

VOLUME I OF II
ORIGINAL COPYSUMMARIZED
RECORD OF TRIAL 1

(and accompanying papers)

of

SALCEDO, Selena M.

(Name, Last, First, Middle Initial)

(Social Security Number)

SERGEANT/E5

(Rank)

Company A,

519th Military Intelligence Battalion,
Fort Bragg, North Carolina

(Unit/Command Name)

U.S. Army

(Branch of Service)

Fort Bliss, Texas

(Station of Ship)

By

SPECIALCOURT-MARTIAL

Convened by

COMMANDER

(Title of Convening Authority)

United States Army Air Defense Artillery Center and Fort Bliss

(Unit/Command of Convening Authority)

Tried at

Fort Bliss, Texas

(Place or Places of Trial)

on 17 June, 19 July, and 4 August 2005

(Date or Dates of Trial)

ACTION OF JUDGE ADVOCATE OR GENERAL COURT-MARTIAL CONVENING AUTHORITY (SPCM)/JAG (GCM)
(RCM 1111 and 1112, MCM, 1984)

UNIT/COMMAND NAME	LOCATION OF JUDGE ADVOCATE OR GENERAL COURT-MARTIAL CONVENING AUTHORITY/JAG	DATE RECORD RECEIVED
ACTION	DATE	REMARKS
FINAL DISPOSITION:		
Findings and Sentence, as approved by convening authority, correct in law and fact; to file		
OR		
Findings and sentence, as modified or corrected (see remarks), correct in law and fact; to file		
Acquittal or sentence set aside (see remarks); to file		
Copies of CMO disposed of in accordance with departmental regulations		
JUDGE ADVOCATE OR LAW SPECIALIST	RANK	DATE SIGNED
SIGNATURE		

See inside back cover for instructions as to use, preparation and arrangement.

Previous editions are obsolete

Front Cover

Salcedo I of II

REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY

HEADQUARTERS, U. S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
1733 PLEASANTON ROAD
FORT BLISS, TEXAS 79916-6816

12 June 2006

ATZC-JAA

MEMORANDUM FOR Commander, United States Army Air Defense Artillery Center, Fort
Bliss, Texas 79916SUBJECT: R.C.M. 1112 Legal Review - United States v. SGT Salcedo, Selena M.Company A, 519th Military Intelligence Battalion, Fort Bragg, North Carolina 28310

1. I have reviewed the enclosed Special Court-Martial and find it legally sufficient pursuant to R.C.M. 1112, Manual for Courts-Martial, United States (2005 Edition) and Article 64, Uniform Code of Military Justice, § 864. I have not acted in this case as an accuser, investigating officer, member of court-martial, military judge, or counsel, nor have I otherwise acted on behalf of the prosecution or defense.

2. I conclude that:

a. The accused is a person subject to the Uniform Code of Military Justice, therefore the Special Court-Martial had personal jurisdiction over the accused in accordance with R.C.M. 202, Manual for Courts-Martial, United States (2005 Edition).

b. The offenses of dereliction of performance of duties, cruelty and maltreatment, making false official statements, and assault, are all violations of the UCMJ, Articles 92, 93, 107, and 128 respectively. Therefore the Special Court-Martial had subject matter jurisdiction over the offense in accordance with R.C.M. 203, Manual for Courts-Martial, United States (2005 Edition).

c. The charges and the specifications properly stated an offense under Articles 92, 93, 107, and 128 of the UCMJ.

3. The sentence of reduction to E-4, to forfeit \$250.00 pay per month for 4 months, and reprimand is within the limitations set forth in R.C.M. 1003(b)(4), Manual for Courts-Martial, United States (2005 Edition) and is therefore legal.

4. There are no allegations of error made in writing by the accused, nor have I identified any errors in the case.

5. The Defense requests clemency based on the special circumstances surrounding this case. This request was reviewed by the Staff Judge Advocate. I concur with his opinion that clemency is not warranted based on the Addendum to the Staff Judge Advocate's Recommendation. I recommend you order the sentence executed.

ATCZ-JAA

SUBJECT: R.C.M. 1112 Legal Review - U.S. v. SGT Salcedo, Selena M.
Company A, 519th Military Intelligence Battalion, Fort Bragg, North Carolina 28310

6. The above record of trial does not require further legal review. The original copy of this legal review will be placed in the original Record of Trial and a copy of this review will be provided to the accused.

7. POC for this review is the undersigned at 568-2357.

FOR THE STAFF JUDGE ADVOCATE:



CHARITY J. HILDERBRANDT

CPT, JA

Administrative and Civil Law Division



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JUDICIARY
901 NORTH STUART STREET
ARLINGTON, VA 22203-1837

REPLY TO
ATTENTION OF

3 October 2006

JALS-CCR (27-10d/e)

MEMORANDUM FOR COLONEL RANDY T. KIRKVOLD, STAFF JUDGE ADVOCATE,
U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS, 1733
PLEASANTON ROAD, BLDG 13, FORT BLISS, TX 79916

SUBJECT: Incorrect Distribution of Record of Trial in the Special Court-Martial case of
Sergeant Selena M. Salcedo

1. The enclosed original record of trial (consisting of two volumes) in the Special Court-Martial case of Sergeant Selena M. Salcedo was incorrectly forwarded to this office.
2. The original record of trial in the case of Sergeant Selena M. Salcedo is to be maintained by your office and retired in accordance with Army Regulation 27-10. This office receives copies of all records of trial which must be reviewed by the U.S. Army Court of Criminal Appeals as well as the original copy of all GCM records of trial, regardless of the trial outcome.
3. If there are any questions concerning this, please contact the undersigned at commercial (703) 588-7927 or DSN at 425-7927.

Encl
as

A handwritten signature in cursive script, reading "Randall M. Bruns".
Randall M. Bruns
Deputy Clerk of Court

CHRONOLOGY SHEET

In the case of US vs. SGT SALCEDO
(Rank and Name of Accused)

Date of alleged commission of earliest offense tried: 15 OCTOBER, 2002
(Enter Date)

Date record forwarded to The Judge Advocate General: 20
(Enter Date)

Christopher D. Carrier
CHRISTOPHER D. CARRIER, MAJ, JA, Bagram Prosecution Team

(Signature and Rank of Staff Judge Advocate or Legal Officer)

¹ In a case forwarded to the Judge Advocate General, the staff judge advocate or legal officer is responsible for completion of the Chronology Sheet. Trial counsel should report any authorized deductions and reasons for any unusual delays of the case.

² Or officer conducting review under Article 64(a) (MCM, 1984, RCM 1112)

³ In computing days between two dates, disregard first day and count last day. The actual number of days in each month will be counted.

⁴ Item 1 is not applicable when accused is not restrained, (See MCM, 1984, RCM 304) or when he/she is in confinement under a sentence or court-martial at time charges are preferred. Item 2 will be the zero date if item 1 is not applicable.

⁵ May not be applicable to trial by special court-martial

⁶ Only this item may be deducted

⁷ If no further action is required, items 1 through 8 will be completed and chronology signed by such convening authority or his/her representative.

⁸ When further action is required under Article 64 or service directives.

Action	Date 2005	Cumulative Elapsed Days ³
1. Accused placed under restraint by military authority ⁴	NA	0
2. Charges preferred (date of affidavit)	13 MAY 05	0
3. Article 32 investigation (date of report) ⁵	NA	0
4. Charges received by convening authority	17 MAY 05	4
5. Charges referred for trial	17 MAY 05	4
6. Sentence or acquittal	4 AUG 05	83
Less days:		
Accused sick, in hospital or AWOL		
Delay at request of defense	0	
Total authorized deduction ⁶	0	
7. Net elapsed days to sentence or acquittal		83
8. Record received by convening authority	9 NOV 05	160
Action ⁷	9 NOV 05	160
9. Record received by officer conducting review under Article 64(a)		
Action ⁸		

REMARKS 26 SEP 05 -16 OCT 05 1105 POST TRIAL DELAY

COURT-MARTIAL DATA SHEET

1. OJAG NUMBER

2. NAME (Last, First, Middle Initial) SALCEDO, SELENA M.	3. SOCIAL SECURITY NO.	4. RANK SGT	5. UNIT/COMMAND NAME Co A, 519 th MI Bn, Fort Bragg, NC 28310
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INSTRUCTIONS

When an item is not applicable to the record of trial being reviewed, mark the proper block with a diagonal line similar to the ones which appear in the SPCMCA blocks for items 6a and b.

KEY TO USE

TC - Trial Counsel. This column will be completed in all cases in which a finding of guilty is returned.

SPCMCA - Special Court-Martial Convening Authority who is not empowered to convene a general court-martial. This column will be completed in each special court-martial case by the SPCMCA or his/her designated representative.

GCM or JA - General Court-Martial Convening Authority or Judge Advocate. This column will be completed in any case in which the record is forwarded by the commander exercising general court-martial jurisdiction to The Judge Advocate General of the branch of service concerned. If the record is reviewed under Article 64(a), UCMJ, this column will be completed by the judge advocate accomplishing the review.

OJAG - Appropriate appellate agency in the Office of The Judge Advocate General of the branch of service concerned. This column will be disregarded if a record of trial was reviewed under Article 64, UCMJ, and in cases where there are no approved findings of guilty.

References - All references are to the Uniform Code of Military Justice (UCMJ) and the Manual for Courts Martial, United States (MCM), 1984.

SECTION A - PRETRIAL AND TRIAL PROCEDURE

	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
6. a. If a general court-martial: Was the accused represented in the Article 32 investigation by civilian or military counsel of his/her own selection or by counsel qualified within the meaning of Article 27(b), UCMJ?	X	X	N/A	N/A	X	X		
b. If not: Did the accused waive his/her right to such representation?	X	X			X	X		
7. Does the record show place, date, and hour of each Article 39(a) session, the assembly and each opening and closing thereafter?	X				X			
8. a. Are all convening and amending orders of courts to which charges were referred entered in the record?	X				X			
b. Are court members named in the convening orders, detailed military judge (if any), counsel and the accused accounted for as present or absent?	X				X			
c. Was less than a quorum present at any meeting requiring the presence of court members (RCM 805)?		X				X		
d. Does the record show that after each session, adjournment, recess, or closing during the trial, the parties to the trial were accounted for when the court reopened (A13-5)?	X				X			
e. If the military judge or any member present at assembly was thereafter absent, was such absence the result of challenge, physical disability or based on good cause as shown in the record of trial (RCM 505(c)(2)(A))?	X	X			X	X		
9. Were the reporter and interpreter, if any, sworn or previously sworn?	X				X			
10. a. Was the military judge properly certified (RCM 502(c))?	X				X			
b. Was the military judge properly detailed (RCM 503(b))?	X				X			
c. Was the military judge present during all open sessions of the court?								
11. a. Was the accused advised that: (1) He/she had the right to be represented free of charge by a military lawyer of his/her own selection, if reasonably available, in which case detailed counsel might be excused (RCM 506(a))?	X				X			

COURT-MARTIAL DATA SHEET

SECTION A - PRETRIAL AND TRIAL PROCEDURE (CONTINUED)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
(2) He/she had the right to be represented at the trial by a civilian lawyer provided at no expense to the government, in which case detailed counsel would serve as associate counsel or be excused with the accused's consent?	X				X			
(3) If he/she did not exercise any of the rights listed above, he/she would be defended by detailed counsel certified under Article 27(b), UCMJ (RCM 502(d)(1))?	X				X			
b. (1) Was the accused represented by a civilian lawyer?	X	X				X		
(2) Did the accused request a specific military counsel?	X				X			
(3) (a) If so, was such request complied with?	X	X			X	X		
(b) If not, were reasons given why requested counsel was not reasonably available?	X				X			
12. a. Was the detailed defense counsel properly certified (RCM 502(d))?	X				X			
b. Was at least one qualified counsel for each party present during all open sessions of the court (RCM 502(d) and RCM 805(c))?	X							
13. a. If the special court-martial adjudged a BCD:	X	X			X	X		
(1) Was a military judge detailed to the court (RCM 503(b))?	X	X			X	X		
(2) If not, did the convening authority submit a statement indicating why a military judge could not be detailed and why trial had to be held at that time and place (Article 19, UCMJ)?	X	X			X	X		
(3) Was a verbatim transcript made (Article 19, UCMJ)?								
14. Did any person who acted as the accuser, investigating officer, military judge, court member, or a member of the defense in the same case, or as counsel for the accused at a pretrial investigation or other proceedings involving the same general matter, subsequently act as a member of the prosecution (RCM 502(d)(4))?	X	X			X	X		
15. If any member of the defense had acted as a member of the prosecution in the same case, was he/she excused (RCM 502(d)(4))?	X	X			X	X		
16. a. If any member of the defense had acted as the accuser, investigating officer, military judge, or member of the court, were his/her services expressly requested by the accused (RCM 502(d)(4))?	X	X			X	X		
b. If not, was he/she excused?		X				X		
17. a. If accused was an enlisted person, did he/she make a request that enlisted persons be included in membership of the court?								
b. If so, were at least one-third of the members who tried the case enlisted persons, or did the convening authority direct the trial without enlisted persons and provide a detailed written explanation which is appended to the record (RCM 503(a)(2))?	X	X			X	X		
c. Did any enlisted member of the court belong to the same unit as the accused?		X				X		
18. If a military judge was detailed to the court, was the accused informed of his/her right to request trial by military judge alone?	X				X			
19. Were the members of the court, military judge (if any) and the personnel of the prosecution and defense sworn or previously sworn?	X				X			
20. a. Was any person sitting as a member of the court, or military judge (if any), the accuser, a witness for the prosecution, the investigating officer, staff judge advocate, counsel, or convening authority, or upon rehearing or new trial was he/she a member of the former trial (RCM 902(b) and RCM 912(f))?		X					X	
b. If so, did the accused waive such disqualification (RCM 912(f)(4) and RCM 902(e))?	X	X			X	X		

COURT-MARTIAL DATA SHEET

SECTION A - PRETRIAL AND TRIAL PROCEDURE (CONTINUED)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
21. a. Was each accused extended the right to challenge military judge (if any), and any member of the court for cause and to exercise one peremptory challenge?	X				X			
b. Was action by court upon challenges proper (RCM 902 and RCM 912)?	X				X			
c. Does the record show that a member excused as a result of a challenge withdrew from the court?	X	X			X	X		
22. a. Was the accused properly arraigned (RCM 904)?	X				X			
b. Do the following appear in the record: The charges and specifications, the name, rank and unit/command name of the person signing the charges, the affidavit, and the order of reference for the trial?	X				X			
c. Except in time of war, was the accused brought to trial (which includes an Article 39(a), UCMJ session) by general court-martial within five days (by special court-martial within three days) subsequent to service of charges upon him/her (RCM 602)?		X				X		
d. If so, did the accused object to trial?	X	X			X	X		
23. a. Were any charges or specifications affected by the statute of limitations (RCM 907(b))?	X				X			
b. If so, was accused advised of his/her right to assert the statute and was his/her response recorded (RCM 907(b))?	X	X			X	X		
24. Did the court take proper action with respect to motions raising defenses and objections (RCM 905-907)?	X				X			
25. a. Were pleas of accused regularly entered (RCM 910(a))?	X				X			
26. Does the record show that all witnesses were sworn?								
27. Did the military judge or president advise the court concerning the elements of each offense, each lesser included offense reasonably raised by the evidence, and the presumption of innocence, reasonable doubt, and burden of proof, pursuant to Article 51(c), UCMJ (RCM 920(e))?	X				X			
28. a. If trial was by military judge alone, did the military judge announce the findings (RCM 922)?	X				X			
b. If the trial was with members, did the president announce the findings (RCM 922)?	X	X			X	X		
c. If special findings were requested, were they made a part of the record?	X	X			X			
29. Were the findings in proper form (A10)?	X							
30. a. Was the evidence, if any, of previous convictions admissible and properly introduced in evidence (RCM 1001(b)(3))?	X	X			X	X		
b. Was the information from personnel records of the accused properly admitted (RCM 1001(b)(2))?	X				X			
c. Was the defense permitted to introduce evidence in extenuation and mitigation after the court announced findings of guilty (RCM 1001(c))?	X				X			
31. a. In a trial with members, did the president announce the sentence (RCM 1007)?	X	X			X	X		
b. If trial was by military judge alone, did the military judge announce the sentence (RCM 1007)?	X				X			

COURT-MARTIAL DATA SHEET

SECTION A - PRETRIAL AND TRIAL PROCEDURE (CONTINUED)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
32. Was the sentence in proper form (A11)?	X				X			
33. Is the record properly authenticated (RCM 1104)?	X				X			
34. a. Did all members who participated in proceedings in revision vote on original findings and sentence (RCM 1102(e)(1))?	X	X			X	X		
b. At proceedings in revision, were a military judge (if one was present at the trial), the accused, and counsel for the prosecution and defense present (RCM 1102(e)(1))?	X	X			X	X		
35. Was each accused furnished a copy of the record or substitute service made on defense counsel (RCM 1104(b))?	X				X			
36. Was clemency recommended by the court or military judge?		X				X		
SECTION B - PROCEDURE AFTER TRIAL	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
37. Was the court convened by proper authority (RCM 504(b))?	X				X			
38. Did the court have jurisdiction of person and offense (RCM 202 & 203)?	X				X			
39. Does each specification state an offense under the code (RCM 907(b))?	X				X			
40. Did the accused have the requisite mental capacity at the time of trial and the requisite mental responsibility at the time of the commission of each offense (RCM 909 and RCM 916(k))?	X				X			
41. Is the evidence sufficient to support the findings?	X				X			
42. Is the sentence within legal limits (RCM 1112(d))?	X				X			
43. Is the action of the convening authority properly entered in the record and signed (RCM 1107(f))?	X				X			
44. If appropriate, is a proper place of confinement designated (RCM 1107(f)(4)(c))?	X	X			X	X		
45. a. Was the staff judge advocate's post-trial recommendation served on the defense counsel for comment (RCM 1106(f))?	X				X			
b. If the addendum to the recommendation contained new matters, was it served on the defense counsel for comment (RCM 1105(f)(7))?	X				X			
c. Did the accused submit matters for the convening authority's consideration in a timely manner (RCM 1105)?	X				X			
d. If yes, was the convening authority's action subsequent to the submission of the matters?	X				X			
e. If no, did the accused waive in writing the right to submit matters and was the action taken subsequent to the written waiver or did the time periods provided in RCM 1105(c) expire before the convening authority's action?	X	X			X	X		
46. a. Does the record indicate that the accused was advised of his/her appellate rights (RCM 1010)?	X				X			
b. Do the allied papers contain a statement indicating the desires of the accused with respect to appellate representation in the event his/her case is referred to a court of military review?	X				X			
c. Did the accused waive or withdraw appellate review and is the waiver or withdrawal in proper form and attached to the record of trial (RCM 1110, A19 & 20)?		X				X		

COURT-MARTIAL DATA SHEET

SECTION C - COURT-MARTIAL ORDERS (CMO)	TC		SPCMCA		GCM or JA		OJAG	
	YES	NO	YES	NO	YES	NO	YES	NO
47. Does the initial CMO bear the same date as the action of the convening authority who published it?					X			
48. Are all the orders convening the court which tried the case correctly cited in the CMO?					X			
49. Are the accused's name, rank, SSN, unit/command name and branch of service correctly shown in the CMO?					X			
50. Are all the charges and specifications (including amendments) upon which the accused was arraigned correctly shown in the CMO (RCM 1114)?					X			
51. Are the pleas, findings, and sentence correctly shown in the CMO (RCM 1114)?					X			
52. Does the CMO show the date the sentence was adjudged?					X			
53. Is the action of the convening authority correctly shown in the CMO?					X			
54. Is the CMO properly authenticated (RCM 1114)?					X			
55. REMARKS:								


COURT-MARTIAL DATA SHEET

55. REMARKS (Continued):

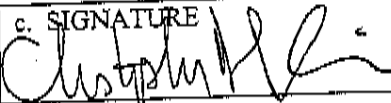
56. TRIAL COUNSEL

a. TYPED NAME (Last, First, Middle Initial)	b. RANK	c. SIGNATURE	d. DATE SIGNED
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57. CONVENING AUTHORITY OR HIS/HER REPRESENTATIVE

a. TYPED NAME (Last, First, Middle Initial)	b. RANK	c. SIGNATURE	d. DATE SIGNED
CARRIER, CHRISTOPHER D.	MAJ		16 Nov 05

58. STAFF JUDGE ADVOCATE OF GENERAL COURT-MARTIAL CONVENING AUTHORITY OR REVIEWING JUDGE ADVOCATE

a. TYPED NAME (Last, First, Middle Initial)	b. RANK	c. SIGNATURE	d. DATE SIGNED
CARRIER, CHRISTOPHER D.	MAJ		16 Nov 05

59. ACTION IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL

a. ACTION:

b. INDIVIDUAL COMPLETING DATA SHEET

(1) TYPED NAME (Last, First Middle Initial	(2) RANK	(3) SIGNATURE	(4) DATE SIGNED
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CORRECTED COPY**DNA Processing required. 10 U.S.C. § 1565**

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
1733 PLEASANTON ROAD
FORT BLISS, TX 79916-6816

SPECIAL COURT-MARTIAL ORDER
NUMBER 23

9 November 2005

SGT Salcedo, Selena M., _____ U.S. Army, Company A, 519th Military Intelligence Battalion, Fort Bragg, North Carolina 28310, was arraigned at Fort Bliss, Texas, on the following offenses at a Special court-martial convened by Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

Charge I. Article 92. Plea: Guilty. Finding: Guilty.

Specification: Derelict in the performance of your duties on or about 8 December 2002. Plea: Guilty, excepting the words "kicking Dilawar in or about the groin" and "punching Dilawar in the chest". To the excepted words, Not Guilty. Finding: Guilty, excepting the words "kicking Dilawar in or about the groin" and "punching Dilawar in the chest". To the excepted words, Not Guilty.

Charge II. Article 93. Plea: Not Guilty. Finding: Not Guilty.

Specification: Maltreat Dilawar on or about 8 December 2002. Plea: Not Guilty. Finding: Not Guilty.

Charge III. Article 107. Plea: Guilty. Finding: Guilty.

Specification: Make false official statements with intent to deceive, on or about 8 December 2002. Plea: Not Guilty. Finding: Not Guilty.

Charge IV. Article 128. Plea: Guilty. Finding: Guilty.

Specification 1: Unlawfully kick Dilawar on or about 8 December 2002. Plea: Guilty, excepting the words "in or about the groin" and substituting the words "in the knees and inner thighs." To the excepted words, Not Guilty. Finding: Guilty, excepting the words "in or about the groin" and substituting the words "in the knees and inner thighs." To the excepted words, Not Guilty.

Specification 2: Unlawfully grab and pull the ears of Dilawar, on or about 8 December 2002. Plea: Guilty, excepting the words "and pull." To the excepted words, Not Guilty. Finding: Guilty, excepting the words "and pull." To the excepted words, Not Guilty.

SPCMO No. 23, DA, HQ, USAADACENFB, Ft. Bliss, TX, 79916, dated 9 November 2005
(Continued)

Specification 3: Unlawfully shove Dilawar, on or about 8 December 2002. Plea: Guilty, excepting the word "shove Dilawar" and substituting the word "pull Dilawar up." To the excepted words, Not Guilty. Finding: Guilty, excepting the words "shove Dilawar" and substituting the word "pull Dilawar up." To the excepted words, Not Guilty.

Specification 4: Assault an unknown PUC, on or about 15 October 2002, and on or about 15 February 2003. Plea: Not Guilty. Finding: Not Guilty.

SENTENCE

Sentence was adjudged on 4 August 2005: To be reduced to the grade of E4; to forfeit \$250.00 pay per month for four months; and reprimand.

ACTION

The sentence is approved and will be executed.

You are reprimanded for your unlawful and reprehensible conduct. While serving as a military intelligence interrogator at the Bagram Collection Point, you engaged in unlawful, assaultive behavior against a person in the custody of the U.S. Armed Forces. The evidence disclosed that, during an interrogation, you unlawfully kicked a detainee and grabbed his ears to pull him up from the floor. You pulled him up from the floor, to which he had sunk because of pain he was experiencing in his legs. You heedlessly disregarded his comfort and safety in order to inflict bodily harm upon him, using your position to bully a helpless detainee in a sadistic manner. Your brutish conduct is appalling and shows a wanton disregard for international law, Army rules and procedures, and the safety of person under your care and control. This falls far below the conduct that I would expect of a soldier in the United States Army. Such conduct is inexcusable, unacceptable, and cannot be tolerated.

