

Ex 6,3  
7c

03-094

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10; the proponent agency is TJAG.

See Notes on Reverse Before Completing Form

b6-5

NAME [REDACTED]	GRADE [REDACTED]	SSN [REDACTED]	UNIT [REDACTED]	PAY (Basic & Sea/Foreign) [REDACTED]
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1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: 1/  
 In that you, did, at [REDACTED] on or about 24 Sep 03, violate the Geneva Convention, dtd 12 Aug 49, to wit: Articles 13, 17 and 87, by wrongfully using excessive force during the interrogation of Detainee [REDACTED]. This is in violation of Article 92, UCMJ.  
 (See continuation sheet.)

b6-4

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. 2/ If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. 3/ In deciding what you want to do you have the right to consult with legal counsel located at [REDACTED]. You now have 48 hours to decide what you want to do. 4/

b6-2

DATE 3 Nov 03 TIME 1630	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
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b6-2

b6-2

3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: (Initial appropriate blocks, date, and sign)  
 a.  I demand trial by court-martial.  
 b.  I do not demand trial by court-martial and in the Article 15 proceedings:  
 (1) I request the hearing be  Open  Closed. (2) A person to speak in my behalf  Is  Is not requested.  
 (3) Matters in defense, mitigation, and/or extenuation:  Are not presented  Will be presented in person  Are attached.

DATE 6 NOV 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
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b6-5

b6-5

4. In a(n)  Open  Closed hearing 5/ all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: 5/ 6/  
 Reduction to Private First Class (E3), suspended and will be automatically remitted if not vacated on or before 3 May 04; Forfeiture of \$200.00 per month for two months; and To perform Extra Duty for 30 days.

5. I direct the original DA Form 2627 be filed in the  Performance fiche  Restricted fiche of the OMPF. 7/  
 6. You are advised of your right to appeal to the [REDACTED] within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

b6-2

DATE 6 NOV 03 1153	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
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b6-2

7. (Initial appropriate block, date, and sign)  
 a.  I do not appeal b.  I appeal and do not submit additional matters 8/ 9/ c.  I appeal and submit additional matters

DATE 6 NOV 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
---------------	--	-------------------------

b6-5

b6-5

8. I have considered the appeal and it is my opinion that:  
 [REDACTED]

DATE	NAME AND GRADE OF JUDGE ADVOCATE	SIGNATURE
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9. After consideration of all matters presented in appeal, the appeal is:  
 Denied  Granted as follows: 10/

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
------	--	-----------

10. I have seen the action taken on my appeal. DATE SIGNATURE OF SERVICE MEMBER

11. ALLIED DOCUMENTS AND/OR COMMENTS 11/ 12/ 13/  
 1. DA Form 2823, dtd 1 Oct 03  
 2. Geneva Convention, dtd 12 Aug 49  
 3. Art 15-6 Findings and Recommendations, dtd 6 Oct 03

C/M

Ex 63  
4c

CONTINUATION SHEET, DA FORM 2627, [REDACTED]

b6-5

Item 1 continued:

2. In that you, did, at [REDACTED], on or about 24 Sep 03, commit an assault upon Detainee [REDACTED] by hitting him on his feet with a police riot baton, a dangerous weapon, a means likely to produce death or grievous bodily harm. This is in violation of Article 128, UCMJ. [REDACTED] b6-4

006943

10/11 EX-100  
6.7  
E76  
7c

03-083

# SUMMARIZED RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10; the proponent agency is TJAG.

See Notes on Reverse Before Completing Form.

This form will be used only in cases involving enlisted personnel and then *ONLY* when no punishment *OTHER THAN* oral admonition or reprimand, restriction for 14 days or less, extra duties for 14 days or less, or a combination thereof has been imposed. <sup>1</sup>

NAME [REDACTED]	GRADE [REDACTED]	SSN [REDACTED]	UNIT [REDACTED] b6-5
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1. On 5 Nov 03, the above service member was advised that I was considering imposition of nonjudicial punishment under the provisions of Article 15, UCMJ, Summarized Proceedings, for the following misconduct: <sup>2</sup>  
 In that you, did, at [REDACTED] on or about 24 Sep 03, violate the Geneva Convention, dtd 12 Aug 49, to wit: Article 13, 17 and 87, by wrongfully using excessive force during the interrogation of Detainee [REDACTED]. This is in violation of Article 92, UCMJ.

b6-4

2. The member was advised that no statement was required, but that any statement made could be used against him or her in the proceeding or in a court-martial. The member was also informed of the right to demand trial by court-martial <sup>3</sup>, the right to present matters in defense, extenuation and/or mitigation, that any matters presented would be considered by me before deciding whether to impose punishment, the type or amount of punishment, if imposed, and that no punishment would be imposed unless I was convinced beyond a reasonable doubt that the service member committed the misconduct. The service member was afforded the opportunity to take 24 hours to make a decision regarding these rights. No demand for trial by court-martial was made. After considering all matters presented, the following punishment was imposed: <sup>4</sup>

To be restricted to your place of duty, place of worship, dining facility, PX and company area for 14 days; and an oral admonition.

3. The member was advised of the right to appeal to the [REDACTED] within 5 calendar days, that an appeal made after that time could be rejected as untimely, and that the punishment was effective immediately unless otherwise stated above. The member [REDACTED] b6-5

b6-2

Elected immediately not to appeal  Requested time to decide whether to appeal and the decision is indicated in item 4, below. <sup>5 6</sup>

DATE 05 NOV 03	NAME, GRADE, AND ORGANIZATION OF IMPOSING COMMANDER [REDACTED] b6-2	SIGNATURE [REDACTED] b6-2
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4. (Initial appropriate block, date, and sign)  
 a.  I do not appeal b.  I appeal and do not submit matters for consideration <sup>7</sup>  
 c.  I appeal and submit additional matters <sup>7</sup>

DATE 05 NOV 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED] b6-5
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5. After consideration of all matters presented in appeal, the appeal is:  
 Denied  Granted as follows: <sup>8</sup>

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
------	--	-----------

6. I have seen the action taken on my appeal. DATE SIGNATURE OF SERVICE MEMBER

7. ALLIED DOCUMENTS AND/OR COMMENTS <sup>9 10 11</sup>  
 1. DA Form 2823, dtd 1 Oct 03  
 2. Geneva Convention, dtd 12 Aug 49  
 3. Art 15-6 Findings and Recommendations, dtd 6 Oct 03

000044



DEPARTMENT OF THE ARMY

Ex 63  
17c

[REDACTED]

b2-2

b2-2

[REDACTED]

6 November 2003

MEMORANDUM for SJA

SUBJECT: Punishment imposed for [REDACTED] b6-5

1. I have imposed the following punishment under the provisions of Article 15, UCMJ, Summarized Proceedings:

- 14 Days of Restriction: Mess, Worship and Exchange for hygiene products only
- Oral Reprimand

2. POC for this memorandum is the undersigned at [REDACTED]

b6-2

[REDACTED]

Commanding

006945

**RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ**

For use of this form, see AR 27-10; the proponent agency is TJAG.

COPY 5 SM COPY  
FOIA EXEMPT  
23557 (16)  
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*See Notes on Reverse Before Completing Form*

NAME [REDACTED]	GRADE [REDACTED]	SSN [REDACTED]	UNIT [REDACTED]	PAY (Basic & Sea/Foreign) [REDACTED] <b>bb-5</b>
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1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: <sup>1/</sup> In that you, did, at or near [REDACTED] on or about 20 August 2003, commit an assault upon [REDACTED] by pointing at him with a dangerous weapon, to wit: a loaded firearm. This is a violation of Art. 128, UCMJ. **bb-4**

SEE CONTINUATION SHEET

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand that I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (*matters of defense*) or why punishment should be very light (*matters of extenuation and mitigation*). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. <sup>2/</sup> If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. <sup>3/</sup> In deciding what you want to do you have the right to consult with legal counsel

located at USATDS, DSE, [REDACTED] **bb-2** You now have 48 hours to decide what you want to do. <sup>4/</sup>

DATE <b>12 Dec 2003</b> TIME <b>1030 hrs</b>	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] <b>bb-2</b>
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3. Having been afforded the opportunity to consult with counsel, my decision are as follows: (*Initial appropriate blocks, date, and sign*)

a.  I demand trial by court-martial.  
 b.  I do not demand trial by court-martial and in the Article 15 proceedings:  
 (1) I request the hearing be  Open  Closed. (2) A person to speak in my behalf  Is  Is not requested.  
 (3) Matters in defense, mitigation, and/or extenuation:  Are not presented  Will be presented in person  Are attached. **bb-5**

DATE <b>12 Dec 03</b>	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
-----------------------	--	-------------------------

4. In a(n)  Open  Closed hearing <sup>5/</sup> all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: <sup>6/</sup> To forfeit [REDACTED] per month for two months.

5. I direct the original DA Form 2627 be filed in the  Performance fiche  Restricted fiche of the OMPF. <sup>7/</sup> NA  
 6. You are advised of your right to appeal to the Cdr, CJTF-7 within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

DATE <b>12 Dec 03</b>	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED] <b>bb-2</b>
-----------------------	--

7. (*Initial appropriate block, date, and sign*)  
 a.  I do not appeal. b.  I appeal and do not submit additional matters <sup>8/9/</sup> c.  I appeal and submit additional matters <sup>8/9/</sup>

DATE <b>12 Dec 03</b>	NAME AND GRADE OF SERVICE MEMBER [REDACTED] <b>bb-5</b>	SIGNATURE [REDACTED]
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8. I have considered the appeal and it is my opinion that:

DATE	NAME AND GRADE OF JUDGE ADVOCATE	SIGNATURE
------	----------------------------------	-----------

9. After consideration of all matters presented in appeal, the appeal is:  
 Denied  Granted as follows: <sup>10/</sup>

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
------	--	-----------

10. I have seen the action taken on my appeal. DATE SIGNATURE OF SERVICE MEMBER

11. ALLIED DOCUMENTS AND/OR COMMENTS <sup>11/12/13/</sup> **Blk/M**  
 1- Report of Investigation  
 1- ORB

En 6  
3 TC

DA FORM 2627, PERTAINING TO [REDACTED]

b6-5

Item 1, Continued:

In that you, did, at or near [REDACTED] on or about 20 August 2003, unlawfully strike [REDACTED] numerous times on the body and the head with a closed fist. This is a violation of Art. 128, UCMJ.

b6-4

In that you did, at or near [REDACTED] on or about 20 August 2003, commit an assault upon [REDACTED] by shooting near him with a dangerous weapon, to wit: a loaded firearm. This is a violation of Art. 128, UCMJ.

b6-4

In that you, did, at or near [REDACTED] on or about 20 August 2003, wrongfully communicate to [REDACTED] a threat that you would kill [REDACTED] if [REDACTED] did not talk. This is a violation of Art. 134, UCMJ.

b6-4

CHARGE SHEET

Ex 6  
3

1. NAME OF ACCUSED (Last, First, MI)

PERSONAL DATA

2. SSN

3. GRADE OR RANK

4. PAY GRADE

5. UNIT OR ORGANIZATION

6. CURRENT SERVICE

a. INITIAL DATE

b. TERM

7. PAY PER MONTH

a. BASIC

b. SEA/FOREIGN DUTY

c. TOTAL

8. NATURE OF RESTRAINT OF ACCUSED

9. DATES, IMPOSED

N/A

10. Charge I:

II. CHARGES AND SPECIFICATIONS

VIOLATION OF THE UCMJ, ARTICLE 123

SPECIFICATION 1: In that [redacted] US Army, did, at or near [redacted] on or about 20 August 2003, commit an assault upon [redacted] by pointing at him with a dangerous weapon, to wit: a loaded firearm.

SPECIFICATION 2: In that [redacted] US Army, did, at or near [redacted] on or about 20 August 2003, unlawfully strike [redacted] numerous times on the body and the head with a closed fist.

SPECIFICATION 3: In that [redacted] US Army, did, at or near [redacted] on or about 20 August 2003, commit an assault upon [redacted] by shooting near him with a dangerous weapon, to wit: a loaded firearm.

Charge II:

VIOLATION OF THE UCMJ, ARTICLE 134

SPECIFICATION: In that [redacted] US Army, did, at or near [redacted] on or about 20 August 2003, wrongfully communicate to [redacted] a threat that he would kill [redacted] if [redacted] did not talk.

11a. NAME OF ACCUSER (Last, First, MI)

11. PREFERRAL

b. GRADE

c. ORGANIZATION OF ACCUSER

c. SSN

e. DATE

OCT 03

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 6th day of October, 2003, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Typed Name of Officer

Trial Counsel

Official Capacity in Administer Oath  
(See R.C.M. 367(b) - must be a commissioned officer)

12 On 6 OCT 2002, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

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[Redacted]  
Typed Name of Commander  
[Redacted]  
Organization of Commander  
[Redacted]  
Signature  
bb-2 all

13. IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

The sworn charges were received at \_\_\_\_\_ hours, \_\_\_\_\_ 2002 at [Redacted]  
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE

[Redacted]  
Typed Name of Officer  
[Redacted]  
Official Capacity of Officer Signing  
[Redacted]  
Grade  
[Redacted]  
Signature

V. REFERRAL; SERVICE OF CHARGES

14a DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

Referred for trial to the \_\_\_\_\_ Court-martial convened by \_\_\_\_\_

\_\_\_\_\_ 20 \_\_\_\_\_ subject to the following instructions:<sup>2</sup>

By \_\_\_\_\_ of \_\_\_\_\_  
Command or Order

[Redacted]  
Typed Name of Officer  
[Redacted]  
Official Capacity of Officer Signing  
[Redacted]  
Grade  
[Redacted]  
Signature

15.

On \_\_\_\_\_ 20 \_\_\_\_\_, I (caused to be) served a copy hereof on (each of) the above named accused.

[Redacted]  
Typed Name of Trial Counsel  
[Redacted]  
Grade or Rank of Trial Counsel  
[Redacted]  
Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.  
2 - See R.C.M. 601(e) concerning instructions. If none, so state.

CHARGE SHEET

Ex 36

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI)		2. SSN	3. GRADE OR RANK	4. PAY GRADE
5. UNIT OR ORGANIZATION		6. CURRENT SERVICE		
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL		

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 128  
 SPECIFICATION: In that [redacted] U.S. Army, did, at [redacted] on or about 20 August 2003, commit an assault upon [redacted] by shooting near his head with a dangerous weapon likely to produce death or grievous bodily harm, to wit: a loaded firearm. *b6-5* *b6-4* *a force*

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 134 (~~THREAT, COMMUNICATING~~)  
 SPECIFICATION: In that [redacted] U.S. Army, did, at [redacted] on or about 20 August 2003, wrongfully communicate to [redacted] a threat to kill him. *b6-5* *b6-4*

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI)	b. GRADE	c. ORGANIZATION OF ACCUSER
d. SIGNATURE OF ACCUSER	e. DATE	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this \_\_\_\_\_ day of \_\_\_\_\_, 2003, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Typed Name of Officer	Organization of Officer
Grade	Official Capacity to Administer Oath (See R.C.M. 307(b) - must be a commissioned officer)
Signature	

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12

On \_\_\_\_\_, 2003, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

\_\_\_\_\_  
Typed Name of Immediate Commander

\_\_\_\_\_  
Organization of Immediate Commander

\_\_\_\_\_  
Grade

bb-2  
all

\_\_\_\_\_  
Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at \_\_\_\_\_ hours, \_\_\_\_\_ 2003 at \_\_\_\_\_  
Designation of Command or

\_\_\_\_\_  
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE \_\_\_\_\_

\_\_\_\_\_  
Typed Name of Officer

\_\_\_\_\_  
Commanding  
Official Capacity of Officer Signing

\_\_\_\_\_  
Grade

\_\_\_\_\_  
Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE	c. DATE
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Referred for trial to the \_\_\_\_\_ court-martial convened by \_\_\_\_\_

\_\_\_\_\_ 20 03, subject to the following instructions:<sup>2</sup>

By \_\_\_\_\_ of \_\_\_\_\_  
Command or Order

\_\_\_\_\_  
Typed Name of Officer

\_\_\_\_\_  
Official Capacity of Officer Signing

\_\_\_\_\_  
Grade

\_\_\_\_\_  
Signature

15.

On \_\_\_\_\_, 20 03, I (caused to be) served a copy hereof on (each of) the above named accused.

\_\_\_\_\_  
Typed Name of Trial Counsel

\_\_\_\_\_  
Grade or Rank of Trial Counsel

\_\_\_\_\_  
Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.  
2 — See R.C.M. 601(e) concerning instructions. If none, so state.

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7c

DEPARTMENT OF THE ARMY

[REDACTED]

[REDACTED]

b2-2

[REDACTED]

12 October 2003

MEMORANDUM FOR RECORD

Subject: Local Suspension of Security Clearance and Access

1. The access to TS/SCI for the following individual is locally suspended pending Court Martial:

[REDACTED]

b6-5

2. Due to mission requirements, the above individual will retain his SECRET/NOFORN access. The individual is deployed with Task Force Ironhorse and will require the clearance for Operation Iraqi Freedom.

3. Upon completion of the investigation and the outcome of the pending legal action, the suspension will either be lifted or formally forwarded to the Central Clearance Facility.

3. POC this memorandum is

[REDACTED]

[REDACTED]

b6-2

Chief of Staff

006952

FOR USE OF THE SUSPEND FAVORABLE PERSONNEL ACTIONS (FLAG)  
For use of this form, see AR 600-8-2; the proponent agency is MILPERCEN.

Ex 6  
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7c

SECTION I - ADMINISTRATIVE DATA

1. NAME (Last, First, MI) [REDACTED] 2. SSN [REDACTED] 3. RANK [REDACTED]

4.  On active duty  Not on active duty  On ADT

5. ETS/ESA/MRD [REDACTED]

6. UNIT ASSIGNED AND ARMY MAJOR COMMAND [REDACTED] *bb-5*

7. STATION (Geographical location) [REDACTED]

8. PSC CONTROLLING FLAGGING ACTION AND TELEPHONE NUMBER [REDACTED]

9. THIS ACTION IS TO:  
 Initiate a flag (Sections II and V only)  Transfer a flag (Sections III and V only)  Remove flag (Sections IV and V only)

SECTION II - INITIATE A FLAG

10.  A FLAG IS INITIATED, EFFECTIVE 20 September 2003 FOR THE FOLLOWING REASON:

NON-TRANSFERABLE

- Adverse action (A)
- Elimination - field initiated (B)
- Removal from selection list - field initiated (C)
- Referred OER (D)
- Security violation (E)
- HQDA use only - elimination or removal from selection list (F)

TRANSFERABLE

- APFT failure (J)
- Weight control program (K)

SECTION III - TRANSFER A FLAG

11.  A FLAG IS TRANSFERRED FOR THE FOLLOWING REASON:  
 Adverse action - HQDA directed reassignment (G)  APFT failure (J)  
 Adverse action - punishment phase (H)  Weight control program (K)  
 Supporting documents attached?  Yes  No

SECTION IV - REMOVE A FLAG

12.  A FLAG IS REMOVED, EFFECTIVE \_\_\_\_\_ FOR THE FOLLOWING REASON:  
 Case closed favorably (C)  Soldier transferred to a different Army component or discharged while case in process (destroy case file) (E)  
 Disciplinary action taken (D)  Other final action (E)

SECTION V - AUTHENTICATION

DISTRIBUTION  
1 - Unit Commander 1 - F&AO  
1 - PSC 1 - Commander, gaining unit (transfer flag only)

NAME, RANK, TITLE, AND ORGANIZATION [REDACTED] *bb-2* SIGNATURE [REDACTED] DATE [REDACTED]

DEPARTMENT OF THE ARMY  
U.S. Army Trial Defense Service

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7c

[REDACTED]  
[REDACTED]  
[REDACTED]

b2-2

AFZF-JA-TDS

24 October 2003

MEMORANDUM FOR

SUBJECT: Article 32(b) Investigation Delay Request -- [REDACTED]  
[REDACTED]  
[REDACTED]

b6-5

1. The defense requests a delay in the Article 32 investigation from 1 Nov 03 to 10 Nov 03.
2. The reason for the delay is to allow the recently retained civilian defense counsel adequate time to appear and prepare for the hearing. On or about 19 Oct 2003, [REDACTED] retained [REDACTED] b6-5 as his lead counsel for his defense. [REDACTED] defense requires that [REDACTED] be present at the Article 32 hearing. I have spoken to [REDACTED] and he can be in our AO on or about 10 Nov 2003. I will send the Trial Counsel the necessary information to arrange travel. b6-2
3. The defense will be credited with the delay.
4. POC is the undersigned at [REDACTED] b6-2
5. I certify that a copy of this was served, via email, on the trial counsel and the Article 32 officer on 23 October 2003.

b6-2  
[REDACTED]  
[REDACTED]  
Senior Defense Counsel

C06954



DEPARTMENT OF THE ARMY

Ex 63  
7c

REPLY TO  
ATTENTION OF

[Redacted]

b2-2

[Redacted]

MEMORANDUM FOR

[Redacted]

b6-2

SUBJECT: Delegation of Authority to Exercise Article 15, UCMJ, Powers

1. Pursuant to AR 27-10, paragraph 3-7 c., I hereby delegate to you the authority to exercise Article 15, UCMJ, powers to assist you in disposing of suspected offenses committed by the following soldiers:

- a. [Redacted]
- b. [Redacted]
- c. [Redacted]

b6-5

2. You may exercise any power that I possess under Article 15, UCMJ, however, you are not required to take any specific action.

