



## **Another Navy official charged in bribery scandal**

By DOUG SHERWIN, The Daily Transcript  
Wednesday, November 6, 2013

Another senior U.S. Navy official has been charged in a widening bribery scandal involving the leaking of classified information and the redirection of Navy ships.

Two U.S. Navy commanders and a Naval Criminal Investigative Service (NCIS) special agent have been accused of accepting luxury trips, concert tickets, prostitutes and money from a Malaysian defense contractor in exchange for information regarding the movement of Navy ships to ports throughout Southeast Asia.

A hearing is scheduled Friday in U.S. District Court in San Diego.

Federal prosecutors have accused Cmdr. Michael Vannak Khem Misiewicz, a captain-select, of revealing confidential shipping routes in exchange for gifts and services while he was commanding officer of the *USS Mustin*, an Arleigh Burke-class guided missile destroyer home ported in Japan.

Prosecutors also accused Cmdr. Jose Luis Sanchez of similar charges in a complaint unsealed Wednesday. NCIS Supervisory Special Agent John Bertrand Beliveau II has been charged separately in connection with the bribery allegations.

According to court documents, Misiewicz and Sanchez gave classified information about shipping routes to Leonard Francis, president and CEO of Glenn Defense Marine Asia (GDMA), a government contractor that stocks and services Navy ships, including aircraft carriers, while they are in port.

The complaint against Misiewicz said he would help change a ship's schedule, directing the vessel to a port with less oversight, allowing GDMA to overcharge the Navy for its services.

In exchange, Misiewicz received gifts and services, including concert tickets, music tickets and prostitutes, according to court papers.

Sanchez, likewise, received bribes in return for sending sensitive U.S. Navy information to Francis, and making recommendations within the Navy to benefit Francis' company, GDMA, according to the U.S. attorney's office.

The case has called into question how much power a few individuals can wield in the movement of Navy ships and how many people are involved in the scandal.

Retired Rear Adm. Len Hering, former commander of Navy Region Southwest, has no direct knowledge of the case, but he said there's no way the commanding officer of a destroyer would be able to influence the change of another ship's port schedule, especially that of a carrier.

"Understand the carrier is a strategic asset," he said. "Its movements are watched and controlled at the highest levels of government."

Hering says that from his experience, the chairman of the Joint Chiefs of Staff is briefed every day on the exact location of these assets and any pending changes to their intended movements.

"A carrier's movement has that kind of visibility," said Hering, who is now executive director of the California Center for Sustainable Energy. "Every significant level of command knows where each of those big decks is located and their plans for the next couple of days. It [a change] would have been briefed and somebody would have to answer why and not just one somebody."

As a junior officer, Hering served as a scheduling officer, worked in the Current Operations Directorate on the Joint Staff and later served as CTF-33 as a flag officer assigned for logistics support to the 3rd Fleet Command.

"A ship [commanding officer] couldn't get anywhere near the opportunity to do what [reports] say [Misiewicz] did," Hering said. "That doesn't mean he wasn't sharing something."

If changes are made to any ship's schedule, especially the carriers, the Squadron Commodore, the Battle Group Commander, 7th Fleet, U.S. Naval Forces Pacific and possibly the Pentagon are consulted before they are approved.

He said the reports so far are shocking.

"These types of things always make me angry, when the actions of an individual reflects poorly on the tens of thousands of incredibly selfless Americans who proudly serve in uniform and would never sell themselves for any reason," he said. "Americans that are willing daily to pay the ultimate price for what they believe in. It's embarrassing."

Although what Misiewicz and Sanchez have been accused of could end in a court-martial, once a case is tried in federal court, the same crime cannot be re-tried in a military court. But they still could face disciplinary actions, including an administrative discharge.

**Tanya Schierling**, a former military prosecutor with the U.S. Army's Judge Advocate General's Corps (JAG), said the decision to try the case in federal court likely was about what resources the military wanted to expend in pursuing it.

"A military command's first priority is combat-readiness, not to police its populace," she said. "So if [a trial] would be a significant diversion of resources, that is a factor in deciding who should prosecute."

The type of charges also is a factor. If the case involves issues particular to the military, then the case likely would be tried in a military court, said Schierling, now a partner with **Solomon Ward Seidenwurm & Smith**.

The involvement of civilians is a consideration, especially if they will be witnesses.

"A military court doesn't have subpoena power over civilians," she said.

When a senior military officer is involved in an alleged crime of this nature, JAG officials usually consult with the Justice Department about who will prosecute the case.

[http://www.sddt.com/Defense/article.cfm?Sourcecode=20131106czl&\\_t=Another+Navy+official+charged+in+bribery+scandal#.Un0yqJRgaAY](http://www.sddt.com/Defense/article.cfm?Sourcecode=20131106czl&_t=Another+Navy+official+charged+in+bribery+scandal#.Un0yqJRgaAY)