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

SECTION I - APPOINTMENT

Appointed by Colonel, 3rd Brigade Combat Team, 1st Armored Division, Camp Taji, Iraq
(Appointing authority)

on 12 August 2005 (Date) (Attach inclosure 1: 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 1900 hours (Time)

on 19 August 2005 (Date) (If a formal board met for more than one session, check here ☐. Indicate in an inclosure 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 5-2 and 5-8a, AR 15-6.)

The (investigating officer) fulfilled gathering/hearing evidence at 2000 (Time) on 21 September 2005 (Date)

and completed findings and recommendations at 1900 (Time) on 22 September 2005 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1. Inclosures (para 3-15, AR 15-6)
   a. The letter of appointment or a summary of oral appointment data?
   b. Copy of notice to respondent, if any? (See item 9, below)
   c. Other correspondence with respondent or counsel, if any?
   d. All other written communications to or from the appointing authority?
   e. Privacy Act Statements (Certificate, if statement provided orally)?
   f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?
   g. Information as to sessions of a formal board not included on page 1 of this report?
   h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

FOOTNOTES: Explain all negative answers on an attached sheet.

YES ☑ NO ☒ NA ☐

DA FORM 1574, MAR 83 EDITION OF NOV 77 IS OBSOLETE.

Page 1 of 4 pages USAPA V1.20
REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 16-8; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by Colonel David J. Bishop, Commander, 3rd Brigade Combat Team, 1st Armored Division, Camp Taji, Iraq
(Appointing authority)

on 12 August 2005 (Date) (Attach enclosure 1: Letter of appointment or summary of oral appointment date.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) commenced at Camp Taji, Iraq at 1900 hours (Place) (Time)

on 19 August 2005 (Date) (if a formal board met for more than one session, check here □. Indicate on 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 5-2 and 5-8a, AR 15-6.)

The (investigating officer) finished gathering/hearing evidence at 2000 on 21 September 2005 (Time) (Date)

and completed findings and recommendations at 1900 on 22 September 2005 (Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1. Inclosures (para 3-15, AR 15-6)
   a. The letter of appointment or a summary of oral appointment date?
   b. Copy of notice to respondent, if any? (See item 9, below)
   c. Other correspondence with respondent or counsel, if any?
   d. All other written communications to or from the appointing authority?
   e. Privacy Act Statements (Certificate, if statement provided orally)?
   f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?
   g. Information as to sessions of a formal board not included on page 1 of this report?
   h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

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

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

In view of the above findings, the (investigating officer) (hereinafter) recommends:
See attached
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)

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 the correspondence (or a summary, if oral) as a numbered inclosure.)

In (cat. memo)
Having carefully considered the evidence, I find:

(1) What was the sequence of events that led up to the incident? (see exhibit 5-15)
- 2/B/70 patrols northbound on RT. A patrol passes a local national at the intersection of ASR 1 and turns East. A suspicious rock that looks like wet concrete explodes on the 3rd vehicle of the convoy.
- The platoon conducts actions on contact and doubles back on Route 1 to look for the local national who they suspect is the triggerman.
- The platoon intercepts and stops 2 vehicles containing six individuals. The three vehicles establish security and led by SFC , they begin to tactically question and conduct X-Spray tests on the six. These six are later released.
- Simultaneously, LT at least two others dismount to check the concrete factory.
- In the concrete factory, the dismounts discover what they believe to be the site where the IED that exploded on them had been made.
- The dismounts return to the vehicles to call higher, PFC 2 dismounted on the Northwest side of the cordon to provide rear security.
- PFC spots a Black sedan entering the compound from his North/Northwest from ASR.
- Soldiers arrive at the vehicle and two local nationals (passengers) exit the vehicle and are detained.
- Soldiers discover the driver dead, his chest cavity had been pierced by one bullet.
- Pictures are taken on the scene (exhibit 14)

(2) Did the soldiers involve properly escalate the use of force?
The platoon had just been hit by an IED, the platoon had located the possible site where the IED had been constructed, and the vehicle engaged had presented a hostile intent prior to PFC shooting with a disabling shot.

(3) Did the patrol have positive identification (were they reasonably certain that the local national was a legitimate military target) before engaging?

- Based off the evidence available now, it is questionable as to whether or not the vehicle engaged, or the people therein, were legitimate military targets.

- At the time of the incident, however, it is my finding that in PFC's mind, the vehicle, and the occupants therein, were legitimate targets. As mentioned above, the patrol had just been struck with a potentially deadly IED and had found the potential site where the IED had been constructed. Those facts, coupled with the fact that the vehicle had presented itself as initially showing hostile intent, it is reasonable to ascertain that PFC believed he was engaging a legitimate target.

(4) Was deadly force authorized?

- 

(5) Were there any laws of war violations?

- No. No evidence supports any laws of war violation.

(6) Are there any operational lessons that should be captured and disseminated?

- The unit failed to provide the appropriate amount of security on one of the flanks. The unit knew that a secondary entrance to the concrete plant existed. The patrol was down one gun truck at the time for maintenance and as a result, had less combat power available than normal. Nevertheless, the platoon left one dismounted soldier to protect the flank of the platoon with little or no coverage from the rest of the platoon.
(7) Were there any other contributing factors that, if changed, could have altered the outcome?

- It should be noted that this event occurred prior to brigade mandated midtour ROE refresher training.”
In view of the above findings, the investigating officer recommends:

(1) That PFC [redacted] receives a written admonishment from the Appointing Authority, or his designated representative, for his failure to use the proper escalation of force (EOF) in accordance with the rules of engagement (ROE) as outlined in 3rd Infantry Division MND_B OPORD 05-12, Annex E.

In considering this recommendation, I find it appropriate for the appointing authority to consider the following:

a. The platoon had just been engaged by an IED.
b. The platoon was simultaneously conducting tactical questioning.
c. The platoon discovered the site where the IED had potentially been constructed in close proximity to where the incident being investigated occurred.
d. The vehicle engaged had posed a reasonable threat prior to warning shots being fired.

e. [Redacted]
f. [Redacted]
g. PFC [redacted] soldier by superiors and subordinates alike and has no previous record or history of abuse or excessive force.

(2) That 2/A/2-70 AR receive retraining in proper EOF procedures in accordance with published ROE. It is apparent that some soldiers in this platoon do not fully understand the proper techniques to disable a vehicle while minimizing the possibility of collateral damage. Furthermore, soldiers must be trained to be able to properly make the decision when a vehicle no longer presents a military threat or ceases to exercise hostile intent.
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<th>Exhibit #</th>
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<tr>
<td>Exhibit 1</td>
<td>Index</td>
<td>Investigating Officer</td>
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<td>Exhibit 2</td>
<td>Letter of Appointment</td>
<td>Appointing Authority</td>
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<td>Exhibit 3</td>
<td>Commanders Incident Report</td>
<td>LTG</td>
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<td>Exhibit 4</td>
<td>I.O. Timeline</td>
<td>Investigating Officer</td>
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<td>Exhibit 5</td>
<td>Sworn Statement, 25 Aug</td>
<td>SPC</td>
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<td>Exhibit 6</td>
<td>Sworn Statement, 25 Aug</td>
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<td>Exhibit 14</td>
<td>Pictures of Site</td>
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<td>Exhibit 15</td>
<td>Graphics and Sequence</td>
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<td>Exhibit 16</td>
<td>Follow-Up Statement</td>
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<td>Exhibit 17</td>
<td>Follow-up Statement</td>
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MEMORANDUM FOR

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 shooting and killing of a local national by an element of 2/A/2-70 AR which occurred on 11 August 2005 on [redacted] VIC [redacted].

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 affect 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. In your investigation, you need to answer the following questions:

   a. What was the sequence of events that led up to the incident?

   b. Did the soldiers involved properly escalate the use of force?

   c. Did the patrol have Positive Identification (were they reasonable certain that the local national was a legitimate military target) before engaging?

   d. Was deadly force authorized?

   e. Were there any Law of War violations?

   e. Are there any operational lessons that should be captured and disseminated?

   f. Were there any other contributing factors that, if changed, could have altered the outcome?
AFZN-BB-CO
SUBJECT: Appointment as Investigating Officer

4. 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.

5. 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.

6. Submit your findings and recommendations on DA Form 1574 to CPT [Redacted] for legal review no later than 19 August 2005.