3. This delegation will remain effective until you take action, if any, but not later than 18 October 2003.

[Redacted Signature]

b6-2

Commanding

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10; the proponent agency is TJAG.

See Notes on Reverse Before Completing Form

Ex 6,3  
7c

NAME [REDACTED]	GRADE [REDACTED]	SSN [REDACTED]	UNIT [REDACTED]	PAY (Basic & Sea/Foreign) [REDACTED]
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665

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct:<sup>1/</sup>  
 In that you did, at or near [REDACTED] on or about 20 August 2003, unlawfully strike [REDACTED] on the body and head with a closed fist. This is in violation of Art. 128, UCMJ.

66-4

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose.<sup>2/</sup> If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead.<sup>3/</sup> In deciding what you want to do you have the right to consult with legal counsel located at [REDACTED]. You now have 48 hours to decide what you want to do.<sup>4/</sup>

DATE 3 Oct 2003	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
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662

3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: (Initial appropriate blocks, date, and sign)

- a.  demand trial by court-martial.
- b.  do not demand trial by court-martial and in the Article 15 proceedings:
  - (1) I request the hearing be  Open  Closed. (2) A person to speak in my behalf  Is  Is not requested.
  - (3) Matters in defense, mitigation, and/or extenuation:  Are not presented  Will be presented in person  Are attached.

DATE 10 Oct 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
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66-5

4. In a(n)  Open  closed hearing<sup>5/</sup> all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed:<sup>5/ 6/</sup>

Reduction to E2, suspended to be automatically remitted if not vacated by 8 April 2004; Forfeiture of \$250.00 pay per month for two months.

5. I direct the original DA Form 2627 be filed in the  Performance file  Restricted file of the OMPF.<sup>7/</sup>

6. You are advised of your right to appeal to the [REDACTED] w/ [REDACTED] calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

66-5

DATE 10 Oct 03	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
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66-2

- 7. (Initial appropriate block, date, and sign)
- a.  I do not appeal
- b.  I appeal and do not submit additional matters<sup>8/ 9/</sup>
- c.  I appeal and submit additional matters<sup>8/ 9/</sup>

DATE 10 Oct 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
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66-5

8. I have considered the appeal and it is my opinion that:

DATE	NAME AND GRADE OF JUDGE ADVOCATE	SIGNATURE
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9. After consideration of all matters presented in appeal, the appeal is:  
 Denied  Granted as follows:<sup>10/</sup>

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
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10. I have seen the action taken on my appeal.	DATE	SIGNATURE OF SERVICE MEMBER
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11. ALLIED DOCUMENTS AND/OR COMMENTS 11/ 12/ 13/7

DA FORM 2823

22567  
EX 6, 3  
7c

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10; the proponent agency is TJAG.

See Notes on Reverse Before Completing Form

NAME [REDACTED]	GRADE [REDACTED]	SSN [REDACTED]	UNIT [REDACTED]	PAY (Basic & Sea/Foreign) [REDACTED]
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1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct:<sup>1/</sup>  
 In that you did, at or near [REDACTED] on or about 20 August 2003, unlawfully strike [REDACTED] on the body and head with a closed fist. This is in violation of Art. 128, UCMJ.

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose.<sup>2/</sup> If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead.<sup>3/</sup> In deciding what you want to do you have the right to consult with legal counsel located at [REDACTED]. You now have 48 hours to decide what you want to do.<sup>4/</sup>

DATE 2 OCT 2003	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
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3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: (Initial appropriate blocks, date, and sign)  
 a.  demand trial by court-martial.  
 b.  I do not demand trial by court-martial and in the Article 15 proceedings:  
 (1) I request the hearing be  open  Closed. (2) A person to speak in my behalf  Is  Is not requested.  
 (3) Matters in defense, mitigation, and/or extenuation:  Are not presented  Will be presented in person  Are attached.

DATE 10 Oct 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
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4. In a(n)  open  Closed hearing<sup>5/</sup> all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed:<sup>6/ 6/</sup>  
 Reduction to E3, suspended to be automatically remitted if not vacated by 8 April 2004; Forfeiture of \$250.00 pay per month for two months.

5. I direct the original DA Form 2627 be filed in the  Performance fiche  Restricted fiche of the OMPF.<sup>7/</sup>  
 6. You are advised of your right to appeal to the [REDACTED] within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

DATE 10 Oct 03	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
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7. (Initial appropriate block, date, and sign)  
 a.  I do not appeal b.  I appeal and do not submit additional matters<sup>8/ 9/</sup> c.  I appeal and submit additional matters<sup>8/ 9/</sup>

DATE 12 Oct 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
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8. I have considered the appeal and it is my opinion that:  
 DATE [REDACTED] NAME AND GRADE OF JUDGE ADVOCATE [REDACTED] SIGNATURE [REDACTED]

DATE [REDACTED]	NAME AND GRADE OF JUDGE ADVOCATE [REDACTED]	SIGNATURE [REDACTED]
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9. After consideration of all matters presented in appeal, the appeal is:  
 Denied  Granted as follows:<sup>10/</sup>

DATE [REDACTED]	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
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10. I have seen the action taken on my appeal. DATE [REDACTED] SIGNATURE OF SERVICE MEMBER [REDACTED]

11. ALLIED DOCUMENTS AND/OR COMMENTS 11/ 12/ 13/

DA FORM 2823

006957

REPORT TO SUSPEND FAVORABLE PERSONNEL ACTIONS (FLAG)

For use of this form, see AR 600-8-2; the proponent agency is MILPERCEN.

Ex 6,3

SECTION I - ADMINISTRATIVE DATA

1. NAME (Last, First, MI) [REDACTED] 2. SSN [REDACTED] 3. RANK [REDACTED] 7C

4.  On active duty  Not on active duty  On ADT 5. ETS/ESA/MRD [REDACTED] 665

6. UNIT ASSIGNED AND ARMY MAJOR COMMAND [REDACTED] 7. STATION (Geographical location) [REDACTED]

8. PSC CONTROLLING FLAGGING ACTION AND TELEPHONE NUMBER [REDACTED]

9. THIS ACTION IS TO:

Initiate a flag (Sections II and V only)  Transfer a flag (Sections III and V only)  Remove flag (Sections IV and V only)

SECTION II - INITIATE A FLAG

10.  A FLAG IS INITIATED, EFFECTIVE 23 SEP 2003 FOR THE FOLLOWING REASON:

<u>NON-TRANSFERABLE</u>		<u>TRANSFERABLE</u>	
<input checked="" type="checkbox"/> Adverse action (A)		<input type="checkbox"/> APFT failure (J)	
<input type="checkbox"/> Elimination - field initiated (B)		<input type="checkbox"/> Weight control program (K)	
<input type="checkbox"/> Removal from selection list - field initiated (C)			
<input type="checkbox"/> Referred OER (D)			
<input type="checkbox"/> Security violation (E)			
<input type="checkbox"/> HQDA use only - elimination or removal from selection list (F)			

SECTION III - TRANSFER A FLAG

11.  A FLAG IS TRANSFERRED FOR THE FOLLOWING REASON:

<input type="checkbox"/> Adverse action - HQDA directed reassignment (G)	<input type="checkbox"/> APFT failure (J)
<input type="checkbox"/> Adverse action - punishment phase (H)	<input type="checkbox"/> Weight control program (K)
<input type="checkbox"/> Supporting documents attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	

SECTION IV - REMOVE A FLAG

12.  A FLAG IS REMOVED, EFFECTIVE \_\_\_\_\_ FOR THE FOLLOWING REASON:

<input type="checkbox"/> Case closed favorably (C)	<input type="checkbox"/> Soldier transferred to a different Army component or discharged while case in process (destroy case file) (E)
<input type="checkbox"/> Disciplinary action taken (D)	<input type="checkbox"/> Other final action (E)

SECTION V - AUTHENTICATION

DISTRIBUTION: 1 - Unit Commander, 1 - F&AO, 1 - PSC, 1 - Commander, gaining unit (transfer flag only)

NAME, RANK, TITLE, AND ORGANIZATION [REDACTED] SIGNATURE [REDACTED] DATE [REDACTED] 66-2

006953

Ex 6  
7c

ARTICLE 15 SCRIPT

Introduction

b6-5

ADC(S): [REDACTED], my purpose today is to determine whether you are guilty of the offense listed on your Article 15: assault of [REDACTED] on or about 20 August 2003. This violates Article 128 of the Uniform Code of Military Justice.

b6-4

Maximum Punishment and Filing

ADC(S): If I find you guilty, then I will also decide upon an appropriate punishment. The maximum punishment that I can impose is:

1. Reduction to Private (E-1).
2. Forfeiture of 1/2 month's pay per month for two months.
3. Extra duty for 45 consecutive days.
4. Restriction for 60 days but if extra duty and restriction are combined restriction may not exceed 45 days.
5. A written or oral reprimand or admonition.

Right to Attorney

ADC(S): Have you consulted with a defense lawyer about your case?

Accused: [Response]

ADC(S): Did you complete this form as indicated?

Accused: [Response]

Right to Present Evidence

ADC(S): I have already reviewed the same evidence that you were provided. Do you have any additional evidence or anything you would like to say at this time?

Accused: [Response]

Findings and Punishment

[The standard of proof is the same at an article 15 as it is at a court-martial. If you are convinced *beyond a reasonable doubt* that the accused is guilty of the offenses make a finding of guilty. If you are not convinced beyond a reasonable doubt, you should make a finding of not guilty.]

**If Finding of Not Guilty**

ADC(S): I have considered all of the evidence presented. I am not convinced beyond a reasonable doubt that you are guilty of these offenses. Therefore, these proceedings are terminated and no punishment will be imposed. [Counsel the soldier as desired] You are dismissed.

**If Finding of Guilty**

ADC(S): I have considered all the evidence presented. I am convinced beyond a reasonable doubt that you are guilty of the offense of assault. I have considered all matters presented in defense, mitigation, and extenuation, and I impose the following punishment:

1. To be reduced to Private (E-3) (E-2) (E-1) *Suspended 180 days*
2. To forfeit \$ \_\_\_\_\_ pay per month for (one month) (two months).  
[Maximum forfeiture is as follows:  
E4: \$882.65 pay per month for two months.  
E3: ~~\$814.40~~ *suspended* pay per month for two months.\* *\$250 month*  
E2: \$695.00 pay per month for two months.\*  
E1: \$625.40 pay per month for two months.\*  
\*Even if the soldier's reduction is suspended.]  
*XJ*
3. To perform extra duty for \_\_\_\_\_ consecutive days. [Maximum length of extra duty is 45 days.]
4. To be restricted to the limits of company area, place of duty, place of worship, medical facility, dental facility, and dining facility, for \_\_\_\_\_ days.  
[Maximum length of restriction is 60 days, but if extra duty and restriction are combined restriction may not exceed 45 days.]
5. (Give oral reprimand/admonition) or written reprimand/admonition.

NOTE: Suspension. You may suspend any punishment for a period not to exceed 180 days.  
[e.g., If administered on 23 Jan, maximum end date would be 21 Jul 03] If you suspend any punishment, give an exact date for the suspension to terminate.

Format: (All)-(The Following) punishment(s) \_\_\_\_\_

---

(is) (are) suspended until \_\_\_\_\_

Please do not write the punishment on the Article 15 form. The JA will type in the punishment as recorded on this worksheet.

### Appeal Rights

ADC(S): You are advised of your right to appeal this Article 15 to the 4<sup>th</sup> Infantry Division (Mechanized) Commanding General within 5 calendar days.

### Conclusion and Signature

ADC(S): Do you have anything you wish to add?

Accused: [Response]

ADC(S): You are dismissed to wait outside my office for further instructions.

[Date and sign in Block 6 of the DA Form 2627, check that blocks 4 and 5 have been completed.]

Ex 6  
7c

b6-5

I [redacted] am writing a statement  
 on the issues involving my case which I swear to be  
 the truth and nothing but the truth. I feel there are  
 mitigating circumstances that need to be heard by the  
 reviewing official. Although I'm aware ~~of what~~ now that  
 what we did was wrong at the time I had no idea  
 it was unlawful. The reason I'm saying this is because  
 there was an interrogator present who is trained in the  
 art of interrogating and as the translator began  
 striking the detainee and saw that the interrogator said  
 nothing I thought that was normal ~~pro~~ procedure  
 while interrogating an EPH, so we started striking  
 the individual. The interrogator and translator told us  
 when to strike the individual & I assumed  
 that was the norm since we've never been present  
 during a interrogation prior to this incident and  
 I'm not trained in that area ~~since~~ since this  
 don't recall us that in my area which is [redacted] <sup>66-4</sup>  
 the objective [redacted] there are U.S. soldiers  
 getting killed and its everywhere in the ~~media~~ and  
 I thought what I was doing at the time could  
 save ~~the~~ U.S. soldiers from getting injured or passed,  
 killed ~~and~~ and at that time the soldiers who were  
 have been killed when the BN CMBR [redacted] <sup>66-5</sup>

006962

his driver [redacted] myself and anyone else b6-5  
who could have been traveling with us, and after  
I found this out my emotions were so strong for  
me to control seems that my life as well as those  
of my fellow soldiers were being threatened.

A people who worked the Gurnee Jail were b6-5  
also present. ([redacted]) & striking  
the individuals as well so I assumed this was  
normal procedure at Gurnee Jail.

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10; the proponent agency is TJAG.

See Notes on Reverse Before Completing Form

Ex 63  
7c

NAME [REDACTED]	GRADE [REDACTED]	SSN [REDACTED]	UNIT [REDACTED]	PAY (Basic & Sea/Foreign) [REDACTED]
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1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: <sup>1/</sup>  
 In that you did, at or near [REDACTED] on or about 20 August 2003, unlawfully strike [REDACTED] on the body and the head with a closed fist. This is in violation of Article 128, UCMJ.

b6-4

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished: I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. <sup>2/</sup>If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. <sup>3/</sup>In deciding what you want to do you have the right to consult with legal counsel located at [REDACTED].

You now have 48 hours to decide what you want to do. <sup>4/</sup>

DATE 3 Oct 03	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
------------------	--	-------------------------

b6-2

3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: (Initial appropriate blocks, date, and sign)

- a.  I demand trial by court-martial.  
 I do not demand trial by court-martial and in the Article 15 proceedings:  
 (1) I request the hearing be  Open  Closed. (2) A person to speak in my behalf  Is  Is not requested.  
 (3) Matters in defense, mitigation, and/or extenuation:  Are not presented  Will be presented in person  Are attached.

DATE 10 Oct 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
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b6-5

4. In a(n)  Open  Closed hearing <sup>1/</sup> all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: <sup>2/ 3/</sup>

Reduction to E5; Forfeiture of \$250.00 pay per month for two months; Forfeiture of \$918.00 pay per month for two months, suspended to be automatically remitted if not vacated by 8 April 2004.

5. I direct the original DA Form 2627 be filed in the  Performance fiche  Restricted fiche of the OMPF. <sup>1/</sup>  
 6. You are advised of your right to appeal to the [REDACTED] within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

DATE 10 Oct 03	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
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b6-2

7. (Initial appropriate block, date, and sign)  
 a.  I do not appeal b.  I appeal and do not submit additional matters <sup>1/ 2/</sup> c.  I appeal and submit additional matters <sup>1/ 2/</sup>

DATE 11 Oct 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
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b6-5

8. I have considered the appeal and it is my opinion that: The proceedings were conducted in accordance with law and regulations and the punishment imposed were not unjust nor disproportionate to the offense committed.

DATE 18 Oct 03	NAME AND GRADE OF JUDGE ADVOCATE [REDACTED]	SIGNATURE [REDACTED]
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b6-2

9. After consideration of all matters presented in appeal, the appeal is:  
 Denied  Granted as follows: <sup>10/</sup>

Reduction to E5, suspended, to be automatically remitted if not vacated before 11 April 2004.

DATE 18 Oct 03	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
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b6-2

10. I have seen the action taken on my appeal. DATE 27 Oct 03 SIGNATURE [REDACTED]

11. ALLIED DOCUMENTS AND/OR COMMENTS 11/ 12/ 13/ DA FORM 2823

Ex 6,3  
TC

# REPORT TO SUSPEND FAVORABLE PERSONNEL ACTIONS (FLAG)

For use of this form, see AR 600-8-2; the proponent agency is MILPERCEN.

## SECTION I - ADMINISTRATIVE DATA

1. NAME (Last, First, MI) [REDACTED]

2. SSN [REDACTED]

3. RANK [REDACTED] **b6-5**

4.  On active duty  Not on active duty  On ADT

5. ETS/ESA/MRD

6. UNIT ASSIGNED AND ARMY MAJOR COMMAND [REDACTED]

7. STATION (Geographical location)  
Iraq

8. PSC CONTROLLING FLAGGING ACTION AND TELEPHONE NUMBER

9. THIS ACTION IS TO:

Initiate a flag (Sections II and V only)  Transfer a flag (Sections III and V only)  Remove flag (Sections IV and V only)

## SECTION II - INITIATE A FLAG

10.  A FLAG IS INITIATED, EFFECTIVE 02 Oct 03 FOR THE FOLLOWING REASON:

NON-TRANSFERABLE

Adverse action (A)  Elimination - field initiated (B)  Removal from selection list - field initiated (C)  Referred OER (D)  Security violation (E)  HQDA use only - elimination or removal from selection list (F)

TRANSFERABLE

APFT failure (J)  Weight control program (K)

## SECTION III - TRANSFER A FLAG

11.  A FLAG IS TRANSFERRED FOR THE FOLLOWING REASON:

Adverse action - HQDA directed reassignment (G)  Adverse action - punishment phase (H)  Supporting documents attached?  Yes  No

APFT failure (J)  Weight control program (K)

## SECTION IV - REMOVE A FLAG

12.  A FLAG IS REMOVED, EFFECTIVE \_\_\_\_\_ FOR THE FOLLOWING REASON:

Case closed favorably (C)  Disciplinary action taken (D)  Soldier transferred to a different Army component or discharged while case in process (destroy case file) (E)  Other final action (E)

## SECTION V - AUTHENTICATION

DISTRIBUTION

1 - Unit Commander 1 - F&AO  
1 - PSC 1 - Commander, gaining unit (transfer flag only)

NAME, RANK, TITLE, AND ORGANIZATION [REDACTED]

SIGNATURE [REDACTED] **b6-2**

DATE **066965**  
**2 Oct 03**

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For use of this form, see AR 27-10; the proponent agency is TJAG.

Ex 6, 3

See Notes on Reverse Before Completing Form

NAME [REDACTED]	GRADE [REDACTED]	SSN [REDACTED]	UNIT [REDACTED]	PAY (Basic & Sea/Foreign) 66-5
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1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: <sup>1/</sup>  
 In that you, did, at or near [REDACTED] on or about 20 August 2003, unlawfully strike [REDACTED] on the body and head with a closed fist. This is in violation of Article 128, UCMJ.

-2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. <sup>2/</sup> If you do not want me to dispose of this report of misconduct with Article 15, you have the right to demand trial by court-martial instead. <sup>3/</sup> In deciding what you want to do you have the right to consult with legal counsel located at [REDACTED].

You now have 48 hours to decide what you want to do. <sup>4/</sup>

DATE 19 OCT 03	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
-------------------	--	-------------------------

3. Having been afforded the opportunity to consult with counsel, my decisions are as follow: (Initial appropriate blocks, date, and sign)

- a.  I demand trial by court-martial.
- b.  I do not demand trial by court-martial and in the Article 15 proceedings:
  - (1) I request the hearing be  Open  Closed.
  - (2) A person to speak in my behalf  Is  Is not requested.
  - (3) Matters in defense, mitigation, and/or extenuation:  Are not presented  Will be presented in person  Are attached.

DATE 20 OCT 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
-------------------	--	-------------------------

4. In a(n)  Open  Closed hearing <sup>5/</sup> all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: <sup>6/</sup> Forfeiture of \$150 pay per month for two months; Forfeiture of \$350 pay per month for two months, suspended, to be automatically remitted if not vacated before 30 Apr 04; Extra Duty for 30 days, suspended, to be automatically remitted if not vacated before 30 Apr 04.

