

# Charges dropped against sgt. in Afghan doctor's shooting

By Michelle Tan  
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The Army has dismissed criminal charges against Sgt. 1st Class Walter Taylor, who was accused of negligent homicide and dereliction of duty in the shooting death of a female Afghan doctor.

The Aug. 9 decision follows a report by the investigating officer for Taylor's Article 32.

In the report, Lt. Col. Alva Hart wrote that he found "no reasonable grounds" to believe Taylor should be tried by court-martial.

Hart also concluded that Taylor's actions were consistent with the rules of engagement and were not "negligent, prejudicial to good order and discipline, or of a nature to bring discredit to the armed forces."

Taylor, who had traveled from Germany, where he's stationed, to San Antonio for medical appointments, said Aug. 9 he's relieved and happy with the decision.

"I'm finally back from Afghani-

stan, in my mind," he told Army Times. "It felt like it was never going to end. It's been taxing, very taxing, not just for me and my family, but my soldiers and their families, because they've all been affected by it."

James Culp, Taylor's civilian defense attorney, had said his client was "completely vindicated" in Hart's July 31 report. However, Hart's findings were merely a recommendation, and the decision on Taylor's case rested with Col. Dar-



Taylor

ren Werner, the special court-martial convening authority and commander of the 16th Sustainment Brigade in Bamberg, Germany.

Culp said Werner's decision is a relief. "I'm ecstatic for Sgt. Taylor,"

he said. "He's more than a client. He's become a good friend."

Taylor, who has served four combat tours and spent 13 years in the Army, was accused of violating the rules of engagement and being negligent when he shot at Dr. Aqilah Hikmat on July 21, 2011, in Afghanistan's Wardak province.

Taylor, platoon sergeant for 1st Platoon, 541st Engineer Company, 54th Engineer Battalion in Bamberg, and his soldiers were on patrol when a roadside bomb exploded under the unit's Buffalo vehicle, wounding five soldiers.

Small-arms fire erupted after the explosion, and in the ensuing chaos, a black car driven by Hikmat's son raced into view. The soldiers have said they shot at the car because they believed it was hostile — along with two other cars at the scene.

After several minutes and seeing no movement from the black car, Taylor and his soldiers approached it, following a com-

mand wire that seemed to lead back to the car. That's when Hikmat exited the vehicle.

Taylor fired his weapon because he feared a secondary improvised explosive device or a suicide bomb attack.

Twelve days after the incident, Taylor and his men were on another patrol when he was severely wounded by a rocket-propelled grenade. Taylor, who believes the attack was payback for Hikmat's death, was hit in the face.

## 'We can do better'

Culp blasted the system that put his client through months of hell and uncertainty.

"Consistent with the findings of the Article 32 investigating officer, the dismissal of the charges against Sgt. 1st Class Taylor definitively answers the question of his factual innocence," he said. "I am beyond relieved that Sgt. 1st Class Taylor's case has ended well for him, but I am not at all satisfied that service members ... have to first be charged with a crime to facilitate a thorough and impartial investigation into questionable deaths resulting from combat actions. We can do better as a country than that."

Culp cited the court of inquiry convened in 2008 by the Marine Corps to investigate a questionable firefight — that some reports claim ended with the deaths of 19 Afghan civilians — and other incidents in Jalalabad, Afghanistan. The Marines being investigated were not charged with any crimes until the court of inquiry completed its investigation.

"A board of inquiry, for instance, presided over by a senior enlisted member, an officer and a judge advocate, all having combat experience, would be well suited to

investigate such allegations without first having to charge a service member with a crime," he said. "It has been done before and should be mandated by the Department of Defense for any allegations of unlawful killings by a U.S. service member during combat action."

A properly assembled board of inquiry that's given the appropriate authority could have called and questioned the same witnesses who were called during Taylor's Article 32 hearing, Culp said.

"Sgt. 1st Class Taylor is not the first U.S. service member to be formally charged with homicide for one or more deaths stemming from combat action who has been subsequently exonerated by the Article 32 investigation," Culp said. "But he could be the last if boards of inquiry were required in such circumstances."

As for Taylor, now that the charges have been dismissed, Culp said he expects his client to immediately be enrolled in a warrior transition unit and be allowed a permanent change of station to the San Antonio Military Medical Center for further medical care.

Taylor needs multiple reconstructive surgeries to repair his face, and that specialized work can be done only in the U.S.

He also needs long-term care for orthopedic injuries.

Taylor is meeting with doctors at the San Antonio Military Medical Center, he said, including eye, facial and orthopedic specialists.

He is looking forward to the move, Taylor said, and hopes to resume his career, which had stalled because of the pending charges against him.

He hopes to stay in the Army and wants to continue working with and helping soldiers, he said. □

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## Army to promote 670 active-duty officers

By Jim Tice  
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The Army plans to promote 670 active component officers in September, about 100 more than in August. The monthly promotion plan calls for these promotions for all branches and corps:

**Colonel:** 58  
**Lieutenant colonel:** 70  
**Major:** 217  
**Captain:** 174

**Chief warrant officer:** 151

Within the Army Competitive Category, there will be 17 advancements to colonel for officers of the Maneuver, Fires and Effects category, 11 for the Operations Support group and nine for Force Sustainment officers. Because September

is the last month of fiscal 2012, the monthly authorization will complete several lists for the special branches, which keep to a fiscal year timetable for promotions.

The September forecast will complete colonel lists for the Medical Corps, Dental Corps and Medical Service Corps, lieutenant colonel lists for the Medical Corps and

Dental Corps and major lists for the Medical Corps and Medical Service Corps.

The September forecast also will complete the 2011 lists for the chief warrant officer ranks, clearing the way for promotions to begin off the new 2012 lists in October. □