Findings (cont.)

27. [Redacted] stated that she did not know why her husband did not respond to the Marines actions and stop the car.

28. [Redacted] stated that her husband had bad eyesight.
Page 12 redacted for the following reason:

(b)(5)
From: Commanding Officer
To: Captain [redacted], USMC

Subj: INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING THE TASK FORCE 1/1, CHARLIE COMPANY ESCALATION OF FORCE INCIDENT ON 12 MAY 2006

Ref: (a) AR 15-6

1. This appoints you, per chapter III of the reference, to inquire into the facts and circumstances surrounding Charlie Company escalation of force (EOF) incident that occurred on 12 May 2006.

2. Investigate the cause of the EOF, resulting injuries and damages, and any fault, neglect, or responsibility therefor, and recommend appropriate administrative or disciplinary action if warranted. Report your findings of fact and recommendations in the proper format by 14 May 06, unless an extension of time is granted. If you have not previously done so, read chapter III of the reference in its entirety before beginning your investigation.

3. You may seek legal and procedural advice from Major 1-10 SJA, during the course of your investigation.

Acting
Addendum C

SWORN STATEMENT

For use of this form, see AR 165-42 the authorized agency is DODOPS.

<table>
<thead>
<tr>
<th>AUTHORITY:</th>
<th>PRIVACY ACT STATEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITLE 10 USC Section 3901, Title 5 USC Section 552, 5 F.R. 3007 dated November 22, 1943</td>
<td>To provide commanders and law enforcement officials with means by which information may accurately and</td>
</tr>
<tr>
<td>ROUTINE USES:</td>
<td>effectively reconstructed.</td>
</tr>
<tr>
<td></td>
<td>Your social security number is used as an additional alternative means of identification to facilitate filing and</td>
</tr>
<tr>
<td>DISCLOSURE:</td>
<td>retrieval.</td>
</tr>
<tr>
<td></td>
<td>Disclosure of your social security number is voluntary.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1. LOCATION</th>
<th>2. DATE (YYYY/MM/DD)</th>
<th>3. TIME</th>
<th>4. FILE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>(6)(1)</td>
<td>2005 05 13</td>
<td>1300</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. LAST NAME</th>
<th>FIRST NAME</th>
<th>MIDDLE NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. SSN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7. GRADE/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-1 Active</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8. ORGANIZATION/ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fourth Platoon, Charlie Company</td>
</tr>
</tbody>
</table>

I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH. THIS STATEMENT IS MADE TO SUPPLEMENT MY EARLIER SWORN STATEMENT TO 1ST LT. (b)(6) ON 12 MAY 2005.

After the escalation of force incident, I questioned the passerby in the car, (b)(6). She stated that she and her husband, the deceased (b)(6), were returning from their son's funeral when they came upon the Marine checkpoint. (b)(6) stated that he did not know why her husband did not stop the vehicle before he was killed. She did state that (b)(6) had very bad vision and that this may have been the reason that he did not stop. We then issued (b)(6) a claim card.

15. EXHIBIT | 16. INITIALS |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(b)(6)</td>
</tr>
</tbody>
</table>

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF... TAKEN AT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

DA FORM 2823, DEC 1996

DA FORM 2823, JUN 72, IS OBSOLETE

USAPA V3.9
AFFIDAVIT:

I [Initial], DO DECLARE UNDER PAIN OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND SD AMD, THAT I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE WHOLE STATEMENT MADE BY ME, AND THAT STATEMENT IS ACCURATE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I MADE THIS STATEMENT FREE OF HOPE OF BENEFIT OR REWARD, WITH THE INTENT OF DOING JUSTICE TO THE PERSON OR ORGANIZATION, UNDER UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

________________________________________

ORGANIZATION OR ADDRESS:

________________________________________

________________________________________

ORGANIZATION OR ADDRESS:

INITIALS OF PERSON MAKING STATEMENT: [Initial]

PAGE 2 OF 2 PAGES

12271
At 1000 on 12 May 2006 I gave the order to my platoon sergeant to establish a snap vehicle check point (SVCP) 500m of grid W55010 in Iraq. I gave the order to my driver, LCpl DIO, at 1005 to move on to W55410 to trap the vehicles between my platoon sergeant's vehicle and my own. I was in place 300m to the east of the western blocking position established by my 1st Plt. I oriented east. I had my dismounts do their 360 and 350 checks around the vehicle. While this was happening, CPL [redacted] was doing the same 15-20m behind me in the eastbound lane facing the west. His twin gunner, CPL [redacted] was oriented east. I was in the westbound lane.

