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]

[Signature]
COL, EN
Commanding
CALL-BS-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.


3. Appendix B – Memorandum of Appointment of Investigating Officer for CPT

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 Platoon, B Troop 6 – 8 CAV, from TF 1-184 IN
   TOC.

6. Appendix E – SFC Rights Waiver on DA Form 3881.

7. Appendix F – SFC Initial Sworn Statement on DA Form 2823,
   Statement # 1.

8. Appendix G – SFC Sworn Statement on DA Form 2823,
   Statement # 2.


10. Appendix I – TF 1-184 IN, Search Sheet, from briefing held on 30
    July 2005.


12. Appendix K – SGT Initial Sworn Statement on DA Form 2823,
    Statement # 1.

13. Appendix L – SGT Sworn Statement on DA Form 2823,
    Statement # 2.

14. Appendix M – SGT Sworn Statement on DA Form 2823,
    Statement # 3.
CALL-ES-HHC

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

05 August 2005

15. Appendix N - SSG Rights Waiver on DA Form 3881.


17. Appendix P - SSG Sworn Statement on DA Form 2823, Statement # 2.

18. Appendix Q - SSG Concept Sketch # 2.

19. Appendix R - SGT Rights Waiver on DA Form 3881.

20. Appendix S - SGT Initial Sworn Statement on DA Form 2823, Statement # 1.


22. Appendix U - SGT Sworn Statement on DA Form 2823, Statement # 3.

23. Appendix V - SGT Rights Waiver on DA Form 3881.


25. Appendix X - SGT Sworn Statement on DA Form 2823, Statement # 2.


27. Appendix Z - SPC Rights Waiver on DA Form 3881.

28. Appendix AA - SPC Initial Sworn Statement on DA Form 2823, Statement # 1.


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

05 August 2005


32. Appendix EE – Memorandum For Record, Subject: Record of Items or Information not Received but Requested by the Investigating Officer.
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 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 20 meters 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
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 _____ and SGT _____ to the SGT _____ and SPC
_____ 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 _____ 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 _____ 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 _____ (see Appendix “E - H”). The _____ description is an apartment
house previously identified by TF 1-184 IN as a suspected observation point for insurgent
IED activity. This _____ was assigned during a Task Force 1-184 IN _____ meeting
on 30 July 2005; as a, “_____” with no formal number (see Appendix “T”).
_____ is located at approximate vicinity: _____, along the north side of Route
_____.

The unit arrived with IPs from the _____ IP Station, identified the
location, and began to execute 5 – 25 meter cursory searches for IEDs, within the
proposed blocking positions around the _____ location. SGT _____ 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 _____, at an approximate distance of 75 – 80 meters (see
Appendix “J - M”). SGT _____, 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
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 gunshot 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
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

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. Re-positioning 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
CALL-ES-HHC

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

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

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

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

CPT, IN
Commanding
REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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 (below) commenced at FOB [redacted] Iraq at 1330

on 3 August 2005  
(Time)

(if a formal board not 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 3-2 and 5-20a, AR 15-6.)

The investigating officer (below) finished gathering/hearing evidence at 2300

on 04 August 2005  
(Time)

