

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9897 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
 2. DATE (YYYYMMDD) 20050728
 3. TIME 0034
 4. FILE NUMBER
 5. LAST NAME, FIRST NAME, MIDDLE NAME
 6. SSN
 7. GRADE/STATUS E-4 (SPC)

8. ORGANIZATION OR ADDRESS

Cen. 4-64

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

I guess around 2200 I was driving the rear 1114
 up bridge eight. I heard the gunner Sgt. [REDACTED] fire
 as we were coming to a stop for a vehicle parked
 on the bridge. When I stepped out of the Hummu
 Spc. [REDACTED] PVT [REDACTED] and SSG [REDACTED] were
 starting to walk back to the vehicle the Gunner shot at.
 Then I saw the people get out of the vehicle and screaming.
 So I grabbed the radio and called for an Interpreter and
 for the other 2 hummu's to stop. I heard about 5-7
 shots fired. I heard 3 shots then a second or two later I
 heard about 3 or 4 shots afterword.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

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

STATEMENT OF [REDACTED]

TAKEN AT

FCB [REDACTED]

ED

23 July 2005

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of July, 2005 at FCB [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

CPT, US Army, Investigating Officer
(Authority To Administer Oaths)

[REDACTED] 551-
[REDACTED] 4-64
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE

OF

PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

I, [REDACTED]
WHICH BEGINS ON PAGE 1, A
BY ME. THE STATEMENT IS T
CONTAINING THE STATEMENT
THREAT OF PUNISHMENT, AND

WITNESSES:

[REDACTED]
476 4-6-4
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

AVE HAD READ TO ME THIS STATEMENT
CONTENTS OF THE ENTIRE STATEMENT MADE
INITIALED THE BOTTOM OF EACH PAGE
TYPE OF BENEFIT OR REWARD, WITHOUT
ANOTHER INFLUENCE

[REDACTED]
Signature of Person Making Statement

on to before me, a person authorized by law to
23 day of July 2005

[REDACTED]
Signature of Person Administering Oath

[REDACTED]
(Typed Name of Person Administering Oath)

CPT. US Army / [REDACTED]
(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF

TAKEN AT

DATED

23 July 2005

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED] 236-
[REDACTED]
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of July, 2005 at FOS [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

CPT. US Army, Investigating Office
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF

TAKEN AT

Fale

DATED

23 July 2005

9. STATEMENT (Continued)

AFFIDAVIT

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[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED] 236-
[REDACTED] 4-69
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of July, 2005
at FAIR

[REDACTED]
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

CPT, US Army
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF [REDACTED]

TAKEN AT

Feb [REDACTED]

DATED 22 Jul 05

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. 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 REWARD OR PUNISHMENT, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED] 356
[REDACTED]
HFL 9-64
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of July, 2005, at FDR [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

CPT, US Army, [REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 1 PAGES

STATEMENT OF

TAKEN AT Feb

DATED 23 July 05

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of July, 2005
at FOR

[REDACTED] 586
HH 2 4-64
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
CPT, US Army, Investigating Officer
(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE | OF | PAGES

STATEMENT OF

TAKEN AT

DATED

23 July 2005

3. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED] 556

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of July, 2005

at F.O.B.

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

CPT, US Army Emergency Responder
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE

OF

PAGES

STATEMENT OF

TAKEN AT

FBI

DATED

25 JUL 05

9. STATEMENT (Continued)

[Large area crossed out with a large X]

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED] 556-
[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED]
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of July, 2005 at FBI

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

CPT, US Army Investigative Office
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

that I under my M4 rifle at the ground about 3 meters in front of the vehicle, the whole time it was yelling "stop!!" The car was not responding to my obvious gestures, and he was not slowing down, at that point it fired one warning shot about 3 meters in front of his car, the second car that had broken away slammed on his brakes and fell back with the rest of the traffic whom also had stopped. The lead car when it fired the warning shot it was not affected by this it was at that time he was getting extremely close about 15-18 meters. I felt the car was in immediate threat at that point so I fired two more warning shots and tried to hit the front left tire to disable the car, I waited about two seconds between shots to see if the vehicle would slow down, it did not, at that time the vehicle was about 10 meters from my truck and not slowing down, it was after I fired the three warning shots and the vehicle was not slowing down, I was sure it was moving and it was close enough now to my truck to have effects on it if it decided to detonate, it was then that I made the decision to fire into the windshield at the driver of the car, I fired three shots two hit about the same spot on the driver side of the windshield, the third hit the roof.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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] 556-
[REDACTED] 4-64
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of July 2005
at F.O.B. [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

