

*Redacted copy  
25 Feb 05*

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DEPARTMENT OF THE ARMY  
155<sup>TH</sup> BRIGADE COMBAT TEAM  
STAFF JUDGE ADVOCATE  
FOB KALSU, IRAQ

155-BCT-SJA

01 March 2005

MEMORANDUM FOR Commander, 155<sup>th</sup> BCT, Kalsu, Iraq

SUBJECT: Informal AR 15-6 Investigation concerning the escalation of force by 2/E/TRP/2/11 on 25 Feb 05

1. References:

- a. AR 15-6, Procedure for Investigating Officers and Boards of Officers, 30 Sep 96.
- b. DA Form 1574, Report of Proceedings by Investigating Officer/Board of Officers, 28 Feb 05.

2. The attached Report of Proceedings by the Investigating Officer (AR 15-6 Informal Investigation) is legally sufficient. The evidence supports the Investigating Officer's findings that the escalation of force was in compliance with ROE and ROF, MNC-I policy.

3. Recommend approval of Investigating Officer's findings and recommendations by circling and initialing "approved" in Section VIII of the DA Form 1574. This will complete the investigation.

4. POC for this action is the undersigned at 531-9038.

A handwritten signature in black ink, appearing to be "J. [unclear]".

Staff Judge Advocate



		YES	NO <sup>1/</sup>	NA <sup>2/</sup>
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?			X
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate –			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/> )			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

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

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

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

I have examined the enclosed evidence, interviewed the company commander, and viewed the attached photographs of the vehicle that was engaged by 2nd Platoon, E Troop, 2/11 ACR, 155 BCT, and my findings show that the:

- Vehicle in question established itself as a threat by passing the 155 BCT convoy at a high rate of speed. (see exhibits 3 and 4)
- Vehicle in question continued to establish itself as a threat by driving directly towards the 155 BCT convoy vehicles. (see exhibits 3 and 4)
- Warning shots were fired (see exhibit 6) in the rear of the vehicle, and the threat vehicle failed to move out and away from the convoy. (see exhibits 3 and 4)
- Lethal force was then used (see exhibit 4) to prevent any possible VBIED incident. (see exhibit 7 and 8)

It is my opinion that the shooting was unavoidable and the soldiers involved took all appropriate levels of escalated response to protect themselves and the other soldiers in their convoy. The shooting was well within the published Rules of Engagement, Multi-National Corp-Iraq policy and no further actions should be taken concerning this incident.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

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

Continue to reinforce ROE training, convoy operations and ensure all convoys have convoy warning signs.

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)

\_\_\_\_\_  
(Investigating Officer) (President)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
Squadron Executive Officer  
(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) (~~board~~) are (approved) (~~disapproved~~) (~~approved with following exceptions/substitutions~~). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

\_\_\_\_\_



DEPARTMENT OF THE ARMY  
155<sup>TH</sup> BRIGADE COMBAT TEAM  
FOB KALSU, IRAQ  
APO AE 09325

155-BCT-CDR

25 February 2005

MEMORANDUM FOR [REDACTED] HHT, 2/11 ACR, FOB Kalsu, Iraq

SUBJECT: Appointment of AR 15-6 Investigating Officer

1. You are appointed as an investigating officer to conduct an investigation into all the facts and circumstances surrounding the escalation of force by 2/E TRP/2/11 on 25FEB05. A copy of the Spot Report is attached. You will conduct the investigation IAW AR 15-6.
2. Your duties as an investigating officer will take priority over other duties. You will use the informal investigation procedures detailed in AR 15-6, chapter 4. You will make specific finding of facts that are supported directly supported by the documented evidence or reasonably based upon circumstantial evidence. Based upon all factual findings and conclusions, you will make recommendations on all relevant issues you identify in the course of your investigation.
3. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under Article 31, UCMJ. Rights warnings and waivers will be documented on DA Form 3881. If during an interview you begin to suspect criminal conduct on the part of the witness, you must stop the interview and advise the individual of his or her rights under Article 31, UCMJ.
4. Whenever possible, witness statements will be sworn and recorded on DA Form 2823. If you conduct any witness interviews telephonically, you will prepare a memorandum for record memorializing the interview. Prepare your report using DA Form 1574. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered as a basis for your findings and recommendations. Submit the original report through command channels to Commander, 155<sup>th</sup> BCT(ATTN: SJA) no later than 10 days after your receipt of this memorandum. Any request for extension must be submitted in writing or by e-mail through your legal advisor to the SJA for approval.
5. Before proceeding with the investigation, contact [REDACTED] Administrative Law, 155<sup>th</sup> BCT OSJA. [REDACTED] will serve as your legal advisor for this investigation and will provide you with an initial briefing.

