

# COURT-MARTIAL RECORD

**NAME** RICHMOND, EDWARD L. PFC

**SSN** [REDACTED] b(6)-2

**ACTIONS CODED:**

**INITIAL** JUN 22 2005

**ACCA**

**FINAL**

**COMPANION(S):**

**ASSIGNED TO:** 2

**PANEL**

**EXAM. DIV.**

**RETURN THIS FILE TO:**

**OFFICE OF THE CLERK OF COURT**

**US ARMY JUDICIARY**

**901 NORTH STUART STREET, SUITE 1200**

**ARLINGTON, VA 22203-1837**

**VOL** I **OF** VII **VOL(S)**

20040787

**ARMY**

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20040787

JALS-CC FORM 24, 1 OCTOBER 2000

JUN 13 2005

016549

UNITED STATES ARMY JUDICIARY  
901 NORTH STUART STREET  
ARLINGTON, VIRGINIA 22203-1837

UNITED STATES

v.

ARMY 20040787

PFC EDWARD L. RICHMOND

[REDACTED] b(6)-2

REFERRAL AND DESIGNATION  
OF COUNSEL

1. The record of trial in this case having been received for review pursuant to Article 66(b), Uniform Code of Military Justice, the record is, by authority of The Judge Advocate General, hereby referred to the United States Army Court of Criminal Appeals for appellate review. Pursuant to assignment procedures approved by the Chief Judge, the record is assigned to the Panel indicated below.

2. Pursuant to Article 70(c)(1), Uniform Code of Military Justice, the Chief, Defense Appellate Division, and such additional or other appellate counsel as he may assign, shall represent the accused in these proceedings and in any further or related proceedings in the United States Court of Appeals for the Armed Forces. The Chief, Government Appellate Division, and such additional appellate counsel as he may assign, shall represent the United States.

Date: 13 June 2005

PANEL 2

FOR THE CLERK OF COURT:

[REDACTED] b(6)-2  
[REDACTED]  
[REDACTED]  
Deputy Clerk of Court

DISTRIBUTION:  
JALS-DA  
JALS-GA

016550

# CHRONOLOGY SHEET<sup>1</sup>

In the case of Private First Class Edward L. Richmond, Jr.  
(Rank and Name of Accused)

Date of alleged commission of earliest offense tried: 28-Feb 2004  
(Enter Date)

Date record [REDACTED] Advocate General: <sup>2</sup> b(6)-2  
(Enter Date)

LTC [REDACTED] SJA, HQ, 1ID, APO AE 09392  
(signature and rank of Staff Judge Advocate or Legal Officer)

1 In a case forwarded to The Judge Advocate General, the staff judge advocate or legal officer is responsible for completion of the Chronology Sheet. Trial counsel should report any authorized deductions and reasons for unusual delay in the trial of the case.

2 Or officer conducting review under Article 64(a)(MCM, 1984, RCM 1112).

3 In computing days between two dates, disregard first day and count last day. The actual number of days in each month will be counted.

4 Item 1 is not applicable when accused is not restrained, (see MCM, 1984, RCM 304) or when he/she is in confinement under sentence or court-martial at time charges are preferred. Item 2 will be the zero date if item 1 is not applicable.

5 May not be applicable to trial by special court-martial.

6 Only this item may be deducted.

7 If no further action is required, items 1 to 8 will be completed and chronology signed by such convening authority or his/her representative.

8 When further action is required under Article 64 or service directives.

ACTION		DATE 2002/03	CUMULATIVE ELAPSED DAYS <sup>3</sup>
1. Accused placed under restraint by military authority <sup>4</sup>			
2. Charges preferred (date of affidavit)		5-Apr-04	
3. Article 32 investigation (date of report) <sup>5</sup>		18-Apr-04	13
4. Charges received by convening authority		15-Jun-04	71
5. Charges referred for trial		15-Jun-04	71
6. Sentence or acquittal		5-Aug-04	122
Less days:			
Accused sick, in hospital, or AWOL	0		
Delay at request of defense	1		
Total authorized deduction <sup>6</sup>	1		
7. Net elapsed days to sentence or acquittal			121
8. Record received by convening authority		6-Dec-04	244
Action <sup>7</sup>		15-Apr-05	374(343)
9. Record received by officer conducting review under Article 64(a)			
Action <sup>8</sup>			

## REMARKS

Defense Delay: 1 day. (16 Apr 04 - 17 Apr 04) AR 27-10, Para 5-40b(2)

Defense Delay: 31 days. (6 Jan 05 - 5 Feb 05) AR 27-10, Para 5-40b(2)

Number of days from initial investigation of most serious arraigned offense to the date of arraignment:  
124 days. (AR 27-10, Para 5-40b(1))

Accused confined at Fort Sill, OK (AR 27-10, Para 5-40c)

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DEPARTMENT OF THE ARMY  
UNITED STATES ARMY GARRISON HAWAII  
SCHOFIELD BARRACKS, HAWAII 96857-5000

ORDERS C289-14

b(6)-2

15 October 2004

RICHMOND, EDWARD I [REDACTED] PVT Headquarters and Headquarters Company,  
1-27<sup>th</sup> Infantry Battalion (WALSAA), Schofield Barracks, HI 96857-6000

You will proceed on permanent change of station as shown.

Assigned to: A Battery, Personnel Control Facility (WOVGPR) Personnel and Support Battalion,  
United States Army Facility Fort Sill, Fort Sill, Oklahoma 73503-5100

Attached to: Regional Confinement Facility (WOVGPR) Fort Sill, Oklahoma 73503-5100

Reporting Date: 24 October 2004

Additional Instructions:

- (a) You are authorized to check two pieces of baggage free. Each piece may not exceed 62 linear inches (the sum of width plus height) or (50) pounds. One standard B-4 Duffel bag or Sea bag will be accepted regardless of size or weight and will count as one of the free pieces. One piece of baggage not to exceed 45 linear inches may be carried on board the aircraft by each passenger.
- (b) Commander, United States Army Support Command, Hawaii, Fort Shafter, Hawaii 96858 will be responsible for the necessary guards.
- (c) Soldier's personal records will be hand-carried by the escort guard(s).
- (d) Guards are authorized to carry and use handcuffs when escorting soldiers to their final destination.
- (e) Soldier is transferred to your command for further confinement.
- (f) IAW AR 190-47, Para 5-8(3)a, and AR 55-71, Chapter 7, Soldier is authorized shipment of vehicle and household goods to POC: [REDACTED]

b(6)-4

FOR ARMY USE

AUTH: VOCG 25TH INFANTRY DIVISION AND AR 190-47

MDC: 4CE5

Enl/Reenl indic: Not Applicable

PPD: Not Applicable

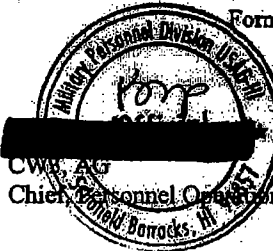
PMOS/SSL: 11C100000

Proj specialty: Not Applicable

Aval date: 7 November 2004

Pers conno: Not Applicable  
Assg to mgt dsg: Not Applicable  
Con specialty: Not Applicable  
CIC: 251A63  
Pers scy code: Not Applicable  
Format: 410

FOR THE COMMANDER



Chief, Personnel Operations Branch

b(6)-2

DISTRIBUTION:

APVG-PSB-MPD-PB (AUTOMATION) (1)

APVG-PSB-MPD-B (RECORDS) (1)

Cdr, USAREC, ATTN: PCRE-FS, Ft Ben Harrison, Indiana 46249-5000 (1)

Army Liaison, Naval Brig, Pearl Harbor, Hawaii 96860 (1)

Cdr, Regional Confinement Facility (WOVGPR) Fort Sill, Oklahoma 73503-5100 (1)

SJA, ATTN: APVG-JA Crim Law (2)

HHC, 1-27<sup>th</sup> Inf Bn, Schofield Barracks, HI 96857-6000 (1)

INDIVIDUAL CONCERNED (5)

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20040787

UNITED STATES

v.

Edward L. RICHMOND, JR.  
PFC, U.S. Army  
HHC, 1<sup>st</sup> Battalion, 27<sup>th</sup> Infantry Regiment  
25<sup>th</sup> Infantry Division (Light)  
APO AE 09347-9998

POST-TRIAL and  
APPELLATE RIGHTS

5 August 2004

I, PFC Edward L. Richmond, Jr., the accused in the above-entitled case, certify that my trial defense counsel has advised me of the following post-trial and appellate rights in the event that I am convicted of a violation of the Uniform Code of Military Justice:

1. In exercising my post-trial rights, or in making any decision to waive them, I am entitled to the advice and assistance of military counsel provided free of charge or civilian counsel provided by me at no expense to the Government.
2. After the record of trial is prepared, the convening authority will act on my case. The convening authority can approve the sentence adjudged (as limited by any pretrial agreement), or he can approve a lesser sentence, or disapprove the sentence entirely. The convening authority cannot increase the sentence. He can also disapprove some or all of the findings of guilty. The convening authority is not required to review the case for legal errors, but may take action to correct legal errors.
3. I have the right to submit any matters I wish the convening authority to consider in deciding what action to take in my case. Before the convening authority takes action, the Staff Judge Advocate will submit a recommendation to him. This recommendation will be sent to my defense counsel and to me. At that time, errors in my court-martial or clemency matters supporting reduction or disapproval of my punishments that I wish the convening authority to consider, and matters in response to the Staff Judge Advocate's recommendation must be submitted through my attorney to the convening authority. Such matters must be submitted within 10 days after my counsel and I receive the recommendation of the Staff Judge Advocate. This 10 day period begins when both my counsel and I have received the Staff Judge Advocate's recommendation. Upon my request, the convening authority may extend this period, for good cause, for not more than an additional 20 days.
4. If a punitive discharge or confinement for one year or more is adjudged and the convening authority approves the discharge or confinement for a year or more, my case will be reviewed by the Army Court of Criminal Appeals (ACCA). I am entitled to be represented by counsel before such court. If I so request, military counsel will be appointed to represent me at no cost to me. If I so choose, I may also be represented by civilian counsel at no expense to the United States.
5. After the Army Court of Criminal Appeals completes its review, I may request that my case be reviewed by the Court of Appeals for the Armed Forces (CAAF). If that Court reviews my

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Appellate Exhibit XXXI  
1 of 5

case, I may request review by the Supreme Court of the United States. I would have the same rights to counsel before those courts as I have before the ACCA.

6. If the Court-Martial does not adjudge or the Convening Authority does not approve either a punitive discharge or confinement for a year or more, my case will be examined by the Office of the Judge Advocate General for any legal errors and to determine if the sentence is appropriate. The Judge Advocate General (TJAG) may take corrective action as appropriate. This mandatory review under Article 69(a), UCMJ, will constitute the final review of my case unless TJAG directs review by the Army Court of Criminal Appeals.

7. I may waive or withdraw review by the appellate courts (subparagraph 4, above) or the Office of The Judge Advocate General (subparagraph 6, above) at any time before such review is completed. I understand that if I waive or withdraw review:

a. My decision is final and I cannot change my mind.

b. My case will then be reviewed by a military lawyer for legal error. It will also be sent to the General Court-Martial Convening Authority for final action.

c. Within 2 years after the sentence is approved, I may request TJAG to take corrective action on the basis of newly discovered evidence, fraud on the court-martial, lack of jurisdiction over me or the offense, error prejudicial to my substantial rights, or the appropriateness of the sentence.

8. I understand that IAW Article 57(a), U.C.M.J., any forfeiture and/or reduction that was part of my sentence will take effect 14 days from the earlier of either a) the date the sentence was imposed, or b) the date the Convening Authority approves the sentence. I understand that under Article 57(a), I can, through my attorney, request that the application of these adjudged punishments be deferred by the Convening Authority until the date the Convening Authority approves the sentence.

9. I understand that IAW Article 58b, U.C.M.J., if this court-martial sentences me to either a) any confinement and a punitive discharge, or b) any confinement in excess of six months, I will automatically forfeit all my pay and allowances during my confinement. (If I was tried by a Special Court-Martial, I automatically will forfeit 2/3 of my pay during confinement if I receive a punitive discharge or confinement in excess of six months.) I understand that under Article 58b, I can, through my attorney, ask that the convening authority defer these automatic forfeitures until the convening authority takes action on my sentence. In addition, my attorney may request that the convening authority waive this automatic forfeiture for a period not to exceed six months, but only if the following two conditions are met:

a. I have dependents; and

b. The Convening Authority directs that the pay and allowances I would otherwise get would be paid not to me, but to my dependents.

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10. I understand that if my court-martial sentence included a punitive discharge, I can request an exception to policy to have my family's household goods shipped at government expense. (Note: Family members residing in USAREUR under command sponsorship will have household good shipped at government expense without the need for an exception to policy.)

11. I understand that if my court-martial sentence included confinement, I can request that the Convening Authority defer (that is, postpone the start of) my confinement. I understand that it is my burden to show that my interests and those of the community in release outweigh the interests of the community in confining me.

12. I have read and had my post-trial rights explained to me by counsel and I acknowledge these rights and make the elections set forth below, as reflected by my initials where appropriate.

ER a. I understand my post-trial and appellate review rights.

ER b. I request that a copy of the authenticated record of trial be served on myself pursuant to RCM 1104(b); I also request that a separate authenticated copy of the record of trial be served on my military counsel (and civilian counsel, if appropriate) pursuant to RCM 1106(f)(3). I request that individual copies of the Staff Judge Advocate's post trial recommendation be served on by both myself and my defense counsel pursuant to RCM 1106(f).

ER c. My defense counsel, CPT [REDACTED] <sup>b(6)-2</sup> will submit R.C.M. 1105 matters in my case.

ER d. I want to be represented before the Army Court of Criminal Appeals by Appellate Defense Counsel appointed by The Judge Advocate General of the Army. I understand that I may contact my Appellate Defense Counsel by writing to Defense Appellate Division, U.S. Army Legal Services Agency (JALS-DA), 901 North Stuart Street, Suite 1200, Arlington, Virginia 22203-1837.

ER e. I have been informed that I have the right to retain civilian counsel at my expense. My civilian counsel's name, address, and telephone are as follows:

---

Should I later retain civilian counsel, I will furnish the above information to: Clerk of Court, U.S. Army Judiciary (JALS-CC), 901 North Stuart Street, Suite 1200, Arlington, Virginia 22203-1837.

f. If applicable, I (do) \_\_\_\_\_ (do not) ER want my attorney to ask the Convening Authority to defer the application of my adjudged forfeitures and/or reduction in Article 57(a) as described in paragraph 8 above.

g. If applicable, I (do) \_\_\_\_\_ (do not) ER want my attorney to ask the Convening Authority to defer or waive the automatic forfeitures in Article 58b as described in paragraph 9 above. The dependent(s) who are dependent upon me for support and who would

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be designated to receive my pay, which would otherwise be automatically forfeited are (give name, relationship to you, address, telephone number) \_\_\_\_\_

h. If applicable, I (do) \_\_\_\_\_ (do not) ER want my attorney to ask the Convening Authority for an exception to policy to ship my family's household goods at Government expense, as described in paragraph 10 above.

i. If applicable, I (do) \_\_\_\_\_ (do not) ER want my attorney to ask the Convening Authority to defer my confinement, as described in paragraph 11 above.

13. I understand that if my sentence included either a Bad Conduct or Dishonorable Discharge but no confinement, I can immediately request to be placed on voluntary excess leave (VEL) until the Convening Authority takes action on my case. I understand that if my sentence included either a Bad Conduct or Dishonorable Discharge and any confinement, I can request to be placed on VEL at the completion of my confinement until the Convening Authority takes action on my case. If my request is granted and I am placed on VEL, I understand that:

- a. My accrued leave will be used until exhausted, and then I will be in a VEL status;
- b. While in a VEL status, I will not receive any pay or allowances, nor will I accrue leave;
- c. While in a VEL status, I will not be entitled to travel on a space available basis; and
- d. I will be completely processed for discharge from the Army and, if requested, will receive a separation physical prior to my departure on VEL. I understand that there is no entitlement to physical disability retired pay should I incur a physical disability while in a VEL status.

14. I understand that if my sentence included a Bad Conduct or Dishonorable Discharge, when the Convening Authority takes action on my case, I will be placed on involuntary excess leave (IEL) until the completion of the post-trial and appellate process in my case. If I am placed on IEL, I understand that same restrictions as listed above for VEL apply.

15. Pending appellate action on my case, I can be contacted, or a message may be left for me, at the following address: PFC Edward L. Richmond, Jr., c/o \_\_\_\_\_ home phone: \_\_\_\_\_ b(6)-4

Email Address (if any): \_\_\_\_\_ or \_\_\_\_\_ b(6)-4

DATE: 5 August 2004

Edward L. Richmond, Jr.  
EDWARD L. RICHMOND, JR.  
PFC, USA  
Accused

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I certify that I have advised PFC Edward L. Richmond, Jr., regarding the post-trial and appellate rights as set forth above, that he has received a copy of this document, and that he made elections concerning appellate counsel.

IAW R.C.M. 1106(f)(3), I request a copy of the record of trial.

DATE: 5 August 2004

[REDACTED]

b(6)-2

CPT, JA  
Trial Defense Counsel

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b(6)-2

<b>COURT-MARTIAL DATA SHEET</b>				1. OJAG NUMBER	
2. NAME (Last, First, Middle Initial) RICHMOND, Edward L., Jr.		3. SOCIAL SECURITY NO. [REDACTED]		4. RANK PFC	
5. UNIT/COMMAND NAME HHC, 1-27 IN, APO AE 09347-9998					

**INSTRUCTIONS**

When an item is not applicable to the record of trial being reviewed, mark the proper block with a diagonal line similar to the ones which appear in the SPCMCA blocks for items 6a and b.

