

I, James W. Daniels SGT E-5, was the acting Platoon Leader of the 2nd Platoon, C Company, 1st Battalion, 12th Infantry of the date 4 August 1969. ON or about 1000 hours, there was an EM wounded in my element. At this time we were on a mission to sweep into a blocking position near the coordinates of ZA133733. The EM was on SP/4 Roberto Billegas, SSAN467-64-7344, the nature of the wound was that of a gunshot in the right thigh and knee. It was mostly flesh and muscle damage, there was not any bone damage. At the time of the accident, we were moving through heavy brush, which divided two fields. I did not see the EM at the time that the weapon actually discharged, however we thought that we might have encountered some type of enemy. We all hit the ground. At this time I was called back three men to the location of SP/4 Billegas. I then learned of the fact that it was his own weapon, which discharged. I have on various occasions told all of my men to carry their weapons clear and that only point, flank and rear security personnel would lock and load their weapons. This is only during moves. This EM was an M-60 Gunner and was authorized to carry an M-60 as well as a .45 Cal. Pistol. To my knowledge, this EM is always careful with his weapons. Also, it is of some import that the brass of the round, which was fired, did not have a dented primer cap. Why, I am not qualified to answer. Also, according to tow people in the vicinity of the EM, the EM did not have his hand on the weapon at the time of discharge as he carried the M-60 on this right shoulder, gripping on of the bi-pod legs in his right hand. Also, was in the 'ON SAFE' position at the time of the discharge. The EM stated to me that he had just previously checked his weapon and that it was OK. To the best of my knowledge, there never had been any thoughts or actions on the part of the EM to encourage or show in any why that he intended to shoot himself

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