Encl  
as

Commanding



REPORT #  
62

UNIT 2nd PLT, E TRP 2/1 DTG 25 0850 FEB 05

EVENT

REAPER WHITE 6 REPORTS FIRING ON A LN VEHICLE KILLING 1x LN. THE PLATOON WAS CONVOYING ON ASR JACKSON WHEN THE VEHICLE CAME UP FROM THE REAR. ESCALATION OF FORCE WAS USED, FIRING AT THE GROUND, THEN THE VEHICLE GRILL, AND FINALLY AT THE DRIVER. THE LN VEHICLE WENT OFF THE ROAD AND FLIPPED OVER. REAPER WHITE 6 REPORTS THE LN IS DEAD.

LOCATION	MB 434 335
EFFECT ON OPS	2ND PLATOON, E TRP PATROL DELAYED OR CANCELLED
ASSISTANCE NEEDED	EOD
UPDATE 1	0922 PATROL WENT TO CHECK THE CAR AND NO OCCUPANTS CAN BE FOUND. 0930 PATROL BELIEVES SOMEONE PICKED UP OCCUPANT. CALLING HOSPITALS TO SEE IF ANYONE BROUGHT. BLOOD AT SITE. 0943 HASWAH PB REPORTS THE CAR WENT INTO A CANAL. AS THEY WERE SETTING CORDON THEY NOTICED A TRAIL OF BLOOD GOING FROM THE CAR TO THE ROAD. THE TRAIL STOPPED ON THE ROAD AND FORMED A POOL OF BLOOD. IP'S ARE SEARCHING HOSPITALS FOR THESE TYPE OF INJURIES.
UPDATE 2	0954 THE PATROL FOUND 1X 155 ROUND NEAR CAR AND ARE LOOKING FOR MORE. EOD HAS BEEN NOTIFIED. 1019 EOD AT SITE 1137 EOD REPORTS THAT ROUND WAS A 125MM. LOOKED LIKE UXO BECAUSE OF THE DIRT THAT WAS ON THE ROUND. EOD SECURED ROUND AND BROUGHT BACK TO ASP.
UPDATE 3	MISSION COMPLETE
UPDATE 4	
UPDATE 5	



## SPOT REPORT

SPOT REPORT 03

2/E TRP/2/11 250850FEB05 .MB 434 335 REPORTS FIRING ON LN VEHICLE. THE PLATOON WAS CONVOYING ON ASR JACKSON WHEN THE VEHICAL CAME UP FROM THE REAR. ESCALATION OF FORCE WAS USED, FIREING AT THE GROUND, THEN THE GRILL, AND FINALLY AT THE DRIVER \. THE LN VEHICAL WENT OFF THE ROAD AND INTO A CANAL. BY THE TIME THE CONVOY WAS ABLE TO STOP AND TURN AROUND, TO DO A SEARCH OF THE AREA NO OCCUPANT COULD BE FOUND. DURING THE SEARCH A TRAIL OF BLOOD THAT LEAD TO A POOL OF BLOOD BY THE ROAD WAS FOUND. IP'S ARE SEARCHING HOSPITALS .

*HHT, 2-11 ACR*

*393-56-9034*

**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 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 FOR Kalasu	2. DATE (YYYYMMDD) 2005 02 25	3. TIME 13:24	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS E troop 2/11 ACR 2nd Plt.			

