Exhibit B to 25 Jan 05 AR 15-5 Investigation

View of Truck 40 from a vehicle and the area approaching the incident.

Exempt 3 and 6

For
Exhibit B to 25 JAN 05 AR 15-6 Investigation

Starting to put the camera down to radio the convoy.

View of truck 40 from vehicle and the area approaching the incident.

F010 3-4-0
Vehicle passing the child, head is facing the edge of the road.

View of track from approaching the incident.
Back right of trailer of truck 40 showing remains of child.

View of truck 40 from vehicle and the area approaching the incident.
Back right of trailer or truck 40 showing remains of child.

View of truck 40 from vehicle and the area approaching the incident.
Exhibit B to 25 JAN 05 AR 15-6 Investigation

Note Time on MTS is 2:12 AM

View of Truck 40 from Truck 30 and the area approaching the incident.
Department of the Army  
308\textsuperscript{TH} TC - APO AE 09366 - Camp Arifjan, Kuwait  
ACCIDENT REPORT/SERIOUS INCIDENT REPORT

<table>
<thead>
<tr>
<th>LINE</th>
<th>DATE AND TIME</th>
<th>2005/01/25</th>
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<tbody>
<tr>
<td>LINE 2</td>
<td>UNIT</td>
<td>308\textsuperscript{th} Transportation Company</td>
</tr>
<tr>
<td>LINE 3</td>
<td>CATEGORY</td>
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</tr>
<tr>
<td>LINE 4</td>
<td>TYPE</td>
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<tr>
<td>LINE 5</td>
<td>TIME OF INCIDENT</td>
<td></td>
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<tr>
<td>LINE 6</td>
<td>LOCATION</td>
<td>Approx Orlando, Tampa</td>
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<tr>
<td>LINE 7</td>
<td>PERSONNEL</td>
<td>TRK 40/39B &amp; Iraqi civilian</td>
</tr>
<tr>
<td>LINE 8</td>
<td>SUMMARY</td>
<td>Child ran into M872 trailer</td>
</tr>
<tr>
<td>LINE 9</td>
<td>PUBLICITY</td>
<td>Video taped by escorts</td>
</tr>
<tr>
<td>LINE 10</td>
<td>COMMANDER</td>
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<td>LINE 11</td>
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<td>LINE 12</td>
<td>DOWNGRADE</td>
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<td>LINE 13</td>
<td>NARRATIVE</td>
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</tr>
<tr>
<td>LINE 14</td>
<td>AUTHENTICATION</td>
<td></td>
</tr>
</tbody>
</table>

A - Green □ Amber □ Red  
B - Green □ Amber □ Red (check as appropriate)  
C - Green □ Amber □ Red

Additional Information: 

Copy Forwarded to: 354\textsuperscript{th} TC BN

Command Review: Commander, 308\textsuperscript{th} TC (Unit)  

1710 went to BN to give initial report of accident

Exhibit C to 25 Jan 05 ARIS-6 Investigation  

18080
Department of the Army
308TH TC – APO AE 09366 – Camp Arifjan, Kuwait
ACCIDENT REPORT/SERIOUS INCIDENT REPORT

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<thead>
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<td>LINE 5</td>
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<td>LOCATION</td>
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<tr>
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</tbody>
</table>

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B - [ ] Green [ ] Amber [ ] Red (check as appropriate)
C - [ ] Green [ ] Amber [ ] Red

Additional Information: 

Copy Forwarded to: 354th TC BN

Command Review: [redacted]

1300[redacted] CALLED EXACT POSTIONOF ACCIDENT MA41153741 THE INTERSECTION OF ASR JACKSONVILLE AND MIAMI APPOX. 3KM FROM NAJAF.
KID WAS STANDING TO CLOSE TO ROAD AND ATTEMPTED TO PEER THRU CLOUD OF DUST HITTING THE TRAILER WITH HIS HEAD.

[redacted] to 25 TAR OS AR 15-6 Investigation.
DO TO SECURITY REASONS ESCORT CMDR MADE CALL TO KEEP ROLLING BACK BY CONVOY COMMANDER. NO MEDIVAC WAS CALLED DO TO THE CLOSENESS TO NAJAF THE IRAQI CHILD COULD BE MOVED QUICKER TO NAJAF THAN MEDIVAC COULD HAVE ARRIVED.
**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:**
Title 10, United States Code, Section 3012b

**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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<tr>
<th>LOCATION</th>
<th>DATE</th>
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<tbody>
<tr>
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<td>Feb 05</td>
<td>1046</td>
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<tr>
<th>NAME (Last, First, M.I.)</th>
<th>ORGANIZATION OR ADDRESS</th>
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<tr>
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<td>308th Transportation Corp.</td>
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<tr>
<th>GRADE/STATUS</th>
<th>2F4</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 106th Transportation Battalion and wanted to question me about the following offense(s) of which I am suspected/accused: **Death of an Iraqi Child**

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

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. **(For personnel subject to the UCMJ)** I have the right to talk privately to a lawyer before, during, and after questioning 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.

4. 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)

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>NAME (Type or Print)</th>
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<td>Camp Arifjan, Kuwait APO 09366</td>
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<tr>
<td></td>
<td>354 Trans BN APO AE 09366 976-2755</td>
</tr>
</tbody>
</table>

Section C. Non-waiver

I do not want to give up my rights

☐ I want a lawyer

☐ I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

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

A FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

Exhibit E
**PART II - RIGHTS WARNING PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
   a. Your official position.
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.

2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."
   - or -
   (For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins.
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

   Make certain the suspect/accused fully understands his/her rights.

**THE WAIVER**

*Do you understand your rights?*
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate advice. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?"
(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

**SPECIAL INSTRUCTIONS**

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCriminating STATEMENTS:**
1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

**COMMENTS:**

**REVERSE OF DA FORM 3881**

Exhibit E
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 2651; 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
Cape Arid, Kuwait

2. DATE (YYYYMMDD)
20050203

3. TIME
1050

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS
E-4

8. ORGANIZATION OR ADDRESS
308th Transportation Company

9. WITNESSES
I want to make the following statement under oath:

On the morning of the accident, we were at Camp Duke. We stopped and had stopped there overnight. I got up at about 0630 the morning of the accident, myself and another Sgt. had to take my truck, this truck, and either 5 or 6 ten trucks and get them unloaded. All the trucks had engines on them so we got a watch to unload them. We unloaded the trucks at Dukie about a quarter mile from where our trucks were staged. We finished unloading at about 0800 or so. We brought the trucks back to where we were staged at. Then we and another Sgt. charged a tire on my trailer that was flat. After that I grabbed an ARE and set down to eat it. After that I did none on my tractor. I wasn't really tired at all, so I sat and talked with everyone else to about at 0930 we had our convoy brief. Our goal for the day was to drive from Duke to Camp Scania. I believe we left Duke at about 1000, it's about 1100. We left Duke and in front of me was about 4 army trucks and about 15 ten trucks. There was about another 4 army and 15 ten trucks behind me. So I was in the middle of the convoy, my co-driver was , he is in the 70th Transportation Company. We were doing a right seat ride with them. This was his first time out.

After about 3 hours of driving, we were on a narrow two lane road that went for quite a few miles. I still wasn't tired because we'd grown pretty used to the hours. There was in the passenger seat with his gun out the window to provide security.

We came to the end of the narrow road which lead to a turn, we were still about 2 miles from it. Another convoy of QRF was heading in the opposite direction on the same road. So it was a pretty tight space. There was a lot of Iraqi people on both sides of the road begging for food and water. We drove by the crowd I heard on the handheld radio that 3 kids had been hit by one of our trucks and that he was dead on the side of the road, myself and I did not know that it was our truck.

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 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

Exhibit F 7- T 25 Jan 13-1 Jul 94 T 18085
STATEMENT OF _______ TAKEN AT IRB DATED 03 February 05

9. STATEMENT (Continued)

What was your job

Then over the headlaid radio I heard that the Israeli people had gathered around the kid and were throwing rocks at our convoy. We had to keep moving before we were stopped. We made it down the rest of the road and took our exit into the town. We drove through the town with no problems. We made it to our final destination of Camp Scenic at about 2:30. We drove through the surprise and into the gate of Scenic we then had to wait in line to get fuel for our trucks. Myself and _______ got out of the truck to stretch. The escort vehicle that was behind us in the convoy came up to us. A staff car. got out with another cop and told us that our trailer was the trailer that hit the kid. From what they said there was a cloud of dust kicked up and then they saw the kid get thrown back from the trailer hitting him myself and the escort staff car and the other cop looked underneath the trailer for any blood or any sign that had been run over. We couldn't find anything underneath the trailer. But I then found the spot. It was on the passenger side of the trailer at the very rear by the tailights.

