

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2851; 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 FOB [REDACTED], Iraq	2. DATE (YYYYMMDD) 2005/08/04	3. TIME 1500	4. FILE NUMBER
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5. LAST NAME FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E5/SGT
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8. ORGANIZATION OR ADDRESS

B, 6-8 CAV

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

- When did you first notice the vehicle approaching your TCP?
A: About two or three minutes into our conduct of 5-25 meters checks.
- What actions did you take to protect US Forces and warn the driver of the danger of the military operation ongoing?
A: It was twilight and driver did not comply, we yelled and waved several times, then at about 35 meters away we fired, he still did not stop. At about 20-25 meters out we took lethal shots after all warings had failed to stop the vehicle.
- Did the driver indicate to you that he recognized your presence?
A: He flashed his headlights and still continued to approach us.
- When did the first warning shot get fired?
A: About 35 meters away.
- How long did it take before the next shot was fired?
A: About 4-5 seconds
- Explain what the ROE is in theater currently?
A: Shine lights and shout, if this doesn't work then you wave with hand and arms signals and continue to shout. After that if they don't comply, point weapons and yell. Then, if needed, aimed warning shots at engine block, at this time the .50 Cal fired into the ground also. Driver still didn't stop, we took lethal action.
- Did you search the vehicle after it came to rest?
A: Yes.
- Did they find anything in the vehicles?
A: No.
- What type of vehicle was vehicle 1?
A: White, volkswagen or something.
- What type of vehicle was vehicle 2?
A: Four door, grey, sedan.
- Did you ID the driver of vehicle 1?
A: Afterwards they IPs did the ID and took his wallet and put it in a bag.
- Did you ID the driver of vehicle 2?
A: Same situation, once it happened the IPs took control of the scene and we continued our mission.
- What did the IP unit do during this incident?
A: They were almost ready to enter the [REDACTED] and were conducting other operations related to our TCP.
- Do you have anything else that would be important for me to know, as part of this investigation?
A: Both vehicles were reacted to the same identical way in regards to ROE and SOP.

END STATEMENT

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

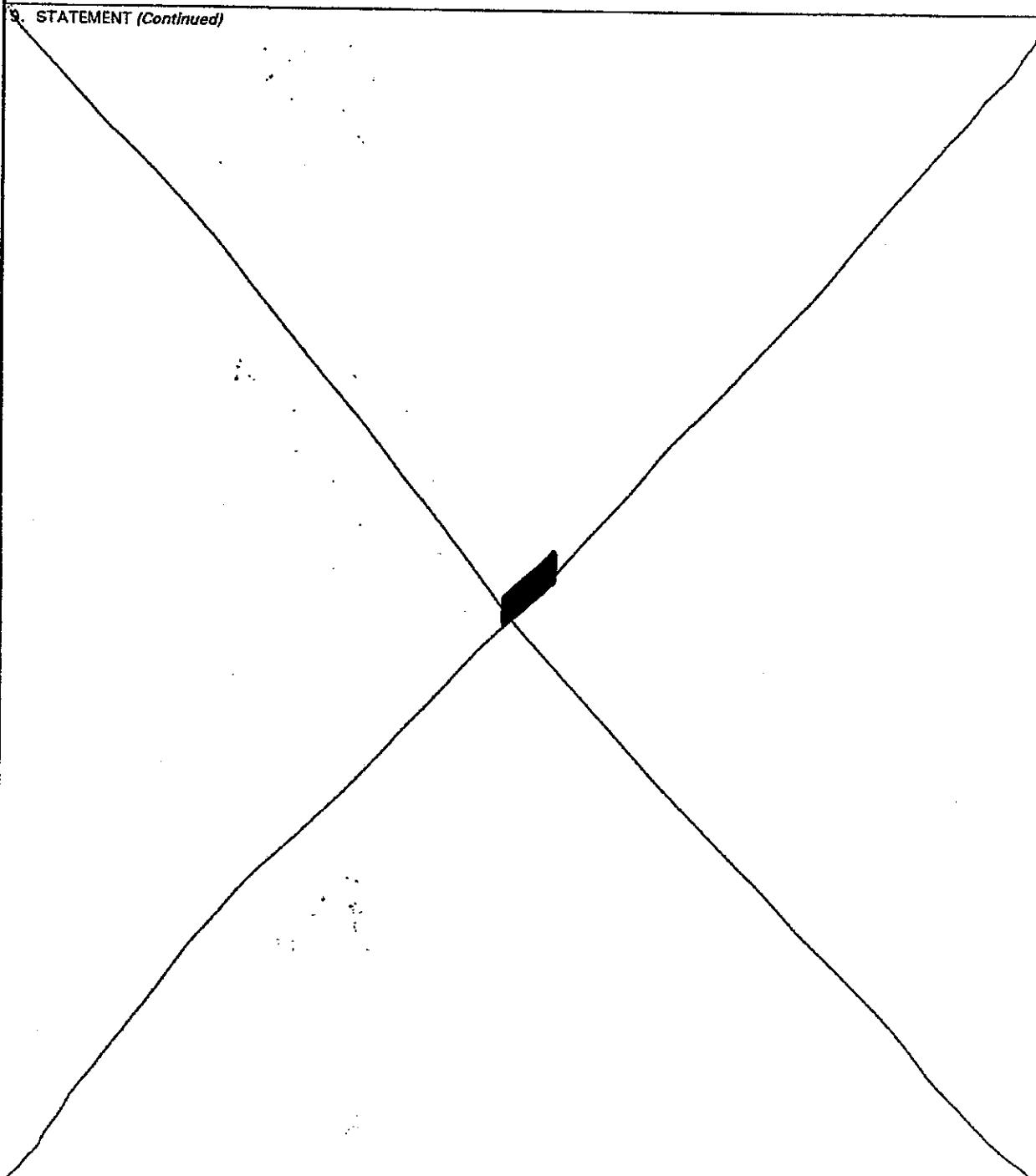
USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF SGT [REDACTED]