and completed findings and recommendations at 2300

on 05 August 2005  
(Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

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 NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.
<table>
<thead>
<tr>
<th></th>
<th>Exhibits (para 3-16, AR 15-5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?</td>
</tr>
<tr>
<td>b.</td>
<td>Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?</td>
</tr>
<tr>
<td>c.</td>
<td>Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?</td>
</tr>
<tr>
<td>d.</td>
<td>Are copies, descriptions, or depletions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?</td>
</tr>
<tr>
<td>e.</td>
<td>Are descriptions or data included of locations visited by the investigating officer or board (para 3-6b, AR 15-5)?</td>
</tr>
<tr>
<td>f.</td>
<td>Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?</td>
</tr>
<tr>
<td>g.</td>
<td>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 3-15d, AR 15-6)?</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>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)?</td>
</tr>
<tr>
<td>5</td>
<td>Was a quorum present at every session of the board (para 5-2b, AR 15-6)?</td>
</tr>
<tr>
<td>6</td>
<td>Was each absence of any member properly excused (para 5-2a, AR 15-6)?</td>
</tr>
<tr>
<td>7</td>
<td>Were memos, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-5)?</td>
</tr>
<tr>
<td>8</td>
<td>If any member who voted on findings or recommendations were not present when the board received some evidence, does the inquirer describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Notice to respondents (para 5-5, AR 15-6):</td>
</tr>
<tr>
<td>a.</td>
<td>Is the method and date of delivery to the respondent indicated on each letter of notification?</td>
</tr>
<tr>
<td>b.</td>
<td>Was the date of delivery at least five working days prior to the first session of the board?</td>
</tr>
<tr>
<td>c.</td>
<td>Does each letter of notification indicate—</td>
</tr>
<tr>
<td></td>
<td>(1) the date, hour, and place of the first session of the board concerning that respondent?</td>
</tr>
<tr>
<td></td>
<td>(2) the matter to be investigated, including specific allegations against the respondent, if any?</td>
</tr>
<tr>
<td></td>
<td>(3) the respondent's rights with regard to counsel?</td>
</tr>
<tr>
<td></td>
<td>(4) the name and address of each witness expected to be called by the recorder?</td>
</tr>
<tr>
<td></td>
<td>(5) the respondent's rights to be present, present evidence, and call witnesses?</td>
</tr>
<tr>
<td>d.</td>
<td>Was the respondent provided a copy of all unclassified documents in the case file?</td>
</tr>
<tr>
<td>e.</td>
<td>If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?</td>
</tr>
</tbody>
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<thead>
<tr>
<th></th>
<th>If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Was he properly notified (para 5-5, AR 15-6)?</td>
</tr>
<tr>
<td>b.</td>
<td>Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Counsel (para 5-5, AR 15-6):</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Was each respondent represented by counsel?</td>
</tr>
<tr>
<td>b.</td>
<td>Name and business address of counsel:</td>
</tr>
<tr>
<td>c.</td>
<td>If counsel is a lawyer, check here [ ].</td>
</tr>
<tr>
<td>d.</td>
<td>Was respondent's counsel present at all open sessions of the board relating to that respondent?</td>
</tr>
<tr>
<td>e.</td>
<td>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)?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Was the challenge properly denied and by the appropriate officer?</td>
</tr>
<tr>
<td>b.</td>
<td>Did each member successfully challenged cease to participate in the proceeding?</td>
</tr>
</tbody>
</table>

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

|   | 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)? |

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

**FOOTNOTES:***

1/Explain all negative answers on an attached sheet.
2/Use of the NA column constitutes a negative 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 area. 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 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 METT-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.)

(Recorder)  
(Investigating Officer) (President)

(Member)  
(Member)

(Member)  
(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

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

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/ modifications). (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 enclosure.)

Sir, I agree with the findings and recommendations. The 3d will facilitate the payment of sols for payment to the family. BTP was already adjusted it's 307 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], 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]

[Signature]
MAJ, IN
Executive Officer
MEMORANDUM FOR RECORD

3 AUG 05

SUBJECT: Commander’s Inquiry, 3 AUG 05, Platoon Warning Shots resulting in Local Nation’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 0530.

2. 1st Platoon, B Troop, 6-8 CAV was involved in an IED interdiction mission and Joint Patrol with IP with a specific requirement to conduct a clearance of a suspected IED initiation location. They were scheduled to return at 0400 hrs. At approximately 0730 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 stopped and were turning around at the command of SGT . As the soldiers continued to conduct their 5 and 25 meter checks a vehicle was spotted by SGT , speeding toward their location. The car was identified at 70 to 80 meters away from the soldiers. SSG instructed SGT to get that car to stop. Lights, hand, and arm signals were used by SSG , SGT , and SGT 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 , 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 S15 and came to a rest about 20 meters from the soldiers. The soldiers, led by SGT , 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 , SGT , and SPC 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 , SGT , and SGT . SGT 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 bypass it. 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 platoon involved in the incident had been sent to an area which was known for roadside IEDs and it was necessary to conduct 5 and 25 meter searches to mitigate the risk. Their platoon leader, SFC , instructed the soldiers to execute this task prior to conducting and movement onto the road. These actions are in accordance with the current enemy situation in the area along this particular road. SFC had been briefed two nights prior that there was an increased chance of VBIED contact in this area as a result of AIF attempts to move materiel through this area. Additionally, the area had been a target of previous VBIED attacks where the AIF drove into the first convoy they found. The timely use of VBIEDs was also in accordance with the briefed enemy SITEMP.
AFZP-VER-BT
SUBJECT: Commander's Inquiry, 3 AUG 05, 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 , and the Section Sergeant, SSG , 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 of 2nd Platoon. Additionally, SGT will be excused from patrolling for 48 hours as he was involved in both shootings. SGT 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 designate , which will be the Squad designated.

