

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943
PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. Control Information

Thru:	
To:	COMMANDER 6/9TH CAVALRY REGIMENT FORT HOOD, TX 76544
Referred By:	SAC, CID Office: Balad CID Office (b)(6), (b)(7)(C)

USACRC Number:	0118-2007-CID919-23257-5H1A
MP Report Number:	N/A
Sub-Installation:	AE09391DC
Referral Date:	5/12/2008
Suspense Date:	6/26/2008

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

2. Offender Identification

Last Name:	(b)(6), (b)(7)(C)
First Name:	(b)(6), (b)(7)(C)
Middle Name:	(b)(6), (b)(7)(C)
Cadency:	

Grade:	E-5 U.S. Army (SGT)
SSN:	(b)(6), (b)(7)(C)
Date of Birth:	(b)(6), (b)(7)(C)

3. Referral Information

Commander Decision Date: 5/12/2008

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
1	Murder (Law of Armed Conflict Violation) [5H1A]	UCMJ Article 118	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
2	Cruelty and Maltreatment [5C1J]	UCMJ Article 128	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
3	Conspiracy [5X1]	UCMJ Article 81	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

3. Referral Information (continued)

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

4. Action Taken

- Administrative**
 Non-Adverse Referrals
 Adverse Personnel Actions
- Non-Judicial (Article 15)**
 (see details below)
- Judicial**
 Court Martial or Civilian Criminal Court

Non-Judicial Punishment Authority (select one):

- Summarized
 Company Grade
 Field Grade
 Principal Assistant
- GCMCA Imposed
 General Officer Imposed

Judicial Punishment Authority (select one):

- Summary Court Martial
 Special Court Martial
 Civilian Criminal/Magistrate
- General Court Martial

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	Murder (Law of Armed Conflict Violation) [5H1A] [5H1A]	N	Premeditated Murder [5H1A]	N
2	Cruelty and Maltreatment [5C1J] [5C1J]	N	Obstructing Justice [5C1J]	N
3	NO ACTION TAKEN -- Conspiracy [5X1]			
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

6. Administrative Actions

Non-Adverse

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adverse

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

6. Administrative Actions (continued)

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

7. Details of Administrative Separation

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

8. Non-Judicial/Judicial Sanctions

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance)Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

9. Suspended Sanctions

Were Any Sanctions Suspended? Yes No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

10. Commander's Remarks

This form has been revised at the US Army Crime Records Center to correct administrative errors in recording offender disposition. Corrections were made by Mr. (b)(6), (b)(7)(C) Law Enforcement Systems Integrator, as directed by Mr. (b)(6), (b)(7)(C) Director, US Army Crime Records Center.

The original 4833 was attributed to Commander LTC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)@us.army.mil, signed 5/12/2008. There were no remarks. The USACRC number is 0118-2007-CID919-23257-5H1A. The Sanction code is F2 2008/05/12. A DNA sample was not collected from the offender.

The original form showed all referred offenses with No Action taken by the commander and the reason; Charges Dismissed by Courts Martial Convening Authority.

Review of judicial proceedings records contained in the Army Court Martial Information System (ACMIS) showed that judicial action was taken in the form of General Court Martial. The offender was found Not Guilty of all charged offenses at trial. The referred specification charges at trial were three specifications of premeditated murder and three specifications of obstructing justice.

The commander's name and signature date have been changed to reflect subsequent data entry by (b)(6), (b)(7)(C) on 8/9/2010.

USASCRC Number: 0118-2007-CID919-23257-5H1A

Sanction: A2 2010/08/09

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade: (b)(6), (b)(7)(C), GS-14	
Signature:	Signature Date: 8/9/2010
AKO e-Mail Address: (b)(6), (b)(7)(C)@us.army.mil	

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943
PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. Control Information

Thru:	
To:	COMMANDER 6/9TH CAVALRY REGIMENT FORT HOOD, TX 76544
Referred By:	SAC, CID Office: Balad CID Office (b)(6), (b)(7)(C)

F2

USACRC Number:	0118-2007-CID919-23257-5H1A
MP Report Number:	N/A
Sub-Installation:	AE09391DC
Referral Date:	5/12/2008
Suspense Date:	6/26/2008

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2. Offender Identification

Last Name:	(b)(6), (b)(7)(C)
First Name:	(b)(6), (b)(7)(C)
Middle Name:	(b)(6), (b)(7)(C)
Cadency:	

Grade:	E-5 U.S. Army (SGT)
SSN:	(b)(6), (b)(7)(C)
Date of Birth:	(b)(6), (b)(7)(C)

3. Referral Information

Commander Decision Date: 5/12/2008

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
1	Murder (Law of Armed Conflict Violation) [5H1A]	UCMJ Article 118	6/26/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
2	Cruelty and Maltreatment [5C1J]	UCMJ Article 128	6/26/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
3	Conspiracy [5X1]	UCMJ Article 81	6/26/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

3. Referral Information (continued)

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

4. Action Taken

- Administrative**
 Non-Adverse Referrals
 Adverse Personnel Actions
- Non-Judicial (Article 15)**
 (see details below)
- Judicial**
 Court Martial or Civilian Criminal Court

Non-Judicial Punishment Authority (select one):

Judicial Punishment Authority (select one):

- Summarized GCMCA Imposed Summary Court Martial General Court Martial
 Company Grade General Officer Imposed Special Court Martial
 Field Grade
 Principal Assistant

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	NO ACTION TAKEN -- Murder (Law of Armed Conflict Violation) [5H1A]			
2	NO ACTION TAKEN -- Cruelty and Maltreatment [5C1J]			
3	NO ACTION TAKEN -- Conspiracy [5X1]			
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

6. Administrative Actions

Non-Adverse

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adverse

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

6. Administrative Actions (continued)

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

7. Details of Administrative Separation

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

8. Non-Judicial/Judicial Sanctions

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

9. Suspended Sanctions

Were Any Sanctions Suspended? Yes No
 If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspension Duration:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

10. Commander's Remarks

USASCRC Number: 0118-2007-CID919-23257-5H1A

Sanction: F2 2008/05/12

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade:	(b)(6), (b)(7)(C)
Signature:	Signature Date: 5/12/2008
AKO e-Mail Address:	(b)(6), (b)(7)(C)@us.army.mil

> Helpdesk
> About ACMIS
> Jagcnet
Welcome (b)(6), (b)(7)(C)



Army Courts-Martial Information System

Quick Search

20080394 (b)(6), (b)(7)(C)

Status: Retired on 04/06/2009

[Toggle Desk/Case](#) [Add to Favorite](#) [Back](#)

Navigation

Cases
 Current Cases
 All Cases

Advanced Search

My Settings

Powered by OTJAG IT Division

Case Data	Clerk Notes	Companion Cases	DAD	GAD	Prom	Status Change
Case Category		Judicial Category	EN		Date Trial Terminated	04/04/2009
# Trial Hearings	1	DAD Extensions		DAD Extensions		
Assignment Category		Panel		Counsel Designated		
New Trial Petition	0	New Civil Appeal	N	Appeal Waived	N	
Fugue	13	Volumes	4	Military Judge	(b)(6), (b)(7)(C)	
Appeal		Video				

Search [Advanced](#) [PDF](#) [Print](#) [ACCA](#) [CAA](#) [Com Law](#) [Flow Order](#) [Review Panel](#) [Close](#) [Show All](#)

Charge#	Spec#	Referred Specification	Finding Specification	Country
1	1	A118 PREMEDITATED MURDER	NOT GUILTY	IZ
2	1	A118 PREMEDITATED MURDER	NOT GUILTY	IZ
3	1	A118 PREMEDITATED MURDER	NOT GUILTY	IZ
3	2	A134 OBSTRUCTING JUSTICE	NOT GUILTY	IZ
3	3	A134 OBSTRUCTING JUSTICE	NOT GUILTY	IZ
3	4	A134 OBSTRUCTING JUSTICE	NOT GUILTY	IZ

000013

20080394 (b)(6), (b)(7)(C)

Status: Retired

Trial Data		Trial Time		Sentences	
Trial Date:					
Military Judge:	(b)(6), (b)(7)(C)	Referred Capital:	N	Prior conviction:	N
CMCR Number:	06130	Reserve Active:	A	Defense Team:	GID
CM Category:	G	CM Composition:	E		
Joint Common Trial:	N	Trial Circuit:	3	Trial Location:	HOC
Hearing Category:	OT	Hearing Authority:	CA	MACOM/Theater:	e
GCM Trial Jurisdiction:	1CD	Judicial Category:	EV		
Guilt Plea:	NO	Prior Pun Refused:	N	Pretrial Agreement Condition:	NO
Trial Notes:					
Available Language:					

Print

Close

Toggle Desc Code

No data available

APPROXIMATE COURT REPORT

Date Terminated	Hearing Category	CM Category	GCM Jurisdiction	Military Judge
05/01/2008	ORIGINAL TRL/HRG (1ST REPORT)	GCM	1ST CAVALRY DIVISION	(b)(6), (b)(7)(C)

000014

20080394- (b)(6), (b)(7)(C)

Status: Retired

Trial Data

Trial Time

Sentences

Print

Close

Sentences Data

Date Of Action	Authority	CA Jurisdiction	Confinement Category	Forfeiture Category
05/01/2008	CA	1CD		
05/01/2008	TR	1CD		

Toggle Data Date

By POCs - Case: 20080394

Date Terminated	Hearing Category	CM Category	GCM Jurisdiction	Military Judge
05/01/2008	ORIGINAL TRL/HRG (1ST REPORT)	GCM	1ST CAVALRY DIVISION	(b)(6), (b)(7)(C)

000015

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943
PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. Control Information

Thru:	
To:	COMMANDER 6/9TH CAVALRY REGIMENT FORT HOOD, TX 76544
Referred By:	SAC, CID Office: Balad CID Office (b)(6), (b)(7)(C)

USACRC Number:	0118-2007-CID919-23257-5H1A
MP Report Number:	N/A
Sub-Installation:	AE09391DC
Referral Date:	5/12/2008
Suspense Date:	6/26/2008

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

2. Offender Identification

Last Name:	(b)(6), (b)(7)(C)
First Name:	(b)(6), (b)(7)(C)
Middle Name:	(b)(6), (b)(7)(C)
Cadency:	

Grade:	E-4 U.S. Army (CPL)
SSN:	(b)(6), (b)(7)(C)
Date of Birth:	(b)(6), (b)(7)(C)

3. Referral Information

Commander Decision Date: 5/12/2008

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
				Yes	No	Yes	No	
1	Murder (Law of Armed Conflict Violation) [5H1A]	UCMJ Article 118	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
2	Desecration of Body [5C5]	UCMJ Article 91	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
3	Cruelty and Maltreatment [5C1J]	UCMJ Article 128	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
4	Conspiracy [5X1]	UCMJ Article 81	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

3. Referral Information (continued)

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

4. Action Taken

- Administrative**
 Non-Adverse Referrals
 Adverse Personnel Actions
- Non-Judicial (Article 15)**
 (see details below)
- Judicial**
 Court Martial or Civilian Criminal Court

Non-Judicial Punishment Authority (select one):

- Summarized
 Company Grade
 Field Grade
 Principal Assistant
- GCMCA Imposed
 General Officer Imposed

Judicial Punishment Authority (select one):

- Summary Court Martial
 Special Court Martial
 Civilian Criminal/Magistrate
- General Court Martial

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	Murder (Law of Armed Conflict Violation) [5H1A] [5H1A]	N	Unpremeditated Murder [5H1A]	N
2	NO ACTION TAKEN -- Desecration of Body [5C5]			
3	Cruelty and Maltreatment [5C1J] [5C1J]	N	Willful Dereliction of Duties [5C1J]	N
4	NO ACTION TAKEN -- Conspiracy [5X1]			
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

6. Administrative Actions

Non-Adverse

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adverse

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

6. Administrative Actions (continued)

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

7. Details of Administrative Separation

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

8. Non-Judicial/Judicial Sanctions

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance)Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

9. Suspended Sanctions

Were Any Sanctions Suspended? Yes No
 If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

10. Commander's Remarks

This form has been revised at the US Army Crime Records Center to correct administrative errors in recording offender disposition. Corrections were made by Mr. (b)(6), (b)(7)(C) Law Enforcement Systems Integrator, as directed by Mr. (b)(6), (b)(7)(C) Director, US Army Crime Records Center.

The original 4833 was attributed to Commander LTC (b)(6), (b)(7)(C) @us.army.mil, signed 5/12/2008. There were no remarks. The USACRC number is 0118-2007-CID919-23257-5H1A. The Sanction code is F2 2008/05/12. A DNA sample was not collected from the offender.

The original form showed all referred offenses with No Action taken by the commander and the reason; Charges Dismissed by Courts Martial Convening Authority.

Review of judicial proceedings records contained in the Army Court Martial Information System (ACMIS) showed that judicial action was taken in the form of General Court Martial. The offender was found Not Guilty of all charged offenses at trial. The referred specification charges at trial were one specification of unpremeditated murder and two specifications of wilful dereliction of duties.

The commander's name and signature date have been changed to reflect subsequent data entry by (b)(6), (b)(7)(C) on 8/9/2010.

USASCRC Number: 0118-2007-CID919-23257-5H1A

Sanction: A2 2010/08/09

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade:	(b)(6), (b)(7)(C), GS-14
Signature:	Signature Date: 8/9/2010
AKO e-Mail Address:	(b)(6), (b)(7)(C)@us.army.mil

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943
PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. Control Information

F2

Thru:	
To:	COMMANDER 6/9TH CAVALRY REGIMENT FORT HOOD, TX 76544
Referred By:	SAC, CID Office: Balad CID Office (b)(6), (b)(7)(C)

USACRC Number:	0118-2007-CID919-23257-5H1A
MP Report Number:	N/A
Sub-Installation:	AE09391DC
Referral Date:	5/12/2008
Suspense Date:	6/26/2008

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

2. Offender Identification

Last Name:	(b)(6), (b)(7)(C)
First Name:	(b)(6), (b)(7)(C)
Middle Name:	(b)(6), (b)(7)(C)
Cadency:	

Grade:	E-4 U.S. Army (CPL)
SSN:	(b)(6), (b)(7)(C)
Date of Birth:	(b)(6), (b)(7)(C)

3. Referral Information

Commander Decision Date: 5/12/2008

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
1	Murder (Law of Armed Conflict Violation) [5H1A]	UCMJ Article 118	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
2	Desecration of Body [5C5]	UCMJ Article 91	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
3	Cruelty and Maltreatment [5C1J]	UCMJ Article 128	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
4	Conspiracy [5X1]	UCMJ Article 81	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

3. Referral Information (continued)

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

4. Action Taken

- Administrative**
 Non-Adverse Referrals
 Adverse Personnel Actions
- Non-Judicial (Article 15)**
 (see details below)
- Judicial**
 Court Martial or Civilian Criminal Court

Non-Judicial Punishment Authority (select one):

- Summarized
 Company Grade
 Field Grade
 Principal Assistant
- GCMCA Imposed
 General Officer Imposed

Judicial Punishment Authority (select one):

- Summary Court Martial
 Special Court Martial
 Civilian Criminal/Magistrate
- General Court Martial

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	NO ACTION TAKEN -- Murder (Law of Armed Conflict Violation) [5H1A]			
2	NO ACTION TAKEN -- Desecration of Body [5C5]			
3	NO ACTION TAKEN -- Cruelty and Maltreatment [5C1J]			
4	NO ACTION TAKEN -- Conspiracy [5X1]			
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

6. Administrative Actions

Non-Adverse

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adverse

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

6. Administrative Actions (continued)

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

7. Details of Administrative Separation

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

8. Non-Judicial/Judicial Sanctions

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

9. Suspended Sanctions

Were Any Sanctions Suspended? Yes No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

10. Commander's Remarks

USASCRC Number: 0118-2007-CID919-23257-5H1A

Sanction: F2 2008/05/12

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade: (b)(6), (b)(7)(C) O-5	
Signature:	Signature Date: 5/12/2008
AKO e-Mail Address (b)(6), (b)(7)(C)@us.army.mil	



Army Courts-Martial Information System

[Helpdesk](#)
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 Welcome
 (b)(6), (b)(7)(C)

Quick Search

20080217 (b)(6), (b)(7)(C)

Status: Retired on 04/06/2009

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Navigation

- Cases
 - Current Cases
 - All Cases

Advanced Search

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OTJAG IT Division

Case Data

Clerk Notes

Companion Cases

DAD

GAD

Prom

Status Change

Case#	Case Title	CM Category	Judicial Category	Date Trial Terminated	# Trial Hearings	GAD Extensions	GAD Extensions	Assignment Category	Panel	Counsel Designated	New Trial Petition	Prev. Gvt Appeal	Appeal Waived	Military Judge
		E	EN	03/11/2008	1						0	N	N	(b)(6), (b)(7)(C)
Pages	14	Volumes	2											
Audio		Video												

[Case Data](#) [Clerk Notes](#) [Companion Cases](#) [DAD](#) [GAD](#) [Prom](#) [Status Change](#) [Case#](#) [Case Title](#) [CM Category](#) [Judicial Category](#) [Date Trial Terminated](#) [# Trial Hearings](#) [GAD Extensions](#) [GAD Extensions](#) [Assignment Category](#) [Panel](#) [Counsel Designated](#) [New Trial Petition](#) [Prev. Gvt Appeal](#) [Appeal Waived](#) [Military Judge](#)

Charge#	Spec#	Referred Specification	Finding Specification	Country
1	1	A118 UNPREMEDITATED MURDER	NOT GUILTY	IZ
2	1	A92 WILLFUL DERELICTION OF DUTIES	NOT GUILTY	IZ
2	2	A92 WILLFUL DERELICTION OF DUTIES	NOT GUILTY	IZ

Accused

RQ

ACCA

Case#

000028

2008021 (b)(6), (b)(7)(C)

Status: Retired

Trial Data		Trial Time		Sentences	
First Offense	06/26/2007	Article 32 Report	11:03:0007	Record Dispatch	06/09/2008
First Restart		First 39A	02/20/2008	ROTC Received	06/16/2008
Charges Piled	09/27/2007	Date Trial Terminated	03/14/2008	CMCR Errors	
Charges Received	02/14/2008	CA Received Report	05/13/2008	CMCR Received	03/17/2008
Charges Rejected	02/14/2008	PreAct Defense Delay	0	Writ Received	
Reason for Termination	FI	Stage Terminated	1	Investigation Time	0
Trial Hours	28	Article 39A Hours	25		
AWOL Days	0	Sick Days	0	Defense Delay Days	0

Print
Close
Toggle Desc Code

CA Adverses

No data available

CM Category: GCM (2008021)

Date Terminated	Hearing Category	CM Category	GCM Jurisdiction	Military Judge
03/14/2008	ORIGINAL TRL/HRG (1ST REPORT)	GCM	1ST CAVALRY DIVISION	(b)(6), (b)(7)(C)

000029

20080217 (b)(6), (b)(7)(C)

Status: Retired

Trial Data

Trial Time

Sentences

Print

Close

Armed Forces

Date Of Action	Authority	CA Jurisdiction	Confinement Category	Forfeiture Category
03/14/2008	TR	ICD		
03/14/2008	CA	ICD		

Toggle On/Off

All Reports for Case 120080217

Date Terminated	Hearing Category	CM Category	GCM Jurisdiction	Military Judge
03/14/2008	ORIGINAL TRL/HRG (1ST REPORT)	GCM	1ST CAVALRY DIVISION	(b)(6), (b)(7)(C)

000030

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943
PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. Control Information

Thru:	
To:	COMMANDER 6/9TH CAVALRY REGIMENT FORT HOOD, TX 76544
Referred By:	SAC, CID Office; Balad CID Office (b)(6), (b)(7)(C)

FG

USACRC Number:	0118-2007-CID919-23257-5H1A
MP Report Number:	N/A
Sub-Installation:	AE09391DC
Referral Date:	5/12/2008
Suspense Date:	6/26/2008

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

2. Offender Identification

Last Name:	(b)(6), (b)(7)(C)
First Name:	(b)(6), (b)(7)(C)
Middle Name:	(b)(6), (b)(7)(C)
Cadency:	

Grade:	DOD Contractor (DODCR)
SSN:	
Date of Birth:	(b)(6), (b)(7)(C)

3. Referral Information

Commander Decision Date: 5/12/2008

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
1	Aggravated Assault with a Deadly Weapon [5C1B]	UCMJ Article 128	6/26/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Suspect Deported
2				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
3				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

3. Referral Information (continued)

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

4. Action Taken

- Administrative**
 Non-Adverse Referrals
 Adverse Personnel Actions
- Non-Judicial (Article 15)**
 (see details below)
- Judicial**
 Court Martial or Civilian Criminal Court

Non-Judicial Punishment Authority (select one):

- Summarized
 Company Grade
 Field Grade
 Principal Assistant
- GCMCA Imposed
 General Officer Imposed

Judicial Punishment Authority (select one):

- Summary Court Martial
 Special Court Martial
 Civilian Criminal/Magistrate
- General Court Martial

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	NO ACTION TAKEN -- Aggravated Assault with a Deadly Weapon [5C1B]			
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

6. Administrative Actions

Non-Adverse

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adverse

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

6. Administrative Actions (continued)

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

7. Details of Administrative Separation

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

8. Non-Judicial/Judicial Sanctions

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

9. Suspended Sanctions

Were Any Sanctions Suspended? Yes No
 If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

10. Commander's Remarks

USASCRC Number: 0118-2007-CID919-23257-5H1A

Sanction:

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade:	(b)(6), (b)(7)(C)
Signature:	Signature Date: 5/12/2008
AKO e-Mail Address:	(b)(6), (b)(7)(C)@gls-1.com

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943
PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. Control Information

Thru:		USACRC Number: 0118-2007-CID919-23257-5H1A
To: COMMANDER 6/9TH CAVALRY REGIMENT FORT HOOD, TX 76544		MP Report Number: N/A
Referred By: SAC, CID Office; Balad CID Office (b)(6), (b)(7)(C)		Sub-Installation: AE09391DC
		Referral Date: 5/12/2008
		Suspense Date: 6/26/2008

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

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In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

2. Offender Identification

Last Name: (b)(6), (b)(7)(C)	Grade: E-4 U.S. Army (SPC)
First Name: (b)(6), (b)(7)(C)	
Middle Name: (b)(6), (b)(7)(C)	SSN: (b)(6), (b)(7)(C)
Cadency:	Date of Birth: (b)(6), (b)(7)(C)

3. Referral Information

Commander Decision Date: 5/12/2008

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
1	Murder (Law of Armed Conflict Violation) [5H1A]	UCMJ Article 118	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
2	Cruelty and Maltreatment [5C1J]	UCMJ Article 128	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
3	Conspiracy [5X1]	UCMJ Article 81	6/25/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

3. Referral Information (continued)

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

4. Action Taken

- Administrative**
 Non-Adverse Referrals
 Adverse Personnel Actions
- Non-Judicial (Article 15)**
 (see details below)
- Judicial**
 Court Martial or Civilian Criminal Court

Non-Judicial Punishment Authority (select one):

Judicial Punishment Authority (select one):

- Summarized
 Company Grade
 Field Grade
 Principal Assistant
- GCMCA Imposed
 General Officer Imposed
- Summary Court Martial
 Special Court Martial
 Civilian Criminal/Magistrate
- General Court Martial

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	Murder (Law of Armed Conflict Violation) [5H1A] [5H1A]	N	Premeditated Murder [5H1A]	N
2	Cruelty and Maltreatment [5C1J] [5C1J]	N	Willful Dereliction of Duties [5C1J]	N
3	NO ACTION TAKEN -- Conspiracy [5X1]			
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

6. Administrative Actions

Non-Adverse

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adverse

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

6. Administrative Actions (continued)

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

7. Details of Administrative Separation

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

8. Non-Judicial/Judicial Sanctions

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance)Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

9. Suspended Sanctions

Were Any Sanctions Suspended? Yes No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

10. Commander's Remarks

This form has been revised at the US Army Crime Records Center to correct administrative errors in recording offender disposition. Corrections were made by Mr. (b)(6), (b)(7)(C) Law Enforcement Systems Integrator, as directed by Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Director, US Army Crime Records Center.

The original 4833 was attributed to Commander LTC (b)(6), (b)(7)(C) @us.army.mil, signed 5/12/2008. There were no remarks. The USACRC number is 0118-2007-CID919-23257-5H1A. The Sanction code is F2 2008/05/12. A DNA sample was not collected from the offender.

The original form showed all referred offenses with No Action taken by the commander and the reason; Charges Dismissed by Courts Martial Convening Authority.

Review of judicial proceedings records contained in the Army Court Martial Information System (ACMIS) showed that judicial action was taken in the form of General Court Martial. The offender was found Not Guilty of all charged offenses at trial. The referred specification charges at trial were one specification of premeditated murder and one specification of willful dereliction of duties.

The commander's name and signature date have been changed to reflect subsequent data entry by (b)(6), (b)(7)(C) on 8/9/2010.

USASCRC Number: 0118-2007-CID919-23257-5H1A

Sanction: A2 2010/08/09

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade: (b)(6), (b)(7)(C) GS-14	Signature Date: 8/9/2010
Signature:	
AKO e-Mail Address: (b)(6), (b)(7)(C)@us.army.mil	

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943
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ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. Control Information

Thru:	
To:	COMMANDER 6/9TH CAVALRY REGIMENT FORT HOOD, TX 76544
Referred By:	SAC, CID Office: Balad CID Office (b)(6), (b)(7)(C)

F2

USACRC Number:	0118-2007-CID919-23257-5H1A
MP Report Number:	N/A
Sub-Installation:	AE09391DC
Referral Date:	5/12/2008
Suspense Date:	6/26/2008

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

2. Offender Identification

Last Name:	(b)(6), (b)(7)(C)
First Name:	(b)(6), (b)(7)(C)
Middle Name:	(b)(6), (b)(7)(C)
Cadency:	

Grade:	E-4 U.S. Army (SPC)
SSN:	(b)(6), (b)(7)(C)
Date of Birth:	(b)(6), (b)(7)(C)

3. Referral Information

Commander Decision Date: 5/12/2008

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
1	Murder (Law of Armed Conflict Violation) [5H1A]	UCMJ Article 118	6/26/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
2	Cruelty and Maltreatment [5C1J]	UCMJ Article 128	6/26/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
3	Conspiracy [5X1]	UCMJ Article 81	6/26/2007	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Charges Dismissed By Courts Martial Convening Authority
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

3. Referral Information (continued)

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

4. Action Taken

- Administrative**
 Non-Adverse Referrals
 Adverse Personnel Actions
- Non-Judicial (Article 15)**
 (see details below)
- Judicial**
 Court Martial or Civilian Criminal Court

Non-Judicial Punishment Authority (select one):

Judicial Punishment Authority (select one):

- Summarized GCMCA Imposed Summary Court Martial General Court Martial
 Company Grade General Officer Imposed Special Court Martial
 Field Grade
 Principal Assistant

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	NO ACTION TAKEN -- Murder (Law of Armed Conflict Violation) [5H1A]			
2	NO ACTION TAKEN -- Cruelty and Maltreatment [5C1J]			
3	NO ACTION TAKEN -- Conspiracy [5X1]			
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

6. Administrative Actions

Non-Adverse

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adverse

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

6. Administrative Actions (continued)

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

7. Details of Administrative Separation

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

8. Non-Judicial/Judicial Sanctions

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

9. Suspended Sanctions

Were Any Sanctions Suspended? Yes No
 If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

10. Commander's Remarks

USASCRC Number: 0118-2007-CID919-23257-5H1A

Sanction: F2 2008/05/12

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade:	(b)(6), (b)(7)(C) O-5
Signature:	Signature Date: 5/12/2008
AKO e-Mail Address:	(b)(6), (b)(7)(C)@us.army.mil



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 (b)(6), (b)(7)(C)

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20080203 (b)(6), (b)(7)(C)

Status: Retired on 04/06/2009

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GAD

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Case General Details

CM Category: G

Judicial Category: SN

Joint Trial Terminated: 03/06/2008

Trial Hearings: 1

DAD Extensions:

GAD Extensions:

Assignment Category:

Poner:

Counsel Designated:

New Trial Petition: 0

Prev. Govt Appeal: N

Appeal Waived: N

Pages: 11

Volumes: 3

Military Judge: (b)(6), (b)(7)(C)

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06/05

Case# 20080203 (b)(6), (b)(7)(C) - 06/05/2009

Spec Title

Charge#	Spec#	Referred Specification	Finding Specification	Country
1	1	A118 PREMEDITATED MURDER	NOT GUILTY	IZ
2	1	A92 WILLFUL DERELICTION OF DUTIES	NOT GUILTY	IZ

Assigned

By:

ACCA

CAA

Final Order

000049

20080203-(b)(6), (b)(7)(C)

Status: Retired

Trial Data		Trial Time		Sentences	
Military Judge	(b)(6), (b)(7)(C)	Referred Capital	N	Prior conviction	N
CMOR Number	08016	Reserve/Active	A	Defense Team	D
CM Category	G	CM Composition	E		
Joint/Common Trial	N	Trial Circuit	B	Trial Location	HCO
Hearing Category	OT	Hearing Authority	GA	MACOM/Theater	F
GCM Trial Jurisdiction	1CD	Judicial Category	EN		
Gilty Plea	NO	Prior Pun Refused	N	Pretrial Agreement Condition	NO
Trial Notes	ACQUITTED				
Additional Judges					

Print
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No data available

All ROIs for Case# 20080203

Date Terminated	Hearing Category	CM Category	GCM Jurisdiction	Military Judge
03/06/2008	ORIGINAL TRL/HRG (1ST REPORT)	GCM	1ST CAVALRY DIVISION	(b)(6), (b)(7)(C)

000050

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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Balad CID Office
LSA ANACONDA, APO AE 09391

17 Apr 2008

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL/SSI - 0118-2007-CID919-23257 - 5H1A /
5C1B / 5C5 / 5C1J / 5X1

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 26 JUN 2007, 0530 - 26 JUN 2007, 0800; MC 957604, THURA, MUQDADIYAH,
DIYALA PROVINCE, IRAQ

2. 26 JUN 2007, 0500 - 26 JUN 2007, 0800; MC 957604, THURA, MUQDADIYAH,
DIYALA PROVINCE, IRAQ

DATE/TIME REPORTED: 25 AUG 2007, 1900

INVESTIGATED BY:

SA (b)(6), (b)(7)(C), (b)(7)(F)
SA
SA
SA
SA
SA
SA
SA
SA
SA
SA

SUBJECT:

1. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C); (DOB); (POB);
MALE; WHITE; A TROOP, 6/9TH CAVALRY REGIMENT (HOME STATION: FORT
HOOD, TX), FOB NORMANDY, APO AE 09324, IZ; CT ; [CONSPIRACY], [CRUELTY
AND MALTREATMENT], [MURDER (LAW OF ARMED CONFLICT VIOLATION)]

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2. (b)(6), (b)(7)(C); CPL; (b)(6), (b)(7)(C); (DOB); (POB); MALE; WHITE; A TROOP, 6/9TH CAVALRY REGIMENT (HOME STATION: FT HOOD, TX), FOB NORMANDY, APO AE 09324, IZ; CT ; [CONSPIRACY], [DESECRATION OF BODY], [CRUELTY AND MALTREATMENT], [MURDER (LAW OF ARMED CONFLICT VIOLATION)]

3. (b)(6), (b)(7)(C); DODCR; IRAQ; (DOB); (POB); MALE; ASIAN/PACIFIC ISLAND; EMPLOYEE NUMBER (b)(6), (b)(7)(C) A TROOP, 6/9TH CAVALRY REGIMENT, FOB NORMANDY APO AE 09342, IZ; [AGGRAVATED ASSAULT WITH A DEADLY WEAPON]

4. (b)(6), (b)(7)(C); SPC; (b)(6), (b)(7)(C); (DOB); (POB); MALE; OTHER; A TROOP, 6/9TH CAVALRY REGIMENT (HOME STATION: FORT HOOD, TX), FOB NORMANDY, APO AE 09324, IZ; CT ; [CONSPIRACY], [CRUELTY AND MALTREATMENT], [MURDER (LAW OF ARMED CONFLICT VIOLATION)]

VICTIM:

1. UNKNOWN, (DECEASED); CIV; IRAQ; MALE; ASIAN/PACIFIC ISLAND; [CONSPIRACY], [CRUELTY AND MALTREATMENT], [AGGRAVATED ASSAULT WITH A DEADLY WEAPON], [MURDER (LAW OF ARMED CONFLICT VIOLATION)] (NFI)

2. 2. UNKNOWN, (DECEASED); IRAQ; MALE; ASIAN/PACIFIC ISLAND; [DESECRATION OF BODY] (NFI)

INVESTIGATIVE SUMMARY:

This is an Operation Iraqi Freedom Investigation

On 26 Aug 07, SA (b)(6), (b)(7)(C) was notified by CPT (b)(6), (b)(7)(C), Commander, A Troop, 6/9 CAV, Forward Operating Base (FOB) Normandy, Iraq APO AE 09391 of criminal suspicion in the Serious Incident Report (SIR) regarding the killing of a wounded Anti Iraqi Forces (AIF) member by SGT (b)(6), (b)(7)(C)

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Investigation determined SGT (b)(6), (b)(7)(C) committed the offenses of Murder and Aggravated Assault, when he walked into a room where an unarmed and wounded AIF member was lying and assaulted him and committed the offense of Cruelty and Maltreatment by not treating the AIF member. SGT (b)(6), (b)(7)(C) then shot him twice thus killing him. Investigation also determined SGT (b)(6), (b)(7)(C) committed the offense of Conspiracy when he instructed his soldiers to lie about the incident.

Investigation determined CPL (b)(6), (b)(7)(C) committed the offense of Desecration of a Corpse, when he shot a deceased AIF member in the head upon finding the corpse after an engagement between his squad and the AIF squad. CPL (b)(6), (b)(7)(C) committed the offense of Conspiracy to commit murder when he laid the pistol next to the wounded Anti Iraqi Forces member and related SGT (b)(6), (b)(7)(C) had to shoot and kill him in self defense.

Investigation determined SPC (b)(6), (b)(7)(C) committed the offenses of Attempted Murder and Conspiracy, when he and SGT (b)(6), (b)(7)(C) agreed to kill the AIF member. SPC (b)(6), (b)(7)(C) then attempted to murder the AIF member by smothering him.

Investigation determined Mr. (b)(6), (b)(7)(C) committed the offense of Aggravated Assault when he took his rifle and struck the unarmed wounded AIF member on his legs.

STATUTES:

Article 118, UCMJ: Murder

Article 81, UCMJ: Conspiracy

Article 93, UCMJ: Cruelty and Maltreatment

Article 92, UCMJ: Failure to obey Order or Regulation

Article 128, UCMJ: Aggravated Assault

EXHIBITS/SUBSTANTIATION:

ATTACHED:

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1. Agent's Investigation Report (AIR) of SA (b)(6), (b)(7)(C) 31 Aug 07.
2. Serious Incident Report (SIR) of CPT (b)(6), (b)(7)(C) 25 Aug 07.
3. Waiver Certificate and Sworn Statement of PV2 (b)(6), (b)(7)(C) 29 Aug 07.
4. Notification before questioning and Sworn Statement of Mr. (b)(6), (b)(7)(C) 29 Aug 07.
5. Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 29 Aug 07.
6. Hand drawn sketch prepared by Mr. (b)(6), (b)(7)(C) 29 Aug 07.
7. Hand drawn sketch prepared by PV2 (b)(6), (b)(7)(C) 30 Aug 07.
8. Hand drawn sketch prepared by SPC (b)(6), (b)(7)(C) 30 Aug 07.
9. Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 30 Aug 07.
10. Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 30 Aug 07.
11. Waiver Certificate and Sworn Statement of PFC (b)(6), (b)(7)(C) 30 Aug 07.
12. CID Form 87-R-E Consent to Search of PFC (b)(6), (b)(7)(C) 30 Aug 07.
13. Hand drawn sketch prepared by PFC (b)(6), (b)(7)(C) 30 Aug 07.
14. CID Form 87-R-E Consent to Search of SPC (b)(6), (b)(7)(C) 30 Aug 07.
15. Hand drawn sketch prepared by SPC (b)(6), (b)(7)(C) 30 Aug 07.
16. CID Form 87-R-E Consent to Search of SPC (b)(6), (b)(7)(C) 30 Aug 07.
17. Non-Waiver Certificate of SGT (b)(6), (b)(7)(C) 30 Aug 07.
18. Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 30 Aug 07.

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19. Copy of anonymous handwritten note obtained by SA (b)(6), (b)(7)(C) 30 Aug 07.
20. Sworn Statement of SSG (b)(6), (b)(7)(C) 30 Aug 07.
21. CID Form 87-R-E Consent to Search of SPC (b)(6), (b)(7)(C) 30 Aug 07.
22. Photographic Packet (Dead Anti Iraqi Forces Member).
23. CD containing the original images associated with Exhibit 22 (USACRC and file copies only).
24. Evidence/Property Custody Document, Document Number (DN) 0809-07.
25. DA Form 3745 Search and Seizure Authorization of SGT (b)(6), (b)(7)(C) 31 Aug 07.
26. CID Form 87-R-E Consent to Search of PV2 (b)(6), (b)(7)(C) 31 Aug 07.
27. Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 31 Aug 07.
28. AIR of SA (b)(6), (b)(7)(C) 22 Sep 07.
29. Sworn Statement of SGT (b)(6), (b)(7)(C) 22 Sep 07.
30. AIR of SA (b)(6), (b)(7)(C) 22 Sep 07.
31. Waiver Certificate and Sworn Statement of PV2 (b)(6), (b)(7)(C) 22 Sep 07.
32. Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Sep 07.
33. Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Sep 07.
34. Customs Declaration pertaining to SGT (b)(6), (b)(7)(C) 2 and 5 Sep 07.
35. AIR of SA (b)(6), (b)(7)(C) 23 Sep 07.
36. Photographic Packet (Crime Scene).

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37. CD containing the original images associated with Exhibit 36 (USACRC and file copies only).
38. Crime Scene Sketch prepared by SA (b)(6), (b)(7)(C), 23 Sep 07.
39. Canvass Interviews, 23 Sep 07.
40. AIR of SA (b)(6), (b)(7)(C), Fort Sam Houston CID office, 13 Sep 07.
41. CID Form 87-R-E Consent to Search of Mrs. (b)(6), (b)(7)(C), 12 Sep 07.
42. AIR of SA (b)(6), (b)(7)(C) 16 Oct 07.
43. CID Form 118-E-R, Disclosure accounting record, 20 Oct 07
44. AIR of SA (b)(6), (b)(7)(C) 20 Oct 07.
45. DA Form 2062, Hand Receipt/Annex Number, pertaining to SGT (b)(6), (b)(7)(C)
46. Sworn Statement of SGT (b)(6), (b)(7)(C) 3 Oct 07.
47. AIR of SA (b)(6), (b)(7)(C), Fort Hood CID office, 30 Oct 07.
48. Sworn Statement of SGT (b)(6), (b)(7)(C), 30 Oct 07.
49. AIR of SA (b)(6), (b)(7)(C) Fort Hood CID office, 2 Nov 07.
50. Sworn Statement of SPC (b)(6), (b)(7)(C), 2 Nov 07.
51. AIR of SA (b)(6), (b)(7)(C) 27 Nov 07.
52. Evidence/Property Custody Document, Document Number (DN) 0957-07.
53. AIR of SA (b)(6), (b)(7)(C) 12 Feb 08.

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NOT ATTACHED:

None.

The originals of Exhibits 1, 3 through 18, 20 through 23, 25 through 33, 35 through 44, 46 through 51, and 53 were forwarded with the USACRC copy of this report. The originals of Exhibits 2, 19, and 45 were maintained in the files of the Battalion Headquarters, 6/9 Cavalry, Ft. Hood, TX. The original of Exhibit 34 was maintained in the files of the U.S. Post office, FOB Normandy, Iraq. The originals of Exhibit 24 and 52 were retained in the Evidence Depository of the 11th Military Police Battalion (CID), Camp Liberty, Iraq APO AE 09342.

STATUS: This is a Final Report. Commanders Report of Disciplinary or Administrative Action (DA Form 4833) is pending.

On 6 Mar 08, SPC (b)(6), (b)(7)(C) was tried by General court-martial and acquitted on all charges against him.

On 14 Mar 08, CPL (b)(6), (b)(7)(C) was tried by General court-martial and acquitted on all charges against him.

CID reports of investigation may be subject to a Quality Assurance Review by CID higher headquarters.

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Report Prepared By:

(b)(6), (b)(7)(C)



fol

Special Agent

Report Approved By:

(b)(6), (b)(7)(C)



Special Agent in Charge

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA

3rd MP Group, USACIDC, Fort Gillem, GA

Special Agent in Charge, 32nd MP DET (CID), LSA Anaconda, Balad, Iraq APO AE
09391

SJA: CPT (b)(6), (b)(7)(C)

BN CDR, ATTN: LTC (b)(6), (b)(7)(C), 6/9TH CAV

CO CDR, ATTN: CPT (b)(6), (b)(7)(C)

11th MP BN

Commander, US Army Criminal Investigation Command, ATTN: CIOP-COP-CO,
6010 6th Street, Ft Belvoir,

FILE

Basis for Investigation: About 2000, 25 Aug 07, SA (b)(6), (b)(7)(C) was notified by CPT (b)(6), (b)(7)(C) A Troop, 6/9th CAV, Forward Operating Base (FOB) Normandy, Iraq APO AE 09391, of criminal suspicion in the Serious Incident Report (SIR) regarding the killing of a wounded Anti Iraqi Forces (AIF) member during a Small Kill Team (SKT) mission. CPT (b)(6), (b)(7)(C) provided a copy of the SIR. (See SIR for details).

