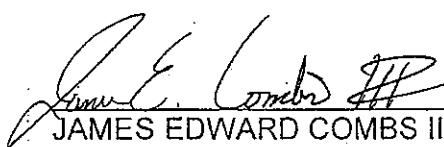


STIPULATION OF EXPECTED TESTIMONY  
U.S. v. COMBS

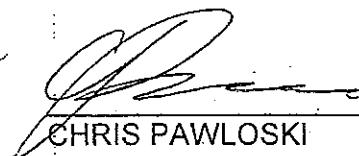
5. PFC Combs has excellent rehabilitative potential. He will succeed in anything he attempts.



JAMES EDWARD COMBS III  
PFC, USA  
Accused



DAVID T. SCOTT  
CPT, JA  
Defense Counsel



CHRIS PAWLOSKI  
CPT, JA  
Trial Counsel

DEPARTMENT OF THE ARMY  
272<sup>ND</sup> MILITARY POLICE COMPANY  
CMR 435 APO AE 09086

AERTR-MP-272-2

19 April 2005

MEMORANDUM FOR Commander, MNC-I, Camp Victory, Iraq

SUBJECT: Letter in Support of Clemency Request for PFC James Combs

1. I am the platoon leader for 2<sup>nd</sup> Platoon, 272<sup>nd</sup> Military Police Company. I have known PFC James Combs since he came to the 272<sup>nd</sup> Military Police Company in April 2003. He became a member of 2<sup>nd</sup> platoon, in October 2003. PFC Combs has been a respectful, hard-working, and professional soldier since he joined the unit. Though he is quiet and reserved, he has had a positive influence on the platoon and is an example of commitment and positive attitude. Before the deployment, he displayed commendable conduct during several training events and while performing law enforcement duties in the community.
2. PFC Combs was motivated to deploy and helped keep up the morale of his fellow soldiers throughout the pre-deployment and deployment process. For the first 5 months of our deployment, he was assigned, along with the rest of the platoon, as an instructor for the Initial Recruits Course at the Baghdad Police Academy. PFC Combs excelled at this assignment. He took a personal interest in his students, who were Iraqi civilians with no prior police experience. Despite having little law enforcement experience to draw from, PFC Combs was dedicated to preparing himself for lessons and being a good trainer.
3. Since the accident, PFC Combs has kept a positive attitude and has continued to be an important part of this platoon. I believe he is truly sorry for the way events turned out and was deeply affected by the incident, however he did not let that change his attitude towards the mission or erode his performance as a soldier. Although, he was relieved of his MP duties, he took it upon himself to continue to help the platoon in any way he could. PFC Combs never complained about having to work tedious hours of CQ duty. He was more than willing to perform any duties around the company area to relieve his fellow soldiers from those responsibilities. Throughout the deployment, he supported other soldiers in the platoon, helping them through their hard times as well as being proud of them for their achievements.
4. Both before and after this incident, I have been impressed with PFC Combs as a soldier and as a person. Although he made an error, he is a kind and honorable young man who deserves a chance to overcome this mistake. I believe that PFC Combs has learned his lesson and the purpose of his punishment has been served. He deserves to return to his unit and the unit needs him.
5. Point of contact for this memorandum is the undersigned at tricia.tyler1@us.army.mil.

TRICIA M. TYLER  
1LT, MP  
Platoon Leader

DEPARTMENT OF THE ARMY  
272<sup>nd</sup> Military Police Company  
CMR 435  
APO AE 09086

AERTR-MP-272

15 June 2004

MEMORANDUM FOR Commander, MNC-I

SUBJECT: Request for Clemency

1. Request clemency on behalf of PVT James Combs,
2. PVT Combs was assigned to my platoon as a MP driver and gunner while assigned to the 272<sup>nd</sup> MP Co. PVT Combs deployed with my platoon in support of Iraqi Freedom II on 4 Apr 04 and was assigned to work duties as a primary instructor at the Baghdad Public Service Academy to train civilian personnel to become police officers to further help the stabilization process of their nation. In Sep 04, my platoon was tasked with a change of mission from instructing at the BPSA to monitoring Iraqi police stations in the Baghdad area. PVT Combs was in the OJT phase of this training when he had an unfortunate negligent discharge of his M4 rifle resulting in the death of a local national female. Although this life cannot be replaced, I know that what happened was truly a accident. PVT Combs had been acting as a good soldier prior to that incident and was a model soldier after the incident. I truly believe that PVT Combs, if given the chance could fulfill his role as a US Soldier and be productive in that role. PVT Combs should be given a second chance to fulfill his duties as a soldier. Your decision to give PVT Combs this opportunity would help this Soldier fulfill his dream and would help the Army. I would willing take PVT Combs back into my platoon and allow him that opportunity.
3. Thank you for your time in this matter.

STEPHEN S. McQUERRY,  
SFC, USA  
Platoon Sergeant

30 April 2005

Commander, MNC-I, Camp Victory, Iraq,

I have known PFC James Combs since he arrived at the 272<sup>nd</sup> Military Police Company in April 2003. He was assigned to my team as the gunner while I served as the driver. As our unit prepared to deploy to Iraq in support of Operation Iraqi Freedom, I became PFC Combs' team leader. I have been fortunate to have James as both a battle buddy and a subordinate. Throughout his rather short military career I have seen him develop into an excellent performer with a consistently positive attitude.

While deployed to Iraq, PFC Combs along with the rest of the platoon were given the mission of instructing at the Baghdad Police Academy. PFC Combs approached this mission with a level of professionalism that is rare among young soldiers. Overall PFC Combs trained and mentored over 55 new Iraqi Police men and women in just 18 weeks. He has also served in other missions such as convoy escorts in and around the Baghdad area, as well as VIP escort and security missions. On one occasion when an Iraqi police station was attacked and nearly overrun, PFC Combs displayed courage, motivation and discipline in the defense of the station, the Iraqi Police, and his fellow soldiers.

When PFC Combs was relieved of his military police duties and could no longer go out on missions he helped out the platoon in any way he could. He continued his positive attitude while working various jobs supporting the company. I was extremely proud of how well he coped with the stress of the deployment and the upcoming trial.

I was present at the trial by court martial and am fully aware of the facts of this case, he was essentially found guilty of committing an tragic and unfortunate accident.

PFC Combs and I have talked about this incident many times since it happened and each time he has expressed his guilt and grief over what happened. I believe that James is truly sorry for his actions and will indeed live with this guilt for the rest of his life. I also believe that the purpose of his punishment has already been served. PFC Combs is a fine young man, a competent soldier and still has the potential to continue as a soldier in the U.S. Army. Given the chance, I would gladly serve with PFC Combs today.

Levi B. Duran  
SGT, MP  
Team Leader

To: Commander, Multi-National Corps - Iraq  
Subject: Clemency for PVT James Combs

My name is Cornealius B. Long II. I am writing this letter to describe the character of James Combs and to ask you do disapprove his bad conduct discharge. I have known James since I arrived in Germany in aug. 2003. I have stayed in the same room with him for all of our deployment in Iraq. I know him very well. I trust him with all that is in me and I wish that he would be able to return to us. I believe that he would be able to rejoin us at the unit without difficulty and, he would be able to return to his duties as a military policeman and perform to his normal high standard.

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When I arrived in the 272nd MPCo I didn't know very many people. James came to me and started talking knowing that I was new. He put me at ease right away with my new surroundings. My first impressions of him I remember to this day. He is an outgoing and kind individual. Now that I have known him as long as I have the first impressions I got of him still stand true.

At the beginning of the deployment in Iraq. I was put in a room living with James as well as four other soldiers. In close quarters like that you get to know a man. I learned that James is worthy of my trust. I can not explain a moment when I came to the conclusion that I trusted him. All I know is that I trust him. And I trust him to the extent that I would let him cover my six at any time. I have never known him to be disloyal or cruel. Even if I were to ask him to help me he would at any time. Even if the favor I asked of him took him well out of his way to perform he would do it.

