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General dismisses charges against 2 Marines in Haditha case

Lance corporal's prosecution deemed potentially harmful to Iraq effort; lawyer may face administrative charges.

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(AP) – All charges have been dismissed against two Marines accused in the killings of 24 Iraqi civilians in Haditha, the Marine Corps announced Thursday.

Lance Cpl. Justin L. Sharratt, 22, of Canonsburg, Pa., was charged with murdering three brothers, and Capt. Randy Stone, 35, a battalion lawyer from Dunkirk, Md., was charged with failing to adequately report and investigate the Nov. 19, 2005, combat action in which women and children were among the dead.

In his decision to dismiss charges, Lt. Gen. James Mattis, the commanding general with jurisdiction in the case, said he was sympathetic to the challenges Marines on the ground face in Iraq.

"Where the enemy disregards any attempt to comply with ethical norms of warfare, we exercise discipline and restraint to protect the innocent caught on the battlefield," Mattis wrote in his letter to Sharratt. "Our way is right, but it is also difficult."

The decision to drop charges against the two Marines follows earlier recommendations by investigating officers who listened to evidence against them, though in Stone's case it was recommended he face an administrative hearing.

Mattis met with Sharratt and Stone at Camp Pendleton early Thursday to tell them their charges were dismissed. Sharratt's mother Theresa said her son called home immediately afterward.

"He says, 'Mom, it's over,'" she said. "Those are the words I couldn't wait to hear." Theresa Sharratt said her son's four-year enlistment ended last month but he had been kept in the service on a legal hold. Now his case is resolved, he is free to become a civilian and would likely be going back to school.

"I think it's time for him to move on," she said, describing the events of the last year as a "nightmare."

Sharratt's attorneys, Gary Myers and James Culp, released a brief statement from their client. "I am relieved, but it's hard to be happy when I knew all along that I hadn't done anything wrong,"

Sharratt said in the statement. "Though I am glad I will be able to move on with my life, my heart is still heavy for my fellow Marines ... who continue to face serious charges."

Four enlisted Marines were initially charged with murder and four officers were charged with failing to investigate. Prosecutors dropped charges against one of the enlisted men, Sgt. Sanick P. Dela Cruz of Chicago and gave him immunity to testify against his squad mates.

The central figure in the case remains squad leader Staff Sgt. Frank Wuterich of Meriden, Conn., who faces 18 counts of murder. He is scheduled to attend a preliminary hearing Aug. 22.

The other enlisted Marine, Lance Cpl. Stephen Tatum of Edmond, Okla., has attended a preliminary hearing, but no recommendation has been made about whether he should stand trial for murder.

Lt. Col. Jeffrey Chessani of Rangely, Colo., is the only other officer aside from Stone to attend an initial hearing, known as an Article 32 investigation. The investigator for Chessani recommended he face a general court-martial on charges of dereliction of duty for failing to investigate.

The two dozen Iraqis died after a roadside bomb killed Lance Cpl. Miguel Terrazas, of El Paso, Texas, who was driving a Humvee. In the aftermath of the blast, Marines shot a group of men by a car then cleared several houses with grenades and gunfire. The Marines have said they believed the houses were occupied by insurgents, but the victims included elderly people, women and children, including several who were slain in bed.

At his preliminary hearing in June, Sharratt described the killings he was involved in. He said he'd helped clear several houses without incident when he noticed a group of Iraqi men looking at him suspiciously by a house close to where the bomb had gone off.

Along with three other Marines, including Wuterich, Sharratt went to look for the men. In the house, Sharratt said he saw an Iraqi point an AK-47 at him from across the hallway. Sharratt's machine gun jammed, so he pulled out his pistol and shot the man in the head. He claimed that he then heard another man in an adjoining bedroom loading an AK-47.

"As I stepped into the doorway, to my front was another insurgent with his AK-47 waist level as though he had just completed racking it," Sharratt said. "I immediately fired at his head and chest. ... After shooting him, I continued to shoot the other individuals in the room."

The women and children died in a different house and Sharratt was not charged in their deaths.

Prosecutors alleged that Sharratt and other members of his squad did not properly identify their targets before opening fire, but Mattis concluded Sharratt acted appropriately and within his rules of engagement.

"Our nation is fighting a shadowy enemy who hides among the innocent people, does not comply with any aspect of the law of war, and routinely draws fire toward civilians," Mattis wrote. "With the dismissal of these charges, you may fairly conclude that you did your best to live up to the standards followed by U.S. fighting men throughout our many wars."

Stone was the lawyer for the 3rd Battalion, 1st Marines who taught troops about combat law and rules of engagement. The investigating officer at Stone's hearing recommended dropping the charges against him but pursuing a lesser, administrative charge for failing to investigate.

Prosecutors portrayed Stone, a newcomer to the Marines who joined the battalion in Iraq several weeks behind his comrades, as a meek novice who overlooked the killings in an attempt to curry favor with other Marines, rather than remaining detached and objectively reporting the deaths.

Again, Mattis found no fault in Stone's actions, and said the captain would continue to serve as a lawyer in the Marines. "Stone's experience in this incident offers many hard learned lessons that I am confident will serve him well in the future," Mattis wrote in a statement. "It is incumbent on him to ensure that the lessons he has learned provide guidance for future judge advocates who may serve under similar circumstances in an infantry battalion in combat."

Sharratt attorney Culp criticized Naval Criminal Investigative Service agents for their role in the case.

"This was a terrible investigation that was biased from the beginning," Culp said. "This Article 32 could have been avoided if the NCIS had not closed their eyes to every single piece of exculpatory evidence that arose."