



Iraq soldier to plead not guilty to murder charge

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— A preliminary hearing has been scheduled for an Edmond soldier accused of allegedly murdering an Iraqi ex-detainee his attorney says is suspected of being a terrorist.

Attorney Jack B. Zimmermann said the date for the military's version of a pretrial hearing for his client, U.S. Army 1st Lt. Michael C. Behenna, 25, of Edmond, has been set, but Zimmermann did not disclose a date due to security concerns.

Behenna and Staff Sgt. Hal M. Warner, 34, of Braggs, have been charged with pre-meditated murder in connection with the death of Ali Mansur Mohamed, a detainee initially believed to have been released by coalition forces on or about May 16.

Behenna will plead not guilty.

Warner's Article 32 pretrial investigation was scheduled to being Aug. 15. Warner was charged on July 13, Behenna on July 31. In a statement released earlier this month, the military stressed that both soldiers are presumed innocent until proven guilty.

The military said Mohamed was shot "at or near" the soldiers' forward operating base located near Bayji. Both soldiers are assigned to D Company, 1st Battalion, 327th Infantry. The military released no other details about the case.

Zimmermann said he has confidence in the military judicial system and the truth will be discovered. He said he has advised Behenna's family to direct all media inquires to his Houston law firm. Zimmermann said it has been a difficult ordeal for the family.

"Obviously the mother and father are concerned," Zimmermann said.

Close friends of Behenna have defended Behenna, who was deployed to Iraq in September. In a previous report in The Edmond Sun, friends said Behenna is a natural leader respected by his fellow soldiers.

Behenna's mother, Vicki Behenna, is a federal prosecutor who was a member of the team that secured the conviction of Timothy McVeigh in the Oklahoma City bombing case. His father, Scott Behenna, is a former Oklahoma State Bureau of Investigation special agent.

Zimmermann said Behenna will also be defended by Kyle Sampson, a partner in the Houston firm, and Capt. Tom Clark and Capt. Nick Anderson.

Zimmermann is a former prosecutor and general court-martial trial judge in the U.S. Marine Corps. He represented Edmond Marine Lance Cpl. Stephen B. Tatum, accused of killing Iraqi civilians in November 2005 in Haditha.

The charges against Tatum were dropped after Marine officials concluded he acted appropriately.

Zimmermann also served as lead counsel in the "Border Shooting Case" in which two state grand juries and one federal grand jury refused to indict the active-duty Marine who returned fire, killing a man who fired on his patrol.

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