

ESCALATION OF FORCE (EOF) INVESTIGATION REPORT

101ST AIRBORNE DIVISION (AIR ASSAULT)

TASK FORCE BAND OF BROTHERS

IN ACCORDANCE WITH FRAGO 132 TO OPERATIONS ORDER 01-06, THE FOLLOWING REPORT IS TO BE COMPLETED AND FORWARDED TO THE OFFICE OF THE STAFF JUDGE ADVOCATE OF TASK FORCE BAND OF BROTHERS NO LATER THAN 24 HOURS FOLLOWING COMPLETION OF ANY EOF INVESTIGATIONS.

UNIT:

A & B / 562D ENG / 2-1 IN 172D SBCT

ESCALATION OF FORCE DATE TIME GROUP*:

160820MAR06

LOCATION OF ESCALATION OF FORCE INCIDENT:

MOSUL

TYPE OF INVESTIGATION:

INFORMAL 15-6

FACTS AND FINDINGS OF INVESTIGATION:

FACTS: ENGINEER CONVOY TRAVELING SOUTH ON ROUTE [REDACTED]. THREE LN VEHICLES TRAVELING NORTH ON ROAD BEGAN TO APPROACH CONVOY. LEAD VEHICLE BEGAN TO USE PROPER EOF TO INCLUDE HONKING HORN, FLASHING LIGHTS, AND HAND AND ARM SIGNALS. THE FIRST TWO LN VEHICLES PULLED OVER, WHILE THE THIRD CONTINUED TO APPROACH AT A HIGH RATE OF SPEED. UNIT CONTINUED USING PREVIOUS MEASURES, THEN FIRED A WARNING SHOT, FOLLOWED BY A DISABLING SHOT INTO THE GRILL OF THE VEHICLE. THE VEHICLE DID NOT SWERVE OR SLOW DOWN, SO LEAD VEHICLE FIRED TWO SHOTS INTO THE WINDSHIELD. UNIT WAS UNABLE TO IMMEDIATELY TURN AROUND DUE TO SIZE OF EQUIPMENT. ONCE BACK ON SCENE DISCOVERED THAT 4 YR OLD BOY HAD BEEN SHOT IN THE CHEST AND TAKEN TO THE HOSPITAL BY ANOTHER OCCUPANT OF THE VEHICLE.

FINDINGS: PROPER IMPLEMENTATION OF ROE AND USE OF EOF. LOCAL NATIONAL BOY SUFFERED GUNSHOT WOUND TO CHEST.

RECOMMENDATION(S) OF INVESTIGATION:

- 1) NONE OF THE INDIVIDUALS INVOLVED IN THIS INCIDENT SHOULD RECEIVE PUNISHMENT.
- 2) ALL PERSONNEL CONDUCTING COMBAT PATROLS SHOULD REVIEW THE ROE REGULARLY AND IT SHOULD BE BRIEFED IN EVERY MISSION BRIEF PRIOR TO ROLLING OUT.
- 3) ALL VEHICLES TRAVELING OUTSIDE THE FOB SHOULD BE EQUIPPED WITH AIR HORNS TO ALERT ONCOMING TRAFFIC.
- 4) LOCAL GOVERNMENT SHOULD EDUCATE AND ENCOURAGE LOCAL NATIONALS TO FOLLOW THE SAFETY GUIDELINES OF WHAT TO DO WHEN APPROACHING A MILITARY VEHICLE.

PREPARED BY: [REDACTED] NCOIC ADMIN LAW

DATE:

REVIEWED BY:

DATE:

*THIS SHOULD BE THE SAME DTG THAT THE UNIT REPORTED TO DIVISION AND THUS WOULD BE IDENTIFIED IN THE DIV SIGACTS.

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by [REDACTED], 2-1 IN COMMANDER
(Appointing authority)

on 18 MAR 2006 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB MAREZ, MOSUL, IRAQ at 2200
(Place) (Time)

on 19 MAR 2006 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 2300 on 23 MAR 2006
(Time) (Date)
and completed findings and recommendations at 1900 on 24 MAR 2006
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

		YES	NO	NA ²
1. Inclosures (para 3-15, AR 15-6)				
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)				
a.	The letter of appointment or a summary of oral appointment data?			
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.

