Pages 1 through 4 redacted for the following reasons:
(b)(1), (b)(2), (b)(3), (b)(5), (b)(6)
(b)(5), (b)(2), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5), (b)(6), (b)(2), (b)(5)
<table>
<thead>
<tr>
<th>Index of Contents</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Appointment Orders</td>
<td></td>
</tr>
<tr>
<td>2. DA Form 1574</td>
<td></td>
</tr>
<tr>
<td>3. Investigative Officer Findings (Exhibit A)</td>
<td></td>
</tr>
<tr>
<td>4. Investigative Officer Recommendations (Exhibit B)</td>
<td></td>
</tr>
<tr>
<td>5. DA Form 3881, Rights Warner Procedure/Waiver Certificate - SSG</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>6. DA Form 2823, Sworn Statement (Exhibit C) - SSG</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>7. DA Form 2823, Sworn Statement (Exhibit C1) – SSG</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>8. DA Form 3881, Rights Warner Procedure/Waiver Certificate – SSG</td>
<td>(b)(6)</td>
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<tr>
<td>9. DA Form 2823, Sworn Statement (Exhibit D) - SSG</td>
<td>(b)(6)</td>
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<td>10. DA Form 2823, Sworn Statement (Exhibit D1) – SSG</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>11. DA Form 3881, Rights Warner Procedure/Waiver Certificate – SGT</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>12. DA Form 2823, Sworn Statement (Exhibit E) – SGT</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>13. DA Form 2823, Sworn Statement (Exhibit E1) – SSG</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>15. DA Form 2823, Sworn Statement (Exhibit F) – SPC</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>16. DA Form 2823, Sworn Statement (Exhibit F1) – SPC</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>17. DA Form 3881, Rights Warner Procedure/Waiver Certificate – PFC</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>18. DA Form 2823, Sworn Statement (Exhibit G) – PFC</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>19. DA Form 2823, Sworn Statement (Exhibit G1) – PFC</td>
<td>(b)(6)</td>
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<td>20. DA Form 3881, Rights Warner Procedure/Waiver Certificate – SPC</td>
<td>(b)(6)</td>
</tr>
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<td>21. DA Form 2823, Sworn Statement (Exhibit H) – SPC</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>22. DA Form 2823, Sworn Statement (Exhibit H1) – SPC</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>23. DA Form 3881, Rights Warner Procedure/Waiver Certificate – PFC</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>24. DA Form 2823, Sworn Statement (Exhibit I) – PFC</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>25. DA Form 2823, Sworn Statement (Exhibit I1) – PFC</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>26. DA Form 2823, Sworn Statement (Exhibit I) – PFC</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>27. Sworn Statement (Exhibit J) – LTC</td>
<td>(b)(6)</td>
</tr>
<tr>
<td>28. Exhibit K – Visual Depiction of Engagement</td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF THE ARMY
Headquarters, 2nd Battalion, 22nd Infantry
10th Mountain Division (Light)
Iraq APO AE 09376

11 October 2005

MEMORANDUM FOR 1LT [REDACTED] HHC/2-22 Infantry

SUBJECT: Appointment of Investigative Officer IAW AR 15-6

1. You are hereby appointed investigating officer pursuant to AR 15-6 to conduct an informal investigation into the circumstances surrounding the direct fire engagement with a civilian vehicle on 11 Oct 2005 by a soldier in C/1-71 CAV.

2. In your investigation, all witness statements will be sworn. From the evidence, you will make findings as to the circumstances of events concerning the loss or damage of government property. You will also make recommendations for any punishment or financial liability to any party. Finally, you will make a recommendation for controls that should be emplaced to ensure this does not happen again in the future.

3. If in the course of your investigation you come to suspect that certain people may be responsible for the damage, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. In addition, you must provide them a Privacy Act statement before you solicit any (further) personal information. You may obtain assistance with these legal matters from the office of the Staff Judge Advocate.

4. Effective immediately, you are relieved of any current duties and will report directly to the Battalion Executive Officer until the completion of this investigation. Submit your findings and recommendations in four copies on DA 1574 to this headquarters, ATTN: 2-22 IN Battalion Commander, within 24 hours.