About 1707, 29 Aug 07, SA (b)(6), (b)(7)(C) advised PV2 (b)(6), (b)(7)(C) of his rights, which he waived and provided a Sworn Statement detailing his actions during the Small Kill Team Mission (See Waiver Certificate and Sworn Statement for details).

About 1711, 29 Aug 07, SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) Interpreter, A Troop, 6/9th CAV, FOB Normandy, Iraq who provided a sworn statement detailing his knowledge of the incident (See notification before questioning and sworn statement for details).

About 1750, 29 Aug 07, SA (b)(6), (b)(7)(C) advised CPL (b)(6), (b)(7)(C) of his rights, which he waived and provided a sworn statement detailing his actions during the SKT mission (See waiver certificate and sworn statement for details.)

About 1902, 29 Aug 07, SA (b)(6), (b)(7)(C) obtained a hand drawn rough sketch from Mr. (b)(6), (b)(7)(C) depicting the location where the unknown local national AIF member was shot and killed by members of A Troop, 6/9th CAV, FOB Normandy, Iraq during a SKT operation on 26 June 07. (See sketch for details).

About 0107, 30 Aug 07, SA (b)(6), (b)(7)(C) collected a hand drawn rough sketch from PV2 (b)(6), (b)(7)(C) depicting the location of the unarmed Iraqi combatant. (See sketch for details).

About 0420, 30 Aug 07, SA (b)(6), (b)(7)(C) collected a hand drawn rough sketch from CPL (b)(6), (b)(7)(C) depicting the location of the unarmed AIF. (See sketch for details).

About 0830, 30 Aug 07, SA (b)(6), (b)(7)(C) advised SPC (b)(6), (b)(7)(C) A Troop, 6/9 CAV, 3rd BCT, FOB Normandy, Iraq of his rights, which he waived and

SA (b)(6), (b)(7)(C), (b)(7)(F)

Balad CID Office
LSA Anaconda
Balad, Iraq, APOAE09391

Signature:

Date: 31 Aug 07

Exhibit:

(b)(6), (b)(7)(C)

provided a sworn statement detailing his actions the SKT mission (See waiver certificate and sworn statement for details.)

About 0828, 30 Aug 07, SA (b)(6), (b)(7)(C) advised SPC (b)(6), (b)(7)(C) of his rights, which he waived and provided a sworn statement detailing his actions and his attempt to smother an unarmed defenseless Anti Iraq Force member during the SKT Mission (See waiver certificate and sworn statement for details).

About 0843, 30 Aug 07, SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) A Troop, 6/9th CAV, FOB Normandy, Iraq who provided a sworn statement regarding his knowledge of the facts pertaining to this case (See sworn statement for details).

About 0947, 30 Aug 07, SA (b)(6), (b)(7)(C) obtained consent to search from PFC (b)(6), (b)(7)(C) authorizing agents from this office to conduct a search of his living quarters located in Room 6, Building #4, FOB Normandy, Iraq in search of any AK-47 rifles, pistols, magazines, or digital media devices containing digital photographic images pertaining to this investigation.

About 1119, 30 Aug 07, SA (b)(6), (b)(7)(C) obtained a hand drawn rough sketch from PFC (b)(6), (b)(7)(C) depicting the locations he pulled outside security around the house where the AIF member was killed and the location of the donkey cart next to the Mosque. (See sketch for details).

About 1235, 30 Aug 07, SA (b)(6), (b)(7)(C) obtained consent to search, CID Form 87-R-E from SPC (b)(6), (b)(7)(C) to search his quarters for a 9mm pistol and photographs of AIF members.

About 1240, 30 Aug 07, SA (b)(6), (b)(7)(C) collected a hand drawn rough sketch from SPC (b)(6), (b)(7)(C) depicting the location of the unarmed Iraqi combatant. (See sketch for details).

About 1242, 30 Aug 07, SA (b)(6), (b)(7)(C) obtained consent to search, CID Form 87-R-E from SPC (b)(6), (b)(7)(C) to search his quarters for a 9mm pistol and photographs of Anti Iraqi Force members.

SA (b)(6), (b)(7)(C), (b)(7)(F)

Balad CID Office
LSA Anaconda
Balad, Iraq, APOAE09391

Signature: (b)(6), (b)(7)(C)

Date: 31 Aug 07 Exhibit: 1

About 1300, 30 Aug 07, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted a search of SPC (b)(6), (b)(7)(C) quarters. The search met with negative results.

About 1320, 30 Aug 07, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted a search of PFC (b)(6), (b)(7)(C) quarters. The search met with negative results.

About 1340, 30 Aug 07, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted a search of SPC (b)(6), (b)(7)(C) quarters. The search met with negative results.

About 1430, 30 Aug 09, SA (b)(6), (b)(7)(C) interviewed CPT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Commander, A Troop, 6/9th CAV, FOB Normandy, Iraq who provided a verbal statement pertaining to his knowledge of the incident. CPT (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) came forward on 23 Aug 07 and reported that SGT (b)(6), (b)(7)(C) shot and killed an unarmed and wounded insurgent and then planted a pistol on the dead body. CPT (b)(6), (b)(7)(C) stated that a Commander's Inquiry was initiated about 2330, 24 Aug 07, regarding this and other complaints against SGT (b)(6), (b)(7)(C)

About 1436, 30 Aug 07, SA (b)(6), (b)(7)(C) advised SGT (b)(6), (b)(7)(C) of his rights, at which time he advised he had legal counsel and was advised not to speak with this office without legal representation (See non-waiver certificate for details.)

About 1505, 30 Aug 07, SA (b)(6), (b)(7)(C) re-advised CPL (b)(6), (b)(7)(C) of his rights, which he waived and provided a second sworn statement detailing his actions during the SKT mission and shooting of the unarmed AIF member. (See waiver certificate and sworn statement for details.)

About 1515, 30 Aug 07, SA (b)(6), (b)(7)(C) interviewed 1LT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) A Troop, 6/9 CAV, 3rd BCT, FOB Normandy, Iraq. 1LT (b)(6), (b)(7)(C) related that about a week to ten days prior to the SKT mission, he was assigned to a summary Courts Martial in Balad and was not at FOB Normandy when the incident took place. 1LT (b)(6), (b)(7)(C) further related he did not have firsthand knowledge of the

SA (b)(6), (b)(7)(C), (b)(7)(F)

Balad CID Office
LSA Anaconda
Balad, Iraq, APOAE09391

Signature:

(b)(6), (b)(7)(C)

Date: 31 Aug 07

Exhibit:

CID Form 94

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

000061

incident.

About 1531, 30 Aug 07, SA (b)(6), (b)(7)(C) obtained a copy of a hand written note CPT (b)(6), (b)(7)(C) found in his Bradley fighting vehicle at approximately 1000, 21 Aug 07. The note read: "On the 19 Aug 07 missions. Sgt (b)(6), (b)(7)(C) was assaulting civilians. All soldiers that were dismounted from assassin platoon witnessed the events, but will not say anything out of fear of retaliation. The captain what was riding with 1LT (b)(6), (b)(7)(C) also witnessed what happened. Sgt (b)(6), (b)(7)(C) is known by the platoon to have always committed war crimes against civilians and detainees. Though it is always swept under the rug and kept at the lower levels." This note was written anonymously. This handwritten note was the basis for the SIR conducted by CPT (b)(6), (b)(7)(C)

About 1537, 30 Aug 07, SA (b)(6), (b)(7)(C) interviewed 1LT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), 1st Platoon Leader, A Troop, 6/9th CAV, FOB Normandy, Iraq who provided a verbal statement. 1LT (b)(6), (b)(7)(C) stated that he did not know about the incident until 29 Aug 07 when CPT (b)(6), (b)(7)(C) informed him that CID would be interviewing several persons regarding the complaint that SGT (b)(6), (b)(7)(C) shot and murdered a detainee in his custody and then planted a pistol on the body.

About 1621, 30 Aug 07, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) A Troop, 6/9th CAV, FOB Normandy, Iraq who provided a Sworn Statement regarding his knowledge of the incident. SSG (b)(6), (b)(7)(C) stated PFC (b)(6), (b)(7)(C) spoke to him and requested permission to speak to 1LT (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) stated the reason he needed to talk to 1LT (b)(6), (b)(7)(C) was he thought SGT (b)(6), (b)(7)(C) shot and killed an unarmed civilian while on an SKT around 26 Jun 07.

About 1710, 30 Aug 07, SA (b)(6), (b)(7)(C) obtained consent to search, CID Form 87-R-E from CPL (b)(6), (b)(7)(C) to search his quarters for a 9mm pistol and photographs of AIF members.

About 1830, 30 Aug 07, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted a search of CPL (b)(6), (b)(7)(C) quarters. The search of CPL (b)(6), (b)(7)(C) laptop pictures revealed five photos depicting the images of the AIF corpse shot by CPL (b)(6), (b)(7)(C) Prior to

SA (b)(6), (b)(7)(C), (b)(7)(F)

Balad CID Office
LSA Anaconda
Balad, Iraq, APOAE09391

Signature: (b)(6), (b)(7)(C)

Date: 31 Aug 07 Exhibit: /

the execution of the consent to search of CPL (b)(6), (b)(7)(C) quarters he stated five photos from this SKT mission were on his laptop computer and he would provide those for this investigation. CPL (b)(6), (b)(7)(C) stated SPC (b)(6), (b)(7)(C) took the photos and provided the copies to CPL (b)(6), (b)(7)(C) (See photographic packet for details).

About 1010, 31 Aug 07, SA (b)(6), (b)(7)(C) collected SGT (b)(6), (b)(7)(C) issued M-4 rifle, and M-9 pistol as evidence from CPT (b)(6), (b)(7)(C), S-1 OIC HHT, 6/9 Cavalry Regiment, 3rd BCT, FOB Normandy. (See evidence/property custody document for details).

About 1040, 31 Aug 07, SA (b)(6), (b)(7)(C) received verbal Search and Seizure Authorization from CPT (b)(6), (b)(7)(C) 25th Infantry Division (ID), Office of the Staff Judge Advocate (OSJA) authorizing the search of SGT (b)(6), (b)(7)(C) barracks room.

About 1315, 31 Aug 07, SA (b)(6), (b)(7)(C) obtained Search and Seizure Authorization from CPT (b)(6), (b)(7)(C) to search SGT (b)(6), (b)(7)(C) quarters for a 9mm pistol and photographs of Anti Iraqi Force members.

About 1320, 31 Aug 07, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted a search of SGT (b)(6), (b)(7)(C) barracks room. The search met with negative results.

About 1512, 31 Aug 07, SA (b)(6), (b)(7)(C) obtained consent to search, CID Form 87-R-E from PV2 (b)(6), (b)(7)(C) to search his quarters for a 9mm pistol and photographs of Anti Iraqi Force members.

About 1525, 31 Aug 07, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted a search of PV2 (b)(6), (b)(7)(C) barracks room. The search met with negative results.

About 1843, 31 Aug 07, SA (b)(6), (b)(7)(C) re-advised SPC (b)(6), (b)(7)(C) of his rights, which he waived and provided a sworn statement detailing his actions and his attempt to smother an unarmed defenseless Anti Iraq Force member during the SKT mission (See waiver certificate and sworn statement for details).

////////////////////////////////////LAST ENTRY////////////////////////////////////

SA (b)(6), (b)(7)(C), (b)(7)(F)

Balad CID Office
LSA Anaconda
Balad, Iraq, APOAE09391

Signature: (b)(6), (b)(7)(C)

Date: 31 Aug 07

Exhibit: 1

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SERIOUS INCIDENT REPORT

FROM: CDR, A TRP 6-9 CAV

THRU: Executive Officer, 6-9 CAV SQUADRON

TO: CDR, 6-9 CAV, FOB Normandy, Iraq

1. Subject: Serious Incident Report
2. Category:
3. Type of incident: Violation of Law of War
4. Date and time: 25 2000 AUG 07
5. Location: Thura, Muqdadiah, Diyala Province, Iraq vic (b) (6)

6. Personnel involved:

1. Rank/Name: (b)(6)
2. SSN: (b)(6)
3. Race: Hispanic
4. Gender: Male
5. Age: 30
6. MOS: 19D20
7. Clearance: N/A
8. Unit: A TRP 6-9 CAV
9. Component: RA

1. Rank/Name: SPC (b)(6)
2. SSN: (b)(6)
3. Race: Caucasian
4. Gender: Male
5. Age: 24
6. MOS: 19D10
7. Clearance: N/A
8. Unit: A TRP 6-9 CAV
9. Component: RA

1. Rank/Name: SPC (b)(6)
2. SSN: (b)(6)
3. Race: Caucasian
4. Gender: Male
5. Age: 25
6. MOS: 19D10
7. Clearance: N/A
8. Unit: A TRP 6-9 CAV
9. Component: RA

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1. Rank/Name: SPC (b)(6)
2. SSN: (b)(6)
3. Race: Hispanic
4. Gender: Male
5. Age: 22
6. MOS: 91W10
7. Clearance: N/A
8. Unit: A TRP 6-9 CAV
9. Component: RA

1. Rank/Name: PFC (b)(6)
2. SSN: (b)(6)
3. Race: Caucasian
4. Gender: Male
5. Age: 31
6. MOS: 19D10
7. Clearance: N/A
8. Unit: A TRP 6-9 CAV
9. Component: RA

1. Rank/Name: PV2 (b)(6)
2. SSN: (b)(6)
3. Race: Caucasian
4. Gender: Male
5. Age: 19
6. MOS: 19D10
7. Clearance: N/A
8. Unit: A TRP 6-9 CAV
9. Component: RA

1. Rank/Name: SGT (b)(6)
2. SSN: (b)(6)
3. Race: Caucasian
4. Gender: Male
5. Age: 24
6. MOS: 11C20
7. Clearance: N/A
8. Unit: A TRP 6-9 CAV
9. Component: RA

1. Rank/Name: SGT (b)(6)
2. SSN: (b)(6)
3. Race: Hispanic
4. Gender: Male
5. Age: 25
6. MOS: 11C20
7. Clearance: N/A
8. Unit: A TRP 6-9 CAV
9. Component: RA

UNCLASSIFIED

UNCLASSIFIED

1. Rank/Name: SPC (b)(6)
2. SSN: (b)(6)
3. Race: Caucasian
4. Gender: Male
5. Age: 21
6. MOS: 19D10
7. Clearance: N/A
8. Unit: A TRP 6-9 CAV
9. Component: RA

7. Summary of Incident:

Last night SSG (b)(6) reported to CPT (b)(6) possible violations of the Law of War committed by SGT (b)(6). After conducting a Commander's Inquiry CPT (b)(6) determined there was enough evidence to warrant an SIR. SGT (b)(6) has been temporarily relieved of his duties as a section sergeant and is not permitted to leave the FOB pending the results of the investigation.

While conducting operations as part of Operation Saber Hammer, an anonymous note was left for me on my Bradley Cavalry Fighting Vehicle. This note alleged that SGT (b)(6) committed crimes against civilians in sector on separate occasions. In addition, 1LT (b)(6) 1st Platoon Leader, reported while conducting a targeted raid on OBJ RAVENS, SGT (b)(6) team used a fragmentation grenade. I asked SGT (b)(6) and SSG (b)(6) 2nd Platoon Sergeant, about the grenade and they confirmed it was a flash-bang grenade. Based on mission requirements I conducted an initial investigation and planned to conduct a formal commander's inquiry upon completion of mission. Upon returning to FOB NORMANDY, we immediately received orders for a squadron operation. I told 1LT (b)(6) 2nd Platoon Leader, and SSG (b)(6) that if SGT (b)(6) was going on this mission, either 1LT (b)(6) or SSG (b)(6) would directly supervise him during the operation. SSG (b)(6) decided that SGT (b)(6) would not go on the mission and after informing the platoon of his decision, three soldiers requested to speak to him. At approximately 24 2230 AUG 07, SSG (b)(6) reported to me that some of his soldiers alleged SGT (b)(6) killed a WIA AQIZ member while on an SKT in Thura in JUN and in a separate incident assaulted a civilian vicinity the Chuk Chuk Bridge by kicking him causing him to fall into the Mahrut Canal, which I was later unable to substantiate by any eyewitnesses.

Upon receiving the report from SSG (b)(6) and 1LT (b)(6) I immediately notified the Squadron Executive Officer MAJ (b)(6) of the alleged incident. I began a commander's inquiry into the two incidents.

On 26 JUN 07, A / 6-9 CAV conducted a Small Kill Team (SKT) mission in the neighborhood of Thura, Muqdadiyah. The SKT team leader was SGT (b)(6) and the team consisted of him, SPC (b)(6), SPC (b)(6), SPC (b)(6), SPC (b)(6), PFC (b)(6), and PV2 (b)(6). At 0547, the SKT made contact with three individuals, one of which was armed. These individuals were carrying a bag and they entered a building. They dropped off the bag inside the building and came back outside. At that time, the SKT engaged with M4, M249, and M203. They killed one of the individuals and wounded another. They moved to conduct BDA on the one KIA and cleared the house the individuals entered. They found an AK-47, a pistol, and a grenade on the body of the KIA, and inside the building, they found 2x 57mm anti-aircraft rounds rigged as an IED.

The SKT also found a blood trail leading away from the scene. The team followed the blood trail to the west, over a wall into the neighboring compound, and then over another wall to the north. PFC (b)(6), SPC (b)(6), SPC (b)(6), and the IA secured the outside of the

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compound. SGT (b)(6), SPC (b)(6), SPC (b)(6), and PV2 (b)(6) cleared the house that the WIA entered. They found the WIA lying on the floor with his hand under a pillow. The WIA had numerous gunshot wounds and a broken wrist. SPC (b)(6) took all of the women and children from inside the house and moved them to the courtyard and secured them. The SKT started questioning the WIA but he would not give any information. Soldiers' sworn statements allege that after questioning SGT (b)(6) shot the WIA in the torso with his M4 inside the building. The statements also allege that SPC (b)(6) cleared the pistol from the first KIA and put it on the floor near the WIA AQIZ and SGT (b)(6) told PV2 (b)(6) and SPC (b)(6) that the guy had gone for a weapon and that he had no choice but to shoot. SGT (b)(6) then came outside and entered my Bradley Cavalry Fighting Vehicle. He told me that they had found the second individual and that when they entered the WIA had tried to get his pistol and that SGT (b)(6) shot him. I asked if the guy was dead and SGT (b)(6) told me no. I told him that he needed to get the medic render medical assistance. SGT (b)(6) left my Bradley and returned to the house. He called on the radio and told me that the second individual was KIA. I instructed the SKT to ensure they got pictures and conducted SSE. The SKT turned over the explosive contraband to EOD and then the patrol returned to FOB NORMANDY.

On 15 JUL 07, A / 6-9 CAV conducted a dismounted patrol in order to set an OP vicinity the Chuck Chuck bridge. SGT (b)(6), SGT (b)(6), SGT (b)(6), SPC (b)(6), SPC (b)(6) and PFC (b)(6) were the members of the patrol. The patrol found a vehicle that was rigged to be a VBIED. They conducted tactical questioning of the individuals in the house near the VBIED. A sworn statement alleges SGT (b)(6) allowed an interpreter to assault a local national. Later in the patrol, they found an IED with command wire running north across the bridge. About this time, an individual was crossing the bridge and he allegedly failed to comply with instructions to show his hands and raise his shirt. At this time, the patrol made contact with a white sedan that saw them and then started to exfil. The patrol began actioning on the vehicle, and the local national allegedly ended up in the canal with SGT (b)(6) telling him to swim. No one on the patrol can recall seeing SGT (b)(6) assault the civilian or push him in the canal. The patrol moved to the vehicle and found contraband consisting of ammunition, ski-masks, and an RPG round.

8. Other Information: SPC (b)(6), the medic, is currently on R&R. SPC (b)(6) is currently at LRMC for mTBI.

9. Remarks:

10. Publicity: N/A

11. Commander reporting: CPT (b)(6) III CPT, AR

12. Point of contact is CPT (b)(6)

13. Report originated by: CPT (b)(6)

14. Released by: MAJ (b)(6), Squadron XO

15. Notified: Squadron Commander/Brigade Commander

A. Telephone

Position	Name	Time	Instructions

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UNCLASSIFIED

16. Category of incident:

17. Commander Actions: Turned over to Squadron for disposition

UNCLASSIFIED

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0118-07-41099-

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>FOB NORMANDY</u>	2. DATE <u>25 AUG 2007</u>	3. TIME <u>2120</u>	4. FILE NO.
5. NAME (Last, First, MI) <u>(b)(6)</u>	8. ORGANIZATION OR ADDRESS <u>A 69 CAV</u>		
6. SSN <u>(b)(6)</u>	7. GRADE/STATUS <u>E-4/RA</u>	3 HBCT 1CD <u>FOB NORMANDY</u>	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army A TRP 6/9 CAV and wanted to question me about the following offense(s) of which I am suspected/accused:

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. (b)(6)
- Anything I say or do can be used as evidence against me in a criminal trial. (b)(6)
- (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. (b)(6)

- 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.

5. 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 <u>(b)(6)</u>
1a. NAME (Type or Print) <u>(b)(6)</u>	<u>(b)(6)</u>	4. SIGNATURE OF INVESTIGATOR <u>(b)(6)</u>
b. ORGANIZATION OR ADDRESS AND PHONE <u>A 69 CAV</u> <u>3 HBCT 1CD</u> <u>FOB NORMANDY</u>		
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR <u>(b)(6)</u>	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR <u>A/69 CAV</u>	

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

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

0118-07-CI049-

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOR NORMANDY	2. DATE (YYYYMMDD) 20070925	3. TIME 0748	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-4/PA	
8. ORGANIZATION OR ADDRESS A Co 4 Cav 3BCT 1CD FOB NORMANDY APO AE 69324			

I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

REGARDING THE SKT MISSION ON 26 JUN 2007, I WAS PRESENT ALONG WITH CPL (b)(6), SPC (b)(6), SPC (b)(6) (MEDIC), PFC (b)(6), PVZ (b)(6). I AM UNCLEAR AS TO THE DETAILS OF THE INCIDENT IN QUESTION AND CAN ONLY SPECULATE FROM (b)(6) STORIES AND OR RUMORS. I WAS GUARDING TWO WOMEN AND TWO OR 3 "NEE" SMALL CHILDREN OUTSIDE THE HOUSE UNTIL EOD ASSETS WERE CLOSE. AT THAT TIME CPL (b)(6), PVZ (b)(6) AND MYSELF MOVED AROUND THE BLOCK TO DROP OFF A BREACH KIT AND AN ASULT PACK INTO A BRADLEY THEN LINK UP WITH EOD AND SHOW THEM A SEPERATE HOUSE CONTAINING TWO 57MM ANTI-DIRKRAFT SHELLS RIGGED WITH FUZZES ALONG WITH THREE OR FOUR HAND GRENADES. AFTER THE HANDOFF OF THE SHELLS AND GRENADES CPL (b)(6), PVZ (b)(6) AND MYSELF RETURNED TO ROAD IN FRONT OF THE HOUSE TO SEE THE REMAINING TEAM MEMBERS SPEAKING WITH A LOCAL NATIONAL ON A DONEY CART. AFTER THAT WHEN WE WERE DREAMING FOR EXFIL I SAW TWO IA (IRAF ARMY) DRAG A BODY OUT (b)(6) INTO THE ROAD. AFTER THAT WE LOADED UP INTO THE BRADLEYS AND RETURNED TO FOB NORMANDY, JRN

Q: (b)(6)
 A: (b)(6) — NOTHING FOLLOWS —

Q: Did you ever enter the house?

A: I ENTERED A SMALL COURTYARD, CLEARED THE OUTSIDE LATRINE, SECURED WOMEN/CHILDREN, AND CLOSED A DOOR TO A ROOM WHERE (b)(6) WAS WITH OTHER TEAM MEMBERS AND THE INSURGENT. I WAS TRYING CALM THE WOMEN DOWN. (b)(6)

Q: Did you hear shots from inside the house?

A: NOT 100% SURE, BUT I THINK I HEARD 1 (ONE) SHOT (b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 7 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF (b)(6) TAKEN AT FOB Normandy DATED 2007 08 25

9. STATEMENT (Continued)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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.

(b)(6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of August, 2007 at FOB NORMANDY

(b)(6)
ATRP 6-9 CAU 3BCT 2 CD
FOB normandy Iraq 09324
ORGANIZATION OR ADDRESS

(b)(6)

(Signature of Person Administering Oath)

(b)(6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

AR 136B UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6)

PAGE 2 OF 2 PAGES ^{(b)(6)}

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is ODCSOPS

0118-07-CID919-

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>FOB NORMANDY IRAQ</u>	2. DATE <u>25 AUG 2007</u>	3. TIME <u>06740</u>	4. FILE NO.
5. NAME (Last, First, MI) <u>(b)(6)</u>	8. ORGANIZATION OR ADDRESS <u>A TROOP 6-9 CAV</u> <u>3 HBCT 1 CD</u> <u>FOB NORMANDY</u> <u>APC AG 09324</u>		
6. SSN <u>(b)(6)</u>	7. GRADE/STATUS <u>E-4/RA</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army A 6-9 CAV and wanted to question me about the following offense(s) of which I am

suspected/accused: SGT (b)(6) ACTIONS IN SECTOR

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:

1. I do not have to answer any question or say anything. (b)(6)
2. Anything I say or do can be used as evidence against me in a criminal trial. (b)(6)
3. (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. (b)(6)

- 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.

4. 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.

5. 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 <u>(b)(6)</u>
1a. NAME (Type or Print) <u>(b)(6)</u>	b. ORGANIZATION OR ADDRESS AND PHONE <u>A TROOP 6-9 CAV</u> <u>3 HBCT 1 CD</u> <u>FOB NORMANDY</u> <u>APC AG 09324</u>	4. SIGNATURE OF INVESTIGATOR <u>(b)(6)</u>
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR <u>(b)(6)</u>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>A/6-9 CAV</u>

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

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

0118-07-00919-

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOR NORMANDY
2. DATE (YYYYMMDD): 20070825
3. TIME: 2132
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6)
6. SSN: (b)(6)
7. GRADE/STATUS: E-4/RA
8. ORGANIZATION OR ADDRESS: A 6/9 CAU 3HBT 1CO FOR NORMANDY APO AE 09324

I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 15 JULY 2007 I WAS ASSIGNED TO A PATROL LEAVING OUT POST KWAL TO CONDUIT A BRIDGE RECON IN THE VILLAGE OF CHUK-CHUK. AS WE APPROACHED THE BRIDGE IT WAS STILL DARK AND EVERYTHING LOOKED OK. WE MOVED THE PATROL INTO AN AREA WITH SEVERAL HOUSES AND MULTIPLE CARS PARKED OUTSIDE. UPON FURTHER INVESTIGATION WE FOUND A VEHICLE THAT HAD BEEN PREPARED FOR A VIBED. PART OF THE PATROL MOVED INTO ONE OF THE HOUSES TO QUESTION THE OCCUPANTS ABOUT THE VEHICLES. AT THIS TIME I WAS (b)(6) YEAR AN ALLEY THAT APPROACHED THE AREA DURING SECURITY. AFTER QUESTIONING WAS COMPLETE THE PATROL MOVED FURTHER INTO THE CHUK-CHUK VILLAGE, WE EVENTUALLY CAME TO A NARROW DIRT THAT LED BACK TO THE BRIDGE THAT CAME OUT JUST ON THE SOUTH WEST SIDE. ONCE WE REACHED THE BRIDGE WE NOTICED SEVERAL LINES RUNNING OFF THE BRIDGE AND ONE DIDNT LOOK RIGHT. TURNED OUT TO BE COMMAND WIRE THAT LED FROM THE NORTH SIDE OF THE CANAL ACROSS THE BRIDGE TO THE SOUTH SIDE AND CONTINUED EAST TO A LARGE PROpane TANK IED. AFTER EDITTING THE WIRE AND LOCATING THE IED A LOCAL NATIONAL STARTED TO COME ACROSS THE BRIDGE AND WITHOUT RESPOND TO ANYONES COMMANDS, "SHOW US YOUR HANDS", "LIFT UP YOUR SHIRT" HE KEPT WALKING CLOSER HIDING HIS HANDS. HE EVENTUALLY SHOWED US HIS HANDS AFTER HE WAS TOO CLOSE TO ANY PATROL MEMBERS. I NOTICED SGT. (b)(6) SPEAKING WITH THE LOCAL NATIONAL VIA INTERPRETER, THEN CONTINUED TO SCAN WEST ON THE SOUTH SIDE OF THE CANAL AND SAW A WHITE CAR MOVING IN OUR DIRECTION.

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

FOR OFFICIAL USE ONLY

10-L-0126 ACLU CID ROI 7782

000073 2 EXHIBIT

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0118-07-CI/919-

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION FOB NORMANDY, IRAQ	2. DATE 25 AUG 2007	3. TIME 2120	4. FILE NO.
5. NAME (Last First MI) (b)(6)	8. ORGANIZATION OR ADDRESS A TROOP 6-9 CAV, ICD FOB NORMANDY		
6. SSN (b)(6)	7. GRADE/STATUS E-5 / RA		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army A TROOP 6-9 CAV and wanted to question me about the following offense(s) of which I am suspected/accused:

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 (b)(6)
- Anything I say or do can be used as evidence against me in a criminal trial. (b)(6)
- (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. (b)(6)

- 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.

5. 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 (b)(6)
1a. NAME (Type or Print) (b)(6)		4. SIGNATURE OF INVESTIGATOR (b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE A TROOP 6-9 CAV FOB NORMANDY, IRAQ		5. TYPED NAME OF INVESTIGATOR (b)(6)
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR A / 6-9 CAV
b. 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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 1989

EDITION OF NOV 84 IS OBSOLETE

APD PE v2.01ES

SWORN STATEMENT

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

0118-07-0099.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB NORMANDY, IRAQ	2. DATE (YYYYMMDD) 20070825	3. TIME 2130	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-5/RA	
8. ORGANIZATION OR ADDRESS ATROOP 6-9 CAU, ICD FOB NORMANDY			

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 15 JULY, 2007 AN ELEMENT FROM ATROOP 6-9 CAU CONDUCTED A DISMOUNTED PATROL FROM PATROL BASE KWAL IN SHAKARAT, IRAQ TO THE VILLAGE OF CHOK CHUK, APPROXIMATELY 2 KILOMETERS NORTHWEST. UPON ARRIVING AT CHOK CHUK, A HOUSE WAS ENTERED AND SEVERAL MILITARY AGED MALES WERE QUESTIONED. NO SIGNIFICANT INTELLIGENCE WAS OBTAINED, AND FOLLOWING A BRIEF DISMOUNTED PATROL OF THE SMALL VILLAGE, ~~DURING THE PATROL~~ (b)(6) AN IMPROVISED EXPLOSIVE DEVICE WAS DISCOVERED. ~~DURING THE PATROL~~ AS THE IED WAS BEING REPORTED TO THE TROOP TOC, A LOCAL NATIONAL TEENAGED MALE APPROACHED OUR PATROL FROM THE NORTH. SINCE ~~THE AREA~~ (b)(6) IS A LARGE SUICIDE BOMB THREAT IN THE AREA, I DIRECTED THE LOCAL NATIONAL TO LEAVE HIS SHIRT BY GIVING THE COMMAND TWICE IN ARABIC AND ENGLISH AND USING HAND AND ARM SIGNALS. HE COMPLIED AND WE PROCEEDED TO TACTICALLY QUESTION HIM. DURING THE QUESTIONING MY ATTENTION WAS DIVERTED TO A WHITE SEDAN APPROACHING OUR PATROL FROM THE WEST. UPON SEEING US, TWO MILITARY AGE MALES ABANDONED THE VEHICLE AND FLED. INSIDE WERE SEVERAL WEAPONS AND AMMUNITION. WHILE INVESTIGATING THE VEHICLE, OUR PATROL CAME UNDER A SMALL ARMS AMBUSH FROM THE NORTH. WE RETURNED FIRE, AND THE ENEMY EVENTUALLY BROKE CONTACT. BRADLEY SUPPORT WAS REQUESTED AND ARRIVED TO SECURE THE AREA AND IED UNTIL EOD ASSETS COULD ARRIVE. THE PATROL RETURNED TO PATROL BASE KWAL.

END OF STATEMENT (b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE
 10-L-0126 ACLU CID ROI 7784

000075 2

STATEMENT OF (b)(6) TAKEN AT Fob Normandy DATED 25 Aug 2007

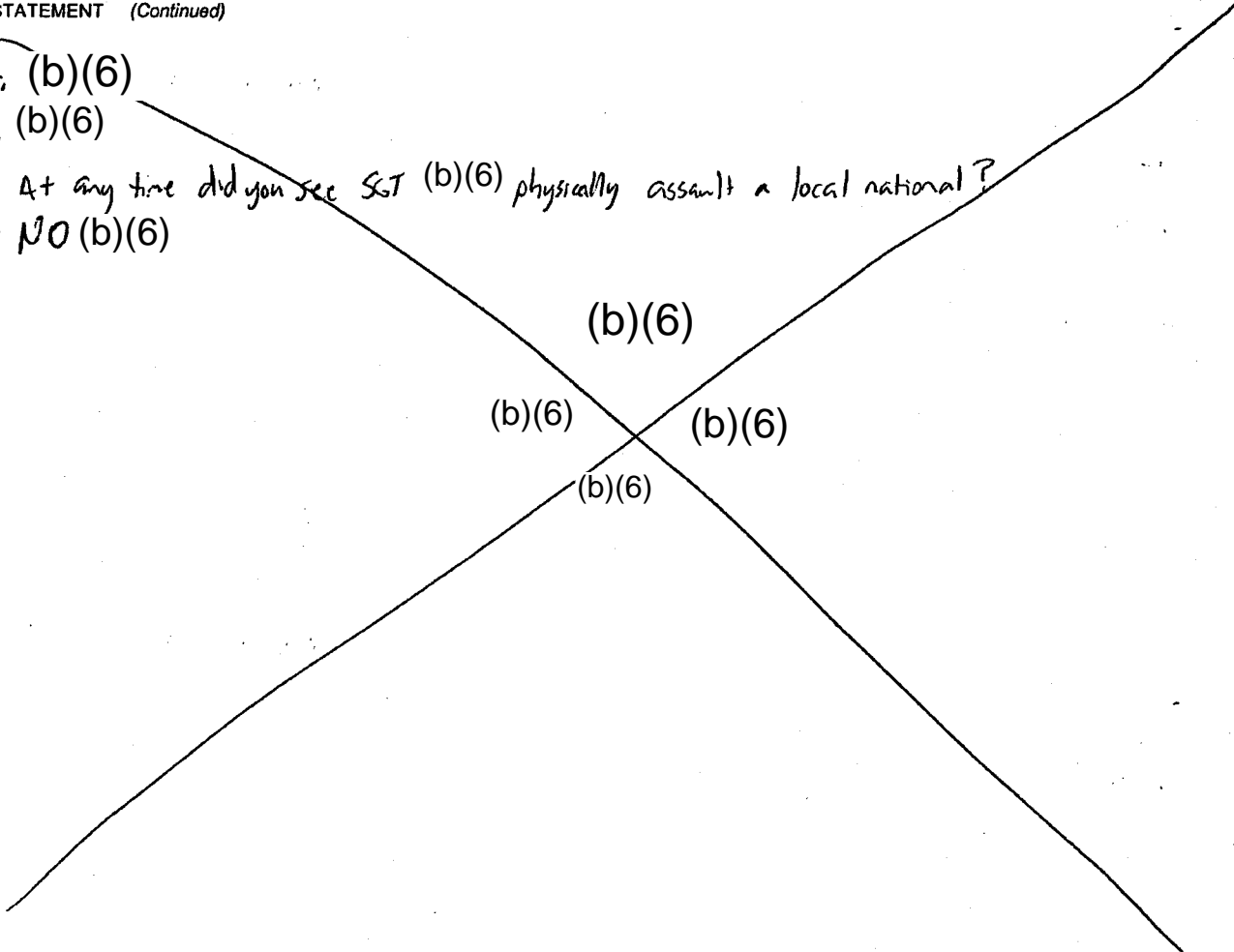
9. STATEMENT (Continued)

Q: (b)(6)

A: (b)(6)

Q: At any time did you see Sgt (b)(6) physically assault a local national?

A: NO (b)(6)



(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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

(b)(6)

(Signature of Person Making Statement)

(b)(6)

(b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of AUGUST, 2007 at Fob Normandy

(b)(6)

(Signature of Person Administering Oath)

ATop @ la cav Champob Normandy France ORGANIZATION OR ADDRESS

(b)(6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136 B ucms

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT: (b)(6)

PAGE 2 OF 2 PAGES

FOR OFFICIAL USE ONLY

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0118-07-CID 919-

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>Fob Normandy Iraq</u>	2. DATE <u>25 Aug 07</u>	3. TIME <u>0740</u>	4. FILE NO.
5. NAME (Last First MI) <u>(b)(6)</u>	8. ORGANIZATION OR ADDRESS <u>ATRP 6-9 CAU 3BCT 1 CD</u>		
6. SSN <u>(b)(6)</u>	7. GRADE/STATUS <u>E-4 / RA</u>	<u>Fob Normandy, Iraq 09324</u>	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army A-6-9 CAU and wanted to question me about the following offense(s) of which I am suspected/accused: Sgt (b)(6) actions in sector

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. (b)(6)
- Anything I say or do can be used as evidence against me in a criminal trial. (b)(6)
- (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. (b)(6)

- 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.

5. 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 <u>(b)(6)</u>
1a. NAME (Type or Print) <u>(b)(6)</u>	b. ORGANIZATION OR ADDRESS AND PHONE <u>ATRP 6-9 CAU 3BCT 1 CD</u> <u>Fob Normandy, Iraq 09324</u>	4. SIGNATURE OF INVESTIGATOR <u>(b)(6)</u>
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR <u>(b)(6)</u> <u>CST, AR</u>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>A/6-9 CAU</u>

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

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

0118-07-0019-

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Fob Normandy, T Raq	2. DATE (YYYYMMDD) 2007 08 25	3. TIME 0745	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-4 / RA	
8. ORGANIZATION OR ADDRESS ATRIP 6-9 CAU 3 BCT 1 CD Fob Normandy, T Raq 09324			

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the date of 26 Jun 07, an SKT was deployed into the western part of Al Azi. The team members were: Sgt. (b)(6) spc (b)(6), PVT (b)(6), myself, PFC (b)(6) spc (b)(6) and the terp (b)(6). we set at a 3 story house that overlooked our objective area. around 0630, 3 individuals came out of a fence on our objective, one had an AK-47 with a bandolier and magazine pouches. The guy on the right had a bag with something heavy in it, which was confirmed to be 2-57mm anti-aircraft rounds. I spotted the individuals and called contact to sgt (b)(6). The soldiers that were on the roof were sgt (b)(6), spc (b)(6), PVT (b)(6) and myself. we got on line against the western ledge of the roof and opened fire on the guy with the AK-47. He was killed and the guy to his right was wounded. we reported contact to our mounted elements, then went to assess the situation. upon investigation of the body, we found 1 ak-47-with numerous magazines, a couple hand grenades, and a 9mm pistol. we confiscated all contraband and (b)(6) and sst (b)(6) went into the house the Iraqis came out of and found the bag with the 57mm rounds in it. we found the blood trail from the other guy that was wounded and followed it. It led to the next house west, over the wall, north one house, then back over the wall. we breached the gate and cleared the

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(6) Fob Normandy TAKEN AT 0745 DATED 25 Aug 07

9. STATEMENT (Continued)

house. Finding the wounded individual lying on the living room floor. He had multiple gunshot wounds and a broken right wrist. We started interrogating him to get information, but he was not willing to give any. He just plead for his life. Spc (b)(6) took all the women outside because they were hysterical and vomiting. After about 30 min, Sgt (b)(6) said He didn't want what he was about to do on his hands. Then Sgt. (b)(6) raised his M4 and shot the guy in the chest. We then got word that E.O.D was enroute, so spc (b)(6), Pvc (b)(6), and myself got ready to meet them at the house where we found the rounds. I was still carrying the gun that was confiscated, so I cleared the pistol and layed it on the ground near the body. The 3 of us proceeded to link up with EOD. After they took the WFO, we made our way back and found the body dragged into the street. I noticed he had 2 bullet holes in his head. By that time our mounted support had arrived and was pulling security. Sgt (b)(6) Talked to the C.O. and not long after that we exited back to Fob Normandy.

Q: (b)(6)

A: (b)(6)

Q: Was the WIA enemy laying on the floor or standing?

A: laying on the floor (b)(6)

Q: At any time did he reach for a weapon or do something that could be construed as threatening?

A: No (b)(6)

Q: Did Sgt (b)(6) tell any of the dismounts to search the WIA?

