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DEPARTMENT OF THE ARMY UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND 323D MILITARY POLICE DETACHMENT (CID)(DSE) UNIT #822655 APO AE 98324-2865



AFRC-CMN-MPL-B

30 JAN 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C) - 0197-03-CID899-63586 - 5L5C / 5L3D2 / 7G2A2

DATES/TIMES/LOCATIONS OF OCCURRENCES:

- 1. 2 DEC 2003/0230 / UNKNOWN PRIVATE RESIDENCE 1ST BDE AOR, BAGHDAD, IRAQ
- 2. 12 DEC 2003/ 2400 / UNKNOWN GUARD POINT, 1ST BDE AOR, BAGHDAD, IRAO
- 3. 13 DEC 2003/ 1300 / UNKNOWN GUARD POINT, 1ST BDE AOR, BAGHDAD, IRAQ

| DATE/TIME REPORTED: 17 I | Dec 2003, 0900 570h/b/b/s/2- | | |
|--|---------------------------------|----------------------------|----|
| INVESTIGATED BY: SA | | B76,665 | |
| SUBJECT: 1. | PV2; | | M; |
| WHITE; B CO 1/36 INFANTRY (GIESSEN GE); [LARCENY][V | | | Œ |
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VICTIM: 1. US GOVERNMENT [WRONGFUL POSSESSION AND USE OF A CONTROLLED SUBSTANCE]

2. UNKNOWN IRAQI MALE, BAGHDAD IRAQ [LARCENY]

INVESTIGATIVE SUMMARY:

676366-3

On 16 Dec 03, this office was notified by CPT Trial Counsel, I BDE, SJA, 1AD of the discovery of a soldier from B Co, 1/36 Inf was taking Valium while on guard duty.

Investigation established probable cause to believe that during a cordon and search on 2 Dec 03, but tole several 5000 Iraqi Dinar notes from an unknown Iraqi. PV2 and also stole and 57C-5, 56-5, 55 consumed three pills he believed to be Valium from the unknown Iraqi. Additionally on 12 and 13 Dec 03, PV2 purchased several blister packets containing suspected Valium from an 57C-5, 56-5 unidentified Iraqi Facility Protection Service (FPS) guard, then later consumed some of the Valium.

-FOR OFFICIAL USE ONLY

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. J0600637 00476 AFRC-CMN-MPL-B SUBJ: CID REPORT OF INVESTIGATION - FINAL (C) - 0197-03-CID899- 63586 - 5L5C / 5L3D2 / 7G2A2

b7C-5) b6-5

On 17 Dec 03, PV2 was interviewed and confessed to taking the money and pills, and admitted to purchasing the Valium and consuming it prior to being caught.

676-51 66-5 On 13 Jan 04, PV2 was re-interviewed and admitted to attempting to purchase heroin in the weeks following his initial interview with CID by asking Iraqi contractors to obtain heroin for

STATUTES:

Article 121, UCMJ: Larceny

Article 112a, UCMJ: Wrongful Possession and Use of a Controlled Substance (Valium)

Article 103, UCMJ: Failure to turn in Captured or Abandoned Enemy Property

Article 80, UCMI: Attempts (Article 112a, Wrongful Possession of a Controlled Substance, Heroin)

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agents Investigative Report (AIR) of SA 23 Jan 04, detailing the rights advisement and statement of PV2 nterviews of SSG subsequent re-674-7,49,49,6 NSG: advisement of his rights of PV2 and second statement of PV2 as well as SJA-470-5,5,66 Coordination. 1X-5166-5 676-5066-5

- 2. Waiver Certificate of PV2 and and sworn statement of PV2 17 Dec 03 admitting to stealing the Iraqi Dinar and the Valium pills and consuming the pills as well as purchasing additional Valium and consuming some of them.
- 676-4, 66-4 Sworn statement of SSG 15 Dec 03, outlining his finding the Valium while; conducting a Commander authorized search.
 - 4. Unit chain of custody of the collected Valium taken by SSQ

Sworn Statement of CPI 15 Dec 03 indicating he saw PV2 post while on guard duty to purchase Valium.

- 676-466-4 Sworn Statement of PV24 15 Dec 03, indicating he talked to PV2 drug use and asked him to stop using drugs.
- 676-4566-4 Swom Statement of SPC 15 Dec 03, indicating he talked to PV2 his drug use.

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13. Evidence Property Custody Document, 17 Dec 03, documenting the collection of the Valium and the Iraqi Dinar.

Not Attached:

Retained in the evidence depository:

- 14. (45) Iraqi 5000 Dinar in currency
- Empty Blister packet of alleged Valium.
- (2) blister packets containing suspected Valium.

The originals of Exhibits 1 through 12 are attached to the USACRC copy of this report. The original of Exhibit 13 is retained in the files of the evidence depository, 3rd MP Group FWD, Camp Arifjan, Kuwait.

STATUS: This is a Final (C) Report. This investigation is being terminated IAW paragraph 4-14a(4), CIDR 195-1. The supported SJA The prosecutor is of the opinion that sufficient evidence is available to prosecute the perpetrator for the offenses, that additional investigation would produce only cumulative and unneeded evidence, and that the identification of additional offenders or offenses is unlikely. Leads remaining: Laboratory analysis of the seized Valium pills. Commander's Report of Disciplinary Action Taken (DA Form 4833) is pending.

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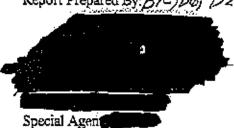
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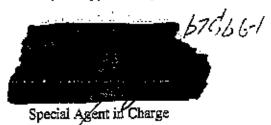
SUBJ: CID REPORT OF INVESTIGATION - FINAL (C) - 0197-03-C110899- 63586 - 5L5C /

SL3D2 / 7G2A2

Report Prepared By: 674



Report Approved By:



DISTRIBUTION:

1 - DIR, USACRC (original), Fort Belvoir, VA 22060

1 - THRU: CDR, 1/36 Inf Bn, Baghdad, Iraq

TO: CDR, B Co, 1/36 Inf Bn, Baghdad, Iraq 1 - TERU: CDR, 10th MP Bn (CID)(FWD), APO AE 09336

TO: CDR, 3rd MP Group (CID)(FWD), APO AE 09336

1 - SJA (ATTN: LTC 4 151 AD, APO AE 09324 676 366 3

1 - PMO (ATTN: MAJ 3151 AD, APO AE 09324 (electronic copy only)(less exhibits) 676-3/6-3

1 - File

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| | ROI NUMBER |
|---|---|
| AGENT'S INVESTIGATION REPOR | 0197-03-CID899-63586 |
| GID Regulation 195-1 | PAGE 1 OF 3 PAGES |
| DETAILS | b74766-3 |
| Basis for Investigation: About 1400, 16 Dec 03, This o BDE, Trial Counsel, 1AD of the discovery of a soldie using Valium. | |
| 67666-1 | b76/56-3 |
| About 0906, 17 Dec 04, S/ Exhibit 15). | dence for CPL the Valium, |
| About 1016, 17 Dec 03, SA | thibit _2_). PV2 waived his rights and bro-5/6-5 to purchasing what he believed to be Valium 5/6-5 rds at a site they were guarding. PV2 |
| during a cordon and search in Baghdad Iraq. | 1 de las |
| About 1210, 13 Jan 04, SA interviewed S 1/36 Inf, Baghdad, Iraq, SSC continued his st | BSG B Co, tatement of December 15, 2003 (Exhibit 4) |
| CPT and authorized a health and welfare search. | n the concerns they had with PV2 and and SSG with the result of the second with the result of the second with |
| search, they found the suspected Valium, about 20 to packet which appeared to be the same type blister, produce any additional discoveries. SSG weapon from PV2 and they sent him back to the found the tablets and then turned them over to SFC custody, SSG started a paper indicating he | pack. The reminder of the searches did not then went with SFC and stated took the e company. SSG and stated he initially in an attempt to maintain a chain of |
| (Exhibit 5.). | b71.7651 |
| About 1220, 13 Jan 04, SA | |
| 1/36th Inf, Baghdad, Iraq. CPL | nis statement of 15 Dec 03 (Exhibit _6_) and |
| | stated he had heard a few days prior |
| that PV2 was using drugs but did not have any f | saw him head toward the FPS guard shack. |
| in that general direction. According to CPL | He had heard that PV2 |
| purchasing Valium from the FPS guards but did not have back-1 | ve any first hand knowledge of the event. |
| About 1230, 13 Jan 03, SALL Committeeviewed P | V2 |
| Co. 1/36 Inf, Baghdad, Iraq. PV2 | his statement of 15 Dec 03 (Exhibit _7_) and |
| | orn to his statement by SA |
| SA 3230 | MP DET (CID)(DSE), Unit #92955 AE 09324-2955 |
| SIGNATURE DATE | - EXHIBIT |
| | 100000 2004 |
| FOR OFFICIAL US | 3 January 2004 // // // SE ONLY |
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| AGENT'S INVESTIGATION REP | PORT ROI NUMBER 0197-03-CID899-63586 | |
|--|---|--------------|
| CID Regulation 195-1 | PAGE 2 OF 3 PAGES | |
| DETAILS 1/2016-9 676 | 566-5 | |
| stated he had confronted PV2 | Pin the past about using days and had fold him to | |
| stop and get rid of any else he had. PV2 | in the past about using drugs and had told him to | |
| suffered because his electross was not there. P | PV2 stated he didn't feel he could depend | |
| on him to do his job. | stated he didn't see he could depond | |
| 1.75/26-1 | 6763667 | |
| | | |
| | ewed SPO B Confirmed his statement he wrote on 15 Dec 03 | |
| (Exhibit _8_) and was swom to the statement | nt by SA Statement He wrote on 19 stated he | |
| suggested in the past that OV | are drug but was not ours until he confronted him | |
| Specied in the dast that PV2 was on son | some drug but was not sure until he confronted him. able working around PV2 | |
| | | |
| use and did not think PV2 | sh his job when under the influence of the drugs. | |
| About 1250, 12 Jan 04 SA | bウンガルタ ewed SPC | |
| About 1250, 13 Jan 04, SA | ewed SPC | |
| 1/36 Inf, Baghdad, Iraq. SPC | ed his statement of 15 Dec.03 (Exhibit 9,) and was | |
| Sworn to the statement by SA | re. This event occurred about the 14th of Decembers | ٠ ــ |
| valium and then PVZ | re. This event occurred about the 14 of December 47,3%. | \$ |
| 2003. According to SPU the way he ki | knew the drug was Vallum was because PFC | |
| told him what it was and that the Iraqi Nationals h | had told PV2 | |
| SPO | and welfare search, nor did he see what had been | |
| | comfortable working with PV2 | |
| dependable. | | |
| About 1400 40 to 04 50 50 | 6-1 | |
| About 1425, 13 Jan 04, SA | erviewed CPT stated he had been contacted by SFC | |
| Commander, B Co, 1/36 Int, Baghdad Iraq. CP | stated he had been contacted by Shot | |
| on December 15, 2003 and advised | ed me that some soldiers from the squad had | |
| approached him and advised him PV2 | nad been acting oddly. 'SFC trues informed me | |
| that there were rumors that PV2 | n contacting the FPS guards for drugs and the asked \$72.5 | 2٠ |
| tor my guidance on the handling of the matter. I | I authorized him to conduct a search of PV2 | |
| and all the individuals in the area to determine the | the extent of the problem we were faced with. He | |
| contacted me later in the attempon and advised in | d me he had discovered some pills when conducting | |
| the search of PV2 | | |
| b7636-1 | rviewed 1SG | |
| About 1445, 13 Jan 04, SA | rviewed 1SG B Co, 1/36" Int/s/2/3 | % ~ ₹ |
| Baghdad Iraq. 1SG | nately one week after the CID interview of PV2 | |
| he received information PV2 | ched two Local National Workers and asked them if | |
| ne could purchase meroin. The local National | nal workers reported the incident to the 1SG and | |
| | ments have been translated (Exhibit _11_) indicating | |
| a soldier approached them and requested to purc | | |
| TYPED AGENTS NAME AND SEQUENCE NUMBER 76,30,62 | ORGANIZATION 323 ^D MP DET (CID)(DSE), Unit #92955 | |
| SA | APO AE 09324-2955 | |
| SIGNATUR | DATE EXHIBIT | |
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| AGENT'S INVESTIGATION RE | PORT ROI NUMBER 0197-03-CID899-63586 | |
|--|---|---|
| CID Regulation 195-1 | | |
| | PAGE 3 OF 3 PAGES | |
| (Exhibit _12_) which he waived and rendered attempting to purchase heroin and stating he too | ised PV2 by bis rights from a DA Form 3881 a written statement (Exhibit _13_) admitting to lik the Valium because it made him feel relaxed. b7(1)6-3 wed SFC B Co, led a written statement (Exhibit _14_) outlining his search authorization and the subsequent search of | 3 |
| committed the offenses of: Larceny, Wrongful Failure to turn in Captured or Abandoned Enemy | Possession and Use of a Controlled Substance, | |
| | | |
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| TYPED AGENT'S NAME AND SEQUENCE NUMBER 476 66/16 2 | ORGANIZATION 323 ^D MP DET (CID)(DSE), Unit #92955 | |
| 6755156-1 | DATE . EXHIBIT | |
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| | RIGH For use | | DUREAWAIVER CERTIS TE Or, the proponent agency is OIXrS | |
| DATA REQUIRED BY THE PRIVACY ACT | | | | |
| AUTHORITY: PRINCIPAL PURPOSE: | To provide como | States Code, Section 3012(; nanders and Jaw enforceme | g) nt officials with means by which information may be accurately identified. | |
| ROUTINE USES: DISCLOSURE: | Your Social Secu | arity Number is used as an a | additional/alternate means of identification to facilitate filing and retrieval. is voluntary. A 7LFMs - 5 D-7LFMs - 5 | |
| TISCHOSURE: | Disclosure of you | ar Social Security Number: | is voluntary. 57796-5 57731/6-5 | |
| Baghdad, Iraq | | | 17 Dec03 10: 16 0197-03-CID899 | |
| 5K/2-5 | · . ' | | 76.56.5 76.136 m | |
| B76766-5 | | PV2 | Baghdad, Iraq | |
| | PART I | · | NON-WAIVER CERTIFICATE | |
| SECTION A. Rights | KILLEN I | ALLOWAY THE EAST | ATOM THE TOTAL COMMENTS | |
| , | | | ······································ | |
| Agent suspected/neoused: _Wrongful Before he/she asked me any que 1. I do not have to answer any o | Possession and us estions about the c questions or say a | and wante se of a controlled substan offense(s), however, he/s nything. | the made it clear to me that Thave the following rights: | |
| Anything I say or do can be a (For personnel subject to the present with me during question for me at no expense to me or be | : UCMI) I have to sing. This lawver | he sight to talk privately | trial. to a lowyer before, during, and after questioning and to have a lawyer. I arrange for at no expense to the Government or a military lawyer detailed. | |
| | | - | or- | |
| present with me during question yent one, a lawyer will be appoint 2709 465-2 | ung. I understand inted for me befor | that this lowyer can be to any questioning begin | | |
| If I am now willing to discuss any time, or speak privately with | s the offense(s) us h a lawyer before | nder investigation, with a enswering further, even | or without a lawyer present, I have the right to stop answering questions at if I sign the waiver below. | |
| 5. COMMENTS (Continue on) | reverse side) | ' | | |
| 76365 | | 1 | - | |
| ECTION B. Waiver | | 121615 | | |
| | above Lemmon | | fense(s) under investigation and make a statement without talking to a | |
| lawyer first and without having | a lawyer present v | with me. | -5 | |
| | SES (if available) | | 3, SIGNATORE OF INTERMINANTE D70 5 | |
| in NAME (Type or Print) | | • | | |
| TE, DRUMBIZATION OR ADDRESS AND | AROME LA | | 76/66-5 | |
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| IN OKGANZATION OR ADDRESS AND T | HOKE | | "6, UKUANKATION OF INVESTIGATOR | |
| | | | 323D MP Det CID | |
| SECTION C. Non-waiver | | | | |
| 1. I do no want to give up my | v richte | - · · · · · · · · · · · · · · · · · · · | | |
| I want a lawyer | A vaRitte | | ☐ I do not want to be questioned or say anything | |
| 2. SIGNATURE OF INTER | VIEWEE | · · · · · | 1 to the want to be questioned at say anything | |
| ATTACE THIS WAIVER CERTIF | CATE TO ANY SU | WORN STATEMENT OF A | YORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED | |
| DA FORM 3881, NOV 89 (| | - " | OF NOV 84 IS OBSOLETE | |

EXHIBIT 2

SWORN STATEMENT

| | | ,,, | | | |
|-----------------|--|--|-------------------|--|--|
| | File Number | : : Baghdad, Irad : 17 Dec 03 | سور / مانخسروس | | |
| | Location | : Baghdad, Irad | K)DG.B | | |
| | Date | : 17 Dec 03 | | | |
| | Time | : 11:05 | | | |
| | Statement of | | • | | |
| | Grade/Status | : PV2 1677 | سي- | | |
| | SSN | | | | |
| .5"1 | Org/Address | 28 Co. 1/36 Inf | Baghdad, Irac | I | |
| 6727 | ====================================== | '£ | | | |
| 670 | | WANT TO MAKE THE | FOLLOWING STATEM | MENT UNDER OATH: | |
| - 45 | A few weeks bac | k, we were conduct: | ing raids on how | ises, and I was sear | ching a home |
| | and I found a la | arge sum of cash. | I took it upon | myself to take app: | oximately |
| | \$120.00 worth of | f Dinar. I then co | ontinued to sear | ch his home and fou | and lots and - |
| = | lots of differer | it pills. There we | ere three pills | the man said that t | hese pills |
| | will help you sl | Leep, go ahead and | take them, so I | put them in my poo | ket without |
| | anyone seeing me | . That was the er | id of that. It | ook the three pills | that night |
| | without anyone r | coticing and after | the raids were | over I went to slee ing with hard sites | : T was |
| | it a day. Abbut | : two weeks rater, | we started work | lower. I then asked | an FPS duard |
| | if he could get | me these mills. I | le said ves. co | problem, I gave him | S20.DD. be |
| | brought me back | three packs of bil | lls. I then por | ped these pills aft | er shifts and |
| | between shifts. | One might on shift | t. I decided th | at I shouldn't be t | aking the |
| | pills, so I thre | w two packs into a | fire. The next | day, my habit kick | æd in so I |
| | asked the FPS ou | ard is he could br | ing me more pil | ls. He returned wi | th my pills |
| | and I stored the | em away, only taki: | ig a flew, hiding | the rest. Then, I | ر چکرے met up with |
| | him again to get | more so I had end | ough to last me | a few weeks, I gave | : him \$20 <u>,000,000</u> |
| قىس ئارىيىسى | | urned sp he still | has my \$20.00. | That's when I got | caught. |
| 3740 | 2, 2, 2,, | 67671,56-1 | | | - Carried State of the Control of th |
| | A By Pv2 | 576566-5 | 1.11 | | |
| 3.7F | | any of the pills | Mutte on darthy | | |
| | | after shifts. Her the influence o | e denne while a | n district | |
| 374 | : Negative. | ter the imidence t | or arags where o | n odey. | |
| | Then you how | ight the Valium, di | d vou always bu | y it from the same | FPS Guard? |
| 27/19 | : Yes, it was | either of | 1 don't | know how to spell | the names. |
| · i J | 25 Describe the | | | | |
| 27 | he i | s skinny, wears a | fake black leat | her coat, sometimes | a green |
| - 9 | coat, has long s | ide burns, and sho | et black hair. | brown eyes. About all and had a lazy | 6 feet tall, |
| - | | | | all and had a lazy | eye, black |
| | hair, short frin | gy dirty hair, gru | ingy looking. | | |
| 1.76 | Then you bou | ight the Valium, di | d they deliver | it on the same day | you ordered |
| | | | | | |
| 4 | • | ift and came back, | I think they se | ll it at the market | , it is legal |
| 1-7/3 | n Iraq. | .d .u e6 +he week | . uon emole or e | end_any of it home? | |
| 1,31,00 | | t \$10.00 worth on | | 70665 | |
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STATEMENT OF CONTENED; Baghdad, Iraq; DATED; December 17, 2003 CONTENUED;

Is all the money that has been recovered all the money that is left? Yes, that is all there is.

Is there any other drugs that have not been found?

No, there is no other drugs.

Did you share the drugs with anyone or give the drugs to anyone else?

Negative, I took them myself.

Is there anything you want to add to this statement?

No.///END OF STATEMENT//

EXHIBIT _ INITIALS OF PERSON MAKING STATEMENT PAGE 2 of 2 pages

OFFICIAL USE ONLY

EXHIBIT _2

AKEN AI: Baghdad, Iraq ; DATED: December 17, 2003 CONFINUED:

AFFIDAVIT

have read or have had read to me this statement which begins on page 1 . 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, UNLAMFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Subscribed and sworn to before me, a person authorized by law to administer oath,

this December 17, 2003, at Baghdad, Iraq.

(Signature of Person Administering Coth)

SPECIAL AGENT 323RD MILITARY POLICE DETACHMENT (CID)

Unit 92955, Baghdad, Iraq APO AE 09324-2955

(Typed Name of Person Administering Oath)

ARTICLE 136 (b) (4) UCMJ

(Authority to Administer Oath)

WITNESS:

INITIALS OF PERSON MAKING STATEMENT

OFFICIAL USE ONLY

EXHIBIT _2

| | | PRIVACY ACT STATEMENT | | |
|--|-------------------------------|---|----------------------|--|
| AUTHORITY: | Title 10 USC Section 301: | Title 6 USC Saction 2951: E.O. 935 | 7 dated Novembe | r 22, 1949 (SSN). |
| PRINCIPAL PURPOSE: | To provide commanders and | d law enforcement officials with the | ans by which info | mation may be accurately |
| ROUTINE USES: | Your social security pumber | ls used as an additional/alternate a | reans of Identificat | sion to fecilitato filing and retrieval |
| | Disclosure of your social se | | | |
| DISCLOSURE: | Disclosure of Your Social Set | 2. DATE (YYYYMMDD) | 3. TIME | 4. FILE NUMBER |
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| BY ME. THE STATEMENT IS TRUE. I HAV | /E INITIALED ALL CORRECTIONS AND F | THE CONTENTS OF THE ENTIRE STATEMENT MADE HAVE INITIALED THE BOTTOM OF EACH PAGE |
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| INITIALS OF PERSON MAKING STATEMENT | | PAGE OF PAGES |

PAGE 3, DA FORM 2823, DEC 1998

67636-4 20 Tablets of Tranquine (Diazepan 10mg) from on 15 Dec 03 at approx. - 1200. I turned overthe evidence 16= Ben 1-36/NF ion 15 Dec 03 at

approx. 1730-6-3 SFC, USA

Platoon Sougeant

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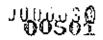
SWORN STATEMENT

| | File Number : 0197-03-CID899-63586 Location : Baghdad, Iraq Date : 13 Jan 04 676-5, 66-5 Time : 1520-676-5, 56-5 Statement of : 676-5, 66-5 Grade/Status : FV2 SSN : 676-5-66-5 Org/Address : B Co, 1/36 Inf, Baghdad, Iraq |
|----------------------|--|
| OF QUADUCA OAK | : How did it make you feel? : Just relaxed. That's really about it. It took my mind off some of the things hat were going on. |
| Q: A: Q: A. | I have been having a lot of cravings for it, I was hoping I could get some. Is there anything you want to add to this statement? |
| | |

| | | | | 676-576 | 6-5 | | | | |
|---------|-------------|---------------|-----------|---------|--------|----|----|----------|-------|
| exeibit | INITIALS OF | PERSON MAKING | STATEMENT | | PAÇE _ | 1_ | OF | <u>,</u> | Pages |

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EXHIBIT //



STATEMENT OF: D7C/56-5

TAKEN AT: Baghdad, Iraq; DATED: January 13, 2004 CONTINUED:

| \$75565 AFFIDAVIT |
|--|
| HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WEICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. 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. |
| b76565 |
| (Signature of Person Making Statement) |
| |
| Subscribed and sworn to before me, a person authorized by law to administer oath, this January 13, 2004, at Boghdad, Traq. |
| |
| (Signature of Person Administraing Oath) |
| b70/36/62 |
| SPECIAL AGENT 323RD MILITARY POLICE DETACHMENT (CID) Unit 92955, Baghdad, Iraq AFO AE 09324-2955 |
| (Typed Name of Person Administering Cath) |
| ARTICLE 136 (b) (4) DOMJ |
| (Authority to Administer Cath) |
| WITNESS: |
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| EXRIBIT INITIALS OF PERSON MAKING STATEMENT PAGE OF PAGES |

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EXHIBIT !/

SWORN STATEMENT

: 0197-03-CID899-63586 File Number : Baghdad, Irad70766-9 Location ; 23 Jan <u>044</u> Date : 1227 1 Time Statement of Grade/Status #g/Address : B Co, 1/36 Inf, Baghdad, Iraq Org/Address NAME TO MAKE THE FOLLOWING STATEMENT UNDER OATH: passibly utilizing some sort of controlled substance that he had purchased from Preguested that CPL relieve him from guard so that he could utilize informing him that PVT had to Ske ssc he latrine. CPL Zelleyed PVT ilize the latrine. SSG leave the Platoon's immediate compound and walk to the back of the Sennak II compound where FPS Guards were primarily responsible for the security the portion of the site. CPL informed me that PVT had admitted to some of his peers that he had taken pills, which he had purchased from FPS Guards WIII stated that he had never seen FVT go to the latrine. CPL stated that PVT had been acting strange with some mood swings. There was no military reason for PVT to be in the portion of the then witnessed PVT compound that he had gone to and with the second-hand information that he had recently taken some contraband drugs I decided to inform the B Company Chain of Command. At approximately 1130 I contacted CPT the E Company Commander informing his of my suspicions and requested his approval to conduct a Health and Welfare Inspection. Permission was granted by CPT and at approximately 1200 SSG and myself conducted the inspection of all C. S. Military personnel at the site. I individually asked each soldier three times prior to the inspection if they had any contraband items on themselves or in their equipment. When I asked PVI the he stated no all three times. While inspecting PVI living area SSG found 20 pills in a wrapper with Arabic/y/36-4 writing. He also found empty wrappers that had contained pills. SSG the pills and wrappers to me. I secured the pills and wrappers until that evening when I turned the items over to ISG Ey SA 676-4,66-4 When you conducted the search, did you search everyone at the location? 157656-3 Yes, sir. what did you inform him? Q: When you contacted CPT A: I told him that CPL had approached me had come down to yet utilized the latrine white on Guard Duty. CPL had that instead of going to the relieve, pyr at his guard post and that instead of going to the had come down to get SSG to relieve, pyrear at his guard post and that instead of going to the ine, pyrear had gone to a portion of the compound that we usually don't go, EXEIBIT ___ INITIALS OF PERSON MAKING STATEMENT

¹⁰99293

EXHIBIT /2

TAKEN AT: Baghdad, Traq: DATED: January 23, 2004 CONTINUED: STATEMENT OF: that area had the FPS Guards there. CPL had told me that FVT had used some type of drugs, something like Valium. And, I also informed the had strange mood swings Commander that some of the soldiers stated PVT Making them believe he was on something. 576-66-5 being in possession of contraband? Q: Did you suspect anyone other than PVT A: At that time no. Q: Did you ask the Commander to give you permission to conduct a search or did he instruct you to do a search? A: I had been through this before with other soldiers, initially the Commander was in a meeting with the ISG, I left a message indicating what the problem was, when he called back, he told me to do the search. Fround them? 174365 Q: When the drugs were found, SSG A: Yes. He had found them in a bag of trash that PVT was trying to take out to the trash. Q: He then turned them over to you? Yes. Did anyone else handle the contraband? A: I gave them to the 1SG who secured them. Q: Did you talk to PVT A: I don't think I said much that day, I may have asked him what is this, I think I counseled him on the 16th. **夕**りる: Did he admit anything to you? A: That day, he never talked to me, it was more of a one sided conversation, he was sluggish, when he walked into the room, his hands were in his pockets, no reporting. A few days later he approached me and stated he screwed up and said he was sorry. I told him he needed to work through it and he told me he had a (drug problem. I told him he needed to work through it. 2: Did you notice him under the influence of anything? A: On the 15th, he was acting sluggish, he was acting dazed, glassy eyes, it looked like he was about to pass out. While I was going through everyone stuff, the fell asleep.

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

A: n.///end of statement///

D70861-4

TAGE Z OF J PAGES

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EXHIBIT 12

57C, 56-4

TAKEN AT: Bughdad, Iraq: DATED: January 23, 2004 CONTINUED:

AFFIDAVIT

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.

b7C)264

(Signature of Parson Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oath, this January 23, 2004, at Bachdad, Imaq.

(Signature of Person Administering Cath)

SPECIAL AGENT

323RD MILITARY POLICE DETACHMENT (CID)

Unit 92955, Begindad, Iraq

APO AE 09324-2995

(Typed Name of Person Administering Cath)

ARTICLE 136 (b) (4) UCMJ

(Authority to Administer Outh)

WITNESS:

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT _____ PAGE 3 OF 3 PAGES

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EXHIBIT 1/2

DA FORM 4137

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4157-R Privacy Act Statement

26 Sep 75 Which are Obsolete.

NAME, GRADE OR TITLE

SIGNATURE

LOCATION

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NAME, GRADE OR TITLE

DOCUMENT NUMBER

DATE: 17 DEC 03, 1145 HRS

FROM: SAC, 323D MILITARY POLICE DET (CID) (DSE) DIRECTOR, USACRC, USACIDO, FORT BELVOIR, VA TO:

CDR, 10TH MP BN (CID) (ABN) (FWD) //OPS//

CDR, 3D MP GROUP (CID) //OPS//

CDR, 1/36 ARMOR BATTALICN

CDR, B CO 1/36TR ARMOR BATTALION

CDR, SJA, 1ST AD //SJA// CDR, PM, 1^{dt} AD //PM//

SUBJECT: CID REPORT - INITIAL - C197-03-CID899-63586 - 5L5C

/ 5L2D2 / 7G2A2

DRAFTER: SA

RELEASER: SAC

UNCLASSIFIED - FOR OFFICIAL USE ONLY

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 2 DEC 2003/ C230HRS; UNKNOWN PRIVATE RESIDENCE 1ST BDE AOR, BAGHDAD, IRAQ

12 DEC 2003/ 2400 HRS; UNKNOWN GUARD POINT, 1st BDE AOR, BAGHDAD, IRAQ

3. 13 DEC 2003/ 1300HRS; UNKNOWN GUARD POINT, 1st BDE AOR, BAGHDAD, IRAO

17 DEC 2003, 0900HRS 670,66,62 2. DATE/TIME REPORTED:

INVESTIGATED BY: SA.

676-5166-5 (676-5,66-5 PV2:/

M; C; CT; B CO 1/36 INFANTRY BATTALION, BAGHDAD, IRAQ. [LARCENY] [WRONGFUL POSSESSION AND USE OF A CONTROLLED SUBSTANCE)

- 5. VICTIM: 1. US GOVERNMENT [WRONGFUL POSSESSION AND USE OF A CONTROLLED SUBSTANCE;
 - 2. UNKNOWN IRAQI MALE, BAGHDAD IRAQ [LARCENY]
- 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.

ON 17 DEC 03, THIS OFFICE RECEIVED NOTIFICATION FROM SGT

SJA, 1ST BDE, 1AD THAT A SOLDIER FROM 3 COMPANY

1/36 INFANTRY HAD BEEN CAUGHT WITH VALIUM.

PRELIMINARY INVESTIGATION DISCLOSED THAT DURING A CORDON AND SEARCH ON 2 DEC 03. THE STOLE SEVERAL 5000 IRAQI DINAR NOTES. THE ALSO STOLE AND CONSUMED THREE PILLS HE NOTES. THE PURCHASED SEVERAL BLISTER PACKETS CONTAINING SUSPECTED VALUEM FROM AN IRAQI FACILITY PROTECTION SERVICE (FPS) GUARD, LATER CONSUMING SOME OF THE VALUEM.

WAS INTERVIEWED AND MADE A STATEMENT ADMITTING TO TAKING THE MONEY AND PILLS, AND ADMITTED TO PURCHASING THE VALUE AND CONSUMING IT PRIOR TO BEING CAUGHT.

INVESTIGATION CONTINUES BY USACIDO.

- 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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| | ···· | | CID ! | FORM 66 | | | |
|---|-----------------------------|--|--------------------------------------|---|------------------|--|-------------------|
| 1. DATE 17 Dec 03 |] | 7. CASE NUMBER 0197-03-CID899-63586 | | | | | |
| 3. OFFENSE Larceny, Wrongf (Valium) | ul possess | ion and use | of a controlle | ed substance | 8. ASSIC | NED TO 6-71-66-1 | |
| 4. SUBJECT /570 | 5/665 | | ir la a va a va a al v al la tri lit | (p, ⊣;- □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ | | OF ACTION OI | |
| 5. VICTIM | | | | | 10. | REPORTS | |
| I. US Governm | ent | | | | TYPE | SUSPENSE | |
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| ACTION | RQRD | COMPL | DATE | CID FUNDS AMOUNT | ر ا ا ا | H | Ĺ |
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| AGENT'S ACTIV | | Coatrol Number | 0197-03-CID899-63586 |
| TIME DATE AND AGENT | 1 | SUMMARY OF INVESTIGAT | TO CTIVITY. |
| · | | b1614-3 | |
| 0900_17,Dec 03 | | | A, 1st BDE indicating a soldier |
| | had been caught with office. | valium. SGT 670-3736-3 | was sending him to the CID |
| 1000 17 Dec 03 | Interviewed Se | e statement for details | |
| 1215, 17 Dec 03 | on sending the seized | valium to the lab until | DE SJA, he would like to hold off more investigation is complete sustody and valid search. |
| 0900, 23 Dec 03 | Contacted 1/36 to sch | edule escort to Bn to c | onduct interviews. |
| 1300, 26 Dec 03 | Canceled interviews, reschedule | too busy, cannot have a | agents away, will need to |
| 1300, 30 Dec 03 | SAC Review Thir interviews next week. | | down, consider rescheduling |
| 1200 13 Jan 04 | Interviewed SSG | (See AIR). | |
| 1220, 13 Jan 04 | Interviewed CPI | See AIR). | |
| 1230, 13 Jan 04 | Interviewed PV2 | (See AIR). | |
| 1240, 13 Jan 04 | Interviewed SPC | 16-4 (See AIR). | |
| 1250 13 Jan 04 | Interviewed SPO | See AIR). | |
| 1426, 13 Jan 04 | Interviewed CPT | (See AIR). | |
| 1445, 13 Jan 04 | Interviewed 1SG | (See AIR). | . ! |
| 1454, 13 Jan 04 | Re-interviewed PV2 | | , |
| 1227, 23 Jan 04 | Interviewed SFC | 66-4 (See AIR). | |

0197-03-CID899-63586 AGENT'S ACTIVITY SUMMARY Control Number SUMMARY OF INVESTIGATIVE TIVITY TIME, DATE, AND AGENT Obtained SJA Coordination from MAJ 1430,,23, Jan 04 Drafted final report, to SAC for review, 4,700, 23 Jan 04, SAC Review... make corrections to the Final and the AIR and forward for distribution. TOTAL CASE HOURS: Investigative: 10.0 Travel: 14.0 Administrative: 3.0

CID FORM 28 LOCT 80

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PAGE

Page(s)

5-8

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

| | <u> </u> |
|--|--|
| DATA R | SEQUIRED BY THE PRIVACY ACT |
| AUTHORITY: Trie 10 United States Code, Sec | stion 3012(c) |
| PRINCIPAL PURPOSE: To provide commanders and law i | enforcement officials with means by which information may be accurately identified. |
| ROUTINE USES: Your Social Security Number is as | sed as an additional alternate means of identification to facilitate filing and retrieval. |
| DISCLOSURE: Disclosure of your Social Security | |
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| PV2 | |
| PART I - RIGHT | 'S WAIVER/NON-WAIVER CERTIFICATE |
| Section A. Rights | |
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| The investigator whose name appears ballow told me that heishe is wit | th the United States Army |
| 17/5) 1.5 | and wanted to question me about the following offense(s) of which I am |
| Suspected/accused: OKSESGION OF WHATE | PIZED DRUG AND ADMITTED VEE OF DRUG |
| Before ha/she asked me day questions about the offense(s) | The made it clear to me that I have the following rights: |
| do not have to answer any question of sey enything | |
| mything I say or do can be used as evidence against the mill crim | ninal wiok |
| For personnel subject of he UCIAU is have the right to talk private | ily to a lawyer baford, during, and after questioning and to have a lawyer prosont with me |
| during questioning. This lawyer can be a civilian lawyor I arrange t | for at no expense to the Government or a military lawyer detailed for me at no expense to me, |
| er both. | |
| and the second s | or - vately to a lawyer before, during, and after questioning and to have a lawyer present with |
| (For civiliand not subject to the UCNU) I have the right to talk pro | est I pringing for at my own expense, or if I cannot afford a lawyer and want one, a lawyer |
| all be appointed for the before any questioning begins. | at the second se |
| the application we before any question and designation. | with or without a lawyer present, I have a right to stop enswering questions at any time, or |
| speak privately with a lawyer before answering further, even if I so | |
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| . COMMENTS (Continue on leverse side) | |
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| Section B. Walver | |
| understand my rights as stated above. I am now willing to discuss the | effensels) under investigation and make a statement without talking to a lowyer first and without |
| aving a lawyer present with me. | |
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| BY ME. THE STATEMENT IS TRUE, I HAVE INITIALED ALL COI | RRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE AT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT |
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| WITNESSES; | Subscribed and sworn to before me, a person authorized by law to |
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Page(s)

12

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

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DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68; WHICH WILL BE USED,

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| STATEMENT (Continued) | ₩ |
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| AFFID | |
| WHICH BESINS ON PAGE 1 AND ENDS ON PAGE FULLY UI BY ME, THE STATEMENT IS TRUE. I MAVE INITIALED ALL CORREC CONTAINING THE STATEMENT. I MAVE MADE THIS STATEMENT FI THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL I | TIONS AND HAVE INITIALED THE BOTTOM OF SACH PAGE REELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT NELUENCE, OR UNLAWFUL INDUCEMENT. |
| | (Signature of Person Making Statement) Subscribed and swom to before me, a person authorized by law to |
| WITNESSES; | administer paths, this day of |
| | |
| ORGANIZATION OR ADDRESS | (Signature of Person Administering Dath) |
| | 1Typed Name of Person Administering Oath) |
| DRGANIZATION OR ADDRESS | (Authority To Administer Oaths) |
| INITIALS OF PERSON MAKING STATEMENT | PAGE OF PAGES |

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Page(s)

15-16

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

| | | | | | | | 1000 | عاضه وواند | 40.00 | | 7.7 | of Calculation of | | | | |
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| an Son | 302 | | | | | | | ******* | ****** | | nin. | | Middle N | | 13. | Grade/Rank: |
| m -Fast Name | | | | | | . First | | <i>574</i> | 3/16 | 25 | - 4 | | | ▶ | 1.72.724-E-2 8. POB St. | /PV2 19. POB Zip: |
| 14. Social Sec | urity N | umber: | 15.0 | Other ID | Numbe | | | | _ | 70.5 , Yes | | | | Edne; | 29, Prior Recor | d: 30, Marital: |
| | 11. Race Caucas | : 2 | Ethnic: | 23. H 67" | right: | 24, V 160 | Veight: | 25. Hair Brown | - 1 - | 6. Eye Col Frown | | 27, Ciúz US | | න | YES | Single |
| 31. MOS: 11B | 32, Job Infanti | | ption/Loc | ation: | 33. M | | 4. Securi | | 35. Ph | vsical Min | ks/To | toos: 6 | 76 jb | 36 Ye | Spouse Military a:□ No:□ | e Branch: |
| 37. Alins/Nic | 5 | · | | | | 38. | Alias/Ni | | e de la | | | | <i>تعاظ <u>رک</u>ت</i> 39. / | Z I Lins/Nico | names; | |
| 40. Unit/Org | enizatio | p <u>p</u> ; | | | _ | ــــــــــــــــــــــــــــــــــــــ | | | 41 | . Unit Pho | pe Nu | mber: | | (ome: | Cell/Pa | |
| B Co, 1/36 ⁰ 42. Military 2 | | sgnas | 43. \$ub | | | 44, | Fort/City | yt. | _,. | 45, Stat | 51.10 | 5 46. | Country: | | 47. Zip Codel | 65 |
| Army 6 | Tome Address: 49. City: 5 /L/D to | | | _ | 50. State: 51. Country: 52. Zap Code/APO: | | | | | | | | | | | |
| | | | | ् अस्टिक् | 715 | 0.60 | 4000 | enen. | First | | V 12 - 69.5 | A STATE OF THE | h, robjecji | 57. Mid | die Name: | |
| 25. 3ÜV: | 54. Fa | uily Re | el: \$5. | Last Na | | Grade | 20 → [·· | | | MC: | | [61 | . Unit: | | | |
| 58. Social Sc | curity: | | | | | CHROC | | DIABO | | | ··· · | 65. Ph | ione: | Wk: | | |
| CI. City: | | | | 63. St | nie: | | 1 | P/APO: | ~~~ ~ | अन्त्र स्थापना स्थापन | | ********* | | | | |
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| Place of inte | riov: | | | | | | | | | _ | | Date | | | Time: | |
| Disposition | | | | | | | | | | | | a za za za | | ostaveni. | | |
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| 79. Year: | | 80. M | akci | | | 81. Mc | | <u> </u> | 82 | l, Vehicle | Style: | | 83. ¥ of | Doors: | \$4. Color: | 85, \$ize: |
| 86, V.LN: | | | | | | 87. Lie | ense Plu | t c : | 88, 8 | tate: | 89. I | OOD Dec | cal Numb | eri | — | · · · · · · · · · · · · · · · · · · · |

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| RECEIT OR INMATE OR | DETAINED PERSON |
| 1. RECEIVED FROM (Unit or Agency and Station) | 2. TIME 3. DATE (YYYYMMDO) |
| 323 D MP DET CLD | N:43 _ 2003 12 17 |
| 4. INMATE NAME (Last, First, Middle) 6763665 | 5. SSN 676565 6. GRADE |
| 4. INNATE HARE | S. STATION |
| The state of the s | , /. <i>C</i> |
| 13 Co. 1/36 INF Boghold Par | come and use of a controller |
| 9. OPFENSE LARCHING WARREST LANCE SANTON | |
| | WO60195 & Grapes Newlord TOOL |
| 10. PERSONAL PROPERTY M- 4 SOLIAL | |
| | <u></u> |
| 11. REWARKS | 3/13 |
| 6763/26-3 | 13. SSN 14. GRADE |
| 12. NAME AND TITLE OF PERSON RECEIVING ABOVE INDIVIDUAL | £ 3/2 |
| TE RESERVING UNIT OF AGENCY AND STATION | 16. SIGNATURE |
| B/1-37 AR ATTACHED TO TE 1-36, FRIED BA | RG, GE |
| DD FORM 2708, NOV 1999 | CSAPAVICO |

