INCIDENT REPORT	INCIDENT NUMBER	REPORT NUMBER	REPORT TYPE
	103241101219	103241101219 REVISION 1	INITIAL

PRIVACY ACT STATEMENT

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 5031; 44 U.S.C. 3103 and EO 9397
PRINCIPAL PURPOSE: Used to record information and details of criminal activity which may require investigative action by commanding officers, supervisors, security police, NCIS special agents, etc. Used to provide information to the appropriate individuals within DoD organizations who ensure that proper legal and administrative action is taken.
ROUTINE USES: Information may be disclosed to local, county, state and federal law enforcement or investigatory authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.
DISCLOSURE IS VOLUNTARY: SSN is used to positively identify the individual making the statement and as a conduit to check past criminal activity records.

SECTION I. ADMINISTRATIVE

Incident Subject : UNLAWFUL DISCHARGE OF A FIREARM / LOADED WEAPON IN VEHICLE

Date Received	Time Received	Incident Received	Start Date / Time of Incident	End Date / Time of Incident
04-OCT-2010	1746	In Person	04-OCT-2010 1730	04-OCT-2010 1746

Weather : Cloudy

Lighting : Daylight

SECTION II. COMPLAINANT(S)

SECTION III. OFFENSE(S)

OFFENSE

Offense : Assimilated Crimes Act | **Statutory Basis** : UCMJ | **On Base** : YES | **Offense Status** : COMPLETED

Location : CRAVEN STREET AND SURROUNDING AREA PORTSMOUTH, Rhode Island

Location Type : Field/Woods, Training Area

Bias Motivation : No Bias

Offender Used :

Type Weapon / Force Used :

Type of Criminal Activity :

VEHICLE(S) USED IN COMMISSION OF OFFENSE

Vehicle	Vehicle Status	Year	Make	Model	Body Style	Color
	Suspect	(b) [redacted]	(b) [redacted]	(b) (6) [redacted]	(b) [redacted]	(b) [redacted]

License Plate	Vehicle Identification Number (VIN)	Owner Name
(b) (6) [redacted]	(b) (6 (b) (7)(C) [redacted]	(b) (6) (b) (7)(C) [redacted]

Other Identifying Marks

OFFENSE

Offense : Assimilated Crimes Act | **Statutory Basis** : UCMJ | **On Base** : YES | **Offense Status** : COMPLETED

Location : CRAVEN STREET AND SURROUNDING GRASSY AREA PORTSMOUTH , Rhode Island

Location Type : Highway/Road/Alley (includes street)

Bias Motivation : No Bias

Offender Used : Computer Equipment

Type Weapon / Force Used :

Type of Criminal Activity :

VEHICLE(S) USED IN COMMISSION OF OFFENSE

Vehicle	Vehicle Status	Year	Make	Model	Body Style	Color
	Suspect	(b) [redacted]	(b) [redacted]	(b) (6) [redacted]	(b) (6) [redacted]	(b) [redacted]

License Plate	Vehicle Identification Number (VIN)	Owner Name
(b) (6) [redacted]	(b) (6) [redacted]	(b) (6) [redacted]

Other Identifying Marks

SECTION IV. PROPERTY

PROPERTY ITEM

Property Type : Firearm - Rifle (Less than or Equal to 50 Caliber)

Type of Property Loss	Quantity	Value	Secured
Seized/Impounded	1	1	Yes
Make / Model	**Size**	**Color**	**Serial Number**
MARLIN MODEL 57	22 CALIBER	Blue	NONE

Description Lever Action Rifle

Disposition of Property	Ownership Type
Evidence	Private/Personal

PROPERTY ITEM — **Property Type :** Other:Bullets

Type of Property Loss	Quantity	Value	Secured
Seized/Impounded	94	1	Yes
Make / Model	**Size**	**Color**	**Serial Number**
CCI	22 CALIBER	Copper	

Description Mini Mag LR HP

Disposition of Property	Ownership Type
Evidence	Private/Personal

PROPERTY ITEM — **Property Type :** Other:Inert bullet and damaged case

Type of Property Loss	Quantity	Value	Secured
Seized/Impounded	1	1	Yes
Make / Model	**Size**	**Color**	**Serial Number**
CCI	22 CAL	Copper	

Description 22 cal LR HP bullet and 22 cal brass (damaged/inert) case

Disposition of Property	Ownership Type
Evidence	Private/Personal

PROPERTY ITEM — **Property Type :** Other:rifle case

Type of Property Loss	Quantity	Value	Secured
Seized/Impounded	1	1	Yes
Make / Model	**Size**	**Color**	**Serial Number**
SPORTSMAN GUIDE	RIFLE	Gray	

Description Rifle sock case

Disposition of Property	Ownership Type
Evidence	Private/Personal

PROPERTY ITEM — **Property Type :** Other:Screwdrivers

Type of Property Loss	Quantity	Value	Secured
Seized/Impounded	6	1	Yes
Make / Model	**Size**	**Color**	**Serial Number**
STANLEY		Yellow	

Description Mini yellow

Disposition of Property	Ownership Type
Evidence	Private/Personal

PROPERTY ITEM — **Property Type :** Other:Twine

Type of Property Loss	Quantity	Value	Secured
Seized/Impounded	1	1	Yes
Make / Model	**Size**	**Color**	**Serial Number**
	6 FT	Yellow	

Description plastic

Disposition of Property	Ownership Type
Evidence	Private/Personal

PROPERTY ITEM — **Property Type :** Other:Cardboard Box

Type of Property Loss	Quantity	Value	Secured
Seized/Impounded	1	1	Yes

Make / Model	Size	Color	Serial Number
	15X15X10	Brown	

Description square

Disposition of Property	Ownership Type
Evidence	Private/Personal

PROPERTY ITEM — Property Type : Other:VCR Tape

Type of Property Loss	Quantity	Value	Secured
None	1	1	Yes

Make / Model	Size	Color	Serial Number
MP120		Black	

Description Sony

Disposition of Property	Ownership Type
Evidence	US Federal Gov. - Non-Appropriated

SECTION IV. PROPERTY - NARCOTIC(S)

SECTION IV. PROPERTY - VEHICLE(S)

Vehicle	Year	Make	Model	Body Style	Color
	(b) [redacted]	(b) [redacted]	(b) (6) [redacted]	(b) [redacted]	(b) [redacted]

License Plate	Vehicle Identification Number (VIN)	Owner Name
(b) (6) [redacted]	(b) (6) (b) (7)(C) [redacted]	(b) (6) [redacted]

Other Identifying Marks

SECTION V. VICTIMS(S)

VICTIM	Victim Type	DD2701 Issued
	Individual	

Name	ID Num	Rank
U.S. GOVERNMENT, U.S. NAVY	SSN/ 000000000	

Branch of Service	Personnel Type	Status	Date of Birth	Place of Birth
	UNKNOWN			

Sex	Race	Ethnicity	Resident of Jurisdiction
Unknown	Unknown	Unknown	

Address
, ,

Organization	UIC / RUC	Work Telephone

ADDITIONAL VICTIM INFORMATION

Offense(s) Committed Against This Victim : 1 - Assimilated Crimes Act, 2 - Assimilated Crimes Act

Relationship of Victim to Suspect(s) :
(b) (6) (b) (7)(C) [redacted]

Aggravated Assault Circumstances :

Injury Type(s):
None

VICTIM	Victim Type	DD2701 Issued
	Individual	

Name	ID Num	Rank
U.S. GOVERNMENT, U.S. NAVY	SSN/ 000000000	

Branch of Service	Personnel Type	Status	Date of Birth	Place of Birth
	UNKNOWN			

Sex	Race	Ethnicity	Resident of Jurisdiction
Unknown	Unknown	Unknown	

Address
, ,

Organization	UIC / RUC	Work Telephone

ADDITIONAL VICTIM INFORMATION

Offense(s) Committed Against This Victim : 1 - Assimilated Crimes Act, 2 - Assimilated Crimes Act

Relationship of Victim to Suspect(s) :

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

Aggravated Assault Circumstances :

Injury Type(s):
None

VICTIM			Victim Type Individual	DD2701 Issued
Name U.S. GOVERNMENT, U.S. NAVY			ID Num SSN/ 000000000	Rank
Branch of Service	Personnel Type UNKNOWN	Status	Date of Birth	Place of Birth
Sex : Unknown	Race : Unknown	Ethnicity : Unknown		Resident of Jurisdiction :
Address , ,				
Organization			UIC / RUC	Work Telephone

ADDITIONAL VICTIM INFORMATION

Offense(s) Committed Against This Victim : 1 - Assimilated Crimes Act, 2 - Assimilated Crimes Act

Relationship of Victim to Suspect(s) :

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

Aggravated Assault Circumstances :

Injury Type(s):
None

SECTION VI. WITNESS/SPONSOR - WITNESS(S)

SECTION VI. WITNESS/SPONSOR - SPONSOR(S)

SECTION VII. SUSPECT(S) / ARRESTEE(S)

SUSPECT

Name (b) (6) [redacted]			ID Num SSN/(b) (6) [redacted]	Rank (b) (6) [redacted]
Branch of Service Navy	Personnel Type MILITARY	Status Regular (Active)	Date of Birth (b) (6) [redacted]	Place of Birth (b) (6) [redacted]
(b) (7)(C), (b) (6) [redacted]				
Organization UNITED STATES NAVY			UIC / RUC (b) (6) [redacted]	Work Telephone (b) (6) [redacted]

Known Alias :

ADDITIONAL SUSPECT / ARRESTEE INFORMATION

Offense(s) Committed by This Suspect/Arrestee:
Assimilated Crimes Act - Principal , Assimilated Crimes Act - Principal

SUSPECT / ARRESTEE DESCRIPTION

Sex (b) (6) [redacted]	Race (b) (6) [redacted]	Ethnicity Unknown	Resident of Jurisdiction Non Resident

Hair Color (b) (6) [redacted]	Eye Color (b) [redacted]	Height *(Inches)* (b) [redacted]	Weight *(lbs.)* (b) [redacted]	Body Build (b) (6) [redacted]	Dexterity

Hair Type(s): (b) [redacted]	HairStyle(s): Straight	Facial Hair : (b) [redacted]
Complexion (6) [redacted]		Appearance : (b) [redacted]
Attire : (b) (6) [redacted]	Speech : (b) [redacted]	Demeanor (b) [redacted]

IDENTIFYING MARKS

Type	Location	Description

ARRESTEE INFO

Date Arrested : Type of Arrest :
Multiple Clearance : Disposition of Juvenile :

Suspect Was Armed With :

SUSPECT

Name (b) (6) [redacted]			ID Num SSN/(b) (6) [redacted]	Rank (b) (6) [redacted]
Branch of Service	Personnel Type	Status	Date of Birth	Place of Birth

Navy	MILITARY	Regular (Active)	(b) (4) [redacted]

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

Organization	UIC / RUC	Work Telephone
UNITED STATES NAVY	(b) (6) [redacted]	(b) (6) [redacted]

Known Alias :

ADDITIONAL SUSPECT / ARRESTEE INFORMATION

Offense(s) Committed by This Suspect/Arrestee:
Assimilated Crimes Act - Conspiracy , Assimilated Crimes Act - Conspiracy

SUSPECT / ARRESTEE DESCRIPTION

Sex	Race	Ethnicity	Resident of Jurisdiction
(b) [redacted]	(b) (6) [redacted]	Unknown	(b) (6) [redacted]

