06-3/4-292

CLAIM NUMBER: 06-3/4- 292

DATE	REMARKS	INITIALS
2/23	sufficient evidence to support claim.	
	15-6 Inv. did not include appointing	
	authority's final action. I recommend	
	approval of $6,000, our standard	
	award for claims resulting in deaths	(b)(3)(b)(6)
2/23	APPROVED FOR $ 6000.00	

DEPARTMENT OF THE ARMY
3d Heavy Brigade Combat Team
4th Infantry Division (Mechanized)
FOB Warhorse, Iraq
APO AE 09397

AFZC-FC-JA 24 February 2006

MEMORANDUM FOR RECORD

SUBJECT: Claim of (b)(6) 06-3/4-292

1. Claimants name and address: (b)(6) , Isahki, Iraq

2. Incident date and place the incident occurred giving rise to the claim: Incident occurred on 1 Jan 06, at Isahki, Iraq.

3. Amount of claim and filing date: Claimant filed a claim in the amount of $10,000 on 23 Feb 06.

4. Chapter the claim was considered under and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for compensation for death of son.

5. Facts: Claimant states that US Forces shot and killed her son while conducting a raid at a neighbors home.

6. Opinion: In order to form a basis for a claim under the FCA, the incident in question must have arisen outside the Unites States. In addition, the incident must be caused by either non-combat activities of the Unites States Armed Forces or by negligent or wrongful acts of military members or civilian employees of the Armed Forces. This claim has been verified and an investigation was conducted. Her son was shot while standing in a window over 200 meters away from the house being raided.

7. Recommended Action: This claim is payable under the FCA for the above mentioned reasons. Consequently, this claim is approved for $6,000.

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

(b)(3)(b)(6)
CPT, JA
Foreign Claims Commission

Revised October 1987
Department of the Treasury

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

VOUCHER NO.

U.S. DEPT, BUREAU, OR ESTABLISHMENT AND LOCATION
DEPARTMENT OF THE ARMY
B-DET/8th FINANCE BATTALION
FOB WARHORSE
APO AE 09

DATE VOUCHER PREPARED: 24-Feb-06

CONTRACT NUMBER AND DATE: 06-3/4-292

REQUISITION NUMBER AND DATE

SCHEDULE NO.

PAID BY
B-DET FD/8TH FB
FOB Warhorse, O.F II.
APO AE 09397

DSSN(2)Hi

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCT. NUMBER

PAYEE'S NAME AND ADDRESS: (b)(6)
Isahki, Iraq

SHIPPED FROM | TO | WEIGHT | GOVERNMENT B/L NO

NUMBER	DATE OF DELIVERY OF SERVICE	ARTICLES OR SERVICES (Enter description, item no. of contract or Federal supply schedule and other information deemed necessary)	QUANTITY	UNIT PRICE COST	UNIT PRICE PER	AMOUNT
1 Jan 03	23 Feb 06	compensation for death of son	1	$6,000.00	1	$6,000.00
		(Payee must NOT use the space below)			TOTAL	$6,000.00

PAYMENT
- ☐ PROVISIONAL
- ☐ COMPLETE
- ☐ PARTIAL
- ☒ FINAL
- ☐ PROGRESS
- ☐ ADVANCE

APPROVED FOR =$6,000.00

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

EXCHANGE RATE

CONTRACTING RATE=

DIFFERENCES

$6,000.00

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

Foreign Claims Commission

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

I hereby certify that this voucher is correct and proper for payment.

20 Mar 06
Date

(b)(3)(b)(6) CPT, JA
(Authorized Certifying Officer)

FCC
(Title)

ACCOUNTING CLASSIFICATION

(b)(2)High

$6,000.00

PAID BY
CHECK NUMBER
CASH $6,000.00

ON ACCOUNT OF U.S. TREASURY
DATE 20 Mar 06

CHECK NUMBER
PAYEE X (b)(6)

ON (Name of Bank)

PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder exchange of the payment obligation.

PAYMENT REPORT

TO: DFAS, DSSN: b)(2)Higl Date:

A. Payment Data:

(1) Submitting Agency/Office: United States Army Claims Service

(2) Office Code: IT4

(3) Agency/Office Mailing Address:

(4) Date Claim Filed: 23 Feb 06

(5) Claim Number(s): 06-3/4-292

(6) Amount Claimed: $10,000

(7) Fund Cite: (b)(2)High

(8) Payee(s): (b)(6)

(9) Address: Isahki, Iraq

(10) SSN: None.

(11) Payment Amount: $6,000

(12) Type Payment: PF

(13) For EFT Payments: ABA Routing Number:

(14) For EFT Payment: Account Name and Number:

(15) For EFT Payment: Name and Address of financial institution:

(16) For EFT Payment: Account is (checking) (savings) (Circle appropriate account).

B. ACCEPTANCE BY CLAIMANT (Note: This form should not be signed by the claimant if another release is signed by the claimant is attached.)

I, the claimant, do hereby accept the within -stated award, compromise, or settlement as final and conclusive on my heirs, executors, administrators or assigns, and agree that said acceptance constitutes a complete release by me, my heirs, executors, administrators or assigns of any and all claims, demands, rights, and causes of action of whatsoever kind and nature, arising now or in the future from, and by reason of any and all known and unknown, foreseen and unforeseen bodily and personal injuries (including wrongful death), damages to property, breaches of contract or law, and any other acts or omissions, and the consequences therefore resulting, and to result, from the same subject matter that gave rise to the claim for which I or my heirs, executors, administrators, or assigns, and each of them, now have or may hereafter acquire against the United States and against the employee(s) of the Government whose acts or omissions gave rise to the claim by reason of the same subject matter. I further agree to reimburse, indemnify and hold harmless the United States, its agents, servants and employees from any and all claims or causes of action, including wrongful deaths, that arise or may arise from the acts or omissions that gave rise to the claim(s) by reason of the same subject matter

Date: 20 Mar 06 X (b)(6) (Claimant)

C. AGENCY CERTIFYING OFFICER:

Pursuant to authority vested in me [illegible] and proper for payment.

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

20 Mar 06 (Date) (Signature) FCC Title

Date Payment Recorded in Claim Record:

A separate payment report must be completed for each claimant

Privacy Act Statement

The information is required in accordance with 31 U.S.C. 1304. The data you furnish will be used to certify your claim for payment. Failure to provide this information may result in your claim not being processed for payment.

