MEMORANDUM FOR

SUBJECT: Memorandum of Instruction for Summary Courts-Martial Officer

- 1. You are hereby appointed as a Summary Court-Martial Officer in the case of US v. 18
- 2. You are instructed to contact the 2d ACR Legal Center as soon as possible to receive a legal briefing on the procedures for the court-martial prior to conducting your summary court-martial.
- 3. You are advised that you should contact $S_{t+1} = S_{t+1} = S_{t+1} = S_{t+1}$ for all of your administrative needs.
- 4. You have been given a complete copy of the Court-Martial Packet and a copy of our Summary Court-Martial Briefing Book. The briefing book contains a copy of Appendix 9 of the Manual for Courts-Martial, a copy of DA Pamphlet 27-7 (Guide for Summary Court-Martial Trial Procedure) and a copy of Rules for Court-Martial 1301 1304 of the Manual for Courts-Martial. These are the regulations you will need in order to conduct the Summary Court-Martial.
- 5. Take the time to read through the entire Court-Martial Packet as soon as possible so that you can determine what witness(es) you wish to call in the Court-Martial. The Trial Counsel and/or the Defense Counsel may make suggestions as to witness(es) that you may want to call, but the decision of who to call is yours. It is your responsibility to determine which witness(es) you will need for the Court-Martial. The accused has a right to request witness(es) as well. It is your responsibility to determine which witnesses are relevant and necessary, and to ensure their attendance at the Court-Martial. Your legal advisor can assist you in this matter, as well as other aspects of the Summary Court proceedings will contact the witness(es) for you.
- 6. I want you to read Sections 1 & 2 of DA Pam 27-7 very carefully as soon as possible (contact your legal advisor to have your duties and responsibilities clarified).
- 7. During the Court-Martial, if you have any questions regarding procedural matters, you are instructed to contact your legal advisor, is,

MEMORANDUM FOR Commander, 1st Armored Division, Baghdad, Iraq, APO AE 09324

SUBJECT: Transmittal of Court-Martial Charges in the case of Some

- 1. The attached court-martial charges against the specifications allege offenses under the Uniform Code of Military Justice and are supported by the evidence attached. The charges are forwarded in accordance with R.C.M. 404, MCM (2002), for appropriate disposition.
- 2. I recommend:
- a. ____Trial by () Summary Court-Martial, () Special Court-Martial, () Special Court-Martial empowered to adjudge a Bad Conduct Discharge, or () General Court-Martial.
 - b. Nonjudicial punishment under Art. 15.
- c. ___Nonpunitive administrative action. () Relief of duties for cause, () Letter of concern/nonpunitive reprimand, or () Administrative discharge proceedings.
 - d. ____ That no action be taken at this time //.
- 3 Encls
- 1. Charge Sheet
- 2. Allied Papers
- 3. Enlisted Record Brief

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment, APO AE 0932	MEMORANDUM FOR	Commander,	2d Armored	Cavalry	Regiment,	APO	AE 09322
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SUBJECT: Transmittal of Court-Martial Charge in the case of

1. The attached court-martial charges against have been reviewed. The specifications allege offenses under the Uniform Code of Military Justice and are supported by the evidence attached. The charges are forwarded in accordance with R.C.M. 403, MCM (2002), for appropriate disposition.

2. I recommend:

a. ____ Trial by () Summary Court-Martial, () Special Court-Martial, () Special Court-Martial empowered to adjudge a Bad Conduct Discharge, or () General Court-Martial.

b. ____ Nonjudicial punishment under Art. 15.

c. ____ Nonpunitive administrative action. () Relief of duties for cause, () Letter of concern/nonpunitive reprimand, or () Administrative discharge proceedings.

- 3 Encls
- 1. Charge Sheet
- 2. Allied Papers
- 3. Enlisted Record Brief

d. ____ That no action be taken at this time.

MEMORANDUM FOR Commander, 2d Squadron, 2d Armored Cavalry Regiment, APO AE 09322

SUBJECT: Transmittal of Court-Martial Charges in the case of

- 1. The attached court-martial charges against have been reviewed and are forwarded in accordance with R.C.M. 401, MCM (2002), for appropriate disposition.
- 2. Summaries of expected testimony and documentary evidence upon which the charges are based are attached.
- 3. All material witnesses are expected to be available at the time of trial.
- 4. Personal data of the accused is attached as a copy of the accused's Enlisted Record Brief.
- 5. The following additional personal data of the accused is provided:
 - a. Number of dependents in command: Three.
 - b. Previous disciplinary actions: None.
- 6. There is no record of prior court-martial convictions.
- 7. The soldier is not currently pending separation action under the provisions of AR 635-200.
- 8. I recommend:
- a. ___Trial by () Summary Court-Martial, () Special Court-Martial, () Special Court-Martial empowered to adjudge a Bad Conduct Discharge, or () General Court-Martial.
 - b. Nonjudicial punishment under Art. 15.
- c. Nonpunitive administrative action. () Relief of duties for cause, X Letter of concen/nonpunitive reprimand, or () Administrative discharge proceedings.
 - d. ____ That no action be taken at this time
- 3 Encls
- 1. Charge Sheet
- 2. Allied Papers
- 3. Enlisted Record Brief

			CHARGE SHEET			
			L PERSONAL DATA			1 7 700 70
1. NAME OF ACCUS	ED (Last, First, MI)		2. SSN	3. 6	RADE OR RANK	4. PAY GR
			<u>-L</u>	6. 0	URRENT SERVICE	
3. Ulan un unumana	ZATION			a. 1	NITIAL DATE	b. TERM
					29 May 03	4 years
= 0.00 600 MONTH			8 NATURE OF RESTRA	INT OF ACCUSED 9. E	ATE(S) IMPOSED	
7. PAÝ PER MONTH	b. SEA/FOREIGN DUTY	c. TOTAL	-{			
a. BASIC	D. SEAFORE OF E		1		,	
			None	N/A		•
	None	IL CHAF	GES AND SPECIFICAT			
10. CHARGE I:	VIOLATION OF THE UC					
about between	TON 1: In that 1 n 15 June 2003 and 15	July 2003, unk	awfully shock a deta	•	sting device.	
	ION 2: In that 15 June 2003 and 15	July 2003, unla		Army, did, at or near ince with an M34 bla		on or
SPECIFICATI about between	ON 3: In that 15 June 2003 and 15	July 2003, unla		Army, did, at or near nee.	Baghdad, Iraq,	on or
CHARGE II:	VIOLATION OF THE	e ucmj, arti	CLE 134.			-
	ne 2003 and 15 July 20			ow pp mg mon	·	
- NAME OF ACOUS	50 A - 1 5'- 1 M		II. PREFERRAL			~
a. NAME OF ACCUS	zk (Last, First, Mi)	-	b. GRADE c. C	RGANIZATION OF ACCUS	SER	
SIGNATURE OF ACC	USĒR			e. DAT	E 10.6 DEC 20	003
appeared the abo charges and spec he/she either has	efore me, the undersign ve named accuser this ifications under oath th personal knowledge of r knowledge and belief	day of at he/she is a per for has investiga	rson subject to the U	niform Code of Militar	and signed the form of the second the same are true to	regoing at

On <u>O7 DEC</u> , <u>2003</u> name(s) of The accuser(s) known to me (See R.C.M.	300 (a)). (Gee	: 1\.O.WI. 000 R	notineation carriot be made.y	
Typed Name of Immediate Commander		Orgar	nization of Immediate Commande.	
			•	
IV. RECEIPT BY SUMMAR	Y COURT-MARTI	AL CONVENING	AUTHORITY	
13.	100	axxZ		
The sworn charges were received at 1335 hours,	sec	2003 at	— — Designation of Commanu or	-
Regiment, Baghdad, Iraq, APO AE 09322			Designation of Command of	
Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403		4		
	FOR	THE 1		
Typed Name of Officer		Offi	cial Capacity of Officer Signing	
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* Signetiule	•		·	
V. REFER	RAL; SERVICE OF	FCHARGES	DATE 020000000	_
14a. DESIGNATION OF COMMAND OF CONVENING AUTHORIT	Y b. PLACE	•	c. DATE (YYYYMMDD)	Ţ
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				_ 5
Deferred for trial to the		 		
Referred for trial to the court-martis	al convened by			10 4047
Referred for trial to the court-marti	al convened by			1 10 A OLT
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	al convened by			- 1 - 1 - 10 AOLT
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By	the following in	opy hereof on (ea	sial Capacity of Officer Signing	TYGY G
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By of	the following in	opy hereof on (ea	cial Capacity of Officer Signing	01

DD FORM 458 (BACK), MAY 2000

2d Armored Cavalry Regiment APO AE 09322

AFZX-C-CO

MEMORANDUM FOR Commander, 1st Armored Division, Baghdad, Iraq, APO AE 09322

SUBJECT: Recommendation for Separation Under AR 635-200, Chapter 10 (In Lieu of Trial by Court Martial)

1. I recommend (approval) (disapproval) of the request for separation from

, under the provisions of AR

635-200, Chapter 10.

- 2. I recommend that be separated from the service and issued a(n) (General) (Other Than Honorable Discharge Certificate.
- 3. Pursuant to AR 635-200, Paragraph 1-35, I recommend that transferred to the Individual Ready Reserve (IRR).

not be

Encls nc

2d Squadron, 2d Armored Cavalry Regiment APO AE 09322

AFZX-CB

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment, Baghdad, Iraq, APO AE 09322

SUBJECT: Recommendation for Separation Under AR 635-200, Chapter 10 (In Lieu of Trial by Court Martial) . •

1. I recommend (approval) (disapproval) of the request for separation from

, under the provisions of AR

635-200, Chapter 10.

- 2—I recommend that SSG Peasgood be separated from the service and issued a(n) (General) (Other Than Honorable) Discharge Certificate.
- 3. Pursuant to AR 635-200, Paragraph 1-35, I recommend that transferred to the Individual Ready Reserve (IRR).

