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Oral argument before the United States Court of Military Commission Review in the case of *U.S. v. Mohammed Jawad* is scheduled for Tuesday, January 13, 2009 at 10:00 a.m. at Courtroom 201 of the United States Court of Appeals for the Federal Circuit, 717 Madison Place, N.W., Washington D.C. 20439.

Counsel for the Prosecution are Lieutenant Colonel Douglas M. Stevenson, U.S. Air Force and Lieutenant Commander Arthur L. Gaston III, U.S. Navy.

Counsel for the Accused are Major David J.R. Frakt, U.S. Air Force, Lieutenant Commander Katherine Doxakis, U.S. Navy, and Major Eric Montalvo, U.S. Marine Corps.

A summary of the case follows: On December 17, 2002, the Accused allegedly threw a grenade into a vehicle occupied by two U.S. service members and their Afghan interpreter. All three vehicle occupants suffered serious injuries, and this alleged conduct eventually resulted in referral of three specifications of attempted murder to trial. The Accused alleged that Afghan authorities assaulted him and made death threats against him and his family on December 17, 2002, and in response the Accused admitted throwing the grenade. Later on December 17, 2008, the Accused was transferred to U.S. Forces. On December 18, 2002, the Accused made oral incriminating statements while in the custody of U.S. Forces. On November 19, 2008, the Trial Judge granted a defense motion to suppress the Accused's oral statements to U.S. Forces because of threats made by an Afghan police officer the previous day. The Trial Judge concluded that the Afghan police officer's threats tainted the Accused's subsequent oral statements to U.S. authorities, rendering them inadmissible.

The Court of Military Commission Review will hear arguments on the following issues:

I. Whether the Trial Judge applied the correct legal standard when he suppressed the statements the Accused made to U.S. authorities on December 18, 2002.

II. Whether the record contains sufficient factual support for the Trial Judge's findings of fact and conclusions that the statements the Accused made on December 18, 2002, are inadmissible because they are the product of torture.

Three judges will conduct the oral arguments and decide the legal issues. Chief Judge Frank J. Williams will be the Presiding Judge. The other judges are Deputy Chief Judge David R. Francis and Judge Daniel E. O'Toole.

The Court Commissioner will call the court to order, then the Presiding Judge will ask the parties if they are ready to proceed. Each party will have thirty minutes for argument. The government appellate counsel will go first, followed by the defense appellate counsel. The government may ask to reserve 5 minutes for rebuttal. The judges may ask questions at any time during the arguments. After arguments are complete, the court will adjourn, and will deliver its decision in due course.

The Court of Military Commission Review's Rules of Practice are available at:

[http://www.defenselink.mil/news/courtofmilitarycommission\\_review.html](http://www.defenselink.mil/news/courtofmilitarycommission_review.html)

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#### Appellate Judge Biographies:

The Presiding Judge for this oral argument is Chief Judge Frank J. Williams. Chief Judge Williams currently serves as Chief Judge of the U.S. Court of Military Commission Review and Senior Judge of the Rhode Island Supreme Court. Prior to assuming senior status, he was the Chief Justice of the Rhode Island Supreme Court from 2001 to December 30, 2008, and an Associate Justice of the Rhode Island Supreme Court

from 1995 to 2001. Chief Judge Williams also served as a Army captain during the Vietnam war and was awarded the Combat Infantry Badge, the Bronze Star and the Vietnamese Gallantry Cross with Silver Star for Valor. He received his law degree in 1970 from Boston University and a Master's Degree in Taxation from Bryant College in 1986. Chief Judge Williams has served as the founding Chairman of The Lincoln Forum, a national assembly of individuals interested in Abraham Lincoln and the Civil War era, and since 1990 he has served as the President of the Ulysses S. Grant Association.

Colonel David R. Francis is Deputy Chief Judge of the U.S. Court of Military Commission Review and a Senior Judge of the U.S. Air Force Court of Criminal Appeals. Immediately prior to assuming his current position, he served as Chief, Commercial Litigation Division, Civil Law and Litigation Directorate, Air Force Legal Operations Agency. He received his Bachelor of Arts Degree from State University of New York; his Juris Doctorate Degree from the University of Dayton School of Law, and his Master of Laws degree in Gov't Procurement Law (Highest Honors) from The George Washington University National Law Center.

Captain Daniel E. O'Toole is the Chief Judge of the U.S. Navy-Marine Corps Court of Criminal Appeals. He holds a Juris Doctor degree from Wake Forrest University School of Law, and a Master of Laws degree in Environmental Law from The George Washington University National Law Center. Captain O'Toole engaged in the private practice of law for four years, then accepted a direct commission into the Navy's JAG Corps. He has since served as a military prosecutor, military defense counsel, and staff judge advocate. He has provided legal advice at all levels of Naval legal practice in the United States, overseas, and aboard various naval vessels. Immediately prior to his present assignment, Captain O'Toole was the Senior Circuit Military Judge in the Navy-Marine Corps Central Circuit, and he served as Presiding Officer over three military commissions in Guantanamo Bay, Cuba.