

256 BCT-078:  
b(6)  
Death

U.S. GOVERNMENT  
PURCHASE ORDER-INVOICE-VOUCHER

DATE OF ORDER 29 MAR 05	ORDER NO. 461H(Z)(q) 256 BCT-078
----------------------------	--

PRINT NAME AND ADDRESS OF SELLER (Number, Street, and State)\* (Phone)

P  
A  
Y  
E  
E (9)(q)

PAID AT: AGUR QUF NAHIA OFFICE

Furnish Supplies or Services to (Name and address)

SUPPLIES AND SERVICES	QTY	UNIT PRICE	AMOUNT
Death of Father	1	\$2,500	\$2,500

AGENCY NAME AND BILLING ADDRESS\*

P 15TH FIN BN  
A NORTH VICTORY  
Y  
O  
R

TOTAL \$ 2,500  
DISCOUNT TERMS  
DATE INVOICE RECEIVED

ORDERED BY (Signature and title)  
SFC (9)(q) (E)(q) PPO (9)(q) (E)(q)

DISPOSE AND ACCOUNTING DAT

461H(Z)(q)

(9)(q) (E)(q) counter delivery of items

TITLE CONDOLENCE PAY AGENT DATE 29 March 05

SELLER

PAYMENT RECEIVED  PAYMENT REQUESTED  
\$ 2500

NO OTHER INVOICE NEED BE SUBMITTED

(9)(q) DATE

I certify that this account is correct and proper for payment in the amount of

\$ ii

(9)(q) (E)(q)

DIFFERENCES	
NONE	
ACCOUNT VERIFIED	
CORRECT FOR	
BY	

PAID BY CASH DATE PAID 4/20/05 VOUCHER NO.

OR (Check No.)

\*PLEASE INCLUDE ZIP CODE

STANDARD FORM 44A (Rev. 10-83)  
PRESCRIBED BY GSA  
FAR (48 CFR) 53.213(c)

*File copy of payment in 15-6 case # 05-18*



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 256<sup>th</sup> BRIGADE COMBAT TEAM  
CAMP AL-THAREER, IRAQ  
APO AE 09344

ATZQ-256BCT-SJA

28 March 2005

MEMORANDUM THRU Comptroller, 3d Infantry Division

FOR Chief of Staff, 3d Infantry Division

SUBJECT: Type of Condolence Payment (Death) 256-BCT-078

1. NAME OF RECIPIENT: (b)(6)
2. DATE OF INCIDENT OR DAMAGE: 28 Jan 05
3. LOCATION OF INCIDENT OR DAMAGE: (b)(2)High Baghdad
4. DESCRIPTION: The claimant reports that his father was shot and killed by a coalition forces patrol while traveling on (b)(2)High between (b)(2)High Hand signals and warning shots were used in the escalation of ROE, but the vehicle continued to move toward the patrol. Due to the speed of the oncoming vehicle, several shots entered the windshield, striking the driver. Subsequently, the victim died of the wounds received.
5. JUSTIFICATION: By making this condolence payment, MNF ensures the family and community recognize the MNFs' sympathy for the unfortunate loss. Support will positively influence both the community and local Iraqi leaders.
6. AMOUNT OF PAYMENT: \$ 2,500 Death
7. POINT OF CONTACT: CPT (b)(3), (b)(6) @us.army.mil or (b)(2)High Reference 15-6 Investigation, Case # 05-18.

  
JOHN BASILICA, JR.  
BG, U.S. ARMY  
Commanding

I concur with the payment.

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

LTC, JA  
Staff Judge Advocate

CENTCOM 003987



# DEPARTMENT OF THE ARMY

HEADQUARTERS, 2-156 INFANTRY  
CAMP LIBERTY, IRAQ  
APO AE 09326

FLVA-BDF-CDR

26 March 2005

MEMORANDUM FOR CDR, 256 BCT

SUBJECT: Condolence Payment (Death)

1. NAME OF RECIPIENTS: (b)(6)
2. DATE OF INCIDENT: ~~25 February~~ 2005  
28 January
3. LOCATION:  
28 January 2005
4. DESCRIPTION: On the ~~twenty-fifth~~ of February (b)(6) was traveling on (b)(2)High between (b)(2)High. Hand signals and warning shots were all used in the escalation of ROE, but the vehicle continued to move toward the Scorpion security element. Deadly force was used as a last resort. While TF Steel was not involved in the accident, (b)(6) is the cousin of the (b)(6) chairman, and the (b)(6) is in Steel's AO. This is the most cooperative (b)(6) in the Baghdad area and any assistance given would continue to build on an already favorable relationship in this area. The individual receiving payment on behalf of (b)(6) family is his eldest (b)(6) (b)(6) (b)(6).
5. REQUESTED ACCOUNT OF PAYMENT: \$2500.00 USD.
6. POC for this is CPT (b)(3), (b)(6) @us.army.mil o (b)(2)High

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

LTC, IN, USA  
Commanding

CENTCOM 003988



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 256<sup>th</sup> BRIGADE COMBAT TEAM  
CAMP LIBERTY, IRAQ  
APO AE 09326

FIVA-256BCT-SJA

14 February 2005

MEMORANDUM FOR Commander, HHC, 256

SUBJECT: 15-6 Investigation Findings, Shooting of Local National, KIA  
Location: 9 km South of Saba Al Bour  
256 BCT No.: 05-18

1. Attached is the 15-6 investigation concerning the above referenced incident which was reported on or about 28 January 2005. It has been reviewed by the Office of the Staff Judge Advocate and General Basilica.
2. Referred to JAG for recommendation for condolence payment. The findings and recommendations are approved. No further action is required.
3. POC for this memorandum is the undersigned at DNVT (b)(2)High

