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Ex-CIA Agent Loses Bid to Get Sex-Assault Sentence Cut

By Tom Schoenberg on November 30, 2012

<http://www.businessweek.com/news/2012-11-30/ex-cia-agent-loses-bid-to-cut-sentence-in-sex-drugs-case>

A former Central Intelligence Agency officer, Andrew Warren, failed to persuade a federal appeals court to reduce his 65-month prison sentence for sex, gun and drug charges tied to an assault in Algeria.

The U.S. Court of Appeals in Washington today rejected Warren's argument that the punishment was unreasonable because he suffers from post-traumatic stress disorder and substance abuse.

"While a PTSD diagnosis may mitigate criminal conduct that occurs spontaneously or unexpectedly," U.S. Circuit Judge Karen LeCraft Henderson wrote in the opinion, "his conviction resulted from conduct, especially drugging his victim, that was planned and deliberate."

Warren, who the court said was a rising star in the agency, was accused of drugging and then sexually assaulting a married Muslim woman while working as a high-level official for the U.S. embassy in Algeria in 2008. He targeted the woman because he believed her religion and local customs would keep her from reporting the assault, the sentencing judge concluded, according to the ruling. Later that year, the woman reported Warren's conduct to an official at the embassy, according to the ruling.

Algeria Search

U.S. investigators found child pornography, Valium, Xanax and a handbook on the investigation of sexual assault during a search of his Algeria residence, according to the ruling.

The CIA fired Warren in March 2009 and he was indicted on one charge of sexual abuse. After he failed to appear for a court hearing, police found Warren in a hotel in Norfolk, Virginia. He appeared to be under the influence of drugs and was carrying a loaded Glock pistol, the court said.

“Upon being confronted by the police, Warren made several motions toward the gun, physically resisted arrest and had to be subdued with a Taser,” according to the ruling.

He pleaded guilty in 2010 to one count of abusive sexual contact and possession of a firearm by a user of a controlled substance.

At sentencing, Warren sought a brief period of incarceration, followed by mental-health treatment at a private facility in Florida. U.S. District Judge Ellen Huvelle rejected that proposal and gave him more prison time than the federal sentencing guidelines advised, according to the ruling.

Brian Shaughnessy, Warren’s lawyer, said he was disappointed with the ruling.

“He’s not getting the treatment he needs,” Shaughnessy said in a telephone interview.

The case is U.S. v. Warren, 11-3030, U.S. Court of Appeals for the District of Columbia (Washington).

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