

North

MSR

Location where victim was shot

Crash
site

Berm 2

Berm 1

Line of Warning Signs

2LT [redacted]
2LT [redacted]
CPL [redacted]
CPL [redacted]

Rt [redacted]

Exhibit C

COMMANDER'S INCIDENT REPORT:

LINE 1: Unit reporting: 1-118th FA

LINE 2: Incident: M113 Accident and Warning Shots

LINE 3: Date/time group (DTG) incident occurred: 181115SEP05

LINE 4: Location of incident: [REDACTED]

LINE 5: Personnel involved

Name	Rank	Unit	SSN	Sex	Age	Race
[REDACTED]	1SG	B/2-70AR	[REDACTED]	M	36	White
[REDACTED]	SPC	B/2-70AR	[REDACTED]	M	21	White
[REDACTED]	SPC	B/2-70AR	[REDACTED]	M	25	White
[REDACTED]	2LT	B/2-70AR	[REDACTED]	M	23	African American
[REDACTED]	CPL	B/2-70AR	[REDACTED]	M	23	African American

LINE 6: SUMMARY: B-77 (M113), B/2-70th AR, was the second vehicle in the White 1 patrol traveling north on the [REDACTED] on-ramp to MSR [REDACTED]. Initial indications are that the left track of the M113 locked and caused the vehicle to make a sharp left turn. That resulted in the M113 flipping over the guardrail. It fell approximately 15-20 feet. Medevac was called in and wheels where up 1137hrs. The 3 soldiers injured were initially reported as being LU, but are currently stable at the [REDACTED] CSH ([REDACTED] and [REDACTED]).

Immediately after the accident the M1's secured the overpass north and south of rollover site on RTE [REDACTED] and the [REDACTED] patrol (3xM1114) secured MSR [REDACTED]. Several groups of LNs and a LN vehicle (white sedan) attempted to approach the accident site. White 1 followed EOF procedures to get them to stop that resulted in five warning shots being fired by the patrol leader (LT [REDACTED] and his gunner (CPL [REDACTED]). All warning shots were fired by M4s. LT [REDACTED] fired the first warning shot in to a berm VIC [REDACTED] IOT prevent a group of LNs VIC [REDACTED] from approaching the accident site. The crowd dispersed. A few minutes later another LN group attempted to approach VIC [REDACTED] and he fired a second warning shot in to the same berm. The crowd dispersed. At this time LT [REDACTED] went to the accident site to assess injuries/damage. CPL [REDACTED] also followed EOF procedures and fired two warning shots into the same berm IOT prevent LNs VIC [REDACTED] from approaching. The crowd dispersed. He later fired the final warning shot at a curb VIC [REDACTED] IOT prevent a white sedan VIC 355/954 from approach the scene. The white sedan was traveling at a high rate of speed toward the accident site in a north bound direction on the RTE [REDACTED] overpass. The vehicle stopped and turned around. The [REDACTED] stayed on site for 1 hour and none of the LN's reported any injuries. Approximately 90 minutes after the accident a group of LN's approached [REDACTED] at their outer cordon position and informed him that a 14 yr old boy was shot by a tank. At this time [REDACTED] had already been relieved and was enroute to [REDACTED] and [REDACTED] went to site where the LN's claimed the 14 yr old was shot VIC [REDACTED] and found no evidence of a shooting. A LN at the site gave [REDACTED] a photo ID of the boy. He then went to the [REDACTED] Hospital and confirmed that the child in question died of wounds (DOW) at the

Appendix 1 (CIR BLUE 2 - REPORT) to Annex C to FRAGO 40 JPORD 05-007
(RSOI)

hospital. The [REDACTED] element said that the child had a gunshot wound in the chest. We are continuing to investigate the circumstances of this incident to confirm or deny any connection of the LN death and the warning shots.

LINE 7: Injuries or damage to government and/or civilian property: M113 damaged and recovered to [REDACTED]

LINE 8: Commander reporting: LTC [REDACTED]

[REDACTED]
COL AR
Commanding

SWORN STATEMENT

For use of this form, see AR 190-45. The proponent agency is ODOSOPS.

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: Camp [REDACTED] Iraq 2. DATE (MM/DD/YY): 2009 10 02 3. TIME: 1447 4. FILE NUMBER:
 5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED] 6. SSN: [REDACTED] 7. GRADE/STATUS:
0-1
 8. ORGANIZATION/ADDRESS: B Co 2-70th ABCT IAD

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

On 18 Sep 05 my patrol was tasked with securing MSR [REDACTED] while responding to TCP [REDACTED] the M113 fell off the overpass of MSR [REDACTED] while securing the site. I fired two shots. One was while I was on the ground assessing the local security, I fired at a berm southeast of the area where the M113 site was. Once I was mounted on my tank, I fired another shot at a group of people at a berm west of my position. Both shots were used to maintain security. Large crowds approached our area and we needed to maintain security of the crash site. [REDACTED] My gunner also fired two warning shots in an effort too to maintain security and prevent

10. EXHIBIT: 11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED] 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 _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

local nationals. From approaching our position,
Both shots were fired into a barn.

Nothing follows

AFFIDAVIT

_____, 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of Oct, 05

at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____

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