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DEPARTMENT OF THE ARMY
4TH BRIGADE COMBAT TEAM, 3D INFANTRY DIVISION
FOB [REDACTED], BAGHDAD, IRAQ
APO AE 09348

AFZP-VE-C

28 November 2005

MEMORANDUM FOR Commander, 3d Infantry Division, FOB [REDACTED], Baghdad, Iraq

SUBJECT: Transmittal of Inquiry

1. Reference AR 15-6 Investigation, 31 OCT 05, SGT [REDACTED], SGT [REDACTED], SGT [REDACTED] and SPC [REDACTED] C Co, 1-184 IN

2. Findings of the investigating officer are approved. The following recommendations are approved:

a. The patrol must immediately submit for an restocking of of TCP materials

b. Well defined trigger lines need to be established whenever a TCP has been set and every soldier in the patrol needs to know where that line is. One line for warning shots, one line for disabling and finally a line where the soldier has to shoot to kill.

c. Soldiers need to be retrained on escalation of force, putting emphasis on well aimed ground, grill and then through the glass shot at the driver.

d. The first two rounds in every soldier's magazine should be tracer rounds.

e. An attempt should be made to locate the family or families of these two men with the intent to compensate them for their loss.

f. Retraining on warning shots with emphasis on the fact that warning shots cannot be fired into the air.

3. POC for this memorandum can be reached at [REDACTED]

[REDACTED]
[REDACTED]
COL, EN
Commanding



DEPARTMENT OF THE ARMY
4TH BRIGADE COMBAT TEAM, 3D INFANTRY DIVISION
FOB [REDACTED] BAGHDAD, IRAQ
APO AE [REDACTED]

REPLY TO
ATTENTION OF:

AFZP-JA

28 November 2005

MEMORANDUM FOR Record

SUBJECT: Legal Review of AR 15-6 Investigation into, 31 OCT 05, EOF Shooting of two local nationals.

1. After conducting a legal review of the subject Army Regulation (AR) 15-6 Investigation, I find it is legally sufficient IAW AR 15-6 , para 2-3b.
 - a. The proceedings comply with legal requirements;
 - b. There are no substantial errors in the report of investigation;
 - c. There is sufficient evidence to support the Investigating Officer's (IO) findings; and
 - d. The recommendations are consistent with the findings.
2. POC for this memorandum is the undersigned at 242-5256

[REDACTED]
CPT, JA
4BCT Command Judge Advocate

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For us 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 LTC [REDACTED]
(Appointing authority)

on 11 Nov 2005 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)
(Date)

SECTION II - SESSIONS

The (investigation) (board) commenced at Fob [REDACTED] Baghdad, Iraq at 0900
(Place) (Time)
on 11 Nov 2005 (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and
(Date) 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 1400 on 15 Nov 2005
(Time) (Date)
and completed findings and recommendations at 2100 on 16 Nov 2005
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ^{1/}	NA ^{2/}
1	Inclosures (para 3-15, AR 15-6) Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)		X	
	c. Other correspondence with respondent or counsel, if any?		X	
	d. All other written communications to or from the appointing authority?		X	
	e. Privacy Act Statements (Certificate, if statement provided orally)?		X	
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?		X	
	g. Information as to sessions of a formal board not included on page 1 of this report?		X	
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?		X	

FOOTNOTES: ^{1/} Explain all negative answers on an attached sheet.
^{2/} Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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

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

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

After reviewing all evidence related to the direct fire, which killed two adult male local nationals on 31 October 2005, I have determined that the evidence supports no negligent behavior or breach of standard operating procedures by the soldiers involved.

At Approximately 310405OCT05, 4th Squad 3rd Platoon, Alpha Company 1-184 Infantry, attached to C 4/64 Armor, fired warning shots at a Blue KIA Bongo truck, license plate 300137, after it failed to stop at a TCP established at [REDACTED]. The warning shots were followed by direct fire, which killed two adult male occupants when the truck breached the TCP trigger line.

On October 31, 2005, an element from Charlie Company 4/64 (patrol number 5672) established a snap TCP at [REDACTED] blocking the southbound lanes of RTE [REDACTED]. The patrol emplaced orange cones, wire and chemical lights 75-100 meters north of SGT [REDACTED] vehicle, the first M1114 on the north end of the TCP. At approximately 0405, a blue KIA flatbed truck in the number 2 southbound lane approached the TCP, and SGT [REDACTED] M1114, at a high rate of speed. The weather was clear and the patrol had good visibility for several miles. They first observed the KIA Truck when it was approximately three quarters of a mile away and approaching from the north. When the vehicle, which was traveling approximately 50-60 miles per-hour, came within 200 meters of the TCP it slowed abruptly. The KIA slowed to about 5-10mph and continued south toward the TCP. As the truck approached, SGT [REDACTED] waived his flashlight in front of the vehicle left to right in a slow steady motion. However, the truck continued to approach. SGT [REDACTED] yelled "Awgaf" (Arabic for stop) at the top of his lungs; he continued to yell "Awgaf" 3 or 4 more times, but the KIA kept advancing at approximately 5mph. SGT [REDACTED] continued to wave his flashlight and yell until the truck was within 50m of where he was standing. At this point, he finally fired the first warning shot into the dirt on the west side of the road in front of the vehicle. SGT [REDACTED] then shined the light mounted on his M4 into the windshield of the oncoming truck, and saw the driver looking directly at him. He yelled "Awgaf" 2 or 3 more times, and fired another warning shot into the air. Even so, the truck continued forward directly toward SGT [REDACTED], and he was forced to jump to his right toward the east side of the road to avoid being struck by the vehicle. As the truck came parallel to SGT [REDACTED] and within 15 meters of his M1114, he continued to yell and fired disabling shots at the front and rear tires of the truck which was only a few feet from his position. As SGT [REDACTED] shot, he tripped and fell backwards over a bent guardrail in the median. Several soldiers in SGT [REDACTED] patrol, being alerted to the shouting and gunfire, witnessed SGT [REDACTED] fall and believed him to be wounded. When SGT [REDACTED] fell, SGT [REDACTED] yelled that there was a man down." SGT [REDACTED], SGT [REDACTED] SPC [REDACTED] all fired their weapons killing the two occupants of the blue KIA truck.

////////////////////////////////////CONTINUED ON PAGE 5////////////////////////////////////

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

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

The patrol/unit must immediately submit for an initial/restocking of TCP materials (traffic cones, spike strips, warning signs/paddles).

Well defined trigger lines need to be established whenever a TCP has been set and every soldier in the patrol needs to know where that line is. One line for warning shots, one line for disabling and finally a line where the soldier has to shoot to kill.

Soldiers needs to be retrained on escalation of force, putting emphasis on well aimed ground, grill, and then through the glass shots at the driver.

The first two rounds in every soldier's magazine should be tracer rounds.

An attempt should be made to locate the family or families of these two men with the intent to compensate them for their loss.

On 310345OCT05 SGT [REDACTED] established a Snap TCP on route [REDACTED] VIC Grid [REDACTED]. After performing their 5 and 25 meter checks, SPC [REDACTED] placed cones, wire and chemical lights 75 to 100 meters north of the last M1114 (SGT [REDACTED] Vehicle). SGT [REDACTED] was dismounted behind his vehicle conducting traffic control. SPC [REDACTED] was the gunner in SGT [REDACTED] vehicle manning an M240 while providing overwatch for SGT [REDACTED]. SGT [REDACTED] and SGT [REDACTED] were 25 Meters south of SGT [REDACTED] in the vehicle search area next to the second vehicle, which was parked on the west side of the road with the nose pointing east toward the center divider. The last vehicle was another 25 meters south and parked on the east side of the road with the nose of the vehicle pointing west. All three vehicles had their headlights on. When the blue KIA truck approached, the patrol had already searched 4 or 5 vehicles, and had just searched another vehicle that was still in the vehicle search area. By this time, the TCP had been in place for approximately 20 minutes and the patrol had just picked up the wire in order to tear down the TCP.

The soldiers used the proper escalation of force in accordance with the Rules of Engagement for potential VBIED's. SGT [REDACTED] gave verbal warning and made hand signals using a flashlight due to the night time conditions. SGT [REDACTED] presented his weapon and continued to flash his light, finally firing his weapon only as a deterrent. SGT [REDACTED], SGT [REDACTED] and SPC [REDACTED] only fired after witnessing a fellow soldier go down. They had determined that the oncoming vehicle was an eminent threat to themselves, fellow soldiers and civilians still in the vehicle search area. The Patrol had placed wire, chemical lights and cones 75-100 meters in front of their position to ensure that local drivers were aware of the TCP. However, SGT [REDACTED] waited until after the truck had passed the cones which was the established trigger line before he fired his first warning shot. As the truck came closer he fired his second warning shot into the air. He didn't fire any disabling shots until the truck was within 15 Meters of his position.

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation Table of Contents

1. The following documents are included in the AR 15-6 Investigation packet concerning the to the direct fire, which killed two adult male local nationals on 31 October 2005.

- A. DA Form 1574, Report of Proceedings by Investigating Officer
- B. AR 15-6 Investigating Officer Appointment Orders
- C. Legal Review of Investigating Officer's Findings and Recommendations
- D. Exhibits.

- (1) Exhibit A: DA Form 2823, Sworn Statement by SSG [REDACTED]
- (2) Exhibit B: DA Form 2823, Sworn Statement by SGT [REDACTED]
- (3) Exhibit C: DA Form 2823, Sworn Statement by SGT [REDACTED]
- (4) Exhibit D: DA Form 2823, Sworn Statement by SGT [REDACTED]
- (5) Exhibit E: DA Form 2823, Sworn Statement by SPC [REDACTED]
- (6) Exhibit F: DA Form 2823, Sworn Statement by SPC [REDACTED]
- (6) Exhibit G: DA Form 2823, Sworn Statement by SPC [REDACTED]
- (7) Exhibit H: 907 – Blue 2 (Serious Incident Report).
- (8) Exhibit I: Trip ticket (Mission number 5672)
- (9) Exhibit J: DA Form 2594 TOC LOG Sheet 31OCT2005.
- (10) Exhibit K: Incident Map

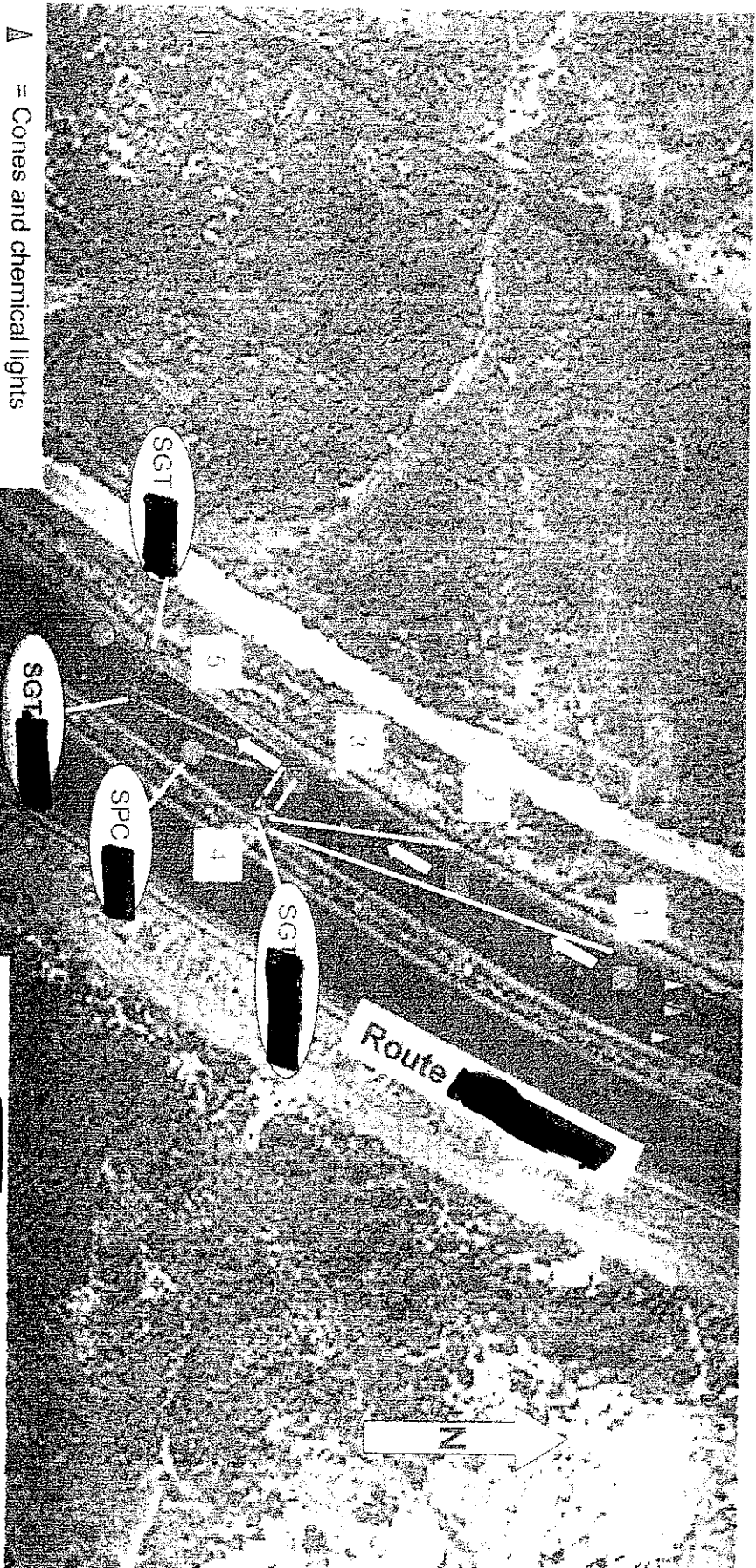
2. POC for this memorandum is the undersigned.

FOR THE COMMANDER

[REDACTED SIGNATURE]

MAJ, IN
BN, S5

[Redacted]



- △ = Cones and chemical lights
- ✦ = US dismounted soldier
- = US M1114
- = Blue Kia
- ▬ = Shots fired by SGT [Redacted]
- ▬ = Shots fired by other soldiers
- ⇨ = Directional indicator

- 1) SGT [Redacted] fires warning shot across and in front of Kia.
- 2) SGT [Redacted] fires warning shot into the air.
- 3) SGT [Redacted] fires disabling shots at Kia tires.
- 4) SGT [Redacted] falls back into median.
- 5) Other patrol members fire on Kia.