		YES	NO	NA?
2	Exhibits (para 3-16, AR 15-6)			
a	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?		X	
b	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?		X	
c	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?		X	
d	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?		X	
e	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?		X	
f	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
g	If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
a	Is the method and date of delivery to the respondent indicated on each letter of notification?			
b	Was the date of delivery at least five working days prior to the first session of the board?			
c	Does each letter of notification indicate:			
(1)	the date, hour, and place of the first session of the board concerning that respondent?			
(2)	the matter to be investigated, including specific allegations against the respondent, if any?			
(3)	the respondent's rights with regard to counsel?			
(4)	the name and address of each witness expected to be called by the recorder?			
(5)	the respondent's rights to be present, present evidence, and call witnesses?			
d	Was the respondent provided a copy of all unclassified documents in the case file?			
e	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a	Was he properly notified (para 5-5, AR 15-6)?			
b	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
a	Was each respondent represented by counsel?			
Name and business address of counsel:				
(If counsel is a lawyer, check here [])				
b	Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c	If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a	Was the challenge properly denied and by the appropriate officer?			
b	Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a	Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b	Examine and object to the introduction of real and documentary evidence, including written statements?			
c	Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d	Call witnesses and otherwise introduce evidence?			
e	Testify as a witness?			
f	Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
FOOTNOTES: 1. Explain all negative answers on an attached sheet. 2. Use of the No-A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:
SEE ATTACHED MEMORANDUM

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

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

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)



Ex 6

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

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

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

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

- Agree w/ STA opinion
- Follow up & check on buy



Ex 6



DEPARTMENT OF THE ARMY
 HHC, 2ND BATTALION, 1ST INFANTRY REGIMENT
 172ND STRYKER BRIGADE COMBAT TEAM
 FOB MAREZ, MOSUL, IRAQ

APVR-WLBC-A

24 March 2006

MEMORANDUM FOR RECORD

SUBJECT: Investigation of Circumstances involving a civilian injury

Ex 2 1. Facts: At approximately 0820 on 16 March 2006, elements from A and B platoon, 562ND EN were traveling south on Route [REDACTED] conducting a mounted movement to [REDACTED] in 4-23 ENs sector. The patrol consisted of three M1114s and one M916 with trailer. The order of movement for the vehicles was EN 407 in the lead, with EN 43, the M916 with trailer following behind, and EN 401 and EN 403 in the rear. In the vicinity of LF 3972 0468 EN 407, the lead M1114 spotted three civilian vehicles traveling North toward the patrol on Route [REDACTED]. [REDACTED] was driving EN 407, with [REDACTED] as the vehicle commander, and [REDACTED] as the gunner. Upon seeing the three civilian vehicles approaching in the opposite lane, [REDACTED] began to honk his horn and flash his lights. At the same time, [REDACTED] used hand and arms signals to have the cars pull over. At this time, the first two civilian vehicles pulled to the side of the road and stopped. The third vehicle swerved around the first two and continued at a high rate of speed towards EN 407. [REDACTED] continued to honk his horn and flash his lights. [REDACTED] again tried to use hand and arm signals. When they did not work, he pointed his weapon at the vehicle and waved for him to pull over again. When that did not work, [REDACTED] fired one warning shot with his M4 into a safe direction. With the car still coming, [REDACTED] then fired one round into the grill of the vehicle, hitting the oil pan. The car did not swerve or slow down, and [REDACTED] fired two shots into the windshield of the vehicle. The car then moved to the side of the road and came to a stop. Due to the size of the vehicles in the patrol, they were unable to turn around immediately. Once they found sufficient space to turn the M916 and trailer around, approximately 500 meters down the road, and returned to the scene, they learned that one of the passengers in the car had been wounded and taken to a hospital by another occupant of the vehicle. A four-year-old boy, Othman Saleh Mohammed had been shot in the upper chest by one of the rounds shot into the vehicle. The site was secured, and 4-23 was called to provide further support. At that time, an IP unit was sent to assist. The boy was treated at the hospital and released. The family was paid 2,410 dollars in condolence money for the incident.

