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THE LAW FIRM OF PUCKETT AND FARAJ, PC

April 25, 2010

MG Charles T. Cleveland
SOCCENT/ CC 7701
Tampa Point Blvd.
McDill AFB, FL 33621

Via: Staff Judge Advocate

Re: Pending Charges in the Case of United States v. SO2 Matthew McCabe

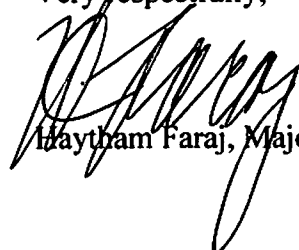
Dear General Cleveland,

I write to plead the case of SO2 Matthew McCabe. This is not mere posturing and it is not lawyering. It is a former servicemember pleading the case of a current servicemember. It is one warrior pleading a case of, and to, another warrior. Indeed I am lawyer; and it is true that I represent Matthew McCabe, and have an interest in seeing this case resolved in his favor. Before I became a lawyer, however, I served 16 years in the infantry as an enlisted Marine and then as an officer. I have deployed numerous times, served in combat and held several leadership and command billets. I have analyzed this case from every angle in as detached and objective a manner as I could given my connection to it. I went so far as to have Matthew McCabe submit to an independent, professional polygraph exam. I have attached the report to this letter for you to consider. The polygraph confirmed what I was able to conclude and what Matt McCabe has said all along. He did not hit anyone. I cannot answer why the detainee alleges he was abused. I cannot explain MA1 Demartino's version of the facts. But one thing is for certain: Matt McCabe is innocent. SEALs and other special forces warriors have no need to abuse. They are too disciplined and too professional. You know this. By my count you have commanded six different special forces commands and units. You know these types of men better than anyone. They are aggressive, tough, dependable and, most importantly, honorable. They are serious men doing serious business. They would not betray the trust you placed in them. I am asking you not betray the trust Matt McCabe has placed in you. He became a SEAL knowing that he was joining the ranks of a very few special men. He knew that he would be exposed to harm on the battlefield. He willingly volunteered. He understood that he and his brothers may at times come under scrutiny and criticism for doing their job but he believed that you and his other officers would protect them so long as they did what they were supposed to do. Matt McCabe was doing what he was supposed to do. He arrested and transferred a very bad person to the authorities. He did not abuse him or in any way act in an unprofessional manner. Yet, today he finds himself facing serious charges that may end his career, take his liberty and ruin his life. Will you protect him?

I recognize that as a commander you have a duty to investigate allegations of misconduct, but you also have a duty to prevent frivolous prosecutions and unsubstantiated charging. Two of your Sailors, O'Keefe and Huertas, have been acquitted of the unsubstantiated charges; another remains. He loses sleep, suffers from the hurt of betrayal and feels confused about why he must go through this process because he has done nothing wrong. He has a talented defense team but that guarantees nothing. At the end of his trial he may very well stand guilty of an offense he did not commit. He would have a federal conviction. He may go to prison. He may be discharged with a bad conduct discharge in spite of his honorable service. He may lose his rank and have to return home dishonored and betrayed. Has it not become clear that these SEALs did nothing improper? A jury and a military judge, in Huertas's and Keefe's cases, respectively, disbelieved the version of the facts sponsored by the detainee and MA1 Demartino. I believe that that you will find the two courts' conclusions that no misconduct occurred persuasive enough to move you to dismiss the charges against SO2 McCabe. I have also attached the polygraph exam we gave to Matt. The polygraph was administered by a certified polygrapher. And if you continue to have doubts, I invite you to speak to Matt personally. As a former Marine, former warrior, and officer of the court, I want to assure you that Matt has maintained the same version of the facts all along: he never abused the detainee.

It is my sincere hope that you will end this matter by dismissing the charges against SO2 Matt McCabe. Protect your Sailor from the untrue allegations and end his nightmare.

Semper fidelis
Very respectfully,



Haytham Faraj, Major, USMC (Ret.)