

**COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION**  
 For use of this form, see AR 190-45; the proponent agency is Office of the Provost Marshal General

SUSPENSE DATE (YYYYMMDD)  
 20050527

**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  
**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. THRU Commander 1st BN, 77th Armor APO AE 09226	2. TO Commander C Co., 1st BN, 77th Armor APO AE 09226	3. FROM Special Agent in Charge 37th MP Det (CID) APO AE 09391
4. USACRC CONTROL NUMBER 0300-04-CID91982240	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

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 discipline.

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.

Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.  
 Block 6. This block 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.

7. NAME OF SUBJECT (Last, First MI) <b>(b)(6), (b)(7)(C)</b>	8. GRADE E-4	9. SSN <b>(b)(6), (b)(7)(C)</b>	10. DATE OF BIRTH (YYYYMMDD) <b>(b)(6), (b)(7)(C)</b>
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11a. OFFENSE(s)	11b. DATE OF OFFENSE(s) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
FALSE OFF. STATEMENT	20041024	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Soldier Eised Referral Charges
		YES <input type="checkbox"/> NO <input type="checkbox"/>	
		YES <input type="checkbox"/> NO <input type="checkbox"/>	

12. ACTION TAKEN (check all that apply)  
 \* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:  
 REFERRED TO (Check appropriate blocks)

	DATE REFERRED (YYYYMMDD)	DATE RESPONDED (YYYYMMDD)
F = FAMILY ADVOCACY		
D = DRUG/ALCOHOL ABUSE		
S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
L = LEGAL OFFICE		
M = MENTAL HEALTH		
R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:  
 REPRIMAND  ORAL  WRITTEN  
 FILED:  LOCALLY  OMPF

- LETTER OF CONCERN/COUNSELING
- ADVERSE OER/NCOER COMMENT
- RELIEF FOR CAUSE OER/NCOER
- SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE
- DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)

Regulation \_\_\_\_\_ Chapter \_\_\_\_\_ Characterization \_\_\_\_\_ Discharge Date \_\_\_\_\_

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

<input type="checkbox"/> SUMMARIZED	<input type="checkbox"/> FIELD GRADE	<input type="checkbox"/> GCMCA IMPOSED
<input type="checkbox"/> COMPANY GRADE	<input type="checkbox"/> GENERAL OFFICER IMPOSED	

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

<input type="checkbox"/> SUMMARY COURT MARTIAL	<input type="checkbox"/> GENERAL COURT-MARTIAL
<input type="checkbox"/> SPECIAL COURT-MARTIAL	<input type="checkbox"/> CIVILIAN OR MAGISTRATE CRIMINAL COURT

**13. JUDICIAL FINDINGS**

GUILTY  DISMISSED  
 NOT GUILTY  OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

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**14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION**

a. REPRIMAND  b. ADMONITION  (1) ORAL  (2) IN WRITING  
 c. DETENTION  d. FORFEITURE  e. FINED \$ \_\_\_\_\_ / MONTHS  
 f. REDUCED FROM \_\_\_\_\_ TO \_\_\_\_\_  g. EXTRA DUTY FOR \_\_\_\_\_ DAYS  h. RESTRICTED FOR \_\_\_\_\_ YEARS \_\_\_\_\_ MONTHS  
 i. CORRECTIONAL CUSTODY FOR \_\_\_\_\_ DAYS  j. CONFINED \_\_\_\_\_  
 k. SEPARATION:  PUNITIVE DISCHARGE  OTHER  
Type \_\_\_\_\_ Chapter: \_\_\_\_\_ Characterization: \_\_\_\_\_ Effective Date: \_\_\_\_\_

l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

**15. REMARKS**

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

CPT, IN, Commanding  
 18c. DATE OF REPORT (YYYYMMDD)  
 20041024

<b>COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION</b> <i>For use of this form, see AR 190-45; the proponent agency is Office of the Provost Marshal General</i>	SUSPENSE DATE (YYYYMMDD)  20050527
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**PRIVACY ACT STATEMENT**

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**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
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1. THRU Commander 1st BN, 77th Armor APO AE 09226	2. TO Commander C Co., 1st BN, 77th Armor APO AE 09226	3. FROM Special Agent in Charge 37th MP Det (CID) APO AE 09391
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4. USACRC CONTROL NUMBER 0300-04-CID91982240	5. MP REPORT NUMBER 5H	6. SUB-INSTALLATION IDENTIFIER
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The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15a, 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.

Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.

Block 6. This block 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.

7. NAME OF SUBJECT (Last, First, MI) (b)(6), (b)(7)(C)	8. GRADE E-7	9. SSN (b)(6), (b)(7)(C)	10. DATE OF BIRTH (YYYYMMDD) (b)(6), (b)(7)(C)
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11a. OFFENSE(s)	11b. DATE OF OFFENSE(s) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
MURDER	20041024	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Unpremeditated Murder
FALSE OFF. STATEMENT	20041024	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Dropped
MALTREATMENT	20041024	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

**12. ACTION TAKEN (check all that apply)**  
 \* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:  
 REFERRED TO (Check appropriate blocks)      DATE REFERRED (YYYYMMDD)      DATE RESPONDED (YYYYMMDD)

F = FAMILY ADVOCACY		
D = DRUG/ALCOHOL ABUSE		
S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
L = LEGAL OFFICE		
M = MENTAL HEALTH		
R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND     ORAL     WRITTEN  
 FILED:  LOCALLY     OMPF

LETTER OF CONCERN/COUNSELING  
 ADVERSE OER/NCOER COMMENT  
 RELIEF FOR CAUSE OER/NCOER  
 SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE  
 DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)  
 Regulation \_\_\_\_\_ Chapter \_\_\_\_\_ Characterization \_\_\_\_\_ Discharge Date \_\_\_\_\_

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

SUMMARIZED     FIELD GRADE     GCMCA IMPOSED  
 COMPANY GRADE     GENERAL OFFICER IMPOSED

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

SUMMARY COURT MARTIAL     GENERAL COURT-MARTIAL  
 SPECIAL COURT-MARTIAL     CIVILIAN OR MAGISTRATE CRIMINAL COURT

13. JUDICIAL FINDINGS

GUILTY  
 NOT GUILTY

DISMISSED

OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

a. REPRIMAND  b. ADMONITION  (1) ORAL  (2) IN WRITING

c. DETENTION  d. FORFEITURE  e. FINED \$ \_\_\_\_\_ / \_\_\_\_\_ MONTHS

f. REDUCED FROM E7 TO E1  g. EXTRA DUTY FOR \_\_\_\_\_ DAYS  h. RESTRICTED FOR \_\_\_\_\_ DAYS

i. CORRECTIONAL CUSTODY FOR \_\_\_\_\_ DAYS  j. CONFINED 8 YEARS \_\_\_\_\_ MONTHS

k. SEPARATION:  PUNITIVE DISCHARGE  OTHER

Type DD Chapter: NA Characterization: NA Effective Date: 01 Jul 05

l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

*Guilty of w/premeditated Murder  
Not Guilty of False Statement  
Guilty of MalTreatment*

16a.

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

*CPT, IN, Commanding*

16b.

16c. DATE OF REPORT (YYYYMMDD)

16d. AKA ACCOUNT E-MAIL ADDRESS

DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

For use of this form, see AR 27-10, the proponent agency is OTJAG

TO: Commander, 1st Infantry Division, APO AE 09036

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v

SFC

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

Company C, 1st Battalion, 26th Infantry Regiment, APO AE 09033

2. Trial by **General** court-martial on 18 May, 2005 at Wuerzburg, Germany

convened by: CMCO Number 3 HQ, Headquarters, 1st Infantry Division, APO AE 09036 dated, 10 May 2004

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSE(S)	PLEA	FINDING
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(SEE CONTINUATION SHEET)

4. SENTENCE: Reduction to Private (E1); Confinement for eight (8) years; Dishonorable Discharge.

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade (YYYYMMDD):  
(See UCMJ Articles 57-58b and R.C.M. 1101.)

20050518 / 20050601

6. Contents of pretrial agreement concerning sentence, if any:  
The Convening Authority will disapprove any confinement in excess of seven (7) years.

7. Number of days of presentence confinement, if any: **None.**

8. Number of days of judge-ordered administrative credit for presentence confinement or restriction found tantamount to confinement, if any: **None.**

9. Total presentence confinement credit toward post-trial confinement: **None.**

10. Name(s) and SSN(s) of commissioning officer(s) who accused: SGT (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C)

11. DNA processing IAW 10 U.S.C. § 1565  is  is not required.

12. Conviction(s)  does  does not require sex offender registration IAW 42 U.S.C. § 14071.

1-Accused(SFC (b)(6)) 1-CDR, Co C, 1-26 IN, CDR, 1-26 IN, CDR 2nd BDE; 1-CDR Confinement Facility; 1-Clerk of Court; 1-C Det, 106 FN (b)(6); 1- BDet, 38th PSB; 1-SJA, 1st ID; 1-TC; 1-CDR, 1st ID; 1-CID; 1-CDR, V Corps; 1-CDR, USAREUR

TYPED NAME

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

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

RANK

CPT

JA, US Army

DA FORM 4430, SEP 2002

DA FORM 4430-R, MAY 87, IS OBSOLETE

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

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Item 3 Continued

Charge	Article	Specification	Brief Description of the Offense	Pleas	Findings
I	93	The	At or near Balad Iraq, on or about 24 October 2004 did maltreat a local national male, a person subject to his orders, during an interrogation, by forcing him to hold a smoke grenade while blindfolded with the pin pulled.	G <sup>1</sup>	G <sup>2</sup>
II	107	The	At or near Balad, Iraq, on or about 27 October 2004, with intent to deceive, make an official statement to Special Agent (b)(6),(b)(7)(C) to wit: that Thaher Khaleefa Ahmed, a local national male, made movements toward the said Sergeant First Class (b)(6),(b)(7)(C) or words to that effect, which statement was false in that Thaher Khaleefa Ahmed, a local national male, never made any movements towards the said Sergeant First Class (b)(6),(b)(7)(C) and was then known by the said Sergeant First Class (b)(6),(b)(7)(C) to be so false.	NG	NG
III	118	The	At or near Balad, Iraq, on or about 25 October 2004, with premeditation murder Thaher Khaleefa Ahmed, a local national male, by means of shooting him with a rifle.	G <sup>3</sup>	G <sup>4</sup>
IV	128	1	At or near Balad, Iraq, on or about 24 October 2004, unlawfully point a pistol against the head of a local national male.	NG	NG

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Item 3 Continued

IV	128	2	At or near Balad, Iraq, on or about 24 October 2004, unlawfully strike a local national male in the stomach with his hands and unlawfully choke a local national male by placing his arms against the said local national male's throat	NG	NG
V	134	The	At or near Balad, Iraq, on or about 25 October 2004, wrongfully endeavor to impede an investigation in the case of the said <del>Sergeant</del> First Class (b)(6),(b)(7)(C) by asking his soldiers to make false official statements regarding the murder of Thaher Khaleefa Ahmed, a local national male.	NG	G <sup>5</sup>

<sup>1</sup> To the Specification of Charge I and Charge I: Guilty, substituting the words "unlawfully point a pistol against the head of a local national" and "unlawfully strike a local national male by placing his hands and arms against the said local national male's throat;"

<sup>2</sup> Of Charge I and its Specification, in accordance with your plea of guilty: Guilty, adding the words, "unlawfully point a pistol against the head of a local national, and unlawfully strike a local national male by placing his hands and arms against the said local national male's throat"

<sup>3</sup> To the Specification of Charge III and Charge III: Not Guilty, but Guilty of a violation of Article 119, U.C.M.J., Involuntary Manslaughter (Culpable Negligence)

<sup>4</sup> Of Charge III and its Specification: Not Guilty, but Guilty of the lesser included offense of unpremeditated murder, also in violation of Article 118, UCMJ

<sup>5</sup> Of the Specification of Charge V: Guilty, except the words, "his soldiers to make false official statements regarding the murder of Thaher Kahleefa Ahmed, a local national male"; substituting, therefore, the words, "Sergeant (b)(6),(b)(7)(C) to write down in his statement for investigators that Thaher Kahleefa Ahmed came at the accused, and that Thaher Khaleefa Ahmed was getting loose from his cuffs";

Of the excepted words: Not Guilty;

Of the substituted words: Guilty;

Of Charge V: Guilty.



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND  
75<sup>th</sup> MILITARY POLICE DETACHMENT (CID)  
LSA ANACONDA, BALAD, IRAQ  
APO AE 09391

CIRC-WBE

24 Nov 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION FINAL ( C ) - 0300-04-CID919-82240 -  
5H1A / 5M2 / 5Y2E

DRAFTER: (b)(6),(b)(7)(C)  
RELEASER: [Redacted]

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

- 1. 25 OCT 2004/0930 - 25 OCT 2004/0935, GRID MC 400 624, IN THE VICINITY OF (IVO) AL-ZOOR, BALAD, IRAQ
- 2. 24 OCT 2004/0900 - 24 OCT 2004/1700, INO AL-ZOOR, BALAD, IRAQ
- 3. 27 OCT 2004/1626 - 27 OCT 2004/1813, BUILDING 4010, 75<sup>TH</sup> MILITARY POLICE DETACHMNET (CID), LSA ANACONDA, BALAD, IRAQ

2. DATE/TIME REPORTED: 26 OCT 2004/1400

3. INVESTIGATED BY: SA (b)(2),(b)(6),(b)(7)(C) [Redacted]

4. SUBJECT: 1. (b)(6),(b)(7)(C) [Redacted] SFC (b)(6),(b)(7)(C) [Redacted] M;  
OTHER; C COMPANY, 1<sup>ST</sup> BATTALION, 77<sup>TH</sup> ARMOR, LSA ANACONDA, IRAQ, (HOME STATION: SCHWIENFURT, GERMANY); [MURDER] [FALSE OFFICIAL STATEMENT] [CRUELTY AND MALTREATMENT]

2. (b)(6),(b)(7)(C) [Redacted] NMN), SPC: (b)(6),(b)(7)(C) [Redacted]  
(b)(6),(b)(7)(C) [Redacted] M; OTHER; C COMPANY, 1<sup>ST</sup> BATTALION, 77<sup>TH</sup> ARMOR, LSA ANACONDA, IRAQ; (HOME STATION: SCHWIENFURT, GERMANY); [FALSE OFFICIAL STATEMENT]

5. VICTIM: 1. KHALEEFA, SALIH TAHER; M; WHITE; BALAD, IRAQ XZ; (NFI); [MURDER]

b(2), b(6), b(7)(C)

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~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

2. UNKNOWN; M; WHITE; BALAD, IRAQ XZ; (NFI); [CRUELTY AND MALTREATMENT]; JUVENILE - THIS RECORD MAY BE RELEASED AS AUTHORIZED BY AR 195-2, PARA 4-3F.

3. US GOVERNMENT; (HOME STATION: SCHWIENFURT, GERMANY); [FALSE OFFICIAL STATEMENT]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"This is an Operation Iraqi Freedom Investigation"

This investigation was initiated upon notification from the 286<sup>th</sup> Military Police Detachment (CID), Forward Operating Base (FOB) Danger, Tikrit, Iraq, of the death of an Iraqi national during a cordon and search operation. The office of the Staff Judge Advocate, Task Force Danger, First Infantry Division, requested that CID investigate the circumstances surrounding the death of Mr. KHALEEFA.

The investigation established probable cause to believe SFC (b) committed the offense of Murder, and False Official Statement, when he shot and killed Mr KHALEEFA without provocation and while Mr KHALEEFA was bound with his hands behind his back, and subsequently provided a false statement concerning the circumstances surrounding the shooting. Furthermore this investigation has established probable cause to believe SFC (b)(6), (b)(7)(C) committed the offenses of Assault and Cruelty and Maltreatment, when he held a gun against an unknown male juvenile's head and forced him to hold a smoke grenade, from which SFC (b)(6), (b)(7)(C) removed the safety pin, while being interrogated.

Additionally, investigation also established probable cause to believe SPC (b)(6), (b)(7)(C) committed the offense of False Official Statement, when he provided a sworn statement, which contained information pertaining to the incident he knew to be false.