Hair Color	Eye Color	Height *(Inches)*	Weight *(lbs.)*	Body Build	Dexterity
(b) (6) [redacted]	(b) [redacted]	(b) [redacted]	(b) [redacted]		

Hair Type(s) (b) (6) [redacted]	HairStyle(s): (b) (6) [redacted]	Facial Hair : (b) [redacted]
Complexion [redacted]		Appearance : (b) [redacted]
Attire : (b) (6) [redacted]	Speech : (b) [redacted]	Demeanor : (b) [redacted]

IDENTIFYING MARKS

Type	Location	Description

ARRESTEE INFO

Date Arrested :	Type of Arrest :
Multiple Clearance :	Disposition of Juvenile :

Suspect Was Armed With :

SECTION VIII. ADDITIONAL POLICE OFFICERS

POLICE OFFICER

Name	Rank
(b) (6) [redacted]	(b) [redacted]

Branch of Service	Personnel Type	Status	Organization
DoD	CIVILIAN	CIVILIAN EMPLOYEE - Civil Service	NAVSTA NEWPORT POLICE DEPARTMENT

POLICE OFFICER

Name	Rank
(b) (6) [redacted]	(b) (6) [redacted]

Branch of Service	Personnel Type	Status	Organization
DoD	CIVILIAN	CIVILIAN EMPLOYEE - Civil Service	NAVSTA NEWPORT POLICE DEPARTMENT

POLICE OFFICER

Name	Rank
(b) (6) [redacted]	(b) [redacted]

Branch of Service	Personnel Type	Status	Organization
DoD	CIVILIAN	CIVILIAN EMPLOYEE - Civil Service	NAVSTA NEWPORT POLICE DEPARTMENT

POLICE OFFICER

Name	Rank
(b) (6) [redacted]	(b) [redacted]

Branch of Service	Personnel Type	Status	Organization
DoD	CIVILIAN		NAVSTA NEWPORT POLICE DEPARTMENT

POLICE OFFICER

Name	Rank
(b) (6) [redacted]	(b) [redacted]

Branch of Service	Personnel Type	Status	Organization
DoD	CIVILIAN		NAVSTA NEWPORT POLICE DEPARTMENT

POLICE OFFICER

Name	Rank
(b) (6) [redacted]	(b) [redacted]

Branch of Service	Personnel Type	Status	Organization
DoD	CIVILIAN		NAVSTA NEWPORT POLICE DEPARTMENT

POLICE OFFICER

Name	Rank
(b) (6) [redacted]	(b) [redacted]

Branch of Service	Personnel Type	Status	Organization
DoD	CIVILIAN		NAVSTA NEWPORT POLICE DEPARTMENT

POLICE OFFICER

Name	Rank
(b) (6) [redacted]	(b) [redacted]

Branch of Service	Personnel Type	Status	Organization
DoD	CIVILIAN		NAVSTA NEWPORT POLICE DEPARTMENT

POLICE OFFICER

Name	Rank
(b) (6) [redacted]	(b) [redacted]

Branch of Service	Personnel Type	Status	Organization
DoD	CIVILIAN		NAVSTA NEWPORT POLICE DEPARTMENT

SECTION IX. NARRATIVE

On 04OCT2010 at approximately 1745 I was patrolling the Melville Housing area in Portsmouth, RI and as I was approaching Craven Street I observed a (b) [redacted] standing by a pickup truck with an object in his hands which appeared to be a long gun, pointing towards the houses on Worden Street.

I turned into the Craven Street cul-de-sac and pulled behind the pickup truck, (b) (6) [redacted] As I exited my vehicle a male later identified as: (b) (6) [redacted] placed the item he was holding into his vehicle. I asked (b) (6) [redacted] If he lived in the Melville Housing area and he said no and when I asked him what he just placed in his vehicle, he said it was a gun. I immediately told him to step away from the weapon. He hesitated following my instructions, saying □but□. I unsnapped my holster, placed my hand in ready position to draw and ordered (b) (6) [redacted] again to move away from the weapon. This time (b) (6) [redacted] complied without hesitation. I immediately handcuffed (double locked) (b) (6) [redacted] and patted him down for any additional weapons. While patting him down, (b) (6) [redacted] told me that he had four 22 caliber bullets in his left front pants pocket. Once he was secured I immediately ask for additional officers to respond to my location over my radio, stating that I had a male with a loaded weapon.

As I was speaking over my police radio another male suddenly appeared from out of the woods, from the path coming from the area of the Melville Elementary School. He was later identified as: (b) (6) [redacted] (b) (6) [redacted] As he was approaching the pickup truck I asked him if he was with (b) (6) [redacted] to which he answered, yes. I told [redacted] to go over to the front of my cruiser which was a car length away from the rear of the pickup truck and stay on the hood and not to move.

Speaking with (b) (6) [redacted] I learned that they were both active duty Navy personnel. I read (b) (6) [redacted] his Article 31(b) Rights before questioning him further and he said that he understood. (b) (6) [redacted] began to try and explain what he was doing, saying that he was just shooting in the area trying to site in his gun to hunt squirrels. He said that his gun jammed so that was why he was at his vehicle attempting to clear it when I pulled up. (b) (6) [redacted] explained that if I were to walk onto the grass I would see where he was shooting from because his screwdrivers and some other things were still there. He said that he had also had placed a box in the field to use as a target.

I asked (b) (6) [redacted] if he was aware that there were homes, a school and a pond in back of the woods he was shooting towards and he said he wasn□t. Yet, he also said that he had taken a drive through the area and saw the school. At this time (b) (6) [redacted] began to laugh, but said he didn t think it was funny but asked if Rhode Island had any places where he could go to shoot and continued smiling.

Moments later (b) (6) [redacted] pulled up, followed by (b) (6) [redacted] (b) (6) [redacted] handcuffed (b) (6) [redacted] patted him down and secured him in his police cruiser. (see Investigative Notes from (b) (6) [redacted] Enclosure # 1). Once the scene was safe I had (b) (6) [redacted] direct me to the items he spoke about in the grass to the west of Craven Street. On the grass was a container of CCI Mini-Mag 2 caliber LR HP ammunition with ten (10) rounds missing from the one hundred (100) round box, a set of house and car keys (to the pickup truck), a set of six (6) yellow Stanley screw drivers in a plastic case, a rod that (b) (6) [redacted] had removed from the rifle, a six (6) foot piece of yellow fishing twine, a gray and a yellow sportsman guide rifle sock case. Approximately seventy-five feet north of this point was a fifteen (15) inch by fifteen (15) inch by ten (10) inch cardboard box with a homemade paper target on it. The box had four twenty-two (22) caliber bullet holes in it. I requested Lt Bodell come into the grassy area so I could show him and he stated to leave everything where it was. (b) (6) [redacted] then called (b) (6) [redacted] over the radio and told him to respond to the police station for the patrol camera.

At this time (b) (6) [redacted] was brought to cruiser number two (2) and placed in the rear driver side. I then went to (b) (6) [redacted] s cruiser and read (b) (6) [redacted] his Article 31(b) Rights. (b) (6) [redacted] began taking some measurements while awaiting the camera from headquarters. He also traced back (b) (6) [redacted] s steps along the cement patch leading to the Melville Elementary School so see if he stashed any other weapons or evidence in the woods, but nothing was found.

At this time attention was turned to the rifle, which was still on the front seat of the pickup truck. Upon inspection it was noted that it could not be transported safely because there was a live round jammed upwards in the chamber. It is not clear from the photos taken by (b) (b) [redacted] but the rifle was a Marlin Model 52 Leavermatic, 22 caliber rifle. The name and model number were on the top of the barrel.

(b) (6) [redacted] arrived and (b) (6) [redacted] was placed from cruiser two (2) into cruiser five (5) which has a prisoner cage so the now safe weapon was placed in the rear of cruiser two (2). (b) (6) [redacted] finished talking measurements for his sketch, then took fifteen (15) photographs of the scene (see enclosure # 2). (b) (6) [redacted] were able to clear the rifle by pulling the top of the 22 caliber CCI bullet off and pour the gun powder out of the brass. After that Lt Bodell used a Leatherman tool to pry the brass out of the brass case out of the rifle rendering it safe. The brass case and bullet were so bent and damaged that I was unable to make a mark on them as evidence, so I sealed them in a clear evidence bag.

The next duty tow company was requested to tow the pickup truck and the Police Dispatcher reported that Ray s Towing was responding. An inventory of the vehicle was documented on the Vehicle Report (see enclosure # 3) to safeguard (b) (6) vehicle for safe keeping.

While awaiting the tow truck (b) (6) to take a drive over to the Melville Elementary School to see if any vehicles were parked in the lot and to make a check for any possible gunshot damage. (b) (7)(C) stated that he made contact with the school custodian and stated that all appeared to be in order but that there was still a teacher in the building because teachers are always present until at least seven 1930 hours every school night. There was no one playing at the basketball court at that time.

When (b) (6) returned Ray s was on scene so we transported (b) (6) to the police station to continue the investigation. (b) (6) processed (b) (6) Investigative Notes/Enclosure # 4) and (b) (6) took charge of (b) (6) in the Police Report Writing Room to see if he would provide a statement, but he declined (See Enclosure # 5).

After (b) (6) was interviewed he was released to the NAVSTA Newport CDO, (b) (6) with no charges filed at this time. (See Enclosure # 6).

(b) (6) was booked and charged with unlawfully discharging a firearm under ART 134 (C)(4) Clause 3 (c)(ii) - (Ref. RIGL 11-47-50 - Firing Without Landowner's Permission □ Firing in Compact Area, as assimilated by Title 18 USC 13) and for having a loaded weapon in his vehicle under ART 134 (C)(4) Clause 3 (c)(ii) - (Ref. RIGL 11-47-51 - Loaded Weapons in Vehicles, as assimilated by Title 18 USC 13). (b (b) may also be in violation of ART 92 (a) for violating the registration and transportation of firearms rules in NAVSTANPTINST 5530.7A (Privately Owned Weapons on NAVSTA Newport). (See Enclosures # 7 & # 8). While being processed (b) (6) the L.C.P.O. from the Naval War College Gaming Department responded and picked him up. (b) (6) was released to (b) (6) (See Enclosure # 9).

NAVSTA Police (b) (6) was not available to transfer the rifle and the ammunition seized to the evidence safe at the Perry Hall Armory, so the NAVSTA Newport CDO, (b) (6) received permission from the CO, NAVSTA Newport to take temporary custody of the items to secure them at the Perry Hall Armory. I escorted (b) (6) n his POV to the Armory along with the rifle and ammunition and signed them over to him on the Evidence/Property Custody Receipt. (See Enclosure # 10). It should be noted that the rifle had no serial number and (b) (6) said that it had been in his family for many years, so instead of making any marks on the metal the characters □C11□ were etched on the upper part of the butt plate of the gun. All of the other items seized at the scene and the Booking Video were listed on another Evidence/Property Custody Receipt and placed in Temporary Evidence Hold Locker #2.