Ex 6 2. Findings: When EN 407 approached the three oncoming civilian vehicles, the first two pulled over and stopped due to the hand and arm signals used by [REDACTED] and the horn honking and light flashing of [REDACTED]. The third vehicle did not stop and continued to approach EN 407 presenting a danger to the occupants of EN 407 and the rest of the patrol. [REDACTED] used the correct escalation of force in this incident. He first used hand and arm signals before continuing with warning shots, then shots to disable the vehicle, and lastly shooting into the



windshield in order to eliminate the threat. The boy, who was traveling inside of the vehicle, was injured by one of the shots fired at the vehicle. [REDACTED] and all occupants of EN 407 used the correct ROE when being approached by an oncoming car.

Ex 6

3. Recommendations:

- a. None of the individuals involved in this incident should receive punishment.
- b. All personnel conducting combat patrols should review the Rules of Engagement regularly and it should be briefed in every mission brief prior to rolling out.
- c. All vehicles traveling outside the FOB should be equipped with air horns to alert oncoming traffic.
- d. Local government should educate and emphasize local nationals to follow the safety guidelines of what to do when approaching a military vehicle.

4. POC for this memorandum is the undersigned at 521-9526.

[REDACTED]

Ex 6

2LT, QM



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HHC, 2ND BATTALION, 1ST INFANTRY REGIMENT
172ND STRYKER BRIGADE COMBAT TEAM
FOB MAREZ, MOSUL, IRAQ

APVR-WLBC-II

24 March 2006

MEMORANDUM FOR RECORD

SUBJECT: Index of Exhibits for Evidence

1. The following is an index of the exhibits presented as evidence for the investigation of a shooting that resulted in a civilian injury.

- a. Exhibit A: Investigating Officer Appointment Orders
- b. Exhibit B: Original SIR
- c. Exhibit C: Sworn Statement [REDACTED]
- d. Exhibit D: Sworn Statement [REDACTED]
- e. Exhibit E: Sworn Statement [REDACTED]
- f. Exhibit F: Diagram and Timeline of events
- g. Exhibit G: Pictures and details from scene
- h. Exhibit H: Email from 4-23 Battle CPT to ENG CO day of incident

Ex 6

2. POC for this memorandum is the undersigned at 521-9526.

[REDACTED SIGNATURE]

2LT, QM

Ex 6



DEPARTMENT OF THE ARMY
2nd Battalion, 1st Infantry Regiment
FOB Courage, Mosul, Iraq APO AF 09319



APVR-WLBC-CO

18 March 2006

Ex 6

MEMORANDUM FOR [REDACTED] HHC, Task Force 2-1 INF

SUBJECT: Appointment as Investigating Officer

Ex 6

1. Appointment. You are hereby appointed as an investigating officer pursuant to AR 15-6, paragraph 4-1 to conduct an informal investigation of the circumstances surrounding the escalation of force by [REDACTED] while conducting a mounted movement along RTE [REDACTED] that resulted in the wounding of a I.N Child on 160820MAR06.

Ex 2

2. Legal Orientation. Before you begin your investigation, you must receive a briefing from the Office of the Staff Judge Advocate. [REDACTED] and [REDACTED] 172nd SBCE SJA, are your legal advisors. You should immediately contact either [REDACTED] or [REDACTED] at 523-1021 (BDE SJA cell) to arrange for your legal briefing. You shall consult with them on all aspects of this investigation. Your legal advisors will brief you on the following areas: developing an investigation plan; determining whether witnesses need to be advised of their rights under UCMJ, Article 31, or the Fifth Amendment; special procedures for interviewing Department of the Army civilian employees; and preparing findings and recommendations. A copy of the Investigating Officer's Guide will also be provided to you by one of your legal advisors.