5. POC for this memorandum is CPT [REDACTED]

FOR THE COMMANDER:

CPT, IN
Battalion Adjutant

CF:
2-22 IN, XO
2-22 IN, CDR
REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by LTC (b)(6) Commander, 2-22 IN

(Appointing authority)

12 OCT 05

(Date)

SECTION II - SESSIONS

The investigation (board) commenced at (b)(1) Iraq

(Place)
at

1200

(Time)

12 OCT 05

If a formal board met for more than one session, check here □. Indicate in an enclosure the date 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).

Investigator: ILT (b)(6) SSN (b)(6) HHC, 2-22 IN (TF Courage)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See para 3-5 and 5-8n, AR 15-6.)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1. Inclosures (para 3-15, AR 15-6)

Are the following included 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)

c. Other correspondence with respondent or counsel, if any?

d. All other written communications to or from the appointing authority?

e. Privacy Act Statements (Certificate, if statement provided orally)?

f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?

g. Information as to sessions of a formal board not included on page 1 of this report?

h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

FOOTNOTES: 1. Explain all negative answers on an attached sheet.

2. Use of the NA column constitutes a negative representation that the circumstances described in the question did not occur in this investigation or board.
<table>
<thead>
<tr>
<th>2</th>
<th>Establishes (para 3-16, AR 15-6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?</td>
<td>YES</td>
</tr>
<tr>
<td>b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?</td>
<td>YES</td>
</tr>
<tr>
<td>c. Has the testimony or statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?</td>
<td>YES</td>
</tr>
<tr>
<td>d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?</td>
<td>YES</td>
</tr>
<tr>
<td>e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-60, AR 15-6)?</td>
<td>YES</td>
</tr>
<tr>
<td>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?</td>
<td>YES</td>
</tr>
<tr>
<td>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)?</td>
<td>YES</td>
</tr>
</tbody>
</table>

| 3 | Was a quorum present when the board voted on findings and recommendations (para 4-1 and 5-2b, AR 15-6)? | YES | NO | NA |

**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 5-3b, AR 15-6)? | YES | NO | NA |
| 5 | Was a quorum present at every session of the board (para 5-2b, AR 15-6)? | YES | NO | NA |
| 6 | Was each absence of any member properly excused (para 5-2a, AR 15-6)? | YES | NO | NA |
| 7 | Were members, witnesses, reporter, and interpreter sworn if required (para 3-4, AR 15-6)? | YES | NO | NA |

**C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)**

<table>
<thead>
<tr>
<th>9</th>
<th>Notice to respondents (para 3-5, AR 15-6):</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Is the method and date of delivery to the respondent indicated on each letter of notification?</td>
<td>YES</td>
</tr>
<tr>
<td>b. Was the date of delivery at least five working days prior to the first session of the board?</td>
<td>YES</td>
</tr>
<tr>
<td>c. Does each letter of notification indicate:</td>
<td></td>
</tr>
<tr>
<td>(1) the date, hour, and place of the first session of the board concerning that respondent?</td>
<td>YES</td>
</tr>
<tr>
<td>(2) the matter to be investigated including specific allegations against the respondent, if any?</td>
<td>YES</td>
</tr>
<tr>
<td>(3) the respondent's rights with regard to counsel?</td>
<td>YES</td>
</tr>
<tr>
<td>(4) the name and address of each witness expected to be called by the recorder?</td>
<td>YES</td>
</tr>
<tr>
<td>(5) the respondent's rights to present, present evidence, and call witnesses?</td>
<td>YES</td>
</tr>
<tr>
<td>d. Was the respondent provided a copy of all unclassified documents in the case file?</td>
<td>YES</td>
</tr>
<tr>
<td>e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?</td>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10</th>
<th>If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Was he properly notified (para 3-5, AR 15-6)?</td>
<td>YES</td>
</tr>
<tr>
<td>b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 3-4e, AR 15-6)?</td>
<td>YES</td>
</tr>
</tbody>
</table>

