



DEPARTMENT OF THE ARMY
4TH BRIGADE COMBAT TEAM, 3D INFANTRY DIVISION
FOB [REDACTED], BAGHDAD, IRAQ
APO AE 09348

AFZP-VE-C

20 August 2005

MEMORANDUM FOR Commander, 3d Infantry Division, FOB [REDACTED], Baghdad, Iraq

SUBJECT: Transmittal of Inquiry

1. Reference AR 15-6 Investigation into, 03 August 2005, EOF Shooting of two local nationals.
2. I approve the findings and recommendations. No further action is required.
3. POC for this memorandum can be reached at [REDACTED]

[REDACTED]
[REDACTED]

COL, EN
Commanding

CALL-ES-HHC

05 August 2005

SUBJECT: AR 15-6 Investigation of Local National KIA and WIA During Combat Operations of B Troop, 6-8 CAV on 03 August 2005

AR 15 – 6 Table of Contents:

1. Memorandum of AR 15 – 6 Investigation of Local national KIA and WIA During Combat Operations by B Troop, 6 – 8 CAV, dated 05 August 2005.
2. Appendix A – DA Form 1574, Proceedings by Investigating Officer.
3. Appendix B – Memorandum of Appointment of Investigating Officer for CPT [REDACTED].
4. Appendix C – Memorandum of Findings for Initial Commander's Inquiry of Red Platoon Warning Shots Resulting in Local National's Death, dated 03 August 2005.
5. Appendix D – Trip Ticket of [REDACTED] Platoon, B Troop 6 – 8 CAV, from TF 1-184 IN TOC.
6. Appendix E – SFC [REDACTED] Rights Waiver on DA Form 3881.
7. Appendix F – SFC [REDACTED], Initial Sworn Statement on DA Form 2823, Statement # 1.
8. Appendix G – SFC [REDACTED], Sworn Statement on DA Form 2823, Statement # 2.
9. Appendix H – SFC [REDACTED], Concept Sketch # 1.
10. Appendix I – TF 1-184 IN, Search [REDACTED] Sheet, from [REDACTED] briefing held on 30 July 2005.
11. Appendix J – SGT [REDACTED] Rights Waiver on DA Form 3881.
12. Appendix K – SGT [REDACTED], Initial Sworn Statement on DA Form 2823, Statement # 1.
13. Appendix L – SGT [REDACTED], Sworn Statement on DA Form 2823, Statement # 2.
14. Appendix M – SGT [REDACTED], Sworn Statement on DA Form 2823, Statement # 3.

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15. Appendix N – SSG [REDACTED], Rights Waiver on DA Form 3881.
16. Appendix O – SSG [REDACTED], Initial Sworn Statement on DA Form 2823, Statement # 1.
17. Appendix P – SSG [REDACTED], Sworn Statement on DA Form 2823, Statement # 2.
18. Appendix Q – SSG [REDACTED], Concept Sketch # 2.
19. Appendix R – SGT [REDACTED], Rights Waiver on DA Form 3881.
20. Appendix S – SGT [REDACTED], Initial Sworn Statement on DA Form 2823, Statement # 1.
21. Appendix T – SGT [REDACTED], Sworn Statement on DA Form 2823, Statement # 2.
22. Appendix U – SGT [REDACTED], Sworn Statement on DA Form 2823, Statement # 3.
23. Appendix V – SGT [REDACTED], Rights Waiver on DA Form 3881.
24. Appendix W – SGT [REDACTED], Initial Sworn Statement on DA Form 2823, Statement # 1.
25. Appendix X – SGT [REDACTED], Sworn Statement on DA Form 2823, Statement # 2.
26. Appendix Y – SGT [REDACTED], Sworn Statement on DA Form 2823, Statement # 3.
27. Appendix Z – SPC [REDACTED], Rights Waiver on DA Form 3881.
28. Appendix AA – SPC [REDACTED], Initial Sworn Statement on DA Form 2823, Statement # 1.
29. Appendix BB – SPC [REDACTED], Sworn Statement on DA Form 2823, Statement # 2.
30. Appendix CC – Copy of Tactical Operations Center Log / Radio Transmitter Operator Log from TF 1-184 IN, on DA Form 1594, 03 August 2005.

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31. Appendix DD – Blue 2 Report, Serious Incident Report IAW 4th Brigade, 3^d Infantry Division, “Vanguard”, Tactical Operations and Standard Operations Procedures, 01 January 2005.
32. Appendix EE – Memorandum For Record, Subject: Record of Items or Information not Received but Requested by the Investigating Officer.



DEPARTMENT OF THE ARMY
Headquarters, First Battalion, TF 184TH Infantry (Air Assault)
Bldg # 1105, FOB [REDACTED] Iraq 09364

CALL-ES-HHC

05 August 2005

MEMORANDUM FOR Commander, (ATTN: MAJ [REDACTED]), TF 1 - 184
Infantry Regiment (AASLT), Building # 300, FOB [REDACTED] Iraq, APO, AE 09364

SUBJECT: AR 15-6 Investigation of Local National KIA and WIA During Combat
Operations of B Troop, 6-8 CAV on 03 August 2005

1. Background of Investigation: Received an official appointment memorandum from HQ, TF 1 - 184 IN, appointing the undersigned as the investigating officer. Investigation commenced on 03 August 2005 at about 1330 hours and concluded on 05 August 2005, at about 2300 hours. Initial reports were received from TF 1-184 IN TOC of a warning shot incident resulting in the death of one local national and wounds to a second local national. This incident involved 1st Platoon, B Troop, 6 - 8 CAV, an element TACON to TF 1-184 IN. A review of the Trip Ticket of mission [REDACTED] RTO log, TOC reports, and SIR was conducted. On 03 August 2005, at about 1830 hours, a copy of an initial commander's inquiry with findings was provided by CPT [REDACTED], Commander, B Troop, 6 - 8 CAV. A review of this inquiry was conducted and key soldiers were identified and re-interviewed by the appointed investigating officer. Determinations were made regarding the injuries received to the local nationals. Once the final draft of the report was prepared and all interviews were completed, the investigation was reviewed by the local JAG office of 4th BDE, 3d ID, at FOB [REDACTED] Iraq. The final investigation was compiled, reviewed, and forwarded through official command channels to document the findings and conclude the investigation.

2. Summary of Investigation: While conducting joint combat operations on 03 August 2005, at an assigned search target, soldiers of B troop, 6 - 8 CAV, began conducting cursory IED searches (5/25 meter search) of the proposed blocking positions for a cordon of the target location. A local Iraqi Police unit from the [REDACTED] station within the B Troop's sector was present and in their assault positions to commence the search of the target when the incident occurred. A B Troop soldier identified a vehicle approaching rapidly at approximately 80 meters away and attempted to warn the driver of the ongoing operations. The driver acknowledged the presence of SGT [REDACTED] by flashing head lights but continued into the cordon area. Several soldiers attempted to warn the driver and began an escalation of force to protect the coalition personnel at the site. SGT [REDACTED] and SGT [REDACTED] attempted verbal and visual signals, followed by, both soldiers firing warning shots. The driver failed to concur and IAW the current ROE, the use of deadly force was authorized; where as, the driver was killed by a single bullet wound and the vehicle came to rest approximately 20meters from the soldiers. The soldiers continued to conduct their search of the area, expanded the perimeter to include the local national vehicle, attempted treatment for the local national; however, the local national was found dead. As this event was conducted a second but unrelated vehicle approached

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in the same manner and did not heed the warnings of the IP or the US Forces. At this time several personnel were exposed in the roadway attempting to resolve the first vehicle incident. The vehicle continued to approach rapidly. Again, several soldiers attempted to properly escalate force and warn the driver of the impending danger by verbal, visual, and displaying of weapons. The driver still continued to approach after several warning shots were fired. Finally, the authorized use of deadly force was given a second time by SSG [REDACTED] and SGT [REDACTED] to the SGT [REDACTED] and SPC [REDACTED] for deadly force. The vehicle stopped and began to flee the scene. The soldiers stopped the vehicle by gun point and instructed the driver to get out of the vehicle. They immediately treated the local national for two gun shot wounds to the upper left and right arms. IP cited the driver for failure to obey. The IP removed the remains of driver # 1, evacuated driver # 2, and with US assistance removed both vehicles to a safe location to impound. The IP unit from [REDACTED] took charge of the scene and properly identified the vehicles and drivers. A search of the vehicles discovered no prohibited items or contraband items or weapons.

