

# CHARGE SHEET

## I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) MAXWELL JR, Kevin M.	2. DOD ID [REDACTED]	3. RANK/RATE SSgt	4. PAY GRADE E-6
5. UNIT OR ORGANIZATION 3d Marine Raider Battalion, Marine Raider Regiment, U.S. Marine Corps Forces, Special Operations Command		6. CURRENT SERVICE a. INITIAL DATE 24 Jun 15 b. TERM 4 years	
7. PAY PER MONTH a. BASIC [REDACTED] b. SEA/FOREIGN DUTY [REDACTED] c. TOTAL [REDACTED]		8. NATURE OF RESTRAINT OF ACCUSED None	
		9. DATE(S) IMPOSED N/A	

## II. CHARGES AND SPECIFICATIONS

10. CHARGE VIOLATION OF THE UCMJ, ARTICLE

Specification 1 (*Conspiracy, Assault*): In that Staff Sergeant Kevin Maxwell Jr., U.S. Marine Corps, on active duty, did, on or about 4 June 2017, at or near Bamako, Mali, conspire with Chief Special Operator Tony Dedolph, U.S. Navy, Chief Special Operator Adam Matthews, U.S. Navy, and Gunnery Sergeant Mario Madera-Rodriguez, U.S. Marine Corps, to commit an offense under the Uniform Code of Military Justice, to wit: an Assault consummated by a Battery of Staff Sergeant Logan Melgar, U.S. Army, and in order to effect the object of the conspiracy, the said members of the conspiracy did the following:

- a. drove to the Marine quarters to obtain duct tape;
- b. drove to the shared Army and Navy quarters;
- c. entered the bedroom of SSG Logan Melgar by breaking through his locked door;
- d. physically restrained SSG Logan Melgar and bound him with duct tape; and
- e. strangled SSG Logan Melgar by placing him in a chokehold.

**\*\*See continuation pages\*\***

## III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]	b. GRADE [REDACTED]	c. ORGANIZATION OF ACCUSER Region Legal Service Office Mid-Atlantic
d. SIGNATURE OF ACCUSER [REDACTED]		e. DATE 14 November 2018

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 14th day of November, 2018, 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.

\_\_\_\_\_  
Typed Name of Officer

\_\_\_\_\_  
Signature

Region Legal Service Office Mid-Atlantic  
Organization of Officer

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

Specification 2 (*Conspiracy, Obstruction of Justice*): In that Staff Sergeant Kevin Maxwell Jr., U.S. Marine Corps, on active duty, did, between on or about 4 June 2017 to on or about 5 December 2017, at or near, Bamako, Mali and Camp Lejeune, North Carolina, conspire with Chief Special Operator Tony Dedolph, U.S. Navy, Chief Special Operator Adam Matthews, U.S. Navy, and Gunnery Sergeant Mario Madera-Rodriguez, U.S. Marine Corps, to commit an offense under the Uniform Code of Military Justice, to wit: Obstruction of Justice, to impede the investigation of the assault and death of Staff Sergeant Logan Melgar, U.S. Army, and in order to effect the object of the conspiracy, the said members of the conspiracy did the following:

- a. provided a false timeline of events to the Navy chain of command;
- b. shared information with each other about what had been communicated to the Navy chain of Command;
- c. made statements purposefully omitting mention of the use of duct tape during the assault;
- d. made statements purposefully omitting mention of the Marines being present in the room during the assault;
- e. disposed of the alcohol kept in the shared Army and Navy quarters; and
- f. made false statements to CID and NCIS investigators.

#### CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 129

Specification (*Burglary*): In that Staff Sergeant Kevin Maxwell Jr., U.S. Marine Corps, on active duty, did, on or about 4 June 2017, at or near Bamako, Mali, in the nighttime, unlawfully break and enter the private bedroom of Staff Sergeant Logan Melgar, U.S. Army, with the intent to commit assault consummated by a battery therein.

#### CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 118

Specification 1 (*Felony Murder*): In that Staff Sergeant Kevin Maxwell Jr., U.S. Marine Corps, on active duty, did, on or about 4 June 2017, at or near Bamako, Mali, while perpetrating a burglary, murder Staff Sergeant Logan Melgar, U.S. Army, by restraining SSG Logan Melgar during the assault where SSG Melgar was strangled and killed.

