



UNITED STATES ARMY



CRIMINAL INVESTIGATION COMMAND

DOCUMENT COVER SHEET

(CIDR 195-1)

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AGENT'S INVESTIGATIVE REPORT

ROI NUMBER:

0162-10-CID146-25272

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DE-1A1:5

BASIS FOR INVESTIGATION: On 22 Aug 10, this office was notified by the Desk Sergeant, Fort Irwin Police Department (FIPD), Fort Irwin, CA 92310 (FICA), that SPC Mohammed CHAHTI, XXX-XX-2750, 51st Translator and Interpreter Company (TICO), Regimental Support Squadron (RSS), 11th Armored Cavalry Regiment (ACR), FICA, reported to the FIPD of an assault between SPC Gary W. SALEH, XXX-XX-3730, Supply and Transportation Troop (S & T TRP), RSS, 11th ACR, FICA, and Mrs. Houda CHAJI, XXX-XX-8483, 5319-B Cotton Tail Lane, FICA (Dependant Spouse of SPC Khalid BELKHATIR, XXX-XX-4949, 51st TICO, RSS, 11th ACR, FICA) (neighbors). Upon responding to the scene, the FIPD obtained a sworn statement from Mrs. CHAJI who reported she was raped by SPC SALEH on 18 Aug 10. The Desk Sergeant related he will contact the Sexual Assault Response Coordinator (SARC).

About 1846, 22 Aug 10, SA TRAN arrived to Emergency Room (ER), Weed Army Community Hospital (WACH), FICA, and interviewed SPC Abdullah SHAHADA, FIPD, FICA, who stated he responded to Mrs. CHAJI's residence at approximately 1500 where Officers DANIELSON and ANDERSON separated SPC SALEH and Mrs. CHAJI. SPC SHAHADA related both parties were alleging they were assaulted and the FIPD reached inconclusive results to who the aggressor was. SPC SHAHADA related SPC SALEH was released to his parent unit and began to obtain a sworn statement from Mrs. CHAJI when Mrs. CHAJI stated SPC SALEH raped her on either 18 or 19 Aug 10. SPC SHAHADA was unable to complete the sworn statement since Mrs. CHAJI began to hyperventilate. SPC SHAHADA related he transported Mrs. CHAJI to the ER where she stayed until the arrival of SA TRAN.

About 1907, 22 Aug 10, SA TRAN verbally interviewed the ER Staff [CPT Terry ANDREWS, XXX-XX-9560, CPT Jose RAMIREZ, XXX-XX-7687, CPT Chantil ALEXANDER, XXX-XX-9286, SGT Clodomiro ESPINOZA, XXX-XX-6065, SGT Jose JAIME, XXX-XX-7833, and SPC Derek RILEY, XXX-XX-9091, all U.S. Army Medical Activities Department (USA MEDDAC), FICA] all whom worked either the day or night shift of 20 and 21 Aug 10. The ER Staff related Mrs. CHAJI was found by CPT Daren DOUCHI, Pharmaceutical Doctor, Mary Walker Clinic (MWC), FICA, inside the pharmacy department of the MWC, FICA. The ER Staff related they admitted Mrs. CHAJI, who was still blacked out, was given an Intravenous Therapy (IV), and was physically examined. Upon awaking, the ER Staff related Mrs. CHAJI recuperated and responded well to the ER Staff. The ER Staff related Mrs. CHAJI fully recovered and was discharged on 21 Aug 10; however, the ER Staff related throughout Mrs. CHAJI's stay at the ER, she did not mention that she was raped, nor did she show any physical signs of sexual assault. The ER Staff related on 21 Aug 10, SPC SALEH arrived to the ER, where Mrs. CHAJI agreed to allow SPC SALEH into her room. The ER Staff could not provide any information to their conversation since no staff was in the room with Mrs. CHAJI and SPC SALEH.

About 1920, 22 Aug 10, SA TRAN verbally interviewed CPT DOUCHI who related she checked on Mrs. CHAJI one hour after Mrs. CHAJI was admitted into the ER on 20 Aug 10. CPT DOUCHI related Mrs. CHAJI was hysterical and insisted CPT DOUCHI did not leave her alone because she

