

UNITED STATES MARINE CORPS

LEGAL SERVICES SUPPORT SECTION
2D MARINE LOGISTICS GROUP
CAMP LEJEUNE, NORTH CAROLINA 28542-0125

UNITED STATES

MEMORANDUM OF PRETRIAL AGREEMENT

v.

AHMAD R. SIDDIQI
CORPORAL
XXX XX 6699
U.S. MARINE CORPS

Date: 17 June 10

I, Corporal Ahmad R. Siddiqi, U.S. Marine Corps, the accused in a special court-martial, certify that:

1. That for good consideration and after consultation with my counsel, I agree to enter a voluntary pleas of guilty to the charges and specifications listed below at Commanding General's or Regimental Commander's nonjudicial punishment, provided the Commanding General agrees to withdraw the charges and specifications from the pending special court-martial.
2. I am satisfied with my defense counsel, Mr. Haytham Faraj and Capt A. R. Wilschke, U.S. Marine Corps, in all aspects.
3. I understand this offer and agreement and have been advised that it cannot be used against me in the determination of my guilt on any matters arising from the charges and specifications made against me in this court-martial.
4. I understand the jurisdictional limits on punishment at Commanding General's or Regimental Commander's nonjudicial punishment are as follows: (1) reduction of one pay grade; (2) restriction for a period not to exceed 60 days; (3) extra duties for a period not to exceed 45 days; (4) if restriction and extra duties are awarded jointly, the maximum period is 45 days; and, (5) forfeiture of one-half of one month's pay for two months.
5. I expressly understand this pretrial agreement will become void in the event: (1) I fail to plead guilty as set forth below; (2) the Commanding General or Regimental Commander refuses to accept my pleas of guilty as set forth below; (3) the Commanding General or Regimental Commander initially accepts my pleas of guilty as set forth below but, prior to the time sentence is announced, I ask permission to withdraw my pleas, and the Commanding General or Regimental Commander permits me to do so; (4) the Commanding General or Regimental Commander initially accepts my pleas of guilty as set forth below but, prior to the time the sentence is adjudged, the Commanding General or Regimental Commander sets aside my guilty pleas and enter pleas of not guilty on my behalf; (5) I fail to accept nonjudicial punishment.
6. I understand that if this agreement becomes null and void for any of the reasons listed above that the Commanding General is free to withdraw from the pretrial agreement and refer the charges and specifications to trial by special court-martial.
7. I understand I may ask permission to withdraw my pleas of guilty at any time before sentence is announced, and that the Commanding General or

Regimental Commander may, at his discretion permit me to do so. I further understand that I may refuse nonjudicial punishment prior to the Commanding General or Regimental Commander advising me of the sentence.

8. My defense counsels has fully advised me of the meaning and effect of my guilty pleas, and its attendant effects and consequences including the possibility that I may be processed for an administrative discharge for the misconduct that is the basis for this agreement, and that, depending on the circumstances, such discharge may be characterized as other than honorable.

9. That I will plead as follows:

<u>CHARGE</u>	<u>OFFENSE</u>	<u>PLEA</u>
Charge I:	Violation of Article 81	NOT GUILTY
Spec:	Conspire to Assault	NOT GUILTY
Charge II:	Violation of Article 107	GUILTY
Spec 1:	False Statement	GUILTY
Spec 2:	False Statement	GUILTY
Charge III:	Violation of Article 128	NOT GUILTY
Spec:	Assault	NOT GUILTY
Additional Charge:	Solicitation of Offense	GUILTY
Spec:	Solicit Assault	GUILTY

10. It is expressly understood that I will not commit any act of misconduct chargeable under the Uniform Code of Military Justice between the date both parties sign this agreement and the date of the Commanding General's or Regimental Commander's nonjudicial punishment. Any act of misconduct on my part after both parties sign this agreement and before the date of the Commanding General's or Regimental Commander's nonjudicial punishment is held, will be grounds for withdrawal from this agreement by the convening authority.

11. The Commanding General agrees not to initiate, recommend, or pursue administrative processing for discharge of my case. I understand that this does not bind higher authority or the Secretary of the Navy from independent review of the facts of my case and possible administrative processing of my case. I understand that any administrative discharge will be characterized in accordance with service regulations, and may be under other than honorable conditions. I fully understand the nature and purpose of an administrative board and the rights that I would have at such a board.

12. There are no other agreements, oral or written, express or implied, between myself and the convening authority, or any other representative of the government, except those written and contained in this agreement.