ENCLOSURE(S)

ENCL #	DESCRIPTION
1	(b) (6) Investigative Notes
2	15 Pictures and Map of crime scene
3	Vehicle Report
4	(b) (6) Investigative Notes
5	Military Suspect Rights Form for (b) (6)
6	Receipt fo (b) (6)
7	Military Suspect Rights Form for (b) (6)
8	Property Envelope
9	Receipt for (b) (6)
10	Copy of Evidence Property Receipt for Marlin and 22 cal bullets
11	Copy of Evidence Property receipt for items in grassy area
12	(b) (6) Investigative Notes
13	Finger Print Cards for (b) (6)
14	RILETS Print out for OH/EUM7578
15	Mug Shots of (b) (6)

SECTION X. REPORTING/APPROVING OFFICIALS

Reporting Official	Date	Approving Official	Date
(b) (6) (b) (6) (b) (7)(C)	OCT-2010	(b) (6) (b) (7)(C)	5-OCT-2010 INAL APPROVED ON 05-OCT-2010

SECTION XI. ADMINISTRATIVE DISPOSITION

Victim/Witness Notification		Incident Status	Date Cleared
0 Victims Notified	0 Witnesses Notified		

Referred To/Assumed By :
Distribution :

DEPARTMENT OF THE NAVY **INVESTIGATIVE NOTES**	1. CASE TITLE UNLAWFUL DISCHARGE OF A FIREARM 2. CASE CONTROL NUMBER *(CCN)* 103241100-**D5536** / ICR **1219**		
3. MADE BY (b) (6) (b) (7)(C)	3. MADE AT BLDG 1373, NAVSTANPT, RI	3. DATE 05-OCT-2010	3. TIME 20:00

On 04-OCT-2010 at approximately 1746 hours, I was dispatched to DuPont St., in Melville Navy Housing, Portsmouth, RI to assist NAVSTA Newport Police (b) (6) who was detaining two male individuals with a loaded gun. One male subject was reported to be in handcuffs and the other subject was spread out on the hood of (b) (6) police cruiser.

Upon arrival with the Watch Commander, (b) (6) right behind me I observed that (b) (6) was located at the end of the cul-de-sac on Craven St., not on Dupont St. Upon exiting the police cruiser, (b) (6) requested that I handcuff and search the male at (b) (6) cruiser, later identified as; (USNAVY/ACTIVE) (b) (6) (b) (6) (OTCN/Fire Fighting School) of 123-A Lexington ST., Middletown, RI. After I got him into custody I placed him into my police cruiser and read him his Article 31(b) Rights. (b) (6) then admitted to accompanying the other subject, later identified as; (USNAVY/Active) (b) (6) to Craven St., but denied being involved in any of the shooting with (b) (6) Marlin Model 57, .22 Cal Rifle.

After the evidence was collected by (b) (6) and I had to remove the scope off of the rifle to remove a live .22 round that was caught in the chamber and stove-piped up. (b) (6) used his Leatherman tool to remove the bullet from the casing. At that time I emptied the gunpowder out of the round and the brass casing was removed by (b) (6) to render the weapon clear and safe.

At approximately 1916 hours, I transported (b) (6) to BLDG # 1373 (NAVSTA Newport Police Department) for investigation. (b) (6) was read his rights at the station and refused to make any further statements. (b) (6) was released to (b) (6) (b) (6) without any charges being filed at that time.

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

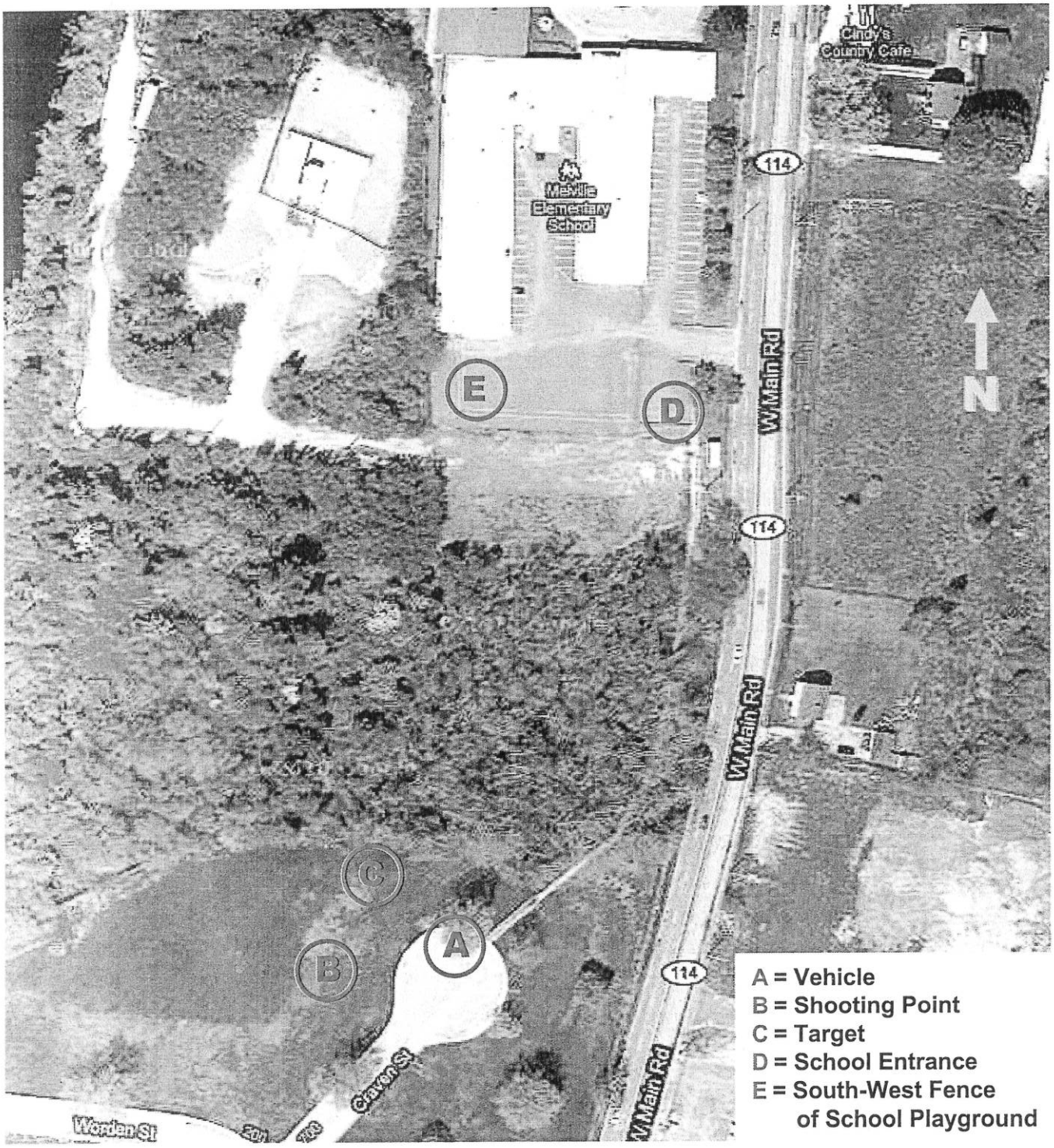
ENCLOSURE (|)

A – B = 223.4 Feet
B – C = 87.9 Feet
A – D = 252.3 Feet
D – E = 261.5 Feet

CCN / ICR: 1032411-D5536 / 1219
Time: 17:46
Date: 04-OCT-2010
Measurements: (b) (6) [redacted]
Device: EZ Measure EZ-3

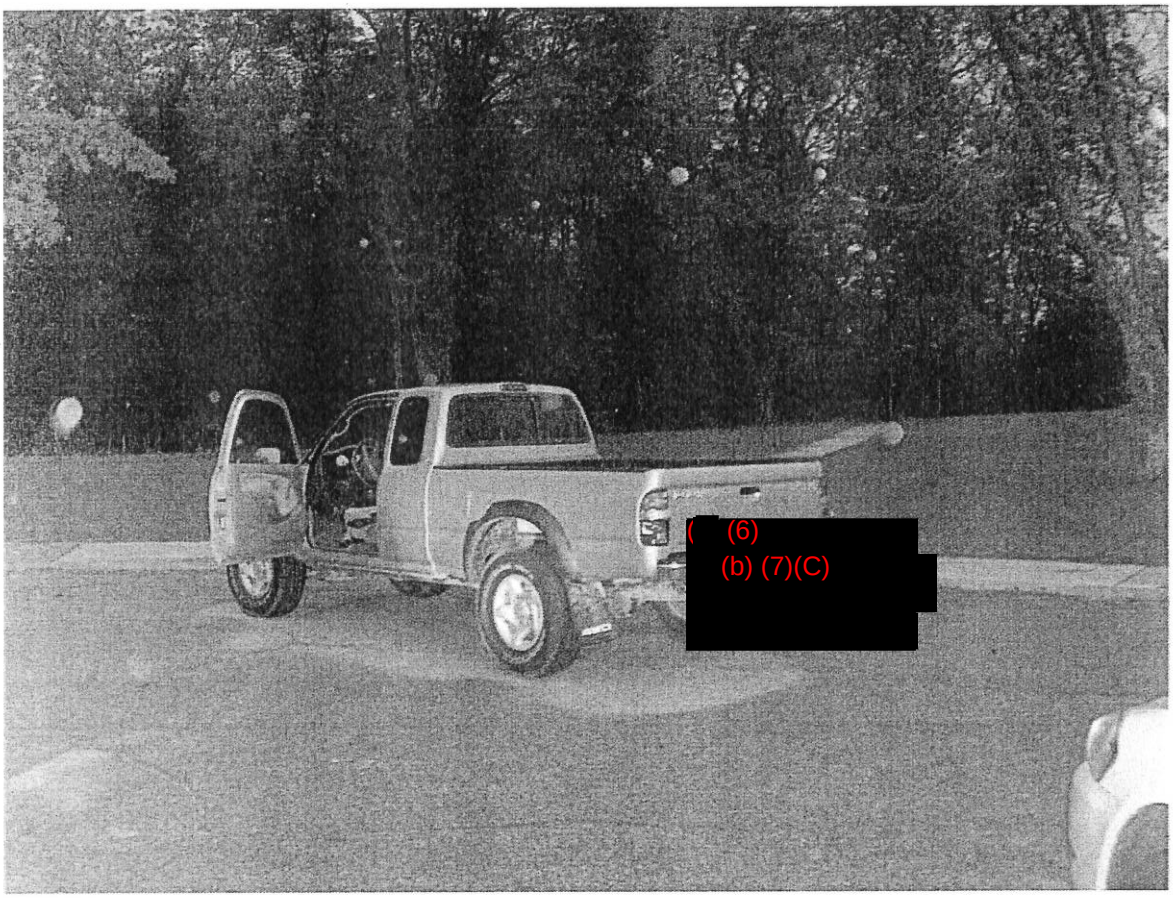
Map Not to Scale. Google Maps. 100' Elevation

ENCL # _____



1 of 16 Encl #2

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.



Vehicle Parked on Craven Street

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.

