



DEPARTMENT OF THE ARMY
38th MILITARY POLICE DET (CID)
22nd MILITARY POLICE BATTALION (CID)
CAMP VICTORY NORTH, BAGHDAD, IRAQ
APO AE 09342

CIRF-CHD

17 Aug 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION -FINAL SUPPLEMENTAL - 0014-
03-CID899-63484 /5N2B1

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 04 Jun 2003/1000 - 04 Jun 03/1130; BAGHDAD, WEAPONS TURN IN
CHECK POINT, GRID COORDINATES MB 33101 89950, GHAZALIA, IRAQ

DATE/TIME REPORTED: 5 Jun 03, 0935

INVESTIGATED BY: SA [REDACTED] SA [REDACTED] SA [REDACTED]

SUBJECT: 1. [REDACTED] (NMN), SSG [REDACTED]
[REDACTED] M; BLACK; 1/325TH INF BN, 82ND ABN DIV, FT BRAGG, NC
28310; [ROBBERY]

2. [REDACTED] SPC [REDACTED]
[REDACTED] M; NATIVE AMERICAN; 1/325TH INF BN, 82ND ABN DIV, FT BRAGG,
NC 28310; [ROBBERY (UNFOUNDED)]

3. [REDACTED] SPC; [REDACTED] M;
WHITE; 1/325TH INF BN, 82ND ABN DIV, FT BRAGG, NC 28310; [ROBBERY
(UNFOUNDED)]

VICTIM: 1. [REDACTED] CIV [REDACTED] M;

INVESTIGATIVE SUMMARY:

This investigation was initiated based on notification from the Provost Marshal's Office
that an alleged robbery occurred at a U.S. checkpoint in Ghazalia, Iraq.

Investigation did not develop sufficient evidence to prove or disprove SSG [REDACTED]
committed the offense of Robbery as initially alleged by Mr. [REDACTED] Mr. [REDACTED]
reported that SSG [REDACTED] stole \$2,600 in U.S. Currency at gunpoint from the trunk
of his privately owned vehicle (POV) after being stopped at a U.S. checkpoint. SSG

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^{b7C-5, b6-5} denied stealing the funds from Mr. ^{b7C-4, b6-4} [REDACTED] POV. Subsequent investigation did not develop any witnesses to the theft of the funds and the investigation did not diminish the integrity or credibility of Mr. ^{b7C-4, b6-4} [REDACTED] allegation.

Further investigation established SPC ^{b7C-5, b6-5} [REDACTED] and SPC ^{b7C-5, b6-5} [REDACTED] did not commit the offense of Robbery as initially reported. SPC ^{b7C-5, b6-5} [REDACTED] and SPC ^{b7C-5, b6-5} [REDACTED] were never implicated by Mr. ^{b7C-4, b6-4} [REDACTED] concerning the theft of the funds and neither were ^{b7C-4, b6-4} [REDACTED] near the trunk of the POV during the alleged theft.

STATUTES:

Article 122, UCMJ: Robbery

EXHIBITS/SUBSTANTIATION:

ADDED ATTACHED:

9. Agent's Investigation Report (AIR) of SA ^{b7C-1, b6-1} [REDACTED] 10 Jul 04, detailing the administrative review of case and coordination with CPT ^{b7C-3, b6-3} [REDACTED] and CPT ^{b7C-3, b6-3} [REDACTED]
10. AIR of SA ^{b7C-1, b6-1} [REDACTED] 87th Military Police Detachment (CID), 3rd Military Police Group (CID), Fort Bragg, NC 28310, 7 Jul 04, detailing receipt of the Request for Assistance and interview of SSG ^{b7C-5, b6-5} [REDACTED]
11. Waiver Certificate of SSG ^{b7C-5, b6-5} [REDACTED] 7 Jul 04.

ADDED NOT ATTACHED:

None

The originals of Exhibits 9 through 11 are forwarded with the USACRC copy of this report.

STATUS: This is a Final Supplemental Report.

Report Prepared By:

Report Approved By:

^{b7C-1, b6-1, b2}
[REDACTED]
Special Agent, [REDACTED]

^{b7C-1, b6-1}
[REDACTED]
Special Agent in Charge

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TO: CDR, 1/325th Inf Bn, 82nd Abn Div, Fort Bragg, NC
- 1 - THRU: CDR, 22nd MP BN (CID), APO AE 09342
TO: CDR, 3D MP GP (CID), Fort Gillem, GA 30050
- 1 - SJA (ATTN: CPT [REDACTED] (Email) [REDACTED]@us.army.smil.mil
- 1 - File *b7c-3, b6-3* *b7c-3, b6-3*

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Report

DATE: 22 JUN 2004

27-2

FROM: SAC, 38TH MILITARY POLICE DET (CID)
TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, USACIDC //CIOP-ZA//
CDR, 22ND MP BN (CID) //OPS//
CDR, 3D MP GROUP (CID) //OPS//
PM, 1 AD //PM//
SJA, 1 AD //SJA//

SUBJECT: CID REPORT OF INVESTIGATION - 1ST SUPPLEMENTAL/SSI - 0014-03-CID899-63484 - 5N2B1

DRAFTER: SA [REDACTED] *b7C-1, b6-1*
RELEASER: SAC [REDACTED] *b7C-1, b6-1*

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 04 JUN 2003/1000 - 04 JUN 03/1130; BAGHDAD, WEAPONS TURN IN CHECK POINT, GRID COORDINATES MB 33101 89950, GHAZALIA, IRAQ

2. DATE/TIME REPORTED: 05 JUN 03, 0935

3. INVESTIGATED BY: SA [REDACTED] *b7C-1, b6-1, b2* SA [REDACTED] *b7C-1, b6-1*
b2 SA [REDACTED] *b7C-1, b6-1, b2*

4. SUBJECT: 1. [REDACTED] *b7C-5, b6-5* (NMN); SSG; [REDACTED] *b7C-5, b6-5*
[REDACTED] M; BLACK; 1/325TH INF 82ND (ABN), FT BRAGG, NC *b7C-5, b6-5*
28310, FORCES COMMAND; [ROBBERY (UNFOUNDED)].

2. [REDACTED] *b7C-5, b6-5* SPC; [REDACTED] *b7C-5, b6-5*
[REDACTED] M; NATIVE AMERICAN; 1/325TH INF 82ND (ABN), FT BRAGG, NC *b7C-5, b6-5*
28310, FORCES COMMAND; [ROBBERY (UNFOUNDED)].

3. [REDACTED] *b7C-5, b6-5* SPC; [REDACTED]
M; WHITE; 1/325TH 82ND (ABN), FT BRAGG, NC 28310, FORCES COMMAND;
[ROBBERY (UNFOUNDED)].

5. VICTIM: 1. [REDACTED] *b7C-4, b6-4* CIV; [REDACTED] M;
[REDACTED] *b7C-4, b6-4*
(UNFOUNDED)].

"THIS IS AN IRAQI FREEDOM INVESTIGATION"

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

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1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING SUBMITTED TO REOPEN THIS INVESTIGATION.

DURING AN ADMINISTRATIVE REVIEW OF THIS CASE FILE BY THE UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND HEADQUARTERS, IT WAS DETERMINED THAT SEVERAL POTENTIAL WITNESSES TO THIS INCIDENT WERE NOT INTERVIEWED.

THE INTERVIEWS OF THOSE POTENTIAL WITNESSES WERE PENDING AT THE TIME OF THIS REPORT.

FINAL REPORT:

INVESTIGATION ESTABLISHED THERE WAS INSUFFICIENT EVIDENCE TO DETERMINE IF SSG [REDACTED], SPC [REDACTED] OR SPC [REDACTED] 67C-55, 5, 66 5, 5, 5 COMMITTED THE OFFENSE OF ROBBERY AS INITIALLY ALLEGED.

INVESTIGATION CONTINUES BY THE USACIDC.

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MRKINGS IN ACCORDANCE WITH CHAPTER 3 AR 25-55.

CIOP-OP (195)

20 Jun 03

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C) - 0014-03-CID899-63484 - 5N2B1

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 04 JUN 2003/1000 HRS ZULU - 04 JUN 03/1130 HRS ZULU;
BAGHDAD, WEAPONS TURN IN CHECK POINT, GRID COORDINATES
MB33101/89950, GHAZALIA, IRAQ

DATE/TIME REPORTED: 05 JUN 03, 0935 ZULU

INVESTIGATED BY: SA ^{b7c-1, b6-1, b2} [REDACTED] and SA ^{b7c-1, b6-1, b2} [REDACTED]

SUBJECT: 1. ^{b7c-5, b6-5} [REDACTED] (NMN); SSG; ^{b7c-5, b6-5} [REDACTED]
MALE; BLACK; 1/325TH INF 82ND (ABN), FT BRAGG, NC 28310, FORCES
COMMAND; [ROBBERY (UNFOUNDED)].

2. ^{b7c-5, b6-5} [REDACTED] SPC; ^{b7c-5, b6-5} [REDACTED]
MALE; NATIVE AMERICAN; 1/325TH INF 82ND (ABN), FT
BRAGG, NC 28310, FORCES COMMAND; [ROBBERY (UNFOUNDED)].

3. ^{b7c-5, b6-5} [REDACTED] SPC; ^{b7c-5, b6-5} [REDACTED] MALE;
WHITE; 1/325TH 82ND (ABN), FT BRAGG, NC 28310, FORCES
COMMAND; [ROBBERY (UNFOUNDED)].

VICTIM: 1. ^{b7c-4, b6-4} [REDACTED] CIV; 01 ^{b7c-4, b6-4} [REDACTED]
^{b7c-4, b6-4} [REDACTED] MALE; ^{b7c-4, b6-4} [REDACTED]
^{b7c-4, b6-4} [REDACTED] [ROBBERY (UNFOUNDED)].

"THIS IS AN IRAQI FREEDOM INVESTIGATION"

INVESTIGATIVE SUMMARY:

Investigation established there was insufficient evidence to determine if SSG ^{b7c-4, b6-4} [REDACTED] SPC ^{b7c-4, b6-4} [REDACTED] or SPC ^{b7c-4, b6-4} [REDACTED] committed the offense of robbery as initially alleged. ^{b7c-4, b6-4} [REDACTED] ^{b7c-4, b6-4} [REDACTED]

STATUTES:

Article 122, UCMJ: Robbery

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CIOP-OP

SUBJ: CID REPORT OF INVESTIGATION: 0014-03-CID899-63484

EXHIBITS:

Attached:

1. Agent's Investigative Report (AIR) of SA [REDACTED] ^{b7c-1, b6-1} and SA [REDACTED] ^{b7c-1, b6-1} 20 Jun 03, detailing the receipt of the initial complaint, coordination with SSG [REDACTED] ^{b7c-3, b6-3} interview of Mr [REDACTED] ^{b7c-4, b6-4} crime scene examination, collection of evidence, photographs ^{b7c-3, b6-3} documenting the crime scene, interview of CPT [REDACTED] ^{b7c-5, b6-5} rights waiver certificate and sworn statement of SPC [REDACTED] ^{b7c-5, b6-5} rights waiver certificate and sworn statement of SSG [REDACTED] ^{b7c-5, b6-5} coordination with LTC [REDACTED] ^{b7c-3, 3, b6-3, 3} coordination with CPT [REDACTED] ^{b7c-3, 3, b6-3, 3} receipt of original ^{b7c-3, 3, b6-3, 3} police report, interview of PFC [REDACTED] ^{b7c-3, 3, b6-3, 3} interview of SGT [REDACTED] ^{b7c-3, 3, b6-3, 3} coordination with CPT [REDACTED] ^{b7c-3, 3, b6-3, 3} TDS, interview of Mr [REDACTED] ^{b7c-4, 4, 3, b6-4, 4, 3} interview of Mr [REDACTED] ^{b7c-4, 4, 3, b6-4, 4, 3} and coordination with CPT [REDACTED] ^{b7c-4, 4, 3, b6-4, 4, 3}
2. SALUTE, Red One report, 04 Jun 03, detailing initial notification of incident.
3. Evidence collection document, pertaining latent prints.
4. Waiver Certificate and Sworn Statement of SPC [REDACTED] ^{b7c-5, b6-5} detailing the incident at the gun turn in point on 04 Jun 03.
5. Waiver Certificate and Sworn Statement of SPC [REDACTED] ^{b7c-5, b6-5} detailing the incident at the gun turn in point on 04 Jun 03.
6. Waiver Certificate and Sworn Statement of SSG [REDACTED] ^{b7c-5, b6-5} detailing the incident at the gun turn in point on 04 Jun 03.
7. Iraqi Police Report (original).

