

Investigating Officers Hearing Notes

Convened the hearing, read the charges, and rights warning to SGT Burke. He acknowledge through his counsel that he understood his rights.

Questioned each witness (See list of Questions by IO)

CPT Todd M. Linder, 617th Military Police Company: CPT Linder gave a brief description of what he say when he arrived on scene. Additionally, he provided how he found out through SSG Nein, about the allegation of SGT Burke shooting the prisoner. CPT Linder reported this to his Battalion Commander.

SSG Timothy Nein, 617th Military Police Company: SSG Nein testified about not seeing any weapons in the direct reach of the insurgent but there was a weapon 5 to 10 feet away. I ask SSG Nein to make reference to SGT Burke's disposition. He said he as a little hyped up but seem that SGT Burke calmed down. SSG Nein said he did not see SGT Burke shoot the insurgent but did hear the shot. Not sure if it was an 9mm or 5.56 round. SSG Nein thought he saw a M9 in SGT Burke's hand before he left to move down the trench line.

SGT Dustin Morris, 617th Military Police Company: Said he saw SGT Burke shoot his 9mm before he searched the prisoner. When SGT Morris continued down the trench line, said the rounds that he heard two shots that sounded like an M4. He said he did not see any weapons when walking up the trench line or after the search on the insurgent. But, he did not do a thorough in-depth search of the area.

I called a recess at 1104 hours then reconvened at 1114 hours.

SPC Jesse Ordunez, 617th Military Police Company: Asked the standards questions. SPC Ordunez related that SGT Burke asked him when could he (SGT Burke) shoot a prisoner. SPC Ordunez said if they are hostile. SPC Ordunez did not see any weapons in the vicinity of the prisoner. SPC Ordunez seems to be confused on some points of his statement especially after being questioned by defense counsel.

SGT Aaron L. Rust, 617th Military Police Company: Asked the standards questions. He did not see or hear any shots after the ceasefire.

SGT Leigh Ann Hester, 617th Military Police Company: Asked the standard set of questions. Said she heard two pistol shots.

SPC Ashley Pullen, 617th Military Police Company: Asked the standard set of questions. NSTR.

I called a recess at 1240 hours then reconvened at 1406 hours.

Investigating Officers Hearing Notes

LTC Todd Abel, 332d EMDG, Balad, Iraq: Explained his qualifications. Explained pictures of the enemy combatant's head and how if the round was a 5.56 it would have been more damage. Did not discount that if it was a glancing blow that the 5.56 could have done the damage.

SPC Jason Mike, 617th Military Police Company: Asked the standard set of questions. Did not hear any gun shots after the cease fire.

I called a recess at 1454 hours then reconvened at 1501 hours.

Special Agent Thomas Robinson, 48th Military Police Detachment (CID): Explained how the casing was found and questioning of SGT Burke. NSTR.

SGT Matthew Simpson, B Battery, 1-623d Field Artillery: Asked the standard set of questions. Explained position on the battlefield and what he saw. Said his unit was not well trained on prisoner operations and knowledge of ROE/Use of force. He said he was not aware of a unit SOP for prisoner handling.

SGT James Baker, B Battery, 1-623d Field Artillery: Asked the standard set of questions. Did not hear the gun shots after the cease fire. SGT Baker did not arrive with his unit theater. He did indicate he received prisoner handling training via classroom and demonstration at FT DIX, but there was no hands on performance training.

SPC Kirby Lee Gregory, B Battery, 1-623d Field Artillery: Asked the standard set of questions. He indicated on the map where he was during the combat action on 20 March 2005. He did hear the gun shots after the cease fire was called.

SFC Ricky Hammons, B Battery, 1-623d Field Artillery: Asked the standard set of questions. Said the battalion had a SOP for Prisoner operations. He also said that they had not trained on detainee handling since they were in theater. He walked me through the process of searching detainees using the two man technique.

I called a recess at 1706 hours then reconvened at 1716 hours.

Investigating Officers Hearing Notes

Government Counsel Summary:

Major points:

- SGT Burke deliberately attempted to kill an enemy combatant that had surrendered.
- Discussed SSG Nein's testimony about status of insurgents physical condition and the situation that he did not see any weapons around the insurgent.
- SGT Morris did not see any weapons and hears the SHY Burke say something to effect about pay back time.
- SPC Ordunez sees SGT Burke holding the M4 near the insurgent.
- Discusses type of wounds and impact on insurgents ability to continue fighting.
- Discusses CID report and ballistics.

Defense Counsel Summary:

Major points:

- DC requests all 617th MP CO statements entered into evidence.
- Stressed lack of ROE and use of force training
- Inconsistencies in the testimony of SSG Nein and the other Soldiers two soldiers, SGT Morris and SPC Ordunez.
- SPC Ordunez might be traumatized as a result of the combat action.
- CID may have twisted the statements they received to make SGT Burke look guilty.
- SGT Morris said in his report that the insurgent had a weapon, an AK 47.

Hearing closed at 1832 hours.

GENERAL QUESTIONS

USE THE MAP ON THE PROJECTOR TO SHOW ME WHERE YOU WERE WHEN SSG NEIN CALLED A CEASE FIRE.

WHERE WERE YOU LOCATED WHEN SSG NEIN BEGAN HIS SEARCH OF THE FIELD?

COULD YOU SEE SSG NEIN AND SGT BURKE CLEARING THE TRENCHES? IF SO, WHAT DID YOU SEE?

DID YOU SEE ANYONE FIRE THEIR WEAPON AFTER THE CEASE FIRE WAS CALLED BY SSG NEIN?

DID YOU SEE SGT BURKE SHOOT THE DETAINEE?

DID YOU SEE THE DETAINEE BEFORE HE WAS PLACED UNDER THE CONTROL OF US FORCES? IF SO, WHAT CONDITION WAS HE IN?

DID YOU SEE THE DETAINEE AFTER HE WAS SHOT BY SGT BURKE? IF SO, WHAT CONDITION WAS HE IN?

DID YOU RECEIVE TRAINING ON DETAINEE HANDLING? IF SO, WHAT TYPE OF TRAINING WAS IT, WHERE WAS IT, AND WHEN WAS IT?

CPT LINDER:

WHEN DID YOU ARRIVE AT THE SITE OF THE ENEMY ACTION? WHAT WAS THE OVERALL SOLDIER ATMOSPHERE YOU ENCOUNTERED?

WHAT DID YOU SEE WHEN YOU ARRIVED AT THE SITE OF THE ENEMY ACTION?

HOW LONG HAVE YOU KNOWN SGT BURKE?

HOW LONG HAS HE BEEN IN THE UNIT?

HOW DO YOU KNOW SGT BURKE?

DO YOU KNOW HIM OUTSIDE OF THE MILITARY?

HOW WOULD YOU CHARACTERIZE HIM AS A SOLDIER?

WHEN DID YOU FIND OUT ABOUT A POTENTIAL ILLEGAL SHOOTING OF A DETAINEE? WHAT WERE YOUR ACTIONS?

✓ DID YOUR UNIT RECEIVE TRAINING ON DETAINEE HANDLING? IF SO WHEN AND HOW WAS IT CONDUCTED?

✓ WHEN WAS THE LAST TIME YOU CONDUCTED REFRESHER TRAINING?

✓ DO YOU HAVE AN SOP REGARDING TREATMENT OF DETAINEES? WHAT IS IT?

✓ WHAT IS THE SOP FOR HANDLING DETAINEES DURING COMBAT PATROLS? ARE THERE SPECIAL INSTRUCTIONS FOR YOUR SOLDIERS?

Was there a weapon recovered after?
↓
*Did you see the insurgent after Sgt
Burke shot the insurgent

SSG NEIN

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WERE THE CIRCUMSTANCES THAT OCCURRED FOR YOU TO TAKE SGT BURKE WITH YOU ON THE CLEARING OPERATIONS OF THE FIELD?

WHAT WAS SGT BURKE'S PRESENCE BEFORE AND AFTER YOU ENCOUNTERED THE DETAINEE?

WHERE DID YOU FIND THE DETAINEE? WHAT WAS HIS CONDITION?

DID YOU DO A SEARCH OF THE AREA PRIOR TO CONTINUING WITH YOUR SEARCH? HOW THOROUGH WAS THE SEARCH? DESCRIBE WHAT THE GENERAL AREA LOOKED LIKE?

DID YOU GIVE SGT BURKE ANY SPECIAL INSTRUCTIONS TO FOLLOW PERTAINING TO THE DETAINEE? IF SO, WHAT WERE THEY?

WHAT DID SGT BURKE SAY, IF ANYTHING PRIOR TO YOU CONTINUING THE SWEEP OF THE FIELD?

WHEN DID YOU HEAR THE SHOT FROM THE DIRECTION OF SGT BURKE? HOW FAR AWAY WERE YOU? WHAT DID YOU DO?

HOW MUCH TIME ELAPSED BETWEEN YOU LEAVING SGT BURKE AND THE FIRST SHOT? SECOND SHOT?

DID YOU KNOW SGT BURKE PRIOR TO THE COMBAT ACTION ON 20 MARCH 2005?

SGT MORRIS

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WAS SGT BURKE'S DISPOSITION PRIOR TO THE SWEEP, IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT MOVING OUT TO ITS FINAL DESIGNATION?

DID YOU KNOW SGT BURKE PRIOR TO THE COMBAT ACTION ON 20 MARCH 2005?

ordonez

SPC ORDUNEZ

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WAS SGT BURKE'S DISPOSITION PRIOR TO THE SWEEP,
IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT
MOVING OUT TO IT'S FINAL DESIGNATION?

DID YOU KNOW SGT BURKE PRIOR TO THE COMBAT ACTION ON 20
MARCH 2005?

SPC MIKE

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WAS SGT BURKE'S DISPOSITION PRIOR TO THE SWEEP,
IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT
MOVING OUT TO IT'S FINAL DESIGNATION?

DID YOU KNOW SGT BURKE PRIOR TO THE COMBAT ACTION ON 20
MARCH 2005?

SGT RUST

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WAS SGT BURKE'S DISPOSITION PRIOR TO THE SWEEP,
IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT
MOVING OUT TO IT'S FINAL DESIGNATION?

DID YOU KNOW SGT BURKE PRIOR TO THE COMBAT ACTION ON 20
MARCH 2005?

SGT HESTER

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WAS SGT BURKE'S DISPOSITION PRIOR TO THE SWEEP,
IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT
MOVING OUT TO IT'S FINAL DESIGNATION?

DID YOU KNOW SGT BURKE PRIOR TO THE COMBAT ACTION ON 20 MARCH 2005?

SPC PULLEN

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WAS SGT BURKE'S DISPOSITION PRIOR TO THE SWEEP, IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT MOVING OUT TO IT'S FINAL DESIGNATION?

DID YOU KNOW SGT BURKE PRIOR TO THE COMBAT ACTION ON 20 MARCH 2005?

LTC ABEL

WHAT WAS THE CONDITION OF THE DETAINEE WHEN YOU TREATED HIM?

WHAT WERE HIS WOUNDS? WHAT WERE THEY A RESULT OF? RT ARM, LEG, HEAD?

SGT SIMPSON

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

** How much time elapsed between shots & Ceasefire being called*
WHAT WAS SGT BURKE'S DISPOSITION PRIOR TO THE SWEEP, IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT MOVING OUT TO IT'S FINAL DESIGNATION?

WHAT WERE YOU DOING WHEN SGT BURKE SHOT THE DETAINEE?

WHAT WAS SGT BURKE'S FEELINGS AFTER SPC HUGHES WAS KILLED?

DID HE KNOW SPC HUGHES?

WHAT DID SGT BURKE OR DO AFTER THE COMBAT ACTION ON 20 MARCH? DID HIS Demeanor CHANGE? IF SO HOW?

DID HE MENTION ANYTHING ABOUT SHOOTING THE ENEMY COMBATANT? IF SO, WHAT?

HOW LONG HAVE YOU KNOWN SGT BURKE AND HOW DO YOU KNOW HIM?

HOW WOULD SAY HE IS AS A SOLDIER?

SFC HAMMONS

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WAS SGT BURKE DISPOSITION PRIOR TO THE SWEEP, IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT MOVING OUT TO IT'S FINAL DESIGNATION?

HOW LONG HAVE YOU KNOWN SGT BURKE AND HOW DO YOU KNOW HIM?

HOW LONG HAS SGT BURKE BEEN IN THE UNIT?

HOW WOULD YOU CHARACTERIZE HIS PERFORMANCE AS A SOLDIER?

HAS HE EVER SAID OR DID ANYTHING THAT WOULD MAKE YOU BELIEVE THAT HE WOULD CONDUCT HIMSELF IN AN UNPROFESSIONAL MANNER?

WHAT WAS SGT BURKE'S FEELINGS AFTER SPC HUGHES WAS KILLED?

DID HE KNOW SPC HUGHES?

WHAT DID SGT BURKE SAY OR DO AFTER THE COMBAT ACTION ON 20 MARCH? DID HIS DEMEANOR CHANGE? IF SO HOW?

DID HE MENTION ANYTHING ABOUT SHOOTING THE ENEMY COMBATANT? IF SO, WHAT?

SPC GREGORY

WHAT WAS SGT BURKE DISPOSITION PRIOR TO THE SWEEP, IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT MOVING OUT TO IT'S FINAL DESIGNATION?

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WAS SGT BURKE'S FEELINGS AFTER SPC HUGHES WAS KILLED?

DID HE KNOW SPC HUGHES?

WHAT DID SGT BURKE SAY OR DO AFTER THE COMBAT ACTION ON 20 MARCH? DID HIS DEMEANOR CHANGE? IF SO HOW?

DID HE MENTION ANYTHING ABOUT SHOOTING THE ENEMY
COMBATANT? IF SO, WHAT?

HOW LONG HAVE YOU KNOWN SGT BURKE AND HOW DO YOU KNOW
HIM?

HOW WOULD SAY HE IS AS A SOLDIER?

SGT BAKER

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WAS SGT BURKE DISPOSITION PRIOR TO THE SWEEP,
IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT
MOVING OUT TO IT'S FINAL DESIGNATION?

WHAT WAS SGT BURKE'S FEELINGS AFTER SPC HUGHES WAS KILLED?

DID HE KNOW SPC HUGHES?

WHAT DID SGT BURKE OR SAY DO AFTER THE COMBAT ACTION ON 20
MARCH? DID HIS Demeanor CHANGE? IF SO HOW?

DID HE MENTION ANYTHING ABOUT SHOOTING THE ENEMY
COMBATANT? IF SO, WHAT?

HOW LONG HAVE YOU KNOWN SGT BURKE AND HOW DO YOU KNOW
HIM?

HOW WOULD SAY HE IS AS A SOLDIER?

SPC YOUNG

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WAS SGT BURKE DISPOSITION PRIOR TO THE SWEEP,
IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT
MOVING OUT TO IT'S FINAL DESIGNATION?

WHAT WAS SGT BURKE'S FEELINGS AFTER SPC HUGHES WAS KILLED?

DID HE KNOW SPC HUGHES?

WHAT DID SGT BURKE SAY OR DO AFTER THE COMBAT ACTION ON 20 MARCH? DID HIS Demeanor CHANGE? IF SO HOW?

DID HE MENTION ANYTHING ABOUT SHOOTING THE ENEMY COMBATANT? IF SO, WHAT?

HOW LONG HAVE YOU KNOWN SGT BURKE AND HOW DO YOU KNOW HIM?

HOW WOULD SAY HE IS AS A SOLDIER?

SPC SAYLOR

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WAS SGT BURKE DISPOSITION PRIOR TO THE SWEEP, IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT MOVING OUT TO IT'S FINAL DESIGNATION?

WHAT WAS SGT BURKE'S FEELINGS AFTER SPC HUGHES WAS KILLED?

DID HE KNOW SPC HUGHES?

WHAT DID SGT BURKE SAY OR DO AFTER THE COMBAT ACTION ON 20 MARCH? DID HIS Demeanor CHANGE? IF SO HOW?

DID HE MENTION ANYTHING ABOUT SHOOTING THE ENEMY COMBATANT? IF SO, WHAT?

HOW LONG HAVE YOU KNOWN SGT BURKE AND HOW DO YOU KNOW HIM?

HOW WOULD SAY HE IS AS A SOLDIER?

