

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

20DEC18

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN
M/W/NEE7/I [redacted] (b)(6), (b)(7)(C)

RESULTS OF CONTACT WITH [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) CIV

1. On 17Dec18, Reporting Agent (RA) contacted [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C), SEAL Team Seven (ST7), regarding the medical records for S/GALLAGHER. As background, several SEAL Team Seven [redacted] (b)(2), (b)(6), (b)(7)(C) members indicated they believed S/GALLAGHER's medical certification may have been expired when he was deployed to Iraq in 2017.

2. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) was asked for the initial certification and recertification for S/GALLAGHER as a sniper and a medic. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated both of those initial certifications happened prior to S/GALLAGHER coming to ST7 so he would not have records.

3. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated a sniper does not have a recertification process. Once a sniper becomes a sniper they are always qualified. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated Chief Petty Officers who were snipers, are no longer considered a sniper once they promote. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated a sniper is an E6 or below. While a sniper does not have to recertify, they do attend a two week long block know as Long Range Tactical Engagement (LRTE) training in order to practice their skills. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated S/GALLAGHER would not have attended this training as a chief.

4. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) pulled the training record for S/GALLAGHER and stated S/GALLAGHER went through two training programs while at ST7, Static Line Jump Master School in Jan16 and Free Fall Jump Master School in Mar16.

5. RA asked [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) about the recertification process for a medic. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated the recertification class is known as Special Operations Combat Medic Sustainment Skills (SOCMSS). When asked how often medics are supposed to complete this course, [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) replied every two years. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated the class is conducted at Fort Bragg, NC.

6. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) then looked at his computer again and stated S/GALLAGHER attended SOCMSS from 28Nov16 - 08Dec16. After the interview was completed, RA thanked [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) for his time and assistance. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) replied, "I hope Eddie gets off."

7. Prior to follow on contact with [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) on 20Dec18, RA determined the 28Nov16-08Dec16 course was a course S/GALLAGHER was originally signed up for. However, this does not mean it was actually completed. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated he does not track the follow up for whether individuals actually complete each course. Further investigative efforts determined S/GALLAGHER did not attend this training.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:06APR18-SWND-0206-7HNA

20DEC18

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

19DEC18

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN

M/W/NEE7/I [redacted] (b)(6), (b)(7)(C)

RESULTS OF CONTACT WITH [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN

1. On 18Dec18, Reporting Agent (RA) contacted [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, Naval Special Operations Medical Institute [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) Joint Special Operations Medical Training Center (JSOMTC), in order to obtain the medical certification records for S/GALLAGHER. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) provided the records on 19Dec18.

2. According to the information provided by [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) S/GALLAGHER attended Special Operations Combat Medic (SOCM) Course, Class # 06-001 from 03Oct05-02May06. S/GALLAGHER was "recycled" from that course. S/GALLAGHER then attended Class #06-003 from 17Jan06-26Jul06 and graduated.

3. S/GALLAGHER attended Special Operations Combat Medic Skills Sustainment Course (SOCMSSC), Class # 07-014 from 04Jun07-15Jun07. S/GALLAGHER then attended SOCMSSC, Class # 15-007 from 02Feb15-12Feb15.

REPORTED BY: [redacted] (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

19DEC18

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN
M/W/NEE7/I [REDACTED] (b)(6), (b)(7)(C)

SOCMSSC TRAINING RECORDS FOR S/GALLAGHER

1. On 18Dec18, Reporting Agent (RA) pulled the training data for S/GALLAGHER from the US Navy Fleet Training Management and Planning System in order to obtain the dates S/GALLAGHER completed Special Operations Combat Medic Skills Sustainment Course (SOCMSSC). According to the records, S/GALLAGHER last completed SOCMSSC on 12Feb15. Enclosure (A) pertains.

ENCLOSURE(S)

(A) S/GALLAGHER TRAINING DATA/18DEC18

REPORTED BY: [REDACTED] (b)(6), (b)(7)(C) Special Agent
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(b)(6), (b)(7)(C)

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EXHIBIT (1166)

About
NTMPS
ETJ

Problems
With
Your
Data?