I have seen James working the road in Mannheim to the roads of Baghdad. You might not think of it by looking at James but he is an outstanding soldier. He does his job well above standard. And he doesn't whine or gripe about it. He gets the job done plain and simple. If I had a team I would want James in it because he is dependable and trustworthy. If James is given a task there is no need to check on him because the task is already completed.

I understand the charges that were brought against James. And I understand that he plead guilty. I only wish for you to disapprove his bad conduct discharge. I believe that he has been rehabilitated and is capable to return to his unit. He is a fine soldier and a true friend. A person anyone would be lucky and proud to count among their friends and confidants.

June 13, 2005

Aldustus Dailey Jr.

To: Commanding General

From: Aldustus Dailey Jr. (GySgt USMC Retired)

Subject: Clemency Hearing for Private James Combs

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Dear Sir ,

I'm writing this letter in the hope that a grant of clemency be awarded to Private Jay Combs, United States Army. I have been informed that Private Combs has received his punishment. I know "Jay" is deeply sadden and remorseful about the accidental shooting and death of the Iraqi civilian. Private Combs has learned a very painful lesson but from all accounts he performed all assigned duties as a good soldier should. He could have hung his head and quit but he didn't. He has shown determination and work ethic that merits a second chance. I feel that Private Comb's continued desire to serve his country and his young age makes him a serious candidate for clemency.

The United States Army can benefit from granting Private Combs clemency in three ways (1) shows the Army's ability to provide a deserving soldier a second chance (2) returns Private Combs back to full duties where he can continue to be productive and (3) It provides the Army another soldier that it will surely need in the ongoing War on Terror. Sir, In the case of Private Combs, I strongly recommend a grant of clemency for this soldier. Police officers in this country in similar circumstances are allow to continue to serve after accidental shootings, especially if there were no intent or malice involved. Jay is a young man that volunteered to serve, with no prior bad acts, and the potential to be an asset to the United States Army.

Aldustus Dailey Jr.  
(GySgt USMC Retired)

June 14, 2005

Dear Commander, Multi-National Corps - Iraq:

I live across the street from the home of PVT James Combs in Clinton, Maryland and I consider James as my "son." James has parents but I feel close to him and he calls me "mommy."

I met James in 1998 when he and my son became friends during their freshman year in high school. If I were to have a second son, James has the personality and characteristics that would make him a perfect candidate. He is a responsible young man who worked a part-time job and maintained a place on the high school's honor roll.

In 1999, James started attending church with my son and me. He was always punctual when it was time to leave for church. After attending for a few months, James made the decision to join the Adams Inspirational A.M.E. Church. He said he wanted "to belong" to the persons at church. He became active in the Young People's Department (YPD), performing in plays and both being a part of and leading the worship services on youth Sundays. James attended church school, served on the Usher Board, and video taped services.

A few years passed and it was time for high school graduation, time to make a decision about the future. James chose the Army. He was looking forward to not only serving his country but also the "be all you can be" dream that the military slogan promised. He wanted the education, the training that would allow him to lead a successful life when he left the Army.

I have never known James to fight. I have never known James to be confrontational. He has always been respectful and obedient.

I can only imagine how James felt when he was deployed to Iraq. In a short period of time, James traveled from his residence in Clinton, Maryland where he felt safe to a place of war many, many miles from home. At church, James was taught "Thou shalt not kill." The United States was not engaged in war when James joined the Army. I believe that James would do his best to obey commands and defend our country but I don't believe he would ever needlessly take a person's life.

James is a capable young man and his character is worthy of note. He has much to offer the military and society. I ask you, I beg you to give James a chance to realize the dream the Army recruiters promised. Please allow him to continue with the work that was set before him and to eventually leave the Armed Forces in an honorable status. He deserves a chance to continue to be a productive soldier. He deserves to know that the Army, the group to which he now belongs is compassionate towards him. He deserves the chance to continue serving in the Army. He has experienced a lot in these last months. I believe he has matured and will react to situations differently than he did during the first months in Iraq.

Again, I urge you to allow James to continue his service in the Army. I ask you to disapprove his Bad Conduct Discharge and return him to the Military Police Company to which he was assigned. Thank you in advance for doing what is best for PVT

James Combs, for the Army, and for society.

Sincerely,  
Carolyn Flowers

June 14, 2005

Dear Commander, Multi-National Corps - Iraq:

My name is Michael Flowers. I have known PVT James Combs since the summer of 1998. He is the best friend that I have. I remember during our senior year in high school, we used to say we were going to the same college and become roommates. At some point, James became interested in the United States Army and everything that it had to offer. So after all of the conversations and plans to go to school, James made a decision and said, "I am going into the Army." He seemed happy and nervous at the same time.

Every since I have known James, I have never seen or heard of him getting into trouble. Everyone makes mistakes in life, but at the same time people learn from their mistakes. I know James and I don't believe he would deliberately hurt anyone. James joined the Army to serve his country. He would not disobey orders. He would do his best to perform his job well.

Please allow my friend to remain in the Army. When James left home, he was willing to give years of service to the Army. Please give him a chance to complete his tour of duty and to receive an honorable discharge. Please disapprove the Bad Conduct Discharge and return him to the Military Police Company.

Sincerely James' Friend,  
Michael Flowers

June 27, 2005

Commanding General

Ladies and Gentlemen:

I am begging the court's mercy by asking the court to grant clemency to PFC James Edward Combs III (Little J) and to allow him to complete his service obligation with dignity.

In 1992 I had the opportunity and pleasure to meet this old soul in such a young body. I have always been astounded with his calmness and gentleness and consideration for others and himself. I met James Edward Combs III or Little J as his family and myself so affectionately call him through his father J. E. Combs II as we were serving in the U.S. Navy at the time.

Since 1993 I have had the pleasure of baby-sitting Little J on several occasions and sometimes over a period of days. In that time I got to know him quite well and found that his father was the single most dominant influence on his life. So much so he wanted to do and be like his father not to outdo his father but just be like him.

To understand this influence I must introduce you to his father J. E. Combs II or JC as we all refer to him. From the time I met JC he has always displayed the attributes of the consummate warfighter: loyal, dependable, perform his job to the utmost and always follow orders. JC had given me a more optimistic view of the military when there was much petty infighting within the command. JC literally provided that renewal of focus of why we were here to me and many of our fellow shipmates.

JC's personal life was similar. Since I've know JC he has always had at least one second occupation in which he takes similar pride as he does with his military occupation. What was astonishing to me was the father-son bond he had and still does with Little J. despite JC's hectic schedule. I found JC's parenting skills to be impeccable and always promoted positive behaviors and attitudes within his sons.

When JC had told me Little J had decided to enlist in the Army I immediately went into action to try to show alternate avenues for Little J's life since I knew he had great potential for most anything and had always demonstrated such potential. After careful consideration Little J decided that a call to arms was an honorable one and it served a greater purpose than just he himself.

I was absolutely proud that Little J made a decision that most people can't. To this day I remain very proud of him and his service to this country.

James Edward Combs III and his father, J. E. Combs II are the only two individuals I implicitly trust to protect me in any situation and am proud to serve with James Edward Combs III and to have served with his father J. E. Combs II.

I hope you can find the consideration to see that PFC James Edward Combs III (Little J) is an invaluable member of the armed forces and that his contributions make our loved ones and friends that much safer.

As always I am here to provide any and all support to my dear friend and Profession of Arms, PFC James Edward Combs III.

TSgt Arthur Bryan (USAF)  
Watch Officer, NGA Command Center  
National Geospatial-Intelligence Agency (NGA),  
Air Intelligence Agency

From \_\_\_\_\_  
Sent Wednesday, June 15, 2005 10:44 am  
To david.todd.scott@us.army.mil  
Cc  
Bcc  
Subject Clemency - PVT James Combs

---

Hello Mr. Scott,  
I hope this letter has not arrived to late.  
The reason for my letter is to ask for the Commanding General to disapprove  
the discharge of PVT James Combs and to return him to his unit.  
I've know James for several years now and I am sure that he has learned his  
lesson. Understanding that he has pled guilty and has accepted his  
punishment show the honor of this young man. He enlisted into the arm  
services's to protect his country USA and he should be given the oppournity  
to do just that.

Thank you for taking the time to read my letter. I hope it has not arrived  
to late.

Regards,

Arleen B. Jones

32 of 64

6/28/2005

Dear Sir

I am James's 11 year old sister. I do not think what James did should go on his record because number one James did not mean what he did. I am sure James is very sorry to that family for what he did. Number two James is still young and might want to do things like be a lawyer, but having this on his record may make it so he can not do things like that. Number three he should not have this on this record because he did not mean to do it and he did his time so I don't think he should have this on his record because this is like punishment over and over again and because he has to remember it each time he tries to do something and they look at his record and turn him down.

My brother is a good brother and I hope you help him.

Danielle Dennis  
James' little sister

Dear Sir:

I am writing this letter to ask you to consider my son PVT James E. Combs III request for Clemency.

I am aware of the seriousness of James conviction and believe me as a family we are very sorry for the family's lost, but ask that you consider his because James is a very good person and from what I've have heard a good soldier.

James joined the military because of the career opportunity and because his father and I are veterans. He also wanted to be productive member of society.

As a family we will rally around James and help him no matter what, but we ask that you help us to help him continue a productive life and not become another statistic in the male population of the African American community.

I love my son and pray that you help us help him continue to grow and mature and not continue to be punished after him complete his sentence.

Thank you and God Bless

Janice R. Hunter

"Father I stretch My Hand to Thee No other Help I know"

Sir

We ask that you let our grandson finish his Army service. James has always been a good child and we don't want this terrible tragedy to define his life. As I watch all the action in Iraq, I wonder how you expect a young man that never been in this type of situation not to make a mistake. We are sorry that his conduct at the time had such tragic consequences, but we ask that the punishment he received be the end.

God Bless

Sincerely

Geneva Hunter and Warren Hunter Jr.

To : The Commanding Officer  
From: P.O.F.C. James Combs Sr. Retired U S Navy  
Subject: Pvt. Jams Combs Jr. U S Army

Dear Sir:

I Felt compelled to write you on behalf of my son Pvt. James Combs Jr. Though I was glad to see the UCMJ work for my son in his Court Marshal. I was very surprised that the military would look at a very high profile, and political case and come to the conclusion it did, and for that I am indeed greatful. I served in the United States Navy for 23 years. I have seen a lot ~~Captains Masses, and Court Marshals in my years at sea. But I always New in~~ my heart that the Military look out for its own.

My son Little J always wanted to be a soldier, and he could not wait to finish high school, so that he could join on his own. The incident that occurred was an accident, and my son tells me he lives with that thought everyday. He also said that he always walked the straight and narrow while he was assigned to any of his duties. He went on to say, how his Sgt's and above commended him on his performance. Little J comes from a strong military up bringing, and has at least 25 family members either active duty or retired who would like to see him continue his career in the U.S. Army if possible. My feelings are mutual that if he was allowed to stay in the Army with some type punishment, you would have a career soldier and a dedicated Military Police person.

I understand that the Army did what it had to do in that political hell hole. But my son is all Army, and only wanted to be all he could be. I truely hope that you can find it in your hart to reverse this action and allow one of the Army's true foot soldier to return to his place in the United States Army. I leave my son and the Army's true foot soldier in your hands. I pray for him everyday, and now I pray for you sir, in what ever decision you make.

Dear Sir:

It has come to my attention that my friend James Combs son, James Edward Combs III has run into some legal trouble during his enlistment in the Army. I'm not fully aware of all the details but I wanted to provide you a statement on his behalf in hopes that it may help him continue his service to our country in the Army.

I have known young James for most if not all of his life having met his father while we were both stationed in the Subic Bay, Philippines. He has always been respectful and courteous during his younger years as well as a young adult. His demeanor has always been pleasant and thoughtful. I have never witnessed him having any angry outbursts or loosing his temper. I have often complemented his father about what a fine young man he has turned out to be. Hopefully the incident that has occurred during his time in Iraq doesn't detract too greatly on his overall character causing him to be discharged in an other than honorable status. It would be to the Army's and this great nation's advantage to give him the opportunity to reenlist and prove that the incident was a one time occurrence. I'm confident he will make believers out of everyone he encounters.

In closing, it is unfortunate that during a time of war that our forces abroad are being seconded guessed with every move they make. Media attention and political correctness in my opinion is harming our total military effort. Accidents do occur during war and civilian casualties are part of it. I am absolutely against the taking of civilians lives whether foreign or American but my feeling is that young James did not and could not purposely harm an innocent person. Please give him the opportunity to prove himself and serve this country and bring credit upon himself and the Army.

Sincerely,

AECS Anthony Vann (Ret)

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# TAB E



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY TRIAL DEFENSE SERVICE  
REGION IX, BAGHDAD FIELD OFFICE  
CAMP VICTORY, IRAQ  
APO AE 09342

REPLY TO  
ATTENTION OF:

FICI-JA-BFO

17 May 2005

MEMORANDUM THRU

Commander, 272nd MP Company, 759th MP BN, 42nd MP BDE, Camp Cuervo, Iraq

Commander, 759th MP BN, 42nd MP BDE, Camp Cuervo, Iraq

Commander, 42nd MP BDE, III Corps, Camp Victory, Iraq

FOR Commander, III Corps, Camp Victory, Iraq

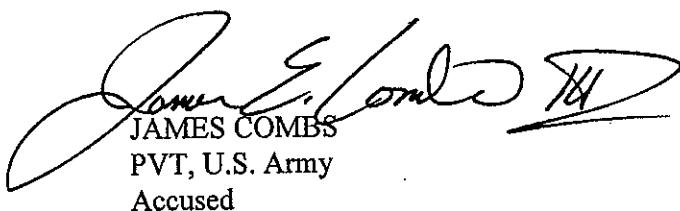
SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- PVT James Combs,  
, 272nd MP Company, 759th MP BN, 42nd MP BDE, Camp Cuervo, Iraq,

1. I, PFC James Combs, hereby voluntarily request discharge in lieu of trial by court-martial under AR 635-200, chapter 10. I understand that I may request discharge in lieu of trial by court-martial because of the following charges which have been preferred against me under the Uniform Code of Military Justice, which authorize the imposition of a bad conduct or dishonorable discharge: Article 119, Involuntary Manslaughter; Article 107, False Official Statement.
2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offenses charged and am guilty of the charge against me or of a lesser included offense therein contained which also authorize the imposition of a bad conduct or dishonorable discharge. Moreover, I hereby state that under no circumstances do I desire further rehabilitation, for I have no desire to perform further military service.
3. Prior to completing this form, I have been afforded the opportunity to consult with appointed counsel for consultation. I have consulted with counsel for consultation who has fully advised me of the nature of my rights under the Uniform Code of Military Justice, the elements of the offenses with which I am charged, any relevant lesser included offenses thereto, and the facts which must be established by competent evidence beyond a reasonable doubt to sustain a finding of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if found guilty. Although he has furnished me legal advice, this decision is my own.
4. I understand that, if my request for discharge is accepted, I may be discharged under conditions other than honorable. I have been advised and understand the possible effects of an

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- PVT James Combs,  
, 272nd MP Company, 759th MP BN, 42nd MP BDE, Camp Cuervo, Iraq

Under Other Than Honorable Discharge (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law) and that, as a result of the issuance of such a discharge, I will be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law, as indicated on a copy of DA Poster 635-1, which was provided me. I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Discharge. I further understand that there is neither automatic upgrading nor review by any Government agency of a ~~less than honorable discharge and that I must apply to the Army Discharge Review Board or the Army Board of Corrections of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded.~~

5. I understand that, once my request for discharge is submitted, it may be withdrawn only with consent of the commander exercising general court-martial authority, or without that commander's consent, in the event trial results in an acquittal or the sentence does not include a punitive discharge even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent. This request is conditioned upon disapproval of the findings and sentence of any court-martial, if applicable in this case.
6. I have been advised that I may submit statements I desire in my own behalf, which will accompany my request for discharge. Statements in my own behalf are submitted with this request.
7. I hereby acknowledge receipt of a copy of this request for discharge.



