



June 19, 2018

Via Electronic Mail and United States Mail

The Honorable Donald J. Trump
President of the United States of America
The White House
Washington D.C.

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Office of the Pardon Attorney
145 N Street, N.E.
Room 5E.508
Washington D.C., 20530

Dr. Mark T. Esper
Secretary of the Army
ATTN: DAJA-CL
2200 Army Pentagon
Washington, D.C. 20310-2200

Re: Petition for Commutation of Remaining Sentence After Nearly 10 Year's
Confinement - US Army First Sergeant John Hatley

Dear Sir or Ma'am:

I represent John Hatley in seeking a commutation of sentence. John is a 49-year-old Texas native who served almost 20 years in the Army with an otherwise excellent and longstanding combat and military record as a Paratrooper, Ranger, and Infantryman. He was convicted of killing detainees in a war zone in Iraq during a routine patrol in early 2007. He was convicted solely on testimony with no physical or forensic evidence, no identified victims, or reports of missing persons being presented at trial. John has served nearly 10 years of a 25-year sentence at the United States Disciplinary Barracks (USDB) on Fort Leavenworth, KS. Due to the extenuating circumstances of his trial, his honorable service and impeccable record before and since conviction, he is seeking a commutation of sentence. In August 2017, John became eligible for parole pursuant to Army Regulation (AR) 15-130, Army Clemency and Parole Board, Chapter 3-1e.

Exceptional Character and Unblemished Record

John's career was characterized by honor, sacrifice, and valor. He was awarded two Bronze Stars, an Army Commendation Medal for Valor, and a Ranger Tab, to name a few, attesting to the level of his commitment to his country. His distinguished performance was recognized early in his career and catapulted him through the ranks, while he accepted ever-increasing responsibility and challenges.

John joined the military on 26 October 1989 and attended basic training and AIT at Ft. Benning, GA. While attending basic training, he was selected for the IET Fast Track Program acknowledging his leadership potential. He was assigned to Ft. Campbell, KY and deployed to Iraq in support of Operation Desert Shield and Desert Storm where he progressed through the ranks to Sergeant and attended the Primary Leadership Development Course. He attended the Air Assault Course and Jungle Operations Training in Panama.

In September of 1993, he reenlisted and was stationed in the Republic of Korea. He reclassified to mechanized infantry and was selected to attend the Bradley Fighting Vehicle Leaders Course. He served as a Dismount Squad Leader and a Section Leader.

In January of 1995, he returned to Ft. Hood, TX and he graduated the Basic Noncommissioned Officer Course where he was selected as the Honor Graduate. He attended Delta Force Selection but was unable to complete the course due to injury. He also successfully completed the Bradley Master Gunner School.

In 1999, he deployed to Bosnia in support of Operation Joint Forge. He was inducted into the Sergeant Audie Murphy Club in the fall of 1999. He was selected by the Brigade Command Sergeant Major to serve as the Brigade Master Gunner while awaiting attendance to the Advanced Noncommissioned Officers Course. He distinguished himself during attendance to ANCOC in May 2000 and was selected for the Commandant's List and identified as the recipient of the ANCOC Henry Caro Leadership Award.

John was then stationed in Schweinfurt, Germany as Platoon Sergeant. He successfully completed U.S. Army Ranger and Airborne School. He was selected to serve as the Division Master Gunner and then was assigned as the Division's G-3 Training Sergeant's Major where he deployed the Division Tactical Operations Center to Iraq for Operation Iraq Freedom II. He was promoted to First Sergeant in 2004.

John deployed the company for a second tour in 2006 in support of Operation Iraqi Freedom 06-08 in Baghdad, Iraq. After deployment, he served approximately 12 months as the USAG Housing NCOIC in Schweinfurt, Germany.

Circumstances of Conviction

John was tried by the Commander, Headquarters, 7th Army Joint National Training Command, in Vilseck, Germany in April 2009. On 16 April 2009, 1SG John Hatley was court-martialed and found guilty of premeditated murder and conspiracy to commit premeditated murder. He was sentenced to life in prison with an opportunity for parole, reduction to E-1, and forfeiture of all pay and allowances. This is despite the lack of any ballistic or forensic evidence but based solely on the testimony of a few soldiers who had taken pre-trial agreements in exchange for testimony leading to his conviction.

The Army Criminal Investigation Division (CID) conducted a thorough investigation, which included sending a seven-man Army dive team to search the canal where the alleged



victims were supposedly left and a purported "eye witness" that took them to all the critical areas in Iraq. Despite the rigorous efforts of the investigating team, they did not find one shred of physical or forensic evidence to suggest that any men were missing, much less killed. There were no bodies, no brass, and no evidence of a crime. Additionally, CID conducted extensive interviews with the family members of the detained men who stated that no one from their family was missing. CID also conducted interviews with the neighbors of the surrounding areas who stated no one from their neighborhood was missing. CID also interviewed the man who owned the farm where the bodies were allegedly disposed. He stated that he had no knowledge of any killings or had he heard of anyone being killed. Again, the only "evidence" was from compelled statements from a few soldiers who claimed that "four men of middle-eastern descent" were killed. The additional charges which were either dismissed or for which he was found Not Guilty were all alleged by the same individual who was pending legal action that made the original allegations.

John's sentence was reduced by the convening authority to a 40-years. In June 2016, his sentence was further reduced to 25 years by the Army Clemency and Parole Board, which he is currently serving at the USDB at Ft. Leavenworth, KS.

