AFYB-CG

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MEMORANDUM THRU

Commander, 1st Brigade, 4th Infantry Division Mechanized, Tikrit, Iraq

Commander, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq

Commander, Company D, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq

FOR Commander, 502d Personnel Service Battalion, 4th Infantry Division (Mechanized), Tikrit Iraq

1. The Request for Discharge in Lieu of Trial by Court-Martial submitted by SPC Company D, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq, UP AR 635-200, Chapter 10, is hereby APPROVED.

2. I direct that SPC \sim be discharged from Military Service under the provisions of AR 635-200, Chapter 10, and that his service be characterized as Under Other Than Honorable Conditions.

3. The pending court-martial charges against SPC will be dismissed after SPC be-5 receives his DD Form 214.

4. I direct that SPC 635-200, paragraph 1-13. be reduced to the lowest enlisted pay grade, PVT (E-1) IAW

5. SPC will <u>not</u> be transferred into the Individual Ready Reserve (IRR) as he clearly has no potential for useful service under conditions of full mobilization. Transfer is not required IAW AR 635-200, paragraph 1-35.

6. In accordance with AR 635-200, paragraph 1-20, if the soldier is a bonus recipient, unearned portions of any enlistment/reenlistment bonuses will be recouped.

7. I further direct that SPC **example** be separated from the Army within five working days upon return to CONUS.

RAYMOND T. ODIERNO Major General, USA Commanding

CO**6979**

66-5all



DEPARTMENT OF THE ARMY United States Army Trial Defense Service Fort Hood Field Office Task Force Ironhorse Forward Operating Base Speicher, Iraq

AFZF-JA-TDS

16 October 2003

MEMORANDUM THRU

Commander, D Company, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

Commander, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

Commander, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

FOR Commander, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial – SPC D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

1. I, SPC , hereby voluntarily request discharge in lieu of trial by court-martial under AR 635-200, chapter 10. I understand that I may request discharge in lieu of trial by court-martial because of the following charges which have been preferred against me under the Uniform Code of Military Justice, one of which or a combination of which authorizes the imposition of a bad conduct or dishonorable discharge:

Article 119-Manslaughter

2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offense(s) charged and am guilty of (one or more of) the charge(s) against me or of (a) lesser included offense(s) therein contained which also authorize the imposition of a bad conduct or dishonorable discharge. Moreover, I hereby state that under no circumstances do I desire further rehabilitation, for I have no desire to perform further military service.

3. Prior to completing this form, I have been afforded the opportunity to consult with appointed counsel for consultation. I have consulted with counsel for consultation who has fully advised me of the nature of my rights under the Uniform Code of Military Justice, the elements of the offenses with which I am charged, any relevant lesser included offenses thereto, and the facts which must be established by competent evidence beyond a reasonable doubt to sustain a finding

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SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if found guilty. Although he has furnished me legal advice, this decision is my own.

4. I understand that, if my request for discharge is accepted, I may be discharged under conditions other than honorable. I have been advised and understand the possible effects of an Under Other Than Honorable Discharge (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law) and that, as a result of the issuance of such a discharge, I will be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law, as indicated on a copy of DA Poster 635-1, which was provided me). I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Discharge. I further understand that there is neither automatic upgrading nor review by any Government agency of a less than honorable discharge and that I must apply to the Army Discharge Review Board or the Army Board of Corrections of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded.

5. I understand that, once my request for discharge is submitted, it may be withdrawn only with consent of the commander exercising general court-martial authority, or without that commander's consent, in the event trial results in an acquittal or the sentence does not include a punitive discharge even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent. This request is conditioned upon disapproval of the findings and sentence of any court-martial, if applicable in this case.

6. I have been advised that I may submit statements I desire in my own behalf, which will accompany my request for discharge. Statements in my own behalf are not submitted with this request.

7. I hereby acknowledge receipt of a copy of this request for discharge.

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SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC, D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

Having been advised by me of:

a. The basis for his contemplated trial by court-martial and the maximum permissible punishment authorized under the Uniform Code of Military Justice;

b. The possible effects of an Under Other Than Honorable Discharge if this request is approved (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law and the loss of benefits administered by both the Army and other Federal agencies as indicated on a copy of DA Poster 635-1, which was provided to the soldier); and

c. The procedures and rights available to him/her;

1LT. JA Defense Counsel

66-2

Data required by the Privacy Act of 1974 (5 USC 552a)

AUTHORITY: Section 301, title 5 USC and section 3013, title 10, USC.

PURPOSE: To be used by the commander-exercising general court-martial jurisdiction over you to determine approval or disapproval of your request for discharge in lieu of trial by court-martial.

ROUTINE USES: Request, with appropriate documentation, including the decision of the discharge authority, will be filed in the MPRJ as permanent material and disposed of in accordance with AR 640-10, and may be used by other appropriate Federal agencies and State and local governmental activities where use of the information is compatible with the purpose for which the information was collected.

Fax:9403492601

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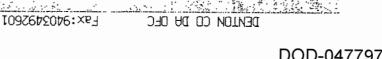
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66-5 SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC D Company, 4th Support Battalion, 1st Brigade, 4th Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

Submission of a request for discharge is voluntary. Failure to provide all or a portion of the requested information may result in your request being disapproved.

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	R.C.M. 308 if notification cannot be made.)
\$b-2	HQ, D CO, 4TH FSB, 1ST BDE, 4ID (M)
Typed Name of Immediate Commander	Organization of Immediate Commander
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	URT-MARTIAL CONVENING AUTHORITY
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1st Brigade, 4th Infantry Division (Mechanized)	
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)	
	Commanding
Typed Name of Officer	Official Capacity of Officer Signing
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66-2	
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V. REFERRAL;	SERVICE OF CHARGES
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