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

MAJ, JA  
Administrative Law Attorney

CENTCOM 003989



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS, 256<sup>th</sup> BRIGADE COMBAT TEAM**  
**CAMP LIBERTY, IRAQ**  
**APO AE 09326**

FIVA-256BCT-SJA

10 February 2005

MEMORANDUM FOR Commander, 256<sup>th</sup> Brigade Combat Team

SUBJECT: AR 15-6 Investigation, Shooting of Local National, KIA  
Unit/Location: HHC, 256/9 km South of Saba Al Bour  
Date of Incident: 28 January 2005  
256 BCT No.: 05-18

1. The subject investigation was reviewed, as requested, for legal sufficiency IAW AR 15-6. The findings are supported by a preponderance of the evidence. As directed in the appointment letter, no specific levels of disposition or punishments were made.
2. The findings are supported by the evidence and are therefore legally sufficient.
3. As the appointing authority, you may approve the findings without further review by this office.
4. POC for this memorandum is the undersigned at DNVT (b)(2)High

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

LTC, JA  
Staff Judge Advocate

CENTCOM 003990



TASK FORCE 1-156  
CAMP LIBERTY, IRAQ  
APO AE 09326



FIVA-256 -BDB-Z

1 February 2005

MEMORANDUM FOR COMMANDER, 256<sup>TH</sup> BCT, Camp Liberty, Iraq, APO AE 09326

SUBJECT: 15-6 Investigation Findings: 256 BCT Investigation #15-18

1. Enclosed are the 15-6 and all associated exhibits for this investigation.
2. I asked to be released from further duty on this matter.
3. Point of contact for this information is MAJ (b)(3), (b)(6) ( (b)(2)High or (b)(3), (b)(6) [@us.army.mil](mailto:(b)(3), (b)(6)@us.army.mil).

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

MAJ, AR, USA  
Investigation Officer

CENTCOM 003991

**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 Commander, 256TH BCT, Camp Victory, Iraq  
(Appointing authority)

on 31 January 2005 (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)~~(<sup>(3), (b)(1)</sup>board) commenced at Camp Victory, Iraq (Place) at 1000 (Time) on 31 January 2005 (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 0800 (Time) on 1 February 2005 (Date) and completed findings and recommendations at 0900 (Time) on 1 February 2005 (Date)

**SECTION III - CHECKLIST FOR PROCEEDINGS**

A. COMPLETE IN ALL CASES		YES	NO <sup>1)</sup>	NA <sup>2)</sup>
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 <sup>1</sup>	NA <sup>2</sup>
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)?			
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>			
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)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>			
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 <input type="checkbox"/> )			
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)?			
<b>FOOTNOTES:</b> <sup>1</sup> Explain all negative answers on an attached sheet. <sup>2</sup> 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.			

(3), (b)

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

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

On 28 January 2005, the 256 BCT Personal Security Detachment (PSD) was escorting two M577 Command Post vehicles to Saba Al-Bour along (b)(2)High traveling west bound. The Gunner of the lead vehicle (SPC (b)(3), (b)(6), HHC, 256 BCT) was ordering all vehicle traffic to the shoulder of the road using proper hand/arm signals. It is important to note that (b)(2)High was very narrow at this point, requiring all traffic to the shoulder to allow the convoy (577s) to pass. At approximately 100 meters, SPC (3), (b) alerted the TC (SGT (b)(3), (b)(6), HHC, 256 BCT) and NCOIC (SFC (b)(3), (b)(6), HHC, 256 BCT) that a particular vehicle (subject vehicle) was not stopping or pulling over - and moving at high speeds. Vehicles in front of and behind the subject vehicle were stopping. The subject vehicle was passing vehicles pulling over on the shoulder of the road. It is also important to add that the driver of the subject vehicle was male and the single occupant (fitting the general profile of most VBIED drivers). At (b)(2)High from the convoy, SFC (3), (b) (NCOIC) ordered SPC (3), (b) to fire a warning shot. SPC (3), (b) fired a "warning shot" which consisted of an approximate 3-round burst. The burst hit the hood of the subject vehicle, but did not cause the driver to stop or pull over. Indeed, the vehicle swerved into the lane of the oncoming convoy. Once this occurred, SFC (3), (b) ordered SPC (3), (b) to "stop the vehicle". SPC (3), (b) then fired a burst into the vehicle - hitting the windshield and subsequently, the chest of the driver, killing him. The vehicle then swerved into the east bound lane of (b)(2)High, passing the convoy and coming to rest some 150 meters to the rear of the convoy on an embankment. First Aid was attempted, but the driver was dead on the scene.

I have included the statements of SPC (3), (b) (Gunner) (Exhibit III), the Vehicle Commander (SGT (3), (b) (Exhibit IV) and the NCOIC (SFC (3), (b) (Exhibit V) and a series of sketches (Exhibit VI) depicting the incident.

It is my finding that the occupants of this vehicle were JUSTIFIED in the stopping of this vehicle with use of deadly force. The subject vehicle did not obey the hand/arm signals of the the gunner (SPC (3), (b) even though vehicles in front of and behind the subject vehicle were stopping or pulling over. The driver continued into the path of the approaching convoy AFTER valid warning shots were fired. Also, the driver met the general profile of VBIED drivers - creating a greater degree of concern/vigilance. The evidence presented to me clearly shows that these soldiers followed the Rules of Engagement (ROE). The vehicle occupants followed their internal SOP, (2)High and (2)High SOPs, as well as approved TTPs.

(b)(5)

(3), (b)

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

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

It is recommended that SPC (3), (b) SGT (3), (b) and SFC (3), (b) be exonerated of any wrong doing in this matter. It is further recommended

(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) (Member)

(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.)

Referred to JAG for recommendation for condolence payment.