**11. Counsel (para 3-6, AR 15-6):**

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Was each respondent represented by counsel?</td>
<td>YES</td>
</tr>
<tr>
<td>Name and business address of counsel:</td>
<td>YES</td>
</tr>
<tr>
<td>(If counsel is a lawyer, check here )</td>
<td>YES</td>
</tr>
<tr>
<td>b. Was respondent's counsel present at all open sessions of the board relating to that respondent?</td>
<td>YES</td>
</tr>
<tr>
<td>c. If legal counsel was requested but not made available, is a copy for oral or written statements of the request and the action taken on it included in the report (para 3-6f, AR 15-6)?</td>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12</th>
<th>If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 3-7, AR 15-6):</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Was the challenge properly denied and by the appropriate officer?</td>
<td>YES</td>
</tr>
<tr>
<td>b. Did each member successfully challenge hence to participate in the proceedings?</td>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13</th>
<th>Was the respondent given an opportunity to (para 3-7a, AR 15-6):</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?</td>
<td>YES</td>
</tr>
<tr>
<td>b. Examine and object to the introduction of real and documentary evidence, including written statements?</td>
<td>YES</td>
</tr>
<tr>
<td>c. Object to the testimony of witnesses and cross-examine witnesses other than his own?</td>
<td>YES</td>
</tr>
<tr>
<td>d. Call witnesses and otherwise introduce evidence?</td>
<td>YES</td>
</tr>
<tr>
<td>e. Testify as a witness?</td>
<td>YES</td>
</tr>
<tr>
<td>f. Make or have his counsel make a final statement or argument (para 3-7b, AR 15-6)?</td>
<td>YES</td>
</tr>
</tbody>
</table>

| 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 3-8a, AR 15-6)? | YES | NO | NA |

| 15 | Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an exculpatory exhibit to it (para 3-11, AR 15-6)? | YES | NO | NA |

**FOOTNOTES: 1) Excludes all negative answers on an attached sheet.**

**2) Use of the word "A" column indicates a positive representation that the circumstances described in the question did not occur in this investigation or hearing.”**

Page 2 of 4 pages, DA Form 1574, Mar 83
SECTION IV - FINDINGS (para 3.10, AR 15-6)

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

See Exhibit A

SECTION V - RECOMMENDATIONS (para 3.11, AR 15-6)

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

See Exhibit B
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)

(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 2-3, AR 15-6)

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

(b)(6)

14 UCTOS

LTC in
command
DEPARTMENT OF THE ARMY
Headquarters Company, 2nd Battalion, 22nd Infantry Regiment
10th Mountain Division (Light Infantry)
Fort Drum, New York 13602

13 October 2005

Exhibit A

C/1-71 15-6 Investigation

Findings

On 11 October 2005, 4th PLT, C/1-71 was conducting a three vehicle mounted patrol vicinity the [redacted] an area of frequent enemy activity. At approximately 1900 hours, the patrol was traveling south on Rte. [redacted] and made a left turn onto Rte. [redacted] traveling east. The patrol leader’s (SSG [redacted]) intent was to conduct reft operations at the [redacted]. Upon making the left turn onto Rte. [redacted], the patrol immediately recognized that friendly forces in the [redacted] were engaging a civilian vehicle located in the westbound lane of Rte. [redacted] approximately 100m from the patrol’s location. (Exhibits C1, D1, E1, F1, H1, I1). Members of the patrol witnessed the [redacted] receiving direct fire and saw what they believed to be muzzle flashes coming from the suspected enemy vehicle. Subsequently, two of the patrol’s crew served gunners engaged the vehicle, as it continued to move in the direction of the U.S. patrol. The middle vehicle in the convoy initiated contact, followed almost immediately by the trail vehicle in the convoy. When the patrol’s leadership determined that the suspected enemy was no longer a threat, a cease fire was called. Upon establishing security and conducting an initial investigation, the patrol determined that all individuals in the vehicle were unarmed and had been killed. A visual depiction of the engagement can be found in Exhibit K.

