

FOIA exemptions 3 and 6

View of Truck 40 from [REDACTED] vehicle and the area approaching the incident.

[REDACTED] truck approaching child.

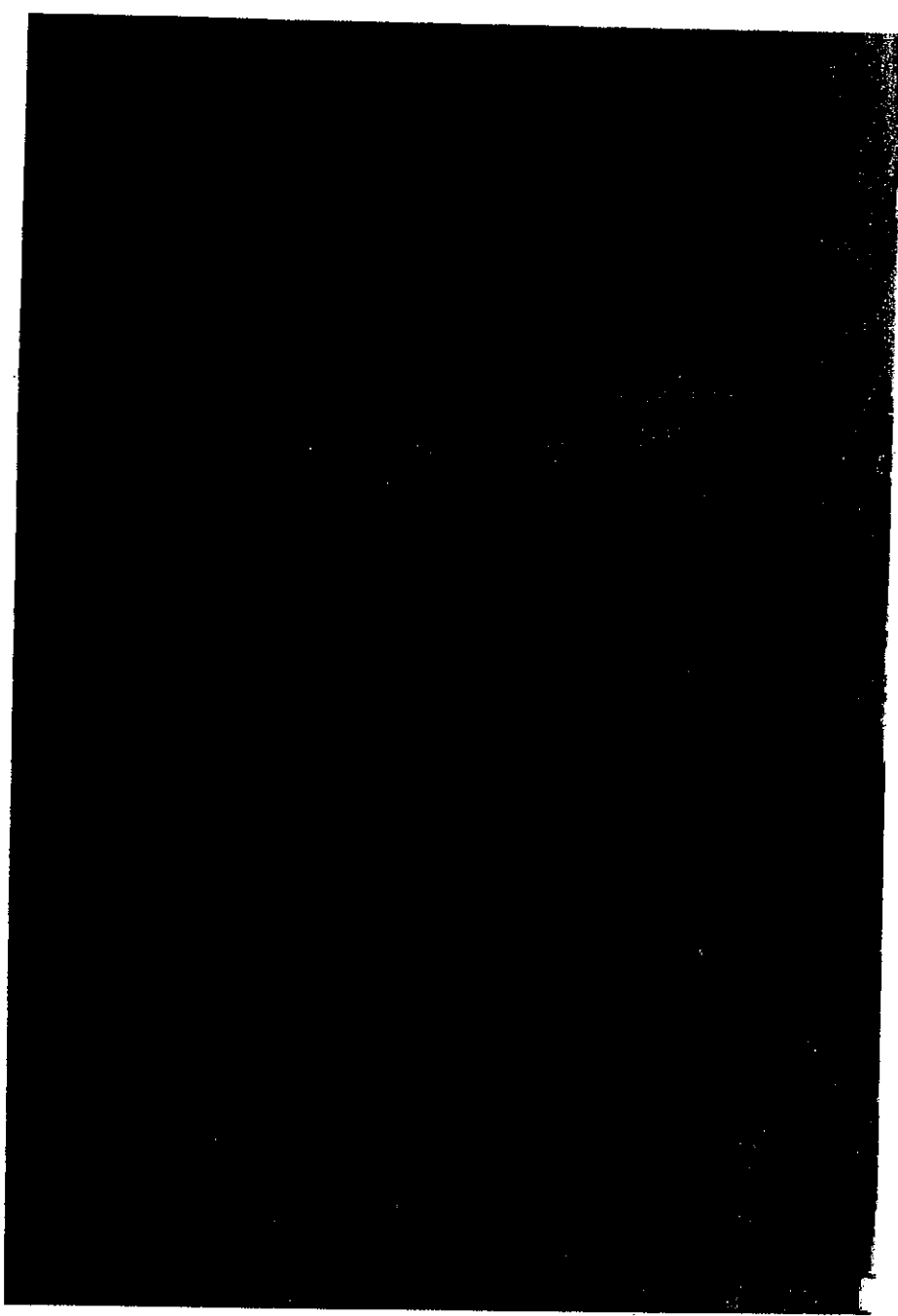
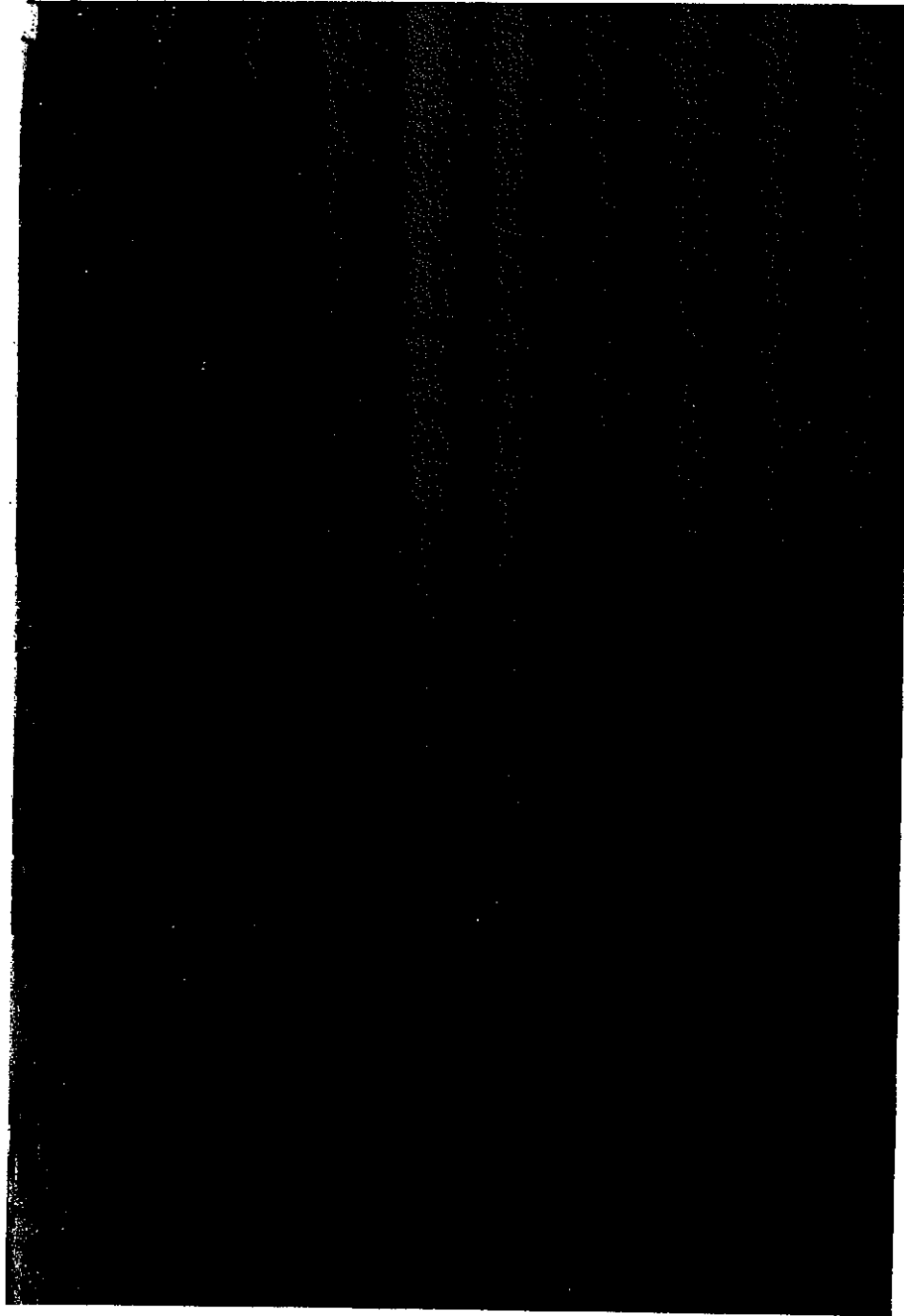


Exhibit B to 25 JAN 05 AR 15-6 Investigation

(DT)



FOIA exemption 3 and b

View of Truck 40 from [redacted] vehicle and the area approaching the incident.

[redacted] truck continues approaching child.

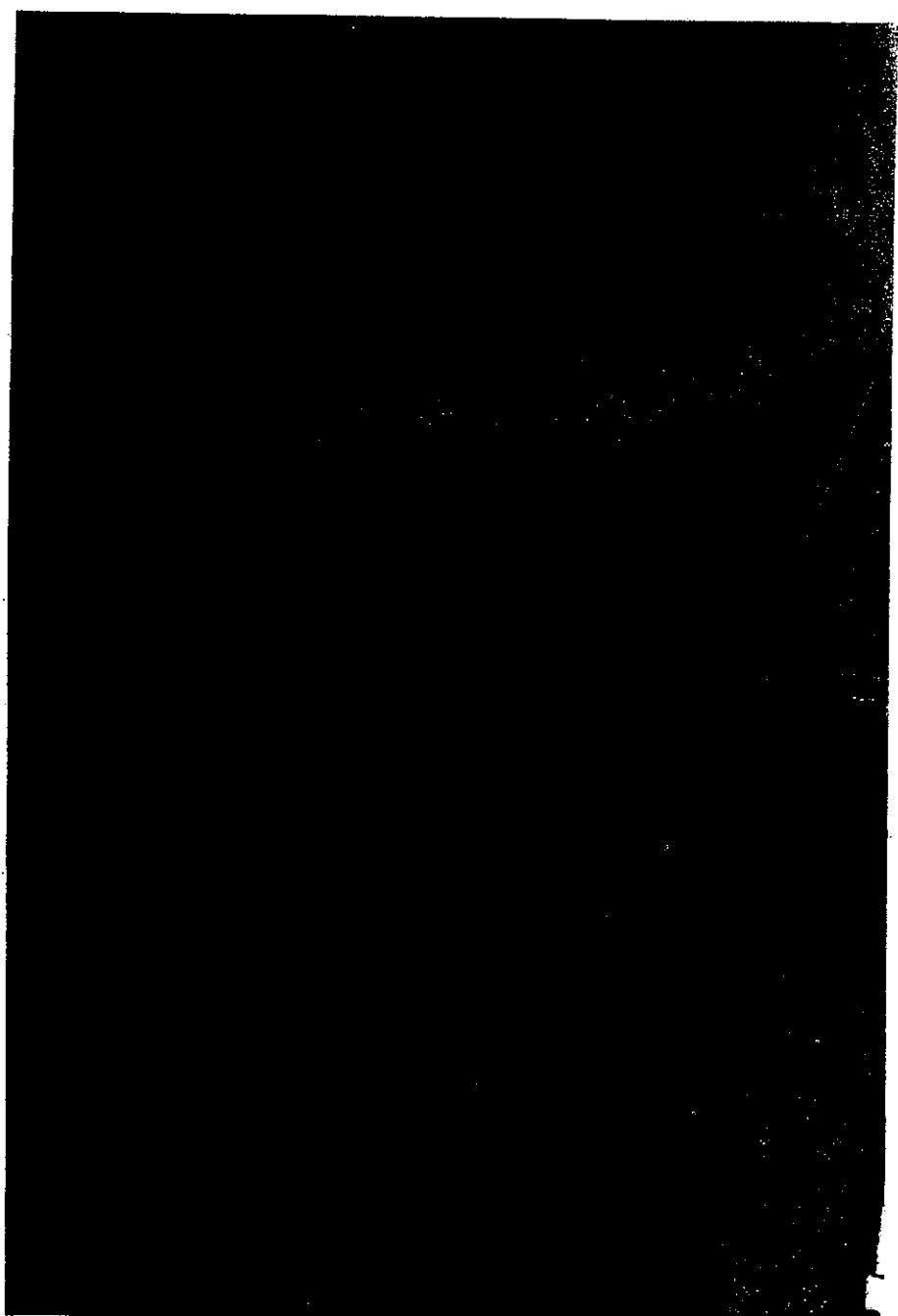
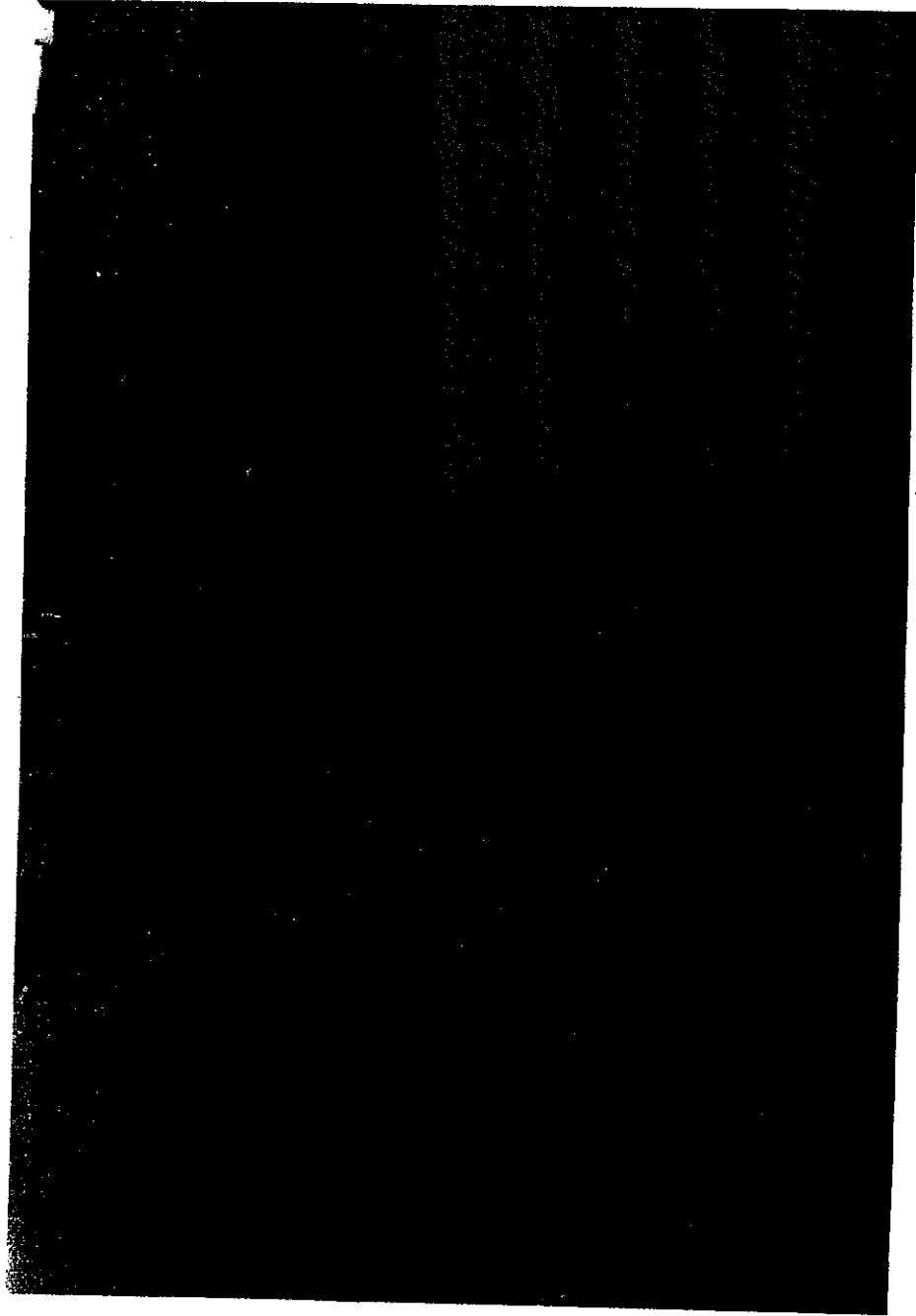


Exhibit B to 25 JAN 05 AR 15-6 Investigation

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FOIA exemption 3 and b

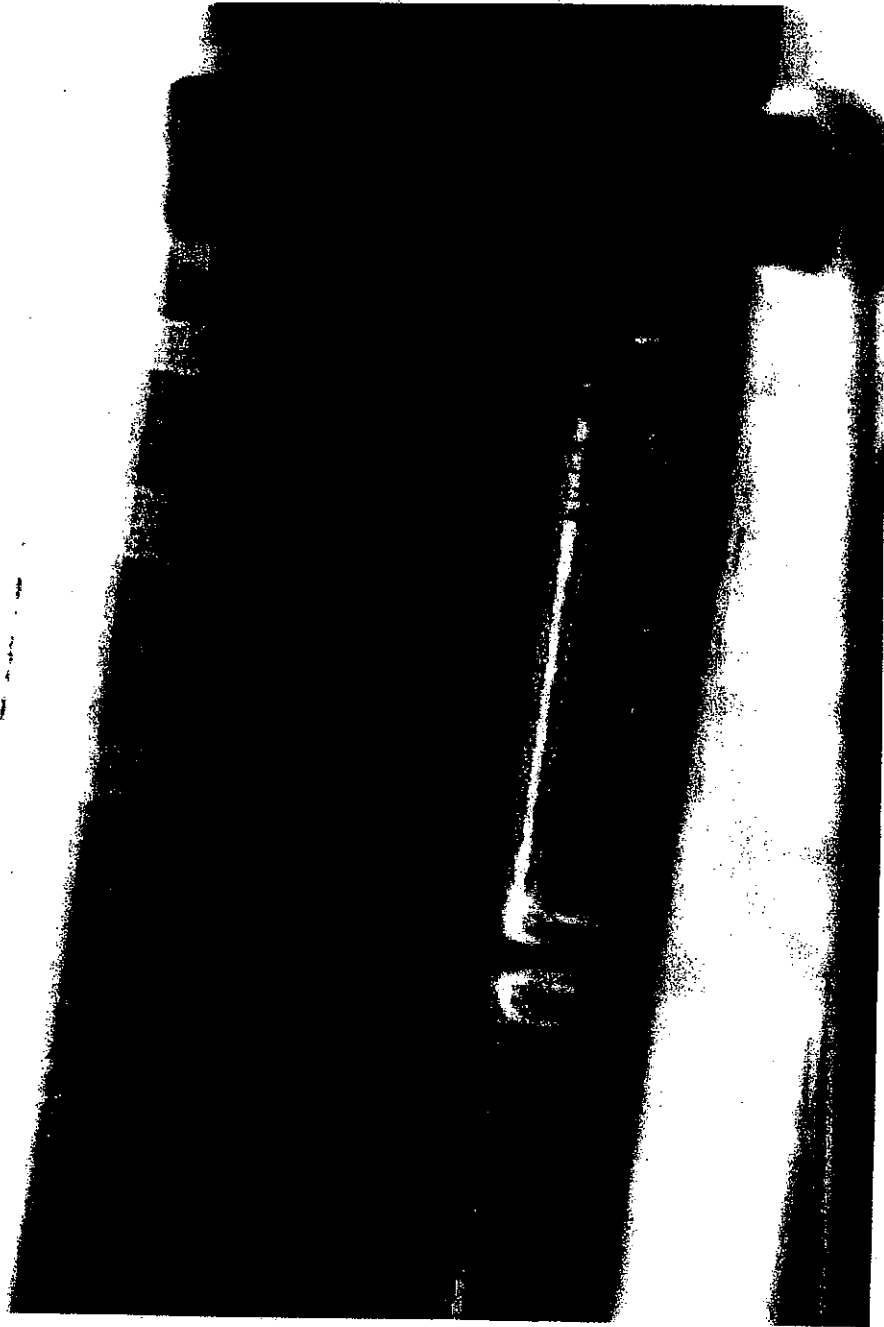
View of Truck 40 from [REDACTED] vehicle and the area approaching the incident.