3. Findings of Investigation: The first platoon of B Troop, 6/8 CAV executed a joint search [REDACTED] as assigned on TF 1-184 IN trip ticket, mission #3310 (see Appendix "D"). This mission started at approximately 0400 hours on 03 August 2005 and was scheduled to complete at approximately 1200 hours on 03 August 2005. The mission OIC/NCOIC was SFC [REDACTED] (see Appendix "E - H"). The [REDACTED] description is an apartment house previously identified by TF 1-184 IN as a suspected observation point for insurgent IED activity. This [REDACTED] was assigned during a Task Force 1-184 IN [REDACTED] meeting on 30 July 2005; as a, "[REDACTED]" with no formal [REDACTED] number (see Appendix "T"). [REDACTED] is located at approximate vicinity: [REDACTED], along the north side of Route [REDACTED]. The unit arrived with IPs from the [REDACTED] IP Station, identified the [REDACTED] location, and began to execute 5 - 25 meter cursory searches for IEDs, within the proposed blocking positions around the [REDACTED] location. SGT [REDACTED] was immediately placed at a position to direct all traffic heading west bound along senators to turn around upon approaching the blocking position; which, several vehicles had instantly complied. After being on site 3 - 5 minutes and still in the conduct of 5 - 25 meter cursory searches IAW the company SOPs/TTPs, a white, hatchback type vehicle approached the blocking position of the platoon. Vehicle #1 approached from the east and was traveling in the west bound lane toward the B Troop soldiers and was first spotted by SGT [REDACTED], at an approximate distance of 75 - 80 meters (see Appendix "J - M"). SGT [REDACTED], along with several other soldiers began to wave hand and arm signals, utilize their sure-fire lights, and yell (Arabic and English) the word for "Stop!". IAW the current ROE and unit SOP, the soldiers attempted these signals several times as determined safe and appropriate by the leadership on site. These measures failed and the soldiers escalated the force to the next level as deemed appropriate by their leadership and ROE. The soldiers followed the original failed attempts with an aggressive display of their weapons, use of lights, hand and arm signals, and verbal. Vehicle #1 identified the soldier's presence by flashing its lights and continued to travel directly towards the soldiers. At this point the vehicle was within 45 meters of the

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soldiers and the section sergeant, SSG [REDACTED] gave the order for warning shots. The soldiers continued to demonstrate all verbal and visual signals previously and fired warning shots, by firing 2-3 rounds from assigned weapons into the road in front of vehicle # 1. (see Appendix "N - Q") Vehicle # 1 did not yield or slow and SSG [REDACTED] ordered "stop that car!". The soldiers immediately shifted their fire to the front of the grill or radiator area of vehicle # 1. Vehicle # 1 still did not stop, yield, or slow with the soldiers yelling, presenting visual light signals, and firing shots. Vehicle # 1 was at approximately 25 - 30 meters away and demonstrated no signs of slowing down or yielding to U.S. Forces. The final escalation of deadly force was used and SGT [REDACTED] and SGT [REDACTED] fired into the driver's compartment. (see Appendix "R - U") Vehicle # 1 immediately stopped, coming to rest approximately 15 - 20 meters from the soldier's positions. SSG [REDACTED] and SGT [REDACTED] began to direct other soldiers to expand the perimeter and include the vehicle in their search. (see Appendix "V - Y") The IPs at the site were notified of the situation; in addition, FM was used to contact the [REDACTED] element of TF 1-184 IN. (see Appendix "CC & DD") Upon reaching vehicle # 1, the medic and IPs identified that the local national driver was killed in the shooting from a single gunshot wound. Location of injury was unclear in investigation. No formal identity of the local national's name or plate number was available; he was a male driver in a white vehicle and was identified by the IPs on site, after they retrieved his wallet from vehicle # 1. The entire incident elapsed over approximately 3-5 minutes. As the aftermath of vehicle # 1 was on going, vehicle # 2 approached the same way. West bound Route [REDACTED] from the east. Vehicle # 2 started heading toward the location of the blocking position and vehicle # 1, currently being searched. SGT [REDACTED] identified vehicle # 2, a grey or blue colored four door sedan, at about 75 meters away and began to give verbal and visual signals IAW with the current ROE and SOPs established. Due to the recent heightened concern and alert from vehicle # 1, vehicle # 2 was treated as a possible second attack vehicle following vehicle # 1. Soldiers gave verbal warning to stop, shined sure-fire lights, displayed weapons, and the vehicle still approached. There were several IPs and US Forces in the roadway as first responders to vehicle # 1 and vehicle # 2 did not acknowledge the presence of personnel. After proper escalation of force, SGT [REDACTED], SGT [REDACTED], and SPC [REDACTED] fired warning shots in a 2-3 round volley. (Appendix "Z - BB") They placed well aimed shots into the road in front of vehicle # 2, it still did not yield, turn, or stop. By this point the vehicle had traveled to a distance of approximately 30 meters from the blocking position and showed no sign of compliance. The use of deadly force was authorized by the section leader once again and the soldiers shifted fire into the driver's compartment. The vehicle immediately stopped and attempted to back away from the U.S. Forces' position. SGT [REDACTED], SGT [REDACTED], and a few other soldiers rapidly approached the vehicle dismounted and stopped the driver at gun point. They understood the backing away from them as an attempt to flee the location. They, along with IP assistance forced the driver out of the vehicle and gave him immediate medical treatment, as he suffered from minor gun shot wounds to his left and right upper arms. Once the medic was completed with initial treatment the IPs took control of vehicle # 2 and the driver. They cited the driver for failure to comply with instructions and called for a Red

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Crescent ambulance. Again, as with vehicle # 1, the IPs identified the driver and took the formal vehicle information. This information was not available during this investigation. After about 20 minutes, the IPs decided to evacuate the driver of vehicle # 2 to the hospital. They immediately removed the driver and took him in an IP vehicle for further treatment. They contacted another IP vehicle to come and retrieve the deceased driver from vehicle # 1. The platoon towed vehicle # 1, while the IPs operated vehicle # 2, and both moved in a secured convoy to the IP station for impoundment. It is evident that all soldiers involved received several threat briefs, intelligence situation reports, and an operations brief prior to the conduct of any activities on 03 August 2005. All soldiers interviewed were knowledgeable on the proper escalation of force and compliance with the current ROE. The area this operation occurred in is known to be a high threat area and is prone to multiple VBIED / IED attacks. During the initial cursory searches of vehicles # 1 & 2, no prohibited items were recovered as evidence by IPs or US personnel. The incident seems to be an unfortunate situation that might have been mitigated but is not caused by neglect or inappropriate activities by the unit or the soldiers during operations. The Iraqi local nationals were clearly warned IAW ROE and escalation of force. Vehicles # 1 & # 2 did not comply and broke the units established trigger line, after being identified as a threat IAW current ROE and unit SOPs.

4. Recommendations of Investigator: Any changes developed as a result of this investigation into the unit SOPs and TTPs, should be reviewed and put in written format to ensure the widest distribution and understanding. IAW unit TTPs/SOPs, as stated by sworn statements in this investigation, soldiers conduct the 5/25 meter searches first before conducting any other priorities of work at a TCP or blocking position. Additionally, the unit had only been on the site for a few minutes, this did not allow them to set out cones, TCP signs, wire, spike strips, or chemlites. It seems they did have the intent and understanding to do this but did not have the time to begin the task. It would also seem that the local nationals did not recognize the level of operations occurring at that location until they violated the unit's perimeter. The unit must do these operations as quickly as possible and almost simultaneously, upon arrival at a target site; especially, if the roadway is a high traffic area or high traffic time. Possibly the quick emplacement of cones 100 - 150 meters away on avenues of approaches could assist in migration of risks. The cones could be emplaced rather safely and quickly by a mounted vehicle or IP assistance. The location of the soldiers who were over watching avenues of approach might not have been ideal, given the current conditions of morning twilight, and positioned at the bottom of a slight up slope in the road. The point where the road crosses the rail road tracks, at approximately 100 meters away, is the highest point. When vehicles could see the US personnel in the road they were already inside the assumed engagement area, and had a short distance before being considered a threat. Repositioning the soldiers on over watch could have mitigated the risk to local nationals and provided better early warning. Since it was twilight and considered limited visibility the sure-fire lights the soldiers utilized were not ideal due to its small size and available quick reaction time. The driver of vehicle # 1, might have been confused and assumed

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the soldier was telling him US Forces were present and not trying to stop him. If larger candle watt lights or spotlights were utilized this could have also increased the stand off and safety of the local nationals and the US personnel involved. The unit should obtain larger lights and place in each vehicle on patrols as part of its SOPs. No designated shooter for the event of a warning shot was designated by leaders at the site. If this had been assigned as part of the original mission brief it could have also led to a more controlled warning shot process and vehicle stopping / escalation of force / ROE / SOPs. Soldiers involved should be monitored for any emotional or mental stress associated with the taking of a human life. Soldiers should be given a 24 to 48 hour period of refit to prepare them for future operations and to retrain on any new modifications to their unit SOPs. No administrative or adverse action recommended IAW UCMJ. No further actions or recommendations.