JAMES COMBS  
PVT, U.S. Army  
Accused

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- PVT James Combs  
272nd MP Company, 759th MP BN, 42nd MP BDE, Camp Cuervo, Iraq

Having been advised by me of:

- a. The basis for his contemplated trial by court-martial and the maximum permissible punishment authorized under the Uniform Code of Military Justice;
- b. The possible effects of an Under Other Than Honorable Discharge if this request is approved (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law and the loss of benefits administered by both the Army and other Federal agencies as indicated on a copy of DA Poster 635-1, which was provided to the soldier); and
- c. The procedures and rights available to him/her;

PFC James Combs, 430-65-0689, personally made the choices indicated in the foregoing request for discharge in lieu of trial by court-martial.



DAVID T. SCOTT  
MAJ, JA  
Defense Counsel

Data required by the Privacy Act of 1974 (5 USC 552a)

AUTHORITY: Section 301, title 5 USC and section 3013, title 10, USC.

PURPOSE: To be used by the commander-exercising general court-martial jurisdiction over you to determine approval or disapproval of your request for discharge in lieu of trial by court-martial.

ROUTINE USES: Request, with appropriate documentation, including the decision of the discharge authority, will be filed in the MPRJ as permanent material and disposed of in accordance with AR 640-10, and may be used by other appropriate Federal agencies and State and local governmental activities where use of the information is compatible with the purpose for which the information was collected.

Submission of a request for discharge is voluntary. Failure to provide all or a portion of the requested information may result in your request being disapproved.



DEPARTMENT OF THE ARMY  
TASK FORCE 759 MILITARY POLICE  
CAMP CUERVO, IRAQ  
APO AE 09390-2402

REPLY TO  
ATTENTION OF:

AFZC-Y-P-CDR

25 December 2004

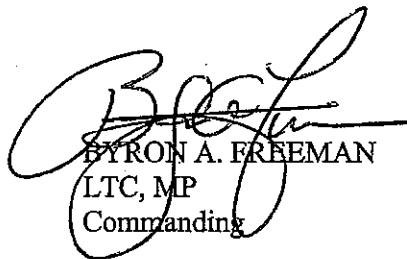
MEMORANDUM THRU Commander, 42d Military Police Brigade

FOR Commander, III Corps, Camp Victory, Iraq

SUBJECT: Request for Discharge under AR 635-200, Chapter 10 -- PFC James E. Combs III,

272d Military Police Company, 759<sup>th</sup> Military Police Battalion, 42d Military Police Brigade, Camp Cuervo, Iraq

1. I strongly recommend and request approval for Chapter 10, Discharge in Lieu of Trial by Courts-Martial in accordance with AR 635-200 regarding PFC Combs, James E. III.
2. It is my opinion that a Chapter 10 is the appropriate course of action regarding this incident. PFC Combs is extremely remorseful of his negligent act and fully aware of the consequences that are inherent with his actions. I do not feel that a felony conviction and imprisonment is appropriate in his case. However, PFC Combs' actions and negligence bring discredit upon good order and discipline in the Armed Forces and therefore should be removed from continued service.
3. Point of contact is the undersigned at DNVT 550-1723.



BYRON A. FREEMAN  
LTC, MP  
Commanding



DEPARTMENT OF THE ARMY  
272<sup>ND</sup> MILITARY POLICE COMPANY  
APO AE 09390

AERTR-MP-272

24 December 2004

MEMORANDUM THRU

COMMANDER, 759<sup>TH</sup> Military Police Battalion

COMMANDER, 42<sup>ND</sup> Military Police Brigade

FOR COMMANDER, MULTI-NATIONAL CORPS IRAQ

SUBJECT: Request for Discharge under AR 635-200, Chapter 10

1. I fully endorse the request for discharge under AR 635-200, Chapter 10 in-lieu of trial by court-martial for PFC Combs.
2. Having preferred charges against this soldier in my command I fully understand the magnitude of both the act and subsequent punishment.
3. I believe that we are not setting a new lower standard by allowing this soldier to be discharged under chapter 10, but recognizing the mitigating or extenuating circumstances involved. PFC Combs' actions are contrary to good order and discipline and as such he should be removed from continued service as a result of his negligence. He will have to deal with this act, the stigmatism, and lack of benefits this discharge carries for the rest of his life.
4. A decision to allow this Soldier to be discharged is in keeping with the some of the best traditions the NCO corps rallies around – fairness and impartiality when recommending both rewards and punishment.
5. Point of contact is the undersigned at DNVT 559-1740 or IRAQNA 0790-192-7052.

*Jason L. Marquiss*  
JASON L. MARQUISS  
CPT, MP  
Commanding



DEPARTMENT OF THE ARMY  
TASK FORCE 759 MILITARY POLICE  
CAMP CUERVO, IRAQ  
APO AE 09390-2402

REPLY TO  
ATTENTION OF:

AFZC-Y-P-CSM

24 December 2004

MEMORANDUM THRU

Commander, 759<sup>th</sup> MP BN, 42<sup>nd</sup> MP BDE, Camp Cuervo, Iraq

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Commander, 42<sup>nd</sup> MP BDE, III Corps, Camp Victory, Iraq

FOR Commander, III Corps, Camp Victory, Iraq

SUBJECT: Discharge in Lieu of Trial by Court-Martial – PFC James Combs  
272<sup>nd</sup> MP Company, 759<sup>th</sup> MP BN, 42nd MP BDE, Camp Cuervo, Iraq

1. On 22 September 2004, PFC Combs made a mistake that will haunt him personally and professionally for the rest of his life. In addition to this memory that will affect him daily, if tried by court martial and found guilty, every time PFC Combs seeks employment, he will be reminded of this mistake and, in my opinion, suffer unjustly. In combat, we ask a lot of our young Soldiers, particularly those who are gunners and responsible for the safety of the team. This Soldier made a mistake but you should consider the environment and the circumstances surrounding this incident when considering the method of punishment. For these reasons, I fully support allowing PFC Combs be discharged from the military under Chapter 10 requirements in lieu of trial by court-martial.
2. As the Battalion CSM, everyday I witnessed bravery, courage, anger, hostility, frustration and more from all Soldiers as they handled situations ranging from direct enemy contact to indirect fire to an unruly populace. Each incident required decisive action directed from every level of leadership; from the lowest ranking Soldier on the roof top conducting force protection duties to the Platoon Leader guiding their platoon through various MP missions. Soldiers and leaders make mistakes while making life and death decisions every day. They make these mistakes and then, based on the circumstances surrounding the entire situation, are held responsible and accountable. Our system for holding Soldiers responsible and accountable is designed to provide the commanders, who know best the circumstances that their Soldiers are in, the ability to adjudicate the issue. There are many examples of poor decisions by leaders and Soldiers that may not have been fatal, but were, in fact, detrimental to the good order and discipline of the military, and were allowed to be dealt with at the unit level. In this incident, I believe that PFC Combs made a mistake but I ask that you allow me to convey the message that PFC Combs should not have to pay for this mistake for the rest of his life with a BCD. I believe the unit should be allowed to also handle this situation and separate PFC Combs as recommended.

AFZC-Y-P-CSM

SUBJECT: Discharge in Lieu of Trial by Court-Martial – PFC James Combs,  
272<sup>nd</sup> MP Company, 759<sup>th</sup> MP BN, 42nd MP BDE, Camp Cuervo, Iraq

3. If you have any questions or comments concerning this memorandum, please contact me at  
geraldine.rimbley@us.army.mil.

*Geraldine M Rimpley*  
GERALDINE M. RIMBLEY  
Battalion Command Sergeant Major



DEPARTMENT OF THE ARMY  
272<sup>ND</sup> MILITARY POLICE COMPANY  
APO AE 09390

AERTR-MP-272

24 December 2004

MEMORANDUM THRU

Commander, 272<sup>nd</sup> MP Company, 759<sup>th</sup> MP Battalion, 42<sup>nd</sup> MP Brigade, Camp Ceurvo, Iraq  
APO AE 09390

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Commander, 759<sup>th</sup> MP Battalion, 42<sup>nd</sup> MP Brigade, Camp Ceurvo, Iraq APO AE 09390

Commander, 42<sup>nd</sup> MP Brigade, Camp Victory, Iraq APO AE 09342

FOR Commander, III Corps, Camp Victory, Iraq APO AE 09342

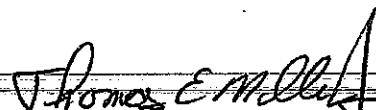
SUBJECT: Discharge in Lieu of Trial by Court-Martial – PFC James Combs,  
272<sup>nd</sup> MP Company, 759<sup>th</sup> MP Battalion, 42<sup>nd</sup> MP Brigade, Camp Ceurvo, Iraq

1. I am writing this letter to communicate my support for the attached Discharge in Lieu of Trial by Court-Martial that is being submitted by PFC James Combs.
2. I support a discharge in Lieu of Trial by Court-Martial as the appropriate measure in this case. When this incident occurred, as a senior leader in this unit, I questioned everything. Where did I go wrong in enforcing the standards? Were the NCOs providing supervision? Did PFC Combs want to kill someone to see what it was like? In the end I feel the incident resulted from PFC Combs failing to follow proper procedures and the will of the Lord. How else can one explain a negligent discharge traveling over 200 meters and fatally wounding a civilian. I personally wrestled with the idea of supporting this request and found myself asking what price do you put on human life? The Army answered that question, \$3,500.00, but does it have to cost the rights and freedom of a Soldier? Not in this case. For centuries American Soldiers have been called upon to defend freedom and democracy around the world. They have been placed in life or death situations in dangerous environments and been asked to do the right thing. At this time of year, I am reminded of the 101<sup>st</sup> Airborne Division, surrounded at Bastogne, Belgium, low on supplies and freezing cold. Those Soldiers and many others after those have given everything for this nation and this Army. PFC Combs has followed in the footsteps of the soldiers before him. He deployed to a harsh and unforgiving environment, was placed under extreme hardship, and I believe, he did his best. I don't think PFC Combs' negligence should result in his Trial by Court-Martial or imprisonment. PFC Combs is remorseful and extremely sorry for his actions. Soldiers in this theater and everywhere are asked for so much, in the interest of this unit, the Army and this nation, I ask you look favorably upon this action.

AERTR-MP-272

SUBJECT: Discharge in Lieu of Trial by Court-Martial – PFC James Combs,  
272<sup>nd</sup> MP Company, 759<sup>th</sup> MP Battalion, 42<sup>nd</sup> MP Brigade, Camp Ceurvo, Iraq

3. Point of contact is the undersigned at DNVT 559-1740.

  
THOMAS E. MILLER, JR.  
1SG, USA  
First Sergeant

Sir, family members, my unit:

I want to say I am sorry to everyone affected by my negligent discharge and the injuries it caused, mentally and physically. I am truly sorry for everything. I know that as a U.S. Army Soldier and a member of the Military Police Corp I must never do what I did. You must always keep your weapon on safe unless you are going to engage the enemy. It must be on safe at all other times. I truly let down everyone in the unit and the people of Iraq that we are trying to save when I failed to handle my assign weapon safely.

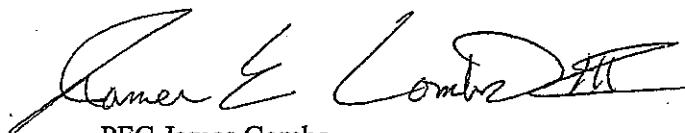
My poor judgment has hurt and harmed many people. There is no real way I can ever make it up to the victim, family members, or the U.S. Army. I will carry this mistake with me the rest of my life.

I was trying my best to do my job. But I failed. My failure has ruined my life, but that is nothing compared to the effect on the victim and family. I can never make up my mistake to them. But I will try.

It has also hurt the war effort. When soldiers accidentally harm civilians through a negligent discharge they bring shame on the army. They also make it hard to win the war.

I don't have words that can explain my sorrow over my mistake. I don't know what to say or how I can do penance. But I pray everyday for guidance.

But, I pledge that I will try to make up for this. I only ask forgiveness and mercy. I promise to spend the rest of my life making up for my action.



PFC James Combs



DEPARTMENT OF THE ARMY  
272ND MILITARY POLICE COMPANY  
CAMP CUERVO, IRAQ  
APO AE 09342

REPLY TO  
ATTENTION OF:

FICI-JA-BFO

13 December 2004

MEMORANDUM THRU

Commander, 272nd MP Company, 759th MP BN, 42nd MP BDE, Camp Cuervo, Iraq

Commander, 759th MP BN, 42nd MP BDE, Camp Cuervo, Iraq

Commander, 42nd MP BDE, III Corps, Camp Victory, Iraq

FOR Commander, III Corps, Camp Victory, Iraq

SUBJECT: Discharge in Lieu of Trial by Court-Martial -- PFC James Combs,  
272nd MP Company, 759th MP BN, 42nd MP BDE, Camp Cuervo, Iraq,

1. I am writing this memorandum to communicate my support for the attached Discharge in Lieu of Trial by Court-Martial that is being submitted by PFC James Combs.
2. I strongly support a Discharge in Lieu of Trial by Court Martial as the appropriate measure in this case. I have been PFC Combs platoon sergeant since Oct 03 and have at no time observed PFC Combs show aggression towards any person. PFC Combs is the kind of person who would rather venture away from a confrontation than get into one. I do not believe that PFC Combs deserves jail time for this incident and thus a discharge would adequately serve the same purpose and would save the Army and this unit the time and manpower that would be needed to set up court martial proceedings.
3. POC this action is the undersigned at DMVT 559-1740.

*SSM*  
STEPHEN S. McQUERRY  
SSG(P), USA  
Platoon Sergeant



DEPARTMENT OF THE ARMY  
272ND MILITARY POLICE COMPANY  
CAMP CUERVO, IRAQ  
APO AE 09342

REPLY TO  
ATTENTION OF:

FICI-JA-BFO

22 December 2004

MEMORANDUM THRU

FOR Commander, III Corps, Camp Victory, Iraq

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SUBJECT: Discharge in Lieu of Trial by Court-Martial -- PFC James Combs,  
272nd MP Company, 759th MP BN, 42nd MP BDE, Camp Cuervo, Iraq,

1. I am writing this memorandum to communicate my support for the attached Discharge in Lieu of Trial by Court-Martial that is being submitted by PFC James Combs.
2. I have been PFC Combs squad leader since Jul 04, since that time I have not seen any signs of aggression. PFC Combs is a very passive person and passes that aura off to the soldiers around him. PFC Combs has demonstrated on numerous occasions his dedication to the U.S. Army. PFC Combs is a strong soldier that continues to work and improve himself as well as strive to complete missions above the standard. PFC Combs continually tries to better himself and the soldiers around him. PFC Combs is a soldier that completes tasks requiring little to no supervision. After the incident occurred PFC Combs continues to soldier and maintain a positive outlook within his squad putting extra personal time into completing details so as the soldiers getting off mission do not have to put in extra hours of work. PFC Combs is constantly concerned with the welfare of the soldiers around him. PFC Combs is a soldier that puts a lot of personal care into his job performance. PFC Combs demonstrated himself above the standard in earning a waiver for Specialist for 1 Oct 04 but was unable to be pinned due to the incident at hand.
3. POC this action is the undersigned at DNVT 559-1740.