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SA Pierre D. TRAN, 7319

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was scared. CPT DOUCHI related Mrs. CHAJI stated she was not safe and worried about her kids. CPT DOUCHI related she left and returned at approximately 1430 where 1SG Joseph J. CASTRO, Supply and Transportation Troop (S & T TRP), RSS, 11th ACR, FICA, SSG Zahra JAKANE, XXX-XX-2841, 51st TICO, RSS, 11th ACR, FICA (Spouse of SPC SALEH), and a Chaplin was talking to Mrs. CHAJI. CPT DOUCHI related she left and returned at approximately 1900 and noted Mrs. CHAJI was calm and was eating. CPT DOUCHI related this was positive since Mrs. CHAJI was fasting on 20 Aug 10. CPT DOUCHI related Mrs. CHAJI stated a Soldier within 51st TICO was spreading rumors around the unit, which greatly affected Mrs. CHAJI's reputation within the Muslim community on FICA and also spread to SSG JAKANE, who was close friends with Mrs. CHAJI. Mrs. CHAJI stated she notified 1SG CASTRO who directed the Soldier to apologize to Mrs. CHAJI. CPT DOUCHI related Mrs. CHAJI did not disclose she was raped by SPC SALEH until approximately 1730, 22 Aug 10, when Mrs. CHAJI was brought into the ER by the FIPD. CPT DOUCHI stated Mrs. CHAJI stated SPC SALEH raped her on 18 Aug 10 and also came to her house on the night of 21 Aug 10 to request for sex. CPT DOUCHI related SPC SALEH left the house with no incident that night but stated that on the night Mrs. CHAJI was raped, Mrs. CHAJI stated SPC SALEH wiped himself with an unknown article of clothing, which was not washed, and was left inside Mrs. CHAJI's residence.

AGENT'S COMMENTS: A bruise was noted on Mrs. CHAJI's left wrist; however, Dr. DOUCHI related she believed the bruise generated from an Intravenous Fluid injection.

About 1945, 22 Aug 10, SA TRAN interviewed Mrs. CHAJI who stated on 16 Aug 10, SPC SALEH and SSG JAKANE were involved in a domestic altercation where the FIPD responded (See Military Police Report (MPR): 01033-2010-MPC146) and transported SSG JAKANE to the ER, WACH, FICA. Mrs. CHAJI related between 16 Aug 10 to 18 Aug 10, SPC SALEH called her frequently to provide moral support which she provided. On the night of 18 Aug 10, Mrs. CHAJI related SPC SALEH came over to her house but Mrs. CHAJI asked SPC SALEH to leave since she was putting her two children to bed. Mrs. CHAJI related she came downstairs after and encountered SPC SALEH inside her house and was sitting on the couch in the dining room. Mrs. CHAJI stated she sat beside SPC SALEH who began to state that his wife, SSG JAKANE was cheating on him and all women were alike. Mrs. CHAJI related SPC SALEH stood up in front of Mrs. CHAJI, pulled his penis out and told Mrs. CHAJI to do what SSG JAKANE did to him. Mrs. CHAJI related she assumed SPC SALEH referred to oral sex and attempted to get away from SPC SALEH. Mrs. CHAJI related SPC SALEH pushed her onto the couch but she managed to stand up and ran into her bedroom where SPC SALEH followed. Mrs. CHAJI related when she reached her bedroom, SPC SALEH entered the bedroom and locked the door. Mrs. CHAJI related she saw a knife, which was located in the sink of the kitchen, in SPC SALEH's hand. Mrs. CHAJI related SPC SALEH pointed the knife at her and told her either she was going to take her clothes off or he was going to cut it off. Mrs. CHAJI related she complied because she did not want her children to know what was going on. Mrs. CHAJI related after removing her clothing, SPC SALEH turned off the lights and pushed her onto the bed where he climbed atop of Mrs. CHAJI and raped her in a missionary position. Mrs. CHAJI related she did not

