

## US Army hearing in death of 4 Iraqis ends

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**VILSECK, Germany:** A military court wrapped up a hearing on Thursday about whether two U.S. soldiers should be court-martialed in the killing of four bound, blindfolded Iraqis last year. A decision isn't likely for several weeks.

The Article 32 hearing heard testimony and statements from witnesses that the Iraqi men were shot in the head and dumped in a Baghdad canal in April 2007 as retribution for casualties suffered by U.S. soldiers with the 172nd Infantry Brigade in Iraq.

An Article 32 hearing is equivalent to a civilian preliminary hearing to determine whether there is sufficient evidence for a court-martial.

Defense lawyers representing Staff Sgt. Jess Cunningham and Sgt. Charles Quigley pointed to two days of testimony that showed their clients didn't participate in the killings and had little, if any, knowledge of them.

James Culp, a civilian lawyer representing Cunningham, said the hearing hinged on a number of betrayals — from the actual incident through the investigation, and even to some of the testifying witnesses. He said that while Cunningham may or may not have had a questionable degree of knowledge of the event, that did not constitute the conspiracy to commit murder charges the U.S. government is considering.

"There's not a shred of evidence that either (Cunningham or Quigley) wanted these men to die ... desired these men to die. Not a shred!" Culp told the government's chief investigating officer, Maj. Rocky Lobash, in a loud voice, occasionally pounding his fist on the podium.

During the week, Culp and Quigley's counsel, Capt. Samuel Gregory, argued that testimony showed three other soldiers in the same brigade — 1st Sgt. John Hatley, Sgt. 1st Class Joseph Mayo and Sgt. Michael Leahy — were responsible in the conspiracy and shooting. The three face charges later, but the military would not offer further details on the matter.

"The decisions you make with these two men are of the gravest you'll make in your life," Culp said, intent on Lobash.

"I ask you to reel back and think about it in a reasonable manner and to conclude to only punish those with a court-martial that deserve it. Sgt. Cunningham and Sgt. Quigley do not deserve a court martial."

Gregory said that while Quigley may or may not have had minor knowledge of plans prior to the incident, other soldiers with seemingly more knowledge received lesser Article 15 charges, punishments which included reductions in rank and pay, along with extra duty and base restrictions.

"Nothing shows (Quigley's) agreement or support in Mayo's and Hatley's murderous intent," Gregory told Lobash. "I beg you to not let this go forward."

Capt. Derrick Grace, a U.S. Army prosecutor, countered the arguments, claiming Quigley and Cunningham knew enough for the government to pursue a court martial.

"You don't have to pull the trigger to be a conspirator," he said.

A decision by Lobash about whether the two men should face a full court-martial probably won't be decided for at least a few weeks, Army Public Affairs Officer Lt. Col. Eric Bloom said.

The hearing was held in Germany because the 172nd is part of V Corps, which is based in Germany.

*Correction:*

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