

# Jury acquits former Marine in killing of Iraqis

By CHELSEA J. CARTER – 1 day ago

RIVERSIDE, Calif. (AP) — A former Marine accused of killing unarmed Iraqi detainees was acquitted of voluntary manslaughter Thursday in a first-of-its-kind federal trial that ended with some of the jurors shaking hands and hugging the defendant and his sobbing mother.

The jury took less than six hours to find Jose Luis Nazario Jr. not guilty of charges that he killed or caused others to kill four unarmed detainees on Nov. 9, 2004, in Fallujah, Iraq, during some of the fiercest fighting of the war.

The verdict left the 28-year-old defendant — and some of the jurors — in tears. His mother, family and friends cried so loud the judge smacked his gavel in a call for order.

"It's been a long, hard year for my family," Nazario said outside the courtroom. "I need a moment to catch my breath and try to get my life back together."

Thursday's verdict marks the first time a civilian jury has determined whether the alleged actions of a former military service member in combat violated the law of war.

The jury forewoman, Ingrid Wicken, hugged Nazario's sobbing mother, Sandra Montanez, without speaking after the verdict was read. "I watched her all week. She was being tortured every day," Wicken said later.

"I thanked her, God blessed her," Montanez said. "I told her she gave me my son back. It was something I needed to say."

Wicken said the panel acquitted Nazario because there was not enough evidence against him.

"I think you don't know what goes on in combat until you are in combat," she said.

Nazario's attorney, Kevin McDermott, said he believes the verdict will curb faulty filings.

"I don't think they are going to put on a case in the future with a lack of evidence," McDermott said.

Prosecutors alleged that Nazario either killed or caused others to kill four unarmed Iraqi detainees in Fallujah during "Operation Phantom Fury," which

resulted in house-to-house fighting.

Other former Marines testified during the five-day trial that they did not see Nazario kill detainees but heard the gunshots.

The case came to light in 2006 when Sgt. Ryan Weemer, Nazario's former squadmate, volunteered details to a U.S. Secret Service job interviewer during a lie-detector screening that included a question about the most serious crime he ever committed. That screening was not admitted at Nazario's trial.

Weemer and another Marine, Sgt. Jermaine Nelson, face military charges of unpremeditated murder and dereliction of duty. Both maintain their innocence, and both were found in contempt of court for refusing to testify against Nazario.

Had Nazario been convicted of voluntary manslaughter, assault with a deadly weapon and discharging a firearm during a crime of violence, he could have faced more than 10 years in prison.

On Wednesday, federal prosecutor Jerry Behnke urged the jury to convict Nazario, saying he violated his duty as a Marine and must be held accountable for his actions in Fallujah. He said the evidence showed the detainees had surrendered before the shooting.

McDermott told jurors they could not convict the former Marine sergeant of an alleged crime in which there were no bodies, no identities and no forensics.

The case against Nazario rested primarily on the accounts of his former comrades, including two who have been found in contempt of court for refusing to testify. Other former Marines testified during the five-day trial that they did not see Nazario kill the detainees but heard the gunshots.

Outside court, Nazario told The Associated Press that he had no ill will against the Marines who testified against him.

"After all this, they are still my brothers. I wish them the best," he said.

He did have strong words for those who brought the case against him, saying they had no business trying it before a civilian jury.

"I still believe this case should have went before a military court for the simple fact that military jurors have an easier time understanding what happens in combat," he said.

His attorneys argued during the trial that a conviction by a civilian jury would have lasting effects on military service members in combat, who might feel like any action they took in battle could be judged long after they left the military.

Nazario, however, said he understood what attorneys for both sides were trying to get across to jurors but worried about the panel's lack of military knowledge.

During the trial, jurors were given lessons by attorneys and witnesses who often had to define military terms and acronyms. At one point, a juror complained that she couldn't keep up with all the jargon.

Court reporters asked witnesses and attorneys to slow down their speech and to spell words such as Fallujah and Anbar.

After the proceedings ended, Nazario searched for a cell phone to call his wife, who was unable to attend the trial because of work. Nazario has been unemployed since he was fired from his job as a Riverside police officer shortly after his arrest last year.

He had to move his family in with relatives in New York when he was unable to find work, he said.

After he shared the verdict with his wife, she screamed and ran to their 2-year-old son.

"She screamed 'Daddy's innocent and he's coming home,'" he said.