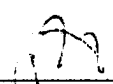
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know what happened to the knife, but in the morning, Mrs. CHAJI found the knife on the floor and brought it to the kitchen. Mrs. CHAJI further stated the bed sheets were not washed yet. Mrs. CHAJI related SPC SALEH was wearing his Army Combat Uniform (ACU) when he raped her. Mrs. CHAJI related about 10 minutes later, SPC SALEH wiped himself off with a pair of pants Mrs. CHAJI described as her pajama pants, which were blue in color and contained prints of "Tinkerbelle". Mrs. CHAJI stated SPC SALEH threw the pants in her face and told her if she told anybody that he will kill her and her children. Mrs. CHAJI stated on 20 Aug 10, she went to the MWC where she passed out and awoke in the ER. Mrs. CHAJI stated later that day, SPC SALEH came to visit her but she agreed to allow SPC SALEH into her room because she feared he would kill her children. There, Mrs. CHAJI stated SPC SALEH told her not to tell anybody about what happened. Mrs. CHAJI stated on 21 Aug 10, SPC SALEH called her via cell phone and she told SPC SALEH everything was okay and she did not disclose any information to the ER Staff. Mrs. CHAJI related later that day, SPC SALEH and SSG JAKANE came to her house and asked her to go to Costco with them. Mrs. CHAJI related she assumed they asked her to go because SPC SALEH and SSG JAKANE had a No Contact Order and was using Mrs. CHAJI as a witness. Mrs. CHAJI related after Costco, they went to a restaurant where when SSG JAKANE went to the restroom, SPC SALEH told Mrs. CHAJI if she told SSG JAKANE what happened, he would kill her and SSG JAKANE. Mrs. CHAJI related on the drive home, Mrs. CHAJI was feeling ill and wanted to go to the hospital but SPC SALEH and SSG JAKANE denied her request because they stated they weren't supposed to be together. Mrs. CHAJI related SPC SALEH and SSG JANAKE took her home where she went to the ER, WACH, and was released the same day. Mrs. CHAJI stated when she walked out to her car, SPC SALEH was there and threatened her life if she told. Mrs. CHAJI related SPC SALEH followed her home where he entered her home and told her he was going to have sex with her again but Mrs. CHAJI told him no and he left. Mrs. CHAJI related on 21 Aug 10, she called her friend, SPC CHAHTI, and drove to his house where she disclosed to him she was raped by SPC SALEH. SPC CHAHTI informed her to notify her husband, SPC BELKHATIR, who was on a Temporary Duty (TDY), out of state, and the FIPD. Mrs. CHAJI related she would and travelled to her residence where she encountered SPC SALEH who was sitting in a chair, in the backyard, and noticed the door to garage which led into the home was open. Mrs. CHAJI assumed SPC SALEH entered her home to look for her prior to her arrival. Mrs. CHAJI related SPC SALEH and her entered the dining room of the house when she told SPC SALEH she notified SPC CHAHTI about the rape. Mrs. CHAJI stated SPC SALEH pushed her onto the ground where he stood behind her and crossed his arm across her neck, choking her. SPC SALEH released Mrs. CHAJI and threw her onto the corner section of the couch. Mrs. CHAJI related SPC SALEH jumped atop of her, held her arms by the biceps, and placed a knee onto her chest. Mrs. CHAJI related SPC SALEH then used his forearm to choke Mrs. CHAJI but released his position to grab a knife from the kitchen. Mrs. CHAJI described both knives SPC SALEH used to threaten her were different sizes but had black handles and a silver blade. Mrs. CHAJI related she could identify which knives SPC SALEH used. Mrs. CHAJI related SPC SALEH sat on the couch beside her and told her he was going to kill her if she did indeed tell anybody, and then in a stabbing motion, punctured the sofa cushion. Mrs. CHAJI related to SPC SALEH if he was going to kill her then to do

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it already. She related to him that she did tell SPC CHAHTI and everybody knew what he did. Mrs. CHAJI related at some point, she recalled SPC SALEH was attempting to place the knife into Mrs. CHAJI's hands. Mrs. CHAJI related SPC SALEH told her he was going to tell the FIPD she was trying to kill him and her prints on the knife would prove it. Mrs. CHAJI related SPC SALEH stood up and attempted to leave the house but she grabbed his shirt and told him he was going to get in trouble for what he did. Mrs. CHAJI related SPC SALEH removed his shirt to break free from Mrs. CHAJI's grip and both ran towards the front door where Mrs. CHAJI blocked SPC SALEH's access to leave. Mrs. CHAJI related SPC CHAHTI arrived and notified the FIPD.

About 2055, 22 Aug 10, SA TRAN was notified by MAJ Brett G. BUEHNER, Officer-in-Charge (OIC), ER, WACH, FICA, that the Sexual Assault Nurse Examiner (SANE) for FICA completed a Permanent Change of Duty Station (PCS), and was no longer on FICA. MAJ BUEHNER related his staff contacted the Hospital in Fontana, CA who conducts SANE Exams but declined to do so for SPC SALEH and Mrs. CHAJI since the incident occurred past 72 hours.

About 2122, 22 Aug 10, SA TRAN discussed the collection of Mrs. CHAJI's cell phone, which Mrs. CHAJI agreed but requested SA TRAN collect the phone on 23 Aug 10 since that was her primary means of communication and feared SPC SALEH would attempt to retaliate against her and her children for notifying the FIPD of the rape. Further, Mrs. CHAJI related SPC SALEH did not text her or leave voicemails of threats or admissions to the rape. SA TRAN agreed and with consent, searched Mrs. CHAJI's cell phone for any texts, voicemails, photographs, or emails of evidentiary value. SA TRAN did not locate any of the files mentioned but noted several text messages between SPC SALEH and Mrs. CHAJI which were photographed (See print out of photographs). SA TRAN requested Mrs. CHAJI provide her cell phone call logs, which she agreed.