SPC MALONE

WHAT WERE YOUR ACTIONS AFTER THE CEASE FIRE?

WHAT WAS SGT BURKE DISPOSITION PRIOR TO THE SWEEP, IMMEDIATELY FOLLOWING THE SWEEP, AND THEN PRIOR TO THE UNIT MOVING OUT TO IT'S FINAL DESIGNATION?

WHAT WAS SGT BURKE'S FEELINGS AFTER SPC HUGHES WAS KILLED?

DID HE KNOW SPC HUGHES?

WHAT DID SGT BURKE SAY OR DO AFTER THE COMBAT ACTION ON 20 MARCH? DID HIS Demeanor CHANGE? IF SO HOW?

DID HE MENTION ANYTHING ABOUT SHOOTING THE ENEMY COMBATANT? IF SO, WHAT?

HOW LONG HAVE YOU KNOWN SGT BURKE AND HOW DO YOU KNOW HIM?

HOW WOULD SAY HE IS AS A SOLDIER?

SSG KING

SA ROBINSON:

HOW LONG HAVE YOU BEEN A CID INVESTIGATOR?

HAVE YOU INVESTIGATED ATTEMPTED MURDERS PRIOR TO THIS INCIDENT?

DID YOU COLLECT ANY 9MM CASING FROM THE COMBAT ACTION NEAR WHERE THE DETAINEE WAS SHOT BY SGT BURKE?

WHAT EVIDENCE LEADS YOU TO BELIEVE THAT SGT BURKE SHOT THE DETAINEE WITHOUT PROVOCATION?

TEAM ASSIGNMENT DURING ACTION IN SALMAN PAK 20 MAR 05

STALLION 33

	TEAM A:	TEAM B:	TEAM C:
TC:	SGT BAKER	SFC HAMMONS	SGT BURKE
DRIVER:	SPC YOUNG	SPC VOGEL	SGT SIMPSON
GUNNER:	SPC AMLONE	SPC SAYLOR	SPC GREGORY

RAVEN 42:

	TEAM A:	TEAM B:	TEAM C:
TC:	SGT RIVERA	SGT HESTER	SSG NEIN
DRIVER:	SPC MACK	SPC PULLEN	SGT MORIS
GUNNER:	SPC HAYNES	SPC ORDUNEZ	SPC COOPER
MEDIC:	SPC MIKE		

OFFICE OF THE CLERK OF COURT
US ARMY JUDICIARY
ARLINGTON, VIRGINIA 22203-1837

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Photographs

SWORN STATEMENT

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

LOCATION Camp Victory, Baghdad, IZ APO AE 09342	DATE 6 Apr 05	TIME 1702 JDO	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME ORDUNEZ, Jesse David	SOCIAL SECURITY NUMBER		GRADE/STATUS SPC/E-4
ORGANIZATION OR ADDRESS 617th Military Police Company, 18th Military Police Brigade, Camp Liberty, IZ APO AE 09342			

JDO, Jesse David ORDUNEZ, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 20 Mar 05, I was the gunner in the second vehicle in my squad when we engaged several AIF members off of ASR Detroit, near Salman Pak, IZ. After the engagement, I remember SSG NEIN, my squad leader, calling a cease fire. At that time, I was in my turret. While I was still in the turret, I was looking down the canal that was the main one used by the AIF, and I observed that a soldier, who I didn't know, from the 623 FA was standing along the canal and pointing his pistol at a AIF that was on the canal. I did not see him shoot at that time, and then another 623 FA soldier replaced me in the turret and I immediately went to where SGT RIVERA was being treated by our third vehicle. I stayed with him until he was taken to the chopper. I then started towards the main canal used by the insurgents. I walked up the canal on the side opposite to where the AIF was laying. When I got up to near the a 623 FA soldier, this soldier asked me something like, "What do you do if they are still moving" or "What do you do if they are alive". I answered something like, "If they are combatants, you shoot them". I did not think this soldier was going to shoot the wounded AIF that was on the bank of the canal. I thought he knew what we know, and would conduct himself appropriately. Anyway, this soldier then fired what I think was two rounds from his M-4 into the AIF that was on the bank. I saw the AIF jerk. I then remember that SGT MORRIS, this soldier, and I then continued down the trench clearing and searching.

QUESTIONS BY SA ROBINSON, ANSWERS BY SPC ORDUNEZ:

- Q: Was the soldier you saw pointing the pistol the same soldier you observed shooting the wounded AIF?
- A: I am not sure of that.
- Q: Was the soldier you saw pointing the pistol, pointing at the same AIF that you saw shot?
- A: I am not sure, but it was the same location.
- Q: Can you describe the location of the AIF that was shot by the 623 soldier?
- A: He was laying on the side of the canal, not in it.
- Q: Do you recall seeing wounds on the AIF?
- A: No.
- Q: Where was the 623 soldier when he fired the rounds from the M-4 into the AIF?
- A: He was within touching distance of the AIF, and I think he was on the bank of the canal, rather than in the bottom of it, almost like standing beside him.
- Q: What rank was the 623 soldier you saw shoot the wounded AIF?
- A: SGT, E-5.
- Q: Did you see what happened to the AIF after he was shot?
- A: I don't recall seeing what happened.
- Q: Prior to the shooting, where was SGT MORRIS?
- A: He was a little a head of where me and the 623 guy were.
- Q: About how far was SGT MORRIS from you when that soldier shot his M-4?
- A: 15 meters, it wasn't too far.
- Q: Do you recall if anyone else was in the immediate area?
- A: No one else was immediately around.
- Q: Do you recall SGT HESTER's location when this occurred?
- A: No.
- Q: Do you know if SGT MORRIS searched the wounded AIF prior to the 623 soldier shooting him?
- A: No.
- Q: After this happened, did the 623 soldier say anything to you about what just occurred?
- A: No.
- Q: Do you recall if any other shots were fired after SSG NEIN called a cease fire?
- A: No, I don't remember.
- Q: Can you recall if the wounded AIF was talking prior to being shot by the 623 soldier?
- A: No, I don't recall.
- Q: Did you see this AIF member moving prior to being shot by the 623 soldier?
- A: No.
- Q: Do you know if there were any weapons near to this wounded AIF member when he was shot by the 623 soldier?

EXHIBIT 14	INITIALS OF PERSON MAKING STATEMENT JDO	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

A: There were no weapons. That is what shocked me. That is why I told CPT MINOR about what I saw, because it bothered me.

Q: When you answered the 623 soldier, after he asked the question about what you do with AIF if they are moving or still alive, did you think he was talking about the wounded AIF that was then shot?

A: I thought he was talking about all of them, in general. I would not shoot a wounded, unarmed enemy, and I was shocked that he did.

Q: Would you recognize this 623 soldier if you saw him or a photograph of him?

A: I don't know.

Q: Do you know where the wounded AIF was shot by the 623 soldier?

A: No.

Q: When you say that you saw the AIF "Jerk" after he was shot, did he move or was it the bullet strikes making him move?

A: No. He was still alive and jerked, actually moved.

Q: Did the man say anything or make any noise?

A: I think I did hear him say, "Allah, Allah, Allah", but I am not positive.

Q: Do you recall what the wounded AIF looked like?

A: Not really.

Q: Would you recognize the wounded AIF if you saw his photograph?

A: Maybe.

Q: Have you talked to anyone, except CPT MINOR, about what you witnessed on 20 Mar 05?

A: Not directly about this. I did tell SSG NEIN and SGT HESTER that I was surprised CID had not talked to me yet.

Q: Are you sure about the number of rounds you saw the 623 soldier fire into the wounded AIF?

A: I am not sure, but I think it was two.

Q: How close was this soldier's barrel to the wounded AIF when he fired?

A: A couple of feet.

Q: Do you know where the barrel was pointed when he fired?

A: I want to say up in the shoulder area, but I am not positive.

Q: Did you help to evacuate any wounded AIF?

A: No, I was security on the helicopter for some of them. I did put a bandage on one of their feet, that guy was from the Orchard.

Q: Where did the chopper go that you provided security on?

A: The CSH in the International Zone.

Q: Was the AIF you saw the 623 soldier shoot on your chopper?

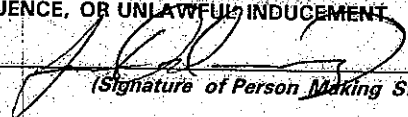
A: I don't know.

Q: Do you have anything further to add to this statement?

A: No.///END OF STATEMENT///

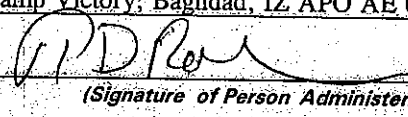
AFFIDAVIT

I, Jesse D. ORDUNEZ, 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.


(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, this 6th day of April 2005 at Camp Victory, Baghdad, IZ APO AE 09342


(Signature of Person Administering Oath)

SA Thomas D. ROBINSON
(Typed Name of Person Administering Oath)
Article 136, UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

ADO

PAGE 2 OF 2 PAGES

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Photographs

Pros Ex. 16 enc

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER

CID REPORT/CID ROI NUMBER

36247

RECEIVING ACTIVITY 48th MPDET (CID) (FWD)	LOCATION CAMP VICTORY, Baghdad, IZ APO AE 09392
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER <input checked="" type="checkbox"/> OTHER CRIME SCENE	ADDRESS (Include Zip Code) N/A
LOCATION FROM WHERE OBTAINED Bank of irrigation Canal, vicinity of Grid MB 73586 62500, off of ASR DETROIT, Baghdad, IZ	REASON OBTAINED EVIDENCE
	TIME/DATE OBTAINED 1240, 6 APR 05

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Shell casing, 5.56mm, bearing the manufacturer's stamp, "LC 90", placed in a padded, clean envelope which was sealed and marked for ID, "TDR, 1240, 6 APR 05" LAST ITEM

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY		RECEIVED BY		PURPOSE OF CHANGE OF CUSTODY
		SIGNATURE	NAME, GRADE OR TITLE	SIGNATURE	NAME, GRADE OR TITLE	
1	6 APR 05		NOT APPLICABLE			Evaluation AS Evidence
1	7 Apr 05		CRIME SCENE		SA Thomas D. Robinson	RECEIVED BY EVIDENCE CUSTODIAN
			SA Thomas D. Robinson		SA STEPHEN D. GOLDEN	

DA FORM 4137 1 JUL 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 which are Obsolete.

LOCATION _____

DOCUMENT NUMBER 339/05

P-0517

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER

CRD REPORT/CID ROI NUMBER

36247

RECEIVING ACTIVITY

48th MP Det (CID) (FWD)

LOCATION

Camp Victory, Baghdad, IZ

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

OWNER

SGT Matthew T. Simpson
407-21-5806

OTHER

ADDRESS (Include Zip Code)

B BRT, 11623 FA
LSA Anacanda, Balad, IZ
APO AC 09391

LOCATION FROM WHERE OBTAINED

From the hands
of SGT. SIMPSON, Bldg 84, Camp
Victory, IZ

REASON OBTAINED

Evidence

TIME/DATE OBTAINED

1005, 9 APR 05

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <small>(Include model, serial number, condition and unusual marks or scratches)</small>
1	1	Rifle, m-4, Serial Number W077786, with sling, marked for ID, "TDR, 1005, 9 APR 05"
LAST ITEM		

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	9 APR 05	SIGNATURE <i>Matthew T. Simpson</i>	SIGNATURE <i>TDR</i>	Evaluation AS EVIDENCE
		NAME, GRADE OR TITLE SGT Matthew T. Simpson	NAME, GRADE OR TITLE SA Thomas D. Robinson	
1	10 APR 05	SIGNATURE <i>TDR</i>	SIGNATURE <i>STEVE</i>	Received by WISARE CUSTODIAN
		NAME, GRADE OR TITLE SA Thomas D. Robinson	NAME, GRADE OR TITLE STEVE, Grade SA	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137
1 JUL 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

LOCATION _____

DOCUMENT NUMBER 851/05

P0518



FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4553 N 2ND STREET
FOREST PARK, GA 30297-5122

CILA-EP

20 April 2005

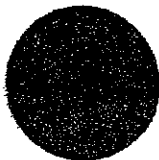
MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 48TH MILITARY POLICE
DETACHMENT, (CID) (FWD), 11TH MILITARY POLICE BATTALION, (CID)
(FWD), APO AE 09342

SUBJECT: Forensic Division Report(s)
USACIL Case Number 2005-CID131-0745
Submitter Case Number 0083-05-CID259-36247

1. Enclosed is the Final Laboratory Exhibit List and the Final Division Report for the Firearms Division.
2. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the forensic examiner(s) assigned to the case. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. One original report is enclosed and the other is kept in the official files of this laboratory and maintained IAW AR 25-400-2 and CIDR 195-1.
3. All items received in the laboratory for examination are returned to the submitting agency upon completion of laboratory testing.
4. IAW AR 195-2, requests and fund cites for court appearances of Laboratory Examiners will be made at least 10 working days prior to the date of court proceedings.
5. Point of contact is the Evidence Processing Division, DSN 797-7082/7109/7110, Commercial (404) 469-7082/7109/7110, Fax DSN 797-7112, or Email: usacil@usacil.army.mil.

Encl

Linda H. Hill
LINDA H. HILL
Deputy Records Custodian



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE 1 of 2

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

CILA-EP

SUBJECT: Forensic Division Report(s)
USACIL Case Number 2005-CID131-0745
Submitter Case Number 0083-05-CID259-36247

RETURN REPORT AND EVIDENCE TO: COMMANDER, 11TH MILITARY POLICE
BATTALION (CID), ATTN: EVIDENCE CUSTODIAN, APO AE 09342

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE . 2 of 2



DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4553 N 2ND STREET
FOREST PARK, GA 30297-5122

CILA-FA

20 April 2005

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 48TH MILITARY POLICE
DETACHMENT, (CID) (FWD), 11TH MILITARY POLICE BATTALION, (CID)
(FWD), APO AE 09342

SUBJECT: Firearms Division - Final Report
USACIL Case Number 2005-CID131-0745
Submitter Case Number 0083-05-CID259-36247

EXHIBITS:

- 1 - Cartridge case 5.56mm (Item 1, Doc 339-05).
- 2 - Rifle SN: W077786 (Item 1, Doc 351-05).
- 3 - Pistol SN: 1363582 (Item 1, Doc 350-05).

FINDINGS:

1. Exhibit 2 (rifle) is a mechanically functional firearm with the incorporated safety features working properly. It has a trigger pull force of approximately 8 pounds in the semi-automatic mode of fire and approximately 11 pounds in the burst mode of fire.
2. Exhibit 3 (pistol) is a mechanically functional firearm with the incorporated safety features working properly. It has a trigger pull force of approximately 5 pounds single action and approximately 10 pounds double action.
3. Using laboratory ammunition and magazine, Exhibit 2 was test fired. The recovered test cartridge cases were microscopically compared to Exhibit 1 (cartridge case). Exhibit 1 was identified as having been fired in Exhibit 2.


AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE 1 of 2

CILA-FA

SUBJECT: Firearms Division - Final Report
USACIL Case Number 2005-CID131-0745
Submitter Case Number 0083-05-CID259-36247

4. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Division, DSN 797-7082/7109/7110, Commercial (404) 469-7082/7109/7110, Fax DSN 797-7112, or Email: usacil@usacil.army.mil.


MICHAEL E. BROOKS
Forensic Firearms Examiner

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: identified.
 DISCLOSURE: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and

1. LOCATION CAMP VICTORY, Baghdad, IZ	2. DATE 9 APR 05	3. TIME 0927	4. FILE NO./
5. NAME (Last, First, MI) BURKE, RICKY ALLEN	8. ORGANIZATION OR ADDRESS B BTRY, 1/623 FA REG 503RD MP BN, 18th MP BDE LSA ANACONDA APO AE 09391		
6. SSN	7. GRADE/STATUS SGT		

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 Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/~~accused~~ Attempted Murder //

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:

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

- or -

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

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

5. COMMENTS (Continue on reverse side) Have you ever requested a lawyer after being read your RIGHTS? I have never been read my rights.

