f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)? g. Information as to sessions of a formal board not included on page 1 of this report? h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board? OTNOTES: If Explain all negative answers on an attached sheer. 2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation.		 	X
g. Information as to sessions of a formal board not included on page 1 of this report? h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?		 	
(e.g., dosence of material witnesses)?			•
1. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems		1 1	X
		-	<u>X</u>
e. Privacy Act Statements (Certificate, if statement provided orally)?		-	X
d. All other written communications to or from the appointing authority?			X
c. Other correspondence with respondent or counsel, if any?			X
b. Copy of notice to respondent, if any? (See item 9, below)	X		
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?			
Inclosures (para 3-15, AR 15-6) Are the following inclosed and purples of the following inclosed and purple	YE	S NO	NA:
L. COMPLETE IN ALL CASES	VE	e Malife	AT A
SECTION III - CHECKLIST FOR PROCEEDINGS	(Date)		
and completed findings and recommendations at	2 September 2005		
(Time)	(Date)	2003	
The (investigating officer) (board) finished gathering/hearing evidence at	21 September 2	າດດະ	
		-	
	*	•	
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 following persons (members, respondents, counsell were should be the			
present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)	us, counsel) were		
on 19 August 2005 (If a formal board met for more than one session, check here]. Indicate in an inclosure ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, responder present: (After each name, indicate capacity, e.g., President Recorder March of Archive Land (Members).	the time each session be	gan and	
on 19 August 2005 (If a formal hourd was for ward for war	(Time)		
The (investigation) (trans) commenced at Camp Taji, Iraq (Place)	1900 ho	urs	
(AO)			
SECTION II - SESSIONS			
on 12 August 2005 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para	2 3-15, AR 15-6.)		
12 Average 2005			
(Appointing authority)	2	<u> </u>	
Appointed by Colone di Brigade Combat Team, 1st Annored Division	. Camo Taŭ Irag		
SECTION I - APPOINTMENT			Ţ.
IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDIT	IONAL SHEETS		#
For use of this form, see AR 15-8; the proponent agency is OTJAG. IF MORE SPACE IS REQUIRED IN SILLING OUT, AND DOWNSON.			X
For use of this form, see AR 15-8; the proponent agency is OTLAG		-	ΛI

REPORT	OF PROCL_JINGS	BY INVESTIGATING OF	FICER/BOO OF OF	FICERS	
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		SECTION I - APPOINTMENT	IS FURM, ATTACH ADDITIO	NAL SHEETS	
Colonal David I	Dishar Gamai				
Appointed by Colonel David J.	Bishop, Commander,	3rd Brigade Combat Team,	, 1st Armored Division, (Camp Taji, Iraq	
		(Appointing author	rity)		
					*
on 12 August 2005 (A	lttach inclosure 1: Letter o	f appointment or summary of oral	annoistment data i all	2 15 January	
(Date)		a Albanamian or smilling of the	upponument aata.) (see para :	1-15, AR 15-6.)	-
		SPOTION III			
140		SECTION II - SESSIONS	· ,		
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on19 August 2005		(Place)		(Tim	ne)
14/	a formal board met for me	ore than one session, check here	. Indicate in an inclosure th	e time each session	began and
ended, the place, persons present and a present: (After each name, indicate cap	operat min explimitibili bi (<i>Wisences. If al</i> ty. The following a	ersons (members, respondent:	s, counsel) were	•
The state of the s		oruer, memoer, Legal Advisor.)	•		
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The (investigating officer) (board) finis	hed gotherlag/bearing evid	ence at 200	n	010	
, see Samuel Street, Joseph M. Little	men Promet informenting #AIO	Since at	on	21 Septembe	
and completed findings and recommendat	tions at	1900	on 22.	September 2005	
· · · · · · · · · · · · · · · · · · ·		(Time)		(Date)	<u></u>
A COMPLETE THAT I GOTTO	SECTION	I III - CHECKLIST FOR PROCEE	EDINGS		
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	and the second of the second				
Are the following inclosed and number a. The letter of appointment or a sum	mary of oral appointment	nan numerals: (Attached in order	listed)		
b. Copy of notice to respondent, if any	v? (See item 9. below)	JAIRI			\times
c. Other correspondence with respond	lent or counsel, if any?				<u> </u>
d. All other written communications to	o or from the appointing a	uthority?			X
e. Privacy Act Statements (Certificate	e, if statement provided or	ally)?			X
f. Explanation by the investigating off	icer or board of any unusu	al delays, difficulties, irregularitie	es, or other problems		
encountered (e.g., absence of mate	rial witnesses)?				×
g. Information as to sessions of a form	ial board not included on p	page 1 of this report?			 x
h. Any other significant papers (other DOTNOTES: 1/2 Explain all negative answer	than evidence) relating to	administrative aspects of the inve	estigation or board?		1 12
	3 on an attached sheet. Attutes a positive representatio	n that the circumstances described in the	e nuertion did =ot ' dir		
or board. A FORM 1574, MAR 83				sugation	
1. Ann 1214, IMMU 02	EDI.	TION OF NOV 77 IS OBSOLET	E. Page	t I of 4 pages	USAPA V1,20



