

**Jeffrey J. Scott**  
**ATTORNEY AT LAW**

March 14, 1985

E. M. Fulton, Jr.  
CAPT. JAGC, USN  
Staff Judge Advocate  
Department of the Navy  
Chief of Naval Air Training  
Naval Air Station  
Corpus Christi, Texas 78419

Re: LT. David W. Smallwood, USN

Dear Capt. Fulton:

We specifically object to your recommendation to approve the sentence as adjudged. The form of your statement is not objectionable. The plea-bargain and statement of facts regarding this matter is quite accurate.

However, since this action, we would like to request you reconsider your recommendation based on several factors.

The first being Lt. Smallwood's permanent promotion to Lieutenant Commander, a copy of which is enclosed. It is obvious that Lt. Smallwood has had a spotless record until this misfortune. Even the Navy recognized this by way of this, promotion. It would be a serious waste of Naval talent to discharge this man.

Secondly, we ask that you consider his past record in the military in regards to leadership and performance. Again, after the time and effort the Navy has gone to train this excellent officer, it would be a crime to waste it by discharging him.

Thirdly, the, issue of fraternization greatly varies between the braches of the armed services. The Navy's stance is quite clear. The commanding officer must look to see if good order and discipline of the command was threatened by the relationship

The record is void in this regard in Lt. Smallwood's case. Move specifically, the Navy, requires acts and circumstances must be such as to lead a reasonable person, experienced in the problems of military leadership, to conclude that good order and disciple of the armed forces have been prejudiced by the accused's tendency to compromise

Page 2

E. M. Fultin, Jr.

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the respect of the enlisted personnel for professionalism, integrity, and obligations of an officer, before charges should be brought. To support this position, please see the attached printed media material.

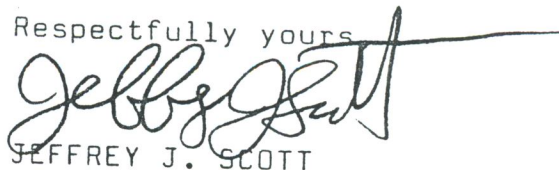
Finally, I ask that the sentence be disapproved so that an appropriate punishment be assessed. Each, case must be looked upon it's own facts. Again, I have enclosed printed media material. It does not seem equitable that a convicted dope dealer be allowed to stay in the service and Lt. Smallwood can't. It seems the admiral was slapped on the wrist for trying to add to his gun collection.

He should be punished. However, not as severely as he has.

We again, urge you to reconsider and not to throw this officer's career and life away. Give him proper punishment and an opportunity to rehabilitate himself.

Thanking you for your time and consideration, I remain

Respectfully yours



JEFFREY J. SCOTT

JJS/lrc  
Enclosures