Exhibit R



DEPARTMENT OF THE ARMY
Headquarters, 1st Battalion 184th Infantry (Air Assault)
FOB [REDACTED], Baghdad Iraq

S: 16 Nov 2005

CALL-ES-C

11 Nov 2005

MEMORANDUM FOR: MAJ [REDACTED] ([REDACTED]), HHC/1-184 IN Camp [REDACTED]

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed as investigating officer pursuant to AR 15-6 regarding vehicle disabling shots fired by soldiers from C/4-46 on 31 Oct 2005.
2. In your investigation, all witness statements will be sworn. At a minimum, your investigation must answer these questions; (1) what measures were emplaced to warn local drivers of a U.S. cordon – using Brigade/Division TCP guidelines; (2) did the unit use appropriate escalation of force. Additionally, you must provide a detailed graphical representation of the incident site, which includes locations of US patrol vehicles (by Bumper Number), placement of TCP materials and location/distance of initial warning and disabling shots that were fired
3. Submit your findings and recommendations on DA Form 1574 to this headquarters, ATTN: CALL-ES-XO by the suspense depicted above. VOIP [REDACTED]

- 4 – Encl:
1. 4/3ID SIR
 2. Trip Ticket Information
 3. Journal Entries
 4. 1-184 TOC Significant Events

[REDACTED]
LTC, IN
Commanding

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent of this form 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 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 CP ██████ BAGHDAD, IRAQ	2. DATE (YYYYMMDD) 2005-10-31	3. TIME 1000 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME ████████████████████	6. SSN ██████████	7. GRADE/STATUS E5	
8. ORGANIZATION OR ADDRESS CO. C, 1/184 IN, 4 TH BDE, 3 RD ID			

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

I was ordered to make the following statement.

On 103105 approximately 0405 hours this author was a part of a three vehicle patrol (two M114s and one M113). At the time of this report this author was a part of 4th squad, 3rd platoon, A. Co. 1-184, 4th Brigade, 3rd Division. This author was in command of ██████ Spc ██████ was the M240 gunner, Spc ██████ was the driver, and ██████ the interpreter was the back right passenger. Sgt ██████ was in overall command of the patrol, #5672. At the time of this incident the patrol was in the area of grid ██████. At the time of this incident all times, speeds, and measurements are approximate distance was done by pacing and the "minds" eye. The weather was clear and visibility was good for the distance of several miles. At the time of this incident there was only a slight breeze in the air.

Sgt ██████ set a "Snap TCP (traffic control point)" in this area. This author's M114 was in the number 1 and 2 lane in a blocking position, for northbound (N/B) traffic. The number 3 lane was left open for vehicles to flow through. The other two vehicles were positioned to the north of this author's M114. This author's M114 was the first vehicle which n/b traffic would have contacted prior to entering the TCP. All soldiers in this patrol were equipped with flashlights. Vehicle headlamps were operational for all of the patrol's vehicles. Chemical lights were also deployed to safely warn the driver's of n/b vehicles of the upcoming TCP, and as a stand off range for possible warning shots. It should be noted that all vehicles prior to the incident stopped and obeyed all the commands from this author and the others in the TCP. Several other vehicles were successfully searched after identifying the patrol as United States Military Forces prior to this incident. At no time prior to this incident did any other vehicle continue to approach after identifying United States Military Forces. No warning shots needed to be fired due to all other driver's obeying verbal and visual commands.

This author and all others in this patrol were familiar with the TTP used by insurgents, of driving close to IF, IP, Coalition, and US Forces and using a V-BfED to blow up said personell when the vehicle comes within the kill radius. The TTP is driving to an Allied check point (CP), making eye contact with the personell manning the CP and pretending not to understand when coalition forces give said driver verbal and visible commands. While conducting this TTP the insurgent driver positions his vehicle close enough to detonate next to coalition personell in order cause maximum collateral damage and casualties. At least two examples of this was the suicide bomber who blew up two 3-7 Cav personell, and at least one B. Co. 1-184 personell, during this author's tour.

FACTS:

This was in the middle of the road (number 2 lane) at the time of this incident. Chem lights were approximately 75-100 meters to the south of this author's vehicle. A blue, Kia truck licensed plate ██████ approached the TCP in the #2 lane. This author watched the truck for approximately .75 miles. The truck's speed was approximately 50-60 mph. When the Kia came within about 200 m of the Chem lights in slowed abruptly (the front head lamps dipped sharply and the rear tail lamps raised at the same pace.) This author was the sole US soldier in the road. Other members of the patrol were searching another vehicle within the TCP. The other vehicle (the one being searched) followed all of the verbal commands of the members of the patrol (as stated in the prior.) The Kia slowed to about 5 mph and continued toward the TCP. This author waived his flashlight in front of him from east to west in a slow steady motion. The Kia continued to approach. The driver did not turn on his dome light as all of the previous driver's had done prior to arriving at the CP. This author yelled "Awgaf (stop)" at the top of his lungs, to the point of screaming 3-5 times, but the Kia still continued to approach approximately 5 mph. This author began to waive his flashlight back and forth and up and down in quick rapid motion when the driver failed to stop. When the vehicle came within approximately 50 m this author fired one warning shot and yelled Awgaf again into a predetermined spot to the east side of the road (as per our S.O.P). The Kia continued toward this author at a slow and steady pace. This author pointed his flashlight, mounted on his M4 rifle, directly into the driver's eyes. This author could see the driver was looking directly at him, but still he continued to drive forward. This author yelled Awgaf 2-3 more times, then fired another warning shot, but this time into the air.

10. EXHIBIT 0	11. INITIALS OF PERSON MAKING STATEMENT ██████████	PAGE <u>1</u> 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 [REDACTED] TAKEN AT F.O.B. [REDACTED] DATED 103105

9. STATEMENT (Continued)

The Kia was driving directly toward this author in the number two lane. This author yelled "Awgaf, Awgaf, Awaf" and simultaneously jumped to the west. This author could see the driver's window was slightly open as he yelled "Awgaf" and fired at the front right tire (but hitting the gas tank approximately 5' from the left front tire). This author yelled, "Awgaf," fired, and backed away from the vehicle, again, simultaneously. I aimed and hit the back tire as the Kia came with 5' and parallel of this author. The Kia was also about 15 m from this author's M114. The driver turned the Kia from the number two lane into the number 3 lane in a quick jerking motion, and the Kia swerved to within several feet of this author. This author backed up and shot again at the front left tire of the Kia as the Kia swerved past. As this author shot he tripped on a bent guard rail in the center divider and immediately fell backward. This author heard yelling, "Man down-man down," then weapons fire (unknown what weapons or how many rounds). The weapons' fire was an obvious attempt to protect this author, for fear of great bodily injury was thought to be inflicted upon him by the soldiers who engaged, due to the driver's of the Kia's non-compliant actions, and his falling backward after firing another shot. It was also obvious that the fire was to protect the M114 and gunner from a possible V-BIED, because the driver of the Kia came within 5' of this author, and about 5' of the back right end of this author's M114. This author began yelling "I'm not hit," "Cease fire," and tried to get up, but this author's IBA was snagged on another piece of twisted metal in the area of the fall. This author was finally able to stand and yell cease fire and waive his right hand over his face, with the palm facing outward in an up and down motion (which is the hand and arm signal for cease fire to US soldiers). All fire ceased immediately when the threat to this author's M114, from the driver of the Kia, and this author's personal safety was established by the soldiers who engaged the driver (and later known to be a front right passenger).

All personell slowly approached the vehicle, taking precaution for a possible V-BIED. When it appeared the driver and the passenger were incapacitated an attempt to render medical aid commenced. Both subjects expired at the scene. The area was sealed off and Sgt [REDACTED] reported the incident to higher.

Injuries:

This author received a sprained left hand, bruised left leg (upper thigh), and a strained back due to the fall.

