

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.)

(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)

APPROVAL

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.)

IN THE INVESTIGATION OF THE EOF INCIDENT INVOLVING 8-10 CAV, 4/4 ID, CONCLUDING ON 6 NOV 06:

I ratify the appointment of the investigating officer and approve his findings and recommendations.

I remand case to BCT Commander to direct the additional training at the tactical level as requested.



JOSEPH F. FIL, JR
Major General, USA
Commanding

1 DEC 2006

CENTCOM 007105

EOF

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

etc) A CO 8-10 . 4ID 4NOV06

EXECUTIVE SUMMARY

EOF w/fatality
A/8-10 CAV, 4/4 ID
04 1600 Nov 06

1. An American patrol in Ameriyah was about to cross (b)(2)High when a white Kia van sped toward the patrol's vehicles. The van had a single male occupant, and the Soldiers perceived the van to be a VBIED. The van did not stop after the patrol attempted to shout, signal, and show its weapons. The (b)(2)High runner for the patrol's lead (b)(2)High then opened fire, killing the van's driver. The van crashed into the patrol, but no VBIED detonated or was found.
2. Proper EOF procedures were used. The van's speeding toward the patrol was a hostile act. The use of deadly force was consistent with the ROE.
3. Recommendation: Sign the DA Form 1574 approving the findings and recommendations.

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

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(Recorder)

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

1LT, AR

(Member)

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

1LT, AR

(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.)

I agree with the IO's findings. I would add that the troop conduct training and discussions of the tactics that the gunner used in this situation. The question that should be explored - at a tactical level - is did the gunner need to be up in the turret if he thought the car was a SUITE, and was so close? Although the gunner believed he had PD of hostile intent and therefore followed the MCF correctly, an adjustment to his tactics would have better protected him if it was and possibly would have saved the life of the UN.

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

LTC, AM, Commanding

SEE CONTINUATION SHEET



DEPARTMENT OF THE ARMY
Alpha Troop, 8th Squadron, 10th Cavalry Regiment
4th Brigade Combat Team, 4th Infantry Division (Mechanized)
Baghdad, Iraq, APO AE 09348

AFYB-UA-UAA-A

04 November 2006

MEMORANDUM FOR 1LT (b)(3)(b)(6) 452-53-8744, A Troop, 8th SQDN, 10th
CAV, 4ID(M), Baghdad, Iraq, APO AE 09348

SUBJECT: Duty Appointment

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 to investigate the circumstances surrounding a lethal Escalation of Force (EOF) which occurred 041613CNOV06 at (b)(2)High IVO (b)(2)High in Ameriyah. Include a copy of statements concerning this incident in your findings. Specifically, you will investigate whether negligent actions were taken in conjunction with this incident, and recommend any necessary corrective, punitive, or future preventative actions.
2. Your investigation will use the informal procedures under the provisions of AR 15-6. All witness statements will be sworn when possible, and you will obtain Privacy Act Statements from all witnesses who complete a written statement. If circumstances preclude obtaining a sworn statement, you will summarize the witness' statements in a Memorandum for Record and swear to the accuracy of your summary. If, in the course of your investigation you suspect that an individual may have committed criminal acts, you will advise that individual of his rights under Article 31, UCMJ, or the Fifth Amendment, as appropriate.
3. Legal advice and assistance must be obtained from the Administrative and Civil Law Division, Office of the Staff Judge Advocate before you take any other action on this matter. Prior to beginning the investigation, you will familiarize yourself with the provisions of AR 15-6.
4. Your report of investigation, findings and recommendations, and evidence marked as exhibits will be submitted to this office in two copies on a DA form 1574 no later than 07 NOV 06. You will obtain a written legal review from the Administrative and Civil Law Division prior to submitting the completed investigation.

