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Newslines The Army

Soldier jailed for sex acts on gay porn site

Two more courts-martial planned

By Kelly Kennedy
TIMES STAFF WRITER

FORT BRAGG, N.C. — Biting his lower lip and keeping his eyes down, Pfc. Richard Todd Ashley, 21, pleaded guilty April 27 to having sex for money with another soldier on a gay pornography site.

The day marked the end of a saga of second chances for a man who said he had found a home in the 82nd Airborne.

The judge, Col. Grant Jaquith, sentenced Ashley to spend the next three months in confinement, busted him down in rank to E-1 and ordered him kicked out of the Army with a bad-conduct discharge.

But Ashley's greatest punishment may have been having to testify about the videos he made, providing graphic details in front of a courtroom that included his mother, grandmother, grandfather and girlfriend.

"I engaged in acts of sodomy with other members of the unit while being filmed," Ashley said, smudges so dark under his eyes that he looked bruised. "That could bring down the esteem of the 82nd Airborne."

Ashley pleaded guilty to sodomy, conduct detrimental to the Army and using a prescription drug illegally.

In court-martial cases, both the defense and prosecution call witnesses, even with a guilty plea, to make sure the soldier hasn't been forced to enter that plea, and to make sure he understands the charges.

Ashley's lawyers had reached a plea agreement with the prosecution, but in military cases, the judge nevertheless hears the evidence and determines a sentence without hearing the outcome of the plea agreement. The soldier then receives the lesser of the two sentences. In this case, the judge's sentence was the same as the plea agreement worked out by the lawyers.

In all, seven paratroopers from the 2nd Battalion, 508th Parachute Infantry Regiment were accused of engaging in sexual behavior posted on a gay pornography Web site operated out of Fayetteville, N.C. The operators of the site could not be reached for comment.

The site says its actors and models are members of the military

and features men with crew cuts wearing dog tags and little else.

Four soldiers received Article 15 nonjudicial punishment of reduction in rank to private, 45 days' restriction and extra duty, and forfeiture of one-half month's pay for two months. The four remain at Fort Bragg as they wait outprocessing.

The other two soldiers, Pfc. Wesley Mitten and Pvt. Kagen Mullen, face courts-martial April 30 and May 15.

Clear course of action

Ashley's company commander, Capt. James Barlow, testified that after seeing photos from the Web site, he knew the paratroopers' actions would affect unit morale. He said he wanted the soldiers separated from his other troops as quickly as possible, and he wanted the offenders to go to courts-martial.

"I had pretty much made up my mind about what I wanted to do based on what I had seen," Barlow said. "What I had seen in those pictures was wrong and against the law."

He testified that rumors flooded the unit, that local college kids yelled insults at the troops and that a fist fight broke out between a soldier and another young man because of the case.

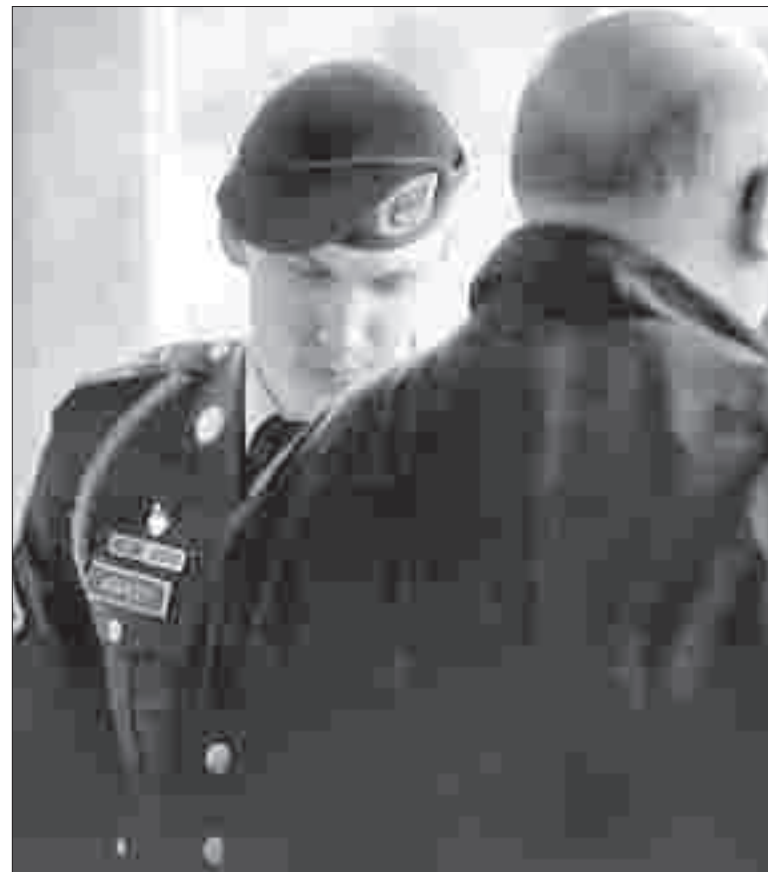
"It is hard for units to move through these things," Barlow said. "It is still going on. Comments — they are always there."