5. I direct the original DA Form 2627 be filed in the  Performance fiche  Restricted fiche of the OMPF. <sup>7/</sup>  
 6. You are advised of your right to appeal to the [REDACTED] within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

DATE 20 OCT 03	NAME, GRADE, AND ORGANIZATION OF COMMANDER [REDACTED]	SIGNATURE [REDACTED]
-------------------	--	-------------------------

7. (Initial appropriate block, date, and sign)  
 a.  I do not appeal b.  I appeal and do not submit additional matters <sup>8/ 9/</sup> c.  I appeal and submit additional matters <sup>8/ 9/</sup>

DATE 21 OCT 03	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED]
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8. I have considered the appeal and it is my opinion that:

DATE	NAME AND GRADE OF JUDGE ADVOCATE	SIGNATURE
------	----------------------------------	-----------

After consideration of all matters presented in appeal, the appeal is:  
 Denied  Granted as follows: <sup>10/</sup>

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
------	--	-----------

9. I have seen the action taken on my appeal. DATE SIGNATURE OF SERVICE MEMBER

ALLIED DOCUMENTS AND/OR COMMENTS <sup>11/ 12/ 13/</sup>  
 CID REPORT  
 DA FORM 2823

006966

134

See Notes on Reverse Before Completing Form

NAME	GRADE	SSN	UNIT	PAY (Basic & Sea/Foreign)
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] b6-5

63  
6

1. I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: <sup>1/</sup> In that you, did, at or near Samarra, Iraq, on or between 3 January 2004 and 16 January 2004, wrongfully endeavored to impede an investigation by influencing the sworn statements of [REDACTED] b6-4

SEE CONTINUATION SHEET

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand that I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. <sup>2/</sup> If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. <sup>3/</sup> In deciding what you want to do you have the right to consult with legal counsel located at [REDACTED] You now have 48 hours to decide what you want to do. <sup>4/</sup>

DATE & TIME	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
8 MAR 04 1400	[REDACTED]	[REDACTED]

66-2

3. Having been afforded the opportunity to consult with counsel, my decision are as follows: (Initial appropriate blocks, date, and sign)

a.  I demand trial by court-martial.

b.  I do not demand trial by court-martial and in the Article 15 proceedings:

(1) I request the hearing be  Open  Closed. (2) A person to speak in my behalf  Is  Is not requested.

(3) Matters in defense, mitigation, and/or extenuation:  Are not presented  Will be presented in person  Are attached.

66-5

DATE	NAME AND GRADE OF SERVICE MEMBER	SIGNATURE
13 Mar 04	[REDACTED]	[REDACTED]

4. In a(n)  Open  Closed hearing <sup>5/</sup> all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: <sup>6/</sup>

To be reprimanded.

5. I direct the original DA Form 2627 be filed in the  Performance fiche  Restricted fiche of the OMPF. <sup>7/</sup> NA

6. You are advised of your right to appeal to the [REDACTED] within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

66-2

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
13 Mar 04	[REDACTED]	[REDACTED]

7. (Initial appropriate block, date, and sign)

a.  I do not appeal b.  I appeal and do not submit additional matters <sup>8/9/</sup> c.  I appeal and submit additional matters <sup>8/9/</sup>

DATE	NAME AND GRADE OF SERVICE MEMBER	SIGNATURE
13 Mar 04	[REDACTED]	[REDACTED]

66-5

8. I have considered the appeal and it is my opinion that:

DATE	NAME AND GRADE OF JUDGE ADVOCATE	SIGNATURE

9. After consideration of all matters presented in appeal, the appeal is:

Denied  Granted as follows: <sup>10/</sup>

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE

10. I have seen the action taken on my appeal.	DATE	SIGNATURE OF SERVICE MEMBER

11. ALLIED DOCUMENTS AND/OR COMMENTS <sup>11/12/13/</sup>

- Informal Commander's Inquiry containing 78 pages

- ORB

Blk/M

Bb

Ex 6  
3  
7c

DA FORM 2627, PERTAINING TO [REDACTED]  
[REDACTED]

Item 1, Continued:

b6-5

[REDACTED] and [REDACTED] to deny that [REDACTED] and [REDACTED] were pushed into the Tigris River, near Samarra, Iraq, and that they instead were left at the side of the roadway. This is a violation of Article 134, UCMJ.

b6-4

NOTES

- 1/ Insert a concise statement of each offense in terms stating a specific violation and the Article of the UCMJ (*Part IV, MCM*). If additional space is needed, use item 11 or continuation sheets as described in note 11 below.
- 2/ Inform the member of the maximum punishment which may be imposed under Article 15.
- 3/ Inform the member that if he or she demands trial, trial could be by SCM, SPCM, or GCM. Additionally, inform the member that he or she may object to trial by SCM and that at SPCM or GCM he or she would be entitled to be represented by qualified military counsel, or by civilian counsel at no expense to the government. If the member is attached to or embarked in a vessel, he or she is not permitted to refuse Article 15 punishment. In such cases, all reference to a demand for trial will be lined out and an appropriate remark will be made in item 11 indicating the official name of the vessel and that the member was attached to or embarked in the vessel at the time punishment was imposed.
- 4/ Give the member copy 5 of this form.
- 5/ Offenses determined not to have been committed will be lined out. If the imposing commander decides not to impose any punishment, the member will be notified and all copies of this form destroyed.
- 6/ Amounts of forfeitures of pay will be rounded off to the next lower whole dollar. If a punishment is suspended, the following statement should be added after to: To be automatically remitted if not vacated before (*date*). If punishment includes a written admonition or reprimand, it will be attached to this form and listed in item 11.
- 7/ The imposing commander will initial the appropriate block. The OMPF performance fiche is routinely used by MOS/specialty career managers and DA selection boards. The OMPF restricted fiche is not given to MOS/specialty career managers or DA selection boards without approval of the Cdr, MILPERCEN or selection board proponent.
- 8/ If the member appeals, this form and all written evidence considered by the imposing commander will be forwarded to the superior authority.
- 9/ Before acting on an appeal, it must be referred to a judge advocate for advice when the punishment, whether or not suspended, includes reduction or one or more pay grades from the fourth or a higher pay grade, or is in excess of one of the following: 7 days arrest in quarters, 7 days correctional custody, 7 days forfeiture of pay, or 14 days of either extra duties or restriction. (*See Article 15e(1) to (7), UCMJ*).
- 10/ The superior authority will initial the appropriate block. If the appeal is granted, the specific relief granted will be stated according to note 12.
- 11/ In this space indicate the number of pages attached as follows: Allied documents on appeal consist of \_\_\_\_\_ pages. Allied documents include all written matters considered by the imposing commander submitted by the member on appeal and the commander's rebuttal, if applicable. If additional space is needed for completion of any item(s), use plain bond headed "Continuation Sheet 1", etc.
- 12/ Applicable portions of the following format may be used to record action taken on appeal. Appropriate language should be entered in item 11 or, if necessary, on a continuation sheet. Supplementary actions (*para 3-38, AR 27-10*) will be recorded on DA Form 2627-2.  
Suspension, Mitigation, Remission, or Setting Aside  

(DATE)

On (*date*), the punishment(s) of \_\_\_\_\_  
imposed on (*date of punishment*) (*was*) (*were*) (*suspended and will be automatically remitted if not vacated before (date)*) (*mitigated to*)  
(*set aside, and all rights, privileges, and property affected restored*) (*by my order*) (*by order of*) (*the officer who imposed the punishment*)  
(*the successor in command to the imposing commander*) (*as superior authority*).  
  
(*Typed name, grade, and organization of commander*) /s/ \_\_\_\_\_
- 13/ Racial/ethnic identifiers will be placed in Item 11 (*Chapter 15, AR 27-10*).



4 INFANTRY DIVISION (MECHANIZED)  
TIKRIT, IRAQ  
APO AE 09323-2628

106

REPLY TO  
ATTENTION OF:

AFYB-CG

b6-2

MEMORANDUM FOR LTC [REDACTED], Commander, 1<sup>st</sup> Battalion, 8<sup>th</sup>  
Infantry Regiment, 3<sup>rd</sup> Brigade Combat Team, 4<sup>th</sup> Infantry Division (Mechanized)

SUBJECT: Reprimand for Obstruction of Justice

1. You are hereby reprimanded for wrongfully endeavoring to impede an investigation into the drowning death of an Iraqi civilian by members of your command. On 7 - b6-2 January 2004, you were briefed by the A Company commander, CPT [REDACTED] that soldiers of [REDACTED] platoon pushed two Iraqi men into the Tigris River causing one of them to drown. You ordered them to deny that the men were pushed into the river and to say that they were dropped off at the side of the road. Your conduct was wrongful, criminal and will not be tolerated.

2. Good order and discipline requires leaders to live and enforce standards of conduct we expect from our subordinates. Your conduct is a poor example for other soldiers to follow. As a commissioned officer, I expect much more from you. Your actions have brought discredit upon you, [REDACTED] 8<sup>th</sup> Infantry, 4<sup>th</sup> Infantry Division and the United States Army. Your violation of the Uniform Code of Justice (UCMJ) casts severe doubt on your suitability for leadership in the U.S. Army.

3. This reprimand is imposed IAW Article 15, UCMJ and will be filed in conjunction with DA Form 2627.

RAYMOND T. ODIERNO  
Major General, USA  
Commanding

006970

**DEVELOPMENTAL COUNSELING FORM**

For use of this form, see FM 22-100; the proponent agency is TRADOC

(b)(6)

**DATA REQUIRED BY THE PRIVACY ACT OF 1974**

**AUTHORITY:** 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)  
**PRINCIPAL PURPOSE:** To assist leaders in conducting and recording counseling data pertaining to subordinates.  
**ROUTINE USES:** For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary.  
**DISCLOSURE:** Disclosure is voluntary.

**PART I - ADMINISTRATIVE DATA**

Name (Last, First, MI)	bb-5	Rank/Grade	PV2/E-2	Social Security No.	Date of Counseling
Organization		Name and Title of Counselor		TEAM CHIEF.	

**PART II - BACKGROUND INFORMATION**

**Purpose of Counseling:** (Leader states the reason for the counseling, e.g., performance/professional growth or event-oriented counseling, and includes the leader's facts and observations prior to the counseling.)

- PERFORMANCE
- LACK OF DISCIPLINE.

**PART III - SUMMARY OF COUNSELING**

Complete this section during or immediately subsequent to counseling.

**Key Points of Discussion:** ON OR ABOUT 19 APR 04 YOU PVT [REDACTED] WERE CONDUCTING (WC) CHECKS FROM CELL TO CELL WHEN YOU FOUND A URINE BOTTLE IN ONE OF THE CELLS, YOU QUESTIONED THE DETAINEES AND WHEN YOU FOUND OUT WHO'S IT WAS; YOU ACTED UNPROFESSIONALLY AND REMOVED THE LID FROM THE BOTTLE AND BROUGHT IT TOWARDS THE DETAINEE FACE WITH INTENT TO HAVE HIM DRINK IT; FORTUNATELY YOU CAME TO YOUR SENSES AND TOLD HIM NOT TO DO THIS ANY LONGER AND NO (WC) FOR HIM. PVT [REDACTED] YOUR ACTIONS HAVE BROUGHT A NEGATIVE IMPACT AND DISCREDIT UPON THE ENTIRE PLATOON. YOU HAVE CONDUCTED A CRIMINAL ACT AND IS PUNISHABLE UNDER UCMJ AND POSSIBLE COURT MARTIAL YOUR SWORN STATEMENT WILL BE SUBMITTED UP THE CHAIN-OF-COMMAND AND YOU ARE AT THEIR MERCY.

[Signature]

**OTHER INSTRUCTIONS**

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 600-107

006971  
041007

**EXHIBIT**

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).)

You will relinquish all your Ammo To ME (SOT  
You will be posted at the Front Desk All week  
You will have an escort if you need to go to the  
Detainee facility at the Back.  
You will go and see our psychiatrist ASAP.  
(on Appt. date).

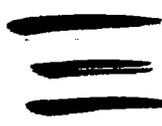
66-2

NOTE: Soldier was informed that Front Desk Duty could be longer than one week or until further notice

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled:  agree  disagree with the information above.  
Individual counseled remarks:

Signature of Individual Counseled:

 66-5

Date: 21 Apr 04

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Signature of Counselor

 66-2

Date: 21 APR 04

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: \_\_\_\_\_ Individual Counseled: \_\_\_\_\_ Date of Assessment: \_\_\_\_\_

Note: Both the counselor and the individual counseled should retain a record of the counseling.

**GENERAL COUNSELING FORM**

(b)(1)(c)

For use of this form, see AR 635-200; the proponent agency is MILPERCEN

**DATA REQUIRED BY THE PRIVACY ACT OF 1974**

**AUTHORITY:** 5 USC 301, 10 USC 3012(G). **PRINCIPAL PURPOSE:** To record counseling data pertaining to service members.  
**ROUTINE USES:** Prerequisite counseling under paragraphs 5-8, 5-13, chapters 11, 13 or section III, chapter 14, AR 635-200. May also be used to document failures of rehabilitation efforts in administrative discharge proceedings.  
**DISCLOSURE:** Disclosure is voluntary, but failure to provide the information may result in recording of a negative counseling session indicative of the subordinate's lack of a desire to solve his or her problems.

**PART I - BASIC DATA**

1. NAME (last, first, MI)  66-5	2. SOCIAL SECURITY NO.	3. GRADE  E2	4. SEX  Male
5. UNIT	<i>FOR TRAINING UNITS ONLY</i>		
	6. WEEK OF TRAINING	7. TRAINING SCORES HIGH _____ MED _____ LOW _____	

**PART II - OBSERVATIONS**

8. DATE AND CIRCUMSTANCES 23APR04, Serious incident o/a 19APR04.

9. DATE AND SUMMARY OF COUNSELING 23APR04, As the OIC of the TF , I am very concerned about the incident that occurred o/a 19APR04. You came dangerously close to violating the policies and orders of this command and the Geneva Convention. To your credit, you realized the dangerous position you were in and stepped back before a mistake was made.

62-2

I understand that you are a soldier who has come here to defeat the enemies of our nation, it may seem contrary to be placed in a role caring for the enemies of our nation. What needs to be clear to you is that the intelligence coming from the detainees in this facility is critical to defeating the leaders of the various groups that endanger Coalition Forces every day and to . Your role is to maintain the detainees in this facility between interrogation sessions in accordance with the policies of this facility and the Geneva Convention. Do not take it upon yourself to stray from these duties in any way. If you have any questions as to what your duties entail, you need to ask your chain of command.

Your platoon chain of command has briefed me on the measures they are taking to provide you additional training to enhance your duty performance. Pay close attention to this training as any future misconduct of the type displayed o/a 19APR04 or mistreatment of detainees will result in UCMJ action. Nothing further.

**DISPOSITION INSTRUCTIONS**

*This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement.*

0000033

**EXHIBIT**

15  
006973

PART III - AUTHENTICATION

(b)(1)

10. NAME, GRADE, SIGNATURE OF COUNSELOR

bb-2

MAJ, MI

OIC

DATE

23 Apr 04

11. I acknowledge having been counseled by the above individual and understand the reason for this counseling session. I  concur  nonconcur that the information above accurately reflects this counseling session. I nonconcur for the following reasons:

12. NAME, GRADE, SIGNATURE OF INDIVIDUAL COUNSELED

~~XXXXXXXXXX~~ bb-5

DATE

23 Apr 04

13. IF COUNSELED INDIVIDUAL REFUSES TO SIGN COUNSELING NOTES, COUNSELOR WILL INITIAL THIS BLOCK.

PART IV - REHABILITATION

14. REHABILITATION RESULTS / COMMENTS

15. NAME, GRADE, SIGNATURE OF INDIVIDUAL COUNSELED

DATE

16. NAME, GRADE, SIGNATURE OF COUNSELOR

DATE

PART V - UNIT COMMANDER INTERVIEW

17. INTERVIEW RESULTS AND RECOMMENDATION

18. NAME, GRADE, SIGNATURE OF UNIT COMMANDER

DECLARATION

DATE

0000000

EXHIBIT

15

006974

(b)(4)

### DEVELOPMENTAL COUNSELING FORM

For use of this form, see FM 22-100; the proponent agency is TRADOC

#### DATA REQUIRED BY THE PRIVACY ACT OF 1974

**AUTHORITY:** 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)  
**PRINCIPAL PURPOSE:** To assist leaders in conducting and recording counseling data pertaining to subordinates.  
**ROUTINE USES:** For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary.  
**DISCLOSURE:** Disclosure is voluntary.

#### PART I - ADMINISTRATIVE DATA

Name (Last, First, MI) <b>██████████</b> <b>b6-5</b>	Rank/Grade PV2/E-2	Social Security No.	Date of Counseling 23 April 04
Organization <b>██████████</b>	Name and Title of Counselor 2LT <b>██████████</b> OIC <b>b6-2</b>		

#### PART II - BACKGROUND INFORMATION

**Purpose of Counseling:** (Leader states the reason for the counseling, e.g., performance/professional growth or event-oriented counseling, and includes the leader's facts and observations prior to the counseling.)

Unprofessional Behavior and Lack of Discipline

#### PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

**Key Points of Discussion:**

**b6-5**  
PV2 **██████████**, your behavior dealing with the Detainees has been unprofessional. The following areas will be address and corrected:

- Your actions past, future and present could potentially get you in a great deal of trouble.
- We are in an extremely high profile and very important mission, which requires your absolute professionalism at all times.
- You will read and follow the SOP to standard, and the rules stated in the Geneva Convention at all times, anything less is unacceptable.

Your actions have put the entire platoon in a negative light in the eyes of the command, and we MUST avoid this in the future. If this type of action continue, UCMJ actions will be taken again you.

#### OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AF 638-10

006975

**EXHIBIT**

(b)(6)

**Plan of Action:** (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).)

PV2 **b6-5** you will clean all the Detainee cells on each shift for 1 week. This action will begin on the 23 April 04 - 29 April 04. Hours; 0900 hrs - 2000 hrs - 0300 hrs. You will be released by the each shift Team Chief.

**Session Closing:** (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled:  agree  disagree with the information above.

Individual counseled remarks:

**b6-5**

Signature of Individual Counseled: \_\_\_\_\_

Date: **23 APR 04**

**Leader Responsibilities:** (Leader's responsibilities in implementing the plan of action.)

Signature of Counselor: \_\_\_\_\_

**b6-2**

Date: **23 APR 04**

**PART IV - ASSESSMENT OF THE PLAN OF ACTION**

**Assessment:** (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

DECLASSIFIED

Counselor: \_\_\_\_\_

Individual Counseled: \_\_\_\_\_

Date of Assessment: \_\_\_\_\_

**000002**

Note: Both the counselor and the individual counseled should retain a record of the counseling.

**EXHIBIT**

006976

15

**DATA REQUIRED BY THE PRIVACY ACT OF 1974**

**AUTHORITY:** 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army and E.O. 9397 (SSN)  
**PRINCIPAL PURPOSE:** To assist leaders in conducting and recording counseling data pertaining to subordinates.  
**ROUTINE USES:** For subordinate leader development IAW FM 22-100. Leaders should use this form as necessary.  
**DISCLOSURE:** Disclosure is voluntary.

(b)(6)

**PART I - ADMINISTRATIVE DATA**

Name (Last, First MI)	██████████ b6-5	Rank/Grade SPC/E-4	Social Security No.	Date of Counseling 17 Feb 04
Organization	██████████	Name and Title of Counselor		██████████ b6-2

**PART II - BACKGROUND INFORMATION**

**Purpose of Counseling:** (Leader states the reason for the counseling, e.g., performance/professional growth or event-oriented counseling, and includes the leader's facts and observations prior to the counseling.)

- Purpose of Counseling:**
- " Discuss the soldier's non-compliance with the 310th MP BN (I/R) (SOP)
  - " Discuss possible course of Actions and solutions
  - " Discuss possible repercussions of repeated substandard performance

**PART III - SUMMARY OF COUNSELING**

Complete this section during or immediately subsequent to counseling.

**Key Points of Discussion:**

It has brought to my attention, that at approximately 1330 hrs, SGT ██████████ notified me in reference to an incident. Upon arrival, I made contact with SGT ██████████ and you. I notice that you were very upset over something that has happened. SGT ██████████ stated that. Approximately 1215 hrs. Tuesday, February 10, 2004, while you were on duty as a Compound Control Team (CCT) at Compound 11, (Internment Facility, Camp Bucca, Iraq). That you instructed detainee # ██████████ put on his jumpsuit (orange in color, uniform). Which detainee did not acknowledge you. You became upset with detainee # ██████████ and went into the compound with a translator (detainee) exchange some words with the detainee # ██████████ SGT Sanchez related that you stated the remarks: "These guys do what they want; unless you are Jewish you cannot understand what it is like to deal with Arabic." SGT ██████████ also stated she has a meeting with the Mayor (detainee # ██████████ of the compound # 11 and Translator (detainee # ██████████). SGT ██████████ stated, that the mayor said, that you pulled out a chain, from around your neck, and displayed symbolic of the "Star of David" and threaten the detainee. He also during this argument with detainee, you were very disrespectful gesture and insulted to Arabs. SGT ██████████ this situation likes to escalate to excite a riot because of your actions. You have shown discipline and exercised good judgment during these stressful times. If at any time you feel the need to talk or feel overwhelmed, do not hesitate to discuss the situation with me. After this time, we will review your current situation (Personal Issues/religious background) with the chain of command to determine what course of action should be taken. As I have explained earlier, you have been very good in holding your feeling back in this sensitive area and I am willing to work with you to obtain a solution. You are well aware of military obligations. Should a situation arise in which you feel uncomfortable or are confronted with a delicate situation immediately notify the NCOIC. Do not become disrespectful of unprofessional with the detainee. These we can avoid problems and situation that interfere with the mission. Again, be firm but fair, TREAT THE DETAINEE AS YOU WOULD WANT TO BE TREATED!

b6-4

**OTHER INSTRUCTIONS**

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

16)(b)

0034-04-G10352-640

Plan of Action: (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below).)

