

Court-martial Begins in Suffern Army Captain's Slaying

Staff Sgt. Alberto Martinez was conducting a "personal war within a war" when he planned and executed the murders of his two superior officers in Iraq in 2005, the prosecution said in opening statements in Martinez's death penalty court-martial.

Capt. Evan Seamone told the jury that Martinez, a longtime National Guardsman with a relaxed attitude, had trouble adjusting to the discipline required in wartime combat. He resented Capt. Phillip Esposito's strict oversight of the supply room, of which Martinez was in charge, and believed that Esposito, 30, of Suffern was trying to undermine him, Seamone said.

Martinez became so angry that that he openly began to talk about harming Esposito, Seamone said, adding that, at one point, he told another soldier: "I hate that (expletive). I'm going to frag that (expletive)." Fragging is military slang for the killing of a superior officer, especially by a hand grenade.

"There was no soldier who voiced so much hatred for Capt. Esposito as Sgt. Martinez," Seamone said.

Weeks later, Seamone said, Esposito and 1st. Lt. Louis Allen, another officer, were killed in an explosion. Seamone argued the case that Martinez was able to procure Claymore mines and fragmentation grenades from another supply officer, and used them as murder weapons.

"This is almost the perfect murder," said the prosecutor. "This was a cold-blooded homicide."

Martinez is charged with two counts of premeditated murder in the June 2005 deaths of Esposito, who was his company commander, and Allen, 34, of Milford, Pa., second in command of the 42nd Infantry Division's headquarters support company in Tikrit, Iraq.

Prosecutors have said Martinez rigged a Claymore mine to Esposito's window in Tikrit on June 7, 2005, then detonated it, along with several grenades.

Esposito and Allen, who was also in the room, died from their wounds the next day. Their deaths were considered by the military to be the first incidence of fragging since the war in Iraq began.

Defense attorney Maj. John Gregory told jurors that Army investigators assumed Martinez was guilty after learning of his feud with Esposito, a by-the-book West Point graduate who took over a relaxed National Guard unit. Because of their prejudice, investigators were "likely to miss important evidence that will be lost forever," he said.

Gregory also said investigators initially thought that the blast was caused by a mortar attack, but suddenly changed their minds after one soldier told them that Martinez and Esposito didn't get along.

"The investigation is so flawed and so unreliable that it cannot be the basis for a conviction of Staff Sgt. Martinez," Gregory said. "Staff Sgt. Martinez is not guilty of these crimes."

The military judge presiding over the court-martial, Col. Steve Henley, then asked Gregory if he was suggesting that someone else was guilty of the crime, according to a statement provided by Fort Bragg, the Army post where the trial is being held.

Gregory responded, no.

The widows and family members of the victims are attending the trial at Fort Bragg. A live video feed is being provided at the U.S. Military Academy at West Point for family members who cannot travel to Fort Bragg, and for the media.

"I'm seeing Phil killed in front of me all over again. I partly died when Phil died on June 8," Siobhan Esposito, Phillip Esposito's widow, said by phone after the hearing. "I thought Capt. Evan did a phenomenal job with the opening statement. Once the panel hears the prosecution's case, they will realize that Martinez murdered his superior officers and they will find him guilty."

Four soldiers have been court-martialed or charged with killing a fellow soldier since the Iraq war began in 2003.

"From a military perspective, this is a unique case, a soldier attempting to frag his own officers," said Greg Rinckey, an Albany attorney who served as an Army lawyer for six years. "It's a troubling case from a military perspective because it goes to the concept of good order and discipline. This is why the military is seeking the death penalty."

Esposito worked as an information technology manager in Manhattan. Allen was a high school science teacher. The Espositos had a young daughter, and the Allens had four young sons.

Bringing Martinez to trial has been an arduous process, as defense attorneys spent countless hours trying to eliminate a possible death sentence. They won postponements, but failed to escape a capital trial.

The court-martial is taking place at the sprawling North Carolina post because it's where the commander in charge of ground forces in Iraq at the time of the blast was based. Allen's and Esposito's widows are renting apartments and attending the trial in person.

Both women are expected to be among the first witnesses called by prosecutors when the court-martial resumes today.

"It really is nice to finally to hear in open court that Martinez is guilty of murder," said Barbara Allen, Louis Allen's widow. "The gloves are off. The game is on. At the end of the day, any reasonable person will have to come to the conclusion that he is guilty."