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SHARRATT SUES MURTHA

by Nathaniel R. Helms | September 24, 2008 | 7:40 PM EASTERN | Updated 6:05 AM EASTERN

One of the former Marines Rep. John Murtha (D-PA) accused of “cold blooded murder” at Haditha, Iraq more than two years ago will announce Thursday that he is suing the powerful Pennsylvania Congressman for his fallacious remarks, *Defend Our Marines* has learned.

Former Lance Corporal Justin Sharratt is planning to file suit in federal court against Murtha on Thursday morning.

The suit accuses the congressman of slander and violating the Marine's right to a fair trial and due process.

Sharratt, 23, was [charged](#) on December 21, 2006 by the Marine Corps with murder for the deaths of three of 24 Iraqi citizens killed when his squad of infantrymen swept through several homes in Haditha on November 19, 2005 following a roadside ambush.

On August 9, 2007, more than eighteen months after the incident and more than a year after Murtha's public utterances inflamed public opinion, Gen James N. Mattis [dismissed all charges](#) against the veteran machine gunner after an evidentiary hearing showed he was innocent.

"The evidence does not support a referral to a court-martial," Mattis wrote in his decision.

The dismissal followed [a recommendation](#) from an investigating officer who heard evidence in the case. Under military law, a commanding general – called the convening authority – had total jurisdiction over Sharratt's case.

Lt. Col. Paul Ware, the Marine Corps military judge who heard the evidence, said murder charges brought against Sharratt were based on unreliable witness accounts, poor forensic evidence and questionable legal theories.

[Sharratt told Ware](#) that he shot the three Iraqi men only after one of them pointed a gun at him. In a remarkable turn of events, Sharratt managed to kill his attackers with his pistol after his light machine gun misfired.

"I kept firing until my magazine was empty because I didn't know if they had body armor or suicide vests," he said. He added that his machine gun had jammed, so he was forced to use a 9-millimeter handgun he had borrowed from a Navy corpsman.

"We did not execute any Iraqi males," Sharratt stated. "On Nov. 19, I did exactly as I was trained to do. I will always be proud of my service in Iraq, and I will always be proud to be a Marine."

[In his report](#) Ware said Sharratt's version is “strongly corroborated by independent forensic analysis of the death scene.”

Prosecutors had accused Sharratt and other members of Kilo Company, 3rd Battalion, 1st Marine Regiment of going on a revenge-motivated killing spree after a road-side bomb killed a fellow Marine.

"The government version is unsupported by independent evidence," Ware wrote in his 18-page report. "To believe the government version of facts is to disregard clear and convincing evidence to the contrary."

Sharratt is currently represented by Pittsburgh lawyer Noah Geary, a 36 year old with a reputation for taking on the big dogs.

"Bully my client and I'll bully you," may not be his firm's formal tagline, but that's the type of service that small firm lawyer Noah Geary delivers, according to an April 2006 article in the *Pittsburgh Post-Gazette*.

"I don't like bullies," Geary told the *Pittsburgh Gazette* newspaper in 2006. "I didn't become a lawyer to make money. If someone's going to bully a client of mine, they're going to get it. I'm going to go after the bully."

"Standing up to bullies doesn't come easy though, and the article describes that Geary can often be found late at night in his office working his cases," added Washington, D.C. attorney Carolyn Elephant, a blogger who wrote about him as well.

According to his online biography Geary grew up on a 30-acre farm in Somerset Township. He graduated from the University of Dayton and attended law school at Creighton University.

Geary will have his hands full with the 17-term Democrat who represents the pork-fed 12th Congressional District. Murtha is currently the ninth most senior member of the 435 member U.S. House of Representatives and is up for reelection this year.

Ironically the Sharratts reside in Murtha's Congressional District.

Sharratt's parents Darryl and Theresa Sharratt [called for Murtha to be censured](#) in July 2007 after Murtha went on international television accusing their son of murder.

"It's too late for an apology," said Darryl Sharratt, of Canonsburg, Pa.

"We need this man censured by our Congress," Sharratt said at the time. "He denied my son his constitutional rights to a fair trial and a presumption of innocence."



**"I will always be proud of my service in Iraq,
and I will always be proud to be a Marine."
--LCpl. Justin Sharratt**

"This is what we've been fighting for in Iraq," Sharratt added. "This is what we've been fighting for -- what soldiers and Marines have been dying for -- for the past 200 years."

Sharratt and Geary are scheduled to make the announcement at KDKA, the local CBS affiliate in Pittsburgh.

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Note: *Nat Helms is a Contributing Editor to **Defend Our Marines**. He is a Vietnam veteran, former police officer, war correspondent, and, most recently, author of [My Men Are My Heroes: The Brad Kasal Story](#) (Meredith Books, 2007).*

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