5. Point of contact for further information is the undersigned at VOIP [REDACTED]

Encls: 2

1. AR 15 - 6 Table of Contents
2. Completed AR 15 - 6 Investigation

[REDACTED]
CPT, IN
Commanding

Distribution:

- 1 - Appointment Authority
- 1 - Brigade Staff Judge Advocate
- 1 - Investigating Officer
- 1 - CDR, TF 1-184 IN
- 1 - CDR, 4th BDE, 3d ID

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 CDR, HHC, TF 1-184 IN (AASLT)

(Appointing authority)

on 03 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) (board) commenced at FOB [redacted] Iraq (Place) at 1330 (Time) on 3 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) (board) finished gathering/hearing evidence at 2000 (Time) on 04 August 2005 (Date) and completed findings and recommendations at 2300 (Time) on 05 August 2005 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO ^{1/}	NA ^{2/}
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 ^{1/}	NA ^{2/}
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. 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)?			
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)?			
7 Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
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)?			
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. 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?			
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)?			
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)?			
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?			
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)?			
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?			
b. Did each member successfully challenged cease to participate in the proceedings?			
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?			
c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
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)?			
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)?			
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:

SSG [REDACTED], SFC [REDACTED], SGT [REDACTED], SGT [REDACTED], SPC [REDACTED], and SGT [REDACTED] attended a pre-mission brief and demonstrate understanding of the ROE. Additionally, the soldiers on this patrol complied IAW ROE and unit SOPs during the incident. Escalation of force was conducted in a controlled manner and in the enforcement of CF safety and security.

SFC [REDACTED] the 1st PLT PSG, was on site but on the other end of the cordon supervising the IP unit. That element was preparing to enter the search [REDACTED]. The TCP or blocking positions were not completely established during the incident because the time on site was insufficient to complete the 5-25 meter searches IAW the unit SOPs, prior to the first shots fired. TCP equipment (wire, signs, cones) IAW 3ID policy was available on site but not in place yet. The location of the TCP or blocking position did not provide stand off distance and a safety barrier for the local nationals and the US / CF personnel. Sure-fire lights were not sufficient to warn drivers properly, it was still morning twilight, sunrise is recorded at 0612 on 03 Aug 05. The platoon was only on the [REDACTED] site for 3 - 5 minutes prior to the first warning shot fired by SGT [REDACTED] and SGT [REDACTED] followed up with deadly force authorized by SSG [REDACTED]. It was only 2 - 3 minutes longer before the second set of warning shots fired by SGT [REDACTED], SGT [REDACTED], and SPC [REDACTED]. Authorization for deadly force was given by SGT [REDACTED] and SSG [REDACTED].

Both local nationals in this case violated the verbal, visual, and warning shots fired in their direction to warn them of danger and to direct the driver to stop. In both shootings, warning shots were fired, well aimed, and at a properly identified threat. Both Vehicle # 1 and Vehicle # 2 were inside a range of 50 meters or less, prior to disabling or fatal shot taken. During the conduct of combat operations one local national received an injury resulting in his death and a second local national suffered two wounds, one in each arm and received immediate medical treatment. The IPs took control of evacuation procedures, all evidence, and personal effects of local nationals involved.

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

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

Unit should simultaneously conduct 5-25 meter checks while putting cones or lights out to immediately establish a perimeter and create a safety zone for military personnel and civilians on the battlefield.

Obtain larger and brighter lights for TCP or blocking position operations to ensure local nationals have the ability to recognize positions and stop immediately before entering the engagement area.

Ensure direct fire control measures are established by identifying an assigned shooter for warning shots and a clear and distinguishable trigger line/s. Use METTT-C to ensure the placement of blocking positions so that it provides the maximum amount of stand off for safety and is tactically sound.

Provide soldiers involved with proper mental, emotional, and other types of counseling if needed.

Ensure a 24-48 hour refit period to allow soldiers to study and rehearse any new TTPs adapted after or due to this incident. Additionally, provide retraining and guidance on TCP, ROE, and unit's SOPs.


Ensure all personnel in unit continue to rehearse the unit SOPs and current ROE to sustain knowledge and reaction for future operations.

Recommend condolence payment for families involved through use of CERP funds.

No recommendations for UCMJ for any personnel on the patrol.

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.)

<p>_____</p> <p>(Recorder)</p>	<p></p> <p>CPT _____, HHC CDR, TF 1-184 IN</p> <p>(Investigating Officer) (President)</p>
<p>_____</p> <p>(Member)</p>	<p>_____</p> <p>(Member)</p>
<p>_____</p> <p>(Member)</p>	<p>_____</p> <p>(Member)</p>

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.)

<p>_____</p> <p>(Member)</p>	<p>_____</p> <p>(Member)</p>
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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.)

Sir, I agree with the findings and recommendations. The BN will facilitate the payment of selective payment to the family. BTRP has already adjusted it's SOP to include the recommendations of the I/O.


 LTC _____, BN CDR, TF 1-184 IN



DEPARTMENT OF THE ARMY
Headquarters, 1st Battalion 184th Infantry (Air Assault)
FOB [REDACTED] Baghdad Iraq

CALL-ES-XO

3 Aug 2005

MEMORANDUM FOR: CPT [REDACTED] ([REDACTED]), HHC/1-184 IN, FOB
[REDACTED] Baghdad, Iraq

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed as investigating officer pursuant to AR 15-6 regarding the attack on a US Combat Patrol on 3 Aug 2005, which resulted in an alleged killing of a LN and wounding of another LN.
2. In your investigation, all witness statements will be sworn. From the evidence, you will make findings whether injuries that occurred were a result of poor tactical awareness, or, merely, casualties of war. Post sworn statements as exhibits to this investigation.
3. Submit your findings and recommendations on DA Form 1574 to this headquarters, ATTN: CALL-ES-XO within 3 days. VOIP [REDACTED]

[REDACTED]
MAJ, IN
Executive Officer



DEPARTMENT OF THE ARMY
BUSHMASTER TROOP, 8th SQUADRON, 8th CAVALRY
4th BRIGADE, 3rd INFANTRY DIVISION (MECH)
FORT STEWART, GEORGIA 31314



REF TO
ATTENTION OF

AFZP-VER-BT

3 AUG 05

MEMORANDUM FOR RECORD

SUBJECT: Commander's Inquiry, 3 AUG 05, [REDACTED] Platoon Warning Shots resulting in Local National's death.

1. The purpose of this memorandum is to discuss the situation, facts, findings, and recommendations of the shooting involving B Section, 1st Platoon, B Troop, 6-8 CAV and a local national (LN) on 3 AUG 05 at [REDACTED].

2. 1st Platoon [REDACTED], B Troop, 6-8 CAV was given an IED interdiction mission and Joint Patrol with IP with a specific requirement to conduct a clearance of a suspected IED initiation location. They SP'd from FOB [REDACTED] at 0400 and were scheduled to return at 1200 hrs. At approximately 0530 [REDACTED] linked up with the IPs and moved to the IED OP location. At approximately 0600 they arrived at the site and began establishing the outer cordon for the IPs to conduct the search. The soldiers exited their vehicles and began conducting 5 and 25 meter searches. Several cars were stopping and were turning around at the command of SGT [REDACTED]. As the soldiers continued to conduct their 5 and 25 meter checks a vehicle was spotted, by SGT [REDACTED], speeding toward their location. The car was identified at 70 to 80 meters away from the soldiers. SSG [REDACTED] instructed SGT [REDACTED] to get that car to stop. Lights, hand, and arm signals were used by SSG [REDACTED], SGT [REDACTED], and SGT [REDACTED] to attempt to stop the car. The driver did not respond and the car was engaged with warning shots on the road in front and warning shots to the front of the car (engine block) with no success, in fact the driver increased his speed. SSG [REDACTED], the Section Sergeant, finally gave instruction to stop the car resulting in shots to the driver's compartment. The car was engaged approximately 50 meters from the TCP by the crew served weapon mounted on B15 and came to a rest about 20 meters from the soldiers. The soldiers, led by SGT [REDACTED], expanded the perimeter to include the stopped car. Upon inspection the driver was found dead as a result of a single gunshot wound. Less than five minutes later, the team which had gone to search the vehicle identified a second vehicle speeding toward them. This car was spotted at a distance of approximately 70 meters. Again lights, hand and arm signals were used by SGT [REDACTED], SGT [REDACTED], and SPC [REDACTED] and again to no avail. The Section Sergeant ordered the car to be stopped. Again warning shots were fired in the front and then to the engine block of the vehicle by SGT [REDACTED], SGT [REDACTED], and SPC [REDACTED]. SGT [REDACTED] fired the initial shots and the second volley was fired by all three. The car stopped and then attempted to flee the scene. The soldiers moved to the vehicle stopped it at gunpoint where the driver refused to exit the vehicle. Upon exiting the vehicle the driver was found to have minor wounds to both arms. The driver was questioned after receiving medical treatment on the scene. During his interview, the driver indicated that he did want to be inconvenienced by the American Patrol and was attempting to by [REDACTED]. The Iraqi Police (IP) cited the driver for failure to obey instructions and told the driver that they would have killed had they been running the TCP.

