



DEPARTMENT OF THE ARMY  
Headquarters, 1<sup>st</sup> SQUADRON, 3d ARMORED CAVALRY REGIMENT  
Camp [REDACTED], Iraq APO AE 09379

13

REF. Y TO  
ATTENTION OF

AFZC-R-I-SCO

20 April 2005

MEMORANDUM FOR 1LT [REDACTED] ADA Battery, 1st Squadron, 3d Armored  
Cavalry Regiment

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. You are hereby appointed as the investigating officer pursuant to AR 15-6 (Procedures for Investigating Officers and Boards of Officers) to conduct an investigation into the relevant facts and circumstances surrounding the shooting of an Iraqi national on 192330APR05 by SPC [REDACTED] ADA, 1/3 ACR while conducting Operation [REDACTED].
2. As the investigating officer, you are charged with the responsibilities and duties outlined in AR 15-6 and the Investigation Guide to Informal Investigations. Your investigation will include the following:
  - a. Complete a thorough and detailed investigation of the incident.
  - b. Research and provide the relevant facts, circumstances, and evidence surrounding the incident.
  - c. Provide your findings based solely on the facts and information collected during the investigation from individuals directly involved and eye witness accounts.
  - d. Provide a report consistent with your findings in memorandum format to include a summary of the incident, chronology of facts, additional facts or lack of training bearing on the incident, training recommendations, procedural liability and accountability for any lost or damaged property, and your conclusion of the investigation.
3. During your collection of evidence surrounding the incident, you must determine whether that gathered supports your findings either by a preponderance of evidence or beyond a reasonable doubt. You will base your findings upon the following:
  - a. Whether proper procedures were followed when the unit encountered what they believed to be a hostile act or intent by the advancing party.
  - b. Whether hand signals were used to warn the advancing party.
  - c. Whether verbal warnings were issued to the advancing party.

- d. Whether warning shots were issued to the advancing party
  - e. Whether deadly force was authorized/ordered as a last resort under the circumstances
  - f. Whether the unit followed proper procedures to secure the party and employ the 9-line MEDEVAC request
3. During your investigation, you may speak with any and all individuals that you believe have information pertaining to the incident. If, in the course of your investigation, you determine that completion thereof requires examining the conduct or performance of duty of, or may result in findings or recommendations adverse to, a person senior to yourself, you will obtain legal guidance from the Staff Judge Advocate.
  4. All witness statements will be sworn if possible and submitted on DA Form 2823 (Sworn Statement) and you will obtain a Privacy Act Statement from all witnesses who complete a written statement. If circumstances preclude you from obtaining a sworn statement, or if you obtain a statement telephonically, you will summarize the witness' statement in a Memorandum for Record and swear to the accuracy of your summary.
  5. If, in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of his or her rights under Article 31, UCMJ, or the Fifth Amendment as appropriate. You will record any rights advisement administered on DA Form 3881 (Rights Warning Procedure/Waiver Certificate).
  6. Legal advice and assistance must be obtained from the Regimental Staff Judge Advocate (RSJA), before you take any action on this matter. Prior to beginning the investigation, you will familiarize yourself with the provisions of AR 15-6 and the Investigation Guide for Informal Investigations.
  7. Your report, together with all evidence marked as exhibits, will be submitted to this office in two copies on DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers) NLT 22 April 2005 for legal review. Submit any requests for delay, to include the reasons for the delay, to this office in memorandum format. You will obtain a written legal review prior to submitting the completed investigation.
  8. Point of contact for this memorandum is 1LT [REDACTED] at [REDACTED].

[REDACTED]  
LTC, AR  
Commanding



DEPARTMENT OF THE ARMY  
AIR DEFENSE ARTILLERY BATTERY, 3<sup>d</sup> ARMORED CAVALRY REGIMENT  
CAMP [REDACTED], IRAQ 09379

AFZC-R-I-AD

22-April-2005

MEMORANDUM FOR Commander, 1<sup>st</sup> Squadron, 3d Armored Cavalry Regiment,  
Camp [REDACTED], Iraq, APO AE 09379

SUBJECT: Army regulation (AR) 15-6 Report of Investigation

1. **Purpose.** The purpose of this memorandum is to provide the facts, findings, and recommendations regarding the shooting of an Iraqi National by SPC [REDACTED] of D Co, 1/3 ACR (currently attached to ADA 1/3 ACR), during a combat movement north on MSR [REDACTED].

2. **Summary of Incident.**

On 19 April 2005, SPC [REDACTED] shot an Iraqi National during a combat movement northbound on MSR [REDACTED] from [REDACTED] vicinity ([REDACTED] to [REDACTED]). SPC [REDACTED] is the loader on an M1A2, bumper #D24. The Tank Commander (TC) is SFC [REDACTED]. The Gunner is SGT [REDACTED], and the Driver is PVT [REDACTED]. They were on the way to an LRP that [REDACTED] (1SG [REDACTED]) had established vic [REDACTED]. Prior to their movement from [REDACTED] the gunner observed three individuals moving around the mosque vic [REDACTED]. As D24 began their movement north in the south bound lane of MSR [REDACTED] the gunner lost sight of the individuals in and around the mosque. As D24 approached [REDACTED] a male Iraqi stepped into the road from the median and began walking directly at the tank. The TC instructed the driver to stop and back up. As they were backing up the Iraqi continued to walk toward the tank. SPC [REDACTED] used his hands and tried to direct the Iraqi to the side of the road, and then yelled at him to get out of the way. At this point SPC [REDACTED] screamed as loud as he could "AWGOFFI, AWGOFFI, TARA ARMEEKI". The Iraqi did not respond, and continued to move toward the tank as D24 was still moving backwards. SPC [REDACTED] informed the TC that he was going to fire a warning shot. He fired one warning shot, and then another. The Iraqi continued to move toward the tank. All four occupants of the tank say that the Iraqi was walking with his right fist clenched, thumb raised, and his arm was bent in a position across his chest. At some point the gunner yelled that he is throwing something. SPC [REDACTED] observed the Iraqi pulling his hand back as though he was getting ready to throw something. SPC [REDACTED] aimed and fired three shots. The Iraqi took a few more steps and collapsed. At this time the TC called for support from [REDACTED] and then called a [REDACTED] to [REDACTED] and then [REDACTED] passed in on to [REDACTED]. The Medevac picked up the Iraqi and departed. The Iraqi National died shortly after he arrived to the hospital.

### 3. Chronology of Facts.

- a. SPC [REDACTED] was the loader on D24 during a combat movement from a blocking position four (4) vic [REDACTED] to an LRP vic [REDACTED].
- b. D24 began movement from [REDACTED] around 2330.
- c. During the movement north on MSR [REDACTED] the gunner observed three personnel moving around the Mosque in that area vic [REDACTED].
- d. As they moved further north the gunner lost sight of the three men that were near the mosque.
- e. A few moments after the gunner lost sight of the three men the loader, TC and the gunner observed a male Iraqi on the side of the road, the TC stopped the M1A2.
- f. The Iraqi moved into the middle of the MSR and began to walk toward D24. The TC instructed the driver to move put the tank in reverse and move backwards.
- g. Now D24 was moving in reverse down the MSR, and the Iraqi continued to walk toward D24.
- h. At this point SPC [REDACTED] began yelling at the Iraqi to stop. He yelled "AWGOFF! AWGOFF! TARA ARMEEKI". The Iraqi continued to move toward D24.
- i. When the Iraqi did not stop SPC [REDACTED] fired two warning shots from his M4, and the Iraqi continued to move toward D24.
- j. The gunner yelled that Iraqi is throwing something, and SPC states that he saw the Iraqi pull his hand back as if he was going to throw something.
- k. SPC [REDACTED] fired three shots at the Iraqi from his M4.
- l. The Iraqi was hit by one of the three shots from the M4. The bullet entered the center of his chest, and exited out his back.

### 4. Additional Facts Bearing on the Incident.

The TC, Gunner, and the Loader are all veterans of OIF I giving them all the experience and patience to use all other options possible, before deadly force was necessary.

### 5. Summary of Findings.

After reviewing the sworn statements of the crew on D24 and the soldiers who were the first to respond to give first aid to the Iraqi, I have come to the conclusion that SPC [REDACTED] maintained positive situational awareness and used deadly force only as a last resort.

### 6. Recommendations.

- a. I have come to the conclusion that SPC [REDACTED] followed the ROE, and used deadly force only as a last resort.
- b. All leaders need to continue to play an active role in briefing their soldiers on ROE. Leaders must ensure that soldiers not only know the ROE, but understand the ROE.

c. It should be part of a unit's SOP to review ROE during every convoy, mission, and/or operations order brief.

## 7. Conclusion of the Investigation.

Based on my investigation SPC [REDACTED] and the crew of D24 maintained positive situational awareness, and used deadly force only as a last resort. They followed of the ROE.