#### STATUTES:

Article 93, UCMJ: Cruelty and Maltreatment  
 Article 107, UCMJ: False official statement  
 Article 118, UCMJ: Murder

#### EXHIBITS/SUBSTANTIATIONS:

Attached:

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

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

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~~FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE~~

1. Agent's Investigation Report (AIR) of SA (b)(6),(b)(7)(C) 29 Oct 04, detailing initial notification; coordination with SJA; interviews of SPC (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) SGT (b)(6),(b)(7)(C) SFC (b)(6), Mr (b)(6),(b)(7)(C) and SSG (b)(6),(b)(7)(C) collection of evidence; and coordination with unit.
2. Daily Staff Journal or Duty Officer Log (DA Form 1594), 24-25 Oct 04, detailing the incident.
3. Statement of SPC (b)(6),(b)(7)(C) 27 Oct 04, detailing his knowledge of the incident.
4. Sketch drawn by SPC (b)(6),(b)(7)(C) 27 Oct 04, detailing the incident.
5. Statement of SPC (b)(6),(b)(7)(C) 27 Oct 04, detailing his knowledge of the incident.
6. Statement of SPC (b)(6),(b)(7)(C) 27 Oct 04, detailing his knowledge of the incident.
7. Rights Waiver Certificate and Statement of SFC (b)(6),(b)(7)(C) 27 Oct 04, where in he stated shooting Mr KHALEEFA; however, claimed it was in self defense.
8. Statements taken by 15-6 officer concerning this investigation.
9. Rights Waiver Certificate and Statement of SFC (b)(6),(b)(7)(C) 29 Oct 04, where in he admitted shooting Mr KHALEEFA and that Mr KHALEEFA made no threatening movement toward him.
10. Statement of SFC (b)(6),(b)(7)(C) 29 Oct 05, admitting to holding a gun to a juvenile Iraqi national and making him hold a smoke grenade while SFC (b)(6),(b)(7)(C) interrogated him.
11. Rights Waiver Certificate and Statement of SPC (b)(6),(b)(7)(C) 29 Oct 04, where in he stated he only saw Mr KHALEEFA lean toward SFC (b)(6),(b)(7)(C).
12. Statement of Mr (b)(6),(b)(7)(C) 29 Oct 04, detailing his knowledge of the incident.
13. Statement of SSG (b)(6),(b)(7)(C) 29 Oct 04, detailing his knowledge of the incident.
14. AIR of SA (b)(6),(b)(7)(C) 12 Nov 04, detailing collection of evidence; interviews of PFC (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) and SPC (b)(6),(b)(7)(C) and coordination with Commander.
15. Statement of PFC (b)(6),(b)(7)(C) 8 Nov 04, detailing his knowledge of the incident concerning the Iraqi juvenile.
16. Rights Waiver Certificate and SPC (b)(6),(b)(7)(C) 9 Nov 04, where in he gave a verbal statement that he had nothing else to add to his previous statement and that they were true to the best of his recollection.

~~FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE~~

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

10

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

17. Rights Waiver Certificate and SPC (b)(6),(b)(7)(C) Nov 04, where in he gave a verbal statement that he had nothing else to add to his previous statements and that they were true to the best of his recollection.

18. Compact Disk 040300.919, containing photographs of the scene, Mr KHALEEFA, and evidence.

19. AIR of SA (b)(6),(b)(7)(C) 21 Nov 04, detailing crime scene examination, collection of evidence, and SJA coordination.

20. Crime Scene Sketch, 20 Nov 04, depicting the courtyard outside of Mr KHALEEFA's residence.

21. (21-1 through 21-4) Evidence/Property Custody Document (DA Form 4137), voucher (VO) 884-04, 886-04, 889-04, and 045-04.

Not Attached:

Retained in the Evidence Depository of the 22<sup>nd</sup> MP Battalion (CID), Camp Victory, Baghdad, Iraq

22. M-4 Carbine, (US Government) Item #1 VO 884-04.

23. M9-Beretta, (US Government) Item #1, VO 886-04.

24. Handcuffs, (SFC DIAZ) Item #1, VO 889-04.

25. SKS Rifle, (US Government) Item# 1, VO 045-04.

26. PPS Sub-machinegun, (US Government) Item# 2, VO 045-04.

27. AK47 Rifle, (US Government) Item# 3, VO 045-04.

28. Peace to a 57mm Rocket, (US Government) Item# 4, VO 045-04.

Retained in the files of the U.S. Army Crime Records Center, Fort Belvoir, VA:

29. Polygraph authorization (SFC (b)(6), (b)(7)) 28 Oct 04.

30. Polygraph examination statement of consent (SFC (b)(6), (b)(7)) 29 Oct 04.

The originals of Exhibits 1, and 3 through 20, are forwarded with the USACRC copy of this report. The originals of Exhibits 2 are retained in the files of C Company, 1<sup>st</sup>/77<sup>th</sup> Armor Battalion, LSA Anaconda, Iraq, APO AE 09391. The originals of Exhibit 21 are retained in the Evidence Depository of the 22<sup>nd</sup> MP Battalion (CID), Camp Victory, Baghdad, Iraq.

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

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

~~FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE~~

STATUS: This is Final "C" Report. This investigation is being terminated in accordance with CIDR 195-1, paragraph 4-17 (a)(4), in that the supported staff judge advocate is of the opinion that sufficient admissible evidence is available to prosecute the subjects for the offenses, that additional investigation would produce only cumulative and unneeded evidence, and that the identification of additional subjects or offenses is unlikely. Leads remaining include locate, fully identify and interview the juvenile victim. Commander's report of action (DA Form 4833) is required.

Report Prepared By:

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

Special Agent, (b)(2)

Report Approved By:

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

CW2, MP  
Special Agent in Charge

## DISTRIBUTION:

- 1 - DIR, USACRC (original)
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b(2), b(6), b(7)(C)





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

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

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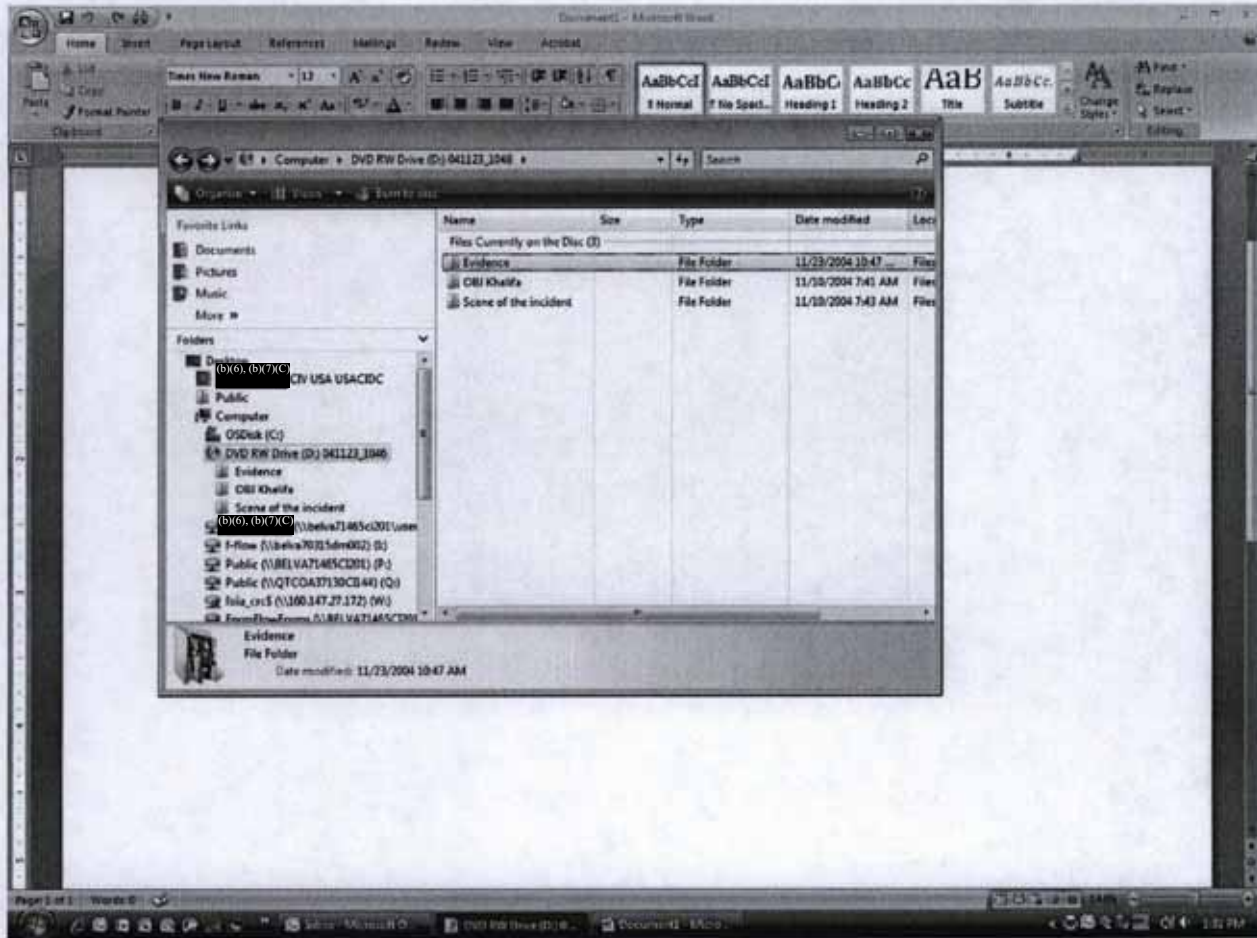




(b)(6), (b)(7)(C)

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

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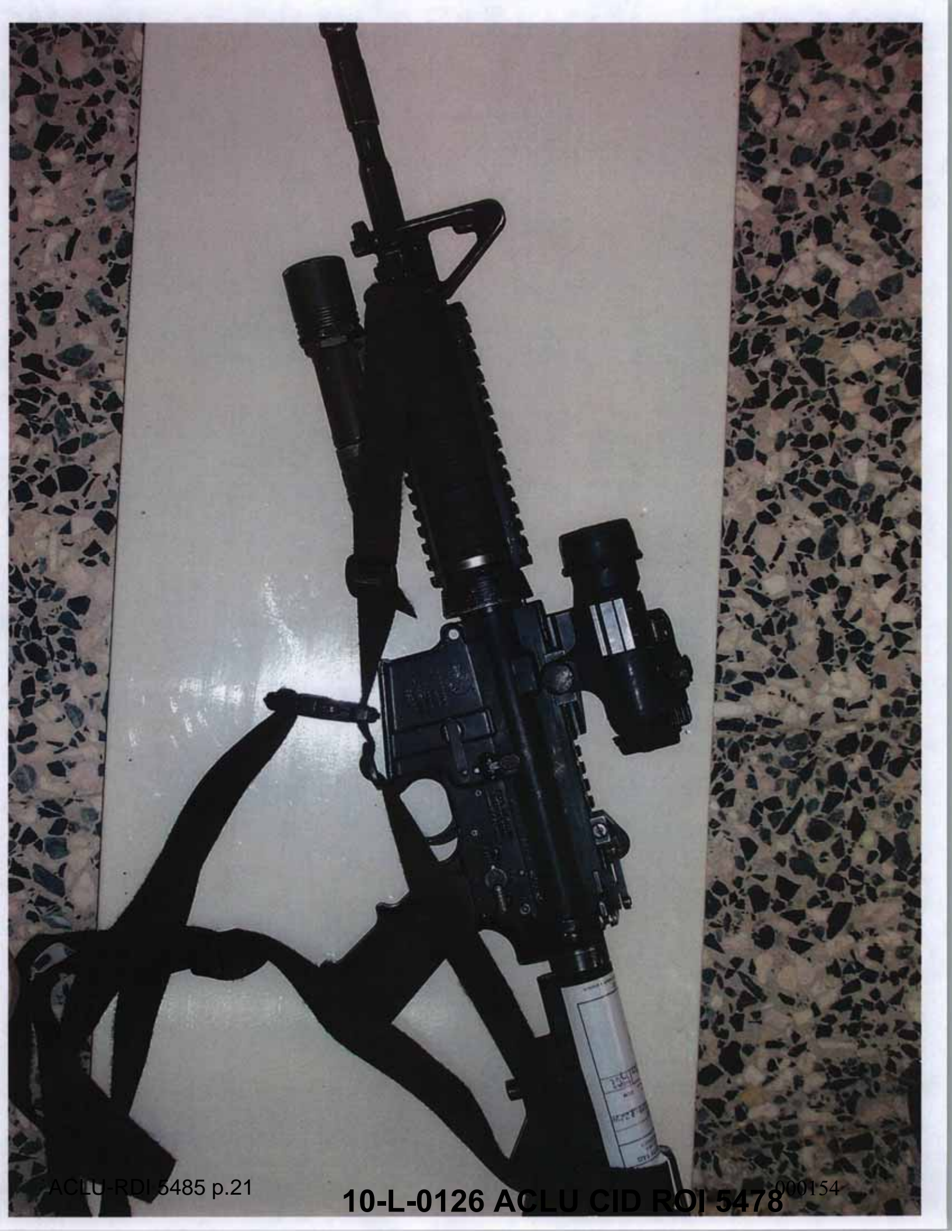






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U.S. DEPARTMENT OF JUSTICE  
WASHINGTON, D.C. 20535







# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0300-04-CID919-82240

Page 1 of 2 Page

## DETAILS

Crime Scene Examination: Between 1330 and 1400, 20 Nov 04, SA (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C), (b)(7)(F) and SA (b)(6), (b)(7)(C) conducted a crime examination of the courtyard outside Mr. KHALEEFA's residence located at Grid (b)(6), (b)(7)(C) In the Vicinity Of (IVO) Al-Zoor, Balad, Iraq.

Characteristics of Scene: The courtyard was located to the southeast of the house, and was 52'3" long by 30'3" wide at its widest point. The ground consisted of grass, and there was no overhead cover. The border of the courtyard consisted of bushes, which appeared to be trimmed to approximately 3 1/2' high. In the Northeast, Southeast, and Southwest corner there were lamp posts. Running along the North border of the courtyard, behind the bushes was a wall. Just in front of the bushes aligning the Southern portion of the courtyard and in approximately the middle of the court yard there was a pole that appeared to be holding power lines running to the house. In the Southeast corner of the courtyard, up against the bushes, there were what appeared to be theater type folding chairs. There were two sets of chairs each set had five chairs in it, and they were folded up. Toward the Southeast corner of the there is a patch of dirt where there was no grass. The spot was identified by witness as to be the spot where Mr. KHALEEFA laid after he was shot, and where the blood stain was. The approximate center of that patch of dirt was 16'4" from the Southeast corner and 20'8" from the Northeast corner of the courtyard. There was a space of 7'5" located in the Southwest corner and another small space located in the Northeast corner that acted as entry/exit ways (E/E).

Condition of Scene: The scene appeared neat, orderly, and well kept.

Environmental Conditions: The outside temperature was approximately 75 degrees Fahrenheit at the time of the examination, and there were no unusual odors detected within the scene.

Factors Pertinent to E/E: The E/E's were open, but to gain access to the outer area of the residence there was a gate that was opened from inside.

Scene Documentation: SA (b)(6), (b)(7)(C) completed a crime scene sketch. No photos were taken at this time, because of equipment error. Photos were taken prior to the crime scene examination by the unit involved. (See crime scene sketch)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

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

ORGANIZATION

75<sup>th</sup> Military Police Detachment CID, LSA Anaconda, Balad, APO AE 09391

DATE

21 Nov 04

EXHIBIT

19

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0300-04-CID919-82240

Page 2 of 2 Page

## DETAILS

Collection of Crime Scene Evidence: SA (b)(6), (b)(7)(C) collected no evidence from the scene.

Search for Latent Impressions: There was no search for latent prints do to the scene being outside, and the time that had gone by since the incident.

Search Beyond the Scene: SA (b)(6), (b)(7)(C) searched in the outlying area for a projectile, the search met with negative results.

At 1435, 20 Nov 04, SA (b)(6), (b)(7)(C) traveled to FOB Paliwoda and collected three rifles and a peace to a rocket, that were seized from Mr. KHALEEFAs residence at the time of the incident. The items were collected on a collected on an Evidence Property Custody Document, Document # \_\_\_\_\_. (See Evidence Property Custody Document for details)

At 0900, 21 Nov 04, SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C) who opined there was probable cause to believe SFC (b)(6), (b)(7)(C) committed the offenses of Murder, False Official Statement, Cruelty and Maltreatment, and Assault. CPT (b)(6), (b)(7)(C) had already preferred charges against SFC (b)(6), (b)(7)(C) and needed nothing further from this office to prosecute him for the above listed offenses. He also opined that there was probable cause to believe SPC (b)(6), (b)(7)(C) committed the offense of False Official Statement.

///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION	
SA (b)(6), (b)(7)(C), (b)(7)(F)		75 <sup>th</sup> Military Police Detachment CID, LSA Anaconda, Balad, APO AE 09391	
SIGNATURE		DATE	EXHIBIT
		21 Nov 04	19

CID FORM 94

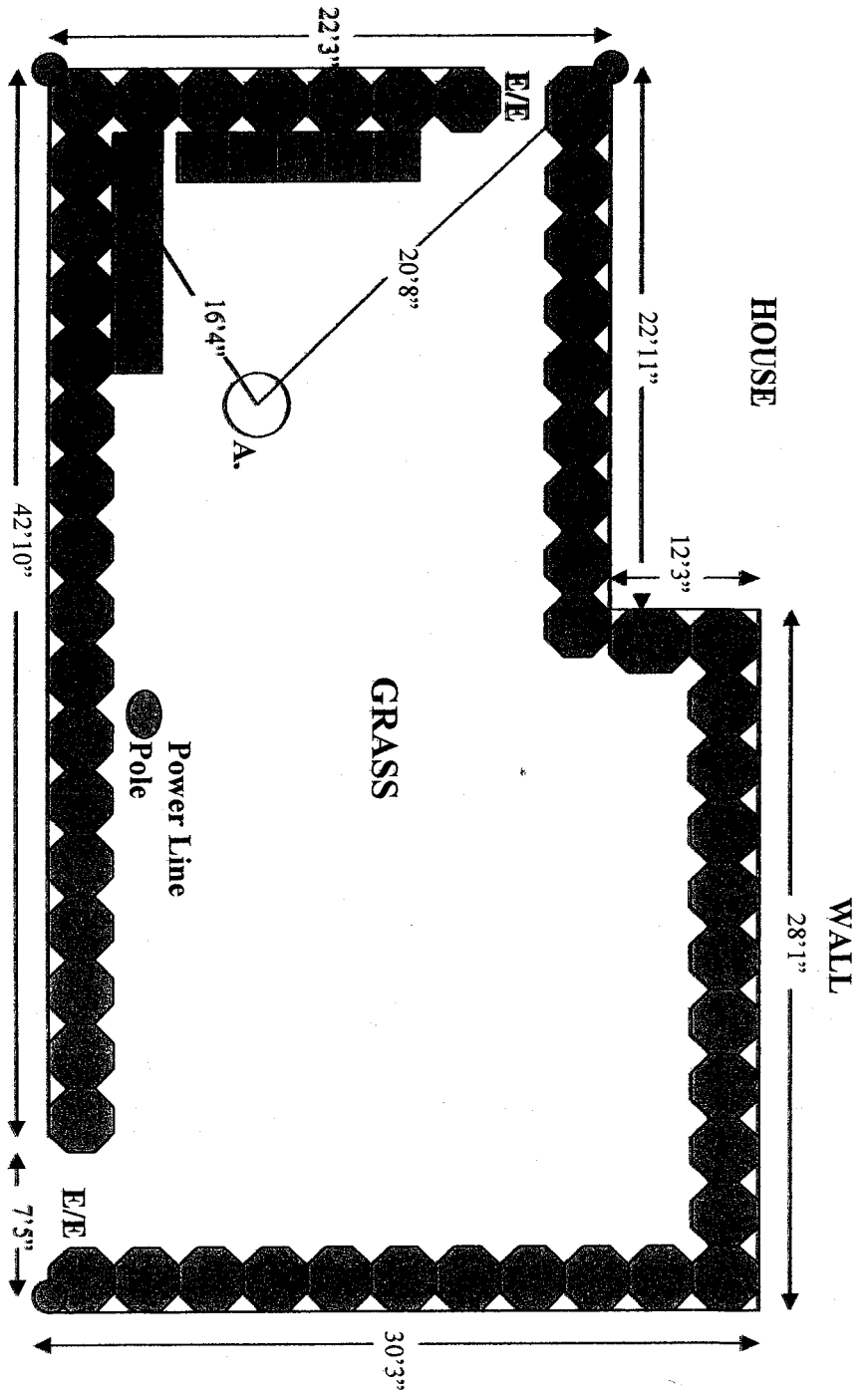
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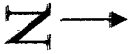


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# Courtyard of Residence at Grid MC400624, IVO Al-Zoor, Iraq



- Legend:**
- E/E – Entry/Exit Way
  - A. – Patch or dirt where blood stain was
  - B. – Row of theater type folding chairs
  - Lamp post
  - Bushes



(Not to Scale)

**Title Block:**

Case number: 0300-04-CID919-82240  
 Offense: Murder  
 portayed: Courtyard of Residence  
 Location: Grid (b)(6), (b)(7)(C) IVO Al-Zoor, Iraq  
 Start time: 1330/20 Nov 04  
 Sketched by: SA (b)(6), (b)(7)(C)  
 Verified by: SA (b)(6), (b)(7)(C)

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EXHIBIT 20

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 82240

RECEIVING ACTIVITY 75 <sup>th</sup> Military Police Detachment (CID)	LOCATION LSA Anaconda, Balad, Iraq APOAE 09391
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER <input checked="" type="checkbox"/> OTHER 1SG (b)(6), (b)(7)(C)	ADDRESS (Include Zip Code) C Company 1/77 Armor LSA Anaconda, Balad, Iraq
LOCATION FROM WHERE OBTAINED From the hands of 1SG (b)(6), (b)(7)(C) while standing in Building 4010, 75 <sup>th</sup> MP DET (CID), LSA Anaconda, Balad, Iraq APO AE 09391 (b)(6), (b)(7)(C)	REASON OBTAINED EVIDENCE
	TIME/DATE OBTAINED 1345, 29 Oct 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	M-4 Carbine, CAL 5.56 MM, S/N W063537, with rail system hand grip, with an M68 sight scope COM M2 S/N 186913, a surefire flashlight model number A007662, attached to underside of rail system, and black nylon sling. Attached to the rear sight is a detachable rear sight aperture with number 14 engraved in the front and a number 2 in the rear. All parts and components of the carbine are in used condition. Marked for ID on upper receiver, lower receiver, barrel, scope, and flashlight with 1345, 29 Oct 04/ (b)(6), (b)(7)(C) XXXXXXXXXXXXXXXXXXXXXXXXXX LAST ITEM XXX

CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	29 Oct 04	(b)(6), (b)(7)(C) NAME (b)(6), (b)(7)(C) ISG (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) NAME (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C)	Evaluated as Evidence
1	4 Nov 04	(b)(6), (b)(7)(C) NAME (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) SA NAME (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C)	Turned over to Balad (b)(6), (b)(7)(C)
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137  
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

LOCATION \_\_\_\_\_

DOCUMENT NUMBER 884-04

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

SEQUENCE NUMBER  
0300-04-CID0919  
CRD REPORT/CID ROI NUMBER  
82240

RECEIVING ACTIVITY  
75<sup>th</sup> MP Det (CID)

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED  
OWNER  PFC (b)(6), (b)(7)(C)  
OTHER

LOCATION  
LSA Anacanda, Iraq

ADDRESS (Include Zip Code)  
C. Company 1st/77<sup>th</sup> Armor Bn  
LSA Anacanda, Iraq

LOCATION FROM WHERE OBTAINED  
of PFC (b)(6), (b)(7)(C) from the hands while in building 41010, 75<sup>th</sup> MP Det CID, LSA Anacanda, Iraq, APO AE 09891

REASON OBTAINED  
Evidence

TIME/DATE OBTAINED  
1340/8 Nov 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Pistol, 9mm M9-Beretta, black and silver in color, metal and plastic in construction, Serial # 1342175, manufacture markings "WS 9mm M9-BERETTA-65490 (b)(6), (b)(7)(C) the number 20 written in red on the pistol grip. Marked used condition all parts, marked for ID on upper and lower receiver with 1340/8 Nov 04, (b)(6), (b)(7)(C)

Best Item

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	8 Nov 04	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Evidence
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137, 1 JUL 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete

DOCUMENT  
MTR/DCO

USAPPC V1.00

886-041

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EVIDENCE/PROPERTY CUSTODY DOCUMENT

MPR/CID SEQUENCE NUMBER

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

0300-04-CID-919

CRD REPORT/CID ROI NUMBER

82240

RECEIVING ACTIVITY

75<sup>th</sup> MP Det (CID)

LOCATION

LSA Anaconda

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

OWNER  
 OTHER

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

ADDRESS (Include Zip Code)

C. Company 1<sup>st</sup>/77<sup>th</sup> Armor BN  
LSA Anaconda, Iraq

LOCATION FROM WHERE OBTAINED

From the hands of SFC (b)(6), (b)(7)(C) while in Building 4010, 75<sup>th</sup> MP Det (CID), LSA Anaconda, Iraq, APO AE 09391

REASON OBTAINED

Evidence

TIME/DATE OBTAINED

0905/9100041

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Handcuffs, silver in color, metal in construction, manufactures marking "HWC", serial # 368968, with an Alice clip attached to the chain, A key ring attached to the Alice clip with two handcuff keys on it, Handcuffs in used condition, Marked for IO with 0905/9100041, Last Item

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	9/10/04	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	Evidence
1	18 Nov 08	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	RELEASED TO SA FOR TRANSPORT
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137, 1 JUL 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 76 Which are Obsolete

USAPPC V1.00

DOCUMENT NUMBER

889-04

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**EVIDENCE/PROPERTY CUSTODY DOCUMENT**

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER  
0300-04-CID919

CRD REPORT/CID ROI NUMBER  
82240

RECEIVING ACTIVITY  
75<sup>th</sup> MP DET (CID)

LOCATION  
LSA Anaconda, Balad, APO AE 09391

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED  
 OWNER  
 OTHER SGT (b)(6), (b)(7)(C)

ADDRESS (Include Zip Code)  
Task Force 1<sup>st</sup>/77<sup>th</sup>, S2 Shop  
FOB Paliwoda, Iraq

LOCATION FROM WHERE OBTAINED  
From the hands of SGT (b)(6), (b)(7)(C) while standing in the S2 Shop at Task Force 1<sup>st</sup>/77<sup>th</sup>, FOB Paliwoda, Iraq

REASON OBTAINED  
Evidence

TIME/DATE OBTAINED  
1435-1450/20 Nov 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>
1	1	Rifle, SKS type, black and brown in color, wood and metal in construction, approximately 3'5" long, with a white rope attached like a sling and a bayonet attached and folded underneath, SN 1007, marked for ID on the stock, barrel, and bayonet with 1435/20 Nov 04, (b)(6), (b)(7)(C)
2	1	Rifle, PPS Sub-machinegun, grey and brown in color, metal and wood in construction, approximately 2'9" long, serial # KW704, manufacture markings 1945, marked for ID on the barrel and stock with 1440/20 Nov 04, (b)(6), (b)(7)(C)
3	1	Rifle, AK47, grey, brown, and black in color, metal, wood, and plastic in construction, approximately 2'3" long, metal stock folded underneath, a brown nylon sling attached to the rifle, serial # 4482, marked for ID on the barrel, wooden handgrips, and stock 1445 /20 Nov 04, (b)(6), (b)(7)(C)
4	1	Peace to a 57mm Rocket, red and silver in color, metal in construction, approximately 10 1/4" long and 1 3/4" diameter, 4 silver stabilizing arms surrounding the peace of the rocket, marked for ID with 1450, 20 Nov 04, (b)(6), (b)(7)(C)
///////	//////////	////////////////////////////////////Nothing Follows////////////////////////////////////

**CHAIN OF CUSTODY**

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-4	20 Nov 04	(b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C)	Evidence
1-4		(b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C)	SIGNATURE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	