Refer to statements by other members of the squad for additional information.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent of this form 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 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 CAMP [REDACTED] IRAQ	2. DATE (YYYYMMDD) 2005-10-31	3. TIME 1000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E6/SSG	
8. ORGANIZATION OR ADDRESS C CO 4/64 AR, CAMP [REDACTED] IRAQ			
9.			

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

On Oct 31, 2005 at approx 0430, I was on Route [REDACTED] with Sgt [REDACTED] Squad and a team from SSG [REDACTED]. The section had set up an snap TCP on the westbound side of the highway at grid [REDACTED]. I was located at the western most end of the TCP guiding traffic through our "snake" as they were permitted to pass through. I observed Sgt [REDACTED] squad stopping vehicles and conducting searches of personnel and vehicles. There was a large back up of traffic as curfew was over and traffic on [REDACTED] was building. As Sgt [REDACTED]'s guys were finishing up their searches for the night, a vehicle approached Sgt [REDACTED] position at the front of the TCP & failed to stop after Sgt [REDACTED] called out to stop. A warning shot was fired at the vehicle. The vehicle continued to move forward toward Sgt [REDACTED]. I heard another shot and saw Sgt [REDACTED] go down. At that time I observed the search element move toward the sound of the gunshots and open fire on the vehicle. I then heard Sgt [REDACTED] yell out "Man Down!". I approached the firing site after the shooting stopped & saw that Sgt [REDACTED] was unharmed. The two occupants of the vehicle were killed in the shooting. [REDACTED] was notified and IPs were called. The bodies & the vehicle were recovered by Iraqi Police elements at approx 0700. Nothing follows.

10. EXHIBIT A	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.

9. STATEMENT (Continued)



AFFADAVIT

I, SSG Nunez Jr, Steve , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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 the Statement)

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

WITNESSES:

[REDACTED]

A. M. H.

ORGANIZATION OR ADDRESS

[REDACTED]

A. Co. 1-184

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

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 PMG.

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 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 (YYYYMMDD) 2005/10/31	3. TIME 10:18	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5 / SGT.	
8. ORGANIZATION OR ADDRESS C Co. 464			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 AT APPROXIMATELY 04:05 ON THE 31st DAY OCT 2005 I ^{WAS} PARTICIPATING IN A TCP WHICH WAS SET UP TO SOP AT GRID [REDACTED] MYSELF AND SGT [REDACTED] AND SPC [REDACTED] WERE IN THE SEARCH AREA WHICH WAS AN ESTIMATED 30-40 METERS BEHIND THE AREA SGT. [REDACTED] WAS USING TO GUIDE VEHICLES TO US USING WHITE LIGHT AND HAND ARM SIGNALS. THIS AREA WAS AN ESTIMATED 30-40 METERS BEHIND OUR CHEMLIGHTS AND CONES ENPLACED BY SPC [REDACTED]. AT THIS TIME MYSELF AND SGT [REDACTED] WERE FINISHING SEARCHING A BREAD TRUCK WITH SPC [REDACTED] PULLING SECURITY ON THE OCCUPANTS OF THE TRUCK. WE HEARD SGT [REDACTED] YELLING ABAP A NUMBER OF TIMES AND WE WALKED BACK AROUND THE VEHICLE TO ASSESS THE SITUATION. I WITNESSED A BLUE BONGO TRUCK WHICH HAD PASSED THRU OUR PERIMETER AND WAS APPROXIMATELY 15 METERS FROM SGT [REDACTED]. SGT [REDACTED] PROCEEDED TO FIRE WARNING SHOTS ^{OVER} ~~AT~~ THE VEHICLE AND THE VEHICLE CONTINUED TO MOVE I THEN HEARD ANOTHER SHOT AND WITNESSED SGT [REDACTED] LEAVE HIS FEET AND FLY OVER THE GUARD RAIL IMMEDIATELY I SWITCHED FROM SAFE TO SEMI AT WHICH TIME SGT [REDACTED] YELLED MAN DOWN I BELIEVED SGT [REDACTED] HAD BEEN SHOT AND MYSELF AND SGT [REDACTED] PROCEEDED TO FIRE AT THE TRUCK I FIRED AROUND 8-10 SHOTS UNTIL THE TRUCK STOPPED ROLLING AT WHICH TIME I HEARD THE 240 FIRING A SHORT BURST AND I YELLED SEIZE FIRE. AT THIS TIME I SAW SGT [REDACTED] STAND BACK UP AND WE RAN OVER TO SEE HOW HE WAS HE INFORMED US THAT HE HAD TRIPED AND FALLEN BACKWARDS THAT HE IN FACT DID NOT GET SHOT. WE THEN

10. EXHIBIT C	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF Sgt [REDACTED] TAKEN AT FOB [REDACTED] DATED 2005/10/31

9. STATEMENT (Continued) CHECKED ON THE VEHICLES OCCUPANTS THEY WERE TOO ADULT MALES AND THEY WERE BOTH KIAs. Sgt [REDACTED] SEARCHED THE BODIES TO FIND ID'S AND THEN WE PUT THEM INTO BODY BAGS AND CALLED IP'S FOR PICK UP. IN CLOSING I BELIEVE MY SQUAD FOLLOWED THE ROE TO THE TEE AND HOWEVER UNFORTUNATE THE OUTCOME IT COULD NOT BE AVOIDED [REDACTED] 31 Oct 05 NOTHING FOLLOWS [REDACTED] 31 Oct 05

[REDACTED]
X 31 Oct 05

[REDACTED]
X 31 Oct 05

[REDACTED]
X 31 Oct 05

[REDACTED]
X 31 Oct 05

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF sgt [REDACTED] TAKEN AT POB [REDACTED] DATED 2009 10 31

9. STATEMENT (Continued)

[REDACTED] X 31 OCT 05
[REDACTED] X 31 OCT 05
[REDACTED] X 31 OCT 05
[REDACTED] X 31 OCT 05

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:
[REDACTED]
A-1194

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

ORGANIZATION OR ADDRESS
[REDACTED]
A 1184 CP Falcon
ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

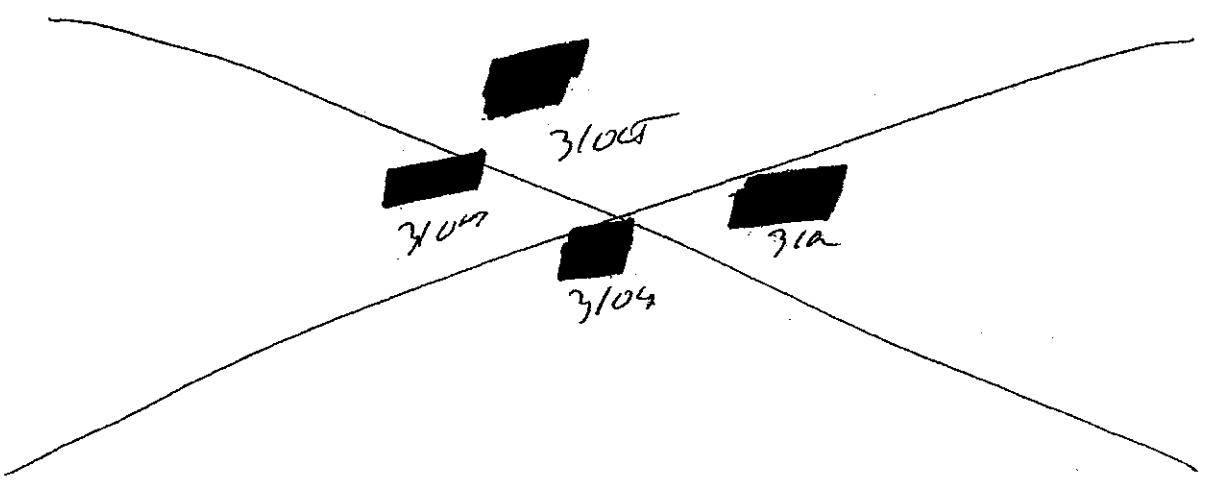
PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 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 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) 2005/10/31	3. TIME 1000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	6. SSN [redacted]	7. GRADE/STATUS E-5/SGT	
8. ORGANIZATION OR ADDRESS C 4 / 64 AR			

