

REPLY TO  
ATTENTION OF:

44  
DEPARTMENT OF THE ARMY  
HEADQUARTERS, 2D BRIGADE  
3D INFANTRY DIVISION  
CAMP [REDACTED], BAGHDAD, IRAQ  
APO AE 09380

AFZP-VB-C

22 September 2005

MEMORANDUM FOR 1LT [REDACTED], FSC, 1-64 Armor, 2d Brigade, 3d Infantry  
Division, Camp [REDACTED] Baghdad, Iraq


SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed as an investigating officer pursuant to Army Regulation (AR) 15-6, Procedures for Investigating Officers and Boards of Officers, to conduct an informal investigation to determine the facts and circumstances surrounding an escalation of force that resulted in the death of a local national on 21 September 2005.
2. You will conduct a thorough investigation of the matter to determine the circumstances surrounding the escalation of force. The investigation must be detailed. Facts concerning the mission of the unit, positioning, task and purpose, and ROE training and compliance must be investigated and analyzed.
3. Prior to the beginning of your investigation, you must contact CPT [REDACTED] the Command Judge Advocate, ([REDACTED]). CPT [REDACTED] will be your legal advisor.
4. In conducting your investigation, use informal procedures under AR 15-6. Make specific findings as to the circumstances above. The evidence you gather should support your findings. Make recommendations consistent with your findings to address any perceived or actual improper or criminal conduct.
5. In your investigation, all witness statements will be sworn and written on DA Form 2823, Sworn Statement. If, in the course of your investigation, you come to suspect that any individuals have committed a criminal offense, then use DA Form 3881, Rights Warning/Procedure Waiver Certificate, to advise them of their rights under Article 31, Uniform Code of Military Justice, or the Fifth Amendment (if interviewing a civilian), as appropriate. In addition, provide witnesses with a Privacy Act Statement before you interview them (See AR 15-6, Appendix B).
6. I direct you to keep a daily chronology of all investigative activities and encourage you to consult with your legal advisor whenever and as often as necessary. In the case of any alleged criminal misconduct, you must consult with your legal advisor.

17326

AFZP-VB-C

SUBJECT: Appointment of Investigating Officer

7. Submit your findings and recommendations to me on DA Form 1574 not later than 1200 hours 25 September 2005. Should you require additional time, coordinate with me, through CPT 

  
COL, AR  
Commanding



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 1ST BATTALION, 64TH ARMOR REGIMENT  
2D BRIGADE COMBAT TEAM  
3D INFANTRY DIVISION  
CAMP [REDACTED], IRAQ  
APO AE 09380

AFZP-VBL-C

24 September 2005

MEMORANDUM FOR Commander, 2d Brigade Combat Team, Camp [REDACTED], Iraq

SUBJECT: Recommendation for the enclosed case

1. I have reviewed the attached AR 15-6 Investigation in its entirety. After considering the findings and recommendation of the Investigating Officer, I make the following recommendation:

*Sir, I concur fully with the investigating officer. All Soldiers involved behaved properly and IAW ROE. The driver's intoxication proved to be his undoing.*

2. POC for this memorandum is the undersigned.

[REDACTED]  
[REDACTED]  
LTC, AR  
Commanding

**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 COL [REDACTED] Commander, 2d BCT, 3d Infantry Division  
(Appointing authority)

on 22Sep05 (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 Camp [REDACTED] at 1500  
(Place) (Time)

on 22Sep05 (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 1800 on 23Sep05  
(Time) (Date)

and completed findings and recommendations at 1500 on 24Sep05  
(Time) (Date)

**SECTION II - CHECKLIST FOR PROCEEDINGS**

**A. COMPLETE IN ALL CASES**

	YES	NO	NA*
1. Inclosures (para 3-15, AR 15-6) Are the following included and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? (See item 2, 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 (if any), if statement provided orally?			X
f. Explanations 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 exhibits) relating to administrative aspects of the investigation or board?			X

**FOOTNOTES:** \* If applicable, specify in appropriate detail.  
If any of the NA answers constitutes a violation of regulation 15-6 of the AR, the commander must be the proponent and must submit this investigation report.

		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>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
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 <input type="checkbox"/> )			
	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 adviser 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 after that is over?			
	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 5-2c, 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. English and Spanish versions are available on file. 2. Complete instructions relative to a possible representative for the respondent are described in the instructions for the respondent on file with the board.				

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

The (investigating officer) (board), having carefully considered the evidence, finds: SSG [REDACTED], SGT [REDACTED], SPC [REDACTED], PFC [REDACTED], and SSG [REDACTED] followed the rules of engagement as outlined in the CJTF-7 US Rules of Engagement Card. The ROE states [REDACTED]

Furthermore, in paragraph [REDACTED] the ROE states that [REDACTED]

The target house and the area consisting of the outer cordon for the Cordon and Knock operation was constituted mission essential property by the commander. At approximately 212230Sep05 an intersection was blocked using three M1114s to prevent civilian cars from proceeding through the area of operation. Street lights and M1114 vehicles lights made the intersection blockade clearly visible for all approaching civilian traffic to stop and turn around. Furthermore, the M1114s (HQ6, HQ7B, and HQ36) all had authorized signs saying "Danger, Stay Back" clearly posted on the vehicles. At approximately 2240 SGT [REDACTED] gave the halt signal with his hand and shouted at the driver of the LN vehicle speeding approximately 200 meters out from the blockade. The LN vehicle continued to travel at a high rate of speed approximately 175 meters from the outer cordon despite the efforts of SPC [REDACTED] and SSG [REDACTED] using their Surefire Tactical Lights to deter the LN vehicle from approaching. At 150 meters SGT [REDACTED] fired a warning shot at which the LN vehicle continue to travel at a high rate of speed towards the soldiers and the blockade. At 100 meters, PFC [REDACTED] recognizing the danger of an unknown LN vehicle failing to stop at a warning shot and continue to speed towards the soldiers, fired a 6 round burst from his M240B positioned in the M1114 gunner's turret (HQ7B) at the driver's side windshield of the LN vehicle. SSG [REDACTED], SSG [REDACTED], and SPC [REDACTED] also initiated fire at the speeding LN vehicle when it failed to stop at the warning shot. The vehicle came to a stop approximately 30 meters from the blockade. The vehicle check resulted in no sign of explosives. The driver was killed as a result of the gun shots used in self-defense. The Iraqi Police assisted with the investigation and discovered three empty liquor bottles in the LN vehicle and determined that the LN driver was intoxicated.

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

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

No action be taken against SSG [REDACTED], SGT [REDACTED], SPC [REDACTED], PFC [REDACTED], and SSG [REDACTED]. These soldiers' actions were in keeping with the rules of engagement to defend themselves and their fellow soldiers against a hostile act.

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)

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.)

COL, AR  
Commanding

## CHRONOLOGY

- 1) On 221500Sep05 I, 1LT [REDACTED], was appointed the investigating officer for an escalation of force incident involving soldiers from HHC/1-64AR.
- 2) On 221800Sep05 I received and read seven sworn statements, [REDACTED] Report, and a diagram sketch of the incident.
- 3) On 231615Sep05 I inquired and received additional details of the incident from CSM [REDACTED].
- 4) On 231730Sep05 I met with SSG [REDACTED], SGT [REDACTED], SPC [REDACTED], PFC [REDACTED], SPC [REDACTED] and SSG [REDACTED] to confirm sworn statements and make additional inquiries into the incident.
- 5) On 241500Sep05 I submitted my report to CPT [REDACTED] (Battalion S1) for review and submission to Brigade legal.



INDEX OF EXHIBITS

Exhibit A: [REDACTED] Report

Exhibit B: Diagram of incident

Exhibit C: Sworn Statement by CSM [REDACTED]

Exhibit D: Sworn Statement by SSG [REDACTED]

Exhibit E: Sworn Statement by SPC [REDACTED]

Exhibit F: Sworn Statement by SGT [REDACTED]

Exhibit G: Sworn Statement by SPC [REDACTED]

Exhibit H: Sworn Statement by SSG [REDACTED]

Exhibit I: Sworn Statement by PFC [REDACTED]

██████████ REPORT

LINE 1: 1-64 AR PSD

LINE 2: Escalation of Force incident.

LINE 3: 212239SEP05

LINE 4: ██████████

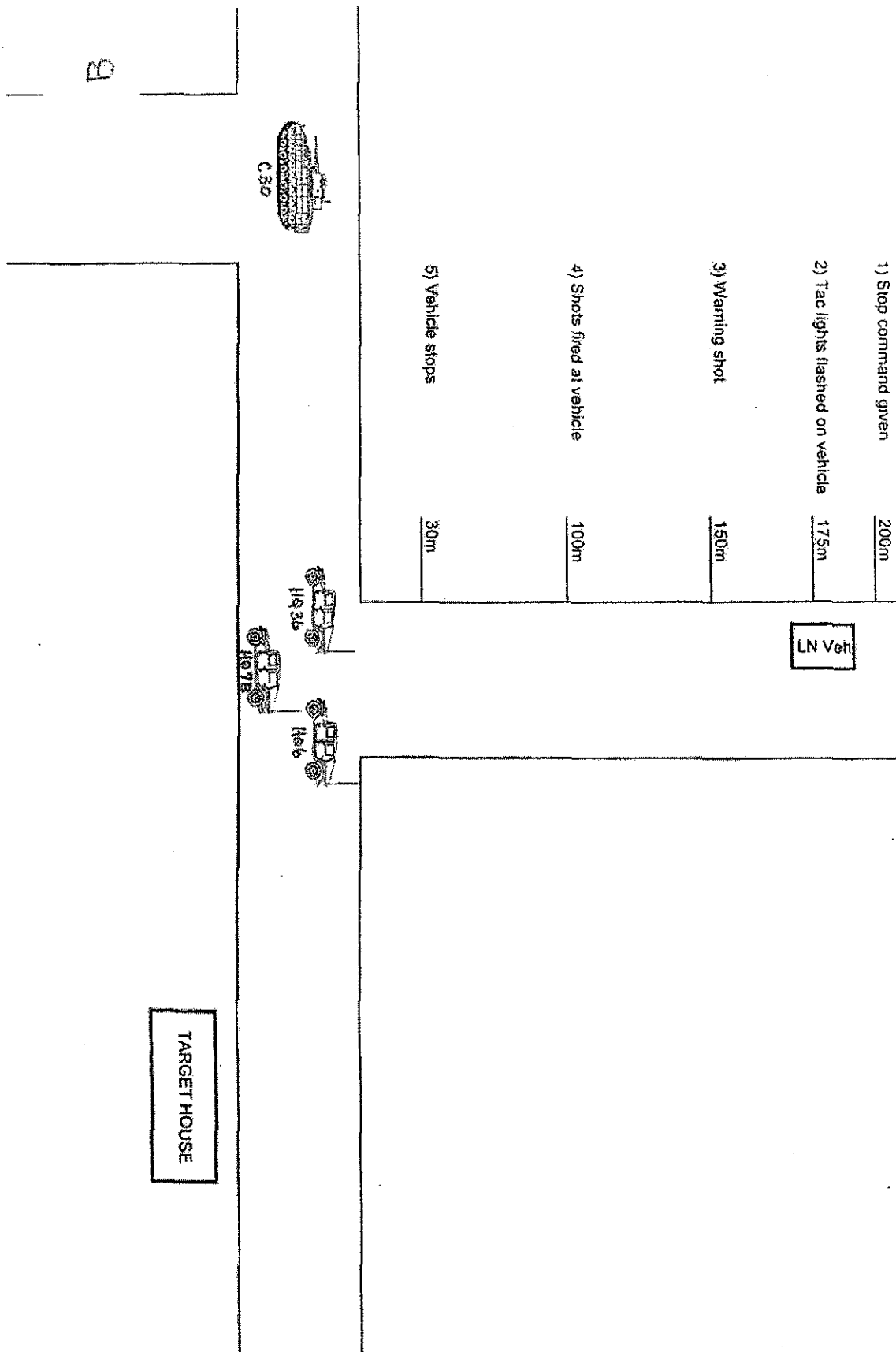
LINE 5:

██████████	PSO	SSG	HHC 1-64 AR	██████████	Caucasian Male
██████████	PSO	SGT	HHC 1-64 AR	██████████	Caucasian Male
██████████	GNR	SPC	E CO 1-64 AR	██████████	Caucasian Male
██████████	GNR	PFC	HHC 1-64 AR	██████████	Caucasian Male
██████████	DRV	SPC	HHC 1-64 AR	██████████	Caucasian Male
██████████	PSO	SSG	HHC 1-64 AR	██████████	Caucasian Male

LINE 6: On or about 212239SEP05 during C CO's Cordon and Knock operation vic ██████████  
██████████ a LN vehicle sped toward the outer cordon at full speed. The vehicle did not respond to auditory or light signals to stop. A soldier in the cordon fired multiple shots in front of the vehicle and the vehicle continued towards the outer Cordon. The vehicle accelerated and shots were fired into the hood. The vehicle continued forward at full speed and the soldier fired into the passenger compartment. The vehicle stopped and upon inspection it was observed that the driver was dead. The vehicle was searched and three large empty cans of malt liquor were found. IPs on scene stated the driver was clearly drunk. IP's took custody of the body and LN vehicle and stated the matter was closed.

LINE 7: LN vehicle disabled, LN KIA

LINE 8: LTC ██████████



B

**SWORN STATEMENT**

For us:

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 ██████████ (New Baghdad) Iraq	2. DATE (YYYYMMDD) 2005/09/21	3. TIME 2200 hours	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME ██████████	6. SSN ██████████	7. GRADE/STATUS CSM/E-9	
8. ORGANIZATION OR ADDRESS HQ, I-64 AR, FOB ██████████, Baghdad, Iraq			

9. I, CSM ██████████, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

21 2200 SEP 05 I went on a knock and search mission with C-1-64 AR into ██████████. The target was a single house with a man suspected of throwing hand grenades at the Badr Corps Headquarters across the street. The BN CDR and PSD accompanied the team to the target and arrived on site at approximately 2230 hours. We waited in the vehicles until the first floor of the target was cleared and we were called forward by CPT ██████████, C Co CDR. SSG ██████████ accompanied me to and through the target. We left the target at about 2245 and returned to the M1114s. We were parked close to an intersection that was supposed to be blocked. The intersection was not adequately blocked and civilian cars were proceeding to within 100 meters of the cordon and turning on to adjacent streets. I directed SGT ██████████ to position our M1114, HQ36, more into the intersection to provide 360 degrees security of the cordon. We had waved several cars on to the adjacent streets when a white sedan approached the intersection at a high rate of speed. SGT ██████████ stepped in front of HQ36 where he could be clearly seen in the headlights, gave the stop signal with his hand and yelled at the approaching car. The car failed to heed the sign, and SGT ██████████ raised his weapon and fired a warning shot. The car still failed to stop and he along with SPC ██████████ fired into the car's hood and finally into the driver's area to stop the car. SGT ██████████ quickly sought cover behind HQ36 and SSG ██████████ moved up to the front of HQ36 and fired into the vehicle also. The car stopped about 30 meters from our position. I called CPT ██████████ C Co's XO, to bring HQ30, M7 BFIST Bradley, to the site and check the car from their mounted platform. The crew maneuvered to the car and checked it visually while still mounted. I requested the K9 team to come to the site and I moved HQ36 to the car, dismounted and checked the vehicle and found that the driver had been killed in the escalation of force. SGT ██████████ brought the dog forward and checked the car and found no sign of explosives. CPT ██████████ requested IP support and they arrived at approximately 2300 hours and took control of the body and car. They discovered he was very intoxicated and found several empty large cans of beer in the car. The driver clearly violated our safety zone, disregarded the visual signal and warning shots. He was closing on our position at a high rate of speed and the soldiers involved followed the rules of engagement and escalation of force. End of statement.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>2</u> 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.

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

9. STATEMENT (Continued)

[Redacted statement content]

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] (Signature of Person Making Statement)

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of September, 2005 at Camp [Redacted], Iraq.

[Redacted Signature] (Signature of Person Administering Oath)

1LT [Redacted] (Typed Name of Person Administering Oath)  
Investigating Officer (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

D

STATEMENT

For use of this form,

the proponent agency is ODCSOPS

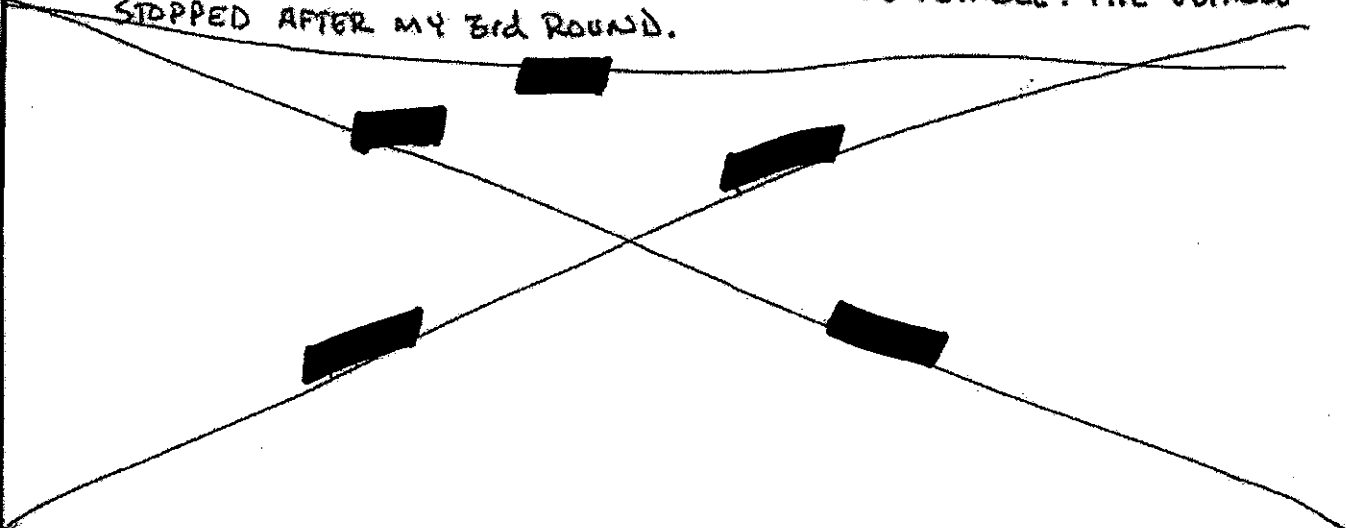
PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
 PRINCIPAL: 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) 2005 09 21	3. TIME 2239	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6/PSO	
8. ORGANIZATION OR ADDRESS NHC 1-64 AR BN			

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

WHILE WALKING BACK TO [REDACTED]. I OBSERVED SGT [REDACTED] FLASHING HIS LIGHT AND POINTING A LASER AT A VEHICLE THAT WAS APPROACHING OUR OUTER CORDON. THE VEHICLE DID NOT STOP NOR DID IT SLOW DOWN. AT 150m FROM THE OUTER CORDON THE VICTOR HAD ABOUT 4 PERSONEL FLASHING SUREFIRE TA CLIGHTS AT IT. AT 100m SGT [REDACTED] FIRED A WARNING SHOT AT THE GROUND. AT THIS POINT THE VEHICLE INCREASED IN SPEED TOWARD OUR OUTER CORDON. I THEN RAISED UP MY M4 AND FIRED 3 ROUNDS INTO THE HOOD OF THE VEHICLE. THE VEHICLE STOPPED AFTER MY 3rd ROUND.



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 BE INDICATED.

9. STATEMENT (Continued)

[Redacted statement content]

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 UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of September, 2005 at Camp \_\_\_\_\_, Iraq

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

1st \_\_\_\_\_  
(Typed Name of Person Administering Oath)

Investigating Officer  
(Authority To Administer Oaths)

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

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

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

SWORN ST.

For use of this form, see AR 190-45;

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: 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) 20050921 3. TIME 2245 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 6. SSN [REDACTED] 7. GRADE/STATUS E-4
8. ORGANIZATION OR ADDRESS Eco 1-64AR BN / PSD 1-64AR BN

9. I, S.P.C. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
At 2245 on the 21st of Sep 2005, PSD 1-64 was riding with Cco 1-64AR on a cordon and knock, my truck which I am the gunner for, HQ36, was shifting position to better cover the area. SGT [REDACTED] was in front of the vehicle guiding it in to position when a car rapidly approached down the road we were now covering. SGT [REDACTED] gave the hand signals to stop, and I flashed my surfere that is mounted on my M16 at the car. The car failed to stop, and SGT [REDACTED] fired a warning shot, the car started to speed up and I fired two rounds in to the hood and several more in to the windshield, during the time I was firing I also saw rounds hitting in front of the car from the M240B mounted on HQ7B and several other people fired there M4s at the car.
- END OF STATEMENT

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



9. STATEMENT (Continued)

[Redacted statement content]

AFFIDAVIT

I, 1, SPC [Redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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] (Signature of Person Making Statement)

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of September, 2005 at Camp [Redacted], Iraq,

[Redacted Signature] (Signature of Person Administering Oath)

ILT [Redacted]  
(Typed Name of Person Administering Oath)  
Investigating Officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent a

IPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
PRINCIPAL: 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) 2005 09 21	3. TIME OA 2235	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS HHC 1-67 AD BN			

9. I, SGT [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 CSM [REDACTED] wanted me to <sup>position</sup> ~~position~~ HQ 36 Humvee down an unguarded road. Upon positioning the vehicle a vehicle was coming down the road. I went out in front of the Humvee and gave the HAVIT signal. The vehicle continued down the road. I then fired a warning shot and the vehicle speed up. I proceeded back to the humvee for cover. — End of Statement

[REDACTED]

[REDACTED]

[REDACTED]

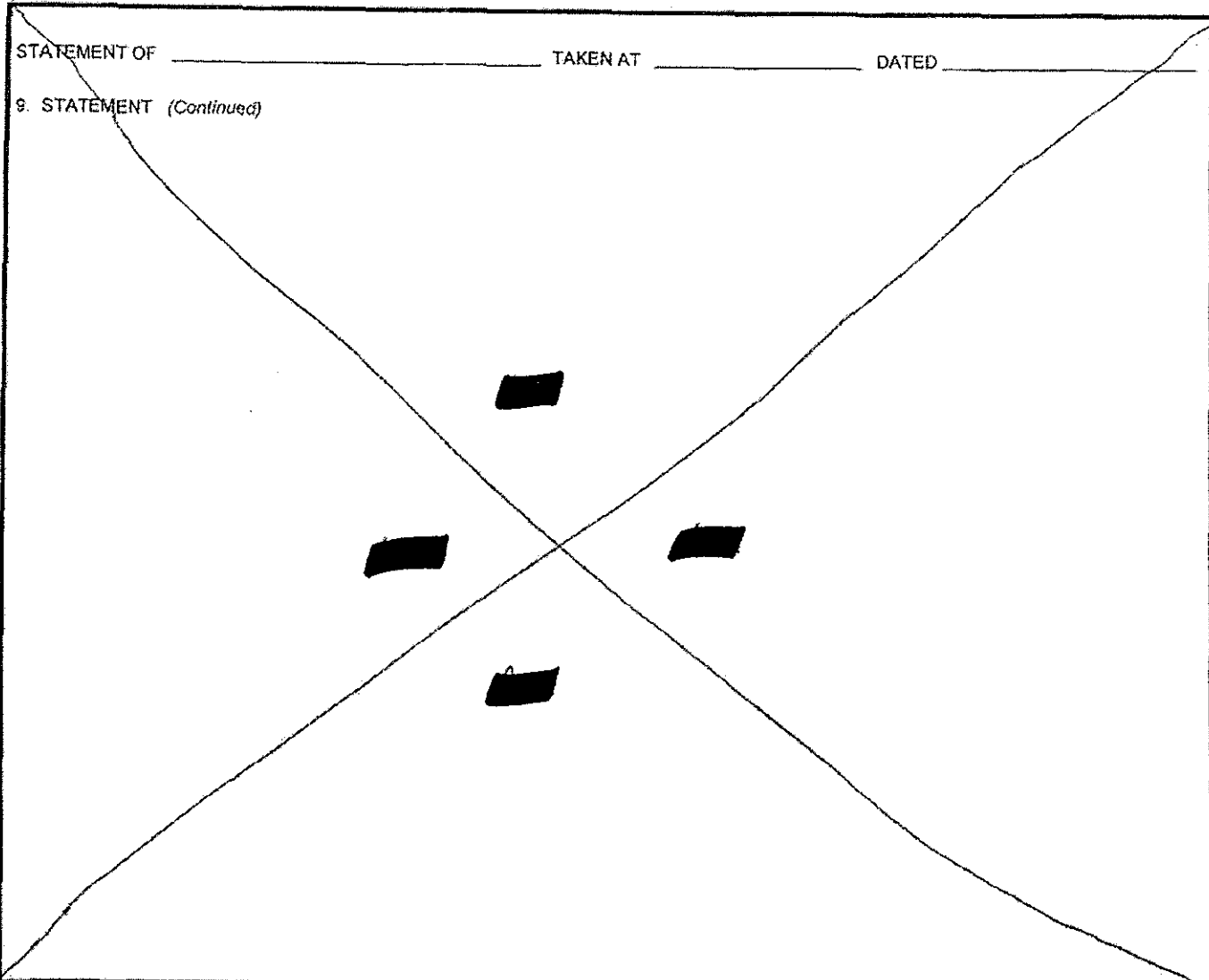
[REDACTED]