After reviewing all sworn statements and questioning the relevant parties, one can determine that the C/1-71 patrol committed no wrongdoing. The patrol turned onto a road and immediately encountered a friendly force (IA and American forces in the [redacted] engaging a vehicle with direct fire. It can be logically deduced that if friendly forces have engaged a suspected enemy, positive identification has been established. As a result, the C/1-71 patrol simply aided an adjacent unit that was in contact with the enemy. Additionally, the patrol believed there was an imminent threat from the suspected enemy (Exhibits C1, D1, E1, F1, H1, I1), and acted well within established ROE criteria.

It is important to note that the incident occurred during times of limited visibility, which would hinder the patrol’s ability to determine whether individuals in the vehicle were armed. Furthermore, time and distance analysis reveals that the patrol had very little time to assess the situation. Upon making the turn onto Rte. [redacted], the patrol was approximately 100m from the civilian vehicle, and shots were already being fired from
the [Redacted] (Exhibits C1, D1, E1, F1, H1, I1). Consequently, the incident is not an escalation of force issue, but rather an element reacting to contact.
Exhibit B

C/1-71 15-6 Investigation
RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is ODSCOPS

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
   C 121 CP

2. DATE
   2 560 8

3. TIME
   0 745

4. FILE NO.

5. ORGANIZATION OR ADDRESS
   CRP 1 71 CAN

6. GRADE/STATUS
   7. GRAD/STAT

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 2nd Infantry AR 19-6 and suspected/acused:

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. 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.

(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 went one, a lawyer will be appointed for me before any questioning begins.

4. 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)

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)

1a. NAME (Type or Print)
1b. ORGANIZATION OR ADDRESS AND PHONE
2a. NAME (Type or Print)
2b. ORGANIZATION OR ADDRESS AND PHONE

SIGNATURE OF INTERVIEWEE

Section C. Non-waiver

1. I do not want to give up my rights
   □ I went a lawyer
   □ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89

11526
On the 11th of October 2005, 4th Platoon, C Troop, 1-71 Cav was on patrol in [(b)(4)]. We were on our way south on RTE [(b)(4)] and turned east on to [(b)(4)]. As we turned east shots were observed on the [(b)(4)]. [(b)(4)] told my platoon to push forward to get some distance and to get eyes on whoever was firing on the [(b)(4)]. As we moved forward a car was identified as having muzzle flashes coming from the side of it. At the same time the [(b)(4)] was engaging the same car. My Green 4 vehicle and my vehicle, Green 1 engaged the vehicle until I called a cease fire when I deemed the vehicle to no longer be a threat.
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is ODCSOPS

1. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Were you aware that friendly forces were in the and therefore believed those friendly forces had positively identified the enemy? 

2. At the time, did you believe that the vehicle you engaged was a hostile enemy that posed a threat to your element?

3. Did the engagement occur during hours of limited visibility (i.e., darkness and under NVGS)?

4. What was the distance between your vehicle and the suspected enemy vehicle?

5. In respect to time, how long after you turned the corner onto did you realize that the was in contact?

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

11529
**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**
   - C-171 CP

2. **DATE**
   - 13 OCT 85

3. **TIME**
   - 

4. **FILE NO.**
   - 

5. **NAM**
   - (b)(6)

6. **ORGANIZATION OR ADDRESS**
   - C-171

7. **GRADE/STATUS**
   - (b)(1)

---

**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 and wanted to question me about the following offense(s) of which I am suspected/accused:

Before he/she asked me any questions about the offense(s), 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.
4. 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)

**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)**

1. **NAME (Type or Print)**
2. **ORGANIZATION OR ADDRESS AND PHONE**
3. **TIME**
4. **FILE NO.**

**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 SWORN STATEMENT (DA FORM 2820) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED**

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USBPPC V1.00

11531
At approximately 1900 while on Patrol in (b)(6) my platoon was moving from (b)(3) to (b)(3) to refuel. When we turned east on RT (b)(6) I identified rounds impacting on (b)(6) and also saw (b)(6) engaging a vehicle on the west bound lane of RT (b)(6). At this time my vehicle engaged the vehicle in the west bound lane. After the vehicle started to move, the PL gave a cease fire. All weapons ceased firing and security was encircled around the target vehicle.

NOTHING FOLLOWS.
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is ODCSOPS.

LOCATION DATE TIME FILE NUMBER
C 171 C? 13 Dec 85 0700
SOC (b)(6) (b)(6)
GRADE/STATUS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Were you aware that friendly forces were in the (b)(1) and therefore believed those friendly forces had positively identified the enemy?

   Yes (b)(6)

2. At the time, did you believe that the vehicle you engaged was a hostile enemy that posed a threat to your element?

   Yes (b)(6)

3. Did the engagement occur during hours of limited visibility (ie darkness and under NVGS)?

   Yes (b)(6)

4. What was the distance between your vehicle and the suspected enemy vehicle?

   75 m (b)(6)

5. In respect to time, how long after you turned the corner onto (b)(1) did you realize that the (b)(1) was in contact?

   Instantaneous (b)(6)

NOTHING FOLLOWS

EXHIBIT D1
INITIALS (b)(6)
MAKING STATEMENT
PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ______ TAKEN AT ______ DATED ______ CONTINUED."

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 86, WHICH WILL BE USED.

11534
The investigator whose name appears below told me that he/she is with the United States Army 2-22 Infantry A3 15-6 and wanted to question me about the following offense(s) of which I am suspected/accused:

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. 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 or be at my 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.
4. 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.

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)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

organization of investigator

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
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
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
   Vicinity of:

2. DATE (YYYYMMDD)
   2005/10/11

3. TIME
   1900 Local

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME
   (b)(6)

6. SSN
   (b)(6)

7. GRADE/STATUS
   1-5: ACTIVE

8. ORGANIZATION OR ADDRESS
   CTRP 1-71 CAV
   (b)(6)

9. I WOULD LIKE TO MAKE THE FOLLOWING STATEMENT UNDER OATH
   At approximately 1900 hours my patrol turned off route (b)(1) on route (b)(1). At that time I heard shots fired and heard over the radio that (b)(1) was being engaged. I saw a vehicle moving slowly in front of the (b)(1). My vehicle stopped and then I saw flashes coming from the car as I dismounted. I then engaged the driver and front passenger with my M-16 until the vehicle came to a stop. After that I ordered the gunman on my truck, SPC (b)(6), to cease fire. NOTHING FOLLOWS.

10. EXHIBIT
   "E"

11. INITIALS OF PERSON MAKING STATEMENT
   (b)(6)

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT..." DATED...
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE VOID OF INITIALED BY THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

DA FORM 2823, DEC 1998
DA FORM 2823, JUL 72, IS OBSOLETE
SWORN STATEMENT

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

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>DATE</th>
<th>TIME</th>
<th>FILE NUMBER</th>
</tr>
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<tbody>
<tr>
<td>C 171 CP</td>
<td>17 OCT 05</td>
<td>07:20</td>
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<th>LAST NAME</th>
<th>FIRST NAME</th>
<th>MIDDLE NAME</th>
<th>SOCIAL SECURITY NUMBER</th>
<th>GRADE/STATUS</th>
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<tbody>
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<td>(b)(6)</td>
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<th>ORGANIZATION</th>
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<tr>
<td>C 171</td>
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</tbody>
</table>

I, ____________________________, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Were you aware that friendly forces were in the (b)(1) and therefore believed those friendly forces had positively identified the enemy?  
   yes (b)(6)

2. At the time, did you believe that the vehicle you engaged was a hostile enemy that posed a threat to your element?  
   yes (b)(6)

3. Did the engagement occur during hours of limited visibility (ie; darkness and under NVGS)?  
   yes (b)(6)

4. What was the distance between your vehicle and the suspected enemy vehicle?  
   100m (b)(6)

5. In respect to time, how long after you turned the corner onto (b)(1) did you realize that the (b)(4) was in contact?  
   30 sec. (b)(6)

Nothing follows

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED."  
STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.
# 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**
   - 13 OCT 05

3. **TIME**
   - 0832

4. **FILE NO.**

5. **NAME**
   - [ ]

6. **GRADE/STATUS**
   - [ ]

7. **ORGANIZATION OR ADDRESS**
   - [ ]

**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 and wanted to question me about the following offense(s) of which I am suspected/accused:

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 personal subject other than 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.