Soldier stated that he understood the counseling and was provided a copy of the counseling. Ensure that soldier understood that he must treat the detainee with firm and respect their language and religious customs in according with (IAW) the 310th MP BN (I/R) and Geneva Convention Relative to the Treatment of Prisoner of Wars (GEPW, Art. #36, and AR 190-8, Para. 2-25d)

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled:  I agree  disagree with the information above. *I did not make any difference.*  
Individual counseled remarks: *stated, i am also unsure how i was disrespectful and insulting. The major aide of company #11 tried to let me know it was possible a riot could happen, not that it would. I never specifically pointed out what towards prisoners.*

Signature of Individual Counseled: \_\_\_\_\_ *b6-5* Date: *12 Feb 04* *b6-4*

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

- Conduct follow up counseling
- Continue to encourage soldier to achieve the standard
- Monitor soldiers performance

Signature of Counselor: \_\_\_\_\_ *b6-2* Date: *12 Feb 04*

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: \_\_\_\_\_ Individual Counseled: \_\_\_\_\_ Date of Assessment: \_\_\_\_\_

006978

Note: Both the counselor and the individual counseled should retain a record of the counseling.

BC

AFYB-CG

111203

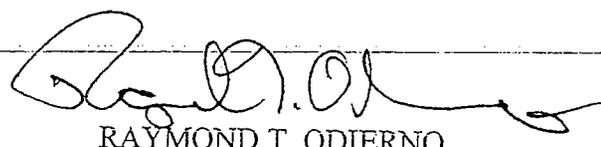
MEMORANDUM THRU

Commander, 1st Brigade, 4th Infantry Division Mechanized, Tikrit, Iraq  
Commander, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division (Mechanized),  
Tikrit, Iraq  
Commander, Company D, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division  
(Mechanized), Tikrit, Iraq

FOR Commander, 502d Personnel Service Battalion, 4th Infantry Division (Mechanized), Tikrit  
Iraq

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial, SPC. [redacted] *bb-5*  
[redacted] Company D, 4th Forward Support Battalion, 1st Brigade, 4th Infantry Division  
(Mechanized), Tikrit, Iraq

1. The Request for Discharge in Lieu of Trial by Court-Martial submitted by SPC [redacted] *bb-5*  
[redacted] Company D, 4th Forward Support Battalion, 1st Brigade, 4th  
Infantry Division (Mechanized), Tikrit, Iraq, UP AR 635-200, Chapter 10, is hereby  
APPROVED.
2. I direct that SPC [redacted] *bb-5* be discharged from Military Service under the provisions of  
AR 635-200, Chapter 10, and that his service be characterized as Under Other Than Honorable  
Conditions.
3. The pending court-martial charges against SPC [redacted] will be dismissed after SPC  
[redacted] receives his DD Form 214. *bb-5*
4. I direct that SPC [redacted] be reduced to the lowest enlisted pay grade, PVT (E-1) IAW  
635-200, paragraph 1-13.
5. SPC [redacted] *bb-5* will not be transferred into the Individual Ready Reserve (IRR) as he  
clearly has no potential for useful service under conditions of full mobilization. Transfer is not  
required IAW AR 635-200, paragraph 1-35.
6. In accordance with AR 635-200, paragraph 1-20, if the soldier is a bonus recipient, unearned  
portions of any enlistment/reenlistment bonuses will be recouped.
7. I further direct that SPC [redacted] *bb-5* be separated from the Army within five working days  
upon return to CONUS.



RAYMOND T. ODIERNO  
Major General, USA  
Commanding

006979

36



DEPARTMENT OF THE ARMY  
United States Army Trial Defense  
Service  
Fort Hood Field Office  
Task Force Ironhorse  
Forward Operating Base Speicher, Iraq

REPLY TO  
ATTENTION OF

AFZF-JA-TDS

16 October 2003

MEMORANDUM THRU

Commander, D Company, 4<sup>th</sup> Forward Support Battalion, 1<sup>st</sup> Brigade, 4<sup>th</sup> Infantry Division (M),  
FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

Commander, 4<sup>th</sup> Forward Support Battalion, 1<sup>st</sup> Brigade, 4<sup>th</sup> Infantry Division (M), FOB  
Ironhorse (Tikrit) Iraq APO AE 09323-2628

Commander, 1<sup>st</sup> Brigade, 4<sup>th</sup> Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-  
2628

FOR Commander, 4<sup>th</sup> Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial - SPC [redacted]  
[redacted] D Company, 4<sup>th</sup> Support Battalion, 1<sup>st</sup> Brigade, 4<sup>th</sup> Infantry Division (M), FOB  
Ironhorse (Tikrit) Iraq APO AE 09323-2628

66-5all

1. I, SPC [redacted], hereby voluntarily request discharge in lieu of trial by court-martial under AR 635-200, chapter 10. I understand that I may request discharge in lieu of trial by court-martial because of the following charges which have been preferred against me under the Uniform Code of Military Justice, one of which or a combination of which authorizes the imposition of a bad conduct or dishonorable discharge:

Article 119-Manslaughter

2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offense(s) charged and am guilty of (one or more of) the charge(s) against me or of (a) lesser included offense(s) therein contained which also authorize the imposition of a bad conduct or dishonorable discharge. Moreover, I hereby state that under no circumstances do I desire further rehabilitation, for I have no desire to perform further military service.

3. Prior to completing this form, I have been afforded the opportunity to consult with appointed counsel for consultation. I have consulted with counsel for consultation who has fully advised me of the nature of my rights under the Uniform Code of Military Justice, the elements of the offenses with which I am charged, any relevant lesser included offenses thereto, and the facts which must be established by competent evidence beyond a reasonable doubt to sustain a finding

006980

B6

AFZF-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC  
D Company, 4<sup>th</sup> Support Battalion, 1<sup>st</sup> Brigade, 4<sup>th</sup> Infantry Division (M), FOB  
Ironhorse (Tikrit) Iraq APO AE 09323-2628

bb-5

of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if found guilty. Although he has furnished me legal advice, this decision is my own.

4. I understand that, if my request for discharge is accepted, I may be discharged under conditions other than honorable. I have been advised and understand the possible effects of an Under Other Than Honorable Discharge (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law) and that, as a result of the issuance of such a discharge, I will be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law, as indicated on a copy of DA Poster 635-1, which was provided me). I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Discharge. I further understand that there is neither automatic upgrading nor review by any Government agency of a less than honorable discharge and that I must apply to the Army Discharge Review Board or the Army Board of Corrections of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded.

5. I understand that, once my request for discharge is submitted, it may be withdrawn only with consent of the commander exercising general court-martial authority, or without that commander's consent, in the event trial results in an acquittal or the sentence does not include a punitive discharge even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent. This request is conditioned upon disapproval of the findings and sentence of any court-martial, if applicable in this case.

6. I have been advised that I may submit statements I desire in my own behalf, which will accompany my request for discharge. Statements in my own behalf are not submitted with this request.

7. I hereby acknowledge receipt of a copy of this request for discharge.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

bb-5

SPC, U.S. Army  
Accused

006981

AFZF-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC,

b6-5

[redacted] D Company, 4<sup>th</sup> Support Battalion, 1<sup>st</sup> Brigade, 4<sup>th</sup> Infantry Division (M), FOB Ironhorse (Tikrit) Iraq APO AE 09323-2628

Having been advised by me of:

a. The basis for his contemplated trial by court-martial and the maximum permissible punishment authorized under the Uniform Code of Military Justice;

b. The possible effects of an Under Other Than Honorable Discharge if this request is approved (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law and the loss of benefits administered by both the Army and other Federal agencies as indicated on a copy of DA Poster 635-1, which was provided to the soldier); and

c. The procedures and rights available to him/her;

SPC [redacted] b6-5, personally made the choices indicated in the foregoing request for discharge in lieu of trial by court-martial.

[redacted signature]  
[redacted]  
[redacted] b6-2  
1LT, JA  
Defense Counsel

Data required by the Privacy Act of 1974 (5 USC 552a)

AUTHORITY: Section 301, title 5 USC and section 3013, title 10, USC.

PURPOSE: To be used by the commander-exercising general court-martial jurisdiction over you to determine approval or disapproval of your request for discharge in lieu of trial by court-martial.

ROUTINE USES: Request, with appropriate documentation, including the decision of the discharge authority, will be filed in the MPRJ as permanent material and disposed of in accordance with AR 640-10, and may be used by other appropriate Federal agencies and State and local governmental activities where use of the information is compatible with the purpose for which the information was collected.

B6

AFZF-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SPC  
██████████ D Company, 4<sup>th</sup> Support Battalion, 1<sup>st</sup> Brigade, 4<sup>th</sup> Infantry Division (M), FOB  
Ironhorse (Tikrit) Iraq APO AE 09323-2628

66-5

Submission of a request for discharge is voluntary. Failure to provide all or a portion of the requested information may result in your request being disapproved.

006983

CHARGE SHEET

(b)(6)

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, Middle Initial) [REDACTED] <b>bb-5</b>		2. SSN [REDACTED]	3. GRADE OR RANK SPC	4. PAY GRADE E4
5. UNIT OR ORGANIZATION D COMPANY, 4TH FORWARD SUPPORT BATTALION, 1ST BRIGADE, 4TH INFANTRY DIVISION (MECHANIZED)			6. CURRENT SERVICE	
			a. INITIAL DATE 24 Aug 00	b. TERM 4 yrs
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED None	9. DATE(S) IMPOSED N/A	
a. BASIC \$1,665.30	b. SEA/FOREIGN DUTY \$100.00			

II. CHARGES AND SPECIFICATIONS

10. CHARGE: VIOLATION OF THE UCMJ, ARTICLE 119

SPECIFICATION: In that SPC [REDACTED] **bb-5** US Army, did, at or near Tikrit, Iraq, on or about 11 September 2003, willfully and unlawfully kill **bb-4** by shooting him in the abdomen with a rifle.

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, Middle Initial) [REDACTED]	b. GRADE CPT	c. ORGANIZATION OF ACCUSER D CO, 4TH FSB, 1ST BDE, 4ID (M)
d. SIGNATURE OF ACCUSER [REDACTED] <b>bb-2</b>	e. DATE (YYYYMMDD) 20031007	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 7<sup>th</sup> day of October, 2003, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

[REDACTED]	HHC, 1BDE, 4ID (M)
Typed Name of Officer	Organization of Officer
[REDACTED] CAPTAIN	ARTICLE 136, UCMJ
Grade	Official Capacity to Administer Oath
[REDACTED] <b>bb-2</b>	(See R.C.M. 307(b) - must be a commissioned officer)
Signature	

On 7 OCTOBER, 2003, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

[Redacted] bb-2  
Typed Name of Immediate Commander

HQ, D CO, 4TH FSB, 1ST BDE, 4ID (M)  
Organization of Immediate Commander

CPT

Grade

[Redacted] bb-2  
Signature

**IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY**

13.

The sworn charges were received at 2000 hours, 7 October, 2003 at

HQs, 4th Forward Support Battalion  
Designation of Command or

1st Brigade, 4th Infantry Division (Mechanized)

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE <sup>1</sup>

[Redacted]  
Typed Name of Officer

Commanding  
Official Capacity of Officer Signing

LTC

Grade

[Redacted] bb-2  
Signature

**V. REFERRAL; SERVICE OF CHARGES**

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE (YYYYMMDD)

Referred for trial to the \_\_\_\_\_ court-martial convened by \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_, subject to the following instructions:<sup>2</sup>

By \_\_\_\_\_ of \_\_\_\_\_

Command or Order

[Redacted]  
Typed Name of Officer

[Redacted]  
Official Capacity of Officer Signing

[Redacted]  
Grade

[Redacted]  
Signature

15.

On \_\_\_\_\_, \_\_\_\_\_, I (caused to be) served a copy hereof on (each of) the above named accused.

[Redacted]  
Typed Name of Trial Counsel

CPT  
Grade or Rank of Trial Counsel

[Redacted]  
Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.  
2 — See R.C.M. 601(e) concerning instructions. If none, so state.

Bf

Enlisted Record Brief

ERB DATE 20030928

NAME [REDACTED]

SSN [REDACTED]

RANK SPC

DOR 20020301

PMOS 35F

COMPONENT REGULAR

**SECTION I: ASSIGNMENT INFO**

OVERSEAS DUTY		# of TOURS	
YR/MO RTN	CTRY Month	TC	LONG: 0 DROS: 0
			SHORT: 0 DEROS: 0
CONUS Depart Date:		DT DEPNS ARR OS:	

PMOS/DT: 35F / 20020301 ASI: 00  
 SMOS/DT: [REDACTED] SQI: 0  
 BONUS MOS: [REDACTED] PDSI/YRMO: B2C/200210  
 BONUS ENL ELIG DATE: [REDACTED] TERM DATE: [REDACTED]  
 PROMOTION POINTS: [REDACTED] PROM PNTS CALC YM: [REDACTED]  
 PROM SEQ NUM: [REDACTED] PROM SELECT DT: [REDACTED]  
 PROM MOS: [REDACTED]

**SECTION II: TEST DATA**

Test #:	ASVAB10	Last Test Date:	20000801
GT: 110	ELEC: 115	FOOD: 93	TECH: 118
ADMIN: 114	FA: 104	COMMO: 95	AUD PERCEPT:
CMBT: 86	MECH: 91	MAINT: 105	

DLOS: [REDACTED] DT End Eval Period: [REDACTED]  
 DT Of Last PCS: 20020725 AEA/Date: N / [REDACTED]  
 Flags: [REDACTED] Delay Sep Reason: [REDACTED]

**SECTION III: SECURITY DATA**

PSI STATUS:	SECRET	FLD DET PS STAT:	NONE
PSI INVEST INIT:	20000727	PSI INVEST COMPL:	20010508

**SECTION IV: FOREIGN LANGUAGE**

Language	Read	Listen	Speak

DLAB: [REDACTED]

**SECTION V: MILITARY EDUCATION**  
 MELJMES: NONE/GRADUATED

**SECTION VI: CIVILIAN EDUCATION**

Course	Year

Correspondence Crs Hrs Completed: [REDACTED]

**SECTION VII: SERVICE DATA**

BASD: 20000824	TIME LOST:
PEBD: 20000824	REEN PROHIB: 10
BESD 19000101	AGCM/DT
ETS: 20040823	DIEMS: 20000727

**SECTION VIII: RANK**

RANK	DOR
SPC	20020301
PFC	20000824

**SECTION IX: AWARDS AND DECORS**

Level Completed: [REDACTED]  
 - 4 YRS HS  
 Level/Certificate: HIGH SCHOOL DIPLOMA  
 Year: 1900 Semester Hours: 0  
 From: [REDACTED]  
 In: [REDACTED]  
 From: [REDACTED]  
 In: [REDACTED]

**SECTION X: PERSONAL/FAMILY DATA**

LAST PHY EXAM:	20000726	PHYS CAT:	B
PULHES:	111121	MMRB DATE:	
MMRB Result:		APFT DT/Pass-Fail:	/
HT/WT:		BIRTHPLACE:	IL
DT OF BIRTH:		SEX/Race:	MALE / BLACK
CTRY OF CITZ:		# DEPN ADULTS/CHILD:	0 / 0
# DEPN ADULTS/CHILD:	0 / 0	RELIGION:	[REDACTED]
EFMP/DT:		SP Birthplace/CITZ:	[REDACTED]
MIL SPOUSE SSN/MPC:		SVC COMP/DOD:	
HOME OF RECORD:			
MAILING ADDRESS:			
Emergency Data Verified:			

**SECTION XI: REMARKS**

DATE OF LAST PHOTO: 200104  
 HIV YR/MO: 200104  
 RGMT AFIL: [REDACTED]

**SECTION XII: ASSIGNMENT HISTORY**

Projected From	Mo	UIC	Unit Designation	Location	Comd	Posn Title	DMOS
0020725	1	WJAYD0	0004CSCO D BASE SP	FT HOOD	FC	SR COMP/AUTO SYS F	35F1000YY
20020725	1	WJAYD0	0004CSCO D BASE SP	FT HOOD	FC	INCOMING PERSONNE	35F1 YY
20020721		WHD24D	0004INDIV REPL DET	FT HOOD	FC		
20010710		WB4JAA	0061CSMT CO DS NON	CP KYLE	P8		
20010708	13	WHPTAA	0001AGREPL REG 40	CP COINER	P8	INCOMING PERSONNE	35F1 YY
20001115		W1EA23	73 ORD BN B CO ST	FT GORDON	TC		
20000825		W1L4JB	CO A 46 AG BN RECP ES	FT KNOX	TC		

06985

**4ID SJA TDS**

---

**From:** 4ID SJA CHIEFMJ  
**Sent:** Wednesday, November 12, 2003 11:46 AM  
**To:** 4ID SJA TDS  
**Subject:** [REDACTED] b(6)(2)

B6-2

[REDACTED] it's been approved. :)

006986

AFYB-CG

102303

[REDACTED]  
[REDACTED]  
B6-5  
all

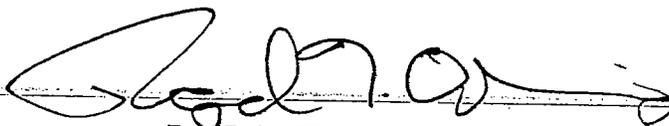
MEMORANDUM THRU

Commander, 173d Airborne Brigade, 4<sup>th</sup> Infantry Division Mechanized, Tikrit, Iraq  
Commander, 319th AFAR, 173d Airborne Brigade, 4<sup>th</sup> Infantry Division (Mechanized), Tikrit, Iraq  
Commander, Delta Battery, 319th AFAR, 173d Airborne Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq

FOR Commander, 502d Personnel Service Battalion, 4th Infantry Division (Mechanized), Tikrit Iraq

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial, SSG [REDACTED]  
[REDACTED] Delta Battery, 319th AFAR, 173d Airborne Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq

1. The Request for Discharge in Lieu of Trial by Court-Martial submitted by SSG [REDACTED] [REDACTED] Delta Battery, 319th AFAR, 173d Airborne Brigade, 4th Infantry Division (Mechanized), Tikrit, Iraq, UP AR 635-200, Chapter 10, is hereby APPROVED.
2. I direct that SSG [REDACTED] be discharged from Military Service under the provisions of AR 635-200, Chapter 10, and that his service be characterized as Under Other Than Honorable Conditions.
3. The pending court-martial charges against SSG [REDACTED], will be dismissed after SSG [REDACTED] receives his DD Form 214.
4. I direct that SSG [REDACTED] be reduced to the lowest enlisted pay grade, PVT (E-1) IAW 635-200, paragraph 1-13.
5. SSG [REDACTED] will not be transferred into the Individual Ready Reserve (IRR) as he clearly has no potential for useful service under conditions of full mobilization. Transfer is not required IAW AR 635-200, paragraph 1-35.
6. In accordance with AR 635-200, paragraph 1-20, if the soldier is a bonus recipient, unearned portions of any enlistment/reenlistment bonuses will be recouped.
7. I further direct that SSG [REDACTED] be separated from the Army within five working days upon return to CONUS.



RAYMOND T. ODIERNO  
Major General, USA  
Commanding

006987



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
United States Army Trial Defense Service  
Fort Hood Field Office  
Task Force Ironhorse  
Police station Speicher, Iraq

B6-5  
all

AFZF-JA-TDS

4 October 2003

MEMORANDUM FOR Commander, Taskforce Ironhorse, 4th Infantry Division  
(Mechanized), Tikrit, Iraq.

SUBJECT: Letter in Support of Discharge in Lieu of Trial by Court-Martial -- SSG  
██████████  
D Battery, 319th AFAR, 173rd Airborne Brigade, Iraq

1. I am writing this letter to help explain the circumstances that led to this entire situation. I am not writing this to excuse my actions but to shed some light on the day that led up to the incident.
2. On 1 August 2003 a soldier in my unit, SPC ██████████ was killed by an RPG round. All of us were upset and nervous about the death. The following day was probably the worst day of my life. Early on 2 August 2003, some local Iraqi's brought a dead body to our police station. They told us that they had found the man in the river and that he had been strangled. Until this moment I had never seen a dead man before. The sight of this was very upsetting. This first event of the morning set the mood for the day.
3. About an hour after the body was brought to the police station we had reports of some Iraqi's stealing pipes in town. We went to investigate the incident and actually found the men. We detained fourteen men and began to transport them to our police station. As we left we noticed that another car was following us. The two men in the car were with the pipe stealers earlier. We had a few local Iraqi police in the vehicle with us and they began shooting at the car. We looked back at the car to see why they were shooting. We saw that one of the men in the car was holding a grenade. He was holding the grenade as if he were about to throw it at us. The driver of our vehicle stomped on the brakes and this forced the car behind us to abruptly stop. We detained the two men and their grenade.
4. About thirty minutes after dropping these detainees at the police station we were made aware of shots being fired at the market. We immediately left for the market area. The two men that we found were local Kirkuk police and they were carrying AK-47's. They were not suppose to be carrying weapons outside of their city as that was the law. We searched the men and found fuses and full magazines for the AK-47's. We asked the artillery guys about the fuses and were told that they were either mortar or RPG fuses. We took them to the police station.
5. By the time we arrived to the police station all of our emotions were high and we were all on the edge. We called our commander and asked what to do with the two police that

006988

B6-5  
all

had the AK's. We found out moments earlier that the local Iraqi judge had ordered that they be released. The commander told us to question them anyway.

6. After questioning the two for awhile the translator told me that one of the men had stated that he would kill me and the others that had questioned him. He also stated that he would blow up the police station with an RPG. We all took them seriously.

