

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

16NOV18

CONTROL: 06APR18-SWND-0206-7HNA

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

RESULTS OF INTERVIEW OF [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USNR

1. On 07Nov18, Reporting Agent (RA) telephonically interviewed [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) JAGC, USNR, regarding her knowledge of the S/GALLAGHER investigation. As background, [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, Naval Special Warfare (NSW) Group One, and [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, NSW Group One, stated in their interviews that they spoke to a NSW Group One JAG in Jan18 or Feb18 to discuss the allegations against S/GALLAGHER. Both [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated they spoke to [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) JAGC, USN, Naval Special Warfare Group One, however, [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) has provided her orders showing she was an individual augmentee in Korea from Jan18 through Mar18. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) was the prior NSW Group One JAG and was being interviewed to determine if she was the JAG to whom [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) had spoken.

2. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated she left active duty service in Feb18. During her last few months of active duty, which includes all of 2018 and the time in which [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) and [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated they talked to a JAG, [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) was out of the office [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) believed her phone may have forward to [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, JAGC, NSW Group One.

3. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) further stated she was never asked about any situation involving a Law of Armed Conflict violation or a murder and [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated she would absolutely remember if something like that was asked of her.

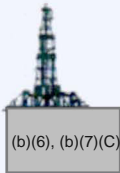
REPORTED BY: [redacted] (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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PAGE 1 LAST [redacted] (b)(6), (b)(7)(C) LNN

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Pages 1660 through 1662 redacted for the following reasons:

Pages (1660) - (1662), Exhibit (133) - Drug Chemistry Report
Referred to: US Army Criminal Investigations Division



Monday, November 19, 2018

SA (b)(6), (b)(7)(C)
Naval Criminal Investigative Service
3405 Welles St, Bldg 57 Ste 1
San Diego, CA 92136-5050

Via e-mail to (b)(6), (b)(7)(C)

Re: Letter of Representation (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

Please accept this notice that I currently represent (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

Please be advised that (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) will, upon my advice, assert all of his rights under the Fifth and Sixth Amendments to the Constitution, Military Rule of Evidence 305(e) and Article 31 of the Uniform Code of Military Justice, as interpreted by case law.

My understanding is that you have reached out to (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) previously. This letter revokes any previous consent he may have provided.

Further (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) does not wish to talk to any official, answer any questions, or reply to any accusations about any pending investigation or case. He invokes his right to a lawyer and to refrain from making any statements or to answer any questions in any form.

Please direct any future requests or any future communication intended for (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) to me, as his legal counsel. I can be reached anytime by phone at (b)(6), (b)(7)(C)

With best regards,

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

Pro bono civilian counsel for

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

cc: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

19NOV18

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN
M/W/NEE7/1/227391075/29MAY79/RIDGEWOOD, NJ

RESULTS OF CONTACT WITH: [REDACTED], USN

1. On 16Nov18, Reporting Agent (RA) contacted [REDACTED] USN, Naval Special Warfare Basic Training Command, regarding additional details for the S/GALLAGHER investigation.

2. [REDACTED] was asked about a "party bus" event that occurred after their 2017 Iraq deployment. [REDACTED] stated he was present for the event and believed it was a going away party for [REDACTED]

[REDACTED] USN, Naval Special Warfare Advanced Training Command Detachment [REDACTED] stated he could not recall any conversations about S/GALLAGHER [REDACTED] the party bus. [REDACTED] did not believe he was part of a conversation about "ending S/GALLAGHER's career."

[REDACTED]

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

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

23NOV18

CONTROL: 06APR18-SWND-0206-7HNA

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

REVIEW OF PLAQUE CREATED BY S/GALLAGHER

1. On 19Nov18, Reporting Agent (RA) reviewed the phone seized at S/GALLAGHER's residence. In a group chat with several of the platoon members, S/GALLAGHER's says on 16Nov17, "Fellas, I had a platoon plaque made. If you want one go to north island nex. There is a plaque boot in the lobby. Give them my name and they will make one for you."

2. On 11Dec17, [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) Naval Special Warfare Basic Training Command, replies "That plaque is bullshit." After a few messages from S/GALLAGHER saying he can add the missing names and make corrections to the misspelled ones, S/GALLAGHER sends a photo of the uncorrected plaque. The image of the plaque was sent as "IMG_1067." Enclosure (A) pertains.

3. The SEAL Team 7 [redacted] (b)(2), (b)(6), (b)(7)(C) members are listed in order of rank with the exception of S/GALLAGHER. S/GALLAGHER placed himself at the top of the plaque above the officers.

4. The names of [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C), USN, SEAL Team Seven, and [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, Naval Special Warfare Training Detachment, are misspelled on the plaque as [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) respectively.

5. At the bottom of the plaque, the inscription "KILL 'EM ALL" is written. RA contacted [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) who stated "Kill 'em all" was not a saying for [redacted] (b)(2), (b)(6), (b)(7)(C) and does not know why S/GALLAGHER chose that as the saying for the plaque.

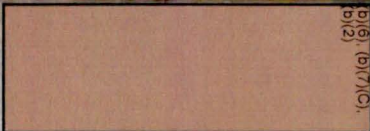
ENCLOSURE (S)
(A) IMG_1067/07NOV18

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

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[redacted] (b)(6), (b)(7)(C)

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SEAL TEAM 7



(b)(6), (b)(7)(C),
(b)(2)

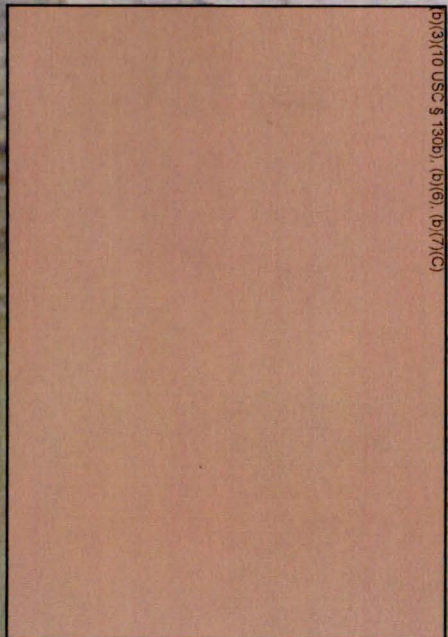
PLATOON

FEB 2017 - SEPT 2017

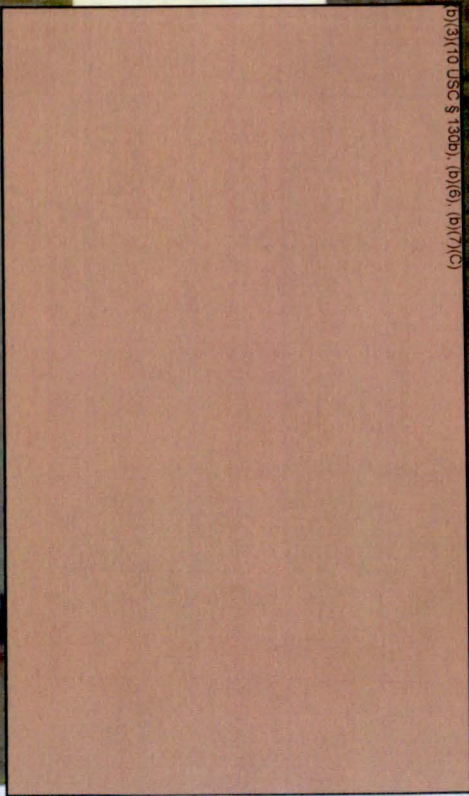
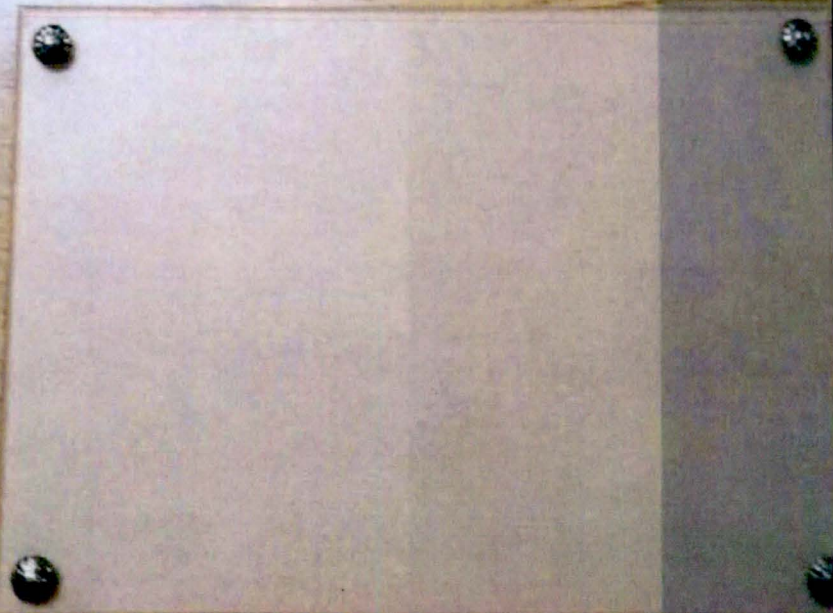
MOSUL - OIR



**SOC Gallagher
LT Portier**



(b)(3)(1) USC § 130b, (b)(6), (b)(7)(C)



(b)(3)(1) USC § 130b, (b)(6), (b)(7)(C)

"KILL'EM ALL"

001666

ENCLOSURE (A)



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

Monday, November 26, 2018

SA (b)(6), (b)(7)(C)
Naval Criminal Investigative Service
3405 Welles St, Bldg 57 Ste 1
San Diego, CA 92136-5050

Via e-mail to (b)(6), (b)(7)(C)

Re: Letter of Representation (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

Special Agent (b)(6), (b)(7)(C)

Please accept this notice that I currently represent (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

Please be advised that (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) will, upon my advice, assert all of his rights under the Fifth and Sixth Amendments to the Constitution, Military Rule of Evidence 305(e) and Article 31 of the Uniform Code of Military Justice, as interpreted by case law.

(b)(6), (b)(7)(C) does not wish to talk to any official, answer any questions, or reply to any accusations about any pending investigation or case. He invokes his right to a lawyer and to refrain from making any statements or to answer any questions in any form.

