

**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**



**DEPARTMENT OF THE ARMY**  
**4<sup>TH</sup> BRIGADE COMBAT TEAM, 4TH INFANTRY DIVISION**  
**FOB PROSPERITY, BAGHDAD, IRAQ**  
**APO AE 09348**

REPLY TO  
ATTENTION OF:

AFYB-UA-CDR

2 February 2006

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

COL, IN  
Commanding

ALL ITEMS ARE  
REDACTED UNDER  
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UNLESS OTHERWISE  
NOTED

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 8<sup>TH</sup> SQUADRON, 10<sup>TH</sup> U.S. CAVALRY REGIMENT  
4<sup>TH</sup> BRIGADE COMBAT TEAM, 4<sup>TH</sup> INFANTRY DIVISION (MECHANIZED)  
APO, AE 09361-2505

AFYB-UA-UAA

29 January 2006

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 [REDACTED]
- (3) Exhibit C: DA FORM 2823, Sworn Statement by [REDACTED]
- (4) Exhibit D: DA FORM 2823, Sworn Statement by [REDACTED]
- (5) Exhibit E: DA FORM 2823, Sworn Statement by [REDACTED]
- (6) Exhibit F: DA FORM 2823, Sworn Statement by [REDACTED]
- (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, [REDACTED]

[REDACTED]  
MAJ, AR  
AR 15-6 Investigating Officer

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UNLESS OTHERWISE  
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# REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the preponent agency is DTJAG.

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 (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) (board) commenced at Camp Union III, Iraq (Place) at 1300 (Time)

on 30 January 2006 (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.)

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

and completed findings and recommendations at 1011 (Time) on 1 February 2006 (Date)

## SECTION III - CHECKLIST FOR PROCEEDINGS

### A. COMPLETE IN ALL CASES

	YES	NO <sup>1</sup>	NA <sup>2</sup>
1. Inclosures (para 3-15, AR 15-6)			
Are the following inclosed 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 N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO <sup>1)</sup>	NA <sup>2)</sup>
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/statement 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 (paras 4-1 and 5-2b, AR 15-6)?			X
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, 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 inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			X
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate --			
	(1) the date, hour, and place of the first session of the board concerning that 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?			
	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 5-4c, AR 15-6)?			X
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/> )			
	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 report (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 and by the appropriate officer?			X
	b. Did each member successfully challenged cease 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?			
	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?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
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 in 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 N/A 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] did fire 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 because 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 Troop's tactical SOP, 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, E, 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 oncoming 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] 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, I). Causation 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:

It is clear from the evidence stated above that PFC [REDACTED] intended to disable a possible VBIED and did not move to the final step of EOF procedures of 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 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: 1xstrand concertina wire, 4xtraffic cone, 1xspike ball chain, 8xchemlite. 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 muhallas of Baghdad. Recommended quantities are as follows: 2xstrand concertina wire, 8 to 12x traffic cone, 2 to 3xspike ball chain, 8xbox, chemlite.
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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NOTED

SECTION VI - AUTHENTICATION (para 2-17, 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)

(Member)

SECTION VII - MINORITY REPORT (para 2-18, AR 15-6)

To the extent indicated in Inclosure, (the undersigned does) 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) does) 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) (Inclosure) are (approved) (disapproved) (approved with following exceptions: ~~disapproved~~). If the approving authority concurs the proceedings in the investigating officer or board for further proceedings or corrective action, attach that correspondence for a summary of such action in the inclosure.

I agree with the Investigating Officer's findings and recommendations. PFC Brunsfield correctly applied EOP 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 on order the resource requirements for warning measures and the Investigating Officer recommends. To ensure that soldiers in the Squadron understand how to employ warning measures and the steps of EOP, 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.

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. MAFFEY  
Brigadier General, US Army  
Assistant Division Commander (Maneuver)

LTS, AR  
Lt Colonel

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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)

MAJ

(Investigating Officer) (President)

(Member)

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

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 on 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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NOTED

LTC, AR  
Commanding

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 8<sup>TH</sup> SQUADRON, 10<sup>TH</sup> U.S. CAVALRY REGIMENT  
4<sup>TH</sup> BRIGADE COMBAT TEAM, 4<sup>TH</sup> 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.

[REDACTED]  
LTC, AR  
Commanding

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NOTED.

## 4ID Serious Incident Report

From: Commander, A/8-10 CAV

Thru: Commander, 8-10 CAV

To: 4<sup>th</sup> 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] 506552650

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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## 4ID Serious Incident Report

(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 [REDACTED] (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 [REDACTED]
- 9. Point of contact: CPT [REDACTED]
- 10. Report originated by: CPT [REDACTED]
- 11. Released by: MAJ [REDACTED]

## 12. Unit Notifications:

A. Telephone

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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B. Email

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
Battle CPT	[REDACTED]	292100JAN06	Send SIR to BDE

FOD / DOC NCO ONLY:

Current FOD &amp; DOC NCOIC:

FOD / DOC NCO Actions:

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## 4ID Serious Incident Report

## FOD Notifications:

A. Telephone

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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B. Email

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION FOB Union III	DATE 30 JAN 2006	TIME 17:00	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-3/PFC	
ORGANIZATION OR ADDRESS ALPHA TRP B-10 CAV 48CT HHD			
I, PFC [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>The vehicle first became suspicious 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 sway 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 <del>into</del> in front of 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 <del>then</del> Grabbed my crew serve weapon (240B) and <del>then</del> by that time the car had stopped.</p> <p>————— NOTHING Follows —————</p>			
EXHIBIT B	INITIALS OF PERSON MAKING STATEMENT [REDACTED]		PAGE 1 OF 2 PAGES
<small>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.</small>			

STATEMENT (Continued)

Q: DO YOU LOOK AT THE (FEL) USE OF FORCE RULES CARD?

A: YES, AS MUCH AS POSSIBLE

Q: WERE THERE ANY OTHER CARS THAT CAME TOWARD YOUR POSITION? IF SO WHAT DID THEY DO?

A: ROUGHLY 20. THEY EITHER TURNED BY THE MAKESHIFT OBSTACLE, TURNED AROUND AND WENT BACK THE WAY THEY CAME AND A COUPLE WENT PAST THE MAKESHIFT OBSTACLE 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 CAR IN QUESTION CAME DOWN THE ROAD.

Q: DID YOU USE AIMED FIRE WHEN YOU SHOT THE WARNING 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 VBIED I WOULD COVER.

Q: DID THE CAR BREAK THROUGH THE CONE BARRIER? IF SO, DID HE SLOW DOWN?

A: YES HE DID. IF ANYTHING HE SPEED UP.

~~Q: WERE YOU FIRING DISABLING SHOTS WHEN~~

Q: WHEN YOU WERE FIRING YOUR WEAPON DID YOU FEEL YOUR LIFE AND THE LIVES OF THE MEN AROUND YOU WERE IN DANGER?

A: I HAD NO DOUBT.

## AFFIDAVIT

I, PFC [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 UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30<sup>th</sup> day of January, 2020, at

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)[REDACTED] MAS  
(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

USAPPC V2.00

ALL ITEMS ARE  
REDACTED UNDER  
5USC552(B)(6)  
UNLESS OTHERWISE  
NOTED

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION <u>FOB UNION 3, IRAQ</u>	DATE <u>30 Jan 06</u>	TIME <u>1416</u>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS <u>E6/556</u>	
ORGANIZATION OR ADDRESS <u>A TRP 810 (Av. Union 3, Baghdad, Iraq)</u>			
I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>On the 27th day of January 2006 on or about 1700, THE NATURE NORTH OF Rte OAKS ON THE NORTH BOUND ROAD AT GRID [REDACTED] WAIVED MY PATROL DOWN. PEOPLE ALL OVER WERE RUNNING AWAY FROM THE POINT THAT WE HAD STOPPED, MY WIFE &amp; ELEMENT SGT [REDACTED] WAS ORDERED BY ME TO TAKE THE INTERMETER ON THE GROUND AND FIND OUT WHAT'S GOING ON, THE NATURE'S SAID THAT TWO MEN DROPPED OFF A VEHICLE THAT RESEMBLES A 1981 CADILLAC IN FRONT OF THE CHURCH WITH EXPLOSIVES INSIDE. THEY ALSO SAID THAT THIS WAS THE THIRD TIME THEY'VE DONE THIS. I TOOK PRECAUTION STEPS. I TRIED TO GET EYE'S ON WITH MY GLASS BUT AT THE TIME TO MANY VEHICLES WERE IN THE WAY. SO I HAD STARTED POSITIONING MY TEAM FOR ROAD BLOCKS ON THE NORTH AND SOUTH ON [REDACTED] CALLED UP MY (CAACHE) AND ASKED FOR SUPPORT. AT OR AROUND 1750 BANDIT TRP ARRIVED WITH ONE BRADLEY AND THREE TRUCKS. I HAD THE BRADLEY SET ON THE NORTH WHERE HEAVY TRAFFIC WAS AT. IN THE INTERSECTION BETWEEN [REDACTED] AND [REDACTED] ONE TRUCK WHERE I WAS POSITIONED SOUTH ON THE NORTH BOUND ROAD, I PUSHED MY A9L w/08 VEHICLES TOWARDS THE NEXT ROAD GOING EAST ON THE NORTH SIDE. I PLACED BANDIETS LAST TWO VEHICLES ON A T-SECTION, WHERE THE ROAD MOVES EAST TO WEST AND MY WIFE &amp; I CAME DOWN TO MY POSITION BLOCKING OF ANOTHER ROAD THAT WENT EAST TO WEST. I THEN MOVED TOWARD Rte OAKS TO LINK UP WITH EOL. MOVED TOWARD WIFE'S TRUCK SO I COULD COVER THE SOUTH AND A T-SECTION</p>			
EXHIBIT <u>C</u>	INITIALS OF PERSON MAKING STATEMENT [REDACTED]		PAGE 1 OF <u>3</u> 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.

STATEMENT (Continued)

THAT WENT FROM EAST TO WEST. FROM MY POSITION TO [REDACTED] I, Sgt [REDACTED], GOT ON THE GROUND TO SHOW EOD WHERE THE POSSIBLE VBIED WAS LOCATED. EOD SENT THE ROBOT OUT AND I DIRECTED <sup>at</sup> EOD TOWARDS THE POSSIBLE VBIED. DURING ALL THIS THERE WAS SAF COMING FROM THE EAST OF OUR POSITION AND I NOTIFIED CANDIT AND EOD. GUN FIRE WENT OFF TO MY SIX BUT WASN'T QUITE SURE YET THAT IT CAME FROM ~~ANY~~ ONE OF MY TRUCKS. MORE GUNFIRE CAME FROM MY SIX, I WAS FOR SURE IT CAME FROM ONE OF MY GUYS. I RAN TOWARDS THE TRUCKS, TOOK COVER, AND SHOUTED OUT WHAT'S GOING ON? I SAW A MAN COME OUT HIS VEHICLE, I THEN TOLD HIM TO GET HIS HANDS UP AND MOVE TOWARDS THE TRUCK. THE MAN WAS ABOUT 40 YRS OLD AND HAD A GRAZE WOUND ON HIS HAND. I ORDERED THE MAN, HE THEN TOLD ME THAT SOMEONE ELSE WAS IN THE CAR. I CALLED THE MEDIC TO ATTEND THE MAN WHILE I CLEAR THE VEHICLE. MOVED FORWARD CLEARED THE CAR, THEN TOLD THE MEDIC TO ATTEND THE PERSON IN THE CAR. THE MEDIC REPLIED THAT HE WAS DEAD, SO WE GOT A BODY BAG AND PUT THE BODY IN IT. I HAD THE MEDIC ON THE GROUND AND THE INTERPRETER WITH SGT [REDACTED]. I ASKED, "WHAT WENT ON?" THEY TOLD ME THAT THE CAR PASSED THE 100 METER CONES, IGNORED THE FLASHING LIGHTS, IGNORED THE INTERPRETER WHEN HE SHOUTED OUT TO STOP ON THE BULL HORN,

## AFFIDAVIT

WHICH [REDACTED] ON PAGE 1 AND ENDS ON PAGE [REDACTED]. I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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 \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

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UNLESS OTHERWISE  
NOTED

EXHIBIT C

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION	DATE	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS
ORGANIZATION OR ADDRESS			

I, \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

AND ALSO IGNORED THE WARNING SHOT, THEN HE'D G

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EXHIBIT C	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
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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.

