

DETAILS

# DETAILS

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**ENOUGH  
WITH  
PARIS  
AND  
LINDSAY  
BRING  
BACK  
THE  
HOLLYWOOD  
BAD BOY**

**TEN SIGNS  
YOUR WIFE  
IS CHEATING  
ON YOU**

**MEET THE  
MARI  
THE  
INN**

**THE  
ULTIMATE  
SEXUAL  
FANTASY**

**HOW TO PULL OFF  
THE THREE-PIECE SUIT**

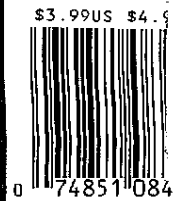
**EXCLUSIVE  
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CHILD STARS  
ALL GROWN UP**

→ MEET THE MARINES BEHIND THE  
MURDER OF AN INNOCENT MAN

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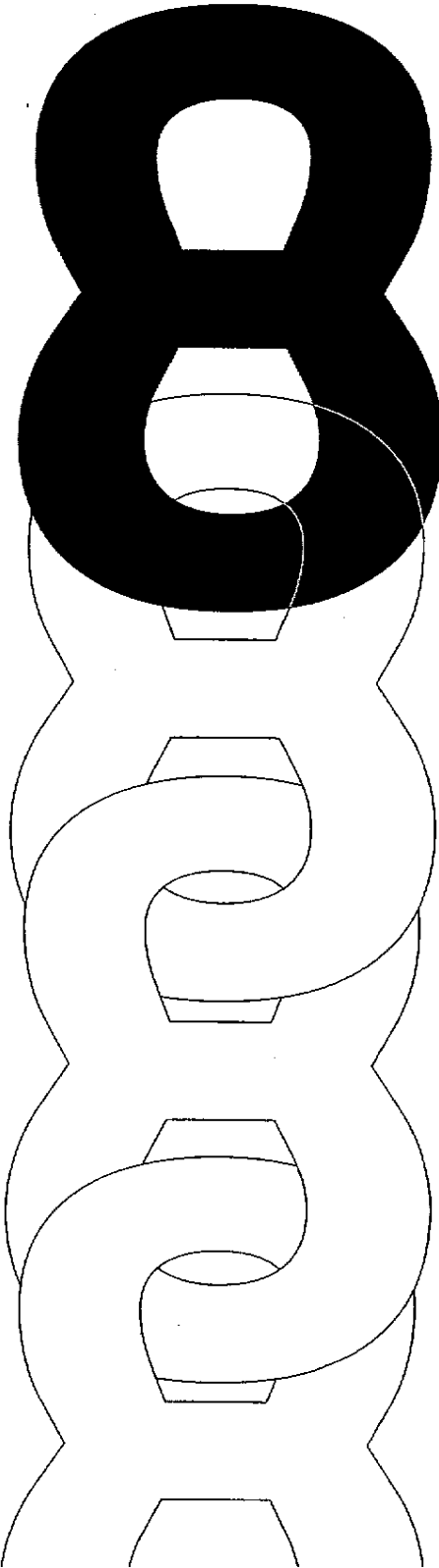
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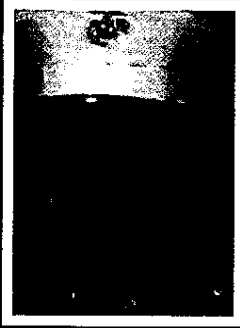
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In April 2006, a squad of marines set out to capture and kill an insurgent near Hamdania, Iraq. They couldn't find him, so an innocent man was killed instead. Since then, the "Pendleton 8" have become a lightning rod for critics of the war. by Ben Paynter

# THE PENDLETON





**Pfc. John Jodka III**

Age: 21  
Hometown: Encinitas,  
California

Unmarried // First tour

Pleaded guilty to aggravated assault and conspiracy to obstruct justice. Agreed to become a government witness in exchange for 18 months in prison.



**Cpl. Marshall "Magic" Magincalda**

Age: 24  
Hometown: Manteca,  
California

Unmarried //  
Second tour //  
Awarded two  
Purple Hearts

Pleaded not guilty to murder, kidnapping, conspiracy, and related offenses. Could face life in prison if convicted in court-martial this summer.

