HEPORT OF PROCEED	INGS BY INVESTIGATING OFFICER/E	BOARD OF OFFICE			
IF MORE SPACE IS REQUIRED IN	of this form, see AR 15-6; the proponent agency is O	TJAG.	iS		
	THELING OUT ANY PORTION OF THIS FORM	I, ATTACH ADDITIONAL	SHEETS		
· · · · · · · · · · · · · · · · · · ·	SECTION I - APPOINTMENT				
Appointed by	BG.				
- <del></del>	(Appointing authority)				
on28 Mar 05					
(Date) (Attach liciosure 1: )	Letter of appointment or summary of oral appoint	tment data.) (See nare 3.14	AD 15 K	1	
	<u>_</u> .	, 1=00 pm n b 25	, an 13-0.,	,	
	SECTION II - SESSIONS		<del></del>		
The (Investigation) (board) commenced		<del></del>	·		
	(Place)	at	0700	<b>;</b>	
on 28 Feb 05 (If a formal board me			Time	}	
ended, the place, persons present and absent, and explan present: (After each name, indicate capacity, e.g., President present)	et for more than one session, check . Indicate	e In an inclosure the time ea	ach session	hean	and
present: (After each name, indicate capacity, e.g., Presi	dent Passades, it any.) The following persons	(members, respondents, or	ounsel) we		*******
Character to the second	ient, Recorder, Member, Legal Advisor.)		AME WE	ıe	
, Investigating Officer					
-	,				
•					
The following persons <i>(members, respondents, counsel)</i> w	Sepanaton of each an	sence.) (See paras 5-2 and .	5-8a, AR 1.	5-6.)	
•					
ne <i>(investigating officer) (board)</i> finished gathering/bearin	ing and demanded in the second				
	ing evidence 1545	on 28	Mar 05		
d completed findings and recommendations	1930	·· <del>·</del>	(Date)		
	(Time) on	29 Mar	05		
SECTION		(Date)			-
COMPLETE IN ALL CASES	ON III - CHECKLIST FOR PROCEEDINGS		<del></del>	·	
nclosures (para 3-15, AR 15-6)			VES	NO	BIA 2
Are the following inclosed and numbered consecutively with The letter of appointment or a summary of oral appointment.	th Daniel		- 1.23	110-	I VA
The letter of appointment or a summary of oral appoint or Copy of notice to recommend or a summary of oral appoint	in Roman numerals: (Attached in order listed)				ĺ
Copy of notice to respondent, if any? (Co. to	The state of the s		<del></del>	<del> </del>	<u> </u>
The correspondence with recognitions			$-+\times$	<u> </u>	ĻĻ
Tribell Communications to or from the		<del></del>		ļi	X
Privacy Act Statements (Certificate, if statement provide Explanation by the least the statement provide Explanation by the statement provide Explanation by the statement provide Explanation by the least the statement provide Explanation by the statement provide Explanation British Brit	iting authority?	·		<b></b>	X
Explanation by the investment provide	ded orally)?		X		
The state of the divestigating officer or board of	unusual delays, difficulties, (regula-letes				X
encountered (e.g., absence of material witnesses)?	and a regularities, or other	er problems			
and the second as to sessions of a formal boards	<del></del>			į,	
ENOTES to a semicant papers (other than evidence) relati	d on page 1 of this report?	<del></del>	_1 1		X
	d on page 1 of this report?  ting to administrative aspects of the				X
TNOTES ! Explain all negative answers on an attached sheet. 2 Use of the N/A column constitutes a positive representation or hours.	ting to administrative aspects of the investigation	or board?			

