



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 49TH WING (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO

27 March 2013

MEMORANDUM FOR 49 WG/CC

FROM: 49 WG/JA

SUBJECT: Request for Expulsion and Order Not to Reenter Holloman Air Force Base for
AB Devin P. Kelley

1. We have reviewed the proposed Request for Expulsion and Order Not to Reenter Holloman Air Force Base to be issued to AB Devin P. Kelley. The request is legally sufficient. We recommend approval of the barment of AB Kelley from Holloman AFB.

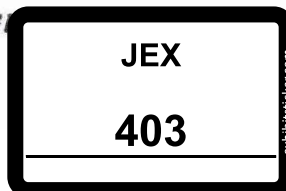
2. **BACKGROUND:** AB Devin P. Kelley was charged with assaulting his wife, Tessa, and step-son, J [REDACTED], of violation of Article 128, UCMJ. He pled guilty and was convicted. On 7 November 2012 he was sentenced by general court martial to a reduction to the grade of E-1, 12 months of confinement, and a bad conduct discharge. As a result of receiving credit towards his sentence for 158 days he spent in pre-trial confinement, AB Kelley will finish his sentence in late-March 2013, and is scheduled to depart Miramar Air Station, CA in order to return to Holloman Air Force Base for final outprocessing. Kelley is projected to be present at Holloman Air Force Base for final outprocessing from the military from 31 March 2013 to 5 April 2013. An armed member of 49th Security Forces Squadron will escort Kelley the entire time he is on Holloman AFB to outprocess. Due to Kelley's extensive record of violence and directing death threats towards his leadership and spouse, his leadership has requested that you bar him from Holloman AFB, and allow his presence on base solely to accomplish outprocessing from the military.

3. **FACTS:** AB Kelley has a history of severe mental health problems. He openly carried a firearm on Holloman AFB, and placed a weapon to his wife's head. He has repeatedly threatened to kill his leadership. Documents provided in support of the proposed barment order against AB Devin P. Kelley include:

a. A sworn statement of Tessa Kelley (AF Form 1168), dated 17 February 2012, documenting multiple incidents of AB Kelley's violent behavior, including physical abuse, verbal abuse, threats to inflict bodily harm or kill her;

b. A memorandum for Security Forces Squadron, dated 8 June 2012, from 49 LRS Commander Maj Nathan McLeod-Hughes recommending continued pretrial confinement. This memo documents the violent and dangerous behavior by AB Kelley. Additional evidence of Kelley's high risk unpredictable and criminal behavior includes his history of mental health issues, his preoccupation with weapons, his verbal declaration that he has contemplated offensive attack strategies on both Air Force personnel and organizations (including his leadership and SFS), his online research of body armor and guerilla warfare tactics while a patient in a military mental

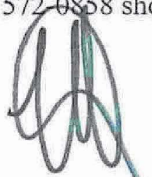
G [REDACTED] ica



JEX 0403-0001

health facility, his possession of and purchase of weapons, and his successful escape from a military mental health facility.

- c. Report of result of trial dated 7 November 2012 documenting AB Kelley's conviction by a general-court martial for assault in violation of Article 128, UCMJ.
 - d. Memo for SFS/S5/AV from Lt Col Bearden, Commander of the 49th Logistics Readiness Squadron requesting that AB Kelley be barred from Holloman AFB.
4. DISCUSSION: An installation commander has broad authority to control the activities on the installation. See 18 USC §1382 and 32 C.F.R. § 809(a)(5). This authority extends to "reasonably necessary and lawful measures to maintain law and order and to protect installation personnel and property." DoDI 5200.8, para. 3.2 (19 May 10). The installation commander's "authority...includes the removal from, or denial of access to, an installation or site of individuals who threaten the orderly administration of the installation or site." *Id.* at 3.2.2. However, the commander's decision "shall not be exercised in an arbitrary, unpredictable, or discriminatory manner," and "removal or denial actions must be based on reasonable grounds and be judiciously applied." *Id.* at 3.2.3.
5. RECOMMENDATION: We recommend you approve the Request for Expulsion and Order Not to Reenter Holloman Air Force Base for AB Devin P. Kelley, to become permanent upon completion of his outprocessing. AB Kelley has a well-documented history of making threats of physical violence, researching methods of carrying out violence, and a conviction for assaulting his wife and infant step-son. We concur with the 49th Security Forces' plan to implementation of stringent physical control measures of AB Devin P. Kelley for the duration of his presence at Holloman AFB. Please contact Capt McQuillan at 572-0858 should you have any questions.