collibits and attached to that report? b. It as intent and calculation afforced to extended by invasitipating officer or board amended before the first southful? c. That the serimony/interpretant of each, witness been recorded verbation for these reduced to writing forms and attached as an exhibit? d. Are copias, descriptions, or depictions of materians for read or decumentary evidence) properly authenticated and is the focusion of the original evidence indicated? d. Are copias, descriptions or diagrams included of incontines without by the serverageing officer or board (pure 3-60, At 15-60)? F. It each writine religiation is taken to an exhibit of the section of implantation distinct on controlled in a verbation record? J. It distinct indices of any matter was taken over the objection of a respondent or commel, is a materiant of the mater of which official notice was taken intended an achiebil (pure 3-16, At 15-6)? J. Was a spectrum present when the board video of initioning and economised intended on proves 4-1 and 5-20, At 15-60? J. Was a spectrum present when the board video of initioning and economised intended on the order of appointment (pure 5-36, At 15-60)? J. Art the initial seales, of the tocorder early or their make and commendations from the first of appointment (pure 5-36, At 15-60)? J. Was each absence, did the econories early or their make and pure seales and the soft after 64 was early an extended on the control of the soft of the seales of appointment (pure 5-36, At 15-60)? J. Was each absence, witnessee, reporter, and interpreter vorum. If required (pour 3-1, At 15-60)? J. Was each absence of any matter of pure seales of the seales of the seales of the seales of accommendation of the seales o		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?	YE	SNO	NA
an earlier? d. Are coples, descriptions, or depictions of inhabitand for real or documentary aridines) properly authentifeated as it is consistent of the critical property authentifeated and in the location of the original evidence indicated? e. Are descriptions or diagrams indicated of boardons writted by the invasignating officer to beard [pare 5-66, AR 15-67] f. It seek written aripalation attached as an exhibit and is each oral adjustation either reduced to writing and made as exhibit and is each oral adjustant in control of the control pare 5-66, AR 15-67] f. It is each written aripalation attached as an exhibit and is each oral adjustant in control of which official notice or start can tracked as an achieful (pare 5-66, AR 15-67) f. It is control to the control pare of the control pare 5-66, AR 15-67] g. It official notice of any matter was taken over the objection of a negociated to give 4-1 and 5-26, AR 15-67] When a quantum present at every residen of the board [pare 5-26, AR 15-67] At the hillst seaton, off the recorder read, or determined that II participants but read, the letter of appointment (pare 5-36, AR 15-67) When each absence of any manter property excused (pare 5-26, AR 15-67) We can absence of any manter property excused (pare 5-26, AR 15-67) We can be considered to the oral pare 5-26, AR 15-67) We can be considered to the oral pare 5-26, AR 15-67 We can be considered to the oral pare 5-26, AR 15-67 It may members, witnesses, reporter, and interpreten sworm, if required [pare 3-1, AR 15-67] The pare pare 15-26 is the activate description of the oral pare 5-26, AR 15-67] The pare pare 15-26 is the activate of the oral pare 5-26, AR 15-67] The pare pare 15-26 is the activate of the oral pare 5-26, AR 15-67] The pare 15-26 is the activate description of the pare 15-26 is the activate description of the pare 15-26 is the activate of the little season of the board concerning that respondent? The manual part of the pare 15-26 is the pare 15-26 is the pare 15-26 is the pare 15-2			×	: [
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the toestica of the original evidence instinated? And the toestica of the control of the toestica of		an exhibit?			_
F. Feach written stripolation stateback as a whilst had seen but sulpation either reduced to writing and made an exhibit or recorded in a verbatum record?		d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			+
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F. If efficial society of any matter was taken attached as an exhibit (pears J-164, AR 15-6)?		17. to each written supulation attached as an exhibit and is each ovel stimulation either and the stimulation attached at a contract of the state of	-	-	+~
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COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)? 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? D. 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 uniters to be investigated, including specific allegations against the respondent? (3) the respondent's rights with regard to counsel? (4) the annean and address of each winess expected to be called by the recorder? (5) the respondent's rights to be present, present evidence, and cell witnesses? (4) Was the respondent gripts and the present present evidence, and cell witnesses? (5) the respondent provided a copy of all unclassified documents in the case file? (6) If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them? If any respondent was designated after the proceedings began (or otherwise was obsent 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 5-6, AR 15-6)? If any respondent's counsel present at all upon sessions of the board relating to that respondent? If counsel is a larger, check here []] b. Was respondent's counsel present at all upon sessions of the board relating to that respondent? If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6): C. If military counsely was requested but not made available, is a copy (or, f) ord, a summary) of the request and the action taken on it included in the report (para 5-6, AR 15-6): D. Was the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6): D. Did		West members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?		-	-
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The (investigating offi See Attached	icer) (b oat l),	having carefully	considered the evidenc	e, finds:	-		
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In view of the above fir See attached	mmgs, me (investigating offic	er) (bealig) recommen	ds:		•	
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THIS DEBORT OF PROGRESS	- AUTHENTICATION (para 3-17, AR 15-6)
THIS REPORT OF PROCEEDINGS IS COMPLETE AND A below, indicate the reason in the space where his signature sho	CCURATE. (If any voting member or the recorder fails to sign here or in Section VII
, was to tous in the space where his significant sho	ша арреат.)
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(Recorder)	(Investigating Officer) (President)
	(breamsaing officer) (Freament)
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(Member)	(Member)
SECTION VII	MINORITY REPORT (para 3-13, AR 15-6)
the extent indicated in Inclosure the underst	
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isons 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)
ne findings and recommendations of the (investigating offiner)	(board) are dannifored) (disammoned) (annoved with following execution)
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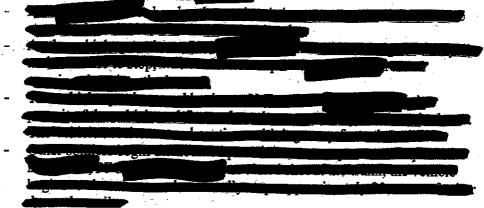
Having carefully considered the evidence, I find:

- (1) What was the sequence of events that led up to the incident ?(see exhibit 5-15)
 - 2/B/70 patrols northbound on Hands passes a local national at the intersection of ASR thanks and turns East that looks like wet concrete explodes on the 3rd vehicle of the convoy.
 - The plateon conducts actions on contact and doubles back on Route to look for the local national who they suspect is the triggerman.
 - The platoon intercepts and stops 2 vehicles containing six individuals. The three vehicles establish security and led by SFC the security begin to tactically question and conduct X-Spray tests on the six. These six are later released.
 - Simultaneously, LT Property of the second at least two others dismount to check the concrete factory.
 - In the concrete factory, the dismounts discover what they belive to be the site where the IED that exploded on them had been made.

