

CHARGE SHEET

09 March 2006

I. PERSONAL DATA

1. NAME OF ACCUSED (<i>Last, First, Middle Initial</i>) Graber, Juston R.		2. SSN 067-70-5608	3. GRADE OR RANK SPC	4. PAY GRADE E4
5. UNIT OR ORGANIZATION C Company, 3rd Battalion, 187 th Infantry Regiment, 3rd Brigade Combat Team, 101st Airborne Division (Air Assault), Forward Operating Base Brassfield-Mora, Iraq, APO AE 09349			6. CURRENT SERVICE	
			a. INITIAL DATE 2 July 2003	b. TERM 3 yrs
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED None	9. DATE(S) IMPOSED N/A	
a. BASIC \$1,748.10	b. SEA/FOREIGN DUTY \$100.00			

II. CHARGES AND SPECIFICATIONS

10. CHARGE: I VIOLATION OF THE UCMJ, ARTICLE 80

THE SPECIFICATION: In that Specialist Juston R. Graber, U.S. Army, did, at or near the Muthana Chemical Complex, Iraq, on or about 9 May 2006, attempt, with premeditation, to murder a male detainee of apparent Middle-Eastern descent whose name is unknown by means of shooting him with a firearm.

CHARGE: II VIOLATION OF THE UCMJ, ARTICLE 81

THE SPECIFICATION: In that Specialist Juston R. Graber, U.S. Army, did, at or near the Muthana Chemical Complex, Iraq, on or about 9 May 2006, conspire with Staff Sergeant Raymond L. Girouard to commit an offense under the Uniform Code of Military Justice, to wit: premeditated murder of a male detainee of apparent Middle-Eastern descent whose name is unknown, and in order to effect the object of the conspiracy, the said Specialist Juston R. Graber did aim at the aforementioned male detainee whose name is unknown through the sight picture of his firearm.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 107

THE SPECIFICATION: In that Specialist Juston R. Graber, U.S. Army, at or near Contingency Operating Base Speicher, Iraq, on or about 29 May 2006, with intent to deceive, make to Special Agent Ramon A. De La Mora an official statement, to wit: "Upon arriving to the front of the house I witnessed the 3 dead detainees" or words to that effect, which statement was false in that not all three detainees were dead when he arrived at the front of the house after hearing shots fired, and was then know by the said Specialist Juston R. Graber to be so false.

(SEE CONTINUATION)

III. PREFERRAL

11a. NAME OF ACCUSER (<i>Last, First, Middle Initial</i>) JASON A. SIENKO	b. GRADE CPT	c. ORGANIZATION OF ACCUSER C Co, 3rd Bn, 187 th Inf Regt, 3rd BCT
d. SIGNATURE OF ACCUSER <i>Jason Sienko</i>		e. DATE (YYYYMMDD) 20060621

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 21 day of June, 2006, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

JOSEPH B. MACKEY

Typed Name of Officer

HHC, 3rd BCT

Organization of Officer

CPT

Grade

Signature

Trial Counsel

*Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)*

12.

On 21 Jun 2006, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

JASON A. SIENKO

Typed Name of Immediate Commander

C Co, 3rd Bn, 187th Inf Regt, 3rd BCT

Organization of Immediate Commander

CPT

Grade

Jason Sienko

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at _____ hours, _____ at HQ, 3rd Bn, 187th Inf Regt, 3rd BCT

Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

NATHANIEL JOHNSON JR.

Typed Name of Officer

FOR THE¹

Commander

Official Capacity of Officer Signing

LTC

Grade

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE (YYYYMMDD)

Referred for trial to the _____ court-martial convened by _____

_____, subject to the following instructions:²

By Command _____ Of _____
Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15.

On _____, I (caused to be) served a copy hereof on (each of) the above named accused.

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.
2 — See R.C.M. 601(e) concerning instructions. If none, so state.

Continuation Sheet, DD Form 458, Pertaining to SPC JUSTON R. GRABER, 067-70-5608, C Co, 3rd Bn, 187th Inf Regt, FOB Brassfield-Mora, APO AE 09349

Item 10 (Cont'd):

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 118

THE SPECIFICATION: In that Specialist Juston R. Graber, U.S. Army, at or near the Muthana Chemical Complex, Iraq, on or about 9 May 2006, with premeditation, murder a male detainee of apparent Middle-Eastern descent whose name is unknown by means of shooting him with a firearm.