  
CONNIE G. CORDRAY-JULIAN  
SSG, USA  
Squad Leader

DEPARTMENT OF THE ARMY  
272ND MILITARY POLICE COMPANY  
CAMP CUERVO, IRAQ  
APO AE 09342

REPLY TO  
ATTENTION OF:

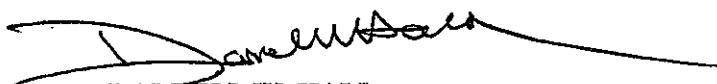
FICI-JA-BFO

13 December 2004

MEMORANDUM FOR Commander, III Corps, Camp Victory, Iraq

SUBJECT: Discharge in Lieu of Trial by Court-Martial -- PFC James Combs,  
272nd MP Company, 759th MP BN, 42nd MP BDE, Camp Cuervo, Iraq

1. I am writing this memorandum to communicate my support for the attached Discharge in Lieu of Trial by Court-Martial that is being submitted by PFC James Combs.
2. I strongly support a Discharge in Lieu of Trial by Court Martial as the appropriate measure in this case. I do not feel that PFC Combs deserves to go through the court martial proceedings. Yes PFC Combs has made a mistake that he will remember for the rest of his life. I feel that he has gone through what he deserves as punishment. I feel strongly about backing up PFC Combs decision about requesting a chapter 10 instead of going to prison and having a felony charge on his record for the rest of his life. I have known PFC Combs for about 2 years. I was his Squad Leader for about 18 months; I know his way of thinking and he is a hard worker. I do not see any reason PFC Combs would have picked up his weapon and aimed it at a non-threat and pulled the trigger to shoot someone. He is not that type of person to take someone's life just to see what would happen.
3. POC this action is the undersigned at DMVT 559-1740.



DARRELL W. HALL  
SGT, USA  
Squad Leader

F

To Whom It May Concern:

I have known PFC Combs for over a year now. I have been his team mate for this whole deployment and even in the garrison environment and I am still currently his team mate also his room mate I know this man inside and out I look at him as a brother I never had. PFC Combs is a very mellow and outgoing person, he is a very quiet guy if he doesn't know you but still he is the kind of guy no matter who you are or were your from he would bend over backwards to help you even if he didn't know you, he is a very sweet and kind-hearted person. ~~As a soldier if you ask him to do something anything he will go out and execute his mission or responsibility with out questioning it or complaining about it he is not like the average Joe in any way you could say if their was a perfect soldier it would be him, and if he makes a mistake he never looks back and complains about it or dwells on it he just fixes his mistakes.~~

My personal thoughts about all of this I know I am only a Private First Class in the army and I don't have much say in things I just do what I am told to but in this case I can't just sit on the sidelines and watch my team mate and close friend go down in flames. I joined the army because it was my dream to serve since I was a little kid. My whole family has been through the service and now it is my time. I remember hearing all about the great stories of the United States Army and how they took care of their own and how much fun it could be and at the same time meeting new people and going to see different cultures around the world. I would get a chance to say that I was proud to be in the greatest army in the world. I mostly still feel this way about the army but lately I have had a different attitude about our great army. Lately I have seen a lot of mistakes that have been made and how from hearing about all the old stories how the army has changed so much. I can't say that the army has changed for the better or the worse but in some cause I can see that it has changed for the worse sometimes. I feel like the army doesn't take care of its own like they should. I defiantly see that some people treat this place like a garrison environment. I just don't want you to forget what kind of environment we are in. Its like no other environment, we are in a war, theres no other way to put it. We have brother in arms that are dying everyday here, as well as innocent people with the guilty. There is nothing we can do about that, it is just a factor of war. Sometimes they are just at the wrong place at the wrong time and some die because of accidents. When innocent people die in war no one wants them to by any means, its just a factor. If you look back at every conflict or war that has happened there are 100's upon 100's of innocent people that have died for the cause. War is nothing pretty, people are going to die and people will be punished for the actions that they have done during war. Nothing good will ever come out during the war. It is when it is all said and done with that you will see the good that came out of this war.

The day the incident happened I was there at station 10 when this all took place I was down in the truck posting security from out of my turret. Before I go on I want to say one quick thing. Combs was only a week away from getting his specialist and I know how he was for the last two weeks. Combs wanted to go to the next rank more than anything in the world. He was trying so hard to do right he did not want anything bad to happened to

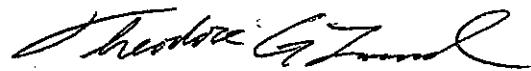
him. He was trying so hard to look so good for that next rank he was getting up earlier in the morning just to be ready for the mission. He was doing all of his soldier tasks and drills above and beyond so he could just show he was ready for his next big step in the army as a specialist. He was really looking good at everything he did and I know that the last thing in the whole world that he wanted is to have an accidental discharge. I remember hearing that gun shot go off and I remember right when it went off. At that time I didn't know if some one was going to start shooting at us because the neighborhood that we were in is a pretty bad place, or if someone seen something and took a shot at that exact point of time I wasn't sure what has happening. Next I knew I heard over our talk about that Combs had just had an accidental discharge and the sergeant did what they had to do they called it up. We were five minutes from getting ready to leave that station. There was suppose to be a two star general stopping by that station that day to see how things were going on our mission so security was increased and everybody was more focused. We were expecting him to show that day but he never did. I don't know the real reason why he didn't show he might have had more important things to do that day. After PFC Combs had his discharge he came down to the truck and we headed back to camp so the leaders could do what had to be done when something like this happens. I remember the highest ranking sergeant coming up to us right before we left telling us to keep are eyes open because that round might have hit somebody and there is a angry crowd out there, and they might want to retaliate. As soon as we rolled out past the wall of the IP station every gunner was focused and ready for anything to happen. I remember looking every where for this angry crowd and I saw nothing. Everybody was just like they always are at that place, just walking around carrying on with their everyday life. There was no angry crowd and I saw no signs of anybody that got hurt from any stray bullet. Before we left I talked to Combs because he is my driver. I asked him what happened, he was in complete shock and he couldn't understand why the weapon went off. I know by the look on his face and how hard he was trying just to get promoted to specialist that he did not mean to have in accidental discharge. I remember in exact words what he said that day after it happened, he said "man I was doing so good to, man I really wanted that specialist, I don't know what happened" and the look on his face I could never forget. He looked like he wanted to cry because he knew and I knew that if you have an accidental discharge you will not be getting promoted. You will be getting demoted. I felt so bad for him because he was doing so good and he was trying so hard to be a great soldier. No matter what has happened or what is said about all of this I know and everybody else who knows Combs personally knows that he is the best soldier and he is just an outstanding kind of guy.

What I am asking I know is a lot, and you may believe he should be punished for his actions. I am not saying he should not be punished for his actions, but please I am begging you as one soldier to another soldier to show mercy on him. Don't forget he is a brother in arms and that is what the army truly is one big family defending our siblings back at home. I cant beg you enough to show mercy on him. He is not a man who should go to jail for his actions or for this incident it was truly an accident in war. He is just a young man who joined for the right to protect his freedom and to serve his country. He did that knowing he might give the ultimate sacrifice and I know he would if he had to. Please don't forget he came here to do good on his own. No one forced him to come here but he did it for his country. The last thing he would of wanted is to let his country

down. So please show mercy and do not let this great man and outstanding soldier go to jail. I do not think that is a fair punishment for this man and I know if you truly knew him you would think the same way I do.

Thank you for giving me the time to let my thoughts be heard.

Sincerely,



Theodore G. Larnard  
PFC, USA

December 5, 2004

Dear Lt. General Metz:

I'm writing to ask you to be lenient and consider the motion for Chapter 10 for my son James E. Combs III.