SPCMO No. 23, DA, HQ, USAADACENFB, Ft. Bliss, TX, 79916, dated 9 November 2005
(Continued)

BY-COMMAND OF BRIGADIER GENERAL LENNOX:



JEFFREY S. FORMAN
CW2, JA
Legal Administrator

DISTRIBUTION:

- 1-Accused
- 1-Military Judge (LTC Sposato)
- 1-Trial Counsel (CPT Ellis)
- 1-Defense Counsel (CPT DeRossi)
- 1-Chief, Criminal Law Division
- 1-Legal Administrator
- 1-Cdr, HHB, USAADACENFB
- 1-Cdr, 519th Military Police Battalion
- 1-Cdr, Garrison Command
- 1-U.S. Army Crime Lab, Fort Gillem, ATTN: CODIS Lab
4553 North 2nd Street, Bldg 213b, Forest Park, Georgia 30297-5122
- 1-ATZC-DHR-AGR, ATZC-DRM-F, ATZC-PM
- 2-Cdr, USAADACENFB, ATTN: SJA
- 1-Cdr, USAEREC, ATTN: PCRE-FS, Fort Benjamin
Harrison, Indiana 46249
- 10-Clerk of Court, ATTN: JALS-CC, 901 N. Stuart Street,
Suite 1200, Arlington, Virginia 22203
- 1-Cdr, 76th MP DET (CID), 11th MP BN CID
- 1-Director, U.S. Army Crime Records Center, 6010 6th Street,
Fort Belvoir, Virginia 22060-5506
- 1-Record Set
- 1-Reference Set

CORRECTED COPY**DNA Processing required. 10 U.S.C. § 1565**

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
1733 PLEASANTON ROAD
FORT BLISS, TX 79916-6816

SPECIAL COURT-MARTIAL ORDER
NUMBER 23

9 November 2005

SGT Salcedo, Selena M., _____, U.S. Army, Company A, 519th Military Intelligence Battalion, Fort Bragg, North Carolina 28310, was arraigned at Fort Bliss, Texas, on the following offenses at a Special court-martial convened by Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

Charge I. Article 92. Plea: Guilty. Finding: Guilty.

Specification: Derelict in the performance of your duties on or about 8 December 2002. Plea: Guilty, excepting the words "kicking Dilawar in or about the groin" and "punching Dilawar in the chest". To the excepted words, Not Guilty. Finding: Guilty, excepting the words "kicking Dilawar in or about the groin" and "punching Dilawar in the chest". To the excepted words, Not Guilty.

Charge II. Article 93. Plea: Not Guilty. Finding: Not Guilty.

Specification: Maltreat Dilawar on or about 8 December 2002. Plea: Not Guilty. Finding: Not Guilty.

Charge III. Article 107. Plea: Guilty. Finding: Guilty.

Specification: Make false official statements with intent to deceive, on or about 8 December 2002. Plea: Not Guilty. Finding: Not Guilty.

Charge IV. Article 128. Plea: Guilty. Finding: Guilty.

Specification 1: Unlawfully kick Dilawar on or about 8 December 2002. Plea: Guilty, excepting the words "in or about the groin" and substituting the words "in the knees and inner thighs." To the excepted words, Not Guilty. Finding: Guilty, excepting the words "in or about the groin" and substituting the words "in the knees and inner thighs." To the excepted words, Not Guilty.

Specification 2: Unlawfully grab and pull the ears of Dilawar, on or about 8 December 2002. Plea: Guilty, excepting the words "and pull." To the excepted words, Not Guilty. Finding: Guilty, excepting the words "and pull." To the excepted words, Not Guilty.

SPCMO No. 23, DA, HQ, USAADACENFB, Ft. Bliss, TX, 79916, dated 9 November 2005
(Continued)

Specification 3: Unlawfully shove Dilawar, on or about 8 December 2002. Plea: Guilty, excepting the word "shove Dilawar" and substituting the word "pull Dilawar up." To the excepted words, Not Guilty. Finding: Guilty, excepting the words "shove Dilawar" and substituting the word "pull Dilawar up." To the excepted words, Not Guilty.

Specification 4: Assault an unknown PUC, on or about 15 October 2002, and on or about 15 February 2003. Plea: Not Guilty. Finding: Not Guilty.

SENTENCE

Sentence was adjudged on 4 August 2005: To be reduced to the grade of E4; to forfeit \$250.00 pay per month for four months; and reprimand.

ACTION

The sentence is approved and will be executed.

You are reprimanded for your unlawful and reprehensible conduct. While serving as a military intelligence interrogator at the Bagram Collection Point, you engaged in unlawful, assaultive behavior against a person in the custody of the U.S. Armed Forces. The evidence disclosed that, during an interrogation, you unlawfully kicked a detainee and grabbed his ears to pull him up from the floor. You pulled him up from the floor, to which he had sunk because of pain he was experiencing in his legs. You heedlessly disregarded his comfort and safety in order to inflict bodily harm upon him, using your position to bully a helpless detainee in a sadistic manner. Your brutish conduct is appalling and shows a wanton disregard for international law, Army rules and procedures, and the safety of person under your care and control. This falls far below the conduct that I would expect of a soldier in the United States Army. Such conduct is inexcusable, unacceptable, and cannot be tolerated.

SPCMO No. 23, DA, HQ, USAADACENFB, Ft. Bliss, TX, 79916, dated 9 November 2005
(Continued)

BY COMMAND OF BRIGADIER GENERAL LENNOX:

DISTRIBUTION:

- 1-Accused
- 1-Military Judge (LTC Sposato)
- 1-Trial Counsel (CPT Ellis)
- 1-Defense Counsel (CPT DeRossi)
- 1-Chief, Criminal Law Division
- 1-Legal Administrator
- 1-Cdr, HHB, USAADACENFB
- 1-Cdr, 519th Military Police Battalion
- 1-Cdr, Garrison Command
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- 10-Clerk of Court, ATTN: JALS-CC, 901 N. Stuart Street,
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Fort Belvoir, Virginia 22060-5506
- 1-Record Set
- 1-Reference Set



JEFFREY S. FORMAN

CW2, JA

Legal Administrator

CORRECTED COPY**DNA Processing required. 10 U.S.C. § 1565**

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
1733 PLEASANTON ROAD
FORT BLISS, TX 79916-6816

SPECIAL COURT-MARTIAL ORDER
NUMBER 23

9 November 2005

SGT Salcedo, Selena M., _____, U.S. Army, Company A, 519th Military Intelligence Battalion, Fort Bragg, North Carolina 28310, was arraigned at Fort Bliss, Texas, on the following offenses at a Special court-martial convened by Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

Charge I. Article 92. Plea: Guilty. Finding: Guilty.

Specification: Derelict in the performance of your duties on or about 8 December 2002. Plea: Guilty, excepting the words "kicking Dilawar in or about the groin" and "punching Dilawar in the chest". To the excepted words, Not Guilty. Finding: Guilty, excepting the words "kicking Dilawar in or about the groin" and "punching Dilawar in the chest". To the excepted words, Not Guilty.

Charge II. Article 93. Plea: Not Guilty. Finding: Not Guilty.

Specification: Maltreat Dilawar on or about 8 December 2002. Plea: Not Guilty. Finding: Not Guilty.

Charge III. Article 107. Plea: Guilty. Finding: Guilty.

Specification: Make false official statements with intent to deceive, on or about 8 December 2002. Plea: Not Guilty. Finding: Not Guilty.

Charge IV. Article 128. Plea: Guilty. Finding: Guilty.

Specification 1: Unlawfully kick Dilawar on or about 8 December 2002. Plea: Guilty, excepting the words "in or about the groin" and substituting the words "in the knees and inner thighs." To the excepted words, Not Guilty. Finding: Guilty, excepting the words "in or about the groin" and substituting the words "in the knees and inner thighs." To the excepted words, Not Guilty.

Specification 2: Unlawfully grab and pull the ears of Dilawar, on or about 8 December 2002. Plea: Guilty, excepting the words "and pull." To the excepted words, Not Guilty. Finding: Guilty, excepting the words "and pull." To the excepted words, Not Guilty.

SPCMO No. 23, DA, HQ, USAADACENFB, Ft. Bliss, TX, 79916, dated 9 November 2005
(Continued)

Specification 3: Unlawfully shove Dilawar, on or about 8 December 2002. Plea: Guilty, excepting the word "shove Dilawar" and substituting the word "pull Dilawar up." To the excepted words, Not Guilty. Finding: Guilty, excepting the words "shove Dilawar" and substituting the word "pull Dilawar up." To the excepted words, Not Guilty.

Specification 4: Assault an unknown PUC, on or about 15 October 2002, and on or about 15 February 2003. Plea: Not Guilty. Finding: Not Guilty.

SENTENCE

Sentence was adjudged on 4 August 2005: To be reduced to the grade of E4; to forfeit \$250.00 pay per month for four months; and reprimand.

ACTION

The sentence is approved and will be executed.

You are reprimanded for your unlawful and reprehensible conduct. While serving as a military intelligence interrogator at the Bagram Collection Point, you engaged in unlawful, assaultive behavior against a person in the custody of the U.S. Armed Forces. The evidence disclosed that, during an interrogation, you unlawfully kicked a detainee and grabbed his ears to pull him up from the floor. You pulled him up from the floor, to which he had sunk because of pain he was experiencing in his legs. You heedlessly disregarded his comfort and safety in order to inflict bodily harm upon him, using your position to bully a helpless detainee in a sadistic manner. Your brutish conduct is appalling and shows a wanton disregard for international law, Army rules and procedures, and the safety of person under your care and control. This falls far below the conduct that I would expect of a soldier in the United States Army. Such conduct is inexcusable, unacceptable, and cannot be tolerated.

SPCMO No. 23, DA, HQ, USAADACENFB, Ft. Bliss, TX, 79916, dated 9 November 2005
(Continued)

BY COMMAND OF BRIGADIER GENERAL LENNOX:

DISTRIBUTION:

- 1-Accused
- 1-Military Judge (LTC Sposato)
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JEFFREY S. FORMAN
CW2, JA
Legal Administrator

CORRECTED COPY**DNA Processing required. 10 U.S.C. § 1565**

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
1733 PLEASANTON ROAD
FORT BLISS, TX 79916-6816

SPECIAL COURT-MARTIAL ORDER
NUMBER 23

9 November 2005

SGT Salcedo, Selena M., _____ U.S. Army, Company A, 519th Military Intelligence Battalion, Fort Bragg, North Carolina 28310, was arraigned at Fort Bliss, Texas, on the following offenses at a Special court-martial convened by Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

Charge I. Article 92. Plea: Guilty. Finding: Guilty.

Specification: Derelict in the performance of your duties on or about 8 December 2002. Plea: Guilty, excepting the words "kicking Dilawar in or about the groin" and "punching Dilawar in the chest". To the excepted words, Not Guilty. Finding: Guilty, excepting the words "kicking Dilawar in or about the groin" and "punching Dilawar in the chest". To the excepted words, Not Guilty.

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Specification: Make false official statements with intent to deceive, on or about 8 December 2002. Plea: Not Guilty. Finding: Not Guilty.

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SPCMO No. 23, DA, HQ, USAADACENFB, Ft. Bliss, TX, 79916, dated 9 November 2005
(Continued)

Specification 3: Unlawfully shove Dilawar, on or about 8 December 2002. Plea: Guilty, excepting the word "shove Dilawar" and substituting the word "pull Dilawar up." To the excepted words, Not Guilty. Finding: Guilty, excepting the words "shove Dilawar" and substituting the word "pull Dilawar up." To the excepted words, Not Guilty.

Specification 4: Assault an unknown PUC, on or about 15 October 2002, and on or about 15 February 2003. Plea: Not Guilty. Finding: Not Guilty.

SENTENCE

Sentence was adjudged on 4 August 2005: To be reduced to the grade of E4; to forfeit \$250.00 pay per month for four months; and reprimand.