As we established our position, traffic stopped 800m to our east, creating a large jam in the road numbering in excess of 20 vehicles. Before my Marines could establish trigger lines and warning signs on the road, a single vehicle, a grey, sedan Audi, passed the traffic jam and approached our vehicle at a high rate of speed. The vehicle was closing the distance between the stopped traffic 800m to my east and myself very rapidly. As the car got closer, CPL [redacted], my twin gunner, and CPL [redacted] began moving...
red flags. These flags are an early warning device for oncoming traffic used to
give civilians a warning to stop. The flags were moved from 300m east of our
position until 150m line where Lcpl [redacted] shot a penflame at the vehicle. It
did not stop. At that point I exited my vehicle and preceded my weapon to the
vehicle. It did not stop, At 100m I fired 3 inces at the hood in front of the
vehicle, then 2 more at the tires on the passenger side. Both tires were hit
and deflated. The vehicle continued toward us. At 75m [redacted] ordered Lcpl
[redacted] to fire his M240 machinegun at the vehicles engine. A 8-8 round
burst at the vehicle hit the hood. The vehicle continued toward us. At 50m
Lcpl [redacted] engaged the vehicle with his M240 caliber machine gun. He shot
14 rounds at the drivers compartment. The vehicle stopped 20m in front of my vehicle.

As soon as it stopped, I had the companies fire corporal [redacted] and Lcpl [redacted] approach the vehicle to search it and assist
injuries. On scene the corporal reported one civilian IIA and his wife, who was
not harmed. The vehicle had no suspicious contents. After the scene was secure I
called the CASE and submitted my JFO report, requested IED/IUA assistance and
waited for further guidance.

I had my reinforced squad hold a tight cordon around the incident
site while the IP showed up on scene. This occurred at 13:30. By 13:45 they
had taken possession of the civilian casualty, his widow and their vehicle. At
1300 we broke down the cordon and headed to [redacted] to link-up with
the remainder of my platoon.
VOLUNTARY SWORN STATEMENT

Date: 12/05/2006

I, [Name], hereby make the following statement:

whom I know to be the Investigating Officer.

My current billet is: Armored Custodian / turret gunner

My current unit address is: [Full Unit Address]

My rotation date is: ____________________________

My duty phone number: ________________________ (duty phone number)

Around 1010 we set up in a snap VCP. I was in the turret of one of two vehicles on the Easternordon. Approx
800m vehicles had seen us and stopped. As the dismounts jumped out and did the 5 and 25m checks I noticed a car
moving toward our position at about 60 mph. After myself and
Lt. [Name] waved our flags to slow the vehicle down, it
wasn't showing any signs of slowing down. When the vehicle
was at 150m from our position, Lt. [Name] shot up a pop-up.
After the pop-up went off and the car wasn't slowing down, I made
the .50 cal condition 1 and Lt. [Name] jumped out of his
vehicle. His vehicle was about 15m North East of the vehicle
I was in. When the suspected VBED vehicle was at 100m
up with the M240 in his turret. When the car was still wasn't slowing down
I opened up with the .50 cal. with 4 rounds until the car stopped. When the car stopped Lt. signaled cease fire. When all firing stopped Doc ran up to the car to assess the casualties. Then the high back moved up to the car to search and help with the casualties. Approximately 35 minutes my vehicle pushed East of the high back to provide security. We waited for the IRT until 12:30 when they arrived. Then at 12:00 we packed back to

1205 2006
Pages 20 through 21 redacted for the following reasons:

(b)(1), (b)(2)Low, (b)(6)