

### SWORN STATEMENT

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

#### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2861; 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 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 FOB [REDACTED], Iraq	2. DATE (YYYYMMDD) 2005/08/04	3. TIME 1500	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E5/SGT	
8. ORGANIZATION OR ADDRESS B, 6-8 CAV			

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

- When did you first notice the vehicle approaching your TCP?  
A: About two or three minutes into our conduct of 5-25 meters checks.
- What actions did you take to protect US Forces and warn the driver of the danger of the military operation ongoing?  
A: It was twilight and driver did not comply, we yelled and waved several times, then at about 35 meters away we fired, he still did not stop. At about 20-25 meters out we took lethal shots after all warnings had failed to stop the vehicle.
- Did the driver indicate to you that he recognized your presence?  
A: He flashed his headlights and still continued to approach us.
- When did the first warning shot get fired?  
A: About 35 meters away.
- How long did it take before the next shot was fired?  
A: About 4-5 seconds.
- Explain what the ROE is in theater currently?  
A: Shine lights and shout, if this doesn't work then you wave with hand and arms signals and continue to shout. After that if they don't comply, point weapons and yell. Then, if needed, aimed warning shots at engine block, at this time the .50 Cal fired into the ground also. Driver still didn't stop, we took lethal action.
- Did you search the vehicle after it came to rest?  
A: Yes.
- Did they find anything in the vehicles?  
A: No.
- What type of vehicle was vehicle 1?  
A: White, volkswagon or something.
- What type of vehicle was vehicle 2?  
A: Four door, grey, sedan.
- Did you ID the driver of vehicle 1?  
A: Afterwards they IPs did the ID and took his wallet and put it in a bag.
- Did you ID the driver of vehicle 2?  
A: Same situation, once it happened the IPs took control of the scene and we continued our mission.
- What did the IP unit do during this incident?  
A: They were almost ready to enter the [REDACTED] and were conducting other operations related to our TCP.
- Do you have anything else that would be important for me to know, as part of this investigation?  
A: Both vehicles were reacted to the same identical way in regards to ROE and SOP.

*END STATEMENT*

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF SGT [REDACTED] TAKEN AT FBI [REDACTED] DATED 2008 May 04

9. STATEMENT (Continued)

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF Sgt [REDACTED] TAKEN AT FOB [REDACTED] DATED 2005 Aug 04

9. STATEMENT (Continued)

[REDACTED]

**AFFIDAVIT**

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of August, 2005 at FOB [REDACTED] IRAC

[REDACTED]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] CPT  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Commander  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

## 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.

1. LOCATION <i>FOB [REDACTED]</i>	2. DATE <i>2005 0803</i>	3. [REDACTED] E [REDACTED] <i>TSFC 1420</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <i>B Troop 6/8 CAV 4BDE 3ID</i>		
6. SSN [REDACTED]	7. GRADE/STATUS <i>E-5</i>		

### 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 *B Troop 6-8 CAV 4BDE 3ID* and wanted to question me about the following offense(s) of which I am suspected/accused: *Bribe carrying shots*

1. 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.

(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.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

#### 5. COMMENTS (Continue on reverse side)

*see attached sworn statement*

#### Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE			
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR [REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <i>B 6-8 CAV 4BDE 3ID</i>	

#### 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. [REDACTED]

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

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: IRAQ / FOB [redacted]
2. DATE (YYYYMMDD): 20030803
3. TIME: 1025
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]
6. SSN: [redacted]
7. GRADE/STATUS: E-5
8. ORGANIZATION OR ADDRESS: B TROOP 6/8 CAU

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

1st PLATOON ARRIVED AT THE [redacted] TO CONDUCT [redacted] AND SEARCH OPERATION AT 0550. I GOT OFF MY HUMMVEE TO ASSIST IN THE SEARCH. WHEN I GOT TO THE [redacted] THE IP WERE GETTING READY TO ENTER THE [redacted] THE IP OPENED THE GATE AND I WENT IN. WHEN I GOT INTO THE [redacted] I HEARD GUNFIRE FROM THE TCP LOCATION. I THEN EXITED THE [redacted] AND RAN WITH THE MEDIC TO THE SCENE. WHEN WE GOT THERE THE CAR HAD BEEN SHOT SO THE MEDIC (SPC. [redacted]) STARTED TO EVALUATE THE CASUALTY. AT THIS TIME ANOTHER CAR WAS COMING TOWARD OUR LOCATION WITHIN 3 MINUTES. IT WAS TWILIGHT HOURS SO I USED HAND AND ARM SIGNALS ALONG WITH SHOOTING TO DIRECT THE CAR TO STOP. I DID NOT HAVE A FLARE SO I SPINNED MY LIGHT FROM MY WEAPON AT THE CAR AND SHOWED MY WEAPON TO SHOW I WILL