I not be

Encls nc

84th Engineer Company
2d Squadron, 2d Armored Cavalry Regiment
APO AE 09322

AFZX-BC-EN

MEMORANDUM FOR Commander, 2d Squadron, 2d Armored Cavalry Regiment, Baghdad, Iraq, APO AE 09322

SUBJECT: Recommendation for Separation Under AR 635-200, Chapter 10 (Discharge in Lieu of Trial by Court-Martial)

- 1. I recommend (approval) (disapproval) of the request for separation by under the provisions of AR 635-200, Chapter 10.
- 2. I recommend that be separated from the service and issued a(n) (General) (Other Than Honorable) Discharge Certificate.
- 3. Pursuant to AR 635-200, Paragraph 1-35, I recommend that to the Individual Ready Reserve (IRR).

not be transferred

Encls nc



UNITED STATES ARMY TRIAL DEFENSE SERVICE 82D AIRBORNE DIVISION BRANCH OFFICE FOB RIDGWAY, IRAQ

AFZA-JA-TDS 24 December 2003

MEMORANDUM FOR Commanding General, 1st Armored Division

SUBJECT: Chapter 10 Request, :

1. Request that you approve request for a Chapter 10 for the following reasons:

- a. has never been in any trouble in the entire 7 years he has been in the service, to include article 15s.
- b. has an exemplary service record (see attached good soldier packet). He was chosen to deploy ahead of the rest of
 He saved the lives of numerous Iraqi citizens by destroying DPICM submunitions and other UXOs from neighborhoods in Iraq. He was also on the First Response Team for the United Nations bombing and was involved in evacuating casualties. He destroyed over 10,000 VS-50 AP mines and over 500 DPICM Cluster munitions. He was chosen to deploy with 2nd Squadron within 96 hours over all NCOs in his company. His service record is filled with situations where he risked his life for others. In this particular case, he was involved in the stripping of detainees because he did not want to "rough them up" as ordered or kill them like the guards had done prior. It seems ironic that those who shot looters in violation of ROE have been allowed to continue their military careers while:

 is facing such severe consequences for the offenses charged.
- c. His immediate chain of command recommended that he receive an article 15. The Regimental Commander specifically stated in the preferral packet that the case would be returned to the squadron commander for disposition. However, when that commander attempted to take action, the case was removed from his hands. Furthermore, both the Company Commander and Squadron Commander recommended approval of a chapter 10 on 24 December 2003. They both also stated that they would support a General Discharge given service record and dire family situation.
- d. , has a four month old baby that was born with two holes in his heart. He also has a two year old son who is being treated at the moment for what the doctor's suspect is Leukemia. Approval of the chapter 10 will deprive him of the medical benefits he desperately needs to care for those children.
- 2. Based on the circumstances, the accused requests approval of the chapter 10 request with a General discharge. AR 635-200, Chapter 10,

Personal Info Redacted IAW Sec of Def Memo 01-CORR-101, dtd 9 Nov 01

specifically authorizes such a discharge even though it is rare.

nderstands that he can receive an Other Than Honorable discharge from this request although he simply requests that a general discharge be considered. Thank you for your consideration of this matter.

REQUEST FOR DISCHARGE IN LIEU OF TRIAL BY COURT-MARTIAL

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 U.S.C. 552a)

AUTHORITY:

5 USC 301, 10 USC 3013.

PURPOSE:

To be used by the commander exercising general trial by court-martial jurisdiction over you to determine

approval or disapproval of your request.

ROUTINE USES: Request, with appropriate documentation including the decision of the discharge authority, will be filed in the MPRJ as permanent material and disposed of in accordance with AR 640-10, and may be used by other appropriate Federal agencies and State and local governmental activities where use of the information is compatible with the purpose for which the information was collected. Submission of a request for discharge is voluntary. Failure to provide all or a portion of the requested information may result in your request being disapproved.

AFZA-JA-TDS

24 December 2003

MEMORANDUM FOR Commander, 1st Armored Division

Request for Discharge in Lieu of Trial by Court-SUBJECT: Martial

- voluntarily request discharge in lieu of trial by court-martial under the provisions of AR 635-200, Chapter 10. I understand that I may request discharge in lieu of trial by court-martial because charges have been preferred against me under the Uniform Code of Military Justice that authorizes the imposition of a punitive discharge. I have been charged with violating Articles 128 and 134 of the Uniform Code of Military Justice.
- I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. been advised of the implications that are attached to it. submitting this request for discharge, I acknowledge that I understand the elements of the offenses charged, have discussed the elements and evidence with a trial defense lawyer detailed to represent me, and understand that I am guilty of a charge against me or of a lesser included offense therein contained which also authorizes the imposition of a punitive discharge.
- Prior to completing this form, I have consulted with counsel who has fully advised me of the nature of my rights under the Uniform Code of Military Justice; the elements of the offense with which I am charged; any relevant lesser included offense thereto; the facts which must be established by competent

AFZA-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-

Martial

evidence beyond a reasonable doubt to sustain a finding of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if found guilty. Although I have been provided legal advice, this decision is my own.

- I understand that, if my request for discharge is accepted, I may be discharged under conditions other than honorable and furnished an Under Other Than Honorable Conditions Discharge Certificate. I have been advised and understand the possible effects of an Under Other Than Honorable Conditions Discharge and that, as a result of the issuance of such a discharge, I may be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veterans Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law. understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable I further understand that there is no Conditions Discharge. automatic upgrading nor review by any Government agency of an Under Other Than Honorable Conditions Discharge and that I must apply to the Army Discharge Review Board or the Army Board for Correction of Military Records if I wish review of my discharge. I realize that the act of consideration by either board does not imply that my discharge will be upgraded. I further understand that if I am issued an Under Other Than Honorable Conditions Discharge, I will automatically be reduced to the rank of Private (E-1).
- 5. I understand that once my request for discharge is submitted, it may be withdrawn only with the consent of the commander exercising general court-martial authority, or without that commander's consent, in the event trial results in an acquittal or the sentence does not include a punitive discharge, even though one could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though I am absent.
- 6. I have been advised that I may submit any statements I desire on my own behalf to accompany my request for discharge. Statements in my own behalf are submitted with this request.

AFZA-JA-TDS

SUBJECT: Request for Discharge in Lieu of Trial by Court-Martial

- 7. I hereby acknowledge receipt of a copy of this request for discharge.
- 8. I do not request a separation physical.
- 9. I request a delay in the processing of all trial by court-martial charges against me pending final action on my request for discharge UP AR 635-200, Chapter 10.
- 10. Under the provisions of paragraph 10-5, AR 635-200, if the charges are referred to trial and trial results in acquittal or the sentence does not include a punitive discharge, even though one could have been adjudged by the court, withdrawal of this request for discharge is hereby automatically requested without any further action on the part of the accused or his counsel.

******STATEMENT OF COUNSEL*****

Having been advised by me of the basis for his contemplated trial by court-martial and the maximum permissible punishment authorized under the Uniform Code of Military Justice; of the possible effects of an Under Other Than Honorable Discharge if this request is approved; and of the procedures and rights available to him,

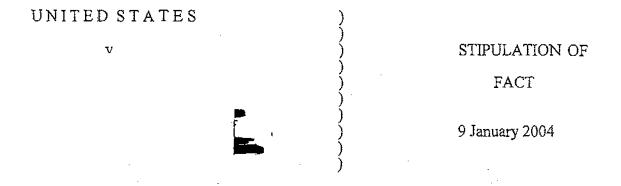
. personally made the choices indicated in the foregoing request for discharge in lieu of trial by court-martial.

a. NAME OF ACCUSED (Last, First, MI)	b. GRADE	C. LINIT OF OPCAMIZAT	ION OF ACCUSED	d. 5	SSN
	OR RANK	BAGHDAD, IRAQ,			
a. NAME OF CONVENING AUTHORITY (Last, First, MI)	b. RANK	c. POSITION	d. ORGANIZATION OF CONV	ENING AU	THORITY
<u> </u>		(BAGHDAD, IRAQ,		
NAME OF SUMMARY COURT-MARTIAL (If SCM was accuser, so state.)	b. RANK		ION OF SUMMARY COURT-MART	IAL	_
		BAGHDAD, IRAQ,	<u> </u>		
· · · · · · · · · · · · · · · · · · ·	(Check appri	opriate answer)			YES
At a preliminary proceeding held on accused a copy of the charge sheet.		20 04	, the summary court-martial ga	ve the	x
At that preliminary proceeding the summary	court-martial in	formed the accused of the	following:		
a. The fact that the charge(s) had been refe	erred to a summa	ry court-martial for trial	and the date of referral.		Х
b. The identity of the convening authority.					Х
c. The name(s) of the accuser(s).	· · · · · · · · · · · · · · · · · · ·				х
d. The general nature of the charge(s)					х
e. The accused's right to object to trial by	summary court-	nartial.			х
f. The accused's right to inspect the allied	papers and imm	ediately available personn	el records.		x
g. The names of the witnesses who could be summary court-martial expects to introd			hysical evidence which the		х
h. The accused's right to cross-examine wi accused.	tnesses and have	the summary court-marti	al cross-examine on behalf of t	ne 	х
i. The accused's right to call witnesses and necessary.	d produce evider	nce with the assistance of	the summary court-martial if		х
 That during the trial the summary court- made by the accused to the summary cou Evidence. 	martial would n	ot consider any matters, in ss admitted in accordance	ncluding statements previously with the Military Rules of		х
k. The accused's right to testify on the mer be drawn by the summary court-martial			that no adverse inference would	i	х
If any findings of guilty were announced or written or both, and to testify and to it.	l, the accused's and the second of the secon	right to remain silent, to note in extenuation or mitig	nake an unsworn statement, ora ation.	Í	х
m. The maximum sentence which could be a	djudged if the a	ccused was found guilty o	of the offense(s) alleged.	-	х
n. The accused's right to plead guilty or no	t guilty.				x
At the trial proceeding held on decide, \(\begin{aligned} \le \did & \le \did & \le \did & \le \text{other initial this entry} \) the SCM may ask the accused to initial this entry	y summary court	-martial.	, the accused, after being given	a reasona	(Initial)
The accused \(\sqrt{\text{was}} \) was not repre	sented by couns	el. (If the accused was represe	ented by counsel, complete b, c, and a		
NAME OF COUNSEL (Last, First, MI)				c. RA	NK (If any)
COUNSEL QUALIFICATIONS	 			.	

DD FORM 2329, AUG 84 (EG)

8. The accused was arraigned on the following charges and	specifications. The ac	coused'. as and the findings	reached are shown below:
CHARGE(S) AND SPECIFICATION(S)	PLEA(S)	FINDINGS (Including an	y exceptions and substitutions)
CHARGE I: ARTICLE 128, UCMJ.	Guilty.	Guilty.	
Specification 1: Unlawfully shock, between o/a 15 Jun 03 and 15 Jul 03, an Iraqi detainee with an M34 shocking device.	Guilty.	Guilty.	
Specification 2: Unlawfully shock, between o/a 15 Jun 03 and 15 Jul 03, an Iraqi detainee with an M34 shocking device.	Guilty.	Guilty.	Personal Info Redacted IAW Sec of Def Memo 01 CORR-101, dtd 9 Nov 01
Specification 3: Unlawfully shock, between o/a 15 Jun 03 and 15 Jul 03, an Iraqi detainee with an M34 shocking device.	Guilty.	Guilty.	ıfo Redac I, dtd 9 N
CHARGE II: ARTICLE 134, UCMJ.	Guilty.	Guilty.	ted I. ov 01
Specification: Wrongfully maltreat, between o/a 15 Jun 03 and 15 Jul 03, two detainees by stripping them of their clothing.	Guilty.	Guilty.	AW Sec o
			ďΩ
		COPY RECEIVED O	ef Mem
			01
2			, ************************************
			. Emmeçe
9. The following sentence was adjudged: To be and	d to forfeit	\$	· · · · · · · · · · · · · · · · · · ·
9. The following semence was adjudged. 10 DC 2111		**	
	Lee The annual mag	advised of the right to submit	written motters to the
10. The accused was advised of the right to request that confinement be deferred. (Note: When confinement	convening author	ity, including a request for cle	mency, and of the right to
is adjudged.) ☐ YES ☑ NO		v the Judge Advocate General. ☑ YES	□ NO
12. AUTHENTICATION			
12. AUTHERMONION			•
Signature of Summary Court-Martial		Date	
13. ACTION BY THE CONVENING AUTHORITY			······································
13. ACTION BY THE CONVENING ACTIONITY			
			— — — — — — — — — — — — — — — — — — —
Typed Name of Convening Authority		Position of Convening	g Authority
	•	·	·
Rank	_		
Signature of Convening Authority	<u></u>	Date	
		0(1827

ACLU-RDI 508 p.16



- 1. It is hereby stipulated between Trial Counsel and Defense Counsel, with the express consent of the accused, that the following facts and attachments are true, susceptible of proof at trial, and admissible under the Military Rules of Evidence. These facts can be considered by the Summary Court-Martial in determining the providency of the accused's pleas of guilty and in determining the appropriate sentence even if the evidence of the facts is otherwise inadmissible. Accused and Counsel agree to waive any possible objections, which may properly be waived, under the Military Rules of Evidence, the United States Constitution, and applicable case law, to matters contained in this stipulation.
- 2. The accused, tis presently a soldier on active duty in the United States Army. He was on active duty and has been continuously on active duty since 15 June 2003.
- 3. The accused was at Baghdad, Iraq, between 15 June 2003 and 15 July 2003.
- 4. The accused, ______ unlawfully struck a detainee at or near Baghdad, Iraq between 15 June and 15 July 2003. _____ pushed the detainee to the ground and placed his foot into the detainee's chest. The detainee did not act in any manner to provoke such response by _____
- 5. The accused, was present while a subordinate soldier stripped detainees of their clothes. I did not do anything to stop this conduct.
- 6. Striking a detainee unlawfully and allowing a subordinate to strip the detainee of their clothes substantially hinders the rebuilding of Iraq and undermines the trust Iraqi Local Nationals need to facilitate relations between the United States Government and the Iraqi people.

7. At no time during the events in question was the accused laboring under any mental disease or defect which might have tended to preclude him from appreciating the nature and consequences of his actions.

UNITED STATES)	
v.	\ } }	APPENDIX I (QUANTUM)
↓	}))	8 January 2004
**************************************	******	*****************************
in the Offer to Plead Guilty, and offer to	abide by the vening Author e charges to a	
2. Except as finineed 200ve, any other ta	wrat bangann	ents can be approved.
		7
, U.S. Army		

UNITED STATES)	
v.)))	OFFER TO PLEAD GUILTY
)))	8 January 2004

1. I, ne accused in a pending court-martial, offer to plead guilty as set forth in this paragraph:

To Charge I Specification 1: Not Guilty To Charge I Specification 2: Not Guilty To Charge I Specification 3: Guilty

To Charge I: Guilty

To Charge II and its Specification: Not Guilty

- 2. As part of this offer, I also agree to the following:
- a. I agree to enter into a Stipulation of Fact correctly describing the offenses to which I am offering to plead guilty if such stipulation is requested by the Trial Counsel. I also agree that this stipulation may be used to inform the presiding officer of the summary court-martial of matters pertinent to findings and sentence.
- b. I understand that if I were tried by general court-martial, I have a right to be tried by a court consisting of at least five officer members (three members if tried by special court-martial), or by a court consisting of at least one-third enlisted members. None of the members would come from my company. I further understand that I have a right to request trial by military judge alone, and if approved, there would be no court members and the judge alone would decide whether I am guilty or not guilty. If the military judge then found me guilty, the judge alone would determine my sentence. Knowing all the above, I request to be tried by summary court-martial.
- 3. I agree to take the actions above provided that the Charges are referred to a Summary Court-Martial.
- 4. I understand that I may request to withdraw the plea of guilty at any time before my plea is accepted and that if I do so, this agreement is canceled. This agreement may also be canceled if:
 - a. I fail to fulfill any promise contained in the agreement, or
 - b. The Stipulation of Fact is modified at any time without my consent; or

- c. The presiding officer of the summary court-martial's inquiry reveals a disagreement as to a material term in the agreement, or
- d. My withdrawal from the pretrial agreement (which I understand that I have the right to do at any time).
- 5. This writing, including Appendix I (Quantum), includes all terms and conditions of this Offer to Plead Guilty and contains all promises made to me or by me concerning my plea of guilty. There are no other terms or conditions that are not contained in this writing.

Date:January 2004
I have explained all terms and provisions of the forgoing Offer to Plead Guilty (to include Appendix I) to the accused and am satisfied that he understands their meaning and effect.
Date: 8 January 2004
The foregoing offer is (accepted) (rejected)
Date:
Commanding, U.S. Army



DEPARTMENT OF THE ARMY 2d Armored Cavalry Regiment APO AE 09322



AFZX-C-CO

4 September 2003

MEMORANDUM FOR Commander, 2d Squadron, 2d Armored Cavalry Regiment, APO AE 09322

SUBJECT: Recommendations for Action Regarding AR 15-6 Investigation

- 2. Based upon this investigation, I have recommended that the Commanding General, First Armored Division, relieve 7 for cause for maltreating detainees.
- 3. In accordance with your recommendations, I am returning full authority to you to discipline n a manner that you believe is appropriate.
- 4. Finally, I am concerned that soldiers from the
 Rules of Engagement for handling detainees and for using deadly force against intruders within
 your base camp. I direct you to evaluate your subordinates' understanding of the Rules of
 Engagement. Based upon your review, you may want to consider additional training on the
 Rules of Engagement and the law of war.





DEPARTMENT OF THE ARM. 2D ARMORED CAVALRY REGIMENT APO AE 09322

AFZX-C-JA

28 AUG 2003

MEMORANDUM FOR RECORD

SUBJECT: Chain of command recommendation of relief for cause of

- 1. On 28 AUG 2003, the soldier's company commander, recommended that / be relieved for cause.
- 2. On 2 8 AUG 2003, the soldier's squadron commander, recommended that be relieved for cause.
- 3. On 2 8 AUG 2003, the soldier's regimental commander, that', be relieved for cause.
- 4. POC is the undersigned at DNVT 587-4512.



ny, 2d Armored Cavalry Regiment Camp Dragoon, Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

27 August 2003

MEMORANDUM FOR COMMANDER, 2ND ARMORED CAVALRY REGIMENT

SUBJECT: Response to 15-6 Investigation

loading the trailers, we took them to the CMOC.

During Operation Scorpion Sting our whole platoon was attached to Eagle Troop. We assisted them in cleaning up the streets from copper wire in their sector. We spent two days doing that, and we would take at least 15 tuck loads of copper wire to the back of the camp each day. About one week later, we got a call from Cougar x-ray to go link up with Eagle Troop to go pick up some copper wire. When we got there we loaded up the copper wire into our trailers, and headed back to the camp were we had put the copper wire from the week before. As we arrived to the camp, we saw several Iraqi citizens running from were we had put the copper wire the week prior.

Ind I chased after them. We didn't catch them, so we headed back were everyone else was at. About 20 minutes later old the platoon sergeant that he wanted to go after them again. He said ok. When got back from going after the looters, he came back with five detainees. We down loaded them and had them help the other two unload the trailers. I stayed at my truck because I was hurting from the heat. I also

explained to my soldiers why we need to give the detainees water. Then, after we had them finish down-

That day and said they saw me shock a detainee. The statements were false, I did not shock a detainee. After brought back the five detainees, was on the 27 truck as a M249 gunner, stayed at his truck like I did because he also was hurting from the heat. All of our trucks were about fifty feet apart at the site facing the opposite way from each other pulling security.

never once, that I saw, got off of the truck he was on to do anything. I never saw come around my truck after arriving back at Camp Marlboro. He was a prior heat injury so he really did not move out of his truck unless it benefited him. I feel that both and have had it out for me sense they both got moved from my squad.

Periodically we would go in the back entrance of the camp to see if we could catch looters in the back of the camp. On two occasions we detained looters. The first time, we took them to the CMOC were we attempted to hand them over to Bulldog elements. Bulldog 6 told my platoon sergeant that he didn't want them here. Then he told my platoon sergeant to "take them out back and beat the fuck out of them." I thought he was serious because every sense we had crossed the berm, it appeared that he had it out for the Iraqi people. We took the detainees to a building in back of the camp, and a team leader in the platoon told the platoon sergeant if he wanted to teach them we should strip them and send them on there way. We could have shot them because they said that they were breaching the outer perimeter. At the time we were way beyond the outer perimeter. We didn't make the outer perimeter until the first week in August. The ROE was to only shoot when you felt your life or another soldier's life was threatened or when fired upon. The Bulldog element was shooting the looters I thought that was to extreme at the time. Therefore, the platoon sergeant didn't want to shoot them and that is why they got stripped.

