

### CHARGE SHEET

#### I. PERSONAL DATA

1. NAME OF ACCUSED ( <i>Last, First, MI</i> ) <b>WUTERICH, FRANK D.</b>			2. SSN <b>XXX XX 3221</b>	3. RANK/RATE <b>SSGT</b>	4. PAY GRADE <b>E-6</b>
5. UNIT OR ORGANIZATION <b>HqBn, 1stMarDiv, MarForPac, CamPen, CA</b>				6. CURRENT SERVICE	
				a. INITIAL DATE <b>4 Dec 01</b>	b. TERM <b>4 yrs 7 mos</b>
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED  <b>N/A</b>	9. DATE(S) IMPOSED  <b>None</b>	
a. BASIC <b>\$2,744.10</b>	b. SEA/FOREIGN DUTY <b>None</b>	c. TOTAL <b>\$2,744.10</b>			

#### II. CHARGES AND SPECIFICATIONS

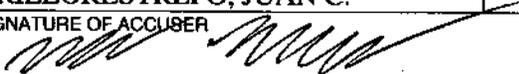
**10. Charge I: Violation of the UCMJ, Article 92**

Specification 1: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, who knew of his duty to obey the Rules of Engagement while serving with 3rd Battalion, 1st Marine Regiment, during operations at or near Haditha, Iraq, on or about 19 November 2005, was derelict in the performance of that duty in that he willfully failed to achieve Positive Identification (PID) of targets (one or more unknown persons located near a white car at or near the intersection of Routes Chestnut and Viper), as it was his duty to do, by engaging those persons with a loaded M16A4 service rifle.

Specification 2: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, who knew of his duty to ensure that the Marines under his charge obey the Rules of Engagement while serving with 3rd Battalion, 1st Marine Regiment, during operations at or near Haditha, Iraq, on or about 19 November 2005, was derelict in the performance of that duty; specifically, he willfully failed to ensure that the Marines under his charge obeyed the Rules of Engagement, as it was his duty to do, by ordering the Marines under his charge to "shoot first ask questions later," or words to that effect, prior to entering a structure identified as House 1.

(Continued on Supplemental Page)

#### III. PREFERRAL

11a. NAME OF ACCUSER ( <i>Last, First, MI</i> ) <b>MURILLORESTREPO, JUAN C.</b>		b. GRADE <b>CPL</b>	c. ORGANIZATION OF ACCUSER <b>CLR-17, 1<sup>ST</sup> MLG, MarForPac, CamPen, CA</b>
d. SIGNATURE OF ACCUSER 		e. DATE <b>27 DECEMBER 2007</b>	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 27<sup>th</sup> day of DECEMBER 2007, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

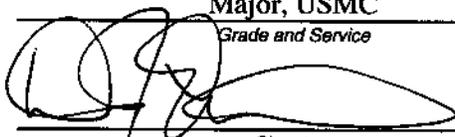
**D. J. ERICKSON**  
*Typed Name of Officer*

**CLR-17, 1<sup>ST</sup> MLG, MarForPac, CamPen, CA**  
*Organization of Officer*

**Major, USMC**  
*Grade and Service*

**Judge Advocate**

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

  
*Signature*

12. On 27 DECEMBER 20 07, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

E. M. MENDONCA, Jr.  
Typed Name of Immediate Commander

HqBn, 1stMarDiv, MarForPac, CamPen, CA  
Organization of Immediate Commander

Major  
Grade

[Signature]  
Signature

**IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY**

13. The sworn charges were received at 1300 hours, 29 DECEMBER 20 07 at HqBn, 1stMarDiv,  
Designation of Command or  
MarForPac, CamPen, CA  
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE<sup>1</sup> Commanding Officer

E. M. MENDONCA, Jr.  
Typed Name of Officer

Executive Officer  
Official Capacity of Officer Signing

Major  
Grade

[Signature]  
Signature

**V. REFERRAL; SERVICE OF CHARGES**

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

U.S. Marine Forces Central Command

MacDill AFB FL

DEC 28 2007

Referred for trial to the General court-martial convened by

General Court-Martial Convening Order MCC2-07

dated 28 August 20 07, subject to the following instructions:<sup>2</sup> None.

