

		YES	NO	N/A ^{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)?			
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 <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)* , having carefully considered the evidence, finds:

See attached memo

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

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

See attached memo

Table of Contents

Exhibit A.....SGT b)(3), b(6) Initial Sworn Statement

Exhibit B.....SGT (b)(3), b(6) Question and Answer Sworn Statement

Exhibit C.....PFC (b)(3), b(6) Initial Sworn Statement

Exhibit D.....PFC (b)(3), b(6) Question and Answer Sworn Statement

Exhibit E.....SGT (b)(3), b(6) Initial Sworn Statement

Exhibit F.....SGT (b)(3), b(6) Question and Answer Sworn Statement

Exhibit G.....SSG(b)(3), b(6) Question and Answer Statement

Exhibit H.....Serious Incident Report (SIR)

Exhibit I..... (b)(2)High

Exhibit J..... 08 July 2007 EOF Storyboard

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 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION Feb Loyalty	2. DATE (YYYYMMDD) 2007 07 09	3. TIME 1940	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3)(b)(6)			7. GRADE/STATUS E-5 / AD
8. ORGANIZATION OR ADDRESS Sec 1504 P.I.S. (2-69)			

9. I, (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 On 08 July 2007 our platoon conducted a TDP to (b)(2)High
 (b)(2)High. We were given (b)(2)High
 (b)(3)(b)(6) and I went to remove the concertina wire and
 the flashing red strobe from the off ramp at (b)(2)High and (b)(2)High
 (b)(3)(b)(6) was half way through moving the wire when a car was
 fast approaching, it was a white dae woo (b)(2)High
 I waved the flashing strobe and shined my tac-light then and
 yelled at them to stop. They did not stop so I fired a warning
 shot. They stopped for a brief moment and I was ^{pointing} (b)(3)(b)(6) and telling
 them to get out of the car. They continued to move the car
 so I fired another warning shot. They got out of the car and
 (b)(3)(b)(6) and I put them on the ground to be searched. Sgt
 (b)(3)(b)(6) came over and said there was someone still in the
 car. He was not moving and looked hurt. We called for our medic on
 the radio. He came and started performing aid on the casualty
 while we were searching the others and the car. All that we
 found in the car was alcohol, and possible Jarm paraphernalia.

10. EXHIBIT A	S OF PERSON MAKING STATEMENT (b)(3)(b)(6)	(b)(3)(b)(6)
PAGE 1 OF 22 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 SGT (b)(3)(b)(6) _ TAKEN AT FOB Loyalty DATED 10 July 2007

9. STATEMENT (Continued)

All of the people smelled like alcohol. After our medic stabilized the casualty the IPis took him to the hospital. We then moved the others to JSS (b)(2)High nothing follows (b)(3)(b)(6)

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

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

PAGE 2 OF 2 PAGES (b)(3)(b)(6)

DA FORM 2823, NOV 2006

APD V1.00

STATEMENT OF SGT

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

TAKEN AT FOB Loyalty

DATED 10 July 2007

9. STATEMENT (Continued)

[Redacted statement area with diagonal lines]

(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 UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of July, 2007 at FOB Loyalty

ILT (b)(3)(b)(6)
2-69 AL
FOB PUNAMIYAH APO AE 09310
ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

ILT

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

(Typed name of person Administering Oath)

(Authority To Administer Oaths)

NAME 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 FOB Loyalty	2. DATE (YYYYMMDD) 2007/07/10	3. TIME 1900	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME		6. SSN	7. GRADE/STATUS E5
8. ORGANIZATION OR ADDRESS B Co 1/504 PIR			

9. I, SGT (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 Q: I, (b)(3)(b)(6) b(3)(b)(6)
 A: SGT (3)(b)(3)(b)(6)
 Q: Prior to your mission on 08 July did you receive an EOF briefing, b(3)(b)(6)
 A: Yes. (b)(2)High b(3)(b)(6)
 Q: What was your mission that evening?
 A: (b)(2)High (3)(b)(6)
 Q: What was your role in the mission? (3)(b)(6)
 A: I had two roles: one was to set up the Constantina wire and red strobe. The other role was to (b)(2)High (3)(b)(6)
 Q: Did you stop and search any vehicles while at the TCP? (3)(b)(6)
 A: We had stopped a group of cars (b)(2)High We decided the vehicles so we let them through. (3)(b)(6)

(b)(3)(b)(6)
 (b)(2)High, (b)(3)(b)(6) (3)(b)(6)
 Q: Was there anything specific about the guys you were looking for? (3)(b)(6)
 (3)(b)(6) (b)(2)High, (b)(3)(b)(6)

Q: What happen just before the EOF? (3)(b)(6)
 A: The TCP was suppose to last 20 minutes. After 20 minutes (3)(b)(6) and I went down the on ramp to retrieve the red strobe and C wire. He got the wire about half way across the road. when a car started coming up the road pretty quick. I waved the red strobe, pointed my tac light and weapon at the vehicle, and was yelling at the vehicle to stop. At this time all I could tell was that it was a white vehicle quickly approaching. The vehicle kept moving forward, so I shot a warning shot. The vehicle generally stopped moving forward. The vehicle didn't really sit still after that. It kept moving forward and back. I kept motioning for the people in the vehicle to get out. At this time I realized that the vehicle was a white Daewoo with 6 military aged males. The vehicle continued to move so I shot a second warning shot at the car. The passengers of the car then got out.
 Q: Where did you aim the first warning shot and where did it impact? (3)(b)(6)
 A: I aimed the first shot at the grill area of the vehicle. I didn't have a very good grip on the vehicle because I had the red strobe in my other hand. Brown said it hit the headlight. My main concern at that time was making sure that the men inside the vehicle weren't trying to pull a weapon on us.
 Q: Where did you aim the second warning shot and where did it impact? (3)(b)(6)
 A: The second shot I aimed at the general hood area and it impact through the windshield. The whole time all of this was going on I was yelling to the occupants to stop and get out of the car. I was also pointing to get out of the car (3)(b)(6)
 Q: Were the passengers replying in english? (3)(b)(6)
 A: No. not that I think so (3)(b)(6).

10. EXHIBIT B	INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	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.

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

STATEMENT OF SGT (b)(3)(b)(6) _____ TAKEN AT FOB Loyalty DATED 2007/07/10

9. STATEMENT (Continued)

Q: What happen after the warning shots? (b)(3)(b)(6)

A: After the second shot was fired, they did get out of the car. Some of them got on their knees and other laid on the ground. At this time we took the men to be hostile, so we got them all on the ground. When SG (b)(3)(b)(6) came up he said there was a man still in the car. I looked in there and saw a man hunched over. We then called on the radio for the medic and to let them know what was going on. (b)(3)(b)(6)

Q: What if anything did you find in the vehicle? (b)(3)(b)(6)

A: In the vehicle we found some alcohol. There was some liquor and I believe there was some beer bottles. Almost all of them smelled of alcohol. One of them was really drunk. (b)(3)(b)(6)

Q: Which man was really drunk? (b)(3)(b)(6)

A: It was the one that got hit with the glass in the vehicle. (b)(3)(b)(6)

Q: Was that the driver? (b)(3)(b)(6)

A: I don't know. (b)(3)(b)(6)

Q: How quickly did the whole incident happen between seeing the vehicle approach quickly and firing the second warning shot? (b)(3)(b)(6)

A: I really couldn't give you an honest answer. My perception of time wouldn't be that good. I would say from the vehicle approaching to the second shot--30 seconds. That's more of a guess though. (b)(3)(b)(6)

Q: Between the firing of the first shot and the second shot what were the movements of the vehicle? (b)(3)(b)(6)

A: I don't know how many times it moved. I just remember it moving both forward and backwards. I don't know how many times. (b)(3)(b)(6)

Q: Do you remember the movement that prompted you to fire the second shot? Did the vehicle come at you? Or was it trying to get away? (b)(3)(b)(6)

A: I don't remember. It wasn't stopping moving so I fired a second shot. (b)(3)(b)(6)

Q: Is there anything else you want to add at this time? (b)(3)(b)(6)

A: I felt threatened by the vehicle that (b)(2)High My main concern was them pulling a weapon out and trying to shoot us or using the vehicle to run us over. It was a car full of guys that fit the description of being armed JAM members. (b)(3)(b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF SG (b)(3)(b)(6) TAKEN AT FOB Loyalty DATED 2007/07/10

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 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 UNLAWFUL INDUCEMENT.

(b)(3)(b)(6)
(Making Statement)

WITNESSES

2LT (b)(3)(b)(6)
2-69 AR
FOB Ruston, VA APO AE 0910
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of July, 2007 at FOB Loyalty

(b)(3)(b)(6)
(Administering Oath)

ORGANIZATION OR ADDRESS

ILT (b)(3)(b)(6)
(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 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION B Co 1-504 PIR	2. DATE (YYYYMMDD) 2007/07/09	3. TIME 1937	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)			7. GRADE/STATUS E-3/AD

8. ORGANIZATION OR ADDRESS

Fob Loyalty

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

On July 8, 2007, at around 2030, my platoon left Fob Loyalty to set up a TCP at the southeastern end of (b)(2)High. My platoon consisted of (2)Hi vehicles, (2)Hi US Army personnel, and one interpreter. Our mission was to (b)(2)High (b)(3)(b)(6).

(b)(2)High

When our allotted mission time elapsed and

(b)(2)High

- we began breaking down

our 1st. My truck commander, SGT (b)(3)(b)(6) and I went to retrieve some concertina wire and a red flashing strobe we had placed along an off-ramp of (b)(2)High leading to (b)(2)High.

When a white Daewoo approached us. After (b)(2)High

(b)(2)High

at the approaching vehicle, Sgt Leach

finally fired a warning shot into the vehicle's front right head light.

This finally brought the vehicle to a halt about (b)(2)High in

front of us. However, when we ordered the occupants out of the vehicle, they instead tried to put the car in reverse and flee. We again ordered the vehicle to stop, shouting, waving and pointing our weapons all the while. After which, the car changed directions again and

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

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STATEMENT OF PFC (b)(3)(b)(6) TAKEN AT FOB Loyalty DATED 9 July 2007

9. STATEMENT (Continued)

Began to creep forward. At this point, SGT (b)(3)(b)(6) fired another warning shot, which, because he was holding both his weapon and the red light strobe hit one of the occupants. This finally forced the occupants out of the car into the open where searched them, their car and treated and evacuated the casualties. Nothing else follows.

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

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

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

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

INITIALS OF PFC (b)(3)(b)(6) VERG STATEMENT

PAGE 2 OF 3 PAGES

DA FORM 2823, NOV 2000

APD V1.00

STATEMENT OF PFC (b)(3)(b)(6) TAKEN AT FOB Loyalty DATED 9 July 2007

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 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 UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of July, 2007 at FOB Loyalty

ZLT (b)(3)(b)(6)
2-67 HR
FOB RUSIAMIYAH APO AE 09510
ORGANIZATION OR ADDRESS

(b)(3)(b)(6)
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

ILT (b)(3)(b)(6)
(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: FOB Loyalty | 2. DATE (YYYYMMDD): 2007/07/10 | 3. TIME: 1645 | 4. FILE NUMBER:

5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6) | 6. SSN: | 7. GRADE/STATUS: E3

8. ORGANIZATION OR ADDRESS: B Co 1/504 PIR

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

Q: 11.1 (b)(3)(b)(6)
A: PFC (b)(3)(b)(6)

Q: Did you receive an EOF brief in the pre-mission brief prior to the 08 July mission? (b)(3)(b)(6)
A: Yes (b)(3)(b)(6)

Q: What was the mission for that evening? (b)(3)(b)(6)
A: The mission for that evening was to (b)(2)High (b)(2)High just north of the (b)(2)High overpass at the intersection with (b)(2)High. We were to stop and apprehend (b)(2)High (b)(3)(b)(6)

Q: What was your role for the mission? (b)(3)(b)(6)
A: (b)(2)High (b)(2)High I was in truck 3, so I was responsible for (b)(2)High (b)(3)(b)(6)

A: During the TCP where were you located? (b)(3)(b)(6)
Q: I was in truck 3 behind the driver. (b)(3)(b)(6)

Q: Would you pop out of the vehicle to search when your vehicle would stop traffic? (b)(3)(b)(6)
A: We stopped a grey Opel that had two people in it. It was actually a Lancer that we thought was an Opel, so we let it go. (b)(3)(b)(6)

Q: How many vehicles did you search while at the TCP? (b)(3)(b)(6)
A: I think just one. We were only suppose to be there for half an hour. So when the allotted time had passed LT (b)(3)(b)(6) made the decision to leave (b)(3)(b)(6)

Q: What happen after you received the call to break down the TCP? (b)(3)(b)(6)
A: Before setting up the TCP, myself and SGT (b)(3)(b)(6) had set up a red beacon and C-wire to deter traffic from coming up the ramp which comes from (b)(2)High (b)(2)High. So when we got the call from SSG (b)(3)(b)(6) to break down the TCP, SGT (b)(3)(b)(6) went to get the red beacon and I went to get the C-wire. This is when the white Daewoo approached and the EOF occurred (b)(3)(b)(6)

Q: Did you, yourself, perform any EOF measures as the white Daewoo approached? (b)(3)(b)(6)
A: (b)(3)(b)(6) (b)(2)High, (b)(3)(b)(6) (b)(3)(b)(6)

Q: When SGT (b)(3)(b)(6) fired the first shot, was he looking down the sights? (b)(3)(b)(6)
A: Yes (b)(3)(b)(6)

Q: What type of weapon did SGT (b)(3)(b)(6) fire this shot with? (b)(3)(b)(6)
A: (b)(2)High he has a (b)(2)High attached to the M (b)(3)(b)(6)

10. EXHIBIT: D | 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 BE INDICATED.

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

STATEMENT OF PF (b)(3)(b)(6) TAKEN AT FOB Loyalty DATED 2007/07/10

9. STATEMENT (Continued)

Q: After the first warning shot, how did the white Daewoo react? (3)(b)

A: The vehicle stopped. Myself and SGT(2)LOBegan signalling for the passengers in the vehicle to get out. But we heard them say, "Sorry mister, sorry mister." Then they put the car in reverse, then we more vehemently shouted for them to stop and get out of the vehicle. Then the vehicle came forward. The driver we later discovered seemed very drunk. We found alcohol bottles in the car. We were very suspicious of this vehicle because (b)(2)High (b)(2)High also the vehicle had a red beacon on it. When the vehicle came forward again, SGT(3), (b) fired another shot. This shot struck one of the members in the back seat in his chin/ lower face area. (b)(3)(b)(6)

Q: Was the second shot an aimed shot? (3)(b)(6)

A: At that point SGT(3)(b) had the red beacon in his hand as well as his weapon. I'm pretty sure he meant it to be another warning shot. I mean at the time he had two things in his hands and the vehicle had just come forward again, so he shot another round (b)(3)(b)(6)

Q: After the second shot was fired what happened? (3)(b)(6)

A: We ordered the occupants to get out of the car. Five occupants got out of the vehicle. We got the five men and put them on the ground then we searched them. It was not until we went to clear the vehicle that we discovered that one of the passengers had been hit. (b)(3)(b)(6)

Q: Did you find any JAM paraphernalia in the car? (3)(b)(6)

A: No, we found alcohol. One of the men had an expired ID badge on them, and, in addition, we found two cell phones on the males. The cell phones were memorable because none of the men wanted to claim either cell phone. (b)(3)(b)(6)

Q: Did you notice anything about the men once they were removed from the car? (3)(b)(6)

A: Doc, SGT(3)(b) and (3)(b) (were treating the man that was shot in the face. The driver had some glass in his neck. After Doc had attended to the guy that was shot in the face he took a look at the driver. Doc removed the glass from his neck that appeared to just be a deep surface wound. He, the driver, was in shock and drunk. (b)(3)(b)(6)

Q: Were the rest of the men in the car drunk as well? (3)(b)(6)

A: I don't think so, but I don't really know. (b)(3)(b)(6)

Q: Is there anything else you can think of at this time? (3)(b)(6)

A: No (b)(3)(b)(6)

INITIAL (b)(3)(b)(6) WITNESS STATEMENT

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