3. The patrol involved in the incident had been sent to an area which was known for roadside IED [REDACTED] it was necessary to conduct 5 and 25 meter searches to mitigate the risk. Their plan [REDACTED], SFC [REDACTED] instructed the soldiers to execute this task prior to conducting and moving onto the road. These actions are in accordance with the current enemy situation in [REDACTED] along this particular road. SFC [REDACTED] had been briefed two nights prior that there [REDACTED] be an increased chance of VBIED contact in this area as a result of AIF attempts to [REDACTED] [REDACTED]. SFC [REDACTED] received this brief from his commander, CPT [REDACTED], who [REDACTED] this information from the S2 brief the previous day. Additionally, this area had been a [REDACTED] of previous VBIED attacks where the AIF drove into the first convoy they found. The [REDACTED] enemy use of VBIEDs was also in accordance with the briefed enemy SITEMP. The

AFZP-VER-BT

SUBJECT: Commander's Inquiry, 3 AUG 05, [REDACTED] Platoon Warning Shots resulting in Local National's death.

soldiers used several non-lethal means of stopping the vehicles prior to the use of warning shots. The soldiers also used several warning shots prior to transitioning to aimed shots at the driver's compartment. These steps were in accordance with the published ROE given the potential threat to the soldiers involved. Additionally, the Iraqi Police on the scene cited the drivers involved in the incident; thus validating the American's actions from an Iraqi perspective. The soldiers had not emplaced barrier material (signs, wire, and spike strips) in accordance with the Troop SOP for establishing a TCP. The time between exit of the vehicles and first contact did not allow the soldiers to complete their first requirement of the 5 and 25 meter searches. Therefore the soldiers did not have time in this instance to fully erect their TCP. They did have all the necessary pieces on hand and had prepared to execute this step in the pre-mission brief. More than one soldier fired warning shots on both occasions. No one soldier was identified as the individual that would execute this tactical task. The Patrol Leader, SFC [REDACTED], and the Section Sergeant, SSG [REDACTED], failed to identify this person. Although the response was proportionate to the threat, better fire controls must be implemented to alleviate this event from occurring again.

4. It is the recommendation of this chain of command that this platoon be relieved of patrolling duties for 24 hours and be retrained on the following tasks, ROE, TCP establishment, and Fire Control. These classes will be taught by 1LT [REDACTED] of 2nd Platoon. Additionally, SGT [REDACTED] will be excused from patrolling for 48 hours as he was involved in both shootings. SGT [REDACTED] will additionally give a class to his section on the ROE ramp procedures. All retraining events will be captured on memorandums for record and maintained. Finally, the Troop SOP will be amended to include immediate emplacement of some form of blocking material upon stopping, simultaneous to the 5 and 25 meter searches. The Troop SOP will be further amended to include and designated [REDACTED], which will be the Squad designated [REDACTED]

5. The POC for this memorandum is the undersigned.

[REDACTED]
CPT, AR
Commanding

TF 1-184TH IN TRIP TICKET

AUTHORIZATION SIGNATURE

TOC BTL CPT, BTL

MISSION NUMBER

ALL PATROL LEADERS WILL RECEIVE ENEMY SITREP FROM BN S2 SHOP AND PROVIDE BACKBRIEF ON ACTIONS ON CONTACT, CASEVAC, AND VEHICLE RECOVERY.. COMMUNICATIONS CHECK MUST BE PERFORMED PRIOR TO MOVE WITH BN TOC.

CALL SIGN: [REDACTED]

UNIT: B^{EE} 6-8 CAV

OIC/NCOIC: SFC [REDACTED]

DEPART DTG: 03 0400 AUG 05
(DAY) (TIME) (MONTH) (YR)

RETURN DTG: 03 1200 AUG 05
(DAY) (TIME) (MONTH) (YR)

MISSION(i.e. Route Combat Patrol, ISR, Civil Affairs with details): TARGET ZP PATROL

IN [REDACTED]

PLANNED ROUTE/STOPS (i.e Route [REDACTED] to Japanese Embassy, MB41123456 then Mahala 930):

RTE [REDACTED] → [REDACTED] → RTB FOB [REDACTED]

ADD VEHICLES AND PERSONNEL SHEETS

PAX	<u>15 + 1</u>	VEHICLES	<u>4/V</u>
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RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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.

1. LOCATION <u>FOI?</u>	2. DATE <u>8005 0803</u>	3. TIME <u>1207 1241</u>	4. FILE NO.
5. NAME (Last, First, MI) <u>[REDACTED]</u>	6. ORGANIZATION OR ADDRESS <u>Brown Troop 6-8 CAV 48DE 3ID</u>		
6. SSN <u>[REDACTED]</u>	7. GRADE/STATUS <u>E-7</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army B 6-8 CAV 48DE 3ID and wanted to question me about the following offense(s) of which I am suspected/accused: Firing warning shots

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- ☒ I do not have to answer any question or say anything.
- ☒ Anything I say or do can be used as evidence against me in a criminal trial.
- ☒ For personnel subject to the UCMJ, I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

☒ If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

See attached sworn statement

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE <u>[Signature]</u>
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <u>[REDACTED]</u>
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR <u>[REDACTED]</u>
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <u>B 6-8 CAV 3ID</u>
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-waiver

1. ☒ I do not want to give up my rights
☐ I want a lawyer
- ☐ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 20050803	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-7	

8. ORGANIZATION OR ADDRESS

1ST PVT BTRP 6-8 CAV 4802 JED

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 ON 050803 1ST PVT BTRP 6-8 CAV 4802 JED WAS TO CONDUCT JOINT PATROL WITH THE [REDACTED] IP AND I.E.D. INTERDICTION. IN ADDITION 1ST PVT WAS GIVEN THE MISSION OF SEARCHING [REDACTED] POSSIBLE OF BEING AN OP I.E.D. [REDACTED] AT [REDACTED]. AFTER SP FROM FOB [REDACTED] 1ST PVT PROCEED TO CONDUCT J.E.D. SWEEPS ALONG THE NORTHERN ACCESS ROAD OF RTL [REDACTED] FROM EAST TO WEST. AFTER CLEARING THE ROUTE THAT THE [REDACTED] WAS ON 1ST PVT CONTINUED NORTH THE [REDACTED] IP STATION TO LINK-UP WITH THEM FOR SUPPORT OF THE [REDACTED]. 1ST PVT AND ONE IP VEHICLE TRAVELED SOUTH THROUGH SECTION TO THE NORTHERN ACCESS ROAD ON RTL [REDACTED] AND PROCEEDED WEST TO EAST TO THE [REDACTED]. ONCE 1ST PVT MOVED INTO THE INITIAL BLOCKING POSITIONS 1ST PVT IMMEDIATELY BEGAN THREE FIVE'S AND TWENTY FIVE'S LOOKING FOR POSSIBLE I.E.D.'S THE TIME 1ST PVT BEGAN THESE FIVE'S AND TWENTY FIVE'S WAS 0505 HRS. ONCE 1ST PVT REPORTED THEY WERE BEGAINING THEIR SWEEPS I SFC [REDACTED] ACKNOWLEDGED AND BEGAN MINE. I STARTED MY SWEEPS WHEN I HEARD LOUD COMMANDS COMING FROM THE B15 VEHICLE ON THE EASTERN BLOCKING POSITION. I STOPPED AND LOOKED OVER AT THE VEHICLE AND HEARD SHOTS BEING FIRED FROM IT. I THEN WENT BACK TO MY VEHICLE TO ASK FOR A SITREP WHICH WAS GIVEN ON OR ABOUT 0600 HRS. AFTER THE SITREP GIVEN BY SSG [REDACTED]. I REPORTED TO [REDACTED] ABOUT 0600 THAT 1ST HAD FIRED SHOT AT A VEHICLE THAT WOULD NOT COMPLY TO AUDIO OR VISUAL WARNING / STOPPING SIGNALS. I WAS GIVEN A SITREP BY SSG [REDACTED] THAT HIMSELF AND SGT [REDACTED] WERE MOVING TO THE VEHICLE TO ACCESS IT. IMMEDIATELY SSG [REDACTED] REPORTED THAT HE NEEDED THE MEDIC SFC [REDACTED] ON SIGHT IMMEDIATELY, ESCORTED BY SGT [REDACTED] AND SFC [REDACTED] TO THE VEHICLE.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF _____ PAGES
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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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFTER RECEIVING A SITREP FROM SSG [REDACTED] THAT THE MALE WAS KIA. I STARTED TO SEND A SITREP TO [REDACTED] AND ONCE AGAIN NOT FIVE MINUTES LATER SMALL ARMS FIRE FROM THE BIT VEHICLE. AND ONCE AGAIN I COULD HEAR THE LOUD STOPPING COMMANDS COMING FROM THE VEHICLE. I AGAIN ASKED FOR A SITREP ON THE SECOND SITTING BIT/SSG [REDACTED] REPORTED THAT ANOTHER VEHICLE PLACED HANDING AND LO AND VISUAL STOPPING COMMANDS. AT THAT TIME I SENT A FOLLOW ON SITREP TO [REDACTED] ON 1ST PT'S SITUATION. IN ALL TWO VEHICLES WERE HIT FROM THE HANDING SITS FIRED AT THE VEHICLES. AFTER GOING TO THE SCEN TO ACCESS THE SITUATION. I WAS GIVEN THE DETAILS FROM SSG [REDACTED] ON BOTH SITUATIONS. AT THAT TIME I WAS BRIEFED BY SSG [REDACTED] IN THE ESTABLISHED BLOCKING POSITIONS AND I COORDINATED WITH THE IP'S FOR ADDITIONAL BLOCKING POSITIONS/SUPPORT OF THE NORTHERN POSITIONS. ONCE THE ADDITIONAL BLOCKING POSITIONS WERE ESTABLISHED I MOVED BACK TO THE SCEN TO GET A BETTER VIEW OF THE TWO VEHICLES AND THE WOUNDED IRAQI NATIONAL FROM THE SECOND VEHICLE. AT THAT TIME 1ST PT SUPPORTED THE IP'S & THEY TOOK CONTROL OF THE INVESTIGATION. I PROCEEDED BACK TO MY VEHICLE TO ANOTHER [REDACTED] POSITIONS. ONCE THE SCEN HAD BEEN INVESTIGATED BY THE IP'S 1ST PT SUPPORTED THERE MOVE BACK TO THE IP STATION. 1ST PT THEN RTB TO FIB [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE OF PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