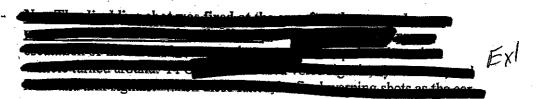
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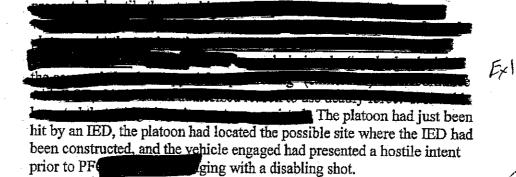
- The dismounts return to the vehicles to call higher, PFO dismounted on the Northwest side of the cordon to provide rear security.
- PFC to the bots a Black sedan entering the compound from his North/Northwest from ASR



- Soldiers arrive at the vehicle and two local nationals (passengers) exit the vehicle and are detained.
- Soldiers discover the driver dead, his chest cavity had been pierced by one bullet.
- Pictures are taken on the scene (exhibit 14)
- (2) Did the soldiers involve properly escalate the use of force?







EXC

- (3) Did the patrol had positive identification (were they reasonably certain that the local national was a legitimate military target) before engaging?
 - Based off the evidence available now, it is questionable as to whether or not the vehicle engaged, or the people therein, were legitimate military targets.
 - At the time of the incident, however, it is my finding that in PFC mind, the vehicle, and the occupants therein, were legitimate targets. As mentioned above, the patrol had just been struck with a potentially dealy IED and had found the potential site where the IED had been constructed. Those facts, coupled with the fact that the vehicle had presented itself as initially showing hostile intent, it is reasonable to ascertain that PF heved he was engaging a legitimate target.
- (4) Was deadly force authorized?

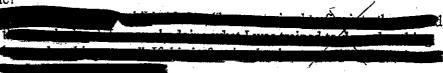


- (5) Were there any law of war violations?
 - No evidence supports any law of war violation.
- (6) Are there any operational lessons that should be captured and disseminated?
 - The unit failed to provide the appropriate amount of security on one of the flanks. The unit knew that a secondary entrance to the concrete plant existed. The patrol was down one gun truck at the time for maintenance and as a result, had less combat power available than normal. Nevertheless, the platoon left one dismounted soldier to protect the flank of the platoon with little or no coverage from the rest of the platoon.

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(7) Were there any other contributing factors that, if changed, could have altered the outcome?





It should be noted that this event occurred prior to brigade mandated midtour ROE refresher training."

Exl

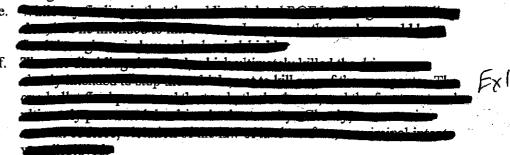
In view of the above findings, the investigating officer recommends:

(1) That PFC lives a written admonishment from the Appointing Authority, or his designated representative, for his failure to use the proper escalation of force (EOF) in accordance with the rules of engagement (ROE) as outlined in 3rd Infantry Division MND_B OPOORD 05-12, Annex E.

(cx(e

In considering this recommendation, I find it appropriate for the appointing authority to consider the following:

- a. The platoon had just been engaged by an IED.
- b. The platoon was simultaneously conducting tactical questioning.
- c. The platoon discovered the site where the IED had potentially been constructed in close proximity to where the incident being investigated occurred.
- d. The vehicle engaged had posed a reasonable threat prior to warning shots being fired.



- g. PFC expectation between ected soldier by superiors and subordinates alike and has no previous record or history of abuse or excessive force.
- (2) That 2/A/2-70 AR receive retraining in proper EOF procedures in accordance with published ROE. It is apparent that some soldiers in this platoon do not fully understand the proper techniques to disable a vehicle while minimizing the possibility of collateral damage. Furthermore, soldiers must be trained to be able to properly make the decision when a vehicle no longer presents a military threat or ceases to exercise hostile intent.



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Index of Enclosures/Exhibits AR 15-6

Exhibit #	What	Person responsible	• •
Exhibit 1	Index	Investigating Officer	7
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Exhibit 3	Commanders Incident	LTC	1
	Report		
Exhibit 4	I.O. Timeline	Investigating Officer	1
Exhibit 5	Sworn Statement, 25 Aug	SPC Y	ĺ
Exhibit 6	Sworn Statement, 25 Aug	SFC	1, 6
Exhibit 7	Sworn Statement, 25 Aug	LT.	TEX Y
Exhibit 8	Sworn Statement, 25 Aug	SPC S	1
Exhibit 9	Sworn Statement, 25 Aug	SPC	1
Exhibit 10	Sworn Statement, 25 Aug	SGT.	1
Exhibit 11	Sworn Statement, 25 Aug	PFC L	1
Exhibit 12	Sworn Statement, 25 Aug	SSG A	1
Exhibit 13	Sworn Statement, 25 Aug	SPC	i .
Exhibit 14	Pictures of Site	2/A/2-70	j
Exhibit 15	Graphics and Sequence	Investigating Officer	
Exhibit 16	Follow-Up Statement	SPC A	1
Exhibit 17	Follow-up Statement	SSG 4	1
Exhibit 18	Follow-up Statement	PVT	1
Exhibit 19	Follow-up Statement	PFC L	1
Exhibit 20	Character Statement	1SG	1
			1





DEPARTMENT OF THE ARMY **HEADQUARTERS** 3RD BRIGADE, 1ST ARMORED DIVISION CAMP TAJI, IRAQ APO AE 09378



AFZN-BB-CO

12 August 2005

MEMORANDUM FOR I h Battalion, 1st Field Artillery Regiment, 3rd Brigade, 1st Armored Division APO AE 09378