5. The POC for this memorandum is the undersigned.

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.

UNIT: B 6TH CAV
OIC/NCOIC: SEC

DEPART DTG: 03 0800 AUG 05
RETURN DTG: 03 1200 AUG 05
(DAY) (TIME) (MONTH) (YR)

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

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

RTE → → RTE FOB

ADD VEHICLES AND PERSONNEL SHEETS

| PAX | 15+1 | VEHICLES | 5 |

16810
RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-20; the proponent agency is ODSCPS

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. Your Social Security number is used as an additional/alternate means of identification to facilitate filing and retrieval. Disclosure of your Social Security Number is voluntary.

ROUTINE USES:

DISCLOSURE:

1. LOCATION
   EOD

2. DATE
   RC03 07 03

3. TIME
   12 00 HRS

4. FILE NO.
   TAC D

5. ORGANIZATION OR ADDRESS
   Bravo Troop 6-8 CAV 4DDE 3ID

7. GRADE/STATUS
   E-7

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 4DDE 3ID and wanted to question me about the following offense(s) of which I am suspected/accused: [Redacted]

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 of 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 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.
   (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)

1a. NAME (Type or Print)
   [Redacted]

1b. ORGANIZATION OR ADDRESS AND PHONE
   [Redacted]

2a. NAME (Type or Print)
   [Redacted]

2b. ORGANIZATION OR ADDRESS AND PHONE
   [Redacted]

3. SIGNATURE OF INTERVIEWEE
   [Signature]

4. SIGNATURE OF INVESTIGATOR
   [Redacted]

5. TYPED NAME OF INVESTIGATOR
   [Redacted]

6. ORGANIZATION OF INVESTIGATOR
   [Redacted]

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
   [Signature]

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

USAF 2.01
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 2901; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

<table>
<thead>
<tr>
<th>1. LOCATION</th>
<th>2. DATE (YYYYMMDD)</th>
<th>3. TIME</th>
<th>4. FILE NUMBER</th>
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<tr>
<td></td>
<td>2005-08-03</td>
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</tbody>
</table>

<table>
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<tr>
<th>8. ORGANIZATION OR ADDRESS</th>
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</thead>
<tbody>
<tr>
<td>1st PLT BTRY 4-8 BAV 4502 3ID</td>
</tr>
</tbody>
</table>

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

On 08-03-03 1st PLT BTRY 6-8 BAV 4502 3ID was to conduct joint patrol with the BAV 4502 3ID. In addition 1st PLT was given the mission of searching for possible I.E.D. or BAV 4502 3ID. After S1 from 1st PLT proceeded to conduct J.E.D. sweeps along the northern access road of BAV 4502 3ID. From east to west. After clearing the route, the BAV 4502 3ID was on 1st PLT continued north the forward station to link-up with then F.O.S. for support. On 1st PLT and 1st PLT vehicle traveled southeast through section to the northern access road on BAV 4502 3ID and proceeded west to east to the [REDACTED]. Once 1st PLT moved into the initial blocking position 1st PLT immediately began their five and twenty five's looking for possible I.E.D.'s. The time 1st PLT began their five and twenty five was 05:54 Hrs. Once 1st PLT reported they were beginning their sweeps I esp. acknowledged and began mine. I started my sweep's when I heard loud commands coming from the BAV 4502 3ID on the eastern blocking position. I stepped and looked out at the vehicle and heard shots being fired from it. I then went back to my vehicle to ask for assistance which was given on or about 0600 Hrs.