I'm aware of the accident and I'm sorry. I'm also aware of the hostile environment that he has been place as a young kid with little knowledge of what to expect and hope that you take that in to consideration when making your decision. James has been a good son. He has overcome the heartbreak of a divorce home. He endured the heartache of not having his mother with him during his early years and he did not fall victim to the problems most kids of divorce family encounter. James did well in school and did not engage in many abuses kids from his situation sometime do.

James joined the military because he thought it would help him become a police officer when his duties were completed with the military. When he told me of his decision to join, I tried to convince him to reconsider. But he told me "Mom I think joining the military will be a great opportunity for me and will help in the future." I now see his future fading and I ask that you consider this request.

James did not have it easy. At seven years old I sent him to live with his father when we separated (his father was abusive to me), because I could not provide for him and myself. At the time it was to be temporary, but his father chose to keep custody and I've spend the last 10 plus years hating myself for not doing all I could to keep him with me. At the time I did my best, but it just wasn't good enough. I've lived with fact that I fail him as a mother and was not there for him when he needed me in his early years. That is why I ask if my words could help him now, I will not feel like a complete failure. Our separation over the years has caused many years of heartache and depression and just him being in Iraq has deepen the pain of not being able to help him then and now. Again I feel helpless to help my son and be there for him. If I could trade places with him right now that would be my wish, so that he could have a meaningful and successful life.

James is a good and loving son and brother. He's very supportive of his little sister (Danielle) 11 years old who going through preteens and James advices her on how to handle mom (because they both think I'm too strict). She thinks the world of her brother. She has put together a slideshow that she will be sending to Capt Scott.

Please give my son another chance.

Thank you.  
Janice R. Hunter

OFFICE OF THE CLERK OF COURT  
US ARMY JUDICIARY  
ARLINGTON, VIRGINIA 22203-1837

THE RECORD OF TRIAL HAS BEEN REVIEWED FOR RELEASE UNDER THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT. THE DOCUMENT[S] DESCRIBED AS FOLLOWS HAVE BEEN REMOVED FROM THIS COPY OF THE RECORD BECAUSE THE RELEASE WOULD BE IN VIOLATION OF THE DOD FREEDOM OF INFORMATION ACT PROGRAM, DOD 5400.7-R, EXEMPTION

(b) (6) 5 U.S.C. 552(b)6 :

Photographs



DEPARTMENT OF THE ARMY  
OFFICE OF THE STAFF JUDGE ADVOCATE  
HEADQUARTERS, MULTI-NATIONAL CORPS - IRAQ  
BAGHDAD, IRAQ  
APO AE 09342

REPLY TO  
ATTENTION OF:

FICI-JA

MEMORANDUM FOR Major David T. Scott, U.S. Army Trial Defense Services, Region IX, Victory Field Office, Baghdad, Iraq, APO AE 09342

SUBJECT: Request for Delay - U.S. v. Combs

1. This acknowledges receipt of your request for additional delay in the case of James E. Combs, III.
2. Your request for delay is granted until **30 June 2005.**
3. Failure to submit matters by the above date may result in the Commanding General taking action without your submissions.
4. Additional delays, if any, must be supported by a detailed explanation and a day by day accounting of your attempts to obtain matters from your client, or others.

*Francis P. King*  
FRANCIS P. KING  
LTC, JA  
Chief, Criminal Law Division



DEPARTMENT OF THE ARMY

Region IX, Victory Field Office  
Multi-National Corps-Iraq  
Camp Victory  
APO AE 09342

FICI-JA-TBO

2 June 2005

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate,  
Multi-National Corps – Iraq, Baghdad, Iraq

FOR Commander, Multi-National Corps – Iraq, Baghdad, Iraq

SUBJECT: Request For Delay – Clemency, PFC James Combs, , 272nd MP  
Company, 759th MP BN, 89th MP BDE, MNC-I, Baghdad, Iraq.

1. IAW R.C.M. 1105 and 1106, Defense requests an additional 20-day delay before action in the above matter. The Defense is awaiting letters in support of several individuals who did not testify at trial, many family members that are located in CONUS, and Defense is redeploying on 6 June 2005. The original 10-day period for responding will expire on 11 June 2005, and the defense respectfully requests a delay until 1 July 2005.

Thank you for your consideration in this matter, the POC is the undersigned at DSN 822-2866.



DAVID T. SCOTT  
MAJ, JA  
Defense Counsel

RECEIPT FOR COPY OF RECORD OF TRIAL  
AND STAFF JUDGE ADVOCATE'S RECOMMENDATION

U.S. v. James E. Combs, III

Date: 1 JUN 05

Attached for your consideration, pursuant to R.C.M. 1106(f)(1), is a copy of the post-trial recommendation in the above cited case. If you have any corrections, rebuttals, or comments, or any other matters you wish to be considered by the convening authority before the Action is taken, submit these in writing to the Staff Judge Advocate, Headquarters, Multi-National Corps - Iraq, within ten days following receipt of this post-trial recommendation.



FRANCIS KING  
LTC, JA  
Chief, Criminal Law Division

RECEIPT FOR POST-TRIAL RECOMMENDATION

I acknowledge receipt of a copy of the Staff Judge Advocate's Recommendation in accordance with R.C.M. 1106(f) on the above date and understand that any matters to be submitted for consideration by the Convening Authority should be submitted within ten days of receipt unless such period is extended for good cause shown. I accept the accused's copy of the recommendation and authenticated record of trial.



DAVID T. SCOTT  
CPT, JA  
Defense Counsel



DEPARTMENT OF THE ARMY  
OFFICE OF THE STAFF JUDGE ADVOCATE  
HEADQUARTERS, MULTI-NATIONAL CORPS - IRAQ  
BAGHDAD, IRAQ  
APO AE 09342

REPLY TO  
ATTENTION OF:

FICI-JA

31 MAY 05

MEMORANDUM FOR Commander, Multi-National Corps - Iraq, Baghdad, Iraq,  
APO AE 09342-1400

SUBJECT: Staff Judge Advocate's Recommendation -  
U.S. v. Private First Class James E. Combs, III,

1. This constitutes my recommendation under R.C.M. 1106 in the General court-martial case of U.S. v. Private First Class James E. Combs, III, U.S. Army, 272d Military Police Company, 720<sup>th</sup> Military Police Battalion, 42d Military Police Brigade, Camp Cuervo, Iraq, APO AE 09390.
2. Prior disciplinary record: NONE.
3. Nature and duration of pretrial restraint: NONE.
4. The following is a summary of the charges, specifications, pleas, findings, and sentence in this case:

<u>Ch</u>	<u>Art</u>	<u>Spec</u>	<u>Gist of Offense</u>	<u>PLEAS</u>	<u>FINDINGS</u>
I	119	THE	On or about 22 Sep 04, by culpable negligence, unlawfully killed B.H. by shooting B.H. in the head with an M4 rifle.	G	G
Add'l	107	1	On or about 22 Sep 04, with intent to deceive, made to 1LT N.P. an official statement, which statement was totally false, and was then known by PFC Combs III to be so false.	NG	NG*
		2	On or about 22 Sep 04, with intent to deceive, made to Special Agent I.C. an official statement, which statement was totally false, and was then known by PFC Combs III to be so false.	NG	NG*

FICI-JA

SUBJECT: Staff Judge Advocate's Recommendation -  
U.S. v. Private First Class James E. Combs, III,

\*Notwithstanding the Convening Authority's agreement to dismiss the additional charge in the pre-trial agreement, this fact was not disclosed to the Court because it was contained in the Quantum portion of the pre-trial agreement. The Military Judge had already entered findings of not guilty to the Additional charge and it's specifications. The Military judge found that the parties had, therefore, complied with the terms of the agreement.

	<u>CONFINEMENT</u>	<u>DISCHARGE</u>	<u>FORFEITURE</u>	<u>REDUCTION</u>
Sentence Adjudged	6 months	BCD	TF	E-1
Pretrial Agreement	To disapprove any confinement in excess of 30 (thirty) months; to disapprove any punitive discharge other than a bad conduct discharge; and to dismiss the additional charge. Any other lawful punishment adjudged, including a fine, may be approved.			