9. \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the date of 25 Feb 2005

My squad was tasked on a log pack to FOB Kalasu. We left Hasma PB at 08:30 for Kalasu. I ( ) was in the gunners position in a Bady. We were going south on Rt Jackson just past check point 6. Around 800-1000m pass check point 6 a car come speeding past the left side of our BFV. The car was a blue chevy caprice 4 door with no license plates. As the car sped by he then cut ~~in~~ in to our convoy. After the driver got into our convey I fired a warning shot at the trunk of the car. After the shot was fired the car continued for the lead BFV. As the car was headed for the lead ~~vehicle~~ then gave me ( ) the command to fire at the car. We then both shot 2-4 rounds with our M16's at the rear window. After the rounds were fired the car veered to the left and crossed the median. We both thought the car was pulling over to stop so there was no reason for us to continue firing. As the car went over the median it crossed the north bound lane and continued off the road. When the car went off road it drove for 2-300 m and came to a stop in a canal. After that I spent the rest of my time in the gunners turret.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 1 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 INDICATED.

STATEMENT OF

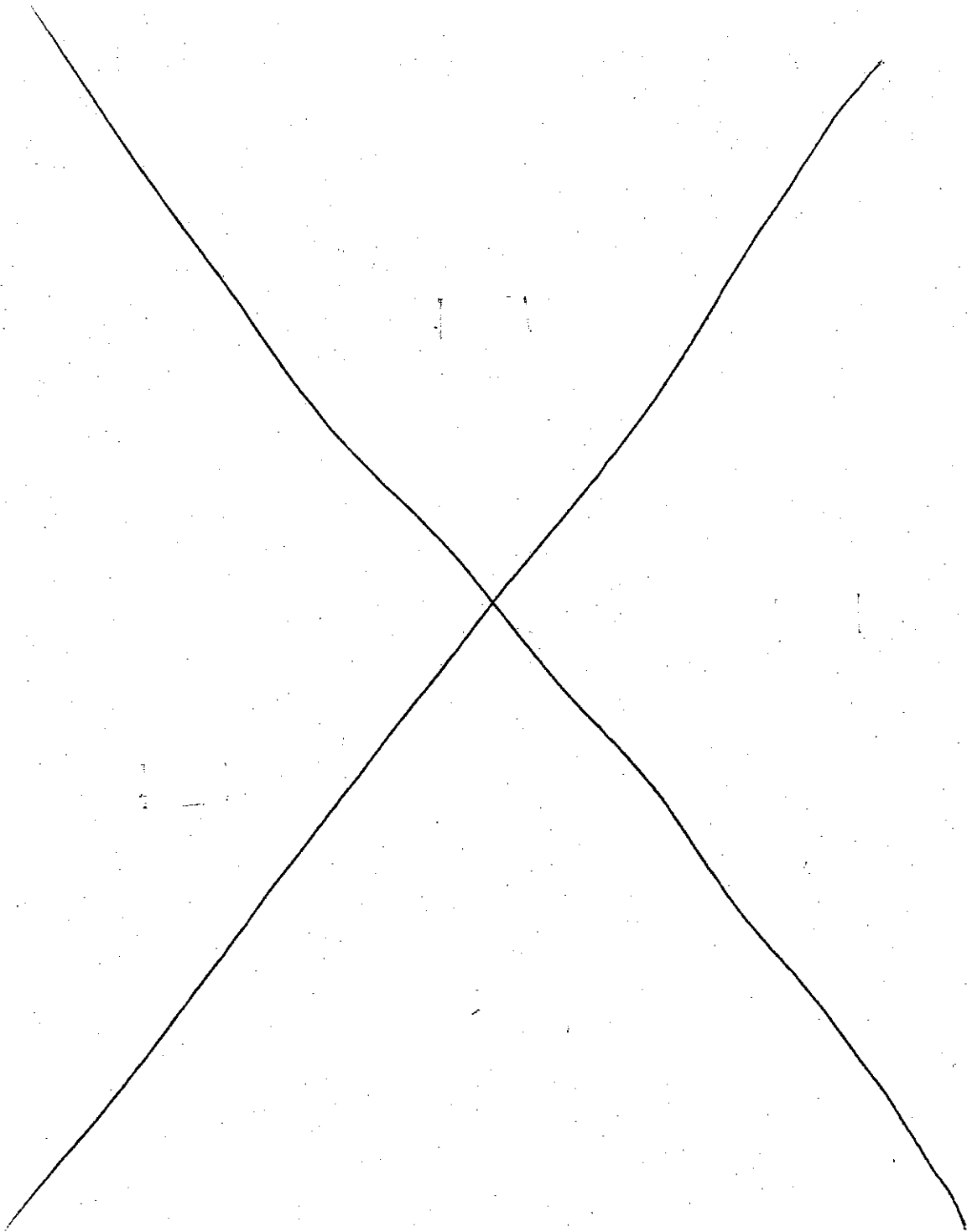
TAKEN AT

camp Kalasir

DATED

25 Feb 05

9. STATEMENT (Continued)



INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

Camp Kalasu

DATED

25 Feb 05

9. STATEMENT (Continued)

*[The main body of the page is crossed out with a large handwritten 'X'.]*

**AFFIDAVIT**

I, \_\_\_\_\_, 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 25 day of FEB, 05 at FOS Kalasu, Iraq

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

U.S. Army officer

(Authority To Administer Oaths)