What I found was hair and blood which makes me believe my trailer hit him in the head. After seeing that we discussed that the kid either tried running across the road and ran into my trailer or he came to close to the edge of the road. And was hit or my trailer had hit a pothole and made it bounce towards his direction. I'm not sure but as far right of the very edge of my trailer. I don't believe there is anything I could've did to prevent it. He was just close to the road. If I remember right I did see a kid in a red suit, probably about 7 years old, standing right on the pavement, that was probably the kid that was struck by my trailer but in not positive.

Q: Did you see a child or a young man?
A: No, I did not see any children or young men.

Nothing follows.
9. STATEMENT (Continued)

Q: What was your job on the date of the incident?
A: Truck driver, TRK# 40

Q: Did you see the incident?
A: No

Q: What happened the day of the incident?
A: No statement.

Q: Where were any enemy contact during the convoy?
A: After the accident, after leaving the scene.

Q: What time did you wake up and SP?
A: 0630 SP of 1000

Q: Where were you tired?
A: No, pretty awake.

Q: Where were any stops before or after the accident?
A: Stopped at the hill South of FOB Duke for a break.

Q: What were the road conditions and was anyone else on the road?
A: Little tree down and lots of fording, but was still on the road.

Q: What speed were you traveling?
A: 60 MPH, normal speed.

Q: Where were you located at the time of the incident?
A: Driving in the middle of the convoy.

Q: What was going on in the Cab of the truck before during and after the incident?
A: No. No problems, no distractions.

Q: Did you see the child involved in the incident and if so what was he doing?
A: Maybe held child next to road.

Q: What happened after the incident?
A: On radio word out about someone lifting and continue to move next stop.

Q: Did you alter the video?
A: No, have not seen the video.

INITIALS OF PERSON MAKING STATEMENT: [Redacted]

NOTHING FOLLOWS

DA FORM 2823, DEC 1998

EXHIBIT F TO 25 JAN 05 AR 15-6 INVESTIGATION 18089
Q: What was your job on the date of the incident?
A: TC of the vehicle + Stay awake for security on the right side of track to front. Looking for trouble.

Q: Did you see the incident?
A: NO

Q: What happened the day of the incident?
A: SEE STATEMENT

Q: Where were any enemy contact during the convoy?
A: None before or after.

Q: What time did you wake up and SP?
A: 0630 wu + 0800

Q: Where were you tired?
A: NO

Q: Where were any stops before or after the accident?
A: NO STOP BEFORE INCIDENT

Q: What were the road conditions and was anyone else on the road?
A: Distorted out two many pot holes it was fine.

Q: What speed were you traveling?
A: 50-60

Q: Where were you located at the time of the incident?
A: rear middle

Q: What was going on in the cab of the truck before during and after the incident?
A: Talking about security w/ the kids around to look.

Q: Did you see the child involved in the incident and if so what was he doing?
A: Not this specific one, those were any.

Q: What happened after the incident?
A: don't stop (et) so CC said keep going because of dogs

Q: Did you alter the video?
A: NO I have not seen it.

NOTHING FOLLOWS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES
STATEMENT OF

TAKEN AT (Give Address Dated 1/4/60, 400 A.M.

STATEMENT

(Continued)

NOTICE

INSTRUCTIONS

WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3.

I, the undersigned, do solemnly swear that I will testify the truth, the whole truth, and nothing but the truth, so help me God.

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### Rights Warning Procedure/Waiver Certificate

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

**Data Required by the Privacy Act**

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

**Principal Purpose:** To provide commanders and law enforcement officials with means by which information may be accurately identified.

**Routine Uses:** Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.

**Disclosure:** Disclosure of your Social Security Number is voluntary.

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**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: [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 or say anything.

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

3. **(For personnel subject to the UCMJ)** I have the right to talk privately to a lawyer before, during, and after questioning 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.

4. 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.

**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:**

1b. **Organization or Address and Phone:**

2a. **Name:**

2b. **Organization or Address and Phone:**

3. **Signature of Interviewee**

4. **Signature of Investigator**

5. **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**

**Exhibit F**

**18092**
PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position.
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   a. "Before I ask you any questions, you must understand your rights."
   b. "You do not have to answer my questions or say anything."
   c. "Anything you say or do can be used as evidence against you in a criminal trial."
   d. "(For personnel subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."
   e. "...or...
   f. "(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   g. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"
If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.

"Have you ever requested a lawyer after being read your rights?"
If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCrimINATING STATEMENTS:
1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisement.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."). further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn’t do anything wrong, you shouldn’t need an attorney.")
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

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

1. LOCATION
   Camp Arifjan

2. DATE (YYYYMMDD)
   20060210

3. TIME
   1415

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS
   E6

8. ORGANIZATION OR ADDRESS
   308th TC

9. ____________________________, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

   On Jan 25, 2006 we started the final download of
   Conex's at Camp Duke Frag. and over- 
   saw the Download of the military and HN vehicles starting at
   around 0730. The remainder of the convoy was preparing for a 4000
   hrs SP from Camp Duke for camp Scania. At 0900hrs myself
   and 2 of our right seat ride soldiers went to the MCT to check
   out and to get an intel brief for the route we were taking
   that day. The only major issues they areas they told us to
   watch out for was north of Scania, we had our convoy
   brief at 0930hrs. we starting to leave the gate at 1030hrs.
   We left Camp Duke going south on ASR Boston. Then
   spots so the convoy speed was adjusting to the road conditions.
   I was in the first 9154 behind the lead escort vehicle.
   When we were aproaching the turn from ASR Jacksonville
   onto ASR Miami I saw 15 -20 children running towards the
   radioed the convoy warning everyone of the kids and to watch out
   for kids throughing rocks. Also as I was making the turn another
   convoy was turning south onto Jacksonville. I also radioed this

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 4 PAGES

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

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

DA FORM 2823, DEC 1998

Exhibit 6 to 25 JAN 05 AR 15-4 Investigation 18094
What was your job
information back to the convoy. The road is a narrow 2 lane road so it was a tight fit on the road. The civilian traffic was building up on ASR miami because the escorts from both convoys were blocking traffic to allow the convoys to make the turn. All of this started around 1100-1115. After I had made the turn and saw the first third of the convoy if I came across the radio that a kid was hit, I grabbed the radio and asked is everyone still rolling. At the same time I radioed don't stop keep moving. Somebody else also radioed don't stop there is nothing we can do, I believed this was set. One of the escort radio who is an EMT as a civilian. The convoy did not stop and proceeded to Scania. We arrived there around 1330hrs. It took about 4 hrs to enter the camp. It was during this time I meet with the escorts who had witnessed what happened. That was when I was told it was our convoy that hit the kid. They explained what they and how they had started through the rocks. That was what I was afraid of happening. I feared that if we tried to stop the convoy at the accident site we would have been attacked by rocks at the least, and possible weapons that would have lead to additional loss of life. The escorts told me who's truck was involved. It was SPC Dejong's Trailer that the kid hit.
9. STATEMENT (Continued)

Q: What was your job on the date of the incident?
A: Convoi Leader

Q: Did you see the incident?
A: No

Q: What happened the day of the incident?
A: See Statement

Q: Where was any enemy contact during the convoy?
A: After accident 200 yards were thrown at convoy. Then mortar
bomber blew a convoy stop in Iraq.

Q: What time did you wake up and SPD?
A: 0600 WU + 5000 for convoy

Q: Where did you tire?
A: No, convoy had rest

Q: Where were you before or after the accident?
A: No before or after we took a rest break, maybe?