USAPRO

STATEMENT (Continued) AND ALSO IGNORED THE WARNING SHOT. THEN THE FIRE, RIGHT SIDE, WAS SHOT BUT VEHICLE KEPT MOVING FORWARD AND THAT WHEN MY GUNNER, SFC ATKENS AND WHITE'S GUNNER, SHOT MORE ROUNDS TO STOP THE VEHICLE. THE INTERPRETER TOLD ME THAT HE DIDN'T KNOW WHAT WAS GOING ON UNLESS THE PASSENGER WAS HIS. HE SAID HE DIDN'T HEAR ANYTHING. THEN BOB BURN UP THE CAR AND CAUDD IT UP.

NOTHING FOLLOWS

## AFFIDAVIT

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 UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30<sup>TH</sup> day of January, 19 2006 at FOB UNION III, IRAQ

ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED] MAJ  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ARTICLE 136 UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

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UNLESS OTHERWISE  
NOTED

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION FOB UNION III	DATE 30 JAN 06	TIME 1516	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS MSG/ACTIV	
ORGANIZATION OR ADDRESS HQ 18-10 CAL, FOB FALCON, IRAQ CB961			
I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
Q: [REDACTED]			
A: [REDACTED]			
Q: Your Position in PLT?			
A: B/2/A18-10 SECTION SGT			
Q: IS AW8 PART OF YOUR SECTION?			
A: ROGER			
Q: WHEN WAS THE LAST TIME YOU COVERED THE 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 UNDERSTANDING OF WHAT GOES OUT WHEN YOU SET UP A CHECKPOINT			
A: CONKS 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 CONDON AND LINKING UP WITH EOD, DID YOU HAVE TIME TO CHECK AW8S CONKS AND SPIKE STRIPS?			
A: NO. EOD WAS PUSHING TO HAVE THE VEHICLE I.D. ED AND TAKEN CARE OF			
Q: DO YOU HAVE ANYTHING ELSE TO ADD?			
A: I BACK EVERYTHING MY MEN DID AND I WILL TAKE FULL CONSEQUENCES WITH WHATEVER HAPPENS.			
EXHIBIT C	INITIALS OF PERSON MAKING STATEMENT [REDACTED]		PAGE 1 OF 1 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] 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.			

STATEMENT (Continued)

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REDACTED UNDER  
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UNLESS OTHERWISE  
NOTED

AFFIDAVIT

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\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

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

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF

USAPP-02-05

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION FOB Union III	DATE 30 JAN 06	TIME 1530	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-5	
ORGANIZATION OR ADDRESS A TRP 8/10CAV HBT 41D			
<p>I, <u>SAT [REDACTED]</u>, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>ON 29 JAN 2006 B section 2nd PLT ATRP went out on patrol. We (the section) with my vehicle in the lead went up [REDACTED] Northbound. A mile or so up roughly six or so Iraqi nationals ran out towards my truck. I called it up to white 6 ([REDACTED]) and said that I was going to stop and see what the situation was. I got out with the interpreter, who was also in my truck. The locals said that there was a possible UBIED that had just been parked by their church. I called up to white 6 and the section quickly cordoned off [REDACTED] north and south of the side street on the western side. BTRP w/ 4 vehicles came over to help support our cordon. 2 BTRP 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 side street to cordon off the Area. MY vehicle along with A92A vehicle blocked the Northern part of the Eastern Street while white 6 blocked the south side. White 6 called me and my crew up to drive down leaving A92A so I could take L's position. This in turn was so he could link up w/ EOD. MY truck moved was now on the Southern blocking position of 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 UBIED location. My truck now blocked East while the rest of the White 6 crew blocked South. It was dark and <del>we</del> kept we kept directing traffic to turn down another street 100 meters from our position. At least 2 times vehicles continued to come into our zone and with the use of escalation of force measures such as <del>lights</del>, lights, the system stopped 80 meters from us and turned around. Suddenly another car broke the 100 meter zone. My Gunner PFC [REDACTED] and Driver PFC [REDACTED] started flashing lights at the vehicle maybe even the vehicle horn but cannot remember if that was</p>			
EXHIBIT D	INITIALS OF PERSON MAKING STATEMENT [REDACTED]		PAGE 1 OF 3 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.

## STATEMENT (Continued)

used exactly. As the car still did not stop with both pairs of lights still flashing my Interpreter got on the PA system and started yelling for the vehicle to stop. Still nothing the vehicle continued to keep coming. My Gunner then fired a warning shot with the PA system and lights still flashing. Still the vehicle continue to move towards us almost appeared to even gain speed. At this point my gunner and the gunner of white 6, so I was informed but did not actually see the other gunner fire, shot rounds landing the vehicle so as to only shoot at the hood and disable the engine block. By the time the vehicle stopped it was only 20 meters if that from my 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 car to search for evidence of a VBIED. All that was found was a dead passenger. The medic helped bandage up the driver 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

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(Signature of Person Making Statement)

## WITNESSES:

described and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ at \_\_\_\_\_

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

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UNLESS OTHERWISE  
NOTED

EXHIBIT D

# SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION

DATE

TIME

FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME

SOCIAL SECURITY NUMBER

GRADE/STATUS

ORGANIZATION OR ADDRESS

I, \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ALL ITEMS ARE  
REDACTED UNDER  
50 USC 552 (B) (6)  
UNLESS OTHERWISE  
NOTED

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF \_\_\_\_\_ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
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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.

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STATEMENT (Continued)

Q: [REDACTED]

Q: HOW MANY ROUNDS WERE FIRED BY YOUR GUNNER?  
A: I THINK 14.Q: WHEN WAS THE LAST TIME YOU WENT OVER THE CEEC RULES OF USE FORCE CARD?  
A: AT LEAST ONCE A WEEK. I CHECK TO MAKE SURE MY GUNS HAVE THEIR CARDSQ: HOW MANY CONES DID YOU PUT OUT AND AT WHAT INTERVAL?  
A: FOUR CONES AT APPROXIMATELY 50 METERS FROM OUR VEHICLE. THERE

WAS AN OBSTACLE IN PLACE AT THE T-SUNCTION MADE UP OF GAS CANS AND BULDOZERS. NOT SURE IF ANOTHER UNIT PUT THAT IN OR LOCAL NATIONALS

Q: DOES YOUR VEHICLE HAVE SPIKE STRIPS? DID YOU HAVE IT OUT?  
A: YES, THE CHAIN WITH A COUPLE OF SPIKES ON IT. 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. CONES AND LIGHTS <sup>AND INTERPRETER</sup> HAD WORKED WITH PRIOR VEHICLES THAT CAME TO THE ROADBLOCKQ: WHERE WAS YOUR GUNNER AT WHEN HE FIRED HIS WEAPON?  
A: IN THE GUNNER'S HATCH

Q: DID THE CAR GO THROUGH THE CONES?

A: HE SWERVED AROUND THE MAIN MAKE OBSTACLE AND WE STARTED FLASHING OUR LIGHTS AND THE TROOP STARTED YELLING FOR THEM TO STOP AND THEY KEPT COMING. THEY KNOCKED OVER THE CONES AND MY GUNNER FIRED <sup>A</sup> WARNING SHOT (TRACER) RIGHT IN FRONT OF CAR AND KEPT COMING. THE WHOLE SITUATION OUTSIDE OF THIS MADE US MORE AWARE (PUBED, PRIEST OF CHURCH SAYING THERE HAD BEEN 2 PRIOR VEHICLES IN THE AREA) WE FELT IN DANGER AND REACTED TO WHAT WE THOUGHT COULD BE A VOICE

## AFFIDAVIT

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 UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30<sup>TH</sup> day of JANUARY, 1970, at FORB UNION III, IRAQ[REDACTED]  
(Signature of Person Administering Oath)[REDACTED] MAJ  
(Typed Name of Person Administering Oath)ARTICLE 136, UCMJ  
(Authority To Administer Oaths)ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ORGANIZATION OR ADDRESS  
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\_\_\_\_\_INITIALS OF PERSON MAKING STATEMENT  
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PAGE 3 OF 3 PAGES

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