



Criminal Law Advocacy Course

Scenarios / Case File

General Court-Martial

United States v. SPC Ugot D. Wrongguy



Criminal Law Advocacy Course – Scenarios / Case File

Direct and Cross Examinations, Refreshing Recollection

Special Agent (SA) Flat Foot, Agent No. 5432 – Baumholder CID
Special Agent (SA) Gettum Too-Talk, Agent No. 9876 – Baumholder CID
CPT Roger L. Fagan – Rear-D Commander
SPC Robert Kantsee – CQ
SPC J.J. Jones – CQ Runner
PVT (E-1) J.J. Roadmarch – Victim-1
SPC Aljer Hiss – Victim-2
PFC Billy Smith – Victim-3
SPC Frank L. Inngrate – Victim-4
Herr Herman Schlesinger – “U-Pawn-It—I-Own-It” Pawnshop Owner
SPC Donedidit – Co-Accused
SPC Wrongguy – Accused
PFC Wanda Mary-Me – Accused’s Girlfriend

Authentication of Documents

Special Agent (SA) Flat Foot, Agent No. 5432 – Baumholder CID
SPC Robert Kantsee – CQ
PVT (E-1) J.J. Roadmarch – Victim-1
SPC Aljer Hiss – Victim-2
PFC Billy Smith – Victim-3
SPC Frank L. Inngrate – Victim-4
Herr Herman Schlesinger – “U-Pawn-It—I-Own-It” Pawnshop Owner

Authentication of and Use of a Diagram/Photographs

Special Agent (SA) Flat Foot, Agent No. 5432 – Baumholder CID
SPC Robert Kantsee – CQ
SPC J.J. Jones – CQ Runner
SPC Donedidit – Co-Accused

Prior Recollection Recorded

Herr Herman Schlesinger – “U-Pawn-It—I-Own-It” Pawnshop Owner

Trial Date: 31 August 2003 (GCM)

Charges: Conspiracy to Commit Larceny – 81
Larceny – 121
Burglary – 129

1 Jan 03 – 31 Mar 03

The majority of 2d Brigade, 1st Armored Division from Baumholder, Germany, deployed to Kosovo in the beginning of 2003. Shortly after the deployment, Baumholder, especially 2d Brigade, was experiencing break-ins of the unoccupied barracks rooms (i.e., those rooms vacated by the soldiers deployed to Kosovo). In an effort to tighten security, the Rear-D Commander, CPT Roger L. Fagan instituted a mandatory CQ for all 2d Brigade barracks. The CQ SOP instituted by CPT Fagan required that all CQ's read and sign a policy letter before assuming CQ duties [See Enclosure 1 – Policy Letter, dated 1 Feb 03].

1-2 Apr 03

2. On Saturday, 1 April 2003, between on or about 2000 hours and 2400 hours, four rooms on the second floor of Building 2124, Patton Avenue, Baumholder, Germany, were broken into. The room information and the items taken were as follows:

| Room No. | Room Type | Occupant | Items Taken | Est. Value (\$) |
|----------|-----------|--------------------------|---|-----------------|
| 201 | Single | PVT (E-1) J.J. Roadmarch | X-Box Video System, SR#: 143-bgh-56-987 | \$150.00 |
| | | | 5 X-Box Cartridges | \$150.00 |
| | | | 20 Music CDs (Various Artists) | \$240.00 |
| | | | Timex Iron-Man Watch | \$19.95 |
| 202 | Single | SPC Aljer Hiss | Panasonic CD Player, SR#:122987YG87 | \$150.00 |
| | | | 10 Music CDs (Various Artists) | \$120.00 |
| 203 | Single | PFC Billy Smith | Combined DVD – VHS Player | \$250.00 |
| | | | 10 DVDs (Various Artists) | \$200.00 |
| 204 | Single | SPC Frank L. Inngrate | Sony Palm Pilot, SR#:SY-PP-4545503 | \$350.00 |
| | | | Game-Boy XP | \$99.00 |
| | | | 5 Game-Boy XP Cartridges | \$150.00 |

On duty as CQ that evening was SPC Robert Kantsee. He assumed duties at 0600 hours on the 1st of April and his shift went from 0600 hours, 1 April 2003 until 0600 hours, 2 April 2003.

3. At approximately midnight on the 1st, while performing one of his routine, mandatory checks of Building 2124, SPC Kantsee noticed that four rooms on the second floor were open. It appeared that all four rooms were "left open," however, when he checked earlier

all rooms on the second floor were secured. There were no signs of forced entry, however, the rooms in Building 2124 are notorious for their ability to be “carded.” In other words, despite being locked, someone generally familiar with the “old” barracks in Baumholder could very easily gain entry by using his or her Military ID card. Building 2124, Patton Avenue is one of the barracks that is pending renovation and qualifies as an “old” barracks.

4. Upon noticing the four rooms open, SPC Kantsee immediately called the Rear-D Commander, CPT Fagan who notified the Military Police. Sergeant Christopher Cross, the MP Desk Sergeant advised CPT Fagan to secure all four rooms until an MP patrol unit arrived. Captain Fagan contacted SPC Kantsee who posted his CQ runner, SPC J.J. Jones, outside the rooms. Shortly thereafter, at approximately 0030 hours, 2 April 2003, SGT B.B. Bartles and SFC Ernie James were dispatched to Building 2124. Following SGT Cross’ advice, CPT Fagan obtained the “High-Dollar-Value-Items Inventory¹” on file for all of the deployed 2d Brigade soldiers. See Enclosures 2-5, High-Dollar-Value-Items Inventory for PVT (E-1) J.J. Roadmarch, SPC Aljer Hiss, PFC Billy Smith, and SPC Frank L. Inngrate respectively.
5. After obtaining the High-Dollar-Value-Items Inventory, CPT Fagan proceeded to Building 2124 where he met Sergeants Bartles and James. After briefly reviewing the items that were still in rooms 201-204 against the inventories for all four rooms, Sergeants Bartles and James realized that the total dollar value for the missing items would exceed \$1,000.00 thus making the case a CID case. Sergeant Bartles contacted CID and spoke with Special Agent (SA) Flat Foot, the duty agent who also happened to be the Economic Crimes Team Leader. Special Agent Foot said he would be right over. After arriving at Building 2124, SA Foot secured the area with SA C.J. Frederickson. As part of the crime scene processing, SA Foot directed SA Frederickson to “dust for prints.” The fingerprints taken from the crime scene were sent to the United States Army Criminal Investigation Laboratory (USACIL) at Fort Gillem, Georgia. Special Agent Foot also conducted “canvass interviews.” The initial investigation (i.e., conducted in the early morning hours of 2 April 2003) revealed the following:
 - There were no “witnesses” to the crime.
 - There were no signs of “forced entry” into any of the rooms.
 - Building 2124 belonged to Alpha Company, 2d Battalion, 3d Infantry, 2d Brigade, 1st Armored Division.
The 2d and 3rd floors of Building 2124, a three-story building with a basement (i.e., basement and floors 1 thru 3), were vacant.
 - All stay behind personnel that did not deploy had previously been moved to the 1st floor.
 - SPC Robert Kantsee (CQ) and SPC J.J. Jones (CQ Runner) were on duty from 010600Apr03 thru 020600Apr03.

¹ The “High-Dollar-Value-Items Inventory” is an inventory completed by every deploying soldier as part of the pre-deployment preparation that noted all those items that the soldier planned on leaving in his or her secured room during the deployment. The soldier in the presence of his or her NCOIC completed the inventory. On the day of deployment, the NCOIC, with the soldier present, verified that those items on the inventory were left in the room. Those items that were removed or no longer present were deleted from the inventory (i.e., lined through and initialed by the soldier and NCOIC). The soldier in the presence of his or her NCOIC then secured the room.

An interview of both SPC Kantsee [DA Form 2823, dated 2 Apr 03, Enclosure 6] and SPC Jones [DA Form 2823, dated 2 Apr 03, Enclosure 7] provided little useful information.

- The items initially determined to be stolen are as noted in the table in paragraph 2 above

As part of his investigation, SA Foot drew a rough sketch of the layout of Building 2124. See Enclosure 8, Sketch of Building 2124.

3-10 Apr 03

6. On 4 April 2003, SA Foot contacted SA Dee Ployed, Kosovo CID Office, who contacted the four alleged victims: PV1 Roadmarch, SPC Hiss, PFC Smith, and SPC Inngate, and verified that the items noted in Para. 2 above were in fact missing (i.e., stolen). After verifying ownership and obtaining a description of the stolen items, SA Foot notified all of the surrounding pawnshops of the larceny, provide them with a detailed listing of the stolen items to include serial numbers where available, and advised them to be on the lookout for anyone attempting to pawn the stolen items.
7. On 4 April 2003, SA Foot also coordinated with SA Ployed to obtain fingerprint cards for all four victims.
8. On 10 April 2003, SA Foot received the fingerprint cards from SA Ployed and immediately forwarded them to USACIL.

30 Apr 03

9. On 30 April 2003, USACIL forwarded a fingerprint report noting that in all four rooms they were able to identify one of the fingerprints as belonging to the room's occupant. The remaining prints were unidentified due to the absence of any knowns against which to compare them.

31 May 03

10. On 31 May 2003, SA Foot received a call from Herr Herman Schlesinger, owner of U-Pawn-It—I-Own-It, a pawnshop in downtown Baumholder. He reported that a white male just came in with a duffle bag wanting to pawn several items listed as stolen from Building 2124 on 1 April 2003, specifically, an X-Box Video System, SR#: 143-bgh-56-987, some music CDs, and several DVDs. When asked to produce an identification, the individual became nervous and asked why. The owner said it was standard operating procedure to ask for identification with all pawn transactions and that he, the unidentified soldier, would also have to fill out a document indicating who he was and that he was the rightful owner of the property. After being told he would have to fill out some paperwork as well as produce identification, preferably a Military ID, the soldier became more nervous, failed to produce an ID card as requested, and left the pawnshop with the Army duffle bag he had brought in. Before he could leave, however, Herr Schlesinger noticed the name on the soldier's battle dress uniform (BDUs) and jotted it down on a notepad he had at the counter. The entry on

the pad's sheet of paper read "Specialist Donedidit." Special Agent Foot told Herr Schlesinger to secure the notepad and any videotape he might have of the transaction and asked him to come to the Baumholder CID office to provide a statement. Herr Schlesinger advised SA Foot that his pawnshop did not have videotape capability, however, he would secure the paper as requested. See Enclosure 13, Notepad Piece of Paper with the name "Specialist Donedidit" on it. He also advised SA Foot that he would not be able to go to the Baumholder CID office until after close of business that day, approximately 1900 hours.

11. While waiting for Herr Schlesinger, SA Foot reviewed the current post alpha roster for any service members by the name of Donedidit. The search discovered one soldier with the same last name, SPC Gill T. Donedidit, an infantryman assigned to Bravo Company, 2d Battalion, 3d Infantry Regiment, 2d Brigade, 1st Armored Division. The alpha roster also indicated that SPC Donedidit arrived in Baumholder on 5 January 2001. Special Agent Foot then searched the Army's World Wide Locator for any other soldiers with the same last name. The search returned no other service members with the same last name. Special Agent Foot then contacted CPT Fagan who confirmed that SPC Donedidit was assigned to B Co, 2-3 IN, 2d Bde, 1st AD and that he was also part of the rear detachment. According to CPT Fagan, SPC Donedidit did not deploy with the main body of 2d Brigade to Kosovo because he was pending separation from the service under the provisions of AR 635-200, Chapter 14, Para. 14-12c, Commission of a Serious Offense, specifically: lying to his commander, falsifying a sick call slip, and wrongfully using marijuana, hashish, and ecstasy. He was also pending a Field Grade Article 15 for the drug use. Special Agent Foot requested CPT Fagan to produce a copy of SPC Donedidit's separation packet for the CID case file. Captain Fagan agreed to obtain a copy and provide it to SA Foot as soon as possible. Special Agent Foot also ascertained that SPC Donedidit lived in Room 202, Building 2123, Patton Avenue, Baumholder, Germany, and although the room was a double, he was the only soldier residing there because his roommate deployed to Kosovo with the main body of 2d Brigade.
12. On 31 May 2003, at approximately 1930 hours, Herr Schlesinger arrived at CID and provided SA Foot with a sworn statement basically outlining what he told him earlier that day. See Enclosure 9, DA Form 2823, dated 31 May 2003. He also positively identified SPC Donedidit from the B Co, 2-3 IN face book shown to him by SA Foot as the soldier who earlier that day attempted to pawn the stolen X-Box.

1 June 2003

13. On 1 June 2003, at 0700 hours, SA Foot contacted CPT William H. Raab, the Military Magistrate for the Baumholder military community. Special Agent Foot briefed CPT Raab on the information obtained from CPT Fagan and Herr Schlesinger, as well as his investigation to date, requesting a search authorization for SPC Donedidit's room, specifically Room 202, Building 2123, Patton Avenue, Baumholder, Germany as well as SPC Donedidit's vehicle, a 1998 Ford Mustang, USAREUR Plate Bhl-3298-Z. The request to search SPC Donedidit's vehicle was based on SA Foot's belief that SPC Donedidit used his vehicle to transport the stolen items to Herr Schlesinger's pawnshop. Special Agent Foot specifically recalls advising CPT Raab that Herr Schlesinger positively identified SPC Donedidit as the individual who attempted to pawn one of the items stolen from PV1

Roadmarch's room. Captain Raab authorized the search of both SPC Donedidit's vehicle as well as his room.

14. On 1 June 2003, at 0900 hours, SA Foot, along with two duty MPs, SGT Joe Haymaker and SSG Jennifer Ellis, executed the search authorization issued earlier that morning. Captain Fagan and SPC Donedidit were also present for the search. The following items were recovered from SPC Donedidit's room: one Timex Iron-Man Watch, one Panasonic CD Player, SR#:122987YG87, 25 Music CDs (Various Artists), one Technics Combined DVD – VHS Player, SR#: TCH-DV-VH-674-0rt-03, 5 DVDs (Various Artists), one Sony Palm Pilot, SR#:SY-PP-4545503, one Game-Boy XP, 5 Game-Boy XP Cartridges, and 5 X-Box Cartridges. The following items were recovered from a duffle bag in the trunk of SPC Donedidit's vehicle: one X-Box Video System, SR#: 143-bgh-56-987, 5 DVDs (Various Artists), and 10 Music CDs (Various Artists). The items found in SPC Donedidit's room were found either under SPC Donedidit's bed or in his wall locker. Once the items in the wall locker were discovered, SPC Donedidit yelled out "it was SPC Wrongguy's idea." Captain Fagan told SPC Donedidit to "at ease" and refrain from saying anything else until he was taken down to the CID office. See Enclosure 10, DA Form 4137, Evidence/Property Custody Document, dated 1 Jun 03. Noticeably absent from SPC Donedidit's room was any VHS or DVD player other than the Technics model belonging to PFC Smith. He did have a small stereo system, however, with CD (not DVD) capability.
15. On 1 June 2003, at 1230 hours, SA Foot returned to the CID office to interview SPC Donedidit who was transported to the office by Sergeants Haymaker and Ellis. Once at CID, SA Foot advised SPC Donedidit of his Article 31, UCMJ, rights, which he waived. See Enclosure 11, DA Form 3881, Rights Warning Procedure Waiver Certificate, dated 1 Jun 03. After waiving his rights, SPC Donedidit provided a detailed statement to SA Foot describing how he and SPC Wrongguy devised a plan to make some extra money by stealing some property from the rooms of some of the soldiers deployed to Kosovo. According to SPC Donedidit, the "brains" behind the operation was SPC Wrongguy and he, SPC Donedidit, just went along for the ride. See Enclosure 12, DA Form 2823, dated 1 Jun 03 Re: SPC Donedidit.
16. After interviewing SPC Donedidit, SA Foot checked the post alpha roster for any soldier by the name of Wrongguy. The roster revealed one soldier assigned to Charlie Company, 2d Battalion, 3d Infantry Regiment, 2d Brigade, 1st Armored Division: SPC Ugot D. Wrongguy. According to the post alpha roster, SPC Wrongguy arrived in Baumholder in January of 2002. Special Agent Foot then contacted CPT Fagan to see what information he had on Wrongguy. According to CPT Fagan, SPC Wrongguy was a "good soldier" who was scheduled to deploy with 2d Brigade to Kosovo but he hurt his knee during the pre-deployment preparation. The hatch on the Bradley somehow "dropped" on his knee causing serious damage. His future military service is questionable and is largely dependent on how he does with his rehabilitation. According to CPT Fagan, SPC Wrongguy may need to be "medically boarded" because of his knee injury. CPT Fagan went on to say that would be "a shame" because SPC Wrongguy was an "excellent athlete" before his injury.