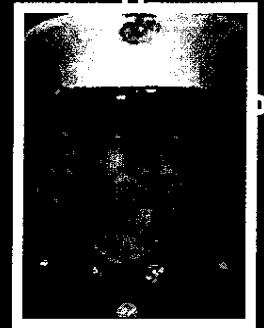


**Cpl. Trent Thomas**

Age: 25  
Hometown: St. Louis,  
Missouri

Married // 1-year-old  
daughter // Second tour //  
Awarded a  
Purple Heart

Pleaded not guilty to murder, kidnapping, conspiracy, and related offenses. Could face life in prison if convicted in court-martial this summer.

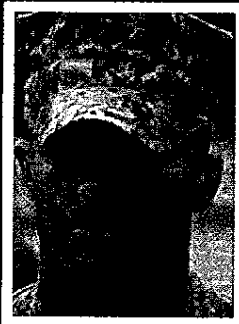


**Lance Cpl. Jerry Shumate**

Age: 21  
Hometown: Matlock,  
Washington

Unmarried // First tour

Pleaded guilty to aggravated assault and conspiracy to obstruct justice. Sentenced to 21 months.

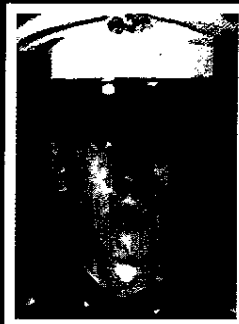


**Sgt. Lawrence Hutchins III**

Age: 23  
Hometown: Plymouth,  
Massachusetts

Engaged to be married //  
one daughter // First tour

Charged with conspiracy to kidnap and commit murder. Has not yet entered a plea.

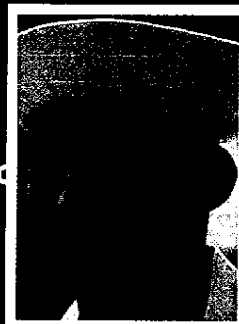


**Lance Cpl. Robert Pennington**

Age: 23  
Hometown: Mukilteo,  
Washington

Unmarried //  
Third tour

Pleaded guilty to kidnapping and conspiracy to commit premeditated murder. Sentenced to 8 years.

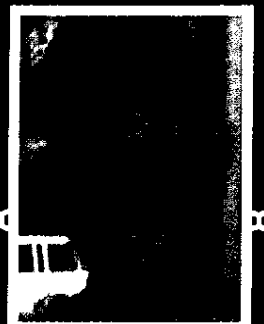


**Hospitalman 3rd Class (Navy) Melson Bacos**

Age: 21  
Hometown: Franklin,  
Wisconsin

Married //  
2-year-old daughter //  
Second tour // Awarded a  
Purple Heart

Pleaded guilty to kidnapping, conspiracy to commit kidnapping, and making false official statements. Sentenced to 1 year.



**Lance Cpl. Tyler Jackson**

Age: 23  
Hometown: Tracy,  
California

Unmarried // First tour

Pleaded guilty to aggravated assault and conspiracy to obstruct justice. Sentenced to 21 months.

PRIVATE FIRST CLASS JOHN J. JODKA III WAS ordered out of the way an hour and a half before midnight. According to his later sworn statement, Jodka was posted on the edge of a grassy field just outside Hamdania, a city west of Baghdad, with two other junior marines. He'd established a 360-degree perimeter cordon around his commander, Sergeant Lawrence Hutchins III, and four Iraq-war vets, three of them decorated, who were huddled in a palm grove. Waiting in the darkness, Jodka had no idea what his leaders were doing, he says. He didn't know that, according to Hutchins' sworn statement, they had spent at least an hour contriving a highly intricate, seemingly foolproof murder plot that they had named Operation Ghost. Worst of all, though, Jodka didn't know that his superiors had decided that he would participate in an unauthorized incident during which he would help shoot a 52-year-old father of 11 dead in cold blood.

of elitism. The chess-playing loner longed to be part of an alpha crew. He joined the "Darkhorse 3/5," a platoon whose hard-knock rep had been forged in the initial invasion of Iraq in 2003 and had been cemented in 2004 in bloody battles for Fallujah.