A: Not In my presence (b)(6)

INITIALS OF PERSON MAKING STATEMENT (b)(6)

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(6) TAKEN AT FOB Normandy DATED 25 Aug 07

9. STATEMENT (Continued)

Q: At any time, did (b)(6) assess the WIA?

A: Just visually, He said the WIA was gonna die (b)(6)

Q: Did SGT (b)(6) kill the WIA with the shot to the chest?

A: NO (b)(6)

Q: Did you see SGT (b)(6) shoot the WIA in the head?

A: NO, I was making link up with EOD (b)(6)

Nothing follows

AFFIDAVIT

I, (b)(6), 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 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.

(b)(6)
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of AUGUST, 2007 at FOB Normandy

(b)(6)
(Signature of Person Administering Oath)

(b)(6)
(Typed Name of Person Administering Oath)

Art 136a UCMJ
(Authority To Administer Oaths)

(b)(6)
A-69 Cav 3 BCT
FOB Normandy APO 09324
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(6)

PAGE 3 OF 3 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0118-07-CT0919

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>FOB Normandy Iraq</u>	2. DATE <u>25 Aug 07</u>	3. TIME <u>07:40</u>	4. FILE NO.
5. NAME (Last, First, MI) <u>(b)(6)</u>	8. ORGANIZATION OR ADDRESS <u>A 16-9 CAV 3HBCT</u>		
6. SSN <u>(b)(6)</u>	7. GRADE/STATUS <u>Pvt 1RA</u>	<u>FOB Normandy APO 91324</u>	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army A 16-9 CAV and wanted to question me about the following offense(s) of which I am suspected/accused: Sgt (b)(6) Actions in sector

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:

- ^{(b)(6)} do not have to answer any question or say anything. ^{(b)(6)}
- ^{(b)(6)} nothing I say or do can be used as evidence against me in a criminal trial.
- ^{(b)(6)} 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.

5. 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 <u>(b)(6)</u>
1a. NAME (Type or Print) <u>(b)(6)</u>	b. ORGANIZATION OR ADDRESS AND PHONE <u>FOB Normandy APO 91324</u>	4. SIGNATURE OF INVESTIGATOR <u>(b)(6)</u>
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR <u>(b)(6) CPT, AR</u>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>A/16-9 CAV</u>

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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 1989

EDITION OF NOV 84 IS OBSOLETE

APD PE v2.01ES

SWORN STATEMENT

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

0118-07-010919-

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB Normandy; 2. DATE: 25 Aug 07; 3. TIME: 07:40; 4. FILE NUMBER; 5. LAST NAME: (b)(6); 6. SSN: (b)(6); 7. GRADE/STATUS: PVT/DA

8. ORGANIZATION OR ADDRESS: A 6-9 cav 3Bct 1cd FobNormandy APO 09324

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON 26 June 07 Sgt (b)(6), (b)(6), (b)(6), (b)(6), (b)(6), (b)(6)
2 I a and myself went on an SKT. We humped all night and finally (b)(6)
Set up on a roof of this Bldg over looking a court yard. Me and (b)(6)
(b)(6)(b)(6) were taking turns with watch. (b)(6)(b)(6) saw 3 guys walk
out into the court yard one was carrying an AK47. The men rounded a corner
before (b)(6) could shoot. But he woke me up anyway and he told Sgt (b)(6)
who intern told him if we saw those guys again engage, well I was already
awake and couldn't sleep so me and (b)(6) both watched then I saw the
3 men one with an AK we told Sgt (b)(6) who said on three. (b)(6) thought
Sgt (b)(6) said ~~he~~ he so he loaded his 203 we all took aim and
(b)(6) fired the 203 and missed while me and (b)(6) engaged (b)(6) joined in
shortly after firing the 203. Sgt (b)(6) tried to fire but only got off one shot
when his weapon jammed because he had a double mag in that blocked his
ejection port. Sgt (b)(6) spent the engagement fixing his weapon. When
the smoke cleared one body was lying in the court yard with the AK.
We saw a man in black about 250 meters out who had some thing that
looked like an RPG in his hand. Sgt shot a 3 round burst at him then I shot 2 rounds
but we both missed. The four of us on the roof went down stairs linked up
with the rest of the team and headed out to the court yard we split up
I went with Sgt (b)(6) I can't quite remember the team. But me and Sgt
(b)(6) went to investigate RPG guy. I heard AK47 shots while we
were looking. After not finding a thing we met up with the rest of the
team and looked at the body as I was walking up (b)(6) was already there
and he shot the corpse a few times with a pistol that was found on the dead
man. I was very nervous and anxious Sgt (b)(6) kept telling me to
"fuck the fuck down" I saw a blood trail and tried to follow it a little when
Sgt (b)(6) said something like if you don't come down I'm gonna fuck you up this
is not how we act in a controlled environment. The blood trail led to a house
a few feet away from the corpse. me Sgt (b)(6) (b)(6)(b)(6)(b)(6) ~~shot~~ those and
(b)(6) cleared it.

10. EXHIBIT; 11. INITIALS OF PERSON MAKING STATEMENT: (b)(6); PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(6) TAKEN AT FOB Normandy DATED 25th Aug 07

9. STATEMENT (Continued)

(b)(6)
There was no personell in the house Just some ~~bed~~ Bedrolls, upon further investigation we found Neamrous amounts of contraband. AK47 grenades Ieds sk masks Ammo etc. When we left that house I kind of thought if was over we killed one 2 got away But we rounded the corner and Sgt (b)(6) and (b)(6) opened or kicked down a gate to this house with some women and kids in it one of the men we engaged was lying on the floor with his hand under a pillow as we made our way through the front door into the living room the man lifted his head the sgt (b)(6) kicked him in the face (b)(6) and (b)(6) were in the room the began searching the house with the I.A. sgt (b)(6) got all the civillians and I A out of the house.

(b)(6) went outside to pull security it was me sgt (b)(6) (b)(6)(b)(6)(b)(6) and (b)(6) left in the house. (b)(6) began beating the man harshly and asking him questions the man started crying and speaking arabic (b)(6) translated to sgt (b)(6). (b)(6) started stepping on the mans broken arm which was what was hidden under the pillow. then (b)(6) (b)(6) started beating the man across his ~~in~~ legs with the AK47. I just stood there ~~shocked~~ shocked because it was really getting out of hand. then the man started pushing (b)(6)(b)(6)(b)(6) weapon away from him so I kicked him a few times ~~in~~ on the side and yelled "so you like to kill soldiers!!" the man became very scared and started ~~cri~~ crying so I stopped yelling and sat down on this little bench across the room soon after (b)(6)(b)(6) followed and sat down beside me, sgt (b)(6) said "I dont want this coming back on you" then he shot the man in the abdomen. ~~I think the wound was mortal but the man began moaning~~ ~~so after a minute or so (b)(6) came in and said that the man was dead~~ ~~and I took the man's side and started pulling security.~~ (b)(6) (b)(6)

After the shot (b)(6) (b)(6) pulled out the pistol then cleared it and set it by the man sgt (b)(6) started say that what happen was the man had the weapon on him and he had no choice to ~~shoot~~ shoot he told us if any one asked that was the story. the wound didnt appear mortal to me but when (b)(6) came in he said the man wouldnt make it. I had enough so I went outside pulling security with (b)(6) when (b)(6) came and got us and we went around back to the house with the explosives in it. We gave the explosives to the Eod guys then went to sgt (b)(6)(b)(6) track where I dropped the Breach (b)(6) and (b)(6)(b)(6)(b)(6) told him about the mission.

INITIALS OF PERSON MAKING STATEMENT (b)(6) PAGE 2 OF 3 PAGES

STATEMENT OF (b)(6) TAKEN AT FOB Normandy DATED 25th Aug 07

9. STATEMENT (Continued) When me (b)(6)(b)(6)(b)(6) and (b)(6) went back around to the other side the body of the man was in the street with a bullet hole in his head. Sgt (b)(6) was across the street interrogating a man wearing black with (b)(6) The man got scared pissed his pants Sgt (b)(6) let him go I went up to Sgt (b)(6) for instructions. ~~we~~ We stood around a while then we loaded up into a Brad and went back to Normandy.

Q: (b)(6)
A: (b)(6)

Q: At any time, did SGT (b)(6) instruct (b)(6) to suffocate the WEA?
A: I was not in the room when Sgt (b)(6) and (b)(6) were alone but he did not ask that question to (b)(6) while I was present.

NOTHING FOLLOWS (b)(6)

AFFIDAVIT

I, (b)(6), 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 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.~~

(b)(6)
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of AUGUST, 2007 at

(b)(6)
ATRP 6-9 CAU 3BCT LCD
FOB Normandy Iraq 09324
ORGANIZATION OR ADDRESS

(b)(6)
(Signature of Person Administering Oath)

(b)(6)
(Typed Name of Person Administering Oath)

Act 1363 UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT
(b)(6)

PAGE 2 OF 3 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0118-07-CID919-

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>Fob Normandy, Iraq</u>	2. DATE <u>25 Aug</u>	3. TIME <u>2120</u>	4. FILE NO.
5. NAME <u>(b)(6)</u>	8. ORGANIZATION OR ADDRESS <u>Atp 6-9cav 3rd BCT 1CD</u>		
6. SSN <u>(b)(6)</u>	7. GRADE/STATUS <u>E-4</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army A-9th Cav and wanted to question me about the following offense(s) of which I am suspected/accused:

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:

- ^{(b)(6)} I do not have to answer any question or say anything.
- ^{(b)(6)} Anything I say or do can be used as evidence against me in a criminal trial.
- ^{(b)(6)} (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 ^{(b)(6)} 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.

5. 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 <u>(b)(6)</u>
1a. NAME (Type or Print) <u>Spc</u> <u>(b)(6)</u>	b. ORGANIZATION OR ADDRESS AND PHONE <u>Atp 6-9cav 3rd BCT 1CD</u>	4. SIGNATURE OF INVESTIGATOR <u>(b)(6)</u>
2a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR <u>(b)(6)</u>
		6. ORGANIZATION OF INVESTIGATOR <u>A / 6-9 CAV</u>

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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 1989

EDITION OF NOV 84 IS OBSOLETE

APD PE v2.01ES

FOR OFFICIAL USE ONLY

000085 2

SWORN STATEMENT

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

0118-07-CID919-

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Feb Normandy Iraq
2. DATE (YYYYMMDD) 20070825
3. TIME 2131
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6)
6. SSN (b)(6)
7. GRADE/STATUS E-4
8. ORGANIZATION OR ADDRESS A 6/9 cav 3rd BCT 1CD
9. Spc. (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During our time at Patrol base Kwal, Sgt. (b)(6), Sgt. (b)(6), Sgt. (b)(6), Spc. (b)(6), Spc. (b)(6), PFC. (b)(6), and I were conducting a dismounted patrol to ChukChuk bridge for intel gathering purposes. While in route to Chukchuk we saw a vehicle that was suspicious meaning the hood was welded shut, the seats were removed, the trunk was empty, and the doors were tampered with. We knocked on the door to the house and asked the man questions pertaining to, anyone new in the area, why is your car in this condition, do you know of any AIF coming into your village, and he then told us about some men and where they were storing weapons. As we were going to search this area we found command wire running across Chukchuk Bridge and to the North side of a dirt road that was attached to a propane tank IED. At that time I was with Sgt. (b)(6) calling up to Apache 6 the found IED and our location because I was the RTO for that patrol. I have no recollection nor did I see Sgt. (b)(6) kick someone into the river. Soon after comms with Apache 6 and the sit rep on the

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT (b)(6)
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE EXHIBIT
10-L-0126 ACLU CID ROI 7795 000086

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF Spec. (b)(6) TAKEN AT 2131 DATED 25 Aug 07

9. STATEMENT (Continued)

Found IED, Sgt. (b)(6) and Sgt. (b)(6) spotted a white car moving towards us. When they attempted to stop it 2 individuals exited the vehicle and ran off into the woodline. At that time we were told to rally on the vehicle because they found weapons and ammo in the trunk of the car and needed the radio to call it up. As soon as I reached the car we received heavy machine gun fire and small arms fire from the North side of the canal. Sgt. (b)(6) took the radio and called up small arms contact and our grid. We returned fire and began moving into a better position, and towards our vehicles that were sent to support us. Shortly after breaking contact and linking up with the vehicles we noticed that Sgt. (b)(6) had been wounded. Spec. (b)(6) applied first aid and Sgt. (b)(6) rode back to Kwal in the back of a Bradley. While the rest of the dismantled patrol continued back on foot to Kwal.

Nothing follows

(b)(6)

INITIALS OF PERSON MAKING STATEMENT
(b)(6)

PAGE 2 OF 3 PAGES

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LAW ENFORCEMENT SENSITIVE EXHIBIT
10-L-0126 ACLU CID ROI 7796

STATEMENT OF Spc. (b)(6) TAKEN AT 2131 DATED 25 Aug 07

9. STATEMENT (Continued)

~~(b)(6)~~

Spc. (b)(6) AFFIDAVIT
 I, Spc. (b)(6), 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 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 (b)(6)
 (Signature of Person Making Statement)

WITNESSES:
(b)(6)
 (b)(6)
 A 10/4 CIV SUBJECT ICD FOR NICHANDI
 ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____
 (Signature of Person Administering Oath)
 (Typed Name of Person Administering Oath)
 (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(6) PAGE 3 OF 3 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0118-07-4799-

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION Fob Normandy	2. DATE 25 Aug '07	3. TIME 2120	4. FILE NO.
5. NAME (Last, First, MI) (b)(6)	8. ORGANIZATION OR ADDRESS A 6/9 Cav 3BCT 1CD Fob Normandy APO 09324		
6. SSN (b)(6)	7. GRADE/STATUS E3/RA		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army A 6/9 Cav and wanted to question me about the following offense(s) of which I am

suspected/accused:

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:

1. ^{(b)(6)} do not have to answer any question or say anything.
2. ^{(b)(6)} anything I say or do can be used as evidence against me in a criminal trial.
3. ^{(b)(6)} 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.

4. 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.

5. 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 (b)(6)	
1a. NAME (Type or Print) (b)(6)			
b. ORGANIZATION OR ADDRESS AND PHONE A 6/9 Cav 3BCT 1CD Fob Normandy APO 09324	4. SIGNATURE OF INVESTIGATOR (b)(6)		
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR (b)(6)		
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR A/6-9 Cav		

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

FOR OFFICIAL USE ONLY

000089

SWORN STATEMENT

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

0018-07-CI0919

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Fob Normandy
2. DATE (YYYYMMDD): 2007/08/25
3. TIME: 0740
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6)
6. SSN: (b)(6)
7. GRADE/STATUS: E3/RA
8. ORGANIZATION OR ADDRESS: A 6/9 Cav B BCT 1CD Fob Normandy Apo 09324

I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
(b)(6), (b)(6), (b)(6), (b)(6), (b)(6)
On 26 of June 2007 Sgt (b)(6) took us out on an SKT. We some time in the early morning. At that time time an OP was set to watch a field that was being used for mortar Acts. A round 0630 Sgt (b)(6) came over the squad Raidos saying "Don't get excited we are about to ingauge." At that time Sgt, (b)(6), (b)(6), (b)(6) ingauged 3 individuals. After ingauging the 3 individuals we colapsed and secured one dead individuals that had an a pistol, AK, Grenads, I secured the Area. (b)(6) along with (b)(6) and some IAs, (b)(6), (b)(6), while (b)(6) and Sgt (b)(6) went and serched the house that 2 of the individuals came from. At this time (b)(6)(b)(6)(b)(6) found a blood trail that lead from the side of the house going around the corner. We notified Sgt (b)(6). After they f (b)(6), (b)(6) Sgt (b)(6) finished serching the house, they found AK's and other arms, we colaped and found followed the blood trail. That is when we found that it lead to the house siting on the corner. Myself, (b)(6) and (b)(6) along with some IAs secured the outside. At this time (b)(6)(b)(6)(b)(6) then loaded the arms found in the back of the bradly, then went to show EOD the house in witch the Arms were found. While outside pulling security I was told that the other man was inside and he was hurt. While I was kneeling by the gate I heard one gun shot not paying any mind to it I kept pulling security outside.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE
EXHIBIT 0000902
10-L-0126 ACLU CID ROI 7799

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(6) TAKEN AT FOB Normandy DATED 25 Aug 2007

9. STATEMENT (Continued)

that After a few min. had past (b)(6) was called in. As I kept putting security. I saw Sgt (b)(6) come out the house and talk to somebody. After a few He went back inside ~~about 5 min later or so.~~ ^{some time had past} I heard ~~the~~ a second shot. After checking out a Donkey cart that kept passing by the ~~the~~ Body was ~~dragged~~ ^{dragged} out of the house to the street, and left there.

Q: (b)(6)

A: (b)(6)

Q: At any time did you enter the house?

A: NO (b)(6)

Q: How long was it between the first and second shot?

A: About 30 min (b)(6)

Nothing follows (b)(6)

INITIALS OF PERSON MAKING STATEMENT (b)(6)

PAGE 2 OF 2 PAGES

ALL 8-07-070919-

STATEMENT OF (b)(6) TAKEN AT Fob Normandy DATED 25 Aug '07

9. STATEMENT (Continued)

(b)(6)

AFFIDAVIT

I, (b)(6), 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 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.

(b)(6)

(Signature of Person Making Statement)

WITNESSES:

(b)(6)

ATRP 6-9 CAU 3 ECT LCD
Fob Normandy Iraq 09324
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of AUGUST, 2007 at Fob NORMANDY IZ

(b)(6)

(Signature of Person Administering Oath)

(b)(6)

(Typed Name of Person Administering Oath)

Aer 136 B UCMS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
(b)(6)

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

0118-07-CID919-

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Fob Normandy
2. DATE (YYYYMMDD): 2007 Aug 25
3. TIME: 2100
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6)
6. SSN: (b)(6)
7. GRADE/STATUS: E3/RA
8. ORGANIZATION OR ADDRESS: A 6/9 Cav 3 BCT 1CD Fob Normandy APO 09324

9. (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 15 of July we SP @ 0400 for Chuck Chuck. Once we got to Chuck Chuck we spotted the foot bridge that we were told to locat. At this time it was decided to enter the city and talk to some of the locals. At witch point a Red car had been spotted that was being rigged for a possible U-Bib. When questing the individuals from where I could see at my secur location on the corner looking down the ally way. Sgt (b)(6) had all the mail men come out of the house and seperated them. At this time he abwed the interpereter to hit the males with the butt of his AK. When they finished with the first guy he was laying on the ground moving for quit some time. Then they went to the second guy and was intarigating him. After a few I heard a singal gun shot. Not knowing what happened I fell back behind the closest vchile behind me still watching the ally and looking back. By this time we colapsed and left the village and made ear way to a road behind and to the side of the village. witch lead back to the foot bridge and witch time we myself and sgt (b)(6)(b)(6)(b)(6)(b)(6) were walking on the foot bridge and a comand wire was found. That is when sgt (b)(6) cut the comand wire and traced it back to a IED hidden on the south side of the road. At witch time a single male was spotted crossing the foot bridge. At he was told to lift his shirt so that we could make shure he did not have any weapons or boms.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6)
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

FOR OFFICIAL USE ONLY

000093 2

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF PFC (b)(6) , TAKEN AT Fob Normand DATED 25 Aug 07

9. STATEMENT (Continued)

once the male was secured and the bridge was secured with my back to the river, I heard ~~(b)(6) splash I turned around and~~ while Sgt (b)(6) was talking to the male a few min. later I heard a splash I turned around and saw the male in the river and Sgt (b)(6) telling him to swim. At witch time Sgt (b)(6) said that the male wanted to check his fishing line so he helped him. while I stayed in position a white car was spotted coming down the road towards our location. while there Sgt (b)(6) and a few others went towards the car after about 5 maybe 10 min I heard gun fire and was told to colaps on to the ~~etc~~ (b)(6) car. while running towards the car we took small arms fire from across the river, at this point we ingaged. falling back to the village we found that the males that were questioned were no longer there. Although there was on male in the house he pulled out of the house and I noticed that his nose was bloody. The females started coming out and I yelled at them to go inside. After the male was ~~quested~~ (b)(6) questioned we colaped and that is when Sgt (b)(6) noticed he was ingered. After (b)(6) ~~he~~ (b)(6) banged him up and placed him in the bradly we ~~sped~~ (b)(6) went back to kuall.

nothing follows
(b)(6)

Q: (b)(6)

A: (b)(6)

Q: At any time did you see SGT (b)(6) assault a local national?

A: NO

Q: Did you see SGT (b)(6) push the local national in the canal?

A: NO

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 3 PAGES

FOR OFFICIAL USE ONLY

DL8-07-CEP17-

STATEMENT OF PFC (b)(6), TAKEN AT Fob Normandy DATED 25 Aug 07

9. STATEMENT (Continued)

~~(b)(6)~~

AFFIDAVIT

I, (b)(6), 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 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.

(b)(6)

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of AUGUST, 2007 at Fob NORMANDY

(b)(6)

(Signature of Person Administering Oath)

(b)(6)

(Typed Name of Person Administering Oath)

ART 136 B UCMS

(Authority To Administer Oaths)

WITNESSES:
(b)(6)
(b)(6)(b)(6)(b)(6)(b)(6)(b)(6)
(b)(6)(b)(6)(b)(6)(b)(6)(b)(6)
V 1619 CAN 3NDLT ICD Fob NORMANDY
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT
(b)(6)

PAGE 3 OF 3 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

0118-07-CID 919-23257

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <i>FOB Normandy Iraq</i>	2. DATE <i>25 Aug 2007</i>	3. TIME <i>2120</i>	4. FILE NO.
5. NAME (Type or Print) <i>(b)(6)</i>	8. ORGANIZATION OR ADDRESS <i>A/6-9 CAU FOB Normandy Iraq</i>		
6. SSN <i>(b)(6)</i>	7. GRADE/STATUS <i>E-5/SGT/RA</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army *A/6-9 CAU* and wanted to question me about the following offense(s) of which I am suspected/accused:

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. *(b)(6)*
- Anything I say or do can be used as evidence against me in a criminal trial. *(b)(6)*
- (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. *(b)(6)*

- 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.

5. 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 SUSPECT/ACCUSED <i>(b)(6)</i>	
1. NAME (Type or Print) <i>(b)(6)</i>	4. SIGNATURE OF INVESTIGATOR <i>(b)(6)</i>		
b. ORGANIZATION OR ADDRESS AND PHONE <i>(b)(6)</i>	5. TYPED NAME OF INVESTIGATOR <i>(b)(6)</i>		
2a. NAME (Type or Print)	6. ORGANIZATION OF INVESTIGATOR <i>A/6-9 CAU</i>		
b. 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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

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

0118-07-60919-

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB Normandy Iraq
2. DATE (YYYYMMDD): 20070825
3. TIME: 2129
4. FILE NUMBER:

5. LAST NAME FIRST NAME MIDDLE NAME: (b)(6)
6. SSN: (b)(6)
7. GRADE/STATUS: E-5/RA

8. ORGANIZATION OR ADDRESS: A TEP 6-9 CAV FOB Normandy, IRAQ

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 16 July 2007 at 0830 our patrol started from FOB Kuel to conduct an area recon of Chuk Chuk village Iraq. Upon arrival in Chuk Chuk we came across some suspicious looking vehicles that looked like they were being set up as VBIED's. Upon inspection of these vehicles a local national came out of his home, we set up a security perimeter while Sgt (b)(6) and the interpreter questioned the individual about the vehicles. I was on the radio with the PTO Spc (b)(6) calling up sit-reps and grids while also making sure that security was maintained. After tactical questioning was conducted we moved around the village and then once daylight was out we headed back to the canal road. Once back at the road we discovered command wire coming across the bridge to the southern part of the road. We set up security while I with the PTO called up the grid to the IED. After we called up the grid we had noticed a white car coming from west to east on the canal road. When I looked to the west after dealing with the mine line IED report I saw Sgt (b)(6) and Sgt (b)(6) hiding behind a bush. I ran to give them support, as I made my way to their location the car began to back up we ran toward the car yelling at the driver to stop. Once the two men in the car saw us they stopped the car and got out and ran into the wood line. Once we got to the car we found AK ammo SK masks etc. Before we could check out the car further we came under contact from the north side of the canal. Myself and the PTO got cover

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6)
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6) TAKEN AT FOB Normandy Iraq DATED 20070825"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(6) TAKEN AT Fob Normandy Trc DATED 25 Aug 07

9. STATEMENT (Continued)

behind the car. The rest of the patrol found cover in the ditch in the wood line. I began to call up our sit-rep while returning fire. As myself and the Rto ran toward the woodline this is where I believe I was struck by some thing by the enemy, but I didnt notice I was injured until after the fire fight. once we broke contact Apaches and another bradley came to secure the FIED site until EOD came to dispose of the FIED. I sat in the back of the bradley while the patrol walked back to Fob Kwol. Once EOD disposed of the FIED and the Car that the Insurgents left we came back to Kwol where I was evacuated back to Fob Normandy due to my injuries. End of Statement
Nothing follows

Q. (b)(6)

A: (b)(6)

Q. At my time did you see Sgt (b)(6) assault a local national?

A: I did not see Sgt (b)(6) assault a local national during the patrol I was maintaining the radio for most of the patrol he conducted his questioning inside the house so I couldnt tell you what went on inside the house.

(b)(6)

(b)(6)

(b)(6)

INITIALS OF PERSON MAKING ST: (b)(6)

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(6) TAKEN AT Fob Normandy Foa DATED 25 Aug 2007

9. STATEMENT (Continued)

(b)(6)

(b)(6) AFFIDAVIT
 I, (b)(6), 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 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 WITH THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

(b)(6)
 (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of AUGUST, 2007 at FDS NORMANDY

(b)(6)
 (Signature of Person Administering Oath)

(b)(6)
 (Typed Name of Person Administering Oath)

ACT 136B NCHS
 (Authority To Administer Oaths)

(b)(6)
 ORGANIZATION OR ADDRESS

(b)(6)
 ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(6) PAGE 3 OF 3 PAGES

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

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION HQ Building, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324	2. DATE 29 AUG 07	3. TIME 17:07	4. FILE NUMBER 0118-07-CID919-23257
5. Name (Last First MI) (b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS PV2/ E-2		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy, Murder, Cruelty and Maltreatment, Aggravated Assault

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 questions 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 the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you requested a lawyer after being advised of you rights within the last 30 days? YES / NO

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)		(b)(6), (b)(7)(C)
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR (b)(6), (b)(7)(C)
2a. NAME (Type or Print)		5. TYPE NAME OF INVESTIGATOR SA (b)(2), (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 32 nd Military Police Detachment (CID) LSA Anaconda, Balad, Iraq, APO AE 09391

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

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

LOCATION: 6/9 th Cavalry Regiment, FOB Normandy, Iraq APO 09324	DATE (b)(6), (b)(7)(C) 29 AUG 07	TIME (b)(6), (b)(7)(C) 0148	FILE NUMBER 0118-07-CID919-23257
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E2-/AD

ORGANIZATION OR ADDRESS:
6/9th Cavalry Regiment, 3rd BCT, FOB Normandy, Iraq, APO 09324

I, (b)(6), (b)(7)(C), want to make the following statement under oath:

A few months ago sgt (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) the terp and 2 I As went on a skt mission. The mission was set up in an area that we haven't been in for some time and it gave sgt (b)(6), (b)(7)(C) a bad feeling. We rolled in on brads dismounted on a road and humped through a city for what seemed like forever then sgt (b)(6), (b)(7)(C) picked an empty house for us to set up in and me him (b)(6), (b)(7)(C) and the 2 IA cleared it and proceeded to the roof. Soon after (b)(6), (b)(7)(C) went down stairs and remained with (b)(6), (b)(7)(C) and the terp, Interpreter. On the roof was myself sgt (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Me and (b)(6), (b)(7)(C) buddied up to pull watch over a courtyard. He took the first watch. (b)(6), (b)(7)(C) woke me up soon after we got set and told me that he saw 3 dismounts one armed with an AK. (b)(6), (b)(7)(C) woke sgt (b)(6), (b)(7)(C) and told him sgt (b)(6), (b)(7)(C) said to engage the next time we saw them. About 15 minutes or so later I saw the dismounts coming around a corner (b)(6), (b)(7)(C) verified that they were the same me he saw one had an AK. Sgt (b)(6), (b)(7)(C) said on three (b)(6), (b)(7)(C) thought he said load he (b)(6), (b)(7)(C) fired missed then me and (b)(6), (b)(7)(C) engaged soon after firing the 203 (b)(6), (b)(7)(C) engaged too sgt (b)(6), (b)(7)(C) tried to engage but only got off one round because hid double mag blocked his ejection port and jammed the weapon. When the dust and smoke cleared there was one body in the courtyard with an AK lying close to it. Off in the distance sgt (b)(6), (b)(7)(C) saw a man with what looked like an rpg in his hands he engaged with 3 rounds burst but missed I engaged on single shot but it was to late the man was gone. I was very jittery so sgt (b)(6), (b)(7)(C) told me to "calm the fuck down". We left the roof linked up with the rest of the team and headed out to check the body and search the area for those that got away. We split up into two groups upon entering the court yard I cant quite rember the groups but I went with sgt (b)(6), (b)(7)(C) to look for rpg I heard some AK 47 fire. Guy we looked all over the area but we found no body or blood trails so we went over to investigate the man that was dead. When we made it over to the dead man (b)(6), (b)(7)(C) shot him with a pistol afterwards (b)(6), (b)(7)(C) was taking pictures of the man sgt (b)(6), (b)(7)(C) said to (b)(6), (b)(7)(C) get the money shot so they gathered all the weapons and placed them in front of the man then took a picture. I was still all jumpy and sgt (b)(6), (b)(7)(C) kept yelling at me calm the fuck down this isn't how we act in a controlled environment. I saw a blood trail started to follow when sgt (b)(6), (b)(7)(C) yell some more me sgt (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) went into this house (b)(6), (b)(7)(C) and sgt (b)(6), (b)(7)(C) cleared it we found alqueda propaganda an AK 47 lots of mags and ammo 2 grenades IED making materials and ski masks. We bagged up the evidence and left the house. We rounded a corner and entered through a gate into a small house full of woman and children and Inside the living room was one of the 3 men that we engaged. Immediately upon entering sgt (b)(6), (b)(7)(C) kicked the man in the head and started yelling (b)(6), (b)(7)(C) began beating the man with his AK 47 and kicking him while questioning the man. I just stood there shocked and couldn't pick up much of the dialog since sgt (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were on the other end of the room and just talking to each other. (b)(6), (b)(7)(C) left the room. The man began to push and grab at (b)(6), (b)(7)(C) weapon so he kicked his arm away I went over to the man and kicked him a few times yelling at him mostly until he quit grabbing at (b)(6), (b)(7)(C) and his weapon. The man appeared very scared and I was getting sick so I went across the room to sit down. (b)(6), (b)(7)(C) sat down beside me. Sgt (b)(6), (b)(7)(C) looked at us then said I don't want this coming back on you then sgt (b)(6), (b)(7)(C) pointed his weapon at

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 1 OF 5 PAGES

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.

the man and shot him in the abdomen (b)(6), (b)(7)(C) stood up and went over to sgt (b)(6), (b)(7)(C) and exchanged words. (b)(6), (b)(7)(C) then cleared the pistol and set it beside the wounded man then he sat back down. Sgt (b)(6), (b)(7)(C) stared at us then said this is the story the man pulled a gun when we came in and he had to shoot. I stood up and began to walk towards the door when (b)(6), (b)(7)(C) the medic came in and began talking to sgt (b)(6), (b)(7)(C) saying something like the man wasn't going to make it. I left the house and started pulling security. A few minutes later (b)(6), (b)(7)(C) came and got me and rose and we walked around to the house with the contraband cleared it met with the EOD and gave them the grenades and IED materials we walked over to sgt (b)(6), (b)(7)(C) brad (b)(6), (b)(7)(C) told him about the mission I dropped off the breach kit then we proceeded back around to the area where sgt (b)(6), (b)(7)(C) was. When we rounded the corner I saw the body of the man in the road with a bullet hole in his head. Sgt (b)(6), (b)(7)(C) was questioning a man with the terp. The man getting question got very scared and urinated in his pants a few minutes later we mounted up on the brads and headed back to Normandy.

Q: SA (b)(6), (b)(7)(C)

A: PV2 (b)(6), (b)(7)(C)

Q: Did you type the narrative portion of this statement?

A: Yes.

Q: Can you remember when this mission took place?

A: The end of June, I think around the 26th. I think around 0730 that morning.

Q: What does SKT mean or stand for?

A: It stands for Small Kill Team.

Q: What was the objective of this particular mission?

A: To find IED emplacers or any enemy Intel or AIF (Anti Iraqi Forces) and the mission leader advises we engage the enemy. It's like an ambush of sorts.

Q: What are IAs and who were the IAs that were with you that night?

A: IAs are Iraqi Army soldiers. I don't remember who they were and have not seen them since.

Q: Where did this mission take place?

A: I think it was Al Ahzi, a small town near Shakarra.

Q: Did you receive a mission brief prior to going to the mission? Who gave you the brief and did they explain the ROE (Rules of Engagement)?

A: I received a mission brief from SGT (b)(6), (b)(7)(C). He explained where we were going and mission objective. SGT (b)(6), (b)(7)(C) never gave us an ROE brief.

Q: What was the objective of the mission?

A: The objective was to overlook a courtyard to obtain intel on suspected enemy IED makers and observe for any AIF activity and if AIF was found then engage them.

Q: Explain your actions during the initial engagement of the 3 AIF members?

A: After (b)(6), (b)(7)(C) shot and missed the AIFs with his M203 I fired upon the man carrying the AK47 along with (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C). Once I saw the man with the AK47 fall I then switched my weapon to Burst and fired at the cloud of dust created by the man falling in hopes of hitting one of the other AIFs.

Q: Explain what you saw when you went to the place where the AIF member had been shot?

A: I saw a man wearing blue sweatpants and a white T shirt and sandals lying on the ground riddled with bullet holes. About fifteen feet from the man I witnessed SPC (b)(6), (b)(7)(C) shoot the man with a pistol about five or six times.

Q: From where you were standing could you tell whether the man was dead prior to (b)(6), (b)(7)(C) shooting him with the pistol?

A: He wasn't moving at all and with all the bullet holes in him I was sure that he was dead.

Q: Did you think that (b)(6), (b)(7)(C) shooting this man was wrong?

A: Yes.

Q: Why do you think this was wrong?

A: There was no call for that. The man was already dead. It was immoral.

000102

Q: Can you describe the gun (b)(6), (b)(7)(C) used to shoot the man?

A: It was a black hand gun.

Q: Explain the engagement with the man with the suspected RPG?

A: SGT (b)(6), (b)(7)(C) yelled RPG and then shot and I fired a couple rounds as well. The man got away we found no blood trail or any signs of him.

Q: Explain what the money shot is?

A: It's when you kill a suspected AIF member you take and collect all weapons he had and photograph them with the body.

Q: Who took the photographs?

A: (b)(6), (b)(7)(C)

Q: Do you know where these photographs are?

A: No I do not.

Q: Is this a common practice?

A: I believe so. I only saw this that one time.

Q: What happened when you entered the room with the wounded AIF member?

A: SGT (b)(6), (b)(7)(C) kicked the man in the face and (b)(6), (b)(7)(C) proceeded to beat the man with his AK47.

Q: Did you or anyone else in the room search him upon entering the room?

A: I don't remember.

Q: Did you or anyone else in the room access the AIF members injuries or render first Aid?

A: No, no one did.

Q: Did the AIF member surrender verbally or gesture that he wished to surrender to you at any time?

A: I believe so. He was speaking in Arabic and didn't seem like he wished to fight.

Q: At any time did the wounded AIF member pose an immediate threat to you or anyone else in the room?

A: No he did not he was severely wounded.

Q: Can you describe his wounds?

A: Gunshot wounds on right side of body from his legs to his shoulder. He had a badly broken right arm.

Q: Did you strike the wounded AIF member at any time?

A: Yes I did when he grabbed at SPC (b)(6), (b)(7)(C) weapon I kicked him and yelled at him to not reach for (b)(6), (b)(7)(C) weapon and yelling at him to take his hand from under the pillow.

Q: Did you see any weapon being in the possession of the wounded AIF member?

A: No I did not.

Q: Do you think that SGT (b)(6), (b)(7)(C) was justified in shooting the wounded AIF member?

A: No I do not.

Q: When SGT (b)(6), (b)(7)(C) shot the man was the shot a fatal shot?

A: I don't think so. He was still alive and speaking Arabic.

Q: What did SGT (b)(6), (b)(7)(C) use to shoot the man?

A: His M4 Carbine.

Q: What time did this shooting take place?

A: Around 0800.

Q: Was the man still alive after being shot by SGT (b)(6), (b)(7)(C)?

A: Yes.

Q: When you left the room was the man still alive?

A: Yes he was and the medic SPC (b)(6), (b)(7)(C) was on his way in the room.

Q: After you left the room did you hear any other gunshots?

A: No I did not.

Q: Is there any reason why you did not hear any further gunshots?

A: I was either in a Bradley or in a building talking to EOD.

Q: After turning the IED items over to the EOD and you saw that the man had been dragged from the house outside what did you see?

000103

"STATEMENT OF (b)(6), (b)(7)(C); SSN # (b)(6), (b)(7)(C); TAKE AT; 6/9th Cavalry Regiment, FOB Normandy, Iraq APO 09324; DATED 29 Aug 07 CONTINUED". 0118-07-CJ0919-73257

A: I saw a blood trail leading from the house to the man and a bullet hole in his head.

Q: Who was the man SGT (b)(6), (b)(7)(C) was questioning after the shooting occurred?

A: SGT (b)(6), (b)(7)(C) had him pinned with his back against the wall and the man had pissed his pants.

Q: How far away from the man being questioned were you standing?

A: About 10 to 15 feet away.

Q: Was this during daylight or at night?

A: It was during daylight hours.

Q: At what time of day did this engagement take place?

A: Early morning just after daylight.

Q: Why was this person not detained?

A: I don't know.

Q: What was the topic of conversation on the return trip to FOB Normandy?

A: SGT (b)(6), (b)(7)(C) telling us that the man in the house would not die. SGT (b)(6), (b)(7)(C) said he shot this guy in the abdomen and he would not die and then he shot him again and he would not die. Then SGT (b)(6), (b)(7)(C) said that the medic tried to smother the guy and he would not die so finally he had to shoot this guy in the head.

Q: What do you mean by smother this guy?

A: Trying to suffocate the guy and basically stop him from breathing.

Q: At any time were you asked to cover up or tell a different story as to what happened on the night of this mission?

A: Yes, SGT (b)(6), (b)(7)(C) told us that this was the story the man had a gun and he had to be shot.

Q: When did SGT (b)(6), (b)(7)(C) tell you that this was the story that the man had a gun and had to be shot?

A: Right after he shot him he said something to (b)(6), (b)(7)(C) and then (b)(6), (b)(7)(C) dropped the mag out of the pistol and cleared it and placed it next to the Iraqi.

Q: And where did this take place?

A: In the house.

Q: Since this mission have you been threatened in any way as to being asked questions by the commander?

A: Not so much in word, but I feel threatened. SGT (b)(6), (b)(7)(C) knows a lot of people and is buddy buddy with the 1SG, Platoon SGT, and the LT and the Commander respects him.

Q: Who was present in the Bradley when SGT (b)(6), (b)(7)(C) told you about the AIF member would not die?

A: Myself, SGT (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) I think. It was dark and I could not see who all was in the Bradley.

Q: You stated that you turned over the IED to the EOD team. What happened to the AK47 and the pistol that your unit recovered at the scene?

Q: There was two AK 47's and ammo and a couple ski masks that were thrown into a burlap bag and were put on a Bradley and taken back to FOB Normandy. I did not see a pistol in the bag.

Q: Do you know what happened to the pistol?

A: The last time I saw it on the day of the incident was when (b)(6), (b)(7)(C) cleared it and put it next to the Iraqi in the house. A couple of days later I was in SGT (b)(6), (b)(7)(C) room along with (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) I saw an Iraqi 9mm pistol that looked like the one at the scene of the incident. SGT (b)(6), (b)(7)(C) told me that it was the weapon recovered from the dead Iraqi a few days earlier.

Q: Do you know where the pistol is at this time?

A: I do not. The last time I saw it was in his room.

Q: Has SGT (b)(6), (b)(7)(C) gone on leave since you saw the pistol last?

A: No not to the best of my knowledge.

Q: Why didn't you come forward and report this incident as soon as it occurred?

A: I was scared and did not think I could trust anyone if I told what happened.

Q: Who told the chain of command of this incident?

A: I don't know but the Platoon Sergeant said that someone left an anonymous note for the XO and that is why this incident was being looked into.

Q: were you afforded the opportunity to take breaks if needed during this interview?

A: Yes of course.

Q: How were you treated during this interview by CID today?

A: Just fine.

000104

STATEMENT (Continued) (b)(6), (b)(7)(C)

Q: Do you have anything further to add to your statement?

A: I like being a soldier and I want to make this my career and I hope this doesn't damage my career.

Q: Do you have anything further to add to your statement?

