

CONDÉ NAST

Yesko, Parker <parker_yesko@newyorker.com>

FOIA Request -Army CID - local national victim investigations

Parker Yesko <parker_yesko@newyorker.com>
To: usarmy.belvoir.usacidc.mbx.crcfoiapa@mail.mil

Fri, May 12, 2023 at 4:11 PM

Hello,

Attached you'll find a FOIA request. Please contact me by phone or email if you have any questions about it.

Thank you,
Parker

--
Parker Yesko
Reporter
The New Yorker | Condé Nast
646-621-6611 (c)

 **20230512_Army CID_records request_local national victim investigations.pdf**
127K

Exhibit 1

THE
NEW YORKER
1 WORLD TRADE CENTER, NEW YORK, NY 10007

VIA EMAIL

May 12, 2023

Army Criminal Investigation Command
U.S. Army Crime Records Center
27130 Telegraph Road
Quantico, VA 22134
usarmy.belvoir.usacidc.mbx.crcfoiapa@mail.mil

Dear FOIA Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 et seq., The New Yorker makes the following request for records.

Background

On February 15, 2022, the Army Court of Criminal Appeals released two spreadsheets in response to a FOIA request. The spreadsheets were both lists of criminal cases, since 2001, that went to general or special court-martial, wherein the defendant had been arraigned on Article 118, 119 or 128 and the offense had been committed in Iraq or Afghanistan. The first spreadsheet contained cases where victims had been coded as local nationals. The second spreadsheet contained cases without victim codes. The spreadsheets are accessible [here](#).

The New Yorker is interested in obtaining records about the incidents underlying many of the prosecutions on the spreadsheets.

Requested Records

The New Yorker requests that Army CID produce the following records within 20 business days:

- 1) The closing/final reports from any/all investigations into incidents underlying the following prosecutions (identified below by case number and defendant's name), as well as all commander's reports of disciplinary or administrative action (DA Forms 4833) connected to those investigations:

20031142, Thomas C. Cobb
20031147, Pierre R. Jackson
20031317, John N. Niagawoe
20040046, Reuben Darnell Brinson
20040047, Reuben Darnell Brinson
20040063, Jason V. Datray
20040144, Genaro Trevino

20040322, Raymond L. Garrett
20041128, Wendell L. Dickerson
20050491, David J. Aguilar
20051456, Eric J. Lockwood
20051457, Kyle S. Rehder
20051458, Kenneth G. Roundy
20051459, Clint E. Marsh

20060700, Robert W. Calkins
20061208, Angel M. Bonilla
20070912, Timothy L. Drake
20070945, David M. Rowland
20080400, Mark A. Fripp Jr.
20080662, Virgil Dilworth
20090059, Christopher W. Smith
20100772, David L. Higgins
20120037, Bryan J. Theriot
20130345, Edgard R. Falconsantana
20030456, Allen H. Robinson
20030808, Frank L. Lewis
20030894, Scott A. Hooper
20030914, Oscar L. Nelson III
20031134, Michael R. Carr
20031139, Kevin D. Hodge
20031311, Nicholas S. Willard
20040076, John M. Willging
20040078, Samuel D. Lambert
20040138, Bonita F. Gaston
20040139, Jonathan D. Deakles
20040140, Kevin J. Williamson Jr.
20040141, Eli S. Wabnum
20040261, Richard S. Coleman
20040271, Brian A. Coyne Jr.
20040406, Donald L. Hull Jr.
20040544, Howard E. Adams
20040675, Johnny D. Ramirez
20040678, Luric L.G. Fiffie
20040681, Matthew P. Jackson
20040740, Lorenzo D. Grays
20040796, Jason G. Thymian
20040956, Opio A. Hardin
20040959, Ronal D. Hall II
20040964, Lowthair Z. Mobley
20040974, Ezekiel H. Nena
20041110, Jerid N. Guckert
20041114, Hien T. Nguyen
20041156, Rasheen K. Robinson
20041185, Germaine D. Harris
20041195, Justin J. Lillis
20041232, Dustin J. Eitniear
20041284, Christopher W. Cheeseman
20050024, Terry L. Williams Sr.
20050050, Charles K. Richard
20050196, Justin Ralph Mallery
20050210, Thomas J. Santilli
20050224, John H. Able
20050389, Okpara Arnold
20050434, Robert Mora
20050762, Gary McCarns
20050801, Edwin A. Reynoso
20050932, Cody D. McMullen
20050944, Delarrius M. Hunter
20050956, David T. Warhol
20051062, Willie L. Davis Jr.
20051095, James R. Richards
20051229, Casey J. Edwards
20051279, Dennis L. Place
20051285, Kenneth W. Clark
20051525, Steven D. Oliver
20060029, Gerald B. Beard
20060036, Willie A. Williams
20060055, Jeremy P. Calgaro
20060183, Michael North
20060186, Theotus Mickles Jr.
20060256, Joshua R. Wells
20060353, Darien J. Greenwood
20060354, Michael B. Rubenstein
20060499, Thomas M. Senna
20060596, Jason M. Alipio
20060659, Joshua S. Sutton
20060678, Samuel J. Benford
20060833, Brandon D. Bussard
20060888, Adam C. Bass
20060892, Anthony L. Chatmon
20060918, Trey M. Pitts
20060940, Vincent Quesada IV
20061063, Shope E. Oluwo
20061102, Jacob A. Snowden
20061179, Alonzo J. Blunt
20061260, Jahleel Jaja
20070005, Charles R. Timmons
20070051, Joe W. Fort III
20070054, Charles E. McAngus
20070058, Eli C. Gregory
20070089, Joe C. Marquez
20070202, Eric P. Dotson
20070226, Chris S. Rolan
20070469, Damon D. Shell
20070567, Carlos I. Sanchez
20070568, Robert T. Caro
20070569, Justin R. San Nicolas
20070578, Jachin M. Waskosky
20070718, Boria P. Montalvo
20070851, Terrence A. Norman
20070864, Virley L. Session
20070897, Durand D. Dean