Not attached:

Retained within the Evidence Depository, this office:

8. (5) finger print hinge lifters containing latent fingerprints.

The originals of Exhibits 1 and 4 through 7 are attached to the USACRC copy of this report. The original of Exhibit 2 is maintained within the files of 1st AD, Main TOC, BLAP, Baghdad. The originals of Exhibits 3 and 8 are retained within the files of the evidence depository, this office.

STATUS: This is a Final Report. No Commander's Report of Disciplinary Action Taken (DA Form 4833) is Required.

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000007

CIOP-OP

SUBJ: CID REPORT OF INVESTIGATION: 0014-03-CID899-63484

Report Prepared By:

[REDACTED]

Special Agent,

b7c-1, b6-1, b2

Report Approved By:

[REDACTED]

Special Agent in Charge

b7c-1, b6-1

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- 1 - THRU: CDR, 10th MP Bn (CID)(FWD), APO AE 09336
TO: CDR, 3rd MP Group (CID)(FWD), APO AE 09336
- 1 - SJA (ATTN: CPT [REDACTED] (Email) [REDACTED]@us.army.smil.mil b7c-3, b6-3
- 1 - PMO (ATTN: LTC [REDACTED] BIAP, Baghdad, Iraq b7c-3, b6-3
- 1 - File

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AGENT'S INVESTIGATION REPORT

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DETAILS

At 0935Z, 5 Jun 03, SA **b7C-1, b6-1**, this office, was notified via a SALUTE (Red 1) Report (Exhibit 2), that at approximately 1600, 4 Jun 03, Mr **b7C-1, b6-1** was stopped at a US Checkpoint, where he was allegedly robbed at gun point by US soldiers. There was sketchy information concerning the location of the crime scene and the identification of the soldiers involved.

At 0939Z, 5 Jun 03, SA **b7C-1, b6-1** and SA **b7C-1, b6-1** this office coordinated with the 1st AD Provost Marshal's Office and 18th MP Bde Liaison Officer, after which, contact was made with MSG **b7C-1, b6-1** (NFI), S-3 NCOIC, 709th MP Bn, located at grid coordinate MB 421852. MSG **b7C-1, b6-1** related the information provided in the SALUTE Report he provided was sketchy, however, SSG **b7C-1, b6-1** 4th Plt, 1st Sqd, 527th MP Co, was the individual that had responded to the check point after the alleged robbery, and knew it's location. SA **b7C-1, b6-1** requested SSG **b7C-1, b6-1** come to the 1AD PMO, and provide an escort to the crime scene. SSG **b7C-1, b6-1** was working midnight shift, but would conduct the escort at 1930Z, 5 Jun 03 **b7C-1, b6-1**

AGENT'S COMMENT: At 2000Z, 5 Jun 03, SA **b7C-1, b6-1** and SA **b7C-1, b6-1** met with Mr **b7C-1, b6-1** (NFI), Translator, Ghazalia Police Department, Ghazalia, Iraq, at which time he assisted in the interview of the victim, Mr **b7C-1, b6-1**

Between 2000Z and 2100Z, 5 Jun 03, SA **b7C-1, b6-1** and SA **b7C-1, b6-1** conducted an oral interview of Mr **b7C-1, b6-1**. Mr **b7C-1, b6-1** related that at approximately 1345, 4 Jun 03, he was traveling from his place of work, a tire shop, in the area of the Rasheed Camp, to his residence. Mr **b7C-1, b6-1** stated that his two sons were with him as passengers. Along the most direct main route to Ghazalia, he was stopped at a US checkpoint by three US soldiers. Mr **b7C-1, b6-1** did not identify any soldier by rank or name tag, however, he described the soldier that actually took his money and pointed a weapon at his chest, after charging his weapon, to be a younger looking male, darker skinned with freckles (Later identified as SSG **b7C-1, b6-1**). Mr **b7C-1, b6-1** described the actions of the soldier, as his older son **b7C-1, b6-1** age 25, had witnessed them, and stated that the soldier with freckles took the US currency, placed some dinars on top of the stack, then distracted the soldier beside him (later identified as **b7C-1, b6-1**) and his other younger son, **b7C-1, b6-1** age 22, by asking where they lived. **b7C-1, b6-1** then pointed, and the soldier looked in that direction, away from the vehicle. This is the point when SSG **b7C-1, b6-1** put the money in his front right pants pocket. Mr **b7C-1, b6-1** further related that both of the soldiers at the rear of the vehicle touched his vehicle trunk lid. Mr **b7C-1, b6-1** stated that he had not washed the vehicle since the money was allegedly stolen. Mr **b7C-1, b6-1** stated that SSG **b7C-1, b6-1** then pulled his charging handle to the rear, and motioned for them to leave the area immediately. Mr **b7C-1, b6-1** stated that the stolen US currency was: (17) seventeen, (100) one hundred dollar denomination bills, (5) five (50) fifty dollar denominations, and the remaining money was in smaller denominations (20s, 10s, 5s and 1s), for a total of \$2650.00. Mr **b7C-1, b6-1** related that he also had a large sum of dinars, left in his trunk, with the exception of the small number used to

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA b7C-1, b6-1, b2		ORGANIZATION 323 RD MP DET (CID), UNIT #92955 APO AE 09324-2955	
SIGNATURE b7C-1, b6-1,		DATE 20 Jun 03	EXHIBIT /

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DETAILS

conceal the handful of US currency. Mr. [REDACTED] concluded by stating that he had gone to the police station in Ghazalia to report the stolen money, who directed him to go to the soldiers compound and meet with the commanding officer to tell him of the stolen money. Mr. [REDACTED] stated that CPT [REDACTED] and SSG [REDACTED] conducted a physical line up of soldiers for him, at which time he identified the soldier that had taken the money. Mr. [REDACTED] stated that the captain apologized for his loss and stated that his unit would attempt to recover the money if it was determined to have been stolen. SA [REDACTED] apologized to Mr. [REDACTED] for the soldiers actions, in infact they had stolen the money.

AGENT'S COMMENT: No sworn statement was obtained from Mr. [REDACTED] due to the language/writing barrier. Mr. [REDACTED] sons were unavailable at the time for an interview.

AL2130Z, 5 Jun 03, SA [REDACTED] and SA [REDACTED] conducted a crime scene examination of Mr. [REDACTED] privately owned vehicle, which was parked outside the Ghazalia Police Department. The vehicle was described as a 1990, Toyota, Super Sedan, 4 dr, white in color, bearing Baghdad registration #135693. The vehicle appeared to be in proper working order. A search of the trunk lid, described as the area touched by the soldiers, was searched for latent fingerprints, which resulted in the locating of five latent partial prints. The prints (Exhibit 8) were collected as evidence, and documented on a DA FM 4137, Evidence/Property Custody Document (Exhibit 3). SA [REDACTED] exposed eight (8) photographs depicting the crime scene (vehicle), using a Kodak, Easy Sure, LS443, digital camera with flash.

At 2200Z, 5 Jun 03, SA [REDACTED] and SA [REDACTED] conducted a crime scene examination of the check point, located at grid coordinate MB3310189950, and the immediate area around the check point. The crime scene was described as a divided highway, with an asphalt surface, which ran north and south. The northbound lane was described as a three lane highway, which converged into one lane at a man made barrier. The southbound lane was approximately 30 meters away, separated by a gravel/sand median which had no apparent slope. At the check point (barrier), a dirt road sprouted off to the east. There were no houses lining the northbound lane, however, the southbound lane was lined with residential neighborhoods. Also along the north lane, there was a earthened burm, built for protection from hostile small arms fire. The burm was approximately 10 feet high and 30 feet thick at it's base. The burm extended for hundreds of yards prior to and after the checkpoint. A search of the area revealed nothing of evidential value. SA [REDACTED] exposed seven (7) digital images depicting the crime scene (checkpoint), using a Kodak, Easy Sure, LS443, digital camera with flash.

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] [REDACTED]		ORGANIZATION 323 RD MP DET (CID), UNIT #92955 APO AE 09324-2955	
SIGNATURE [REDACTED] [REDACTED]		DATE 20 Jun 03	EXHIBIT /

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DETAILS

At 2245, 05 Jun 03, SA ^{b7C-1, b6-1} and SA ^{b7C-1, b6-1} conducted and oral interview of CPT ^{b7C-3, b6-3} ^{b7C-1, b6-3}, 1/325th INF 82nd ABN who related that CPT ^{b7C-1, b6-3} was the 15-6 investigator and CPT ^{b7C-1, b6-3} was conducting a commanders inquiry.

At 2300, 05 Jun 03, SA ^{b7C-1, b6-1} and SA ^{b7C-1, b6-1} conducted an oral interview of CPT ^{b7C-3, b6-3} ^{b7C-1, b6-3} FSO, 1/325th Infantry Battalion (INF) 82nd Airborne Division (ABN), Ft Bragg, NC 28310 who related that he was conducting a 15-6 investigation into the allegations made by MR ^{b7C-1, b6-3} ^{b7C-1, b6-3} related he had interviewed SSG ^{b7C-1, b6-3} SPC ^{b7C-1, b6-3} and SPC ^{b7C-1, b6-3}. CPT ^{b7C-1, b6-3} related that he had conducted a consensual search on the personal equipment of the scout platoon squad and was met with negative results. CPT ^{b7C-1, b6-3} further related there was an M113 with a crew of four members from the 113th Armor of the 1st Armor Division (1AD) present at the checkpoint when the incident occurred, and may have additional information concerning this investigation.

At 2349, 05 Jun 03, SA ^{b7C-1, b6-1} advised SPC ^{b7C-5, b6-5} of his legal rights which he waived and provided a sworn statement (Exhibit 4). SPC ^{b7C-5, b6-5} stated that he was at the checkpoint at the time of the incident. SPC ^{b7C-5, b6-5} stated he was monitoring traffic when a vehicle moving at a high rate of speed and driving carelessly was coming down the road, heading north. SPC ^{b7C-5, b6-5} stated that he was told by both SPC ^{b7C-5, b6-5} and SSG ^{b7C-5, b6-5} to stop the vehicle and have it pull over. SPC ^{b7C-5, b6-5} stated that he stayed at his post about 30 feet from the vehicle after it pulled over and witnessed both SPC ^{b7C-5, b6-5} and SSG ^{b7C-5, b6-5} searching in the trunk. SPC ^{b7C-5, b6-5} stated however that he could not hear what was said or see what the other two soldiers were doing. SPC ^{b7C-5, b6-5} stated he could see what looked like a white bag sticking out of the trunk, but could not see the contents of the bag because he was mostly paying attention to the traffic, as it was very busy due to the fact that three lanes merged into one at the checkpoint. SPC ^{b7C-5, b6-5} stated he never went near the car nor did he ever see any money.

At 2336, 05 Jun 03, SA ^{b7C-1, b6-1} advised SPC ^{b7C-5, b6-5} of his legal rights, which he waived and rendered a sworn statement (Exhibit 5), denying that he stole the money concerning this investigation. SPC ^{b7C-5, b6-5} related that he touched the trunk of the vehicle, when he opened it, and observed a large sum of money. SPC ^{b7C-5, b6-5} then summoned SSG ^{b7C-5, b6-5}, who came to the rear of the vehicle, and a line of questioning began between the two and the victim. Due to the lack of communication, both SPC ^{b7C-5, b6-5} and SSG ^{b7C-5, b6-5} determined that the money was the profits from Mr. ^{b7C-5, b6-5} tire business. SPC ^{b7C-5, b6-5} admitted that he touched the money, but insisted that he never picked it up. SPC ^{b7C-5, b6-5} did state however, that SSG ^{b7C-5, b6-5} picked the money up, "cleared the trunk" with it and showed it to Mr. ^{b7C-5, b6-5}, asking him where he got the money. During the initial portion of the interview, SPC ^{b7C-5, b6-5} verbally skipped from SSG ^{b7C-5, b6-5} holding the money, to SSG ^{b7C-5, b6-5} telling Mr. ^{b7C-5, b6-5} to leave the area (checkpoint), and "corralling" them to

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA ^{b7C-1, b6-1, b2}

ORGANIZATION

323RD MP DET (CID), UNIT #92955

APO AE 09324-2955

SIGNATURE

^{b7C-1, b6-1, b2}

DATE

20 Jun 03

EXHIBIT

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DETAILS

their vehicle doors and Mr. [REDACTED] vehicle leaving the checkpoint. SA [REDACTED] had SPC [REDACTED] backup in his account to the point when SSG [REDACTED] had the money in his hands and asked if he "physically saw SSG [REDACTED] put the money back into the trunk by either throwing it or placing it back under or in the bag" SPC [REDACTED] stated, "I can't honestly say that... I don't want to believe it... I didn't think that it would go this far". SA [REDACTED] tried to have SPC [REDACTED] elaborate on this statement, and he replied that "If I knew this was going to happen (the USACIDC investigation), I would have paid more attention" SPC [REDACTED] stated that he was "almost positive" he did not see SSG [REDACTED] return the money to the trunk, but also did not see him put the money in his pocket. SPC [REDACTED] stated that he observed SSG [REDACTED] pickup the US currency mixed with smaller denomination dinars. SPC [REDACTED] further stated that the US currency was a small stack of money, folded up in half, and he only saw \$1 denominations.

At 0020, 6 Jun 03, SA [REDACTED] and SA [REDACTED] advised SSG [REDACTED] of his rights, which he waived, and rendered a sworn statement (Exhibit 6), denying that he stole the money in question. SSG [REDACTED] recanted his account of the incident several times during the initial interview, prior to writing his statement. SSG [REDACTED] at first described the 10,000 dinar notes as "banded in a brick and wrapped in plastic which was too large to pick up" SSG [REDACTED] stated that the only currency he picked up was the 250 denomination dinars, and it "never cleared the trunk" and described the picking up action as "if I would have been shot, while holding the money, it would have fallen naturally into the trunk" (This differed from SPC [REDACTED] account that SSG [REDACTED] picked the money up, stood up, and turned towards one of the sons, asking where the money came from) SSG [REDACTED], when asked a second time which money he picked up, he stated the 10,000 dinar notes. (This would not have been possible, as described by SSG [REDACTED] earlier in the interview). SA [REDACTED] observed SSG [REDACTED] to be nodding in agreement and hanging on to every word SA [REDACTED] said, concerning the stolen money, and the suspicion that he took that money. SA [REDACTED] further noticed that SSG [REDACTED] eyes began to "well up" when SA [REDACTED] stated that he wanted to help SSG [REDACTED] through this ordeal, and if he understood. SA [REDACTED] stated, after a long investigative pause, "Do you understand"? SSG [REDACTED] replied, "I'm with you all the way". SSG [REDACTED] maintained his innocence, however, never said, "I did not take that money".

At 0235, 6 Jun 03, SA [REDACTED] and SA [REDACTED] briefed LTC [REDACTED] Bn Co, 1/325th Inf (Abn), Ft Bragg, NC on this investigation thus far. LTC [REDACTED] requested the investigation be completed as quickly as possible so as the situation could be resolved. LTC [REDACTED] related that SSG [REDACTED] had been having some personal problems in that his wife was pregnant and due to deliver anyday and that his sister had just been raped. SSG [REDACTED] was looking to go on emergency leave, however LTC [REDACTED] did not know if it was going to be possible. LTC [REDACTED] agreed to getting USACIDC a copy of the 15-6 investigation, provided the name of the 15-6 officer,

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7C-1, b6-1, b2		ORGANIZATION 323 RD MP DET (CID), UNIT #92955 APO AE 09324-2955	
SIGNATURE [REDACTED] b7C-1, b6-1		DATE 20 Jun 03	EXHIBIT /

CID FORM 94
1 FEB 77

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0014-03-CID013-63484

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DETAILS

and his supporting SJA (CPT [REDACTED] 67C-3, 66-3, 2/82nd Inf, Ft Bragg, NC, who could be contacted through the 82nd LNO at 1st AD Main TOC).

At 0330, 6 Jun 03, SA [REDACTED] 67C-1, 66-1 and SA [REDACTED] 67C-1, 66-1 coordinated with CPT [REDACTED] 67C-3, 66-3 15-6 Officer and Commander, A Co, 1/325th Inf (Abn), Ft Bragg, NC, at which time the facts of this case were discussed. SA [REDACTED] reviewed the statement of SSG [REDACTED] 67C-3, 66-3 who denied in the statement that he ever touched the money in the trunk of the vehicle. CPT [REDACTED] confirmed that the facts surrounding the physical line up and the search of the entire scout platoons gear, vehicles, and area. CPT [REDACTED] related that he would get a copy of the 15-6 investigation to SA [REDACTED] 67C-1, 66-1 as soon as possible.

AGENT'S COMMENT: The statements taken by the unit chain of command were not filled out properly, however, CPT [REDACTED] related that the individuals were "sworn" to the statements.

At 0430, 6 Jun 03, SA [REDACTED] 67C-1, 66-1 and SA [REDACTED] 67C-1, 66-1 obtained a copy of the original police report (Exhibit 7), taken at the Ghazalia PD, from SSG [REDACTED] 67C-3, 66-3 4/1/527th MP Co, concerning this investigation.

At 0400Z, 13 Jun 03, SA [REDACTED] 67C-1, 66-1 interviewed PFC [REDACTED] 67C-3, 66-3 HHC, 1/325th Inf (Abn), Ft Bragg, NC, who related that he was at the check point, as an RTO, on SSG [REDACTED] team. PFC [REDACTED] related he was not in a position to observe the stopped vehicle, as his vision was obstructed by a sand burm, and his focus was on the traffic going in the opposite direction.

At 0400Z, 13 Jun 03, SA [REDACTED] 67C-1, 66-1 interviewed SGT [REDACTED] 67C-3, 66-3 who related that he gave SSG [REDACTED] and his team a gator ride from the check point to their sleeping area, however did not notice anything out of the ordinary, concerning SSG [REDACTED] 67C-3, 66-3 or his team. SGT [REDACTED] related that he had no additional information concerning this investigation.

At 0900Z, 13 Jun 03, SA [REDACTED] 67C-1, 66-1 coordinated this investigation with CPT [REDACTED] 67C-3, 66-3 at which time the facts of this case were discussed.

At 0900Z, 14 Jun 03, SA [REDACTED] 67C-1, 66-1 and SA [REDACTED] 67C-1, 66-1 coordinated with CPT [REDACTED] 67C-3, 66-3 TDS, 1st AD, BIAP, who declined on behalf of SSG [REDACTED] for a second technical interview. CPT [REDACTED] insisted that USACIDC not have any further contact with his client.

At 1215Z, 19 Jun 03, SA [REDACTED] 67C-1, 66-1 interviewed Mr [REDACTED] 67C-3, 66-3 house [REDACTED] who related about 1340, 4 Jun 03, he was a passenger in his fathers vehicle while his

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] 67C-1, 66-1, 62

ORGANIZATION

323RD MP DET (CID), UNIT #92955

APO AE 09324-2955

SIGNATURE

[REDACTED] 67C-1, 66-1

DATE

20 Jun 03

EXHIBIT

/

CID FORM 94

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS

father, brother and he were returning from their place of work when they were stopped at a checkpoint. Mr. [REDACTED] further related all three passengers in the vehicle were asked to get out of the car. Mr. [REDACTED] related he and his father were asked to go around and open the trunk of the car, when they opened the trunk SSG [REDACTED] started to search the trunk while another soldier stood off to the side watching. Mr. [REDACTED] related SSG [REDACTED] opened the flour bag they were using to transport money from the shop, at that time Mr. [REDACTED] moved around to the back of the car and could see into the trunk. Mr. [REDACTED] further related SSG [REDACTED] picked up a large amount of Iraqi Dinars in his left hand and \$2,650.00 of U.S. dollars in his right hand. Mr. [REDACTED] related at that point the soldier watching pointed his gun at Mr. [REDACTED] and his father and told them to move around to the front of the car leaving Mr. [REDACTED] alone at the back of the car. Mr. [REDACTED] related he did not see if SSG [REDACTED] put the money in his pocket or not and only one soldier was searching in the trunk.

At 1330Z, 19 Jun 03, SA [REDACTED] interviewed [REDACTED] who related he was in the vehicle with his father and his brother when they were stopped at a U.S. checkpoint around 1340, 4 Jun 03. Mr. [REDACTED] related he was driving the car of the vehicle when it was stopped. When he pulled over the U.S. soldiers asked him to open the glove compartment of the car and then asked everybody to get out of the car. Mr. [REDACTED] related one of the soldiers were looking at his papers, when he finished he moved around to the back of the car where SSG [REDACTED] was already searching inside of the flour bag that was in the trunk and SSG [REDACTED] already had Iraqi Dinars in one hand and U.S. dollars in his right hand. At that point SSG [REDACTED] pointed his weapon at Mr. [REDACTED] and at MR [REDACTED] and told them to move to the front of the car leaving Mr. [REDACTED] alone at the trunk of the car. Mr. [REDACTED] further related SSG [REDACTED] asked him where he lived and when Mr. [REDACTED] turned and pointed in the direction of his home the SSG [REDACTED] must have put the money in his pocket because when Mr. [REDACTED] turned back around he was only holding the Iraqi Dinars. Mr. [REDACTED] related SSG [REDACTED] put the Iraqi Dianrs back into the flour bag and then closed the trunk and made all three men get back in the car and leave. Mr. [REDACTED] related when they arrived at home the looked in the flour bag and realized the money had been taken, but he never witnessed SSG [REDACTED] place the U.S. dollars into his pocket.

AGENTS COMMENTS: Mr. [REDACTED] opened his wallet at one point during his interview revealing a very large amount of U.S. 20.00 dollar bills.

At 0500Z, 20 Jun 03, SA [REDACTED] coordinated this investigation with CPT [REDACTED] Trial Counsel, SJA, HHC, 1/325th Inf (Abn), Ft Bragg, NC who related there was insufficient evidence to believe SSG [REDACTED] SPC [REDACTED] SPC [REDACTED] committed any offense.

LAST ENTRY

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] 67C-1, 66-1, 62

ORGANIZATION

323RD MP DET (CID), UNIT #92955
APO AE 09324-2955

SIGNATURE

[REDACTED] 67C-1, 66-1

DATE

20 Jun 03

EXHIBIT

CID FORM 94
1 FEB 77

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Page(s)

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Referred to:

U.S. CENTRAL COMMAND
7115 SOUTH BOUNDARY BLVD
ATTN: CCJ6-DM
MACDILL AIR FORCE BASE
FLORIDA 33621-5101

MS. JACQUELINE SCOTT
scottj@centcom.mil
(813) 827 5341/2830

Dear Representer of the (MP) military Police of
the Allied Forces.

During 3:45 PM in the afternoon of
this Day when I arrived to home from my
shop which I sales tyres. I live in Al-Khazali
and two person from the Allied Forces they've
asked me my liseness and I give it to them
and asked me to open the trunk of the car and
I did that and it was inside of it some money
in about 2600 \$ Dollars ~~and~~ with some
Iraq's dinars. So they took the 2600 \$ doll
and leave the Iraq Dinars and the American
dollars were in 100 ~~note~~ note.

I'm asking you to ~~recharge~~ charge the Soldiers
they've stolen my money and return back to
me

With all ~~appreciation~~ appreciation

Ex 3

16

b7c-4, b6-4

0014-07C ID 899

[REDACTED]

[REDACTED]

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

[REDACTED]

[REDACTED]

[REDACTED]

b7c-4, b6-4

tel 8

[REDACTED]

4/6/2003

Ex 3

... 18

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

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>Baghdad, Iraq</u>	2. DATE <u>06 Jun 03</u>	3. TIME <u>0349 hrs</u>	4. FILE NO. <u>67C-5, 66-5</u> <u>0014-03-CDP</u>
5. NAME (Last, First, MI) <u>[REDACTED] 67C-5, 66-5</u>	8. ORGANIZATION OR ADDRESS <u>HHC 11325 AIR</u>		
6. SSN <u>[REDACTED] 67C-5, 66-5</u>	7. GRADE/STATUS <u>E4 / RA</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States ARMY Criminal Investigation Command
as a Special Agent and wanted to question me about the following offense(s) of which I am

suspected/accused Conspiracy Robbery III 67C-5, 66-5

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

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

I am willing to waive my rights and speak without talking to a lawyer 67C-5, 66-5

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE <u>[REDACTED] 67C-5, 66-5</u>
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <u>[REDACTED] 67C-5, 66-5</u>
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR <u>[REDACTED] 67C-5, 66-5</u>
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <u>323rd MP DET (CD) (OSE)</u>
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer.

☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881 NOV 89

EDITION OF NOV 84 IS OBSOLETE

EX 4019

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 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 (YYYYMMDD) 2003 06 06	3. TIME 0542	4. FILE NUMBER 0014-03-CCD899
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b7C-5, b6-5	6. SSN [REDACTED] b7C-5, b6-5	7. GRADE/STATUS E4	
8. ORGANIZATION OR ADDRESS HHC 1-325 AIR			

9. [REDACTED] b7C-5, b6-5, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 4th of June 03 we were at the West gate. I stood by the road blocks watching on coming traffic. I saw a car driving fast in and out of cars so I yelled for them to slow down. He came to a stop and SSG [REDACTED] b7C-5, b6-5 told me to pull him to the side I pointed out to pull to the side. SPC [REDACTED] b7C-5, b6-5 and SSG [REDACTED] b7C-5, b6-5 did a routine check. ID, registration and pop the trunk to search for weapons. The driver got out and opened the trunk. I mostly watched on coming traffic, but when I did look back I saw [REDACTED] b7C-5, b6-5 talking to the driver about the contents in a white bag that was stick up enough for me to see it. They spoke for a few minutes with [REDACTED] b7C-5, b6-5 present. They closed the trunk and the driver walked to the drivers side while [REDACTED] b7C-5, b6-5 and [REDACTED] b7C-5, b6-5 walk away. The guy got in and drove away.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] b7C-5, b6-5 TAKEN AT [REDACTED] DATED [REDACTED] b7C-5, b6-5
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

TAKEN AT

0542

DATED

06 June 03

b6

9. STATEMENT (Continued)

0014-03-CID899

I never went to the car or saw any money in any-ones hands or that would have caught my attention. SPC [REDACTED] b7C-5, b6-5 is Commo attached to my scout platoon. I am responsible as his team leader to insure he acts accordingly. A tank with 1st AD was providing overwatch and could see the whole area. I believe PFC [REDACTED] b7C-5, b6-5 was there pulling Radio guard if he saw anything I don't know. The car was white and had tinted windows I believe I saw only 2 people in the front. When outside the wire we have a round chambered and security is our number 1 priority.

Q: SA [REDACTED] b7C-5, b6-5

A: [REDACTED] b7C-5, b6-5

Q: Have you ever taken any money from any vehicle you have stopped at the check point?

A: NO.

Q: Did SSG [REDACTED] b7C-5, b6-5 take money from the trunk of the white car at the check point?

A: NO.

Q: Did you see anyone remove anything from the trunk of the white car?

A: NO.

Q: Did either SSG [REDACTED] b7C-5, b6-5 or SPC [REDACTED] b7C-5, b6-5 give you money that they took from the trunk of the white car?

A: Hell NO.

Q: Do you know why the driver of the white car would say that you took the money?

A: Everybody here is a fucking thief in Iraq I don't know, they think the Army will pay for everything.

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b7C-5, b6-5

PAGE

2

OF

24

PAGES

USAPR 01 00

STATEMENT OF ^{b7C-5, b6-5} [REDACTED] TAKEN AT _____ DATED 6 June 03
DDI4-03-CID879

9 STATEMENT (Continued)

I never approached the car or knew what was said in the conversation. We are a Scout platoon and ^{b7C-5, b6-5} [REDACTED] who is Commo is attached. If even for a second ^{b7C-5, b6-5} [REDACTED] get out of line in any manner I would have notice and corrected him. We carry M4s with a round chambered at all times once outside the wire. A 1st AD track was on overwatch for us. I don't know if they could see in the trunk but they could see the whole area. I don't know what time it was exactly but it was past 2pm. The car was white and from what I saw. No money was ever in my view or it would have caught my attention. The driver was never angered or Fined up or I would have noticed that. Security was my priority at all times outside the wire. /// End Statement ^{b7C-5, b6-5} [REDACTED]

^{b7C-5, b6-5} [REDACTED]
^{b7C-5, b6-5} [REDACTED]
^{b7C-5, b6-5} [REDACTED]
^{b7C-5, b6-5} [REDACTED]

INITIALS OF PERSON MAKING STATEMENT

^{b7C-5, b6-5} [REDACTED]

^{b7C-5, b6-5} [REDACTED]

PAGE 2 OF 2 PAGES

EX 4

STATEMENT OF

AKEN AT

0542

DATED

06 JUN 03

9. STATEMENT (Continued)

Is there anything you would like to add to this statement?

A: NO. /// End of Statement ///

AFFIDAVIT

I, [REDACTED] 67C-5, 66-5, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] 67C-5, 66-5
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of Jun 03 at Baghdad, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] 67C-5, 66-5
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] 67C-5, 66-5
(Typed Name of Person Administering Oath)
Article 136 UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 4 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>Baghdad, Iraq</u>	2. DATE <u>2336(Z)</u>	3. TIME <u>5 JUL 03</u>	4. FILE NO. <u>004-03-CTJ-899</u>
5. NAME (Last, First, MI) <u>[REDACTED] b7C-5, b6-5</u>	8. ORGANIZATION OR ADDRESS <u>11325th INF</u> <u>Ft Bragg, NC 28310</u>		
6. SSN <u>[REDACTED] b7C-5, b6-5</u>	7. GRADE/STATUS <u>E-4/RA</u>		

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States US Army Criminal Investigations
Commander [REDACTED] b7C-5, b6-5 and wanted to question me about the following offense(s) of which I am
suspected/accuse Armed Robbery [REDACTED] b7C-5, b6-5

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

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you been advised of your rights in the last 30 days? yes [REDACTED] b7C-5, b6-5

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE <u>[REDACTED] b7C-5, b6-5</u>
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <u>[REDACTED] b7C-1, b6-1</u>
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR <u>SA [REDACTED] b7C-1, b6-1</u>
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <u>323rd MP Det (CID)</u> <u>1401 W. Argyle St, Jackson, MI 49202</u>
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer.

☐ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

EX-5 24

SWORN STATEMENT

For use of this form, see AR 190-45; The proponent Agency of the Deputy Chief of Staff for Personnel.

LOCATION <u>Baghdad, Iraq</u>	DATE <u>6 JUN 03</u>	TIME <u>0130 Z</u>	FILE NUMBER <u>COM-03-C70887</u>
LAST NAME, FIRST NAME, MI <u>[REDACTED]</u>	SOCIAL SECURITY NUMBER <u>[REDACTED]</u>	GRADE/STATUS <u>E-4 / SPC</u>	
ORGANIZATION OR ADDRESS <u>HHC 1/25th Inf Bn, Ft Bragg NC</u>			

I, [REDACTED] (SPC) [REDACTED] want to make the following statement under oath:
June 4th approx. Midday [REDACTED] myself, SPC [REDACTED], SSG [REDACTED],
[REDACTED] were at the entrance to the West gate. The
accuser was driving pretty fast coming down almost
colliding with another vehicle near the merging area.
Myself and SSG [REDACTED] yelled for [REDACTED] to slow
the guy down and come to where we were at which
was about 20 to 25 ft away. The individuals stopped
by us, in which both myself and SSG [REDACTED] asked for
the man papers. SSG [REDACTED] went on the drivers side to
speak with him and try to explain what we were
asking him for. So I asked the [REDACTED] rear passenger to
open the trunk. I lead him to the back and am pretty
sure I opened the trunk. The reason for opening the
trunk was to see if he had any weapons or any other
contraband. In the trunk was a white bag that had
books, folder, etc. (stationary) Below the things was
money some dinar some American. The reason I know
is because I moved the items that were on top to
see if there was a weapon, I even moved some of
the money never bringing the bag or money out just

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>[REDACTED]</u>	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH
ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF
[REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE
CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

25
EX-5

STATEMENT OF

TAKEN AT

DATED

6 June 83

9. STATEMENT (Continued)

0014-23-CDD839

turning to SSG [redacted] and asking him to ask why the guy had so much money. He did and they went on trying to explain it. SSG [redacted] then asked the guys to my right one older one [redacted] adult male to get back in the car, they didn't understand so they moved went behind me to them moving both of them back to the doors then walking back to either my left or right side. The older man came back through not going in the vehicle. At this point I see him and I think I see [redacted] asking the guy where he got the money from, by showing him the money. I'm asking the guy about the books they're pointing at looking in them the writing in Arabic. The older man and the son kind of both say shop so we assume that they own a shop then the man kicks the tire to his vehicle so I said you own a tire shop? They both said yeah not right away but eventually we were communicating. So we were all kind of like just glad to finally get that accomplished and that was pretty much it. We said O.K. I think I overheard SSG [redacted] tell him he shouldn't carry money like that

b7c-5, b6-5

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

b7c-5, b6-5

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this [redacted] day of [redacted]

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

b7c-5, b6-5

PAGE 2 OF 4 PAGES

STATEMENT OF

TAKEN AT

DATED

6 Jun 03

9. STATEMENT (Continued)

0014-03-CI0899

around with him I'm not sure when the money was put back in but SSC [REDACTED] did not have it in his hands. I'm not sure who shut the trunk. But I know I didn't take any money and believe SSC [REDACTED] did not either. The money in question was the \$10,000 bills Dinar. SSC [REDACTED] said that they weren't being used here and we were not sure what to do, detain them or what. After we all kinda understood things [REDACTED] we sent them on their way. I remember talking with SSC [REDACTED] about whether we did the right thing or not as far as letting them go without know if they had stole the \$10,000 bills.

Q: SA [REDACTED]

A: SAC [REDACTED]

Q: You stated earlier that SSC [REDACTED] "cleared the trunk with the money in his hands" as we discussed. Was it US, small Dinar, or Large Dinar money?

A: I saw him with the 10,000 dinar notes.

Q: Earlier, you said, "I'm almost positive I saw him put the money back" you also said, "I honestly don't remember"; now, in the statement above you state, "I'm not sure when the money was put back in (the trunk) but SSC [REDACTED] did not have it in his hands" which is it?

A: I know it wasn't in his hands when they left, I want to honestly say he threw it in there.

Q: Did you physically see SSC [REDACTED] throw the money back into the trunk? Did he place it back, throw it in?

A: I thought when we determined it was from the tire shop, SSC [REDACTED] said OK, and he put it back in the bag. I, guess.

Q: Is SOP to detain Iraqi citizens with large sums of money?

A: I thought it was. I thought I overheard it from someone. Anything suspicious.

Q: Why didn't you detain this vehicle?

A: SSC [REDACTED] made the determination to let them go.

Q: Do you have anything you wish to add to this statement?

A: I didn't realize it would go this far. I thought we were doing them (Iraqis) a favor) Time payoff.

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 4

PAGES

b7C-5, b6-5

EX-5-27

STATEMENT OF [REDACTED] TAKEN AT _____ DATED 6 Jun 03
b7c-5, b6-5 004-23-00899

B. STATEMENT (Continued)

Not used

End of Statement

Affidavit Read

Signature: [REDACTED] b7c-5, b6-5

Investigator: [REDACTED] b7c-1, b6-1

Witness: [REDACTED] b7c-1, b6-1 6703, H63
ILT [REDACTED]
HHC 1-325 AIR

INITIALS OF PERSON MAKING STATEMENT

b7c-5, b6-5

PAGE 4 OF 4 PAGES

28 CX5

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <i>Baghdad, Iraq</i>	2. DATE <i>16 Jun 03</i>	3. TIME <i>0020</i>	4. FILE NO. <i>0014-03-055</i>
5. NAME (Last, First, MI) <i>[REDACTED] (NMN) b7C-5, b6-5</i>	8. ORGANIZATION OR ADDRESS <i>HHC 11325 INF Ft Bragg, NC</i>		
6. SSN <i>[REDACTED] b7C-5, b6-5</i>	7. GRADE/STATUS <i>E-6/RA</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States *Criminal Investigations Command* and wanted to question me about the following offense(s) of which I am suspected: *Armed Robbery*

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

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Have you been advised of your Rights in the last 30 days? Yes

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWER <i>[REDACTED] b7C-5, b6-5</i>
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR <i>[REDACTED] b7C-5, b6-5</i>
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR <i>SA [REDACTED] b7C-5, b6-1</i>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OR ADDRESS AND PHONE <i>323rd CIDG (C&O) 1401 W. Argak St, Jackson, MS 39202</i>

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer.

☐ I do not want to be questioned or say anything.

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT			
For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.			
LOCATION	DATE	TIME	FILE NUMBER
Baghdad, Iraq	06 Jun 03	0551	0014-03-CI089
LAST NAME, FIRST NAME, MI	SOCIAL SECURITY NUMBER	GRADE/STATUS	
[REDACTED] b7c-5, b6-5 (N/MN)	[REDACTED] b7c-5, b6-5	E-6/RA	
HHC 1/325 AIR, Ft. Bragg, NC			
want to make the following statement under oath:			
<p>that on or about 5 June 2003 myself and 2 other members from my team were running a checkpoint/weapons turn-in point at the west gate. Between the hrs. of 1200 - 1700 hrs. Around 1430hrs. SPC [REDACTED] pulled over a white car for speeding and swerving in and out of traffic. He signed him over to myself and SPC [REDACTED]. Once the car pulled up I walked over to the passenger side and asked for the vehicle papers. There were 3 personnel in the vehicle. The driver [REDACTED] a passenger in the passenger seat and a passenger in the back left. There was also a satellite in the back right. The person in the passenger seat attempted to open his door and I said "No, please stay in the car." I asked for their vehicle papers. They didn't speak english to well but understood what I was saying. I don't remember if they gave me their vehicle registration or not. SPC [REDACTED] was in the back of the vehicle with the driver and was looking for weapons. I moved to the back of the car when [REDACTED] asked me why do they have so much money. There was what looked like a potatoes bag full of books, folders and money. The money was mostly \$10,000 dinars. It was banded together. [REDACTED] The money was under the folders and papers. There was also a lot of \$250 dinars. [REDACTED] banded together. There was also a band of American \$1.00 bills. [REDACTED] SPC [REDACTED] asked me [REDACTED] to ask them why they had so much money. I grabbed some \$250 dinars and asked the guy "why do you have so much money." I am assuming from the books that he owned a shop. SPC [REDACTED] also told me he kicked the tire, I believe I saw him kicked it but I don't remember. I never took a step back from the trunk, with my money in my hand. [REDACTED] the guy told me [REDACTED] something about the shop. I dropped the dinars back in the bag. At this time the two other personnel were out of the car so I asked them to get back in. I didn't know why they had [REDACTED] b7c-5, b6-5</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF 2 PAGES
	[REDACTED] b7c-5, b6-5		
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.</p>			

EX 30

STATEMENT OF

SSG [REDACTED]

TAKEN AT

0551

DATED

6 June 03

CO1K-03-000000

9 STATEMENT (Continued)

So much money and I didn't want all those people crowded around [REDACTED] and myself. Spc. [REDACTED] asked if we should detain them and I said "No." I walked around the right side of the vehicle and was talking to one of the personnel in the car. [REDACTED] When I left from the rear of the vehicle the trunk was still open. I am not positive who closed the trunk or one of the Iraqis. I told them to slow down and shook one of their hands and they left. Spc. [REDACTED] and myself stayed at the check point with Spc. [REDACTED] and continue to monitor the weapons turn in.

Q: SA [REDACTED]

A: SSG [REDACTED]

Q: Did you or anyone point their weapon at any of the occupants of this vehicle?

A: No.

Q: You never "cleared the trunk with the money"?

A: No. I picked it up, but if I dropped it it would have fallen into the trunk.

Q: It was the 250 Denominations not US or 10000 Dinar notes?

A: The 250 Dinar.

Q: Do you have anything that you wish to add to this statement?

A: No.

End of Statement

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF SSG [REDACTED] TAKEN AT 0551 DATED 06 Jun 03
b7c-5, b6-5 0014-03-CID899

9. STATEMENT (Continued)

Not Used

b7c-5, b6-5

AFFIDAVIT

I, [REDACTED] b7c-5, b6-5, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b7c-5, b6-5
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6th day of Jun, 03

ORGANIZATION OR ADDRESS

[REDACTED] b7c-1, b6-1
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] b7c-1, b6-1
(Typed Name of Person Administering Oath)
Article 136 UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b7c-5, b6-5

PAGE 3 OF 3 PAGES

Ex-6-32

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0014-03-CID899-63484

CID Regulation 195-1

PAGE 1 OF 1 PAGES

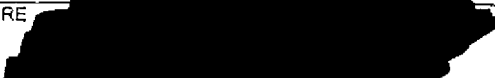
DETAILS

On 22 Jun 04, this investigation was reopened based on an administrative review by the United States Army Criminal Investigation Command Headquarters, which determined several potential witnesses to this incident were not interviewed.

On 28 Jun 04, SA ^{b7C-1, b6-1} coordinated with CPT ^{b7C-3, b6-3} 1/325th Inf Bn, 82nd Airborne Division, Fort Bragg, NC 28310, who stated he initially conducted some interviews for the unit's 15-6 investigation. CPT ^{b7C-3, b6-3} stated he did question four individuals from 1/13th Armor Bn, 1st Armor Division, but could not recall their names. He stated the four individuals stated they were in a M113 vehicle behind a berm, and were unable to see any activity on the street where the alleged incident took place.

About 1100, 10 Jul 04, SA ^{b7C-1, b6-1} this office, coordinated with CPT ^{b7C-3, b6-3} Trial Counsel, Office of the Staff Judge Advocate (OSJA), 1AD, Baghdad, Iraq (BIAP), who opined that the offense of Robbery should be unfounded.

AGENT'S COMMENT: SA ^{b7C-1, b6-1} coordinated with the Commander, 38th Military Police Detachment (CID), Baghdad, Iraq, who stated he disagreed with CPT ^{b7C-3, b6-3} and believed the offense of robbery should be unfounded pertaining to SPC ^{b7C-3, b6-3} and SPC ^{b7C-3, b6-3}; however, there was insufficient evidence to prove or disprove SSG ^{b7C-3, b6-3} committed the offense of robbery as initially reported. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA ^{b7C-1, b6-1, b2}		ORGANIZATION 38 th MP Det (CID), 22 nd MP BN (CID) Baghdad, Iraq, APO AE 09342	
SIGNATURE 		DATE 10 Jul 04	EXHIBIT 9 34

Basis For Investigation: About 0900, 7 Jul 04, this office received a Request For Assistance (RFA) from the 38th MP Det (Iraq), to locate and re-interview SSG [REDACTED] C Company, 1st Battalion, 325th Airborne Infantry Regiment (C Co, 1/325 AIR), Fort Bragg, NC (FBNC) reference his knowledge of a robbery which occurred in Ghazalia, Iraq.

Details:

About 1020, 7 Jul 04, SA [REDACTED] advised SSG [REDACTED] of his rights, which he waived, and provided an oral statement detailing the events that transpired at a Traffic Control Point (TCP) on 4 Jun 04, in Iraq. SSG [REDACTED] stated a vehicle was stopped at the TCP that he was guarding due to erratic driving. During a search of the vehicle a bag of money was located by SPC [REDACTED] C Co, 1/325 AIR, FBNC, in the trunk area of the vehicle. SSG [REDACTED] stated he was notified of the money by SPC [REDACTED] and he proceeded to the trunk area and opened the bag. SSG [REDACTED] looked into the bag and saw US Currency folded in half and secured by a rubber band; the bill facing out was a one dollar bill. SSG [REDACTED] stated he assumed all the bills were one dollar bills. There was other money in the bag that appeared to be Iraqi Dinars. SSG [REDACTED] stated he then closed the trunk and the vehicle was allowed to leave. SSG [REDACTED] remembered SPC [REDACTED] was in his immediate vicinity and witnessed all his actions. SSG [REDACTED] stated at no time did he remove the bag of money from the trunk or any monies from within the bag.

Agents Comment: SSG [REDACTED] stated he was interviewed and provided sworn statements twice before and stated he did not understand why he continued to be interviewed for the same offense.

/////////////////Last Entry////////////////////////////////////

SA [REDACTED] 87th MP DET (CID) (ABN), DSE
[REDACTED] 3rd Military Police Group (CID)
Fort Bragg, North Carolina 28310-5000

Signature: [REDACTED]

Date:

Exhibit: 10

7 Jul 04

CID FORM 94

35

RIGHTS - WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION 87th MP Det, Ft Bragg, NC	2. DATE 75 July 04	3. TIME 1020	4. FILE NO.
5. NAME (Last, First MI) [REDACTED] b7C-5, b6-5	6. ORGANIZATION OR ADDRESS C Co, 1/325 AIR Ft Bragg, NC 28310		
6. SSN [REDACTED] b7C-5, b6-5	7. GRADE/STATUS E6 / Active		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command b7C-5, b6-5 and wanted to question me about the following offense(s) of which I am suspected: Larceny

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

- I do not have to answer any questions or say anything. b7C-5, b6-5
- Anything I say or do can be used as evidence against me in a criminal trial. b7C-5, b6-5
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. b7C-5, b6-5

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. b7C-5, b6-5

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. b7C-5, b6-5

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] b7C-5, b6-5
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED] b7C-5, b6-5
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED] b7C-5, b6-5
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR 87th MP Det (CID)
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-waiver

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

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

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE
FOR OFFICIAL USE ONLY

EXHIBIT 11

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

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

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

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

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REVERSE OF DA FORM 3881

FOR OFFICIAL USE ONLY

U.S. Government Printing Office: 1994 - 300-727/16579

EXHIBIT

Handwritten: New Crime
10 Jun 03

DATE: 06 JUN 03, 1130 HRS ZULU

FROM: SAC, [REDACTED] 323rd MILITARY POLICE DET (CID)
TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, 10TH MP BN (CID) (ABN) (FWD) //OPS//
CDR, 3D MP GROUP (CID) //OPS//
PROVOST MARSHAL //PM//
CDR (UNIT)
CDR (BN/SDE)
SJA (UNIT)

SUBJECT: CID REPORT -INITIAL- 0014-03-CID899-63484/

DRAFTER : SA [REDACTED] b7c-1, b6-1
RELEASER: SAC [REDACTED] b7c-1, b6-1

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 04 JUN 2003/1000 HRS ZULU - 04 JUN 03/1130 HRS ZULU;
BAGHDAD, WEAPONS TURN IN CHECK POINT, GRID
COORDINATES MB33101/89950, GHAZALIA, IRAQ

2. DATE/TIME REPORTED: 05 JUN 03, 0935 ZULU

3. INVESTIGATED BY: SA [REDACTED] b7c-1, b6-1, b2 SA [REDACTED] b7c-1, b6-1
[REDACTED] b7c-1, b6-1, b2

4. SUBJECT: 1. [REDACTED] b7c-5, b6-5 SSG; [REDACTED] b7c-5, b6-5
[REDACTED] b7c-5, b6-5 MALE; BLACK; 1/325TH INF 82ND (ABN), FT
BRAGG, NC 28310, FORCES COMMAND; [ROBBERY].

2. [REDACTED] b7c-5, b6-5 SPC; [REDACTED] b7c-5, b6-5
[REDACTED] b7c-5, b6-5 MALE; RED; 1/325TH INF 82ND (ABN), FT BRAGG, NC 28310,
FORCES COMMAND; [ROBBERY].

3. [REDACTED] b7c-5, b6-5 SPC; [REDACTED] b7c-5, b6-5 MALE;
WHITE; 1/325TH 82ND (ABN), FT BRAGG, NC 28310, FORCES
COMMAND; [ROBBERY].

5. VICTIM: 1. [REDACTED] b7c-4, b6-4 CIV; [REDACTED] b7c-4, b6-4
[REDACTED] b7c-4, b6-4 MALE; OTHER; [REDACTED] b7c-4, b6-4
[REDACTED] [ROBBERY].

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT
IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION

AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS AN IRAQI FREEDOM INVESTIGATION"

THIS INVESTIGATION WAS INITIATED BASED ON NOTIFICATION FROM THE PROVOST MARSHALL'S OFFICE ON A SALUTE (RED 1) REPORT AND WAS BASED ON AN ALLEGED ROBBERY THAT OCCURRED AT A US GUN TURN IN/CHECKPOINT IN GHAZALIA, IRAQ.

PRELIMINARY INVESTIGATION DISCLOSED THAT MR [REDACTED] b7C-4, b6-4
[REDACTED] WAS ALLEGEDLY ROBBED AT GUNPOINT OF \$2650.00 BY SSG [REDACTED] b7C-5, b6-5
[REDACTED] SPC [REDACTED] AND SPC [REDACTED] b7C-5, b6-5

[REDACTED] b7C-4, b6-4 IDENTIFIED [REDACTED] b7C-5, b6-5 IN A COMPANY CONDUCTED PHYSICAL LINEUP AS THE INDIVIDUAL THAT STOLE HIS MONEY AND POINTED HIS WEAPON AT HIM. 1/325TH INF 82ND (ABN) CHAIN OF COMMAND CONDUCTED A SEARCH OF THE SCOUT PLATOONS PERSONAL GEAR AND VEHICLES WHICH FAILED TO LOCATE ANY ALLEGED STOLEN MONEY.

ON 06 JUN 03, [REDACTED] b7C-5, b6-5 WAS ADVISED OF HIS LEGAL RIGHTS AND PROVIDED A SWORN STATEMENT, WHEREIN HE DENIED THE ALLEGATION THAT HE REMOVED THE MONEY FROM THE TRUNK OF THE CAR OR POINTED HIS WEAPON AT MR [REDACTED] b7C-5, b6-5

ON 05 JUN 03, [REDACTED] b7C-5, b6-5 WAS ADVISED OF HIS LEGAL RIGHTS AND PROVIDED A SWORN STATEMENT, WHEREIN HE WITNESSED SSG [REDACTED] b7C-5, b6-5 PICK THE MONEY UP AND "CLEAR THE TRUNKLID" BUT COULD NOT RECALL IF SSG [REDACTED] b7C-5, b6-5 PUT THE MONEY BACK INTO THE TRUNK OF MR [REDACTED] b7C-5, b6-5. [REDACTED] b7C-5, b6-5 FURTHER STATE HE DID NOT SEE ANYONE CHARGE AND POINT THEIR WEAPON AT MR [REDACTED] b7C-4, b6-4

ON 05 JUN 03, [REDACTED] b7C-5, b6-5 WAS ADVISED OF HIS LEGAL RIGHTS AND PROVIDED A SWORN STATEMENT, WHEREIN HE DENIED HAVING KNOWLEDGE OF ANYONE REMOVING MONEY FROM THE TRUNK OF MR [REDACTED] b7C-4, b6-4 CAR OR SEEING ANYONE CHARGE AND POINT THEIR WEAPON AT MR [REDACTED] b7C-5, b6-5

INVESTIGATION CONTINUES BY USACIDC.

REQUEST A USACRC NAME CHECK ON [REDACTED] b7C-5, b6-5 b7C-5, b6-5 AND [REDACTED] b7C-5, b6-5

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF
PROTECTIVE MARKING IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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Circle	Last Name	Date Issued	Circle	Last Name	Date Issued	Circle	Last Name	Date Issued
V W			V W			V W		
V W			V W			V W		

ACTION	COMPLETED	N/A	ACTION	COMPLETED	N/A
Obtain MP Report / MPR #	<input type="checkbox"/>	<input type="checkbox"/>	Sources targeted	<input type="checkbox"/>	<input type="checkbox"/>
NCIC entry on stolen prop	<input type="checkbox"/>	<input type="checkbox"/>	Medical records requested	<input type="checkbox"/>	<input type="checkbox"/>
Film submitted for contact sheet	<input type="checkbox"/>	<input type="checkbox"/>	Name check dispatched	<input type="checkbox"/>	<input type="checkbox"/>
Copy of AIR posted in ACIRS	<input type="checkbox"/>	<input type="checkbox"/>	Name check results received	<input type="checkbox"/>	<input type="checkbox"/>
Obtain all documents concerning the positive urinalysis	<input type="checkbox"/>	<input type="checkbox"/>	All documents marked with the ROI or file number -	<input type="checkbox"/>	<input type="checkbox"/>

ACTIVITY / PERSON	PHONE NUMBER
113 th Armor	551- [REDACTED]
	b7C-1, b6-1 (last resort)
1/325 th Inf Bn	[REDACTED] @ US Army Mil - CID Agent at Bragg b7C-1, b6-1 [REDACTED] @ AKO

INVESTIGATIVE STANDARDS

Investigative Plan

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AGENT'S ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number	0000-03-CID000-00000
TIME, DATE, AND AGENT		SUMMARY OF INVESTIGATIVE ACTIVITY	

0925Z, 5 Jun 03 [REDACTED] b7C-1, b6-1 I: 10	Rec'd sketchy information, on a SALUTE (Red 1) Report, from 527 th MP Co, that some soldiers stole money at gunpoint, from an Iraqi National, at a checkpoint, at an undetermined location in the Baghdad AO. The SALUTE Report identified a possible suspect of name SGT [REDACTED] 1/325 th Inf, however, preliminary information indicated that no such soldier existed in that unit.
0939, I: 30	Contacted XO, 709 th MP Bn (559- [REDACTED]) and spoke with MSG [REDACTED] (S-3 NCOIC), the drafter of the SALUTE Report for b7C-6, b6-6 additional info. MP sent to the crime scene was SSG [REDACTED] who worked midnight shift and was unavailable until 2330, (1930Z) 5 Jun 03. Requested SSG [REDACTED] come to 1AD Main TOC to escort SA(s) to Crime Scene and Ghazalia Police Department
1000, I: 20	Developed IP, assembled gear, located grid of Ghazalia PD and 527 th MP Co.
1930, T: 30	Met with SSG [REDACTED] enroute Ghazalia PD.
2000, I: 60	Arrive at Ghazalia, meet with translator, Iraqi Police, and Victim [REDACTED] b7C-4, b6-4
2100, I: 30	Int of Victim [REDACTED] (See AIR) NOTE: No Sworn Statement taken due to language barrier.
2130, I: 30/A: 60	Conducted CSE of Victim's POV at Ghazalia PD (See AIR . photos and Evidence Voucher) Fingerprints from trunk lid.
2200, I: 30/T: 30	Conducted CSE of checkpoint Grid MB3310189950 (See AIR, photos)
2255, I: 05	Coord with CPT [REDACTED] S-2, 1/325 th b7C-3, b6-3
2300, I: 15	Coord with CP [REDACTED] FSO, 1/325 th , Original 15-6 Officer (See AIR) b7C-3, b6-3
2330, [REDACTED] b7C-1, b6-1 I: 60	Int of Suspect [REDACTED] (See AIR, Waiver, and Statement) b7C-5, b6-5
2330, [REDACTED] b7C-1, b6-1 I: 60	Int of Suspect [REDACTED] (See AIR, Waiver, and Stmt) b7C-5, b6-5
0151Z, 6 Jun 03 [REDACTED] 45 b7C-1, b6-1	Int of Suspect [REDACTED] (See AIR, Waiver, and Stmt) b7C-5, b6-5
0235, I: 20	Coord with LTC [REDACTED] Bn CO, briefed and discussed case thus far. b7C-3, b6-3
0330Z, 6 Jun 03	

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<div style="display: flex; justify-content: space-between;"> 07C-1, b6-1 discussed case (See AIR) Requested copies of [redacted] sworn statements and investigation. </div>	
<div style="display: flex; justify-content: space-between;"> 1:30/1:30 AGENT'S ACTIVITY SUMMARY (CID Regulation 195-1) </div>	<div style="display: flex; justify-content: space-between;"> Control Number 0000-03-CID000-00000 b7C-1, b6-1 </div>
0400Z, DATE, AND AGENT	Obtained copy of Iraq Police Report on [redacted] (See AIR)
1:20/T:30 0515, T:45 1130, A:75 1245, I:15 0645Z, 7 Jun 03 [redacted] b7C-1, b6-1 A:30 0645Z, 7 Jun 03 [redacted] b7C-1, b6-1 1:30 1300Z, 6 Jun 03 [redacted] b7C-1, b6-1 DELAYED ENTRY A:30 0600hr 08 Jun 2003 Zulu [redacted] b7C-1, b6-1 A:30 0605Z, 8 Jun 03 [redacted] b7C-1, b6-1 1:30 0800Z, 9 Jun 03 [redacted] b7C-1, b6-1 1:30 0550Z, 10 Jun 03 [redacted] b7C-1, b6-1 1:30 0400Z, 13 Jun 03 [redacted] b7C-1, b6-1 0400Z, 13 Jun 03 [redacted] b7C-1, b6-1	Arrived BIAP, Briefed SAC [redacted] b7C-1, b6-1 Prepared casefile, drafted Initial Rpt Coord with CPT [redacted] b7C-3, b6-3 Requested 15-6 Copy (See AIR) Prepared casefile. To SAC for review, transmittal of Initial Rpt and Poly Request. Coordinating Interviews of remaining witnesses at 1 st AD D-MAIN TOC. Turned evidence into evidence custodian SAC Review... On 07 Jun 2003 turned in initial and request for a polygraph to the 10 th MP BN on subject, SSG [redacted] Continue with IP and inform SAC of any significant activities. b7C-5, b6-5 Attempting to coordinate remaining interviews with LT [redacted] b7C-3, b6-3 82 nd LNO. Pending interviews. Still attempting to schedule interviews, commo/logistical problems.... Coordinated with LT [redacted] b7C-3, b6-3 to have SSG [redacted] b7C-1, b6-1 moved to the DMAIN TOC for a technical interview on 11 Jun 03, after being told poligrapher will be here that day. No word on time frame, OPS [redacted] b7C-1, b6-1 stated he would find out ETA and get back to us. Need to get time of Int for SSG [redacted] b7C-5, b6-5 maybe have 113 team, SGT [redacted] b7C-5, b6-3 and RTO come up with SSG [redacted] b7C-5, b6-5 and get those interviews completed at same time... Int of PFC [redacted] b7C-3, b6-3 (RTO) completed. (See AIR) Int of SGT [redacted] b7C-3, b6-3 (gator driver) completed (See AIR)

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AGENT'S ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number
TIME, DATE, AND AGENT		SUMMARY OF INVESTIGATIVE ACTIVITY
0500Z, 13 Jun 03 SA [REDACTED] b7C-1, b6-1 I: 60	<p style="text-align: center;">b7C-5, b6-5</p> <p>Spoke with SSG [REDACTED] who stated he had sought legal counsel with CPT [REDACTED] TDS, BIAP, who advised him not to undergo a Technical Interview. SSG [REDACTED] appeared to want to "clear up the matter" and suggested that he return to TDS for guidance. Provided TX contact number to PMO/CID and offered for TDS to accompany him back, if he decided to take poly. b7C-3, b6-3 b7C-5, b6-5</p>	
0900Z, I: 15	<p style="text-align: center;">b7C-3, b6-3</p> <p>Briefed CPT [REDACTED] on poly declination. Requested that he coord with supporting TDS and have him coord with this office.</p>	
0800Z, 14 Jun 03 [REDACTED] b7C-1, b6-1 I: 30	<p style="text-align: center;">b7C-3, b6-3</p> <p>Coord with CPT [REDACTED] TDS, he will not agree to having SSG [REDACTED] take an exculpatory poly. b7C-5, b6-5</p>	
0400Z, 17 Jun 03 [REDACTED] b7C-1, b6-1 I: 10	<p style="text-align: center;">b7C-3, b6-3</p> <p>Rec'd an e-mail from SFC [REDACTED] 300-641 [REDACTED] which related that she had a lead on the stolen money pertaining this investigation.</p>	
0500Z, I: 90	<p>Attempted contact numerous times, above number goes to an unidentified PMO. Unidentified Bn HQ TX is 300-580 [REDACTED] Unable to get through to that number. Called first number back, requested they leave a message for SFC [REDACTED] to call CID Office. b7C-3, b6-3 b7C-5, b6-5</p>	
1230Z, I: 15	<p style="text-align: center;">b7C-3, b6-3</p> <p>Contacted by CPT [REDACTED] inquiring if this SA had rec'd the 15-6 copy which he dropped off to 1 AD PMO a week ago. Told him negative. He will get a second copy here, ASAP.</p>	
1300Z, I: 10	<p style="text-align: center;">b7C-3, b6-3</p> <p>Contacted PMO again. Requested SFC [REDACTED] call ASAP.</p>	
1700Z, I: 15	<p style="text-align: center;">b7C-3, b6-3</p> <p>Contacted by SFC [REDACTED] Her lead had nothing to do with this case.</p>	
1130Z, 19 Jun 03 [REDACTED] b7C-1, b6-1 T: 30	<p>Enroute Gazaliha PD for interview of two sons.</p>	
1215Z, I: 60	<p style="text-align: center;">b7C-4, b6-4</p> <p>Sig Ints of two [REDACTED] sons (See AIR)</p>	
1315Z, T: 30	<p>Traveled back to BIAP</p>	
0400Z, 20 Jun 03 [REDACTED] b7C-1, b6-1	<p style="text-align: center;">b7C-3, b6-3 b7C-3, b6-3</p> <p>Sent E-Mail to SJA [REDACTED] at [REDACTED]@us.army.smil.mil Requesting a phone call to discuss case facts.</p>	

AGENT'S ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number	J014-03-CID899
TIME, DATE, AND AGENT		SUMMARY OF INVESTIGATIVE ACTIVITY	
0400Z, 20 Jun 03 [REDACTED]		Worked on AIRs/Final/AAS	
1000Z, b7c-1, b6-1		Coord with CPT [REDACTED] IPC (See AIR) b7c-3, b6-3	
1200Z,		Prepared AIR/Closed File/ To SAC for review and transmittal of Final Rpt	
1000hr 20 Jun 03 Zulu [REDACTED] b7c-1, b6-1		SAC Review... Based on SJA review and opinion, close case, Final C.	
		A: 195 T: 225 I: 840 .0015: none	

AGENTS ACTIVITY SUMMARY (CID Regulation 193-1)		Control Number 0014-03-C10877-63484
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
27 Jun 03 [REDACTED] b7C-1, b6-1	<u>DISTRIBUTION</u> - USACRC - CMDR, HHC 1/325th INF (ABN) - PM, 1st AD - STA, 1st AD (via email)	
10 Feb 04 [REDACTED] b7C-1, b6-1	AOPS reviewed.	
[REDACTED] b7C-1, b6-1 Nov-9-2004	4833 - USACRC - File	

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AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number 0014-03-CID899-63484
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
17 Jun 04 SA [REDACTED] b7C-1, b6-1	Received casefile from SAC who stated casefile needed to be reopened as per USACIDC recommendations and review.	
18 Jun 04 SA [REDACTED] b7C-1, b6-1	Reviewed casefile, recommendations are to attempt and interview four potential witnesses to this incident; however, the information to locate these four individuals is very vague. Will attempt to locate these individuals through the unit's 15-6 officer and by contacting the BN directly but no names were given. Then coordination with SJA will be made to correct the final submitted by 323 rd .	
19 Jun 04 SA [REDACTED] b7C-1, b6-1	Looked through the 1AD phone book and no 113 th armor was located. Will determine their home station as they probably redeployed.	
21 Jun 04 SA [REDACTED] b7C-1, b6-1	Found the 15-6 officer on the AKO web search page and e-mailed CPT [REDACTED] to determine if has any records from this incident and would be able to assist in locating the four individuals at the check point. Notified by SAC that a 1 st Supplemental report needed to be drafted in order to officially reopen the case.	
22 Jun 04, 1200 SA [REDACTED] b7C-1, b6-1	Drafted 1 st Supplemental Report. To SAC for review and dispatch.	
22 Jun 04 [REDACTED] b7C-1, b6-1	<p>SAC Review:</p> <ol style="list-style-type: none"> 1. Sent Supplemental Report 2. We need to get an IP into this case. Look at leads remaining to complete your IP. 3. Let's get this case as soon as possible. 4. To SA [REDACTED] for completion. b7C-1, b6-1 	

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AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0014-03-CID899-63484
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
0900, 23 Jun 04 SA [REDACTED] b7C-1, b6-1	Noted SAC's comments. Added IP to casefile.	
1000, 25 Jun 04 SA [REDACTED] b7C-1, b6-1	Still no response from 15-6 officer. Will attempt to contact 113 th Armor directly but with no names and not even a company or platoon to focus on, these four individuals may not be located.	
1345, 27 Jun 04 SA [REDACTED] b7C-1, b6-1	E-mailed CPT [REDACTED] b7C-3, b6-3 a second 15-6 officer appointed in the case to determine if he has any information on the four individuals.	
0930, 28 Jun 04 SA [REDACTED] b7C-1, b6-1	Coordinated with Division who stated 113 th Armor were no longer in theater and were not sure what brigade they fell under.	
2050, 28 Jun 04 SA [REDACTED] b7C-1, b6-1	Received an e-mail from CPT [REDACTED] b7C-3, b6-3 who stated he did interview the four soldiers from 113 th Armor and they did not see what occurred during the incident on 5 Jun 04; however, he did not have any documentation and did not know how to contact the soldiers as he doesn't have their info. See E-mail attached to casefile.	
1000, 29 Jun 04 SA [REDACTED] b7C-1, b6-1	Have not heard anything back from CPT [REDACTED] b7C-3, b6-3	
1000, 2 Jul 04 SA [REDACTED] b7C-1, b6-1	Discussed with SAC who stated since CPT [REDACTED] b7C-3, b6-3 verified that the soldiers were interviewed at one point and did not see what occurred, there is no need to continue to locate them. Guidance was to coordinate with SJA, CPT [REDACTED] b7C-3, b6-3 obtain opine again, and then correct Final as it went out with insufficient evidence to prove or disprove but then the offenses were unfounded, which is not in accordance with how CID writes a Final Report. If it's insufficient evidence to prove or disprove then the offenses should stay founded unless we can confirm that an offenses was not committed.	
1115, 2 Jul 04 SA [REDACTED] b7C-1, b6-1	Will attempt to coordinate with SJA tomorrow, 3 Jul 04 and get this one wrapped up. To TC for review and resuspense.	

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AGENT'S ACTIVITY SUMMARY (CID Regulation 25-1)		Control Number 0014-03-CID899-63484
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1300, 2 Jul 04 [REDACTED] b7c-1, b6-1 T:0 1A:30	TC: Received and reviewed. Concur with SAC's guidance. Discussed case with C/A. Based on previous coordination with CPT [REDACTED] b7c-1, b6-1 revealed the soldiers in question are unknown; however, he indicated they were previously interviewed during the conduct of his investigation and they did not see anything because they were behind a berm. Coordinate with OSJA and prepare final by next review. I will be on R & R leave during my next review; however, it will be conducted by the SAC.	
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AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0014-03-CID899-6384
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1600, 2 Jul 04 SA [REDACTED] b7C-1, b6-1	Noted TC comments. Will do.	
1430, 3 Jul 04 SA [REDACTED] b7C-1, b6-1	Could not get in contact with CPT [REDACTED] b7C-3, b6-3 for opine.	
1500, 6 Jul 04 SA [REDACTED] b7C-1, b6-1	Coordinated with CPT [REDACTED] b7C-3, b6-3 who provided an opine. See AIR.	
2140, 6 Jul 04 SA [REDACTED] b7C-1, b6-1	Drafted Final Supplemental Report. To TC/SAC for review and closure.	

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AGENT'S ACTIVITY SUMMARY (CID Regulation 195-1)		Control Number 0014-04-CID899-63484
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
0900, 7 Jul 4 [REDACTED] b7C-1, b6-1 T.O IA:60 7 Jul 04 SAC Review	TC: Received and reviewed. Discussed with SAC. Attempted to coordinate with CPT [REDACTED] Drafted a REA and dispatched to Fort Bragg CID to locate, re-interview SSG [REDACTED] and afford him the opportunity to undergo a polygraph examination. Will coordinate with OSJA after the receipt of the REA to determine if we can unground the offense of robbery as it pertains to [REDACTED] and [REDACTED] based on the victim and their interview's. It appears as if only SSG [REDACTED] could have stolen the money and the victim and [REDACTED] statements imply the same. FSU will be delayed pending additional investigative activity. Number your AAS. To SAC for review.	
	Agree with TC. There's no other possible leads that office could pursue. We will keep this open until we receive the REA and coordinate with SSA again.	

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AGENT'S ACTIVITY SUMMARY (CID Regulation 1-5-1)		Control Number
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
0900, 7 Jul 04 [REDACTED] b7C-1, b6-1 T:01A:45	Prepared a RFA and emailed to Fort Bragg to re-interview SSG [REDACTED] b7C-5, b6-5 and afford him the opportunity to undergo a polygraph examination.	
1840, 7 Jul 04 [REDACTED] b7C-1, b6-1 T:01A:10	Received an email from SA [REDACTED] b7C-1, b6-1 Fort Bragg CID, which indicated the interview was completed. SSG [REDACTED] b7C-5, b6-5 requested an attorney.	
1000, 8 Jul 04 [REDACTED] b7C-1, b6-1 T:01:20	Attempted to coordinate with CPT [REDACTED] b7C-3, b6-3 but was met with negative results.	
1100, 10 Jul 04 [REDACTED] b7C-1, b6-1 T:01A:45	<p>About 1100, 10 Jul 04, SA [REDACTED] b7C-1, b6-1 coordinated with CPT [REDACTED] b7C-3, b6-3 Trial Counsel, Office of the Staff Judge Advocate (OSJA), Baghdad International Airport, Baghdad, Iraq (BIAP), who concurred that the offense of Robbery should be unfounded. Further, CPT [REDACTED] b7C-3, b6-3 opined probable cause exists to believe SSG [REDACTED] b7C-5, b6-5 committed the offenses of Wrongful Appropriation and Dereliction of Duty.</p> <p>AGENT's COMMENT: CPT [REDACTED] b7C-3, b6-3 stated he recalled the three subjects being tried by a Summary Courts-Martial; however, he was uncertain of the results as the court occurred at Fort Bragg, NC.</p> <p>Briefed SAC.</p> <p>To C/A for completion.</p>	

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AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0014-03-CID899-63484
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1045, 12 Jul 04 SA [REDACTED] b7c-1/b6-1	C/A returned from R&R Pass and reviewed casefile.	
0830, 17 Jul 04 SA [REDACTED] b7c-1/b6-1	Casefile pending receipt of Info Report from Fort Bragg for closure. To SAC for SAC and TC review.	
17 July 04 [REDACTED] b7c-1/b6-1	<p>SAC Review:</p> <ol style="list-style-type: none"> 1. We need to make sure we stay on top of this. 2. To SA [REDACTED] b7c-1/b6-1 for completion. 	

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AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0014-03-CID899-63484
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1630, 28 Jul 04 SA [REDACTED] b7C/b6-1	Received Info Report from Fort Bragg. Will add to casefile.	
1611, 5 Aug 04 SA [REDACTED] b7C/b6-1	<p>Needed to draft 2nd Supplemental to add Gov't as victim of Dereliction of duty.</p> <p>Drafted 2nd Supplemental and Final Supplemental Reports. To TC for review.</p>	
5 Aug 04 [REDACTED] b7C/b6-1	<p>TC: Received + reviewed. Discussed with SAC. Since case + subjects were tried by summary court martial a supplemental will not be prepared to add the charges of dereliction of duty + wrongful apprehension. Complete FSU not discussed. Case late for TC review</p>	

CID FORM 28
1 Oct 80

PREVIOUS EDITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED

13

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0014 - 03 - CID899 - 63484
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1000, 6 Aug 02 SA [REDACTED] b7C-1, b6-1	Noted TC's comments: Will correct Final Supplemental.	
1100, 7 Aug 04 SA [REDACTED] b7C-1, b6-1	Made corrections to FSU. To TC for review.	

CID FORM 28
1 Oct 80

PREVIOUS EDITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED

0014

AGENTS ACTIVITY SUMMARY (CID Regulation 195-1)		CONTROL NUMBER 0014-03-CID 899-63484
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	
1100, 12 Aug 04 SA [REDACTED] b7C-1, b6-1	Received casefile back from DET CDR who stated SSG [REDACTED] offense should not be unfounded since CID can not say with certainty that the offense did not occur. Will add Agent's Comment to AIR and make corrections to FSU.	
1615, 16 Aug 04 SA [REDACTED] b7C-1, b6-1	Discussed with CDR how he wanted Final Supplemental and AIR written and made corrections to AIR and Final Supplemental Report. To TC for review.	
22 Aug 04 [REDACTED] b7C-1, b6-1	Diseno completed.	

CID FORM 28
1 Oct 80

PREVIOUS EDITIONS OF THIS FORM WILL BE USED UNTIL EXHAUSTED

86-15

Page(s)

16-21

Referred to:

U.S. ARMY HUMAN
RESOURCES COMMAND
ATTENTION: AHRC-FOI, RM 7S65
200 STOVALL STREET
ALEXANDRIA, VIRGINIA 22332-0404

MR. THOM JONES
thom.jones@hoffman.army.mil
(703) 325-4053

DATA REQUIRED BY PRIVACY ACT												
AUTHORITY: Title 10, United States Code Section 1012 (g)			ROUTINE USES: Your social security number and other personal information are used as an additional/alternate means of identification to facilitate and retrieval									
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.						DISCLOSURE: Disclosure of your social security # is voluntary						
1. Rec Code:	2. Action Code:	3. Date:	4. Ref to Case:	5. Control:	6. Sequence #	7. Year:	8. Office	9. ROI #	Offense:			
					0014	03	CID	899	63484			
10. Last Name:			11. First Name:			12. Middle Name:			13. Grade/Rank:			
b7C-5, b6-5			b7C-5, b6-5			NMN			E-6/SSG			
14. Social Security Number:			15. Other ID Number:			16. Date of Birth:			17. POB City:			18. POB St:
b7C-5, b6-5			b7C-5, b6-5			b7C-5, b6-5			b7C-5, b6-5			
20. Sex:	21. Race:	22. Ethnic:	23. Height:	24. Weight:	25. Hair:	26. Eye Color:	27. Citizen:	28. Educ:	29. Prior Record:	30. Marital:		
Male	Hispanic		67"	147 lbs	Black	Brown	US	12/HS	YES	Married		
31. MOS:	32. Job Description/Location:		33. MC:	34. Security Ctr:		35. Physical Marks/ Tattoos:			36. Spouse Military:		Branch:	
11B	Infantryman		FC	Secret		b7C-5, b6-5			Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>			
37. Alias/Nicknames:				38. Alias/Nicknames:				39. Alias/Nicknames:				
40. Unit/ Organization:						41. Unit Phone Number:			Home: Cell/Pager:			
C Co, 1/325 AIR						2			b7C-5, b6-5			
42. Military Service:		43. Sub Unit:		44. Fort/City:		45. State:		46. Country:		47. Zip Code/APO:		
Army				Fort Bragg		NC		US		28310		
48. Home Address:			49. City:			50. State:			51. Country:			52. Zip Code/APO:
b7C-5, b6-5			b7C-5, b6-5			b7C-5, b6-5			b7C-5, b6-5			b7C-5, b6-5
53. JUV:	54. Family Rel:	55. Last Name:			56. First Name:			57. Middle Name:				
58. Social Security:			59. Grade/Rank:			60. MC:			61. Unit:			
62. City:		63. State:		64. ZIP/APO:			65. Phone:		Wk:		Hm:	
66. Offense Code:		67. UPC:		68. Offense Code:		69. UPC:		70. Offense Code:		71. UPC:		72. Offense Code:
73. UPC:												
Telephone:		ETS:		PCS/DEROS:			Date / Time Interview START:			Date: Time:		
Place of Interview						Date / Time Interview END:			Date: Time:			
Disposition:												
74. Category:		75. Type:		76. Recovered:		77. Value:		78. Insurer:		Policy:		Year/Date Exp:
				Yes: <input type="checkbox"/> No: <input type="checkbox"/>								/
79. Year:		80. Make:		81. Model:		82. Vehicle Style:		83. # of Doors:		84. Color:		85. Size:
86. VIN:				87. License Plate:		88. State:		89. DOD Decal Number:				
NOTES:												
HOR:												
CMDR:												
ISG:												

CID FORM 44-R, Online version

FHTX, 1999

[illegible]

INVESTIGATIVE WORKSHEET

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

Title 10, United States Code, Section 3012(g).

ROUTINE USE:

Your social security number and other personal information are used as an administrative means of identification in this form and related.

PRINCIPAL PURPOSE: To provide communication and law enforcement officials with means by which information may be accurately identified.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1 REC CODE A4	2 ACTION CODE 1	3 DATE SUBMITTED 1	4 REC NUMBER 0014	5 YEAR 03	6 UNIT 899	7 NO NUMBER 63484	8 REL TO CASE # 1	9 CONTROL # 1
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INDIVIDUAL DATA

10 LAST NAME [REDACTED] b7c, b6, b5	11 FIRST NAME [REDACTED] b7c, b6, b5	12 MIDDLE NAME NMN	13 GRADE E6
14 SOCIAL SECURITY NUMBER [REDACTED] b7c, b6, b5	15 OTHER ID NUMBER [REDACTED] b7c, b6, b5	16 DOB [REDACTED] b7c, b6, b5	17 RESIDENCY [REDACTED] b7c, b6, b5
18 SEX M	19 RACE B	20 ETHNIC 1	21 HEIGHT 67"
22 WEIGHT 142	23 HAIR COLOR BLK	24 EYE COLOR BRN	25 COUNTRY US
26 STATE 12	27 MARRIAGE M	28 MARRIAGE [REDACTED] b7c, b6, b5	29 MARRIAGE [REDACTED] b7c, b6, b5
30 MOS 1162V	31 MCAC FC	32 POSITION [REDACTED] b7c, b6, b5	33 INDUSTRY [REDACTED] b7c, b6, b5
34 SECURITY [REDACTED] b7c, b6, b5	35 PHYSICAL MATES [REDACTED] b7c, b6, b5	36 ALIAS-NICKNAME [REDACTED] b7c, b6, b5	37 ALIAS-NICKNAME [REDACTED] b7c, b6, b5

40 ORGANIZATION HHC 1/325 Scout 82nd AIR	41 IF CONTRACTOR, CONTRACT # [REDACTED] b7c, b6, b5
42 MILITARY SVC [REDACTED] b7c, b6, b5	43 SUBUNIT [REDACTED] b7c, b6, b5
44 PORT/CITY FT Bragg	45 STATE NC
46 COUNTRY US	47 ZIP CODE/PO 28310
48 ADDRESS [REDACTED] b7c, b6, b5	49 CITY [REDACTED] b7c, b6, b5
50 STATE [REDACTED] b7c, b6, b5	51 ZIP CODE [REDACTED] b7c, b6, b5

FAMILY MEMBER DATA

52 JOY 1	53 FAMILY REL [REDACTED] b7c, b6, b5	54 SPONSOR LAST NAME [REDACTED] b7c, b6, b5	55 SPONSOR FIRST NAME [REDACTED] b7c, b6, b5	56 SPONSOR MIDDLE NAME [REDACTED] b7c, b6, b5
57 SOCIAL SECURITY NUMBER [REDACTED] b7c, b6, b5	58 SPON GRADE [REDACTED] b7c, b6, b5	59 SPON MCAC [REDACTED] b7c, b6, b5	60 SPON UNIT ADDRESS [REDACTED] b7c, b6, b5	61 SPON CITY [REDACTED] b7c, b6, b5
62 SPON STATE [REDACTED] b7c, b6, b5	63 SPON ZIP CODE/PO [REDACTED] b7c, b6, b5	64 SPON CITY [REDACTED] b7c, b6, b5	65 SPON ZIP CODE/PO [REDACTED] b7c, b6, b5	66 SPON CITY [REDACTED] b7c, b6, b5

OFFENSE

67 OFFENSE CODE [REDACTED] b7c, b6, b5	68 UIC [REDACTED] b7c, b6, b5	69 OFFENSE CODE [REDACTED] b7c, b6, b5	70 UIC [REDACTED] b7c, b6, b5	71 OFFENSE CODE [REDACTED] b7c, b6, b5	72 UIC [REDACTED] b7c, b6, b5	73 OFFENSE CODE [REDACTED] b7c, b6, b5	74 UIC [REDACTED] b7c, b6, b5
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ADMINISTRATIVE DATA

TELEPHONE # [REDACTED] b7c, b6, b5	ETS [REDACTED] b7c, b6, b5	PCS/ORDS [REDACTED] b7c, b6, b5	DATE INTERV [REDACTED] b7c, b6, b5	TIME INTERV [REDACTED] b7c, b6, b5
PLACE OF INTERVIEW [REDACTED] b7c, b6, b5	DATE INTERV [REDACTED] b7c, b6, b5	TIME INTERV [REDACTED] b7c, b6, b5	PLACE OF INTERVIEW [REDACTED] b7c, b6, b5	FINGERPRINT [REDACTED] b7c, b6, b5
VEHICLE DATA [REDACTED] b7c, b6, b5	DISPOSITION [REDACTED] b7c, b6, b5	PHOTO [REDACTED] b7c, b6, b5		

CORPORATION DATA

74 CONTRACTOR NUMBER [REDACTED] b7c, b6, b5	75 FED SERV/PROD # [REDACTED] b7c, b6, b5	76 CORPORATION NAME [REDACTED] b7c, b6, b5
77 CORP ADDRESS [REDACTED] b7c, b6, b5	78 CORP CITY [REDACTED] b7c, b6, b5	79 CORP STATE [REDACTED] b7c, b6, b5
80 CORP ZIP CODE [REDACTED] b7c, b6, b5	81 CORP ZIP CODE [REDACTED] b7c, b6, b5	82 CONTRACT NUMBER [REDACTED] b7c, b6, b5

NOTES [REDACTED] b7c, b6, b5	<p>a- Darkened boxes are mandatory</p> <p>r- ROI</p> <p>i- Individual</p> <p>g- Government</p> <p>d- Dependence</p> <p>c- Corporation</p>
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CID FORM 44-R

EDITION OF 1 AUG 87 WILL BE USED UNTIL EXHAUSTED
ELEO Revision 24 MAR 88

Army-Fort Lee, VA-8169-88-15M-4

NKS

200104

0014-03-895-63484

FINAL OR FINAL?

Ex 8/7?

NO INT OF SONS?

✓ [REDACTED]

[REDACTED] b7C-3, b6-3

✓ [REDACTED] b7C-3, b6-3

1506 m

✓ [REDACTED] b7C-3, b6-3

✓ [REDACTED] (SUB) b7C-5, b6-5

✓ [REDACTED] b7C-3, b6-3

✓ [REDACTED] b7C-3, b6-3

L/P taken from
frank

[REDACTED]

✓ [REDACTED] (D N) b7C-3, b6-3

✓ [REDACTED] (15-6) b7C-3, b6-3

NO CCPD in final

[REDACTED] b7C-3, b6-3

[REDACTED] b7C-5, b6-5

✓ [REDACTED] b7C-5, b6-5

✓ [REDACTED] b7C-5, b6-5

b7C-5, b6-5

- Struct is shallow

CCPD not at
bottom of the
list

✓ [REDACTED] b7C-5, b6-5

✓ [REDACTED] b7C-5, b6-5

✓ [REDACTED] b7C-3, b6-3

9833 indicates
guilty, but ff
was unfounded

✓ [REDACTED] b7C-3, b6-3

✓ [REDACTED] b7C-3, b6-3

✓ [REDACTED] b7C-3, b6-3

✓ [REDACTED] b7C-3, b6-3

NO STAFF for unfounded

[REDACTED] b7C-3, b6-3

[REDACTED] b7C-3, b6-3

✓ [REDACTED] b7C-3, b6-3

opened 4 JNO3
closed 20 JNO3

REVIEW BY CW4 [REDACTED]

b7C-1,

NOTES.

b7C-1, b6-1

[REDACTED] @us-army.mil

b7C-1, b6-1

(314) 485- [REDACTED]