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1st BATTALION 8th INFANTRY REGIMENT
3rd BRIGADE COMBAT TEAM, 4th INFANTRY DIVISION
FOB PALIWODA, BALAD, IRAQ
APO AE 09391

REPLY TO
ATTENTION OF

AFTV-VVB

10 February 2006

MEMORANDUM OF OPINION

SUBJECT: Claim of (b)(6)

1. Claimant's name and address, (b)(6) Isahki, Iraq.

2. Date and Place the incident occurred giving rise to the claim: Incident occurred on 1 January 2006

3. Amount of Claim and the date it was filed: Claimant filed the claim in the amount of $ 10000.00, 7 February 2006.

4. Chapter(s) the claim was considered under, and a brief description of the incident or of the issues raised by the claimant on reconsideration: Foreign Claims Act and Chapter 10, AR 27-20; claim filed for compensation for damage to land.

5. Facts:

a. Claimant states that US Forces shot and killed her son while conducting a raid at a neighbors home

6. Opinion:

a. This claim has been verified and an investigation was conducted. Her son was shot while standing in a window over 200 meters away from the house being raided.

7. Recommended action: Task Force Commander is aware of this claim and has recommend approval of claim for $ 2500.00.

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

SFC, USA
BN Claims Officer

I. INDEX FOR ART 15-6 INVESTIGATION

I. 15-6 Investigaing Officers Appointment Letter

II. DA Form 1574

III. DA Form 2823 (Sworn Statements)

1. SFC
2. SGT (b)(3)(b)(6)
3. SPC

IV. Privacy Act Statements

1. SFC
2. SGT
3. SPC (b)(3)(b)(6)
4. SSG

V. Evidence

1. Exhibit A – Photo of window
2. Exhibit B – Photo from SPC (b)(3)(b)(6) position
3. Exhibit C – Intial statement of SGT
4. Exhibit D – Intial statement of SFC
5. Exhibit E – Initial statement of SPC (b)(3)(b)(6)
6. Exhibit F – Initial statement of SSG

VI. Chronology of Actions Taken During Investigation

DEPARTMENT OF THE ARMY
1ST BATTALION, 8TH INFANTRY REGIMENT
3rd BRIGADE COMBAT TEAM, 4TH INFANTRY DIVISION
BALAD, IRAQ, FOB POLIWODA, APO AE 09391

AFZC-FC-H- CO

09 January 2006

MEMORANDUM FOR 1LT (b)(3)(b)(6) 1st BN, 8th IN (FWD), FOB Poliwoda APO AE 09391

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 to conduct an informal investigation surrounding the shooting of (b)(6) on or about 09 Jan 2006 near grid coordinate (b)(2)High by SPC (b)(3)(b)(6) a rifleman with C/1-8 Infantry. Your findings will include whether the SM was acting within the Rules of Engagement.

2. You may speak with any and all individuals that you believe have information pertinent to your investigation. You will obtain guidance from the Staff Judge Advocate if, in the course of your investigation, you determine that completion thereof requires examining the conduct or performance of duty of, or may result in findings or recommendations adverse to, a person senior to yourself. At the conclusion of your investigation, you will make findings based on your investigation and make recommendations consistent with your findings.

3. All witness statements will be sworn if possible and submitted on DA Form 2823 and you will obtain a Privacy Act Statement from all witnesses who complete a written statement. If, in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of his or her rights under Article 31, UCMJ, or the Fifth Amendment as appropriate. You will record any rights advisement administered on DA Form 3881.

4. Legal advice and assistance may be obtained from a Staff Judge Advocate, before you take any action on this matter. Prior to beginning the investigation, you will familiarize yourself with the provisions of AR 15-6 and the Guide for Informal 15-6 Investigations.

5. Your report, together with all evidence marked as exhibits, will be submitted to Office of the Staff Judge Advocate in two copies on DA Form 1574 no more than 48 hours after receipt of orders. Submit any requests for delay, to include the reasons for the delay, to the undersigned in writing. You will obtain a written legal review prior to submitting the completed investigation.

6. The point of contact for this memorandum is CPT (b)(3)(b)(6) at (b)(3)(b)(6) @us.army.smil.mil .

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

LTC, IN
Commanding

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed _, (b)(3)(b)(6) LTC, IN, Commanding
(Appointing authority)

on 09 January 2006 *(Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)*
(Date)

SECTION II - SESSIONS

The *(investigation) (board)* commenced at FOB Paliwoda *(Place)* at 2000 Hrs *(Time)*

on 09 January 2006 *(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.)*
(Date)

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 1300 Hrs *(Time)* on 11 January 2006 *(Date)*

and completed findings and recommendations at 1900 *(Time)* on 11 January 2006 *(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.

CENTCOM 002076

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

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

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

The *(investigating officer) (board)*, having carefully considered the evidence, finds:
SPC b)(3)(b)(6 was acting within the rules of engagement. SPC (b)(3)(b)(6) was educated on escalation of force and the rules of engagement.((b)(3)(b)(6) DA 2823, exhibits 4,5) The rules of engagement state use of deadly force is authorized when coalition forces or detainees are threatened. Before conducting the operation the patrol leader discussed the rules of engagement with the entire patrol during the operation order and the safety brief before movement.(Exhibit D, and Thurman DA 2823) SPC (b)(3)(b)(6) understood the rules of engagement.(b)(3)(b)(6 DA 2823) During the operation, SPC b)(3)(b)(6 honestly believed (b)(6) was indeed a sniper with a weapon. SPC b)(3)(b)(6 believed US/IA forces were in imminent danger of being engaged by the sniper.(b)(3)(b)(6) DA 2823) SPC b)(3)(b)(6 consulted his team leader, SGT (b)(3)(b)(6) and was told to engage if an enemy threat was identified. (b)(3)(b)(6) Da 2823 and exhibits 3,6. The actions of (b)(6) moving to the window and looking through a small hole were consistent those actions a hostile would use while preparing to engage an enemy.(Exhibit A). From SPC (b)(3)(b)(6) position, the pipe (b)(6) used to move the curtain could easily be mistaken for a gun barrel.(Exhibit B)

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

In view of the above findings, the *(investigating officer) (board)* recommends:
b)(3)(b)(6 (b)(5)

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.)*

CENTCOM 002079

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
FOB PALIWODA	20060109	2045	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3)(b)(6)	(b)(3)(b)(6)	E7/AD

8. ORGANIZATION OR ADDRESS
B co, 1-B in

9.