20070898, Xavier L. Tafoya
20070946, Travis L. Burnette
20071034, Luis D. Pantoja-Ayende
20071173, Sean C. Jorgensen
20071350, Joshua M. Markelwitz
20071351, John Vega III
20071371, George W. Maxham
20071381, Ellis M. Odom Jr.
20080077, Alexander D. Vogel
20080216, John R. Angell
20080400, Antonio Robles-Chiru
20080410, Timothy L. Ayers
20080470, Jeremy S. Terry
20080514, Theodore W. Williams Jr.
20080528, Jack E. Holder
20080530, Supersonny R.
Gutierrezramirez
20080531, Supersonny R.
Gutierrezramirez
20080573, Thomas H. Prasenski
20080587, Phillip W. Harris
20080710, Jonszhell D.
Agnnewsimmons
20080733, Ray B. Finks Jr.
20080739, Justin S. Boyd
20080870, Brian D. Glynn
20080884, Tryan D. Abrom
20080928, Nicholas C. Caretto
20080941, Emilio R. Haro
20081001, Joshua B. Vincent
20081109, Philip L. Brand
20090054, Chad A. Gambill
20090211, Jason D. Layton
20090215, Andrew M. Bush
20090284, Mario A. Robinson
20090332, Aaron P. Stone
20090390, Dustin L. Rinehart
20090657, Bennie E. Hester
20090828, Justin L. Rinehart
20090877, Christopher L. Covington
20090994, Charles D. Beauchamp
20091090, Michael R. Bodine
20100089, Alan R. Wendelschaf
20100091, Fred R. Gossett
20100092, Ryan H. Lam
20100271, Billy J. Netherton
20100296, Stacy L. Armstrong
20100473, Matthias Daugherty
20100541, Kyle L. Roeser
20100543, Danielle M. Dance
20100656, Justin L. Symes
20100660, Daniel J. Ackley
20100674, Thomas L. Kiger
20100845, John R. Carney
20100899, Victor D. Duarte Jr.
20101030, Joseph R. Cutler
20110115, William D. Edwards
20110127, Alfred L. Pemberton
20110157, Cecil H. Woode
20110198, Trey A. Teague
20110249, Justin R. Horne
20110317, Beyshee O. Velez
20110508, Sean J. Mock
20110534, Roy L. Stiff Jr.
20110603, Luke S. Timmons
20110639, Antwione T. Hernandez
20110699, Travis M. Zimprich
20110966, Daniel C. Arizmendi
20110991, Kathleen I. McGee
20110994, Dimitri D. Fenrick
20111002, Ronald D. Skates
20111015, Michael A. Robertson
20111053, Aaron K. McIver II
20120010, William J. Lewis
20120240, Nicholas D. Bailey
20120333, Jonathan D. Ross
20120572, Bryant K. Marsh
20120573, Mario J. Hampton
20120631, Dylan N. Baker
20120662, Benjamin D. Ralston
20120790, Daniel L. Hood
20120935, Christopher A. Higgins
20130081, James E. Chambers Jr.
20130189, Diego A. Sanchez
20130240, Harold B. Hill
20130310, Gregory B. Harris
20130390, Francisco A. Perez
20130463, John M. Russell
20130486, David J. Smith
20130488, James T. Thomas
20130740, Jeremy S. Burt
20130844, Joseph R. Frescatore
20130907, Lewis M. Shepard
20130961, Douglas J. Adkins
20140009, Luis M. Gallegos
20140064, Flavian M. Castro
20140065, Israel M. Beltran
20140144, Joseph R. Frescatore