Vehicle Parked on Craven Street

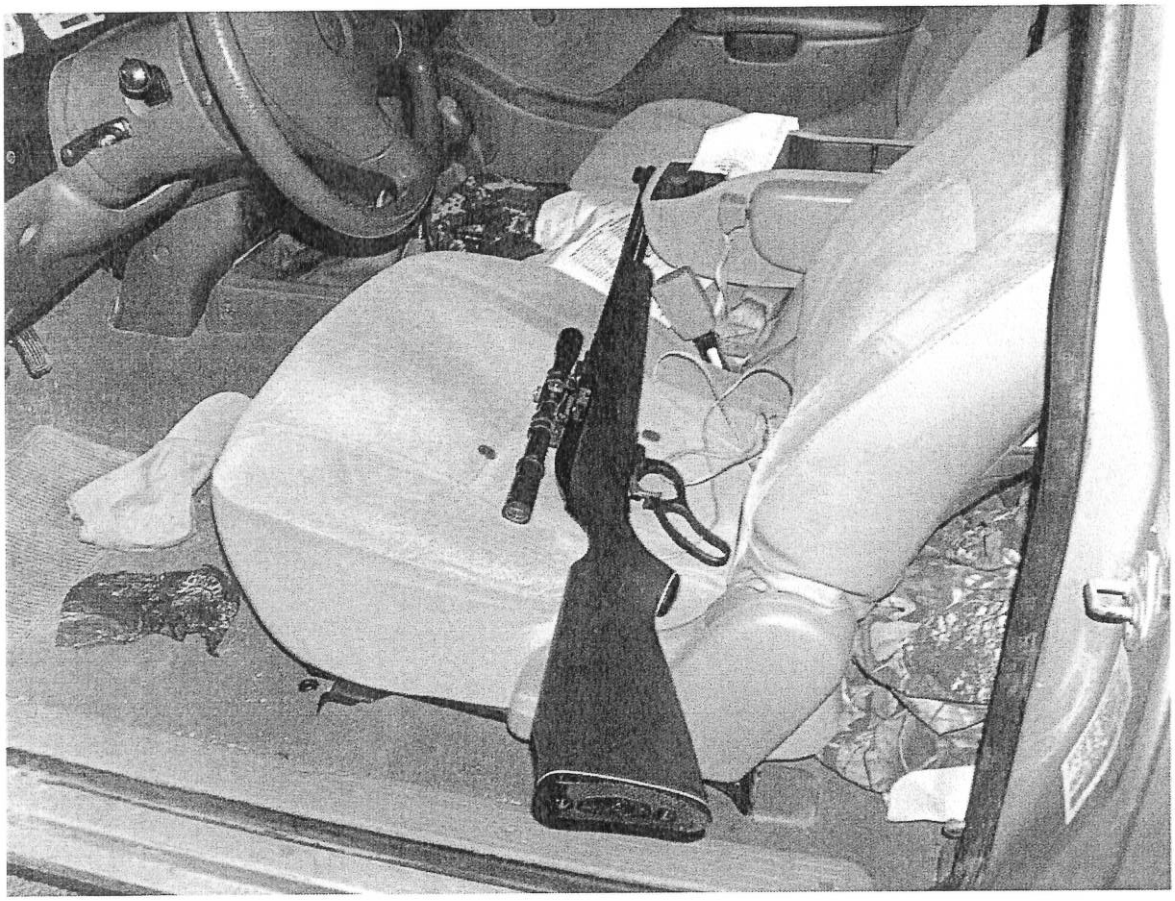
DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.

Vehicle Parked on Craven Street / Rifle on Front Seat

ENCLOSURE # 2

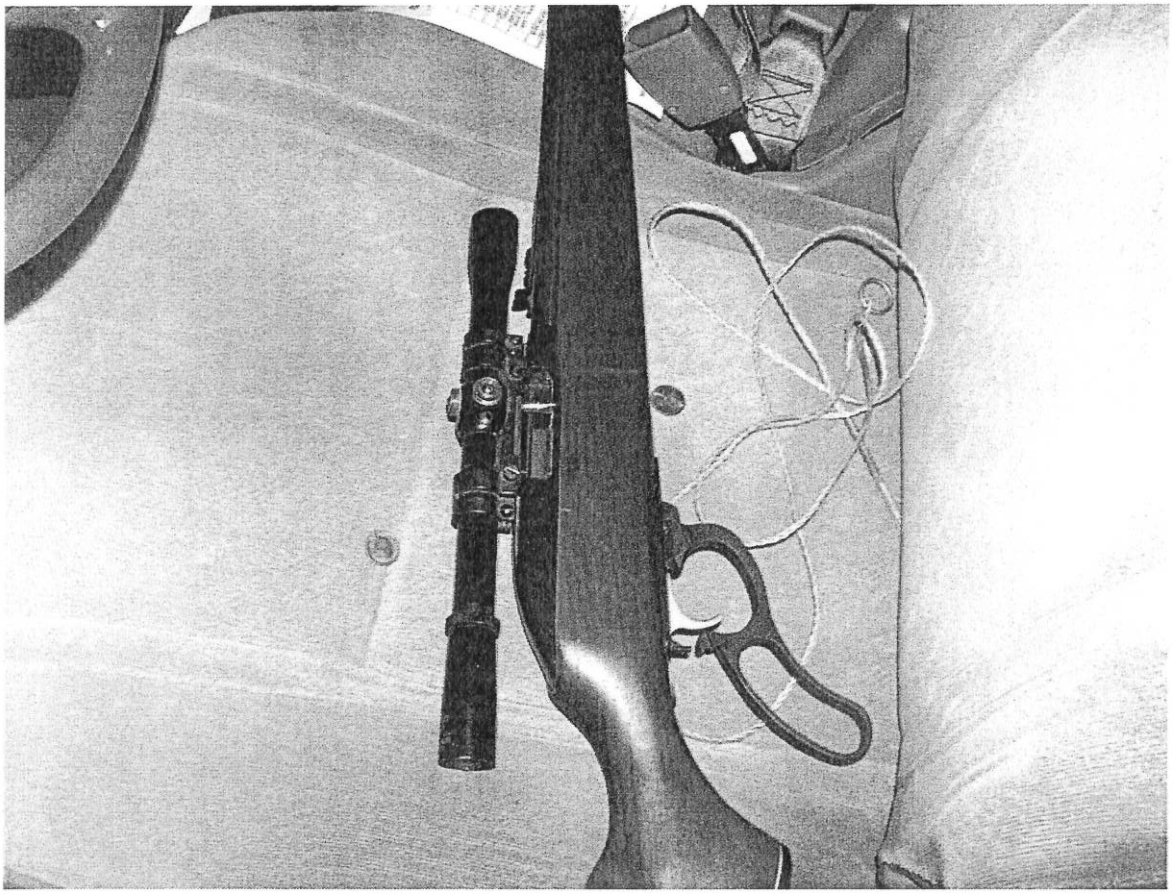
4 of 16

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	(b) (7)(C) [redacted]
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.



Vehicle Parked on Craven Street / Rifle on Front Seat

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-D5536 / 103241100-1219
PHOTOGRAPHER:	(b) (6)
INVESTIGATING OFFICER:	(b) (7)(C)
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.



Rifle on Front Seat / Close-Up of Live Around "Jam" in Chamber

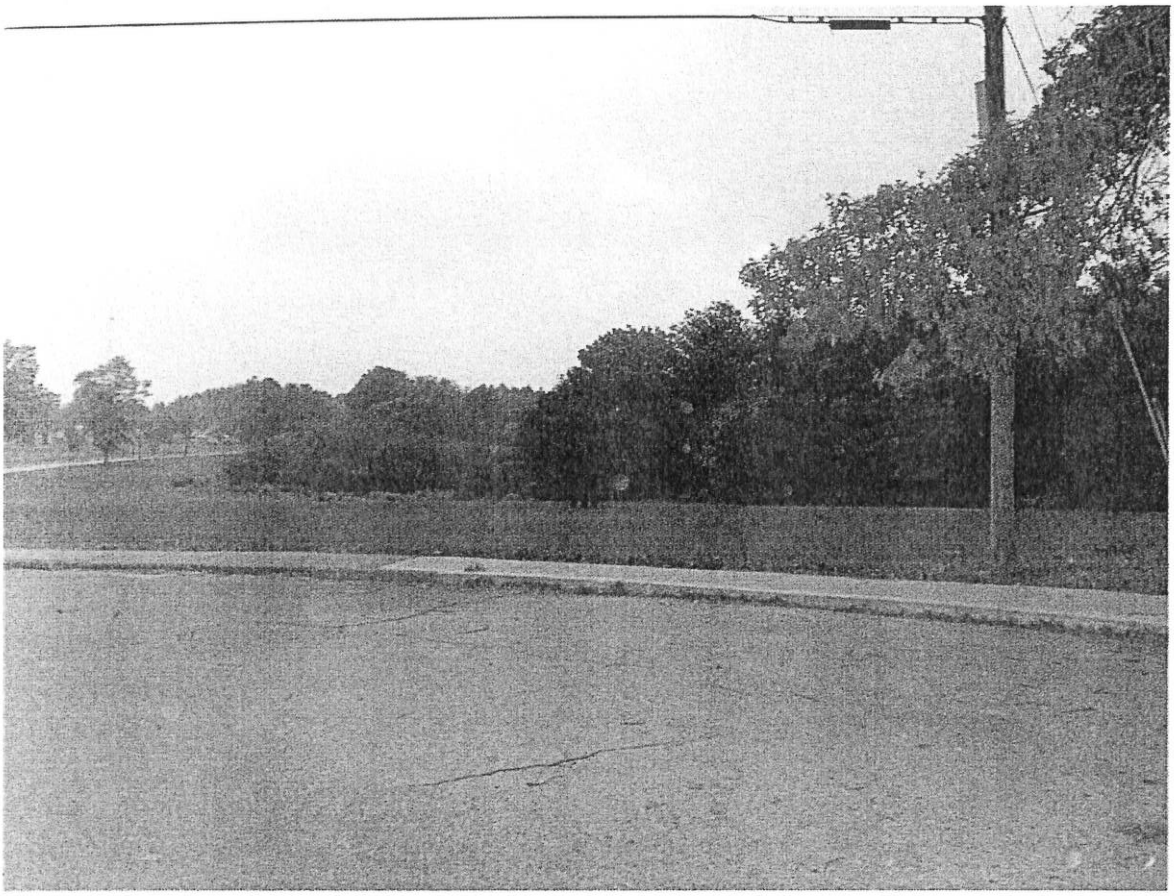
DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.

