

Pages 1 through 20 redacted for the following reasons:

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

(b)(1)1.4a and c, (b)(3) and (b)(6)

(b)(2) High

(b)(2)High

(b)(2)High

Four pages removed for the following reason:(b)(2) High

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by COL. (b)(3), (b)(6) TF Spartan (Appointing authority)

on 24 Oct 06 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at Vehicle Patrol Base California, Afghanistan at 1530L/1100Z (Place) (Time)

on 26 Oct 06 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1330L/0900Z on 27 Oct 06 (Time) (Date)
and completed findings and recommendations at 1530L/1100Z on 2 Nov 06 (Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

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

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

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

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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

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

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)High returned 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 their 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 determined the mortars needed to conduct fires to prepare his defensive indirect fires for a possible attack that night. The mortar section 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 (b)(6) 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 for the girls. At 1611 local the medevac was wheels down at patrol base California. At 1619 local the medevac was wheels up enroute to ABAD. At 1625 local the 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 called 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). SSG (3), (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. 1LT (3), (b) is 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 1LT (3), (b) requested permission from CPT (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)High contacted him to request permission to conduct a test fire. After clearance was granted 1LT (3), (b) and SSG (P) (3), (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 east 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 several times as he had done several times on the previous four targets. SSG (3), (b) then 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) 1LT (3), (b) and SSG (P) (3), (b) all indicated verbally to each other 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 tube nor the ammo was then touched by anyone until the following day as stated by 1LT (3), (b) 1LT (3), (b) also states that the rounds that were fired had been taken on 4 of the last 72 hour mounted and dismounted movements and village occupation missions which had ended earlier that day 23 October 2006. He also states that the mortar tube and ammo had not been used during that time and the ammo was carried in the original sealed cardboard transport tube. 1LT (3), (b) also states that he did not verify the range reading on the mortar tube for any of the rounds fired.

[see continuation page]

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

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

1. I 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. I 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 code 2 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. I 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 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 (3), (b) not be held liable for the actions that occurred on 23 October 2006. PFC (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 injuries 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 (LT (3), (b)), the Mortar Section Sgt (SSG (3), (b)), and the Gunner (PFC (3), (b)). The Soldiers legitimately engaged a target that had been identified as a recent enemy fighting position.

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(b)(3), (b)(6)

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (~~disapproved~~) (~~approved with following exceptions/substitutions~~). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

Solatia Payments:

(b)(6)

.) for death of LN
for injury to LN
for injury to LN

Payments made on 1 Nov 2006

(b)(3), (b)(6), (b)(1)1.4e

CUL, IN
Commanding

06 NOV 2006

c. SSG(3), (b) and PFC(3), (b) were 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 stood 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) also states that other than that there had been no PMCS done to the tube. The aim points were never plotted on a map prior to shooting the rounds according to 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 used in the firing incident.

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: 1LT(3), (b) Statement
 TAB F: SSG(P)(3), (b) Statement
 TAB G: SSG(3), (b) Statement
 TAB H: PFC(3), (b) Statement
 TAB I: Conversation Record with (b)(6) AMMO LAR, BAF
 TAB J: LT(3), (b) Statement
 TAB K: SPC(3), (b) Statement
 TAB L: SSG(3), (b) Statement
 TAB M: SGT(3), (b) Statement
 TAB N: SSG(3), (b) Statement
 TAB O: Investigation Photos with MAJ(b)(3), (b)(6) Statement



REPLY TO
ATTENTION OF

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

24 OCT 2006

TF-SPARTAN

MEMORANDUM FOR CW3 (b)(3), (b)(6) Headquarters and Headquarters
Company, 3rd Infantry Brigade Combat Team, 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.

(b)(3), (b)(6)

COL, IN
Commanding

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Pages 27 through 30 redacted for the following reasons:

(b)(1)1.4a and c, (b)(2) High, (b)(3) and (b)(6)
(b)(1)1.4a and c, (b)(2) High, (b)(3) and (b)(6)
(b)(5)

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: Combat Company VPB
2. DATE (YYYYMMDD): 20061024
3. TIME: 1330Z
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(6)
7. GRADE/STATUS: O3
8. ORGANIZATION OR ADDRESS: C Co 1-32 IN

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 23 ~~Aug~~ Oct (b)(3), (b)(6) returned to his patrol base after conducting a mission with A Co. He had the 60mm mortar section at his VPB w/ the mortar section sergeant. Due to recent intel that indicated an enemy attack was imminent on either the last day of Ramadan or the first day of EID, (b)(3), (b)(6) requested permission to "test fire" the 60mm mortars by engaging known enemy attack positions. His initial radio call was a request to test fire the mortar system. SSG (b)(3), (b)(6) the Company ESUO, cleared the area for fire. Nothing follows.

10. EXHIBIT
11. INITIALS OF MAKING STATEMENT: (b)(3), (b)(6)
PAGE 1 OF 2 PAGES

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.

TAB C

STATEMENT OF

(b)(3), (b)(6)

TAKEN AT PB Chicago

DATED 24 OCT 06

9. STATEMENT (Continued) Nothing follows

(b)(3), (b)(6)

(b)(3), (b)(6)

(b)(3), (b)(6)

(b)(3), (b)(6)

AFFIDAVIT

I, (b)(3), (b)(6)

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UI

(b)(3), (b)(6)

(Signature)

WITNESSES:

(b)(3), (b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of OCTOBER, 2006 at 1330 E

ILJ, FA C/1-32
ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

(Signature)

ORGANIZATION OR ADDRESS

(Signature)

(Signature)

(Authority To Administer Oaths)

INITIALS OF PERSON MAI

IENT

(b)(3), (b)(6)

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION <i>Combat Company VPB</i>	2. DATE (YYYYMMDD) <i>20061024</i>	3. TIME <i>1600Z</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME <i>(b)(3), (b)(6)</i>	6. SSN <i>(b)(6)</i>	7. GRADE/STATUS <i>03</i>	

8. ORGANIZATION OR ADDRESS
C Co, 1-32 JU

9. I, *(b)(3), (b)(6)*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: CPT
A: CPT (b)(3), (b)(6)

Q: Is there a company SOP for mortars and indirect fire? (3), (b)
A: There is a company SOP for clearance of fires + a BN SOP for mortars + indirect fire. Other than that, no there is no "company SOP for mortars + indirect fire."

Q: Why was the bipod for the 60mm mortar left @ the company VPB? (3), (b)
A: I don't know

Q: Are you aware of historical range issues with 60mm mortars? (3), (b)
A: No.

Q: Is it common practice in combat company to fire over populated areas? (3), (b)
A: No, it is not common practice, but we do engage certain historical POA that force us to shoot over populated areas.

Q: How often does that position get attacked from that area? (3), (b)
A: On average it gets attacked weekly, but it has been attacked ^{(3), (b)} 5 times in the past 4 days.

10. EXHIBIT	11. INITIALS OF <i>(b)(3), (b)(6)</i>	ING STATEMENT	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF

(b)(3), (b)(6)

TAKEN AT

Combat Mission

DATED

24 OCT 06

9. STATEMENT (Continued)

Q: Is it common to shoot ~~missiles~~ ^{(3), (b)} fires with the 60mm mortar in hand-held mode? ^{(3), (b)}

A: Yes, this is a common practice because the majority of the targets we engage w/ 60mm or 81mm are within 1500 m from the patrol base. The 60's are regularly used during contact w/ enemy in handheld mode because they provide very fast immediate suppression in this mode. As a result, we also regularly fire at likely enemy positions with the 60mm in handheld mode to ensure they are able & trained to engage in that mode.

Q: Did you realize that the mission was in hand-held mode?

A: No.

~~(b)(3), (b)(6)~~

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENC

(b)(3), (b)(6)

(Signature)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of October, 2006 at 1400Z

(b)(3), (b)(6)

(b)(3), (b)(6)

ILT, FA C/1-32
ORGANIZATION OR ADDRESS

(b)(3), (b)(6)
(Type name of person administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is 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 <i>COMBAT MANSION</i>	2. DATE (YYYYMMDD) <i>20061028</i>	3. TIME <i>0223 Z</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>(b)(3), (b)(6)</i>	6. SSN <i>(b)(6)</i>	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS <i>CG 132 73 CHICAGO PORTLAND 210</i>			

9. I, _____, *(b)(3), (b)(6)*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: *(b)(6)*

Commander CG 132 73, Chicago, Illinois, and ~~SAULT STEARNS~~
WE WERE GIVEN TO CONDUCT A TEST FIRE OF THE COMM
MUNITION SYSTEM SO KNOW ENEMY FIGHTING POSITIONS SOUTH
OF THEIR POSITIONS TO CONDUCT THE TEST AND REPORT RESULTS
AND ANY OTHER NOTES PERTAINING THEREON

(b)(3), (b)(6)

10. EXHIBIT	11. INITIALS OF STATEMENT <i>(b)(3), (b)(6)</i>	PAGE 1 OF <u>3</u> PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.		

TAB D

CENTCOM 009714

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

STATEMENT OF _____ (b)(3), (b)(6) _____ TAKEN AT Fort Belvoir DATED 11-2-08

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 3 PAGES

STATEMENT OF _____ (b)(3), (b)(6) _____ TAKEN AT _____ (b)(3), (b)(6) DATED 2.22.23

9. STATEMENT (Continued)

(b)(3), (b)(6)

AFFIDAVIT

I, _____ (b)(3), (b)(6) _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE _____ AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

(b)(3), (b)(6)

WITNESSES:

§ _____ law to
administer oaths, this _____ day of _____
at _____

ORGANIZATION OR ADDRESS _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS _____

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 3 OF 3 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSGr 3

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <i>Combat Training Post River Road</i>	2. DATE <i>28 Oct 06</i>	3. TIME <i>0700</i>	4. FILE NO.
5. NAME (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS <i>Co 1-32 INF FIREBASE CANABO</i>		
6. SSN (b)(6)	7. GRADE/STATUS <i>Sgt/1st Lt</i>	<i>Post River Road</i>	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

- do not have to answer any question or say anything.
- (3), (b) anything I say or do can be used as evidence against me in a criminal trial.
- For personnel subject to the UCMJ* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
- For civilians not subject to the UCMJ* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- 3), (b) I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)
I do not have to answer any questions or anything even if I made statements before without being advised of my rights

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)	
b. ORGANIZATION OR ADDRESS AND PHONE	(b)(3), (b)(6)
2a. NAME (Type or Print)	
b. ORGANIZATION OR ADDRESS AND PHONE	<i>HHC 3BCT, TF SPARTAN</i>

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

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

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

"Do you want a lawyer at this time?"
 (If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

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 PECH ASADABAD KUNAR JPB CALIFORNIA (b)(2)High	2. DATE (YYYYMMDD) 27 OCT 06	3. TIME 1640	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS O2	
8. ORGANIZATION OR ADDRESS CCO 1-32 FOB ASADABAD APO AE 09354			

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 (3), (b)(3)
 ON 22 OCT 06 AT APPROXIMATELY 1515 LOCAL I REQUESTED FROM MY COMMANDER, CPT (b)(3), (b)(6), TO CONDUCT A HARRASSMENT AND INTERDICTION FIRE MISSION TARGETING KNOWN ENEMY FIGHTING POSITIONS IN ORDER TO PREVENT ENEMY ~~INTERDICTION~~ (b)(3), (b)(6) MOVEMENT TO THESE FIGHTING POSITIONS. HISTORICAL PATTERNS OF ATTACKS ON MY PATROL BASE INDICATE ENEMY MOVEMENT IN EARLY MORNING HOURS AND EARLY AFTERNOON HOURS FOR ATTACKS IN MID MORNING AND LATE AFTERNOON FROM FIGHTING POSITIONS ON THE RIDGELINE SOUTH OF MY PATROL BASE. AFTER CLEARANCE WAS GRANTED FROM COMBAT MAIN PATROL BASE OVER FM COMMUNICATIONS, MYSELF AND SSG(P)(b)(3), (b)(6) POINTED TO AND DESCRIBED TARGETS TO BE ENGAGED USING 60MM MORTARS IN DIRECT LAZ MODE. SSG (b)(3), (b)(6) THE 60MM MORTAR SECTION LEADER CONFIRMED HIS UNDERSTANDING OF AND ACQUISITION OF THE TARGETS. FIVE TARGETS WERE TO BE FIRED FROM EAST TO WEST. USING RANGE DATA ACQUIRED FROM PREVIOUS FIRE MISSIONS AND TERRAIN ANALYSIS, SSG (b)(3), (b)(6) ACQUIRED AND ENGAGED THE FIRST FOUR TARGETS SUCCESSFULLY. SSG (b)(3), (b)(6) ACQUIRED THE FIFTH AND FINAL TARGET AND ESTIMATED THE RANGE TO BE APPROXIMATELY 1400m. THE FIFTH TARGET WAS ON AN APPROXIMATE AZIMUTH OF 3710 MILS. SSG (b)(3), (b)(6) CONFIRMED THE READING OF 1400m ON THE RANGE SCALE OF THE 60MM MORTAR TUBE AND RECHECKED THE HEADINGS OF THE MORTAR TUBE SEVERAL TIMES, AS WAS DONE FOR ALL PREVIOUS TARGETS. IN DOING SO, SSG (b)(3), (b)(6) SAID ALONG THE DISTANCE OF 1400m. SSG (b)(3), (b)(6) HUNG AND DROPPED THE ROUND. AFTER THE DETONATION OF THE CHARGE IN THE MORTAR TUBE AND THE EXPULSION OF THE ROUND, SSG (b)(3), (b)(6) MYSELF AND SSG(P)(b)(3), (b)(6) INDICATED VERBALLY TO EACH OTHER THAT THE ROUND SOUNDED WEAK AS IT LEFT THE TUBE. THE ROUND IMPACTED ABOUT 700-800 METERS (b)(3), (b)(6) OF ITS INTENDED TARGET IN A POPULATED AREA. THERE WERE AN UNKNOWN NUMBER OF LOCAL NATIONALS PRESENT (b)(3), (b)(6) IN AND AROUND THE HOMES CLOSEST TO WHERE THE

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

TAF

CENTCOM 009719

STATEMENT OF

(b)(3), (b)(6)

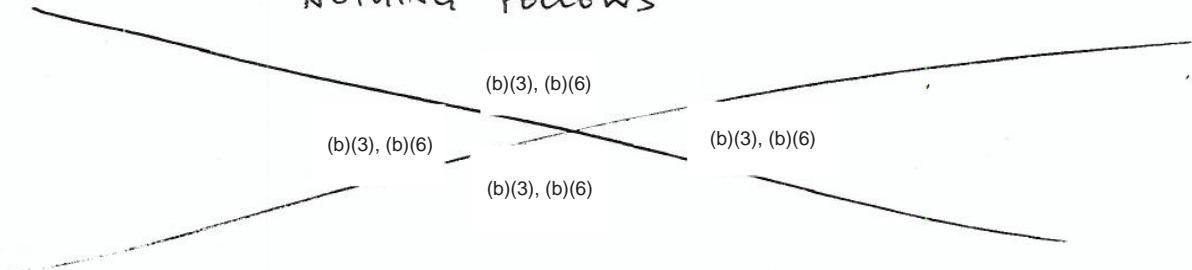
TAKEN AT VPS CALIFORNIA DATED 27 OCT 06

9. STATEMENT (Continued)

ROUND IMPACTED. AFTER THE ROUND WAS OBSERVED IN AN UNSAFE LOCATION, SSG (b)(3), (b)(6) PULVED THE MORTAR TUBE AGAINST THE NEAREST HMMWV, WHICH WAS APPROX. 1 METER AWAY FROM THE FIRING POINT. AFTER THAT, ~~THE TUBE~~ ^{(b)(3), (b)(6)} NEITHER THE TUBE NOR THE REMAINING ROUNDS WERE TOUCHED BY ANYONE UNTIL THE FOLLOWING AFTERNOON.

THE ROUNDS THAT WERE FIRED WERE ROUNDS THAT WERE TAKEN ON A 72 HOUR MOUNTED AND DISMOUNTED MOVEMENT AND VILLAGE OCCUPATION MISSION WHICH ENDED EARLIER THAT DAY (23 OCT 06). THE MORTAR TUBE WAS NOT USED DURING THAT MISSION. THE ROUNDS WERE CARRIED ON THAT MISSION IN THE ORIGINAL SEALED CARDBOARD TRANSPORT TUBE.

I WAS STANDING APPROX. 1 METER AWAY FROM SSG (b)(3), (b)(6) AND THE MORTAR TUBE AND GUNNER AS ALL ROUNDS WERE FIRED. I WAS STANDING TO THEIR RIGHT. I DID NOT VISUALLY CONFIRMED ^{(b)(3), (b)(6)} THE RANGE READING ON THE RANGE SCALE OF THE MORTAR TUBE, BUT DID OBSERVE THE TUBE AT AN APPROXIMATE 50-60 DEGREE ANGLE. NOTHING FOLLOWS



AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITH THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

IE
UT

(b)(3), (b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of Oct, 2006 at VPS

ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

ORGANIZATION OR ADDRESS

(I type Name of Person Administering Oath)

ART 136(B)(4) UCMJ
(Authority To Administer Oaths)

INITIAL

MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 2 PAGES

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

RIGHT OF WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <u>VPB CALIFORNIA</u>	(b)(2)High	2. DATE <u>27 OCT 06</u>	3. TIME <u>1634</u>	4. FILE NO.
5. NAME (Last, First, MI) (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS <u>C CO 1-32</u> <u>FOB ASADA BAY</u> <u>APDAE 09354</u>			
6. SSN (b)(6)	7. GRADE/STATUS <u>OL</u>			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

I do not have to answer any question or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.

(3), (b) (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

(3), (b)(6) I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)
I DO NOT HAVE TO ANSWER ANY QUESTIONS OR ANYTHING EVEN IF I MADE STATEMENTS BEFORE BEING ADVISED OF MY RIGHTS

Section B. Waiver

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

WITNESSES (If available)		3.
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. (b)(3), (b)(6)
2a. NAME (Type or Print)		5.
b. ORGANIZATION OR ADDRESS AND PHONE		6. <u>HHC 3BT / TF SPARTAN</u>

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

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 VPB California vic (b)(2)High	2. DATE (YYYYMMDD) 2006 10 27	3. TIME 1655	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-6 / 1156	
8. ORGANIZATION OR ADDRESS C Co 1-32 Inf Task Force Spartan AFB ASADABAD AR AC 09354			

9. I, _____ (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Car
 2.3 OCT AT or around 1450. Our Company Muster Team was firing from positions to the south of our vehicle patrol base, to interdict known enemy fighting locations. Prior to hearing our vehicle patrol base. They fired with a total of 5 rounds. The first four rounds landed when they were aimed. The 5th round, didn't land where it was intended. The first 4 rounds sounded normal. But the 5th round sounded funny as it hit the tube. That's when SSG (b)(3), (b)(6) stated that it didn't sound right. It curled up landed in a cloud behind the houses on the south side of the road. Not as much than about 35 meters away where it was max out at 1400 meters. Moments later we were told people got injured. Nothing follows.

~~(b)(3), (b)(6)~~
~~(b)(3), (b)(6)~~
~~(b)(3), (b)(6)~~
~~(b)(3), (b)(6)~~

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

TLP E

CENTCOM 009724

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF _____ (b)(3), (b)(6) _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

~~_____ (b)(3), (b)(6) _____) (3), (b)(6) _____
_____ (b)(3), (b)(6) _____ (b)(3), (b)(6) _____~~

AFFIDAVIT

I, _____ (b)(3), (b)(6) _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

WITNESSES:

ORGANIZATION OR ADDRESS _____

ORGANIZATION OR ADDRESS _____

_____ (b)(3), (b)(6) _____
_____ (b)(3), (b)(6) _____
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of October, 2006 at 1000 11th

Art 136(B)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____
_____ (b)(3), (b)(6) _____

PAGE 2 OF 2 PAGES

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION VFB California, Vic (b)(2)High	2. DATE 27 OCT 06	3. TIME 16:55	4. FILE NO.
5. NAME (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS C Co 1-32 Inf TASK FORCE SPARTAN FCB ALABAMA APO AC 09554		
6. SSN (b)(6)	7. GRADE/STATUS E-6 / PSC		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army and has been appointed as an investigating officer and wanted to question me about the following offense(s) of which I am suspected/accused: ART 134 (w/ homicide) or ART 119 (involuntary manslaughter)
 Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything.
- 3). (b) Anything I say or do can be used as evidence against me in a criminal trial.
 (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- or -
- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- 3). (b) If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)
 I do not want to answer any questions or say anything even if it made statements before without being advised of my rights.

Section B. Waiver

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

WITNESSES (If available)		
1a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		(b)(3), (b)(6)
2a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE		
		6. ORGANIZATION OF INVESTIGATOR HHC 3 BCT / TFS PARTAN

Section C. Non-waiver

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

2. SIGNATURE
 (b)(3), (b)(6)

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."
 - or -
(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
 d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."
 Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

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

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

"Do you want a lawyer at this time?"
 (If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PM6.

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 1 st Plt VPB (FOB California)	2. DATE (YYYYMMDD) 2006 10 23	3. TIME 1548L	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E-6	

8. ORGANIZATION OR ADDRESS
Co 1-32 In Bn

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

on 23 Oct 06 at about 1500L I was at the 1st Plt fire base. We had just returned from a two day mission. We were about to leave back to combat main when I asked (b)(3), (b)(6) the first platoon PL if he wanted us to shoot a few rounds prior to us leaving due to the fact that they had been attacked several times in the past few days. I asked SSG (b)(3), (b)(6) where he wanted the rounds. He told me all along the ridge line from East to west. I had 5 rounds that were ready to go all on charge 1 already. The first round we shoot starting from the east was shot at 1900m (b)(3), (b)(6). The next was at 1200 and the last two were to be at max range 1350. I inserted round in the tube checking them prior for charges and fuse settings. On the last round which was to the far west was shot at a range on 1350 (b)(3), (b)(6) so soon so it went out of the tube it sounded funny and I turned around and said it out loud.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

TAB G

CENTCOM 009729

STATEMENT OF JS C (b)(3), (b)(6) TAKEN AT (b)(2)High DATED 23 Oct 05

9. STATEMENT (Continued)

To everybody and then turned back around and noticed the round was going to fall short because I could see it coming down. As soon as it hit we noticed it was near some houses and began to get the medical personnel ready. I then asked PFC (b)(3), (b)(6) to make sure the range was set at 1350m and he did not move it after I checked it. He then told me he checked it twice, once we reported up to (b)(2)High I got a distance and direction to where we fired as well as a grid. I checked to see if there were any changes in the cons and there were there as did I. (b)(3), (b)(6) I was told to get the mortar tube back by where we had fired.

Nothing Follows

(b)(3), (b)(6)

(b)(3), (b)(6)

(b)(3), (b)(6)

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (b)(3), (b)(6) 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, OR UNLAWFUL INDUCEMENT.

(b)(3), (b)(6)

(Signature line)

WIT

(b)(3), (b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of OCTOBER, 2005 at 0349

(b)(3), (b)(6)

WIT INF.

ORGANIZATION OR ADDRESS

(b)(3), (b)(6)
(Type Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION <i>AFSB California</i>	2. DATE (YYYYMMDD) <i>20th 10/21</i>	3. TIME <i>0252Z</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>(b)(3), (b)(6)</i>	6. SSN <i>(b)(6)</i>	7. GRADE/STATUS <i>E-6</i>	

8. IDENTIFICATION OR ADDRESS
Combat Company 1-32 In BN APO AE 09358

9. I, *SSG* (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: *LT* (b)(3), (b)(6)
A: *SSG*

Q: *Is there a company SOP for mortars and indirect fire?* (b)(3), (b)(6)
A: *We have certain procedures that are followed when shooting hand held mortars but there is no written down SOP.* (b)(3), (b)(6)

Q: *Why was the bipod not used and where was it?* (b)(3), (b)(6)
A: *When in the hand held mode you do not use a bipod. The bipod was left at combat main.* (b)(3), (b)(6)

Q: *Were the rounds stored properly prior to firing?* (b)(3), (b)(6)
A: *As far as I know they were. I have been to the Rock and the Pech and told my squad leader how I want them stored and to the best of my knowledge he insures that they are stored correctly while I am gone.* (b)(3), (b)(6)

Q: *Have you ever had a problem with a short round before? With this specific tube?* (b)(3), (b)(6)
A: *I have had them before while I was in the 81mm/120mm battalion mortar platoon but, this is my first with the 60mm mortar section.* (b)(3), (b)(6)

Q: *When was the last time PMCS was conducted on this tube? Were any faults found?* (b)(3), (b)(6)
A: *The battalion armorer came to the combat main VPB about 3 weeks ago to check both of my tubes and I was told both were in good condition nothing was wrong with them at all. I have only been back on the Pech about 5 or 6 days and while I have been out here no PMCS has been done. Not sure prior to me coming out when the last one was done.* (b)(3), (b)(6)

Q: *Were the aimpoints ever plotted on a map? How was range determined?* (b)(3), (b)(6)
A: *No the aim points were not plotted on a map. The range was determined by range estimation.* (b)(3), (b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>(b)(3), (b)(6)</i>	PAGE 1 OF <u><i>3</i></u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF (b)(3), (b)(6)) (3), (b)()
TAKEN AT Fob California DATED 24 Oct 06

9. STATEMENT (Continued)

Q: Were you aware of historical range problems with the 60mm mortar? (3), (b)

A: I myself have never had any problems and ~~have~~ never received any safety messages about problems with rounds of the range scale of the 60mm mortar. (3), (b)

Q: Why did you shoot over the village? (3), (b)

A: we were trying to hit the ridge line behind the village, because that is one of the main POC sites that Fob California gets attacked from. we were trying to help deter an attack that evening due to all the recent intel we had been setting. (3), (b)

Q: Is it common practice to shoot over populated areas? (3), (b)

A: only if there is a target or history of known POC sites. (3), (b)

Q: Was the gunner certified on the 60mm mortar? (3), (b)

A: Given basic training yes they take a gunners exam. but we have not given one in the two months he has been in the unit. ~~we~~ have trained him more in addition to what he received in basic. (3), (b)

Q: Have you ever fired from this location before? (3), (b)

A: no I have not. (3), (b)

Q: How much experience do you have on the 60mm mortar? (3), (b)

A: I started out as a 60mm mortar AG with Charlie Company when Rivet came in the army in 99 I spent a year or so with the 60's moving up to be a gunner prior to leaving to battalion mortars. I have been back in C as ~~the~~ the 60mm section leader now for just over a year. (3), (b)

Q: Had the rounds been removed from their packaging prior to 23 OCT 06? When was the charge set? (3), (b)

A: we operate in the hand held mode 99% of the time while out on the peak most of our rounds are broken down to Charge 1 as soon as we set them or prior to us going on missions. We then leave them that way for convenience for future use. For the 21 Pound given to 1st Platoon for the mission we had just come off 5 were already broken down those were the 5 that I shot at VBB California, when they were broken down I really had to say. (3), (b)

Q: Were the rounds and charges inspected and serviceable prior to the fire mission? (3), (b)

A: Yes that is what I do prior to them going into the tube. I check the round as well as the fuse and to see that the correct amount of charges are on the round. (3), (b)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) PAGE 2 OF 3 PAGES

STATEMENT OF

(b)(3), (b)(6)

TAKEN AT California

DATED 24 OCT 06

9. STATEMENT (Continued)

Q: Did any portion of the charge remain in the tube after the round was fired? (3), (b)

A: I have not checked ^{inspected} the tube. (3), (b) After the mission was reported I was told to leave the tube alone and just back as close to where we lived from as I could so I did so (3), (b)

Q: Is it common to shoot ^{missions} ~~missions~~ with a hand-held 60mm mortar? (3), (b)

A: If it is a target within ⁱⁿ our range yes some times we do shoot to interdict. (3), (b)

Q: Do you know the LOT # of the rounds fired? (3), (b)

A: no (3), (b)

Q: Were you attempting to fire past the max range of the system? (3), (b)

A: no we were shooting at the max range I wanted to hit the bar ridge line max range is 1350m or 1400m depending on elevation (3), (b)

Q: Who estimated the range to the target? (3), (b)

A: I did with a little help for some of the men of 1st platoon (3), (b) who live at VPB California (3), (b)

Nothing follows

(3), (b)

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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)

(Signature)

WIT

(b)(3), (b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of OCTOBER, 2006 at 0349, VPB California

(b)(3), (b)(6)

(Signature)

(Administering Oath)

ICF INF
ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

(Title) (Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION <u>Combat Main</u>	2. DATE (YYYYMMDD) <u>20061028</u>	3. TIME <u>0700</u>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <u>(b)(3), (b)(6)</u>	6. SSN <u>(b)(6)</u>	7. GRADE/STATUS <u>E-3</u>	

9. I, PFC (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

SSgt. (b)(3), (b)(6) and myself returned to First Platoon VPB Following our mission. The next day we asked if they wanted us to shoot some rounds where they usually take contact from. They gave us the go ahead. Myself & SSgt. (b)(3), (b)(6) opened one can of rounds to break them down. We checked to make sure the rounds were broken down to charge one & the safety was pulled. We then moved into position to the front gate where SSgt. (b)(3), (b)(6) pointed out to me where to shoot the rounds. I then checked the tube to make sure it was on trigger fire. SSgt. (b)(3), (b)(6) said set the range for 1,000 meters. He pulled the round from the tube & asked me if I was ready. I double checked for trigger fire & the range. SSgt. (b)(3), (b)(6) dropped the round. I checked my aiming point & range & fired. The round was good. SSgt. (b)(3), (b)(6) pointed to the next target which was left a few hundred meters from the last. This time the range was 1,200 meters. I checked for trigger fire & took aim. SSgt. (b)(3), (b)(6) pulled another round and checked it. Asked me if I was ready. I checked aiming point & range. Checked for trigger fire. SSgt. (b)(3), (b)(6) dropped the round. Checked range again and fired. The round was good. The next target was about ~~200~~ (b)(3), (b)(6) 1,000 meters to the right of the last two. The range this time was 1,300. I moved the range to 1,300 & checked for trigger fire. SSgt. (b)(3), (b)(6) pulled another round asked me if I was ready I checked the range & aiming point

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <u>(b)(3), (b)(6)</u>	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

TAP II

CENTCOM 009734

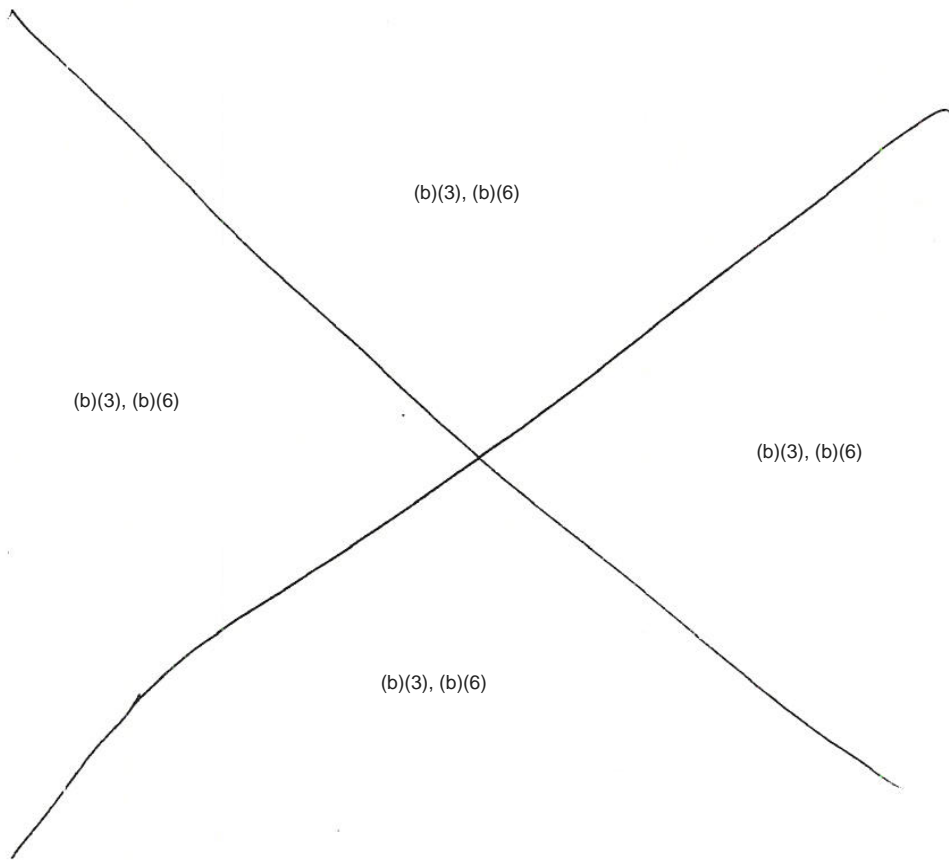
STATEMENT OF RFK

(b)(3), (b)(6)

TAKEN AT Combat man

DATED 20061028

9. STATEMENT (Continued) We dropped the round & I fired. The round was good. Next we shot the same target at the same range. The final target was to the ridge line to the far right. The range was ~~at~~ between 1450 & 1500 meters. I took aim to the ridge line & set range to around 1450. SSgt. (b)(3), (b)(6) pulled the last round. Asked me if I was ready. I checked aiming point & range. Checked for trigger fire & said I was ready. SSgt. (b)(3), (b)(6) Dropped the round. ~~SSgt.~~ (b)(3), (b)(6) again 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 ~~to~~ ^{(b)(3), (b)(6)} went. It landed short on the back side of a house. We immediately ceased fire. Nothing follows



INITIALS

(b)(3), (b)(6)

MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF PFC (b)(3), (b)(6) TAKEN AT Combat main DATED 2006 10 28

9. STATEMENT (Continued)

(b)(3), (b)(6)

(b)(3), (b)(6)

(b)(3), (b)(6)

(b)(3), (b)(6)

AFFIDAVIT

I, PFC (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

WITNESSES:

ORGANIZATION OR ADDRESS _____

INITIALS OR ADDRESS _____

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of OCTOBER, 2006 at FR [redacted]

(Typed name of Person Administering Oath)
ART 136 (b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT _____ PAGE _____ OF _____ PAGES

CENTCOM 009736

30522

RIGHT WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <i>Combat Main</i>	2. DATE <i>20061028</i>	3. TIME <i>0700</i>	4. FILE NO.
5. NAME (Last, First, MI) (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS <i>C.CO 1-32 INF</i>		
6. SSN (b)(6)	7. GRADE/STATUS <i>E-3</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army *and has been appointed as an investigating officer* and wanted to question me about the following offense(s) of which I am suspected/accused: *ART 134 (Army Incest) or ART 119 (involuntary manslaughter)*

- he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
 I do not have to answer any question or say anything.
 (3), (b) anything I say or do can be used as evidence against me in a criminal trial.
 (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
 - or -
 (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
 (3), (b) am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side) *I do not have to answer any questions or anything even if I made statements before without being advised of my rights.*

Section B. Waiver

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

WITNESSES (If available)

1a. NAME (Type or Print)	
b. ORGANIZATION OR ADDRESS AND PHONE	<i>(b)(3), (b)(6)</i>
2a. NAME (Type or Print)	
b. ORGANIZATION OR ADDRESS AND PHONE	
6. ORGANIZATION OF INVESTIGATOR	<i>HHC 3 BIC / TF SPARTAN</i>

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

CONVERSATION RECORD		TIME 1130z	DATE 02 November 2006
TYPE	<input type="checkbox"/> VISIT	<input type="checkbox"/> CONFERENCE	<input checked="" type="checkbox"/> TELEPHONE
	<input checked="" type="checkbox"/> INCOMING <input type="checkbox"/> OUTGOING		
NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU	ORGANIZATION (Office, dept., bureau, etc.)	TELEPHONE NO.	
(b)(6)	AMMO LAR, BAF	NSA (b)(6)	
SUBJECT INV. INFO NONCOMBATANT CASUALTIES			

SUMMARY (b)(6) said that while at the JLC he saw an email stating that the 4 lots that were identified as being the rounds fired during the incident of the 4 lots identified one lot was said to have a condition code (2)Hi suspension of use do to leakage of propellant. (Lot # (b)(2)High According to his records only a total of 64 rounds had been issued to 3rd Marines in 2005 Mr (b)(6) said he did not see who had initiated the email. Rock Island Arsenal has been in contact with Mr (b)(6) According to Mr. (b)(6) The 3 lots that had not been identified as being bad but were used in said incident are.

Lot # MA-84A-027-006 } DODAC B642
 # HAW-89H-001-005
 # MA-00J-060-005 } DODAC B643

ACTION REQUIRED

Interview of Mr. (b)(6)

(b)(3), (b)(6)	N	S	(b)(3), (b)(6)	DATE 02 November 2006
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ACTION TAKEN

(b)(3), (b)(6)	TITLE Investigating Officer	DATE 02 November 2006
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50271-101

CONVERSATION RECORD

OPTIONAL FORM 271 (12-76)
DEPARTMENT OF DEFENSE

TAB I

CENTCOM 009739

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 <u>Fire base Chi. Camp</u> (b)(2)High	2. DATE (YYYYMMDD) <u>20061028</u>	3. TIME <u>0650L</u>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS <u>O-2/Active</u>	
8. ORGANIZATION OR ADDRESS <u>C Co, 1-32 IN 3 BCT, 10th MTN DIV FOB A-Bad APO AE 09354</u>			

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 4 OCTOBER at approximately 1700L, I was called to the radio. I went into the TOC and called (b)(2)High (LT)(3), (b)(1). He said there was a situation at his Patrol Base. He said they were shooting the 60mm mortars at historical enemy fighting positions. He explained that one round went short and there were 2 LNW WIAs at the time I instructed someone to get the Company Commander. LT (3), (b)(1) went on to say that he heard SSG (b)(3), (b)(6) call out a distance of 1,400 meters and watched him supervise the gunner as he lined up the Tube and set off the range. I acknowledged all and at that point CPT (b)(3), (b)(6) came in and took over. NOTHING FOLLOWS.

(b)(3), (b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <u>(b)(3), (b)(6)</u>	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

TAR T

CENTCOM 009740

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF (b)(3), (b)(6) TAKEN AT Fire base Chicago DATED 2006 10 25

9. STATEMENT (Continued)

(b)(3), (b)(6)

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

(b)(3), (b)(6)
(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 2 PAGES

RIGHT WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <i>Fire Base Chicago</i>	(b)(2)High	2. DATE <i>20061028</i>	3. TIME <i>0630L</i>	4. FILE NO.
5. (b)(3), (b)(6)		8. ORGANIZATION OR ADDRESS <i>C Co 1-32 IN, 3 BCT, 10th MTNDIV</i>		
6. SSN (b)(6)	7. GRADE/STATUS <i>O-2/Active</i>	<i>FOB A-BAD</i> <i>APC AE 09354</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

- I do not have to answer any question or say anything. *RY*
 - Anything I say or do can be used as evidence against me in a criminal trial. *RY*
 - (For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. *RY*
- or -
- (For civilians not subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. *RY*

5. COMMENTS *(Continue on reverse side)* *I do not have to answer any questions or anything even if I make statements before without being advised of my rights*

Section B. Waiver

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

WITNESSES <i>(If available)</i>		3. SIGNATURE OF INTERVIEWEE
1a. NAME <i>(Type or Print)</i>		(b)(3), (b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME <i>(Type or Print)</i>		5.
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <i>HHC 3BCT / TF SPARTAN</i>

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

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

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

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 <i>Combat Company VPB</i>	2. DATE (YYYYMMDD) <i>20061024</i>	3. TIME <i>0845 L</i>	4. FILE NUMBER
5. FIRST, MIDDLE NAME <i>(b)(3), (b)(6)</i>	6. LAST NAME <i>(b)(6)</i>	7. GRADE/STATUS <i>SFC / ACTIVE POTV</i>	
8. ORGANIZATION OR ADDRESS <i>C/1-32 IN</i>			

9. I, SFC (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: *CPT* (b)(3), (b)(6)
A: *SFC*

Q: *Do you have a problem receiving repackaged ammo in the wrong container?*
A: *yes, we receive rounds many times from JAF+ABAD, I have received the rounds in WP containers, WP in the containers, rounds without lids, rounds with missing charges, rounds that are unserviceable due to AGS, and weather.*

Q: *All all mortar rounds stored properly at the Combat Company VPB?*
A: *ALL 81mm + 120mm rounds are stored properly, 60mm Ammo that is used for ready use ammo is stored with the base gun all other ammo is stored in the ASP*

Q: *Is it common to cut charges for hand-held firing as soon as the rounds are received?*
A: *IF you know that all you will shoot is HANDHELD, for example dismounted movement without the M7 baseplate or bipod.*

Q: *What is the max range for a hand-held 60mm with charge?*
A: *450 meters*

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>(b)(3), (b)(6)</i>	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

TAB K

STATEMENT OF SFC (b)(3), (b)(6) TAKEN AT Combat Company VFB DATED 24 OCT 06

9. STATEMENT (Continued)

(b)(2)High

Nothing Follows

AFFIDAVIT

I, SFC (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

(b)(3), (b)(6)

(Signature Line)
in Making Statement

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of OCTOBER, 2006 at 08451

(b)(3), (b)(6)

1LT, FA C/1-3
ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

(Signature Line)
Oath

ORGANIZATION OR ADDRESS

(Signature Line)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is 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 (b)(2)High
2. DATE (YYYYMMDD) 2006 10 23
3. TIME 1623
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)
6. GRADE/STATUS (b)(6) SSG/E-6

8. ORGANIZATION OR ADDRESS
COO 1-32 INF PATROL BASE CALIFORNIA

9. I, SSG (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON 23 OCT 06

THE COMPANY MORTARS CONJURED A HARASSMENT AND INTENTIONAL FIRE UPON KNOWN ENEMY OBSERVATION POSTS. 5 ROUNDS WERE FIRED. ON THE 5TH ROUND FIRED IT SOUNDED AS IF IT WASNT LOUD ENOUGH. THE ROUND FELL SHORT AND LANDED IN A DRAW BEHIND A HOUSE. 3 PERSONNEL WERE INJURED, THEY WERE BROUGHT TO THE VEHICLE PATROL BASE WHERE MEDICAL CARE FOR THEM UNTIL THE HELICOPTERS ARRIVED ON SITE. NOTHING FOLLOWS

[Large redacted area with diagonal lines and (b)(3), (b)(6) markings]

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)
PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ... TAKEN AT ... DATED ...
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

TAB. L

CENTCOM 009747

48

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1623 DATED 2006 10 23

9. STATEMENT (Continued)

[Large area crossed out with a large X]

AFFIDAVIT

I, SSG (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, FEAR, COERCION, INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3), (b)(6) _____
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of October, 2006 at 0715, VT

(b)(3), (b)(6) _____
ORGANIZATION OR ADDRESS

(b)(3), (b)(6) _____
Oath

ORGANIZATION OR ADDRESS (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) PAGE 1 OF 1 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Patrol Base California; 2. DATE: 20061023; 3. TIME: 1620; 4. FILE NUMBER; 5. (b)(3), (b)(6); 6. SSN: (b)(6); 7. GRADE/STATUS: E-5/Sgt

9. I, Sgt (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
While watching SSgt (b)(3), (b)(6) and his gunner fire mortars at known enemy positions, after firing 4 mortars from east going west on the ridge on the south side of the river he adjusted further west and layed on the top of the ridge he fired the 5th and final mortar. Upon firing the round it was not as near as loud as the rest of the rounds (the first 4). It to me sounded like there was a manufacture issue with the charge. It did not go very far and fell short, it hit behind a house and killed 4 and wounded 2. We had the locals come over with the wounded and gave aid and called in birds to pickup casualties. End of statement.

(b)(3), (b)(6)
(b)(3), (b)(6)
(b)(3), (b)(6)
(b)(3), (b)(6)

10. EXHIBIT; 11. INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6); PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF Sgt (b)(3), (b)(6) TAKEN AT 1632 DATED 23.06.06
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

TAB M

STATEMENT OF Sgt (b)(3), (b)(6) TAKEN AT 1633 DATED 23 Oct 06

9. STATEMENT (Continued)

(b)(3), (b)(6)

(b)(3), (b)(6)

(b)(3), (b)(6)

(b)(3), (b)(6)

AFFIDAVIT

Sgt (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON _____ I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3), (b)(6)

WITNESSES:

(b)(3), (b)(6)

(Co 1-32 INF)
VPIB California
1LT INF

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of OCTOBER, 2006 at OTIS, IFO

(b)(3), (b)(6)

ORGANIZATION OR ADDRESS

(b)(3), (b)(6)
(Type name of person administering Oath)

(Authority To Administer Oaths)

INITIALS OF I

(b)(3), (b)(6)

MENT

PAGE / OF / PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION (b)(3), (b)(6) FOR CALIFORNIA
2. DATE (YYYYMMDD) 20061023
3. TIME 1623L
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)
6. SSN (b)(6)
7. GRADE/STATUS E-6/SSG
8. ORGANIZATION OR ADDRESS C Co 1-32 INF TF SPARTAN APO AE 09354

9. I, SSG (b)(3), (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
APPROX 1500L SSG (b)(3), (b)(6) AND PFC (b)(3), (b)(6) ASKED IF IT WAS OKAY TO FIRE M107 (LDM) ROUNDS AT THE SOUTH SIDE RIDGE LINE. WITH THE PERMISSION OF (b)(2)High AND COMBAT MAIN, THEY FIRED 5 RDS. UPON THE THE LAST RD. SSG (b)(3), (b)(6) NOTICED WHEN THE ROUND LEFT THE TUBE IT SOUNDED 'BUNNY'. SSG (b)(3), (b)(6) RAN TO THE TUBE BEFORE THE FIRING OF THE LAST ROUND AT 1400M TO HIT 'LAST RIDGE'. THE ROUND LANDED VERY SHORT AND IMPACTED JUST ABOVE THE VILLAGE ON THE SOUTH SIDE OF THE RIVER. THE LOCAL CAME ACROSS THE RIVER WITH 2 SMALL LITTLE GIRLS (AGES 10-14) WHO HAS TAKEN SHRAPNEL WOUNDS TO THE RIGHT SIDES OF THE BODIES. THE COMBAT DOC AND DELTA DOC QUICKLY STABILIZED THE 2 GIRLS AND THEY WERE PUT ON THE MEDEVAC JSIRA AT 1610L.
- END OF STATEMENT -

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)
PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

TAB N

STATEMENT OF

(b)(3), (b)(6)

TAKEN AT

16231

DATED

20061023

9. STATEMENT (Continued)

(b)(3), (b)(6)

(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 WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (b)(3), (b)(6) 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 LINE OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT OR UNLAWFUL INDUCEMENT.

(b)(3), (b)(6)

WITNI

(b)(3), (b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24 day of OCTOBER, 2006 at OWS, WFO LA

(b)(3), (b)(6)

ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 1 OF 1 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION <i>FOB Salerno Afghanistan</i>	2. DATE (YYYYMMDD) <i>20061102</i>	3. TIME <i>1427 Z</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME <i>(b)(3), (b)(6)</i>	6. ORGANIZATION OR ADDRESS <i>HHC 3rd BCT</i>		7. GRADE/STATUS <i>MAJ</i>

9. I, *(b)(3), (b)(6)*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I took pictures with my camera of the location of the firing incident that took place in the Pech Valley Afghanistan. The pictures were taken standing at the location the mortar was placed at for firing looking to the village where the 60mm mortar round impacted. The pictures were taken 29 OCT 06 and then given to CW3 (b)(3), (b)(6)

~~*(b)(3), (b)(6)*~~
~~*Nothing follows*~~
~~*(3), (b)(6)*~~
~~*(b)(3), (b)(6)*~~

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>(b)(3), (b)(6)</i>	PAGE 1 OF <u><i>1</i></u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

TAD N

CENTCOM 009753

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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