

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) HOLMES, ANDREW, H.		2. SSN [REDACTED]	3. GRADE OR RANK PFC	4. PAY GRADE E-3
5. UNIT OR ORGANIZATION B Company, 2d Battalion, 1st Infantry Regiment, 2d Brigade (SBCT), 2d Infantry Division, Joint Base Lewis-McChord, WA 98433			6. CURRENT SERVICE	
			a. INITIAL DATE 23 SEP 2008	b. TERM 6 Years
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	Pretrial Confinement	14 June 2010
\$1,705.80	None	\$1,705.80		

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 81

THE SPECIFICATION: In that Private First Class (E-3) Andrew H. Holmes, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 November 2009 and on or about 11 May 2010, conspire with members of Bravo Company, 2d Battalion, 1st Infantry Regiment, 5th Brigade (SBCT), 2d Infantry Division to commit an offense under the Uniform Code of Military Justice, to wit: premeditated murder of Afghan noncombatants, and in order to effect the object of the conspiracy Private First Class (E-3) Andrew H. Holmes and Corporal (E-4) Jeremy N. Morlock did throw a grenade at and shoot with firearms a male of apparent Afghan descent.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 118

THE SPECIFICATION: In that Private First Class (E-3) Andrew H. Holmes, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 January 2010 and on or about 31 January 2010, with premeditation, murder a male of apparent Afghan descent by means of throwing a grenade at him and shooting him with firearms.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 134

THE SPECIFICATION: In that Private First Class (E-3) Andrew H. Holmes, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 November 2009 and on or about 11 May 2010, possess a finger bone taken from an Afghan corpse, which conduct was prejudicial to the good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

(See Continuation Sheet)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]	b. GRADE O-3	c. ORGANIZATION OF ACCUSER B Co, 2-1 IN BN, 2/2 ID (SBCT)
d. SIGNATURE OF ACCUSER [REDACTED]		e. DATE 27 Aug 10

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 27th day of August, 2010, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

<p>[REDACTED]</p> <p><i>Typed Name of Officer</i></p>	<p>HHC, BSTB, 2/2 ID (SBCT)</p> <p><i>Organization of Officer</i></p>
<p>O-3</p> <p>[REDACTED]</p> <p><i>Signature</i></p>	<p>Article 136, UCMJ</p> <p><i>Official Capacity to Administer Oath</i> (See R.C.M. 307(b) - must be a commissioned officer)</p>

12.

On 27 Aug 2010, 2010, the accused was informed of the charges against him and of the name of the accuser known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

[Redacted]

Typed Name of Immediate Commander

B Co, 2-1 IN BN, 2/2 ID SBCT

Organization of Immediate Commander

O-3

[Redacted]

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1600 hours, 27 August 2010, at

HQ, 2-1 IN BN, 2/2 ID (SBCT)

Designation of Command or

Joint Base Lewis-McChord, WA 98433

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹

[Redacted]

Typed Name of Officer

COMMANDING

Official Capacity of Officer Signing

[Redacted]

Signature

[Handwritten Signature]

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

Referred for trial to the _____ Court-martial convened by _____

20. _____

, subject to the following instructions:² _____

By _____

of _____

Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15.

On _____, 20____, 1 (caused to be) served a copy hereof on (each of) the above named accused.

[Redacted]

Typed Name of Trial Counsel

O-3

Grade or Rank of Trial Counsel

Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.
2 — See R.C.M. 601 (a) concerning instructions. If none, so state.

CONTINUATION SHEET, DD FORM 458, PERTAINING TO HOLMES, Andrew, H., PFC, [REDACTED]
[REDACTED] B Company, 2d Battalion, 1st Infantry Regiment, 2d Brigade (SBCT), 2d Infantry Division, Joint
Base Lewis-McChord, Washington 98433

Item 10 (Cont'd)

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 92

THE SPECIFICATION: In that Private First Class (E-3) Andrew H. Holmes, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 January 2010 and on or about 31 January 2010, violate a lawful general order, to wit: paragraph 2f, CENTCOM General Order No. 1B, dated 13 March 2006, by wrongfully photographing and possessing visual images of human casualties.

CHARGE V: VIOLATION OF THE UCMJ, ARTICLE 112a

THE SPECIFICATION: In that Private First Class (E-3) Andrew H. Holmes, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, on divers occasions between on or about 1 September 2009 and on or about 11 May 2010, wrongfully use hashish a Schedule I controlled substance while receiving special pay under 37 U.S.C. Section 310.