2 June 2003

17. On 2 June 2003, at approximately 0600 hours, SA Foot coordinated with CPT Fagan to have SPC Wrongguy brought down to the Baumholder CID Office for an interview. Captain Fagan advised SA Foot that it might take a while because the accused was on a detail in Idar Oberstein, the next town over. Special Agent Foot explained that it was imperative that he speak with SPC Wrongguy as soon as possible, before SPC Wrongguy had an opportunity to speak with SPC Donedidit. Captain Fagan understood and immediately contacted the Platoon Sergeant, Sergeant First Class Espanoza, via radio. Captain Fagan directed the Platoon Sergeant to escort SPC Wrongguy to CID. Sergeant First Class Espanoza asked about SPC Wrongguy's POV that was in Idar Oberstein and CPT Fagan replied, "leave it their, CID will take care of getting Wrongguy back to his car." Sergeant First Class Espanoza said "Roger That" and took SPC Wrongguy to the Baumholder CID office.
18. During the 30-minute drive from Idar Oberstein back to Baumholder, SPC Wrongguy asked SFC Espanoza on several occasions, "Serge - What's the Deal?" Sergeant First Class Espanoza simply answered "You'll find out soon enough."
19. At approximately 0715 hours, 2 June 2003, SFC Espanoza and SPC Wrongguy arrived at the Baumholder CID Office where SA Foot met them. After engaging in some small talk with SFC Espanoza and SPC Wrongguy, SA Foot told the Platoon Sergeant he could take off and that he, SA Foot, would handle it from that point. Special Agent Foot then escorted SPC Wrongguy to the interview room. After offering him a cup of coffee and getting him "settled," SA Foot advised SPC Wrongguy of his Article 31, UCMJ, rights, rights which SPC Wrongguy waived stating, "I didn't do anything so I don't need a lawyer. I've got nothing to hide." See Enclosure 13A, DA Form 3881, Rights Warning Procedure Waiver Certificate, dated 2 Jun 03.
20. At approximately 1230 hours, SPC Wrongguy asked about his vehicle and how would he get back to it. SA Foot told him not to be concerned about the vehicle and that it would be taken care of. Specialist Wrongguy then asked if he could call a friend. Special Agent Foot told SPC Wrongguy "he could make any call he wanted after they resolved the issue they were there to talk about."
21. At approximately 1330 hours, SPC Wrongguy asked is he could have a smoke break. Special Agent Foot allowed him to smoke and also got him a soda to drink.
22. At approximately 1400 hours, SA Gettum Too-Talk joined SA Foot and SPC Wrongguy in the interview room, a simple room with among other times, a table in the middle and a computer workstation off to the side. At that point, SA Foot told SPC Wrongguy that he was concerned that SPC Wrongguy wasn't being totally forthright with him and SA Too-Talk. Before SPC Wrongguy could react, SA Too-Talk told SPC Wrongguy that they had physical evidence, fingerprints, placing him at the crime scene and proof that he had handled some of the stolen property. Special Agent Too-Talk then, in a raised voice, told SPC Wrongguy that they had "eye witnesses placing him at the crime scene at the time the larcenies were committed" and that CID knew he needed money to buy an engagement ring for PFC Wanda

Mary-Me. Specialist Wrongguy started to get nervous and again asked if he could have a smoke. Special Agent Too-Talk yelled back that "CID asked the questions and 'criminals' answered, not the other way." Special Agent Foot stepped in, told SA Too-Talk to "calm down" and escorted SPC Wrongguy outside for a smoke break. While outside, SA Foot proceeded to "befriend" SPC Wrongguy telling him that they knew that the larcenies weren't his idea and that it was all SPC Donedit's idea. They also knew of SPC Donedit's prior bad acts and all SPC Wrongguy had to do to get "out of this and on with his life" was admit how SPC Donedit came up with the plan and how they executed it. He also told SPC Wrongguy that if he cooperated he would put in a "good word" with the chain of command and with any luck this "might go away.". The two of them, SA Foot and SPC Wrongguy then went back into the interview room where SA Too-Talk was seated at the interview table. At this point it was nearly 1530 hours.

23. At 1530 hours, SA Foot continued the interview when all of sudden SA Too-Talk got up out of his seat and started yelling at SPC Wrongguy again. This time he told SPC Wrongguy he was tired of having his time "wasted" and that they didn't need a confession to convict him. Special Agent Too-Talk told SPC Wrongguy if he "didn't want to help himself, so be it. They would just call the fingerprint expert and eyewitnesses or alternatively just cut a deal with Donedit. Either way he was going down and down hard." He ended by telling SPC Wrongguy they were trying to "help him." He was "like a drowning guy and they were throwing him a life preserver and instead of grabbing it, he kept pushing it away." Over the next several hours, both SA Foot and SA Too-Talk continued to "interview" SPC Wrongguy, taking smoke and comfort breaks at various times over the interview period.
24. At approximately 1730 hours, SPC Wrongguy signed a confession admitting to his involvement with the larcenies of Rooms 201 through 204, Building 2124, Patton Avenue, Baumholder, Germany. See Enclosure 14, DA Form 2823, dated 2 Jun 03 Re: SPC Ugot D. Wrongguy.

3 – 10 June 2003

25. Between on or about 3 June 2003 and 10 June 2003, SA Ployed in Kosovo obtained sworn statements from all four victims documenting the following: that their rooms were secured prior to their deployment and none of the four soldier authorized either SPC Donedit or SPC Wrongguy to enter their rooms on 1 April 2003. Additionally, the soldiers reviewed the DA Forms 4137 dated 1 June 2003 noting which items belonged to them. See Enclosures 15-18, DA Form 2823 Pertaining To PVT (E-1) J.J. Roadmarch, SPC Aljer Hiss, PFC Billy Smith, and SPC Frank L. Inngrate respectively.
26. On 20 June 2003, SA Foot coordinated with CPT Pros E.Q. Torre to get a final "opine" on the case and to determine whether further fingerprint anlysis or forensics were required. Captain Torre opined that there was probable cause to believe that SPC Donedit committed the following offenses: conspiracy to commit larceny in violation of Article 81, UCMJ; , larceny of personal property of a value greater than \$500.00 x 4 in violation of Article 121, UCMJ; and Burglary x 4 in violation of Article 129, UCMJ. Captain Torre further opined

that additional fingerprint and or forensic examinations were unnecessary in light of the confessions provided by SPC Donedit and SPC Wrongguy.

30 June 2003

27. On 30 June 2003, charges were preferred against SPC Gill T. Donedit and SPC Ugot D. Wrongguy. See Enclosure 19, DD Form 458, Charge Sheet, dated 30 Jun 03 Re: SPC Donedit; Enclosure 20, DD Form 458, Charge Sheet, dated 30 Jun 03 Re: SPC Wrongguy

31 July 2003

28. 31 July 2003, 0800 hours.

- a. The Article 32, UCMJ hearing was held in the 2d Brigade conference room. The hearing convened at precisely 0800 hours. Present were the following: MAJ Alvin Chip Munk, Investigating Officer; CPT Pros E.Q. Torre, Trial Counsel; SPC Rite Real-Fast, Recorder; CPT Helpum Ahl, Defense Counsel, and the accused, SPC Ugo D. Wrongguy.
- b. The Government called the following personnel to testify at the Article 32 hearing: SPC Kantsee, SPC Jones, SA Foot, SPC Donedit, and Herr Schlesinger.
- c. SPC Kantsee and SPC Jones testified in accordance with their sworn statements dated 2 April 2003. SA Foot testified in accordance with the above chronology. SA Foot also authenticated SPC Donedit's and SPC Wrongguy's sworn statements. SPC Donedit, upon the advice of his counsel, invoked his Article 31, UCMJ, rights and refused to testify absent a grant of immunity, which the Government refused to provide. SPC Donedit's trial was scheduled for 24 August 2003, one week prior to that of the accused's trial. Based on his invocation of his Article 31, UCMJ, rights, the Investigating Officer, MAJ Munk declared SPC Donedit unavailable and received as evidence, over Defense's objection, SPC Donedit's sworn statement to CID dated 1 June 2003 as authenticated by SA Foot. The Investigating Officer also received SPC Wrongguy's sworn statement dated 2 June 2003 as evidence, evidence similarly authenticated by SA Foot.
- d. The Investigating Officer also received as evidence the sworn statements of PVT (E-1) J.J. Roadmarch, SPC Aljer Hiss, PFC Billy Smith, and SPC Frank L. Inngate, all of who were deployed to Kosovo and declared by the MAJ Munk to be unavailable. All four statements said virtually the same thing – that neither soldier gave SPC Donedit or SPC Wrongguy permission or authorization to enter their room or take their property. They also confirmed that the property seized from the SPC Donedit's room and POV was in fact property stolen from the four rooms in Building 2124. Finally, SA Foot authenticated the evidence vouchers in the case and testified that all of the items noted on the vouchers were taken from Rooms 201 through 204, Building 2124 Patton Avenue, Baumholder, Germany, the rooms of PVT (E-1) J.J. Roadmarch, SPC Aljer Hiss, PFC Billy Smith, and SPC Frank L. Inngate respectively.

- e. Herr Schlesinger was asked to testify at the Article 32 hearing but was unwilling to shut down his pawnshop for the hearing so he did not attend. Unable to compel his attendance, the Investigating Officer received, over Defense objection, Herr Schlesinger's sworn statement dated 31 May 2003.
- f. The Defense did not call any witnesses at the Article 32 hearing and did not present any evidence.
- g. All Defense objections were noted. The Defense's request to keep the hearing open so that the Convening Authority (CA) could act on a Defense request for a grant of immunity for SPC Donedit was denied upon the representations of the Trial Counsel that the CA would not grant immunity until after SPC Donedit was prosecuted, a prosecution scheduled for 24 August 2003.
- h. The Article 32 hearing closed at 1430 hours.

5 August 2003

- 29. On 5 August 2003, the Investigating Officer, MAJ Munk, recommended that SPC Wrongguy's charges be referred to a General Court-Martial.
- 30. That same day, after receiving the completed Article 32 Report with all allied documents, the Division Staff Judge Advocate (SJA), LTC Lee Galli completed his R.C.M. 406 pretrial advice recommending that all Charges and Specifications against SPC Wrongguy be tried by a General Court-Martial. Lieutenant Colonel Galli further recommended trial by the court convened by Court-Martial Convening Order No.1, Headquarters, 1st Armored Division, dated 15 June 2003.

6 August 2003

- 31. On 6 August 2003, the Commanding General, 1st Armored Division, Major General Hang-Em High followed the SJA's advice and referred SPC Ugot D. Wrongguy's case to the General Court-Martial convened by Court-Martial Convening Order No.1, dated 15 June 2003.

7 August 2003

- 32. On 7 August 2003 SPC Wrongguy was served with the referred charges. The Military Judge, after receiving completed docketing forms from counsel for both sides, docketed the case for 31 August 2003. The 31 August 2003 date was based on the Government's ready date of 13 August 2003 and the defense's requested delay until 31 August 2003.

15 August 2003

- 33. On 15 August 2003, the Defense provided the Government with "Alibi Notice" claiming that SPC Wrongguy was with his girlfriend, PFC Wanda Mary-Me, in her barracks room, Room

213, Building 1135, Bradley Avenue, Baumholder, Germany the night of 1 April 2003. Additionally, the Defense plans on calling SPC Kantsee, the CQ at Building 2124 the night of 1 April 2003, as an additional alibi witness. Each witness will testify as follows:

- a. PFC Wanda Mary-Me. She will testify that she is SPC Wrongguy's fiancée and that they were engaged on New Year's Eve. Specialist Wrongguy told her that he was saving for a real nice ring for her and she is still waiting for the ring. Before dating SPC Wrongguy, PFC Mary-Me was "seeing" SPC Donedidit. In fact, she met SPC Wrongguy through SPC Donedidit when she, SPC Donedidit, SPC Wrongguy, and some other members of the unit went to the movies. Shortly after they went to the movies, she began to see SPC Wrongguy while still "seeing" SPC Donedidit. After several weeks of seeing both soldiers, she realized that SPC Wrongguy was the one for her and she broke off the relationship with SPC Donedidit. She is pretty certain that SPC Donedidit has no idea that she was seeing SPC Wrongguy while they were still dating. She believes, however, that SPC Donedidit is still bitter and angry about the break-up and that is why he, SPC Donedidit, is making up the story about SPC Wrongguy. She recalls one day when SPC Donedidit said he'd get even with "them." She took that to mean herself and SPC Wrongguy. She never told SPC Wrongguy what SPC Donedidit said. If asked, she'll testify that SPC Wrongguy and SPC Donedidit get along real well, "like best friends. They do everything together."
- b. On 1 April 2003, she recalls SPC Wrongguy coming over to her barracks room, Building 2118 Ridgeway Avenue sometime after 1700 hours. Her barracks is on the next block due North of Building 2124. She recalls he would step out on occasion but not "long enough" for him to go to Building 2124 and commit the larcenies. As far as she recalls, he wasn't gone for more than 5 or 10 minutes. She assumed that he was in the latrine or visiting with other soldiers in her barracks. She didn't go with him because she was pretty tired. She pulled 24-hour guard duty the night before and just got off shift at 1700 hours that day. They ordered a Pizza, had some drinks [Note: She's 20 years old; The Drinking Age is 21; SPC Wrongguy is of Legal Drinking Age] and around 2000 hours they put a movie in and she fell asleep. She recalls waking up several times during the night but can't recall the times or even how long she was awake. She does specifically recall waking up at midnight and SPC Wrongguy was in her room at that time. She will testify that SPC Wrongguy spent the night and left her room the following morning at 0545 hours. She didn't come forward before because she "just remembered" and didn't realize how important her information was until after speaking to CPT Helpum Ahl, SPC Wrongguy's Defense Counsel. She was also concerned about the fact that she was drinking in her room and had an overnight guest, both violations of 1st Armored Division Policy Memorandum No. 13. She has known about the investigation since SPC Wrongguy was called down to CID on the 2d of June.
- c. SPC Kantsee will testify that he NOW recalls that sometime between 2100 hours and 2300 hours on 1 April 2003, he saw two white males on the second floor of Building 2124 near the East stairway. Both males were carrying duffle bags. He recalls that one of the males looked "somewhat like" SPC Donedidit. He can't recall how the other male

looked but he is relatively certain it was not the accused, SPC Wrongguy. He doesn't really recall anything beyond that.

- d. Both SPC Donedidit and SPC Wrongguy are Caucasian males of average height and build. Occasionally, but not always, SPC Wrongguy will limp due to his knee injury.
34. Building 2124 (Location of the Larcenies), Building 2123 (SPC Donedidit's Barracks) and Building 2118 (PFC Mary-Me's Barracks) are all within 2-5 minutes walking distance.

24 August 2003

35. On 24 August 2003, SPC Donedidit was tried by a General Court-Martial (Judge Alone) for charges identical to those preferred against SPC Wrongguy. See Enclosure 19. He pled to and was found guilty of ALL charges and specifications. The Military Judge, a different judge than the one hearing SPC Wrongguy's case, sentenced SPC Donedidit to the following: to be reduced to the grade of Private, E-1; to forfeit all pay and allowances; to be confined for 5 years, and to be discharged from the service with a Dishonorable Discharge. The pretrial agreement limited the period of confinement to 48 months. All other lawful punishments adjudged may be approved. As part of the pretrial agreement, SPC Donedidit agreed to testify against SPC Wrongguy provided he was given testimonial immunity before he testified.
36. On 25 August 2003, the Convening Authority signed a grant of testimonial immunity for SPC Donedidit ordering him to "Cooperate" with investigators, Government Counsel, and Defense Counsel and further ordering him to testify in the General Court-Martial of SPC Wrongguy. The order requires him to "testify truthfully" in SPC Wrongguy's case and failure to do so can result in prosecution for "perjury or making a false official statement."

25 August 2003

37. 25 August 2003, the Defense served the Government with a two part motion:
- a. Part 1 – A motion to dismiss all charges and specifications alleging that SA Foot's comments to the accused on 2 June, specifically that SPC Wrongguy could get "out of this and on with his life" if he confessed was a grant of de facto immunity and a promise not to prosecute the case. The Defense further argued that the comment that followed, that this "might go away," bolstered was another grant of immunity and promise not to prosecute.
 - b. Part 2 – A motion to suppress SPC Wrongguy's confession arguing that the confession was the result of "unlawful coercion" and therefore "involuntary." The essence of the Defense motion was that CID used illegal and coercive means and methods to obtain a confession by lying to him, making promises they knew they couldn't keep, yelling at him, keeping him in a confined area for hours with little to no comfort breaks, and "impliedly threatening him with physical violence through their physical behavior." Additionally, the CID agents prevented him from using the phone to call counsel.

