

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:	
Referred By:	

USACRC Number: 0489-2004-CID056-76341-5H1A
MP Report Number: N/A
Sub-Installation: CO02100DC
Referral Date: 11/19/2004
Suspense Date:

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-6 U.S. Army (SSG)
SSN: (b)(6), (b)(7)(C)
Date of Birth: (b)(6), (b)(7)(C)

3. Referral Information

Commander Decision Date: 11/19/2004

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	Premeditated Murder [5H1A]	UCMJ Article 118	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
2	Aggravated Assault [5C1D]	UCMJ Article 128	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other
3	Making a False Statement [5M3A]	UCMJ Article 107	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Declined Without Explanation
4	Signing a False Statement [5M3C]	UCMJ Article 107	1/14/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Declined Without Explanation
5	Obstruction of Justice [5X5]	UCMJ Article 134	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted

3. Referral Information (continued)

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6	Assessory After The Fact [5X4]	UCMJ Article 78	1/3/2004	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Other
7	Conspiracy [5X1]	UCMJ Article 81	1/3/2004	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Prosecution Declined/Other
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 - Premeditation -Shooting [5H1A]	N	Murder - Premeditation -Shooting [5H1A]	N
2	NO ACTION TAKEN -- Aggravated Assault [5C1D]			
3	NO ACTION TAKEN -- Making a False Statement [5M3A]			
4	NO ACTION TAKEN -- Signing a False Statement [5M3C]			
5	Obstruction of Justice -Person Offenses [5X5]	N	Obstruction of Justice -Person Offenses [5X5]	N

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	NO ACTION TAKEN -- Assesory After The Fact [5X4]			
7	NO ACTION TAKEN -- Conspiracy [5X1]			
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: 0489-2004-CID056-76341-5H1A

Sanction: A2 2004/11/19

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade:

Signature:

Signature Date: 11/19/2004

AKO e-Mail Address:

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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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-3 U.S. Army (PFC)
SSN:	(b)(6), (b)(7)(C)
Date of Birth:	(b)(6), (b)(7)(C)

3. Referral Information

Commander Decision Date: 11/19/2004

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	Making a False Statement [5M3A]	UCMJ Article 107	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
2	Obstruction of Justice [5X5]	UCMJ Article 134	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
3	Assessory After The Fact [5X4]	UCMJ Article 78	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other
4	Conspiracy [5X1]	UCMJ Article 81	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
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 -- Making a False Statement [5M3A]			
2	NO ACTION TAKEN -- Obstruction of Justice [5X5]			
3	NO ACTION TAKEN -- Assesory After The Fact [5X4]			
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: 0489-2004-CID056-76341-5H1A

Sanction: F1 2004/11/19

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade: ,	
Signature:	Signature Date: 11/19/2004
AKO e-Mail Address:	

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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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-6 U.S. Army (SSG)
SSN: (b)(6), (b)(7)(C)
Date of Birth: (b)(6), (b)(7)(C)

3. Referral Information

Commander Decision Date: 11/19/2004

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"/>	
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2	Obstruction of Justice [5X5]	UCMJ Article 134	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
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4	Conspiracy [5X1]	UCMJ Article 81	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
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 -- Making a False Statement [5M3A]			
2	NO ACTION TAKEN -- Obstruction of Justice [5X5]			
3	NO ACTION TAKEN -- Assesory After The Fact [5X4]			
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: 0489-2004-CID056-76341-5H1A

Sanction: F5 2004/11/19

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade:

Signature:

Signature Date: 11/19/2004

AKO e-Mail Address:

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:	
Referred By:	

USACRC Number: 0489-2004-CID056-76341-5H1A
MP Report Number: N/A
Sub-Installation: CO02100DC
Referral Date: 11/19/2004
Suspense Date:

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: 11/19/2004

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
1	Making a False Statement [5M3A]	UCMJ Article 107	1/3/2004	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Prosecution Declined/Other
2	Obstruction of Justice [5X5]	UCMJ Article 134	1/3/2004	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Prosecution Declined/Other
3	Assessory After The Fact [5X4]	UCMJ Article 78	1/3/2004	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Prosecution Declined/Other
4	Conspiracy [5X1]	UCMJ Article 81	1/3/2004	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Prosecution Declined/Other
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 -- Making a False Statement [5M3A]			
2	NO ACTION TAKEN -- Obstruction of Justice [5X5]			
3	NO ACTION TAKEN -- Assesory After The Fact [5X4]			
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: 0489-2004-CID056-76341-5H1A

Sanction: F5 2004/11/19

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade:

Signature:

AKO e-Mail Address:

Signature Date: 11/19/2004

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:	
Referred By:	

USACRC Number: 0489-2004-CID056-76341-5H1A
MP Report Number: N/A
Sub-Installation: CO02100DC
Referral Date: 11/19/2004
Suspense Date:

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: 11/19/2004

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
1	Making a False Statement [5M3A]	UCMJ Article 107	1/3/2004	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Prosecution Declined/Other
2	Obstruction of Justice [5X5]	UCMJ Article 134	1/3/2004	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Prosecution Declined/Other
3	Assessory After The Fact [5X4]	UCMJ Article 78	1/3/2004	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Prosecution Declined/Other
4	Conspiracy [5X1]	UCMJ Article 81	1/3/2004	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Prosecution Declined/Other
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 -- Making a False Statement [5M3A]			
2	NO ACTION TAKEN -- Obstruction of Justice [5X5]			
3	NO ACTION TAKEN -- Assessor After The Fact [5X4]			
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: 0489-2004-CID056-76341-5H1A

Sanction: F5 2004/11/19

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade: ,

Signature:

Signature Date: 11/19/2004

AKO e-Mail Address:

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:
Referred By:

USACRC Number: 0489-2004-CID056-76341-5H1A
MP Report Number: N/A
Sub-Installation: CO02100DC
Referral Date: 11/19/2004
Suspense Date:

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: 11/19/2004

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	Making a False Statement [5M3A]	UCMJ Article 107	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
2	Obstruction of Justice [5X5]	UCMJ Article 134	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
3	Assessory After The Fact [5X4]	UCMJ Article 78	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
4	Conspiracy [5X1]	UCMJ Article 81	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
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 -- Making a False Statement [5M3A]			
2	NO ACTION TAKEN -- Obstruction of Justice [5X5]			
3	NO ACTION TAKEN -- Assesory After The Fact [5X4]			
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: 0489-2004-CID056-76341-5H1A

Sanction: F5 2004/11/19

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade:

Signature:

Signature Date: 11/19/2004

AKO e-Mail Address:

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:	
Referred By:	

USACRC Number: 0489-2004-CID056-76341-5H1A
MP Report Number: N/A
Sub-Installation: CO02100DC
Referral Date: 11/19/2004
Suspense Date:

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-3 U.S. Army (PFC)
SSN: (b)(6), (b)(7)(C)
Date of Birth: (b)(6), (b)(7)(C)

3. Referral Information

Commander Decision Date: 11/19/2004

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	Premeditated Murder [5H1A]	UCMJ Article 118	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
2	Aggravated Assault [5C1D]	UCMJ Article 128	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
3	Making a False Statement [5M3A]	UCMJ Article 107	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
4	Obstruction of Justice [5X5]	UCMJ Article 134	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
5	Conspiracy [5X1]	UCMJ Article 81	1/3/2004	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other

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 -- Premeditated Murder [5H1A]			
2	NO ACTION TAKEN -- Aggravated Assault [5C1D]			
3	NO ACTION TAKEN -- Making a False Statement [5M3A]			
4	NO ACTION TAKEN -- Obstruction of Justice [5X5]			
5	NO ACTION TAKEN -- Conspiracy [5X1]			

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: 0489-2004-CID056-76341-5H1A

Sanction: F5 2004/11/19

11. Commanding Officer

Was a DNA sample collected from the offender? Yes No

Name and Grade:

Signature:

Signature Date: 11/19/2004

AKO e-Mail Address:

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION For use of this form, see AR 19045; the proponent agency is Office of the Provost Marshal General		SUSPENSE DATE (YYYYMMDD) 30-Sep-05	
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 SPECIAL AGENT IN CHARGE 48TH MP DET (CID) FORT CARSON, CO 80913	2. TO DIRECTOR USA CRIME RECORDS CENTER FORT BELVOIR, VA 22060	3. FROM COMMANDER 3rd BCT Fort Carson, CO 80913	
4. USACRC CONTROL NUMBER 0489-04-CID056-76341	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER	
<p>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.</p> <p>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 PWD. 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.</p> <p>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.</p> <p>Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.</p> <p>Block 8. 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.</p>			
7. NAME OF SUBJECT (last, first MI) (b)(6), (b)(7)(C)	8. GRADE CPT	9. SSN (b)(6), (b)(7)(C)	
		10. DATE OF BIRTH (YYYYMMDD) (b)(6), (b)(7)(C)	
11a. OFFENSE(S)	11b. DATE OF OFFENSE(S) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
Solicitation to Commit Murder	20040103	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	SEE COMMENT IN BLOCK 15
		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 (ANVAR 19045 (MP Reports) or AR 195-2 (OD Reports)).			
<input type="checkbox"/> a. NON-ADVERSE PERSONNEL ACTION REFERRAL:			
REFERRED TO (Check appropriate blocks)		DATE REFERRED (YYYYMMDD)	DATE RESPONDED (YYYYMMDD)
<input type="checkbox"/> F = FAMILY ADVOCACY			
<input type="checkbox"/> D = DRUG/ALCOHOL ABUSE			
<input type="checkbox"/> S = SPECIAL REFERRAL			
<input type="checkbox"/> E = EQUAL OPPORTUNITY			
<input type="checkbox"/> L = LEGAL OFFICE			
<input type="checkbox"/> M = MENTAL HEALTH			
<input type="checkbox"/> R = RELIEF AGENCY			
<input type="checkbox"/> b. ADVERSE PERSONNEL ACTION:			
<input type="checkbox"/> REPRIMAND	<input type="checkbox"/> ORAL	<input type="checkbox"/> WRITTEN	
		FILED: <input type="checkbox"/> LOCALLY	<input type="checkbox"/> OMPF
<input type="checkbox"/> LETTER OF CONCERN/COUNSELING			
<input type="checkbox"/> ADVERSE OER/INCOER COMMENT			
<input type="checkbox"/> RELIEF FOR CAUSE OER/INCOER			
<input type="checkbox"/> SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE			
<input type="checkbox"/> DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)			
Regulation _____	Chapter _____	Characterization _____	Discharge Date _____
<input type="checkbox"/> c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)			
<input type="checkbox"/> SUMMARIZED	<input type="checkbox"/> FIELD GRADE	<input type="checkbox"/> GOMCA IMPOSED	
<input type="checkbox"/> COMPANY GRADE	<input type="checkbox"/> GENERAL OFFICER IMPOSED		
<input type="checkbox"/> 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"/> CIMUAN 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 _____ TO _____ g. EXTRA DUTY FOR _____ DAYS h. RESTRICTED FOR _____ DAYS
 - i. CORRECTIONAL CUSTODY FOR _____ DAYS j. CONFINED _____ YEARS _____ MONTHS
 - k. SEPARATION: PUNITIVE DISCHARGE OTHER
- Type _____ Chapter: _____ Characterization: _____ Effective Date: _____
- l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

CPT (b)(6), (b)(7)(C) CASE HAS BEEN DROPPED WITH NO PLAN TO RESUME PROCEEDINGS DUE TO LACK OF PROSECUTABLE EVIDENCE. IN A RELATED CASE ANOTHER SOLDIER WAS COURT MARTIALED BUT DID NOT RECEIVE PUNISHMENT. FOR THIS REASON THE GOVERNMENT HAS DECIDED NOT TO PURSUE ANY ACTION ON CPT (b)(6), (b)(7)(C).

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

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

16b. SIGNATURE

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

16c. DATE OF REPORT (YYYYMMDD)

20050927

16d. AKA ACCOUNT E-MAIL ADDRESS

(b)(6), (b)(7)(C) @us.army.mil

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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
48th Military Police Detachment (CID) Rear
6525 Specker Avenue, Fort Carson, Colorado 80913-0913

22 Jun 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - CORRECTED FINAL/SSI -
0489-2004-CID056-76341 - 5H1A / 5M3C / 5X2 / 5X4 / 5X1 / 9G2A / 9G2C

DATES/TIMES/LOCATIONS OF OCCURRENCES:

- 03 JAN 2004, 0100 - 03 JAN 2004, 0130; GRID COORDINATE MC 2161, NEAR BALAD, IRAQ
- 14 JAN 2004, 1215 - 14 JAN 2004, 1215; FORWARD OPERATING BASE (FOB) PALIWODA, BALAD, AE 09323-9323
- 02 JAN 2004, 1200 - 02 JAN 2004, 2359; FOB ATTACK, BALAD, AE 09323

DATE/TIME REPORTED: 17 NOV 2004, 1600

INVESTIGATED BY:

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

SUBJECT:

- (b)(6), (b)(7)(C); PFC; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO 80913; FC ;
[PREMEDITATED MURDER], [CONSPIRACY]
- (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO 80913; FC ; [ASSESSORY
AFTER THE FACT], [CONSPIRACY]
- (b)(6), (b)(7)(C) SSG; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; A CO 4TH EN BN, FORT CARSON, CO 80913; FC ; [ASSESSORY
AFTER THE FACT], [CONSPIRACY]
- (b)(6), (b)(7)(C) FORMER SGT; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) FC ; [ASSESSORY AFTER THE FACT], [CONSPIRACY]

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5. (b)(6), (b)(7)(C); SPC; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO 80913; FC ;
[ASSESSORY AFTER THE FACT], [CONSPIRACY]
6. (b)(6), (b)(7)(C) SSG; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; HHC, 4TH ID, FORT HOOD, TX 76544; FC ;
[PREMEDITATED MURDER], [SIGNING A FALSE STATEMENT], [ASSESSORY AFTER
THE FACT], [CONSPIRACY]
7. (b)(6), (b)(7)(C); SPC; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO
80913; FC ; [ASSESSORY AFTER THE FACT], [CONSPIRACY]
8. (b)(6), (b)(7)(C) CPT; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; HEADQUARTERS AND HEADQUARTERS COMPANY, 3/4
INFANTRY BRIGADE, FORT CARSON, CO 80913; FC ; [SOLICITATION TO COMMIT
MURDER]

VICTIM:

1. ISMAIL, NASER (DECEASED) ; CIV; MALE; IZ; ZZ ; [PREMEDITATED
MURDER], [SOLICITATION TO COMMIT MURDER], [CONSPIRACY] (NFI)
2. U.S. GOVERNMENT; [SIGNING A FALSE STATEMENT], [ASSESSORY
AFTER THE FACT]

INVESTIGATIVE SUMMARY:

On 17 Nov 04, this office was notified by the Office of Staff Judge Advocate (OSJA), Fort
Carson, CO 80913 (FCC), PFC (b)(6), (b)(7)(C) had reported to his psychologist that SSG (b)(6), (b)(7)(C)
murdered Mr. ISMAIL during a series of raids conducted while their unit was deployed to Iraq.

Investigation established SSG (b)(6), (b)(7)(C) with the assistance of PFC (b)(6), (b)(7)(C) beat and then
shot and killed Mr. ISMAIL who was unarmed and posed no immediate threat to him or
members of his squad. Investigation further established SSG (b)(6), (b)(7)(C) provided false
information in a sworn statement detailing the circumstances surrounding the death of Mr.
ISMAIL.

Investigation established PFC (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) Mr. (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SPC
(b)(6), (b)(7)(C) agreed upon a false account of the circumstances under which Mr. ISMAIL was shot
and killed in an effort to prevent SSG (b)(6), (b)(7)(C) from being punished.

Investigation established probable cause to believe SSG (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C)
SSG (b)(6), (b)(7)(C) Mr. (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) committed the offense of

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Conspiracy to Commit Accessory after the Fact when they entered into an agreement to present a false account of how Mr. ISMAIL was killed and related that false account to members of their chain of command.

Investigation established probable cause to believe CPT (b)(6), (b)(7)(C) committed the offense of Solicitation to Commit Murder when he stated in an Operations Order attended by SSG (b)(6), (b)(7)(C) that certain insurgent targets, including Mr. ISMAIL, were not to come back alive.

Further, a SAC review of the original Final Report revealed probable cause existed to believe the subjects listed above committed the offense of Conspiracy to Commit Accessory After the Fact. The review also revealed lab codes had not been entered. This Corrected Final Report was generated to document the above changes.

STATUTES:

Article 114, UCMJ: Murder
Article 134, UCMJ: Solicitation to Commit Murder
Article 81, UCMJ: Conspiracy to Commit Accessory After the Fact
Article 107, UCMJ: False Official Statement
Article 78, UCMJ: Accessory after the Fact

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agents Investigation Report (AIR) of Special Agent (SA) (b)(6), (b)(7)(C) 2 Dec 04, detailing the following: initial notification, coordination with COL (b)(6), (b)(7)(C) interview of PFC (b)(6), (b)(7)(C) interview of Mrs. (b)(6), (b)(7)(C) consent to search of PFC (b)(6), (b)(7)(C) collection of items from PFC (b)(6), (b)(7)(C) interview of PFC (b)(6), (b)(7)(C) interview of PFC (b)(6), (b)(7)(C) interview of SSG (b)(6), (b)(7)(C) collection of rifles, , interview of LTC (b)(6), (b)(7)(C) interview of CPT (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) and MAJ (b)(6), (b)(7)(C) coordination with ILT (b)(6), (b)(7)(C) interview of ILT (b)(6), (b)(7)(C) coordination with CPT (b)(6), (b)(7)(C) interview of SFC (b)(6), (b)(7)(C) review of Intelligence Summary, name check results, collection of documents from ILT (b)(6), (b)(7)(C) apprehension and rights advisement to SSG (b)(6), (b)(7)(C) interview of SPC (b)(6), (b)(7)(C) and interview of Mr. (b)(6), (b)(7)(C)
2. Rights Waiver Certificate and Sworn Statements of PFC (b)(6), (b)(7)(C) 17 Nov 04, wherein he detailed his actions during the shooting of Mr. ISMAIL.
3. Rough Sketch by PFC (b)(6), (b)(7)(C) 17 Nov 04, depicting the layout of the room in which

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Mr. ISMAIL was shot and killed.

4. Sworn Statement of Mrs. (b)(6), (b)(7)(C) 17 Nov 04, wherein she detailed her knowledge of the incident under investigation.
5. Consent to Search, 17 Nov 04, granted by PFC (b)(6), (b)(7)(C) allowing CID to search his off-post apartment.
6. Rights Waiver Certificate and Sworn Statement of PFC (b)(6), (b)(7)(C) 8 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.
7. Rights Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.
8. Rights Waiver Certificate and Sworn Statement of SSG (b)(6), (b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.
9. Rough Sketch by SSG (b)(6), (b)(7)(C) 18 Nov 04, depicting the layout of the area in which the raid were conducted.
10. Sworn Statement of 1LT (b)(6), (b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.
11. Sworn Statement of SFC (b)(6), (b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.
12. Documents provided by CPT (b)(6), (b)(7)(C) regarding the series of raids during which Mr. ISMAIL was killed.
13. Arial photograph depicting the area in which the series of raids were conducted.
14. Topographical map depicting the city of Balad, Iraq and surrounding area.
15. Recommendation for Award, 19 Jan 04, related documents and Sworn Statement of SSG (b)(6), (b)(7)(C) wherein he detailed the circumstances under which Mr. ISMAIL was shot and killed.
16. Rights Non-Waiver Certificate of SSG (b)(6), (b)(7)(C) 20 Nov 04.
17. Rights Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 29 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.

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18. AIR of SA (b)(6), (b)(7)(C) 20 Dec 04, detailing the following: interview of 1LT (b)(6), (b)(7)(C) interview of SSG (b)(6), (b)(7)(C) interview of SGT (b)(6), (b)(7)(C) interview of 1SG (b)(6), (b)(7)(C) receipt of lab report, and interview of 1LT (b)(6), (b)(7)(C)
19. Rights Waiver Certificate of 1LT (b)(6), (b)(7)(C) 8 Dec 04.
20. Sworn Statement of SSG (b)(6), (b)(7)(C) 113 Dec 04, wherein he detailed his knowledge of the series during which Mr. ISMAIL was killed.
21. AIR of SA (b)(6), (b)(7)(C) 14 Feb 05, detailing the following: receipt of type-written statement purportedly made by 1LT (b)(6), (b)(7)(C) receipt of lab report, interview of 1LT (b)(6), (b)(7)(C) and the Request for Assistance (RFA) declination from the 37th Military Police (MP) Detachment (DET).
22. Type-written statement purportedly made by 1LT (b)(6), (b)(7)(C) 28 Jan 05.
23. AIR of SA (b)(6), (b)(7)(C) 2 Mar 05, detailing the following: coordination with Mr. (b)(6), (b)(7)(C) coordination with Mr. (b)(6), (b)(7)(C) interviews of CPT (b)(6), (b)(7)(C) coordination with SFC (b)(6), (b)(7)(C) coordination with SFC (b)(6), (b)(7)(C) coordination with 1LT (b)(6), (b)(7)(C) and interview of 1LT (b)(6), (b)(7)(C)
24. Sworn Statement of CPT (b)(6), (b)(7)(C) 2 Mar 05, wherein he detailed his knowledge of CPT (b)(6), (b)(7)(C) weapons policy.
25. Sworn Statement of CPT (b)(6), (b)(7)(C) 2 Mar 05, clarifying his earlier sworn statement.
26. AIR of SA (b)(6), (b)(7)(C) 4 Mar 05, detailing the receipt of the RFA and interview of 1LT (b)(6), (b)(7)(C)
27. Sworn Statement of 1LT (b)(6), (b)(7)(C) 3 Mar 05, wherein he detailed his knowledge of the Operations Order given by CPT (b)(6), (b)(7)(C)
28. AIR of SA (b)(6), (b)(7)(C) 7 Mar 05, detailing the receipt of the RFA and the interview of Mr. (b)(6), (b)(7)(C)
29. Sworn Statement of Mr. (b)(6), (b)(7)(C) 7 Mar 05, wherein he indicated he had no knowledge of the series of raids during which Mr. ISMAIL as killed.
30. AIR of SA (b)(6), (b)(7)(C) 8 Mar 05, detailing the receipt of the RFA and the interview of

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

31. Sworn Statement of SFC (b)(6), (b)(7)(C), 8 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.

32. AIR of SA (b)(6), (b)(7)(C) 10 Mar 05, detailing the following: receipt of the RFA, interview of Mr (b)(6), (b)(7)(C) and coordination with this office.

33. Sworn Statement of Mr. (b)(6), (b)(7)(C) 10 Mar 05, wherein he indicated he had no knowledge of the series of raids during which Mr. ISMAIL was killed.

34. AIR of SA (b)(6), (b)(7)(C) 18 Mar 05, detailing the following: receipt of the RFA, interview of SFC (b)(6), (b)(7)(C) interview of SSG (b)(6), (b)(7)(C) and coordination with this office.

35. Sworn Statement of SFC (b)(6), (b)(7)(C) 9 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.

36. Sworn Statement of SSG (b)(6), (b)(7)(C) 10 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.

37. Sworn Statement of SSG (b)(6), (b)(7)(C), 17 Mar 05, clarifying his earlier sworn statement.

38. AIR of SA (b)(6), (b)(7)(C), 21 Mar 05, detailing the following: interview of 1LT (b)(6), (b)(7)(C) receipt of cell phone records, receipt of stipulation of fact, and receipt of sworn statement made by 1LT (b)(6), (b)(7)(C)

39. Sworn Statement of 1LT (b)(6), (b)(7)(C) 7 Mar 05, clarifying his earlier sworn statement.

40. Telephone Records, Nov 04 - Feb 05, pertaining to government cell phone number (b)(6), (b)(7)(C)

41. Stipulation of Fact, 11 Mar 05, detailing 1LT (b)(6), (b)(7)(C) knowledge of the raids during which Mr. ISMAIL was killed.

42. Sworn Statement of 1LT (b)(6), (b)(7)(C) 18 Mar 05, wherein he detailed his knowledge of the shooting of death of Mr. ISMAIL.

43. AIR of SA (b)(6), (b)(7)(C) 12 Apr 05, detailing the following: receipt of the RFA, interview of 1LT (b)(6), (b)(7)(C) and coordination with this office.

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44. Sworn Statement of 1LT (b)(6), (b)(7)(C) 12 Apr 05, clarifying his earlier sworn statement.
45. AIR of SA (b)(6), (b)(7)(C), detailing the following: review of electronic data, collection of DVD-R, interview of 1LT (b)(6), (b)(7)(C) coordination with 4th ID OSJA, and interview of CPT (b)(6), (b)(7)(C)
46. Sworn Statement of CPT (b)(6), (b)(7)(C) 17 May 05, clarifying his earlier sworn statements.
47. Crime Lab Examination Request, 22 Nov 04, requesting that the items collected from the residence of PFC (b)(6), (b)(7)(C) be examined for the presence of serological material, and that the submitted rifles be evaluated for functionality and individual characteristics. (USACRC and file copy only)
48. U.S. Army Criminal Investigation Laboratory (USACIL) Report, 10 Dec 04, indicating both submitted rifles are fully functional.
49. USACIL Report, 1 Feb 05, indicating blood had been identified on the submitted body armor.
50. (50-1 through 50-4) DA Form 4137, Evidence/Property Custody Document, document numbers (DN) 219-04, 220-04, 222-04, and 140-05.

Not Attached:

Retained in the evidence depository this office:

51. Flashlight (PFC (b)(6), (b)(7)(C)), DN 219-04.
52. Boots (PFC (b)(6), (b)(7)(C)), DN 219-04.
53. Body Armor (PFC (b)(6), (b)(7)(C)), DN 219-04.
54. Ammo Pouches (PFC (b)(6), (b)(7)(C)), DN 219-04.
55. Boots (PFC (b)(6), (b)(7)(C)), DN 219-04.
56. Rifle (CPT (b)(6), (b)(7)(C)), DN 220-04.
57. Rifle (CPT (b)(6), (b)(7)(C)), DN 220-04.

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58. Recommendation for Award (1LT (b)(6), (b)(7)(C)), DN 222-04.

59. DVD-R (Case file), DN 140-05.

The originals of Exhibits 1 through 14, 16 through 19, 21, 23 through 39, and 43 through 46 are attached to the USACRC copy of this report. The original of Exhibit 20 is attached to the USACRC copy the Final (C) Report for Report of Investigation (ROI) 0498-04-CID056-76349. The originals of Exhibits 22, 41 and 42 are retained in the files of the 4th ID OSJA, Fort Hood, TX. The original of Exhibit 40 is retained in the files of the Directorate of Information Management, FCC. Originals of Exhibits 47 and 48 are attached to the USACRC copy of this report and maintained in the files of USACIL. The originals of Exhibits 15, 49 and 50 are retained in the evidence depository this office.

STATUS: This is a corrected final (C) report. This investigation is being closed in accordance with Section V, paragraph 4-17(3 and 4), CIDR 195-1, in that on 26 May 05 SSG (b)(6), (b)(7)(C) was found innocent by court martial of Obstruction of Justice and Murder and PFC (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) and Mr. (b)(6), (b)(7)(C) were all granted testimonial immunity. Furthermore, the supported staff judge advocate is of the opinion that sufficient evidence exists to prosecute CPT (b)(6), (b)(7)(C) and that additional investigation would produce only cumulative and unnecessary evidence. Remaining leads include conducting interviews of Mr. ISMAIL's family members present in his residence at the time of his death. Commander's Report of Action Taken (DA Form 4833) is pending for CPT (b)(6), (b)(7)(C)

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

REPORT APPROVED BY

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

Special Agent-in-Charge

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA
Cdr, 22d MP Bn, Ft Lewis, WA
1 - CDR, USACIDC, ATTN: CIOP-ZA, 6010 6th Street, Ft Belvoir, VA 22060
1 - Commander, 6th MP Group (CID), Fort Lewis, WA 98433
CDR, 43RD ASG, FT CARSON, CO
GARRISON COMMANDER, FT CARSON
PMO, FORT CARSON, CO
SAC, 48TH MP DET (CID)
SAUSA, FORT CARSON, CO
CHIEF OF STAFF, FT CARSON
SJA, Fort Hood, TX (ATTN: MAJ (b)(6), (b)(7)(C))
FILE

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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
48th Military Police Detachment (CID) Rear
6525 Specker Avenue, Fort Carson, Colorado 80913-0913

15 Jun 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL/SSI - 0489-2004-CID056-76341 - 5H1A /
5M3C / 5X2 / 5X4 / 5X1

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004, 0100 - 03 JAN 2004, 0130; GRID COORDINATE MC 2161, NEAR
BALAD, IRAQ
2. 14 JAN 2004, 1215 - 14 JAN 2004, 1215; FORWARD OPERATING BASE (FOB)
PALIWODA, BALAD, AE 09323-9323
3. 02 JAN 2004, 1200 - 02 JAN 2004, 2359; FOB ATTACK, BALAD, AE 09323

DATE/TIME REPORTED: 17 NOV 2004, 1600

INVESTIGATED BY:

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

SUBJECT:

1. (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO 80913; FC ;
[PREMEDITATED MURDER], [CONSPIRACY]
2. (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO 80913; FC ; [ASSESSORY
AFTER THE FACT], [CONSPIRACY]
3. (b)(6), (b)(7)(C) SSG; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; A CO 4TH EN BN, FORT CARSON, CO 80913; FC ; [ASSESSORY
AFTER THE FACT], [CONSPIRACY]
4. (b)(6), (b)(7)(C) FORMER SGT; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) FC ; [ASSESSORY AFTER THE FACT], [CONSPIRACY]

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5. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C); MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO 80913; FC ;
[ASSESSORY AFTER THE FACT], [CONSPIRACY]
6 (b)(6), (b)(7)(C) SSG; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; HHC, 4TH ID, FORT HOOD, TX 76544; FC ;
[PREMEDITATED MURDER], [SIGNING A FALSE STATEMENT], [ASSESSORY AFTER
THE FACT], [CONSPIRACY]
7. (b)(6), (b)(7)(C); SPC; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; E CO 1/8 INF, FORT CARSON, CO
80913; FC ; [ASSESSORY AFTER THE FACT], [CONSPIRACY]
8. (b)(6), (b)(7)(C) CPT; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MALE; WHITE; HEADQUARTERS AND HEADQUARTERS COMPANY, 3/4
INFANTRY BRIGADE, FORT CARSON, CO 80913; FC ; [SOLICITATION TO COMMIT
MURDER]

VICTIM:

1. ISMAIL, NASER (DECEASED) ; CIV; MALE; IZ; ZZ ; [PREMEDITATED
MURDER], [SOLICITATION TO COMMIT MURDER], [CONSPIRACY] (NFI)
2. U.S. GOVERNMENT; [SIGNING A FALSE STATEMENT], [ASSESSORY
AFTER THE FACT]

INVESTIGATIVE SUMMARY:

On 17 Nov 04, this office was notified by the Office of Staff Judge Advocate (OSJA), Fort
Carson, CO 80913 (FCC), PFC (b)(6), (b)(7)(C) had reported to his psychologist that SSG (b)(6), (b)(7)(C)
murdered Mr. ISMAIL during a series of raids conducted while their unit was deployed to Iraq.

Investigation established SSG (b)(6), (b)(7)(C) with the assistance of PFC (b)(6), (b)(7)(C) beat and then
shot and killed Mr. ISMAIL who was unarmed and posed no immediate threat to him or
members of his squad. Investigation further established SSG (b)(6), (b)(7)(C) provided false
information in a sworn statement detailing the circumstances surrounding the death of Mr.
ISMAIL.

Investigation established PFC (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) Mr (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SPC
(b)(6), (b)(7)(C) agreed upon a false account of the circumstances under which Mr. ISMAIL was shot
and killed in an effort to prevent SSG (b)(6), (b)(7)(C) from being punished.

Investigation established insufficient evidence to prove or disprove SSG (b)(6), (b)(7)(C) PFC
(b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) Mr (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C)

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committed the offense of Conspiracy.

Investigation established probable cause to believe CPT (b)(6), (b)(7)(C) committed the offense of Solicitation to Commit Murder when he stated in an Operations Order attended by SSG (b)(6), (b)(7)(C) that certain insurgent targets, including Mr. ISMAIL, were not to come back alive.