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

CENTCOM 007108

14 November 2006

MEMORANDUM FOR Commander, 4th Brigade Combat Team, 4th Infantry Division
(Mechanized), FOB Prosperity, APO AE 09348

SUBJECT: Legal Review - AR 15-6 Investigation Re: 8-10CAV Lethal EOF 6 Nov 06

1. I have reviewed the above described investigation and find it legally sufficient. The proceedings comply with legal requirements, and sufficient evidence supports the findings.
2. As a procedural matter, the investigating officer should have left the block in Section II blank, because this was an informal 15-6 investigation, and, therefore, does not require other person's presence.
3. The investigation demonstrates that the 8-10CAV soldiers on patrol that day used proper Escalation of Force procedures to respond to the local national vehicle. Due to the immediate danger the patrol believed themselves to be in, lethal force was appropriate. The findings show that throughout the engagement, the gunner and drivers reasonably believed they were under attack from an SVBIED. The gunner had positive identification of hostile intent and responded appropriately. It is my belief that the ROE was not violated.
4. Please contact me or CPT (b)(3)(b)(6) with any questions or concerns.

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

CPT, JA
Brigade Operational Law Attorney



DEPARTMENT OF THE ARMY
4TH BRIGADE COMBAT TEAM, 4TH INFANTRY DIVISION
FOB PROSPERITY, BAGHDAD, IRAQ
APO AE 09348

REPLY TO
ATTENTION OF:

AFYB-UA-CDR

14 November 2006

MEMORANDUM FOR Commander, Multi-National Division - Baghdad, Camp Liberty, APO
AE 09352

SUBJECT: Recommendations – AR 15-6 Investigation Re: A/8-10CAV Lethal EOF 6 Nov 06

1. I have reviewed the above described investigation and recommend approval of the findings and recommendations.
2. The soldiers from A/8-10 Cav used proper Escalation of Force measures to neutralize a perceived threat to their safety. The interviewed soldiers saw a vehicle with one driver speeding towards their position. The van swerved around stationary vehicles that had stopped to let the patrol cross the intersection and then drove directly towards the lead (b)(2)High. Since the van was driving at approximately (2)Hmph, the gunner for the lead (b)(2)High had less than a couple of seconds to react. The entire patrol believed that the van was a SVBIED. Given the facts, and recent SVBIED activity in that area, I believe this was a reasonable belief. The gunner tried to use visual means to stop the driver, but ultimately used lethal force to kill the driver. Even after the van crashed in to the lead (b)(2)High the patrol still believed the vehicle had failed to detonate and moved quickly away from the scene.
3. This was a tragic incident; however, the unit did not violate the Rules of Engagement. I endorse the investigating officer's findings and recommendations.
4. My POC for this action is CPT (b)(3)(b)(6) at (b)(2)High

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

COL, IN
Commanding

CENTCOM 007110

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by LTC (b)(3)(b)(6) COMMANDER, 8-10 CAVALRY, 4BCT, 4ID, CAMP LIBERTY, APO AE 09344
(Appointing authority)

on 06NOV06 (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 CAMP LIBERTY, IRAQ at 1300
(Place) (Time)

on 06NOV06 (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 (state capacity, e.g., President, Recorder, Member, Legal Advisor.)

- 1LT (b)(3)(b)(6) INVESTIGATING OFFICER.
- SSG (b)(3)(b)(6) PATROL LEADER AND (b)(2) High TRUCK COMMANDER OF A12 DURING ESCALATION OF FORCE ENGAGEMENT.
- SSC (b)(3)(b)(6) M1114 TRUCK COMMANDER OF A13 DURING ESCALATION OF FORCE ENGAGEMENT.
- SGT (b)(3)(b)(6) (b)(2) High GUNNER OF A13 DURING ESCALATION OF FORCE ENGAGEMENT.
- SPC (b)(3)(b)(6) DRIVER OF A15 DURING ESCALATION OF FORCE ENGAGEMENT.

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 1400 on 06NOV06
(Time) (Date)

and completed findings and recommendations at 1600 on 06NOV06
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

YES NO NA^{2/}

- 1 Inclosures (para 3-15, AR 15-6)
 - a. The letter of appointment or a summary of oral appointment data?
 - b. Copy of notice to respondent, if any? (See item 9, below)
 - c. Other correspondence with respondent or counsel, if any?
 - d. All other written communications to or from the appointing authority?
 - e. Privacy Act Statements (Certificate, if statements provided orally)?
 - f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?
 - g. Information as to sessions of a formal board not included on page 1 of this report?
 - h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

(b)(2)High

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?			
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?			
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?			
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			
	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?			
	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)?			
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			
H. 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 <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)?			
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.				

(b)(2)High

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

The (investigating officer) (board) fully considered the evidence, finds: That SSG (b)(3)(b)(6), SSG (b)(3)(b)(6), SGT (b)(3)(b)(6), and SPC (b)(3)(b)(6) took all necessary measures to use a graduated response of Escalation Of Force that resulted in one Iraqi local national killed.

On 04NOV06, SGT (b)(3)(b)(6) did engage a white Kia van travelling at a high rate of speed with his (b)(2)High (exhibit A, B, C, & D). SSG (b)(3)(b)(6) was the vehicle commander of A13, the lead vehicle of the patrol that day (exhibit A, B, & C). As the patrol was about to cross onto Route (b)(2)High SPC (b)(3)(b)(6) (the driver) "inched" the vehicle onto the route, giving cars time to react to the patrol and stop (exhibit A, B, C, & D). SGT (b)(3)(b)(6) gave the common Iraqi hand gesture to stop traffic to allow the patrol to cross onto Rte. (b)(2)High (exhibit A, B, & C). The two vehicles travelling south on Rte. (b)(2)High near the patrol's crossing point saw SGT (b)(2)High hand gestures and came to a stop (exhibit A & C).

Once traffic had stopped the lead vehicle began to move onto (b)(2)High at the order of SSG (b)(3)(b)(6) (exhibit B, C, & D). At the moment the patrol crossed onto (b)(2)High a white Kia van moved around the stopped vehicles and headed right at the lead vehicle of the patrol (exhibit A, B, C, & D). SSG (b)(3)(b)(6) saw the van at the same time as SGT (b)(3)(b)(6) and only had time to alert the crew using an expletive phrase (exhibit B & C). SGT (b)(3)(b)(6) continued his hand gestures to signal to stop and then rotated his gun turret towards the speeding vehicle (exhibit A, B, & C). Seeing that the vehicle was closing the distance to the patrol very quickly, and that the driver for unknown reasons did not adhere to the hand gestures or the gunner's show of intent to use the (b)(2)High (exhibit A, B, & C), SGT (b)(3)(b)(6) engaged the vehicle with a four to eight round (b)(2)High (exhibit A, B, C, & D). The van continued to travel and crashed into the driver side of the lead M114 at a high rate of speed (exhibit B, C, & D). SGT (b)(3)(b)(6) had to respond to a perceived threat in the time it took the van to travel (b)(2)High while travelling at a speed of approximately (b)(2)High p.h. (exhibit A, B, & C).

The patrol leader (SSG (b)(3)(b)(6)) and the truck commander of A13 (SSG (b)(3)(b)(6)) emphasized (b)(2)High before the patrol left Camp Liberty (exhibit A, B, & D). The pre-patrol INTSUM from 8-10 Cavalry S-2 showed visible threats in our area of operations (exhibit A, B, & C). SGT (b)(3)(b)(6) gave non-lethal means to stop traffic but the van did not heed to those signals while other vehicles complied with them (exhibit A, B, & C). Once SSG (b)(3)(b)(6) alerted SGT (b)(3)(b)(6) to the speeding van (exhibit B & C), there were approximately three seconds for SGT (b)(3)(b)(6) to react and make the decision whether or not to fire his M240B.

The evidence supports the finding that SSG (b)(3)(b)(6), SSG (b)(3)(b)(6), SGT (b)(3)(b)(6), and SPC (b)(3)(b)(6) took all necessary steps to avoid a lethal Escalation Of Force with an Iraqi local national exhibiting a perceived hostile act towards the Soldiers in the patrol.

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

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

(b)(5), (b)(2)High

**TABLE OF CONTENTS FOR 15-6 FOR LETHAL
ESCALATION OF FORCE**

- I. Letter of Appointment as Investigating Officer for 15-6
- II. DA 1574
- III. Exhibit A: DA 2823 from SSG [REDACTED (b)(3)(b)(6)]
- IV. Exhibit B: DA 2823 from SSG [REDACTED (b)(3)(b)(6)]
- V. Exhibit C: DA 2823 from SGT [REDACTED (b)(3)(b)(6)]
- VI. Exhibit D: DA 2823 from SPC [REDACTED (b)(3)(b)(6)]
- VII. Exhibit E: Power Point storyboard of events from LEOF
- VIII. Exhibit F: DA 3881 from SSG [REDACTED (b)(3)(b)(6)]
- IX. Exhibit G: DA 3881 from SSG [REDACTED (b)(3)(b)(6)]
- X. Exhibit H: DA 3881 from SGT [REDACTED (b)(3)(b)(6)]
- XI. Exhibit I: DA 3881 from SPC [REDACTED (b)(3)(b)(6)]

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 19 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: FOB LIBERTY BAGHDAD IIRAC
2. DATE (YYYYMMDD): 20061105
3. TIME: 1852
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/ACTIVE
8. CURRENT ASSIGNMENT: 1ST PLT A TRP S/LC CAL 4BCT 41ID

9. (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON NOVEMBER 4TH 2006, APPROXIMATELY 1550 HOURS LOCAL TIME, AT (b)(2)High A WHITE MINIVAN SMASHED INTO THE LEAD VEHICLE OF PATROL 110409 WHILE (b)(2)High (b)(2)High THE LEAD VEHICLE WAS COMMANDED BY SSG (b)(3)(b)(6) AND THE GUNNER WAS SGT (b)(3)(b)(6) THE LEAD VEHICLE WAS TRYING TO GET OUT OF THE (b)(2)High AT THE SAID GRID TO CONTINUE ITS MOVEMENT EAST. THE LEAD VEHICLE INCHED FORWARD THE GUNNER PUT HIS HANDS UP IN THE IRAQI WAY TO SAY STOP. ALL THE VEHICLES STOPPED EXCEPT A WHITE MINIVAN THAT WAS MOVING AT A HIGH RATE OF SPEED. A CAR IN FRONT OF THE MINIVAN STOPPED AND THE MINIVAN CONTINUED AROUND ON A COLLISION COURSE WITH THE LEAD VEHICLE. THE GUNNER TURNED HIS TURRET AND THE VEHICLE CONTINUED, HE AIMED HIS WEAPON AND AT THAT POINT THE VEHICLE SWERVED FROM THE FAR EAST SIDE OF THE ROUTE TO THE WEST SIDE WHERE THE LEAD VEHICLE WAS AT. THE VEHICLE DIDNT STOP AND WAS ABOUT TO COLLIDE WITH THE LEAD VEHICLE. THE GUNNER SENT APPROXIMATELY A 4-8 ROUND (b)(2)High INTO THE VEHICLE AND KILLED THE DRIVER JUST BEFORE THE MINIVAN SMASHED INTO THE U.S. VEHICLE. THE PATROL REACTED AS ACCORDING TO VBIED ACTIONS AND DISPERSED SO AS TO NOT GET BLOWN UP. AFTER NO EXPLOSION CAME THE PATROL ASSESSED THE CASUALTY AND VEHICLE AND EXECUTED CASUALTY EVACUATION DRILLS. THE DISTANCE FROM THE 2 VEHICLES AT THE TIME THE MINIVAN EXECUTED ITS CRASH COURSE WAS MORE THAN (b)(2)High AT THE TIME OF THE EVENT I, SSG (b)(3)(b)(6) WAS IN THE SECOND VEHICLE IN A 3 VEHICLE CONVOY. END STATEMENT

NOTHING FOLLOWS (b)(3)(b)(6)

10. EXHIBIT: A
11. INITIALS: (b)(3)(b)(6)
PERSON MAKING STATEMENT:
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.

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 _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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 INFLUEN

WITNESSES: (b)(3)(b)(6)

ORGANIZATION OR ADDRESS: Camp Liberty, APD AG 09374

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

ORGANIZATION OR ADDRESS: A TRP, 8-10 LAY, 484 41D

(b)(3)(b)(6) ment) 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 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 Camp Liberty	2. DATE (YYYYMMDD) 2006/11/06	3. TIME 1321	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3)(b)(6)		6. SSN	7. GRADE/STATUS E6

A/8-10 Cavalry, 4BCT, 4ID, APO AE 09344

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

(3)(b) R = 1LT (b)(3)(b)(6)
A = SSG

Q: Did you go over the ROE & EOF steps during your PCC/PCI prior to going on the patrol?

A: Yes

Q: Had other vehicles that day been stopping when your patrol was approaching intersections?

A: Yes

Q: How long had your patrol been in sector up until that moment?

A: 3 1/2 hours.

Q: Did the S-2 INTSUM regard any VBIEDS in sector? How many?

A: (b)(2)High

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

10. EXHIBIT	(b)(3)(b)(6)	LS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 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)

TAKEN AT

CAMP LIBERTY

DATED

6 NOV 06

9. 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 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

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

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

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

RE TRY 12-02 CAB 410 418CT

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

CAMP LIBERTY, IRAQ, 09344
ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

IN

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

ON MAKING STATEMENT

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: Camp Liberty, Baghdad, Iraq
2. DATE (YYYYMMDD): 20061205
3. TIME: 1858
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN:
7. GRADE/STATUS: E6/Active

A TRP 8-10 CAU 4BDE 4ED

9. I, (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON 4 NOV 06 at approximately 1858 while traveling EAST BOUND AT (b)(2)High (b)(2)High
(b)(2)High A LOCAL NATIONAL MINI BUS traveling south bound on (b)(2)High swerved
wildly and erratically then crashed into the drivers side of the lead (b)(2)High in the
patrol. The BUS was suspected to BE a SUBIED by myself. AIB crew was in the
lead vehicle and I was the TC. We approached the corner at a slow rate of
SPEED (under 5mph). our vehicle came to the intersection and momentarily halted
I scanned RIGHT to ensure the intersection was clear, it was. As I
turned my head to the left I noticed a light grey mini bus beginning to steer
sharply sharply towards our truck at approximately (b)(2)High THE truck was
traveling at what appeared to be a high rate of speed. My gunner SPC (b)(3), (b)(6)
(b)(3), (b)(6) observed that the bus was on a collision course towards our truck & traversed
his crew served weapon towards the truck and made a slow down gesture (irazi head
gesture) with his hand in an attempt to warn the bus driver. The bus continued towards
our truck. At approximately (b)(2)High my gunner fired a 5 round (b)(2)High killing the
driver. still thinking it was a SUBIED that failed to detonate I directed my
driver to immediately move away from the bus, first heading south on (b)(2)High then
north approximately one block north of the bus. when we determined that it was safe
we moved back south to the bus secured it & began to assess injuries of the driver
& inspect the bus for explosives. There were no signs of explosives and we determined
that although the driver was mortally wounded we requested medevac & moved the
patrol north towards FOB Hawk. enroute to Hawk the DRIVER succumbed to his
injuries & died. we then maneuvered to the KUADRA police station to drop off
the body. Nothing follows

10. EXHIBIT: B
11. INITIALS 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 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 _____

9. STATEMENT (Continued)

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

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

AFFIDAVIT

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

(Signature)

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

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

WITNESSES:
(b)(3)(b)(6)

(Signature of Person Administering Oath)

Comp. Litch #10 AD 09344
ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(b)(3)(b)(6)
A TRU, 8-10 CAN 4811, 41D
ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

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1. LOCATION Camp Liberty	2. DATE (YYYYMMDD) 2006/11/06	3. TIME 1327	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)		6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E6

A/8-10 Cavalry, 4BCT, 4ID, APO AE 09344

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

1. 1LT (b)(3)(b)(6)
2. SSG (b)(3)(b)(6)

Did you go over the ROE/EOF steps with your crew before patrol?
Yes

Did the crew record any VBIEDs in sector? How many?
(b)(2)High

b(3)(b)(6) Had vehicles that day been obeying the gunner's commands to stop when approaching?
Yes.

Were you and your crew in danger of be harmed when you saw the vehicles moving towards your truck?
Yes.

What steps did the gunner take to avoid firing his weapon?
(b)(2)High

10. EXHIBIT B	11. <input checked="" type="checkbox"/> (b)(3)(b)(6)	PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
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STATEMENT OF

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

TAKEN AT CAMP LIBERTY

DATED 6 NOV 06

9. STATEMENT (Continued)

NOTHING FOLLOWS.

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES