AFFIDAVIT

I, Sergeant [Redacted], have read or have had read to me this statement which begins on page 1, and ends on page 3. 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 Administering Statement)

Witnesses:

Subscribed and sworn to before me, a person authorized by law administer oaths, [Redacted] day of [Redacted], at [Redacted]

(Signature of Person Administering Oath)

[Redacted] Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON TAKING STATEMENT

PAGE 3, DA FORM 2823, DEC 1998
PRIVACY ACT STATEMENT

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A. AUTHORITY FOR SOLICITING INFORMATION. 10 U.S.C. §3013

B. PRINCIPAL PURPOSE FOR WHICH THE INFORMATION IS INTENDED TO BE USED. To determine the facts and surrounding circumstance be investigated by the authority of appropriate Army Regulations regarding Reports of Survey, Line of Duty Investigations, Army Regulation 15-6 Investigations, or any other procedural matters concerning the gathering of evidence.

C. ROUTINE USES THAT MAY BE MADE OF THE INFORMATION. Any information you provide is disclosable to members of the Department of Defense who have an official need to know the information in the performance of their duties.

D. DISCLOSURE. If you are a subject or suspect in an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide information.

E. THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED. Providing the information is voluntary subject to paragraph D, there will be no adverse effect on you for not providing the information other than certain information might not be available to the appointing or reviewing authority for decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information solicited from me this ___ day of __________ 2005.

Signature of witness  

Signature of Official  

13252
We SP'd 1900 from FOB Gabe to the IA HQ when it came under attack. I was the driver of Halo 8 on the road march up. Immediately upon arrival at the IA HQ, Halo 8 saw multiple tracers go by overhead. We set up down the street from the headquarters by some road barricades, which we used as cover to set up our roadblock. I was informed that there was a VBIED that was detonated in the IA parking lot shortly before we arrived on the scene and that no traffic was allowed in to the area. I was also informed that there were AIF on the ground as well, shooting at the HQ and IA soldiers and to be on the lookout for them as well. I set up a defensive position behind a road barricade in the middle of the road with SPC from the medic's on my left and PFC from Halo Platoone on my right, my TC SGT was on the right side of the road approximately 25 meters from my position, covering the palm groves on the other side of the canal. At approximately 1940, a car was coming up to our position. It was identified as a '95 to '99 Hyundai Sonata with a single occupant in the vehicle. When he got about 200 meters away from us, we shined the spotlight towards his position and motioned for him to turn around and go away from us. He did not respond to our hand signals and continued to move towards us at about 30 to 35 miles an hour, he came within 100 meters and I motioned to slow down, after several shots and motions to slow down, he pulled to the left hand shoulder of the road and dimmed his lights. His vehicle was still moving very slowly on the shoulder, he came 75 meters away and I started shouting "stop" in English, then spoke in Arabic "qit", "aragf" which both have been proven ways of saying stop. He turned his brights on and came back on to the road, facing us. I heard his engine pick up and saw that the vehicle was now picking up to at least 30 miles an hour. I raised my rifle and shouted "qit", "aragf" again. I then proceeded to ask Sgt if I should shoot a warning shot, I was granted permission to shoot at the road directly in front of him. He was 50 or 60 meters away when I shot at the ground right in front of the car, he did not stop so I fired into his radiator. At that time, I told Sgt that he wasn't stopping; he told that if he came any closer to take him down. The car was about 30 meters away when I took aim at his hood and fired one round into his hood, PFC and SPC fired into his tires and one round went through the top of his windshield and blew out the back window. I took aim upon the driver and fired one round into his right eye socket. His body slouched over and the car rolled to a stop approximately twelve meters away from the barricade. There were still shots being fired as the car rolled to a stop and Sgt and I called "cease fire" when I told him I shot the driver. As soon as the firing stopped, SGT and me approached the vehicle and identified the driver dead. In total, I fired four rounds out of my magazine.

10. EXHIBIT D

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE BRID THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.
6. What did you believe the vehicle intended to do?
I wasn't sure. At first I thought he was just trying to get by because he slowed down and dimmed his lights. He coasted about 15 meters and then he turned on his bright lights and I heard his engine rev and he sped up.

7. What happened next?
I fired a round at the ground in front of the vehicle. He continued toward us so I asked SGT [redacted] if I could fire another warning shot at the vehicle. He gave me permission so I fired at the front of the vehicle trying to hit the radiator. SGT [redacted] told me to shoot to kill if he kept coming. The vehicle continued toward us and I fired into his hood attempting to disable the engine. The vehicle continued toward us so I aimed my rifle at the driver and fired.

8. How many military vehicles were at the scene? My truck, Halo 8, with [redacted] on the gun, the FLA, and Halo 9 with SGT [redacted] and SPC [redacted].

9. Where did Halo 7 went with Dreadnaught 6? They were on the other side of the road, closer to the IA headquarters.

10. Can you draw a sketch of the area where this incident occurred?
STATEMENT OF Private First Class ______ TAKEN AT FOB GABE DATED 2005/03/23

9. STATEMENT (Continued)

N OT I NG  F O LLO W S  

AFFIDAVIT

I, Private First Class ______, have read or have had read to me this statement which begins on page 1, and ends on page 3. 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]

Subscribed and sworn to before me, a person authorized by law administer oaths, ______ day of __________, 20____ at ____________________________

[Signature of Person Administering Oath]

[Typed Name of Person Administering Oath]

[Authority To Administer Oaths]

WITNESSES:

________________________________________

________________________________________

________________________________________

ORGANIZATION OR ADDRESS

________________________________________

________________________________________

ORGANIZATION OR ADDRESS

________________________________________

________________________________________

________________________________________

INITIALS OF PERSON MAKING STATEMENT

________________________________________
PRIVACY ACT STATEMENT

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I acknowledge that I am hereby informed of the above matters regarding the information solicited from me this 23rd day of March 2005.

[Signatures]

Signature of witness

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 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

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
FOB Gabe, Iraq

2. DATE (YY/MM/DD)
2005/03/23

3. TIME
2000

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS
E3/RA

8. ORGANIZATION OR ADDRESS
HHC 2-34 AR, OIF III, FOB GABE, IRAQ APO AE 09397

9. Private First Class, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

We were at the ING checkpoint pulling security nobody was aloud in only U.S. Forces and ING. We were standing there for about 10 min when the first car came up. We pointed high beam Flashlights yelling at him to stop in Arabic in English and showed hand signs as well, he slowed down but he kept coming. We kept yelling but he kept coming we were given the order to fire. I shot two rounds at the car, shot four, and shot I think two. The Guy fell over in his car and when we walked up to the car he had taken a round through the eye and then after a while we laid him in a body bag and towed the car to the ING HQ were they took care of the rest.

IO questions based on initial statement:

1. What information were you given before you SP’d? IA HQ was under attack.

2. Describe the vehicle with bright lights that approached you position.
   It was a gray/silver colored Hyundai 4 door. Fairly new. Well kept.

3. How did you visually signal the vehicle to stop?
   At about 150-200 meters from the vehicle, we flashed the spotlights at the vehicle, shouted at the vehicle to stop several times in English and in Arabic, waved our hands and raised our weapons.

4. Where were you located at the time?
   I was standing behind a concrete barrier, to PFC right.

5. What did you believe the vehicle intended to do?
   I’m not sure what he was intending to do, but there was no way he didn’t understand that he was supposed to stop.

6. You said you fired to rounds. Did you see where the rounds impacted? The back right tire and I’m not sure where the other one impacted.

7. What type of weapon did you use?
   An M4.

8. How many military vehicles were at the scene? An M1114, an M1025 and an FLA.


10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGES
PAGE 1 OF 3 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
9. Can you draw a sketch of the area where this incident occurred?
PRIVACY ACT STATEMENT

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I acknowledge that I am hereby informed of the above matters regarding the information solicited from me this 23 day of March, 2005.