COL, AR
Commanding
Appendix 1 (CIR BLUE: REPORT) to Annex C to FRAGO 40 to OPORD 05-007 (RSOI)

COMMANDER'S INCIDENT REPORT:

LINE 1: Unit reporting: 3/1 AD (4/B/2/A/2-70 AR)

LINE 2: Incident: Shooting of a LN

LINE 3: Date/time group (DTG) incident occurred: 111641AUG05L

LINE 4: Location of incident: [redacted]

LINE 5: Personnel involved

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LINE 6: SUMMARY: 2/A/2-70 AR was patrolling on [redacted] when a radio detonated 130mm round exploded inside a concrete block. The detonation caused no casualties and no damage. 2/A/2-70 immediately conducted 5m/25m checks and then began the local cordon and knock operations in search of information or triggermen. Six individuals were detained for tactical questioning due to their proximity to the explosion. As [redacted] was conducting questioning and X-spray, a black Hyundai drove up from the rear of the patrol and 3 individuals disembarked and began questioning the local nationals. When the 2/A/2-70 soldiers made eye contact with the new IZ's from the black Hyundai, they immediately fled back towards their vehicle and fled the scene at a very high speed. The soldiers attempted to physically restrain them from leaving but were unable to catch up to them before they reached the car. The soldiers then attempted to stop their flight through the use of verbal and hand and arm signals. The other two individuals fled the scene under unknown circumstances. A 15-6 investigation has been directed.
On 11 August 2006, my platoon was struck by an IED vicinity grid vicinity M[redacted]. The third vehicle in the convoy (a23) was the vehicle hit. There were a total of three vehicles in the convoy, my vehicle A22 was in the front. There were three vehicles on the patrol because earlier in the day the A21 vehicle went down for maintenance and was left at the TAC. SG[redacted] and PFC[redacted] stayed with A21 for its return trip to Taji later in the day. When the IED detonated it caused minimal damage to the vehicle. After the IED detonated the platoon conducted our five and twenty-five meter checks. Prior to the IED detonating we noticed an individual at the corner of A[redacted] and RTE[redacted].

The platoon turned around in order to tactically question the individual. We found the individual at the cement factory on RTE[redacted]. We secured RTE[redacted] and the cement factory. We began tactically questioning six local nationals that were in two vehicles attempting to leave the cement factory, as well as the guard of the factory. We searched the factory and found an area that concrete was recently mixed. The area had imprints in the concrete that were the approximate size of an artillery round. The color of the sand and the color of the concrete at the site are consistent of the same materials were used in the IED. After the area was secured and the factory completely searched, I went to R[redacted] to begin questioning the six local nationals. Not to much later I began to walk to my M1114 that was pulling security on the south side of RTE[redacted]. I was half way to my truck when I heard PFC[redacted] calling. I began to run to the cite where my soldiers were in order to determine more about the situation. While I was running to the area I heard more shots as well as the car accelerating more every time a shot was fired the car sounded as it was moving faster. When I got over the bridge leading to the cement factory there were 3 or 4 of my soldiers in the factory and the car was stopped up against a burm. As we approached the vehicle, two local national began to get out. We secured them and noticed the driver did not get out of the car. I approached the car and noticed the driver slouched against the steering wheel. I called for our platoon Medic to come and check the body, as I went to my A24 vehicle to call battalion and notify them of the situation. We continued to perform detainee operations on cite and photograph the entire area. The two passengers were detained and taken to warrior Alamo for processing until we continued to Camp Taji. The Photos that were taken were supplied to the TF 2-70 S-2 cell, and the detainees were processed into the BIF. At this point my platoon continued out to AO Ace to complete our 24 hour operations.
STATEMENT OF ____________________________ TAKEN AT ____________________________

9. STATEMENT (Continued)

AFFIDAVIT

I, ____________________________ have read or 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. This 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)

WITNESS:

(Signature of Person Administering Oath)

Organization or Address

(Typed Name of Person Administering Oath)

Organization or Address

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT ____________________________

PAGE 2 OF 2 PAGES
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On Aug 11 2005 we were conducting a patrol on North Star turning onto Islanders when an IED went off on the corner. After the IED went off we turned around because some people saw a guy standing on the corner next to the concrete factory. We went and cordoned off the area. I was the gunner providing rear security.

Ex1

INITIALS OF PERSON MAKING STATEMENT

Exhibit 8
On the 11th of August, as we were doing our patrol in our sector, an IED went off on my truck A23 which was the rear vehicle we eminently cordon off the area and started our search. I didn't see anything after that because I was pulling security on my truck facing down the road we were on. My truck was facing north on north sars.
On August 11, 2005 I was with second Platoon conducting a patrol on Rte. Lincoln. An IED went off on the first Humvee. I was in the second one. I had seen one Iraqi male standing on the roadside. We went back to talk to him. He was gone. We cordon off the area and found him in a white car with four other males. While searching the area a black car drove into the area shots were fired. The LT. told me to go to the black car and check out the driver of the car. He had an exit wound in his chest. The center of his chest. There was nothing I could do to save him.
I PFC [redacted] state that while on Patrol on August 11 2005, our convoy was struck by an IED. The third truck in our convoy was hit. I was the second vehicle in the convoy. I saw the IED that blew. It was a concrete encased round with brown sand in the concrete. We then cordoned off the local area and began searching for a suspicious male. We saw in the area, while searching the area, I discovered an area that appeared to be where the IED was made - fresh concrete with imprints of an artillery round, a pile of sand that was the same color of sand that was in the IED. Also, there was fresh cut wires and a bucket of water. This led me to believe that the area was in fact used to fabricate an IED. The rest of my Platoon was questioning Aprox 6 Detainees that were in the area while conducting further search of the area. I noticed a black sedan with 3 males in close proximity of the site that had been used to fabricate the IED.

INITIALS OF PERSON MAKING STATEMENT

EXHIBIT [redacted]
Upon approaching the vehicle I discovered that the driver was dead. Confirmed by our platoon medic Sgt. [redacted], Sgt. [redacted] took photos to support this statement.
On August 11, 2005, 2nd Platoon was conducting a patrol along Rte Lincoln. My truck, A23, was at the rear of the formation when I saw a large round half dry concrete boulder. As I tried to warn the driver of the possible IED, the IED detonated on the side of my humvee. I immediately turned my truck around to the intersection of Rte Northstars and Lincoln where there had been a man standing. He was no longer present and the believed route of egress of the suspect was south on Rte Northstars.

The platoon headed along Rte Northstars, south. We came upon the concrete factory, stopping two vehicles containing six persons. We dismounted and searched the two vehicles and six personnel. We also sent soldiers to search the concrete factory.

While we were interrogating the six detainees, I was on the east side of the canal when I heard shooting from the soldiers on the western side. I saw them moving to a black car which was travelling away from vicinity of the concrete factory.

The medic, Sgt [redacted] was called over when it was found that the driver had been hit.

Later as we maintained the cordon of the area I used my digital camera to photograph the concrete factory and suspected IED making materials. On site were found recently cut electrical wires, a bucket with fresh water, an empty bag of concrete, and used in the mixture, and on the ground was half dry remnants of concrete with what appeared to be an imprint of an artillery shell in the concrete.

EOD verified that the IED used on my truck was a 130mm concrete encased IED with remote detonator.

I turned the photos off the site and also the vehicle and the civilian KIA to TF 3/70 AR 5-2 POC Capt [redacted].
STATEMENT OF

TAKEN AT Camp Taji
DATED 2005-08-25

9. STATEMENT (Continued)

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. THIS 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)

WITNESS: 

(Original Signature)

ORGANIZATION OR ADDRESS

Subscribed and sworn to by me, a person authorized to administer oaths, this day of , 2005, at

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Organization or Address

(Article 136 UCMJ)

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES
**PRIVACY ACT STATEMENT**

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 239; E.O. 9397 dated November 22, 1943 (SSN)

PRINCIPLE 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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5. LAST NAME: First Name: Middle Name: L.A. SSN

6. ORGANIZATION OR ADDRESS
A Co 2-70th Armor

On Aug 11 2005, I SPC [redacted] that after my truck was struck by an IED. me and my platoon turned around and exited off the area. After detaining 6 Iraqis for questioning, while questioning we noticed a black sedan enter the concrete factory we had secured.

3 Iraqis exited the car and started talking to the concrete factory owner, and when they noticed us they got back into the car and started to leave.

I [redacted] the IED making materials including fresh concrete, cut and stripped wire, a water bucket and on top of the concrete factory office was a very good line of vision to the IED sight.
STATEMENT OF [Redacted] TAKEN AT Camp Taji DATED Aug 28 2005

5. STATEMENT (Continued)

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. This 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)

WITNESS:

[Redacted]

Organization or Address:

[Redacted]

Subscribed and sworn to by me, a person authorized to administer oaths, this 25 day of Aug 2005 at Camp Taji.

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Article 136 UCMJ

(Authority to Administer Oaths)

Page 2 of 2 Pages
The Car as it stopped

Bullet entry and exit holes
LED Blast Seat

Site where LED was potentially encased in concrete
1. Northbound on Rt 2, I-87, 2/1/70 passes a man on the site of the road at intersection with ASR.

2. Seconds after turning East on 278, multiple elements of the patrol observe a rock on the south of the road which detonates on the tail vehicle of the 3 vehicle convoy.

3. The patrol turns around in an attempt to apprehend the man they had just passed.

4. At the entrance to the concrete factory, they stop 2 vehicles attempting to leave the scene. In the vehicle are six people including the man who had been on the side of the road.
5. 3 vehicles and 6 personnel led by SFC [redacted] secure the East Entrance and begin tactical questioning of the 6 personnel and conduct X-spray.

6. 3 soldiers dismount, led by LT [redacted] to check the concrete factory. While at the factory they discover potential site where IED is made.

7. The dismounts return to the vehicles to call in their discovery. PFC [redacted] provides rear security near this point.

8. A black vehicle enters the compound from ASR Lincoln and approaches the soldiers. [redacted] induces proper EOF techniques which eventually leads to warning shots.
SWORN STATEMENT
For use of this form, see AR 190-48; 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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Q: Did you fire your weapon? If so how many rounds and at what?
A: No

Q: Who fired their weapon (do not speculate)? How many rounds?

Q: Do you know why [redacted] fired his weapon?
A: He felt threatened and wanted to stop a car we all thought was suspicious of the earlier I.E.D. attack on my vehicle.

Q: Characterize the type of soldier [redacted] is. Is he calm under pressure? As he ever abused Iraqis or made gestures or statements that he wants to "kill" Iraqis?
A: [redacted] is a good soldier that I trust did and will continue to do the right thing. I have never heard him say he wanted to kill Iraqis or abuse them.

End of statement

10. EXHIBIT
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 WITH 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 CCDCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2901; 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
   Camp Taji, Iraq

2. DATE (YYYYMMDD) 20050921
3. TIME 1714

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS E-6

B. ORGANIZATION OR ADDRESS
   A Co 2/70 AR

A. ________________, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Did you fire your weapon? If so how many rounds and at what?
A: No I did not fire my weapon.

Q: Who fired their weapon (do not speculate)? How many rounds?
A: not certain which soldier fired.

Q: Do you know what he (they) were aiming at and why?
A: not certain what they were aiming at.

Q: Do you know who was behind his weapon?
A: not certain who was behind his weapon.

Q: Characterize the type of soldier. How calm under pressure? As he ever abused Iraqis or made gestures or
   statements that he wants to "kill" Iraqis?
A: He is a great soldier. He works hard and puts his best foot forward. He is part of my section. He is calm and has shown his
   ability to react accordingly when things get stressful, such as contact with IEDs. He has never abused or made any gestures
   that he wanted to harm Iraqis. He has however on occasion been quick
   kind to the families and children of the houses we have searched in
   prior missions.

10. EXHIBIT

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 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

Exhibit 17

Exhibit 17

13931
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 21 day of September, 2005 at Camp [redacted].

[Signature of Person Administering Oath]

[Typed Name of Person Administering Oath]

Authority to Administer Oaths

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES
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 2651; 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

2. DATE (YYYYMMDD)

3. TIME

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

A Co 2 - 704 5

9.

1. ____________, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Did you fire your weapon? If so how many rounds and at what?
A: I did not fire my weapon.

Q: Who fired their weapon (do not speculate)? How many rounds?
A: PFC ___________ fired his weapon.
I do not know how many rounds.

Q: Do you know what he (they) were aiming at and why?
A: At the time I did not know what he was aiming at.

Q: Do you know why ___________ his weapon?
A: At the time I did not know why ___________ his weapon.

Q: Characterize the type of soldier I ___________ be calm under pressure? As he ever abused Iraqis or made gestures or statements that he wanted to "Kill" Iraqis?
A: PFC ___________ is a good soldier who uses good judgment and is calm under pressure. He has never abused Iraqis or made gestures or statements that he wants to "Kill" Iraqis.

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 MADE 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

13933
STATEMENT OF ________________________________
AT TAJI
DATED 21 Sep 2025

9. STATEMENT (Continued)

I hereby declare that 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:

1. ________________________________

2. ________________________________

ORGANIZATION OR ADDRESS

________________________________________

ORGANIZATION OR ADDRESS

________________________________________

INITIALS OF PERSON MAKING STATEMENT

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PAGE 3

13934
SWORN STATEMENT
For use of this form, see AR 190-46; 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
   Camp Taji, Iraq

2. DATE (YYYYMMDD)

3. TIME

4. FILE NUMBER

5. LAST NAME FIRST NAME MIDDLE NAME

6. SSN

7. GRADE/STATUS
   E-3/AD

6. ORGANIZATION OR ADDRESS
   A Co, 2-70 AR, Camp Taji, Iraq

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: How far away was the vehicle from you when you fired the round at the trunk?
A: About 75 to 100 meters

10. EXHIBIT

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.
STATEMENT OF [Redacted] AT 16:18 DATED 71 OCT 2005

2. STATEMENT (Continued)

AFFIDAVIT

I, [Redacted], have read or have had read to me this statement which begins on page 1, and ends on page [Redacted]. 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:

[Redacted]

[Redacted]

ORGANIZATION OR ADDRESS

[Redacted]

[Redacted]

[Redacted]

[Redacted]

INITIALS OF PERSON MAKING STATEMENT

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13936
# SWORN STATEMENT

For use of this form, see AR 190-46: the proponent agency is ODCSOPS

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2651; 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.

<table>
<thead>
<tr>
<th>1. LOCATION</th>
<th>2. DATE (YYYYMMDD)</th>
<th>3. TIME</th>
<th>4. FILE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Camp Taji, Iraq</td>
<td>2005/09/21</td>
<td>1915</td>
<td></td>
</tr>
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<table>
<thead>
<tr>
<th>5. LAST NAME</th>
<th>6. SSN</th>
<th>7. GRADE/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>E-8 / Active Duty</td>
</tr>
</tbody>
</table>

8. ORGANIZATION OR ADDRESS

A Co., 2-70th Armor Battalion, 1st Armored Division

9. ______ WANTS TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I have been in the Army's ISG for the last 16 months. I have been assigned to the unit straight out of AIT and from that day until present he has been a very good Soldier. He is a good example to the unit. He has always followed orders and completed missions given to him with out any problems. He is a Soldier that is a real leader. The kind of Soldier that will be promoted to specialist ahead of his peers. He will be promoted to specialist ahead of his peers with a waiver on 1 October 2005. His Platoon SGT has already asked me to make this SGT a CPL as soon as possible and give him a gunner's position on an M1114 HMMWV. Being a gunner on a M1114 HMMWV is a great responsibility for a Soldier as young as he is. He is also married and has a child, once again adding to the maturity level of this Soldier. To my knowledge the SGT has always been truthful and honest in all his actions and deeds. When he makes a mistake he tells the truth about it and takes full responsibility and is always willing to take responsibility and punishment for his actions. This Soldier is a great asset to the Army. He is the kind of Soldier that I would be proud to pin SGT stripes on.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

ADDITIONAL PAGES MUST CONTAIN THE 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

Exhibit 7.0 13937
STATEMENT OF
TAKEN AT 1915
DATED 2005/09/21

(Continued)

AFFIDAVIT

I, ________________, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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 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:

[Signatures of Witnesses]

ORGANIZATION OR ADDRESS

[Organization Information]

INITIALS OF PERSON MAKING STATEMENT

[Initials]

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