**KEY TO USE**

<b>TC - Trial Counsel.</b> This column will be completed in all cases in which a finding of guilty is returned.  <b>SPCMCA - Special Court-Martial Convening Authority</b> who is not empowered to convene a general court-martial. This column will be completed in each special court-martial case by the SPCMCA or his/her designated representative.	<b>GCM or JA - General Court-Martial Convening Authority or Judge Advocate.</b> This column will be completed in any case in which the record is forwarded by the commander exercising general court-martial jurisdiction to The Judge Advocate General of the branch of service concerned. If the record is reviewed under Article 64(a), UCMJ, this column will be completed by the judge advocate accomplishing the review	<b>OJAG - Appropriate appellate agency in the Office of The Judge Advocate General</b> of the branch of service concerned. This column will be disregarded if a record of trial was reviewed under Article 64, UCMJ, and in cases where there are no approved findings of guilty.  <b>References - All references are to the Uniform Code of Military Justice (UCMJ) and the Manual for Courts Martial, United States (MCM), 1984.</b>
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<b>SECTION A - PRETRIAL AND TRIAL PROCEDURE</b>	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
6. a. If a general court-martial: Was the accused represented in the Article 32 investigation by civilian or military counsel of his/her own selection or by counsel qualified within the meaning of Article 27(b), UCMJ?	X		N/A	N/A	X			
b. If not: Did the accused waive his/her right to such representation?	N/A	N/A			N/A	N/A		
7. Does the record show place, date, and hour of each Article 39(a) session, the assembly and each opening and closing thereafter?	X				X			
8. a. Are all convening and amending orders of courts to which charges were referred entered in the record?	X				X			
b. Are court members named in the convening orders, detailed military judge (if any), counsel and the accused accounted for as present or absent?	X				X			
c. Was less than a quorum present at any meeting requiring the presence of court members (RCM 805)?		X				X		
d. Does the record show that after each session, adjournment, recess, or closing during the trial, the parties to the trial were accounted for when the court reopened (A13-5)?	X				X			
e. If the military judge or any member present at assembly was thereafter absent, was such absence the result of challenge, physical disability or based on good cause as shown in the record of trial (RCM 505(c)(2)(A))?	N/A	N/A			N/A	N/A		
9. Were the reporter and interpreter, if any, sworn or previously sworn?	X				X			
10. a. Was the military judge properly certified (RCM 502(c))?	X				X			
b. Was the military judge properly detailed (RCM 503(b))?	X				X			
c. Was the military judge present during all open sessions of the court?	X				X			
11. a. Was the accused advised that:								
(1) He/she had the right to be represented free of charge by a military lawyer of his/her own selection, if reasonably available, in which case detailed counsel might be excused (RCM 506(a))?	X				X			

# COURT-MARTIAL DATA SHEET

<b>SECTION A - PRETRIAL AND TRIAL PROCEDURE (CONTINUED)</b>	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
(2) He/she had the right to be represented at the trial by a civilian lawyer provided at no expense to the government, in which case detailed counsel would serve as associate counsel or be excused with the accused's consent?	X				X			
(3) If he/she did not exercise any of the rights listed above, he/she would be defended by detailed counsel certified under Article 27(b), UCMJ (RCM 502(d)(1))?	X				X			
b. (1) Was the accused represented by a civilian lawyer?		X				X		
(2) Did the accused request a specific military counsel?		X				X		
(3) (a) If so, was such request complied with?	N/A	N/A			N/A	N/A		
(b) If not, were reasons given why requested counsel was not reasonably available?	N/A	N/A			N/A	N/A		
12. a. Was the detailed defense counsel properly certified (RCM 502(d))?	X				X			
b. Was at least one qualified counsel for each party present during all open sessions of the court (RCM 502(d) and RCM 805(c))?	X				X			
13. a. If the special court-martial adjudged a BCD:								
(1) Was a military judge detailed to the court (RCM 503(b))?	N/A	N/A			N/A	N/A		
(2) If not, did the convening authority submit a statement indicating why a military judge could not be detailed and why trial had to be held at that time and place (Article 19, UCMJ)?	N/A	N/A			N/A	N/A		
(3) Was a verbatim transcript made (Article 19, UCMJ)?	N/A	N/A			N/A	N/A		
14. Did any person who acted as the accuser, investigating officer, military judge, court member, or a member of the defense in the same case, or as counsel for the accused at a pretrial investigation or other proceedings involving the same general matter, subsequently act as a member of the prosecution (RCM 502(d)(4))?		X				X		
15. If any member of the defense had acted as a member of the prosecution in the same case, was he/she excused (RCM 502(d)(4))?	N/A	N/A			N/A	N/A		
16. a. If any member of the defense had acted as the accuser, investigating officer, military judge, or member of the court, were his/her services expressly requested by the accused (RCM 502(d)(4))?	N/A	N/A			N/A	N/A		
b. If not, was he/she excused?	N/A	N/A			N/A	N/A		
17. a. If accused was an enlisted person, did he/she make a request that enlisted persons be included in membership of the court?	X				X			
b. If so, were at least one-third of the members who tried the case enlisted persons, or did the convening authority direct the trial without enlisted persons and provide a detailed written explanation which is appended to the record (RCM 503(a)(2))?	X				X			
c. Did any enlisted member of the court belong to the same unit as the accused?		X				X		
18. If a military judge was detailed to the court, was the accused informed of his/her right to request trial by military judge alone?	X				X			
19. Were the members of the court, military judge (if any) and the personnel of the prosecution and defense sworn or previously sworn?	X				X			
20. a. Was any person sitting as a member of the court, or military judge (if any), the accuser, a witness for the prosecution, the investigating officer, staff judge advocate, counsel, or convening authority, or upon rehearing or new trial was he/she a member of the former trial (RCM 902(b) and RCM 912(f))?		X				X		
b. If so, did the accused waive such disqualification (RCM 912(f)(4) and RCM 902(e))?	N/A	N/A			N/A	N/A		

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# COURT-MARTIAL DATA SHEET

SECTION A - PRETRIAL AND TRIAL PROCEDURE (CONTINUED)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
21. a. Was each accused extended the right to challenge military judge (if any), and any member of the court for cause and to exercise one peremptory challenge?	X				X			
b. Was action by court upon challenges proper (RCM 902 and RCM 912)?	X				X			
c. Does the record show that a member excused as a result of a challenge withdrew from the court?	X				X			
22. a. Was the accused properly arraigned (RCM 904)?	X				X			
b. Do the following appear in the record: The charges and specifications, the name, rank and unit/command name of the person signing the charges, the affidavit, and the order of reference for the trial?	X				X			
c. Except in time of war, was the accused brought to trial (which includes an Article 39(a), UCMJ session) by general court-martial within five days (by special court-martial within three days) subsequent to service of charges upon him/her (RCM 602)?		X				X		
d. If so, did the accused object to trial?	N/A	N/A			N/A	N/A		
23. a. Were any charges or specifications affected by the statute of limitations (RCM 907(b))?		X				X		
b. If so, was accused advised of his/her right to assert the statute and was his/her response recorded (RCM 907(b))?	N/A	N/A			N/A	N/A		
24. Did the court take proper action with respect to motions raising defenses and objections (RCM 905-907)?	X				X			
25. a. Were pleas of accused regularly entered (RCM 910(a))?	X				X			
26. Does the record show that all witnesses were sworn?	X				X			
27. Did the military judge or president advise the court concerning the elements of each offense, each lesser included offense reasonably raised by the evidence, and the presumption of innocence, reasonable doubt, and burden of proof, pursuant to Article 51(c), UCMJ (RCM 920(e))?	X				X			
28. a. If trial was by military judge alone, did the military judge announce the findings (RCM 922)?	N/A	N/A			N/A	N/A		
b. If the trial was with members, did the president announce the findings (RCM 922)?	X				X			
c. If special findings were requested, were they made a part of the record?	N/A	N/A			N/A	N/A		
29. Were the findings in proper form (A10)?	X				X			
30. a. Was the evidence, if any, of previous convictions admissible and properly introduced in evidence (RCM 1001(b)(3))?		X				X		
b. Was the information from personnel records of the accused properly admitted (RCM 1001(b)(2))?	X				X			
c. Was the defense permitted to introduce evidence in extenuation and mitigation after the court announced findings of guilty (RCM 1001(c))?	X				X			
31. a. In a trial with members, did the president announce the sentence (RCM 1007)?	X				X			
b. If trial was by military judge alone, did the military judge announce the sentence (RCM 1007)?	N/A	N/A			N/A	N/A		

# COURT-MARTIAL DATA SHEET

COURT-MARTIAL DATA SHEET								
SECTION A - PRETRIAL AND TRIAL PROCEDURE (CONTINUED)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
32. Was the sentence in proper form (A11)?	X				X			
33. Is the record properly authenticated (RCM 1104)?	X				X			
34. a. Did all members who participated in proceedings in revision vote on original findings and sentence (RCM 1102(e)(1))?	N/A	N/A			N/A	N/A		
b. At proceedings in revision, were a military judge (if one was present at the trial), the accused, and counsel for the prosecution and defense present (RCM 1102(e)(1))?	N/A	N/A			N/A	N/A		
35. Was each accused furnished a copy of the record or substitute service made on defense counsel (RCM 1104(b))?	X				X			
36. Was clemency recommended by the court or military judge?		X				X		
SECTION B - PROCEDURE AFTER TRIAL	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
37. Was the court convened by proper authority (RCM 504(b))?					X			
38. Did the court have jurisdiction of person and offense (RCM 202 & 203)?					X			
39. Does each specification state an offense under the code (RCM 907(b))?					X			
40. Did the accused have the requisite mental capacity at the time of trial and the requisite mental responsibility at the time of the commission of each offense (RCM 909 and RCM 916(k))?					X			
41. Is the evidence sufficient to support the findings?					X			
42. Is the sentence within legal limits (RCM 1112(d))?					X			
43. Is the action of the convening authority properly entered in the record and signed (RCM 1107(f))?					X			
44. If appropriate, is a proper place of confinement designated (RCM 1107(f)(4)(c))?					X			
45. a. Was the staff judge advocate's post-trial recommendation served on the defense counsel for comment (RCM 1106(f))?					X			
b. If the addendum to the recommendation contained new matters, was it served on the defense counsel for comment (RCM 1105(f)(7))?					N/A	N/A		
c. Did the accused submit matters for the convening authority's consideration in a timely manner (RCM 1105)?					X			
d. If yes, was the convening authority's action subsequent to the submission of the matters?					X			
e. If no, did the accused waive in writing the right to submit matters and was the action taken subsequent to the written waiver or did the time periods provided in RCM 1105(c) expire before the convening authority's action?					N/A	N/A		
46. a. Does the record indicate that the accused was advised of his/her appellate rights (RCM 1010)?					X			
b. Do the allied papers contain a statement indicating the desires of the accused with respect to appellate representation in the event his/her case is referred to a court of military review?					X			
c. Did the accused waive or withdraw appellate review and is the waiver or withdrawal in proper form and attached to the record of trial (RCM 1110, A19 & 20)?						X		

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# COURT-MARTIAL DATA SHEET

SECTION C - COURT-MARTIAL ORDERS (CMO)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
47. Does the initial CMO bear the same date as the action of the convening authority who published it?					X			
48. Are all the orders convening the court which tried the case correctly cited in the CMO?					X			
49. Are the accused's name, rank, SSN, unit/command name and branch of service correctly shown in the CMO?					X			
50. Are all the charges and specifications (including amendments) upon which the accused was arraigned correctly shown in the CMO (RCM 1114)?					X			
51. Are the pleas, findings, and sentence correctly shown in the CMO (RCM 1114)?					X			
52. Does the CMO show the date the sentence was adjudged?					X			
53. Is the action of the convening authority correctly shown in the CMO?					X			
54. Is the CMO properly authenticated (RCM 1114)?					X			
55. REMARKS:								

# COURT-MARTIAL DATA SHEET

55. REMARKS (Continued):

b(6)-2

## 56. TRIAL COUNSEL

a. TYPED NAME (Last, First, Middle Initial)	b. RANK	c. SIGNATURE	d. DATE SIGNED
[REDACTED]	MAJ	[REDACTED]	

## 57. CONVENING AUTHORITY OR HIS/HER REPRESENTATIVE

a. TYPED NAME (Last, First, Middle Initial)	b. RANK	c. SIGNATURE	d. DATE SIGNED
[REDACTED]	MAJ	[REDACTED]	

## 58. STAFF JUDGE ADVOCATE OF GENERAL COURT-MARTIAL OR CONVENING AUTHORITY OR REVIEWING JUDGE ADVOCATE

a. TYPED NAME (Last, First, Middle Initial)	b. RANK	c. SIGNATURE	d. DATE SIGNED
[REDACTED]	LTC	[REDACTED]	

## 59. ACTION IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL

a. ACTION:

## b. INDIVIDUAL COMPLETING DATA SHEET

(1) TYPED NAME (Last, First Middle Initial)	(2) RANK	(3) SIGNATURE	(4) DATE SIGNED

DNA processing required. 10 U.S.C. § 1565

DEPARTMENT OF THE ARMY  
Headquarters, 1st Infantry Division  
APO AE 09036

GENERAL COURT-MARTIAL ORDER  
NUMBER 18

15 April 2005

b(6)-2

Private First Class Edward L. Richmond, [REDACTED] U.S. Army, Headquarters and Headquarters Company, 1<sup>st</sup> Battalion, 27<sup>th</sup> Infantry Regiment, 25<sup>th</sup> Infantry Division, APO AE 09347 was arraigned at Tirkrit, Iraq, on the following offense at a general court-martial convened by the Commander, 1st Infantry Division.

Charge: Article 118: Plea: Not Guilty. Finding: Not Guilty, but Guilty of the lesser included offense of voluntary manslaughter, in violation of Article 119.

b(6)-4

The Specification: At or near Taal Al Jal, Iraq, on or about 28 February 2004, murder [REDACTED] by means of shooting him in the head with a rifle. Plea: Not Guilty. Finding: Not Guilty, but Guilty of the lesser included offense of voluntary manslaughter, in violation of Article 119.

SENTENCE

The sentence was adjudged on 5 August 2004: To be reduced to the grade of E1; to forfeit all pay and allowances; to be confined for 3 years; and to be dishonorably discharged.

ACTION

The sentence is approved and, except for that part of the sentence extending to a dishonorable discharge, will be executed. The accused will be credited with 47 days of confinement against the sentence to confinement.

BY COMMAND OF MAJOR GENERAL BATISTE:

b(6)-2

DISTRIBUTION:

Record Set (1)

Reference Set (1)

Accused (1)

MJ (LTC [REDACTED]) (1)

TC (MAJ [REDACTED]) (1)

(See Cont)

b(6)-2

[REDACTED]  
MAJ, [REDACTED]  
Chief, Military Justice

016565

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GCMO No. 18, DA, HQ, 1st Inf Div, APO AE 09036, dtd 15 Apr 05 (continued)

DC (CPT [REDACTED]) (1) b(6)-2  
ADC (CPT [REDACTED]) (1)  
CDR, HHC, 1-27 IN Reg, APO AE 09347 (1)  
CDR, 1-27<sup>th</sup> IN Reg, APO AE 09347 (1)  
CDR, 25th ID, APO AE 09036 (1)  
CDR, RCF, Fort Sill, OK 73503 (1)  
CDR, U.S. Army Enlisted Records and Evaluation Center,  
ATTN: PCRE-FS, Ft Benjamin Harrison, IN 46249 (1)  
Clerk of Court, (JALS-CCR), 901 N. Stuart Street, Suite 1200,  
Arlington, VA 22203-1837 (10)  
U.S. Army Criminal Investigation Lab, Fort Gillem, GA  
ATTN: CODIS Lab, 4553 North 2d Street, Bldg. 213B,  
Forest Park, Georgia 30297-5122 (1)

20040787  
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DNA processing required. 10 U.S.C. § 1565

DEPARTMENT OF THE ARMY  
Headquarters, 1st Infantry Division  
APO AE 09036

GENERAL COURT-MARTIAL ORDER  
NUMBER 18

15 April 2005

b(6)-2  
Private First Class Edward L. Richmond, [REDACTED], U.S. Army, Headquarters and Headquarters Company, 1<sup>st</sup> Battalion, 27<sup>th</sup> Infantry Regiment, 25<sup>th</sup> Infantry Division, APO AE 09347 was arraigned at Tirkrit, Iraq, on the following offense at a general court-martial convened by the Commander, 1st Infantry Division.

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The Specification: At or near Taal Al Jal, Iraq, on or about 28 February 2004, murdered [REDACTED] by means of shooting him in the head with a rifle. Plea: Not Guilty. Finding: Not Guilty, but Guilty of the lesser included offense of voluntary manslaughter, in violation of Article 119. b(6)-4

SENTENCE

The sentence was adjudged on 5 August 2004: To be reduced to the grade of E1; to forfeit all pay and allowances; to be confined for 3 years; and to be dishonorably discharged.

ACTION

The sentence is approved and, except for that part of the sentence extending to a dishonorable discharge, will be executed. The accused will be credited with 47 days of confinement against the sentence to confinement.

BY COMMAND OF MAJOR GENERAL BATISTE:

DISTRIBUTION:

Record Set (1)  
Reference Set (1)  
Accused (1)  
MJ (LTC [REDACTED]) (1)  
TC (MAJ [REDACTED]) (1)  
(See Cont)

b(6)-2

[REDACTED]  
MAJ, [REDACTED]  
Chief, Military Justice

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20040787

GCMO No. 18, DA, HQ, 1st Inf Div, APO AE 09036, dtd 15 Apr 05 (continued)

DC (CPT [REDACTED]) (1) b(6)-2

ADC (CPT [REDACTED]) (1)

CDR, HHC, 1-27 IN Reg, APO AE 09347 (1)

CDR, 1-27<sup>th</sup> IN Reg, APO AE 09347 (1)

CDR, 25th ID, APO AE 09036 (1)

CDR, RCF, Fort Sill, OK 73503 (1)

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U.S. Army Criminal Investigation Lab, Fort Gillem, GA

ATTN: CODIS Lab, 4553 North 2d Street, Bldg. 213B,

Forest Park, Georgia 30297-5122 (1)

**DNA processing required. 10 U.S.C. § 1565**

DEPARTMENT OF THE ARMY  
Headquarters, 1st Infantry Division  
APO AE 09036

GENERAL COURT-MARTIAL ORDER  
NUMBER 18

15 April 2005

b(6)-2

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Charge: Article 118: Plea: Not Guilty. Finding: Not Guilty, but Guilty of the lesser included offense of voluntary manslaughter, in violation of Article 119.

b(6)-1

The Specification: At or near Taal Al Jal, Iraq, on or about 28 February 2004, murder [REDACTED] by means of shooting him in the head with a rifle. Plea: Not Guilty. Finding: Not Guilty, but Guilty of the lesser included offense of voluntary manslaughter, in violation of Article 119.

**SENTENCE**

The sentence was adjudged on 5 August 2004: To be reduced to the grade of E1; to forfeit all pay and allowances; to be confined for 3 years; and to be dishonorably discharged.

**ACTION**

The sentence is approved and, except for that part of the sentence extending to a dishonorable discharge, will be executed. The accused will be credited with 47 days of confinement against the sentence to confinement.