7. The day had started with me seeing a dead mans body and it ended with threats on mine. I am not making excuses for my actions but hope to put that day in perspective. I have been in the Army for twelve and a half years. My MOS is not in police work or law enforcement. I am a communications sergeant. I have never been trained in police work and have no training in handling prisoners or detainees. I say this not to make excuses but to try and make sense of the situation.

8. I regret many things in my life and I hope that I can come to terms with the actions I have taken. I realize that you have the power to discharge me from service. My only request is that you discharge me with a General discharge. Very respectfully.

[REDACTED]  
[REDACTED]  
SSG, U.S. Army  
Accused

B6

DEPARTMENT OF THE ARMY  
COMBAT SUPPORT COMPANY,  
1<sup>ST</sup> BATTALION (AIRBORNE), 508<sup>TH</sup> INFANTRY  
4<sup>TH</sup> INFANTRY DIVISION (MECHANIZED)  
TIKRIT, IRAQ 09323

AESE-B

13 October 2003

MEMORANDUM THRU

Commander, 173d Airborne Brigade, 4<sup>th</sup> Infantry Division (Mechanized), Kirkuk, Iraq 09347  
Commander, 1<sup>st</sup> Battalion (Airborne), 508<sup>th</sup> Infantry, 173d Airborne Brigade, 4<sup>th</sup> Infantry  
Division (Mechanized), Tikrit, Iraq 09323

FOR Commander, 4<sup>th</sup> Infantry Division (Mechanized), Tikrit, Iraq

SUBJECT: Request for Discharge under Chapter 10, Discharge in Lieu of Trial by Court-  
Martial, pertaining to SSG [REDACTED], 319<sup>th</sup> AFAR, 173d Airborne Brigade, 4<sup>th</sup> Infantry  
Division (Mechanized), Tikrit, Iraq

66-5

1. The attached recommendation for elimination under provisions of AR 635-200, Chapter 10,  
Discharge in Lieu of Trial by Court-Martial, pertaining to SSG [REDACTED], 319<sup>th</sup> AFAR, 173d  
Airborne Brigade, 4<sup>th</sup> Infantry Division (Mechanized), Tikrit, Iraq, is forwarded for your action. I  
recommend:

( X ) Approval. or ( ) Disapproval

2. Furthermore, I recommend that his service be characterized as

( ) under other than honorable conditions

( X ) General under honorable conditions

3. This isolated incident does not reflect SSG [REDACTED] otherwise clean record, and should not  
negate his significant contributions to his unit, the brigade, and the United States Army over the  
course of more than twelve years.

/Original Signed/

66-2

Encl  
as

[REDACTED]  
CPT, FA  
Commanding

006990

B6

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 2<sup>ND</sup> BATTALION (AIRBORNE), 503<sup>RD</sup> INFANTRY  
4<sup>TH</sup> INFANTRY DIVISION (MECHANIZED)  
TIKRIT, IRAQ 09323

AESE-B

13 October 2003

MEMORANDUM THRU Commander, 173d Airborne Brigade, 4<sup>th</sup> Infantry Division  
(Mechanized), Kirkuk, Iraq 09347

FOR Commander, 4<sup>th</sup> Infantry Division (Mechanized), Tikrit, Iraq 09323

SUBJECT: Request for Discharge under Chapter 10, Discharge in Lieu of Trial by Court-  
Martial, pertaining to SSG [REDACTED] 319<sup>th</sup> AFAR, 173d Airborne Brigade, 4<sup>th</sup> Infantry  
Division (Mechanized), Tikrit, Iraq

b6-5

1. The attached recommendation for elimination under provisions of AR 635-200, Chapter 10,  
Discharge in Lieu of Trial by Court-Martial, pertaining to SSG [REDACTED] 319<sup>th</sup> AFAR, 173d  
Airborne Brigade, 4<sup>th</sup> Infantry Division (Mechanized), Tikrit, Iraq, is forwarded for your action. I  
recommend:

( X ) Approval. or ( ) Disapproval.

2. I recommend that his service be characterized as under other than honorable conditions.

( ) under other than honorable conditions

( X ) General under honorable conditions

3. SSG [REDACTED] service to his country has consistently been above average, and should not be  
permanently marred by this isolated incident.

/Original Signed/

[REDACTED] b6-2

Encl  
as

LTC, IN  
Commanding

006991



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
United States Army Trial Defense Service  
Fort Hood Field Office  
Task Force Ironhorse  
Camp Speicher, Iraq

B6

AFZF-JA-TDS

4 October 2003

MEMORANDUM FOR Commander, Taskforce Ironhorse, 4th Infantry Division  
(Mechanized), Tikrit, Iraq.

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial -- SSG [REDACTED]  
[REDACTED], D Battery, 319th AFAR, 173rd Airborne Brigade, Iraq

1. I, SSG [REDACTED], hereby voluntarily request discharge in lieu of trial by court-martial under AR 635-200, chapter 10. I understand that I may request discharge in lieu of trial by court-martial because of the following charges which have been preferred against me under the Uniform Code of Military Justice, one of which or a combination of which authorizes the imposition of a bad conduct or dishonorable discharge:

Article 128 x 4

2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offenses charged and am guilty of one or more of the charges against me or of a lesser included offense therein contained which also authorize the imposition of a bad conduct or dishonorable discharge. Moreover, I hereby state that under no circumstances do I desire further rehabilitation, for I have no desire to perform further military service.

3. Prior to completing this form, I have been afforded the opportunity to consult with appointed counsel for consultation. I have consulted with counsel for consultation who has fully advised me of the nature of my rights under the Uniform Code of Military Justice, the elements of the offenses with which I am charged, any relevant lesser included offenses thereto, and the facts which must be established by competent evidence beyond a reasonable doubt to sustain a finding of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if found guilty. Although he has furnished me legal advice, this decision is my own.

4. I understand that, if my request for discharge is accepted, I may be discharged under conditions other than honorable. **Although I understand that I may receive an under other than honorable conditions discharge, I respectfully request that I receive a General Discharge.** ~~I have been advised and understand the possible effects of an Under~~ Other Than Honorable Discharge (including but not limited to reduction to the lowest enlisted grade (Private E-1) by operation of law) and that, as a result of the issuance of

006992

such a discharge, I will be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law, as indicated on a copy of DA Poster 635-1, which was provided me). I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Discharge. I further understand that there is neither automatic upgrading nor review by any Government agency of a less than honorable discharge and that I must apply to the Army Discharge Review Board or the Army Board of Corrections of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded.

5. I understand that, once my request for discharge is submitted, it may be withdrawn only with consent of the commander exercising general court-martial authority, or without that commander's consent, in the event trial results in an acquittal or the sentence does not include a punitive discharge even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent. This request is conditioned upon disapproval of the findings and sentence of any court-martial, if applicable in this case.

6. I have been advised that I may submit statements I desire in my own behalf, which will accompany my request for discharge. Statements in my own behalf are submitted with this request.

7. I hereby acknowledge receipt of a copy of this request for discharge, with enclosures.

Enclosures

1. Letter from

SSG, U.S. Army  
Accused



CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) [REDACTED]		2. SSN [REDACTED] <b>bb-5</b>		3. GRADE OR RANK SSG	4. PAY GRADE E6
5. UNIT OR ORGANIZATION D Battery, 319 <sup>th</sup> AFAR, 173d Airborne Brigade, Unit 31401 APO AE 09347				6. CURRENT SERVICE	
				a. INITIAL DATE 2001106	b. TERM 4 yrs
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	None		N/A
\$2562.30	\$225.00	\$2787.30			

II. CHARGES AND SPECIFICATIONS

10. CHARGE The VIOLATION OF THE UCMJ, ARTICLE 128.

SPECIFICATION 1: In that Staff Sergeant [REDACTED] **bb-5** U.S. Army, did, at or near Taza, Iraq, on or about 2 August 2003, commit an assault upon [REDACTED] by pointing at his head with a dangerous **bb-4** weapon, to wit, a loaded firearm.

SPECIFICATION 2: In that Staff Sergeant [REDACTED] **bb-5** U.S. Army, did, at or near Taza, Iraq, on or about 2 Aug 2003, unlawfully strike [REDACTED] on the body with his hand. **bb-4**

SPECIFICATION 3: In that Staff Sergeant [REDACTED] **bb-5** U.S. Army, did, at or near Taza, Iraq, on or about 2 Aug 2003, unlawfully strike [REDACTED] by tripping him with his foot. **bb-4**

SPECIFICATION 4: In that Staff Sergeant [REDACTED] **bb-5** U.S. Army, did, at or near Taza, Iraq, on or about 2 Aug 2003, unlawfully strike [REDACTED] in the face and stomach with his hand. **bb-4**

III. REFERRAL

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED] <b>bb-2</b>	b. GRADE LTC	c. ORGANIZATION OF ACCUSER 2 <sup>nd</sup> Battalion (Airborne), 503d Infantry
d. SIGNATURE [REDACTED]	e. DATE 14 Sept 03	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 14 day of September, 2003, and signed the foregoing charge its specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

[REDACTED]  
Typed Name of Officer

HHC, 173D ABN BDE  
Organization of Officer

Major  
[REDACTED] **bb-2**

Trial Counsel

Official Capacity to Administer Oath  
(See R.C.M. 307(b) - must be a commissioned officer)

B6

12. On 14 Sept, 2001, the accused was informed of the charge against him, and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

Typed Name of Immediate Commander

2nd Battalion (Airborne), 503d Infantry

Organization of Immediate Commander

lieutenant Colonel

Signature

b6-2

RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 2000 hours, 14 SEP 2001, at

2d Battalion 503d Infantry

Designation of Commander

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403).

FOR THE

Typed Name of Officer

b6-2

Commanding

Official Capacity of Officer Signing

05

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY: HQ, 4th Infantry Division (Mechanized)

b. PLACE: Tikrit, Iraq

c. DATE: 08 OCT 2003

General

Court-Martial

Referred for trial to the court-martial convened by Convening Order Number 11,

dated 29 October 2002

subject to the following instructions:

By Command of MAJOR GENERAL ODIERNO

Commander of Order

Legal Administrator

Typed Name of Officer

Official Capacity of Officer Signing

WO1  
Grade

b6-2

Signature

15. On 13 OCT, 2003, I caused to be served a copy hereof on (each of) the above named accused.

Signature of Trial Counsel

04

Grade or Rank of Trial Counsel

b6-2

Signature

FOOTNOTES: 1 - When an appropriate commander signs personally, inapplicable words are stricken.  
2 - See R.C.M. 601(e) concerning instructions. If none, so state.

B6

DEPARTMENT OF THE ARMY  
HEADQUARTERS, TASK FORCE IRONHORSE  
TIKRIT, IRAQ

AFYB-JA

DATE: 24 August 2003

1. On 24 August 2003, I conducted a detention review for [redacted] <sup>b6-5</sup> at the Task Force Ironhorse Central Detainee Facility. I have determined that continued detention is warranted.

2. After reviewing the relevant facts and the circumstances concerning and the detention and the detainee, I make the following factual determinations:

A. Mr. [redacted] was in possession of an AK-47 and a mortar fuse.

B. There is probable cause to find that Mr. [redacted] has committed a serious crime or is a threat to himself or the community.

C. Mr. [redacted] is awaiting judicial proceedings for this serious crime.

D. Continued confinement is necessary because less severe forms of restraint are inadequate and it is foreseeable that Mr. [redacted] will not appear at trial, pretrial hearing or investigation or that he will commit a serious crime.

3. Based upon the relevant law and the above facts applied to that law, I find that continued detention is warranted in this case.

4. Determined this 24th day of August 2003.

[redacted signature] <sup>b6-2</sup>  
CPT, JA  
Detention Review Officer

006997

DEPARTMENT OF THE ARMY  
HEADQUARTERS, TASK FORCE IRONHORSE  
TIKRIT, IRAQ

B6

AFYB-JA

DATE: 24 August 2003

1. On 24 August 2003, I conducted a detention review for [REDACTED] at the Task Force Ironhorse Central Detainee Facility. I have determined that continued detention is warranted.

2. After reviewing the relevant facts and the circumstances concerning and the detention and the detainee, I make the following factual determinations:

A. Mr. [REDACTED] was in possession of an AK-47 and a RPG.

B. There is probable cause to find that Mr. [REDACTED] has committed a serious crime or is a threat to himself or the community.

C. Mr. [REDACTED] is awaiting judicial proceedings for this serious crime.

D. Continued confinement is necessary because less severe forms of restraint are inadequate and it is foreseeable that Mr. [REDACTED] will not appear at trial, pretrial hearing or investigation or that he will commit a serious crime.

3. Based upon the relevant law and the above facts applied to that law, I find that continued detention is warranted in this case.

4. Determined this 24th day of August 2003.

b6-5

[REDACTED]

b6-2

CPT, JA  
Detention Review Officer

006998

B6

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

STATION Taza Safehouse, D/319 AFAR, ME 393 072	DATE 08 aug 03	TIME 2200	FILE NUMBER
STATE NAME, FIRST NAME, MIDDLE NAME ██████████	SOCIAL SECURITY NUMBER ██████████		GRADE/STATUS E6
ORGANIZATION OR ADDRESS /319 AFAR			

██████████, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

██████████ CPT, Battery Commander,  
██████████ SGT.

b6-2  
b6-5

Q: What do you know about the mistreatment of the Taza police prisoners?  
 A: I hit one cop that said that he was going to shoot and kill American soldiers with RPGs.  
 Q: What was the date?  
 A: The day that SPC ██████ got killed. I got rough with him and continued to interrogate him. I tripped him going into the interrogation room in order to get him on the floor. He hit his head on the floor and cut it left above right eye.  
 Q: Why did you need the need to put him on the floor?  
 A: I wasn't in the right frame of mind. I was very upset with this guy because of his statements. He had RPGs when we caught him and he knew where grenades were at to attack us. I was trying to get him to say where the grenades were at.  
 Q: What methods did you use to get him to talk?  
 A: Bent his arm and punched him in the stomach once.  
 Q: Were there any other prisoners that were interrogated in this manner?  
 A: the other cops.  
 Q: What treatment did they get?  
 A: Verbal questioning only.  
 Q: Was this the only prisoner that received physical contact?  
 A: Yes from me.  
 Q: Was there anyone else that physically abused these prisoners?  
 A: No.  
 Q: Who else was in this room when you were questioning this individual?  
 A: SGT ██████, our interpreter, and one of the cops. SGT ██████ was in and out. I don't know if he saw me trip him (the prisoner) or what.  
 Q: Did SGT ██████ participate in your methods of questioning?  
 A: No.  
 Q: Did SGT ██████ participate in your methods of questioning?  
 A: No.  
 I was extremely rough with the prisoners when transporting them from cell to interrogating room. I didn't beat them. I was talking to the 1SG about getting moved from the police station because I feel that I am getting frustrated with the entire situation. I do not want to work there anymore. I didn't mean for him to fall and hit his head, I was trying to get him on the ground. We then took him to the hospital to get stitches.  
 Q: How did the prisoner get a broken nose?  
 A: I accidentally kicked him. But his nose isn't broken according to the doctor. It wasn't a kick, I was trying to step over him moving backwards, and I accidentally hit him in the face.  
 Q: Are there any other incidents that you accidentally did that you are not telling me about?  
 A: No.  
 Q: Who came down there that day that you are talking about?  
 A: SGT ██████ SGT ██████ SGT ██████ SPC ██████ They said that the commander was sent them down thereto get information out of the prisoners.  
 Q: Did they say I authorized them to beat them?  
 A: No. What I did was already done before they got here.  
 Q: Is there anything else that you want to say?  
 A: NO

b6-4

b6-4

b6-5

NOT USED

b6-5

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT ██████████	PAGE 1 OF ██████ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ██████ TAKEN AT ██████ DATED ██████ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ██████ OF ██████ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

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B6

# RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

## DATA REQUIRED BY THE PRIVACY ACT

PRIVACY: Title 10, United States Code, Section 3012(g)  
 ORIGINAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.  
 OTHER USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
 ASSURE: Disclosure of your Social Security Number is voluntary.

LOCATION	2. DATE 8 AUG 03	3. TIME 2322	4. FILE NO.
NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS D/319 <sup>th</sup> AFAR		
SSN [REDACTED]	7. GRADE/STATUS E6	b6-5	

## PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

### Section A. Rights

Investigator whose name appears below told me that he/she is with the United States Army CPT and wanted to question me about the following offense(s) of which I am accused/accused: b6-2 Mistreatment of prisoners in TAZA Police Station

He/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:  
 I do not have to answer any question or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.  
 (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.  
 If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

COMMENTS (Continue on reverse side)

### Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] b6-5
a. NAME (Type or Print) [REDACTED] b6-2		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE D/319 <sup>th</sup> AFAR		5. TYPED NAME OF INVESTIGATOR [REDACTED] b6-2
c. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR D/319 <sup>th</sup> AFAR
d. ORGANIZATION OR ADDRESS AND PHONE		

### Section C. Non-waiver

I do not want to give up my rights  
 I want a lawyer

I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

007001

LOCATION Bayonet Base	DATE 08 Aug 83 2020	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b6-5	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-4
ORGANIZATION OR ADDRESS D/319 AFAP			

JFK [REDACTED] b6-5 WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was in Taza 6 days ago working with Charlie team which are SGT [REDACTED] (LDR) SGT [REDACTED], SGT [REDACTED] SGT [REDACTED], SPC STDL [REDACTED] and my self SPC [REDACTED] when to the police station for an interrogation when we got there SSG [REDACTED] which is in charge of the police station, told us the situation about a shooting and that the guy had explosives so he takes his by way to much excessive force when we saw the guy he had a broken noise and by the time he got to [REDACTED] SSG [REDACTED] room you could not see his face it was full of blood because he slam his to everything in his way. So there we are I did not even touch the guy because he had blood all over. Well the inter-iter Turkish [REDACTED] translated question that he ask and SSG [REDACTED] will hit him every time that the guy said something that he did not like. He hit him like two times and then pull out a gun that was loaded and said [REDACTED] I am going to kill you mother fucker and put the gun to his face. And that was IT for that guy the brother came in next, we were asking him question about the shooting and SGT [REDACTED] b6-5 told the police to get out

b6-4

b6-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-5	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

bb-5

STATEMENT (Continued) as soon as the walk out He punch him in the stomach while I was holding him then I let him go and the ask more question and he punch him again and slap him like 3 times and like 3 punches and then SSG [redacted] cause in with the same gun which IT was still loaded and said the same thing "I am going to kill you mother fucker - and then said one of my soldier died because of pieces of shit like you come on open your mouth". And he put the gun in his mouth. I stop him real quick and told him "what the hell your doing", and he when and put IT in his mouth again and I stop him again, and I stood [redacted] like in front of him I mean SSG [redacted] trying to go around And felt him [redacted] let him. As the me but I did not let him. As the other guy comes in IT is a relative

bb-4

bb-4

AFFIDAVIT

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted] **bb-5**  
 (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 ORGANIZATION OR ADDRESS \_\_\_\_\_

[redacted] **bb-2**  
 (Signature of Person Administering Oath)

\_\_\_\_\_  
 \_\_\_\_\_  
 ORGANIZATION OR ADDRESS \_\_\_\_\_

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

B65  
all

LOCATION Bayonet Base	DATE 2 Aug 63	TIME 2620	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME		SOCIAL SECURITY NUMBER	GRADE/STATUS
ORGANIZATION OR ADDRESS			

I <sup>see</sup> ~~see~~ or something I don't even know but the two brother pointed the finger at him so they took him to the room as ~~the~~ ~~guy~~ was right in the door way SSG ~~\_\_\_\_\_~~ punch him in the face and SSG ~~\_\_\_\_\_~~ was like telling me "come here don't tell me you are scared" and I told him that I was not scared but I was not going in there and I did not. But I heard out side the yelling of that guy if I was Arab I will say he was begging for his life and then you can ~~feel~~ feel him ~~getting~~ getting hit and ~~the~~ all Charlie team heard IT the hole Police station heard IT and all of Charlie team saw something but not he only heard the noises and was told the other day by SSG that IT was self defense or something. That same day another cases came

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 3 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
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007004

B6-5  
all

STATEMENT (Continued)

I mean the next day after the first ~~time~~ time. But I did not go SSG ~~\_\_\_\_\_~~ was there already and requested Charlie team on the phone with SGT ~~\_\_\_\_\_~~ and he invited me and I did not go. He did and when he came back they were both bragging about how they ~~\_\_\_\_\_~~ fuck the shit out of him and SGT ~~\_\_\_\_\_~~ was telling me "Look at my hand it is swollen this guy was bigger than the other but I still fuck him up" and they kept bragging to each other and I just walk away. My last day there which was 7 August 2003 I heard SSG talking to SGT ~~\_\_\_\_\_~~ about putting ~~\_\_\_\_\_~~ in his gun I saw prisoner face but I did not pay no mind I was leaving TARA and I did ~~\_\_\_\_\_~~

AFFIDAVIT

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT

(Signature of Person Making Statement)

WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_

ORGANIZATION OR ADDRESS \_\_\_\_\_ (Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS \_\_\_\_\_ (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_

07005

B6-5  
all

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Doghouse CP	DATE 09 Aug 03	TIME 1042	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-4
ORGANIZATION OR ADDRESS			

\_\_\_\_\_ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On The night of 03 Aug 03 my team was called to the police station. While every one went inside, I stayed out front manning the 240B. After about 15min SGT. [REDACTED] came out front and told me that a detainey had one of his eyes split open. I asked how bad? He said "some skin was hanging off his eye." He went back inside after that. About 10mins after that SSG. [REDACTED] came out he looked strest, he said to me that he broke the detainey's nose and split his eye open. He said that he had lost it. He stood there for a few more minets to clear his head and then went back inside. another 5 to 10 mins went by and SGT [REDACTED] came out and said I could take down the 240 and come inside. I did, when I got there they were taking a diferent detainey in for some Q and A. I wanted to wash so I went in the room with them. The lights were off they were using flash lights. The detainey was in the corner on his knees with his hands on his head. Four people were standing around him shinge lights down in his eyes. I could see that he was scared. They started to yell at him and had The Translator tell him

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

07006

B6

b6-5 all

before I left the room. I did not agree with what they were doing. It wasn't till some time later that I got to see the first detainee. He was brought into the police chief's office to sign a statement. When he was brought in he was cuffed, he also had bandages over his eyes. We stayed for a few more statements and then left to go back to the safe house. The whole time we were there the police chief was not, one of his Lts was taking the statements. After we got back SSG, [redacted] came up to me and said he here that I had a ~~problem~~ problem with what he did. I said "yes, I did." He then told me he did it because the detainee made an aggressive move towards him. I don't know if I believe him, but I do think that the tactics used were wrong.