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

On October 31, 2005 approximately 0345 hours, my Squad was conducting a snap TCP, on route [redacted] s vic. [redacted]. The TCP was in the south bound lanes. After performing our 5 and 25 meter check, SPC [redacted] placed cones and chemlites 50 to 100 meters, north of the of the last 1114. At the time of the incident, the soldiers at the north side of the perimeter were, SGT [redacted] (A-Team Leader, Traffic control) and SPC [redacted] (M240 Gunner, Traffic overwatch). I was located at the vehicle search area (in the middle of the TCP, 25 meters from SGT [redacted]), with SGT [redacted] (B-Team Leader, Vehicle search team) and SPC [redacted] (Vehicle search team). While I was pulling security for the vehicle search, I heard SGT [redacted], yelling (in Arabic) for a vehicle to stop. As I turned to face SGT [redacted], I noticed him flashing his white light, and continuing to yell at a approaching vehicle. He then fired 1 round, of 5.56 in the air. The vehicle continued approaching. At this time, the vehicle had clearly breached our safety zone and was parallel to SGT [redacted]. I then heard 3 shots from the driver side (my right side as I was facing). As the third shot was fired, I watched as SGT [redacted], flew backwards. After seeing him fall backwards in to the median, I yelled "man down". I then placed well aimed fire into the drivers side and passenger side of the vehicle. As I was firing, my vehicle search team also opened fired at the south bound vehicle. I expended 13 rounds, before the vehicle came to a stop. As the forward momentum of the vehicle ended, I started yelling "cease fire". By this time all firing had already stopped. SGT [redacted] then called out for our medic. As SGT [redacted] and I approached the vehicle, I noticed SGT [redacted] getting up from the ground. I Asked were was he shot, and was he OK. He responded by saying that he did not get shot, but that he was attempting to put some space between him and the vehicle, then tripped on the medians barrier. With the help of the medic (SPC [redacted]) the 2 persons were checked for any signs of life. Both occupants had sustained fatal wounds, to the head and upper torso. I then radio my higher headquarters of the incident. The vehcile is decribed as a blue 2 door "bongo" truck. The driver of the vehicle did not have any form of identifacation. But is decribed as a young Iraqi male, in his early twenties. On the passenger, was located a Identifacation, naming him as [redacted] he appeared to be in his thirties. Nothing of signifacates was loceted on the vehicle. The IP's arrived around 0800, and took custody of the bodies and the vehicle. NOTHING FOLLOWS



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





STATEMENT OF

TAKEN AT 1100


DATED


31 04 05

9. STATEMENT (Continued)

~~
3100T

3100r

310u

310a~~

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)

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

 (Signature of Person Administering Oath)

 (Typed Name of Person Administering Oath)

 (Authority To Administer Oaths)

WITNESSES



Joe Y/84 ZAP

ORGAN



A. Co. 1-184-206
 4th, Sergeant, 3RD I.D.

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT



PAGE 2 OF 2 PAGES

SWORN STATEMENT

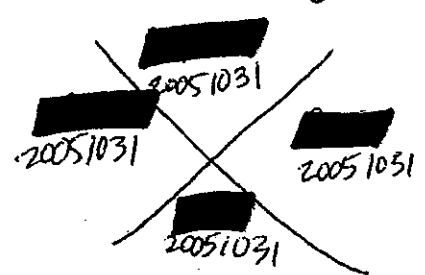
For use of this form, see AR 190-45; the proponent agency is ODCSOPS

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: [redacted] DAB
2. DATE (YYYYMMDD): 20051031
3. TIME: 0430
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]
6. SSN: [redacted]
7. GRADE/STATUS: E4-SFC
8. ORGANIZATION OR ADDRESS: 1-184th Alpha Co.

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON THE MORNING OF OCT. 31, 2005 AT APPROX. 0330AM WE SET A CHECK POINT AT GRID [redacted]. AT APPROX. 0335AM WE HAD PUT OUT SAFETY CONES AND KEM LIGHTS. AT APPROX. 0430 A BLUE TRUCK CONTAINING TWO PERSONAL; THEY WERE ASKED TO STOP THE VEHICLE BY SGT. [redacted]. THEY REFUSED TO STOP, SO SGT. [redacted] SHOT 1 WARNING SHOT. THE VEHICLE STILL DID NOT STOP, SO SGT. [redacted] SHOT THE DRIVERS REAR TIRE OUT. I THEN WITNESSED SGT. [redacted] FALL DOWN. NOT KNOWING IF SGT. [redacted] HAD GOTTEN SHOT, I THEN PROCEEDED TO SHOOT THE PASSENGERS REAR TIRE OUT. THE VEHICLE THEN KEPT ON GOING, SO WE FIRED ON THE TWO PERSONAL AND THEY WERE PER KNOWNSED KIA.



10. EXHIBIT: E
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.

9. STATEMENT (Continued)

[REDACTED] 2005/03/1
[REDACTED] 2005/01/1
[REDACTED] 2005/03/1
[REDACTED] 2005/01/1

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:

[REDACTED]
A F 124
ORGANIZATION OR ADDRESS

[REDACTED]
A Co 1/104/1 C9 PAVEN
ORGANIZATION OR ADDRESS

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

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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): 2005 10 31
3. TIME: 1026
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]
6. SSN: [redacted]
7. GRADE/STATUS: E4 - Spec
8. ORGANIZATION OR ADDRESS: [redacted]

9. [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 2005 10 31 At Approximately 330 our patrol
Set [redacted] TCP on Route [redacted]. I set up 2 orange
cones and 3 Chemlights 50 meters behind my
Truck at and Approximately 345 I was pulling
Security on 2 individuals. That we had pulled over
and searched the Truck I was about to clear them
to go we I heard a warning shot then followed
by additional firing I could not see anything
After that I released the 2 individuals and continued
pulling security ————— Nothing follows —————

[redacted] 2005 10 31
[redacted] 2005 10 31
[redacted] 2005 10 31

10. EXHIBIT: F
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.

STATEMENT OF [REDACTED] TAKEN AT FUB [REDACTED] DATED 2005 10 31

9. STATEMENT (Continued)

[REDACTED] 2005 10 31
[REDACTED] 2005 10 31
[REDACTED] 2005 10 31
[REDACTED] 2005 10 31

AFFIDAVIT

I, [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 of Person Making Statement)

WITNESSES:

[REDACTED]
A-1/184
ORGANIZATION OR ADDRESS

[REDACTED]
A-1/184
ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT CSL

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 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 Baghdad, Iraq	2. DATE (YYYYMMDD) 2005/04/06	3. TIME 1700	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4 / CPL	
8. ORGANIZATION OR ADDRESS Co. A. 1/184 IN, 4th BDE, 3rd ID			

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

On October 31, 2005 during a routine patrol we, our patrol, engaged a vehicle and it's passengers. The events occurred as follows:

At approximately 0400⁰⁵⁰⁵ we established a "snap" TCP on the South Bound lane of [REDACTED] near the oil refinery entrance. During this TCP we searched several vehicles. While Sgt. [REDACTED] and Sgt. [REDACTED] were in the designated search area, Sgt. [REDACTED] was controlling the flow of traffic into the TCP. At this time I had a clear view of the search area from my overwatch position, as well as Sgt. [REDACTED]. I also had a partial view of the vehicles at the entry point, obscured by one of our own HUMVEES within the serpentine. A particular vehicle, a sky blue Escort with 2 passengers approached the entry point at a controlled speed but did not seem to intend to slow down. At this point I and several individuals at the search area heard the voice of Sgt. [REDACTED]. Glancing from my overwatch position I saw him moving backward in what appeared to be every cautious manner raising his weapon at the same time. At this point I began to observe his situation a little more attentively.

