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EXCLUSIVE INTERVIEW AN AGEING SOLDIER PREPARES FOR TRIAL

By **Jeremy Kirk**

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An awkward detail of Sgt. Charles Robert Jenkins' predicament is that the 64-year-old will probably have to don a brand-new United States Army uniform for the first time in nearly four decades.

Technically, Jenkins never stopped being a U.S. Army soldier despite his time in North Korea. Any appearance in court would require him to be in uniform with a soldier's shorn-head haircut. Jenkins is an infantryman.

Jenkins faces charges of desertion, aiding the enemy, two counts of soliciting others to desert and two counts of encouraging disloyalty. He wants an agreement with the U.S. military that sends him to his family rather than to prison.

Jenkins has several options under the Uniform Code of Military Justice, the U.S. military's code of legal rules. He could plead guilty to one or more of the charges against

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him and contest the rest in a general court martial, or plead not guilty to all of the charges.

He would have the option of being tried by a judge, by a panel consisting of officers only, or by a panel comprising two-thirds officers and one-third enlisted personnel. A panel of soldiers would mean Jenkins' fate would lie in the hands of active-duty personnel currently fighting in Iraq and Afghanistan.

A third possibility is a pre-trial agreement in which Jenkins would agree to plead guilty to one or more of the charges. That's where Jenkins can offer his knowledge of North Korea in exchange for a limit to his punishment.

It's also possible that U.S. military prosecutors would agree to drop other charges, especially if Jenkins can convince authorities that he is not guilty of some of the charges listed.

Any pre-trial deal would have to be agreed to by Maj.-Gen. Elbert N. Perkins, commander of U.S. Army Japan and the 9th Theatre Support Command headquartered near Tokyo. Perkins could agree to limit Jenkins' sentence if convicted and prevent Jenkins from going to prison for life.

Even if he pleads guilty, Jenkins will still have to go through a sentencing hearing. He could call witnesses on his behalf. Most pre-trial agreements require the sentencing hearing to be presided over by a judge alone. In such a case, the judge is restricted in the maximum sentence he can impose by the limit set in the pre-trial agreement.

Jenkins said he knew by coming to Japan he would turn himself into American authorities. The move, he said, would "clear my conscience," and hopefully allow him to spend the rest of the time with his family.



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