

## US Army Sergeant will testify in Iraq slay trial

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By George Frey, Associated Press Writer | February 17, 2009

VILSECK, Germany --A U.S. Army sergeant will testify against a fellow patrol member accused in the killing of four Iraqi prisoners who were bound, blindfolded, shot in the head and dumped in a Baghdad canal, a military judge ruled Tuesday.

Sgt. Michael Leahy Jr., 26, of Lockport, Illinois, is charged with conspiracy to commit premeditated murder and obstruction of justice. He faces possible life in prison and dishonorable discharge if convicted at the court-martial that opened Tuesday at the military's Rose Barracks Courthouse.

Leahy is one of six soldiers accused of involvement in the slaying of the prisoners sometime between March 10 and April 16, 2007. He is one of three accused of shooting the victims.

All the soldiers were with the 1st Battalion, 18th Infantry Regiment, 2nd Brigade of the 1st Infantry Division in Iraq, which is now part of the Germany-based 172nd Infantry Brigade.

Another soldier initially accused of having been involved in the incident, Staff Sgt. Jess Cunningham, 27, of Bakersfield, California, had charges of conspiracy to commit premeditated murder dropped by the Army last week.

The presiding judge, Col. Timothy Grammel, ruled that Cunningham will be allowed to testify in the case despite objections from Leahy's attorney Frank Spinner.

Spinner argued that he had not had enough time to prepare for Cunningham as a witness, while the government has been talking with him for months.

"From the defense's perspective, the government gains a key piece of tactical advantage" with Cunningham's testimony, Spinner told the court.

A jury of seven men and two women -- officers and enlisted personnel -- were selected for what is expected to be a weeklong trial before the proceeding was adjourned to Wednesday.

Two other soldiers -- Spc. Steven Ribordy, 25, of Salina, Kansas, and Spc. Belmor Ramos, 23, of Clearfield, Utah -- pleaded guilty last year to conspiracy to commit premeditated murder and were sentenced to prison. Both men agreed to testify against Leahy and three others.

In testimony during trials and preliminary hearings last year, witnesses offered various versions of an incident in which at least four Iraqis were taken into custody after a shootout with a patrol that included all of the accused soldiers.

The prisoners were taken to the U.S. unit's operating base in Baghdad for questioning and processing, though there wasn't enough evidence to hold them for attacking the unit, according to testimony.

Later that night, witnesses said patrol members took the Iraqis to a remote area and shot them in retribution for the attacks against their unit.

Three other soldiers are scheduled for courts-martial. Sgt. Charles Quigley, 28, of Providence, R.I., faces one charge of conspiracy to commit premeditated murder.

Sgt. Joseph Mayo, 27, is charged with premeditated murder, conspiracy to commit premeditated murder, and obstruction of justice. Sgt. John Hatley, 40, faces charges of premeditated murder, conspiracy to commit premeditated murder and obstruction of justice.

Leahy and Hatley also face charges, including murder, for a separate incident in January 2007. The Army has provided no information on that event. ■