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Marine refuses to testify in hearing

### **Iraqi captives reportedly killed**

**By Rick Rogers**

UNION-TRIBUNE STAFF WRITER

**October 1, 2008**

**CAMP PENDLETON – A Marine sergeant defied a general's order yesterday by refusing to testify against a fellow defendant in the case of a Camp Pendleton squad accused of killing unarmed captives in Fallujah, Iraq, almost four years ago.**

**Sgt. Jermaine Nelson took the stand in a pretrial hearing for Sgt. Ryan Weemer with the knowledge that Marine Gen. Samuel Helland had granted him immunity and ordered him to testify.**

**But Nelson wouldn't talk about what transpired during a Nov. 9, 2004, battle in Fallujah. He, Weemer and other Marines allegedly found several men during a house-to-house search, held them captive and then shot them to death after interpreting their superiors' comments over the radio as an order to kill.**

**“At this time, sir, I am going to continue to use my Fifth Amendment right,” Nelson said in reply to questions from the prosecutor.**

**It's unclear whether the Marine Corps will charge Nelson for violating an order to testify.**

**Also during yesterday's hearing, defense attorney Paul Hackett urged a military judge to dismiss incriminating statements that Weemer made to federal agents.**

**Weemer, 25, is charged with one count of murder and six counts of dereliction of duty. Nelson faces similar charges.**

**Hackett argued that Weemer's statements to the U.S. Secret Service should be suppressed because there is “no collaborating evidence.”**

**The government launched its investigation into the Fallujah case after Weemer gave what seemed to be a confession during a job interview with the Secret Service.**

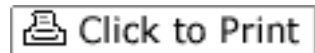
**Weemer was asked about the worst crime he had ever committed. He described the killing of unarmed detainees by himself, Nelson and former Sgt. Jose Nazario Jr.**

**A jury recently acquitted Nazario, who was tried in federal court because he had left the Marine Corps and was no longer subject to the military's criminal-justice system.**

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