

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) KELLY, ADAM, W.			2. SSN [REDACTED]		3. GRADE OR RANK SPC	4. PAY GRADE E-4
5. UNIT OR ORGANIZATION B Company, 2d Battalion, 1st Infantry Regiment, 2d Brigade (SBCT), 2d Infantry Division, Joint Base Lewis-McChord, Washington 98433					6. CURRENT SERVICE	
					a. INITIAL DATE 13 FEB 2010	b. TERM 3 Years
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED	
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	None.		N/A.	
\$2,199.90	N/A	\$2,199.90				

II. CHARGES AND SPECIFICATIONS

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

SPECIFICATION 1: In that Specialist (E-4) Adam W. Kelly, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, on or about 5 May 2010, conspire with Corporal (E-4) Jeremy N. Morlock, Staff Sergeant (E-6) David D. Bram, Staff Sergeant (E-6) Calvin R. Gibbs, Specialist (E-4) Corey A. Moore, Sergeant (E-5) Darren N. Jones, and Corporal (E-4) Emmitt R. Quintal to commit an offense under the Uniform Code of Military Justice, to wit: assault consummated by a battery of [REDACTED] and in order to effect the object of the conspiracy the said Specialist (E-4) Adam W. Kelly, Staff Sergeant (E-6) Calvin R. Gibbs, Corporal (E-4) Jeremy N. Morlock, Staff Sergeant (E-6) David D. Bram, Specialist (E-4) Corey A. Moore, Sergeant (E-5) Darren N. Jones, and Corporal (E-4) Emmitt R. Quintal did strike [REDACTED] on the body with their fists and feet.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 128

SPECIFICATION 1: In that Specialist (E-4) Adam W. Kelly, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, on or about 5 May 2010, unlawfully strike [REDACTED] on the body with his hands and feet and spit in his face.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 112a

SPECIFICATION 1: In that Specialist (E-4) Adam W. Kelly, U.S. Army, did at or near Forward Operating Base Ramrod, Afghanistan, on divers occasions between on or about 1 October 2009 and on or about 31 October 2009, wrongfully use hashish a Schedule I controlled substance while receiving special pay under 37 U.S.C. Section 310.

(SEE CONTINUATION SHEET)

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]		b. GRADE O-3	c. ORGANIZATION OF ACCUSER 2-1 IN BN, 2/2 ID (SBCT)
d. SIGNATURE [REDACTED]			e. DATE 13 Aug 2010

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 13th 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.

[REDACTED]

Typed Name of Officer

OSJA, I Corps

Organization of Officer

O-3
[REDACTED]

Signature

Article 136, UCMJ

Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)

12.

On 13 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

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

Organization of Immediate Commander

[Redacted]

O-3

Grade

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at _____ hours, _____ 2010, at

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

Designation of Command or

APO AE 09355

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

O-4

Grade

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 _____, I (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(e) concerning instructions. If none, so state.

12.

On _____, 2006, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

Typed Name of Immediate Commander

2-1 IN, 2/2 ID (SBCT)
Organization of Immediate Commander

O-3
Grade

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1400 hours, 25 August 20 10 at HQ, 2-1 IN, 2/2 ID
Designation of Command or

(SBCT), JBLM, WA 98433

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

FOR-THE ¹ _____

Typed Name of Officer

COMMANDING
Official Capacity of Officer Signing

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 _____, I (caused to be) served a copy hereof on (each of) the above named accused.

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(e) concerning instructions. If none, so state.

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

Item 10 (Cont'd)

VIOLATION OF THE UCMJ: ARTICLE 134

SPECIFICATION 1: In that Specialist (E-4) Adam W. Kelly, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, on or about 5 May 2010, wrongfully endeavor to impede an investigation in the cases of U.S. v. Specialist (E-4) Adam W. Kelly, U.S. v. Corporal (E-4) Emmitt R. Quintal, U.S. v. Corporal (E-4) Jeremy N. Morlock, U.S. v. Sergeant (E-5) Darren N. Jones, U.S. v. Specialist (E-4) Corey A. Moore, and other suspected hashish users by striking [REDACTED] on the body with his hands and feet and spitting in his face which conduct was prejudicial to the good order and discipline of the armed forces and was of a nature to bring discredit upon the armed forces.