ACTION

The sentence is approved and will be executed.

You are reprimanded for your unlawful and reprehensible conduct. While serving as a military intelligence interrogator at the Bagram Collection Point, you engaged in unlawful, assaultive behavior against a person in the custody of the U.S. Armed Forces. The evidence disclosed that, during an interrogation, you unlawfully kicked a detainee and grabbed his ears to pull him up from the floor. You pulled him up from the floor, to which he had sunk because of pain he was experiencing in his legs. You heedlessly disregarded his comfort and safety in order to inflict bodily harm upon him, using your position to bully a helpless detainee in a sadistic manner. Your brutish conduct is appalling and shows a wanton disregard for international law, Army rules and procedures, and the safety of person under your care and control. This falls far below the conduct that I would expect of a soldier in the United States Army. Such conduct is inexcusable, unacceptable, and cannot be tolerated.

SPCMO No. 23, DA, HQ, USAADACENFB, Ft. Bliss, TX, 79916, dated 9 November 2005
(Continued)

BY COMMAND OF BRIGADIER GENERAL LENNOX:

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- 1-Trial Counsel (CPT Ellis)
- 1-Defense Counsel (CPT DeRossi)
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JEFFREY S. FORMAN
CW2, JA
Legal Administrator

DNA Processing required. 10 U.S.C. § 1565

DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
FORT BLISS, TEXAS 79916-6816

SPECIAL COURT-MARTIAL ORDER
NUMBER 23

9 November 2005

SGT Salcedo, Selena M., U.S. Army, Company A, 519th Military Intelligence Battalion, Fort Bragg, North Carolina 28310, was arraigned at Fort Bliss, Texas, on the following offenses at a Special court-martial convened by Commander, U.S. Army Air Defense Artillery Center and Fort Bliss.

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Specification 4: Assault an unknown PUC, on or about 15 October 2002, and on or about 15 February 2003. Plea: Not Guilty. Finding: Not Guilty

See corrected
copy

SCMO No 23, DA, HQ, USAADACENFB, Ft. Bliss, TX 79916, dated 9 Nov 2005

SENTENCE

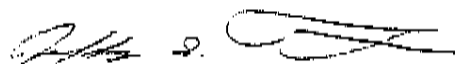
Sentence was adjudged on 4 August 2005: To be reduced to the grade of E4; to forfeit \$250.00 pay per month for four months; and reprimand.

ACTION

The sentence is approved and, will be executed.

You are reprimanded for your unlawful and reprehensible conduct. While serving as a military intelligence interrogator at the Bagram Collection Point, you engaged in unlawful, assaultive behavior against a person in the custody of the U.S. Armed Forces. The evidence disclosed that, during an interrogation, you unlawfully kicked a detainee and grabbed his ears to pull him up from the floor. You pulled him up from the floor, to which he had sunk because of pain he was experiencing in his legs. You heedlessly disregarded his comfort and safety in order to inflict bodily harm upon him, using your position to bully a helpless detainee in a sadistic manner. Your brutish conduct is appalling and shows a wanton disregard for international law, Army rules and procedures, and the safety of persons under your care and control. This falls far below the conduct that I would expect of a soldier in the United States Army. Such conduct is inexcusable, unacceptable, and cannot be tolerated.

BY COMMAND OF BRIGADIER GENERAL LENNOX:



JEFFREY S. FORMAN
CW2, JA
Legal Administrator

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- 1-Director, U.S. Army Crime Records Center, 6010 6th Street,
Fort Belvoir, Virginia 22060-5506
- 1-Record Set
- 1-Reference Set

DEPARTMENT OF THE ARMY
use of this form, see AR 27-10; the proponent agent

BTJAG

TO:

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v SGT SALCEDO,
Selena M., Company A, 519th Military Intelligence Battalion, Fort
Bragg, NC 28310

2. Trial by Special court-martial on 4 August 20 05 at Fort Bliss, Texas 79916
convened by CMCO Number 25 HQ. USAADACENFB, Fort Bliss, TX 79916, dated 14 October
2004.

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSE(S)	PLEA	FINDING
I	92	The	Derelict in performance of duties on or about 8 December 2002.	G	G
II	93	The	Maltreat a person subject to her orders, on or about 8 December 2002	NG	NG
III	107	The	Make false official statements with intent to deceive, on or about 17 December 2002. (SEE CONTINUATION SHEET)	NG	NG

4. SENTENCE: To be reduced to SPC (E4); to forfeit \$250 pay per month for four (4) months; and reprimand.

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade (YYYYMMDD): Adjudged: 4 Aug 05
Effective: 4 Aug 05

6. Contents of pretrial agreement concerning sentence, if any: Disapprove any confinement in excess of four (4) months.

7. Number of days of presentence confinement, if any: 0.

8. Number of days of judge-ordered administrative credit for illegal presentence confinement or restriction found tantamount to confinement, if any: 0.

9. Total present confinement credit towards post-trial confinement: 0.

10. Name(s) and SSN(s) of companion accused or co-accused, if any: Specialist Walls, Glendale C.,
and Sergeant Claus, Joshua R.,

11. DNA processing IAW 10 U.S.C. § 1565 is ☒ is not required

12. Conviction(s) does ☒ does not require sex offender registration IAW 42 U.S.C. § 14071.

CF:

TYPED NAME

CHRISTOPHER E. ELLIS

RANK

CPT, TRIAL COUNSEL

DA FORM 4430, SEP 2002

SIGNATURE

Christopher E. Ellis

BRANCH OF SERVICE

US Army

DA FORM 4430-R, MAY 87, IS OBSOLETE

CONTINUATION SHEET TO FORM 3, DA Form 4430, SGT SALCITO, Selena M.,
Company A, 519th MI Bn, Fort Bragg, NC 28310

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSE(S)	PLEA	FINDING
IV	128	1	Unlawfully kick Dilawar, on or about 8 December 2002.	G*	G*
		2	Unlawfully grab and pull the ears of Dilawar, on or about 8 December 2002.	G**	G**
		3	Unlawfully shove Dilawar, on or about 8 December 2002.	G***	G***
		4	Assault an unknown PUC, on or about 15 October 2002, and on or about 15 February 2003.	NG	NG

* Guilty, except the words "in or about the groin" and substituting the words "in the knees and inner thighs."

** Guilty, except the words "and pull."

*** Guilty, except the word "shove Dilawar" and substituting the word "pull Dilawar up."



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY AIR DEFENSE ARTILLERY CENTER AND FORT BLISS
1733 PLEASANTON ROAD
FORT BLISS, TEXAS 79916

ATZC-JA

MEMORANDUM FOR Commander, U.S. Army Air Defense Artillery Center and Fort Bliss,
Fort Bliss, Texas 79916

SUBJECT: Addendum to Staff Judge Advocate's Recommendation in the Special Court-Martial
of U.S. v. SGT Selena M. Salcedo.

1. This addresses the post-trial submission of the accused in the Special court-martial case of SGT Selena M. Salcedo, U.S. Army.
2. SGT Salcedo and her defense counsel ask you to disapprove the findings in this case and discipline SGT Salcedo through non-judicial punishment. In the alternative, the defense requests that you disapprove the findings and allow Sergeant Salcedo's Company to handle this case in accordance with our administrative laws and procedures.
3. Nothing contained in the defense submission warrants further modification of the opinions and recommendations expressed in the Staff Judge Advocate's Recommendation. I have considered the enclosed defense submissions and I adhere to the original recommendation.

A handwritten signature in black ink, appearing to read "Mark A. Rivest", is written over the typed name.

MARK A. RIVEST

- 16 Encls
 1. Defense Counsel's Request for Clemency
 2. Enlisted Record Brief
 3. Award - ARCOM (13 Mar 02)
 4. Award - JSCM and Supporting Documents
 5. Award - ARCOM (15 Aug 04)
 6. Recommendation for ARCOM
 7. Court-Martial Testimony of MAJ Hopper
 8. Court-Martial Testimony of MSG Neal
 9. Court-Martial Testimony of 1SG McBride
 10. Court-Martial Testimony of SGT Salcedo
 11. Letter of Input - 1SG McBride
 12. Letter of Input - SSG Giddens
 13. Letter of Input - CW2 Graham
 14. Letter of Input - MAJ Hopper
 15. Letter of Input - CW2 Rader
 16. Schlesinger Report, Executive Summary
- COL, JA
Staff Judge Advocate

AFZF-JA-TDS

SUBJECT: Post-Trial Submissions, U S vs. Sergeant Selena Salcedo,
Headquarters and Headquarters Battery, US Army Air Defense Artillery Center and Fort
Bliss, Fort Bliss, Texas 79916

very same position that led to her conviction. Furthermore, Sergeant Salcedo has deployed three times, twice to a combat zone, where she honorably served in support of the war on terror. In a time when we unfortunately court-martial countless soldiers for desertion, we should take notice of those who make great sacrifices with more than ribbons and certificates of achievement. Her overall commitment to the Army and the American people should be recognized and carefully considered when deciding whether to disapprove the findings. I have attached a copy of Sergeant Salcedo's Enlisted Record Brief and Recommendations for Award for your consideration.

You should also consider the testimony of Major Britton Hopper, Master Sergeant Jeffery Neal and First Sergeant Robert McBride. Their testimony speaks volumes for Sergeant Salcedo's duty performance and rehabilitative potential. Their presence alone at the court-martial demonstrates the support the Battalion has for Sergeant Salcedo. Particularly, you should pay close attention to the attached letters of support and copies of the summarized transcript of the witness testimony. It is important to consider the opinion of those who know her best.

Finally, as you now know, Sergeant Salcedo is counterintelligence soldier with no formal or informal training as an interrogator. She was asked to fill a tremendous void in our military intelligence community-the lack of trained and experienced interrogators. With nothing more than "on the job" training, Sergeant Salcedo performed her duties to the best of her ability. Unfortunately after many successful interrogations and pressure to obtain more information, she made physical contact with a detainee in December 2002. By no means do we offer this information as an excuse for Sergeant Salcedo's behavior in Afghanistan. However, when you compare her lack of training and experience and the confusion over authorized interrogation techniques against what she was convicted of, it is apparent that our assessment of this case may have been misplaced.

The following is an excerpt from the infamous Schlesinger Report, dated August 2004, that substantiates our position regarding the environment in Afghanistan and the ambiguity surrounding interrogations techniques:

It is clear that pressure for additional intelligence, and more aggressive methods sanctioned by the Secretary of Defense memorandum, resulted in stronger interrogation techniques that were believed to be needed and appropriate in the treatment of detainees defined as "unlawful combatants."

In Afghanistan, from the war's inception through the end of 2002, all forces used FM [Field Manual] 34-52 as a baseline for interrogation techniques. Nonetheless, more aggressive interrogation of detainees appears to be on-going. On January 24, 2003, in response to a data call from the Joint Staff to facilitate the Working Group efforts, the Commander Joint task Force-180 forwarded a list of techniques being



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
FORT HOOD FIELD OFFICE
FORT HOOD, TEXAS 76544

REPLY TO
ATTENTION OF

AFZF-JA-TDS

11 October 2005

MEMORANDUM FOR Commander, US Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916

SUBJECT: Post-Trial Submissions, U S vs. Sergeant Selena Salcedo,
Headquarters and Headquarters Battery, US Army Air Defense Artillery Center and Fort Bliss, Fort Bliss, Texas 79916

1. Pursuant to Rule for Court-Martial 1105 and 1106, and Articles 38(c) and 60, Uniform Code of Military Justice, the Defense submits the following for consideration in post-trial actions:

The Staff Judge Advocate's Post-Trial Advice:

2. The Defense has no additions, corrections or deletions to the form of the Staff Judge Advocate's Post-Trial Advice.

Legal Issues:

3. The Defense has no legal issues to address.

Clemency Issues:

4. The Defense requests that you disapprove the findings in this case.

5. Clemency is appropriate in this case for the following reasons:

On 5 August 2005, Sergeant Salcedo pled guilty to assault and dereliction of duty. As a result of her plea, she received a federal conviction. Nonetheless the military judge sentenced Sergeant Salcedo to what appears to be non-judicial punishment. It stands to reason that you should disapprove the findings, and allow Sergeant Salcedo's Company to handle this matter in accordance with our administrative laws and procedures. Sergeant Salcedo should not leave the Army with a conviction.

