Pages 1 through 20 redacted for the following reasons:

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	or use of this form, see AR 15-6; the proponent age		NAL SHEETS
IF MORE SPACE IS REQ	UIRED IN FILLING OUT ANY PORTION OF TH	HIS FORM, ATTACH ADDITIC	NAL SHEETS
	SECTION I - APPOINTMENT		
ppointed by COL (b)(3), (b)(6)	TF Spartan		
	(Appointing authorit	y)	
A 24 Oct 06 (Attach inclos (Date)	ure 1: Letter of appointment or summary of oral	appointment data.) (See para :	3-15, AR 15-6.)
	SECTION II - SESSIONS		
			15201 /11007
he (investigation) (board) commenced at $V$	ehicle Patrol Base California, Afghanista (Place)	nat	1530L/1100Z (Time)
n 26 Oct 06 (If a formal be	pard met for more than one session, check here	Indicate in an inclosure	•
nded, the place, persons present and absent, an	nd explanation of absences, if any.) The following ., President, Recorder, Member, Legal Advisor.	ng persons (members, respon	
he following persons (members, respondents, c	counsel) were absent: (Include brief explanation	n of each absence.) (See paras	s 5-2 and 5-8a, AR 15-6.)
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2	Exhibits (para 3-16, AR 15-6)	YES	NO1	INA2
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as			
	exhibits and attached to this report?		$  \sqcup$	
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?		$\mathbf{m}$	In
	C. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an		L.J	
	exhibit or recorded in a verbatim record?			$\boxtimes$
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter		117	
3	of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			K.S
25	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)? COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
4	At the initial sessior, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?	and the second second	1000	
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	1 <u>L</u>		
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	┥┝╍┥		
8	If any members who voted on findings or recommendations were not present when the board received some evidence,			
	does the inclosure cescribe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?	L!		[, ]
C.	COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)		123	
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?		H	
	c. Does each letter of notification indicate -	T	H	528-1
	(1) the date, hour, and place of the first session of the board concerning that respondent?	1 ini	H	
	(2) the matter to be investigated, including specific allegations against the respondent, if any?		H	
	(3) the respondent's rights with regard to counsel?	H	H	
	(4) the name and address of each witness expected to be called by the recorder?	H		
	(5) the respondent's rights to be present, present evidence, and call witnesses?	T	П	
	d. Was the respondent provided a copy of all unclassified documents in the case file?	m	T	
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	Ē	T	
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):		Page	
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			Π
11	Counsel (para 5-6, AR 15-6):			A REAL
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:	100		N.
				2011-1-
	(If counsel is a lawyer, check here )	-		
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counse was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
2	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):	SME	5-1-5-1	
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			77
3	Was the respondent given an opportunity to (para 5-8a, AR 15-6):	ELSI'S		
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	H	H	
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	H	H	H
	d. Call witnesses ard otherwise introduce evidence?	H	H	
	e. Testify as a witness?	+++	H	
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	+++	H	1
4	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
5	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an			
	inclosure or exhibit to it (para 5-11, AR 15-6)? DTNOTES: <u>1/</u> Explain all negative answers on an attached sheet.		$\Box$	$\Box$
0	DTNOTES: <u>1/</u> Explain all negative answers on an attached sheet. <u>2/</u> Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this invest or board.	igation		

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

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

1. On 24 October 2006 I was appointed as the AR15-6 Investigating Officer (IO) into the circumstances surrounding the death of a local Afghan girl and the serious injury to two others apparently resulting from the 60mm mortar fire from Charlie Company, 1st Battalion 32nd Infantry near the village of Metinge, Pech River Road, Afghanistan, on 23 October 2006.

2. INVESTIGATION OVERVIEW. At approximately 1520 local on 23 October 2006 (b)(2)Highreturned to Patrol Base California on the Pech River Road. The Platoon had just returned from a mission. The Platoon had the company 60mm mortar section with them as part of there task organization. The Platoon leader realized the mortar section had never occupied his patrol base. Recent intelligence reporting had indicated the enemy was planning to conduct a large coordinated attack on the Pech River Road against the patrol base. The Platoon leader realized the mortar section conduct fires to prepare his defensive indirect fires for a possible attack that night. The mortar section free four conducted handheld fire on a known enemy point of origin (POO) site that the enemy attacked this patrol base from less than 24 hours prior. The mortar section fired four rounds that landed on target and fired a fifth one that landed short of a village. A short time later a local family came to the patrol base with three injured girls (estimated age is so)(£yrs of age). Two girls sustained wounds and one girl was dead. The platoon medic began treatment and triage immediately. At 1541 local the unit called for an immediate medevac was wheels down at ABAD. The girls and two elders were at ABAD FST. One girl underwent surgery and the other girl was treated for minor wounds. Immediately the command started a commanders inquiry into the incident. The command informed the local district and provincial governor of the incident. The command immediately drafted a public service message in accordance with the ABAD PRT and Afghan government. The command also prepared an emergency PR&C for Solatia payment to the family.

#### 3. FINDINGS.

a. CPT (3), (b) is the commander for C Co 1st Battalion, 32nd Infantry located at Patrol Base Chicago (Combat Main) on the Pech River Road. On 23 October 2006 at roughly 1700 (L) (b)(2)High=alled the Combat Main on the FM net to request permission to conduct a test fire with the 60mm mortar. At that time CPT (3), (b) was outside the Tactical Operating Center (TOC) (TAB A). SSG3), (b stated he cleared the battlespace and informed CPT)(3), (b) (after the mortar had begun to fire (TAB D), CPT(3), (b) then returned to the TOC. (b)(2)High then called on the FM net and reported that a round had landed short. At this point CPT (3), (b) instructed the platoon leader to shut the system down and take all precautions to safeguard the point of origin (POO) of the mortar. CPT (3), (b) (also states that there is no company SOP for clearance of fires and that there is only a Battalion SOP for mortars and indirect fires. There is no company level SOP.

b. 1LT3), (bis the Platoon leader for C Co 1st Battalion, 32nd Infantry located at Patrol Base California on the Pech River Road. On 23 October 2006 at approximately 1515 local 11.T3), (b requested permission from CPTI(3), (b)(C Co CDR) to conduct a harassment and interdiction fire mission targeting known enemy fighting positions in order to prevent enemy movement to these fighting positions (TAB E). This contradicts the statement made by the commander when he stated that at roughly 1700 local, nearly 2 hours after the incident occurred that (b)(2)Highcontacted him to request permission to conduct a test fire. After clearance was granted 1LT3), (b and SSG(P3), (b the platoon sergeant pointed to and described targets to be engaged using the 60mm mortar in the direct lay mode (TAB F). A total of five targets were to be fired along the ridgeline from cast to west. SSG(3), (b)the mortar section then prepared 5 rounds all on charge 1. The first four rounds were fired from east to west successfully. The fifth and final round was fired at an estimated range of 1400m and approximately 3710 mils in azimuth which is directly over the village of Metinge just across the Pech River. SSG(3), (b)confirmed the reading of 1400m on the range scale of the 60mm mortar tube and rechecked the heading of the mortar tube and the explosion of the round SSG(3), (b) 1LT3), (b and SSG(P3), (b)lhen hung the round in the tube (TAB G). After the detonation of the charge in the mortar tube and the explosion of the round SSG(3), (b) llat 3, (b and SSG(P3), (b)lhen were that the round impacted about 700-800m short of its intended target and hit just behind a populated area. After the round was observed to hit in an unsafe location SSG(3), (b)placed the mortar tube against the nearest HMMWV, which was approx 1 meter away from the firing point. Neither the use nor tube amont was then touched by anyone until the following day as stated by 1LT3), (b 1LT3), (b ald so states that the round sthat were fired habeen taken on 4 of the last 72 hour mount

[see continuation page]

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

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

1. 1 recommend that no one be held liable for the actions that occurred on 23 October 2006 involving the 60mm mortar round being fired short of its intended target. I recommend that the company adopt an SOP that covers the use of indirect fires assets even if the mortar is to be used in the handheld mode. I also recommend that test fires should not be used over populated areas -- these historical enemy positions should only be fired during enemy contact to reduce the risk of incidental collateral damage. Also, historical enemy positions should be plotted on a map with accurate range and azimuths identified.

2. 1 recommend that immediately notification be given to the Infantry units to physically inspect all 60mm mortar ammunition for the identified lot (b)(2)High that has a condition code2)-for suspension due to possible leakage of the propellant. If ammunition is found to have this lot number, the unit needs to notify higher headquarters immediately and begin procedures for turn-in.

3. 1 recommend that SSG 3), (b not be held liable for the actions that occurred on 23 October 2006. SSG 3), (b did everything he could to mitigate the the mortar from being fired short of its intended target. SSG 3), (b made all necessary checks prior to allowing the gunner to fire the mortar. There was no indication of negligence.

4. I recommend that PFC<sub>1</sub>)(3), (b)(not be held liable for the actions that occurred on 23 October 2006. PFC<sub>1</sub>)(3), (b)(followed all procedures correctly when firing the mortar. There was no indication of negligence on his part.

5. The unit should pay the family for the accidental death and injurys of the girls – the money is for the three children. The payment should be made in good faith for the children and as a demonstration of good will to the community. The children were accidentally injured by the platoon leader (LT3), (b), the Mortar Section Sgt (SSG(3), (b), and the Gunner (PFC))(3), (b)(t The Soldiers legitimately engaged a target that had been identified as a recent enemy fighting position.

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THIS REPORT OF FROCEEDINGS IS COMPLE		voting member or the reco	order fails to sign here or in Section
below, indicate the reason in the space where his	signature snould appear.)		
		2.	
			(b)(3), (b)(6)
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(Member)	nd softwardt daar of the server were the server		(Member)
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(Member)			(Member)
92	CTION VII - MINORITY REPORT	(para 3-13, AR 15-6)	all and the second s
	, the undersigned do(es) not co		commendations of the board
(In the inclosure, identify by number each finding		and the state of the second	
reasons for disagreement. Additional/substitute f	indings and/or recommendation	s may be included in the i	nclosure)
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SECTION VIII	- ACTION BY APPOINTING AUTH	ORITY (para 2-3, AR 15-6)	
The findings and recommendations of the (inves	tigating officer) (board) are (ap	proved) (disapproved) (ap	proved with following-exceptions/
substitutions). (If the appointing authority returns	the proceedings to the investig	pating officer or board for f	urther proceedings or
corrective action, attach that correspondence (o	r a summary, if oral) as a numb	bered inclosure.)	
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Page 4 of 4 pages, DA Form 1574, Mar 1983		COL, IN	
Page 4 of 4 pages, DA Form 1574, Mar 1983		COL, IN	06 NOV 2006

DA FORM 1574, Section IV (Findings), continued:

c. SSG(3), (b) and PFC)(3), (b)(twere identified in the serious incident report as being the two soldiers involved in the mortar incident. SSG(3), (b) is the 60mm Mortar section SGT and PFC (3), (b) is the gunner for the section. PFC)(3), (b) (states that after the fifth and final round was fired that it was noticed to be weak when it went out of the tube, he also states that they sood and observed the round land short on the back side of a house in the village and immediately ceased firing (TAB H). SSG(3), (b) states that they have certain procedures that are followed when firing in the handheld mode but that there is no written down SOP. He also states that the mortar tube was checked by the Battalion Armorer. The Battalion Armorer (SPC (3), (b) conducted a borescope and pullover to check the condition of the tube on 23 Sept 2006, SN:))(2)Hig and was indicated to be serviceable. SSG(3), (b) SSG(3), (b) SSG(3), (b) also stated that 99% of the time they conduct mortar firing on the Pech River in the handheld mode.

d. (b)(6) Ammunition LAR at Bahgram, stated to me over the phone that in an email sent to JLC that there have been 4 Lots identified that were fired during the incident (TAB I). They were DODAC B642 (3) and B643 (1). They can not account for the 5th lot. Out of the 4 lots, there is one lot that has been given a condition code E, which is a suspension of use due to possible leakage of the propellant. Mr (b)(6) records indicate that the last time this lot number was issued was to the 3rd Marines in 2005. The identified lot# is HAW-91A-001-001. According to Mr (b)(6) the 3 other lots have not been identified as being bad. Below is a list of the 4 lots.

DODAC B642: Lot MA-84A-027-006 Lot HAW-91A-001-001 (Condition Code E) Lot HAW-89H-001-005

DODAC B643 Lot MA-00J-060-005

Exhibit List:

TAB A: Investigation Appointment Orders TAB B: DA FORM 1574 TAB C: CPT)(3), (b)(Statement TAB D: SSG)(3), (b)(Statement TAB E: LLT 3), (b)Statement TAB F: SSG (P)3), (b)Statement TAB G: SSG'3), (b)Statement TAB H: PFC)(3), (b)(Statement TAB J: LT (3), (b)Statement TAB L: SSG)(3), (b)(Statement TAB L: SSG)(3), (b)(Statement TAB M: SGT)(3), (b)(Statement TAB M: SGG'3), (b)(Statem

TAB O: Investigation Photos with MAJb)(3), (b)(6 Statement

### CENTCOM 009704

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#### DEPARTMENT OF THE ARMY HEADQUARTERS, TASK FORCE SPARTAN FORWARD OPERATING BASE SALERNO APO AE 09314

REPLY TO ATTENTION OF

2 4 OCT 2006

**TF-SPARTAN** 

MEMORANDUM FOR CW3 (b)(3), (b)(6) Headquarters and Headquarters Company, 3<sup>rd</sup> Infantry Brigade Combat Leam, Forward Operating Base Salerno, APO AE 09354

SUBJECT: Appointment of Investigating Officer - Noncombatant Death

1. You are hereby appointed as investigating officer pursuant to Army Regulation (AR) 15-6 to conduct an informal investigation into the death of a local Afghan girl and the serious injury to two others apparently resulting from the 60mm mortar fire near the Pech River Road, Afghanistan, on 23 October 2006.

2. Statements should be sworn if possible, using DA Form 2823 or Dari/Pashto equivalents. Your authority to administer oaths is the Uniform Code of Military Justice, Article 136(b)(4). If in the course of your investigation you come to suspect that an individual may have committed a violation of the Uniform Code of Military Justice or federal law, you must advise them of their rights under the Uniform Code of Military Justice, Article 31(b), or the Fifth Amendment as appropriate. Use DA Form 3881 for this purpose. Additionally, you may have to provide certain witnesses with Privacy Act statements before soliciting personal information. If you suspect misconduct by someone who outranks you, stop your investigation and seek guidance. Your legal advisor can assist you with these matters.

3. Your investigation should include interviews of all relevant parties that have information about the incident. Your investigation should also include interviews of all relevant parties that have information about responsibility for the registration fires, the adequacy of any warnings or controls, and the safety of local nationals. Your findings must be supported by a preponderance of the evidence, and your recommendations must be legally consistent with the findings. Submit your findings and recommendations on a DA Form 1574. Your recommendations should include actions to be taken to correct deficiencies, to compensate victims, or to address any misconduct.

4. Prior to beginning your investigation, you will contact the TF Spartan CJA, MAJ (b)(3), (b)(6) at DSN (b)(6) for an initial briefing and to obtain a guidance packet. Additional forms are at (b)(2)High

5. This investigation constitutes your primary duty until completed. It will take precedence over all other duties. Submit your report to the appointing authority within ten (10) days.

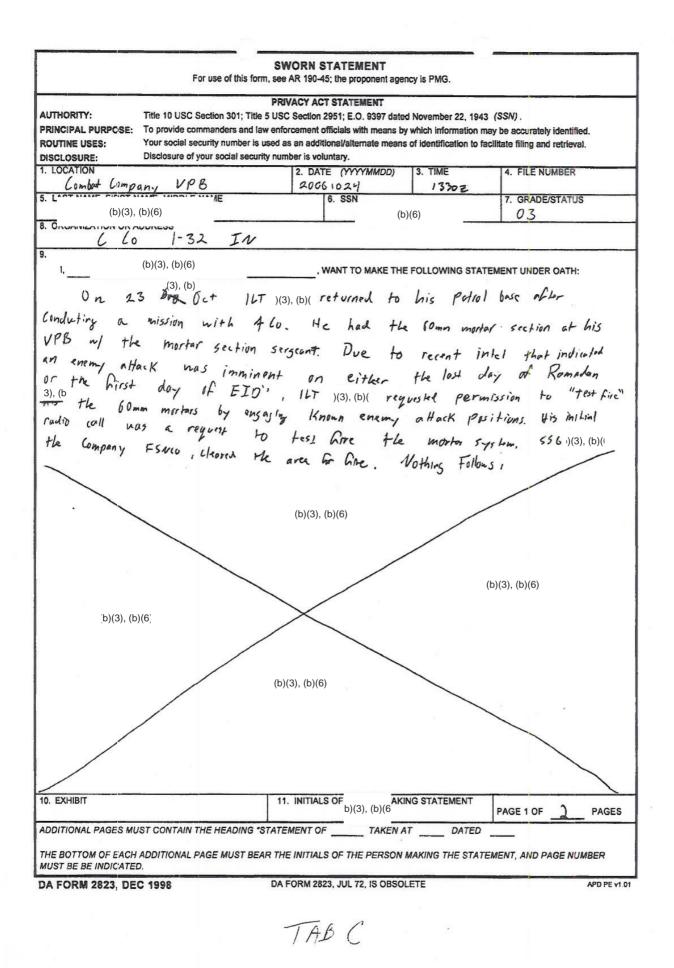
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Pages 27 through 30 redacted for the following reasons:

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**CENTCOM 009710** 

STATEMENT OF (b)(3), (b)(6)	TAKEN AT PB Chicago DATED J400706
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	Subscribed and sworn to before me, a person authorized by law to administer oaths, this <u>24</u> day of <u>OCTOBLE</u> 2005
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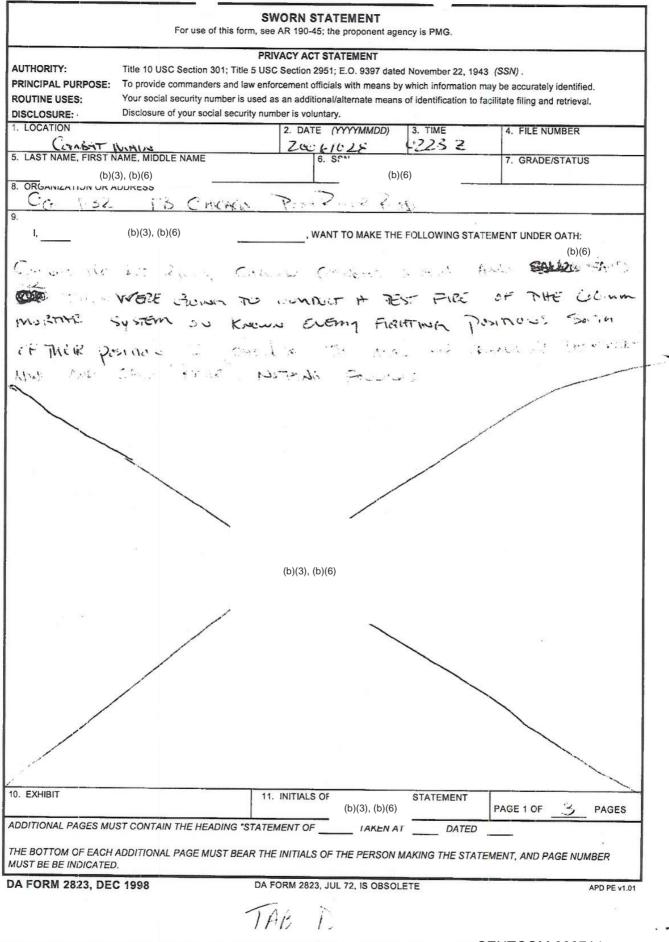
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	I; Title 5 USC Section 2951; E.O. 939		
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	ber is used as an additional/alternate security number is voluntary.	means of identification to	acilitate filing and retrieval.
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than that, no there is	to company sop for morks r	Indited Cimp,	
Why was the bipod for the 60m	morter left @ the	Company UPB ?3	), (b)
		<b>v</b> . ,	
I don't Know			
Are you aware of historical,	max issues with LO.	Marchan 73), (b)	
YUU YOU	Je man Drid Bon	~ / 077073 , 0), (0)	
: No.			
	1 h h h h h h	ſ	1 + 1 + 2 + 2 = 2 = 2 = (3) (b)
R: Is it common practice in A: NU, il is not common prac	Compet Company to	time over hopen	WILD WILD ; (0); (0)
t. No, it is not common prac	lite, but we do e	nsge certain h	istorical POOs that
Force us to shot over popu	aled arras		
			4
			1
2: How often loss that	wittion get attacked	from that	aver? [3], (b]
2: How often does that	psition get attacked	from that	aves ?: [3], (b]
2: How often does that	position get attacked	from that + has been on	aves ?: (3), (b) Hacked 3), (b) 5t imes
2: How often does that	position get attacked	from that + has been on	aver?: (3), (b) Hacked <sup>3), (b</sup> 5t imes
2: How often does that	resition get attacked sector neekly, but i	from that + has been on	aves ?: (3), (b) Hackfal 3), (b) 5+ imes
2: How often lass that	issition get attacked acked neekly, but i	from that + has been on	aven ? [3], (b] Hacked <sup>3), (b</sup> 5t imes
2: How often lass that	ipsition get attacked acked weekly, but i	from that + has been on	aven ?: (3), (b) Hackford 3), (b.5t imes
2: How often lass that	issition get attacked acked weekly, but i	from that the bas been on	aver ?: (3), (b) Hacked <sup>3), (b</sup> 5t imes
2: How often lass that	psition get attacked acked weekly, but i	from that the bas been on	aves ?: [3], (b] Hacked <sup>3], (b</sup> .5t imes
2: How often does that	psition get attacked acked neekly, but i	from that that been on	aves ?: (3), (b) Hacked <sup>3), (b</sup> 5t imes
2: How often loss that	psition get attacked acked neekly, but i	from that that been on	aver ?: [3], (b] Hacknd <sup>3), (b</sup> .5t imes
2: How often does that 1: On average it sets ab in the past y days.	sekted weekly, but i	t has been or	aver ?: (3), (b) Hacked 3), (b.5t imes
2: How often loss that	11. INITIALS OF	ING STATEMENT	Hacked a Strong
2: How often does that 1: On airerage it sets ab in the past y days. EXHIBIT	11. INITIALS OI (b)(3), (b)	ING STATEMENT	Aver ?: 3), (b) Hacknl <sup>3), (b</sup> 5t imes PAGE 1 OF <u>2</u> PAGES
R: How often does that : On average it sets ab in the past y days.	11. INITIALS OI (b)(3), (b)	ING STATEMENT	Hacked a Strong

:

CENTCOM 009712

. -

STATEMENT OF (b)(3), (b)(6) TAKEN AT Combot Main DATED 24 OUT 36	1
9. STATEMENT (Continued)	
Q: Is it common to shoot "" free with the 60mm Moster in hand-held mod	<b>(</b> 3), (t
A: Yes, this is a common practice because the majority of the targets	
we ensage of 10mm or 81mm are nithis 1500 m from the portrol base. The 60's are are regularly used during contact of enoung in household mode because they provide very fast immediate suppression in this mode, is a result, we also regularly fine at likely enemy mode.	
Immediate suppression in this mode is a result, we also reculate for at live	
mode. With the some in handheld made to ensure they are able + trajard to ensure that	
Q: Did you realize that the mission was in band-hold made?	1
A: No.	
(b)(3), (b)(6)	
(b)(3), (b)(6) (b)(3), (b)(6)	
(b)(3), (b)(6)	
AFFIDAVIT	4
(b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT	2
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 FUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENC (b)(3), (b)(6)	(
(b)(b), (b)(b)	
Subscribed and sworn to before me, a person authorized by law to	
administer oaths, this 21 day of 0000 lite . Lot	
(b)(3), (b)(6) at 1400 a	
(b)(3), (b)(6)	
ORGANIZATION OR ADDRESS	1
(b)(3), (b)(6)	
(T)per manus or resource of a stand of the s	
ORGANIZATION OR ADDRESS (Authority To Administer Oaths)	
INITIALS OF PERSON MAKING STATEMENT PAGE Z OF Z PAGES	1



STATEMENT OF _ (b)(3), (b)(6)TAKEN AT <u>Cruches F</u> DATED <u>Cruches F</u>	USI	E THIS PAGE IF	NEEDED. IF THIS	S PAGE IS N	OT NEEDED, I	PLEASE PROCEED TO F	INAL PAGE OF THIS FORM.	
	TATEMENT OF	-	(b)(3), (b)(6)	-	_ TAKEN AT	licenser		
	STATEMENT	(Continued)						
	*							
							21 12	
TIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) PAGE 2. OF PAGES	TALS OF PERS	ON MAKING ST	ATEMENT	(t	- b)(3), (b)(6)		CC	PAGES

STATEMENT OF	(b)(3), (b)(6)	TA	KEN AT	(b)(3), (b)(6)		<u></u>
9. STATEMENT (C	Continued)					
· _						
				/		
		(b)(3	3), (b)(6)			
		/		~		
			•			
				1	· .	
2						
		A	FFIDAVIT			
I, WHICH BEG	(b)(3), (b)(6)	GE 👶 . I FULL	, HAVE R	EAD OR HAVE HAD F	READ TO ME THIS STAT OF THE ENTIRE STATE	
BY ME. THE STAT	EMENT IS TRUE. I HAVE IN	TIALED ALL CORRE	ECTIONS AND	HAVE INITIALED TH	F BOTTOM OF FACH P	
	STATEMENT. I HAVE MADE HMENT, AND WITHOUT COE					
			-	(b)(3	8), (b)(6)	
WITNESSES:			٤			' law to
			administ at	er oaths, this	day of	',
ORGANIZATION O	PADDESS			(0)		
UNGANIZATION				(Signature of P	erson Administering Oat	1)
			o 2.	(Typed Name of	Person Administering Oa	th)
ORGANIZATION O	RADDRESS		8 i <del>r - 1</del>	(Authority	To Administer Oaths)	
NITIALS OF PERSON	MAKING STATEMENT	- (b)(3), (b)(6)			PAGE 3 OF	3 PAGES
PAGE 3, DA FORM 2	323, DEC 1998	-				APD PE v1.01

For us this for	ING PROCEDURE/WAIVER CERTIF ITE rm, see AR 190-30; the proponent agency is ODCSOr 3
DA	TA REQUIRED BY THE PRIVACY ACT
UTHORITY: Title 10, United States Code, See	ction 3012(g)
	enforcement officials with means by which information may be accurately identified.
OUTINE USES: Your Social Security Number is u	used as an additional/alternate means of identification to facilitate filing and retrieval.
SCLOSURE: Disclosure of your Social Securit	ty Number is voluntary.
LOCATION	2. DATE 3. TIME 4. FILE NO.
COMPATY NAME PEST KIVER KOFFD	2Earche Miche
(b)(3), (b)(6)	8 ORGANIZATION OR ADDRESS
-	Con 1-32 INF FIRE Rober CHUNCH
(b)(6) 7. GRAD	ESTATUS DEST DUSC DOMS
PART I - RI	GHTS WAIVER/NON-WAIVER CERTIFICATE
ction A. Rights	
e investigator whose name appears below told me that he/she is	is with the United States Army
	and wanted to question me about the following offense(s) of which I am
spected/accused:	
afore he/she asked me any questions about the offense(s), howe	ever, he/she made it clear to me that I have the following rights:
do not have to answer any question or say anything.	
), (b)nything I say or do can be used as evidence against me in a	
uuring questioning. This lawyer can be a civilian lawyer larra	rivately to a lawyer before, during, and after questioning and to have a lawyer present with me nge for at no expense to the Government or a military lawyer detailed for me at no expense to me,
or both.	rige for at no expense to the Government of a minitary lawyer detailed for me at no expense to me,
	- or -
(For civilians not subject to the UCMJ) I have the right to talk	k 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 on	he that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer
me during questioning. I understand that this lawyer can be on will be appointed for me before any questioning begins.	the that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer
me during questioning. I understand that this lawyer can be on will be appointed for me before any questioning begins. ). (b <sup>1</sup> am now willing to discuss the offense(s) under investigatio	he that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer
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	VARNING PROCEDURE
THE W	VARNING
<ol> <li>WARNING - Inform the suspect/accused of:         <ul> <li>Your official position.</li> <li>Nature of offense(s).</li> <li>The fact that he/she is a suspect/accused.</li> </ul> </li> <li>RIGHTS - Advise the suspect/accused of his/her rights as follows:         <ul> <li>"Before I ask you any questions, you must understand your rights."</li> <li>"You do not have to answer my questions or say anything."</li> <li>"Anything you say or do can be used as evidence against you in a criminal trial."</li> <li>(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</li> </ul> </li> </ol>	<ul> <li>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."</li> <li>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."</li> <li>Make certain the suspect/accused fully understands his/her rights.</li> </ul>
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>(i.e., fewer than 30 days ago),</i> obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior	"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
request was not recent, ask him/her the following question.)	read and sign the waiver section of the waiver certificate on the other side of this form.)
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 supsect/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.	<ul> <li>NSTRUCTIONS</li> <li>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.</li> <li>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.</li> <li>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.")</li> </ul>
COMMENTS (Continued)	

**REVERSE OF DA FORM 3881** 

APD PE v2.01ES

SI For use of this form, see		STATEMENT 45; the proponent age	ncy is PMG.	
AUTHORITY:       Title 10 USC Section 301; Title 5 US         PRINCIPAL PURPOSE:       To provide commanders and law enformation of the security number is used at the security number is used at the security number.         ROUTINE USES:       Your social security number is used at the security number.         DISCLOSURE:       Disclosure of your social security number.	C Section orcement c as an addit nber is vol	officials with means by ional/alternate means untary.	which information may of identification to fac	y be accurately identified. ilitate filing and retrieval.
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	DATA REQUIRE	D BY THE PRIVACY AC		
AUTHORITY: Title 10, Unite	ed States Code, Section 3012(g)			
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	PART I - RIGHTS WAIV	ER/NON-WAIVER CERT	FICATE	
Section A. Rights				
The investigator whose name appears below	told me that he/she is with the Uni			
supported/oppused:		and wanted to qu	estion me about the follow	ving offense(s) of which I am
suspected/accused:	the offense(s) however be/cho m	nade it clear to me that I ha	ve the following righter	-
I do not have to answer any questions about			ve the following rights.	
Anything I say or do can be used as evid				
(For personnel subject to the UCMJ) 1 ha			er questioning and to have	a lawyer present with me
during questioning. This lawyer can be a				
or both.				
		- or -		
(For civilians not subject to the UCMJ)	I have the right to talk privately to a	a lawyer before, during, and	after questioning and to h	ave a lawyer present with
me during questioning. I understand that				
ill be appointed for me before any que	stioning begins.			
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	WARNING PROCEDURE
THE	WARNING
<ol> <li>WARNING - Inform the suspect/accused of:         <ul> <li>Your official position.</li> <li>Nature of offense(s).</li> <li>The fact that he/she is a suspect/accused.</li> </ul> </li> <li>RIGHTS - Advise the suspect/accused of his/her rights as follows:         <ul> <li>"Before I ask you any questions, you must understand your rights."</li> <li>"You do not have to answer my questions or say anything."</li> <li>"Anything you say or do can be used as evidence against you in a criminal trial."</li> <li>(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</li> </ul> </li> </ol>	<ul> <li>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."</li> <li>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."</li> </ul>
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>(i.e., fewer than 30 days ago),</i> 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 I	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.	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.
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.	<ul> <li>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.</li> <li>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</li> </ul>
PRIOR INCRIMINATING STATEMENTS: 1. If the supsect/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.	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)	
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**REVERSE OF DA FORM 3881** 

APD PE v2.01ES

	For use of this	SWORN STATEME form, see AR 190-45; the prop		
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Section A. Rights				
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	(s) under investigation, with or vering further, even if I sign the vering further, e	without a lawyer present, I have a vaiver below.	right to stop answering $k_{abb} = b + k_{abb}$ a a statement without the (b)(3), (b)(6) INVESTIGATOR ct/TFS/Abb questioned or say any	enal for the second sec

<ol> <li>WARNING - Inform the suspect/accused of:         <ol> <li>Your official position.</li> <li>Nature of offense(s).</li> <li>The fact that he/she is a suspect/accused.</li> </ol> </li> <li>RIGHTS - Advise the suspect/accused of his/her rights as follows:         <ul> <li>"Before I ask you any questions, you must understand your rights."</li> <li>"You do not have to answer my questions or say anything."</li> <li>"Anything you say or do can be used as evidence against you in a criminal trial."</li> <li>(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</li> </ul> </li> </ol>	<ul> <li>WARNING</li> <li>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." <ul> <li>or -</li> </ul> </li> <li>(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." <ul> <li>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."</li> </ul> </li> </ul>
<ul> <li>a. Your official position.</li> <li>b. Nature of cffense(s).</li> <li>c. The fact that he/she is a suspect/accused.</li> <li>RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."</li> <li>a. "You do not have to answer my questions or say anything."</li> <li>b. "Anything you say or do can be used as evidence against you in a criminal trial."</li> <li>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</li> </ul>	<ul> <li>lawyer detailed for you at no expense to you, or both." - or -</li> <li>(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."</li> <li>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."</li> </ul>
THE	
	E WAIVER
Do you understand your rights?" If the suspect/accused says "no," determine what is not understood, and if ecessary repeat the appropriate rights advisement. If the suspect/accused ays "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 vas recent <i>(i.e., fewer than 30 days ago)</i> , obtain legal advice whether to ontinue the interrogation. If the suspect/accused says "no," or if the prior equest 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 uspect/accused orally waives his/her rights but refuses to sign the waiver ertificate, you may proceed with the questioning. Make notations on the vaiver certificate to the effect that he/she has stated that he/she understands is/her rights, does not want a lawyer, wants to discuss the offense(s) under nvestigation, and refuses to sign the waiver certificate.	<ol> <li>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.</li> <li>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.</li> </ol>
<ul> <li>RIOR INCRIMINATING STATEMENTS:</li> <li>1. If the supsect/accused has made so not obligate him/her to answer further questions.</li> </ul>	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.")
OMMENTS (Continued)	

**REVERSE OF DA FORM 3881** 

APD PE v2.01ES

	For use of th	SWORN STATEMENT his form, see AR 190-45; the proponent age	ency is PM6.	
UTHORITY: RINCIPAL PURPOSE: OUTIME USES: ISCLOSURE:	To provide commanders and law enforcem	PRIVACY ACT STATEMENT ction 2951; E.O. 3397 dated November 22, ent officials with means by which informat additional/alternate means of identification s voluntary.	ion may be accurately identi	
. LOCATION		2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
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		11. INITIALS OF P	said it	out word
D. EXHIBIT		11. INITIALS OF P )(3), (b)(	NG STATEMENT	PAGE 1 DF PAGES
DDITIONAL PAGES MUST C	ONTAIN THE HEADING "STATEMENT OF			
			00160	
E BOTTOM OF EACH ADDI	TIONAL PAGE MUST BEAR THE INITIALS OF T	HE PERSON MAKING THE STATEMENT, A	ND PAGE NUMBER MUST B	E BE INDICATED.

TAB G

(b)(3), (b)(6) (b)(2)High 95 G STATEMENT OF DATED 23 Octos TAKEN AT 9. STATEMENT (Continued) then turned back around and To every body Round was going to fall shout notical the because ;+ +(.'+ d con (1 it coming down, As soon 510 25 began to noticed it was arear some ₽ FC (b)(3), (b)(6) medical porsonnel Realy . I then ns/LeL 5. + and he did not the forge was set at 1350m actual of checked it He then told me he checked it once we provided up to (b)(2)High & got a distance and where we fired as well as a prid ad checked disection if there were any charges in the lens and were were those "> di' lit 0)(3), (b)(6 d m = 3 + 11 to Pit the monter Take back by where we had Eined . \_ \_ Nothing Follows (b)(3), (b)(6) (b)(3), (b)(6) b)(3), (b)(6 AFFIDAVIT (b)(3), (b)(6) , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 1, b)(3), (b)(6 FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL COR. INJ 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 PUNISH E, OR UNLAWFUL INDUCEMENT. (b)(3), (b)(6) tatement) Subscribed and sworn to before me, a person authorized by law to WI (b)(3), (b)(6) administer oaths, this 24 day of OCTOBER , 2006 at 0344 (b)(3), (b)(6) IVI INF. ORGANIZATION OR ADDRESS (b)(3), (b)(6) (Typea Name of Person Administering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) PAGE 2 OF 2 PAGES PAGE 3, DA FORM 2823, DEC 1998 USAPA VI.DI

	VORN STATEMENT AR 190-45; the proponent agen	ev is PMG	
	An 190-40, the proponent agen	CY IS FINO.	
	VACY ACT STATEMENT		(2011)
AUTHORITY: Title 10 USC Section 301; Title 5 USC			
PRINCIPAL PURPCSE: To provide commanders and law enfo ROUTINE USES: Your social security number is used a			
DISCLOSURE: Disclosure of your social security num			
1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
155 California	2000 1021	02522	
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN		7. GRADE/STATUS
(b)(3), (b)(6)	(b)(6)		E-6
	a de sectu		
Combet Genery 1-32 In Br APC	OHE OG330	~	
I, <u>556</u> (b)(3), (b)(6)	, WANT TO MAKE THE	FOLLOWING STAT	EMENT UNDER OATH:
0. <i>H</i>			
Q. UT <sub>)(3), (b)(</sub>			
A: 556	> donet for ? (3), (b)		
A: 560 B: Is have a company 500 for mortons and	I-VID-1	100	
A: we love certin proceedings that ar		moting head	bell murtals buts
There is no written down Dof .)(3),	(b)(		
Q. Why was the biged not used and where a A: when in the head held mode	(b) (b) (b)	- hipsd	The birpst
A: when in the head held made	you do not use		
wis left at Combet main )(3)	), (b)(		
Q: Were the rounds stored property prior to f		10-11	Level Pech and
A: As his is alknow they were.	I have been back	and work .	the state
Alad . I fell my spaced heider	how at want the	en serves	
best of my knowledge the of dan some "(3), (b)(	himses that they	are showed	L esworth while
4. Have you ever has spoolen with a short "	ound before? With th	is specific to be	<b>?</b> (3), (b)
A' I have had them before wh	ile clues in the	81mm/1200	nu bettelion
mortar platoon but, this is my	phirst with the	60 mm mor	+~, s=c+, 'v ~)(3), (b)(
U: when was the left time PMCS was conducted or	- this tabe? Was any	buts found ?3),	(b
A: The bottelion as more came to the	e combot main Vi	Bebul 3	iverks sou
to check both of my tabes	and dwas tald	both we	Leas hi so
unsition nothingues wronge	with themat a	ell, I hen	e only boen well
on the Pich about 5 or 6 das a	and while I have	o been out	here no Pmcshas
dovel. not sure pilor to	me coming out	when the lo	st one was done (3),
a broke the amprints ever putted on a map ! How	s uses those determined :	3), (b	
it is the aim points were not a	lotted on a map.	The Roma	- was determined
by Pring estimation. )(3), (b)(( 10. EXHIBIT		O STATEMENT	
	(b)(3), (b)(6)	10 STATEMENT	PAGE 1 OF 3 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATE		T DATED	
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR TH MUST BE BE INDICATED.		MAKING THE STATE	EMENT, AND PAGE NUMBER
DA FORM 2823, DEC 1998 DA	FORM 2823, JUL 72, IS OBSOI	ETE	APD PE v1.01

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.
الكان (b)(3), (b)(6)
9. STATEMENT (Continued)
Q: Were you aware of historical range problems with the blum morsar ? (3), (b)
A' I my self have mener ned any problems and there never recieved any
Safty mossiges about problems with Rounds of the Range scale both Comm
Q: Why did you shoot over the village ? 3), (b
A: we wake trying to not the pridge line behind a the village, because
that is one of the main POD sites that Fob California sets attacked
from, we were trying to help dollar an atlack that evening due
to all the recent intel we had be setting b)(3), (b)(6 A: Is it common practice to shoot over populated areas :3), (b
A: Only if there is a target or history of Known Poo sites ")(3), (b)(1) D: Was the annual cartified on the Day and ?
a were the plantary but which the share had a solution (b)
1 brown basit train in yos then take a surrow he had a
in the true was the back in the with the
R: Have you ever fired from this location before? 3), (b)
A: no lhere not)(3), (b)(
Q: How much experience do you have on the 60mm mortor? 3), (b
It al started out as a 60 mm mortun AG with Charlie Company whend Rivert
come make avong in 99 decord a very of so with the 60's moving upt
the equinner prior to becoing to botterion montars. I have been breck
in Cas deas the 60 mm Section Leader now hor just over a year. (3), (b) Q: Hed the rounds been removed from their predessing prior to 2300006? When was the charge Sot ? 3), (b) A: have as
the operate in the second seco
of our pounds are proken down to Charge & soon as one set them or priver to his solny on mise 1000 to Charge & soon as one set them or priver to Puting use will be the town them that way for Rean viewage for
us solog on mise 10 ms. We then heave them that way for Bon viewe her Puture use. DR the 21 Pound sien to 1st Platem for the mission we had
a wind wind the state of the st
stast come off 5 were already broken down those wer the 5 that d
g
" yes that is what I do prive to them some notice take al about the p. 1
sowell is the have and to see that the correct amount & cherges one on the Rund.)(3), (b)(
INITIALS OF PERSON MAKING STATEMEN (b)(3), (b)(6) PAGE 7 OF 3 PAGES
PAGE 2, DA FORM 2823, DEC 1998 APD PE v1.01

TAKEN AT (3), (b) California DATED 24 007 06 STATEMENT OF (b)(3), (b)(6) 9. STATEMENT (Continued) Q: Ind any portion of the change remain in the tube offer the round was fired ? 3). (b A: 1 dave not checked tup tab.3). (t After the missten was reported down to 11 to become the tube alone and put back as close to where we Roved Room 45 & Guald so & 2: 1 50 (3), (b) Q: Is it common to shoot should be worth a hand-hold boom morter ?3), (b A: It it is a target with the our Range yes some times we do short to infordez ...)(3), (b)(6 Q: Do you know the LOT # of the rounds fined ? 3), (b) A: no (3), (b)(6 Q: Were you attempting to five past The max range of the system ? 3). (b A: no we si), (if e sho time at the max Punse Inorder to hit the for Rigg line max range is 1350000 1400m devending on elevenharm 1(3), (b)1 A: Who estimated the range to the target?;), (t Ai d sid with a little help for some of the men of 1st platoon,)(3), (b)(i who live at VPB California (3), (b) - Nothing Follows . (3), (b) AFFIDAVIT (b)(3), (b)(6) , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 1. WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (3), (b). 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 INF (b)(3), (b)(6) na Statement) Subscribed and sworn to before me, a person authorized by law to WIT (b)(3), (b)(6) administer oaths, this 24 day of out BER at 0349, UPB Calibrain UT INF (b)(3), (b)(6) ORGANIZATION OR ADDRESS (Sig ng Oath) (b)(3), (b)(6) (Ty) istering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT PAGE 3 OF 3 (b)(3), (b)(6) PAGES PAGE 3, DA FORM 2823, DEC 1998 APD PE v1.01

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is PMG.
PRIVACY ACT STATEMENT           AUTHORITY:         Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).           PRINCIPAL PURPOSE:         To provide commanders and law enforcement officials with means by which information may be accurately identified.           ROUTINE USES:         Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.           DISCLOSURE:         Disclosure of your social security number is voluntary.
1. LOCATION     2. DATE (YYYYMMDD)     3. TIME     4. FILE NUMBER       Combat Main     200G1028     0700
5. LAST NAME. FIRST NAME. MIDDLE NAME         6. SSN         7. GRADE/STATUS           (b)(3), (b)(6)         (b)(6)         E-3
(5/0) (5/0)
I, PC, (b)(3), (b)(6) , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
SSgt. (b)(3). (b)(6) and myself returned to First plataxes VPB Following cur mission. The next olay we asked if they wanked us to shoot some rounds where they usually take anfact from. They gave us the go ahead. Myself & Sogt. (b)(3). (b)(6) openad one can of rounds to break them down. We checked to make sure the ounds were broken down to charge one & the scretcy usus Sigt. (b)(3). (b)(6) painted at to make sure to shoot the front gate where the figure is the familier of the front gate where the figure fire a the range for 1,000 meters. It pulled the round trigger fire & the range for 1,000 meters. It pulled the round. I stringer fire & the range for 1,000 meters. It pulled the round. I stringer fire & the range for 1,000 meters. It pulled the round. I stringer fire & the range for 1,000 meters. It pulled the round. I stringer fire & the range for 1,000 meters. It pulled the round. I stringer fire & the range for 1,000 meters. It pulled the round. I stringer fire & the range for 1,000 meters. It pulled the round. I stringer fire & the range for 1,000 meters. It pulled the round. I stringer fire & the range for 1,000 meters is and us yaal. Nurdred meters from the last. This time the range was 1,200 meters. I unculed for trigger fire & tack with 1 and read was yaal. I unculed for trigger fire & tack with 1 and read was good. I wanted for trigger fire & tack with 1 and read aning one also also the range fire. Soft. (b)(3), (b)(6) dropped the range was also the fire fire. Soft. (b)(3), (b)(6) dropped the range is no 1,000 meters to the right of the iso & chacked for trigger fire. Soft. (b)(3), (b)(6) dropped the range to also a chacked for trigger fire. Soft. (b)(3), (b)(6) pulled another iso & chacked for trigger fire. Soft. (b)(3), (b)(6) pulled another iso & chacked for trigger fire. Soft. (b)(3), (b)(6) pulled another iso & chacked for trigger fire. Soft. (b)(3), (b)(6) pulled another iso & chacked for trigger fire. Soft. (b)(3), (b)(6) pulled another iso & chacked for trigger fire. Soft. (b)(3), (b)(6) pulled
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.
DA FORM 28:23, DEC 1998         DA FORM 28:23, JUL 72, IS OBSOLETE         APD PE v1.0
TAR 11

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM. (b)(3), (b)(6) STATEMENT OF PFC \_ TAKEN AT Combat main DATED 20061028 9. STATEMENT (Continued) He dropped the Found & I fired. The round was good. Next we shot the same target at the same range. The final turget was to the ridge line to the far right. The range was the letween 1450 & 1500 meters. I took aim to the ridge line & set range to around 1450. Sligt. (b)(3). (b)(6) pulled the last round. Asked me if I was ready. I checked aiming point & vange. Checked for trigger fire & Said I was ready. SSgt. (b)(3). (b)(6) Propped the round. \$1(3), (b) ayan I checked Aiming Point and range & fired as soon as the round fired we noticed it was weak we stood to observe where the round the went it was landed short on the back side of a house. We Immediatly classed (b)(3), (b)(6) (b)(3), (b)(6) (b)(3), (b)(6) (b)(3), (b)(6) INITIALS AKING STATEMENT (b)(3), (b)(6) PAGE OF PAGES PAGE 2, 3, DEC 1998 APD PE v1.01

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STATEMENT OF	Pro	(b)(3), (b)(6)	TAKEN AT	Combut Muin	DATED 20	061028	ō
9. STATEMENT	(Continued)						
	(b)(3), (b)(6)	(b)(3), (b)(6) (b)(3), (b)(6)		(b)(3), (b)(6)			
			AFFIDAVII				
, PFC	(b)(3), (	b)(6)					
WHICH BEGINS BY ME. THE ST CONTAINING TH	HE STATEMENT. 1 H		I FULLY UNDEF CORRECTIONS MENT FREELY ' AWFUL INFLUE - S adm	VE READ OR HAVE HAD RI RESTAND THE CONTENTS ( AND HAVE INITIALED THE (b)(3), (b)( ubscribed and sworm to before inister oaths, this $28^{74}$	OF THE ENTIRE BOTTOM OF EA (6)	STATEMENT ACH PAGE ITHOUT <u>ient)</u> authorized by	MADE
ORGANIZATIO	N OR ADDRESS				3), (b)(6)	-	
(b)(3), (b)(6)	N OR ADDRESS			ART 136 B (Authority 1	)(4) UCIM o Administer Oa	T	
INITI S	SON MAKING STATE	MENT			PAGE	OF	PAGES
PAGE 3, DA FOR	W 2823, DEC 1998						APD PE v1.01

CENTCOM 009736

1.6

		G PROCEDURE/WAIVER CERTI. ATE see AR 190-30; the proponent agency is ODCSOPS	
	DATA F	REQUIRED BY THE PRIVACY ACT	and a second
PRINCIPAL PURPOSE: To provid ROUTINE USES: Your Soc	United States Code, Section de commanders and law enf cial Security Number is used re of your Social Security Nu	forcement officials with means by which information may be accur d as an additional/alternate means of identification to facilitate filin	ately identified. Ig and retrieval.
1. LOCATION		2. DATE 3. TIME	4. FILE NO.
Combat Main		20061028 0700	
5. NAME (Last. First. M!) (b)(3), (b)(6)		8. ORGANIZATION OR ADDRESS	
(b)(6) (b)(6)	7. GRADE/S	TATUS C.CO 1-32 INF	
	PART I - RIGHT	TS WAIVER/NON-WAIVER CERTIFICATE	
ection A. Rights			
<ul> <li>Ak's</li> <li< th=""><th>n or say anything. evidence against me in a crin ) have the right to talk private</th><th>, he/she made it clear to me that I have the following rights:</th><th>(use Lifes)</th></li<></ul>	n or say anything. evidence against me in a crin ) have the right to talk private	, he/she made it clear to me that I have the following rights:	(use Lifes)
or both.			
Il be appointec for me before any		at I arrange for at my own expense, or if I cannot afford a lawyer and w	vant one, a lawyer
Il be appointec for me before any 3), (b) am now willing to discuss the off speak privately with a lawyer before COMMENTS (Continue on reverse	e questioning begins. ense(s) under investigation, w answering further, even if I sig e side) I de (f	with or without a lawyer present, I have a right to stop answering ques gn the waiver below.	tions at any time, or
Il be appointec for me before any 3), (b) am now willing to discuss the off speak privately with a lawyer before COMMENTS (Continue on reverse	questioning begins. ense(s) under investigation, w answering further, even if I sig	with or without a lawyer present, I have a right to stop answering ques gn the waiver below.	tions at any time, or
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PART II - RIGHTS 1	WARNING PROCEDURE
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<ol> <li>WARNING - Inform the suspect/accused of:         <ul> <li>Your official position.</li> <li>Nature of offiense(s).</li> <li>The fact that he/she is a suspect/accused.</li> </ul> </li> <li>RIGHTS - Advise the suspect/accused of his/her rights as follows:         <ul> <li>"Before I ask you any questions, you must understand your rights."</li> <li>"You do not have to answer my questions or say anything."</li> <li>"Anything you say or do can be used as evidence against you in a criminal trial."</li> <li>(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</li> </ul> </li> </ol>	<ul> <li>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." <ul> <li>or -</li> </ul> </li> <li>(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." <ul> <li>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."</li> </ul></li></ul>
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>(i.e., fewer 'han 30 days ago),</i> 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 IN	INSTRUCTIONS
<ul> <li>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.</li> <li>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.</li> <li>PRIOR INCRIMINATING STATEMENTS: <ol> <li>If the supsect/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.</li> </ol> </li> </ul>	<ul> <li>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.</li> <li>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.</li> <li>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.")</li> </ul>
COMMENTS (Continued)	

TIME DATE **CONVERSATION RECORD** 02 November 2006 131.2 TYPE ROUTING CONFERENCE TELEPHONE NAME/SYMBOL INT INCOMING ORGANIZATION (Office, dept., bureau, etc.) AMMO LAR, BAF TELEPHONE NO. NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU (b)(6) (b)(6) SUBJECT NONCOMBATANS LNV INFO CASUALTIES SUMMARY (b)(6) said that while it the saw an emai JLC 1,0 Statin The Liere DIJAds Th Idea SPING (rikin ilir of (2)Hi ondition akual Code SUSPEASIUN Acioid (b)(2)High 1115 (b)(6) 15511 SUI sland Hisena Nitia Dik 3 ALCOVI (b)(6) (b)(6) ling to t were iN us Derva 1 Shi are Neidia Lot 7-006 VIDAC BLAZ T ذ T-060-005 DODAL B643 ACTION REQUIRED (b)(6) Interviewe of Mr. DATE (b)(3), (b)(6) 62 November 2006 (b)(3), (b)(6) ACTION TAKEN S DATE TITLE (b)(3), (b)(6) Officer 02 November tygatrain OOk, NV29 OPTIONAL FORM 271 (12-76) DEPARTMENT OF DEFENSE 50271-101 CONVERSATION RECORD TAR I

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<ul> <li>a. Your official position.</li> <li>b. Nature of offense(s).</li> <li>The feat that helps is a suspect/accused.</li> <li>RIGHTS - Achise the suspect/accused of his/her rights as follows: Telefore lask, you any questions or say anything."</li> <li>b. "Anything you say or do can be used as evidence against you in a criminal tr at."</li> <li>c. (For personnel subject to the UCAU) "You have the right to talk privately to a langer bolic, utiling, and after questioning and to have a langer person. Willing to discuss the offense(s) under investigation, with or without a langer bolic, you have a right to stop answring questions at any time, or speak privately will be appointed for you before anything."</li> <li>d. "If you are now willing to discuss the offense(s) under investigation, with or without a langer before.</li> <li>d. "If you are now willing to discuss the offense(s) under investigation, with or without a langer before.</li> <li>d. "If you are now willing to discuss the offense(s) under investigation, with or without a langer before.</li> <li>d. "If you are now willing to discuss the offense(s) under investigation, with or without a langer at his timer" (If the suspect/accused says "no." determine what is not understood, and if decessary repark the appropriate rights advisement. If the suspect/accused says "no." stop the interview and make a faitement without taiking to a langer before.</li> <li>THE WAVER</li> </ul>		PART II - RIGHTS WARNING PROCEDURE
<ul> <li>a. Your official position.</li> <li>b. Nature of offense(s).</li> <li>c. The fact that helphs is a suspect/accused.</li> <li>RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before lask, you any questions or say any public,"</li> <li>a. "You do not have to answer my questions or say anything."</li> <li>b. "Anything you say or do can be used as evidence against you in a criminal if at."</li> <li>c. (For personnel subject to the UCMJ) "You have the right to talk privately the alawyer bories, during, and after questioning, This lawyer anavering (Linker, or spake privately with a dawyer before, during updation).</li> <li>b. "Anything to alawyer office to the UCMJ) "You have the right to talk privately the alawyer bories, during and the questioning, This lawyer anavering (Linker, or spake privately with be subpect/accused says "no," ask the suspect/accused fays "no," or lefter rights.</li> <li>Do you understand your rights?"</li> <li>the suspect/accused says "no," determine what is not understood, and if accessary repeat the appropriate rights advisor whether to onlinue the interrogation. If the suspect/accused says "no," ask him/her the following question.)</li> <li>THE WAVER</li> <li>The suspect/accused says "no," ask him/her the following question.)</li> <li>Arthe time, are you willing to discuss the offense(s) under investigation and make a talewere the day or priptic?"</li> <li>the suspect/accused says "no," ask him/her the following question.)</li> <li>Art the time, are you willing to discuss the offense(s) under investigation and make a talement, the accused rus to says any "see," have him/her mage at was not neem, ask him/her fights but refuses to sign the waiver certificate on the orbit waiver certificate store of the waiver certificate.</li> <li>YMAVER CERTIFICATE CONNOT BE COMPLETE: If the uspectraccused or silve waiver certificate in the discuss to dighthe waiver certificate or the secrim stattement, the accused nu</li></ul>		THE WARNING
Do you understand your rights?" If the suspect/accusad says "no," determine what is not understood, and if the suspect/accusad says "no," determine what is not understood, and if the suspect/accusad says "no," determine what is not understood, and if the suspect/accusad 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 resont with you?" (If the suspect/accusad says "no," the prior equest was not recent, ask him/her the following question.) SPECIAL INSTRUCTIONS VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accusad as such either without being advised of his/her rights but refuses to sign the waiver read and sign the waiver section of the waiver certificate on the other side of this form.] SPECIAL INSTRUCTIONS VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accusad as such either without being advised of his/her rights but refuses to sign the waiver read and sign the waiver section of the waiver certificate on the other side of this form.] SPECIAL INSTRUCTIONS VHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accusad was questioned as such either without being advised of his/her rights advised. FWAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all asses the waiver certificate must be completed as soon as possible. Every iffort should be mades to sign the waiver certificate as soon as possible. Every iffort should be mades to sign the waiver certificate as soon as possible. Every iffort should be mades to somplete the waiver certificate and initialed by the suspect/accused. WHEN SUSPECTIACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR INCENIMINATING STATEMENTS: 1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights her/she should be told that such statements do not obligate him/her to answer further	<ul> <li>a. Your official position.</li> <li>b. Nature of offense(s).</li> <li>c. The fact that he/she is a suspect/accused.</li> <li>2. RIGHTS - Advise the suspect/accused of his/he "Before I ask you any questions, you must unde a. "You do not have to answer my questions"</li> <li>b. "Anything you say or do can be used as ever criminal tr al."</li> <li>c. (For personnel subject to the UCMJ) "You h privately to a lawyer before, during, and after</li> </ul>	Iawyer 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."
<ul> <li>Do you understand your rights?*         (If the suspect/accuss d says "no," determine what is not understood, and if the suspect/accuss d says "no," determine what is not understood, and if the suspect/accuss d 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 research of the suspect/accuss d 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 research of the suspect/accuss d 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 may from 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 may from the suspect/accuss d says "no," ask him/her the following question.)         "At this time, are you willing to discuss the offense(s) under mead and sign the waiver section of the waiver certificate on the other side of this form.]         SPECIAL INSTRUCTIONS     </li> <li>SPECIAL INSTRUCTIONS     </li> <li>2. If the suspect/accused was questioned as such either without being advised of his/her rights advised.</li> <li>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 bar before any usels in the case of street interrogation, completion as possible. Every eafor should be made to complete the waiver certificate bar before any usels in the case of street interrogation, completion may be temporarily postpond.         NOTE: If 1 or 2 applies, th</li></ul>		
<ul> <li>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.</li> <li>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.</li> <li>3. If the suspect/accused was questioned as such either without being advised of his/her rights he so advised of his/her rights advised.</li> <li>4. If the suspect/accused was questioned as such either without being advised of his/her rights he so advised of his/her rights advised.</li> <li>5. If the waiver certificate cannot be completed at once, as the case of street interrogation, completion may be temporarily postponed. lotes should be kept on the circumstances.</li> <li>7. 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</li> <li>2. If the suspect/accused was questioned as such either without being advised of his/her rights. If the suspect/accused is soon as possible. Every fiort should be made to complete the waiver certificate cannot be completed at once, as the case of street interrogation, completion may be temporarily postponed. lotes should be kept on the circumstances.</li> <li>7. 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</li> <li>2. If the suspect/accused was questioned as such either without being advised of his/her rights. If a r 2 applies,</li></ul>	f the suspect/accused says "no," determine what is eccessary repeat the appropriate rights advisement. I ays "yes," ask the following question.) Have you ever requested a lawyer after being read you f the suspect/accused says "yes," find out when and ras recent ( <i>i.e., fewer than 30 days ago</i> ), obtain legation ontinue the interrogation. If the suspect/accused says	t understood, and if       (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 other side of the side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the waiver section of the waiver certificate on the other side of the section of the waiver certificate on the other side of the section of the waive
<ul> <li>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.</li> <li>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 must be completed as soon as possible. Every affort 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.</li> <li>PRIOR INCRIMINATING STATEMENTS: <ol> <li>If the supsect/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</li> </ol> </li> </ul>		SPECIAL INSTRUCTIONS
questions, wrong, you shouldn't need an attorney.")	suspect/accused ora ly waives his/her rights but refus certificate, you may proceed with the questioning. Mak waiver certificate to the effect that he/she has stated his/her rights, does not want a lawyer, wants to discu- investigation, and refuses to sign the waiver certificat IF WAIVER CERTIFICATE CANNOT BE COMPLETED cases the waiver certificate must be completed as so effort should be made to complete the waiver certifica- questioning begins. If the waiver certificate cannot be in the case of street interrogation, completion may be Notes should be kept on the circumstances. PRIOR INCRIMINATING STATEMENTS: 1. If the supsect/accused has made spontaneo statements before being properly advised of his	s to sign the waiver       advised of his/her rights or some question exists as to the propriety of the         notations on the       first statement, the accused must be so advised. The office of the serving         at he/she understands       Staff Judge Advocate should be contacted for assistance in drafting the         the offense(s) under       proper rights advisal.         MEDIATELY: In all       NOTE:         as possible. Every       If 1 or 2 applies, the fact that the suspect/accused was advised         before any       ompleted at once, as         emporarily postponed.       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.
	questions.	
	COMMENTS (Continued)	

**REVERSE OF DA FORM 3881** 

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UTHORITY:	Title 10 USC Section 301;		2951: E.O. 9397 dated	1 November 2	2. 1943	(SSN).	
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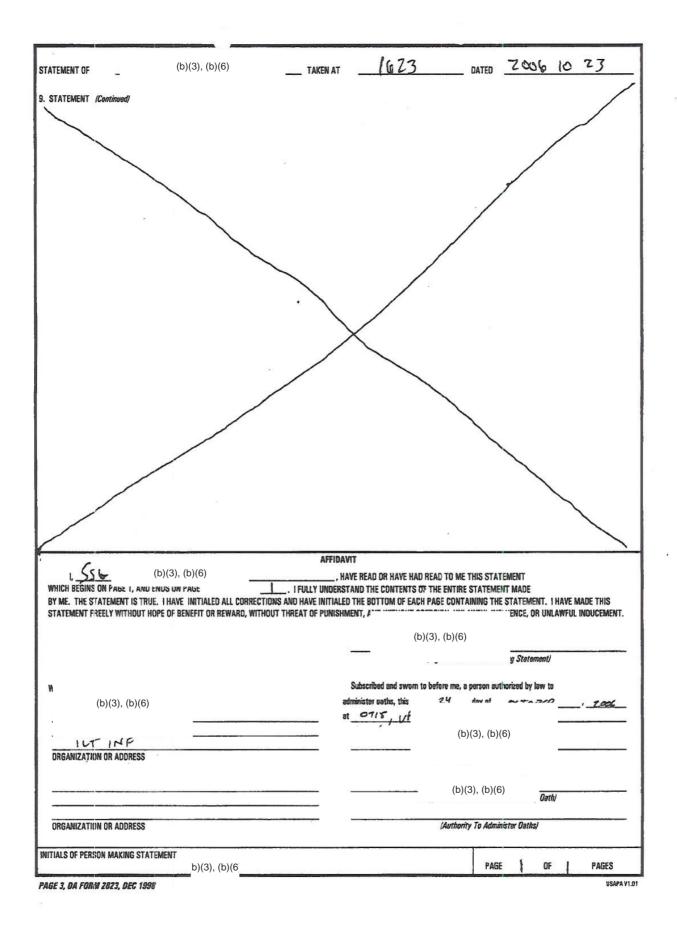
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SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is PMG. PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified. **ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary 2. DATE MYYYMMODI ZCG 10 73 4. FILE NUMBER 623 (b)(2)High 7. GRADE/STATUS (b)(3), (b)(6) (b)(6) 55615-6 8. ORGANIZATION OR ADDRESS PATROL BASE CALIFORNIA ( CO 1-32 INF (b)(3), (b)(6) \_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER DATH: ON Z3OCTOS 1 SSG THE COMPANY MORNARS CONDITION AN HARRASSMENT AND INTERDITION FIRE UPON KNOWN ENDry OBSERVATION POSTS. 5 ROUMDS WERE FIRED. ON THE STA ROUMD FIRED IT Sounded as IF IT NUMBER LOUD ENGLIGH. THE ROUND FELL SHORT AND LANDED IN A DEAN BEHIND A HOUSE. 3 PERSONNEL WERE INSURED, THEY WERE BROJGHT TO THE NEHICLE PATEOL BASE WHERE MUSIKS CARED FOR THEN UNTIL THE HELICOPTERS ALLINED ON SITE. NOTHING FOLLOWS\_ b)(3), (b)(6 (b)(3), (b)(6) (b)(3), (b)(6) (b)(3), (b)(6) 5 11. INTIALS OF PERSON MAKING STATEMENT 10. EXHIBIT )(3), (b)(( PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED THE BOTTOM OF #ACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, JUL 72, IS OBSOLETE DA FORM 2823, DEC 1998 IISAPA VI DI

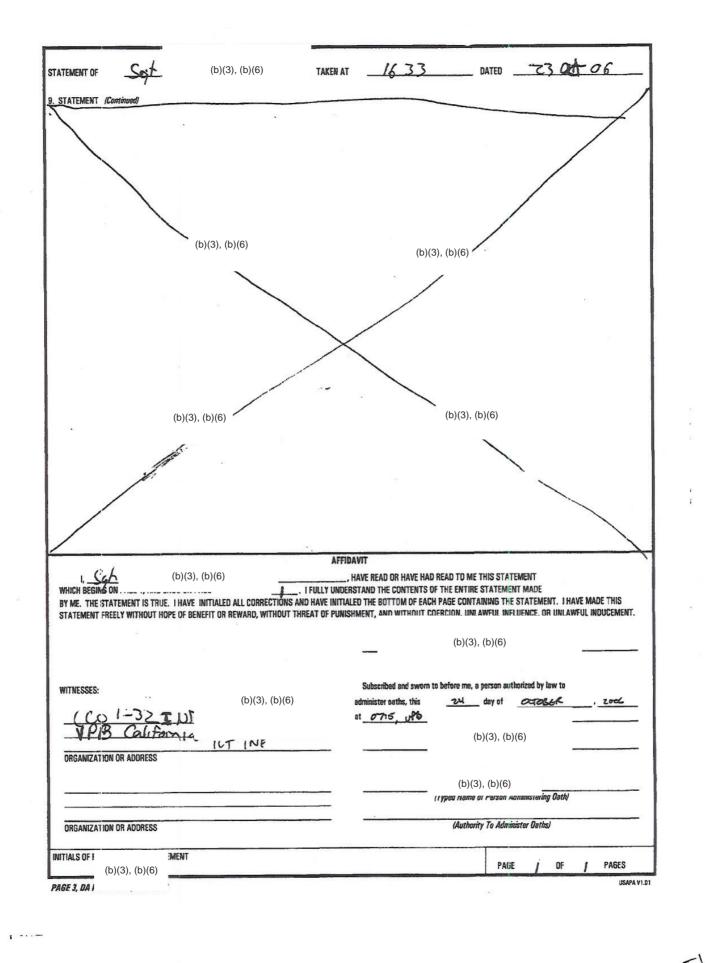
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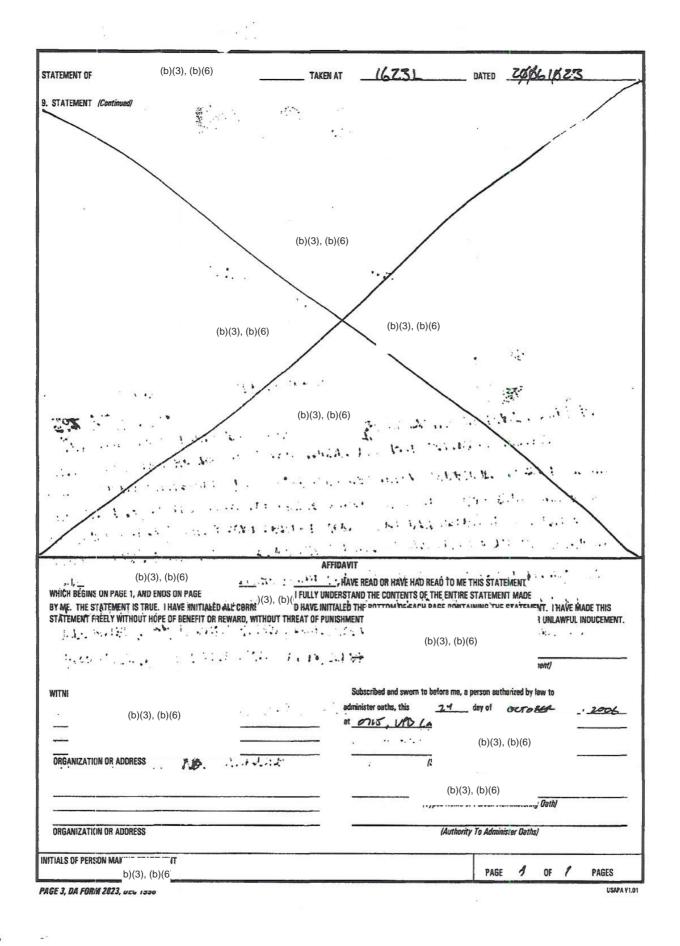
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**SWORN STATEMENT** • . . For use of this form, see AR 190-45; the proponent agency is PMG. 5 PRIVACY ACT STATEMENT AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SS/W). PRINCIPAL PURPUSE: To provide 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) 3. TIME 4. FILE NUMBER 2006/023 (b)(3), (b)(6) POB CAUFORNIA 16231 5. LAST NAME, FIRST NAME, MIDDLE NAME 7. GRADE/STATUS 8 55 E-6/SSC (b)(3), (b)(6) (b)(6) 8. UNDANIZATION UN AUUNCOO C CO 1.32 INF TESPARTAN APOAE 09354 (b)(3), (b)(6) 1 SSC \_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: APPROX ISAGL SSG (b)(3), (b)(6) AND PPC (b)(3), (b)(6) ASKED IF IT WAY OKAY TO FIRE MOTAR (60mm) ROONDS ATTHE SOUTH SIDE RIDGE LINE. WITH THE PERMISSION OF (b)(2)High AND CONDAT MAIN. THEY FIRED SRDS, UPON THE THE LAST RD. SSC (b)(3), (b)(6) NOTICES WHEN THE ROUND LEFT THE TUBE IT SOUNDED EURNY. SSC (b)(3), (b)(6) RANGED THE TUBE BEFORE THE FIRING OF THE CAST ROOMD AT 1400 M TO HIT "LAST RIDGE" THE ROUND LANDED VERY SHORT AND IMPACTED JUST ADOUE THE VILLAGE ON THE SOUTH SIDE OF THE RIVER THE LOCAL CAMPE ECROSS THE RIVER WITH 2 SMALL LITTLEGIRLS (AGES 10-14) WHO HAS TAKEN SHRAPNIEL WOONDS TO THE RKHT SIDES OF THE BODIES. THE COMDAT DOC AND DEZTADOC QUICKLY STABLICED THE 2 GIRLS AND THEY LIERE 3), (b) PUT ON THE MEDEURC BIRD AT 3), (t 1610L. - END OF STATEMENTb)(3), (b)(6 (b)(3), (b)(6) (b)(3), (b)(6) (b)(3), (b)(6) 10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT ł PAGE 1 OF PAGES \_)(3), (b)((\_ ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT DATED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA VI.DI

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STATEMENT (Continued)				
	AFFID	AVIT		
۱			HAD READ TO ME THIS STA	TEMENT
	NDS ON PAGE I FULLY UN			
	IAVE MADE THIS STATEMENT FREE			
HREAT OF PUNISHMENT, AND WI	THOUT COERCION, UNLAWFUL INFI	LUENCE, OR UNLAWFUI	L INDUCEMENT.	
		(Signatu	re of Person Making Stateme	nt)
VITNESSES:		Subscribed and sworn	to before me, a person author	rized by law to
		administer oaths, this	day of	<sup>1</sup>
		at		
	We also a list of the second se			
		(Signatur	o of Person Administering Os	th)
ORGANIZATION OR ADDRESS		(Signatur	e of Person Administering Oa	th)
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ORGANIZATION OR ADDRESS		(Typed Nai		

Pages 76 through 81 redacted for the following reasons: ----

(b)(1)1.4a, (b)(1)1.4c (b)(2) High, (b)(3) and (b)(6) apply. (b)(2)High