

111203

MEMORANDUM THRU

Commander, 1st Brigade, 4th Infantry Division Mechanized, Tikrit, Iraq
Commander, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (Mechanized),
Tikrit, Iraq
Commander, Company D, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division
(Mechanized), Tikrit, Iraq

FOR Commander, 502d Personnel Service Battalion, 4th Infantry Division (Mechanized), Tikrit
Iraq

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial, SPC [redacted] *66-5*
[redacted] Company D, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division
(Mechanized), Tikrit, Iraq

1. The Request for Discharge in Lieu of Trial by Court-Martial submitted by SPC [redacted] *66-5*
[redacted] Company D, 4th Forward Support Battalion, 1st Brigade, 4th
Infantry Division (Mechanized), Tikrit, Iraq, UP AR 635-200, Chapter 10, is hereby
APPROVED.

2. I direct that SPC [redacted] *66-5* be discharged from Military Service under the provisions of
AR 635-200, Chapter 10, and that his service be characterized as Under Other Than Honorable
Conditions.

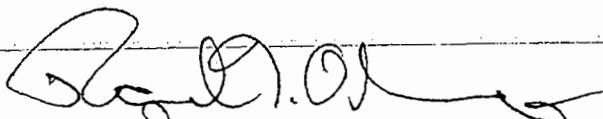
3. The pending court-martial charges against SPC [redacted] will be dismissed after SPC
[redacted] receives his DD Form 214. *66-5*

4. I direct that SPC [redacted] be reduced to the lowest enlisted pay grade, PVT (E-1) IAW
635-200, paragraph 1-13.

5. SPC [redacted] *66-5* will not be transferred into the Individual Ready Reserve (IRR) as he
clearly has no potential for useful service under conditions of full mobilization. Transfer is not
required IAW AR 635-200, paragraph 1-35.

6. In accordance with AR 635-200, paragraph 1-20, if the soldier is a bonus recipient, unearned
portions of any enlistment/reenlistment bonuses will be recouped.

7. I further direct that SPC [redacted] *66-5* be separated from the Army within five working days
upon return to CONUS.



RAYMOND T. ODIERNO
Major General, USA
Commanding

006979

36



DEPARTMENT OF THE ARMY
United States Army Trial Defense
Service
Fort Hood Field Office
Task Force Ironhorse
Forward Operating Base Speicher, Iraq

REPLY TO
ATTENTION OF

AFZF-JA-TDS

16 October 2003

MEMORANDUM THRU

Commander, D Company, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (M),
FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

Commander, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB
Ironhorse (Tikrit) Iraq APO AE 09323-2628

Commander, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-
2628

FOR Commander, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial - SPC [redacted]
[redacted] D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB
Ironhorse (Tikrit) Iraq APO AE 09323-2628

66-5all

1. I, SPC [redacted], hereby voluntarily request discharge in lieu of trial by court-martial under AR 635-200, chapter 10. I understand that I may request discharge in lieu of trial by court-martial because of the following charges which have been preferred against me under the Uniform Code of Military Justice, one of which or a combination of which authorizes the imposition of a bad conduct or dishonorable discharge:

Article 119-Manslaughter

2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offense(s) charged and am guilty of (one or more of) the charge(s) against me or of (a) lesser included offense(s) therein contained which also authorize the imposition of a bad conduct or dishonorable discharge. Moreover, I hereby state that under no circumstances do I desire further rehabilitation, for I have no desire to perform further military service.

3. Prior to completing this form, I have been afforded the opportunity to consult with appointed counsel for consultation. I have consulted with counsel for consultation who has fully advised me of the nature of my rights under the Uniform Code of Military Justice, the elements of the offenses with which I am charged, any relevant lesser included offenses thereto, and the facts which must be established by competent evidence beyond a reasonable doubt to sustain a finding

006980

B6

AFZF-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC [REDACTED] b6-5
D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB
Ironhorse (Tikrit) Iraq APO AE 09323-2628

of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if found guilty. Although he has furnished me legal advice, this decision is my own.

4. I understand that, if my request for discharge is accepted, I may be discharged under conditions other than honorable. I have been advised and understand the possible effects of an Under Other Than Honorable Discharge (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law) and that, as a result of the issuance of such a discharge, I will be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law, as indicated on a copy of DA Poster 635-1, which was provided me). I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Discharge. I further understand that there is neither automatic upgrading nor review by any Government agency of a less than honorable discharge and that I must apply to the Army Discharge Review Board or the Army Board of Corrections of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded.