SJA Recom- 6 months BCD TF E-1  
mendation

Sentence adjudged on 24 March 2005.

5. Summary of accused's service record: The accused enlisted in the Army on 7 November 2002 for 6 years. His MOS is 31B10, Military Police.

6. My review of the accused's service record indicates that the accused may be authorized to wear the National Defense Service Medal, the Army Service Ribbon, the Global War on Terrorism Service Medal, the Global War on Terrorism Expeditionary Medal and he has previously qualified with the Hand Grenade and the M-16 rifle.

7. Recommendation: That you approve the sentence as adjudged by signing the action at the signature tab.

8. This recommendation has been served on the accused and the accused's defense counsel who then had ten days to submit a response. If a response was submitted, it is attached at TAB A for your consideration.

Encls

  
MALINDA E. DUNN  
COL, JA  
Staff Judge Advocate



DEPARTMENT OF THE ARMY  
OFFICE OF THE STAFF JUDGE ADVOCATE  
HEADQUARTERS, MULTI-NATIONAL CORPS - IRAQ  
BAGHDAD, IRAQ  
APO AE 09342

REPLY TO  
ATTENTION OF:

FICI-JA

9 JULY 05

MEMORANDUM FOR Commander, Multi-National Corps - Iraq, Baghdad, Iraq,  
APO AE 09342

SUBJECT: Staff Judge Advocate's Recommendation - U.S. v. PFC James E. Combs, III,

1. This is an addendum to my recommendation to you in the above-entitled case, dated 31 May 2005. Enclosed for your consideration are matters submitted pursuant to R.C.M. 1105 by counsel for the accused dated 30 June 2005 requesting that you disapprove the bad conduct discharge or, alternatively, that you approve the Post Trial Chapter 10 request and disapprove the court-martial findings and sentence. The accused in his statement requests that you disapprove the bad conduct discharge so that he can return to his unit and finish his enlistment, or, that you grant the Post Trial Chapter 10 request.
2. Specifically enclosed for your consideration are the following 64 pages: a four page memorandum from the accused's defense counsel (4 pages); a page labeled "TAB A" (1 page); a typed, unsigned letter from the accused (1 page); a page labeled "TAB B" (1 page); Defense exhibit C from the record of trial pertaining to this case (5 pages); a page labeled "TAB C" (1 page); a typed, undated letter from the accused (1 page); one page of Defense Exhibit D from the record of trial pertaining to this case (1 page); a page labeled "TAB D" (1 page); a typed letter from Lieutenant Colonel Byron A. Freeman, dated 6 June 2005 (1 page); a typed letter from Command Sergeant Major Geraldine M. Rimpley, dated 23 June 2005 (2 pages); a typed letter from Captain Jason L. Marquiss, dated 9 June 2005 (1 page); Stipulation of Expected Testimony of First Sergeant Thomas Miller, dated 23 March 05 (2 pages); a typed letter from First Lieutenant Tricia M. Tyler, dated 19 April 2005 (1 page); a typed letter from Sergeant First Class Stephen S. McQuerry, dated 15 June 05 (1 page); a typed letter from Sergeant Levi B. Duran, dated 30 April 05 (1 page); a typed letter from Cornelius B. Long, II, undated and unsigned (1 page); a typed letter from Aldustus Dailey Jr., dated 13 June 05 (1 page); a typed letter from Carolyn Flowers, dated 14 June 2005 (2 pages); a typed letter from Michael Flowers, dated 14 June 2005 (1 page); a typed letter from Technical Sergeant Arthur Bryan, dated 27 June 2005 (1 page); an email from Arleen B. Jones, dated 15 June 2005 (1 page); a typed letter from Danielle Dennis (1 page); a typed letter from Janice R. Hunter (1 page); a typed letter from Geneva Hunter and Warren Hunter, Jr. (1 page); a typed letter from James Combs, Sr. (1 page); a typed letter from Anthony Vann (1 page);

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SUBJECT: Staff Judge Advocate's Recommendation - U.S. v. PFC James E. Combs, III,

a page labeled "TAB E" (1 page); Request for Post Trial Discharge in Lieu of Trial by Court-Martial (3 pages); a typed recommendation letter from Lieutenant Colonel Byron A. Freeman, dated 25 December 2004 (1 page); a typed recommendation letter from Captain Jason L. Marquiss, dated 24 December 2004 (1 page); a typed recommendation letter from Command Sergeant Major Geraldine M. Rimpley, dated 24 December 2004 (1 page); a typed recommendation letter from First Sergeant Thomas E. Miller, Jr. (1 page); a typed, signed letter from the accused (1 page); a typed recommendation letter from Staff Sergeant Stephen S. McQuerry, dated 13 December 2004 (1 page); a typed recommendation letter from Staff Sergeant Connie G. Cordray-Julian, dated 22 December 2004 (1 page); a typed recommendation letter from Sergeant Darrell W. Hall, dated 13 December 2004 (1 page); a typed letter from Private First Class Theodore G. Larnard, undated (3 pages); a typed letter from Janice R. Hunter, dated 5 December 2004 (1 page); various pictures of the accused, the accused's family members, and the accused's friends (8 pages); and a one page typed letter from Danielle, the accused's younger sibling (1 page) **(TAB A)**.

3. Prior to taking action in the case, you must consider the matters submitted on behalf of the accused. **(TAB A)**

4. I concur with defense counsel that paragraph 6 of the Staff Judge Advocate's recommendation to you, dated 31 May 2005, should have listed that the accused may be authorized to wear the Iraq Campaign Medal, in lieu of the Global War on Terrorism Expeditionary Medal.

5. Lieutenant General Thomas J. Metz disapproved a request for a Chapter 10 Discharge in Lieu of Trial by Court-martial on 17 January 2005. The accused is requesting that you approve a Post Trial Chapter 10 discharge. This request and action is attached at **TAB B**.

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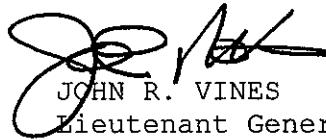
SUBJECT: Staff Judge Advocate's Recommendation - U.S. v. PFC James E. Combs, III, 400 ..

6. I have considered all submissions. To the extent these submissions raise legal error, I disagree and therefore recommend no clemency. I further recommend that you disapprove the request for Post Trial Chapter 10 (TAB B) and that you approve the sentence as adjudged signing the action at the signature tab.



MALINDA E. DUNN  
COL, JA  
Staff Judge Advocate

I personally considered the matters at TAB A, TAB B, and in the preceding paragraphs before taking action in this case.



JOHN R. VINES  
Lieutenant General, USA  
Commanding

AUTHENTICATION OF THE RECORD OF TRIAL

IN THE CASE OF

Staff Sergeant Shane Allen Werst,  
Headquarters and Headquarters Company,  
4th Infantry Division, Fort Hood, Texas 76544

I received the completed record of trial for review and authentication on  
26 Aug 05 2005.

Theodore E. Dixon  
THEODORE DIXON

COL, JA  
Military Judge

26 Aug 05

ACKNOWLEDGEMENT OF RECEIPT AND EXAMINATION

I received the record of trial for review in the foregoing case on  
16 Aug 2005 and completed my examination on 16 Aug 2005.

David Shelton  
DAVID SHELTON Mark Santos

CPT, JA Civilian Defense Counsel

DATE: 16 Aug 2005

The record of trial was served on defense counsel on \_\_\_\_\_  
2005. After verifying receipt with defense counsel on \_\_\_\_\_  
2005 and conferring with the military judge on review by defense counsel on \_\_\_\_\_  
2005, the record was forwarded for authentication  
without completion of defense counsel's review.

RICHARD HENRY  
CPT, JA  
Chief, Military Justice