   (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.

4. 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** (Continued on reverse side)

### 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)**

1a. **NAME** (Type or Print)

1b. **ORGANIZATION OR ADDRESS AND PHONE**

2a. **NAME** (Type or Print)

2b. **ORGANIZATION OR ADDRESS AND PHONE**

6. **ORGANIZATION OF INVESTIGATOR**

**SIGNATURE OF INTERVIEWEE**

### 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 SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED**

DA FORM 3881, NOV 89

EDITED OF NOV 84 IS OBSOLETE

USAPPC V1.00
At approximately 1900 hours our patrol turned off [BLANK] onto [BLANK]. At that time I heard shots fired in our front. I saw muzzle flashes coming from the [BLANK]. A car to our front with its lights off was slowly driving by the [BLANK]. I saw flashes coming from the car and the [BLANK] house was being engaged. I engaged the vehicle with my 249 and it came to a stop and I received a cease fire.
STATEMENT OF (b)(6) TAKEN AT (b)(6) DATED 2005/10/1

9. STATEMENT (Continued)

AFFIDAVIT

I, (b)(6), 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 inducement, or inducement otherwise.

WITNESSES:

Subscribed and sworn before me, a person authorized by law to administer oaths, this 12 day of October, 2005 at (b)(6) administering oath.

Typed Name of Person Administering Oath

Authority To Administer Oath

INITIALS OF PERSON MAKING STATEMENT (b)(6)
SWORN STATEMENT

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

LOCATION
C-17

DATE
13 0CT 2005

TIME
06 15

FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

ORGANIZATION OR ADDRESS
1-71 CALV

GRADE/STATUS
SPC Active

I, , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Were you aware that friendly forces were in the and therefore believed those friendly forces had positively identified the enemy?
   - YES
   - NO

2. At the time, did you believe that the vehicle you engaged was a hostile enemy that posed a threat to your element?
   - YES
   - NO

3. Did the engagement occur during hours of limited visibility (ie darkness and under NVGS)?
   - YES
   - NO

4. What was the distance between your vehicle and the suspected enemy vehicle?
   - 75 - 100 m

5. In respect to time, how long after you turned the corner onto did you realize that the was in contact?
   - Immediately

EXHIBIT
   - F 1

INITIATING MAKING STATEMENT
   - (b)(6)

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _______ TAKEN AT ______ DATED ______ CONTINUED."

DA FORM 2823, JUL 72
SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.
RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-20; 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
   C-171 CP

2. DATE
   13 OCT 05

3. TIME
   0800

4. FILE NO.

5. ORGANIZATION OR ADDRESS
   C-171 CAU

6. GRADE/STATUS
   E-3 (CIVILIAN)

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 2-22 Infantry, AR 15-6 and wanted to question me about the following offenses of which I am suspected/accused:

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.

   (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.

4. 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)

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)

1. NAME (Type or Print)

5. SIGNATURE OF INTERVIEWEE

2a. NAME (Type or Print)

6. ORGANIZATION OF INVESTIGATOR

2b. ORGANIZATION OR ADDRESS AND PHONE

3b. ORGANIZATION OR ADDRESS AND PHONE

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 SWORN STATEMENT (DA FORM 2623) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

USAPC V1.00

11546
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 2651; E.O. 9397 dated November 22, 1943 (SSN). |
| PRINCIPAL | 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. |

<table>
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<th>1. LOCATION</th>
<th>2. DATE (YYYYMMD)</th>
<th>3. TIME</th>
<th>4. FILE NUMBER</th>
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<table>
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<tr>
<th>5. LAST NAME, FIRST NAME, MIDDLE NAME</th>
<th>6. SSN</th>
<th>7. GRADE/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3)(6)</td>
<td>(0)(5)</td>
<td>E-3/ACTIVI:</td>
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<th>8. ORGANIZATION OR ADDRESS</th>
<th>9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</th>
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<tbody>
<tr>
<td>CTRP 1-71 CAV</td>
<td></td>
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</tbody>
</table>