[REDACTED] starting to put the camera down to radio the convoy.



Exhibit B to 25 JAN 05 AR 15-6 Investigation

3)



18071

FOIA exemption 3 and 6

View of Truck 40 from [REDACTED] vehicle and the area approaching the incident.

[REDACTED] vehicle passing the child, head is facing the edge of the road.



Exhibit B to 25 JAN 05 AR 15-6 Investigation

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FOIA exemption 3 and 6

View of Truck 40 from [REDACTED] vehicle and the area approaching the incident.

Back right of trailer of truck 40 showing remains of child.

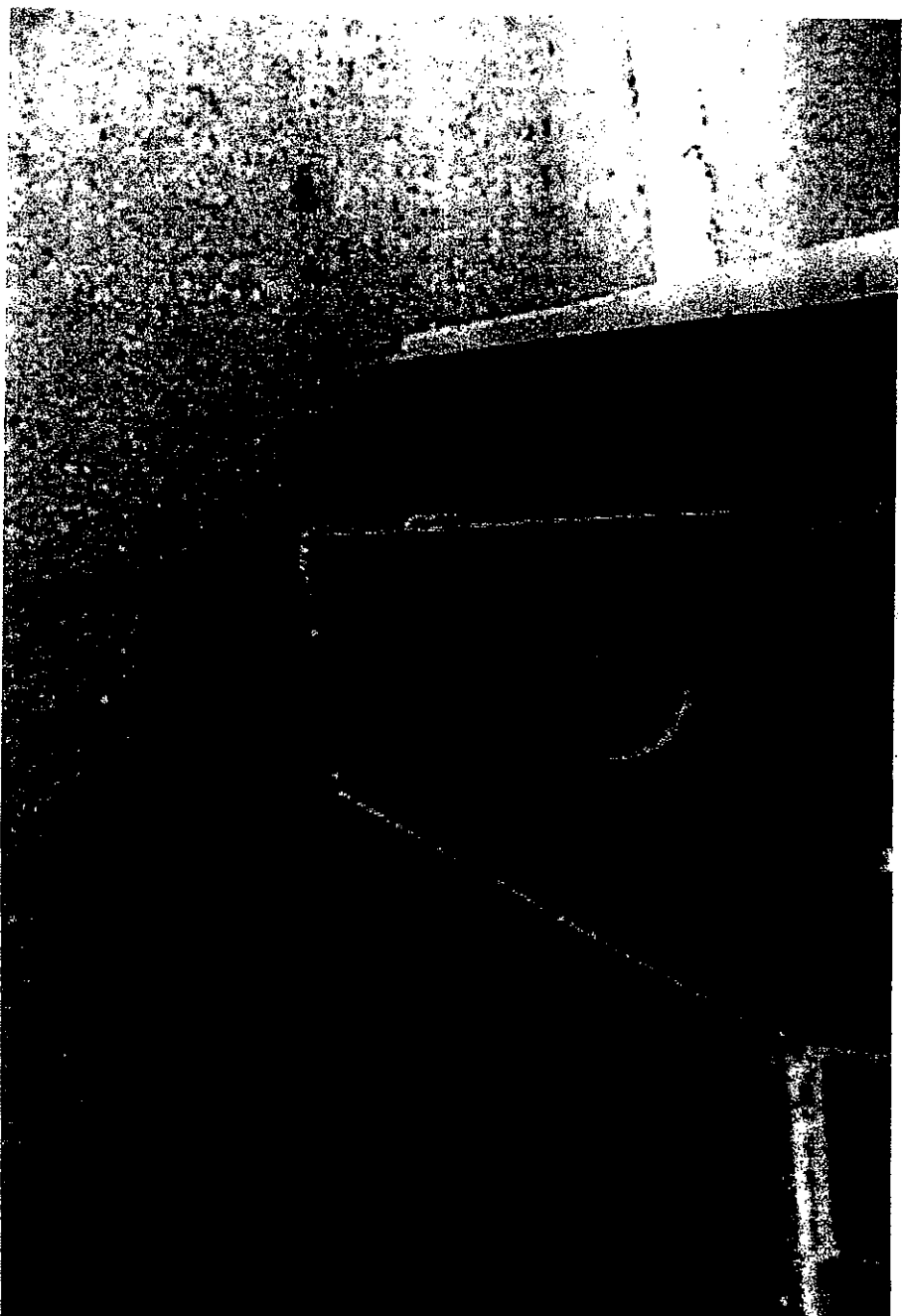
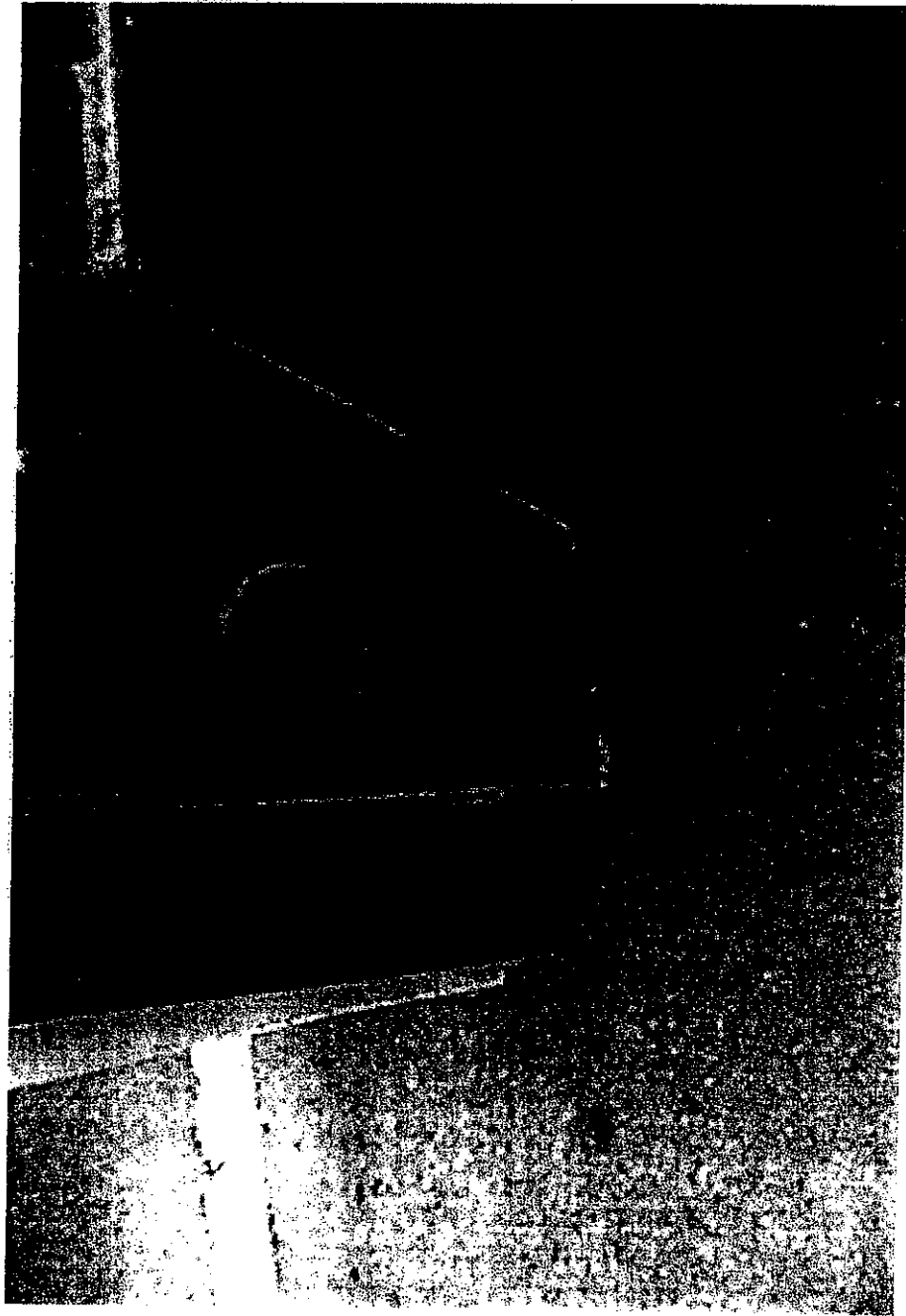


