9. STATEMENT (Continued)

a. If there were no obstacles, why? Since the DA had a checkpoint at the ends of the road, and
our formation was moving, I did not think it was necessary.

b. Can you draw a picture of the scene? Yes.

c. What type of vehicle was it? A dark (blue or black) Peugeot 4-Door.

d. Have you received an ROE Brief? Yes, I was given one in Kuwait by 3AG and one in Iraq by
CPT .

"Signature of Person Making Statement"

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to
administer oaths, this 5th day of October, 2005

"Signature of Person Administering Oath"

("Typed Name of Person Administering Oath")

Organization or Address:

"Authority To Administer Oaths"

Page 3, DA Form 2623, Dec 1998

Page 3 of 3
SWORN STATEMENT
For use of this form, see AR 163-45; the presenting agency is DCSOPS

PRIVACY ACT STATEMENT

AUTHORITY:  Title 10 USC Section 301; Title 5 USC Section 295; DoD 5200.25-M dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION

2. DATE (YYYYMMDD)  2003 10 05

3. TIME   1904

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADUATION

8. ORGANIZATION OR ADDRESS

9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

   On 05 Oct 03 while placing barriers around a local school, we had set up security on both sides of the HMMWV. When the HMMWV moved to another site we moved also around 1000 hrs a blue grey colored sedan bypassed the line of cars (4 Dep) that was stopped 1 block (approx 100m) away, turning to turn left. The car was moving very fast and had driven up on the curb to pass the line. I was the gunner in A23 and yelled for the car to stop and held up my hand. The car continued toward us, as I was lowering my M16 I fired a warning shot in the air, I could see my driver who was to the right of me lower his weapon. The driver also.

   The driver continued toward us. Immediately I fired a shot center mass of the head of the vehicle, the shot missed and hit center and low the windshield, at this time the vehicle was 20m from my position. I then fired 6-7 shots with my M16 into the vehicle, the vehicle continued toward us and finally stopped 500 ft from our vehicle. I then yelled at my driver and told him to move up away from the vehicle. The Incl's and ZIP immediately ran to the car and checked the driver, the then wanted our medic to...

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

12. PAGE 1 OF 3 PAGES

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.
move up to help, as she ran up an IP pickup pulled up and took the driver to the Hospital. The Incis and the IP's began yelling and shouting and LTH and SSG spoke to them, I was unaware of what they discussed, we then continued our mission and returned to Camp to pick up more barriers.

1. I am not for certain how long we were in position, possibly 1-1 1/2 hrs.

2. We had no cones or wire set up due to the fact that we moved down the street every 10 min.

3. Measures taken prior to using deadly force were, the paddle/sign that says "stop" in English and Arabic was displayed, I and my driver both yelled stop and held up our hands, I fired a warning shot over the vehicle, and I attempted to disable the vehicle before firing at the driver.

4. I fired approx 6-7 shots plus 1 warning shot, I do not know for sure how many my driver fired.

5. We left the scene to continue the mission.

6. Nobody took pictures that I am aware of.

7. There were no obstacles because we had a kind of "floating" security set up that moved every 10-15 min.

8. The car was traveling very fast, 40-45 mph on a 2 lane st.
10. The vehicle was a blue gray colored 4 door sedan.

11. I have had 3 RCE briefs, I'm Kuwait, 1 at camp liberty, by LT [redacted] and 1 including vignettes by SFC [redacted] at camp [redacted]. Nothing follows.
SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 290; 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
2. DATE (YYYYMMDD) 20051005
3. TIME
4. FILE NUMBER

5. LAST NAME, FIRSTNAME, MIDDLENAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS
   A T3P 1-71 LAW

I, SSG , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

That on the day of 20051005 on or around 1100 HRS where setting up barricades of a school in preparation for the coming elections. We were working in a type of roll going from one corner of the street to the next. We were spread out in teams of about 4 Blocks in the back, where part of the street was an IA vehicle with personnel providing blocking and security. The next vehicle was a 13 and we were polling security where my runner was running in the crowd. I was marking ground security next and around the victim.

The next block is 2 Pls truck plus the crew working to set the barricades on the ground plus several IA personnel where helping to keep the people away and provide security around the Pls trucks. At the same time the 23 Pls truck was supporting security and ILC was doing command and control on the ground in company of a team. The next block over was the A-23 vehicle with me on the crew. We were on the ground providing security and people control that would bother around. From one moment to another I heard small arm fire coming from the 23 vehicle. To another I turned and saw that the personnel were engaging down towards the main avenue. I did not realize what the whole situation but the main avenue. My respond was to my funnel to maintain a sector that the Pls was around. After it was over the 1A flex forward to find out what happen as well as ILC and ILC have been requested for a medic to be brought up from the other side of the school by the medic.

10. EXHIBIT E
11. INITIALS OF PERSON MAKING STATEMENT

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.
STATEMENT OF [REDACTED] TAKEN AT 6-7 FOB DATED 20051005

Q1. How long were you in position?
A. FOR ABOUT 15 MINUTES.
Q2. Was there consent of wire or cones or anything present?
A. YES, THERE WAS A LINE OF WIRE AND CONES MARKING THE AREA.
Q3. What measures were used before deadly force?
A. WE USE THE 557 SHOT, SHOUT, SHOUT WARNING SHOTS, THEN SHOOT TO KILL.
Q4. How many rounds were fired?
A. I DO NOT KNOW EXACTLY, BUT IT WAS AROUND 10 OR SO.
Q5. Why did you leave the scene?
A. WE LEFT THE SCENE BECAUSE THE SITUATION WAS UNDER CONTROL AND WE NEEDED TO GO ON WITH THE MISSION.
Q6. Did you take any pictures?
A. AFT 7 RETURN TO AREA WHO STOPPED IN BAGHDAD AND ACQUIRED PICTURES, ALSO THE IA PERSONNEL ALSO TOOK PICTURES.
Q7. How fast was the vehicle moving?
A. I DON'T KNOW.
Q8. No obstacles why?
A. BECAUSE WE WERE OPERATING IN A ROCKET MISSION, OUR VICTORS
STATEMENT OF 556
TAKEN AT 3-1 TOLK
DATED 2005-10-05

9. STATEMENT (Continued)

 Were blocking positions.

Q9. Can you draw a picture of the scene?
   A.

Q10. What type of vehicle was it?
   A. A black van it looks like an Opel.

Q11. Have you received an RBG brief?
   A. Several times, the last time was by CPT

END OF STATEMENT

AFRBIVIT

I, 556, 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.

[Signature of Person Making Statement]

WITNESSES:

[Signatures]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5, day of Oct., 2005 at [Camp].

[Signature of Person Administering Oath]

[Typed Name of Person Administering Oath]

[Authority To Administer Oath]

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES
SWORN STATEMENT
For use of this form, see AR 190-4: the proponent agency is ODCOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2971: E.O. 9397 dated November 22, 1943 (NSW).

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/alternative means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp INT Team TOC
5/2 Mississippi
2. DATE: MYAMDD 21501005
3. TIME: 1508
4. FILE NUMBER:

5. LAST NAME, FIRST NAME, MIDDLE NAME:

6. SSN:

7. GRADE/STATUS:
    E-6

8. ORGANIZATION OR ADDRESS:
    2nd PIK 1-71 CAU

9. STATEMENT UNDER OATH:

    AT about 1000 I was guarding soldiers down loading barriers. We had been on location 2 hours. I heard 1-3 rounds and moved around the corner to my truck. As I came around the corner the car was still moving and SGT [redacted] shot 6-8 rounds into the car. I yelled for him to stop firing which he did. I called for TAC to check the driver and at time IP's moved forward and removed the driver from the car. A call went out on the ICOM for our medic. By the time he arrived the IP's were loading the driver into their truck to move him to the hospital. LT [redacted] and I talked to the IP's and they told us to leave. We had finished down loading barriers so LT [redacted] called radio and said to go. We had finished loading and gave them a SITREP. I moved SGT [redacted] to the driver's position and PFC [redacted] to the gunner's position. We then started our move back to base.

Q: What were you on location about 2 hours.

Q: Did you have radio orbarriers to block the street because we were moving so and out to much so we used soldiers and trucks.

Q: The barriers used Stop signs verbal and warning shots before Deadly Force.

Q: The were 2 shots than 6-8 shots do i am not sure.

Q: We moved from the area because the IP's ordered us to leave.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED NAME] TAKEN AT [DATE] DATED [DATE]."

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

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

USAPA 11.98

17489
6. When I first saw the car it was moving between 5 and 10 mph and it stop about 5 feet from my truck.

7. We did not use obstacles because we were using the street to move from place to place.

8. No pictures were taken because the Info secured the car and we did not want to move around the car.

9. [Diagram]

10. Four door sedan, black

11. I have had two and I have given Three or Four
Photo taken day after the incident.

View looking South (direction of travel of LN Driver) at SCP position.
Final Stopping Point of LN

Photo taken day after the incident. Wire was put up at the site by IP or IA afterwards. View from SGT.

DTC: 0609150CT05