

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**Holding a Criminal Term  
Grand Jury Sworn in on May 7, 2012**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 12-231 (RC)</b>
	:	
<b>v.</b>	:	<b>GRAND JURY ORIGINAL</b>
	:	
<b>JAMES F. HITSELBERGER</b>	:	<b>Violations:</b>
	:	<b>18 U.S.C. § 793(e)</b>
	:	<b>(Unlawful Retention of National Defense</b>
<b>Defendant.</b>	:	<b>Information)</b>
	:	<b>18 U.S.C. § 2071(a)</b>
	:	<b>(Unauthorized Removal of a Public</b>
	:	<b>Record)</b>

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

On or about April 11, 2012, at the Naval Support Activity – Bahrain, outside the jurisdiction of any particular state or district of the United States, but within the extraterritorial jurisdiction of the United States and therefore, pursuant to Title 18, United States Code, Section 3239, within the venue of the United States District Court for the District of Columbia, the defendant, **JAMES F. HITSELBERGER**, having unauthorized possession of and control over documents and writings relating to the national defense, did willfully retain documents and writings relating to the national defense, that is, a Joint Special Operations Task Force (JSOTF) Situation Report (SITREP) dated April 11, 2012 (SITREP 104), and classified **SECRET**, and a Navy Central Command (NAVCENT) Regional Analysis dated April 9, 2012, and classified **SECRET**, and fail to deliver the same to an officer and employee of the United States entitled to receive it.

**(Unlawful Retention of National Defense Information**, in violation of Title 18, United States Code, Section 793(e))

**COUNT TWO**

On or about March 8, 2012, at the Naval Support Activity – Bahrain, outside the jurisdiction of any particular state or district of the United States, but within the extraterritorial jurisdiction of the United States and therefore, pursuant to Title 18, United States Code, Section 3239, within the venue of the United States District Court for the District of Columbia, the defendant, **JAMES F. HITSELBERGER**, having unauthorized possession of and control over documents and writings relating to the national defense, did willfully retain documents and writings relating to the national defense, that is, a Joint Special Operations Task Force (JSOTF) Situation Report (SITREP) dated March 8, 2012 (SITREP 72), and classified **CONFIDENTIAL**, and fail to deliver the same to an officer and employee of the United States entitled to receive it.

**(Unlawful Retention of National Defense Information**, in violation of Title 18, United States Code, Section 793(e))

**COUNT THREE**

On or about February 13, 2012, at the Naval Support Activity – Bahrain, outside the jurisdiction of any particular state or district of the United States, but within the extraterritorial jurisdiction of the United States and therefore, pursuant to Title 18, United States Code, Section 3239, within the venue of the United States District Court for the District of Columbia, the defendant, **JAMES F. HITSELBERGER**, having unauthorized possession of and control over documents and writings relating to the national defense, did willfully retain documents and writings relating to the national defense, that is, a Bahrain Situation Update dated February 13,

2012, and classified **SECRET**, and fail to deliver the same to an officer and employee of the United States entitled to receive it.

(**Unlawful Retention of National Defense Information**, in violation of Title 18, United States Code, Section 793(e))

#### **COUNT FOUR**

On or about April 11, 2012, at the Naval Support Activity – Bahrain, outside the jurisdiction of any particular state or district of the United States, but within the extraterritorial jurisdiction of the United States and, the defendant having been first brought to the District of Columbia, therefore, pursuant to Title 18, United States Code, Section 3238, within the venue of the United States District Court for the District of Columbia, the defendant, **JAMES F. HITSELBERGER**, willfully and unlawfully removed, took, and carried away papers and documents, that is, a Joint Special Operations Task Force (JSOTF) Situation Report (SITREP) dated April 11, 2012 (SITREP 104), and classified **SECRET**, and a Navy Central Command (NAVCENT) Regional Analysis dated April 9, 2012, and classified **SECRET**, that were filed and deposited in a public office, that is, the office of the Joint Special Operations Task Force located at Naval Support Activity – Bahrain.

(**Unlawful Removal of a Public Record**, in violation of Title 18, United States Code, Section 2071(a))

#### **COUNT FIVE**

On or about March 8, 2012, at the Naval Support Activity – Bahrain, outside the jurisdiction of any particular state or district of the United States, but within the extraterritorial jurisdiction of the United States and, the defendant having been first brought to the District of Columbia, therefore, pursuant to Title 18, United States Code, Section 3238, within the venue of

the United States District Court for the District of Columbia, the defendant, **JAMES F. HITSELBERGER**, willfully and unlawfully removed, took, and carried away a paper and document, that is, a Joint Special Operations Task Force (JSOTF) Situation Report (SITREP) dated March 8, 2012 (SITREP 72), and classified **CONFIDENTIAL**, that was filed and deposited in a public office, that is, the office of the Joint Special Operations Task Force located at Naval Support Activity – Bahrain.

(**Unlawful Removal of a Public Record**, in violation of Title 18, United States Code, Section 2071(a))

**COUNT SIX**

On or about February 13, 2012, at the Naval Support Activity – Bahrain, outside the jurisdiction of any particular state or district of the United States, but within the extraterritorial jurisdiction of the United States and, the defendant having been first brought to the District of Columbia, therefore, pursuant to Title 18, United States Code, Section 3238, within the venue of the United States District Court for the District of Columbia, the defendant, **JAMES F. HITSELBERGER**, willfully and unlawfully removed, took, and carried away a paper and document, that is, a Bahrain Situation Update dated February 13, 2012, and classified **SECRET**, that was filed and deposited in a public office, that is, the office of the Joint Special Operations

Task Force located at Naval Support Activity – Bahrain.

**(Unlawful Removal of a Public Record**, in violation of Title 18, United States Code, Section 2071(a))

A TRUE BILL

FOREPERSON

Attorney of the United States in  
and for the District of Columbia