Please direct any future requests or any future communication intended for (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) to me, as his legal counsel. I can be reached anytime by phone at (b)(6), (b)(7)(C)

With best regards,

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

Pro bono civilian counsel for

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

cc: (b)(6), (b)(7)(C)



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

Wednesday, November 28, 2018

SA (b)(6), (b)(7)(C)
Naval Criminal Investigative Service
3405 Welles St, Bldg 57 Ste 1
San Diego, CA 92136-5050

Via e-mail to (b)(6), (b)(7)(C)

Re: Letter of Representation (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

Special Agent (b)(6), (b)(7)(C)

Please accept this notice that I currently represent (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

Please be advised that (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) will, upon my advice, assert all of his rights under the Fifth and Sixth Amendments to the Constitution, Military Rule of Evidence 305(e) and Article 31 of the Uniform Code of Military Justice, as interpreted by case law.

(b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) does not wish to talk to any official, answer any questions, or reply to any accusations about any pending investigation or case. He invokes his right to a lawyer and to refrain from making any statements or to answer any questions in any form.

Please direct any future requests or any future communication intended for (b)(2), (b)(6), (b)(7)(C) to me, as his legal counsel. I can be reached anytime by phone at (b)(6), (b)(7)(C)

With best regards,

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

Pro bono civilian counsel for

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

CC: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

29NOV18

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN

M/W/NEE7/IA [REDACTED] (b)(6), (b)(7)(C)

COLLECTION AND SUBMISSION OF PRINTS FOR S/GALLAGHER

1. On 29Nov18, in accordance with DoD Instruction 5505.14, Reporting Agent obtained a sample of S/GALLAGHER's Deoxyribonucleic Acid (DNA). The DNA was collected utilizing kit number 0205400. Prior to collecting, the Privacy Act Statement and gold "Notification Card" were provided to S/GALLAGHER. On 29Nov18, after consultation with [REDACTED] (b)(6), (b)(7)(C) Trial Counsel, Region Legal Services Office Southwest, the sample was submitted to the U.S Army Criminal Investigation Laboratory (USACIL) for submission into the FBI Combined DNA Index System (CODIS). A copy of the U.S Army Criminal Investigation Laboratory DNA Database Collection Form is appended as Enclosure (A).

2. S/GALLAGHER's fingerprints and mugshot photograph were also obtained using LiveScan, and stored under Transaction Control Number SWXI0000000049. After consultation with [REDACTED] (b)(6), (b)(7)(C) Trial Counsel, Region Legal Services Office Southwest, the fingerprints were transmitted to the Federal Bureau of Investigation for entry into the Integrated Automated Fingerprint Identification System (IAFIS) database. S/GALLAGHER was issued FBI number:

[REDACTED] (b)(6), (b)(7)(C)

ENCLOSURE(S)

(A) USACIL DNA DATABASE COLLECTION FORM/29NOV18

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

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EXHIBIT (H0)

U.S ARMY CRIMINAL INVESTIGATION LABORATORY DNA DATABASE COLLECTION FORM

(1) Offender Full Name:

Last: GALLAGHER

First: EDWARD

Middle: RYAN

(2) Offender Branch: Navy

(3) Offender Soc. Sec. No. (b)(6), (b)(7)(C)

(4) Offender Date of Birth: (b)(6), (b)(7)(C)

(5) Gender: Male

(6) Submitting Agency Name: San Diego, CA-NCIS

If Agency is not on the list select "Agency Not On List" and write Agency name on printed form.

Point of Contact Name:

Point of Contact Telephone Number:

Point of Contact Email Address:

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

(7) Offender/Arrestee
Right Index Fingerprint

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

(8) Person in Block 1 is a: Arrestee

If arrestee, have charges been preferred for special/general court martial?

Is the offender in pre-trial confinement?

Is the commander's written RCM 305(h)(2)(c) memo complete?

Select Collection Offense 1: 118-Murder

Details:

Select Collection Offense 2: 134-Obstructing justice

Details:

Select Collection Offense 3:

Details:

(9) Correctional Facility, DCIO or Command Representative:

Printed Name: (b)(6), (b)(7)(C)

Title: SPECIAL AGENT

I attest that I performed the collection of the oral sample from and the fingerprinting of the individual identified on this card, and that the individual's last name and SSN were written on the back of the oral sample card. I attest that the individual qualifies for collection as a military convicted offender or arrestee, and that probable cause coordination was made with the OSJA. I further attest that I gave him/her the notification card and Privacy Act Statement informing him/her that he/she may petition for expungement in the event his/her conviction for the qualifying military offense(s) is/are overturned (convicted offender) or the charges against him/her did not result in a conviction (arrestee).

Signature Field: (b)(6), (b)(7)(C)

Date of Collection: 29-11-2018

- 1) Print the completed form.
- 2) Obtain the offender/arrestee's right index fingerprint in block 7.
- 3) Fold the form and include it in the shipping envelope with the DNA sample.

For USACIL Personnel Only

Kit #: _____

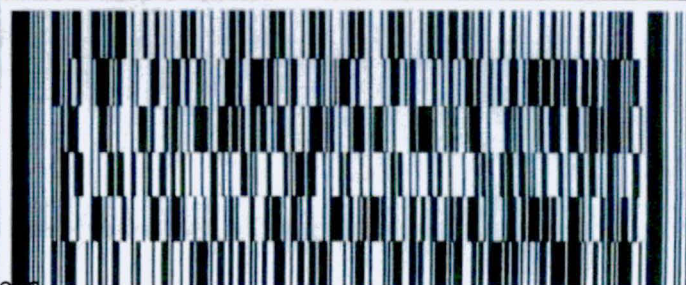
(10) Sample Received By: _____

Date of Receipt: _____

Affix Bar Code Here

001670

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ENCLOSURE (A)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