Ex 6

3. Procedures. You are to conduct this investigation using the informal procedures outlined in Chapter 4, AR 15-6. No individual has been named as a respondent at this time. You will thoroughly document all witness interviews in writing, preferably on DA Form 2823 (Sworn Statement). You will interview all witnesses in person, if practical. If, in the course of your investigation, you come to suspect any person may have committed criminal conduct, you must advise that person of their rights under Article 31, UCMJ, or the Fifth Amendment, as appropriate. Witness waivers of Article 31 or Fifth Amendment rights will be documented on a DA Form 3881 (Rights Waiver Procedure/Waiver Certificate). In addition, you may need to provide a witness with a Privacy Act statement before you solicit information. You are to maintain a written chronology of your actions on this investigation. You are to consult one of your legal advisors if you have any questions regarding these procedures. During the course of your investigation you should address the following issues:

- a. Detail the events surrounding the shooting, including chronology; identify those involved, including both civilian and military individuals and any relevant equipment/property, and the respective actions taken.
- b. Assess whether the rules of engagement were understood and followed.
- c. As needed, make any appropriate suggestions concerning ways to minimize occurrence of future incidents.

APVR-WLBC-CO

SUBJECT: Appointment as Investigating Officer

4. Suspense. This investigation takes priority over all other duties. Submit your findings and recommendations on DA Form 1574 through the Office of the Staff Judge Advocate to me no later than close of business 25 March 2006. Immediately submit any requests for modification of this suspense or the scope of your investigation to me.

FOR THE COMMANDER:



CPT, IN
Adjutant

Ex 6

SERIOUS INCIDENT REPORT

FROM: CDR, 562nd EN CO
TO: 172nd SBCT BTL CPT
SUBJECT: Serious Incident Report

a. Category. 3

b. Type of Incident. Escalation of Force incident: LN WIA

c. DTG. 160820MAR06

d. Location. Vicinity [REDACTED] near Hammani Al Alil [REDACTED]

Ex 2

e. Other Information. N/A

f. Personnel Involved.

- (1) Name. [REDACTED] Ex 6
- (2) Rank. SGT
- (3) SSN. [REDACTED] Ex 6
- (4) Location: Route [REDACTED] Ex 2
- (5) Sex. Male
- (6) Age. 27
- (7) Position. Assault and Barrier Platoon, 4th Squad Leader
- (8) Security Clearance. N/A
- (9) Unit. 562nd ENG (A&B platoon)

g. Summary of Incident: While conducting a mounted movement to [REDACTED] in +
23 Infantry's AO, [REDACTED] on route [REDACTED], A&B platoon had three
vehicles approach their patrol from the front. The patrol consisted of 3 x M1114s and a
916 w/ trailer moving south at approximately 40 mph. The lead vehicle, EN 407, used
escalation of force. EN 407 blew the horn, [REDACTED] the lead vehicle gunner, used
hand and arm signals. Two of the oncoming vehicles pulled over and stopped but a third
vehicle passed the stopped two and continued moving toward the patrol. [REDACTED]
fired a warning shot into the ground about 150 meters out. At about 50 meters a second
shot was fired into the grill of the oncoming vehicle. The vehicle made no attempt to
slow down but continued moving toward the patrol. The final two shots were fired by
[REDACTED] into the vehicles window at about 10 meters out, and the car pulled off the
road and nearly stops as the EN 407 passes. The patrol continued moving about 500
meters and could not immediately stop and turn around due to the large equipment in the
patrol. It took the patrol approximately 10 minutes to turn around and return to the shot
vehicle, where they discovered that a child had been injured and was already evacuated.
The wounded child was Othman Saleh Mohmmad, age 4, and he was evacuated by a LN
to a hospital.

Ex 2

Ex 6

Ex 6

Ex 6

h. Commander Reporting. [REDACTED] 562nd EN Commander

i. Points of contact. [REDACTED] 562nd EN Company XO

j. Downgrading Instructions. Unknown.

k. Report Originated By: [REDACTED]

l. Report Released By: [REDACTED]

m. Notification.

(1) Position.

(2) Name.

(3) Time.

