

Attorneys: Marine's delayed court-martial is ploy

By CHELSEA J. CARTER – 29 minutes ago

SAN DIEGO (AP) — The attorneys for two Marines charged in the killing of unarmed Iraqi detainees accused prosecutors Friday of intimidation by delaying the court-martial of one to try forcing testimony from the other, who faces similar charges.

Sgt. Ryan Weemer and another Marine, Sgt. Jermaine Nelson, face military charges of unpremeditated murder and dereliction of duty in the death of a detainee during combat in Fallujah. A military judge this week granted a prosecution request to postpone Weemer's court-martial.

Weemer and Nelson have repeatedly refused to testify against each other, as well as against a former squad leader, Jose Nazario, who was acquitted in August in federal court of charges related to the killings on Nov. 9, 2004.

Weemer's attorney, Paul Hackett, said he believes prosecutors first want to court-martial Nelson, who has repeatedly invoked his Fifth Amendment right against self-incrimination, because they think they can force him to testify against Weemer if convicted.

Nelson's attorney, Joseph Low, said military prosecutors have indicated that if Nelson failed to testify, he would face obstruction of justice charges that carry a maximum five-year prison sentence.

"I don't know why that's not witness intimidation," he said.

Marine Corps spokesman Lt. Col. David Griesmer said in an e-mail to The Associated Press that the judge's ruling helped the government's case "by enhancing the probability that Sgt. Nelson's testimony will be available."

He would not comment on Hackett's claim that it was a ploy, saying only that military prosecutors believed they had more than enough evidence to take Weemer to trial.

He also said that by adjudicating Nelson's case first, it eliminates the use of testimony in Weemer's case against Nelson.

But Low, said he was puzzled by the prosecution's belief that Nelson would testify against Weemer if convicted.

"I don't see what makes them think he would testify against Sgt. Weemer. He's never said that," Low said.

Low also said he has asked the court to postpone Nelson's court-martial in December, saying only it was about a matter unrelated to Weemer's case.

Nazario's trial earlier this year marked 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.

Nazario, Weemer and Nelson belonged to a squad involved in vicious house-to-house fighting in Fallujah during "Operation Phantom Fury," considered one of the fiercest battles of the Iraq war. Military prosecutors allege that the Iraqis were slain after being captured in a house.

The case came to light in 2006 when Weemer 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.

Weemer and Nelson maintain their innocence, and both were found in contempt of court for refusing to testify against Nazario even though they had been granted immunity.

Weemer's court-martial was pushed back to Jan. 12.

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