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. 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 03 day of August, 2005 at FOB

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Investigative Officer
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT _____

PAGE OF 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 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 FOB [REDACTED]	2. DATE (YYYYMMDD) 2005 08 03	3. TIME 207	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-7	
8. ORGANIZATION OR ADDRESS			

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

- 1) What time did your ship at that location? [REDACTED]
ans: 0555 [REDACTED]
- 2) What was your mission? [REDACTED]
ans: Joint Patrol with IP's in sector and IED. Interdiction. Also search a possible IED [REDACTED]
- 3) What were your actions once you got off the truck? [REDACTED]
ans: Got off truck and confirmed everyone was doing J/As, then began my own J/As around my truck [REDACTED]
- 4) How long after you got off your truck did you hear gunshots? [REDACTED]
ans: 2-3 minutes [REDACTED]
- 5) What were your actions after hearing the initial gunshots? [REDACTED]
ans: Went back to vehicle got on radio and asked B/IS for a SITREP. B/IS gave me SITREP on vehicle and reported vehicle would not stop with visual or audio warning signals. Once I got his report I set it to [REDACTED]
- 6) How long after the first vehicle was the second vehicle engaged? [REDACTED]
ans: up to 5 minutes [REDACTED]
- 7) What were your actions after hearing the second car being engaged? [REDACTED]
ans: Asked B/IS for another SITREP. At this point I got the update about the first vehicle and the second vehicle. I then sent the SITREP to [REDACTED]
- 8) Were you able to see either of the cars being engaged? [REDACTED]
ans: NO [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] — TAKEN AT 1207 DATED 050803

9. STATEMENT (Continued)

9) At what point were you able to get on the ground and access the situation? [REDACTED]
ans: After sending all contact reports to [REDACTED]. And answering any questions coming from [REDACTED].

10) What did you see when you was the situation once you finally got to the vicinity of the two cars?

[REDACTED] Debrief from BLS, medic attending local patients. The IP's were investigating both vehicles, coordinated for additional IP support for an eastern blocking position. [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

STATEMENT OF [REDACTED] TAKEN AT 1207 DATED 050803

9. 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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 03 day of August, 2005 at Feb [REDACTED]

[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
ORGANIZATION OR ADDRESS

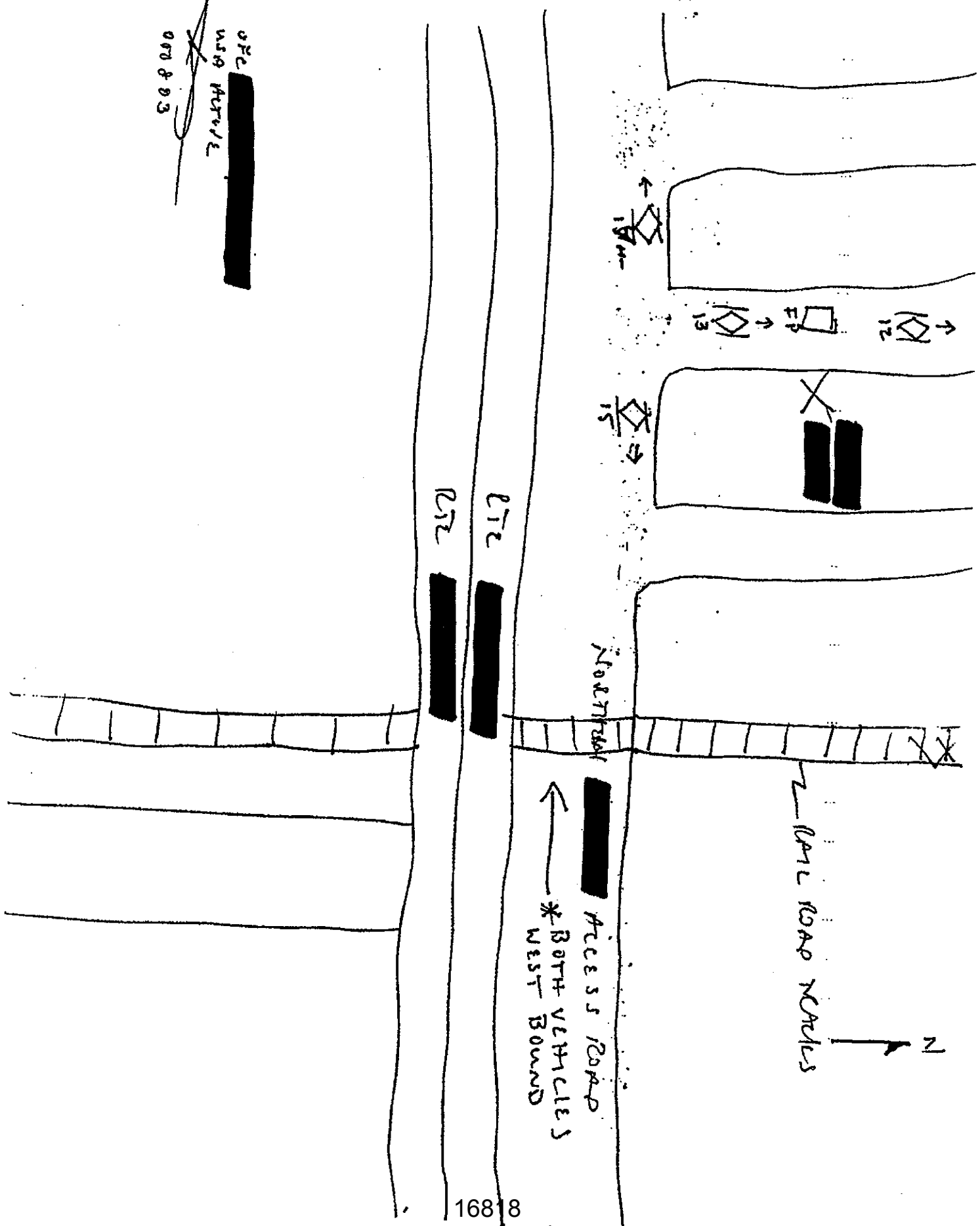
[REDACTED]
(Typed Name of Person Administering Oath)

Investigative Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE OF PAGES

OFF [REDACTED]
USO [REDACTED]
000803



RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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.

1. LOCATION FOB [REDACTED]	2. DATE 20050403	3. TIME 1424 1448	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS BTRP 6/8CAV 4TH BDE 3ID		
6. SSN [REDACTED]	7. GRADE/STATUS E-5		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army B 6-8 CAV 4BDE 3ID and wanted to question me about the following offense(s) of which I am suspected/accused: Firing warning shots

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. For personnel subject to the UCMJ, I have the right to talk privately to a lawyer before, during, and after questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer, or both.

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer, one will be appointed for me before any questioning begins.

