

CHARGE SHEET

I. PERSONAL DATA

| | | | | | | |
|---|---------------------|-------------------|-----------------------------------|--|---------------------------------------|----------------------------|
| 1. NAME OF ACCUSED (Last, First, MI) WAGNON, MICHAEL, S. II | | | 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, WA 98433 | | | | | 6. CURRENT SERVICE | |
| | | | | | a. INITIAL DATE 16 MAR 2009 | 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 | |
| \$2,293.80 | None | \$2,293.80 | | | | |

II. CHARGES AND SPECIFICATIONS

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

SPECIFICATION 1: In that Specialist (E-4) Michael S. Wagnon II, 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 Specialist (E-4) Michael S. Wagnon II, Staff Sergeant (E-6) Calvin R. Gibbs, and Corporal (E-4) Jeremy N. Morlock did shoot with firearms a male of apparent Afghan descent.

SPECIFICATION 2: In that Specialist (E-4) Michael S. Wagnon II, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 March 2010 and on or about 31 March 2010, conspire with Staff Sergeant (E-6) Calvin R. Gibbs, Staff Sergeant (E-6) Robert G. Stevens, Sergeant (E-5) Darren N. Jones, [REDACTED], Specialist (E-4) Adam C. Winfield, and Private First Class (E-3) Ashton A. Moore to commit an offense under the Uniform Code of Military Justice, to wit: aggravated assault with a dangerous weapon upon three males of apparent Afghan descent, and in order to effect the object of the conspiracy the said Specialist Michael S. Wagnon II, Staff Sergeant (E-6) Calvin R. Gibbs, Staff Sergeant (E-6) Robert G. Stevens, Sergeant (E-5) Darren N. Jones, and Private First Class (E-3) Ashton A. Moore did shoot at three males of apparent Afghan descent with dangerous weapons, to wit: loaded firearms.

(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 OF ACCUSER [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.

Typed Name of Officer

OSJA, I Corps
Organization of Officer

O-3
Grade

Article 136, UCMJ

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

Signature

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

O-3

[Redacted]
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

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

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.

CONTINUATION SHEET, DD FORM 458, PERTAINING TO WAGNON, Michael, S. II, SPC, [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 II: VIOLATION OF THE UCMJ, ARTICLE 118

The SPECIFICATION: In that Specialist (E-4) Michael S. Wagnon II, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, on or about 22 February 2010, with premeditation, murder a male of apparent Afghan descent by means of shooting him with firearms.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 128

THE SPECIFICATION: In that Specialist (E-4) Michael S. Wagnon II, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 March 2010 and on or about 31 March 2010, commit an assault upon three males of apparent Afghan descent by shooting at them with a dangerous weapon, to wit: a loaded firearm.

CHARGE IV: VIOLATION OF THE UCMJ, ARTICLE 134

SPECIFICATION 1: In that Specialist (E-4) Michael S. Wagnon II, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 January 2010 and on or about 31 February 2010, possess a skull taken from an Afghan person's 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.

SPECIFICATION 2: In that Specialist (E-4) Michael S. Wagnon II, U.S. Army, did, at or near Forward Operating Base Ramrod, Afghanistan, between on or about 1 May 2010 and on or about 17 May 2010, wrongfully endeavor to impede an investigation in the case of U.S. v. Wagnon by obtaining a computer hard drive and asking another Soldier to erase incriminating evidence from the hard drive which conduct was prejudicial to good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.