

[The witness did as directed.]

MJ: Thank you.

WIT: Yes, sir.

MJ: Captain Callahan, your witness.

IMC: Thank you, Your Honor.

**Questions by the individual military counsel:**

Q. Good morning, Lieutenant Wiggan.

A. Good morning, sir.

Q. Lieutenant Wiggan, how long have you been in the Navy for?

A. Approximately 13, going on--like two months shy of 14 years.

Q. Can you give a brief overview of the places you've served and the billets you've had in the Navy.

A. I started off USS SAVANNAH. The next assignment was mainly--mostly--well, all ships, USS SAVANNAH, USS VELLA GULF, USS O'KANE, precomm stationed for USS MASON, USS PRINCETON, that's where I got--no, I'm sorry. USS STOUT, that's where I got commissioned, USS PRINCETON, now USS NIMITZ.

Q. And what is your current billet on board the NIMITZ?

A. I'm the Assistant Damage Control Officer.

Q. Lieutenant Wiggan, do you know Chief Wiggan?

A. That was me.

Q. I'm sorry. Did you know Chief Kimberly Lewis-Wiggan?

A. Yes.

Q. And who is she?

A. My ex-wife.

Q. When did the two of you meet?

A. We met in '99 in Bath, Maine for the USS O'KANE.

Q. And when did the two of you get married?

A. In March 2001.

Q. And you said she's your ex-wife. Are the two of you currently divorced?

A. Yes, sir.

Q. When did the two of you get divorced?

A. We got divorced--it was finalized in October last year.

Q. Are there still proceedings open before the divorce court?

A. That's correct.

Q. What proceedings are still open before the divorce court?

A. The housing market, you know, it's gone bad, so because the house is still joint. I'm currently working on trying to get it refinanced so I can take it over and that should be it.

Q. And that is the civil, the court----

A. Correct.

Q. But the court did, in fact, grant you a final dissolution of marriage?

A. Correct.

Q. And what year and what month were you granted the dissolution of your marriage?

A. That was in October last year.

Q. When did you and your wife physically separate?

A. March 2006.

Q. Is that the date that the two of you, in fact, used in your divorce filings as the date you physically separated from each other?

A. Correct.

Q. Since the time of March 2006 have you ever gotten back together with your wife and lived with her as husband and wife?

A. No.

Q. The two of you have been physically separated continuously since that date?

A. Yes.

Q. Lieutenant Wiggan, do you know Lieutenant Commander Penland?

A. Yes.

Q. How do you know Lieutenant Commander Penland?

A. She was the Supply Officer on STOUT, USS STOUT.

Q. And when did you meet her?

A. Sometime in 2004.

Q. What was your billet on board the STOUT while she was the Supply Officer?

A. I was the Engineering Department LCPO.

Q. And approximately how many officers are there on board the--or were there on board the STOUT at that time?

A. Probably 18, 20. I might be wrong by about four or five or three.

Q. Did you get to know Lieutenant Commander Penland fairly well during that time?

A. Basically she was just the Supply Officer.

Q. Did you--did you have an affair with Lieutenant Commander Penland at any time?

A. No.

Q. Have you ever had sexual intercourse with Lieutenant Commander Penland?

A. No.

Q. How would you characterize your relationship through the STOUT and even through to this day with Lieutenant Commander Penland?

A. I got commissioned on USS STOUT and basically she was more like a transition officer, so to speak, work as the LDOs under. When I got to PRINCETON, it was almost like--still more like a mentor/mentee relations type because we were having some chief issues and parts issues on board PRINCETON.

Q. And is she somebody that you would go to and talk to for professional advice?

A. Correct.

Q. Was your relationship any different than it would be, say, with a--potentially a male Sailor, a male officer of the same rank in similar position?

A. No. It would be different.

Q. After you and your wife separated in March 2006, was there a time when she wanted to get back together and she wanted to stay married?

A. There's several times she tried.

Q. So several times she tried for the two of you to reconcile, but you never went back and lived with her as husband and wife?

A. No.

Q. Has she accused you of committing adultery with other women, as well?

A. Yes.

Q. How long were you married to your wife for?

A. Approximately five years.

Q. And safe to say during that time frame that you spent a fair amount of time with your wife?

A. No. It was always underway. It was back and forth where I was deployed, she was in port, she was deployed, I was in port.

Q. Did you get to know her--or have you gotten to know her over the course of the time you've known her well enough to form an opinion as to her character for truthfulness?

A. No.

Q. And what is your opinion of her character for truthfulness?

A. She likes--how can I put it. She likes status quo, so to speak. Makes sense to you?

Q. It does. Are you saying, though, as far as her character for being truthful and honest, would you say her character is that she generally is truthful and honest, or is not truthful and honest?

TC: Objection. Leading.

MJ: Captain Callahan?

IMC: I'll rephrase it.

Q. What is your opinion of her character for truthfulness?

A. It depends on what it is. If she's trying to get something, she's going to say anything she wants to say.

Q. Are you aware of your wife ever using your e-mail account?

A. A couple times I know for a fact.

Q. I'd like to call your attention to some photographs that your wife said she found. Have you seen these photographs before? Are you aware of what I'm talking about?

A. I think so.

Q. Explain how you ended up in possession of those photographs.

A. The photographs in question, there's like two different sets. The ones of Commander Penland, those--what happened was my wife--my wife and I, we had a couple altercations, so to speak. She scratched me up pretty bad and I borrowed Commander Penland's camera and in the process of taking--took some pictures of my scars. In the process of downloading, I guess I downloaded everything on the camera and so it's like on my laptop. And I remember one night we had an altercation; she claimed she was using my computer and she showed me

on her laptop some pictures and then we had another altercation and that's pretty much it.

Q. And during that altercation, did you strangle her and throw her to the ground?

A. No. What I did was I stopped her from trying to scratch me up some more.

Q. Did you threaten to kill her?

A. No, I don't--didn't.

Q. Immediately following that altercation, did you call Lieutenant Commander Penland and then give the phone to your wife?

A. No, no.

Q. Are you aware of a pair of photographs that your wife has said has depicted you that she claims that she was sent from Lieutenant Commander Penland?

A. Those photographs were taken sometime in Virginia.

Q. Did Lieutenant Commander Penland take those photographs of you?

A. No.

Q. Who took those photographs of you?

A. My wife did.

Q. And approximately what month, what year approximately were these photographs taken?

A. These were sometime probably in '04 or '03.