CPT. U.S. Army Training Office
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 7 OF 3 PAGES

STATEMENT OF

TAKEN AT

0158

DATED

23 July 01

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], 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 23 day of July, 2005, at FOR [REDACTED]

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

CPT, US Army [REDACTED]
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE

OF

PAGES

24 July 2005

9. STATEMENT (Continued)

AFFIDAVIT

Signature of Person Making Statement: _____

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of July, 2008
at [redacted]

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Investigation Officer CPT, US Army
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT OF SSS [REDACTED] TAKEN AT FOI [REDACTED] DATED 23 JUL 05

B. STATEMENT (Continued)

in the back seat. The IP's asked to take the shot wound to the hospital, I said yes, I got on the radio with [REDACTED] and told them what had happened, that another was shot and people were wounded. Because my vehicle was so far ahead when the incident occurred I told SSS [REDACTED] to talk to [REDACTED] because he was the TC of the vehicle. I got on the radio with [REDACTED] and he told me to get a statement from the other vehicle that was next to the shot vehicle, pictures of the car and any info I could.

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED] SSS
[REDACTED] 4-6-4
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of July, 2005
at FOI [REDACTED]

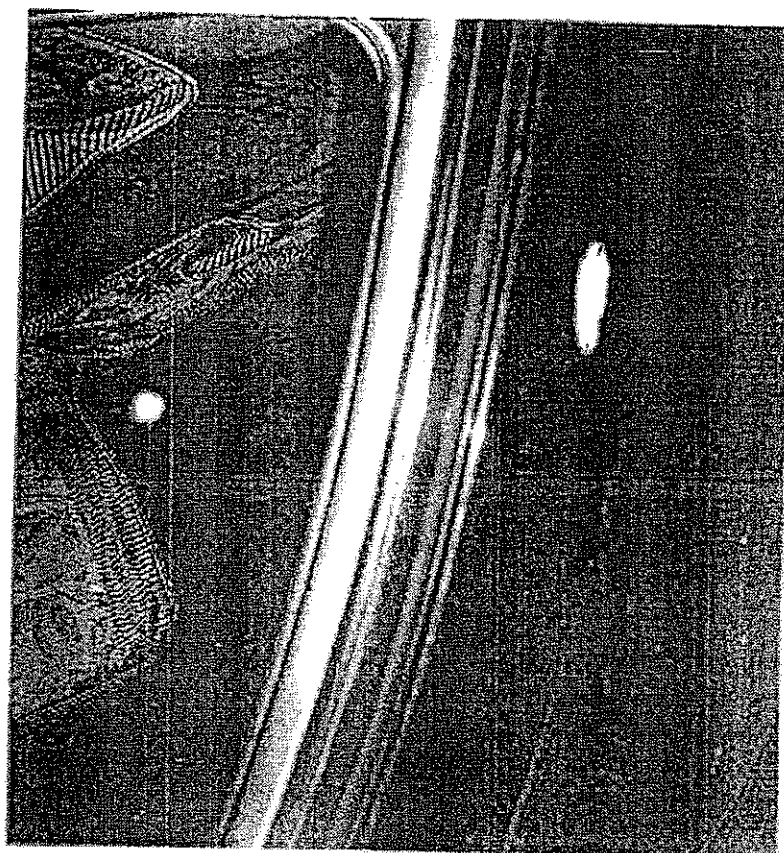
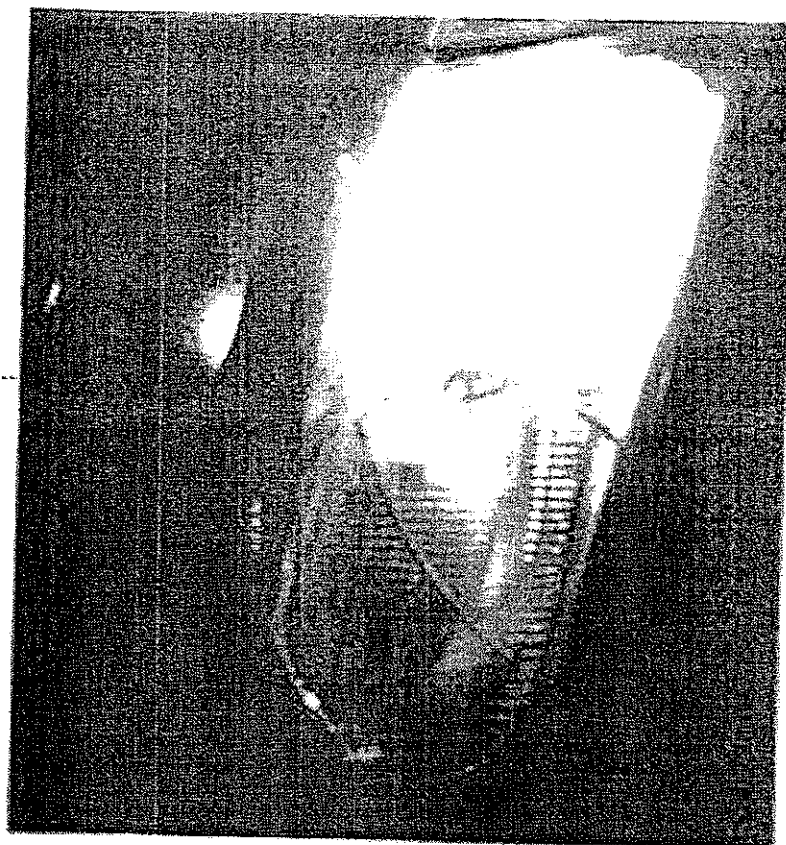
[REDACTED]
(Signature of Person Administering Oath)