STATUTES:

Article 114, UCMJ: Murder
Article 134, UCMJ: Solicitation to Commit Murder
Article 81, UCMJ: Conspiracy
Article 107, UCMJ: False Official Statement
Article 78, UCMJ: Accessory after the Fact

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agents Investigation Report (AIR) of Special Agent (SA) (b)(6), (b)(7)(C) 2 Dec 04, detailing the following: initial notification, coordination with COL (b)(6), (b)(7)(C) interview of PFC (b)(6), (b)(7)(C) interview of Mrs (b)(6), (b)(7)(C) consent to search of PFC (b)(6), (b)(7)(C) collection of items from PFC (b)(6), (b)(7)(C) interview of PFC (b)(6), (b)(7)(C) interview of PFC (b)(6), (b)(7)(C) interview of SSG (b)(6), (b)(7)(C) collection of rifles, interview of LTC (b)(6), (b)(7)(C) interview of CPT (b)(6), (b)(7)(C) CPT (b)(6), (b)(7)(C) and MAJ (b)(6), (b)(7)(C) coordination with 1LT (b)(6), (b)(7)(C) interview of 1LT (b)(6), (b)(7)(C) coordination with CPT (b)(6), (b)(7)(C) interview of SFC (b)(6), (b)(7)(C) review of Intelligence Summary, name check results, collection of documents from 1LT (b)(6), (b)(7)(C) apprehension and rights advisement to SSG (b)(6), (b)(7)(C) interview of SPC (b)(6), (b)(7)(C) and interview of Mr. (b)(6), (b)(7)(C)
2. Rights Waiver Certificate and Sworn Statements of PFC (b)(6), (b)(7)(C), 17 Nov 04, wherein he detailed his actions during the shooting of Mr. ISMAIL.
3. Rough Sketch by PFC (b)(6), (b)(7)(C) 17 Nov 04, depicting the layout of the room in which Mr. ISMAIL was shot and killed.
4. Sworn Statement of Mrs. (b)(6), (b)(7)(C) 17 Nov 04, wherein she detailed her knowledge of the incident under investigation.
5. Consent to Search, 17 Nov 04, granted by PFC (b)(6), (b)(7)(C) allowing CID to search his off-post apartment.

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6. Rights Waiver Certificate and Sworn Statement of PFC (b)(6), (b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.

7. Rights Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.

8. Rights Waiver Certificate and Sworn Statement of SSG (b)(6), (b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.

9. Rough Sketch by SSG (b)(6), (b)(7)(C) 18 Nov 04, depicting the layout of the area in which the raid were conducted.

10. Sworn Statement of 1LT (b)(6), (b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.

11. Sworn Statement of SFC (b)(6), (b)(7)(C) 18 Nov 04, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.

12. Documents provided by CPT (b)(6), (b)(7)(C) regarding the series of raids during which Mr. ISMAIL was killed.

13. Arial photograph depicting the area in which the series of raids were conducted.

14. Topographical map depicting the city of Balad, Iraq and surrounding area.

15. Recommendation for Award, 19 Jan 04, related documents and Sworn Statement of SSG (b)(6), (b)(7)(C) wherein he detailed the circumstances under which Mr. ISMAIL was shot and killed.

16. Rights Non-Waiver Certificate of SSG (b)(6), (b)(7)(C) 20 Nov 04.

17. Rights Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 19 Nov 04, wherein he detailed his knowledge of the events surrounding the shooting death of Mr. ISMAIL.

18. AIR of SA (b)(6), (b)(7)(C) 20 Dec 04, detailing the following: interview of 1LT (b)(6), (b)(7)(C) interview of SSG (b)(6), (b)(7)(C) interview of SGT (b)(6), (b)(7)(C) interview of 1SG (b)(6), (b)(7)(C) receipt of lab report, and interview of 1LT (b)(6), (b)(7)(C)

19. Rights Waiver Certificate of 1LT (b)(6), (b)(7)(C) 8 Dec 04.

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20. Sworn Statement of SSG (b)(6), (b)(7)(C) 113 Dec 04, wherein he detailed his knowledge of the series during which Mr. ISMAIL was killed.

21. AIR of SA (b)(6), (b)(7)(C) 14 Feb 05, detailing the following: receipt of type-written statement purportedly made by 1LT (b)(6), (b)(7)(C), receipt of lab report, interview of 1LT (b)(6), (b)(7)(C) and the Request for Assistance (RFA) declination from the 37th Military Police (MP) Detachment (DET).

22. Type-written statement purportedly made by 1LT (b)(6), (b)(7)(C) 28 Jan 05.

23. AIR of SA (b)(6), (b)(7)(C) 2 Mar 05, detailing the following: coordination with Mr. (b)(6), (b)(7)(C) coordination with Mr. (b)(6), (b)(7)(C) interviews of CPT (b)(6), (b)(7)(C) coordination with SFC (b)(6), (b)(7)(C) coordination with SFC (b)(6), (b)(7)(C) coordination with 1LT (b)(6), (b)(7)(C) and interview of 1LT (b)(6), (b)(7)(C)

24. Sworn Statement of CPT (b)(6), (b)(7)(C) 2 Mar 05, wherein he detailed his knowledge of CPT (b)(6), (b)(7)(C) weapons policy.

25. Sworn Statement of CPT (b)(6), (b)(7)(C) 2 Mar 05, clarifying his earlier sworn statement.

26. AIR of SA (b)(6), (b)(7)(C) 4 Mar 05, detailing the receipt of the RFA and interview of 1LT (b)(6), (b)(7)(C)

27. Sworn Statement of 1LT (b)(6), (b)(7)(C) 3 Mar 05, wherein he detailed his knowledge of the Operations Order given by CPT (b)(6), (b)(7)(C)

28. AIR of SA (b)(6), (b)(7)(C) 7 Mar 05, detailing the receipt of the RFA and the interview of Mr. (b)(6), (b)(7)(C)

29. Sworn Statement of Mr. (b)(6), (b)(7)(C) 7 Mar 05, wherein he indicated he had no knowledge of the series of raids during which Mr. ISMAIL as killed.

30. AIR of SA (b)(6), (b)(7)(C) 8 Mar 05, detailing the receipt of the RFA and the interview of SFC (b)(6), (b)(7)(C)

31. Sworn Statement of SFC (b)(6), (b)(7)(C) 8 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.

32. AIR of SA (b)(6), (b)(7)(C) 10 Mar 05, detailing the following: receipt of the RFA, interview of Mr. (b)(6), (b)(7)(C) and coordination with this office.

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33. Sworn Statement of Mr. (b)(6), (b)(7)(C) 10 Mar 05, wherein he indicated he had no knowledge of the series of raids during which Mr. ISMAIL was killed.
34. AIR of SA (b)(6), (b)(7)(C) 18 Mar 05, detailing the following: receipt of the RFA, interview of SFC (b)(6), (b)(7)(C) interview of SSC (b)(6), (b)(7)(C) and coordination with this office.
35. Sworn Statement of SFC (b)(6), (b)(7)(C) 9 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.
36. Sworn Statement of SSG (b)(6), (b)(7)(C) 10 Mar 05, wherein he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed.
37. Sworn Statement of SSG (b)(6), (b)(7)(C) 17 Mar 05, clarifying his earlier sworn statement.
38. AIR of SA (b)(6), (b)(7)(C) 21 Mar 05, detailing the following: interview of 1LT (b)(6), (b)(7)(C) receipt of cell phone records, receipt of stipulation of fact, and receipt of sworn statement made by 1LT (b)(6), (b)(7)(C)
39. Sworn Statement of 1LT (b)(6), (b)(7)(C) 7 Mar 05, clarifying his earlier sworn statement.
40. Telephone Records, Nov 04 - Feb 05, pertaining to government cell phone number (b)(6), (b)(7)(C)
41. Stipulation of Fact, 11 Mar 05, detailing 1LT (b)(6), (b)(7)(C) knowledge of the raids during which Mr. ISMAIL was killed.
42. Sworn Statement of 1LT (b)(6), (b)(7)(C) 18 Mar 05, wherein he detailed his knowledge of the shooting of death of Mr. ISMAIL.
43. AIR of SA (b)(6), (b)(7)(C) 12 Apr 05, detailing the following: receipt of the RFA, interview of 1LT (b)(6), (b)(7)(C) and coordination with this office.
44. Sworn Statement of 1LT (b)(6), (b)(7)(C) 12 Apr 05, clarifying his earlier sworn statement.
45. AIR of SA (b)(6), (b)(7)(C) detailing the following: review of electronic data, collection of DVD-R, interview of 1LT (b)(6), (b)(7)(C) coordination with 4th ID OSJA, and interview of CPT (b)(6), (b)(7)(C)
46. Sworn Statement of CPT (b)(6), (b)(7)(C) 17 May 05, clarifying his earlier sworn statements.

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47. Crime Lab Examination Request, 22 Nov 04, requesting that the items collected from the residence of PFC (b)(6), (b)(7)(C) be examined for the presence of serological material, and that the submitted rifles be evaluated for functionality and individual characteristics. (USACRC and file copy only)

48. U.S. Army Criminal Investigation Laboratory (USACIL) Report, 10 Dec 04, indicating both submitted rifles are fully functional.

49. USACIL Report, 1 Feb 05, indicating blood had been identified on the submitted body armor.

50. (50-1 through 50-4) DA Form 4137, Evidence/Property Custody Document, document numbers (DN) 219-04, 220-04, 222-04, and 140-05.

Not Attached:

Retained in the evidence depository this office:

- 51. Flashlight (PFC (b)(6), (b)(7)(C)), DN 219-04.
- 52. Boots (PFC (b)(6), (b)(7)(C)), DN 219-04.
- 53. Body Armor (PFC (b)(6), (b)(7)(C)), DN 219-04.
- 54. Ammo Pouches (PFC (b)(6), (b)(7)(C)), DN 219-04.
- 55. Boots (PFC (b)(6), (b)(7)(C)), DN 219-04.
- 56. Rifle (CPT (b)(6), (b)(7)(C)), DN 220-04.
- 57. Rifle (CPT (b)(6), (b)(7)(C)), DN 220-04.
- 58. Recommendation for Award (1LT (b)(6), (b)(7)(C)), DN 222-04.
- 59. DVD-R (Case file), DN 140-05.

The originals of Exhibits 1 through 14, 16 through 19, 21, 23 through 39, and 43 through 46 are attached to the USACRC copy of this report. The original of Exhibit 20 is attached to the USACRC copy the Final (C) Report for Report of Investigation (ROI) 0498-04-CID056-76349.

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The originals of Exhibits 22, 41 and 42 are retained in the files of the 4th ID OSJA, Fort Hood, TX. The original of Exhibit 40 is retained in the files of the Directorate of Information Management, FCC. Originals of Exhibits 47 and 48 are attached to the USACRC copy of this report and maintained in the files of USACIL. The originals of Exhibits 15, 49 and 50 are retained in the evidence depository this office.

This is a final (C) report. This investigation is being closed in accordance with Section V, paragraph 4-17(3 and 4), CIDR 195-1, in that on 26 May 05 SSG (b)(6), (b)(7)(C) was found innocent by court martial of Obstruction of Justice and Murder and PFC (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) and Mr. (b)(6), (b)(7)(C) were all granted testimonial immunity. Furthermore, the supported staff judge advocate is of the opinion that sufficient evidence exists to prosecute CPT (b)(6), (b)(7)(C) and that additional investigation would produce only cumulative and unnecessary evidence. Remaining leads include conducting interviews of Mr. ISMAIL's family members present in his residence at the time of his death. Commander's Report of Action Taken (DA Form 4833) is pending for CPT (b)(6), (b)(7)(C)

REPORT PREPARED BY

(b)(6), (b)(7)(C), (b)(7)(F)
[Redacted]

for

Special Agent

REPORT APPROVED BY

(b)(6), (b)(7)(C)
[Redacted]

Special Agent-in-Charge

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA
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GARRISON COMMANDER, FT CARSON
PMO, FORT CARSON, CO
SAC, 48TH MP DET (CID)
SAUSA, FORT CARSON, CO
CHIEF OF STAFF, FT CARSON
SJA, Fort Hood, TX (ATTN: MAJ (b)(6), (b)(7)(C))
FILE

AGENT'S INVESTIGATION REPORT	ROI NUMBER 0489-04-CID056-76341
<i>CID Regulation 195-1</i>	PAGE 1 OF 6 PAGES

About 1600, 17 Nov 04, this office was notified by MAJ (b)(6), (b)(7)(C) Senior Trail Counsel, Office of the Staff Judge Advocate (OSJA), Fort Carson, CO 80913 (FCC) that a soldier confided with his psychologist, COI (b)(6), (b)(7)(C) Chief, Behavioral Health, Evans Army Community Hospital (EACH), FCC, that his squad leader committed a war crime in Iraq.

About 1610, 17 Nov 04, SAC (b)(6), (b)(7)(C) this office, coordinated with COI (b)(6), (b)(7)(C) who related that his client, PFC (b)(6), (b)(7)(C), E Company (CO), 1/8th Infantry Battalion (INF BN), FCC, reported to him an incident which occurred in the early morning hours of 3 Jan 04. During the incident his squad leader, SSG (b)(6), (b)(7)(C), Headquarters, Headquarters Company (HHC), 4th Infantry Division (ID), Fort Hood, TX 76544 (FHT)(formerly assigned to B CO, 4th Engineer (ENG) BN), shot and killed an unarmed Iraqi.

About 1710, 17 Nov 04, SA (b)(6), (b)(7)(C) this office, interviewed COI (b)(6), (b)(7)(C) who related he has been treating PFC (b)(6), (b)(7)(C) related that while deployed to Iraq his company commander was killed in a mortar attack on 2 Jan 04. He further indicated his squad was subsequently tasked to conduct a search operation for several Iraqi insurgents who were suspected of being responsible for the raid. PFC (b)(6), (b)(7)(C) disclosed SSG (b)(6), (b)(7)(C) his squad leader, was ordered by an unknown superior to locate and kill insurgents identified with asterisks on a written list. During the search operation, SSG (b)(6), (b)(7)(C) shot and murdered an unarmed Iraqi with his assigned weapon.

About 2050, 17 Nov 04, PFC (b)(6), (b)(7)(C) was advised of his legal rights, which he waived and rendered a sworn statement and sketch wherein he detailed his role in the shooting of Mr. Nasar ISMAIL (NFI), an unarmed Iraqi civilian. PFC (b)(6), (b)(7)(C) stated his squad (PFC (b)(6), (b)(7)(C); SSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C); SPC (b)(6), (b)(7)(C); SPC (b)(6), (b)(7)(C) all currently assigned to E CO 1/8th INF BN, FCC; and Mr. (former SGT) (b)(6), (b)(7)(C) formerly assigned to B CO, 4th ENG BN, FCC, and attached to A CO 1/8th INF BN, FCC) was tasked with assisting in a series of raids outside of the city of Balad, Iraq. PFC (b)(6), (b)(7)(C) indicated SSG (b)(6), (b)(7)(C) produced a computer generated list of the personnel sought for questioning during a pre-mission squad briefing and stated certain individuals on the list would not be coming back. (See Rights Waiver Certificate, Sworn Statement and sketch for details)

About 2146, 17 Nov 04, SA (b)(6), (b)(7)(C) interviewed Mrs. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) who provided a sworn statement detailing her husband confided an incident where he witnessed his superior shoot an unarmed Iraqi man. (See Sworn Statement for details)

About 2323, 17 Nov 04, PFC (b)(6), (b)(7)(C) granted consent for SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) to

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)	ORGANIZATION: 48 th Military Police Detachment (CID) Fort Carson, CO 80913	
SIGNATURE: [Redacted Signature]	DATE: 2 DEC 04	EXHIBIT: 1

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search his off-post residence. (See Consent to Search for details)

Between 0052 and 0105, 18 Nov 04, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) collected one flashlight, two pairs of boots, one ballistic vest, and two ammo pouches from the off-post residence of PFC (b)(6), (b)(7)(C). PFC (b)(6), (b)(7)(C) stated the flashlight was the one he used to beat the Iraqi man and the other items were worn by him during the assault and killing. The items were collected on an Evidence/Property Custody Document (EPCD), document number (DN) 219-04.

About 0848, 18 Nov 04, SA (b)(6), (b)(7)(C) this office, advised PFC (b)(6), (b)(7)(C) of his legal rights, which he waived and provided a sworn statement in which he detailed his knowledge of the killing of an Iraqi National on 03 Jan 04. (See Rights Waiver and Sworn Statement for details)

About 0908, 18 Nov 04, SA (b)(6), (b)(7)(C) this office advised PFC (b)(6), (b)(7)(C) of his legal rights which he waived and rendered a sworn statement wherein he detailed how he was instructed by SSG (b)(6), (b)(7)(C) to falsely report the circumstances under which the Iraqi man was killed. (See Rights Waiver and Sworn Statement for details)

About 0915, 18 Nov 04, SA (b)(6), (b)(7)(C) this office, advised SSG (b)(6), (b)(7)(C) of his legal rights which he waived and rendered a sworn statement and sketch detailing his knowledge of the incident involving the death of an Iraqi man on 2 Jan 04. (See Rights Waiver, Sworn Statement and sketch for details)

About 1045, 18 Nov 04, SA (b)(6), (b)(7)(C) collected one M4 carbine, SNW035078 (reportedly SSG (b)(6), (b)(7)(C) assigned weapon) and one M16 rifle, SN10010605 (reportedly PFC (b)(6), (b)(7)(C) assigned weapon) on an EPCD, DN 220-04. (See EPCD for details)

About 1145, 18 Nov 04, SAC (b)(6), (b)(7)(C) interviewed LTC (b)(6), (b)(7)(C) Commander, 1/8th INF BN, FCC, who related the operation under investigation was planned for weeks prior to its execution and was approved by the Brigade Commander. He related all documentation regarding this operation was destroyed prior to the unit redeploying from Iraq. He related there are Intelligence Summaries (INSUM) archived at the 3rd Brigade Combat Team (BCT), FCC, headquarters regarding this incident. He related this operation involved a list of several Iraqi insurgents known to have orchestrated the attack against 1/8th INF BN resulting in the death of the B CO, 4th ENG BN Commander. LTC (b)(6), (b)(7)(C) related he was close to the commander and all he could think about was to locating the killers. The intelligence to support the operation was obtained from informants and military intelligence. LTC (b)(6), (b)(7)(C) related he was on-site at the time of the operation about two blocks away from where the Iraqi was killed by SSG (b)(6), (b)(7)(C) squad. He related he heard gun shots from the direction of SSG (b)(6), (b)(7)(C) squad and there could not have been more than 5 shots discharged.

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)	ORGANIZATION: 48 th Military Police Detachment (CID) Fort Carson, CO 80913
DATE: 2 DEC 04	EXHIBIT: 1

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LTC (b)(6), (b)(7)(C) further reported 1LT (b)(6), (b)(7)(C), 3rd BCT, FCC, (former 1st Platoon Leader, a CO 1/8th INF BN) responded to the scene. One Iraqi was killed when he presented a 9mm pistol and fired at SSG (b)(6), (b)(7)(C) and squad members. The weapon was collected and processed at the weapons collection point. LTC (b)(6), (b)(7)(C) stated the dead Iraqi was confirmed by the informant as being one of the targets known as Mr. Nasar ISMAIL (NFI). The body of Mr. ISMAIL was then released to the Iraqi police.

About 1200, 18 Nov 04, SAC (b)(6), (b)(7)(C) interviewed CPT (b)(6), (b)(7)(C), 7th Infantry Division (ID), FCC, CPT (b)(6), (b)(7)(C), 1/8 INF BN, FCC, and MAJ (b)(6), (b)(7)(C), 1/8 INF BN, FCC who all corroborated the interview of LTC (b)(6), (b)(7)(C). All denied having any knowledge that SSG (b)(6), (b)(7)(C) or any of his squad members wrongfully killed Mr. ISMAIL.

About 1230, 18 Nov 04, SAC (b)(6), (b)(7)(C) attempted to interview 1LT (b)(6), (b)(7)(C) who related he is represented by legal counsel in an unrelated matter and had been advised to not speak with CID. 1LT (b)(6), (b)(7)(C) refused to be interviewed and requested this office coordinate with his attorneys.

About 1250, 18 Nov 04, SA (b)(6), (b)(7)(C) interviewed 1LT (b)(6), (b)(7)(C), HHC, 4th ENG BN who rendered a sworn statement wherein he detailed his knowledge of the death of the Iraqi man. (See Sworn Statement for details)

About 1330, 18 Nov 04, SAC (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C), S3, 3rd BCT, FCC, and collected documents regarding the series of raids during which Mr. ISMAIL was killed. (See documents for details)

About 1448, 18 Nov 04, SA (b)(6), (b)(7)(C) this office, interviewed SFC (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) E CO, 1/68th Armor Battalion, FCC, who provided a sworn statement in which he detailed his knowledge of the series of raids during which Mr. ISMAIL was killed. (See Sworn Statement for details)

On 18 Nov 04, an INSUM was located detailing the searches conducted on 2 and 3 Jan 04 south of Balad, Iraq. The INSUM documented the killing of Mr. ISMAIL and the discovery of 30 AK-47 assault rifles and artillery propellant at his residence. A copy of a topographical military map and aerial photograph depicting the area near Balad in which the incident occurred was collected from the INSUM and added to the case file. (See map and photograph for details)

On 18 Nov 04, SA (b)(6), (b)(7)(C) received the name check results pertaining to Mr. (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) which indicated no derogatory results.

On 18 Nov 04, SA (b)(6), (b)(7)(C) received the name check results pertaining SPC (b)(6), (b)(7)(C) which revealed a

(b)(6), (b)(7)(C), (b)(7)(F) [REDACTED]	ORGANIZATION: 48 th Military Police Detachment (CID) Fort Carson, CO 80913
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record of Larceny of AAFES Property documented in Military Police Report 7678B-2003-MPC056.

About 1100, 19 Nov 04, 1LT (b)(6), (b)(7)(C) provided this office with a sworn statement made by SSG (b)(6), (b)(7)(C) in support of a recommendation for award for SPC (b)(6), (b)(7)(C) which detailed his account of the incident under investigation. The statement was in direct contradiction to the accounts given by other witnesses interviewed by CID. The statement was collected as evidence on an EPCD, DN: 222-04. (See EPCD for details)

About 1500, 20 Nov 04, SSG (b)(6), (b)(7)(C) was apprehended at the Grand Rapids Recruiting Company, Grand Rapids, MI (GRM), and transported to the Grand Rapids Police Department (GRPD), GRM.

About 1806, 20 Nov 04, SA (b)(6), (b)(7)(C) advised SSG (b)(6), (b)(7)(C) of his legal rights. During the rights advisal, SSG (b)(6), (b)(7)(C) indicated he could provide information which would implicate higher echelon personnel with direct involvement in and knowledge of the murder of Mr. ISMAIL. SSG (b)(6), (b)(7)(C) invoked his right to an attorney and declined to provide a statement or answer questions unless offered a degree of immunity by the supporting OSJA. (See Rights Non-waiver Certificate for details)

About 1158, 29 Nov 04, SA (b)(6), (b)(7)(C) advised SPC (b)(6), (b)(7)(C) of his legal rights which he waived and rendered a sworn statement wherein he detailed his knowledge of the incident under investigation. SPC (b)(6), (b)(7)(C) indicated he was unaware of what occurred in the residence because he was out of the immediate area. SPC (b)(6), (b)(7)(C) further denied being asked by SSG (b)(6), (b)(7)(C) to report a specific account of what had occurred. (See Rights Waiver Certificate and Sworn Statement for details)

About 1715, 2 Dec 04, SA (b)(6), (b)(7)(C) conducted a non-custodial interview of Mr. (b)(6), (b)(7)(C) who rendered a verbal statement wherein he detailed his involvement in and knowledge of the incident under investigation. Mr. (b)(6), (b)(7)(C) indicated he would be willing to provide a sworn statement once it is determined whether or not he will be charged with any offenses related to this incident.

Mr. (b)(6), (b)(7)(C) stated he was a team leader assigned to 1st Platoon, 2nd Squad, B CO 4th EN BN, FCC, and was involved in the raid which occurred on or around 2 Jan 04 in an area near Balad, Iraq. Mr. (b)(6), (b)(7)(C) was present for a pre-mission walk-through briefing which involved team leaders and above. The briefing described the specific duties of the individual teams and squads involved in the raid. Mr. (b)(6), (b)(7)(C) indicated his squad was attached to A CO 1/8 INF BN for this mission. Mr. (b)(6), (b)(7)(C) further stated he believed an earlier briefing had taken place which involved only squad leaders and above.

Mr. (b)(6), (b)(7)(C) related SSG (b)(6), (b)(7)(C) provided guidance to him and SSC (b)(6), (b)(7)(C) as to their responsibilities during the raid. During this meeting, SSG (b)(6), (b)(7)(C) produced a type-written, numbered list of approximately 20 names written in English. It was the first time Mr. (b)(6), (b)(7)(C) had seen the list and further

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)	ORGANIZATION: 48 th Military Police Detachment (CID) Fort Carson, CO 80913	
	DATE: 2 DEC 04	EXHIBIT: 1

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remembered certain names were highlighted to indicate specific targets for that raid. SSG (b)(6), (b)(7)(C) further indicated to the team leaders the targets were directly related to the mortar attacks which had killed the B CO 4th EN BN, FCC, Commander earlier that day.

Mr. (b)(6), (b)(7)(C) stated SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) were assigned to his team. They were responsible for the initial entry into the target's residence. Upon entry, everyone inside was placed into the living room. Several women and children were taken outside and Mr. (b)(6), (b)(7)(C) searched Mr. ISMAIL, the male target of the raid, as well as his jacket and bedroom. Mr. (b)(6), (b)(7)(C) found no weapons or contraband and estimates he was in the residence approximately 3 to 4 minutes. Mr. (b)(6), (b)(7)(C) then collected Mr. ISMAIL's identification papers. Mr. (b)(6), (b)(7)(C) assumed SSG (b)(6), (b)(7)(C) and the other team members took control of the detainees as he moved to the hasty command post to have the interpreter read the identification papers provided by Mr. ISMAIL. Mr. (b)(6), (b)(7)(C) stated Mr. ISMAIL was seated on the couch unrestrained prior to him leaving the residence. Mr. (b)(6), (b)(7)(C) further stated he assumed Mr. ISMAIL would have been flexi-cuffed soon after he left. Mr. (b)(6), (b)(7)(C) provided the documents to the interpreter who verified Mr. ISMAIL was in fact the target individual identified on the list mentioned previously. Mr. (b)(6), (b)(7)(C) confirmed this three times with the interpreter and then radioed back to SSG (b)(6), (b)(7)(C) with the confirmation. Approximately one minute after contacting SSG (b)(6), (b)(7)(C) Mr. (b)(6), (b)(7)(C) remembers SSG (b)(6), (b)(7)(C) stating over the radio he was expecting contact.

Approximately 60-90 seconds later, Mr. (b)(6), (b)(7)(C) heard three to five gunshots. Mr. (b)(6), (b)(7)(C) was not confident in the type of weapon he heard. Mr. (b)(6), (b)(7)(C) collected a body bag on his way back to the residence under the assumption the target had been killed.

Mr. (b)(6), (b)(7)(C) then assisted SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) in placing the body in a body bag. Mr. (b)(6), (b)(7)(C) stated the man was wearing a black dress-like garment. He described the man as being approximately 6'2" tall and 230 pounds. The man was clean shaven and appeared to be overweight. Mr. (b)(6), (b)(7)(C) stated the man was shot a minimum of three times but he observed very little blood. Mr. (b)(6), (b)(7)(C) then assisted in placing the body into an A CO 1/8 INF BN HMMWV, but did not know the final disposition of the body. Mr. (b)(6), (b)(7)(C) estimated the entire incident lasted approximately 15-20 minutes.

Mr. (b)(6), (b)(7)(C) then stated SSG (b)(6), (b)(7)(C) told him and other members of the squad to report Mr. (b)(6), (b)(7)(C) team entered the residence and took fire from the target. SSG (b)(6), (b)(7)(C) further told the squad to report he then entered the residence and shot and killed Mr. ISMAIL. Mr. (b)(6), (b)(7)(C) further related no one in the squad argued with SSG (b)(6), (b)(7)(C) about what they would report.

Mr. (b)(6), (b)(7)(C) then remembers the platoon leader and platoon sergeant for 1st Platoon, A CO 1/8 INF BN arriving and speaking to SSG (b)(6), (b)(7)(C). Mr. (b)(6), (b)(7)(C) did not know the content of that conversation. Mr. (b)(6), (b)(7)(C) further stated that approximately two weeks to one month following the incident he reported to

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)		ORGANIZATION: 48 th Military Police Detachment (CID) Fort Carson, CO 80913	
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CID FOR

ONLY - LAW ENFORCEMENT SENSITIVE

AGENT'S INVESTIGATION REPORT	ROI NUMBER 0489-04-CID056-76341
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1LT (b)(6), (b)(7)(C) that the squad had been asked to lie about the circumstances surrounding the incident. 1LT (b)(6), (b)(7)(C) indicated an intent to support an award for SSG (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) but changed his mind once Mr (b)(6), (b)(7)(C) told him what had happened. Mr (b)(6), (b)(7)(C) stated he believed 1LT (b)(6), (b)(7)(C) understood what he was reporting and assumed 1LT (b)(6), (b)(7)(C) would report it higher.

Mr (b)(6), (b)(7)(C) also stated he later found what he believed to be a black in color Iraqi 9mm pistol with brown pistol grips in the personal gear of SSG (b)(6), (b)(7)(C) Mr (b)(6), (b)(7)(C) told 1LT (b)(6), (b)(7)(C) about the pistol and was directed to turn the weapon in to the weapons cache located at Forward Operating Base (FOB) (b)(6), (b)(7)(C) Iraq. Mr (b)(6), (b)(7)(C) complied with the direction, but does not know the final disposition of the weapon.

Mr (b)(6), (b)(7)(C) stated he has not been contacted about this incident by anyone and has only reported what he knows to 1LT (b)(6), (b)(7)(C) and CID.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER: (b)(6), (b)(7)(C), (b)(7)(F)	ORGANIZATION: 48 th Military Police Detachment (CID) Fort Carson, CO 80913
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	EXHIBIT: 1

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

AUTHORITY:

Title 10, United States Code, Section 1526

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 BLDG 1816, Fort Carson, CO 80912	2. DATE 17 Nov 04	3. TIME 2050	(b)(6), (b)(7)(C) FILE NUMBER
5. Name (Last, First, MI) (b)(6), (b)(7)(C)		8. ORGANIZATION OR ADDRESS E CO 1/8 INF FORT CARSON, CO 80912	
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS E3/AD		

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 AS A SPECIAL AGENT and wanted to question me about the following offense(s) of which I am suspected ASSAULT, 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:

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

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.

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

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)

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. ORGANIZATION OR ADDRESS AND PHONE		SA 48th MP Det (CID) Fort Carson, CO 80913

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

DA FORM 3881, NOV 89 (AUTOMATED)

EDITION OF NOV 84 IS OBSOLETE

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 682

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LAW ENFORCEMENT SENSITIVE
SWORN STATEMENT

FILE NUMBER :
LOCATION : BLDG 1816, FORT CARSON, CO 80913
DATE : 17 Nov 04 TIME: 2236 (b)(6), (b)(7)(C)
NAME : (b)(6), (b)(7)(C)
SSAN : (b)(6), (b)(7)(C) Grade/Status: E3/AD
ORG/ADDRESS : E Co 1/8 INF, FORT CARSON, CO 80913

I, (b)(6), (b)(7)(C), want to make the following statement under oath:
I was assigned to B Co 4 Eng Bn. Our unit was assigned to the 1-8 INF BN Task Force. We regularly did raids and patrols with the infantry companies. On 02 Jan 04, our commander, CPT (b)(6), (b)(7)(C), was killed during a mortar attack on our CP. Prior to this happening my squad, 1st platoon, 2nd squad, was scheduled to conduct a raid that evening with A Co 1-8 INF. Once it was determined that CPT (b)(6), (b)(7)(C) was KIA, the raid was cancelled. It was assumed that it was cancelled because of the days events and there was a chance for retaliation or pay back for our commanders death. Later that evening (approx 2300) my squad was notified that the raid was a "go." My squad leader went over to the A Co. CP. prior to the rest of my squad for his briefing. At approx. 0000 hours myself and the rest of our squad met up with him at the A. Co CP. He briefed us on what our mission was. We were to be conducting a raid with A Co. on the out skirts of the city of Balad. We as engineers were to be used as a raid/search force as well as possibly conducting demo breaches. My squad leader had a printed list of personnel we were trying to detain. There were 10-15 names. There were also 3-4 names that were high lighted. I was told by my squad leader that if these personnel were found that "they won't be coming back." At the time I thought that that was fairly vague. I really didn't think much of it. We finally loaded up onto a Hum-vee and prepared for our movement to our raid site. We had to stop in-route and wait a while but we finally arrived to our destination. The raids had pretty much gone like every other raid we had ever done. We detained most males and took them to a detainee collection point. Our squad was working as two small teams. Our squad that night was Squad Leader SSG (b)(6), (b)(7)(C), team leaders SGT (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) and myself (PFC (b)(6), (b)(7)(C)), PFC (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C), PV2 (b)(6), (b)(7)(C). My team had linked up with the other team which included SSG (b)(6), (b)(7)(C). They had just entered a house and were in the process of clearing it and the surrounding area. All the Iraqis at the house were very cooperative. SSG (b)(6), (b)(7)(C) was trying to identify the only adult male at the house. He would tell us his name in Arabic over and over.

