Any Classified Document Downgraded in this packet is done so under the Memorandum for Record, dated 28 February 2007, Subject: Declassification Guidance for Operation Iraqi Freedom (OIF) 05-07 issued by the 4th Infantry Division G2
MEMORANDUM FOR Commander, Multi-National Division - Baghdad, Camp Liberty, APO AE 09352

SUBJECT: Recommendations – AR 15-6 Investigation Re: EOF-8-10 (Death of 1 LN) - 29 Jan

1. I have reviewed the above described investigation and recommend approval of the findings and recommendations. The soldiers correctly applied escalation of force procedures. They were in a cordon of a PVIED. Given those circumstances, and the warning equipment used in the cordon, the soldiers complied with the ROE. I recommend no adverse action be taken against them.

2. I agree with the IO and Squadron Commander’s assessment that not using the spike strip was a critical error. I support the Squadron Commander’s EOF training efforts. All units in this Brigade will soon have additional and improved warning resources.

3. My POC for this action is [Redacted]

COL, IN
Commanding

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MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation Table of Contents

1. The following documents are included in the AR 15-6 investigation packet concerning a lethal engagement that occurred on or about 291835JAN06 during combat operations:

a. DA FORM 1574, Reporting by Investigating Officer

b. AR 15-6 Investigating Officer Appointment Orders

c. Exhibits

(1) Exhibit A: 4ID SIR
(2) Exhibit B: DA FORM 2823, Sworn Statement by
(3) Exhibit C: DA FORM 2823, Sworn Statement by
(4) Exhibit D: DA FORM 2823, Sworn Statement by
(5) Exhibit E: DA FORM 2823, Sworn Statement by
(6) Exhibit F: DA FORM 2823, Sworn Statement by
(7) Exhibit G: Incident Storyboard Presentation
(8) Exhibit H: Excerpt from A/8-10 CAV TACSOP
(9) Exhibit I: AW6 Patrol Report
(10) Exhibit J: On Site Photographs

2. POC this memorandum is the undersigned,

[Signature]

MAJ, AR
AR 15-6 Investigating Officer
REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6. The preparer agency is DТАD.

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

SECTION I: APPOINTMENT

Appointed by Lieutenant Colonel [Redacted] Commander, 8-10 CAV, 4th ID (M), Camp Falcon, Iraq, 09361
(Appointing authority)

on 29 January 2006 (Attach enclosure 1: Letter of appointment or summary of oral appointment.) (See para 3-15, AR 15-6.)

(Date)

SECTION II - SESSIONS

The (investigating officer) (board) commenced at Camp Union III, Iraq at 1300

(Place)

(Time)

on 30 January 2006 (If a formal board met for more than one session, check here □. 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 3-8a, AR 15-6.)

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The (investigating officer) (board) finished gathering/hearing evidence at 0937 on 31 January 2006

(Time)

(Date)

and completed findings and recommendations at 1011 on 1 February 2006

(Time)

(Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1. Enclosures (para 3-15, AR 15-6)

Are the following enclosed and numbered consecutively with Roman numerals: (Attached in order listed)

a. The letter of appointment or a summary of oral appointment data?
   X

b. Copy of notice to respondent, if any? (See item 9, below)
   X

c. Other correspondence with respondent or counsel, if any?
   X

d. All other written communications to or from the appointing authority?
   X

e. Privacy Act Statements (Certificate, if statement provided orally)?
   X

f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?
   X

g. Information as to sessions of a formal board not included on page 1 of this report?
   X

h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?
   X

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.