Facing North-East from Vehicle on Craven Street
Towards Pathway to Melville Elementary School

ENCLOSURE # 2

7 of 16

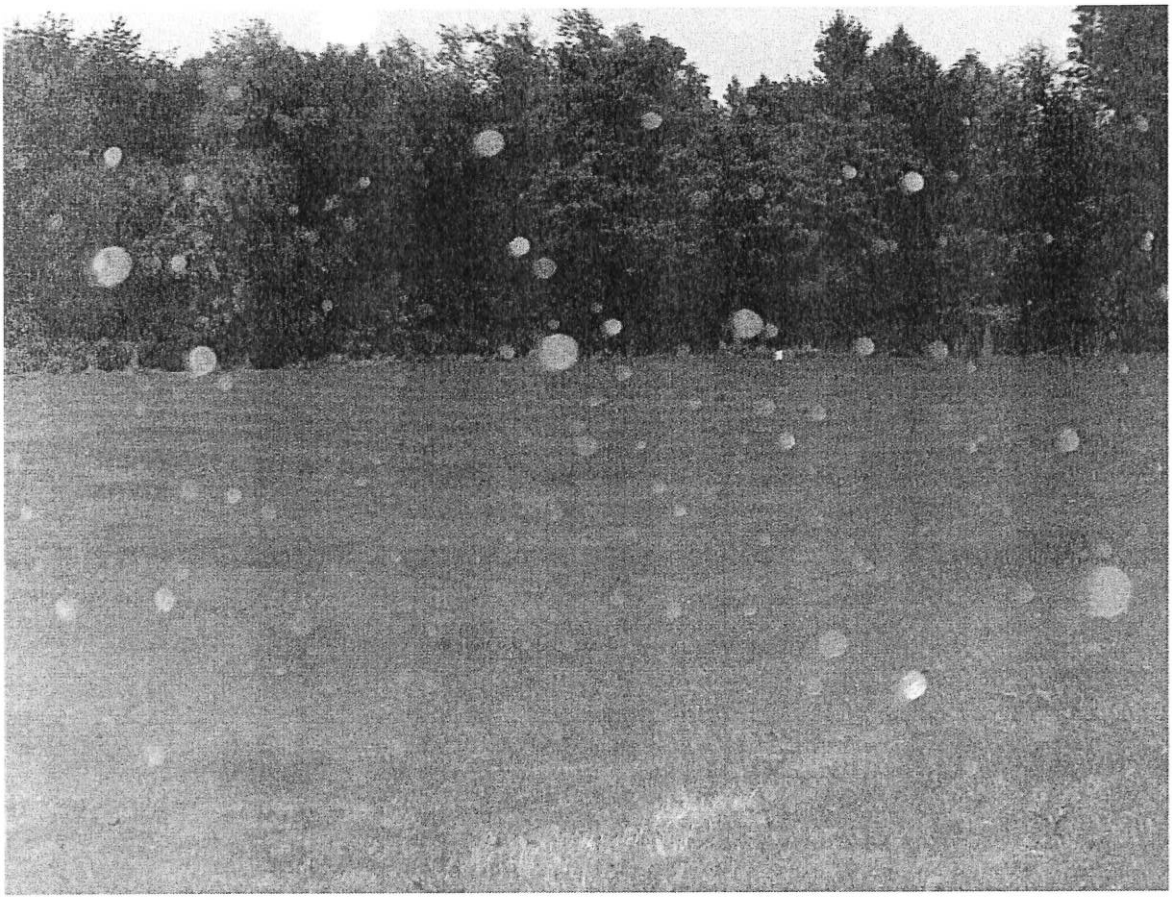
DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	(b) (7)(C) [redacted]
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.



Facing West from Vehicle on Craven Street
Towards Location that (b) (6) [redacted] was Firing From

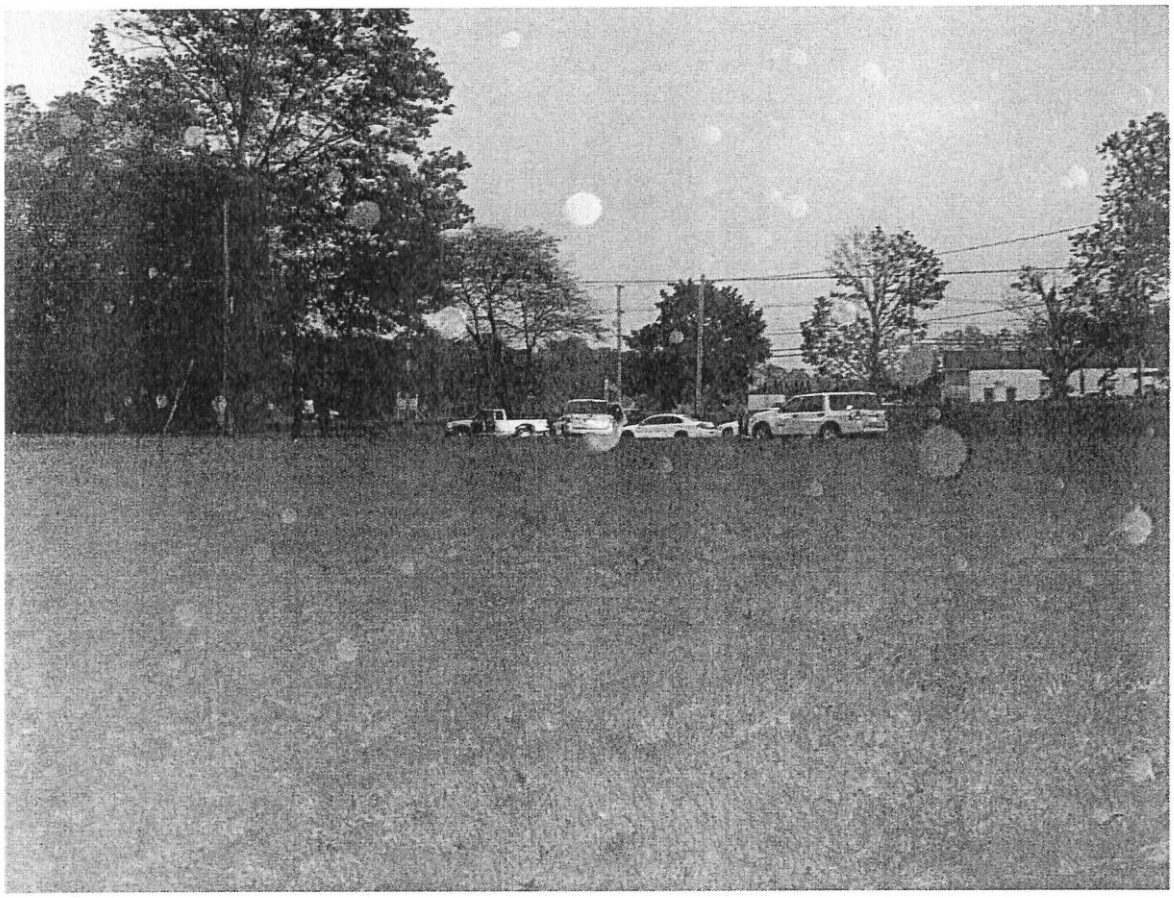
ENCLOSURE # 8 of 16

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	(b) (7)(C) [redacted]
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.



Location that (b) (6) [redacted] was Firing From
Facing North Towards His Homemade Target

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.



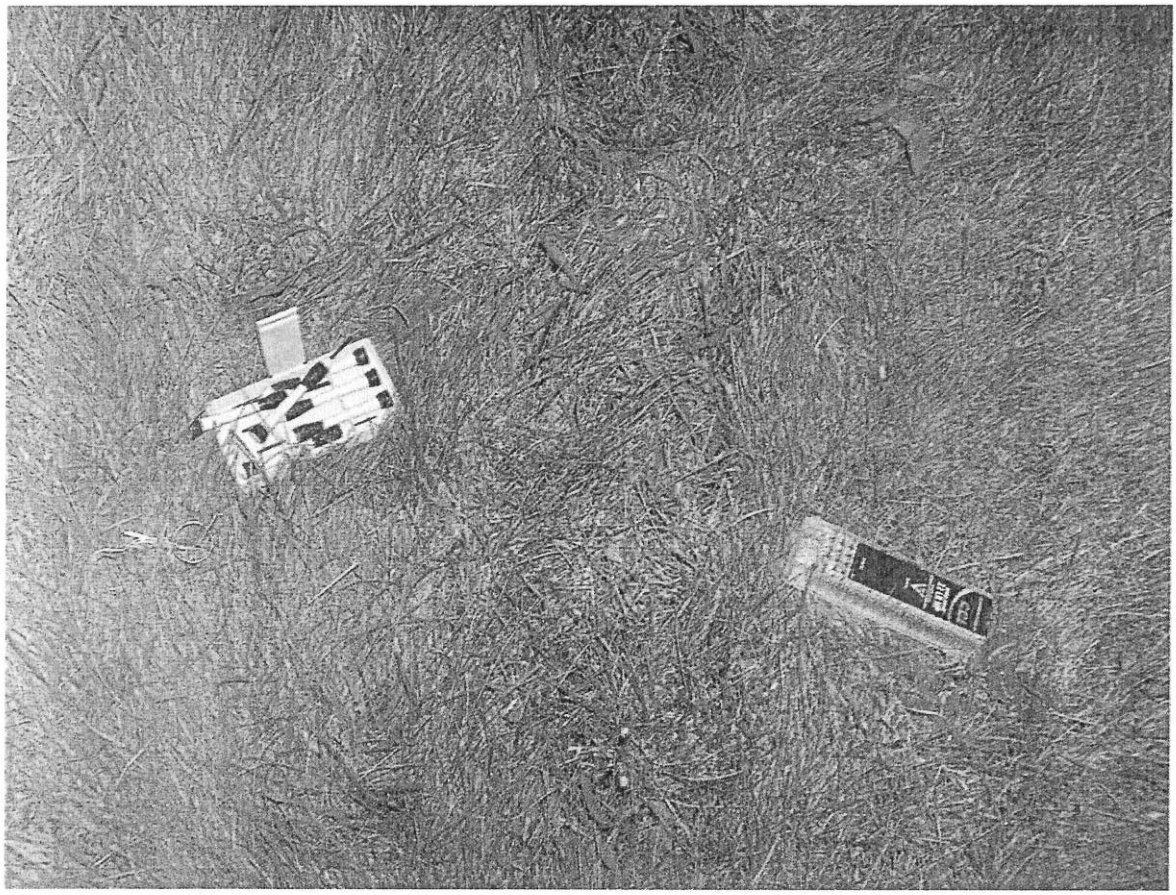
Location that (b) (6) [redacted] was Firing From
Facing North-East Towards Craven Street

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-D5536 / 103241100-1219
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	(b) (7)(C) [redacted]
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.

Location that (b) (6) [redacted] was Firing From

ENCLOSURE # 8 11 of 16

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	(b) (7)(C) [redacted]
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.

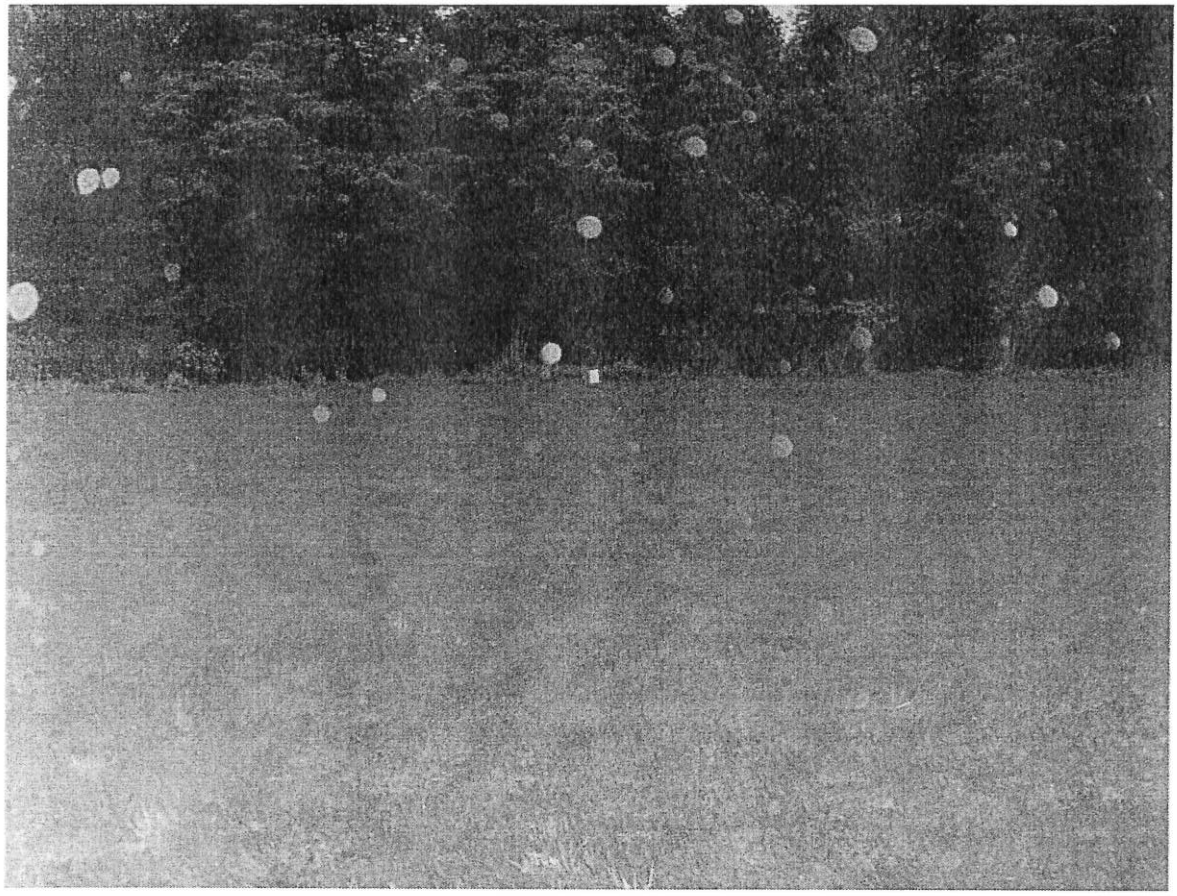


Location that (b) (6) [redacted] was Firing From

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	(b) (7)(C) [redacted]
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.

