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*Author: Tommy Millsaps*

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Attorneys for U.S. Army soldier Raymond Girouard have filed a formal appeal of the negligent homicide and other convictions from his March 2007 court martial.

Pennsylvania attorneys Daniel Marino, Tillman J. Finely and Sara E. Kleven filed the appeal in a more than 100-page document in the United States Army Court of Criminal Appeals.

The attorneys ask for the convictions against the 101st Airborne soldier to be set aside and that Girouard be released on time served or at least be granted a new trial.

Girouard, a 2001 Sweetwater High graduate, was charged with three counts of first-degree murder and numerous other charges after prosecutors said three Iraqi detainees were shot dead by U.S. soldiers serving under him in a military operation May 9, 2006, about 65 miles north of Baghdad. Three other soldiers were charged along with Girouard in connection with the fatal shootings.

In March 2007, a military panel at Fort Campbell, Ky., found Girouard guilty of negligent homicide, conspiracy to obstruct justice and impeding an investigation but not the murder charges.

Girouard, 26, is now serving a 10-year sentence at Fort Leavenworth, Kan.

As part of the sentence, the former staff sergeant saw his rank reduced to E1, suffered a dishonorable discharge and was stripped of his pay and benefits.

Girouard's sister, Joy Oakes of Sweetwater, was relieved to get the appeals filed and move forward with the effort to get her brother out of prison.

She feels the attorneys have presented a good case and poked numerous holes in the process and the findings of the original court martial.

"I think its all pretty damaging," she said.

Girouard's attorneys make five main points or "assignments of error" in their appeals document.

They state:

-- It is against public policy to prosecute military personnel for negligent homicide based upon intentional killings by their subordinates during combat missions.

"Research discloses no other case where a small-unit combat leader has been charged or convicted of negligent homicide based upon intentional, unlawful killings by his troops," the appeals papers state.

-- The government failed to prove Girouard guilty beyond a reasonable doubt of negligent homicide by not showing evidence Girouard's conduct caused the three men's deaths.

-- The military judge made an error by not allowing the defense to elicit evidence or comment on the fact that the witnesses against Girouard had cut deals with prosecutors that could set them free in six years despite the fact they had pleaded guilty to premeditated murder.

-- Girouard received ineffective assistance from Anita Gorecki, his civilian defense attorney.

The grounds for appeal state Gorecki, who was paid with \$28,000 in funds raised by the community on Girouard's behalf, failed to disclose a conflict of interest.

The appeals papers state Gorecki personally knew Col. Michael Steele because her husband once served under him.

Girouard has long maintained Steele and other commanders gave him and his troops orders to kill all military males during the May 2006 mission.

"Further, the troops knew if they killed an Iraqi on the mission, they would get an award from Col. Steele either in the form of a knife, coin or something similar."

Girouard and his attorneys believe Steele should have been called to the stand in Girouard's defense but wasn't.

Girouard and his lawyers maintain the soldiers were told the territory they went into in May 2006 was a confirmed terrorist site.

The court papers state Girouard discovered the three Iraqi men were not a threat and did not want them shot but the soldiers under him shot them while he was gone.

The papers state that before the men were shot, superiors asked over the radio why Girouard's men had not killed the detainees.

-- The obstruction of justice and impeding investigation convictions amount to "double jeopardy" or Girouard being tried twice for the same alleged offense.

Army prosecutors said the soldiers staged a fake escape by the Iraqi prisoners so they could kill them then conspired to cover up the crimes.

In his court martial, Girouard admitted he helped the soldiers come up with a fake story about the escape attempt to cover up the killings.

But Girouard and his family have long maintained the Sweetwater soldier did not pull the trigger in the shootings and was only protecting his men with the cover story.

tommy.millsaps@advocateand [democrat.com](http://democrat.com) | 337-7101

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