

Fort Bragg Officials Say Verdict in Holcomb Court-Martial Won't Affect Next Cases

Army prosecutors failed to convince a jury that Sgt. Adam Holcomb drove Danny Chen to suicide last fall in Afghanistan.

But Fort Bragg officials said that will have no bearing on the courts-martial of six other men charged in the death of the 19-year-old private.

Maj. Josh Toman, spokesman for the 18th Airborne Corps Office of the Staff Judge Advocate, said each of the cases had a unique set of facts and circumstances. Toman said the verdict in the Holcomb case would not be a factor in how the government approaches the next case.

But Greg Rinckey, who spent six years as an Army lawyer and now represents soldiers in the military justice system for Tully Rinckey PLLC, said the Holcomb court-martial creates leverage for the other defendants.

In light of the sentence, Rinckey said defense lawyers will likely push harder for plea deals that favor their clients.

If Holcomb had been convicted of negligent homicide, the most serious charge he faced, those same lawyers may have been willing to take much less favorable deals, he said.

And if those defendants proceed to trial, Rinckey said they likely will do so with confident lawyers.

"There's always a risk there. It's a different case. It's a different jury," he said. "But this was a very good omen for the defense."

Holcomb initially faced more than 17 years in a military prison for allegedly driving Chen to commit suicide in Afghanistan on Oct. 3. He was accused of targeting Chen, a relatively new soldier, because of his Chinese heritage.

But a jury found that Holcomb could not be linked to Chen's death and issued a mixed verdict, acquitting him of the most serious charges. He was convicted of maltreatment and assault.

The verdict and subsequent sentence deflated supporters of the Chen family who had hoped the Army would make an example of Holcomb.

Elizabeth OuYang, president of the New York chapter of the Organization of Chinese-Americans, said she had hoped that Holcomb would not be allowed to continue his Army career.

Allowing Holcomb to continue wearing the uniform tarnishes the reputation of the Army, she said.

"This does nothing to ensure that Asian-American soldiers will be protected from mistreatment and harm in the military," she said. "This is a very sad day. This is a difficult day."

Holcomb was the first of eight Fort Wainwright, Alaska, soldiers to stand trial in Chen's death. All but one of those soldiers will be court-martialed on Fort Bragg.

Officials have accused the men of a variety of charges, mostly related to driving Chen to kill himself in a guard tower on Combat Outpost Palace in Kandahar province.

Holcomb, 30, of Youngstown, Ohio, was sentenced to 30 days in prison. He also was sentenced to be demoted one rank and to forfeit more than \$1,100. He will be allowed to continue his military service.

The next court-martial, that of Spc. Ryan Offutt, is scheduled to begin Aug. 13 at Fort Bragg.

OuYang, who attended each day of Holcomb's court-martial, said she and others plan to return to Fort Bragg for the other trials.

"Danny, you will not be alone," she said from the courthouse steps, before adding that she hoped for a more vigorous prosecution in the upcoming cases.

"Danny deserves no less," she said.

But Toman, the Staff Judge Advocate spokesman, said the trial should not be an indictment on Army policies.

Any perceived "light" sentence was not an indication that the Army OK'd hazing, he said.

"It's not Pvt. Chen's trial," he said. "It's the trial of the accused and all of them are innocent until proven guilty."

"Hazing and maltreatment are unacceptable," he said. "Soldiers have to trust each other. When there's hazing or maltreatment, that erodes that trust."

Rinkey agreed that Holcomb's sentence wasn't a larger endorsement of any kind.

He said he felt the government overreached when it charged Holcomb and five others with negligent homicide in Chen's suicide.

Rinkey said the case, while tragic, was an uphill battle for the government to prove.

"They didn't cause his suicide. They didn't cause his death," he said. "Clearly, they wanted to send a message that they were taking this seriously, but I still think they overreached."