But if Operation Iraqi Freedom had been about kicking in doors and shooting anyone not waving a white flag, the post-invasion era was about offering mea culpas. Jodka had been in country for four months playing the part of "Friendly United States Neighborhood Marine," he says. Relying on less than 15 minutes of training in Arabic, he'd become a traffic cop at vehicle checkpoints, a mediator of domestic arguments, an ad hoc engineer when canals needed plugging. For his service, he had been sniped at and ambushed. Every time he came into contact with the bad guys he was required to adhere to rules of engagement so nuanced that his team had to jot them down in field notebooks

preserves near his home in Manteca, California. Corporal Trent Thomas, from St. Louis, considered himself a military-for-lifer; he had a daughter who'd been born while he was overseas. Navy Hospitalman 3rd Class Melson Bacos, the unit's combat medic, was a former high-school wrestler from the Milwaukee area with a wife and daughter back home. Lance Corporal Robert Pennington, from Seattle, the squad's radio operator, had watched his best friend die in Fallujah but still came back for a third tour. They'd all done more than one tour; among them they'd earned four purple hearts. These men had proved they knew how to stay alive and take out bad guys, while Jodka and his fellow fresh grunts, Lance Corporals Jerry Shumate of Matlock, Washington, and Tyler Jackson of Tracy, California, were keen just to get into the action.

Jodka nodded. Camouflage paint masked his thin jaw and still-babyish cheeks.

"I'm in."

## Jodka didn't know his superiors had decided that he would participate in a premeditated killing

SHORTLY BEFORE MIDNIGHT, JODKA'S RADIO crackled to life. He and the two junior marines were summoned to meet the rest of their eight-man squad beneath a tree at a rendezvous point nearby. It was April 25, 2006. Jodka had seen the sun set twice since he'd last slept. There was a shortage of manpower, so for months the squad had been trading solid nights of sleep for short catnaps. For the past 24 hours his squad, from the 3rd Battalion, 5th Marines, Kilo Company out of Camp Pendleton, California, had been taking a census of each household and an inventory of their guns. There was trash everywhere. The heat was unbearable. The mission felt like a waste of time.

They had been dropped in the field near Hamdania at dusk and had made their way to an abandoned intersection of two dirt roads for what they expected would be another elaborate errand: The Kilo Company squad was to ambush anyone who might come by to plant explosives. *Setting traps for the guys setting traps?* This was not the war Jodka had signed up for.

Jodka had dropped out of college the year before to join up, and he'd scored well enough on his proficiency exams to skip the front lines in favor of sniper school. He'd come from the moneyed coastal nook of Encinitas, but he wanted more than that sort

for reference. In his eyes, he was no longer a warrior; he had become a mall security guard. He had been trained to be a marine—to use lethal force if necessary—but he'd found himself stymied by regulations concocted in a committee room a world away.

ACCORDING TO JODKA, WHEN THEY'D ASSEMBLED, Hutchins faced his men and spelled out the plan: Hamdania was the home turf of Saleh Gowad, the suspected mastermind behind recent roadside bombings west of Baghdad, including one that had vaporized a marine. Hutchins had arrested Gowad once and turned him over to the Iraqi police, but they were forced to release him for lack of evidence. Hutchins, however, knew where Gowad lived. His "picture-perfect plan," as he called it, according to one marine's later testimony, was to kidnap Gowad, make it look like he was planting a roadside bomb, and kill him.

Jodka's testimony states that Hutchins said to the men, "If one person objects, then we will not go through with this mission."

At age 20, Jodka was the youngest and lowest-ranking member of the squad. His belt-fed M249 machine gun hung loosely from his narrow shoulders.

Corporal Marshall "Magic" Magincalda had grown up shooting on hunting

IN THE SPRING OF 2006, THE ONLY CERTAINTY in Iraq was death. Post-Fallujah, decentralized bands of Sunni Muslim insurgents were scattered across the countryside that the 3rd Battalion was supposed to be guarding: a swath of land abutting the Euphrates River colloquially referred to as the Triangle of Death. The area had become a battleground in which Sunnis terrorized their Shiite rivals. The death toll for American troops in Iraq was approaching 2,500, and public support for the war effort was faltering. News had leaked of a massacre in Haditha in which a group of marines had allegedly slaughtered at least 15 civilians in retaliation for losing one of their own in a roadside-bomb attack. President Bush was requesting an additional \$70 billion from Congress to fund the war effort, admitting that the war could stretch well into 2009.

For Kilo Company, which operated out of Camp Bushido, a row of ramshackle huts fortified by sandbags and concertina wire, this stagnation meant the marines they saw shot were not being replaced. They were starting to feel very much alone.

