

CHARGE SHEET

I. PERSONAL DATA				
1. NAME OF ACCUSED (Last, First, MI) WUTERICH, FRANK D.		2. SSN 047 76 3221	3. RANK/RATE SSGT	4. PAY GRADE E-6
5. UNIT OR ORGANIZATION 3rd Bn, 1st MAR, 1st MarDiv, MarForPac, CamPen, CA			6. CURRENT SERVICE	
			a. INITIAL DATE 4 Dec 01	b. TERM 4 yrs 7 mos
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		
\$2,685.00	None	\$2,685.00	N/A	None

II. CHARGES AND SPECIFICATIONS

10. Charge I: Violation of the UCMJ, Article 118

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, with the intent to kill or inflict great bodily harm, murder a person identified as Number 16 and believed to be Ahmed Khutar Musleh, also known as Ahmed Fenr Muselh, by means of shooting that person with an 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, with the intent to kill or inflict great bodily harm, murder a person identified as Number 17 and believed to be Wagdi Aida Alzawi, also known as Wgedi Aida Abd, by means of shooting that person with an 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, with the intent to kill or inflict great bodily harm, murder a person identified as Number 18 and believed to be Kaled Aida Alzawi, also known as Kaled Aida Abd, by means of shooting that person with an 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, with the intent to kill or inflict great bodily harm, murder a person identified as Number 19 and believed to be Mohmed Tabal Ahmed, also known as Mohmed Betel Ahmed, by means of shooting that person with an M16A4 service rifle.

(Continued on Supplemental Page)

III. PREFERRAL		
11a. NAME OF ACCUSER (Last, First, MI) STARNES, LOUIS T.	b. GRADE SSGT	c. ORGANIZATION OF ACCUSER CLR-17, 1st MLG, MarForPac, CamPen, CA
d. SIGNATURE OF ACCUSER 		e. DATE 061221

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 21st day of December 2006, 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.

T. A. GARRISON
Typed Name of Officer

Captain, USMC
Grade and Service

CLR-17, 1st MLG, MarForPac, CamPen, CA
Organization of Officer

Judge Advocate
Official Capacity to Administer Oaths
(See R.C.M. 307(b)—must be commissioned officer)


Signature

Exhibit A

12. On 21 DEC 20 06, 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.)

W. C. COOK

Typed Name of Immediate Commander

3rd Bn, 1st MAR, 1st MarDiv, MarForPac, CamPen, CA

Organization of Immediate Commander

Captain

Grade

W. C. COOK

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 0850 hours, 21 DEC 20 06 at 3rd Bn, 1st MAR, 1st MarDiv,

Designation of Command or

MarForPac, CamPen, CA

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE' Commanding Officer

W. C. COOK

Typed Name of Officer

Lima Company Commanding Officer

Official Capacity of Officer Signing

Captain

Grade

W. C. COOK

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

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

dated _____ 20 _____, subject to the following instructions:² _____

By //////////////////// of _____
Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

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

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

Signature

FOOTNOTES

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

ORIGINAL

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, with the intent to kill or inflict great bodily harm, murder a person identified as Number 20 and believed to be Akram Hamid Flach, also known as Akram Hmid Fluih, by means of shooting that person with an 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, with the intent to kill or inflict great bodily harm, murder a person identified as Number 8 and believed to be Huda Yasin Ahmed, by means of shooting that person with an 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, with the intent to kill or inflict great bodily harm, murder a person identified as Number 9 and believed to be Aida Yasin Ahmed, by means of shooting that person with an 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, with the intent to kill or inflict great bodily harm, murder a person identified as Number 10 and believed to be Mohmed Yunis Salim, by means of shooting that person with an 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, with the intent to kill or inflict great bodily harm, murder a person identified as Number 12 and believed to be Aisha Unes Salim, by means of shooting that person with an M16A4 service rifle.

Specification 10: 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, with the intent to kill or inflict great bodily harm, murder a person identified as Number 13 and believed to be Sebea Yunis Salim, by means of shooting that person with an M16A4 service rifle.

Specification 11: 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, with the intent to kill or inflict great bodily harm, murder a person identified as Number 11 and believed to be Zainab Unes Salim, by means of shooting that person with an M16A4 service rifle.

Specification 12: 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, with the intent to kill or inflict great bodily harm, murder a person identified as Number 24 and believed to be Marwan Aiad Ahmed, by means of shooting that person with an M16A4 service rifle.

Specification 13: 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, while engaging in an act inherently dangerous to another and evincing a wanton disregard for human life, murder six persons inside a house identified as House 1, by: advising the Marines under his charge, prior to the Marines' entry into House 1, to "shoot first and ask questions later" or words to that effect, thus disregarding the requirement to have positive identification prior to engaging a target; and, participating in clearing House 1 with deadly force without conducting positive identification prior to engaging individuals within House 1.

ORIGINAL

Charge II: Violation of the UCMJ, Article 134

Specification 1: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, did, at or near Haditha, Iraq, on or about 19 November 2005, wrongfully solicit Corporal Sanick P. Dela Cruz, U.S. Marine Corps, to make a false statement in that if asked, Corporal Dela Cruz should lie and state that Iraqi Army members shot the male passengers and that the passengers were running, or words to that effect.

Specification 2: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, did, at or near Haditha, Iraq, on or about 21 November 2005, wrongfully solicit Corporal Sanick P. Dela Cruz, U.S. Marine Corps, to make a false statement in that if asked, Corporal Dela Cruz should lie and state that he, Corporal Dela Cruz, said to the male passengers "qif, qif," or words to that effect.

Charge III: Violation of the UCMJ, Article 107

Specification: In that Staff Sergeant Frank D. Wuterich, U.S. Marine Corps, did, at or near Haditha, Iraq, on or about 19 November 2005, with intent to deceive, make to Staff Sergeant Kelly L. McDaniel, U.S. Marine Corps, an official statement, to wit:

"...following the IED, the white vehicle pulled up and the four males engaged the convoy with firearms"

which statement was false in that the four males did not engage the convoy with firearms, and was then known by Staff Sergeant Wuterich to be so false.

ORIGINAL