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417 C Street, Suite 220
San Diego, California
92202
760-284-3400

Wednesday, February 13, 2019
Lieutenant General Francis Beaudette, USA
Commanding General
U.S. Army Special Operations Command

Via:

Brigadier General Allan Pepin, USA
Commanding General
Special Operations Aviation Command (Airborne)

RE: Golsteyn – Waiver of Article 32, UCMJ, hearing

Lieutenant General Beaudette:

By way of introduction, my name is Phillip Stackhouse and I, along with other counsel, represent Major Matthew Golsteyn, USA.

As you are aware, since 2015, Major Golsteyn has been pending Medical Retirement or administrative separation which included him being placed on Excess Leave from the Army in 2016. The resulting Excess Leave allowed the Army to move on with replacing Matt in its Table of Organization for 3rd Special Forces Group and allowed Matt to provide for his future by accepting a position as the Chief of Operations at the International Association of Fire Fighters.

Since being ripped from his new life by your predecessor based upon the *exact same* allegations that had been thoroughly investigated and adjudicated and being charged with the *exact same* allegations that had been thoroughly investigated and adjudicated by the U.S. Army Special Operations Command – we have reviewed the evidence and there is *nothing substantively new*.

In 2016, Matt exercised his 1st Amendment rights and spoke to a respected news reporter who published his interview with Matt as part of a series on US warfighting. Matt was critical of Army leadership for the way Special Operations Forces were being utilized and, in a short clip, also told the report that he had, in fact, killed a Taliban Bomb-maker who had killed 2 Marines assigned to his ODA. That was exactly what he told the CIA in 2011 during this employment processing. *Nothing substantively new*.

Several matters lead to Matt's waiver of this Article 32 hearing, I hope you will take them to heart and exercise your authority to finally dismiss these charges with prejudice and allow Matt to return to his life in Northern Virginia/Washington, DC.

First, in around 2016, a new CID Special Agent was assigned as the Case Agent in this case: Special Agent (Sergeant First Class) Mark De la Cruz. It has come to our attention, not from the prosecutors in this case, but through anonymous sources and later verified by documentation that **Special Agent De la Cruz has committed acts of “Stolen Valor” and is currently being prosecuted for lying and wearing, of all things, a Purple Heart Medal among other awards and devices he did not earn.** He has also held himself out as a Special Forces soldier, infantryman, sniper, and bragged about killing people in combat. **Ironically, he’s bragged about losing his Special Forces Tab for an alleged bad shoot in combat** – the same allegation made against Major Golsteyn. To much of this he has admitted to being a liar and doing so for personal gain. He is also apparently refusing to be interviewed by me in conjunction with Major Golsteyn’s case.

Second, when Matt returned to Fort Bragg as ordered – he learned the *U.S. Army Special Operations Command negligently or willfully failed to process him as required under the Excess Leave order* and while he received no pay while on Excess Leave – Special Operations Command rigged his pay so that his pay would continue, but then his net would be withheld by some sort of false debt accounting – leaving him over \$200,000 in *false* debt to the Army. Part of this command created error has been fixed; however, there is still some \$50,000 in *false* debt that is causing Matt to receive no pay since his return to Fort Bragg.

Third, Matt’s due to being ordered back to Fort Bragg, Matt had been denied “passes” to allow him to meet with his lawyers who are situated in Washington, DC and to allow him to tend to family matters in the DC Metro area where he has lived the last two years. There are no more serious allegations – even though we are talking about a Taliban Fighter/Bomb-maker on the battlefield – and he needs to meet with his lawyers face to face. Judge Louis Freeh and Judge Eugene Sullivan are working Matt’s case and need to meet with him. I will need him to travel to California to meet with me – as he traveled West to meet with me in preparation for his Board of Inquiry. Denying him this time to prepare is interfering with his right to counsel and his right to assist in his own defense.

Based upon the above and several other reasons – I have advised Matt of the following rights at an Article 32, UCMJ, hearing:

- (1) Be advised of the charges under consideration;
- (2) Be represented by counsel;
- (3) Be informed of the purpose of the preliminary hearing;
- (4) Be informed of the right against self-incrimination under Article 31;
- (5) Except in the circumstances described in R.C.M. 804(c)(2), be present throughout the taking of evidence;
- (6) Cross-examine witnesses on matters relevant to the issues for determination under subsection (a) of the rule;
- (7) Present matters relevant to the issues for determination under subsection (a) of the rule; and
- (8) Make a sworn or unsworn statement relevant to the issues for determination under subsection (a) of the rule.

In accordance with Rules for Court-martial 405(m), Major Golsteyn, by his signature below, hereby waives his Article 32, UCMJ, hearing and demands speedy trial in this case.


Major Matthew Golsteyn, USA

Finally, I am asking you to *review this matter and end what is happening* to this officer. Major Golsteyn's action in Afghanistan earned a nomination for the Distinguished Service Cross – *which Secretary of the Army McHugh signed* – before revoking it for this unrelated act. U.S. Army Special Forces Command revoked Major Golsteyn's Special Forces Tab as a result of these allegations, he received a General Officer Memorandum of Reprimand as a result of these allegations, and he went to a Board of Inquiry as a result of these allegations. That board did not substantiate a Law of Armed Conflict violation even at the preponderance of the evidence.

I'm asking you to exercise your executive authority and dismiss this charge with prejudice and allow Major Golsteyn to be medically retired.

Sincerely,



Phil Stackhouse