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

**Index of Exhibits, 256 BCT Investigation # 05-18**  
**MAJ (b)(3), (b)(6) , Investigating Officer**

- Exhibit I: Appointment Letter**
- Exhibit II: 256 BCT SIR (Subject Same)**
- Exhibit III: DA Form 2823, SPC (b)(3), (b)(6)**
- Exhibit IV: DA Form 2823, SGT (b)(3), (b)(6)**
- Exhibit V: DA Form 2823, SFC (b)(3), (b)(6)**
- Exhibit VI: Sketch of Incident**



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 256<sup>th</sup> BRIGADE COMBAT TEAM  
CAMP LIBERTY, IRAQ  
APO AE 09326

S: 03 February 2005

FIVA-256BCT-SJA

31 January 2005

MEMORANDUM FOR Major (b)(3), (b)(6) TF Geronimo

SUBJECT: Appointment of Investigating Officer  
Shooting of Local National, WIA, HHC, 256  
256 BCT No.: 05-18

1. You are hereby appointed Investigating Officer pursuant to AR 15-6 to conduct an informal investigation into the shooting of a Local National which was reported on or about 280915JAN05 at grid location (b)(2)High within HHC, 256 BDE. You should rely on your military knowledge and experience when ascertaining the facts relative to the investigation and in the framing of your recommendations.
2. In your investigation, all witness statements will be sworn and provided on DA Form 2823, Sworn Statement.
3. All interviewees suspected of possible Uniform Code of Military Justice violations will execute DA Form 3881, Rights Warning Procedure/Waiver Certificate.
4. Submit your findings and recommendations on DA Form 1574 to this headquarters within 72 hours. Your findings should include a comprehensive and chronological description of events as well as your understanding of why the incident occurred. Recommendations should include but not be limited to corrective actions designed to prevent future occurrences of the same or similar incidents. In the event your recommendations include disciplinary action, do not recommend specific levels of disposition or punishments.
5. At the conclusion of your investigation, you will submit your DA Form 1574 and all exhibits to the Staff Judge Advocate for legal review.

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

MSG

U JOHN BASILICA, JR.  
BG, USA  
Commanding

EXHIBIT I

CENTCOM 003997



DEPARTMENT OF THE ARMY  
Headquarters and Headquarters Company, 256<sup>th</sup> Infantry Brigade Combat Team  
Camp Al Thareer  
Baghdad Iraq, APO 09326

FIVA-BDG

28 January 2005

MEMORANDUM FOR

SUBJECT: Serous Incident Report (SIR) # 28 JAN 05 HHC BDE

1. Category:
2. Type Incident: Death of Local National
3. Date and Time: 28 0915 JAN05
4. Location: (b)(2)High 9Km south of Saba Al Bour
5. Other Information:
  - a. Racial:
  - b. Trainee Involvement:
6. Personnel Involved:
  - a. Subject:
    - (1) Name: (b)(3), (b)(6)
      - (a) Rank/Grade: E4 / SPC
      - (b) SSN: (b)(3)(b)(6)
      - (c) Race: Caucasian
      - (d) Sex: M
      - (e) Age:
      - (f) Position: Gunner for 256 BCT PSD
      - (g) Security Clearance: None
      - (h) Unit/Station of Assignment: HHC 256 BCT
      - (i) Duty Status: Mobilized National Guard
    - (2) Additional Subjects:

**EXHIBIT II**

CENTCOM 003998

FIVA-BDG

SUBJECT: Serious Incident Report

b. Victim:

(1) Name: (Last, First, Middle)

(a) Rank/Grade:

(b) SSN:

(c) Race:

(d) Sex:

(e) Age:

(f) Position:

(g) Security Clearance:

(h) Unit/Station of Assignment:

(i) Duty Status:

7. Summary of Incident: During a routine patrol, with the mission of relocating two M577 Command Post vehicles to Saba Al Bour, the lead vehicle, an M1114 of HQ 256 BCT, engaged a local national vehicle with an M240B machinegun. Hand and arm signals were used to attempt to stop the vehicle to no avail. The local national's vehicle failed to stop as it approached the coalition patrol. SPC<sup>(3)</sup>, (b) the gunner, on said M1114, then engaged the vehicle with shots designed to disable the vehicle. Due to the speed of the oncoming local national vehicle, several shots entered the windshield striking the driver. Subsequently the local national died of the wounds received. A 15-6 has been initiated.

8. Remarks:

9. Publicity: None

10. Commander reporting: MAJ (b)(3), (b)(6)

11. Point of Contact:

12. Downgrading instructions:

// Original Signed //

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

MAJ, IN, USA

Brigade Assistant S3

CENTCOM 003999

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

1. LOCATION	2. DATE (YYYYMMDD) 2005 01 31	3. TIME 1423	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E-4 Cpl.	
8. ORGANIZATION OR ADDRESS HHC 256th BCT Baghdad, Iraq			

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

On or about the 28 Jan 05 around 0830 we were on (b)(2)High when I CPL (b)(3), (b)(6) gave hand and arm signals to a car that was around 100 to 75 meters away to stop. I keep giving hand and arm signals to stop. Once the car was (b)(2)High meters away I was given the order to fire a warning shot at the car. These rounds were aimed at the front head of the vehicle. The order was given by SFC. (b)(3), (b)(6) after these rounds were fired the car turned to us as if he was going to hit us with the car. I was given the next order to take the threat out. I sent another burst of rounds threw the cars window and into the chest of

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 \_\_\_\_\_ 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.