TAKEN AT Fols [REDACTED]

DATED 2000 May 09

9. STATEMENT *(Continued)*



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

USAPA 9V1.010

STATEMENT OF SGT [REDACTED] TAKEN AT FOB [REDACTED] DATED 2005 Aug 04

9. STATEMENT (Continued)

AFFIDAVIT	
I, <u>[REDACTED]</u> , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE <u>3</u> . 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.	
<u>[REDACTED]</u> (Signature of Person Making Statement)	
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer oaths, this <u>4</u> day of <u>August</u> , <u>2005</u> at <u>FOB [REDACTED]</u>
ORGANIZATION OR ADDRESS	<u>[REDACTED]</u> (Signature of Person Administering Oath)
ORGANIZATION OR ADDRESS	<u>[REDACTED]</u> (Typed Name of Person Administering Oath) <u>Compt</u> (Authority To Administer Oaths)
INITIALS OF PERSON MAKING STATEMENT <u>[REDACTED]</u>	PAGE <u>3</u> OF <u>3</u> PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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	2. DATE	3. FILE NO.	4. FILE NO.
FOB [REDACTED]	2023 0803	133G 1400	
5. NAME (Last, First, MI)	6. ORGANIZATION OR ADDRESS		
[REDACTED]	B Troop 4/8 CAV 4B DE 3 ID		
7. SSN	8. GRADE/STATUS		
[REDACTED]	E-S		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army B Troop 4-8 CAV 4BDE 3 ID and wanted to question me about the following offense(s) of which I am suspected/accused: Bring, carrying shorts

Because he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

See attached sworn statement

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR
<u>B 4-8 CAV 4BDE 3 ID</u>		

Section C. Non-waiver

1. I do not want to give up my rights

I want a lawyer

I do not want to be questioned or say anything
2. [REDACTED]

ATTACH THIS WAIVER CERTIFICATE TO ANY SIGNED STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

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. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
IRAQ / FO	20050803	1025	
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
		E-5	
8. ORGANIZATION OR ADDRESS	B TROOP 6/8 CAV		
9.			

1. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1ST PLATOON ARRIVED AT THE [REDACTED] TO CONDUCT [REDACTED] AND SEARCH OPERATION AT 0550. I GOT OFF MY HUMMER TO ASSIST IN THE SEARCH. WHEN I GOT TO THE [REDACTED] THE IP [REDACTED] WERE GETTING READY TO ENTER THE [REDACTED] THE IP OPENED THE GATE AND I WENT IN. WHEN I GOT INTO THE [REDACTED] I HEARD GUNFIRE FROM [REDACTED] THE TCP LOCATION. I THEN EXITED THE [REDACTED] AND RAN WITH THE MEDIC TO THE SCENE. WHEN WE GOT THERE THE CAR HAD BEEN SHOT SO THE MEDIC (SPC. [REDACTED] STARTED) TO EVALUATE THE CASUALTY. AT THIS TIME ANOTHER CAR WAS COMING TOWARD OUR LOCATION WITHIN 3 MINUTES. IT WAS TWIGGAT HOURS SO I USED HAND AND ARM SIGNALS ALONG WITH SHOOTING TO DIRECT THE CAR TO STOP. I DID NOT HAVE A FLARE SO I SPINNED MY LIGHT FROM MY WEAPON AT THE CAR AND SHOWED MY WEAPON TO SHOW I WILL

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

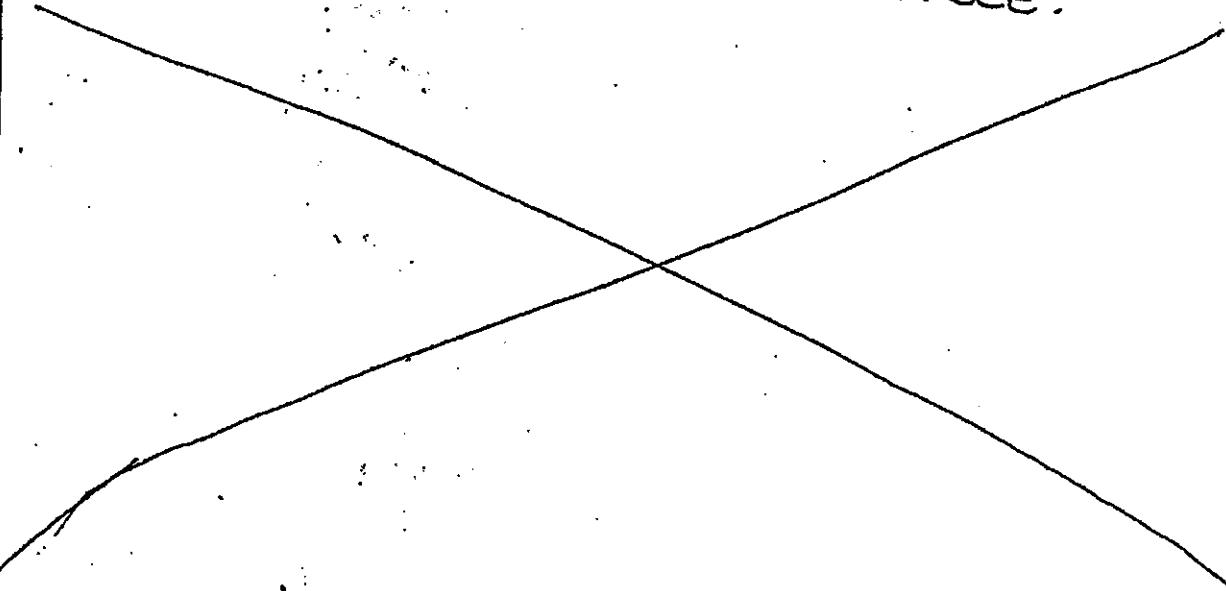
STATEMENT OF [REDACTED]

TAKEN AT 1025

DATED 2005 08 03

9. STATEMENT (Continued)

SHOOT IF THE VEHICLE DOES NOT STOP. BY THIS TIME THE VEHICLE WAS WITHIN 30 METERS OF MY LOCATION SO I FIRED A 3 ROUND BURST FROM MY M249 SAW AT THE ENGINE BLOCK. I HIT THE RADIATOR BUT THE CAR CONTINUED SO I FIRED A 5 TO 8 ROUND BURST AT THE WINDSHIELD AS A LAST RESORT TO DISABLE THE VEHICLE. THE CAR THEN STOPPED AND TO LOCAC NATIONAL STARTED BACKING UP BUT THEN GOT OUT OF THE CAR AND THE MEDIC CAME UP TO EVALUATE. THE NATIONAL WAS SHOT IN EACH ARM ONCE.



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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. 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 FOB [REDACTED]	2. DATE (YYYYMMDD) 20050803	3. TIME 1356	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS B TROOP 6/18 CAU 4 BDE 3ID			
9. [REDACTED]			

1. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1) What time did you stop at that location? [REDACTED]
ans: around 0550 [REDACTED]

2) What was the mission? [REDACTED]
ans: Conduct [REDACTED] and search of two [REDACTED], suspected site for observing IED on access road to [REDACTED].

3) What were your actions once you got off the truck? [REDACTED]
ans: Got off truck and walked to [REDACTED]

4) Where were you when you heard the shots fired? [REDACTED]
ans: Had just walked into [REDACTED]. Was there less than a minute [REDACTED]

5) What were your actions once you heard the shots? [REDACTED]
ans: ran out of [REDACTED] and brought medic with him to location of shots fired.

