

United States )  
)  
v. )  
)  
Smallwood )  
)  
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AFFIDAVIT OF  
DAVID C. BECKER

I, David C. Becker, LT, JAGC, USNR, having been duly sworn do hereby affirm that:

I am an attorney, licensed to practice in California, certified and sworn in accordance with articles 27(b) and 42(a), UCMJ.

I am now and at all times relevant hereto an officer of the U. S. Navy on active duty, stationed at NLSO San Diego.

I became aware of Lt. Smallwood by way of telephonic notice received from the legal office, COMASWWINGSPAC. This notice identified a Lt. Smallwood as someone seeking to speak with me regarding charges of fraud and sex-offenses. I was left with the impression that this notice was more of an effort to locate me in order to direct Lt. Smallwood to my office.

Lt. Smallwood then telephoned me. Lt. Smallwood requested my opinions regarding the nature and impact of the charges and evidence, as well as my efforts to effect a clarification and resolution from the convening authority.

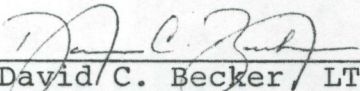
I reviewed the investigative documents, discussed the case with both Lt. Smallwood and the Wing's legal office. I presented my opinions and the alternatives to Lt. Smallwood.

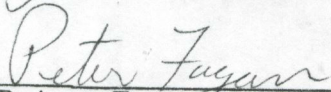
I was later asked by the Wing's legal office to cease contact with Lt. Smallwood as a decision had been made to transfer him to NAS Dallas. After informing Lt. Smallwood of this directive, I complied.

I remember assuring Lt. Smallwood that my duties of loyalty and confidentiality would be extended to him.

I reaffirm that the foregoing is true and correct to the best of my knowledge and belief.

Subscribed and sworn before me the undersigned witness authorized to administer oaths of this nature.

  
David C. Becker, LT, JAGC, USNR

  
Peter Fagan, LCDR, JAGC, USN

DATED: 09 NOV 84

PLACE: SAN DIEGO, CA