~~nothing follows~~

AFFIDAVIT

I, SPC [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority-To-Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

007007

B6-5  
all

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION [REDACTED]	DATE 3 Aug 03	TIME 2243	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-5 / SGT
ORGANIZATION OR ADDRESS D- BTRY 319 AFAB			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I SGT [REDACTED] saw SSG [REDACTED] and SGT [REDACTED] physically punching Iraqis prisoner in the police station about six days ago on [REDACTED] and I know that the [REDACTED] prisoners did not present any type of threat against anyone at least at that moment. ~~they were not~~

One thing that I would like to say is that these two individuals seem to be enjoying what they were doing. I also heard them talking about ~~that~~ they doing it a couple more times while we weren't there. [REDACTED] this is the end of my statement.

Nothing  
Follows

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

7008

B6

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Loghouse CP, Kirkuk Airfield, Iraq	DATE 09 Aug 03	TIME 1025	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-6
ORGANIZATION OR ADDRESS [REDACTED] 319 AFAR			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. [REDACTED] PT, Battery Commander, [REDACTED] b6-5  
 2. [REDACTED] SGT, [REDACTED] b6-5  
 Q: What do you know about the mistreatment of the Taza plice prisoners?  
 A: rights as i read them last night? A: YES  
 Q: Do you wish to have an attorney present?  
 A: Not at this time.  
 Q: Is there anything else that you want to tell me before I start asking questions?  
 A: No.  
 Q: Do you have a pistol?  
 A: No.  
 Q: Have you ever used a pistol at the police station?  
 A: YES  
 Q: What did you use it for?  
 A: I cleared the weapon and I wanted them to answer the questions.  
 Q: What did you do with weapon?  
 A: I showed it to them like I was going to shoot them, but it was cleared.  
 Q: When they did not answer the questions.  
 A: where did you get the pistol?  
 A: from the police station's arms room.  
 Q: In what manner did you use the weapon?  
 A: pointed it at their head from approximately 6 feet. I showed SGT...  
 I am not sure. I think that it was SGT [REDACTED] that the  
 weapon was clear.  
 Q: Does anyone else have a pistol such as the one you had?  
 A: That pistol was SGT [REDACTED]

Q: SSG [REDACTED] requested to stop answering questions and have a lawyer present.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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\* ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

007009

NOT  
USED

b6-5

AFFIDAVIT

1. \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9<sup>th</sup> day of Aug 19 2003 at Doghouse LP Baromet Base, IRLA?

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Signature of Person Administering Oath)

FL

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

B6

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

THORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
TYPICAL USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
CLOSURE: Disclosure of your Social Security Number is voluntary.

LOCATION: TAZA
2. DATE: 08 AUG 03
3. TIME: 0019
4. FILE NO.
NAME (Last, First, MI): [Redacted] b6-5
8. ORGANIZATION OR ADDRESS: 5-BATT 319 AFAR
173 ABW BGS
7. GRADE/STATUS: E-5/SGT
SSN: [Redacted]

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Action A. Rights

Investigator whose name appears below told me that he/she is with the United States Army [Redacted] CPT [Redacted] b6-2 and wanted to question me about the following offense(s) of which I am suspected/accused: Mistreatment of prisoners in the TAZA Police Station. Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

I do not have to answer any question or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.

(For personnel subject of the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

COMMENTS (Continue on reverse side)

Action B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)
3. SIGNATURE OF INTERVIEWEE: [Redacted] b6-5
4. SIGNATURE OF INVESTIGATOR: [Redacted] b6-2
5. TYPE/NAME OF INVESTIGATOR: [Redacted] b6-2
6. ORGANIZATION OF INVESTIGATOR: D/319 AFAR

Action C. Non-waiver

I do not want to give up my rights
I want a lawyer
I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE
007011

B6

LOCATION Taza Safehouse, D/319 AFAR, ME 393 072	DATE 08 aug 03	TIME 2200	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b6-5	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-5
ORGANIZATION OR ADDRESS D/319 AFAR			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: [REDACTED] b6-2 CPT, Battery Commander, [REDACTED]  
A: [REDACTED] SGT, [REDACTED]  
Q: What do you know about the mistreatment of the Taza police prisoners?  
A: The day that you were talking to the head of the departments, we (QRF) were called to go to the police department. When we arrived, there was an individual that was bleeding. I asked him why he was bleeding. SSG [REDACTED] was interrogating him about the weapons that he had. We went to his cousin's house to look for more weapons. When we got back, SGT [REDACTED] SPC [REDACTED] SSG [REDACTED] the interpreter, and myself went into the SSG [REDACTED] room. We asked him why he was shooting. He told us that he was cleaning his weapon. Not believing him, we continued asking questions. I yelled at one of the prisoners, pushed them, and hit one because he was making a threatening move towards me. I only pushed others on the ground.  
Q: How many prisoners did you question that night?  
A: [REDACTED] The one that shot in the market and his brother. Then his cousin arrived after the police called him. I hit the brother of the individual that was bleeding because he made a threatening move. I only pushed the cousin. SSG [REDACTED]  
Q: Were all 5 of you present when you questioned all 3 suspects?  
A: No, SGT [REDACTED] walked out after the questioning of the first suspect.  
Q: Why did he walk out?  
A: I don't know.  
Q: Why were you pushing these guys around?  
A: Because they were accusing each other of hiding the weapons. trying to find out where the grenades were  
Q: Do you feel that this was the right technique?  
A: Yes.  
Q: Did you see anyone else see anyone hit or push the prisoners?  
A: SPC [REDACTED] helped push one to the ground, but it wasn't excessive.  
Q: Is this the only instance of physical methods?  
A: There was a time when the guys were arrested for throwing the grenades. SSG [REDACTED] and I were pushing around the guys to get them from one cell to the interrogation room.  
Q: You work at the police station with SSG [REDACTED]. what is your function?  
A: Train my platoon of new recruits.  
Q: Did SSG [REDACTED] ever brag about his methods of questioning prisoners?  
A: Not really bragging, he was upset that he had to continually deal with the prisoners.  
Q: Did you ever brag about beating up the prisoners?  
A: I talked about what we did to get information from them, but I didn't brag about it.  
Q: To whom did you tell this to?  
A: SGT [REDACTED] SGT [REDACTED] and SPC [REDACTED], whoever was working at the police station.  
Q: Did you ever feel that SSG [REDACTED] was getting worn down from the job at the police station?  
A: Just a few days ago when he looked tired. He said that he was working too hard and needed help.  
Q: Was that before you started helping or after?  
A: Before.  
Q: Is there anything else that you want to tell me about these incidents?  
A: No.

b6-5

NO COMMENTS

b6-5

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

NOT  
USED

b6-5

b6-5

AFFIDAVIT

I, Sgt. ~~\_\_\_\_\_~~ b6-5, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

~~\_\_\_\_\_~~ b6-5  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8<sup>th</sup> day of Aug, 192003 at Texas Satchaus, TRAD

ORGANIZATION OR ADDRESS

~~\_\_\_\_\_~~ b6-2  
(Signature of Person Administering Oath)

FL

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Commander  
(Authority To Administer Oaths)

B6

LOCATION Doghouse CP, Kirkuk Airfield, Iraq	DATE 09 Aug 03	TIME 1453	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME ██████████	SOCIAL SECURITY NUMBER ██████████		GRADE/STATUS E-5
ORGANIZATION OR ADDRESS D/319 AFAR			

██████████ bb-5, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: bb-2 CPT, Battery Commander, ██████████  
A: ██████████ SGT, ██████████ bb-5

Q: Do you understand that your rights are still in effect as I read them to you last nights?

A: YES.

Q: I have more information from the witnesses and questioning SSG ██████████ again. Do you have anything else to add?

A: SGT ██████████ reiterated the story he told from last nights questioning.

Q: Do you have a pistol?

A: Roger, at the police station.

Q: Where did that pistol come from?

A: Confiscated

Q: Do you carry that pistol with you?

A: Negative, it stays @ the police station.

Q: Do you have the pistol now?

A: No, it is at the police station.

Q: Does SSG ██████████ have a weapon?

A: Not sure if he does, if it is, it is at the police station.

Q: Have you ever ~~used~~ used a pistol in a threatening manner to get questions answered?

A: Negative.

Q: Has SSG ██████████ done that?

A: Roger.

Q: What did he do with it?

A: He pointed at the prisoners. SAC ██████████ and I prevented him from pointing.

bb-5

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT ██████████	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
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STATEMENT (Continued)

At the prisoners.

Q: Did I authorize you to carry that weapon?

A: Negative.

Q: Did you witness SSG [redacted] put a weapon in a prisoners mouth?

A: No, just point it at a prisoner.

Q: There are statements that say that you hit a prisoner multiple times.

A: ~~That~~ That is not true.

Q: ~~It~~ Was the 9mm loaded?

A: ~~Sgt~~ ~~Now~~, he didnt show me it was loaded or clean.

Q: Do you have anything else to add?

A: No.

b6-5

Nothing Follows

AFFIDAVIT

SSG [redacted] b6-5, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted] b6-5  
 (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of Aug, 19 2003 at Daguerre S.P. Ramonet Base, DPAA

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

[redacted] b6-2  
 (Signature of Person Administering Oath)

[redacted] b6-2  
 (Typed Name of Person Administering Oath)

Cosm [redacted]  
 (Authority To Administer Oaths)

007015

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION Taza	DATE 8 Aug 03	TIME 2200	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-5
ORGANIZATION OR ADDRESS D-Raft 319th AFAR			

I, [REDACTED] 66-5, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 I WAS QUESTIONED ON THE MATTER OF PRISONERS OF THE TAZA POLICE DEPT. IF THEY WERE BEING MISTREATED IN ANY KIND OF WAY. I WAS AT THE POLICE STATION ON THE 4 AUG 03, I NOTICED ONE PRISONER BLEEDING FROM THE EYE UPON MY ARRIVAL. I NEVER SEEN NOR HEARD OF ANY ONE HITTING THIS PERSON. SINCE THEN I HAVE NOT RETURNED TO THE POLICE STATION. ONCE WE RETURNED TO THE SAFE HOUSE I SM. TOLD ME HE WANTED NO PART IN WHAT HE THOUGHT WAS TAKING PLACE. I TOLD THE SM THAT HE MAYBE JUMPING TO CONCLUSIONS IF HE THINKS ONE OF OUR TROOPS HAD ANYTHING TO DO WITH THE PRISONER BLEEDING. MYSELF OR THE SM SAY ANYTHING TAKE PLACE, THE SM FELT IF THERE IS WRONG DOING GOING ON HE WANTED TO BE OUT OF THE GROUP. I TOLD HIM WHAT HE WAS FEELING, WOULD BE THE RIGHT THING TO DO, BUT BEFORE HE WOULD START TO ASK TO GO TO ANOTHER GROUP, HE NEEDS TO FIND OUT THE TRUTH OF WHAT HAPPENED TO THE PRISONER, BEFORE HE WOULD START TO HAVE OTHER PEOPLE THINKING THAT WE WERE RESPONSIBLE FOR HIS INJURY.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] 66-5	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."  
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C07016

NOT USED

b6-5

AFFIDAVIT

I, SGT [REDACTED] b6-5, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b6-5  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of Aug, 19 2003 at Taza Sabhouse, IRAQ

ORGANIZATION OR ADDRESS

[REDACTED] b6-2  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] b6-2  
(Typed Name of Person Administering Oath)

Commander  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

LOCATION TAZA	DATE 3 AUG 03	TIME 2200	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER 66-5	GRADE/STATUS E-5	
ORGANIZATION OR ADDRESS D-BTRY 315TH AFAR			

Sgt [REDACTED] 66-5, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I [REDACTED] did NOT witness any violent acts toward any of the prisoners but one.

The one prisoner I did witness was pushed + slammed up against the wall. He was getting yelled at + pushed by Sgt [REDACTED] + SSG [REDACTED]. The reason why he was getting pushed + slammed around was because the police said that the prisoner threatened SSG [REDACTED] life + the lives of the police officers in TAZA. They were trying to get information to clarify the story + also information on the whereabouts of other weapons he claimed to know about. I did not stay in the room long, approx. 2 to 3 minutes. At which time the police were asked to leave the room. I also left. When Sgt [REDACTED] + SSG [REDACTED] came out of the room with the prisoner at no time [REDACTED] did the prisoner appear to have been physically assaulted.

I also heard about one prisoner getting pushed in the stomach, but I was told he got hit because he made a lunging movement towards one of them [REDACTED].

NOTHING FOLLOWS

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF [REDACTED] PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."  
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B6

STATEMENT (Continued)

NOT used

b6-5

AFFIDAVIT

I, SGT, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE TO ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INFLUENCE.

[Signature]  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3<sup>rd</sup> day of Aug, 192003 at Tara Safehouse TRAP

[Signature]  
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Commander  
(Authority To Administer Oaths)

NEESES:  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_  
NAME AND ADDRESS OF PERSON MAKING STATEMENT

b6-5

b6-2

07019

STATEMENT (Continued)

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

~~NOT~~ DID NOT USE

bb-5all

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

AFFIDAVIT

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT ANY PROMISE OF BENEFIT OR AWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[REDACTED]

(Signature of Person Making Statement)

[REDACTED]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8<sup>th</sup> day of Aug, 192003 at Daghouse CP Bayonet Base

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES 07020

I, the undersigned, [redacted] <sup>bb-4</sup> detainee No. [redacted] <sup>BB-4</sup> detained in the EPW of Tikrit; do hereby state the following, in accordance to my perception and good faith and with full confidence. On the 2<sup>nd</sup>. Of August, 2003 around approx. 7:30 p.m., we were in the market area of Taza, my brother and I were drinking Pepsi cola, my brother made a mistake by firing the gun unintentionally, while he was wiping off the weapon from the drink that dropped on him, afterwards, we were detained from my aunt's house and transferred to the prison by the Iraqi police. There, the soldier [redacted] began questioning me and then hitting me on the head, stomach, face and nose, and causing cuts over my upper eye, causing me to have approx. three stitches. And there was a medical report from the doctor [redacted] (not legible) at the Hatha clinic, and he has knowledge of the type of pain I was inflicted with. I was frightened by this treatment which is not suitable to me. I am a police officer and my duty is to service people. So, therefore, we must be treated in a better way so that we can treat others by this example.

Signed: [redacted] (signed) <sup>bb-4</sup>  
 8/24/2003

**BATES PAGES 7022-7024 HAVE BEEN WITHHELD  
PENDING TRANSLATION**

B6-4 all

I am [REDACTED] and this is my signature. My Number is [REDACTED] I declare the following information about my detaining. According to good will and my complete confidence.

On the 2<sup>nd</sup> August 2003 and at 7:30pm while I was drinking Pepsi Cola in the Market of Taza. Some of the soda fell on my gun (AK-47). I tried to clean my gun and then on no purpose I pressed the cock of my gun. The shot for one time. Then I decided to go to my aunt's home her name is [REDACTED]. After about ten minutes the police came to my aunt's home and they detained me. They gave me to the American MP. The American MP put me in prison. The officer who began to investigate with me his name is [REDACTED]. He put his gun on my head then he put it on my mouth and on my neck to force me to say the truth then he knocked me down and hit me. There were in the room four or five American MP and Turkmani translator, his name is [REDACTED]. I didn't do anything wrong and I didn't hurt the officer. This is my witness and as God is my witness.

24 August 2003

Signed [REDACTED]

**BATES PAGES 7026-7028 HAVE BEEN WITHHELD  
PENDING TRANSLATION**

B6-4 all  
[redacted]

I, the undersigned, [redacted], detainee No. [redacted], detained in the EPW of Tikrit; do hereby state the following, in accordance to my perception and good faith and with full confidence. On the 2<sup>nd</sup>. Of August, 2003 around approx. 7:30 p.m., we were in the market area of Taza, my brother and I were drinking Pepsi cola, my brother made a mistake by firing the gun unintentionally, while he was wiping off the weapon from the drink that dropped on him, afterwards, we were detained from my aunt's house and transferred to the prison by the Iraqi police. There, the soldier [redacted] began questioning me and then hitting me on the head, stomach, face and nose, and causing cuts over my upper eye, causing me to have approx. three stitches. And there was a medical report from the doctor [redacted] (not legible) at the Hatha clinic, and he has knowledge of the type of pain I was inflicted with. I was frightened by this treatment which is not suitable to me. I am a police officer and my duty is to service people. So, therefore, we must be treated in a better way so that we can treat others by this example.

Signed: [redacted] (signed)  
8/24/2003



DEPARTMENT OF THE ARMY  
 Delta Battery, 319<sup>th</sup> Airborne Field Artillery Regiment  
 173<sup>rd</sup> Airborne Brigade  
 APO AE 09630

B2-2



REPLY TO  
 ATTENTION OF:

8 August 2003

AESE-PCC-D.

MEMORANDUM FOR BAYONET DETENTION FACILITY

SUBJECT: Case in Reference to [redacted]

Brothers

B6-4

1. The individuals mentioned in this report are part of a shooting that happened on the 4<sup>th</sup> of Aug 2003. The Taza PD reacted to the call and found 2 AK 47 and 2 RPG fuzes that were owned by the [redacted] in this case. These brothers were brought to the Police station and charged with illegal weapons possession and discharging a firearm in the city of Taza. These individuals claim to know the location of some grenades but we have been unsuccessful in trying to gather any more information from these individuals. They also threatened to kill US Forces and kill some police department members with an RPG.

2. POC for this matter is the undersigned.

[redacted signature]

b6-2

SSG, USA  
 Coalition Forces Taza P.D. Liaison

007030

RPG FUZE POSSESSION  
SHOOTING @ MARKET  
POSS. KNOWN GRENADE  
LOCATIONS.

007031

B6-4

# DETAINEE TRACKING SHEET

DETAINEE # [REDACTED]

CI SCREENING RESULTS: SEE ATTACHED

ANY OTHER CI REMARKS:

B6-4

HEARING SUMMARY: [REDACTED] IS A POLICE MAN WITH HIS BROTHER [REDACTED] ALSO THREATENED TO BLOW UP POLICE STATION WITH AN RFG. THREATENED TO KILL A WITNESS. WAS IN POSSESSION OF TWO RFG CORDONITE RIFLES.

B6-4

THREATENED AMERICAN

HEARING RECOMMENDATION: SEND TO TERRY

B6-2

RANK, NAME, AND SIGNATURE OF HEARING OFFICER: [REDACTED]

DATE: 7/19/03

BRIGADE S-2 RECOMMENDATION:

No Inell value; ~~Send~~ recommend support hearing officer recommendation

B6-2

RANK, NAME, AND SIGNATURE OF S-2 REPRESENTATIVE

DATE: 8/19/03

MAGISTRATE RECOMMENDATION:

[REDACTED]

B6-2

Send to TERRY

MAJ, S2  
Magistrate 20 AUG 2003

RANK, NAME, AND SIGNATURE OF MAGISTRATE

DATE:

07032

B6-4

Name:

B6-4

B6-4

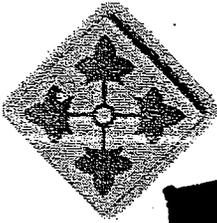
B6-4

L. PINKY	L. RING	L. MIDDLE	L. INDEX	L. THUMB
L. PINKY	L. RING	L. MIDDLE	L. INDEX	L. THUMB

007033

Finger Print Official: State

TAMARA PI LIMISON



# 4<sup>TH</sup> INFANTRY DIVISION (M) DETAINEE DISPOSITION WORKSHEET



4ID MP#: [REDACTED] *B6-4*

Capturing unit #:

DETAINEE NAME: [REDACTED] *B6-4*

DATE OF CAPTURE: 03 AUGUST, 2003

CRIMINAL DETAINEE     SECURITY DETAINEE     MEDICAL ISSUE

Capturing Unit:  1 BCT  2 BCT  3 BCT  173 BCT  DIVARTY  1-10 CAV

**STAFF RECOMMENDATION:**

G2:  RELEASE     CHA     IRAQI POLICE

Comment: \_\_\_\_\_

G3:  RELEASE     CHA     IRAQI POLICE

Comment: \_\_\_\_\_

PM:  RELEASE     CHA     IRAQI POLICE

Comment: \_\_\_\_\_

SJA:  RELEASE     CHA     IRAQI POLICE

Comment: *A police officer who accidentally discharged one round from an AK47*

**CoS DECISION:**  RELEASE     CHA     IRAQI POLICE

*in public. He was beaten by 2 173d ABN NCOs at the police station and I believe the statements attributed to the detainees about threatening to kill U.S. forces and P.D. members are totally fabricated by the NCOs.*

COL, GS  
Chief of Staff

*B6-2*

CAPTURING UNIT NOTIFICATION:  CONCUR     NON-CONCUR  
(Required for release only)

\_\_\_\_\_  
(NAME)

\_\_\_\_\_  
(RANK)

\_\_\_\_\_  
(DATE)

**4ID RECOMMENDATION TO CJTF-7 REVIEW BOARD:**

- Do not release this individual without notifying the 4ID Provost Marshal
- Retain for the duration of the conflict. This individual is a threat to US forces.
- Retain for 3 months and review with 4ID for concurrence for release.
- Retain for 6 months and review with 4ID for concurrence for release.