DA FORM 1974, MAR 83 EDITION OF NOV 27 IS OBSOLETE.
2 Exhibits (para 3-16, AR 15-6):
   a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?  X
   b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?  X
   c. Has the testimony/evidence of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?  X
   d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?  X
   e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?  X
   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?  X
   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 official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?  X

3 Was a quorum present when the board voted on findings and recommendations (para 4-1 and 5-2b, AR 15-6)?  X

B COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)

4 At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?  X

5 Was a quorum present at every session of the board (para 5-3b, AR 15-6)?  X

6 Was each absence of any member properly excused (para 5-3a, AR 15-6)?  X

7 Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?  X

8 If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclusion describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?  X

C COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)

9 Notice to respondents (para 5-5, AR 15-6):
   a. Are the method and date of delivery of the notice indicated on each letter of notification?  X
   b. Was the date of delivery at least five working days prior to the first session of the board?  X
   c. Does each letter of notification indicate:
      (1) the date, hour, and place of the first session of the board concerning respondent?
      (2) the matter to be investigated, including specific allegations against the respondent, if any?
      (3) the respondent's rights with regard to counsel?
      (4) the name and address of each witness expected to be called by the recorder?
      (5) the respondent's rights to be present, present evidence, and call witnesses?
   d. Was the respondent provided a copy of all unclassified documents in the case file?  X
   e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?  X

10 If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):
   a. Was he properly notified (para 5-5, AR 15-6)?  X
   b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-6c, AR 15-6)?  X

11 Counsel (para 5-6, AR 15-6):
   a. Was each respondent represented by counsel?  X

   Name and business address of counsel:

   (If counsel is a lawyer, check here )

   b. Was respondent's counsel present at all open sessions of the board relating to that respondent?  X

   c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the record (para 5-6b, AR 15-6)?  X

12 If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):
   a. Was the challenge properly denied by the appropriate officer?  X
   b. Did each member successfully challenge cause to participate in the proceedings?  X

13 Was the respondent given an opportunity to (para 5-8a, AR 15-6):
   a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?  X
   b. Examine and object to the introduction of real and documentary evidence, including written statements?  X
   c. Object to the testimony of witnesses and cross-examine witnesses other than his own?  X
   d. Call witnesses and otherwise introduce evidence?  X
   e. Testify as a witness?  X
   f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?  X

14 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)?  X

15 Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or an inclosure or exhibit to it (para 5-11, AR 15-6)?  X

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 (board), having carefully considered the evidence, finds:

That Private First Class [REDACTED] truly felt his life, and the lives of the soldiers in the vicinity of the southern cordon, were in danger and fired disabling shots to render a possible VBIED inoperable. PFC [REDACTED] did not intentionally shoot to kill an Iraqi non-combatant who was a passenger in the automobile advancing toward the southern cordon position. The vehicle’s increasing speed as it approached PFC [REDACTED] caused the disabling shots to travel up the hood and into the drivers compartment, killing the passenger.

On 29 January 2006 PFC [REDACTED] fired 14 rounds of 5.56mm ammunition from his M4 Carbine rifle in front of and at an automobile operated by two Iraqi non-combatants (Ex. B, D, E, G). Warning measures were employed, but one critical measure that was available was not (Ex. D, G). Spike strips were available on board Alpha White 8’s (AW 8) M1114 but were not set up to the vehicle commander, SGT [REDACTED], felt the warning measures already in place were sufficient to deter vehicles and the section sergeant, SSG [REDACTED], did not set aside time to inspect the warning measures employed by the AW 8 crew (Ex. C, D). Concertina wire was not used because the 6th Special Forces Group (SOF), at the time of this incident, did not require vehicle crews to emplace this measure when setting up blocking positions (Ex. H); however, this is a measure that is contained in the Squadron’s blocking position procedures. Items directed by higher headquarters such as green lasers, warning signs for drivers in Arabic, handheld bullhorns, and vehicle-mounted flashing lights were not utilized because they have been ordered but have yet to arrive.

With the warning measures available to them, PFC [REDACTED] and the rest of the crew of AW 8 did vigorously attempt to prevent the civilian car from advancing on their cordon position (Ex. B, D, F). The crew of AW 8 did use Surefire weapons lights, a portable, high intensity spotlight, and the interpreter on the vehicle’s loud speaker system to warn the advancing vehicle to stop. Even with the knowledge of past VBIEDs in the area (Ex. D), causing heightened awareness of vehicles attempting to advance towards cordon positions, and the present mission of cordoning off the area for a possible VBIED (Ex. C, D, I) PFC [REDACTED] did employ Escalation of Force (EOF) procedures by using controlled and well-aimed fire in his attempt to disable the incoming vehicle.