A: No. ///END OF STATEMENT/// (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Not used

AFFIDAVIT

(b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT, WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT ARE 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT (b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to (b)(6), (b)(7)(C) me, a person authorized by Law to administer oaths, this 29th day of August 2007 at FOB Normandy, Iraq APO 09324. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

32nd Military Police Detachment (CID)
LSA Anaconda, Balad, Iraq, APO AE 09391

SA

(b)(6), (b)(7)(C), (b)(7)(F)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 5 OF 5 PAGES

NOTIFICATION BEFORE QUESTIONING

0118-07-030919-23257

Date and Time

Location

29 Aug 07

HQ Building, 6/9th CAU, FOB NORMANDY, Iraq

(b)(6), (b)(7)(C)

1711

I am an investigator with the United States military. Before we ask you any questions, we want to be sure that you understand the following:

- a. You do not have to answer any question or say anything. Even if you have already spoken to other authorities, you do not have to speak to us now.
- b. If you do speak with us, anything that you say may be used against you in a court in the United States or elsewhere.
- c. If you decide to speak with us now, you may still stop answering questions at any time.

(b)(6), (b)(7)(C)

I am willing to answer questions.

I am not willing to answer any questions.

(b)(6), (b)(7)(C)

Signature of Interviewee

(b)(6), (b)(7)(C)

Printed Name of Interviewee

(b)(6), (b)(7)(C)

SWORN STATEMENT

FILE NUMBER: 0118-07-CID919-23257
LOCATION: BN HQ 6/9th CAV, FOB Normandy
DATE: 29 Aug 07^{(b)(6), (b)(7)(C)} TIME: 1655 - 2357^{(b)(6), (b)(7)(C)}
NAME: ^{(b)(6), (b)(7)(C)}
SSAN: (TCN) Grade/Status: CIV / Interpreter
ORG/ADDRESS: 6/9th CAV, FOB Normandy, Iraq APO AE 09342

^{(b)(6), (b)(7)(C)} want to make the following statement of my own free will, About 0430, 26 June 07, SGT ^{(b)(6), (b)(7)(C)} briefed me, the other soldiers in the unit and two members of the Iraqi Army (IA) on the mission for that day. I do not remember the names of the IA members. Others present at the briefing were PFC ^{(b)(6), (b)(7)(C)}, SPC ^{(b)(6), (b)(7)(C)}, SPC ^{(b)(6), (b)(7)(C)}, SPC ^{(b)(6), (b)(7)(C)}, SPC ^{(b)(6), (b)(7)(C)}, and PFC ^{(b)(6), (b)(7)(C)}. We were told that we were to do SKT duty for the day and that the men who had been placing Improvised Explosive Devices (IED) on the road were in the villages of Al Azee and Al Thawara. About 0600 we were on foot patrol entering the north side of Al Thawara, and we entered a tall house on the road. The house was abandoned and we did not find anyone in the house. We entered this house because it was very tall and was two stories. We could see the Mosque from that house and we were told in the briefing that the Al Qaeda members in the area would meet at the Mosque before going out to place the IEDs on the surrounding roads. I saw five or four men walk by the Mosque and stop by a house located next to the Mosque. They greeted and kissed each other. One of the men was carrying a Rocket Propelled Grenade Launcher (RPG) and one was carrying an AK-47 rifle, several AK-47 magazines, and a belt with two grenades. One of the men wore a white collared long sleeve buttoned shirt, black pants and tan sandals. He had a small mustache on his upper lip short black hair that did not cover his ears. He appeared to be young, maybe in his 20's. The second man wore brown jeans, a black t-shirt, no shoes, no facial hair, short black hair, and I did not see any weapons on him at this time. I don't remember any details about the other men I saw. The men noticed us on the top of the house and the man with the RPG pointed it at us. SGT ^{(b)(6), (b)(7)(C)} gave the order to open fire and SPC ^{(b)(6), (b)(7)(C)} fired with his SAW. SPC ^{(b)(6), (b)(7)(C)} shot four or five rounds from his rifle. SPC ^{(b)(6), (b)(7)(C)} fired one round from his 203 grenade launcher. The one man with the white shirt fell down, the man with the black t-shirt ran inside the building he was next to and all the other men ran away but I don't know where they went. We left the building and went to the location the men had gathered and found that the man with the white shirt was shot and was dead. He had one grenade in his right hand but he had not pulled the pin on it. We found blood trails leading away from the location. One of the trails led into the house where the man with the black t-shirt ran into, two others went to the side of the house. We followed the trail through three houses and the trail led to the top floor of the third house and stopped at a closed door inside the second floor of the third house. I yelled to anyone that was inside the house to open the door and I explained that we were coalition forces and we were looking for the person who left the blood trail. A woman's voice from inside yelled back and said that no one was inside. We forced the door open. A large woman, approximately 35 years old, tried to hold the door shut but we pushed passed her. I went into the room and saw the man lying on the floor. He had been treated with bandages. I could see the man's hands and he didn't have anything in them. The man had gun shot wounds on his right thigh, his left forearm and the left side of his body. There was also a wound on the back of his head that appeared to be a grazing bullet wound. I asked him why he was with those men and he said that he was not with them. I asked him why he ran and he said that he ran because he was scared.

INITIALS OF PERSON MAKING STATEMENT: ^{(b)(6), (b)(7)(C)}

Page 1 of Pages 7

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LAW ENFORCEMENT SENSITIVE

^{(b)(6), (b)(7)(C)} 000107

(b)(6), (b)(7)(C)

STATEMENT OF
CONTINUED.

TAKEN AT ~~SA Anaconda, AZ~~

FoB M. Marday

He started shouting that we were infidels and that he was going to heaven. He reached with his right hand as if he was grabbing for something on his right side. At that point, SGT (b)(6), (b)(7)(C) pushed me aside and I ran out of the room. SGT (b)(6), (b)(7)(C) had yelled for me to watch out and the man on the floor was trying to do something. When I was outside the room, I could still here the man on the floor yelling things. I heard shots and then I went back inside the room. I saw a 9mm pistol in his left hand. I saw the medic, SPC (b)(6), (b)(7)(C) getting his medical gear ready in order to treat the man on the floor, but he died before he could be treated. I'm not sure who collected the pistol. There were many things going on and I didn't pay attention to it. We searched the house and didn't find any weapons or IED making materials. We went back to the house that the men first met at, the first house, and searched it and found IED making materials, 5 black ski masks, two fully loaded 30 round magazines for an AK-47 rifle, some grenades in a vest (I'm not sure how many), and 5 cards with Jihad messages on them.

Q: SA (b)(6), (b)(7)(C)

A: Mr. (b)(6), (b)(7)(C)

Q: Is the above statement in your own words?

A: Yes.

Q: In the briefing you received from SGT (b)(6), (b)(7)(C), were you give a description of the men you would be looking for and were you told what kind of weapons they would most likely have?

A: No. We were going to look for 6 or 7 men who would be placing IEDs on the road and might be carrying AK-47s and one RPG.

Q: How far away were the men from your position on the roof from the armed men that gathered by the house?

A: We were between 120 and 150 yards away.

Q: When you saw the man with the RPG, what did the RPG look like?

A: It was a shoulder fired anti-armor RPG. It was green in color like it was new. I saw him point the RPG at us. As soon as SGT (b)(6), (b)(7)(C) gave the ok to shoot, I ran down from the second floor to the first floor. I didn't see who shot who. I did not see if the 5 men shot back or not. However, I did hear what I thought were rounds hitting the wall outside the house and I got down low to the floor.

Q: How long did the shooting go on?

A: About 7 to 10 minutes.

Q: Did any of the Iraqi Army (IA) or the US Soldiers get shot or wounded?

A: No.

Q: Were you wounded or shot?

A: No.

Q: After the shooting stopped, what happened?

A: We went to the spot where the men were standing. I was in the center of the soldiers. I'm not allowed to carry a firearm so that was the only safe place for me to be.

Q: What did you find at the site where the men were standing?

A: The man who wore the white shirt was dead. He had been shot in the head, both of his arms, his chest, and his stomach. We found the grenade in his right hand and the AK-47 rifle in his left hand. He also had a 9mm Tarak pistol in his belt.

I'm not sure what time it was but it was not fully sun-up yet.

Q: What else did you find?

A: We found a trail of blood that led to the doorway that the man with the black t-shirt ran into.

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C)

000108

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

FOB Normandy

0118-07-CID919-23257

DATED 29 Aug 07

STATEMENT OF
CONTINUED.

TAKEN AT LSA Anaconda, IZ

Q: You stated that you then followed the trail through the house where the man with the black t-shirt ran and followed that trail until you found him. After you found him, and you talked to him, what did you say to him?

A: I asked if he was the man who ran away and he said no, that he was the one who was walking in front of the other men. I asked him if he was hurt but he didn't say anything. I asked him where he was from and he did not speak. I asked him what his name was and he didn't say anything. I offered him some water and he pushed it away. When he pushed my hand away, he tried to get up but he could not get up and fell back down. I tried to wash his hands and face, but he would not let me and would not tell me where he was hurt.

Q: Where did you find the wounded man on the floor?

A: I found him at the end of the trail of blood we followed through three houses. He was on the floor of a room on the second floor of the house behind a closed door.

Q: Did you touch him?

A: No.

Q: Before you asked him questions, did you search him?

A: No.

Q: Why not?

A: I'm an interpreter. I don't usually do that myself. I also didn't feel threatened. He was in bad shape.

Q: When you asked him questions, did you hit him?

A: When I was asking him questions, he said things about me and my family. It made me mad. I kicked his right foot and I told him to not talk shit.

Q: What happened then?

A: He started talking and he was saying that I was an infidel and that I was working with the Americans and I shouldn't because I was Muslim.

Q: Did you hit him anywhere else?

A: Yes, he pushed my hand away when I tried to give him water and I kicked his hand in anger. I was very mad. If I had been left alone I would have shot him in the head. It is very insulting to have someone say bad things about your family in my culture.

Q: You need to tell me the whole truth. It is very important. Did you hit him anywhere else at anytime?

A: Yes. After he died, I kicked him on his left side.

Q: How hard did you hit him each time you hit him?

A: I hit him hard enough to bruise him, but it was not enough to break a bone or kill him. I didn't hit him as hard as I could but about a medium hit. Even if I hit him, I'm Iraqi and he is Iraqi. Before I hit him, I tried to give him water and then he pushed it away.

Q: Where else did you hit him?

A: I did slap him in the beginning when I started to ask him questions. I asked him where the man with the RPG was and he would not answer so I slapped him. If I were captured, they would cut off my fingers and hands and poke out my eyes. What I did was nothing compared to that.

Q: Did you ever kick him in the stomach or the face?

A: When I kicked his hand when he pushed me after I offered him water, I did kick his hand hard and the kick did also hit his stomach. I was pissed and I kicked him really hard. He didn't make a sound that showed any pain. He kept on insulting me. I tried asking him to stop but he didn't stop. He kept making loud insults so that everyone in the house could hear him and I think he was trying

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C)

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000109

FOB *Memphis*

(b)(6), (b)(7)(C)

STATEMENT OF
CONTINUED.

TAKEN AT ~~LSA Anaconda, IZ~~

to make sure that if any of the other men he was with were in the house, they would hear him and get out. If you talk to an Iraqi, you must be mean or they will think that you are weak. It is our culture.

Q: What else did he say?

A: He asked for help with his injuries

Q: You stated that SGT (b)(6), (b)(7)(C) pushed you aside and you went outside. What happened then?

A: I told the woman to relax and I stood beside her. I herd shots and ran back inside. When I got inside, I saw a pistol on the floor next the man lying on the floor. It was a 9mm Tarak, which was an Iraqi made weapon. SGT (b)(6), (b)(7)(C) was standing next to the man with his M4 rifle pointed at the man on the floor. The man on the floor was still moving. He was not talking anymore. SGT (b)(6), (b)(7)(C) didn't say anything at that time.

Q: Who was in the room before you left the room?

A: There was SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) were in the room.

Q: What were they doing when you came back into the room?

A: SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) were not doing anything at all. The man on the floor was breathing slowing. I went over to him and he stopped breathing. I kicked him in the side and he didn't respond. I asked the two IA members to help me move the body because SGT (b)(6), (b)(7)(C) asked me to do it. We drug the body to the gate in the wall outside the house.

Q: You said that there was a woman that tried to hold the door shut. What happened to her?

A: Nothing happened to her. I told her to sit in the corner. At one point she started to throw up so I washed her face and gave a head dressing. I think that the sight of all the blood made her feel sick. There were actually three women. They were all scared and crying.

Q: What did you do when SGT (b)(6), (b)(7)(C) told you to get out of the room?

A: SGT (b)(6), (b)(7)(C) told me to leave and to shut the curtains on the window. He is a SGT so I shut the curtains and went out and stood by the women.

Q: Why do you think he told you to shut the curtains?

A: So everyone outside could not see inside.

Q: I think you have not told me the whole truth. Tell me the whole truth please and don't leave anything out.

A: Before when I told you that I only kicked the man on the ground, actually I also hit him three times with an AK-47 rifle. I hit him once on the shins of both of his legs and once on his right wrist. The first time I hit him on the shin was with the magazine in the weapon. I then took out the magazine. The second time I hit him with the weapon, was on the left shin. I hit him a third time on his right wrist with the barrel of the AK-47.

Q: Did you feel that this man was a threat? Could he hurt you in any way?

A: No. He was injured very badly, lost a lot of blood and could not get up from the ground. He was not armed and didn't have anything in his hand. I did not think he could hurt us.

Q: What relation did the man on the floor have with the three women? Why did he run to their house?

A: He was not related to them. He ran to there house, barged in, and tried to hide there. The women did not know him.

Q: Why did he women treat his wounds and try to lock you out?

A: They were scared of him and thought if they did not help him he would blow up their house or kill them.

Q: What made the women think that?

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C) 000110

(b)(6), (b)(7)(C)

FOB Normandy

STATEMENT OF
CONTINUED.

TAKEN AT LSA Anaconda, AZ

A: Because the man on the floor and the other men had already taken control of a house behind this one and it is a well known fact that if you do not help the Al Qaeda then they will come after you and hurt you. The man on the floor was known to be a member Al Qaeda. I interviewed the women and they told me that was why they helped them. They were scared of him and Al Qaeda.

Q: Did you get the names and full identities of the women?

A: No, I did not.

Q: Why not?

A: I'm an interpreter. No one asked me to get their names.

Q: Did any men live in the house and if so, where were they?

A: There was one man who lived there but he was in Kirkuk, Iraq for work. They didn't say what kind of work.

Q: Did you see SGT (b)(6), (b)(7)(C) shoot the man on the floor?

A: Yes. He shot him with his M4 rifle in his left arm and the bullet passed through his arm and went into his left side rib cage. When SGT (b)(6), (b)(7)(C) entered the room, he had me ask him question him about where the man with the RPG was, the man didn't answer me. That was when SGT (b)(6), (b)(7)(C) shot him through the arm and into his side. I heard another shot when I went outside and stayed with the women there. I ran back inside and SGT (b)(6), (b)(7)(C) still had his weapon, M4 Rifle, pointed at the man on the floor. That was when I saw the man on the floor had a new bullet hole and it was between his eyebrows. SGT (b)(6), (b)(7)(C) said not to tell anyone about where the pistol came from. I knew that the pistol was the one taken from the man in the white shirt who was killed earlier. SGT (b)(6), (b)(7)(C) spoke with SPC (b)(6), (b)(7)(C) in front of me and SGT (b)(6), (b)(7)(C) told SPC (b)(6), (b)(7)(C) to not tell anyone that he had asked SPC (b)(6), (b)(7)(C) to put the gun down by the man on the floor after he shot and killed him. SGT (b)(6), (b)(7)(C) ordered me and one of the IA members moved the lifeless body outside by the gate and a moment later moved him a few feet to the street. SGT (b)(6), (b)(7)(C) told me again, once we returned to FOB Normandy, to not say anything about SPC (b)(6), (b)(7)(C) putting the gun down beside the man on the floor. SGT (b)(6), (b)(7)(C) has also threatened soldiers and me that he will kill us if we tell anyone. I'm not sure about the times he said that he would kill us, but he said it.

Q: Do you believe that he would kill you?

A: Yes. I believe that he would kill me or any of the soldiers. I fear for my life now that I have told the truth.

Q: Did the man ever beg for his life or for help with his injuries?

A: He did not beg for his life, but he did cry and he was badly injured. I could tell he was very pissed and wanted to hurt us but he could not.

Q: How much blood was on the floor when you first arrived to the room?

A: There was a lot of blood on the floor. He was bleeding badly like he was an open pipe.

Q: Did anyone try to stop his bleeding?

A: Yes, SPC (b)(6), (b)(7)(C) tried to bandage the wounds but not until SGT (b)(6), (b)(7)(C) shot him in the arm. It worked but he was still bleeding through the bandages. He did not give him medical treatment before that.

Q: Did anyone give him more medical treatment?

A: No. He looked like he would die no matter what treatment he received. His right arm was twisted and shot up and he was not breathing well.

Q: When you herd the shots and ran back into the room, did you see any new bullet wounds on him?

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C)

000111

(b)(6), (b)(7)(C)

STATEMENT OF
CONTINUED.

(b)(6), (b)(7)(C)

FoB McMaury

TAKEN AT *LSA Anaconda, 12*

0118-07-CID919-23257

DATED 29 Aug 07

A: Yes, I saw a new bullet hole in his head between his eyebrows. I only saw one hole. It was about 0800.

Q: How much blood was on the ground after that?

A: There was even more blood then. When we dragged him out, he left a large trail of blood all the way to the street.

Q: When you heard the shot and came back into the room, was the man on the floor still even though he had been shot in his head?

A: No. He was not moving or breathing anymore.

The two men we found were Suni from the Azawi tribe.

Q: You stated that you were not allowed to carry a weapon. Is that the truth?

A: No, I was carrying a weapon that day. I was carrying an AK-47 rifle and three magazines taped to each other. I didn't carry any other weapon. I had the weapon fully loaded with a round in the chamber.

Q: What was the policy at the time about you carrying a weapon?

A: At that time, Interpreters were allowed to carry weapons.

Q: Who issued you the AK-47 rifle?

A: SGT (b)(6), (b)(7)(C) gave me the weapon. As I understood, the Company Commander had approved my carry of the weapon on missions only. It was kept in a Bradley vehicle. I carried it for self protection only.

Q: Why did you tell me that you did not carry a weapon when clearly on the day in question, you did?

A: I was confused. I did carry a weapon that day.

Q: How many times have you carried a weapon on missions?

A: I have usually carried a weapon with me. We go on missions about twice a day. The last time I carried a weapon was an AK-47 about 2 and one half weeks ago. I got the weapon from SGT (b)(6), (b)(7)(C). I don't know SGT (b)(6), (b)(7)(C) full name but he is in the unit's CP.

Q: Who collected the pistol found by the lifeless body of the man in the black t-shirt?

A: SPC (b)(6), (b)(7)(C) picked it up from the man in the white shirt when he was searched. I don't know who took the weapon after it was placed by the body on the floor.

Q: Where was the pistol taken to?

A: I don't know what happened to the pistol after it was picked up. I never saw that pistol again.

Q: Is there anything you want to add to this statement?

A: No.//END STATEMENT// (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT:

(b)(6), (b)(7)(C)

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FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

(b)(6), (b)(7)(C)

000112

(b)(6), (b)(7)(C)

Fob Normandy

29 Aug 07

Case # 0118-07-07099-23258

STATEMENT OF

TAKEN AT

DATED

CONTINUED:

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Not used

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGES 7 OF 7 PAGES

DA Form 2823 (AUTOMATED)

HA 6/9K CAV Fob Normandy D/eng
 (Signature of Person Making Statement)

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 26th day of Aug, 2007 AT

(b)(6), (b)(7)(C)
 (Signature of Person Administering Oath)

SA (b)(6), (b)(7)(C)
 (Name of Person Administering Oath)

10 USC 936
 (Authority to Administer Oath)

(b)(6), (b)(7)(C)

000113

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

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION HQ Building, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324		2. DATE 29 AUG 07 (b)(6), (b)(7)(C)	3. TIME 1750 (b)(6), (b)(7)(C)	4. FILE NUMBER 0118-07-CID919-23257
5. Name (Last First MI) (b)(6), (b)(7)(C)		8. ORGANIZATION OR ADDRESS Alpha 6 th Cavalry Regiment, 3rd BCT, 1 st CAV, Fort Hood, TX 76544 (b)(6), (b)(7)(C)		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS E-4/CPL			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy, Murder, Cruelty and Maltreatment, Aggravated Assault // (b)(6), (b)(7)(C)

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 questions 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 the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)
Have you requested a lawyer after being advised of your rights within the last 30 days? YES / NO

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)

1a. NAME (Type or Print) (b)(6), (b)(7)(C), (b)(7)(F)	6. ORGANIZATION OF INVESTIGATOR 32 nd Military Police Detachment (CID) LSA Anaconda, Balad, Iraq, APO AE 09391
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME (Type or Print)	
b. ORGANIZATION OR ADDRESS AND PHONE	

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED 000114

SWORN STATEMENT

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

LOCATION: 6/9 th Cavalry Regiment, FOB Normandy, Iraq	DATE (b)(6), (b)(7)(C) 30 AUG 07	TIME (b)(6), (b)(7)(C) 0530	FILE NUMBER 0118-07-CID919-23257
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E4-/AD

ORGANIZATION OR ADDRESS:
Alpha Troop, 6/9th Cavalry Regiment, 3rd BCT, FOB Normandy, Iraq, APO 09324

I, (b)(6), (b)(7)(C) want to make the following statement under oath:

On 26 Jun 2007, at about 0200 Alpha troop 6-9 CAV conducted an SKT mission in the west al azi area. The members of the skt were: Sgt (b)(6), (b)(7)(C) myself (Cpl (b)(6), (b)(7)(C)), Spc (b)(6), (b)(7)(C) Spc (b)(6), (b)(7)(C) Spc (b)(6), (b)(7)(C) Pfc (b)(6), (b)(7)(C) Pv2 (b)(6), (b)(7)(C), the terp (b)(6), (b)(7)(C) and 3 Iraq army soldiers. The structure of the patrol was 2 m1114 HMMWV, and 2 M3/A3 Bradley's. We left the FOB for the mission at about 0300 and headed west on route Vanessa to the village of Gazillja where we dismounted on the north side of route Vanessa and moved into the village of Gazillja. The vehicles went to stage at the Muqdadiyah IA compound. We then proceeded to move west through the village until we passed route al azi where we turned back south toward route Vanessa. When we got to the beginning of the field that separates route Vanessa from the houses on the north side of the road, we proceeded to move west. When we got just south of where our target house (the house we intended to use for the skt) was we turned north and tactically moved through the shadows until we reached the house. We reached the house at about 0530. We entered the house, and seeing that it was abandoned, cleared it very carefully looking for any sign that it was booby trapped with explosives. Upon determining that the house was clear, we proceeded to set up our positions inside the house. Pfc (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were on the first floor securing the front gate and the back door, Spc (b)(6), (b)(7)(C) and Spc (b)(6), (b)(7)(C) were on the second floor balcony with the man pack radio so they could have comms with the vehicles. We placed the 3 IA soldiers on the 2nd floor balcony to secure the immediate east of the house to make sure we didn't have any enemy follow us or try to attack us from the rear. The shooters on the roof were Sgt (b)(6), (b)(7)(C), myself (Cpl (b)(6), (b)(7)(C)), Spc (b)(6), (b)(7)(C) and Pv2 (b)(6), (b)(7)(C). When we got set in our positions it was starting to get light out, so we took shifts scanning. During the first shift, Pv2 (b)(6), (b)(7)(C) and I watched 3 individuals come out of a gate about 350 meters to our west and move east towards our position. The man in the middle was wearing a white shirt and had an AK-47 with a bandolier and grenade pouches, the guy on the right of him was carrying a plastic shopping bag with something that appeared to be heavy in it. They turned north down an alley about 200 meters west of our position and we lost contact on them between 2 houses. We continued to scan to see if they came back. About 10 minutes later they returned from the same alley way that we lost sight of them and walked back to the gate of the house that they first came out of. They stopped at the gate and started talking to each other. That is when Sgt (b)(6), (b)(7)(C) gave the ok to engage. Spc (b)(6), (b)(7)(C) launched an M203 HE round and then the four of us opened up with our weapons. I had the SAW, which is a 5.56mm machine gun. We stopped firing when I went black on ammo. The guy in the middle with the white shirt was lying on the ground dead and the other two guys were gone. I bent down to reload and Sgt (b)(6), (b)(7)(C) got visual contact with an individual with an RPG about 500m to our west at the back of the field that we were over-watching.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 6 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.

Sgt (b)(6), (b)(7)(C) and Spc (b)(6), (b)(7)(C) shot about 15 rounds each at the guy with the RPG, and he ran away between some houses. He was not seen again. We suspected that this was the third guy that was walking with the group that was on the left side. When the engagement was over, Sgt (b)(6), (b)(7)(C) had Spc (b)(6), (b)(7)(C) call the convoy to tell them that we were compromised and were going to assess the situation. When the team ex-filled the house and made our way to the field, we moved to the north side of the field to see what the situation was. When we got to the body, I saw that he had 2 grenades, about 6 full AK-47 magazines, an AK-47, and an Iraq 9mm pistol. At the sight of him I was enraged from the memory of the 28th of May when 6 of my really good friends were killed by an IED. I had to match the body parts of my friends together and carry the pieces of them that remained to the waiting body bags. I was covered in their blood. I was very mentally and emotionally traumatized by the severity of the loss and having to clean up and account for all of their equipment. With all of that going through my head, I took the pistol from the dead insurgent and shot him in the head twice. The standard double tap that we are trained to do with a weapon when engaging. I thought, what better way to get revenge than to shoot him in the head with his own pistol. My adrenaline was going so fast all I could do was feel, I had no time for thought. After we searched the body, Sgt (b)(6), (b)(7)(C) Spc (b)(6), (b)(7)(C) and Pv2 (b)(6), (b)(7)(C) went into the house that the guys initially came out of and searched it. Sgt (b)(6), (b)(7)(C) reported over the squad radio that there were multiple AK-47's, ammo and 2 IED's. The rest of the dismounts stayed outside and pulled security. I was the most ranking soldier outside the house, so I started going to every soldier to check their status. Since they were all good to go, I took one IA soldier with me to the north side of the building to secure around the corner to make sure that there was no threat trying to sneak up on us. Throughout my career as a 19D cavalry scout, the main key that is constantly pressed upon us is security. I had to make sure that the rest of my soldiers were secure. While I was checking the north side of the street, I located a blood trail that went north along the wall then stopped at mid wall of the house on the north side of the block. I looked around for a minute and noticed that there was blood that was smeared on the wall going into the courtyard of the house. I walked back to the corner to contact Sgt (b)(6), (b)(7)(C) to let him know about the blood trail and where it led. A few moments later, the rest of the team came around the corner and Sgt (b)(6), (b)(7)(C) hurried us to the gate with Sgt (b)(6), (b)(7)(C) myself, Spc (b)(6), (b)(7)(C) and Pv2 (b)(6), (b)(7)(C) up front we hurried to the gate, stacked and breached it. We went inside and entered the front living room where the guy that left the blood trail was laying on his back, on the floor and the women of that house were trying to treat his wounds. (b)(6), (b)(7)(C) told the women to go outside and Spc (b)(6), (b)(7)(C) escorted them out the front door. When we entered the house, the women stood up and we surrounded the guy on the floor. We were completely certain that this was the same guy that we engaged because of the wounds he had sustained. I was pulling security on the guy, with my weapon pointed at him, to ensure that he did nothing that would threaten the safety of any coalition soldiers. The enemy WIA was being completely uncooperative. (b)(6), (b)(7)(C) even offered him a bottle of water and the enemy WIA swatted it out of (b)(6), (b)(7)(C) hand. While I was pulling security on the enemy WIA, he kept grabbing the barrel of my weapon so I kicked his arm away. He did that a few times and I had to kick him each time. Touching my weapon or my person is strictly prohibited by anyone that is not given permission by me. Pv2 (b)(6), (b)(7)(C) was yelling at the wounded WIA to stop grabbing my barrel, and to answer the questions that Sgt (b)(6), (b)(7)(C) was asking him. Once I determined that the wounded WIA was not a threat, Pv2 (b)(6), (b)(7)(C) and I sat on the bench on the left side of the guy lying on the floor. After we sat down, (b)(6), (b)(7)(C) swung his AK-47 like a bat at the enemy WIA. I remember telling him to stop and clear his weapon or a round might go off and hit one of us. So he stopped. By this time, the women were outside getting very hysterical and vomiting from the sight of the enemy WIA, so Spc (b)(6), (b)(7)(C) closed the front door and stood outside of the house with the women. I had considered starting first aid on the enemy WIA, but we are trained to take all commands from our leaders. And Sgt (b)(6), (b)(7)(C) had not said to give him first aid. He did say that he did not want to take any detainees back to the FOB though.

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The whole time that we were inside the house, Sgt (b)(6), (b)(7)(C) was asking the wounded WIA questions to try to get Intel from him while (b)(6), (b)(7)(C) was translating for him. But the enemy WIA was not cooperating at all. While I was sitting on the bench, Sgt (b)(6), (b)(7)(C) looked at Pv2 (b)(6), (b)(7)(C) and me and said “I don’t want this on your hands”. The interrogation lasted another few minutes Pv2 (b)(6), (b)(7)(C) and I were talking with each other about the engagement that took place on the roof when I heard a gunshot right next to me. I looked up to see Sgt (b)(6), (b)(7)(C) lowering his rifle and he just looked at me. I don’t remember if he said anything else. I still had a ringing in my ears from the engagement on the roof and now from the shot from about 5 feet away from me. But after a few minutes I looked at the guy lying on the floor to see a small pool of blood forming at his side. Sgt (b)(6), (b)(7)(C) told me to take Spc (b)(6), (b)(7)(C) and Pv2 (b)(6), (b)(7)(C) back to the first house to make linkup with EOD. I stood up, realizing that I still had the Iraqi pistol on me from when we confiscated the weapons, and pulled the pistol out of my pocket, making sure that it was clear I locked the slide to the rear and placed it on the floor near the enemy WIA. I did not leave the pistol there with the intention of using it as a “drop weapon”, though I was aware that Sgt (b)(6), (b)(7)(C) could use it as such. Then I took Pv2 (b)(6), (b)(7)(C) and Spc (b)(6), (b)(7)(C) out of the gate. By that time the 2 Bradley’s were set in position to pull security for us while we conducted our assessment. As we were moving south to the first house, we stopped at the southern Bradley to drop off the breach kit that Pv2 (b)(6), (b)(7)(C) was carrying and the assault pack with all my extra rounds that I was carrying. We then moved to the house and went inside to double check that the IED’s were still there. Then we went into the courtyard and waited for EOD. While we were waiting, I heard a somewhat faint gunshot. I couldn’t tell exactly how far it was or where it came from because of all the houses around us and I still had a loud ringing in my ears. When EOD showed up a few minutes later, I took them into the house and showed them the rounds, which they said were 57mm anti aircraft artillery. They put them in the back of their truck and we moved tactically, due to the gunshot that I thought might have come from an enemy sniper, to the northern Bradley (which was the troop Commander) to look through the rest of the contraband for the grenades, and they took them. While we were escorting EOD to the Bradley that held the contraband, I saw when we walked by the entrance of the house with the enemy WIA that the wounded man was drug into the street and had what looked like two bullet holes in his head. I am for certain that he had one hole that was larger than 5.56mm. I knew that it was a 9mm round that had been shot into his head. Spc (b)(6), (b)(7)(C) Pv2 (b)(6), (b)(7)(C) and myself escorted EOD back to their truck and went back to the brads to load up to return back to the FOB. We returned to the FOB between 0800 and 0900 where the dismounts got out of the brads at the fuel point to walk to our barracks since they are about 200m away from the fuel point. Once at the barracks, we dropped our equipment and headed back to Sgt (b)(6), (b)(7)(C) room for the debriefing and head to the TOC to write our sworn statements. Sgt (b)(6), (b)(7)(C) gathered us around his room and told us that when we wrote the statements we “WILL” say that he shot the guy in the house because he pulled a pistol out and we had to use deadly force. Sgt (b)(6), (b)(7)(C) gave us no alternative but to comply with his demands. There would have been harsh consequences for those who didn’t back his story. Him being the HMMWV section Sgt, he pretty much had free reign to do what ever he wanted to us as far as disciplinary actions were concerned. There were times back at Ft. Hood where he made me do grass drills for 1 hour and 30 minutes after PT was over because I told our platoon leader at the time that my profile for no PT for getting my tooth pulled was for PT after 0730. I did grass drills until I dehydrated and got cramps and fell over. There was another time here at FOB Normandy that I had to take a HMMWV to pick up the new medic and get my driver (Pv2 (b)(6), (b)(7)(C)) to get his eyes checked, and when I got back he made me do lunges for him not being aware that I took a HMMWV. He told me to keep going until he tells me to stop. About 20 minutes after I started, Sgt (b)(6), (b)(7)(C) left for chow, I did lunges for about an hour and a half until I cramped up and passed out. My battle buddies (Pv2 (b)(6), (b)(7)(C) and Pv2 (b)(6), (b)(7)(C)) found me passed out on the sidewalk. Sgt (b)(6), (b)(7)(C) had the power to control our lives and he could make our lives completely miserable.

We only covered for him out of fear that he would make our lives almost unbearable, which he has done from time to time. Once Sgt (b)(6), (b)(7)(C) was removed from 2nd platoon, us that were involved in this incident and others immediately came forward to turn him in. It was a mistake to wait to turn him in for his crimes, but we felt we had no choice but to wait until the right time. We felt that now was that time. I know that I did 2 things that I could possibly get in trouble for, and I accept whatever punishment that is given to me. The two things that I am really worried about are: Double tapping the dead body in the head. It was an act of emotional revenge. I was caught up in the moment and I made the wrong choice. I now regret doing it. And the placing the Iraqi pistol on the floor near the enemy WIA instead of handing it to Sgt (b)(6), (b)(7)(C). Both of these actions were by no means right, and I am aware of that now. I am concerned that these actions may jeopardize my future career in the United States Army, and possibly my life as a civilian when I get discharged from the military. I knew this whole situation was illegal, and that is why I am coming forward now to make the authorities aware of the events that took place on the date of 26 JUN 2007 (b)(6), (b)(7)(C).

Q: SA (b)(6), (b)(7)(C)

A: (b)(6), (b)(7)(C)

Q: Did you type the top narrative?

A: Yes.

Q: Did SGT (b)(6), (b)(7)(C) instruct you to place the pistol you had confiscated earlier?

A: Yes, I was not truthful in the narrative. SGT (b)(6), (b)(7)(C) instructed me to place the weapon next to the AIF, and told me that our story would be the AIF reached for his weapon and SGT (b)(6), (b)(7)(C) had to shot him.

Q: Have you or anybody from your unit kept any other confiscated weapons from previous missions?

A: Yes, SGT (b)(6), (b)(7)(C) has kept an AK-47 weapon and I've kept the pistol I placed next to the wounded AIF.

Q: What is a “drop-weapon” mean or stand for?

A: A weapon confiscated from an AIF and placed on a dead body to cover-up the unlawful killing of the AIF.

Q: Have you or anyone in your unit discuss using “drop-weapons”?

A: I have heard, but no one specifically.

Q: You suspected the wounded AIF of making IED's?

A: Yes.

Q: Did you X-Spray the wounded AIF?

A: No, I failed to do my job.

Q: Who reported SGT (b)(6), (b)(7)(C) killing of the wounded AIF?

A: I do not know who was the first to reported SGT (b)(6), (b)(7)(C)

Q: Has SGT (b)(6), (b)(7)(C) killed any other unarmed AIF or instructed you to violate any other ROE?

A: No.

Q: What does SKT mean or stand for?

A: It stands for Small Kill Team.

Q: What does WIA mean or stand for?

A: Wounded in Action.

Q: What was the objective of this particular mission?

A: To find IED emplaces or any enemy Intel or AIF (Anti Iraqi Forces) and the mission leader advises we engage the enemy.

Q: What are IAs and who were the IAs that were with you that day?

A: IAs are Iraqi Army soldiers. I don't remember who they were.

Q: Where did this mission take place?

A: West Al Ahzi.

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Q: Did you receive a mission brief prior to going to the mission?
A: Yes, SGT (b)(6), (b)(7)(C) and LT (b)(6), (b)(7)(C)
Q: Who gave you the brief and did they explain the ROE (Rules of Engagement)?
A: LT (b)(6), (b)(7)(C) gave the brief, our ROE was to identify any AIF personnel with weapons and engage to neutralize. We have RID (Reasonable Identification) not PID (Positive Identification).
Q: Did anyone take any pictures of the body or seized contraband, or take statements of the local civilians?
A: SPC (b)(6), (b)(7)(C) took pictures of the body and contraband, but no statements were taken.
Q: Do you know where these photographs are?
A: No I do not.
Q: Are these photographs authorized?
A: Yes, they are for intelligence. We refer to these photos as the “Money Shot”.
Q: Did you or anyone else in the room search the wounded AIF upon entering the room?
A: No, I did not even think about it.
Q: Did you or anyone else in the room render first-aid to the AIF?
A: Only visually.
Q: Did the AIF surrender verbally or gesture that he wished to surrender to you at any time?
A: No.
Q: What were the actions of the AIF that caused you to believe he was not surrendering?
A: He was not cooperative and defiant. We offer water but he slaps the bottle away.
Q: How was he uncooperative?
A: He was not answering questions during the interview according to (b)(6), (b)(7)(C) our interpreter.
Q: At any time did the wounded AIF pose an immediate threat to you or anyone else in the room?
A: No.
Q: Describe the physical features of the wounded AIF, to include what he was wearing?
A: I do not remember, but he appeared Iraqi.
Q: Describe his wounds?
A: Gunshot wounds on right side of body from his legs to his shoulder. He had a severe right wrist close-fracture, badly disfigured.
Q: Did you see any weapon being in the possession of the wounded AIF?
A: No, not while in the house. He had the plastic grocery bag earlier.
Q: Was SGT (b)(6), (b)(7)(C) justified in shooting the wounded AIF?
A: No, not according to our ROE. The AIF was not armed, he posse no threat.
Q: When SGT (b)(6), (b)(7)(C) shot the man was the shot fatal?
A: No.
Q: What did you think SGT (b)(6), (b)(7)(C) mean when he said “I don’t want this on your hands”
A: I thought he did not want us responsible for the beating of the AIF, but after SGT (b)(6), (b)(7)(C) shot him I realized he meant he did not want the AIF’s death on our hands.
Q: How was SGT (b)(6), (b)(7)(C) behaving during this incident?
A: No, he seemed calmed. He does have an anger problem.
Q: What weapon did SGT (b)(6), (b)(7)(C) use to shoot the wounded AIF?
A: His M4 Carbine.
Q: When you left the room was the wounded AIF still alive?
A: Yes.
Q: Did your Medic render any assistance?
A: He was not present in the house while I was inside.

STATEMENT (Continued)

Q: Did SGT (b)(6), (b)(7)(C) mention anything about the killing of the wounded AIF while returning to the FOB?

A: No.

Q: Do you know what happened to the Iraqi pistol?

A: No.

Q: Did you ever hear or see SGT (b)(6), (b)(7)(C) talk or display the Iraqi pistol after the incident?

A: No.

Q: Were you afforded the opportunity to take breaks if needed?

A: Yes.

Q: Do you need to speak with the Chaplain or anyone regarding his investigation?

A: No.

Q: How were you treated during this interview by CID today?

A: Very respectable.

Q: Do you have anything further to add to your statement?

A: No.///END OF STATEMENT///(b)(6), (b)(7)(C)

AFFIDAVIT

I (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT, WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT ARE 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 30th day of August 2007 at FOB Normandy, Iraq

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

10 USC 936

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

32nd Military Police Detachment (CID)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

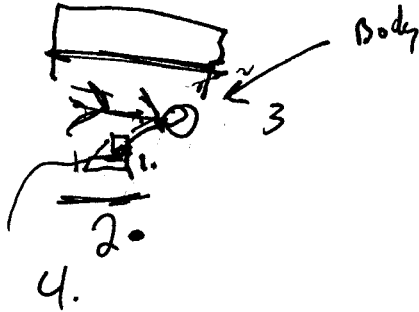
PAGE 6 OF 6 PAGES

Hand Drawn Picture Depicting the
"each scene when Mr. (b)(6), (b)(7)(C) re-entered
the room after he heard shots.