	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as  b. Is an index. 5. It.	YES	NO	Иì
	27 13 dil filittà di all evellito - re.	1	1	+
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as  d. Are copies, descriptions, or depictions. (If substituted in the latest and attached as	X		
	an exhibit?	X		+
	MC ROUGH Of the called a first the substituted for real or de-	X		†-
1 (	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?  Exact written stipulation attached as an exhibit and is each oral stipulation either reduced to a verbaling recently.	<del></del>	ļ	$\downarrow$
	f. Is each written stigulation extracted of locations visited by the investigating officer or board.	X		1
	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		H
				卜
	of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?  Was a quorum present when the board and in	$ \times $	- }	
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?  OMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Charles 4-1) and 5-2b, AR 15-6)?	1		Ι.
В. (	OMPLETE ONLY FOR ECONOMIC PORTER OF THE PROPERTY OF THE PROPER		- {	)
4	OMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)?  At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?  Vas a quorum present at every session of the board (para 5-2b, AR 15-6)?  Vas each absence of any member present.			
5	Yas a quorum present at any and the recorder read, or determine that all participants had read, the latter of	1		
6 1	Vas a quorum present at every session of the board (para 5-2b, AR 15-6)?  Vas each absence of any member present at every session of the board (para 5-2b, AR 15-6)?	<del></del>		
7 1	Vas each absence of any member properly excused (para 5-2b, AR 15-6)?  Vere members, witnesses, reporter, and by the board (para 5-2a, AR 15-6)?			_
8 I	any members who are interpreted and interpreted sworn, if required (ners 3.1 AP 15.05			_
d	any members who voted on findings or recommendations were not present when the board received some evidence,  OMPLETE ONE STATE OF THE CONTRACT OF THE CONTRAC	+		_
C. C	pes the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?  OMPLETE ONLY IF RESPONDENT WAS DESCRIBED.		-+	-
9 N	DMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6):  Is the method.		- [	
a.	Is the method and 1-4 (5-6):	_		_
6.	Is the method and date of delivery to the respondent indicated on each letter of notification?  Was the date of delivery at least five working days prior to the		<del></del>	_
c.	Was the date of delivery at least five working days prior to the first session of the board?  Does each letter of notification indicate			-
	Does each letter of notification indicate  (1) the data bound.			
<u> </u>	the trace, and place of the floor			—
ļ	(2) the matter to be investigated, including specific allegations against the respondent?  (3) the respondent's rights with regard to counse!?			_
	(3) the respondent's rights with regard to counsel?  (4) the name and odd			
	the name and address of each witness			
	(5) the respondent's rights to be present, present evidence, and call witnesses?  Was the respondent provided a copy of all made at the respondent provided a copy of all made at the respondent provided a copy of all made at the respondent provided a copy of all made at the respondent provided a copy of all made at the respondent provided a copy of all made at the respondent provided a copy of all made at the respondent provided as the respondent provided		$\dashv$	
e.	Was the respondent provided a copy of all unclassified documents in the case ftle?			
0 If a	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?  Was he properly notified (now 5.5.4.5).			_
8.	my respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):  Was necord of part 5-5, AR 15-6)?		<del></del>	-
b.	Vas record of any iii.	_	<del></del>	
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9 1	nsel (para 5-6, AR 15-6):	-+		_
7	Vas each respondent represented by counsel?		┽┈	_
<del> </del>	ame and business address of counsel:			
-	Voorest Co.		<del> </del>	_
A 13	(counsel is a lawyer, check here)	<del>-  </del>		_
1 20. 7	as respondent's coursel and a second			4
80	tion taken on it had requested but not made available, is a conv. (or the state of	<del></del> -	<del> </del>	4
If the	military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the  respondent challenged in the report (para 5-6b, AR 15-6)?	┽——	<b>├</b> ─	4
1	Workerit Charleson the Lambas and a second seco	. ]		ı
4 D	as the challenge properly denied and by the appropriate officer?	<del>-  </del>	ļ	4
	- the intelliger successfully along the second seco	<del></del> -	<b>↓</b>	4
a Bo	he respondent given an opportunity to (para 5-8a, AR 15-6):  present with his commel et al.	+	<u> </u>	4
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C. Ch	different and object to the introduction of real and documentary and with any matter which concerns that respondent?	<del></del>		1
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	117 45 il Witness?			ı
Tr	ke or have his counsel make a final statement or argument (para 5-9, AR 15-6)?  ested, did the recorder assist the respondent to obtain	╂		ı
arrone	ested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in	<del> </del>		l
	ing for the presence of witnesses (para 5-8b, AR 15-6)?	<del>                                     </del>	[	ĺ
uclos.	of the respondent's requests and objections which were denied indicated in the report of proceedings or in an		- 1	ĺ
3/72	to it (para 5-11, AR 15-6)?			
JINOI	ES 1/2 Explain all negative answers on an attached sheet. 2/2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation pages, DA Form 1574, Mar 83			
	# 180 OF the All . The WHILE LINES	1 1	ı	

- 3 1102/ (1002/10),	SECTION IV - FIND having carefully considered the ev	INGS (para 3-10, AR 15-6)		
See enclosures.		rockee, mas:	· · · · · · · · · · · · · · · · · · ·	
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	SECTION V - RECOMMENT			
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THIS DEPORT OF PRO	OCCITOR VI	- AUTHENTICATION (para 3-17, AR 15-6)
VII below, Indicate the re-	CEEDINGS IS COMPLETE ANI ason in the space where his signat	- AUTHENTICATION (para 3-17, AR 15-6)  • ACCURATE. (If any voting member or the recorder falls to sign here or in Sector of the second of the
	opace where his signal	ure should appear.)
	(Recorder)	
		(Investigating Officer) (President)
	(Member)	
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	(Member)	
		(Member)
the extent indicated in	SECTION VII -	MINORITY REPORT (para 3-13, AR 15-6)
I the inclosure, Identify L.	, the didersi	gned do(es) not concur in the findings and
sons for disagreement, A	dditional/substitute findings and	gned do(es) not concur in the findings and recommendations of the board.  commendation in which the dissenting member(s) do(es) not concur. State the  for recommendations may be included in the inclosure.)
•	The same that the same that the same same same same same same same sam	or recommendations may be included in the inclosure.)
	(Member)	
		(Member)
Smillion	SECTION VIII - ACTION B	BY APPOINTING AUTHORITY (normal 2 AP) 47
e findings and recommend	ting and all the Congaining Office	BY APPOINTING AUTHORITY (para 2-3, AR 15-6)
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## FOUO DEPARTMENT OF THE ARMY

HEADQUARTERS, 2ND BATTALION, 70TH ARMOR 30 BRIGADE, 1ST ARMORED DIVISION



AFZN-BB-T

28 MARCH 2005

MEMORANDUM FOR COMMANDER 256<sup>th</sup> BRIGADE COMBAT TEAM

SUBJECT: AR 15-6 (Shooting of Local National at the Traffic Control Point, Bridge, Iraq)

1. Enclosed is the 15-6 investigation outlining the circumstances that resulted in the shooting of a local national. As a result of the incident one Iraqi citizen was killed. The shooting occurred in the vicinity of the traffic control point established on the Bridge, Iraq on 28 March 2005.

2. SUMMARY:

On 280630MAR05 PFC Applica and SPC Clima identified an individual traveling on foot from east to west along the Bridge caring a satchel. SPC and PFC began yelling at the individual on foot in attempt to have the individual to stop and change his direction of travel (The individual had negotiated a triple strand concertina blocking obstacle prior to entering the verbal and visual warning line). The individual paused and faced SPC and PFC at which point the soldiers began to motion with their hand and arms for the individual to turn around and exit the bridge from where he came from. The individual ignored the verbal and visual warnings from SPC contact and PFC and continued to cross the bridge (moving in his original direction of travel). SPC and PFC continued to yell and motion for the individual to stop and to change his direction of travel as the individual entered the "Warning Shot Zone". When the individual entered the warning shot zone SPC fired one round at the bridge in front of the individual. At this point the individual paused again and faced SPC and PFC and and PFC continued to shout and motion for the individual to turn around. The individual ignored the verbal and visual gestures for the second time and continued to travel west across the bridge. When the individual crossed the "Killing Shot Line" SPC to shoot to kill. PFC makes acknowledged and fired one round from his M16A2. and PFC both observed the individual fall to the ground. SPC informed his chain of command and continued to observe the individual. The QRF was alerted and dispatched to the bridge. When the QRF arrived at the site of. the fallen individual they approached with caution not sure what the individual's satchel contents were. The individual was observed lying motionless (no breathing or any other form of movement could be observed). The QRF cleared the immediate area and the satchel of its contents and attempted to provide initial responder care to the individual.

The brother of the individual came and claimed the body. During the interview of the brother it was discovered that the individual is a local resident and is aware that the bridge was closed for sometime to all forms of traffic.

## 3. FACTS:

- a) How many local nationals were involved in the incident?
  - a. One Iraqi citizen was involved in the incident.
    - 1x KIA (1x Adult Male)
- b) When and where was the first warning shot(s) fired?
  - a. 1x-warning shot was fired in front of the individual.
- c) By what means is the unit marking the trigger lines for initiating warning, disabling and lethal fires?
  - a. Jersey Barriers mark the trigger line as to when to initiate warning
  - b. Texas Barriers mark the trigger line as to when to initiate killing
- d) Are there warning signs posted at the bridge?
  - a. The blocking position is clearly marked and warning signs are posted in both Arabic and English.
- e) When did the soldiers last receive / conduct traffic control point training?
  - a. The soldiers involved in the incident received and conducted the following ROE and traffic control point / training briefings:
    - Pre-NTC ROE Training (OCT 04)
    - NTC RSOI and rotational ROE Training (OCT/NOV 04)
    - Home Station ROE Training (Pre-deployment training JAN
    - Kuwait RSOI ROE Vignette Training (FEB 05)
    - ECP/TCP Duties: NTC (OCT/NOV 04)
    - ECP/TCP Duties: Paridge, Iraq during the Left Seat/Right Seat Ride (MAR 05)
    - ECP/TCP Duties: Bridge, Iraq Guard Force and Threat Briefing (SPC and and PFC and ): 280334MAR05)
- f) Was the guard mount briefed on their duties responsibilities and threat in the area of operations prior to execution of their duties?
  - a. The guard mount received its shift briefing and threat briefing at approximately 280334MAR05 prior to assuming the guard mount duties.
  - b. The use and ROE of escalated force is part of the guard mount briefing.

g) Where there lights available at the bridge?

- a. There is no artificial light source positioned along the bridge (the lighting of the bridge is not a factor due to the incident occurring during daylight hours).
- h) What equipment is being utilized to maintain the bridge?

a. Warning signs (written in both Arabic and English)

- b. Barriers to identify trigger lines and when the guard mount is to respond with escalated force.
- c. Class IV Barrier Materials: Texas and Jersey Barriers and Concertina Wire.
- d. Binoculars, Magnified optics for M16A2, M16A2, Bunker, MBITR Radio.
- i) When was the individual first sighted and by whom?
  - a. The individual was first observed just short of the verbal and visual warning line (approximately 20 meters from the verbal and visual warning line).
  - b. SPC first sighted the individual and alerted PFC first in individual and alerted PFC first in individual and alerted PFC first in individual and alerted PFC first individual and alerted PFC first
- j) When was the use of direct fire as part of the escalated force ROE initiated?
  - a. The use of escalated force (warning shots fired in front of the individual) was first initiated approximately 10 meters past the warning shot trigger line.
- k) When were lethal fires initiated and when was cease-fire initiated?
  - a. Lethal fires were initiated once the individual had passed the kill fire line (approximately 30 meters passed the kill line).

## 4. FINDINGS.

- a) All personnel involved in the incident acted in accordance with the "CFLCC Rules For Use Of Force" Card (as of 011800ZNOV03).
- b) The two soldiers (SPC and and PFC and accordance with the CFLCC guidance in the use of "Escalation of Force" prior to utilizing direct fire. All shots were aimed (warning shots in front of the individual; lethal shot was focused at the individual).
- c) As soon as the satchel that the individual was caring, was deemed not to be a threat immediate aide was rendered.
- d) The individual is a local resident and was aware of the bridge being closed for some time (Statement made by the individual's brother)
- e) The individual had the ability to read and write Arabic.
- f) The individual was not deaf or hearing impaired (statement made by the individual's brother)

3 **FOUO**  5. RECOMMENDATION.

Jafr As Sukr

- a) The use of Tactical Phyops Team (TPT) to remind the local population the Bridge is closed to all forms of traffic and that the use of deadly force can / will be utilized against all violators.
- b) Continue to reinforce the existing blocking materials with Class IV. Emplace additional concertina wire prior to both the warning shot line and killing line.
- c) Place a second sign at the warning shot line stating, "that deadly force is authorized for any and all traffic crossing this point".

## Encl.

- (1) 15-6 Appointment Orders
- (3) Sworn Statements
- (4) Graphic representation of the incident (Story Board)
- (5) View of the Sniper position oriented north
- (5) Photos of Bridge TCP

MAJ, AR **Executive Officer** 

For use of this form, see AR 190-45; the proponent agency is ODCSOPS AUTHORITY: Title 10 USC Section 301: Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 5. LAST, NAME, FIRST NAME, MIDDLE NAME 2005 0329 8. ORGANIZATION OR ADDRESS 4. FILE NUMBER A Co. 2/10 AR 151 814. 7. GRADE/STATUS "\_ PFC On the 1 string of the 29th of March around 0630, I -----. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: witnessed a person on foot unlking from the east side of the bridge anto the west side. We had two trigger lines established on both sides of the bridge. The person was pais the two tryger live Wen I saw him. SPC. Fired in warning shot to attempt to get the attention of the person so we can establish contact. We tried giving signals to wave him back to what not. The person Stopped for a brief second and continued its path of travel. Then I decided to shoot him to disable, unfortunately he accidentally got hit on the shoulder · End \_

10. EXHIBIT	End -
ADDITIONAL PAGES MUST CONTAIN THE HEADING	11. INITIALS OF PERSON MAKING STATEMENT
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE	"STATEMENT TAKEN AT DATED PAGES
DA FORM 2823, DEC 1998	PAGE 1 OF PAGES  TAKEN AT DATED  FAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER  DA FORM 2823, JUL 72, IS ORSOLETE

DA FORM 2823, JUL 72, IS OBSOLETE

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Stopped, looked	at us; and kept
an malking the same direction.	1
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Q. William of the	loving any prother.
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A. No, he just continued to walk	is orisinal path.
INITIALS OF PERSON MAKING STATEMENT	
PAGE 2, DA FORM 2823, DEC 1998	PAGE OF PAGES

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AUTUR	For use of this	SWORN STATE form, see AR 190-45; the p PRIVACY ACT STATE	MENT		
AUTHORITY: Title	10 1150 0	PRIVACY	roponent agency is	ODCSOps	
PRINCIPAL PURPOSE: To pr					
DISCLOSURE: Your	ocial security number	d law enforcement officials	E.O. 9397 dated N	Ovember 33	
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TO. EXHIBIT S OF PERSON MAKING STATEMENT ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT PAGE 1 OF THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER PAGES DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

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e	οf	thin		SWORN	STATEMENT
	٠.	11115	iorm,	See AD 104	( W I GIMEN)

For use of this form,	SWORN STATEMENT see AR 190-45; the proponent agency is ODCSOPS
USC Section 301. To	PRIVACY ACT STATE

AUTHORITY:	Tis form, see AR 19	0-45; the proponent agency is OD:	
FRINCIPA FILLE 10 II	SC Section DE PRIVACY	ACT STATEMENT tion 2951; E.O. 9397 dated Noveint officials with means by which is dditional/alternate means of the high	CSOPS
ROUTINE USES: To provide			
DISCLOSURE: Your socia	security number:	of Officials 9397 dated Nove	mber 22, 1943 <i>(SSN)</i> , nformation may be accurately ication to facilitate filing and retrieval.
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10. EXHIBIT		- <del>-</del>	
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ADDITIONAL PAGES MUST CONTAIN THE HEADI	THE PERSON	MAKING STATEMENT	
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THE BOTTOM OF EACH ADDITIONAL PAGE MUST MUST BE BE INDICATED. DA FORM 2823, DEC 1998	DA FORM 2000	THE STATEMENT,	, AND PAGE NUMBER
•	DA FORM 2823, JUL 72, IS	OBSOLETE	
			ISCADA VII.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.	
STATEMENT OF	
TOTAL PAGE OF THIS FORM	-
9. STATEMENT (Continued)  TAKEN AT  Bridge DATED 200 (100)	
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road to PEC	
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right in the middle of the bridge (over the	- 1
Viver center). of the bridge (over the	-
I then called	
	1
the incident to report	1
Grow SSG gove of and	
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and myself left spc on the Bridge ssc Stay with 1	
stay with the Vehicle while we are	
The state of	
and warrants	
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on the scene, ILT	
on the scene, ILT (CPT) Showed up the investigation. Moments later after conducting his (CPT) investigation second unting	
his CPT	
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INITIALS arment plant	
INITIALS OF PERSON MAKING STATEMENT	
PAGE 2, DA FORM 2823, DEC 1998 PAGES	

9. STATEMENT (Continued)	TAKEN AT Bridge DATED 206503 28
- Nothin	g Follows
i,	AFFIDAVIT
I,HICH BEGINS ON PAGE	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT  ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE TATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT UNLAWFUL INFLUENCE OR LINE AWEUL INDUCEMENT.  (Signature of Person Waking Statement)  Subscribed and sworn to before me, a person authorized by law to administer paths, this
NTAINING THE STATEMENT IS TRUE. I HAVE INITIALED REAT OF PUNISHMENT, AND WITHOUT COERCION,	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT  ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE TATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT UNLAWFUL INFLUENCE OR LINE AWEUL INDUCEMENT.  (Signature of Person Waking Statement)  Subscribed and sworn to before me, a person authorized by law to administer paths, this
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