

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

- or -

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?"

(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS (Continued)

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION H JSS	2. DATE 23 Apr 07	3. TIME	4. FILE NO.
5. (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS ACU, 1-325 th AIR		
6. GRADE/STATUS			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army HHC, 1-325th AIR, 82nd Abn Div,
Camp Taji, Iraq, APO AE 09387 and wanted to question me about the following offense(s) of which I am
suspected/accused: Escalation of Force

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

- I do not have to answer any question or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

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

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

5. COMMENTS *(Continue on reverse side)*

Section B. Waiver

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

WITNESSES <i>(If available)</i>	
1a. (b)(3), (b)(6)	(b)(3), (b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE ACU 1-325 AIR	(b)(3), (b)(6)
2a. NAME <i>(Type or Print)</i> (b)(3), (b)(6)	INVESTIGATOR MAJ
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR HHC, 1-325th AIR, 82nd Abn Div, Camp Taji, Iraq APO AE 09378

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

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

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

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

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

THE WAIVER

"Do you understand your rights?"

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

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

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

"Do you want a lawyer at this time?"

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

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?"

(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

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

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

PRIOR INCRIMINATING STATEMENTS:

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

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

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

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

COMMENTS *(Continued)*

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION <u>Huysiya JSS</u>	2. DATE <u>23 Apr 07</u>	3. TIME <u>2340 hrs</u>	4. FILE NO.
5. NAME (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS <u>A CO, 1-325th AIR</u>		
6. SSN (b)(3)(b)(6)	7. GRADE/STATUS <u>E-4</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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Camp Taji, Iraq, APO AE 09387 and wanted to question me about the following offense(s) of which I am
 suspected/accused: Escalation of Force

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

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

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

5. COMMENTS *(Continue on reverse side)*

Section B. Waiver

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

WITNESSES <i>(If available)</i>		3. SIGNATURE OF INTERVIEWEE	
1a. NAME <i>(Type or Print)</i> (b)(3), (b)(6)			
b. ORGANIZATION OR ADDRESS AND PHONE <u>A CO 1-325 AIR</u>		4. SIGNATURE OF INTERVIEWEE (b)(3), (b)(6)	
2a. NAME <i>(Type or Print)</i>		5. SIGNATURE OF INVESTIGATOR (b)(3), (b)(6) MAJ	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR HHC, 1-325th AIR, 82nd Abn Div, Camp Taji, Iraq APO AE 09378	

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 1

(b)(2)High, (b)(3), (b)(6)

EDITION OF NOV 84 IS OBSOLETE

(b)(3), (b)(6)USAPA 2.01

CENTCO

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PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING** - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
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SPECIAL INSTRUCTIONS

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COMMENTS *(Continued)*

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Hurriya, JSS - Baghdad, Iraq	2. DATE (YYYYMMDD) 2007/04/23	3. TIME 1300	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS 04 / MAJ	
8. ORGANIZATION OR ADDRESS A/1-325 AIR			

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 On 22 April 2007 at about 2015 I was TC in the lead truck of a 3 vehicle convoy returning from (b)(2)High back to the Hurriya JSS traveling from North to South on (b)(2)High. As we passed through the ISF (b)(2)High I told the driver to turn right onto (b)(2)High. The driver, (b)(3), (b)(6) slowed to make the right turn and to go to the right of the barriers on Marlins. At that time I observed a man, that in my mind was (b)(6) getting out of a taxi parked on the right hand side of (b)(2)High at the barriers.

(b)(2) High, (b)(6)

I told the driver to stop and the individual made direct eye contact with me. As I opened my door to get out he turned and began to sprint north down an alley. I got out of the truck with my interpreter and ran after the individual. The interpreter (b)(6) and I yelled stop in English and Arabic. The individual continued to run from south to north down an unfamiliar alley that paralleled (b)(2)High. I fired three warning shots and the individual continued running. I stopped, aimed center of mass, and fired (b)(2)High shots at the individual at which time he dropped onto the street. I approached and checked for weapons. In his right hand pants pocket I found (b)(6) SFC (b)(3), (b)(6) and a medic, SPC (b)(3), (b)(6) arrived. SSG (b)(3), (b)(6) provided security north of the individual and SFC (b)(3), (b)(6) and the medic began treating the individual. I returned to the truck to inform Alpha 74 of the situation and to download the updated pictures of (b)(6) (b)(6). I deployed the QRF, with 14 SSG (b)(3), (b)(6), to assist with search of the area and casualty evacuation.