I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

see attached sworn statement

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR B 6-8 CAV 4BDE 3ID
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-waiver

1. I do not want to give up my rights
☐ I want a lawyer ☐ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB [REDACTED]	2. DATE (YYYYMMDD) 20050803	3. TIME 1030	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS BTRP 6/8 CAV, 4TH BDE, 3ID			

9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON AUG 03, 2005 AT APPROXIMATELY 550 AM. THE FOLLOWING EVENTS HAPPENED. WE HAD JUST ARRIVED AT OUR BLOCKING POSITION WHERE OTHER ELEMENTS OF OUR PLATOON WERE GOING TO SEARCH A [REDACTED] THAT MAY HAVE BEEN INVOLVED IN SEVERAL IEDS IN THE IMMEDIATE AREA. UPON ARRIVING MY TRUCK COMMANDER AND DRIVER BEGAN DOING 5 AND 35M IED SWEEPS AROUND OUR TRUCK. I WAS STANDING IN THE GUNNERS HATCH OF OUR TRUCK WAVING BACK TRAFFIC HAD BEEN ON THE ROAD WHEN WE HAD STOPPED. OTHER VEHICLES WERE PULVING UP AND WERE STOPPING AND TURNING AROUND. ABOUT 2 MIN. HAD PASSED WHEN A WHITE CAR CAME PASSED THE POINT WHERE ALL OTHER VEHICLES HAD BEEN TURNING AROUND. I KEPT SHINING MY FLASHLIGHT AT HIM AND HEARD MY TC SAY "ARE YOU GUYS GOING TO STOP THAT CAR?" I SAID "HE'S NOT STOPPING." [REDACTED] WHO HAD BEEN RIDING IN THE BACK OF THE VEHICLE TRACKING OUR ROUTE WAS STANDING OFF TO THE RIGHT OF ME, AND MY DRIVER WAS OFF TO THE LEFT. ALL THREE OF US BEGAN TO YELL STOP, WAVE OUR ARMS AND SHINE OUR SHUREARE FLASHLIGHTS AT THE CAR. IT WAS THEN THAT [REDACTED] FIRED 2 OR 3 WARNING SHOTS AT US.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT 1030 DATED 2005 09 03

9. STATEMENT (Continued)

I SHOT 2 WARNING SHOTS FROM THE 50 CAL ON THE TRUCK ALMOST SIMULTANEOUSLY. WHEN WE FIRED OUR FIRST SHOTS THE VEHICLE WAS APPROXIMATELY 35 METERS AWAY. THE VEHICLE CONTINUED FORWARD. OUR FIRST SHOTS WERE AIMED AT THE ENGINE BLOCK. SINCE THE VEHICLE DID NOT STOP WE FIRED ON THE WIND SHIELD. I FIRED 4 MORE ROUNDS AT THE VEHICLE WHICH THEN VEERED OFF TO MY LEFT. [REDACTED] CALLED UP TO [REDACTED] TO GET THE MEDIC AND SEVERAL OTHER PEOPLE CAME OVER TO SEARCH THE VEHICLE. WITHIN 2 MIN. OF THE FIRST INCIDENT ANOTHER VEHICLE CAME DOWN THE ROAD PAST THE POINT OF ME FLASH MY FLASH LIGHT AT HIM. EVERY ONE BEGAN TO YELL AND SHINE LIGHTS. THE SECOND VEHICLE CONTINUED FORWARD US. [REDACTED], [REDACTED], [REDACTED] FIRED WARNING SHOT AND THEN SHOTS TO DIS ABLE THE VEHICLE. I DID NOT FIRE AT THE SECOND VEHICLE BECAUSE OUR OWN SOLDIERS WERE IN MY LINE SECTOR OF FIRE. NOTHING FOLLOWS.

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED] TAKEN AT 1030 DATED 20050803

9. 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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 03 day of August, 2005 at POB [REDACTED]

[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

Inverness, Ill.
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 3 OF 3 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 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 FOV [REDACTED]	2. DATE (YYYYMMDD) 2005 08 03	3. TIME 1424	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	

8. ORGANIZATION OR ADDRESS
A Troop 613 LAV, 4 BDE, 3 ID

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

- 1) What time did you stop at that location? [REDACTED]
ans: 0550 [REDACTED]
- 2) What was the mission? [REDACTED]
ans: Pull a TCP grid search [REDACTED] of suspected IED activities for
- 3) What were your actions when everyone initially got off trucks? [REDACTED]
ans: Stop cars that were heading towards our location and turned them back.
- 4) How long after you guys stopped did the vehicle in question approach? [REDACTED]
ans: 2-3 minutes [REDACTED]
- 5) Once you initially saw the vehicle what were your actions? [REDACTED]
ans: Shined flashlight and waved for him to turn around. He continued heading towards our location. SSG [REDACTED] asked if we were going to stop that car. I informed him the car would not stop. Then SGT [REDACTED] and PVT [REDACTED] started shouting, waving and shining lights at the car to stop it. That is when I brought the weapon down to the car. [REDACTED]
- 6) How far away was the car when you fired the first shot? [REDACTED]
ans: about 35 meters [REDACTED]
- 7) What was your aim point? [REDACTED]
ans: at the radiator of the car [REDACTED]
- 8) After your initial burst of fired shots what happened? [REDACTED]
ans: The car continued forward towards us [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT FOB [REDACTED] DATED 2005 08 03

9. STATEMENT (Continued)

9) What actions did you take when the car failed to stop after the warning shots? [REDACTED]

ans: Fired four more rounds aiming at the driver's side of the car. [REDACTED]

10) What happened after shooting the driver's side of the car? [REDACTED]

ans: In the middle of the four rounds the car jerked to the right and rolled about 20 meters off the road and stopped. [REDACTED]

11) How far away was the car when you fired the second burst of shots? [REDACTED]

ans: about 65 meters. [REDACTED]

12) Could you see the second vehicle heading towards your position? [REDACTED]

ans: YES [REDACTED]

13) How long after the first ^{vehicle} was it heading towards you? [REDACTED]

ans: 2-3 minutes [REDACTED]

14) What were your actions when you saw the second car coming? [REDACTED]

ans: Shined flashlight and waved arms for him to stop and turn around. [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

STATEMENT OF [REDACTED] TAKEN AT FOB [REDACTED] DATED 2050803

9. 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. 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 03 day of August, 2003
at FOB [REDACTED]

[REDACTED]
[REDACTED]
LC-2 4806 310
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

Investigating officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1983 (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.

1. LOCATION FOB [REDACTED] Iraq	2. DATE (YYYYMMDD) 2005/08/04	3. TIME 1453	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E5/SGT	
8. ORGANIZATION OR ADDRESS B, 6-8 CAV			

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

1. When did you first notice the vehicle approaching your TCP?
A: When it came over the train-tracks at about 75 meters away.
2. What actions did you take to protect US Forces and warn the driver of the danger of the military operation ongoing?
A: Shined a sure-fire flashlight and waved my arms for him to stop and go back.
3. Did the driver indicate to you that he recognized your presence?
A: Yes, he flashed his headlights at me.
4. When did the first warning shot get fired?
A: When the vehicle was about 35 meters away.
5. How long did it take before the next shot was fired?
A: Approximately another 10 meters, he did not slam on the brakes or turn, he just continued moving toward us.
6. Explain what the ROE is in theater currently?
A: Shout, show, if applies shove, then shoot. With a vehicle we are supposed to shoot the engine block to disable the vehicle and then if it doesn't stop then shoot to kill driver.
7. Did you search the vehicle after it came to rest?
A: I did not but others did.
8. Did they find anything in the vehicles?
A: Negative, Sir.
9. What type of vehicle was vehicle 1?
A: white hatch back.
10. What type of vehicle was vehicle 2?
A: I believe it was a grey four door.
11. Did you ID the driver of vehicle 1?
A: Yes, I believe so, Sir.
12. Do you know the name of the driver?
A: Negative, Sir.
13. Did you ID the driver of vehicle 2?
A: Yes, they did when they treated him.
14. What did the IP unit do during this incident?
A: After we had secured the area, the IPs then took control of the body and the wounded and called other vehicles to assist in the evacuation of the scene.
15. Do you have anything else that would be important for me to know, as part of this investigation?
A: Negative, Sir.

ENDS STATEMENT

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF Sgt [REDACTED] TAKEN AT FOB [REDACTED] DATED 2005 Aug 04

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF Sgt [REDACTED] TAKEN AT FBI [REDACTED] DATED 2005 Aug 04

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of August, 2005 at FBI IRAG

[REDACTED]
(Signature of Person Administering Oath)

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

[REDACTED]
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSQPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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.

1. LOCATION <u>FOR [REDACTED]</u>	2. DATE <u>2005 0803</u>	3. TIME <u>12:44 1338</u>	4. FILE NO.
5. NAME (Last, First, MI) <u>[REDACTED]</u>	6. ORGANIZATION OR ADDRESS <u>6-8 CAV 400E 3ID</u>		
6. SSN <u>[REDACTED]</u>	7. GRADE/STATUS <u>E-6</u>		

PART I. RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 6-8 CAV 400E 3ID and wanted to question me about the following offense(s) of which I am suspected/accused: Filing warning shots

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- For personnel subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

See attached sworn statement

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE <u>[REDACTED]</u>
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <u>[REDACTED]</u>
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR <u>[REDACTED]</u>
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <u>6-8 CAV 400E 3ID</u>
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-waiver

- I do not want to give up my rights
☐ I want a lawyer
☐ I do not want to be questioned or say anything
- SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89

EDITION OF NOV 84 IS OBSOLETE

USAPA 2.01

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION **FOB [REDACTED]** 2. DATE (YYYYMMDD) **20050803** 3. TIME **1030** 4. FILE NUMBER
 5. LAST NAME, FIRST NAME, MIDDLE NAME **[REDACTED]** 6. SSN **[REDACTED]** 7. GRADE/STATUS **E-6**
 8. ORGANIZATION OR ADDRESS **B-TROOP 6-8 CAV**

9. **[REDACTED]**, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 3 August 2005, 1st Platoon BTRP 6-8 Cav was conducting an IED interdiction mission and search of one [REDACTED] along the Northern access road along [REDACTED]. 1st Plt linked up with the [REDACTED] IP's at 0500. At 0540, we sp'd the station enroute to the [REDACTED]. At 0555, we arrived at the [REDACTED] location. B-12, the IP police vehicle and B-16 staged on the road in front of the house facing North. B-14 and my vehicle B-15 staged on the access road facing East with my vehicle the most Easterly located. Once stopped we proceeded to conduct our 5 and 25 sweeps. Due to the history of that road I wanted my crew to complete a thorough sweep. Once completed we were going to set up our blocking position with spike strips and cones. During the process of our sweep a vehicle turned down the access road coming towards our vehicle. We then started shouting "awgut" and flashing our lights at it. The vehicle kept driving at us. Again, we did the same actions to no avail. We continued to yell and flash our lights. The vehicle flashed his lights and kept coming at us. I then shouted, "stop that car." Sgt [REDACTED] fired his M-4 at the engine block. It continued to

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT **[REDACTED]** PAGE 1 OF **3** PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT 1030 DATED 2005 08 03

9. STATEMENT (Continued)

drive at our position. My gunner Sgt [REDACTED] fired 3 warning shots at the vehicle's engine from B-15's .50 cal. 2 struck the ground and one hit the engine. The car kept coming at us. [REDACTED] fired 3 more rounds. One hit the windshield of the car. It swerved simultaneously to the right as the other 2 hit the side ultimately killing the driver. I called up the sit-rep to SFC [REDACTED] and myself went to the vehicle to search it. After our outside assessment I reached into the vehicle and removed the key placing it on the roof of the car. We opened all doors, trunk and hood. Once it was clear I tried to check the driver's radial pulse. By then our medic SFC [REDACTED] was on scene along with Sgt [REDACTED] and Spc [REDACTED] sent by [REDACTED] from my previous call. I stayed with the medic and told [REDACTED] and [REDACTED] to move further east to expand the perimeter. After the medic assessed the driver he informed me that he was KIA. I reported it to [REDACTED]. Approximately 5 minutes later a second vehicle turned towards our position. We repeated the same steps as before. The vehicle kept driving while yelling [REDACTED] and [REDACTED] fired m-4 shots into the at the engine block. It didn't stop. [REDACTED] fired his m-249 at the engine block and up the left windshield. The vehicle stopped and then reversed trying to flee. We finally stopped him. He would not exit the vehicle. Still yelling "Inna" and pointing we got him out of the vehicle. He was injured on his left forearm and right bicep. [REDACTED] and myself searched the vehicle. I again removed the keys and placed them on the roof. I called [REDACTED] and reported the incident and called the medic over. The medic administered care to the man. I called up my driver, Pvt. [REDACTED] I had him and [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED] TAKEN AT 1030 DATED 2005 08 03

9. STATEMENT (Continued)

push up to the rail road tracks to keep anymore traffic from turning down the road. [REDACTED] accompanied them along with several IP's. [REDACTED] linked up with me on the ground and I briefed him of the situation. The IP's then moved their vehicle up to the tracks and told all traffic to stop. I then reported case to the second man was complete and the medic was continuing to monitor his condition. I told the IP's to call [REDACTED]. The IP's then took over the scene while we continued our security.

Nothing Follows

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]

B G-8 4808 310
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 03 day of August, 2005
at FOR [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

Ensign of Peace
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 3 OF 3 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 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 F00 [REDACTED] 2. DATE (YYYYMMDD) 20050307 3. TIME 1249 4. FILE NUMBER
 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 6. SSN [REDACTED] 7. GRADE/STATUS E-6
 8. ORGANIZATION OR ADDRESS B 6-8 CAV 400E 3RD

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

- 1) What time did you stop at that location? [REDACTED]
 ans: 0555 [REDACTED]
- 2) What was your mission? [REDACTED]
 ans: linked up with IP to check out target house and I.E.O. interdiction along northern access road of [REDACTED]
- 3) What were your actions when you first got off the truck? [REDACTED]
 ans: we started our S/Ls sweep. [REDACTED]
- 4) How long ^{did} between the time you stopped and the first vehicle headed towards your position? [REDACTED]
 ans: About 3 minutes. [REDACTED]
- 5) Did you have any blocking material set up? [REDACTED]
 ans: No it was in the vehicle upon completion of S/Ls we were going to set up cones + spike traps. [REDACTED]
- 6) Did you see the vehicle coming in your direction? [REDACTED]
 ans: yes [REDACTED]
- 7) What were your actions? [REDACTED]
 ans: myself and my crew began flashing surface lights, waving, yelling, showing force which continued until I saw the first enemy shots. [REDACTED]
- 8) How far away was the vehicle when the first shots were fired? [REDACTED]
 ans: 20-30 meters [REDACTED]
- 9) Where did the initial shots ^{hit}? [REDACTED]
 ans: 2 in the pavement one in the engine block from the SO and estimated 3 SSG in engine block. The 8mm arms shot first. [REDACTED]
- 10) What happened after the ^{initial} shots were fired? [REDACTED]
 ans: The vehicle continued towards our position so SGT [REDACTED] shot 3 more rounds from the SO and into the windshield [REDACTED]

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 2 PAGES

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT 1249 DATED 2005 08 03

9. STATEMENT (Continued)

10) cont. After the first round hit the windshield the driver swerved to the right and the other two hit the side of the vehicle. [REDACTED]

11) How far away from your truck was the vehicle when it finally stopped? [REDACTED]
ans: 15-20 meters. [REDACTED]

12) How long after the first vehicle did the second vehicle approach your position? [REDACTED]
ans: about 5 minutes [REDACTED]

13) What were the actions on this vehicle? [REDACTED]
ans: we started, shining our surface light, waved him off, and showed force. He still continued towards our position. SGT [REDACTED] and SPC [REDACTED] shot warning shots into the engine block. The car continued to towards our position so SGT [REDACTED] fired his 249 at the engine block and up to the left windshield. At the same time SGT [REDACTED] fired at the engine block. The car stopped and the driver put the car in reverse and tried to flee the scene. SGT [REDACTED] and SGT [REDACTED] got the guy to stop and got him out of the car. [REDACTED]

14) How far away was the 2nd vehicle when the first shots were fired? [REDACTED]
ans: 20 meters and he finally stopped at about 15 meters [REDACTED]

15) What happened after you got him out of the car? [REDACTED]
ans: myself and SGT [REDACTED] started the car, I called the medic over and he started treating the guy. I called my driver up, he and SPC [REDACTED] pushed out to railroad tracks. SGT [REDACTED] and 2SP's pushed out and stopped traffic. The man got hit twice one in the left forearm and one in your right bicep [REDACTED]

Nothing Follows

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[A large diagonal line is drawn across this section, indicating the statement continues on the next page.]

AFFIDAVIT

I, _____, 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:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 03 day of April, 2015 at FOB

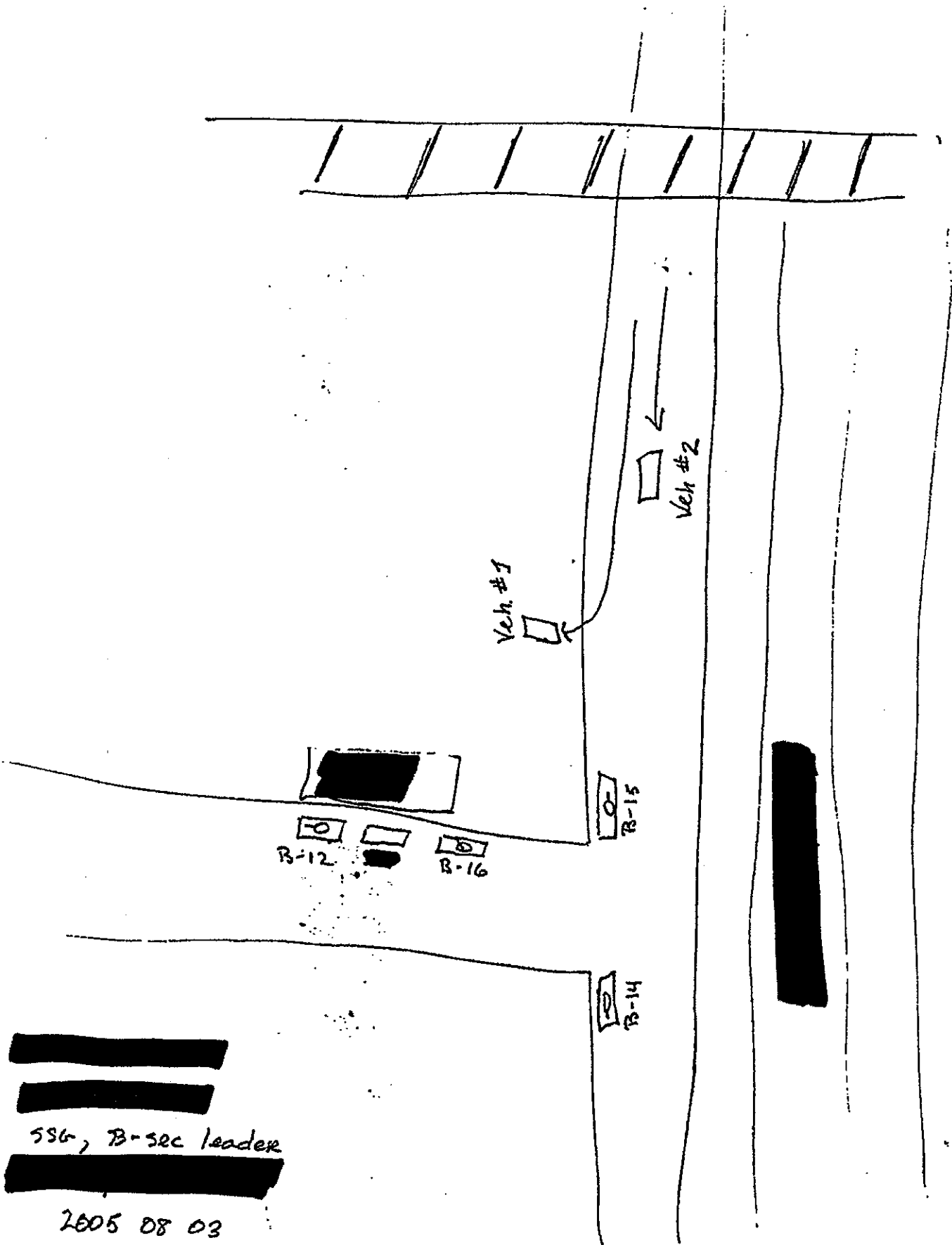
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Investigative Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES



SSG, B-SEC leader
2605 08 03

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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.

1. LOCATION FOO [REDACTED]	2. DATE 20050307	3. TIME 1720- 1203	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS Bravo Troop 6-8 CAV 40DE 3ID		
6. SSN [REDACTED]	7. GRADE/STATUS E-5P		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Bravo Troop 6-8 CAV
3ID and wanted to question me about the following offense(s) of which I am

suspected/accused: warning shots

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- ~~I~~ For personnel subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

If for civilians not subject to the UCMJ, I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

See Attached Sworn Statement

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR B 6-8 CAV 3ID
b. ORGANIZATION OR ADDRESS AND PHONE		

Section C. Non-waiver

- I do not want to give up my rights
☐ I want a lawyer ☐ I do not want to be questioned or say anything
- SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB [REDACTED]	2. DATE (YYYYMMDD) 20050803	3. TIME	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5 (Rear Gunner)	
8. ORGANIZATION OR ADDRESS BTRONG 6-7 Cav			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 We just wanted to one TCP location to catch off a possible IED house. We were conducting S/ES's around our area and within 3 minutes of us conducting S/ES's a vehicle was moving towards our location at a fast rate of speed. We shined our lights at the vehicle to stop. The vehicle flashed his lights back at us at about 100 meters away. We then began to shout and wave our arms for the vehicle to stop. The vehicle still continued to move towards our location at a high rate of speed. We then pointed our weapons at the vehicle and screamed AT him to stop. The vehicle continued toward our location at a high rate of speed. SSG [REDACTED] then shouted, "We NEED to stop that car!" I aimed my weapon at the vehicle engine block and fired 3 rounds. At the same time SGT [REDACTED] fired 3 steel rounds in front of the vehicle. At this time the vehicle was 30-40 meters away. The vehicle still continued toward our location. SGT [REDACTED] then fired a burst at the vehicle and hit the vehicle in the windshield and the vehicle swerved and SGT [REDACTED] continued to fire and shot the person in the vehicle and the vehicle swerved off the road approximately 20 meters away. Myself and SSG [REDACTED] moved to the vehicle with caution. We reached the vehicle and immediately SSG [REDACTED] called for the medic. The medic was escorted by SGT [REDACTED] and SFC [REDACTED]. Myself, SFC [REDACTED] and SGT [REDACTED] were providing security for SSG [REDACTED] and the medic while the medic assessed the casualty. Between 2-3 minutes later another vehicle about 70 meters away moving at a high rate of speed was heading toward us. We shined lights and shout for the vehicle to stop. The vehicle continued toward us. We then began to wave and continue to shout to stop the vehicle. The vehicle continued toward us. We then pointed our weapons at the vehicle and was shouting for the vehicle to stop. The vehicle continued toward us. The vehicle was nearly 30 meters away and myself fired warning shots and took out the headlights. The vehicle continued toward us we then began to open fire when the vehicle was 25 meters away. The vehicle stopped on the brakes.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

and skidded for about 3 feet. We stopped firing and moved and sat [REDACTED] Row towards the vehicle telling the Local National to get out of the car. The Driver put the vehicle in Reverse and tried to Drive away. We stopped the vehicle and got the National out. We called the medic over to treat the casualty's wounds, and the IP's were there. They called up more Personnel and they took over the scene By providing Blocking Positions and security for our medic to perform treatment on the National. The IP's took the vehicle and the dead and wounded back to the IP station. The Platoon was Released to FOB [REDACTED]

Nothing Further

03 Aug 08

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

I, _____, 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 _____

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 03 day of August, 2005 at FOG _____

BG-8 4606 310
ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Investigative officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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 FOY [REDACTED]	2. DATE (YYYYMMDD) 2005 08 03	3. TIME 1127	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5 P	

8. ORGANIZATION OR ADDRESS

3 Troop G-3 CAV 350

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

1. What time did you stop at the location?
ans. between 0550 and 0555
2. What was your mission?
ans. Go to suspected IED house
3. What were your actions when you initially got off the trucks?
ans. Initial Sias around trucks (TCP location)
4. How long after you got off the trucks did the car begin to approach?
ans: Between 2-3 minutes
5. Where were you in reference to the truck?
ans. On the passenger side about 5 meters away facing east in the direction the car was coming from
6. What were your escalation & force procedures after seeing the vehicle?
ans: Shined surface light, yelling to stop, pointed weapon at car. Sgt continued to shout while pointing weapon. The driver still did not comply. SSG [REDACTED] started to shout while stop car. As the car approached 35 meters I fired 3 shots into the engine block. At the same time SGT Hardy fired 2-3 warning shots in front of the car. Driver still did not comply and SGT [REDACTED] fired at the windshield. As SGT [REDACTED] fired at the windshield the car swerved to the right and rounds went through the window and door.
7. What were your aim points?
ans. engine block

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

TAKEN AT 1127

DATED 20050803

9. STATEMENT (Continued)

8. How long after did the second car approach?

ans: 2-5 minutes

9. In what direction was the car coming from?

ans: From East to West

10. What were your escalation & force procedures for the second car?

ans: Shine surface light and shined. Driver didn't comply so we tried to wave him off with hand signals while still shouting. Then we pointed our weapons at the vehicle while still shouting. Driver didn't comply and at 30 meters away I shot out its head lights. The driver didn't comply. At 20 meters myself, SGT. [redacted], and SFC [redacted] opened fire towards the windshield. The driver stopped and we stopped firing. The driver threw the car in reverse and tried to take off. Myself and SGT [redacted] ran to the car and told him to stop and got him out of the car. We called the medic up to provide medical treatment for the casualty.

11. How many rounds did you fire towards the windshield?

ans: 8 rounds

Nothing further

O-1 Aug 05

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

I, _____, 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 03 day of AUG, 2005 at FOG _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Frestschy Officer
(Authority To Administer Oaths)

B G-8 460E 210
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES