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 BY FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by

[Name]

Commander, 3rd Brigade 1st Armored Division

(Appointing authority)

on 10 January 2006

(Date)

(Attach enclosure: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) commenced at Camp Taji, Iraq

(Place)

at 1200

(Time)

on 10 January 2006

If a formal board met for more than one session, check here \( \Box \). Indicate in an enclosure the time 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.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 3-2 and 5-8a, AR 15-6.)

The (investigating officer/board) finished gathering/hearing evidence at 1500

(Time)

on 10 January 2006

and completed findings and recommendations at 1900

(Time)

on 10 January 2006

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

<table>
<thead>
<tr>
<th>Task Description</th>
<th>YES</th>
<th>NO</th>
<th>NA</th>
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<tbody>
<tr>
<td>Enclosures (para 3-15, AR 15-6)</td>
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<tr>
<td>Are the following included and numbered consecutively with Roman numerals? (Attached in order listed)</td>
<td></td>
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<tr>
<td>a. The letter of appointment or a summary of oral appointment data?</td>
<td></td>
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<td>X</td>
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<tr>
<td>b. Copy of notice to respondent, if any? (See Item 9, below)</td>
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<tr>
<td>c. Other correspondence with respondent or counsel, if any?</td>
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<td>d. All other written communications to or from the appointing authority?</td>
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<td>e. Privacy Act Statement (Certificate, if statement provided orally)?</td>
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<tr>
<td>f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?</td>
<td></td>
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<tr>
<td>g. Information as to sessions of a formal board not included on page 1 of this report?</td>
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<tr>
<td>h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?</td>
<td></td>
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</tbody>
</table>

FOOTNOTES:
1) If any negative answers on an attached sheet.
2) Use of the 8th column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

DA FORM 1574, MAR 83 EDITION OF NOV 77 IS OBSOLETE.
MEMORANDUM FOR CPT [REDACTED], HHB, 4th Battalion, 1st Field Artillery Regiment, 3d Brigade, 1st Armored Division, APO AE 09378

SUBJECT: Appointment as Investigating Officer

1. Pursuant to AR 15-6, paragraph 2-1, you are hereby appointed as an investigating officer to investigate the escalation of force incident involving members of SVC/4-1 FA and B/4-42 FA that resulted in the death of one local national on 10 January 2006.

2. In your investigation, use procedures under AR 15-6, Chapter 4, for an informal board of officers. All witness statements will be sworn, and you will follow the procedures in AR 15-6, paragraph 3-7e for Privacy Act statements. If the person you are interviewing states that he/she does not know anything about the allegations, prepare a sworn statement to that effect for the witness to sign. If, in the course of your investigation, you suspect a soldier has committed an offense under the UCMJ, you must advise and read him/her their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate, prior to conducting any interview.

3. If it becomes evident that there is possible misconduct outside the scope of your investigation notify the appointing authority immediately. If during your investigation you become aware of information that needs command attention, immediately notify the appointing authority for guidance.

4. Contact the Command Judge Advocate, CPT [REDACTED], for legal guidance prior to starting your investigation. CPT [REDACTED] is located in Bldg 72 and his phone number is VOIP: 242-6045.

5. Submit your findings and recommendations on DA Form 1574 to CPT [REDACTED] for legal review no later than 17 January 2006.

COL, AR
Commanding
COMMANDER'S INCIDENT REPORT:

LINE 1: Unit reporting: 3/1AD (SVC/4-1FA with B/4-42FA on LSR)

LINE 2: Incident: EOF resulting in death of LN

LINE 3: Date/time group (DTG) incident occurred: 100043JAN06

LINE 4: Location of incident: MSR TAMPA.

LINE 5: Personnel involved

<table>
<thead>
<tr>
<th>Name</th>
<th>Rank</th>
<th>Unit</th>
<th>SSN</th>
<th>Position</th>
<th>Sex</th>
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LINE 6: SUMMARY: On or about 100043JAN, SVC/4-1 FA and B/4-42 FA were conducting an MSR Tampa security patrol as part of LSR/RSR. This patrol was involved in an escalation of force incident resulting in the death of one male local national. At approximately 0040, the 3 M1114 patrol was traveling north on MSR Tampa. The patrol observed one local national vehicle traveling south on MSR Tampa. Since this was a violation of the Baghdad curfew, the patrol decided to emplace a snap TCP IOT stop traffic and check the vehicle.
two remained halted. After the first vehicle search was complete, the patrol waved the second vehicle through to the primary search area. The third vehicle attempted to bypass the second vehicle, moving towards the dismounted soldiers that were controlling traffic. These soldiers did not halt the vehicle. The vehicle failed to respond.

The unit began administering first aid and loaded the LN into one of the M114s in an attempt to get him to a clinic on Camp Taji to receive proper medical attention. The LN died of wounds before reaching the gate. 4-1 FA then contacted 3/1 AD to arrange IP collection of the body. A search of the vehicle after the incident yielded no contraband. The dead local national had no identification either on his person or in his vehicle. The LN appeared to be approximately 30-35 years old. The IPs took custody of the body from 4-1 FA at 0358. Brigade commander has directed initiation of an Art 15-6 investigation.

LINE 7: Injuries or damage to government and/or civilian property: 1x LN KIA.

LINE 8: Commander reporting: LTC, CDR, TF 4-1FA

COL, AR
Commanding
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LINE 7: Injuries or damage to government and/or civilian property: 1x LN KIA

LINE 8: Commander reporting: LTC [REDACTED] CDR, TF 4-1FA

COL, AR
Commanding
**WORN 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 provided.

**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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<tr>
<th>1. LOCATION</th>
<th>2. DATE (YYYY-MM-DD)</th>
<th>3. TIME</th>
<th>4. FILE NUMBER</th>
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<th>6. SSN</th>
<th>7. GRADE/STATUS</th>
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<thead>
<tr>
<th>8. ORGANIZATION OR ADDRESS</th>
<th>9.</th>
<th>10. EXHIBIT</th>
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</thead>
<tbody>
<tr>
<td>[Redacted]</td>
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<td>3</td>
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9. **WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

At about 0045 (past curfew) in the morning of 10 Jan 06, I Sgt Walker was conducting watch as the gunner while 556 56T was controlling traffic for vehicle search operation. There were two trucks: a truckrack and a larger truck on MSE Tampa. 556 56T told the larger truck to move forward. The truckrack truck was behind the larger truck was approximately 50 meters began to move behind the larger truck. The truck rack was told to stop several times but continued to move forward. I was concerned for the safety of 56T 556 56T.

10. **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.
The vehicle swerved off of the road and hit one of the power line poles where it stopped. The vehicle crashed approximately 150 meters from the search area. Nothing follows.
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 2901; E.O. 9397 dated November 22, 1943 (SSNI).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately

ROUTINE USES:

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
   MSR TAMPA

2. DATE (YYYYMMDD)
   20060701

3. TIME

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. ORGANIZATION OR ADDRESS
   SFC GIBBY 4-1 FA CAMP TAJI, IRAQ APO AE 09178

7. GRADE/STATUS
   E-6 / RA

9. 

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While on MSR Tampa 9/7/06 0530, SFC GIBBY and myself were searching a vehicle on the MSR. While searching a vehicle on the MSR our vehicle (14A-9) was the last vehicle. We were pulling our security as the two other vehicles on our patrol were searching a vehicle that was on the MSR Tampa, well after curfew had been set. While both (right seat-right) was trying to get out of the Humvee, I told the first truck to move forward to get searched along with Sgt 

The first truck was telling the first truck the same thing. We were both moving our flashlights, he moved up to the second vehicle started moving forward. As he started moving forward, I started yelling for him to stop while signaling for him to halt w/ the hand sign (my thumb touching mid-joint of my ringfinger, middle finger). At that time I was flashing my Surefire Flashlight.

The Humvee was 25-30 meters from the truck when they were stopped. As the second drove away it was not far away. The vehicle was going straight toward the front 2 vehicles that were doing all the searching.

After it rallied it was roughly 150 meters from our position. As we pulled up to the truck I was on the passenger side, Sgt was on the driverside. He was laying down to his right, Sgt saw that he was hit and yelled for help. He started to pull the man out. I then grabbed his weapon. Everyone was trying to help the man by performing first-aid. Sgt used his first aid kit. A convoy came by and their medics tried to assist. He said this wasn't much he can do, he had died. This incident had all 3 stages of the EOC steps followed. Sgt followed all steps.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE BE INDICATED.

DA FORM 2223, DEC 1998

DA FORM 2223, JUL 72, IS OBSOLETE
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; EO 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 filling and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION

2. DATE (YYYYMMDD) 10 Jan 95

3. TIME 0645

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS SGT E-5

8. ORGANIZATION OR ADDRESS

9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 10 Jan. 95 at approximately 0645 hrs. We had stopped
some vehicles on MSR Tampa. The drivers and TC's
were dismounted. 2 vehicles approached from the
rear. They were about 300 meters from our location.
Lt. [redacted] instructed my truck (SGT [redacted], SSG [redacted]
and SSG [redacted]) to drive to them and have
one truck at a time pull forward to be searched.
When we got to the 2 vehicles myself and SSG
[redacted] exited the vehicle. SGT [redacted] was our
Gunner. SSG [redacted] was trying to exit the vehicle
while myself and SSG [redacted] told the first vehicle
to pull forward, when doing this, the Second
vehicle began to pull forward,

10. EXHIBIT 5

11. INITIALS OF PERSON MAKING STATEMENT

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

FOUR
Vehicle was 10 to 15 meters from me.

Ex 1

Ex 10

We then jumped in the hum-vee and drove to him. I jumped out and ran straight to the truck. I approached quickly and realized the person was hit. I immediately yelled for help! LT. ran to my assistants. He helped me remove the man. I noticed a lot of blood. I began performing first aid; I cut all his clothes off. Cause he was covered in blood. I found a wound to the lower left side of his back. There was no exit wound. He was barely breathing. The blood was gurgling from the wound. I immediately took out my
STATEMENT OF

TAKEN AT 0545

DATED 16 Jan 05

9. STATEMENT (Continued)

battle dressing + applied pressure. I then wiped the wound clean, I placed a sucking chest wound bandage on the wound. I yelled for more help. A passing convoy stopped + they had a medic present. He arrived and said the man was dead. He had lost too much blood, there was nothing else I could do, but I feel we reacted 100% in the right way!

AFFIDAVIT

I ________________, 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)

WITNESSES:

________________________________________
________________________________________

ORGANIZATION OR ADDRESS

________________________________________
________________________________________

ORGANIZATION OR ADDRESS

________________________________________

________________________________________

INITIALS OF PERSON MAKING STATEMENT

PAGE 3, DA FORM 2823, DEC 1998

PAGE 3 OF 3 PAGES

USAPA V1.00

13612
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 2851; 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: Disclosure of your social security number is voluntary.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
MSR TAMPA

2. DATE (YYYYMMDD)
20060118

3. TIME
08:15

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS
2LT

8. ORGANIZATION OR ADDRESS
SVC/4-1 PA

9. ______________________________________ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 10 JAN 06, at 0845, my SVC Combat Patrol
stopped a vehicle that was breaking curfew on
MSR TAMPA (near tower A08). My truck S-31 and S-6
were the two trucks directly conducting the search on
the stopped vehicle. HA-8 was pulling rear security in
our blocking position and the TC (SGT) and driver
(SGT) were dismounted scanning the area. As I was
overwatching the search of the vehicle being searched, 2 more
vehicles approached my rear security (HA-8). I saw them
stopping the vehicles and then focused my attention back to
the search being conducted.

I then moved with my gun
truck to the position of HA-8 to access the situation.
I then went to the individual who was shot and
helped SGT pull him out of the truck. We tried
to save him by providing first aid, but the individual
bled to death. I called all happenings up to B-DOC and
followed their guidance from there.

NOTHING FOLLOWS

10. EXHIBIT
6

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION

2. DATE (YYYYMMDD) 20060110

3. TIME 0533

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS 6-4

8. ORGANIZATION OR ADDRESS

9. [Handwritten text]

10. EXHIBIT 7

11. INITIALS OF PERSON MAKING STATEMENT

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

USAPA V1.00

13015
WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of Jan 10 2006 I was the TC in S-6 (Milly) part of the MSR patrol. A truck had violated curfew and we stopped it by blocking it on the MSR. S-4N was in the front S-6 was to the side and HQ-8 was pulling rear security, after checking the truck we sent it away. More civilian traffic was coming toward us and was at a stop about 500 meters away. I was dismounted at my vehicle and didn't have a clear sight of the civilian traffic, only heard shots fired from HQ-8. Directly after the shots S-6 and S-4N quickly moved to HQ-8 and realized what happened. Lt then took control of the situation I stayed at my Milly.
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.

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6. ORGANIZATION OR ADDRESS

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

On NSW Patrol, the early morning we pulled over a civilian van. I saw two other vehicles approaching the rear security element. We were done searching the first vehicle when

I heard gunfire coming from our rear element. I didn't see what happened because the first vehicle was in my way. When we got to the rear security element, was looking into the truck when got shot and not responding. After trying first aid and getting a medic, the man died.

10. EXHIBIT 9

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

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 BE INDICATED.
On the 10th of Feb. around 0045 we were conducting MSR Patrol. A vehicle was on the road after curfew. We stopped the vehicle and began to search the individual and his vehicle. While searching the vehicle two other vehicles approached. The rear gun truck let us know they had two more vehicles coming our way. While I was directing the vehicle around our truck I heard shots being fired. We came up to the other vehicle. The rear gun truck's driver and TC was conducting 1st aid on the individual. The individual died while help was being given.
1. 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 FALSE PROMISE.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this day of , 2006

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Commissioned Office

(Authority To Administer Oaths)
I, [redacted], want to make the following statement under oath:

We stopped a local national passed curfew on MSR Tampa close to Castle gate. My position was middle gun truck facing the local national in a towards the west. He was searched and drove off to the south. Two other vehicles headed south towards us. I continued scanning my sector for snipers and heard 4 shots. We drove towards the 2 vehicles and stopped at the first vehicle. I sketched the 240 aimed on him, not knowing if he had any weapons. Sgt [redacted] got him out of the vehicle and started to search him. I glanced at the fellow soldiers to see them pull a body from a truck. Then I went back to pulling security on the first Iraqi. Nothing follows.
AFFIDAVIT

I, [redacted], 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 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 14th day of Jan., 2006 at Camp [redacted], [redacted].

(Signature of Person Administering Oath)

Typed Name of Person Administering Oath

Commissioned Officer

Authority to Administer Oaths

INITIALS OF PERSON MAKING STATEMENT

PAGE 3, DA FORM 2823, DEC 1998

13624
**SWORN STATEMENT**

For use of this form, see AR 190-48; the proponent agency is ODCSOPS

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**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (ISSW).

**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately recorded.

**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.

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<tr>
<td><strong>[Redacted]</strong></td>
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<td><strong>E-5/Driver</strong></td>
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<table>
<thead>
<tr>
<th>8. ORGANIZATION OR ADDRESS</th>
<th>9. STATEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SVC 4-1 FA</strong></td>
<td><strong>[Redacted]</strong></td>
</tr>
</tbody>
</table>

The sabre patrol stopped a truck that was driving after curfew. At about 1:30 am, about 1K north of the exit of Castle Gate, I got out of my truck to search the vehicle. I was parked facing west with my lights on the vehicle. Sun was facing north in front of it and H88 was facing south behind it. As I finished searching the two guys in the vehicle, I heard a shot to the north of me. I knew it was m16 fire, then I heard two more shots. I was told to get in S6 and get my ass down there. By the time I got there, there was an Iraqi man bleeding on the street. S6 and **[Redacted]** was trying to help him so I gave him all the help I could. But the man still died.

---

**10. EXHIBIT**

**11. INITIALS OF PERSON MAKING STATEMENT**

**PAGE 1 OF 2 PAGES**

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _______ 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.

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSNI).
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 (HHMM)

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. CEN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The victim I was riding in had stopped. We discovered 2-3 soldiers
were searching a victim that was stopped and civilian inside victim.

Multiple shots were fired. did not see. The personnel that discovered
fire from victim that was fired upon had stopped. We pulled the driver

10. EXHIBIT 13

11. INITIALS OF PERSON MAKING STATEMENT

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
<table>
<thead>
<tr>
<th>WITNESSES:</th>
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</table>

**AFFIDAVIT**

I, the undersigned, do solemnly swear that I have read or had read to me this statement, and that the contents of the entire statement made by me, the undersigned, are true, and that I have initialed all correction and have initialed the bottom of each page containing this statement, and that I have made this statement freely, without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14th day of __________, 20__

[Signature of Person Making Statement]

[Typed Name of Person Administering Oath]

[Authority to Administer Oath]
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT
AURITOPY: 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 in voluntary.

1. LOCATION
   N. S. Tampa

2. DATE YYYY/MM/DD
   03/06/10

3. TIME
   0900

4. FILE NUMBER
   Ex6

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS
   SGT/C-5

8. ORGANIZATION OR ADDRESS

9. 
   I, [Redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
   That on the morning of 10 Jan 06 around 00:00 I was
   dismounted from Tampa (M2) watching/pulling guard on an
   Iraqi while his vehicle was being searched. Reason for
   this was because he was out passed curfew plus
   his victor had a lot of fuel leaking from it. At that
time the OIC told that saw two other trucks maybe
a 100-150 meters away and told one of the gun trucks
to go check them out. About a minute later I heard 1
gun shot followed by another maybe 2-3 seconds apart. We
(my gun truck) were done. Searching the leaking truck so we
immediately released him and went to the scene where the
shots were fired. By the time I got there the first of the
two trucks was pulling off we stopped that one (my gun truck)
got the Iraqi out and started to search the truck. That's when
the OIC yelled out he needed a first aid kit. The Iraqi
was hit. Treatment was applied but the Iraqi had lost
so much blood was considered to be a lost.

10. EXHIBIT
   14

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 7 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

13629
**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; 50 U.S. C. 3397 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately obtained for the investigation of criminal offenses and the disclosure of evidence.

ROUTINE USES: Your social security number is used as an additional identifier for the purpose of administrative processes. Disclosure of your social security number is voluntary.

DISCLOSURE: Disclosure of your social security number is voluntary.

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</table>

8. ORGANIZATION OR ADDRESS

| B 414Z FA |

9. **STATEMENT:**

On or around 0045 10 Jan 06 B 414Z FA was conducting a patrol with C-1 FA on MSN Tampa. During the night shift, LT [redacted] was showing me the route for the patrol. Around 1230 AM I was riding in the lead vehicle of a 3 truck convoy. A civilian truck was traveling south on MSN Tampa and the convoy I was riding in was traveling north when the civilian truck passed. At a high rate of speed we turned south down MSN Tampa and stopped the truck to conduct a search of the vehicle. All 3 trucks in the convoy turned a pursued the truck at this time. Once we stopped the vehicle, we conducted a search with the myself, LT [redacted] and the driver at this time my self and LT [redacted] was discussing the procedure for the search. Once the search was complete, we conducted a search of the vehicle. The driver then mentioned that he was stopped behind the rear gun truck and 4 stats was fired. Approximately 100 meters we the jumped in the lead vehicle and a driver was a vehicle on the road stopped and a fuel tank with the driver against a pole. I then pulled the driver's seat out of the vehicle and he was hit and a C1S tried to render first aid, he was not breathing and had a pulse. 10 minutes the civilian was not breathing nor had a pulse.

10. EXHIBIT 15

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 9 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

13631

[Signature]
- LN Vehicle 1 is allowed through to get checked. LN Vehicle 2 is told to stop.
- LN Vehicle 2 does not stop and continues through the soldiers.

Two soldiers controlling traffic

LN vehicle stopped at Snap TCP set up by SVC/4-1 FA and 4-42 FA
Exhibit 17

Distance of vehicles to headlight
Distance of other vehicle stopped from headlight
Distance of lights/lenses at passing vehicle

Why they conducted stop Top vs. botry CP SB catch vehicle

Proximity to catch stop, suspicion after arrest? Desire to
stop before they turn down hill road

# of coalition vehicles (mix of 4-1/4-12)

How close was the vehicle at wrong shot

[Diagram with handwritten notes and sketches]

4223

Fouo