About 2150, 22 Aug 10, SA TRAN coordinated with SPC SALEH, who was directed by 1SG CASTRO to wait at the FIPD. SPC SALEH appeared as if he did not have knowledge of the active investigation. SA TRAN related to SPC SALEH this office and his parent unit felt it was necessary to provide SPC SALEH a 24 hour guard for his protection against retaliation by SPC BELKHATIR or Mrs. CHAJI; however, the fact was a ploy to safeguard Mrs. CHAJI. SPC SALEH maintained he was a victim of an assault by Mrs. CHAJI and agreed to the 24 hour guard at his temporary barracks.

About 2218, 22 Aug 10, SA TRAN briefed CPT Michael KIRKMAN, Trial Counsel (TC), Office of Staff Judge Advocate (OSJA), FICA, on all aspects of this investigation. CPT KIRKMAN provided a legal opinion that based upon the current facts, probable cause existed to believe SPC SALEH committed the offenses of Rape, Communicating a Threat, and Assault. CPT KIRKMAN related collection of the knives, bed sheets, and clothing would help substantiate or refute the offenses; however, the collection of the cell phone would not assist since SPC SALEH did not text or leave a voicemail of threats or admissions, so a call log would suffice.

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About 2325, 22 Aug 10, SA TRAN conducted a crime scene examination of Mrs. CHAJI's residence. From 0047 to 0055, 23 Aug 10, prior to SA TRAN's arrival to Mrs. CHAJI's residence, Mrs. CHAJI collected all her clothing she wore the night she was raped, and put them together with the pajama SPC SALEH used to wipe himself. Mrs. CHAJI set the clothing downstairs on a nightstand where they were collected by SA TRAN. Mrs. CHAJI also removed her bedsheets and blankets and placed them at the bottom of the stairway where they were also collected by SA TRAN. Two knives pertaining to this investigation were placed inside the kitchen sink prior to SA TRAN's arrival. Mrs. CHAJI removed the knives and placed them atop the kitchen counter for collection by SA TRAN. Mrs. CHAJI related the smaller knife was initially on the floor in the dining room but one of the FIPD Officer picked the knife up without gloves and placed it on the table in the dining room. Mrs. CHAJI related she moved the knife over to the kitchen sink afterwards. Mrs. CHAJI further related the larger knife was left upstairs in her bedroom where she picked up the knife and placed it in the sink. Evidence was documented on an Evidence/Custody Property Document (EPCD) (DA Form 4137), Document Number (DN): 096-10.

About 0129, 23 Aug 10, SA TRAN superglue fumed the knives to protect and preserve latent fingerprints.

About 1500, 23 Aug 10, According to Ehow.com and Clapham Locksmiths.com, a Deadbolt was defined as a rectangular-section bolt that can only be disengaged with a key or thumb turn; unlike a live latch, a dead bolt was not sprung and cannot be pushed back.

AGENT'S COMMENT 3: SA TRAN verbally interviewed Mrs. CHAJI throughout the night during the crime scene examination who stated SPC SALEH did not have a key to access her house.

About 1300, 23 Aug 10, SA TRAN exposed additional photographs of Mrs. CHAJI's bruising on her upper arms and forearms to show the progression of her bruising.

About 1500, 23 Aug 10, SA TRAN conducted a check of the internet which revealed that according to Ehow.com and Clapham Locksmiths.com, a Deadbolt was defined as a rectangular-section bolt that can only be disengaged with a key or thumb turn; unlike a live latch, a dead bolt was not sprung and cannot be pushed back.

About 1701, 23 Aug 10, SA TRAN received the MPR pertaining to this case which included the investigator statements of SPC SHAHADA, Officer Mark DANIELSON, and Officer Eric C. ANDERSON, both FIPD, FICA, an incomplete, unsigned statement from Mrs. CHAJI (Statement was taken by SPC SHAHADA who transported Mrs. CHAJI to the ER since she began to feel dizzy while giving her sworn statement). The MPR also included SPC SALEH's counseling document which pertained to the domestic altercation between SPC SALEH and SSG JAKANE. The counseling document indicated a 72 hour No Contact Order was emplaced.

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LAW ENFORCEMENT RECORDS CHECK: A review of the Defense Clearance and Investigations Index (DCII), U.S. Army Crime Records Center (USACRC), Fort Belvoir, VA 22060, the National Criminal Information Center (NCIC), and the local files of this office revealed SPC SALEH was a subject of the Offense of Spousal Abuse, MPR: 01033- 2010-MPC146, which occurred on 16 Aug 10 at SPC SALEH residence: 5315-B Cottontail Lane, FICA. SPC SALEH was interviewed who denied the allegations and was released to his parent unit. A 72 hour No Contact Order was issued by SPC SALEH's unit.///LAST ENTRY///

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