According to more than one sworn statement, the advancing automobile seemed to pick up speed after it broke through the traffic cone barrier and PFC [REDACTED] firing a warning shot (Ex. B, D). PFC [REDACTED] did attempt to alter the aiming point of his disabling shots, so as to render the automobile’s engine inoperable, but approximately four rounds penetrated the windshield slightly wounding the driver and killing the front seat passenger (Ex. B, D, J). Caution of these rounds impacting the windshield lean towards the acceleration of the automobile after it broke through the traffic cone barrier and PFC [REDACTED] use of the M1114 front turret shield to protect him from this possible VBIED advancing on his position. The front turret shield slightly inhibited him from altering his aiming point as the vehicle came within 15 to 20 meters of the cordon position. After the incident SSG [REDACTED] directed a medic assigned to his section to provide assistance to the wounded non-combatant (Ex. C, D).

PFC [REDACTED] demonstrated sincere sympathy for the loss of life during our interview but felt strongly that he conducted himself in a professional manner. The evidence supports the finding that PFC [REDACTED] never intended to kill an Iraqi non-combatant, only prevent the vehicle from advancing towards his position and the soldiers around him, who felt their lives were in danger from a possible VBIED attack.

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

In view of the above findings, the investigating officer (board) recommends:

1. It is clear from the evidence stated above that PFC [REDACTED] did not intend to disable a possible VBIED and did not move to the final step of EOF procedures for shooting to kill. No further action is recommended against PFC [REDACTED]. The following recommendations are submitted for consideration to prevent or reduce the chance that this incident will happen again:

1. A Troop, 8-10 CAV must include in the portion of their Tactical SOP the use of concertina wire in addition to spike strips or spike ball chains when conducting blocking position operations.
2. Combat checks and inspections must take place during combat operations. Leaders must find time during operations to ensure that all warning measures that are available are employed correctly.
3. Quantities of warning resources need to be increased. The average quantities of certain warning measures across the Squadron are as follows: 1 strand concertina wire, 4x traffic cone, 1x spike ball chain, 5x chameleon. These quantities need to double in size. M1114 crews need to have the ability to block more than one avenue of approach, especially in the urban maballas of Baghdad. Recommended quantities are as follows: 2x strand concertina wire, 8 to 12x traffic cone, 2 to 3x spike ball chain, 8x chameleon.
4. Continued mass purchase of reflective signs that read in English and Arabic, "ROAD CLOSED, DO NOT ENTER, LETHAL WEAPON USED". Most signs in the Squadron are for traffic control points which tell a driver to slow down but to still continue forward. Combining these signs with traffic cones will greatly assist in sending the message to Iraqi drivers to not advance any further.
5. Continued use of scenario-based instruction for all patrol members on the use of EOF procedures and the CFLCC Rules for Use of Force Card. At a minimum, this instruction must be given to all personnel within the Squadron once a month.
6. Continued use of senior leadership riding with patrols to spot check their actions at a halt and the employment of warning measures.
7. Experiment with other non-lethal measures like the M203 40mm bean bag round.

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I approve the findings and recommendations with the exception to the recommendation regarding patrol requirements. I remand to the BDE to take action as he deems appropriate regarding patrol requirements.

THOMAS C. MARFEEY
Brigadier General, US Army
Assistant Division Commander (Maneuver)
SECTION VI - AUTHENTICATION (para 5-17, 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)

INAS

(Investigating Officer) (Chairman)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 5-13, AR 15-6)

To the extent indicated in Inclusion, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclusion, 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 inclusion.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 5-3, AR 15-6)

The findings and recommendations of the Investigating Officer (board) are (approved) (disapproved) (approved with the following exceptions/substitutions). If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclusion.

