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## PRESS RELEASE

*Home of the 101st Airborne Division (Air Assault)*

**Contact:**

### 2nd Brigade Soldiers to be Arraigned

FORT CAMPBELL, Ky., November 13, 2006 – Two 2nd Brigade Combat Team Soldiers will be arraigned here Wednesday for alleged misconduct committed in Iraq.

Sgt. Paul Cortez is scheduled to be arraigned at 8 a.m. and Spc. James Barker will be arraigned at approximately 9 a.m.

Cortez, Barker and one other Soldier face charges arising from the same incident at Yousifiyah, Iraq. The other Soldier has already been arraigned. Barker's arraignment will be followed immediately by his court-martial trial on the merits and is expected to last two days.

Cortez is charged with premeditated murder, rape, conspiracy to commit premeditated murder and rape, conspiracy to obstruct justice, obstruction of justice, violating a lawful general order, arson and housebreaking.

Barker is charged with premeditated murder, rape, conspiracy to commit premeditated murder and rape, conspiracy to obstruct justice, obstruction of justice, violating a lawful general order, arson and housebreaking.

Maj. Gen. Thomas R. Turner referred charges and specifications in both cases after reviewing the Article 32 report of investigation and receiving recommendations from the Article 32 investigating officer, the appointing authority who directed the Article 32 investigation and Turners staff judge advocate.

The arraignment is a part of the court-martial and once the arraignment is completed the court-martial is considered to be under way. The primary purpose of the arraignment is to read the charges and specifications to the accused and to call on the accused to plead innocent or guilty to the charges and specifications. The accused may waive the reading of the charges and specifications. The arraignment is considered complete once the accused is offered the opportunity to plead. After the arraignment is completed the accused may enter their pleas or defer entry of pleas.

Arraignments are typically the first session of a court-martial, so a military judge will generally satisfy other procedural requirements at this session of the court-martial. The military judge frequently informs the accused of various rights concerning his defense counsel and the composition of his court-martial. The military judge will generally ask the accused his choice for the court-martial composition. An enlisted Soldier is entitled to a court-martial panel (a court-martial panel is similar to a civilian jury.) composed of officers and enlisted Soldiers or a panel composed only of officers. If the Soldier elects an enlisted and officer panel, at least one of the panel members must be enlisted. All sitting enlisted panel members must be senior in rank to the accused. The Soldier may also request that he be tried by a military judge alone without a panel. The military judge may allow the accused to defer choosing a court-martial composition until any time before the court-martial is assembled with the members of the court-martial panel. The accused will generally then be arraigned after being notified of these rights.

Under the Uniform Code of Military Justice, the charges against the Soldiers are merely accusations and an accused is presumed innocent until guilt is established beyond a reasonable doubt by legal and competent evidence.

#### Additional Photos