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.

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 1. 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 23 day of September, 2005 at Camp \_\_\_\_\_, Iraq

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

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

ORGANIZATION OR ADDRESS

1LT \_\_\_\_\_  
(Typed Name of Person Administering Oath)

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

ORGANIZATION OR ADDRESS

Investigating 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).
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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION [redacted] 2. DATE (YYYYMMDD) 3003 09 21 3. TIME 1245 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted] 6. SSN [redacted] 7. GRADE/STATUS S-1
8. ORGANIZATION OR ADDRESS SFC 1-64 AR

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

On 21 SEP 05 at [redacted] the truck I was driving was pulling security near an intersection. As I pulled my vehicle into the intersection SFC [redacted] fired a warning shot at an approaching vehicle that was not stopping. The vehicle kept coming toward us after the warning shot was fired, and as I started backing out of the intersection SPC [redacted] and SSG [redacted] fired on the vehicle. The vehicle then came to a stop approximately 15-20 meters away from our position. -end of statement

[redacted]

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

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 1. 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 23 day of September, 2005 at Camp \_\_\_\_\_, Iraq

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

ORGANIZATION OR ADDRESS

1LT \_\_\_\_\_  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Investigating Officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 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:** 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) 2005 09 22	3. TIME 2235 OA	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6/SSG	
8. ORGANIZATION OR ADDRESS HHC 1-64 AR (PSD/S-3)			

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

CSM [REDACTED] asked for our humvee to pull up and pull security on an unguarded road. As we were walking the humvee in SGT [REDACTED] walked in front of the vehicle as an oncoming car approached. The car did not acknowledge visual and auditory warnings as SGT [REDACTED] fired one warning shot. SGT [REDACTED] scrambled behind the humvee for cover as the vehicle accelerated. SPC [REDACTED] gunner of HQ 36 M1114 began firing on the vehicle as CSM [REDACTED] got cover behind the Humvee I came around and fired three shots into the vehicle. The vehicle came to a complete stop 15 - 20 meters from HQ 36. we all then sought cover behind the humvee awaiting a Bradley fighting vehicle to come forward an ~~check~~ check the vehicle to ensure if it was a UBPD. IPs were notified and arrived on site to take over.

END OF Statement

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 \_\_\_\_\_"

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9. STATEMENT (Continued)

[Redacted statement content]

AFFIDAVIT

I, SS6 [Redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of September, 2005 at Camp [Redacted], Iraq

[Redacted Signature]  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

ILT [Redacted]  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Investigating Officer  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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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	2. DATE (YYYYMMDD) 20050921	3. TIME 0015	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-3	
8. ORGANIZATION OR ADDRESS HHC 1-64 ARBN 2BDE 3ID			

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

we were pulling security on a road Sgt [REDACTED] was in the truck in front of me signaling cars to turn around. One car kept coming. I looked over to see Sgt [REDACTED] try to signal, then turned my attention back to the car that was still coming. I then heard warning shots then shortly after saw tracer rounds from an m4 hit his car. I then shot a short burst at the car with my 240. The car then stopped. I counted 6 empty casings on the roof of my humvee. — end of statement —

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

[Redacted statement content]

AFFIDAVIT

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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 13 day of September, 2005 at Camp \_\_\_\_\_, Iraq

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

1LT \_\_\_\_\_  
(Typed Name of Person Administering Oath)

Investigating Officer  
(Authority To Administer Oaths)

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

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

INITIALS OF PERSON MAKING STATEMENT

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