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TO HON JOHN YOUNG HOUSE OF REP WASHDC

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UNCLAS 0131 FROM: AVBH-AGB, CG, USARV, FOR: AVHAG-PA

OCLL, DA, FOR: LTC LEVINE

THIS IS A FINAL REPLY TO YOUR INQUIRY PERTAINING TO SPECIALIST FOUR SAMUEL RODRIGUEZ, US 54 720 500, A MEMBER OF THIS COMMAND.

UPON RECEIPT OF YOUR INQUIRY AN INVESTIGATION WAS MADE TO DETERMINE WHETHER THE LEGAL RIGHTS OF SP4 RODRIGUEZ WERE BEING INFRINGED UPON, AND WHETHER HE WAS BEING AFFORDED A PROPER DEFENSE. THE FOLLOWING

INFORMATION WAS DEVELOPED AND IS FURNISHED FOR YOUR INFORMATION.

ON 5 NOVEMBER 1968 SP4 RODRIGUEZ ASSAULTED ANOTHER SPECIALIST WITH A KNIFE AND SERIOUSLY WOUNDED AN UNARMED SERGEANT BY SHOOTING HIM WITH AN M-16 RIFLE. CHARGES WERE PREFERRED AGAINST SP4 RODRIGUEZ

ON 7 NOVEMBER 1968 AND AN INVESTIGATION OF THE CHARGES, REQUIRED PRIOR TO REFERRAL OF CHARGES TO A GENERAL COURT- MARTIAL, WAS CONDUCTED BETWEEN 12 AND 19 NOVEMBER 1968, DURING WHICH SP4 RODRIGUES WAS REPRESENTED BY COUNSEL.

ON 9 DECEMBER 1968 THE CHARGES WERE FORWARDED TO THE GENERAL COURT- MARTIAL AUTHORITY. SP4 RODRIGUEZ DID NOT EXPRESS DISSATISFACTION WITH THE APPOINTED COUNSEL UNTIL 18 DECEMBER 1968. ON 2 JANUARY 1969, AFTER SEVERAL ATTEMPTS TO OBTAIN COUNSEL OF RODRIGUEZ CHOICE HAD FAILED, HE WAS PROVIDED A NEW COUNSEL WITH WHOM HE WAS SATISFIED.

ON 28 JANUARY 1969 SP4 RODRIGUEZ WAS TRIED BY A GENERAL COURT- MARTIAL. THE CHARGES WERE ASSAULT WITH INTENT TO COMMIT MURDER AND ASSAULT WITH A DANGEROUS WEAPON. SP4 RODRIGUEZ PLEADED NOT GUILTY N ICTED OF A LESSER INCLUDED OFFENSE OF

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RECEIVED DIRECT FROM
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ON 28 JANUARY 1969 SP4 RODRIGUEZ WAS TRIED BY A GENERAL COURT- MARTIAL. THE CHARGES WERE ASSAULT WITH INTENT TO COMMIT MURDER AND ASSAULT WITH A DANGEROUS WEAPON. SP4 RODRIGUEZ PLEADED NOT GUILTY TO BOTH CHARGES. HE WAS CONVICTED OF A LESSER INCLUDED OFFENSE OF THE FIRST CHARGE, TO WIT, SIMPLE ASSAULT AND OF ASSAULT WITH A DANGEROUS WEAPON. HE WAS SENTENCED TO SERVE 12 MONTHS IN CONFINEMENT AT HARD LABOR, TO FORFEIT ALL PAY AND ALLOWANCES, AND TO BE DISCHARGED FROM THE ARMY WITH A BAD CONDUCT DISCHARGE.

IN AN INTERVIEW ON 29 JANUARY 1969, SP4 RODRIGUEZ STATED THAT HE WAS SATISFIED THAT HE WAS GIVEN ADEQUATE PROTECTION OF HIS LEGAL RIGHTS; THAT HE HAD NEVER BEEN DENIED AN OPPORTUNITY TO PLEAD NOT GUILTY BY HIS COUNSEL; THAT HE UNDERSTOOD THAT HIS FIRST COUNSEL HAD RECOMMENDED THAT HE PLEAD GUILTY TO A LESSER CHARGE THAN THAT WITH WHICH HE WAS BEING CHARGED IN ORDER TO OBTAIN A PRE-TRIAL AGREEMENT IN ORDER TO INSURE A LIGHTER SENTENCE THAN COULD HAVE BEEN GIVEN UNDER THE INITIAL CHARGE; THAT HE REQUESTED ANOTHER COUNSEL TO GET ANOTHER OPINION IN AN ATTEMPT TO KEEP FROM BEING CONVICTED; AND, THAT HE WAS INFORMED THAT HE COULD REQUEST ANOTHER DEFENSE COUNSEL AT ANY TIME. YOUR INTEREST IN THIS SERVICEMAN IS APPRECIATED AND I HOPE THIS INFORMATION WILL BE OF ASSISTANCE TO YOU.

SIGNED: FREDERIC E. DAVISON, BRIGADIER GENERAL, USA, COMMANDING

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