After the sitrep given by SS1 [REDACTED], I reported to [REDACTED] that 1st PLT fired shots at a vehicle that would not comply to audio or visual warning / stopping signals. I was given a sitrep by SS1 that himself and his [REDACTED] were moving to the vehicle to access it. Immediately SS1 reported that he needed the medic [REDACTED] on sight. Immediately, escorted by SS1 [REDACTED] and [REDACTED] to the vehicle.
9. STATEMENT (Continued):

After receiving a situation from SSgt. [redacted], the wire was cut. I started to send a sitrep to [redacted] and once again, not five minutes from the incident, a second vehicle was approached. Firing into the command, the second vehicle reported to SSgt. [redacted] that another vehicle released a [redacted] and [redacted]. At that time, I sent a [redacted] to SSgt. [redacted] on [redacted] situation. In the event of a vehicle, one of the vehicles, after going to the scene to access the situation, I was given the details from SSgt. [redacted] on both situations. At that time, I was advised by SSgt. [redacted] on the established blocking position and I coordinated with the ECP's for additional blocking position. Support of the blocking position was established. The additional blocking point was established. Back at the scene, I got a better view of the two vehicles. The wounded Israeli national was from the second vehicle. At that time, IST BCP supported the ECP's if they took control of the investigation. I proceed back to my vehicle to [redacted] [redacted] position. Once the scene had been initiated, investigated by the ECP IST BCP supported the ECP's if they took control of the investigation. I proceed back to my vehicle to initiate [redacted] position. Once the scene had been initiated, investigated by the ECP IST BCP supported the ECP's if they took control of the investigation.
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 2981; 110, 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
2. DATE (YYYYMMDD)
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS

9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1) What time did you stop at that location?  
   ans: 0555

2) What was your mission?
   ans: Joint raid with DEPC in sector and DEP Interdiction, also search a possible 
       DEP

3) What were your actions once you got off the truck?
   ans: Got off truck and continued everyone was doing SRSs, then began my own
       SRSs around my truck

4) How long after you got off your truck did you hear gunfire?
   ans: 2-3 minutes

5) What were your actions after hearing the initial gunfire?
   ans: Went back to vehicle got on radio and asked B15 for a SITREP. B15 gave me SITREP on vehicle and reported vehicle would not stop with usual
       radio warning signals. Once I got his report I set it to

6) How long after the first vehicle was the second vehicle engaged?
   ans: Up to 5 minutes

7) What were your actions after hearing the second vehicle being engaged?
   ans: Asked B15 for another SITREP. At this point I got a update about 2
       first vehicle and a second vehicle. I then sent B SITREP to

8) Were you able to see either of the cars being engaged?
   ans: No

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

DA FORM 2823, DEC 1998
DA FORM 2823, JUL 72, IS OBSOLETE

16815
9. STATEMENT (Continued)

9) At what point were you able to get on the ground and access the situation? After sending all combat reports to [REDACTED], I arrived at the entering and left the area coming from [REDACTED].

10) What did you see when you were in the vicinity of the two cars?

[REDACTED] debrief from [REDACTED] police accessing local hospital. The [REDACTED] were immediately both vehicles. Coordinated for additional [REDACTED] support for an eastern blocking position.
WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE.

I, ABBEY WAY, HAVE READ OR HAD READ TO ME THIS STATEMENT CONTAINING THE STATEMENT, HAVE MADE THIS STATEMENT UNDER AND HAVE INITIATED THE BOTTOM OF EACH PAGE THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR INJURY OR BENEFIT.

SUBSCRIBED AND SWORN TO BEFORE THE PERSON AUTHORIZED BY LAW TO ADMINISTER OATHS THE 20TH DAY OF OCTOBER, 2023

(petitioner's signature)

WHEREUPON THE PERSON MAKING STATEMENT

SUBSCRIBED AND SWORN TO BEFORE THE PERSON AUTHORIZED BY LAW TO ADMINISTER OATHS THE 20TH DAY OF OCTOBER, 2023

(Witnesses' signature)

THE STATEMENT OF

TAKEN AT 4:07
DATED 05/03/03
Rights Warning Procedure/Waiver Certificate

Authority:
Title 10, United States Code, Section 3012(a)

Data Required by the Privacy Act

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.

Location:
Date:
Time:
File No.:

Name: [Redacted]

Organization or Address:

Grade/Status:

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 [Redacted] and wanted to question me about the following offense(s) of which I am suspected/accused: [Redacted].

Before I was asked 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. 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 my own expense or a public defender or both.
4. I also have the right to talk privately to a lawyer before, during, and after questioning. (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I am 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.

Comments (Continue on reverse side):

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):

1a. Name (Type or Print):

1b. Organization or Address and Phone:

2a. Name (Type or Print):

2b. 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

Signature of Interviewee:

[Redacted]

Attach this Waiver Certificate to any sworn statement (DA Form 2623) subsequently executed by the suspect/accused.

DA Form 3831, Nov 89 Edition of Nov 84 is Obsolete
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2901; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
   [Redacted]

2. DATE (YYYYMMDD)
   20050803

3. TIME
   1030

4. FILE NUMBER
   [Redacted]

5. LAST NAME, FIRST NAME, MIDDLE NAME
   [Redacted]

6. SSN
   [Redacted]

7. GRADE/STATUS
   E-5

8. ORGANIZATION OR ADDRESS
   B-TRP 6/8 CAV, 4TH BDE, SJD

9. [Redacted]

   WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

   On Aug 03, 2005 at approximately 530 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 I then began doing 5 and 15
   sweeps around our truck. I was standing in the gunner's
   hatch of our truck waving back traffic had been on
   the road when we had stopped. Other vehicles were
   pulling up and were stopping and turning around. About 8 am,
   had passed when a white car came passed the point were
   all other vehicles had been turning around. I kept shining
   my flashlight at him and heard my te say "ARE YOU GUYS GOING
   TO STOP THAT CAR?" I said "HE'S NOT STOPPING." 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 to
   wave our arms and shine our Surefire flashlights at
   the car. It was then that [Redacted] fired or 3 warning shots.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER
MUST BE BE INDICATED.
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 flashing my flash light at him. Everyone began to yell and shine lights. The second vehicle continued toward us. [Redacted] fired warning shot and then shots to disable the vehicle. I did not fire at the second vehicle because our own soldiers were in my line of fire. Nothing follows.
SWORN STATEMENT
For use of this form, see AR 190-48; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2551; E.O. 9397 dated November 22, 1943.
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
2. DATE (YYYYMMDD)
3. TIME
4. FILE NUMBER
5. LAST NAME, first NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS
9. ATTN: 

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

DA FORM 2823, DEC 1998  DA FORM 2823, JUL 72, IS OBSOLETE

16823
9. STATEMENT (Continued)

4) What action did you take when the car failed to stop after the warning shots? [ ]

6) What happened after shooting the drivers side of the car? [ ]

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

10) Could you see a second vehicle heading towards your position? [ ]

12) How long after the first vehicle did it travel towards you? [ ]

14) What was your action when you saw the second car coming? [ ]

Yes [ ]

No [ ]

2-3 minutes [ ]
STATEMENT OF [Redacted] TAKEN AT [Redacted] DATED 2005-08-03

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 improper inducement.

[Signature of Person Making Statement]

WITNESSES:

[Redacted]

[Redacted]

ORGANIZATION OR ADDRESS

[Redacted]

[Redacted]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 07 day of [Redacted], 2005, at [Redacted].

[Signature of Person Administering Oath]

Typed Name of Person Administering Oath

[Redacted] (Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

PAGE 3, DA FORM 2923, DEC 1998
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 ROH is in theater currently?
   A: Scream, shoot, if applies shoot, 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.
STATEMENT OF 8C  TAKEN AT  
DATED 2006 Aug 04

8. STATEMENT (Continued)

AFFIDAVIT

1. HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

____________________________________

____________________________________

ORGANIZATION OR ADDRESS

____________________________________

____________________________________

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of August, 2006, at 10:46.

(Signature of Person Administering Oath)

Typed Name of Person Administering Oath

(Authority To Administer Oaths)
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:
PRINCIPAL PURPOSE: Title 10, United States Code, Section 3012(g)
ROUTINE USES: To provide commanders and law enforcement officials with means by which information may be accurately identified.
DISCLOSURE: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
Disclosure of your Social Security Number is voluntary.

1. LOCATION: ____________________________
2. DATE: 0201-0807
3. CASE NO.: 55-3338
4. RLE NO.: ____________________________
5. NAME [Last, First, MI] ____________________________
6. SSN: ____________________________
7. GRADE STATUS: ____________________________

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me/he/she is with the United States Army 6-8 CAV 400E 310 and wanted to question me about the following offense(s) of which I am suspected/accused: Branch Army

1. I have been asked to answer any questions, or do anything, about the offense(s) of which I am suspected/accused.
2. I do not have to answer any question or do anything.
3. For the purpose of this interview I have the right to speak 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.

For civilians not subject to the UCMA I have the right to speak 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.