[REDACTED]  
1LT, AD  
Executive Officer

## Exhibits.

- A. Sworn Statement with DA Form 3881 (SPC [REDACTED])
- B. Sworn Statement with DA Form 3881 (SFC [REDACTED])
- C. Sworn Statement with DA Form 3881 (SGT [REDACTED])
- D. Sworn Statement with DA Form 3881 (PVT [REDACTED])
- E. Sworn Statement with DA Form 3881 (1SG [REDACTED])
- F. CFLCC Rules for use of Force and CFLCC ROE CARD

# REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is JTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

## SECTION I - APPOINTMENT

Appointed by LTC [REDACTED] 1ST SQUADRON, 3D ACR  
(Appointing authority)

on 20 April 2005 (Date)  
(Attach Inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

## SECTION II - SESSIONS

The (investigation) (board) commenced at N/A (Place) at N/A (Time)

on N/A (Date) (If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See para 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1400 (Time) on 22 April 2005 (Date)  
and completed findings and recommendations at 1630 (Time) on 22 April 2005 (Date)

## SECTION III - CHECKLIST FOR PROCEEDINGS

### A. COMPLETE IN ALL CASES

	YES	NO	NA
1. Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? (See item 9, below)			X
c. Other correspondence with respondents or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements (Certificate, if statement provided orally)?			X
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g. Information as to sessions of a formal board not included on page 1 of this report?			X
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1) Explain all negative answers on an attached sheet.  
2) One of the NA column constitutes a positive representation that the circumstance described in the question did not occur in the investigation or board.

		YES	NO	NA
2	<b>Exhibits (para 3-16, AR 15-6)</b>			
a.	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
f.	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
g.	If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 3-3d, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received score evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
9	<b>Notice to respondents (para 5-3, AR 15-6):</b>			
a.	Is the method and date of delivery to the respondents indicated on each letter of notification?			
b.	Was the date of delivery at least five working days prior to the first session of the board?			
c.	Does each letter of notification indicate --			
(1)	the date, hour, and place of the first session of the board concerning that respondent?			
(2)	the matter to be investigated, including specific allegations against the respondent, if any?			
(3)	the respondent's rights with regard to counsel?			
(4)	the name and address of each witness expected to be called by the recorder?			
(5)	the respondent's rights to be present, present evidence, and call witnesses?			
d.	Was the respondent provided a copy of all unclassified documents in the case file?			
e.	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	<b>If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):</b>			
a.	Was he properly notified (para 5-3, AR 15-6)?			
b.	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-6a, AR 15-6)?			
11	<b>Counsel (para 5-6, AR 15-6):</b>			
a.	Was each respondent represented by counsel?			
Name and business address of counsel:				
(If counsel is a lawyer, check here <input type="checkbox"/> )				
b.	Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c.	If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	<b>If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):</b>			
a.	Was the challenge properly denied and by the appropriate officer?			
b.	Did each member successfully challenged cease to participate in the proceedings?			
13	<b>Was the respondent given an opportunity to (para 5-8a, AR 15-6):</b>			
a.	Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b.	Examine and object to the introduction of real and documentary evidence, including written statements?			
c.	Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d.	Call witnesses and otherwise introduce evidence?			
e.	Testify as a witness?			
f.	Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
<b>FOOTNOTES:</b>				
1) Explain all negative answers on an attached sheet.				
2) Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in the investigation or board.				

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The *(investigating officer) (board)*, having carefully considered the evidence, finds:  
See Attached

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the *(investigating officer) (board)* recommends:  
See Attached



**SECTION VI - AUTHENTICATION** (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

\_\_\_\_\_  
(Recorder)

  
(Investigating Officer) (President)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

**SECTION VII - MINORITY REPORT** (para 3-13, AR 15-6)


To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substantive findings and/or recommendations may be included in the inclosure.)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

**SECTION VIII - ACTION BY APPOINTING AUTHORITY** (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are ~~(disapproved)~~ (approved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence or a summary, if oral) as a numbered inclosure.)

  
LTD, AR  
Commanding

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is DDCSOPS

LOCATION ADA Btry V3 ACR CAMP [REDACTED]	DATE 21 APR 05	TIME 0805	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS 1SG
ORGANIZATION OR ADDRESS ADA Btry V3 ACR			

I, 1SG [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 19th of April at 2145 hrs I was conducting Log Pac at V.C. [REDACTED] when I heard 1 or 2 shots from my East approximately 800 meters. Within 30 seconds I heard A ground round burst at the same location and direction. I went to investigate and discovered an Iraqi man laying on the ground next to the guard rail on MSR [REDACTED]. [REDACTED] Tank was 50-75 meters East of the man shining a spot light on him. I then proceeded to administer 1st Aid to the man. The man had a single gun shot wound in his Chest.