Exhibit B to 25 JAN 05 AR 15-6 Investigation



18075

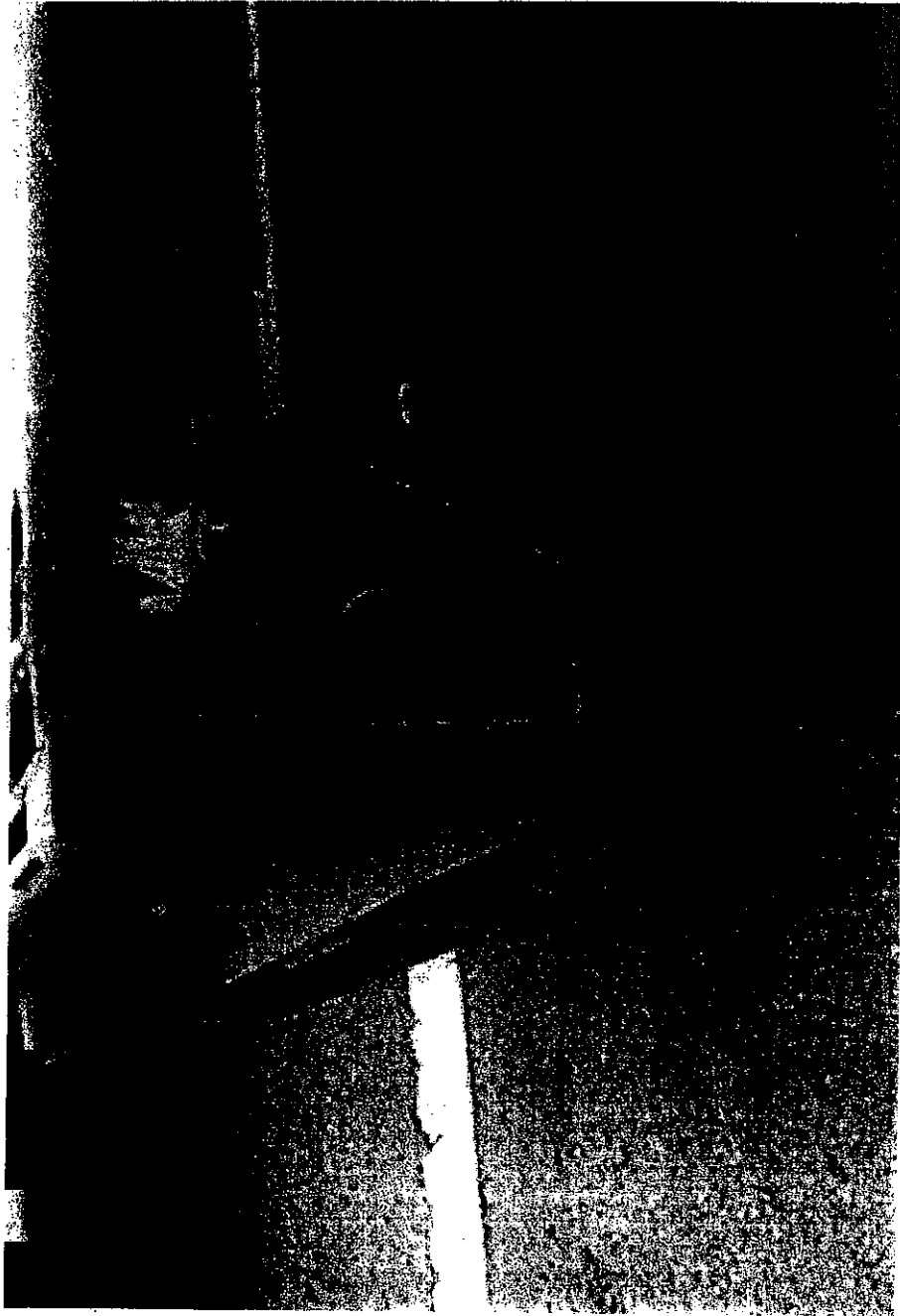
FOIA Exemptior 3 and b

View of Truck 40 from [REDACTED] vehicle and the area approaching the incident.

Back right of trailer of truck 40 showing remains of child.



Exhibit B to 25 JAN 05 AR 15-6 Investigation



18077

F O I A exemption 3 and 6

View of Truck 40 from [REDACTED] vehicle and the area approaching the incident.

Note Time on MTS is 2:12 AM

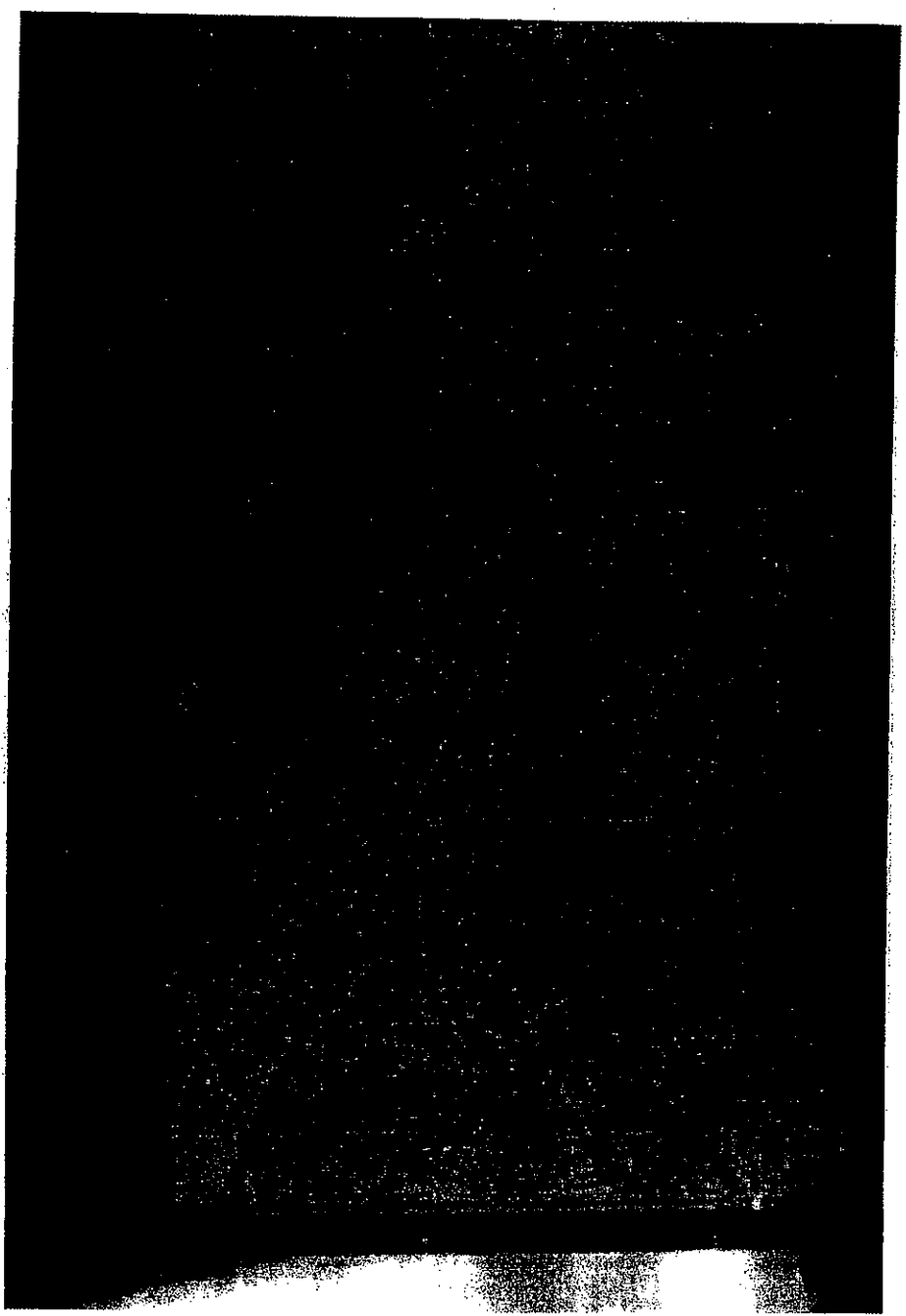
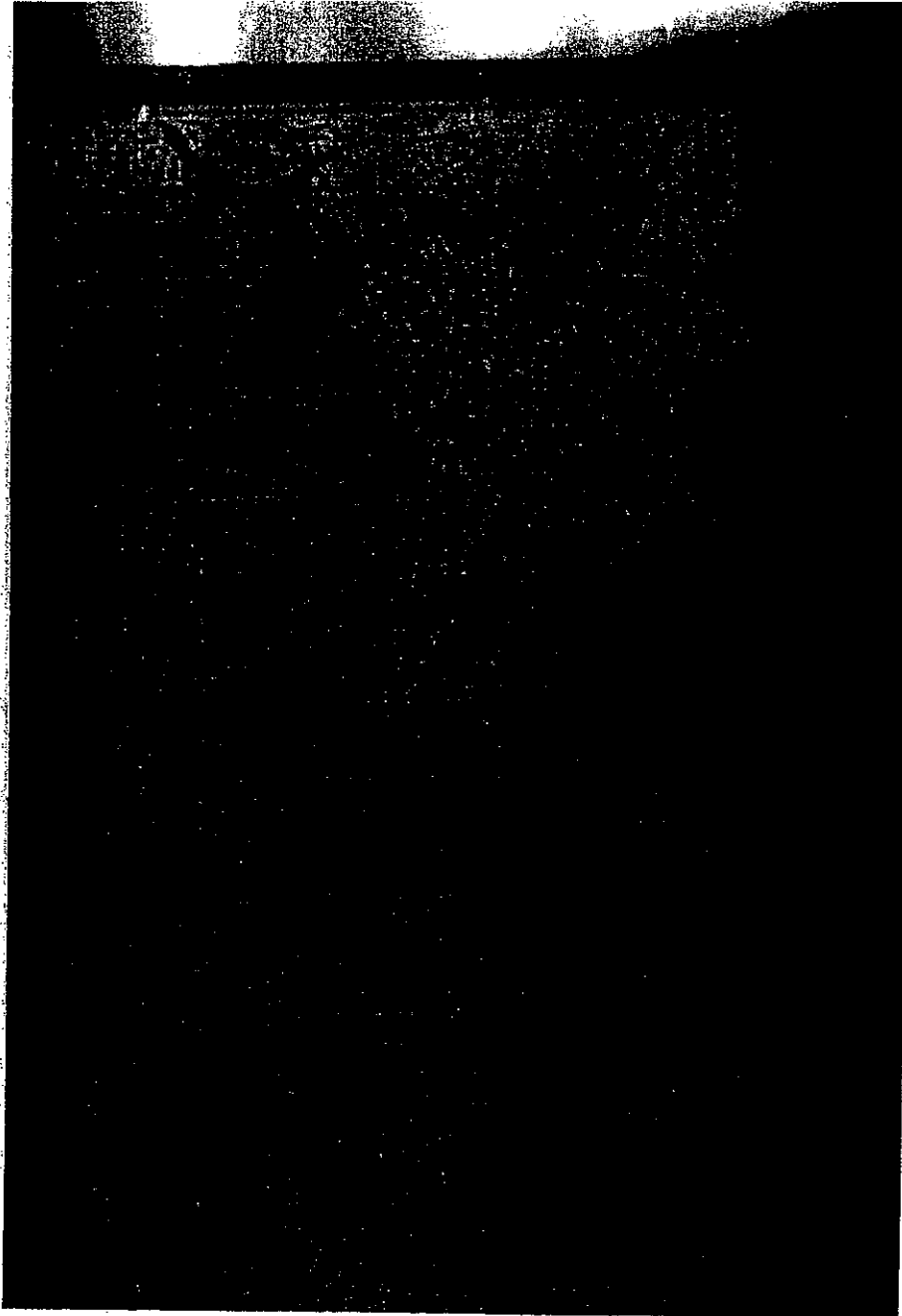


Exhibit B to 25 JAN 05 AR 15-6 Investigation

3)



FOIA exemption 3 and b

354-010001

Department of the Army
308TH TC - APO AE 09366 - Camp Arifjan, Kuwait
ACCIDENT REPORT/SERIOUS INCIDENT REPORT

Unit submitting report: 308th TC Date: 2005/01/25
Report Received VIA (check one): Phone MTS Singars In Person
Reported by: [REDACTED] (name/rank) Contact Info: [REDACTED]
Convoy Commander: [REDACTED] TMR: [REDACTED]
Type of incident (check one): Enemy Contact IED Accident Pedestrian Vehicle Breakdown

LINE 1	DATE AND TIME	2005/01/25
LINE 2	UNIT	308 th Transportation Company
LINE 3	CATEGORY	Pedestrian
LINE 4	TYPE	Accident
LINE 5	TIME OF INCIDENT	
LINE 6	LOCATION	Approx Orlando, Tampa
LINE 7	PERSONNEL	TRK 40/39B & Iraqi civilian
LINE 8	SUMMARY	Child ran into M872 trailer
LINE 9	PUBLICITY	Video taped by escorts
LINE 10	COMMANDER	[REDACTED]
LINE 11	POC	[REDACTED]
LINE 12	DOWNGRADE	
LINE 13	NARRATIVE	
LINE 14	AUTHENTICATION	[REDACTED]

A - Green Amber Red
B - Green Amber Red (check as appropriate)
C - Green Amber Red

Additional Information: _____

Copy Forwarded to: 354th TC BN

Command Review: [REDACTED]
Commander, 308th TC (Unit) [REDACTED]

1710 went to BN to give initial report of accident

LNO 7th GROUP
@ BiAP

Exhibit C to 25 JAN 05 AR/S-6 Investigation

FOIA exemption d and b

Department of the Army
308TH TC - APO AE 09366 - Camp Arifjan, Kuwait
ACCIDENT REPORT/SERIOUS INCIDENT REPORT

Unit submitting report: 308th TC Date: 2005/01/25
Report Received VIA (check one): Phone MTS Singgars In Person
Reported by: [REDACTED] (name/rank) Contact Info: [REDACTED]
Convoy Commander: [REDACTED] TMR: [REDACTED]
Type of incident (check one): Enemy Contact IED Accident Pedestrian Vehicle Breakdown

LINE 1	DATE AND TIME	2005/01/25
LINE 2	UNIT	308 th Transportation Company
LINE 3	CATEGORY	Pedestrian
LINE 4	TYPE	Accident
LINE 5	TIME OF INCIDENT	
LINE 6	LOCATION	Grid [REDACTED]
LINE 7	PERSONNEL	TRK 40/39B & Iraqi civilian
LINE 8	SUMMARY	Child ran into M872 trailer
LINE 9	PUBLICITY	Video taped by escorts
LINE 10	COMMANDER	[REDACTED]
LINE 11	POC	[REDACTED]
LINE 12	DOWNGRADE	
LINE 13	NARRATIVE	
LINE 14	AUTHENTICATION	[REDACTED]

A - Green Amber Red
B - Green Amber Red (check as appropriate)
C - Green Amber Red

Additional Information: _____

Copy Forwarded to: 354th TC BN

Command Review: [REDACTED]
Commander, 308th TC (Unit)

1300 [REDACTED] CALLED EXACT POSTIONOF ACCIDENT
MA41153741 THE INTERSECTION OF ASR JACKSONVILLE AND MIAMI
APPOX. 3KM FROM NAJAF.
KID WAS STANDING TO CLOSE TO ROAD AND ATTEMPTED TO PEER THRU CLOUD
OF DUST HITTING THE TRAILER WITH HIS HEAD.

Exhibit A to 25 JAN 05 AD 15-6 Investigation. 18081

DO TO SECURITY REASONS ESCORT CMDR MADE CALL TO KEEP ROLLING BACK
BY CONVOY COMMANDER.

NO MEDIVAC WAS CALLED DO TO THE CLOSENESS TO NAJAF THE IRAQI CHILD
COULD BE MOVED QUICKER TO NAJAF THAN MEDIVAC COULD HAVE ARRIVED.

Exhibit D.

FOIA exemption 3 and b

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION: Camp Arif Jan, Kuwait
2. DATE: 3 Feb. 05
3. TIME: 1046
4. FILE NO.
5. NAME: [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: 308th Transportation Company

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 106th Transportation Battalion and wanted to question me about the following offense(s) of which I am suspected/accused: Death of an Iraqi child

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. For personnel subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)
1a. NAME: [Redacted]
1b. ORGANIZATION OR ADDRESS AND PHONE: 308th TC, Camp Arif Jan Kuwait APO AE 09366
2a. NAME: [Redacted]
2b. ORGANIZATION OR ADDRESS AND PHONE: 354 TRANS BN, APO AE 09366, 976-2755
3. SIGNATURE OF INTERVIEWEE: [Redacted]
4. SIGNATURE OF INVESTIGATOR: [Redacted]
5. TYPED NAME OF INVESTIGATOR: [Redacted]
6. ORGANIZATION OF INVESTIGATOR: 106th TRN BN

Section C. Non-waiver

- I do not want to give up my rights
I want a lawyer
I do not want to be questioned or say anything

SIGNATURE OF INTERVIEWEE

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

Exhibit E

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

FOIA exemption 3 and 6

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; 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: Camp Arif Jan, Kuwait
2. DATE (YYYYMMDD): 20050203
3. TIME: 1030
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN:
7. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: 308th Transportation Company

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On the morning of the accident we were at Camp Duke. We stopped and had stayed there over night. I got up at about 0630 the morning of the accident. Myself and another Sgt. had to take my truck, his truck, and either 5 or 6 TEN trucks and get them unloaded. All the trucks had connexes on them so we got a wrench to unload them. We unloaded the trucks at Duke about a quarter mile from where our trucks were staged. We finished unloading at about 0800 or so. We brought the trucks back to where we were staged at. Then he and another Sgt. changed a tire on my trailer that was flat. After that I grabbed an MRE and sat down to eat it. After that I [redacted] did PALS on my truck. I wasn't really tired at all so I sat and talked with everyone else for awhile. At about 0930 we had our convey brief. Our goal for the day was to drive from Duke to Camp Scania. I believe we left Duke at about 1000, in sure it was between then and 1100. We left Duke and in front of me was about 4 army trucks and about 15 TEN trucks. There was about another 4 army and 15 TEN trucks behind me. So I was about in the middle of the convey. My co-driver was [redacted], he is in the 70th Transportation company. We were doing a right seat ride with them. This was his first time out. After about 3 hours of driving we were on a narrow two lane road that went for quite a few miles. I still wasn't tired because we drove pretty used to the hours. [redacted] was in the passenger seat with his gun out the window to provide security. We came to the end of the narrow road which lead to a town. We were still about 2 miles from it. Another convey of 91515 was heading the opposite direction on the same road. So it was a pretty tight space. There was a lot of Iraqi people on both sides of the road begging for food and waving at us. As we drove by the crowd I heard on the handheld radio that a kid had been hit by one of our trucks and that he was dead on the side of the road. Myself and [redacted] did not know that it was our truck.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 4 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 BE INDICATED.

FOIA exemption 3 and 6

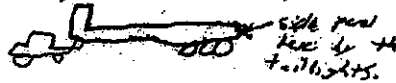
USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT 1B6 DATED 03 February 05

9. STATEMENT (Continued)

What was your job

Then over the hand held radio I heard that the Iraqi people had gathered around the kid and were throwing rocks at our convoy. We had to keep moving before we were attacked. We made it down the rest of the road and took our exit into the town. We drove through the town with no problems. We made it to our final destination of Camp Scania at about 1300. We drove through the serpentine and into the gate of Scania. We then had to wait in line to get fuel for our trucks. Myself and [REDACTED] got out of the truck to stretch. The escort humvee that was behind us in the convoy came up to us. A Staff Sgt. got out with another Sgt. and told us that our trailer was the trailer that had hit the kid. From what they said there was a cloud of dust kicked up and then they seen the kid get thrown back from the trailer hitting him. Myself, [REDACTED] the escort staff Sgt. and the other Sgt. looked underneath the trailer for any blood or any [REDACTED] sign that had had been run over. We couldn't find anything underneath the trailer, but I then found the spot. It was on the passenger side of the trailer at the very rear by the taillights.



What I found was hair and blood. What makes me believe my trailer hit him in the leg. After seeing that we figured that the kid either tried running across the road and ran into my trailer, or he came too close to the edge of the road and was hit, or my trailer had hit a pothole and made it bounce towards his direction. I'm not sure, but it was ^{right} right at the very edge of my trailer. I don't believe there is anything I could've done to prevent it. He was just too close to the road. If I remember right I did see a kid in a red robe, probably about 7 years old standing right on the pavement, that was probably the kid that was struck by the trailer but I'm not positive.

Q: Did you see a chaplain or stretcher team

A: No, talked to SGT LPA/PRESGT.

Nothing Follows

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 4 PAGES

FOIA exemption 3 and 6

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

STATEMENT OF [REDACTED] TAKEN AT 1132 DATED 03 February 05

9. STATEMENT (Continued)

Q: What was your job on the date of the incident?

A: TRUCK DRV, 88M, TRK# 40

Q: Did you see the incident?

A: NO

Q: What happened the day of the incident?

A: 01 STATEMENT

Q: Where there any enemy contact during the convoy?

A: After the accident, they ~~waited~~ ^{waited} ~~day~~ after leaving Scharia. _{AKA}

Q: What time did you wake up and SP?

A: 0630 SP ≈ 1000.

Q: Where you tired?

A: NO, pretty Awake

Q: Where there any stops before or after the accident?

A: stopped at the hill south of FOB DUKE for a Break.

Q: What were the road conditions and was anyone else on the road?

A: Little Two Lane Road, Lots of Potholes, M9153, but was still on the road

Q: What speed where you traveling?

A: ≈ 40 MPH, Normal Speed.

Q: Where where you located at the time of the incident?

A: DRIVING, in the middle of the Convoy

Q: What was going on in the Cab of the truck before during and after the incident?

A: [REDACTED] no moral problems, no Distractions

Q: Did you see the child involved in the incident and if so what was he doing?

A: Maybe Red Ribbed child next to road.

Q: What happened after the incident?

A: on Radio word out about someone hitting + continue to move. Next Stop Scharia

Q: Did you alter the Video?

A: NO, Have not seen the Video

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 4 PAGES

Exhibit E

18087

FOIA exemption 3 and 6

STATEMENT OF [REDACTED] TAKEN AT 1132 DATED 03 February 05

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3 day of FEB 05 at Camp Arifjan, Kuwait

[REDACTED]
3085th Camp Arifjan, Kuwait APO AE 09366
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
354 TRANS B Co, Camp Arifjan, Kuwait APO AE 09366
ORGANIZATION OR ADDRESS

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

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 4 OF 4 PAGES

Exhibit E

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: CAMP ARJAN
2. DATE (YYYYMMDD): 2005 FEB 10
3. TIME: 1140
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN:
7. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: 354TH TRANS BN / 70TH TRANS

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

THE MORNING OF THE DAY IN QUESTION WE WOKE UP AT 0630 ATE CHOW, AND HEADED TO THE TRUCKS GETTING READY TO ROLL OUT. I WAS FEELING GREAT MOTIVATED AND ALERT AS ALWAYS. WE ROLLED OUT WITH 5 WHITE TRUCK TO ONE GREEN TRUCK INTERVEL, WITH OUR THREE HUMVEE GUNTRUCK ESCORTS. I AND SPC. DEYOUNG HAD ONE OF THE GUNTRUCKS BEHIND US. THE CONVOY THEN LEFT CAMP DUKE FOR SCANIA, THERE WERE TWO CHECK POINTS ON THE WAY TO THE HARD BALL INCLUDING A NEIGHBORHOOD COMPLEX. AS WE PASSED THE SECOND CHECK POINT AND CUT THE LEFT TURN, KIDS WERE CROWDING THE SHOULDERS OF THE ROAD AS ALWAYS BEGGING FOR FOOD. NEXT CAME THE NEIGHBORHOOD COMPLEX, I AS A M249 SAW GUNNER AND TC, FOCUSSED MY ATTENTION AT A 90 DEGREE ANGLE FROM THE FRONT PASSENGER SIDE OF THE TRUCK TO MY FARTHEST RIGHT SIDE WATCHING ROOF TOPS, WINDOWS, PEOPLE STANDING ON THE SIDE OF THE ROAD. SPC. DEYOUNG WAS KEEPING THE TRUCK STRAIGHT, DIDN'T SWERVE OR LOOKED FATIGUED, SINCE I WAS ALWAYS IN CONTACT WITH HIM. JUST BEFORE THE CONVOY HIT THE HARD BALL [REDACTED] VOICE CAME ON THE HAND HELD RADIO'S EACH TRUCK HAD, SAYING THAT THE CONVOY HIT A CHILD. THEN WAS ASKING IF WE SHOULD STOP AND RENDER FIRST AID, BUT DUE TO THE LOCATION WE WERE AT AND THE NUMBER OF CIVILIANS ON THE GROUND WHOEVER WOULD HAVE STOPPED WOULD HAVE ENDANGER THEMSELVES AND THE REST OF THE CONVOY. SO WE KEPT ON MOVING GETTING ON JACKSON THEN BACK ON TAMPA [REDACTED] ARRIVING AT SCANIA. AS WE STOPPED OUTSIDE OF SCANIA, I HOPED OUT TO TAKE A LECK, THE NOIC OF THE GUNTRUCK BEHIND US APPROACHED ME AND ASKED DID YOU SEE THE KID. I WAS LIKE WHAT KID, HE SAID THE KID THAT CAME FROM UNDER YOUR TRUCK, I SAID, NO WE DIDN'T RUN OVER ANY KIDS CAUSE WE WOULD HAVE FELT THE LUMP. SPC. DEYOUNG THEN EXITED THE VEHICLE, AND I ASKED HIM DID YOU HIT A KID ON YOUR SIDE HE SAID NO. THEN WE BLONG WITH THE E-6 STARTED LOOK AROUND THE TRUCK AND TRAILER FOR MARKS. AT THE LAST MOMENT BEFORE WE GAVE UP WE DISCOVERED SOME SKIN TISSUE AND HAIR ON THE RIGHT SIDE REAR COVER OF THE TRAILER BY THE MARKER LIGHT.

NOTHING FOLLOWS

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

Exhibit F to JS JANOS AR 15-6 Investigation 18089

STATEMENT OF [REDACTED] TAKEN AT ARIZONA DATED 11-19-2005

9. STATEMENT (Continued)

Q: What was your job on the date of the incident?

A: TL of the vehicle + Saw gunner for security on the right side of truck to front. Looking + scanning for trouble.

Q: Did you see the incident?

A: NO

Q: What happened the day of the incident?

A: see statement

Q: Where there any enemy contact during the convoy?

A: None before or after.

Q: What time did you wake up and SP?

A: 20630 WU + SK 0800

Q: Where you tired?

A: NO

Q: Where there any stops before or after the accident?

A: no stops before incident

Q: What were the road conditions and was anyone else on the road?

A: Dirt road not too many pot holes it was fine.

Q: What speed were you traveling?

A: ~ 50-60

Q: Where were you ^{veh} located at the time of the incident?

A: near middle.

Q: What was going on in the Cab of the truck before during and after the incident?

A: Talking about security w/air the kids around the road.

Q: Did you see the child involved in the incident and if so what was he doing?

A: Not this specific one, there were many.

Q: What happened after the incident?

A: don't stop (at) so CC said keep going because of danger.

Q: Did you alter the Video?

A: NO, have not seen it.

NOTHING FOLLOWS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

Exhibit F

STATEMENT OF [REDACTED] TAKEN AT CAMP ARIFIAN DATED 11 40 2005

9. STATEMENT (Continued)

[REDACTED]

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]
[REDACTED]
114D 106 TB
ORGANIZATION OR ADDRESS
[REDACTED]
114D 106 TB
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of FEB, 2005 at CAMP ARIFIAN / KU
[REDACTED]
[REDACTED] of Person Administering Oath)
[REDACTED]
(Typed Name of Person Administering Oath)
MAS, USA
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
mb

PAGE 3 OF 3 PAGES

Exhibit F

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	3. TIME	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS 354TH TRANS BN / 70TH TRANS		
6. SSN [REDACTED]	7. GRADE/STATUS E-4		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 106th TRN BN and wanted to question me about the following offense(s) of which I am suspected/accused: Vehicle Accident

- Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
1. I do not have to answer any question or say anything.
 2. Anything I say or do can be used as evidence against me in a criminal trial.
 3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print) [REDACTED]		[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE 1864th TC		4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print) [REDACTED]		5. SIGNATURE OF INTERVIEWEE [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE 106th TRANS BN S-2		6. ORGANIZATION OF INVESTIGATOR 106th TRN BN

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

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

Exhibit F

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING** - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (*i.e.*, fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)*

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS *(Continued)*

Exhibit F

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: Camp Arifjan
2. DATE (YYYYMMDD): 20050210
3. TIME: 1415
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E6
8. ORGANIZATION OR ADDRESS: 308th TC

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On Jan 25, 2005 we started the final download of
Conex's at Camp Duke Frag. [redacted] and [redacted] over-
saw the download of the military and HN vehicles starting at
around 0730. The remainder of the convoy was preparing for a 1000
hrs SP from Camp Duke for Camp Scania. At 0900hrs myself
and 2 of our right seat ride soliders went to the MCT to check
out and to get an intel brief for the route we where taking
that day. The only major [redacted] they areas they told us to
watch out for was north of Scania. We had our convoy
brief at 0930 hrs. we starting to leave the gate at 1000hrs.
We left Camp Duke going south on ASR Boston. Then
we turned onto ASR Jacksonville. The route has some rough
spots so the convoy speed was adjusting to the road conditions.
I was in the first 915A4 behind the lead escort vehicle.
When we where aproaching the turn from ASR Jacksonville
onto ASR miami I saw 15-20 children running towards the
road. They where coming from the houses near this corner. I
radioed the convoy warning everyone of the kids and to watch out
for kids throughing rocks. Also as I was making the turn another
convoy was turning south onto Jacksonville. I also radioed this

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 4 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 BE INDICATED.

Exhibit G to 25 JAN 05 AR 15-6 Investigation 18094

STATEMENT OF [REDACTED]

TAKEN AT

Camp Arifjan

DATED

10 Feb 2005

9. STATEMENT (Continued)

What was your job

information back to the convoy. The road is a narrow 2 lane road so it was a tight fit on the road. The civilian traffic was building up on ASR miami because the escorts from both convoies where blocking traffic to allow the convoies to make the turn. All of this started around 1100-1115. After I had made the turn and sohal the first third of the convoy it ~~was~~ came across the radio that a kid was hit. I grabbed the radio and asked is everyone still rolling. At the same time the escort radio to don't stop keep moving. ~~Somebody~~ Somebody else also radioed don't stop there is nothing we can do. I beleived this was Sgt Cater who is an EMT as a civilian. The Convoy did not stop and proceeded to Scania. We arrived there around 1330hrs. It took about 4 hrs to enter the camp. It was during this time I meet with the escorts who had witnessed what happened. That ^{was when I was} ~~was~~ told it was our convoy that had hit the kid. They explained what they saw. They also told me of the number of civilians approaching the convoy and how they had started throughing rocks. That was what I was afraid of happening. I feard that if we tried to stop the convoy at the accident site we would have been attacked by rocks at the least, and possible weapons that would have lead to additional lose of life. The escorts told me who's truck was involved. It was SPC Dejong's Trailer that the kid hit.

Nothing Follows.

INITIALS OF PERSON MAKING STATEMENT

JDS

PAGE 2 OF 4 PAGES

STATEMENT OF [REDACTED] TAKEN AT Camp Arifjen DATED 10 Feb 2005

9. STATEMENT (Continued)

Q: What was your job on the date of the incident?

A: Convoy Commander

Q: [REDACTED]
A: [REDACTED]

Q: Did you see the incident?

A: no

Q: What happened the day of the incident?

A: See statement

Q: Where there any enemy contact during the convoy?

A: After accident, railroad rocks were thrown at Convoy. This normally happens when a convoy stops in Iraq.

Q: What time did you wake up and SP?

A: 0600 WU + SP 000 from Camp Duke

Q: Where you tired?

A: no, convoy had rest.

Q: Where there any stops before or after the accident?

A: no before after we took a rest break, maybe?

Q: What were the road conditions and was anyone else on the road?

A: Another Convoy on the road heading South, road was rough & narrow but typical in Iraq

Q: What speed were you traveling?

A: at the turn before coming to the turn so slowing down maybe 15 MPH.

Q: Where were you located at the time of the incident?

A: Front behind lead escort vehicle

Q: What was going on in the Cab of the truck before during and after the incident?

A: N/A

Q: Did you see the child involved in the incident and if so what was he doing?

A: N/A

Q: What happened after the incident? Didn't stop B/C civilian trapped in area of civilians

A: so feared for safety of convoy Escort CBP said keep moving.

Q: Did you alter the Video? He saw video on video screen.

A: no.

Q: who's see cat.

A: Driver in convoy w/ EMT civilian ejected in the middle of Convoy behind vehicle that was involved in incident

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 4 PAGES

Exhibit G

STATEMENT OF [REDACTED]

TAKEN AT Camp Arifjan

DATED 10 Feb 2005

9: STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of FEB, 2005 at Camp Arifjan, KV

[REDACTED]
[REDACTED]
HHD 1068 TRANS BN
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
Jeremy H. Hawes, SPC
HHD, 106 TRANS BN
ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 4 OF 4 PAGES

Exhibit 6

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <i>Camp Arifjan</i>	2. DATE <i>10 Feb 2005</i>	3. TIME <i>1415</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <i>308th TC</i>		
6. SSN [REDACTED]	7. GRADE/STATUS <i>E6</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army *106 TC IN* and wanted to question me about the following offense(s) of which I am suspected/accused: *Vehicle accident*

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)	3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print) [REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE <i>2168 TC</i>	4. SIGNATURE OF INVESTIGATOR [REDACTED]
2a. NAME (Type or Print) [REDACTED]	5. NAME OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE <i>424 TC</i>	6. ORGANIZATION OF INVESTIGATOR <i>106 TC IN</i>

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

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

Exhibit G to JS JAN 05 AR 15-6 Investigation

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING** - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"
 (If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"
 (If the suspect/accused says "yes," find out when and where. If the request was recent (*i.e.*, fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)*

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS *(Continued)*

Exhibit G

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: Arifjan Kuwait
2. DATE (YYYYMMDD): 20050210
3. TIME: 1530
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: E-5
8. ORGANIZATION OR ADDRESS: 308th Trans Co Camp Arifjan, Kuwait APO AE 09366

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON 25 Jan 05, 308th Trans was on a convoy from camp Duke to Biap Iraq, escorted by 1/178 FA. We started to enter a village where there were many civilians on the side of the road. We slowed to make a right hand turn, and heard over the radio, a kid was hit by one of the trucks in the convoy. Moments later I saw the kid laying on the side of the road, with a large pool of blood surrounding the head of the victim, The convoy was instructed to continue on.
Later we arrived at CSC Scania where I was shown, that one of the 308th vehicles had struck the kid, The right rear corner of the trailer had hair, blood and skull matter on it.

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

Exhibit H to 25 JAN 05 AR 15-6 Investigation 18100

STATEMENT OF [REDACTED] TAKEN AT Camp Arifjan DATED 10 Feb 05

9. STATEMENT (Continued)

Q: What was your job on the date of the incident?

A: Driver

Q: [REDACTED]

Q: Did you see the incident?