26 August 2003

38. 26 August 2003, the Government served its response to the Defense motion on the Defense and Military Judge after which the Military Judge held an R.C.M. 802 conference with both counsel present, setting the motion session and arraignment for 0900 hours the morning of the 30th. During the 802 conference, the Military Judge noted that if the Defense was successful there might not be any need to call the panel members the following morning. If unsuccessful, they would begin with voir dire at 0800 hours, the following morning.

30 August 2003

39. 30 August 2003, the Military Judge held a 39(a) session arraigning the accused, SPC Wrongguy, and addressing the Defense Motion to Dismiss and/or Suppress dated 25 August 2003. After reviewing the written briefs by counsel (Defense motion – AE I, Government’s Response – AE), hearing from Special Agents Foot and Too-Talk, as well as the accused, SPC Wrongguy, and considering all applicable case law, the Military Judge denied the Defense motion, finding, in part that although he found CID’s actions offensive and “questionable”, they were not illegal. As for SA Foot’s comments to the accused, he found that CID had not promised the accused immunity nor had CID guaranteed that he would not be prosecuted. Having said that, the Military Judge advised the Defense Counsel that he was free to raise voluntariness of the confession before the panel notwithstanding his ruling on the admissibility of said confession.
40. After ruling for the Government on the Defense motion, the accused, through counsel, entered a plea of *Not Guilty to ALL Charges and Specifications*.

31 August 2003

41. 31 August – SPC Wrongguy’s Trial Date. NOTE: The Accused will testify on the merits arguing that his confession is false and that he was coerced and pressured by CID to provide a statement. Data related to the accused follows:

- Age – 25 years old
- GT score – 109
- MOS – 11B20 (Infantryman)
- HS Diploma and 2 Yr Associates Degree
- Basic and AIT – Fort Benning, Georgia
- Awards: ASR, NDSM, Parachutist Badge, Marksmanship Badge (Expert), Driver’s Badge
- Prior Service – None
- Prior Disciplinary Actions (Article 15s or CMs) – None
- Pending Medical Disability Processing due to Knee Injury

42. The accused will testify that he was not with SPC Donedidit at the time the crime was committed and that the only reason he confessed was because CID was pressuring him and

keeping him at CID. He felt as if the only way he could leave CID, get his car, and get back to his girlfriend was by “telling them what they wanted to hear.” He knew he was providing a false statement but that’s what they wanted and anyway, they said nothing would come of it “because they were focused on Donedidit.”

| CASE CHRONOLOGY | |
|------------------------|--|
| 1 Jan 03 | 2d Brigade, 1st Armored Division (Main Body) Deploys to Kosovo |
| 1 Feb 03 | CPT Fagan publishes his Rear-D CQ Policy Memorandum |
| 1 Apr 03 | Rooms 201-204, Building 2124 are Broken Into |
| | "Soldier" attempts to Pawn Some of the Stolen Items |
| 1 Jun 03 | Co-Accused (SPC Gill T. Donedidit) Confesses |
| 2 Jun 03 | Accused (SPC Ugot D. Wrongguy) Confesses |
| 30 Jun 03 | Formal Charges are Preferred |
| 31 Jul 03 | Article 32 Hearing Held |
| | Article 32 Investigating Officer Recommends General Court-Martial |
| 5 Aug 03 | Staff Judge Advocate R.C.M. 406 Pretrial Advice Recommends General Court-Martial on All Charges and Specifications |
| 6 Aug 03 | General Court-Martial Convening Authority Refers SPC Wrongguy's case to the General Court Convened by Court-Martial Convening Order No. 1, dated 15 June 2003. |
| 7 Aug 03 | SPC Wrongguy is served with the Referred Charges |
| 15 Aug 03 | The Defense Provides the Government with Notice of Alibi |
| 24 Aug 03 | SPC Donedidit's General Court-Martial (Judge Alone Guilty Plea – Charges Mirrored those of SPC Wrongguy) |
| 30 Aug 03 | 39A Session – Defense Motion to Suppress SPC Wrongguy's Confession and Entry of Not Guilty Plea |
| 31 Aug 03 | Trial Begins |

| PLAYERS | |
|----------------------------------|--|
| Rear-D Commander | CPT Roger L. Fagan |
| CQ | SPC Robert Kantsee |
| CQ Runner | SPC J.J. Jones |
| MP Desk Sergeant | SGT Christ |
| | SGT B.B. Bartles |
| MP-2 | SFC Ernie James |
| | |
| Accused | SPC Ugot D. Wrongguy |
| Co-Accused | SPC Gill T. Donedidit |
| | |
| CID Agent-1 | Special Agent (SA) Flat Foot, Agent No. 5432 |
| CID Agent-2 | Special Agent (SA) C.J. Frederickson |
| CID Agent-3 | Special Agent (SA) Dee Ployed, Agent No. 8756 |
| CID Agent-4 | Special Agent (SA) Gettum Too-Talk, Agent No. 9876 |
| CID Receptionist | Ms. Williams |
| Military Magistrate | CPT William H. Raab |
| Search MP-1 | SGT Joe Haymaker |
| Search MP-2 | SSG Jennifer Ellis |
| SPC Wrongguy's Platoon Sergeant | SFC Espanoza |
| | |
| Girlfriend | PFC Wanda Mary-Me |
| | |
| Victim-1 | PVT (E-1) J.J. Roadmarch |
| Victim-2 | SPC Aljer Hiss |
| Victim-3 | PFC Billy Smith |
| Victim-4 | SPC Frank L. Inngate |
| | |
| Herr Herman Schlesinger | U-Pawn-It—I-Own-It Pawnshop Owner |
| | |
| GCMCA | Major General Hang-Em High |
| Division Staff Judge Advocate | Lieutenant Colonel Lee Galli |
| Chief of Military Justice | Major Da-Law Squolar |
| Article 32 Investigating Officer | MAJ Alvin Chip Munk |
| Trial Counsel | CPT Pros E.Q. Torre |
| Article 32 Recorder | SPC Rite Real-Fast |
| Defense Counsel | CPT Helpum Ahl |

| DOCUMENTS / ENCLOSURES / ALLIEDS | |
|---|---|
| Enclosure 1 | Policy Letter and Log Bog, dated 1 Feb 03 |
| Enclosure 2 | High-Dollar-Value-Items Inventory for PVT (E-1) J.J. Roadmarch |
| Enclosure 3 | High-Dollar-Value-Items Inventory for SPC Aljer Hiss |
| Enclosure 4 | High-Dollar-Value-Items Inventory for PFC Billy Smith |
| Enclosure 5 | High-Dollar-Value-Items Inventory for SPC Frank L. Inngrate |
| Enclosure 6 | DA Form 2823, dated 2 Apr 03 Re: SPC Robert Kantsee (CQ), 324-56-9845 |
| Enclosure 7 | DA Form 2823, dated 2 Apr Re: SPC J.J. Jones (CQ Runner), 132-52-7689 |
| Enclosure 8 | Sketch of Building 2124 (1st and 2d Floors) |
| Enclosure 9 | DA Form 2823, dated 31 May 2003 (1930 hours) Re: Herr Schlesinger |
| Enclosure 10 | DA Forms 4137, Evidence/Property Custody Document, dated 31 May 03 and 1 Jun 03 |
| Enclosure 11 | DA Form 3881, Rights Warning Procedure Waiver Certificate, dated 1 Jun 03 Re: SPC Donedit, B Co, 2-3 IN, 987-65-4321 |
| Enclosure 12 | DA Form 2823, dated 1 Jun 03 Re: SPC Gill T. Donedit (Co-Accused) |
| Enclosure 13 | Notepad Piece of Paper with the name "Specialist Donedit" On It |
| Enclosure 13A | DA Form 3881, Rights Warning Procedure Waiver Certificate, dated 2 Jun 03 Re: SPC Wrongguy, C Co, 2-3 IN, 123-45-6789 |
| Enclosure 14 | DA Form 2823, dated 2 Jun 03 Re: SPC Ugot D. Wrongguy (Accused) |
| Enclosure 15 | DA Form 2823, dated 3 Jun 03 Re: PVT (E-1) J.J. Roadmarch, 111-22-3333 |
| Enclosure 16 | DA Form 2823, dated 3 Jun 03 Re: SPC Aljer Hiss, 121-22-3333 |
| Enclosure 17 | DA Form 2823, dated 7 Jun 03 Re: PFC Billy Smith, 131-22-3333 |
| Enclosure 18 | DA Form 2823, dated 10 Jun 03 Re: SPC Frank L. Inngrate, 141-22-3333 |
| Enclosure 19 | DD Form 458, Charge Sheet, dated 30 Jun 03 Re: SPC Donedit |
| Enclosure 20 | DD form 458, Charge Sheet, dated 30 Jun 03 Re: SPC Wrongguy |
| Enclosure 21 | DA Form 1594, Daily Staff Journal Or Duty Officer's Log, dated 1-2 Apr 03 |
| Enclosure 22 | Photographs of CID Interview Room |

DEPARTMENT OF THE ARMY
Headquarters, 2d Brigade Rear (Provisional)
Unit # 234567-09-034
1st Armored Division
Baumholder, Germany APO AE 09034

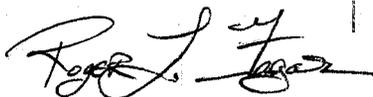
AFZX-HQ-2D-PROV

1 February 2003

MEMORANDUM FOR All Personnel Detailed as Charge of Quarters and Charge of Quarters Runners,
2d Brigade Rear (Provisional), 1st Armored Division, Baumholder, Germany, APO AE 09034

SUBJECT: Mandatory CQ and CQ Runners' Responsibilities and Increased Vigilance

1. Effective immediately, 2d Brigade Rear and all the subordinate Battalions and Companies shall have a mandatory Charge of Quarters (CQ) and CQ Runner. This policy is required due to the recent surge in larcenies occurring in Baumholder community, especially the 2d Brigade barracks and motor pool areas.
2. Since the main body of 2d Brigade deployed to Kosovo shortly after the New Year, the number of vehicles, barracks rooms, offices, and buildings that have been broken into has increased by over 300% the normal annual rate as reported by the PMO and CID. By establishing a mandatory CQ and CQ Runner, we should be able safeguard the personal property belonging to 2d Brigade soldiers as well as the official property belonging to 2d Brigade.
3. All CQs will maintain a daily duty log and ensure that during non-duty hours (i.e., 1700 hours through 0600 hours the following day, Mon-Fri; 0600 hours through 0600 hours the next day, Sat and Sun) the CQ checks all rooms in his area of responsibility **No Less Than** every two hours. The CQ or his runner can conduct the mandatory physical security check. During duty hours, the CQ will perform random checks provided that **No Less Than** three checks are conducted during the duty day. The duty log will verify the time of the physical security check and who conducted it (i.e., the CQ or his runner). Additionally, the duty log will be signed by the CQ at the assumption and again at the close of the tour of duty. Finally, the duty log will note any unusual occurrences during the tour of duty. Finally, the CQ, upon assuming duties, will sign a copy of this memorandum in the space provided indicating that he read the memorandum prior to assuming the duties of CQ.
4. POC is the undersigned at 97-36-78682.



ROGER L. FAGAN
CPT, IN
Commanding

I, Robert Kantsee ^{1 April 2003} ₀₆₀₀ (Print Name) have read and understand the above memorandum regarding my duties as CQ (CQ Runner) and have also been briefed by the Battalion/Brigade Staff Duty Officer prior to assuming my duties. Robert Kantsee (Signature).

ENCLOSURE 1

HIGH-DOLLAR-VALUE-ITEMS INVETORY
 A Company, 2d Battalion, 3d Infantry Regiment

| | | | |
|------------------|------------------------------|------------------------|-------------------------|
| Soldier: | PVT (E-1) J.J. Roadmarch | | |
| | A Co, 2-3 IN, 2d Bde, 1st AD | | |
| Ni. | 2124, Patton Avenue | | |
| | 201 | | |
| NCOIC: | SFC Rick Sperry | | |
| Deployment Date: | 10 January 2003 | | |
| Verified: | 10 January 2003 | SMs Iniitals <i>JK</i> | NCOs Initials <i>RS</i> |

| Item Description | Quantity | Estimated Value |
|--|--------------|-----------------|
| Sony 27" Color TV, SR#: SY1435-piu-987 | | \$250 |
| Sony Component Stereo System w/ Tower Speakers, SR#s: SY-TD-12536, SY-CD-876-98, SY-DVD-6537-03-1, SY-T-43527, SY-AMP-645663-yrt | 1 | \$450 |
| Dell Tower – Pentium III w/ Monitor, Keyboard, and Speakers, SR#: Dll-67458-02-09, SR#: Dll-67459-02-09, SR#: Dll-67758-02-09, SR#: Dll-77458-02-09, | 1 | \$750 |
| X-Box Video System, SR#: 143-bgh-56-987 | 1 | \$150.00 |
| X-Box Cartridges | 5 | \$150.00 |
| EA Football | - 1 | |
| EA Baseball | - 1 | |
| Special Forces Plus | - 1 | |
| Blackhawk Down | - 1 | |
| Arcade Games Assorted | - 1 | |
| Music CDs (Various Artists) | 20 | \$240.00 |
| Beatles – Box Set (10 CDs) | - 10 | |
| The Who – Who’s Best | - 1 | |
| Clay Walker – Hypnotize the Moon | - 1 | |
| Clay Walker – Clay Walker’s Greatest Hits | - 1 | |
| Garth Brooks – Seven | - 1 | |
| Garth Brooks – Greatest Hits | - 1 | |
| Shania Twain – The Woman in Me | - 1 | |
| Collin Raye – I Think About You | - 1 | |
| America: A Tribute to Heroes | - 2 | |
| Kenney Chesney – Greatest Hits | - 1 | |
| Timex Iron-Man Watch | 1 | \$19.95 |
| NOTHING ELSE FOLLOWS ----- | ----- | ----- |

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|--|---|------------------------|---|
| 1. LOCATION Baumholder, Germany | 2. DATE (YYYYMMDD) 2003/04/02 | 3. TIME 1000 | 4. FILE NUMBER CID-ROI-1APR03 |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME KANTSEE, Robert | 6. SSN 324-56-9845 | | 7. GRADE/STATUS SPC/E-4 |
| 8. ORGANIZATION OR ADDRESS HHC, 2d Bde, 1st AD, Baumholder, Germany APO AE 09034 | | | |

9. I, SPC Robert Kantsee, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On Saturday, 1 April 2003, I assumed duties as CQ for the A Co, 2-3 IN Barracks as well as the barracks area that includes the POV parking lot. The Barracks is Building 2124 on Patton Avenue in Baumholder, Germany. My CQ Runner was SPC J.J. Jones. This was my second time pulling CQ since CPT Fagan instituted his mandatory CQ policy. I assumed duties at 0600 hours and started my CQ log, DA Form 1594, Daily Staff Journal Or Duty Officer's Log. The first entry in the log after the initial "Assumed duties at 0600 hours from CPL R.D. Ford" was the fact that I reviewed CPT Fagan's 1 February 2003 policy memorandum and noted my review by signing at the bottom per his guidance. Most of the day was uneventful. We, either myself or SPC Jones, conducted our physical security checks as directed by the CQ Policy memorandum and did not notice anything unusual until the midnight check, that is the 2400 hours physical security inspection. While on the 2d floor of Building 2124, I noticed what I thought were some unsecured rooms on the East side of the floor, specifically the last four rooms on the floor. I proceeded towards the room and as I got closer I saw that all four doors were opened. They weren't wide open but open enough to tell that they were not properly secured as I'm sure they had been earlier in the day. Although I hadn't personally checked the doors to these rooms, Rooms 201 through 204, earlier in the day, I'm certain I, or the CQ runner, would have noticed if they were unsecured like they were at midnight. I immediately went back to the CQ desk and contacted CPT Fagan, the Rear-D Commander, who ordered me to post the CQ runner outside the door. I got SPC Jones on the radio and told him to secure Rooms 201 through 204 from the hallway, make sure no one went in or out, and to stand fast until the MPs arrived. Shortly thereafter, the MPs returned and I escorted them up to the 2d Floor where CPT Fagan, who had some documents in his hands, met them. SPC Jones and I then returned to our CQ duties.

Q: When was the last time you or your CQ Runner checked the rooms on the second floor?
A: We are required to check them every two hours so it would have been 2200 hours?

Q: And before that?
A: 2000 hours.

Q: Who performed the 2200 hours check?
A: I did.

Q: And the check at 2000 hours?
A: My CQ Runner.

Q: Would all these checks be noted in the duty log?
A: They might be. Sometimes I forget to put in some of the checks into the log. I'm not really good at the paperwork side of this CQ stuff.

Q: Do you remember anything unusual or out of the ordinary occurring that night?
A: No! If something unusual would have happened I would have noted it in the log as required by the CO's policy memorandum. It was a quiet, uneventful evening until I performed my midnight check and noticed that the rooms were unsecured.