Hutchins, the squad leader, a 22-year-old Massachusetts native with a gym-sculpted body, had, according to Jodka, already proved it's possible to be successful in Iraq by bending the rules. Instead of keeping a list of terror suspects in his field notebook, he'd



of a civilian: Within a few hours, he would help shoot a 52-year-old father of 11 dead in cold blood.



**IN COLD BLOOD** (from top left): The hole in which Hashim Ibrahim Awad was left before he was killed by members of Kilo Company; the shovel was left to suggest that Awad had been planting IEDs. Private First Class John J. Jodka III with his M249 SAW (squad automatic weapon). Members of the victim's family.

scribbled a roster of "possible shitheads," including map coordinates of their homes. This was his first tour of duty, and he'd garnered Jodka's respect through a series of cowboy maneuvers: In January, according to his own sworn statement, he'd called for a bomb strike on insurgents while his team was still within the target area. Then, a little more than a month before, he'd entered the home of an insurgent suspected to have

been making threatening comments about marines. In front of his men, Hutchins kneeed the man in the head. So far, there had been no consequences for his behavior. (Both acts would be investigated once word leaked to the Naval Criminal Investigative Service.)

In the palm grove, Hutchins picked teams, dividing his unit into two groups: veterans and rookies. The snatch squad—veterans Maginacalda, Thomas, Bacos, and Penning-

ton—would get Gowad. The firing squad—rookies Jodka, Shumate, and Jackson—would remain at the grove with Hutchins to make sure the roiling grasslands and barren dirt roads were clear for the execution. Other than their roles, there was a significant difference between the two groups that night: Unknown to Jodka and the rest of the firing squad, Hutchins, according to his own sworn statement, had cooked up a homi-

cidental contingency: Should the snatch team fail to locate Gowad, they were to bring back someone else. Gowad or no Gowad, there was going to be a killing.

THE SNATCH TEAM DUMPED MOST OF THEIR gear in the field and moved east into town. The world was black and silent. There was no moon, no streetlights, no people: A curfew kept the villagers indoors. According to Pennington, before setting out for Gowad's residence, the troop gathered props to plant at the crime scene. On the outskirts of the city, they came to an isolated two-story house. Bacos and Magincalda posted up outside the doorway; Pennington and Thomas charged through the door. Inside, the intruders found a family of sleeping Iraqis. Pennington barked questions in Arabic while he and Thomas shined flashlights into their eyes; finally someone produced the item they needed: an AK-47. Outside, Bacos and

late forties and had a slight limp. According to Bacos, he seemed to know just one word of English: *mister*. He would later be identified as Hashim Ibrahim Awad, 52, the father of 11 and a former Iraqi policeman who had served under Saddam Hussein.

Awad was led through the dark maze of streets toward the palm grove. Passing the market, the marines retrieved the gun and shovel. Bacos heard the whine of an unmanned surveillance plane. According to Pennington, they knelt down to mimic a routine patrol that has stopped moving. According to Hutchins, one of the snatch squad radioed over a closed frequency and said, "We have him." Sitting in the palm grove, Hutchins had no idea who "him" referred to.

The men headed back to the abandoned intersection. Jodka, Jackson, and Shumate were concealed in the field beside the dirt road. The snatch squad found a depression trashed with empty soda cans. Magincalda

area, his night-vision goggles were useless.

Hutchins ordered the fire team to roll 50 meters north of the palm trees to link up with Thomas, the fire-team captain, and form an assault line 75 meters from the road. The commander told Bacos and Magincalda to take the stolen AK-47 and an empty assault bag and flank the fire team, positioning themselves out of the line of fire. Bacos, according to his statement, was to fire the gun into the air while Magincalda caught the empty shells so they could be strewn near the body to make it look like Awad had opened up on the Kilo Company unit.

At this point Hutchins began to overplay his hand. He called in to Camp Bushido and reported that he saw an insurgent digging at the side of the road. But if Hutchins was able to identify an insurgent with a shovel, he had the authority to establish the threat and dispatch the man himself. His call would later look to investigators like an attempt to

## According to his own testimony, Hutchins fired at least three shots at the dying man's head.

Magincalda grabbed a shovel from the yard. They stashed the shovel and the AK-47 in a nearby marketplace and proceeded to search for their victim.