I agree with the Investigating Officer's findings and recommendations. PFC [REDACTED] correctly applied EOF steps in the situation that confronted him. The critical mistake in this incident was the failure of the vehicle commander to emplace the spike strips. The Squadron has in order the resource requirements for warning measures that the Investigating Officer recommends. To ensure that soldiers in the Squadron understand how to employ warning measures and the steps of EOF, I had the Squadron CSM personally teach a scenario-based class to patrols before they departed the FOB. As a final check in the system, I have directed my Command Post to verify with patrols that when they stop to conduct cordons, searches, etc., that they have employed all of the required warning measures.

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LTC, AR

Commanding
DEPARTMENT OF THE ARMY
HEADQUARTERS, 8TH SQUADRON, 10TH U.S. CAVALRY REGIMENT
4TH BRIGADE COMBAT TEAM, 4TH INFANTRY DIVISION (MECHANIZED)
APO, AE 03961-2505

AFYB-UA-UAA

29 January 2006

MEMORANDUM FOR MAJ [REDACTED]

SUBJECT: Appointment as Investigating Officer

1. You are appointed as an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the incidents surrounding the lethal engagement on 29 January 2006.

2. Prior to beginning your investigation, you will consult with MAJ [REDACTED], CPT [REDACTED] or SPC [REDACTED] from the Brigade Operational Legal Team. They can be reached at VOIP [REDACTED]

3. In your investigation, all witness statements will be sworn and written on DA Form 2823. If you come to suspect any individual has committed a crime, you will advise that individual of his or her rights under Article 31 of the UCMJ or the Fifth Amendment, as appropriate, using DA Form 3881.

4. Submit your findings and recommendations to me on DA Form 1574 within 72 hours of receipt of this appointment order.

LTC, AR
Commanding

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UNLESS OTHERWISE NOTED.
From: Commander, A/8-10 CAV
Thru: Commander, 8-10 CAV
To: 4th ID / Division Operation Center

Subject: SIR Brumfield, Lethal Engagement (UPDATE)

1. Category:
2. Type of incident: Lethal Engagement
3. DTG:
   A. DTG of Incident: 291835JAN06
   B. DTG Unit was notified of Incident: 291840JAN06
   C. DTG received by DOC:
4. Location: [REDACTED]
5. Personnel involved:
   A. Subject: [REDACTED]
   1. Rank or grade: PFC
   2. Social Security Number: [REDACTED]
   3. Race: Caucasian
   4. Sex: Male
   5. Age: 23
   6. Position: M1114 UAH Gunner
   7. Security clearance:
   8. Unit and station of assignment: A/8-10 CAV, FOB Union III, Iraq
   9. Duty status: Active
   10. Marital Status: Single
   B. Additional personnel involved: (use same format as 5.A. above)
   C. Summary of incident: A patrol element from A/8-10 CAV was conducting a cordon of a Possible Vehicle Borne Improvised Explosive Device (PVBIED) on or about 291800JAN06. At 291835JAN06 the patrol element had to use Escalation of Force (EOF) measures to try and stop a civilian automobile that was about to break the cordon. PFC Brumfield fired warning shots at the vehicle that resulted in one Local National (LN) WIA and one LN KIA. The LN WIA was treated on sight and the IPs were notified to come and retrieve the LN KIA. 15-6 investigation is being conducted.
UPDATE, 300745JAN06: After initial commander's inquiry and interviews with soldiers at the scene, the following update is provided. The element involved, Apache White 8

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(AW8), set their cordon and had set cones out approximately 40 meters from their position. They did not have their wire or spike strips employed. As the civilian vehicle approached, the crew of AW8 used Surefire lights and portable spot lights to signal the vehicle to stop. They also had their interpreter use the loud speaker system to instruct the occupants of the vehicle to stop. As the vehicle kept moving forward, soldiers fired disabling shots at the tires and into the hood. At this moment, according to interviews of soldiers by CPT (the A Troop Commander), the vehicle sped up and the soldiers fired killing shots at the occupants. The vehicle came to a stop and the driver got out with his hands up. The driver was slightly injured; a grazing wound, reportedly, to the head. Soldiers then cleared the vehicle of any ordnance (there was none) and called medics forward to tend to the passenger of the vehicle. The medics determined the male passenger of the vehicle was dead. The 8-10 CAV Squadron Executive Officer will initiate an AR 15-6 investigation on 30 JAN 2006.