Specification 2 (*Murder, Inherently Dangerous Act; Conspirator Liability*): In that Staff Sergeant Kevin Maxwell Jr., U.S. Marine Corps, did, on or about 4 June 2017, at or near Bamako, Mali, participate in a conspiracy with SOC Tony Dedolph to commit Assault consummated by a Battery upon Staff Sergeant Logan Melgar, U.S. Army; and as part of said conspiracy, SOC Tony Dedolph murdered SSG Logan Melgar, by strangling him with a chokehold, an act that was inherently dangerous to another and evinced a wanton disregard for human life.

#### CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 119

Specification (*Involuntary Manslaughter*): In that Staff Sergeant Kevin Maxwell Jr., U.S. Marine Corps, on active duty, on or about 4 June 2017, at or near Bamako, Mali, by culpable negligence and while perpetrating an offense directly affecting the person of Staff Sergeant Logan Melgar, U.S. Army, to wit: Assault consummated by a Battery, did unlawfully kill the said SSG Logan Melgar by restraining SSG Logan Melgar during the assault where SSG Melgar was strangled and killed.

#### CHARGE V: VIOLATION OF THE UCMJ, ARTICLE 92

Specification (*Hazing, SECNAVINST*): In that Staff Sergeant Kevin Maxwell Jr., U.S. Marine Corps, on active duty, did, on or about 4 June 2017, at or near Bamako, Mali, violate a lawful general order, to wit: SECNAVINST 1610.2A, para. 7b, dated 15 July 2005, by hazing Staff Sergeant Logan Melgar, U.S. Army, by breaking into his private bedroom while he was sleeping, and participating in an assault where the said SSG Melgar was restrained with duct tape, assaulted and strangled with a chokehold.

CHARGE VI: VIOLATION OF THE UCMJ, ARTICLE 107

Specification 1 (*False Official Statements*): In that Staff Sergeant Kevin Maxwell Jr., U.S. Marine Corps, on active duty, did, on or about 12 June 2017, at or near Bamako, Mali, with intent to deceive, make false official statements to [REDACTED] to wit:

- a. stating that to his knowledge, no one drank alcohol on the night of 3 June 2017; and
  - b. stating that on the morning of 4 June 2017 he and GySgt Mario Madera-Rodriguez remained outside while SOC Tony Dedolph and SOC Adam Matthews entered the House and did not enter until SSG Logan Melgar was already incapacitated;
- which statements were totally false, and then known by the said SSgt Maxwell to be so false.

Specification 2 (*False Official Statements*): In that Staff Sergeant Kevin Maxwell Jr., U.S. Marine Corps, on active duty, did, on or about 5 December 2017, at or near Bamako, Mali, with intent to deceive, make false official statements to [REDACTED] to wit:

- a. stating that on the morning of 4 June 2017, after leaving Byblos, he did not recall any stops between Byblos and the House;
  - b. stating that SOC Dedolph and SOC Matthews entered the residence without GySgt Madera-Rodriguez and SSgt Maxwell;
  - c. stating that he was not in a position to see inside the residence and did not hear anything out of the ordinary; and
  - d. stating that he did not recall observing any duct tape in SSG Logan Melgar's room and did not recall hearing anyone mention duct tape;
- which statements were totally false, and then known by the said SSgt Maxwell to be so false.

CHARGE VII: VIOLATION OF THE UCMJ, ARTICLE 134

Specification (*Obstruction of Justice*): In that Staff Sergeant Kevin Maxwell Jr., U.S. Marine Corps, on active duty, did, between on or about 4 June 2017 to on or about 5 December 2017, at or near Bamako, Mali and Camp Lejeune, North Carolina, wrongfully endeavor to impede an investigation into the assault and death of SSG Logan Melgar, U.S. Army, when he purposefully did:

- a. make false statements to [REDACTED] regarding the nature and circumstances of SSG Melgar's death;
  - b. make false statements to [REDACTED] regarding the nature and circumstance of SSG Melgar's death;
  - c. purposefully omit that he, GySgt Mario Madera-Rodriguez, SOC Tony Dedolph and SOC Adam Matthews stopped at the other House for supplies prior to arriving at the House;
  - d. purposefully omit material information regarding the death of SSG Logan Melgar, including the use of duct tape to restrain SSG Melgar during his assault, and the participation of SOC Tony Dedolph, GySgt Mario Madera-Rodriguez and SOC Adam Matthews in the assault;
- which conduct was to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces.

**AND NO OTHERS**