

# Ex-Marine Couple Weary of Case

Kandi K. Clark and John C. Moultak have spent much of the last year trying to forget the past and each other.

The two former Marines are weary of the limelight that flooded them in July, 1984, when their ill-starred romance was discovered and the two announced their intention to marry.

Moultak, who was stationed at the Marine Corps Air Station in El Toro, was court-martialed for "fraternizing" with former Lance Cpl. Clark, an enlisted supply clerk at the base's helicopter branch in Tustin. The two-year relationship violated an unwritten rule against such fraternization, which was not made a military crime until August, 1984.

## Clark Received Discharge

The 28-year-old former fighter pilot was dismissed from the service, the equivalent of a dishonorable discharge. His appeal, automatic under military law, is pending in Washington and may be decided next month, said Moultak's former attorney, Kevin McDermott.

Clark, 23, received an honorable discharge last September, although the paperwork referred to her involvement with Moultak as "conduct adversely affecting the good order and discipline of the unit."

Both Moultak and Clark blame their breakup on the pressure of the legal difficulty they faced trying to get permission to marry while in the service.

"It was a contributing factor, if it wasn't the only factor in the breakup," said Moultak, who lives in Irvine and teaches flying at Orange County Airport. "Right now, I just want it to die down. I want people to forget who I am. I want to fade away, and, hopefully, the thing will be overturned."

## 'Trying to Rebuild Life'

Even if Moultak's dismissal is overturned on appeal, he will not re-enter the Marine Corps, he said. "They wouldn't be able to take me back in, because I originally would have gotten out in March, 1985. But I have no desire to (rejoin the Marines), either."

Clark now lives at her family home in Oklahoma City, where she works as a free-lance word processor for various oil companies and is "trying to rebuild her life," said her mother, Norma Clark. Kandi Clark refused to be interviewed.

"She's very angry and . . . rather than say things out of anger, she would prefer to drop things and try to forget it ever happened," Norma Clark said. "It (opposition from superior officers) ruined her relationship be-

tween her and her fiance. That's pretty drastic when you have such big plans."

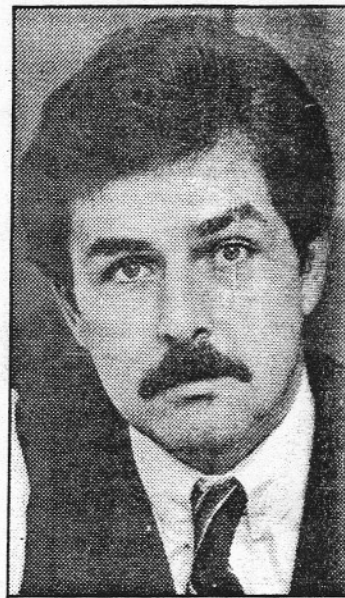
McDermott now works with a law firm in Santa Ana. He remembers the case as "a year and a half of pure hell."

A month before Moultak's trial was to begin, McDermott was assigned to the rifle range for two weeks as a safety officer, leaving him only 10 days to prepare his client's defense. The staff judge advocate, Col. William Lawler, who heads the legal section at the base, had warned McDermott repeatedly not to represent Moultak because the lawyer's work on three previous fraternization cases had earned him a reputation for zealously challenging judges and prosecutors, who often were superior officers.

## Influence Problem Remains

The Marine Corps removed the staff judge advocate's power to write performance evaluations of defense counsel in an effort to make abuse of the position less likely. However, McDermott said the problem he faced, called "unlawful command influence," still exists because the staff judge advocate can exert pressure on defense attorneys by transferring them to the prosecution or legal assistance sections.

McDermott, who still practices



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## Kevin McDermott

Preparing the defense in the Moultak case was "a year and a half of pure hell."

military law, said he hopes to help prevent future instances of unlawful command influence.

"I made a promise to a bunch of people when I left that if they thought my leaving was the end of their problems, they had another think coming," McDermott said. "I'm going to keep an eye on the base and make sure defense counsel know they can come to me."

—JULIE ANNE DART