July 3, 2003 was the day that brought back a detainee to the warehouse where we lived. I don't now why he did that, or what he was thinking when he brought him back. That day we went to go get cokes for the 4th of July party at the camp. When we headed back to the camp we entered into the back gate because I believe the front gate was closed due to the threat con. As we entered the back gate, there were Iraqi people running from were the copper wire was at. As we started to chase them I got a flat tire, so my truck stopped and we waited for the other trucks. We headed back to the camp and I went to get the spare tire so my squad could fix the flat tire. When I came back chad pulled in with a detainee in the back of his truck. We unloaded him and put him next to the wall. The platoon sergeant sent everyone to chow sense it was about to be over.

two soldiers of mine also stayed back that day so they change the tire. When soldiers in the platoon found out that brought back the detainee they were going back there to take pictures. I told them to stop. I don't know what happen while I was at chow, but when we got done with chow we took the detainee to the CMOC. When you come in the way we enter into the building, you can not see to the other half of the warehouse due to a camo net up between were we parked our trucks and were we live. So when I came back I couldn't see if anything was happening around the trucks.

I don't understand why only two people in the platoon said they saw me do something I didn't do. Everyone else in the platoon said they didn't see me do any of those things.

I admit to participating in the stripping of an Iraqi national. I know this was wrong. I am sorry for this and am fully prepared to take responsibility for my actions and the consequences. I have not beat, kicked, or otherwise physically abused Iraqi nationals at any point in time during my time in theatre.

I have been in the Regiment for six of the seven years I have been in the Army. I deployed ahead of the Regiment with 2nd Squadron. Due in large part to my expertise in engineer operations and ability to make quick and sound judgments, I was selected as one of 10 engineers to accompany the squadron. My service to the country and Regiment is a source of great pride for me. I look forward to continuing to serve both as soon as possible.



y, 2d Armored Cavalry Regiment Camp Dragoon, Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

28 August 2003

MEMORANDUM FOR COMMANDER, 2ND ARMORED CAVALRY REGIMENT

SUBJECT: Response to 15-6 Investigation

· for approximately one year. During that year he served as the second I have worked with __ _ . squad leader, performing well above the standards. When 2/2 ACR received deployment orders, was chosen to deploy ahead of the rest of the /. He was selected based on his knowledge on engineer task and his ability to make quick, sound decisions. These were characteristics needed to provide initial advice to the Squadron Commander and the TAC. saved numerous lives of Iraqi citizens by destroying DPICM submunitions and other UXO's from neighborhoods in Iraq. He had always had the best interest of the locals in mind. The platoon started assisting Bulldog Company with looters on Camp Marlboro's "back 40" around mid June 2003. During this time involved with detaining several looters from the back 40. On one occasion, that I was present for, 3-4 looters were detained. We attempted to hand them off to Bulldog personnel and were told to take the looters out scare them, rough them up and release them. I return to our platoon AO and sent the others trucks out to release the looters. Just a day or two earlier a looter had been shot and killed on the back 40, 1 made a decision to make the detainee strip. This was done to therefor the PSG and embarrass the looter so he would not return to be shot and possibly killed. The decision may not have been the right one politically, but was effective on saving the lives of those looters. the wrong decision was made and is prepared to accept the consequences of his actions.





AFZX-CB-EN

27 August 2003

MEMORANDUM FOR COMMANDER, 2ND ARMORED CAVALRY REGIMENT

SUBJECT: Response to 15-6 Investigation

During the first week of June 2003, we first detained looters from the back of Camp Marlboro. At the time we (EN 27,EN22) took the looters to the CMOC, they told us they could not take them at the time, and told us to take them out and scared them. I told my translator to tell the looters they are going to the jail. After we told them they are going to jail, we took them to their house next to Camp Marlboro, turned them over to their family, and witnessed the detainee's father beat them front of us. When I saw this, I told all my squad leaders when we detain any looters we will take them back to their family. The second time we detained looters, I took them back to their house located down an ally. I didn't feel comfortable going down the alleyway and I didn't want my platoon to get ambushed, so I decided that the next time we detained looters I wasn't going to take them back to their house.

In mid June 2003, my platoon was on a mission to retrieve copper wire and drop off in the back of Camp Marlboro. We again detained looters from the back of Camp Marlboro. Instead of taking them to their house, I took them to the CMOC. At the time our ROE was not to shoot the looters. Only time we were authorized to shoot or kill anyone was when we felt our life or another soldiers' life was in danger, i.e.; someone is pointing weapon at you or get shoot at. That's what I understood about our ROE. It wasn't true because Buildog element shot and killed one looter, and wounded at least two other people. When they shot and killed the looter, they put the dead body on the hood of a vehicle and took the body into Al-Thawra. When I took the looters from the back of Camp Marlboro I could have shot and killed them when they tried to run, but I didn't. I attempted to turn them over to Bulldog elements and let them take care of it. When I walked into the CMOC (same location as Bulldog TOC) I saw , and told him I have detained the looters for them. At that time told me, "just take them back and beat the fuck out of them". I was shocked at what he just told me to do. I was standing next to me and heard what was said. I walked out and told the squad leaders what had just told me. I was going to just take. said, if you want to teach them a them out of Camp Marlboro and release them. At that time lesson, why don't you strip them and send them away. When told me I really wasn't thinking about striping the looters, but while I was taking the looters to the back of the camp, I realize these looters will return and possibly be killed by Bulldog elements. I didn't want that to happen to them, so when we stopped at the back of Camp Marlboro there was an empty building we went to. I wanted to just release them but I feared that they would return. I made a bad decision and told o strip the detainee. I know that it was not the right thing to do, but at the same time I wanted for the detainee to never want to return to our camp to steal. I never saw the same looters again after that striping.

On 3 July 2003 we had a mission to pick up sodas for the squadron 4th July party. When we were coming back from picking up the sodas we saw looters at the back of Camp Marlboro. We tried to detain them, but they got away. EN22 had a flat tire, so I told EN22, EN23 to return back to camp. When EN23 came in to told me he had detained a looter after all. I told him we would just take him back later our AO. since dinner chow was almost ending. I told them to go to the chow, then we will take the looter back to the didn't want to eat so he stayed back and watched the detainee. After I returned from CMOC. was bouncing a soccer ball on the detainees' chow, I was sitting on my cot, told me what the hell he was doing and told him not to head. I went to the back of the AO and asked dot that again. We took the detainee to the CMOC. When the entire platoon was back at our AO, I told them we would not abuse or miss treat detainees. When we do pick up any detainees in future we will just take them to the COMC.

Around mid July 2003, while we were returning from the RTOC, I saw a person on the top of the telephone pole cutting wire. We stopped and detained them. I was with EN26, SIGO, when I detained the individuals and took them to the CMOC turning them over to Bulldog elements.

On 19 July 2003, we were going to the ASP. I saw a person pointing to a vehicle and copper wire on the sidewalk. It looked like someone stole the wire. I told EN21, EN22 to stop. When I walked up with my translator to try to find out where they got this copper wire, my translator told me it was stolen. I was trying to talk to the Iraqi citizen who owned the vehicle to find out where he got this wire from when he tried to push me or grab me. I felt like he was going for my weapon. I grabbed him and told my Driver to hand cuff him. While we were trying to put the handcuffs on, I heard gun shots coming from my left. I told stay and cuff the detainee. When I walked over to the vicinity the gunshot came from, I saw a person with an AK-47 ready to shoot again. The individual was aiming at EN21, I fired 3 shots and took him down. When I walked over to the body, I saw that it was a female, she was trying to get to the AK-47 she dropped. ! took the AK-47 and fook her to Camp Marlboro. shooter first AID, and she lived. Later we found out, from our translator who escorted the women through the medical channels, that the woman's brother was the shooter. After he ran she thought he was shot and brought out another AK-47. I feel that if I had not taken the actions I did, that she would have shot and possibly killed members of my platoon who could not see her. I know that what I did was wrong, I made a bad judgement call on stripping the looters. I am ready to take responsibility for my action.



2d Armored Cavalry Regiment Camp Dragoon, Baghdad, Iraq APO AE 09322-2381



AFZX-CB-EN

28 August 2003

MEMORANDUM FOR COMMANDER, 2ND ARMORED CAVALRY REGIMENT

SUBJECT: Response to 15-6 Investigation

was assigned to 84th Engineer Company as 2nd Platoon Sergeant about two weeks after I took over as the Platoon Leader. Since his first day, he has mentored and coached me to be a leader. His emphasis on taking care of the soldier and living the Army values has set a base for my development as an officer. During Operation Iraqi Freedom, has demonstrated his ability to react to any situation, ranging from helping a depressed soldier to calming upset citizens of Iraq. When the platoon started detaining looters, was the first to make sure they were treated right. He would give water to the thirsty and when informed of possible mistreatments, he talked to the platoon to make sure it would not happen. For a brief period looters were being shot when looter on the back of Camp Marlboro. felt it necessary to embarrass them to the When told to rough up, scare, and release detainees point they would not return to loot and possibly get shot. His decision was to make he detained strip and walk home nude. The decision may not have been the best, but it worked. _ is aware that he made a bad choice, but in that choice had saving the lives of the looters in his mind. He is a great asset to the platoon and should not be punished to the point of losing his position as Platoon Sergeant.

Personal Info Redacted IAW Sec of Def Memo UI-CORR-101, dtd 9 Nov 01

DEPARTMENT OF THE ARMY 2d Annored Cavalry Regiment APO AE 09322

AFZX-CB-EN

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment

SUBJECT: Investigating Officer's Report

I acknowledge receipt of the AR 15-6 investigating officer's report and accompanying memorandum from the Commander, 2d ACR. I acknowledge that I will have three days from today's date to reply to this report and to submit relevant rebuttal materials on my behalf.

I waive my rights to reply to this investigation in writing and to submit any rebuttal materials.

I request an opportunity to reply to this investigation in writing and submit rebuttal materials on my behalf.

DATE: 25 Aug 2003 9900 hrs

DEPARTMENT OF THE ARMY 2d Armored Cavalry Regiment APO AE 09322

AFZX-CB-EN

MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment

SUBJECT: Investigating Officer's Report

I acknowledge receipt of the AR 15-6 investigating officer's report and accompanying memorandum from the Commander, 2d ACR. I acknowledge that I will have three days from today's date to reply to this report and to submit relevant rebuttal materials on my behalf.

I waive my rights to reply to this investigation in writing and to submit any rebuttal materials.

I request an opportunity to reply to this investigation in writing and submit rebuttal materials on my behalf.

DATE: 25 Any 2003





DEPARTMENT OF THE ARM Y Head arters, 2d Armored Cavalry Regi APO-AE 09322



AFZX-C-CO

23 August 2003

MEMORANDUM FOR

SUBJECT: Notification of AR 15-6 Investigating Officer's Report

- 1. I have reviewed the Investigating Officer's report into alleged detainee abuse by soldiers in your platoon. I concur with investigating officer's findings. You mistreated Iraqi detainees who were under your control.
- 2. I have provided you with a copy of this AR 15-6 investigation. Before I take final action on this matter, you will be afforded an opportunity to submit a reply to the investigating officer's report in writing and submit relevant rebuttal materials. I will review and evaluate your response before I take final action on this report. You will have three days from the date you receive this memorandum to submit your reply and rebuttal.

Encl.





Hea larters, 2d Armored Cavalry Regard APO-AE 09322



AFZX-C-CO

23 August 2003

MEMORANDUM FOR

;d

SUBJECT: Notification of AR 15-6 Investigating Officer's Report

- 1. I have reviewed the Investigating Officer's report into alleged detainee abuse by soldiers in your platoon. I concur with investigating officer's findings. While serving as the platoon sergeant, you mistreated Iraqi detainees who were under your control.
- 2. I have provided you with a copy of this AR 15-6 investigation. Before I take final action on this matter, you will be afforded an opportunity to submit a reply to the investigating officer's report in writing and submit relevant rebuttal materials. I will review and evaluate your response before I take final action on this report. You will have three days from the date you receive this memorandum to submit your reply and rebuttal.
- 3. You are suspended from your platoon sergeant duties pending resolution of this matter.

Encl.



15-6 Report Maltreatment of Detainees July — August 2003 MEMORANDUM FOR Commander, 2d Armored Cavalry Regiment

SUBJECT: 15-6 Report of Investigation, Maltreatment of Detainees, July-August 2003

- 1. I have reviewed the subject report of investigation. The report is legally sufficient and the recommendations are consistent with the findings.
- 2. The appointing authority should consult with the trial counsel regarding UCMJ or other adverse actions prior to taking them.
- 3. For administrative completeness the appointing authority should complete Section VIII of the DA Form 1574.
- 4. There is no legal objection to approval of the findings and recommendations of the investigating officer.

	CEEDINGS BY INVESTIG			OF OFFICERS	
	UIRED IN FILLING OUT ANY PO			DDITIONAL SHEE	
	SECTION 1 - AP				7/1
Appointed by					·
	(Арр	ointing authority)		-	
	sure 1: Letter of appointment or sun	unary of oral appoint	ment data.) (Sei	e para 3-15, AR 15-	6)
(Date)			• •	÷.	
	SECTION II - S	ESSIONS		 	
	020110111		 .		
The (investigation) (board) commenced at Cam	ip Mariboro, Baghdad, Iraq	<u></u>		at	
0071 00	(Pla				(Time)
(Date)	oard met for more than one session,				4
ended the place, persons present and absent, and e			(members, resp	ondents, counsel) \	were
, present (After each name, indicate capacity, e.g.,	President, Recorder, Member, Leg	ai Aavisor.)			
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The following persons (members, respondents, coun	usel) were absent: (Include brief ex	planation of each abs	sence.) (See par	as 5-2 and 5-8a, Al	R 15-6.)
				-	
•					
	• •				•
Consideration of the Constitution	and the second				
	•				
		•		-	
				•	
The (investigating officer) (board) finished gathering	g/hearing evidence at	1800hrs	0		gust 2003
		(Time)		,	(Date)
and completed findings and recommendations at	1600hrs (Time)		on	10 August 2	.003
<u> </u>	SECTION III - CHECKLIST FO	OR PROCEEDINGS		12.19	
A. COMPLETE IN ALL CASES	OLO HOL III.				YES NO NA
Inclosures (para 3-15, AR 15-6)		- 			
Are the following inclosed and numbered consecutive		ed in order listed)	<u> </u>		
a. The letter of appointment or a summary of oral a					X
b. Copy of notice to respondent, if any? (See item					- - -
c. Other correspondence with respondent or counse					-+\$1-1
d. All other written communications to or from the e. Privacy Act Statements (Certificate, if statement					121-1-
Explanation by the investigating officer or board		irregularities, or othe	er problems		
encountered (e.g., absence of material witnesses			<u>-</u>	<u> </u>	X
_	· · · · · · · · · · · · · · · · · · ·			0010	
CLU-RDI 508 p.36				0018	54 <i>(</i>

	xhibits (para 3-16, AR 15-6)	YES	NO ¹
a.	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	×	
	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X	
c.	Has the testimony/statement of each wimess been recorded verbatim or been reduced to written form and attached as an exhibit?	×	
1	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?		
	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?		
$\int f dt$	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	\times	
	If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?		
Wa	is a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	1 -1	
CO	MPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)		
At	the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?		
Wa	s a quorum present at every session of the board (para 5-2b, AR 15-6)?	1 1	
Wa	s each absence of any member properly excused (para 5-2a, AR 15-6)?		
We	re members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	1-1	-
	ny members who voted on findings or recommendations were not present when the board received some evidence, is the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?		
	MPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)		
	ice to respondents (para 5-5, AR 15-6):		4
	Is the method and date of delivery to the respondent indicated on each letter of notification?	├ ─┼	
⊢	Was the date of delivery at least five working days prior to the first session of the board?	 -	·
	Does each letter of notification indicate —	 	
	(1) the date, hour, and place of the first session of the board concerning that respondent?	<u> </u>	
	2) the matter to be investigated, including specific allegations against the respondent, if any?	11-	
	(3) the respondent's rights with regard to counsel?		
-	4) the name and address of each witness expected to be called by the recorder?	<u> </u> -	
	(5) the respondent's rights to be present, present evidence, and call witnesses?	 -	
	Was the respondent provided a copy of all unclassified documents in the case file?		
	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?		
	my respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):		
	Was he properly notified (para 5-5, AR IS-6)?	 	
	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?		
	nsel (para 5-6, AR 15-6):		
	Was each respondent represented by counsel? Vame and business address of counsel:		
	if counsel is a lawyer, check here [])		_, •
	Was respondent's counsel present at all open sessions of the board relating to that respondent?		
2	f military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the ction taken on it included in the report (para 5-6b, AR 15-6)?	<u> </u>	
	e respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6): Vas the challenge properly denied and by the appropriate officer?		
	Did each member successfully challenged cease to participate in the proceedings?	- +	
	the respondent given an opportunity to (para 5-8a, AR 15-6):		
	the present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?		
	examine and object to the introduction of real and documentary evidence, including written statements?		
	Object to the testimony of witnesses and cross-examine witnesses other than his own?		
			-
	Call witnesses and otherwise introduce evidence?		
	'estify as a witness?		
	Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?		
2112	quested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in nging for the presence of witnesses (para 5-8b, AR 15-6)?		
Are	all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an osure or exhibit to it (para 5-11, AR 15-6)?		
,	J-RDI 508 p 37 0.0184	_	

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:
I find that soldiers of 2nd Platoon, 84th Engineers Company have committed detainee abuse.

The first incident was on or about the middle of June 03. An Iraqi civilian was detained in the fields behind Camp Marlboro. The Iraqi was trying to steal copper wire. He was arrested by members of 2nd Platoon. The detainee was then brought to the Civilian Military Operations Center (CMOC) for processing into the detention center. Upon 2nd Platoon's arrival at the CMOC, the compact to the first that he did not want any detainees at the CMOC. It was better for him to take the detainee away and to release him. The recommended that the detainee be scared, beaten, or whatever the Platoon wanted to do to him then decided to take the detainee to an abandoned building behind Camp Marlboro. When they arrived to take the detainee inside the building. They yelled and screamed at him. The second process of the detainee after all of his clothing was removed. Exhibits M, T, & U support these facts.

The second incident occurred a few days to a week later. The Platoon had detained two looters trying to steal copper wire. They took the detainees to the same building behind Camp Marlboro to remove all of the clothing of the detainees. The detainees were released once all of their clothing was removed. Exhibits A, D, E, M, O, Q, T, & U support these facts.

The third incident occurred on the 3rd of July. The Piatoon was tasked to get sodas for the Squadron's fourth of July party. On their way back to Camp Mariboro with the sodas, they were tasked to chase looters away from the back fields. ENG23 captured a looter. ENG23 was then told to take the detainee back to the Engineers barracks on Camp Mariboro. ENG23 arrived at the barracks and the detainee was removed from the back of the truck and placed up against the wall. The bounced a soccer ball off the head of the detainee. He was reprimanded by both the solution of the detainee. In addition, the same admitted to hitting the detainee and stated in his sworn statement that others also hit the detainee. Exhibits B, D, E, G, H, J, K, L, M, O, Q, R, T, U, Z, & AA support these facts.

Three soldiers wrote sworn statements of the use of an M34 blasting device to shock Iraqi detainees. Exhibits B, D, I, W, & Y support these statements. However, during further investigation, the accused denied any use of the M34 blasting device to shock any Iraqi detainee. Exhibits M, U, V, X, &, Z support these statements.

In addition, during the course of this investigation, was implicated in numerous alleged questionable actions. These alleged actions are serious and are detrimental to the overall mission. Exhibit T supports this statement.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends: At a minimum the unit:

- a. Enforce patrol and mission debriefs at the Troop level at a minimum. For more significant events a debrief should be conducted by the S-2.
- b. Reprimand for this poor judgement, lack of battlefield composure, and loss of military discipline and professionalism as senior noncommissioned officer. Continued performance like this could result in an uprising of the citizens of Iraq against US Forces
- c. Refine and clarify the ROE and treatment of detainees. Conduct a stand down day to refocus the Troops and establish clear procedure for processing detainees.
- d. Appoint an Investigating officer in commensurate grade or higher to conduct an inquiry of alleged actions



DEPARTMENT OF THE ARMY Headquarters, 2d Armored Cavalry Regiment Unit 92401 APO AE 09322-2401



AFZX-C-CO

28 July 2003

MEMORANDUM FOR RECORD

SUBJECT: Appointment of Investigating Officer

- 1.* you are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the circumstances involving alleged detainee abuse by soldiers assigned to the 84th Engineer Company.
- 2. In your investigation, all witness statements will be sworn. From the evidence, you make findings of fact.
- 3. Submit four copies of your findings on DA form 1574 to this headquarters, ATTN: AFZX-C-RS1, within 3 days.

FOR THE COMMANDER:

		For use of this form, see AR 19	90-30; the proponent agency is ODCS	OPS	
· · · · · · · · · · · · · · · · · · ·	•	DATA REQUIRE	D BY THE PRIVACY ACT	•	
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	Title 10, United States Code, So To provide commanders and law Your Social Security Number is t Disclosure of your Social Securit	v enforcement officials with used as an additional/altern	•	•	
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		PART I - RIGHTS WAIV	ER/NON-WAIVER CERTIFICATE		· · · · · · · · · · · · · · · · · · ·
Section A. Rights	*.				
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Section A. Rights	 	· <u> </u>							— C
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Section B. Waiver				
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ORGANIZATION OR ADDRESS AND PHONE	6.	ORGANIZATION OF INVES	TIGATOR	
Section C. Non-waiver		7		
1. I do not want to give up my rights				
I want a lawyer		I do not want to be que	Honed or say anything	

			0; the proponent agency is DBC	901.0	· · · · · · · · · · · · · · · · · · ·
	DATA	A REQUIRED B	Y THE PRIVACY ACT		
UTHORITY:	Title 10, United States Code, Section 3012(g)				·
PRINCIPAL PURPOSE:	To provide commanders and law enforcement o		•	•	•
OUTINE USES:	Your Social Security Number is used as an addit		means of identification to fa	acilitate filing and retrieval.	
DISCLOSURE:	Disclosure of your Social Security Number is vo	duntary.			
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ection C. Non-waiver					
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l want a lawyer			1 do not want to be	questioned or say anything	
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RIGHTS WARNING PRO	CEDURE/WAIVER CERTIF. /E
	38-30; the proponent agency is ODCSOPS
DATA REQUIRE	D BY THE PRIVACY ACT
AUTHORITY: Title 10, United States Code, Section 3012(g) PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with ROUTINE USES: Your Social Security Number is used as an additional/eltern DISCLOSURE: Disclosure of your Social Security Number is voluntary.	
1. Camp Harboro Suchdad Iraq	2. DATE 3. TIME 4. FILE ND. 8. ORGANIZATION DR ADDRESS
5: SSM 7. GRADEISTATUS	
PART 1 - RIGHTS WAIV	VERINON-WAIVER CERTIFICATE
Section A. Rights	
The investigator where States Army	and wanted to question me about the following offensels) of which I am
(Suspected accused: Lete nee Abuse.	and wanted to question me about the following offense(s) of which I am
Before helps asked me any questions about the offense(s), however before made it clear to me that I have to do not have to answer any question or say anything. 2. Anything I say or do con be used as evidence against me in a criminal trial. 3. If or personnel subject othe UCAN I have the right to talk privately to a lawyer before, during, and affiduring questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or both. If or civilians not subject to the UCAN I have the right to talk privately to a lawyer before, during, and me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, will be appointed for me before any questioning begins. 4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I he speak privately with a lawyer before answering further, even if I sign the waiver below. 5. COMMENTS (Continue on reverse side)	ter questioning and to have a lawyer present with me tor a military lawyer detailed for me at no expense to me, or d after questioning and to have a lawyer present with , or if I cannot afford a lawyer and want one, a lawyer
Section B. Waiver	
I understand my rights as stated above. I am now willing to discuss the effense(s) under investigation and m	ake a statement without telking to a lawyer first and without having a lawyer present with me.
WITNESSES <i>(If available)</i>	3 SIGNATURE OF INTERVIEWEE
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b. Organization or address and Phone	4. \$163
28. NAME (Type or Print)	5. Marinisa
b. ORGANIZATION OR ADDRESS AND PHONE	8. ORGANIZAT OF INVESTIGATOR
Section C. Non-waiver	
). I do not want to give up my rights I want a lawyer	U do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE	

	WARNING PROCEDURE/WAIVER CERTIF. , 'E se of this form, see AR 190-30; the proponent agency is GOCSOPS	
	DATA REQUIRED BY THE PRIVACY ACT	
	orcement officials with means by which information may be accurately identified. as an additional[alternate means of identification to facilitate filing and retrieval.	
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SSN 7. GB	8. ORGANIZATION OR ADDRESS ADEISTATUS	
PA	ART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE	
ection A. Rights		
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	DATA RI	DUIRED BY THE PRIVACY ACT		
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uspec	ctellactused: Stripping Alex Cilizens	and wanted to question the about	the following offense(s) of which I am	
-	hashe asked me any questions about the Difense(s), however bashe made it clear to me tha	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 othe UCM). 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 Gov or both	enment or a military lawyer detailed for me at no exp	ense to me,	
	or both,			
	(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during directioning. I understand that this lawyer can be one that I arrange for at my own or			·
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		,		DATA REQUIR	ED BY TH	IE PRIVACY ACT		
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1.	LOCATION	Merlbora	Balded	Iraq	2.	DATE - 03	3. TIME	4. FILE NO.
5.	NAME (Last, First, M		, Dadana	* **	8.	URGANIZATION OR		
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	ctediscruses:	Detadace	16050					
ĺ	-	estions about the offense(s)		clear to me that I have	the followi	og rights:		9 Nov 01
1. 2.		any question or say anythin the used as evidence egains	•				-	\
		the used as evidence agains the UCMJ—I have the right t		c hefore, during, and a	fter questio	ning and to have a lawve	r Dresent with me	V 0
		lawyer can be a civilian law			-	· ·		
	or both.					, .,		
	•				- ar	-	•	
	(For civilians not subject	to the UCMJ) I have the rig	ght to talk privately to a la	wyer before, during, an	nd after que	stioning and to have a la	whet bisseut mith	
	me during questioning. I	understand that this lawyer	can be one that I arrange	for at my own expense	e, or if t can	not afford a lawyer and s	want one, a lawyer	
	will be appointed for me	before any questioning begi	ins,					
4.	If I am now willing to dis	scuss the offensels) under in	westigation, with or witho	ut a lawyar present, I i	tave a right	to stop answering quest	ions at any time, or	
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5.	COMMENTS (Continue	an reverse side)						
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1 B.	NAME (Type or Print	t)						e ²
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b.	ORGANIZATION OR AL	BUHESS AND PHONE			1	SIGNATURE BE AND	A SATON	
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		er				Lido not want to be	e questioned or say anything	<u> </u>
2.	SIGNATURE OF INTER	IVIEWEE					•	001860

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Index of all Exhibits

- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D
- Exhibit E
- Exhibit F
- Exhibit G
- Exhibit H
- Exhibit I
- Exhibit J
- Exhibit K
- Exhibit L
- Exhibit M
- Exhibit N
- Exhibit O
- Exhibit P
- Exhibit Q
- Exhibit R
- Exhibit S
- Exhibit T
- Exhibit U
- Exhibit V
- Exhibit W
- Exhibit X
- Exhibit Y
- Exhibit Z
- Exhibit AA

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,	19/3 (00/)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which informati	
ROUTINE USES: Your social security number is used as an additional/alternate means of identification t	
DISCLOSURE: Disclosure of your social security number is voluntary.	
1. LOCATION 2. DATE TYYYYMMDD) 3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN	7. GRADE/STATUS
The true you	
8. ORGANIZATION OR ADDRESS	
	Harmon A.A. Company
9.	The second of the second of
1, WANT TO MAKE THE FOLLOWING STATE	MENT UNDER OATH:
ON 19 DUCY It was brought to my attention that a soldier un	der my command
had vent to the chaplin reference the possible in is-treatment.	
upon Finding this out, I west to the) and rece	
that was brought do his attention. Upon hearing the possible allegat	ions I went &
the Platoon Leader & Seigent to get an intral read. They both	said Hay had head
rumors or talk but know noting. I then talked with a couple of	Soldies.
ras the soldier that next to the Chaplin and he confirm.	
Origilia had told me. He said that the platoon had stripped a	
Shocked an Ingi civilian with an M34 blasting device and reglec	
their A=0. I also talked with who stated that the	platoon provokal
a lot of things and both soldiers stated the platoon was doing	
not be doing. The following day, 20 sury 03, I had the	and Li
come to my Location. I then begin asking	flesh god 1115
reference the proposed allegations. I also spoke with all	allow Internetias.
na r. Upon my questioning I gathered the	exec of the PL.
I had at the Manufactor all incidents happened	
I I I I I I I I I I I I I I I I I I I	tent amen a comment of
of the above stated incidences. After initial questioning	1
of the above stated incidences. After initial questioning of one individual being present for all and directing the stripping of one individual	in and shocking
incident. also admitted to being present but had no direct involved also admitted to being present but had no direct involved in the second in	
ofter soldies to the best of my knowledge I believe it as thee:	
1 INITIALS OF PERSON MAYING STATEMENT	
10. EXHIBIT A 11. INITIALS OF SETSON MAKING STATEMENT	PAGE 1 OF PAGES

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER ACLU-RDI 508 p.52

STATEMENT OF MIGHT 9. STATEMENT (CONTINUED) 1. AFFIRMENT (CONTINUED)	DETERMENT (Continued) In forestern that I gathered the stippin incident happered twice, there was one shock; incident and one possible roughly up incident, with all soldiers questioned only one mentioned the roughly up, and one admitted seen of forestern, then NCO's present lacated sold the performed the action as a means of teach them a lessen by not should use and not shout than. Upon questionin, all process and offices I seed that the reason to any mentioning of the process of the read of the performance of incidences. It is a followed to incidences. It is a followed to incidence the performance of incidences of incidenc			
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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 0
Baghdal 20030728 20150
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS
a. Ongalezation on Abbress 2
9.
I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On or about 2 weeks prior to the 4th of July. I witnessed acts
aginst an Iragi Civilian that I fe allow with other soldiers felt
was wrong. I of the plateons trucks had gone on a misson to buy
drinks for the 19th of July (trutes 27, 23, 22), On the way back from
the misson they went through the back forty to look for looters.
One Tragi boy was apperhended (between 16+18 years old) and brought back
to Camp Marlboro Instead of taking him to be turned in the
Plt Sot colled the truck with the prisiner and told them to
go directly to the & Warehorse with out drapping of the prising.
The translator was dropped off at the translator office and they
all met at the wavehouse. While every one was unfording
the drinks the prisinor was taken off the truck and
remak up against the wall. The " ' up and while
the prisiner if he wanted water then proceded to pour water
the prisiner if he wanted water then proceded to pour water all over the prisiner. Then took a blesting machine all over the prisiner. Then
and shooked the prising on his fact theck while he was in what zip ents. I then left the area and told what
Zip Latts. I Then lett the area will by the tie

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER ACLU-RDF508 $\dot{p}.54$

11. INITIALS OF PERSON MAKING STATEMENT

I returned to the

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT

10. EXHIBIT

PAGE 1 OF 🚅

STATEMENT OF TAKEN AT RICK, Best-dod DATED 28 July 05
9. STATEMENT (Continued) and 20 minuts later They looked the prisiner in
the Pl+ Sg+3 truck and 21,27, and 22 viztors left the cump
with the prising and went back to the back like of large
mat love, There the pasine was taken of the track and
taken tinto a hilly While he was inside I could not
see him at first but heard lets of yelling. Then
I could see him and matched as they stripped him of
his clothing. They made him start walking away Naked
and their sprayal Papper spray on his clothing that was
all in the beldings Then they said that will supprise him
if he comes back to get his chothes, Then the returned
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(Signature of Person Making Statement)
WITNESSES: Subscribed and sworn to before me, a person authorized by law to
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ORGANIZATION OF AODRESS
(Typed Name of Person Administering Oath)
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ORGANIZATION OR ADDRESS
INITIALS OF PERSON MAKING STATEMENT & PAGE 2 OF 2 PAGES
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PRINCIPAL PURPOSE: To provide co ROUTINE USES: Your social se	PRIVACY ACT STATEMENT Section 301; Title 5 USC Section 2951; E.O. 939 Immanders and law enforcement officials with mea ecurity number is used as an additional/alternate mayour social security number is voluntary.	ns by which information may be accurately
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		E FOLLOWING STATEMENT UNDER OATH:
A ten days after	- July 4th at about 1500	tes Come A
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me that they	had earphy an Iraqi st	realing. He told me
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and knocked him	unconcisions and left him	there blacking and
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the same thing	and that he had water	had it hissen
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		PRIVACY	ACT STATEMENT		
AUTHORITY:	Title 10 USC Section 301;	; Title 5 USC Sec	ction 2951; E.O. 939	7 dated November	22, 1943 <i>(SSN</i>).
PRINCIPAL PURPOSE:	To provide commanders a	nd law enforcem	ent officials with me	ans by which inforr	nation may be accurately
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AUTHORITY: Title 10 USC Section 301; Title 5 USC Se		7 dated November 2.	2, 1943 ISSNI.
PRINCIPAL PURPOSE: To provide commanders and law enforcer			
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ACLU-RD10508 p.6098

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PRINCIPAL PURPOSE: To provide commanders a	PRIVACY ACT STATEMENTS 1; Title 5 USC Section 2951; E.O. and law enforcement officials with the is used as an additional/alterna	. 9397 dated Novemb h means by which info	ormation may be accurately
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INITIALS OF PERSON MAKING STATEMENT

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AUTHORITY: Title 10 USC Section	on 301; Title 5 USC Section 2951; E.O. 9397 da	ted November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide comman	nders and law enforcement officials with means t	by which information may be accurately
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PAGE 3, DA FORM 2823, DEC 1998

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	o Administer Oati	ns)
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PRINCIPAL PURPOSE: To provide co ROUTINE USES: Your social se	Section 301; Title 5 USC Si mmanders and law enforcer	nent officials with means b additional/alternate means	oy which informat	
1. LOCATION Camp Maribono	2. D	ATE (YYYYMMDD) 3.	TIME .	4. FILE NUMBER
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8. ORGANIZATION OR ADDRESS				
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	SWORN STATEMENT	, , , , , , , , , , , , , , , , , , ,
For use of this form, s	see AR 190-45; the proponent agency is ODCSOPS	
	PRIVACY ACT STATEMENT	
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 20	951; E.O. 9397 dated November 22, 1943 <i>(SSN)</i> .	
PRINCIPAL PURPOSE: To provide commanders and law enforcement offi	cials with means by which information may be accurately identifi	ed
RSUTINE USES: Your social security number is used as an addition	allalternate means of identification to facilitate filing and retrieva	al.
DISCLOSURE: Disclosure of your social security number is volun		
1. LOCATION	2. DATE (YYYYMMDD) 3. TIME	4. FILE NUMBER
Lamo Marlboro Bughdad, Iraq 1 5. LAST NAME, FIRST NAME, MIDDLE NAME	200 3873/ Z130	
O. CAST NAME, FIGOT MARIE, MANDLE MAINE	0. 804	7. GRADE/STATUS
8. BRGANIZATION OR ADDRESS		
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l,	, WANT TO MAKE THE FOLLOWING STATEMENT UNDER	OATH:
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During the month of June	2003, myself and other	CZ PIL
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burning wine. The first few	cases, we brought i	the looters
back to Comp Martborn and	attempted to tun the	m in to Bulldag
back to Comp Marthers and a troop. We were bold by Bulde	of personnel that they	delit wont
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let them go. After the	first couple coses, in	e 3 ropped
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and made them run down	the street roked w	nile we down
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very not terrain and as take	and said he had I pr	isoner he was
going to drop of to Buko	100 Gaz	21A / 1
young is original es ward	og 12 · 12 · 12	ed him to hurry
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF	TAKEN AT DATED	

USE 1	THIS PAGE IF NE TH	TÉ PAGE IS NOT NEEDED	, PLEASE PROC	FINAL PAGE OF	THIS FORM.
STATEMENT OF		TAKEN AT	Camp Harle	DATED 3/	July 2003
9. STATEMENT (Continue	ed)	*			
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him whi	be every one	was at a	low. The	e prisone	Kept trying
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STATEMENT OF	TAKEN AT	DATEO	
9. STATEMENT (Continued)			
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ORG		Stommer Legenderman	
ORG	·	Sam Les Mennes	
ORG	•	(Typed Name of Person Administering Oath)	
ORG ORGANIZATION OR AUDRESS			

	WORN STATEMENT B AR 190-45; the proponent a	ioency is ODCSOP	s
	RIVACY ACT STATEMENT USC Section 2951; E.O. 939 inforcement officials with med d as an additional/alternate m	7 dated November	22, 1943 (SSN).
I. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	27.	7. GRADE/STATUS
ORGANIZATION OF ADDRESS	· · · · · · · · · · · · · · · · · · ·	・ ノハ	
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	For use of this	form, see AR 198-45; the prop	onent agency is ODCSOPS		
		PRIVACY ACT STATEN	SENT		
AUTHORITY:	Title 10 USC Section 301; Title 5 USC Sec		•		
PRINCIPAL PURPOSE: ROUTINE USES:	To provide commanders and law enforceme Your social security number is used as an a				
DISCLUSURE:	Disclosure of your social security number is		enuncation to racintale mility and	renteval.	1
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11. INITIALS OF PERSON MAKING STATEMENT 10. EXHIBIT PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

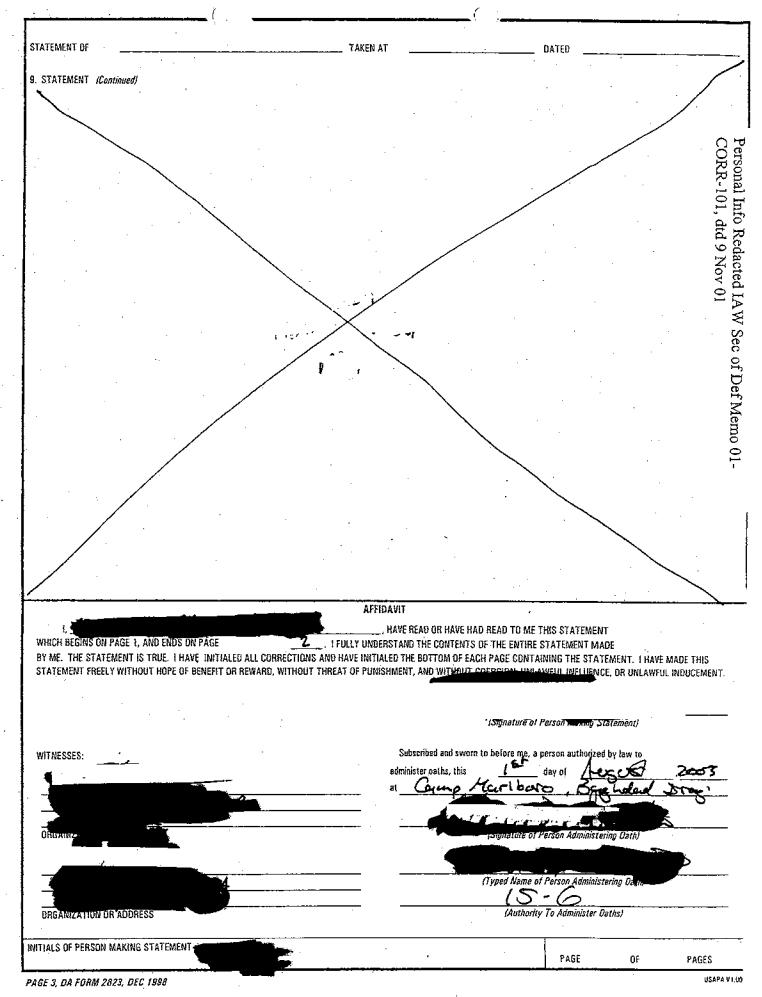
DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

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	USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM,
	STATEMENT OF TAKEN AT Camp Marlboro DATED 1 Acx 2003
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Ĭ	platoon net of go get some losters so me
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	was in type reented when there wert notoote
	left we followed the rest of the trucks (-27,22) to son shuck our truck wanted and every one elec
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	is my wer fley did Well as we waited the
i i	runed passed us naked I started laughing and did to about 5 min later and the
1	- tet I NINGEN HALLEN HOUSE BUY TO VILLE
	rgain and that's all I som and know about, that incident!
	J-RDI 508 p.83
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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.

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

ROUTINE USES: DISCLOSURE:

Disclosure of your social security number is voluntary.

2. DATE (YYYYMMDD) 1. LOCATION 3. TIME 4. FILE NUMBER CAMP MARLBORD Ø1 A U G 200

5. LAST NAME, FIRST NAME, MIDDLE NAME

7. GRADEISTATUS

8. ORGANIZATION OR ADDRESS

ON THE THIRD OF JULY, THE SUPPOSIVETIME A RERTAIN INSIDENT MAY HAVE HAPPENED, I WAS ON MY WAY TO THE BAY, TO CHECK A BUSTED HUB SEAL AND A CLASS TWO TRANSFER LEAR, AFTER WAITING AN HOUR - HOUR & YZ I WAS BROUGH ENTO A SLOT IN THE BAY WHERE I WAS TURNED AWAY, AFTER RETURNING FROM THE BAY I HAVE AN OBSTACLE OF 100 CASESOF SODAS IN MY WAY SU THAT I CAN PARK MY VICTOR IN THE DESTINATED SPOT. SOME TIME AFTER THE 4TH OF JULY, ACTUAL DATE, I DON'T RELAU, MY PLATOON CAME IN CONTACT AND Z7D CAME DER COUGAR NET AND SAID THE WERE SHOT AT AND RETURNED FIRE. ZZ CAME ON GAVE AN EXPLANTION OF THE SHOOTING AND A GRID POINT, LATER THAT DAY SAPPER 6 TALKED TO THE MEN ENVOLVED, ONE-ON-ONE, THEN THE WHOLE PLATION ABOUT NOT BEATING IRAGI AND TO JUST TAKE THEM TO THE C-MOCK; BUT ABOUT THE SHOOTENG HEWAS PLEASED NOONE WAS HURT AND WE DETAINED THE SHOOTER.

10. EXHIBIT	P	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF PAGES
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9. STATEMENT (Continued)		
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	at Camp Maribe	ero Parchdood Item
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-U-RDI 508 p.86		001897

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AUTHORITY: PRINCIPAL PURPOSE ROUTINE USES: DISCLOSURE:	E: To provide commanders a	nd law enforcement er is used as an addi	PRIVACY ACT STATEMENT 1 2951; E.O. 9397 dated November 2 2951; E.O. 9397	mation may be accurately ide	
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AUTHORITY:	Title 10 USC Sectio		ISC Section 2951; E.O. 939	7 dated November	22, 1943 (SSN).
PRINCIPAL PURPOSE:			forcement officials with me		
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SWORN STATEMENT

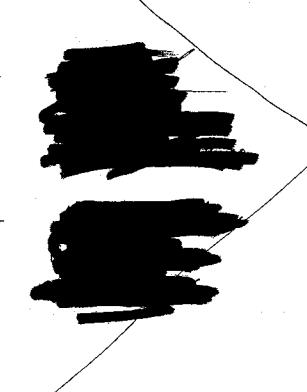
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In the month of June 2003, 27,22, and 23 went to a designated spot behind Comp Parkoro to drop of and download a trailor full of Stoller wire that we picked up in a neighborhood. When we arrived at the sight, there were about to bootons that stanfed running-I dismounted and chasad the losters with

. The looters were running away want ZOO meters ahead of us, While chasis after Hom, want The

looters and fired a shot in their direction

claimed it was a "rosning that to Nothing below



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AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES:	Title 10 USC Section 301; Title 1 To provide commanders and law Your social security number is us	5 USC Sec enforcem sed as an a	ent officials with mea additional/alternate m	ons by which inform	
DISCLOSURE: 1. LOCATION	Disclosure of your social security		s voluntary. TE (YYYYMMDD)	3. TIME	4. FILE NUMBER
CAMP MARLBORO	, BAGHDAD, IRAQ	2. 10	2003/08/01	1554	4. FILE NOWBER
F LAST NAME FIRST	NAME. MIDDLE NAME		6. SSN	. (7. GRADE/STATUS
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9. Ł	:	i	WANT TO MAKE TH	E FOLLOWING STA	ATEMENT UNDER OATH:
I needed to teach him embarassment but at I Marlboro and instead the two guys take their On the 3rd of July my we were told to help ended up bringing the tire so they were fixed of the detainee. So the Squad Leaders the because she had fired to the chest. We applie about how we had follow the chest we had followed the chest.	a lesson. So, I told least he would be alive. We had of taking to CMOC we took the ir clothes off and run home. y platoon was tasked to pick up a pick up looters in the rear field. detainee back to our AO. I spo the fire during this time. I tol hewed him out then told at we are going to tone this stuff numerous rounds with an AK-4 ied first aid and took her to the clowed the ROE and did a good	o strip to another it	the man and make he neident to where we same building and the SQDN Fourth of the same told on to go to chow. again chewed him two weeks later we turned fire on the wind Station.	im run home and e detained two locations of July party. On to wa had to water with the location with t	our way back to Camp Marlboro tually caught the looter. ENG23 atch the guy. ENG22 had a flat bounced a soccerball of the head detainee to the CMOC. I told lent that we shot an Iraqi woman wed four to five gunshot wounds oke to the Platoon that afternoon
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THREAT OF PUNISHMENT, AND WITHOUT CO	DERCION, UNLAWFUL INFLUENCE, OR	JNL AWELL INDUCEMENT.
	10	signature of Person making Statement)
VITNESSES:	Subscribed and	d sworn to before me, a person authorized by law to
WII NESGOOT	administer oaths	this 300 day of Aurost 2003
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ORGANIZATION OR ADDRESS		(Authority To Administer Oaths)
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PAGE 3, DA FORM 2823, DEC 1998

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	PRI	VACY ACT	STATEMENT		
AUTHORITY:	Title 10 USC Section 301; Title 5 U	SC Section	n 2951; E.O. 939	7 dated November 2	2, 1943 <i>(SSN)</i> .
PRINCIPAL PURPOSE:	To provide commanders and law en-	forcement	officials with mea	ans by which informa	tion may be accurately
ROUTINE USES:	Your social security number is used				
DISCLOSURE:	Disclosure of your social security nu				
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	, BAGHDAD, IRAQ	<u> </u>	003/08/01	1700	
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them download the wone looter stealing the him out and beat him old home. So he ran outs to the building again a myself were in the buchecked the field for truck got a flat tire. Sinto our AO with a de	in the rear field behind Camp Mar ire from the back of the trailers and copper wire. We took him to the or do whatever you want to with home to strip the detainee of his closide and went home. We had another and stripped them of their clothes a hilding. On the 3rd of July we had allooters. There were looters in the loo we went back to Camp Marlbord etainee in the back of the truck. I want to changed ENG27 took the detain	d then too CMOC to nim. So, we thes or incident and made to go get to back field or and I tol wasn't aro	k them to the Clean turn him in who we took this guy followed a few days late them run home. Sodas for the 4th so we tried to clean guys to ge and much after the solution of	MOC. We were out on the state of the state o	t on mission again and caught was told by Bulldog 6 totake d behind the camp, we released the detainee to go ined two looters. We took ther QDN. On our way pack we rying to catch these looters my ten we got back ENG23 came
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	1 01 01				
AUTHORITY:	Title 10 USC Section 301: Title 5	PRIVACY ACT STATEMENT S USC Section 2951; E.O. 9397 dated November 1	22, 1943 <i>(SSN)</i> .		
PRINCIPAL PURPOSE:		enforcement officials with means by which inform		entified.	
ROUTINE USES:	Your social security number is use	ed as an additional/alternate means of identification	on to facilitate filing and ret	rieval	
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PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 30 1; 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. 1. LOCATION 2. DATE (YYYYMMOD) 3. TIME 4. FILE NUMBER 5. LAST NAME, FIRST NAME, MIDDLE NAME 8. ORGANIZATION OR ADDRESS 9				, see An 190-40; the proponent agent	:ላ የ2 በበቦ2በአ2	
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was riding on the back of 27 as rear security. When returning From the mission one of our trucks spotted / looters on the eastern side of RTE AEROS. We then began to chase the looters out into open fields, but after fifteen minutes of chasings decided to head back to Camp Marlbore. Upon returning to the camp, 23 called 27 on the net and asked him, what he should do with his detainee. Until we were inside the gades, 27 had negative knowledge of any detainees. What is orders to 23 were are unclear. Once we returned to the warehouse, I dismounted from the back of 27 and went to my cot to lay down. A few minutes later, I got up and went back to where the trueks were parked so that I could get some water out of 21. When I got to the back of the warehouse, I heard a connotion. I can not remember were Litting, Kicking, and tearing at the clothes of the Iraqi detainee. My feelings at the time were excitement. I went to my bank to get a comera; but when I returned, took the camera. I turned and went to my truck, 21, to get the water which I had initially gone to the back for.

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I then decided to go back to where the detaince was alone with the detainer to wais. was He cooked me Into coming over and Litting the distance. I went over and thumped the detainer on the head very lightly, which made is laugh and call me a passy. I can't begin to express how bad I felt for only that. That is when I went back to my cot for good. Roughly fifteen minutes later 27 called for 21 and to come and except him to the open area behind comp Marlbaro. We excerted 27 and the defainer but to abandoned building where the detainer would be stripped and later released. I myself was driving 21 at the time mand when we arrived of the building, I exited the truck and pulled security. I do not know who made the call to strip the detainee, but I do know that were in the building with the detainee. If there was someone else in the building, it is not to my knowledge. Dree the detoriner was reteased, we all went back to the

On another occasion, which occured several weeks after the first incident, three trucks (21,22,27) teft camp Marlboro to explode several Uxos at the Dragoon ASP. When returning from the ASP; one of our trucks again sitted a couple of from the ASP; one of our trucks again sitted a couple of looters? We then began to chase them. The hosters managed to escape safely, but decided to stop and investigate escape safely, but decided to stop and investigate further. At the time, I was driving 21, and upon stopping I further and pulled security. Several minutes later, I walked got, out and pulled security. Several minutes later, I walked to the back of my truck and witnessed,

the windshield and mirrors, slashing the tires, and ripping wires out from under the hood. At the time, I had no idea why

INITIALS OF PERSON MAKING STATEMENT

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rersonal into Redacted IAW Sec of Def Memo 01-CORR-101,dtd 9 Nov 01

STATEMENT OF TAKEN AT Comp Mariboro DATED 8:8-03
9. STATEMENT (Continued)
they were doing this. My thoughts were that they had lost their minds. Several minutes later, we mounted back on to our
trucks and drove across the Street. Again dismonnted to further investigate the stolen wire. I again pulled Security for 21.
the stolen wire. I again pulled security for 21.
a cooler and a burlap tarp of some sort. They then came to
my frack and took my Sgal. can of fuel, which they used to burn the cooler and the bag. It wasn't until we had
remined to the werehouse at camp Marlbons that I but was
Apparently, the truck which they had destroyed was carrying wire
burn the wire, and the tarp is what the thievers used to hide
the wire. After this incident, no other incidents took place to my

HANGE DECIME ON DAGE & CAND CADE ON DAGE	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
	S . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE
	INS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS
STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHO	UT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.
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	isignalare of Person Making Statement)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to
With Edde.	administerization, this and the day of Andrews 2005
	administer aths, this day of day of
	al God Control Barbara Trans
	(Signature of Person April
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knowledge.