6) After the first vehicle was stopped what was your main role? [REDACTED]
ans: Pulling security around vehicle so medic could extract casualty [REDACTED]

7) After medic was done rendering casualty what were your actions? [REDACTED]
ans: The medic was still rendering casualty when [REDACTED] heard people hollering another car to stop. I looked and saw car about 70-80 meters away heading toward us. Used hand and arm signals to try to get vehicle to stop. I shouted and pointed weapon and flicked surface light at car. Cam continued and he pointed my weapon at him to show him I would shoot, he didn't stop so I shot. [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 8 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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED]

TAKEN AT 1356

DATED 20050805

8. STATEMENT (Continued)

8) What were your aim points? [REDACTED]

ans: first I aimed at [REDACTED] bumper, 3 rounds, 1 in road, one in radiator and one in left head light. He continued to come towards us and I fired 5 to 8 rounds up into the left (passenger) side of the windshield. He then slammed on brakes and put car in reverse and backed up 20 meters before we stopped him and got him out of the car. [REDACTED]

9) Was there anybody else firing at your? [REDACTED]

ans: SGT [REDACTED] was also firing at the inc. [REDACTED]

10) How far away was car when you fired 2 initial shots? [REDACTED]

ans: 40 meters [REDACTED]

11) How far away from you did your finally stop? [REDACTED]

ans: 20 meters [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

STATEMENT OF [REDACTED]

TAKEN AT B56

DATED 26/08/03

9. STATEMENT *(Continued)*

AFFIDAVIT

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 BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

[REDACTED]
B G-8 4R0E 31D

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 03 day of August, 2005
at FOB [REDACTED]

[REDACTED] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] (Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 1 PAGES
USAPA V1.00

SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is PMG.

PRIVACY ACT STATEMENT

Title 10 USC Section 301; Title 5 USC Section 2961; E.O. 9397 dated November 22, 1943 (SSN).

AUTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately identified.

PRINCIPAL PURPOSE: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

ROUTINE USES:

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB [REDACTED], Iraq	2. DATE (YYYYMMDD) 2005/08/04	3. TIME 1500	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E5/SGT	
8. ORGANIZATION OR ADDRESS B, 6-8 CAV			

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

1. When did you first notice the vehicle approaching your TCP?

A: About two or three minutes after the first vehicle was shot.

2. What actions did you take to protect US Forces and warn the driver of the danger of the military operation ongoing?

A: Hand and arm signals and shouting, telling him to stop and go back, the vehicle was about 75-80 meters away. Showed weapon and flashed the sure-fire light at him a few times. Showed the hand signals again and he did not stop. He was about 25-30 meters away. I shot a three round bursts into the front of the vehicle. After the three rounds, he didn't stop, so I fired 5-8 rounds into the windshield. Then vehicle 2 stopped after that.

3. Did the driver indicate to you that he recognized your presence?

A: Negative.

4. When did the first warning shot get fired?

A: When he was 25-30 meters away after the escalation of force occurred.

5. How long did it take before the next shot was fired?

A: about 5 seconds.

6. Explain what the ROE is in theater currently?

A: You have to use escalation of force before you fire and identify a threat. Use the five "s": Shout, Show, Shove, I can't remember the other but the last one is Shoot. I can explain the escalation of force. Basically, hand and arm signals first. Shouting, Shine a light on them if during hours of limited visibility, shoot a flare but I was off the truck. After the flare, you can shoot into the engine block and then if the threat continues you can shoot into the windshield.

7. Did you search the vehicle after it came to rest?

A: After it came to a rest we took the individual out of the car and pulled him to the side. The medic assessed him, then SGT [REDACTED] and I proceeded to search the vehicle for explosives and weapons.

8. Did you find anything in the vehicles?

A: Negative.

9. What type of vehicle was vehicle 1?

A: White, opal looking type of car. It was a hatchback.

10. What type of vehicle was vehicle 2?

A: Four door, I don't know who it was made by.

11. Did you ID the driver of vehicle 1?

A: We got his ID out of his clothing. I wasn't the one who took it out, so I don't know his name.

13. Did you ID the driver of vehicle 2?

A: Roger, we identified him also and it was in his car still. I don't know his name.

14. What did the IP unit do during this incident?

A: They were at the [REDACTED] Still conducting a [REDACTED] and search operation. After, everything occurred, the IP came and assessed the situation and retrieved the IDs from vehicle 1. Two more cars came after about 25 minutes from the IPs, they retrieved the body out of vehicle 1, they took the body. The man from vehicle 2 was wounded in each arm, so the IPs called the Red Crescent and they didn't show up in time. So, the IPs took the man to the hospital after our medic released him. Vehicle 1, had an IP inside and we towed it back to the police station. Vehicle 2 was operational, so IPs drove it behind the towed vehicle. That concluded the event.