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)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR
		SA Thomas D. ROBINSON
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR
		481st MP DET (CID) (FWB) Camp Victory, Baghdad, IZ APO AE 09342

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

2. SIGNATURE OF INTERVIEWEE

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

ART 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)

Do you understand that you are under no obligation to repeat any statements, incriminating or not, that you may have made? *yes RB*

OFFICE OF THE CLERK OF COURT
US ARMY JUDICIARY
ARLINGTON, VIRGINIA 22203-1837

THE RECORD OF TRIAL HAS BEEN REVIEWED FOR RELEASE UNDER THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT. THE DOCUMENT[S] DESCRIBED AS FOLLOWS HAVE BEEN REMOVED FROM THIS COPY OF THE RECORD BECAUSE THE RELEASE WOULD BE IN VIOLATION OF THE DOD FREEDOM OF INFORMATION ACT PROGRAM, DOD 5400.7-R, EXEMPTION (b) (6) 5. U.S.C. 552 (b) 6):

Photographs

OFFICE OF THE CLERK OF COURT
US ARMY JUDICIARY
ARLINGTON, VIRGINIA 22203-1837

THE RECORD OF TRIAL HAS BEEN REVIEWED FOR RELEASE UNDER THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT. THE DOCUMENT[S] DESCRIBED AS FOLLOWS HAVE BEEN REMOVED FROM THIS COPY OF THE RECORD BECAUSE THE RELEASE WOULD BE IN VIOLATION OF THE DOD FREEDOM OF INFORMATION ACT PROGRAM, DOD 5400.7-R, EXEMPTION (b) (6) 5 U.S.C. 552(b)6):

Medical Report(s)

SWORN STATEMENT

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

LOCATION Camp Victory, Baghdad, IZ	DATE 9 APR 05	TIME 1253	FILE NUMBER 0083-05- C10259-36247
LAST NAME, FIRST NAME, MIDDLE NAME BURKE, RICKY ALLEN	SOCIAL SECURITY NUMBER		GRADE/STATUS SGT
ORGANIZATION OR ADDRESS B BTRY, 1/623 FA REG, 503RD MP BN, 18th MP Bde, LSA ANACONDA			

I, RICKY ALLEN BURKE, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 20 March 05 we were engaged by superior number of AIF. After the firefight myself and two soldiers from the 617th conducted a sweep of the canal. We found a wounded insurgent and one of the other soldiers searched the insurgent while I pulled guard for him. The other soldier proceeded down the canal to further the sweep. After a quick search on the insurgent, the other soldier hollered and said he had another one. The soldier that was searching the first insurgent left to assist the soldier further down the canal. I stayed to watch the first insurgent. The insurgent would not stay still and rolled toward an AK-47. I shot him in the leg and proceeded to cross the canal to get to the other side. I got to the other side, he kept rolling and I shot him again. He rolled to the side of the canal and I went to help the other soldiers.

QUESTIONS BY SA ROBINSON ANSWERS BY SGT BURKE

Q: Did you write the statement above?

A: Yes.

Q: Do you know the names of any of the 617th MP Co personnel present on the canal with you, after the firefight on 20 MAR 05?

A: NOT BY NAME.

Q: Do you recall their ranks?

A: I assumed one was a sergeant.

Q: Did you walk to the location, where you shot the AIF member, with one or two of the 617th members?

A: Two. A guy with a saw was in front, and the other was behind.

Q: Regarding the MP who searched the wounded AIF, which side of the canal was he on, yours or the AIF?

EXHIBIT H	INITIALS OF PERSON MAKING STATEMENT RB	PAGE 1 OF 5 PAGES
--------------	---	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

A: He started on my side, but crossed over to search him.

Q: Do you recall a third 617th member walking the canal, after the fight, and ahead of you?

A: NO.

Q: while walking the canal, and before arriving at the wounded AIF's location, did you have a conversation with the 617th members?

A: I wouldn't call it a conversation, it was remarks.

Q: Did you make the comment, "It is payback time"?

A: I said something like, you can never get paid back for our loss. I meant that we can never feel any better about losing a soldier, no matter how many ~~en~~^{to} enemy were killed.

Q: Did you ask the 617th members present if you could shoot the wounded AIF?

A: NO.

Q: Did you ask what to do with AIF members that were moving or alive?

A: Not that I recall.

Q: What did you shoot the wounded AIF member with?

A: My M-4.

Q: Is that the M-4 you released to me?

A: Yes.

Q: Did you have a rifle with you?

A: Yes, I had SGT. SIMPSON'S M-4 which I had been using in the fight.

Q: Did you reload the M-4 during the fight?

A: Several times.

Q: How was the AIF member, that you shot, laying when you saw him?

A: I don't remember exactly how he was when we first came upon him. His head was pointed towards ASR Detroit, and his legs were partially down the bank.

Q: Could you tell what wounds he had, before you shot?

A: No, I don't know what they were.

Q: Did the AIF ever raise up?

A: He was moving like side to side, moving to his left

Side.

Q: How far was the AK-47 From the AIF when you shot?

A: About three or four feet, if he completed a roll, he would have been at the weapon.

Q: Was the weapon on top of the canal, or on the inner slope?

A: Inner slope, towards the top.

Q: Where were you when you fired the first time?

A: Standing on the trail, below the canal berm, opposite from the AIF.

Q: Where were the 617th members when you fired the first round?

A: They were past me, down the canal.

Q: After the first shot, you crossed the canal?

A: Yes

Q: How close did you stand to the AIF?

A: Three or four feet.

Q: Did you see your first shot hit the AIF?

A: I thought I shot his leg, the right leg.

Q: What did you shoot the second shot with?

A: 9mm.

Q: Where did you shoot the AIF the second time?

A: The head.

Q: Do you know where in the head?

A: I think the side of the forehead.

Q: Do you know which side of the head?

A: No. Not 100% sure.

Q: How long was it between shots?

A: Not a minute. Long enough to cross the canal.

Q: Were you giving any commands?

A: Yes. Keep your hands on your head. Quit moving.

Q: Did the AIF talk?

A: Not in English. I don't recall really.

Q: Did you fire any weapons at the AIF, other than the 9mm pistol?

A: No

Q: Did you see anyone else fire after the firefight?

A: NO

Q: Did you have a conversation about SPC HUGHES, with 617th members, before the fight?

A: I don't recall.

Q: Who was SPC HUGHES?

A: A soldier in our unit that was killed.

Q: When did he die?

A: March 19, 2005

Q: Were you close to SPC HUGHES?

A: Just in passing. Our units were merged.

Q: We just asked a series of questions concerning the "rolling" potential of the wounded AIF, and did you just state that if the AIF had rolled, he would have been within 3 to 4 feet of the weapon?

A: Yes, arm's reach distance.

Q: Before you saw him move, how far was he from the weapon?

A: Five to six feet.

Q: Again, did you shoot the AIF with the M-4?

A: NO.

Q: SGT Burke, when you shot this man the second time, how far were you from him?

A: Three to four feet.

Q: Could you have used physical force to prevent him from getting the weapon?

A: Thinking about it now, I probably could have, but at the time, I felt I was justified in shooting.

Q: When you shot the first time, did you aim?

A: Not really. He moved and I fired.

Q: Did you aim the second shot?

A: Yes, I can't say steady shot.

Q: Did you aim at his head?

A: Yes. I didn't want him to reach a weapon.

Q: Have you talked about this to anyone?

A: I talked about it in the AAR. I made a statement.

STATEMENT (Continued)

I spoke to a chaplain.

Q: Did you tell anyone that you shot the wounded AIF for revenge?

A: No.

Q: Do you wish to add or delete anything from this statement?

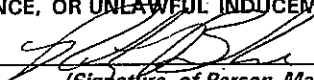
A: I felt threatened when I shot.

Q: Do you have anything further to add?

A: No. /// End of statement /// PAB

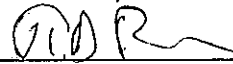
AFFIDAVIT

I, Ricky A. Burke, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.


(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, this 9th day of APRIL, 2005 at Camp Victory, Baghdad, IZ


(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA Thomas D. ROBINSON
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136, UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAB

PAGE 5 OF 5 PAGES

CFLCC ROE CARD

1. On order, enemy military and paramilitary forces are declared hostile and may be attacked subject to the following instructions:

- a. Positive Identification (PID) is required prior to engagement. PID is a reasonable certainty that the proposed target is a legitimate military target. If no PID, contact your next higher commander for decision.
- b. Do not engage anyone who has surrendered or is out of battle due to sickness or wounds.
- c. Do not target or strike any of the following except in self-defense to protect yourself, your unit, friendly forces, and designated persons or property under your control:
 - Civilians
 - Hospitals, mosques, churches, shrines, schools, museums, national monuments, and any other historical and cultural sites
- d. Do not fire into civilian populated areas or buildings unless the enemy is using them for military purposes or if necessary for your self-defense. Minimize collateral damage.
- e. Do not target enemy Infrastructure (public works, commercial communication facilities, dams), Lines of Communication (roads, highways, tunnels, bridges, railways) and Economic Objects (commercial storage facilities, pipelines) unless necessary for self-defense or if ordered by your commander. If you must fire on these objects to engage a hostile force, disable and disrupt but avoid destruction of these objects, if possible.

Exhibit I



AFCEC RULES FOR USE OF FORCE

NOTHING IN THESE RULES LIMITS YOUR INHERENT AUTHORITY AND OBLIGATION TO TAKE ALL NECESSARY AND APPROPRIATE ACTION TO DEFEND YOURSELF, YOUR UNIT, AND OTHER US FORCES.

1. **HOSTILE FORCES:** NO forces have been declared hostile.

2. **HOSTILE ACTORS:** You may engage persons who commit hostile acts or show hostile intent with the minimum force necessary to counter the hostile act or demonstrated hostile intent and to protect US Forces.

Hostile act: An attack or other use of force against US Forces or a use of force that directly impedes/impedes the mission/duties of US Forces.

Hostile intent: The threat of imminent use of force against US Forces or the threat of force to impede/impede the mission/duties of US Forces.

3. You may use force, up to and including deadly force, against hostile actors:

- a. In self-defense.
- b. In defense of your unit or other US Forces.
- c. To prevent the theft, damage, or destruction of firearms, ammunition, explosives, or property designated by your Command as vital to national security. (Protect other property with less than deadly force.)

UNCLASSIFIED as of 01/30/07 NOV 08

Exhibit J

332nd AFTH Transfer Summary

Patient Name: Unknown

332nd AFTH ID Number: 823

Date of Admission: 20 Mar 05 Captured 20 Mar 1900 by TF 2-34 Armor

Date of Discharge:

Captured 20 Mar 1900 by TF 2-34 Armor

Mechanism of Injury and Injury Pattern

Gun shot wounds to head, R upper and lower extremities, laceration R occiput, fracture R parietal bone c bone driven into R parietal lobe, compound fractures R radius, ulna, and femur

Operative History:

20 Mar: Explorative celiotomy, proctoscopy (negative findings), R decompressive craniotomy, external fixation of R radius and R femur 22 Mar: delayed primary closure of RUE, RLE, vac to RUE and RLE. 25 Mar: RUE, RLE vacs removed, skin grafts placed

Active Medical Issues:

Bone flap R parietal could not be salvaged. On vent due to neurologic status, being weaned, no pulmonary issues.

Surgical Plan & Follow-up:

Transfer to Abu G for neurologic rehab, orthopedic care

Discharge Medications:

lovenox 30 mg SQ BID, zantac 50 mg IV q 8 hr, dilantin 100 mg IV q 8 hr, fentanyl drip 200 micrograms per hour, Jevity tube feedings

Signature

Printed Name, Rank and Corps GW Christopher, LTC, USAF, MC 332 AFTH/SGH

332nd EMDG/AFTH

MEDICAL RECORD

PROGRESS NOTES

DATE

NOTES

1 April

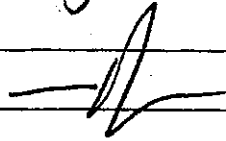
BOW

Pre/post op dx - several depts.

Procedure debridement

finding - extensive necrosis & p. ulcers

does not go all the way to base



RELATIONSHIP TO SPONSOR

SPONSOR'S NAME

SPONSOR'S ID NUMBER
(SSN or Other)

LAST

FIRST

MI

DEPART./SERVICE

HOSPITAL OR MEDICAL FACILITY

RECORDS MAINTAINED AT

PATIENT'S IDENTIFICATION: (For typed or written entries, give: Name - last, first, middle;
ID No or SSN; Sex; Date of Birth; Rank/Grade)

REGISTER NO.

WARD NO.

PROGRESS NOTES
Medical Record

STANDARD FORM 509 (REV. 5/10/99)
Prescribed by GSA/ICMR FPMR (41CFR) 101-11.203(R)(10)

USAPA V1.00

LAST NAME	FIRST NAME	MIDDLE INITIAL	ID NUMBER
-----------	------------	----------------	-----------

DATE: _____ NOTES: _____

1600 APR 05
 Pin care done
 [Signature]

2 APR 05
 1450
MEDICINE

INFO:
 (1) NO NEW COMPLAINTS; ABLE TO SAY NAME & FOLLOW COMMANDS
 ? URINARY INCONTINENCE per nursing; of traumatic lary removal
 (2) VSS, AFEAL-IE

DIAGNOSIS: HEAD: (1) STAPLES IN HEAD FOR WOUND APPROX.
 FROM: FROM, of laceration
 SYMPTOM: WOUND VAC P
 LOCUS: LACER, WOUND @ 1/3 125mths
 FROM: BROAD - STAPLES SURTAKS IN PLACE
 FROM: to Patient

135 | 100 | 10
 3.7 | 25 | 118
 29

CK 432

- I. DEPENDENT (A) SKULL FRACTURE
- II. EXTENDED FRACTURES of (A) FOREARM & (A) ARM
- III. ANEMIA
- IV. WOUND DEWITHS W/FA - on vacuum @ 125mths continuous

- (1) DL ZOSYN → AUGMENTIN
- (2) REMOVE STAPLES from HEAD & Absorbent, STERILE Absorbent WOUND.
- (3) DL DAILY VASS
- (4) OT/PT
- (5) CONT. DILANTIN (SEIZURE PROPHYLAXIS)
- (6) CONT. LOBIKOR & ZANTAC (DVT & GI PROPHYLAXIS)

[Signature]

LAST NAME	FIRST NAME	MIDDLE INITIAL	ID NUMBER
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DATE	NOTES
------	-------

3 MAR 05 S: Called to Bedside because of fall off bed, no LOC
 R. has been digitated on Sunday

O: ASES
 Hx: low manual respiration by
 pump - been commenced
 NY: fall off bed
 - xray xray
 - Hx of
 - respiratory

04 MAR 05 MEDICINE

(1200 HRS) (S) FELL out of bed 2° AGITATION; (GIVEN HALDOL)
 SACRAL WOUND VAC LEAKING PER NURSES - SUNDAY LIMITED

(B) ELBOW INSTABILITY NOTED THIS AM ON MUCT-D (BOUNDS TO CL TODAY)

(a) VS: T 98.3 P 109 BP 144/77 RR 22 96% RA

GEN: NO APPARENT DISTRESS, NO OBVIOUS AGITATION; STAPLES REMOVED

NECK: STAPLES REMOVED, WOUND WELL APPROX. P RIGIDITY

CHEST: LUNGS, HEM 2 @ R/L - MECH

ABD: BOWEL, STAPLES OUT, WOUND WELL APPROX; STAPLES REMOVED

EXT: P EDema EX-FIXES OF (R) ARM & (R) LEG SKIN WOUND SITE OUT
 ? GRAFT TACK

I. DEPRESSIVE (R) SKULL FRACTURE

II. COMMINUTED D. SINUS HUMERUS & FEMUR FX - AS PER ORTHO

III. ANEMIA

IV. SACRAL DECOMPRESSION WOUND - SUNDAY FOR VAC A

- (1) NPO
- (2) CONT. CURRENT CARE
- (3) TRANSFER TO BRCCA 4/10/05.