5. I understand that, once my request for discharge is submitted, it may be withdrawn only with consent of the commander exercising general court-martial authority, or without that commander's consent, in the event trial results in an acquittal or the sentence does not include a punitive discharge even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent. This request is conditioned upon disapproval of the findings and sentence of any court-martial, if applicable in this case.

6. I have been advised that I may submit statements I desire in my own behalf, which will accompany my request for discharge. Statements in my own behalf are not submitted with this request.

7. I hereby acknowledge receipt of a copy of this request for discharge.

[REDACTED] b6-5
SPC, U.S. Army
Accused

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006981

AFZF-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC, [redacted] D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

b6-5

Having been advised by me of:

a. The basis for his contemplated trial by court-martial and the maximum permissible punishment authorized under the Uniform Code of Military Justice;

b. The possible effects of an Under Other Than Honorable Discharge if this request is approved (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law and the loss of benefits administered by both the Army and other Federal agencies as indicated on a copy of DA Poster 635-1, which was provided to the soldier); and

c. The procedures and rights available to him/her;

SPC [redacted] b6-5 personally made the choices indicated in the foregoing request for discharge in lieu of trial by court-martial.

[redacted]
[redacted]
[redacted] b6-2
1LT, JA
Defense Counsel

Data required by the Privacy Act of 1974 (5 USC 552a)

AUTHORITY: Section 301, title 5 USC and section 3013, title 10, USC.

PURPOSE: To be used by the commander-exercising general court-martial jurisdiction over you to determine approval or disapproval of your request for discharge in lieu of trial by court-martial.

ROUTINE USES: Request, with appropriate documentation, including the decision of the discharge authority, will be filed in the MPRJ as permanent material and disposed of in accordance with AR 640-10, and may be used by other appropriate Federal agencies and State and local governmental activities where use of the information is compatible with the purpose for which the information was collected.

B6

AFZF-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC.

66-5

██████████ D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

Submission of a request for discharge is voluntary. Failure to provide all or a portion of the requested information may result in your request being disapproved.

006983

CHARGE SHEET

(b)(6)

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, Middle Initial) ██████████ bb-5		2. SSN ██████████	3. GRADE OR RANK SPC	4. PAY GRADE E4
5. UNIT OR ORGANIZATION D COMPANY, 4TH FORWARD SUPPORT BATTALION, 1ST BRIGADE, 4TH INFANTRY DIVISION (MECHANIZED)			6. CURRENT SERVICE	
			a. INITIAL DATE 24 Aug 00	b. TERM 4 yrs
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED None	9. DATE(S) IMPOSED N/A	
a. BASIC \$1,665.30	b. SEA/FOREIGN DUTY \$100.00			

II. CHARGES AND SPECIFICATIONS

10. CHARGE: VIOLATION OF THE UCMJ, ARTICLE 119

SPECIFICATION: In that SPC ██████████ **bb-5** US Army, did, at or near Tikrit, Iraq, on or about 11 September 2003, willfully and unlawfully kill ██████████ **bb-4** by shooting him in the abdomen with a rifle.

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, Middle Initial) ██████████	b. GRADE CPT	c. ORGANIZATION OF ACCUSER D CO, 4TH FSB, 1ST BDE, 4ID (M)
d. SIGNATURE OF ACCUSER ██████████ bb-2	e. DATE (YYYYMMDD) 20031007	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 7th day of October, 2003, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

██████████
Typed Name of Officer

HHC, 1BDE, 4ID (M)

Organization of Officer

██████████ **bb-2**
APTAIN

Grade

ARTICLE 136, UCMJ

Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)

██████████
Signature

On 7 OCTOBER, 2003, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

[Redacted] bb-2
Typed Name of Immediate Commander

HQ, D CO, 4TH FSB, 1ST BDE, 4ID (M)
Organization of Immediate Commander

CPT

Grade

[Redacted] bb-2
Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 2000 hours, 7 October, 2003 at HQs, 4th Forward Support Battalion
Designation of Command or

1st Brigade, 4th Infantry Division (Mechanized)
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹

[Redacted]
Typed Name of Officer

Commanding
Official Capacity of Officer Signing

LTC

Grade

[Redacted] bb-2
Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY b. PLACE c. DATE (YYYYMMDD)

Referred for trial to the _____ court-martial convened by _____

_____, subject to the following instructions:²

By _____ of _____
Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

[Redacted]
Signature

15. On _____, _____, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

CPT
Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.
2 — See R.C.M. 601(e) concerning instructions. If none, so state.

06984 A

4ID SJA TDS

From: 4ID SJA CHIEFMJ
Sent: Wednesday, November 12, 2003 11:46 AM
To: 4ID SJA TDS
Subject: [REDACTED] b(6)(2)

B6-2

[REDACTED] it's been approved.:)

006986