

Martinez Not Guilty

It's one of the first fragging cases of the Iraq War. Staff Sgt. Alberto Martinez of Troy, and member of the 42nd Infantry Division, stood trial for the murder of two Superiors: Captain Phillip Espisito of Suffern and Lt. Louis Allen of Milford Pennsylvania, back in June of 2005.

The prosecution claimed Martinez, who had personal problems with Espisito, set off a mine outside the Captain's window, killing both men inside. But, without witnesses and forensic evidence, the prosecution had a tough case ahead of them.

"Where I think they ran into the problem was twas no smoking gun evidence. There was no smoking gun evidence and quite honestly, his statement was suppressed by the defense team and I think that's where they ran into some problems," says former JAG attorney Greg Rinckey.

With those incriminating statements made by Martinez tossed out of court, along with the defense's strategy of keeping Martinez off the stand, Rinckey says the jury may have felt there just wasn't enough evidence to convict.

"The defense said you have the wrong guy. You don't have proof beyond a reasonable doubt here and potentially there are other people that could've done this," Rinckey says.

And today, without that hard evidence, the jury reached a verdict that shocked many in the courtroom. Martinez was acquitted of all charges. As that verdict came down, the widow of Lt. Allen was heard to say "He slaughtered our husbands and that's it?"

According to Rinckey it is.

"I think it's done. Double jeopardy is attached. This took place overseas so no state has any jurisdiction over him," says Rinckey. "So he's a free man."

Now, with the trial behind him, Martinez can technically return to military service. But Rinckey believes, given the circumstances, he will ask for an administrative discharge.