Ashley testified that he had joined the Army after dropping out of high school, saying he earned his GED specifically so he could enlist after the attacks on the World Trade Center on Sept. 11, 2001. After basic training, he requested — and got — Airborne School.

"He was thrilled to death to be there," testified his grandmother, Barbara Sue Hale. "We were so proud."

After Airborne School, Ashley asked to move to Charlie Company because he wanted to go to Iraq, which he did.

"Everyone was so proud of me,



MARC HALL, THE FAYETTEVILLE (N.C.) OBSERVER, VIA THE ASSOCIATED PRESS

Pfc. Richard Ashley pleaded guilty April 27 to engaging in sex acts on a military-themed gay pornographic Web site. He was sentenced to a prison term of about 2½ months and will receive a bad-conduct discharge when the time is served.

and that's exactly what I wanted," Ashley said. "It was something I had never had before."

Hale said Ashley had "big plans" for his future: to marry his girlfriend and to go to trade school.

"The things I've heard here," she said. "It's not my grandson." And she started to cry.

Across the room, Ashley wiped away tears with the sleeves of his Class A's.

"The thought of him not being able to stay in has broke his heart," Hale said. "I don't condone anything, but I can't believe what I'm hearing is my grandson."

When Ashley testified about the specifics of the charges against him, his family was not in the courtroom.

He told the judge that the Fayetteville house where the videotaping was conducted had been outfitted with big lights on stands, a camera, a background board. A video of straight pornography was provided for the soldiers to watch as they made their own video. On the Web site, Ashley went by the name "Clint."

Monetary gain

He made \$500 for the first 120-minute video he made, that one with a woman and six other soldiers from his unit. For the second video he made, a one-on-one encounter with another male soldier,

he made \$2,000.

"Some of the other soldiers involved in this incident, sir, were getting large amounts of money for doing this on camera," Ashley told the judge, swallowing constantly and blinking back tears. "So I did, sir."

But he testified that he knew pretty quickly that what he had done had hurt the honor of his company in the 82nd Airborne.

"The rumors were going around about Charlie Company that there were a bunch of homosexuals in the unit," he said. "Everybody talked bad about Charlie Company, sir."

The fallout

Later in the hearing, he apologized to his commander.

"I know what I did was very, very wrong, and I sometimes wonder why I even did it," he said. "Captain Barlow, I'm sorry. I didn't intend to embarrass you or your unit."

Barlow said Ashley had never done anything remarkable in the unit and earlier had been given an Article 15 NJP for cocaine abuse. He said he did not think Ashley could be rehabilitated as a career soldier.

But Ashley's mother, Tamara Chambers, asked the judge for leniency — and a chance to remain in the Army, saying that when he got into Airborne School, it was "like God had opened a door for him."

"He's scared to death," she said. "He's worried about his future. Nobody could punish him more than he's punished himself." □