05DEC18

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN

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

COLLECTION AND SUBMISSION OF PRINTS FOR X/PORTIER

1. On 30Nov18, in accordance with DoD Instruction 5505.14, Reporting Agent obtained a sample of X/PORTIER's Deoxyribonucleic Acid (DNA). The DNA was collected utilizing kit number 0205420. Prior to collecting, the Privacy Act Statement and gold "Notification Card" were provided to X/PORTIER. On 30Nov18, after consultation with [REDACTED] (b)(6), (b)(7)(C) Trial Counsel, Region Legal Services Office Southwest, the sample was submitted to the U.S Army Criminal Investigation Laboratory (USACIL) for submission into the FBI Combined DNA Index System (CODIS). A copy of the U.S Army Criminal Investigation Laboratory DNA Database Collection Form is appended as Enclosure (A).

2. X/PORTIER's fingerprints and mugshot photograph were also obtained using LiveScan, and stored under Transaction Control Number SWND0120181130094201. After consultation with [REDACTED] (b)(6), (b)(7)(C) Trial Counsel, Region Legal Services Office Southwest, the fingerprints were transmitted to the Federal Bureau of Investigation for entry into the Integrated Automated Fingerprint Identification System (IAFIS) database. X/PORTIER was issued FBI number:

[REDACTED] (b)(6), (b)(7)(C)

ENCLOSURE(S)

(A) USACIL DNA DATABASE COLLECTION FORM/30NOV18

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

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001671

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EXHIBIT (41)

U.S ARMY CRIMINAL INVESTIGATION LABORATORY DNA DATABASE COLLECTION FORM

(1) Offender Full Name:

Last: PORTIER
First: JACOB
Middle: X

(2) Offender Branch: Navy

(3) Offender Soc. Sec. No. (b)(6), (b)(7)(C)

(4) Offender Date of Birth: (b)(6), (b)(7)(C)

(5) Gender: Male

(6) Submitting Agency Name: San Diego, CA-NCIS
If Agency is not on the list select "Agency Not On List" and write Agency name on printed form.

Point of Contact Name: (b)(6), (b)(7)(C)
Point of Contact Telephone Number: (b)(6), (b)(7)(C)
Point of Contact Email Address: (b)(6), (b)(7)(C)

(7) Offender/Arrestee
Right Index Fingerprint
(b)(6), (b)(7)(C)

(8) Person in Block 1 is a: Arrestee

If arrestee, have charges been preferred for special/general court martial? No

Is the offender in pre-trial confinement? No Is the commander's written RCM 305(h)(2)(c) memo complete?

Select Collection Offense 1: 133-Conduct unbecoming an officer and gentleman Details:
Select Collection Offense 2: 92- Failure to obey general order or regulation Details:
Select Collection Offense 3: 92-Dereliction in performance of duties Details:

(9) Correctional Facility, DCIO or Command Representative:

Printed Name: (b)(6), (b)(7)(C) Title: SPECIAL AGENT

I attest that I performed the collection of the oral sample from and the fingerprinting of the individual identified on this card, and that the individual's last name and SSN were written on the back of the oral sample card. I attest that the individual qualifies for collection as a military convicted offender or arrestee, and that probable cause coordination was made with the OSJA. I further attest that I gave him/her the notification card and Privacy Act Statement informing him/her that he/she may petition for expungement in the event his/her conviction for the qualifying military offense(s) is/are overturned (convicted offender) or the charges against him/her did not result in a conviction (arrestee).

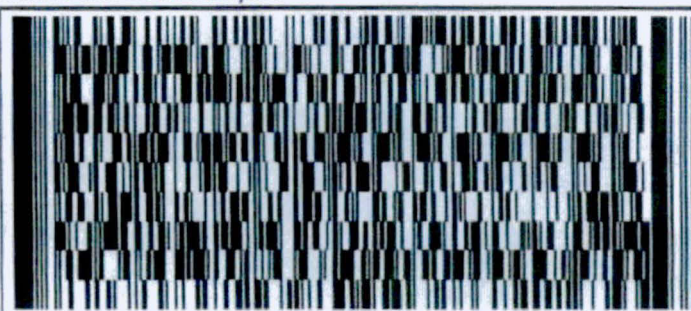
Signature Field: (b)(6), (b)(7)(C) Date of Collection: 30-11-2018

- 1) Print the completed form.
- 2) Obtain the offender/arrestee's right index fingerprint in block 7.
- 3) Fold the form and include it in the shipping envelope with the DNA sample.

For USACIL Personnel Only

Kit #: _____
(10) Sample Received By: _____
Date of Receipt: _____

Affix Bar Code Here





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

Tuesday, December 4, 2018

SA (b)(6), (b)(7)(C)
Naval Criminal Investigative Service
3405 Welles St, Bldg 57 Ste 1
San Diego, CA 92136-5050

Via e-mail to (b)(6), (b)(7)(C)

Re: Letter of Representation (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

Special Agent (b)(6), (b)(7)(C)

Please accept this notice that I currently represent (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

Please be advised that (b)(2), (b)(6), (b)(7)(C) will, upon my advice, assert all of his rights under the Fifth and Sixth Amendments to the Constitution, Military Rule of Evidence 305(e) and Article 31 of the Uniform Code of Military Justice, as interpreted by case law.

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Please direct any future requests or any future communication intended for (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) to me, as his legal counsel. I can be reached anytime by phone at (b)(6), (b)(7)(C)

With best regards,

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

Pro bono civilian counsel for

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

cc: (b)(6), (b)(7)(C)

Pages 1674 through 1741 redacted for the following reasons:

Pages (1674) - (1741), Exhibit (168) - Results of Interview of (redacted)

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



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

Wednesday, December 5, 2018

SA (b)(6), (b)(7)(C)
Naval Criminal Investigative Service
3405 Welles St, Bldg 57 Ste 1
San Diego, CA 92136-5050

Via e-mail to (b)(6), (b)(7)(C)

Re: Letter of Representation (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

Special Agent (b)(6), (b)(7)(C)

Please accept this notice that I currently represent (b)(6), (b)(7)(C)

Please be advised that (b)(6), (b)(7)(C) will, upon my advice, assert all of his rights under the Fifth and Sixth Amendments to the Constitution, Military Rule of Evidence 305(e) and Article 31 of the Uniform Code of Military Justice, as interpreted by case law.

(b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) does not wish to talk to any official, answer any questions, or reply to any accusations about any pending investigation or case. He invokes his right to a lawyer and to refrain from making any statements or to answer any questions in any form.

Please direct any future requests or any future communication intended for (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) to me, as his legal counsel. I can be reached anytime by phone at (b)(6), (b)(7)(C)

With best regards,
(b)(6), (b)(7)(C)

Pro bono civilian counsel for
(b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)

cc: (b)(6), (b)(7)(C)

Command Authorization for Search and Seizure

UNITED STATES OF AMERICA
VS.
Edward Ryan GALLAGHER

TO: NCIS Special Agent (b)(6), (b)(7)(C)

Affidavit(s) having been made before me by NCIS Special Agent (b)(6), (b)(7)(C)

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

The telephone belonging to (b)(3), (10 USC § 130b), (b)(6), (b)(7)(C) using phone number (b)(6), (b)(7)(C)

which is/are under my jurisdiction,

there is now being concealed certain property, namely:

Evidence showing text messages, phone calls, photographs, or other electronic communication related to violations of Article 118 (Murder) of the UCMJ

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 furnished by this command.

Dated this 19 day of November, 2018.

S _____
(b)(6), (b)(7)(C)
Rank, Service, Title _____
Naval Base Coronado
Command _____

Pages 1744 through 1890 redacted for the following reasons:

Pages (1744) - (1888), Exhibits(159) - (160) - Controlled Substance Binder

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

Pages (1889) - (1890), Exhibit (161) - Letter from (redacted)

COMNAVSPECWARCOM redactions: (b)(1)1.4a, (b)(2), (b)(3) (10 USC § 130b), (b)(3) (50 USC § 3024(i)), (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

21NOV18

DEATH (II)

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN

M/W/NEE7/1 [REDACTED] (b)(6), (b)(7)(C)

X/PORTIER, JACOB XAVIER/LT USN

M/W/NOO3/1 [REDACTED] (b)(6), (b)(7)(C)

COMMAND/NAVSPECWARGRU ONE DET TRAINING/39589

MADE AT/CBSD/NCIS CYBER SAN DIEGO CA/ [REDACTED] REPRESENTATIVE

REFERENCE(S)

(A) NCISRA San Diego CA ROI (ACTION)/19NOV18

EXHIBIT(S)

(1) IA: RESULTS OF FORENSIC EXAMINATION

NARRATIVE

1. Pursuant to lead tasking set forth in Reference (A), lead is complete. Reporting Investigative Computer Specialist (ICS) extracted data from the submitted phone, and generated a report with attorney/client information removed, Exhibit (1) pertains.

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NCISHQ:CBFO/CBSD/0020

INFO :SWFO/SWND

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[REDACTED] (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

19NOV18

DEATH (II)

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN

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

X/PORTIER, JACOB XAVIER/LT USN

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

COMMAND/NAVSPECWARGRU ONE DET TRAINING/39589

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

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. On 06Apr18, NCIS initiated a case upon notification by [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) JAGC USN, Naval Special Warfare Group One (NSWG1), regarding allegations of a Law of Armed Conflict (LOAC) Violation committed by S/GALLAGHER. Per [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) the allegations are that while an unnamed ISIS fighter was being treated for non-life threatening wounds sustained during a kinetic airstrike near Badush, 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] (b)(2), (b)(6), (b)(7)(C) and attached to Special Operations Task Force - [REDACTED] (b)(2), (b)(6), (b)(7)(C) at the time of the incident.

3. 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. Multiple phones have been seized from S/GALLAGHER at both his residence and from his person. One of the devices contained photographs showing S/GALLAGHER posing with the deceased ISIS prisoner. A review of the photographs show two of them were sent to S/GALLAGHER by a phone number associated with [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, NSW Training Detachment. On 19Nov18, a Command Authorization for Search and Seizure (CASS) was sworn to for the phone belonging to [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C). The CASS was executed that day and the phone was seized. [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) previously retained an attorney named [REDACTED] (b)(6), (b)(7)(C) CIV, when NCIS [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) attempted to contact him for a statement. Upon seizure of the phone, [REDACTED] (b)(6), (b)(7)(C) contacted NCIS and advised there may be attorney/client text discussions on the cellular phone. Because of this, SWND is requesting assistance with completing a phone extraction for the phone and producing a report with all attorney client material removed.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTROL:06APR18-SWND-0206-7HNA

19NOV18

ACTION

R.CBSD: Please provide assistance with completing a phone extraction and generating an extraction report for the phone belonging to (b)(3),(10 USC § 1306), (b)(6), (b)(7)(C) Please remove all attorney/client material prior to creating the report.

DISTRIBUTION

NCISHQ:CBFO
ACTION:CBSD (E)
INFO :SWFO

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PAGE 2 LAST (b)(6), (b)(7)(C) LNN

001893

001893

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CHANGE)

08NOV18

DEATH (II)

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN

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

X/PORTIER, JACOB XAVIER/LT USN

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

COMMAND/NAVSPECWARGRU ONE DET TRAINING/39589

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

REFERENCE(S)

(A) NCISRA SAN DIEGO, CA ROI (CHANGE)/27AUG18

NARRATIVE

1. Subsequent to the submission of Reference (A), LT Jacob Xavier PORTIER, USN, (X/PORTIER) was identified as a viable co-subject of this investigation. Please note the addition of X/PORTIER to the NI Title block.

ACTION

0023: Please add X/PORTIER to NI Title block as indicated above. Make any necessary updates to the DCII entry.

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NCISHQ:0023
ACTION:0023
INFO :SWFO/002P

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[redacted] (b)(6), (b)(7)(C)

1/8/18

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

05NOV18

DEATH (II)

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN

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

COMMAND/NAVSPECWARGRU ONE DET TRAINING/39589

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO, [REDACTED] (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

EXHIBIT(S)

- (121) COMMAND AUTHORIZATION FOR SEARCH AND SEIZURE FOR [REDACTED] (b)(3)(10 USC § 130b), (b)(6) COMPUTER/17MAY18 [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)
- (122) IA: RESULTS OF INTERVIEW OF [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN/05NOV18
- (123) S/GALLAGHER CHARGE SHEET/02OCT18
- (124) IA: RESULTS OF INTERVIEW OF [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN/05NOV18
- (125) IA: REVIEW OF PHONE SEIZED ON 11SEP18/05NOV18
- (126) IA: RESULTS OF INTERVIEW WITH [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN/01NOV18
- (127) IA: RESULTS OF INTERVIEW WITH [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN/05NOV18

EXECUTIVE SUMMARY

1. This reactive investigation was initiated on 06Apr18, upon notification by [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) JAGC USN, Naval Special Warfare Group One (NSWG1), regarding allegations of a Law of Armed Conflict (LOAC) Violation committed by S/GALLAGHER. Per [REDACTED] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C), 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

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:06APR18-SWND-0206-7HNA

05NOV18

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 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. 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 (G) document previous investigative activity for the captioned investigation.

3. On 17May18, Participating Agent [redacted] swore to a Command Authorization for Search and Seizure (CASS) for the computer belonging to [redacted] USN, [redacted] Prior reporting documents the search but the CASS was not affixed to those reports. Enclosure (121) pertains.

4. On 24Sep18, [redacted] USN, Naval Special Warfare Basic Training Command, was interviewed. [redacted] confirmed S/GALLAGHER shot from the same room where several messages [redacted] were found written on the wall. [redacted] did not witness the incidents for which S/GALLAGHER has been charged. [redacted] Enclosure (122) pertains.

5. On 02Oct18, charges were preferred against S/GALLAGHER. Exhibit (123) pertains.

6. On 09Oct18, [redacted] USN, SEAL Team Seven, was interviewed. [redacted] did not witness the incident when S/GALLAGHER allegedly stabbed the [redacted] prisoner because he was not at the scene. [redacted] stated he heard S/GALLAGHER bragged about killing between 150-200 people during their deployment. Exhibit (124) pertains.

7. On 11Sep18, S/GALLAGHER's phone was seized. After the phone was scrubbed for sensitive information, it was searched between 12Oct18 and 30Oct18. Messages were found on the phone in which S/GALLAGHER apologizes to [redacted] [redacted] Also found were messages in which S/GALLAGHER attempts to get people to spread the names of the witnesses who have come forward against him. Exhibit (125) pertains.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 06APR18-SWND-0206-7HNA

05NOV18

8. On 01Nov18, [redacted] USN, Staff Judge Advocate, Naval Special Warfare Group One, was interviewed. [redacted] stated she did not learn about any of the allegations against S/GALLAGHER until 09Apr18, the weekend after the reports were sent to NCIS. [redacted] stated she never provided any instruction to members of SEAL [redacted] Seven for how to handle the allegations against S/GALLAGHER. Exhibit (126) pertains.

9. On 01Nov18, [redacted] USN, Staff Judge Advocate, Naval Special Warfare Group One, was interviewed. [redacted] stated he first learned of allegations against S/GALLAGHER on [redacted] April 18. On that date, members of S/GALLAGHER's chain of command brought forward rumors about misconduct by S/GALLAGHER. It wasn't until 06Apr18 that the command brought forward actual details of a crime and identified that there were witnesses to the misconduct. This was the first time [redacted] knew the actual allegations against S/GALLAGHER. Exhibit (127) pertains.

10. On 01Nov18, [redacted] JAGC, USN, Senior Trial Counsel, Region Legal Services Office Southwest, was briefed on status of investigation to date. This investigation continues.

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NCISHQ: 023B

INFO :COMMAND [redacted] (E)/RLSO [redacted]
JAGC) (H//SWFO [redacted]
[redacted] (b)(6), (b)(7)(C)

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PAGE 3 LAST [redacted] LNN

[redacted] (b)(6), (b)(7)(C)

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Command Authorization for Search and Seizure

UNITED STATES OF AMERICA
VS.
SOC Edward Ryan GALLAGHER, USN

TO: (b)(6), (b)(7)(C) Commanding Officer, Naval Station Norfolk

Affidavit(s) having been made before me by Special Agent (b)(6), (b)(7)(C) NCIS

That there is reason to believe that on the person of and/or on the premises known as:
One Red Alienware Laptop Computer, Model Number P18G, Serial Number (b)(6), (b)(7)(C) further described in Attachment A,

which is/are under my jurisdiction,

there is now being concealed certain property, namely:
evidence described in Attachment B.

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 furnished by this command.

Dated this 17 day of May, 2018.

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

Rank, Service, Title

NAVSTA NORFOLK
Command

Pages 1899 through 1901 redacted for the following reasons:

Pages (1899) - (1901), Exhibits (122) - Results of Interview of (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 (122) contains the following additional material on

Disc containing interview of (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) /24SEP18

(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)

ORIGINAL

CHARGE SHEET				
I. PERSONAL DATA				
1. NAME OF ACCUSED (Last, First, MI) GALLAGHER, Edward R.		2. SSN (b)(6), (b)(7)(C)	3. RANK/RATE SOC	4. PAY GRADE E-7
5. UNIT OR ORGANIZATION Naval Special Warfare Group ONE			6. CURRENT SERVICE	
			a. INITIAL DATE 11/16/2015	b. TERM 4 years
7. PAY PER MONTH		8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	Pre-Trial Confinement	11 Sept 18 - Present
\$4,625.10		\$4,625.10		
II. CHARGES AND SPECIFICATIONS				
10. CHARGE:	I	Violation of the UCMJ	Article 118	
<p>Specification (Premeditated Murder): In that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, on or about 3 May 2017, with premeditation, 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.</p> <p>Charge II: Violation of the UCMJ Article 128</p> <p>Specification 1 (Aggravated Assault with a Dangerous Weapon): In that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, on or about 18 June 2017, commit an assault upon a noncombatant male person by shooting him with a dangerous weapon likely to produce death or grievous bodily harm, to wit: a loaded firearm.</p> <p>Specification 2 (Aggravated Assault with a Dangerous Weapon): In that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, on or about July 2017, commit an assault upon a noncombatant female person by shooting her with a dangerous weapon likely to produce death or grievous bodily harm, to wit: a loaded firearm.</p> <p style="text-align: center;">*SEE CONTINUATION PAGE*</p>				
III. PREFERRAL				
11a. NAME OF ACCUSER (Last, First, MI) (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)		b. GRADE E-7/LNC	c. ORGANIZATION OF ACCUSER Region Legal Service Office Southwest	
d. SIGNATURE OF ACCUSER (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C)			e. DATE 2 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>2nd</u> day of <u>October</u>, 2018, and signed the foregoing charges and specifications under oath that she 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 her knowledge and belief.</p>				
<div style="border: 1px solid black; width: 150px; height: 40px; margin: 0 auto; background-color: #cccccc;">(b)(6), (b)(7)(C)</div>		RLSO Southwest <i>Organization of Officer</i>		
<div style="border: 1px solid black; width: 150px; height: 40px; margin: 0 auto; background-color: #cccccc;">(b)(6), (b)(7)(C)</div>		Assistant Trial Counsel <i>Official Capacity to Administer Oaths</i> <i>(See R C M. 307(b)—must be commissioned officer)</i>		

ORIGINAL

ORIGINAL

0102-LF-000-4580

12. On ***** 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.)

Typed Name of Legal Officer Organization of Legal Officer
Grade

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at **** hours, ***** 20 18 at Designation of Command or

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

FOR THE

Typed Name of Officer Official Capacity of Officer Signing
Grade

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY Naval Special Warfare Group One
b. PLACE San Diego, CA
c. DATE 2018

Referred for trial to the court-martial convened by

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

By Command or Order of
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) (b)(6), (b)(7)(C) GC, USN
Typed Name of Trial Counsel 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.

DD Form 458 Reverse

001904

ORIGINAL 001904

ORIGINAL

Continuation Page 2 of 3 DD Form 458

Charge III: Violation of the UCMJ Article 134

Specification 1 (Firearm, discharging-willfully, under such circumstances as to endanger human life): In that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, on divers occasions during his deployment in 2017, wrongfully and willfully discharge a firearm, to wit: a firearm at noncombatants, under circumstances such as to endanger human life, 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.

Specification 2 (Obstructing Justice): In that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, on divers occasions during his deployment in 2017, wrongfully endeavor to impede an investigation by attempting to discourage members of his Platoon from reporting his actions while in Iraq during his deployment in 2017, 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.

Specification 3 (Obstructing Justice): In that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near San Diego, California, on divers occasions from about August 2017 to about April 2018 wrongfully endeavor to impede an investigation, by attempting to discourage members of his Platoon from reporting his actions while in Iraq during his deployment in 2017, 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.

Specification 4 (Obstructing Justice): In that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near San Diego, California, on divers occasions from about April 2018 to about September 2018 wrongfully endeavor to impede an investigation, by attempting to discourage members of his Platoon from reporting his actions while in Iraq during his deployment in 2017, 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.

Specification 5 (Novel): In that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, on or about 3 May 2017, wrongfully pose for an unofficial picture with a human casualty, 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.

Specification 6 (Novel): In that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, on or about 3 May 2017, wrongfully complete his reenlistment ceremony next to a human casualty, 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.

Specification 7 (Novel): In that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, on or about 3 May 2017, wrongfully operate a drone over a human casualty, while in theater in the presence of partner forces, 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.

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Continuation Page 3 of 3 DD Form 458

Charge IV: Violation of the UCMJ Article 112a

Specification 1 (Wrongful Use of a Controlled Substance): In that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near Mosul, Iraq, on divers occasions during his deployment in 2017, wrongfully use Tramadol Hydrochloride, a Schedule IV controlled substance.

Specification 2 (Unlawful Possession of Controlled Substance): In that Chief Special Warfare Operator Edward R. Gallagher, U.S. Navy, Naval Special Warfare Group ONE, on active duty, did, at or near San Diego, California on or about 20 June 2018, wrongfully possess Sustanon-250, a Schedule III controlled substance.

AND NO OTHERS.

Pages 1907 through 1908 redacted for the following reasons:

Pages (1907) - (1908), Exhibit (124) - Results of Interview of (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 (124) contains the following additional material on

Disc containing interview of [REDACTED] /09OCT18

(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

INVESTIGATIVE ACTION

05NOV18

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN

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

REVIEW OF PHONE SEIZED ON 11SEP18

1. On 11Sep18, S/GALLAGHER was taken into custody by members of his command and placed into pretrial confinement. [redacted] (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, NSW [redacted] (b)(2), (b)(6), (b)(7)(C) seized the phone belonging to S/GALLAGHER when he was taken into custody. On 14Sep18, Reporting Agent (RA) obtained a Command Authorization for Search and Seizure for the phone belonging to S/GALLAGHER.

2. On 14Sep18, an extraction of the phone was created. A minimal search of the phone was completed in order to identify any evidence that may be necessary for S/GALLAGHER's IRO hearing on 17Sep18. A full review was not completed at this time in order to allow for a scrub of the phone to be completed to remove attorney client communication.

3. Between 28Sep18 and 11Oct18, a scrub of the phone was completed and privileged material was removed. An extraction report was generated for the phone extraction with the privileged material taken out. The full extraction report is previously attached to other Investigative Actions.

4. A full review of the extraction report was conducted between 12Oct18 and 30Oct18. The device is an Apple iPhone 10 with Serial# [redacted] (b)(6), (b)(7)(C) IMEI [redacted] (b)(6), (b)(7)(C) The phone is associated with phone number [redacted] (b)(6), (b)(7)(C)

5. RA examined phone calls, text messages, emails, downloaded apps, contact list, chat messages, photos, videos, and notes on S/GALLAGHER's phone.

6. A conversation was found on S/GALLAGHER's phone in which he talks about [redacted] (b)(6), (b)(7)(C) CIV. In the conversation, S/GALLAGHER says [redacted] (b)(6), (b)(7)(C)

[redacted] (b)(6), (b)(7)(C) This conversations was exported to a separate report. Enclosure (A) pertains. All messages with [redacted] (b)(6), (b)(7)(C) were not exported due to their sensitive and personal nature.

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

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WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

Pages 1911 through 1960 redacted for the following reasons:

Pages (1911) - (1960), pages 2 through 12 of Exhibit (125) & Enclosures (A) - (G) to Exhibit (125) - Review of Phone Seized

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

COMNAVSPECWARCOM redactions: (b)(1)1.4a, (b)(2), (b)(3) (10 USC § 130b), (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

01NOV18

CONTROL: 06APR18-SWND-0206-7HNA

S/GALLAGHER, EDWARD RYAN/CPO USN

M/W/NEE7/

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

RESULTS OF INTERVIEW WITH (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN

1. On 01Nov18, Reporting Agent (RA) interviewed (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C), USN, Staff Judge Advocate, Naval Special Warfare Group One, regarding how she learned about the allegations against S/GALLAGHER.

2. (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated she first reported to NSW Group One in Oct17 but was on individual augmentee status in Korea from Jan18 through Mar18. (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) returned to work at Group 1 on 27Mar18 or 28Mar18.

3. (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated the first time she learned about the allegations involving S/GALLAGHER was on 09Apr18 when she arrived at work. (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, Staff Judge Advocate, Naval Special Warfare Group One, told (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) about the S/GALLAGHER allegations and (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) also saw the OPREP that (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) sent out on 06Apr18 about the allegations. (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) noted that she was on leave and not at work on 06Apr18 and was not part of the original reporting processes when LT Jake PORTIER, USN, SEAL Team Seven, and (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, SEAL Team Seven, brought forward the details of the allegation.

4. (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated she never met PORTIER until she served him with his charge sheet in Oct18. (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) has never had an interaction with (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) but saw him speaking with another SJA in Oct18 about contact information for Defense Services Office.

5. (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated she knows who (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) USN, Naval Special Warfare Group One, is but has never had a conversation with him regarding this investigation. (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) stated she absolutely was never contacted by (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) or any other parties regarding advice for how this case should be handled.

6. The interview was recorded in its entirety. The interview was burned to DVD. Enclosure (A) pertains.

ENCLOSURE(S)

(A) DVD CONTAINING THE INTERVIEW WITH (b)(3)(10 USC § 130b), (b)(6), (b)(7)(C) 01NOV18

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EXHIBIT (126)