At approximately 1900hrs our patrol was turning off of RTE (b)(1) onto RTE (b)(1) towards the (b)(1). As we were turning I heard shots coming from the north side of (b)(1). When I got onto (b)(1) in the east bound lane I saw flashes at (5)(6) and also flashes coming from the vehicle that was stopped in the west bound land of RTE (b)(1). When I saw the flashes coming from the vehicle, it started driving again. I was told to stop by my TC. I then saw SSG (b)(6) truck engage the car which was at my trucks eleven o'clock position. When the car moved to my trucks eleven o'clock position, my gunner then engaged the same vehicle. My dismount opened his door and got out and started engaging the vehicle. When it got to my trucks eight o'clock position, my dismount ceased fire and my TC ordered my gunner to cease fire which he did.

NOTHING FOLLOWS.

<table>
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<th>10. EXHIBIT</th>
<th>11. INITIALS OF PERSON MAKING STATEMENT</th>
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<td>C</td>
<td>(0)(6)</td>
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _______ TAKEN AT _______ DATED _______."

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USMCSVT(0)
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION DATE TIME FILE NUMBER
C-171 (b)(6) 12JUL01 0500 (b)(6)
GRADE/STATUS E-3/Active

ORGANIZATION OF ADDRESS
C-171 171 CAU

1. I (b)(6)

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Were you aware that friendly forces were in the (b)(6) and therefore believed those friendly forces had positively identified the enemy?

   yes (b)(6)

2. At the time, did you believe that the vehicle you engaged was a hostile enemy that posed a threat to your element?

   yes (b)(6)

3. Did the engagement occur during hours of limited visibility (i.e., darkness and under NVGS)?

   yes (b)(6)

4. What was the distance between your vehicle and the suspected enemy vehicle?

   Initially, 50 metres as it was moving; it came to about 20 metres away from my truck (b)(6)

5. In respect to time, how long after you turned the corner did you realize that the (b)(6) was in contact?

   Right away (b)(6)

   Nothing Follows

EXHIBIT 6.1 (b)(6)

PERSON MAKING STATEMENT PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF__ TAKEN AT__ DATED__ CONTINUED."

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.
# 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:** Disclosures of your Social Security Number is voluntary.

### 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 and wanted to question me about the following offense(s) of which I am suspected/accused:

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.

*(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.

4. 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.

#### 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)**

1a. NAME (Type or Print):

1b. ORGANIZATION OR ADDRESS AND PHONE:

2a. NAME (Type or Print):

2b. ORGANIZATION OR ADDRESS AND PHONE:

**SIGNATURE OF INTERVIEWEE**

**SIGNATURE OF INVESTIGATOR**

#### 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 SWORN STATEMENT (DA FORM 3823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.
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 552(a); E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL ROUTINE USES: To provide commanders and law enforcement officers with means by which information may be accurately identified.
DISCLOSURE: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
Disclosure of your social security number is voluntary.

1. LOCATION
   Vicinity of
   [redacted]

2. DATE (YYYYMMDD) 2005/10/11

3. TIME 1900 Local

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME
   [redacted]

6. ORGANIZATION OR ADDRESS
   CTrip 1-71 Cav [redacted]

7. SSN [redacted]

8. GRADE/STATUS
   E4/ACTIVE

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

   At approximately 1900 hours our patrol turned east on route [redacted] heading towards the [redacted]. I heard gunfire coming from the area around [redacted]. At this time I observed round impacts on [redacted] and a suspected vehicle. I engaged the suspected AIF vehicle with bursts from my M240 machine gun. The vehicle veered off the road and hit a metal post. At that time my TC yelled cease fire and I stopped engaging.