4. 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)
1a. NAME (Type or Print) ____________________________
1b. ORGANIZATION OR ADDRESS AND PHONE ____________________________
2a. NAME (Type or Print) ____________________________
2b. ORGANIZATION OR ADDRESS AND PHONE ____________________________
3. SIGNATURE OF INTERVIEWEE ____________________________
4. SIGNATURE OF INVESTIGATOR ____________________________
5. TYPED NAME OF INVESTIGATOR ____________________________
6. ORGANIZATION OF INVESTIGATOR ____________________________

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

16829
SWORN STATEMENT

On 3 August 2005, 1st Platoon B Troop 6-8 Cav was conducting an IED interdiction mission and search of one undesignated along the northern access road along undesignated 1st Pit linked up with the 1st Pit at 0500. At 0540, we sped the station enroute to the undesignated 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 ‘AUF’ 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
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 Spc [REDACTED] was on scene along with Sgt [REDACTED] who had been sent by [REDACTED] my previous call. I stayed with the medic and told [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 ‘Ihna’ and pointing we got him out of the vehicle. He was injured on his left forearm and right knee, [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]
push up to the railroad tracks to keep anymore traffic from turning down the road. accompanied them along with several IP's. 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 repeated care to the second man was complete and the medic was continuing to monitor his condition. I told the IP's to call The IP's then took over the scene while we continued our security.

Nothing Follows

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

______________________________

______________________________

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 07 day of August, 2005 at [ ]

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

[Authority To Administer Oaths]
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is DCSOPS

PRIVACY ACT STATEMENT
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2551; E.O. 9397 dated November 22, 1943 (SSW).
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.

<table>
<thead>
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<th>1. LOCATION</th>
<th>2. DATE (YYYY/MM/DD)</th>
<th>3. TIME</th>
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<td>[redacted]</td>
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8. ORGANIZATION OR ADDRESS
[redacted] (C-308/C-406/C-301)

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

1. What time did you stop at that location? [redacted]

2. What was your mission? [redacted]

3. What were you doing when you first got off the truck? [redacted]

4. How long were you on the mission? [redacted]

5. Did you have any blocking/orientation setup? [redacted]

6. How many rounds were fired? [redacted]

7. What were your actions? [redacted]

8. What happened after the initial shots were fired? [redacted]

9. What happened after the vehicle continued towards our position? [redacted]

10. EXHIBIT

11. INITIALS OR PERSON MAKING STATEMENT

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ... TAKEN AT ...
DATED ...
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
STATEMENT OF [Redacted] TAKEN AT 12:49 DATED 2006-08-03

9. STATEMENT (Continued)

10) Caused the first round hit to windshield. The driver swerved to his right
and the other two hit the side of the vehicle.

11) How far away from your truck was the vehicle when it finally stopped?

12) How long after the first vehicle did the second vehicle approach your
position?

13) What were the actions on this vehicle?

14) How far away was the 2nd vehicle when the shots were fired?

15) What happened after you got him out of the car?


INITIALS OF PERSON MAKING STATEMENT [Redacted] PAGE 2 OF 2 PAGES

PAGE 2, DA FORM 2823, DEC 1998

16834
# 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.

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<th>7. GRADE/STATUS</th>
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## 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 and wanted to question me about the following offense(s) of which I am suspected/accused:

**Crime Report:**

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(s) or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.

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 retain at my own expense to the Government or a military lawyer detailed for me at no expense to me, or both.

### 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)

<table>
<thead>
<tr>
<th>1a. NAME (Type or Print)</th>
<th>3. SIGNATURE OF INTERVIEWEE</th>
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<tr>
<th>2a. NAME (Type or Print)</th>
<th>5. TYPED NAME OF INVESTIGATOR</th>
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### 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 2223) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED**

DA FORM 3881, NOV 89

Edition of Nov 84 is Obsolete
SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 6 USC Section 2051; 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 [YYYY/MM/DD]

3. TIME

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

C-9 Newell

8. ORGANIZATION OR ADDRESS

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

We, the undersigned, are in our regular position to observe a possible ZED J-27. We were conducting

ZED J-27 around our area and within 3 minutes of our observation, ZED J-27 a vehicle

was moving towards our location at a fast rate of speed. We turned our lights at the vehicle

to stop. The vehicle flashed its lights back at us about 100 meters away. We then

began to stand and warn our agents for the vehicle to stop. The vehicle still continued

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 towards our location at a high rate of speed.

ZED J-27 then stopped. We then moved to stop that car. I placed my weapon at the vehicle

engine block and fired 3 rounds. At the same time, SGT [REDACTED] fired 3 rounds in front

of the vehicle. At this time, the vehicle was about 100 meters away. The vehicle still continued

towards our location. SGT [REDACTED] fired a burst at the vehicle and hit the vehicle. The officer

and the vehicle swerved and continued to fire and that the person in the vehicle

the vehicle continued off the road approximately 100 meters away. M/Sgt [REDACTED]

moved to the vehicle with caution. He regained the vehicle and immediately called for

the medics. The medics were exhausted by SGT [REDACTED] and SGT [REDACTED]. M/Sgt [REDACTED]

was providing security. SGT [REDACTED] and the medics while the

assumed the casualty. Between 2-3 minutes later, another vehicle about 70 meters away moving

at a high rate of speed. The vehicle turned to us. We turned lights and asked for the vehicle to stop.

The vehicle continued towards us. We then began to warn and continued to slow the vehicle to

the vehicle continued towards us. We then pointed our weapons at the vehicle and was shouting for

the vehicle to stop. The vehicle continued towards us. The vehicle was about 30 meters away

and myself fired warning shots and took out the headlights. The vehicle continued towards us. We then

began to open fire on the vehicle. The vehicle then hit the barrier.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF ___ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING *STATEMENT ______ TAKEN AT ______ DATED __________

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

DA FORM 2823, DEC 1995. DA FORM 2823, JUL 72, IS OBSOLETE
9. STATEMENT (Continued)

...and loaded the body onto the van. We then drove back to the hospital to get medical attention. The driver of the vehicle involved in the accident, along with the two passengers, were transported to the hospital. The injured individuals were treated and released. The driver of the vehicle that caused the accident was arrested for violating traffic laws.
<table>
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<tr>
<th>WITNESSES</th>
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**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 DURESS.

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 03 day of [Redacted], 2021, at [Redacted].

(Signature of Person Administering Oath)

[Redacted]

(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3, DA FORM 2823, DEC 1998

USAPA V1.00

16840
**SWORN STATEMENT**
For use of this form, see AR 190-46; the proponent agency is ODCSOPS

<table>
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<th>PRIVACY ACT STATEMENT</th>
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<td>AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9357 dated November 22, 1943 (SSN).</td>
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<td>PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately</td>
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<td>ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.</td>
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<tr>
<td>DISCLOSURE: Disclosure of your social security number is voluntary.</td>
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<tr>
<th>8. ORGANIZATION OR ADDRESS</th>
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<td>0 Troop 6-3, CA     3-26</td>
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9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. What time did you stop at the location? 
   - 0300-0500

2. What was your mission? 
   - Blank

3. What were your actions when you initially got off the truck? 
   - Initiate S/3 as recall target (TCP location)

4. How long after you got off the truck did the car begin to approach? 
   - Between 2-3 minutes

5. What was your reaction to the truck? 
   - Blank

6. What were your procedures after securing the vehicle? 
   - Blank

7. What was your aim point? 
   - Engine block

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _______ TAKEN AT _______ DATED _______
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDIcATED.
8. How long after did the second car approach? 2-5 minutes

9. In what direction was the car coming from? East to West

10. What were your escalation & force procedures for the second car? Shine search light and shout, fired 3 rounds while still shouting. Then we pointed our weapons at the vehicle while shouting. Driver did not comply and shut off its headlights. Driver did not comply. At 20 meters away, myself, SGT, and SPC opened fire towards the windshield. The driver stopped and we stopped firing. The driver threw the car in reverse and tried to take off. SGT ran to the car and held him to stop and get him out of the car. We called the medic up to provide medical treatment for the suspect.

11. How many rounds did you fire towards the windshield? 8 rounds
STATEMENT OF ______________________________________________ TAKEN AT ________________________________ DATED ________________________________

9. STATEMENT (Continued)

AFFIDAVIT

1. [Signature of Person Making Statement] 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.

WITNESSES:

__________________________
ORGANIZATION OR ADDRESS

__________________________
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this ___ day of ______________, 2005 at ____________________________

[Signature of Person Administering Oath]

[Typed Name of Person Administering Oath]

[Authority To Administer Oaths]

Page 3, DA FORM 2823, DEC 1996