As he backed away from the vehicle, with his weapon nearly leveled so it, the vehicle maintained its steady pace. The pace was faster than a brisk walk and inappropriate for its proximity to an armed U.S. Convoy which was, to say the least, very suspicious. At one point Sgt. [REDACTED] came very close to the center divider of the road. Here, he fell back as if forcefully pushed, while at the same time attempting to return fire. Immediately the individuals nearest the vehicle noticed the gunfire and Sgt. [REDACTED] fall and returned fire to the hostile vehicle. The vehicle was not immediate in slowing their movement, however, and the fire continued. I alerted my driver, Spc. [REDACTED], who could not see the activity but immediately responded to the

10. EXHIBIT G	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 [REDACTED] TAKEN AT FOB [REDACTED] DATED 31 Oct 2005

9. STATEMENT (Continued)

Volume of fire. He positioned our vehicle into a blocking position in the vehicles path. There was no way for me to safely employ my weapon and we continued to move into a better firing position while blocking the path of the enemy. Immediately after the vehicle stopped Sgt. [REDACTED] ceased fire. Sgt. [REDACTED] had also stood up at this point and it was determined that he had tripped and fallen. The two individuals were pronounced dead. This was relayed to higher and we waited for the arrival of the IP's to take control of the scene.

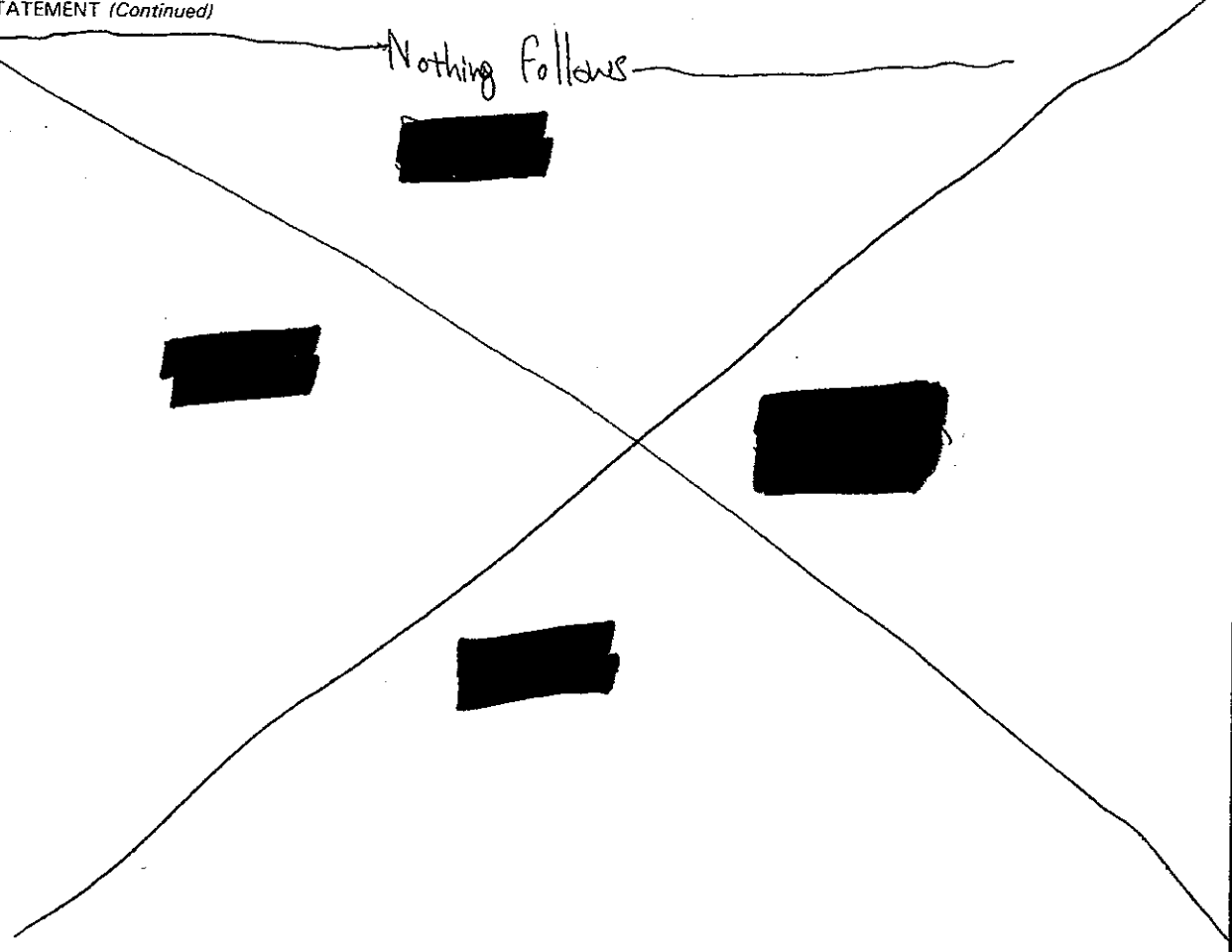
Nothing Follows

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

9. STATEMENT (Continued)

Nothing follows



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:

[REDACTED]

A 1-184

ORGANIZATION OR ADDRESS

[REDACTED]

A co 1/184 CP FALCON

ORGANIZATION OR ADDRESS

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

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

4th 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: C co 4-64 AR

LINE 2: Incident: Warning shots fired at Blue Kia truck that failed to stop at TCP, followed by direct fire that killed both occupants when truck continued past TCP trigger line.

