on after my SITREP after I had moved back to my vehicle, I was radiated by A12 that he had "spotted a suspect EBO 400m toward from his position. I dismounted an proceeded toward to his position at which time I asked A12, who was in the vicinity to detain the LNs we wanted. He informed me that IT's had taken him away. I then ordered soldiers to link up with IPs, move close to A12 and to blow up the suspected EBO and to interrogate it. There was no way for my soldiers to cut over to the non-suspected EBO side of the lane because the median was too high. The only safe turnaround point was ~500 m to our east. Once the LNs were confirmed the presence of 2 artillery rounds and an RC device, it is my assessment that it is possible, one or both of the LNS (the WIA and KIA) were trying to distract me or test our TRBs. It is also possible the EBO was placed in the LSD unit. No attempt was made to rescue the EBO.

1. LLI

WHICH BEGINS ON PAGE ___, AND ENDS ON PAGE ___. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE, I HAVE INITIATED ALL CORRECTIONS AND HAVE INITIATED 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 UNAUTHORIZED INFLUENCE.

_________

(signature of Person Making Statement)

WITNESSES:


organization or address


organization or address


INITIALS OF PERSON MAKING STATEMENT

PAGE 3, DA FORM 2823, DEC 1998

12080
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
   (b)(6)(demo) Trailers

2. DATE (YMD) 2005-09-06

3. TIME 11:00

4. FILE NUMBER

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

6. SSN (b)(6)(demo)

7. GRADE/STATUS 0-2/Acting

8. ORGANIZATION ON ATTACHMENT
   (b)(6)(demo)

9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
   (b)(6)(demo)

Q: What do you cover in your Patrol Brief?

A: Trip Ticket, 72 hour threat brief, mission route, convoy formation (diagram). Sweep formation (diagram), Action on contact. IED React to
   IED (No damage to vehicles or injuries), React to IED (vehicle immobilized). React to IED vehicle damaged but able to move task to

Q: What is the definition of a warning shot?

A: A warning shot is a shot used to get the attention of another driver who is approaching your convoy at a dangerous speed and has
crossed into an area deemed dangerous. This is based on TIP and ROE/selection criteria.

A: The formation was stopped for a long halt to interrogate a suspect IED. The point and trail vehicles were told to
   (b)(6)(demo)

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   (b)(6)(demo)
SWORN STATEMENT
For use of this form, see AR 190-45; the preparing agency is GCSOPS

PRIVACY ACT STMT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2851; E.O. 12337 dated November 22, 1949 (DSN).
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 means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
   (b)(1)(demo)

2. DATE (YYYYMMDD)
   2005 09 05

3. TIME
   1500

4. FILE NUMBER
   (b)(6)(demo)

5. NAME
   (b)(6)(demo)

6. SSN
   (b)(6)(demo)

7. GRADE/STATUS
   E-6/SGT E4

8. SERVICE
   (b)(6)(demo)

9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

   I was in the lead vehicle of the convoy doing route clearance on Route (b)(1)(demo) going west. The (b)(2)(demo) was called to interrogate a suspect IED. I had PFC (b)(6)(demo) pull up to where the suspect was and to my left so my gunner SPC (b)(6)(demo) could secure the area. We also had a Benton-Pick-up truck speeding towards our convoy traveling East on Route (b)(1)(demo) the gunner SPC (b)(6)(demo) hollered at the team to stop. 2 or 3 times I fired a warning shot at the truck and the truck proceeded toward the convoy. SPC (b)(6)(demo) fired a 3-round burst at the tires and grill of the truck and disabled the vehicle. The LN driving the vehicle got a scratch on his left side. I called a medic forward to treat the LN. I then continued to pull security at the front of my vehicle. As the medic SGT (b)(6)(demo) was treating the LN we had a car coming down the road at high rate of speed towards the convoy. I had my team leader SGT (b)(6)(demo) take a position at the hood of the HMMWV aiming at the car. My gunner SPC (b)(6)(demo) and myself hollered at the vehicle to stop 3 or 4 times, the driver disregarded the shouting and hand signals and continued speeding towards the convoy. I fired a warning shot at the grill of the vehicle the driver ignored the warning shot and continued toward the convoy. Once the vehicle hit the 30m line between us and the vehicle my gunner SPC (b)(6)(demo) engaged the vehicle with the M240B and started at the front of the head of the vehicle and worked up to the windshield and killed the LN that was driving.

END OF STATEMENT

10. EXHIBIT
    (b)(6)(demo)

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

PAGE 1 OF __ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF __________________ TAKEN AT ______________ DATED ________

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

For use of this form, see AR 150-45; the proponent agency is ODCSOPS

<table>
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<td>DISCLOSURE: Disclosure of your social security number is voluntary.</td>
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<tr>
<th>5 ME, MIDDLE NAME</th>
<th>6 SSN</th>
<th>7 GRADE/STATUS</th>
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<th>8</th>
<th>9</th>
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<tbody>
<tr>
<td>A Co 3/85173</td>
<td>WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</td>
</tr>
</tbody>
</table>

Q: What is briefed during the Patrol Brief?

A: The route, actions on contact, actions on recovery ops, and ROE

100m - Shout and use hand signals
50m - Warning shot
30m - Kill shot

Q: Where do you aim warning shots?

A: Towards the tire of the vehicle.

Q: What traffic control measures were used after the first incident with the white pickup?

A: Between the time of the pickup and the Merceds car on time to implement a different TTP for traffic control, we did use TTP to stop traffic farther down (b)(1)(demo) but just oncoming traffic.

Q: When did you first notice the White pickup truck?

A: I saw the pickup truck coming down route (b)(1)(demo) at a high rate of speed about 200m from my vehicle.
**SIGNED STATEMENT**

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

**PRIVACY ACT STATEMENT**

Your social security number is used as an additional identifier to facilitate filing and retrieval. Disclosure of your social security number is voluntary.

<table>
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<th>1. DATE (MM/DD/YYYY)</th>
<th>2. TIME</th>
<th>3. FILE NUMBER</th>
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<tr>
<td>0805 0745</td>
<td>14:56</td>
<td>(b)(6)(demo)</td>
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**4. GRADE/STATUS**

E-4

**DATE**

(b)(1)(demo)

<table>
<thead>
<tr>
<th>5. LAST \ NAME (MIDDLE) \ FIRSTNAME</th>
<th>(b)(6)(demo)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(b)(6)(demo)</td>
</tr>
</tbody>
</table>

**6. ORGANIZATION ADDRESS**

1st Plt, A Co, 1st BSTB, IBC

**SPEC(P)**

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 05 Sep 05 at approximately 0645, 1st Platoon, A Co, 1st BSTB were conducting a (b)(2)(Low)(demo) mission. We, as an engineer platoon, were convoying at route (b)(1)(demo) going west bound when the convoy stopped for the (b)(2)(Low)(demo) to interrogate a possible IED. I was the gunner for the lead Humvee along with PFC (b)(6)(demo) as the driver, SSG (b)(6)(demo) as the TC, SGT (b)(6)(demo) as the rear right passenger, and SSG (b)(6)(demo) from A Co 2/18th Engineers as the rear left passenger. At the time of the (b)(2)(Low)(demo) interrogation I was buttoned securely in an intersection approximately 800 meters east from the route (b)(1)(demo) intersection. At 0720, a white pick-up truck with red trim drove up to my sector of fire, which I was covering the southbound and westbound intersections. The local national, male, did not stop within 100 meters from my position, which led me to shoot a warning shot at the local national. The driver insisted to drive closer, and with in 50 meters I shot his front left tire and the radiator with my M40 machine gun. The local national stopped, backed up away from the traffic control point and parted on the side of the road. I LT (b)(6)(demo) radioed SSG (b)(6)(demo) to investigate the vehicle that had been shot. SSG (b)(6)(demo) and SGT (b)(6)(demo) dismounted from the Humvee to investigate the local national and the downed pick-up truck. Upon SSG (b)(6)(demo)
In the investigation, SSG (b)(6)(demo) requested the medic, SGM (b)(6)(demo) to tend to the local national wounded. It turns out that the injury was minor, perhaps a bullet graze near the right side of the local national's torso. At 0510 there was another vehicle driving north bound towards the traffic control point. The vehicle is a white Mercedes-Benz. As this male local national drove 100 meters closer to the traffic control point, myself and SSG (b)(6)(demo) shouted and used hand gestures with our weapons to get the driver's attention. At approximately 0515 meters, SSG (b)(6)(demo) fired a warning shot at the vehicle's radiator, and the driver persisted in driving into the traffic control point. About 3 to 4 seconds later, I fired at the vehicle as it was driving dangerously close to the humvee. I shot at the vehicle's tire, the driver side headlight, the radiator, and finally the driver of that Mercedes-Benz. The local national was less than 30 meters when I opened fire, and was considered a hostile action according to OPORD 05 SEP 05, SSG (b)(6)(demo) and SGM (b)(6)(demo) went up to the downed Mercedes-Benz to check on the local national. The local national was pronounced dead at approximately 0510. ILT (b)(6)(demo) then contacted the Army Police to handle the situation, and continued the mission of approximately 0515. END OF STATEMENT.

APPLICANT

PAGE 3. DA FORM 2023, DEC 1988

12090

Redax Demo
SWORN STATEMENT
For use of this form, see AR 190-46; the requesting agency is ODCSOPS.

PRIVACY ACT STATEMENT
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2851; E.O. 9397 dated November 22, 1943 (NSM).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: ____________________________

2. DATE (YYYYMMDD): ______________________

3. TIME: ____________________________

4. FILE NUMBER: ____________________________

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

6. SSN: (b)(6)(demo)

7. GRADE/STATUS: ____________________________

8. COMMUNICATION DATE/ADDRESS: 

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

Q: In your statement you mentioned the local national did not stop within 100 meters, what were you briefed about warning shots?
A: Warning shots are fired when shooting does not work, and when a vehicle is within 50 meters.