It is difficult to mention Sergeant Salcedo without discussing her outstanding military service record. When you consider her career, you cannot help but be impressed by her selfless service and the sacrifices she has made for our country. In a short period of time she has received several important awards, including the Joint Services Commendation Medal for her duty performance as an interrogator in Afghanistan-the

AFZF-JA-TDS

SUBJECT: Post-Trial Submissions, U S vs. Sergeant Selena Salcedo, 1,
Headquarters and Headquarters Battery, US Army Air Defense Artillery Center and Fort
Bliss, Fort Bliss, Texas 79916

used in Afghanistan, including some not explicitly set out in FM 34-52. These techniques were included in a Special Operation Forces (SOF) Standard Operating Procedures document published in February 2003. The 519th Military Intelligence Battalion, a company of which later deployed to Iraq, assisted in interrogations in support of SOF and was fully aware of their interrogation techniques.

Interrogators and lists of techniques circulated from Guantanamo and Afghanistan to Iraq. It is important to note that techniques effective under carefully controlled conditions at Guantanamo became far more problematic when they migrated and were not adequately safeguarded.

It is safe to conclude that in December 2002, right or wrong, Sergeant Salcedo was a product of her environment. A federal conviction is certainly not appropriate in this case.

6. For all of the above reasons, we respectfully request that you disapprove the findings in this case.

7. Point of contact for this memorandum is the undersigned at 254 287-1849 or DSN 737-1849. Thank you for your time and consideration in this matter.



MARIO J. DEROSI
CPT, JA
Defense Counsel

Enclosures

1. Enlisted Record Brief
2. Recommendations for Award
3. Witness testimony
4. Letters of Support
5. Schlesinger Report, Executive Summary

ENLISTED RECORD BRIEF[illegible]

Certified True Copy
Helen B. Brumgard
Brumgard, Helen B. CPT

RECOMMENDATION FOR AWARD

For use of this form, see AR 600-8-22; the proponent agency is ODCSPER

For valor/heroism/wartime and all awards higher than MSM, refer to special instructions in Chapter 3, AR 600-8-22.

TO DR, Ground Force agle Base BiH APO AE 09789		2. FROM 519th MI Task Force Thunder Tuzla Bosnia Herzegovina APO AE 09789		3. DATE 10 Feb 02	
PART I - SOLDIER DATA					
NAME YAN SELENA M		5. RANK SPC		6. SSN	
ORGANIZATION 41 MI CO TUZLA, BOSNIA-HERZEGOVINA APO AE 09789		8. PREVIOUS AWARDS			
BRANCH OF SERVICE UNITED STATES ARMY		10. RECOMMENDED AWARD ARCOM		11. PERIOD OF AWARD a. FROM 17 SEP 01 b. TO 31 MAR 02	
2. REASON FOR AWARD 2a. INDICATE ACH, SVC, PCS, ETS, OR RET ACH		12a. INTERIM AWARD IF YES, STATE AWARD GIVEN		13. POSTHUMOUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
PART II - RECOMMENDER DATA					
4. NAME FARRELL CHRISTOPHER F.		15. ADDRESS 241 MI CO TUZLA, BOSNIA-HERZEGOVINA APO AE 09789			
6. TITLE/POSITION JHT7 NCOIC		17. RANK SSG		19. SIGNATURE <i>Christopher F. Farrell</i>	
8. RELATIONSHIP TO AWARD SUPERVISOR					

PART III - JUSTIFICATION AND CITATION DATA (Use specific bullet examples of meritorious acts or service)

20. ACHIEVEMENTS

ACHIEVEMENT #1
Collected four items of significant information on foreign intelligence agencies operating in Bosnia and Herzegovina that was given directly to the Army Counterintelligence Center, 902nd Military Intelligence Group and the Defense Intelligence Agency, Counterintelligence Division.

ACHIEVEMENT #2
Collected previously unknown information dealing with corruption at high levels of a government agency in Bosnian and Herzegovina.

ACHIEVEMENT #3
Collected significant information concerning terrorist organizations operating in Bosnia and Herzegovina, contributing to the security and force protection of U.S. personnel worldwide.

ACHIEVEMENT #4
Achieved the Highest APFT score in the company by scoring 287.

21. PROPOSED CITATION

Exceptional achievement from 17 Sep 01 - 31 Mar 02, while stationed at Camp Ugljevic, Bosnia Herzegovina. SPC Ryan exemplified herself and displayed her commitment to the United States by collecting information considered high value to National Level Agencies of the Intelligence Community. SPC Ryan's efforts are crucial to the security and safety of US personnel worldwide. SPC Ryan is a credit to herself, her unit and the United States Army.

SSN

AME
YAN SELENA M

PART IV - RECOMMENDATIONS/APPROVAL/DISAPPROVAL

2. I certify that this individual is eligible for an award in accordance with AR 600-8-22; and that the information contained in Part I is correct.

22a. SIGNATURE

Michael D. St.

22b. DATE

14 Feb 02

3. INTERMEDIATE
AUTHORITYa. TO CDR 519th MI Task Force Thunder
Tuzla Bosnia-Herzegovina, APO AE 09789b. FROM CDR 241 MI Co
Tuzla Bosnia-Herzegovina APO AE 09789

c. DATE

10 Feb 02

RECOMMEND:

☐ APPROVAL☒ DISAPPROVAL

UPGRADE TO:

DOWNGRADE TO: AAM

NAME

f. RANK

CPT

ERL C. MILLER

h. SIGNATURE

Earl C. Miller

TITLE/POSITION

Commanding

COMMENTS

4. INTERMEDIATE
AUTHORITYa. TO CDR Ground Force
Eagle Base, BiH APO AE 09789b. FROM CDR 519th MI Task Force Thunder
Tuzla Bosnia Herzegovina APO AE 09789

c. DATE

RECOMMEND:

☐ APPROVAL☐ DISAPPROVAL

UPGRADE TO:

DOWNGRADE TO: AAM

NAME

f. RANK

MAJ

STEVEN C. HARRIS

h. SIGNATURE

Steven C. Harris

TITLE/POSITION

TASK FORCE COMMANDER

COMMENTS

5. INTERMEDIATE
AUTHORITY

a. TO

b. FROM

c. DATE

RECOMMEND:

☐ APPROVAL☐ DISAPPROVAL

UPGRADE TO:

DOWNGRADE TO:

NAME

f. RANK

h. SIGNATURE

TITLE/POSITION

COMMENTS

26. APPROVAL
AUTHORITYa. TO HQ Orders Issuing Authority
Eagle Base BiH APO AE 09789b. FROM CDR 519th MI Task Force Thunder
Tuzla Bosnia Herzegovina APO AE 09789

c. DATE

15 MAR 02

d. ☐ APPROVED☒ DISAPPROVED

RECOMMEND UPGRADE TO:

DOWNGRADE TO: AAM

NAME

f. RANK

COL

Jeffery E MARSHALL

h. SIGNATURE

TITLE/POSITION

GROUND FORCE COMMANDER

COMMENTS

Acknowledged in line with AAM

PART V - ORDERS DATA

27a. ORDERS ISSUING HQ
HQ 29TH ID (L) G-1

27b. PERMANENT ORDER NO.

072-077

31. DISTRIBUTION
INDIVIDUAL 1

MPRJ 1

AWARD SECTION 1

OMPF 1

28a. NAME OF ORDERS APPROVAL AUTHORITY
VALENTINE D GRANT

28b. RANK

CW2

28c. TITLE/POSITION

STRENGTH MANAGER MND (N)

29. APPROVED AWARD

AAM

28d. SIGNATURE

30. DATE

13 MAR 02

DEPARTMENT OF DEFENSE
COMBINED/JOINT TASK FORCE 180 (CJTF-180)
OPERATION ENDURING FREEDOM
BAGRAM AIRFIELD, AFGHANISTAN
APO AE 09354

PERMANENT ORDERS J-03-016-003

05 February 2003

RYAN, SELENA M., SGT,
Afghanistan, APO AE 09354

Period:

From: 06 September 2002

TO: 01 February 2003

Combined Joint Task Force 180, Bagram,

Announcement is made of the following award:

Award: Joint Service Commendation Medal

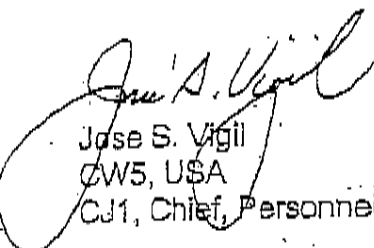
Date(s) or Period of Service: As indicated following name

Authority: By direction of the Secretary of Defense under the provisions of DOD
1348.33-M, dated September 1996

Reason: For Outstanding Achievement

Format: 320

FOR THE COMMANDER:



Jose S. Vigil

CW5, USA

CJ1, Chief, Personnel Service Support

DISTRIBUTION:

1 - USCENTCOM, ATTN: CCJ1-MPSA, MacDill AFB, FL 33621-5101

1 - Individual Concerned

1 - Cdr, Base Operations

1 - CJ1 Awards File

1 - OMPF



DEPARTMENT OF DEFENSE
COMBINED/JOINT TASK FORCE (CJTF)-180
OPERATION ENDURING FREEDOM
BAGRAM AIRFIELD, AFGHANISTAN
APO AE 09354

10 December 2002

MEMORANDUM THRU

Commander, Headquarters and Headquarters Company, Combined/Joint Task Force-180, Bagram Airfield, Afghanistan, APO AE 09354

Deputy Commander, Base Operations, Combined/Joint Task Force-180, Bagram Airfield, Afghanistan, APO AE 09354

FOR Commander, Combined Joint Task Force 180, Operation Enduring Freedom, Bagram Airfield, Afghanistan APO AE 09354

SUBJECT: Recommendation for Award of the Joint Service Commendation Medal

1. Under the provisions of DoD 1348.33-M, September 1996, the following Service member is recommended for award of the Joint Service Commendation Medal:

a. SGT. Selena M. Ryan, U. S. Army,

b. HQ, CJTF 180 APO AE 09354

c. Interrogation Team Leader, A Company, 519 MI BN, Fort Bragg, NC 28310

d. From 06 September 2002 through 01 February 2003.

e. Service member to be reassigned from temporary change of duty on 01 February 2003.

f. Presentation required on 30 January 2003. Mailing address:

A Company, 519 MI BN (TE) (ABN)
Fort Bragg, NC 28310.

g. Previous Defense awards:

Award: Army Achievement Medal

~~h. No other award for their Service member for their action is~~
pending, and no previous award has been made for the act of service described herein.

2. Enclosed is a narrative description of service rendered and proposed citation.

Encl

1. Narrative
2. Citation

Carolyn A. Wood
CPT, MI
Bagram Collection Point, OIC

NARRATIVE

Joint Service Commendation Medal
SGT Selena M. Ryan

SGT Ryan has demonstrated outstanding leadership while operating as an interrogation team leader at the Bagram Collection Point. SGT Ryan's team has interrogated 416 Person's Under U.S. Control (PUCS) and elicited life saving, time sensitive intelligence information utilized by Task Force 82, Task Force 11, Task Force 5, the Leadership Targeting Cell, and other coalition forces such as Task Force 62. SGT Ryan's team has published 175 Intelligence Information Reports (IIR), 5 Spot Reports, and 780 Internal Interrogation Reports utilized by the BCP. These published reports have given Task Force Commanders important intelligence information to better assist them in making key decisions about conducting operations, helped identify the locations of High Value Targets (HVT's), and quite possibly saved the lives of American, Coalition, AMF, and ATA officials and representatives. SGT Ryan's team conducted 221 screenings to determine the level of cooperation and knowledge of the PUC's brought into the BCP. They conducted 1062 interrogations and spent 1,526 hours in the interrogation booth eliciting information from less than cooperative sources. SGT Ryan's responsibilities as an interrogation team leader included scheduling her interrogators to best manage her case load, supervise the development of approach strategies and questioning outlines for each case her team was operating, having intimate familiarity with each one of the PUC's assigned to her team, supervising the quality of reports generated by her team, identifying PIR and national level requirements each PUC may have information regarding, and handling personnel issues for her interrogations, i.e. monthly counseling's.

As well as supervising the activities of her interrogation team SGT Ryan was also personally involved in 215 interrogations, 90 of which she was the lead interrogator. She spent 251 hours in the interrogation booth eliciting intelligence information and personally published 23 IIR's and 189 internal intelligence reports utilized by the BCP. SGT Ryan screened 6 PUC's and personally interrogated 110 PUC's. SGT Ryan assumed supervisory duties of her interrogation team as a Specialist(P) and had no schoolhouse training or real world experience as an interrogator. She used her experience as a HUMINT collector and built upon those skills in order to be effective as an interrogator.

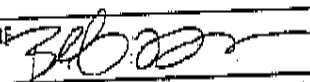
SGT Ryan's commitment to excellence, outstanding work ethic, and superior technical expertise has bestowed great honor upon himself, her unit, the United States Army, and her country.

RECOMMENDATION FOR AWARD

For use of this form, see AR 600-8-22; the proponent agency is DUCSPER

For valor/heroinism/wartime and all awards higher than MSM, refer to special instructions in Chapter 3, AR 600-8-22.

1. TO CDR, 205TH MI BDE APO AE 09302-1375		2. FROM CDR, 519TH MI BN (TE) (ABN) APO AE 09302-1375		3. DATE 26 MAY 03
PART I - SOLDIER DATA				
4. NAME RYAN, SELENA M.		5. RANK SGT	6. SSN	
7. ORGANIZATION A CO, 519TH MI BN (TE) (ABN) FORTBRAGG, NC 28310-5000		8. PREVIOUS AWARDS JSCM		
9. BRANCH OF SERVICE		10. RECOMMENDED AWARD ARCOM	11. PERIOD OF AWARD a. FROM 11 APR 03 b. TO 15 MAY 03	
12. REASON FOR AWARD 12a. INDICATE ACH, SVC, PCS, ETS, OR RET ACH		12b. INTERIM AWARD IF YES, STATE AWARD GIVEN		13. POSTHUMOUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

PART II - RECOMMENDER DATA				
14. NAME BRITTON T. HOPPER		15. ADDRESS A CO, 519TH MI BN (TE) (ABN) FORTBRAGG, NC 28310-5000		
16. TITLE/POSITION Company Commander	17. RANK CPT	18. SIGNATURE 		
19. RELATIONSHIP TO AWARD Supervisor				

PART III - JUSTIFICATION AND CITATION DATA (Use specific bullet examples of meritorious acts or service)	
20. ACHIEVEMENTS	
ACHIEVEMENT #1 SGT Ryan exploited foreign national detainees for information that led to the employment of U.S. Forces against targets that had not previously been reported, while assigned as the Corps Interrogation Facility's (CIF) High Value Detainee Interrogation Team Leader in support of Operation Iraqi Freedom. SGT Ryan's thorough and timely exploitation of these targets resulted in the successful interdiction by U.S. Forces and potentially saved countless American lives.	
ACHIEVEMENT #2	
ACHIEVEMENT #3	
ACHIEVEMENT #4	

21. PROPOSED CITATION
FOR MERITORIOUS ACHIEVEMENT WHILE SERVING AS A HIGH VALUE DETAINEE INTERROGATION TEAM LEADER AT THE V CORPS INTERROGATION FACILITY (CIF) DURING COMBAT OPERATIONS IN IRAQ WHILE SUPPORTING OPERATION IRAQI FREEDOM. SGT RYAN'S LEADERSHIP AND TACTICAL EXPERTISE CONTRIBUTED SIGNIFICANTLY IN COLLECTING TIMELY AND ACCURATE INTELLIGENCE WHICH HELPED ANSWER THE V CORPS COMMANDER'S PRIORITY INTELLIGENCE REQUIREMENTS (PIR). SGT RYAN'S PERFORMANCE REFLECTS GREAT CREDIT UPON HER, V CORPS AND THE UNITED STATES ARMY.

SSN

AN, SELENA M.

PART IV - RECOMMENDATIONS/ APPROVAL/ DISAPPROVAL

I certify that this individual is eligible for an award in accordance with AR 600-8-22, and that the information contained in Part I is correct.

22a. SIGNATURE

22b. DATE

INTERMEDIATE
AUTHORITY

a. TO CDR, 205TH MI BDE
APO AE 09302-1375

b. FROM CDR, 519TH MI BN (TE) (ABN)
APO AE 09302-1375

c. DATE

RECOMMEND:

☒ APPROVAL☐ DISAPPROVAL

UPGRADE TO:

DOWNGRADE TO:

NAME

RIFFITH, JAMES E.

i. RANK

LTC

TITLE/POSITION

Battalion Commander

h. SIGNATURE

COMMENTS

SIR, ONE OF THE BEST IN THE T.F.
WHEN DESIGNED UP/2/03

INTERMEDIATE
AUTHORITY

a. TO

b. FROM

c. DATE

RECOMMEND:

☐ APPROVAL☐ DISAPPROVAL

UPGRADE TO:

DOWNGRADE TO:

NAME

TITLE/POSITION

i. RANK

h. SIGNATURE

COMMENTS

INTERMEDIATE
AUTHORITY

a. TO

b. FROM

c. DATE

RECOMMEND:

☐ APPROVAL☐ DISAPPROVAL

UPGRADE TO:

DOWNGRADE TO:

NAME

TITLE/POSITION

i. RANK

h. SIGNATURE

COMMENTS

26. APPROVAL
AUTHORITY

a. TO ORDERS ISSUING AUTHORITY

b. FROM CDR, 205TH MI BDE
APO AE 09302-1375

c. DATE

7 June 03

d. ☒ APPROVED☐ DISAPPROVED

RECOMMEND UPGRADE TO:

DOWNGRADE TO:

e. NAME

PARRISH, GARY L.

i. RANK

COL

g. TITLE/POSITION

Brigade Commander

h. SIGNATURE

i. COMMENTS

PART V - ORDERS DATA

27a. ORDERS ISSUING HQ

205TH MI BDE

APO AE 09320

28a. NAME OF ORDERS APPROVAL AUTHORITY

DREW, ALYSSA G

28c. TITLE/POSITION

BRIGADE ADJUTANT

28d. SIGNATURE

27b. PERMANENT ORDER NO.

28b. RANK

28. APPROVED AWARD

30. DATE

31. DISTRIBUTION

ARCOM

7 JUN 03

USAPPC V6.1

RECOMMENDATION

DDCSPER

For use

in this form, see AR 600-8-22; the proponent agent

DDCSPER

For valor/heroism/wartime and all awards higher than MSM, refer to special instructions in Chapter 3, AR 600-8-22.

1. TO R, 205TH MI BDE O AE 09342		2. FROM CDR, 519TH MI BN (TE)(ABN) ---- APO AE 09323		3. DATE	
PART I - SOLDIER DATA					
4. NAME AN, SELENA M.		5. RANK SGT		6. SSN	
7. ORGANIZATION CS, 519TH MI BN (TE)(ABN) BRAGG, NC 28310		8. PREVIOUS AWARDS ARCOM			
9. BRANCH OF SERVICE ARMY		10. RECOMMENDED AWARD ARCOM IMPACT		11. PERIOD OF AWARD a. FROM 20 SEP 03 b. TO 20 SEP 03	
12a. REASON FOR AWARD 1. INDICATE ACH, SVC, PCS, ETS, OR RET ACH		12b. INTERIM AWARD IF YES, STATE AWARD GIVEN		13. POSTHUMOUS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

PART II - RECOMMENDER DATA					
14. NAME OLLETT, DONALD L.		15. ADDRESS HHS, 519TH MI BN (TE)(ABN) APO AE 09323			
16. TITLE/POSITION BATTALION CSM		17. RANK CSM		18. SIGNATURE <i>Donald L. Ollett</i>	
19. RELATIONSHIP TO AWARD M					

PART III - JUSTIFICATION AND CITATION DATA (Use specific bullet examples of meritorious acts or service)	
ACHIEVEMENTS	
ACHIEVEMENT #1 PT Ryan responded immediately and without regard for her own personal safety to the site of a mortar attack in the prison yard of the central Baghdad Prison where a dozen soldiers lay seriously wounded.	
ACHIEVEMENT #2 PT Ryan calmly assisted medical personnel by retrieving and delivering supplies and equipment needed for emergency medical care. Her sense of urgency and attention to detail helped provide quick and timely medical care to wounded comrades.	
ACHIEVEMENT #3 PT Ryan's efforts in the first critical minutes after the devastating attack helped to minimize U.S. casualties. Her calm composure assured the wounded and strengthened the efforts of emergency caregivers.	
ACHIEVEMENT #4	

PROPOSED CITATION
EXCEPTIONALLY MERITORIOUS ACHIEVEMENT IN THE AFTERMATH OF A MORTAR ATTACK ON THE CENTRAL BAGHDAD PRISON. SERGEANT RYAN ASSISTED MEDICAL CAREGIVERS IN THE FIRST CRITICAL MINUTES FOLLOWING THE EXPLOSIONS. HER RESOURCEFULNESS, AND PRESENCE OF MIND DIRECTLY BENEFITED HER WOUNDED COMRADES. SERGEANT RYAN'S EFFORTS REFLECT DISTINCT CREDIT UPON HERSELF, 9TH MILITARY BATTALION, AND THE UNITED STATES ARMY.

ME AN, SELENA M.		PART IV - RECOMMENDATIONS/APPROVAL/DISAPPROVAL		22b. DATE 16 Nov 03	
I certify that this individual is eligible for an award in accordance with AR 600-8-22; and that the information contained in Part I is correct.		22a. SIGNATURE <i>[Signature]</i>		c. DATE	
INTERMEDIATE AUTHORITY		a. TO CDR, 519TH MI BN (TE)(ABN) APO AE 09323		b. FROM HHS, 519TH MI BN (TE) (ABN) APO AE 09323	

RECOMMEND: <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL		UPGRADE TO:		DOWNGRADE TO:	
NAME HALEN, ROBERT P.		f. RANK LTC			
TITLE/POSITION attalion Commander		h. SIGNATURE <i>[Signature]</i>			
COMMENTS SGT RYAN'S CALM PRESENCE OF MIND FOLLOWING THE 20 SEPTEMBER ATTACK ON THE PRISON MAGNIFIED THE EFFORTS OF MEDICAL CARE GIVERS. SHE HAS EARNED RECOGNITION VIA THE ARMY COMMENDATION MEDAL.					
4. INTERMEDIATE AUTHORITY		a. TO		b. FROM	

RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL		UPGRADE TO:		DOWNGRADE TO:	
NAME		f. RANK			
TITLE/POSITION		h. SIGNATURE			
COMMENTS					

5. INTERMEDIATE AUTHORITY		a. TO		b. FROM	
RECOMMEND: <input type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL		UPGRADE TO:		DOWNGRADE TO:	
NAME		f. RANK			
TITLE/POSITION		h. SIGNATURE			
COMMENTS					

6. APPROVAL AUTHORITY		a. TO ORDERS ISSUING AUTHORITY APO AE 09342		b. FROM CDR, 205TH MI BDE APO AE 09342	
d. <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED		RECOMMEND		UPGRADE TO:	
e. NAME		f. RANK		DOWNGRADE TO:	
g. TITLE/POSITION		h. SIGNATURE			
i. COMMENTS					

PART V - ORDERS DATA					
27a. ORDERS ISSUING HQ 205TH MI BDE APO AE 09342		27b. PERMANENT ORDER NO.		31. DISTRIBUTION 1-FILE 1-SOLDIER 1-OMPF 1-MPRJ	
28a. NAME OF ORDERS APPROVAL AUTHORITY PROCHNOW, ROBERT A. JR.		28b. RANK CPT			
28c. TITLE/POSITION BRIGADE ADJUTANT		29. APPROVED AWARD ARCOM			
28d. SIGNATURE		30. DATE			

1 not been subject to any pretrial punishment in violation of Article
2 13.

3 The trial counsel offered Prosecution Exhibit 2 for identification
4 into evidence. There being no objection by the defense counsel, the
5 military judge received Prosecution Exhibit 2 into evidence.
6

7 The prosecution had nothing further to offer.
8

9 The defense counsel offered Defense Exhibits A and B for
10 identification into evidence. There being no objection by the
11 defense counsel, the military judge received Defense Exhibits A and B
12 into evidence.
13

14 MAJOR BRITTON HOPPER, U.S. Army, was called as a witness for the
15 defense, was sworn, and testified in substance as follows:
16

17 DIRECT EXAMINATION

18
19 Questions by the assistant trial counsel:
20

21 I am Major Hopper, from Operations Group B, Battle Command,
22 Training Program, Fort Leavenworth, Kansas.
23

24 Questions by the defense counsel:
25

26 I know Sergeant Salcedo. I have known her since the beginning
27 of 2002 when I was the battalion adjutant, and then later when I was
28 the A Company commander and Sergeant Salcedo came to the company. I
29 have known her since then. I was the commander for A Company from
30 September of 2002 until the end of September of 2003 while we were in
31 Afghanistan and Iraq. As a company commander, I observed her duty
32 performance on almost a daily basis, both in Afghanistan and in Iraq
33 in the capacities of a team leader of both interrogations and
34 counterintelligence, a team sergeant, and a team leader.
35

36 To this day I think highly of Sergeant Salcedo. I consider her
37 trustworthy and reliable. I observed her and I went on different
38 tactical HUMINT team missions with her in Iraq and I observed her
39 performance in Afghanistan. Even after the event in question my
40 opinion never changed. I think highly of her. I think she is a good
41 soldier and she cared about the mission, she cared about her fellow
42 soldiers, and she cared about people in general. She always wanted
43 to collect the type of intelligence that would protect the United
44 States and the Coalition Forces in both theaters. If I had to pick
45

1 somebody to go to war with, there is no doubt that I would pick
2 Sergeant Salcedo.

3 She went on numerous convoys in Iraq and I felt confident in her
4 abilities. I felt very confident when I knew that she was one of the
5 junior noncommissioned officers of the company on my convoy. I trust
6 her with my life and I know that her fellow soldiers trust her as
7 well.
8

9 There was a mission that Sergeant Salcedo took part ⁱⁿ ~~in~~ ^{WMS} in Kabul,
10 Afghanistan. When I was directed to pull her out of the collection
11 point, she was able to work, upon request from one of the warrant
12 officers who was a tactical HUMINT team leader, and go to Kabul on a
13 tactical HUMINT team mission. Because she is a female and one of the
14 individuals that she needed to talk to was an Afghani female, she was
15 the best person for the job. After getting an after-action report
16 from my warrant officer, CW2 Rader, and some of the other team
17 members in Kabul, they all said that she performed admirably. They
18 actually wanted to keep her up there.
19

20 I served in Iraq with Sergeant Salcedo, and we were involved in
21 a mortar attack that took place on 20 September 2003. We received
22 two 82-millimeter mortar rounds and they impacted within the
23 compound. One specifically hit the communications tent and killed
24 two soldiers. After that, the rest of the A Company soldiers were in
25 the vicinity of the area. Sergeant Salcedo was spearheading that.
26 She immediately grabbed combat lifesaver bags and immediately started
27 rendering first aid to not only wounded soldiers but to wounded
28 detainees as well. She, along with some other soldiers in the
29 company, were instrumental in providing first aid and later helping
30 with the evacuation of the wounded. I believe she was put in for an
31 award for that incident.
32

33 I believe she is still an asset to the Army and to the Military
34 Intelligence Corps and the Noncommissioned Officer Corps. Like I
35 said before, if I had to pick someone to go out on a tactical HUMINT
36 mission, on a convoy, I would not hesitate to have Sergeant Salcedo
37 go on that convoy with me.
38

39 In 2002, she was operating as an interrogator. After the event,
40 she was in the tactical HUMINT team. I knew that she was a
41 counterintelligence soldier. This is an issue that I raised by my
42 chain of command, but I was informed that 97Es, interrogators, were
43 critically short, and since they had specific manning requirements at
44

1 the Bagram Collection Point we were going to use 97Bs as
2 interrogators at Bagram.

3 CROSS-EXAMINATION
4

5 Questions by the assistant trial counsel:
6

7 I had four teams of soldiers working in Afghanistan and another
8 country. I had one tactical HUMINT team on Bagram; I had two in
9 Kabul; one in Kaetus, Pakistan; and 19 interrogators at the Bagram
10 collection point. My office was not located at the Bagram Collection
11 Point. Seventeen soldiers at Bagram were actually conducting
12 interrogations. The NCOIC was a trained 97E, but for the most part
13 he did not participate in interrogations. I was responsible for
14 administratively supporting all soldiers under my command, in
15 Afghanistan and other countries. I would regularly travel to the
16 locations where my soldiers were located and I would deliver their
17 mail and care packages at the BCP. That was done usually in the
18 mornings.
19

20 I had no involvement with the interrogations at the BCP; there
21 was a military police commander who was in charge of the guard
22 operations. There was another military intelligence officer in
23 charge of the interrogations. I never saw Sergeant Salcedo
24 conducting interrogations. To the best of my knowledge, the OIC came
25 up with a good on-the-job training program for the interrogators at
26 the BCP. She had the soldiers training every Saturday; they brought
27 in an Australian interrogator who would train them on different
28 techniques and they had a psychologist come in to provide some
29 training as well.
30

31 In early November 2002, the interrogators were doing 24-hour
32 operations, with two shifts of interrogators. Sergeant Salcedo was
33 the night shift team leader.
34

35 In December of 2002, two detainees died at the BCP. The first
36 one died about the 3rd of December 2002, and after that occurred, I
37 ordered that no interrogator would touch any detainees unless for
38 self-defense. I don't know if any kind of order came down from J2 or
39 anybody else.
40

41 In both death cases CID did an investigation. I was never given
42 a charge sheet about the allegations of misconduct of Sergeant
43 Salcedo, but I know that the J2 suspended interrogations for a period
44 of time. I do know there were allegations. Because of that
45

1 information, she was relieved of her duties as a team leader at the
2 BCP; I was directed by the J2-OPS that I needed to remove her and the
3 other soldier while the investigation was ongoing and that I needed
4 to find another job for them. It is possible that they needed to
5 find another team leader for the night shift; I was never informed
6 that there were any issues with manpower shortages or pressure for a
7 replacement. The interrogators never received a replacement for
8 Sergeant Salcedo.

9
10 After Afghanistan, the unit deployed to Iraq. We went back to
11 Fort Bragg for approximately 45 days and then redeployed to Kuwait
12 and then on to Iraq. My unit was called forward to set up a special
13 interrogation facility on late July or early August at Abu Ghraib.
14 The interrogations were set up to be performed with the flaps to the
15 tents open.

16 The witness was excused and assumed a seat in the gallery of the
17 courtroom.

18
19 MASTER SERGEANT JEFFREY NEAL, U.S. Army, was called as a witness for
20 the defense, was sworn, and testified in substance as follows:

21
22 DIRECT EXAMINATION

23
24 Questions by the assistant trial counsel:

25
26 I am Master Sergeant Jeffrey Neal.

27
28 Questions by the defense counsel:

29
30 I know Sergeant Salcedo. I came to Fort Bragg, probably my
31 third time there, in July of 2002. I went through some small train-
32 up with Sergeant Salcedo in August of 2002 and we deployed together
33 in September of 2002 to Bagram, Afghanistan. At that time, I became
34 her first sergeant and I was through our term in Bagram. We
35 redeployed in late January of 2003 and then again to Iraq in March of
36 2003. In May of 2003 I returned to the States on emergency leave and
37 decisions were made at higher levels that I was to stay back and
38 ~~assume control of the rear detachment. I have seen her since that~~
39 ~~time. I later went to B Company, so I've seen Sergeant Salcedo until~~
40 June of this year, at which time I PCSd here to Fort Bliss to attend
41 the Sergeants Major Academy.

42
43 During my tenure as a first sergeant, I observed her duty
44 performance and I formed an opinion about it. Sergeant Salcedo
45

1 always has been, since I've known her as a specialist, a go-to
2 individual when you need something to be done. She is what I refer
3 to as a fire-and-forget NCO; you give her a task and you know as soon
4 as you pass it on it is going to be accomplished.

5
6 When we went to Iraq, we had a change of mission. When we first
7 went there, we were told that we were going to be an interrogation
8 element the entire time we were there. We were an interrogation
9 element when we first got there up until about 2 months after we were
10 there, at which point we were notified by the 205th Military
11 Intelligence Brigade, our higher headquarters, that we were going to
12 have a change of mission. We were going to transfer and start doing
13 counterintelligence work. That threw in somewhat of a challenge for
14 us and Sergeant Salcedo was relied upon heavily to conduct training
15 for other 97Bs and 97Es within the company to get them up to speed so
16 that we could conduct that mission at a certain level.

17
18 Sergeant Salcedo is a counterintelligence soldier by MOS, but
19 she was an interrogator at Bagram. After this incident, she was
20 removed from her position as an interrogator. When we later deployed
21 back to Iraq, she was put back to the role of interrogator.

22
23 She was not extended in Afghanistan due to this incident. Major
24 Hopper, at the time Captain Hopper, and myself believed that she was
25 going to be extended. About 2 weeks before we redeployed, we were
26 told that the investigation was closed and that she was free to re-
27 deploy with us back to Fort Bragg.

28
29 I am aware that Sergeant Salcedo has pled guilty today to
30 dereliction of duty and assault. That does not change my opinion of
31 her in any way. I believe she could overcome this and still be a
32 productive soldier in the military. I believe that she has already
33 shown that she has rehabilitated just in the fact that she's been
34 flagged for a very long period of time, and even though some of her
35 fellow soldiers that have been in similar circumstances have decided
36 to shut down and do only what they are told, Sergeant Salcedo has
37 continued to seek out leadership positions and be placed in areas of
38 responsibility where she can make a difference as an NCO. I can tell
39 you that, though I am at the Academy now, I hope to return to Fort
40 Bragg as a command sergeant major; and if I do and get a chance to
41 handpick a team to re-deploy with me, Sergeant Salcedo would be on
42 it.

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CROSS-EXAMINATION

Questions by the trial counsel:

I did not personally conduct interrogations at Bagram. I did not supervise the accused while she performed interrogations; I did not see her conducting an interrogation but I did see her conduct a screening. I have no first-hand knowledge of her performance as an interrogator at Bagram, only what her supervisor, Staff Sergeant Loring, the NCOIC of the BCP, related to me. I know that she was pulled out from being an interrogator and she was removed, for a short period of time, from all duties related to interrogations at the BCP. The order to remove her came from my company commander, and it was due to protect Sergeant Salcedo until the investigation was complete and we knew exactly how to proceed from there.

The witness was excused and assumed a seat in the gallery of the court-martial.

FIRST SERGEANT ROBERT McBRIDE, U.S. Army, was called as a witness for the defense, was sworn, and testified in substance as follows:

DIRECT EXAMINATION

Questions by the trial counsel:

I am First Sergeant Robert McBride of the 519th Military Intelligence Battalion.

Questions by the defense counsel:

I know Sergeant Salcedo from being her first sergeant for about 2 1/2 years. I observed her duty performance. She worked directly for me as an interrogation team leader for about 3 months and she was my driver in Iraq for about 4 months. For the last year and a half she's worked in my company in different positions. For the last 1/2 years she has been on the top 3 NCOs that I've had the privilege to work with. She does any mission that I ask her to do, she has a lot of initiative, she leads troops, she cares for troops, and I'd have her work for me for my entire career if I could.

I deployed to Iraq with her; I was her first sergeant while she was an interrogator over there. She also put about 20,000 miles with me TCing in convoys in the 519th.

1 I recall a mortar attack that took place in 2003; both of us
2 were there. We had just done shift change; we heard a lot of
3 explosions. We got mortared quite a bit. I was with the company
4 commanders and we heard that the interrogations tent got hit. I was
5 the NCOIC at the time; I was kind of directing traffic and looking
6 for all of my soldiers and accounting for casualties. There was a
7 certain amount of people that were working on individuals; Sergeant
8 Salcedo was one of them. When I saw Sergeant Salcedo the first time,
9 when we got hit, she was in the middle of the tent that got blown up.
10 There were about three bodies in the tent, I believe. She was
11 working with Chief Graham on one of the soldiers; she was looking for
12 stuff, she was looking for a combat lifesaver, she was holding a
13 wound. She was in the middle of the worst part of that. We put her
14 in for an award after that. She was also involved in the clean up
15 the day after. We had to pull the soldiers' equipment out of there
16 and try to inventory it. There was, of course, blood everywhere.
17 Myself, Sergeant Salcedo, and Sergeant Harrison were mainly doing the
18 clean up.

19
20 There was an RPG incident that took place on 3 November 2003 in
21 which Sergeant Salcedo was involved. We were driving right outside
22 of Samarra'. We were taking a couple of soldiers; we had two
23 vehicles. We were in the back vehicle and Sergeant Salcedo was my
24 driver. Specialist Kramis was on top with the M-249. We had a four-
25 seater in front of us. We were the primary security for this four-
26 seater and four ourselves; there were two people in the back of that
27 vehicle. We heard shots. The vehicle in front of us jerked to a
28 stop. Sergeant Salcedo pulled in front of the four-seater; there was
29 a guy with an RPG aimed at us and the four-seater. Sergeant Salcedo
30 blocked and protected the four-seater and the gunner opened fire.
31 Everything worked out for us; we didn't have any casualties. Her
32 action, I believe, saved that four-seater by bringing the machine gun
33 in front of it and protecting it, allowing the machine gunner to open
34 up. He was awarded with an ARCOM for valor for his actions that day.

35
36 We were also involved in an IED incident. We had gone down to
37 visit soldiers in Abu Ghraib. We had to stop for a long period of
38 time because there was a succession of IEDs one after the other. We
39 ~~were kind of moving to the front of the line. We had a battalion~~
40 commander with us at the time. I was rear security and she was my
41 driver at the time too. We moved to the front of the line; there
42 were some civilians and fuel tankers in front of us. As soon as we
43 started off again, about 100 meters in front of us, there was a big
44 IED explosion. Master Sergeant Small, as soon as he passed the
45 vehicle that had been seriously disabled, he stopped the vehicle. We

1 stopped in accordance with that. There were Americans from the fuel
2 tanker who were hit by the IEDs. We stopped to pull security. The
3 battalion commander called in a med-evac and I pulled two machine
4 gunners with me. Sergeant Salcedo was responsible of all the rear
5 security. She had to stop all the traffic, she had to take the
6 soldiers in, and she had to control the med-evac area.

7
8 I recommended Sergeant Salcedo for an award for her duty
9 performance in Iraq. She was not able to receive such award because
10 she was flagged for the incident in Afghanistan.

11
12 I was her NCO in garrison environment after we redeployed from
13 Iraq. I was a sergeant first class when we were in Iraq. We had an
14 actual first sergeant come in and I was her platoon sergeant for
15 probably 4 months. Then we all shifted, so she was out of my
16 supervision for about 3 or 4 months but then she came to the rear
17 detachment, where she was again under my supervision.

18
19 Our unit deployed again. She wasn't able to deploy; the
20 battalion didn't let her deploy, but she volunteered. She asked me a
21 hundred times; if her unit was going downrange, she wanted to go
22 downrange with them.

23
24 Since she couldn't deploy, we had her guarding a secure
25 compound; she still had her TS-SCI through this, until recently, I
26 believe. She guarded that with about four other people for about 1
27 1/2 to 2 months until we could desensitize the stuff that was in the
28 building. She also worked in the S2 office with the CW3 and another
29 E5 getting stuff squared away for an inspection, in which we received
30 all greens. She did security clearances for folks downrange where
31 she fixed them or kicked them back for folks that were going
32 downrange. I ran the S3 shop for a while back when the rear
33 detachment was being established and I was a safety on convoy live
34 fires. She was one of few people that I used for that.

35
36 I put her in positions of responsibility since she's been in
37 garrison and flagged; she's one of my best NCOs. I am aware that
38 she's pled guilty to dereliction of duty and assault. That doesn't
39 change my opinion of her at all.

40
41 Myself and many officers and NCOs that worked with her would say
42 that they would work with her today. She's an outstanding NCO in the
43 United States Army and could be for the rest of her career. She is
44 absolutely rehabilitative. She's served the Army before well and she

1 will continue to serve the Army if given the chance. I highly
2 recommend it.

3 CROSS-EXAMINATION

4
5
6 Questions by the trial counsel:

7
8 I wrote an NCOER for the period of December 2002 until November
9 of 2003 for Sergeant Salcedo. There I wrote that she could be
10 trusted to do what is right without supervision. I know detainee
11 abuse is not right. I also wrote that she was the best
12 interrogations team leader in three separate interrogation facilities
13 in Afghanistan and Iraq. She was removed from her duties as a team
14 leader, but under my supervision she was the best team leader that I
15 had. I did not deploy to Afghanistan with her. I only have second-
16 hand knowledge of her performance in Afghanistan.

17
18 While in Iraq, she conducted interrogations; I was her senior
19 NCO. These interrogations were in Abu Ghraib, where we used tents.
20 The tent flaps would have to be open during interrogations. We did
21 not take any actions to pull her security clearance.

22
23 The witness was excused and assumed a seat in the gallery of the
24 courtroom.

25
26 SERGEANT SELENA M. SALCEDO, U.S. Army, was called as a witness for
27 the defense, was sworn, and testified in substance as follows:

28 DIRECT EXAMINATION

29
30
31 Questions by the military judge:

32
33 I am the accused in the case.

34
35 Questions by the defense counsel:

36
37 I am 24 years old. When I enlisted in the Army, I was 19 years
38 old. That was in 1999. I am a 97B, a counterintelligence agent. I
39 went to Fort Huachuca, Arizona, for AIT.

40
41 When I enlisted, I had just completed 1 year of college. I
42 believe I left the institution with 29 credits. I was studying
43 sociology.



DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS DETACHMENT
525th MILITARY INTELLIGENCE BRIGADE (REAR) (PROVISIONAL)
FORT BRAGG, NORTH CAROLINA 28310-5000

26 September 2005

AFZA-MI-HHD

MEMORANDUM FOR RECORD

SUBJECT: Letter of input for Salena Salcedo

1. Purpose: The purpose of this memorandum is to provide input for SGT Salcedo in reference to a letter of leniency.

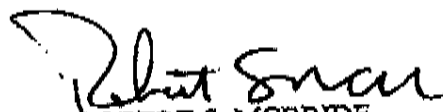
1. Sir, I have known SGT Salcedo since January, 2003. I have been her 1SG during her time in A Company 519th MI BN and again in HHD, 525 MI BDE (rear) (provisional). I have seen her work in Iraq and in the garrison environment at Fort Bragg.

2. SGT Salcedo has been one of my go-to NCOs for that period of time. SGT Salcedo has acted with honor under fire and also with initiative in all jobs and positions in which she has held. SGT Salcedo's performance as a combat lifesaver on 20 September, 2003 during a mortar attack at ABU GHRAIB prison in IRAQ was exceptional and undoubtedly saved lives. She was put in for an impact ARCOM medal for this action. Additionally, SGT Salcedo acted selflessly during an ambush of our convoy just south of Samarra, Iraq. She pulled our truck in the line of fire between us and a lesser equipped vehicle, thus allowing us to take out the threat before lives were lost. The action from SGT Salcedo was totally selfless and again saved lives. These actions are indicative of SGT Salcedo's service to her unit and the United States Army.

3. SGT Salcedo's job performance during her time in the rear detachment was also stellar. She performed duties as the BDE S2 and was counted on to ensure that the units clearance's were accurate and correct, which greatly enhanced the BDE's mission for those soldiers in Iraq. She still performs all tasks asked of her, to standard of above the standard.

4. I strongly recommend that you the disapproval of findings in SGT Salcedo's CourtMartial case. The sentence handed out is the equivalent to the punishment that would be handed out for an Article 15. By disapproving the findings, you will erase the misdemeanor from the record of an outstanding soldier in the United States Army.

5. POC for this memorandum is the undersigned @ (910)396-1532


ROBERT S. MCBRIDE
1SG, USA
First Sergeant

REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
525TH MILITARY INTELLIGENCE BRIGADE (REAR) (PROVISIONAL)
FORT BRAGG, NORTH CAROLINA 28310-5000

30 September 2005

AFZA-MI- HHD

MEMORANDUM FOR RECORD

SUBJECT: Letter of Input for SGT Selena Salcedo

1. Purpose: The purpose of this memorandum is to provide input for SGT Selena Salcedo, A Company, 519th Military Intelligence Battalion (Tactical Exploitation) (Airbrone) and Headquarter Headquarters Company 525th Military Intelligence Brigade (Rear) (Detachment) in reference to a request of leniency.

2. To whom it may concern: I first met SGT Salcedo in September 2000 when we were assigned to B Company, 519th Military Intelligence Battalion (Tactical Exploitation) (Airbrone). While assigned there, we served together on a Human Intelligence Collection Team. During this time, she demonstrated amazing work ethic and a keen desire to excel as a collector. As a junior soldier, she accepted and surpassed many of her peers during MOS specific schools and taskings. While in B Company, we deployed to the Joint Readiness Training (JRTC) exercise in Fort Polk, Louisiana. While there, she was recognized by the command group as a stellar performer who was always dedicated to her performance. Shortly after returning from JRTC, SGT Salcedo deployed to Bosnia. While in Bosnia, she was assigned to a tactical exploitation team, assigned to B Company, 519th Military Intelligence Battalion (Tactical Exploitation) (Airborne). Her team regularly reported on intelligence pertaining to the commander's Priority Intelligence Requirements within the Multi-Division North. She was awarded the Armed Forces Expeditionary medal, NATO ribbon and the Army Commendation Medal for her accomplishments.

a. Upon returning from Bosnia, SGT Salcedo demonstrated her patriotism, loyalty, and dedication to duty by volunteering to deploy in support of Operation Enduring Freedom (OEF). She was re-assigned to A Company, 519th Military Intelligence Battalion (Tactical Exploitation) (Airborne) as Counterintelligence Agent in support of an interrogation mission. With virtually no training SGT Salcedo excelled as an interrogator. As one of the only female interrogators in the Joint Interrogation Facility, SGT Salcedo was often called upon to interrogate for several United States national-level agencies. SGT Salcedo's professionalism, dedication, and expertise were repeatedly relied upon both as an interrogator and HUMINT collector.

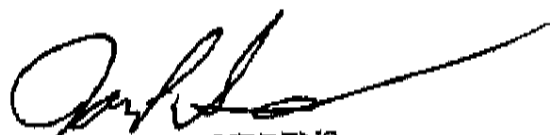
b. When SGT Salcedo returned from OEF with A Company, 519th Military Intelligence Battalion (Tactical Exploitation) (Airborne) the company was then given the order to deploy in support of Operation Iraqi Freedom.

c. During January 2005, I was assigned as the Headquarter Headquarters Company 525th Military Intelligence Brigade (Rear) (Detachment) Platoon Sergeant. SGT Salcedo was assigned as the S-2 NCIOC. While assigned as the S-2, she regularly handled the Rear Detachment's security clearance issues. Her performance as the S-2 greatly enhanced the mission capability for soldiers assigned to the Rear Detachment and those deployed in Iraq. Upon the notification of her judicial proceedings, SGT Salcedo was re-assigned as an Administrative Assistant to the First Sergeant. SGT Salcedo continued her willing dedication by training the Intelligence Collectors in the Rear Detachment. In conclusion, her performance did not waiver because of her legal proceedings.

3. I do not agree with the punishment that was issued by the Courts Martial in this case. The evidence that was compiled against SGT Salcedo is that of an Article 15 rather than a misdemeanor offense. By reversing the findings you would erasing a small blemish on an outstanding Soldiers career. SGT Salcedo has demonstrated before and after this offense that this was an isolated mistake and therefore warrants the aforementioned punishment.

4. In Short, I believe that SGT Salcedo is an asset to the United States Army. Her continued valor, dedication, and loyalty uphold the ethos needed in soldiers of the United States Army. Although she does not intend on staying in the Army, her experience and expertise will be an asset to soldiers for years to come.

5. POC for this memorandum is the undersigned @ (910)-396-3335.



JONATHAN P. GIDDENS
SSG, USA
Platoon Sergeant