LINE 3: Date/time group incident occurred: 31 0413 Oct 05

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

LINE 5: Personnel involved:

Last, First, Middle Init.	Rank	Unit	SSN	Gender	Age	Race
[REDACTED]	SGT	C. 4/64	[REDACTED]	M	36	African American
[REDACTED]	SGT	C. 4/64	[REDACTED]	M	27	Caucasian
[REDACTED]	SPC	C. 4/64	[REDACTED]	M	25	African American
[REDACTED]	SPC	C. 4/64	[REDACTED]	M	24	Caucasian
[REDACTED]	SPC	C. 4/64	[REDACTED]	M	32	Hawaiian
[REDACTED]	SSG	C. 4/64	[REDACTED]	M	35	Caucasian
[REDACTED]	SGT	C. 4/64	[REDACTED]	M	36	Mexican

LINE 6: A TCP was established at [REDACTED] orange cones, wire, stop sticks and chem lights were placed approximately 75-100 meters south of the TCP. A blue, Kia truck licensed plate [REDACTED] approached the TCP in lane #2. The Patrol watched the truck for approximately .75 miles. The truck's speed was approximately 50-60 mph. When the Kia came within about 200 m of the TCP it slowed abruptly. The Kia slowed to about 5-10mph and continued toward the TCP. The soldier waived his flashlight in front of him from east to west in a slow steady motion. The Kia continued to approach. The driver did not turn on his interior light as all the previous vehicles had done prior to arriving to the TCP. The soldier yelled "Awgaf (stop)" at the top of his lungs, to the point of screaming 3-5 times, but the Kia still continued to approach approximately 5 mph. The soldier began to wave his flashlight back and fourth and up and down in a quick rapid motion when the driver failed to stop. When the vehicle came within approximately 50 meters of the soldier, he fired one warning shot and yelled Awgaf again. The Kia continued toward the Patrol at a slow and steady pace. The soldier pointed his flashlight, mounted on his M4 rifle, directly in to the driver's eyes. The soldier could see the driver was looking directly at him, but he still continued to drive forward. The soldier yelled Awgaf 2-3 more times, and then fired another warning shot. The forward positioned soldier could see the driver's window was slightly open as he yelled Awgaf. He fired a third shot at the right front tire (but hitting the gas tank about 5" from the left front tire). The soldier backed up and shot again at the left front tire of the Kia as the vehicle continued past and swerved lanes. As the soldier fired he tripped on a bent guard rail in the center of the divider and immediately fell over backward. The patrol thought he had been shot and started yelling, "Man down-man down." The patrol open fired into the windshield of the vehicle (unknown how many rounds) as it continued past the trigger line and the forward soldier. The patrol fired to protect the M1114 and the gunner from a possible V-BIED. The driver of the Kia came within 5' of the soldier, and coasted to a stop about 5' of the back right end of the patrol's M1114. The soldier began yelling "I'm not hit!" He signaled cease fire and tried to get up, but the soldier's IBA was snagged on another piece of twisted metal. The soldier was finally able to stand and yell Cease fire and wave his right hand over his face, with the palm facing outward in an up and down motion (which is the hand and arm signal for cease fire). All personnel slowly approached the vehicle, taking precautions for possible V-BIED. When it appeared the driver and the passengers were incapacitated the patrol checked the vehicle for explosives and attempted to render medical aid. Both subjects expired on the scene. Iraqi police were contacted and the scene was turned over to local authorities.

LINE 7: Damage to government and/or civilian property: 2 LN's killed, windshield and 4 tires were shot out

LINE 8: Commander reporting: [REDACTED] LTC, Commanding

FORMAT IAW 4 BDE VANGUARD TACSOP, 01 JAN 05

Exhibit 1 H

TF 1-184TH IN TRIP TICKET

AUTHORIZATION SIGNATURE

TOC BTL CPT, BTL

MISSION NUMBER

5672

ALL PATROL LEADERS WILL RECEIVE ENEMY SITREP FROM BN S2 SHOP AND PROVIDE BACKBRIEF ON ACTIONS ON CONTACT, CASEVAC, AND VEHICLE RECOVERY. COMMUNICATIONS CHECK MUST BE PERFORMED PRIOR TO MOVE WITH BN TOC.

CALL SIGN: [REDACTED]

UNIT: C co 4/64

OIC/NCOIC: SSG [REDACTED]

DEPART DTG: 310000OCT05 RETURN DTG: 310500OCT05

MISSION (i.e. Route Combat Patrol, ISR, Civil Affairs) _____

Route clearance along routes [REDACTED] Snap TCP's.

PLANNED ROUTE/STOPS (i.e. [REDACTED] to [REDACTED] then [REDACTED]): [REDACTED] run to [REDACTED] run to [REDACTED]

ADD VEHICLES AND PERSONNEL SHEETS

12 pax 3 veh

Exhibit # I [REDACTED]

SP Time: 3100UOCT05
 Return Time: 310500OCT05

Mission: Route clearance of [REDACTED] & checking on [REDACTED] and conducting snap TCP's

OIC:

NCOIC: SSG Levario (CALL SIGN GREEN 2)

M114#	32 BFT	NAME	RANK	BR#	WPN	NVG	PAQ4/PEQ2	M68/CCO	ICOM
TC		[REDACTED]	SGT	IAP5988	[REDACTED]	[REDACTED]	[REDACTED]	63718	[REDACTED]
DR		[REDACTED]	SPC	IAL2629	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
TC		[REDACTED]	SGT	IAH7981	[REDACTED]	[REDACTED]	[REDACTED]	63732	[REDACTED]
Medic		[REDACTED]	SPC	IAE6955	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
Gunner		[REDACTED]	SPC	IAS6012	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]

Additional equipment on vehicle
 240B#U81790

M114#	A33 WI	NAME	RANK	BR#	WPN	NVG	PAQ4/PEQ2	M68/CCO	ICOM
TC		[REDACTED]	SGT	IAD1312	[REDACTED]	[REDACTED]	[REDACTED]	540595	[REDACTED]
DR		[REDACTED]	SPC	IAC2833	[REDACTED]	[REDACTED]	[REDACTED]	69650(ACOG)	[REDACTED]
tearp		[REDACTED]			[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
GUNNER		[REDACTED]	Spc	IAG6076	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]

Additional equipment on vehicle
 240B#U85094

M114#	31 WI	NAME	RANK	BR#	WPN	NVG	PAQ4/PEQ2	M68/CCO	ICOM
Dismount		[REDACTED]	SGT	IAC3021	[REDACTED]	[REDACTED]	[REDACTED]	63715	[REDACTED]
GUNNER		[REDACTED]	SPC	IAL8644	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
DISMOUNT		[REDACTED]	SPC	IAM8638	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
		[REDACTED]	SSG	IAN6597	[REDACTED]	[REDACTED]	[REDACTED]	70785	[REDACTED]

Additional equipment on vehicle
 .50cal#1211023

M114#	NAME	RANK	BR#	WPN	NVG	PAQ4/PEQ2	M68/CCO	ICOM
	[REDACTED]							
	[REDACTED]							
	[REDACTED]							
	[REDACTED]							
	[REDACTED]							
	[REDACTED]							
	[REDACTED]							
	[REDACTED]							
	[REDACTED]							
	[REDACTED]							

Additional equipment on vehicle

<p>Rank, Last, First, MI</p> <p>Gunner: [REDACTED] BR #: IAL8644 Weapon: M4 Serial [REDACTED] Weapon: [REDACTED] NODs: PVS14 Serial [REDACTED]</p>	<p>Blood Type/MED alert</p> <p>NKDA</p>
<p>Dismount: [REDACTED] BR #: IAC3021 Weapon: M4 Serial [REDACTED] Weapon: [REDACTED] NODs: PVS14 Serial [REDACTED]</p>	<p>NKDA</p>
<p>Driver: [REDACTED] BR #: IAM8636 Weapon: M4/203 SERIAL [REDACTED] NODs: PVS7D Serial [REDACTED]</p>	<p>NKDA</p>
<p>[REDACTED]</p>	<p>NKDA</p>
<p>Dismount: [REDACTED] BR# IAN6597 M4 [REDACTED] PVS7D [REDACTED]</p>	<p>NKDA</p>

<p>1</p>	<p>1</p>	<p>3</p>
<p>Serial</p> <p>M998</p>	<p>March Unit</p> <p>M998</p>	<p>Position</p> <p>M1025/1026</p>
<p>M1038</p>	<p>M1078</p>	<p>M936A1</p>
<p>M997</p>	<p>M1114</p>	<p>M923A1</p>
<p>CIRCLE VEHICLE TYPE</p>		
<p>A 31 WI</p>		
<p>Bumper #</p> <p>[REDACTED]</p>	<p>Special Equipment</p> <p>[REDACTED]</p>	