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

1. Q) WERE YOU THE PATROL LEADER FOR YOUR PLATOON?
A) YES (b)(3)(b)(6)

2. Q) DID YOU GO THROUGH THE OP ORDER PROCESS?
A) YES b)(3)(b)(6

3) Q) WAS THE ROE COVERED IN OPORD/SAFETY BRIEF?
A) YES (b)(3)(b)(6)

4) Q) WAS SPC (b)(3)(b)(6) PRESENT AT THE OPORDER?
A) YES (b)(3)(b)(6)

5) Q) DO YOU BELIEVE SPC (b)(3)(b)(6) FULLY UNDERSTOOD THE ROE?
A) YES b)(3)(b)(6

6) Q) HOW WERE SOLDIERS BRIEFED TO UTILIZE DEADLY FORCE?
A) IN DEPTH EXPLANATION OF ESCALATION OF FORCE FOLLOWED BY USE OF DEADLY FORCE ONLY WHEN (b)(3)(b)(6) POSSIBLE TARGET HAS MEANS & OPPORTUNITY TO INFLICT HARM ON US SOLDIERS OR COALITION FORCES. (b)(3)(b)(6)

(3)(b)
7) THE PIECE OF PIPE YOU SAW, WOULD YOU SAY IT COULD HAVE BEEN MISTAKEN FOR A RIFLE BARREL?
A) YES, THE PIPE HAD SIMILAR DIMENSIONS AND COLORING OF A RIFLE BARREL THAT HAD THE BLUEING WORN OFF.)(3)(b)(

8) Q) DO YOU HAVE ANYTHING ELSE YOU WISH TO ADD.
A) (b)(3)(b)(6) I FEEL SPC FLETCHER FELT THREATENED, UNDER THE CIRCUMSTANCES, AND FIRED HIS WEAPON IN ACCORDANCE WITH THE ROE. (b)(3)(b)(6)

10. EXHIBIT	11. INI (b)(3)(b)(6) KING STATEMENT	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.

DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE

CENTCOM 002080

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 FOB Palisade, Iraq DATED 20060109

8. STATEMENT *(Continued)*

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

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

STATEMENT OF (b)(3)(b)(6) TAKEN AT FOB Paliwoda, Iraq DATED 20060109

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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9th day of January, 2006 at FOB PALIWODA

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

3MAR (b)(3)(b)(6)
4C, 1-8 INF REG 52003
APO AE 09391

ORGANIZATION OR ADDRESS

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

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

(Typed Name of Person Administering Oath)

ART 136 UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

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

PAGE 3 OF 3 PAGES

PAGE 3, DA FORM 2823, DEC 1998

CENTCOM 002082

SWORN STATEMENT

For use of this form, see AR 100-45; the proponent agency is CDCSOPS

PRIVACY ACT STATEMENT

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB [illegible]	20060111		

5. [illegible]	6. SSN	7. GRADE/STATUS
(b)(3)(b)(6)	(b)(3)(b)(6)	E-5 Team leader

8. [illegible]
[illegible]

9.

(b)(3)(b)(6) _____ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1) Q) WHAT THERE AN OPERATION ORDER GIVEN FOR THE MISSION? (b)(3)(b)(6
A) NO (b)(3)(b)(6

2) Q) WAS THE ROE BRIEFED BEFORE THE MISSION? (b)(3)(b)(6
A) YES (b)(3)(b)(

3) Q) WAS SPC FLETCHER CLEAR ON THE ROE? (b)(3)(b)(6
A) YES (b)(3)(b)(6

4) Q) WHEN SPC FLETCHER ASKED YOU ABOUT PEOPLE IN TH WINDOWS WHAT DID YOU TELL HIM (3)(b)
A) KEEP EYES ON THEM, IF A THREAT IS IDENTIFIED WITH MOUND + ABILITY TO SHOOT (3)(b),

5) Q) FROM SPC FLETCHERS WOULD A SNIPER IN THE WINDOW HAVE HAD MEANS TO INCURE CASUALTIES ON US/COALITION FORCES? (3)(b)
A) YES (3)(b)

6) Q) DO YOU HAVE ANYTHING ELSE YOU WISH TO ADD? (3)(b)
A) NO.

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

Not Used

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

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

10. EXHIBIT	[illegible] OF PERSON MAKING STATEMENT (b)(3)(b)(6	PAGE 1 OF 3 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.

DA FORM 2028, [illegible] DA FORM 2028, JUL 72, IS OBSOLETE

CENTCOM 002083

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 FOB Palivada DATED 11 Jan, 06

3. STATEMENT (Continued)

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

Not

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

b)(3)(b)(6

Used

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

PAGE 2 OF 3 PAGES

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

TAKEN AT FOB Orlando DATED 11 Jan, 06

Not

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

Used

(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 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 THIS 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:

1LT (b)(3)(b)(6)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11th day of January, 2006 at FOB Paliwoda

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

(Signature of Person Administering Oath)

(b)(3)(b)(6) 1LT

(Typed Name of Person Administering Oath)

POC: 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB PALIWODA	20060111	1250	

5.		7. GRADE/STATUS
(b)(3)(b)(6)	(b)(3)(b)(6)	SPC/E6

6. ORGANIZATION OR ADDRESS
B/CO 1-8 INF

8. _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(3)(b)

1) Q) WERE YOU BRIEFED ON THE ROE BEFORE THE MISSION? (3)(b)(

A) YES (3)(b)

2) Q) IN REF TO THE PERSON, WHEN YOU ASKED YOUR TEAM LEADER WERE YOU GIVEN CLEAR INSTRUCTIONS? (3)(b)(

A) I WAS TOLD TO KEEP AN EYE ON THE WINDOW AND IF I SAW A WEAPON TO LET LOOSE.