20140295, Cory R. Babinec

20140689, Aaron M. Cole

- 2) The closing/final reports from any/all investigations into incidents underlying the following prosecutions (identified below by "trial terminated" date and position on spreadsheet, since case numbers were redacted), as well as all commander's reports of disciplinary or administrative action (DA Forms 4833) connected to those investigations:

Spreadsheet 1:	12/13/03 - page 2	6/3/08 - page 60
10/17/03 - page 1	1/2/04 - page 3	11/19/08 - page 65
12/13/03 - page 1	1/7/04 - page 4	12/4/08 - page 65
1/7/04 - page 2-3	1/7/04 - page 4-5	2/24/09 - page 66
1/7/04 - page 3	1/7/04 - page 5	2/25/09 - page 66
9/5/04 - page 4	1/12/04 - page 5-6	2/8/10 - page 72
12/9/04 - page 5-6	8/5/04 - page 11-12	10/19/10 - page 75
2/14/05 - page 8	9/5/04 - page 12	10/20/10 - page 75-76
5/26/05 - page 9	12/9/04 - page 16-17	3/17/11 - page 79-80
9/2/05 - page 10-11	2/14/05, page 21	4/29/11 - page 80-81
9/3/05 - page 11	5/26/05 - page 24	6/14/11 - page 81
9/6/05 - page 11-12	9/2/05 - page 27-28	6/20/11 - page 81-82
11/4/05 - page 13	9/3/05 - page 28	6/20/11 - page 82
1/10/06 - page 14	9/6/05 - page 29	6/20/11 - page 82-83
5/4/06 - page 15	9/6/05 - page 29	6/20/11 - page 83
6/1/06 - page 15-16	11/4/05 - page 32	6/23/11 - page 83
11/15/06 - page 16-17	12/14/05 - page 33	9/14/11 - page 85
3/6/08 - page 22	1/10/06 - page 33	9/21/11 - page 85
3/14/08 - page 22	1/10/06 - page 34	10/20/11 - page 86
4/25/08 - page 22	2/23/06 - page 36	11/10/11 - page 88
5/1/08 - page 22-23	5/4/06 - page 38	11/18/11 - page 90
2/25/09 - page 25	6/1/06 - page 39	3/9/12 - page 92
3/17/11 - page 25	11/15/06 - page 42	3/26/12 - page 92
6/20/11 - page 26-27	3/8/07 - page 47	4/14/12 - page 93
6/20/11 - page 27	5/17/07 - page 49	6/25/12 - page 95
9/21/11 - page 27	5/20/07 - page 50	9/7/12 - page 97-98
3/26/12 - page 29	10/3/07 - page 54-55	10/25/12 - page 98
	3/6/08 - page 58	8/28/13 - page 104-105
Spreadsheet 2:	3/14/08 - page 58	9/11/13 - page 105
10/17/03 - page 1-2	4/25/08 - page 58	2/13/14 - page 108
12/8/03 - page 2	5/1/08 - page 58-59	9/3/14 - page 110-111

If Army CID withholds any records responsive to this request on the grounds that they are not subject to disclosure under FOIA, please inform us that you have withheld the records and on what basis. If Army CID redacts the names of any individuals, please assign a number/alias to each individual.

The New Yorker seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms "record," "document" and "information" in the broadest sense, to include any written, typed, recorded, graphic, printed or audio material of any kind. We seek all records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, email, facsimiles, telephone messages, voicemail

messages, and transcripts, notes from meetings, meeting minutes, notes from interviews, telephone conversations or discussions. The request extends to any attachments to these records. All materials should be included.

When possible, please provide responsive materials in electronic format. Please send any responsive material that must be delivered by mail to Parker Yesko, c/o Wired Magazine, 520 3rd Street, Ste. 305, San Francisco, CA 94107. If it will accelerate release of responsive records, please provide the responsive materials on a rolling basis.

Request for Fee Waiver

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), The New Yorker requests a waiver of fees associated with processing this request. This request is made as part of newsgathering and not for commercial use. The New Yorker is an award-winning magazine and website known internationally for its investigative reporting, news, cultural commentary, and films. The New Yorker aims to publish reporting in the public interest, and this disclosure of the requested records is “likely to contribute significantly to public understanding of the operations or activities of the government,” in particular, the military justice system.

If you wish to discuss any aspect of this request, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Yesko', with a stylized flourish at the end.

Parker Yesko
Reporter, The New Yorker
parker_yesko@newyorker.com
(646) 621-6611 (c)

CONDÉ NAST

Yesko, Parker <parker_yesko@newyorker.com>

Acknowledgement Email FA23-3211

1 message

Chidester, Erin L CIV USARMY HQDA USACID (USA) <erin.l.chidester.civ@army.mil>
To: Parker Yesko <parker_yesko@newyorker.com>

Wed, May 17, 2023 at 6:05 AM

Good morning,

This is in response to your request below for release of information from the files of the Department of the Army Criminal Investigation Division (DACID). Your request was received on May 12, 2023, and has been assigned case number FA23-3211.