END OF STATEMENT

[REDACTED]

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."</p> <p>THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</p>		

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 89, WHICH WILL BE USED.

DA FORM 2823, JUL 72

## AFFIDAVIT

I, 1561 [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

## WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of APR 19 2005 at 0805 hours

[REDACTED]  
(Signature of Person Administering Oath)

1-7 [REDACTED]  
(Typed Name of Person Administering Oath)

[REDACTED]  
(Authority To Administer Oath)

SSG [REDACTED]  
ADP/ACR  
ORGANIZATION OR ADDRESS

[REDACTED]  
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

USAPPC V2.00

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION [REDACTED]	DATE 22 Apr 2005	TIME 11:21 hours	FILE NUMBER
LAST NAME/FIRST NAME/MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E1 P4
ORGANIZATION OR ADDRESS ADA BRY 1/3 ACR			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On April 19 2005 at 2330 hours we left [REDACTED] moving north to [REDACTED] I was driving north on [REDACTED] exited to road west of the mosque on the northbound while when out of know where a man was in front of my truck moving right towards us. He had his right hand held up to his chest with his thumb pointing straight up. My TC had me stop the truck and get out of it in Reverse and start backing up. The man continued to move towards us. At that time my leader started yelling at him to stop and then stop or I will shoot. You in both Arabic and English the man still continued to walk towards the vehicle. My leader fired 3 warning shots but his feet just got off to the right of him. They were fired with the intent to stop him. When the shots were fired the man looked over to his left at the mosque and started walking from faster at us. He then raised his right hand as if he was going to throw something or detonate an IED. At that time my leader felt that our lives were in danger and fired 3 shots. At the time I missed and one hit him right between the hands. The man continued to walk about 10 more steps before he finally dropped to the ground. We stopped the truck and immediately started scanning for a possible Ambush or IED. At that time my TC called it up to higher and called up an AFM response. We pulled security and waited for [REDACTED] to arrive with the medics and more security. We stopped and pulled security until the Civil came out. At that time we moved him to the hospital and until the crew cleared and continued to move to [REDACTED]

END OF STATEMENT

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."</p> <p>THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</p>		

**AFFIDAVIT**

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]  
[REDACTED]  
D<sup>R</sup>. ASHER J. [REDACTED]  
ORGANIZATION OR ADDRESS \_\_\_\_\_

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of APRIL, 2005 at 1140 hrs.

[REDACTED]  
(Signature of Person Administering Oath)

ILT [REDACTED]  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS \_\_\_\_\_

INITIALS OF PERSON MAKING STATEMENT	PAGE <u>2</u> OF <u>2</u> PAGES
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16058

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE 22 APR 65	TIME 1140	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-5 / SGT
ORGANIZATION OR ADDRESS D-CD 1/8 ACR Fort Carson			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 19th of April 2005 around 2230 I was watching the MAs under the bridge through my TIS. After the MAs left the bridge I observed a male in a dress emerge from the opposite side of the bridge. I sent it up and continued to observe. I watched him walk to the mosque. He tried to get in but the first door must have been locked. He snatched it and the door moved but it wouldn't open. Next door I did the same with same results. He finally got in through the 3rd door. I told my TC I lost him but I kept observing. About 30 min later 3 men came out of the mosque. They talked to 5 min. I told my TC. He said continue to observe. I start giving step by step info. One guy walked south bound. The other man turned to the other guy and said something. He then watched the other guy walk north bound toward the bridge. I tracked the one going toward the bridge. He stopped at some of the poles near MAs [REDACTED]. Then he walked closer toward the bridge in the low ground. I lost him. I changed my sights back from forth to black & white hot to find him. I then found something heated. I said I found him. I said no it's a dog. We all leashed then I started to scan toward the front of the tank. The man reemerged. I said ok sit his right in front of us. TC said DVR stop. I went from 10 power to 3 power to 10 to 3. I lased at him and got flashing zeros. He must have been left from the tank. We start backing up & I saw his right hand with the thumb up. I said in Arabic while he walked toward us. I said it again. He then fired a warning shot & I saw the bullet off to the left of him. He did not stop. He looked at the mosque and walked faster. [REDACTED] fired another warning shot to the right of his feet but he only speed up.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.