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

STATEMENT OF CPC (b)(3), (b)(6) TAKEN AT 0830 DATED 2005 08 28

STATEMENT (Continued)

the driver of the vehicle. Once these rounds were fired the car swerved away from the roadway and rolled past W. I. CPC (b)(3), (b)(6) then turned to my (b)(2)High position to scan for any further threats. I would also like to make known that there was only one passenger in the vehicle and I get the possible description of a possible (b)(3)(b)(6)

*Nothing follows*

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

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

PAGE 2 OF 3 PAGES

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

STATEMENT (Continued)

*Matthew Follans*

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

**AFFIDAVIT**

I, CPL (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS 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 INF

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

ement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31ST day of JANUARY, 2005 at CAMP VICTORY, IZAB

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

*MT*

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

SFC

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

INVESTIGATING OFFICER  
(Authority To Administer Oaths)

NO. OF PERS. SIGNING 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 ODCSOPS

PRIVACY ACT STATEMENT

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PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS
AHC 256 BCT PSD PLT.

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

On, or about 28 January 2005 At approximately 0830 our PSD platoon
was driving to Sab - al - naur's police station to drop off two m577 trucks.
I believe the name of the row was (b)(2)High driving down (b)(2)High my gunner
Cpl. (b)(3), (b)(1) noticed a car coming at us at a high rate of speed. Cpl. (b)(3), (b)(1) told my
crew verbally that the car would not stop when he told him (b)(3), (b)(1) was using hand and arm
signals. At that time, SFC (b)(3), (b)(6) told cpl. (b)(3), (b)(1) to fire a warning shot at the
vehicle. Cpl. (b)(3), (b)(1) did so, and the vehicle still did not respond. At this time I
noticed the vehicle turn directly into our path. SFC (b)(3), (b)(6) stated to fire again and
Cpl. (b)(3), (b)(1) fired directly into the back of the driver. The driver appeared to be
shot when he fell or slumped towards the passenger door. The vehicle then passed us,
and we notified all other vehicles that we shot at a car.

Our vehicle then returned to the scene and pulled security until the Iraqi
police removed the subject and left the scene with the subjects.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

EXHIBIT IV
CENTCOM 004003

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

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

STATEMENT (Continued)

*No Dis. follows*

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

*1/31/95*

INITIALS OF PERSON MAKING STATEMENT

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

PAGE / OF / PAGES

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_  
STATEMENT (Continued)

**AFFIDAVIT**

I, \_\_\_\_\_ (b)(3), (b)(6) \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE \_\_\_\_\_ 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 INDUCEMENT.

(b)(3), (b)(6) \_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

(b)(3), (b)(6) \_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

(b)(3), (b)(6) \_\_\_\_\_  
\_\_\_\_\_  
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30<sup>th</sup> day of JANUARY, 2005 at CAMP VICTORY, ICAR

(b)(3), (b)(6) \_\_\_\_\_  
\_\_\_\_\_  
(Sign) \_\_\_\_\_ (Administering Oath)  
\_\_\_\_\_  
(Typed Name of Person Administering Oath)  
INVESTIGATING OFFICER  
(Authority To Administer Oaths)

NAME OF PERSON MAKING STATEMENT PAGE OF PAGES

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

1. LOCATION HHC 256 BCT	2. DATE (YYYYMMDD) 20050131	3. TIME 1400	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN	7. GRADE/STATUS E-7 PLT SGT	
b. ORGANIZATION OR ADDRESS HHC 256 BCT PSD PLT.			

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

On, or about the 28 Jan. 2005. At approx. 0830. our PSD Platoon was heading west on (b)(2)High. A vehicle heading east bound refused to stop after all other traffic had stopped. Warning shots were fired, and the vehicle continued to head straight for my vehicle at a high rate of speed. I ordered my gun to stop the vehicle. ~~After~~ (b)(3), (b)(6) after the vehicle was hit did it stop about 150 meters behind my vehicle.

After checking the vehicle for bombs aiel was given to the driver of the vehicle.

*Nothing Follow*

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

EXHIBIT	11. I (b)(3), (b)(6)	ION MAKING STATEMENT	PAGE 1 OF _____ 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.

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

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

STATEMENT (Continued)

*Nothing Follows*

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

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

STATEMENT (Continued)

*Nothing follows*

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

**AFFIDAVIT**

I, \_\_\_\_\_ (b)(3), (b)(6) \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS 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

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

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31st day of January, 2005 at CAMP VICTORY, I.A.O.

