Marine's squad mate testifies

by Steve Liewer

Lance Cpl. Robert B. Pennington mocked the bullet-riddled brain of a man he and his squad mates executed April 26 in Hamdaniya, Iraq, a fellow defendant testified during Thursday's hearing for Pennington.

In a courtroom at Camp Pendleton, Navy Hospitalman Recruit Melson Bacos also said Pennington couldn't resist a little horseplay with the corpse of Hashim Ibrahim Awad. As Pennington helped put Awad into a body bag, Bacos testified, he played with the victim's hand.

"He took Awad's hand and made him hit himself in the face," Bacos recounted. "(Pennington) said, 'Quit hitting yourself!' "

Pennington, 22, sometimes took notes with an orange marker during Bacos' testimony. As part of a plea agreement, he pleaded guilty Tuesday to charges of conspiracy and kidnapping in the Awad incident. This week's testimony will help military judge Col. Steven Folsom determine Pennington's sentence.

Bacos, Pennington and three other members of the Kilo Company, 3rd Battalion, 5th Marine Regiment have pleaded guilty to reduced charges in the Hamdaniya case. They received sentences of from less than a year to 21 months in prison in return for their testimony.

A sixth defendant, Cpl. Trent D. Thomas, agreed to a plea deal but withdrew his guilty pleas in a surprise move last week.

Attorneys for Cpl. Marshall L. Magincalda and Staff Sgt. Lawrence G. Hutchins III have said their clients will go to trial.

Pennington's hearing has focused heavily on the allegedly harsh conditions of his confinement since he was arrested last May in Iraq. Prosecutors and defense lawyers also wrangled over the admission of evidence, and prosecutors showed DVDs featuring interviews with members of Awad's family.

Pennington's civilian attorney, David Brahms, argued unsuccessfully that Folsom should bar Bacos' testimony because it would only repeat facts both sides already acknowledged to be true.

After retellings during multiple court hearings, the basic Hamdaniya story has become familiar: Frustrated by insurgent activity in the village, Hutchins' squad decided to kidnap a man it believed to be an insurgent, shoot him and make it look as if he was digging a hole to plant a roadside bomb.

The unit's members couldn't get the man they wanted, so they grabbed Awad at random from a nearby house, dragged him to a road and shot him.

Yesterday, Bacos testified about Pennington's role in the killing. He said he and Pennington stood watch outside Awad's house while Magincalda and Thomas went in to snatch him.

As the group dragged a frightened Awad roughly 400 meters to the road, Bacos said, Pennington followed behind carrying a stolen shovel. Bacos added that while some of the squad mates bound Awad in preparation for his execution, Pennington tried to stuff a bandage into the victim's mouth.

"'This (expletive) is trying to bite me!' " Bacos recalled Pennington shouting. Then most of the troops formed a line and fired their rifles at Awad. As the victim wheezed his last breaths, Bacos testified, Hutchins and Thomas fired at point-blank range to finish him off.

Also Thursday, Pvt. John J. Jodka III - another Hamdaniya defendant - said the squad distributed propaganda fliers in the village shortly after Awad's death.

"The basic point was, if you screw with the Marines, you'll wind up dead," Jodka testified.

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