

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

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AETX-XXX-TDS

4 September 2003

APO AE 09324

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MEMORANDUM FOR

SUBJECT: Request for delay - Article 32 Investigation,

1. The defense requests a delay in the Article 32(b) investigation from 6 September to 27 September.

2. I represent the pregarding this request for a delay. I have not been assigned to represent the prepared of the prepare for the investigation. I anticipate that 27 September 2003 will be the earliest that the prepared for the pretrial investigation.

3. Defense assumes full responsibility for this delay. I am the point of contact for this memorandum at the second second

66-2 CPT. JA Trial Defense Counsel

970200

		L L	CHARGE S	HEET		•	
	· · · · · · · · · · · · · · · · · · ·		I. PERSONAL	DATA			
NAME OF ACCUS	ED (Last, First, MI)	11-	2. SSN		3. GRADE OR RANK	4. PAY GRADE	
UNIT OR ORGANIZATION		b6-5	Armored Division				
					6. CURRENT SERVICE		
		1 <sup>st</sup> Armo			a. INITIAL DATE	b. TERM	
						48 months	
PAY PER MONTH	· · ·	······································	8. NATURE	OF OF ACCUSED	9. DATE(S) IMPOSED		
BASIC	b. SEA/FOREIGN	C. TOTAL	None.	OF ACCUSED	None.	· .	
	DUTY						
	NONE				· · ·	· · ·	
						,	
l.			I. CHARGES		CATIONS		
CHARGE I :		VIOLATION OF THE					
at or near those dutie Battalion h CHARGE II: THE SPECIFI Traq, on or Looting mat	S in that he was olding area, as VIOLATION OF CATION: In that about 20 June erials from a	on of about illfully fail s it was his THE UCMJ, AR t 2003, was cr	led to del duty to c FICLE 93 ruel towar	tiver a ca do. 66-9 U.S	Army, who knew of derelict in the p aptured looter to Army, at or near g male civilian do to his orders, by	the 1-13 AR	
THE SPECIFIC	VIOLATION OF CATION: In that q, on or about ngfully and dis	20 June 2003	3, while t	U.S Ine office	. Army, did, at out for in charge of a		
HE SPECIFIC	CATION: In that q, on or about	20 June 2003	3, while t	U.S Ine office	. Army, did, at out for in charge of a		
HE SPECIFIC	CATION: In that q, on or about	20 June 2003	3, while t bandon a c	U.S Ine office letainee	. Army, did, at out for in charge of a		
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HE SPECIFIC Irac atrol, wron NAME OF ACCUS GNATURE OF ACCUS FFIDAVIT: Be bove named accu nder oath that he	CATION: In that q, on or about ngfully and dis SER (Last, First, MI) SER (Last, First, MI)	ed. authorized by la August to the Uniform Co herein and that the s	B, while to bandon a contract of the second	RAL e. DAT er oaths in case Justice and the	Army, did, at of er in charge of a in his custody. ON OF ACCUSER ARMORED DIV E SAugust 1 cos 3 es of this character, persona ed the foregoing charges ar at he/she either has persona is/her knowledge and belief Organization of Unicer	security ISION ISION Ily appeared the Id specifications I knowledge of	
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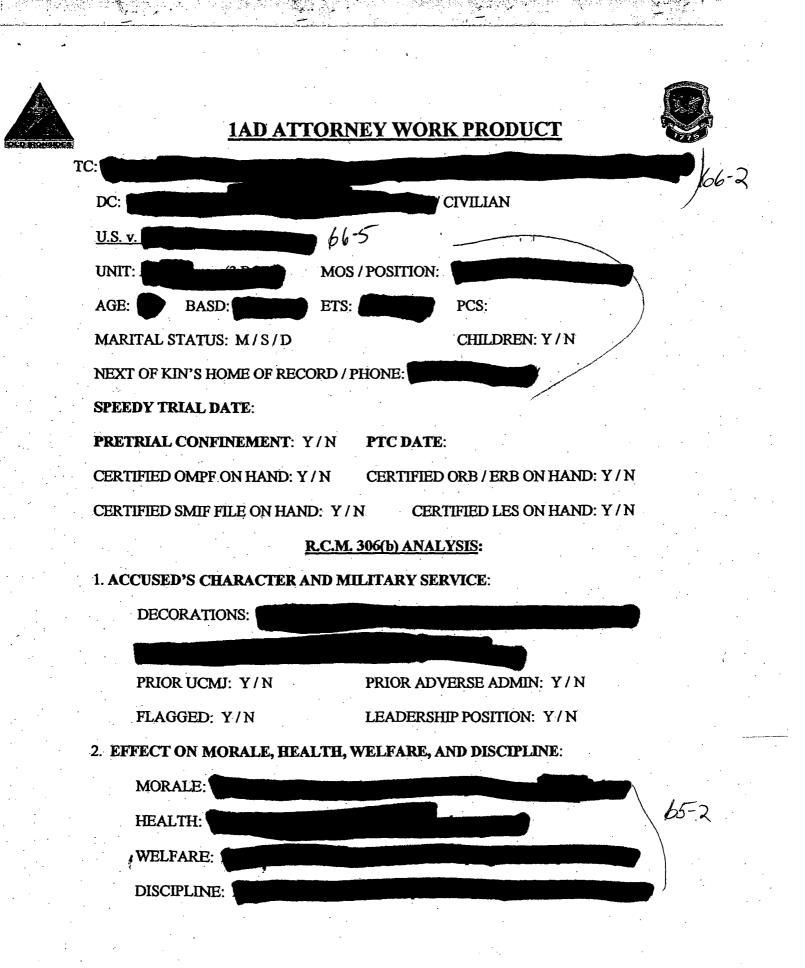
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ACLU-RDI 2078 p.2