Please know at this time there are no applicable fees for your request.

With that said, it is our policy that each request receives prompt attention, and every effort is made to treat all requesters equally. This office receives thousands of FOIA requests annually on behalf of the Department of the Army Criminal Investigation Division. DOD FOIA Regulation 5400.7-R at C1.5.4.2 and C1.5.4.3 acknowledges the reality of the situation of large volumes of requests and establishes a queuing concept, based on general fairness to the public at large. Consequently, the only fair way to address all of these requests is to work them on a first-in, first-out, easy to hard basis (whether the case is easy or difficult to complete). The actual processing time depending upon its complexity, whether it involves sensitive records, voluminous records, extensive searches, consultation with other agencies and our administrative workload. We expect to respond to your request within a 60-90 day timeframe. We hope that you can bear with us and understand our problem with volumes of requests. We do regret this delay and any inconvenience it may bring you. Your request will be processed as expeditiously as possible. You should receive a further reply in the near future.

v/r

Mrs. Erin Chidester

DACID FOIA/PA Office

27130 Telegraph Road

Quantico, VA 22134

Email: erin.l.chidester.civ@army.mil

Desk Phone: 571-305-4231

FOIA Office Email: usarmy.belvoir.usacidc.mbx.crfoiapa@army.mil

[Chat with me on Teams](#)

From: Parker Yesko <parker_yesko@newyorker.com>
Sent: Friday, May 12, 2023 7:12 PM
To: usarmy.belvoir.usacidc.mbx.crfoiapa@mail.mil
Subject: FOIA Request -Army CID - local national victim investigations

Hello,

Attached you'll find a FOIA request. Please contact me by phone or email if you have any questions about it.

Thank you,

Parker

Exhibit 2

--

Parker Yesko

Reporter

The New Yorker | Condé Nast

646-621-6611 (c)

CONDÉ NAST

Yesko, Parker <parker_yesko@newyorker.com>

FOIA Request - DOA - war crimes investigations

1 message

Parker Yesko <parker_yesko@newyorker.com>
To: usarmy.belvoir.hqda-esa.mbx.rmda-foia@army.mil

Mon, Jul 3, 2023 at 8:55 PM

Hello,

Attached you'll find a FOIA request titled "20230703_Dept of Army_records request_war crimes investigations." Please contact me if you have any questions about it.

Thanks,
Parker

--
Parker Yesko
Reporter
The New Yorker | Condé Nast
646-621-6611 (c)

 **20230703_Dept of Army_records request_war crimes investigations.pdf**
117K

Exhibit 3

THE
NEW YORKER
1 WORLD TRADE CENTER, NEW YORK, NY 10007

VIA EMAIL

July 3, 2023

Department of the Army
Freedom of Information Act Office
Records Management Directorate
9301 Chapek Road - Building 1458
Fort Belvoir, VA 22060-5605
usarmy.belvoir.hqda-esa.mbx.rmda-foia@army.mil

Dear FOIA Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 et seq., The New Yorker makes the following request for records.

Background

The New Yorker is interested in obtaining records pertaining to war crimes investigated by the Army.

Requested Records

The New Yorker requests that the Department of the Army produce the following records within 20 business days:

1. For each incident on the attached list, the commander's reports of disciplinary or administrative action (DA 4833) for all subjects of the investigation.
2. For each incident in rows 41 through 162 on the attached list, the investigation's closing report.

If an individual was convicted, we do not consent to redaction of his/her name. If an individual was not convicted (through a verdict or plea or otherwise), we consent to redaction of his/her name. We do not consent to redaction of ranks, units or case numbers in either instance.

When possible, please provide responsive materials in electronic format. Please send any responsive material that must be delivered by mail to Parker Yesko, c/o Wired Magazine, 520 3rd Street, Ste. 305, San Francisco, CA 94107. If it will accelerate release of responsive records, please provide the responsive materials on a rolling basis.

Request for Fee Waiver

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), The New Yorker requests a waiver of fees associated with processing this request. This request is made as part of newsgathering and not for commercial use. The New Yorker is an award-winning magazine and website known internationally for its investigative reporting, news, cultural commentary, and films. The New Yorker aims to publish reporting in the public interest, and this disclosure of the requested records is “likely to contribute significantly to public understanding of the operations or activities of the government,” in particular, the military justice system.

If you wish to discuss any aspect of this request, please don’t hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Yesko". The signature is stylized with a large initial "P" and a flourish at the end.