Q: Where did you aim your warning shot?
A: The front tires or the engine block.

Q: How was the traffic control point marked?
A: The traffic control point is marked by orange cones.

Q: Before shooting at the white pick-up what steps did you take in the escalation of force? With hand signs
A: I started shooting to get the driver's attention, and when that didn't work, I fired a warning shot when it got close at 50 meters; the vehicle wouldn't stop after that so I engaged the vehicle to immobilize when it was within 50 meters of the traffic control point.

10. EXHIBIT: ____________________________

11. INITIALS OF PERSON MAKING STATEMENT: ____________________________

PAGE 1 OF: ____________________________ PAGES

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

Redax Demo
SWORN STATEMENT

For use of this form, see AR 190-45; the preparer agency is ODCOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2961; E.O. 9367 dated November 22, 1943 (SSO)
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.

2. DATE (YYYYMMDD) 2005 05 05
3. TIME 15:05

4. FILE NUMBER

NAME, MIDDLE NAME, LAST NAME (b)(6)(demo)

Agnostic

(6)(demo)

SSN (b)(6)(demo)

7. GRADUATION STATUS E-3

b)(6)(demo)

On the morning of 05 sept, 2005, the following personnel were in my unit: (b)(6)(demo) driver, SSgt(b)(6)(demo) TC, SSgt(b)(6)(demo) and SSgt(b)(6)(demo) passenger, in the back, and Spec(b)(6)(demo) gunner during route clearance operations headed west on (b)(1)(demo) we were on a long haul because of a possible IED. Our truck was the lead truck stopping traffic coming from the east. At this time 4 cars were pulled off the side of the road in front of us about 75 to 100 meters in front of us. A white pickup truck approached us speeding very fast. The gunner was shooting, he did not slow down then the gunner fired a warning shot and he did not slow down, then the gunner engaged the truck while pickup into the grill and the truck stopped about 25 meters of the white pickup then backed up. At this time the 4 cars turned around and left the area. The white pickup pulled his truck down to the left at an intersection. He then got out and signaled for help. SSgt(b)(6)(demo) and Spec(b)(6)(demo) from vehicle 2 and SSgt(b)(6)(demo) approached him cautiously, searched him and Spec(b)(6)(demo) called for the medic to come up and check him out. I then pulled my vehicle up to the intersection, the medic checked him out and sent him on his way.

While sitting at the intersection, from the left lane of traffic toward michigan, a white mercedes was approaching us and shooting from the left at a very high rate of speed. The gunner slowed to stop but the car did not stop. Spec(b)(6)(demo) at this time was outside of the truck and fired a warning shot and the car did not slow. At this time the car dangerously close 25 to 35 meters, still speeding. The gunner spec(b)(6)(demo) engaged on the car and it stopped. As a result the LN was killed.

End of Statement

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

(b)(6)(demo)

PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADLINE "STATEMENT OF

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.
SWORN STATEMENT

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

PRIVACY ACT STATEMENT:

Disclosure: Disclosure of your social security number is voluntary.

LOCATION
(b)(1)(d)(e)

DATE (MMDDYY)
30050905

TIME
1456

FILE NUMBER

GRADUATION
E-5

LAST NAME, FIRST NAME, MIDDLE NAME
(b)(6)(d)(e)

ORGANIZATION OR ADDRESS
(b)(6)(d)(e)

I, (b)(6)(d)(e), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approximately 0730 on September 5, 2007, the truck I was in began establishing a cordon while the intercepted a possible IED. I was riding directly behind the TC, SSG (b)(6)(d)(e) was the TC, SPC (b)(6)(d)(e) was the driver SPC. (b)(6)(d)(e) was the gunner and SSG (b)(6)(d)(e) was riding behind the driver. I had moved off of MSR to an auxiliary road to prevent traffic from running down it. About 500 meters down I saw a small white pick up approaching the cordon at a very high rate of speed. After 2 warning shots from SPC. (b)(6)(d)(e), he then fired the ground and the hood of the vehicle, which came to a screech was not armed by lifting his skirt. It was noted that the car forward, he treated the LN and the LN left, we moved forward SPC. (b)(6)(d)(e). At approximately 0830, while I was walking "kiffin", and 2-3 warning shots, I do not know who was firing from the back of the truck, in time to see SPC.
fire a 6-9 round burst from an M-140B. It appeared the rounds struck the ground the front grill, the driver's side headlight and the windshield. After the incident 556 and myself moved to a small brick wall closer to the vehicle in order to observe the occupants. 556 observed through his weapon optic that the occupant of the white Mercedes-Benz was not moving. We then called toward the medic and 556 and myself moved to the far side of the vehicle to provide security, the medic made a quick assessment that the CW was dead, 556 and myself then moved back to the 556.
Page 54 redacted for the following reason:

(b)(2)Info, (b)(1)