Location that (b) (6) [redacted] was Firing From
(b) (7)(C) [redacted]

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.



Location that (b) (6) [redacted] was Firing From
Facing North Towards His Homemade Target

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	(b) (7)(C) [redacted]
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.

Close-Up of Homemade Target Showing Four (4) Suspect .22 Cal. Bullet Holes

ENCLOSURE # 8 16 of 16

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
PHOTOGRAPHER:	(b) (6) [redacted]
INVESTIGATING OFFICER:	(b) (7)(C) [redacted]
DESCRIPTION:	Evidentiary photographs from unlawful discharge of a firearm (.22 cal rifle) in the vicinity of Craven St., Melville Navy Housing.

Homemade Target that (b) (6) [redacted] was Firing Towards

ENCLOSURE # 8 15 of 16

DEPARTMENT OF THE NAVY

VEHICLE REPORT

☐ IMPOUNDED ☐ RELEASED ☐ EMBEZZLED
☐ RECOVERD ☐ STOLEN ☐ PLATE(S)
☐ STORED ☒ OTHER (List) ARREST

1. REPORTING AGENCY: NAVSTA Newport Police	2. DATE/TIME REPORTED: 04 OCT 10 - 1930	3. CASE CONTROL NUMBER (CCN): D5536-ICR 1219
4. DATE & TIME OF OCCURRENCE	5. WAS NEIGHBORHOOD OR AREA CHECKED FOR WITNESSES, LEADS, CLUES? ☐ NO ☐ YES (Explain in Remarks)	
6. TOWING/STORAGE CONCERN (Name, address and telephone number): RAYS TOWING SERVICE 1970 East Main Rd Portsmouth RI 02871 683-3562	TOWED TO/STORED AT (Name, address and telephone number): RAYS TOWING SERVICE 1970 EAST MAIN STREET Portsmouth, RI 02871	

7. REPOTERD BY	HOME ADDRESS	TELEPHONE NO.
	BUSINESS ADDRESS	TELEPHONE NO.

(b) (6) [redacted]

VEHICLE IDENTIFICATION NUMBER (VIN) (b) (6) [redacted]	ENGINE NUMBER (EN)	VIN COMPARED WITH REG. CARD ☐ YES ☒ NO	VIN APPEAR ALTERED/REMOVED ☐ YES ☐ NO	VIN CLEAR ☒ YES ☐ NO	LIC. NUMBER(S) CLEAR ☐ YES ☐ NO
IF STOLEN, NAME, DATE AND CASE NUMBER OF REPORTING AGENCY			WAS VEH. RETURNED TO OWNER ☐ YES ☐ NO		STORAGE AUTHORITY
REGISTERED OWNER	ADDRESS				TELEPHONE NO.(S)

(b) [redacted]

(b) (7)(C)

ODOMETER READING	DRIVEABLE ☐ YES ☐ NO ☐ UNKNOWN	HAVE YOU ENTERED MISSING, IDENTIFIABLE PARTS IN NCIC? ☐ YES ☐ NO	*describe fully

CONDITION	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	ITEMS	CONDITION
WRECKED		X	SEAT (FRONT)	X		REGISTRATION	X		HUB CAPS (* 4)	X		TIRES/WHEELS	
BURNED		X	SEAT (REAR)	X		ALT/GENERATOR			SPECIAL WHEELS			LEFT FRONT	
VANDALIZED		X	RADIO	X		BATTERY			DRIVING LIGHTS			RIGHT FRONT	
ENG/TRANS STRIP		X	TAPE DECK			DIFFERENTIAL			CAMPER*			LEFT REAR	
MISC. PARTS STRIP		X	TAPES (*)			TRANSMISSION			CARGO*			RIGHT REAR	
BODY METAL STRIP		X	OTHER RADIO			AUTOMATIC ( )			VESSEL AS LOAD*			SPARE(S)	
VIN SWITCH		X	IGNITION KEY	X		MANUAL ( )			FIREARM(S)*				

LIST PROPERTY, TOOLS, VEHICLE DAMAGE.

Suicidegirls Beauty Redefined Book
KAY Band XTR220 WHISTLER - RADAR Det.
Ser (b) (6) [redacted]

V.I.N.

(b) (6) [redacted]

Encl #3

DATE AND TIME: 04 Oct - 1930

DEPARTMENT OF THE NAVY **INVESTIGATIVE NOTES**	1. CASE TITLE UNLAWFUL DISCHARGE OF A FIREARM
	2. CASE CONTROL NUMBER *(CCN)* 103241100-**D5536** / ICR **1219**

3. MADE BY	3. MADE AT	3. DATE	3. TIME
(b) (6) [redacted]	BLDG 1373, NAVSTANPT, RI	05-OCT-2010	18:00

On 04 OCT, 2010 at approximately 1815 I was dispatched to the NAVSTA Newport Police station (BLDG 1373) to pick up the patrol camera and take it to Craven St., in reference to the above incident.

Upon arrival I gave the patrol camera to (b) (6) [redacted] and assisted (b) (6) [redacted] (b) (6) [redacted] with the two males who were being held in custody for investigation. I removed one of the suspects and placed him in my vehicle due to (b) (6) [redacted] vehicle not containing a prisoner cage.

(b) (6) [redacted] and I inventoried the contents of (b) (6) [redacted] vehicle and checked it for any damage, then Ray's Towing arrived on scene to remove the vehicle from the area.

While waiting for Ray's Towing I drove over to the Melville Elementary School to write down any registration plates parked on school property and do a quick visible check of the school for any gunshot damage. As I was driving through the playground lot a school janitor came outside. The unidentified male employee stated that most teachers stay in the school until approximately 1930 and he works until 2100. After conducting a brief check of the area all appeared to be in order. The only vehicles parked at the Melville Elementary School were RI Reg. 77391 (Commercial) and QR-147.

After returning to Craven St., (b) (6) [redacted] and I transported (b) (6) [redacted] to BLDG 1373 for processing. Upon arrival at BLDG 1373 (b) (7)(C) [redacted] was turned over to (b) (6) [redacted] in the Report Writing Room and I assisted (b) (6) [redacted] with processing (b) (6) [redacted] (b) (6) [redacted]

(b) (6) [redacted]

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

ENCLOSURE # 4

DEPARTMENT OF THE NAVY

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: NAVSTANPT POLICE HEADQUARTERS
BLDG 1373, NAVSTANPT, RI

I (b) (6) [redacted]

have been advised by (b) (6) [redacted]

that I am suspected of ART. 934, 134 (Clause 3, (c)(ii)) Ref. RIGL 11-47-50 / 11-47-51

I have also been advised that:

(b) (6) [redacted]

) I have the right to remain silent and make no statement at all;
) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative eeding;
) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer ned by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, oth;
) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this view; and
) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

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

Date & Time: 4OCT10 2032

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

Date & Time: 04OCT2010 2033

At this time, I (b) (6) [redacted] (b) (7)(C) (NOT 3) desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

Encl #5

OPNAV 5527/3 (DEC 1982)

CLEAR

RECEIPT FOR INMATE OR DETAINED PERSON

1. RECEIVED FROM *(Unit or Agency and Station)* NAVSTA NEWPORT POLICE	2. TIME 20:45	3. DATE *(YYYYMMDD)* 2010/10/04
4. INMATE NAME *(Last, First, Middle)* (b) (6) (b) (7)(C) [redacted]	5. SSN (b) (6) [redacted]	6. GRADE (b) (6) [redacted]
7. ORGANIZATION OTCN (FIRE FIGHTING SCHOOL)	8. STATION NAVSTA NEWPORT, RI	

9. OFFENSE Detained for investigation of possible violation of ART. 934, 134 (Clause 3, (c)(ii)) Ref. RIGL 11-47-50 / 11-47-51 on Craven Street (Melville Navy Housing Area).

10. PERSONAL PROPERTY None retained.

11. REMARKS Temporarily detained for investigation in relation to CCN 1032411-D5536 and released to NAVSTANP CDO

12. NAME AND TITLE OF PERSON RECEIVING ABOVE INDIVIDUAL (b) (6) [redacted]	13. SSN (b) (6) [redacted]	14. GRADE (b) (6) [redacted]
15. RECEIVING UNIT OR AGENCY AND STATION NAVSTA NEWPORT, RI	(b) (6) (b) (7)(C) [redacted]	

DD FORM 2708, NOV 1999

Encl #
6

DEPARTMENT OF THE NAVY

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: NAVSTANPT POLICE HEADQUARTERS
BLDG 1373, NAVSTANPT, RI

I, (b) (6) (b) (7)(C) [redacted] NAVAL WAR COLLEGE)

have been advised by (b) (6) [redacted]

that I am suspected of ART. 934, 134 (Clause 3, (c)(ii)) Ref. RIGL 11-47-50 / 11-47-51

I have also been advised that:

(1) I have the right to remain silent and make no statement at all; (b) (6) [redacted]

(2) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding; (b) (6) [redacted]

(3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both; (b) (6) [redacted]

(4) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and (b) (6) [redacted]

(5) I may terminate this interview at any time, for any reason. (b) (6) [redacted]

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature: (b) (6) [redacted]

Date & Time: 10-4-10 2032

Witnessed (b) (6) (b) (7)(C) [redacted] NASTANPT POLICE #25

Date & Time: 10-4-10 2033

At this time, I, (b) (6) (b) (7)(C) [redacted] DO NOT desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

Encl #7

OPNAV 5527/3 (DEC 1982)

CLEAR

ITEMS NOT IN EVELOPE

12.