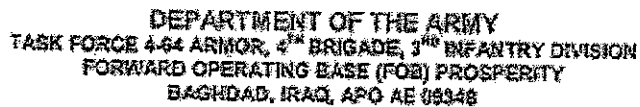
[REDACTED]
(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES





25 July 2005

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed as an investigating officer pursuant to Army Regulation (AR) 15-6, Procedures for Investigating Officers and Boards of Officers, to conduct an informal investigation to determine the facts and circumstances of a shooting incident involving C Co, 4-64 AR, on or about 22 July 2005.
2. You will conduct a thorough investigation of the matter to determine the circumstances surrounding the loss of the property. Your investigation should focus on, but not necessarily be limited to, the following:
 - a. Personnel Involved
 - b. Tactical Situation
 - c. Weapons control measures (mechanical safe, fire commands, etc.)
3. Prior to the beginning of your investigation, you must make an appointment with the Administrative Law Division of the Staff Judge Advocate's Office. An attorney at the Administrative Law Division will be your legal advisor.
4. In conducting your investigation, use informal procedures under AR 15-6. Make specific findings as to the allegations above. The evidence you gather should support your findings. Make recommendations consistent with your findings to address any perceived or actual improper or criminal conduct.
5. In your investigation, all witness statements will be sworn and written on DA Form 2823, Sworn Statement. If, in the course of your investigation, you come to suspect that any individuals have committed a criminal offense, then use DA Form 3881, Rights Warning/ Procedure Waiver Certificate, to advise them of their rights under Article 31, Uniform Code of Military Justice, or the Fifth Amendment (if interviewing a civilian), as appropriate. In addition, provide witnesses with a Privacy Act Statement before you interview them (See AR 15-6, Appendix B).
6. I direct you to keep compile a daily chronology of all investigative activities and encourage you to consult with a legal advisor whenever and as often as necessary. In the case of any alleged criminal misconduct, you must consult with a legal advisor.
7. Submit your findings and recommendations to [REDACTED] on DA Form 1574 within 10 working days of receipt of this appointment order. Should you require additional time, coordinate with him.

FOR THE COMMANDER:

STAR
Adjutant

SUBJECT: 15-6 Investigation of Shooting resulting in a Local National death at 222251JUL05 on bridge 8.

4) After conducting interviewing with all the individuals involved, it is my opinion that the patrol was equipped to accomplish the mission they were assigned. However, there are some equipment issues that need to be address. All of the soldiers on the patrol weren't equipped with surefire flashlights for their personal weapon and flashlights for all turret gunners.

5) The investigating officer has interviewed all the necessary individuals involved and has reviewed all documents pertaining to this incident. I have determined although the results of this incident was tragic, [REDACTED] acted in accordance with the correct Rules of Engagement and used proper escalation of force procedure to remove the perceived threat.

4. Recommendation

A. In view of all the evidence present, [REDACTED] actions were justified and in accordance with the MNC-I ROE, and no adverse action should result of this investigation.

B. After interviewing the soldiers involved in this incident and taking the statement of [REDACTED] the witness at the scene. It is my recommendation that all soldiers be equipped with surefire flashlights for their personal weapon and high powered flashlights for the turret gunners. This will provide the gunners an additional step of escalation of force before firing warning shots and make them easily to identify to the local drivers at greater distances.