Ex60

SUBJECT: Appointment as Investigating Officer

- 1. Pursuant to AR 15-6, paragraph 2-1, you are hereby appointed as an investigating officer to investigate the shooting and killing of a local national by an element of 2/A/2-70 AR which occurred on 11 August 2005 on
- 2. In your investigation, use procedures under AR 15-6, Chapter 4, for an informal board of officers. All witness statements will be sworn, and you will follow the procedures in AR 15-6, paragraph 3-7e for Privacy Act statements. If the person you are interviewing states that he/she does not know anything about the allegations, prepare a sworn statement to that affect for the witness to sign. If, in the course of your investigation, you suspect a soldier has committed an offense under the UCMJ, you must advise and read him/her their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate, prior to conducting any interview.
- 3. In your investigation, you need to answer the following questions:
 - a. What was the sequence of events that led up to the incident?
 - b. Did the soldiers involved properly escalate the use of force?
 - c. Did the patrol have Positive Identification (were they reasonable certain that the local national was a legitimate military target) before engaging?
 - d. Was deadly force authorized?
 - e. Were there any Law of War violations?
 - e. Are there any operational lessons that should be captured and disseminated?
 - f. Were there any other contributing factors that, if changed, could have altered the outcome?





AFZN-BB-CO

SUBJECT: Appointment as Investigating Officer

- 4. If it becomes evident that there is possible misconduct outside the scope of your investigation, notify the appointing authority immediately. If during your investigation you become aware of information that needs command attention, immediately notify the appointing authority for guidance.
- 5. Contact the Command Judge Advocate, CPT for legal guidance prior to starting your investigation. CPT located in Bldg 72 and his phone number is VOIP: 242-6045.

6. Submit your findings and recommendations on DA Form 1574 to CPT form legal review no later than 19 August 2005.

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Appendix 1 (CIR BLUE 2 REPORT) to Annex C to FRAGO 40 to OPORD 05-007 (RSOI)

COMMANDER'S INCIDENT REPORT:

LINE 1: Unit reporting: 3/1 AD (4/B/2/A/2-70 AR)

LINE 2: Incident: Shooting of a LN

LINE 3: Date/time group (DTG) incident occurred: 111641AUG05L

LINE 4: Location of incident: I

LINE 5: Personnel involved

Present at the incident

	Mama	l Dt.		isent at the inc			
-	Name	Rank	Unit	SSN	Sex	Age	Race
<u>.</u>		E3	2/A/2-70		M	23	
		02	2/A/2-70	1	М	28	
3		E6	2/A/2-70	1	М	27	
		E3	2/A/2-70		М	21	
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		E5	2/A/2-70	7,	M	21	
		E4	2/A/2-70		M	28	
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		E4	2/A/2-70	· ·	M	22	
		E3	2/A/2-70		M	19	
		E5	2/A/2-70	,	M	22	
	72	E4	2/A/2-70		М	26	
	æ	E3	2/A/2-70		M	24	
		E7	2/A/2-70		M	34	.

LINE 6: SUMMARY: 2/A/2-70 AR was patrolling on February When a radio detonated 130mm round exploded inside a concrete block. The detonation caused no casualties and no damage. 2/A/2-70 immediately conducted 5m/25m checks and then began the local cordon and knock operations in search of information or triggermen. Six individuals were detained for tactical questioning due to their proximity to the explosion. As SFO was conducting questioning and X-spray, a black Hyundai drove up from the rear of the patrol and 3 individuals dismounted and began questioning the local nationals. When the 2/A/2-70 soldiers made eye contact with the new IZ's from the black Hyundai, they immediately fled back towards their vehicle and fled the scene at a very high speed. The soldiers attempted to physically restrain them from leaving but were unable to catch up to them before they reached the car. The soldiers then attempted to stop their flight through the use of verbal and hand arm signals.

individuals fled the scene under unknown circumstances. A 15-6 investigation has been directed.