CHARLES A. "CAL" LEMLEY
GS-6, DAFC, LEGAL ASSISTANT

I concur.



STEPHEN L. McQUILLAN, CAPT, USAF
CHIEF, CIVIL LAW



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 49TH WING (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO

MAR 29 2013

MEMORANDUM FOR DEVIN P. KELLEY

FROM: 49 WG/CC
490 First Street, Suite 1700
Holloman AFB NM 88330-8277

SUBJECT: Order Not to Enter or Reenter Holloman Air Force Base (HAFB)

1. This action is being taken in direct response to your actions. You had repeatedly threatened the lives of United States Air Force leadership. In April 2012, while on Holloman AFB you openly carried a firearm. In a reported incident the firearm was pointed at your wife in a threatening manner and then you turned the firearm on to yourself. In June 2012, you escaped from a military ward while confined for hospitalization at the Peak in Santa Teresa, New Mexico. During your hospitalization at the Peak you had searched the internet on a computer for body armor and purchasing of weapons.

2. Based upon your recent actions, I consider your continued presence on this installation detrimental to the orderly administration of the installation and to the well-being of its personnel. **Effective immediately upon receipt of this notice**, you are ordered not to enter or reenter or be found within the limits of the United States military installation of HAFB, New Mexico, **for an indefinite period.**


3. If you fail to comply with this order, you will be in violation of Title 18, United States Code, §1382, which reads in part:

“Whoever reenters or is found within any installation, after having been removed there from or ordered not to reenter by any officer or person in command or charge thereof shall be fined under this title or imprisoned not more than 6 months, or both.”

4. Should you reenter or be found upon the limits of HAFB in violation of this order, without having received prior approval, you will be subject to detention by Security Forces for delivery to the appropriate civilian and military authorities.

5. If you are entitled to medical treatment at the Holloman AFB medical treatment facility, or require authorized use of other Holloman AFB services, you may enter to use such facilities only under the following conditions. In the event of an emergency, you may come to the main gate, inform the Security Forces that you are on the base barment list and request to be escorted to the clinic. On a regular scheduled medical or other military appointment, contact the agency in advance by calling to arrange escort to the appointment.

6. **This order will remain in effect indefinitely, unless otherwise modified or revoked in writing by myself.** If a compelling reason exists which you believe should be sufficient to justify modification or termination of this order, you may submit your justification to me, in writing, through the Defense Force Commander at 49th Security Forces Squadron, 750 First Street, Holloman AFB, NM, 88330-8032, for forwarding to the Commander, 49th Wing.



ANDREW A. CROFT
Colonel, USAF
Commander

1st Ind, DEVIN P. KELLEY

MEMORANDUM FOR 49 WG/CC

This is to certify that I, the undersigned, have received the forgoing order in writing and have read and fully understand the same. I understand that entry upon HAFB, in violation of this order, may result in civilian prosecution pursuant to **18 U.S.C. §1382**. I further understand that in the event of a conviction, the maximum penalty prescribed may be imposed.

Received and signed the _____ day of _____, 2013. I have kept a copy of this letter and understand its contents.

DEVIN P. KELLEY
(Signature)

MEMORANDUM FOR 49 WG/CC

CERTIFICATION:

This is to certify that I (Print) _____ personally served a copy of the debarment letter to NAME, on _____, 2013.

Rank/Signature/Title



DEPARTMENT OF THE AIR FORCE

HEADQUARTERS 49TH WING (ACC)
HOLLOMAN AIR FORCE BASE, NEW MEXICO

MAR 29 2013

MEMORANDUM FOR DEVIN P. KELLEY

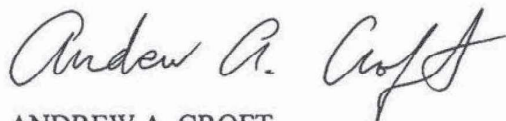
FROM: 49 WG/CC
490 First Street, Suite 1700
Holloman AFB NM 88330-8277

SUBJECT: Order Not to Enter or Reenter Holloman Air Force Base (HAFB)

1. This action is being taken in direct response to your actions. You had repeatedly threatened the lives of United States Air Force leadership. In April 2012, while on Holloman AFB you openly carried a firearm. In a reported incident the firearm was pointed at your wife in a threatening manner and then you turned the firearm on to yourself. In June 2012, you escaped from a military ward while confined for hospitalization at the Peak in Santa Teresa, New Mexico. During your hospitalization at the Peak you had searched the internet on a computer for body armor and purchasing of weapons.
2. Based upon your recent actions, I consider your continued presence on this installation detrimental to the orderly administration of the installation and to the well-being of its personnel. **Effective immediately upon receipt of this notice**, you are ordered not to enter or reenter or be found within the limits of the United States military installation of HAFB, New Mexico, **for an indefinite period.**
3. If you fail to comply with this order, you will be in violation of Title 18, United States Code, §1382, which reads in part:

"Whoever reenters or is found within any installation, after having been removed there from or ordered not to reenter by any officer or person in command or charge thereof shall be fined under this title or imprisoned not more than 6 months, or both."
4. Should you reenter or be found upon the limits of HAFB in violation of this order, without having received prior approval, you will be subject to detention by Security Forces for delivery to the appropriate civilian and military authorities.
5. If you are entitled to medical treatment at the Holloman AFB medical treatment facility, or require authorized use of other Holloman AFB services, you may enter to use such facilities only under the following conditions. In the event of an emergency, you may come to the main gate, inform the Security Forces that you are on the base barment list and request to be escorted to the clinic. On a regular scheduled medical or other military appointment, contact the agency in advance by calling to arrange escort to the appointment.

6. This order will remain in effect indefinitely, unless otherwise modified or revoked in writing by myself. If a compelling reason exists which you believe should be sufficient to justify modification or termination of this order, you may submit your justification to me, in writing, through the Defense Force Commander at 49th Security Forces Squadron, 750 First Street, Holloman AFB, NM, 88330-8032, for forwarding to the Commander, 49th Wing.



ANDREW A. CROFT
Colonel, USAF
Commander

1st Ind, DEVIN P. KELLEY

MEMORANDUM FOR 49 WG/CC

This is to certify that I, the undersigned, have received the forgoing order in writing and have read and fully understand the same. I understand that entry upon HAFB, in violation of this order, may result in civilian prosecution pursuant to 18 U.S.C. §1382. I further understand that in the event of a conviction, the maximum penalty prescribed may be imposed.

Received and signed the 1st day of April, 2013. I have kept a copy of this letter and understand its contents.



DEVIN P. KELLEY
(Signature)

MEMORANDUM FOR 49 WG/CC

CERTIFICATION:

This is to certify that I (Print) Thomas E Smith personally served a copy of the debarment letter to NAME, on 1 Apr, 2013.

DAF/Civ Thomas Smith 49SFS/Reports & Analysis
Rank/Signature/Title



DEPARTMENT OF THE AIR FORCE
49TH LOGISTICS READINESS SQUADRON
HOLLOMAN AIR FORCE BASE, NEW MEXICO

MAR 22 2013

MEMORANDUM FOR SFS/S5/AV

FROM: 49 LRS/CC

SUBJECT: Conditional Barment Request for AB Devin Kelley SSN: 634-24-5484

1. I am requesting a conditional barment on AB Devin Kelley. The conditional aspect will only allow him on Holloman AFB, under escort, during out-processing from 31 March through 5 April 2013. On 6 April 2013, the conditional will then become permanent. This Airman was convicted in a General Court Martial and received a Bad Conduct Discharge. He is being returned to Holloman AFB from confinement at Miramar Air Station, CA for out processing purposes only. After processing, he will be placed in excess leave status for his appellate review.
2. AB Kelley has repeatedly threatened to kill his leadership. He was openly carrying a firearm on Holloman AFB and had even placed the weapon to the head of his wife, Tessa. Later in 2012, he was hospitalized at the Peak in Santa Teresa, New Mexico. While assigned to the military ward, he created a diversion and jumped the outside recreational fence. The First Sergeant was immediately notified by the staff and he instituted a BOLO for AB Kelley. He was later apprehended by the Peak staff at a local bus station. After the event, the staff viewed the computer searches from AB Kelly there at the Peak. What they found was alarming. He was searching the Internet for body armor and guerilla tactics. It was documented that he had been training his cardiovascular system by extending his workout runs from 20 to 60 minutes.
3. I view this Airman as a threat to not only myself, but my staff and other Airmen in this Squadron. I have communicated my concerns to the SFS/CC, Lt Col Boyd, and he will be providing the unit an armed escort during his out-processing. I will provide a flight supervisor to handle all the administrative issues.
4. Any questions can be directed to my First Sergeant at 430-7424.

ROBERT C. BEARDEN, Lt Col, USAF
Commander, 49th Logistics Readiness Squadron

This letter contains FOR OFFICIAL USE ONLY (FOUO) information which must be protected under the Privacy Act of 1974 and AFI 33-332

Global Power for America

DoDIG 000180

JEX 0403-0007