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

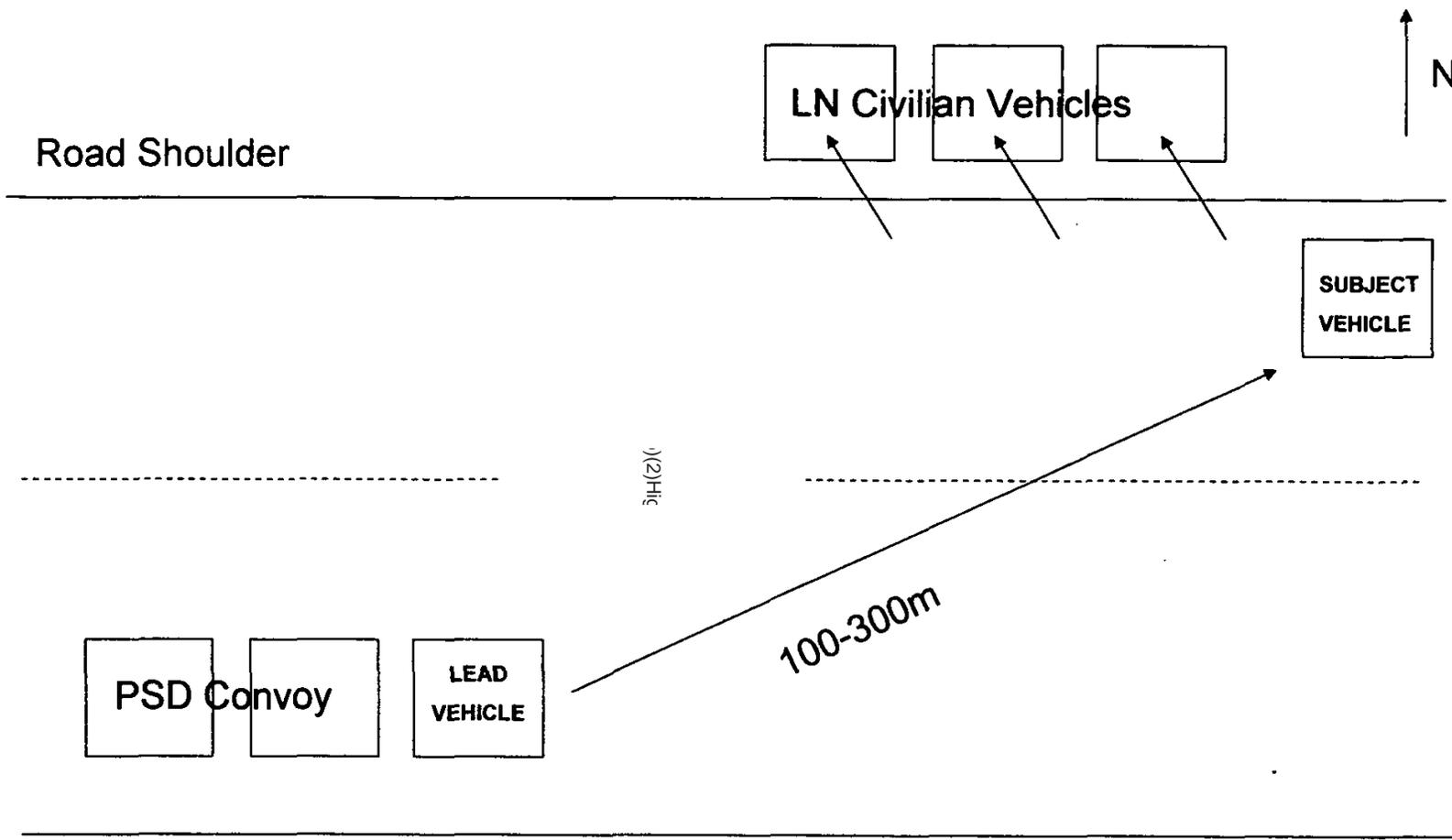
INVESTIGATING OFFICER  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