Comments/Suggestions

DOD
Warning

FAQs

What's
New

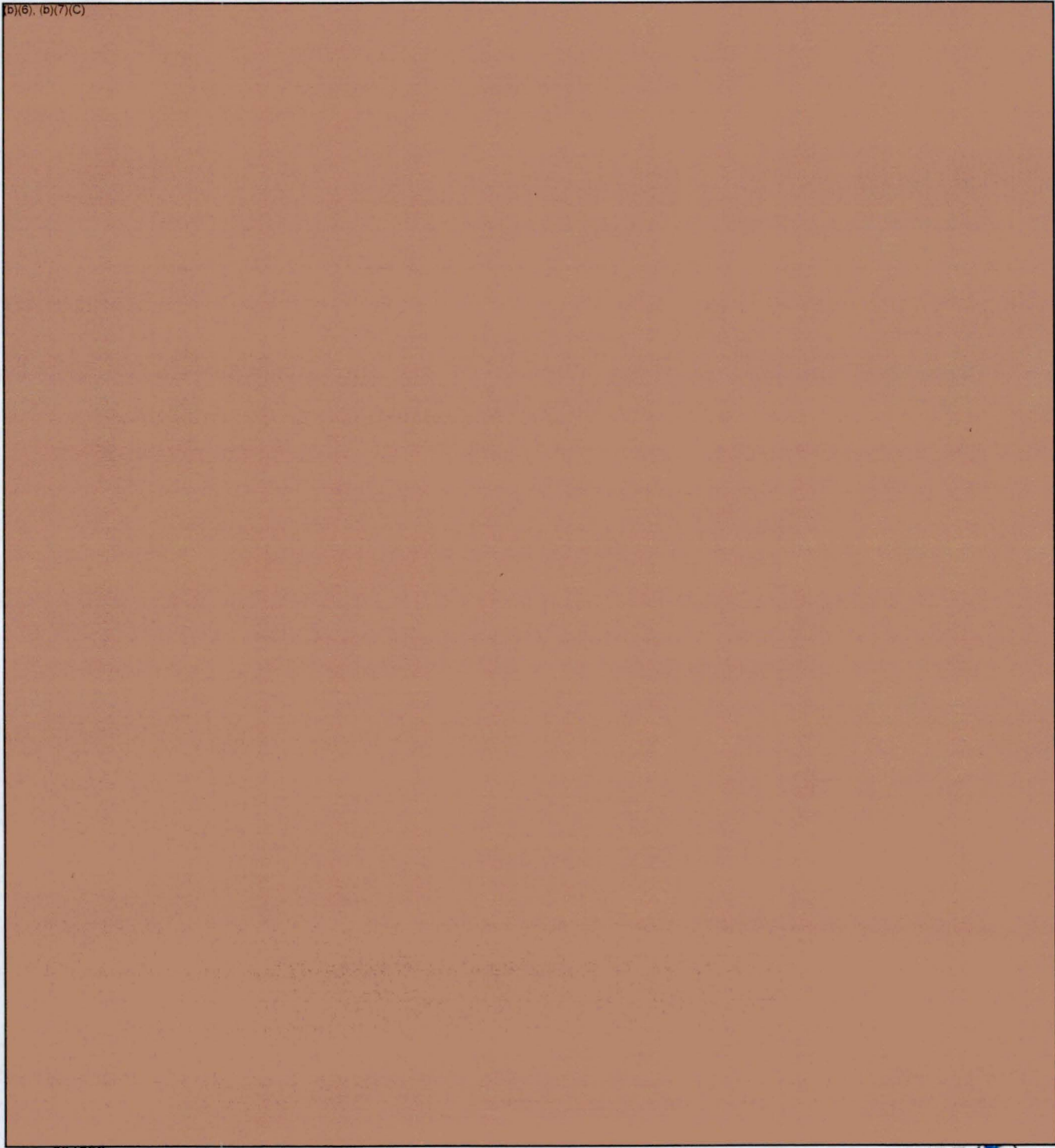
Acronyms

For Official Use Only - Contains Privacy Act Data

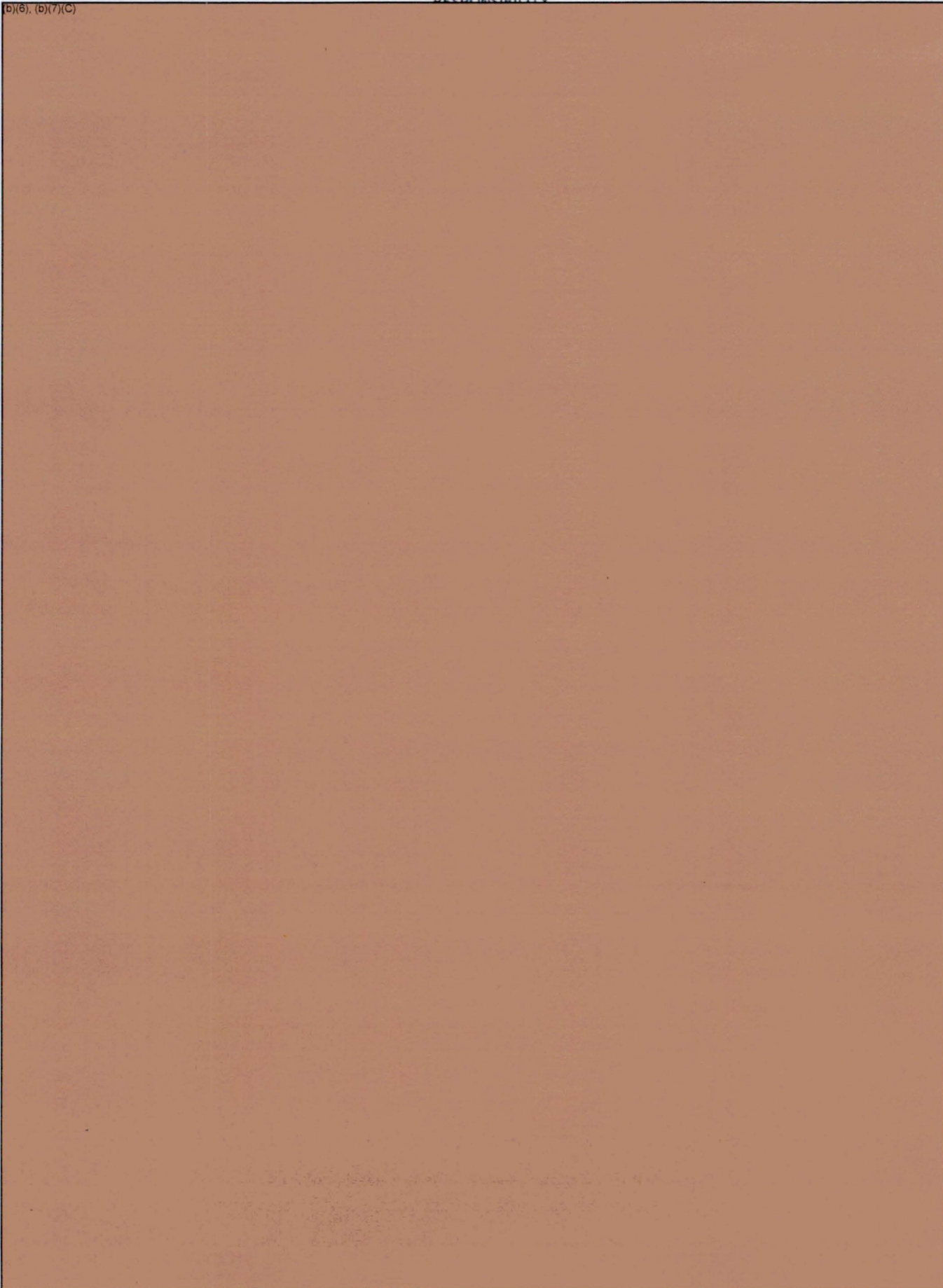
Training Data

Name: SOC GALLAGHER EDWARD RYAN

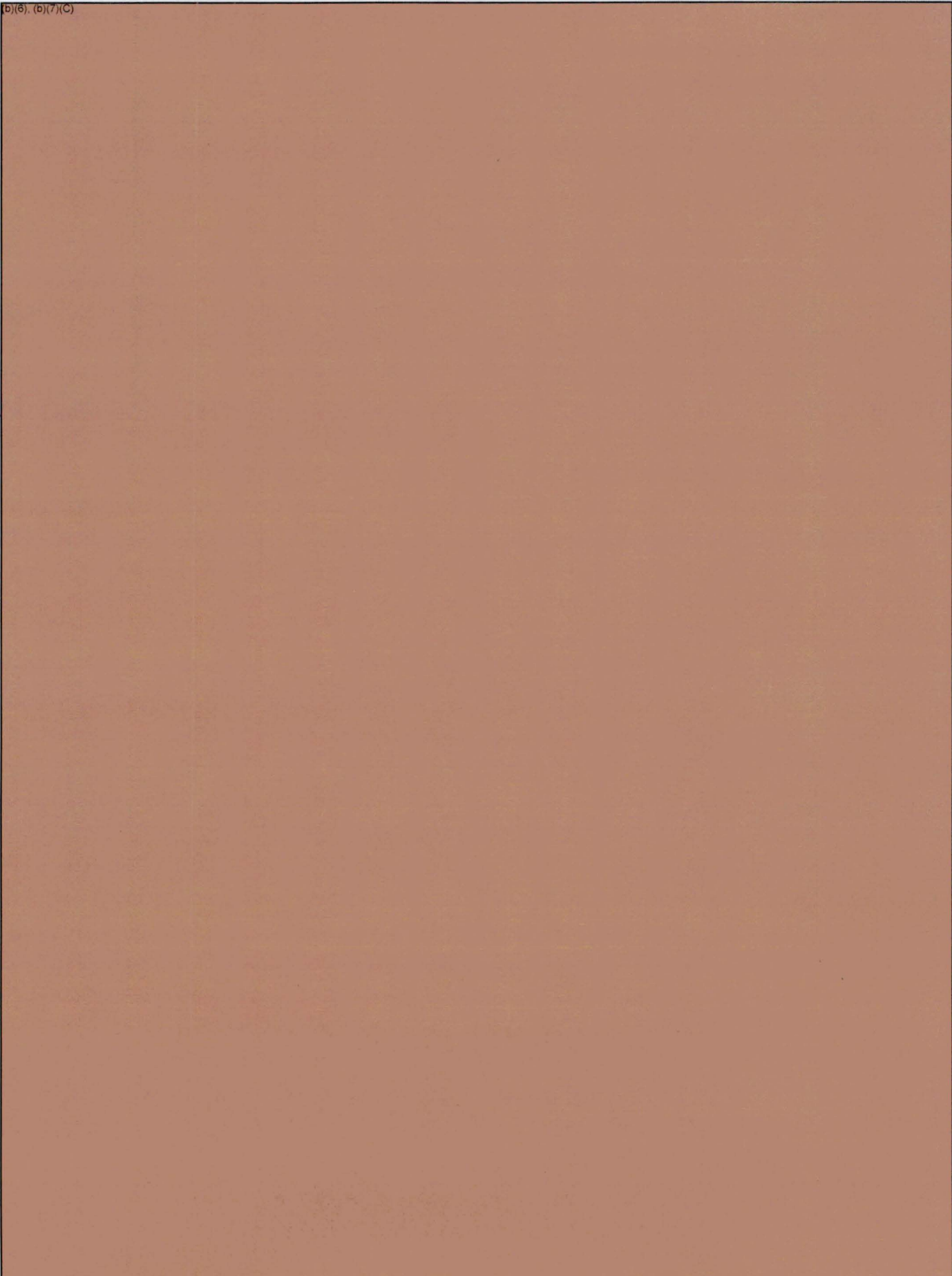
(b)(6), (b)(7)(C)



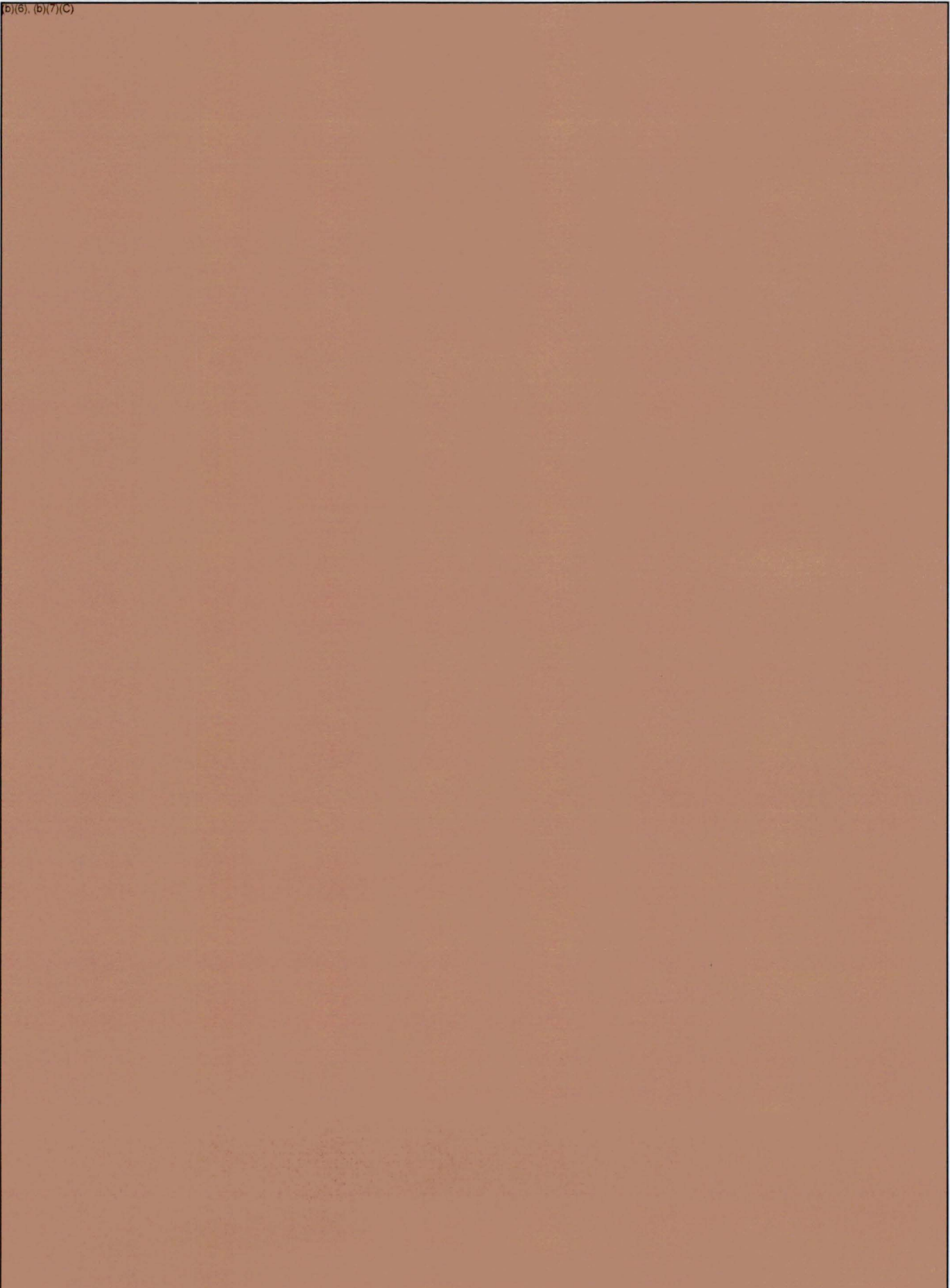
(b)(6), (b)(7)(C)



