

Mother of Hazed NYC Soldier Takes Stand as Court Martial Trial Begins

The parents of Private Danny Chen are in North Carolina to attend the court-martial of the soldiers who hazed their son — allegedly due to his ethnicity — to the point where he shot himself in Afghanistan. On Tuesday, Chen's mother, Su Zhen, testified in the proceedings.

Su Zhen Chen took the stand and described, what she called, her good relationship with her son at the trial of Army Sgt. Adam Holcomb of Youngstown, Ohio. He's the first of eight U.S. soldiers the military said it would prosecute in connection with the death of the Chen last year.

The military trial will be markedly different from the criminal or civil procedures that most people are familiar with.

One of the important differences between military and civilian trials, military law experts said, is the size of a jury, or panel, as it is referred, and the number of panel members needed for a conviction.

In federal criminal cases a jury usually consists of 12 members, which must unanimously reach a verdict.

In military trials, a two-thirds vote is sufficient for a conviction.

Military trial panels are also smaller in size, with the minimum requirement of at least five members. Usually seven to eight soldiers will serve on the panel. A 12-member panel is only required in death penalty cases, and Pvt. Chen's does not fall into this category.

The trial for Sgt. Holcomb began on Tuesday at Fort Bragg. He faces a number of charges in the death of the 19-year-old Chen. The most serious one is negligent homicide.

Seven other soldiers have also been charged. Prosecutors allege that they emotionally and physically abused Chen and used racial slurs.

Eugene Fidell, who teaches military justice at Yale Law School, said the charges in Pvt. Chen's case might have been different if this were a civilian case, and could have included harassment, but with a military trial "some creativity" might be required.

"Charge of negligent homicide on these facts is a little bit surprising, but military justice may not have a category that fits this conduct neatly as we might prefer," Fidell said.

Legal experts add prosecutors in the court-martial proceedings will face a complicated task of proving the top charge of negligent homicide.

"The fact that the soldiers were charged with criminally negligent homicide — that's a pretty stiff charge," said Greg Rinckey, managing partner at Tully Rinckey, a military law firm based in Albany. "Because this is a soldier... that committed suicide."

Holcomb's attorneys said when the trial opened that his actions didn't cause Chen's death.

The defense has argued that Chen had a strained relationship with his family.

If convicted on all counts, Holcomb faces a maximum sentence of 18 years.