



Providence

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Charge against R.I. soldier is withdrawn

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By Gregory Smith

Journal Staff Writer



Dennis and Pamela Quigley, of Providence, say they always believed in their son's innocence. "It was wrong from day one," his mother, Pamela Quigley, said yesterday.

The Providence Journal Bob Thayer

PROVIDENCE — The Army has dropped a criminal charge of conspiracy to commit premeditated murder that it lodged against Sgt. Charles L. Quigley, 28, of Mount Pleasant, in the killing of four Iraqi prisoners of war two years ago.

But Brig. Gen. David R. Hogg yesterday found Quigley guilty of a noncriminal charge of dereliction of duty for not reporting what he knew about the killings, according to Quigley's civilian lawyer, S. Scot Sikes. Quigley now will be able to leave the Army as scheduled in December with an honorable discharge, Sikes said.

The sharp turnabout pleased Quigley's parents, Dennis and Pamela Quigley, of 74 Lennon St.

"It was wrong from day one," Pamela Quigley, 59, a semiretired lawyer, declared last night. "And now

it's been put right.”

Dennis Quigley, also 59, a letter carrier who is a retired National Guard staff sergeant and who served on active duty with both the Navy and the Army, said his son spoke to him by telephone from a military base in Germany, on Thursday, after getting the news that the conspiracy case would be dismissed. He quoted his son as saying, “I’m still numb. It hasn’t set in yet.”

Four Iraqi prisoners who soldiers suspected were enemy fighters were bound with plastic handcuffs, blindfolded and executed with pistol shots to the head, and their bodies were dumped in a canal in Baghdad, according to the Army. The U.S. Code of Military Justice forbids harming enemy combatants who are in custody.

The Army alleges that the executions were intended as retribution for two combat deaths suffered by the soldiers’ unit.

Although he did not participate in the killings, Quigley knew that something was planned, Sikes acknowledged. And while he did not see the killings, he heard the deadly shooting in the dark at the canal.

The Army said he should have disclosed what he knew to higher authority. It announced Monday that the conspiracy count nevertheless would be withdrawn with prejudice, meaning that it cannot be refiled.

And now Quigley has gone from being charged with a crime with a maximum punishment of life imprisonment without parole to a relatively light penalty, Sikes said.

“I’m really proud for him,” Sikes said by phone from his law office in Columbus, Ga. “He’s a good kid from a salt-of-the-earth family. We frankly thought this thing should have never gotten this far.”

Seven soldiers including Quigley initially were charged in the crimes. Two specialists and two sergeants were charged with murder conspiracy and three sergeants were charged with doing the actual murders.

The Army previously dropped the murder conspiracy charge against one of the sergeants, Staff Sgt. Jess Cunningham, 27, of Bakersfield, Calif., and Cunningham testified for the Army in its prosecution of Sgt. Michael P. Leahy Jr., 28, of Lockport, Ill. Leahy last week was convicted of murder and sentenced to life imprisonment without parole. Leahy confessed to having shot two of the prisoners.

The two specialists last year pleaded guilty to accessory to murder and conspiracy to commit premeditated murder, respectively.

Two more sergeants await trial for murder, and General Hogg yesterday signed an order granting immunity from prosecution to Quigley for his possible testimony against the defendants. Stars and Stripes, a newspaper that serves the military, reported that Quigley wore a wire to help gather evidence against others implicated in the crime.

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

Over the months that the case has been pending, there had been several rounds of plea-bargaining that involved Quigley and his two lawyers, one of them a military lawyer, Capt. Samuel Gregory. At one point, Sikes disclosed, Gregory offered to have his client plead guilty to dereliction of duty in a court-

martial, a disposition that would have exposed Quigley to a punishment of confinement to base and a bad conduct or dishonorable discharge. But the Army said no.

In what the military calls an Article 15 proceeding, which is nonjudicial, Hogg yesterday imposed on Quigley a three-part penalty: reduction in rank from sergeant E-5 to E-4, but suspended for six months and revoked if he stays out of trouble; forfeiture of one-half of one month's pay for up to two months; and 45 days' extra duty.

Quigley's parents had bought nonrefundable airline tickets to Germany to attend his expected court-martial next month — it would be Pamela Quigley's first trip out of the U.S. — and they intend to fly anyway.

“So we'll go over and visit with him ... and see the sights,” Mrs. Quigley said.

Material from the Associated Press was used in this story.

gsmith@projo.com