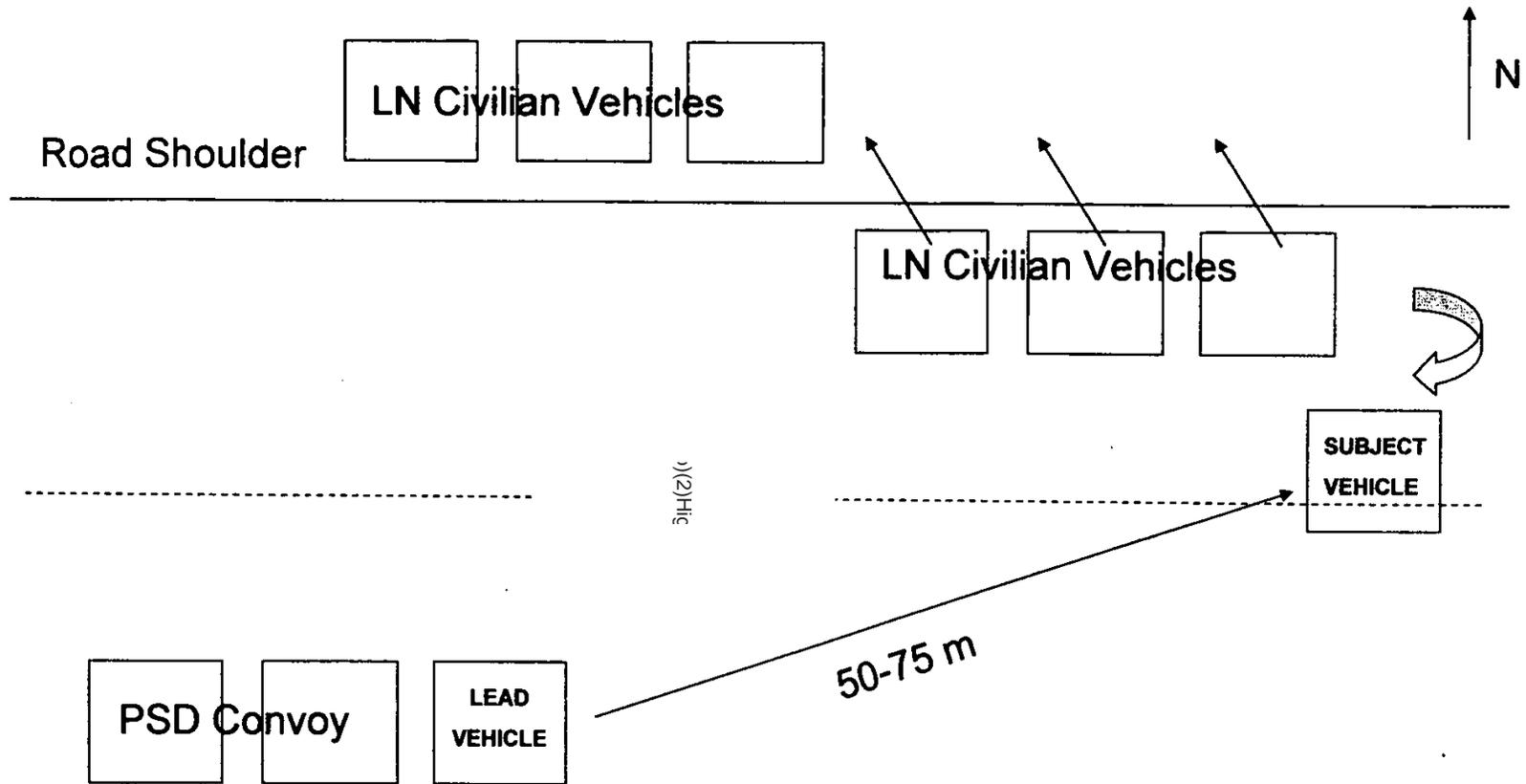
NAME(S) OF PERSON MAKING STATEMENT

PAGE OF PAGES



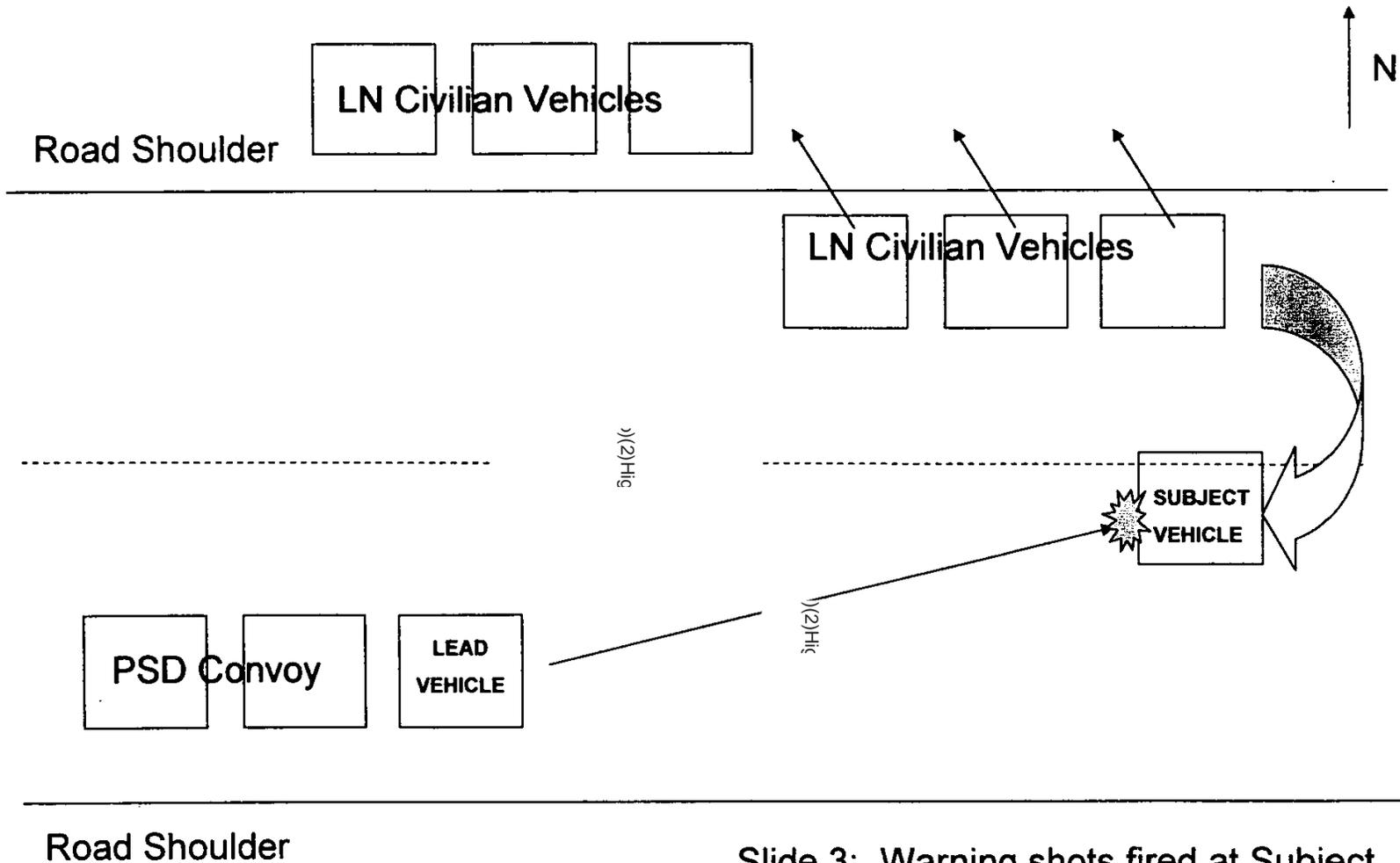
Road Shoulder

Slide 1: Subject Vehicle approaches at 100-300 meters. Vehicles in front of Subject Vehicle obey hand/arm signals by SPC <sup>3)</sup> to pull over. Subject Vehicle does not stop.