13.THE ABOVE IS AN INVENTORYOF THE VALUABLES SURRENDERED BY ME FOR SAFEKEEPING DURING MY CONFINEMENT/DETENTION. I HAVE VERIFIED THIS INVENTORY AND FIND IT CORRECT

SIGNATURE OF CONFINEE/DETAINEE

[redacted] (b) (6)

14. ITEMS INVENTORIED BY:

15. INVENTORY WITNESSED BY:

16. ITEMS RETURNED BY: [redacted] (b) (6)

17. DATE: 10-4-10

18. TIME: 2035

19. I CERTIFY THAT I HAVE RECEIVED ALL OF ITEMS LISTED ABOVE:

SIGNATURE [redacted] (b) (7) (A)

DATE: 10-4-10

TIME: 2035

20. THE FOLLOWING ITEMS WERE NOT RETURNED:

Encl #8

PROPERTY ENVELOPE
NETC POLICE
NEWPORT, RI 02841

CASE REPORT No. 5536

DATE: 10-4-10 TIME: 2035

1.NAME (b) (6) [redacted]	2. RATE (b) (6) [redacted]	(b) (6) [redacted]
4. SHIP OR STATION NAVAL WAR COLLEGE		
5. U.S. CURRENCY	6. FOREIGN CURRENCY	7. CHECKS OR MONEY ORDERS
8. I.D. CARD No.	9. WATCH	
10. JEWELRY		
11. OTHER VALUABLES HOUSE KEYS, LG CELLULAR PHONE, WALLET,		

RECEIPT FOR INMATE OR DETAINED PERSON

1. RECEIVED FROM *(Unit or Agency and Station)* NAVSTA NEWPORT POLICE	2. TIME 20:55	3. DATE *(YYYYMMDD)* 2010/10/04
4. INMATE NAME *(Last, First, Middle)* (b) (6) [redacted]	5. SSN (b) (6) [redacted]	6. GRADE (b) (6) [redacted]
7. ORGANIZATION NAVAL WAR COLLEGE	8. STATION WAR GAMING	

9. OFFENSE Detained for violation of ART. 934, 134 (Clause 3, (c)(ii)) Ref. RIGL 11-47-50 / 11-47-51 on Craven Street (Melville Navy Housing Area). Subject fired several shots from a .22 Cal. lever action in a northerly direction, in close proximity to the Melville Elementary School.

10. PERSONAL PROPERTY None retained (See Incident Report for complete details).

11. REMARKS Refer CCN 1032411-D5536 and related Incident Report. Subject released to his LCPO.

12. NAME AND TITLE OF PERSON RECEIVING ABOVE INDIVIDUAL (b) (6) [redacted]	13. SSN (b) (6) [redacted]	14. GRADE [redacted]
15. RECEIVING UNIT OR AGENCY AND STATION NAVAL WAR COLLEGE / NEWPORT, RI	(b) (7)(C) [redacted]	

DD FORM 2708, NOV 1999

Encl #9

DEPARTMENT OF THE NAVY

EVIDENCE/PROPERTY CUSTODY RECEIPT

1. CASE CONTROL NUMBER(CCN): D5536

2. RECEIVING ACTIVITY: NAVSTA Newport Police

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

4. NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

☒ OWNER ☐ OTHER

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

7. LOCATION OF PROPERTY WHEN OBTAINED: CRAVEN St. Portsmouth, RI In and around OH REG EUM7578

8. PURPOSE FOR WHICH OBTAINED: ☒ EVIDENCE ☐ FOUND ☐ IMPOUNDED ☐ OTHER _____

9. TIME/DATE OBTAINED: 1746 04Oct2010

10. LOG NUMBER:

11. ITEM	12. QUANTITY	13. DISPOSAL ACTION	14. DESCRIPTION OF ARTICLE—MODEL NUMBER, SER. NO., IDENTIFYING MARKS, CONDITION, AND VALUE WHEN APPROPRIATE.
A	1		Marlin MOD.57 22CAL. Lever action Rifle No Serial # (C11 scribed on butt plate)
B	1		CCI-Mini Mag 22 LR HP Cartridge case clear plastic containing 94 out of 100 un-fired rounds.
			LAST ITEM

15. NAME AND SIGNATURE OF WITNESS *(If available)*: (b) (6) (b) (7)(C) [redacted]

17. CHAIN OF CUSTODY

ITEM	DATE & TIME	RELEASED BY	RECEIVED BY	PURPOSE
A & B	2115 04OCT10	(b) (6) [redacted] ORGANIZATION NAVSTA Newport Police	NAME [redacted] ORGANIZATION NAVSTA CDOI	Temp. Evidence Storage
		(b) (6) (b) (7)(C) [redacted] NAME	NAME	
		ORGANIZATION	ORGANIZATION	
		SIGNATURE	SIGNATURE	
		NAME	NAME	Encl # 10
		ORGANIZATION	ORGANIZATION	
		SIGNATURE	SIGNATURE	

OPNAV 5580/22 (6-00) S/N 0107-LF-984-1200

CHAIN OF CUSTODY CONTINUED ON REVERSE

LOCATION

DEPARTMENT OF THE NAVY

EVIDENCE/PROPERTY CUSTODY RECEIPT

1. CASE CONTROL NUMBER(CCN): D5536 - ICR 1219

2. RECEIVING ACTIVITY: NAVSTA Newport Police

(b) (6) [redacted]

4. NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

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

☒ OWNER

☐ OTHER

7. LOCATION OF PROPERTY WHEN OBTAINED: Grassy Field Approx 220ft West of Craven St. Portsmouth, RI

8. PURPOSE FOR WHICH OBTAINED: ☒ EVIDENCE ☐ FOUND ☐ IMPOUNDED ☐ OTHER _____

9. TIME/DATE OBTAINED: 1746 04Oct2010

10. LOG NUMBER:

11. ITEM	12. QUANTITY	13. DISPOSAL ACTION	14. DESCRIPTION OF ARTICLE, MODEL NUMBER, SER. NO., IDENTIFYING MARKS, CONDITION, AND VALUE WHEN APPROPRIATE.
A	1		CCI 22 Cal LR HP Bullet and CCI 22 Cal brass (damaged inert) case.
B	1		Sportsman Guide Rifle sock case (yellow gray)
C	1		Set of six (6) yellow Stanley Screw Drivers in Plastic Case
D	1		Six (6) foot piece of (yellow) fishing twine
E	1		Fifteen (15) inch by Fifteen (15) inch by Ten (10) inch cardboard box with four (4) 22 caliber bullet holes in it.
F	1		Black Sony MP120 booking Room Tape
			LAST ITEM

15. NAME AND SIGNATURE OF WITNESS *(If available)*: (b) (7)(C) [redacted]

17. CHAIN OF CUSTODY

ITEM	DATE & TIME	RELEASED BY	RECEIVED BY	PURPOSE
A To F	2308 040ct10	[redacted] ORGANIZATION: NAVSTA Newport Police (b) (6) (b) (7)(C) [redacted] SIGNATURE:	NAME: Locker # 2 ORGANIZATION: Evidence Storage SIGNATURE:	EVIDENCE
		NAME: ORGANIZATION: SIGNATURE:	NAME: ORGANIZATION: SIGNATURE:	
		NAME: ORGANIZATION: SIGNATURE:	NAME: ORGANIZATION: SIGNATURE:	Encl # 11

OPNAV 5580/22 (6-00)

CHAIN OF CUSTODY CONTINUED ON REVERSE

LOCATION

DEPARTMENT OF THE NAVY **INVESTIGATIVE NOTES**	1. CASE TITLE UNLAWFUL DISCHARGE OF A FIREARM 2. CASE CONTROL NUMBER *(CCN)* 103241100-**D5536** / ICR **1219**		
3. MADE BY (b) (6) [redacted]	3. MADE AT BLDG 1373, NAVSTANPT, RI	3. DATE 04-OCT-2010	3. TIME 23:00

On 04-OCT-2010 at approximately 17:46 I monitored a radio broadcast from NAVSTA Newport Police (b) (6) [redacted] requesting back-up assistance on Dupont Street. She stated something to the effect that she had one individual in handcuffs who had gun and she was also holding another person.

I telephoned the Police Dispatcher and told him to dispatch the two closest units to assist and stated that I would also be responding. Moments later NAVSTA Newport Police (b) (6) [redacted] and I arrived at Melville Navy Housing simultaneously. However, (b) (6) [redacted] was not on Dupont Street. She was actually located at the end of Craven St., a cul de sac at the north-east corner of the complex.

As (b) (6) [redacted] and I arrived on scene I saw (b) (6) [redacted] standing behind a white male in handcuffs, who was later identified as; (b) (6) [redacted] (NWC/War Gaming). They were standing along side the rear of a gold colored pickup truck, bearing (b) (6) [redacted], tactically bladed facing (b) (6) [redacted] police cruiser. Standing with his legs spread apart and leaned over with his hands on the hood of (b) (6) [redacted] police cruiser was another white male, who was later identified as; (b) (6) [redacted] (OTCN/Fire Fighting School).

I immediately ordered (b) (6) [redacted] to handcuff and search (b) (6) [redacted] and had both suspects isolated and secured in different police cruisers. After verifying that (b) (6) [redacted] was unharmed, I asked her what happened. She briefly stated something to the effect that she pulled on the guy (b) (6) [redacted] holding a rifle, pointing it towards housing and it looked like he was trying to cock it. As soon as he saw her (b) (6) [redacted] tossed the rifle onto the front seat of his pickup truck. As she was handcuffing (b) (6) [redacted] (b) (6) [redacted] approached the both of them on foot. He was walking south from the pathway leading to the Melville Elementary School. Not knowing what was going on, she detained both subjects and immediately radioed for back-up. While awaiting the arrival of additional officers (b) (6) [redacted] determined that both males were active duty, enlisted Navy personnel.

Before taking any further action, I asked if both parties had been read their Article 31(b) Rights and told (b) (6) [redacted] to make sure they were both advised before we started any questioning. She had already issued (b) (6) [redacted] his rights, so (b) (6) [redacted] was given his as well.

Upon closer inspection of the rifle in question, it was an older looking black colored/blued steel lever action rifle with a dark brown wooden stock and a scope

Encl # 12

DEPARTMENT OF THE NAVY **INVESTIGATIVE NOTES**	1. CASE TITLE UNLAWFUL DISCHARGE OF A FIREARM 2. CASE CONTROL NUMBER *(CCN)* 103241100-D5536 / ICR 1219		
3. MADE BY (b) (6) (b) (7)(C) [redacted]	3. MADE AT BLDG 1373, NAVSTANPT, RI	3. DATE 04-OCT-2010	3. TIME 23:00

mounted on it. It was later determined to be a Marlin Model 57, .22 Cal Levermatic®, but there was no serial number visible on the weapon. Subsequent research revealed that the Marlin Firearms Company produced the Levermatic® during the 1950's and 1960's, but pre-1968 models were not required to have serial numbers. The action on this particular rifle was partially open and there was a damaged .22 Cal live round facing up and jammed at the chamber.

Preliminary on-scene investigation revealed that (b) (6) [redacted] had fired at least four (4) rounds from his rifle. He was reportedly trying to sight the scope on his rifle, so he set up a wooden box with a homemade paper target on it in the grassy area west of Craven Street. His firing position was south of his approximately 94 yards south of his target, so he was firing in a northerly direction. It should be noted that beyond the wooded area behind the homemade target is the Melville Elementary School, Melville Campground and the Rainbow Heights housing units. (b) (6) [redacted] admitted to accompanying (b) (7)(C) [redacted] (b) (7) [redacted] to the scene, but denied any participation in the shooting. While (b) (6) [redacted] was shooting his rifle, (b) (6) [redacted] was reportedly walking the path towards the Melville Elementary School, just to see what where the pathway lead.

