Duty Air Force to the Air Force Reserves, which was constitutionally owed after a case has been dismissed. No one was sure why until after the 4th of July weekend 2023, where they recharged Juan with the exact same charges that had been

dismissed just 30 days prior, under the new 552d ACW Wing Commander Colonel Kenneth J Voigt, where Major General Michael G Koscheski, signed off again on the charges that he had dismissed 30 days prior.

The following week, Juan wrote to Florida senator, Rick Scott, for help. Senator Rick Scott went on to begin a congressional investigation. However, General Koscheski, whom, by admission from Colonel Keven P Coyle, committed the crime of Unlawful Influence, responded to the congressional inquiry, stating the opposite of what the pre-trial judge recommended, while additionally stating Juan was being treated fairly and there was nothing to worry about.

This is becoming a clear manipulation and abuse of power.

In February 2024, it had been 9 months before Juan and his legal team were able to get back in court, for the second round of Motion hearings, with an entire new judge, Major Tiny Bowman, and under the guise of a new case and new commander. However, he was being charged with the same exact charges that had been dismissed under the previous commander.

In this Motions hearing, newly promoted Major General Michael G Koscheski, now Lt General Michael G Koscheski, Colonel Keven P Coyle, Colonel Kenneth J Voigt, and the Tinker Senior Judge Advocate Lt Colonel Janet Eberle, all admitted on the stand that they used their positions of legal authority and power to save themselves when the case was in trouble under the previous judge, where the judge ruled there was the crime of Unlawful Influence committed by the Lt General Michael G Koscheski and announced he was going to dismiss it, and recharge Juan all over again in less than 30 days, after 2 years, with the exact same charges that were dismissed. This is again a blatant admittance of the crime of Unlawful Influence by all four individuals. Yet somehow the new military judge, Major Tiny Bowman, ruled there was no unlawful influence and to proceed forward.

It makes us wonder what Major Bowman's motivation or thought process would be to justify that type of ruling.

After 3 years of fighting Tinker JAG, Tinker Command, and Lt General Michael G Koscheski (a 3-star General now), Juan's legal team, as well as others throughout Tinker, were in disbelief, after witnessing the years of abuse and events that have transpired over time. However, the spectacle was not yet finished.

Juan's civilian military lawyer filed a motion to continue the Motions arguments at a later date due to being summoned in his home state and county for Jury duty. The military Judge took it upon herself to conduct her own investigation into Juan's civilian lawyer, to see if his lawyer was telling the truth about Jury Duty.

A military Judge conducting her own investigation is against the Uniform Code of Military Justice due to the fact it would give the appearance of unlawful prejudice towards the accused. *Please see United States v. Soriano, 20 M.J. 337 (C.M.A. 1985). If the military judge is accuser, witness for prosecution, or has acted as investigating officer or counsel, disqualification of military judge is automatic.*

Juan's civilian military lawyer found this out and wrote a motion for the judge, Major Tiny Bowman, to be dismissed and recused from the case, due to her illegal actions, which would have to be argued at a later date due to Juan's civilian lawyer being obligated to attend jury duty in his home state and the rules of the legal argument.

However, Judge Tiny Bowman denied that she conducted her own investigation under oath and forced litigation as well as forced Juan to go to trial without his lead and preferred attorney, which is unconstitutional. Additionally Major Tiny Bowman had admitted to personally mentoring two of the lead prosecutors Captain Dasari and Captain Eley. Which showed further bias.

She further forced Juan's Airman Defense Counsel to argue the Motion to Recuse the judge in an ADHOC hearing. Although unconstitutionally forced, Juan's Airman Defense Counsel did a great job to not only prove the judge conducted her own investigation, which is against the Uniform Code of Military Justice, but also proved the judge committed perjury under oath and lied about it - which is not only perjury but also a crime under the UCMJ, where Judge Tiny Bowman can be Court Martialed.

Currently, Juan and his legal team are waiting to see if Judge Tiny Bowman does the right thing and recuses herself for her crimes and obvious bias. When she does, a new and third judge will be allocated to the case, and the process, hopefully fair this time, will start all over again.

In our humble opinion, this is a further travesty of justice, to purposefully stretch out a legal process, which would seem to be attempting to break the will of the defendant.

Juan's active-duty commitment ended in October 2021, and his Air Force Reserve pilot slot has been on hold since July 2021. It has been going on for 3.5 years, and it will be at least 4 years before Juan's nightmare is over. The 552d ACW command, 72nd Tinker AFB JAG, an Air Force General, and now, an Air Force Judge have continuously crossed moral and ethical lines and abused their powers to keep this case alive, and they still haven't made it to an actual Court Martial. Juan has no problem facing his accusers, as time and time again their false allegations have been brought to light. But this is a battle of leadership and JAG fragile egos, not the actual substance of the case.

No one at Tinker has been there for Juan. Even Lt Colonel McCormick, who took over for Lt Colonel Higashi, recently tried to give Juan a Record of Individual Counseling (RIC), where he not only cited accusations that were disproven in court almost 2 years ago, but when Juan asked for his rights to be read to him, Lt Colonel McCormick's response was "I don't have to read you your rights."

They have treated him contemptuously, berated him, treated him as guilty until proven innocent, dragged his name in the mud, buried him with bureaucratic red tape, all because they crossed the line, made a bad decision to come after him, committed crimes of unlawful influence, and now they are trying to cover their tracks at the expense of Juan's career and life.

We fear Juan may commit suicide due to the prolonged manipulation and stress. Juan is not afraid to meet his so-called accusers in court because it is blatantly obvious that Tinker JAG, command, and the Judge have manipulated things to keep this case alive. It does not take nearly 4 years to get to court martial if you have an actual case.

Let me again be clear, we believe accusations should be investigated, and accusers should be heard. However, unlike in the civilian world, in the military, there are no regulations protecting members from malicious prosecution, as well as allowing members to sue command or the Air Force for malicious prosecution, or accusers that have fabricated a story, just because they do not like someone.

Don't believe it? Find the regulation that says otherwise. This sets the stage for monumental abuse.

WE HAVE LOST FAITH IN THE 552d ACW COMMAND, JAG, and UCMJ PROCESS.

Why should anyone join the Air Force when they are treated in such a manner? Why should anyone reenlist? How can we trust Air Force leaders, when they show such a disregard to the very oaths they took?

We beg you to investigate, research, and share this injustice. The world needs to know what is happening to our men and women in the US military who are accused of crimes that have no substance. JAGs egos and reputations have come into play, and they will do anything to save themselves and sacrifice our sons and daughters. This is how they are treating their people, our children, and our tax dollars.

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