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

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The man's first name matched one of the names on the list of people we were to detain. The name was also high lighted as being someone who wouldn't be coming back. We asked the man for an I.D. and he gave us one. SSG (b)(6), (b)(7)(C) was unable to read the I.D. because it was in Arabic so he sent one of my squad members to ask our interpreter to read the I.D. A few minutes later SSG (b)(6), (b)(7)(C) received a radio transmission stating that the man's I.D. matched the high lighted name on our list. I believe he even asked to verify that this was correct. Once we knew that it was indeed him, SSG (b)(6), (b)(7)(C) told the rest of my squad to remove all the women and children from the horse and hold them outside the property's perimeter wall. Once that was done SSG (b)(6), (b)(7)(C) said to me "Come on (b)(6), (b)(7)(C), we're going to kill this mother fucker." At this point I was very surprised and confused. We took the man inside, closed the door behind us and started to beat him. We had thrown him on the floor and were punching and kicking him. I had a Mag-Lite flash light in my hand that I used to hit him. I hit him in the face/head. SSG (b)(6), (b)(7)(C) told me not to hit him in the face because it couldn't look like we beat him. SSG (b)(6), (b)(7)(C) stepped away from me and the man. He told me to stand him up which I did. Then he told me to get out of the way. I had maybe only taken one or two steps and SSG (b)(6), (b)(7)(C) began to shoot the man. I remember it being very loud and smoky. I was also very shocked. I huddled up against a wall while SSG (b)(6), (b)(7)(C) was firing. After the first few shots (3-5 rounds) SSG (b)(6), (b)(7)(C) stopped firing. I quietly looked towards the man and saw that he was still standing. SSG (b)(6), (b)(7)(C) fired 3-5 more rounds which were able to put the man on to the ground. Both SSG (b)(6), (b)(7)(C) and I looked at the man. He was laying there on the ground and he was still breathing. SSG (b)(6), (b)(7)(C) said "I can't let this guy lay there dying." SSG (b)(6), (b)(7)(C) fired 3-4 more rounds into the man. At this point the man stopped breathing. SSG (b)(6), (b)(7)(C) pulled out a non-military issue 9MM hand gun from either his back pack or cargo packet. He walked over to where the body was laying, pointed the gun back towards my direction and fired one round into the wall. He handed the pistol to me and told me to get the man's finger prints onto the gun. I went over to the man and rubbed the hand grip onto his open hand. Then I put the gun into my cargo pocket. SSG (b)(6), (b)(7)(C) radioed up to higher that we had made enemy contact and killed one personnel. A few minutes later a group of 3 or 4 came and inspected the scene. SSG (b)(6), (b)(7)(C) told them that as we entered the horse the man fired one round at us and we engaged him. I don't remember who the 3 or 4 people were. The rest of my squad who had been outside came in. We layed down a body bag and put the man into it. While this was taking place it was agreed by the entire squad that the story

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

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"Statement of (b)(6), (b)(7)(C) taken on 12/11/01 at PFC [REDACTED] EAST CARSON CO 81912, Continued:"
LAW ENFORCEMENT SENSITIVE

would go as followed: SSG (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) were the first two people into the house. The man was standing there with a hand gun while his family was huddled around him. He fired one round at which point both SSG (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) engaged and killed him. The only two people in the house during the actual event was myself and SSG (b)(6), (b)(7)(C). Once the man was in the body bag we carried him out of the house, outside the property perimeter wall and loaded him onto the back of a HUM-VEE. His entire family was right there against the wall to see us carry to body bag out. They began to scream and cry. Once the body was loaded up we left the immediate area and continued with our raid. We hit a few more houses and then loaded up and returned to A Co's e-p. I gave the pistol back to SSG (b)(6), (b)(7)(C). I believe SSG (b)(6), (b)(7)(C) was the only person to attend a After Actions Review (AAR). The rest of the squad including myself returned to our company area and went to go to sleep. By time we got back it was 0200 or 0300.

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

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

Q: Is there anything else you would like to add to your statement?

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

AFFIDAVIT

I, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

(b)(6), (b)(7)(C)
(Signature of Person Making Statement)

Subs (b)(6), (b)(7)(C), (b)(7)(F)
to ac [REDACTED]
at [REDACTED]

ORGANIZATION AND ADDRESS

ART 136, UCMJ
(Authority to Administer Oath)

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

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EXHIBIT 71 2

SWORN STATEMENT

FILE NUMBER : -CID056
 LOCATION : Fort Carson, CO
 DATE : 17 Nov 2004 TIME: 2342 (b)(6), (b)(7)(C)
 NAME : (b)(6), (b)(7)(C)
 SSAN : Grade/Status: E3/AD
 ORG/ADDRESS : E CO 1/8 INF, FORT CARSON, CO 80913

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

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

A:

Q: Regarding your hand written statement to this office at 2236, 17 Nov 04 - Did you write that statement?

A: Yes.

Q: What level did the list of individuals identified for apprehension originate?

A: I don't know. It was above my squad leader.

Q: Do you think your squad leader, SSG (b)(6), (b)(7)(C), was acting on his own or based on orders from higher?

A: Orders from higher.

Q: Do you know of any other instances where SSG (b)(6), (b)(7)(C) killed unarmed Iraqi citizens?

A: No, I know for a fact that he did not kill any other unarmed Iraqi citizens.

Q: Where is the flashlight located that you used to hit the Iraqi man?

A: Somewhere in my house.

Q: What does the flashlight look like?

A: It is a two D-Cell battery black metal MagLite.

Q: Did any other members of your squad witness SSG (b)(6), (b)(7)(C) kill the Iraqi man?

A: No.

Q: Were the details of what happened in the house when the Iraqi man was killed ever discussed among the members of your squad?

A: Yes.

Q: What specifically was discussed?

A: They could plainly see what had happened.

Q: What happened to the body of the Iraqi man after you loaded it onto the HMMWV?

A: I don't know.

Q: What happened to the 9mm pistol SSG (b)(6), (b)(7)(C) produced from his bag or cargo pocket?

A: I carried it for the rest of the night and then I gave it back to him at the end of the mission.

Q: What happened to the list of individuals and the identification produced by the Iraqi man?

A: I don't know.

Q: How many times did you hit the Iraqi man with your flashlight?

A: Maybe five or six times.

Q: How many times did SSG (b)(6), (b)(7)(C) hit and/or kick the Iraqi man?

A: I don't know.

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

HIBI 72 2

"Statement of (b)(6), (b)(7)(C) taken on 17 NOV 04, at Fort Carson, CO, Continued:"

Q: Was the Iraqi man conscious when you stood him up?

A: Yes.

Q: Was the Iraqi man injured when you stood him up?

A: He was hurting, but he stood up freely on his own.

Q: Did the Iraqi man say anything to you and SSG (b)(6), (b)(7)(C)

A: Yes in Arabic.

Q: Did any members of your squad ever question you regarding the circumstances under which SSG (b)(6), (b)(7)(C) shot and killed the Iraqi man?

A: Yes.

Q: Who?

A: I think it was PFC (b)(6), (b)(7)(C), PFC (b)(6), (b)(7)(C) and PV2 (b)(6), (b)(7)(C)

Q: What did you tell them happened?

A: That SSG (b)(6), (b)(7)(C) shot him.

Q: Who was the team that showed up after the incident?

A: I don't know.

Q: Do you know how the incident was reported to higher?

A: SSG (b)(6), (b)(7)(C) got on the radio and said we made contact with enemy personnel who fired one shot. We engaged and destroyed personnel.

Q: Did you report this incident to anyone else?

A: COL (b)(6), (b)(7)(C) and my wife.

Q: Why did you hit the Iraqi man with your flashlight?

A: One, SSG (b)(6), (b)(7)(C) told me to. I was enraged from the days events when my commander was killed. Because it was in my hand.

Q: Why didn't you stop SSG (b)(6), (b)(7)(C) from killing the Iraqi man or question what was happening when it became clear to you the Iraqi man was about to be killed?

A: Because he was my superior. I don't question my superiors. Up to the point when he told me to stand him up, I didn't think he was going to shoot him.

Q: Did you think it was lawful when SSG (b)(6), (b)(7)(C) told you to beat the Iraqi man and assist him making it appear as though the man had fired upon you?

A: No.

Q: Why did you not report this incident to the proper authorities until now?

A: I really don't know.

Q: Did you know you were assisting in covering up a crime when you placed the 9mm handgun into the hand of the Iraqi man and when you agreed upon a false account of what had actually occurred in the man's residence?

A: At that exact moment I did not feel it was a crime. We were only doing what we were told.

Q: Did you intend to beat the Iraqi man, assist SSG (b)(6), (b)(7)(C) in shooting him and cover up the incident when you learned the Iraqi man was confirmed to be a man on the list shown to you earlier?

A: No. I just did what I was told to do.

Q: What end of the flashlight did you use to hit the Iraqi man?

A: The handle end.

Q: Did you shoot the Iraqi man?

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

Page 2 of 3 Pages

"Statement of (b)(6), (b)(7)(C) taken on 17 NOV 04, at Fort Carson, CO, Continued:"

A: No.

Q: Is there anything else you would like to add to this statement?

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

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

ORGANIZATION AND ADDRESS

Subscribed and sworn to before me, a person authorized by law to (b)(6), (b)(7)(C), (b)(7)(F) at _____

Art 136, UCMJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

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

Page 3 of 3 Pages

EXHIBIT 2

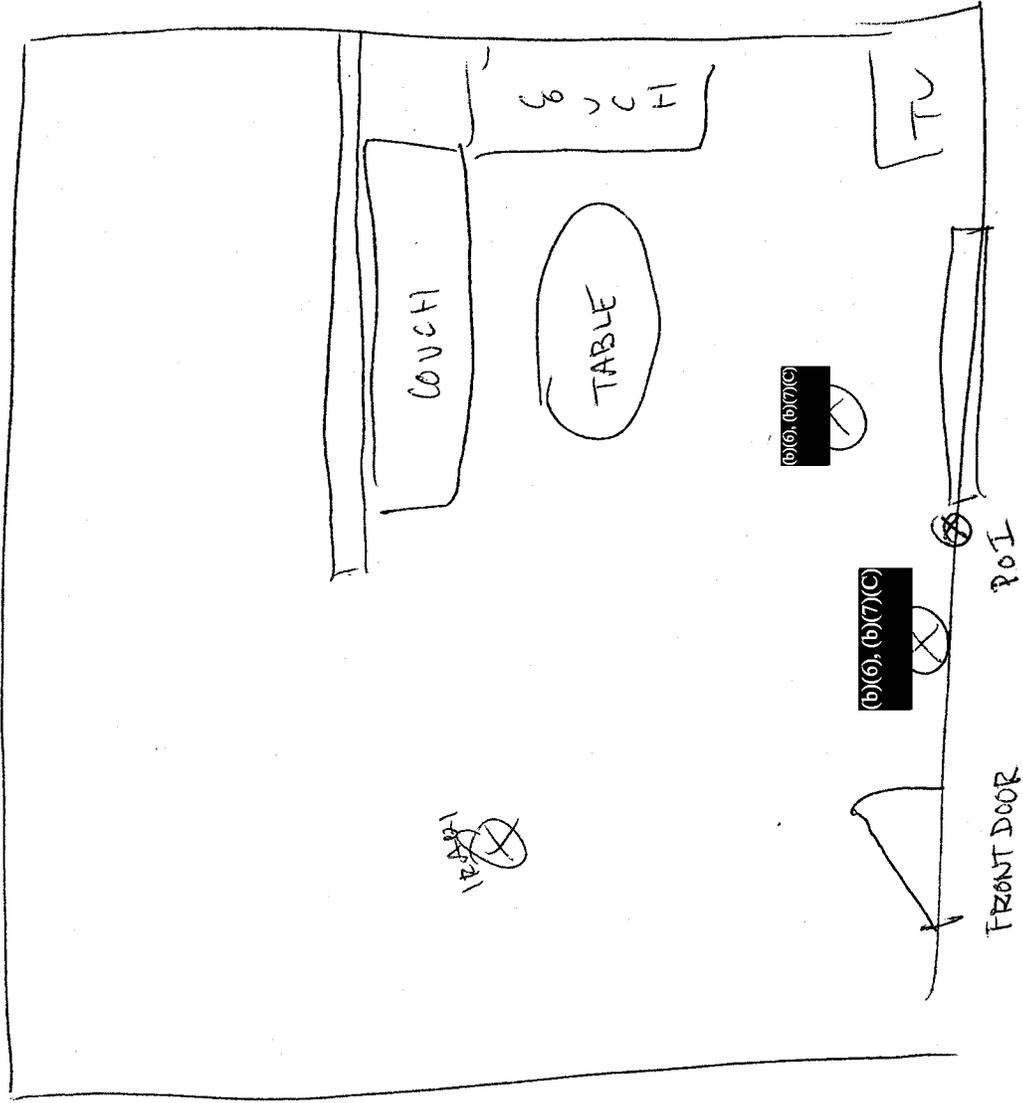
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LAW ENFORCEMENT SENSITIVE

WITNESSED BY:

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

17 Nov 04

LOCATION OF INCIDENT



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LAW ENFORCEMENT SENSITIVE

EXHIBIT 3

WITNESSED

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

176 Nov 2004

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For use of this form see AF 199-45, the proponent agency is ODCSOPS
LAW ENFORCEMENT SENSITIVE
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. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

1. LOCATION Building 1816, Fort Carson, CO 80913	2. DATE (YYYYMMDD) 2004/11/17	3. TIME 9:40pm	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 CIV/FM-W	
8. ORGANIZATION OR ADDRESS (b)(6), (b)(7)(C)			

9. I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

When my husband returned from Iraq in April, everything was normal. We went on leave and saw our families and friends and got reacquainted with each other. When we returned to Colorado, about a month later we were talking about Iraq and (b)(6), (b)(7)(C) told me he had to tell me about something that happened in Iraq. He told me I couldn't tell anyone and it was to stay between him and me. He told me he had to get it off his chest and that it had been bothering him ever since it happened. He told me that there was a raid scheduled for a certain night. That same night his commander was killed and everyone was on edge. They had decided to cancel the raid, since everyone had just witnessed their commander being killed and they didn't want anyone to do anything stupid or to get "revenge". After a while, they decided to go ahead and do the raid. People were sent out with lists of names as to who to look for. (b)(6), (b)(7)(C) group went into a house and pulled the family outside and pulled aside the only man in the group. They asked him what his name was and he said his name, being totally cooperative. Someone asked the translator if the name he said matched any of the names on the list. The translator agreed and they took him away from his family into a room. (b)(6), (b)(7)(C) and one other person took the man into a room, while the other soldiers took the family outside. The other person with (b)(6), (b)(7)(C) told him that they were going to kill this man. (b)(6), (b)(7)(C) didn't think that this man was really going to die. After they took him into the room they threw him on the ground and (b)(6), (b)(7)(C) superior told him to start beating him. So they started to hit him and (b)(6), (b)(7)(C) hit him with his maglite a few times. Then his superior told him to stop because they didn't want to have any bruises on this man to show that they were trying to beat him to "death" or that they had any kind of physical contact with this man. So he told (b)(6), (b)(7)(C) to stand the man up. (b)(6), (b)(7)(C) stood the man up and started to walk back towards his superior. He only got about 2 steps away and his superior shot the man. (b)(6), (b)(7)(C) was very upset and scared, taken aback that his superior had actually shot this man that was being so cooperative. The man just stood there, didn't show any signs of pain, or look like he had been shot. So, (b)(6), (b)(7)(C) superior shot him again a few times. This time he fell to the floor, but he was still breathing. So, he shot him again until he wasn't breathing any longer. Then, he told (b)(6), (b)(7)(C) to take his superiors gun and wipe his fingerprints off of it and put the dead mans fingerprints on the gun and put it with the body. (b)(6), (b)(7)(C) did what he was told. They then dragged the body out in front of the family while they were in tears and put the body on the vehicle and drove away as if nothing had ever happened. Later sometime, all the people that had done the raid got together and the superior said that "this is what really happened". He had fabricated a story to make it look like the Iraqi man had his family huddled around him in a room when they broke into the house. The Iraqi man fired one round at the soldiers and so they returned fire. That's how the man died. That was the story that was fabricated and should be told. The real story should never be told and it shouldn't ever be talked about. A few months ago, around October time, (b)(6), (b)(7)(C) confronted a soldier that had done the raid with him and he asked him if the incident "that night" had bothered him at all. The soldier told (b)(6), (b)(7)(C) that it hadn't been bothering him at all. (b)(6), (b)(7)(C) decided that he needed to see someone to talk about it because it had been bothering him so much. It was constantly on his mind, how an innocent man was killed. (b)(6), (b)(7)(C) told me, it was almost like he shouldn't have died because he had been shot so many times and he was just standing there...still breathing. Even after he had been shot so many times and been so cooperative, it couldn't escape his mind that this person was dead, and didn't deserve to die for any reason.

Q: Did you type the above-mentioned statement?
A: Yes.
Q: Did you make this statement of your own free will?
A: Yes.
Q: You stated that (b)(6), (b)(7)(C) was told to beat the man?
A: Yes.
Q: What did the superior tell (b)(6), (b)(7)(C) about killing that man?
A: My husband recalled the following comment from his supervisor, "We're going to kill this mother fucker".
Q: Did your husband offer any explanation for this comment?
A: My (b)(6), (b)(7)(C) stated that his superior was upset for the recent killing of his commander and that his superior might have prompted him for taking revenge on this man..

10. EXHIBIT	11. 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 _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT Fort Carson, CO DATED 17 NOV 2004

9. STATEMENT (Continued)

Q: Whose maglite was used?
 A: I think my husbands.
 Q: Where is that maglite now?
 A: I think it may be at the apartment.
 Q: What happened to the weapon that was left with the man?
 A: I just know they placed the man's finger prints on it. I don't know what happened with it after that.
 Q: Did your husband state he intended to kill that man?
 A: I don't know, however I know my husband was shaken from the incident with his commander dying.
 Q: Do you know the name of the person your husband confronted about the incident in Oct 04?
 A: No.
 Q: Do you know the name of the supervisor that shot the man?
 A: I don't know his name.
 Q: Do you know how many shots were fired at the man?
 A: No.
 Q: Did your husband tell about any other incidents he was involved with?
 A: No.
 Q: How has this incident affected your husband?
 A: He has trouble sleeping and depressed about the incident.
 Q: Do you recall where the man was hit with the maglite?
 A: I dont know.
 Q: Did anyone else witness the murder of the man?
 A: I believe it was just my husband with his supervisor actually killing the man.
 Q: Can you recall any of the details of the cover story they mad up?
 A: Yes, just that (b)(6), (b)(7)(C) was not in the room with the superior. It was someone else. The story was that the man fired at the soldiers and in turn the soldiers returned fire killing him.
 Q: Has your husband told anyone else about this killing?
 A: No just me.
 Q: Is there anything else you would like to add to this statement?
 A: NO (b)(6), (b)(7)(C) *[Signature]* (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, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17th day of November, 2004

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ART 136 (b)(4), UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

**FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE**

Date: 17 Nov 04	Consent To Search (USACIDC Supplement 1 to AR 190-22)	Time: 2323	(b)(6), (b)(7)(C)
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1. Name of person consenting to the search: (b)(6), (b)(7)(C)	2. Organization and location: E CO 1/8 INF FORT CARSON, CO 80913
---	--

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:
ASSAULT, MURDER

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: *(Initial and sign applicable blocks)*

a.	My Person	Initials	Signature
b.	My Quarters	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)

Located At: **(b)(6), (b)(7)(C)**

c.	My Vehicle	Initials	Signature
----	------------	----------	-----------

Located At:
Described As:

d.	Other	Initials	Signature
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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:
2 D-CELL MAG LIGHT, BLACK IN COLOR; DESERT BOOTS / **(b)(6), (b)(7)(C)**

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)
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FOR OFFICIAL USE ONLY

RIGHTS WAIVER CERTIFICATE
LAW ENFORCEMENT SENSITIVE

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 BDDG 1816, 5525 SPECKER AVE, FT CARSON	2. DATE 2004/11/18	TIME 08:18	FILE NO. (b)(6), (b)(7)(C)
5. NAME (Last, First, MI) (b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS E COMPANY, 115TH INFANTRY BATTALION FORT CARSON, CO 80913		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS E-3/ACTIVE		

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 and wanted to question me about the following offense(s) of which I am suspected CONSPIRACY, ACCESORY 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 question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

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. (b)(6), (b)(7)(C)
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR SA (b)(6), (b)(7)(C), (b)(7)(F)
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 45TH MP DET (CID) FT. CARSON, CO 80913

Section C. Non-waiver

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

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately lawyer before, during, and after questioning and to have a lawyer present you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

d. "If you are now willing to discuss the offense(s) under investigation with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate." Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

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LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

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

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. LOCATION Bldg 1816, 6625 SPECKER AVE., FT. CARSON	2. DATE (YYYYMM) TIME FILE NUMBER 2004/11/18 11:41
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	6. SSN (b)(6), (b)(7)(C)
8. ORGANIZATION OR ADDRESS E COMPANY, 118 TH INFANTRY BATTALION, FT. CARSON, CO 80913	7. GRADE/STATUS E-3/ACTIVE

9. (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the Day of January 2nd, 2004, My Platoon had received the order to conduct a night time raid on a town off of route Linda. My Platoon Sergeant & Team leader outlined my responsibilities to me and informed me that my primary purpose was to cordon & pull security. I was given this task mostly because I was a new soldier to not only the company, but also to the Army. Upon SP from FOB Eagle, I was told that we were in search of the planners, attackers, & financiers of our most recent mortar attacks, which cost the life of our commanding officer, CPT (b)(6), (b)(7)(C).

When the raid began, my squad raided & entered three houses, consecutively, without incident. I was at my position all three times, guarding the gates & front doors to the houses. When the third house had been raided, we waited for the detainees to be secured & moved to a choke point where another platoon would be guarding them. After that, our squad began movement to a fourth house. Before entering the gate, I was told by my (b)(6), (b)(7)(C) squad Sergeant, SSG (b)(6), (b)(7)(C), to hold position inside the gate & secure the (b)(6), (b)(7)(C)

10. EXHIBIT	11. INITIALS ON MAKING STATEMENT	PAGE 1 OF 9 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT 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.

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

LAW ENFORCEMENT SENSITIVE

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT BLDG 1815 DATED 2004/11/18

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

9. STATEMENT (Continued)

Front Doorway to the house, & to make sure no one came in or went out unless they were identified as being a member of our Unit and/or Squad.

The rest of the squad stacked on a wall, then entered the house. Minutes later, SSG (b)(6), (b)(7)(C) came to me & told me that I was to help gather the women & children into the front room, & that PFC (b)(6), (b)(7)(C) & I were to pull security on them. The other members of the squad were still searching the house, then SSG (b)(6), (b)(7)(C) came out to the front door with an adult male detainee. I was told to search the vehicle that was parked by the front door in a car port. While I was doing so, the detainee was being questioned as to his name, & whether he had some sort of identification card. When I had finished completing the vehicle search, I was told to pull security on the detainee, while SSG (b)(6), (b)(7)(C) checked his list of Suspected names. A moment later, SSG (b)(6), (b)(7)(C) had identified his name as being on on his list. His words were "This is one of them, his name is right here."

The women & children had started to cry & scream & were moving towards the front door, so myself & PFC (b)(6), (b)(7)(C) went back in to live them up in the living room & quiet them down. SSG (b)(6), (b)(7)(C) brought the man back inside to the open Dining area & told me to go outside & shut the front door & to pull security (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 2 OF 9 PAGES

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

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

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

STATEMENT OF

TAKEN AT

BUDG 1416

DATED

2004/11/18

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

9. STATEMENT (Continued)

on the gate to the house. My Team Leader, SGT (b)(6), (b)(7)(C) also told me not to let anyone in unless they were a U.S. Army soldier that I could identify or from my platoon. I went outside & pulled security on the house & front door.

I could see through my NVGs that another squad from another platoon were on movement down the street, in route to the house's position. A few minutes later, I heard shots being fired from inside the house. I was at first panicked, but then I remembered my duties & that I had to trust in the fact that the squad had the situation handled.

About ~~two~~ ^{three} or four or five minutes later, the front door opened, a PFC (b)(6), (b)(7)(C) came out with PFC (b)(6), (b)(7)(C) and told me they needed to get a body bag out of the Humvee parked along the road.

They brought the body bag back into the house, & closed the door again.

Five or so minutes ^{later}, the squad came out of the house, & I was told we were moving onto the next house. I could see my Squad Sergeant moving to contact the Platoon Sergeant, SFC (b)(6), (b)(7)(C)

While stacked in position & pulling security on a nearby wall, SSG (b)(6), (b)(7)(C) came up to me & knelt down beside me. He asked me if I understood what had happened & if I was OK. I told him that I had no idea what happened, but it seemed to me like they did what they had to do, & that I was fine.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 1 PAGES

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LAW ENFORCEMENT SENSITIVE

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

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

STATEMENT OF

TAKEN AT

BUDG 1816

DATED

2004/11/18

9. STATEMENT (Continued)

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

SSG (b)(6), (b)(7)(C) patted my shoulder, told me I was doing good for my first raid, & that I was to stay in my position while he checked the rest of the squad.

Following SSG (b)(6), (b)(7)(C) departure, my Team leader SGT (b)(6), (b)(7)(C) took a knee & asked me if I was all right. I told him I was a bit nervous, but I would be ok. He informed me that they had contact in the house & had opened fire. He asked me if I understood, & I said yes.

SSG (b)(6), (b)(7)(C) then called SSGs (b)(6), (b)(7)(C) back to our ~~position~~ choke point & await instructions. Thirty or so minutes went by & I could see the Squad leaders, Platoon Sergeant, & Platoon leader coordinating & it was put out that we would be moving back to the FOB soon. No one really spoke on the way back to FOB Eagle, & the next few days, the squad was silent on what had happened. I had sensed this, & had not questioned or (b)(6), (b)(7)(C) right up the incident for the rest of my time ~~in~~ deployed.

About a month after we got back to Garrison, SGT (b)(6), (b)(7)(C) told me that someone would probably contact me about that night, & to tell them the truth. He told me not to try & cover for anyone, & that what SSG (b)(6), (b)(7)(C) did was wrong. He

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

INITIALS OF PERSON MAKING STATE

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

PAGE 4 OF 9 PAGES

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

(b)(6), (b)(7)(C) LAW ENFORCEMENT SENSITIVE

STATEMENT OF [REDACTED] TAKEN AT Bldg 1816 DATED 2004/11/18

(b)(6), (b)(7)(C) 9. STATEMENT (Continued)

also told me not to worry about it since I was not involved in what happened inside the house.

The subject had not been brought up or questioned [REDACTED] to me until today, 18 November 2004.

Q: SA [REDACTED]

A: PFC [REDACTED]

Q: DID YOU WRITE THE NARRATIVE PORTION OF THIS STATEMENT?

A: Yes, I did.

Q: DID YOU WRITE THIS STATEMENT OF YOUR OWN FREE WILL?

A: Yes, I did, voluntarily.

Q: WHEN YOUR SQUAD WAS BEING BRIEFED DID SSG [REDACTED] HAVE A LIST WITH NAMES OF INDIVIDUALS YOU WERE LOOKING FOR?

A: He had been given a list of suspect names, but I never saw the list until the raid.

Q: WHEN YOU DID SEE THE LIST DID YOU NOTICE IF ANY OF THE NAMES WERE HIGHLIGHTED?

A: No. I didn't see any special notation or on any specific names.

Q: WAS IT STANDARD PROCEDURE NOT TO ALLOW ANYONE YOU COULD NOT IDENTIFY INTO THE AREA YOU WERE RAIDING?

A: No. It was a standing order not to let anyone who was not a United States Soldier, or member of your unit/task force pass a secured point.

Q: DID YOU EVER HEAR SSG [REDACTED] MAKE ANY COMMENTS ABOUT ANY OF THE NAMES ON THE LIST?

A: Only that the name on the list were directly related to attacks on FOB Eagle & 1/8 task forces.

Q: WHEN THE IRAQI MALE GAVE SSG [REDACTED] HIS I.D. DID SSG [REDACTED] HAVE TO HAVE IT TRANSLATED FOR HIM?

A: There were no translators present, & the I.D. card were printed out in english spelling. The name the Iraqi male gave us was not the name on his card, but the male wanted an inserted photo on the card.

Q: AT ANY TIME DURING THE RAID ON THIS HOUSE WERE ANY OF YOUR SQUAD MEMBERS SENT AWAY FROM THE HOUSE?

A: No. Besides myself, all other squad member never lost the limits of [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 5 OF 9 PAGES

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EXHIBIT

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(b)(6), (b)(7)(C) FOR OFFICIAL USE ONLY LAW ENFORCEMENT SENSITIVE

STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT BUDG 1816 DATED 2004/11/18

9. STATEMENT (Continued)

the house or security area.

Q: WHEN SSG **(b)(6), (b)(7)(C)** TOLD YOU TO LEAVE THE HOUSE, AFTER HE BROUGHT THE IRAQI MALE BACK INSIDE, WERE YOU THE ONLY ONE THAT WENT BACK OUTSIDE?

A: SGT **(b)(6), (b)(7)(C)** had momentarily stepped out of the house to make sure I knew where to position myself by the gate, but then he went back inside.

Q: WERE THE WOMEN AND CHILDREN MOVED OUT OF THE HOUSE?

A: Yes, they were lining the wall in front of the carport, next to the front door.

Q: DO YOU REMEMBER WHO WAS GUARDING THE WOMEN AND CHILDREN?

A: It was never specifically tasked out to me, but I had assumed that it was my responsibility.

Q: THERE WASN'T ANYONE ELSE **(b)(6), (b)(7)(C)** FROM YOUR SQUAD OUTSIDE THE HOUSE WITH THE WOMEN AND CHILDREN?

A: No, not that I remember.

Q: DO YOU REMEMBER HOW MANY SHOTS YOU HEARD?

A: I believe it was three separate shots.

Q: COULD YOU TELL WHAT KIND OF WEAPON THE SHOTS CAME FROM?

A: They sounded like single shots from an M16 to me.

Q: WHEN YOUR SQUAD CAME BACK OUT OF THE HOUSE DID THEY BRING THE BODY OUT WITH THEM?

A: I was receiving instruction to head out to the wall across the street, & didn't physically see a body, or body bag being brought out.

Q: DID SSG **(b)(6), (b)(7)(C)** REPORT WHAT HAD HAPPENED BEFORE YOUR SQUAD LEFT THE AREA?

A: The only report I heard was over an ICOM that the squad had contact inside the house. While the squad was moving out of the area, I could see SSG **(b)(6), (b)(7)(C)** moving towards the Platoon Sergeant, presumably to report what had happened.

Q: DID YOU EVER SEE SSG **(b)(6), (b)(7)(C)** CARRYING A 9MM PISTOL?

A: I did not see a 9mm pistol, but I could hear him explaining to someone that the detainee was armed with a 9mm.

Q: WHEN SSG **(b)(6), (b)(7)(C)** BROUGHT THE IRAQI MALE TO THE CARPORT DID YOU SEE ANY WEAPONS ON THE IRAQI MALE?