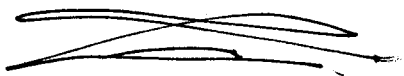
0118-07-000919-23257

number
10000

Refrigerator



Window with curtain



I.A. (x2)

1. Pistol

2. Position of SGT (b)(6), (b)(7)(C)

3. Position of SPC (b)(6), (b)(7)(C)

4. Position of SPC (b)(6), (b)(7)(C)

5. Three women.

Drawn by:

(b)(6), (b)(7)(C)

signed

(b)(6), (b)(7)(C)

date 29 Aug 07, 1902

Witnessed by

(b)(6), (b)(7)(C)

Rough sketch depicting scene

Roof Top

Fist Body

Wounded AIF

Terrorist house

Doorway

Back

Rough sketch depicting scene

Inside house



000122

PP9
guy

FAST
Door

Back

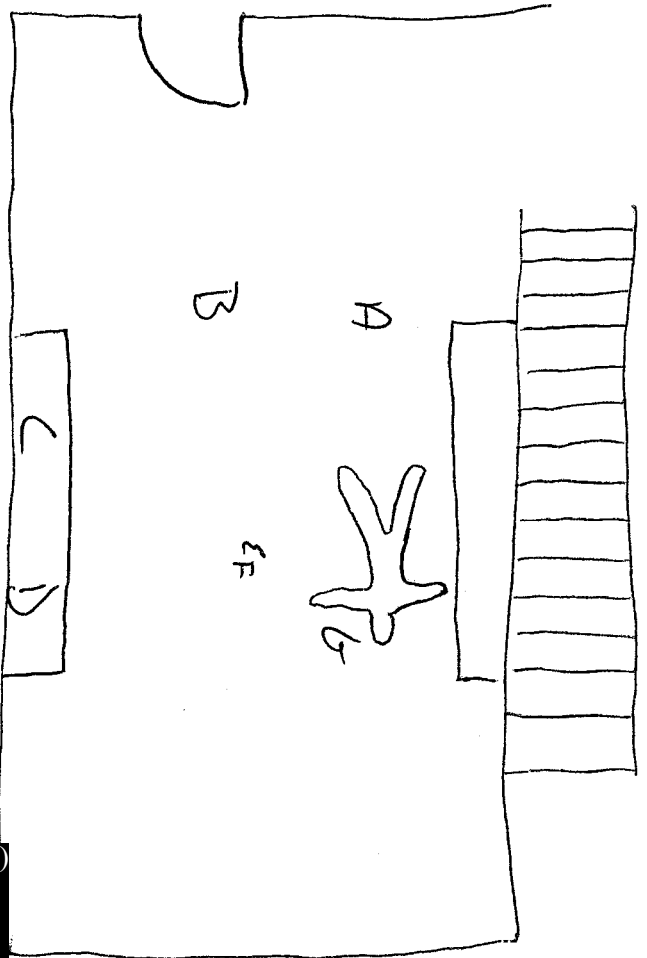
0118-07-00919-23257

Drawn By
(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
30 Aug 2007
0107
witnessed by
(b)(6), (b)(7)(C)

ACLU-RD

10-L-0126 ACLU CID 7831

Hand drawn sketch depicting the room where the wounded AIF laid



Legend:

- A - Temp (b)(6), (b)(7)(C)
- B - Sgt (b)(6), (b)(7)(C)
- C - CPL (b)(6), (b)(7)(C)
- D - Pvd (b)(6), (b)(7)(C)
- E - Cleared Iraqi 9mm Pistol
- F - 9mm magazine
- G - Wounded AIF

Sketch by:

(b)(6), (b)(7)(C)

30 Aug 07

Sketch Verified by: SA (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

30 Aug 07 0420

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

AUTHORITY:

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.

ROUTINE USES:

Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your Social Security Number is voluntary.

1. LOCATION

HQ Building, 6/9th Cavalry Regiment, 3rd BCT, FOB Normandy, Iraq, APO 09324

2. DATE

30 AUG 07 (b)(6), (b)(7)(C)

3. TIME

0835 (b)(6), (b)(7)(C)

4. FILE NUMBER

118-07-CID919-23257

5. Name (Last First MI)

(b)(6), (b)(7)(C)

8. ORGANIZATION OR ADDRESS

Alpha Troop, 6/9th Cavalry Regiment, 3rd BCT, FOB Normandy, Iraq, APO 09324

7. GRADE/STATUS

(b)(6), (b)(7)(C)

E-4/RA

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy, Murder, Cruelty and Maltreatment, and Aggravated Assault (b)(6), (b)(7)(C)

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 questions 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 the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you requested a lawyer after being advised of your rights within the last 30 days? YES/NO

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)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

(b)(6), (b)(7)(C)

6. ORGANIZATION OF INVESTIGATOR

32nd Military Police Detachment (CID)
LSA Anaconda, Balad, Iraq, APO AE 09391

SECTION C. Non-waiver

1. I do not want to give up my rights

I want a lawyer

I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED 000124

SWORN STATEMENT

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

LOCATION: 6/9 th Cavalry Regiment, FOB Normandy, Iraq	DATE (b)(6), (b)(7)(C) 30 AUG 07	TIME (b)(6), (b)(7)(C) 1230	FILE NUMBER 0118-07-CID919-23257
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E4-IAD

ORGANIZATION OR ADDRESS:
Alpha Troop, 6/9th Cavalry Regiment, 3rd BCT, FOB Normandy, Iraq, APO 09324

I, (b)(6), (b)(7)(C) want to make the following statement under oath:

On 26 Jun 2007, at about 0200 Alpha troop 6-9 CAV conducted an SKT mission in the west al azi area. After collapsing from the house that we used to over watch our objective we approached the scene of our engagement and found 1 dead AIF. I recovered one AK-47 from the area next to the body; I then proceeded to clear the weapon. After that the body was rolled over and cleared, CPL (b)(6), (b)(7)(C) recovered a 9mm pistol from the body, along with some hand grenades. At that point CPL (b)(6), (b)(7)(C) stated that the pistol was his and he was going to keep it. He then shot the corpse multiple times, and said I shot him with his own pistol. The team noticed a blood trail going into another house near the body, Sgt. (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) (terp), myself and one other team member came into the house. Sgt. (b)(6), (b)(7)(C) proceeded up stairs to the roof, he was following blood. I was on the ground level along with (b)(6), (b)(7)(C) (terp) and one other team member policing up multiple AK-47, magazines, and bags of rounds. We also found what we were later told was two 57mm anti-aircraft rounds rigged with fuse. After we had all the contraband accounted for I loaded it all into a white gunny sack we found in the house. Spc (b)(6), (b)(7)(C) (medic) helped me carry the contraband to the commander's Bradley Fighting Vehicle, which was set not far from the house that we track blood into where the wounded AIF was found hiding. The other team members found blood along a wall and a sidewalk; I saw it after I had dropped the contraband off in the Bradley. It appeared to me that the wounded AIF fell off a roof then hoisted himself up and over a wall into an occupied house. As soon as the gate opened Sgt. (b)(6), (b)(7)(C) Cpl (b)(6), (b)(7)(C), Pvt (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) (terp) found the AIF laying in a front room. This house didn't have a big court yard; I took the frantic women and children just outside the house but inside the outer walls and tried to keep them calm. I remember one child vomited at my feet and I gave the kids a couple pieces of candy to try and let them know that it was going to be ok. I did close the door to the front room where the wounded AIF was located in so that the women and children didn't have to see him because he was already bloody and had a severely broken arm. I remember seeing Sgt (b)(6), (b)(7)(C) Cpl (b)(6), (b)(7)(C) Pvt (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) (terp) in that room before I closed that door. After some time I heard one shot, I remember the women and children start freaking out again after that shot. After that one shot Spc (b)(6), (b)(7)(C) (medic) was called for and he went in to the room where the wounded AIF was located. I didn't see him again until it was time to leave the area. Shortly after that the call came out that EOD was close so CPL (b)(6), (b)(7)(C) Pvt (b)(6), (b)(7)(C) and I went to escort EOD to the house so they could pick up the 57mm shells and the hand grenades we had found. Upon returning to the area we noticed that Sgt. (b)(6), (b)(7)(C) and the rest of the team was outside the house and down another alley speaking with a local national on a donkey cart. I kept my distance and was pulling security watching for snipers or any other AIF that might have shown up in the area. After returning to the fob we dropped our gear off at our rooms and decided to get breakfast chow since we had been up most of the night.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 4 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.

A few of us rode in an M1114 HMMWV to chow with Sgt (b)(6), (b)(7)(C) he said that he was going to drop off the gunny sack of weapons to S-2 and talk to them and that he would get us out of the dining facility if they needed to speak with us. Before we split up Sgt (b)(6), (b)(7)(C) made sure that we had our story straight about what happened. I was told that if anyone asked that the AIF pulled a pistol and they shot him. I wasn't in the house and I didn't see what had happened so I wasn't sure what had really taken place and it wasn't for me to question my NCO. At the time he was my section sergeant and I was his gunner. When this took place I was very new to the unit, less than a month, and didn't want to cause any problems I just wanted to be a member of the team. Sgt (b)(6), (b)(7)(C) can be an intimidating person and I was unsure as to what might happen if I was to say anything. He has been in trouble before for beating up members of the Iraqi Army and I times he can be very extreme with his own soldiers, I have never seen him physically touch a soldier but he can be harsh with words and rather verbally abusive (b)(6), (b)(7)(C)

Q: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Q: What does SKT mean or stand for?

A: It stands for Small Kill Team.

Q: What does WIA mean or stand for?

A: Wounded in Action.

Q: What was the objective of this particular mission?

A: To find IED emplaces or any enemy Intel or AIF.

Q: What does AIF mean or stand for?

A: Anti Iraqi Force.

Q: What are IAs and who were the IAs that were with you that day?

A: IAs are Iraqi Army soldiers. I don't remember who they were.

Q: Where did this mission take place?

A: West Al Ahzi.

Q: Have you or anybody from your unit kept any other confiscated weapons from previous missions?

A: I haven't kept any confiscated weapons, but my old M1114 had two AK-47.

Q: Why weren't does weapons turn-in?

A: I assumed those were "drop-weapons", SGT (b)(6), (b)(7)(C) placed the weapons in the truck.

Q: What is a "drop-weapon" mean or stand for?

A: I have never used one, but I assume if you were threaten by an AIF and engage you can use the "drop-weapon" to make it appear as if the AIF was armed.

Q: Have you or anyone in your unit discuss using "drop-weapons"?

A: SGT (b)(6), (b)(7)(C) explained to me that the AK-47's in the M1114 were "drop-weapons". I never agreed to use the "drop-weapons".

Q: You suspected the wounded AIF of making IED's?

A: Yes, it was twilight-out and these AIF had weapons and masked to include bags which IED parts could have been stored.

Q: Did you X-Spray the wounded AIF?

A: No, I am new to the unit.

Q: Who reported SGT (b)(6), (b)(7)(C) killing of the wounded AIF?

A: I do not.

Q: Has SGT (b)(6), (b)(7)(C) killed any other unarmed AIF or instructed you to violate any ROE's, SOP's, or TTP's?

A: No.

000126

Q: Did you receive a mission brief prior to going on the mission?

A: Yes, SGT (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C)

Q: Who gave you the brief and did they explain the ROE (Rules of Engagement)?

A: CPT (b)(6), (b)(7)(C) gave the brief, our ROE was to identify any AIF personnel with weapons or IED related activity and engage to destroy. We have RID (Reasonable Identification) and PID (Positive Identification).

Q: Did anyone take any pictures of the body or seized contraband, or take statements of the local civilians?

A: I remember pictures were taken, but I do not remember who shot the pictures.

Q: Do you know where these photographs are?

A: I imagine SGT (b)(6), (b)(7)(C) may have some pictures. SGT (b)(6), (b)(7)(C) provides mission briefs with pictures from previous engagement.

Q: Are these photographs authorized?

A: I do not know.

Q: Describe the physical features of the wounded AIF, to include what he was wearing?

A: I do not remember, but he appeared AIF.

Q: Describe his wounds?

A: Gunshot wounds and blood all over. He had a severe right wrist disfigurement.

Q: Did you see any weapon being in the possession of the wounded AIF?

A: No.

Q: Was SGT (b)(6), (b)(7)(C) justified in shooting the wounded AIF?

A: I was not in the room. I do not know what took place.

Q: What do you know?

A: I heard one gun-shot from the room, the door was closed. A few minutes later they called for the Medic, and I left with CPL (b)(6), (b)(7)(C) and Pvt (b)(6), (b)(7)(C) to meet with EOD. Upon my return I noticed the body of the wounded AIF was dragged-out by the IA into the street.

Q: What happen with the body?

A: I do not know.

Q: Did SGT (b)(6), (b)(7)(C) mention anything about the killing of the wounded AIF while returning to the FOB?

A: I do not know, he was in a different vehicle.

Q: Once you arrive at the FOB and SGT (b)(6), (b)(7)(C) made sure you had your stories straight who was present?

A: We had a meeting in front of his room, PFC (b)(6), (b)(7)(C), CPL (b)(6), (b)(7)(C) and I were present. I do not remember if SPC (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C) or if (b)(6), (b)(7)(C) was present.

Q: Do you know what happened to the Iraqi pistol?

A: No.

Q: Describe the Iraqi pistol?

A: Looked like a 9mm hand-gun with a magazine and rounds. The pistol was black.

Q: Did you ever hear or see SGT (b)(6), (b)(7)(C) talk about or display the Iraqi pistol after the incident?

A: No.

Q: Were you afforded the opportunity to take breaks if needed?

A: Yes.

Q: Do you need to speak with the Chaplain or anyone regarding his investigation?

A: No.

Q: How were you treated during this interview by CID today?

A: Very professional.

EXHIBIT 9
000127

STATEMENT (Continued)

Q: Do you have anything further to add to your statement?

A: Yes, I did not conspire with anyone to kill an unarmed AIF or any combatant. I did not report this crime because of my rank, being new to the unit, and the position of SGT (b)(6), (b)(7)(C)

Q: Do you have anything further to add to your statement?

A: No.///END OF STATEMENT/// (b)(6), (b)(7)(C)

AFFIDAVIT

I (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT, WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT ARE 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULNCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

(b)(6), (b)(7)(C)

(Signature line for witness)

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 30th day of August 2007 at FOB Normandy, Iraq

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(Signature line for official)

SA

(b)(6), (b)(7)(C), (b)(7)(F)

(Typed Name)

10 USC 936

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

32nd Military Police Detachment (CID)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 4 OF 4 PAGES

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

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION HQ Building, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324	2. DATE 30 Aug 07	3. TIME 0828	4. FILE NUMBER 0118-07-CID919-23257
5. Name (Last First MI) (b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS A Troop, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS SPC/ E-4		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected: Conspiracy, Murder, Cruelty and Maltreatment, Aggravated Assault

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:

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (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 the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you requested a lawyer after being advised of you rights within the last 30 days? YES/NO

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
1a. NAME (Type or Print)	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C), (b)(7)(F)
2a. NAME (Type or Print)	(b)(6), (b)(7)(C), (b)(7)(F)	6. C
b. ORGANIZATION OR ADDRESS AND PHONE	32 nd Military Police Detachment (CID) LSA Anaconda, Balad, Iraq, APO AE 09391	

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

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

LOCATION: 6/9 th Cavalry Regiment, FOB Normandy, Iraq APO 09324	DATE (b)(6), (b)(7)(C) 30 AUG 07	TIME (b)(6), (b)(7)(C) 1233	FILE NUMBER 0118-07-CID919-23257
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E-4/AD

ORGANIZATION OR ADDRESS:
A (b)(6), (b)(7)(C) Regiment, 3rd BCT, FOB Normandy, Iraq, APO 09324

I, (b)(6), (b)(7)(C) want to make the following statement under oath:

In the month of June there was a mission to go and find AIF personnel. The night prior to our mission SGT (b)(6), (b)(7)(C) brought the team to his room to give us a small briefing about the mission we were going to do, which was to go and do like a small stakeout and wait for any AIF personnel. He had told us the detail of the mission and we were told to be ready to go later on that morning to go. In total there was about 6-8 American soldiers, one Interpreter, and 2 Iraqi Army (IA) soldiers We left in the early morning the following day, just short of the Iraqi Compound which is located on Vanessa. We dismounted on the road and went straight to the town across from the Iraqi Compound. About 1-2 hrs later we reached our objective point where we would set up our team. When we entered the house we left the IA soldiers downstairs with 1-2 American personnel. Upstairs is where the radio operator and myself were, while everyone else went out to the roof. Another hour or so passed (I can not be certain cause I was already tired and dozing off every few minutes or so), but that is when the radio operator said to be ready for some gun fire. I heard gun fire for a minute or so, maybe longer. After that we closed down the place we were at to go see the AIF that the team had fired upon. When we got down stairs the team had split up into two teams, because I had over heard that they fired upon 3 guys, in which 2 had taken off running. We (SGT (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C)(b)(6), (b)(7)(C) and myself [There may have been someone else but I cannot remember.]) reached the first AIF body, and they checked for weapons before I went in to see if he was alive or not. He had no pulse and was not breathing. He had some bullet wounds to his torso area and nothing else that I can tell. The weapons they found on him that I can remember were an AK-47, extra magazines, and a grenade. We set up a small perimeter around the area and waited for the other half of the team to return. Before the second half returned someone said they had found a blood trail leading through an entrance to a house just behind us. I can't remember the person who said that but I am thinking it was PFC (b)(6), (b)(7)(C). When the rest of the team arrived, a few of them went in while I stayed behind to continue watching the perimeter. About 10-15 minutes later, they came back out and said they had found some weapons and that the blood trail led to the roof and then off the roof as though the AIF had jumped off. The same team that went into house went around the block to where they think the guy may have jumped off. About 5 minutes or so they called for the rest of the team to link up at their location. As I was rounding a corner, I saw out of the corner of my eyes as an IA Soldier and someone else (I cannot remember who) were kicking down a door to the house that was right there on the corner. I again waited outside to pull security, until SGT (b)(6), (b)(7)(C) came and told me to come check out the person in the house. When I entered the living room area of the house there was a body on the ground with blood coming from it. I went to check the body, and found no palpable pulse or any breathing going on. I checked what kind of wounds he had, and as I can recall he had bullet wound to his torso (in different places, I can't remember the number), a broken arm, a wound to the back of his head. In addition I unwrapped some pieces of clothing that I'm guessing the family that lived at the house had put on his arm to stop the bleeding as best they could. I cannot recall if there was a weapon or not around the body. I stayed in there for another few minutes or so. After that I returned back outside. As I was walking towards the Bradley (which had arrived earlier), I

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 5 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.

turned around and saw the IA soldiers dragging out the body in front of the house. Shortly after we returned back to Bradleys and returned back to FOB.

Q: SA (b)(6), (b)(7)(C)

A: SPC (b)(6), (b)(7)(C)

Q: Did you type the narrative portion of this statement?

A: Yes.

Q: Can you remember when this mission took place? What time of day as well?

A: Middle to end of June. It was around 0700 or 0800.

Q: What does SKT mean or stand for?

A: It stands for Small Kill Team.

Q: What was the objective of this particular mission?

A: To find any AIF (Anti Iraqi Forces) and if the mission leader advises we engage the enemy. It's like an ambush of sorts.

Q: What are IAs and who were the IAs that were with you that mission?

A: IAs are Iraqi Army soldiers. I don't remember who they were.

Q: Where did this mission take place?

A: I think it was somewhere in the town across from the IA compound.

Q: Did you receive a mission brief prior to going to the mission? Who gave you the brief and did they explain the ROE (Rules of Engagement)?

A: I received a mission brief from SGT (b)(6), (b)(7)(C) and one from the commander. They explained where we were going and mission objective. I can't remember if they briefed us on the ROE.

Q: Explain what you saw when you went to the place where the first AIF member had been shot?

A: I saw a man wearing a bandolier and saw an AK beside him and a grenade was found inside his bandolier.

Q: Was the man dead or alive?

A: He wasn't moving I checked his pulse he was dead.

Q: Describe the mans injuries?

A: Multiple bullet wounds to his torso area.

Was there any other weapons found near this man?

A: That was all that I could remember.

Q: Who was at the scene of this dead enemy combatant?

A: Myself, SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) and one or both of the IA soldiers.

Q: Were photographs taken of this enemy combatant?

A: Yes but I don't remember who took them.

Q: Is this common practice?

A: Yes, it helps identify the combatant if we already have a previous photograph.

Q: What did you do after that?

A: I pulled security while SGT (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) searched a house near the body. The blood trail led them to this house and they found a couple AK's and a couple handguns and EOD was called to collect some kind of mortar shells.

Q: What was done with the AK's and pistols?

A: They were put in a large rice bag and put in the back of a Bradley.

Q: What did you do next?

A: The same team that searched the first house then searched the second house.

Q: What did they find?

A: They found a second enemy combatant.

Q: What did they do?

A: I am not sure I did not go inside initially.

Q: How long was the team inside before you entered?

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A: About five minutes or so.

Q: Why did you enter the house and what did you see?

A: SGT (b)(6), (b)(7)(C) called me to check the enemy combatant for signs of life. I checked his pulse he had none and no rise or fall in the chest.

Q: Did you hear any gunshots from the time the team entered the house and the time you entered the house?

A: Yes, but I could not tell where they were coming from.

Q: How many gunshots did you hear?

A: Two maybe three.

Q: Who entered the second house?

A: The Two IA,s, SGT (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

Q: What did you see when you entered the room?

A: I saw SGT (b)(6), (b)(7)(C) and the Iraqi on the floor. SGT (b)(6), (b)(7)(C) was holding his M4 and the Iraqi was on the floor.

Q: Tell me everything that was said between you and SGT (b)(6), (b)(7)(C) and include your actions taken during that time frame?

A: After I entered the house I went and saw SGT (b)(6), (b)(7)(C) standing with his M4 rifle and the AIF lying on the ground. He had asked me if he was dead or what was going on with him. I notice that he had agonal breathing going on with him, which is a sign that he was on the verge of dying. I checked his pulse and it was very weak, to the point you can barely feel it. It was at this point that I told him that he will die very soon. He then stepped outside real quick, and returned back and asked if there was a quicker way to expedite his death. Out of humor, I told him “Smothering him I guess, I don’t know.” That’s when he said to do it. I hesitated a little bit and that’s when he kept pushing me into doing it. So I did as I was told and covered his mouth, and only his mouth. After 30 seconds or so, I removed my hand and he was still alive. He told to me to move. After I moved from there, that’s when SGT (b)(6), (b)(7)(C) shot him.

Q. Did you not state earlier that there was no palpable pulse or breathing on the AIF?

A. I lied about the signs of life on him. He was alive.

Q. How could determine he was alive?

A. He was still breathing at the time.

Q. Why did you lie that he was dead?

A. Because I was scared.

Q. Scared of what?

A. Because I knew what I was doing was wrong and I was afraid of getting caught.

Q. Define “agonal breathing?”

A. It is referred to a few last breath as the body is gasping for air right before a person dies.

Q. Can you describe how you smothered the AIF?

A. I sat next to the AIF, over by his head on his right side, and I placed my right hand over his mouth. I was wearing a pair of examining gloves the ones the doctors used at the hospital.

Q. What color of the gloves?

A. They were beige in color.

Q. What did you do with the gloves?

A. I discarded it on the pile of trash.

Q. Did you put any pressure on his mouth with your right hand?

A. I pressed his mouth. I did not pressed his mouth with a full force because I knew what I was doing was wrong.

Q. Describe what SGT (b)(6), (b)(7)(C) told you when he instructed to smother him?

A. He told me, “Go ahead (b)(6), (b)(7)(C) go head ahead. Just do it (b)(6), (b)(7)(C) just do it.”

Q. Why did you do it knowing it was wrong to do it?

A. I do not know why I did it.

Q. Did you feel threatened by SGT (b)(6), (b)(7)(C) at the time?

A. No. I could have walked out of the door but I made a conscious decision to smother him.

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"STATEMENT OF (b)(6), (b)(7)(C) SSN # (b)(6), (b)(7)(C) TAKE... AT: 6/9th Cavalry Regiment, FOB Normandy, Iraq APO 09324; DATED 30 Aug 07 CONTINUED". 0118-07-CSI0919-23257

Q: When you entered the room did you notice any wounds to the AIF head?

A: No not at that time.

Q: Did you witness SGT (b)(6), (b)(7)(C) shoot the AIF?

A: No as I was walking away I heard the shot and turned and saw some blood coming from the AIF left side of head.

Q: How far away from SGT (b)(6), (b)(7)(C) were you when the shot was fired?

A: About 5 feet.

Q: When you entered the room did you see a weapon beside the AIF member?

A: No.

Q: Was anything said about this incident by anyone at the scene after this incident took place?

A: I walked away and tried to be alone. I could not believe what I had just done. I did not talk to anyone.

Q: How long were you in the room with SGT (b)(6), (b)(7)(C) and the AIF member?

A: About five to ten minutes.

Q: Did you discuss this incident with anyone else?

A: No.

Q: Did you examine the AIF when he was dragged out of the house?

A: No. I did not examine him.

Q: What do you think should happen to someone who does this type of action?

A: I honestly don't know.

Q: were you afforded the opportunity to take breaks if needed during this interview?

A: yes.

Q: How were you treated during this interview by CID today?

A: Ok.

Q: Is there anything more you wish to add this statement at this time?

A: No.///END OF STATEMENT/// (b)(6), (b)(7)(C)

STATEMENT (Continued)

(b)(6), (b)(7)(C)

Not Used Not Used

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT, WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT ARE 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEME (b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 30th day of August 2007 at FOB Normandy, Iraq APO 09324.

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS
32nd Military Police Detachment (CID)
LSA Anaconda, Balad, Iraq, APO AE 09391

SA (b)(6), (b)(7)(C), (b)(7)(F)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 5 OF 5 PAGES

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

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION: HQ, 6/9th CAU, FOB Normandy, IRAQ
2. DATE: 30 Aug 07, TIME: 0845, FILE NO.: 0118-07-CID919-23257
5. NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E-3 / AD
8. ORGANIZATION OR ADDRESS: ATROOP, 6/9th CAU, FOB NORMANDY, IRAQ, APD AE 09342

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command (CID) as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: MURDER, Aggravated Assault, Conspiracy, Obstruction of Justice

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:

- 1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (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.

4. 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.

5. COMMENTS (Continue on reverse side)
Have you been advised of your legal rights within the past 30 days? Yes No
Have you received legal advise? NO

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)

1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
2a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE
5. TYPED NAME OF INVESTIGATOR
6. ORGANIZATION OF INVESTIGATOR
90th MP Det CID, LSA Anaconda, Iraq

Section C. Non-Waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

FILE NUMBER: 0118-07-CID919-23257

LOCATION: BN HQ 6/9th CAV, FOB Normandy

DATE: 30 Aug 07 (b)(6), (b)(7)(C) TIME: 12:00 (b)(6), (b)(7)(C) start time 0845 (b)(6), (b)(7)(C)

NAME: (b)(6), (b)(7)(C)

SSAN: (b)(6), (b)(7)(C) Grade/Status: E-3 / AD

ORG/ADDRESS: A Troop, 6/9th CAV, FOB Normandy, Iraq APO AE 09342

(b)(6), (b)(7)(C)

want to make the following statement of my own free will,

On the 25th of June 2007 a mission brief was given on the SKT that we were to go on to. We were told that there was an open field in wich AIF was using, to mortar other villages. At that time were had to choose one of 3 OP. Choosing the best one we thought was good we were given the sp time of 0400 of the 26th of June 2007. At that time we were told to get some sleep. We woke up at 0300 that morryng and got ready for the SKT. We loaded up and left at 0400 geting to the IA check point we dissmonted to move to our objetive. Using the shadows as cover as much as possible we got to our first house that we thought would be using for our OP it took about 1 hr to 1 1/2 hr. Looking at the house it looked like it was possibly riged with IEDs. At that point we went around the house to look at it from another point of vew. It was desided that another house would be chosen, staying back we got the word to move. At that time we move to the new OP, as the breach team entered the house. It was cleared, at that time I was told to stay down stares and was given a squad radio. I was given 3 IAs members and the interpiter. We sat watching the front door to make shure nobody would come through. We stayed there until the sun had come up at that time Sgt (b)(6), (b)(7)(C) came over the radio and said thay were about to start to engage. I heard the engagement at wich time Sgt (b)(6), (b)(7)(C) came over the radio and told us to colapes. We colapesed out side the house then we moved around the corner to the filed were one of the AIF was dead. We secured the area scanning the roof tops and windows for possible snipers. The breach team followed the blood trail to a house about 50 to 100 feet from were the dead AIF was laying. The breach team went inside and search finding a wepons cashay. During the search of the house CPL (b)(6), (b)(7)(C) followed another blood treal that end around the corner. Once the breach team came out they had a bag with them that was wepons. We colapesed and went around the corner. At that time the breach team found another blood treal that lead into the a house on the corner. As I was in the back at the colomn and I kept looking back at the roof tops. I saw a guy that kept coming out onto the roof. I set my over watch on the corner watching the entry point that we just came through. Siting there for a short time about 15 mins. I heard a gun shot not knowing what it was. I kept my eyes on the roof and windows, after a few minutes I was sent to my 6 to cover the ally way siting there I kept my eyes on the road and ally ways. After about a few minutes I was sent to my right to cover down on another ally way and to look further down the street. AT this point I noticed a man in black on a donky cart driveing back and forth. I notified Sgt (b)(6), (b)(7)(C) and was told to keep and eye on him. At this point I saw CPL (b)(6), (b)(7)(C), Spc (b)(6), (b)(7)(C) and Pvt (b)(6), (b)(7)(C) take the bag to the back of a bradly, and escort EOD to the house in witch the wepons were found. I moved to my original point and watched as they moved around the corner. Making shure nothing would happen to them, after being there for some time I heard a 2nd shot. Still not knowing what it was I kept my eyes on the roof top and windows. When we colaped we saw the guy on the donkey cart by the mosk and called him over. Stoping him we had him come to use stoping about 200 feet from us. Sgt. (b)(6), (b)(7)(C), Cpl (b)(6), (b)(7)(C), Spc (b)(6), (b)(7)(C) and myself stopped him then myself and Spc (b)(6), (b)(7)(C) checked the donkey cart and found the cart

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

Page 1 of 5 Pages (b)(6), (b)(7)(C)

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STATEMENT OF
CONTINUED:

TAKEN AT HQ Building, 6/9th CAVFOB Normandy, IZ DATED 29 Aug 07

to have only ice on it, the guy was then let go. We finly colaped and mounted up and returned to Fob Normandy.

Q: SA (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Q: What is AIF?

A: Anti Iraqi Forces.

Q: What is Ias?

A: Iraqi Army soldiers.

Q: How long have you been in the unit?

A: Approximately 3 months.

Q: What is your job in the unit?

A: I'm a driver for a M1114 and a CAV Scout.

Q: During the briefing for the mission on 26 Jun 07, did you receive or overhear any special instructions or comments from SGT (b)(6), (b)(7)(C) to anyone else?

A: I didn't hear him say anything but PVT (b)(6), (b)(7)(C) and CPL (b)(6), (b)(7)(C) told me that they have heard SGT (b)(6), (b)(7)(C) state that he does not want to bring back any detainees and to do what they have to do.

Q: What do you think he meant by that?

A: I figured that they didn't want to bring anyone back and would just let people go.

Q: Did you ever see SGT (b)(6), (b)(7)(C) just let someone go?

A: I have, he did that on our last ten day mission about 2 weeks ago. We had a guy that we suspected of having a cash of weapons. SGT (b)(6), (b)(7)(C) let him go. The man didn't have any weapons or anything on him.

Q: What time was the first engagement and where was it?

A: It was between 0530 and 0600 and they were in an open field next to the building we were in.

Q: What happened to the rifle and all the other contraband?

A: It was placed in the back of one of our Bradlys and escorted back to the FOB Normandy, where it should have been given to our S2 office, but I'm not sure if it was or not.

Q: Where is the pistol that was found one the first dead AIF member?

A: I have no idea. I never saw a pistol and no one ever told me there was a pistol found. I have now knowledge of a pistol found anytime or anywhere during that mission.

Q: Have you ever seen anyone keep a weapon that was recovered from one of your missions?

A: No.

Q: Have you seen any interpreters armed with a waeapon?

A: When I first got here in May 07 they did all the time. Now they don't carry them at all.

Q: When did they stop carrying the weapon?

A: It was about 3 or 4 weeks. There was a new unit policy that came down from the chain of command that fobid them to carry weapons.

Q: Have you seen them carry weapons since then?

A: No.

Q: Why didn't you report this incident to the chain of command sooner?

A: I was very new to the unit and this is a serious incident. I didn't trust the chain of command yet. The NCOIC of the mission, SGT (b)(6), (b)(7)(C) is a compitent NCO but I'm scared of him and what he would do if he found out that I told anyone about what he did to the detainee at the end of that mission.

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

Page 2 of 5 Pages
(b)(6), (b)(7)(C)

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STATEMENT OF
CONTINUED:

TAKEN AT HQ Building, 6/9th CAVFOB Normandy, IZ DATED 29 Aug 07

Q: Do you feel that anyone did anything wrong on this mission that should have been reported?

A: Yes. T three or four days ago, PVT (b)(6), (b)(7)(C) and I were sitting in our living quarters and he looked scared and needed to talk. PVT (b)(6), (b)(7)(C) told me that he was in the house and witnessed the incident. I heard from PVT (b)(6), (b)(7)(C) that the Iraqi male was shot inside the house at the end of that mission. He said that the AIF member was not able to attack or defend himself and that the guy was just lying there and for no reason SGT (b)(6), (b)(7)(C) shot him in the chest area. PFC (b)(6), (b)(7)(C) stated that SGT (b)(6), (b)(7)(C) shot the Iraqi male with his pistol.

Q: Tell me about what happened to the first body your group came across on 26 Jun 07.

A: He had sandals on, denim pants, and a white golf shirt. I saw that he had one AK-47 rifle and a bandolier of amunition. The rifle had a 30 round magazine in it. I didn't see any grenades, pistols or IED materials on him. SGT (b)(6), (b)(7)(C) put all those weapons on the ground around the man who was shot and killed and took digital photos of him to document the weapons. He took two or three photographs. No soldiers from my group were in the photographs.

Q: Anything else?

A: I was pulling perimeter security while the contraband was being processed and I heard two shots fired but I kept looking at the rooftops. I didn't hear anyone say anything. My ears were ringing from the gun fire exchange a few moments earlier.

Q: What happened once the blood trail was followed?

A: At the end of the blood trail it led into a court yard at a house about 300 to 400 feet from the first dead AIF member.

Q: What did you do once you got to the house at the end of the blood trail?

A: I was placed on outside security detail by SPC (b)(6), (b)(7)(C) and I stayed outside the entire time. I never entered the house or courtyard. This was about 0800.

Q: How long did you pull security?

A: For about 2 hours all together. I was moved to two other points on the outside perimeter by SPC (b)(6), (b)(7)(C) and continued to check for AIF members and other threats.

Q: Did anyone ever come out of or go into the house during that two hours?

A: Yes. CPL (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C) and PVT (b)(6), (b)(7)(C) came out just after I heard the first shot in the house. They met with personnel from EOD and showed them the house that the confiscated weapons and IED making materials came from. They did not go back into the house.

Q: Did you see or hear anything?

A: I heard one gun shot from inside the house about 0830 and a second gun shot about 0930.

Q: What else happened?

A: After we dealt with the donkey cart driver, two of the IA (Iraqi Army) members that were with us dragged what appeared to be a dead Iraqi male from the house to the street. The body had one black and one light blue scarves tied to his ankles.

Q: What happened then?

A: We all mounted back up and went back to FOB Normandy.

Q: When you got back to FOB Normandy, did anyone turn in a rifle or pistol pertaining to this mission as contraband or evidence?

A: Not that I know of.

Q: Were you ever asked by any person or persons to lie about this incident or cover up the facts of this mission in any way?

A: No.

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

Page 3 of 5 Pages
(b)(6), (b)(7)(C)

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10-L-0126 ACLU CID ROI 7847

000138
EXHIBIT 11

STATEMENT OF
CONTINUED:

TAKEN AT HQ Building, 6/9th CAVFOB Normandy, IZ DATED 29 Aug 07

Q: Do you have knowledge of anyone asking any other person to lie about this incident or cover up the facts of this mission in any way?

A: No.

Q: At any point, did you hear anyone say anything about what happened inside the house?

A: Not until just recently. About I was told by CPL (b)(6), (b)(7)(C) that the dead Iraqi male had a weapon on him. CPL (b)(6), (b)(7)(C) told me this about 3 weeks ago. I'm not sure about the time and date.

Q: Where there any pictures take of the second Iraqi male that was killed?

A: Not that I know of.

Q: Is there anything you want to add to this statement?

A: No.///END STATEMENT/// (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C)

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EXHIBIT 11

Hw Builds, 6/97 CAU, FOB Normandy, Iraq

STATEMENT OF

(b)(6), (b)(7)(C)

TAKEN AT CID Office, LSAA (b)(6), (b)(7)(C)

DATED 30 Aug 07

CONTINUED: Case # 0118-09-CID919-23257

(b)(6), (b)(7)(C) [Redacted area with handwritten "Do Not Use" across the page]

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C) (Signature of Person Making Statement)

WITNESSES:

Organization or address fields for witnesses

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 30 DAY OF Aug, 2007 AT FOB Normandy, 90th MP DET (CID), LSAA Anaconda, Balad, Iraq

(b)(6), (b)(7)(C) (Administering Oath)

SA (b)(6), (b)(7)(C) (Name of Person Administering Oath) 10 USC 936

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGES 5 OF 5 PAGES

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(b)(6), (b)(7)(C) 10-L-0126 ACLU CID ROI 7849

EXHIBIT 11

0118-07-CID919-23257

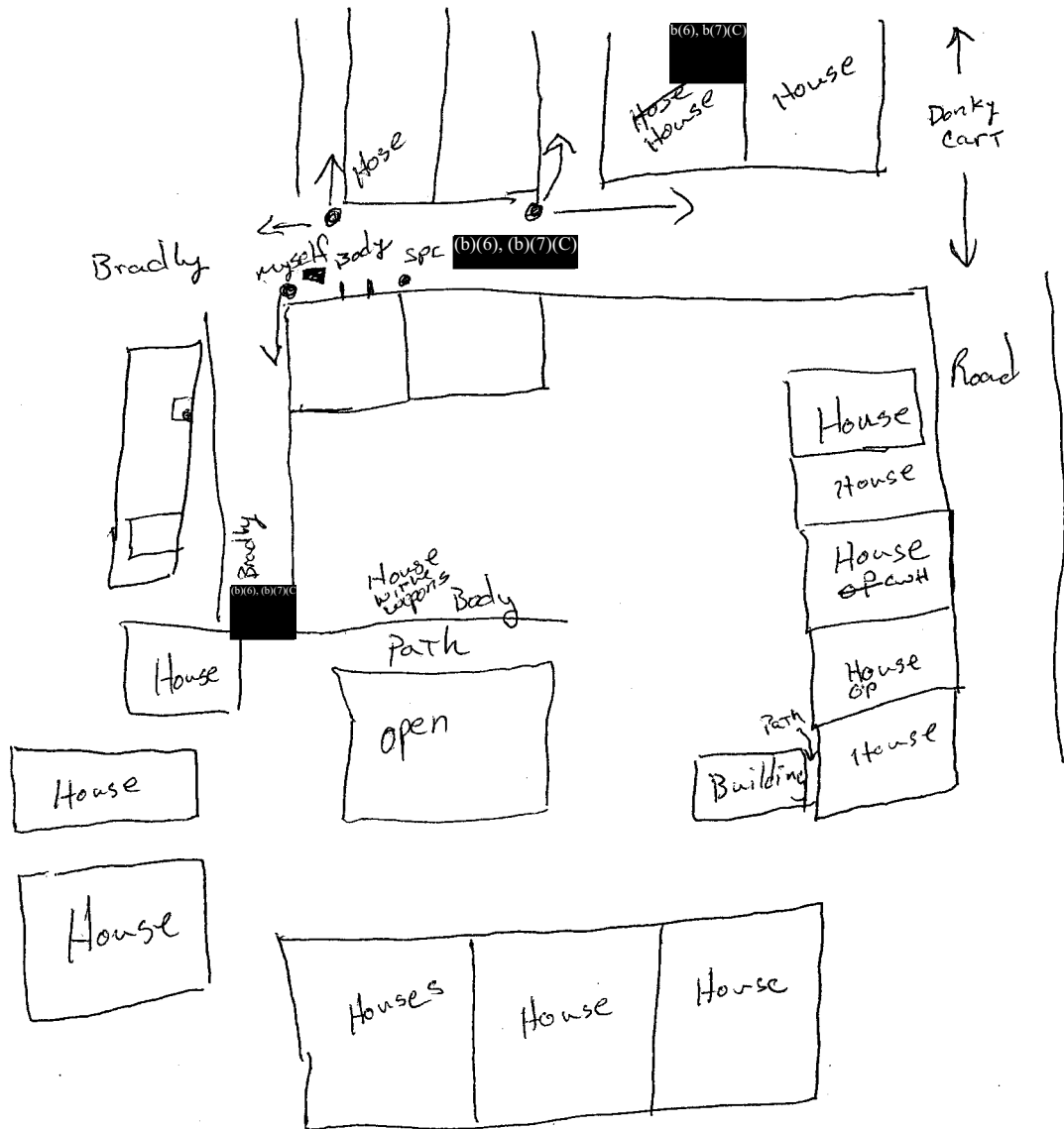
Date: 30 Aug 07		Consent To Search <small>(USACIDC Supplement 1 to AR 190-22)</small>		Time: 0947
1. Name of person consenting to the search: PFC (b)(6), (b)(7)(C)		2. Organization and location: A Troop, 6/9th CAV FOB NORMANDY, IRAQ APO AE 09342		
3. I have been informed by the undersigned USACIDC Special Agent that an inquiry is being conducted in connection with the following possible violation(s) of law: MURDER, Aggravated Assault, Conspiracy, Obstruction of Justice				
4. I have been requested by the undersigned USACIDC Special Agent to give my consent to a search of my person, premises, or property as indicated below. I have been advised of my right to refuse a search of my person, premises, or property. (If you <u>do not</u> give your consent, do not sign this form)				
5. I hereby authorize the undersigned USACIDC Special Agent and/or other Authorized Law Enforcement Officials assisting the undersigned USACIDC Special Agent to conduct a search of: <i>(Initial and sign applicable blocks)</i>				
a.	My Person	<small>Initials</small> <small>(b)(6), (b)(7)(C)</small>	(b)(6), (b)(7)(C)	
b.	My Quarters	<small>Initials</small> <small>(b)(6), (b)(7)(C)</small>	(b)(6), (b)(7)(C)	
Located At: Room #6, Building #4, FOB NORMANDY, Iraq APO AE 09342.				
c.	My Vehicle	<small>Initials</small>	<small>Signature</small>	
Located At:				
Described As:				
d.	Other	<small>Initials</small>	<small>Signature</small>	
Located At:				
Described As:				
I am authorizing the above search(s) for the following general types of property which may be removed by the authorized law enforcement personnel and retained as evidence under the provisions of Army Regulation 195-5, or other applicable laws or regulations: Any AK-47 rifles, magazines, 7.62 rounds, grenades, RPGs, IED construction materials, flint ski masks, photographs of weapons cash contraband, detainees, or other contraband confiscated from AIF members and any digital media or devices containing digital photographs of the above.				
6. This written permission is given to the undersigned USACIDC Special Agent freely, voluntarily and without threats or promises of any kind:				
(b)(6), (b)(7)(C)		(b)(6), (b)(7)(C)		
(b)(6), (b)(7)(C)		Signature of Person Granting Consent		
(b)(6), (b)(7)(C)		(b)(6), (b)(7)(C)		
Special Agent		Signature of Witness (if Available)		

rough Hand Drawn Sketch Depicting
the location of the House and Crime Scene.

