

Charges and Specifications Referred to General Courts-Martial and Dismissed Charges for 3rd Battalion, 5th Marine Regiment Service Members Involved in the Hamdania, Iraq Investigation

Private First Class John J. Jodka, U.S. Marine Corps

Charges Referred to General Courts-Martial on Sept. 25, 2006: *(Charges were filed on June 21, 2006)*

Violation of the UCMJ, Article 81 (Conspiracy)

Specification: Conspired to commit Larceny, Housebreaking, False Official Statements, Kidnapping, Murder, Obstruction of Justice.

Violation of the UCMJ, Article 118 (Murder)

Specification: Did with premeditation, murder Hashim Ibrahim Awad.

Violation of the UCMJ, Article 128 (Assault)

Specification: Unlawfully force Hashim Ibrahim Awad to the ground and bind his hands and feet.

Violation of the UCMJ, Article 130 (Housebreaking)

Specification: Unlawfully enter a dwelling, the property of Hashim Ibrahim Awad, with the intent to commit a criminal offense, to wit: kidnapping, therein.

Violation of the UCMJ, Article 134 (Kidnapping)

Specification: Did willfully and wrongfully seize and hold Hashim Ibrahim Awad against his will.

Dismissed Charges:

Violation of the UCMJ, Article 107 (False Official Statement)

Specification: False Official Statement.

Violation of the UCMJ, Article 121 (Larceny)

Specification: Stole a shovel and an AK-47 assault rifle.

Violation of the UCMJ, Article 134

Specification: Did wrongfully endeavor to impede an investigation.

Corporal Marshall L. Magincalda, U.S. Marine Corps

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Specification: Conspired to commit Larceny, Housebreaking, False Official Statements, Kidnapping, Murder, Obstruction of Justice.

Violation of the UCMJ, Article 107 (False Official Statement)

Specification: False Official Statement.

Violation of the UCMJ, Article 118 (Murder)

Specification: Did with premeditation, murder Hashim Ibrahim Awad.

Violation of the UCMJ, Article 121 (Larceny)

Specification: Stole a shovel and an AK-47 assault rifle.

Violation of the UCMJ, Article 130 (Housebreaking)

Specification: Unlawfully enter a dwelling, the property of Hashim Ibrahim Awad, with the intent to commit a criminal offense, to wit: kidnapping, therein.

Violation of the UCMJ, Article 134 (Kidnapping)

Specification: Did willfully and wrongfully seize and hold Hashim Ibrahim Awad against his will.

Dismissed Charges:

Violation of the UCMJ, Article 128 (Assault)

Specification: Unlawfully force Hashim Ibrahim Awad to the ground and bind his hands and feet.

Violation of the UCMJ, Article 134

Specification: Did wrongfully endeavor to impede an investigation.

Lance Corporal Jerry E. Shumate Jr, U.S. Marine Corps

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Violation of the UCMJ, Article 134 (Kidnapping)

Specification: Did willfully and wrongfully seize and hold Hashim Ibrahim Awad against his will.

(Additional charge was filed on Aug. 3, 2006 – related to April 10, 2006 incident)

Violation of the UCMJ, Article 128 (Assault)

Specification: Did assault Khalid Hamad Daham with a force likely to cause death or grievous bodily harm by striking him with closed fist and knee in the head face and torso.

Dismissed Charge:

Violation of the UCMJ, Article 128 (Assault)

Specification: Unlawfully force Hashim Ibrahim Awad to the ground and bind his hands and feet.

Violation of the UCMJ, Article 134

Specification: Did wrongfully endeavor to impede an investigation.

Lance Corporal Henry D. Lever, U.S. Marine Corps

Dismissed Charge: *(Charge was filed on Aug. 3, 2006)*

Charge: Violation of the UCMJ, Article 128 (Assault)

Specification: Did assault Khalid Hamad Daham with a force likely to cause death or grievous bodily harm by striking him with closed fist and knee in the head face and torso.