

## Charges dropped against soldier in Iraq shootings

By [Seth Robson](#), Stars and Stripes  
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GRAFENWOEHR, Germany — The Army has dropped all charges against a 172nd Infantry Brigade soldier who was allegedly involved in the execution of four Iraqi men in Baghdad last year.

Staff Sgt. Jess Cunningham, 27, faced charges of conspiracy to commit premeditated murder for his role in the alleged execution of the Iraqis by three U.S. non-commissioned officers in April 2007.

However, on Thursday the Joint Multinational Training Command (JMTC), which is the convening authority for the case, withdrew and dismissed all charges against Cunningham, according to JMTC deputy public affairs officer Denver Makle.

"Charges can be withdrawn and dismissed at any time. ... They can also be re-filed at any time, although, I don't believe that will happen," she said.

During a pre-trial Article 32 hearing in August, witnesses testified that Cunningham was at the scene when the Iraqis were shot and thrown into a canal. However, he remained in a vehicle and declined to participate in the killings, they said.

The Army has charged the alleged shooters — 1st Sgt. John E. Hatley, 40; Sgt. 1st Class Joseph P. Mayo, 27, and Sgt. Michael P. Leahy Jr., 26 — all formerly assigned to 1st Battalion, 18th Infantry Regiment, with one specification each of premeditated murder, conspiracy to commit premeditated murder and obstruction of justice.

Several soldiers, who played peripheral roles in the incident, have been convicted of lesser charges while others await trial or have been granted immunity from prosecution in exchange for testifying against the accused.

Cunningham blew the whistle on the killings in January last year, revealing them to Capt. Richard Newman, an Army trial defense attorney. Newman then passed the information to a CID special agent without negotiating immunity for his client, Cunningham's civilian lawyer, James Culp, said in August.

The Army is pushing ahead with a court martial for Sgt. Charles Quigley, another 172nd soldier who was at the scene of the murders but who later wore a wire to help CID gather evidence against others involved in the case. Quigley's trial is scheduled for early March, according to JMTC.