0118-07-CID0919-23257

(b)(6), (b)(7)(C)

Donkey
Cart
found at mosque



Drawn by: (b)(6), (b)(7)(C)

Serialized: (b)(6), (b)(7)(C)

Date: 30 Aug 07 Time: 1117

Witnessed by: (b)(6), (b)(7)(C)
Signed: [Redacted]

0118-07-CI0919-23257

Date: 30 AUG 2007 (b)(6), (b)(7)(C)		Consent To Search (USACIDC Supplement 1 to AR 190-22)		Time: 1235 (b)(6), (b)(7)(C)
1. Name of person consenting to the search: (b)(6), (b)(7)(C)		2. Organization and location: A TROOP 64TH CAVALRY REGIMENT 3RD BCT, 1 CO FOB NORMANDY IRAQ APO 09324		
3. I have been informed by the undersigned USACIDC Special Agent that an inquiry is being conducted in connection with the following possible violation(s) of law: CONSPIRACY, MURDER, CRUELTY AND MALTREATMENT, AND AGGRAVATED ASSAULT				
4. I have been requested by the undersigned USACIDC Special Agent to give my consent to a search of my person, premises, or property as indicated below. I have been advised of my right to refuse a search of my person, premises, or property. (If you <u>do not</u> give your consent, do not sign this form.)				
5. I hereby authorize the undersigned USACIDC Special Agent and/or other Authorized Law Enforcement Officials assisting the undersigned USACIDC Special Agent to conduct a search of: <i>(Initial and sign applicable blocks)</i>				
a.	My Person	Initials (b)(6), (b)(7)(C)	Signature (b)(6), (b)(7)(C)	
b.	My Quarters	Initials (b)(6), (b)(7)(C)	Signature (b)(6), (b)(7)(C)	
Located At: Room # 8 BLDG #4 FOB NORMANDY IRAQ APO AE 09324				
c.	My Vehicle	Initials	Signature	
Located At:				
Described As:				
d.	Other	Initials	Signature	
Located At:				
Described As:				
I am authorizing the above search(s) for the following general types of property which may be removed by the authorized law enforcement personnel and retained as evidence under the provisions of Army Regulation 195-5, or other applicable laws or regulations: ANY AK-47, MAGAZINES, 7.62mm ROUNDS, NON-ISSUED GRENADES, RPG'S, IED CONSTRUCTION MATERIALS, SKI MASKS, PHOTOGRAPHS OF WEAPONS CACHE CONTRABAND, DETAINEES, OR OTHER CONTRABAND CONFISCATED FROM AIF MEMBERS AND ANY DIGITAL MEDIA OR DEVICE CONTAINING DIGITAL PHOTOGRAPH OF THE ABUSE				
6. This written permission is given to the undersigned USACIDC Special Agent freely, voluntarily and without threats or promises of any kind:				
(b)(6), (b)(7)(C)		(b)(6), (b)(7)(C)		

		Consenting Consent		

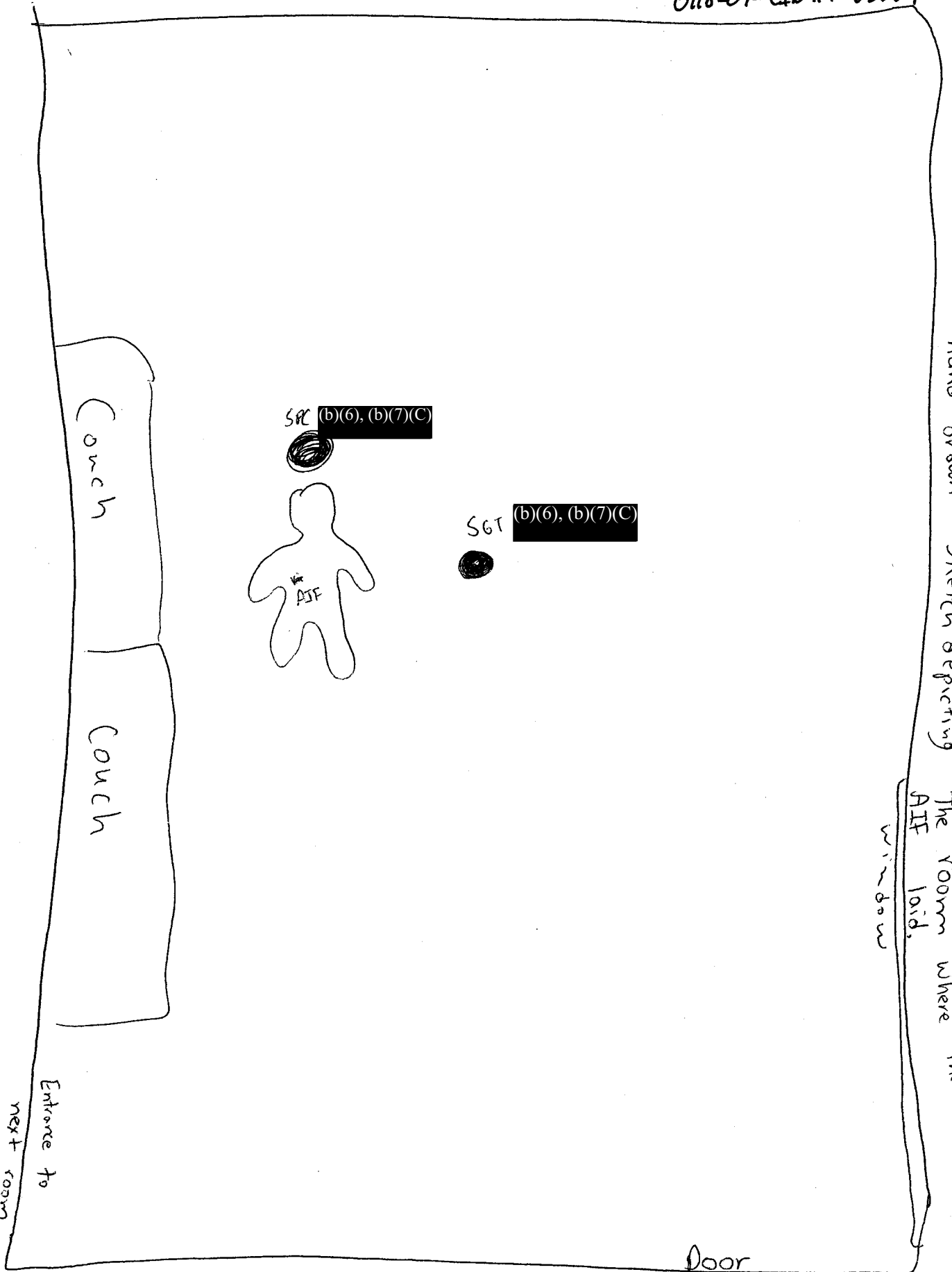
		Signature of Witness (If Available)		

Hand drawn sketch depicting the room where the wounded AIF laid.

Window

Door

000144



Sketch verified by: SA (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

30
Sketch by: SR (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

048 07-010919-23257

Date: 30 Aug 07	Consent To Search <small>(USACIDC Supplement 1 to AR 190-22)</small>	Time: 1242				
1. Name of person consenting to the search: (b)(6), (b)(7)(C)		2. Organization and location: A Troop, 6/911 CAU FDB NORMANDY, IRAQ APO AE 09342				
3. I have been informed by the undersigned USACIDC Special Agent that an inquiry is being conducted in connection with the following possible violation(s) of law: MURDER, Aggravated Assault, Conspiracy, Obstruction of Justice						
4. I have been requested by the undersigned USACIDC Special Agent to give my consent to a search of my person, premises, or property as indicated below. I have been advised of my right to refuse a search of my person, premises, or property. (If you do not give your consent, do not sign this form)						
5. I hereby authorize the undersigned USACIDC Special Agent and/or other Authorized Law Enforcement Officials assisting the undersigned USACIDC Special Agent to conduct a search of: <i>(Initial and sign applicable blocks)</i>						
a.	My Person <input checked="" type="checkbox"/>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;"><i>Initials</i></th> <th style="width:80%;"><i>Signature</i></th> </tr> <tr> <td style="text-align:center;">(b)(6), (b)(7)(C)</td> <td>(b)(6), (b)(7)(C)</td> </tr> </table>	<i>Initials</i>	<i>Signature</i>	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)
<i>Initials</i>	<i>Signature</i>					
(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)					
b.	My Quarters <input checked="" type="checkbox"/>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;"><i>Initials</i></th> <th style="width:80%;"><i>Signature</i></th> </tr> <tr> <td style="text-align:center;">(b)(6), (b)(7)(C)</td> <td>(b)(6), (b)(7)(C)</td> </tr> </table>	<i>Initials</i>	<i>Signature</i>	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)
<i>Initials</i>	<i>Signature</i>					
(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)					
Located At: <input checked="" type="checkbox"/> Apache AO, 2 building, 1st Rm on Right						
c.	My Vehicle	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;"><i>Initials</i></th> <th style="width:80%;"><i>Signature</i></th> </tr> <tr> <td style="text-align:center;"></td> <td></td> </tr> </table>	<i>Initials</i>	<i>Signature</i>		
<i>Initials</i>	<i>Signature</i>					
Located At:						
Described As:						
d.	Other	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;"><i>Initials</i></th> <th style="width:80%;"><i>Signature</i></th> </tr> <tr> <td style="text-align:center;"></td> <td></td> </tr> </table>	<i>Initials</i>	<i>Signature</i>		
<i>Initials</i>	<i>Signature</i>					
Located At:						
Described As:						
I am authorizing the above search(s) for the following general types of property which may be removed by the authorized law enforcement personnel and retained as evidence under the provisions of Army Regulation 195-5, or other applicable laws or regulations: Any AK-47 rifles, magazines, 7.62 rounds, grenades, RPG's, IED construction materials, ski masks, photographs of, weapons cash contraband, detainees, or other contraband confiscated from AIF members and any digital media or devices containing digital photographs of the above & any pistols						
6. This written permission is given to the undersigned USACIDC Special Agent freely, voluntarily and without threats or promises of any kind:						
(b)(6), (b)(7)(C)		nsent				
(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	(If Available)				
Signature of USACIDC Special Agent						

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

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION HQ Building, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324		2. DATE 30 AUG 07	3. TIME 1436 hrs	4. FILE NUMBER 0118-07-CID919-23257
5. Name (Last First MI) (b)(6), (b)(7)(C)		8. ORGANIZATION OR ADDRESS A Troop, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS SGT/ E-5			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy, Murder, Cruelty and Maltreatment, Aggravated Assault, Obstruction of Justice (b)(6), (b)(7)(C)

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 questions 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.

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

5. COMMENTS (Continue on reverse side)

Have you requested a lawyer after being advised of your rights within the last 30 days? YES / NO

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	
1a. NAME (Type or Print)			
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR (b)(6), (b)(7)(C)	
2a. NAME (Type or Print)		5. TITLE OF INVESTIGATOR SA (b)(6), (b)(7)(C), (b)(7)(F)	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 32 nd Military Police Detachment (CID) LSA Anaconda, Balad, Iraq, APO AE 09391	

SECTION C. Non-waiver

1. I do not want to give up my rights (b)(6), (b)(7)(C) I do not want to be questioned or say anything

STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECTED/ACCUSED 000146

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

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION HQ Building, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324		2. DATE 30 AUG 07	3. TIME 1505	4. FILE NUMBER 0118-07-CID919-23257
5. Name (Last First MI) (b)(6), (b)(7)(C)		8. ORGANIZATION OR ADDRESS Alpha 6/9th Cavalry Regiment, 3rd BCT, 1 st CAV, Fort Hood, TX 76544		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS E-4/CPL			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy, Murder, Cruelty and Maltreatment, and Aggravated Assault // (b)(6), (b)(7)(C)

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 questions 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 the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you requested a lawyer after being advised of you rights within the last 30 days? YES NO

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 (b)(6), (b)(7)(C)
1a. NAME (Type or Print)		(b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		(b)(6), (b)(7)(C), (b)(7)(F)
b. ORGANIZATION OR ADDRESS AND PHONE		
		32 nd Military Police Detachment (CID) LSA Anaconda, Balad, Iraq, APO AE 09391

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

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED 000147

SWORN STATEMENT

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

LOCATION: 6/9 th Cavalry Regiment, FOB Normandy, Iraq	DATE (b)(6), (b)(7)(C) 30 AUG 07	TIME 1710 (b)(6), (b)(7)(C)	FILE NUMBER 0118-07-CID919-23257
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E4-/AD

ORGANIZATION OR ADDRESS:
Alpha Troop, 6/9th Cavalry Regiment, 3rd BCT, FOB Normandy, Iraq, APO 09324

I, (b)(6), (b)(7)(C) want to make the following statement under oath:

This re-interview is to clarify and or provide more information pertaining to all previous statements provided pertaining to this investigation.

Q: How long have you worked with SGT (b)(6), (b)(7)(C)?

A: 27 Jul 2005.

Q: Did the mission begin at 0200, 26 Jun 07?

A: Around that time.

Q: Describe the room where the wounded AIF laid?

A: A door on the front right side of the room, a hallway to the immediate left, the room was about 20 feet by 20 feet, the walls were white, I noticed pictures of Mohammed the prophet, a single rug on the floor, and their were to benches against the walls across from each other.

Q: You had your weapon pointed to the captive. How close was your weapon to the captive?

A: About 2 1/2 feet.

Q: What made you believe he was uncooperative?

A: According to our interpreter he was refusing to answer any questions, he continue to reach and grab for my barrel, and when offered water he swatted the bottle.

Q: Was the wounded AIF crying and asking for help?

A: He was crying, but he did not speak English and I did not understand him. Our interpreter never told us he was asking for help.

Q: The wounded AIF was crying and asking for help how can he be uncooperative?

A: I did not understand him, he was crying but that is no reason for him to grab my barrel, and ignore our questioning from our interpreter.

Q: How did you determine he was not a threat?

A: He was severely wounded and did not appear to have a weapon.

Q: Explain what SGT (b)(6), (b)(7)(C) meant when he said he did not want to take any detainees to the FOB?

A: I understood him in two ways, kill the AIF or leave him.

Q: What were SGT (b)(6), (b)(7)(C) exact words regarding the detainee situation?

A: I do not want to take any detainees to the FOB.

Q: Why not?

A: I think he was lazy and did not want to care for the detainees.

Q: What is involved with the care of the detainees?

A: Food, medical supplies, transportation, guard duty, and this may continue for days.

Q: What did SGT (b)(6), (b)(7)(C) mean when he said he did not want this on your hands?

A: I though he was talking about the beating of the wounded AIF.

Q: When did you understand the actual meaning of SGT (b)(6), (b)(7)(C) words?

A: After he shot the wounded AIF.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
--	-------------------

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.

“(b)(6), (b)(7)(C) SSN # (b)(6), (b)(7)(C); TAKEN AT: 6/9th Cavalry Regiment, FOB Normandy, Iraq APO 09324; CASE NUMBER # 0118-07-CID919-23257; DATED 30 Aug 07 CONTINUED”.

Q: Before SGT (b)(6), (b)(7)(C) shot the wounded AIF and after his statement regarding detainees did you think SGT (b)(6), (b)(7)(C) was capable of killing the wounded AIF?

A: Yes, as a worst case scenario.

Q: When you realized the possibility that SGT (b)(6), (b)(7)(C) could have killed the wounded AIF why didn't you make an attempt to stop him?

A: As I stated before, I was fearful of the consequences for questioning SGT (b)(6), (b)(7)(C)

Q: Did you witness the shooting?

A: Yes, only the shot to the chest.

Q: Describe the shot as you visualized it?

A: After the shot was fired I saw SGT (b)(6), (b)(7)(C) lower his weapon and I looked at the wounded AIF and he was cringing and sighing from the pain.

Q: What do you mean when you stated you provided visual medical-aid to the wounded AIF?

A: Not medical-aid, but an initial visual assessment to see what his injuries consisted of.

Q: What time was it when the first shot was fired?

A: about 0725.

Q: When SGT (b)(6), (b)(7)(C) gathered everyone by his room after the mission what did he say?

A: That the story was the wounded AIF pulled the pistol out of his pants and SGT (b)(6), (b)(7)(C) had to use deadly force to eliminate the threat.

Q: Who was present to hear SGT (b)(6), (b)(7)(C)

A: Spc (b)(6), (b)(7)(C), Spc (b)(6), (b)(7)(C), Myself, Spc (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) Pv2 (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C)

Q: Do you regret this incident?

A: Yes I do. I now know how badly bad decisions in sector can destroy your life, especially if you try to cover them up.

Q: Did you know it was wrong to shot and kill an unarmed and wounded detainee?

A: Yes I know that is wrong

Q: Why did you do this?

A: I did not shoot or kill any unarmed or wounded detainees. I did not intend for this to become a cover-up, I was only trying to keep SGT (b)(6), (b)(7)(C) from making our lives hell.

Q: Do you have any pictures, confiscated weapons, or any unauthorized material or equipment from this incident?

A: Yes. I copied four pictures from SPC (b)(6), (b)(7)(C) camera; the pictures are of the first dead body we killed from the roof top. I shot the body twice and then SPC (b)(6), (b)(7)(C) took the pictures for evidence.

Q: Describe the Iraqi pistol?

A: The pistol was slightly smaller than our issued M-9, the paint was black with rust stains, the handles were brown plastic, the upper receiver was stamped "Made in Iraqi".

Q: Were you afforded the opportunity to take breaks if needed?

A: Yes.

Q: Do you need to speak with the Chaplain or anyone regarding his investigation?

A: No.

Q: How were you treated during this interview by CID today?

A: Very respectable.

Q: Do you have anything further to add to your statement?

A: No.///END OF STATEMENT///(b)(6), (b)(7)(C)

EXHIBIT 49 / 8

STATEMENT (Continued)

Not used

(b)(6), (b)(7)(C)

AFFIDAVIT

I (b)(6), (b)(7)(C) HAVE READ OR 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 ARE 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT

(b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 30th day of August 2007 at FOB Normandy, Iraq

(b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS
32nd Military Police Detachment (CID)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 3 OF 3 PAGES

1531, 3 Aug 07, ATE

on the 19 Aug 07 missions. Sgt **b(6), b(7)(C)** was assaulting civilians. All soldiers that were dismounted from assassin PT witnessed the events, but will not say anything out of fear of retaliation. The captain that was riding with LT **b(6), b(7)(C)** also witnessed what happened. Sgt **b(6), b(7)(C)** is known by the plt to have always committed ~~some~~ crimes against civilians and detainees. Though it is always swept under the rug and kept at the lower levels.

FOUO

000151

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION: HQ Bde, 6th Cav EOB NORMANDY, Prag. DATE: 30 Aug 07. TIME: 1621 - 1731. FILE NUMBER: 0118-07-000918-23207. SOCIAL SECURITY NUMBER: (b)(6), (b)(7)(C). GRADE/STATUS: E-6 / AD.

ORGANIZATION OR ADDRESS: A Troop, 6/9th Cav, EOB NORMANDY, Prag APO AE 09342.

(b)(6), (b)(7)(C) SSG. want to make the following statement under oath:

during operation Apache Hammer, rumors was going around about the Commander was out to get SGT (b)(6), (b)(7)(C) one of the medics. SGT (b)(6), (b)(7)(C) was spreading the rumors so I got sick of the rumors and grab SGT (b)(6), (b)(7)(C) and went to the Commander, finding out that wasn't true, (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) don't get along, 2 days later, rumors still floating around and the XO came to me and said "soldiers came up to him to tell him about SGT (b)(6), (b)(7)(C) behavior in sector, now SGT (b)(6), (b)(7)(C) got in trouble before about hitting I.A. in sector, so he should have learned his lesson. 2nd plt works into 2 group, clear team and search team so we -veder with him when he clearing the house. when we RP the FOB, soldiers was saying they had to talk to me but wasn't sure if they want to say anything. I went to the XO to find out will the soldiers making a statement get in trouble too due to the fact, they was with SGT (b)(6), (b)(7)(C) and never said anything. XO told me to talk to the platoon and find out nobody wanted to talk, and SGT (b)(6), (b)(7)(C) knew at this point what was going on so I recommended that SGT (b)(6), (b)(7)(C) be removed from the platoon. After that, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) wanted to talk to myself and 2LT (b)(6), (b)(7)(C). Keeping in mind, we thought and was only tracking that this was about SGT (b)(6), (b)(7)(C) beating local national kid in sector, that wasn't the case. Can't remember the day of the SGT mission, but that (b)(6), (b)(7)(C) I got back from LEWEC, and the Sky Team return 2 or 3 hours before the Bird touch ground. the storm started off that, they engaged 2 ATF guys, killed one with the crew served weapon and followed one guy through the alley ways, and following blood trails. walking up to the house, the guy was laying on the floor, still moving and this when the story get mixed up or how ever you want to say it, (b)(6), (b)(7)(C) told me that he heard 2 shots and SGT (b)(6), (b)(7)(C) walked out the house towards the Commander Bradley. He said he did not see what happen but heard the gunshots, because he was outside pulling guard. He was already feeling sick cause he never saw a dead body before. Now after (b)(6), (b)(7)(C) was finish, white man was next, his story was when they got to the house, they took a pistol from the other dead body and when they entered the house, SGT (b)(6), (b)(7)(C) shot the guy in the side, and CPL (b)(6), (b)(7)(C) platted the pistol on the guy, the story was "they was going to say that he was pulling a pistol out so they shoot him. I asked when did the 2nd shot come from, he told me he don't know because he had to go get EOD. (b)(6), (b)(7)(C) was next, and he told me the same thing, but wasn't sure about the heard shot, he was outside and he recalls hearing one shot and thurs when they entered

EXHIBIT: INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C). PAGE 1 OF 4 PAGES (b)(6), (b)(7)(C)

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 OF ANOTHER COPY OF THIS FORM.

the house (b)(6), (b)(7)(C) was the last one to talk to us, he was sure that he wanted to talk to me due to the fact that he was scared, because he said he kick the guy and he was with SGT (b)(6), (b)(7)(C) and never stop him, and plus did not want to get nobody in trouble, pacing himself back and forth in the room he was taking deep breath and said "Can I go to jail? Cause I was with SGT (b)(6), (b)(7)(C) will I be label a bad soldier for saying anything?" PVT (b)(6), (b)(7)(C) had so many question because he was scared. He finally set down and told us about the SKT mission, engaged two guys, one took off and they followed the blood trail, entering the house, the guy was on the floor and SGT (b)(6), (b)(7)(C) shot him in the side. The guy was still moving, so while joking around and making comments saying "This fucker wasn't die" they (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) was standing around, CPL (b)(6), (b)(7)(C) put the gun (pistol) to what they took off the other body and putted on this man that was on the floor bleeding to death. CPL (b)(6), (b)(7)(C) left and (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) was in the house. They (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) went to link up with EOD, (b)(6), (b)(7)(C) said when they returned, the bodies was outside the house. Riding back to FOB Normandy, (b)(6), (b)(7)(C) said the guys was talking saying that he would die and SGT (b)(6), (b)(7)(C) shot him in the head. He said the story was, SGT (b)(6), (b)(7)(C) went to the commander (b)(6), (b)(7)(C) to let him know they found the guy and he alive. The commander said they have to provide medical assistance to the AIF SGT (b)(6), (b)(7)(C) walk back to the house and there when he shot the guy in the head. the story they was going to say is that, the AIF had a pistol and was reaching for it, so SGT (b)(6), (b)(7)(C) shot him. Now after that, myself and LT (b)(6), (b)(7)(C) went to the commander cause this was deep, a smack in the face. people talk and run their mouth and this got out and it's scary. The guys was so concerned and thought they will be in trouble and they said they was scared to say anything because of SGT (b)(6), (b)(7)(C). It seem like I was caught in the middle but doing my job as a PSC and reporting this higher like I suppose too. SGT (b)(6), (b)(7)(C) wanted to know the names that (b)(6), (b)(7)(C) was (b)(6), (b)(7)(C) staff, I wouldn't tell him, so he wouldn't talk to me for like 3 days, didn't bother me, because I'm going to do what's right, although my platoon is falling apart right now, but the guys was having trouble sleeping, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) I tried the guys, to keep their mouth shut and don't go around telling anybody anything, but it so happen, and got back to SGT (b)(6), (b)(7)(C) and he used to make comments to the guys, just like everybody else we want this to be over with. I believe we (b)(6), (b)(7)(C) was thinking this was about being up local National, but this turned out to be another level and nobody had a clue but the guys on the SKT Team. I asked SGT (b)(6), (b)(7)(C) about it, all he can say is "It been so long I don't remember all of it, so how can the other guys?" SGT (b)(6), (b)(7)(C) think the guys out to get him because (b)(6), (b)(7)(C) because he said the guys don't like him. so they got together to get this started. (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

PAGES 2 OF 4 PAGES (b)(6), (b)(7)(C) 000153

(b)(6), (b)(7)(C)

556 (b)(6), (b)(7)(C)

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STATEMENT OF
CONTINUED:

TAKEN AT HQ Building, 6/9th CAVFOB Normandy, IZ DATED 30 Aug 07

Q: SA (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) A: SSG (b)(6), (b)(7)(C)

Q: How long have you been in your unit?

A: Since Oct 2005.

Q: How long have you know SGT (b)(6), (b)(7)(C)

A: Since Oct 2005. He was my battle buddy when I first joined the unite.

Q: How first told you that SGT (b)(6), (b)(7)(C) was involved in an ilegal shooting?

A: It was PFC (b)(6), (b)(7)(C) He told me on the 24th or 25th of Aug, 2007 at approximately 2100.

He told me that he needed to talk to me and 1LT (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) stated that he thought that SGT (b)(6), (b)(7)(C) shot and killed an unarmed civilian while on an SKT on about 26 Jun 07.

PFC (b)(6), (b)(7)(C) did not state anything else. The next person who wanted to come and talk to us was CPL (b)(6), (b)(7)(C) He said that two AI members were shot and killed while on an SKT

mission by SGT (b)(6), (b)(7)(C). The first man to die was shot in a legal combat engagement. He stated that the second man was found by tracing a blood trail that led the soldiers of the SKT team to his location. When he was found, the injured man could not get up or defend himself. CPL

(b)(6), (b)(7)(C) stated that SGT (b)(6), (b)(7)(C) shot the wounded man twice, in the course of an interogation without cause and that the man died. SPC (b)(6), (b)(7)(C) stated that that same thing but that he only heard on shot. PVT (b)(6), (b)(7)(C) came last and stated the same thing and that after the first

shot, SGT (b)(6), (b)(7)(C) made a joke that "this guy wont die. SGT (b)(6), (b)(7)(C) asked CPL

(b)(6), (b)(7)(C) to put the pistol collected from the first body next to this body and CPL

(b)(6), (b)(7)(C) did it. All these soldiers expresses concern that SGT (b)(6), (b)(7)(C) was going to retaliate and hurt them.

Q: What actions did you take with this information?

A: After I finished talking to everyone, about 2300, 24 Aug 07, I took all the information to CPT (b)(6), (b)(7)(C) and let him know that whe had a big issue on our hands.

Q: Where there any pictures take of the second Iraqi male that was killed?

A: I heard from SGT (b)(6), (b)(7)(C) in my platoon, that he saw pictures of the incident on the screen of SGT (b)(6), (b)(7)(C) lap top computer. He stated that he went the quarters of SGT

(b)(6), (b)(7)(C) for his quarterly counseling and after the counseling SGT (b)(6), (b)(7)(C) showed him the pictures which were on his laptop computer.

Q: Is there anything you want to add to this statement?

(b)(6), (b)(7)(C) A: No.///END STATEMENT/// (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

Page 3 of 4 Pages (b)(6), (b)(7)(C)

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000154

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10-L-0126 ACLU CID ROI 7888

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HQ w/ds, 6/9th CAU, FOB N. Ramadi, Iraq

STATEMENT OF

TAKEN AT

(b)(6), (b)(7)(C)

DATED

CONTINUED:

SSG (b)(6), (b)(7)(C)

CID Office, LSAA

30 Aug 07

Case # 011809-CID919-23257

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Did Not

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, **(b)(6), (b)(7)(C)** HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. 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 **(b)(6), (b)(7)(C)** PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 30 DAY OF Aug, 2007 AT **(b)(6), (b)(7)(C)** Baqda, Balad, Iraq

(b)(6), (b)(7)(C)

(Administering Oath)

SA **(b)(6), (b)(7)(C)**

(Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT **(b)(6), (b)(7)(C)**

PAGES 4 OF 4 PAGES **(b)(6), (b)(7)(C)**

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EXHIBIT

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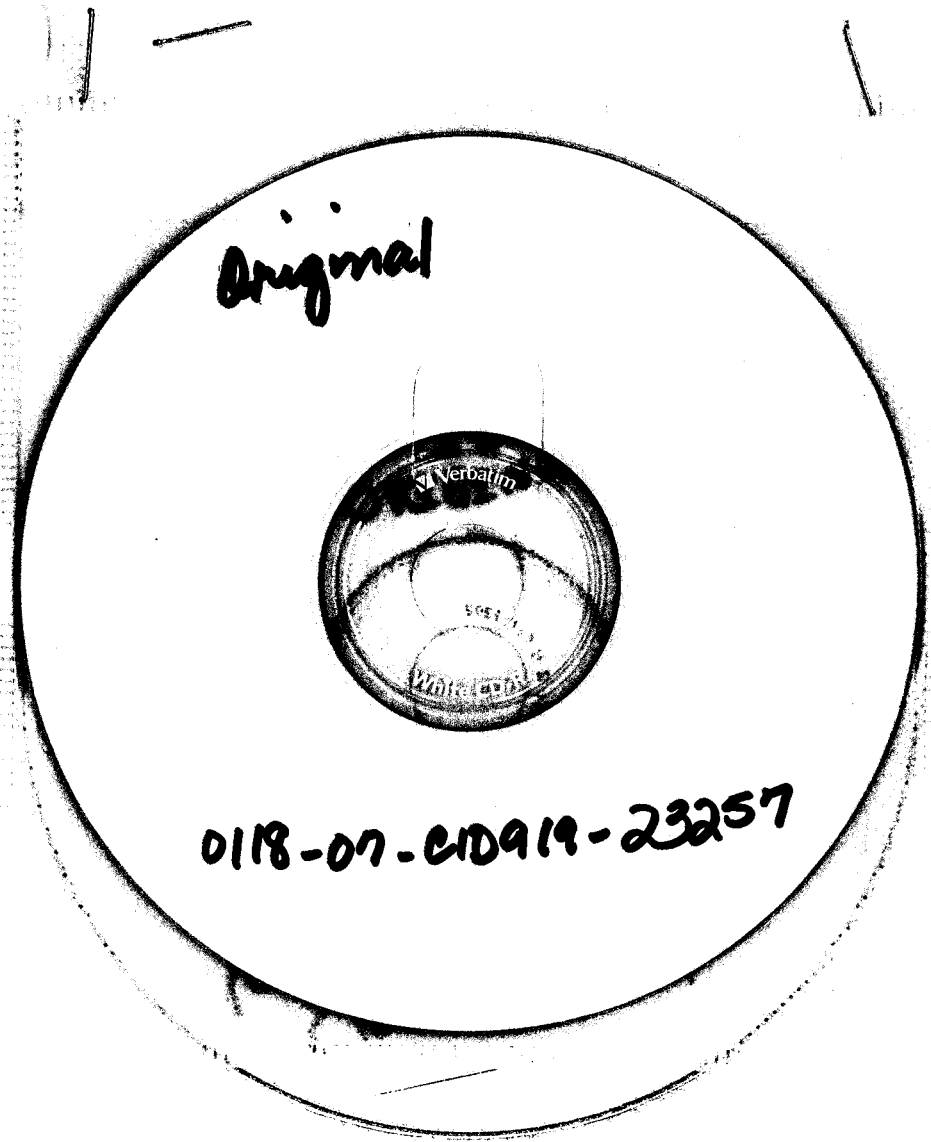
10-L-0126 ACLU CID ROI 7864

Date: <u>30 Aug 2007</u>		Consent To Search (USACIDC Supplement 1 to AR 190-22)		Time: <u>171</u>
1. Name of person consenting to the search: (b)(6), (b)(7)(C)		2. Organization and location: <u>4th ABCT 6-9 Cavalry Regiment</u> <u>3 BCT 1 CD</u> <u>Fob Normandy</u> <u>Iraq APO, AE 09324</u>		
3. I have been informed by the undersigned USACIDC Special Agent that an inquiry is being conducted in connection with the following possible violation(s) of law: <u>Conspiracy, murder, Cruelty and maltreatment, and aggravated assault</u>				
4. I have been requested by the undersigned USACIDC Special Agent to give my consent to a search of my person, premises, or property as indicated below. I have been advised of my right to refuse a search of my person, premises, or property. (If you do not give your consent, do not sign this form.)				
5. I hereby authorize the undersigned USACIDC Special Agent and/or other Authorized Law Enforcement Officials assisting the undersigned USACIDC Special Agent to conduct a search of: <i>(Initial and sign applicable blocks)</i>				
a.	My Person	Initials (b)(6), (b)(7)(C)	Signature (b)(6), (b)(7)(C)	
b.	My Quarters	Initials (b)(6), (b)(7)(C)	Signature (b)(6), (b)(7)(C)	
Located At: <u>Room # 6 BLDG # 4 Fob Normandy Iraq APO, AE 09324</u>				
c.	My Vehicle	Initials	Signature	
Located At:				
Described As:				
d.	Other	Initials	Signature	
Located At:				
Described As:				
I am authorizing the above search(s) for the following general types of property which may be removed by the authorized law enforcement personnel and retained as evidence under the provisions of Army Regulation 195-5, or other applicable laws or regulations: <u>Any AK-47, magazines, 7.62mm rounds, non-issued Grenades, RPG's, IED constructing materials, ski masks, photographs of weapons, cache contraband, detainees, or other contraband confiscated from AIF members and any digital media or device containing digital photograph of the abuse.</u>				
6. This written permission is given to the undersigned USACIDC Special Agent freely, voluntarily and without threats or promises of any kind:				
(b)(6), (b)(7)(C)		(b)(6), (b)(7)(C)		
		Signature of Witness (If Available)		

PHOTOGRAPHIC PACKET 1 of 1

NUMBER DESCRIPTION OF PHOTOGRAPH

1 – 5 Photograph depicting deceased Iraqi.(Retrieved from CPL **b(6), b(7)(C)** computer)



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EOB0163 23

PHOTOGRAPHIC PACKET 1 of 1

NUMBER DESCRIPTION OF PHOTOGRAPH

1 – 5 Photograph depicting deceased Iraqi.(Retrieved from CPL **b(6), b(7)(C)** computer)

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0118-07-CID919-23257

PAGE 1 OF 1 PAGE

DETAILS

About 1546, 22 Sep 07, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C). A Troop, Mortar Platoon, 6/9 Cavalry, Command Post, FOB Normandy, who stated he gave his interpreter, (b)(6), (b)(7)(C) an AK-47 on most patrols where the threat level was extremely high for resistance and the expectancy of opposition was high. It was common practice among all the units to provide their interpreters with weapons during these operations. He saw (b)(6), (b)(7)(C) utilize the weapon on several occasions when they were being assaulted by overwhelming odds. He never saw (b)(6), (b)(7)(C) use the weapon in a manner other than as necessary for personal defense. He never saw him threaten or abuse a detainee in any way due to the fact he discussed with (b)(6), (b)(7)(C) many times what the parameters were when he had the weapon, since SSG (b)(6), (b)(7)(C) was responsible for (b)(6), (b)(7)(C) when he was with his patrols. As for the incident at hand, SSG (b)(6), (b)(7)(C) stated he was not with the patrol that night, therefore the weapon he generally provided (b)(6), (b)(7)(C) was in SSG (b)(6), (b)(7)(C) control. SSG (b)(6), (b)(7)(C) was not aware if (b)(6), (b)(7)(C) was provided a weapon by anyone else, nor if he was actively engaged with the weapon during any operations.

About 1803, 22 Sep 07, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) who provided a sworn statement wherein he detailed, on an unknown date, he was alone with SGT (b)(6), (b)(7)(C) in SGT (b)(6), (b)(7)(C) room for his initial counseling. SGT (b)(6), (b)(7)(C) displayed several images of a dead Iraqi National on SGT (b)(6), (b)(7)(C) computer. SGT (b)(6), (b)(7)(C) detailed a conversation with SGT (b)(6), (b)(7)(C) during this counseling session in which SGT (b)(6), (b)(7)(C) told him how he murdered the Iraqi National by shooting him several times in the chest and head while the man begged for his life (See sworn statement for details).

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)
SIGN

ORGANIZATION
Balad CID Office
LSA Anaconda, APO AE 09391

DATE
22 Sep 07

EXHIBIT
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USE ONLY - LAW ENFORCEMENT SENSITIVE

000179

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

LOCATION COMMAND POST, FOB NORMANDY, IRAQ	DATE 22 Sep 2007	TIME 1804	FILE NUMBER 0118-07-CID919
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS SGT/E-5
ORGANIZATION OR ADDRESS A TROOP, 2 ND PLATOON, 69 CAVALRY, FOB NORMANDY, IRAQ			

(b)(6), (b)(7)(C), (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was on leave at the time of the incident, I returned from leave on the 22 or 23 of June 07. I was shortly thereafter assigned to Charlie Section where SGT (b)(6), (b)(7)(C) was the section sergeant. I went to his office for an initial counseling and while I was in there I could see that he had photographs up on his computer monitor that he had been going through. SGT (b)(6), (b)(7)(C) started offering up the photographs and started showing me some of a dead Iraqi. I had seen a lot of dead Iraqi's, so it was no big deal to me, then he started telling me the story about how this one died. He told me while they were on a SKT (Small Kill Team) they engaged a few guy's and he said they thought they had wounded one, they watched him go into a house, they dismounted, closed down the house and went in after him. SGT (b)(6), (b)(7)(C) stated when they entered the room, they saw that the wounded man had a weapon at arms length, which they kicked away from him, at that time they determined he was still alive. SGT (b)(6), (b)(7)(C) told me that he told SPC (b)(6), (b)(7)(C) to kill the man. SPC (b)(6), (b)(7)(C) started to try and kill him by smothering him, then he decided he could not do that. SGT (b)(6), (b)(7)(C) said he told (b)(6), (b)(7)(C) "Fine then, I'll do it." Then he shot him twice in the chest, at which point the man was still begging SGT (b)(6), (b)(7)(C) to spare his life. SGT (b)(6), (b)(7)(C) said that the guy wouldn't die, so he went ahead and put a bullet in his head, since he was already wounded after being shot the first time. SGT (b)(6), (b)(7)(C) said the gunshot to the head finally killed him. SGT (b)(6), (b)(7)(C) showed me about four or five different photographs of the man in different stages of death. There were ones of the initial contact with other soldiers around him, then ones of the man with the bullet holes in his chest, then some of the man with the bullet hole in his head. SGT (b)(6), (b)(7)(C) seemed to have a sense of accomplishment and pride in what he had done, like "yeah, I killed that mother fucker." and I was like, whatever. The photographs were on his personal computer in his room, I am not sure what type it was.

Q: SA (b)(6), (b)(7)(C)

A: SGT (b)(6), (b)(7)(C)

Q: Did you know SGT (b)(6), (b)(7)(C) well before this conversation?

A: Yes, for almost a year. We never really saw eye to eye after the beginning.

Q: Why did you stop getting along?

A: We were just like oil and water, we rubbed each other the wrong way. I did not agree with a lot of stuff he was doing?

Q: What type of stuff?

A: he would rough people up for no reason, threaten women and children, throw people in the mud, stuff like that for nothing. I realize you have to be strict with people, but there was a limit, and he never stopped at it. He would threaten people that he was going to have his soldiers kill them if they did not tell him what they wanted to hear.

Q: Did you ever see him hurt anyone badly before this?

A: There was only one other time when we were on mission that he took a man into a room with just him and the interpreter, but I don't know what happened in the room. The guy had an AK on the roof, and there was a spotters nest, so it was suspicious. The guy kept trying to change the subject, and say it was for home protection, but there was nothing in the house, so it was really suspicious. The guy would not come off of his story, so SGT (b)(6), (b)(7)(C) threatened him, then grabbed him, took him in the other room and shut the door behind them.

Q: What happened to the guy?

A: When he came out he did not look too bad, so it could not have been much.

Q: What did you do with the guy?

A: We left him there with his wife.

Q: Have there been other situations he has put you guys in to where you were uncomfortable about what was happening.

A: He was questioning a man in an alley one night about throwing something over a wall, the guy kept saying he did not do anything, and all of the women there were saying he did not do anything, so SGT (b)(6), (b)(7)(C) grabbed the guy by the

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 4 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.

(b)(6), (b)(7)(C) STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT COMMAND POST, FOB NORMANDY, IRAQ DATED 22 September 2007
CONTINUED

ear and started smashing his head into a concrete stucco wall and telling him to say what he had thrown. The guy was adamant he did not throw anything and that he was going to his brother's meat shop, the guy was hurting pretty bad when we left.

Q: Is it fair to say SGT (b)(6), (b)(7)(C) is pretty violent?

A: Yes. He is always up and down, like mood swings.

Q: Does it appear he thrives on recognition for his actions?

A: Yes, definitely, that's his whole demeanor, he wants to stand out, and he would do anything for attention.

Q: Do you feel, honestly, SGT (b)(6), (b)(7)(C) would kill for attention and recognition?

A: I don't know, I think he did it for his own reasons; he kept this pretty hush from everyone for a while, until he told me, and I immediately told SSG (b)(6), (b)(7)(C). He was already in trouble for some other stuff he has done, and after I reported this, it just kind of built up from there.

Q: Has anyone else who was present at the shooting told you anything different than SGT (b)(6), (b)(7)(C)?

A: No. I have never talked to anyone else about it. The only way I knew was through SGT (b)(6), (b)(7)(C).

Q: Did SGT (b)(6), (b)(7)(C) mention anyone else's involvement other than the Medic, SPC (b)(6), (b)(7)(C)?

A: No. I know there were others there from the pictures, but there was nothing identifiable other than legs and hands.

Q: Do you happen to know what type of weapon SGT (b)(6), (b)(7)(C) shot the man with?

A: He said it was a pistol, but I don't know whose.

Q: Did he ever say what happened to the body?

A: No.

Q: Was there ever a debrief done?

A: He never said anything about that.

Q: Did SGT (b)(6), (b)(7)(C) ever mention anything about a cover up story?

A: No, he just said he shot and killed him and that the guy was already wounded.

Q: How long after you were told about this incident by SGT (b)(6), (b)(7)(C) did you report it?

A: About one and one half months.

Q: Why did you wait so long?

A: Well, they started asking me questions about something else, and I thought they were talking about this, so I told them this story, and it went from there.

Q: So, you were never going to tell anyone about this?

A: I never had any plans to, no.

Q: Why not?

A: Well, because of retribution, they have already let him get away with everything he has done already, and I didn't want everyone else gunning for me. He is a good NCO, he takes care of his soldiers and knows his shit. The higher up's are under the impression he has no flaws, which bolsters his actions, he's like one of the good ol' boy's and you can't mess with that.

Q: were you in fear for your life?

A: My life, no. But bodily injury. yes, if he tried to kill me, I would have to kill him, plain and simple.

Q: Is there anything you wish to add to this statement?

A: No. ///End of Statement (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

PAGE 2 OF 000181 PAGES

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EXHIBIT

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STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT COMMAND POST, FOB NORMANDY, IRAQ DATED 22 September 2007
CONTINUED

~~(b)(6), (b)(7)(C)~~
~~(b)(6), (b)(7)(C)~~
~~(b)(6), (b)(7)(C)~~
~~(b)(6), (b)(7)(C)~~
NOT USED

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
ACLU-RDI 5568 p.163

EXHIBIT 29

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT COMMAND POST, FOB NORMANDY, IRAQ DATED 22 September

2007 CONTINUED:
STATEMENT (Continued)

~~NOT USED~~

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

(b)(6), (b)(7)(C) (b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. 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.

(b)(6), (b)(7)(C) _____
 _____ (Typed Name of Person Administering Oath)
 _____ person authorized by law
 to administer oaths, this 22nd day of September, 2007
 at (b)(6), (b)(7)(C) _____

WITNESSES:

 ORGANIZATION OR ADDRESS

 ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

000183

Details:

About 1335, 22 Sep 07, SA (b)(6), (b)(7)(C) advised PV2 (b)(6), (b)(7)(C) of his rights, which he waived and provided a sworn statement detailing the actions of his squad members during the SKT mission upon entering the house where the wounded detainee was located (See waiver certificate and sworn statement for details).

About 1515, 22 Sep 07, SA (b)(6), (b)(7)(C) advised SPC (b)(6), (b)(7)(C) of his rights, which he waived and provided a sworn statement detailing his actions upon entering the house where the wounded detainee was located during the SKT mission (See waiver certificate and sworn statement for details).

About 1620, 22 Sep 07, SA (b)(6), (b)(7)(C) advised CPL (b)(6), (b)(7)(C) of his rights, which he waived and provided a sworn statement detailing his actions during the SKT mission. CPL (b)(6), (b)(7)(C) stated he placed a drop-weapon next to the body of an unarmed AIF member to cover the unlawful shooting (See waiver certificate and sworn statement for details).

About 1830, 22 Sep 07, SA (b)(6), (b)(7)(C) coordinated with SSG (b)(6), (b)(7)(C) Mail Clerk, 2-834th AG Company, FOB Normandy, Iraq. SSG (b)(6), (b)(7)(C) provided documentation pertaining to SGT (b)(6), (b)(7)(C) mailing three packages back to his wife in San Antonio, TX. SSG (b)(6), (b)(7)(C) related that it can take up to three weeks or more to get a package back to the United States. The packages were sent out on the 2nd and the 5th of Sep 07 (See customs declaration for details).///LAST ENTRY///

SA (b)(6), (b)(7)(C), (b)(7)(F)

Balad CID Office
LSA Anaconda
Balad, Iraq, APOAE09391

Signature:
(b)(6), (b)(7)(C)

Date: 22 Sep 07

Exhibit:

30

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

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION HQ Building, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324		2. DATE 22 SEP 07	3. TIME 1335	4. FILE NUMBER 0118-07-CID919-23257
5. Name (Last First MI) (b)(6), (b)(7)(C)		8. ORGANIZATION OR ADDRESS A Troop, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS PV2/ E-2			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy, Obstruction of Justice, Accessory to Murder (b)(6), (b)(7)(C)

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 questions 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 the 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)

Have you requested a lawyer after being advised of your rights within the last 30 days? YES NO

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)		(b)(6), (b)(7)(C)
1a. NAME (Type or Print)		(b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		(b)(6), (b)(7)(C)
2a. NAME (Type or Print)		(b)(6), (b)(7)(C), (b)(7)(F)
b. ORGANIZATION OR ADDRESS AND PHONE		32 nd Military Police Detachment (CID) LSA Anaconda, Balad, Iraq, APO AE 09391

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

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

LOCATION: 6/9 th Cavalry Regiment, FOB Normandy, Iraq APO 09324	DATE (b)(6), (b)(7)(C) 22 SEP 07	TIME (b)(6), (b)(7)(C) 1505	FILE NUMBER 0118-07-CID919-23257
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E2-/AD

ORGANIZATION OR ADDRESS:
6/9th Cavalry Regiment, 3rd BCT, FOB Normandy, Iraq, APO 09324

I (b)(6), (b)(7)(C) want to make the following statement under oath:

(b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C)
PV2 (b)(6), (b)(7)(C)

Q: Describe in detail the process a Small Kill Team (SKT) leader would have to go through to bring a wounded detainee back to the FOB?

A: Get the medic to check the guy then take him back to the rear. Someone would have to be with him all the time. All the way until he was turned over to the jail.

Q: Have you dealt with detainees before?

A: Not before this incident no.

Q: Would you say it was harder on the squad to deal with a detainee other than a KIA AIF member?

A: No not really I wouldn't say so. Either way the mission was over.

Q: Did you hear SGT (b)(6), (b)(7)(C) say "I don't want to take any detainees back? IF so how did (b)(6), (b)(7)(C) say this to"?

A: I never heard him say that personally.

Q: How hard did SGT (b)(6), (b)(7)(C) kick the man when he entered the room?

A: A pretty hard kick.

Q: Describe the amount of force he used and how many times he kicked the man?

A: A full step into his kick and I only saw him kick the detainee once.

Q: Where did he kick the detainee, did this kicking of the man leave any marks?

A: He wasn't bleeding or anything. He kicked him in the chin.

Q: Did (b)(6), (b)(7)(C) kick the detainee after you sat down on the bench? If so how many times?

A: I did not see, I had my hands in my face I wasn't looking real close.

Q: You stated that you did not perform first aid, but didn't you have a duty to do so despite what your leader said?

A: I didn't really know what to do I thought (b)(6), (b)(7)(C) would be in soon and help him. I have not seen anyone shot up close and still be alive before.

Q: Did you tell anyone after this incident that (b)(6), (b)(7)(C) shot the man in self defense? If so who did you tell? What did you say and when and where did you say this?

A: NO. Nobody came up and asked us after the mission what happened. I think the chain of command believed (b)(6), (b)(7)(C) story so there was no need to ask us anything.

Q: Do you have any photos of the man (b)(6), (b)(7)(C) shot?

A: No.

Q: You stated previously that you saw the man had a bullet hole in his head, how do you know if the man, detainee was dead?

A: His chest wasn't moving and he had a hole in his head. When I saw the man outside lying on the ground his leg was tucked under him in a way a person who was alive would have been able to stand.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 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.

STATEMENT (Continued)

Q: Did you hear anything that was said between (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) prior to (b)(6), (b)(7)(C) putting down the weapon?

A: I could tell they were talking but could not make out for sure what it was.

Q: Did you notice any gesturing, i.e. a head nod or a thumbs up or something to that effect?

A: (b)(6), (b)(7)(C) was nodding his head while (b)(6), (b)(7)(C) was talking to him.

Q: Did it look to you like (b)(6), (b)(7)(C) was asking (b)(6), (b)(7)(C) something and (b)(6), (b)(7)(C) was responding?

A: I saw just bits and pieces of the whole conversation, but from what I saw it looked like they were in a conversation.

Q: Did you see (b)(6), (b)(7)(C) place the pistol on the ground next to the detainee?

A: Yes I did. (b)(6), (b)(7)(C) cleared the pistol and placed it next to the left side of the man.

Q: At that time could you tell the man was dead?

A: He was still alive, and breathing and moving and his eyes were open.

Q: When you left the room did the man have a bullet hole in his head?

A: No, he was alive when I left the room.

Q: While you were a member of (b)(6), (b)(7)(C) squad how did you feel?

A: Intimidated, the chain of command and every one else in the platoon would believe (b)(6), (b)(7)(C) over me because I was just a new guy what did I know. And they trusted (b)(6), (b)(7)(C) and would back any story he told so no matter what happened his word was a lot more credible to them than mine or any body else in that platoon.

Q: When you left the room, who was left in the room with the man?

A: (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), and SGT (b)(6), (b)(7)(C)

Q: How were you treated during this interview by CID today?

A: Good.

Q: Do you have anything further to add to your statement?

A: I did not feel I could trust anyone in the chain of command or my platoon. I had no idea things would happen the way they did I wanted to take that man alive. I didn't feel that anyone would believe me if I did come forward because I am a new guy.

Q: Do you have anything further to add to your statement?

A: No. ///END OF STATEMENT/// (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

(b)(6), (b)(7)(C)

I (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT, WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE (b)(6), (b)(7)(C) FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT ARE 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT (b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 22nd day of September 2007 at FOB Normandy, Iraq APO 09 (b)(6), (b)(7)(C)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

32nd Military Police Detachment (CID)

LSA Anaconda, Balad, Iraq, APO AE 09391

SA (b)(6), (b)(7)(C), (b)(7)(F)

(Typed Name of Person Administering Oath)

10 USC 936

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 2 OF 2 PAGES

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

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION HQ Building, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324	2. DATE 22 [REDACTED]	3. TIME 1515	4. FILE NUMBER 0118-07-CID919-23257
5. Name (Last First MI) (b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS A Troop, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS SPC/ E-4		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am ~~suspected/accused~~ Conspiracy, Murder, Aggravated Assault, Accessory to Murder

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 questions 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 the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)
Have you requested a lawyer after being advised of you rights within the last 30 days? YES/NO

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 (b)(6), (b)(7)(C)
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR (b)(6), (b)(7)(C)
2a. NAME (Type or Print)		5. SA (b)(6), (b)(7)(C), (b)(7)(F)
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 32 nd Military Police Detachment (CID) LSA Anaconda, Balad, Iraq, APO AE 09391

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

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

LOCATION: 6/9 th Cavalry Regiment, FOB Normandy, Iraq APO 09324	DATE (b)(6), (b)(7)(C) 22 SEP 07	TIME (b)(6), (b)(7)(C) 1610	FILE NUMBER 0118-07-CID919-23257
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E-4/AD

ORGANIZATION OR ADDRESS:
A (b)(6), (b)(7)(C) Regiment, 3rd BCT, FOB Normandy, Iraq, APO 09324

I, (b)(6), (b)(7)(C) want to make the following statement under oath:

Q: SA (b)(6), (b)(7)(C)

SPC (b)(6), (b)(7)(C)

When the detainee shot was there anyone else in the room with you and SGT (b)(6), (b)(7)(C)?

A: No.

Q: How do you know it was SGT (b)(6), (b)(7)(C) that killed the detainee?

A: We were the only ones in the room and after the shot was fired I turned and saw (b)(6), (b)(7)(C) pointing a pistol towards the detainee.

Q: What kind of pistol was it?

A: I could not tell, but it was not his rifle.

Q: Where was (b)(6), (b)(7)(C) rifle, did you see it at that time?

A: I don't remember.

Q: Did (b)(6), (b)(7)(C) say anything to you after that?

A: I don't remember anything being said.

Q: Did you check the man for signs of life after (b)(6), (b)(7)(C) shot him?

A: I checked his pulse on his neck and there was none.

Q: Where was the man shot?

A: Shot on the left side of his head near his eyebrow. Not much blood coming from the wound.

Q: As a medic, do you have a duty to provide aid to anyone who is wounded, regardless of whether he is a combatant or non-combatant?

A: Yes.

Q: Where does this duty come from?

A: It's army SOP, my training as a medic.

Q: In your previous statement you said that you did not examine the body of the man SGT (b)(6), (b)(7)(C) shot, how could you determine whether or not he was actually dead?

A: I did examine the man after word and checked his pulse. I can't remember what I stated prior. But I am sure I did check the man for a pulse after (b)(6), (b)(7)(C) shot him in the head.

Q: In your previous statement you said that you saw the man had a bullet hole in his head, do you know if he was dead?

A: Yes, because I checked his pulse and he had none and I did not notice him breathing as well.

Q: Were you at any time asked by anyone if SGT (b)(6), (b)(7)(C) shot the man in the house in self defense?

A: No, not until CID started talking to us.

Q: Did you ever give a statement or talk to anyone in the chain of command as part of a debrief for this mission and explain what happened to the man (b)(6), (b)(7)(C) shot?

A: No, no one ever asked.

Q: were you afforded the opportunity to take breaks if needed during this interview?

A: yes.

INITIALS OF PERSON MAKING STATEMENT
(b)(6), (b)(7)(C)

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT 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.

STATEMENT (Continued)

Q: How were you treated during this interview by CID today?

A: Ok.

Q. Is there anything more you wish to add this statement at this time?

A. No.///END OF STATEMENT/// (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I (b)(6), (b)(7)(C) HAVE READ OR 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 ARE 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 22nd day of September 2007 at FOB Normandy, Iraq APO 09324.

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

32nd Military Police Detachment (CID)

LSA Anaconda, Balad, Iraq, APO AE 09391

(Signature of Person Administering Oath)

SA (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

10 USC 936

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: 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.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION HQ Building, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324	2. DATE 22 SEP 07	3. TIME 1620	4. FILE NUMBER 0118-07-CID919-23257
5. Name (Last First MI) b(6), b(7)(C)	8. ORGANIZATION OR ADDRESS A Troop, 6/9 th Cavalry Regiment, 3 rd BCT, FOB Normandy, Iraq, APO 09324		
6. SSN b(6), b(7)(C)	7. GRADE/STATUS CPL/ E-4		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Murder, Conspiracy, Desecration of a Corpse

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 questions 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 the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you requested a lawyer after being advised of your rights within the last 30 days? YES NO

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
1a. NAME (Type or Print)		b(6), b(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		b(6), b(7)(C)
2a. NAME (Type or Print)		SA b(6), b(7)(C), b(7)(F)
b. ORGANIZATION OR ADDRESS AND PHONE		32 nd Military Police Detachment (CID) LSA Anaconda, Balad, Iraq, APO AE 09391

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

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

LOCATION: 6/9 th Cavalry Regiment, FOB Normandy, Iraq APO 09324	DATE (b)(6), (b)(7)(C) 22 SEP 07	TIME (b)(6), (b)(7)(C) 1800	FILE NUMBER 0118-07-CID919-23257
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E-4/AD

ORGANIZATION OR ADDRESS:

A Troop, 6/9th Cavalry Regiment, 3rd BCT, FOB Normandy, Iraq, APO 09324

I (b)(6), (b)(7)(C) want to make the following statement under oath:

Q: SA (b)(6), (b)(7)(C)

A: CPL (b)(6), (b)(7)(C)

Q: Describe in detail the process a Small Kill Team (SKT) leader would have to go through to bring a detainee back to the FOB?

A: Not that big of issue to bring back a detainee. It is really not hard at all.

Q: In your previous statement you stated that you put the weapon down, but then changed it to say SGT (b)(6), (b)(7)(C) ordered you to do it. Which one of these statements is true?

A: I am not sure which one is true, I have been hit by a lot of IED's and I have a lot of memory loss.

Q: Did you put the weapon down next to the detainee on your own accord or did (b)(6), (b)(7)(C) Order or tell you to do this?

A: I remember clearing the weapon and putting it down but do not remember if I was told to do so.

Q: You stated in a previous sworn statement that, "once you determined the man wasn't a threat" you sat down on the bench, but you also stated that "the man was never a threat to you". What do you mean by this statement?

A: Our SOP is everyone is a threat until the team determines that they are not. The detainee did not have the capacity to do anything to us due to his injuries.

Q: When (b)(6), (b)(7)(C) entered the room how hard did he kick the man?

A: I didn't see him kick the man. When we entered the room I came in last after the kick.

Q: Did (b)(6), (b)(7)(C) kick the detainee after you sat down on the bench? If so how many times?

A: No.

Q: You stated that you did not perform first aid, but didn't you have a duty to do so despite what your leader said?

A: Yes, but after the attack on our unit over Memorial day when we lost some of our guys I didn't really have much time or did not care if the man was hurt.

Q: Did you tell anyone after this incident that (b)(6), (b)(7)(C) shot the man in self defense? If so who did you tell? What did you say and when and where did you say this?

A: No, not until I told the commander during the Inquiry.

Q: What did you tell the commander?

A: SGT (b)(6), (b)(7)(C) got with me prior to going in to talk to the commander and said, "the story was I meaning (b)(6), (b)(7)(C) shot the guy in self defense". I told the commander (b)(6), (b)(7)(C) shot the man in self defense.

Q: Did (b)(6), (b)(7)(C) threaten you if you did not keep this story?

A: Not directly, but we all knew what would happen if we told the truth. SGT (b)(6), (b)(7)(C) would retaliate by making our lives here even more miserable.

Q: When you entered the room did the man get up?

A: He tried to it up but could not due to his injuries.

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 1 OF 2 PAGES

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.

STATEMENT (Continued)

Q: Other than attempting to move your barrel away from him, did the man make any threatening acts?
 A: no, not while I was in the room.
 Q: Can you remember (b)(6), (b)(7)(C) telling you anything after he told you to put the pistol down?
 A: Only to go and link up with the EOD team about the weapons we found earlier in the mission.
 Q: Where are the photos of the first man shot (the one you double tapped)?
 A: The CID agents took them off my computer the last time they were here.
 Q: You stated earlier that the second man had a bullet hole in his head; do you know if he was dead?
 A: From my previous experience I could tell the man was dead. I could see he was dead by looking in his eyes I could just tell.
 Q: Did SGT (b)(6), (b)(7)(C) negatively counsel you for shooting the corpse or for taking the pistol?
 A: No.
 Q: Did he tell you not to do this?
 A: No.
 Q: Did SGT (b)(6), (b)(7)(C) yell at you or pull you aside and tell you that you were not supposed to do this?
 A: Just kind of left it like that. I think he kind of understood where I was coming from.
 Q: Were you afforded the opportunity to take breaks during this interview?
 A: yes.
 Q: How were you treated during this interview by CID today?
 A: Exceptionally well.
 Q. Is there anything more you wish to add this statement at this time?
 A: I am willing to do whatever it takes to stay in the Army and continue my career.
 Q. Is there anything more you wish to add this statement at this time?
 A. No.//END OF STATEMENT//(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR 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 ARE 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 22nd day of September 2007 at FOB Normandy, Iraq APO 96324

(b)(6), (b)(7)(C)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS
 32nd Military Police Detachment (CID)
 LSA Anaconda, Balad, Iraq, APO AE 09391

SA (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) PAGE 3 OF 5 PAGES

LC444558451US

Customs Declaration CN 22 — Sender's Declaration

I, the undersigned, whose name and address are given on the item, certify that the particulars given in this declaration are correct and that this item does not contain any dangerous article or articles prohibited by legislation or by postal or customs regulations. This copy will be retained at the post office for 30 days.

Sender's Name & Address

567

(b)(3) 39 U.S.C. § 412, (b)(6)

Addressee's Name & Address

(b)(3) 39 U.S.C. § 412, (b)(6)

Date and sender's signature

(b)(3) 39 U.S.C. § 412, (b)(6)

Detached from PS Form 2976, January 2004

Post Office Copy

LC444558448US

Customs Declaration CN 22 — Sender's Declaration

I, the undersigned, whose name and address are given on the item, certify that the particulars given in this declaration are correct and that this item does not contain any dangerous article or articles prohibited by legislation or by postal or customs regulations. This copy will be retained at the post office for 30 days.

Sender's Name & Address

567

(b)(3) 39 U.S.C. § 412, (b)(6)

Addressee's Name & Address

(b)(3) 39 U.S.C. § 412, (b)(6)

Date and sender's signature

(b)(3)

0118-07-CID919-23257

LC444558329US

Customs Declaration CN 22 — Sender's Declaration

I, the undersigned, whose name and address are given on the item, certify that the particulars given in this declaration are correct and that this item does not contain any dangerous article or articles prohibited by legislation or by postal or customs regulations. This copy will be retained at the post office for 30 days.

Sender's Name & Address

567

(b)(3) 39 U.S.C. § 412, (b)(6)

Addressee's Name & Address

(b)(3) 39 U.S.C. § 412, (b)(6)

Date and sender's signature

(b)(3) 39 U.S.C. § 412, (b)(6)

Detached from PS Form 2976, January 2004

Post Office Copy

FOUO

000194

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0118-07-CID919-23257

PAGE 1 OF 2 PAGES

DETAILS

Authorization to conduct the crime scene examination was given by the current owner of the home, Mrs. **b(6), b(7)(C)**
b(6), b(7)(C)

CRIME SCENE EXAMINATION: Between 1800 and 1850, SA **b(6), b(7)(C)** and SA **b(6), b(7)(C)** conducted a crime scene examination of an Iraqi home located at Grid, MC 9580/6066 which was identified as the location where the reported incident occurred.

Characteristics of the Scene: The house was brown, white, black, pink, and clear of color concrete, stucco, metal, and glass type construction two story structure. The home was recently painted on the inside and smelled of rotten food and human feces both inside and out.

Conditions of the Scene: The home was relatively well kept and had little furniture inside.

Environmental Conductions: The temperature outside was approximately 95 degrees Fahrenheit and the inside temperature was about 80 degrees Fahrenheit at the time this exam was conducted. The skies were clear and there was no noticeable wind. There was no air conditioning and the house was not much cooler than the outside temperature.

Factors Pertinent to Entry/Exit (E/E): The home had two E/E's both located in the front or west side of the building. Both E/E's were located on the first floor of the two story structure.

Scene Documentation: SA **b(6), b(7)(C)** and SA **b(6), b(7)(C)** exposed photographs of the home located at Grid MC 9580/6066 utilizing a Nikon CoolPix 5200 Digital Camera, with a built in flash attachment. SA **b(6), b(7)(C)** completed a crime scene sketch depicting the location of the incident. (See compact disc and crime scene sketch for details)

Search for Serological Evidence: A search for blood on multiple surfaces of the walls and floors for blood evidence was conducted by SA **b(6), b(7)(C)** using a Phenolphthalein test. Another visual search of the same areas was conducted using a 5X Ultra Loupe Magnifier. The searches met with negative results.

Search for Latent Impressions: A search for latent impressions was not conducted due to the fact that the incident occurred in June 2007 the amount of traffic throughout the home over that time, and the fact that Soldiers stated were in this home at some time during this incident.

Search beyond the Scene: A search beyond the scene was not conducted due to security concerns in the area of the crime scene exam.

Collection of Evidence: There was no evidence collected from the crime scene.

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA b(6), b(7)(C), b(7)(F)	ORGANIZATION Balad CID Office LSA Anaconda, Balad, Iraq APO AE 09391	
SIGNATURE b(6), b(7)(C)	DATE 23 Sep 07	EXHIBIT 35

CID FORM 94

FOR OFFICIAL USE ONLY

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0118-07-CID919-23257

PAGE 2 OF 2 PAGES

DETAILS

Negative Evidence: Not found at the scene was any blood on walls or floor or any shell casings or bullet fragments in the wall or floor.

Canvass Interviews: Canvass interviews were conducted by Mr. (b)(6), (b)(7)(C) interpreter, this office, the interviews were conducted in Arabic and translated into English and attached as canvass interview sheet.

//////////////////////////////////////LAST ENTRY//////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

Balad CID Office

LSA Anaconda, Balad, Iraq APO AE 09391

SIGNATURE

(b)(6), (b)(7)(C)

DATE

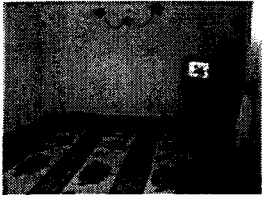
23 Sep 07

EXHIBIT

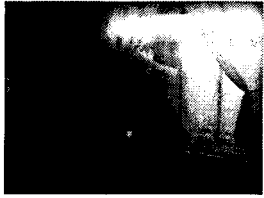
35

PHOTOGRAPHIC PACKET 1 of 1

<u>NUMBER</u>	<u>DESCRIPTION OF PHOTOGRAPH</u>
1	<u>Photograph depicting east wall of living room.</u>
2	<u>Photograph depicting south wall of living room, with window.</u>
3	<u>Photograph depicting north wall of living room.</u>
4	<u>Photograph depicting west wall of living room.</u>
5	<u>Photograph depicting hallway adjacent north wall of living room.</u>
6	<u>Photograph depicting stairwell on east wall of hallway.</u>
7	<u>Photograph depicting front entrance of home. Door leads to living room.</u>
8	<u>Photograph depicting west outside wall, front of house.</u>
9	<u>Photograph depicting south outside wall, side of house.</u>
10	<u>Photograph depicting outside entrance to kitchen.</u>
11	<u>Photograph depicting north wall of kitchen.</u>
12	<u>Photograph depicting east wall of kitchen.</u>
13	<u>Photograph depicting south wall of kitchen, entry to hallway.</u>
14	<u>Photograph depicting entryway to bedroom on east wall in hallway.</u>
15	<u>Photograph depicting northwest corner of bedroom.</u>
16	<u>Photograph depicting north wall and northeast corner of bedroom.</u>
17	<u>Photograph depicting east wall of bedroom.</u>
18	<u>Photograph depicting southeast corner of bedroom.</u>
19	<u>Photograph depicting entryway to shower located along east wall of hallway.</u>



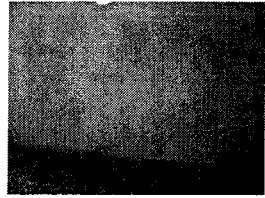
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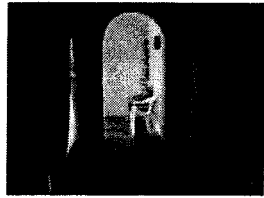
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DSCN0605



DSCN0606



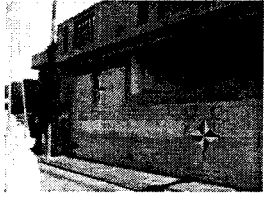
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DSCN0609



DSCN0611



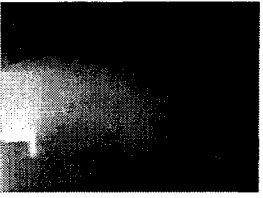
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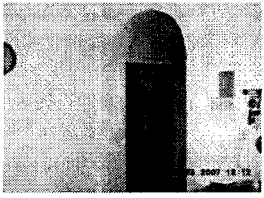
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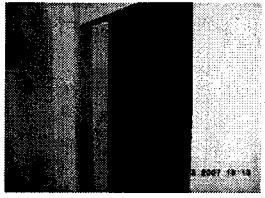
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DSCN1175



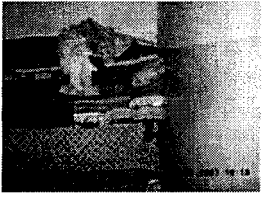
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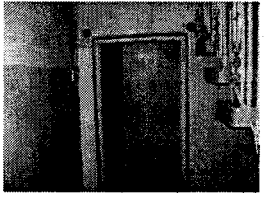
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DSCN1178



DSCN1179



DSCN1180



FOUO

EXHIBIT





b(6), b(7)(C)

000201

09.23.2007 18:26







000204



PHOTOGRAPHIC PACKET 1 of 1

<u>NUMBER</u>	<u>DESCRIPTION OF PHOTOGRAPH</u>
1	<u>Photograph depicting East wall of living room.</u>
2	<u>Photograph depicting South wall of living room, with window.</u>
3	<u>Photograph depicting North wall of living room.</u>
4	<u>Photograph depicting West wall of living room.</u>
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15	<u>Photograph depicting Northwest corner of bedroom.</u>
16	<u>Photograph depicting North wall and northeast corner of bedroom.</u>
17	<u>Photograph depicting East wall of bedroom.</u>
18	<u>Photograph depicting Southeast corner of bedroom.</u>
19	<u>Photograph depicting entryway to shower located along East wall of hallway.</u>



000207

09.23.2007 18:13



000208

09.23.2007 18:13



000209

09.23.2007 18:13







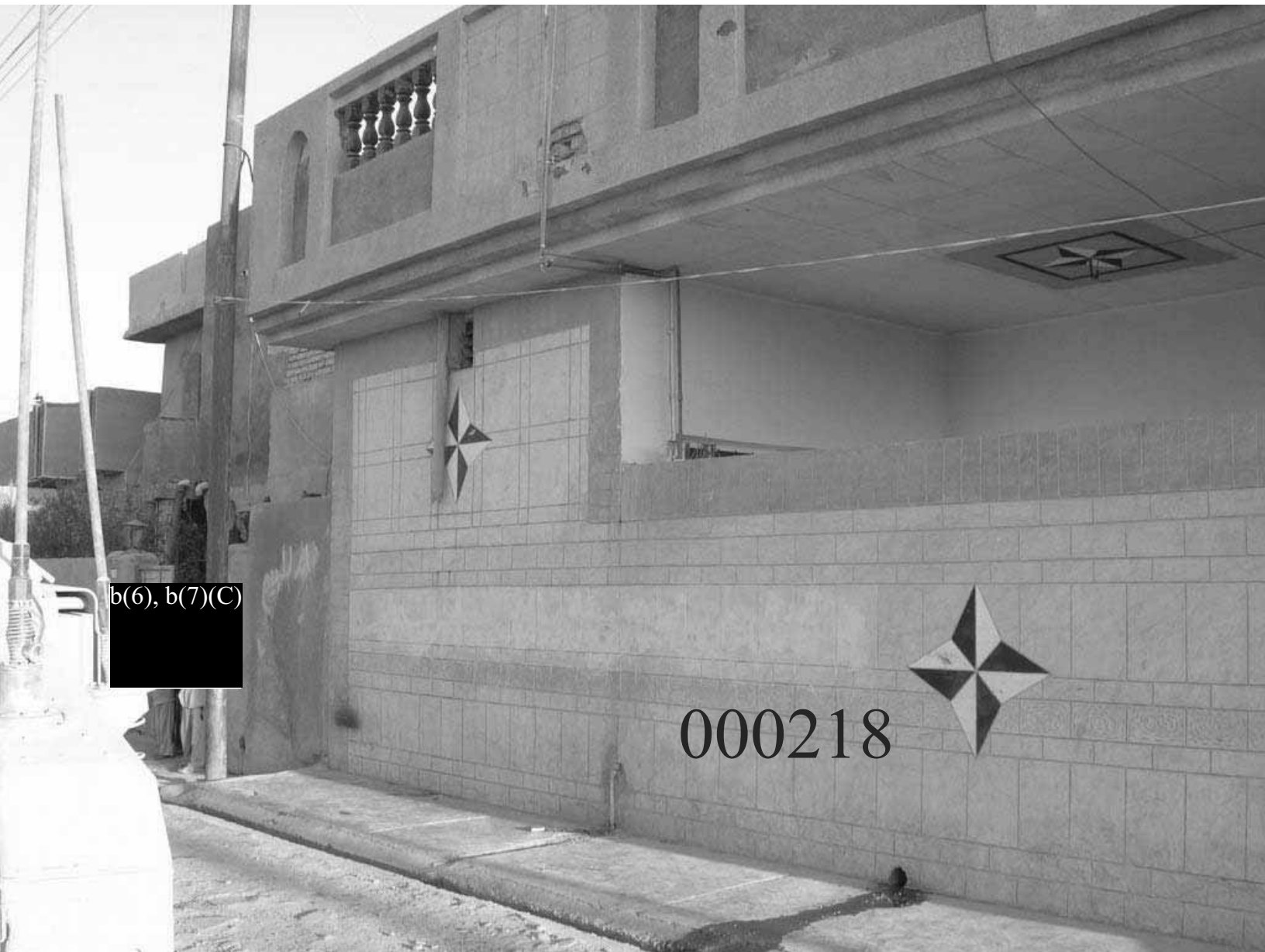






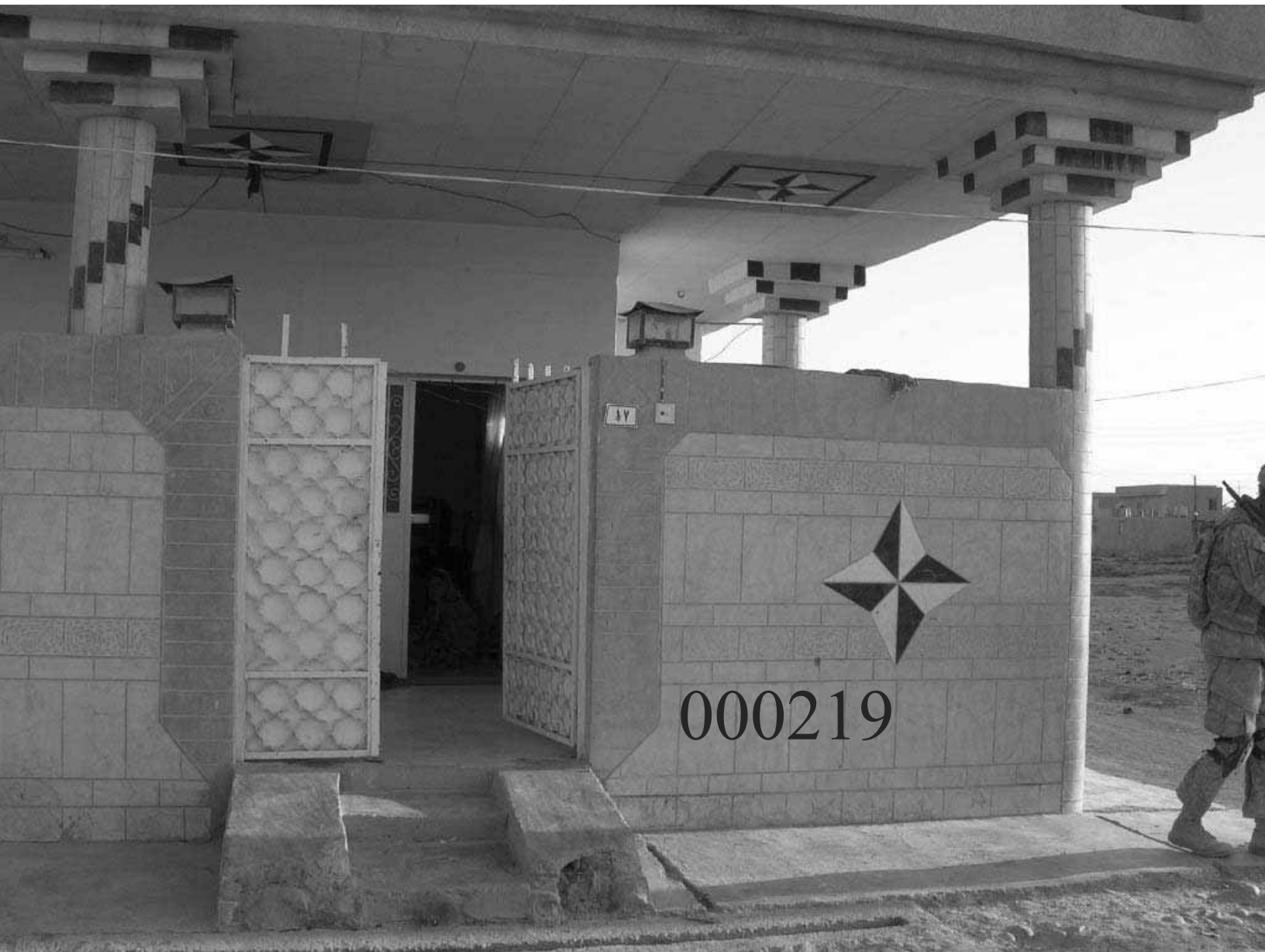






b(6), b(7)(C)

000218







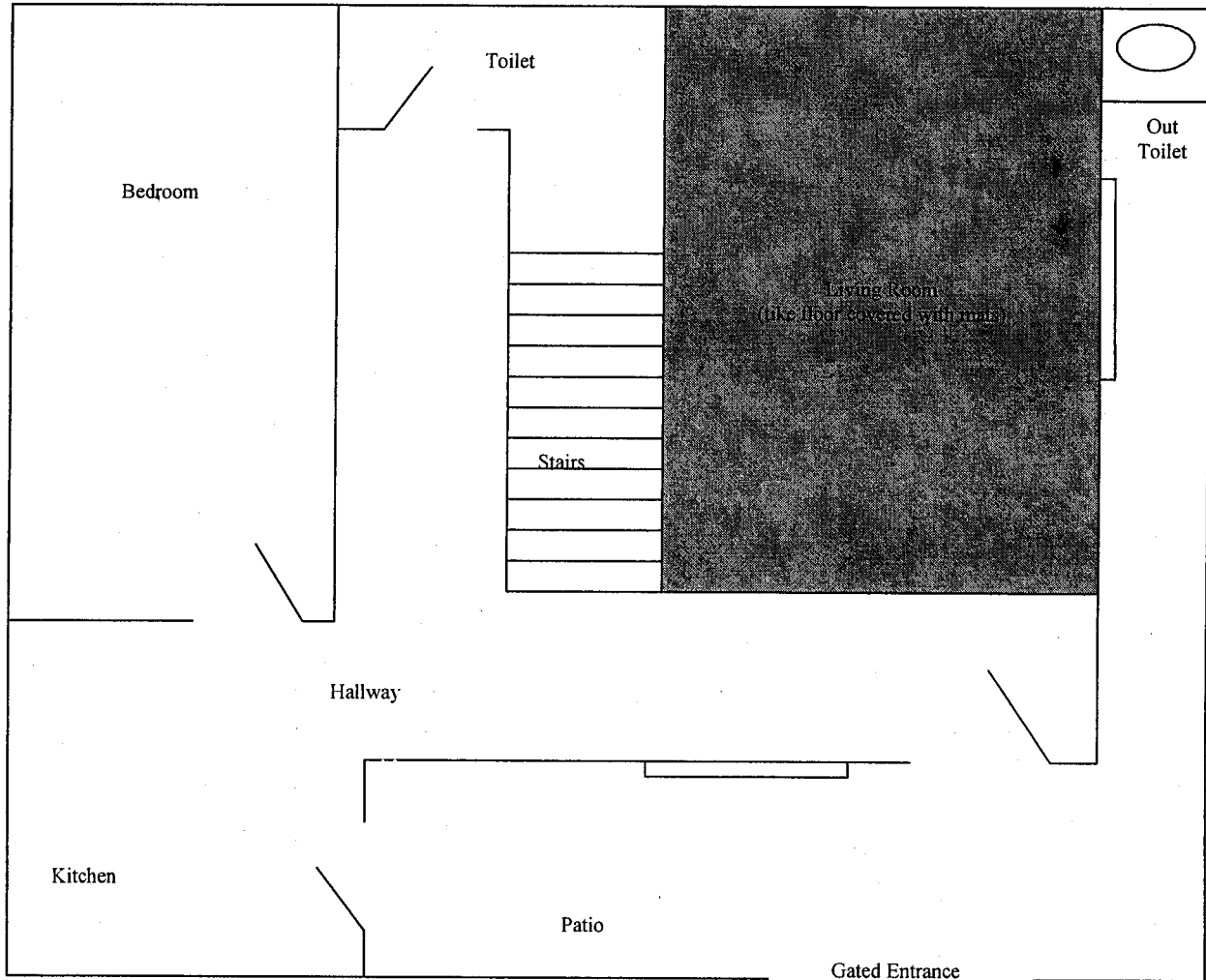
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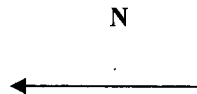




For Official Use Only
Law Enforcement Sensitive
ROUGH SKETCH DEPICTING CRIME SCENE



LEGEND



TITLE BLOCK

Case Number: 0118-07-CID919
Offense: Murder
Victim: Unknown
Location: Residence MC 9580-6066
Scene Portrayed: Residence
Date/Time Began Sketch: 1805 / 23 Sep 07
Sketched By: SA (b)(6), (b)(7)(C)
Verified By: SA (b)(6), (b)(7)(C)

NOT TO SCALE
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EXHIBIT 38
000226

Narrative / Sunday 9/23/07

Mission from 17:30 to 19:40 at Madinat al-thwara.

