

Exhibit 5

Timeline Based on Testimony, Press Reports, and Discovery Provided by the United States

- December, 2005:** *According to press reports*—PFC Green is seen by Combat Stress after two of his superiors are killed at TCP 2. He tells his treating mental health team that he wants to kill all Iraqis. The treatment records note that PFC Green had “homicidal ideations.” PFC Green is proscribed an anti-psychotic drug. However, instead of being discharged from the Army, or at least being given competent mental health treatment, PFC Green is ordered back to active duty, and in short order, returns to TCP 2.
- March 12, 2006:** The Yousifiyah offenses occur a short distance from TCP 2.
- March 12, 2006:** *According to discovery provided by the United States*—After the offenses, Sgt. Yribe leads an investigative team to the Al-Janabi home. Co-defendants Sgt. Cortez and PFC Spielman are part of this team. Pictures are taken of the bodies and of the scene. A shot gun shell that could be tied to U.S. involvement is taken from the home by the team, but intentionally disregarded in hope of covering up the crimes. The investigation team blames the events on insurgents.
- March 12, 2006:** *According to discovery provided by the United States*—PFC Green approaches Sgt. Yribe when the investigation team returns to TCP 2 and confesses his involvement in the Yousifiyah offenses. Co-defendant Spc. Barker is present when this happens. Sgt. Yribe asks PFC Green details about the incident, and he accurately provides them in sufficient detail to convince Sgt. Yribe that PFC Green was involved in the crimes.
- March 12, 2006:** *According to discovery provided by the United States and testimony of Sgt. Yribe*—After his conversation with PFC Green, Sgt. Yribe meets with his direct supervisor, Sgt. First Class Jeffrey Fenlason, about the scene investigation and the photographs taken by the team. However, he does not tell Sgt. First Class Fenlason about PFC Green’s purported confession to him.

- March 12, 2006:** *According to discovery provided by the United States and testimony of Sgt. Yribe*—Sgt. First Class Fenlason immediately orders Sgt. Yribe to meet with the Company Commander, Capt. Goodwin, about the investigation. Sgt. Yribe meets with Capt. Goodwin about the investigation and shows him the pictures of the scene. He does not tell Cpt. Goodwin about PFC Green’s purported confession to him.
- March 13, 2006:** *According to discovery provided by the United States*—The day after the Yousifiyah offenses, Sgt. Yribe approaches PFC Green with Spc. Barker present. Sgt. Yribe again asks PFC Green about the incident, and PFC Green again confesses to his involvement in the crimes, while Spc. Barker stands by and says nothing. Sgt. Yribe tells PFC Green he is going to be discharged from the Army—“either get out of the Army or I’m going to help you do it.”
- March 20, 2006:** *According to discovery provided by the United States*—PFC Green again goes to Combat Stress. On his intake form, he lists Sgt. Yribe and Sgt. Diaz as the persons that have referred him to Combat Stress. This time, unlike his December, 2005, visit, Combat Stress recommends PFC Green be discharged from the Army.
- May 16, 2006:** PFC Green is discharged from the Army. On this date, according to the United States’ theory of the case, PFC Green ceases to be subject to prosecution under the UCMJ, but becomes eligible for civilian prosecution under MEJA —some two months after the commission of the alleged crimes.
- June, 2006:** *According to discovery provided by the United States and testimony of Sgt. Yribe*—PFC Justin Watt apparently reports to the Combat Stress Team what he has heard about the Yousifiyah offenses, including who was allegedly involved. As a result, Sgt. Yribe meets with Lt. Col. Thomas Kunk. In addition to not telling Lt. Col. Kunk about PFC Green’s confessions to him, Sgt. Yribe actively lies to Lt. Col. Kunk about what he actually knows about the Yousifiyah offenses. Sgt. Yribe also lies to Army CID at this time about his knowledge about the case and his knowledge about PFC Green’s purported involvement in the offenses.