Exl

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C-1-1

EXHIBIT 3

 	For use of this	10m, see AR 190-45	; the proponent :	gency is ODCS()PS		
AUTHORITY: Title 10 USC PRINCIPLE PURPOSE: To ROUTINE USES: Your soci DISCLOSURE: Disclosure	izi security number is use	Section 295; E.O. 9: id law enforcement of ed as an additional/at				curately records	ed.
1. LOCATION Camp Taji, IZ	2. DATE (YYY 20050825	THUE I IS VOLUTIDATY.	3. TIME		4. FILE N		
and the same of th	ME, MIDDLE NAME 6.	SEN		7. GR 0-1	ADE/STATUS		
8. ORGANIZATION OR ADI 2/A/2-70 AR	DRESS						
On 11 August 2005, m	y platoon was struci	k by an IED vicini	ity grid vicinity	M	The third veh	nicle in the c	עמעמע
(a23) was the vehicle h	nit. There were a tot	al of three vehicle	es in the conv	oy, my vehicle	A22 was in t	he front. The	ere
were three vehicles on	the patrol because	earlier in the day	the A21 vehi	cle went dowr	for maintena	nce and wa	s left at
the TAC, SG	FC and I	President	with A21 for	its return trip	to Taii later in	the day W	hen the
IED detonated it cause	ed minimal damage t	to the vehicle. Aft	er the IED de	tonated the of	atoon conduc	ted our five	and
twenty-five meter chec	ks. Prior to the IED	detonating we no	ticed an indiv	idual at the co	mer of ASS	and I	
The plator	on turned around in	order to tactically	auestion the	individual W	a found the in		
cement factory on RTE	We se	cured RTE N	and th	e coment fact	ani Me possi	olvidual at ti	P
questioning six local na	ationals that were in	two vehicles atte	moting to les	e comen act	factors com	n tactically	
the factory. We search	ed to factory and for	ind an area that	onpang to lea Oncrete was	receptiv mivo	d The green	en as me gu	ard of
concrete that were the	approximate size of	an artillant rount	The color of	f the send one	u. The area n	ao imprints i	n the
cite are consistent of the	ie same materials vi	ers armety fourt	In the color o	ue sano and	i the color of t	ne concrete	at the
searched, I went to R	rs to her	de association de la	ED. Milei lile	area was sec	ured and the	factory comp	oletely
my M1114 that was nu	lling security on the	eouth side of DZ	e six local na	ionais. Noi k	much later I	began to wa	ilk to
my M1114 that was pu	maid secontry ou tite	SOURT SIDE OF K		I Was half we	ly to my truck	When I hear	
uting				- Tradition	<u> </u>		d PFC
uting.							Ex
	o dotomino man			l beg	an to run to th	e cite where	my Ex
soldiers were in order t	o determine more a	bout the situation	. While I was	I begi	an to run to th	e cite where	my as well
soldiers were in order to as the car accelerating	more every time a	shot was fired the	n. While I was	I begind to the as it was more	an to run to the area I heard	e cite where more shots hen I got ove	my as well er the
soldiers were in order to as the car accelerating bridge leading to the ca	more every time a sement factory there	shot was fired the were 3 or 4 of my	a. While I was car sounded soldiers in the	running to the as it was more factory and	an to run to the area I heard ving faster. W	e cite where more shots hen I got ove topped up a	as well er the gainst
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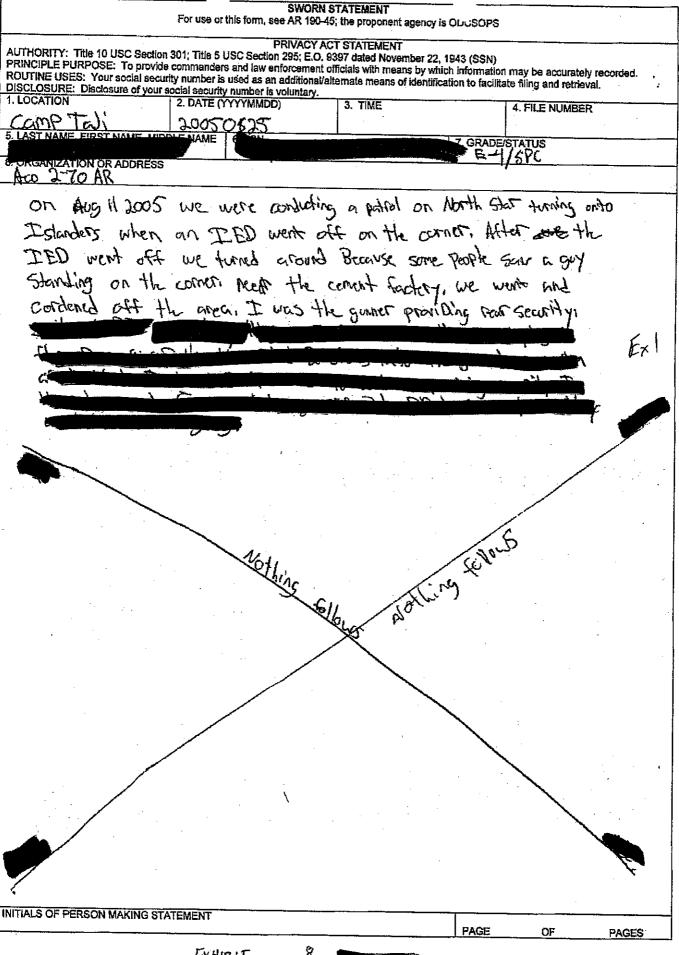


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STATEMENT OF	TAKENAT COMP KUL	DATED DUTOS DS
9. STATEMENT (Continued)		
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I. HAVE RE	AFFIDAVIT AD OR HAVE HAD READ TO ME THIS STATEMEN AND THE CONTENTS OF THE FAITIRE STATEMEN	T WHICH BEGINS ON DAGE 4 AND
NDS ON PAGE 1 FULLY UNDERST. TRUE, I HAVE INITIALED ALL CORRECTIONS AND	AND THE CONTENTS OF THE ENTIRE STATEMEN HAVE INITIALED THE BOTTOM OF FACE PAGE	IT MADE BY ME. THIS STATEMENT
TRUE, I HAVE INITIALED ALL CORRECTIONS AND AVE MADE THIS STATEMENT FREELY WITHOUT H DERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL	OPE OF BENEFIT OR REWARD, WITHOUT THRE	AT OF PUNISHMENT, AND WITHOUT
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	(Signature of Person Ma	king Statement)
ITNESS:	Subscribed and sworn to by m	e, a person authorized to administer
	oains, this 25 day of at	2005
10-9-70 10		
RGANIZATION OR ADDRESS	17	
	(Signature of Person A	dministering Oath)
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SWORN STATEMENT For use or this form, see AR 190-45; the proponent agency is ODUSOPS PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 295; E.O. 9397 dated November 22, 1943 (SSN) PRINCIPLE PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately recorded. ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filling and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER 5. LAST NAME, FIRST NAME, MIDDLE NAME | 6. SSN 2005 08 25 2045 7. GRADE/STATUS : URGANIZATION OR ADDRESS On the 11 nth of August, As we were doing our particul in our sector, on IED went of on my truck A23 which was the rear vehical we emildiatly cordon off the ones and Started can surch. I didn't see anything After that was pulled securety on my track faceing down the road we were on. My truck was faceing North Stars INITIALS OF PERSON MAKING STATEMENT 2 PAGE OF **PAGES**

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STATEMENT (Continued)	
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RCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INI	DUCEMENT,
	Constitution
	Subscribed and swom to by me a person authorized to administra-
	Subscribed and sworn to by me a person authorized to administer oaths, this 2.5 day of
	Subscribed and sworn to by me a person authorized to administer
	Subscribed and sworn to by me a person authorized to administer oaths, this 7.5 day of 4.5 2005
	Subscribed and sworn to by me, a person authorized to administer oaths, this 7.5 day of 14.5, 2005
Co. 2/20 Ar-	Subscribed and sworn to by me a person authorized to administer oaths, this 7.5 day of 4.5 2005
Co. 2/20 Ar-	Subscribed and sworn to by me a person authorized to administer oaths, this 7.5 day of 1.5 2005
Co. 2/20 Ar-	Subscribed and sworn to by me a person authorized to administer oaths, this 2.5 day of 2005 at Camp 15.5 (Signature of Person Administering Oath)
Co. 2/20 Ar-	Subscribed and sworn to by me a person authorized to administer oaths, this 7.5 day of 2005 at (Signature of Person Administering Oath)
Cc. 2/20 Ar- ANIZATION OR ADDRESS	Subscribed and sworn to by me a person authorized to administer oaths, this 7.5 day of Arc 2005 at Camp 15.5 (Signature of Person Administering Oath) (Typed Name of Person Administering Camp 15.5 (Typed N
ANIZATION OR ADDRESS	Subscribed and sworn to by me a person authorized to administer oaths, this 7.5 day of 2005 at
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ANIZATION OR ADDRESS	Subscribed and sworn to by me a person authorized to administer oaths, this 7.5 day of Arc 2005 at Camp 15.5 (Signature of Person Administering Oath) (Typed Name of Person Administering Camp 15.5 (Typed N

Four 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 295; E.O. 9397 dated November 22, 1943 (SSN) PRINCIPLE PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately recorded. ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER Lamp 7. GRADE/STATUS Aco August 11, 2005 I was with second Platoon conducting a patrol on Rte. Lincoln. An IED went off on the first Hummvee. I was in the second one. I had seen one Iragi male standing and on the roadside. We went back to talk to him He was gone. We cordon off the area and found him in a white car with four other males, While searching the area a black car drove into the area shots where fired. The told me to go to the black car and check out the driver of the car. He had an exit wound in his chest. The center of his chest There was nothing I could do to save him.

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INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

EXHIBIT

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STATEMENT OF	TAKEN AT Camp Tail	DATED 25 Aug X5
9. STATEMENT (Continued)		
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For use of this form, see AR 190-45; the proponent agency is ODUSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 295; E.O. 9397 dated November 22, 1943 (SSN)

PRINCIPLE PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately recorded. ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION

2. DATE (YYYYMMDD)

3. TIME

4. FILE NUMBER

amp Tali

7. GRADE/STATUS

Aco 2-70 AR

State that while on Patrol on August 11 2005 DUT Convoy was struck by an IED. The third truck in our Convay was hit. I was the second cenicle in the convoy. I saw the IFO that blew, It way a concrete encased round with brown sand in the Concrete, we then cordoned off the local Area and begun beauching for a Gospillouse male we sow in the Area. while beauching the Area I discovered An Aren that appeared to be where the ZED was made, fresh concrete with imprints of av Artillary round, A pile of Sand that was the same Color of Sand that was in the IED, Also there was fresh the cot whies and a Bucket of water. That led me to believe that, that Aren was in fact used to fubricate an IED. The nest of my Platoon was avestioning Aprox 6 Detainers that mene in the Aner. while conducting further Search of the Aren I noticed a black began with 3 males in close proximity of the site that had been used to fabricate the IED. I

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INITIALS OF PERSON MAKING STATEMENT

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

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AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 295; E.O. 9397 dated November 22, 1943 (SSN)

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DISCLOSURE: Disclosure of your social security number is voluntary. 1. LOCATION

Camp Tati

2. DATE (YYYYMMDD) 20050825

3. TIME

4. FILE NUMBER

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7. GRADE/STATUS

8. ORGANIZATION OR ADDRI

4 Co 2/70 AR

On August 11, 2005 and Platoen was conducting a patrol along Rte Lincoln. My truck, A23 was at the rear of the Formation when I saw a large round half dry concrete boulder. As I tried to warn the driver of the possible IED, the IED detorated on the side of my house. I immediately turned a y truck around to the intersection of Rfe Northstows and Lincoln where there had been a man standing. He was no longer present and the believed tarte of egress of the suspect was south on Route Northstors.

The platoon headed a long Rte Northstors, south. We came upon the concrete fart iny, stopping two vehicles containing six persons, we dismovated and searched the two vehicles and six personnel, we also sent soldiers to search the concrete factory.

While we were interrogating the six defainces, I was on the east side of the caval when I heard shorting from the soldiers on the weston side. I saw them waving to a black car which was travelling away from vicinity of the concrete factory.

over when it was found that the driver had been hit. Later as we maintained the corden of the area I used my digital camera to photograph the concrete factory and suspected Ido making materials on site were found recently extelectrical wires, a bucket with fresh water, are empty bag of concrete, sand used in the nixture, and on the ground was half by remains of concrete with what appeared to be an imprint of an artillery shell in the concrete,

EDD votified that the IED used on my truck was a 130 mm concrete encased IED with remote detonator.

I turned the photos of the site and also the vehicle and the civilian KIA to TF 2/70 AR 5-2 POC Captail

INITIALS OF PERSON MAKING STATEMENT

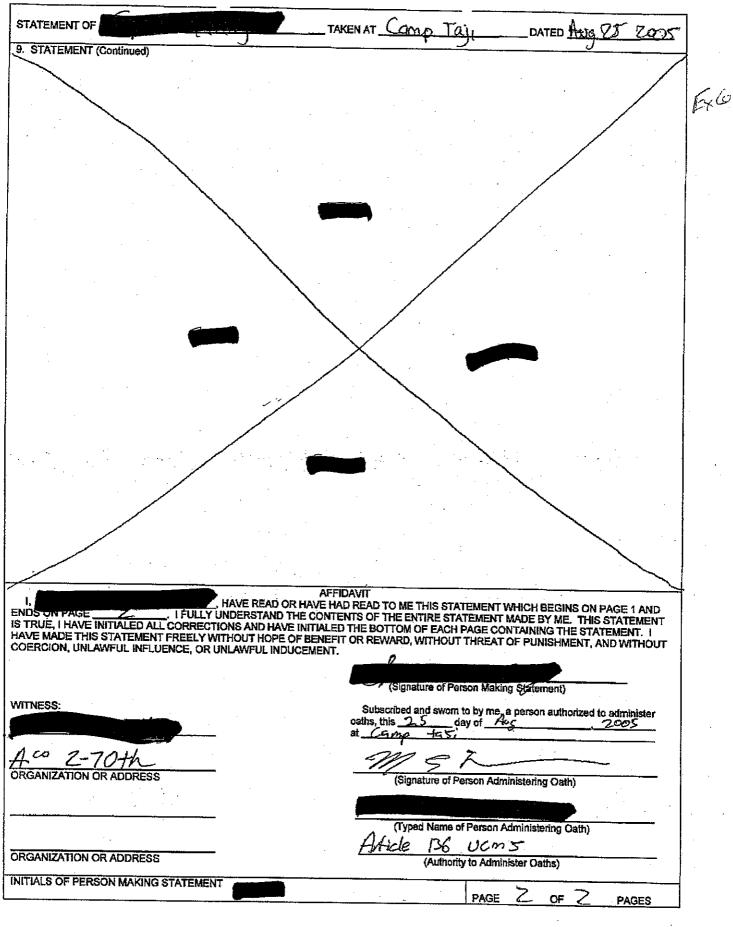
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	SW For use of this form, see AR	ORN STATEMENT	amuis ODCSODS	
PRINCIPLE PURPOSE: To pro	PRIVA stion 301; Title 5 USC Section 295; vide commanders and law enforces	CY ACT STATEMENT E.O. 9397 dated November ment officials with means b	22, 1943 (SSN)	
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EXHIBIT 14, Page 1





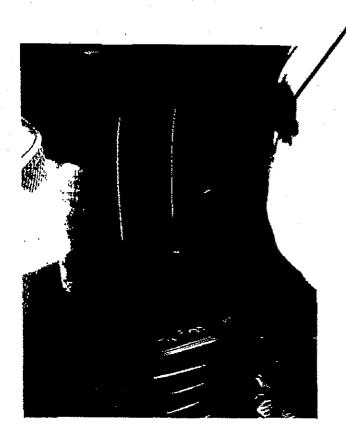
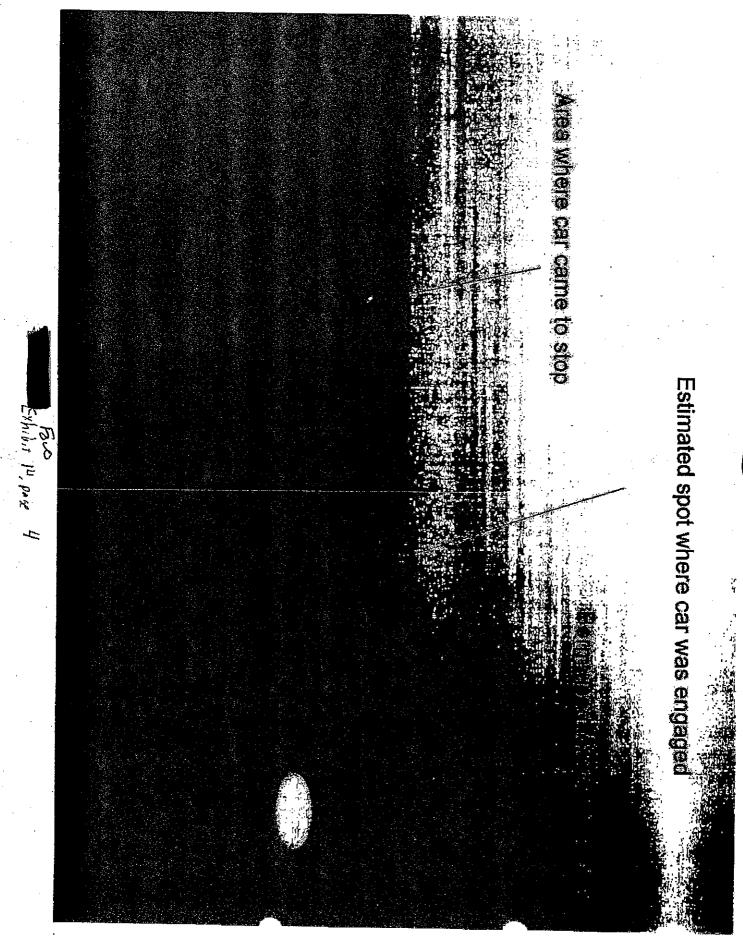
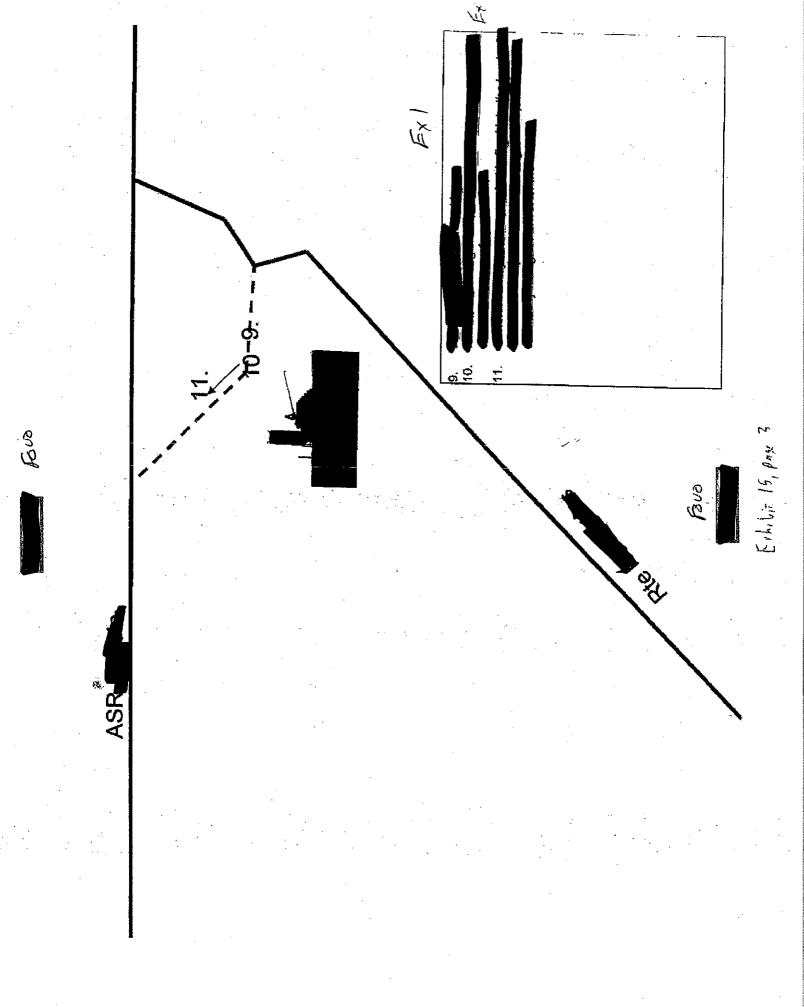




Exhibit 14, pase 3





	SWO For use of this form, see AR	RN STATEMENT 190-45; the proponent	agency is ODCSOPS		
AUTHORITY: Title 10 Us PRINCIPAL PURPOSE: To provide ROUTINE USES: Your sacia DISCLOSURE: Disclosure		CY ACT STATEMENT Section 2951; E.O. 93 ement officials with m an additional/alternate	97 dated November 22	tion may be accurate	ely d retrieval.
1. LOCATION Camp Taxi	20	DATE <i>(YYYYMMDD)</i> 205 09 21	3. TIME	4. FILE NUMBER	
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Aco Z-70th Avan	77			E-4 SPC	180
9. 1-			THE FOLLOWING STAT	EMENT UNDER OAT	Н:
Q: Did you fire your weapon? I	s.a. U f so how many rounds and				
A: No	·				
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Q: Who fired their weapon (do n	ot speculate) ? How many	rounds?			
A:					
371					
Q:					
	No.				Ex
			· · · · · · · · · · · · · · · · · · ·		
Q: Do you know why	his weapon?				
A: He felt threatened ou Carlier IED, attack	to wanted to stup	in cour me of	d thought wa	svoisiques a	of the
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Q: Characterize the type of soldi statements that he wants to "kill"	Hauis:		he ever abused Iraqi		
is a good	3 Soldier, that 1 t	rust-did and	will continue t	odothe righ	of the
I have never heard h	um say he wanted	to Kell I radio	s or abuse than	 	" ""9]
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				CARCAIT AND DOG	
THE BOTTOM OF EACH ADDITION MUST BE BE INDICATED.	·			EMENI, AND PAGE	NUMBER
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Exhibit 16
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•	Signature of	Person Making Statement)	-
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Initials of Person Making Statement		PAGE Z OF Z PAGES	
PAGE 3, DA FORM 2823, DEC 1998		USAPA V	1.00

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SW For use of this form, see A	ORN STATEMENT R 190-45; the proponent i	agency is ODCSOPS		
AUTHORITY: Title 10 USC Section 301; Title 5 US PRINCIPAL PURPOSE: To provide commanders and law enformation and law enformati	ACY ACT STATEMENT C Section 2951; E.O. 939 reement officials with me s an additional/alternate m	7 dated November 2	tion may be accur	ately and retrieval,
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8. ORGANIZATION OR ADDRESS			- E 19	
9.	. WANT TO MAKE TI	HE FOLLOWING STAT	FMENT UNDER O	ДТН -
Q: Did you fire your weapon? If so how many rounds an A: No I did not fire my w	d at what?	•	enem onder o	
Q: Who fired their weapon (do not speculate)? How man	ny rounds?			
Q: Do you know what he (they) were aiming at and why?				
A:				
Q: Do you know w	-			
statements that he wants to "kill" magis? A: a great soldier, H	m under pressure? As le works hand	and puts his	· lest foot	_
forward. He is part of my see ability to react accordingly contact with IEDs. He has that he wanted to harm I ragis.	when things g	et stressful	, such as	
Kind to the families and chilo prior missions.	bor of the ho	uses we had	re searched	in
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THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE MUST BE BE INDICATED.	INITIALS OF THE PERSON	N MAKING THE STAT	EMENT, AND PAG	SE NUMBER

DA FORM 2823, DEC 1998

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STATEMENT (Continued)	
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For use of thi	SWORN STAT	EMENT proponent agency is ODCSO	De ·
AUTHORITY: Title 10 USC Section 30 PRINCIPAL PURPOSE: To provide commanders ROUTINE USES: Your social security num	PRIVACY ACT ST/ 01; Title 5 USC Section 29! and law enforcement office	ATEMENT 51; E.O. 9397 dated Novembo ials with means by which info I/alternate means of identifics	er 22. 1943 (SSN).
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Q: Did you fire your weapon? If so how man A: I did not fire my weapon.			
Q: Who fired their weapon (do not speculate) A: PFC Fired his weapon! I do not know how many row	? How many rounds?		
Q: Do you know what he (they) were aiming A: At the time I did not know wha	at and why? I he was aiming	at.	
Q: Do you know why his wes A: At the time I did not know		h's weapon.	
Q: Characterize the type of soldier I statements that he wants to kill" Iraqus: A: PFC 15 & good : Pressure. He has never that he wants to Kill Iraqus:	Soldier who uses abused Iraci	ssure? As he ever abused I S good judgement a S OF made gest	nd is calm under
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Exhibit 18



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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT

10. EXHIBIT

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

11. INITIALS OF PERSON MAKING STATEMENT

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PAGES

PAGE 1 OF

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THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAW	(Signature of Person Making Statement) Subscribed and sworn to before me, a person authorized beadminister oaths, this 2 day of Server.	E T
THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAW	(Signature of Person Making Statement) Subscribed and sworn to before me, a person authorized be administer oaths, this 2 day of 5 at Cano 45.	E T
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DISCLOSURE	Disclosure of your social sec	urity number is	voluntary.			o lacallate	miy and	i ietiieval.
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