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 2 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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT 1025 DATED 2005 08 03

9. STATEMENT (Continued)

SHOOT IF THE VEHICLE DOES NOT STOP. BY THIS TIME THE VEHICLE WAS WITHIN 30 METERS OF MY LOCATION SO I FIRED A 3 ROUND BURST FROM MY M249 SAW AT THE ENGINE BLOCK. I HIT THE RADIATOR BUT THE CAR CONTINUED SO I FIRED A 5 TO 8 ROUND BURST AT THE WINDSHIELD AS A LAST RESORT TO DISABLE THE VEHICLE THE CAR THEN STOPPED AND TO LOCAL NATIONAL STARTED BACKING UP BUT THEN GOT OUT OF THE CAR AND THE MEDIC CAME UP TO EVALUATE. THE NATIONAL WAS SHOT IN EACH ARM ONCE.

INITIALS OF PERSON MAKING STATEMENT  
[REDACTED]

PAGE 2 OF 2 PAGES

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: FOB [redacted]
2. DATE (YYYYMMDD): 20050803
3. TIME: 1356
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]
6. SSN: [redacted]
7. GRADE/STATUS: E-5

8. ORGANIZATION OR ADDRESS: B TRAP Co/8 CAU 4 BDE 3ID

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

- 1) What time did you stop at that location? ans: around 0850
2) What was the mission? ans: Conduct [redacted] kind search of two [redacted], suspected site for observing IED on access road to [redacted].
3) What were your actions once you got off the truck? ans: Got off truck and walked to [redacted]
4) Where were you when you heard the shots fired? ans: Had just walked into [redacted]. Was there less than a minute.
5) What were your actions once you heard the shots? ans: ran out of [redacted] and brought medic with him to location of shots fired.
6) After the first vehicle was stopped what was your main role? ans: Pulling security around vehicle so medic could evaluate casualty.
7) After medic was done evaluating casualty what were your actions? ans: The medic was still evaluating casualty when I heard people telling order car to stop. I looked and saw car about 70-80 meters away heading towards us. Used hand and arm signals to try to get vehicle to stop. I checked and pointed weapon and flashed surface light at car. Car continued and I pointed my weapon at him to show him I would shoot, he didn't stop so I shot.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 2 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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED]

TAKEN AT 1356

DATED 20050805

9. STATEMENT (Continued)

8) What were your aim points? [REDACTED]

ans: first I aimed at <sup>my 245</sup> rear bumper, 3 rounds, 1 in road, one in radiator and one in left head light. He continued to come towards us and I fired 5 to 8 rounds up into the left (passenger) side of the windshield. He then slammed on brakes and put car in reverse and backed up 20 meters before we stopped him and got him out of the car. [REDACTED]

9) Was there anybody else firing at the car? [REDACTED]

ans: SGT [REDACTED] was also firing at the car. [REDACTED]

10) How far away was car when you fired the initial shots? [REDACTED]

ans: 40 meters [REDACTED]

11) How far away from you did the car finally stop? [REDACTED]

ans: 20 meters [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES



STATEMENT OF [REDACTED]

TAKEN AT B576

DATED 2/25/03

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE \_\_\_\_\_. 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 by law to administer oaths, this 03 day of August, 2003 at FOB

[REDACTED]  
[REDACTED]  
B G-1 4801 310  
ORGANIZATION OR ADDRESS

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
ORGANIZATION OR ADDRESS

[REDACTED]  
(Typed Name of Person Administering Oath)

Innsbruck office  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT  
[REDACTED]

PAGE OF PAGES

**SWORN STATEMENT**

For use of this form, see AR 190-46; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2961; 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 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 FOB [redacted], Iraq		2. DATE (YYYYMMDD) 2005/08/04	3. TIME 1500	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted]		6. SSN [redacted]		7. GRADE/STATUS E5/SGT
8. ORGANIZATION OR ADDRESS B, 6-8 CAV				

