



### COUNT ONE

The General Allegations section of this Indictment is incorporated herein, as if set out in full in this count.

On or about June 19, 2003, at a place in the special maritime and territorial jurisdiction of the United States, as provided by Title 18, United States Code, Section 7(9)(A), namely, at a United States Army base near the town of Asadabad, in Kunar Province, Afghanistan, and outside the jurisdiction of any particular State or district, with the defendant's last known address being in Lillington, North Carolina, in the Eastern District of North Carolina, as provided by Title 18, United States Code, Section 3238, the defendant **David A. Passaro**, being a national of the United States, did willfully, knowingly and intentionally assault Abdul Wali with a dangerous weapon, namely, a flashlight, with intent to do bodily harm to Abdul Wali; all in violation of Title 18, United States Code, Section 113(a)(3).

### COUNT TWO

The General Allegations section of this Indictment is incorporated herein, as if set out in full in this count.

On or about June 19, 2003, at a place in the special maritime and territorial jurisdiction of the United States, as provided by Title 18, United States Code, Section 7(9)(A), namely, at a United States Army base near the town of Asadabad, in Kunar Province, Afghanistan, and outside the jurisdiction of any particular State or district, with the defendant's last known address being in Lillington, North Carolina, in the Eastern District of North Carolina, as provided by Title 18, United States Code, Section 3238, the defendant **David A. Passaro**, being a national of the United States, did knowingly, and intentionally assault Abdul Wali, and such assault resulted in serious bodily injury to Abdul Wali; all in violation of Title 18, United States Code, Section 113(a)(6).

### COUNT THREE

The General Allegations section of this Indictment is incorporated herein, as if set out in full in this count.

On or about June 20, 2003, at a place in the special maritime and territorial jurisdiction of the United States, as provided by Title 18, United States Code, Section 7(9)(A), namely at a United States Army base near the town of Asadabad, in Kunar Province, Afghanistan, and outside the jurisdiction of any particular State or district, with the defendant's last known address being in Lillington, North Carolina, in the Eastern District of North Carolina, as provided by Title 18, United States Code, Section 3238, the defendant **David A. Passaro**, being a national of the United States, did willfully, knowingly, and intentionally assault Abdul Wali with a dangerous weapon, namely, a flashlight, with intent to do bodily harm to Abdul Wali; all in violation of Title 18, United States Code, Section 113(a)(3).

### COUNT FOUR

The General Allegations section of this Indictment is incorporated herein, as if set out in full in this count.

On or about June 20, 2003, at a place in the special maritime and territorial jurisdiction of the United States, as provided by Title 18, United States Code, Section 7(9)(A), namely at a United States Army base near the town of Asadabad, in Kunar Province, Afghanistan, and outside the jurisdiction of any particular State or district, with the defendant's last known address being in Lillington, North Carolina, in the Eastern District of North Carolina, as provided by Title 18, United States Code, Section 3238, the defendant **David A. Passaro**, being a national of the United States,

did knowingly, and intentionally assault Abdul Wali, and such assault resulted in serious bodily injury to Abdul Wali; all in violation of Title 18, United States Code, Section 113(a)(6).

A TRUE BILL

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FOREPERSON

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DATE

FRANK D. WHITNEY  
United States Attorney

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BY: JAMES A. CANDELMO  
Assistant United States Attorney

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BY: MICHAEL P. SULLIVAN  
Special Assistant United States Attorney