

Bergdahl to face desertion charge in general court-martial

By DEB RIECHMANN, Associated Press

WASHINGTON (AP) — Army Sgt. Bowe Bergdahl will face charges of desertion and misbehavior before the enemy in a general court-martial, said an attorney for the captured soldier who was released by the Taliban in exchange for five detainees in Guantanamo Bay.

Attorney Eugene Fidell said Monday the convening authority — a high-ranking officer charged with deciding whether evidence warrants a court-martial — did not follow the advice of a preliminary hearing officer. The officer had recommended that Bergdahl's case be moved to a special misdemeanor-level military court.

Fidell said he had "hoped the case would not go in this direction."

Bergdahl, of Hailey, Idaho, walked off his post in Afghanistan on June 30, 2009, and was captured by the Taliban and held for nearly five years.

Separately, Fidell, a military justice expert who is also a visiting lecturer at Yale Law School, complained about political figures who have made derogatory statements about Bergdahl before his trial.

Fidell asked that GOP presidential candidate Donald Trump "cease his prejudicial months-long campaign of defamation against our client." Fidell previously has complained about Trump calling Bergdahl a traitor.

Fidell also asked the House and Senate Armed Services committees to avoid further statements "that prejudice our client's right to a fair trial." The House committee last week issued a 98-page report criticizing the Obama administration's decision to swap five former Taliban leaders for Bergdahl.