

## Hood Shooting Suspect Hasan May Plead Guilty

By Angela Brown

More than three years after the deadly shooting rampage at Fort Hood, an Army psychiatrist may soon describe details of the terrifying attack for the first time, if he's allowed to plead guilty to lesser charges.

Maj. Nidal Hasan would be required to describe his actions and answer questions about the Nov. 5, 2009, attack on the Texas Army post if the judge allows him to plead guilty to the lesser charges, as his attorneys have said he wants to do.

Any plea, which could happen at the next hearing in March, won't stop the much-anticipated court-martial set to begin May 29. He faces the death penalty or life in prison without parole if convicted of 13 counts of premeditated murder.

Under military law, a judge can't accept a guilty plea for charges that carry the death penalty. Hasan's lawyers have said he is ready to plead guilty to charges of unpremeditated murder, which don't carry a possible death sentence, as well as the 32 attempted premeditated murder charges he faces.

If the judge, Col. Tara Osborn, allows him to plead guilty, she will hold an inquiry in which Hasan must discuss the attack. If he says anything that isn't consistent with what happened or indicates he isn't truly acknowledging his guilt, the judge would stop the hearing and not accept his guilty plea, according to military law experts. He is not required to apologize or say that he is remorseful.

Some military law experts say it's a legal strategy designed to gain jurors' sympathy so that they might not sentence him to death if he's convicted later.

"The judge has to make sure he's pleading guilty willingly and that this isn't a ploy," Jeff Addicott, director of the Center for Terrorism Law at St. Mary's University in San Antonio, said Friday.

A Senate report released in 2011 said the FBI missed warning signs about Hasan, alleging he had become an Islamic extremist and a "ticking time bomb" before the attack at Fort Hood. It's unclear if Hasan would discuss his motivation, but the judge must determine if he is sincere in pleading guilty or is simply trying to avoid the death penalty, said Addicott, who is not involved in Hasan's case.

Addicott said the judge will be even more thorough during the inquiry because Hasan is a psychiatrist who is "highly intelligent and knows how to manipulate human thinking."

Witnesses have said that after lunch on Nov. 5, 2009, a gunman wearing an Army combat uniform shouted "Allahu Akbar!" — "God is great!" in Arabic — and opened fire in a crowded medical building where deploying soldiers get vaccines and other tests. He fired rapidly,

pausing only to reload, even shooting at some soldiers as they hid under desks and fled the building, according to witnesses.

When it was over, investigators found 146 shell casings on the floor, another 68 outside the building and 177 unused rounds of ammunition in the gunman's pockets. Authorities and several witnesses identified the gunman as Hasan, an American-born Muslim who was to deploy to Afghanistan soon.

Greg Rinckey, who formerly served in the Army JAG Corps and is not involved in Hasan's case, said pleading guilty without a deal may signal to the judge that the government is being unreasonable by proceeding with a trial. He also said Hasan's attorneys have few, if any, options for a defense.

"His attorneys know he's going to be convicted at trial, so why not get some brownie points?" said Rinckey, a New York attorney who specializes in military law. "But once they admit to it, it's harder to appeal."

Hasan's trial is expected to last through September. Prosecutors have nearly 300 witnesses, including a terrorism expert who will testify that Hasan is a homegrown terrorist. Among the mounds of evidence is a transcript of a telephone call between Hasan, while in jail, and Al-Jazeera in which he allegedly apologized for being part of "an illegal organization" — the U.S. Army. Prosecutors are expected to show emails that Hasan exchanged with Anwar al-Awlaki, a radical U.S.-born Islamic cleric killed in Yemen in 2011 by a U.S. drone strike.