Rank, Last, First, MI	Blood Type/MED alert
TC: [REDACTED] BR# IAP5988 Weapon: M4 PVS14	NKDA
Driver: [REDACTED] BR #: IAL2529 Weapon: M4 SERIAL [REDACTED] Weapon: [REDACTED] NODS: PVS14 Serial [REDACTED]	NKDA
Gunner: [REDACTED] BR# IAS6012 Weapon: M4 [REDACTED] NODS: PVS14	NKDA
Medic: [REDACTED] BR #: IAE6955 Weapon: M4 Serial [REDACTED] Weapon: 9MM SERIAL [REDACTED] NODS: PVS7D SERIAL [REDACTED]	NKDA
TC: [REDACTED] BR# IAH7981 Weapon: [REDACTED]	NKDA

Serial	March Unit	Position
M998	M998	2
M1038	M1078	
M997	M1114	
	M936A1	
	M923A1	
	M1025/10	
CIRCLE VEHICLE TYPE		
A 32 BFT		
Bumper #		
Special Equipment		

TC: [REDACTED] #: IAD1312 Weapon: M4 SERIAL [REDACTED] Weapon: [REDACTED] NODs: PVS14 Serial/ [REDACTED]	Rank, Last, First, MI [REDACTED]	BR	Blood Type/MED alert NKDA
DR: [REDACTED] BR #: IAC2833 Weapon: M240 Serial # [REDACTED] Weapon: M16A4 Serial [REDACTED] NODs: PVS7D Serial/ [REDACTED]	[REDACTED]		NKDA
Dismount: [REDACTED] BR# IAS5076 Weapon: M16A4 [REDACTED] Weapon M249 [REDACTED] NODS:PVS7D [REDACTED]	[REDACTED]		NKDA
TERP			NKDA

1	1	4
Serial	March Unit	Position
M998	M998	M1025/1026
M1038	M1078	M936A1
M997	M1114	M923A1
CIRCLE VEHICLE TYPE		
A33(WI)		
Bumper #	[REDACTED]	
Special Equipment	[REDACTED]	

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG

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PAGE NO.

NO OF PAGES

ORGANIZATION OR INSTALLATION

LOCATION

PERIOD COVERED

TF 1-184 IN. BN TOC

FOB [REDACTED] IRAQ

FROM

TO

HOUR

DATE

HOUR

DATE

31 OCT 05

31 OCT 05

ITEM NO.

TIME

INCIDENTS, MESSAGES, ORDERS, ETC.

ACTION TAKEN

INI

IN OUT

41202

0012

[REDACTED] M#5671 SP [REDACTED]

41205

0141

[REDACTED] M#5673 W/WOLF MB500 650, PREP TOM HIT

41206

0146

[REDACTED] M#5672 HAS BROKE DOWN VEH, SELF RECOVERING TO [REDACTED]

41207

0202

[REDACTED] M#5672 [REDACTED]

41208

0235

BEAST-16: RADIO CHECK, WILL BE SWEEPING LATER

41209

0300

[REDACTED] M#5670 RTB HONOR

41210

0344

[REDACTED] JOINT UPDATE: #9 [REDACTED]
14 DETAINEES 0307hrs; #10 @ 0345HRS MB57869
14 DETAINEES

REPORTED TO BDE

41213

0446

[REDACTED] M#5673 RTB [REDACTED]

41214

0513

[REDACTED] MISSION COMPLETE- 14 DETAINEES TOTAL, M#5671, 3/3 ACR A/O

41215

0531

[REDACTED] M#5676 DOING JOINT PATROL W/1/4 POP, 3 POP VEH, 3 ILLI

41217

0559

[REDACTED] M#5674 RTB [REDACTED]

41220

0647

[REDACTED] M#5671 @ [REDACTED]

41221

0704

[REDACTED] M#5678 SP [REDACTED]

41222

0730

[REDACTED] M#5679 SP [REDACTED]

41223

0733

[REDACTED] M#5677 SP POWER PLANT

41224

0742

[REDACTED] AL-BELAT 1E STATION SPAX COVER

41226

0759

[REDACTED] M#5671 ENROUTE [REDACTED]

TYPE NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE

DA FORM 1594

PREVIOUS EDITION OF THIS FORM IS OBSOLETE

Electronic Form

J
Exhibit

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG

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

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FROM

TO

HOUR

DATE

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31 OCT 05

31 OCT 05

ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	INI.
	IN	OUT			
41227	0802		[REDACTED] M#5680 SP [REDACTED]		
41228	0804		POWER PLANT: SAF IN [REDACTED] MARKET AREA-SOUTHEAST		
41229	0807		[REDACTED] M#5678 HAVE 3 CIV CASUALTIES FROM SMALL ARMS FIRE OF 19		
41230	0811		[REDACTED]: MISSION # 5678 B LN WIA AT MB4482078100 & URGENT 1 WALKING TOLD LG FOR AIR MEDEVAC	LOGGED AND BDE NOTIFIED	
41231	0817		TO [REDACTED]: CAN TAKE TO CSH ALL THREE PERMISSION FROM BDE	BDE NOTIFIED	
41232	0818		[REDACTED] MISSION # 5677 AT FOB FALCON	LOG AND MAP BOARD UPDATED	
41233	0821		[REDACTED] MISSION # 5673 P1B FOB FALCON	TRIP TICKET CLOSED	
41234	0823		[REDACTED] B LN DEAD IN SPDAY AT M#444785 ON K11 VERMONT	NOTIFIED BDI	
41235	0841		[REDACTED]: MISSION # 5681 SP FOB FALCON	LOG AND MAP BOARD UPDATED	
[REDACTED]			[REDACTED]	LOG AND MAP BOARD UPDATED	
41237	0854		[REDACTED] AT [REDACTED] IP STATION UNTIL 1900	LOGGED	
[REDACTED]			[REDACTED] MISSION # 5679 AND [REDACTED]	TRIP TICKET CLOSED	
41239	0915		[REDACTED] MISSION # 5682 SP [REDACTED] IRT	LOG AND MAP BOARD UPDATED	
41240	0948		[REDACTED]: MISSION # 5676 RP	TRIP TICKET CLOSED	
41241	1107		[REDACTED]: MISSION # 5672 RP	TRIP TICKET CLOSED	
41242	1150		[REDACTED]: WAS TOLD TO ACTIONED [REDACTED] 20 TO BDI AND [REDACTED] TO INVESTIGATE SAFE IN A WHITE KIA CABRIO WITH AK47'S	LOGGED AND BDE NOTIFIED	
41243	1157		[REDACTED] REPORTS NO ATF ACTIVELY IN THAT AREA, WILL CM	LOGGED AND BDI NOTIFIED	
41244	1204		[REDACTED] SP	LOG AND MAP BOARD UPDATED	
41245	1211		[REDACTED] RP [REDACTED]	LOGGED	
41246	1213		[REDACTED] AT [REDACTED]	LOG AND MAP BOARD UPDATED	
41247	1229		[REDACTED] MISSION # 5682 RP	TRIP TICKET CLOSED	
41248	1235		[REDACTED]: MISSION # 5681 RP	TRIP TICKET CLOSED	
41249	1247		[REDACTED] MISSION # 5683 RP	TRIP TICKET CLOSED	
41250	1251		[REDACTED] AT [REDACTED]	LOGGED	

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE