

Ex 6, 3
7c

03-094

RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

See Notes on Reverse Before Completing Form

b6-5

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

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

b6-4

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

b6-2

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

b6-2

b6-2

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

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

b6-5

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

5. I direct the original DA Form 2627 be filed in the Performance fiche Restricted fiche of the OMPF. ^{2/}

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

b6-2

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
6 Nov 03 1153	[REDACTED]	[REDACTED]

b6-2

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

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

b6-5

b6-5

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

DATE	NAME AND GRADE OF JUDGE ADVOCATE	SIGNATURE

9. After consideration of all matters presented in appeal, the appeal is:
 Denied Granted as follows: ^{10/}

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE

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

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

C/M

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CONTINUATION SHEET, DA FORM 2627, [REDACTED]

b6-5

Item 1 continued:

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

b6-4

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03-083

SUMMARIZED RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

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

See Notes on Reverse Before Completing Form.

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

NAME [REDACTED]	GRADE [REDACTED]	SSN [REDACTED]	UNIT [REDACTED] 66-5
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1. On 5 Nov 03, the above service member was advised that I was considering imposition of nonjudicial punishment under the provisions of Article 15, UCMJ, Summarized Proceedings, for the following misconduct: ²
In that you, did, at [REDACTED] on or about 24 Sep 03, violate the Geneva Convention, dtd 12 Aug 49, to wit: Article 13, 17 and 87, by wrongfully using excessive force during the interrogation of Detainee [REDACTED]. This is in violation of Article 92, UCMJ.

66-4

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

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

3. The member was advised of the right to appeal to the [REDACTED] **66-2** within 5 calendar days, that an appeal made after that time could be rejected as untimely, and that the punishment was effective immediately unless otherwise stated above. The member [REDACTED] **66-5**

Elected immediately not to appeal Requested time to decide whether to appeal and the decision is indicated in item 4, below. ^{5 6}

DATE <u>05 NOV 03</u>	NAME, GRADE, AND ORGANIZATION OF IMPOSING COMMANDER [REDACTED] 66-2	SIGNATURE [REDACTED] 66-2
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4. (Initial appropriate block, date, and sign)
a. I do not appeal b. I appeal and do not submit matters for consideration ⁷ c. I appeal and submit additional matters ⁷

DATE <u>05 NOV 03</u>	NAME AND GRADE OF SERVICE MEMBER [REDACTED]	SIGNATURE [REDACTED] 66-5
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5. After consideration of all matters presented in appeal, the appeal is:
 Denied Granted as follows: ⁸

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
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6. I have seen the action taken on my appeal.	DATE	SIGNATURE OF SERVICE MEMBER
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7. ALLIED DOCUMENTS AND/OR COMMENTS ^{9 10 11}
1. DA Form 2823, dtd 1 Oct 03
2. Geneva Convention, dtd 12 Aug 49
3. Art 15-6 Findings and Recommendations, dtd 6 Oct 03

006044



DEPARTMENT OF THE ARMY

Ex 63
17c

[REDACTED]

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[REDACTED]

6 November 2003

MEMORANDUM for SJA

SUBJECT: Punishment imposed for [REDACTED] b6-5

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

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

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

b6-2

[REDACTED]

Commanding

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