By //////////////////// of \_\_\_\_\_  
Command or Order

S. T. HELLAND  
Typed Name of Officer

COMMANDER  
Official Capacity of Officer Signing

LIEUTENANT GENERAL

[Signature]  
Signature

15. On 28 DEC 20 07, I (caused to be) served a copy hereof on (each of) the above named accused.

D. J. ERICKSON  
Typed Name of Trial Counsel

Major  
Grade or Rank of Trial Counsel

[Signature]  
Signature

**FOOTNOTES**

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

Specification 3: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, who knew of his duty to obey the Rules of Engagement while serving with 3rd Battalion, 1st Marine Regiment, during operations at or near Haditha, Iraq, on or about 19 November 2005, was derelict in the performance of that duty in that he willfully failed to achieve Positive Identification (PID) of a target (a person believed to be Yunis Salim Rasif a person identified with a red number 7, near a doorway in the structure identified as House 2) as was his duty to do, by ordering Lance Corporal Humberto M. Mendoza, U.S. Marine Corps, to shoot that person with a loaded M16A4 service rifle.

Charge II: Violation of the UCMJ, Article 119

Specification 1: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, willfully and unlawfully kill a person believed to be Yunis Salim Rasif (a person identified with a red number 7, near a doorway in the structure identified as House 2) by ordering Lance Corporal Humberto M. Mendoza, U.S. Marine Corps, to shoot that person with a loaded M16A4 service rifle.

Specification 2: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, willfully and unlawfully kill a person believed to be Huda Yasin Ahmed (a person identified with a red number 8, inside a room in the structure identified as House 2) by shooting that person with a loaded M16A4 service rifle.

Specification 3: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, willfully and unlawfully kill a person believed to be Aida Yasin Ahmed (a person identified with a red number 9, inside a room in the structure identified as House 2) by shooting that person with a loaded M16A4 service rifle.

Specification 4: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, willfully and unlawfully kill a person believed to be Mohamed Yunis Salim (a person identified with a red number 10, inside a room in the structure identified as House 2) by shooting that person with a loaded M16A4 service rifle.

Specification 5: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, willfully and unlawfully kill a person believed to be Zainab Yunis Salim (a person identified with a red number 11, inside a room in the structure identified as House 2) by shooting that person with a loaded M16A4 service rifle.

Specification 6: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, willfully and unlawfully kill a person believed to be Aishea Yunis Salim (a person identified with a red number 12, inside a room in the structure identified as House 2) by shooting that person with a loaded M16A4 service rifle.

Specification 7: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, willfully and unlawfully kill a person believed to be Sebea Yunis Salim (a person identified with a red number 13, inside a room in the structure identified as House 2) by shooting that person with a loaded M16A4 service rifle.

Specification 8: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, willfully and unlawfully kill a person believed to be Noor Yunis Salim (a person identified with a red number 14, inside a room in the structure identified as House 2) by shooting that person with a loaded M16A4 service rifle.

Specification 9: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, willfully and unlawfully kill one or more unknown persons, located near a white car, at or near the intersection of Routes Chestnut and Viper, by shooting them with a loaded M16A4 service rifle.

Charge III: Violation of the UCMJ, Article 128

Specification 1: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, commit an assault upon persons in a room in the structure identified as House 1, by shooting at them with a dangerous weapon, to wit: a loaded M16A4 service rifle.

Specification 2: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, commit an assault upon women and children in a room in the structure identified as House 2, by shooting at them with a dangerous weapon, to wit: a loaded M16A4 service rifle.

Charge IV: Violation of the UCMJ, Article 134

Specification 1: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, wrongfully and recklessly engage in conduct, to wit: firing his loaded M16A4 service rifle into a room occupied by unarmed men, women and children in the structure identified as House 1, conduct likely to cause death or grievous bodily harm to persons within the room.

Specification 2: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, wrongfully and recklessly engage in conduct, to wit: firing his loaded M16A4 service rifle into a room occupied by unarmed women and children in the structure identified as House 2, conduct likely to cause death or grievous bodily harm to women and children within the room.

Specification 3: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, on or about 19 November 2005, wrongfully and recklessly engage in conduct, to wit: firing his loaded M16A4 service rifle at one or more persons located near a white car at or near the intersection of Routes Chestnut and Viper, conduct likely to cause death or grievous bodily harm to the persons near the white car.

Charge V: Violation of the UCMJ, Article 134

Specification: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, on active duty, did, at or near Haditha, Iraq, between 19 November 2005 and 21 November 2005, wrongfully impede an investigation by advising Sergeant Sanick P. Dela Cruz, U.S. Marine Corps, to provide false information regarding the engagement at the white car, near the intersection of Routes Chestnut and Viper.