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Ex-Marine ready to move on after trial

Nazario acquitted in detainee deaths

By Steve Liewer

UNION-TRIBUNE STAFF WRITER

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Jose Nazario's days as a househusband appear to be numbered.

The former Marine said he has been jobless and unemployable since Aug. 7, 2007, the day authorities arrested him on charges of voluntary manslaughter and assault. He was accused of participating in the killings of four detainees during one of the Iraq war's ugliest battles.

The agents snapped handcuffs on Nazario's wrists in the sergeants' room at the Riverside Police Department, where he had worked for more than six months as a probationary officer. Released on bond, Nazario has cared for his son, Gabriel, now 2, at the family home in upstate New York while they got by on his wife's small paycheck and the kindness of relatives.

“At one time in your life, you're a war hero and a breadwinner,” said Nazario, 28, who left the Marine Corps as a staff sergeant in 2005. “The next day, you're facing felony charges and you're unemployed. It's devastating.”

On Thursday, a jury of nine women and three men – only one of whom had served in the military – pronounced the verdict Nazario and his family had prayed they would hear: “Not guilty.”

“I just wanted the trial to be over,” Nazario said yesterday. “I feel like a new man now.”



SEAN DUFRENE
/ Associated Press

“I just wanted the trial to be over. I feel like a new man now,” former Marine Jose Nazario said.

Under the provisions of a law passed in 2000 governing trials of civilians for alleged offenses committed overseas, the case landed in U.S. District Court in Riverside. Nazario's lawyers argued that such cases ought to be handled in military courts because a civilian jury couldn't possibly comprehend the pressures of combat.

After the trial, some of the jurors told Nazario and his family the same thing.

“I don't think we had any business doing that,” said juror Nicole Peters, who wiped away tears during the reading of the verdict and later hugged Nazario. “I thought it was unfair to us and to him.”

Nazario seemed destined for the military since he grew up in New York City.

“He and his friends would always play cowboys and Indians,” recalled Sandra Montanez, 46, Nazario's mother. “He'd say, 'I'll be the Marines.' ”

After Montanez resisted for months, Nazario talked her into signing a consent form to let him join the Marines at age 17. He planned to make it a career.

On Nov. 9, 2004, about three years after terrorists attacked the World Trade Center in his hometown, Nazario was leading a squad of Marines in house-clearing operations in the insurgent-held city of Fallujah, Iraq.

According to statements given by his squad mates to investigators, the Marines found four men in a house. After someone urged the Marines over their radio to move on quickly without taking prisoners, the statements said, Nazario and Sgts. Ryan Weemer and Jermaine Nelson shot the men at point-blank range.

If the killings did take place, which Nazario has denied, they occurred during the most intense urban fighting since the Vietnam War – and against entrenched guerrillas in a city where the Marines reportedly considered everyone to be an enemy fighter.

Nazario had seen a member of his squad fatally shot earlier that day. “Fallujah was pure hell,” he said.

The jury didn't hear from Weemer and Nelson, who will be court-martialed at Camp Pendleton in the alleged killings because they are on active duty. Despite a grant of immunity, they invoked the Fifth Amendment and refused to testify. As a result, both face hearings in federal court for criminal contempt.

In part because of the horrors of Fallujah, Nazario left the Marine Corps soon after his unit

finished its tour in Iraq.

“When you come home, you feel like you've got another chance at life,” he said. “It starts sinking in: If you stay in Iraq long enough, you're going to get hurt.”

For Nazario and his family, the trial only prolonged the horror.

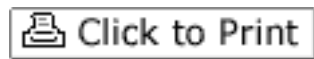
“We trusted in the system. We kept our faith,” Montanez said. “We're glad it's over.”

The Associated Press contributed to this report.

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