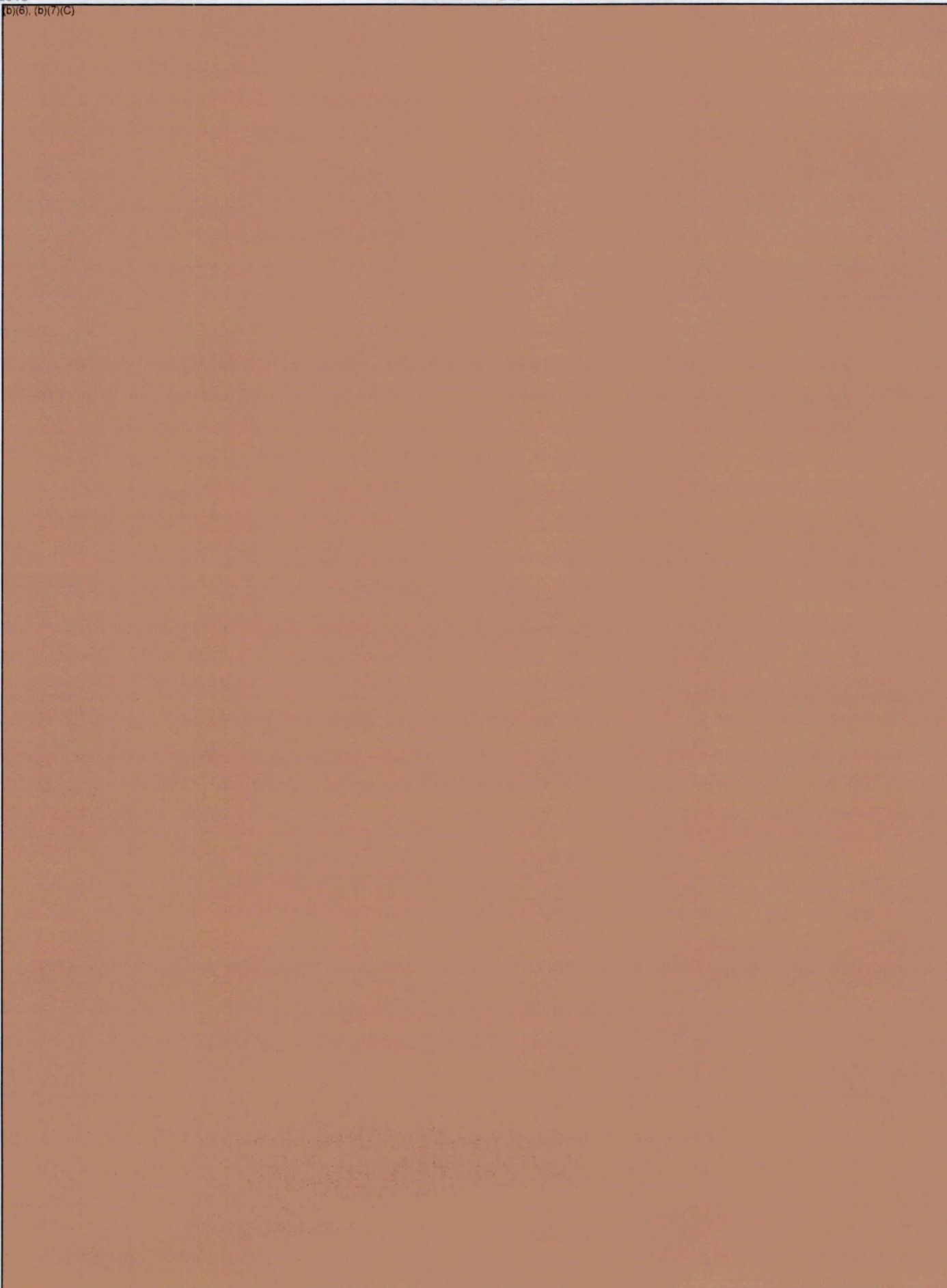
b)(6), (b)(7)(C)



b)(6), b)(7)(C)

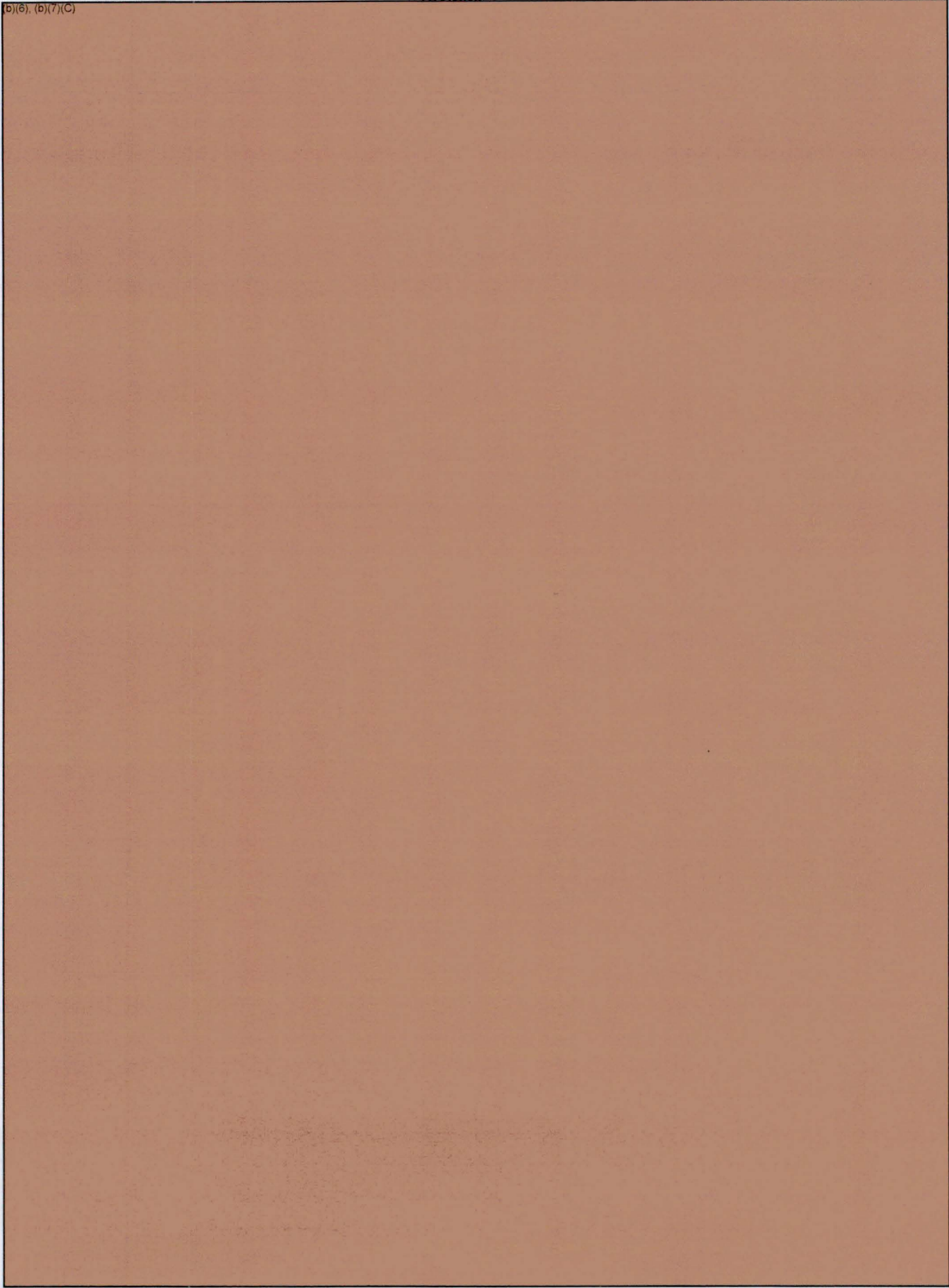


(b)(6), (b)(7)(C)