MEDICAL RECORD

PROGRESS NOTES

DATE

NOTES

proprio note medical

03 April 85 51 no new clw, pt to change room this a.m.

1145 0: VSS Aphole 13/10/12/959 NA/24/895

WOUND: ~~scald wound~~ / chd/s

Next update at 1700 hrs

chart - (STAT) Aphole each day

skid - sutures incised well healing skin - Supradelli

soft nasal @ 10g

Ext - @ 10g Expir. pain & mild muscle de o cutting

appearance

Mind - sleeping, Awaken easily follows simple commands

- App ① Demerol 50mg po - Stable, well healed wound, continue dilator
- ② Expir. @ 10g - continue pt/ot Augmentin for wound sites, Aphole & penicillin
- ③ ptylaxin - continue
- ④ L-norepi - continue

[Handwritten Signature]

RELATIONSHIP TO SPONSOR

SPONSOR'S NAME

LAST

FIRST

SPONSOR'S ID NUMBER (SSN or Other)

MI

DEPART./SERVICE

HOSPITAL OR MEDICAL FACILITY

RECORDS MAINTAINED AT

PATIENT'S IDENTIFICATION: (For typed or written entries, give: Name - last, first, middle; ID No or SSN; Sex; Date of Birth; Rank/Grade)

REGISTER NO.

WARD NO.

0013353 80005 0328
 UNKNOWN, UNKNOWN01
 M O DETAINEE

PROGRESS NOTES
 Medical Record

STANDARD FORM 509 (REV. 5/1999)
 Prescribed by GSA/ICMR FPMR (41CFR) 101-11.203(b)(10)

USAPA V1.00

IHA

DATE	MEDICINE	NOTES
01 APR 05 (0912 Hrs)		NO PROBLEMS } EVALUATION
Dilantin 100mg IV Q8H		NEURO: AWARE, FOLLOWS COMMANDS, 4 EXTREMITY (DEQUILIBRIUM) (Mildness of 5/5) CV: P 100's BP 140/90 (ST BY LIFEPAK @ 1099 AM) HUMZ @ (P) (3) - MACHY d - DUNE ENEMA (P) DCV TLC Pulm: LCTAS, R 20% (P) FA A-LINE
		CXR: ASH: 7.46/37/62/27/93%
ZANEX 50mg IV Q8H		GE: VIBRO-HEARD MIDRUM SUN, NAAS Gut: FOLKY I/O = 1052/2535
LOVENOX 30mg BID		HEMB/IN: TAMP 101
ZOMPA 2375G IN Q6H		TAMP 100
		11.4 / 8.3 / 245,000 36 106 / 27 71 / 20 CIL 577
		ONTO: EX-FIXATIONS OF (R) FOREARM & (L) FOREARM SACRAL WOUND VACUUM @ 125 mmHg
A/P		Pulm: I. DEPRESSIVE (R) SKULL FX - PARIENTAL BONE II. S/P EXTREMITY FIXATIONS OF (R) ARM/LEG & (L) FOREARM III. ANEMIA - STABLE IV. SACRAL DECUBITUS ULCER - ON WOUND VAC
		DC TLC & A-LINE A DILANTIN TO 300MG Q8HS A ZANEX TO CLEAN LIGANDS & ADVANCE DC FOLKY TRANSFER TO WARD

RELATIONSHIP TO SPONSOR	SPONSOR'S NAME			SPONSOR'S ID NUMBER (SSN or Other)
	LAST	FIRST	MI	
DEPT/SERVICE	HOSPITAL OR MEDICAL FACILITY		RECORDS MAINTAINED AT	
PATIENT'S IDENTIFICATION: (For typed or written entries, give: Name - last, first, middle; ID No or SSN; Sex; Date of Birth; Rank/Grade)			REGISTER NO.	WARD NO.

13353 / 800-05-0328

PROGRESS NOTES
Medical Record

STANDARD FORM 509 (REV. 5/1999)
Prescribed by GSA/ICMR FPMR (41CFR) 101-11.2030(10)

USAPA V1.00

MEDICAL RECORD

PROGRESS NOTES

DATE

NOTES

31 MAR 05 Due to pt's increasing agitation, Propofol was restarted @ 150mcg/kg/min. Will continue to monitor. *[Signature]*
 @ 0500 ↓ Propofol to 100mcg/kg/min. Will continue to monitor *[Signature]*

31 MAR 05

MEDICINE

NO NEW ISSUES

(1111111111)

NEURO: SEPARATED ON UNASSISTED G & BENTONIC; CLAMORING SILENT GCS 10T

Fentanyl 50mcg/hr

CV: P110'S (BP 130/70'S TLC IN @ SCV @ 126cm on CXR.

Ventilator 5cm/hr

HEAR & MATH (ST BY LIFE-PAC)

Dilantin 100mg IV Q6H

PEUM: # 8.5 @ 27cm to PROTECTOR, minimal secretion, (PROXIMATE 135

CXR: IMPROVED (minor consolidation); EXT PNEUMONIALES & Aortic contour (Dilated TUNING @ BRONCHUS)

AGE: 7.4/45/122/30/99% F: 0.35

SIM: @ 650 .40 5/10

GF: VIBR-VIBR) MINIMAL SCAR & MINIMAL FIBROSIS

GU: FOLLY I/O 867/6010 (-5L)

Lidocaine 30mcg/min

HEAR/ID Temp 101 Temp 99.7

Temp 3.75 GJN Q6H

ONTH: EX-FIX (R) Fontaine & (R) LCA 11.7 8.6 7.9, 200
SCAR MARKER (R) MT. TIGHT OK.

SALINE wound vacuum @ 125 mmHg

← UNK. →

[Signature]

RELATIONSHIP TO SPONSOR

SPONSOR'S NAME

LAST

FIRST

SPONSOR'S ID NUMBER (SSN or Other)

EPART./SERVICE

HOSPITAL OR MEDICAL FACILITY

RECORDS MAINTAINED AT

PATIENT'S IDENTIFICATION: (For typed or written entries, give: Name - last, first, middle; ID No or SSN; Sex; Date of Birth; Rank)

REGISTER NO.

WARD NO.

A14F1

#12353

80005 0328

UNKNOWN, UNKNOWN
M O DETAINEE

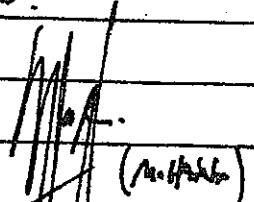
PROGRESS NOTES
Medical Record

STANDARD FORM 509 (REV. 5/1999)

Prescribed by GSANCMR FPMR (41CFR) 101-11.203(b)(10)

USAPA V1.00

DATE	MEDICINE	NOTES
30 MAR 05	NO ISSUES OVERNIGHT	
(1050HRS)		SAR/HA SING/HA
DILATION LOWING IN QB°	REFUSED: SEDATED ON VEASID, Fentanyl, & Propofol (HELD)	
LACRIMASE	CV: P 100s BP 130s/70s PAA 2 @ (P) (B) (Gendur 27) 1st Robot	
	① SCV TCC @ 7.5cm, ② FA A-LINE (DAY 4)	(ZIPPADO)
	ETT #8 @ 27cm to posterior; Myriam SECTIONS	
	SIMV 12 VT 650 .40 5/10	
	CKA: ② CPA CUTOFF L/R Effusion small @ side A from vent.	
	ABH: 7.57/32/103/32/992	
	GRT: NGT @ 2300 cc/24HRS (CLAMPED)	ACB 1.9 Tidal 1.1
	WALL - (HARD) MIDLINE SCAL (WALL APPROXIMATE)	TRK # 119
	SOFT, NT/ND, @ 14s x 42	ALT 59 CRP 176
	GRT: FOLEY I/O 7548/4575	CK 1475 ← 1896
	$\begin{array}{l l} 136 & 100 \\ \hline 3.9 & 25 \end{array} \begin{array}{l} / \\ \backslash \end{array} \begin{array}{l} 115 \\ 0.9 \end{array}$	TBI < 0.05
Lactase	None/20: Temp 101 ²	11.0 / 8.1
Zosyn	TURA 100	581,000
A/P	ORTHO: ① Arm 2 ② CEA EX-FIXS @ wounds covered, NIBBS (protected) STABLE WOUND VAC	
	I. DEPRESSIVE ① PARITIAL SKULL FX	RESPI/METABOLIC
	II. SP EX-FIXS TO ① RIBS/CHEST & ② PECTOR	III. CONCOMITANT (H) / (M) / (S) / (D) / (A) / (B) / (C) / (D) / (E) / (F) / (G) / (H) / (I) / (J) / (K) / (L) / (M) / (N) / (O) / (P) / (Q) / (R) / (S) / (T) / (U) / (V) / (W) / (X) / (Y) / (Z)
	① will attempt to volume ^{vs} TRACT	Acidosis.
	② ORTHO TO ADJUST EX-FIXES	IV. SEVERE DEHYDRATION URIC - STABLE
	③ CONT. TO HOLD DEF VENTRIL MOPILIZER 3 RD SPACE FUND	
	④ GIVE URIC BOMB IV TO MOBILIZE FUND.	
	⑤ ↓ SIMV RATE TO 8,	


 (M. H. H.)

DATE	MEDICINE	NOTES
29 MAR 05	STAFF OUTNIGHT	
(0936 HAS)		SAL/IN 50mg/IN 60mg/Kg/IN
Diazepam 100mg Q8H	NEURO: SEPTIC ON VACATED, FENITRIN & PROPOFOL	
PAINAGE	CV: 103 BP 130-140/70, RA 80/12	
	Lungs: (L) SCL TLL @ 17.5cm ; (L) FA A-line	
	Pulm: FTT #85 @ 24cm TO HELL ; MINIMUM SECTIONS	
	SIMV 14 650 .40 5/10	
	CXR: ETC @ CRANI, TLL TIP IN SCL (B) Effusions (L) > R	
	Abk: 7.56/37/141/37/99%	
	GI: well NBD mount. 500 i. minute frequency ; NGT CLAMPED	
	GU: Foley, Amber urine	134 100 15 117
	I/O 1421/3935	33 25 10 2421
		U.O.P. 3935 CK 1896
Lung 20x52mm	WBC/ED: T max 102 ⁶	10.5
Total 23756 IV Q6	T max 99 ⁹	10.3 8.0 130 23.5
	WOUNDS: SKIN GRAFT TO Uch & ARM wound	
	THIN DRAIN SKIN OIL	
	WELLS (protected)	WOUND VAC TO SPANUM
P/B		
	I. DEPRESSIVE (R) PARIETAL SKULL FX	
	II S/P EXTERNAL FIXATORS TO (R) ARM & FEMUR	
	III. S/P (R) & WOUND VAC OF STERN DEWASHERS UCCER	
	(1) will LIGHTEN SECTIONS & ASSESS NEUROLOGICAL FX	
	(2) ? intubated vs. tracheostomy team	
	(3) ONTO TO ADJUST EX-FIX (PAGES)	
	(4) Had JIP's while mobilizing 3 rd sterni FWD.	
	(5) STAFF TR's, How AREA Mx IF unable TO	
	EXTRACT	

DATE

NOTES

A/P

- I DEPRESSIVE (R) PARIETAL SKULL FRACTURE
- II S/P EX-FIXATIONS OF (R) MANDIBULAR
- III S/P EX-FIX OF (R) FEMUR
- IV REGIMINARY FRACTURE DEQUININE INTRAVENOUS
- V S/P I & D OF SEVERE DEQUININE ULCER
- (1) DICHTON'S 100ML IV Q8⁰
- (2) ORTHO CONSULT
- (3) CONT. WOUND VAC OF SEVERE DEQUININE
- (4) STAPHYLOCOCCUS
- (5) LOWENOX
- (6) ✓ (R) ARM & (R) LEG X-RAYS
- (7) SKULL X-RAYS
- (8) SKULL X-RAYS - FRACTURE, DISLOCATION, & VERIFIED
- (9) ✓ AMCL, CHEMISTRY, CBC, CURAS, UA.
- (10) ✓ CXR, STAPLE WOUNDS W/OUT WOUND
- (11) ZOSYN 3.375G IV Q6⁰

[Signature]
 (M. H. H. H.)

LAST NAME

FIRST NAME

MIDDLE INITIAL

ID NUMBER

DATE

Medizins

NOTES

I. DEPRESSIVE (R) SKULL (PARITAL) FX

II. S/P EXTERNAL FIXATORS of (R) RADIUS/ULNA & FEMUR FX'S

III. ANEMIA

IV. SACRAL DECUSSITUS W/CEA - VAC PLACED

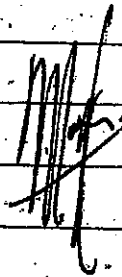
① will attempt to EXTUBATE (CONTINUING TUBING CPAP)

② ORTHO TO ADJUST EX-FIXES & DIRECT WOUND CARE.

③ J.AAL

④ JAMP

FROM TO EXTUBATION

 (M. HANSEN)

MEDICAL RECORD

PROGRESS NOTES

DATE

NOTES

28 MAR 01
1020 hr

Nutrition Note

S/O: Pt is GSW to head / @ upper/lower extremities, s/p/crani, ext of @ radius w/ @ fem. Currently intubated / sedated on propofol @ 50 mc/hr (1220 kcal as lipid). Other med noted below: admit alt -1.7 BUN/Cr 15/1.0 for 117

Estimate wt @ ~100 kg. Order amide for Dextro goal of 80 mc/hr + 2 scoops ProMol.

M/P P nutrition needs 2' in form multiple forms. Dextro @ 80 mc/hr will provide 220 kcal/kg 95g prot (.9g/kg). Patient needs one closer to 135g/day which could be met @ ProMol @ 2 scoops qid. As proposed in it would need to P Dextro to meet caloric needs. Available for amide. Will flu per.

[Signature]
PATRICIA CROMBIE

29 MAR 01

1600 Pt suctioned for mod to lg amt cream colored sputum; blurring ETT suctioning, gagged & began to vomit blood-tinged frothy fluid. Mouth suctioned & NGT to low intermittent suction; returned almost 200 cc immediately. Will cont to hold TFs until can discuss - physician *[Signature]*

RELATIONSHIP	SPONSOR	SPONSOR'S NAME			SPONSOR'S ID NUMBER (SSN or Other)
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DEPART./SERVICE	HOSPITAL OR MEDICAL FACILITY			RECORDS MAINTAINED AT	
PATIENT'S IDENTIFICATION: (For typed or written entries, give: Name - last, first, middle; ID No of SSN; Sex; Date of Birth; Rank/Grade)	REGISTER NO.			WARD NO.	

001355 20 80105 0328
UNKNOWN, UNKNOWN
M O CIVILIAN

PROGRESS NOTES
Medical Record

STANDARD FORM 509 (REV. 5-99)
Prescribed by GSA/ICMR FPMR (41 CFR) 101-11.203(b)(10)



PROGRESS NOTES

DATE

NOTE

28 MAR 05 See ICU flow sheet for assessment. Scalp wounds: sutures intact, clean & dry. Ex fix to right forearm; dog chgd over skin graft site, inner aspect of FA, sutures on outer FA (dog was saturated & yellow exudate/fluid). Skin graft appears healing well. Wagon @ femur chgd, saturated & yellow fluid/exudate that had slight smell of urine. Ex fix in place femur; skin graft to posterior, distal aspect of thigh. Wounds at pin insertion site on femur & right leg; no signs of infection. Skin down site on anterior thigh covered & by up-site type dog. Wound vac to 2 am area on buttocks; however, consistent leak under vac system ineffective. No other areas of skin breakdown noted @ this time.

29 MAR 05

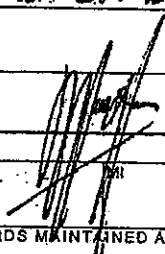
MEDICINE

SKULL X-RAY - LARGE (R) PARIENTAL BONE DEFECT
 (B) FEMUR - COMMINUTED ^{D-5772} FEMUR FX; S/P EX-FIX
 (R) FOREARM - SEVERELY COMMUNUTED FX'S OF DISTAL RADIUS & ULNA
 EX-FIX IN PLACE

CXA - PLEURAL EFFUSIONS R > L.

CLINICALLY STABLE FROM CARDIOVASCULAR DO STANDPOINT.

MOBILIZING 3RD SPACE FLUID.



(M. Hines)

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0013353 80005 0328 A14F1
 UNKNOWN, UNKNOWN01
 M O DETAINEE

REGISTER NO.

WARD NO.