C. No further action is required upon completion of this investigation

5. POC: Point of contact for this memorandum is the undersigned at [REDACTED]

encls

Tabs A-G

A. Appointment Orders

B. MFR, Subject: Statement Adoption Certificate

Rights Waiver Certificate, [REDACTED] 230148JUL05
Rights Waiver Certificate, [REDACTED] 230150JUL05
Rights Waiver Certificate, [REDACTED] 230144JUL05
Rights Waiver Certificate, [REDACTED] 222230JUL05
Rights Waiver Certificate, [REDACTED] 230148JUL05
Rights Waiver Certificate, [REDACTED] 230145JUL05
Rights Waiver Certificate, [REDACTED] 222251JUL05
Rights Waiver Certificate, [REDACTED] 230145JUL05
Rights Waiver Certificate, [REDACTED] 230147JUL05

CPT, AR

Investigating Officer

SUBJECT: 15-6 Investigation of Shooting resulting in a Local National death at 222251JUL05 on bridge 8.

At this point two four-door sedans accelerated from the pack of vehicles and moved at a high rate of speed. One sedan was in the far right lane traveling at approximately 55 MPH, and a dark blue Mazda 626 sedan, license plate Baghdad 328246 was in the middle lane. The Mazda was traveling approximately 65 MPH. Both vehicles were rapidly approaching the rear M1114 of the patrol. [REDACTED] the gunner on the rear M1114 noticed the vehicles approaching and tried to use hand and arm signals several times before firing warning shots. Prior to firing the warning shot he extended his arm with all fingers touching palm facing upward which is the Iraqi hand signal for stop and wait, while shouting stop however the vehicles continued to approach the rear M1114 at a high rate of speed. [REDACTED] then aimed his M4 approximately three meters at the ground in front of the vehicles, while still shouting for the vehicles to stop. The vehicles continued to advance on the rear of the patrol despite the repeated attempts by [REDACTED] to stop their advancement prior to firing his M4. [REDACTED] fired three initial warning shots, one hitting the ground and the other two hitting the front right headlight of the Mazda 626. At this point the vehicle in the far right lane adhered to the warning shots and stopped. However, the Mazda continued to advance toward the [REDACTED]'s vehicle maintaining its rate of speed coming within 10-15 meters of the rear M1114. [REDACTED] now suspecting the vehicle to be a VBIED fired three additional shots at the vehicle. Two rounds hit the windshield and one hit the roof of the vehicle. It wasn't until after [REDACTED] fired the final three shots the vehicle stopped. [REDACTED] then told his vehicle commander [REDACTED] to stop the vehicle because he just fired shots into a vehicle that was advancing on their rear. [REDACTED] called [REDACTED] the patrol leader to inform him of the incident that had just happened. The Mazda stopped and the passenger's in the vehicle are all screaming and panicking at this point. [REDACTED] approached the vehicle with a medic and another soldier to assess the situation. [REDACTED] shined a light into the vehicle to find some of the passengers seriously injured. [REDACTED] the medic, began to assess and treat the injured identifying one male with a gunshot wound to the shoulder, a female with a gunshot wound to the jaw and later found one female dead in the rear seat with gunshot wound to the throat. The driver's name is [REDACTED] he was evacuated to the hospital before it could be determined why he failed to heed the many warnings he was given. [REDACTED] told [REDACTED] to call [REDACTED] to report the incident, while he talked to [REDACTED] who informed him to take pictures and get statements from any of the locals that witness at the incident. [REDACTED] got a written statement from a local man name [REDACTED] confirmed [REDACTED] story that despite the warnings he gave, the vehicles continued to advance toward the rear of his M1114. [REDACTED] then states after the warning shots were fired he ducked his head for safety, and when he raised his head he noticed the vehicle that was approaching the rear M1114 was shot and people were screaming.

3. FINDINGS:

A. General.

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)

[Redacted Signature], S-3 Plans
(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/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 3-3, 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 oral) as a numbered inclosure.)

[Redacted Signature] AR, Commanding

		YES	NO	NA
2	Exhibits (para 3-16, AR 15-6)			
	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. 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 3-3b, 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 some evidence, does the enclosure describe how they familiarized themselves with that evidence (para 5-2d, 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 5-4c, 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 advisor 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 5-9, 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 enclosure or exhibit to it (para 5-11, AR 15-6)?			

FOOTNOTES: 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 this investigation or board.