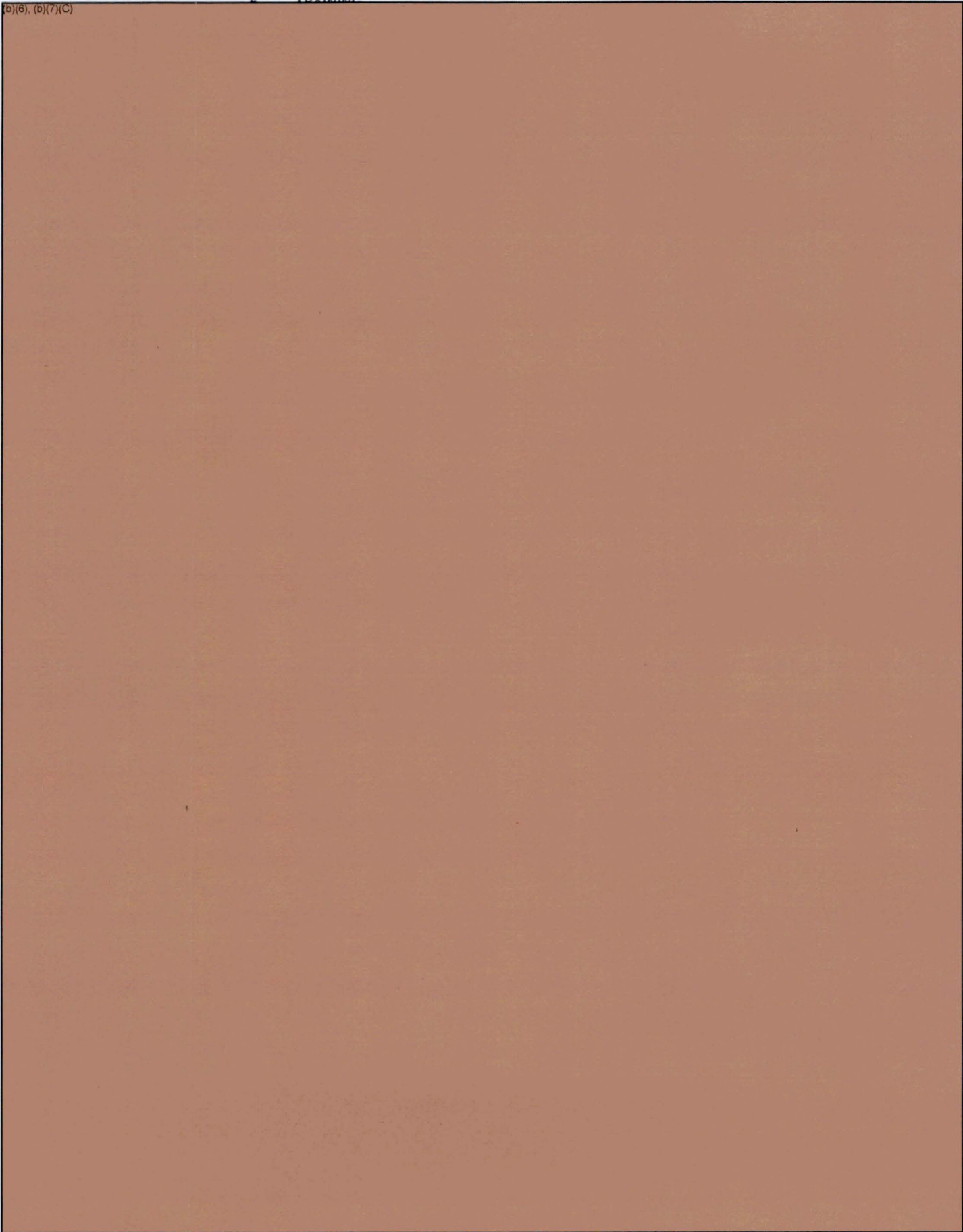
TRAINING

(b)(6), (b)(7)(C)

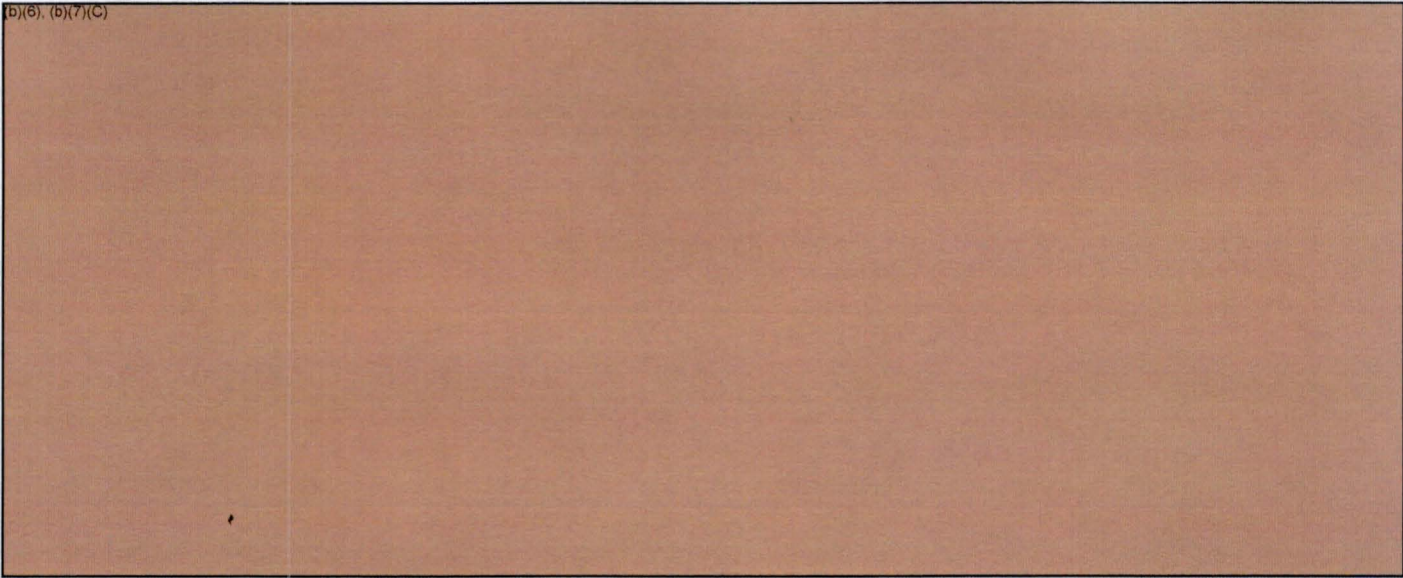


5 TRAINING

(b)(6), (b)(7)(C)



(b)(6), (b)(7)(C)



Total of 202 Courses Listed.

Pages 1633 through 1634 redacted for the following reasons:

Pages (1633) - (1634), Exhibit (167) - Results of Interview with (redacted)

NCIS redactions: (b)(6), (b)(7)(C)

COMNAVSPECWARCOM redactions: (b)(3) (10 USC § 130b), (b)(6), (b)(7)(C)

CD enclosure - Withheld in total
NCIS redactions: (b)(6), (b)(7)(C)
COMNAVSPECWARCOM redactions: (b)(3) (10 USC § 130b), (b)(6), (b)(7)(C)

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06APR18-SWND-0206-7HNA on S/GALLAGHER, EDWARD RYAN/CPO USN
(Case Control Number (CCN) (Subject Name/Title))

Enc (A) to Exh (167) contains the following additional material on

Disc containing recorded interview with [REDACTED] /21Dec18
(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE

LOCATION NUMBER (To be completed by Code 11C13)

- Grand Jury** _____
- X – Rays** _____
- Video Tapes** _____
- Audio Tapes** _____
- Photographs** (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.) _____
- Polygraph Material** _____
- Source Envelope** _____
- Other** CD/DVD/BD-R _____
(Description)

Pages 1636 through 1638 redacted for the following reasons:

Pages (1636) - (1638), Exhibit (168) - Results of Interview of (redacted)

NCIS redactions: (b)(6), (b)(7)(C)

COMNAVSPECWARCOM redactions: (b)(2), (b)(3) (10 USC § 130b), (b)(3) (50 USC § 3024(i)), (b)(6), (b)(7)(C)

CD enclosure - Withheld in total

NCIS redactions: (b)(6), (b)(7)(C)

COMNAVSPECWARCOM redactions: (b)(3) (10 USC § 130b), (b)(3) (50 USC § 3024(i)), (b)(6), (b)(7)(C)

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06APR18-SWND-0206-7HNA on S/GALLAGHER, EDWARD RYAN/CPO USN
(Case Control Number (CCN) (Subject Name/Title))

Enc (A) to Exh (168) contains the following additional material on

Disc containing recorded interview of (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) 27Dec18

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE

LOCATION NUMBER

(To be completed by Code 11C13)

Grand Jury

X - Rays

Video Tapes

Audio Tapes

Photographs (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)

Polygraph Material

Source Envelope

Other CD/DVD/BD-R
(Description)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

05DEC18

DEATH (II)

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN

M/W/NEE7/I/ (b)(6), (b)(7)(C)

X/PORTIER, JACOB XAVIER/LT USN

M/W/NOO3/I/ (b)(6), (b)(7)(C)