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

CSW

PAGE 3 OF 3 PAGES

**SWORN STATEMENT**

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**PRIVACY ACT STATEMENT**

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**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 <u>CAMP KAISU</u>	2. DATE (YYYYMMDD) <u>20050225</u>	3. TIME <u>1350</u>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS <u>ECHO 2/11TH ACR</u>			

9. \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 25 FEBRUARY 2005 AT AROUND 0900 HRS, ECHO TROOP, 2ND PLT WE WERE ON OUR WAY TO KAISU TO PICK UP ONE OF OUR NCO'S AND TO DO SOME DETAILS. WE WERE PASSED CHECK POINT GOING SOUTH ON JACKSON ROAD. WHEN A BLUE VEHICLE WITH NO LICENSE PLATE DROVE TO OUR LEFT OF THE BRADLEY, HE WENT ON AND PASSED US, HE HAD TO BE GOING ABOUT 55 mph TO 60 BECAUSE THE BRADLEY WAS AT ITS TOP SPEED. I WAS ON THE SECOND BRADLEY WHEN THIS HAPPENED, SO I HAD EYES ON THE VEHICLE. WE HAVE BEEN IN IRAQ FOR OVER A MONTH AND I HAVE NEVER SEEN A VEHICLE TRY TO RUN PASS A BRADLEY. SO MY REACTION WAS TO SHOT THE VEHICLE, SO I SHOT THE FIRST <sup>(MC)</sup> SHOT AND IT HIT THE TRUNK. THE DRIVER BECAME MORE AGGRESSIVE ON THE WHEEL, HE SPED UP AND WAS HEADING STRAIGHT TO THE BRADLEY THAT WAS A HEAD OF US. I QUICKLY ORDER MY GUNNER TO ENGAGE THE VEHICLE. WE BOTH BEGAN TO SHOOT (SHOT ABOUT 8 TO 10 SHOTS) AND THE DRIVER (ONLY ONE PERSON) DROVE TO THE INNER SIDE OF TRAFFIC WHERE HE CONTINUE TO GO TO THE FAR <sup>LEFT</sup> ~~END~~ WHERE HE CRASH INTO A SMALL DIBEL. I FELT THAT I DID THE RIGHT THING, MY REACTION WAS RIGHT AND QUICK. I WAS REALLY WORRY FOR OUR LEAD BRADLEY BECAUSE THE DRIVER OF THE BLUE VEHICLE DID NOT SHOW ANY INTENTIONS ON STOPPING.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>1</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.