3) Q) HOW FAR AWAY FROM THE WINDOW WERE YOU? (3)(b)(6

A) 75-100 M (3)(b)

4) Q) WHAT DID YOU OBSERVE JUST BEFORE FIRING? (3)(b)(6

A) (3)(b) I WAS OBSERVING A HOLE IN THE BOTTOM LEFT OF THE WINDOW. I SAW PEOPLES FACES (THE TO PART OF THE FACE) CRAWLING UP TO THE HOLE AND THEN BACK AWAY. THEN RIGHT BEFORE FIRING A PERSON PUSHED WHAT LOOKED LIKE THE BARREL OF A RIFLE THROUGH THE HOLE. THATS WHEN I SHOT. (3)(b)(

5) Q) DO YOU HAVE ANYTHING ELSE YOU WISH TO ADD? (3)(b)

A) FROM WHERE I WAS STANDING, IT LOOKED AS THOUGH THE PEOPLE IN THE WINDOW WERE LOW CRAWLING TO THE WINDOW AND BACK. (3)(b)(

B) THE WINDOWS WERE COVERED BY PLASTIC SHEETING MAKING IT REALLY HARD TO DISCERN ANYTHING BEYOND. THAT IS WHY I WAS SCANNING THE LITTLE HOLE IN THE BOTTOM LEFT CORNER OF THE WINDOW. (b)(3)(b)(6)

(b)(3)(b)(6) NOT (b)(3)(b)(6)

(b)(3)(b)(6) USED (b)(3)(b)(6)

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ ____ DATED ____

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

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

STATEMENT BY SFC (b)(3)(b)(6) TAKEN AT FOB PALIWODA DATED 11 JAN 06

9. STATEMENT (Continued)

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

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

NOT USED

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

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

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

USAPA V1.00

STATEMENT OF SFC (b)(3)(b)(6) AT FOB PAYWOOD DATE 11 JAN 06

1. STATEMENT CONTINUED

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

NOT USED

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

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 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERC[illegible] UNLAWFUL INDUCEMENT.

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

(S[illegible])

WITNESSES:

1LT (b)(3)(b)(6)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11TH day of JANUARY, 2006 at [illegible]

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

(Signature of Person Administering Oath)

(b)(3)(b)(6) 1LT

(Typed Name of Person Administering Oath)

ART 136, UCMJ

(Authority To Administer Oaths)

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

PAGE 3 OF 3 PAGES

PAGE 3 DA FORM 2922, DEC 1993

CENTCOM 002088 USAPA V1.00

DATE: 11 JAN 06

I, (b)(3)(b)(6) _____, understand that the results of this investigation are releasable under the Privacy Act of 1974 and the Freedom of Information Act. This means that individuals can, upon completing a proper information request, receive a copy of the formal findings of this investigation

Signature

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

Name: (b)(3)(b)(6)

Rank: SFC

Unit: Bde HSIN

DATE/TIME

I, (b)(3)(b)(6) _____, understand that the results of this investigation are releasable under the Privacy Act of 1974 and the Freedom of Information Act. This means that individuals can, upon completing a proper information request, receive a copy of the formal findings of this investigation

Signature (b)(3)(b)(6)

Name: (b)(3)(b)(6)
Rank: E-3 SGT.
Unit: C 1-8

DATE: 11 JAN [illegible]

Spc (b)(3)(b)(6) understand that the results of this investigation are releasable under the Privacy Act of 1974 and the Freedom of Information Act. This means that individuals can, upon completing a proper information request, receive a copy of the formal findings of this investigation

Signature (b)(3)(b)(6)

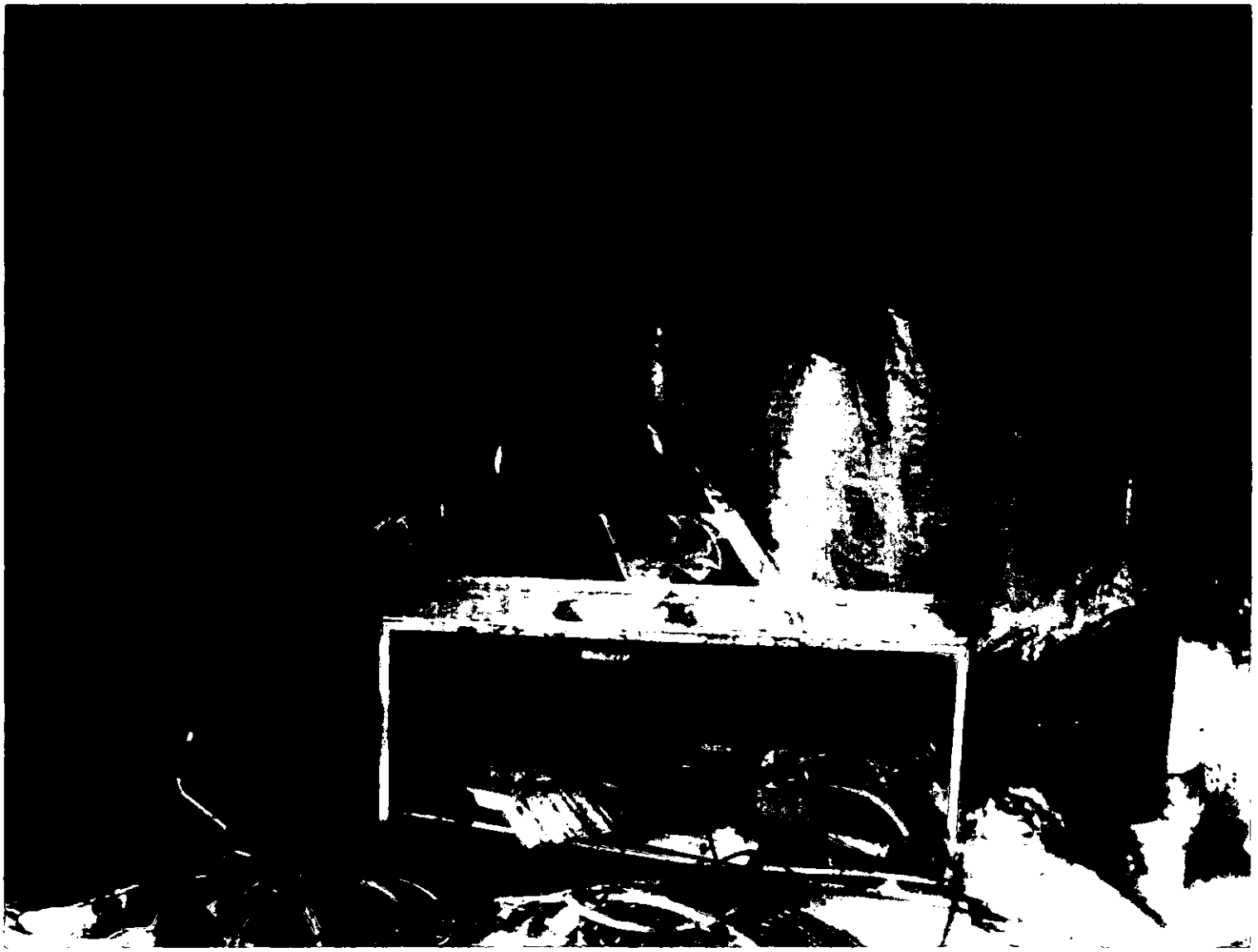
Name: SPC (b)(3)(b)(6)
Rank: SPC
Unit: B/CO 1-8 INF