The point here is not to relitigate the legal issues of the trial. John received his day in court and the courts determined that he must be held legally responsible for the death of these men. He has acknowledged the court's decision and punishment. Still, by the multiple reductions of sentence, John's impeccable record while incarcerated, and the unusual circumstances created by the lack of identified victims and forensic evidence, warrants consideration for the request for commutation.

Confinement

John has made the best of his situation and decided he would not be defined by his environment but rather define the environment by his actions. He received several positive observation reports (OR's) within the first few months of his confinement, including saving another inmate's life. John has made significant contributions to every housing unit to which he was assigned. The USDB facility was not the same place when John arrived in 2009 that it is today. There were constant fights, racial tension, power struggles for control, the inevitable "lock downs," other inmates being exploited, and even a murder occurred. The majority of these issues have since been resolved.

John served an integral role in changing the culture within the prison. Starting with the housing unit he was assigned, he began working until it was steadily approaching the ideal model within the prison. Shortly thereafter, if there were tensions arising between inmates within other parts of the facility, a request would be made to move one of these individuals to John's housing unit. Over the past almost ten years, John placed himself in harm's way on more than 50 occasions to prevent fights. Although he has a full college course load, he makes himself available to help where he can. This quality-of-life mentality eventually spread throughout most of the rest of the prison, but it did take some time. John cannot, and does not, accept full responsibility because



there were several people throughout the prison, inmate and cadre alike, who were instrumental in bringing about this change.

John has also availed himself of available education and training programs, including completion of Anger Management and Reasoning and Rehabilitative Courses. He also completed several vocational programs, including becoming licensed barber and barber instructor. John completed his Bachelor of Science degree in Business Management from Upper Iowa University. He is currently enrolled in Adams State University where he is pursuing a Master of Business Administration degree.

Request for Commutation

Both the Military Correctional Complex at Fort Leavenworth, Kansas where John is confined and the US Army Clemency and Parole Board in Arlington, Virginia determined to parole John. However, on 17 September 2017, the Undersecretary of the Army for Manpower and Reserve Affairs disapproved both recommendations largely on the premise that 10 years' confinement, with an exemplary record as a model inmate, was not sufficient punishment given the severity of the murder convictions of local-national Iraqis in a combat zone during combat operations.

We respectfully request that your office remit the remainder of John's sentence because, in short, each of the goals of the corrections system has been achieved. Article 74, 10 U.S.C. § 974, Uniform Code of Military Justice (U.C.M.J.); AR 15-130, Chapter 3-2(a)(1)-(6).

Chapter 3-2(a)(1). John has promoted respect for the law as demonstrated by his truly unassailable record while confined and expert corrections' opinions that he is no danger to society nor will he be a recidivist. The data show that recidivism for "war crimes" rates at zero. While confined, John completed his Undergraduate Degree in Management, is working towards an MBA, and is an example to other inmates of model behavior. His salient factor score is the highest possible which represents the lowest risk. Salient factor scores, as you know, serve as an aid in determining parole prognosis and potential risk of parole violations.

Chapter 302(a)(2). First Sergeant John Hatley's prior military record, combat service, awards and decorations, and favorable personnel actions have been consistently exceptional by any standard through his entire career spanning back to 1989.

Chapter 302(a)(3). John's conduct and disciplinary records during confinement prove that he has achieved the degree of rehabilitation necessary to warrant commutation or parole. For nearly 10 years, John complied with all institutional rules and to participated meaningfully in available correctional treatment programs. Comments by institution counselors, reports of institution boards, evaluations by institution cadre, and John's enrollment in and completion of available education, vocational, and correctional treatment programs demonstrate his suitability for commutation or parole.



Chapter 302(a)(4). John has achieved a sense of purpose, demonstrated a desire for self-improvement, and exhibited self-discipline. He and his fiancée Katee Panter have a home and a ranch, plan to be married, John's parents and family live nearby, in a location with business, commerce, friends, a social network, religious services, within a community that looks forward to welcoming John home. While a model inmate, John has demonstrated his self-discipline, calm demeanor, self-possession, and maturity not only through completion of formal educational programs, but also in leading other inmates by his example of peaceful living with obedience to societal expectations.

Chapter 302(a)(5). John willingly accepts any conditions of parole in terms of meeting with a parole officer, providing urinalysis, and demonstrating that he is gainfully employed. The USDB reports no need for alcohol/drug treatment, no need for anger-management/coping skills. In addition to his home with his fiancée near his parents in his home town, John has three offers of employment, a means of transportation, and a social network of business, community, religious, and law enforcement leaders who have pledged their support and offered their assistance to facilitate John's transition from confinement to society.

Chapter 302(a)(6). Because no bodies, victims, or victim's family members were identified as part of this case, no evidence as to victim impact is available.

In addition to meeting the regulatory requirements for commutation/parole, we invite you to review the digital color images of John, his fiancée Katee, their ranch in Texas, John's parents, and his family to get a feel that John is no danger to society and has a loving, stable, caring environment into which he can transition upon release.

What is more, the following Appendix of Exhibits in support of this request contains not only John's impressive military record, offers of employment, and character references, but consistent throughout, are phrases like, man of honor, or a protector, or compassionate. On this record, it is altogether fitting and proper and consistent with corrections' goals to return John to his family.

We thank you for this opportunity and pray your informed consideration.

Sincerely,

// signed //

JOHN N. MAHER

Encl. Table of Contents
Petition for Commutation
Appendix of Exhibits in Support of Commutation Request