*B6-4*

007034

# COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM

YELLOW FIELDS MUST BE FILLED IN, IF APPLICABLE, UPON APPREHENSION

Offense against Civilian(s) [check one] If "Other" then describe: \_\_\_\_\_

<input type="checkbox"/> Arson (I.P.C. 342)	<input type="checkbox"/> Burglary or Housebreaking (I.P.C. 428)
<input type="checkbox"/> Solicitation of Fornication/Prostitution (I.P.C. 399)	<input checked="" type="checkbox"/> Extortion/Communicating Threats (I.P.C. 430)
<input type="checkbox"/> Rape/Indecent/Sexual Assaults/Acts (I.P.C. 393-98, 402)	<input type="checkbox"/> Theft (I.P.C. 439)
<input type="checkbox"/> Murder (I.P.C. 405)	<input type="checkbox"/> Destruction of Property (I.P.C. 477)
<input type="checkbox"/> Aggravated Assault/Assault With Intent To Kill (I.P.C. 410)	<input type="checkbox"/> Obstructing a Public Highway/Place (I.P.C. 487)
<input type="checkbox"/> Maiming (I.P.C. 412)	<input checked="" type="checkbox"/> Discharging Firearm/ Explosive in City/Town/Village (I.P.C. 495)
<input type="checkbox"/> Simple Assault (I.P.C. 415)	<input type="checkbox"/> Riot or Breach of Peace (I.P.C. 495(3))
<input type="checkbox"/> Kidnapping (I.P.C. 421)	<input checked="" type="checkbox"/> Other KNOWLEDGE OF GRENADE LOCATION

Offense against Coalition Forces [check one] If "Other" then describe: \_\_\_\_\_

<input type="checkbox"/> Violation of Curfew	<input type="checkbox"/> Trespass on Military Installation or Facility
<input checked="" type="checkbox"/> Illegal Possession of Weapon	<input type="checkbox"/> Photographing/Surveillance Military Installation or Facility
<input type="checkbox"/> Assault/Attack on Coalition Forces	<input type="checkbox"/> Obstructing Performance of Military Mission
<input type="checkbox"/> Theft of Coalition Force Property	<input checked="" type="checkbox"/> Other POSSESSION OF RPG FUZZES (2EA)

Apprehending Unit: D/319TH AFAR Location Grid: ME 387060

Date of Incident: (D/M/Y) 31 AUG 03 to 1 1 hrs to 1 1 hrs Date of Report: (D/M/Y) 1 1 Time of Report: \_\_\_\_\_ hrs

B6-4

Detainee # <u>2789</u>		Key Connected Person: <input type="checkbox"/> Victim <input type="checkbox"/> Witness	
Last Name: _____		Last Name: _____	
First Name: _____ Given Name: _____		First Name: _____ Given Name: _____	
Hair Color: <u>BLK</u>	Scars/Tattoos/Deformities: _____	Hair Color: _____	Scars/Tattoos/Deformities: _____
Eye-Color: <u>BRN</u>	Weight: <u>125</u> lb	Height: <u>69</u> in	Eye-Color: _____ Weight: _____ lb Height: _____ in
Address: <u>KIRKUK</u>		Address: _____	
Place of Birth: <u>KIRKUK</u>		Place of Birth: _____	
Ethn/Tribe/ Sect: <u>TURKMAN BABE</u>	Sex: <input checked="" type="checkbox"/> M <input type="checkbox"/> F	Phone#: _____	Ethn/Tribe/ Sect: _____ Sex: <input type="checkbox"/> M <input type="checkbox"/> F
DOB D/M/Y: _____	<input type="checkbox"/> Mobile <input type="checkbox"/> Regular	DOB D/M/Y: _____	<input type="checkbox"/> Mobile <input type="checkbox"/> Regular
<input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify) _____	Document #: _____	Document #: _____

B6-4

Total Number of Persons Involved 2 (list names/identifying info on reverse under "Additional Helpful Information")

Vehicle Information Vehicle Number \_\_\_\_\_ of \_\_\_\_\_ Vehicle(s) Owner: \_\_\_\_\_

Make: _____	Color: _____	VIN: _____	Number of People in Vehicle: _____
Model: _____	Type: _____	Plate No.: _____	
Year: _____	Names of People in Vehicle: _____		

Contraband/Weapons in Vehicle: \_\_\_\_\_

<input type="checkbox"/> Property/Contraband	<input type="checkbox"/> Weapon	Photo Taken of Suspect with Weapon/Contraband: Yes/ No
Type: _____	Model: _____	Color/Caliber: _____
Serial No.: _____	Quantity: _____	Make: _____
Other Details: _____	Where Found: _____	Owner: _____

Name of Assisting Interpreter: \_\_\_\_\_

Detaining Soldier's Name (Print): <u>SGT</u>	Supervising Officer's Name (Print): _____
Signature: _____	Signature: _____
Email: _____	Email: _____
Unit Phone: _____	Unit Phone: _____

Date: 31 AUG 03

B6-1

B6-2

B6-2

B6-4 007035  
Date: 31 AUG 03

 B6-4

COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM

Why was this person detained? SHOOTING AT TAZA MARKET AK-47

Who witnessed this person being detained or the reason for detention? Give names, contact numbers, addresses.

B6-4

SGT 

How was this person traveling (car, bus, on foot)? FOOT

B6-3

Who was with this person? 

What weapons was this person carrying? AK-47 ~~AK~~ + 2 RPG FUZZES

What contraband was this person carrying?

What other weapons were seized? SAME AS ABOVE

What other information did you get from this person? SUSPECT CONFESSED TO KNOWING LOCATION OF GRENADES IN THE AREA AT SOME BURNED HOUSE, NO LOCATION GIVEN. THEN HE STATED THAT HIS BROTHER IS THE ONE WHO KNOW. THEN HE CHANGED HIS MIND AND SAID THAT HE DID NOT KNOW.

Additional Helpful Information: SAID THAT HE DID NOT KNOW.

[REDACTED] - B6-4

CI/HUMINT RECOMMENDATION:

HE IS OF NO INTELLIGENCE VALUE. HE READILY ADMITTED TO THE OFFENSES UPON QUESTIONING. PENDING MAGISTRATE REVIEW AND/OR COMPLETION OF SENTENCING, CLEARED FOR RELEASE.

B6-2

[REDACTED]  
[REDACTED]  
13 AUGUST 2003

[REDACTED], SSG, CI/HUMINT NCOIC

007037

B6

DEPARTMENT OF THE ARMY  
HEADQUARTERS, TASK FORCE IRONHORSE  
TIKRIT, IRAQ

AFYB-JA

DATE: 24 August 2003

1. On 24 August 2003, I conducted a detention review for [REDACTED] at the Task Force Ironhorse Central Detainee Facility. I have determined that continued detention is warranted.
2. After reviewing the relevant facts and the circumstances concerning and the detention and the detainee, I make the following factual determinations:
  - A. Mr. [REDACTED] was in possession of an AK-47 and a RPG.
  - B. There is probable cause to find that Mr. [REDACTED] has committed a serious crime or is a threat to himself or the community.
  - C. Mr. [REDACTED] is awaiting judicial proceedings for this serious crime.
  - D. Continued confinement is necessary because less severe forms of restraint are inadequate and it is foreseeable that Mr. [REDACTED] will not appear at trial, pretrial hearing or investigation or that he will commit a serious crime.
3. Based upon the relevant law and the above facts applied to that law, I find that continued detention is warranted in this case.
4. Determined this 24th day of August 2003.

B6-4

[REDACTED]  
[REDACTED]

B6-2

CPT, JA  
Detention Review Officer

007038

Db

# DETAINEE TRACKING SHEET

DETAINEE #

CI SCREENING RESULTS: SEE ATTACHED

ANY OTHER CI REMARKS:

HEARING SUMMARY: Police officers - This threatened to blow up Police station, Kill someone - Officer, Mad 2  
RPGs. Faces on them. and deny everything.

B6-2

HEARING RECOMMENDATION: Send to T. Kit for further Questioning

DATE: 8-17-0

RANK, NAME, AND SIGNATURE OF HEARING OFFICER: [Redacted]

BRIGADE S-2 RECOMMENDATION:   
NO intelligence value - Detection should be based on operational findings -  
(Shooting in open market)

B6-2

DATE: 8/18/0

RANK, NAME, AND SIGNATURE OF S-2 REPRESENTATIVE

B6-2

MAGISTRATE RECOMMENDATION:

Send to T. Kit

Mad, SC  
Magistrate 20/04/2003

RANK, NAME, AND SIGNATURE OF MAGISTRATE

DATE:

B6-4

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B6-4

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B6-4



L. PINKY	L. RING	L. MIDDLE	L. INDEX	L. THUMB
L. PINKY	L. RING	L. MIDDLE	L. INDEX	L. THUMB

B6-2

SGT  
TAMIA PS LIAISON

~~\_\_\_\_\_~~ B6-4

Taza Police Station

B6-4

The suspect named ( ~~\_\_\_\_\_~~ ) aged (22) years  
Job \ Multiple jobs - living in Taza - Khonkar district stated  
the following:-

At the date of the accident I came to Taza Police Station  
to ask about the two suspects ( ~~\_\_\_\_\_~~ <sup>B6-4</sup> and ~~\_\_\_\_\_~~ )  
for they are my relatives then I had arrested for  
the charge of having a grenade but when my house  
was checked by police and Coalition forces they didn't  
find any thing.

1st Lt ~~\_\_\_\_\_~~

B6-2

B6-7

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
Translator

~~\_\_\_\_\_~~  
B6-2

SSG, USA  
TAZA P.D. LIAISON

B6-4

Taza Police Station: 2003/813

~~At the date of these events I came to Taza with my~~

B6-4 The Suspect ( [redacted] ) aged 19 years works as a cup in (Arafa) Police Station, living in Kirkil Salahdin Street - house No. [redacted]

B6-4 [redacted] stated the following - At the date of these events I came to Taza with my

B6-4 Brother [redacted] to visit our relatives and when we B6-4 were walking in Taza market my brother [redacted] shot me a bullet and he was carrying 2 fuzes, and then when ~~were arrested by the cups and coalition forces~~

~~EPK~~ I came to visit my brother in Jail the cups arrested me and I wasn't carrying any weapons.

Cpt. [redacted] B6-2

B6-7 [redacted]

[redacted] B6-2

Translator

OSG USA  
TAZA P.D. LIAISON

2003/818

1st Lt

[redacted] B6-2

2003

B6-4

Taiza Police Station. 2003/8/13

The Suspect named ( [redacted] ) Age [redacted]  
(18 years) works as a cup. living in Kirkuk - Salahaddin  
Road - phone no. [redacted] B6-4

Q \ why you were shooting from your weapon and to  
whom it belongs and <sup>2</sup> ~~bullet~~ <sup>Fuzes</sup> of RBG.7 were  
caught by you.

Answer \ Yes I shootted once from my weapon while I was  
walking in Taiza market with my brother ( [redacted] ) and  
I had have two Fuze of RBG.7 and I was intended  
to give it to Police but the cups and Coalition forces  
arrested me.

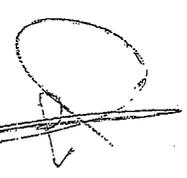
B6-7 [redacted]

CPT [redacted] B6-2

Translator  
2003/8/18

B6-2 [redacted]

SSG, USA  
TAZA PD. LIAISON



1st Lt [redacted] B6-2

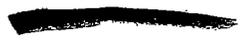
 B6-4

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CI/HUMINT RECOMMENDATION:

HE IS OF NO INTELLIGENCE VALUE. HE READILY ADMITTED TO THE OFFENSES UPON QUESTIONING. PENDING MAGISTRATE REVIEW AND/OR COMPLETION OF SENTENCING, CLEARED FOR RELEASE.

B6-2



13 AUGUST 2003

, SSG, CI/HUMINT NCOIC

**COALITION PROVISIONAL AUTHORITY FORCES APPREHENSION FORM**  
 YELLOW FIELDS MUST BE FILLED IN, IF APPLICABLE, UPON APPREHENSION

**B6-4**

Offense against Civilian(s) [check one] If "Other" then describe: \_\_\_\_\_

<input type="checkbox"/> Arson (I.P.C. 342)	<input type="checkbox"/> Burglary or Housebreaking (I.P.C. 428)
<input type="checkbox"/> Solicitation of Fornication/Prostitution (I.P.C. 399)	<input checked="" type="checkbox"/> Extortion/Communicating Threats (I.P.C. 430)
<input type="checkbox"/> Rape/Indecent/Sexual Assaults/Acts (I.P.C. 393-98, 402)	<input type="checkbox"/> Theft (I.P.C. 439)
<input type="checkbox"/> Murder (I.P.C. 405)	<input type="checkbox"/> Destruction of Property (I.P.C. 477)
<input type="checkbox"/> Aggravated Assault/Assault With Intent To Kill (I.P.C. 410)	<input type="checkbox"/> Obstructing a Public Highway/Place (I.P.C. 487)
<input type="checkbox"/> Maiming (I.P.C. 412)	<input checked="" type="checkbox"/> Discharging Firearm/ Explosive in City/Town/Village (I.P.C. 495)
<input type="checkbox"/> Simple Assault (I.P.C. 415)	<input type="checkbox"/> Riot or Breach of Peace (I.P.C. 495(3))
<input type="checkbox"/> Kidnapping (I.P.C. 421)	<input type="checkbox"/> Other <b>POSSESSION RPG FUZE</b>

Offense against Coalition Forces [check one] If "Other" then describe: \_\_\_\_\_

<input type="checkbox"/> Violation of Curfew	<input type="checkbox"/> Trespass on Military Installation or Facility
<input checked="" type="checkbox"/> Illegal Possession of Weapon	<input type="checkbox"/> Photographing/Surveilling Military Installation or Facility
<input type="checkbox"/> Assault/Attack on Coalition Forces	<input type="checkbox"/> Obstructing Performance of Military Mission
<input type="checkbox"/> Theft of Coalition Force Property	<input checked="" type="checkbox"/> Other <b>THREATEN TO KILL CG BTAZA PD</b>

Apprehending Unit: **D/3A1# AFAR** Location Grid: **ME 387066**

Date of Incident: (D/M/Y) **3 AUG 03** to **1 1** hrs to **1** hrs Date of Report: (D/M/Y) **1 1** hrs

**B6-4**

Detainee # <b>[REDACTED] B6-4</b>		Key Connected Person: <input type="checkbox"/> Victim <input type="checkbox"/> Witness	
Last Name: <b>[REDACTED]</b>		Last Name:	
First Name: <b>[REDACTED]</b> Given Name:		First Name: Given Name:	
Hair Color: <b>BLK</b>	Scars/Tattoos/Deformities:	Hair Color:	Scars/Tattoos/Deformities:
Eye-Color: <b>BRN</b>	Weight: <b>160</b> lb	Eye-Color:	Weight: lb
Address: <b>KIRKUK</b>		Address:	
Place of Birth: <b>TAZA, KIRKUK</b>		Place of Birth:	
Ethn/Tribe/ Sect: <b>TURKMAN</b>	Sex: <input checked="" type="checkbox"/> M <input type="checkbox"/> F	Ethn/Tribe/ Sect:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F
DOB D/M/Y: <b>[REDACTED]</b>	<input type="checkbox"/> Mobile <input type="checkbox"/> Regular	DOB D/M/Y:	<input type="checkbox"/> Mobile <input type="checkbox"/> Regular
<input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify)	Document #:	<input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify)	Document #:

**36-4**

Total Number of Persons Involved **2** (list names/identifying info on reverse under "Additional Helpful Information")

**36-2**

Vehicle Information Vehicle Number \_\_\_\_\_ of \_\_\_\_\_ Vehicle(s) Owner: \_\_\_\_\_

Make: \_\_\_\_\_ Color: \_\_\_\_\_ VIN: \_\_\_\_\_

Model: \_\_\_\_\_ Type: \_\_\_\_\_ Plate No.: \_\_\_\_\_ Number of People in Vehicle: \_\_\_\_\_

Year: \_\_\_\_\_ Names of People in Vehicle: \_\_\_\_\_

Contraband/Weapons in Vehicle: \_\_\_\_\_

**36-2**

Property/Contraband  Weapon Photo Taken of Suspect with Weapon/Contraband: Yes/ No

Type: \_\_\_\_\_ Model: \_\_\_\_\_ Color/Caliber: \_\_\_\_\_

Serial No.: \_\_\_\_\_ Quantity: \_\_\_\_\_ Make: \_\_\_\_\_ Receipt Provided to Owner: Yes/ No

Other Details: \_\_\_\_\_ Where Found: \_\_\_\_\_ Owner: \_\_\_\_\_

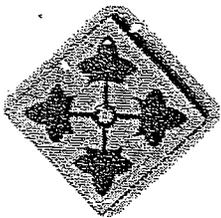
**36-7**

Name of Assisting Interpreter: \_\_\_\_\_ Email, Phone, or Contact Info: \_\_\_\_\_

**36-2**

Detaining Soldier's Name (Print): <b>[REDACTED]</b>	Supervising Officer's Name (Print): <b>[REDACTED] B6-2</b>
Signature: <b>[REDACTED]</b>	Signature: <b>[REDACTED] B6-2</b>
Email: _____	Email: <b>[REDACTED] B6-4</b>
Unit Phone: _____	Unit Phone: <b>[REDACTED] 007044</b>
Date: <b>21 AUG 03</b>	Date: <b>21 AUG 03</b>

**B6-2**



# 4<sup>TH</sup> INFANTRY DIVISION (M) DETAINEE DISPOSITION WORKSHEET



4ID MP#: [REDACTED] B6-4

Capturing unit #:

DETAINEE NAME: [REDACTED]

B6-4 DATE OF CAPTURE: 03 AUGUST, 2003

CRIMINAL DETAINEE     SECURITY DETAINEE     MEDICAL ISSUE

Capturing Unit:  1 BCT  2 BCT  3 BCT  173 BCT  DIVARTY  1-10 CAV

**STAFF RECOMMENDATION:**

G2:  RELEASE     CHA     IRAQI POLICE

Comment: \_\_\_\_\_

G3:  RELEASE     CHA     IRAQI POLICE

Comment: \_\_\_\_\_

PM:  RELEASE     CHA     IRAQI POLICE

Comment: \_\_\_\_\_

SJA:  RELEASE     CHA     IRAQI POLICE

36-4 Comment: *14 yrs. old brother of [REDACTED] Detaining unit attributes*

36-4 CoS DECISION:  RELEASE     CHA     IRAQI POLICE

*everything [REDACTED] did (discharge weapon and possession of fuses) to this kid. Brothers were assaulted by 2 NCOs, 173d ABN and should be released ASAP. TB*

COL, GS  
Chief of Staff

B6-2

CAPTURING UNIT NOTIFICATION:  CONCUR     NON-CONCUR  
(Required for release only)

\_\_\_\_\_  
(NAME)

\_\_\_\_\_  
(RANK)

\_\_\_\_\_  
(DATE)

**4ID RECOMMENDATION TO CJTF-7 REVIEW BOARD:**

- Do not release this individual without notifying the 4ID Provost Marshal (534-8003).
- Retain for the duration of the conflict. This individual is a threat to US forces.
- Retain for 3 months and review with 4ID for concurrence for release.
- Retain for 6 months and review with 4ID for concurrence for release.
- Conduct further Intelligence screening and recommendation to 4ID G2

007045

[REDACTED] B6-4

**WORK ORDER REQUEST**  
1AD EN BDE

POC: CPT STEIGERWALD DNVT: 551-0581	1AD EN BDE				
LOCATION: BIAP					
CATEGORY	A EMERGENCY	B MISSION SUPPORT SAFETY HEALTH	C FORCE PROTECTION	D QUALITY LIFE	E OTHER UN ITS
REQUESTING UNIT					
LOCATION (COM) (GRID)					
DESCRIPTION OF WORK REMARKS					
DATE WORK REQUESTED					
EST INITIATED DTG					
EST COMPLETION DTG					
POC AND CONTACT #					



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY TRIAL DEFENSE SERVICE  
BAGHDAD BRANCH OFFICE

(b)(3)  
(b)(5)  
(b)(6)  
7(c)

AETX-XXX-TDS

4 September 2003

MEMORANDUM FOR [REDACTED] <sup>b6-2</sup>, APO AE 09324

SUBJECT: Request for delay - Article 32 Investigation, [REDACTED] <sup>b6-5</sup>

1. The defense requests a delay in the Article 32(b) investigation from 6 September to 27 September..
2. I represent [REDACTED] regarding this request for a delay. I have not been assigned to represent [REDACTED] in any further capacity. I request this delay because [REDACTED] will be detailed another Trial Defense Attorney, who will need time to prepare for the investigation. I anticipate that 27 September 2003 will be the earliest that [REDACTED] new attorney will be prepared for the pretrial investigation. <sup>b6-5</sup>
3. Defense assumes full responsibility for this delay. I am the point of contact for this memorandum at [REDACTED]

[REDACTED] <sup>b6-2</sup>  
CPT, JA  
Trial Defense Counsel

007046

## CHARGE SHEET

### I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) [REDACTED] <i>66-5</i>		2. SSN [REDACTED]	3. GRADE OR RANK [REDACTED]	4. PAY GRADE [REDACTED]
5. UNIT OR ORGANIZATION [REDACTED] 1 <sup>st</sup> Armored Division			6. CURRENT SERVICE	
7. PAY PER MONTH			a. INITIAL DATE [REDACTED]	b. TERM 48 months
a. BASIC [REDACTED]	b. SEA/FOREIGN DUTY NONE	c. TOTAL [REDACTED]	8. NATURE OF RESTRAINT OF ACCUSED None.	
			9. DATE(S) IMPOSED None.	