CONTINUED ON NEXT PAGE

| | | |
|--------------------|--|--------------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT RK | PAGE 1 OF 3 PAGES |
|--------------------|--|--------------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF SPC Robert Kantsee TAKEN AT Baumholder, GE DATED 2003/04/02

9. STATEMENT (Continued)

Q: Did you see anyone in the building or outside the building that was acting suspiciously or looked like they didn't belong in the area?

A: No! Again, had I seen someone I would have noted it in the log. If the CQ Runner had seen someone or something, he would have told me and I would have put it in the log. Nothing unusual happened until midnight.

Q: Did you hear any noises coming from the 2d floor?

A: No.

Q: Do you know who lives in Rooms 201 through 204?

A: No.

Q: At anytime that evening did you or your Runner perhaps leave your area of responsibility to either get some sleep, to get something to eat, or to do anything perhaps unrelated to your CQ duties?

A: No.

Q: Did you or your Runner perhaps fall asleep at the CQ desk?

A: No.

Q: Is there anything you wish to add to this statement?

A: No - the CQ log says it all.

NOTHING ELSE FOLLOWS.

INITIALS OF PERSON MAKING STATEMENT

RK

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

(This area is mostly blank, crossed out with a diagonal line from the top-left corner to the bottom-right corner.)

AFFIDAVIT

I, SPC Robert Kantsee, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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.

Robert Kantsee

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, 2d day of April, 2003 at Baumholder, Germany APO AE 09034

S.A. J. Joubert

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

Special Agent Flat Foot

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

RK

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filling and
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|---|---|------------------------|---|
| 1. LOCATION Baumholder, Germany | 2. DATE (YYYYMMDD) 2003/04/02 | 3. TIME 1100 | 4. FILE NUMBER CID-ROI-1APR03 |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME JONES, J.J. | 6. SSN 132-52-7689 | | 7. GRADE/STATUS SPC/E-4 |
| 8. ORGANIZATION OR ADDRESS Co A, 2-3 IN, 2d Bde, 1st AD, Baumholder, Germany APO AE 09034 | | | |

9.
I, SPC J.J. Jones, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On Saturday, 1 April 2003, I assumed duties as CQ Runner for SPC Kantsee. We were assigned to the Alpha Company, 2d Battalion, 3d Infantry Barracks as well as the barracks area. I think that also included the parking lot outside the building but I'm not sure. I've pulled CQ Runner duties probably half-a-dozen times since the New Year. On 1 April, at around midnight, so I guess it was probably between the 1st and 2d . . . anyway . . . the CQ, SPC Kantsee contacted me on the radio and told me to report to the 2d floor of Building 2124, the Building we were assigned to. I did as directed and he told me to secure the rooms at the East end of the building, Rooms 201 through 204. All four rooms had their doors open slightly. You could tell from the hallway that all the rooms were open. I had done a security check of this hallway at around 2000 hours and all doors were secured. I didn't physically try all the doors but I would have noticed if any of the doors were open like they were at midnight. SPC Kantsee told me to stand fast until he returned with the chain of command. Shortly thereafter SPC Kantsee came up with the MPs. CPT Fagan was also present and we were told to resume our CQ duties.

Q: When was the last time you checked the 2d floor of Building 2124?
A: At 2000 hours.

Q: What happened to the mandatory 2200 hours check?
A: SPC Kantsee told me he was going to do it so I stayed at the CQ desk per his guidance. He's the CQ and I'm only the Runner so I take my guidance from him. At 2200 hours I was at the CQ desk.

Q: Would all these checks be noted in the duty log?
A: They should be. SPC Kantsee told me he was good at paperwork and that he would square away all the required log entries. I was glad because I can't stand doing paperwork.

Q: Do you remember anything unusual or out of the ordinary occurring that night?
A: Other than finding these rooms open, no.

Q: Did you see anyone in the building or outside the building that was acting suspiciously or looked like they didn't belong in the area?
A: No. If I had I would have asked them what they were doing and also reported it to the CQ. I didn't see anything suspicious, if that's what you are asking me.

Q: Did you hear any noises coming from the 2d floor?
A: No.

Q: Do you know who lives in Rooms 201 through 204?
A: No.

Q: At anytime that evening did you or the CQ perhaps leave your area of responsibility to either get some sleep, to get something to eat, or to do anything perhaps unrelated to your CQ duties?
A: I can't speak for the CQ but all I did last night was perform my duties. If I wasn't at the CQ desk I was performing the routine, mandatory security checks or performing the duties that the CQ directed me to do.

CONTINUED ON NEXT PAGE

| | | |
|--------------------|---|--|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT JJJ | PAGE 1 OF <u>3</u> PAGES |
|--------------------|---|--|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF SPC J.J. Jones TAKEN AT Baumholder, GE DATED 2003/04/02

9. STATEMENT (Continued)

Q: How would you describe the door locks in Building 2124?

A: Lame!

Q: Explain.

A: This building is scheduled for renovation which is desperately needed. All the doors on the 2d and 3d floor, actually all the doors in the building except for the Arms and NBC Rooms in the basement, can be carded.

Q: What do you mean by "carded?"

A: All you need to gain access to any of the rooms is a Military ID card or credit card. You slip the card in the door by the lock and you can slide the locking mechanism back. It's a joke. I'm surprised that every room hasn't been broken into.

Q: Have you ever carded a room?

A: Yes - my own. I live in an old building and sometimes when I go out drinking I forget my key so I either card the door or if I'm too drunk, I get someone to card it for me. Everyone that's lived in one of the old barracks for any period of time longer than say a month can card a door. It doesn't take a whole lot of brains or energy.

Q: Is there anything further you wish to add to this statement?

A: No.

NOTING ELSE FOLLOWS.

INITIALS OF PERSON MAKING STATEMENT

JJJ

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

[Large diagonal line indicating the statement content is on the previous page]

AFFIDAVIT

I, SPC J.J. Jones, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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.

J.J. Jones
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, 2d day of April, 2003 at Baumholder, Germany APO AE 09034

ORGANIZATION OR ADDRESS

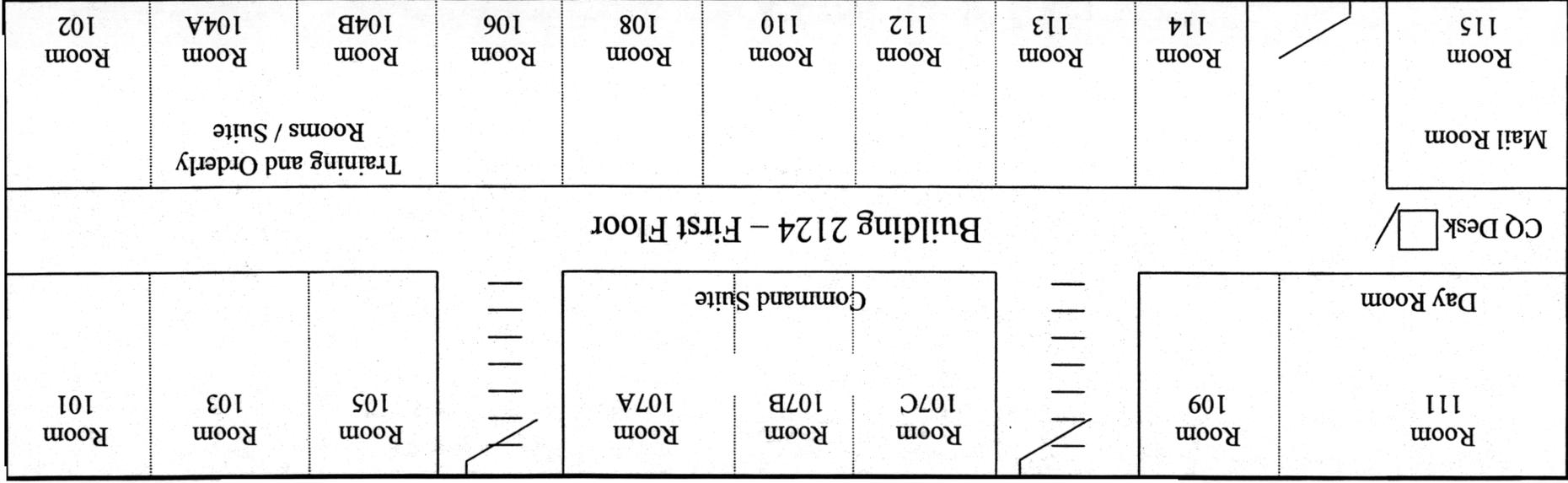
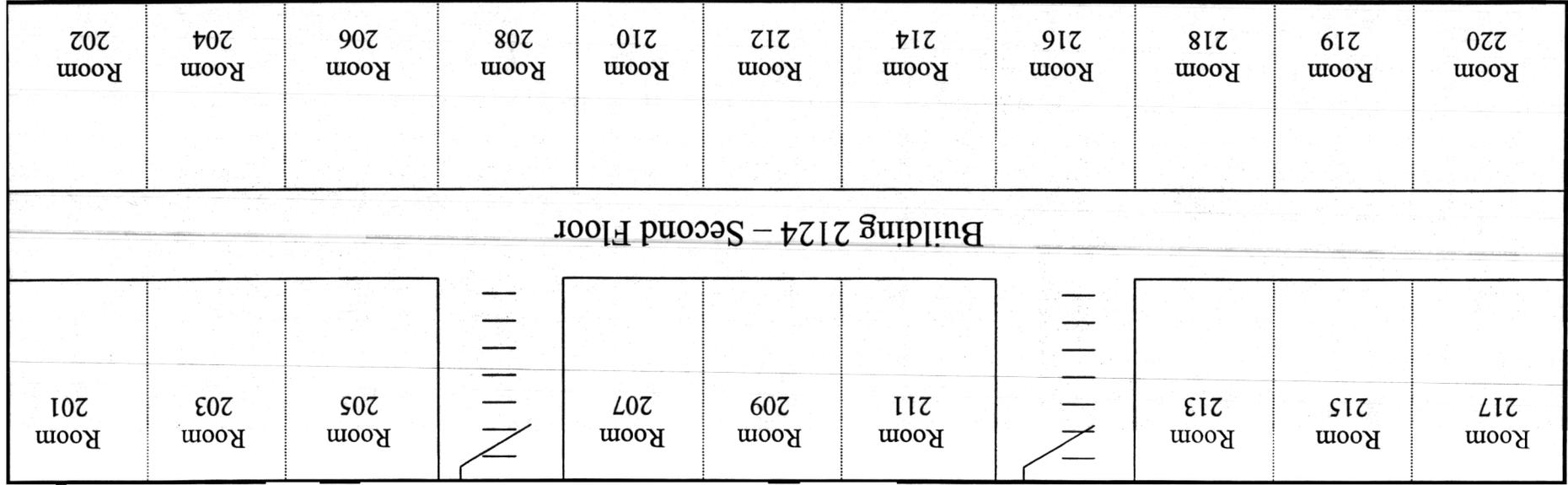
S.A. J. Jook
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

Special Agent Flat Foot
(Typed Name of Person Administering Oath)

Article 136, UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
JJJ



W
S
N
E

= Doorway

= Stairway

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|---|---|------------------------|---|
| 1. LOCATION Baumholder, Germany | 2. DATE (YYYYMMDD) 2003/05/31 | 3. TIME 2100 | 4. FILE NUMBER CID-ROI-1APR03 |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME SCHLESINGER, Herman | 6. SSN 000-00-000 | | 7. GRADE/STATUS CIV |

8. ORGANIZATION OR ADDRESS
Baumholder, Germany (Civilian - Owner of U-Pawn-It-I-Own-It)

9.
I, Herr Herman Schlesinger, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

My name is Herman Schlesinger. I am the owner of the U-Pawn-It-I-Own-It pawnshop located on Luftansastrasse, 1254, Baumholder, Germany. On the 31st day of May I was working in my store. On this day, at approximately 3:00 in the afternoon, a person wearing an American soldier's army uniform came into the store carrying what you American's call, I believe, a duffle bag. I greeted him "good afternoon" in German and he replied with "good afternoon" in English. I asked him how I could help him and he said he would be traveling back to the United States on leave and was looking to get some extra money for his vacation. He said that his friends told him that I paid money, Euros, for video games, music CDs, and movie DVDs. I explained to him that I did in fact pay for these items but that I had to ensure that the items being "pawned" were the property of the person pawning the items. To protect myself and my customers I keep a list behind the counter that has a listing of those items reported stolen either by the local Military Police, the CID people, or the German Police. The customer doesn't know about my list. The soldier appeared to understand and removed an X-Box video game from his bag. He also said he had some music CDs and some DVDs to pawn. I asked him if the game system worked and he said, "Yes - of course." I then turned the system around to look at the serial number. I noted that the serial number was identical to that of an X-Box reported stolen by CID, specifically the X-Box stolen from Building 2124. I can't remember the serial number without looking at my list but I specifically recall that the number on the game system matched that on my list and the only X-Box on my list is the one stolen from the building on Patton Avenue on the Baumholder Kaserne. I then asked the soldier to show me his identification card. I preferred to see a Military ID card for soldiers. He became somewhat nervous when I asked for his identification. I explained this was simply part of my business, I believe you soldiers refer to it as my operating procedure. In addition, I told him he would have to fill out some paperwork and that I could purchase the items he had. He became even more nervous after I asked him to fill out some paperwork. He said, "Thank You," grabbed his X-Box, placed it back in the duffle bag and left the store. As he was leaving, I looked hard at the name on his uniform and so I wouldn't forget it, wrote the name down on a piece of paper, the paper I gave you earlier when I arrived here. His name was "Donedidit" and I believe that the rank on his uniform was Specialist. He was a white male, less than two meters in height and around 74 kilograms. He did not have any facial hair and he had what I believe you Americans call a "tight and high" or Ranger hair cut. Like I said, he was wearing a full camouflage uniform and black boots with the webbing on the side. I believe he also had a hat but he didn't have it on when he came into my store.

Q: Are there any distinct physical features about the individual that you can recall?
A: No.
Q: Was he alone or with someone?
A: He came into the store alone. Whether someone was outside waiting for him or not I cannot say
Q: I'm showing you what we call a unit "face book." Please review it and tell me if you recognize the individual that came into your pawnshop earlier in the day?
A: Yes. Page 15. The soldier in the top, right corner. He's the one. The name under the picture is the same name, SPC Gill T. Donedidit.
Q: Is there anything else you want to add to the statement?
A: Yes. I run a legitimate pawnshop and I am very concerned that soldiers would steal from one another and then bring the stolen property to me to pawn. You Americans need to do a better job training your soldiers. German soldiers would not do this. That is all.

NOTHING ELSE FOLLOWS. _____

| | | |
|--------------------|--|--|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT HS | PAGE 1 OF <u>2</u> PAGES |
|--------------------|--|--|

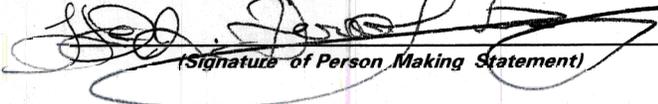
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

9. STATEMENT (Continued)

(This area is mostly blank, crossed out with a diagonal line from the top-left corner to the bottom-right corner.)

AFFIDAVIT

I, Herr Herman Schlesinger, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH 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.


(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law administer oaths, 31st day of May, 2003 at Baumholder, Germany APO AE 09034

S.A. J. J. Flat
(Signature of Person Administering Oath)

Special Agent Flat Foot
(Typed Name of Person Administering Oath)

Article 136, UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

HS

PAGE 2 OF 2 PAGES

| | |
|--|---|
| EVIDENCE/PROPERTY CUSTODY DOCUMENT For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command | MPR/CID SEQUENCE NUMBER N/A CRD REPORT/CID ROI NUMBER 1APR03 |
|--|---|

| | |
|--|---|
| RECEIVING ACTIVITY United States Army Criminal Investigation Division - Baumholder Filed Office, Baumholder, GE | LOCATION Baumholder, Germany APO AE 09034 |
| NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input checked="" type="checkbox"/> OWNER Herr Herman Schlesinger <input type="checkbox"/> OTHER | ADDRESS <i>(Include Zip Code)</i> Baumholder CID Office Unit # CID-Region IV-23221 APO AE 09034 |
| LOCATION FROM WHERE OBTAINED Personally delivered by author - Herr Schlesinger; Provided to CID at Baumholder CID Office | REASON OBTAINED Criminal Investigation |
| TIME/DATE OBTAINED 2000 Hours/31 May 2003 | |

| ITEM NO. | QUANTITY | DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i> |
|----------|----------|---|
| 1 | 1 | One Piece of White Note Pad Paper w/ the following on it: "Specialist Donedidit" Written in Cursive; Initialed and Dated at Bottom by Herr Schlesinger with the Following: "HS, 31 May 2003 1400" |

| CHAIN OF CUSTODY | | | | |
|------------------|--------|----------------------|---|---|
| ITEM NO. | DATE | RELEASED BY | RECEIVED BY | PURPOSE OF CHANGE OF CUSTODY |
| 1 | 31 May | SIGNATURE | SIGNATURE | Criminal Investigation - CID-ROI-1APR03 |
| | | NAME, GRADE OR TITLE | <i>S.A. J. Joot</i> SA Flat Foot, CID No. 5432 | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |

ENCLOSURE 10

| ITEM NO. | DATE | CHAIN OF CUSTODY (Continued) | | PURPOSE OF CHANGE OF CUSTODY |
|----------|------|------------------------------|----------------------|------------------------------|
| | | RELEASED BY | RECEIVED BY | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |

FINAL DISPOSAL ACTION

RELEASE TO OWNER OR OTHER (Name/Unit) _____

DESTROY _____

OTHER (Specify) _____

FINAL DISPOSAL AUTHORITY

ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____ (Grade)

_____ (Name) _____ (Organization) (IS) (ARE) NO LONGER

REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. (If article(s) must be retained, do not sign, but explain in separate correspondence.)

