



### *What the Army Isn't Telling You About Its Case Against MAJ Jon Batt*

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**Defense Attorney:** *“Is it true that in X’s sworn statement, she stated that she does not consider herself a victim, that she does not believe that she was sexually assaulted, and that she does not believe MAJ Batt should go to prison?”*

*...long pause.*

*“Ummm, yes.”*

That exchange occurred between the (civilian) defense attorney for MAJ Jonathan Batt and an Army Criminal Investigation Division (CID) agent assigned to investigate criminal allegations against MAJ Batt. The agent was testifying under oath during MAJ Batt’s [10 U.S. Code § 832 - Art. 32](#) hearing. The purpose of the hearing is to determine if, and which, charges against a military defendant will proceed to a court-martial. I attended this hearing in early November 2024 at Fort McNair to witness the proceedings, which are open to the public.

Before MAJ Batt’s attorney began his questioning, the Judge Advocates General (JAG) “for the government,” consisting of an Army lieutenant colonel and an Army captain, questioned the same CID agent. Their questions aimed to review the evidentiary statements used to build the [charge sheet](#) against MAJ Batt. Among those statements was one from X, which the government cited as evidence to charge MAJ Batt with sexual assault.

But wait—didn’t X state in her sworn statement that she did not believe she was sexually assaulted?

Yes. However, in the Department of Defense’s military “justice” system, such details apparently carry little weight.

Take a moment to consider that. Does it alarm you? It should.

Here are additional details from my observations in the courtroom that should unsettle you further.



## The DoD Times (Redacted)



1. **It's a Small World:** The presiding Preliminary Hearing Officer (PHO), an Army JAG Lieutenant Colonel (LTC), is a professional associate of the Army JAG LTC prosecutor. Additionally, the PHO's wife and the prosecutor's wife are friends and frequently visit each other's homes. The PHO assured all present that he and the prosecutor would maintain professional separation for the duration of the proceedings. However, no mention was made about the wives maintaining a similar separation. **Takeaway:** In the military, the PHO, judge, prosecution, defense, jury, and defendant all work for the same organization—the Department of Defense (DoD)—creating systemic risks of dangerous conflicts of interest.
2. **“How Many Pages Are in the Book?”:** That was the question MAJ Batt's defense team posed to the prosecution after the latter handed the evidence binder to the Preliminary Hearing Officer (PHO). A simple yet powerful question, it directly pertains to [procedural law](#) and, more specifically, the [Federal Rules of Evidence](#). The prosecution was unable to answer. Consequently, the book was withdrawn, and several paralegals were tasked with rebuilding it—a book that had reportedly been under preparation for the past two weeks. Upon resubmitting the book to the PHO that afternoon, the prosecution admitted that the original binder did not conform to the table of contents. Furthermore, it contained evidence that had not previously been disclosed to the defense team, and sections of the binder were erroneously highlighted to suggest the existence of evidence in certain areas when, in fact, no such evidence existed. **Take Away:** Sloppy work by the Army JAG team—the team specifically selected to handle high-profile cases—raises serious concerns about their competence, the legitimacy of the evidence presented, and possibly even their impartiality.
3. **“Objection, Leading Question”:** Sitting in the courtroom, I was baffled by the prosecutor's questioning of the CID agent. As it became apparent that the agent's memory was failing regarding specific details the prosecution hoped to highlight from sworn statements, the prosecutor shifted his questioning technique from open-ended questions to leading ones. What do I mean by this? Instead of asking the agent what X said in their statement, the prosecutor began reading the desired section word-for-word and then asked the agent to confirm whether he had read the section correctly. I researched whether this line of questioning is permissible in an Article 32 hearing—and apparently, it is. But why? If your witness on the stand cannot "recall" information pertinent to the accusation, shouldn't this call into question the credibility of the witness? **Takeaway:** The fact that all personnel involved in the hearing work for the same organization inherently creates an unhealthy procedural imbalance, normalizing practices that disproportionately and negatively impact the defendant.
4. **“In the Interest of Social Justice”:** MAJ Batt's defense attorney asked the CID agent if he was aware of Facebook posts made by multiple alleged victims, posts in which they stated their intent to make claims against MAJ Batt “in the interest of social justice.” The agent affirmed his awareness of these posts. Assuming these posts were included in the evidence binder (see bullet #2 above), it can be reasonably assumed that the prosecution was also aware of them. Despite this, the prosecution included sworn statements from these alleged victims to build a [charge sheet](#) accusing MAJ Batt of sexual violence. **Takeaway:** The apparent failure of the CID agent—and the prosecution—to consider the implications of this potentially [exculpatory evidence](#) raises serious concerns about the impartiality of the “government” team.

