

REPORT OF PROCEEDINGS

The IO convened the investigation at 0921 hours and stated that the accused were both present and were represented by counsel. He further stated that the counsels had agreed to conducting a joint investigation, holding the right to withdraw in the event of a prejudicial conflict.

The charges were read. Specialist 5 Eason was charged with violation of Article 134, UCMJ, 4 specifications, and told that a copy had been presented to the accused. PFC Smith was charged with violation of Article 134, nine specifications, and also presented with a copy of the accusation.

Instructions relative to the conduct of the investigation were presented by the Investigating Officer, and agreed to by counsels present. They were primarily related to orderly questioning of witnesses, allowing each counsel and the I.O. sufficient opportunity to question all witnesses, and not to have indiscriminate questioning.

All parties were informed that 1LT Lepore, Commanding Officer of A Battery, 2d Bn (HERC), 52d Artillery, one of the witness, would not be able to appear until after 1300 hours due to a change of command ceremony at his site.

The first witness, SP4 Jesse John FINERAN, was called and sworn. A summary of his testimony is contained in EXHIBIT 2.

During the testimony by Specialist Fineran, it was requested that he speak louder, and also to admit having forgotten a fact rather than delay the investigation trying to remember facts.

The second witness called was 1LT LEPORE. A summary of his testimony is contained in (SP EASON, EXHIBIT 10, PFC SMITH, EXHIBIT 9).

The third witness called was CWO Sinquefield. A summary of his testimony is contained in (PFC SMITH, EXHIBIT 8, SPEASON, EXHIBIT 9).

Following Mr. Sinquefield's dismissal, SP4 Fineran was again recalled. A summary of this testimony is also contained in EXHIBIT 2.

The investigation then recessed until the next morning. Time of recess was 1621 hours, 3 Feb 70.

The investigation reconvened on 4 February 1970 at 0900 hours. SP4 Fineran was again recalled. A summary of those proceedings is also found in EXHIBIT 2.

The investigation was adjourned when there were no witnesses presented by the accused, and no further witnesses called by the I.O. Time of adjournment was 0916 hours, 4 February 1970.