#### PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : May 19, 2006

mail account:		a Hotmail.
have been informed of my courch warrant. In full unders o made.	nstitutional right to refuse to permit this search landing of this right, I have nevertheless decide	in the absence of a d to permit this search to
his search may be conducted roby give my permission to e desired for investigative p	on <u>or before 19MAY2007</u> by <u>Represent</u> remove and retain any property or papers found in page 15 to 1	stives of NCIS, and I I during the search which
make this decision freely and comises extended to me.	voluntarily, and it is made with no threats hav	ing been made or
A CONTRACTOR OF THE PARTY OF TH	Sign	V <sub>k</sub> :
Challed Beyord and	Service	· · · ·
MES OF SEARCH	11/02	
ant:	1407 19MAY06	b76

ENCLOSURE (A)



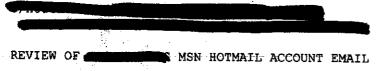
### U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

//PE/24D1/23B//

INVESTIGATIVE ACTION

31MAY06

CONTROL: 08MAY06-MEBJ-0357-7HMA



1. On 19MAY06, emails for were obtained with regard to this Iraqi civilian death investigation with alleged involvement of multiple U.S. Marines from the First (1st) Squad, Second (2nd) Platoon, Kilo Company, Third (3rd) Battalion, 5th Marine Regiment (3/5), 1st Marine Division, Camp Pendleton, CA. A Permissive Authorization for Search and Seizure (PASS) was obtained from prior to NCIS recovering and reviewing emails, enclosure (A) pertains. Participants Investigative Computer Specialist (ICS), NCIS Pacific Cyber Division (PCD), and Analyst, PCD, obtained "Hotmail" account emails and reviewed them. Specifically, "MSN Hotmail" account: hotmail.com", with password: by PCD personnel and assessed for any information which could assist in this investigation to date. Review by PCD personnel determined emails being present in was user account.

signed the PASS on 19MAY06, it legally enabled PCD personnel to access his "Hotmail" user account because the subject gave NCIS permission to do so. All subjects involved with this investigation signed these PASS' while they were still present in Iraq on 19MAY06. These PASS' were then faxed to NCISHQ and then subsequently faxed to PCD located in San Diego, CA. Again, all emails were obtained via a PASS and not via contact of Web-based Email Internet service companies with a NCIS Preservation Letter (PL): When subject PASS was obtained, PCD personnel accessed the subject user account. NCIS PCD personnel logged onto the Internet from a NCIS workstation computer located at PCD. While at the "Hotmail" website, on the Internet, PCD personnel with suser id and password, logged into the "Hotmail" Internet web-based email account. They then began to print all the emails present in the user account on the date of 19MAY06. All emails obtained give a "snapshot picture in time" of all email in success user account as of 19MAY06. All folders associated with this email account were accessed. These folders included the Inbox, Sent box, Draft, Trash, and any other folders PCD personnel may have come across when obtaining copies of all emails located in this accessed email account.

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3. In the emails obtained from inbox, personal emails regarding personal relationship problems, family members, contacts, and jokes were the only email related items present. It was also

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WARNING

EXHIBIT AS 34

SUBJ:

### U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

might have user accounts at the noted by PCD personnel that following Internet sites:

Myspace.com

Account ID: Unknown

Password:

Livejournal.com

Account ID: Unknown

Password: Unknown

Somasd.com

Account ID: Unknown

Password: Unknown

ated to this investigation was noted as being present, enclosure (B) pertains. No information was deleted or manipulated by PCD personnel in any manner, other than printing emails. No further information obtained.

#### **ENCLOSURES**

Permissive Authorization for Search and A) 4 Seizure/19MAY06

Emails/19MAY06

#### **PARTICIPANTS**

Investigative Computer Specialist, NCIS Pacific Cyber Division, San Diego, CA

Cyber Analyst, NCIS Pacific Cyber Division, San Diego, CA

REPORTED BY:

SPECIAL AGENT

OFFICE:

PACIFIC CYBER DIVISION/24D5

# PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Dete: May 12, 2006

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		, after being advise	d by
SIECOLE: CERN	to N	val Criminal Investig	dive Service is
conducting an arrestigation and	Wall wichelone Article !	RIMIRDERS Articl	e \$1 (Conspicacy).
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		address Carrier	@HotmAil.com
Partie	,		
			. \$
I have been informed of my consti- search warment. In full understand be made.	intional right to refuse to p ing of this right, I have nev	ermit this search in the eartheless decided to p	e absence of a armit this search to
This search may be conducted on	on hellow 10MAY2000	lor Remementatives	of NCIS and I
hereby give my permission to run	own and origin any property	or naners found durin	or the search which
are desired for investigative purpo	napa Poddo urino rocemer amb landamed		1:
we desired for transfers a barbo			
I make this decision freely and vo	hmearily, and it is made wi	h no threats having be	en made or
promises extended to me.		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	A 86 (1 - 1/1) (1 - 1/1)
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NC13 5580/21 (Rev. 08/2001)

ENCLOSURE (A)

### NAVAL CRIMINAL INVESTIGATIVE SERVICE

### **DELETED PAGE INFORMATION SHEET**

Page(s) 35	0-4	72	End	(B)	40	31	May 00
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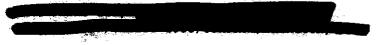
## U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

//PE/24D1/23B//

INVESTIGATIVE ACTION

31MAY06

CONTROL: 08MAY06-MEBJ-0357-7HMA



MSN HOTMAIL ACCOUNT EMAIL

 On 19MAY06, emails for a were obtained with regard to this Iraqi civilian death investigation with alleged involvement of multiple U.S. Marines from the First (1st) Squad, Second (2nd) Platoon, Kilo Company, Third (3rd) Battalion, 5th Marine Regiment (3/5), 1st Marine Division, Camp Pendleton, CA. A Permissive Authorization for Search and Seizure (PASS) was obtained from prior to NCIS recovering and reviewing emails, enclosure (A) pertains. Participants Investigative Computer Specialist (ICS), NCIS Pacific Cyber Division (PCD), and PCD, obtained "Hotmail" account emails and reviewed them. Specifically, "MSN Hotmail" email account: l@hotmail.com", with password: was accessed by PCD personnel and assessed for any information which could assist in this investigation to date. Review by PCD personnel determined emails being present in user account.

- signed the PASS on 19MAY06, it legally enabled PCD personnel to access his "Hotmail" user account because the subject gave NCIS permission to do so. All subjects involved with this investigation signed these PASS' while they were still present in Iraq on 19MAY06. These PASS' were then faxed to NCISHQ and then subsequently faxed to PCD located in San Diego, CA. Again, all emails were obtained via a PASS and not via contact of Web-based Email Internet service companies with a NCIS Preservation Letter (PL). When subject PASS was obtained, PCD personnel accessed the subject user account. NCIS PCD personnel logged onto the Internet from a NCIS workstation computer located at PCD. While at the "Hotmail" website, on the Internet, PCD personnel, with id and password, logged into the "Hotmail" Internet web-based email account. They then began to print all the emails present in the user account on the date of 19MAY06. All emails obtained give a "snapshot picture in time" of all email in user account as of 19MAY06. All folders associated with this email account were accessed. folders included the Inbox, Sent box, Draft, Trash, and any other folders PCD personnel may have come across when obtaining copies of all emails located in this accessed email account.
- 3. In the emails obtained from account, personal emails regarding personal relationship problems, family members, contacts, and jokes were the only items present, enclosure (B) pertains. It was also determined maybe seeking membership into an

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EXHIBIT /6 WARNING

SUBJ:

### U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

organization designated as the "KKK" (NFI), enclosure (C) pertains. It was also noted by PCD personnel, might have a user account at the following Internet site:

Myspace.com Account ID: Unknown Password: Unknown

No information was deleted or manipulated by PCD personnel in any manner, other than printing emails. No further information obtained.

#### **ENCLOSURES**

A) Permissive Authorization for Search and Seizure/19MAY06

B) Emails/19MAY06

Emails/19MAY06

#### **PARTICIPANTS**

Investigative Computer Specialist, NCIS Pacific Cyber Division, San Diego, CA

Cyber Analyst, NCIS Pacific Cyber Division, San Diego, CA

REPORTED BY:

OFFICE:

PACIFIC CYBER DIVISION/24D5





Date: May 19, 2006

that the Naval Criminal Investigative Service is conducting an investigation into _UCMI violations Article 118 (MURDER). Article 81 (Conspiracy). Article 128 (Assault) and Article 134 (Kidnapping)
Conducting an investigation into UCMJ violations Article 118 (MURDER). Article 81 (Conspiracy).  Article 128 (Assault) and Article 134 (Kidnapping) have been requested to permit a search of my Email accounts.  Email address  Password  I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.  This search may be conducted on or before 19MAY2007 by Representatives of NCIS and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.  I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.  Signeon
Email account:  Pessword  I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.  This search may be conducted on or before 19MAY2007 by Representatives of NCIS, and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.  I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.  Signeon.
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NCIS 5580/21 (Rev. 08/2001)

ENCLOSURE (A)

# NAVAL CRIMINAL INVESTIGATIVE SERVICE

### **DELETED PAGE INFORMATION SHEET**

Page(s) 496-642 Encl (B) to 31 May 00
T.D. ((Exh(184))
withheld entirely at this location. One or more of the following explain this decision:
Deleted under exemption(s)
Documents originated with other government agency(ies).  Referred for review and direct response to you.
Pages contain information furnished by other government agency(ies). We will advise you of releasability of information following consultation with agency(ies).
Comments: Mod provided

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#### **U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

//PE/24D1/23B//

INVESTIGATIVE ACTION

05JUN06

08MAY06-MEBJ-0357-7HMA CONTROL:



RESULTS OF INTERVIEW WITH

- On 05Jun06, Reporting Agent (RA) interviewed G6, First Marine Division (1MARDIV), USMC, regarding the policy and procedures used to store/retain government email accounts of U.S. Marines and a U.S. Navy corpsman assigned to the Third (3rd) Battalion, Fifth (5th) Marine Regiment (3/5), 1MARDIV, Marine Corps Base (MCB) Camp Pendleton, CA. The interview was conducted in building 1594 aboard MCB Camp Pendleton, CA.
- According to when 3/5 U.S. Marines/Sailors deploy from MCB Camp Pendleton to Iraq, their Microsoft Outlook email storage file (.pst files) is forwarded to email servers in Iraq. Following the movement of the file to Iraq there is no copy of the email files, folders, etc., retained at Camp Pendleton. latest "relief in place" from 3/5, 1MARDIV occurred in February 2006. confirmed that government emails from the April - May 2006 timeframe should be located on the email servers in Iraq. also stated that government email accounts of Navy corpsmen deploying with 3/5 should be located on the same email server.

provided the G6 point of contacts in theatre as: 🔜 IMEF Data Officer, DSN: 🚄 IMEF Operations Officer, DSN: should have direct access to email advised that oversees all data operations.

BIOGRAPHICAL DATA

EMPLOYMENT: 1MARDIV ISMO, G6

RESIDENCE: BUILDING 1594, MCB CAMP PENDLETON

OTHER:

PHONE:

REPORTED BY:

OFFICE:

PACIFIC CYBER DIVISION/24D5

EXHIBIT (25

WARNING

IN:SSD #17094 OUT:TEMPLATE

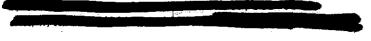
#### U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

//PE/24D1/23B//

INVESTIGATIVE ACTION

20JUN06

CONTROL: 08MAY06-MEBJ-0357-7HMA



SEARCH AUTHORIZATION FOR DIGITAL IMAGES

1. On 20Jun06, Reporting Agent (RA) and Participating Agent (PA)

Headquarters Battalion, First Marine Division (1MARDIV) (Rein), USMC,
to submit an Affidavit for Search Authorization of electronic media.

Deputy Staff Judge Advocate (SJA), 1MARDIV,
USMC, was present and administered the oath to RA, who certifies the
details of the affidavit are correct and accurate. The search
affidavit specifically requested the search of electronic media for
digital photographs pertaining to the death of V/AWAD.

- 2. RA presented a search affidavit to for authorization to search the following personally owned items which were seized on 16May06 and 18May06 from Battalion, Fifth Marines (3/5), USMC:
  - 1) Sager laptop and internal hard disk drive
  - 2) Olympus digital Camera
  - 3) Scandisk 256MB thumb drive
  - 4) 3,5" dises

Enclosure (A) is the affidavit for Search Authorization -

In addition, the search affidavit requested authorization to search the following personally owned items seized on 18May06 and 20May06 from 3/5, USMC:

- 1) IPod
- 2) Lexar 256 memory card
- 3) Nikon 4600 digital camera

Enclosure (B) is the affidavit for Search Authorization

Naval Criminal Investigative Service (NCIS) Evidence Custody

Documents (ECD's) listing the above-mentioned items were attached to
the affidavit and presented to Enclosure (C) is the
Supporting Affidavit Attachment - Annual Annual Annual Enclosure

bic

3. read the affidavit and approved the search of the above-mentioned items for digital images. Enclosures (D) and (E) are Command Authorization for Search and Seizure.

PARTICIPANT (S)

Special Agent, NCISFO Camp Pendleton, CA

ENCLOSURE (S)

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Page 1

WARNING

EXHIBIT (186

THIS DOCUMENT IS THE PROPERTY OF THE MAYAL CRIMINAL INVESTIGATIVE SERVICE CONTENTS MAY BE DISCLOSED ONLY TO PRESCHE MAKE OFFICIAL DUTIES RECORDS ACCESSED A SERVICE.

1830THORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

SUBJ:

# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

(A) Affidavit for Search Authorization

/20Jun06

(B) Affidavit for Search Authorization -

0.30006

(C) Supporting Affidavit Attachment

20Jun06

(D) Command Authorization for Search and Seizure -

20Jun06

(E) Command Authorization for Search and Seizure -

0Jun06

REPORTED BY:

OFFICE:

PACIFIC CYBER DIVISION/24D5

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### Affidavit ( Nearch Authorization

# **Naval Criminal Investigative Service**

# UNITED STATES OF AMERICA VS.

BEFORE the Commanding Officer, HOBN, IMARDIV (REIN)

The undersigned, being duly sworm, requests authority to search:

The property.

Laboratory, San Diego, CA, specifically a Sager laptop, Olympus digital Camera, Scandisk 256MB thumbdrive, 3.5" discs, and related media to include but not limited to other computer related storage media.

Believing that there is now being concealed certain property, namely: Digital images pertinent to the death of Hashim Ibrahim AWAD.

The request for authorization to search and seize is made in connection with an investigation into the offensels) of :

inte the official() of : UCMJ Article 81 (Conspiracy)

UCMJ Article 118 (Murder)

UCMJ Article 121 (Larceny)

UCMJ Article 128 (Assault)

UCMJ Article 134 (Kidnapping)

The facts and circumstances known to me tending to establish the foregoing grounds for authorization to search and scize, including comments demonstrating the reliability of the information and/or informant, are as follows:

See Attached Affidavit.

U

Signature of Affiant

Representative, Naval Criminal Investigative Service

Sworn to before me, and subscribed in my presence, this 20th day of June. 2006.

Signature of Person Administering Oath

tank Service. Title USMC /SMADIN STA

bre

Page 1 of 1

(Formerly NCISFORM 023/08-92)

18347

ENCLOSURE (A)



# **Naval Criminal Investigative Service**

#### UNITED STATES OF AMERICA VS.

BEFORE the Commanding Officer, HOBN, IMARDIV (REIN)

The undersigned being duly sworn, requests authority to search: presently stored at the Regional Computer Forensic Laboratory. The property of San Diego, CA, specifically in IPOD, Lexar 256 memory card, Nikon 4600 digital camera, and related media to include but not limited to other computer related storage media.

Believing that there is now being concealed certain property, namely: Digital images pertinent to the death of Hashim Ibrahim AWAD.

The request for anthorization to search and seize is made in connection with an investigation into the offcase(s) of: UCMJ Article \$1 (Compiracy)

UCMJ Article 118 (Murder)

UCMJ Article 121 (Larceny) UCMJ Article 128 (Assault)

UCMJ Article 134 (Kidnapping)

The facts and circumstances known to me tending to establish the foregoing grounds for authorization to search and seize, including comments demonstrating the reliability of the information and/or informant, are as follows:

See Attached Affidavit.

Signature of Affiant

Representative, Naval Criminal Investigative Service

Sworn to before me, and subscribed in my presence, this 20th day of June. 2006.

Signature of Person Administering Oath

Rank, Service, Title

647

(Formerly NCISFORM 023/08-92)

AND CONTRACTOR OF THE PARTY OF

#### AFFIDAVIT FOR AUTHORIZATION FOR SEARCH AND SEIZURE

I, Special Agent (MCIS) (hereinafter your affiant) do hereby solemnly swear to:

1. Your affiant is a duly swom Federal Law Enforcement Officer. I have been a Special Agent with the Naval Criminal Investigative Service (NCIS) since 22Sep03. I have over 13 years of combined military and civilian computer experience. In 1992, I began my four-year enlistment with the United States Air Force, where I served as a computer operator. After four years of active duty, I served an additional two years in the United States Air Force Reserve, obtaining the rank of Staff Sergeant. My civilian experience includes eight years of support to the Naval Education and Training Command (NETC), Pensacola, Florida, where I worked as computer analyst and served as Task Manager for web services and software development. I am a graduate of the University of West Florida, obtaining my Bachelors of Science Degree in Computer Science in 2002. I am presently assigned to the NCIS Resident Agency, Okinawa, Japan. A partial listing of your affiant's training is listed as follows:

Criminal Investigator Training Program, Federal Law Enforcement Training Center, Glynco, GA (2004)

Naval Criminal Investigative Service Basic Add On, Federal Law Enforcement Training Center, Glynco, GA (2004)

Seized Computer Evidence Recover Specialist, Federal Law Enforcement Training Center, Glynco, GA (2004)

Encase Forensic Software Intermediate Analysis, Guidance Software, Sterling, VA (2004)

Encase Advanced Computer Forensics, Guidance Software, Sterling, VA (2004)

Introduction to Networks and Computer Hardware, Department of Defense Computer Investigations Training Program, Linthicum, MD (2004)

- I have conducted numerous forensic computer examinations in support of NCIS investigations. Computer examinations require knowledge of software applications, data storage, data communications, computer hardware, and computer/network configurations.
- 3. As a result of your Affiant's training and experience, I have learned that computer operating system, files, and hardware information are items of evidence that can be retrieved through a thorough computer forensic examination.
- 4. This affidavit is made in support of an application for search of electronic media for digital images pertaining to the death of Hashim Ibrahim AWAD. Qualified computer forensic examiners working at the Regional Computer Forensic Laboratory (RCFL), San Diego, CA, will conduct the electronic media examinations. The search will include a forensic examination of the following items and associated computer related storage media:

Items seized on 16May06 and 18May06 from 1

2d Ph, K Co, 3/5

2d Plt, K Co. 3/5

- 1) Sager laptop
- 2) Olympus digital Camera
- 3) Scandisk 256MB thumbdrive
- 4) 3.5" discs

Items seized on 18May06 and 20May06 from

- 1) IPOD
- 2) Lexar 256 memory card
- 3) Nikon 4600 digital camera

See attached Evidence Custody Documents.

Lac

648 ENCLOSURE (C)

20 JUN 2006

Page 1 of

NCIS Agents serving in NCISRA Camp Fallujah, Iraq seized the above-mentioned items via Command authorized search and seizure. The items are currently located at RCFL, San Diego. The items to be examined constitute evidence, fruits, and instrumentalities of violation of the following Articles of the UCMJ: -Article \$1, Conspiracy -Article i 18, Murder -Article 121, Larceny -Article 128, Assault -Article 134, Kidnapping Currently, both lire assigned to Headquarters Battalion, 1st Marine Division (Rein). The following paragraphs (6) through (8) detail investigative measures as documented by Special Agents currently serving in NCISRA Camp Fallujah, Iraq. 6. On 04May06.4 PUSMC, SIA, Regimental Combet Town Five (RCT-5), contacted NCISRA Camp Failigah, irac concerning a complaint by Hashim AWAD, was taken from his house and killed by Marines on 26Apr06 near Abu Ghurayh, Iraq. J stated on 01 May06, TF 1/1 Chromits, received a complaint from alleging Marines had HASHIM from his residence and killed him. the incident said he lives 30s away and saw the Marines come to occurred on 26APR06 between 0200 - 0300. HASHIM's home and take him away. The next day # learned that HASHIM was dead and that the Marines had brought him to the Iraqi Pelice Department with a shovel and AK-47.4 neighbor, If told him that same night Marines came to his house and took his shovel and AK-47. 7. On OSMay06, interviews of AWAD's family members were conducted. In addition, NCIS Agents conducted a death acene examination of the location where AWAD was shot and killed. 8. On 10 May 06, screening interviews of Marines with of 2 ND Platoon, Kilo Company, 3/5, identified

8. On 10May06, screening interviews of Marines with of 2<sup>ND</sup> Platoon, Kilo Company, 3/5, identified the Poeing upset with what happened the night Hashim AWAD was killed by his squad. All the Interviewed and referred that

to going into Hashim AWAD's house, removing him from the house and taking him to a location and killing him.

It stated once they killed Hashim AWAD they all staged the death scene to make it appear as though there was a small arms gunfire battle between Hashim AWAD and the aforementioned Marines.

Were subsequently interrogated and all admitted to taking a role

in conspiring and mardering Hashim AWAD. Through Hashim Awad admissions it was discovered that the Marines of the Awad the Marines of t

his knife that the first that the first test of the aforementioned Marines prior to QRF arrival. The QRF was comprised of Marines from 2<sup>th</sup> Platon, Kilo Company 3/5.

9. Affiant has reviewed voluntary statements and discovered the following statements were made referencing digital cameras and the taking of pictures related to the death of Hashim AWAD. Statements indicate that digital cameras were used and pictures were taken by the statement of the death of Hashim AWAD.

Milleranden	Statement Date, Page	Statement Quote	
	08May06, Pg 2.	I don't know for sure but once	Thomas Translation
		pictures of the dead man were t his AK 47that be ghot was colle	cind.

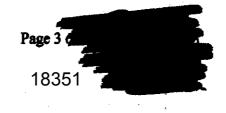
Page 2 of 4

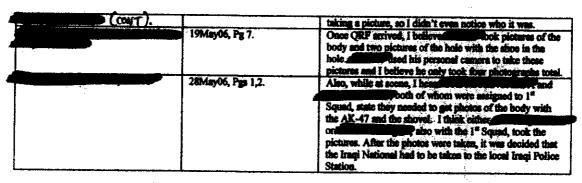
20 Jnn 2006

11May06, Pg 2.	When I got to the body there was a bunch of people gathered around the body from my squad and third squad looking at the body. Some of the people from my squad were databases, and summation When I got up there, someone from third squad was taking pictures of the body with the AK-47.  Once QRF arrived, they took pictures of the body, but I
	do not remember who from third squad actually took the pictures. No one to my knowledge took any pictures of the body until after QRF arrived. And I am sure that no one had pictures, because the pictures and everyone said too.
18May06, Pg 3.	Q: Special Again described anyone take photos before or after the shooting?  A: Yes let the Quick  Reaction Force took pictures also when they arrived, but I don't remember who on the Quick Reaction Force took the pictures.  At the shooting the shooting also who the pictures of the dead fragi mans, but someonie site in Kilo Co whose name I don't remember, but I think it was the seven ton driver, ascential the shooting the deleted the pictures and the camera.
18May06, Pg 6.	I had a comera with me that evening, but did not take any photos.  I had a comera with me that evening, but I do not know if he brought it that night or took any photos.  I had a comera because it is attached to his 782 gear. He may have been the one to take pictures, but I'm not sure. It could have been someone in the QRF teats.
18May06, Pg 5.	photographs of the Iraqi male before or after the shooting?  A:-Yes.  With his personal digital camera after he was dead.  Q: Special Agenta How many pictures of the dead lead make? I believe he took three (3)
18May06, Pg 2.	I have a digital camera, but I did not bring it with me that night. I never bring it anywhere at night because I can't have the flash going off when the squad is operating.
29Msy06, Pgs 1,2.	At this point, there were a lot of camera flashes, from what I remember. I saw substitute of the dead gay.  Leading the AK-47.  After a local process of the lead gay of the AK-47.  After a local process of the lead gay of the AK-47.  After a local process of the lead gay of the AK-47.  After a local process of the local process of the lead gay of t
29May06, Pg 2.	After impecting the scene I directed Selections was taken and that a photograph was taken from the position I. Squad was in when the incident occurred a selection indicated to me that they did not have their government issued camera and would be able to take the requisite photographs.  When the selection to take the requisite photographs.  The photographs of the scene which I later obtained in properation for the after action brief of the incident for the Buttalion Commander.
28May06, Pg 1.	I remember that somebody there took pictures, for evidence reasons, but I do not remember who that person, was.
28May06, Pg 2.	As we were all looking at the body, I recall that someous: was taking pictures of the whole scene: body area, everything. To me it didn't seem weint that someone was

**61125**5555...







USMC, 2d Pit, K Co. 3/5, personally owned computer. The death of Hashim Ibrahim AWAD were discovered. Wherein several digital images/photographs pertaining to the death of Hashim Ibrahim AWAD were discovered. Wherein several digital images a Nikon 4600 camera created the digital images. The camera is currently located at RCFL, San Diego.

- 11. Based on your affiant's knowledge, training and experience, and the experience of other law enforcement personnel, your affiant knows that searches and seizures of evidence from computers and electronic storage devices taken from the subject premises commonly require agents to seize most or all of a computer's data storage media for a qualified computer expert to accurately retrieve the media's data in a laboratory or other controlled environment. Therefore, in order to fully retrieve data from a computer system and/or electronic media, investigators must seize all magnetic storage devices as well as the central processing unit (CPUs).
- 12. The analysis of electronically stored data may entail any or all of several different techniques. Such techniques may include, but shall not be limited to, surveying various file "directories" and the individual files they contain; "opening" or reading the first few "pages" of such files in order to determine their precise contents; "scanning" storage areas to discover and possibly recover recently deleted data' scanning storage areas for deliberately hidden files; or performing electronic "key word" searches through all electronic storage areas to determine whether occurrences of language contained in such storage areas exist that are intimately related to the subject matter of the investigation.
- 13. Based on the foregoing, your affiant has probable cause to believe that digital images relating to this investigation are located on computers, thumb drives, memory cards, digital cameras, and other data storage devices. These images will show instrumentalities and evidence of violations of UCMJ articles under this investigation.

Special Agent, NCIS Pacific Cyber Division

Sworn to and subscribed to before me this 20 day of Jun 2006



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Page 4 of 4

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20 JW 2006

# **Command Authorization for Search and Seizure**

### UNITED STATES OF AMERICA

VS.

TO: Special Agent Party Naval Criminal Investigative Service
Affidavit(s) having been made before me by
That there is reason to believe that on the person of and/or on the premises known as:  The property and the property stored at the Regional Computer Forensic Laboratory, San Diego, CA, specifically a Sager laptop, Olympus digital Camera, Scandisk 256MB thumbdrive 3.5" discs, and related media to include but not limited to other computer related storage media.
which is/are under my jurisdiction,
there is now being concealed certain property, namely: Digital images pertinent to the death of Hashim Ibrahim AWAD.
I am satisfied that there is probable cause to believe that the property so described is being concealed on the person and/or premises above described and that grounds for application for issuance of a command authorized search exist as stated in the supporting affidavit(s).
YOU ARE HEREBY AUTHORIZED TO SEARCH the person and/or place named for the property specified and if the property is found there to seize it, leaving a copy of this authorization and receipt for the property taken. You will provide a signed receipt to this command, containing a full description of every item seized.
Any assistance desired in conducting this search will be sommand.
Dated this 20th day of June, 2006.
Commanding Officer Headquarters Battalion, 1* Marine Division (Rein)
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ENCLOSURE ( 1)

# Command Authorization for Search and Seizure

# UNITED STATES OF AMERICA VS.

TO: Special Agents and Market Naval Criminal Investigative Service

Affidavit(s) having been made before me by the state of the state o

That there is reason to believe that on the person of and/or on the premises known as:

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which is/are under my jurisdiction,

there is now being concealed certain property, namely: Digital images pertinent to the death of Hashim Ibrahim AWAD.

I am satisfied that there is probable cause to believe that the property so described is being concealed on the person and/or premises above described and that grounds for application for issuance of a command authorized search exist as stated in the supporting affidavit(s).

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Any assistance desired in conducting this search will be

Dated this 20th day of June, 2006.

be command.

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Commanding Officer
Headquarters Battalion, 1st Marine Division (Rein)

ENCLOSURE (F)



#### U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

//PE/24D1/23B//

INVESTIGATIVE ACTION

21JUN06

CONTROL: 08MAY06-MEBJ-0357-7HMA



RCFL REQUEST FOR FORENSIC EXAMINATION OF ELECTRONIC MEDIA

- 1. On 09Jun06, Naval Criminal Investigative Service Field Office (NCISFO) Marine Corps West Camp Pendleton, CA received several items of evidence pertaining to captioned investigation. On 14Jun06, Reporting Agent (RA) coordinated with Marine Corps West Camp Pendleton Evidence Custodian, and identified evidence (electronic media) that would be examined by the Regional Computer Forensic Laboratory (RCFL), San Diego, CA. The identified electronic media was subsequently delivered to the RCFL evidence repository on 14Jun06. Enclosure (A) is a RCFL forensic service request form and RCFL Evidence Custody intake form.
- 2. On 14Jun06, RA provided a fax-copy of a Permissive Authorization of Search and Seizure (PASS) signed by Battalion, Fifth Marines (3/5), allowing 🖥 to initiate a computer examination of personally owned computer for data pertaining to the death of V/AWAD. Enclosure (B) is a copy of a PASS form signed by
- fax-copy of a PASS form On 16Jun06, RA provided , 3/5, allowing the files on a government thumb drive that controls for Kilo Company, 3/5. Enclosure (C) is a copy of a PASS form signed by
- 4. On 20Jun06, RA provided a fax-copy of a Command Authorization for Search and Seizure, allowing to examine personally owned electronic media belonging to The search authorization permits the search of the media for digital images. Enclosure (D) and (E) are command authorizations for search and seizure for electronic media owned by and

#### ENCLOSURE (S)

Contract of the second of the second of the second

(A) RCFL Forensic Service Request and Evidence Custody Form/14Jun06

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- (B) Permissive Authorization for Search and Seizure signed by 19May06
- (C) Permissive Authorization for Search and Seizure signed by 29May06
- 20Jun06 (D) Command Authorization for Search and Seizure -
- (E) Command Authorization for Search and Seizure -

WARNING

EXHIBIT /27

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE ACCESS 183660. CONTENTS MAY NOT SE DISCLOSED TO THE PARTY S) CONCERNED WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

FOR OFFICIAL USE ONLY Page 1

### U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORTED BY:

OFFICE:

PACIFIC CYBER DIVISION/24D5

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#### WARNING

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE ACCESS

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