Signature of witness

[Signature]

Signature of interviewee

[Signature]
SWORN STATEMENT
For use of this form, see AR 190-45the proponent agency is DDCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951.E.O. 9357 dated November 22, 1943 (SSN).
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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
   FOB Gabe, Iraq

2. DATE (YYYY/MM/DD)
   2005/03/23

3. TIME
   2030

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS
   E3/RA

8. ORGANIZATION OR ADDRESS
   HHC 2-34 AR, OIF III, FOB GABE, IRAQ, APO AE 09397

9. Private First Class [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

   SP FOB Gabe at 19:15 to IA HQ in ALA BARRA when it came under attack I was the gunner on Halo 8. We approached the
   HQ on the road intersecting the road that the HQ is on and we came under heavy fire we saw tracers flying over the trucks. We
   stopped shortly up the road and were given instructions to block of the road facing north. We set up a roadblock and I was scanning
   the open field with NVGs when I noticed lights heading towards our checkpoint. I then saw lights being shinned towards the
   approaching car to signal the individual to stop. I secured my own spotlight and shined it at the driver in flashes. He was given
   numerous verbal commands to stop in both English and Arabic. But the driver never stopped and continued towards our roadblock
   even with soldiers standing in the road giving arm and verbal warnings. Warning shots were fired into the front of the vehicle he
   did not slow down and [redacted] gave the order to fire as the driver was still heading into the road block. There was a short
   burst of fire and the car rolled forward and came to rest about 12 to 13 meters from our roadblock. We pulled security another car
   approached and was given warning shots and immediately stopped and backed up. We had a 3rd vehicle approach from the south
   and he was given a warning shot into his bumper he immediately stopped and backed up and left the scene. We conducted clean up
   operations and towed the car with the driver in a body bag in the back seat of the car to the HQ and then RP to FOB Gabe at
   around 01:30.

10. questions based on initial statement:

   1. What is your position?
      I am Halo 8's gunner.

   2. What information were you given before you SP'd? IA HQ was under attack and we were going to give support and provide
      security.

   3. Describe the vehicle with bright lights that approached you position.
      It was a silver 4 door sedan. A Hyundai Alanta.

   4. How did you visually signal the vehicle to stop?
      Flashed the spotlights at the vehicle, at the cur weapons and back and forth.

   5. What did you believe the vehicle intended to do?
      After he got close, I thought he was trying to drive through the check point.

   6. Who fired at the vehicle?
      SPC [redacted], PFC [redacted] and PFC [redacted]

   7. You were still in the gunner's station correct?
      Roger, Sir.

   8. How many military vehicles were at the scene? 3. An M1025 (Halo 8), an M1114 (Halo 9), and the FLA.

   /////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

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

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DA FORM 2823,DEC 1998

DA FORM 2823, JUL 72,16 OBSOLETE

USAFA V1.00

13261
9. Can you draw a sketch of the area where this incident occurred?
9. STATEMENT (Continued)

NOTHING FOLLOWS

AFFIDAVIT

Private First Class, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3, 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)

Subscribed and sworn to before me, a person authorized by law administer oaths, _____ day of ____________, at

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

INITIAL OF PERSON MAKING STATEMENT

PAGE OF PAGES

PAGE 4, DA FORM 2823, DEC 1998

13263
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I acknowledge that I am hereby informed of the above matters regarding the information solicited from me this __ day of __________, 2005.

Signature of witness

Signature of interviewee
Exhibit G: Sketch of area

- Vehicle fired upon
- Concrete barrier
- Halo 8
- Halo 9
- Halo 7
- Small building
- SGT
- PFC
- PFC
- SPC
- Cinder blocks
- Canal
- Palm Grove
- IA Headquarters
- Dreadnaught 6
- = Weapons orientation

13265
Exhibit J: Photos of vehicle
Exhibit J (Cont): Photos of vehicle