The squad crept down a street near the center of town until they spotted Gowad's yellow brick house. They heard dogs barking, and suddenly a woman emerged from the house. Pennington, according to his own statement, asked in Arabic for her name, pretending the men were on a routine patrol. "Have you seen any strange people in the area?"

They released the woman, knowing their cover was blown. She would return home and warn everyone that marines were about. But instead of retreating, the snatch team switched to their contingency plan. According to Thomas's sworn statement, Hutchins' order was clear: If they missed Gowad they "should not come back without someone." They would kill an Iraqi—any Iraqi—to send a message to the locals.

They chose a house. While Bacos and Pennington stood sentinel out front, Magincalda and Thomas slipped into the house and spotted a sleeping man. They roused him, pushed him into the street, and bound his hands in front of him with a pair of plastic handcuffs. Their captive had a mustache and was wearing white pants and a rumpled green button-down shirt. He appeared to be in his

stirred the dirt with a shovel to make it look like an insurgent had been digging there. Pennington, according to his sworn statement, placed Awad in a bear hug so that his feet could be bound. Awad struggled and managed to free his hands. The men re-bound his hands and clamped his feet together with another set of ties. Bacos stated in his testimony that he thought he heard the surveillance plane circling back. Fearing they were being watched, he said that they should abort.

According to Bacos, Magincalda told him: "Quit being a pussy!"

They had reached a point of no return. According to his own testimony, Pennington tried to gag the shrieking prisoner with a cravat, but the man kept spitting it out. He clamped a Kevlar-gloved hand over the man's face like a muzzle. Then he noticed a foul odor; Awad had lost control of his bowels. They left him bound, gasping and soiled in the dirt hole.

IT WAS NOW AFTER 2 A.M. JODKA HAD SPENT the past few hours smoking, checking his buddies' face paint, and waxing pseudo-intellectual about hidden meanings in *The Da Vinci Code*—whatever he could do to stay awake. He could hear commotion on the road, but without any moon to cast ambient light over the

cover his tracks. A lieutenant monitoring communications assured Hutchins he had permission to engage.

"Get on line!" Hutchins shouted to the rest of the squad.

Thomas locked the laser sight of his M-16 onto Awad's crumpled form. Jodka used his night-vision goggles to sight off Thomas' laser beam. The men awaited the next order in silence; Jodka still had no idea that it wasn't Gowad in the hole. According to Jodka, Thomas hadn't told him about the contingency plan.

Jodka psyched himself up for what he was about to do. "These guys are the enemy, they are terrorists," he reasoned. "They are out there trying to kill me. It's either their life or my life."

According to several marines' statements, once Bacos started firing the AK-47, the rest of the squad opened up on their target.

The opportunity to fire his machine gun provided Jodka the release he'd been waiting for. He believed that for the true marine, there was a hyperawareness that came during battle. The fire team moved forward, spraying hot lead. According to prosecutors, Bacos fired rounds from the AK-47 into the air behind the fire team and Magincalda caught the shell casings tidily in the assault bag. After a few seconds Thomas swung his gun sharply to

the right. Somehow Awad had gotten loose. He was running. Jodka saw a shadow break his comrade's laser sight beam like a sprinter crossing a finish line. He swiveled, rattling off a dozen or so rounds in a few seconds. The figure staggered and hit the ground.

Hutchins yelled to cease fire and ordered the men to set up a protective cordon. He approached the limp body. Blood gurgled out of a chest wound. According to his testimony, Hutchins fired at least three shots at the dying man's head.

According to Bacos' testimony, Hutchins then said, "We just got away with murder, gents."

Someone cut off Awad's plastic handcuffs. According to Bacos, Magincalda placed the AK-47 near the body and dumped the empty shells from the assault bag into the hole. Pennington testified that they had been placed on the wrong side of the gun's ejection port, a detail that would prove crucial

Awad dragged from his home and led away. Two weeks later, investigators from the NCIS arrived at Camp Bushido. They asked Jodka to give them a tour of the scene and a play-by-play of the alleged firefight. Jodka stuck to the agreed-upon script. But the evidence—the misplaced bullet casings, logs of the strange permission-to-fire call, reports from eyewitnesses—contradicted his version of events.

