

**ARTICLE 31 RIGHTS**

Name: (b)(7)(C) Rank/Rate: (b)(7)(C)  
Activity: USMC Unit: (b)(3) - 10 USC 130b  
Telephone number: (b)(3) - 10 USC 130b

I understand that the statement I previously gave to N/A is not admissible at a court-martial and cannot be used against me. Regardless of the fact that I have talked about this offense before, I understand that I still have the right to remain silent now.

I have been advised that I may be suspected of the offense(s) of: Prisoner Abuse and that:

(b)(7)(C)

I have the right to remain silent.  
Any statements I do make may be used as evidence against me in trial.  
I have the right to consult with lawyer counsel prior to any questioning.  
This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both.  
I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview.  
I have the right to terminate this interview at any time.

**WAIVER OF RIGHTS**

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that:

(b)(7)(C)

I expressly desire to waive my right to remain silent.  
I expressly desire to make a statement.  
I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to questioning.  
I expressly do not desire to have such a lawyer present with me during this interview.  
This acknowledgment and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

(b)(7)(C) 24709

(b)(7)(C) 240909

Understanding my rights under U.C.M.J. Article 31, I wish to make the following statement:

Statement of (b)(7)(C) given on 10 July 2004:

On the morning of 5 July 2004 I was posted in the western or "HESCO" tower. I was looking into the HESCO detainee cells during the detainee's bathroom time. I looked up at the Port-O-John area and observed what appeared to be (b)(7)(C) sitting on the pit berm with the shotgun. I also observed one detainee still at the hand washing station while all the other detainees were at the "HESCO" post with (b)(7)(C). The detainee appeared to be standing up and sitting down. I turned my attention back to the "HESCO" cells. Approximately one minute later I heard someone shout, "Stop Marine!" I turned my attention to the source of the yelling and it was (b)(7)(C) standing next to the area known as the "Jungle". I then turned back and observed (b)(7)(C) still on the berm and the detainee still at the wash station. Upon hearing (b)(7)(C) yelling (b)(7)(C) ordered the detainee to join the rest of the detainees at the "HESCO" station. The detainee picked up his water bottle and ran to the "HESCO" station. (b)(7)(C) then posted himself with the non-lethal shotgun approximately 45 feet from "HESCO" station.

At no time did I observe (b)(7)(C) any closer than 25-30 feet from the detainee nor did I observe (b)(7)(C) kick or attempt to kick dirt in the detainees face.

(b)(7)(C)

(b)(7)(C)

Enclosure (8)