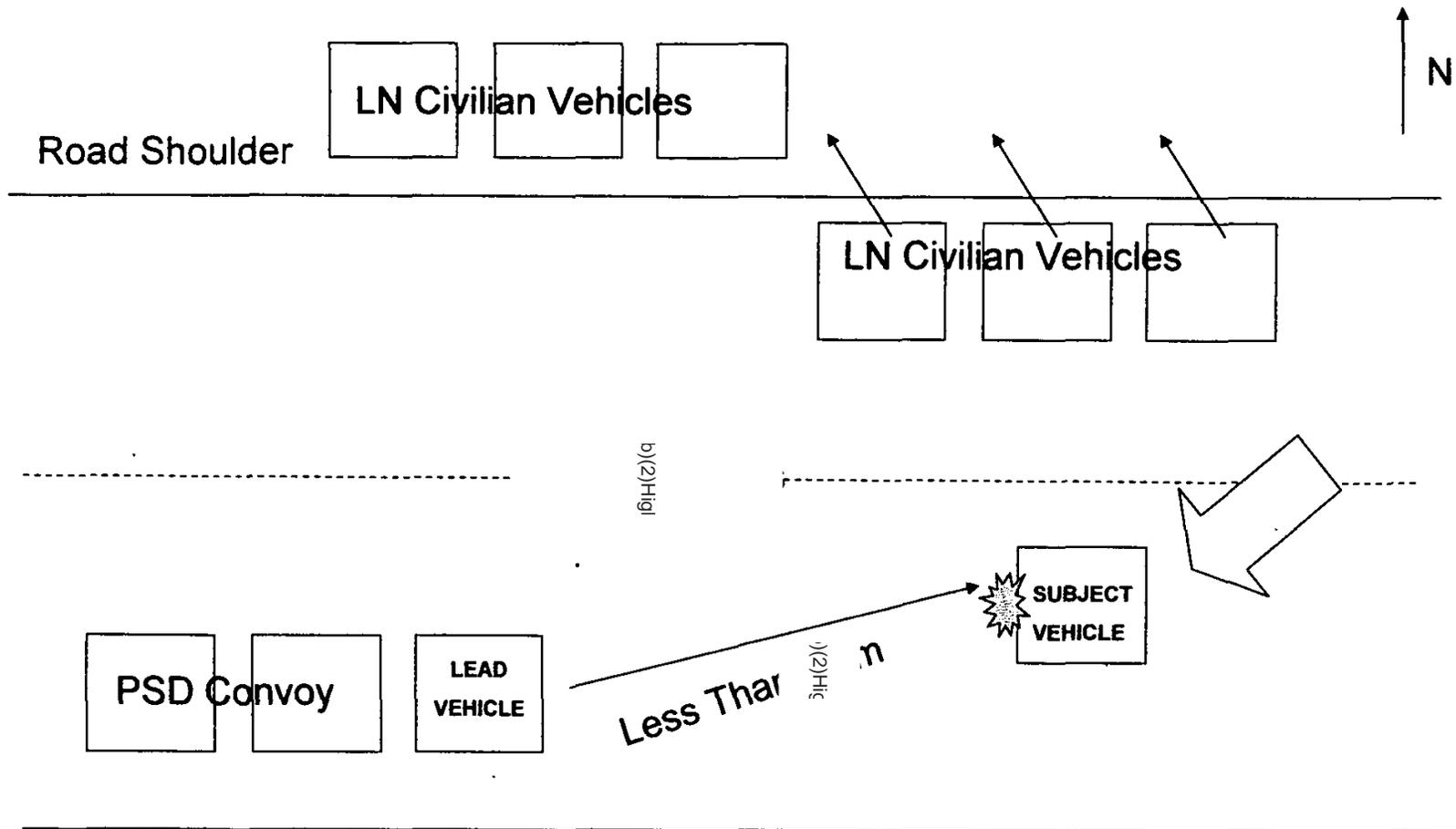


Road Shoulder

**Slide 2: Subject Vehicle continues approach at 50-75 meters and passes vehicles pulling over – crossing the notional center line – into oncoming convoy. TC orders SPC <sup>3)</sup> (b) to fire warning shot.**

