

## Hamdaniya defendant getting out of the brig

*by Rick Rogers*

SAN DIEGO - The first defendant to plead guilty to his role in last year's kidnapping and murder of a man in Hamdaniya, Iraq, is scheduled to leave prison today. Navy Hospitalman Melson J. Bacos is one of eight Camp Pendleton servicemen accused of carrying out a plot that led to the April 26, 2006, death of Hashim Ibrahim Awad, an Iraqi civilian. As part of a plea agreement in October, he was sentenced to less than a year in the brig and required to testify against his co-defendants.

He is getting credit for good behavior and time served since May, when the military began investigating the Hamdaniya incident. Bacos, 21, is expected to resume his duties as a corpsman upon his release from the brig at Miramar Marine Corps Air Station.

"Melson Bacos is looking forward to spending time with his wife and baby daughter," said Lt. Col. Scott B. Jack, one of Bacos' attorneys.

Four other Hamdaniya defendants have signed plea agreements with the Marine Corps, resulting in prison sentences of up to 8 years. They and Bacos testified that members of Kilo Company, 3rd Battalion, 5th Marine Regiment decided to snatch Saleh Gowad, a suspected insurgent, and kill him to instill fear among their enemies.

When the unit couldn't kidnap Gowad, it settled for his neighbor Awad, a 52-year-old grandfather and retired policeman whom U.S. military officials have described as having no known ties to insurgents.

The servicemen took Awad to a shallow hole at a roadside, and they bound and gagged him, then shot him to death, Bacos and several other defendants said. They also acknowledged trying to disguise the crime as a firefight that Awad had started when he was discovered planting a roadside bomb.

Prosecutors, Bacos and other defendants have said Sgt. Lawrence G. Hutchins III masterminded the abduction and execution plot. Hutchins is awaiting trial, as are corporals Trent D. Thomas and Marshall L. Magincalda.

On Tuesday, a military judge ruled that prosecutors can use alleged confessions made by Thomas as evidence during future court proceedings. Thomas made the self-incriminating statements during interrogation in Iraq shortly after Awad's death, said agents for the Naval Criminal Investigative Service.

In January, Thomas pleaded guilty to unpremeditated murder and other charges as part of a plea agreement. But during his sentencing hearing last month, Thomas stunned the judge by withdrawing his guilty plea.

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