Ex 6

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, F.O. 9397 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 [redacted] 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN [redacted] 7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

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

[Handwritten statement text, mostly illegible due to redactions and bleed-through]

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE _____ OF _____ PAGES

Et Co

SWORN STATEMENT

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

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 ascertained.
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: -015 MICHEE
2. DATE (YYYYMMDD): 7/20/03
3. TIME: 0352
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE STATUS: [REDACTED]
8. ORGANIZATION OR ADDRESS: 502nd AOG

Ex 6

Ex 6

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On the 16th of March on the way to HAWORTH just coming out of the town, I heard signal the on coming vehicle to pull over to the side of the Road. I saw [REDACTED] pull over and came to a complete stop. The third vehicle braked around heading towards our company at a high rate of speed. I signaled the vehicle to pull over to the side of the road. Then a painted [REDACTED] vehicle, still the car returned to stop. So [REDACTED] gave a warning shot in the dirt towards the side of the road. Still the vehicle did not stop. Next I shot at the engine block [REDACTED] the [REDACTED] did not stop. So I shot at the driver [REDACTED] the vehicle did not stop. The [REDACTED] the [REDACTED] for confirmation of a stopped vehicle. [REDACTED] Applied [REDACTED] stopped. The [REDACTED] [REDACTED] [REDACTED] around the corner to check the vehicle. The driver told us [REDACTED] [REDACTED] when we arrived. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Ex 6
Ex 6

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT:
PAGE: 0- PAGES:

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED

9. STATEMENT (Continued)

happened. we stayed until 4/23 sent [unclear] [unclear]
with the [unclear].

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person duly qualified by law to administer oaths, this _____ day of _____ at _____

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE _____ OF _____ PAGES

EX 6
12917

STATEMENT OF [REDACTED] TAKEN AT February 7, 1998 DATED 2/11/1998

STATEMENT (Continued)

Not used
[REDACTED]
Not used
[REDACTED]
Not used
[REDACTED]

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized to lawfully administer oaths, this _____ day of _____ at _____

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

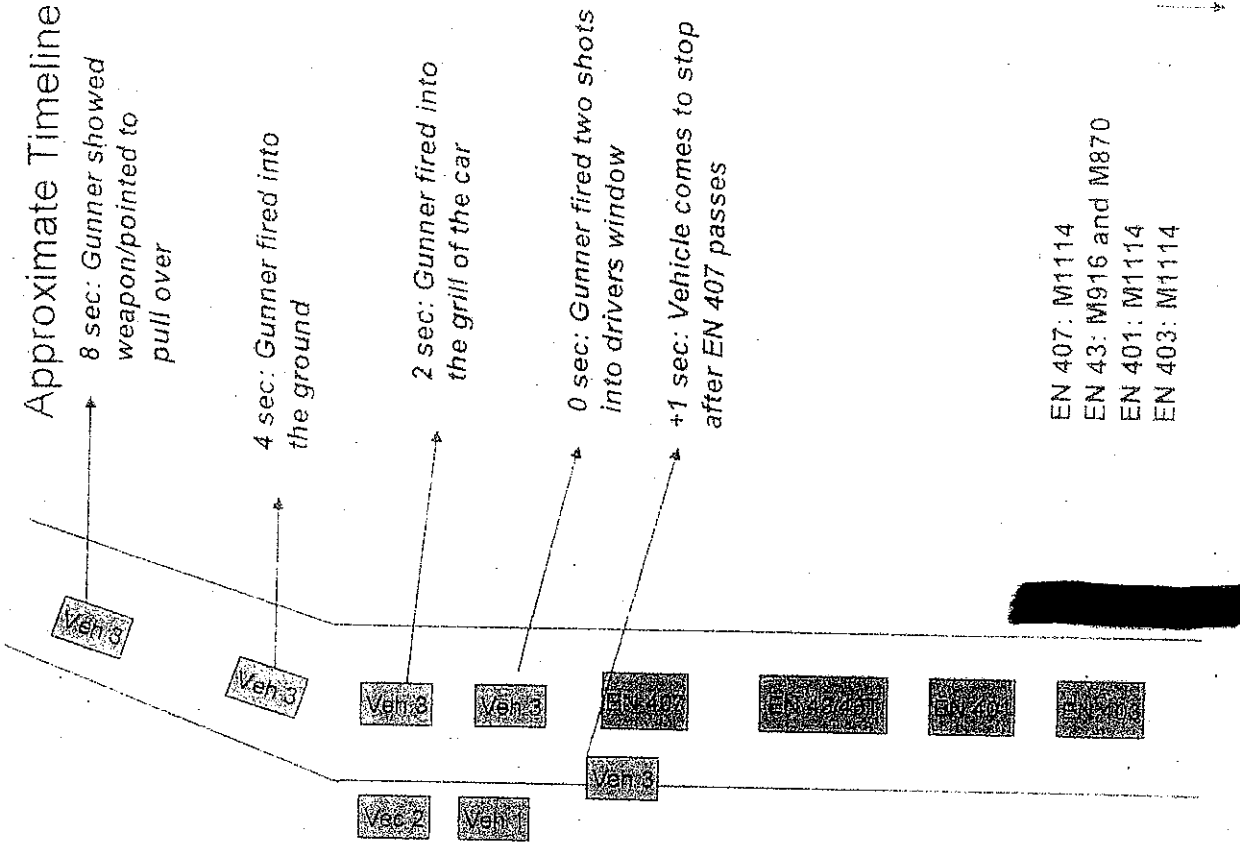
[REDACTED]
(Signature of Person Administering Oath)
[REDACTED]
(Typed Name of Person Administering Oath)
[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____ PAGE _____ OF _____ PAGES

