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## Soldier Faces Murder Trial Despite Mental Illness

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DENVER (AP) - The Army has decided to put a soldier on trial in the shooting death of an Afghan detainee, even though two Army doctors say the soldier was mentally ill at the time of the slaying and didn't realize his conduct was wrong.

Pfc. David Lawrence faces a court-martial on a charge of premeditated murder, the Army said Tuesday. If convicted, he could face execution or life in prison.

It's rare for a court-martial to proceed after the military's own doctors have said the defendant was mentally ill and unable to tell right from wrong, said Victor M. Hansen, a professor at New England School of Law at Boston and a retired Army trial lawyer.

"I'm hard-pressed to think of any examples where that's been done," he said.

Army officials said the decision to go to trial was made by Brig. Gen. James Doty, the acting commander at Fort Carson, Colo., the home post of Lawrence's unit, the 1st Brigade Combat Team of the 4th Infantry Division.

Fort Carson officials declined to discuss the diagnosis of Lawrence but said in written statement, that based upon an Army Sanity Board report, "the government feels it can proceed with trial at general court martial and the accused can cooperate intelligently in his defense."

Lawrence is accused of fatally shooting a suspected Taliban member who was asleep in a jail cell at a U.S. outpost in Afghanistan on Oct. 17.

Lawrence was taking antidepressants at the time after seeking help from an Army combat stress center in Afghanistan, and was assigned to guard duty when he returned from the stress center to his unit.

The Sanity Board interviewed Lawrence for 7 ½ hours over three days and reviewed his medical records and other documents before concluding in a Jan. 20 report that Lawrence had schizophrenia and post-traumatic stress disorder at the time of the shooting.

The board said Lawrence had "a severe mental disease or defect" and was "unable to appreciate the nature and quality or wrongfulness of his conduct at the time of the alleged criminal misconduct."

The board said Lawrence is capable of understanding the procedure against him and of helping his lawyer.

Hansen said Army officials may think the Sanity Board's finding is flawed, or they may think that if Lawrence is found not guilty by reason of insanity, he would get mental health treatment that would otherwise not be available to him.

Lawrence's civilian defense lawyer, James Culp, said the decision was unprecedented.

"It doesn't seem very fair to drag David and his family through the court-martial," Culp said.

The original charge sheet outlining the case against Lawrence accused him of killing a prisoner identified as Mohebullah. A revised charge sheet identifies the victim only as "a male of apparent Afghan descent."

Culp said he believes Mohebullah may have been arrested previously, held at Guantanamo Bay and released. Culp said the Army may have dropped Mohebullah's name because of the potential embarrassment over the government releasing a prisoner who then resurfaced as a Taliban member.

Fort Carson officials said the identification was changed "because of the transient nature of Afghan names" but that "Mullah Mohebullah" was probably one of the names he used.

A Pentagon spokeswoman said it was impossible to say whether he had been in Guantanamo without more information.

Lawrence's father, Brett Lawrence of Lawrenceburg, Ind., said his son is back at Fort Carson and is living in a barracks under guard after spending time in two mental health facilities.

Brett Lawrence said his son became suicidal in December after an Army psychiatrist stopped giving him an anti-psychotic drug in December because, the father said, the doctor didn't believe his son was suffering from schizophrenia.

"I couldn't believe it. I was very shocked," Brett Lawrence said.

He said his son's lawyer arranged for a civilian psychiatrist to examine the soldier at the family's expense, and that his son is now back on the medication.