

Volume I of II  
ORIGINAL COPY

Verbatim <sup>1</sup>

# RECORD OF TRIAL <sup>2</sup>

(and accompanying papers)

of

Specialist/E4

(Rank)

(Social Security Number)

U.S. Army

(Branch of Service)

Fort Bliss, Texas

(Station of Ship)

By

SPECIAL

COURT-MARTIAL

Convened by

COMMANDER

(Title of Convening Authority)

United States Army Air Defense Artillery Center and Fort Bliss

(Unit/Command of Convening Authority)

Tried at

Fort Bliss, Texas

on

26 April, 20 May 2005

(Place or Places of Trial)

(Date or Dates of Trial)

## COMPANION CASE(S):

*ARMY 2005/058-CMCR*

377th Military Police Company, Cincinnati,

pending trial by Special Court-Martial on 30 August 2005.

377th Military Police Company,

pending trial by General Court-Martial on 15 August 2005.

*ARMY 2005/005-CMCR*

105  
20 A 8:31

20050612

Inside of Front Cover

Use verbatim or summarized as appropriate. (This form will be used by the Army and Navy for verbatim records of trial only.)

See inside back cover for instructions as to preparation and arrangement.



DEPARTMENT OF THE ARMY  
HEADQUARTERS, UNITED STATES ARMY ARMOR CENTER AND FORT KNOX  
FORT KNOX, KENTUCKY 40121-5230

SPECIAL COURT-MARTIAL ORDER  
NUMBER 160

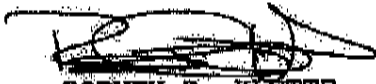
14 July 2006

In the special court-martial case of Specialist Brian E. Cammack, US Army, Headquarters and Headquarters Battery, United States Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916 (currently assigned to Special Processing Company, US Army Personnel Control Facility, Fort Knox, Kentucky 40121-5238), the sentence to a bad-conduct discharge, confinement for 90 days, forfeiture of \$822.00 pay per month for four months, and reduction to the grade of Private E1, adjudged on 20 May 2005, as promulgated in Special Court-Martial Order Number 17, Headquarters, United States Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas, dated 9 September 2005, as corrected by United States Army Court of Criminal Appeals Notice of Court-Martial Order Correction, dated 8 March 2006, has been finally affirmed. The portion of the sentence pertaining to confinement has been served. Article 71(c) having been complied with, the bad-conduct discharge will be executed.

BY COMMAND OF MAJOR GENERAL WILLIAMS:

DISTRIBUTION:

Indiv concerned (1)  
CDR, SPC, PCF (1)  
CDR, PCF (1)  
CDR, HNB, USAADACENFB, Fort Bliss, TX 79916 (1)  
CDR, 76th MP Bn, Fort Bliss, TX 79916 (1)  
CDR, Garrison Command, Fort Bliss, TX 79916 (1)  
CDR, USAADACENFB, Fort Bliss, TX 79916 (1)  
OSJA, USAADACENFB, Fort Bliss, TX 79916 (1)  
ATZK-PMF-P (2 FOR F&AO, ATTN: Ms. Snyder) (4)  
HQDA, (JALS-CCR), 901 N Stuart St, Ste 1200, Arlington, VA 22203-1837 (1)  
CDR, USAEREC, ATTN: PCRE-FS, 8899 E 56th St, Indianapolis, IN 46249-5301 (1)  
Director, US Army Crime Records Center, 6010 Sixth St, Ft Belvoir, VA 22060-5585 (1)  
ATZK-JA (1)  
Record Set (1)  
(ARMY 20050612) [ ]

  
RODNEY D. KLETTE  
SPC, US Army  
Senior Paralegal NCO

OFFICE OF THE JUDGE ADVOCATE GENERAL

This order accurately reflects the  
final action duly taken pursuant to appellate review. AUG 28 2006

FOR THE JUDGE ADVOCATE GENERAL

20050612

**CERTIFICATE OF SERVICE/ATTEMPTED SERVICE**

For use of this form, see AR 27-10; the proponent agency is The Judge Advocate General.

<b>UNIT AND INSTALLATION</b> Office of the Clerk of Court, U.S. Army Judiciary 901 North Stuart Street, Suite 1200 Arlington, Virginia 22203-1837	<b>DATE</b>  13 March 2006
--	----------------------------------

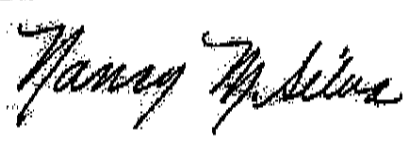
1. I hereby certify that on 13 March 2006, I placed a copy of the decision of the United States Court of Criminal Appeals, together with a copy of the attached DA Form 4917-R advising the accused of his or her right to petition the United States Court of Appeals for the Armed Forces in the case of United States v. Brian E. Cammack, Docket #20050612, in an envelope addressed to him or her at:

The said envelope being marked **CERTIFIED MAIL, RETURN RECEIPT REQUESTED**, that the envelope was placed in the Postal Service and dispatched **CERTIFIED MAIL** in accordance with the instructions on the envelope. The above address was provided by the accused.

2a. (On the 22 day of MAR, 2006, I received the attached Return Receipt from the Postal Service which shows that delivery was made on the 20 day of MAR, 2006.)

b. (On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I received the attached Return Receipt from the Postal Service for the aforementioned communication and the attached envelope and its contents, and the said envelope is marked as undeliverable by the Postal Service.)

c. (As of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 65 days having passed since the date of postmark, I have received no communication concerning the delivery of the certified envelope and its contents.)

<b>NAME &amp; GRADE OF REPRESENTATIVE</b>	<b>SIGNATURE</b>
Nancy M. Silva, GS 9, Paralegal Specialist Office of the Clerk of Court U.S. Army Judiciary	

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
 (Domestic Mail Only: No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage \$ 20050612  
 Certified Fee MAR 13 2006  
 Return Receipt Fee (Endorsement Required)  
 Restricted Delivery Fee (Endorsement Required)  
 Total Postage & Fees

Sent To  
 Street, Apt. No.,  
 or PO Box No.  
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

1. Complete items 1-4. Also complete item 5 if Restricted Delivery is desired.  
 2. Print your name and address on the reverse so that we can return this receipt to you.  
 3. Attach this card to the back of the mailpiece, or on the front if space permits.  
 4. Article Addressed to:

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Br. W. P. [unclear] C. Date of Receipt 3-22-06

D. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below:

E. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ Collect

F. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. Article Number (Transfer from service label)  
7005 1160 0004 7813 5169

PS Form 3811, February 2004 Domestic Return Receipt 102695-02-M-1540

GOVT APPELLATE DIV  
 2006 MAR 24 A 10:07

US ARMY JUDICIARY  
 2006 MAR 22 P 2:51

DEFENSE APPELLATE  
 DIVISION/OCCASIA  
 2006 MAR 24 A 10:03

RECEIVED  
 CLERK OF COURT

RECEIVED





REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY  
UNITED STATES ARMY JUDICIARY  
901 NORTH STUART STREET  
ARLINGTON, VA 22203-1837**

March 13, 2006

Office of the Clerk of Court

SUBJECT: Notification of USACCA Decision (ARMY 20050612)

Specialist Brian E. Cammack

Dear Specialist Cammack:

This letter is notification of the decision of the United States Army Court of Criminal Appeals and informs you of your right to petition the United States Court of Appeals for the Armed Forces for a grant of review. The 60-day period within which you may petition the Court of Appeals for the Armed Forces begins on the day following the date this letter was mailed to you.

If you select to petition the United States Court of Appeals for the Armed Forces (CAAF), please sign and date the five copies of DA Form 4918-R, which are enclosed, and mail them to that Court in the envelope provided. If you DO NOT select to petition CAAF, you may request final action in your case by completing the enclosed DA Form 4919-R and mail it directly to your Appellate Defense Counsel. DO NOT do both.

A copy of the Army Court of Criminal Appeals decision is enclosed. Your appellate rights are more fully explained in DA Form 4917-R, Advice as to Appellate Rights, a copy of which is enclosed.

Sincerely,

A handwritten signature in cursive script, reading "Nancy M. Silva", is written over a horizontal line.

NANCY M. SILVA  
Paralegal Specialist

Enclosures

Copy Furnished:  
Defense Appellate Division, U.S. Army Legal Services Agency, 901 North Stuart Street,  
Arlington, Virginia 22203-1837

**FILE COPY**

# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before  
SCHENCK, OLMSCHIED, and KIRBY  
Appellate Military Judges

UNITED STATES, Appellee  
v.  
Specialist BRIAN E. CAMMACK  
United States Army, Appellant

ARMY 20050612

-----  
NOTICE OF COURT-MARTIAL ORDER CORRECTION  
-----

IT IS ORDERED THAT, to reflect the true proceedings at the trial of the  
above-captioned case,

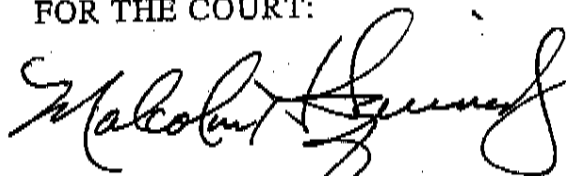
SPECIAL COURT-MARTIAL ORDER NUMBER 17, HEADQUARTERS,  
U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS, FORT  
BLISS, TEXAS 79916-6816, dated 9 September 2005

IS CORRECTED AS FOLLOWS:

TO reflect that the sentence was adjudged on 20 May  
2005.

DATE: 8 March 2006

FOR THE COURT:



MALCOLM H. SQUIRES, JR.  
Clerk of Court



DEPARTMENT OF THE ARMY  
US ARMY JUDICIARY  
901 NORTH STUART STREET  
ARLINGTON, VA 22203-1837



JALS-CRZ

6 March 2006

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Panel Assignment, US v. Cammack, ARMY 20050612

UP Art 66(a), UCMJ, the following change in USACCA panel assignments is directed:

Cancellation of Detail to Panel 4: COL WILLIAM T. BARTO, JA

Purpose: Cancel detail as Appellate Military Judge for adjudication of the following case:  
Cammack, ARMY 20050612.

Detailed to Panel 4: COL Lisa M. Schenck, JA

Purpose: Serve as Appellate Military Judge for adjudication of the following case:  
Cammack, ARMY 20050612.

Panel Composition for adjudication of this case:

*Schenck, Olmsheid, Kirby*

Effective date: 6 March 2006.

FOR THE CHIEF JUDGE:

*Mary B. Chapman*  
MARY B. CHAPMAN  
Deputy Clerk of Court

DISTRIBUTION

JALS-DA

JALS-GA

JALS-CCZ

JALS-CR4 (3 copies)





IN THE UNITED STATES ARMY  
COURT OF CRIMINAL APPEALS

UNITED STATES,  
Appellee

v.

Specialist  
**BRIAN E. CAMMACK**  
United States Army,

Appellant

BRIEF ON BEHALF OF APPELLANT

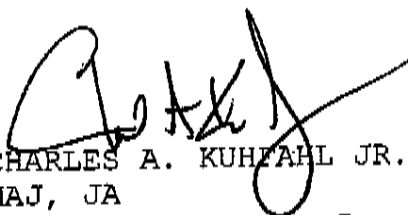
Docket No. ARMY 20050612

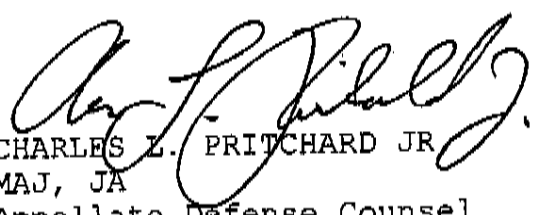
Tried at Fort Bliss, Texas on 26 April and 20 May 2005, before a special court-martial empowered to adjudge a bad-conduct discharge, convened by the Commander, HQ, U.S. Army Air Defense Artillery Center and Fort Bliss, Lieutenant Colonel Mark P. Sposato, Military Judge, presiding.

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES  
ARMY COURT OF CRIMINAL APPEALS

Statement of the Case\*

The undersigned have carefully examined the record of trial in this case, do not admit that the findings and the sentence are correct in law and fact, and submit the case upon its merits.

  
CHARLES A. KUHFAL JR.  
MAJ, JA  
Appellate Defense Counsel

  
CHARLES L. PRITCHARD JR.  
MAJ, JA  
Appellate Defense Counsel

\* Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), and Rule 15.3 of this Court's Internal Rules of Practice and Procedure, appellant personally requests that this Court consider the matters raised in the Appendix.

# **APPENDIX**

February 18, 2006

To Whom It May Concern:

I am writing this letter in regards to my recent conviction on the charges that were brought against me during the investigation into the abuse against prisoners in Bagram in 2002.

During this entire investigation, I know that we had made a mistake. But if you look into my records, you will find that I cooperated fully with the investigation. I have been questioned numerous times about what went on and have testified to that knowledge at the trials of other soldiers. There are still charges being brought against my fellow soldiers, and I am sure that I will have to testify in those trials also.

I had three (3) charges against me when I was brought to trial. I was being charged with two (2) counts of Making a False Official Statement and Assault. I received 90 days incarceration. I was reduced in rank to private and given a bad conduct discharge. I was also fined \$3200.00.

I have compiled a list of the other soldiers that have thus far been charged in this investigation. The list is as follows:

**Sgt. James P. Boland- 377<sup>th</sup> MP-** Charged with maltreatment, dereliction of duty and assault.

**Boland received:** Most charges dropped and given a letter of reprimand.

**Pfc. Willie Brand- 377<sup>th</sup> MP-** Charged with assault, maiming, maltreatment and making a false official statement.

**Brand received:** Busted to private.

**Sgt. Selena Salcedo- 519<sup>th</sup> MI-** Charged with dereliction of duty and assault.

**Salcedo received:** Busted in rank to specialist or corporal, fined \$1000.00 and given a letter of reprimand.

As you can see, they have not been given the punishment that I have been given, and they have not been cooperative with this investigation, as I have. They have been dealt with in a much softer way than I have.

I thank you for giving me the time to explain my concerns and I will honor what ruling you feel is appropriate on this matter.

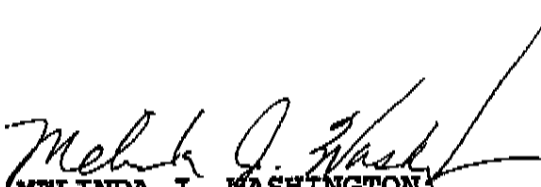
Sincerely,

A handwritten signature in black ink, appearing to read "Brian Cammack", with a stylized flourish at the end.

Brian Cammack

CERTIFICATE OF SERVICEUNITED STATES v .CammackArmy No. 26050612Brief on Behalf of Appellant XMotion       

I certify that a copy of the foregoing was delivered  
to the Court and Government Appellate Division on February  
22 2006.

  
MELINDA J. WASHINGTON  
Paralegal Specialist  
Defense Appellate Division

IN THE UNITED STATES ARMY  
COURT OF CRIMINAL APPEALS

UNITED STATES,  
Appellee

v.

Specialist  
BRIAN E. CAMMACK,  
United States Army,  
Appellant

BRIEF ON BEHALF OF APPELLEE

Docket No. ARMY 20050612

Tried at Fort Bliss, Texas, on  
26 April and 20 May 2005,  
before a special court-martial  
empowered to adjudge a bad-  
conduct discharge convened by  
Commander, Headquarters, U.S.  
Army Air Defense Artillery  
Center and Fort Bliss,  
Lieutenant Colonel Mark P.  
Sposato, military judge,  
presiding.

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES  
ARMY COURT OF CRIMINAL APPEALS

Appellant has assigned no errors and submitted his case upon  
its merits to this Honorable Court. The Government will file no  
further pleadings including on those issues raised pursuant to  
United States v. Grostefon, 12 M.J. 431 (C.M.A. 1982). \*

The Government submits that the approved findings and the  
sentence should be affirmed.



NATALIE A. KOLB  
Major(P), JA  
Acting Deputy Chief  
Government Appellate Division

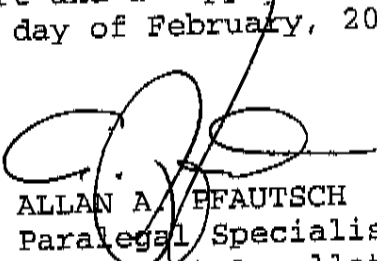
Panel 4

\* Appellate defense counsel directs this Court's attention to those matters  
personally raised by appellant. The government has reviewed any alleged  
errors and submits that all lack merit.



## CERTIFICATE OF FILING AND SERVICE

I certify that the original of the foregoing was delivered by hand to this Honorable Court and a copy served upon Appellate Defense Counsel on the 23<sup>rd</sup> day of February, 2006.



ALLAN A. HEFAUTSCH  
Paralegal Specialist  
Government Appellate Division  
(703) 588-5274

DAD Extension Schedule  
(+ Second Extensions)

Case Name	Case #	DT/RECD RCPT	DT SCHD Proposed Due Date	ATTY	BR#	ASSIGN CAT	TRNS PAGES	Panel
Frederick, Ivan L.	20041129	09/21/2005	2/18/2006 5/19/2006	5178SAD	2	G	613	4
Sutton, Evol K.	20041203	09/23/2005	2/20/2006 5/21/2006	Potter	1	C	170	2
Cammack, Brian E	20050612	09/23/2005	2/20/2006 5/21/2006	5675CAK	2	G	113	4

Granted: *Deborah H. [Signature]*  
Date: 3 Feb 06 Tally: 3

Denied: \_\_\_\_\_

Total: 31

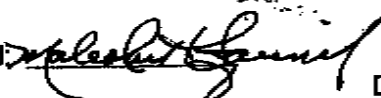
## DAD Extension Schedule

(+ First Extensions)

Case Name	Case #	DT/RECD RCPT	DT SCHD Proposed Due Date	ATTY	BR#	ASSIGN CAT	TRNS PAGES	Panel
Gilbert, Kristofferson	20050503	09/19/2005	11/18/2005 2/16/2006	8243TNG	2	G	122	4
Poteet, Stephen A.	20050544	09/19/2005	11/18/2005 2/16/2006	4904EDN		G	132	2
Benolt, Andersen	20050512	09/20/2005	11/19/2005 2/17/2006	2845DJC	1	G	67	4
Hendricks, Charles H.	20050652	09/20/2005	11/19/2005 2/17/2006	5235KWR	1	G	57	3
Griffin, Antonio T.	20050535	09/20/2005	11/19/2005 2/17/2006	4904EDN		G	117	2
Ladd, Joshua A.	20050584	09/20/2005	11/19/2005 2/17/2006	4755TEL	2	G	79	4
McKenzie, Donald W. Jr.	20050657	09/20/2005	11/19/2005 2/17/2006	5178SAD	2	G	61	3
Mathis, Galen A.	20050797	09/20/2005	11/19/2005 2/17/2006	4755TEL	2	G	69	2
Frederick, Ivan L.	20041129	09/21/2005	11/20/2005 2/18/2006	9304JAC	2	G	613	4
Sutton, Evol K.	20041203	09/23/2005	11/22/2005 2/20/2006	Potter	1	C	170	2
Lasalle, Brandon F.	20050346	09/23/2005	11/22/2005 2/20/2006	4755TEL	2	G	75	2
Manners, Sarah G.	20050783	09/23/2005	11/22/2005 2/20/2006	5178SAD	2	G	88	3

2/20/2006

Granted:



Date: 1 Nov 05

Tally: 13

Total: 41

Denied:

UNITED STATES ARMY JUDICIARY  
901 NORTH STUART STREET  
ARLINGTON, VIRGINIA 22203-1837

UNITED STATES

ARMY 20050612

v.

REFERRAL AND DESIGNATION  
OF COUNSEL

SPC BRIAN E. CAMMACK

1. The record of trial in this case having been received for review pursuant to Article 66(b), Uniform Code of Military Justice, the record is, by authority of The Judge Advocate General, hereby referred to the United States Army Court of Criminal Appeals for appellate review. Pursuant to assignment procedures approved by the Chief Judge, the record is assigned to the Panel indicated below.

2. Pursuant to Article 70(c)(1), Uniform Code of Military Justice, the Chief, Defense Appellate Division, and such additional or other appellate counsel as he may assign, shall represent the accused in these proceedings and in any further or related proceedings in the United States Court of Appeals for the Armed Forces. The Chief, Government Appellate Division, and such additional appellate counsel as he may assign, shall represent the United States.

Date: 23 September 2005

PANEL 4

FOR THE CLERK OF COURT:



MAUREEN A. FOUNTAIN  
Paralegal Specialist

DISTRIBUTION:

JALS-DA

JALS-GA AND CIVIL APPELLATE DIV

RECEIVED / APPELLATE  
DIVISION / JALS

2005 SEP 23 P 1:39

2005 SEP 23 P 1:40

01/1/06

## REQUEST AND AUTHORITY FOR LEAVE

This form is subject to the Privacy Act of 1974. For use of this form, see AR 600-8-10.  
The proponent agency is ODCSPER. (See Instructions on reverse.)

1. CONTROL NUMBER

05/

20050612

W6CDPCF

## PART I

2. NAME (Last, First, Middle Initial)  
CAMMACK, BRIAN E.

3. SSN

4. RANK

PVT/E-1

5. DATE

22 Aug 05

6. LEAVE ADDRESS (Street, City, State, ZIP Code and  
Phone No.)

7. TYPE OF LEAVE

☐ ORDINARY☐ EMERGENCY☐ PERMISSIVE TDY☒ OTHER

VOLUNTARY EXCESS

8. ORGN, STATION, AND PHONE NO.

Spec Proc Co, Personnel Control  
Facility, Ft Knox, KY 40121-5238  
(502) 626-3754/55 DSN 536-3754

## NUMBER DAYS LEAVE

10. DATES

9. ACCRUED

N/A

b. REQUESTED

N/A

c. ADVANCED

N/A

d. EXCESS

N/A

a. FROM

22 Aug 05

b. TO

INDEFINITE

11. SIGNATURE OF REQUESTOR

12. SUPERVISOR RECOMMENDATION/SIGNATURE

☒ APPROVAL☐ DISAPPROVAL13. SIGNATURE AND TITLE OF  
APPROVING AUTHORITY

Monique R. Haywood

## DEPARTURE

14. a. DATE

b. TIME

c. NAME/TITLE/SIGNATURE OF DEPARTURE AUTHORITY

MONIQUE R. HAYWOOD, SSG, FACILITY NCOIC

## EXTENSION

15. a. NUMBER DAYS

b. DATE APPROVED

c. NAME/TITLE/SIGNATURE OF APPROVAL AUTHORITY

## RETURN

16. a. DATE

b. TIME

c. NAME/TITLE/SIGNATURE OF RETURN AUTHORITY

## 17. REMARKS

Voluntary excess leave is without pay and allowances. If you incur a physical disability while on excess leave status, you are not entitled to receive disability retired pay. A negative leave balance at the time of release from active duty becomes an indebtedness to be collected. \*\*\*NOTIFY BLOCK 8 OF ANY CHANGES IN ADDRESS.\*\*

Chargeable leave is from

## PART II - EMERGENCY LEAVE TRANSPORTATION AND TRAVEL

18. You are authorized to proceed on official travel in connection with emergency leave and upon completion of your leave and travel will return to home station (or location) designated by military orders. You are directed to report to the Aerial Port of Embarkation (APOE) for onward movement to the authorized international airport designated in your travel documents. All additional travel is chargeable to leave. Do not depart the installation without reservations or tickets for authorized space required transportation. File a no-pay travel voucher with a copy of your travel documents and boarding pass within 5 working days after your return. Submit request for leave extension to your commander. The American Red Cross can assist you in notifying your commander of your request for extension of leave.

## 19. INSTRUCTIONS FOR SCHEDULING RETURN TRANSPORTATION:

SPACE AVAILABLE TRAVEL - RESTRICTIONS IMPOSED

SPACE AVAILABLE TRAVEL  
Restrictions Imposed

For return military travel reservations in CONUS call the MAC Passenger Reservation Center (PPRC).

Should you require other assistance call PAP:

20. DEPARTED UNIT

21. ARRIVED APOE

22. ARRIVED APOE (return only)

23. ARRIVED HOME UNIT

## PART III - DEPENDENT TRAVEL AUTHORIZATION

24. ☐ (Space available or required cash reimbursable)☐ ONE WAY☐ ROUND TRIP25. ☐ (Space required) TRANSPORTATION AUTHORIZED FOR DEPENDENTS LISTED IN BLOCK NO. 26

## DEPENDENT INFORMATION

a. DEPENDENTS (Last name, First, MI)

b. RELATIONSHIP

c. DATES OF BIRTH (Children)

d. PASSPORT NUMBER

## PART IV - AUTHENTICATION FOR TRAVEL AUTHORIZATION

26. DESIGNATION AND LOCATION OF HEADQUARTERS

27. ACCOUNTING CITATION

28. DATE ISSUED

29. TRAVEL ORDER NUMBER

30. ORDER AUTHORIZING OFFICIAL (Title and signature) OR AUTHENTICATION

CAMMACK, BRIAN E.

## COURT-MARTIAL DATA SHEET

1. OJAG NUMBER

2. NAME (Last, First, Middle Initial)  
CAMMACK, BRIAN E.

3. SOCIAL SECURITY NO.

4. RANK  
SPC5. UNIT/COMMAND NAME  
HHE, USAADACENFB,  
Fort Bliss, TX 79916

## INSTRUCTIONS

When an item is not applicable to the record of trial being reviewed, mark the proper block with a diagonal line similar to the ones which appear in the SPCMCA blocks for items 6a and b.

## KEY TO USE

**TC - Trial Counsel.** This column will be completed in all cases in which a finding of guilty is returned.

**SPCMCA - Special Court-Martial Convening Authority** who is not empowered to convene a general court-martial. This column will be completed in each special court-martial case by the SPCMCA or his/her designated representative.

**GCM or JA - General Court-Martial Convening Authority or Judge Advocate.** This column will be completed in any case in which the record is forwarded by the commander exercising general court-martial jurisdiction to The Judge Advocate General of the branch of service concerned. If the record is reviewed under Article 64(a), UCMJ, this column will be completed by the judge advocate accomplishing the review.

**OJAG - Appropriate appellate agency in the Office of The Judge Advocate General** of the branch of service concerned. This column will be disregarded if a record of trial was reviewed under Article 64, UCMJ, and in cases where there are no approved findings of guilty.

**References - All references are to the Uniform Code of Military Justice (UCMJ) and the Manual for Courts Martial, United States (MCM), 1984.**

## SECTION A - PRETRIAL AND TRIAL PROCEDURE

	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
6. a. If a general court-martial: Was the accused represented in the Article 32 investigation by civilian or military counsel of his/her own selection or by counsel qualified within the meaning of Article 27(b), UCMJ?	X	X	N/A	N/A	X	X		
b. If not: Did the accused waive his/her right to such representation?	X	X			X	X		
7. Does the record show place, date, and hour of each Article 39(a) session, the assembly and each opening and closing thereafter?	X				X			
8. a. Are all convening and amending orders of courts to which charges were referred entered in the record?	X				X			
b. Are court members named in the convening orders, detailed military judge (if any), counsel and the accused accounted for as present or absent?	X				X			
c. Was less than a quorum present at any meeting requiring the presence of court members (RCM 805)?		X				X		
d. Does the record show that after each session, adjournment, recess, or closing during the trial, the parties to the trial were accounted for when the court reopened (A13-5)?	X				X			
e. If the military judge or any member present at assembly was thereafter absent, was such absence the result of challenge, physical disability or based on good cause as shown in the record of trial (RCM 505(c)(2)(A))?	X	X			X	X		
9. Were the reporter and interpreter, if any, sworn or previously sworn?	X				X			
10. a. Was the military judge properly certified (RCM 502(c))?	X				X			
b. Was the military judge properly detailed (RCM 503(b))?	X				X			
c. Was the military judge present during all open sessions of the court?	X				X			
11. a. Was the accused advised that:								
(1) He/she had the right to be represented free of charge by a military lawyer of his/her own selection, if reasonably available, in which case detailed counsel might be excused (RCM 506(a))?	X				X			



## COURT-MARTIAL DATA SHEET

SECTION A - PRETRIAL AND TRIAL PROCEDURE (CONTINUED)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
(2) He/she had the right to be represented at the trial by a civilian lawyer provided at no expense to the government, in which case detailed counsel would serve as associate counsel or be excused with the accused's consent?	X				X			
(3) If he/she did not exercise any of the rights listed above, he/she would be defended by detailed counsel certified under Article 27(b), UCMJ (RCM 502(d)(1))?	X				X			
b. (1) Was the accused represented by a civilian lawyer?		X				X		
(2) Did the accused request a specific military counsel?	X				X			
(3) (a) If so, was such request complied with?	X							
(b) If not, were reasons given why requested counsel was not reasonably available?	X	X			X	X		
12. a. Was the detailed defense counsel properly certified (RCM 502(d))?	X				X			
b. Was at least one qualified counsel for each party present during all open sessions of the court (RCM 502(d) and RCM 805(c))?	X				X			
13. a. If the special court-martial adjudged a BCD:	X				X			
(1) Was a military judge detailed to the court (RCM 503(b))?	X							
(2) If not, did the convening authority submit a statement indicating why a military judge could not be detailed and why trial had to be held at that time and place (Article 19, UCMJ)?	X	X			X	X		
(3) Was a verbatim transcript made (Article 19, UCMJ)?	X				X			
14. Did any person who acted as the accuser, investigating officer, military judge, court member, or a member of the defense in the same case, or as counsel for the accused at a pretrial investigation or other proceedings involving the same general matter, subsequently act as a member of the prosecution (RCM 502(d)(4))?		X				X		
15. If any member of the defense had acted as a member of the prosecution in the same case, was he/she excused (RCM 502(d)(4))?	X	X			X	X		
16. a. If any member of the defense had acted as the accuser, investigating officer, military judge, or member of the court, were his/her services expressly requested by the accused (RCM 502(d)(4))?	X	X			X	X		
b. If not, was he/she excused?	X	X			X	X		
17. a. If accused was an enlisted person, did he/she make a request that enlisted persons be included in membership of the court?		X				X		
b. If so, were at least one-third of the members who tried the case enlisted persons, or did the convening authority direct the trial without enlisted persons and provide a detailed written explanation which is appended to the record (RCM 503(a)(2))?	X	X			X	X		
c. Did any enlisted member of the court belong to the same unit as the accused?		X				X		
18. If a military judge was detailed to the court, was the accused informed of his/her right to request trial by military judge alone?	X				X			
19. Were the members of the court, military judge (if any) and the personnel of the prosecution and defense sworn or previously sworn?	X				X			
20. a. Was any person sitting as a member of the court, or military judge (if any), the accuser, a witness for the prosecution, the investigating officer, staff judge advocate, counsel, or convening authority, or upon rehearing or new trial was he/she a member of the former trial (RCM 902(b) and RCM 912(f))?		X				X		
b. If so, did the accused waive such disqualification (RCM 912(f)(4) and RCM 902(e))?	X	X			X	X		

## COURT-MARTIAL DATA SHEET

SECTION A - PRETRIAL AND TRIAL PROCEDURE (CONTINUED)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
21. a. Was each accused extended the right to challenge military judge (if any), and any member of the court for cause and to exercise one peremptory challenge?	X				X			
b. Was action by court upon challenges proper (RCM 902 and RCM 912)?	X				X			
c. Does the record show that a member excused as a result of a challenge withdrew from the court?	X	X			X	X		
22. a. Was the accused properly arraigned (RCM 904)?	X				X			
b. Do the following appear in the record: The charges and specifications, the name, rank and unit/command name of the person signing the charges, the affidavit, and the order of reference for the trial?	X				X			
c. Except in time of war, was the accused brought to trial (which includes an Article 39(a), UCMJ session) by general court-martial within five days (by special court-martial within three days) subsequent to service of charges upon him/her (RCM 602)?		X				X		
d. If so, did the accused object to trial?	X	X			X	X		
23. a. Were any charges or specifications affected by the statute of limitations (RCM 907(b))?	X				X			
b. If so, was accused advised of his/her right to assert the statute and was his/her response recorded (RCM 907(b))?	X	X			X	X		
24. Did the court take proper action with respect to motions raising defenses and objections (RCM 905-907)?	X				X			
25. a. Were pleas of accused regularly entered (RCM 910(a))?	X				X			
26. Does the record show that all witnesses were sworn?	X				X			
27. Did the military judge or president advise the court concerning the elements of each offense, each lesser included offense reasonably raised by the evidence, and the presumption of innocence, reasonable doubt, and burden of proof, pursuant to Article 51(c), UCMJ (RCM 920(e))?	X				X			
28. a. If trial was by military judge alone, did the military judge announce the findings (RCM 922)?	X				X			
b. If the trial was with members, did the president announce the findings (RCM 922)?	X	X			X	X		
c. If special findings were requested, were they made a part of the record?	X	X			X	X		
29. Were the findings in proper form (A10)?	X				X			
30. a. Was the evidence, if any, of previous convictions admissible and properly introduced in evidence (RCM 1001(b)(3))?	X				X			
b. Was the information from personnel records of the accused properly admitted (RCM 1001(b)(2))?	X				X			
c. Was the defense permitted to introduce evidence in extenuation and mitigation after the court announced findings of guilty (RCM 1001(c))?	X				X			
31. a. In a trial with members, did the president announce the sentence (RCM 1007)?	X	X			X	X		
b. If trial was by military judge alone, did the military judge announce the sentence (RCM 1007)?	X				X			

## COURT-MARTIAL DATA SHEET

SECTION A - PRETRIAL AND TRIAL PROCEDURE (CONTINUED)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
32. Was the sentence in proper form (A11)?	X				X			
33. Is the record properly authenticated (RCM 1104)?	X				X			
34. a. Did all members who participated in proceedings in revision vote on original findings and sentence (RCM 1102(e)(1))?	X	X			X	X		
b. At proceedings in revision, were a military judge (if one was present at the trial), the accused, and counsel for the prosecution and defense present (RCM 1102(e)(1))?	X	X			X	X		
35. Was each accused furnished a copy of the record or substitute service made on defense counsel (RCM 1104(b))?	X				X			
36. Was clemency recommended by the court or military judge?		X				X		
SECTION B - PROCEDURE AFTER TRIAL	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
37. Was the court convened by proper authority (RCM 504(b))?	X				X			
38. Did the court have jurisdiction of person and offense (RCM 202 & 203)?	X				X			
39. Does each specification state an offense under the code (RCM 907(b))?	X				X			
40. Did the accused have the requisite mental capacity at the time of trial and the requisite mental responsibility at the time of the commission of each offense (RCM 909 and RCM 916(k))?	X				X			
41. Is the evidence sufficient to support the findings?	X				X			
42. Is the sentence within legal limits (RCM 1112(d))?	X				X			
43. Is the action of the convening authority properly entered in the record and signed (RCM 1107(f))?	X				X			
44. If appropriate, is a proper place of confinement designated (RCM 1107(f)(4)(c))?	X	X			X	X		
45. a. Was the staff judge advocate's post-trial recommendation served on the defense counsel for comment (RCM 1106(f))?	X				X			
b. If the addendum to the recommendation contained new matters, was it served on the defense counsel for comment (RCM 1105(f)(7))?	X				X			
c. Did the accused submit matters for the convening authority's consideration in a timely manner (RCM 1105)?	X				X			
d. If yes, was the convening authority's action subsequent to the submission of the matters?	X				X			
e. If no, did the accused waive in writing the right to submit matters and was the action taken subsequent to the written waiver or did the time periods provided in RCM 1105(c) expire before the convening authority's action?	X	X			X	X		
46. a. Does the record indicate that the accused was advised of his/her appellate rights (RCM 1010)?	X				X			
b. Do the allied papers contain a statement indicating the desires of the accused with respect to appellate representation in the event his/her case is referred to a court of military review?	X				X			
c. Did the accused waive or withdraw appellate review and is the waiver or withdrawal in proper form and attached to the record of trial (RCM 1110, A19 & 20)?		X				X		

## COURT-MARTIAL DATA SHEET

SECTION C - COURT-MARTIAL ORDERS (CMO)	TC		SPCMCA		GCM or JA		OIAG	
	YES	NO	YES	NO	YES	NO	YES	NO
47. Does the initial CMO bear the same date as the action of the convening authority who published it?					X			
48. Are all the orders convening the court which tried the case correctly cited in the CMO?					X			
49. Are the accused's name, rank, SSN, unit/command name and branch of service correctly shown in the CMO?					X			
50. Are all the charges and specifications (including amendments) upon which the accused was arraigned correctly shown in the CMO (RCM 1114)?					X			
51. Are the pleas, findings, and sentence correctly shown in the CMO (RCM 1114)?					X			
52. Does the CMO show the date the sentence was adjudged?					X			
53. Is the action of the convening authority correctly shown in the CMO?					X			
54. Is the CMO properly authenticated (RCM 1114)?					X			
55. REMARKS:								

## COURT-MARTIAL DATA SHEET

55. REMARKS (Continued):

## 56. TRIAL COUNSEL

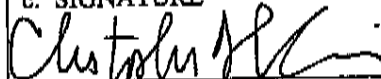
a. TYPED NAME (Last, First, Middle Initial)	b. RANK	c. SIGNATURE	d. DATE SIGNED
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## 57. CONVENING AUTHORITY OR HIS/HER REPRESENTATIVE

a. TYPED NAME (Last, First, Middle Initial)	b. RANK	c. SIGNATURE	d. DATE SIGNED
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CARRIER, CHRISTOPHER D.

MAJ



16 Sep 05

## 58. STAFF JUDGE ADVOCATE OF GENERAL COURT-MARTIAL CONVENING AUTHORITY OR REVIEWING JUDGE ADVOCATE

a. TYPED NAME (Last, First, Middle Initial)	b. RANK	c. SIGNATURE	d. DATE SIGNED
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CARRIER, CHRISTOPHER D.

MAJ



16 Sep 05

## 59. ACTION IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL

a. ACTION:

## b. INDIVIDUAL COMPLETING DATA SHEET

(1) TYPED NAME (Last, First Middle Initial)	(2) RANK	(3) SIGNATURE	(4) DATE SIGNED
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# UNITED STATES ARMY COURT OF CRIMINAL APPEALS

Before  
SCHENCK, OLMSCHIED, and KIRBY  
Appellate Military Judges

UNITED STATES, Appellee  
v.  
Specialist BRIAN E. CAMMACK  
United States Army, Appellant

ARMY 20050612

-----  
NOTICE OF COURT-MARTIAL ORDER CORRECTION  
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IT IS ORDERED THAT, to reflect the true proceedings at the trial of the  
above-captioned case,

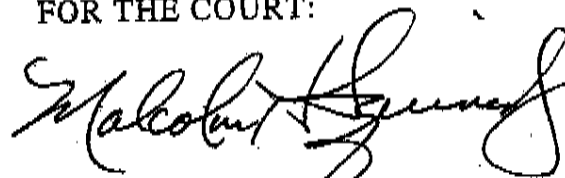
SPECIAL COURT-MARTIAL ORDER NUMBER 17, HEADQUARTERS,  
U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS, FORT  
BLISS, TEXAS 79916-6816, dated 9 September 2005

IS CORRECTED AS FOLLOWS:

TO reflect that the sentence was adjudged on 20 May  
2005.

DATE: 8 March 2006

FOR THE COURT:



MALCOLM H. SQUIRES, JR.  
Clerk of Court



**DNA Processing required. 10 U.S.C. § 1565****DEPARTMENT OF THE ARMY  
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS  
FORT BLISS, TEXAS 79916-6816****SPECIAL COURT-MARTIAL ORDER  
NUMBER**

17

9 September 2005

SPC Brian E. Cammack

U.S. Army, Headquarters and Headquarters Battery,  
United States Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916, was  
arraigned at Fort Bliss, Texas, on the following offenses at a Special court-martial convened by  
Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

Charge I. Article 128. Plea: Guilty. Finding: Guilty.

Specification: Unlawfully strike Habibullah on or about 3 December 2002. Plea: Guilty.  
Finding: Guilty

Charge II. Article 93. Plea: Not Guilty. Finding: Not Guilty.

Specification: Maltreat Habibullah on or about 3 December 2002. Plea: Not Guilty. Finding:  
Not Guilty.

Charge III. Article 107. Plea: Guilty. Finding: Guilty.

Specification 1: False official statement on or about 4 December 2002. Plea: Guilty. Finding:  
Guilty.

Specification 2: False official statement on or about 16 December 2002. Plea: Guilty. Finding:  
Guilty.

**SENTENCE**

Sentence was adjudged on 20 May 2004: To be reduced to the grade of E1; to forfeit \$822.00  
pay per month for four months; to be confined for four months; and to be discharged from the  
service with a bad conduct discharge.

**ACTION**

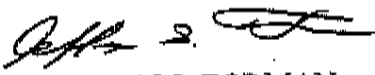
Only so much of the sentence as provides for reduction to E1, forfeiture of \$822.00 pay per  
month for 4 months, confinement for 90 days, and a bad conduct discharge is approved and,  
except for the bad conduct discharge, will be executed.

GCMO No 17, DA, HQ, USAADACENFB, Ft. Bliss, TX 79916, dated 9 Sep 2005

BY COMMAND OF BRIGADIER GENERAL LENNOX:

DISTRIBUTION:

1-Accused  
1-Military Judge (LTC Sposato)  
1-Trial Counsel (CPT Parker)  
1-Defense Counsel (CPT Leone)  
1-Chief, Criminal Law Division  
1-Legal Administrator  
1-Cdr, HHB, USAADACENFB  
1-Cdr, 377th MP Co  
1-Cdr, 76th MP Bn  
1-Cdr, 384th MP Bn  
1-Cdr, 300th MP BDE  
1-Cdr, 88th RRC  
1-Cdr, Garrison Command  
1-US Army Crime Lab, Fort Gillem, ATTN: CODIS Lab  
4553 North 2d Street, Bldg 213b, Forest Park, GA 30297-5122  
1-ATZC-DHR-AGR, ATZC-DRM-F, ATZC-PM  
2-Cdr, USAADACENFB, ATTN: SJA  
1-Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin  
Harrison, Indiana 46249  
10-Clerk of Court, ATTN: JALS-CC, 901 N. Stuart St.  
Suite 1200, Arlington, VA 22203  
1-Cdr, 76th MP DET (CID), 11th MP BN CID  
1-Director, U.S. Army Crime Records Center, 6010 6th Street,  
Fort Belvoir, Virginia 22060-5506  
1-Record Set  
1-Reference Set

  
JEFFREY S. FORMAN  
CW2, JA  
Legal Administrator

SEP 09 2005

ATZC-CG

MEMORANDUM FOR Captain Robert M. Leone, Trial Defense Service, Fort Huachuca,  
Arizona 85613

SUBJECT: Defense Request for Clemency - United States v. SPC Brian E. Cammack,

Prior to taking action in the above titled case, I considered the below listed matters submitted by  
the accused.



ROBERT P. LENNOX  
Brigadier General, USA  
Commanding

9 Encls

1. Defense Counsel's Request for Clemency
2. Post Trial Chapter 10 Request
3. Letter from Mr. and Mrs. Cammack
4. PVT Cammack Unsworn Statement
5. Mr. Charles Howell Testimony
6. Ms. Chastitiy Shears Testimony
7. Stipulation of Testimony SGT Michael Brewer
8. Letters of support and Volunteer Certificates
9. PVT Willie Brand Findings and Sentence

20050612



DEPARTMENT OF THE ARMY  
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER  
AND FORT BLISS  
1733 PLEASANTON ROAD  
FORT BLISS, TEXAS 79916-8816

REPLY TO  
ATTENTION OF:

ATZC-JA

MEMORANDUM FOR Commander, U.S. Army Air Defense Artillery Center and Fort Bliss, Fort Bliss,  
Texas 79916

SUBJECT: Staff Judge Advocate's Recommendation in the Special Court-Martial Case of U.S. v. SPC  
Brian E. Cammack

1. This is my recommendation under R.C.M. 1106 in the Special Court-Martial case of SPC Brian E. Cammack, Headquarters and Headquarters Battery, United States Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916.
2. Personal Data Concerning Accused:
  - a. Date of Birth:
  - b. Marital Status: Single
  - c. Number of Dependents: 0
  - d. Military Service: 950825-020616 (Reserve); 020617-030422 (Active Duty); 030423-Present (Reserve)
  - e. Character of Service: Satisfactory
  - f. Awards and Decorations: NDSM(2), ARCOTR(3), ARCAM(2), HSM, AFRAM W/M-DEV OSR, GWTSM, and ASR.
  - g. GT Score: 104
  - h. PMOS: 31B
  - i. Education: 1st Year of College
  - j. Nonjudicial Punishment: None.
  - k. Prior Convictions: None
  - l. Pretrial Restraint: None

ATZC-JA

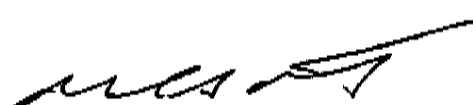
SUBJECT: Staff Judge Advocate's Recommendation in the Special Court-Martial Case of U.S. v. SPC  
Brian E. Cammack

3. Summary of Charges:			Gist of Offense	Plea/Finding
Charge	Art	Spec		
I	128	THE	Unlawfully strike Habibullah on or about 3 Dec 02.	G/G
II	93	THE	Maltreat Habibullah on or about 3 Dec 02.	NG/NG
III	107	1	False official statement on or about 4 Dec 02	G/G
		2	False official statement on or about 16 Dec 02.	G/G

4. The Court adjudged the following sentence: To be reduced to the grade of E-1; to forfeit \$822.00 pay per month for 4 months; to be confined for 4 months; and to be discharged from the service with a Bad Conduct Discharge.

5. Pursuant to a pretrial agreement between you and the accused, you agreed to disapprove any term of confinement adjudged in excess of 90 days; any other lawfully adjudged punishment may be approved. Therefore, I recommend that you approve only so much of the sentence as provides for reduction to E1, forfeiture of \$822.00 pay per month for 4 months, confinement for 90 days and a Bad Conduct Discharge.

6. This recommendation was served on the defense counsel who had ten days to submit a response. Their response, if any, will be attached to the addendum to this recommendation.

  
MARK A. RIVEST  
COL, JA  
Staff Judge Advocate

20050612

ATZC-TDS

MEMORANDUM FOR Staff Judge Advocate, U.S. Army Air Defense Artillery Center and Fort Bliss,  
Texas 79916

SUBJECT: Certificate of Service – SPC Brian E. Cammack

I hereby acknowledge receipt of a copy of the post-trial recommendation of the Staff Judge Advocate and a copy of the authenticated record of trial in the case of United States v. SPC Brian E. Cammack, 402-08-7510 U.S. Army on 25 July 2005. I understand this is a service in accordance with the requirements of R.C.M. 1105 and 1106, and that I have 10 days in which to submit a rebuttal to the recommendation of the Staff Judge Advocate or other matters or to request an extension of this time period. Further, I understand that failure to submit a rebuttal or request an extension of time will constitute a waiver and that the record of trial will be forwarded to the convening authority for action. ~~Matters in rebuttal (will) (will not) be submitted herewith. Matters in clemency (will) (will not) be submitted herewith.~~ EML



ROBERT M. LEONE  
CPT, JA  
Defense Counsel

Matters in rebuttal and/or clemency will be submitted in accordance with RCM 1105 and my request for a 20 day extension. EML

20050612

UNITED STATES

**v.**

SPC Brian E. Cammack  
U.S. Army

SERVICE OF RECORD OF  
TRIAL AND POST-TRIAL  
RECOMMENDATION OF THE  
STAFF JUDGE ADVOCATE

Staff Judge Advocate, U.S. Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas  
79916

TO: Captain Robert M. Leone, Trial Defense Service, Region 4, Fort Huachuca Field Office, ATTN: ATZS-JA-TDS (CPT Leone), Room 1165, Riley Barracks, Fort Huachuca, AZ 85613-6000

Attached is a copy of the recommendation of the Staff Judge Advocate and a copy of the authenticated record of trial in the case of SPC Brian E. Cammack, U.S. Army. Pursuant to R.C.M. 1105 and 1106, you have ten days from date of receipt to submit any rebuttal to the matters contained in the recommendation of the Staff Judge Advocate, any omissions you consider pertinent to this case, or any clemency matters. If you desire additional time, you must submit in writing a request that the ten day period required by United States v. Goode, 1 MJ 3 (CMA 1975) and Article 60, UCMJ, be extended prior to the expiration of the ten day period. Failure to submit a rebuttal or other matters or request an extension will constitute a waiver thereof and the record of trial will be forwarded to the convening authority for action. You are requested to return the copy of the record of trial with the matters, if any, by the expiration of the time period for submission.

CHRISTOPHER D. CARRIER  
MAJ, JA  
Chief, Bagram Prosecution Team

2 0 0 5 0 6 1 2

REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY TRIAL DEFENSE SERVICES  
REGION IV, FORT HUACHUCA FIELD OFFICE  
FORT HUACHUCA, ARIZONA 85613

ATZS-JA-TDS

29 July 2005

MEMORANDUM THRU Bagram Prosecution Team, US Army Air Defense Artillery Center  
and Fort Bliss, Fort Bliss, Texas.

MEMORANDUM FOR Staff Judge Advocate, U.S. Army Air Defense Artillery Center and Fort  
Bliss, Fort Bliss, Texas.

SUBJECT: Request For Extension of Time to Submit Matters Pursuant to R.C.M. 1105 - U.S. v.  
SPC Brian Cammack,

1. I respectfully request a twenty (20) day extension of time in which to submit matters under R.C.M. 1105 in the case of U.S. v. Cammack. I was served with the record of trial on 25 July 2005 and SJA post-trial recommendation on 21 July 2005. If my request is approved I would have until 24 ~~July~~ <sup>August</sup> 2005 to submit matters.
2. The additional time is needed in order to contact PVT Cammack and to try and obtain clemency information from him, his friends and family. Furthermore, I am the Senior Defense Counsel at Fort Huachuca, Arizona. I am the only Trial Defense Counsel at this installation and am responsible for all Active Duty United States Army Criminal Defense Matters at Fort Huachuca and the State of Arizona. This additional time is also needed due to my current commitments to other clients, which currently include approximately 12 court-martial clients located at six different installations (Forts Huachuca, Bliss, Hood, Sam Houston, Polk, and Leonard Wood).
3. I respectfully request that the full twenty (20) days be given in this case to allow me and PVT Cammack time to effectively review the record of trial and allied matters, and to submit matters for consideration to the General Court-Martial Convening Authority.
4. If there are any questions, I can be reached at DSN 312-821-0621 (Commercial 520-533-0621) or Robert.Leone@us.army.mil.

ROBERT M. LEONE  
CPT, JA  
Senior Defense Counsel  
Fort Huachuca, Arizona

20050810

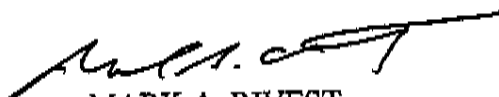


ATZC-JA

MEMORANDUM FOR CPT Robert M. Leone, U.S. Army Trial Defense Service, Fort Huachuca Field Office, Fort Huachuca, Arizona 79916

SUBJECT: Defense Request for Extension of Clemency under R.C.M. 1105 - U.S. v. SPC Brian E. Cammack

1. This trial was completed on 20 May 2005, and the post-trial recommendation was served on 21 July 2005 and the record of trial was served on 25 July 2005. In this case, the 10th day is 3 August 2005, and the 30th day is 23 August 2005.
2. I approve the extension of the deadline for submission of matters from 3 August 2005 to 24 August 2005.



MARK A. RIVEST  
COL, JA  
Staff Judge Advocate

20050612

REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, US ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS  
1733 PLEASANTON ROAD  
FORT BLISS, TEXAS 79916

SEP 09 2005

ATZC-JA

MEMORANDUM FOR Commander, U.S. Army Air Defense Artillery Center and Fort Bliss,  
Fort Bliss, Texas 79916

SUBJECT: Addendum to Staff Judge Advocate's Recommendation in the Special Court-Martial  
of U.S. v. SPC Brian E. Cammack.

1. This addresses the post-trial submission of the accused in the Special court-martial case of SPC Brian E. Cammack, U.S. Army,
2. SPC Cammack and his defense counsel ask you to disapprove the findings of guilty and grant him a post-trial Chapter 10. If you decide not to disapprove the findings of guilty, SPC Cammack and his defense counsel ask you to disapprove the Bad Conduct Discharge portion of the sentence, and instead direct an Other than Honorable discharge under AR 635-200, chapter 10.
3. Nothing contained in the defense submission warrants further modification of the opinions and recommendations expressed in the Staff Judge Advocate's Recommendation. I have considered the enclosed defense submissions and I adhere to my original recommendation.

MARK A. RIVEST  
COL, JA  
Staff Judge Advocate

8 Encls

1. Post Trial Chapter 10 Request
2. Letter from Mr. and Mrs. Cammack
3. PVT Cammack Unsworn Statement
4. Mr. Charles Howell Testimony
5. Ms. Chastitiy Shears Testimony
6. Stipulation of Testimony SGT Michael Brewer
7. Letters of support and Volunteer Certificates
8. PVT Willie Brand Findings and Sentence

20050612



**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY TRIAL DEFENSE SERVICES**  
**REGION IV, FORT HUACHUCA FIELD OFFICE**  
**FORT HUACHUCA, ARIZONA 85613**

REPLY TO  
ATTENTION OF

22 August 2005

ATZS-JA-TDS

MEMORANDUM THRU Staff Judge Advocate, United States Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916

FOR Commander, United States Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916

SUBJECT: Request for Clemency Pursuant to R.C.M. 1105 – SPC Brian E. Cammack  
377<sup>th</sup> Military Police Company, Cincinnati, Ohio

1. I am requesting clemency on behalf of my client, PVT Brian E. Cammack. Pursuant to R.C.M. 1105, MCM, and at my client's request, I respectfully request that you disapprove the finding of guilty in his case and grant him a post-trial chapter 10, thus alleviating the stigma of a federal criminal conviction. In the event that you decide not to disapprove the finding of guilty in this case, then on behalf of my client I respectfully request that you consider upgrading his discharge to Other than Honorable by granting him a post trial chapter 10.

2. PVT Cammack pled guilty at a special court-martial empowered to adjudge a bad conduct discharge and was tried by military judge alone. He was convicted pursuant to his plea of assault and battery and two false official statements. He was found not guilty pursuant to his plea of maltreatment. The military judge sentenced him to be reduced to E-1, to forfeiture \$822.00 of pay per month for 4 months, to be confined for 4 months and to be discharged with a bad conduct discharge. His pretrial agreement with the previous convening authority disapproved any sentence to confinement greater than 90 days.

**The Staff Judge Advocates Post-trial Advice**

3. The defense has the following corrections to the Staff Judge Advocate's Post-trial Advice:

Section 2f – The accused is also entitled to wear the Global War on Terrorism Expeditionary Medal for his Service in Afghanistan.

**Legal Issues**

4. None

**Clemency Issue**

5. PVT Cammack is a good young man who simply made some poor choices. While his actions were wrong, he recognizes this and has done nothing since the incident but try and make amends for his wrongdoing. He is a young man with rehabilitative potential and who worked extremely

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hard while in the Army. Most importantly though, PVT Brian Cammack never got into any trouble prior to this and took responsibility for his actions by pleading guilty at court-martial and electing not to turn his case into a media circus like that of United States v. PFC Willie Brand.

**a. Rehabilitation:** Rehabilitation is one of the central goals of sentencing. PVT Cammack has been rehabilitated and took that very first step towards rehabilitation when he admitted his wrongdoing and pled guilty at a special court-martial empowered to adjudge a bad conduct discharge. Furthermore, he has readily cooperated with the government and provided valuable information against other soldiers responsible for misconduct in Afghanistan. This also shows rehabilitative potential. Finally, PVT Cammack served approximately 3 months in confinement for these offenses, where he had a great deal of time to think about his actions and reflect on his wrongdoing. Overall, PVT Cammack is a good young man who was placed in a very stressful environment with little training. He made a mistake, but accepted responsibility and blamed no one but himself for his actions.

**b. Background:** PVT Cammack grew up in a small town in Northern Kentucky that has between 1400 and 1600 residents. His family has resided in Kentucky longer than it has been a state and he has deep roots to the town and community. On his father's side of the family he is one of 26 grand children and one of 10 grandchildren on his mother's side. He is currently engaged and scheduled to be married in October of this year to his long time girlfriend. Growing up he was very active in his church youth group and also was a member of the local water rescue program, where he helped patrol the waters of Kentucky, mainly the Ohio River, and also worked on an ambulance crew for approximately 2 ½ years. Currently he is an active member of the National Wild Turkey Federation, and does volunteer work in his county through this Federation teaching children safety and outdoor animal recognition, taking them hunting and fishing and also participates in a program each year for underprivileged children who don't have fathers. Finally, PVT Cammack is also a loyal friend who spends a great deal of his own personal time helping others, mainly helping friends with farms get their harvest in each year.

**c. Military:** PVT Cammack is a United States Army Reservist who holds the MOS 31B, military policeman. Prior to earning this MOS he held the 91W MOS, medical care specialist. He initially joined the Army Reserves to work as a medic, but due to cutbacks his reserve unit lost its medical slots and he transferred MOSs because the only medical units within a 4 hour drive of his home were "overstaffed and not accepting anyone." Since becoming a military police officer PVT Cammack has been deployed to Afghanistan as part of Operation Enduring Freedom and has done humanitarian missions in Guatemala and Panama and also took part in Operation Bright Star in Egypt. While deployed to Afghanistan he initially served as a gate guard at a controlling access point conducting searches of vehicles coming in and out of post. In addition, he routinely was able to use his medical skills to treat landmine victims while serving in his capacity as a gate guard. From there he rotated into the prison facility, over his objections because he wanted to remain outside to help with the landmine victims, and spent the remainder of his deployment inside the facility working as a guard. He worked inside the facility for approximately five months living in deplorable conditions and guarding very dangerous individuals.

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177<sup>th</sup> Military Police Company, Cincinnati, Ohio

**d. Cooperation:** PVT Cammack fully cooperated with the government and has given the Bahgram Prosecution Team valuable information that led to the prosecution of other soldiers related to detainee abuse in Afghanistan. He testified in United States v. Brand and is also scheduled to testify in another court-martial at the end of the month, United States v. Morden. Furthermore, he has also been told that his cooperation is needed in at least two more court-martials that have not been preferred yet. While cooperation is a term of PVT Cammack's pretrial agreement, he also views it as his duty as an American. At court-martial he told the military judge when asked why he wants to continue to cooperate with the government because he has "come to realize that what I did was wrong and the only way to make it right is to do what I should have done in the first place; and once I came to realize that, that's the action I've taken and it's the action I've stepped to."

**e. PVT Willie Brand:** PVT Cammack was court-martialed for making two false official statements, maltreatment and assault and battery. He was convicted of everything but the maltreatment. His case stems from an incident in Afghanistan when he was guarding an Afghani detainee named Habibullah. While guarding Habibullah PVT Cammack was spit on by the inmate. PVT Cammack then lost his cool and struck Habibullah twice in the leg with a common peronial strike. That is the extent of PVT Cammack's assault of Habibullah. PVT Cammack also later made two false statements regarding the incident, largely because he was afraid. Since that time though, he has cooperated with investigators both prior to having charges preferred against him and after the fact. He plead guilty at court-martial and has done nothing but take responsibility for his actions in Afghanistan. PVT Willie Brand on the other hand was charged with numerous crimes and convicted of unlawfully striking, maiming and maltreating a detainee named Dilawar and giving a false official statement. Instead of taking responsibility for his actions, PVT Brand chose to try his case in the media and did nothing but try to shift the blame onto other people. Through his attorney, Mr. J.P. Galligan, PVT Brand took every cheap shot that he could at the United States Army. Mr. Galligan has done numerous interviews since this case began and has made a spectacle out of this trial, as well as the United States Army. Furthermore, PVT Brand's apology was less than heart felt at trial and even after he was convicted he still did not take responsibility, but rather told the jury that he was not guilty and they would never get to see how good of a soldier he was. The jury sentenced PVT Brand to a two-grade reduction for his actions.

## Conclusion

6. PVT Cammack is a good young man who simply made a rash decision while deployed to Afghanistan in a very harsh post 9-11 environment. In his own words he "messed up" and assaulted Habibullah because he "got angry" because he was spit on and later lied because he "got scared and refused to admit what he had done." PVT Cammack is not a monster who intentionally went out to hurt this detainee, rather he is a young man who reacted when he was spit on by this person. Furthermore, PVT Cammack has faced a great deal of public humiliation because of this whole situation. His name has been broadcast in over 100 papers and largely due to the fact that PVT Brands lawyer held court every chance he got with the media, PVT Cammack has had to relive this situation over and over in every interview that Mr. Galligan has

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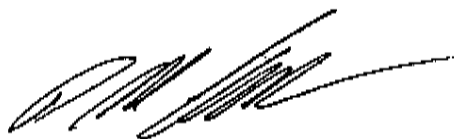
SUBJECT: Request for Clemency Pursuant to R.C.M. 1105 - SPC Brian E. Cammack,  
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conducted. Unfortunately for PVT Cammack, Mr. Galligan did everything he could to tie PVT Cammack's case to PVT Brand's. As such, because of the media spectacle that followed PVT Brand's case, PVT Cammack's case has not been allowed to rest. In addition, since his court-martial PVT Cammack's name and the facts surrounding his case have been brought up over and over, thus unjustly tying him to PVT Brand and his shameless effort to blame everyone but himself for what happened in Afghanistan.

7. In light of the circumstances that surround this case, it is asked that you temper the punishment that PVT Cammack has received by disproving the findings of guilty in this case and granting him a post trial chapter 10. This will allow this young man to move forward with his life without the stigma of federal criminal convictions, while at the same time still punishing him for his misconduct. In the event that you decide not to disapprove the findings of guilty in this case, then on behalf of my client I respectfully request that you still grant him a post trial chapter 10 in this case. By doing this, the convictions will still stand, but the soldiers discharge will be upgraded from a bad conduct characterization to an other than honorable characterization of service.

8. Finally, PVT Cammack knows what he did was wrong and will regret it for the rest of his life. He has done nothing but take responsibility for his actions and has not used the media to make a spectacle out of the United States Army. He is a young man who did the right thing by taking responsibility for his actions and should be given clemency for his cooperation. Finally, an act of clemency by you in this case does nothing to diminish the power of the message sent by the Military Judge to soldiers here at Fort Bliss, the 377<sup>th</sup> Military Police Company and the rest of the soldiers in the United States Army: This type of behavior will not be tolerated. An act of clemency though will give this young man the opportunity to put his life back together and reward him for taking responsibility for his actions and cooperating with the government.

9. POC is the undersigned at 520-533-0621 (DSN 821) or [Robert.Leone@us.army.mil](mailto:Robert.Leone@us.army.mil).



ROBERT M. LEONE  
CPT, JA  
Senior Defense Counsel  
Fort Huachuca, Arizona

08 Encls

01. Post Trial Chapter 10 Request
02. Letter from Mr. and Mrs. Cammack
03. PVT Cammack Unsworn Statement
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Data Required by the Privacy Act of 1974  
(5 U.S.C. 552a)

**AUTHORITY:** Section 301, Title 5, United States Code and Section 3012, Title 10, United States Code.

**PURPOSE:** To be used by the commander exercising General Courts-Martial jurisdiction over you to determine approval or disapproval of your request.

**ROUTINE USES:** Request, with appropriate documentation including the decisions of the discharge authority, will be filed in the MPRJ as permanent material and disposed of in accordance with AR 640-10, and may be used by other appropriate Federal agencies and State and local governmental activities where use of the information is compatible with the purpose for which the information was collected.

Submission of the request for discharge is voluntary. Failure to provide all or a portion of the requested information may result in your request being disapproved.

ATZS-JA-TDS

19 August 2005

MEMORANDUM FOR Commander, U.S. Army Air Defense Artillery Center and Fort Bliss,  
Fort Bliss, Texas 79916

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial, PVT Brian E. Cammack,  
Headquarters and Headquarters Battery, Fort Bliss, Texas 79916

1. I, PVT Brian E. Cammack, hereby voluntarily request a post trial discharge in lieu of trial by Court-Martial under AR 635-200, Chapter 10. I understand that I may request discharge in lieu of trial by Court Martial because of the following charges which have been preferred against me under the Uniform Code of Military Justice, at least one of which authorizes the imposition of a bad conduct discharge:

Violation of Article 128, UCMI, One Specification  
Violation of Article 93, UCMI, One Specification  
Violation of Article 112a, UCMI, Two Specifications

2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offenses with which I am charged and am guilty of one or more of said charges or of a lesser-included offense therein contained which also authorize(s) the imposition of a dishonorable or

AUG. 22. 2005

8:57AM

ATZS-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial, PVT Brian E. Cammack,  
Headquarters and Headquarters Battery, Fort Bliss, Texas 79916

bad conduct discharge. Moreover, I hereby state that under no circumstances do I desire further rehabilitation, for I have no desire to perform further military service.

3. Prior to completing this form, I have been afforded the opportunity to consult with military appointed counsel who has fully advised me of the nature of my rights under the Uniform Code of Military Justice, the elements of the offenses with which I am charged, any relevant lesser-included offense(s) thereto, and the facts which must be established by competent evidence beyond a reasonable doubt to sustain a finding of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if found guilty. Although s/he has furnished me legal advice, this decision is my own.

4. I understand that, if my request for discharge is accepted, I may be discharged under conditions other than honorable and furnished an Under Other Than Honorable Conditions Discharge certificate. I have been advised and understand the possible effects of an Under Other than Honorable Conditions Discharge and that, as a result of the issuance of such a discharge, I will be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law. I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Conditions Discharge. I further understand that there is no automatic upgrading nor review by any Government agency of a less than Honorable discharge and that I must apply to the Army Discharge Review Board or the Army Board for Correction of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded.

5. I understand that, if my request for discharge is accepted, I will be automatically reduced to the pay grade of Private E-1 during my out-processing and that my final payment will reflect that fact. I also realize that I will be unable to sell any unused leave back to the government.

6. I understand that once my request for discharge is submitted, it may be withdrawn only with consent of the commander exercising General Court-Martial Convening authority, or without that commander's consent, in the event trial results in an acquittal or the sentence does not include a punitive discharge even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent.

7. I have been advised that I may submit any statements I desire in my own behalf, which will accompany my request for discharge. Statements in my own behalf (~~are~~/are not) submitted with this request.