Ex 6
12919

Sequence of Events

1. 4/562 was driving towards Scorpion Base near vic [REDACTED]
2. EN 407 was lead vehicle motioning three vehicles approaching the convoy.
3. Vehicle 1 and Vehicle 2 stopped. Vehicle 3 continued at high speed bypassing LN 1 and 2.
4. The gunner in EN 407 (M1114), upon seeing the vehicle used arm signals to stop vehicle. The vehicle continued at a high rate of speed to the convoy. The gunner showed weapon and fired warning shot into the ground. The vehicle continued forward bypassing the two parked vehicles (veh 1 and veh 2). The gunner then shot at the grill, then at the driver of veh 3. Vehicle 3 went past EN 407 and then stopped because of the disabling shots.
5. After the patrol found a turn around point for the M916 (tractor) and M870 (trailer), it was determined that an occupant of the vehicle was shot and was taken to a hospital.



EN 407: M1114
 EN 43: M916 and M870
 EN 401: M1114
 EN 403: M1114



Ex 2

Ex 2



Picture 1 shows approximate location of vehicle when warning shot was fired (looking north on [REDACTED])

2
2021



Picture 2 shows the oil spill from warning shot into the grill of the car

Picture 3 shows where the two shots to the passenger landed, wounding a LN

[REDACTED] 52 ENG CO CDR

From: 4-23 INF BTL CPT

Sent: Thursday, March 16, 2006 11:39 AM

To: [REDACTED] PT562 ENG CO CDR; [REDACTED] CPT, 562nd XO

Subject: CONDOLENCE INFO

Ex 6

Classification: UNCLASSIFIED

Sir,

Here is the info on the Engineer shooting.

Kid: [REDACTED]

Father: [REDACTED]

Grand Father: [REDACTED]

Mother: [REDACTED]

Phone #: [REDACTED]

Home: [REDACTED]

Ex 2

562nd EN engaged vehicle after warning shots [REDACTED] near propane supply point. LT states that they were towing a Low boy and had to find a spot to turn around, once they did they returned. It took about 5 min to turn around and by the time they had returned the Father and Grandfather took the son to the hospital. I do not know the end result of the child. The LT EN got info from the cousin and wrote down all the information. Review incident 0750

Respectfully,

Ex 6

[REDACTED]

4-23 IN ISF LNO

4-23 IN BN BATTLE CPT
"TOMAHAWK TOC"
FOB MAREZ, MOSUL
521-3127 (PRIMARY)
522-3123 (ALTERNATE)
[REDACTED]

Ex 2

3/21/2006