PROGRESS NOTES
Medical Record

STANDARD FORM 509 (REV. 5-99)
Prescribed by GSA/ICMR FPMR (41 CFR) 101-11.203(b)(10)

IHA

MEDICAL RECORD

PROGRESS NOTES

DATE	MEDICINE NOTE
28 MAR 05 (1225NLS)	PT ACCEPTED IN TRANSFER FROM 332 ND - S/P GSW TO HEAD (R) UPPER & LOWER EXTREMITIES - LACERATION OF (R) OCCIPITAL (R) PARIETAL BONE FX T BONE DRIVEN INTO (R) PARIETAL LOBE - S/P EX-FIX COMPOUND FRACTURES OF (R) RADIUS/ULNA & (R) FEMUR - S/P I&D OF SACRAL DECUBITUS ULCER - S/P SKIN GRAFTING OF LUE & RLE WOUNDS Exam. NEURO: STABLE; GROSS NERVE DEFICIT CV: RRA 3 @ (R) (L) R 130 BP 120/60 TLC in (R) SCV (L) FEMORAL A-LINE 2+ EDEMA of ALL FINGERS EXTREMITIES PULM: INTRAVENOUS 4 9.5 FIT @ 24cm ASA: LUNG, MINIMAL SECRETIONS CXR: H/MV 12 65% .60 5/10 100% ABD: WELL HEARD GCM (RESPOND TO PEEP) GU: FOLEY PAISE U.O.P CLEAN URINE DENT: SOWNED DENTURES OF (R) UPPER & LOWER EXTREMITIES (R) UE EX-FIX; (R) LE EX-FIX ← info →

[Signature]
 (M. H. H. H.)

RELATIONSHIP TO SPONSOR		SPONSOR'S NAME			SPONSOR'S ID NUMBER (SSN or Other)
LAST	FIRST	MI			
PART/SERVICE		HOSPITAL OR MEDICAL FACILITY		RECORDS MAINTAINED AT	
PATIENT'S IDENTIFICATION: (For typed or written entries, give: Name - last, first, middle; ID No or SSN; Sex; Date of Birth; Rank/Grade)				REGISTER NO.	WARD NO.

PROGRESS NOTES
Medical Record

STANDARD FORM 509 (REV. 5-99)
Prescribed by GSA/ICMR FPMR (41 CFR) 101-11.209(b)(10)

13353 / 800-05-0328



Offense against Civilian(s) [check one] If "Other" then describe:

- | | |
|--|---|
| <input type="checkbox"/> Arson (I.P.C. 342) | <input type="checkbox"/> Burglary or Housebreaking (I.P.C. 428) |
| <input type="checkbox"/> Solicitation of Fornication/Prostitution (I.P.C. 399) | <input type="checkbox"/> Extortion/Communicating Threats (I.P.C. 430) |
| <input type="checkbox"/> Rape/Indecent/Sexual Assaults/Acts (I.P.C. 393-98, 402) | <input type="checkbox"/> Theft (I.P.C. 439) |
| <input type="checkbox"/> Murder (I.P.C. 405) | <input type="checkbox"/> Destruction of Property (I.P.C. 477) |
| <input type="checkbox"/> Aggravated Assault/Assault With Intent To Kill (I.P.C. 410) | <input type="checkbox"/> Obstructing a Public Highway/Place (I.P.C. 487) |
| <input type="checkbox"/> Maiming (I.P.C. 412) | <input type="checkbox"/> Discharging Firearm/ Explosive in City/Town/Village (I.P.C. 495) |
| <input type="checkbox"/> Simple Assault (I.P.C. 415) | <input type="checkbox"/> Riot or Breach of Peace (I.P.C. 495(3)) |
| <input type="checkbox"/> Kidnapping (I.P.C. 421) | <input type="checkbox"/> Other |

Offense against Coalition Forces [check one] If "Other" then describe:

- | | |
|--|--|
| <input type="checkbox"/> Violation of Curfew | <input type="checkbox"/> Trespass on Military Installation or Facility |
| <input type="checkbox"/> Illegal Possession of Weapon | <input type="checkbox"/> Photographing/Surveillance of Military Installation or Facility |
| <input checked="" type="checkbox"/> Assault/Attack on Coalition Forces | <input type="checkbox"/> Obstructing Performance of Military Mission |
| <input type="checkbox"/> Theft of Coalition Force Property | <input type="checkbox"/> Other |

Apprehending Unit: 617th MP Company, Camp Liberty, Iraq Location Grid: MB 73700 63300

Date of Incident: (D/M/Y) Time of Incident: Date of Report: (D/M/Y) Time of Report:
 to 20/03/05 1130 hrs to 1300 hrs 21/03/05 1600 hrs

Detainee # 823		Key Connected Person: <input type="checkbox"/> Victim <input type="checkbox"/> Witness	
Last Name:		Last Name:	
First Name: Given Name:		First Name: Given Name:	
Hair Color:	Scars/Tattoos/Deformities:	Hair Color:	Scars/Tattoos/Deformities:
Eye-Color:	Weight: lb Height: in	Eye-Color:	Weight: lb Height: in
Address:		Address:	
Place of Birth:		Place of Birth:	
Ethn/Tribe/ Sect:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F DOB D/M/Y:	Ethn/Tribe/ Sect:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F DOB D/M/Y:
	<input type="checkbox"/> Mobile <input type="checkbox"/> Regular		<input type="checkbox"/> Mobile <input type="checkbox"/> Regular
<input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify)	Document #:	<input type="checkbox"/> Passport <input type="checkbox"/> Dr. license <input type="checkbox"/> Other (specify)	Document #:

Total Number of Persons Involved _____ (list names/identifying info on reverse under "Additional Helpful Information")

Vehicle Information Vehicle Number _____ of _____ Vehicle(s)

Make:	Color:	License No.:	Owner:
Model:	Type:	Plate No.:	Number of People in Vehicle:
Year:	Names of People in Vehicle:		

Property/Contraband Weapon Photo Taken of Suspect with Weapon/Contraband: Yes/ No

Type:	Model:	Color/Caliber:
Serial No.:	Quantity:	Make:
Other Details:	Where Found:	Receipt Provided to Owner: Yes/ No
		Owner:

Name of Assisting Interpreter: _____ Email, Phone, or Contact Info: _____

Detaining Soldier's Name (Print): SGT Dustin T. Morris	Supervising Officer's Name (Print):
Signature: Last, First MI	Signature: Last, First MI
Email:	Email:
Unit Phone: 302.242.4446 Date: 21/03/05 /	Unit Phone: 302.242.4446 Date: 21/03/05 /

For attacking coalition forces.

Who witnessed this person being detained or the reason for detention? Give names, contact numbers, addresses.

SGT Dustin T. Morris

617th MP Company, Camp Liberty, Iraq

302.242.4446

SSG Timothy F. Nein

617th MP Company, Camp Liberty, Iraq

302.242.4446

How was this person traveling (car, bus, on foot)?

Who was with this person?

What weapons was this person carrying?

AK-47

What contraband was this person carrying?

What other weapons were seized?

What other information did you get from this person?

Additional Helpful Information:

OFFICE OF THE CLERK OF COURT
US ARMY JUDICIARY
ARLINGTON, VIRGINIA 22203-1837

THE RECORD OF TRIAL HAS BEEN REVIEWED FOR RELEASE UNDER THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT. THE DOCUMENT[S] DESCRIBED AS FOLLOWS HAVE BEEN REMOVED FROM THIS COPY OF THE RECORD BECAUSE THE RELEASE WOULD BE IN VIOLATION OF THE DOD FREEDOM OF INFORMATION ACT PROGRAM, DOD 5400.7-R, EXEMPTION (b) (6) 5 U.S.C. 552 (b) 6):

Photographs

SWORN STATEMENT

For use of this form, see AR 190-45. The proponent agency is ODCSOPS

LOCATION Camp Victory, Baghdad, IZ APO AE 09342	DATE 3 Apr 05 <i>WJ</i>	TIME 1130L <i>WJ</i>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME NEIN, Timothy Foster	SOCIAL SECURITY NUMBER	GRADE/STATUS SSG/E-6	
ORGANIZATION OR ADDRESS 617th Military Police Company, 18th Military Police Brigade, Camp Liberty, IZ APO AE 09342			

WJ, Timothy F. NEIN, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During an engagement between my squad, 2nd Squad, 4th Platoon, and Anti Iraqi Forces, on 20 Mar 05, I observed some actions of soldiers from B Battery, 1/623 Field Artillery BN. These soldiers were escorting a convoy south bound on ASR Detroit in the Salma Park area of Iraq. After the initial engagement from the AIF on the convoy, my squad reacted and moved to contact on the AIF to stop them from killing or injuring any coalition forces or third country nationals in the convoy. After the fighting had ended, and I was trying to make sure that the scene was secure, I approached the area where my Alpha team truck was, to check on the injuries they sustained. Seeing that our medic, SPC MIKE was taking care and directing soldiers to render aid to the three that were injured. I decided to proceed on into the main canal to ensure that the scene was safe and all AIF were secure. At this time, I observed a soldier that I was not familiar with. I presumed he was from the convoy escort element. I asked him and he advised he was from 623. At this time, I told him I needed him to come with me to finish securing the scene. The soldier and I then proceeded down the main canal to find anymore enemy combatants. At this time, he said that it was "Pay back time", believing that this soldier was referring to the death of another soldier from a few days before, I told him to settle down. About half way down the canal, we came upon one live AIF. He was on the opposite side of the canal, in the prone position, parallel with the canal and had one hand hidden under him. At this time, the soldier I was with said, "Let me shoot him, let me shoot him. I got pay back coming". I ordered him not to and advised him that we would be able to get information from him. He still insisted to just shoot him when the AIF would not remove his hand from under himself. Finally, after a few moments, and some hand and arm signals, the AIF complied. He appeared to me to only have an injury to his left leg from a gun shot wound. I never observed any weapons in his direct area of reach. Again the soldier said to me that he wanted to shoot the AIF. Again, I ordered him not to. I told him that we had too much more to worry about, there were still about ten more AIF in the canal to secure. He then advised me that we just couldn't leave this AIF unattended. Being that we did not have any way to secure his hands, I asked the soldier if he could handle him and he replied he had it under control and would watch the AIF. I left him and proceeded down the canal. When I left, the soldier was watching the AIF and pointing his rifle at him. After I had went about 50 meters down the canal, I heard the report from what sounded to be a pistol from behind me. I then turned around and observed that the soldier was pointing his M9 at the AIF and the AIF had been sitting up, fell back onto his side. I then yelled out, "Are you all right?". The soldier replied yes. Believing that he had just killed the AIF, and knowing that I still had more area to secure, I proceeded on to the end of the canal where I located an AIF that was not injured and fully capable of fighting. At that time, SGT HESTER came to my area and with Flex cuffs we secured the last AIF and took him back to our vehicle. We then began to check more of the area for injured or living AIF and render first aid to them.

QUESTIONS BY SA ROBINSON, ANSWERS BY SSG NEIN:

Q: Did you prepare/read the above narrative portion of this statement?
A: Yes.

Q: What is the name of the 623 FA BN soldier that accompanied you down the canal, after the firefight?
A: I do not know his name.

Q: Describe the soldier that accompanied you down the canal?
A: White male, in his twenties. About 5'11, about 180-200lbs.

Q: What type of rifle was he carrying?
A: I am not sure, either an M16A2 or M4.

Q: In your narrative, you mentioned an incident from a few days prior to the engagement on 20 Mar 05. Can you elaborate on this?
A: Before the engagement occurred, on 20 Mar 05, the convoy and their escort elements were stopped for fuel and my squad stopped to provide security for them. I had a conversation with this same soldier about how they had taken a KIA from the night before, or a day or two before. I offered this soldier my condolences. He had told me that one of their soldiers had been killed from an IED.

Q: When you approached the injured AIF, can you recall how close the nearest weapon was to him?
A: 5 to 10 feet. It was apparent to me that this man had been in the canal, and had crawled up the north side to escape the .50 caliber fire we were laying down. The weapon closest to him was like an AK 47, and it, along with all the weapons on that side was laying down in the canal.

Q: When you approached the wounded AIF, were you on the same side of the canal as he was?

EXHIBIT <i>4</i>	INITIALS OF PERSON MAKING STATEMENT <i>WJ</i>	PAGE 1 OF <i>3</i> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF SSG NEIN, TAKEN AT CAMP VICTORY, IZ, ON 3 APR 05,
CONTINUED

A: No. We were walking down along the canal, on the south side of it and on top. The wounded AIF was on top, and on the edge of the North side of the canal, laying parallel with the canal.

Q: When the wounded AIF complied with the orders to withdraw his hand, what occurred then?

A: He sat up, propped on his right hand in a half sitting position.

Q: What position did you see him in, after you heard the pistol shot?

A: I saw him falling onto his right side from the same position he had been in.

Q: Do you recall where the AIF was shot?

A: I believe it was in his right leg, but I am not sure of all injuries. I know he was shot in the leg, because after he propped himself up, he was pointing to his leg injury.

Q: After hearing the pistol shot, and turning, did you observe what the soldier was doing?

A: He was pointing his pistol at the AIF, with his left hand. He had his rifle in his right hand.

Q: Where was the soldier?

A: He appeared to be in the same location that I had left him.

Q: As you were walking the canal line, before or after this happened, did you or any of your squad locate any other weapons on top of the canal, north side, that could have been within the reach of the wounded AIF?

A: Not that I am aware of. There was nothing in his immediate area. I am not saying that he could not have had a concealed weapon, such as a grenade or pistol, but I believe that I would have observed any type of long gun.

Q: Regarding the AK-47 type rifle that you observed as being closest to the wounded AIF, was it laying in the bottom of the canal?

A: Yes. There were long barreled rifles laying up and down that canal.

Q: How steep in the canal bank?

A: It was about five feet deep, with a very steep embankment.

Q: Could the wounded AIF have stretched from where he was and retrieved the weapon from the bottom of the canal?

A: No. It would have slid down, or rolled down that bank.

Q: After you were done clearing and securing the live AIF, did you have the opportunity to discuss with this soldier what had occurred?

A: No. I never saw him again.

Q: How many pistol shots did you hear fired?

A: I believe one.

Q: Do you know who moved this AIF we have been discussing onto a stretcher, and then under shade?

A: It was elements from Raven, and I believe from my Platoon. I also think that my medic, SPC MIKE, treated this AIF and that he was medevaced along with the other injured AIF.

INITIALS OF PERSON MAKING STATEMENT SN PAGE 2 of 3 PAGES

STATEMENT (Continued)

Q: Did you identify the wounded AIF discussed above to SA RENAUD and I today, at your unit, from a set of digital photographs exposed at the scene?

A: Yes.

Q: Do you know if any of your squad, or platoon members, talked to this soldier after this occurred?

A: I believe so. I think SPC MIKE for one, did, and maybe SPC PULLEN.

Q: Do you know if any photographs were taken prior to the wounded AIF being moved onto a stretcher and away from the scene of the shooting?

A: I don't believe so.

Q: Do you know if anyone else witnessed this soldier shoot the wounded AIF?

A: SGT HESTER may have.

Q: Do you know where the wounded AIF were MEDEVACED to?

A: No. SGT MORRIS, I believe, rode on the chopper with this wounded AIF to, I think LSA Anaconda.

Q: Do you have anything further to add to this statement?

A: No.///END OF STATEMENT///*FN*

AFFIDAVIT

FN I, Timothy Foster NEIN, 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.

Timothy F. Nein
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, this 3rd day of APRIL, 2005 at Camp Victory, Baghdad, IZ APO AE 09342.

TD Robinson
(Signature of Person Administering Oath)

SA Thomas D. ROBINSON
(Typed Name of Person Administering Oath)

Article 136, UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

FN

PAGE 3 OF 3 PAGES.

SWORN STATEMENT

For use on this, see AR 190-45, the proponent agency is OLCSC

LOCATION Camp Victory, Iraq	DATE 03 APR 05	TIME 1330	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME HESTER, Leigh Ann	SOCIAL SECURITY NUMBER	RANK/STATUS SGT/E-5	
ADDRESS/ORGANIZATION 617 MP CO, 503 MP BN, 18 th MP BDE			

I, Leigh Ann HESTER, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

After the engagement, I was securing insurgent weapons when I noticed a 623 soldier pulling security on what appeared to be an insurgent. This soldier was approximately 20-30 meters away from me on the side of the canal. I was below him on the edge of the field. I observed that the 623 soldier had his 9mm pistol drawn at the time. From my position, I did not have a clear view of the actual insurgent. As I continued to pick up weapons, I heard a single shot fired from the soldiers direction. When I looked up, the soldier still had his weapon drawn. SGT Morris had walked up close to the 623 soldier at that time. I wasn't close enough to hear any of their conversation if they had one. At that time, I figured that SGT Morris and the 623 soldier had everything under control, so I continued to pick up weapons and ammo. As I made my way towards where our trucks were parked, I heard another single shot come from the 623 soldiers direction. I turned around and once again observed that the soldier still had his 9mm drawn. After this, I continued to police up weapons and ammo and never heard another shot fired.

Q: RENFRO

A: HESTER

Q: Did you recognize the 623 Soldier?

A: No.

Q: Could you see the insurgent at all from your location?

A: No. I knew that was what he was pointing his weapon at, but he was not visible to me.

Q: Was the shot you heard fired from a pistol or a rifle?

A: Pistol.

Q: How long was there between the shots you heard?

A: 2 or 3 minutes, maybe not that long.

Q: Was there any other soldiers near the 623 soldier who fired his pistol?

A: SGT MORRIS walked up sometime between the first and second shot. No one else.

Q: Did you have any contact with any of the insurgents after those two shots?

A: I helped carry one or two litters, but not the one with that particular insurgent.

Q: Did you see where SSG NEIN was when the 623 soldier fired the shots.

A: No, I don't know where he was.

Q: Did anyone talk with you about the reason those two shots were fired?

A: A few days ago SSG NEIN said there was probably going to be an investigation going on about that soldier saying that he had shot the insurgent. But we knew that he didn't engage the insurgent during the initial firefight.

Q: Do you have anything else to add to this statement?

A: No.//////End of Statement//////

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

NOT USED

AFFIDAVIT

I, Louis Ann Hester HAVE READ OR 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Louis Ann Hester
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 03 day of April, 2005 at Camp Victory, Iraq

David L. Rentro

ORGANIZATION OR ADDRESS

SA David L. RENTRO

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT LH

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

LOCATION Camp Liberty, Baghdad, IZ APO AE 09342	DATE ALR 3 APR 05	TIME ALR 1428	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME RUST, Aaron LYLE	SOCIAL SECURITY NUMBER		GRADE/STATUS SGT
ORGANIZATION OR ADDRESS 617th MP Co, 18th MP Bde, Camp Liberty, IZ APO AE 09342			

ALR, Aaron LYLE RUST, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 20 March 2005 after the engagement my unit was in I assisted in collecting the wounded AIF and assisting first aid. I gave first aid to a large AIF with .50 cal injuries to his right forearm and right leg. He also had injuries to his right shoulder and right buttocks, I believe. I can't be 100% sure of this however as I did not treat these areas. The individual was MEDEVACed out of the area on the last bird to leave.

Questions by SA ROBINSON, answers by SGT. RUST

Q: Do you recall if this individual had any head wounds?

A: I saw blood at the back of his head, but I don't know if it was splatter or not.

Q: Was he conscious when you were treating him?

A: Yes.

Q: Did any 1/623 FA soldiers assist in treating or carrying this wounded AIF?

A: Yes. One sergeant who helped us carry the litter from the ditch.

Q: Can you describe this soldier from 1/623 FA?

A: He was a white male, about 6'2" tall, around 200 pounds. He was a SGT/E-5, in his late

EXHIBIT V	INITIALS OF PERSON MAKING STATEMENT ALR	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

twenties or early thirties.

Q: Did you hear the G73 FA soldier make any comments about this AIF individual?

A: NO.

Q: Do you have anything further to add to this statement?

A: NO. /// END OF STATEMENT /// ALR

AFFIDAVIT

ALR, Aaron L. RUST, 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.

[Handwritten Signature]

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law administer oaths, this 3RD day of APRIL 2005 at Camp Liberty, IZ APO AE 09342

[Handwritten Signature]

(Signature of Person Administering Oath)

SA Thomas D. ROBINSON

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

ALR

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: 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 617th Military Police Company	2. DATE (YYYYMMDD) 2005/03/20 JA	3. TIME 2121 JM	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Mike, Jason Larmar	6. SSN	7. GRADE/STATUS E4	
8. ORGANIZATION OR ADDRESS 617th Military Police Company, Camp Liberty Iraq APO AE 09342			

9. I, SPC Mike, Jason L., WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 20th of March I was riding along with Raven 42 as they were patrolling ASR Detroit. During our patrol we observed a convoy heading south and contacted them to let them know that we were going to be shadowing them for additional security. The unit which I believe to be Stallion 33 replied and let us know that they would be stopping shortly for a fuel break. We provided security for them during their fuel break and then we continued mission down the ASR. Five minutes into shadowing the convoy we noticed so erratic movements in the convoy. I could see dust and smoke kick up as the trucks swerved to the left and the right. I immediately heard SSG Nein come over the radio and to tell us that this convoy is being attacked. At this point all three trucks in our patrol pushed over into the northbound lane and then back into the southbound lane cutting in front of the broken up convoy. We soon after started to receive fire from the right side of the road. At that point SPC Haynes, the gunner, started to lay down fire with the 50 caliber machine gun. We made a right turn on a road that ran perpendicular with the trench that the AIF were fighting in. At that point SPC Haynes begin to lay down fire in the trench. Approximately 15 seconds went by and SGT Rivera made the call for everyone to dismount and lay down fire in the trench. SGT Rivera got out on the contact side and ran around the vehicle to the non contact side. SPC Mack who was the driver of that vehicle and myself dismounted. At that point I started putting rounds down range at a target approximately 25-30 meters away from the vehicle. I was standing to the right of the rear passenger door using the truck as cover while SGT Rivera was on my right and he shot off a M203 round. He then went back around to the front of the vehicle to get a more effective shot off. I went through two magazines of 9mm ammunition when I realized that this was not the most effective weapon in this fight. At that point SPC Mack had given me his M4 and he took SPC Haynes M249. I begin to fire and that's when I heard SPC Mack yell out he was hit. I went over to him and uncovered his wound and observed a gunshot wound to the left arm. At that time I gave him a first aid bandage to put pressure on his wound and I put him into cover under the vehicle. SGT Rivera and SPC Haynes were still laying down suppressive fire to keep security. I then proceeded to fire because we were taking heavy fire from the trench still at this point. Soon after I begin shooting SGT Rivera yelled out he was hit and that he couldn't feel his legs. At this point I knew we were taking fire from different positions because both SGT Rivera and SPC Mack were behind cover when they were hit. I pulled SGT Rivera under our vehicle and into as much cover as possible and continued to laydown fire. At this point SPC Mack and SGT Rivera were both disabled. SPC Haynes and myself continued to laydown fire. Soon after SPC Haynes yelled to me he was hit, I looked in the vehicle and saw that we had taken a gunshot to the left hand. I asked him if he could remain in the gun to provide security and he agreed. I handed him a dressing and he wrapped his hand and continued to fire down into the trench. At this point I could hear bullets bouncing off the pavement behind me, I realized that we had been taking fire from the rear and that was possibly the position that hit SGT Rivera and SPC Mack. At this point I begin shooting to my rear to provide suppressive fire for our rear security. SPC Haynes called for me again saying that he was hit for a second time. I put the M4 on top of the truck and looked into the vehicle and saw that SPC Haynes safety goggles had been hit from gunfire. I told him that I didn't see any blood and that I thought the goggles had saved him. He then said that he was going to grab another pair of goggles to put on. At this point I knew for a brief time period our front security wouldn't be manned. I then grabbed the M249 that SPC Mack was shooting and propped it up on the back of the truck. I begin to give suppressive fire for our position until SPC Haynes got back up in the turret. I grabbed the M4 off the top of the vehicle and begin to fire to my rear to keep security at both sectors. Soon after SPC Haynes was back up into the turret and I stopped shooting the M249. I continued to shoot to my rear with the M4. As I was doing this I was giving hand and arm signals to the Raven 42 Bravo element to get down to my position. That was ineffective and I got on the radio to let them know that all three packs in my vehicle were hit. I soon saw SPC Pullen jump into her truck and head down to my position. When she got there I told her to check out SGT Rivera while I continued to engage the enemy. She ran back to her vehicle to grab the CLS bag. At this point I saw another friendly element sitting at the beginning of the road that we were on. I motioned at them to come to my position and they sat there. I then motioned for them once more and they hesitantly came to my position. They pulled up and I realized it was a Stallion element but they didn't dismount their vehicle. By this time I am yelling and doing hand and arms signals to get them out of their vehicle. Finally a soldier dismounted from the TC side of the vehicle and informed him of what was going on and how I was going to need him to give me full security while I tended to the wounded. The soldier looked at me with a blank stare as if he was shell shocked. I yelled to him again and told him to get his guys out of the

10. EXHIBIT W	11. INITIALS OF PERSON MAKING STATEMENT JA	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)
 vehicle. He soon realized the situation and told his men to assist. Soon after another Stallion element came to our position and parked behind our vehicle. I am unaware of there actions but from what I know they were assisting SPC Pullen in aid of SGT Rivera. I don't recall the Stallion element ever firing a shot. During all this I was observing muzzle flash from a two story house. I immediately decided to hit the building with an AT-4. I told SPC Haynes to hand it to me. He reached down in the vehicle and grabbed the AT-4. I took aim on the house and hit the the target dead on. I watched to see if I could see any more muzzle flash and there was none. I picked up the M4 and went back to pull security. As I went back to my sector of fire I saw another unknown friendly element pulling security at the rear corner of vehicle. I heard them shooting and continued to shoot as well down into the trench. Soon I could hear SPC Haynes yelling that SSG Nein and SGT Hester were in the trench and I called a cease fire because they were about to walk through our sector of fire. I then had SPC Mack loaded into one of the Stallion elements vehicles and SGT Rivera loaded into another. I directed them to head south on ASR Detroit and set up an LZ for the medevac. The vehicle containing SPC Mack left first, I followed, and behind me was the vehicle that contained SGT Rivera. We got down to the LZ and the medevac was already inbound. The Stallion soldiers had SPC Mack on the ground giving treatment. I got SPC Haynes out of the turret and directed one of the Stallion soldiers to man the gun for our security. I then begin to give SPC Haynes an I.V, and give further supportive care treatments. I looked over to SPC Mack to monitor hs condition. He looked stable. Soon after the Medevac was in the area and I went to land the bird. The Stallion soldier giving aid to SPC Mack couldn't begin an I.V on him so he called me over to do so while he landed the bird. The bird landed and we loaded SPC Haynes and SPC Mack onto the bird. Right as we loaded them on the bird the vehicle containing SGT Rivera pulled up and we loaded him onto the bird aswell. The Medevac lifted off and soon after another vehicle pulled up containing a injured soldier from the 1075th Tranportation Company. We called in another medevac and put him on the bird. I soon returned back to the ambush site to find other Raven elements on scene securing the area and treating the wounded insurgents. We then medevac all wounded insurgents. //END OF STATEMENT//

AFFIDAVIT

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

 (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of March, 2005 at 617th Military Police Company

 (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

CPT Todd M. Lindner
 (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Commander
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT JM

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 Liberty Iraq	2. DATE (YYYYMMDD) 20050321 AH	3. TIME 1600 AH	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Hester, Leigh Ann		6. SSN	
7. GRADE/STATUS E-5 /SGT			
8. ORGANIZATION OR ADDRESS 617 MP Co.			

9. SGT Leigh Ann Hester WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 20 Mar 05 at approximately 1100 hours, my squad, ~~020~~ Raven 42 was patrolling along ASR Detroit when we came upon a convoy, Stallion 33, who was travelling South along the MSR. My squad leader, SSG Nein made the decision that we should fall in behind Stallion 33 and provide additional security. I overheard via radio traffic that Stallion 33 would be doing a fuel halt 4-5 miles down the road. When this occurred, Raven 42 provided security for the convoy element. Once Stallion 33 proceeded on after refueling, 42 once again fell in behind to shadow the convoy. The order of march was 42 Charlie, 42 Bravo, & 42 Alpha. 42C consisted of SSG Nein, SGT Morris, & SPC Cooper, 42B consisted of myself, SPC Ordunez, & SPC Pullen. 42A consisted of SGT Rivera, SPC Haynes, SPC Mack, and our medic SPC Mike. Approximately 5-10 minutes down the road, SSG Nein came over the radio saying that the convoy had been hit. At that time, I noticed the trucks within the convoy had begun to swerve and a few of them were smoking. That's when I heard the RPG fire. Our 3 guntrucks then crossed the median as I informed my driver and gunner on what was going on. SPC Ordunez was already going to red status on the MK19, M240B, and the M249. Once we got to about the middle of the convoy, we crossed back over into the Southbound lane along the right side (contact side) of the convoy. It was then that we began taking fire from a berm that was approximately 50-75 meters off of the ASR. Initially when I looked I saw 7-10 insurgents on the berm. No later than I looked, my gunner as well as 2A & 2C gunners started to return fire. When I looked forward once again, I saw a road to the right that we had done a reconnaissance on 2 days before. SSG Nein immediately turned down that road to flank the insurgents. Just as they made the turn, their

10. EXHIBIT X	11. INITIALS OF PERSON MAKING STATEMENT AH	PAGE 1 OF 3 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 SGT Leigh Ann Hester TAKEN AT 617 MPCo TOC DATED 21 Mar 05

9. STATEMENT (Continued)

vehicle took a direct RPG hit on the TC side. When this happened, my gunner, SPC Ordunez fell down inside of the vehicle. He then tried to get back up on the gun when he informed me that he was hung up. A few seconds went by and then SPC Pullen reached back and unhooked him. He immediately got up and started engaging the enemy once again. At this time, SSG Nein's truck had come to a halt about 200 meters ~~down~~ off of the ASL. My vehicle was approximately 10-15 meters behind him. Once we came to a halt, I looked right and noticed that there were over ~~3~~ times the number of insurgents that I had originally thought I could see 15 or more at the original berm, 10-15 out in the field behind trees and 4-5 more in a trench that ran parallel to the road we were on. There were also 7 getaway cars lined up down the same road facing away from us. ~~As soon as~~ In the split second it took for me to notice all the insurgents, I knew that if we stayed in the vehicles, we would never make it. I saw SSG Nein jump out of his truck and ~~was~~ ^{soon as he did, it jumped} ~~right behind~~ ^{out and was} right behind him. As soon as I stepped out, I heard bullets whizzing by and ricocheting off the truck and pavement. I ran to the berm on the right side of the road. From there I could see several insurgents out in the orchard, several in the trench to my immediate front, and several still on the berm that ran along side the ASL. Still under heavy fire, I returned fire, killing 3 insurgents with my M4. I had also taken 3 shots with my M203 with no prevail. At this time, SSG Nein was running back to my position from the other side of the trucks and I noticed that my gunner, SPC Ordunez, and 2C gunner SPC Cooper, were directing their fire to a berm and house behind them. When SSG Nein made it back to my location, I informed him that the only threat ~~we~~ I thought we had left was in the trench in front of us. There were 3 insurgents left ~~about~~ armed with AK47's that were still firing at us. They were approximately 50 meters from our location. SSG Nein made the decision that he and I would jump into the trench and work our way closer to the enemy to get a better shot. SGT Morris would run along the side of the trench out of sight to help support us if something were to go wrong. SSG Nein and I began to work our way down the trench at approximately 10 meters at a time, only stopping to take cover and prep hand grenades. We finally eliminated the last fighting insurgent with the fourth grenade as well as fire from our M4's. Once we cleared the rest of the trench, SSG Nein and I made our way to SGT Rivera's vehicle. As I came upon the vehicle, I noticed SGT Rivera lying on the ground bleeding + SPC Pullen applying pressure to his wounds. SPC Mike informed me to get SGT Rivera into a truck to get him to the LZ for the medics. With the aid of the 623rd soldiers whom I had called upon, we loaded Rivera

SIGNATURE OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF Sgt Leigh Ann Hester TAKEN AT 1st MRC TDC DATED 21 Mar 05

STATEMENT (Continued)

into the truck and he was taken to the LZ along with SPC Mack, + SPC Haynes. The fighting had ceased and after doing a quick accountability of personnel we began to search the AO for anymore possible threats. We captured one unharned insurgent & medicated 8 wounded insurgents. We also confiscated large numbers of weapons including AK47's, RPK machine guns, RPG's, and hand grenades as well as large amounts of ammunition. // End of Statement //

AFFIDAVIT

I, Sgt Leigh Ann Hester, 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

Leigh Ann Hester
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of MAR, 2005 at

ORGANIZATION OR ADDRESS

Todd M. Lindner
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

Todd M. Lindner
(Typed Name of Person Administering Oath)
Commander
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
LH

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION <i>Camp Liberty Iraq</i>	2. DATE (YYYYMMDD) <i>2005 03 21</i>	3. TIME <i>1600</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>Morris Dustin Taylor</i>	6. SSN	7. GRADE/STATUS <i>E-5 / Sgt</i>	
8. ORGANIZATION OR ADDRESS <i>617th MPACD</i>			

9. I, Sgt. Morris, Dustin Taylor, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 We were shadowing a convoy southbound down Detroit. The convoy was ambushed on the west side of the road. The order that we were in was Charlie, Bravo, Alpha truck. I was driven in the lead truck sst. Nein was in the TC seat, my gunner was Spc. Cooper. When we seen the convoy get attacked we drove to the front of the convoy on the opposite side. We got to the front and immediately started to take SAT and RPG fire. My gunner took shrapnel but still continued to fire on the enemy while he was still under fire. We rolled to a ~~stop~~^{stop} and myself + sst. Nein + Sgt. Hester dismounted to engage the enemy. All three of us took out multiple enemy targets. ~~Sst.~~^{Sst.} Nein + Hester used grenades to take out 3 or 4 ATF in the trench. ~~At~~^{When} that was over I noticed spc. Mike had an At-4 pointed ~~at~~^{at} a house that was shooting at us from behind, he had a direct hit on the house. Then I got on the radio to give our direct location to the air support. When I got back out of the truck the battle was pretty much over. Sst. Nein + Sgt Hester continued on down the canal along the MSR to see who was dead and wounded. Then we started medicating the wounded out to on the last chopper I got on it with the last of the EPWs. End of statement

10. EXHIBIT <i>Y</i>	11. INITIALS OF PERSON MAKING STATEMENT <i>JSM</i>	PAGE 1 OF <u>3</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 BE INDICATED.

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

STATEMENT OF Sgt. Morris, Dustin Taylor TAKEN AT Camp Liberty Iraq DATED 2005 03 21

8. STATEMENT (Continued)

DTM

DTM

DTM

DTM

INITIALS OF PERSON MAKING STATEMENT *DTM*

PAGE 2 OF 3 PAGES

USAPA V1.00

9. STATEMENT (Continued)

DTM
DTM
DTM
DTM

AFFIDAVIT

I, Dustin Taylor Morris, 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.

Dustin Morris
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21 day of MARCH, 2005 at Camp Liberty, Iraq

Kenneth D. McQuerry
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

Kenneth D. McQuerry 156
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

IAF 36 (b) 4 MACM
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

DTM

PAGE 2 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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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 617 Military Police Company	2. DATE (YYYYMMDD) 2005/03/24	3. TIME 0230	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Pullen Ashley Janette		6. SSN	7. GRADE/STATUS E-4
8. ORGANIZATION OR ADDRESS 617 Military Police Company Camp Liberty Iraq, APO AE 09342			

9. I, Ashley Janette Pullen, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 20 March, my squad and I were shadowing a convoy, which Stallion 33 was leading. The convoy commander told Sgt. Nein that the convoy was going to stop for fuel. It was approximately 1000 hours. My squad pulled security while the convoy was fueling, we started moving after about 10 minutes. My squad fell back to shadowing again. We had been moving for about 2-5 minutes when the convoy started acting strangely. The squad moved over to the northbound lane to go around the convoy to see what all the turmoil was about. We had moved about 200 meters up beside the convoy and started hearing blasts and SAF.

We maneuvered in between two vehicles in the convoy and started taking fire. While, I was straightening the vehicle, Ordunez, the gunner fell inside the vehicle and got his DAPS hung on the turret. He couldn't get back up. Sgt. Hester was yelling for him to get up and start shooting, he then yelled that he couldn't. I reach behind me felt his vest to see where he was hung and released him. He got back up and started firing. At this time the vehicle in front of us started to flank the attackers. While they were turning the vehicle got hit with an RPG. The vehicle was pushed to the left from the impact, but kept moving, so I knew that everyone was okay.

I stayed close to the vehicle and we drove about 200 meters down the road. There were berms on each side. The one on the left was about 7 - 8 feet in height, the one on the right was about 4 feet tall. With a deep canal running along the back side of it. There were 7 civilian cars along side the road. The vehicle in front of me stopped, I was about 10 meters behind it. Sgt. Nein dismounted the vehicle as did myself, Sergeants Hester, and Morris. I went to the rear of my vehicle and started to lay down suppressive fire to the right side. I went through a mag and changed it. I tossed the empty mag into my seat because I had left the door open. It was then when I heard Ordunez say we were receiving fire from the left side. He started shooting into a house about 50 meters off the road. I ran over to Sgt. Hester's position on the berm and was about to start laying down suppressive fire when I heard screaming on the radio inside the truck. I went and picked up both the mics and put them to my ears, and didn't hear anything. I heard the screaming again and realized it was the hand-held. I picked it up, but couldn't understand. I ran around to my side of the truck and saw that it was sgt. Rivera rolling around on the ground. Sgt. Nein was up on the berm on the left, I yelled to him to get his attention but he couldn't hear me so I ran over to him. I said, "Mikes alone and I'm going to help." I got into my truck and yelled up to Ordunez, "Rivera is down, hold on we're going to help." I turned around and drove about half the distance between our trucks. I put it into park and ran over to sgt rivera's side about a hundred meters. I noticed that he had a wound in his back, realizing that I didn't have a bandages I ran back to my truck. I grabbed the CLS bag and ran back to Rivera. I looked up at Mike and asked what all was wrong with him. He told me, "I bullet wound." I asked Rivera to help me remove his vest to look and see if there were any more wounds. I opened the CLS bag and wasn't sure where the bandages were. I opened the bandage and applied it to the wound on his back. I reached into the bag opened another bandage and applied that one to his stomach. I kept trying to calm him down because he was in shock and frightened, saying over and over, "I can't feel my legs." At this time Mike said, "We need to move him." It was at about this time that the 623 showed up, although they were of little assistance. Mike grabbed one of them and told him to grab Rivera's feet so that we could move him into the truck. We moved him behind one of the vehicles so that they could clean out one of the trucks to put him in. At this time I looked up I noticed that no one was doing anything and that everyone was still in their trucks. I yelled at one driver to get out and lay down suppressive fire. I had one guy standing over me, Simpson, I told him that if he wasn't going to help me then he needs to be laying down suppressive fire. One soldier came up to me and started to assist me asking what I needed done. I instructed him that I needed an IV and asked him to get one out of the CLS bag. He asked me where it was. It was then that Hester came over to me and gave me a bandage because the one I had was full of blood. Hester left at that point and I didn't see her again for some time. A soldier returned with an IV, bag, and needle. However the needle and the bag would not match up. I looked at him and asked if they could give him an IV in the bird. He said, yes, so I said that we will do this later. At this time we cut off Rivera's jacket so that I could keep hold of his bandages. Two other soldiers and I loaded Rivera into the truck and Ordunez showed up and was talking to Rivera. We drove to the bird. I assisted in loading Mack, Haynes, and Rivera into the bird. We got back into the truck and drove back to where the fighting was taking place. Because the road was

10. EXHIBIT <u>Z</u>	11. INITIALS OF PERSON MAKING STATEMENT <u>ASP</u>	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

9. STATEMENT (Continued)
 blocked, we stopped short and ran to were the rest of my trucks were. I was talking to Ordunez and he told me to hop up into the turret so that he could help clear the field. I got into the turret and manned the radio for the rest of the afternoon. //
 // END OF STATEMENT //

AFFIDAVIT

I, ASHLEY JANETTE PULLEN, 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.

Ashley Janette Pullen
 (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of March, 2005 at _____

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

T.M.L.
 (Signature of Person Administering Oath)

CPT Todd M Linder
 (Typed Name of Person Administering Oath)
 Commander
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
AJP

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: 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 (YYYYMMDD) 2005 03 26	3. TIME 1645	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME COOPER CASEY MICHAEL		6. SSN	7. GRADE/STATUS E-4 / ARUG
8. ORGANIZATION OR ADDRESS 617 MP CO. 5636 MP BN Camp Liberty			

9. I, Casey Cooper, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 20 March, my squad and I were patrolling AOR2 of the Eastern Route for Convoy security and MSR patrol. At approximately 1015 hours we began shadowing a convoy going south bound at the beginning of our sector. About 5 minutes later, the convoy stopped in order to refuel. We pulled alongside and chatted for a moment, we told them, we would shadow them the full length of our sector, for added security, we continued on with the Convoy, and just maybe a click or two down the road, I noticed the convoy began to break up, left, right, and in gaps. I immediately heard SAF and explosions. I yelled "They're getting hit, Go Go Go Go!" We were the lead truck and jumped into the opposite lane to pass the convoy. Right before the kill zone we dodged back in front of the trucks and began laying down suppressive fire to the right side. I saw some people in the berm along the right and muzzle flashes. Seconds later, DTR truck took RPK Rounds to the side and an RPG hit directly on the side of our truck. The explosion knocked me unconscious momentarily, and as I awoke SSG Mein was screaming to flank down this other road and asked if I was ok. I climbed back up during the turn to see 15-20 men along a ditch line parallel to the MSR. We layed down fire and continued about 200 meters down the side road. Further off the MSR was a group of trees that our truck stopped directly across from. On the opposite side of us was a building and another berm in front of that. When we stopped SSG Mein got out of the vehicle on the contact side. I layed down more suppressive fire in the orchard because we

10. EXHIBIT AA	11. INITIALS OF PERSON MAKING STATEMENT CMC	PAGE 1 OF 3 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 Casey Cooper TAKEN AT 1645 DATED 20 Mar 2005

9. STATEMENT (Continued)

we were taking fire from there. I started picking out targets and taking aimed shots with the .50 cal. Then from the back side we started taking fire into the turret. SPC Ordunier began firing Mk-19 rounds into the building and I fired an AT-4 after I saw 2 separate muzzle flashes. I turned my attention to the main contact side again and after clearing out the orchard, I began picking off people trying to clear the main trench on the MSR. I saw the Bravo Element go back and help Alpha's truck and my team was dismounted and moving back to the MSR. Before I noticed that our truck would work, I fired on all the insurgent cars so no escape would come. I then drove our truck back down toward the MSR, dismounted and began clearing the area. Any bodies we found still alive we took their weapons, emptied them, and moved on. We then medevacked the insurgents and checked all the bodies for intel. This was only an account of what I did and saw, not what all happened. End of statement |||||

~~Large area of the page containing a large 'X' and the initials 'cmc' written multiple times.~~

INITIALS OF PERSON MAKING STATEMENT cmc

STATEMENT OF Casey Cooper TAKEN AT 1645 hours DATED 20 Mar 2005

9. STATEMENT (Continued)

Case =
Case
Case
Case

AFFIDAVIT

I, Casey Cooper, 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.

Casey Cooper
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of MAR, 2005 at _____

Todd M. Lindner
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

Todd M. Lindner
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Commander
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
Case

PAGE 3 OF 3 PAGES

Packer Carl J MAJ 720 MP BN XO

From: Shepherd Matthew W CPT SJA Brigade Judge Advocate
Sent: Monday, April 25, 2005 11:17 AM
To: Packer Carl J MAJ 720 MP BN XO
Subject: Art. 32 appointment memo

Sir,

Attached is the Art. 32 appointment memo. A copy of the case file will be waiting for you at the 42d MP Bde legal office tomorrow. IF you are unable to come to Victory tomorrow, let me know and we will make sure the packet gets on the return convoy to be delivered to you.

Please contact me or SSG Lorenzo if you have any questions or need any admin support.

Respectfully,

Matthew Shepherd
CPT, JA
Trial Counsel
18th MP Bde
(302) 242-0109

Packer Carl J MAJ 720 MP BN XO

From: Shepherd Matthew W CPT SJA Brigade Judge Advocate
Sent: Wednesday, April 27, 2005 9:41 AM
To: Packer Carl J MAJ 720 MP BN XO
Cc: Graybill Elizabeth A SFC MNC-I SJA Sr Paralegal NCO
Subject: US v. Burke Art. 32 hearing

Sir,

Attached is the Government's witness list for the Art. 32 hearing and a request for the date of the hearing for 18 May 05. The reason is that one of the key witnesses is on R and R until about 15 May. Defense counsel does not object to the date.

You can call 302-242-0109 and ask for SFC Graybill or SSG Lorenzo and they will give you any admin support you need in setting up the hearing.

Thanks,

Matthew Shepherd
CPT, JA
Trial Counsel
18th MP Bde
(302) 242-0109

4/27/2005



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 18TH MILITARY POLICE BRIGADE
CAMP VICTORY, IRAQ
APO AE 09342

AETV-MP-JA

26 April 2005

MEMORANDUM FOR MAJ Carl Packer, Headquarters, 720th Military Police Battalion, Article 32(b) Investigating Officer

SUBJECT: Witness Request -- United States v. SGT Ricky A. Burke, B Battery, 1-623 Field Artillery, 503d Military Police Battalion (ABN), 18th Military Police Brigade, APO AE 09342

1. The government intends to call the following witnesses and requests that they be available for the Article 32 hearing in the above case:

- a. Special Agent Thomas Robinson, 48th Military Police Detachment (CID), Camp Victory, Iraq, APO AE 09342, DSN: 318-822-2835.
- b. SSG Timothy Nein, 617th Military Police Company, Camp Victory, Iraq, APO AE 09342, VOIP: 302-242-4828
- c. SGT Dustin Morris, 617th Military Police Company, Camp Victory, Iraq, APO AE 09342, VIOP: 302-242-4828
- d. SPC Jesse Ordunez, 617th Military Police Company, Camp Victory, Iraq, APO AE 09342, VIOP: 302-242-4828
- e. SPC Jason Mike, 617th Military Police Company, Camp Victory, Iraq, APO AE 09342, VIOP: 302-242-4828
- f. SGT Aaron L. Rust, 617th Military Police Company, Camp Victory, Iraq, APO AE 09342, VIOP: 302-242-4828
- g. SGT Leigh Ann Hester, 617th Military Police Company, Camp Victory, Iraq, APO AE 09342, VIOP: 302-242-4828

2. POC for this memorandum is the undersigned at VOIP 302-242-0109.

//original signed//

MATTHEW W. SHEPHERD
CPT, JA
Trial Counsel

From: Packer, Carl MAJ 720th MP BN XO
Sent: Wednesday, April 27, 2005 5:36 PM
To: King Francis LTC MNC-I SJA OIC, Military Law
Subject: Request for Delay

Importance: High

Sir,

The government in the Case of US v Burke Article 32 hearing has requested a delay due to unavailability of two key witness who are on EML.

As the Article 32 IO, I concur that these two witnesses are key to the hearing and I recommend that the MNC-I Commander grant the delay.

Attached is the formal request from the government.



Request for
Delay.pdf (62 KB)

Regards,
Major Packer

CARL J. PACKER
XO, TF 720 MP BN
FIREBASE RUSTAMIYAH, BAGHDAD, IRAQ
DNVT: 580-8321
SIPR: CARL.PACKER@IRAQ.CENTCOM.SMIL.MIL

Packer Carl J MAJ 720 MP BN XO

From: Shepherd Matthew W CPT SJA Brigade Judge Advocate
Sent: Wednesday, April 27, 2005 3:36 PM
To: Packer Carl J MAJ 720 MP BN XO
Cc: King Francis LTC MNC-I SJA OIC, Military Law

Sir,

Attached please find the Government's request for delay in the Article 32 hearings and request to schedule the Article 32 hearing on 18 May 2005. The memo is addressed to the CG thru you. I have also copied the chief of criminal law at Corps on the request. I believe I am supposed to submit the request to the CG thru you. Defense counsel has been provided with a copy of the request.