Parker Yesko
Reporter, The New Yorker
parker_yesko@newyorker.com
(646) 621-6611

Link to view/download above-referenced list of incidents:

<https://www.dropbox.com/scl/fi/gv3208gyqly5m3bj9o4md/List-of-Army-Incidents-For-Prod.pdf?rlkey=j8bcfk2erdpd56g746z6hr8mx&dl=0>

CONDÉ NAST

Yesko, Parker <parker_yesko@newyorker.com>

Auto Reply: Your message has been received

1 message

USARMY Ft Belvoir HQDA ESA Mailbox RMDA FOIA <usarmy.belvoir.hqda-esa.mbx.rmda-foia@army.mil>
To: Parker Yesko <parker_yesko@newyorker.com>

Mon, Jul 3, 2023 at 8:56 PM

Your inquiry has been received by the US Army Freedom of Information Act (FOIA) office.

Thank you for contacting us.

Army FOIA

CONDÉ NAST

Yesko, Parker <parker_yesko@newyorker.com>

FOIA Request - DOA - war crimes prosecutions

1 message

Parker Yesko <parker_yesko@newyorker.com>

Mon, Jul 3, 2023 at 8:56 PM

To: usarmy.belvoir.hqda-esa.mbx.rmda-foia@army.mil

Hello,

Attached you'll find a FOIA request titled "20230703_Dept of Army_records request_war crimes prosecutions." Please contact me if you have any questions about it.

Thanks,
Parker

--

Parker Yesko
Reporter
The New Yorker | Condé Nast
646-621-6611 (c)


 **20230703_Dept of Army_records request_war crimes prosecutions.pdf**
118K

Exhibit 5

THE
NEW YORKER
1 WORLD TRADE CENTER, NEW YORK, NY 10007

VIA EMAIL

July 3, 2023

Department of the Army
Freedom of Information Act Office
Records Management Directorate
9301 Chapek Road - Building 1458
Fort Belvoir, VA 22060-5605
usarmy.belvoir.hqda-esa.mbx.rmda-foia@army.mil

Dear FOIA Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 et seq., The New Yorker makes the following request for records.

Background

The New Yorker is interested in obtaining records pertaining to prosecutions of Army servicemembers charged with committing war crimes.

Requested Records

The New Yorker requests that the Department of the Army produce the following records within 20 business days:

1. For each individual on the attached list, their charge sheet (DD 458).
2. For each individual on the attached list, the document showing the final dispositions of all charges (judgment of guilt, judgment of acquittal, or record of other disposition).
3. For each individual on the attached list, the document showing any sentence imposed.

If an individual was convicted, we do not consent to redaction of his/her name. If an individual was not convicted (through a verdict or plea or otherwise), we consent to redaction of his/her name. We do not consent to redaction of ranks, units or case numbers in either instance.

When possible, please provide responsive materials in electronic format. Please send any responsive material that must be delivered by mail to Parker Yesko, c/o Wired Magazine, 520 3rd Street, Ste. 305, San Francisco, CA 94107. If it will accelerate release of responsive records, please provide the responsive materials on a rolling basis.

Request for Fee Waiver

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), The New Yorker requests a waiver of fees associated with processing this request. This request is made as part of newsgathering and not for commercial use. The New Yorker is an award-winning magazine and website known internationally for its investigative reporting, news, cultural commentary, and films. The New Yorker aims to publish reporting in the public interest, and this disclosure of the requested records is “likely to contribute significantly to public understanding of the operations or activities of the government,” in particular, the military justice system.

If you wish to discuss any aspect of this request, please don’t hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Yesko". The signature is stylized with a large initial "P" and a flourish at the end.

Parker Yesko
Reporter, The New Yorker
parker_yesko@newyorker.com
(646) 621-6611

Link to view/download above-referenced list of individuals:

<https://www.dropbox.com/scl/fi/erk3gs4ygdepavoi7y2p9/List-of-Army-Defendants.pdf?rlkey=i83svmqd8agzq3zu5uxiwpytp&dl=0>

Link to view/download index of underlying incidents:

<https://www.dropbox.com/scl/fi/lizgwfi7e9niv8gpebz0/List-of-Army-Incidents-All.pdf?rlkey=gy84ygkimm6d78dlbw9gvevwm&dl=0>

CONDÉ NAST

Yesko, Parker <parker_yesko@newyorker.com>

Auto Reply: Your message has been received

1 message

USARMY Ft Belvoir HQDA ESA Mailbox RMDA FOIA <usarmy.belvoir.hqda-esa.mbx.rmda-foia@army.mil>
To: Parker Yesko <parker_yesko@newyorker.com>

Mon, Jul 3, 2023 at 8:57 PM

Your inquiry has been received by the US Army Freedom of Information Act (FOIA) office.

Thank you for contacting us.

Army FOIA

CONDÉ NAST

Yesko, Parker <parker_yesko@newyorker.com>

FOIA Request - DOA - local national victim prosecutions

1 message

Parker Yesko <parker_yesko@newyorker.com>
To: usarmy.belvoir.hqda-esa.mbx.rmda-foia@army.mil

Thu, Jul 6, 2023 at 6:10 PM

Hello,

Attached you'll find a FOIA request. Please let me know if you have any questions about it.

Thank you,
Parker

--

Parker Yesko
Reporter
The New Yorker | Condé Nast
646-621-6611 (c)


 **20230706_Dept of Army_records request_local national victim prosecutions.pdf**
129K

Exhibit 7

THE
NEW YORKER
1 WORLD TRADE CENTER, NEW YORK, NY 10007

VIA EMAIL

July 6, 2023

Department of the Army
Freedom of Information Act Office
Records Management Directorate
9301 Chapek Road – Building 1458
Fort Belvoir, VA 22060-5605
usarmy.belvoir.hqda-esa.mbx.rmda-foia@army.mil

Dear FOIA Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 et seq., The New Yorker makes the following request for records.

Background

On February 15, 2022, the Army Court of Criminal Appeals released two spreadsheets in response to a FOIA request. The spreadsheets were both lists of criminal cases, since 2001, that went to general or special court-martial, wherein the defendant had been arraigned on Article 118, 119 or 128 and the offense had been committed in Iraq or Afghanistan. The first spreadsheet contained cases where victims had been coded as local nationals. The second spreadsheet contained cases without victim codes. The spreadsheets are accessible [here](#).

The New Yorker is interested in many of the prosecutions on the spreadsheets and is seeking a small set of records pertaining to each case of interest. That set of records includes:

- A. The charge sheet (DD458).
- B. The document showing the final dispositions of all charges (judgment of guilt, judgment of acquittal, or record of other disposition).
- C. The document showing any sentence imposed.

If an individual was convicted, we do not consent to redaction of his/her name. If an individual was not convicted (through a verdict or plea or otherwise), we consent to redaction of his/her name. We do not consent to redaction of ranks, units or case numbers in either instance.

Requested Records

The New Yorker requests that the Department of the Army produce the following records within 20 business days:

- 1) The set of records outlined above, for each of the following prosecutions (identified below by case number and defendant's name):

20031142, Thomas C. Cobb	20040796, Jason G. Thymian
20031147, Pierre R. Jackson	20040956, Opio A. Hardin
20031317, John N. Niagawoe	20040959, Ronal D. Hall II
20040046, Reuben Darnell Brinson	20040964, Lowthair Z. Mobley
20040047, Reuben Darnell Brinson	20040974, Ezekiel H. Nena
20040063, Jason V. Datray	20041110, Jerid N. Guckert
20040144, Genaro Trevino	20041114, Hien T. Nguyen
20040322, Raymond L. Garrett	20041156, Rasheen K. Robinson
20041128, Wendell L. Dickerson	20041185, Germaine D. Harris
20050491, David J. Aguilar	20041195, Justin J. Lillis
20051456, Eric J. Lockwood	20041232, Dustin J. Eitnrear
20051457, Kyle S. Rehder	20041284, Christopher W. Cheeseman
20051458, Kenneth G. Roundy	20050024, Terry L. Williams Sr.
20051459, Clint E. Marsh	20050050, Charles K. Richard
20060700, Robert W. Calkins	20050196, Justin Ralph Mallery
20061208, Angel M. Bonilla	20050210, Thomas J. Santilli
20070912, Timothy L. Drake	20050224, John H. Able
20070945, David M. Rowland	20050389, Okpara Arnold
20080400, Mark A. Fripp Jr.	20050434, Robert Mora
20080662, Virgil Dilworth	20050762, Gary McCarns
20090059, Christopher W. Smith	20050801, Edwin A. Reynoso
20100772, David L. Higgins	20050932, Cody D. McMullen
20120037, Bryan J. Theriot	20050944, Delarrius M. Hunter
20130345, Edgard R. Falconsantana	20050956, David T. Warhol
20030456, Allen H. Robinson	20051062, Willie L. Davis Jr.
20030808, Frank L. Lewis	20051095, James R. Richards
20030894, Scott A. Hooper	20051229, Casey J. Edwards
20030914, Oscar L. Nelson III	20051279, Dennis L. Place
20031134, Michael R. Carr	20051285, Kenneth W. Clark
20031139, Kevin D. Hodge	20051525, Steven D. Oliver
20031311, Nicholas S. Willard	20060029, Gerald B. Beard
20040076, John M. Willging	20060036, Willie A. Williams
20040078, Samuel D. Lambert	20060055, Jeremy P. Calgaro
20040138, Bonita F. Gaston	20060183, Michael North
20040139, Jonathan D. Deakles	20060186, Theotus Mickles Jr.
20040140, Kevin J. Williamson Jr.	20060256, Joshua R. Wells
20040141, Eli S. Wabnum	20060353, Darien J. Greenwood
20040261, Richard S. Coleman	20060354, Michael B. Rubenstein
20040271, Brian A. Coyne Jr.	20060499, Thomas M. Senna
20040406, Donald L. Hull Jr.	20060596, Jason M. Alipio
20040544, Howard E. Adams	20060659, Joshua S. Sutton
20040675, Johnny D. Ramirez	20060678, Samuel J. Benford
20040678, Luric L.G. Fiffie	20060833, Brandon D. Bussard
20040681, Matthew P. Jackson	20060888, Adam C. Bass
20040740, Lorenzo D. Grays	20060892, Anthony L. Chatmon

20060918, Trey M. Pitts
20060940, Vincent Quesada IV
20061063, Shope E. Oluwo
20061102, Jacob A. Snowden
20061179, Alonzo J. Blunt
20061260, Jahleel Jaja
20070005, Charles R. Timmons
20070051, Joe W. Fort III
20070054, Charles E. McAngus
20070058, Eli C. Gregory
20070089, Joe C. Marquez
20070202, Eric P. Dotson
20070226, Chris S. Rolan
20070469, Damon D. Shell
20070567, Carlos I. Sanchez
20070568, Robert T. Caro
20070569, Justin R. San Nicolas
20070578, Jachin M. Waskosky
20070718, Boria P. Montalvo
20070851, Terrence A. Norman
20070864, Virley L. Session
20070897, Durand D. Dean
20070898, Xavier L. Tafoya
20070946, Travis L. Burnette
20071034, Luis D. Pantoja-Ayende
20071173, Sean C. Jorgensen
20071350, Joshua M. Markelwitz
20071351, John Vega III
20071371, George W. Maxham
20071381, Ellis M. Odom Jr.
20080077, Alexander D. Vogel
20080216, John R. Angell
20080400, Antonio Robles-Chiru
20080410, Timothy L. Ayers
20080470, Jeremy S. Terry
20080514, Theodore W. Williams Jr.
20080528, Jack E. Holder
20080530, Supersonny R.
Gutierrezramirez
20080531, Supersonny R.
Gutierrezramirez
20080573, Thomas H. Prasenski
20080587, Phillip W. Harris
20080710, Jonszhell D.
Agnewsimmons
20080733, Ray B. Finks Jr.
20080739, Justin S. Boyd
20080870, Brian D. Glynn
20080884, Tryan D. Abrom
20080928, Nicholas C. Caretto
20080941, Emilio R. Haro
20081001, Joshua B. Vincent
20081109, Philip L. Brand
20090054, Chad A. Gambill
20090211, Jason D. Layton
20090215, Andrew M. Bush
20090284, Mario A. Robinson
20090332, Aaron P. Stone
20090390, Dustin L. Rinehart
20090657, Bennie E. Hester
20090828, Justin L. Rinehart
20090877, Christopher L. Covington
20090994, Charles D. Beauchamp
20091090, Michael R. Bodine
20100089, Alan R. Wendelschaf
20100091, Fred R. Gossett
20100092, Ryan H. Lam
20100271, Billy J. Netherton
20100296, Stacy L. Armstrong
20100473, Matthias Daugherty
20100541, Kyle L. Roeser
20100543, Danielle M. Dance
20100656, Justin L. Symes
20100660, Daniel J. Ackley
20100674, Thomas L. Kiger
20100845, John R. Carney
20100899, Victor D. Duarte Jr.
20101030, Joseph R. Cutler
20110115, William D. Edwards
20110127, Alfred L. Pemberton
20110157, Cecil H. Woode
20110198, Trey A. Teague
20110249, Justin R. Horne
20110317, Beyshee O. Velez
20110508, Sean J. Mock
20110534, Roy L. Stiff Jr.
20110603, Luke S. Timmons
20110639, Antwione T. Hernandez
20110699, Travis M. Zimprich
20110966, Daniel C. Arizmendi
20110991, Kathleen I. McGee
20110994, Dimitri D. Fenrick
20111002, Ronald D. Skates
20111015, Michael A. Robertson
20111053, Aaron K. McIver II
20120010, William J. Lewis
20120240, Nicholas D. Bailey
20120333, Jonathan D. Ross

20120572, Bryant K. Marsh	20130486, David J. Smith
20120573, Mario J. Hampton	20130488, James T. Thomas
20120631, Dylan N. Baker	20130740, Jeremy S. Burt
20120662, Benjamin D. Ralston	20130844, Joseph R. Frescatore
20120790, Daniel L. Hood	20130907, Lewis M. Shepard
20120935, Christopher A. Higgins	20130961, Douglas J. Adkins
20130081, James E. Chambers Jr.	20140009, Luis M. Gallegos
20130189, Diego A. Sanchez	20140064, Flavian M. Castro
20130240, Harold B. Hill	20140065, Israel M. Beltran
20130310, Gregory B. Harris	20140144, Joseph R. Frescatore
20130390, Francisco A. Perez	20140295, Cory R. Babinec
20130463, John M. Russell	20140689, Aaron M. Cole

- 2) The set of records outlined above, for each of the following prosecutions (identified below by "trial terminated" date and position on spreadsheet, since case numbers were redacted):

Spreadsheet 1:	12/13/03 - page 2	6/3/08 - page 60
10/17/03 - page 1	1/2/04 - page 3	11/19/08 - page 65
12/13/03 - page 1	1/7/04 - page 4	12/4/08 - page 65
1/7/04 - page 2-3	1/7/04 - page 4-5	2/24/09 - page 66
1/7/04 - page 3	1/7/04 - page 5	2/25/09 - page 66
9/5/04 - page 4	1/12/04 - page 5-6	2/8/10 - page 72
12/9/04 - page 5-6	8/5/04 - page 11-12	10/19/10 - page 75
2/14/05 - page 8	9/5/04 - page 12	10/20/10 - page 75-76
5/26/05 - page 9	12/9/04 - page 16-17	3/17/11 - page 79-80
9/2/05 - page 10-11	2/14/05, page 21	4/29/11 - page 80-81
9/3/05 - page 11	5/26/05 - page 24	6/14/11 - page 81
9/6/05 - page 11-12	9/2/05 - page 27-28	6/20/11 - page 81-82
11/4/05 - page 13	9/3/05 - page 28	6/20/11 - page 82
1/10/06 - page 14	9/6/05 - page 29	6/20/11 - page 82-83
5/4/06 - page 15	9/6/05 - page 29	6/20/11 - page 83
6/1/06 - page 15-16	11/4/05 - page 32	6/23/11 - page 83
11/15/06 - page 16-17	12/14/05 - page 33	9/14/11 - page 85
3/6/08 - page 22	1/10/06 - page 33	9/21/11 - page 85
3/14/08 - page 22	1/10/06 - page 34	10/20/11 - page 86
4/25/08 - page 22	2/23/06 - page 36	11/10/11 - page 88
5/1/08 - page 22-23	5/4/06 - page 38	11/18/11 - page 90
2/25/09 - page 25	6/1/06 - page 39	3/9/12 - page 92
3/17/11 - page 25	11/15/06 - page 42	3/26/12 - page 92
6/20/11 - page 26-27	3/8/07 - page 47	4/14/12 - page 93
6/20/11 - page 27	5/17/07 - page 49	6/25/12 - page 95
9/21/11 - page 27	5/20/07 - page 50	9/7/12 - page 97-98
3/26/12 - page 29	10/3/07 - page 54-55	10/25/12 - page 98
	3/6/08 - page 58	8/28/13 - page 104-105
Spreadsheet 2:	3/14/08 - page 58	9/11/13 - page 105
10/17/03 - page 1-2	4/25/08 - page 58	2/13/14 - page 108
12/8/03 - page 2	5/1/08 - page 58-59	9/3/14 - page 110-111

- 3) An index of the victim codes used by the Army and their meanings.

- 4) A version of Spreadsheet 2 with the victim code column included. (Note: Release of this revised spreadsheet may enable The New Yorker to narrow parts 1 and 2 of this request.)

If the Department of the Army withholds any records responsive to this request on the grounds that they are not subject to disclosure under FOIA, please inform us that you have withheld the records and on what basis. If the Department of the Army redacts the names of any individuals, please assign a number/alias to each individual.

The New Yorker seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document” and “information” in the broadest sense, to include any written, typed, recorded, graphic, printed or audio material of any kind. We seek all records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, email, facsimiles, telephone messages, voicemail messages, and transcripts, notes from meetings, meeting minutes, notes from interviews, telephone conversations or discussions. The request extends to any attachments to these records. All materials should be included.

When possible, please provide responsive materials in electronic format. Please send any responsive material that must be delivered by mail to Parker Yesko, c/o Wired Magazine, 520 3rd Street, Ste. 305, San Francisco, CA 94107. If it will accelerate release of responsive records, please provide the responsive materials on a rolling basis.

Request for Fee Waiver

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), The New Yorker requests a waiver of fees associated with processing this request. This request is made as part of newsgathering and not for commercial use. The New Yorker is an award-winning magazine and website known internationally for its investigative reporting, news, cultural commentary, and films. The New Yorker aims to publish reporting in the public interest, and this disclosure of the requested records is “likely to contribute significantly to public understanding of the operations or activities of the government,” in particular, the military justice system.

If you wish to discuss any aspect of this request, please don’t hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Yesko", with a stylized flourish at the end.

Parker Yesko
Reporter, The New Yorker
parker_yesko@newyorker.com
(646) 621-6611 (c)

CONDÉ NAST

Yesko, Parker <parker_yesko@newyorker.com>

Auto Reply: Your message has been received

1 message

USARMY Ft Belvoir HQDA ESA Mailbox RMDA FOIA <usarmy.belvoir.hqda-esa.mbx.rmda-foia@army.mil>
To: Parker Yesko <parker_yesko@newyorker.com>

Thu, Jul 6, 2023 at 6:12 PM

Your inquiry has been received by the US Army Freedom of Information Act (FOIA) office.

Thank you for contacting us.

Army FOIA