



UNITED STATES MARINE CORPS
U.S. MARINE CORPS FORCES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIRFORCE BASE, FLORIDA 33621-5101

5800
SJA
AUG 08 2007

From: Commander, U.S. Marine Corps Forces, Central Command
To: Trial Counsel

Subj: DISMISSAL OF CHARGE AND SPECIFICATIONS IN THE CASE OF UNITED STATES V. LANCE CORPORAL JUSTIN L. SHARRATT, XXX XX 1095, USMC

Ref: (a) R.C.M. 306, Manual for Courts-Martial (2005 Edition)
(b) R.C.M. 401, Manual for Courts-Martial (2005 Edition)

Encl: (1) DD Form 458 Preferred 21 Dec 06

1. In accordance with the references, the charge and specifications in the enclosure are hereby dismissed without prejudice.

A handwritten signature in black ink, appearing to read "G. W. Riggs", written over a circular stamp or mark.

G. W. RIGGS
By direction

Copy to:
TC
DC



UNITED STATES MARINE CORPS

U.S. MARINE CORPS FORCES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIRFORCE BASE, FLORIDA 33621-5101

IN REPLY REFER TO:

5810

CG

AUG 08 2007

From: Commander
To: Lance Corporal Justin L. Sharratt, U.S. Marine Corps

Subj: DISPOSITION OF CASE

Ref: (a) Commandant of the Marine Corps ltr to Commander, U.S. Marine Corps Forces Central Command dtd 06 Jun 2006 (Subj: Designation as Consolidated Disposition Authority for Any Necessary Administrative or Disciplinary Actions Relative to the Haditha Investigation)
(b) Army Regulation 15-6 Investigation of Events in Haditha, Iraq on 19 November 2005 (MG Bargewell AR 15-6) dtd 15 June 06 and Forwarding Endorsements
(c) The Naval Criminal Investigative Service's Reports of Investigation Concerning the Haditha Incident from 12 April 2006 to 25 May 2007
(d) Uniform Code of Military Justice Article 32 Investigating Officer Report ICO United States v. Lance Corporal Justin L. Sharratt, U.S. Marine Corps

1. Pursuant to reference (a), and based upon my thorough consideration of references (b), (c), and (d), I have determined that the charges in your case will be dismissed without prejudice. I have made this decision based upon all of the evidence and have specifically considered the recommendation articulated in reference (d) from the Article 32 Investigating Officer and his determination that the evidence does not support a referral to a court-martial.

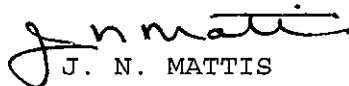
2. The experience of combat is difficult to understand intellectually and very difficult to appreciate emotionally. One of our Nation's most articulate Supreme Court Justices, Oliver Wendell Holmes, Jr., served as an infantryman during the Civil War and described war as an "incommunicable experience." He has also noted elsewhere that "detached reflection cannot be demanded in the face of an uplifted knife." Marines have a well earned reputation for remaining cool in the face of enemies brandishing much more than knives. The brutal reality that Justice Holmes described is experienced each day in Iraq, where you willingly put yourself at great risk to protect innocent civilians. Where the enemy disregards any attempt to comply with ethical norms of warfare, we exercise discipline and restraint to protect the innocent caught on the battlefield. Our way is right, but it is also difficult.

3. The event in which you were engaged on 19 November 2005 has been exhaustively examined by Marine, Army, and Naval Criminal

Subj: DISPOSITION OF CASE

Investigative Service investigators. An independent Article 32 Investigating Officer has considered all the facts and concluded that you acted in accordance with the rules of engagement. His comments on the evidence are contained in reference (d). The intense examination into this incident, and into your conduct, has been necessary to maintain our discipline standards and, in the words of the Marines' Hymn, "To keep our honor clean." I recognize that you have been through a most difficult experience. I am optimistic that you remained aware that you were, and have always been entitled to, and received the benefit of, the presumption of innocence that is the bedrock of our military justice system.

4. You have served as a Marine infantryman in Iraq where our Nation is fighting a shadowy enemy who hides among the innocent people, does not comply with any aspect of the law of war, and routinely targets and intentionally draws fire toward civilians. As you well know, the challenges of this combat environment put extreme pressures on you and your fellow Marines. Operational, moral, and legal imperatives demand that we Marines stay true to our own standards and maintain compliance with the law of war in this morally bruising environment. With the dismissal of these charges you may fairly conclude that you did your best to live up to the standards, followed by U.S. fighting men throughout our many wars, in the face of life or death decisions made by you in a matter of seconds in combat. And as you have always remained cloaked in the presumption of innocence, with this dismissal of charges, you remain in the eyes of the law - and in my eyes - innocent.


J. N. MATTIS