Q: What were the road conditions and was anyone else on the road?
A: Another convoy on the road heading South road was rough
uphill but typical in Iraq

Q: What speed were you traveling?
A: 25 at the time before convoy to the rear so slowed down maybe 15

Q: Where were you located at the time of the incident?
A: Front behind lead escort vehicle

Q: What was going on in the Cab of the truck before during and after the incident?
A: N/A

Q: Did you see the child involved in the incident and if so what was he doing?
A: N/A

Q: What happened after the incident? Didn't stop all civilians. Traffic for area civilians
A: Searched for safety of convoy. Escort CAP said keep moving

Q: Did you alter the video? No, stay video on video screen.
A: N/A

Q: Was it your seat?
A: Drive in convoy with 200 civilians, civilian's vehicle that was involved in incident

Exhibit 6
STATEMENT OF [Redacted] TAKEN AT Camp Arifjan DATED 10 Feb 2005

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 4. 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:

[Redacted]

Organization or Address

[Redacted]

Organization or Address

(Handwritten text)

INITIALS OF PERSON MAKING STATEMENT [Redacted]

PAGE 3, DA FORM 2823, DEC 1998

PAGE 4 OF 4 PAGES

Exhibit 6

18097
### RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

**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:**

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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: 

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

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to 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.
4. 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.

**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)**

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**SIGNATURE OF INTERVIEWEE**

**SIGNATURE OF INVESTIGATOR**

**NAME 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 3823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED**

**DA FORM 3881, NOV 89 EDITION OF NOV 89 IS OBSOLETE**

**USAPA 2.01**

Exhibit 6 to 25 JAN 05 AR 15-6 Investigation

18098
# Part II - Rights Warning Procedure

## The Warning

1. **Warning - Inform the suspect/accused of:**
   a. Your official position.
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.

2. **Rights - Advise the suspect/accused of his/her rights as follows:**
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."
   - or -
   (For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins.
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."
   Make certain the suspect/accused fully understands his/her rights.

## The Waiver

"Do you understand your rights?"
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation, if the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

### Special Instructions

**When Suspect/Accused Refuses to Sign Waiver Certificate:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**If Waiver Certificate Cannot Be Completed Immediately:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**Prior Incriminating Statements:**
1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

### Comments (Continued)

REVERSE OF DA FORM 3881
# SWORN STATEMENT

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

## PRIVACY ACT STATEMENT

**AUTHORITY:**
Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

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

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

**DISCLOSURE:**
Disclosure of your social security number is voluntary.

### 1. LOCATION
Arifjan, Kuwait

### 2. DATE (YYYYMMDD)
200506210

### 3. TIME
1530

### 4. FILE NUMBER

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

### 6. SSN
[Redacted]

### 7. GRADE/STATUS
E-5

### 8. ORGANIZATION OR ADDRESS
308th Trans Co, Camp Arifjan, Kuwait APO AE 09066

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

ON 25 Jan 05, 308th Trans was on a convoy from Camp Duke to Biap Iraq, escorted by 1178 CA. We started to enter a village were there were many civilians on the side of the road. We slowed to make a right hand turn, and heard over the radio, a kid was hit by one of the trucks in the convoy. Moments later I saw the kid laying on the side of the road, with a large pool of blood surrounding the head of the victim. The convoy was instructed to continue on.

Later we arrived at CSC Scania where I was shown that one of the 308th vehicles had struck the kid, the right rear corner of the trailer had hair, blood and skull matter on it.

### 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 INDICATED.**

DA FORM 2823, DEC 1998

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

Q: What was your job on the date of the incident?
A: Driver

Q: Did you see the incident?
A: No

Q: What happened on the day of the incident?
A: See Statement

Q: Where there any enemy contact during the convoy?
A: Not that he knew of then.

Q: What time did you wake up and SP?
A: After sun up, I'm sure.

Q: Where you tired?
A: Vehilc. plenty of rest the night before

Q: Where there any stops before or after the accident?
A: No

Q: What were the road conditions and was anyone else on the road?
A: Normal twice ahead.

Q: What speed were you traveling?
A: 40 M.P.H.

Q: Where where you located at the time of the incident?
A: Middle of convoy & the next green vehicle behind the one inside

Q: What was going on in the Cab of the truck before during and after the incident?
A: None

Q: Did you see the child involved in the incident and if so what was he doing?
A: Yes, Lt. in road with a pool of blood laying on the edge of the road from away from the wound.

Q: What happened after the incident?
A: Radio contact SFC asking for Info, do we stop, SFC not sure keep radio.

Q: Did you alter the Video?
A: No, never seen it or Full Doc.

Q: Did you think you were in danger after the accident at that site?
A: Not immediately but after looking ahead deserted it was not a good place to stop.
9. STATEMENT (Continued)

Q: Was the child head bashed?
A: I could not tell. The injury was too far away from me.

Q: Based on your experience as an EMT for 5 years, did you believe the child was dead?
A: Look at pool of blood on ground more than likely yes.

Q: Did you record this?
A: No there was too much radio traffic going on already.
**RIGHTS WARNING PROCEDURE/ WAIVER CERTIFICATE**

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

**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 of your Social Security Number is voluntary.

**LOCATION**

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**NAME (Last, First, Ml)**

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**ORGANIZATION OR ADDRESS**

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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: **Vehicle Accident**.

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

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. **(For personnel subject to 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.
4. **(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.
5. 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.

**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)*

<table>
<thead>
<tr>
<th>1a. NAME</th>
<th>2a. NAME</th>
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<th>4. SIGNATURE OF INVESTIGATOR</th>
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**ORGANIZATION OR ADDRESS AND PHONE**

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<th>2b. ORGANIZATION OR ADDRESS AND PHONE</th>
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<td>HHN 106th Trans</td>
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**TYPED NAME OF INVESTIGATOR**

106th Br.

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**
PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position.
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a
      criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk
      privately to a lawyer before, during, and after questioning and to
      have a lawyer present with you during questioning. This lawyer
      can be a civilian you arrange for at no expense to the Government or a
      military lawyer detailed for you at no expense to you, or both."
   d. (For civilians not subject to the UCMJ) You have the right to talk
      privately to a lawyer before, during, and after questioning and to
      have a lawyer present with you during questioning. This lawyer
      can be one you arrange for at your own expense, or if you cannot afford
      a lawyer and want one, a lawyer will be appointed for you before any
      questioning begins.

   Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"  
(if the suspect/accused says "no," determine what is not understood, and if
necessary repeat the appropriate rights advisement. If the suspect/accused says
"yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"  
(if the suspect/accused says "yes," find out when and where. If the request
was recent (i.e., fewer than 30 days ago), obtain legal advice whether to
continue the interrogation. If the suspect/accused says "no," or if the prior
request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"  
(if the suspect/accused says "yes," stop the questioning until he/she has a
lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation
and make a statement without talking to a lawyer and without having a lawyer
present with you?"  
(if the suspect/accused says "no," stop the interview and
have him/her read and sign the non-waiver section of the waiver certificate
on the other side of this form. If the suspect/accused says "yes," have him/her read
and sign the waiver section of the waiver certificate on the other side of this
form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the
suspect/accused orally waives his/her rights but refuses to sign the waiver
certificate, you may proceed with the questioning. Make notations on the
waiver certificate to the effect that he/she has stated that he/she understands
his/her rights, does not want a lawyer, wants to discuss the offense(s) under
investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases
the waiver certificate must be completed as soon as possible. Every effort
should be made to complete the waiver certificate before any questioning
begins. If the waiver certificate cannot be completed at once, as in the case of
street interrogation, completion may be temporarily postponed. Notes should be
kept on the circumstances.

PRIOR INCrimINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements
   before being properly advised of his/her rights he/she should be told that
   such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised
   of his/her rights or some question exists as to the propriety of the first
   statement, the accused must be so advised. The office of the serving Staff
   Judge Advocate should be contacted for assistance in drafting the proper
   rights advisement.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised
   accordingly should be noted in the comment section on the waiver
   certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR
HER RIGHTS DURING THE INTERROGATION PROCESS: If during the
interrogation, the suspect displays indecision about requesting counsel (for
example, "Maybe I should get a lawyer."), further questioning must cease
immediately. At that point, you may question the suspect/accused only
concerning whether he or she desires to waive counsel. The questioning may not
be utilized to discourage a suspect/accused from exercising his/her rights. (For
example, do not make such comments as "If you didn't do anything wrong, you
shouldn't need an attorney.")

COMMENTS (Continued)
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
2. DATE (YYYYMMDD)
   18105
3. TIME
   0250 0205
4. FILE NUMBER
   1331

5. LAST NAME, FIRST NAME, MIDDLE NAME
   HOOD, Howard W Jr.
6. SSN
   [redacted]
7. GRADE/STATUS
   E7/5C
8. ORGANIZATION OR ADDRESS
   6-1-178 FA

9. ____________, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

   SAW FROM TRUCK #25005 IN N.W. NEAR INTERSECTION SOUTH OF NAHSF
   SEVERAL YOUNG CHILDREN STANDING BESIDE ROLLING BARFLESS. IT APPEARED
   THAT AN AIR OR SAND SPREADER ON A TRUCK AS IT PULLED
   IN CONCENTRATION OF CHILDREN. THE RESULTING DUST CLOUD
   OBSCURED THE VISIBILITY OF A CHILD CLOSER TO THE ROAD. I BELIEVE
   THE CHILD THOUGHT THE AIR TRUCK WAS A BOBTAIL (SINCE THE
   TRUCK WAS EMPT (EMPT). ASSUMING IT WAS A BOBTAIL, HE WALKED
   INTO THE TRUCK AS IT PULLED AWAY. DUE TO THE LUGGAGE CARGO AND
   CONCERN FOR SAFETY OF THE CHILD AND LOCAL PERSONS, WE PROCEEDED TO
   SCANNING. UPHOLDING THE CIVIL AND LOCAL PERSONS, WE PROCEEDED TO
   SCANNING. UPHOLDING THE CIVIL AND LOCAL PERSONS, WE PROCEEDED TO
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10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

   ADDITIONAL PAGES MUST CONTAIN THE PRECEDING 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.

DA FORM 2823, DEC 1998

Exhibit I to 25 JAMES AR 15-6 Investigation

18105
9. STATEMENT (Continued)

What was your job

Q: Who else was in your vehicle?
A: [blurred]

Q: Why didn't you stop?
A: I saw a child hit back of trailer & concerted away from the truck with his head facing the shoulder of the road. He was face down the back of his hood was intact & blood was flowing onto the ground very fast like Nazi's water. And because of security situation I had no choice but to not be stop.

Q: At any time did the truck that hit the child swerve towards.
A: No.

Q: Who did you report this to?
A: Conner Commando who said he would report this up.
STATEMENT OF [REDACTED] TAKEN AT Camp Virginia DATED 5/15/93

9. STATEMENT (Continued)

Q: What was your job on the date of the incident?
A: Civilian Leader for 5/178 LCMP Det for Convoy.

Q: Did you see the incident?
A: Yes.

Q: What happened the day of the incident?
A: Normal day. See Statement.

Q: Where was any enemy contact during the convoy?
A: None before but some after the incident.

Q: What time did you wake up and SP?
A: 0630 WU, 0800 SP.

Q: Where you tired?
A: No.

Q: Where was any stops before or after the accident?
A: No.

Q: What were the road conditions and was anyone else on the road?
A: Was another Convoy or so old but both convoys were on the road.

Q: What speed were you traveling?
A: 45 MPH.

Q: Where were you located at the time of the incident?
A: Center CEP.

Q: What was going on in the Cab of the truck before during and after the incident?
A: M/A.

Q: Did you see the child involved in the incident and if so what was he doing?
A: Yes. He was simply up down close to road maybe on the shoulder.

Q: What happened after the incident?
A: He said we are not stopping but I hit a child. Passed up sit Awareness.

Q: Did you alter the video?
A: In no way.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 4 PAGES

Exhibit I
WITNESSES:

[Text obscured]

I. STATEMENT

I, [Name], do solemnly swear that the statement is true, and I have made this statement freely and without promise of benefit or reward, and without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[Signature]

[Date]

ADMINISTRATIVE OFFICER

[Name]

[Title]
## 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.

### PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

1. **LOCATION**
2. **DATE**
3. **TIME**
4. **FILE NO.**

5. **NAME (Last, First, MI)**
6. **SSN**
7. **GRADE/STATUS**
8. **ORGANIZATION OR ADDRESS**

<table>
<thead>
<tr>
<th>LOCATION</th>
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<td>05FEB05</td>
<td>13:24</td>
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### 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: *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 or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to 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 or a military lawyer (or both).
4. 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.

### 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.

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### SIGNATURE OF INTERVIEWEE

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### Section C. Non-waiver

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### 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**

18109

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Exhibit I
PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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be utilized to discourage a suspect/accused from exercising his/her rights. (For
example, do not make such comments as "If you didn't do anything wrong, you
shouldn't need an attorney.")