

SWORN STATEMENT

0138-06-CID469-

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

| | | | |
|---|--|-------------------------------|-------------|
| LOCATION <i>FOB SPEICHER, IZ</i> | DATE <i>WJ</i> <i>27 JUL 06</i> | TIME <i>WJ</i> <i>1638</i> | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME <i>JAMESON, KATIE MARIE</i> | SOCIAL SECURITY NUMBER <i>626-03-2884</i> | GRADE/STATUS <i>E-4/AD</i> | |
| ORGANIZATION OR ADDRESS <i>FSC 3-187 INF, FOB BRASSFIELD, MARA, APO AE 09393</i> | | | |

I, Katie Jameson, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In the month of February, I was outside having a smoke when Herrera said "hey Jameson, come here" we walked into the Drink Conex and he showed me some hash wrapped in a ~~cigarette~~ ^{WJ} Cigarette pack. I smelled it and said "whose did you get that?" He said that a truck driver needed some cash to go to the PX so he gave him 3 dollar bills and the TC gave him the hash. Later that day he come to me and said the TC wants me to meet him at 2000 at his truck. He asked me to go so I did. We got into the truck and the TC lit the hooka and started smoking. Herrera and I passed on it a few times then he offered us a Rip H (energy drink) and after a few min of sitting there we both took a hooka hit. We only took one because we were both scared. Herrera took out his camera and started taking pictures. I told him to put it away and he continued snapping pic's I wouldn't touch the camera ^{WJ} due to incriminating evidence. I also told him no pic's of me. We left shortly after and walked back to our ches.

Q: SA OVERMAN

A: SFC JAMESON

Q: WAS THERE ANYONE ELSE PRESENT WHEN HERRERA SHOWED YOU THE HASH?

A: NOT TO MY KNOWLEDGE!

Q: WHAT DO YOU MEAN BY HASH?

A: marijuana

| | | |
|---------|---|--------------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT <i>WJ</i> | PAGE 1 OF <u>4</u> PAGES |
|---------|---|--------------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF SPC JAMESON, WATIETAKEN AT COB SPEICHER, IZDATED 27 JUL 06 ^{PM}

CONTINUED

STATEMENT (Continued)

Q: Did you know what it was by the smell?

A: YES

Q: How do you know what it smelled like?

A: Because I have smelled it before when I was in college.

Q: What was the amount Herbert gave the TCR?

A: Three one dollar bills.

Q: How much hash did he purchase for that amount?

A: It was packaged pretty tight in cellophane so I am not sure.

Q: What did he do with it?

A: I can't say for sure but he did mention smoking some of it w/ a cigarette.

Q: Did you smoke any of it?

A: NO I ONLY SMOKE A BIT OF THE HOOKA.

Q: Why would the TCR want to meet ~~him~~ ^{him}? Him at 2000?

A: TO SMOKE THE HOOKA.

Q: Why did you go with him?

A: HE SAID HE DIDN'T WANT TO GO BY HIMSELF AND I WAS CURIOUS WHAT THE PURPOSE WAS.

Q: Who was the TCR?

A: I DON'T KNOW HIS NAME.

Q: Does he still come onto the FOB?

A: I have not seen him since that night.

Q: Who was all present for the truck?

A: ~~Two~~ ^{Two} TC's Herrera and myself.

Q: Do you know who the other TCR was?

A: I DON'T KNOW HIS NAME.

Q: Does he still work on the FOB?

A: NO I have not seen him since that night.

Q: How long were you in the truck?

A: maybe 15 min.

Q: Why did you get scared?

A: BECAUSE IT WAS GETTING LATE AND THE BIFF WAS DIRECTLY IN FRONT OF US

INITIALS OF PERSON MAKING STATEMENT: LWSPAGE 2 OF 4 PAGES

STATEMENT OF SPE. JAMESON, KATIETAKEN AT CAS SPEICHER, IZDATED 27 JUL 06 ^{10K}

CONTINUED

STATEMENT (Continued)

Q: WHAT IS THE BIFF?

A: When all the detainees are kept.

Q: How many H.T's did you take from the HOOKA?

A: I took ONE hit because it made me cough and it hurt my throat. I didn't want to do it again.

Q: How many H.T's did HERRERA take?

A: I think he only took ONE, but maybe two because he took one hit for the camera.

Q: You KNEW THE HOOKA CONTAINED HASH?

A: Yes I did.

Q: WHERE ARE THE PICTURES?

A: Herrera said he has them on his computer.

Q: Did you PURCHASE OR TRADE FOR HASH?

A: No I did not.

Q: DO YOU KNOW IF HERRERA HAS ANY HASH LEFT?

A: I DON'T THINK SO.

Q: HAVE you done ANY OTHER DRUGS IN JPAQ?

A: NO I HAVE NOT

Q: DO you know of ANYONE else doing drugs?

A: NO I do not.

Q: DO you REMEMBER when THIS happened?

A: Some time in February.

Q: CAN you describe THE HOOKA?

A: Approximately 2 FT tall w/ one hose. I don't remember the color.

Q: Did THE EFFECT OF THE H.T FEEL SIMILAR TO your PAST EXPERIENCE w/TH MARIJUANA?

A: It made me light headed for about 10min but didn't seem to effect me like I thought it would. I was myself when I walked home and we weren't there that long.

Q: CAN you describe THE HASH HERRERA showed you?

A: It was dark brown and very sticky.

Q: How do you feel ABOUT what you did?

A: I feel terrible for jeopardizing everyone's safety and my career.

INITIALS OF PERSON MAKING STATEMENT: KMJPAGE 3 OF 4 PAGES

FILE NUMBER _____

STATEMENT OF SFC JAMESON, KATIE

TAKEN AT COB SPEICHER, IZ

DATED 27 JUL 06

PKS

CONTINUED

STATEMENT (Continued)

Q: IS THERE ANYTHING ELSE YOU WISH TO ADD TO THIS STATEMENT?
A: NO. // END OF STATEMENT // *PKS*

AFFIDAVIT

I, KATIE MARIE JAMESON, 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.

[Signature]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of JUL, 2006 at COB SPEICHER, IZ

(Signature of Person Administering Oath)

SA OVERMAN, RICHARD T.
(Typed Name of Person Administering Oath)

UCMJ, Article 136 / 10 USC 936
(Authority To Administer Oaths)

WITNESSES:

Jeremy W. Zeimet

UCACD, Iraq
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PKS

PAGE 4 OF 4 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

| | | | |
|---|---|-----------------|----------------|
| 1. LOCATION 31 st MP DET (CID), COB Speicher, Tikrit IZ, APO AE 09393 | 2. DATE 27 Jul 06 | 3. TIME 1317 | 4. FILE NUMBER |
| 5. Name (Last First MI) Herrera III Ismael Victor | 8. ORGANIZATION OR ADDRESS FSC, 3-187 INF FOB Brassfield-Mora | | |
| 6. SSN 570-65-5416 | 7. GRADE/STATUS E4/A1D | | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**SECTION A. Rights**

The investigator whose name appears below told me that he is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/~~accused~~ Wrongful Possession and Use of Controlled Substances/// Before he/she asked me any questions about the offense(s), however, he made it clear to me that I have the following rights:

1. I do not have to answer any questions or say anything. *IH*
2. Anything I say or do can be used as evidence against me in a criminal trial. *IH*
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. *IH*

-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 the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. *IH*

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. *IH*

| | | |
|---|---|--|
| WITNESSES (if available) | | 3. SIGNATURE OF INTERVIEWEE <i>Ismael Herrera</i> |
| 1a. NAME (Type or Print) <i>Joseph McCauley</i> | b. ORGANIZATION OR ADDRESS AND PHONE <i>732 EMSG, COB Speicher, IZ</i> | 4. SIGNATURE OF INVESTIGATOR <i>Joseph T. Conway</i> |
| 2a. NAME (Type or Print) <i>Joseph T. Conway</i> | b. ORGANIZATION OR ADDRESS AND PHONE <i>31st MP DET CID COB Speicher, Tikrit IZ 09393</i> | 5. TYPE NAME OF INVESTIGATOR <i>Joseph T. Conway</i> |
| | | 6. ORGANIZATION OF INVESTIGATOR <i>31st MP DET CID COB Speicher, Tikrit IZ 09393</i> |

SECTION C. Non-waiver

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

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

THE WARNING

1. WARNING - Inform the suspect/accused of
 - a. Your official position.
 - b. Nature of the 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 right 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 on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(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)

REVERSE OF DA FORM 3881

SWORN STATEMENT

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

| | | | |
|--|------------------------------------|-----------------------------|-----------------------|
| LOCATION COB Speicher, APO AE 09393 | DATE 27 July 06 | TIME 140 1505 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME HERRERA III, Ismael Victor | SOCIAL SECURITY NUMBER 570-5416 | | GRADE/STATUS E4/AD |
| ORGANIZATION OR ADDRESS FSC 3-187 FOB Brassfield-Mora, Samara, IZ, APO AE 09394 | | | |

Itb I, Ismael V. HERRERA III, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

sec Calderwood and I were working in a reefer truck with the TCN's that had come in the night prior. We were moving boxes when SPC Calderwood ask if any of the TCN's had any hash. One said yes and left the truck only to return with a small piece of aluminum that was covering something. When he opened it there was a small ball of some hash. He then put it in his pocket and went on with working, after we had finished with the truck we both sat down to have a cigarette when SPC Jameson came over and sat down with us. SPC Calderwood told her that he got hash from the TCN. She then asked me to show her which one he got it from so I did. He told her to come back and he would give her some later. Around ~~2030~~ SPC Jameson and I went to the TCN Truck because she said she did not want to go alone, when we got into the truck there were two TCN Drivers in there I got in first then she got in. The TCN Driver then lit the hooka he had sitting in the middle of the cab and proceeded to smoke it, he then passed it to SPC Jameson who also smoked it and ~~try~~ tried to give it to me. I told her no and gave it to the other TCN Driver that did not smoke it he just gave it to the first TCN who then ask me why I did not want any, I told him no thanks and left it at that. They both continued to smoke and the smoke in the cab was getting pretty thick that it was effecting my head making me dizzy. SPC Jameson looked over at me as I was smoking a cigarette and told me that my

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

STATEMENT OF Ismael V. HERRERA III

TAKEN AT COB Speicher APO AE 09393 DATED 27 July 06

CONTINUED

STATEMENT (Continued)

eyes where really ^{ITB} ~~glossy~~ glossy. I then asked her if she was ready to go and she said yes. Before we left the driver wanted a picture of him and SPC. Jameson together so I took it and she took ^{ITB} ~~of~~ one ^{ITB} ~~of~~ of me looking like I was smoking from the hooka. We then got out of the truck and I walked her back to her Pad then proceeded back to mine. After I got to my chw my neo came and told me what he needed done the next day. After he left I then ^{ITB} ~~lay~~ laid down on my cot because I was really feeling dizzy now and fell ^{ITB} ~~asleep~~ asleep. ^{ITB}

Q SA CONAWAY

A. HERRERA

Q. Did you smoke any of the hash with JAMESON and the TCN?

A. No I did not. ^{ITB}

Q. What do you mean by hash?

A. hashish or weed ^{ITB}

Q. Who is CALDERWOOD?

A. SPC. Calderwood, Andrew in FSC 3/187th INF. ^{ITB}

Q. Who is the TCN who provided the hash?

A. I do not know his name. ^{ITB}

Q. Does he still come to FOB Brassfield - Morca?

A. No ^{ITB}

Q. Why not?

A. I do not know ^{ITB}

Q. What did CALDERWOOD do with the hash he got?

A. smoked it I ^{ITB} ~~believe~~ believe ^{ITB}

Q. Does he have any left?

A. No ^{ITB}

Q. When did this occur?

A. Some time in Feb. ^{ITB}

Q. At this year, 2006?

A. yes ^{ITB}Q. Did you experiment ^{ITB} ~~but~~ by taking one pull of the hooka?INITIALS OF PERSON MAKING STATEMENT: ITBPAGE 2 OF 4 PAGES

STATEMENT OF Ismael V. HERRERA III

TAKEN AT COB Speicher APO AE 09393 DATED 27 July 06

CONTINUED

STATEMENT (Continued)

A. No Ith

Q Did JAMESON pay for the hash in any way?

A. No he gave her what was left from what they smoked Ith

Q who do you mean by "they"?

A. The TCN Driver and SPC Jameson Ith

Q what did do with what he gave her?

A. smoked it I believe Ith

Q. Do you have anything else to add to this statement?

A. No I do not Ith /// END OF STATEMENT ///

INITIALS OF PERSON MAKING STATEMENT: Ith

PAGE 3 OF 4 PAGES

FILE NUMBER _____

STATEMENT (Continued)

AFFIDAVIT

I, Ismael V. HERRERA III, 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.

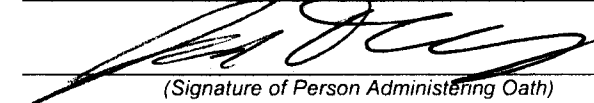
WITNESSES:

 ORGANIZATION OR ADDRESS

 ORGANIZATION OR ADDRESS


 (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of July, 2006
 at COB Speicher, APO AE 09393


 (Signature of Person Administering Oath)

Joseph T. CONAWAY
 (Typed Name of Person Administering Oath)

UCMJ, Article 136 / 10 USC 936
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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DISCLOSURE: Disclosure of your Social Security Number is voluntary.

| | | | |
|---|--|--|----------------|
| 1. LOCATION 31 st MP DET (CID), COB Speicher, Tikrit IZ, APO AE 09393 | 2. DATE 31 Jul 06 | 3. TIME 1024 | 4. FILE NUMBER |
| 5. Name (Last First MI) CALDERWOOD, Andrew S. | 8. ORGANIZATION OR ADDRESS FSC, 3-187 INF | | |
| 6. SSN 182-68-8976 | 7. GRADE/STATUS E-4 ASC E-5 AD | FOB Brassfield-Mora, Samarra, IZ 09349 | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**SECTION A. Rights**

The investigator whose name appears below told me that he is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Wrongful Possession, Use, and Distribution of a Controlled Substance. Before he/she asked me any questions about the offense(s), however, he made it clear to me that I have the following rights:

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

-or-


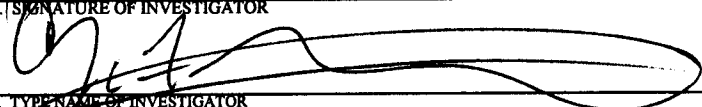
(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want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

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

5. COMMENTS (Continue on reverse side)

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) | |  |
| b. ORGANIZATION OR ADDRESS AND PHONE | | 4. SIGNATURE OF INVESTIGATOR |
| 2a. NAME (Type or Print) | |  |
| b. ORGANIZATION OR ADDRESS AND PHONE | | 5. TYPE NAME OF INVESTIGATOR Clyde F. MANUEL III |
| | | 6. ORGANIZATION OF INVESTIGATOR 31 st MP DET CID (-) COB Speicher, Tikrit IZ 09393 |

SECTION C. Non-waiver

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

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

THE WARNING

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

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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 right 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 on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

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"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)

REVERSE OF DA FORM 3881

SWORN STATEMENT

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

| | | | |
|--|--|------------------------------------|-------------|
| LOCATION 31ST MP DET (CID) | DATE ^{ATL} 31 JUL 06 | TIME ^{ATL} 1059 | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME CALDERWOOD, ANDREW S. | SOCIAL SECURITY NUMBER 182-68-8976 | GRADE/STATUS E-4 / AD | |
| ORGANIZATION OR ADDRESS FSC, 3-1ST INF, FOB BRASSFIELD-MORA, SAMARRA, IZ | | | |

I, Andrew Scott Calderwood, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I do not know any thing about Drugs in Iraq nor do I possess or have possessed any Drugs and I do not know anyone who has possessed any Drugs while in Iraq. ||| END of STATEMENT ||| ^{ATL}

| | | |
|---------|---|--------------------------|
| EXHIBIT | INITIALS OF PERSON MAKING STATEMENT ASC | PAGE 1 OF <u>2</u> PAGES |
|---------|---|--------------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

FILE NUMBER _____

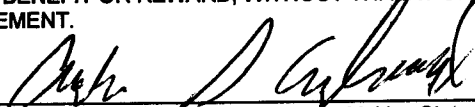
STATEMENT (Continued)

NOT USED

asl


AFFIDAVIT

I, Andrew Scott Calderwood, 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.


(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of Jul, 20 06 at COB Speicher, Tikrit, IZ APO AE 09393


(Signature of Person Administering Oath)

SA Clyde F. MANUEL III
(Typed Name of Person Administering Oath)

UCMJ, Article 136 / 5 USC 303 B
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

asl

PAGE 2 OF 2 PAGES

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

DATA REQUIRED BY THE PRIVACY ACT

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

| | | | | |
|---|---------------------------|---|-----------------|-------------|
| 1. LOCATION COB Speicher, IZ | | 2. DATE 31 Jul 06 | 3. TIME 1830 | 4. FILE NO. |
| 5. NAME (Last, First, MI) JAMESON, Katie Marie | | 8. ORGANIZATION OR ADDRESS 3-187 INF | | |
| 6. SSN 626-03-2889 | 7. GRADE/STATUS E-4/AD | FOB Brassfield-Mora APO AE 09393 | | |

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused Use Of Controlled Substance, False Officile Statement///

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

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. KMT

| | | |
|---|--------------------------------------|---|
| WITNESSES (If available) | | 3. SIGNATURE OF INTERVIEWEE |
| 1a. NAME (Type or Print) <u>SRA Jeremy W. Zaimet</u> | b. ORGANIZATION OR ADDRESS AND PHONE | 4. SIGNATURE OF INVESTIGATOR <u>Richard L. Overman</u> |
| 2a. NAME (Type or Print) | | 5. TYPED NAME OF INVESTIGATOR <u>SA OVERMAN RICHARD L.</u> |
| b. ORGANIZATION OR ADDRESS AND PHONE | | 6. ORGANIZATION OF INVESTIGATOR |

Section C. Non-Waiver

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

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 on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(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 THE SUSPECT/ACCUSED REFUSES TO SIGN THE 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 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 interrogations, 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 (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 retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary. *Yes*

| | | | |
|--|---------------------------------------|------------------------------|----------------|
| 1. LOCATION <i>FOB BRASSFIELD - MORA</i> | 2. DATE (YYYYMMDD) <i>20060731</i> | 3. TIME <i>1500</i> | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME <i>JAMESON, KATIE MARIE</i> | 6. SSN <i>6216032889</i> | 7. GRADE/STATUS <i>E4</i> | |
| 8. ORGANIZATION OR ADDRESS <i>3-187 FSC</i> | | | |

9. *Katie Jameson*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

AT APPROXAMITLY 1330 ON July 27, 2006 I was interviewed by Mr. Overman (CID). WHAT began as a interview regarding drug accusations turned into a 4 1/2 hour interigation accusing me of this so called accusation I was accused of smoking hash with another soldier, and a TC. I denied these accusations then and I denie them now. After several hours of being interigated by CID I wrote a sworn statement saying "I did not do drugs w/ this soldier, a TC or any other soldier. Just when I thought I was done CID continued to interigate me. AT this time they (CID) brought in a sworn statement from SPC Herrera that said I was there with him and I was smoking. I become furious. I didnt know what to do, or why this was "happening to me. I continued to tell CID "I didn't do it, it wasn't me!" CID wouldnt believe me, they said they have two sworn statements and a third one on the way all saying that I smoked *hash*

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

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 BE INDICATED.

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

STATEMENT OF Spc Katie Jameson TAKEN AT 1500 ^{1030 Key} DATED 28 July 2006
Brassfield-More 31 July 2006 long

9. STATEMENT (Continued)

I TOLD CID "I DIDNT DO IT, AND I DONT KNOW WHY PEOPLE ARE SAYING I DID". CID KEPT SAYING IM NOT USING INTEGRITY AND IT ISNT A BIG DEAL IF I SAY I DID IT. CID SAID IF I JUST TELL THEM I DID IT MY PUNISHMENT MAY NOT BE THAT BAD BUT IF I CONTINUED TO LIE MY PUNISHMENT COULD BE MORE HARSH. THEY (CID) THREATEND ME WITH MORE CHARGES SUCH AS PENDING A INVESTIGATION AND LIEING (NOT SURE OF THE OFFICAL TERMS) CID TOLD ME "THREE STRIKES AND YOUR OUT". I FEARED WITH THREE STATEMENTS AGAINST ME, I WOULD BE IN MORE TROUBLE. LIKE CID SAID "IT JUST DOESNT MAKE SINCE", "WHO WOULD BELIEVE ME?" I STARTED TO BELIEVE CID. I WAS SO TIRED OF BEING THERE. I WAS TIRED OF BEING ACCUSED I WAS TIRED OF THE LONG PAUSES WITH CID JUST STARING AT ME. MOST OF ALL I WAS TIRED OF WONDERING "WHY!". I TOOK A DEEP BREATH AND SAID TO MYSELF "Integrity can't help me this time!". I ASKED CID FOR A PEN AND PAPER AND I WROTE A SECOND SWORN STATEMENT SAYING WHAT THEY WANTED "I DID IT!". I RECORDED THE STATEMENT SPC ~~HERRERA~~ ^{HERRERA} GAVE THEM AND GAVE IT TO CID. CID THEN ASKED ME "DONT YOU FEEL BETTER?" I SAID "NO, YOU PREACH INTEGRITY AND I COULDN'T EVEN USE IT". IT WAS SHORTLY AFTER THAT I WAS RELEASED. I HAVE WORKED HARD TO GET WHERE I AM. I HAD A HARD TIME WHEN I GOT TO THIS UNIT. I AM THE ONLY FEMALE Kmj

INITIALS OF PERSON MAKING STATEMENT

Kmj

PAGE 2 OF 3 PAGES

STATEMENT OF SPC Katie Jameson TAKEN AT 1030 King DATED 28 July 2006
Brassfield-Moore 31 July 2006

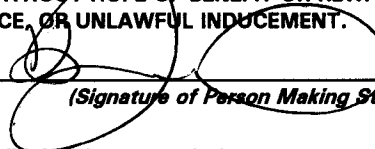
9. STATEMENT (Continued)

~~King~~ Cook and a cook with no experience. I have always pulled my own weight. I have earned respect from some and made enemies with others. People dont always like to see a soldier like myself make up and progress so quickly. I have ~~done~~ ^{King} reenlisted, and attended the promotion board. I am a lifetime soldier and promotable. I have worked really hard to get where I am ~~and~~ ^{King} to let someone take it all from me. If it is going to be taken I want to know I told the truth and fought it all the way through. For the record, "I Katie Jameson did not smoke hash (or do any other drug) with the accused soldier, a TC or anyone else." // King

END OF STATEMENT
King

AFFIDAVIT

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


(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of JUL, 2006 at _____


(Signature of Person Administering Oath)

SA ANTHONY P. WARD
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT



PAGE 3 OF 3 PAGES

**AGENTS INVESTIGATION REPORT
CID REGULATION 195-1**

0138-06-CID469-75471

About 1619, 9 Aug 06, CPT Joseph B. MACKEY, Trial Counsel, Staff Judge Advocate, 101st Airborne Division (AASLT), Contingency Operating Base Speicher, Tikrit, IZ APO AE 09393, opined there was probable cause to believe JAMESON and HERRERA committed the offense of Wrongful Use of a Controlled Substance (Marihuana).

About 1100, 9 Aug 06, SA MANUEL attempted to re-interview JAMESON, who declined to be interviewed further regarding this case.

About 1100, 12 Aug 06, MACKEY opined there was insufficient evidence to prove or disprove CALDERWOOD committed the offense of Wrongful Possession of a Controlled Substance (Marihuana).

About 1145, 16 Aug 06, LTC Nathaniel JOHNSON Jr., Battalion Commander, 3-187 INF, FBM, stated his intent was to pursue nonjudicial punishment (Article 15) for JAMESON and HERRERA.\\ Last Entry\\

TYPED AGENT'S NAME AND SEQUENCE NUMBER:

SA Clyde F. MANUEL III, 6504

SIGNATURE

ORGANIZATION:

31st MP DET (CID) (-)
COB Speicher, Tikrit, IZ
APO AE 09393

DATE 16 Aug 06

CID FORM 94

FOR OFFICIAL USE ONLY- LAW ENFORCEMENT SENSITIVE

EXHIBIT 

Protective Marking is Excluded from
Automatic Termination (Para 13, AR 34-16)

Page 1 of 1