

12. On 1 OCT 2004, 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).

RICHARD E. PRICE

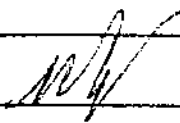
*Typed Name of Immediate Commander*

3d SQDN, 3d ACR, Fort Carson, CO

*Organization of Immediate Commander*

LTC

*Grade*



*Signature*

**IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY**

13 The sworn charges were received at 1600 hours, 1 OCTOBER 20 04 at 3d Armored Cavalry Regiment  
*Designation of Command or*  
Fort Carson, Colorado 80913  
*Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)*

FOR THE XXXXXXXXXXXXXXXXXXXXXXXXXXXX

H. R. McMASTER

*Typed Name of Officer*

Regimental Commander

*Official Capacity of Officer Signing*

Colonel

*Grade*



*Signature*

**V. REFERRAL; SERVICE OF CHARGES**

14a. DESIGNATION OF COMMAND OR CONVENING AUTHORITY

HQ, 7th ID and Fort Carson

b. PLACE

Fort Carson, CO 80913

c. DATE

26 May 2005

Referred for trial to the general court-martial convened by court-martial convening order number 4

dated 8 July 20 04, subject to the following instructions:<sup>2</sup> None.

By COMMAND of MAJOR GENERAL MIXON

*Command or Order*

MARK W. COLBY

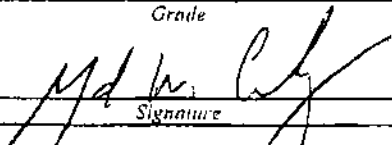
*Typed Name of Officer*

NCOIC, Criminal Law

*Official Capacity of Officer Signing*

SEC

*Grade*



*Signature*

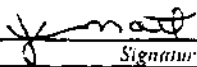
15. On 1 June 20 05, I (caused to be) served a copy hereof on (each of) the above named accused.

JESSE MATT

*Typed Name of Trial Counsel*

CPT

*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.

# CHARGE SHEET

## I. PERSONAL DATA

|  |                             |                        |   |  |                               |                     |
|--|-----------------------------|------------------------|---|--|-------------------------------|---------------------|
| 1. NAME OF ACCUSED ( <i>Last, First, MI</i> )<br>WELSHOFER, Lewis E., Jr.  |                             |                        | 2. SSN<br>[REDACTED]                          |  | 3. GRADE OR RANK<br>CW3       | 4. PAY GRADE<br>CW3 |
| 5. UNIT OR ORGANIZATION<br>66 <sup>th</sup> Military Intelligence Company, 3d Squadron<br>3d Armored Cavalry Regiment, Fort Carson, Colorado 80913 |                             |                        |   |  | 6. CURRENT SERVICE            |                     |
|  |                             |                        |   |  | a. INITIAL DATE<br>9 JUN 94   | b. TERM<br>Indef    |
| 7. PAY PER MONTH   |                             |                        | 8. NATURE OF RESTRAINT OF ACCUSED<br><br>None |  | 9. DATE(S) IMPOSED<br><br>N/A |                     |
| a. BASIC<br>\$4,291.80   | b. SEA/FOREIGN DUTY<br>None | c. TOTAL<br>\$4,291.80 |   |  |                               |                     |

## II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 92.

**SPECIFICATION:**

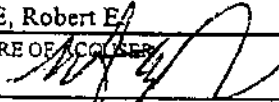
In that Chief Warrant Officer Three Lewis E. Welshofer Jr., U.S. Army, who knew ~~or should have known~~ of his duties at or near Al Qaim, Iraq, on or about 26 November 2003, was derelict in the performance of those duties in that he willfully failed to properly safeguard the physical health, welfare, and treatment of Major General Abid Mowhosh, as it was his duty to do.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 118.

**SPECIFICATION:**

In that Chief Warrant Officer Three Lewis E. Welshofer Jr., U.S. Army, did, at or near Al Qaim, Iraq, on or about 26 November 2003, murder Major General Abid Mowhosh by means of suffocating him with the use of a sleeping bag and electrical cord.

## III. PREFERRAL

|  |                 |   |
|--|-----------------|---|
| 11a. NAME OF ACCUSER ( <i>Last, First, MI</i> )<br>PRICE, Robert E.  | b. GRADE<br>LTC | c. ORGANIZATION OF ACCUSER<br>3d SQDN, 3d ACR |
| d. SIGNATURE OF ACCUSER<br> |                 | e. DATE<br>OCT 1 2004                         |

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 1 day of October, 2004, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

KELLY T. DAVISON

*Typed Name of Officer*

Captain

*Grade*

  
*Signature*

Office Of The Staff Judge Advocate

*Organization of Officer*

Judge Advocate

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

# CHARGE SHEET

## I. PERSONAL DATA

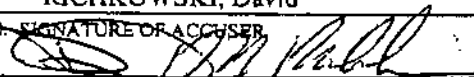
|  |                             |   |                                 |                               |
|--|-----------------------------|---|---------------------------------|-------------------------------|
| 1. NAME OF ACCUSED ( <i>Last, First, MI</i> )<br>WELSHOFER, Lewis E., Jr.  |                             | 2. SSN<br>[REDACTED]                          | 3. GRADE OR RANK<br>CW3         | 4. PAY GRADE<br>W-3           |
| 5. UNIT OR ORGANIZATION<br>Regimental Headquarters and Headquarters Troop,<br>3d Armored Cavalry Regiment (Rear)(Provisional), Fort Carson, Colorado 80913 |                             |   | 6. CURRENT SERVICE              |                               |
|  |                             |   | a. INITIAL DATE<br>09 June 1994 | b. TERM<br>INDEF              |
| 7. PAY PER MONTH   |                             | 8. NATURE OF RESTRAINT OF ACCUSED<br><br>None |                                 | 9. DATE(S) IMPOSED<br><br>N/A |
| a. BASIC<br>\$4,442.10   | b. SEA/FOREIGN DUTY<br>None |   |                                 |                               |

## II. CHARGES AND SPECIFICATIONS

10. THE ADDITIONAL CHARGE: VIOLATION OF THE UCMJ, ARTICLE 128.

SPECIFICATION: In that Chief Warrant Officer Three Lewis E. Welshofer, Jr., U.S. Army, did, at or near Al Qaim, Iraq, on or about 19 November 2003, unlawfully strike an Iraqi detainee, whose name is unknown, by slapping and punching the detainee, throwing the detainee to the ground, by wrapping the detainee in a sleeping bag, and by throwing the weight of his body onto the detainee's torso.

## III. PREFERRAL

|   |                 |   |
|---|-----------------|---|
| 11a. NAME OF ACCUSER ( <i>Last, First, MI</i> )<br>RICHKOWSKI, David  | b. GRADE<br>CPT | c. ORGANIZATION OF ACCUSER<br>RHHT, 3 <sup>rd</sup> ACR (R)(P), Fort Carson, CO 80913 |
| d. SIGNATURE OF ACCUSER<br> |                 | e. DATE<br>13 MAY 05  |

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 13<sup>th</sup> day of May, 2005, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

JESSE A. MATT

*Typed Name of Officer*

Captain

*Grade*

  
*Signature*

HHC, 7<sup>th</sup> IN DIV, Fort Carson, CO 80913

*Organization of Officer*

Judge Advocate

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

12. On 13 May, 20 05, 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).

DAVID RICHKOWSKI  
 Typed Name of Immediate Commander

RHHT, 3<sup>rd</sup> ACR (R)(P), Fort Carson, CO 80913  
 Organization of Immediate Commander

CPT  
 Grade

[Signature]  
 Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 0800 hours, 16 May, 20 05 at HQ, United States Army Garrison, Fort Carson, Colorado 80913  
 Designation of Command or Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE <sup>1</sup> XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
 Garrison Commander  
 Official Capacity of Officer Signing

MICHAEL RESTY, JR.  
 Typed Name of Officer

COL  
 Grade

[Signature]  
 Signature

V. REFERRAL; SERVICE OF CHARGES

|   |   |                               |
|---|---|-------------------------------|
| 14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY<br><u>HQ, 7th ID and Fort Carson</u> | b. PLACE<br><u>Fort Carson, CO80913</u> | c. DATE<br><u>26 May 2005</u> |
|---|---|-------------------------------|

Referred for trial to the general court-martial convened by court-martial conveying order number 4

dated 8 July, 20 04, subject to the following instructions:<sup>2</sup> To be tried in conjunction with the original charges.

By COMMAND of MAJOR GENERAL MIXON  
 Command or Order

MARK W. COLBY  
 Typed Name of Officer

NCOIC, Criminal Law  
 Official Capacity of Officer Signing

SEC  
 Grade

[Signature]  
 Signature

15. On 1 June, 20 05, I (caused to be) served a copy hereof on (each of) the above named accused.

JESSE MATT  
 Typed Name of Trial Counsel

CPT  
 Grade or Rank of Trial Counsel

[Signature]  
 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.

Name: WELSHOFER, Lewis E. Jr.

Rank: CW3

Present Unit of Duty: 66<sup>th</sup> Military Intelligence Company, 3/3 Armored Cavalry Regiment

Unit of Assignment When Incident Occurred: 66<sup>th</sup> Military Intelligence Company, 3/3 Armored Cavalry Regiment

Gross Salary: \$4,291.80 per month

Present and Past Assignments: Ft. Carson, CO; Ft. Bliss, TX; Augsburg, GE; Vicenza, IT; Afghanistan, AF; Ft. Huachuca, AZ

Awards and Decorations: MSM X 2; ARCOM X 3; AAM X 3; ASUA; AGCM X 2; NDSM X 2; GWTSM; HSM; NOPDR X 2; ASR; OSR X 4

Military and Civilian Education Level: NY, U of S of NY, Regents C, BA Liberal Arts

Duty Status: Active

Military Occupational Specialty: 351E

Home of Record: Ohio