1-We arrived at the house where the incident took place .first we interviewed the lady of the house she claim that she , her husband and her three kids they just moved to the house two months ago.

She doesn't know anything about the incident at the house. Her name is (b)(6), (b)(7)(C) .her young kids name are (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) .Her husband was at work .

2-The house at the right hand side attached to house where the incident happened .A lady by the name (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) She stated that she just moved to the house with her husband and her child (b)(6), (b)(7)(C) ,one month ago. She doesn't know anything about the incident. Her husband outside in the small mini-mart next to the house.

3- The small mini-mart 7 men at the small mini-mart their names are;

4.(b)(6), (b)(7)(C) - He just moved to the area one month ago. He doesn't know anything about the incident.

5.(b)(6), (b)(7)(C) an 18 years old ,he been living in the area for 4 month. He doesn't know anything about the incident.

6.(b)(6), (b)(7)(C) He only been living in the area for 3 month. He doesn't know anything about the incident.

7.(b)(6), (b)(7)(C) He moved to the area 6 month ago. He doesn't know anything about the incident.

8.(b)(6), (b)(7)(C) He moved to the area 8 month ago. He doesn't know anything about the incident.

9.(b)(6), (b)(7)(C) He moved to the area 6 month ago.He doesn't know anything about the incident.

10.(b)(6), (b)(7)(C) he moved to the area 2 month ago.He doesn't know anything about the incident.

In conclusion these are a group of people who migrated to the area.Non of them knows anything about the incident.

I, Mr (b)(6), b(7)(C) hereby verify that the above narrative is a true and verbatim transcription from the original Arabic language statement provided by the above listed individuals on 23 Sep 07, to that of the English language as translated by my hand on 23 Sep 07.

b(6), b(7)(C)

Mr. **b(6), b(7)(C)**

Interpreter

32nd MP Detachment (CID)(FWD)

MND-North, Iraq

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LAW ENFORCEMENT SENSITIVE

Exhibit 39

FOR OFFICIAL USE ONLY- LAW ENFORCEMENT SENSITIVE

AGENT'S INVESTIGATION REPORT

0118-07-CID0919-23257

0303-07-CID044-

CID Regulation 195-1

Page 1 of 2

Details:

On 10 Sep 07, a Request For Assistance (RFA) was received from the 32nd Military Police Detachment, 22nd Military Police Battalion, Balad, Iraq APO AE 09391, requesting this office coordinate with Mrs. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) and ascertain the whereabouts of SGT (b)(6), (b)(7)(C) laptop.

About 0810, 10 Sep 07, SA (b)(6), (b)(7)(C) coordinated with SA (b)(6), (b)(7)(C) regarding a consent to search involving Mrs. (b)(6), (b)(7)(C) residency, SA (b)(6), (b)(7)(C) stated they do not have a description of the laptop.

About 1509, 11 Sep 07, SA (b)(6), (b)(7)(C) coordinated with Mrs. (b)(6), (b)(7)(C) who stated she has not received her husband's laptop, nor has she received any packages. Mrs. (b)(6), (b)(7)(C) consented to a search of her residence for the laptop computer.

About 1400, 12 Sep 07, SA (b)(6), (b)(7)(C) this office, obtained Consent to Search from Ms. (b)(6), (b)(7)(C) and Ms. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

Agent's Comment: Ms. (b)(6), (b)(7)(C) is the mother of Ms. (b)(6), (b)(7)(C) and is the owner of the residence. Ms. (b)(6), (b)(7)(C) is currently living with Ms. (b)(6), (b)(7)(C) and occupies a room.

About 1405, 12 Sep 07, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) conducted a search of the residency (b)(6), (b)(7)(C) which met with the following results:

Located in the hallway area was a desktop computer identified as an IBM Thinkcenter, Serial number (b)(6), (b)(7)(C)

Located on the floor in the Master Bedroom in a black laptop case, was a Dell Inspiron laptop, # (b)(6), (b)(7)(C) which Ms. (b)(6), (b)(7)(C) identified as belonging to her.

SA (b)(6), (b)(7)(C), (b)(7)(F) FORT SAM HOUSTON CID OFFICE
1490 Wilson Street, Building 268
FORT SAM HOUSTON, TX 78234

Signature (b)(6), (b)(7)(C)

Date:
13 Sep 07

Exhibit:
40

CID Form 94

FOR OFFICIAL USE ONLY- LAW ENFORCEMENT SENSITIVE

000228

FOR OFFICIAL USE ONLY- LAW ENFORCEMENT SENSITIVE

AGENT'S INVESTIGATION REPORT

0118-07-CID0919-23257

0303-07-CID044-

CID Regulation 195-1

Page 2 of 2

Details:

About 1415, 12 Sep 07, SA (b)(6), (b)(7)(C) obtained verbal consent to search an IBM Thinkcenter Serial # (b)(6), (b)(7)(C) for digital images.

About 1420, 12 Sep 07, SA (b)(6), (b)(7)(C) performed a search for digital images pertaining to the IBM ThinkPad using the program presearch, version XX.08. The following type of image files were searched for: .JPG .BMP .GIF and .PCX. The search met with negative results.

About 1450, 12 Sep 07, SA (b)(6), (b)(7)(C) obtained verbal consent to search a Dell Inspiron 2600 laptop (b)(6), (b)(7)(C) for digital images.

About 1455, 12 Sep 07, SA (b)(6), (b)(7)(C) conducted a search for digital images using the program presearch, version XX.08. The following type of image files were searched for: .JPG .BMP .GIF and .PCX. The search met with negative results.

About 0823, 13 Sep 07, SA (b)(6), (b)(7)(C) coordinated with SA (b)(6), (b)(7)(C) who stated no further investigative activity was required of this office.///Last Entry///

SA (b)(6), (b)(7)(C), (b)(7)(F) FORT SAM HOUSTON CID OFFICE
1490 Wilson Street, Building 268
FORT SAM HOUSTON, TX 78234

(b)(6), (b)(7)(C)

Date:
13 Sep 07

Exhibit:
40

CID Form 94

FOR OFFICIAL USE ONLY- LAW ENFORCEMENT SENSITIVE

000229

Date: <u>20070912</u> (b)(6), (b)(7)(C)		Consent To Search (USACIDC Supplement 1 to AR 190-22)		Time: <u>14:00</u> (b)(6), (b)(7)(C)	
1. Name of person consenting to the search: Mrs. (b)(6), (b)(7)(C)			2. Organization and location: (b)(6), (b)(7)(C)		
3. I have been informed by the undersigned USACIDC Special Agent that an inquiry is being conducted in connection with the following possible violation(s) of law: Cruelty and Maltreatment					
4. I have been requested by the undersigned USACIDC Special Agent to give my consent to a search of my person, premises, or property as indicated below. I have been advised of my right to refuse a search of my person, premises, or property. (If you <u>do not</u> give your consent, do not sign this form.)					
5. I hereby authorize the undersigned USACIDC Special Agent and/or other Authorized Law Enforcement Officials assisting the undersigned USACIDC Special Agent to conduct a search of: <i>(Initial and sign applicable blocks)</i>					
a.	My Person	<i>Initials</i>	<i>Signature</i>		
b.	My Quarters	<i>Initials</i> (b)(6), (b)(7)(C)	<i>Signature</i> (b)(6), (b)(7)(C)		
Located At:		(b)(6), (b)(7)(C)			
c.	My Vehicle	<i>Initials</i>	<i>Signature</i>		
Located At:					
Described As:					
d.	Other	<i>Initials</i>	<i>Signature</i>		
Located At:					
Described As:					
I am authorizing the above search(s) for the following general types of property which may be removed by the authorized law enforcement personnel and retained as evidence under the provisions of Army Regulation 195-5, or other applicable laws or regulations: Laptop and any other digital media storage devices, photographs, emails.					
6. This written permission is given to the undersigned USACIDC Special Agent freely, voluntarily, and without threats or promises of any kind: (b)(6), (b)(7)(C)					
_____ (b)(6), (b)(7)(C) Special Agent		_____ (b)(6), (b)(7)(C)			

000230

FOR OFFICIAL USE ONLY- LAW ENFORCEMENT SENSITIVE

AGENT'S INVESTIGATION REPORT

0118-07-CID919-23257
RFA 0326-07-CID044

CID Regulation 195-1

Page 1 of 2

Details:

On 28 Sep 07, a Request For Assistance (RFA) was received from the 32nd Military Police Detachment (CID), 22nd Military Police Battalion, Balad, Iraq APO AE 09391, requesting this office coordinate with Mrs. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) It was requested this office determine if she had received three packages possibly containing a laptop computer sent to her from her husband SGT (b)(6), (b)(7)(C) 3245, A Troop 6/9th Cavalry (CAV), 3rd Brigade Combat Team (BCT), 1st CAV, Forward Operating Base (FOB) Normandy, Iraq. The Balad CID Office further provided copies of Custom Declaration forms which showed SGT (b)(6), (b)(7)(C) mailed three packages to Mrs. (b)(6), (b)(7)(C) on 5 Sep 07.

About 1339, 2 Oct 07, SA (b)(6), (b)(7)(C) coordinated with Inspector (b)(6), (b)(7)(C) Postal Inspector, U.S. Postal Inspection Services, P.O. Box 33250, San Antonio, TX 78265, Inspector (b)(6), (b)(7)(C) who stated there was no record of any packages delivered by any of the mail carriers to Mrs. (b)(6), (b)(7)(C) residency. Inspector (b)(6), (b)(7)(C) further related that a check with customs revealed once a package arrives to John F. Kennedy Airport for distribution from overseas locations, the packages are distributed as normal mail and there is no way to track the packages based on the Customs Declaration form.

About 1115, 9 Oct 07, SA (b)(6), (b)(7)(C) coordinated with Mrs. (b)(6), (b)(7)(C) who stated she has not received any packages from her husband. Mrs. (b)(6), (b)(7)(C) further related she would notify this office if she should receive any packages from SGT (b)(6), (b)(7)(C)

About 1404, 9 Oct 07, SA (b)(6), (b)(7)(C) coordinated with Inspector (b)(6), (b)(7)(C) who stated he advised the mail carriers to immediately notify him of any packages delivered to the (b)(6), (b)(7)(C) residency.

About 0915, 16 Oct 07, SA (b)(6), (b)(7)(C) coordinated with Mrs. (b)(6), (b)(7)(C) who stated she has not received any packages from SGT (b)(6), (b)(7)(C)

SA (b)(6), (b)(7)(C), (b)(7)(F)

Fort Sam Houston CID Office
1490 WILSON STREET, BUILDING 268
FORT SAM HOUSTON, TX 78234

S (b)(6), (b)(7)(C)

Date:
16 Oct 07

Exhibit:

CID Form 94

FOR OFFICIAL USE ONLY- LAW ENFORCEMENT SENSITIVE

FOR OFFICIAL USE ONLY- LAW ENFORCEMENT SENSITIVE

AGENT'S INVESTIGATION REPORT

0118-07-CID919-23257
RFA 0326-07-CID044

CID Regulation 195-1

Page 2 of 2

Details:

About 1310, 16 Oct 07, SA (b)(6), (b)(7)(C) coordinated with Inspector (b)(6), (b)(7)(C) who stated no packages have been delivered to the (b)(6), (b)(7)(C) residency.///Last Entry///

SA (b)(6), (b)(7)(C), (b)(7)(F)

Fort Sam Houston CID Office
1490 WILSON STREET, BUILDING 268
FORT SAM HOUSTON, TX 78234

(b)(6), (b)(7)(C), (b)(7)(F)

Date:
16 Oct 07

Exhibit:

CID Form 94

FOR OFFICIAL USE ONLY- LAW ENFORCEMENT SENSITIVE

0326-07-CID044
0118-07-CID919-2257

DISCLOSURE ACCOUNTING RECORD		RECORD SYSTEM NAME AND TYPE			
INDIVIDUAL'S NAME	REQUESTOR'S NAME AND ADDRESS	NATURE AND PURPOSE OF DISCLOSURE	INDIVIDUAL'S CONSENT (X)		DATE OF DISCLOSURE
			YES	NO NOT REQUIRED	
(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) Postal Inspector Office San Antonio TX	Criminal Investigation		X	20 Oct 07

CIDF 118-E-R
1 MAR 97

The Prescribing Directive is CIDR 195-1

About 1822, 20 Oct 07, SA (b)(6), (b)(7)(C) collected a 9mm pistol recovered from SGT (b)(6), (b)(7)(C) issued assault pack as evidence from CPT (b)(6), (b)(7)(C). Also collected was a copy of SGT (b)(6), (b)(7)(C) DA Form 2062 hand receipt showing the equipment he is signed for (See evidence/property custody document for details).

AGENT'S COMMENT:

The pistol recovered from SGT (b)(6), (b)(7)(C) room was discovered when Soldiers were task to inventory and collect SGT (b)(6), (b)(7)(C) property and discovered the Iraqi pistol inside an assault pack belonging to SGT (b)(6), (b)(7)(C). There was no expectation of privacy and there was no search conducted of SGT (b)(6), (b)(7)(C) room. SA (b)(6), (b)(7)(C) collected a sworn statement of SGT (b)(6), (b)(7)(C), A Troop, 6/9 CAV taken by SSG (b)(6), (b)(7)(C) detailing how SGT (b)(6), (b)(7)(C) discovered the pistol.///LAST ENTRY///

SA (b)(6), (b)(7)(C), (b)(7)(F)

Balad CID Office
LSA Anaconda
Balad, Iraq, APOAE09391

(b)(6), (b)(7)(C)

Date: 20 Oct 07 Exhibit:
44

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

000234

HAND RECEIPT/ANNEX NUMBER <small>For use of this form, see DA PAM 710-2-1. The proponent agency is ODCSLOG.</small>		FROM:	TO:	PUBLICATION DATE		HAND RECEIPT NUMBER	
END ITEM STOCK NUMBER		END ITEM DESCRIPTION	PUBLICATION NUMBER	(b)(6)		(b)(6)	
STOCK NUMBER a.	ITEM DESCRIPTION b.	* c.	SEC d.	UI e.	QTY AUTH f.	9. QUANTITY A B C D E F	
	M4 W087548			ea	1	1	
	Rail System			ea	1	1	
	Vehicle Handgrip/Bipod			ea	1	1	
	MAGAZINES, 5.56 MM			ea	3	3	
	ACORS 109812			ea	1	1	
	ATILLA 4130			ea	1	1	
	M500 US048243			ea	1	1	
	M9 1220176			ea	1	1	
	MAGAZINES, 9mm			ea	3	3	
	Holder Serpa LH			ea	1	1	
	Bayonet #54			ea	1	1	
	M24 06349061			ea	1	1	
	Scope 891228			ea	1	1	
	X107 50 7240			ea	1	1	
	Leopold Scope 185832L			ea	1	1	

FOUO

WHEN USED AS A:

- HAND RECEIPT, enter Hand Receipt Annex Number
- HAND RECEIPT FOR QUARTERS FURNITURE, enter Condition Codes
- HAND RECEIPT ANNEX/COMPONENTS RECEIPT, enter Accounting Requirements Code (ARC).

000235

SWORN STATEMENT

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

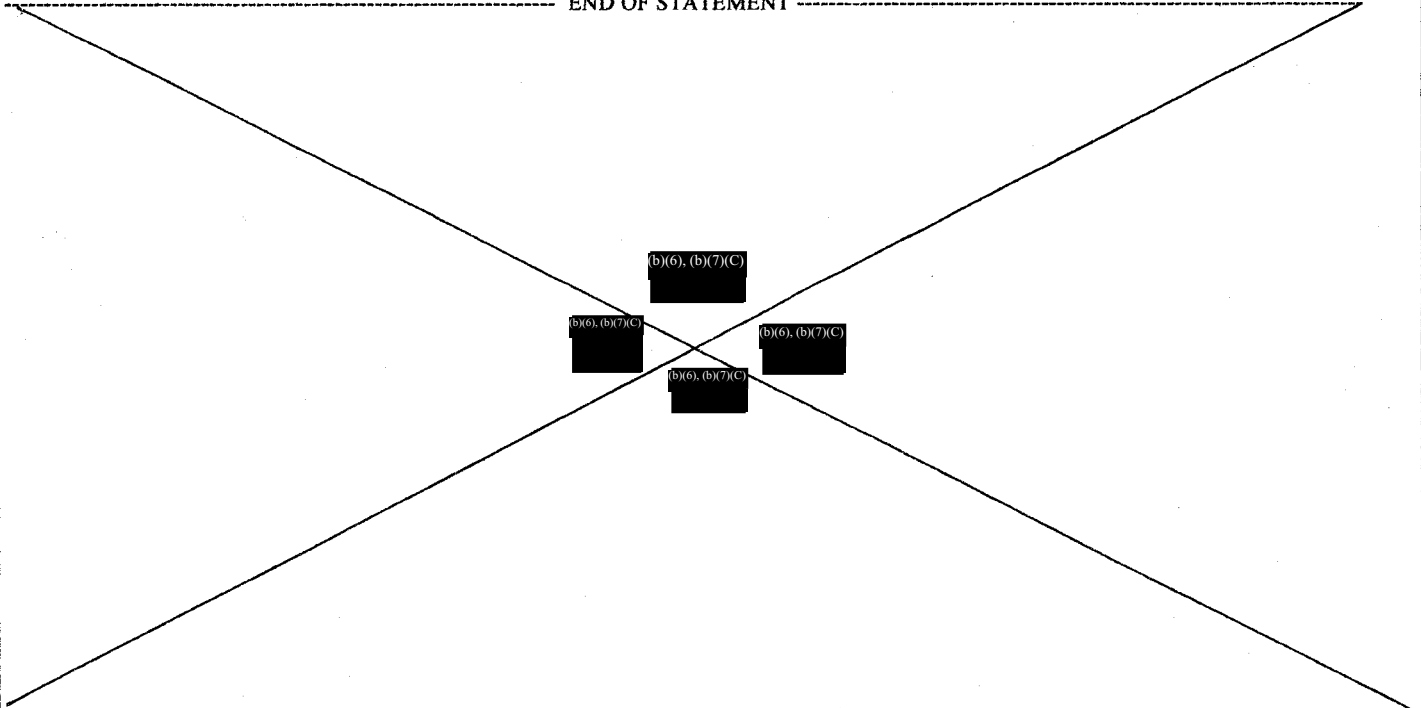
PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: F.O.B. NORMANDY, IRAQ
2. DATE (YYYYMMDD): 2007/10/03
3. TIME: 1600
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: SGT E-5 / ACTIVE
8. ORGANIZATION OR ADDRESS: A TROOP 6-9 CAV, 3rd BCT, 1CD F.O.B. NORMANDY IRAQ

9. I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON 02 October 2007 AT ABOUT 2100 HOURS I WAS TASKED ALONG WITH SEVERAL SOLDIERS FROM 2ND PLATOON TO CLEAN UP SGT (b)(6), (b)(7)(C) ROOM. SGT (b)(6), (b)(7)(C) LEFT THE ROOM SEVERAL WEEKS AGO, AND SEVERAL OF HIS PERSONAL BAGS, BELONGINGS, AND TROOP EQUIPMENT WERE STILL IN THE ROOM AND NEEDED TO BE ACCOUNTED FOR AND TURNED IN. WITH ME WAS SPC (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C), PV2 (b)(6), (b)(7)(C) AND PVT (b)(6), (b)(7)(C). I HAD INSTRUCTED THE OTHER SOLDIERS TO MOVE SGT (b)(6), (b)(7)(C) PERSONAL BAGS, WHICH WERE ALREADY PACKED, TO ONE SIDE OF THE ROOM. I PICKED UP HIS RFI ISSUED ASSAULT PACK, WHICH WAS UNZIPPED AND OPEN. INSIDE I NOTICED THAT THERE WAS A LARGE AMOUNT OF OLD CANDY AND OPEN SNACKS, SO I DUMPED THE BAG OUT IN ORDER TO THROW AWAY THE FOOD PRODUCTS. WHEN I DID THIS, A MEDIUM SIZE BLACK SEMI AUTO HANDGUN FELL OUT OF THE OUTER REAR MOST COMPARTMENT OF THE BAG. STANDING NEXT TO ME WAS SPC (b)(6), (b)(7)(C) WHO ALSO OBSERVED THIS. I DO NOT KNOW IF ANY OF THE OTHER SOLDIERS NOTICED THIS. THE WEAPON HAD A MAGAZINE INSERTED IN THE MAGAZINE WELL, SO I REMOVED THE MAGAZINE AND CLEARED THE WEAPON TO RENDER IT SAFE. THERE WAS SOME AMMO IN THE MAGAZINE, HOWEVER THE CHAMBER WAS EMPTY. I THEN PUT THE WEAPON BACK IN THE BAG, WHERE IT HAD FALLEN OUT OF AND TOOK IT DIRECTLY TO SSG (b)(6), (b)(7)(C) MY PLATOON SERGEANT AND 1ST LT (b)(6), (b)(7)(C) MY PLATOON LEADER. I INFORMED THEM OF THE CIRCUMSTANCES OF HOW I FOUND THE WEAPON AND TURNED IT AND THE BAG OVER TO 1ST LT (b)(6), (b)(7)(C). I HAVE NEVER OBSERVED THIS WEAPON BEFORE, AND HAVE NO KNOWLEDGE OF HOW IT CAME TO BE IN THE BAG PRIOR TO MY FINDING IT.

----- END OF STATEMENT -----



10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

FOUO

000236

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT FOB NORMANDY

DATED 2007/10/03

9. STATEMENT (Continued)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), 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

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITH (b)(6), (b)(7)(C)

A-TRP 6-9 CALV FOB Normandy Iraq
ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

A-TRP 6-9 CALV FOB Normandy Iraq
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 03 day of Oct 07 at

(b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 2 OF 2 PAGES

FOUO

000237

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER 0118-07-CID919-23257
0872-07-CID034-

PAGE 1 OF 1 PAGES

DETAILS

Basis For Investigation: On 30 Oct 07, this office received a Request for Assistance from 32nd Military Police Detachment (CID), Balad, Iraq APO AE 0939, to interview SSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Rear Detachment, 6/9 Cavalry, 1CD, Fort Hood, TX 76544 (FHTX) pertaining to his knowledge of a murder of an Anti Iraqi Force (AIF) member.

About 1409, 30 Oct 07, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) who provided a sworn statement, in which he stated he did not have any knowledge pertaining to the murder of the AIF member and he did not know of any photographs taken of the incident. ///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

Fort Hood Resident Agency, USACIDC,
Fort Hood, TX 76544

SIGNATURE

DATE

30 Oct 07

EXHIBIT

47

INTERNAL USE ONLY

000238

SWORN STATEMENT

LOCATION: Building 2200, Fort Hood, TX 76544 **DATE:** ~~29~~ Oct 07 **TIME:** 1409
NAME: (b)(6), (b)(7)(C)
SSAN: (b)(6), (b)(7)(C)
STATUS: E-6/Active
ORGANIZATION/ADDRESS: A Troop, 6/9 Cavalry, 1CD, Fort Hood, TX 76544

During the end of June 2007, we were preparing to come back from Sharkart (Patrol base KWOL). We were pulling LOC security missions keeping the main route secure. I do not know of any kills made by anyone in the troop during this time.

Q: Do you have any knowledge of the incident involving SGT (b)(6), (b)(7)(C) murdering an AIF member?

A: No.

Q: Did SGT (b)(6), (b)(7)(C) or anyone in his squad talk about the incident?

A: No, at that time he was smoking his guys for going outside the chain of command and not allowing any of them to talk to anyone. For example one of his guys was having marital problems and talked to the mail clerk, then the mail clerk talked to the commander and went to 1SG and asked him why we didn't know about this, then it went downhill back to SGT (b)(6), (b)(7)(C) and he got on the Soldier for not talking to him first.

Q: Do you know of any pictures pertaining to the incident in question?

A: No.

Q: When did you leave Iraq?

A: 19 Aug 07.

Q: Do you have anything to add to this statement?

A: No. ///End of Statement///(b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

Page 1 of 2 Pages

“Statement of SSG (b)(6), (b)(7)(C) Continued:”

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD 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.

(b)(6), (b)(7)(C)
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30TH Day of October, 2007

(b)(6), (b)(7)(C)
(Typed Name of Person Administering Oath)

ORGANIZATION AND ADDRESS

Special Agent (b)(6), (b)(7)(C), (b)(7)(F)
(Typed Name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

Page 2 of 2 Pages

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0866-07-CID034-

PAGE 1 OF 1 PAGES

DETAILS

BASIS FOR INVESTIGATION: This office received a Request for Assistance (RFA), from the Balad CID Office, Balad, Iraq, APO AE 09391, to locate, fully identify and conduct a witness interview of SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), 6/9 Cavalry, Rear Detachment, 1st Cavalry Division (1CD), Fort Hood, TX 76544 (FHTX). Further, collect any photographs SPC (b)(6), (b)(7)(C) may have exposed during the conduct of a Small Kill Team (SKT), mission conducted in on or around 26 Jun 07.

About 1717, 2 Nov 07, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C), who provided a sworn statement wherein he stated he did not witness any of the members of his Small Kill Team (SKT), kill the Anti Iraqi Forces (AIF) insurgent, while they were inside the Iraqi residence where the AIF insurgent was discovered.

STATUS: This investigation is closed in the files of this office. All investigative activity was completed.
///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

(b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

Fort Hood CID Office, 6th MP GRP (CID), Fort Hood, TX 76544

SIGNATURE

DATE

2 Nov 07

EXHIBIT

49

SWORN STATEMENT

LOCATION: Building 2200, Fort Hood, TX 76544 DATE: (b)(6), (b)(7)(C) TIME: (b)(6), (b)(7)(C)
NAME: (b)(6), (b)(7)(C)
SSAN: (b)(6), (b)(7)(C)
STATUS: E4/AD
ORGANIZATION/ADDRESS: A Troop, 6/9 Cavalry Regiment, 1st Cavalry Division, FHTX

(b)(6), (b)(7)(C) want to make the following statement under oath:
On the morning of 26 Jun 07, I was on a Small Kill Team (SKT) mission with SGT (b)(6), (b)(7)(C)
SPC (b)(6), (b)(7)(C) PV2 (b)(6), (b)(7)(C) CPL (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and the medic (I don't remember
his name), the Interpreter, and several Soldiers from the Iraqi Army (IA). I was on the Radio
(RTO) for that mission. The medic and I were the room of our observation (OP) house on the top
floor while the rest of the SKT were on the roof looking out for Anti Iraqi Forces (AIF). When
the sun first came up, SGT (b)(6), (b)(7)(C) came on our squad radio and told me they saw three men
walking behind a house with AK-47 rifles, grenades, handguns, and radios, SGT (b)(6), (b)(7)(C)
informed us they were going to engage and for me and the medic not to freak-out. So I informed
the medic about what was about to happen. After the engagement we all ran outside to secure the
area. One guy was killed instantly, one got away, and we followed a blood trail over a wall inside
the house that they were behind. I stayed outside the house and helped the new guys determine
where to set up security, the medic went inside and the interpreter followed. I don't really
remember which Soldiers were inside with SGT (b)(6), (b)(7)(C) but while we were pulling security I
heard a gunshot, so I called out "WHAT HAPPENED?", and if I remember correctly they said
that while they were asking questions the wounded man pulled a handgun on them and SGT
(b)(6), (b)(7)(C) (being the man he is) protected his soldiers at any cost by discharging his weapon at
the guy with the gun to ensure the safety of his team. About 5 minutes after the AIF was killed,
we waited on Explosive Ordnance Disposal (EOD) team to arrive. The IA's went into the house
and pulled the body out of the house, and then out into the street, before we could stop them. That's
all I remember from the incident.

Q: SA (b)(6), (b)(7)(C)

A: SPC (b)(6), (b)(7)(C)

Q: Did you type the above narrative?

A: Yes.

Q: Did you take photographs at any time during this mission?

A: No.

Q: Did any other Soldiers on the team take photographs?

A: Not that I am aware of.

Q: Did you see SGT (b)(6), (b)(7)(C) shoot the AIF insurgent?

A: No.

Q: Who told you SGT (b)(6), (b)(7)(C) killed the AIF insurgent?

A: I think it was CPL (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)
Page 1 of 2 Pages

FOR OFFICIAL USE ONLY - Law Enforcement Sensitive

(b)(6), (b)(7)(C) "Statement of (b)(6), (b)(7)(C) Continued:"

Q: Who was in the house with SGT (b)(6), (b)(7)(C) when he shot the AIF insurgent?

A: I don't know.

Q: What happened to the bodies of the AIF insurgents?

A: The bodies were still there when we left.

Q: Why do you think someone would say SGT (b)(6), (b)(7)(C) killed the insurgent unnecessarily?

A: In my opinion, SGT (b)(6), (b)(7)(C) killed the insurgent in front of the home owners, and they did not understand why.

Q: Did you ever go inside the house, after SGT (b)(6), (b)(7)(C) shot the insurgent?

A: No.

Q: Did any of the members on your team see the insurgent's pistol?

A: I don't know.

Q: Do you have anything to add to this statement?

A: No. ///End of Statement

AFFIDAVIT

I, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD 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.

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2nd Day of November, 2007

(b)(6), (b)(7)(C)

(Signature of Person Administering Oath)

ORGANIZATION AND ADDRESS

Special Agent (b)(6), (b)(7)(C), (b)(7)(F)
(Typed Name of Person Administering Oath)

10 USC, 936

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT:

(b)(6), (b)(7)(C)

Page 1 of 2 Pages

(b)(6), (b)(7)(C)

FOR OFFICIAL USE ONLY - Law Enforcement Sensitive

About 1512, 17 Nov 07, SA (b)(6), (b)(7)(C) received an email from CPT (b)(6), (b)(7)(C) detailing his opine for this investigation. CPT (b)(6), (b)(7)(C) opined probable cause exists to believe SGT (b)(6), (b)(7)(C) committed the following offenses: attempted premeditated murder, premeditated murder, aggravated assault, solicitation to commit murder, and obstruction of justice. CPT (b)(6), (b)(7)(C) opined probable cause exists to believe SPC (b)(6), (b)(7)(C) committed the following offenses: attempted premeditated murder and dereliction of duty to provide aid. CPT (b)(6), (b)(7)(C) opined probable cause exists to believe CPL (b)(6), (b)(7)(C) committed the following offenses: accessory to attempted premeditated murder, dereliction of duty to provide aid, and dereliction of duty to protect from desecration. (See email of CPT (b)(6), (b)(7)(C) for details).

About 1315, 27 Nov 07, SA (b)(6), (b)(7)(C) appraised LTC (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C) of all aspects pertaining to this investigation. LTC (b)(6), (b)(7)(C) stated PVT (b)(6), (b)(7)(C) PVT (b)(6), (b)(7)(C) and PVT (b)(6), (b)(7)(C) received non-judicial punishment.

LAW ENFORCEMENT RECORDS CHECK: A check with the United States Army Crime Records Center (USACRC), the Defense Clearance and Investigations Index (DCII), and the files of this office was conducted for any information pertaining to SGT (b)(6), (b)(7)(C) The check did not reveal any derogatory information pertaining to SGT (b)(6), (b)(7)(C)

LAW ENFORCEMENT RECORDS CHECK: A check with the United States Army Crime Records Center (USACRC), the Defense Clearance and Investigations Index (DCII), and the files of this office was conducted for any information pertaining to CPL (b)(6), (b)(7)(C) The check did not reveal any derogatory information pertaining to CPL (b)(6), (b)(7)(C)

LAW ENFORCEMENT RECORDS CHECK: A check with the United States Army Crime Records Center (USACRC), the Defense Clearance and Investigations Index (DCII), and the files of this office was conducted for any information pertaining to SPC (b)(6), (b)(7)(C) The check did not reveal any derogatory information pertaining to SPC (b)(6), (b)(7)(C)

SA (b)(6), (b)(7)(C), (b)(7)(F)

Balad CID Office
LSA Anaconda
Balad, Iraq, APOAE09391

Signature:

Date: 27 Nov 07

Exhibit:

(b)(6), (b)(7)(C)

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LAW ENFORCEMENT RECORDS CHECK: A check with the United States Army Crime Records Center (USACRC), the Defense Clearance and Investigations Index (DCII), and the files of this office was conducted for any information pertaining to Mr. (b)(6), (b)(7)(C)

The check did not reveal any derogatory information pertaining to Mr. (b)(6), (b)(7)(C)

LAW ENFORCEMENT RECORDS CHECK: A check with the United States Army Crime Records Center (USACRC), the Defense Clearance and Investigations Index (DCII), and the files of this office was conducted for any information pertaining to PV2 (b)(6), (b)(7)(C)

The check did not reveal any derogatory information pertaining to PV2 (b)(6), (b)(7)(C)

//LAST ENTRY//

SA (b)(6), (b)(7)(C), (b)(7)(F)

Balad CID Office
LSA Anaconda
Balad, Iraq, APOAE09391

Signature:
(b)(6), (b)(7)(C)

Date: 27 Nov 07

Exhibit:

51

EVIDENCE/PROPERTY CUSTODY DOCUMENT		MPR/CID SEQUENCE NUMBER 0118-07-CID 919		
For use of this form see AR 190-45 and AR 195-5: the proponent agency is US Army Criminal Investigation Command		CRD REPORT/CID ROI NUMBER 23257		
RECEIVING ACTIVITY 32 nd MP DETACHMENT (CID)		LOCATION LSA ANACONDA, BALAD, IRAQ APO AE 09391		
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER CPT (b)(6), (b)(7)(C) A, 6/4 CAV, 3 rd BCT, FOB NORMANDY, IRAQ APO AE 09324 <input checked="" type="checkbox"/> OTHER		ADDRESS (include Zip Code) A 6/4 CAV, 3 rd BCT, V FOB NORMANDY, IRAQ APO AE 09324		
LOCATION FROM WHERE OBTAINED HHT, HQ 6/4 CAV, 3 rd BCT FOB NORMANDY, IRAQ APO AE 09324 (FROM THE HANDS OF CPT (b)(6), (b)(7)(C) while inside HHT 6/4 CAV)		REASON OBTAINED Evidence	TIME/DATE OBTAINED 1822/20 oct 07	
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (include model, serial number, condition and unusual marks or scratches)		
1	1	PISTOL, black and chrome in color, of a metal and plastic type construction, approximately 8 inches in length, bearing manufacture Serial Number "0313157173", and manufacture markings "Tariq 9mm MADE IN IRAQ". The pistol contains one empty magazine inside the magazine well. All components are scratched and soiled in condition. The lower receiver, barrel, upper receiver and magazine were marked for identification (MFIID) with 1822/20 oct 07 / (b)(6), (b)(7)(C), and placed in a clean brown paper bag affixed DA Form 4002 (from the hands of CPT (b)(6), (b)(7)(C) while inside HHT 6/4 CAV) (cleared for safety).		
2	5	9mm round, brown and copper in color, of metal type construction, standard 9mm round, bearing manufacture head stamp "9x19 04 S&B". The rounds are in dirty condition. The rounds were placed in a clean plastic heat seal bag, which was heat sealed. The seal was embossed with a seal unique to this office and MFIID with 1822/20 oct 07 (b)(6), (b)(7)(C) Affixed DA Form 4002. (From Item 1) LAST ITEM		
CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-2	020507	(b)(6), (b)(7)(C) SIGNATURE	(b)(6), (b)(7)(C)	Turn-in to CDR, CPT (b)(6), (b)(7)(C)
1-2	030507	SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) SGT	Turn-in to CDR, CPT (b)(6), (b)(7)(C)
1-2	050507	(b)(6), (b)(7)(C) (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) SGT	Turn-in to CID office
1-2	200907	(b)(6), (b)(7)(C) (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) CPT, AR CMSG	Evaluation as Evidence
1-2	230507	(b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) CPT, AR CMSG	(b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C)	Release to registered mail

CHAIN OF CUSTODY (Continued)			
ITEM NO.	DATE	RELEASED BY	PURPOSE OF CHANGE OF CUSTODY
1-2	NOV 07 2007	SIGNATURE Registered Mail	EVIDENCE CUSTODIAN SCRCNI 2
		NAME, GRADE OR TITLE RR 466 954 539 US	
		SIGNATURE	
		NAME, GRADE OR TITLE	
		SIGNATURE	
		NAME, GRADE OR TITLE	
		SIGNATURE	
		NAME, GRADE OR TITLE	
		SIGNATURE	
		NAME, GRADE OR TITLE	
		SIGNATURE	
		NAME, GRADE OR TITLE	
		SIGNATURE	
		NAME, GRADE OR TITLE	
		SIGNATURE	
		NAME, GRADE OR TITLE	
FINAL DISPOSAL ACTION			
RELEASE TO OWNER OR OTHER (Name / Unit) _____			
DESTROY _____			
OTHER (Specify) _____			
FINAL DISPOSAL AUTHORITY			
ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____ (Grade)			
_____ (Name) _____ (Organization) _____ (IS) (ARE) NO LONGER			
REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If article(s) must be retained, do not sign, but explain in separate correspondence.)			
_____ (Typed / Printed Name, Grade, Title)		_____ (Signature)	_____ (Date)
WITNESS TO DESTRUCTION OF EVIDENCE			
THE ARTICLE(S) LISTED AT ITEM NUMBER(S) _____ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE.			
_____ (Typed / Printed Name, Organization)		_____ (Signature)	

095002477

About 1800, 01 Feb 08, SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C) MNC-I, Baghdad, Iraq for an opine pertaining to Mr (b)(6), (b)(7)(C) for the offense of Aggravated Assault when he struck the wounded and unarmed AIF member during an SKT mission on 26 June 2007. CPT (b)(6), (b)(7)(C) related that any opines for this investigation should be coordinated through 3-1 CAV (CPT (b)(6), (b)(7)(C)) out of Fort Hood. CPT (b)(6), (b)(7)(C) related that he could not obtain any details as to the debarment of Mr (b)(6), (b)(7)(C) and that his office was not going to pursue any action against him in this case. CPT (b)(6), (b)(7)(C) further related any actions being taken in this matter should be referred to 3-1 CAV.

About 1815, 01 Feb 08, SA (b)(6), (b)(7)(C) received an email from CPT (b)(6), (b)(7)(C) detailing his opine for this investigation. CPT (b)(6), (b)(7)(C) opined probable cause existed to believe Mr. (b)(6), (b)(7)(C) committed the offense of Aggravated Assault when he struck the wounded and unarmed AIF member during an SKT mission on 26 June 2007. CPT (b)(6), (b)(7)(C) further related his office was not going to pursue any action against Mr (b)(6), (b)(7)(C) as he no longer worked for their unit (See email of CPT (b)(6), (b)(7)(C) for details).

About 1130, 12 Feb 08, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) coordinated with Mr. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Site Manager, L3 Communication, Titan Linguist Operations, Balad, Iraq APO AE 09391 who related Mr (b)(6), (b)(7)(C) was involuntarily terminated in October 2007, for misconduct. Mr. (b)(6), (b)(7)(C) related there was no official date listed but Mr (b)(6), (b)(7)(C) stopped getting paid in October of 2007.///LAST ENTRY///

SA (b)(6), (b)(7)(C), (b)(7)(F)

Balad CID Office
LSA Anaconda
Balad, Iraq, APOAE09391

Signature: (b)(6), (b)(7)(C)

Date: 12 Feb 08

Exhibit:

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