The next day, the prosecution presented its case to a military judge, an Army Colonel (COL), arguing that MAJ Batt's pre-trial confinement was necessary due to public safety concerns and the risk of flight. This hearing, commonly referred to as a “pre-trial confinement hearing,” is governed by [10 U.S. Code § 813 - Art. 13](#). Essentially, the government must demonstrate that pre-trial confinement does not amount to punishment prior to the conclusion of an appropriate trial. Below are several of my key observations from that day in the courtroom:



## The DoD Times (Redacted)



1. **An Abuse of Discretion:** The DoD's [Manual for Courts Martial](#), paragraph 305(j)(1), page II-27, states: "Review of the adequacy of probable cause to continue pre-trial confinement shall be made by a neutral and detached officer within 48 hours of the imposition of confinement under military control." According to a witness for MAJ Batt, the Army JAG team had been aware of the severity of the allegations against MAJ Batt for approximately **20 months** before making the decision to place him in confinement. In fact, this witness testified that the JAG team had previously advised MAJ Batt's battalion commander against placing him in pre-trial confinement. This raises a critical question: Did the prosecution deliberately delay imposing pre-trial confinement until they were ready to prefer charges, thereby avoiding the 48-hour probable cause requirement? Could this delay be an abuse of discretion designed to cast a darker shadow of pre-determined guilt on MAJ Batt? MAJ Batt's defense attorney presented this argument convincingly and MAJ Batt was released from pre-trial confinement.
2. **"A Neutral and Detached Officer":** The officer who determined that probable cause existed to justify MAJ Batt's continued pre-trial confinement is part of the rating chain of the commander who signed the paperwork authorizing the confinement. This relationship creates an inherent conflict of interest, undermining the requirement for a "neutral and detached" officer. Neutral and detached? Not a chance.

Post courtroom reflections.

1. **Overzealous Prosecution:** On December 12, 2024, the *New York Post* [published an article](#) in which Crystal Mangum recanted her 2006 statement accusing three Duke University lacrosse players of rape. One of the most intriguing aspects of this story is that the district attorney who prosecuted the defendants was later [disbarred](#) and convicted of criminal contempt for his "overzealous" handling of the case. During the trial, it became clear that evidence, including DNA evidence, did not support Ms. Mangum's allegations. Despite this, the district attorney proceeded with the case against the lacrosse players. If MAJ Batt is destined to endure a similar level of prosecutorial overreach, does he have the legal standing or the financial resources (potentially hundreds of thousands of dollars) to pursue the disbarment or criminal contempt conviction of the JAG team prosecuting his case? Theoretically, yes—but practically, the answer is likely no. This is due to the [Westfall Act](#), the [Feres Doctrine](#), and the fact that military attorneys are generally regulated by the DoD rather than state [bar](#) associations. The likelihood of the DoD ruling in MAJ Batt's favor? Slim to none.
2. **Organizational Rot:** MAJ Batt's [General Courts-Martial Convening Authority](#) is Major General (MG) [Trevor Bredenkamp](#). Among other critical decisions, MG Bredenkamp will determine whether to proceed with a court-martial against MAJ Batt, serve as the final approval authority for jury selection, and approve any punishment if MAJ Batt is found guilty. On [September 10th, 2024](#), [September 12th, 2024](#), and [August 12th, 2024](#), we published articles exposing the organizational decay within MG Bredenkamp's command. This decay includes gross violations of both alleged sexual assault victims' and offenders' rights as outlined in the [Privacy Act of 1974](#) as well as MG Bredenkamp's tendency to rely excessively on his JAG team—often to the detriment of his own command responsibilities.
3. **Poisoning the Waters:** One week after the Article 32 and pre-trial confinement hearings, the *Army Times* published [an article](#) naming MAJ Batt and detailing the charges against him. The article, likely influenced by the Army JAG prosecution team, failed to mention the prosecution's numerous errors, including the fact that MAJ Batt had been successfully released from pre-trial confinement. Numerous colleagues have since forwarded me the article, presumably to commiserate about what they perceive to be a violent sexual offender. They were not in the courtroom with me and did not witness the serious flaws in our military "justice" system. Nor, indeed, were the thousands of readers worldwide who saw the article about MAJ Batt. My immediate reaction? The article is intentionally one-sided, planting a presumption of guilt in every reader's mind while stripping MAJ Batt of any hope for an impartial jury. Perhaps that was the prosecution's goal. The [Army Office of Special Trial Counsel](#), the prosecution team's office of assignment, may view MAJ Batt as their first "big fish"—an opportunity to prove their worth to Congress and the American public.



## The DoD Times (Redacted)



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Graphic: [Army officer faces rape, sexual assault charges involving 20 victims](#)