COMMAND/NAVSPECWARGRU ONE DET TRAINING/39589

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO (b)(6), (b)(7)(C), SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA SAN DIEGO, CA ROI (INTERIM) (CONTAINS EXHIBITS 1-33)/07MAY18
- (B) NCISRA SAN DIEGO, CA ROI (INTERIM) (CONTAINS EXHIBITS 34-62)/06JUN18
- (C) NCISRA SAN DIEGO, CA ROI (INTERIM) (CONTAINS EXHIBITS 63-79)/28JUN18
- (D) NCISRA SAN DIEGO, CA ROI (INTERIM) (CONTAINS EXHIBITS 80-85)/26JUL18
- (E) NCISRA SAN DIEGO, CA ROI (INTERIM) (CONTAINS EXHIBITS 86-90)/23AUG18
- (F) NCISRA SAN DIEGO, CA ROI (INTERIM) (CONTAINS EXHIBITS 91-96)/21SEP18
- (G) NCISRA SAN DIEGO, CA ROI (INTERIM) (CONTAINS EXHIBITS 97-120)/24OCT18
- (H) NCISRA SAN DIEGO, CA ROI (INTERIM) (CONTAINS EXHIBITS 121-127)/05NOV18

EXHIBIT(S)

- (128) CHARGE SHEET FOR X/PORTIER/09OCT18
- (129) TRAVEL ORDERS FOR (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) /11JAN18
- (130) TRAVEL ITINERARY FOR (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) /11JAN18
- (131) IA: INTERVIEW WITH (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN/09NOV18
- (132) IA: RESULTS OF INTERVIEW OF (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USNR/16NOV18
- (133) USACIL DRUG CHEMISTRY REPORT/14NOV18
- (134) LETTER OF REPRESENTATION FOR (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) /19NOV18
- (135) IA: RESULTS OF CONTACT WITH (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN/19NOV18
- (136) IA: REVIEW OF PLAQUE CREATED BY S/GALLAGHER/23NOV18
- (137) LETTER OF REPRESENTATION FOR (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) 26NOV18
- (139) LETTER OF REPRESENTATION FOR (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) 28NOV18
- (140) IA: COLLECTION AND SUBMISSION OF PRINTS FOR S/GALLAGHER/29NOV18
- (141) IA: COLLECTION AND SUBMISSION OF PRINTS FOR X/PORTIER/05DEC18
- (142) LETTER OF REPRESENTATION FOR (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) /04DEC18

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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- (143) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (144) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (145) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (146) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (147) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (148) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (149) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (150) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (151) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (152) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (153) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (154) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (155) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18
- (156) EVALUATION REPORT AND COUNSELING RECORDS FOR [redacted] 05DEC18/05DEC18
- (157) LETTER OF REPRESENTATION FOR [redacted] 05DEC18
- (158) COMMAND AUTHORIZATION FOR SEARCH AND SEIZURE FOR PHONE OF [redacted] 19NOV18
- (159) CONTROLLED SUBSTANCE INVENTORY BINDER FOR [redacted] 05DEC18
- (160) CONTROLLED SUBSTANCE INVENTORY BINDER FOR [redacted] 05DEC18
- (161) STATEMENT PROVIDED BY [redacted] 27NOV18

EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 06Apr18, upon notification by [redacted] JAGC USN, Naval Special Warfare Group One (NSWG1), regarding allegations of a Law of Armed Conflict (LOAC) Violation committed by S/GALLAGHER. Per [redacted] the allegations are that while an unnamed ISIS fighter was being treated for non-life threatening wounds sustained during a kinetic airstrike in Mosul, Iraq circa May17, S/GALLAGHER deliberately stabbed the ISIS fighter in the neck causing his death. S/GALLAGHER was assigned to SEAL Team 7, [redacted] and attached to Special Operations Task Force [redacted] at the time of the incident. Digital images of the alleged victim both alive and responsive and later appearing to be deceased were recovered from a laptop identified as being utilized by various platoon members during the deployment. Multiple interviews resulted in identification of several eye-witnesses to the event and corroborated initial reporting. Further, throughout the course of the interviews, two additional incidents which appear to involve the deliberate injury via gunshot to non-combatant, civilian local Iraqi nationals, were identified. On 20Jun18, S/GALLAGHER declined to make a statement when agents attempted to interview him. Search warrants were executed for S/GALLAGHER residence

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05DEC18

and work place and agents located the knife S/GALLAGHER is believed to have used to stab the ISIS fighter. Witness interviews revealed the reports surrounding the allegation of murder were reported to senior command staff circa Feb18. On 11Sep18, S/GALLAGHER was placed into pretrial confinement. On 14Nov18, S/GALLAGHER had an Article 32 hearing. The Preliminary Hearing Officer recommended the charges be referred to a General Court Martial. This investigation is ongoing.

NARRATIVE

1. This reactive investigation pertains to suspected violations of Title 18, Section 2441 of the United States Code - War Crimes as well as Article 118 - Murder and Article 134 or applicable statutes pursuant to the Uniform Code of Military Justice.

2. References (A) through (H) document previous investigative activity for the captioned investigation.

3. On 07Nov18, (b)(6), (b)(7)(C) USMC, Trail Counsel, Region Legal Services Office Southwest, provided a copy of the charge sheet for X/PORTIER. Exhibit (128) pertains.

4. On 07Nov18, (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, Staff Judge Advocate, Naval Special Warfare Group One, provided a copy of her travel orders and itinerary for her individual augmentee assignment to Korea from 15Jan18 to 15Mar18. Exhibits (129) and (130) pertain.

5. On 09Nov18, (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) Naval Special Warfare Group One, was interviewed (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated in Dec17, (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, Naval Special Warfare Group One, came to him and stated members of SEAL Team Seven (b)(2), (b)(6), (b)(7)(C) reported S/GALLAGHER stabbed an ISIS prisoner while he was receiving medical attention. At that time (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) made the decision to remove S/GALLAGHER from his position as an instructor at SOUC. Exhibit (131) pertains.

6. On 07Nov18, (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USNR, was interviewed (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) was previously the Staff Judge Advocate at Naval Special Warfare Group One. (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated she never spoke to (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) regarding how to handle the allegations against S/GALLAGHER. Exhibit (132) pertains.

7. On 14Nov18, Reporting Agent received the US Army Criminal Investigation Laboratory - Defense Forensic Science Center - Laboratory Report. According to the report, Tramadol was identified in the pills found in S/GALLAGHER's medical kit. Additionally, four types of testosterone were identified in the Sustanon-250 vial seized from S/GALLAGHER's medical kit. Exhibit (133) pertains.

8. On 14Nov18 and 15Nov18, the Article 32 hearing was held for S/GALLAGHER.

9. On 19Nov18, RA received a Letter of Representation from (b)(6), (b)(7)(C) CIV, in regards to (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, Naval Special Warfare Training Detachment. Exhibit (134) pertains.

10. On 19Nov18, RA contacted (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) regarding follow up questions. (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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05DEC18

20. On 05Dec18, RA received a Letter of Representation from (b)(6), (b)(7)(C) for (b)(3)(10) USC § 1306, (b)(6), (b)(7)(C) USN, Naval Special Warfare Basic Training Command. Exhibit (157) pertains.

21. On 19Nov18, Reporting Agent (RA) obtained a Command Authorization for Search and Seizure for the phone of (b)(3)(10) USC § 1306, (b)(6), (b)(7)(C) USN, Naval Special Warfare Training Detachment. As of 05Dec18, analysis of the phone is ongoing. Exhibit (158) pertains.

22. RA obtained the Controlled Substance Inventory Binder for (b)(3)(10) USC § 1306, (b)(6), (b)(7)(C) and Exhibits (159) and (160) pertain.

23. On 27Nov18, (b)(3)(10) USC § 1306, (b)(6), (b)(7)(C) CIV, provided a statement regarding his thoughts regarding statements made by S/GALLAGHER's attorneys in the media. Exhibit (161) pertains.

24. This investigation continues.

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NCISHQ:023B

INFO :RLSO

(b)(6), (b)(7)(C) (H)/SWFO

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ORIGINAL

CHARGE SHEET				
I. PERSONAL DATA				
1. NAME OF ACCUSED (Last, First, MI) PORTIER, Jacob, X		2. SSN (b)(6), (b)(7)(C)	3. RANK/RATE LT	4. PAY GRADE O-3
5. UNIT OR ORGANIZATION Naval Special Warfare Group ONE, Training Detachment ONE			6. CURRENT SERVICE	
			a. INITIAL DATE 13 Dec 09	b. TERM Indef
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	None	None
\$6,742.00	\$590.00	\$7,332.00		
II. CHARGES AND SPECIFICATIONS				
10. CHARGE:	I	Violation of the UCMJ	Article 133	
<p>Specification (Conduct Unbecoming an Officer and Gentleman): In that Lieutenant Jacob X. Portier, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, on or about 3 May 2017, conduct a reenlistment ceremony next to a human corpse, such conduct being conduct unbecoming an officer and gentleman.</p> <p>Charge II: Violation of the UCMJ Article 92</p> <p>Specification 1 (Willful Dereliction of Duty): In that Lieutenant Jacob X. Portier, U.S. Navy, Naval Special Warfare Group ONE, on active duty, who knew of his duties as a commissioned officer, at or near Mosul, Iraq, on divers occasions during his deployment in 2017, was derelict in the performance of those duties in that he willfully failed to supervise Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE as it was his duty to do, and that such dereliction of duty resulted in the death or grievous bodily harm to a noncombatant male person and a noncombatant female person, to wit: bullet wounds from a sniper rifle operated by the said SOC Gallagher.</p> <p style="text-align: center;">*SEE CONTINUATION PAGE*</p>				
III. PREFERRAL				
11a. NAME OF ACCUSER (Last, First, MI)		b. GRADE	c. ORGANIZATION OF ACCUSER	
(b)(6), (b)(7)(C)		(b)(6), (b)(7)(C)	Region Legal Service Office Southwest	
d. SIGNATURE OF ACCUSER			e. DATE	
(b)(6), (b)(7)(C)			9 October 2018	
<p>AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this <u>9th</u> day of <u>October</u>, 2018, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.</p>				
_____ (b)(6), (b)(7)(C) Typed Name of Officer		_____ RLSO Southwest Organization of Officer		
_____ (b)(6), (b)(7)(C) Signature		_____ Trial Counsel Official Capacity to Administer Oaths (See R.C.M. 307(b)—must be commissioned officer)		

ORIGINAL

12. On 11 October 2018, the accused was informed of the charges against him and of the name of the accuser is known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

(b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

Typed Name of Legal Officer

Naval Special Warfare Group ONE

Organization of Legal Officer

LT JAGC USN

(b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 1250 hours, 11 October 20 18 at _____
Designation of Command or

Naval Special Warfare Group ONE

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

FOR THE¹ _____

(b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

Typed Name of Officer

Commander

Official Capacity of Officer Signing

CAPT USN

(b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b. PLACE

c. DATE

2018

Referred for trial to the _____ court-martial convened by _____

dated _____ 20 18, subject to the following instructions:² None.

By _____ of _____
Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

15. On _____ 20 18, I caused to be served a copy hereof on the above named accused.

(b)(6), (b)(7)(C)

Typed Name of Trial-Counsel

(b)(6), (b)(7)(C) USMC

Grade or Rank of Trial-Counsel

Signature

FOOTNOTES

1 - When an appropriate commander signs personally, inapplicable words are stricken.

2 - See R.C.M. 601(e) concerning instructions. If none, so state.

ORIGINAL

Continuation Page 2 of 2 DD Form 458

Specification 2 (Failure to Obey a Lawful General Order): In that Lieutenant Jacob X. Portier, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, during his deployment in 2017, fail to obey a lawful general order, to wit: paragraph 4 and 7, SECNAVINST 3300.1C, dated 28 May 2009, by failing to report an alleged violation of the law of war.

Charge III: Violation of the UCMJ Article 134

Specification 1 (Misprision of Serious Offense): In that Lieutenant Jacob X. Portier, U.S. Navy, Naval Special Warfare Group ONE, on active duty, having knowledge that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, had actually committed a serious offense to wit: murder a wounded male person under the care of the said SOC Gallagher by means of stabbing him in the neck and body with a knife, did, at or near Mosul, Iraq, and at or near San Diego, California between on or about May 2017 to on or about April 2018, wrongfully conceal such serious offense by making false official statements, destroying evidence, and failing to make the same known to the military authorities as soon as possible, such conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

Specification 2 (Obstruction of Justice): In that Lieutenant Jacob X. Portier, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, during his deployment in 2017, wrongfully endeavor to impede an investigation in the case of Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE by destroying evidence, and that said conduct was to the prejudice of good order and discipline in the armed forces and was of a nature to bring discredit upon the armed forces.

Charge IV: Violation of the UCMJ Article 107

Specification 1 (False Official Statement): In that Lieutenant Jacob X. Portier, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, during his deployment in 2017, with intent to deceive, make to (b)(3) (10 USC § 130b) U.S. Navy, Naval Special Warfare Group ONE an official statement, to wit: when asked if there was anything criminal to report surrounding the reenlistment ceremony of Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE the said Lieutenant Portier responded "there was nothing criminal, it was just in bad taste," or words to that effect, which statement was totally false, and was then known by the said Lieutenant Portier to be so false.

Specification 2 (False Official Statement): In that Lieutenant Jacob X. Portier, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near San Diego, California, on or about 6 April 2018, with intent to deceive, make to (b)(3) (10 USC § 130b) U.S. Navy, Naval Special Warfare Group ONE, an official statement, to wit: when asked if he knew that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE committed a law of armed conflict violation the said Lieutenant Portier responded that he was unaware of the specific event, or words to that effect, which statement was totally false, and was then known by the said Lieutenant Portier to be so false.

ORIGINAL

REQUEST AND AUTHORIZATION FOR TDY TRAVEL OF DOD PERSONNEL										1. DATE OF REQUEST (YYYYMMDD)			
(Reference: Joint Travel Regulations (JTR), Chapter 3) (Read Privacy Act Statement on back before completing form.)										20180111			
REQUEST FOR OFFICIAL TRAVEL													
2. NAME (Last, First, Middle Initial)				3. SOCIAL SECURITY NUMBER				4. POSITION TITLE AND GRADE/RATING					
(b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)				(b)(6), (b)(7)(C)									
5. LOCATION OF PERMANENT DUTY STATION (PDS)						6. ORGANIZATIONAL ELEMENT			7. DUTY PHONE NUMBER (Include Area Code)				
NSWGI						JAG/NO			6195373102				
8. TYPE OF ORDERS			9. TDY PURPOSE (See JTR, Appendix H)			10a. APPROX. NO. OF TDY DAYS (Including travel time)			b. PROCEED DATE (YYYYMMDD)				
AA-ROUTINE TDY/TAD			SPECIAL MISSION TRAVEL See next page			60			20180115				
11. ITINERARY													
FROM: Coronado, CA TO: SEOUL, KOR RETURN TO: Coronado, CA													
12. TRANSPORTATION MODE													
a. COMMERCIAL				b. GOVERNMENT				c. LOCAL TRANSPORTATION					
RAIL	AIR	BUS	SHIP	AIR	VEHICLE	SHIP	CAR RENTAL	TAXI	OTHER	PRIVATELY OWNED CONVEYANCE (Check one)			
	X									RATE PER MILE: _____			
AS DETERMINED BY APPROPRIATE TRANSPORTATION OFFICER (Overseas Travel only)										ADVANTAGEOUS TO THE GOVERNMENT			
CIC(FY18): R4825418TO33ZRP										MILEAGE REIMBURSEMENT AND PER DIEM IS LIMITED TO CONSTRUCTIVE COST OF COMMON CARRIER TRANSPORTATION AND PER DIEM AS DETERMINED AND TRAVEL TIME AS LIMITED PER JTR			
13. <input checked="" type="checkbox"/> a. PER DIEM AUTHORIZED IN ACCORDANCE WITH JTR.				<input checked="" type="checkbox"/> b. OTHER RATE OF PER DIEM (Specify)									
14. ESTIMATED COST										15. ADVANCE AUTHORIZED			
a. PER DIEM			b. TRAVEL			c. OTHER			d. TOTAL			\$	
\$ 1226.25			\$ 1174.11			\$ 0.00			\$ 2400.36			\$	
16. REMARKS (Use this space for special requirements, leave, excess baggage, accommodations, registration fees, etc.)													
REMARKS continued on next page													
17. TRAVEL-REQUESTING OFFICIAL (Title and signature)						(b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)						ECTING OFFICIAL (Title and signature)	
AUTHORIZATION													
19. ACCOUNTING CITATION													
056521^97^18^18^0100^74D1^2108^00746^056521^2D^R48254^H1^00^RJ^SFBP^KFKX^8522^AA										\$2400.36			
20. AUTHORIZING/ORDER-ISSUING OFFICIAL (Title and signature)									21. DATE ISSUED (YYYYMMDD)				
									20180111				
									22. TRAVEL ORDER NUMBER				
									233ZRP				

PRIVACY ACT STATEMENT

(5 U.S.C. 552a)

AUTHORITY: 5 U.S.C. 5701, 5702, and E.O. 9397.

PRINCIPAL PURPOSE(S): Used for reviewing, approving, and accounting for official travel.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide the requested information may delay or preclude timely authorization of your travel request.

16. REMARKS (Continued) (Use this space for special requirements, leave, excess baggage, accommodations, registration fees, etc.)

REMARKS (Continued)

FLAT RATE OF 75% OF FULL RATE APPLIES WHEN AT TDY LOCATION OVER 30 DAYS.

ATM Advance Authorized EXCESS BAGGAGE EXTRA AIR OR RAIL FARE OTHER (See remarks below) Deviations from these orders must be approved by originator in advance before incurring expenses or traveler will be held liable. Receipts required for all reimbursable expenses (i.e. taxi, gas, etc.). WHEN OCONUS, RENTAL CAR INSURANCE IS REIMBURSABLE (Excluding Guam, Hawaii, and Puerto Rico). Govt. Quarters mandatory for all military personnel when TDY to military installations, Civilians are strongly encouraged. Certificate of Non-Availability required IOT get reimbursed for commercial lodging. DOUBLE OCCUPANCY REQUIRED FOR ALL JCET PARTICIPANTS, REGARDLESS OF RANK; OTHERWISE DOUBLE OCCUPANCY IS MANDATED FOR ALL E-6 AND BELOW WHEN USING COMMERCIAL QUARTERS. WHEN SHARING ROOMS, EACH TRAVELER HAS TO PAY FOR THEIR HALF OF THE LODGING. A TRAVELER CANNOT PAY THE EXPENSES OF ANOTHER TRAVELER WITH THEIR TRAVEL CARD. Use of government travel card is mandatory. Call SATO to change flights during working hours: (855)744-4658, after hours: 1-800-359-9999. Do not call the airline directly. CITI cardholder customer service number is 1-800-200-7056, 24 hours a day, 7 days a week. IF TDY MORE THAN 30 DAYS TO A COMMERCIAL MEAL RATE LOCATION, 75% FLAT RATE PERDIEM APPLIES. PLEASE VERIFY DATES AND ADJUST PERDIEM RATES AS NECESSARY. MANDATORY DFAC USE WHERE AVAILABLE. WHEN MEALS ARE PROVIDED AT NO COST IN A DFAC, THE ENTITLEMENT IS ONLY I&ZE OF \$3.50 PER DAY. SELECT PROVIDED (B, L, D) THEN CLICK THE OCONUS INCIDENTAL BUTTON TOWARDS THE BOTTOM OF THE SCREEN. Alternate methods, such as Secured Video Teleconference (SVTC) or other Web-based communications are not sufficient to accomplish the travel objectives. Per Diem for TAD location (s) will be paid in accordance with COMNAVSPCWARGRUONEINST 1320.1G Series. AIRFARE RECEIPTS ARE MANDATORY TO BE UPLOADED REGARDLESS IF THEY WERE PAID WITH THE CENTRALLY BILLED CREDIT CARD OR WITH YOUR OWN GTCC.

Traveler is non-exempt from the mandatory provisions of the TTRA.

The "Travel and Transportation Reform Act of 1998" stipulates that the government-sponsored, contractor-issued travel card shall be used by all U.S. Government personnel (civilian and military) to pay for costs incident to official business travel unless specifically exempted by authority of the Administrator of General Services or the head of the agency.

Government travel cardholders shall obtain cash, as authorized, through automated teller machines (ATM), rather than obtaining cash advances from a DoD disbursing officer.

Submission of travel claims shall be submitted within five (5) working days of return to or arrival at the Permanent Duty Station (PDS). In the case of extended TDY/TAD (over 45 days), the traveler shall submit a claim for each 30-day period. That claim must be submitted within five (5) days after each 30-day period.

If the trip itinerary is canceled or changed after tickets or transportation requests are issued to the traveler, the traveler is liable for their value until all ticket coupons have been used for official travel and/or all unused tickets or coupons are properly accounted for on the travel reimbursement voucher.

The use of a Government-Contracted Commercial Travel Office (CTO) to arrange official travel is mandatory. If the contracted CTO is not used to make official travel arrangements, the traveler must provide a statement in detail as to exactly why the CTO is not available or otherwise not being used.

Exception to GSA Form 87

In compliance with the Privacy Act of 1974, the following information is provided: Basic authority for requiring the requested information is contained in 5 USC 5701-5733, particularly sections 5721-5733, 30 USC 905 and Executive Order 9397. Disclosure of the data by you is voluntary. The principal purpose for collecting data is to determine the amount to reimburse an employee for expenses incurred in connection with temporary duty travel. Information may be transferred to appropriate Federal, State, local or foreign agencies when relevant to civil, criminal or regulatory investigations or prosecutions. There is no

personal liability to you if you do not furnish the requested information; however, we shall not be able to reimburse you for your expenses.

DESCRIPTION:

Augment to SOCKORPNR Locator:RBBICY

01/11/18

ACCOUNTING DETAIL

Doc No. CPSEOULKOR011518 A01-01

Defense Travel System

(b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

ACCOUNTING CLASS CODE	TRIP 1
M&IE-PD	\$536.25
LODGING-PD	\$690.00
COM. CARR.-I-PD	\$1174.11
18 G1 00 ADMIN	\$2400.36

056521^97^18^18^0100^74D1^2108^00746^^056521^2D^^R48254^H1^00^RJ^SFBP^^^^KPKX^8522^AA^*****

01/11/18

DOCUMENT HISTORY

Doc No. CPSEOULKOR011518 A01-01

Defense Travel System

(b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

STATUS	DATE	TIME	SIGNATURE NAME
CREATED	01/11/18	1752	CTO
CTO AMENDMENT	01/11/18	1752	CTO
CTO TICKETED	01/11/18	1752	CTO
ADJUSTED	01/11/18	1752	CTO

I certify that the electronic signatures listed above are valid and on file.

SIGNED

DATE

Trip on Jan 15, 2018

Locator: **RBBICY**

Date: **Jan 11, 2018**

Traveler

(b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

THIS IS YOUR OFFICIAL RECEIPT FOR TRAVEL
PLEASE RETAIN FOR VOUCHERING OR
REIMBURSEMENT PURPOSES.

Customer Number

294X3JL

Agent

OJ

----- IMPORTANT TRAVELER INFORMATION -----
IF TICKET NUMBER IS NOT REFLECTED ON THIS ITINERARY,
THIS AIR RESERVATION WILL AUTOMATICALLY BE CANCELLED
72 HOURS PRIOR TO TRAVEL DATE IF APPROVAL OR
ORDERS ARE NOT RECEIVED FOR TICKETING DUE TO AIRLINE
FARE RULES. THE TRAVELER IS RESPONSIBLE FOR
CANCELLING ALL ASSOCIATED HOTEL AND CAR RESERVATIONS
TO AVOID ANY NO-SHOW PENALTIES.

IF RESERVATION CONTAINS REFERENCE TO AN AMC FLIGHT
AMC /AIR MOBILITY COMMAND/ RESERVATIONS REQUIRE YOU
TO CHECK IN NO LATER THAN 2 HOURS AND 20 MINUTES
PRIOR TO THE SCHEDULED AMC FLIGHT DEPARTURE.
IF YOU NEED TO CANCEL YOUR AMC RESERVATION OR ARE
UNABLE TO MAKE THE SCHEDULED FLIGHT, YOU MUST
CONTACT YOUR NAVY PASSENGER TRANSPORTATION OFFICE
OR THE PASSENGER TERMINAL AT YOUR AMC DEPARTURE
POINT. ANY TRAVELERS ARRIVING AFTER THE NLT TIME
RISK FORFEITING THEIR RESERVATION.

AMC RESERVATIONS ARE NOT IN DTS
DO NOT ACCESS DTS TO MAKE CHANGES TO AMC FLIGHTS.

AIR/RAIL TRANSPORTATION EXPENSES ON THIS ITINERARY
ARE BILLED TO AN INDIVIDUALLY BILLED ACCOUNT.
THESE EXPENSES ARE REIMBURSABLE TO THE TRAVELER.

Monday, January 15, 2018

Confirmation **MKG13S**



Flight UNITED AIRLINES 662

DEPARTURE
SAN DIEGO, CA
7:50 AM, Jan 15, 2018

ARRIVAL
SAN FRANCISCO/SFO
9:32 AM, Jan 15, 2018

Status	Confirmed
Class	Coach Class - Y
Duration	01:42 (Non-stop)
Equipment	Airbus Jet
Meal Service	None
Reserved Seats	35C
Frequent Flyer	UAMH564315
Notes	DEP-TERMINAL 2 ARR-TERMINAL 3

Monday, January 15, 2018

Confirmation **MKG13S**



Flight UNITED AIRLINES 893

DEPARTURE
SAN FRANCISCO/SFO
10:45 AM, Jan 15, 2018

ARRIVAL
SEOUL INCHEON INT, KOREA
4:20 PM, Jan 16, 2018

Status	Confirmed
--------	-----------

Class Coach Class - Y
 Duration 12:35 (Non-stop)
 Equipment 789
 Meal Service Lunch
 Reserved Seats 33B
 Frequent Flyer UAMH564315
 Notes DEP-INTERNATIONAL TERMINAL

Thursday, March 15, 2018

Confirmation **MKG13S**



Flight UNITED AIRLINES 892

DEPARTURE
SEOUL INCHEON INT, KOREA
5:05 PM, Mar 15, 2018

ARRIVAL
SAN FRANCISCO/SFO
11:30 AM, Mar 15, 2018

Status Confirmed
 Class Coach Class - S
 Duration 10:25 (Non-stop)
 Equipment 789
 Meal Service Dinner
 Reserved Seats 30D
 Frequent Flyer UAMH564315
 Notes ARR-INTERNATIONAL TERMINAL

Thursday, March 15, 2018

Confirmation **MKG13S**



Flight UNITED AIRLINES 497

DEPARTURE
SAN FRANCISCO/SFO
1:10 PM, Mar 15, 2018

ARRIVAL
SAN DIEGO, CA
2:44 PM, Mar 15, 2018

Status Confirmed
 Class Coach Class - S
 Duration 01:34 (Non-stop)
 Equipment Boeing 737-800
 Meal Service Refreshment
 Reserved Seats 24D
 Frequent Flyer UAMH564315
 Notes DEP-TERMINAL 3
 ARR-TERMINAL 2

Name	Invoice / Ticket / Date	Base	Tax 1	Tax 2	Tax 3	Total
(b)(3)(10 USC § 130b), (b)(4), (b)(7)(C)	15019/0167037337133/11JAN18	USD 1,070.00	36.60US	5.65YC	61.86XT	1,174.11
Total Amount						1,174.11

Form of Payment: VIXXXXXXXXXXX4671

GENERAL INFORMATION

 LOCAL OFFICE HOURS/ MONDAY-FRIDAY 730AM-330PM
 EXCEPT TUESDAY 830AM-330PM
 GOVERNMENT RESERVATIONS.24HR...855-744-4658
 GOVERNMENT FAX.....866-507-1007
 EMERGENCY WORLDWIDE COLLECT.....210-877-3255

TO COMPLETE A CUSTOMER SERVICE SURVEY GO TO
 WWW.CWTSATOTRAVEL.COM.

 ** FOR AIRPORT SECURITY INFORMATION SEE WWW.TSA.GOV **

PLEASE VISIT WWW.CARLSONWAGONLIT.COM/AIRLINEBAGGAGEFEES
 FOR BAGGAGE FEE INFORMATION. CHECK OPERATING CARRIER
 FOR ALLOWANCE IF TRAVELING ON CODE SHARE FLIGHTS.

YOUR SABRE REFERENCE IS **G6F0**

AIR FARE PAID BY IBA -TRAVELER AUTHORIZED REIMBURSEMENT.
AIR FARE PAID BY CBA -TRAVELER NOT AUTHORIZED REIMBURSEMENT.

FOR ADDITIONAL INFORMATION SEE-
WWW.DEFENSETRAVEL.DOD.MIL

DTS - UNUSED PAPER TICKETS MUST BE RETURNED TO CTO FOR REFUNDING - IF NOT RETURNED NO REFUND

INTERNATIONAL TRAVELER ENTERING OR LEAVING THE U.K., AND INBOUND INTERNATIONAL TRAVELERS TO CANADA AND THE U.S., WHO ARE CARRYING ELECTRONIC OR BATTERY-POWERED DEVICES - INCLUDING MOBILE TELEPHONES, TABLETS, E-BOOKS, LAPTOPS, ETC. - MAY BE REQUIRED TO TURN ON THEIR DEVICE IN FRONT OF SECURITY TEAMS AND/OR DEMONSTRATE THE ITEMS FUNCTIONALITY. IF UNABLE TO TURN ON YOUR DEVICE, YOU MAY BE DENIED BOARDING.

CHECKIN-IN 3 HOURS PRIOR TO FLIGHT DEPARTURE
RECONFIRM INTERNATIONAL FLIGHTS 72 HOURS PRIOR TO DEPARTURE.

PASSPORT REQUIRED FOR THIS TRIP.

PLEASE CARRY PROOF OF CITIZENSHIP FOR ENTRY PURPOSES. U.S.CITIZENS AND LAWFUL PERMANENT RESIDENTS WHO TRAVEL DIRECTLY BETWEEN PARTS OF THE UNITED STATES, WHICH INCLUDES GUAM, PUERTO RICO, U.S. VIRGIN ISLANDS, AMERICAN SAMOA, SWAINS ISLAND AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS-CNMI, WITHOUT TOUCHING AT A FOREIGN PORT OR PLACE, ARE NOT REQUIRED TO PRESENT A VALID U.S. PASSPORT OR U.S. GREEN CARD. HOWEVER, IT IS RECOMMENDED THAT TRAVELERS BRING A GOVERNMENT ISSUED PHOTO ID AND COPY OF BIRTH CERTIFICATE. DOD TRAVELERS TRANSITING THROUGH THE REPUBLIC OF CHINA-E.G.,MAINLAND CHINA, HONG KONG AND TAIWAN - WITHIN A 24 HOUR PERIOD MUST POSSESS A VALID PASSPORT.

FARES ARE NOT GUARANTEED UNTIL TICKET HAS BEEN ISSUED. FOR TRAVEL ASSISTANCE WHILE OVERSEAS CALL OUR 24 HOUR EMERGENCY CENTER COLLECT AT 210-877-6828 OR THE AIRLINE YOU HAVE NOT BEEN PROVIDED A PAPER AIRLINE TICKET. YOU ARE TRAVELING UNDER THE ELECTRONIC TICKET PROCESS. YOU MUST CHECK-IN AT THE AIRPORT TO RECEIVE A BOARDING PASS WHICH WILL REFLECT THE SEAT ASSIGNMENT SHOWN ON THIS ITINERARY.

CWTSATOTRAVEL GOVERNMENT RATES PROGRAM CONTAINS 11,061 HOTEL PROPERTIES.

DID YOU KNOW?

JTR 2400 MAKE THE USE OF THE COMMERCIAL TRAVEL OFFICE MANDATORY FOR ALL OFFICIAL AIRLINE AND RENTAL CAR ARRANGEMENTS.

EQUALLY, CWTSATOTRAVEL WILL MAKE YOUR HOTEL RESERVATION WITH YOUR AIRLINE AND CAR ARRANGEMENTS TO ENSURE ALL YOUR TRAVEL ARRANGEMENTS ARE TOGETHER ON ONE ITINERARY!!! CWTSATOTRAVEL ALWAYS ENSURES YOU ARE STAYING AT FEMA APPROVED PROPERTIES AT THE BEST AVAILABLE GOVERNMENT RATE.

855-744-4658-A

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

09NOV18

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN

M/W/NEE7/I [redacted] (b)(6), (b)(7)(C)

INTERVIEW WITH [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN

1. On 07Nov18, Reporting Agent (RA) interviewed [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN Naval Special Warfare Group One. As background, in an interview [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, Naval Special Warfare Group One, stated he learned about the allegations against S/GALLAGHER from [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) Naval Special Warfare Basic Training Command [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) took the limited information he had from [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) and informed [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) about the allegations. After that, [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) claims he and [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) spoke to [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) Staff Judge Advocate, Naval Special Warfare Group One.

2. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated he was the [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) of SEAL Team Seven (ST7) from [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

3. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated he first heard about the allegations against S/GALLAGHER in [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) was called by ST7 [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) because they were [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) to talk to him about S/GALLAGHER. From that meeting, [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) learned the platoon was "extremely pissed off" at S/GALLAGHER because of some petty theft issues on deployment. The platoon members also explained that S/GALLAGHER was using the platoon members as bait during operations. The platoon also described that at one point a detainee was brought in to the platoon and two medics were working on the detainee to provide medical treatment. At some point S/GALLAGHER walked up and "fuckin stabbed the dude multiple times." [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated after the meeting, [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) came to him with these allegations against S/GALLAGHER. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) confirmed that in late 2017, likely Dec17, he knew about the allegations against S/GALLAGHER. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) and [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) did not know at that time exactly what to do with this information. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) The information was not forwarded to anyone else by [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) at this [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C).

4. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) decided they needed to pull S/GALLAGHER from [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) position as an instructor at SOUC. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) said he decided this was not the type of person they wanted up in front of students and teaching new SEALs if the allegations were true. The decision to pull S/GALLAGHER was made by [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C). By Jan18 or Feb18, the platoon members were still frustrated because they felt nothing was being done. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) said they spent four to six weeks [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C).

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attempting to figure out how to handle the situation. [redacted] acted as an in-between for the platoon members and [redacted] said at some point in Jan18 or Feb18, he and [redacted] called the Group One JAG. [redacted] said the JAG's response was "Unless people come forward and make a statement, put pen to paper, it's basically a rumor." [redacted] said he never spoke directly with the platoon members about the situation.

6. [redacted] was asked which JAG she spoke to and he stated it was [redacted] whenever he has called over to speak to a JAG, he either speaks with [redacted] USN, Staff Judge Advocate, Naval Special Warfare Group One. [redacted] was almost certain it was [redacted] he spoke to.

7. In Jan18 or Feb18, S/GALLAGHER came to [redacted] office for an office call. [redacted] was present for this encounter. S/GALLAGHER was insistent that none of the allegations against him were true. S/GALLAGHER was more focused on denying the theft from other platoon members. [redacted] does not believe the incident involving the ISIS prisoner was discussed in anyway.

8. In late Apr18 or May18, after S/GALLAGHER was selected for Senior Chief, [redacted] had S/GALLAGHER come to his office to sign paperwork that put his promotion on hold. During this meeting, the allegations against him were not discussed.

9. [redacted] stated he did not report the allegations to any other officers other than [redacted] the call he made to the JAG.

10. The interview was recorded in its entirety. A copy of the recording is attached as Enclosure (A). This report is a summary of the interview and not intended to replace the recording.

ENCLOSURE(S)

(A) DVD CONTAINING THE INTERVIEW WITH [redacted] 07NOV18

REPORTED BY: [redacted] Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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CD enclosure - Withheld in total

NCIS redactions: (b)(6), (b)(7)(C)

COMNAVSPECWARCOM redactions: (b)(3) (10 USC § 130b), (b)(3) (50 USC § 3024(i)), (b)(6), (b)(7)(C)

CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 06APR18-SWND-0206-7HNA on S/GALLAGHER, EDWARD RYAN/CPO USN
(Case Control Number (CCN) (Subject Name/Title))

Enc (A) to Exh (131) contains the following additional material on

Disc containing interview of (b)(3) (10 USC § 130b), (b)(6), (b)(7)(C) 07NOV18

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE

LOCATION NUMBER

(To be completed by Code 11C13)

Grand Jury

X - Rays

Video Tapes

Audio Tapes

Photographs (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)

Polygraph Material

Source Envelope

Other CD/DVD/BD-R
(Description)