On May 12, the members of the unit were separated and held in portable office-size storage containers. Over the next week each was individually interrogated. Some gave contradictory statements about what had occurred. On May 25 they were flown with a military escort to Camp Pendleton. There they were suddenly released to get haircuts, shave, and call their families. Any one of them could have fled, but none did; they thought that no one could touch them if they stuck together. Twelve hours later,

Some of the men were remorseful.

"I've failed to do what I've always been about and what you taught me . . . standing up for what is right," Jackson wrote to his parents on May 13. But he was unwilling to roll on his friends. "I may not ever walk the world freely again."

Jodka faced a possible prison sentence of more than 20 years. For four months he sat in his cell, refusing his one-hour reprieve in the yard. When his attorney, Joseph Casas, suggested that he cooperate with government prosecutors to receive a lighter sentence, Jodka shoved the legal papers back at him.

IF EVERYONE HAD REMAINED SILENT, PROSECUTORS would have had a harder time building a case. In September, however, Casas told Jodka that Bacos had cut a deal. Now Jodka had to choose whether to put his own interests ahead of the group's. For the first time since his arrest, he cried.

## Then he said, according to Bacos' testimony, "We just got away with murder, gents."

to the prosecution's case.

Five minutes later, another squad of eight men from Kilo Company arrived in two Humvees. They had expected a possible firefight but ended up collecting the commandos and bagging the corpse. Pennington realized there were multiple sets of fingerprints on the AK-47, so he boldly wiped the rifle down in front of the new squad of marines. By this time Jodka had figured out that the corpse wasn't Gowad's.

Hutchins faced the new marines, Jodka testified. "I can't identify him," Hutchins said of the corpse. "I have no idea who it is."

"I knew it wasn't Gowad, but honestly I didn't care," Jodka said later. "At least we took one terrorist out of the loop."

The crew collected Awad's sandals from the road and dropped the body at a nearby Iraqi police station.

Back at Bushido, Hutchins called his men onto a rooftop. The sun was rising, revealing their haggard faces and scrawny frames. According to Jodka, his next statement rang out like an order. "You guys know what happened," he told them. It was understood that everyone would stick to their story. They broke for chow and sleep.

WITHIN DAYS, VILLAGERS CAME FORWARD claiming to have seen Hashim Ibrahim

they were arrested and separated again, issued prison scrubs, and locked in solitary confinement. Whenever they were taken out of their eight-by-eight cells, their arms and legs were shackled.

Their families began mobilizing, holding press conferences protesting what they called Guantánamo Bay-style treatment of the men. They started support-group websites for the "Pendleton 8." Soon, hundreds of protestors rallied outside Camp Pendleton's main gate. The prisoners became a lightning rod for war critics and a cause célèbre in military circles.

"WHAT IS DIFFERENT IN THIS WAR IS WHEN A PRIVATE screws up it becomes a foreign-policy issue immediately," says Paul Rieckhoff, the executive director and founder of Iraq and Afghanistan Veterans of America and a former platoon leader in central Baghdad during Operation Iraqi Freedom. "The guys who screw up have to be held accountable for all the marines doing the right thing."

Jodka and his cronies were charged with conspiracy to kidnap and commit murder. For Jodka, the worst part of being confined to a cell and given only a Bible to read was that he was separated from his unit. "These were the guys that knew me. You take me away from my brothers? That's the worst thing you could do."

On November 15, Jodka struck a deal, pleading guilty to aggravated assault and conspiracy to obstruct justice, agreeing to become a government witness in exchange for 18 months in prison. It came with the stipulation that he receive a general discharge. He was transferred to the Miramar brig, near San Diego, and was allowed to wear his uniform.

Today, Jodka defends his actions: "We're marines. We are trained to locate, dispose of, and destroy the enemy. All we have to do is reach out and make that happen. We felt we were doing the right thing even though we knew it wasn't the legal thing."

If he's released on schedule in August he'll have three years left on his military-service contract. Once, Jodka dreamed only of returning to the front lines with his battle buddies; now he knows he will be discharged early.

"After seeing how the Marine Corps handicaps the best of this generation, I can't be part of that," he says.

Being a rat is the only thing that still haunts him.

"It is a betrayal, 100 percent," he says. "It's taken me a long time to accept that. I'm never going to have nightmares about Iraq, but I am going to have nightmares about that. To betray my brothers is the worst thing I've ever done." ■