15. What is your normal procedure upon establishing a blocking position or TCP?

[REDACTED]

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF SET TAKEN AT Fair DATED 2005 Aug 04

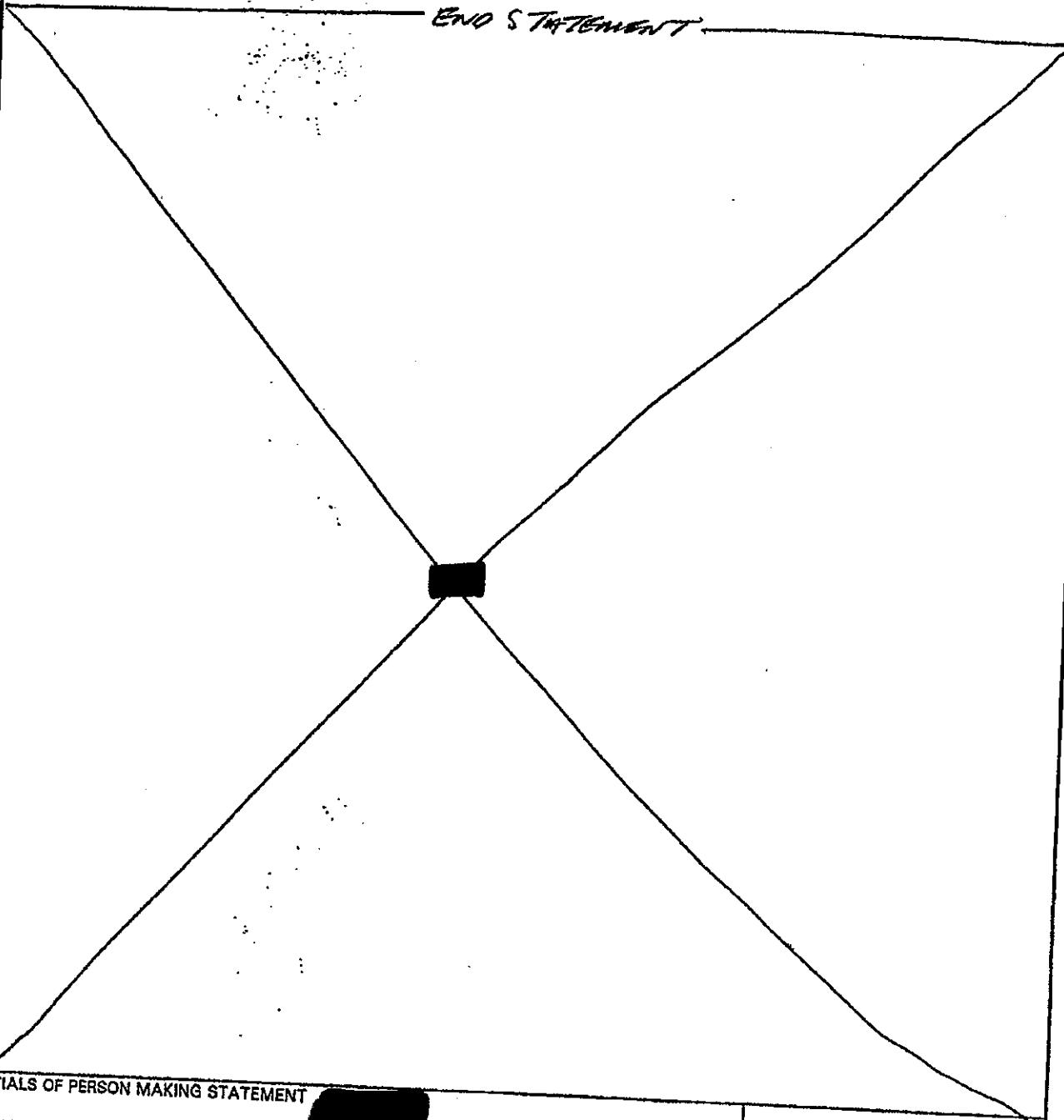
9. STATEMENT (Continued)

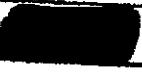
A: Get out of the vehicle and conduct 5-25 meter searches. After area is cleared, set either spike strips, cones, or wire with chem lites in limited visibility approximately 100-200 meters in front and rear of your position. Dismount, driver and TC to control the check point. Thats all of course if distant permits, according to METTT-C.

16. Do you have anything else that would be important for me to know, as part of this investigation?

A: Negative.

END STATEMENT



INITIALS OF PERSON MAKING STATEMENT 

PAGE 2 OF 3 PAGES

STATEMENT OF *567*

TAKEN AT *Face*

DATED

2005 Aug 09

9. STATEMENT (Continued)

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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.

WITNESSES:

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of August, 2005
at FOB 1000

ORGANIZATION OR ADDRESS

Signature of Person Administering Oath

ORGANIZATION OR ADDRESSEE

Typed Name of Person
Commodore

Authority To Administer Quasi

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
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DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	3. [REDACTED]	4. FILE NO.
FOB [REDACTED]	20050803	7557 1522	
5. NAME (Last, First, MI)	B. ORGANIZATION OR ADDRESS		
[REDACTED]			
6. SSN	7. GRADE/STATUS		
[REDACTED]	E-4		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army B 6-3 CAV 480E 3 TD and wanted to question me about the following offense(s) of which I am suspected/accused: Giving warning shots

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. For personnel subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

4. For civilians not subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
5. I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

See attached sworn statement

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)	3. SIGN
1a. NAME (Type or Print)	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR

B 6-3 CAV 480E 3 TD

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer
 I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWEARN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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1. LOCATION FOR	2. DATE (YYYYMMDD) 20050803	3. TIME 1457	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS E-4/SPC	

8. ORGANIZATION OR ADDRESS
B Trp 6-8 CAV

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

On August 03, 2005, my platoon headed out to do the mission for the day which was to check two [REDACTED] areas in IED hole that might have had the person or persons responsible for any IEDs blown up on B Trp 6-8 CAV's trucks.

We pulled up to the [REDACTED] and was performing preparations to go into the [REDACTED]. I had just finished completing my 5m and 20m checks when I heard a couple of shots from an M-4 shortly followed by shots from a .50 cal in the direction that B15 was positioned. We had only been on the ground maybe 5 minutes. Sgt. [REDACTED] ordered me to go over and provide support shortly after they asked for the medic.

Upon arriving at B15's position I saw Spc. [REDACTED] evaluating the driver of the vehicle fired upon and I was told to go stop any traffic coming towards B15 from the east by Sgt. [REDACTED]. I had barely turned to do as ordered when I saw a second car coming toward B15.

Sgt. [REDACTED], Sgt. [REDACTED], and myself immediately began yelling, waving, and flashing our lights at the car, but it proceeded towards us. Two warning shots were fired at the headlights and engine of the car, however, the car continued at which point the three of us began firing at the driver. The driver stopped the car and then tried to back up, but was stopped by Sgt. [REDACTED] and Sgt. [REDACTED] where they pulled the driver from the car and had Spc. [REDACTED] begin administering first aid on the driver.

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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT	PAGE	OF	PAGES
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STATEMENT OF _____ TAKEN AT _____ DATED _____

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 _____. 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 [REDACTED]

(Signature of Person Making Statement)

WITNESSES:

[REDACTED]

067 4RDE 310
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 03 day of August, 2005
at FOB [REDACTED]

(Signature of Person Administering Oath)

[REDACTED]
ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)
Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE	OF	PAGES
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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. 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 FOB [REDACTED]	2. DATE (YYYYMMDD) 20050803	3. TIME 1457	4. FILE NUMBER
5. LAST NAME- FIRST NAME- MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4 ISPC	

8. ORGANIZATION OR ADDRESS
B Tp 6-8 CAV

9.

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

- 1) What time did you stop at that location?
ans: Around 0800 [REDACTED]
- 2) What was your mission?
ans: Look into the house by IED location to try and identify and maybe apprehend whoever was doing it. [REDACTED]
- 3) When you initially got off the truck what were your actions?
ans: 5/25 meter check for IED's and then prepared to pull security on my vehicle. [REDACTED]
- 4) Where were you when you heard the shots fired?
ans: Standing next to vehicle looking out observing a man in his backyard. One of the hours [REDACTED] we were going to search [REDACTED] [REDACTED]
- 5) After hearing shots what were your actions?
ans: Checked my gunner to see if he was on and then SGT [REDACTED] told me to go over to B15's location and see if they needed any assistance. [REDACTED]
- 6) When you got to B15's location what did you do?
ans: When I got to B15's location what did you do? [REDACTED] only vehicle coming down the road from the east. [REDACTED]
- 7) How long after that did the second car come towards you?
ans: [REDACTED] almost immediately I saw another car coming our direction. [REDACTED]
- 8) What were your actions?
ans: Waving my hands and yelling for him to stop. SGT [REDACTED] and SGT [REDACTED] were doing the same as well as flashing their lights. [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> 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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT 1457 DATED 03 Aug 2005

9. STATEMENT (Continued)

8) cont. At that point 21 shots were fired at the engine block. They hit the front lights. The guy kept running. He was moving very quickly and we decided to escalate to shooting at the driver. At this point he was less than 50 meters away. [REDACTED]

9) How many shots did you fire? [REDACTED]

Ans: I believe I shot 9 rounds b/c I remember firing 2 bursts [REDACTED]

10) Where were your aim points? [REDACTED]

Ans: I was aiming at the driver above the windshield wiper. [REDACTED]

11) After firing at the driver, what happened?

Ans: The driver continued to run then stopped after a few feet. He slammed it in reverse and started going backwards. SGT [REDACTED] and SGT [REDACTED] ran after him and got him to stop. And had him get out of vehicle, saw he was wounded and got the medic over to evaluate him. [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

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 _____. 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]

B6-7 4 BDF 31D

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 August, 2005
at FOD [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 [REDACTED]

PAGE OF PAGES

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG

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PAGE NO.	NO. OF PAGES		
122/1			
PERIOD COVERED			
FROM	TO	HOUR	DATE
		03	08 AUG 05

ITEM NO.	TIME IN	TIME OUT	INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	END
26622 0322 0320			: REQUESTED M#, GIVEN 3310. MISSION: JAENT PATROL w/ FPs OF RTE [REDACTED] S [REDACTED]		
26623 0409			[REDACTED] SP'el Fog [REDACTED]		
26624 0425			[REDACTED] command to say NO PDA WAS WIA OR INJURED		
26625 0450			[REDACTED] R/C		
26626 0504			[REDACTED] M# 7311 SP		
26627 0522			[REDACTED] Trace on [REDACTED]		
26628 0524			[REDACTED] : TAL Air is green.		
26629 0541			[REDACTED] M# 3111. Head blot by Ministry of Interior [REDACTED] TCP, Heavily funded TA [REDACTED] + 2nd battin MOI		
26630 0556			[REDACTED] CAVEN [REDACTED] to find out if they knew of any MOI, PDA		
26631 0601			[REDACTED] CAVEN Back SAY THAT PDA HAS orders to Patrol/ set CPs/Road Blocks in TAE VIC of [REDACTED]		
26632 0602			[REDACTED] SP, ed		
26633 0603			[REDACTED] Do. in TBA SWEEDS RIB		
26634 0610			[REDACTED] RPT		
			[REDACTED] Fired warning SHOT AT A LN vehicle comm. Powers their convoy At [REDACTED] section A second LN vehicle was Fired warning also (1) male received 1 Gunshot in right upper bicep 1 Gunshot in (1) upper forearm Both incidents happen at [REDACTED]		
			[REDACTED] on both LN Vehicle only had 1 male in ea and the vehicles were 1 behind the		

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG

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NO. OF PAGES

1222

PERIOD COVERED

FROM	TO	HOUR	DATE	HOUR	DATE
			03 AUG 05		

ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	IN
	IN	OUT			
26634 (Continued)			OTHER, but not together in traveling		
26635	0701		R/C		
26636	0700		R/C		
26637	0716		IN RTB to [REDACTED] TP station		
26638	0719		M# 3311 cleared NAT's		
26639	0722		W/ ITPS [REDACTED] SHOOTING SITE. HAVE NOT yet returned to FOB [REDACTED]		
26640	0737		[REDACTED] 25 GATTING NAMES AND ADDRESSES OF LNS AND ONCE COMPLETED WILL RTB TO FOB [REDACTED] WILL ALSO CONDUCT CDR INQ IN ADDITION TO GTR AND SWORN STATEMENTS. HAVE PIR OF TOP SETE AND WILL INCLUDE THEM.		
26641	0738		P: M# 3313 SP FOB [REDACTED]		
26642	0740		[REDACTED]		
26643	0801		[REDACTED], Draw whites M# 3312 FLT		
26644	0802		FLT M# 3311 @ [REDACTED]		
26645	0806		M# 3310, dropped off the ITP, Erroneous but to [REDACTED]		
26646	0819		[REDACTED], airspace cleared.		
26647	0841		M# 3311 @ [REDACTED] W/ I/E-50		
26648	0842		[REDACTED] RP [REDACTED]		
26649	0852		[REDACTED] FTS [REDACTED]		
26650	0902		[REDACTED] R/C		
26651	0918		[REDACTED] FLT on both 3311 + 3313 both on rotite to [REDACTED]		
26652	0927		[REDACTED] ex filling the seats from their location because their position was compromised		

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE

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PERIOD COVERED

		FROM	TO		
ITEM NO.	TIME	HOUR	DATE	HOUR	DATE
			03 AUG 05		

ORGANIZATION OR INSTALLATION	LOCATION	INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	IN
TF 1-184 IN, BN TOC	FOB [REDACTED] IRAQ			
26647 0943		To [REDACTED] need SIR for the shooting		
26648 0947		[REDACTED] mission 3313 RP.		
26649 1000		[REDACTED] in AD and wants to know BDE advised, and if air in that sector is open, opened air.		
26650 1006		To [REDACTED] they have to take the SIR's + sworn statement/s to [REDACTED] and give them to LWD Lt.		
26651 1008		[REDACTED] sends [REDACTED] report for [REDACTED]		
26652 1022		[REDACTED] reports mission 3311 RP and before RP reported that the TEP is still there on [REDACTED] with the same MVI unit.		
26653 1023		[REDACTED] mission 3312 has left [REDACTED] and will give report of [REDACTED] when they get back to FOB		
26654 1029		[REDACTED] has passed [REDACTED] + saw report in that situation.		
		3312 RD [REDACTED]		
26655 1055		[REDACTED] RAWS check		
26656 1050		[REDACTED] SP @ 1018		
26657 1051		Poison Plant r/c		
26658 1056		[REDACTED] r/c		
26659 1057		[REDACTED] r/c		trace of C-462
26660 1116		[REDACTED] r/c		
26661 1117		[REDACTED] r/c		
26662 1137		[REDACTED] R/C		
26663 1143		[REDACTED] RP [REDACTED]		All green
26664 1159		[REDACTED] given M# 3316 + 3317		

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE

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ORGANIZATION OR INSTALLATION	LOCATION	PAGE NO.		NO. OF PAGES	
		PERIOD COVERED		FROM	
		HOUR	DATE	HOUR	DATE
TF 1-184 IN BN TOC	FOB [REDACTED] IRAQ		0800-0905		
ITEM NO.	TIME IN OUT	INCIDENTS, MESSAGES, ORDERS, ETC.			ACTION TAKEN
26680	1455				
26681	1506				
26682	1508				
26683	1515				
26684	1520				
26685	1530				
22686	1535				
22687	1539				
22688	1541				
22689	1542				
22690	1600				
22691	1601				
22692	1610				
22693	1613				
22694	1614				
22695	1620				

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE

4th Brigade VANGUARD TACSOP

907 - Blue 2 (Serious Incident Report)

PURPOSE: To report critical and time sensitive events to the BDE CP.

LINE 1: Unit reporting: B/6-8 CAV

LINE 2: Incident: Warning shots fired that killed LN

LINE 3: Date/time group incident occurred: 03 0600 AUG 05

LINE 4: Location of incident (Grid): [REDACTED]

LINE 5: Personnel involved:

Last, First, Middle Initial	Rank	Unit	SSN	Sex	Age	Race
[REDACTED]	SFC	1/B/6-8		M	33	Hisp
[REDACTED]	SSG	1/B/6-8		M	26	Cauc
[REDACTED]	SGT	1/B/6-8		M	24	Cauc
[REDACTED]	SGT	1/B/6-8		M	24	Blk
[REDACTED]	SGT	1/B/6-8		M	23	Cauc
[REDACTED]	SPC	1/B/6-8		M	31	Cauc

LINE 6: Summary of incident: Local national was traveling westbound on the [REDACTED] access road. 1st Platoon had established a TCP at 0600. At approximately 0603 the local national attempted to bypass the eastern most position. SGT [REDACTED] ID'd the truck and attempted to stop using non-lethal means (lights, hand, and arm signals) to stop the car. The car sped up and SSG [REDACTED] ordered SGT [REDACTED] to stop the car. SGT [REDACTED] and SGT [REDACTED] fired warning shots in front of the car, then the engine block of the car, and the car continued to speed up. SSG [REDACTED] again instructed his men to stop the car. At time SGT [REDACTED] engaged the driver's compartment and the vehicle swerved to the right and stopped. The patrol expanded the perimeter to the east to include the car. The team led by SGT [REDACTED] checked the car and found the driver dead from an apparent gunshot wound. At that time SGT [REDACTED] ID'd a second car and the team attempted to use non-lethal means to stop it. The second car also sped up. Lights, hand, and arm signals were used but to no avail. SGT [REDACTED] fired warning shots to the front of the car. The car accelerated. SGT [REDACTED] and SPC [REDACTED] fired warning shots at the engine block of the car. The car stopped and attempted to flee the scene. The team stopped the car and ordered the driver out of the vehicle and he refused. The team again told the driver to exit the vehicle and he complied. The driver was found to have two minor to each arm. He was questioned and indicated that he did want to be stopped by the patrol and attempted to bypass. The Iraqi police on the scene and watched the entire engagement charged the driver with failure to comply with instructions.

LINE 7: Damage to government and/or civilian property: 1 white Dolphin car was shot and one maroon BMW was shot.

LINE 8: Commander reporting: CPT, [REDACTED] CDR/B/6-8 CAV

FORMAT IAW 4 BDE VANGUARD TACSOP, 01 JAN 05