on, 20, the accused he accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if i	was informed of the charges against him/her and of the name(s) of notification cannot be made )
	66-2
	Organization of Immediate Commander
Typed Name or mineorate Commander	Giganzation of Intillectate Contribution
Grade	<u> </u>
Signature	
IV. RECEIPT BY SUMMARY CO	OURT-MARTIAL CONVENING AUTHORITY
he swom charges were received at hours,	20at Designation of Command or
ficer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)	
	FOR THE 1
	Commander
Typed Name of Officer	Official Capacity of Officer Signing
Grada	
Signature	<u> </u>
V. REFERRAL	L; SERVICE OF CHARGES
A. DESIGNATION OF COMMAND OF CONVENING AUTHORITY	b. PLACE c. DATE
	<u></u>
eterred for trial to the court-martial convened by	
······································	
	20 03 , subject to the following instructions: <sup>2</sup>
· · · · · · · · · · · · · · · · · · ·	
·····	
Ву	Of
Command or	r Order
Typed Name of Officer	Official Capacity of Officer Signing
- The second of Citron	CITIZED CONTRACT OF CONTRACT ORIGINAL
•	
Grade	
Grade Signature	
Signature	and to be amond a copy barant on faceto of the above named any lead
Signature	sed to be) served a copy hereof on (each of) the above named accused.
Signature   On, 20, 1 (cause	66-2
Signature	
Signature   On, 20, 1 (cause	66-2

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007049

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#### 3. APPROPRIATENESS OF AUTHORIZED PUNISHMENT:

CHARGE: Dereliction (92)

CHARGE: Assault (128)

CHARGE: Conduct Unbecoming (133)

CHARGE: Solicitation (134)

MAX: DD / 2 yrs. / Total \$ MAX: DD / 8 yrs. / Total \$ MAX: Dismissal / 1 yr. / Total \$

MAX: DD / 5 yrs. / Total \$

#### FACTS / MERITS:

DATE: 20 JUNE O3

LOCATION:

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

PERPETRATOR:

WITNESS:

WITNESS:

Fook the detainee to

66.4

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WITNESS: Head, sounded like he was crying, at a distance of about 10 feet. Did not hear or see anything like a dog.

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

WITNESS: Without of the truck and said something inaudible to detainee, then shot weapon close to detainee's person the solution of the prisoner.

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DATE: 22 JUNE 03

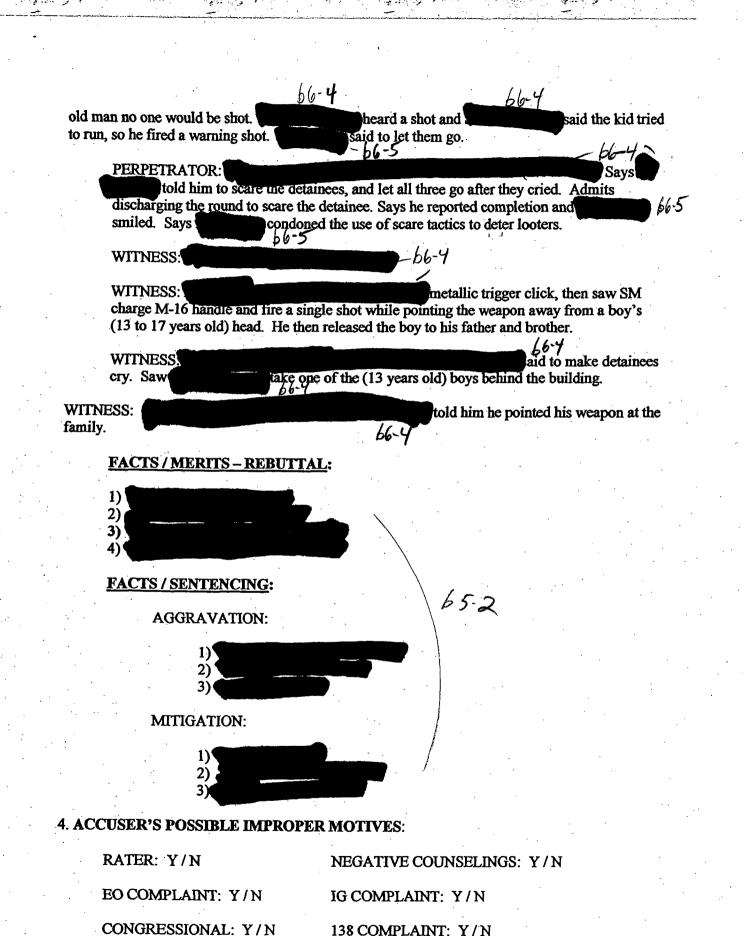
LOCATION:

ACT / OMISSION: Asked state to be asked that

If old man and two kids were crying and not shoot his son.

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WITNESS RELICTANCE TO TESTIEV

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07051

CO-ACCUSED: Y/NRATING CHAIN ISSUE: Y/NCONFINED: Y/NCID SOURCE: Y/N

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

CID SOURCE AGREEMENT: Y / N NUMBER OF ARRESTS: 0 IMMUNITY AGREEMENT: Y / N NUMBER OF CONVICTIONS: 0

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

STATE: Y/NFEDERAL: Y/N:MILITARY: Y/NHOST NATION: Y/N

8. AVAILABLE AND ADMISSIBLE EVIDENCE:

STATEMENTS: Y / N (2) RIGHTS ADVISEMENT & WAIVER: Y / N MENTAL HEALTH HISTORY: Y / N SANITY BOARD: Y / N CORROBORATING PHYSICAL EVIDENCE: Y / N

PHYSICAL EVIDENCE FOUND DURING INSPECTION: Y/N

PHYSICAL EVIDENCE FOUND DURING SEARCH: Y/N

CORROBORATING DOCUMENTARY EVIDENCE: Y / N

CORROBORATING WITNESS STATEMENTS: Y/N

EYEWITNESSES: Y/N TOTAL: 10

9. TC'S EVALUATION / RECOMMENDATION:

LEVEL:	
GP/JA-	Ø5-2
DISCHARGE:	

**DOCKET TRACKER** 

PREFERRAL DATE:

CONFIRMED DETAIL DC WITH SDC ON:

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07052

SERVED DETAILED DC WITH PREFERRAL PACKET ON:

ARTICLE 32 DATE:

DETAILED PARALEGAL:

IO NAME / PHONE / EMAIL:

DETAILED LEGAL ADVISOR:

PACKET SERVED TO IO AND LEGAL ADVISOR ON:

HEARING SCHEDULED FOR:

DELAYS: Y/N

DELAY APPROVED ON:

SANITY BOARD: Y / N

DEFENSE DELAY DAYS:

GOVERNMENT DELAY DAYS:

SANITY BOARD APPROVED ON:

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

WITNESS UNAVAILABLE: Y/N

DEPOSITION REQUESTED: Y/N

TRANSLATOR REQUESTED: Y/N

TRANSLATOR NAME / PHONE:

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

TRANSCRIBER:

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

TRANSCRIPT SERVED TO IO ON:

IO REPORT SERVED TO BDE CDR ON:

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

CHARGES ADDED OR DELETED: Y/N

**REFERRAL DATE:** 

CONVENING ORDER IN THE PACKET: Y/N

SUMMARY / BCD / GCM

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

GOVERNMENT SECTION III DISCLOSURES SERVED ON: GOVERNMENT'S DISCOVERY REQUEST SERVED ON:

DEFENSE'S RESPONSE SERVED ON: DEFENSE DISCOVERY REQUEST SERVED ON:

GOVERNMENT'S RESPONSE SERVED ON: DEFENSE FORUM SELECTION DUE ON:

DEFENSE PLEA DUE ON:

DEFENSE WITNESS LIST DUE ON:

DEFENSE MOTIONS DUE ON:

GOVERNMENT'S RESPONSE DUE ON:

DEFENSE NOTICE OF SPECIAL DEFENSE RECEIVED ON:

ALIBI: Y/N

INNOCENT INGESTION: Y/N

LACK OF MENTAL RESPONSIBILITY: Y/N

EXPERT ON ACCUSED'S MENTAL CONDITION: Y / N

GOVERNMENT WITNESS LIST DUE ON:

**GOVERNMENT MOTIONS DUE ON:** 

**DEFENSE RESPONSE DUE ON:** 

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

TRIAL DATE:

PANEL: Y/N

OFFICER: Y/N

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1/3 ENLISTED: Y/N

PANEL NOTIFICATIONS SERVED ON:

EXCUSAL REQUESTS: Y/N

EXCUSAL REQUESTS RECEIVED ON: EXCUSAL GRANTED / DENIED ON: MEMBER FROM ACCUSED'S UNIT: Y/N MEMBER ON WITNESS LIST: Y/N MEMBER IN TC JURISDICTION: Y/N CONVENING ORDER CHANGES OK BY C/MJ: Y/N FINDINGS WORK SHEET / FLYER OK BY C/MJ: Y/N MEMBER QUESTION FORMS OK BY C/MJ: Y/N TAILORED INSTRUCTIONS OK BY C/MJ: Y/N

> MJ PRESIDE OVER COMPANION CASE: Y / N TRIAL JUDGE SAME AS ARRAIGNMENT JUDGE: Y / N TRIAL JUDGE'S PHONE / EMAIL:

EXHIBITS:

GOVERNMENT'S IDENTIFIED: Y/N

DEFENSE'S IDENTIFIED: Y/N

PHOTO SUBSTITUTIONS FOR THE RECORD: Y/N

TECHNICAL ASSISTANCE REQUIRED: Y/N

RECEIVED FROM CUSTODIAN: Y/N

CUSTODIAN NAME / PHONE / EMAIL:

PREMARKED WITH COURT REPORTER: Y/N

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DETAILED COURT REPORTER:

NAME / PHONE / EMAIL:

COPY OF WITNESS LIST SERVED ON:

COPY OF EXHIBIT LIST SERVED ON:

GOVERNMENT'S EXHIBIT LIST ON:

DEFENSE'S EXHIBIT LIST ON:

ORIGINAL CASE FILE SERVED ON:

PANEL SEATING CHART COORDINATED ON:

DETAILED TRANSLATOR:

NAME / PHONE / EMAIL:

WRITTEN COPY OF QUESTIONS SERVED ON:

66-4

WITNESS:

CIVILIAN / MILITARY / RESERVIST

ETS / PCS / DEROS TDY:

NAME / DOB / SSN / UNIT / LOCATION:

**DOB:** SSN: INTERVIEWED BY TC ON:

AIR TRAVEL: Y/N LODGING: Y/N

**RESERVATIONS MADE ON:** 

FUND CITE APPROVED ON:

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07056

ORDERS CUT ON: TICKETS / ORDERS CONFIRMED ON: STIPULATION OF EXPECTED TESTIMONY: Y / N PRIOR VERBATIM TESTIMONY AVAILABLE: Y / N DEPOSITION TRANSCRIPT CERTIFIED: Y / N TRIAL TRANSCRIPT CERTIFIED: Y / N ORIGINAL SWORN STATEMENT: Y / N PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

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WITNESS:

ETS / PCS / DEROS TDY:

NAME / DOB / SSN / UNIT / LOCATION:

SSN: DOB:

INTERVIEWED BY TC ON:

AIR TRAVEL: Y/N

LODGING: Y/N

**RESERVATIONS MADE ON:** 

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y/N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y/N

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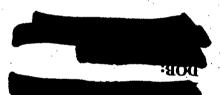
FUND CITE APPROVED ON: ORDERS CUT ON: TICKETS / ORDERS CONFIRMED TESTIMONY: Y/N DEPOSITION TRANSCRIPT CERTIFIED: Y/N TRIAL TRANSCRIPT CERTIFIED: Y/N TRIAL TRANSCRIPT CERTIFIED: Y/N TRIAL TRANSCRIPT CERTIFIED: Y/N TRIAL TRANSCRIPT CERTIFIED: Y/N

RESERVATIONS MADE ON:

LODGING: Y/N

AIR TRAVEL: Y/N

INTERVIEWED BY TC ON:



WITNESS: CIVILIAN / MILITARY ETS / PCS / DEROS: b 6-4 b - 6-4

DEPOSITION TRANSCRIPT CERTIFIED: Y/N TRIAL TRANSCRIPT CERTIFIED: Y/N PRIOR EXPERT PUBLICATIONS AVAILABLE: Y/N PRIOR EXPERT PUBLICATIONS AVAILABLE: Y/N

### PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

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WITNESS:

DOB: SSN:

CIVILIAN / MILITARY

ETS / PCS / DEROS:

NAME / DOB / SSN / UNIT / LOCATION:

INTERVIEWED BY TC ON:

AIR TRAVEL: Y/N LODGING: Y/N RESERVATIONS MADE ON: FUND CITE APPROVED ON: ORDERS CUT ON: TICKETS / ORDERS CONFIRMED ON: STIPULATION OF EXPECTED TESTIMONY: Y/N PRIOR VERBATIM TESTIMONY AVAILABLE: Y/N DEPOSITION TRANSCRIPT CERTIFIED: Y/N TRIAL TRANSCRIPT CERTIFIED: Y/N ORIGINAL SWORN STATEMENT: Y/N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

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WITNESS:

**CIVILIAN / MILITARY** 

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### ETS / PCS / DEROS:

DOB:

### NAME / DOB / SSN / UNIT / LOCATION:

INTERVIEWED BY TC ON:

AIR TRAVEL: Y/N

LODGING: Y/N

**RESERVATIONS MADE ON:** 

FUND CITE APPROVED ON:

ORDERS CUT ON:

TICKETS / ORDERS CONFIRMED ON:

STIPULATION OF EXPECTED TESTIMONY: Y/N

PRIOR VERBATIM TESTIMONY AVAILABLE: Y/N

DEPOSITION TRANSCRIPT CERTIFIED: Y/N

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TRIAL TRANSCRIPT CERTIFIED: Y/N

ORIGINAL SWORN STATEMENT: Y / N

PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N

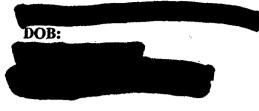
WITNESS:

**CIVILIAN / MILITARY** 

ETS / PCS / DEROS:

NAME / DOB / SSN / UNIT / LOCATION:

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INTERVIEWED BY TC ON:

AIR TRAVEL: Y/N LODGING: Y/N RESERVATIONS MADE ON: FUND CITE APPROVED ON: ORDERS CUT ON: TICKETS / ORDERS CONFIRMED ON: STIPULATION OF EXPECTED TESTIMONY: Y/N PRIOR VERBATIM TESTIMONY AVAILABLE: Y/N DEPOSITION TRANSCRIPT CERTIFIED: Y/N TRIAL TRANSCRIPT CERTIFIED: Y/N ORIGINAL SWORN STATEMENT: Y/N

WITNESS:

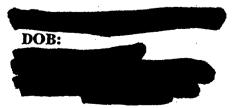
CIVILIAN / MILITARY

NAME / DOB / SSN / UNIT / LOCATION:

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INTERVIEWED BY TC ON: AIR TRAVEL: Y/N LODGING: Y/N **RESERVATIONS MADE ON:** FUND CITE APPROVED ON: ORDERS CUT ON: TICKETS / ORDERS CONFIRMED ON: STIPULATION OF EXPECTED TESTIMONY: Y/N PRIOR VERBATIM TESTIMONY AVAILABLE: Y/N DEPOSITION TRANSCRIPT CERTIFIED: Y/N TRIAL TRANSCRIPT CERTIFIED: Y/N ORIGINAL SWORN STATEMENT: Y/N PRIOR EXPERT PUBLICATIONS AVAILABLE: Y / N **MOTIONS: (CHANGE OF VENUE AND SUPPRESSION OF STATEMENTS)** TYPE OF MOTION CITED: Y/N MOTION IS DISPOSITIVE TO GOVERNMENT'S CASE: Y / N RELIEF REQUESTED CITED: Y / N BURDEN OF PROOF AND STANDARD OF REVIEW CITED: Y / N OFFER OF PROOF WITH MOTION: Y / N COPIES OF CASES CITED PROVIDED TO MJ / TC / DC: Y / N WITNESS TESTIMONY COORDINATED: Y/N PHYSICAL EVIDENCE COORDINATED: Y / N MOTION GRANTED / DENIED ON:

MJ MOTION FINDINGS ON THE RECORD: Y/N

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VOIR DIRE:

PANEL QUESTIONNAIRES FOR MJ/TC/DC: Y/N VOIR DIRE QUESTIONS FOR MJ/TC/DC: Y/N TC HAS BATSON CASE LAW AND PROFFER: Y/N SEATING CHART TO MJ/REPORTER/TC/DC: Y/N TRIAL MATERIALS:

MANUAL FOR COURTS-MARTIAL: Y/N

JUDGE'S BENCHBOOK: Y/N

CIRCUIT RULES OF COURT: Y/N

TRIAL NOTEBOOK: Y/N

ELEMENTS FOR EACH CHARGE / SPECIFICATION: Y / N

FOUNDATION LIST FOR EVIDENCE: Y/N

WITNESS LIST: Y/N

WITNESS QUESTIONS: Y/N

EXHIBIT LIST: Y/N

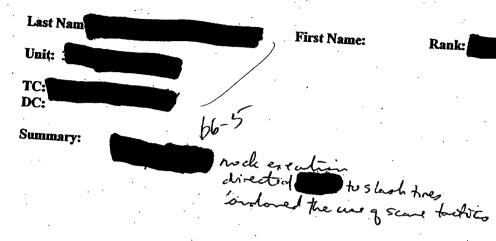
PANEL SEATING CHART: Y/N

FINDINGS WORKSHEET / FLYER: Y / N

OPENING STATEMENT OUTLINE: Y/N

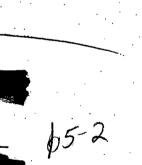
CLOSING ARGUMENT OUTLINE: Y/N

# **C-M PACKET**



**RECOMMENDATION:** 

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### work order (2209x2509x24b bmp)

### WORK ORDER REQUEST 1AD EN BDE

POC: CPT STEIGERWALD DNVT: 551-0581		1AD EN BDE				
LOCATION: BIAP						
CATEGORY	A EMERGENCY	B MISSION SUPPORT SAFETY HEALTH	C FORCE PROTECTION	D QUALITY LIFE	E OTHER UN ITS	
RECUESTING UNIT			· · · · · · · · · · · · · · · · · · ·			
LOCATION (COM) (GRID)		•		<u> </u>		
DESCRIPTION OFWORK REMARKS			· · · · · · · · · · · · · · · · · · ·	· · · · ·	·······	
2				•		
DATE WORK REQUESTED	······································					
				. *		
	·					
ST COMPLETION DTG	·					
OC AND CONTACT #		· · · · · · · · · · · · · · · · · · ·				

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