(b)(6) the interpreter, and I walked from where I initiated the chase to the end of the block asking people if they knew who the individual I shot was. No one knew him or could identify him. When 14 arrived I directed him to white light the area looking for any weapon or identification from where the chase started to where it ended and I directed the QRF Medic, PFC (b)(3), (b)(6) to assist SPC (b)(3), (b)(6) and SFC (b)(3), (b)(6) (No weapon or identification was located. SPC (b)(3), (b)(6) and PFC (b)(3), (b)(6) loaded the casualty onto the backboard and placed him in the IS vehicle. I directed 14 to go get the updated pictures from the JSS and meet me at the (b)(2)High in the LZ. I then transported the casualty to the (b)(2)High where he was pronounced DOA.

-----END OF STATEMENT-----

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

9. STATEMENT (Continued)

Nothing
Follows
Nothing
Follows

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 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)
(Signature of Person Making Statement)

WITNESSES:

(b)(3), (b)(6)
A Co 1-325 AIR

ORGANIZATION OR ADDRESS
HHC, 1-325th AIR
2/82nd
Fort Bragg, NC 28310
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of April, 2007
at 1300hrs

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

MAJ (b)(3), (b)(6)
Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (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 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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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 Huriya JSS, Baghdad, Iraq	2. DATE (YYYYMMDD) 2007/04/23	3. TIME 1400	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)			6. GRADE/STATUS E-4

8. ORGANIZATION OR ADDRESS

A Co. 1-325 AIR

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

We were on our way back to the Huriya JSS from Camp Justice and we turned down a road called (b)(2)High on the corner of (b)(2)High. There was what looked like one of those VW taxi cabs colored orange and white. The car was blocking our path so of course we stopped. There was a man walking behind the car at that time. Major (3), (b) yells stop to him so I guess he could talk to him. The man takes off running really fast down an alley way. Major (3), (b) continued yelling stop at the man but he kept on running. There was three warning shots fired and then four more shots fired that was after they were down the alley way so from my point of view I couldn't see anything further.

Nothing Follows

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

Nothing Follows

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

Nothing Follows

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

Nothing Follows

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

10. EXHIBIT	11	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.

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

STATEMENT OF Joshua Milhorn TAKEN AT 1505 DATED 2007/04/23

9. STATEMENT (Continued)

Nothing Follows

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

Nothing Follows

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

Nothing Follows

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

Nothing Follows

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

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

PAGE 2 OF 3 PAGES

PAGE 2

(b)(2)High, (b)(3), (b)(6)

(b)(3), (b)(6) PE v1.01

CENTCOM 012694

STATEMENT OF

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

TAKEN AT 1505

DATED 2007/04/23

9. STATEMENT (Continued)

Nothing Follows

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

Nothing Follows

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

Nothing Follows

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

Nothing Follows

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

AFFIDAVIT

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

WITNESSES:

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

AC 1-325 AIR

ORGANIZATION OR ADDRESS

HHC, 1-325th AIR

2/82 Fort Bragg, NC 28310

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of April, 2007

at 1505

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

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

(Typed name of person administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS _____ NG 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 Huriya JSS, Baghdad, Iraq	2. DATE (YYYYMMDD) 2007/04/23	3. TIME 1400	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)			6. GRADE/STATUS E-4/Spc

A Co. 1-325 AIR

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

As we were on our way back from (b)(2)Highback to the JSS we were heading down (b)(2)Highland as we came to the intersection of (b)(2)Highland (b)(2)High we took a right on (b)(2)High as soon as we turned right there was a white four door volkswagen blocking the lane and there was a man who was talking to the driver of the vehicle. Maj. (b)(3), (b)(6) immediately told me to stop because he said that the man looked like one of our HVT's. Maj. (b)(3), (b)(6) got out of the Humvee and as he got out of the Humvee the man sprinted straight to the alley way. Then Maj. (b)(3), (b)(6) ran after him firing 2 warning shots but the man kept on running so Maj. (b)(3), (b)(6) fired around 2 more shots and put him down. After that the driver of the vehicle asked Spc. (b)(3), (b)(6) who was in the back seat to get in the driver seat so I could go help with security on the site. When I got up to the scene the man was down and Spc. (b)(3), (b)(6) was the medic who was treating the victim along with the help of Spc. (b)(3), (b)(6) Maj. (b)(3), (b)(6) asked me to sweep the alley looking for weapons or id's. anything the victim might have dumped while squirting. I didn't find anything significant so I continued pulling security until first platoon bought the litter and evacuated the victim then I went back the A-6 victor.