A: NO

A: [REDACTED]

Q: What happened the day of the incident?

A: see statement

Q: Where there any enemy contact during the convoy?

A: not that he knew at the time

Q: What time did you wake up and SP?

A: After sun up, not sure.

Q: Where you tired?

A: needed plenty of rest the night before

Q: Where there any stops before or after the accident?

A: NO

Q: What were the road conditions and was anyone else on the road?

A: narrow two lane asphalt.

Q: What speed where you traveling?

A: 40 MPH

Q: Where were you located at the time of the incident?

A: middle of convoy & the next green vehicle behind the one involved

Q: What was going on in the Cab of the truck before during and after the incident?

A: N/A

Q: Did you see the child involved in the incident and if so what was he doing?

A: yes, lying on ground with a pool of blood lying on the edge of the road. Face away from travel.

Q: What happened after the incident?

A: radio traffic, SSG asking for info, do we stop, SFC Moyby said

Q: Did you alter the Video?

A: NO, never saw it or touched it.

Q: Did you think you were in danger after the accident at that site.

A: Not immediately but after looking around determined it was not a good place to stop.

Nothing Follows

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

Exhibit H

9. STATEMENT (Continued)

Q: Was the child's head bashed?

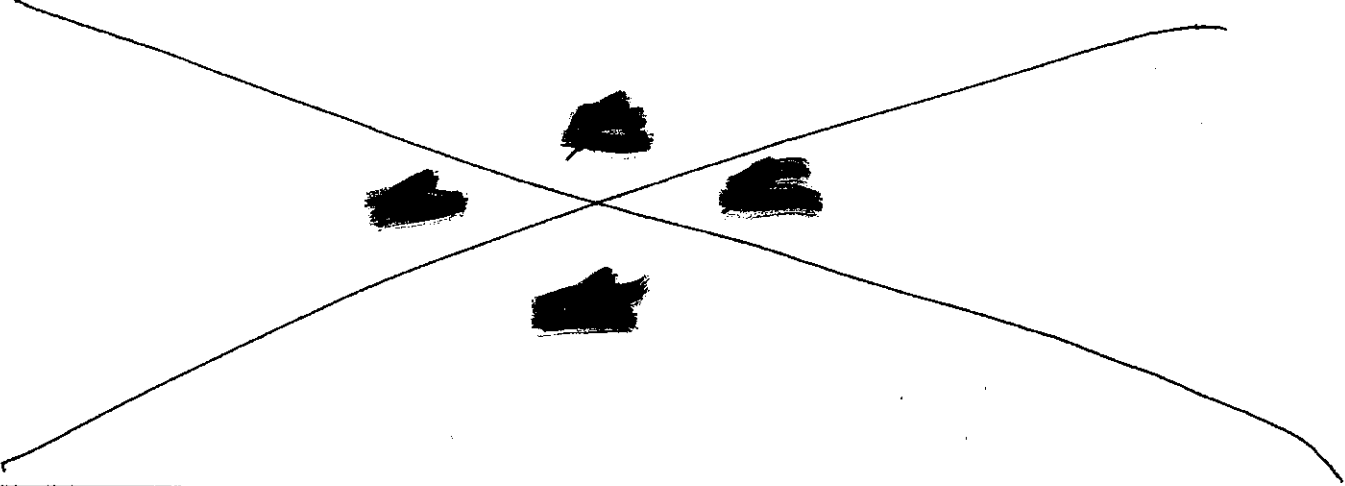
A: Could not tell the injury was factly away from me.

Q: Based on your experience as an EMT for 3 years did you believe the child was dead.

A: Look at pool of blood on ground more than likely yes.

Q: Did you radio this?

A: No there was too much radio traffic going on already.



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]
[REDACTED]
424TC
ORGANIZATION OR ADDRESS
[REDACTED]
[REDACTED]
HHD 106 TR
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of FEB 2005 at Camp Arifjan, KU

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

INITIALS OF PERSON MAKING STATEMENT

Exhibit H

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>Arifjan, Kuwait</u>	2. DATE <u>10 Feb 05</u>	3. TIME <u>1530</u>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <u>308th Trans Co</u> <u>Camp Arifjan Kuwait</u> <u>APO AE 09366</u>		
6. SSN [REDACTED]	7. GRADE/STATUS <u>E-5</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 106th TRN BN and wanted to question me about the following offense(s) of which I am suspected/accused: Vehicle Accident.

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print) [REDACTED]		[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE <u>HHD 106th Trans</u>		4. SIGNATURE OF INVESTIGATOR [REDACTED]	
2a. NAME (Type or Print) [REDACTED]		5. TYPED NAME OF INVESTIGATOR [REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE <u>HHD 106th Trans</u>		6. ORGANIZATION OF INVESTIGATOR <u>106th TRN BN</u>	

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

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

Exhibit A

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

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

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)*

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS *(Continued)*

Exhibit A

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 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS
9.

SP FROM DUKE 25 JANOS IN AM. NEAR INTERSECTION SOUTH OF NAJAF SEVERAL DOZEN CHILDREN STOOD ROUTINE BEGGING. IT APPEARED THAT AN AIR DREGER DISCHARGED ON A TRUCK AS IT PASSED A CONCENTRATION OF CHILDREN. THE RESULTING DUST CLOUD OBSCURED THE VISION OF A CHILD CLOSEST TO THE ROAD. I BELIEVE THE CHILD THOUGHT THE TRACTOR WAS A BOOBYAIL SINCE THE TIRE WAS EMPTY (FLAT). ASSUMING IT WAS A BOOBYAIL, HE WALKED INTO THE TRAILER AS IT PASSED. BECAUSE OF THE LARGE CROWDS AND CONCERN FOR SAFETY OF THE CONVOY AND LOCAL PERSONS, WE PROCEEDED TO SCAMIA. UPON ARRIVAL AT SCAMIA ONE SPOT OF BLOOD (FIST-SIZED) WAS NOTED ON REAR OF TRAILER.

Nothing follows

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 4 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 CAMP NAFISTAN DATED 25 FEB 05

9. STATEMENT (Continued)

What was your job

Q: [REDACTED]
A: [REDACTED]

Q: Who else was in your vehicle?

A: [REDACTED] B/1-178, SPC Belue B/1-178.

Q: Why didn't you stop?

A: You saw child hit back of TRailer & cost wheel away from the TRAILER w/ his head facing the shoulder of the road. He was face down the back of his hood was intact & blood was flowing onto the ground very fast like pouring water. And because of security situation, truck throwing, I made the decision not to stop.

Q: At any time did the Truck that hit the child swerve towards him.

A: NO.

Q: Who did you report this to?

A: Conway Canadian who said he would report this up.

Nothing follows

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 4 PAGES

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

STATEMENT OF [REDACTED] TAKEN AT CRIMINAL JUSTICE DATED 05 FEB 05

9. STATEMENT (Continued)

Q: What was your job on the date of the incident?

A: Chief Squad Leader for B/I-178, CEP LDR for Convoy.

Q: Did you see the incident?

A: Yes.

Q: What happened the day of the incident?

A: Normal day, see statement.

Q: Where there any enemy contact during the convoy?

A: None before but some after the incident.

Q: What time did you wake up and SP?

A: ~ 0630 WU, 0800 SP.

Q: Where you tired?

A: No.

Q: Where there any stops before or after the accident?

A: No.

Q: What were the road conditions and was anyone else on the road?

A: Was another Convoy on road, dusty, but both convoys were on the road.

Q: What speed were you traveling?

A: 45 MPH

Q: Where were you located at the time of the incident?

A: Center CEP.

Q: What was going on in the Cab of the truck before during and after the incident?

A: N/A

Q: Did you see the child involved in the incident and if so what was he doing?

A: Yes, He was jumping up & down close to road maybe on the shoulder.

Q: What happened after the incident?

A: He said we are not stopping, we just hit a child. Passed up Sit/Awareness.

Q: Did you alter the Video?

A: In no way.

NOTHING FOLLOWS HERE

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 4 PAGES

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of FEB, 05 at CAMP NAVISTAR, KY.

[REDACTED]
122 RD TC.
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
106 BT
ORGANIZATION OR ADDRESS

James T Brady II
(Typed Name of Person Administering Oath)
MAJ, USA
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 4 OF 4 PAGES

Exhibit I

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

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AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE 05 FEB 05	3. TIME 13:24	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS B-1-178FA APO AE 09350		
6. SSN [REDACTED]	7. GRADE/STATUS E-7/SFC		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 106 TRN BN and wanted to question me about the following offense(s) of which I am suspected/accused: Accident resulting in death of a child

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED]	
1a. NAME (Type or Print) [REDACTED]		SIGNATURE OF INVESTIGATOR [REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE 106TH Trans BN		5. TYPED NAME OF INVESTIGATOR [REDACTED]	
2a. NAME (Type or Print) [REDACTED]		6. ORGANIZATION OF INVESTIGATOR 106 TRN BN	
b. ORGANIZATION OR ADDRESS AND PHONE A Co. 2172 AR			

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

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

Exhibit I

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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THE WAIVER

"Do you understand your rights?"
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SPECIAL INSTRUCTIONS

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COMMENTS (Continued)

Exhibit I