DATE: [illegible]

(b)(3)(b)(6) _____, understand that the results of this investigation are releasable under the Privacy Act of 1974 and the Freedom of Information Act. This means that individuals can, upon completing a proper information request, receive a copy of the formal findings of this investigation

Sign: (b)(3)(b)(6)

Name:
Rank: SSG
Unit: Bco 1-Brnf



EXTERIOR VIEW OF WINDOW WHERE CREEK WAS POSITIONED

EXHIBIT A

Do Not
Scan

Pages 28 through 29 redacted for the following reasons:
- -
(b)(6)

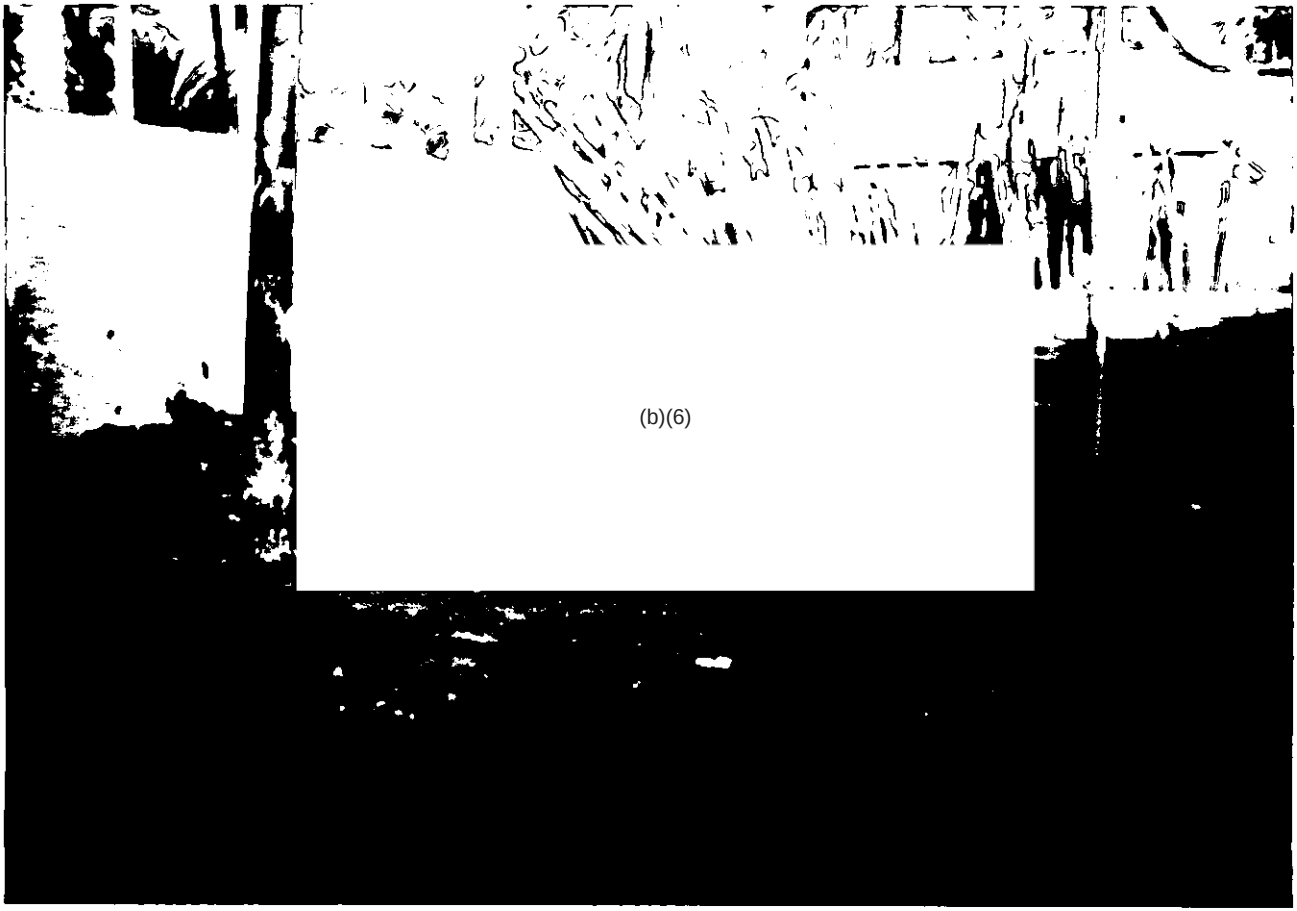
(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)


(b)(6)

