

SWORN STATEMENT

For use of this form, see AR 180-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

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 identified.
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 FOP [REDACTED]	2. DATE (YYYYMMDD) 20050607	3. TIME 0300	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS A 1-41 INF 3RD PLT			

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

While traveling east on Mullah Kuyul highway in A-Soc on 7 June 2005 at approximately 0200 hours the lead truck spotted a guy hiding in the ~~blows~~ near a tunnel that ran parallel to the road. We then went to a security halt to further observe the guy. The man was carrying a shovel and had a triggering device. We positively identified him as a triggerman and he was an imminent threat. We then called [REDACTED] to make sure no friendly were in the area and give a situation report. I was providing visual and observed the lead truck fire a burst of coax near the man as a warning shot. The guy didn't change his stance but began to fidget with the device, due to a mistake with the coax the lead truck fired HE to eliminate the threat. We followed the ROE through graduated response. The man met the tactical proceedings of emptying an IED. After the threat was eliminated I continued to provide overwatch and the lead truck pulled around to the site and dropped dismounts. They swept the area and recovered the shovel but the triggering device got destroyed from the HE. After gathering evidence the dismounts cleared 2 houses in the vicinity where all occupants were sleeping and knew nothing of the man. Upon completion of the sweep we picked up the remaining and took it to the Iraqi army at the Potatoes factory.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

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STATEMENT OF _____

TAKEN AT _____

DATED _____

2. STATEMENT (Continued)

[Large area with a large 'X' drawn across it, indicating a crossed-out or voided statement. A small black redaction mark is visible in the center.]

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19____.

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS _____

A 1-41 (WJF)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS _____

CPT US ARMY

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOI [REDACTED]	2. DATE (YYMMDD) 20060708	3. TIME 1243	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5/Second leader	
8. ORGANIZATION OR ADDRESS A CO 1-41 INF			

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

On June 7, 2005 at 0300 I dismounted with my Alpha Team then proceeded to sweep the area for a trigger device but did not find one. We found the body at grid [REDACTED] 150m off the road in a canal behind some brush with a good field of view of the road and a light pole which could be used as an aiming stake while still being concealed. We then searched 2 houses about 100m away. The families were asleep and did not act like they knew the guy. After we cleared the houses we then went back picked the body up and put it on the Bradley. Then we proceeded to the Potato Factory and dropped the body off to the Iraqi Army and returned to FOR. [REDACTED]

nothing follows

[REDACTED]

[REDACTED]

[REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

DA FORM 2823, DEC 1986

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA 01 00

STATEMENT OF

TAKEN AT

DATED

8. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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 [REDACTED] day of [REDACTED].

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF FORM 2837, DEC 1955

PAGE 1 OF 1 PAGES

USARA v1 02

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6, the proposed Agency is OJLIG.

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

SECTION I - APPOINTMENT

Appointed by Pursuant to AR 15-6, paragraph 2-1 (LTC [REDACTED] Commanding)
(Appointing authority)

on 07 June 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 [REDACTED] Iraq (Place) at (Time) (Place)

on (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 paras 5-3 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1330 (Time) on 08 June 05 (Date)
and completed findings and recommendations at 1200 (Time) on 09 June 05 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

Inclosures (para 3-15, AR 15-6)	YES	NO	NA
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			
b. Copy of notice to respondent, if any? (See item 9, below)	X		
c. Other correspondence with respondent 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 separate entries on an attached sheet.

2 Use of the NA column constitutes a public representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO	NA
2	Exhibits (para 3-16, AR 15-6)			
a.	Are all items offered (whether or not accepted) or considered as evidence individually inventoried, labeled as exhibits and attached to this report?	X		
b.	Is an index of all exhibits offered or considered by investigating officer or board attached before the first session?	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 submitted for real or documentary evidence) properly subnumbered and is the location of the original evidence indicated?			X
e.	Are descriptions or diagrams (including of locations visited by the investigating officer or board. (para 3-16, 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 report?			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 3-16, 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)?			
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment. (para 5-1b, AR 15-6)?			
5	Was a quorum present at every session of the board. (para 5-1b, 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 5-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received same evidence, does the enclosure describe how they familiarized themselves with that evidence. (para 5-2a, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
a.	Is the method and date of delivery to the respondent 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	If any respondent was designated after the proceedings began, or otherwise was absent during part of the proceedings:			
a.	Was he properly notified. (para 5-5, AR 15-6)?			
b.	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel. (para 5-6, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
a.	Was each respondent represented by counsel?			
Name and business address of counsel:				
If counsel is a lawyer, check here ☐				
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	If the respondent challenged the legal adviser or any voting member for lack of impartiality. (para 5-7, AR 15-6):			
a.	Was the challenge properly denied and by the appropriate officer?			
b.	Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to: (para 5-8a, AR 15-6):			
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 5-8, 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	Advisal of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclusion or exhibit to it. (para 5-11, AR 15-6)?			
FOOTNOTES: 1. Explain all negative entries in an attached sheet. 2. Use of the "NA" column constitutes a positive representation that the information described in the question was not available in any form or form.				

SECTION IV - FINDINGS (para 1-10, AR 15-6)

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

SEE ATTACHED MEMORANDUM FOR FINDINGS

SECTION V - RECOMMENDATIONS (para 1-11, AR 15-6)

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

SEE ATTACHED MEMORANDUM FOR RECOMMENDATIONS

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)

 CPT, Field Artillery
(Appointing Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

To the extent indicated in inclosure _____ the undersigned does 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) does 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 (approved) (disapproved) (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 any) as a numbered inclosure.)