

Neal Puckett, Esq.
BAR: VA

Haytham Faraj, Esq.
BAR: IL, MI, DC



THE LAW FIRM OF PUCKETT AND FARAJ, PC

February 26, 2010

Via email: Steven.Salazar@eur.army.mil

BG Steven Salazar
7th Army Joint Multinational Training Command
UNIT 28130
APO AE 09114

*Re: Unlawful influence of an administrative proceeding in the case of PFC Colyer,
Shane XXX-XX-4079, Company A, 2-28 Infantry, Task Force 3-66 Armor.*

Dear General Salazar:

Our firm has been retained to represent PFC Shane Colyer in an upcoming Administrative Separation proceeding. In the course of preparing for the hearing I have discovered a serious violation of the law and most certainly your intent as the commander and separation authority regarding these proceedings. The violation I refer to is witness intimidation and interference with an adverse administrative proceeding. *See* Article 134, Para 96a, Part IV-133, MANUAL FOR COURTS-MARTIAL, (2008 ed.).

Over the last few days First Sergeant Jason Travis, First Sergeant Company A, 2-28 Infantry, and Capt David Brunais, Commanding Officer for Alpha Company have intimidated and threatened character witnesses who have agreed to testify for PFC Colyer.

On February 25, 2010, 1st SGT Travis, after learning that SGT Patrick Ullrich would testify favorably for PFC Colyer, called SGT Ullrich to his office and commenced to relieve him of his duties as a team leader for "fighting against the system." He went on to tell him that he would never be in charge of soldiers again. The First Sergeant then ordered SGT Ullrich to go sweep sidewalks with PFC Colyer "his new best friend." SGT Ullrich's punishment for merely providing a favorable character statement to a fellow Soldier continued for another three hours as he was directed to police trash from the parking lot. SGT Ullrich has since decided to change his mind about testifying for PFC Colyer because he fears for his career and his for family's welfare. He has requested the return of the character statement he drafted.

The above is an example of an ongoing pattern of witness intimidation and harassment. Based on my investigation, I have also discovered that CPT Brunais has also engaged in witness tampering and intimidation. On or about February 18, 2010, 1LT Fisher prepared a character statement regarding PFC Colyer's good character. When CPT Brunais found out about the letter he demanded that he see it before it is communicated to me. CPT Brunais has admonished all the character witnesses in Company A who have agreed to testify or give character statements.

They are 1LT Fisher, SSG Jack and SSG Angulo. CPT Brunais and 1st SGT Travis have told the NCOs that they will suffer negative NCOERs for not “hav[ing] faith in their chain of command on the decision to chapter PFC Colyer” and for not living up to Army values.

The consequence of this intimidation is that most of the witnesses live in fear of cooperating and many have asked for their written statements back.

In contemplating to whom I should address this matter, I considered contacting the Army IG and PFC Colyer’s congressman and State Senators. After extensive discussion with colleagues, all of whom are former military officers like me, I determined to bring it to your attention first as the separation authority and the senior Commander with cognizance over these matters. I request that you undertake an investigation of the above allegations, and if founded, to ensure that all the taint from the intimidation and harassment of the witnesses is removed and that their cooperation is encouraged before the Administrative Separation hearing is conducted. Witness tampering and intimidation are serious criminal offenses eligible for up five years of confinement and a punitive discharge. They also undermine Soldiers’ and the public’s faith in the military justice and administrative systems.

I may be reached by email at Haytham@puckettfaraj.com or by telephone at 1-760-521-7934. I look forward to your response.

Sincerely,



Haytham Faraj, Esq.

Copy to: LTC Francis A. Vila, SJA, 7A JMTC OSJA
COL Jeffery A. Sinclair, Commander, 172d Brigade
MAJ Kenneth Bacso, Trial Defense Counsel