A: No. Never. He was searched & no weapons were found.

Q: FROM WHAT YOU KNEW OF RAIDS, AFTER AN INDIVIDUAL WAS IDENTIFIED AS A PERSON TO BE

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

PAGE 6 OF 9 PAGES

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

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

LAW ENFORCEMENT SENSITIVE

STATEMENT OF

TAKEN AT

BUDG 1616

DATED

2004/11/18

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

9. STATEMENT (Continued)

DETAINED, WERE THEY EVER BROUGHT BACK INTO A HOUSE?

A: No. Usually after being zip-tied & detained, they were questioned on site, or brought to a check point or gathered into a vehicle to be transported to the FOB for detention.

Q: WAS THE IRAQI MALE FROM THIS HOUSE ZIP-TIED AFTER HE WAS IDENTIFIED?

A: Not that I knew of. He was not zip-tied while he was in my view.

Q: AFTER YOU HEARD THE SHOTS AND WERE GETTING READY TO LEAVE THE AREA, WHAT DID YOU THINK SSG (b)(6), (b)(7)(C) MEANT WHEN HE ASKED YOU IF YOU UNDERSTOOD WHAT HAD HAPPENED?

A: I think he was assessing whether or not I knew what went on inside the house, & if I had an objection to it.

Q: WHAT DO YOU THINK HAPPENED INSIDE THE HOUSE?

A: It is my opinion that the Iraqi male was found to be connected with the attacks on the FOB, & that coupled with the fact that our C.O. had died from the attack, the Iraqi male was killed for it.

Q: WHO DO YOU THINK KILLED THE IRAQI MALE?

A: Not having witnessed it for myself, I can't tell. But with the manner of which SSG (b)(6), (b)(7)(C) handled it, I believe he was either the shooter, or one of the shooters involved.

Q: WHEN SGT (b)(6), (b)(7)(C) INFORMED YOU THEY HAD HAD CONTACT WHAT DID HE TELL YOU?

A: He told me that they had the Iraqi male inside the house & that the Iraqi male had, or was reaching for, what could have been a weapon. It didn't seem to fit, being as how the house & the Iraqi male had been searched previously.

Q: DID SSG (b)(6), (b)(7)(C) OR (b)(6)(b)(7) EVER TELL YOU WHAT TO SAY IF SOMEONE ASKED ABOUT THE INCIDENT?

A: SSG (b)(6), (b)(7)(C) never instructed me one way or another. SGT (b)(6), (b)(7)(C) told me after the unit got back to Garrison, that is it were ever brought up or I was questioned about it, that I should be honest & tell what I knew or saw had happened.

Q: DO YOU REMEMBER THE NAME THE IRAQI MALE GAVE SSG (b)(6), (b)(7)(C)?

A: NO.

Q: DO YOU REMEMBER THE NAME THAT WAS ON THE IRAQI MALE'S I.D. CARD?

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE

7 OF 9

PAGES

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LAW ENFORCEMENT SENSITIVE

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT BLDG 1816 DATED 2004/11/18

9. STATEMENT (Continued)

A: NO. But when the male verbally gave his name I do remember that it was not the name on the I.D. card. He gave a name shorter & that sounded unlike the name that appeared on the I.D. card.

Q: DO YOU KNOW WHO TOOK THE BODY FROM THE HOUSE?

A: No. I don't remember who carried it or who transported it out of the house or to any vehicle.

Q: ON THE NIGHT OF THE INCIDENT DID YOU BELIEVE THE IRAQI MALE HAD BEEN MURDERED?

A: I do believe so, but cannot prove to anyone without seeing it or being inside the house. I do not believe that it was a matter of self defense.

Q: DID YOU EVER REPORT YOUR BELIEF'S TO ANYONE?

A: NO. After being redeployed back to Fort Carson, I was reluctant to bring the subject up.

Q: HAVE YOU LIED ON ANY PORTION OF THIS STATEMENT?

A: NO. I have presented what ever I can remember & what I know to be true.

Q: HOW DO YOU FEEL YOU HAVE BEEN TREATED HERE TODAY?

A: With Courtesy & professionalism. I do not, & have not, felt threatened or mislead by the questioning here today.

Q: DO YOU HAVE ANYTHING YOU WISH TO ADD TO YOUR STATEMENT?

A: When the incident occurred, I didn't know what to do, or how to react, but having looked back on it, I feel like I was part of something wrong & that my Nerve of the situation at the time was taken advantage of. I do not believe that it is acceptable for ANY soldier to take those kind of situations unto themselves. I could also sense from SGT (b)(6), (b)(7)(C) that he & I shared the same opinion on this incident.

Q: DO YOU HAVE ANYTHING ELSE YOU WISH TO ADD TO THIS STATEMENT?

A: No, I do not. /// End of Statement /// (b)(6), (b)(7)(C)

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

PAGE 8 OF 9 PAGES

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

LAW ENFORCEMENT SENSITIVE

STATEMENT OF

TAKEN AT

BLOG 1816

DATED

2004/11/18

9. STATEMENT (Continued)

This Page Not Used

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

AFFIDAVIT

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

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 9. 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 (b)(6), (b)(7)(C) OR OTHER PENALTY.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18TH day of NOVEMBER, 2004 at BLOG 1816, 6525 SPECKER AVE., FORT CARSON, CO 80913

(b)(6), (b)(7)(C)
(Signature of Person Administering Oath)

SA (b)(6), (b)(7)(C), (b)(7)(F)
(Typed Name of Person Administering Oath)

ARTICLE 176(b), UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 9 OF 9 PAGES

RIGHT TO REFUSE QUESTIONING PROCEDURE/WAIVER CERTIFICATE

For use of this form see AR 100-20, the promulgating agency's GDS/CS/PS

FOR OFFICIAL USE ONLY

DATA REQUIRED BY THE PRIVACY ACT
LAW ENFORCEMENT SENSITIVE

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 Fort Carson Co	2. DATE 18 Nov 84	3. TIME 0908 (b)(6), (b)(7)(C)	4. FILE NO.
5. NAME (Last, First, MI) (b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS E Company, 1-8th Infantry Battalion Fort Carson, Co 80913		
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS E4/SP4		

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
AS A Special Agent and wanted to question me about the following offense(s) of which I am
suspected/ (b)(6), (b)(7)(C) Accessory to Murder, Cmsp. 1111

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject 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) Q. Have you been advised of your rights as a suspect and request a lawyer in the past five years? NO (b)(6), (b)(7)(C)

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE (b)(6), (b)(7)(C)
1a. NAME (Type or Print)		4. GRADE/STATUS OF INTERVIEWEE (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 48th MP Det CID Fort Carson, Co 80913

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"
 (If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"
 (If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?"
 (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

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LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

LOCATION DATE TIME FILE NUMBER

Fort Carson, Co 18 Nov 04 1037 (b)(6), (b)(7)(C)
NAME SSN GRADE/STATUS

(b)(6), (b)(7)(C) E41 SPC
ORGANIZATION/ADDRESS:

E Company, 1-8th Infantry Battalion, Fort Carson, Co 80913

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

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

Around lunch time on January 2 2004
we were attacked with mortars. One
of the mortar hit our company commander
C-Hot & killed him & wounded several
others that made me really sad &
upset cause our company commander was
a great guy. That evening we were
suppose to go on a raid & we
were told because of the casualty we
will not going to go then around
10pm we were told that we were
going to go & we got the op
order on a community outside of
Balad of known terrorists. There
were several raids that we had to
perform. The was a list of
marker names we were looking for
on one house we entered the
fence w area & I was told
to pull security on the outside
of the house. I heard several
M16 rounds & a couple of pistol rounds

Initials of Person Making Statement (b)(6), (b)(7)(C) Page 1 of 11 Pages (b)(6), (b)(7)(C)

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

Statement of [redacted], taken at [redacted] 4011 AB Detachment, Fort Carson, CO, dated 18 NOV 04

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

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LAW ENFORCEMENT SENSITIVE

go off + I was told to
go get a body bag + I
brought it in the house + Sgt
[redacted] + [redacted] put the DEAD
body in the bag + we took it
to a Humvee. SSG [redacted] told me
that that is what happen
+ that that is what happen
+ to write it on a sworn
STATEMENT. So I did + handed
it to Lt [redacted]

Q. SA [redacted].

A. SPC [redacted]

Q. Did you write the aforementioned statement?

A. yes

Q. You stated you were to go out on a raid, who told you about the planned raids?

A. SSG [redacted]

Q. Who is SSG [redacted]

A. my SQUAD LEADER

Q. How many people were in your raid team?

A. 7

Q. Who were those seven people?

A. SSG [redacted], SGT [redacted], SGT [redacted], PFC [redacted],
PFC [redacted], PFC [redacted] + myself

Q. What is SSG [redacted] first name?

A. NOT SURE

Initials of Person Making Statement [redacted]

Page 2 of 11 Pages [redacted]

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

0489-04 CID 157 763

Statement of
Continued:

FOR OFFICIAL USE ONLY

dated 18 Nov 68 (b)(6), (b)(7)(C)

LAW ENFORCEMENT SENSITIVE

Q. What is SGT (b)(6), (b)(7)(C) first name?

A Not sure

Q. What is SGT (b)(6), (b)(7)(C) first name?

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

Q. What is PFC (b)(6), (b)(7)(C) first name?

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

Q. What is PFC (b)(6), (b)(7)(C) first name?

A Not sure

Q. Where is SSG (b)(6), (b)(7)(C) now?

A Michigan Recruiting

Q. Where is SGT (b)(6), (b)(7)(C)?

A Clergy getting ready to go to Ft Campbell

Q. Where is SGT (b)(6), (b)(7)(C)?

A ETS

Q. Where is PFC (b)(6), (b)(7)(C)?

A Ft Leonard Wood sniper school

Q. Where is PFC (b)(6), (b)(7)(C)?

A still in company

Q. You stated a list was provided with names of males. Who provided the list of names?

A SSG (b)(6), (b)(7)(C) was the only person I saw it with

Q. Did SSG (b)(6), (b)(7)(C) say where he got the list?

A No

Q. How many names were on the list?

A Roughly 8 NAMES

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 3 of 11 Pages (b)(6), (b)(7)(C)

DA Form 2823 (Automated)

FOR OFFICIAL USE ONLY

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

Statement of
Continued:

taken at the 48th MP Detachment, Fort Carson, CO, dated 14 JAN 04 (b)(6), (b)(7)(C)

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LAW ENFORCEMENT SENSITIVE

Q. were any of the names "highlighted"?

A. I was just READ the NAMES I
NEVER saw the list

Q. During the raids your squad concluded
how many Iraqi nationals were killed on
2 JAN 04?

A ONE

Q. Do you know what the name of the
town was where the Iraqi was killed?

A NO

Q. Do you know the name of the Iraqi that
was killed?

A NO

Q. When your squad arrived at the house
where the man was killed, did you go
inside the house prior to the mans death?

A I stepped foot in the house but
was told to go outside & pull
security I did not go through the
whole house

Q. Who told you to go out and pull security?

A. SSG (b)(6), (b)(7)(C)

Q. Who stayed in the house with SSG (b)(6), (b)(7)(C)

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

Q. Where were the other squad members?

A. Myself Sgt (b)(6), (b)(7)(C) & (b)(6)(b)(7)(C) were pulling
security I DONA know were (b)(6), (b)(7)(C) & Sgt (b)(6), (b)(7)(C) were

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 4 of 11 Pages (b)(6), (b)(7)(C)

Statement of (b)(6), (b)(7)(C) taken at the 42nd MP Detachment, Fort Carson, CO, dated 16 Nov 01 (b)(6), (b)(7)(C)
Continued:

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LAW ENFORCEMENT SENSITIVE

Q. When you left the house how many Frag's were in the residence?

A. I don't know

Q. ~~Were~~ ^{(b)(6), (b)(7)(C)} were any women or children present at the residence?

A. I saw several women + children after the shooting

Q. Where were the women and children after the shooting?

A. outside the house

Q. Was anyone watching the women and children?

A. I don't remember

Q. After you were told to leave the house how long was it before you heard shooting?

A. 2-3 min roughly

Q. What type of gun fire did you hear first?

A. M16

Q. How many rounds did you hear fired from an M16?

A. ~~5-10 rds~~ ^{(b)(6), (b)(7)(C)} couple of M16 rds + few A couple of 9mm rounds + few more M16 rds

Q. How do you know the other rounds fired were 9mm?

A. I saw the pistol

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 5 of 11 Pages (b)(6), (b)(7)(C)

Statement of (b)(6), (b)(7)(C) taken at the 48th MP Detachment, Fort Carson, CO, dated 13 Nov 04 (b)(6), (b)(7)(C)
Continued:

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LAW ENFORCEMENT SENSITIVE

Q When did you see the .9mm weapon?

A Ssg (b)(6), (b)(7)(C) had it after the shooting

Q After the shooting when did you go into the residence?

A I don't remember who but somebody told me to go get a body bag & I got it from a Humvee & then took it into the house

Q What did you see when you entered the house?

A A Dead Iraqi male

Q Who else was in the house?

A Sgt (b)(6), (b)(7)(C), (b)(6), (b)(7)(C), Ssg (b)(6), (b)(7)(C) & (b)(6), (b)(7)(C)

Q How was the Iraqi male wounded?

A I don't know I don't stare at the body

Q Who put the body in the body bag?

A I know Sgt (b)(6), (b)(7)(C) & I'm not sure whether (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) did it

Q What did Ssg (b)(6), (b)(7)(C) say happened to the Iraqi male?

A He didn't say he told me that he & him killed the Iraqi

Q Where you present in the house when the Iraqi male was killed?

A NO

Q Did you shoot the Iraqi male?

Initials of Person Making Statement (b)(6), (b)(7)(C) Page 6 of 11 Pages (b)(6), (b)(7)(C)

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

Statement of
Continued:

taken at the 48th MP Detachment, Fort Carson, CO, dated 18 June 04 (b)(6), (b)(7)(C)

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LAW ENFORCEMENT SENSITIVE

A. No

Q. Do you know who shot the Iraqi?

A. SSG (b)(6), (b)(7)(C)

Q. What happened to the Iraqi's body?

A. We put it w A Hummer

Q. Do you know where the body was taken?

A. No

Q. Do you know who was driving the Hummer?

A. No Aco Sgt was driving the Hummer

Q. Why did you agree with SSG (b)(6), (b)(7)(C) to make a statement saying you shot the Iraqi?

A. I was told to (b)(6), (b)(7)(C)

Q. When did you make your written statement to LT (b)(6), (b)(7)(C)?

A. roughly 2-3 day after

Q. Do you know if the Iraqi was armed at the time he was shot?

A. I don't know

Q. What happened to the Gimm?

A. I don't know

Q. Did you conspire with SSG (b)(6), (b)(7)(C) to kill the Iraqi national?

A. No I had nothing to do with this

Q. Why did you not report to LT (b)(6), (b)(7)(C) that SSG (b)(6), (b)(7)(C) told you to lie?

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 7 of 11 Pages (b)(6), (b)(7)(C)

DA Form 2823 (Automated)

FOR OFFICIAL USE ONLY

Statement of (b)(6), (b)(7)(C) en at the 49th MP Detachment, Fort Carson, CO, dated 18 Nov 01 (b)(6), (b)(7)(C)
Continued:

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LAW ENFORCEMENT SENSITIVE

A. I don't know

Q. Do you understand what a lawful order is?

A. yes only the ^{morally} right way with order you have a right to refuse them

Q. Do you feel SSG (b)(6), (b)(7)(C) asking you to lie about the death of someone was a lawful order?

A. no

Q. Do you know the name of the Iraqi that was killed?

A. no

Q. Was anyone else killed during the raids your squad conducted on 2 JAN 04?

A. no

Q. Who was the highest ranking person on your squad?

A. SSG (b)(6), (b)(7)(C)

Q. Was anyone else present when SSG (b)(6), (b)(7)(C) told you to lie and say the Iraqi shot at you and SSG (b)(6), (b)(7)(C)

A. I think the whole squad was there but not sure

Q. What did you think when SSG (b)(6), (b)(7)(C) first told you to lie about the incident?

A. I didn't think much about it I just did it

Statement of (b)(6), (b)(7)(C) at the 48th MP Detachment, Fort Carson, CO, dated 15 JAN 04 (b)(6), (b)(7)(C)
Continued:

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE

Q. Has Anyone talked to you about this incident prior to today other than LT (b)(6)(b)(7)(C)

A. PFC (b)(6)(b)(7)(C) (b)(6), (b)(7)(C) asked me it the night of 2 JAN gave me trouble sleeping + I SAID NO

Q. What time did the incident happen?

A. After Midnight of 03 JAN (b)(6), (b)(7)(C)

Q. Do you mean it happened in the early morning hours of 3 JAN 04?

A. YES

Q. After the incident what happened to the residence?

A. We just left + we left the family

Q. During the incident involving the death of the Iraqi did you fire any rounds from your weapon?

A. NO

Q. Did Anyone other than SSA (b)(6), (b)(7)(C) fire rounds from their weapons during the incident?

A. NO

Q. How do you know only SSA (b)(6), (b)(7)(C) fired rounds?

A. Cause (b)(6)(b)(7)(C) SAID HE DIDN'T

Q. When you returned from your mission did you have to account for your rounds?

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 9 of 11 Pages (b)(6), (b)(7)(C)

DA Form 2823 (Automated)

Statement of (b)(6), (b)(7)(C) taken at the 48th MP Detachment, Fort Carson, CO, dated 18 NOV (b)(6), (b)(7)(C)
Continued:

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LAW ENFORCEMENT SENSITIVE

A- NO

Q. Do you wish to add anything else to your statement at this time?

A. I did not fire a round out of my weapon.

/// END of STATEMENT /// (b)(6), (b)(7)(C)

Not USED

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

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 10 of 11 Pages (b)(6), (b)(7)(C)

Statement of (b)(6), (b)(7)(C) taken at the 10th MP Detachment, Fort Carson, CO, dated 12 Nov 04 (b)(6), (b)(7)(C)
Continued:

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LAW ENFORCEMENT SENSITIVE

AFFIDAVIT

(b)(6), (b)(7)(C) I, (b)(6), (b)(7)(C) did or had read to me this statement, which begins on page I and ends on page 10. I fully understand the contents of the entire statement made by me. The statement is true and I have initialed all corrections and 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)

WITNESS:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of NOVEMBER, 2004 at Fort Carson, CO 80913

(Signature of Witness)

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

(Typed Name of Witness)

(Administering Oath)

(Organization of Witness)

SA (b)(6), (b)(7)(C)
(Typed Name of Person Administering Oath)

ART 136, UCMJ
(Authority To Administering Oath)

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 11 of 11 Pages (b)(6), (b)(7)(C)

DA Form 2823 (Automated)

FOR OFFICIAL USE ONLY
RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use of the Department of Defense, the Department of Justice, and the Department of State
LAW ENFORCEMENT SENSITIVE

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>Ft Carson CO</i>	2. DATE <i>18 NOV 04</i>	3. TIME <i>0915</i>	4. FILE NO. <i>0489-04-C100567</i>
5. NAME (Last, First, MI) <i>(b)(6), (b)(7)(C)</i>	8. ORGANIZATION OR ADDRESS <i>4th ENG, 3 BDE</i>		
6. SSN <i>(b)(6), (b)(7)(C)</i>	7. GRADE/STATUS <i>E-6/Active Ft Carson CO 80913</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 *Criminal Investigation* and wanted *(b)(6), (b)(7)(C)* about the following offense(s) of which I am suspected/a *(b)(6), (b)(7)(C) Conspiracy and Accessory to Murder II*

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject 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 <i>(b)(6), (b)(7)(C)</i>
1a. NAME (Type or Print)		4. <i>(b)(6), (b)(7)(C)</i>
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. <i>SA (b)(6), (b)(7)(C)</i>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <i>48th MP Det (CID)</i>

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 2828) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED 104

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate." Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

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LAW ENFORCEMENT SENSITIVE
SWORN STATEMENT

LOCATION DATE TIME FILE NUMBER

Ft Carson CO

18 Nov 04 1513

NAME

SSN

GRADE/STATUS

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

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

E-6 / Active

ORGANIZATION/ADDRESS:

A Co 4th SFG, 3 BDE, Fort Carson CO 80913

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

On 2 Jan 04, My squad 2nd squad 1st platoon B Co 4th SFG was tasked out to A Co 1st INF BN to execute a raid on a nearby village which informants told us officials that housed persons responsible for a mortar attack earlier that day which took the life of our commander CPT. (b)(6), (b)(7)(C). The raid was planned earlier than 2 Jan 04 for that particular village but with new information it was bumped on priority list. The original mission was to detain an arms dealer which live in the village and search for cache of weapons. Before mission kicked off we were told that the ones responsible for CPT (b)(6), (b)(7)(C) death could be in this village. It was questionable whether or not we should attend this raid with regards to the commander's death and others injuries that day. Our squad leader SSG (b)(6), (b)(7)(C) reassured chain of command that we were professionals and we would handle our selfs professionally. They agreed to let us attend the mission. For the

In the early morning hours we raided the village by Humvee's and searched the village house to house. Team Alpha (A) was a ^{Squad} ~~Team~~ of Inf & Team Bravo (B) was a Squad of Engineers. Team B was to search the west side of the village which consisted of 6-8 houses. We detained several males which names had been Initials of Person Making Statement (b)(6), (b)(7)(C) Page 1 of 1 Pages

Statement of (b)(6), (b)(7)(C) taken at the 18th MP Detachment, Fort Carson, CO, dated 18 NOV 04
Continued:

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LAW ENFORCEMENT SENSITIVE

on a list given to us ^{(b)(6), (b)(7)(C)} by mission commander. These people were wanted for questioning in arms dealing & attacks on U.S. Forces. We brought all detainees to the control point on the southern most road of the village. As we were proceeding back to our assigned section, one of the detainees escaped over a wall back into the middle section of ^{houses} ~~houses~~ ^{(b)(6), (b)(7)(C)}. A tm would be sweeping back thru ^{(b)(6), (b)(7)(C)} though houses so Btm remained in a security position on the west side of the village. After the detainees re-apprehension Tm B was instructed to search a house on the northern & western most corner of the village. The house was a one story house with a roof access in the center, it was surrounded by 3 walls left in the front & 2 sides. A partial wall was to the rear of the house with a wooded area beyond that. My self and my team (Sec A) were to coordinate security around the sides and in the courtyard ^{(b)(6), (b)(7)(C)}. I placed one soldier to the right of the house and one on the left to pull security and I remained in the courtyard by the front gate. The other section (Sec B) consisted of Squad leader SSG ^{(b)(6), (b)(7)(C)} and Btm leader SGT ^{(b)(6), (b)(7)(C)} they were the clearing team. I saw them induce a soft entry by kneeling on the door of the house. A gentle man opened the door. SSG ^{(b)(6), (b)(7)(C)} asked the gentle mans name. The gentleman happened to be one of the names on the list so SSG ^{(b)(6), (b)(7)(C)} brought him outside and asked him to stand by while himself and SGT ^{(b)(6), (b)(7)(C)} searched the house. I had eyes on the gentle man gentleman while SSG ^{(b)(6), (b)(7)(C)} & SGT ^{(b)(6), (b)(7)(C)} searched the house. ~~Routes of the~~ ^{(b)(6), (b)(7)(C)}

Initials of Person Making Statement ^{(b)(6), (b)(7)(C)} Page 2 of ___ Pages

Statement of (b)(6), (b)(7)(C) en at the 48th MP Detachment, Fort Carson, CO, dated 18 NOV 04
Continued:

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LAW ENFORCEMENT SENSITIVE

~~was a 9mm pistol~~ SSG (b)(6), (b)(7)(C) asked the man if he had weapons at his home the man replied with a "no" even after SSG (b)(6), (b)(7)(C) pointed to his weapon while asking the question and motioning in the home. The results of search was a 9mm pistol with full magazine. SSG (b)(6), (b)(7)(C) showed pistol to the man and asked why he lied. The man replied with "in sorry", then offered SSG (b)(6), (b)(7)(C) a cigarette. He accepted and both smoked while SSG (b)(6), (b)(7)(C) questioned him about any other weapons or mortars. The man motioned in SSG (b)(6), (b)(7)(C) asked "what?" The man said, "please". So SSG (b)(6), (b)(7)(C) + SGT (b)(6), (b)(7)(C) went inside of the home with the gentleman. His 3 wives and 8 or so children were brought out of the house. This put them in my control. I saw them down outside the front gate were a bench was and additional security by the IMF in a security position could help keep eye on them. Coming back in the gate the front door was closed. I heard gun shots from within the house. I ran up to the door and SSG (b)(6), (b)(7)(C) + SGT (b)(6), (b)(7)(C) were coming out carrying another 9mm pistol. SSG (b)(6), (b)(7)(C) told me the gentleman walked into a room grab something from a pile of rubble and pointed it at me then an SSG (b)(6), (b)(7)(C) shot the man that he was dead. SSG (b)(6), (b)(7)(C) + SGT (b)(6), (b)(7)(C) searched the house more thoroughly and had called 1LT (b)(6), (b)(7)(C) over to house to explain situation. Lt (b)(6), (b)(7)(C) called it up to here we collapsed position.

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

A - SSG (b)(6), (b)(7)(C)

Q - Did you write this statement?

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

Initials of Person Making Statement (b)(6), (b)(7)(C) Page 3 of Pages

Statement of (b)(6), (b)(7)(C) taken at the 48th MP Detachment, Fort Carson, CO, dated 18 NOV 04
Continued:

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LAW ENFORCEMENT SENSITIVE

Q - Who were the members of your Squad?

A - SSG (b)(6), (b)(7)(C) Sg Ldr / SGT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) Tailors
PVT (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) PVT (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) Don't Believe Present
Time of mission

Q - Has this team cleared houses together before this

A - Yes, PVT (b)(6), (b)(7)(C) was a new member to Squad and on First mission with Squad. PVT (b)(6), (b)(7)(C) was part of (Sec A) SgV Team.

Q - Do you know what happened to the list with the names to be searched?

A - When names were matched to bodies at Controll Point and after mission the list should have been turned into ILL (b)(6), (b)(7)(C)

Q - Were any of the names on the list distinguished by any means from other names on the list?

A - Check mark by apprehenders & highlighted primord suspected of living in the area.

Q - How many names were highlighted?

A - Two to three names

Q - Was the name of the individual that was shot highlighted?

A - Don't Remember (b)(6), (b)(7)(C)

Q - Where were you when the individual was shot?

A - At Front gate By Street Controlling Vehicle + Childcar

Q - How many shots did you hear coming from the house?

A - 4 or 5 shots.

Q - Do you know what type of weapons were fired?

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 4 of Pages

Statement of (b)(6), (b)(7)(C) at the 48th MP Detachment, Fort Carson, CO, dated 18 Nov 04
Continued:

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LAW ENFORCEMENT SENSITIVE

A. M4 carbine 5.56mm

Q - Did you hear shots from the gun?

A. Can not distinguish difference from gun on M16 inside a house behind a door with cushions + blankets.

Q - Had you seen the gun that they brought from the house before?

A. No.

Q - Did SSG (b)(6), (b)(7)(C) talk to the squad after the incident?

A. Yes, he explained what happened to keep squad informed and told everyone in squad good job with execution of our part of the mission.

Q - Can you be more specific about what (b)(6)(b)(7)(C) told the squad?

A. Same as in statement only extra is that SSG (b)(6), (b)(7)(C) suggested PFC (b)(6), (b)(7)(C) get credit for the shooting in defense of the squad.

Q - Did SSG (b)(6), (b)(7)(C) say or do anything that would lead you to believe it did not happen as you stated it?

A. No, he was confident and backed by Sgt (b)(6), (b)(7)(C)

Q. Did you discuss this situation with anyone after the incident?

A. Yes, SFC (b)(6), (b)(7)(C) + 2Lt (b)(6), (b)(7)(C)

Q. Have you discussed the situation with any of your soldiers since you returned from Iraq?

Initials of Person Making Statement (b)(6), (b)(7)(C)

Page 5 of Pages

Statement of (b)(6), (b)(7)(C) at the 48th MP Detachment, Fort Carson, CO, dated 18 NOV 04
Continued:

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LAW ENFORCEMENT SENSITIVE

A - Don't believe so
Q - Having reviewed your statement is there anything you want to add to this statement?

A - ~~The initial soft entry consisted of SSG (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) while (b)(6), (b)(7)(C)~~

1.) SSG (b)(6), (b) was in charge of team entering house can't be sure of team members. Constantly switching positions.

2.) I remember SSG (b)(6), (b)(7)(C) & another soldier re-entering house. ~~(b)(6), (b)(7)(C)~~ PFC (b)(6), (b)(7)(C) & SSG (b)(6), (b)(7)(C) re-entered house shots were fired. PFC (b)(6), (b)(7)(C) & SSG (b)(6), (b)(7)(C) exited house carrying 9mm pistol man was DEAD.

PFC (b)(6), (b)(7)(C) made a statement along the lines of "he wouldn't die so I had to beat him in the head." Paraphrase of PFC (b)(6), (b)(7)(C) statement to me

(b)(6), (b)(7)(C) NOT USED (b)(6), (b)(7)(C)

3.) Both SSG (b)(6), (b)(7)(C) carried Iraqi 9mm pistols in our Camel Paks AS A second weapon.

(b)(6), (b)(7)(C) NOT USED (b)(6), (b)(7)(C)

4.) I expressed concern of how SSG (b)(6), (b)(7)(C) handled the squad that night and every night to PSG & Lt AND WAS ADVISED BY PSG THAT SSG (b)(6), (b)(7)(C) Leadership style AND OPERATIONAL EXECUTION WERE DIFFERENT. I also explained that PFC (b)(6), (b)(7)(C) was not in the house that he was with me OUTSIDE of the fence ~~at~~ AT the time of the shooting secured as well as PFC (b)(6), (b)(7)(C) I did not want him AWARDED for something he didn't do.

Initials of Person Making Statement (b)(6), (b)(7)(C) Page 6 of Pages

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

Case No.

"Statement of (b)(6), (b)(7)(C) taken on 18 Nov 04 at Fort Carson, CO, continued."

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LAW ENFORCEMENT SENSITIVE

Q - Did you speak with PVT (b)(6), (b)(7)(C) after the incident?

A - Yes, I explained to him to tell the truth of what he saw to anyone asking on what happened that night such as Chain of Command.

Q - Can you describe the pistol that SSG (b)(6), (b)(7)(C) had in his car/bag?

A - Silver Plated 9mm with Black Plastic handle grip with some sort of Crest in Gold.

Q - Did it look like the 9mm that was recovered in the house?

A - NO, 9mm that was recovered was dark in color.

Q - Do you have anything to add to this statement in regards to the 9mm pistol?

A - When SSG (b)(6), (b)(7)(C) informed SGT (b)(6), (b)(7)(C) and myself that the mission was a go in our comex before mission the SSG (b)(6), (b)(7)(C) pulled out a Dark color 9mm pistol from his Right hand pocket of his Trousers.

Q - Did you see SSG (b)(6), (b)(7)(C) with the weapon after the incident?

A - NO

Q - What is the name of your PFC and LT?

A - SFC (b)(6), (b)(7)(C) & LT (b)(6), (b)(7)(C)

Q - Do you know the name of the Iraqi that was killed?

A - NO do not remember his name

Q - Did you provide a sworn statement to PFC or LT stating your concern about SSG (b)(6), (b)(7)(C) actions?

A - NO, it was an internal concern verbally

Q - Do you know what happened to the body after the incident?

A - It was loaded into a Body Bag then loaded into Back of Humvee and transported Back to Attack CP

Q - Do you know what unit transported the body?

A - A Co 1st INF BATTALION

Q - Who at the scene discharged their weapons?

A - Only Persons inside House discharged weapons NO one out side Discharged any.

Q - Did you conspire with SSG (b)(6), (b)(7)(C) to murder the Iraqi?

A - Hell NO!

Q - Are you purposely withholding information in an attempt to protect SSG (b)(6), (b)(7)(C)?

A - Hell NO!!

Q - Are you purposely withholding information in an attempt to protect PFC (b)(6), (b)(7)(C)?

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

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 112

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

Statement of (b)(6), (b)(7)(C) at the 48th MP Detachment, Fort Carson, CO, dated 18 Nov 04

Continued:

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LAW ENFORCEMENT SENSITIVE

A- NO

Q- Do you have anything to add to this statement?

A- I am not purposely with holding anything for anybody.

Q- Do you have anything to add to this statement

A- NO! /// END STATEMENT ///

Lined area for additional text or questions.

Initials of Person Making Statement (b)(6), (b)(7)(C)

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Statement of
Continued:

taken at the 49th MP Detachment Fort Carson, CO, dated
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LAW ENFORCEMENT SENSITIVE

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 9. I fully understand the contents of the entire statement made by me. The statement is true and I have initialed all corrections and 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)
_____ent)

WITNESS:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of November, 2004 at Ft **(b)(6), (b)(7)(C)**

(Signature of Witness)

(b)(6), (b)(7)(C)
_____stering Oath)

(Typed Name of Witness)

(Organization of Witness)

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

(Typed Name of Person Administering Oath)

ART 136, UCMJ
(Authority To Administering Oath)

Initials of Person Making Statement **(b)(6), (b)(7)(C)**

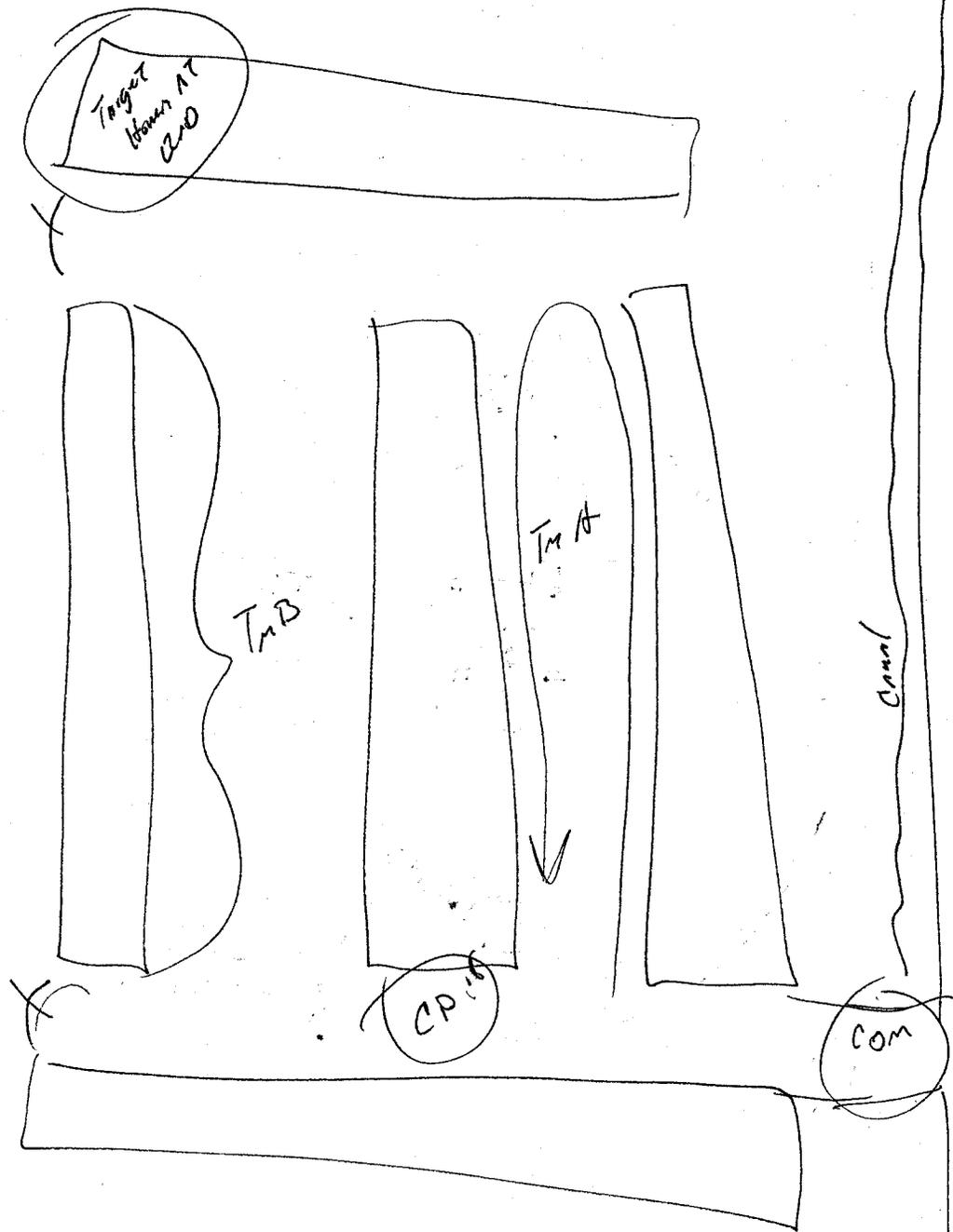
Page 9 of ___ Pages

DA Form 2823 (Automated)

Sketch depicting positions of security teams
and location of incident

0489-04 CID05676341

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LAW ENFORCEMENT SENSITIVE**



Sketched By

SSA (b)(6), (b)(7)(C) 18 NOV 04 1056

Verified By

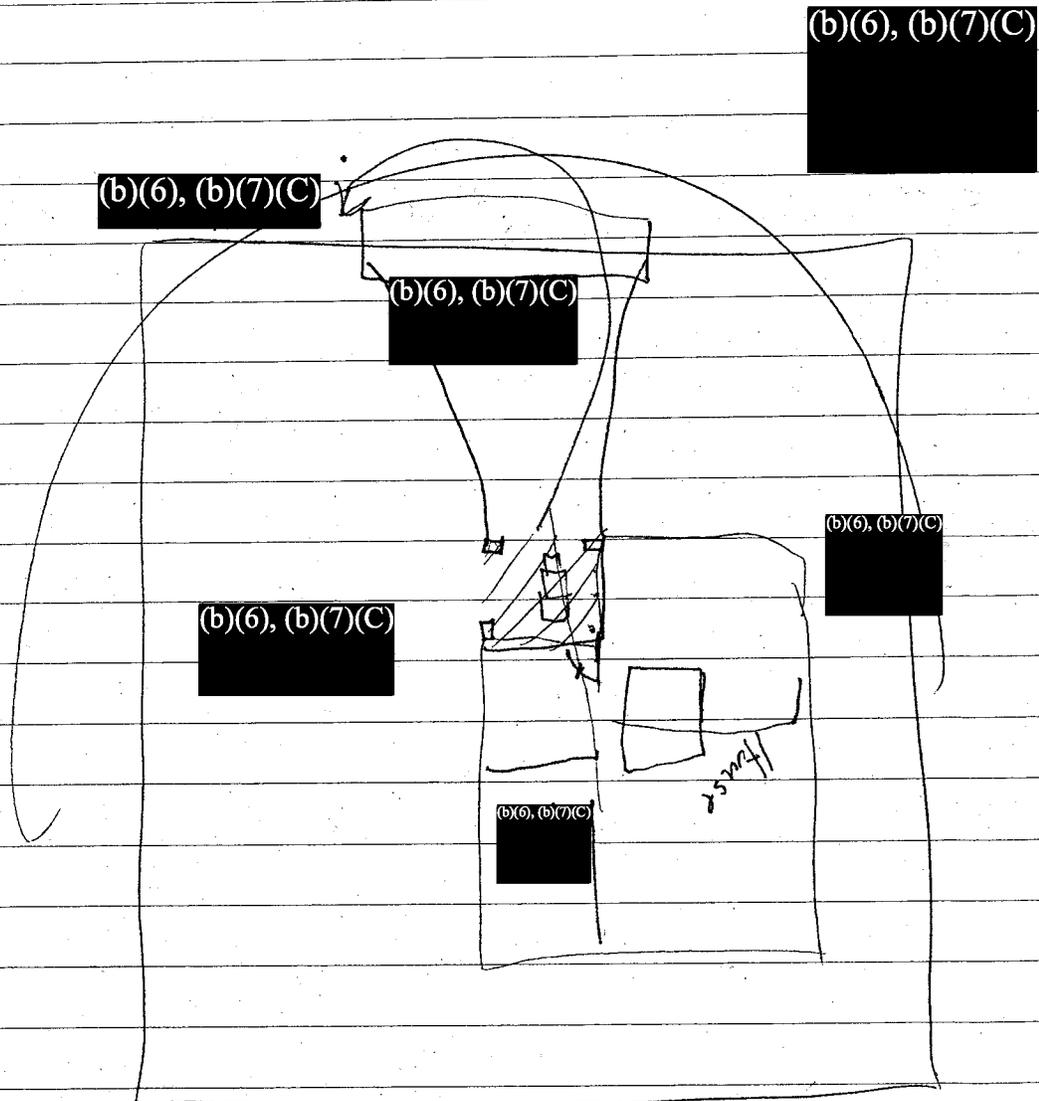
SA (b)(6), (b)(7)(C) 18 NOV 04 1056

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LAW ENFORCEMENT SENSITIVE

Statement of
Continued:

, taken at the 48th MP Detachment, Fort Carson, CO, dated



Initials of Person Making Statement _____

Page ___ of ___ Pages

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LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

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

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. LOCATION BLDG 1816, 6625 SPECKER AVE, FT. CARSON	2. DATE (YYYYMMDD) 2004/11/18	3. TIME 1457	4. FILE NUMBER (b)(6), (b)(7)(C)
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS 02/ACTIVE	
8. ORGANIZATION OR ADDRESS HHC, 4TH ENGINEER BATTALION, FORT CARSON, CO 80913			

9. **(b)(6), (b)(7)(C)**, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Sometime on 01 or 02 JANUARY 2004, Platoon / B/4 received orders (verbal) to participate in a company + raid south of Balad, Iraq. The intent was to attach the platoon to A/1-8 INF and provide cordon/search and/or engineer expertise (demolitions) in the execution of the raid. The mission was supposed to begin the evening of the 2nd, but preparations were interrupted when the forward operating base was mortared and our company commander (CPT **(b)(6), (b)(7)(C)**) was killed. Several hours later my PSG (SFC **(b)(6), (b)(7)(C)**) and I were approached about whether or not we felt comfortable in participating the raid, given our state of shock at the time. We declined, but at some point the decision was made to attach SSG **(b)(6), (b)(7)(C)** Squad to A/1-8 in lieu of the entire platoon. Prior to departure, I (as Platoon leader) did a final "back-brief" with SFC **(b)(6), (b)(7)(C)** + SSG **(b)(6), (b)(7)(C)** to ensure he + the squad were adequately prepared - we advised him to be careful and to watch his soldiers closely in light the day's events. He and his squad returned sometime early the next morning and SFC **(b)(6), (b)(7)(C)** + I de-briefed SSG **(b)(6), (b)(7)(C)** that afternoon. Nothing during that de-briefing (to my recollection) mentioned an Iraqi being killed during the previous night's action. We continued normal operations and several days later SSG **(b)(6), (b)(7)(C)** departed for a previously scheduled MID-Tour leave. To my recollection, I had instructed SSG **(b)(6), (b)(7)(C)** to come up with recommendations for individual soldier awards before he left on leave. In the process

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF <u>4</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ 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.

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EXHIBIT 117

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

STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT BUDG 1816 DATED 2004/11/18

9. STATEMENT (Continued)

(b)(6), (b)(7)(C)
of reading his notes on the recommendations after he left, I discovered that he wanted PFC **(b)(6), (b)(7)(C)** to receive the ARCOM w/ "V" Device for an action involving an Iraqi who supposedly shot at his squad as they entered a house during the raid. The company leadership at the time wanted more info in order to adequately complete the necessary paperwork for a "V" device attached to an Award. At various points over the next few days I informally questioned the two team leaders in SSG **(b)(6), (b)(7)(C)** Squad (SGT **(b)(6), (b)(7)(C)** SGT **(b)(6), (b)(7)(C)**) and several soldiers - I don't remember specifically who but one was definitely PFC **(b)(6), (b)(7)(C)**. I don't recall asking specific questions, other than having the soldier recount the execution of Mission. Each told me a slightly different story but all basically mentioned that, yes, an Iraqi was shot while the Squad entered the house but I couldn't get a straight answer on who exactly shot him or on the precise timing. Because no definitive story emerged and because SSG **(b)(6), (b)(7)(C)** was still on leave, SFC **(b)(6), (b)(7)(C)** and I discussed the situation and I decided to retract the award recommendation. I told CPT **(b)(6), (b)(7)(C)** (the new company commander) my reasoning (that I didn't feel comfortable putting PFC **(b)(6), (b)(7)(C)** in for the "V" device because I didn't think the information at the time warranted such an award). This was accepted + to my knowledge no one in B/4 or in A/1-8 put **(b)(6), (b)(7)(C)** in for the award. The matter was dropped due to other priorities for the platoon + company and I don't recall questioning SSG **(b)(6), (b)(7)(C)** further when he returned from MD Tour leave. **(b)(6), (b)(7)(C)**

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

A: 1LT **(b)(6), (b)(7)(C)**

INITIALS OF PERSON MAKING STATEMENT **(b)(6), (b)(7)(C)** PAGE 2 OF 4 PAGES

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

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STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT Bldg 1816 DATED 2004/11/18

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

9. STATEMENT (Continued)

Q: DID YOU WRITE THE NARRATIVE PORTION OF THIS STATEMENT?

A: Yes

Q: DID YOU WRITE THIS STATEMENT OF YOUR OWN FREE WILL?

A: Yes

Q: WHEN SSG **(b)(6), (b)(7)(C)** WAS DE-BRIEFED FOLLOWING THE RAID DID HE MENTION ANYTHING ABOUT AN IRAQI NATIONAL BEING KILLED?

A: I don't recall it being mentioned. I think the first time I remember hearing or reading about it was in his ARCOM w/ 'V' device Award recommendation for PFC **(b)(6), (b)(7)(C)** - didn't read this until after he left for MID-tour leave.

Q: IN THE AWARD RECOMMENDATION SUBMITTED BY SSG **(b)(6), (b)(7)(C)** WAS PFC **(b)(6), (b)(7)(C)** IDENTIFIED AS THE INDIVIDUAL WHO HAD SHOT THE IRAQI NATIONAL?

A: YES

Q: WHEN YOU WERE ASKING ABOUT THE INCIDENT DID YOU TAKE ANY SWORN STATEMENTS?

A: NO - all was informal

Q: WHEN YOU WERE ASKING ABOUT THE INCIDENT, DID SGT **(b)(6), (b)(7)(C)** RECOMMEND THE AWARD NOT BE GIVEN?

A: I don't remember if he did or not

Q: AS A PLATOON LEADER ARE YOU REQUIRED TO MAKE AN SIR REPORT IF AN INDIVIDUAL IS KILLED AS A RESULT OF CONTACT?

A: NOT AWARE of Any requirement to make an SIR

Q: DO YOU REMEMBER WHAT TIME OF DAY YOU DE-BRIEFED SSG **(b)(6), (b)(7)(C)**?

A: MOST LIKELY in the late morning or afternoon on the 3rd of JAN

Q: AFTER TALKING TO THE SQUAD MEMBERS AND GETTING DIFFERENT STORIES FROM THEM, DID THE DIFFERING STORIES BRING UP ANY QUESTIONS IN YOUR MIND AS TO WHAT HAD REALLY HAPPENED?

A: ONLY in terms of sequence & timing - ie - who was first in the door of the house - no questions in my mind were glaring enough to think anything else.

Q: DID YOU EVER SEE SSG **(b)(6), (b)(7)(C)** CARRYING A NON-MILITARY **(b)(6), (b)(7)(C)** ISSUE 9mm PISTOL?

A: No

Q: DO YOU REMEMBER IF A 9mm PISTOL WAS EVER MENTIONED IN CONNECTION WITH THE IRAQI NATIONAL WHO WAS KILLED?

A: ONLY in that, during questioning the Squad's soldiers (or in the award notes) they mentioned the Iraqi had a "hand-gun" or "pistol" **(b)(6), (b)(7)(C)**

INITIALS OF PERSON MAKING STATEMENT **(b)(6), (b)(7)(C)** PAGE 3 OF 4 PAGES

STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT BUDG 1816 DATED 2004/11/18

9. STATEMENT (Continued)

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

Q: HAVE YOU LIED ON ANY PORTION OF THIS STATEMENT?

A: NO

Q: DO YOU HAVE ANYTHING YOU WISH TO ADD TO THIS STATEMENT?

A: NO /// END OF STATEMENT /// **(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 OR REWARD, WITHOUT THREAT OF PUNISHMENT **(b)(6), (b)(7)(C)** OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18TH day of NOVEMBER, 2004 at _____

(b)(6), (b)(7)(C)
(Signature of Person Administering Oath)

SA **(b)(6), (b)(7)(C), (b)(7)(F)**
(Typed Name of Person Administering Oath)

ARTICLE 136(b), COMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT **(b)(6), (b)(7)(C)** PAGE 4 OF 4 PAGES

SWORN STATEMENT

0489-04-CID056-76341

FILE NUMBER : 0489-04-CID056- 76341
LOCATION : 48th Military Police Det. (CID)
DATE : 18-Nov-04 (b)(6), (b)(7)(C)
NAME : (b)(6), (b)(7)(C)
SOCIAL SECURITY : (b)(6), (b)(7)(C)
ORG/ADDRESS : E Co, 1/68th Armor Battalion, Fort Carson, CO 80913

TIME: 14:48 (b)(6), (b)(7)(C)

GRADE/STATUS: E-7/SFC

Statement of (b)(6), (b)(7)(C) taken on 18-Nov-04, at Fort Carson, CO 80913 0489-04-CID056-

I, (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(b)(6), (b)(7)(C) Q: A squad from your platoon was involved in a raid on 3 Jan 04, while in Iraq, could you detail your knowledge of that raid?
A: On 02 Jan 04 B Co 4th Engineers was asked by A Co 1-8 Infantry if they could support them with an engineer squad to help with door breaching and house clearance of a sector in Balad, Iraq where suspected bad guys were. A Co asked for SSG (b)(6), (b)(7)(C) and his squad because they had just come back from Sammarra where they had worked together. SSG (b)(6), (b)(7)(C) volunteered to go. He linked up with A Co and received his mission brief. The raid was conducted sometime in the morning. I had told SSG (b)(6), (b)(7)(C) backbrief me on the mission when he returned. When SSG (b)(6), (b)(7)(C) returned he told me his mission was to capture an individual who was either financing or emplacing IED attacks in the area. I can't remember if he told me that when he entered the house if the individual was laying down and got up or if he entered from another room but he said the individual had a gun in his hand and didn't drop it when told to do so, and I don't recall if he shot the individual first and after the individual didn't fall then one of his soldiers shot him or if it was the other way around. Bottom line was they both shot him until he stopped moving. He told me the guy was positively identified as being the person they were looking for and that none of the soldiers were hurt and that they were going to conduct personal hygiene.
Q: Did you SFC (b)(6), (b)(7)(C) type the above statement?
A: Yes.
Q: Did you have any hesitation about allowing members of your platoon to assist with this mission?
A: Yes, the CO was just killed that day by mortar attack and emotions were running high.
Q: Who directed you to have members of your platoon assist with this mission?
A: It was the acting CO, 1LT (b)(6), (b)(7)(C)
Q: Who gave the mission briefing to SSG (b)(6), (b)(7)(C)
A: I believe it was CPT (b)(6), (b)(7)(C) commander A Co, 1/8, I am not sure because I was not there.
Q: What was SSG (b)(6), (b)(7)(C) emotional state at the time of the mission?
A: He seemed pretty level headed, for the most part we saw things happen there, but this was pretty close. For the most part he was pretty level headed.
Q: Did SSG (b)(6), (b)(7)(C) make any comments which would lead you to believe he was distraught about the death of the commanding officer?
A: No, not at all.
Q: Was the commanding officer, CPT (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) close friends?
A: No, just a working relationship nothing more than that.
Q: Was the commanding officer, CPT (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C) close friends?
A: I really don't know what their relationship was.
Q: Did any of the other soldiers discuss the events which occurred on that raid?
A: No.
Q: Did any of the soldiers discuss their difference in opinion about SSG (b)(6), (b)(7)(C) leadership style?
A: Yes, he is more of a control freak than some of the other guys.
Q: Which soldiers?
A: A couple guys from the squad, I don't recall who. In general the whole squad did not like his leadership style.
Q: Were any of the complaints directed toward his actions on this raid? (b)(6), (b)(7)(C)

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

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EXHIBIT 121 11

(b)(6), (b)(7)(C)
A: One of his team leaders, SGT (b)(6), (b)(7)(C) stated it did not go exactly the way he said it did, he did not go into details. I think the LT talked to SGT (b)(6), (b)(7)(C) about it, but nothing ever came of it.
Q: Did you confront SSG (b)(6), (b)(7)(C) about SGT (b)(6), (b)(7)(C) concerns?
A: Yeah, SSG (b)(6), (b)(7)(C) was on leave at this time, midterm leave, but when he returned I asked him about it, but he just confirmed his original statement. I am not sure, but I think SSG (b)(6), (b)(7)(C) written a statement about the events on the raid.
Q: How long after the raid did SSG (b)(6), (b)(7)(C) go on leave?
A: Maybe a few weeks later.
Q: Did SSG (b)(6), (b)(7)(C) act differently after the raid?
A: No.
Q: How long was he on leave?
A: Two weeks.
Q: Did anyone else from the squad go on leave at the same time?
A: I don't remember, it was alphabetical, I think he was the last one in the platoon to go.
Q: How long after the raid did SGT (b)(6), (b)(7)(C) confront you about SSG (b)(6), (b)(7)(C) actions?
A: About mid point of SSG (b)(6), (b)(7)(C) leave.
Q: Who did he provide the statement to and when?
A: I would guess the S-2, when he came back from the raid.
Q: What time did SSG (b)(6), (b)(7)(C) come into your trailer and debriefed you?
A: About 0400, it was in the middle of the night.
Q: Who was present during the debriefing?
A: 1LT (b)(6), (b)(7)(C) but he was asleep.
Q: Did you or SSG (b)(6), (b)(7)(C) debrief anyone else in the chain of command?
A: I didn't, I do not remember. I am pretty sure he talked to 1LT (b)(6), (b)(7)(C) and the acting CO about it.
Q: Were you aware of any of the soldiers carrying Iraqi weapons?
A: Negative.
Q: Did you or anyone in your platoon recover any Iraqi weapons?
A: We would all the time, but they were turned over to S-2. All detainees, weapons, IED would be turned into the Headquarters element awaiting disposal.
Q: Did you ever have a reason to question SSG (b)(6), (b)(7)(C) ethics and/or performance?
A: Up until this point no, he had always done his job.
Q: Do you know if SGT (b)(6), (b)(7)(C) discussed SSG (b)(6), (b)(7)(C) actions with anyone else?
A: I think he spoke to 1LT (b)(6), (b)(7)(C) I think that is it.
Q: Did SGT (b)(6), (b)(7)(C) say anything after the initial conversation?
A: No.
Q: Were you present during any portion of the raid on 3 Jan 04?
A: No.
Q: Can you recall the names of all soldiers who took part in the raid?
A: SSG (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) don't remember the other names.
Q: Do you have anything else to add to this statement?
A: No.///END OF STATEMENT// (b)(6), (b)(7)(C)

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

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

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EXHIBIT 11
122

NOT USED (b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. 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, 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, 18-Nov-04, at Fort Carson, CO 80913

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

ORGANIZATION AND ADDRESS

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

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority to Administer Oath)

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

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EXHIBIT
123 //

9 - 04 - CID 056 - 763

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02-03 JAN 03

1. THIS OPERATION WAS CANCELED: At 0400 hours, A/2-3 IN conducted a cordon and search at grid MC 214 613 to apprehend a suspected member of Fedayeen Saddam who may possess IED-making materials. The source was a walk-up informant.
2. At 2315 hours, B/2-3 IN conducted a cordon and search at grid MC 238 662 to apprehend individuals suspected of conducting mortar attacks on FOB Eagle on 31 DEC 03. 13 individuals were apprehended including four who were identified by informants as being responsible for the attack. 2 x AK-47s were confiscated. The detainees and weapons were taken to FOB Eagle.
3. At 0048 hours, 1-8 IN conducted a cordon and search at grid MC 2160 6124 approximately 1km south of Balad to apprehend individuals suspected of conducting mortar attacks on FOB Eagle. The intelligence for this operation came from a walk-up source. Eleven individuals were apprehended and two enemy personnel were killed. The two individuals were killed when they attempted to draw weapons on the soldiers conducting the search. Their bodies were taken to Balad Hospital. 48 x AK-47's were confiscated. The detainees were taken to FOB Eagle for initial questioning.
4. At 0857 hours, a 1-12 FA convoy consisting of 25 vehicles traveling south on HWY 1 to FOB Cedar encountered an IED at grid MC 309 330. One soldier suffered minor shrapnel wounds and was immediately returned to duty. A 2.5 ton truck suffered a broken windshield. The convoy continued their movement towards FOB Cedar. 4th EN responded to the site to determine the composition of the IED and to conduct a search of the immediate area. The search had negative results, but EOD will return to conduct crater analysis.
5. At 0944 hours, A/2-3 IN discovered 3 x IEDs spaced approximately 50 meters apart connected by wires at grid MC 2198 5711 (approximately 5km south of Balad). They have secured the area until EOD arrives to assess the IEDs.

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EXHIBIT 12412

3 JAN 04

01-99-04 -CID 056-76

0048 1-8 C&S

FOR OFFICIAL USE ONLY (1 km south of Belad)

LAW ENFORCEMENT SENSITIVE

- to apprehend individuals suspected of MTR ATKs on FOB Eagle
- walk up source
- 11 apprehended
- 2x enemy kia (attempted to draw weapons) Taken to Belad Hospital
- 48 AK-47 confiscated

7 JAN 04

0700 A/1-8 C&S LC 982 748 (8 km south of Somerrel)

- to apprehend individuals suspected of attacking C.F.
- walk up source
- 11 apprehended
- 1x enemy kia (received fire from two individuals prior to initiating C&S)
- confiscated

7x sniper scopes	7x sniper rifles
8x wprns cleaning kits	10x AK-47s
1x MTR sight	1x .22 rifle
4x RPG launchers	2x pellet guns
1x 12 gauge shotgun	1x home-made shotgun

8 JAN 04

1640 B/1-8 RPG contact

- returned fire and destroyed 3x vehicles
- 2 enemy kia
- 1 enemy wia
- 3 attackers fled

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EXHIBIT 125 12

4831 - 020010-20 - 000
10 JAN 04

2120 C/HB counter ambush (encountered 40+ individuals with 10-15 vehicles stealing fuel)

LC 955 653
(18km South of Jomorra)

- wack up source
- patrol received fire; returned fire with 25HE
- 7 enemy KIA
- 3 trucks destroyed (fueler)
- 1 bonga truck destroyed
- 3 AK-47s confiscated

12 JAN 04

1645 C/I-8 SA contact at previous C&S site

MC 159 601

- Observed 8 vehicles on site near former OBJ
- received SAF; returned fire
- 2 vehicles destroyed
- 4 enemy KIA
- 1 enemy WIA
- 26 detained
- 4 AK-47s confiscated

ROI 04-CID056-76341-5H1

Exhibit(s): 12

Page(s): 127 thru 138

Referred to:

**Freedom of Information and Privacy Office
ATTN: FOIA Officer
1625 Ellis Street
Fort Carson, Colorado 80913-7106**

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LAW ENFORCEMENT SENSITIVE
3 BCT OPERATIONAL SUMMARY

UNIT: 1-8 IN

As of DTG: 1200-1200 Daily(submit by 1300 daily)

1. (S) Combat Power:

M1		M2/M3		M109A6		MLRS		SCTs		MTRs		IN SQDs	
OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC
0	0	36	32	0	0	0	0	10	8	4	4	15	15

1. Significant Activities Last 24 Hours: In the past 12 hours in the 1-8 IN AO we conducted cordon and searches.

a. 030048Jan04 Conducted cordon searches vic grid MC 21606124, Captured 11 personnel and 2 KIA's. With a total of 30 AK-47's and propellant in house number 5. The target numbers 1 and 5 are KIA's; targets 2,4,6,7,9,10,11,12,13, 16 and 17 were detained. Names will be sent with another report by 1200 hrs. Detainees are currently at FOB Eagle. Informant notified that targets were the ones conducting mortar attacks at FOB Eagle.

2. (S) Future Operations (next 24 – 48 hours): Narrative or bullet format by unit or activity. In the next 12 hours the 1-8 IN.

a. The TAC- Conducted cordon searches at vic grid MC 21606124

b. A Company – Conducted cordon searches at vic grid MC 21606124

3. Key Town CMO Activities.

1-8 IN: All areas continue static site security measures, ICDC OJT, and joint operations with the IPs.

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4 ID (M) MSC Commanders Update

As of DTG: 031500 JAN 04

1. Combat Power:

UNIT	M1		M2		M109A6		MLRS		SCTs		MTRs		LRAS	
	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC
BCT	54	50	64	56	18	16			45	40	12	12	14	13
1-8			36	32					10	9	4	4		
1-68	20	18	14	10					10	9	4	4		
3-29			4	4	15	13								
HHC			2	2										
BRT									20	18			10	9
1-66	34	32	8	8	3	3			5	4	4	4	4	4

UNIT	M1114		STRYKERS											
	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC	OH	FMC
BCT	57	47												
1-8	4	4												
1-68	12	12												
3-29	10	7												
HHC	7	6												
BRT														
1-66	24	18												
2-3			75	69										

BCT:

Operations: Within the last 12 hours TF Striker has conducted 0 raids, 1 cordon and searches, 0 counter-ambush OPs, 0 joint patrols, 25 mounted patrols, 10 dismounted patrols, and 9 checkpoints. In the last 12 hours, we have detained 0 individuals. Striker currently has 2 detainees in SAMARRA, 0 at SAMARRA East Airfield, 18 in Balad, and 22 in Tarmiya.

Update on ICDC status: 1-66 graduated 27 recruits today bringing our numbers to 653 ICDC soldiers trained currently working in 4 companies with 15 platoons across the BCT AO.

2. Significant Activities Last 12 Hours:

1-8 IN

a. Raids/Cordon and Searches:

UNIT	CITY	TARGET DESCRIPTION	LOCATION	TOT	RESULTS
N/A					

Final reports on raids, cordon and searches, and significant contacts in the last 12 hours:

At 0048 hours, 1-8 IN conducted a cordon and search at grid MC 2160 6124 approximately 1km south of Balad to apprehend individuals suspected of conducting mortar attacks on FOB Eagle. The intelligence

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for this operation came from a walk-up source. Eleven individuals were apprehended and two enemy personnel were killed. The two individuals were killed when they attempted to draw weapons on the soldiers conducting the search. Their bodies were taken to Balad Hospital. 48 x AK-47's were confiscated. The detainees were taken to FOB Eagle for initial questioning.

b. Detainees:

1. Last 24 hours: 0
2. O/H total: 0
3. Detainees to Samarra East Airfield: 0
4. Detainees to DCCP/BIAP: 0

c. ICDC:

1. Number of ICDC platoons recruited to date: 4 (HQ-31/47, 1-31/47, 2-38/47)
2. Number of ICDC platoons in training: 0
3. Total ICDC platoons trained to date: 4 (HQ-31/47, 1-31/47, 2-38/47)
4. Number of ICDC platoons currently operating with US forces: 4 (HQ-31/47, 1-31/47, 2-38/47)

d. CMO:

1. CA Teams.
2. Unit CMO Teams.
3. Brigade assistance/Outside Agencies.
4. Towns/cities: NSTR

1-68 AR

a. Raids/Cordon and Searches:

UNIT	CITY	TARGET DESCRIPTION	LOCATION	TOT	RESULTS
N/A					

b. Final reports on raids, cordon and searches, and significant contacts in the last 12 hours.

At 1647 hours, 1-68 engaged two enemy personnel attempting to recover 3 RPG rounds vic grid MC 371 228. 1-68 set up an OP to overwatch 3XRPG rounds that were left at the site of a previous attack yesterday night. One terrorist received a GSW to the right shoulder and is currently at the 21st CSH. The other individual was detained and brought back to FOB Lion. One other terrorist was detained at 1315 hours as he attempted to retrieve the rounds earlier today.

c. Detainees

1. Last 12 hours: 0
2. O/H total: 0 (all IZ)

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- 3. Detainees to SEAF:
- 4. Detainees to DCCP/BIAP:

d. ICDC.

- 1. Number of ICDC platoons recruited to date: 4 (HQ-6/47, 1-19/47, 2-19/47, 3-13/47)
- 2. Number of ICDC platoons in training: 0
- 3. Total ICDC platoons trained to date: 4 (HQ-6/47, 1-19/47, 2-19/47, 3-13/47)
- 4. Number of ICDC platoons currently operating with US forces: 4 (HQ-6/47, 1-19/47, 2-19/47, 3-13/47)
- 5. Current operations of trained ICDC PLTs/ SQDs: The majority of ICDC personnel are consolidated and are conducting 24-hour security operations at the Tarmiyah police station until further notice. They will be performing 8-hour shifts, with each shift having an officer in charge of it. They are responsible for outer perimeter security of the police station and conducted checkpoints and patrols in conjunction with the Tarmiyah police. ICDC also provides a local dismounted QRF. In addition to this task, they are conducting local security for the Mushahidah police station, the Arabachi police station, Mushaedah gas and propane stations, as well as the Tarmiyah gas station. Beginning 23 December, 5 ICDC began augmenting security at the LION FOB Gate. The next ICDC training class is scheduled to begin on 2 January and is scheduled to train an additional 45 recruits.
- 6. Current tasks ICDC recruits are training: (04JAN04 day 2 of training) ICDC trainees conduct weapons training and maintenance, vehicular searches and proper wearing of the ICDC uniform
- 7. Future operations: ICDC soldiers have started working with Animal Company and will integrate with FOB security over the next several weeks. Final turn over of Animal FOB tentatively scheduled for 22 January.

e. CMO.

- 1. CA Teams: Patriot 6
- 2. Unit CMO Teams: Lion 14 and Company FSOs
- 3. Brigade assistance/Outside Agencies: none
- 4. Towns/cities: Tarmiyah, Mushahidah, Hatim al Haththal

Tarmiyah/Mushahidah/Hatim al Haththal: Narrative description of CMO specific to towns last 24 and next 24-48 hours.

Tarmiyah: Patriot 6 and Lion 14 attend City Council meeting (031430JAN04). Animal 14 conducts CMO contact with ICDC chain of command in Tarmiyah to discuss hand over of Animal FOB to ICDC in January 04.

Mushahidah: Patriot 6 and Animal 14 attend the Sheik meeting on 4 January to discuss issues with local leaders. Animal 14 conducts daily visits to Mushahidah police station and CMO operations in Mushahidah.

Arabachi: Patriot six and Bandit six conduct a CMO mission to Arabachi in order to check on contracted school projects as well as coordinating with Arabachi police and ICDC.

Hatim al Haththal: N/A

1-66 AR

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4 ID (M) MSC Commanders Update

a. Raids/Cordon and Searches:

UNIT	CITY	TARGET DESCRIPTION	LOCATION	TOT	RESULTS
N/A					

b. Summary of Raid(s):

At 1630 02 JAN 04 A/1-66 AR established a flash TCP at LC 879930. They searched a total of 65 civilian vehicles with nothing significant to report. They returned to FOB B-M at 1809.

At 1730 02 JAN 04 TF Trailblazer conducted counter IED Patrol on HWY 1 from K8 to Fallujah Road. They had negative contact and returned to FOB B-M at 2150

At 1938 02 JAN 04 B/1-66 AR established a flash TCP at LC 894874. They searched a total of 8 civilian vehicles with nothing significant to report. They returned to FOB B-M at 2130.

At 2053 02 JAN 04 TF Scouts conducted a counter IED patrol from K8 to Fallujah Road. They had negative contact and returned to FOB B-M at 2252

c. Detainees:

1. Last 12 hours: 0
2. O/H total: 16 (0 IZ, 16 Coalition, 0 foreign)
3. Detainees to Tikrit: 8
4. Detainees to DCCP/BIAP: 0

d. ICDC.

1. Number of ICDC platoons recruited to date: 4 (HQ-31/47, 1-31/47, 2-38/47)
2. Number of ICDC platoons in training: 0
3. Total ICDC platoons trained to date: 4 (HQ-31/47, 1-31/47, 2-38/47)
4. Number of ICDC platoons currently operating with US forces: 4 (HQ-31/47, 1-31/47, 2-38/47)
5. Current operations of trained ICDC PLTs/SQDs: Ivy Blizzard support
6. Current tasks ICDC recruits are training: N/A
7. Future operations: Continued recruitment and training to establish an ICDC battalion in Samarra.

e. CMO. NSTR

3-29 FA

a. Significant Activity: In the last 12 hours, TF Pacesetter conducted 6 mounted combat patrols, 1 dismounted combat patrol as well as maintained two firing platoons IPRTF ISO BCT Ops, BCCP Ops, and mission support tasks. A/3-29 remained IPRTF ISO counter mortar operations. B/3-29 continues to provide FOB security as well as conducted MSR patrols and route clearance. NSTR. C/3-29 remained IPRTF ISO counter mortar operations as well as augmented personnel for FOB perimeter security. The Moldovan troops conducted MSR patrols and route clearance and provided soldiers to support the S5/CA operations.

b. Raids/Cordon and Searches:

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UNIT	CITY	TARGET DESCRIPTION	LOCATION	TOT	RESULTS
N/A	N/A	N/A	N/A	N/A	N/A

Final reports on raids, cordon and searches, and significant contacts in the last 12 Hours: none

c. Detainees:

- 1. Last 12 hours. 0
- 2. O/H total. 0
- 3. Detainees to SEAF. 0
- 4. Detainees to DCCP/BIAP. 0
- 5. Detainees Released 0

d. ICDC.

- 1. Number of ICDC soldiers recruited to date. 268
- 2. Number of ICDC platoons in training. N/A
- 3. Total ICDC platoons trained to date. 2 platoons x 48 personnel
- 4. Number of ICDC platoons currently operating with US forces. 2 platoons x 48 personnel
- 5. Current operations of trained ICDC PLTs/SQDs. Conduct fixed sight security at Gas Station, ICDC headquarters, City Government Building, and Duluiyah Medical Clinic Operation. They also participated in joint patrols, TCPs with the Moldovans, and mounted patrols around FOB Pacesetter.
- 6. Current tasks ICDC recruits are training.
- 7. Future operations - ICDC will continue to conduct fixed sight security at Gas Station, ICDC headquarters, City Government Building and Duluiyah Medical Clinic, and well as conduct joint patrols and TCPs. Furthermore, ICDC will conduct mounted patrols around FOB Pacesetter.

e. CMO.

- 1. CA Teams. SO-38, 404th CA BN; DST 4, 418th CA BN
- 2. Unit CMO Teams. BN S-5
- 3. Brigade assistance/Outside Agencies. N/A
- 4. Towns/cities: FOB Pacesetter, Hardenia, Iraq

Last 24: The CA team met with the representatives of the brick factory conglomerate at the ICDC building. We discussed contracting and the capital improvement loan for the factory at the central bank. There has been a great deal of difficulty in getting it accepted there. We also went to three schools in the area, a kindergarten, a primary, and a secondary school. At each school elements of the 534th Signal Battalion distributed school supplies that they have collected from home.

Next 24-48: On Wednesday we will conduct the weekly security force coordination meeting at the ICDC facility. Also we will attend the CPA agricultural meeting at LSA Anaconda. On Thursday we will attend the weekly city council meeting and meet with several of the local government and services directors.

4th EN

a. Raids/Cordons and Searches:

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UNIT	CITY	TARGET DESCRIPTION	LOCATION	TOT	RESULTS
N/A					

b. Ambushes/Patrols/CPs/TCPs/OPs/Blocking Positions.

DATE	UNIT	GRID	COMPOSITION	DURATION	TYPE
03 JAN 04	A/4E	Ad Dujayl	10 US / 3wheeled	0615-0740	Presence Patrol

At 0857 hours, a 1-12 FA convoy consisting of 25 vehicles traveling south on HWY 1 to FOB Cedar encountered an IED at grid MC 309 330. One soldier suffered minor shrapnel wounds and was immediately returned to duty. A 2.5-ton truck suffered a broken windshield. The convoy continued their movement towards FOB Cedar. 4th EN responded to the site to determine the composition of the IED and to conduct a search of the immediate area. The search had negative results, but EOD will return to conduct crater analysis.

Team Assassin (HQ/A/4E, 1/A/4E, 2/A/4E, A&O/A/4E): Maintains presence at the Ad Dujayl Police Station and Gas Station. Conducts presence patrol on Highway 1 and continues FOB security. Conducts demo pit fill/ renovation operations with ACE.

Team Bulldog (HQ/B/14E, 2/B/14E, 3/B/14E, Support Platoon/B/14E): Serves as the QRF and reacts to IED and vehicle accident both on Highway 1. Serves as ACE escort for demo pit operation. Maintains FOB security and serves as EOD escort.

HHC/4E: 1/C/223rd EN BN task organized to HHC. The 223rd continues construction on a SEAhut for HHC. Two soldiers from 1/C/223rd En Bn are at FOB Eagle to provide QC for their living container project as well as assisting in other quality of life construction projects. Two more soldiers from 1/C/223rd are at FOB Mountaineer providing technical expertise on vertical construction projects. HHC continues executing LOGPAC missions, construction and supervision of local upgrades, and provides force protection for FOB Vanguard.

c. Detainees:

1. Last 12 hours: 0
2. O/H total. 0 (0 released)
3. Detainees to SEAF: 0 (1 total)
4. Detainees to DCCP/BIAP: 0 (12 still there)

d. ICDC.

1. Number of ICDC soldiers recruited to date: 202.
2. Number of ICDC soldiers in training: 0.
3. Total ICDC platoons trained to date: 2 (29 and 30).
4. Number of ICDC soldiers currently operating with US forces: 59
5. Current operations of trained ICDC PLTs/SQDs: Augmenting the police guarding the Ad Dujayl bank for the Iraqi Currency Exchange.
6. Current tasks ICDC recruits are training: N/A
7. Future operations: NSTR.

e. CMO.

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- 1. CA Teams: Team 6/443rd CA Bn.
- 2. Unit CMO Teams: 4th En Bn ABE section.
- 3. Brigade assistance/Outside Agencies: none.
- 4. Towns/cities: Ad Dujayl and surrounding community

Civil Affairs team meets with local civilians and officials in Ad Dujayl in order to disseminate information to postpone election of city council chief.

2-3 IN

a. Raids/Cordon and Searches: None

UNIT	CITY	TARGET DESCRIPTION	LOCATION	TOT	RESULTS
N/A					

b. Final reports on raids, cordon and searches, and significant contacts in the last 12 hours.

At 0944 hours, A/2-3 IN discovered 3 x IEDs spaced approximately 50 meters apart connected by wires at grid MC 2198 5711 (approximately 5km south of Balad). They have secured the area until EOD arrives to assess the IEDs.

c. Detainees:

- 1. Last 12 hours.
- 2. O/H total. 11
- 3. Detainees to Samarra East Air Field.
- 4. Detainees to DCCP/BIAP.

d. ICDC. None

- 1. Number of ICDC soldiers recruited to date.
- 2. Number of ICDC platoons in training. # of platoons (# in platoon/47)
- 3. Total ICDC platoons trained to date. # of platoons (# in platoon/47)
- 4. Number of ICDC platoons currently operating with US forces. # of platoons
- 5. Current operations of trained ICDC PLTs/SQDs.
- 6. Current tasks ICDC recruits are training.
- 7. Future operations - ICDC soldiers and ICDC recruits in training.

e. CMO.

- 1. CA Teams. ELEMENT, 96TH CA BN, TM 9 A/443 CA BN, TM 7 B/443 CA BN
- 2. Unit CMO Teams.
- 3. Brigade assistance/Outside Agencies.
- 4. Towns/cities: CA element to Isagi and Balad to meet with town council. Escorted by 3 ICVs.

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3. Planned Operations.

1-8 IN

a. Raids/Cordon and Searches:

UNIT	CITY	DESCRIPTION	LOCATION	TOT
N/A				

b. Future Operations (next 24 – 48 hours): Narrative or bullet format by unit or activity.

A Company. – Presence patrols Samarra.

B Company. – Presence patrols Samarra.

C Company. – Presence patrols Samarra.

B Company, 1-12 IN. – Presence patrols Samarra.

c. Key Town CMO Activities.

1-8 IN: All areas continue static site security measures, ICDC OJT, and joint operations with the IPs.

1-68 AR

a. Raids/Cordon and Searches.

UNIT	CITY	DESCRIPTION	LOCATION	TOT
N/A				

Remarks on raids/cordon and searches

b. Ambushes/Patrols/CPs/TCPs/Blocking positions.

A/1-68 AR: Provide QRF for HWY 1 consisting of one section of M1s or M2s, 24 hours daily. Conducting security and counter-IED patrols along HWY 1, between CPs 31 and 43, in accordance with OPERATION IVY TYPHOON II, and on RTE Viper into Tarmiyah. These patrols conduct a minimum of three flash checkpoints daily, depending on the traffic flow and in accordance with guidance to focus on expensive vehicles and government vehicles. They maintain the HWY 1 QRF at all times. One company level deliberate CP will be conducted each day during the elevated presence on HWY 1. Grids for possible CPs include:

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- MC29002253
- MC29002310
- MC29062073
- MC29462517

Conduct counter-mortar OPs and patrols through and near the village at MC278242 during hours of anticipated mortar attack, based upon current IPB. Grids for possible ambush sites include:

- MC284243
- MC284241

Using the attached platoon from Blackhawk Company, provide a dedicated QRF and area security force for the city of Tarmiyah. Focus presence during key attack windows associated with EENT.

(04JAN04) On order A Co Tank will conduct a Check Point along RTE VIPER to detect and detain Sheik Talib, a cousin to HVT Ali Faras and suspected criminal and attack supporter in the area. Sheik Talib is the former mayor of Tarmiya.

B/1-12: BDE reserve in support of operation IVY BLIZZARD

B/1-68: Lion FOB QRF. Lion Gate . ICDC Class Day 2 of training

TF Scouts: Convoy security missions daily. Escort Lion 14 and one 5 -Ton and detainees to the division prisoner holding area (04JAN04). Support UXO convoy to Arlington (040800JAN04)

TF Mortars: Conduct Local fix site security on TAA Lion to fill in for B 1-8 and B 1-12 during Operation IVY BLIZZARD.

QRF: Lion QRF performs bi-hourly patrols in conjunction with the Vanguard QRF along RTE Ginger between CPL1 and CPL5 in order deter looters from looting the ammunition stocks positioned between AA Lion and AA Vanguard, and to deter attacks on the civilian-trucking agency between TAA Lion and TAA Vanguard. These patrols occur during the hours of darkness, and finish with a final counter-IED patrol along RT Ginger from CPL5 to G1 at BMNT.

b. CMO.

A/1-68: Animal 14 continuing daily CMO coordination with Mushahidah leaders, police and ICDC.

B/1-68: Bandit 14 continues 3x weekly CMO operations with Arabachi local leaders, ICDC and police..

B/1-12: CMO operations are on stand by until the conclusion of IVY BLIZZARD.

CA/CM: Patriot 6 attends meeting with local Sheiks in Mushaedah (04JAN04)

1-66 AR

-TF 1-66 Scouts will conduct Counter-IED Patrol from K8 to Fallujah Road at 030100 JAN04

-B/9CAV(BRT) will conduct presence patrols from 030400-0800 JAN04 in Zone 1,4 of Samarra

-B/TF 1-66 will conduct a Flash TCP sometime between 022000-030800 JAN 04

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-B/1-12 IN will conduct presence patrols from 030800-1200 JAN04 in Zone 3, 7 of Samarra

a. Raids/Cordon and Searches.

UNIT	CITY	DESCRIPTION	LOCATION	TOT
N/A	N/A	N/A	N/A	N/A

Remarks. No change to patrol matrix.

PATROL MATRIX

DATE	UNIT	GRID	COMPOSITION	DURATION		TYPE
02 JAN	A/1-66AR	LC 865901	Tank Platoon	0001	2400	FOB Security
02 JAN	B/1-66AR	LC 894895	Tank Platoon	0001	2400	Counter Mortar OP
02 JAN	A/1-66AR	LC 879930	Tank Platoon	1630	1809	Flash TCP
02 JAN	B/1-66AR	LC 894874	Tank Platoon	1938	2130	Flash TCP
02 JAN	TF Scouts	HWY 1	Scouts	2053	2252	Counter IED Patrol
02 JAN	TF TB	HWY 1	Engineers	1730	2150	Counter IED Patrol

3-29 FA

a. Raids/Cordon and Searches.

UNIT	DESCRIPTION	LOCATION	TOT (DTG)
N/A	N/A	N/A	N/A

Remarks on raids/cordon and searches.

b. Ambushes/Patrols/CPs/TCPs/OPs/Blocking positions.

03JAN	A/3-29	FB 109	Duluiyah	3x HMMWV	1400	1800	Mounted Logistical Patrol
03JAN	FIST	Duluiyah	Duluiyah	3x HMMWV	1400	1800	MSR Clearance

4th EN

a. Raids/Cordon and Searches.

UNIT	CITY	DESCRIPTION	LOCATION	TOT

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b. CMO: Maintains presence in Ad Dujayl area.

Team Assassin: Maintains presence at the Ad Dujayl Police Station and Gas Station. Conducts presence patrol on Highway 1 and continues FOB security.

Team Bulldog: Serves as the QRF, EOD escort, and IED reaction. Maintains FOB security and serves as EOD escort.

HHC/4E. Continues improvement of FOB Vanguard; assists FOB security. Continues logistical support and operations for FOB Vanguard. The QC teams from 223rd En Bn will stay at FOB Eagle and Mountaineer.

2-3 IN

UNIT	DESCRIPTION	LOCATION	TOT (DTG)
N/A	N/A	N/A	N/A

A Company/2-3 IN – continue to conduct patrols along Tampa focusing on the ICDC checkpoint to the Fallugah cut.

B Company/2-3 IN. – secures FOB EAGLE and conducts IED / Mortar patrols along RTE AMY and vic FOB EAGLE.

C Company/2-3 IN – manning Ops 3 and 5; 1 X PLT is the BN QRF

A Company/2-124 IN (L) – Man OPs and conduct patrols vicinity AO GATOR.

Scouts – Man OP Scout 1.

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Exhibit(s): 15

Page(s): 141 thru 145

Referred to:

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1625 Ellis Street
Fort Carson, Colorado 80913-7106**

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RECOMMENDATION FOR AWARD

For use of this form for AR 600-8-22, DA Form 638, 1 Nov 94, ODCSPER

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For valor/heroism/wartime and all awards higher than MSM, refer to special instructions in Chapter 3, AR 600-8-22.

1. TO Commander, 3BCT, 4ID Balad, Iraq APO AE 09323	2. FROM Commander, B Co, 4EN, TF 1-8 IN Balad, Iraq APO AE 09323-2598	3. DATE 19 JAN 04
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PART I - SOLDIER DATA

4. NAME (b)(6)	5. RANK PFC	6. SSN (b)(6)
7. ORGANIZATION B Co, 4EN, TF 1-8 IN Balad, Iraq APO AE 09323	8. PREVIOUS AWARDS NO AWDS	
9. BRANCH OF SERVICE U.S. ARMY	10. RECOMMENDED AWARD ARCOM V	11. PERIOD OF AWARD a. FROM 03 JAN 04 b. TO 03 JAN 04
12. REASON FOR AWARD	13. POSTHUMOUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
12a. INDICATE ACH, SVC, PCS, ETS, OR RET ACH	12b. INTERIM AWARD IF YES, STATE AWARD GIVEN	

PART II - RECOMMENDER DATA

14. NAME (b)(6)	15. ADDRESS B Co, 4EN, TF 1-8 IN Balad, Iraq APO AE 09323-2598	
16. TITLE/POSITION Platoon Leader	17. RANK ILT	
18. RELATIONSHIP TO AWARDEE Platoon Leader	19. SIGNATURE (b)(6)	

PART III - JUSTIFICATION AND CITATION DATA (Use specific bullet examples of meritorious acts or service)

20. ACHIEVEMENTS

ACHIEVEMENT #1
While attached to 2/A/1-8 IN conducting a raid in Balad on 03 JAN 04, PFC (b)(6) entered the target home under direct fire and responded immediately by returning fire and assisting in putting down the insurgent. He continued to clear the remainder of his sector and was instrumental in gaining control over the home to begin clearance operations. His quick thinking and tactical sense saved the lives of his squad as they entered the home behind him and directly led to his squad's successful securing and clearance of all assigned targets.

ACHIEVEMENT #2

ACHIEVEMENT #3

ACHIEVEMENT #4

21. PROPOSED CITATION

FOR VALOROUS ACTIONS WHILE SERVING AS A SAPPER IN BRAVO COMPANY, 4TH ENGINEER BATTALION, IN SUPPORT OF TASK FORCE 1-8 INFANTRY. PFC (b)(6) REACTION TO DIRECT FIRE CONTACT DURING A RAID UNDOUBTEDLY SAVED THE LIVES OF HIS SQUAD AS HE SUCCESSFULLY DESTROYED A KNOWN HOSTILE TARGET. HIS ACTIONS REFLECT THE UNFINISHED CREW UPON HIMSELF, BRAVO COMPANY, TASK FORCE 1-8 INFANTRY, AND THE UNITED STATES.

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141 PC V6.00

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U407 (b)(6)

NAME (b)(6) SSN (b)(6)

PART IV FOR OFFICIAL USE ONLY APPROVAL

22. I certify that this individual is eligible for an award in accordance with AR 600-8-22; and that the information contained in this form is correct. (b)(6) 22b. DATE

23. INTERMEDIATE AUTHORITY a. TO Commander, Task Force 1-8 IN Balad, Iraq APO AE 09323 b. FROM Commander, B Co, 4EN, 1F 1-8 IN Balad, Iraq APO AE 09323-2598 c. DATE

d. RECOMMEND: APPROVAL DISAPPROVAL UPGRADE TO: DOWNGRADE TO:

e. NAME (b)(6) f. RANK CPT

g. TITLE/POSITION Company Commander h. SIGNATURE

i. COMMENTS

24. INTERMEDIATE AUTHORITY a. TO Commander, 3BCT, 4ID Balad, Iraq APO AE 09323 b. FROM Commander, Task Force 1-8 IN Balad, Iraq APO AE 09323 c. DATE

d. RECOMMEND: APPROVAL DISAPPROVAL UPGRADE TO: DOWNGRADE TO:

e. NAME (b)(6) f. RANK LTC

g. TITLE/POSITION Battalion Commander h. SIGNATURE

i. COMMENTS

25. INTERMEDIATE AUTHORITY a. TO b. FROM c. DATE

d. RECOMMEND: APPROVAL DISAPPROVAL UPGRADE TO: DOWNGRADE TO:

e. NAME f. RANK

g. TITLE/POSITION h. SIGNATURE

i. COMMENTS

26. APPROVAL AUTHORITY a. TO ORDERS ISSUING AUTHORITY b. FROM Commander, 3BCT, 4ID Balad, Iraq APO AE 09323 c. DATE

d. APPROVED DISAPPROVED RECOMMEND UPGRADE TO: DOWNGRADE TO:

e. NAME (b)(6) f. RANK COL

g. TITLE/POSITION Brigade Commander h. SIGNATURE

i. COMMENTS

PART V - ORDERS DATA

27a. ORDERS ISSUING HQ HQs, 3BCT, 4ID Balad, Iraq APO AE 09323 27b. PERMANENT ORDER NO. 31. DISTRIBUTION 1-Soldier 1-Company Commander 1-Records Set 1-MPRJ 1-Fiche

28a. NAME OF ORDERS APPROVAL AUTHORITY 28b. RANK

28c. TITLE/POSITION 29. APPROVED AWARD

SIGNATURE 30. DATE

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Narrative justification for [redacted]

(b)(6)

On 03 JAN 04, PFC (b)(6) squad was attached to 2/A/1-8 for a series of raids in Balad, Iraq. PFC (b)(6) squad, led by SSG (b)(6) was tasked to secure and clear eight separate houses; upon entering the fifth house in search of their target, the squad received direct fire from small arms from at least one person in the foyer of the house. PFC (b)(6) the second soldier to enter the house, reacted by moving to his assigned corner of the room and returned fire. Combined with the shots fired by SSG (b)(6) the first man in the house, this fire killed the target that initially opened fire. Following this action, PFC (b)(6) continued to execute his room-clearance task and assisted in securing the house. PFC (b)(6) actions—by not hesitating to return accurate fire under extremely limited visibility conditions—undoubtedly saved the lives of his squad as they entered the house behind him and enabled his squad to swiftly and successfully secure all remaining personnel and transition to new targets.

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SWORN STATEMENT
 For use of the Department of Defense Policy is ODCSOPS

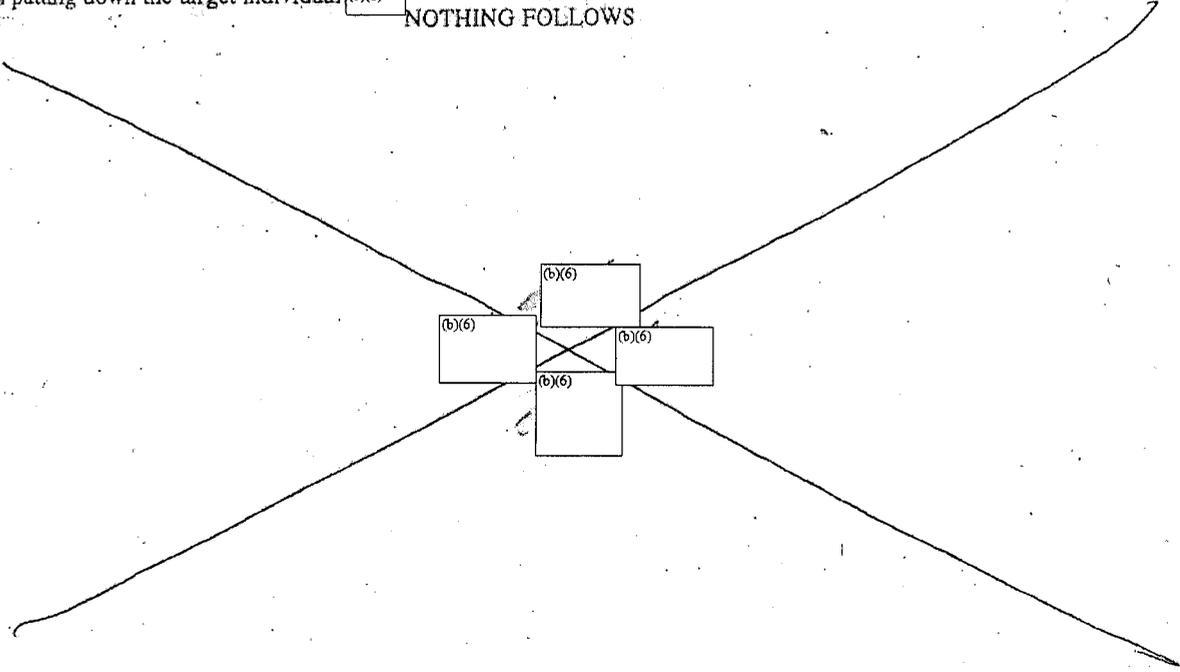
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AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social 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. LOCATION Balad, Iraq	2. DATE (YYYYMMDD) 2004/01/14	3. TIME 1215	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-6/SSG	
8. ORGANIZATION OR ADDRESS B Co, 4 EN, TF 1-8 IN Balad, Iraq APO AE 09323-2598			

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

On 03 JAN 04, 2/1/B/4EN was attached to A Co 1-8 IN for a raid conducted in the Balad area of operations. The sector for my squad's operations included 8 houses. After clearing the first four house we then moved the fifth. I (SSG (b)(6)) had my Alpha Team (SGT (b)(6)) move to cordon off the house and my Bravo Team (SGT (b)(6)) move to clear the house. PFC (b)(6) kicked in the outer gate and we entered the courtyard. The team then stacked on the wall next to the front door. I was the number one man, PFC (b)(6) was the number two man, SGT (b)(6) was the number three man, and PFC (b)(6) was the four man, the last to enter the door. PFC (b)(6) then kicked in the front door and I entered. As I entered I saw a male in the back corner coming out of a door with a pistol in his hand. I immediately fired one controlled pair that hit him in the chest. He stopped forward progress and his arm dropped a little but he didn't go down so I fired another controlled pair. By this time PFC (b)(6) had entered while hearing the firing and had cleared his area. The male had at this time tried to raise the weapon again so both he and I fired two more controlled pairs and he finally went down but during this last action he did get off at least one more round, but he fired low. I fired two more rounds into him as I approached and PFC (b)(6) then moved to pull security on the door that the male had come from. SGT (b)(6) had secured the other entrance and PFC (b)(6) secured the family members that were in the initial room in the corner. PFC (b)(6) actions were quick and aided in the safety of the entire fire team. He had entered and cleared his area which had included the women and children, entered and held his fire while hearing enemy fire until he had safely secured his area and then assisted in putting down the target individual (b)(6). NOTHING FOLLOWS



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE LEADING "STATEMENT" 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.

DA FORM 2823, DEC 1998
 DA FORM 2823, JUL 72, IS OBSOLETE
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 15

STATEMENT OF SSG (b)(6) **FOR OFFICIAL USE ONLY** DATED 2004/01/14
TAKEN AT FOB PATIWODA
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9. STATEMENT (Continued)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

I, SSG (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of Jan, 04 at FOB Patiwoda, Balad, Iraq APO AE 09323

1LT (b)(6)
B Co, 4 EN, 1F I-6 IN
Balad, Iraq APO AE 09323-2598
 ORGANIZATION OR ADDRESS

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

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

Commissioned Officer
 (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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PAGE 2 OF 2 PAGES

ROI 04-CID056-76341-5H1

Exhibit(s): 40

Page(s): 222 thru 245

Referred to:

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ATTN: FOIA Officer
1625 Ellis Street
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ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
PAGE2902.0
FT CARSON (b)(6) (b)(6) NOV 4, 2004

SUMMARY OF CHARGES
MONTHLY SERVICE CHARGES

10/03/04 Through 11/02/04
MONTHLY SE - DIGITAL ONE RATE \$59.99 59.99
THREE WAY CALLING .00
CALL WAITING .00
CALLER ID .00
PCS VOICEMAIL W/NUMERIC .00
AT&T 2-WAY TEXT MSG \$0.00 .00
MOBILE TO MOBILE NATL 9.99
REGULATORY PROGRAMS FEE 1.75
TOTAL MONTHLY SERVICE CHARGES 71.73

HOME AIRTIME CHARGES

10/03/04 Through 11/02/04 - DIGITAL ONE RATE \$59.99
Category Minutes Rate Charge
UNLIM MOBILE TO MOBILE 237.0 .000 .00
INCLUDED IN PLAN 450.0 .000 .00
ADDITIONAL MINUTES 67.0 .350 23.45
754.0 23.45

TOTAL HOME AIRTIME CHARGES 23.45
OTHER CHARGES AND CREDITS

DETAIL BILLING .00
AUTO DROPPED CALL CR(S) - 1 CALL .35CR
TOTAL OTHER CHARGES AND CREDITS .35CR
TOTAL CURRENT MONTHLY CHARGES 94.83

HOME AIRTIME AND LONG DISTANCE CHARGES

CALL LONG
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0001 10/03 2:42P M INCOMING CS 2.0
0002 10/04 9:18A (b)(6) COLUMBUS GA CS 1.0
0003 10/04 10:10A (b)(6) EL PASO CO CS 1.0
0004 10/04 12:47P M (b)(6) COLO SP MA CO CS 1.0
0005 10/04 12:56P M (b)(6) COLO SP MA CO CS 1.0
0006 10/04 12:57P (b)(6) COLO SP MA CO CS 1.0
0007 10/04 12:59P MRET/CELLULAR LOCAL CS 2.0
0008 10/04 1:11P M INCOMING CS 1.0
0009 10/04 1:20P M (b)(6) COLO SP MA CO CS 2.0

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ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
PAGE2903.0
FT CARSON (b)(6) (b)(6) NOV 4, 2004

CALL LONG
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0010 10/04 1:27P INCOMING CS 3.0
0011 10/04 1:34P (b)(6) COLO SP SM CO CS 2.0
0012 10/04 1:58P M INCOMING CS 1.0
0013 10/04 2:07P (b)(6) EL PASO CO CS 2.0
0014 10/04 2:09P M (b)(6) COLO SP MA CO CS 2.0
0015 10/04 2:16P M INCOMING CS 2.0
0016 10/04 3:22P M (b)(6) COLO SP MA CO CS 2.0
0017 10/04 3:26P M (b)(6) COLO SP MA CO CS 3.0
0018 10/04 3:33P INCOMING CS 5.0
0019 10/04 5:13P INCOMING CS 1.0
0020 10/04 5:51P INCOMING CS 1.0
0021 10/04 6:18P (b)(6) COLO SP MA CO CS 1.0
0022 10/05 9:23A INCOMING CS 1.0
0023 10/05 9:37A (b)(6) COLO SP SM CO CS 1.0
0024 10/05 9:38A (b)(6) COLO SP SM CO CS 4.0
0025 10/05 9:55A (b)(6) COLO SP SM CO CS 1.0
0026 10/05 9:56A (b)(6) COLO SP SM CO CS 4.0
0027 10/05 10:10A (b)(6) COLO SP SM CO CS 6.0
0028 10/05 10:26A (b)(6) COLO SP SM CO CS 1.0
0029 10/05 11:27A (b)(6) COLO SP MA CO CS 1.0
0030 10/05 2:39P INCOMING CS 3.0
0031 10/05 2:41P INCOMING CS 1.0
0032 10/05 2:54P INCOMING CS 4.0
0033 10/05 3:01P (b)(6) COLO SP PV CO CS 1.0
0034 10/05 3:45P M INCOMING CS 2.0
0035 10/05 4:15P INCOMING CS 10.0
0036 10/05 4:25P MRET/CELLULAR LOCAL CS 2.0
0037 10/05 6:06P INCOMING CS 1.0
0038 10/06 6:41A M (b)(6) COLO SP MA CO CS 1.0
0039 10/06 8:05A M INCOMING CS 2.0
0040 10/06 10:35A M (b)(6) COLO SP MA CO CS 1.0
0041 10/06 10:44A INCOMING CS 3.0
0042 10/06 11:21A (b)(6) COLO SP PV CO CS 1.0
0043 10/06 11:27A M (b)(6) COLO SP MA CO CS 1.0
0044 10/06 11:28A INCOMING CS 1.0
0045 10/06 11:29A (b)(6) COLO SP EA CO CS 1.0
0046 10/06 11:30A (b)(6) COLO SP MA CO CS 1.0
0047 10/06 11:30A (b)(6) COLO SP EA CO CS 1.0
0048 10/06 12:55P INCOMING CS 1.0

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0049 10/06 2:05P INCOMING CS 1.0
 0050 10/06 2:30P M INCOMING CS 2.0
 0051 10/06 2:31P (b)(6) COLO SP AF CO CS 1.0
 0052 10/06 2:32P (b)(6) COLO SP AF CO CS 3.0
 0053 10/06 2:34P M (b)(6) COLO SP MA CO CS 3.0
 0054 10/06 2:38P M INCOMING CS 1.0
 0055 10/06 2:55P M INCOMING CS 1.0
 0056 10/06 3:46P M (b)(6) COLO SP MA CO CS 2.0
 0057 10/06 3:48P W INCOMING CS 3.0
 0058 10/06 4:34P INCOMING CS 1.0
 0059 10/06 5:06P INCOMING CS 2.0
 0060 10/06 6:54P M INCOMING CS 1.0
 0061 10/06 7:01P M (b)(6) COLO SP MA CO CS 1.0
 0062 10/06 7:07P M (b)(6) COLO SP MA CO CS 1.0
 0063 10/06 7:19P M (b)(6) COLO SP MA CO CS 1.0
 0064 10/06 8:12P M INCOMING CS 1.0
 0065 10/07 7:32A (b)(6) COLO SP SM CO CS 1.0
 0066 10/07 7:33A M (b)(6) COLO SP MA CO CS 1.0
 0067 10/07 8:43A INCOMING CS 2.0
 0068 10/07 9:00A M (b)(6) COLO SP MA CO CS 1.0
 0069 10/07 9:01A M (b)(6) COLO SP MA CO CS 3.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
 PAGE2904.0
 FT CARSON (b)(6) (b)(6) NOV 4, 2004

CALL LONG
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0070 10/07 9:03A M (b)(6) COLO SP MA CO CS 1.0
 0071 10/07 9:10A M (b)(6) COLO SP MA CO CS 1.0
 0072 10/07 9:22A M (b)(6) COLO SP MA CO CS 1.0
 0073 10/07 9:23A (b)(6) COLO SP SM CO CS 1.0
 0074 10/07 9:37A M (b)(6) COLO SP MA CO CS 1.0
 0075 10/07 9:40A (b)(6) COLO SP SM CO CS 3.0
 0076 10/07 9:45A M (b)(6) COLO SP MA CO CS 1.0
 0077 10/07 9:45A (b)(6) COLO SP MA CO CS 1.0
 0078 10/07 9:56A INCOMING CS 1.0
 0079 10/07 10:57A MRET/CELLULAR LOCAL CS 1.0
 0080 10/07 11:01A (b)(6) DENVER CO CS 3.0
 0081 10/07 11:04A M (b)(6) COLO SP MA CO CS 2.0
 0082 10/07 11:32A (b)(6) COLO SP EA CO CS 1.0
 0083 10/07 11:45A M (b)(6) COLO SP MA CO CS 2.0
 0084 10/07 12:15P M INCOMING CS 4.0
 0085 10/07 12:39P M (b)(6) COLO SP MA CO CS 1.0
 0086 10/07 12:45P INCOMING CS 4.0
 0087 10/07 12:49P INCOMING CS 1.0
 0088 10/07 12:57P M (b)(6) COLO SP MA CO CS 1.0
 0089 10/07 1:03P (b)(6) COLO SP MA CO CS 1.0

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 EXHIBIT 4

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0090 10/07 1:04P (b)(6) COLO SP SM CO CS 1.0
 0091 10/07 1:50P INCOMING CS 1.0
 0092 10/07 2:57P M (b)(6) COLO SP MA CO CS 1.0
 0093 10/07 2:58P M (b)(6) COLO SP MA CO CS 1.0
 0094 10/07 2:58P (b)(6) COLO SP SM CO CS 1.0
 0095 10/07 3:15P INCOMING CS 2.0
 0096 10/07 4:10P INCOMING CS 33.0
 0097 10/08 11:30A INCOMING CS 8.0
 0098 10/08 12:48P (b)(6) COLO SP MA CO CS 1.0
 0099 10/08 12:51P INCOMING CS 1.0
 0100 10/08 5:16P M (b)(6) COLO SP MA CO CS 1.0
 0101 10/08 5:31P INCOMING CS 1.0
 0102 10/09 12:52P M INCOMING CS 1.0
 0103 10/09 3:39P MRET/CELLULAR LOCAL CS 2.0
 0104 10/09 3:40P (b)(6) COLO SP MA CO CS 3.0
 0105 10/10 9:48A (b)(6) COLO SP MA CO CS 1.0
 0106 10/10 12:57P M (b)(6) COLO SP MA CO CS 1.0
 0107 10/11 12:37P (b)(6) COLO SP MA CO CS 1.0
 0108 10/12 7:39A M INCOMING CS 1.0
 0109 10/12 7:46A M (b)(6) COLO SP MA CO CS 1.0
 0110 10/12 7:47A (b)(6) COLO SP SM CO CS 1.0
 0111 10/12 8:50A M (b)(6) COLO SP MA CO CS 2.0
 0112 10/12 8:55A M INCOMING CS 2.0
 0113 10/12 9:02A (b)(6) COLO SP SM CO CS 1.0
 0114 10/12 9:22A (b)(6) COLUMBUS GA CS 3.0
 0115 10/12 9:50A INCOMING CS 1.0
 0116 10/12 9:55A INCOMING CS 1.0
 0117 10/12 10:03A M (b)(6) COLO SP MA CO CS 1.0
 0118 10/12 10:06A INCOMING CS 1.0
 0119 10/12 10:34A M (b)(6) COLO SP MA CO CS 3.0
 0120 10/12 10:37A (b)(6) COLO SP SM CO CS 1.0
 0121 10/12 11:09A M INCOMING CS 2.0
 0122 10/12 11:21A INCOMING CS 1.0
 0123 10/12 11:31A M (b)(6) COLO SP MA CO CS 1.0
 0124 10/12 12:58P M (b)(6) COLO SP MA CO CS 1.0
 0125 10/12 1:15P M (b)(6) COLO SP MA CO CS 1.0
 0126 10/12 1:18P M (b)(6) COLO SP MA CO CS 2.0
 0127 10/12 3:01P M (b)(6) COLO SP MA CO CS 2.0
 0128 10/12 6:07P (b)(6) COLO SP EA CO CS 1.0
 0129 10/12 6:08P D (b)(6) COLO SP EA CO CS 6.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
 PAGE2905.0
 FT CARSON (b)(6) (b)(6) NOV 4, 2004

CALL LONG
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0130 10/12 6:14P (b)(6) COLO SP MA CO CS 1.0

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 EXHIBIT 4

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0131 10/13 6:22A INCOMING CS 1.0
 0132 10/13 10:41A INCOMING CS 1.0
 0133 10/13 11:13A INCOMING CS 6.0
 0134 10/13 11:27A M INCOMING CS 2.0
 0135 10/13 12:55P (b)(6) SANTA ROSA CA CS 1.0
 0136 10/13 3:32P INCOMING CS 1.0
 0137 10/13 3:35P INCOMING CS 1.0
 0138 10/13 5:01P INCOMING CS 1.0
 0139 10/14 10:42A (b)(6) COLUMBUS GA CS 1.0
 0140 10/14 11:27A M INCOMING CS 4.0
 0141 10/14 11:37A (b)(6) COLO SP SM CO CS 1.0
 0142 10/14 1:06P MRET/CELLULAR LOCAL CS 2.0
 0143 10/14 1:08P (b)(6) COLO SP MA CO CS 3.0
 0144 10/14 1:59P M (b)(6) COLO SP MA CO CS 1.0
 0145 10/14 2:20P INCOMING CS 1.0
 0146 10/14 4:08P (b)(6) COLO SP EA CO CS 2.0
 0147 10/14 6:05P INCOMING CS 1.0
 0148 10/15 8:32A M (b)(6) COLO SP MA CO CS 1.0
 0149 10/15 9:53A M (b)(6) COLO SP MA CO CS 1.0
 0150 10/15 10:08A M INCOMING CS 2.0
 0151 10/15 10:44A INCOMING CS 2.0
 0152 10/15 12:05P INCOMING CS 1.0
 0153 10/15 1:07P M INCOMING CS 2.0
 0154 10/15 1:54P M (b)(6) COLO SP MA CO CS 1.0
 0155 10/15 2:58P INCOMING CS 1.0
 0156 10/15 3:12P M INCOMING CS 1.0
 0157 10/15 5:07P M (b)(6) COLO SP MA CO CS 1.0
 0158 10/15 6:35P M INCOMING CS 1.0
 0159 10/16 12:08P M (b)(6) COLO SP MA CO CS 1.0
 0160 10/16 1:30P (b)(6) COLO SP EA CO CS 1.0
 0161 10/16 2:21P M (b)(6) COLO SP MA CO CS 1.0
 0162 10/17 2:03P M (b)(6) COLO SP MA CO CS 1.0
 0163 10/18 8:22A INCOMING CS 4.0
 0164 10/18 10:38A (b)(6) COLUMBUS GA CS 1.0
 0165 10/18 11:34A INCOMING CS 1.0
 0166 10/18 12:16P INCOMING CS 1.0
 0167 10/18 1:04P (b)(6) COLO SP MA CO CS 10.0
 0168 10/18 1:46P INCOMING CS 1.0
 0169 10/18 2:40P (b)(6) COLO SP SM CO CS 1.0
 0170 10/18 2:40P (b)(6) COLO SP SM CO CS 1.0
 0171 10/18 3:32P MRET/CELLULAR LOCAL CS 2.0
 0172 10/18 3:33P M (b)(6) COLO SP MA CO CS 2.0
 0173 10/18 4:20P INCOMING CS 1.0
 0174 10/18 8:22P INCOMING CS 5.0
 0175 10/18 8:30P INCOMING CS 8.0
 0176 10/19 8:20A INCOMING CS 1.0
 0177 10/19 8:44A INCOMING CS 4.0
 0178 10/19 10:59A M INCOMING CS 1.0
 0179 10/19 11:20A MRET/CELLULAR LOCAL CS 1.0
 0180 10/19 12:37P INCOMING CO 3.0
 0181 10/19 2:54P (b)(6) COLO SP MA CO CS 1.0

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EXH 1226T 46

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0182 10/19 3:02P INCOMING CS 2.0
 0183 10/19 3:11P M INCOMING CS 1.0
 0184 10/20 7:15A (b)(6) COLO SP MA CO CS 1.0
 0185 10/20 7:16A M (b)(6) COLO SP MA CO CS 1.0
 0186 10/20 7:17A (b)(6) COLO SP SM CO CS 1.0
 0187 10/20 7:19A M (b)(6) COLO SP MA CO CS 1.0
 0188 10/20 7:25A (b)(6) COLO SP SM CO CS 1.0
 0189 10/20 7:26A (b)(6) COLO SP MA CO CS 2.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
 PAGE2906.0
 FT CARSON (b)(6) (b)(6) NOV 4, 2004

CALL LONG
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0190 10/20 7:28A INCOMING CS 2.0
 0191 10/20 7:46A INCOMING CS 1.0
 0192 10/20 7:48A MRET/CELLULAR LOCAL CS 1.0
 0193 10/20 7:49A (b)(6) COLO SP MA CO CS 1.0
 0194 10/20 7:58A M INCOMING CS 1.0
 0195 10/20 7:59A INCOMING CS 1.0
 0196 10/20 8:24A M INCOMING CS 1.0
 0197 10/20 10:58A MRET/CELLULAR LOCAL CS 1.0
 0198 10/20 10:59A S (b)(6) FORT HOOD TX CS 1.0
 0199 10/20 1:30P M (b)(6) COLO SP MA CO CS 2.0
 0200 10/20 1:33P M (b)(6) COLO SP MA CO CS 1.0
 0201 10/20 3:36P INCOMING CS 46.0
 0202 10/20 4:37P (b)(6) COLO SP MA CO CS 2.0
 0203 10/20 5:04P M INCOMING CS 1.0
 0204 10/21 8:32A M (b)(6) COLO SP MA CO CS 1.0
 0205 10/21 8:55A INCOMING CS 2.0
 0206 10/21 9:10A S (b)(6) FORT HOOD TX CS 1.0
 0207 10/21 9:13A MRET/CELLULAR LOCAL CS 1.0
 0208 10/21 12:45P MRET/CELLULAR LOCAL CS 1.0
 0209 10/21 12:48P MRET/CELLULAR LOCAL CS 1.0
 0210 10/21 12:50P M (b)(6) COLO SP MA CO CS 4.0
 0211 10/21 1:05P M (b)(6) COLO SP MA CO CS 5.0
 0212 10/21 2:52P INCOMING CS 8.0
 0213 10/21 3:01P INCOMING CS 2.0
 0214 10/21 3:46P INCOMING CS 2.0
 0215 10/21 3:54P INCOMING CS 2.0
 0216 10/21 4:11P MRET/CELLULAR LOCAL CS 1.0
 0217 10/21 4:15P (b)(6) COLO SP SM CO CS 5.0
 0218 10/21 4:48P (b)(6) COLO SP SM CO CS 2.0
 0219 10/21 5:31P INCOMING CS 1.0
 0220 10/22 9:58A MRET/CELLULAR COLO SP MA CO CA 2.0
 0221 10/22 10:00A (b)(6) COLO SP MA CO CA 2.0
 0222 10/22 10:02A MRET/CELLULAR COLO SP MA CO CA 1.0

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0223 10/22 10:04A MRET/CELLULAR COLO SP MA CO CA 1.0
 0224 10/22 10:05A (b)(6) COLO SP MA CO CA 1.0
 0225 10/22 10:38A (b)(6) NORTHRIDGE CA CA 1.0
 0226 10/22 10:43A (b)(6) COLO SP PV CO CA 4.0
 0227 10/22 10:46A MRET/CELLULAR COLO SP MA CO CA 1.0
 0228 10/22 11:03A (b)(6) WAPPNGRFLS NY CA 1.0
 0229 10/22 11:03A (b)(6) WAPPNGRFLS NY CA 1.0
 0230 10/22 11:04A (b)(6) WAPPNGRFLS NY CA 3.0
 0231 10/22 11:22A INCOMING CA 4.0
 0232 10/22 12:26P INCOMING CA 1.0
 0233 10/22 12:29P MRET/CELLULAR COLO SP MA CO CA 1.0
 0234 10/22 12:31P (b)(6) COLO SP MA CO CA 1.0
 0235 10/22 12:31P (b)(6) COLO SP MA CO CA 1.0
 0236 10/22 12:32P INCOMING CA 4.0
 0237 10/22 12:36P S (b)(6) FORT HOOD TX CA 1.0
 0238 10/22 12:38P M (b)(6) COLO SP MA CO CA 1.0
 0239 10/22 12:38P (b)(6) COLO SP MA CO CA 1.0
 0240 10/22 12:39P S (b)(6) FORT HOOD TX CA 1.0
 0241 10/22 12:40P S (b)(6) SOUTHFIELD MI CA 1.0
 0242 10/22 12:41P S (b)(6) FORT HOOD TX CA 1.0
 0243 10/22 12:42P (b)(6) COLO SP MA CO CA 1.0
 0244 10/22 12:42P M (b)(6) COLO SP MA CO CA 2.0
 0245 10/22 12:44P S (b)(6) FORT HOOD TX CA 1.0
 0246 10/22 12:45P (b)(6) COLO SP MA CO CA 1.0
 0247 10/22 12:45P (b)(6) COLO SP MA CO CA 1.0
 0248 10/22 1:17P MRET/CELLULAR COLO SP MA CO CA 1.0
 0249 10/22 1:18P (b)(6) COLO SP MA CO CA 4.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
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 FT CARSON (b)(6) (b)(6) NOV 4, 2004

CALL LONG
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0250 10/22 1:35P INCOMING CA 2.0
 0251 10/22 2:27P (b)(6) COLO SP PV CO CA 1.0
 0252 10/22 2:28P M (b)(6) COLO SP MA CO CA 1.0
 0253 10/22 2:44P INCOMING CA 4.0
 0254 10/22 2:47P (b)(6) COLO SP MA CO CA 4.0
 0255 10/22 6:13P MRET/CELLULAR COLO SP MA CO CA 4.0
 0256 10/23 11:22A (b)(6) COLO SP PV CO CA 1.0
 0257 10/23 11:23A M (b)(6) COLO SP MA CO CA 1.0
 0258 10/23 12:47P MRET/CELLULAR COLO SP MA CO CA 1.0
 0259 10/23 12:54P INCOMING CA 10.0
 0260 10/23 1:04P INCOMING CA 4.0
 0261 10/23 3:06P M INCOMING CA 10.0
 0262 10/23 3:50P INCOMING CA 14.0
 0263 10/23 6:26P (b)(6) COLO SP PV CO CA 1.0

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LAW ENFORCEMENT SENSITIVE

0264 10/23 6:27P M (b)(6) COLO SP MA CO CA 1.0
 0265 10/23 6:29P (b)(6) COLO SP PV CO CA 1.0
 0266 10/23 6:29P (b)(6) COLO SP PV CO CA 1.0
 0267 10/23 6:30P M (b)(6) COLO SP MA CO CA 1.0
 0268 10/23 6:34P (b)(6) SANTA ROSA CA CA 1.0
 0269 10/23 6:37P (b)(6) SANTA ROSA CA CA 1.0
 0270 10/23 6:38P (b)(6) SANTA ROSA CA CA 2.0
 0271 10/24 1:58P (b)(6) COLO SP PV CO CO 1.0
 0272 10/24 3:46P (b)(6) DENVER CO CO 1.0
 0273 10/24 7:40P (b)(6) COLO SP PV CO CS 1.0
 0274 10/25 7:44A M (b)(6) COLO SP MA CO CS 1.0
 0275 10/25 7:57A M INCOMING CS 2.0
 0276 10/25 8:29A M (b)(6) COLO SP MA CO CS 3.0
 0277 10/25 10:23A (b)(6) COLO SP MA CO CS 3.0
 0278 10/25 4:04P M INCOMING TX 2.0
 0279 10/25 4:06P (b)(6) COLO SP MA CO TX 1.0
 0280 10/25 6:14P (b)(6) COLO SP PV CO TX 1.0
 0281 10/25 6:48P (b)(6) COLO SP PV CO TX 5.0
 0282 10/25 9:26P (b)(6) COLO SP PV CO TX 1.0
 0283 10/25 9:38P (b)(6) COLO SP MA CO TX 3.0
 0284 10/25 9:46P INCOMING TX 2.0
 0285 10/26 10:26A (b)(6) COLO SP MA CO TX 2.0
 0286 10/26 11:54A M (b)(6) COLO SP MA CO TX 1.0
 0287 10/26 11:54A (b)(6) COLO SP PV CO TX 2.0
 0288 10/26 11:55A M INCOMING TX 1.0
 0289 10/26 11:56A M (b)(6) COLO SP MA CO TX 2.0
 0290 10/26 12:04P INCOMING TX 2.0
 0291 10/26 1:34P (b)(6) COLO SP MA CO TX 1.0
 0292 10/26 1:35P (b)(6) COLO SP PV CO TX 1.0
 0293 10/26 1:35P M (b)(6) COLO SP MA CO TX 2.0
 0294 10/26 2:16P INCOMING TX 1.0
 0295 10/26 2:28P (b)(6) LAWTON OK TX 2.0
 0296 10/26 2:30P M (b)(6) COLO SP MA CO TX 1.0
 0297 10/26 2:35P (b)(6) COLO SP MA CO TX 1.0
 0298 10/26 2:45P INCOMING TX 1.0
 0299 10/26 2:46P INCOMING TX 1.0
 0300 10/26 3:37P (b)(6) LAWTON OK TX 2.0
 0301 10/26 3:39P (b)(6) FORT HOOD TX TX 1.0
 0302 10/26 3:40P (b)(6) FORT HOOD TX TX 11.0 1.40
 0303 10/26 3:51P MRET/CELLULAR COLORADO S CO TX 1.0
 0304 10/26 3:52P (b)(6) FORT HOOD TX TX 11.0 3.85
 0305 10/26 4:10P M (b)(6) COLO SP MA CO TX 2.0
 0306 10/26 4:13P M (b)(6) COLO SP MA CO TX 2.0
 0307 10/26 4:35P INCOMING TX 1.0 .35
 0308 10/26 5:15P INCOMING TX 1.0 .35
 0309 10/26 5:24P (b)(6) PUEBLOMAIN CO TX 1.0 .35

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
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 FT CARSON (b)(6) (b)(6) NOV 4, 2004

FOR OFFICIAL USE ONLY

LAW ENFORCEMENT SENSITIVE (CID ROI) 10/26

229-10/26 4/1

**FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE**

CALL LONG
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

REF	DATE	TIME	NUMBER CALLED	CALLS TO	FROM	MIN	AIR	DISTANCE
0310	10/26	5:25P	(b)(6)	COLO	SP MA CO TX	2.0	.70	
0311	10/26	9:20P M	(b)(6)	COLO	SP MA CO CS	2.0		
0312	10/28	5:31A M	(b)(6)	COLO	SP MA CO CS	1.0		
0313	10/28	5:39A	MRET/CELLULAR	LOCAL	CS	1.0		
0314	10/28	9:17A	(b)(6)	COLO	SP MA CO CS	2.0	.70	
0315	10/28	9:34A		INCOMING	CS	2.0	.70	
0316	10/28	10:23A	MRET/CELLULAR	LOCAL	CS	1.0		
0317	10/28	1:49P M	(b)(6)	COLO	SP MA CO CS	5.0		
0318	10/28	3:05P	MRET/CELLULAR	LOCAL	CS	2.0		
0319	10/29	9:04A	(b)(6)	COLO	SP MA CO CS	9.0	3.15	
0320	10/29	12:29P		INCOMING	CS	11.0	3.85	
0321	10/29	1:02P	(b)(6)	COLO	SP MA CO CS	1.0	.35	
0322	10/29	1:04P M	(b)(6)	COLO	SP MA CO CS	1.0		
0323	10/29	3:35P	MRET/CELLULAR	LOCAL	CS	2.0		
0324	10/29	3:39P	(b)(6)	EL PASO	CO CS	3.0	1.05	
0325	10/30	10:47A	(b)(6)	COLO	SP MA CO CS	4.0	1.40	
0326	10/30	11:02A M		INCOMING	CS	2.0		
0327	10/31	8:34A	MRET/CELLULAR	LOCAL	CS	1.0		
0328	11/01	5:40A		INCOMING	CS	1.0	.35	
0329	11/01	5:41A M	(b)(6)	COLO	SP MA CO CS	1.0		
0330	11/01	5:44A	(b)(6)	COLO	SP MA CO CS	1.0	.35	
0331	11/01	5:45A M	(b)(6)	COLO	SP MA CO CS	2.0		
0332	11/01	6:01A M	(b)(6)	COLO	SP MA CO CS	2.0		
0333	11/01	6:27A		INCOMING	CS	1.0	.35	
0334	11/01	3:37P		INCOMING	CS	1.0	.35	
0335	11/01	6:18P M		INCOMING	CS	7.0		
0336	11/02	11:13A M	(b)(6)	COLO	SP MA CO CS	1.0		
0337	11/02	11:17A M		INCOMING	CS	3.0		
0338	11/02	11:21A M		INCOMING	CS	1.0		
0339	11/02	11:33A M	(b)(6)	COLO	SP MA CO CS	2.0		
0340	11/02	12:37P M		INCOMING	CS	1.0		
0341	11/02	1:18P M	(b)(6)	COLO	SP MA CO CS	2.0		
0342	11/02	1:41P		INCOMING	CS	5.0	1.75	
0343	11/02	1:51P	(b)(6)	COLO	SP SM CO CS	1.0	.35	
0344	11/02	5:00P M		INCOMING	CS	1.0		
0345	11/02	5:12P		INCOMING	CS	2.0	.70	
0346	11/02	7:01P M	(b)(6)	COLO	SP MA CO CS	2.0		
0347	11/02	7:10P M		INCOMING	CS	1.0		
0348	11/02	7:22P M	(b)(6)	COLO	SP MA CO CS	1.0		
0349	11/02	7:22P	(b)(6)	COLO	SP MA CO CS	1.0	.35	
0350	11/02	7:46P	(b)(6)	COLO	SP MA CO CS	1.0	.35	
0351	11/02	7:47P	(b)(6)	COLO	SP PV CO CS	1.0	.35	
0352	11/02	7:48P M	(b)(6)	COLO	SP MA CO CS	1.0		
TOTAL HOME AIRTIME AND LONG DISTANCE CHARGES						754.0	23.45	.00

CALL CHARACTERISTICS:
M = Mobile to Mobile, W = Call Waiting.

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10-L-0126 ACLU DD III (CID ROI) 230 4

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D = Auto Dropped Call Credit,
S = Long Distance Service Billed Separately

CALL ORIGINS:

CS = Colorado Springs, CO = Colorado, CA = California,
TX = TEXAS

IF YOU HAVE ANY QUESTIONS CONCERNING YOUR INVOICE OR SERVICE,
PLEASE CALL OUR CUSTOMER CARE DEPARTMENT:

(b)(6)

December

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
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 FT CARSON (b)(6) (b)(6) DEC 4, 2004

SUMMARY OF CHARGES
 MONTHLY SERVICE CHARGES

11/03/04 Through 12/02/04
 MONTHLY SE - DIGITAL ONE RATE \$59.99 59.99
 THREE WAY CALLING .00
 CALL WAITING .00
 CALLER ID .00
 PCS VOICEMAIL W/NUMERIC .00
 AT&T 2-WAY TEXT MSG \$0.00 .00
 MOBILE TO MOBILE NATL 9.99
 REGULATORY PROGRAMS FEE 1.75
TOTAL MONTHLY SERVICE CHARGES 71.73

HOME AIRTIME CHARGES

11/03/04 Through 12/02/04 - DIGITAL ONE RATE \$59.99

Category	Minutes	Rate	Charge
UNLIM MOBILE TO MOBILE	134.0	.000	.00
INCLUDED IN PLAN	412.0	.000	.00
	546.0	.00	

TOTAL HOME AIRTIME CHARGES .00
 OTHER CHARGES AND CREDITS

DETAIL BILLING .00
 TOTAL OTHER CHARGES AND CREDITS .00
 TOTAL CURRENT MONTHLY CHARGES 71.73

HOME AIRTIME AND LONG DISTANCE CHARGES

CALL LONG
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0001	11/03	12:20P	M (b)(6)	COLO SP MA CO CS	1.0
0002	11/03	6:06P		INCOMING CS	6.0
0003	11/03	6:15P		INCOMING CS	2.0
0004	11/03	6:21P	M	INCOMING CS	1.0
0005	11/03	6:33P	M (b)(6)	COLO SP MA CO CS	1.0
0006	11/03	8:54P	MRET/CELLULAR	LOCAL CS	1.0
0007	11/03	8:55P	(b)(6)	COLO SP MA CO CS	1.0
0008	11/04	5:40A	(b)(6)	COLO SP MA CO CS	2.0
0009	11/04	8:55A	M (b)(6)	COLO SP MA CO CS	1.0
0010	11/04	8:56A	(b)(6)	COLO SP SM CO CS	2.0
0011	11/05	9:36A		INCOMING CS	1.0
0012	11/05	10:08A		INCOMING CS	1.0

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LAW ENFORCEMENT SENSITIVE

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
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FT CARSON (b)(6) (b)(6) DEC 4, 2004

CALL LONG
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

REF DATE	TIME	NUMBER CALLED	CALLS TO	FROM	MIN	AIR	DISTANCE
0013	11/05	10:11A	INCOMING	CS	1.0		
0014	11/05	10:36A	INCOMING	CS	6.0		
0015	11/05	10:43A	(b)(6)	COLO SP SM CO CS	1.0		
0016	11/05	10:44A	(b)(6)	COLO SP SM CO CS	1.0		
0017	11/05	10:45A	(b)(6)	COLO SP SM CO CS	1.0		
0018	11/05	10:46A	(b)(6)	COLO SP MA CO CS	1.0		
0019	11/05	10:48A	(b)(6)	COLO SP SM CO CS	1.0		
0020	11/05	10:48A	(b)(6)	COLO SP SM CO CS	1.0		
0021	11/05	12:44P	INCOMING	CS	2.0		
0022	11/05	12:58P M	INCOMING	CS	3.0		
0023	11/05	1:52P	INCOMING	CS	1.0		
0024	11/05	1:55P	(b)(6)	COLO SP SM CO CS	1.0		
0025	11/05	1:55P	MRET/CELLULAR	LOCAL	CS	2.0	
0026	11/05	2:20P	INCOMING	CS	1.0		
0027	11/05	7:27P M	INCOMING	CS	1.0		
0028	11/05	7:29P M	(b)(6)	COLO SP MA CO CS	1.0		
0029	11/05	7:30P	(b)(6)	COLO SP MA CO CS	1.0		
0030	11/05	7:31P	(b)(6)	COLO SP MA CO CS	3.0		
0031	11/05	7:36P	INCOMING	CS	1.0		
0032	11/05	7:37P M	(b)(6)	COLO SP MA CO CS	1.0		
0033	11/05	7:49P	INCOMING	CS	2.0		
0034	11/05	7:51P M	(b)(6)	COLO SP MA CO CS	1.0		
0035	11/05	7:52P	(b)(6)	COLO SP MA CO CS	1.0		
0036	11/06	8:37A	INCOMING	CS	1.0		
0037	11/06	10:56A	INCOMING	CS	3.0		
0038	11/06	1:41P	MRET/CELLULAR	COLORADO S CO CO	1.0		
0039	11/06	8:33P M	(b)(6)	COLO SP MA CO CS	1.0		
0040	11/07	6:54A	(b)(6)	COLO SP MA CO CS	1.0		
0041	11/07	3:23P M	INCOMING	CS	2.0		
0042	11/08	10:15A	INCOMING	CS	2.0		
0043	11/08	10:28A	INCOMING	CS	3.0		
0044	11/08	12:11P	(b)(6)	COLO SP SM CO CS	1.0		
0045	11/08	12:11P	MRET/CELLULAR	LOCAL	CS	1.0	
0046	11/08	4:16P	INCOMING	CO	4.0		
0047	11/08	4:35P	INCOMING	CS	7.0		
0048	11/09	8:29A	INCOMING	CS	2.0		

0049 11/09 8:38A MRET/CELLULAR LOCAL CS 1.0
 0050 11/09 8:57A (b)(6) COLO SP SM CO CS 1.0
 0051 11/09 9:48A INCOMING CS 2.0
 0052 11/09 10:12A M (b)(6) COLO SP MA CO CS 1.0
 0053 11/09 11:55A INCOMING CS 2.0
 0054 11/09 12:59P MRET/CELLULAR LOCAL CS 1.0
 0055 11/09 3:24P M INCOMING CS 1.0
 0056 11/09 3:49P (b)(6) COLO SP MA CO CS 1.0
 0057 11/09 3:50P M (b)(6) COLO SP MA CO CS 2.0
 0058 11/09 3:59P (b)(6) COLO SP SM CO CS 3.0
 0059 11/09 4:03P M (b)(6) COLO SP MA CO CS 4.0
 0060 11/09 4:20P (b)(6) COLO SP MA CO CS 5.0
 0061 11/09 4:44P INCOMING CS 1.0
 0062 11/09 4:45P INCOMING CS 2.0
 0063 11/09 4:52P INCOMING CS 3.0
 0064 11/09 5:05P INCOMING CS 1.0
 0065 11/09 5:17P INCOMING CS 1.0
 0066 11/09 5:24P INCOMING CS 1.0
 0067 11/09 6:06P (b)(6) COLO SP MA CO CS 1.0
 0068 11/09 6:09P M (b)(6) COLO SP MA CO CS 2.0
 0069 11/09 6:14P INCOMING CS 4.0
 0070 11/09 6:19P INCOMING CS 3.0
 0071 11/09 7:55P M INCOMING CS 2.0
 0072 11/09 9:02P INCOMING CS 6.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
 PAGE2832.0
 FT CARSON (b)(6) (b)(6) DEC 4, 2004

CALL LONG
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0073 11/10 7:26A (b)(6) COLO SP MA CO CS 2.0
 0074 11/10 8:09A (b)(6) COLO SP MA CO CS 2.0
 0075 11/10 10:36A (b)(6) COLO SP SM CO CS 1.0
 0076 11/10 10:37A (b)(6) COLO SP SM CO CS 1.0
 0077 11/10 11:48A (b)(6) COLO SP MA CO CS 1.0
 0078 11/10 12:14P MRET/CELLULAR LOCAL CS 1.0
 0079 11/10 12:23P MRET/CELLULAR LOCAL CS 2.0
 0080 11/10 12:34P INCOMING CS 8.0
 0081 11/10 1:35P M INCOMING CS 2.0
 0082 11/10 2:08P (b)(6) SANTA ROSA CA CS 1.0
 0083 11/10 3:17P (b)(6) COLO SP SM CO CS 2.0
 0084 11/10 3:24P (b)(6) COLO SP MA CO CS 1.0
 0085 11/10 3:27P M INCOMING CS 1.0
 0086 11/10 4:52P MRET/CELLULAR LOCAL CS 2.0
 0087 11/10 4:57P (b)(6) COLO SP MA CO CS 3.0
 0088 11/10 5:15P M (b)(6) COLO SP MA CO CS 7.0
 0089 11/10 5:36P INCOMING CS 1.0

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0090	11/10	5:37P	M	(b)(6)	COLO SP MA CO CS	1.0
0091	11/10	6:15P	M	(b)(6)	COLO SP MA CO CS	2.0
0092	11/11	8:59A	M	(b)(6)	COLO SP MA CO CS	1.0
0093	11/11	9:23A	M	(b)(6)	COLO SP MA CO CS	2.0
0094	11/11	9:25A	M	RET/CELLULAR LOCAL	CS	1.0
0095	11/11	10:01A	M		INCOMING CS	1.0
0096	11/11	10:08A	M		INCOMING CS	2.0
0097	11/11	10:59A			INCOMING CS	4.0
0098	11/11	11:24A			INCOMING CS	1.0
0099	11/11	11:30A		(b)(6)	DENVER CO CS	1.0
0100	11/11	12:44P			INCOMING CS	1.0
0101	11/11	2:24P	M	RET/CELLULAR LOCAL	CS	2.0
0102	11/12	8:28A			INCOMING CS	11.0
0103	11/12	9:55A			INCOMING CS	5.0
0104	11/12	11:55A		(b)(6)	COLO SP MA CO CS	7.0
0105	11/12	12:03P		(b)(6)	COLO SP MA CO CS	2.0
0106	11/12	12:05P		(b)(6)	COLO SP MA CO CS	1.0
0107	11/12	12:06P		(b)(6)	COLO SP MA CO CS	1.0
0108	11/12	12:07P	M	RET/CELLULAR LOCAL	CS	1.0
0109	11/12	12:09P		(b)(6)	DAHLONEGA GA CS	3.0
0110	11/12	12:11P		(b)(6)	COLO SP MA CO CS	3.0
0111	11/12	12:24P			INCOMING CS	1.0
0112	11/12	1:11P			INCOMING CS	5.0
0113	11/12	1:19P	M	RET/CELLULAR LOCAL	CS	2.0
0114	11/12	2:51P			INCOMING CS	2.0
0115	11/12	3:16P	M	(b)(6)	COLO SP MA CO CS	1.0
0116	11/13	12:14P		(b)(6)	COLO SP PV CO CS	2.0
0117	11/13	12:19P			INCOMING CS	2.0
0118	11/13	12:20P		(b)(6)	COLO SP EA CO CS	18.0
0119	11/14	8:56A		(b)(6)	COLO SP MA CO CS	2.0
0120	11/14	9:11A		(b)(6)	COLO SP MA CO CS	2.0
0121	11/14	10:53A		(b)(6)	LANSING MI CS	1.0
0122	11/14	11:07A		(b)(6)	LANSING MI CS	1.0
0123	11/14	11:09A			INCOMING CS	10.0
0124	11/15	8:55A			INCOMING CS	2.0
0125	11/15	10:13A		(b)(6)	EL PASO CO CS	2.0
0126	11/15	1:57P			INCOMING CS	1.0
0127	11/15	2:34P			INCOMING CS	3.0
0128	11/15	2:39P		(b)(6)	COLO SP MA CO CS	2.0
0129	11/15	6:25P			INCOMING CS	1.0
0130	11/15	6:31P			INCOMING CS	1.0
0131	11/15	8:03P			INCOMING CS	1.0
0132	11/15	8:09P			INCOMING CS	1.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
 PAGE2833.0
 FT CARSON (b)(6) (b)(6) DEC 4, 2004

CALL LONG
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

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10-L-0126-ACLU-DD-INS(OMB ROI) 1769²³⁵
EXHIBIT

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0133 11/16 8:56A M INCOMING CS 1.0
0134 11/16 10:07A (b)(6) SOUTHFIELD MICS 8.0
0135 11/16 10:58A M INCOMING CS 1.0
0136 11/16 11:42A INCOMING CS 9.0
0137 11/16 1:02P INCOMING CS 3.0
0138 11/16 1:47P INCOMING CS 3.0
0139 11/16 3:55P M (b)(6) COLO SP MA CO CS 3.0
0140 11/16 4:19P INCOMING CS 1.0
0141 11/16 4:38P M INCOMING CS 1.0
0142 11/16 5:12P (b)(6) 800 SERV. CS 10.0
0143 11/17 9:45A INCOMING CS 1.0
0144 11/17 10:26A MRET/CELLULAR LOCAL CS 1.0
0145 11/17 11:27A M INCOMING CS 1.0
0146 11/17 11:30A MRET/CELLULAR LOCAL CS 1.0
0147 11/17 11:36A (b)(6) COLO SP MA CO CS 1.0
0148 11/17 12:36P INCOMING CS 2.0
0149 11/17 1:25P INCOMING CS 6.0
0150 11/17 1:50P INCOMING CS 2.0
0151 11/17 3:30P INCOMING CS 1.0
0152 11/17 5:27P INCOMING CS 2.0
0153 11/18 8:34A INCOMING CS 3.0
0154 11/18 8:49A (b)(6) COLO SP MA CO CS 1.0
0155 11/18 9:36A (b)(6) COLO SP MA CO CS 13.0
0156 11/18 10:20A INCOMING CS 2.0
0157 11/18 11:28A INCOMING CS 1.0
0158 11/18 12:45P MRET/CELLULAR LOCAL CS 2.0
0159 11/19 8:34A MRET/CELLULAR LOCAL CS 2.0
0160 11/19 8:45A INCOMING CS 3.0
0161 11/19 9:09A INCOMING CS 1.0
0162 11/19 10:55A (b)(6) COLO SP MA CO CS 1.0
0163 11/19 11:18A INCOMING CS 3.0
0164 11/19 11:38A M INCOMING CS 1.0
0165 11/19 12:21P M INCOMING CS 1.0
0166 11/19 3:09P M INCOMING CS 4.0
0167 11/19 7:36P (b)(6) COLO SP SM CO CS 1.0
0168 11/20 7:36A MRET/CELLULAR LOCAL CS 1.0
0169 11/20 7:38A (b)(6) TUCSON AZ CS 14.0
0170 11/20 7:52A MRET/CELLULAR LOCAL CS 2.0
0171 11/20 7:54A (b)(6) COLO SP MA CO CS 2.0
0172 11/20 8:14A INCOMING CS 1.0
0173 11/20 9:25A (b)(6) COLO SP MA CO CS 3.0
0174 11/20 12:14P M (b)(6) COLO SP MA CO CS 3.0
0175 11/20 12:18P MRET/CELLULAR LOCAL CS 2.0
0176 11/20 2:59P (b)(6) COLO SP MA CO CS 2.0
0177 11/20 3:38P INCOMING CS 3.0
0178 11/20 4:01P M INCOMING CS 1.0
0179 11/21 9:18A (b)(6) COLO SP MA CO CS 2.0
0180 11/21 10:54A INCOMING CS 1.0
0181 11/22 11:11A INCOMING CS 1.0

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LAW ENFORCEMENT SENSITIVE

0182 11/22 12:02P M (b)(6) COLO SP MA CO CS 11.0
0183 11/22 3:08P INCOMING CS 1.0
0184 11/22 4:12P INCOMING CS 2.0
0185 11/22 4:17P INCOMING CS 1.0
0186 11/22 4:43P M (b)(6) COLO SP MA CO CS 3.0
0187 11/22 5:17P INCOMING CS 3.0
0188 11/22 7:02P M INCOMING CS 3.0
0189 11/22 8:58P MRET/CELLULAR LOCAL CS 2.0
0190 11/23 8:42A (b)(6) COLO SP MA CO CS 1.0
0191 11/23 10:08A M INCOMING CS 1.0
0192 11/23 10:09A M (b)(6) COLO SP MA CO CS 1.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
PAGE2834.0
FT CARSON (b)(6) (b)(6) DEC 4, 2004

CALL LONG
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0193 11/23 12:14P INCOMING CS 3.0
0194 11/23 4:47P INCOMING CS 31.0
0195 11/23 6:07P M (b)(6) COLO SP MA CO CS 1.0
0196 11/23 6:18P (b)(6) COLO SP MA CO CS 2.0
0197 11/23 6:20P (b)(6) COLO SP MA CO CS 1.0
0198 11/23 6:22P (b)(6) COLO SP MA CO CS 1.0
0199 11/23 6:44P INCOMING CS 1.0
0200 11/23 6:50P INCOMING CS 1.0
0201 11/24 5:51A (b)(6) COLO SP MA CO CS 2.0
0202 11/24 8:49A (b)(6) COLO SP MA CO CS 1.0
0203 11/24 8:53A INCOMING CS 3.0
0204 11/24 10:23A M INCOMING CS 1.0
0205 11/24 10:24A INCOMING CS 2.0
0206 11/24 10:46A INCOMING CS 1.0
0207 11/24 11:10A (b)(6) COLO SP MA CO CS 1.0
0208 11/24 4:01P (b)(6) COLO SP MA CO CS 2.0
0209 11/26 8:54A (b)(6) COLO SP MA CO CS 1.0
0210 11/28 1:02P (b)(6) COLO SP PV CO CO 1.0
0211 11/28 1:04P MRET/CELLULAR LOCAL CS 1.0
0212 11/29 2:56P MRET/CELLULAR LOCAL CS 1.0
0213 11/29 4:10P INCOMING CS 3.0
0214 11/29 5:05P INCOMING CS 1.0
0215 11/30 8:52A M INCOMING CS 1.0
0216 11/30 10:52A M (b)(6) COLO SP MA CO CS 2.0
0217 11/30 11:25A (b)(6) COLO SP MA CO CS 2.0
0218 11/30 11:26A M (b)(6) COLO SP MA CO CS 2.0
0219 11/30 1:13P INCOMING CS 1.0
0220 11/30 5:07P (b)(6) COLO SP MA CO CS 3.0
0221 12/01 10:02A INCOMING CS 1.0
0222 12/01 10:59A INCOMING CS 4.0

FOR OFFICIAL USE ONLY
10-L-0426 (FOIA) (b)(6) (S) (D) (ROI) EXHIBIT 237 4

0407 - 07 - 010 026 - 163

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0223 12/01 1:51P INCOMING CS 1.0
0224 12/01 5:58P M INCOMING CO 1.0
0225 12/02 9:33A MRET/CELLULAR LOCAL CS 3.0
0226 12/02 9:36A (b)(6) SANTA ROSA CA CS 1.0
0227 12/02 12:14P M INCOMING CS 2.0
0228 12/02 3:28P MRET/CELLULAR LOCAL CS 1.0
0229 12/02 10:23P M (b)(6) COLO SP MA CO CA 3.0
0230 12/02 11:31P M (b)(6) COLO SP MA CO CA 2.0
0231 12/02 11:32P (b)(6) SANTA ROSA CA CA 1.0
TOTAL HOME AIRTIME AND LONG DISTANCE CHARGES 546.0 .00 .00

CALL CHARACTERISTICS:

M = Mobile to Mobile

CALL ORIGINS:

CS = Colorado Springs, CO = Colorado, CA = California

**IF YOU HAVE ANY QUESTIONS CONCERNING YOUR INVOICE OR SERVICE,
PLEASE CALL OUR CUSTOMER CARE DEPARTMENT: (b)(6)**

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LAW ENFORCEMENT SENSITIVE
10-L-0126 ACLU DD III (CTD/ROI) EXHIBIT 238

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

U489 - 04 - CID 056 - 7631

ACCOUNT NAME: FT CARSON
ACCOUNT NUMBER: (b)(6)
MOBILE NUMBER: (b)(6)
BILL DATE: JAN 4, 2005

CALL LONG
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0013 12/07 11:37A MRET/CELLULAR COLO SP MA CO TX 2.0
0014 12/07 2:24P M (b)(6) COLO SP MA CO TX 2.0
0015 12/07 3:08P INCOMING TX 1.0
0016 12/07 4:05P INCOMING TX 9.0
0017 12/07 4:33P (b)(6) COLO SP EA CO TX 3.0
0018 12/07 4:36P (b)(6) COLO SP EA CO TX 2.0
0019 12/07 4:43P INCOMING TX 2.0
0020 12/07 6:30P (b)(6) COLO SP MA CO TX 1.0
0021 12/07 6:31P MRET/CELLULAR COLORADO S CO TX 1.0
0022 12/07 7:46P (b)(6) COLO SP MA CO TX 2.0
0023 12/07 8:13P INCOMING TX 1.0
0024 12/07 8:38P INCOMING TX 1.0
0025 12/07 9:55P (b)(6) COLO SP PV CO TX 2.0
0026 12/08 10:43A (b)(6) COLO SP PV CO TX 1.0
0027 12/08 10:45A M (b)(6) COLO SP MA CO TX 4.0
0028 12/08 10:58A M (b)(6) COLO SP MA CO TX 2.0
0029 12/08 10:59A MRET/CELLULAR COLORADO S CO TX 1.0
0030 12/08 1:23P INCOMING TX 2.0
0031 12/08 4:24P MRET/CELLULAR COLORADO S CO TX 2.0
0032 12/08 4:44P INCOMING TX 1.0
0033 12/08 4:51P (b)(6) COLO SP PV CO TX 1.0
0034 12/08 9:12P (b)(6) COLO SP PV CO TX 1.0
0035 12/09 10:08A INCOMING TX 2.0
0036 12/09 12:33P M (b)(6) COLO SP MA CO TX 6.0
0037 12/09 2:50P MRET/CELLULAR COLO SP MA CO TX 3.0
0038 12/09 3:17P MRET/CELLULAR COLO SP MA CO TX 2.0
0039 12/09 3:19P (b)(6) DENVER CO TX 3.0
0040 12/09 3:21P (b)(6) COLO SP PV CO TX 3.0
0041 12/09 3:24P (b)(6) COLO SP MA CO TX 2.0
0042 12/09 4:48P M (b)(6) COLO SP MA CO CS 1.0
0043 12/10 11:57A M (b)(6) COLO SP MA CO CS 1.0
0044 12/10 11:57A (b)(6) COLO SP MA CO CS 9.0
0045 12/10 12:13P (b)(6) COLUMBSCEL GA CS 5.0
0046 12/10 12:44P MRET/CELLULAR LOCAL CS 2.0
0047 12/10 12:45P (b)(6) OKLA CITY OK CS 2.0
0048 12/10 1:09P M INCOMING CS 7.0

FOR OFFICIAL USE ONLY
10-1-01-26 AGENT IDENTIFICATION (CID ROI) 1774 240
LAW ENFORCEMENT SENSITIVE EXHIBIT 40

**FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE**

0049 12/10 2:34P INCOMING CS 1.0
 0050 12/10 2:58P M (b)(6) COLO SP MA CO CS 14.0
 0051 12/10 3:14P (b)(6) OKLA CITY OK CS 1.0
 0052 12/10 3:14P M (b)(6) COLO SP MA CO CS 2.0
 0053 12/10 3:16P M INCOMING CS 2.0
 0054 12/10 3:32P INCOMING CS 3.0
 0055 12/10 4:04P M INCOMING CS 2.0
 0056 12/10 4:06P MRET/CELLULAR LOCAL CS 1.0
 0057 12/10 4:07P (b)(6) COLORDOSPG CO CS 2.0
 0058 12/10 4:08P M (b)(6) COLO SP MA CO CS 3.0
 0059 12/10 4:20P (b)(6) SOUTHFIELD MI CS 1.0
 0060 12/10 4:36P (b)(6) LANSING MI CS 4.0
 0061 12/10 4:40P (b)(6) COLO SP SM CO CS 3.0
 0062 12/10 4:43P (b)(6) LANSING MI CS 51.0
 0063 12/10 5:34P M INCOMING CS 9.0
 0064 12/10 5:45P M INCOMING CS 3.0
 0065 12/11 6:29A (b)(6) COLO SP SM CO CS 1.0
 0066 12/11 6:30A MRET/CELLULAR LOCAL CS 2.0
 0067 12/11 8:32A M INCOMING CS 1.0
 0068 12/11 8:32A M (b)(6) COLO SP MA CO CS 1.0
 0069 12/11 9:07A INCOMING CS 4.0
 0070 12/11 10:21A INCOMING CS 1.0
 0071 12/11 10:51A M (b)(6) COLO SP MA CO CS 3.0
 0072 12/11 12:33P (b)(6) COLO SP MA CO CS 1.0

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
 PAGE2818.0
 FT CARSON (b)(6) (b)(6) JAN 4, 2005

CALL LONG
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0073 12/11 12:35P (b)(6) COLO SP MA CO CS 1.0
 0074 12/11 12:39P (b)(6) COLO SP MA CO CS 1.0
 0075 12/11 8:05P MRET/CELLULAR LOCAL CS 2.0
 0076 12/11 8:06P (b)(6) COLO SP EA CO CS 23.0
 0077 12/13 9:25A M (b)(6) COLO SP MA CO CS 2.0
 0078 12/13 9:27A MRET/CELLULAR LOCAL CS 1.0
 0079 12/13 12:34P M (b)(6) COLO SP MA CO CS 1.0
 0080 12/13 12:35P (b)(6) COLO SP MA CO CS 2.0
 0081 12/13 12:37P M (b)(6) COLO SP MA CO CS 1.0
 0082 12/13 12:38P (b)(6) COLO SP MA CO CS 3.0
 0083 12/13 12:40P (b)(6) LOMETA TX CS 1.0
 0084 12/13 12:46P (b)(6) COLO SP MA CO CS 8.0
 0085 12/13 12:57P (b)(6) COLO SP SM CO CS 2.0
 0086 12/13 3:12P MRET/CELLULAR LOCAL CS 1.0
 0087 12/13 3:13P M (b)(6) COLO SP MA CO CS 1.0
 0088 12/13 3:14P MRET/CELLULAR LOCAL CS 2.0
 0089 12/13 3:14P M INCOMING CS 2.0

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0090 12/13 3:15P MRET/CELLULAR LOCAL CS 1.0
0091 12/13 3:16P (b)(6) EL PASO CO CS 2.0
0092 12/13 3:17P M (b)(6) COLO SP MA CO CS 1.0
0093 12/13 3:19P M (b)(6) COLO SP MA CO CS 2.0
0094 12/13 4:27P MRET/CELLULAR LOCAL CS 2.0
0095 12/13 5:32P (b)(6) COLO SP SM CO CS 1.0
0096 12/13 5:32P M (b)(6) COLO SP MA CO CS 2.0
0097 12/13 6:34P (b)(6) COLO SP PV CO CS 1.0
0098 12/14 10:59A MRET/CELLULAR LOCAL CS 1.0
0099 12/14 11:25A INCOMING CS 1.0
0100 12/14 11:58A (b)(6) COLO SP MA CO CS 1.0
0101 12/15 8:14A MRET/CELLULAR LOCAL CS 1.0
0102 12/15 8:15A MRET/CELLULAR LOCAL CS 1.0
0103 12/15 8:38A INCOMING CS 4.0
0104 12/15 8:57A M (b)(6) COLO SP MA CO CS 1.0
0105 12/15 2:13P (b)(6) COLO SP SM CO CS 3.0
0106 12/15 5:22P MRET/CELLULAR LOCAL CS 1.0
0107 12/16 11:00A INCOMING CS 1.0
0108 12/16 12:06P INCOMING CS 2.0
0109 12/16 12:59P INCOMING CS 1.0
0110 12/16 1:21P INCOMING CS 1.0
0111 12/16 2:10P INCOMING CS 1.0
0112 12/17 1:21P MRET/CELLULAR LOCAL CS 1.0
0113 12/17 1:31P MRET/CELLULAR LOCAL CS 1.0
0114 12/20 9:22A MRET/CELLULAR LOCAL CS 1.0
0115 12/20 9:32A M INCOMING CS 1.0
0116 12/30 12:43P MRET/CELLULAR LOCAL CS 7.0
0117 12/30 12:58P MRET/CELLULAR LOCAL CS 2.0
0118 1/02 6:09P MRET/CELLULAR LOCAL CS 1.0
0119 1/02 6:11P MRET/CELLULAR LOCAL CS 1.0
0120 1/02 6:11P (b)(6) COLO SP EA CO CS 1.0
0121 1/02 8:04P INCOMING CS 1.0
TOTAL HOME AIRTIME AND LONG DISTANCE CHARGES 350.0 .00 .00

CALL CHARACTERISTICS:

M = Mobile to Mobile

CALL ORIGINS:

CA = California, CS = Colorado Springs, TX = TEXAS

IF YOU HAVE ANY QUESTIONS CONCERNING YOUR INVOICE OR SERVICE,
PLEASE CALL OUR CUSTOMER CARE DEPARTMENT: (b)(6)

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LAW ENFORCEMENT SENSITIVE
10-L-0126-AGLE-DD-INT (OLD RDI) 1776²⁴²
EXHIBIT 40

February

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
 PAGE3508.0
 FT CARSON (b)(6) (b)(6) FEB 4, 2005

SUMMARY OF CHARGES
 MONTHLY SERVICE CHARGES

1/03/05 Through 2/02/05
 MONTHLY SE - DIGITAL ONE RATE \$59.99 59.99
 THREE WAY CALLING .00
 CALL WAITING .00
 CALLER ID .00
 PCS VOICEMAIL W/NUMERIC .00
 TEXT MESSAGING - 0 MSGS .00
 MOBILE TO MOBILE NATL 9.99
 REGULATORY PROGRAMS FEE 1.75
TOTAL MONTHLY SERVICE CHARGES 71.73

HOME AIRTIME CHARGES

1/03/05 Through 2/02/05 - DIGITAL ONE RATE \$59.99

Category	Minutes	Rate	Charge
UNLIM MOBILE TO MOBILE	48.0	.000	.00
INCLUDED IN PLAN	54.0	.000	.00
	102.0	.00	

TOTAL HOME AIRTIME CHARGES .00
 OTHER CHARGES AND CREDITS

DETAIL BILLING .00
 TOTAL OTHER CHARGES AND CREDITS .00
 TOTAL CURRENT MONTHLY CHARGES 71.73

HOME AIRTIME AND LONG DISTANCE CHARGES
 CALL LONG
 REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0001	1/03	9:57A	M (b)(6)	COLO SP MA CO CS	1.0
0002	1/03	10:07A	MRET/CELLULAR	LOCAL CS	1.0
0003	1/03	10:28A	MRET/CELLULAR	LOCAL CS	1.0
0004	1/03	11:27A	(b)(6)	COLO SP MA CO CS	1.0
0005	1/03	11:28A		INCOMING CS	2.0
0006	1/03	11:33A	(b)(6)	COLO SP SM CO CS	1.0
0007	1/03	11:42A	(b)(6)	COLORADOSP CO CS	2.0
0008	1/03	11:51A	M (b)(6)	COLO SP MA CO CS	3.0
0009	1/03	12:38P	(b)(6)	COLORADOSP CO CS	1.0
0010	1/03	12:39P	W	INCOMING CS	4.0
0011	1/03	2:45P		INCOMING CS	4.0
0012	1/04	1:13P	MRET/CELLULAR	LOCAL CS	2.0

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LAW ENFORCEMENT SENSITIVE

ACCOUNT NAME ACCOUNT NUMBER MOBILE NUMBER BILL DATE
PAGE3509.0
FT CARSON (b)(6) (b)(6) FEB 4, 2005

CALL LONG
REF DATE TIME NUMBER CALLED CALLS TO FROM MIN AIR DISTANCE

0013	1/05	8:51A M	INCOMING	CS	1.0
0014	1/06	9:18A	INCOMING	CS	1.0
0015	1/06	10:52A	INCOMING	CS	1.0
0016	1/07	8:53A M (b)(6)	COLO SP MA CO CS	1.0	
0017	1/07	10:22A	INCOMING	CS	2.0
0018	1/07	12:28P	INCOMING	CS	2.0
0019	1/07	3:26P M	INCOMING	CS	1.0
0020	1/08	11:22A M	INCOMING	CS	8.0
0021	1/08	11:46A M	INCOMING	CS	1.0
0022	1/10	11:21A	INCOMING	CS	2.0
0023	1/10	11:25A (b)(6)	COLO SP SM CO CS	2.0	
0024	1/11	6:22P MRET/CELLULAR	LOCAL	CS	1.0
0025	1/12	9:32A (b)(6)	COLO SP SM CO CS	1.0	
0026	1/12	1:43P M (b)(6)	COLO SP MA CO CS	1.0	
0027	1/12	1:51P M	INCOMING	CS	2.0
0028	1/16	12:08P	INCOMING	WA	1.0
0029	1/19	1:25P M (b)(6)	COLO SP MA CO CS	1.0	
0030	1/19	2:23P M	INCOMING	CS	4.0
0031	1/19	2:39P M (b)(6)	COLO SP MA CO CS	1.0	
0032	1/19	4:58P (b)(6)	PATERSON NJ CS	6.0	
0033	1/21	11:23A	INCOMING	CS	14.0
0034	1/24	9:17A MRET/CELLULAR	LOCAL	CS	1.0
0035	1/24	9:18A (b)(6)	COLO SP SM CO CS	2.0	
0036	1/24	1:14P	INCOMING	CS	2.0
0037	1/25	11:38A MRET/CELLULAR	LOCAL	CS	1.0
0038	1/25	11:39A MRET/CELLULAR	LOCAL	CS	2.0
0039	1/25	11:40A (b)(6)	COLO SP MA CO CS	1.0	
0040	1/25	12:51P M (b)(6)	COLO SP MA CO CS	1.0	
0041	1/25	2:48P MRET/CELLULAR	LOCAL	CS	1.0
0042	1/26	11:42A	INCOMING	CS	1.0
0043	1/26	2:25P M (b)(6)	COLO SP MA CO CS	1.0	
0044	1/26	2:26P M (b)(6)	COLO SP MA CO CS	1.0	
0045	1/26	2:29P MRET/CELLULAR	LOCAL	CS	1.0
0046	1/26	2:45P M (b)(6)	COLO SP MA CO CS	1.0	
0047	1/26	2:50P M	INCOMING	CS	1.0
0048	1/26	2:54P M (b)(6)	COLO SP MA CO CS	1.0	

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LAW ENFORCEMENT SENSITIVE

0498 - 04 CID 056 76349

0049 1/26 2:55P M [redacted] INCOMING CS 1.0
 0050 1/27 2:18P M [redacted] COLO SP MA CO CS 1.0
 0051 1/27 3:44P MRET/CELLULAR LOCAL CS 1.0
 0052 2/02 9:02A M INCOMING CS 1.0
 0053 2/02 9:03A M INCOMING CS 1.0
 0054 2/02 9:23A MRET/CELLULAR LOCAL CS 1.0
 0055 2/02 10:35A [redacted] COLO SP MA CO CS 1.0
 TOTAL HOME AIRTIME AND LONG DISTANCE CHARGES 102.0 .00 .00

CALL CHARACTERISTICS:

M = Mobile to Mobile, W = Call Waiting

CALL ORIGINS:

CS = Colorado Springs, WA = Washington

IF YOU HAVE ANY QUESTIONS CONCERNING YOUR INVOICE OR SERVICE,
PLEASE CALL OUR CUSTOMER CARE DEPARTMENT: [redacted]

FOR OFFICIAL USE ONLY
10-L-0126 ACTU-DB IN CID RO EXHIBIT
LAW ENFORCEMENT SENSITIVE

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

SUSPENSE DATE (YYYYMMDD)

30-Sep-05

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSV).
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 SPECIAL AGENT IN CHARGE 48TH MP DET (CID) FORT CARSON, CO 80913	2. TO DIRECTOR USA CRIME RECORDS CENTER FORT BELVOIR, VA 22060	3. FROM COMMANDER 3rd BCT Fort Carson, CO 80913
4. USACRC CONTROL NUMBER 0489-04-CID056-76341	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 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.

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 CPT	9. SSN (b)(6),(b)(7)(C)	10. DATE OF BIRTH (YYYYMMDD) (b)(6),(b)(7)(C)
11a. OFFENSE(S)	11b. DATE OF OFFENSE(S) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN
Solicitation to Commit Murder	20040103	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	SEE COMMENT IN BLOCK 15
		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 (OD 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/NCOR COMMENT

RELIEF FOR CAUSE OER/NCOR

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 COMCA 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 DISMISSED
 NOT GUILTY 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 _____ TO _____ g. EXTRA DUTY FOR _____ DAYS h. RESTRICTED FOR _____ DAYS
 i. CORRECTIONAL CUSTODY FOR _____ DAYS j. CONFINED _____ YEARS _____ MONTHS
 k. SEPARATION: PUNITIVE DISCHARGE OTHER
Type _____ Chapter: _____ Characterization: _____ Effective Date: _____
 l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

CPT (b)(6),(b)(7)(C) CASE HAS BEEN DROPPED WITH NO PLAN TO RESUME PROCEEDINGS DUE TO LACK OF PROSECUTABLE EVIDENCE. IN A RELATED CASE ANOTHER SOLDIER WAS COURT MARTIALED BUT DID NOT RECEIVE PUNISHMENT. FOR THIS REASON THE GOVERNMENT HAS DECIDED NOT TO PURSUE ANY ACTION ON CPT (b)(6),(b)(7)(C)

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER
(b)(6),(b)(7)(C) LTC

16b. SIGNATURE
(b)(6),(b)(7)(C)

16c. DATE OF REPORT (YYYYMMDD)
20050927

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