Witness:



A. R. Wilschke
Captain
U.S. Marine Corps
Defense Counsel

Date: 17 JUNE 10

Signed:



Ahmad R. Siddiqi
Corporal
U.S. Marine Corps
Accused

Date: 17 June 10



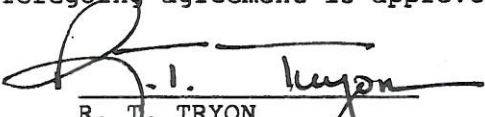
Maytham Faraj, Esq.

Civilian Defense Counsel

Date: 17 June 2010



The foregoing agreement is approved.



R. T. TRYON
Major General
U.S. Marine Corps
Convening Authority

Date: 25 Jun 2010

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) SIDDIQI, Ahmad R.		2. SSN 046 02 6699	3. RANK/RATE Cpl	4. PAY GRADE E-4
5. UNIT OR ORGANIZATION 3rdBn, 8thMarRegt, 2dMarDiv, Camp Lejeune, NC		6. CURRENT SERVICE		
		Case#: 09-351	a. INITIAL DATE 15 Jul 06	b. TERM 4 Yrs
		DOB: 15 Feb 88		
		EAS: 26 Sep 06 10 MJS		
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	9. DATE (S) IMPOSED	
\$2,025.00	\$0.00	\$2,025.00	None	
			N/A	

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: Violation of the UCMJ, Article 81

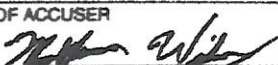
SPECIFICATION: In that Corporal Ahmad R. SIDDIQI, U.S. Marine Corps, 3d Battalion, 8th Marine Regiment, 2d Marine Division, Camp Lejeune, North Carolina, did, at or near Shahturan, Afghanistan, on or about 9 May 2009, conspire with Staff Sergeant Melvin J. JONES, U.S. Marine Corps, Lance Corporal Bryan M. KOLTON, U.S. Marine Corps, and Corporal Benjamin L. TURNER, U.S. Marine Corps, to commit an offense under the Uniform Code of Military Justice, to wit: assault consummated by a battery upon Gul MOHAMMAD, and in order to effect the object of the conspiracy the said Lance Corporal KOLTON and Corporal TURNER did consummate the assault with a battery upon the said Gul MOHAMMAD.

CHARGE II: Violation of the UCMJ, Article 107


SPECIFICATION 1: In that Corporal Ahmad R. SIDDIQI, U.S. Marine Corps, 3d Battalion, 8th Marine Regiment, 2d Marine Division, Camp Lejeune, North Carolina, did, at or near Forward Operating Base Delaram, Afghanistan on or about 11 May 2009, with intent to deceive, make to First Lieutenant Andrew P. HORNFECK, U.S. Marine Corps, an official statement, to wit: denying that any assault took place on 9 May 2009, which statement was totally false, and was then known by the said Corporal SIDDIQI to be so false.

(SEE SUPPLEMENTAL PAGE)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) WILCOX, Matthew R.	b. GRADE Cpl	c. ORGANIZATION OF ACCUSER CLR-27, 2dMLG, Camp Lejeune, NC
d. SIGNATURE OF ACCUSER 	e. DATE SEP 23 2009	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 23RD day of SEPTEMBER, 2009, 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.

M. J. STEWART
Typed Name of Officer
Major, U.S. Marine Corps
Grade and Service

Signature

CLR-27, 2dMLG, Camp Lejeune, NC
Organization of Officer
Judge Advocate
Official Capacity to Administer Oaths
(See R.C.M. 307(b)—must be commissioned officer)

SIDDIQI, Ahmad R.
Corporal
United States Marine Corps
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SPECIFICATION 2: In that Corporal Ahmad R. SIDDIQI, U.S. Marine Corps, 3d Battalion, 8th Marine Regiment, 2d Marine Division, Camp Lejeune, North Carolina, did, at or near Forward Operating Base Delaram, Afghanistan, on or about 21 May 2009, with intent to deceive, make to Special Agent Aaron BODE, Naval Criminal Investigation Service, an official statement, to wit: denying that any assault took place on 9 May 2009, which statement was totally false, and was then known by the said Corporal SIDDIQI to be so false.

CHARGE III: Violation of the UCMJ, Article 128

SPECIFICATION: In that Corporal Ahmad R. SIDDIQI, U.S. Marine Corps, 3d Battalion, 8th Marine Regiment, 2d Marine Division, Camp Lejeune, North Carolina, did, at or near Shahturan, Afghanistan on or about 9 May 2009, commit an assault upon Gul MOHAMMAD by striking him in the head with a rock, by striking him with a closed fist about the head and torso, and by kicking him in the head with a boot, and did thereby intentionally inflict grievous bodily harm upon Gul MOHAMMAD, to wit: a ruptured ear drum, bruised kidney, and a deep laceration to the back of the head.

Enclosure (2)
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ENCLOSURE (1)