### II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 92 *66-5*

SPECIFICATION 1: In that [REDACTED] U.S. Army, who knew of his duties at or near [REDACTED] Iraq, on or about 20 June 2003, was derelict in the performance of those duties in that he willfully detoured his security patrol to an unsecured site and dismounted, when it was his duty not to do so.

SPECIFICATION 2: In that [REDACTED] U.S. Army, who knew of his duties at or near [REDACTED] Iraq, on or about 20 June 2003, was derelict in the performance of those duties in that he willfully failed to deliver a captured looter to the 1-13 AR Battalion holding area, as it was his duty to do.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 93 *66-5*

THE SPECIFICATION: In that [REDACTED] U.S. Army, at or near [REDACTED] Iraq, on or about 20 June 2003, was cruel toward a young male civilian detained for looting materials from a factory site, a person subject to his orders, by staging his mock execution.

CHARGE III: VIOLATION OF THE UCMJ, ARTICLE 133 *66-5*

THE SPECIFICATION: In that [REDACTED] U.S. Army, did, at or near, [REDACTED] Iraq, on or about 20 June 2003, while the officer in charge of a security patrol, wrongfully and dishonorably abandon a detainee in his custody.

### III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) [REDACTED]	b. GRADE [REDACTED]	c. ORGANIZATION OF ACCUSER [REDACTED] ARMORED DIVISION
d. SIGNATURE OF ACCUSER [REDACTED]	e. DATE <i>28 August 2003</i>	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 28<sup>th</sup> day of August, 2003, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

<p>[REDACTED] <i>66-2</i></p> <p>_____ Typed Name of Officer</p>	<p>[REDACTED]</p> <p>_____ Organization of Officer</p>
<p>[REDACTED]</p> <p>_____ Grade</p> <p>[REDACTED] <i>66-2</i></p> <p>_____ Signature</p>	<p style="text-align: center;">Trial Counsel</p> <p style="text-align: center;">Official Capacity to Administer Oath (See R.C.M. 307(b) - must be a commissioned officer)</p>

12. On \_\_\_\_\_, 20\_\_\_\_, the accused was informed of the charges against him/her and of the name(s) of The accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

\_\_\_\_\_  
Typed Name of Immediate Commander  
\_\_\_\_\_  
Grade  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Organization of Immediate Commander

66-2

**IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY**

13. The sworn charges were received at \_\_\_\_\_ hours, \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_  
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)  
\_\_\_\_\_  
Typed Name of Officer  
\_\_\_\_\_  
Grade  
\_\_\_\_\_  
Signature

FOR THE <sup>1</sup> \_\_\_\_\_  
\_\_\_\_\_  
Commander  
Official Capacity of Officer Signing

**V. REFERRAL; SERVICE OF CHARGES**

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE	c. DATE
--	----------	---------

Referred for trial to the \_\_\_\_\_ court-martial convened by \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ 20 03 \_\_\_\_\_, subject to the following instructions:<sup>2</sup> \_\_\_\_\_

By \_\_\_\_\_ Or \_\_\_\_\_  
Command or Order  
\_\_\_\_\_  
Typed Name of Officer  
\_\_\_\_\_  
Grade  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Official Capacity of Officer Signing

15. On \_\_\_\_\_, 20\_\_\_\_, I (caused to be) served a copy hereof on (each of) the above named accused.

\_\_\_\_\_  
Typed Name of Trial Counsel  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Grade or Rank of Trial Counsel

66-2

FOOTNOTES: S

**1AD ATTORNEY WORK PRODUCT**



TC: [REDACTED]

DC: [REDACTED] CIVILIAN

66-2

U.S. v. [REDACTED] 66-5

UNIT: [REDACTED] MOS / POSITION: [REDACTED]

AGE: [REDACTED] BASD: [REDACTED] ETS: [REDACTED] PCS: [REDACTED]

MARITAL STATUS: M / S / D CHILDREN: Y / N

NEXT OF KIN'S HOME OF RECORD / PHONE: [REDACTED]

SPEEDY TRIAL DATE:

PRETRIAL CONFINEMENT: Y / N PTC DATE:

CERTIFIED OMPF ON HAND: Y / N CERTIFIED ORB / ERB ON HAND: Y / N

CERTIFIED SMIF FILE ON HAND: Y / N CERTIFIED LES ON HAND: Y / N

**R.C.M. 306(b) ANALYSIS:**

**1. ACCUSED'S CHARACTER AND MILITARY SERVICE:**

DECORATIONS: [REDACTED]

[REDACTED]

PRIOR UCMJ: Y / N PRIOR ADVERSE ADMIN: Y / N

FLAGGED: Y / N LEADERSHIP POSITION: Y / N

**2. EFFECT ON MORALE, HEALTH, WELFARE, AND DISCIPLINE:**

MORALE: [REDACTED]

HEALTH: [REDACTED]

WELFARE: [REDACTED]

DISCIPLINE: [REDACTED]

65-2

**3. APPROPRIATENESS OF AUTHORIZED PUNISHMENT:**

CHARGE: Dereliction (92) MAX: DD / 2 yrs. / Total \$

CHARGE: Assault (128) MAX: DD / 8 yrs. / Total \$

CHARGE: Conduct Unbecoming (133) MAX: Dismissal / 1 yr. / Total \$

CHARGE: Solicitation (134) MAX: DD / 5 yrs. / Total \$

**FACTS / MERITS:**

DATE: 20 JUNE 03

LOCATION: [REDACTED]

ACT / OMISSION: 1AD forces detained (trespassing) Iraqi boy (13 to 16 years old) for approximately 90 minutes. Drove him to a deserted field at the end of the patrol. Boy was placed into truck headlights and [REDACTED] fired a 9mm shot to the side of the boy's head. The boy was not bound by flexi-cuffs or blinded by a sandbag. [REDACTED] took a picture of the boy (covering his head / face) and the patrol left. [REDACTED] said he was going to let the boy walk back (approximately 1.5 click from sector per [REDACTED])

b6-5

PERPETRATOR: [REDACTED]

WITNESS: [REDACTED]

b6-4

WITNESS: [REDACTED] Took the detainee to [REDACTED]

b6-5

WITNESS: [REDACTED] Heard a "pop" like a shot, saw thru NVGs [REDACTED] holster his weapon, and saw detainee face down on the ground, hands over his head, sounded like he was crying, at a distance of about 10 feet. Did not hear or see anything like a dog.

b6-5

WITNESS: [REDACTED] Boy was flexi-cuffed and sandbagged into the truck. Patrol went into an unfamiliar back road. Boy was taken out of truck. SM pulled security and ducked when he heard a shot. Saw muzzle flash, boy crying and saw flexi-cuffs cut. [REDACTED] took picture. Saw and heard no dogs. Patrol mounted and left.

b6-4

b6-5

WITNESS: [REDACTED] unloaded the detainee boy. Saw them in front of the truck and [REDACTED] said something inaudible to detainee, then shot weapon close to detainee's person. [REDACTED] released the prisoner.

b6-4

b6-5

DATE: 22 JUNE 03

LOCATION: [REDACTED]

ACT / OMISSION: [REDACTED] asked [REDACTED] if old man and two kids were crying and told him to detain them. Old man asked that [REDACTED] not shoot his son. [REDACTED] told

b6-5

b6-4

b6-4

old man no one would be shot. <sup>b6-4</sup> [redacted] heard a shot and <sup>b6-4</sup> [redacted] said the kid tried to run, so he fired a warning shot. <sup>b6-5</sup> [redacted] said to let them go.

PERPETRATOR: <sup>b6-4</sup> [redacted] Says <sup>b6-5</sup> [redacted] told him to scare the detainees, and let all three go after they cried. Admits discharging the round to scare the detainee. Says he reported completion and <sup>b6-5</sup> [redacted] smiled. Says <sup>b6-5</sup> [redacted] condoned the use of scare tactics to deter looters.

WITNESS: <sup>b6-4</sup> [redacted]

WITNESS: <sup>b6-4</sup> [redacted] metallic trigger click, then saw SM charge M-16 handle and fire a single shot while pointing the weapon away from a boy's (13 to 17 years old) head. He then released the boy to his father and brother.

WITNESS: <sup>b6-4</sup> [redacted] aid to make detainees cry. Saw <sup>b6-4</sup> [redacted] take one of the (13 years old) boys behind the building.

WITNESS: <sup>b6-4</sup> [redacted] told him he pointed his weapon at the family.

FACTS / MERITS - REBUTTAL:

- 1) [redacted]
- 2) [redacted]
- 3) [redacted]
- 4) [redacted]

FACTS / SENTENCING:

AGGRAVATION:

- 1) [redacted]
- 2) [redacted]
- 3) [redacted]

MITIGATION:

- 1) [redacted]
- 2) [redacted]
- 3) [redacted]

4. ACCUSER'S POSSIBLE IMPROPER MOTIVES:

RATER: Y/N

NEGATIVE COUNSELINGS: Y/N

EO COMPLAINT: Y/N

IG COMPLAINT: Y/N

CONGRESSIONAL: Y/N

138 COMPLAINT: Y/N

5. WITNESS RELUCTANCE TO TESTIFY:

CO-ACCUSED: Y/N

RATING CHAIN ISSUE: Y/N

CONFINED: Y/N

CID SOURCE: Y/N

**6. ACCUSED COOPERATES TO APPREHEND / CONVICT OTHERS:**

CID SOURCE AGREEMENT: Y/N

NUMBER OF ARRESTS: 0

IMMUNITY AGREEMENT: Y/N

NUMBER OF CONVICTIONS: 0

**7. OTHER JURISDICTION(S) WILLING TO PROSECUTE OFFENSE(S):**

STATE: Y/N

FEDERAL: Y/N

MILITARY: Y/N

HOST NATION: Y/N

**8. AVAILABLE AND ADMISSIBLE EVIDENCE:**

STATEMENTS: Y/N (2) RIGHTS ADVISEMENT & WAIVER: Y/N

MENTAL HEALTH HISTORY: Y/N SANITY BOARD: Y/N

CORROBORATING PHYSICAL EVIDENCE: Y/N

PHYSICAL EVIDENCE FOUND DURING INSPECTION: Y/N

PHYSICAL EVIDENCE FOUND DURING SEARCH: Y/N

CORROBORATING DOCUMENTARY EVIDENCE: Y/N

CORROBORATING WITNESS STATEMENTS: Y/N

EYEWITNESSES: Y/N TOTAL: 10

**9. TC'S EVALUATION / RECOMMENDATION:**

LEVEL: [REDACTED]

GP/JA - [REDACTED]

DISCHARGE: [REDACTED]

05-2

**DOCKET TRACKER**

PREFERRAL DATE:

CONFIRMED DETAIL DC WITH SDC ON:

007052

SERVED DETAILED DC WITH PREFERRAL PACKET ON:

ARTICLE 32 DATE:

DETAILED PARALEGAL:

IO NAME / PHONE / EMAIL:

DETAILED LEGAL ADVISOR:

PACKET SERVED TO IO AND LEGAL ADVISOR ON:

HEARING SCHEDULED FOR:

DELAYS: Y / N

DELAY APPROVED ON:

SANITY BOARD: Y / N

SANITY BOARD APPROVED ON:

DEFENSE DELAY DAYS:

GOVERNMENT DELAY DAYS:

R.C.M. 405(G) REQUEST RECEIVED ON:

WITNESS UNAVAILABLE: Y / N

DEPOSITION REQUESTED: Y / N

TRANSLATOR REQUESTED: Y / N

TRANSLATOR NAME / PHONE:

GOVERNMENT'S R.C.M. 405(G) RESPONSE SERVED ON:

TRANSCRIBER:

DOES TC NEED VERBATIM PORTION FOR A WITNESS: Y / N

TRANSCRIPT SERVED TO IO ON:

IO REPORT SERVED TO BDE CDR ON:

IO REPORT SERVED W/IN 5 DAYS TO DC: Y / N

CHARGES ADDED OR DELETED: Y / N

REFERRAL DATE:

CONVENING ORDER IN THE PACKET: Y / N

SUMMARY / BCD / GCM

007053

DATE CHARGE SHEET AND ALLIED PAPERS SERVED ON ACCUSED:  
MJ DOCKET EMAIL (CERTIFIED ERB / ORB / SERVED CHARGES) DATE:  
ARRAIGNMENT DATE:

GOVERNMENT SECTION III DISCLOSURES SERVED ON:

GOVERNMENT'S DISCOVERY REQUEST SERVED ON:

DEFENSE'S RESPONSE SERVED ON:

DEFENSE DISCOVERY REQUEST SERVED ON:

GOVERNMENT'S RESPONSE SERVED ON:

DEFENSE FORUM SELECTION DUE ON:

DEFENSE PLEA DUE ON:

DEFENSE WITNESS LIST DUE ON:

DEFENSE MOTIONS DUE ON:

GOVERNMENT'S RESPONSE DUE ON:

DEFENSE NOTICE OF SPECIAL DEFENSE RECEIVED ON:

ALIBI: Y / N

INNOCENT INGESTION: Y / N

LACK OF MENTAL RESPONSIBILITY: Y / N

EXPERT ON ACCUSED'S MENTAL CONDITION: Y / N

GOVERNMENT WITNESS LIST DUE ON:

GOVERNMENT MOTIONS DUE ON:

DEFENSE RESPONSE DUE ON:

GOVERNMENT'S M.R.E. 404(B) NOTICE SERVED ON:

TRIAL DATE:

PANEL: Y / N

OFFICER: Y / N

007054

1/3 ENLISTED: Y / N

PANEL NOTIFICATIONS SERVED ON:

EXCUSAL REQUESTS: Y / N

EXCUSAL REQUESTS RECEIVED ON:

EXCUSAL GRANTED / DENIED ON:

MEMBER FROM ACCUSED'S UNIT: Y / N

MEMBER ON WITNESS LIST: Y / N

MEMBER IN TC JURISDICTION: Y / N

CONVENING ORDER CHANGES OK BY C/MJ: Y / N

FINDINGS WORK SHEET / FLYER OK BY C/MJ: Y / N

MEMBER QUESTION FORMS OK BY C/MJ: Y / N

TAILORED INSTRUCTIONS OK BY C/MJ: Y / N

MILITARY JUDGE:

MJ PRESIDE OVER COMPANION CASE: Y / N

TRIAL JUDGE SAME AS ARRAIGNMENT JUDGE: Y / N

TRIAL JUDGE'S PHONE / EMAIL:

EXHIBITS:

GOVERNMENT'S IDENTIFIED: Y / N

DEFENSE'S IDENTIFIED: Y / N

PHOTO SUBSTITUTIONS FOR THE RECORD: Y / N

TECHNICAL ASSISTANCE REQUIRED: Y / N

RECEIVED FROM CUSTODIAN: Y / N

CUSTODIAN NAME / PHONE / EMAIL:

PREMARKED WITH COURT REPORTER: Y / N

007055

**DETAILED COURT REPORTER:**

**NAME / PHONE / EMAIL:**

**COPY OF WITNESS LIST SERVED ON:**

**COPY OF EXHIBIT LIST SERVED ON:**

**GOVERNMENT'S EXHIBIT LIST ON:**

**DEFENSE'S EXHIBIT LIST ON:**

**ORIGINAL CASE FILE SERVED ON:**

**PANEL SEATING CHART COORDINATED ON:**

**DETAILED TRANSLATOR:**

**NAME / PHONE / EMAIL:**

**WRITTEN COPY OF QUESTIONS SERVED ON:**

**WITNESS:** [REDACTED] *bb-4*

**CIVILIAN / MILITARY / RESERVIST**

**ETS / PCS / DEROS TDY:**

**NAME / DOB / SSN / UNIT / LOCATION:**

[REDACTED]

---

**DOB:**

**SSN:**

**INTERVIEWED BY TC ON:**

---

**AIR TRAVEL: Y / N**

**LODGING: Y / N**

**RESERVATIONS MADE ON:**

**FUND CITE APPROVED ON:**

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

WITNESS:

[REDACTED]  
[REDACTED]  
ETS / PCS / DEROS TDY:

NAME / DOB / SSN / UNIT / LOCATION:

[REDACTED]  
[REDACTED]  
SSN:  
DOB:

b6-7

---

INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

007057

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

WITNESS: [REDACTED]

CIVILIAN / MILITARY

ETS / PCS / DEROS:

NAME / DOB / SSN / UNIT / LOCATION:

[REDACTED]

DOB:

[REDACTED]

[REDACTED]

INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

b6-4

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

WITNESS: [REDACTED]

CIVILIAN / MILITARY

ETS / PCS / DEROS:

NAME / DOB / SSN / UNIT / LOCATION:

*bb-4*

DOB:

SSN:

[REDACTED]

INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

WITNESS: [REDACTED]

*bb-4*

CIVILIAN / MILITARY

ETS / PCS / DEROS:

NAME / DOB / SSN / UNIT / LOCATION:

---

DOB: [REDACTED]

b6-4

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INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

WITNESS: [REDACTED]

b6-4

CIVILIAN / MILITARY

---

ETS / PCS / DEROS:

NAME / DOB / SSN / UNIT / LOCATION:

007060

**DOB:**

[REDACTED]

*bb-4*

INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

**WITNESS:**

[REDACTED]

CIVILIAN / MILITARY

NAME / DOB / SSN / UNIT / LOCATION:

*bb-4*

**DOB:**

[REDACTED]

INTERVIEWED BY TC ON:

AIR TRAVEL: Y / N

LODGING: Y / N

RESERVATIONS MADE ON:

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y / N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N

DEPOSITION TRANSCRIPT CERTIFIED: Y / N

TRIAL TRANSCRIPT CERTIFIED: Y / N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

**MOTIONS: (*CHANGE OF VENUE AND SUPPRESSION OF STATEMENTS*)**

TYPE OF MOTION CITED: Y / N

MOTION IS DISPOSITIVE TO GOVERNMENT'S CASE: Y / N

RELIEF REQUESTED CITED: Y / N

BURDEN OF PROOF AND STANDARD OF REVIEW CITED: Y / N

OFFER OF PROOF WITH MOTION: Y / N

COPIES OF CASES CITED PROVIDED TO MJ / TC / DC: Y / N

WITNESS TESTIMONY COORDINATED: Y / N

PHYSICAL EVIDENCE COORDINATED: Y / N

MOTION GRANTED / DENIED ON:

MJ MOTION FINDINGS ON THE RECORD: Y / N

007062

**VOIR DIRE:**

PANEL QUESTIONNAIRES FOR MJ / TC / DC: Y / N

VOIR DIRE QUESTIONS FOR MJ / TC / DC: Y / N

TC HAS BATSON CASE LAW AND PROFFER: Y / N

SEATING CHART TO MJ / REPORTER / TC / DC: Y / N

**TRIAL MATERIALS:**

MANUAL FOR COURTS-MARTIAL: Y / N

JUDGE'S BENCHBOOK: Y / N

CIRCUIT RULES OF COURT: Y / N

**TRIAL NOTEBOOK: Y / N**

ELEMENTS FOR EACH CHARGE / SPECIFICATION: Y / N

FOUNDATION LIST FOR EVIDENCE: Y / N

WITNESS LIST: Y / N

WITNESS QUESTIONS: Y / N

EXHIBIT LIST: Y / N

PANEL SEATING CHART: Y / N

FINDINGS WORKSHEET / FLYER: Y / N

OPENING STATEMENT OUTLINE: Y / N

CLOSING ARGUMENT OUTLINE: Y / N

C-M PACKET

Last Name: [REDACTED]

First Name:

Rank: [REDACTED]

Unit: [REDACTED]

TC: [REDACTED]

DC: [REDACTED]

Summary:

[REDACTED]

*b6-5*

*rock execution  
directed [REDACTED] to slash tires  
condoned the use of same tactics*

RECOMMENDATION:

[REDACTED]

*b5-2*

[REDACTED]

*b5-2*

*b6-4*