_____ (Typed/Printed Name, Grade, Title) _____ (Signature) _____ (Date)

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) _____ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE.

_____ (Typed/Printed Name, Organization) _____ (Signature)

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER

N/A

CRD REPORT/CID ROI NUMBER

1APR03

| | |
|---|--|
| RECEIVING ACTIVITY United States Army Criminal Investigation Division - Baumholder Filed Office, Baumholder, GE | LOCATION APO AE 09034 |
| NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER SPC Gill T. Donedidit <input checked="" type="checkbox"/> OTHER | ADDRESS (Include Zip Code) Baumholder CID Office Unit # CID-Region IV-23221 APO AE 09034 |
| LOCATION FROM WHERE OBTAINED Room 202, Building 2123, Patton Avenue, Baumholder, Germany | REASON OBTAINED Criminal Investigation Search Authorization by CPT Raab, Military Magistrate |
| | TIME/DATE OBTAINED 0900 Hours/1 June 2003 |

| ITEM NO. | QUANTITY | DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i> |
|----------|----------|---|
| 1 | 5 | X-Box Cartridges: EA Football, EA Baseball, Special Forces Plus, Blackhawk Down and Arcade Games Assorted |
| 2 | 16 | 20 Music CDs: Beatles - Box Set (10 CDs) The Who - Who's Best, Clay Walker - Hypnotize the Moon and Greatest Hits, Garth Brooks - Seven and Greatest Hits, Shania Twain - The Woman in Me |
| 3 | 9 | Collin Raye - I Think about you, A Tribute to Heroes (2 CDs) and Kenney Chesney - Greatest Hits, Mariah Carey - Box Set (5 CDs) |
| 4 | 1 | One Panasonic CD Player, SR#:122987YG87 |
| 5 | 1 | One Technics Combined DVD - VHS Player, SR#: TCH-DV-VH-674-0rt-03 |
| 6 | 5 | 5 DVDs (Movies): The Magnificent Seven, She Wore a Yellow Ribbon, A Bridge Too Far, Gunfight at the O.K. Coral, and High Noon. |
| 7 | 1 | One Sony Palm Pilot, SR#:SY-PP-4545503 |
| 8 | 2 | One Game-Boy XP and One Timex Iron-Man Watch |
| 9 | 5 | 5 Game-Boy XP Cartridges: Tiger Woods Golf, Sniper Force, X-Games Skating, X-Games Snowboarding, and Deep Blue |
| 10 | 1 | Army Green Duffle Bag w/ Donedidit stenciled on the side |

| CHAIN OF CUSTODY | | | | |
|------------------|-----------|----------------------|--|---|
| ITEM NO. | DATE | RELEASED BY | RECEIVED BY | PURPOSE OF CHANGE OF CUSTODY |
| 1 | 1 June 03 | SIGNATURE | SIGNATURE | Criminal Investigation - CID-ROI-1APR03 |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE SA Flat Foot, CID No. 5432 | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |

| ITEM NO. | DATE | CHAIN OF CUSTODY <i>(Continued)</i> | | PURPOSE OF CHANGE OF CUSTODY |
|----------|------|-------------------------------------|----------------------|------------------------------|
| | | RELEASED BY | RECEIVED BY | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |

FINAL DISPOSAL ACTION

RELEASE TO OWNER OR OTHER *(Name/Unit)* _____

DESTROY _____

OTHER *(Specify)* _____

FINAL DISPOSAL AUTHORITY

ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____ *(Grade)*

_____ *(Name)* _____ *(Organization)* (IS) (ARE) NO LONGER

REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. *(If article(s) must be retained, do not sign, but explain in separate correspondence.)*

_____ *(Typed/Printed Name, Grade, Title)* _____ *(Signature)* _____ *(Date)*

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) _____ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE.

_____ *(Typed/Printed Name, Organization)* _____ *(Signature)*

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5, the proponent agency is US Army
Criminal Investigation Command

MPR/CID SEQUENCE NUMBER

N/A

CRD REPORT/CID ROI NUMBER

1APR03

| | | |
|---|---|---|
| RECEIVING ACTIVITY United States Army Criminal Investigation Division - Baumholder Filed Office, Baumholder, GE | | LOCATION APO AE 09034 |
| NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER SPC Gill T. Donedidit <input checked="" type="checkbox"/> OTHER | | ADDRESS (Include Zip Code) Baumholder CID Office Unit # CID-Region IV-23221 APO AE 09034 |
| LOCATION FROM WHERE OBTAINED 1998 Ford Mustang, USAREUR Plate Bhl-3298-Z | REASON OBTAINED Criminal Investigation Search Authorization by CPT Raab, Military Magistrate | TIME/DATE OBTAINED 0930 Hours/1 June 2003 |

| ITEM NO. | QUANTITY | DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i> |
|----------|----------|--|
| 1 | 1 | One X-Box Video System, SR#: 143-bgh-56-987 |
| 2 | 10 | 10 Music CDs: Dixie Chicks - Wide Open Spaces, Home and Fly, Jo Dee Messina - I'm Alright and Burn |
| 3 | 5 | 5 DVDs (Movies): Rio Lobo, Rio Bravo, The Sons of Katie Elder, McClintok, and Chisholm |
| 4 | 1 | Army Green Duffle Bag |

| CHAIN OF CUSTODY | | | | |
|------------------|-----------|----------------------|--|--|
| ITEM NO. | DATE | RELEASED BY | RECEIVED BY | PURPOSE OF CHANGE OF CUSTODY |
| 1 | 1 June 03 | SIGNATURE | SIGNATURE S.A. J. Jost | Criminal Investigation - CID-ROI-1APR03 |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE SA Flat Foot, CID No. 5432 | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |

| ITEM NO. | DATE | CHAIN OF CUSTODY <i>(Continued)</i> | | PURPOSE OF CHANGE OF CUSTODY |
|----------|------|-------------------------------------|----------------------|------------------------------|
| | | RELEASED BY | RECEIVED BY | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
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| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |
| | | SIGNATURE | SIGNATURE | |
| | | NAME, GRADE OR TITLE | NAME, GRADE OR TITLE | |

FINAL DISPOSAL ACTION

RELEASE TO OWNER OR OTHER *(Name/Unit)* _____
 DESTROY _____
 OTHER *(Specify)* _____

FINAL DISPOSAL AUTHORITY

ITEM(S) _____ ON THIS DOCUMENT, PERTAINING TO THE INVESTIGATION INVOLVING _____ *(Grade)*
 _____ *(Name)* _____ *(Organization)* (IS) (ARE) NO LONGER

REQUIRED AS EVIDENCE AND MAY BE DISPOSED OF AS INDICATED ABOVE. *(If article(s) must be retained, do not sign, but explain in separate correspondence.)*

(Typed/Printed Name, Grade, Title) *(Signature)* *(Date)*

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLE(S) LISTED AT ITEM NUMBER(S) _____ (WAS) (WERE) DESTROYED BY THE EVIDENCE CUSTODIAN, IN MY PRESENCE, ON THE DATE INDICATED ABOVE.

(Typed/Printed Name, Organization) *(Signature)*

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: identified.
DISCLOSURE: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and

| | | | |
|---|--|------------------------------|--------------------------------------|
| 1. LOCATION Baumholder CID Office, APO AE 09034 | 2. DATE 1 June 2003 | 3. TIME 1300 Hours | 4. FILE NO. CID-ROI-1APR03 |
| 5. NAME (Last, First, MI) DONEDIDIT, Gill T. | 8. ORGANIZATION OR ADDRESS Company B, 2-3 Infantry, 2d Brigade, 1st Armored Div APO AE 09034 | | |
| 6. SSN 987-65-4321 | 7. GRADE/STATUS SPC/E-4 | | |

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 Division, Baumholder CID Office, APO AE 09034 and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy to Commit Larceny, Larceny, and Burglary

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 question or say anything. *J.T.D.*
2. Anything I say or do can be used as evidence against me in a criminal trial. *J.T.D.*
3. *(For personnel subject othe 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. *J.T.D.*

- 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. *J.T.D.*

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.

| | |
|---|---|
| WITNESSES (If available) | 3. SIGNATURE OF INTERVIEWEE |
| 1a. NAME (Type or Print) Special Agent (SA) Gettum Too-Talk <i>J.A. Gettum Too-Talk</i> | <i>Gill T. Donedit</i> |
| b. ORGANIZATION OR ADDRESS AND PHONE CID SA, Agent No. 9876 | 4. SIGNATURE OF INVESTIGATOR <i>S.A. J. Foot</i> |
| 2a. NAME (Type or Print) | 5. TYPED NAME OF INVESTIGATOR Special Agent Flat Foot, CID No. 5432 |
| b. ORGANIZATION OR ADDRESS AND PHONE | 6. ORGANIZATION OF INVESTIGATOR Baumholder CID Office, APO AE 09034 |

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

PART II - RIGHTS WARNING PROCEDURE

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?"
(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?"
(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 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?"

(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.)*

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 advisal.

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 initialed 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)*

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|---|---|-----------------------------------|---|
| 1. LOCATION Baumholder, Germany | 2. DATE (YYYYMMDD) 2003/06/01 | 3. TIME 1700 | 4. FILE NUMBER CID-ROI-1APR03 |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME DONEDIDIT, Gill T. | 6. SSN 987-65-4321 | 7. GRADE/STATUS SPC/E-4 | |
| 8. ORGANIZATION OR ADDRESS B Co, 2-3 In, 2d Bde, 1st AD, Baumholder, Germany APO AE 09034 | | | |

9. I, SPC Gill T. Donedidit, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Sometime around the New Year, about the middle of January 2003, I popped positive for marijuana and hashish. I had already been in trouble before this and I had a pretty good idea that my commander was going to chapter me. My First Sergeant, First Sergeant Standards told me in no uncertain terms that he would make sure they "fried my ass." Anyway, as a result of my misconduct, I didn't deploy with the main body of 2d Brigade to Kosovo. I was basically just hanging around pulling Rear-D duties such as CQ, police call, maintenance duties, etc. SPC Wrongguy was also in the rear in January because he hurt his knee during he pre-deployment preparation. I think he hurt it jumping out of a Bradley but I'm not sure. Anyway, we became pretty good friends over the past year. I even introduced him to his current girlfriend, PFC Mary-Me. She and I dated for some time but it didn't work out and then she started going with Wrongguy. Anyway - after the New Year Wrongguy told me he proposed to Mary-Me and that he wanted to get her a big diamond for their engagement. I said he was nuts and that he just met her but hey, that was his life. He kept complaining about not having the cash to buy Wanda (PFC Mary-Me) the ring he wanted. I told him he should have my problems. I was about to get kicked out of the Army from Europe with no money in the bank. I haven't even told my parents about my pending chapter from the Army. Anyway - after telling Wrongguy about my financial problems we started talking about the break-ins into the Baumholder barracks. Things were getting so bad that the Rear-D Commander, CPT Fagan, instituted mandatory CQs for all 2d Brigade buildings, requiring all CQs to keep a log of all significant activities. That's when SPC Wrongguy suggested that we could make some extra cash by "carding" some of the 2d Brigade rooms and taking some of the stuff the soldiers left behind and pawning it. I was a little surprised because he was saying we should steal from those soldiers in our brigade that were deployed to Kosovo so I told him he was "nuts." That when he said it was a "win-win" situation because he remembered a briefing he received from a JAG officer on claims. He said that as long as the items were on the soldiers "high-cost-items-inventory," or something like that, that the Army would pay the soldiers for the stolen items when they re-deployed. He even said that some of the guys would be "better off" because now they could get new video games and DVDs. Since his plan seemed to hurt no one I said "let's go for it." I asked him if he had a specific plan and he said no but as long as I was "game," he'd come up with something and get back to me. He was going on a support mission to CMTC for the next four weeks and said he'd get back with me when he returned. He told me to "lay low" in the meantime and not to say anything about his idea to anyone.

Approximately four weeks later, sometime around the beginning of March, SPC Wrongguy came to me and said he had most of "it" figured out but had some details he had to finalize. Wrongguy said he had CQ that night and would get back to me as soon as possible. I told him we'd better get going because I didn't know how much time I had left in the Army because of my chapter.

Sometime around the middle of March, I believe it was the 17th, SPC Wrongguy came to me and said he had it figured out and that we needed to discuss his plan. We decided to meet at the Baumholder Burger King (BK) to discuss what we would do and how. He said the BK was a great place because you could actually see the building he had picked from the road outside the BK. We met shortly after the duty day ended, around 1800 hours that night, again I think it was the 17th, and he told me his plan. He said that the week before he was on CQ duty in Building 2124 and he had access to the keys to all the rooms. He, Wrongguy, told me he had checked out the rooms on the 2d floor of Building 2124 and he noticed that four of the rooms on the East side had a lot of electronic stuff that we could take and make some decent money. He said that with two duffle bags and a few minutes we could be in and out in no time. Those were his exact words, "in and out in no time." He also said that the rooms could be carded. He used his Military ID on all four rooms and got in no problem. I believe the rooms were either 201 through 204 or 211 through 214 but I'm not sure. I said sounds like a plan and asked him when he planned on executing it. He said we should "wait" a couple of weeks so that his name is not on any of the current CQ rosters, which made sense. I also asked him where we were going to store the stolen property and he suggested my room since my roommate was deployed and his was not. I agreed.

See Next Page

| | | |
|--------------------|---|--|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT GTD | PAGE 1 OF <u>4</u> PAGES |
|--------------------|---|--|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF SPC Gill T. Donedidit TAKEN AT Baumholder, GE DATED 2003/06/01

9. STATEMENT (Continued)

I told him that, depending on our take, we could keep most of the stuff in my wall locker and the rest could go under my bed. We decided that we would go into the four rooms on 1 April 2003 and we would each bring our duffle bag. Since Building 2124 is not too far from the Shopette laundry facility we figured no one would think twice about soldiers carrying duffle bags at night.

On 1 April 2003, at around 1800 hours, I drove to Burger King, parked my car in the BK parking lot and waited for SPC Wrongguy. I waited nearly an hour before Wrongguy finally showed up. He drove up in his POV and parked across from me. After he got there, we both got out of our cars and started walking down the street, parallel to Patton Avenue until we reached the street corner. We then made a left, up Eisenhower Way, and made the left onto Patton Avenue. We kept walking towards Building 2124, all the while looking around and making sure that no one was outside that might be able to identify us. At that point, around 2030 hours, we went into Building 2124. We were hoping to get in through a side door, however, all doors were locked. SPC Wrongguy decided I should try and get past the CQ and open the door nearest the East end. I went in through the CQ door and immediately went up to the second floor, down the hallway, down the East stairway, and opened the East door allowing Wrongguy to get into the building. I got in undetected because the CQ area was unoccupied. I don't know where the CQ or his runner was but they weren't at the desk. Once inside the building, we proceeded to the rooms that Wrongguy picked out. Again I think they were either 201 through 204 or 211 through 214, I'm not sure. After carding the room, we went in, took what we thought would get us some quick cash, put the items in the duffle bags, and moved on to the next room. We did this for all four rooms and then left the building.

As we were leaving the building, heading towards the East stairway, we heard someone coming down the hall. We did our best to walk as fast as we could and as we were turning the corner, we saw a soldier in BDUs. We assumed he was the CQ or his runner because the 2d and 3d floors of Building 2124 were all vacant. That's part of the reason that Wrongguy picked this building, at least that's what he said. He said the hardest part of the entire plan would be getting onto the 2d floor without being noticed. Once there we wouldn't have to worry about any soldiers either being or coming home. Anyway - as we rounded the corner I saw the soldier in BDUs and I quickly looked away. I'm pretty sure he saw us but I'm not certain. He didn't say anything and we just kept going. We went down the stairs as quickly as possible and got out the East doorway and headed back the way we came. At this point it was about 2200 hours. When we got back to the BK, Wrongguy gave me his duffle bag and we placed both bags in my car, one in the backseat and one in the trunk. He told me to take the stuff to my room and that we would decide how to get rid of it later. We agreed to meet at my room on the 2d after the duty day.