CENTCOM 002101

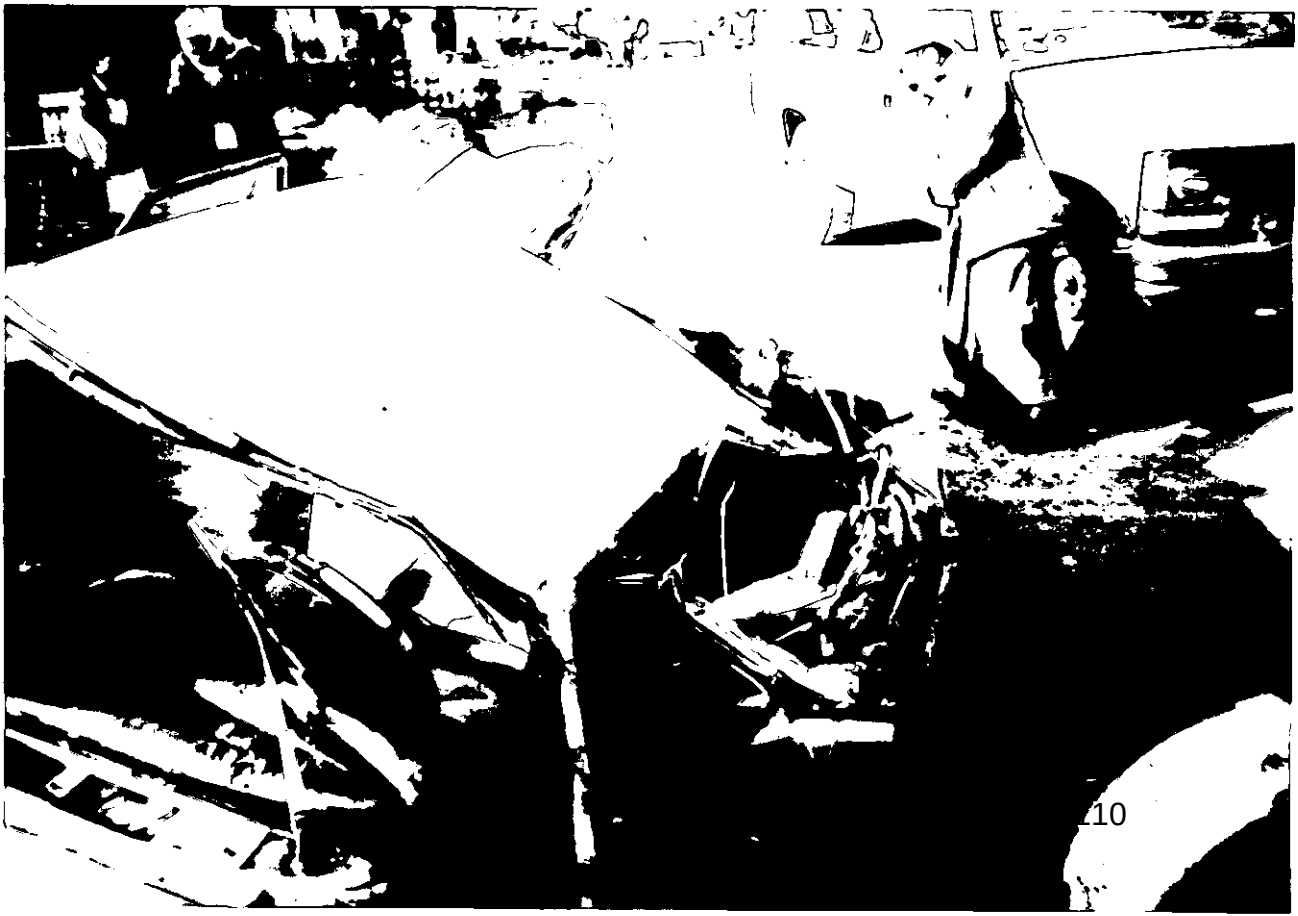
3

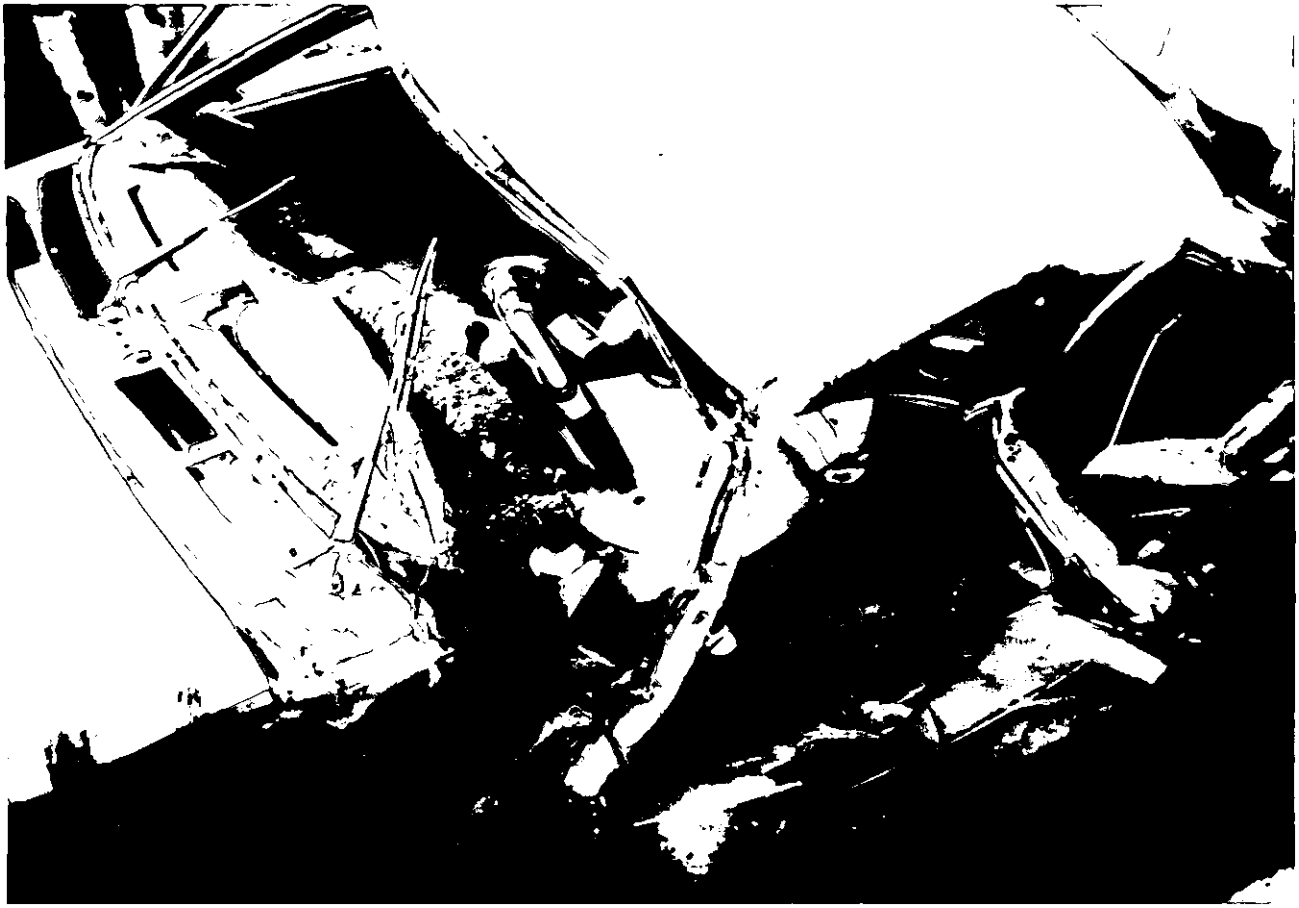
(b)(6)

(b)(6)

CENTCOM 00

COM 00210





(b)(6)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB Palinada	20061009	1130	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3)(b)(6)	(b)(3)(b)(6)	E-5 / Team leader

8. ORGANIZATION OR ADDRESS
C 1-8 INF FOB Palinada

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

I set my team up in positions to provide security for ourselves, friendly forces, and EPWs. I set Spc. (b)(3)(b)(6) on a corner to my rear to keep watch on a corner. As I watched over seven EPWs, (b)(3)(b)(6) noticed the car I ran up saw he saw that Spc. kept watching him from the window on the 2nd floor of the house to his front. I looked up and saw knew one there so I told (b)(3)(b)(6) if he identifies an enemy threat to open up. I walked back to my position near the entry entering of the house. As I watched the EPWs I looked up and saw what appeared to be a lady inside looking out. She closed the curtain (plastic). I asked Spc. (b)(3)(b)(6) on the Bradley if he could keep an eye on that sector and he did. I never felt any threat from that house so I focused on the EPWs and security. I'm not sure how much time had passed before (b)(3)(b)(6) fired one shot but I think it was about an hour later. After the shot I ran down to (b)(3)(b)(6) to find out what's go on over there. He told me that he saw someone crawling at the window holding what he thought was a gun, so he fired to defend himself and unit. I [illegible] children and women cry out and I just knew at that moment that the [illegible] was probably not identified as an enemy threat. I called Green 4 on the radio [illegible] There are [illegible] military vehicles to my location. I explained what happened to them. They [illegible] I had [illegible] into the house [illegible] I [illegible]

10. EXHIBIT | INITIALS OF PERSON 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

STATEMENT OF (b)(3)(b)(6) TAKEN AT FOB Patrouda DATED 9 Jan 06

9. STATEMENT *(Continued)*

for a weapon I was in shock so I left the house. In my own judgment I belive that SPC (b)(3)(b)(6) felt he was threaten and applied the ROE accordingly. END OF STATEMENT

(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 UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

W (b)(3)(b)(6)

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)

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

CENTCOM 002114

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
FOB Paliwoda, Iraq	2006 1119	1143	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3)(b)(6)	(b)(3)(b)(6)	E-7 / Active

8. ORGANIZATION OR ADDRESS
Co, 1-8 IN

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

During Operation First Strike SGT (b)(3)(b)(6) fire team was assigned the task of rear security for my Bradley Fighting Vehicle, I was with another fire team conducting a search of an orchard on the objective. I heard a shot fired from the direction of my Bradley I returned to that location to ensure that an officer I was informed by SPC (b)(3)(b)(6) that he had fired at a window of a house where a figure appeared to be pointing a shiny object through the plastic that was hanging in front of the window. SPC (b)(3)(b)(6) said that the object appeared to be a weapon that was being aimed at him. After entering and searching the house I saw a piece of pipe laying next to the window. The shot that was fired by SPC Fletcher killed a local national who was later taken to the Balad hospital.

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

11. NAME OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 1
12. [illegible] TIME STATEMENT TAKEN [illegible] DATED	
13. [illegible] FIRST, MIDDLE INITIAL OF THE PERSON MAKING THE STATEMENT [illegible]	

DA FORM 2823, JUL 72 IS OBSOLETE

EXHIBIT D

STATEMENT OF _____ TAKEN AT _____ DATED _____ / /

9. STATEMENT *(Continued)*

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

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 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INTERCEPT.

(b)(3)(b)(6) _____

(Signature of Person Making Statement)

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

(b)(3)(b)(6) _____

ORGANIZATION OR ADDRESS

Signature of Person Administering Oath

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

Typed Name of Person Administering Oath

ORGANIZATION OR ADDRESS

Authority To Administer Oaths

INITIALS OF PERSON MAKING STATEMENT	PAGE OF PAGES

CENTCOM 002116

20070109	1130	
(b)(3)(b)(6)		7. GRADE/STATUS E4/SPC

I was standing guard at the corner of a street with the rest of my team spread out at different points along the street. My team leader, SGT [illegible] was [illegible] across of the house. Right in front of me there was a wall and behind it was a house at there was a strong house. There were a set of strong members to the right on the 2nd floor and another set of [illegible] members to the left. There was probably [illegible] strong members. There was also [illegible] the [illegible] members. [illegible] people coming to the house. [illegible] the [illegible] members [illegible] the [illegible] [illegible] anything [illegible]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES

INITIALS OF PERSON MAKING STATEMENT _____ INITIALS _____ DATED _____

PLACE INITIALS OF THE PERSON MAKING THE STATEMENT AND PAGE NUMBER ON EACH PAGE

DA FORM 2823, JUL 72, IS OBSOLETE

Exhibit

STATEMENT OF (b)(3)(b)(6) TAKEN AT FOB Palmwood, Iraq DATED 20060109

9 STATEMENT (Continued)

to be ready for anything, since the enemy might be waiting for us. So when I saw people low crawling to the hole and ~~[illegible]~~ the popping in and out of sight at the window, I was on the alert. I did not know what he expect. I asked my team leader Sgt (b)(3)(b)(6) what to do after explaining the situation to him. He said to keep an eye on the house and to let [illegible] from. At that point I gestured to the people at the window to [illegible], and then yelled at them to get away from the window. But I could still see people low crawling to the [illegible] the [illegible] After about 4 or 5 times of this happening, I [illegible] to the hole [illegible] After about [illegible] minutes [illegible] through the hole followed by a [illegible] sight [illegible] the front [illegible] pushed through the hole. At that point my thought was [illegible] to take [illegible] that [illegible] it was [illegible] that [illegible] had [illegible] I [illegible] Sgt

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

(Signa

WITNESSES

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

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

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

ORGANIZATION [illegible]

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

PAGE 2 OF 3 PAGES

PAGE 3 DA FORM 2023, DEC 1983

USAPA V1.00

CENTCOM 002118

STATEMENT OF SPC (b)(3)(b)(6) TAKEN AT 108 Palisade, Iraq DATED 2006 11 19

9. STATEMENT *(Continued)*

(b)(3)(b)(6) guarding the detainees and Sgt (b)(3)(b)(6) up on the tower of the Bradley. The reason I thought he was a sniper was because the metallic object looked like the barrel of a rifle pointing at me. My only thought was to not let him get a shot off. So I acquired a sight picture on the head and fired. At this point my Team Leader rushed up to me and I explained what had happened. The same of the guys from [illegible] went into the house to check out what had happened. When Sgt [illegible] came out he told me I had shot a kid. This was the entire sequence of events transpired.

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

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

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

IDAVIT

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

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

(Sign... tement)

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

Name of Person Administering Oath

Authority To Administer Oaths

NAME OF PERSON MAKING STATEMENT

b)(3)(b)(6

PAGE

CENTCOM 002119

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
	2006/01/09	11:28	

5.	6. SSN	7. GRADE/STATUS
(b)(3)(b)(6)	(b)(3)(b)(6)	E-6

8. Bro [illegible]

9.

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

[illegible] SPC (b)(3)(b)(6) FIRED HIS WEAPON. I WAS IN THE ORCHARD [illegible] THE MEDIC AND I [illegible] SEARCHING FOR WEAPONS [illegible] I DID NOT SEE THE [illegible] TAKE PLACE.

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

10. EXHIBIT [illegible] OF PERSON [illegible] (b)(6) PAGE 1 OF PAGES

A. [illegible] THE READING STATEMENT _____ TAKEN AT _____ DATED _____

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

DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72 IS OBSOLETE

EXHIBIT F

STATEMENT OF _____ TAKEN AT _____ DATED _____

). STATEMENT *(Continued)*

Nothing Follows

Nothing Follows

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 UNDERS STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY RD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUE

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

_____

ement)

WITNESSES:

(b)(3)(b)(6) _____

_____

ORGANIZATION OR ADDRESS

(b)(3)(b)(6) _____

_____

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)

_____

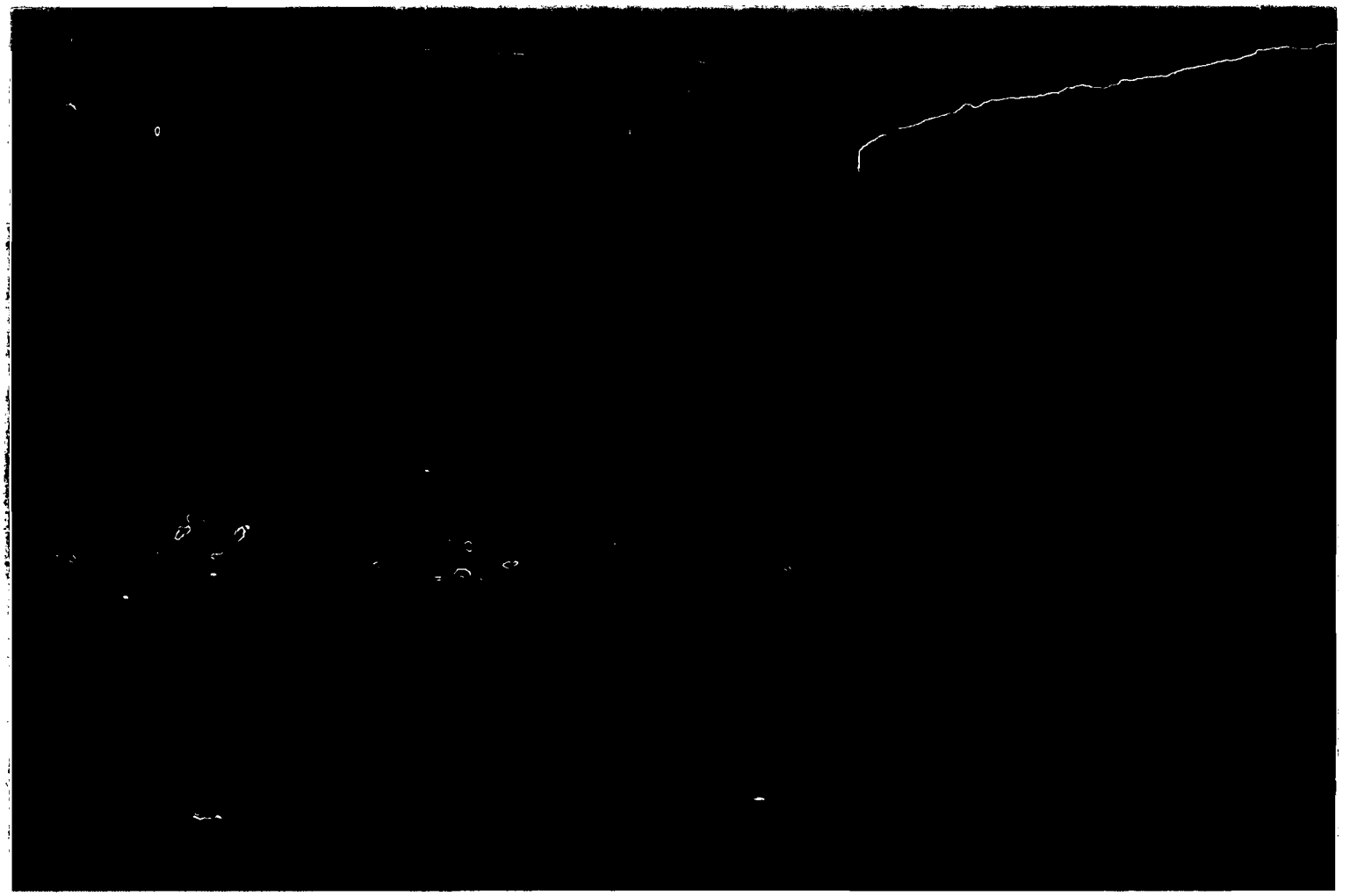
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

CHRONOLOGY FOR ART 15-6 INVESTIGATION

1. 092000JAN06 – Received ART 15-6 appointment and references
2. 092010JAN06 – Reviewed references for ART 15-6 investigation
3. 092045JAN06 – Interviewed SFC (b)(3)(b)(6)
4. 111233JAN06 – Interviewed SGT (b)(3)(b)(6)
5. 111250JAN06 – Interviewed SPC (b)(3)(b)(6)
6. 111900JAN06 – Completed DA Form 1574



VIEW FROM CORNER WHERE SPC (b)(3)(b)(6) WAS STANDING TO WINDOW

EXHIBIT B