Nothing follows

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

Nothing follows

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

Nothing follows

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

Nothing follows

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

10. EXHIBIT	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 (b)(3), (b)(6) 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 (b)(3), (b)(6) TAKEN AT 1445 DATED 2007/04/23

9. STATEMENT (Continued)

Nothing follows

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

Nothing follows

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

Nothing follows

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

Nothing follows

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

PAGE

(b)(2)High, (b)(3), (b)(6)

(b)(3), (b)(6) v1.01

CENTCO 697

9. STATEMENT (Continued)

~~Nothing follows
(b)(3), (b)(6)
Nothing follows
(b)(3), (b)(6)
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 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL

(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 23 day of April, 2007

(b)(3), (b)(6)
AC 1-325 AIR

at 445hr:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

HHC, 1-325th AIR
2/82 Fort Bragg, NC 28310

MAJ (b)(3), (b)(6)
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MADE STATEMENT: (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 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 Huriya JSS, Baghdad, Iraq	2. DATE (YYYYMMDD) 2007/04/23	3. TIME 1400	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN	7. GRADE/STATUS E-3/PFC	

8. ORGANIZATION OR ADDRESS

A Co. 1-325 AIR

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

As we were coming back from a patrol to (b)(2)High we turned at the corner of (b)(2)High when A6, Major (b)(3), (b)(6) told the driver (b)(3), (b)(6) to stop. There was a ... who looked like someone we have been looking for, talking to another man inside a vehicle in the middle of our entry way to (b)(2)High! Major (b)(3), (b)(6) got out of the vehicle and as he did the guy started to run. Major (b)(3), (b)(6) and our interpreter, (b)(6) yelled at him to stop. The man did not listen and kept running, so Major (b)(3), (b)(6) fired (2) warning shots in his direction, the man continued to run so Major (b)(3), (b)(6) took off after him down an alley way. A (2) more shots were fired and resulted in the man who started running to be shot and killed, but I did not witness who shot him because I was Facing to the front in the turret.

nothing follows

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

nothing follows

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

Nothing follows

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

Nothing follows

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

10. EXHIBIT

11. INITI

PERSON MAKING STATEMENT

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

PAGE 1 OF 3 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 BE INDICATED.

DA FORI

(b)(2)High, (b)(3), (b)(6)

FORM 2823, JUL 72, IS OBSOLETE

(b)(3), (b)(6) (E v1.01)

CENTCO 699

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

STATEMENT OF

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

TAKEN AT 1400

DATED 2007/04/23

9. STATEMENT (Continued)

nothing follows

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

nothing follows

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

nothing follows

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

nothing follows

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

INITIALS

PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

PAGE

(b)(2)High, (b)(3), (b)(6)

(b)(3), (b)(6) PE v1.01

CENTCOM 012700

STATEMENT OF

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

TAKEN AT 1400

DATED 2007/04/23

9. STATEMENT (Continued)

nothing follows

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

nothing follows

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

nothing follows

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

nothing follows

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

AFFIDAVIT

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

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 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)

(Signature of Person Making Statement)

WITNESSES:

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

A Co 1-325 AIR

ORGANIZATION OR ADDRESS

HHC 1-325th AIR

2 BCT 2182

Corr Base NC 28310

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of April, 2007 at 1420

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

Investigative Officer

(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 Hurriya, JSS - Baghdad, Iraq	2. DATE (YYYYMMDD) 2007/04/23	3. TIME 1950hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		6. SSN	7. GRADE/STATUS E6/SQD-LDR
8. ORGANIZATION OR ADDRESS A/1-325 AIR			

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

On 22 April my truck was the 2nd truck behind (2)H on a convoy back from justice to the JSS. We were traveling south on (b)(2)High around 2020 when (2)H turned west on (b)(2)High stopped and as I saw (2)H getting out I jumped out of my truck. I saw a man run down a street to the north and I heard (2)H yelling stop. I saw (2)H and his interpreter running to the street behind the man and myself and SPC (3), (b)(6) followed behind. I hear (2)H and his interpreter yell for the man to stop both in English and in Arabic. The man continued to run and (2)H fired warning shots. After firing warning shots he took an aimed shot and took the guy down. I arrived to where the man fell and (2)H said that the guy was (b)(6) SFC (3), (b)(6) arrived right after me so I took SPC (3), (b)(6) along with one of SFC (3), (b)(6) dismounts and pushed to the north end of the street to provide security. While overwatching the north end of the street I observed multiple scooters driving around in the alley ways. After (2)H element left to go to the Green Zone my element moved to the south end of the street to another overwatch position. Shortly after the convoy left a crowd gathered in the street where the incident occurred. A truck of NP's showed up and the crowd began to act very hostile by pointing at us and swearing in angry voices. The NP's showed no concern and shortly left. A black sedan pulled up and four guys got out and ran into the shadows of the street. I was in the center of the roof trying to get communications up when SPC (3), (b)(6) reported to me that there were guys on a roof top south west of our position and they appeared to have weapons. Right after that SPC (3), (b)(6) reported to me that PFC (b)(3), (b)(6) saw one of the guys in the street with a handgun. As this situation was building up an element from 2nd PLT showed up to pick us up. After getting into the vehicles, guys from 2nd PLT said that as they pulled up to our location 2 guys squirted down a street west of our position. After this we returned back to the JSS.

Nothing Follows

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

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

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

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

10. EXHIBIT	11. INITIALS OF PI	G STATEMENT	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ DATED _____"

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

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

STATEMENT OF

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

TAKEN AT 1950hrs

DATED 2007/04/23

9. STATEMENT (Continued)

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

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

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

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

PAGE 2

(b)(2)High, (b)(3), (b)(6)

(b)(3), (b)(6) PE v1.01

CENTCO 703

STATEMENT OF

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

TAKEN AT 1950hrs

DATED 2007/04/23

9. STATEMENT (Continued)

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

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

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

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

AFFIDAVIT

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

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

(Signature of Person making Statement)

WITNESSES:

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

AC 1-325 AIR

ORGANIZATION OR ADDRESS

HHC, 1-325th AIR

2/82nd

Fort Bragg, NC 28310

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of April, 2007

1950hrs

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

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

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING S

(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 (SSM).
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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 Hurriya, JSS - Baghdad, Iraq	2. DATE (YYYYMMDD) 2007/04/23	3. TIME 2010hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		6. SSN	7. GRADE/STATUS E7/PLT SGT

8. ORGANIZATION OR ADDRESS

A/1-325 AIR

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

On 22 April my truck was the 3rd truck behind (b)(2) High on a convoy back from justice to the JSS. We were traveling south on (b)(2) Highway around 2020 when (b)(2) High turned west or (b)(2) High stopped and as I saw multiple men jumping out of the trucks. I opened the door and heard (b)(2) High yelling stop and the interpreter yelling in Arabic to stop also. Then I heard multiple gun shots. Once I rounded the corner, I saw SSG (b)(3), (b)(6) setting up security on the far side of the individual. Once I got up to the man, myself and Sp (b)(3), (b)(6) began administering first aid. Once the man was stabilized we moved him to the hospital. *Nothing Follows*

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

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

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

DA FK

(b)(2)High, (b)(3), (b)(6)

22 APR 2007 FORM 2823, JUL 72, IS OBSOLETE

IC (b)(3)

IE v1.01

CENTCO

05

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

STATEMENT OF (b)(3), (b)(6) _____ TAKEN AT 2010hrs _____ DATED 2007/04/23 _____

9. STATEMENT (Continued)

Nothing Follows

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

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

PAGE 2 OF 3 PAGES

P. (b)(2)High, (b)(3), (b)(6)

(b)(3), (b)(6) PE v1.01

CENTC 706

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 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 INF

(b)(3), (b)(6) *[Signature]*
(Signature of Person Making Statement)

WITNESSES:
(b)(3), (b)(6)
AC 1-325 AIR

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of April, 2007
2010hrs

ORGANIZATION OR ADDRESS
HHC, 1-325th AIR
2/82nd
Fort Bragg, NC 28310
ORGANIZATION OR ADDRESS

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

MAJ (b)(3), (b)(6)
(Typed Name of Person Administering Oath)
Investigating Officer
(Authority To Administer Oaths)

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