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

1. When did you first notice the vehicle approaching your TCP?  
A: About two or three minutes after the first vehicle was shot.
2. What actions did you take to protect US Forces and warn the driver of the danger of the military operation ongoing?  
A: Hand and arm signals and shouting, telling him to stop and go back, the vehicle was about 75-80 meters away. Showed weapon and flashed the sure-fire light at him a few times. Showed the hand signals again and he did not stop. He was about 25-30 meters away. I shot a three round burst into the front of the vehicle. After the three rounds, he didnt stop, so I fired 5-8 rounds into the windshield. Then vehicle 2 stopped after that.
3. Did the driver indicate to you that he recognized your presence?  
A: Negative.
4. When did the first warning shot get fired?  
A: When he was 25-30 meters away after the escalation of force occurred.
5. How long did it take before the next shot was fired?  
A: about 5 seconds.
6. Explain what the ROE is in theater currently?  
A: You have to use escalation of force before you fire and identify a threat. Use the five "s": Shout, Show, Shove, I can't Shouting, Shine a light on them if during hours of limited visibility, shoot a flare but I was off the truck. After the flare, you can shoot into the engine block and then if the threat continues you can shoot into the windshield.
7. Did you search the vehicle after it came to rest?  
A: After it came to a rest we took the individual out of the car and pulled him to the side. The medic assessed him, then SGT [redacted] and I proceeded to search the vehicle for explosives and weapons.
8. Did you find anything in the vehicles?  
A: Negative.
9. What type of vehicle was vehicle 1?  
A: White, opal looking type of car. It was a hatchback.
10. What type of vehicle was vehicle 2?  
A: Four door, I dont know who it was made by.
11. Did you ID the driver of vehicle 1?  
A: We got his ID out of his clothing. I wasnt the one who took it out, so I dont know his name.
13. Did you ID the driver of vehicle 2?  
A: Roger, we identified him also and it was in his car still. I dont know his name.
14. What did the IP unit do during this incident?  
A: They were at the [redacted]. Still conducting a [redacted] and search operation. After, everything occurred, the IP came and assessed the situation and retrieved the IDs from vehicle 1. Two more cars came after about 25 minutes from the IPs, they retrieved the body out of vehicle 1, they took the body. The man from vehicle 2 was wounded in each arm, so the IPs called the Red Crescent and they didnt show up in time. So, the IPs took the man to the hospital after our medic released him. Vehicle 1, had an IP inside and we towed it back to the police station. Vehicle 2 was operational, so IPs drove it behind the towed vehicle. That concluded the event.
15. What is your normal procedure upon establishing a blocking position or TCP?

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 3 PAGES
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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 BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF SGT [REDACTED] TAKEN AT FOI [REDACTED] DATED 2005 Aug 04

9. STATEMENT (Continued)

A: Get out of the vehicle and conduct 5-25 meter searches. After area is cleared, set either spike strips, cones, or wire with chem lites in limited visibility approximately 100-200 meters in front and rear of your position. Dismount, driver and TC to control the check point. That's all of course if distant permits, according to METTT-C.

16. Do you have anything else that would be important for me to know, as part of this investigation?

A: Negative.

END STATEMENT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

STATEMENT OF

Sgt [REDACTED]

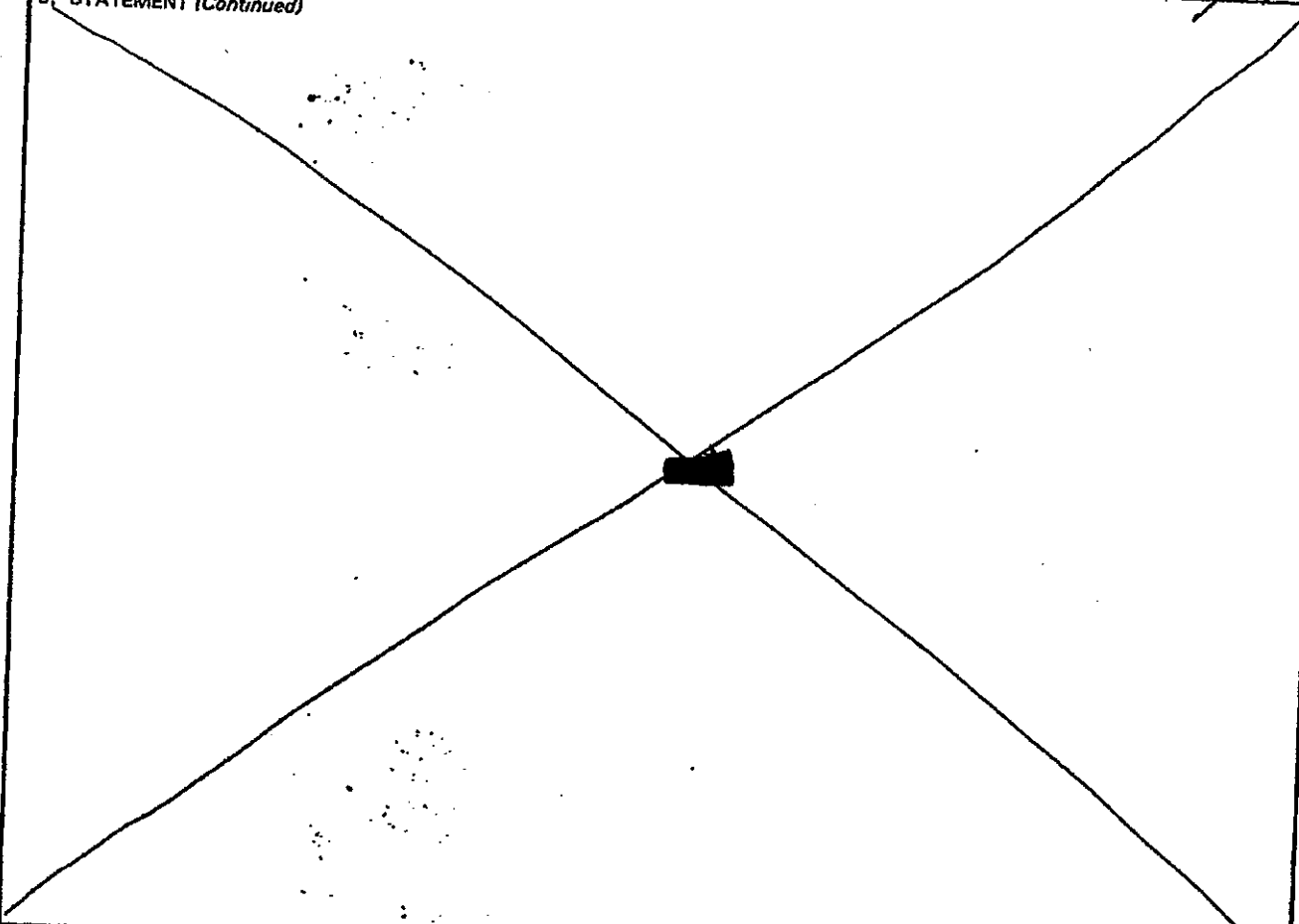
TAKEN AT

FBI [REDACTED]

DATED

2008 Aug 04

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 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of August, 2008 at FBI HQ

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED] CPT  
(Typed Name of Person Administering Oath)

Commander  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

# 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.

1. LOCATION FOB [REDACTED]	2. DATE 20050803	3. [REDACTED]	4. FILE NO. 7957 1522
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS		
6. SSN [REDACTED]	7. GRADE/STATUS E-4		

## 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 B 6-8 CAV 48DE & 3TD and wanted to question me about the following offense(s) of which I am suspected/accused: Crime warning shots

But 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.

- or -

(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.

I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

### 5. COMMENTS (Continue on reverse side)

See attached sworn statement

### Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGN [REDACTED]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR
b. ORGANIZATION OR ADDRESS AND PHONE		<u>B 6-8 CAV 48DE 3TD</u>

### 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

**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).  
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**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 FOB [REDACTED]	2. DATE (YYYYMMDD) 20050803	3. TIME 14.57	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4/SPC	

8. ORGANIZATION OR ADDRESS  
B Trp 6-8 CAV

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

On August 03, 2005, my platoon headed out to do the mission for the day which was to check two [REDACTED] near an IED hole that might have had the person or persons responsible for any IEDs blown up on B Trp 6-8 CAV's trucks.

We pulled up to the [REDACTED] and was performing preparations to go into the [REDACTED]. I had just finished completing my 5m and 20m checks when I heard a couple of shots from an M-16 shortly followed by shots from a 50 cal in the direction that B15 was positioned. We had only been on the ground maybe 5 minutes. Sgt. [REDACTED] ordered me to go over and provide support shortly after they asked for the medic.

Upon arriving at B15's position I saw Spc. [REDACTED] evaluating the driver of the vehicle fired upon and I was told to go stop any traffic coming towards B15 from the east by Sgt. [REDACTED]. I had barely turned to do as ordered when I saw a second car coming toward B15.

Sgt. [REDACTED], Sgt. [REDACTED], and myself immediately began yelling, waving, and flashing our lights at the car, but it proceeded towards us. Two warning shots were fired at the headlights and engine of the car, however, the car continued at which point the three of us began firing at the driver. The driver stopped the car and then tried to back up, but was stopped by Sgt. [REDACTED] and Sgt. [REDACTED] where they pulled the driver from the car and had Spc. [REDACTED] begin administering first aid on the driver.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

AFFIDAVIT

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

\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 03 day of August, 2005 at FOB

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of Person Administering Oath)

667 480E 310  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

Investigative Officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_

PAGE OF PAGES



**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 FOB [REDACTED]	2. DATE (YYYYMMDD) 20050803	3. TIME 1457	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4/SPC	

8. ORGANIZATION OR ADDRESS  
B Trp Co 8 CAV

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

- 1) What time did you stop at that location?  
ans: Around 0600 [REDACTED]
- 2) What was your mission?  
ans: look into two hours by IED location to try and identify and maybe apprehend whoever was doing it. [REDACTED]
- 3) When you initially got off the truck what were your actions?  
ans: 5/25 meter check for IED's and then prepared to pull security on my vehicle. [REDACTED]
- 4) Where were you when you heard the shots fired?  
ans: Standing next to vehicle looking out observing a man in his back yard. One of the houses [REDACTED] we were going to search [REDACTED]
- 5) After hearing shots what were your actions?  
ans: Checked my gunner to see if he was ok and then SGT [REDACTED] told me to go over to B 15's location and see if they needed any assistance. [REDACTED]
- 6) When you got to B 15's location what did you do?  
ans: When I got to their location SGT [REDACTED] told me to go stop any vehicles coming down the road from the east. [REDACTED]
- 7) How long after that did the second car come towards you?  
ans: [REDACTED] almost immediately I saw another car coming our direction [REDACTED]
- 8) What were your actions?  
ans: waving my hands and yelling for him to stop. SGT [REDACTED] and SGT [REDACTED] were doing the same as well as flashing their lights. [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

TAKEN AT

1457

DATED

03 Aug 2005

9. STATEMENT (Continued)

8) cont. At that point 2 shots were fired at the engine block. They hit the head lights. The guy kept coming. He was moving very quickly and we decided to escalate to shooting at the driver. At this point he was less than 50 meters away.

9) How many shots did you fire?

ans: I believe I shot 9 rounds b/c I remember firing 2 times

10) Where were your aim points?

ans: I was aiming at the driver above the windshield wiper.

11) After firing at the driver what happened?

ans: The driver continued to come then stopped after a few feet. He slammed it in reverse and started going backwards. SGT and SGT ran after him and got him to stop. And had him get out of vehicle, saw he was wounded and got the medic over to evaluate him.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

AFFIDAVIT

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\_\_\_\_\_  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 03 day of August, 2008 at FOD \_\_\_\_\_

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

Investigating Officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_

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DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG

For use of this form, see AR 220-15 the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans

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ORGANIZATION OR INSTALLATION		LOCATION		PERIOD COVERED			
TF 1-184 IN. BN TOC		FOB [REDACTED] IRAQ		FROM		TO	
				HOUR	DATE	HOUR	DATE
				09 AUG 05			
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	IN		
	IN	OUT					
26622	0522	0520	[REDACTED]: REQUESTED M#, GIVEN				
			3310. MISSION: JOINT PATROL W/ [REDACTED]				
			FPs OF RTE [REDACTED]				
26623	0409		[REDACTED] SP'ed For [REDACTED]				
26624	0425		[REDACTED] CALLED TO SAY				
			NO POB WAS KIA OR INJURED				
26625	0450		[REDACTED] R/C				
26626	0504		[REDACTED] MH 7311 SP [REDACTED]				
26627	0532		[REDACTED] Trace on [REDACTED]				
26628	0524		[REDACTED] to [REDACTED]: The Air is green.				
26629	0541		[REDACTED] MH 7311, road block by Ministry of Interior of [REDACTED] TCP, heavily armed AS [REDACTED] to find out				
26630	0556		[REDACTED] to find out if they knew of ANY MOI, POB				
26631	0601		[REDACTED] called back say that POB has orders to Patrol/set CPs/Road blocks in TAP vic of [REDACTED]				
26632	0602		[REDACTED] SP. ed [REDACTED]				
26633	0603		[REDACTED] Down IED Sweeps RTE [REDACTED]				
26634	0610		[REDACTED] RPT [REDACTED]				
			[REDACTED] Fired warning shot at a LN vehicle coming towards their convoy at [REDACTED] section				
			A second LN vehicle was fired warning also (1) male received 1 Gunshot in right upper Arm				
			1 Gunshot in (1) upper Fore Arm				
			BOTH incidents happen at [REDACTED] on both LN				
			Vehicle only had 1 male in ea				
			AND THE vehicles were 1 behind the				

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY SIGNATURE

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG

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PERIOD COVERED

ORGANIZATION OR INSTALLATION

LOCATION

TF 1-184 IN. BN TOC

FOB [REDACTED] IRAQ

FROM

DATE

TO

DATE

03 AUG 05

ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	INI
	IN	OUT			
26634			(continued) OTHER, but not together in Travelling		
26635	0704		[REDACTED] R/C		
26636	0700		[REDACTED] R/C		
26637	0716		[REDACTED] IN RTG to [REDACTED] IP station		
26638	0719		M# 3311 cleared NAT's		
26639	0732		[REDACTED] w/ IP's [REDACTED] SHOOTING SITE HAVE NOT YET RETURNED TO FOB [REDACTED]		
26635	0737		[REDACTED] IS GETTING NAMES AND ADDRESSES OF LMS AND ONE COMPLETE WILL RTB TO FOB [REDACTED] WILL ALSO CONDUCT CDR ENQ IN ADDITION TO GFR AND SWORN STATEMENTS. HAVE PIR OF TOP SETE AND WILL INCLUDE THEM.		
26636	0738		[REDACTED] M# 3313 SP FOR [REDACTED]		
26637	0750		To [REDACTED]		
26638	0801		[REDACTED] Drive Whites M# 3312 FLT		
26639	0802		[REDACTED] FLT M# 3311 @ [REDACTED] M# 3313 @ [REDACTED]		
26640	0806		[REDACTED] M# 3310, dropped off the IP's, Emission back to [REDACTED]		
26641	0809		To [REDACTED] Airspace cleared.		
26642	0841		[REDACTED] M# 3311 @ [REDACTED] Will IE-50		
26643	0842		[REDACTED] RP [REDACTED]		
26644	0852		[REDACTED] ETC [REDACTED]		
26644	0902		[REDACTED] V/C		
26645	0918		To [REDACTED] FLT. on both 3311 + 3313 both on rotate to [REDACTED]		
26646	0927		[REDACTED] exiting the seals from there location because their position was compromised		

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG

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NO. OF PAGES

ORGANIZATION OR INSTALLATION		LOCATION		PERIOD COVERED			
TF 1-184 IN, BN TOC		FOB [REDACTED] IRAQ		FROM		TO	
				HOOR	DATE	HOOR	DATE
				03 AUG 05			
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	INI		
	IN	OUT					
26647	0945		To [REDACTED] need SIR for the shooting				
26648	0947		[REDACTED] mission 3313 RP.				
26649	1000		[REDACTED] in HQ and wants to know if air in that sector is open.	BDE advised, and opened air.			
26650	1006		To [REDACTED] give me to take the SIR'S + sworn statements to [REDACTED] and give them to LNO Lt.				
26651	1008		[REDACTED] sends [REDACTED] report for [REDACTED]				
26652	1022		[REDACTED] reports mission 3311 RP and before RP reported that the target is still there on [REDACTED] with the same MVE unit.				
26653	1023		[REDACTED] mission 3312 has left [REDACTED] and will give report of [REDACTED] when they get back to FOB.				
26654	1029		[REDACTED] has passed [REDACTED] + save report on that station. [REDACTED] 3312 RP [REDACTED]				
26655	1045		[REDACTED] A Radio check				
26656	1050		[REDACTED] SP @ 1048				
26657	1057		Power Plant r/c				
26658	1056		[REDACTED] r/c				
26659	1057		[REDACTED] r/c		Radio Guard		
26660	1106		[REDACTED] r/c				
26661	1117		[REDACTED] r/c				
26662	1137		[REDACTED] R/C				
26663	1143		[REDACTED] RP [REDACTED]				
26664	1159		[REDACTED] given M# 3316 + 3317		All green		

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ORGANIZATION OR INSTALLATION		LOCATION		PERIOD COVERED				
TF 1-184 IN. BN TOC		FOB █████ IRAQ		FROM		TO		
				HOUR	DATE	HOUR	DATE	
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.				ACTION TAKEN	INI
	IN	OUT						
26680	1955		██████████ @ ██████████					
26681	1506		██████████ mission <sup>3317</sup> moved there					
			time to 1600					
26682	1508		██████████ @ gas station near					
26683	1515		██████████ leaving gas station near ██████████ on way back to base					
26684	1520		██████████ reports funeral today at Mosque for the 22 persons killed. Wants ██████████ to maintain a heavy force in that area. Anyone in that area with weapons after funeral will be detained and ██████████ is to come to BW HQ when ██████████ returns.					
26685	1530		██████████ FLI ██████████					
22686	1535		██████████ RTB FOB ██████████ M# 3320, time now					
22687	1539		FLI ██████████ est ██████████					
22688	1541		██████████ en route to ██████████ 11/30					
			in AO					
22689	1542		M# 3315 RTB FOB ██████████, ██████████ on FOB					
22690	1550		██████████ requests mission # 3321					
22691	1601		in our AO for 10 miles					
22692	1610		left AO					
22693	1615		██████████ r/c					
22694	1619		██████████ mission #3318 SP going to ██████████ Drop off SIR, then come to ██████████					
22695	1620		to Power Plant, advised them that ██████████ will be there and SSG to give RML brief.					

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY \_\_\_\_\_ SIGNATURE \_\_\_\_\_

# 4<sup>th</sup> Brigade VANGUARD TACSOP

## 907 -- Blue 2 (Serious Incident Report)

PURPOSE: To report critical and time sensitive events to the BDE CP.

LINE 1: Unit reporting: B/6-8 CAV

LINE 2: Incident: Warning shots fired that killed LN

LINE 3: Date/time group incident occurred: 03 0600 AUG 05

LINE 4: Location of incident (Grid): [REDACTED]

LINE 5: Personnel involved:

Last, First, Middle Initial	Rank	Unit	SSN	Sex	Age	Race
[REDACTED]	SFC	1/B/6-8		M	33	Hisp
[REDACTED]	SSG	1/B/6-8		M	26	Cauc
[REDACTED]	SGT	1/B/6-8		M	24	Cauc
[REDACTED]	SGT	1/B/6-8		M	24	Blk
[REDACTED]	SGT	1/B/6-8		M	23	Cauc
[REDACTED]	SPC	1/B/6-8		M	31	Cauc

LINE 6: Summary of incident: Local national was traveling westbound on the [REDACTED] access road. 1<sup>st</sup> Platoon had established a TCP at 0600. At approximately 0603 the local national attempted to bypass the eastern most position. SGT [REDACTED] ID'd the truck and attempted to stop using non-lethal means (lights, hand, and arm signals) to stop the car. The car sped up and SSG [REDACTED] ordered SGT [REDACTED] to stop the car. SGT [REDACTED] and SGT [REDACTED] fired warning shots in front of the car, then the engine block of the car, and the car continued to speed up. SSG [REDACTED] again instructed his men to stop the car. At time SGT [REDACTED] engaged the driver's compartment and the vehicle swerved to the right and stopped. The patrol expanded the perimeter to the east to include the car. The team led by SGT [REDACTED] checked the car and found the driver dead from an apparent gunshot wound. AT that time SGT [REDACTED] ID'd a second car and the team attempted to use non-lethal means to stop it. The second car also speed up. Lights, hand, and arm signals were used but to no avail. SGT [REDACTED] fired warning shots to the front of the car. The car accelerated. SGT [REDACTED] and SPC [REDACTED] fired warning shots at the engine block of the car. The car stopped and attempted to flee the scene. The team stopped the car and ordered the driver out of the vehicle and he refused. The team again told the driver to exit the vehicle and he complied. The driver was found to have two minor to each arm. He was questioned and indicated that he did want to be stopped by the patrol and attempted to bypass. The Iraqi police on the scene and watched the entire engagement charged the driver with failure to comply with instructions.

LINE 7: Damage to government and/or civilian property: 1 white Dolphin car was shot and one maroon BMW was shot.

LINE 8: Commander reporting: CPT, [REDACTED] CDR/B/6-8 CAV

FORMAT IAW 4 BDE VANGUARD TACSOP, 01 JAN 05