A search of the path and wooded area surrounding it yielded negative results for any evidence, weapons or contraband. However the following items were discovered during a search of the grassy area where the shooting took place: The homemade target, with four (4) bullet holes; a cloth rifle sleeve/case; a Stanley mini-tool kit; the keys to (b) (6) [redacted] (b) (6) [redacted] pickup truck; and a clear plastic box of CCI .22 Cal. Bullets. However, no spent shell casings ejected from the rifle could be located in the high grass as weather and lighting conditions decreased.

I directed that (b) (6) [redacted] retrieve the patrol camera from the Sergeant's Office and respond to our location. Upon his arrival I took a total of fifteen (15) photographs, which were forwarded to (b) (6) [redacted] I also took several measurements at the scene and created a map to illustrate the key positions and distances related to this incident. The map was also provided to (b) (6) [redacted] for her report.

After photographs and measurements were taken all evidence was collected by (b) (6) [redacted] (b) (6) [redacted] In order to render the Marlin Levermatic® rifle safe (b) (6) [redacted] and I had to remove the scope to access the chamber. I used a Leatherman tool to remove the bullet from it's casing, then (b) (6) [redacted] emptied the powder out of the round and I was able to safely extract the casing from the rifle to render it clear and safe.

DEPARTMENT OF THE NAVY **INVESTIGATIVE NOTES**	1. CASE TITLE UNLAWFUL DISCHARGE OF A FIREARM 2. CASE CONTROL NUMBER *(CCN)* 103241100-**D5536** / ICR **1219**		
3. MADE BY (b) (6) (b) (7)(C) [redacted]	3. MADE AT BLDG 1373, NAVSTANPT, RI	3. DATE 04-OCT-2010	3. TIME 23:00

I advised (b) (6) [redacted] to proceed with the inventory and towing of the pickup truck and to transport both suspects to police headquarters for further investigation and processing.

At 18:07 I telephoned the NAVSTA Newport Police Acting OPSDIV Officer, (b) (6) [redacted] (b) (6) [redacted] and briefed him from the scene. Prior to departing the scene at 18:56 I also telephoned the NAVSTA Newport Command Duty Officer (CDO), (b) (6) [redacted] (b) (6) [redacted] and advised him as well. As a precaution, the Police Dispatcher was also directed to notify the Portsmouth, RI Police Department, in the event that they received any subsequent complaints of gunshot damage in the surrounding area of their Town.

Based on the initial review of the incident it was determined that at a minimum, the following charges should be applied to (b) (6) [redacted]

1) **§ 934.ART 134 (C)(4) Clause 3 (c)(ii)** - (Ref. RIGL **§ 11-47-50** - Firing Without Landowner's Permission – Firing in Compact Area, as assimilated by Title 18 USC § 13).

2) **§ 934.ART 134 (C)(4) Clause 3 (c)(ii)** - (Ref. RIGL **§ 11-47-51** - Loaded Weapons in Vehicles, as assimilated by Title 18 USC § 13).

Since the incident occurred on property *"not part of school grounds"* and it cannot be positively established that (b) (6) [redacted] fired his rifle with *"reckless disregard for the safety of another…at a place that the person knows is a school zone"*, the elements contained in Title 18 USC § 922 do not seem to apply. However, the incident occurred within a Navy Housing area covered by Exclusive Federal Jurisdiction, so (b) (6) [redacted] may also be deemed to be in violation of § 892.ART 92 (a) for violating the registration and transportation provisions for firearms contained in NAVSTANPTINST 5530.7A (Privately Owned Weapons on NAVSTA Newport).

For complete details with regard to this case refer to (b) (6) [redacted] CLEOC Incident Report and all related enclosures. **///END///**

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

ENC # _____

Received Time: Oct 5, 2010 19:21:13 Source ORI: OHBMV0000
Summary: RQ: (b) (7)(C), (b) (6) [redacted]
View Message Details

RR.RIUSN01S0.
(b) (7)(C) [redacted] LIY/2011.LIT [redacted] XPIRES/20111221.
(b) (7)(C), (b) (6) [redacted]

Encl # 14

DATE:	04 October 2010 (Monday)
TIME:	17:46
CCN / ICR:	103241100-**D5536** / 103241100-**1219**
OFFENSE(S):	**1)** UCMJ § 934.ART 134 (C)(4) Clause 3 (c)(ii) - (Ref. RIGL § 11-47-50) Unlawful Discharge of a Firearm; **2)** UCMJ § 934.ART 134 (C)(4) Clause 3 (c)(ii) - (Ref. RIGL § 11-47-51) Loaded Weapon in Vehicle.
PHOTOGRAPHER:	(b) (6) [redacted]
ARRESTING OFFICER(S):	

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

(Naval War College, War Gaming Dept.)

LKA - (b) (6) [redacted]

(b) (7)(C)

SS# -

DOB -

Heigh

Weig

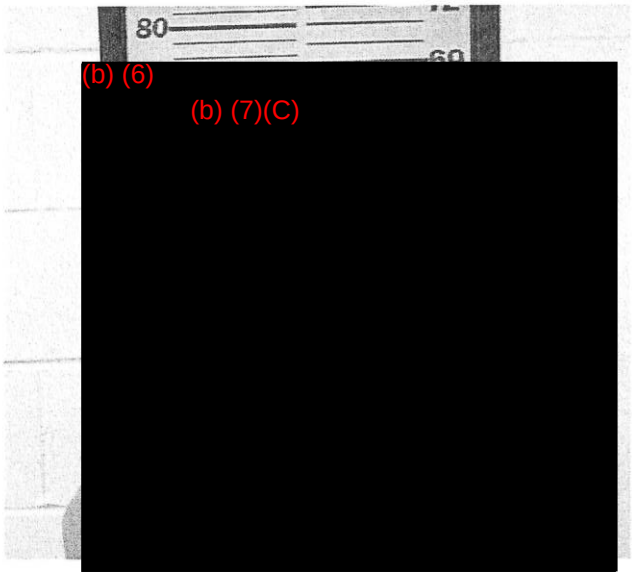
Hair -

Eyes

Build

Comp

(b) (6) [redacted]



(b) (6) [redacted]

(b) (7)(C)

(b) (6) [redacted]

(b) (7)(C)

ENCLOSURE #

Encl #15

DEPARTMENT OF THE NAVY

EVIDENCE/PROPERTY CUSTODY RECEIPT

1. CASE CONTROL NUMBER(CCN): D5536-ICR 1219

2. RECEIVING ACTIVITY: NAVSTA Newport Police

3. LOCATION: Bldg 1373 Navsta Newport, RI

4. NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED: [redacted] (b) (6) (b) (7)(C)

☒ OWNER

☐ OTHER

7. LOCATION OF PROPERTY WHEN OBTAINED: Grassy Field Approx 220ft West of Craven St. Portsmouth, RI

8. PURPOSE FOR WHICH OBTAINED: ☒ EVIDENCE ☐ FOUND ☐ IMPOUNDED ☐ OTHER _____

9. TIME/DATE OBTAINED: 1746 04Oct2010

10. LOG NUMBER: 27-10

11. ITEM	12. QUANTITY	13. DISPOSAL ACTION	14. DESCRIPTION OF ARTICLE—MODEL NUMBER, SER. NO., IDENTIFYING MARKS, CONDITION, AND VALUE WHEN APPROPRIATE.
A	1		CCI 22Cal LR HP Bullet and CCI 22Cal brass (damaged/inert) case.
B	1		Sportsman Guide Rifle sock case (yellow & gray)
C	1		Set of six (6) yellow Stanley Screw Drivers in Plastic Case
D	1		Six (6) foot piece of (yellow) fishing twine
E	1		Fifteen (15) inch by Fifteen (15) inch by Ten (10) inch cardboard box with four (4) 22 caliber bullet holes in it.
F	1		Black Sony MP120 booking Room Tape
			LAST ITEM

15. NAME AND SIGNATURE OF WITNESS *(If available)*: [redacted] (b) (6) (b) (7)(C)

17. CHAIN OF CUSTODY

ITEM	DATE & TIME	RELEASED BY	RECEIVED BY	PURPOSE
A to F	2308 04Oct10	[redacted] (b) (6) (b) (7)(C)	NAME: Locker # 2 ORGANIZATION: Evidence Storage SIGNATURE:	Evidence
A to F	05Oct10 1130	NAME: Locker # 2 ORGANIZATION: Evidence Storage SIGNATURE:	NAME: F Lema ORGANIZATION: Navsta Newport Police SIGNATURE: [redacted] (b) (6) (b) (7)(C)	Placed into Evidence Room
		NAME: ORGANIZATION: SIGNATURE:	NAME: ORGANIZATION: SIGNATURE:	

OPNAV 5580/22 (6-00)
S/N 0107-LF-984-1200

CHAIN OF CUSTODY CONTINUED ON REVERSE

LOCATION: BIN #19

DEPARTMENT OF THE NAVY Cpy For ICR

EVIDENCE/PROPERTY CUSTODY RECEIPT

1. CASE CONTROL NUMBER(CCN) ~~D5536~~ 10324/101219

2. RECEIVING ACTIVITY NAVSTA Newport Police

3. LOCATION (b) (6) [redacted] (b) (7)(C)

4. NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED (b) (6) [redacted]

☒ OWNER

☐ OTHER

7. LOCATION [redacted] Craven St Portsmouth, RI In and around OH REG EUM7578

8. PURPOSE FOR WHICH OBTAINED ☒ EVIDENCE ☐ FOUND ☐ IMPOUNDED ☐ OTHER _____

9. TIME/DATE OBTAINED 1746 04Oct2010

10. LOG NUMBER 26-10

11. ITEM	12. QUANTITY	13. DISPOSAL ACTION	14. DESCRIPTION OF ARTICLE—MODEL NUMBER, SER. NO., IDENTIFYING MARKS, CONDITION, AND VALUE WHEN APPROPRIATE.
A	1		Marlin MOD. 57 22CAL. Lever action Rifle No Serial # (C11 scribed on butt plate)
B	1		CCI-Mini Mag 22 LR HP Cartridge case clear plastic containing 94 out of 100 un-fired rounds.
			LAST ITEM

15. NAME AND SIGNATURE OF WITNESS *(If available)* (b) [redacted] (b) (7)(C)

17. CHAIN OF CUSTODY

ITEM	DATE & TIME	RELEASED BY	RECEIVED BY	PURPOSE
A & B	2115 04OCT10	[redacted] NAVSTA Newport Police (b) (7)(C), (b) (6) [redacted]	NAVSTA CDOI (6) [redacted]	Temp. Evidence Storage
A + B	050CT10 1036	NAME (b) (6) [redacted] ORGANIZATION 440 Perry Hall SIGNATURE (b) (7)(C), (b) (6) [redacted]	NAME (b) (6) [redacted] ORGANIZATION NAVSTA Port Police SIGNATURE (b) (6) [redacted]	Placed into Evidence Safe Armory #5
		NAME ORGANIZATION SIGNATURE	NAME ORGANIZATION SIGNATURE	

OPNAV 5580/22 (6-00)
S/N 0107-LF-984-1200

CHAIN OF CUSTODY CONTINUED ON REVERSE

LOCATION Armory Safe #5