BY COMMAND OF MAJOR GENERAL BATISTE:

**DISTRIBUTION:**

Record Set (1)  
Reference Set (1)  
Accused (1)  
MJ (LTC [REDACTED]) (1)  
TC (MAJ [REDACTED]) (1)  
(See Cont)

b(6)-2

[REDACTED]  
MAJ, [REDACTED]  
Chief, Military Justice

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20040787

GCMO No. 18, DA, HQ, 1st Inf Div, APO AE 09036, dtd 15 Apr 05 (continued)

DC (CPT [REDACTED]) (1) b(6)-2  
ADC (CPT [REDACTED]) (1)  
CDR, HHC, 1-27 IN Reg, APO AE 09347 (1)  
CDR, 1-27<sup>th</sup> IN Reg, APO AE 09347 (1)  
CDR, 25th ID, APO AE 09036 (1)  
CDR, RCF, Fort Sill, OK 73503 (1)  
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U.S. Army Criminal Investigation Lab, Fort Gillem, GA  
ATTN: CODIS Lab, 4553 North 2d Street, Bldg. 213B,  
Forest Park, Georgia 30297-5122 (1)

**DNA processing required. 10 U.S.C. § 1565**

DEPARTMENT OF THE ARMY  
Headquarters, 1st Infantry Division  
APO AE 09036

GENERAL COURT-MARTIAL ORDER  
NUMBER 18

15 April 2005

b(6)-2

Private First Class Edward L. Richmond [REDACTED] U.S. Army, Headquarters and Headquarters Company, 1<sup>st</sup> Battalion, 27<sup>th</sup> Infantry Regiment, 25<sup>th</sup> Infantry Division, APO AE 09347 was arraigned at Tirkrit, Iraq, on the following offense at a general court-martial convened by the Commander, 1st Infantry Division.

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b(6)-1

**SENTENCE**

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**ACTION**

The sentence is approved and, except for that part of the sentence extending to a dishonorable discharge, will be executed. The accused will be credited with 47 days of confinement against the sentence to confinement.

BY COMMAND OF MAJOR GENERAL BATISTE:

**DISTRIBUTION:**

Record Set (1)  
Reference Set (1)  
Accused (1)  
MJ (LTC [REDACTED]) (1)  
TC (MAJ [REDACTED]) (1)  
(See Cont)

b(6)-2

[REDACTED]  
MAJ, [REDACTED]  
Chief, Military Justice

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20040787

GCMO No. 18, DA, HQ, 1st Inf Div, APO AE 09036, dtd 15 Apr 05 (continued)

DC (CPT [REDACTED]) (1) b(6)-2  
ADC (CPT [REDACTED]) (1)  
CDR, HHC, 1-27 IN Reg, APO AE 09347 (1)  
CDR, 1-27<sup>th</sup> IN Reg, APO AE 09347 (1)  
CDR, 25th ID, APO AE 09036 (1)  
CDR, RCF, Fort Sill, OK 73503 (1)  
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Forest Park, Georgia 30297-5122 (1)

**DNA processing required. 10 U.S.C. § 1565**

DEPARTMENT OF THE ARMY  
Headquarters, 1st Infantry Division  
APO AE 09036

GENERAL COURT-MARTIAL ORDER  
NUMBER 18

15 April 2005

$$b(6) - 2$$

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$$b(6) - 4$$

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SENTENCE

The sentence was adjudged on 5 August 2004: To be reduced to the grade of E1; to forfeit all pay and allowances; to be confined for 3 years; and to be dishonorably discharged.

## ACTION

The sentence is approved and, except for that part of the sentence extending to a dishonorable discharge, will be executed. The accused will be credited with 47 days of confinement against the sentence to confinement.

BY COMMAND OF MAJOR GENERAL BATISTE:

**DISTRIBUTION:**

Record Set (1)

Reference Set (1)

Accused (1)

MJ (LTC [REDACTED]) (1)

TC (MAJ [REDACTED]) (1)

(See Cont)

b(6)-2

Chief, Military Justice

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GCMO No. 18, DA, HQ, 1st Inf Div, APO AE 09036, dtd 15 Apr 05 (continued)

DC (CPT [REDACTED]) (1) b(6)-2  
ADC (CPT [REDACTED]) (1)  
CDR, HHC, 1-27 IN Reg, APO AE 09347 (1)  
CDR, 1-27<sup>th</sup> IN Reg, APO AE 09347 (1)  
CDR, 25th ID, APO AE 09036 (1)  
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Forest Park, Georgia 30297-5122 (1)

**DNA processing required. 10 U.S.C. § 1565**

DEPARTMENT OF THE ARMY  
Headquarters, 1st Infantry Division  
APO AE 09036

GENERAL COURT-MARTIAL ORDER  
NUMBER 18

15 April 2005

b(6)-2

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b(6)-1

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**SENTENCE**

The sentence was adjudged on 5 August 2004: To be reduced to the grade of E1; to forfeit all pay and allowances; to be confined for 3 years; and to be dishonorably discharged.

**ACTION**

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BY COMMAND OF MAJOR GENERAL BATISTE:

**DISTRIBUTION:**

Record Set (1)  
Reference Set (1)  
Accused (1)  
MJ (LTC [REDACTED]) (1)  
TC (MAJ [REDACTED]) (1)  
(See Cont)

b(6)-2

[REDACTED]  
[REDACTED]  
MAJ, JAG  
Chief, Military Justice

016575

20040787

GCMO No. 18, DA, HQ, 1st Inf Div, APO AE 09036, dtd 15 Apr 05 (continued)

DC (CPT [REDACTED]) (1) b(6)-2

ADC (CPT [REDACTED]) (1)

CDR, HHC, 1-27 IN Reg, APO AE 09347 (1)

CDR, 1-27<sup>th</sup> IN Reg, APO AE 09347 (1)

CDR, 25th ID, APO AE 09036 (1)

CDR, RCF, Fort Sill, OK 73503 (1)

CDR, U.S. Army Enlisted Records and Evaluation Center,

ATTN: PCRE-FS, Ft Benjamin Harrison, IN 46249 (1)

Clerk of Court, (JALS-CCR), 901 N. Stuart Street, Suite 1200,  
Arlington, VA 22203-1837 (10)

U.S. Army Criminal Investigation Lab, Fort Gillem, GA

ATTN: CODIS Lab, 4553 North 2d Street, Bldg. 213B,

Forest Park, Georgia 30297-5122 (1)

DNA processing required. 10 U.S.C. § 1565

DEPARTMENT OF THE ARMY  
Headquarters, 1st Infantry Division  
APO AE 09036

GENERAL COURT-MARTIAL ORDER  
NUMBER 18

15 April 2005

b(6)-2

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b(6)-4

The Specification: At or near Taal Al Jal, Iraq, on or about 28 February 2004, murder [REDACTED] by means of shooting him in the head with a rifle. Plea: Not Guilty. Finding: Not Guilty, but Guilty of the lesser included offense of voluntary manslaughter, in violation of Article 119.

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BY COMMAND OF MAJOR GENERAL BATISTE:

DISTRIBUTION:

Record Set (1)  
Reference Set (1)  
Accused (1)  
MJ (LTC [REDACTED]) (1)  
TC (MAJ [REDACTED]) (1)  
(See Cont)

b(6)-2

[REDACTED]  
MAJ, [REDACTED]  
Chief, Military Justice

016577

20040787

GCMO No. 18, DA, HQ, 1st Inf Div, APO AE 09036, dtd 15 Apr 05 (continued)

DC (CPT [REDACTED]) (1) b(6)-2  
ADC (CPT [REDACTED]) (1)  
CDR, HHC, 1-27 IN Reg, APO AE 09347 (1)  
CDR, 1-27<sup>th</sup> IN Reg, APO AE 09347 (1)  
CDR, 25th ID, APO AE 09036 (1)  
CDR, RCF, Fort Sill, OK 73503 (1)  
CDR, U.S. Army Enlisted Records and Evaluation Center,  
ATTN: PCRE-FS, Ft Benjamin Harrison, IN 46249 (1)  
Clerk of Court, (JALS-CCR), 901 N. Stuart Street, Suite 1200,  
Arlington, VA 22203-1837 (10)  
U.S. Army Criminal Investigation Lab, Fort Gillem, GA  
ATTN: CODIS Lab, 4553 North 2d Street, Bldg. 213B,  
Forest Park, Georgia 30297-5122 (1)

DNA processing required. 10 U.S.C. § 1565

DEPARTMENT OF THE ARMY  
Headquarters, 1st Infantry Division  
APO AE 09036

GENERAL COURT-MARTIAL ORDER  
NUMBER 18

15 April 2005

b(6)-2

Private First Class Edward L. Richmond [REDACTED] U.S. Army, Headquarters and Headquarters Company, 1<sup>st</sup> Battalion, 27<sup>th</sup> Infantry Regiment, 25<sup>th</sup> Infantry Division, APO AE 09347 was arraigned at Tirkrit, Iraq, on the following offense at a general court-martial convened by the Commander, 1st Infantry Division.

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b(6)-4

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BY COMMAND OF MAJOR GENERAL BATISTE:

DISTRIBUTION:

Record Set (1)  
Reference Set (1)  
Accused (1)  
MJ (LTC [REDACTED]) (1)  
TC (MAJ [REDACTED]) (1)  
(See Cont)

b(6)-2

[REDACTED]  
MAJ, JAG  
Chief, Military Justice

016579

20040787

GCMO No. 18, DA, HQ, 1st Inf Div, APO AE 09036, dtd 15 Apr 05 (continued)

DC (CPT [REDACTED]) (1) b(6)-2

ADC (CPT [REDACTED]) (1)

CDR, HHC, 1-27 IN Reg, APO AE 09347 (1)

CDR, 1-27<sup>th</sup> IN Reg, APO AE 09347 (1)

CDR, 25th ID, APO AE 09036 (1)

CDR, RCF, Fort Sill, OK 73503 (1)

CDR, U.S. Army Enlisted Records and Evaluation Center,

ATTN: PCRE-FS, Ft Benjamin Harrison, IN 46249 (1)

Clerk of Court, (JALS-CCR), 901 N. Stuart Street, Suite 1200,  
Arlington, VA 22203-1837 (10)

U.S. Army Criminal Investigation Lab, Fort Gillem, GA

ATTN: CODIS Lab, 4553 North 2d Street, Bldg. 213B,

Forest Park, Georgia 30297-5122 (1)

DNA processing required. 10 U.S.C. § 1565

DEPARTMENT OF THE ARMY  
Headquarters, 1st Infantry Division  
APO AE 09036

GENERAL COURT-MARTIAL ORDER  
NUMBER 18

15 April 2005

b(6)-2

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ACTION

The sentence is approved and, except for that part of the sentence extending to a dishonorable discharge, will be executed. The accused will be credited with 47 days of confinement against the sentence to confinement.

BY COMMAND OF MAJOR GENERAL BATISTE:

DISTRIBUTION:

Record Set (1)  
Reference Set (1)  
Accused (1)  
MJ (LTC [REDACTED]) (1)  
TC (MAJ [REDACTED]) (1)  
(See Cont)

b(6)-2

[REDACTED]  
MAJ, JAG  
Chief, Military Justice

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20040787



GCMO No. 18, DA, HQ, 1st Inf Div, APO AE 09036, dtd 15 Apr 05 (continued)

DC (CPT [REDACTED]) (1) b(6)-2

ADC (CPT [REDACTED]) (1)

CDR, HHC, 1-27 IN Reg, APO AE 09347 (1)

CDR, 1-27<sup>th</sup> IN Reg, APO AE 09347 (1)

CDR, 25th ID, APO AE 09036 (1)

CDR, RCF, Fort Sill, OK 73503 (1)

CDR, U.S. Army Enlisted Records and Evaluation Center,

ATTN: PCRE-FS, Ft Benjamin Harrison, IN 46249 (1)

Clerk of Court, (JALS-CCR), 901 N. Stuart Street, Suite 1200,  
Arlington, VA 22203-1837 (10)

U.S. Army Criminal Investigation Lab, Fort Gillem, GA

ATTN: CODIS Lab, 4553 North 2d Street, Bldg. 213B,

Forest Park, Georgia 30297-5122 (1)

DEPARTMENT OF THE ARMY  
Headquarters, 1st Infantry Division  
Office of the Staff Judge Advocate  
APO AE 09392

AETV-BGJA

FEB 14 2005

b(6)-2

MEMORANDUM FOR Commander, 1st Infantry Division, APO Army Europe 09392

SUBJECT: Addendum to the Staff Judge Advocate Recommendation in the General Court-Martial of Private First Class Edward L. Richmond Jr. [REDACTED] Headquarters and Headquarters Company, 1st Battalion, 27th Infantry Regiment, APO AE 09347

1. The enclosed R.C.M. 1105/1106 request for clemency has been submitted by the accused's defense counsel for your review. In accordance with R.C.M. 1107, you must consider these matters prior to taking action on the case.
2. The accused requests that you upgrade his discharge to a bad-conduct discharge and reduce his confinement by 1 year. I disagree; no corrective action is required.
3. The accused's defense counsel requests that you disapprove 12 months of the confinement remaining at the time of final action, and disapprove the adjudged dishonorable discharge. Additionally, the defense counsel requests that you credit the accused with an additional 28 days of confinement credit. I disagree; no corrective action is required.
4. The accused's defense counsel alleges that the military judge erred in crediting the accused with confinement credit for restriction tantamount to confinement. Specifically, the defense counsel alleges that the military judge should have awarded an additional 28 days of credit for violations of R.C.M. 305(k). I disagree; no corrective action is required.
5. Matters submitted by the accused's defense counsel could be read to allege legal error with respect to the instructions given by the military judge regarding possible defenses as defined in R.C.M. 916(c). I disagree, no corrective action is required.
6. I recommend that you approve the sentence as adjudged. I further recommend that you credit the accused with 47 days confinement towards the sentence to confinement.

b(6)-2

16 Encls

1. Clemency Petition/DC
2. Clemency Petition/ACC
3. Letter from [REDACTED]

b(6)-4

[REDACTED]  
LTC, JA  
Staff Judge Advocate

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20040787

AETV-BGJA

SUBJECT: Addendum to the Staff Judge Advocate Recommendation in the General Court-Martial of Private First Class Edward L. Richmond Jr., [REDACTED], Headquarters and Headquarters Company, 1st Battalion, 27th Infantry Regiment, APO AE 09347

b(6)-2

4. Letter from [REDACTED] }
5. Letter from [REDACTED]
6. Letter from [REDACTED] b(6)-4
7. Letter from [REDACTED]
8. Letter from [REDACTED]
9. Letter from [REDACTED]
10. Letter from [REDACTED]
11. Letter from [REDACTED]
12. Letter from [REDACTED]
13. Letter from Congressman Baker
14. Article from New England Journal of Medicine
15. Post-Trial Recommendation
16. Result of Trial

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DEPARTMENT OF THE ARMY  
UNITED STATES ARMY TRIAL DEFENSE SERVICE  
HEADQUARTERS  
Arlington, Virginia 22203

REPLY TO  
ATTENTION OF:

JALS-TD

b(6)-2

5 February 2005

MEMORANDUM FOR Commander, 1st Infantry Division, FOB Danger, APO AE 09392

SUBJECT: Petition for Clemency Under the Provisions of Rules for Courts-Martial (R.C.M.) 1105, 1106 – United States v. PFC Edward L. Richmond [REDACTED] Headquarters and Headquarters Company, 1st Battalion, 27th Infantry Regiment, 25th Infantry Division, APO AE 09347-9998

1. At a General Court-Martial held from 3-5 August 2004, a military panel convicted PVT Edward L. Richmond, Jr., of violating Article 119 of the Uniform Code of Military Justice. The panel sentenced him to be confined for three years, to be reduced to the grade of E-1, to forfeit all pay and allowances, and to be discharged from the U.S. Army with a dishonorable discharge.
2. Pursuant to Rules for Court-Martial (R.C.M.) 1105 and 1106, PVT Richmond respectfully requests that you disapprove twelve months of the confinement remaining at the time of final action, and disapprove the adjudged dishonorable discharge. The defense also requests that you credit PVT Richmond with an additional 28 days of confinement credit.
3. In the present case, more than any other in recent history, clemency is appropriate for the following reasons:

a. No Chance for Recidivism.

PVT Richmond is not a threat to society. He was not a threat to society before his conviction, he is not a threat to society now, and he will not be a threat to society once he is released from confinement. PVT Richmond has unlimited potential for rehabilitation. To keep PVT Richmond in confinement for deterrence of future misconduct is not a concern in this case. The facts that lead to PVT Richmond's conviction were truly a once-in-a-lifetime scenario – the actions of a young, inexperienced 20-year old infantryman who acted on instinct by doing what he thought was right. Unlike Soldiers that face convictions for patterns of misconduct such as the dealing or use of illegal drugs or those showing a predilection for sexual violence or abuse, PVT Richmond is not a threat to anyone in society.

Despite the fog of war and all that such an image may conjure up or encompass, PVT Richmond is a Soldier that knew right from wrong, then and now. During his time in Kuwait and Iraq, and now in confinement, he has never lost that focus. While in Iraq, on a mission to a town north of Kirkuk, PVT Richmond interacted with local Iraqis, including women and children. [Record of Trial (ROT), p. 532; Def. Exh. E (photos)] This is not a Soldier that held a bias or grudge against the very people that he was in Iraq to help. When his fellow soldiers disparaged

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b(6)-2

SUBJECT: Petition for Clemency Under the Provisions of Rules for Courts-Martial (R.C.M.) 1105, 1106 – United States v. PFC Edward L. Richmond [REDACTED] Headquarters and Headquarters Company, 1st Battalion, 27th Infantry Regiment, 25th Infantry Division, APO AE 09347-9998

the locals or made ethnic and racial barbs, PVT Richmond was the one that told them, “You can’t be mad at all the Iraqi people because not all of them [are] doing wrong. We just have to come here and give them help and everything should be fine.” [ROT, p. 843] The strength of the character references submitted on PVT Richmond’s behalf confirms that the behavior leading to his conviction is an anomaly for this soldier. [ROT Def. Exhs. A-D; Enclosures (Encls.) B-K] PVT Richmond’s crime is tragic, but he is not a continuing threat to anyone and a lengthy period of confinement is not warranted.

b. Sentencing Considerations. A federal conviction is punishment enough to PVT Richmond. While PVT Richmond readily accepts the fact that there is no longer a place for him in the Army he loves, this now-21-year-old Soldier will carry the stigma of a punitive discharge with him for the rest of his life. The conviction and punitive discharge will hinder PVT Richmond in the pursuit of higher education and employment once he leaves confinement. This is a burden that he must carry throughout the rest of his life. At the time of this clemency submission, PVT Richmond will have served 7 months of confinement. He asks you for a chance at some type of meaningful future by requesting that you disapprove the dishonorable discharge, at least in favor of a less-stigmatizing bad-conduct discharge.

c. Characteristics of Honorable Service. Until the date of the offense for which PVT Richmond was convicted, he had served eighteen months of honorable service. Proud to serve his first tour with the 25th Infantry Division, PVT Richmond had unlimited potential in the Army. Interviews with his NCOs reveal that they considered him to be “Mr. GoArmy.com.” At trial he was described by his leaders as an “outstanding young soldier,” whose work performance was “excellent.” [ROT, pp. 659, 837] His fellow junior enlisted soldiers routinely sought out his guidance, leadership and knowledge of military tactics and techniques. [ROT, p. 675] NCOs and soldiers alike thought PVT Richmond could ascend to be Sergeant Major of the Army some day. During his short time in service, the Army awarded this soldier an Army Achievement Medal for his performance at a brigade level field training exercise, Lighting Thrust Warrior. [ROT, p. 647] He has proudly served his country in the days since September 11, 2001, and in support of his comrades and country in Operation Iraqi Freedom. Authorized to wear the Expert Infantryman’s Badge and the Combat Infantryman’s Badge, PVT Richmond earned his EIB on the first attempt – a 19-year old soldier making his platoon and his unit proud. All PVT Richmond ever wanted to do was to be the best soldier that he could be.

d. Family Support System. PVT Richmond is blessed to have an amazingly strong family support system, as evidenced by the letters of support attached as defense exhibits to the record of trial and the additional letters of support attached as enclosures to this Memorandum. [Encls. B-K] PVT Richmond’s immediate and extended family are financially and spiritually prepared to welcome this young man back home into their lives. [Encls. D – H] This type of family-support network is *the most important factor* in welcoming this Soldier back into society and getting him started in his new life as a civilian. Upon his release from confinement, PVT Richmond intends to return home to Louisiana to live with his parents and his 12-year old sister.

b(6)-2

SUBJECT: Petition for Clemency Under the Provisions of Rules for Courts-Martial (R.C.M.) 1105, 1106 – United States v. PFC Edward L. Richmond [REDACTED] Headquarters and Headquarters Company, 1st Battalion, 27th Infantry Regiment, 25th Infantry Division, APO AE 09347-9998

Mr. Richmond owns his own heating and air conditioning business; he is ready to welcome his son home as an apprentice in that business. [Encls. A, B, C]

e. Post-Traumatic Stress Disorder. Upon his arrival at the Ft. Sill Regional Correctional Facility, a military doctor diagnosed PVT Richmond as suffering from post-traumatic stress disorder (PTSD). The doctor prescribed a treatment of continuing medications of Celexa (anti-depressant) and Trazodone (sleep aid). The effects of these drugs are compiled on top of his pre-existing attention deficit hyperactivity disorder (ADHD). In 2004, an Army-commissioned study published in the New England Journal of Medicine revealed that one in eight service members returning from combat in Iraq or Afghanistan suffered from PTSD. [Encl. M] The study showed that in many cases, PTSD was only diagnosable several months after the soldiers return to a stateside assignment. This assessment is consistent with PVT Richmond's symptoms and ultimate diagnosis, having been shuffled through confinement facilities in Kuwait and Germany prior to his arrival at Ft. Sill. PVT Richmond is one of many who suffers from recurring nightmares of his time in Iraq and the killings and horror that he witnessed prior to 28 February 2004. Continued confinement will only aggravate PVT Richmond's condition and delay his almost-guaranteed successful transition into the civilian sector. As the Soldier's father noted in his personal plea to you, the family lives near a Veteran's facility in Louisiana. [Encl. C] The Richmond family will ensure that the Soldier receives the necessary medical care and therapy to help him on the road to recovery.

f. Nature of the Offense. By convicting PVT Richmond of voluntary manslaughter, not unpremeditated murder, the military panel found that PVT Richmond acted "in the heat of sudden passion caused by adequate provocation." [ROT, p. 731] This then-20-year-old soldier acted with "a degree of anger, rage, pain, or fear which prevent[ed] cool reflection,"—substantial mitigation under the law. [ROT, p. 731] Further, the panel agreed that, "provocation is adequate if it would cause uncontrollable passion in the mind of a reasonable person." [ROT, pp. 731-32]

In reaching its decision, the panel considered the following important facts:

- i. PVT Richmond joined the Army in May 2002. [ROT, p. 550]
- ii. He was only 20-years-old at the time of the shooting. [ROT, p. 585]
- iii. PVT Richmond, trained as an 11C, and since the middle of 2003 spent the majority of his time training to deploy to the Middle East. [ROT, pp. 550-51]
- iv. PVT Richmond learned, grew, and trained, in a military environment that fostered hatred against the unknown, and every changing insurgent enemy. This environment supported such PT cadences such as "shoot, shoot, shoot, the son of a bitch," and "shoot, shoot, shoot to kill.... shoot, shoot, you know I will." [ROT, pp. 530-31, 563]

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SUBJECT: Petition for Clemency Under the Provisions of Rules for Courts-Martial (R.C.M.) 1105, 1106 – United States v. PFC Edward L. Richmond [REDACTED] Headquarters and Headquarters Company, 1st Battalion, 27th Infantry Regiment, 25th Infantry Division, APO AE 09347-9998

v. PVT Richmond had been in Iraq for approximately only twenty days at the time of the shooting. [ROT, p. 552]

vi. On the day of the shooting, the Rules of Engagement were that deadly force was authorized if your life or the life of a fellow soldier was in danger. [ROT, pp. 554, 587] Warning shots were not authorized. [ROT, p. 620]

vii. At the time of the shooting, the raid on Taal Al Jaal was still ongoing. Yelling, shouting, and sporadic gun fire from the village could be heard by PVT Richmond and the other soldiers at the TCP on the edge of town. [ROT, p. 576]

viii. PVT Richmond knew that the purpose of the surprise raid on Taal Al Jaal was to capture high-value targets. [ROT, p. 559]

ix. PVT Richmond knew that not all of the high value targets were captured during the raid. [ROT, pp. 576, 592]

x. PVT Richmond knew that Mr. [REDACTED] had walked away from Taal Al Jaal earlier that morning. [ROT, pp. 561, 591, 595]

xi. PVT Richmond had been trained that the Iraqi enemy and insurgents were often crafty and covert – they would not always be easily identifiable as an enemy. [ROT, p. 563]

xii. Mr. [REDACTED] did not understand English. [ROT, p. 568]

xiii. Mr. [REDACTED] did not cooperate with PVT Richmond and the NCO that was with him. Mr. [REDACTED] continued to struggle with the NCO even once a show of force was made. [ROT, pp. 568-73]

xiv. Because he was being so uncooperative, Mr. [REDACTED] was not still long enough to be fully searched for weapons or explosives. [ROT, pp. 598-99]

xv. Mr. [REDACTED] was wearing baggy, bulky clothing. [ROT, pp. 597, 624]

xvi. PVT Richmond thought that Mr. [REDACTED] was attacking his fellow soldier, an NCO, at the time of the shooting. [ROT, pp. 20, 579]

xvii. The whole incident lasted no more than 120 seconds. [ROT, p. 626]

xviii. At the time of the shooting, PVT Richmond did not know that the victim was flex-cuffed. [ROT, pp. 581, 585, 616]

b(6)-2  
SUBJECT: Petition for Clemency Under the Provisions of Rules for Courts-Martial (R.C.M.) 1105, 1106 – United States v. PFC Edward L. Richmond [REDACTED] Headquarters and Headquarters Company, 1st Battalion, 27th Infantry Regiment, 25th Infantry Division, APO AE 09347-9998

b(6)-7  
The military judge should have specifically instructed ten-member panel on the language of R.C.M. 916(c), which defines justification as, “[a] death, injury, or other act caused or done in the proper performance of a legal duty is justified and not unlawful.” Killing an enemy combatant in battle is justified. The tragic shooting of Mr. [REDACTED] was, at its essence, an accident – a grave mistake in judgment by a young, inexperienced infantryman who thought he was doing the job the Army trained him to do.

b(6)-4  
g. Genuine Remorse. During his time in confinement, PVT Richmond carefully has reflected upon his actions. In his clemency letter, he details the nightmares that continue to haunt him from that horrible day. [Encl. A] He tells how he is “consumed with regret” for the death of Mr. [REDACTED] PVT Richmond understands what he did was wrong, and that he has no one else to blame for his actions. At the time of sentencing, PVT Richmond told the 5 officers and 5 senior enlisted members of the panel: “I accept the decision today that you have decided that I am guilty of voluntary manslaughter and I am sorry for everything that happened.” [ROT, p. 846] At no time did PVT Richmond act careless or wanton about his crime in any way.

4. As stated in paragraph 2, the defense requests that you award an additional 28 days of confinement credit to PVT Richmond for the government’s violation of R.C.M. 305.

a. Facts. Upon defense motion at trial, the military judge awarded to PVT Richmond confinement credit for government imposed restrictions that were tantamount to confinement. [ROT, App. Exh. XI; SJAR, para. 4] Specifically, the military judge announced that for violations from the contiguous period of 1-30 April 2004, PVT Richmond would be credited with 30 days for restriction tantamount to confinement. [ROT, p. 819] The military judge ordered that the charge sheet be amended to reflect this time period of restriction. [ROT, p. 804; Charge Sheet]

b. Law. Once restriction tantamount to confinement is imposed, the provisions of R.C.M. 305, governing pretrial confinement, are triggered. As such, once the restrictions were imposed on 1 April 2004, the Manual for Courts-Martial entitled PVT Richmond to have his *per se* confinement reviewed for probable cause within 48-hours of the imposition of the restriction. [R.C.M. 305(i)(1)] After the 48-hour review, the law also entitled PVT Richmond to first a 72-hour review and then a 7-day review by a neutral and detached magistrate. [R.C.M. 305(h)(2)(C), 305(i)(2)] The government agreed at trial that the requirements of R.C.M. 305 were not met by the government, the party responsible for ensuring compliance with R.C.M. 305. [ROT, pp. 255, 257] When the requirements of R.C.M. 305 are not met, the military judge shall credit any sentence of confinement at the rate of 1 day of confinement served for each day of noncompliance with R.C.M. 305. [R.C.M. 305(k)]

c. Remedy. The military judge found that PVT Richmond suffered restriction tantamount from 1-30 April 2004. Thus, the law required that PVT Richmond’s restriction be reviewed within 48 hours of the imposition on 1 April 2004. The government violated R.C.M.



b(6)-2

SUBJECT: Petition for Clemency Under the Provisions of Rules for Courts-Martial (R.C.M.) 1105, 1106 – United States v. PFC Edward L. Richmond [REDACTED] Headquarters and Headquarters Company, 1st Battalion, 27th Infantry Regiment, 25th Infantry Division, APO AE 09347-9998

305 as early as 3 April 2004 by denying PVT Richmond his right to have his restriction reviewed. Thus, PVT Richmond is entitled to day-for-day credit for each day that the rule remained violated. He is entitled to 28 days of credit for the period from 3-30 April 2004. The military judge erroneously failed to credit this additional amount of time to PVT Richmond. This error should be remedied at the earliest opportunity by the granting of an additional 28 days by the convening authority prior to final action.

5. The following matters are submitted in support of PVT Richmond's request for clemency:

- a. Letter from PVT Edward L. Richmond, Jr.
- b. Letter from Mrs. [REDACTED] PVT Richmond's [REDACTED]
- c. Letter from Mr. [REDACTED] PVT Richmond's [REDACTED]
- d. Letter from Mr. [REDACTED] PVT Richmond's [REDACTED]
- e. Letter from Mrs. [REDACTED] PVT Richmond's [REDACTED]
- f. Letter from Mr. [REDACTED] PVT Richmond's [REDACTED]
- g. Letter from Mr. [REDACTED] PVT Richmond's [REDACTED]
- h. Letter from Mr. [REDACTED] PVT Richmond's [REDACTED]
- i. Letter from Dr. [REDACTED] PVT Richmond's [REDACTED]
- j. Letter from Ms. [REDACTED] PVT Richmond's family friend
- k. Letter from [REDACTED] PVT Richmond's family friend

l. Letter from Congressman Richard H. Baker, *U.S. House of Representatives*

\* Defense counsel is awaiting receipt of a personal letter from Congressman Baker to the convening authority, to be included for consideration with this Soldier's request for clemency. This letter is expected to arrive on or about 9 February 2005, and should be substituted for the informal letter that is currently included at Enclosure L.

m. *Combat Duty in Iraq and Afghanistan, Mental Health Problems, and Barriers to Care*, 351 New England Journal of Medicine 1 (July 1, 2004).

6. The defense has no additions, corrections, or deletions to the form of the post-trial Staff Judge Advocate's Recommendation.

JALS-TD

<sup>b(6)-2</sup>  
SUBJECT: Petition for Clemency Under the Provisions of Rules for Courts-Martial (R.C.M.) 1105, 1106 – United States v. PFC Edward L. Richmond [REDACTED] Headquarters and Headquarters Company, 1st Battalion, 27th Infantry Regiment, 25th Infantry Division, APO AE 09347-9998

7. Based on the information above, PVT Richmond requests that you grant clemency as requested in paragraph 2 above. Please include a copy of this submission in all records of trial.

8. If I may be of any further assistance I can be reached by e-mail at [REDACTED]@us.army.mil or by DSN phone at (312) [REDACTED] or commercial phone at (434) [REDACTED] <sup>b(6)-2</sup> <sup>b(6)-2</sup>

Encls  
as

//original signed//

<sup>b(6)-2</sup>

[REDACTED]  
CPT, JA  
Trial Defense Counsel

February 28, 2004. That was the day my life as I knew it came to an end. My innocence was forever lost when I took another man's life. I mistakenly identified a civilian as a combatant, and therefore was convicted of voluntary manslaughter. I can't sleep without that morning in February playing in my mind, and not a day passes in which I'm not consumed with regret. ~~I don't know~~ However, I don't think my character and personality should be judged from a split second ~~dec~~ decision made in a combat zone. My parents raised me with high morals and standards. I have never forgotten those things and I pray daily for the chance to use them to live a good life. My father owns a small A/C repair business, and I'm going back to work with him once I am released from confinement. I have a very strong support group of family and friends back home in Louisiana, and I'm going to live with my parents upon release until I can save up a little to move ~~out~~ out again. I don't see myself getting in trouble ever again once I am out. I had no Article 15's or any other negative action taken against me in the military except for this incident. I'm not worried about something like this happening again. I'll never be in a situation where I am ~~defending~~ <sup>defending</sup> someone, ~~and~~ and I can now never own a gun. This will never happen again, and once I'm out, I can start a family of my own and put the past behind me. I want to be a part of my sister's life, to be a positive role model in her life. I have the potential for a good life, I just can't start the rebuilding process from behind bars. I've already served 6 months of my

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Enclosure A

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sentence, and I've had the entire past year to reflect on my mistake. Therefore, I am asking you to upgrade my discharge to a BCD, and reduce my confinement by one year. My life is now in your hands.

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**BATES PAGES 16594-16604 ARE  
NONRESPONSIVE AND HAVE  
NOT BEEN PROVIDED**

MG John R.S. Batiste, Commander  
Headquarters, 1st Infantry Division

Dear Sir:

It is my understanding that you will be re-evaluating PFC Edward Richmond, Jr.'s sentencing rendered in August, 2004, for voluntary manslaughter. Those of us who know "Ward" (PFC Edward Richmond, Jr.) have always found him to be of the highest integrity. Needless to say, I was as shocked as his mom and dad, his grandmothers, his uncles and aunts, his friends, and others who have known Ward to find out that he had been charged with and convicted of the involuntary murder of an Iraqi civilian.

Sergeant [REDACTED] b(6)-1; b(6)-7 testimony is highly suspect to me. Also, Ward's state of mind is very important to consider; e.g., he seeks clarification by asking the wrong question of "Can I...?" rather than "DO I...?" I have been teaching for 36 years, and I encounter this mistake on the part of my students almost weekly. They are not asking me if they have the ability to go to the restroom when they ask "Can I...?" I believe this is an error in asking the intended question of "May I...?" which seeks clarification as to what is permissible NOT INTENTION.

PFC Richmond does have the greatest support of an immediate, extended family, and friends. Like his father said to me, "I went to Iraq to find out if my son did what he was accused of. If he did wrong, and killed an innocent Iraqi man through intent, then I could live with his conviction. But, if he is convicted for doing what he was convinced was the right action under the circumstances given... then I will do what I can to get his name cleared."

Commander Batiste, I thank you for giving PFC Edward Richmond, Jr., due consideration. It is my understanding that you can disapprove part or all of the sentence that has been given to him. It is my hope that you will disapprove all of the sentence he has been given.

Sincerely,

[REDACTED] b(6)-1  
Charlotte, NC 28270  
Phone 704 [REDACTED]

P.S.

When his father returned from the trial, I phoned him to inquire about the outcome. I asked his father to send me a copy of the trial transcript ASAP. After reading the transcript, I have come to the conclusion that PFC Richmond was done a great injustice. Please read the following abridgment of the notes that I had written in longhand after reading the transcript:

Enclosure I

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CRITIQUE OF THE MILITARY COURT MARTIAL CASE OF *THE UNITED STATES*

*V. PRIVATE FIRST CLASS EDWARD L. RICHMOND, JUNIOR*

Article 39(a) Session on August 3, 2004, without jury members present:

- Ward testified that he knew more on March 29, 2004, than he did on the day the shooting occurred; i.e., he knew everyone else's position, [REDACTED] sworn b(6)-2; b(6)-7 statements, and that on February 28 he did not know that the Iraqi man was flex-cuffed when he shot him.
- ADHD diagnosis at age 7; but, never relied upon as a reason why he signed several documents after only 20 seconds of reading. He thought that he was signing something that would help him.
- Captain [REDACTED] testifies that Ward's rifle (M4 w/M68 scope) is confiscated at FOB McHenry and Ward is reassigned to FOB Warrior. Ward goes from a base of support to a base with no support, and is assigned to room with soldiers who have serious mental problems. Sergeant [REDACTED] on whose testimony Ward was convicted, had shot an Iraqi mother and two daughters on February 10, 2004 [See newspaper article], did not have to relinquish his weapon or be reassigned despite showing signs of post-traumatic-stress-disorder on February 17. (same)
- First Lieutenant [REDACTED] who would testify for the prosecution, had confronted Ward publicly at FOB Warrior, calling Ward a "murderer" in front of 10-15 others. This created "less friendly interactions" for Ward. [REDACTED] photos and comments about taking them would become a part of the evidence entered by (same)

016606

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the prosecution. On April 9, he had been involved in the cover-up of the murder of innocent civilians.

- Sergeant [REDACTED] humiliation of Ward and [REDACTED] by calling them "criminals" when they were waiting to get anthrax shots. Such incidents eroded whatever "goodwill" others might have towards Ward. b(6)-2; b(6)-4
- Ward was placed in a convoy with an Iraqi driver. Despite the danger, neither was armed. The vehicle was an unarmed 18-wheeler. Was there a hope that Ward's case might not make it to trial?

b(6)-4  
DURING TRIAL (AUGUST 4-5, 2004) b(6)-2; b(6)-4

Flaws in reenactment include the following: not conducted on uneven field; resistance of Mr. [REDACTED] to [REDACTED] attempts to flex-cuff him; [REDACTED] claims he lifted cuffed hands 12" for first time in trial testimony; you cannot replicate the sounds coming out of the village nearby. Sounds that could interfere with Ward's hearing: [REDACTED] saying "He's good. Let's go;" the tension that had been endured since 4 AM; the orders over the radio to detain any Iraqi male coming out of the village; the fact that Ward is wearing a plug in one ear; the true context of the comments made by Ward prior to accompanying [REDACTED] to detain Mr. [REDACTED] the time frame of making split-second decisions under tense situations after the Sergeant has yelled "If he moves, fucking shoot him! If he fucking moves, shoot him!" and you are looking through the lens of an M68 scope. b(6)-2; b(6)-4 b(6)-4

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Ward seeks clarification of ROE by asking questions like "Can I?" rather than "Do I?" In other words, these are not questions of intentions as emphasized by the prosecution, these are questions for clarification. Testimony by others indicates that he wasn't there to kill anyone unless they met the ROE. Had he wanted to kill an Iraqi, like his defense attorney says in her summation, he could have chosen a less noticeable way of doing so.

b(6)-2; b(6)-4 Review ██████ testimony about the orders and conditions. He

b(6)-4 acknowledges ██████ resistance but cleans up the order for Ward to be "at ready." Also, no full "pat down" adds to the credibility of Ward's reasoning

b(6)-4 that ██████ still posed a threat.

b(6)-2; b(6)-4 When ██████ was asked at the time of incident on 28<sup>th</sup> of February, "you were under investigation for a shooting incident of three civilians that had occurred 10 days earlier, isn't that right?" He responds "Not that I was aware of Ma'am."

b(6)-2; b(6)-4 ██████ and others testify to a certain amount of "trash talk" before actual deployment but that Ward had interacted well with Iraqis on 10 missions before the February 28 occurrence.

(Same) Re-read Ward's testimony during his trial. His state of mind is clear; he acts out of fear that ██████ is being attacked. All of his earlier testimony was not written by him, and did not include all of his statements reacting to questioning by CIDs.

Read the testimonies of witnesses called that know Ward. He's no killer!

20040787

016608

From [REDACTED] com> b(6)-4  
Sent Tuesday, January 25, 2005 4:24 pm  
To [REDACTED]@us.army.mil b(6)-2  
Cc [REDACTED] com> , richmond@premier.net b(6)-4  
Bcc  
Subject letter for Edward

---

Commander. 1<sup>st</sup> Infantry Division,

I am writing on behalf of PVT Richmond, Edward. I am writing to beg you to reconsider his sentencing and especially his dishonorable discharge. PVT Richmond is a strong loyal proud young man. He is a young man who was taken out of his normal routine world and taught how to be a United States soldier. He was taught how to take care of himself and his fellow soldier in multiple intense life threatening situations. PVT Richmond was trained well and responded to a situation. I will not argue the right or wrong of his action as I was not in his shoes and am not qualified to assign guilt or innocence. I will argue the future of this child. This child that was taken and trained and performed his job to the best of his training, please don't take his future. He deserves better than a dishonorable discharge. He deserves to be able to vote and participate in his future government, the same government that he left his home to serve. PVT Richmond is an intelligent funny strong loyal young man with a bright future ahead of him. I have faith in this young man and would/will depend on him for my life or the life of my child if the situation ever occurred. I am proud of this young man and what and who he stands for. I proudly display his picture in his United States Army uniform in my office for all to see. I beg of you to please offer him clemency and reconsider his sentencing.

Thank You [REDACTED] b(6)-4

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016609

Enclosure J

<https://webmail.us.army.mil/frame.html?rtfPossible=true&lang=en>

1/25/2005

2 0 0 4 0 7 8 7

MG John R.S. Batiste  
Commander,  
Headquarters,  
1<sup>st</sup> Infantry Division.

I would like to express my thoughts on Edward in this letter to you. I have known Edward only for a short while, but in this time I learned so much from him. I have learned that there are still loving, caring and honest people in this world, and that friendship and love is the most important thing in this world. I can honestly say that Edward has a heart of gold.

I am sure that when Edward gets released he will still be able to make a good life for himself and be successful. He is a young man with a lot of potential.

I can tell the Edward is very sorry about what happened, and this will inspire him to not let anything like this ever happen again. Edward is not a criminal. He is a true person with good moral values.

These are only a few things I can say of Edward. You have to know Edward in person to really know what a wonderful person he is.

I sincerely hope that with this letter I can be a part of helping Edward.

Thank you,

 b(6)-7

Enclosure K

016610

20040787

**RICHARD HUGH BAKER**

6TH DISTRICT, LOUISIANA

**COMMITTEE ON  
FINANCIAL SERVICES**

**CHAIRMAN  
SUBCOMMITTEE ON  
CAPITAL MARKETS, INSURANCE AND  
GOVERNMENT SPONSORED ENTERPRISES**

**SUBCOMMITTEE ON  
FINANCIAL INSTITUTIONS  
AND CONSUMER CREDIT**

**SUBCOMMITTEE ON  
HOUSING AND  
COMMUNITY DEVELOPMENT**



# Congress of the United States

House of Representatives

Washington, D.C. 20515-1806

January 24, 2005

**COMMITTEE ON  
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**SUBCOMMITTEE ON HIGHWAYS,  
TRANSIT AND PIPELINES**

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**SUBCOMMITTEE ON  
WATER RESOURCES AND ENVIRONMENT**

**COMMITTEE ON**

**VETERANS' AFFAIRS**

**SUBCOMMITTEE ON PENSIONS**

[REDACTED] b(6)-2  
Captain Judge Advocate  
Editor, Military Law Review  
Judge Advocate General School and  
Legal Center  
600 Massie Road  
Charlottesville, VA 22903

Dear Captain [REDACTED] b(6)-2

Recently, I was contacted by Mr. [REDACTED] b(6)-4 concerning the pending appeal of his [REDACTED] Private First Class Edward L. Richmond, Jr.

Over the past months, I have had a personal meeting with Private Richmond's father to discuss this case, and also, I have made several inquiries to the Department of the Army in behalf of Private Richmond; therefore, I am familiar with this case. Mr. Richmond has further advised me that you have been assigned as the legal counsel for Private Richmond and will be representing him the appeal proceedings.

I am aware that this case is involved in the legal process and any direct intervention of my part maybe misconstrued or detrimental to Private Richmond's case; however, I did want to take this opportunity to express my interest and offer my assistance in any way you may deem appropriate.

I know that this has been a long and exhausting experience for both Private Richmond and his parents, and I would like to help this family in any way I possibly can. I look forward

## Enclosure L

5555 HILTON AVENUE  
SUITE 100  
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20040787  
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Richmond  
Page 2

to hearing from you if I can be of any service. Thanking you in advance for your interest in this matter.

Sincerely,



Richard H. Baker  
Member of Congress

RIIB/alh

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016612

# The NEW ENGLAND JOURNAL of MEDICINE

ESTABLISHED IN 1812

JULY 1, 2004

VOL. 351 NO. 1

## Combat Duty in Iraq and Afghanistan, Mental Health Problems, and Barriers to Care

Charles W. Hoge, M.D., Carl A. Castro, Ph.D., Stephen C. Messer, Ph.D., Dennis McGurk, Ph.D.,  
Dave I. Cotting, Ph.D., and Robert L. Koffman, M.D., M.P.H.

### ABSTRACT

#### BACKGROUND

The current combat operations in Iraq and Afghanistan have involved U.S. military personnel in major ground combat and hazardous security duty. Studies are needed to systematically assess the mental health of members of the armed services who have participated in these operations and to inform policy with regard to the optimal delivery of mental health care to returning veterans.

#### METHODS

We studied members of four U.S. combat infantry units (three Army units and one Marine Corps unit) using an anonymous survey that was administered to the subjects either before their deployment to Iraq (n=2530) or three to four months after their return from combat duty in Iraq or Afghanistan (n=3671). The outcomes included major depression, generalized anxiety, and post-traumatic stress disorder (PTSD), which were evaluated on the basis of standardized, self-administered screening instruments.

#### RESULTS

Exposure to combat was significantly greater among those who were deployed to Iraq than among those deployed to Afghanistan. The percentage of study subjects whose responses met the screening criteria for major depression, generalized anxiety, or PTSD was significantly higher after duty in Iraq (15.6 to 17.1 percent) than after duty in Afghanistan (11.2 percent) or before deployment to Iraq (9.3 percent); the largest difference was in the rate of PTSD. Of those whose responses were positive for a mental disorder, only 23 to 40 percent sought mental health care. Those whose responses were positive for a mental disorder were twice as likely as those whose responses were negative to report concern about possible stigmatization and other barriers to seeking mental health care.

#### CONCLUSIONS

This study provides an initial look at the mental health of members of the Army and the Marine Corps who were involved in combat operations in Iraq and Afghanistan. Our findings indicate that among the study groups there was a significant risk of mental health problems and that the subjects reported important barriers to receiving mental health services, particularly the perception of stigma among those most in need of such care.

From the Department of Psychiatry and Behavioral Sciences, Walter Reed Army Institute of Research, U.S. Army Medical Research and Materiel Command, Silver Spring, Md. (C.W.H., C.A.C., S.C.M., D.M., D.I.C.); and First Naval Construction Division, Norfolk, Va. (R.L.K.). Address reprint requests to Dr. Hoge at the Department of Psychiatry and Behavioral Sciences, Walter Reed Army Institute of Research, 503 Robert Grant Ave., Silver Spring, MD 20910, or at charles.hoge@na.amedd.army.mil.

N Engl J Med 2004;351:13-22.

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**T**HE RECENT MILITARY OPERATIONS IN Iraq and Afghanistan, which have involved the first sustained ground combat undertaken by the United States since the war in Vietnam, raise important questions about the effect of the experience on the mental health of members of the military services who have been deployed there. Research conducted after other military conflicts has shown that deployment stressors and exposure to combat result in considerable risks of mental health problems, including post-traumatic stress disorder (PTSD), major depression, substance abuse, impairment in social functioning and in the ability to work, and the increased use of health care services.<sup>1-8</sup> One study that was conducted just before the military operations in Iraq and Afghanistan began found that at least 6 percent of all U.S. military service members on active duty receive treatment for a mental disorder each year.<sup>9</sup> Given the ongoing military operations in Iraq and Afghanistan, mental disorders are likely to remain an important health care concern among those serving there.

Many gaps exist in the understanding of the full psychosocial effect of combat. The all-volunteer force deployed to Iraq and Afghanistan and the type of warfare conducted in these regions are very different from those involved in past wars, differences that highlight the need for studies of members of the armed services who are involved in the current operations. Most studies that have examined the effects of combat on mental health were conducted among veterans years after their military service had ended.<sup>1-8</sup> A problem in the methods of such studies is the long recall period after exposure to combat.<sup>10</sup> Very few studies have examined a broad range of mental health outcomes near to the time of subjects' deployment.

Little of the existing research is useful in guiding policy with regard to how best to promote access to and the delivery of mental health care to members of the armed services. Although screening for mental health problems is now routine both before and after deployment<sup>11</sup> and is encouraged in primary care settings,<sup>12</sup> we are not aware of any studies that have assessed the use of mental health care, the perceived need for such care, and the perceived barriers to treatment among members of the military services before or after combat deployment.

We studied the prevalence of mental health problems among members of the U.S. armed services who were recruited from comparable combat units before or after their deployment to Iraq or Afghanistan.

We identified the proportion of service members with mental health concerns who were not receiving care and the barriers they perceived to accessing and receiving such care.

## METHODS

### STUDY GROUPS

We summarized data from the first, cross-sectional phase of a longitudinal study of the effect of combat on the mental health of the soldiers and Marines deployed in Operation Iraqi Freedom and in Operation Enduring Freedom in Afghanistan. Three comparable U.S. Army units were studied with the use of an anonymous survey administered either before deployment to Iraq or after their return from Iraq or Afghanistan. Although no data from before deployment were available for the Marines in the study, data were collected from a Marine Corps unit after its return from Iraq that provided a basis for comparison with data obtained from Army soldiers after their return from Iraq.

The study groups included 2530 soldiers from an Army infantry brigade of the 82nd Airborne Division, whose responses to the survey were obtained in January 2003, one week before a year-long deployment to Iraq; 1962 soldiers from an Army infantry brigade of the 82nd Airborne Division, whose responses were obtained in March 2003, after the soldiers' return from a six-month deployment to Afghanistan; 894 soldiers from an Army infantry brigade of the 3rd Infantry Division, whose responses were obtained in December 2003, after their return from an eight-month deployment to Iraq; and 815 Marines from two battalions under the command of the 1st Marine Expeditionary Force, whose responses were obtained in October or November 2003, after a six-month deployment to Iraq. The 3rd Infantry Division and the Marine battalions had spearheaded early ground-combat operations in Iraq, in March through May 2003. All the units whose members responded to the survey were also involved in hazardous security duties. The questionnaires administered to soldiers and Marines after deployment to Iraq or Afghanistan were administered three to four months after their return to the United States. This interval allowed time in which the soldiers completed leave, made the transition back to garrison work duties, and had the opportunity to seek medical or mental health treatment, if needed.

# **RECRUITMENT AND REPRESENTATIVENESS OF THE SAMPLE**

Unit leaders assembled the soldiers and Marines near their workplaces at convenient times, and the study investigators then gave a short recruitment briefing and obtained written informed consent on forms that included statements about the purpose of the survey, the voluntary nature of participation, and the methods used to ensure participants' anonymity. Overall, 58 percent of the soldiers and Marines from the selected units were available to attend the recruitment briefings (79 percent of the soldiers before deployment, 58 percent of the soldiers after deployment in Operation Enduring Freedom in Afghanistan, 34 percent of the soldiers after deployment in Operation Iraqi Freedom, and 65 percent of the Marines after deployment in Operation Iraqi Freedom). Most of those who did not attend the briefings were not available because of their rigorous work and training schedules (e.g., night training and post security).

A response was defined as completion of any part of the survey. The response rate among the soldiers and Marines who were briefed was 98 percent for the four samples combined. The rates of missing values for individual items in the survey were generally less than 15 percent; 2 percent of participants did not complete the PTSD measures, 5 percent did not complete the depression and anxiety measures, and 7 to 8 percent did not complete the items related to the use of alcohol. The high response rate was probably owing to the anonymous nature of the survey and to the fact that participants were given time by their units to complete the 45-minute survey. The study was conducted under a protocol approved by the institutional review board of the Walter Reed Army Institute of Research.

To assess whether or not our sample was representative, we compared the demographic characteristics of respondents with those of all active-duty Army and Marine personnel deployed to Operation Iraqi Freedom and Operation Enduring Freedom, using the Defense Medical Surveillance System.<sup>13</sup>

## **SURVEY AND MENTAL HEALTH OUTCOMES**

The study outcomes were focused on current symptoms (i.e., those occurring in the past month) of a major depressive disorder, a generalized anxiety disorder, and PTSD. We used two case definitions for each disorder, a broad screening definition that followed current psychiatric diagnostic criteria<sup>14</sup> but did not include criteria for functional impairment

or for severity, and a strict (conservative) screening definition that required a self-report of substantial functional impairment or a large number of symptoms. Major depression and generalized anxiety were measured with the use of the patient health questionnaire developed by Spitzer et al.<sup>15-17</sup> For the strict definition to be met, there also had to be evidence of impairment in work, at home, or in interpersonal functioning that was categorized as at the "very difficult" level as measured by the patient health questionnaire. The generalized anxiety measure was modified slightly to avoid redundancy; items that pertained to concentration, fatigue, and sleep disturbance were drawn from the depression measure.

The presence or absence of PTSD was evaluated with the use of the 17-item National Center for PTSD Checklist of the Department of Veterans Affairs.<sup>4,8,18,19</sup> Symptoms were related to any stressful experience (in the wording of the "specific stressor" version of the checklist), so that the outcome would be independent of predictors (i.e., before or after deployment). Results were scored as positive if subjects reported at least one intrusion symptom, three avoidance symptoms, and two hyperarousal symptoms<sup>14</sup> that were categorized as at the moderate level, according to the PTSD checklist. For the strict definition to be met, the total score also had to be at least 50 on a scale of 17 to 85 (with a higher number indicating a greater number of symptoms or greater severity), which is a well-established cutoff.<sup>4,8,18,19</sup> Misuse of alcohol was measured with the use of a two-question screening instrument.<sup>20</sup>

In addition to these measures, on the survey participants were asked whether they were currently experiencing stress, emotional problems, problems related to the use of alcohol, or family problems and, if so, whether the level of these problems was mild, moderate, or severe; the participants were then asked whether they were interested in receiving help for these problems. Subjects were also asked about their use of professional mental health services in the past month or the past year and about perceived barriers to mental health treatment, particularly stigmatization as a result of receiving such treatment.<sup>21</sup> Combat experiences were modified from previous scales.<sup>22</sup>

## **QUALITY-CONTROL PROCEDURES AND ANALYSIS**

Responses to the survey were scanned with the use of ScanTools software (Pearson NCS). Quality-



control procedures identified scanning errors in no more than 0.38 percent of the fields (range, 0.01 to 0.38 percent). SPSS software (version 12.0) was used to conduct the analyses, including multiple logistic regression that was used to control for differences in demographic characteristics of members of study groups before and after deployment.<sup>23,24</sup>

## RESULTS

The demographic characteristics of participants from the three Army units were similar. The Marines in the study were somewhat younger than the soldiers in the study and less likely to be married. The demographic characteristics of all the participants in the survey samples were very similar to those of the general, deployed, active-duty infantry population, except that officers were undersampled, which resulted in slightly lower age and rank distributions (Table 1). Data for the reference populations were obtained from the Defense Medical Surveillance System with the use of available rosters of Army and Marine personnel deployed to Iraq or Afghanistan in 2003 (Table 1).

Among the 1709 soldiers and Marines who had returned from Iraq the reported rates of combat experiences and frequency of contact with the enemy were much higher than those reported by soldiers who had returned from Afghanistan (Table 2). Only 31 percent of soldiers deployed to Afghanistan reported having engaged in a firefight, as compared with 71 to 86 percent of soldiers and Marines who had been deployed to Iraq. Among those who had been in a firefight, the median number of firefights during deployment was 2 (interquartile range, 1 to 3) among those in Afghanistan, as compared with 5 (interquartile range, 2 to 13;  $P < 0.001$  by analysis of variance) among soldiers deployed to Iraq and 5 (interquartile range, 3 to 10;  $P < 0.001$  by analysis of variance) among Marines deployed to Iraq.

Soldiers and Marines who had returned from Iraq were significantly more likely to report that they were currently experiencing a mental health problem, to express interest in receiving help, and to use mental health services than were soldiers returning from Afghanistan or those surveyed before deployment (Table 3). Rates of PTSD were significantly higher after combat duty in Iraq than before deployment, with similar odds ratios for the Army and Marine samples (Table 3). Significant associations were observed for major depression and the misuse of alcohol. Most of these associations re-

mained significant after control for demographic factors with the use of multiple logistic regression (Table 3). When the prevalence rates for any mental disorder were adjusted to match the distribution of officers and enlisted personnel in the reference populations, the result was less than a 10 percent decrease (range, 3.5 to 9.4 percent) in the rates shown in Table 3 according to both the broad and the strict definitions (data not shown).

For all groups responding after deployment, there was a strong reported relation between combat experiences, such as being shot at, handling dead bodies, knowing someone who was killed, or killing enemy combatants, and the prevalence of PTSD. For example, among soldiers and Marines who had been deployed to Iraq, the prevalence of PTSD (according to the strict definition) increased in a linear manner with the number of firefights during deployment: 4.5 percent for no firefights, 9.3 percent for one to two firefights, 12.7 percent for three to five firefights, and 19.3 percent for more than five firefights (chi-square for linear trend, 49.44;  $P < 0.001$ ). Rates for those who had been deployed to Afghanistan were 4.5 percent, 8.2 percent, 8.3 percent, and 18.9 percent, respectively (chi-square for linear trend, 31.35;  $P < 0.001$ ). The percentage of participants who had been deployed to Iraq who reported being wounded or injured was 11.6 percent as compared with only 4.6 percent for those who had been deployed to Afghanistan. The rates of PTSD were significantly associated with having been wounded or injured (odds ratio for those deployed to Iraq, 3.27; 95 percent confidence interval, 2.28 to 4.67; odds ratio for those deployed to Afghanistan, 2.49; 95 percent confidence interval, 1.35 to 4.40).

Of those whose responses met the screening criteria for a mental disorder according to the strict case definition, only 38 to 45 percent indicated an interest in receiving help, and only 23 to 40 percent reported having received professional help in the past year (Table 4). Those whose responses met these screening criteria were generally about two times as likely as those whose responses did not to report concern about being stigmatized and about other barriers to accessing and receiving mental health services (Table 5).

## DISCUSSION

We investigated mental health outcomes among soldiers and Marines who had taken part in the ground-combat operations in Iraq and Afghani-

Table 1. Demographic Characteristics of Study Groups of Soldiers and Marines as Compared with Reference Groups.\*

Characteristic	Army Study Groups			Marine Study Group	Army Reference Group (N=61,742)	Marine Reference Group (N=20,194)
	Before Deployment to Iraq (N=2530)	After Deployment to Afghanistan (N=1962)	After Deployment to Iraq (N=894)	After Deployment to Iraq (N=815)		
Age						
18–24 yr	1647 (66)	1226 (63)	528 (59)	652 (80)	32,840 (53)	13,824 (69)
25–29 yr	496 (20)	387 (20)	206 (23)	114 (14)	13,737 (22)	3,174 (16)
30–39 yr	336 (13)	316 (16)	147 (16)	41 (5)	12,960 (21)	2,703 (13)
40 yr or older	34 (1)	28 (1)	13 (2)	4 (1)	2,205 (4)	493 (2)
Sex						
Male	2489 (99)	1934 (99)	879 (98)	815 (100)	61,201 (99)	20,090 (99.5)
Female	26 (1)	23 (1)	14 (2)		541 (1)	104 (0.5)
Race or ethnic group						
White	1749 (70)	1339 (69)	531 (60)	544 (68)	44,365 (72)	15,344 (76)
Black	208 (8)	198 (10)	185 (21)	53 (7)	7,904 (13)	1,213 (6)
Hispanic	331 (13)	254 (13)	102 (12)	141 (18)	6,140 (10)	2,642 (13)
Other	195 (8)	141 (7)	67 (8)	63 (8)	3,262 (5)	867 (4)
Education						
High-school graduate or less	1955 (78)	1514 (78)	726 (82)	728 (89)	48,561 (79)	16,892 (84)
Some college or other	202 (8)	153 (8)	73 (8)	29 (4)	3,260 (5)	346 (2)
College graduate	339 (14)	277 (14)	85 (10)	54 (7)	8,838 (14)	2,945 (15)
Military grade						
Enlisted personnel†						
E1–E4	1585 (63)	1170 (60)	613 (69)	601 (84)	33,823 (55)	13,744 (68)
E5–E6	614 (24)	524 (27)	228 (26)	77 (11)	14,813 (24)	2,850 (14)
E7–E9	116 (5)	91 (5)	23 (3)	8 (1)	3,819 (6)	607 (3)
Officer	200 (8)	168 (8)	30 (3)	26 (4)	9,287 (15)	2,993 (15)
Marital status						
Single	1142 (50)	908 (52)	355 (46)	455 (63)	32,636 (53)	12,332 (61)
Married	936 (41)	685 (39)	338 (43)	204 (28)	27,582 (45)	7,499 (37)
Other	199 (9)	168 (9)	85 (11)	65 (9)	1,485 (2)	363 (2)

\* Data exclude missing values, because not all respondents answered every question. Percentages may not sum to 100 because of rounding. Data for the reference groups were obtained from the Defense Medical Surveillance System's deployment rosters of Army and Marine personnel deployed in Operation Iraqi Freedom and in Afghanistan in 2003. The total number of persons on these rosters was 315,999, of whom 229,034 (72 percent) were active-component personnel; the remaining 86,965 were members of the Reserve and National Guard; 97,906 (31 percent) had a designation of a combat-arms occupation. Of the 229,034 active-component service members, 81,936 (36 percent) had combat-arms occupations, including 61,742 soldiers and 20,194 Marines in the reference groups.

† Higher numbers indicate higher grades.

stan. Respondents to our survey who had been deployed to Iraq reported a very high level of combat experiences, with more than 90 percent of them reporting being shot at and a high percentage reporting handling dead bodies, knowing someone who was injured or killed, or killing an enemy combatant (Table 2). Close calls, such as having been saved from being wounded by wearing body armor, were not infrequent. Soldiers who served in Afghanistan reported lower but still substantial rates of such experiences in combat.

The percentage of study subjects whose responses met the screening criteria for major depression,

PTSD, or alcohol misuse was significantly higher among soldiers after deployment than before deployment, particularly with regard to PTSD. The linear relationship between the prevalence of PTSD and the number of firefights in which a soldier had been engaged was remarkably similar among soldiers returning from Iraq and Afghanistan, suggesting that differences in the prevalence according to location were largely a function of the greater frequency and intensity of combat in Iraq. The association between injury and the prevalence of PTSD supports the results of previous studies.<sup>25</sup>

These findings can be generalized to ground-

**Table 2. Combat Experiences Reported by Members of the U.S. Army and Marine Corps after Deployment to Iraq or Afghanistan.\***

Experience	Army Groups		Marine Group
	Afghanistan (N=1962)	Iraq (N=894)	Iraq (N=815)
	number/total number (percent)		
Being attacked or ambushed	1139/1961 (58)	789/883 (89)	764/805 (95)
Receiving incoming artillery, rocket, or mortar fire	1648/1960 (84)	753/872 (86)	740/802 (92)
Being shot at or receiving small-arms fire	1302/1962 (66)	826/886 (93)	779/805 (97)
Shooting or directing fire at the enemy	534/1961 (27)	672/879 (77)	692/800 (87)
Being responsible for the death of an enemy combatant	229/1961 (12)	414/871 (48)	511/789 (65)
Being responsible for the death of a noncombatant	17/1961 (1)	116/861 (14)	219/794 (28)
Seeing dead bodies or human remains	771/1958 (39)	832/879 (95)	759/805 (94)
Handling or uncovering human remains	229/1961 (12)	443/881 (50)	455/800 (57)
Seeing dead or seriously injured Americans	591/1961 (30)	572/882 (65)	604/803 (75)
Knowing someone seriously injured or killed	850/1962 (43)	751/878 (86)	693/797 (87)
Participating in demining operations	314/1962 (16)	329/867 (38)	270/787 (34)
Seeing ill or injured women or children whom you were unable to help	907/1961 (46)	604/878 (69)	665/805 (83)
Being wounded or injured	90/1961 (5)	119/870 (14)	75/803 (9)
Had a close call, was shot or hit, but protective gear saved you	—†	67/879 (8)	77/805 (10)
Had a buddy shot or hit who was near you	—†	192/880 (22)	208/797 (26)
Clearing or searching homes or buildings	1108/1961 (57)	705/884 (80)	695/805 (86)
Engaging in hand-to-hand combat	51/1961 (3)	189/876 (22)	75/800 (9)
Saved the life of a soldier or civilian	125/1961 (6)	183/859 (21)	150/789 (19)

\* Data exclude missing values, because not all respondents answered every question. Combat experiences are worded as in the survey.

† The question was not included in this survey.

combat units, which are estimated to represent about a quarter of all Army and Marine personnel participating in Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan (when members of the Reserve and the National Guard are included) and nearly 40 percent of all active-duty personnel (when Reservists and members of the National Guard are not included). The demographic characteristics of the subjects in our samples closely mirrored the demographic characteristics of this population. The somewhat lower proportion of officers had a minimal effect on the prevalence rates, and potential differences in demographic factors among the four study groups were controlled for in our analysis with the use of logistic regression.

One demonstration of the internal validity of our findings was the observation of similar prevalence rates for combat experiences and mental health outcomes among the subjects in the Army and the Marine Corps who had returned from deployment to

Iraq, despite the different demographic characteristics of members of these units and their different levels of availability for recruitment into the study.

The cross-sectional design involving different units that was used in our study is not as strong as a longitudinal design. However, the comparability of the Army samples and the similarity in outcomes among subjects in the Army and Marine units surveyed after deployment to Iraq should generate confidence in the cross-sectional approach. Another limitation of our study is the potential selection bias resulting from the enrollment procedures, which were influenced by the practical realities that resulted from working with operational units. Although work schedules affected the availability of soldiers to take part in the survey, the effect is not likely to have biased our results. However, the selection procedures did not permit the enrollment of persons who had been severely wounded or those who may have been removed from the units for oth-

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\* Each study group who responded after deployment was compared with the group that responded before deployment, with the use of odds ratios (with 95 percent confidence intervals) and chi-square testing. Data exclude missing values, because not all respondents answered every question. OR denotes odds ratio, CI confidence interval, PHQ patient health questionnaire, PTSD post-traumatic stress disorder, and PCL the National Center for Post-Traumatic Stress Disorder Checklist.

†  $P < 0.01$  for the comparison of groups responding after deployment with the group responding before deployment, calculated with the use of the chi-square test.

‡ The result remained significant after multiple logistic regression was used to control for age, rank, educational level, marital status, and race or ethnic group.

§ Professional help was defined as help from a mental health professional, a general medical doctor, or a chaplain or other member of the clergy, in either a military or civilian treatment setting.

||  $P < 0.05$  for the comparison of groups responding after deployment with the group responding before deployment, calculated with the use of the chi-square test.

Table 4. Perceived Need for and Use of Mental Health Services among Soldiers and Marines Whose Survey Responses Met the Screening Criteria for Major Depression, Generalized Anxiety, or Post-Traumatic Stress Disorder.\*

Outcome	Army Study Groups			Marine Study Group
	Before Deployment to Iraq (N=233)	After Deployment to Afghanistan (N=220)	After Deployment to Iraq (N=151)	After Deployment to Iraq (N=127)
	number/total number (percent)			
Need				
Acknowledged a problem	184/215 (86)	156/192 (81)	104/133 (78)	91/106 (86)
Interested in receiving help	85/212 (40)	75/196 (38)	58/134 (43)	47/105 (45)
Received professional help†				
In past year				
Overall (from any professional)	61/222 (28)	46/198 (23)	56/140 (40)	33/113 (29)
From a mental health professional	33/222 (15)	26/198 (13)	37/138 (27)	24/112 (21)
In past month				
Overall (from any professional)	39/218 (18)	34/196 (17)	44/136 (32)	23/112 (21)
From a mental health professional	24/218 (11)	25/196 (13)	29/136 (21)	16/111 (14)

\* Data exclude missing values, because not all respondents answered every question.

† Professional help was defined as help from a mental health professional, a general medical doctor, or a chaplain or other member of the clergy, in either a military or civilian treatment setting.

er reasons, such as misconduct. Thus, our estimates of the prevalence of mental disorders are conservative, reflecting the prevalence among working, non-disabled combat personnel. The period immediately before a long combat deployment may not be the best time at which to measure baseline levels of distress. The magnitude of the differences between the responses before and after deployment is particularly striking, given the likelihood that the group responding before deployment was already experiencing levels of stress that were higher than normal.

The survey instruments used to screen for mental disorders in this study have been validated primarily in the settings of primary care and in clinical populations. The results therefore do not represent definitive diagnoses of persons in nonclinical populations such as our military samples. However, requiring evidence of functional impairment or a high number of symptoms, as we did, according to the strict case definitions, increases the specificity and positive predictive value of the survey measures.<sup>26,27</sup> This conservative approach suggested that as many as 9 percent of soldiers may be at risk for mental disorders before combat deployment, and as many as 11 to 17 percent may be at risk for such disorders three to four months after their return from combat deployment.

Although there are few published studies of the rates of PTSD among military personnel soon after their return from combat duty, studies of veterans conducted years after their service ended have shown a prevalence of current PTSD of 15 percent

among Vietnam veterans<sup>28</sup> and 2 to 10 percent among veterans of the first Gulf War.<sup>4,8</sup> Rates of PTSD among the general adult population in the United States are 3 to 4 percent,<sup>26</sup> which are not dissimilar to the baseline rate of 5 percent observed in the sample of soldiers responding to the survey before deployment. Research has shown that the majority of persons in whom PTSD develops meet the criteria for the diagnosis of this disorder within the first three months after the traumatic event.<sup>29</sup> In our study, administering the surveys three to four months after the subjects had returned from deployment and at least six months after the heaviest combat operations was probably optimal for investigating the long-term risk of mental health problems associated with combat. We are continuing to examine this risk in repeated cross-sectional and longitudinal assessments involving the same units.

Our findings indicate that a small percentage of soldiers and Marines whose responses met the screening criteria for a mental disorder reported that they had received help from any mental health professional, a finding that parallels the results of civilian studies.<sup>30-32</sup> In the military, there are unique factors that contribute to resistance to seeking such help, particularly concern about how a soldier will be perceived by peers and by the leadership. Concern about stigma was disproportionately greatest among those most in need of help from mental health services. Soldiers and Marines whose responses were scored as positive for a mental disorder

Table 5. Perceived Barriers to Seeking Mental Health Services among All Study Participants (Soldiers and Marines).\*

Perceived Barrier	Respondents Who Met Screening Criteria for a Mental Disorder (N=731)	Respondents Who Did Not Meet Screening Criteria for a Mental Disorder (N=5422)
	no./total no. (%)	
I don't trust mental health professionals.	241/641 (38)	813/4820 (17)
I don't know where to get help.	143/639 (22)	303/4780 (6)
I don't have adequate transportation.	117/638 (18)	279/4770 (6)
It is difficult to schedule an appointment.	288/638 (45)	789/4748 (17)
There would be difficulty getting time off work for treatment.	354/643 (55)	1061/4743 (22)
Mental health care costs too much money.	159/638 (25)	456/4736 (10)
It would be too embarrassing.	260/641 (41)	852/4752 (18)
It would harm my career.	319/640 (50)	1134/4738 (24)
Members of my unit might have less confidence in me.	377/642 (59)	1472/4763 (31)
My unit leadership might treat me differently.	403/637 (63)	1562/4744 (33)
My leaders would blame me for the problem.	328/642 (51)	928/4769 (20)
I would be seen as weak.	413/640 (65)	1486/4732 (31)
Mental health care doesn't work.	158/638 (25)	444/4748 (9)

\* Data exclude missing values, because not all respondents answered every question. Respondents were asked to rate "each of the possible concerns that might affect your decision to receive mental health counseling or services if you ever had a problem." Perceived barriers are worded as on the survey. The five possible responses ranged from "strongly disagree" to "strongly agree," with "agree" and "strongly agree" combined as a positive response.

der were twice as likely as those whose responses were scored as negative to show concern about being stigmatized and about other barriers to mental health care.

This finding has immediate public health implications. Efforts to address the problem of stigma and other barriers to seeking mental health care in the military should take into consideration outreach, education, and changes in the models of health care delivery, such as increases in the allocation of mental health services in primary care clinics and in the provision of confidential counseling by means of employee-assistance programs. Screening for major depression is becoming routine in military primary care settings,<sup>12</sup> but our study suggests that it should be expanded to include screening for PTSD. Many of these considerations are being addressed in new military programs.<sup>33</sup> Reducing the perception of stigma and the barriers to care among military personnel is a priority for research and a priority for the policymakers, clinicians, and leaders who are involved in providing care to those who have served in the armed forces.

Supported by the Military Operational Medicine Research Program, U.S. Army Medical Research and Materiel Command, Ft. Detrick, Md.

The views expressed in this article are those of the authors and do not reflect the official policy or position of the Department of the Army, the Department of Defense, the U.S. government, or any of the institutions with which the authors are affiliated.

We are indebted to the Walter Reed Army Institute of Research Land Combat Study Team: Lolita Burrell, Ph.D., Scott Killgore, Ph.D., Melba Stetz, Ph.D., Paul Bliese, Ph.D., Oscar Cabrera, Ph.D., Anthony Cox, M.S.W., Timothy Allison-Aipa, Ph.D., Karen Eaton, M.S., Graeme Bicknell, M.S.W., Alexander Vo, Ph.D., and Charles Milliken, M.D., for survey-instrument design and data collection; to Spencer Campbell, Ph.D., for coordination of data collection and scientific advice; to David Couch for supervising the data-collection teams, database management, scanning, and quality control; to Wanda Cook for design and production of surveys; to Allison Whitt for survey-production and data-collection support; to Lloyd Shanklin, Joshua Fejeran, Vilna Williams, and Crystal Ross for data-collection, quality-assurance, scanning, and field support; to Jennifer Auchterlonie for assistance with Defense Medical Surveillance System analyses; to Akeiya Briscoe-Cureton for travel and administrative support; to the leadership of the units that were studied and to our medical and mental health professional colleagues at Ft. Bragg, Ft. Stewart, Camp Lejeune, and Camp Pendleton; to the Walter Reed Army Institute of Research Office of Research Management; to David Orman, M.D., psychiatry consultant to the Army Surgeon General, Gregory Belenky, M.D., and Charles C. Engel, M.D., for advice and review of the study; and, most important, to the soldiers and Marines who participated in the study for their service.

# REFERENCES

1. The Centers for Disease Control Vietnam Experience Study Group. Health status of Vietnam veterans. I. Psychosocial characteristics. *JAMA* 1988;259:2701-7.
2. Helzer JE, Robins LN, McEvoy L. Post-traumatic stress disorder in the general population: findings of the Epidemiologic Catchment Area survey. *N Engl J Med* 1987; 317:1630-4.
3. Jordan BK, Schlenger WE, Hough R, et al. Lifetime and current prevalence of specific psychiatric disorders among Vietnam veterans and controls. *Arch Gen Psychiatry* 1991;48:207-15.
4. The Iowa Persian Gulf Study Group. Self-reported illness and health status among Gulf War veterans: a population-based study. *JAMA* 1997;277:238-45.
5. Kessler RC, Sonnega A, Bromet E, Hughes M, Nelson CB. Posttraumatic stress disorder in the National Comorbidity Survey. *Arch Gen Psychiatry* 1995;52:1048-60.
6. Prigerson HG, Maciejewski PK, Rosenheck RA. Population attributable fractions of psychiatric disorders and behavioral outcomes associated with combat exposures among US men. *Am J Public Health* 2002; 92:59-63.
7. *Idem*. Combat trauma: trauma with highest risk of delayed onset and unresolved posttraumatic stress disorder symptoms, unemployment, and abuse among men. *J Nerv Ment Dis* 2001;189:99-108.
8. Kang HK, Natelson BH, Mahan CM, Lee KY, Murphy FM. Post-traumatic stress disorder and chronic fatigue syndrome-like illness among Gulf War veterans: a population-based survey of 30,000 veterans. *Am J Epidemiol* 2003;157:141-8.
9. Hoge CW, Lesikar SE, Guevara R, et al. Mental disorders among U.S. military personnel in the 1990s: association with high levels of health care utilization and early military attrition. *Am J Psychiatry* 2002;159: 1576-83.
10. Wessely S, Unwin C, Hotopf M, et al. Stability of recall of military hazards over time: evidence from the Persian Gulf War of 1991. *Br J Psychiatry* 2003;183:314-22.
11. Wright KM, Huffman AH, Adler AB, Castro CA. Psychological screening program overview. *Mil Med* 2002;167:853-61.
12. VA/DoD clinical practice guideline for the management of major depressive disorder in adults. In: *Major depressive disorder (MDD): clinical practice guidelines*. Washington, D.C.: Veterans Health Administration, May 2000. (Publication no. 10Q-CPG/MDD-00.) (Accessed June 4, 2004, at [http://www.oqp.med.va.gov/cpg/MDD/MDD\\_Base.htm](http://www.oqp.med.va.gov/cpg/MDD/MDD_Base.htm).)
13. Rubertone MV, Brundage JF. The Defense Medical Surveillance System and the Department of Defense serum repository: glimpses of the future of public health surveillance. *Am J Public Health* 2002;92:1900-4.
14. Diagnostic and statistical manual of mental disorders. 4th ed. DSM-IV. Washington, D.C.: American Psychiatric Association, 1994.
15. Spitzer RL, Kroenke K, Williams JB. Validation and utility of a self-report version of PRIME-MD: the PHQ primary care study. *JAMA* 1999;282:1737-44.
16. Lowe B, Spitzer RL, Grafe K, et al. Comparative validity of three screening questionnaires for DSM-IV depressive disorders and physicians' diagnoses. *J Affect Disord* 2004; 8:131-40.
17. Henkel V, Mergl R, Kohlen R, Maier W, Moller HJ, Hegerl U. Identifying depression in primary care: a comparison of different methods in a prospective cohort study. *BMJ* 2003;326:200-1.
18. Blanchard EB, Jones-Alexander J, Buckley TC, Forneris CA. Psychometric properties of the PTSD Checklist (PCL). *Behav Res Ther* 1996;34:669-73.
19. Weathers FW, Litz BT, Herman DS, Huska JA, Keane TM. The PTSD checklist (PCL): reliability, validity, and diagnostic utility. San Antonio, Tex.: International Society of Traumatic Stress Studies, October 1993. abstract. (Accessed June 4, 2004, at [http://www.pdhealth.mil/library/downloads/PCL\\_sychometrics.doc](http://www.pdhealth.mil/library/downloads/PCL_sychometrics.doc).)
20. Brown RL, Leonard T, Saunders LA, Papanicolaou O. A two-item conjoint screen for alcohol and other drug problems. *J Am Board Fam Pract* 2001;14:95-106.
21. Britt TW. The stigma of psychological problems in a work environment: evidence from the screening of service members returning from Bosnia. *J Appl Soc Psychol* 2000;30:1599-618.
22. Castro CA, Bienvenu RV, Huffman AH, Adler AB. Soldier dimensions and operational readiness in U.S. Army forces deployed to Kosovo. *Int Rev Armed Forces Med Serv* 2000;73:191-200.
23. Kleinbaum DG, Kupper LL, Morgenstern H. *Epidemiologic research: principles and quantitative methods*. Belmont, Calif.: Lifetime Learning, 1982.
24. Menard S. *Applied logistic regression analysis*. 2nd ed. Thousand Oaks, Calif.: Sage, 2002.
25. Friedman MJ, Schnurr PP, McDonagh-Coyle A. Post-traumatic stress disorder in the military veteran. *Psychiatr Clin North Am* 1994;17:265-77.
26. Narrow WE, Rae DS, Robins LN, Regier DA. Revised prevalence estimates of mental disorders in the United States: using a clinical significance criterion to reconcile 2 surveys' estimates. *Arch Gen Psychiatry* 2002; 59:115-23.
27. Hoge CW, Messer SC, Castro CA. Pentagon employees after September 11, 2001. *Psychiatr Serv* 2004;55:319-20.
28. Schlenger WE, Kulka RA, Fairbank JA, et al. The prevalence of post-traumatic stress disorder in the Vietnam generation: a multimethod, multisource assessment of psychiatric disorder. *J Trauma Stress* 1992; 5:333-63.
29. Carlier IVE, Lamberts RD, Gersons BPR. Risk factors for posttraumatic stress symptomatology in police officers: a prospective analysis. *J Nerv Ment Dis* 1997;185: 498-506.
30. Kessler RC, Berglund P, Demler O, et al. The epidemiology of major depressive disorder: results from the National Comorbidity Survey Replication (NCS-R). *JAMA* 2003; 289:3095-105.
31. Regier DA, Narrow WE, Rae DS, Manderscheid RW, Locke BZ, Goodwin FK. The de facto US mental and addictive disorders service system: Epidemiologic Catchment Area prospective 1-year prevalence rates of disorders and services. *Arch Gen Psychiatry* 1993;50:85-94.
32. Kessler RC, McGonagle KA, Zhao S, et al. Lifetime and 12-month prevalence of DSM-III-R psychiatric disorders in the United States: results from the National Comorbidity Survey. *Arch Gen Psychiatry* 1994;51: 8-19.
33. Deployment Health Clinical Center. Deployment cycle support and clinicians — practice guidelines. (Accessed June 4, 2004, at <http://www.pdhealth.mil>.)

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DEPARTMENT OF THE ARMY  
HEADQUARTERS, 1<sup>ST</sup> INFANTRY DIVISION  
OFFICE OF THE STAFF JUDGE ADVOCATE  
UNIT #26222  
APO AE 09036

REPLY TO THE  
ATTENTION OF:

AETV-BGJA

APR 15 2005

MEMORANDUM FOR Commander, 1<sup>st</sup> Infantry Division, APO AE 09036

SUBJECT: Second Addendum to the Staff Judge Advocate Recommendation in the General Court-Martial of Private First Class Edward L. Richmond, Jr. [REDACTED] Headquarters and Headquarters Company, 1<sup>st</sup> Battalion, 27<sup>th</sup> Infantry Regiment, APO AE 09347

b(6)-2

1. On 14 February 2005, you considered R.C.M. 1105/1106 matters submitted by the accused and defense counsel and took action in the general court-martial of Private First Class Edward L. Richmond, Jr. After action, the defense submitted four additional written letters in support of granting clemency to Private First Class Richmond.
2. Once the accused submits matters for consideration by the convening authority, the right to submit additional matters is waived unless the accused reserves the right in writing to submit additional matters within the time limit. *United States v. Scott*, 39 M.J. 769 (1994). In the case herein, clemency matters were due on 26 January 2005 after granting the accused the necessary delay. The defense finally submitted clemency matters on 5 February 2005 after the time periods of RCM 1105(c) had expired.
3. The accused, through his defense counsel, submitted additional clemency matters on 14 February 2005 (either simultaneously with or after you had taken action on the case); on 16 February 2005 and again on 17 February 2005. On 25 February 2005, the accused again through his defense counsel requested that the convening authority reconsider his "decision, in light of, and in consideration of, the additional clemency matters."
4. The defense did state on page 6 of the clemency submission that "Defense Counsel is awaiting receipt of a personal letter from Congressman Baker to the convening authority, to be included for consideration with this Soldier's request for clemency. This letter is expected to arrive on or about 9 February 2005, and should be substituted for the informal letter that is included at Enclosure L." This was not an explicit reservation of the right to submit additional matters. Further, the accused and his counsel were beyond the time limit required by RCM 1105(c). Therefore, you are not legally required to consider the additional clemency matters submitted by the defense counsel.

016623

20040787



AETV-BGJA

SUBJECT: Second Addendum to the Staff Judge Advocate Recommendation in the General Court-Martial of Private First Class Edward L. Richmond, Jr., [REDACTED] Headquarters and Headquarters Company, 1<sup>st</sup> Battalion, 27<sup>th</sup> Infantry Regiment, APO AE 09347

5. IAW RCM 1107(f)(2) the convening authority may recall and modify any action taken by that convening authority at any time before it has been published or before the accused has been officially notified. The convening authority may also recall and modify any action at any time prior to forwarding the record for review, as long as the modification does not result in action less favorable to the accused than the earlier action. In this case, there has been no notification, publication nor mailing of the action. Therefore, the convening authority can make any change that benefits the accused. The convening authority can also approve the same action that was approved originally.

6. In United States v. Mooney, Army 9500238 (ACCA June 10, 1996), based upon the quality of the clemency letter there was a reasonable possibility that the convening authority could have granted clemency based upon it. The Army appellate court set the action aside and the case was returned to the convening authority for a new post-trial recommendation and action. Therefore, while not required, I recommend that you consider the additional written defense submissions as well as the original submissions to determine whether to grant the accused clemency.

7. I recommend that you approve the sentence as adjudged. I further recommend that you credit the accused with 47 days confinement against the sentence to confinement.

25 Encls

1. Clemency Petition/DC, dtd 5 Feb 05
2. Clemency Petition/ACC, undated
3. Letter from [REDACTED] dtd 24 Jan 05
4. Letter from [REDACTED] dtd 26 Jan 05
5. Letter from [REDACTED] dtd 25 Jan 05
6. Letter from [REDACTED] undated
7. Letter from [REDACTED] dtd 24 Jan 05
8. Letter from [REDACTED] dtd 24 Jan 05
9. Letter from [REDACTED] dtd 25 Jan 05
10. Letter from [REDACTED] undated
11. Letter from [REDACTED] dtd 25 Jan 05
12. Letter from [REDACTED] undated
13. Letter from [REDACTED] dtd 24 Jan 05
14. Article from New England Journal of Medicine, dtd 1 Jul 04
15. Record of Trial
16. Post-Trial Recommendation, dtd 27 Dec 04

AETV-BGJA

SUBJECT: Second Addendum to the Staff Judge Advocate Recommendation in the General Court-Martial of Private First Class Edward L. Richmond, Jr. [REDACTED] Headquarters and Headquarters Company, 1<sup>st</sup> Battalion, 27<sup>th</sup> Infantry Regiment, APO AE 09347

b(6)-2

17. Result of Trial, dtd 3 Aug 04
18. Letter from Congressman Baker, dtd 10 Feb 05
19. Letter from Congressman Alexander, dtd 15 Feb 05
20. Letter from Mr. [REDACTED], dtd 16 Feb 05
21. Email from Mr. [REDACTED] dtd 18 Feb 05
22. Email from CPT [REDACTED] dtd 14 Feb 05
23. Email from CPT [REDACTED] dtd 16 Feb 05
24. Email from CPT [REDACTED] dtd 17 Feb 05
25. Email from CPT [REDACTED] dtd 25 Feb 05

b(6)-4

b(6)-2

101 101 101

**MAJ 1ID OSJA-Wuerzburg Law Center (Chief, MJ)**

**From:** [REDACTED] CPT [REDACTED]@us.army.mil]  
**Sent:** Monday, February 28, 2005 11:22 AM  
**To:** [REDACTED] MAJ 1ID OSJA-Wuerzburg Law Center (Chief, MJ) [REDACTED]  
 CPT  
**Cc:** [REDACTED] SSG; [REDACTED] SPC  
**Subject:** FW: Supplemental Clemency Matters (UNCLASSIFIED)  
**Attachments:** Letter from Congressman Baker (Richmond Clemency).pdf

b(6)-2 (all)

ALCON,  
 And yet another.

V/R,

[REDACTED]  
 CPT, JA

---

**From:** [REDACTED] [mailto:[REDACTED]@hqda.army.mil]  
**Sent:** Mon 14-Feb-05 17:15  
**To:** [REDACTED] CPT  
**Cc:** [REDACTED] SSG; [REDACTED] SFC; [REDACTED] SFC (Military Justice NCOIC)  
**Subject:** Supplemental Clemency Matters (UNCLASSIFIED)

**Classification:** UNCLASSIFIED

**Caveats:** NONE

Government,

Attached please find an additional letter to add to PVT Richmond's request for clemency. This letter should be inserted as Enclosure L. As I know that 1ID is in the process of redeployment, please let me know that you have received this letter. Thanks.

[REDACTED]  
 CPT, JA

[REDACTED]  
 The Judge Advocate General's Legal Center and School  
 600 Massie Road  
 Charlottesville, VA 22903  
 Comm. Phone: (434) [REDACTED]  
 DSN Phone: (312) [REDACTED]

**Classification:** UNCLASSIFIED

**Caveats:** NONE

016626

20040787

4/7/2005

ACLU-RDI 1745 p.67

DOD-039893

**MAJ 1ID OSJA-Wuerzburg Law Center (Chief, MJ)**

**From:** [REDACTED] CPT [REDACTED]@us.army.mil]  
**Sent:** Monday, February 28, 2005 11:20 AM  
**To:** [REDACTED] MAJ 1ID OSJA-Wuerzburg Law Center (Chief, MJ); [REDACTED]  
 CPT  
**Cc:** [REDACTED] SSG; [REDACTED] SPC  
**Subject:** FW: Letter of support for clemency (UNCLASSIFIED)  
**Attachments:** Richmond.jpg

ALCON,  
 Another one.

V/R,

[REDACTED]  
 CPT, JA

} b(6)-2 (all)

**From:** [REDACTED] CPT [mailto:[REDACTED]@hqda.army.mil]  
**Sent:** Wed 16-Feb-05 16:29  
**To:** [REDACTED] CPT  
**Cc:** [REDACTED] SSG; [REDACTED] SFC (Military Justice NCOIC); [REDACTED] SFC  
**Subject:** FW: Letter of support for clemency (UNCLASSIFIED)

**Classification:** UNCLASSIFIED

**Caveats:** NONE

b(6)-2 (all)

**Government,**

Attached please find a second additional letter to add to PVT Richmond's request for clemency. This letter should be inserted as Enclosure M. As I know that 1ID is in the process of redeployment, please let me know that you have received this letter. I understand that the clemency action may already have been submitted to the CG but please take every effort to include this letter with the packet for his consideration. Thanks in advance for your efforts.

[REDACTED]  
 CPT, JA

[REDACTED]  
 The Judge Advocate General's Legal Center and School  
 600 Massie Road  
 Charlottesville, VA 22903  
 Comm. Phone: (434) [REDACTED]  
 DSN Phone: (312) [REDACTED]

{ b(6)-2

-----Original Message-----

**From:** [REDACTED] [mailto:[REDACTED]@mail.house.gov]  
**Sent:** Tuesday, February 15, 2005 4:27 PM  
**To:** [REDACTED] CPT  
**Cc:** [REDACTED] premier.net'

} b(6)-4

~ b(6)-2

016627

20040787

4/7/2005

ACLU-RDI 1745 p.68

DOD-039894

**Subject:** Letter of support for clemency

Cpt. [REDACTED]

b(6)-2

I apologize for the delay in getting this to you. Please let me know if you have any problems opening the file.

Many thanks!

[REDACTED]

b(6)-4

Congressman Rodney Alexander  
Fifth District, Louisiana  
1900 Stubbs Ave., Ste. B  
Monroe, LA 71201  
(318) 322-3500  
(318) 322-3577 Fax

Classification: UNCLASSIFIED

Caveats: NONE

016628

20040787

4/7/2005

ACLU-RDI 1745 p.69

DOD-039895

**MAJ 1ID OSJA-Wuerzburg Law Center (Chief, MJ)**

**From:** [REDACTED] CPT [REDACTED]@us.army.mil]  
**Sent:** Monday, February 28, 2005 11:16 AM  
**To:** [REDACTED] CPT; [REDACTED] MAJ 1ID OSJA-Wuerzburg Law Center (Chief, MJ)  
**Cc:** [REDACTED] SSG; [REDACTED] SPC  
**Subject:** FW: Private First Class Edward L. Richmond, Jr.  
**Attachments:** Private First Class Edward L. Richmond, Jr.

b(6)-2 (all)

ALCON,  
Another email message.

V/R,

[REDACTED]  
CPT, JA

**From:** [REDACTED]@us.army.mil [mailto:[REDACTED]@us.army.mil]  
**Sent:** Thu 17-Feb-05 17:18  
**To:** [REDACTED] CPT  
**Cc:** [REDACTED] SSG; [REDACTED] SFC; [REDACTED] SFC [REDACTED] SSG [REDACTED]  
**Subject:** Fwd: Private First Class Edward L. Richmond, Jr.

b(6)-2 (all)

Government,

Attached please find a THIRD additional letter to add to PVT Richmond's request for clemency. This letter should be inserted as "Enclosure O." As I know that 1ID is in the process of redeployment, please let me know that you have received this letter. I understand that the clemency action may already have been submitted to the CG but please take every effort to include this letter with the packet for his consideration. Thanks in advance for your efforts.

I do not anticipate receipt of any more clemency letters. Thanks.

V/R

[REDACTED]  
CPT, JA

[REDACTED]  
The Judge Advocate General's Legal Center and School  
600 Massie Road  
Charlottesville, VA 22903  
Comm. Phone: (434) [REDACTED]  
DSN Phone: (312) [REDACTED]

b(6)-2 (all)

E-mail: [REDACTED]@us.army.mil

016629

20040787

4/7/2005

ACLU-RDI 1745 p.70

DOD-039896

**MAJ 1ID OSJA-Wuerzburg Law Center (Chief, MJ)**

**From:** [REDACTED] CPT [REDACTED]@us.army.mil]  
**Sent:** Monday, February 28, 2005 11:16 AM  
**To:** [REDACTED] CPT [REDACTED] MAJ 1ID OSJA-Wuerzburg Law Center (Chief, MJ)  
**Cc:** [REDACTED] SSG; [REDACTED] SPC  
**Subject:** FW: Request for Reconsideration (U.S. v. Richmond) (UNCLASSIFIED)  
**Attachments:** Clemency Attachments (Richmond).pdf; Clemency Richmond (Supplemental).doc; New England Journal of Medicine.pdf; Clemency Attachments (L, N-P).pdf

MAJ [REDACTED]

Please see the below email from [REDACTED]. My understanding is that action was taken in the case and no clemency was given. I will forward several more email messages to make sure you have everything. Please confirm receipt of this email message.

V/R,

b(6)-2(11)

[REDACTED]  
CPT, JA

---

**From:** [REDACTED] CPT [mailto:[REDACTED]@hqda.army.mil]  
**Sent:** Fri 25-Feb-05 20:32  
**To:** [REDACTED] CPT  
**Cc:** [REDACTED] SSG; [REDACTED] SFC (Military Justice NCOIC); [REDACTED] M SFC; [REDACTED]  
**Subject:** Request for Reconsideration (U.S. v. Richmond) (UNCLASSIFIED)

**Classification:** UNCLASSIFIED

**Caveats:** NONE

**Government,**

To date, the defense has not received a copy of any action taken by the Convening Authority in U.S. v. Richmond. Since 14 February 2005, four additional letters of support for PVT Richmond's request for clemency have been submitted to counsel and forwarded to the government. If the Convening Authority has not yet taken action, the defense requests consideration of these additional matters along with PVT Richmond's original request dated 5 February 2005, and its listed enclosures. If the Convening Authority already has taken action and such action does not grant clemency to PVT Richmond, the defense respectfully requests that the Convening Authority reconsider his decision in light of, and in consideration of, the additional clemency matters.

For convenience, I have attached the following documents to this e-mail:

- (1) Clemency Matters (Supplemental): Please note that items that have been changed or added are in bold-faced font. The remainder of the document stands as it did when it originally was submitted on 5 February 2005.
- (2) Clemency Attachments (Enclosures A-L (in a .pdf file))
- (3) New England Journal of Medicine article (Enclosure M (in a .pdf file))
- (4) Clemency Attachments (Enclosures L (new) & N-P). All of these documents were/are being submitted past the 5 February 2005 original submission date.

Thank you for your submission of this Request for Reconsideration/Supplemental Clemency Matters to the Convening Authority. Please do not hesitate to contact me if you have any questions or if I can be of any assistance.

V/R,

016630

20040787

4/7/2005

ACLU-RDI 1745 p.71

DOD-039897

[REDACTED]  
CPT, JA

[REDACTED]  
The Judge Advocate General's Legal Center and School  
600 Massie Road  
Charlottesville, VA 22903  
Comm. Phone: (434) [REDACTED]  
DSN Phone: (312) [REDACTED]

b(6)-2

Classification: UNCLASSIFIED

Caveats: NONE

016631

20040787

4/7/2005

ACLU-RDI 1745 p.72

DOD-039898



**RICHARD HUGH BAKER**  
6TH DISTRICT, LOUISIANA

COMMITTEE ON  
FINANCIAL SERVICES

CHAIRMAN  
SUBCOMMITTEE ON  
CAPITAL MARKETS, INSURANCE AND  
GOVERNMENT SPONSORED ENTERPRISES

SUBCOMMITTEE ON  
FINANCIAL INSTITUTIONS  
AND CONSUMER CREDIT

SUBCOMMITTEE ON  
HOUSING AND  
COMMUNITY OPPORTUNITY



**Congress of the United States**  
House of Representatives  
Washington, D.C. 20515-1806

COMMITTEE ON  
TRANSPORTATION AND INFRASTRUCTURE

SUBCOMMITTEE ON HIGHWAYS  
TRANSIT AND PIPELINES

SUBCOMMITTEE ON AVIATION

SUBCOMMITTEE ON  
WATER RESOURCES AND ENVIRONMENT

COMMITTEE ON  
VETERANS' AFFAIRS

SUBCOMMITTEE ON HEALTH

February 10, 2005

Major General John R.S. Batiste  
Commander  
1<sup>st</sup> Infantry Division  
Operation Iraqi Freedom (FOB Danger)  
APO AE 09392

Dear General Batiste:

For one instant in time, Private First Class Edward L. Richmond, Jr., had hope for his future, the future of his family, his country and for the citizens of Iraq. Unfortunately, in the line of duty, following a direct order issued by his commanders the hopes and aspirations of this young service man were placed in doubt by the tragic event that occurred on February 28, 2004.

It is my understanding that you are reviewing Private Richmond's request for clemency. As Private Richmond's representative, I trust you understand my concern for this young man and his family, and it is for this reason that I am writing this letter to express my strong support for his clemency request.

No matter the circumstances, it is tragic each time a human life is lost, however, in the case of Private Richmond, he was simply following the orders of his Commanding Officers. It has been documented in the official transcripts of Private Richmond's trial, that on the night of February 27, 2004 a briefing was conducted by Captain [REDACTED] and Sergeant [REDACTED] advising the platoon of the plans to secure an Iraqi town on February 28, 2004, and at this time, direct orders were given to Private Richmond along with fellow services members to "shoot any *Iraqi male* seen fleeing from the town. Again, the facts seem to indicate that Private Richmond acted not out of disregard for orders, but in compliance with them. b(6)-2; b(6)-4

From all documented reports, Private Richmond served his country well. He joined the U.S. Army in May, 2002. Upon the successful completion of fourteen weeks of extended basic training at Ft. Benning, Georgia, he was awarded the prestigious *Blue Cross Award*. At his next

341 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515-1806  
(202) 225-3901  
(202) 225-7313 (FAX)

WWW.BAKER.HOUSE.GOV

5555 HILTON AVENUE  
SUITE 100  
BATON ROUGE, LA 70808  
(225) 929-7711  
(225) 929-7688 (FAX)  
1-800-892-1253 (LA ONLY)

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Batiste

Page 2

duty station in Hawaii, he earned the *Expert Infantry Badge and Army Achievement Medal*, in which he was cited as a "Role Model" for his fellow service members. He also trained as a mortar man, however, due to his exceptional technical and leadership skills, he was promoted to the position of a base gun gunner.

As you may know, Private Richmond's [REDACTED] flew to Iraq in August, 2004 to support his son during his trial. The Richmonds' have a strong family network and upon Private Richmond's release, they are prepared to provide the physical, as well as, emotional support he will need in order to move forward with his life. b(6)-4

In closing, I would like to reiterate my interest in Private Richmond's case and respectfully ask that his clemency request be given careful consideration. If I can be of any assistance in this matter, please let me know.

Sincerely,



Richard H. Baker,  
Member of Congress

RHB/alh

016633  
20040787

**RODNEY ALEXANDER**  
5TH DISTRICT, LOUISIANA

**WASHINGTON**  
315 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-8490  
FAX: (202) 225-5639



**COMMITTEES:**  
AGRICULTURE  
ARMED SERVICES

**Congress of the United States**  
**House of Representatives**

February 15, 2005

Major General John R. S. Batiste  
Commander  
1st Infantry Division  
Operation Iraqi Freedom (FOB Danger)  
APO AE 09392

**RE: PVT Edward L. Richmond, Jr.**  
**Clemency request**

Dear Sir,

I have recently learned of PVT Edward L. Richmond, Jr.'s unfortunate situation as related to the shooting of an Iraqi civilian on February 28, 2004, and PVT Richmond's subsequent court-martial. I understand, too, that you have been charged with reviewing PVT Richmond's request for clemency. By definition clemency is a disposition to be merciful, and so I respectfully ask that you give *merciful* consideration to PVT Richmond's request.

It is unfortunate to see a young person's life instantly changed for the worse by a single decision arguably in the grey area between right and wrong, and exponentially so for a young person serving his country in the U.S. Armed Services. My staff and I work daily with veterans of all ages, and I can testify to the staggering emotional pain they bear even decades after such events as this. It is even more upsetting to know that in addition to PVT Richmond's emotional stress he will have the added weight of a criminal record and dishonorable discharge.

In speaking with PVT Richmond's father and in reading his numerous letters of support from family and friends, it is obvious that all are ready to have him home so that they can help him with the process of recuperation. The adjustment back into a "normal life" will be quite difficult following this, and only the love of family can adequately provide the support system PVT Richmond will need to help him through.

I am all too aware that the final determination in this matter is yours alone; in no way is it within the jurisdiction of a Member of Congress. I do ask, however, that you review PVT Richmond's request with compassion, empathy, and mercy.

Sincerely,

Rodney Alexander  
Member of Congress

RA:LB:sw

**ALEXANDRIA**  
1412 CENTRE COURT, SUITE 402  
ALEXANDRIA, LA 71301  
(318) 445-0818  
FAX: (318) 445-3776

**MONROE**  
1900 STUBBS AVENUE, SUITE B  
MONROE, LA 71201  
(318) 322-3600  
FAX: (318) 322-3577

THIS STATIONERY PRINTED ON RECYCLED FIBERS

Enclosure N

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20040787

Secretary of State  
State of Louisiana

W. Fox McKEITHEN  
SECRETARY OF STATE



P. O. Box 94125  
BATON ROUGE, LOUISIANA 70804-9125  
(225) 342-4479  
www.sec.state.la.us

February 16, 2005

[REDACTED]  
Captain Judge Advocate

[REDACTED]  
Judge Advocate General School  
and Legal Center  
600 Massie Road  
Charlottesville, VA 22903

Dear Captain [REDACTED]

Recently, I was contacted by [REDACTED] concerning the pending appeal of his [REDACTED] Private First Class Edward L. Richmond, Jr.

A short time ago, I had a personal meeting with Private Richmond's [REDACTED] to discuss his [REDACTED] case. Mr. [REDACTED] has advised me that you have been assigned as the legal counsel for Private Richmond and will be representing him during the appeal proceedings.

I am aware of the seriousness of this situation, although I believe that Private Richmond unintentionally shot and killed the Iraqi civilian. Under these circumstances, I believe that Private Richmond should not be punished with extreme severity, as he simply made a mistake during the heat of battle.

I know that it has been a long and difficult experience for both Private Richmond and his parents, and I would like to help this family in any way I possibly can. I look forward to hearing from you if I can be of any service. Thank you in advance for your interest in this matter.

Sincerely,

*W. Fox McKeithen*

W. Fox McKeithen

[REDACTED] concerning the pending appeal of his [REDACTED] Private First Class Edward L. Richmond, Jr. Recently, I was contacted by Mr. [REDACTED] concerning the pending appeal of his [REDACTED] Private First Class Edward L. Richmond, Jr. A short time ago, I had a personal meeting with Private Richmond's father to discuss his [REDACTED] case. Mr. [REDACTED] has advised me that you have been assigned as the legal counsel for Private Richmond and will be representing him during the appeal proceedings.

Enclosure 0 016635

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**BATES PAGES 16636-16639 ARE  
NONRESPONSIVE AND HAVE  
NOT BEEN PROVIDED**

# DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: Commander, 1st Infantry Division, APO AE 09393

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v. Private First Class Edward L. Richmond, [REDACTED] Headquarters and Headquarters Company, 1st Battalion, 27th Infantry, 25th Infantry Division (Light), APO AE 09347-9998. b(6)-2

2. Trial by General court-martial on 3 August, 2004 at Tikrit, Iraq, convened by CMCO Number 3 HQ, 1st Infantry Division, APO AE 09392.

3. Summary of offenses, pleas, and findings: b(6)-4

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSE(S)	PLEA	FINDING
I	118	THE	On or about 28 Feb 04, murdered Muhamad [REDACTED] by means of shooting him in the head with a rifle.	NG	NG*

\*Not guilty, but guilty of voluntary manslaughter in violation of Article 119, UCMJ.

4. SENTENCE: To be reduced to Private E1, to forfeit all pay and allowances, to be confined for 3 years, and to be discharged with a Dishonorable Discharge.

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade (YYYYMMDD): 20040805  
(See UCMJ Articles 57-58b and R.C.M. 1101.)

6. Contents of pretrial agreement concerning sentence, if any: None.

7. Number of days of presentence confinement, if any: None.

8. Number of days of judge-ordered administrative credit for presentence confinement or restriction found tantamount to confinement, if any: 47 days.

9. Total presentence confinement credit toward post-trial confinement: 47 days.

10. Name(s) and SSN(s) of companion accused or co-accused, if any: None

11. DNA processing IAW 10 U.S.C. 1565 is not required.

12. Conviction(s) does not require sex offender registration IAW 42 U.S. C. 14071.

CF:  
CDR, 2d BDE  
CDR, 1/27th IN BN  
CDR, 106 FIN BN D Det  
Crim Law, OSJA, 1st ID  
Trial Counsel  
Defense Counsel

b(6)-2

b(6)-2

TYPED NAME

SIGNATURE

RANK

BRANCH OF SERVICE

MAJ Trial Counsel

US ARMY

DA FORM 4430, SEP 2002

DA FORM 4430-R, MAY 87, IS OBSOLETE

USAPA V1.00ES

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DEPARTMENT OF THE ARMY  
Headquarters, 1st Infantry Division  
Office of the Staff Judge Advocate  
APO Army Europe 09392

AETV-BGJA

DEC 27 2004

MEMORANDUM FOR Commander, 1st Infantry Division, APO AE 09392

SUBJECT: Staff Judge Advocate Recommendation in the General Court-Martial of Private First Class Edward L. Richmond Jr. [REDACTED] Headquarters and Headquarters Company, 1st Battalion, 27th Infantry Regiment, APO AE 09347-9998

b(6)-2

1. The following constitutes my recommendation in the subject court-martial.
2. Summary of the charge, specification, plea, finding, and sentence:

CH	ART	SPEC	DESCRIPTION OF OFFENSE	PLEA	FINDING
The	118	The	At or near Taal Al Jal, Iraq, on or about 28 February 2004, murder [REDACTED] by means of shooting him in the head with a rifle.	NG	NG(1)

b(6)-4

(1) The accused was found: Not Guilty, but Guilty of the lesser included offense of voluntary manslaughter, in violation of Article 119, UCMJ.

Sentence was adjudged on 5 August 2004: To be reduced to the grade of E1; to forfeit all pay and allowances; to be confined for 3 years; and to be dishonorably discharged from the service.

3. The accused has been in the U.S. Army for approximately 2 years and 7 months. His MOS is 11C, Indirect Fire Infantryman. He has been awarded the Army Achievement Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, and the Army Service Ribbon. Additionally, the accused is authorized to wear the Parachutist Badge, the Expert Infantryman Badge, and the Combat Infantryman Badge. There is no known record of any prior Article 15s or any prior court-martial convictions of the accused.

4. Pretrial Restraint: The accused was confined to a tent and guarded by an NCO on 28 and 29 February 2004. The military judge granted the accused 2 days confinement credit for restriction tantamount to confinement. For 30 days the accused had to be escorted by an NCO 24 hours a day, 7 days a week. The military judge granted the accused 30 days confinement credit for restriction tantamount to confinement. On or about 8 April 2004, a commissioned officer call the accused a murderer in front of other soldiers while in the ALOC. The military judge granted the accused 10 days confinement credit for Article 13 punishment. In late June or early July, the first sergeant call the accused a criminal while waiting in line to receive an anthrax shot. The government and defense agreed to 5 days confinement credit for Article 13 punishment. The accused was credited with a total of 47 days confinement credit.

5. Pretrial Agreement: None.

016641

20040787

AETV-BGJA

SUBJECT: Staff Judge Advocate Recommendation in the General Court-Martial of Private First Class Edward L. Richmond Jr. [REDACTED] Headquarters and Headquarters Company, 1st Battalion, 27th Infantry Regiment, APO AE 09347-9998

6. This recommendation and an authenticated copy of the record of trial will be served upon the accused and his defense counsel. Any matters submitted by or on behalf of the accused pursuant to R.C.M. 1105 or 1106 will be provided to you. In accordance with R.C.M. 1107, you must consider these matters prior to taking action in this case.

7. I recommend that you approve the sentence as adjudged. I further recommend that you credit the accused with 47 days of confinement against the sentence to confinement.

[REDACTED]

LTC, JA  
Staff Judge Advocate

b(6)-2



016643