   ---NOTHING FOLLOWS---

10. EXHIBIT [redacted]

11. INITIALS OF PERSON MAKING STATEMENT [redacted]

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

DA FORM 2823, DEC 1998
DA FORM 2823, JUL 72, IS OBSOLETE

11552
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION

DATE
TIME
FILE NUMBER

ORGANIZATION OR ADDRESS

1. [Redacted]
   WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
   
   1. Were you aware that friendly forces were in the [Redacted] and therefore believed those friendly forces had positively identified the enemy? 
      Yes [Redacted]

   2. At the time, did you believe that the vehicle you engaged was a hostile enemy that posed a threat to your element?
      Yes [Redacted]

   3. Did the engagement occur during hours of limited visibility (i.e. darkness and under NVGS)?
      Yes [Redacted]

   4. What was the distance between your vehicle and the suspected enemy vehicle?
      100 m [Redacted]

   5. In respect to time, how long after you turned the corner onto [Redacted] did you realize that the [Redacted] was in contact?
      A few seconds [Redacted]

   Nothing Follows

EXHIBIT

INITIATION MAKING STATEMENT

PAGE 1 OF 2 PAGES


DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.
STATEMENT

I, [Name], hereby declare:

I have read and fully understand the [statement], and have signed this document freely, without the use of any threat, coercion, or unlawful influence.

[Signature]

[Date]

[Print Name]
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 1-22 Infantry AB 15-6 and wanted to question me about the following offense(s) of which I am suspected/accused:

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. 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.

(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.

4. 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)

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)

1a. NAME (Type or Print)

1b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

2b. ORGANIZATION OR ADDRESS AND PHONE

ORGANIZATION OF INVESTIGATOR

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 SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED
At approximately 1900hrs as I turned the corner I saw (b)(1) engaging upon a vehicle. I also saw (b)(3) receiving fire. We drove onto the other lane in which the vehicle already was in front of (b)(3) while it was receiving fire. When we drove towards the vehicle it began moving in which my gunner opened fire. After the vehicle stopped, my platoon leader gave the order to cease fire.

NOTHING FOLLOWS.
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION DATE TIME FILE NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS

1. I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Were you aware that friendly forces were in the field and therefore believed those friendly forces had positively identified the enemy? [b(6)] Yes

2. At the time, did you believe that the vehicle you engaged was a hostile enemy that posed a threat to your element? [b(6)] Yes

3. Did the engagement occur during hours of limited visibility (ie darkness and under NVGS)? [b(6)] Yes

4. What was the distance between your vehicle and the suspected enemy vehicle?

   Under 100 meters [b(6)]

5. In respect to time, how long after you turned the corner onto [b(6)] did you realize that the [b(6)] was in contact?

   When I saw sparks hanging off [b(6)] wall; I saw them engaging the target. [b(6)]

   Nothing follows
On 1 OCT 2005 at 1900, we came out of RTE (b)(4) and took a left on (b)(4). As we were crossing over the crossroad lane, my gunner heard shots. I then saw muzzle flash on top of (b)(4). I then saw rounds impacting into (b)(4) and my TC told me to turn around. When we turned around I then saw a car that was shot up. My TC told me to take for security and that's where we sat.

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1. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

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10. EXHIBIT

11. I (b)(6) MAKING STATEMENT

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" AND BE NUMBERED.

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
At hour of 1900 from the 11/10/2005, from this day American force shooting the one car that (unknown car) that stopped behind the American patrol near the car also one check point in the above the Lt. colonel

11/10/2005
بسم الله الرحمن الرحيم

م/ تقرير

في الليلة من يوم 19/17/0000 المعتمدة الميلادية، قامت القوات العراقية بالإطارات النار على مساحة محيطة على أطراف السريع أثناء دورياتهم حيث كانت السيارة متوقفة على الطريق الرئيسي قرب أحد نقاط الجيش العراقي ما أدى إلى مقتل الرسول الموعود داخل السيارة المتهولة. وعلم الله كاملة استمراراً لنقاط بأراض

إلا نار فتحت اندلاعًا (الشيا) هدّى روحها معلناً

لا نرا لنا من قبل لعداء لنا المستمّر.

11564