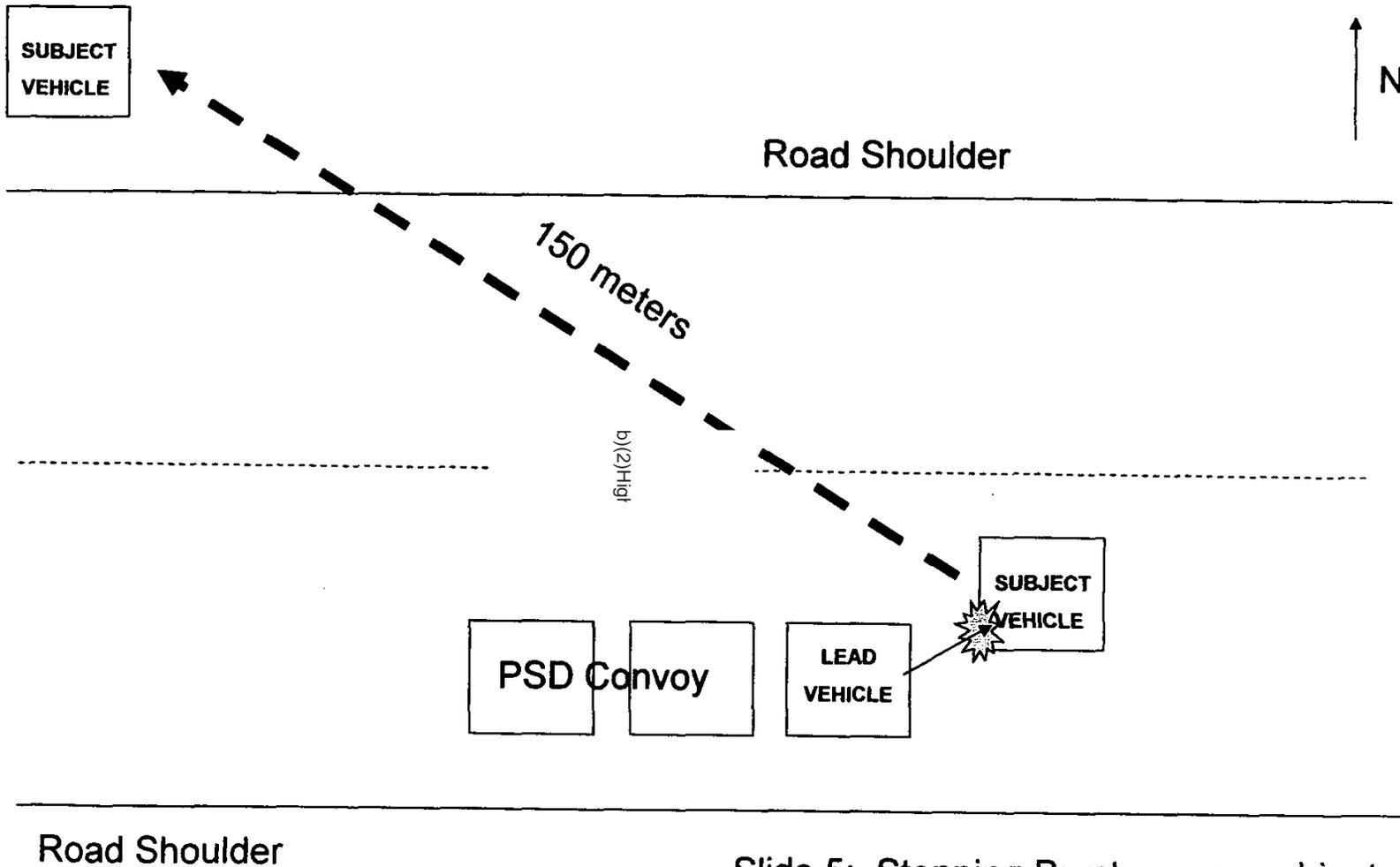


Slide 3: Warning shots fired at Subject Vehicle at  $(2)_{Hit}$  meters (3 Shots hit hood) Vehicle continues into lane of oncoming convoy.



Road Shoulder

Slide 4: Stopping Burst Fired at Subject Vehicle. Gunner notices that several hit windshield and driver slumps over.



Slide 5: Stopping Burst causes subject vehicles to pass convoy, veer off on shoulder of road and come to stop on embankment 150 meters from convoy.



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 256<sup>th</sup> BRIGADE COMBAT TEAM  
CAMP LIBERTY, IRAQ  
APO AE 09326

S: 03 February 2005

FIVA-256BCT-SJA

31 January 2005

MEMORANDUM FOR (b)(3), (b)(6) TF Geronimo

SUBJECT: Appointment of Investigating Officer  
Shooting of Local National, WIA, HHC, 256  
256 BCT No.: 05-18

1. You are hereby appointed Investigating Officer pursuant to AR 15-6 to conduct an informal investigation into the shooting of a Local National which was reported on or about 280915JAN05 at grid location (b)(2)High within HHC, 256 BDE. You should rely on your military knowledge and experience when ascertaining the facts relative to the investigation and in the framing of your recommendations.
2. In your investigation, all witness statements will be sworn and provided on DA Form 2823, Sworn Statement.
3. All interviewees suspected of possible Uniform Code of Military Justice violations will execute DA Form 3881, Rights Warning Procedure/Waiver Certificate.
4. Submit your findings and recommendations on DA Form 1574 to this headquarters within 72 hours. Your findings should include a comprehensive and chronological description of events as well as your understanding of why the incident occurred. Recommendations should include but not be limited to corrective actions designed to prevent future occurrences of the same or similar incidents. In the event your recommendations include disciplinary action, do not recommend specific levels of disposition or punishments.
5. At the conclusion of your investigation, you will submit your DA Form 1574 and all exhibits to the Staff Judge Advocate for legal review.

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

JOHN BASILICA, JR.  
BG, USA  
Commanding

MEG

CENTCOM 004014



## DEPARTMENT OF THE ARMY

Headquarters and Headquarters Company, 256<sup>th</sup> Infantry Brigade Combat Team  
Camp Al Thareer  
Baghdad Iraq, APO 09326

FIVA-BDG

28 January 2005

### MEMORANDUM FOR

SUBJECT: Serious Incident Report (SIR) (b)(2)High HHC BDE

1. Category:
2. Type Incident: Death of Local National
3. Date and Time: 28 0915 JAN05
4. Location: (b)(2)High 9Km south of Saba Al Bour
5. Other Information:
  - a. Racial:
  - b. Trainee Involvement:
6. Personnel Involved:
  - a. Subject:
    - (1) Name: (b)(3), (b)(6)
      - (a) Rank/Grade: E4 / SPC
      - (b) SSN: (b)(3), (b)(6)
      - (c) Race: Caucasian
      - (d) Sex: M
      - (e) Age:
      - (f) Position: Gunner for 256 BCT PSD
      - (g) Security Clearance: None
      - (h) Unit/Station of Assignment: HHC 256 BCT
      - (i) Duty Status: Mobilized National Guard
    - (2) Additional Subjects:

CENTCOM 004015

FIVA-BDG  
SUBJECT: Serious Incident Report

b. Victim:

(1) Name: (Last, First, Middle)

(a) Rank/Grade:

(b) SSN:

(c) Race:

(d) Sex:

(e) Age

(f) Position:

(g) Security Clearance:

(h) Unit/Station of Assignment:

(i) Duty Status:

7. Summary of Incident: During a routine patrol, with the mission of relocating two M577 Command Post vehicles to Saba Al Bour, the lead vehicle, an M1114 of HQ 256 BCT, engaged a local national vehicle with an M240B machinegun. Hand and arm signals were used to attempt to stop the vehicle to no avail. The local national's vehicle failed to stop as it approached the coalition patrol. SPC(3), (b)( the gunner, on said M1114, then engaged the vehicle with shots designed to disable the vehicle. Due to the speed of the oncoming local national vehicle, several shots entered the windshield striking the driver. Subsequently the local national died of the wounds received. A 15-6 has been initiated.

8. Remarks:

9. Publicity: None

10. Commander reporting: MAJ (b)(3), (b)(6)

11. Point of Contact:

12. Downgrading instructions:

// Original Signed //

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

MAJ, IN, USA

Brigade Assistant S3