

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

**Holding a Criminal Term
Grand Jury Sworn in on May 16, 2011**

UNITED STATES OF AMERICA : **CRIMINAL NO.**
:
:
v. : **Violation: 18 U.S.C. § 793(e)**
JAMES F. HITSELBERGER : **(Unlawful Retention of National Defense**
: **Information)**
:
Defendant. :

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))

A TRUE BILL

FOREPERSON

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