On 2 April 2003, at approximately 1900 hours, SPC Wrongguy told me that the Rear-D Commander and CID were aware of the larcenies from Building 2124 and that we would have to "lay low" for a while before we could get rid of the stuff. I reminded him of the fact that I wasn't sure how much longer I had in the Army and that I needed the cash before I left. He said not to worry and that it would all be taken care of.

Over the next few weeks I kept calling SPC Wrongguy's cell phone to see when we were getting rid of the stuff or where. He planned everything else up to this point and I wanted to see what he figured out for this. I told him I needed the cash ASAP as I thought I would be gone, out of the Army, by the middle of June. I had my second reading of my chapter action and all the command was waiting for was the final blood work which was notoriously slow in Baumholder but even at their snail's pace, didn't take three months. I told him repeatedly that I expected to be gone by mid June and I needed the money. He told me to calm down and that he would "take care of everything."

On 30 May 2003, my acting Platoon Sergeant told me that the final blood work came in on my physical and that it was only a matter of time before I'd be gone. I decided that I'd get some cash from some of the stuff we took so I placed a couple of items in a duffle bag, specifically one X-Box Video System, SR#: 143-bgh-56-987, 5 X-Box Cartridges, and 20 Music CDs (Various Artists) and went to the local pawn shop in downtown Baumholder, the U-Pawn-It-I-Own-It store.

On 31 May 2003, I went to U-Pawn-It-I-Own-It and spoke with the storeowner. I can't remember his name. I was going to pawn the stuff in my duffle bag and showed the owner the X-Box. I became a little concerned when he spun the box around and looked at the serial number. He then asked me to provide some identification and he asked me to sign something. I told him "Thank You," grabbed my bag, and left the store. After that, you all came to my room with a document that said you could search my room, searched the room as well as my car and found the stuff that SPC Wrongguy and I took from the rooms in Building 2124.

Q: Are all the items recovered from your room and POV items that you and SPC Wrongguy stole from Rooms 201 through 2004, Building 2124, Patton Avenue, Baumholder, Germany - specifically: one X-Box Video System, SR#: 143-bgh-56-987, 5 X-Box Cartridges, 35 Music CDs (Various Artists), one Timex Iron-Man Watch, a Panasonic CD Player, SR#:122987YG87, Combined DVD - VHS Player, 15 DVDs (Various Artists), Sony Palm Pilot, SR#:SY-PP-4545503, Game-Boy XP, and 5 Game-Boy XP Cartridges.

A: Yes, except for 5 of the music CDs, the Mariah Carey Box Set. All of the other CDs we took from Building 2124.

See Next Page

STATEMENT OF SPC Gill T. Donedidit TAKEN AT Baumholder, GE DATED 2003/06/01

9. STATEMENT (Continued)

Q: Whose idea was it to break into the rooms in Building 2124?

A: SPC Wrongguy's.

Q: What is SPC Wrongguy's full name and unit of assignment?

A: SPC Ugot D. Wrongguy. He's assigned to C Co, 2-3 IN, 2d Bde, 1st AD.

Q: How long have you known him?

A: Since about October of 2002.

Q: How would you describe your relationship with him?

A: Fine. We get along. We had some minor problems when he started dating my ex-girlfriend, PFC Mary-Me but we've gotten past that. He's a good guy. Again - this was his idea, not mine, I just needed the cash. I should have listened to him and not tried to get rid of the stuff here in town.

Q: What did he say about getting rid of the "stuff?"

A: He just told me to wait and like I said earlier, I was going to be leaving soon and I needed some traveling money.

Q: Why didn't you pawn the property at the pawnshop like you planned?

A: I became nervous when he looked at the X-Box's serial number. I didn't think they did that. He then looked like he was comparing the serial number to some list. I really became nervous then but I tried not to show it.

Q: What happened after he looked at this list?

A: He wanted me to give him some identification. I think he asked for my military ID and at that point I knew I had to get out of there. I asked him why he need my ID and he told me about his standard procedure or SOP that, I believe, included signing some paperwork and I decided at that point to just get out of there. I told him thanks, grabbed my stuff, and left the store.

Q: Is the property found in your duffle bag in the back of your POV the property you tried to pawn?

A: Yes.

Q: What were you wearing when you tried to pawn the property?

A: I was wearing my BDUs (battled dress uniform), which had my name on it. I guess that's how you guys found me. Pretty stupid - huh?

Q: Did you have permission from either PVT (E-1) J.J. Roadmarch, SPC Aljer Hiss, PFC Billy Smith, or SPC Frank L. Inngate to go into their rooms on 1 April 2003?

A: No.

Q: Had either of the soldiers mentioned in the previous question given you permission to go into their rooms and take their property?

A: No.

Q: On 1 April 2003, between 2000 hours and 2400 hours, did you have permission or authorization to enter the rooms of PVT (E-1) J.J. Roadmarch (Room 201), SPC Aljer Hiss (Room 202), PFC Billy Smith (Room 203), or SPC Frank L. Inngate (Room 204) respectively and to therein take their property?

A: No.

Q: Did you have permission or authorization from PVT (E-1) J.J. Roadmarch, SPC Aljer Hiss, PFC Billy Smith, or SPC Frank L. Inngate respectively to possess and/or pawn their property?

A: No.

Q: Did you and SPC Ugot D. Wrongguy enter into a verbal agreement to enter the rooms of PVT (E-1) J.J. Roadmarch, SPC Aljer Hiss, PFC Billy Smith, or SPC Frank L. Inngate respectively and commit a crime therein, specifically larceny?

A: Yes.

Q: And in furtherance of this agreement, did you and SPC Ugot D. Wrongguy enter the previously mentioned rooms, at night (i.e., after sundown), and take personal property found therein, specifically personal property of a cumulative value of over \$1,000.00?

A: I believe so - Yes. We went in, it was dark and we were hoping to get around \$1,000.00 for all the stuff.

See Next Page

INITIALS OF PERSON MAKING STATEMENT

GTD

PAGE 3 OF 4 PAGES

9. STATEMENT (Continued)

Q: How were you treated during this interview.

A: Very well. I was surprised. I expected to be treated worse.

Q: Were you afforded the opportunity to smoke, drink water or soda, and use the latrine?

A: Yes.

Q: Do you feel you were treated unfairly?

A: No.

Q: Is there anything you wish to add to this statement.

A: Only that this wasn't my idea. SPC Wrongguy thought it up and I went along with it. I really didn't want to hurt anyone and since he said it was a "win-win" situation with no one getting hurt, it didn't seem like such a bad idea at the time. I'm sorry now for what I've done and know that I'll have to be held accountable.

Q: Is there anything else you would like to add?

A: No.

NOTHING ELSE FOLLOWS.

AFFIDAVIT

I, SPC Gill T. Donedit, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. 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.

Gill T. Donedit

(Signature of Person Making Statement)

WITNESSES:

SA Gettum Too-Talk *SA Gettum Too-Talk*
CID Agent No. 9876
Baumholder CID Office, Baumholder, GE
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law administer oaths, 1st day of June, 2003 at Baumholder, GE (CID Office)

S.A. J. Foot

(Signature of Person Administering Oath)

Special Agent Flat Foot

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority To Administer Oaths)

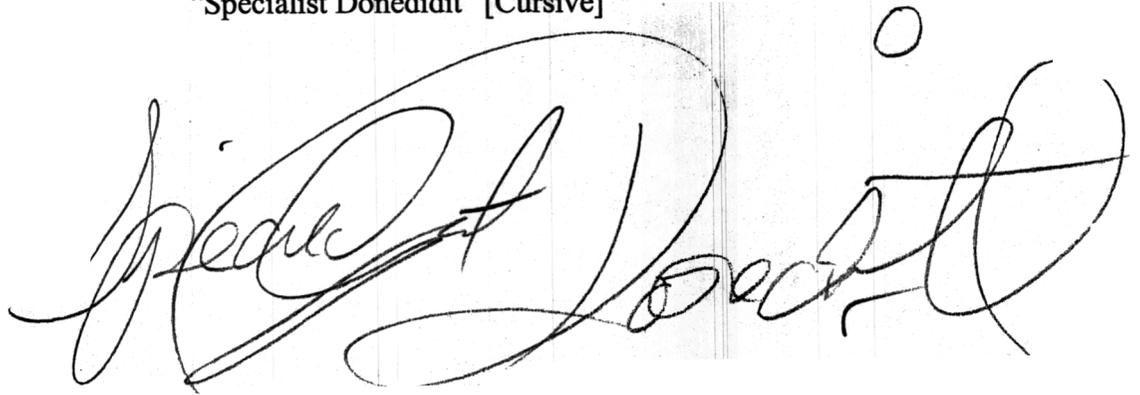
INITIALS OF PERSON MAKING STATEMENT

GTD

PAGE 4 OF 4 PAGES

Herr Schlesinger's Piece of Paper

"Specialist Donedit" [Cursive]

A large, highly stylized cursive signature that appears to read "Specialist Donedit". The letters are very fluid and interconnected, with a prominent loop at the end. There is a small circle above the right side of the signature.

HS, 31 May 2003 1400

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: identified.
DISCLOSURE: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and

| | | | |
|---|--|------------------------------|--------------------------------------|
| 1. LOCATION Baumholder CID Office, APO AE 09034 | 2. DATE 2 June 2003 | 3. TIME 0800 Hours | 4. FILE NO. CID-ROI-1APR03 |
| 5. NAME (Last, First, MI) WRONGGUY, Ugot D. | 8. ORGANIZATION OR ADDRESS Company C, 2-3 Infantry, 2d Brigade, 1st Armored Div APO AE 09034 | | |
| 6. SSN 123-45-6789 | 7. GRADE/STATUS SPC/E-4 | | |

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 Division, Baumholder CID Office, APO AE 09034 and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy to Commit Larceny, Larceny, and Burglary

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 question or say anything. *WJ*
 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. *WJ*
- 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. *WJ*

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.

| | |
|---|---|
| WITNESSES (If available) | 3. SIGNATURE OF INTERVIEWEE |
| 1a. NAME (Type or Print) Special Agent (SA) Gettum Too-Talk <i>SA Gettum Too-Talk</i> | 4. SIGNATURE OF INVESTIGATOR <i>WJ</i> |
| b. ORGANIZATION OR ADDRESS AND PHONE CID SA, Agent No. 9876 | |
| 2a. NAME (Type or Print) | 5. TYPED NAME OF INVESTIGATOR Special Agent Flat Foot, CID No. 5432 |
| b. ORGANIZATION OR ADDRESS AND PHONE | 6. ORGANIZATION OF INVESTIGATOR Baumholder CID Office, APO AE 09034 |

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

PART II - RIGHTS WARNING PROCEDURE

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?"

(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?"

(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 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?"

(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.)*

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 advisal.

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 initialed 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)*

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|---|---|------------------------|---|
| 1. LOCATION Baumholder, Germany | 2. DATE (YYYYMMDD) 2003/06/02 | 3. TIME 1730 | 4. FILE NUMBER CID-ROI-1APR03 |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME WRONGGUY, Ugot D. | 6. SSN 123-45-6789 | | 7. GRADE/STATUS SPC/E-4 |
| 8. ORGANIZATION OR ADDRESS C Co, 2-3 In, 2d Bde, 1st AD, Baumholder, Germany APO AE 09034 | | | |

9.
 I, SPC Ugot D. Wrongguy, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 1 April 2003, myself and SPC Donedit broke into Building 2124 on Patton Avenue with the specific intent of taking properties belonging to others, specifically electronic games, music CDs, and DVDs. We, SPC Donedit and I, conspired to commit these larcenies several months prior because I needed money to buy my girlfriend an engagement ring and he needed money because of his pending adverse administrative separation action by the command. It was SPC Donedit's plan to break into these rooms because he knew that the soldiers who resided in Rooms 201 through 204 were currently deployed to Kosovo. It was also his plan to do it during the evening hours on the first of April because he said it was less likely anyone would see us. When we broke into the rooms it was several hours after sundown and our intent once we got in the rooms was to commit larceny therein. All four rooms were secured before we entered and we gained entry by carding the rooms, that is, by using our Military ID cards to get in. Once inside we just started putting everything we saw into duffle bags with the plan of pawning the items later. We didn't take large items like televisions and stereos because they weighed too much and were too bulky. I'm really sorry for doing this to my fellow soldiers and shouldn't have listened to SPC Donedit. I just really wanted to get my fiancé a nice engagement ring. I now realize that I went about getting the money the wrong way. I'm sorry and only hope that I can have a continued future in the Army.

Q: Whose idea was it to break into these rooms?
 A: SPC Donedit's.

Q: Although you say you shouldn't have listened to him, did you agree to go along with him?
 A: Yes, we had a meeting of the minds and reached an agreement.

Q: Did you have authorization or permission from anyone in a position to give such authorization or permission to enter Rooms 201 through 204 on 1 April 2003?
 A: No.

Q: Once inside, what was your plan?
 A: To commit larceny therein.

Q: Is there any doubt in your mind that it was after sundown?
 A: No, we went into the rooms sometime between 2100 and 2300 hours. It was already dark outside. Sundown was many hours before.

Q: How were you treated while at CID?
 A: Okay.

Q: Were you given comfort breaks, allowed to take smoke breaks, and afforded the opportunity to get something to eat and drink?
 A: Yes. I was treated fine.

Q: Is there anything further you wish to add to this statement?
 A: Only that I'm really sorry.

NOTHING ELSE FOLLOWS.

| | | |
|--------------------|---|--|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT UDW | PAGE 1 OF <u>2</u> PAGES |
|--------------------|---|--|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

9. STATEMENT (Continued)

[Large diagonal line indicating a continuation from the previous page]

AFFIDAVIT

I, SPC Ugot D. Wrongguy, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH 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.

[Signature]
(Signature of Person Making Statement)

WITNESSES:

Special Agent Gettum Too-Talk [Signature]
CID Agent No. 9876
Baumholder CID Office, Baumholder, GE
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law administer oaths, 2d day of June, 2003 at Baumholder, Germany APO AE 09034

S.A. J. Joot
(Signature of Person Administering Oath)

Special Agent Flat Foot
(Typed Name of Person Administering Oath)

Article 136, UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

UDW

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|--|---|------------------------------|---|
| 1. LOCATION Kosovo, Serbia | 2. DATE (YYYYMMDD) 2003/06/03 | 3. TIME 1730 | 4. FILE NUMBER CID-ROI-1APR03 |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME ROADMARCH, J.J. | | 6. SSN 111-22-3333 | 7. GRADE/STATUS PVT/E-1 |
| 8. ORGANIZATION OR ADDRESS A Co, 2-3 In, 2d Bde, 1st AD, Baumholder, Germany APO AE 09034 (Deployed to Kosovo-Camp New Jersey) | | | |

9.
I, PV1 J.J. Roadmarch, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 10 January 2003, I deployed with A Co, 2-3 IN, 2d Brigade to Kosovo. Prior to deploying, I completed a high-dollar-value-items inventory with my Platoon Sergeant, SFC Rick Sperry. He and I went through my room, room 201, Building 2124, Patton Avenue, Baumholder, Germany, and we verified that the items I listed on my inventory were actually in the room. After SFC Sperry verified that my property was in my room, I locked the door and gave him the key. He verified that the room's door was secured and he and I both initialed the inventory. Several months later I was contacted by SA Ployed, Kosovo CID and asked about my room and the property I left behind. At no time during the deployment did I authorize anyone to go into my room. I have reviewed the copy of the DA Form 4137 faxed to SA Ployed by SA Foot and note that the following items were in my room prior to my deployment:

- One X-Box Video System, SR#: 143-bgh-56-987
- X-Box Cartridges: EA Football, EA Baseball, Special Forces Plus, Blackhawk Down and Arcade Games Assorted
- Music CDs: Beatles - Box Set (10 CDs), The Who - Who's Best, Clay Walker - Hypnotize the Moon, Clay Walker - Clay Walker's Greatest Hits, Garth Brooks - Seven, Garth Brooks - Greatest Hits, Shania Twain - The Woman in Me, Collin Raye - I Think About You, America: A Tribute to Heroes (2 CDs) and Kenney Chesney - Greatest Hits.
- Timex Iron-Man Watch

Q: Do you know SPC Donedidit or SPC Wrongguy?
A: I've seen them around but I'm not friends with either of them. I just know them in passing.

Q: On 1 April 2003, did you authorize or give either SPC Donedidit or SPC Wrongguy permission to go into your room and remove some of your property?
A: No. I never gave them permission to go into my room when I wasn't there. They've never been in my room. I'm not friends with them and if they were there it was without my permission.

Q: How much did you pay for the X-Box?
A: About \$150.00.

Q: What about the CDs?
A: They averaged anywhere from \$12.00 to \$15.00 per CD. I remember paying around \$150.00 for the Beatles Box Set because it was a limited edition. The other ones I'm not for certain on but they were somewhere in that range, \$12.00 to \$15.00.

Q: What about your Iron-Man Watch?
A: Around \$20.00.

Q: Is there anything you want to add to this statement?
A: Yes. They, Donedidit and Wrongguy should fry for what they did. Soldiers don't steal from other soldiers when they are deployed. You can't go any lower than what those guys did. I hope they get the max.

NOTHING ELSE FOLLOWS.

| | | |
|--------------------|---|--|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT JJR | PAGE 1 OF <u>2</u> PAGES |
|--------------------|---|--|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

9. STATEMENT (Continued)

(This area is mostly blank, crossed out with a diagonal line from the top-left corner to the bottom-right corner.)

AFFIDAVIT

I, PV1 J.J. Roadmarch, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH 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.


(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, 3d day of June, 2003 at Kosovo, Serbia

SA Dee Ployed
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

Special Agent Dee Ployed
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

JJR

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|---|---|------------------------|---|
| 1. LOCATION Kosovo, Serbia | 2. DATE (YYYYMMDD) 2003/06/03 | 3. TIME 1830 | 4. FILE NUMBER CID-ROI-1APR03 |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME HISS, Aljer | 6. SSN 121-22-3333 | | 7. GRADE/STATUS SPC/E-4 |

8. ORGANIZATION OR ADDRESS
A Co, 2-3 In, 2d Bde, 1st AD, Baumholder, Germany APO AE 09034 (Deployed to Kosovo-Camp New Jersey)

9. I, SPC Aljer Hiss, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 10 January 2003, I deployed with A Co, 2-3 IN, 2d Brigade to Kosovo. Prior to deploying, I completed a high-dollar-value-items inventory with my Platoon Sergeant, SFC Rick Sperry. He and I went through my room, room 202, Building 2124, Patton Avenue, Baumholder, Germany, and we verified that the items I listed on my inventory were actually in the room. After SFC Sperry verified that my property was in my room, I locked the door and gave him the key. He verified that the room's door was secured and he and I both initialed the inventory. Several months later I was contacted by SA Ployed, Kosovo CID and asked about my room and the property I left behind. At no time during the deployment did I authorize anyone to go into my room. I have reviewed the copy of the DA Form 4137 faxed to SA Ployed by SA Foot and note that the following items were in my room prior to my deployment:

One Panasonic CD Player, SR#:122987YG87
Music CDs: Dixie Chicks - Wide Open Spaces, Dixie Chicks - Home, Dixie Chicks - Fly, Jo Dee Messina - I'm Alright, Jo Dee Messina - Burn, Evanescence - Fallen, New Order - Substance - Disc 1, New Order - Substance - Disc - 2, New Order - FACD.50 1981, Movement, and New Order - Brotherhood.

Q: Do you know SPC Donedit or SPC Wrongguy?
A: I've seen them around but we're not friends. What I heard was Donedit was on his way out because of misconduct. Wrongguy was supposed to come with us but someone screwed up and dropped a Bradley hatch on his knee or something like that. That's all I know.

Q: On 1 April 2003, did you authorize or give either SPC Donedit or SPC Wrongguy permission to go into your room and remove some of your property?
A: No. I never gave them permission to go into my room when I wasn't there. They've never been in my room. If they went into my room it was without my permission or authorization.

Q: How much did you pay for the CD Player?
A: About \$150.00.

Q: What about the CDs?
A: They averaged anywhere from \$12.00 to \$15.00 per CD. I may have paid \$20.00 for some but I'm not sure. If I wanted the CD I just bought it. I'm not the kind of guy that waits for the CD to go on sale.

Q: Is there anything you want to add to this statement?
A: No.

NOTHING ELSE FOLLOWS.

| | | |
|--------------------|--|--|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT AH | PAGE 1 OF <u>2</u> PAGES |
|--------------------|--|--|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

9. STATEMENT (Continued)

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AFFIDAVIT

I, SPC Aljer Hiss, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH 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.

Aljer Hiss
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, 3d day of June, 2003 at Kosovo, Serbia

ORGANIZATION OR ADDRESS

SA Dee Ployed
(Signature of Person Administering Oath)

Special Agent Dee Ployed
(Typed Name of Person Administering Oath)

Article 136, UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

AH

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|--|---|------------------------------|---|
| 1. LOCATION Kosovo, Serbia | 2. DATE (YYYYMMDD) 2003/06/07 | 3. TIME 1830 | 4. FILE NUMBER CID-ROI-1APR03 |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME SMITH, Billy | | 6. SSN 131-22-3333 | 7. GRADE/STATUS PFC/E-3 |
| 8. ORGANIZATION OR ADDRESS A Co, 2-3 In, 2d Bde, 1st AD, Baumholder, Germany APO AE 09034 (Deployed to Kosovo-Camp New Jersey) | | | |

9. I, PFC Billy Smith WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 10 January 2003, I deployed with A Co, 2-3 IN, 2d Brigade to Kosovo. Prior to deploying, I completed a high-dollar-value-items inventory with my Platoon Sergeant, SFC Rick Sperry. He and I went through my room, room 203, Building 2124, Patton Avenue, Baumholder, Germany, and we verified that the items I listed on my inventory were actually in the room. After SFC Sperry verified that my property was in my room, I locked the door and gave him the key. He verified that the room's door was secured and he and I both initialed the inventory. Several months later I was contacted by SA Ployed, Kosovo CID and asked about my room and the property I left behind. At no time during the deployment did I authorize anyone to go into my room. I have reviewed the copy of the DA Form 4137 faxed to SA Ployed by SA Foot and note that the following items were in my room prior to my deployment:

One Technics Combined DVD - VHS Player, SR#: TCH-DV-VH-674-0rt-03
 10 DVDs (Movies): The Magnificent Seven, Rio Lobo, Rio Bravo, The Sons of Katie Elder, McClintok, Chisholm, She Wore a Yellow Ribbon, A Bridge Too Far, Gunfight at the O.K. Coral, and High Noon.

Q: Do you know SPC Donedit or SPC Wrongguy?
 A: I've never heard of either of them. I just got out of AIT before I got to Baumholder. Once I got there, they had me go through STX training and told me to get ready for a 6 month to one-year long deployment.

Q: On 1 April 2003, did you authorize or give either SPC Donedit or SPC Wrongguy permission to go into your room and remove some of your property?
 A: No. Again - I don't know these guys. No one had permission to go into my room. I don't think its fair that we had to leave the keys behind.

Q: How much did you pay for the combined DVD-VHS Player?
 A: About \$250.00.

Q: What about the DVDs?
 A: They averaged around \$20.00 each, some more and some less. I'd say I spent somewhere around \$200.00 on the ten. I bought both the DVD-VHS Player and DVDs when I got to Baumholder. I haven't even seen some of the movies yet.

Q: Is there anything you want to add to this statement?
 A: No.

NOTHING ELSE FOLLOWS.

| | | |
|--------------------|--|--------------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT BS | PAGE 1 OF <u>2</u> PAGES |
|--------------------|--|--------------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

ENCLOSURE 17

9. STATEMENT (Continued)

[Large diagonal line indicating the statement content is on the previous page]

AFFIDAVIT

I, PFC Billy Smith, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH 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.

Billy Smith
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law administer oaths, 7th day of June, 2003 at Kosovo, Serbia

SA Dee Ployed
(Signature of Person Administering Oath)

Special Agent Dee Ployed
(Typed Name of Person Administering Oath)

Article 136, UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

BS

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|---|----------------------------------|-----------------|----------------------------------|
| 1. LOCATION Kosovo, Serbia | 2. DATE (YYYYMMDD) 2003/06/10 | 3. TIME 1830 | 4. FILE NUMBER CID-ROI-1APR03 |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME INNGRATE, Frank L. | 6. SSN 141-22-3333 | | 7. GRADE/STATUS SPC/E-4 |
| 8. ORGANIZATION OR ADDRESS A Co, 2-3 In, 2d Bde, 1st AD, Baumholder, Germany APO AE 09034 (Deployed to Kosovo-Camp New Jersey) | | | |

9. I, SPC Frank L. Inngate, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 10 January 2003, I deployed with A Co, 2-3 IN, 2d Brigade to Kosovo. Prior to deploying, I completed a high-dollar-value-items inventory with my Platoon Sergeant, SFC Rick Sperry. He and I went through my room, room 204, Building 2124, Patton Avenue, Baumholder, Germany, and we verified that the items I listed on my inventory were actually in the room. After SFC Sperry verified that my property was in my room, I locked the door and gave him the key. He verified that the room's door was secured and he and I both initialed the inventory. Several months later I was contacted by SA Ployed, Kosovo CID and asked about my room and the property I left behind. At no time during the deployment did I authorize anyone to go into my room. I have reviewed the copy of the DA Form 4137 faxed to SA Ployed by SA Foot and note that the following items were in my room prior to my deployment:

One Sony Palm Pilot, SR#:SY-PP-4545503
One Game-Boy XP
5 Game-Boy XP Cartridges: Tiger Woods Golf, Sniper Force, X-Games Skating, X-Games Snowboarding, and Deep Blue.

Q: Do you know SPC Donedidit or SPC Wrongguy?
A: I've heard Donedidit was a problem and to avoid him. As far as Wrongguy is concerned, I saw him in passing and at Battalion functions. I thought he was a good guy. Too bad he busted his knee up and he'll have to leave the Army. If he's the guy who busted into my room, he doesn't deserve to wear the uniform. He should be in jail instead.

Q: On 1 April 2003, did you authorize or give either SPC Donedidit or SPC Wrongguy permission to go into your room and remove some of your property?
A: No.

Q: How much did you pay for the Palm Pilot?
A: \$350.00.

Q: What about the Game-Boy XP?
A: \$99.00. I got it on sale at the PX in December 2002.

Q: What about the game cartridges?
A: I'm not sure but I know that they all cost at least \$30.00 each. I've never been able to get one for less.

Q: Is there anything you want to add to this statement?
A: No.

NOTHING ELSE FOLLOWS.

| | | |
|-------------|--|--------------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT FLI | PAGE 1 OF <u>2</u> PAGES |
|-------------|--|--------------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

9. STATEMENT (Continued)

[Large diagonal line indicating a redacted or empty statement area]

AFFIDAVIT

I, SPC Frank L. Inngate, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH 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.

F.L. Inngate
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law administer oaths, 10th day of June, 2003 at Kosovo, Serbia

SA Dee Ployed
(Signature of Person Administering Oath)

Special Agent Dee Ployed
(Typed Name of Person Administering Oath)

Article 136, UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

FLI

PAGE 2 OF 2 PAGES

CHARGE SHEET

I. PERSONAL DATA

| | | | | | |
|---|------------------------------------|------------------------------|--|-----------------------------------|---------------------------|
| 1. NAME OF ACCUSED (<i>Last, First, Middle Initial</i>) Donedidit, Gill T. | | | 2. SSN 987-65-4321 | 3. GRADE OR RANK SPC | 4. PAY GRADE E4 |
| 5. UNIT OR ORGANIZATION B Company, 2d Battalion, 3d Infantry Regiment, 2d Brigade, 1st Armored Division, APO AE 09034 | | | | 6. CURRENT SERVICE | |
| | | | | a. INITIAL DATE 001031 | b. TERM 4 Years |
| 7. PAY PER MONTH | | | 8. NATURE OF RESTRAINT OF ACCUSED None | 9. DATE(S) IMPOSED None | |
| a. BASIC \$1665.30 | b. SEA/FOREIGN DUTY None | c. TOTAL \$1665.30 | | | |

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 81

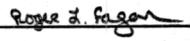
SPECIFICATION: In that SPC Gill T. Donedidit, U.S. Army, did, at or near Baumholder, Germany, between on or about 1 January 2003 and 1 April 2003, conspire with SPC Ugot D. Wrongguy to commit an offense under the Uniform Code of Military Justice, to wit: larceny of personal property, to wit:

| Property | Owner (The Property of) | Value (\$) |
|---|--------------------------|------------|
| X-Box Video System, SR#: 143-bgh-56-987 | PVT (E-1) J.J. Roadmarch | \$150.00 |
| 5 X-Box Cartridges | PVT (E-1) J.J. Roadmarch | \$150.00 |
| 20 Music CDs (Various Artists) | PVT (E-1) J.J. Roadmarch | \$240.00 |
| Timex Iron-Man Watch | PVT (E-1) J.J. Roadmarch | \$19.95 |
| Panasonic CD Player, SR#:122987YG87 | SPC Aljer Hiss | \$150.00 |
| 10 Music CDs (Various Artists) | SPC Aljer Hiss | \$120.00 |
| Combined DVD – VHS Player | PFC Billy Smith | \$250.00 |
| 10 DVDs (Various Artists) | PFC Billy Smith | \$200.00 |
| Sony Palm Pilot, SR#:SY-PP-4545503 | SPC Frank L. Inngrate | \$350.00 |
| Game-Boy XP | SPC Frank L. Inngrate | \$99.00 |
| 5 Game-Boy XP Cartridges | SPC Frank L. Inngrate | \$150.00 |

and in order to effect the object of the conspiracy the said SPC Donedidit and said SPC Wrongguy met at the Baumholder Burger King on 1 April 2003, each with a duffle bag, walked to Building 2124, Patton Avenue, entered through the east stairway of Building 2124, and proceeded to unlawfully enter rooms 201, 202, 203, and 204, placing the aforementioned items into the duffle bags and then departing Building 2124.

(See Continuation Sheets)

III. PREFERRAL

| | | | |
|--|--|------------------------|---|
| 11a. NAME OF ACCUSER (<i>Last, First, Middle Initial</i>) FAGAN, Roger L. | | b. GRADE CPT | c. ORGANIZATION OF ACCUSER HQ, 2d Bde Rear (Prov) |
| d. SIGNATURE OF ACCUSER  | | | e. DATE (YYYYMMDD) 20030630 |

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 30th day of June, 2003, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Pros E.Q. Torre
Typed Name of Officer

HHC, 2d Bde, 1st AD
Organization of Officer

Captain
Grade

Trial Counsel

*Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)*


Signature

12.

On 30 June, 2003, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

FAGAN, Roger L.

Typed Name of Immediate Commander

Captain

Grade

Roger L. Fagan

Signature

HQ, 2d Bde Rear (Prov)

Organization of Immediate Commander

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1400 hours, 30 June, 2003 at HQ, 4-41 FA
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹ _____

James D. Art-Hillary

Typed Name of Officer

Commander

Official Capacity of Officer Signing

Lieutenant Colonel

Grade

J.D. Art-Hillary
Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE (YYYYMMDD)

General Court-Martial Convening Authority

Kirchgoens, Germany

20030806

Referred for trial to the General court-martial convened by Court-Martial Convening Order Number 1

dated 15 June, 2003, subject to the following instructions:² None

By Command of Major General Hang-Em High

Command or Order

Da-Law Squolar

Typed Name of Officer

Chief, Military Justice Div.

Official Capacity of Officer Signing

Major

Grade

D.L. Squolar
Signature

15.

On 7 August, 2003, I served a copy hereof on the above named accused.

Pros E.Q. Torre

Typed Name of Trial Counsel

Captain

Grade or Rank of Trial Counsel

Pros E.Q. Torre
Signature

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.
2 — See R.C.M. 601(e) concerning instructions. If none, so state.

CONTINUATION SHEET 1 of 2, DD FORM 458, PERTAINING TO SPC Gill T. Donedidit, 987-65-4321, B Co, 2-3 IN, 2d Bde, 1st AD, Baumholder Germany, APO AE 09034

ITEM 10 (Cont'd)

Charge II: Violation of the UCMJ, Article 121

Specification 1: In that SPC Gill T. Donedidit, U.S.. Army, did, at Baumholder, Germany, on or about 1 April 2003, steal the following:

| |
|--|
| One X-Box Video System, SR#: 143-bgh-56-987 |
| 5 X-Box Cartridges: EA Football, EA Baseball, Special Forces Plus, Blackhawk Down and Arcade Games Assorted |
| 20 Music CDs: Beatles – Box Set (10 CDs), The Who – Who’s Best, Clay Walker – Hypnotize the Moon, Clay Walker – Clay Walker’s Greatest Hits, Garth Brooks – Seven, Garth Brooks – Greatest Hits, Shania Twain – The Woman in Me, Collin Raye – I Think About You, America: A Tribute to Heroes (2 CDs) and Kenney Chesney – Greatest Hits. |
| One Timex Iron-Man Watch |

of an aggregate value in excess of \$500.00, the property of PVT (E-1) J.J. Roadmarch

Specification 2: In that SPC Gill T. Donedidit, U.S.. Army, did, at Baumholder, Germany, on or about 1 April 2003, steal the following:

| |
|---|
| One Panasonic CD Player, SR#:122987YG87 |
| 10 Music CDs: Dixie Chicks – Wide Open Spaces, Dixie Chicks – Home, Dixie Chicks – Fly, Jo Dee Messina – I’m Alright, Jo Dee Messina – Burn, Evanescence – Fallen, New Order – Substance – Disc 1, New Order – Substance – Disc – 2, New Order – FACD.50 1981, Movement, and New Order – Brotherhood. |

of an aggregate value less than \$500.00, the property of SPC Aljer Hiss

Specification 3: In that SPC Gill T. Donedidit, U.S.. Army, did, at Baumholder, Germany, on or about April 2003, steal the following:

| |
|--|
| One Technics Combined DVD – VHS Player, SR#: TCH-DV-VH-674-0rt-03 |
| 10 DVDs (Movies): The Magnificent Seven, Rio Lobo, Rio Bravo, The Sons of Katie Elder, McClintok, Chisholm, She Wore a Yellow Ribbon, A Bridge Too Far, Gunfight at the O.K. Coral, and High Noon. |

of an aggregate value less than \$500.00, the property of PFC Billy Smith

Specification 4: In that SPC Gill T. Donedidit, U.S.. Army, did, at Baumholder, Germany, on or about 1 April 2003, steal the following:

| |
|---|
| One Sony Palm Pilot, SR#:SY-PP-4545503 |
| One Game-Boy XP |
| 5 Game-Boy XP Cartridges: Tiger Woods Golf, Sniper Force, X-Games Skating, X-Games Snowboarding, and Deep Blue. |

of an aggregate value in excess of \$500.00, the property of SPC Frank L. Inngrate.

ITEM 10 (Cont'd):

Charge II: Violation of the UCMJ, Article 129

Specification 1: In that SPC Gill T. Donedidit, U.S.. Army, did, at Baumholder, Germany, on or about 1 April 2003, in the nighttime, unlawfully break and enter Room 201, Building 2124, Patton Avenue, Baumholder, Germany, the single barracks room of PVT (E-1) J.J. Roadmarch, with the intent to commit larceny therein.

Specification 2: In that SPC Gill T. Donedidit, U.S.. Army, did, at Baumholder, Germany, on or about 1 April 2003, in the nighttime, unlawfully break and enter Room 202, Building 2124, Patton Avenue, Baumholder, Germany, the single barracks room of SPC Aljer Hiss, with the intent to commit larceny therein.

Specification 3: In that SPC Gill T. Donedidit, U.S.. Army, did, at Baumholder, Germany, on or about 1 April 2003, in the nighttime, unlawfully break and enter Room 203, Building 2124, Patton Avenue, Baumholder, Germany, the single barracks room of PFC Billy Smith, with the intent to commit larceny therein.

Specification 4: In that SPC Gill T. Donedidit, U.S.. Army, did, at Baumholder, Germany, on or about 1 April 2003, in the nighttime, unlawfully break and enter Room 203, Building 2124, Patton Avenue, Baumholder, Germany, the single barracks room of SPC Frank L. Inngrate, with the intent to commit larceny therein.

CHARGE SHEET

I. PERSONAL DATA

| | | | | | |
|---|---------------------|--|-----------------------------------|---------------------------|------------------|
| 1. NAME OF ACCUSED (<i>Last, First, Middle Initial</i>) Wrongguy, Ugot D. | | 2. SSN 123-45-6789 | 3. GRADE OR RANK SPC | 4. PAY GRADE E4 | |
| 5. UNIT OR ORGANIZATION C Company, 2d Battalion, 3d Infantry Regiment, 2d Brigade, 1st Armored Division, APO AE 09034 | | | 6. CURRENT SERVICE | | |
| | | | a. INITIAL DATE 011031 | b. TERM 4 Years | |
| 7. PAY PER MONTH | | 8. NATURE OF RESTRAINT OF ACCUSED None | 9. DATE(S) IMPOSED None | | |
| a. BASIC | b. SEA/FOREIGN DUTY | | | | c. TOTAL |
| \$1579.80 | None | | | | \$1579.80 |

II. CHARGES AND SPECIFICATIONS

10. CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 81

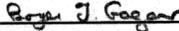
SPECIFICATION: In that SPC Ugot D. Wrongguy, U.S. Army, did, at or near Baumholder, Germany, between on or about 1 January 2003 and 1 April 2003, conspire with SPC Gill T. Donedidit to commit an offense under the Uniform Code of Military Justice, to wit: larceny of personal property, to wit:

| Property | Owner (The Property of) | Value (\$) |
|---|--------------------------|------------|
| X-Box Video System, SR#: 143-bgh-56-987 | PVT (E-1) J.J. Roadmarch | \$150.00 |
| 5 X-Box Cartridges | PVT (E-1) J.J. Roadmarch | \$150.00 |
| 20 Music CDs (Various Artists) | PVT (E-1) J.J. Roadmarch | \$240.00 |
| Timex Iron-Man Watch | PVT (E-1) J.J. Roadmarch | \$19.95 |
| Panasonic CD Player, SR#:122987YG87 | SPC Aljer Hiss | \$150.00 |
| 10 Music CDs (Various Artists) | SPC Aljer Hiss | \$120.00 |
| Combined DVD - VHS Player | PFC Billy Smith | \$250.00 |
| 10 DVDs (Various Artists) | PFC Billy Smith | \$200.00 |
| Sony Palm Pilot, SR#:SY-PP-4545503 | SPC Frank L. Inngrate | \$350.00 |
| Game-Boy XP | SPC Frank L. Inngrate | \$99.00 |
| 5 Game-Boy XP Cartridges | SPC Frank L. Inngrate | \$150.00 |

and in order to effect the object of the conspiracy the said SPC Wrongguy and said SPC Donedidit met at the Baumholder Burger King on 1 April 2003, each with a duffle bag, walked to Building 2124, Patton Avenue, entered through the east stairway of Building 2124, and proceeded to unlawfully enter rooms 201, 202, 203, and 204, placing the aforementioned items into the duffle bags and then departing Building 2124.

(See Continuation Sheets)

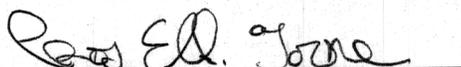
III. PREFERRAL

| | | |
|--|------------------------|---|
| 11a. NAME OF ACCUSER (<i>Last, First, Middle Initial</i>) FAGAN, Roger L. | b. GRADE CPT | c. ORGANIZATION OF ACCUSER HQ, 2d Bde Rear (Prov) |
| d. SIGNATURE OF ACCUSER  | | e. DATE (YYYYMMDD) 20030630 |

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 30th day of June, 2003, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

Pros E.Q. Torre
Typed Name of Officer

Captain
Grade


Signature

HHC, 2d Bde, 1st AD
Organization of Officer

Trial Counsel

*Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)*

12.

On 30 June, 2003, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me (See R.C.M. 308 (a)). (See R.C.M. 308 if notification cannot be made.)

FAGAN, Roger L.

Typed Name of Immediate Commander

Captain

Grade

Roger J. Fagan
Signature

HQ, 2d Bde Rear (Prov)

Organization of Immediate Commander

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13.

The sworn charges were received at 1400 hours, 30 June, 2003 at HQ, 4-41 FA
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE ¹ _____

James D. Art-Hillary

Typed Name of Officer

Lieutenant Colonel

Grade

J.D. Art-Hillary
Signature

Commander

Official Capacity of Officer Signing

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE (YYYYMMDD)

General Court-Martial Convening Authority

Kirchgoens, Germany

20030806

Referred for trial to the General court-martial convened by Court-Martial Convening Order Number 1

dated 15 June, 2003, subject to the following instructions:² None

By Command of Major General Hang-Em High
Command or Order

Da-Law Squolar

Typed Name of Officer

Major

Grade

D.L. Squolar
Signature

Chief, Military Justice Div.

Official Capacity of Officer Signing

15.

On 7 August, 2003, I served a copy hereof on the above named accused.

Pros E.Q. Torre

Typed Name of Trial Counsel

Pros E.Q. Torre
Signature

Captain

Grade or Rank of Trial Counsel

FOOTNOTES: 1 — When an appropriate commander signs personally, inapplicable words are stricken.
2 — See R.C.M. 601(e) concerning instructions. If none, so state.

CONTINUATION SHEET 1 of 2, DD FORM 458, PERTAINING TO SPC Ugot D. Wrongguy, 123-45-6789, C Co, 2-3 IN, 2d Bde, 1st AD, Baumholder Germany, APO AE 09034

ITEM 10 (Cont'd):

Charge II: Violation of the UCMJ, Article 121

Specification 1: In that SPC Ugot D. Wrongguy, U.S.. Army, did, at Baumholder, Germany, on or about 1 April 2003, steal the following:

| |
|--|
| One X-Box Video System, SR#: 143-bgh-56-987 |
| 5 X-Box Cartridges: EA Football, EA Baseball, Special Forces Plus, Blackhawk Down and Arcade Games Assorted |
| 20 Music CDs: Beatles – Box Set (10 CDs), The Who – Who’s Best, Clay Walker – Hypnotize the Moon, Clay Walker – Clay Walker’s Greatest Hits, Garth Brooks – Seven, Garth Brooks – Greatest Hits, Shania Twain – The Woman in Me, Collin Raye – I Think About You, America: A Tribute to Heroes (2 CDs) and Kenney Chesney – Greatest Hits. |
| One Timex Iron-Man Watch |

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of an aggregate value less than \$500.00, the property of SPC Aljer Hiss.

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| |
|--|
| One Technics Combined DVD – VHS Player, SR#: TCH-DV-VH-674-0rt-03 |
| 10 DVDs (Movies): The Magnificent Seven, Rio Lobo, Rio Bravo, The Sons of Katie Elder, McClintok, Chisholm, She Wore a Yellow Ribbon, A Bridge Too Far, Gunfight at the O.K. Coral, and High Noon. |

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|---|
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of an aggregate value in excess of \$500.00, the property of SPC Frank L. Inngrate.

CONTINUATION SHEET 2 of 2, DD FORM 458, PERTAINING TO SPC Ugot D. Wrongguy,
123-45-6789, C Co, 2-3 IN, 2d Bde, 1st AD, Baumholder Germany, APO AE 09034

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DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG

For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans

PAGE NO.

NO. OF PAGES

1

1

ORGANIZATION OR INSTALLATION
HQ, 2d Bde Rear (Prov)
Baumholder, GE
APO AE 09034

LOCATION
Building 2124, Patton Avenue,
Baumholder, Germany

PERIOD COVERED

FROM

TO

HOUR
0600

DATE
1 April 2003

HOUR
0600

DATE
2 April 2003

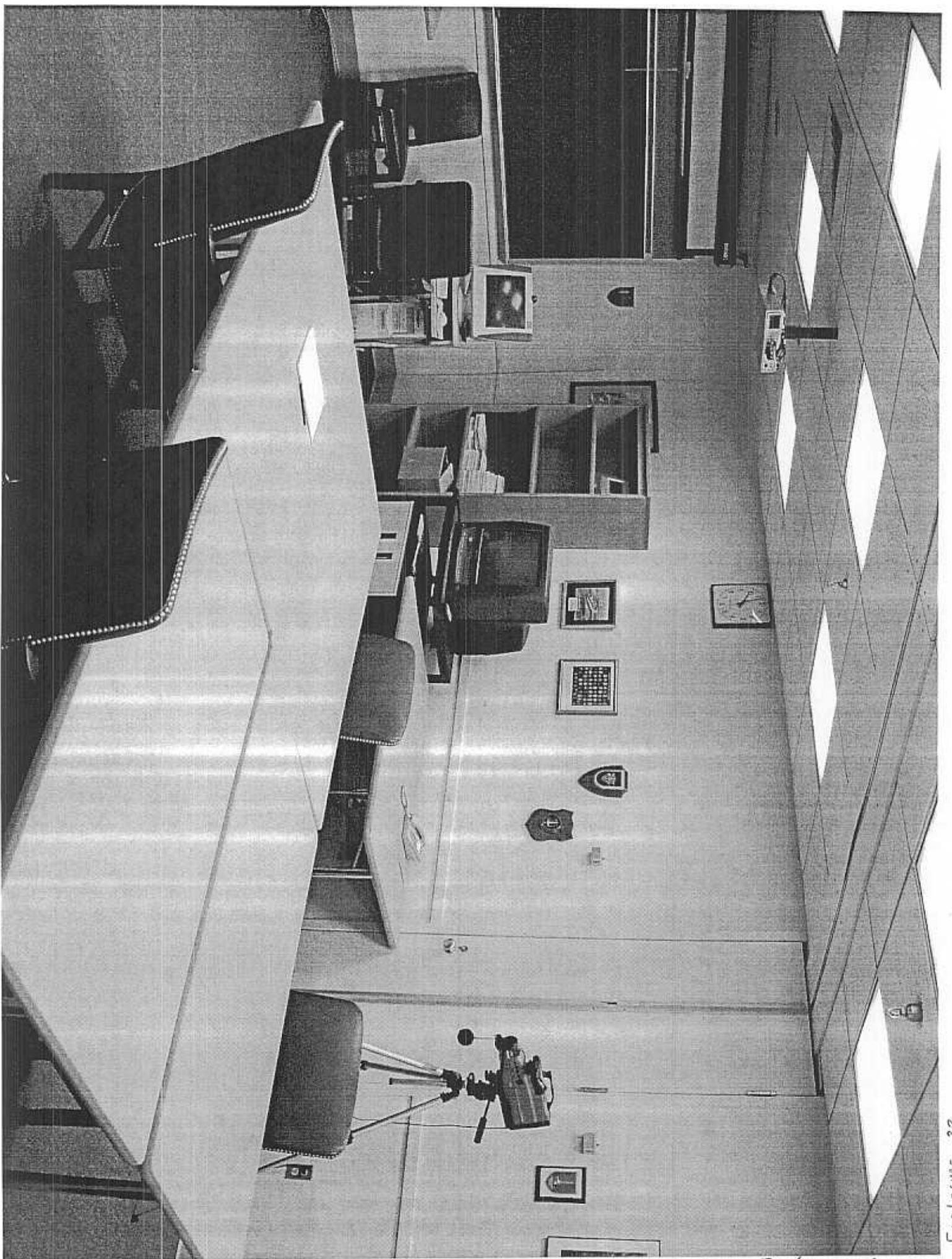
| ITEM NO. | TIME | | INCIDENTS, MESSAGES, ORDERS, ETC. | ACTION TAKEN | INL |
|----------|------|------|--|--------------|-----|
| | IN | OUT | | | |
| 1 | 0600 | 0602 | Assumed Duties at 0600 from CPL R.D. Ford, Briefed CQ Runner (SPC J.J. Jones), Rvw'd/Signed Cdr's Policy Memo | ----- | AK |
| 2 | 0900 | 0920 | Performed Physical Security Check - Nothing Significant | None | RK |
| 3 | 1200 | 1220 | CQ Runner Performed Physical Security Check - All Floors Secure | None | AK |
| 4 | 1400 | 1420 | Performed Physical Security Check - Nothing Significant | None | AK |
| 5 | 1700 | 1705 | Received MWR Call from Kosovo - Transferred to Post Operator | ----- | AK |
| 6 | 1800 | 1820 | Performed Physical Security Check - Nothing Significant | None | RK |
| 7 | 2000 | 2020 | CQ Runner Performed Physical Security Check - All Floors Secure | None | RK |
| 8 | 2200 | 2220 | Performed Physical Security Check - Nothing Significant | None | RK |
| 9 | 2350 | 2400 | Performed Physical Security Check - Rooms 201-204, 2d Floor Opened - Immediately Contacted Rear-D Commander | None | RK |
| 10 | 0005 | 0006 | Contacted CQ Runner via Radio - Posted CQ Runner Outside Rooms 201 through 204 - Waited for MPs and Rear-D Cdr | None | RK |
| 11 | 0030 | 0035 | MPs and Rear-D Commander Arrived - Resumed CQ Duties | None | RK |
| 12 | 0200 | 0220 | Performed Physical Security Check - Nothing Significant | ----- | RK |
| 13 | 0400 | 0420 | Performed Physical Security Check - Nothing Significant | ----- | AK |
| 14 | 0540 | 0600 | Performed Physical Security Check - Nothing Significant | ----- | RK |
| 15 | 0559 | 0600 | Relieved of CQ Duties by SPC McIntosh | ----- | AK |
| | | | NOTHING ELSE FOLLOWS----- | | |
| | | | | | |
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TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY

SPC Robert Kantsee, CQ, Building 2124

SIGNATURE

Robert Kantsee



ENCLOSURE 22

ENCLOSURE 22

