



**TULLY RINCKEY** PLLC  
YOUR LAWYERS FOR LIFE - 1888LAW4LIFE.COM

## The potential future of Bowe Bergdahl – Chad McFarland, Esq. discusses with WNYT

**Military lawyer: 5 years enough for Bergdahl?  
06/10/2014 WNYT.com By: Dan Levy**

**ALBANY - AS Sgt. Bowe Bergdahl continues to recover at a military hospital in Germany, military brass might be considering a court martial. Chad McFarland, a military law expert from Tully Rinckey in Albany, says the most important thing now is for Bergdahl to slowly and incrementally get better. "If he has any kind of behavioral health issues you can imagine how any type of questioning would possibly be tainted without making sure that those medical health care concerns are addressed first, McFarland says. McFarland says it's also important that nobody rushes to judgment about Bergdahl, whose been accused by fellow soldiers of desertion prior to his being captured by enemy combatants. McFarland says Bergdahl isn't the only person under the microscope. "Why was it so easy for him to walk off his post?" McFarland asks rhetorically. "What kind of level of supervision was there? These could provide some insight into whether other people were derelict in their areas of responsibilities as well." McFarland says as long as Bergdahl didn't collude with the enemy, as long as he didn't pass along any classified information, and as long as he made an effort to escape, he may have a viable legal defense. When you stop to consider that Bergdahl, according to sources, was held in a box for weeks at a time in the pitch darkness, McFarland says, he sees a scenario whereby Bergdahl never sets foot inside a military courtroom. "It makes you wonder what would be the purpose of court martialing him?" McFarland asks. "Five years could be considered by some already to**

be punishment enough." A hospital official in Germany says there is no predetermined timeline for Bergdahl's recovery, it will depend on his pace of healing. Meanwhile, the FBI is investigating threats against Bergdahl's parents, as they have remained out of the public view since a news conference following their son's release.