STATEMENT OF SGT CUEVAS, ANDY TAKEN AT 1350 DATED 25 FEB 05

9. STATEMENT (Continued)

~~\_\_\_\_\_~~

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT OF

TAKEN AT

1350

DATED

25 FEB 05

9. STATEMENT (Continued)

[Large area crossed out with a large X]

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 25 day of FEB, 05 at FOB Kalsu, Iraq

ECHO 7-11 \_\_\_\_\_

ORGANIZATION OR ADDRESS \_\_\_\_\_

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_

ORGANIZATION OR ADDRESS \_\_\_\_\_

\_\_\_\_\_  
(Typed Name of Person Administering Oath)  
U.S. Army Officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Echo Top CP FOB Kalsu IRIQ
2. DATE (YYYYMMDD) 2005 02 25
3. TIME 1350
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS E-6
8. ORGANIZATION OR ADDRESS E Top 2/11 ACR

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: I was the Patrol Leader for a Convoy consisting of two Bradleys. At Approx. 0825 my patrol departed from Hasawa Patrol Base, heading south on MSR Jackson. We were about 500 meters from Checkpoint 12 when my Alpha Team Leader called me on the radio about a vehicle he had engaged between checkpoint 6 and 12. He informed me that the vehicle ran off the road. I was the Lead Bradley so I didn't see the incident. I turned the patrol around went back to the vehicle and called in a grid and Sitrep to Hasawa Patrol Base. The vehicle had went off the road into a ditch of water more than half the car was submerged there were civilians leaving the site when we arrived. The windshield and seat were stained with blood and there was a puddle of blood on the ground next to the vehicle. We could not find a body. We did find a 155 round live 30 meters from the car 2 cell phones in the car and miscellaneous wires we towed the car back to FOB Kalsu-Nothing Follows

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 1 PAGES

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 INDICATED.



STATEMENT OF 19 STATEMENT (Continued) TAKEN AT FOB Kalsy DATED 25 FEB04

9. STATEMENT (Continued)

~~\_\_\_\_\_~~

WITNESSES: ✓

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

The patrol came back to inspect the vehicle and they found approximately 60 locals around it. There was blood splattered on the window and on the seat. But they could not find the individual that was killed. Patrol said that the locals took him out but don't know what they did with him. They searched the vehicle and only found a couple of cell phones and the individual's ID. The vehicle did not have any license plates in front or in back of the vehicle. The vehicle is currently in FOB Kalsu behind the DFAC.

Unit	Patrol Leader	Patrol #	Date
E Troop			25 FEB 05
Mission (and any special instructions)		Patrol Start DTG	
		Patrol Return DTG	
		25 1145C FEB 05	
Route used into zone	Notes on route, updates to map		
Route used returning to Camp			
Activity along route, changes observed in zone, information reported from locals			
Actions of Mission, Objective or Actions on Enemy Contact		BPA Defense	
<i>(include both hands and times as possible)</i>		Captured Equipment	
<p>As patrol was making their way back to FOB Kalsu, vic grid MB 434335, a blue 4-door Chevy Caprice Classic approached the convoy, getting right behind a bradley. The vehicle was picking up speed and shortly after got on the left side of the trail bradley. The vehicle managed to get in between the first and second bradleys. Patrol waved the vehicle to the side but the vehicle did not stop. They fired a couple of warning shots in to the trunk of the vehicle and it still didn't stop. They engaged the driver of the vehicle and fired approximately six shots. The vehicle then began to drift off the road, crossing the median and into the opposite lane into oncoming traffic. The vehicle kept going off the road and it flipped into a canal. CONTINUED</p>			
Comments, Recommendations, Lessons Learned		Rank	Name
		Signature	

WHO DID YOU TALK TO (INCLUDE DATE, TIME, AND LOCATION OF ENGAGEMENT)

HOW MANY PEOPLE WERE THERE

WHAT WAS YOUR BEST IMPRESSION OF THE MEETING/SCOUT

WHAT ISSUES, CONCERNS, OR INFORMATION DID THE PEOPLE WANT TO DISCUSS

WHAT ARE THE MAIN TALKING POINTS OR PROBLEMS DO YOU USE