Thanks,

Matthew Shepherd
CPT IA



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 18TH MILITARY POLICE BRIGADE
CAMP VICTORY, IRAQ
APO AE 09342

AETV-MP-JA

26 April 2005

MEMORANDUM FOR MAJ Carl Packer, Headquarters, 720th Military Police Battalion, Article 32(b) Investigating Officer

SUBJECT: Request for Hearing Date -- United States v. SGT Ricky A. Burke, B Battery, 1-623 Field Artillery, 503d Military Police Battalion (ABN), 18th Military Police Brigade, APO AE 09342

1. The government requests that the Article 32 Hearing in this case be scheduled for 18 May 2005. The reason for this request is that SSG Timothy Nein and SGT Hester, two witnesses in the case, will be on R&R leave from 26 April 2005 until approximately 14 or 15 May 2005. The undersigned has another trial scheduled for 17 May 2005 and will be unavailable on that day.
2. SSG Nein is a key eye witness to the alleged Attempted Murder. It is important that he be able to testify in person so that the investigating officer can assess his credibility and so that defense counsel can conduct a full and complete cross examination. Neither side will be prejudiced by a delay in the hearing until 18 May 2005. The Government has discussed the proposed date with defense counsel and there is no objection.
3. POC for this memorandum is the undersigned at VOIP 302-242-0109.

//original signed//

MATTHEW W. SHEPHERD
CPT, JA
Trial Counsel

PERSONNEL QUALIFICATION RECORD - ENLISTED
PCN GPVS-1790

Unit Name: BTRY B 1ST BN 623D FA (MLRS)

UPC: P4TB0

PREPARED: 29 Oct 2004

SECTION A - PERSONAL DATA

1. MPC: E
2. SSN:
3. NAME: BURKE RICKY ALLEN JR
4. SEX: M

SECTION B - GRADE DATA

1. PAY GRADE: E4
2. GR ABBR CODE: SPC
3. EFF DATE GR: 20020415
4. DOR-RES: 20020415
5. GR CH WVR: YY
6. GR HOW ACQ-CODE: U

SECTION C - ORGANIZATION DATA

1. PREV UPC: P4TC0
2. CURR UPC: P4TB0
3. DY POSN: 13M10
4. POSN NBR EX IND: YYYY
5. DY POSN QUAL CODE: Q
6. ASG LOSS RSN CODE/DATE: A3 20000918
7. CURR ORGN IDENT CODE: B
8. AUTH LINE DSG: 04
9. AUTH PARA DSG: 208
10. ATCH CODE:
11. TYPE ATCH:
12. UPC ATCH:
13. EFF DATE OF ATCH:
14. EXP DATE OF ATCH:
15. CURR PROC:
16. DATE CURR PROC:
17. INIT PROC: EBAX
18. DATE INIT PROC: 20000918
19. EXP RDY RES OBLIG DATE: 20060917
20. EXP STAT MIL OBLIG DATE: 20080917

SECTION D - PAY DATA

1. PEBD: 20000918
2. ADD WH TAX: 00
3. ST TAX CODE: KY
4. NB EXEM: 00
5. SGLI ELEC CODE: Q
6. CURR AERO RATING: Z
7. IPAY NBR ONE/DATE:
8. IPAY NBR TWO/DATE:
9. TNG PAY RET CAT: A
10. BENEF STAT WVR/CODE:
11. DAYS WVD:
12. ATCH PR NBR:
13. CURR INC TERM STAT/DATE: A 20000918
14. SP PAY:

SECTION E - TRAINING/EDUCATION DATA

1. TNG STAT/DATE: C 20010321
2. CIV EDUC LEVEL: K
3. MAJ SUBJ COL EDU: XXX
4. ROTC IDENT:
5. FIRST LANG IDENT: YY0
YY

SECTION F - INDIVIDUAL DATA

1. DOB: 19791121
2. RACE POP GRP: C
3. ETH GRP: X
4. STREET ADDRESS: RT 3 BOX 7090
5. ADDR CITY: MONTICELLO
6. STATE/ZIP: KY 42633
7. MARITAL STATUS: M
8. DEPN NBR: 3
9. NBR MO ACT FED SVC: 005
10. REL DENOMINATION: MM
11. BREAK MIL STATUS: Y
12. DATE INIT ENT RC: 20000918
13. CIV EMPL: 8
14. CIV OCCUPATION: 999
15. RET WAIVER:
16. DATE END EVAL PD:
17. PRIV ACT DSP REC:
18. LOCAL DATA PERS:
19. QUAL SEL RET IDENT:

FOR OFFICIAL USE ONLY - PRIVACY ACT DATA

PERSONNEL QUALIFICATION RECORD - ENLISTED
PCN GPVS-1790

Unit Name: BTRY B 1ST BN 623D FA (MLRS)

UPC: P4TB0

PREPARED: 29 Oct 2004

NAME: BURKE RICKY ALLEN JR

SSN:

SECTION G - ENLISTED UNIQUE DATA

1. ETS DATE:	20060917	13. PMOSD ENLD:	13M10
2. SRC ORIG ENLISTMT INDCTN:	2	14. ASI PMOSD ENLD:	
3. ENLSTMT OPT PD:	5	15. PMOSD ENLD BAS ACQ:	A
4. TERM ENL RES:	072	16. SMOSD ENLD:	
5. CUM MOS EXT:		17. ASI SMOSD ENLD:	
6. MOS CURR EXT:		18. AMOSD ENLD:	
7. PRO PAY STAT/DATE:		19. ASI AMOSD ENLD:	
8. AFQT PCTL:	056	20. BONUS ENT:	A
9. AFQT SCORE GROUP:	C	21. BONUS AUTH:	Q
10. NCO EDUCATION:	0	22. DATE BONUS:	20000918
11. NCO EDUCATION ENROLLED:	0	23. BONUS MOS:	13M
12. ENLSTMT WVR COND 1:	Z9	24. NBR BONUS:	

SECTION H - FULL TIME DATA

1. ACT STAT PROG:	Y
2. TECH SVC CODE:	N
3. CIV GRADE:	YYYY

SECTION I - SECURITY DATA

1. SCTY INVES STAT:	G
2. SCTY CLNC/DATE:	F 20040913
3. CTZSP STAT US ORGN:	A

SECTION J - PHYSICAL DATA

1. YR MO LAST PHYS EX:	200009
2. PHY PRFL SER:	111111
3. WT IND:	192
4. HT IND:	74
5. PHY CAT:	A

SECTION K - RETIREMENT DATA

1. RYE DATE:	0917
2. CUM RET PT:	
3. SUR BEN OPT:	
4. SUR BEN ELEC COV:	
5. SUR BEN ELEC STAT:	
6. DATE SBP ELEC STAT:	
7. TOT YR SAT SVC RET:	
8. TWENTY YR CER STAT:	Y

SECTION L - ARMY PHYSICAL FITNESS DATA

1. APFT RESULT:	P
2. APFT SCORE:	182
3. YR/MO TEST:	200408
4. RSNINELIG APFT:	
5. PREV APFT RESULT:	P
6. PREV APFT SCORE:	182
7. PREV YR/MO TEST:	200408

SECTION M - BAQ DATA

1. BAQ DEP TYPE:	A
2. DOB PRIM DEP:	
3. BAQ EFF DATE:	20030213
4. BAQ STATUS:	1

FOR OFFICIAL USE ONLY - PRIVACY ACT DATA

DEPARTMENT OF MILITARY AFFAIRS
BOONE NATIONAL GUARD CENTER
FRANKFORT, KENTUCKY 40601-6168

ORDERS 314-245

09 November 2004

BURKE RICKY A
(P4TB0-620) 1503 E BROADWAY

PC BTRY B 1ST BN 623D FA
CAMPBELLSVILLE KY

42718

You are ordered to active duty as a member of your Reserve Component Unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

REPORT TO HOME STATION: 17 November 2004 , 623 FA BN 1 BTRY B
CAMPBELLSVILLE KY

REPORT TO MOB STATION: 20 November 2004 , FT DIX NJ

Period of active duty: Not to exceed 545 days

Purpose: OPERATION IRAQI FREEDOM

Mobilization Category Code: G

Additional instructions:

- (a) YOU ARE ORDERED TO ACTIVE DUTY WITH THE CONSENT OF THE GOVERNOR OF KENTUCKY.
CALL 1-800-336-4590 (NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE) OR CHECK ON LINE AT WWW.ESGR.ORG IF YOU HAVE QUESTIONS REGARDING YOUR EMPLOYMENT/RE-EMPLOYMENT RIGHTS.
- (b) UNITS ARE ORDERED TO ACTIVE DUTY ON EFFECTIVE DATE AS INDICATED. UNIT STRENGTH WILL NOT EXCEED THE AUTHORIZED LEVEL.
UNITS WILL MOBILIZE WITH ORGANIZATIONAL CLOTHING ISSUES & EQUIPMENT. UNITS WILL BE PROCESSED ON ACTIVE DUTY AT THEIR ASSIGNED MOB STATION.
- (c) PER JFTR, U4770B, SOLDIERS WHO DEPLOY FOR MORE THAN 90 DAYS ARE ENTITLED TO STORAGE OF HHG. ENTITLEMENT TO SPECIAL STORAGE INCLUDES SHIPMENT, PACKING, AND CRATING NECESSARY TO PLACE HHG IN OR REMOVE HHG FROM DESIGNATED STORAGE FACILITY.
- (d) THIS ORDER CONSTITUTES AUTHORITY FOR MOVEMENT. PROVISIONS OF AR 55-113 & AR 55-335 APPLY. SUPPORT INSTALLATIONS ARE DIRECTED TO PROCESS REQUESTS FROM SUBJECT RC UNITS PENDING RECEIPT OF HARD COPY ORDERS TO ACTIVE DUTY WHEN REQUEST CAN BE VALIDATED BY THIS ORDER.
- (e) UNIT PERSONNEL MUST HAVE COPIES OF MARRIAGE LICENSE, BIRTH CERTIFICATE OF CHILDREN, RENTAL OR MORTGAGE AGREEMENTS & OTHER DOCUMENTS NECESSARY FOR PAY ENTITLEMENTS TO BE PROCESSED BY THE MOBILIZATION STATION.
PER FORSCOM REG 500-3-1 PARA 8.1(2). STATES: "SOLDIERS CALLED TO ACTIVE DUTY ARE NOT AUTHORIZED DEPENDENT TRAVEL & THE SHIPMENT OF PERSONAL PROPERTY IS LIMITED TO BAGGAGE."
- (f) THIS ORDER IS IN SUPPORT OF OPERATION IRAQI FREEDOM (OIF). ALL UNIT PERSONNEL & INDIVIDUALS ARE ORDERED TO ACTIVE DUTY IN THEIR CURRENT GRADE & IN THEIR CURRENT POSITION FOR AN INITIAL PERIOD OF UP TO 18 MONTHS, ABSENT AUTHORIZED EXTENSIONS OR REORDERS TO ACTIVE DUTY, UNDER THE PROVISIONS OF DOD DIRECTIVE 1235.10 OR SUPPLEMENTAL GUIDANCE.

ORDERS 314-245 HQ KY NG, OTAG, 09 November 2004

Additional instructions (cont):

- (g) PURSUANT TO PRESIDENTIAL EXECUTIVE ORDER 13223, DATED 14SEP01, YOU ARE RELIEVED FROM YOUR PRESENT RESERVE COMPONENT STATUS AND ARE ORDERED TO REPORT FOR A PERIOD OF ACTIVE DUTY NOT TO EXCEED 25 DAYS FOR MOBILIZATION PROCESSING. PROCEED FROM YOUR PRESENT LOCATION IN SUFFICIENT TIME TO REPORT BY THE DATE SPECIFIED.
- (h) IF UPON REPORTING FOR DUTY YOU FAIL TO MEET DEPLOYMENT MEDICAL STANDARDS (WHETHER BECAUSE OF A TEMPORARY OR PERMANENT MEDICAL CONDITION) YOU MAY BE RELEASED FROM ACTIVE DUTY, RETURNED TO YOUR PRIOR RESERVE STATUS & RETURNED TO YOUR HOME ADDRESS. YOU WILL BE SUBJECT TO A SUBSEQUENT ORDER TO ACTIVE DUTY UPON RESOLUTION OF THE DISQUALIFYING MEDICAL CONDITION.
- (i) IF UPON REPORTING FOR ACTIVE DUTY YOU ARE FOUND TO SATISFY MEDICAL DEPLOYMENT STANDARDS, THEN YOU ARE FURTHER ORDERED TO ACTIVE DUTY FOR A PERIOD NOT TO EXCEED 18 MONTHS, SUCH PERIOD TO INCLUDE THE PERIOD (NOT TO EXCEED 25 DAYS) REQUIRED FOR MOBILIZATION PROCESSING.

- (j) DEPENDENTS (FAMILY MEMBERS) OF RESERVE COMPONENT (ARMY RESERVE & NATIONAL GUARD) SOLDIERS ORDERED TO ACTIVE DUTY FOR MORE THAN 30 DAYS ARE ELIGIBLE FOR THE SAME BENEFITS (E.G. MEDICAL CARE, TRICARE, COMMISSARY/EXCHANGE BENEFITS, LEGAL ASSISTANCE, USE OF MORALE, WELFARE & RECREATIONS FACILITIES ETC) AS DEPENDENTS OF REGULAR ARMY SOLDIERS (BUT EXCLUDING DENTAL, WHICH REQUIRES ORDERS TO ACTIVE DUTY FOR OVER 180 DAYS).
- (k) ~~IT IS THE SOLDIER'S RESPONSIBILITY TO ENSURE DEPENDENTS ARE ISSUED DD FORM 1172, ACTIVE DUTY DEPENDENT ID CARDS. TO LOCATE THE NEAREST ID CARD FACILITY NEAR YOUR HOME VISIT WEB SITE WWW.DMDC.OSD/RSL. DEPENDENTS ARE ALSO ELIGIBLE TO USE ARMY ONE SOURCE, WHICH IS A 24 HOUR RESOURCE SERVICE, FROM THE US CALL 1-800-464-8107, AND COLLECT CALLS 1-484-530-5889, AVAILABLE AT NO COST.~~
- (l) AUTHORITY: TITLE 10 USC 12302, HQDA MSG 091422Z0CT04/DAMO-ODM/:ORDTYP/MOBORD/HQDA ONE/OEF NO. 710-05 & PERMANENT ORDER HQS 1ST US ARMY 286-4, 12OCT04.
THIS IS A DA MOVEMENT.
- (m) THIS ORDER IS IN SUPPORT OF OPERATION IRAQI FREEDOM. INDIVIDUAL IS A VOLUNTEER, ASSIGNED TO THE 1-487 FA. SOLDIER TO REPORT TO BLDG 2444, CASSIDY DRIVE, FT. BLISS, TX & CONTACT MR. VOGEL AT DSN 978-1451 OR THE STAFF DUTY OFFICER AT (915) 568-5098.
- (n) Meals and lodging will be provided at no cost to the Soldier. Claims for reimbursement require a statement of non-availability control number.
- (o) For unresolved pay issues, contact the ARNG Pay Ombudsman at toll-free 1-877-ARNGPAY or by email at ARNG-MILPAY@ARNG-FSC.NGB.ARMY.MIL

FOR ARMY USE

Auth: TITLE 10 USC, SECTION 12302

Acct clas:

Enl pay/alw: 2152010.0000 01-1100 P2X2A00 11**/12** VIRQ F9203 5570 S12120
 Enl tvl/pd: 2152020.0000 01-1100 P135198 21**/22**/25** VIRQ F9203 5570 S99999
 Enl pay/alw: 2162010.0000 01-1100 P2X2A00 11**/12** VIRQ F9203 5570 S12120
 Enl tvl/pd: 2162020.0000 01-1100 P135198 21**/22**/25** VIRQ F9203 5570 S99999

Sex: M

MDC: PM

PMOS/AQS/ASI/LIC:

HOR: RT 3 BOX 7090 , MONTICELLO KY42633

DOR: 15-APR-02

PEBD: 18-SEP-00

Security Clearance: S

Comp: ARNGUS

Format: 165

ORDERS 314-245 HQ KY NG, OTAG, 09 November 2004

BY ORDER OF THE GOVERNOR:

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  ////////////////////////////////////////////////////
  //          HQ, KYARNG          //
  //          OFFICIAL           //
  ////////////////////////////////////////////////////
  DONALD C. STORM
  MAJOR GENERAL, KYNG
  THE ADJUTANT GENERAL
  
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