6. Other Information:
   A. Racial Involvement: None
   B. Alcohol Involvement: None
   C. Last Deployment to OIF/OEF (include start and end dates): SM has not deployed to OIF/OEF in the past.

7. Remarks: 15-6 started by 8-10 CAV

8. Commander reporting: CPT
9. Point of contact: CPT
10. Report originated by: CPT
11. Released by: MAJ

12. Unit Notifications:
   A. Telephone

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B. Email

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<td>292100JAN06</td>
<td>Send SIR to BDE</td>
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FOD / DOC NCO ONLY:

Current FOD & DOC NCOIC:

FOD / DOC NCO Actions:

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4ID Serious Incident Report

FOD Notifications:

A. **Telephone**

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B. **Email**

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SWORN STATEMENT

LOCATION
FOB Union III

DATE
30 JAN 2006

TIME
17:00

FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE/STATUS
L-3/PFC

ORGANIZATION OR ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The vehicle first became conspicuous when I noticed it had not turned left when it had the opportunity nor did it stop, turn around, and go back. It seemed like it avoided the first makeshift row of obstacles. My driver started flashing his lights as fast as he could. The interpreter pleaded with the driver to stop. During all this I was flashing my light and trying to be as noticeable as possible. After shouting "Stop!" in English and Arabic several times I raised my weapon (personal M-4). The vehicle still did not slow down or swerve from its path towards us. At this time the car had accelerated and was moving faster than when it bypassed the obstacle. After realizing this was not going to stop the car I fired a single tracer round in front or into the bumper of the vehicle. This only seemed to motivate the operator to somehow go faster. Once there was no more time or space left I began to engage the vehicle. I fired 13 rounds into the vehicle. I grabbed my crew serve weapon (240B) and fired by that time the car had stopped.

NOTHING FOLLOWS

EXHIBIT B

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ______ TAKEN AT ______ DATED ______ CONTINUED."
STATEMENT (Continued)  
Q: DO YOU LOOK AT THE CIRCULAR USE OF FORCE RULES CARDS?
A: YES, AS MUCH AS POSSIBLE
Q: WERE THERE ANY OTHER CARS THAT CAME TOWARD YOUR POSITION? IF SO WHAT DID THEY DO?
A: PROBABLY 20. THEY CIRCLED AROUND BY THE MAKESHIFT OBSCURE, TURNED AROUND AND WENT BACK THE WAY THEY CAME AND A COUPLE WENT PAST THE MAKESHIFT OBSCURE BUT WE FLASHED OUR LIGHTS AND THEY STOPPED AND TURNED AROUND.
Q: WHAT WAS THE LIGHTING LIKE WHAT TIME OF DAY WAS IT?
A: FIRST 8 CARS IT WAS DAYTIME BUT THEY SAW US. THE OTHERS IT WAS DARKER BUT OUR LIGHTS STUCK OUT. IT WAS DUSK / NIGHT WHEN THE CALLS WERE COMING DOWN THE ROAD.
Q: DID YOU USE AIMED FIRE WHEN YOU SHOT THE VULNERABLE SHOT, DISABLING SHOTS?
A: YES, I WAS LOOKING THROUGH MY ACOG. AS THE VEHICLE GOT CLOSER I HAD TO DUCK DOWN SOME BECAUSE I THOUGHT IF THIS CAR IS A UH-60 I NEED COVER.
Q: DO THE CAR BREAK THRU THE COW BARRIER? IF SO, DID WE SLOW DOWN?
A: YES WE DID. IF ANYTHING WE SLOWED DOWN.
Q: YOU ASSISTED IN THE AIMED SHOTS LAUGHS
A: WHEN YOU WERE FINISHING YOUR WEAPON DID YOU FEEL YOUR LIVES AND THE LIVES OF THE MEN AROUND YOU WERE IN DANGER?
A: I HAD NO DOUBT.

APFDIVIT

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 INDUCTION.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of January, 2006, at

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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<table>
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<th>EXHIBIT</th>
<th>INITIALS OF PERSON MAKING STATEMENT</th>
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
I, [Redacted], on the ground to stood EOD while the possible IED was located. EOD sent the robot out and I directed EOD towards the possible IED. During all this there was SAF coming from the east of our position and I notified SAF and EOD. Our fuse went off to my site but wasn't quite sure yet that it came from my site. My Guntire came from my site, I was the site it came from out of my guys. I ran towards the truck, took cover, and shouted out what's going on? I saw a man coming out his vehicle, I then told him to get his hands up and move towards the truck. The man was about 40 years old and had a gray wound on his hand. I ordered the man, he then told me that someone else was in the car, I called the medics to attend the man while I clear the vehicle. Medics cleared the car, then told the medics to attend the person in the car, the medics reported that he was dead. So we got a body bag and took the body out. I had the medics on the ground and the interpreter with me, I asked, what went on? The told me that the car missed the 100 meter cones, the vehicle falling light, [Redacted]

AFFIDAVIT

I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH COMMENCES 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 INITIATED ALL CORRECTIONS AND HAVE INITIATED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCMENT.

(Signature of Person Making Statement)

Subscribed and sworn before me, a person authorized by law to administer oaths, this day of , 19

(Signature of Person Administering Oath)

Typed Name of Person Administering Oath

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

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UNLESS OTHERWISE NOTED

15113
I, ________________________________, want to make the following statement under oath:

And also ignored the warning shot, then fled.

All items are redacted under 5 U.S.C. 552(b)(6) unless otherwise noted.

Exhibit C

Initials of person making statement

Page 1 of _______ pages

Additional pages must contain the heading "Statement of _______ taken at _______ dated _______. Continued." The bottom of each additional page must bear the initials of the person making the statement and be initialed as "Page _______ of _______ pages." When additional pages are utilized, the back of page 1 will be lined out, and the statement will be concluded on the reverse side of another copy of this form.

DA FORM 2823, JUL 72

Supersedes DA Form 2823, 1 Jan 68, which will be used.

15114
STATEMENT (Continued) AND ALSO Ignored the WARNING SHOT. THEN THE FIRE, RIGHT SIDE, was shot but Nicole kept moving forward and that when my GUNNER, SPC Anderson and White's GUNNER, shot more rounds to stop THE VEHICLE. THE INTERPRETER TOLD ME THAT He DIDN'T KNOW WHAT WAS GOING ON UNTIL the ASSASSIN WAS HIT. He said he didn'thear ANYTHING. THEN He blew up the Car and called it up.

NOTHING FOLLOWS

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<table>
<thead>
<tr>
<th>AFFIDAVIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I, (Redacted), 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 GRENADE-INDUCEMENT.</td>
</tr>
</tbody>
</table>

| (Signature of Person Making Statement) |

<table>
<thead>
<tr>
<th>WITNESSES:</th>
</tr>
</thead>
</table>

| (Typed Name of Person Administering Oath) |

<table>
<thead>
<tr>
<th>ORGANIZATION OR ADDRESS</th>
</tr>
</thead>
</table>

| (Authority To Administer Oaths) |

<table>
<thead>
<tr>
<th>INITIALS OF PERSON MAKING STATEMENT</th>
</tr>
</thead>
</table>

ALL ITEMS ARE REDACTED UNDER 18 USC 52 (B)(6) UNLESS OTHERWISE NOTED.
SWORN STATEMENT

LOCATION: FOB Union III
DATE: 30 Jun 06
TIME: 1516
FILE NUMBER: 3F/3/5/42119

LAST NAME: FIRST NAME: MIDDLE NAME
SOCIAL SECURITY NUMBER: 888888888
GRADE/STATUS: MRG5/STK

ORGANIZATION OR ADDRESS:
No. 13-10CAV, FOB Falcon, Iraq 03961

I, \[REDACTED\], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Your Position in Plt?
A: B/2/1B-10 Section Sgt
Q: Is A08 part of your section?
A: Roger

Q: When was the last time you covered the C3 cell rule for use of Force Card with your section?
A: Part of briefing before going out on patrol, SP-45 minutes

Q: What is understandwning of what goes out when you set up a checkpoint?
A: Comes at a certain distance, spike strips

Q: In your section does each vehicle have spike strips?
A: Roger

Q: With all that was going, establishing contact and linking up with A08, did you have time to check A08's comes and spike strips?
A: No, A08 was pushing to have the vehicle I-10, go and taken care of
Q: Do you have anything else to add?
A: I basic everything my men did and I will take full consequences with whatever happens.

EXHIBIT C

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2


DA FORM 2823, JUL 72
SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.
**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is ODC/OPS.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>DATE</th>
<th>TIME</th>
<th>FILE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>FEB Union III</td>
<td>30 Jan 96</td>
<td>1550</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>LAST NAME, FIRST NAME, MIDDLE NAME</th>
<th>SOCIAL SECURITY NUMBER</th>
<th>GRADE/STATUS</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>E-5</td>
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</table>

**INITIALS OF PERSON MAKING STATEMENT**

<table>
<thead>
<tr>
<th>EXHIBIT</th>
<th>PAGE 1 OF 3 PAGES</th>
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<tbody>
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1. **STATE WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

   On 28 Jan 06 B Section 2 and PLT BITP went out on Parris (West part).
   With my vehicle in the lead we were up Northbound. We hit up roughly six or so IEDs inside or our truck.
   I called it up to White 6 (Redacted) and said that I was going to stop
   and see who was inside. We got in with the insurgents. We were in my truck, the locals said that there was a possible
   IED. The section quickly moved on and made the IED quick.
   The section quickly moved off a 150 meter north and south of the side street on the western side. BITP 3/4 vehicles
   came over to help support our position. 2 BITP vehicles replaced
   our section on the western side of the side street. Our section
   along with the other 2 Bravo Section vehicles went to the Eastern
   side of the street to link up with the A Company. My vehicle along with
   A Company vehicle blocked the northern part of the Eastern Street. While
   White 6 blocked the south side. White 6 called me in.

   As I arrived to drive down we were going to A Company so I could take 4's position. This
   in turn was so I could link up with EOD. My truck moved was now on the Southern blocking position at the Eastern side of the
   side street. Blocking south and east. White 6 drove back to my location with EOD. He (Redacted) dismounted and went with EOD.

   To show them the suspected IED. Location. My truck now blocked
east with the rest of the company blocked south. It was dark and we kept
   upđirecting traffic to
turn down another street 100 meters from main position. At least 2 times vehicles continued to come into our
   zone and with the use of equipment. Officers attempt to
   get the vehicle.

   The system stopped 88 meters from us
   and turned around. Suddenly another car broke the
   100 meter arc. My gunner Pte. Redacted and Driver Redacted
   started flashing lights at the vehicle. Maybe even
   the vehicle ever but cannot remember if that was
STATEMENT (Continued)
used exactly, as the car still did not stop with both pairs of lights still flashing. My Intersite got on the PASIV and started yelling for the vehicle to stop. Still nothing the vehicule continued to keep going, my Gunner then fired a warning shot with the Pasiv and lights still flashing. Still the vehicle continued to move towards us, almost appeared to exa - gain speed. AT this point my Gunner and the Gu - nner of Whi - te 6, I was informed but did not actually see the other gunner fire, shot rounds leading the vehicle so as to only shoot at the wood and disable the engine block. By the time the vehicle stopped it was only 20 meters from our truck. The driver got out. We checked him out who was bleeding from his head. He did not seem hostile after being searched. Then we moved to the rear to search for evidence of a VBED. All that was found was indeed passenger. The medic helped leads cms, the diph and the passenger was placed in a body bag which the driver came back with another vehicle and his brother to retrieve.

NOTHING FOLLOWS

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. 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:

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

INITIALS OF PERSON MAKING STATEMENT

15119

PAGE 2 OF 3 PAGES

ALL ITEMS ARE REDACTED UNDER 50 USC 552(B)(6) UNLESS OTHERWISE NOTED
Q: HOW MANY ROUNDS WERE FIRED BY YOUR GUNNER?
A: I THINK 14.

Q: WHEN WAS THE LAST TIME YOU WENT OVER THE CREEK RULES OF USE FOR CARS?
A: AT LEAST ONCE A WEEK. I CHECK TO MAKE SURE MY GUNS ARE WORKING.

Q: HOW MANY COMES DID YOU PUT OUT AND AT WHAT INTERVAL?
A: FOUR COMES AT APPROXIMATELY 50 METERS FROM OUR VEHICLE. There
WAS AN OBSTACLE IN PLACE AT THE T-SHOT OF A RD HEAD OF GAS COMES AND
RECOILS. I WASN'T SURE IF ANOTHER UNIT PUT THAT IN OR LOCAL NATIONALS

Q: DOES YOUR VEHICLE HAVE SPOKE STRIPS? DID YOU HAVE IT OUT?
A: YES, THE CABLE WITH A COUPLE OF SPOKE COMES. NO.

Q: WHY NOT?
A: DIDN'T OCCUR TO PUT THEM OUT. THOUGHT THOSE WERE TO BE USED IN
TCP OPERATIONS. DIDN'T OCCUR TO USE THEM AT ROADBLOCK. COMES AND
LIGHT HAD WORKED WITH POLICE VEHICLES THAT CAME TO THE ROADBLOCK.

Q: WHERE WAS YOUR GUNNER AT WHEN HE FIRED HIS WEAPON?
A: IN THE GUNNER'S BUNK.

Q: DID THE CAR GO THROUGH THE COMES?
A: HE SAWED AROUND THE MAIN ROAD OBSTACLE AND THREW FLASHING LIGHTS AND
THE TOP SPARED YELLED FOR THEM TO STOP AND THEY STOPPED. THEY KNOCKED OUT THE COMES
AND MY GUNNER FIRED WARNING SHOTS FROM THE FRONT OF CAR AND KEPT COMING. THE CLEAR.
SITUATION OUTSIDE OF THIS WOULD HAVE BEEN (BAR) FEAR OF COMES HAVING ACURED POLICE.
VEHICLES IN THE AREA AND FEELING DANGEROUS AND ABOUT TO SUSTAIN CUTOFF BE A VICTIM.

__________________________
WITNESSES:

__________________________
ORGANIZATION OR ADDRESS

__________________________
INITIALS OF PERSON MAKING STATEMENT

__________________________
SUBSCRIBED AND SWEAR TO BEFORE ME, A PERSON AUTHORIZED BY LAW TO
ADMINISTER OATHS, THIS 30TH DAY OF JANUARY, 2006

__________________________
ORGANIZATION OR ADDRESS

__________________________
INITIALS OF PERSON MAKING STATEMENT

__________________________
SUBSCRIBED AND SIRED TO BEFORE ME, A PERSON AUTHORIZED BY LAW TO
ADMINISTER OATHS, THIS 30TH DAY OF JANUARY, 2006

__________________________
SUBSCRIBED AND SWEAR TO BEFORE ME, A PERSON AUTHORIZED BY LAW TO
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INITIALS OF PERSON MAKING STATEMENT

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SUBSCRIBED AND SWEAR TO BEFORE ME, A PERSON AUTHORIZED BY LAW TO
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INITIALS OF PERSON MAKING STATEMENT