

8

091837MAR07, EVENT 2 X ESCALATION OF FORCE

SHA'AB, 2-325 AIR, 2/D/2/82 AB

UNIT: 2/D/2-325 AIR

LOCATION:

(b)(2)H

EVENT 1

EVENTS: DURING EVENT 1, THE
1ST TIME I OBSERVED THE
TAXI WAS AS IT WAS
BEING ENGAGED DURING
FIRST US.

FOR VEH D, I HEARD POP
SHOT, WHICH TURNED OUT TO
BE WARNING SHOTS, THEN
I HEARD THE VEHICLE
BEING ENGAGED. I DID NOT
SEE THE ACTUAL ENGAGEMENT
BECAUSE I WAS ON
THE RADIO REPORTING.

EVENT 2

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

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

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

Start: 0:09

Cont. of the re.

of PL 2/0/2-325 finish: 1104

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

1) Were muzzle flashes visible for incident 1 (Veh was the taxi)?

About how many flashes did you see? NO FLASHES WERE

1) Were muzzle flashes visible for incident ~~number~~ ^{the} 2 (dark colored car)?

About how many were seen? I DID NOT OBSERVE

MUZZLE FLASHES NOR IMPACTING ROUNDS. b(3), (b)(6)

3) from your position - for Veh 2, could you see the light beam from Sgt b(3)(b)(6) & sgt b(3)(b)(6). & " " "

(b)(2)High

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

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

4) Before myself has anyone questioned you reference the two EOP incidents on 9 mar? NO FORMAL QUESTIONING WAS INITIATED THE COMMANDER & BC DID ASK WHAT HAPPENED HOWEVER

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

5) Do you know if the Taxi driver or driver of the taxi was questioned? UNSURE IF HE WAS QUESTIONED Take his contact info? UNSURE

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

6) Do you know if the Mother or female lady & or boy from Veh #2 was questioned? UNSURE Take their contact info? UNSURE

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

7) Who took pics of the HN victims, vehicles, and scene? MYSELF, LT

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

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

8) Prior to Collection how many Veh & PAX

(b)(2)High

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

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

9) After departing how many Veh & PAX were in your Convoy?

(b)(2)High

(b)(2)High

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

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

10) Do you have an assigned interpreter? YES. Did you have an interpreter w/ you on 9 mar? NO

EOI(D 2/325 AIR) (3 KIA, 2 MIA), 07/02/05 AIR 19 MAR 07

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

HE WAS NOT NEEDED FOR CE MISSION & I TOLD HIM HE COULD STAY BACK.

(b)(2)High

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

(3), (b)(6) 11) With all the shots fired was any other damage to other property noted? NONE TO MY KNOWLEDGE. ALL SHOTS WERE DIRECTED AT THE VEHICLES MINUS WARNING SHOTS

b(3), (b)(6) 12) Are there any posted speed limit signs on road? I AM NOT SURE SO, what is it: NONE OBSERVED

(3), (b)(6) 13) Did you see anyone attempt to calm the Mother & son that appeared to be a LN? YES, THE HOME OWNER DIRECTLY IN FRONT OF THE INCIDENT.

(3), (b)(6) 14) Did you or anyone talk to the neighbor that allowed the Mother & Son into their house? YES, MYSELF, MY PSG, MY INTERPRETER, AS WELL AS IP'S. TERP ARRIVED W/ CPT MARSHALL

b(3), (b)(6) 15) Circle what applies & initial: Does your [PLT/SG/SGN] have an SOP that covers IADZ

(3), (b)(6) 16) From these two EOF on the same day explain what your plt has learned

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

(3), (b)(6) 17) Who put the Draft Story board for these two EOF incidents together? and from who/what sources of info? MYSELF, MY PSG, & CMDR

Deployment VERY EXPERIENCED ACTED ON INSTINCT & NOT ORDERS

(3), (b)(6) 18) Who was [Name] or [Name]? PFC Did you tell him to fire on Veh #1? NO

) (3), (b) (6)

19) Why was the QRF denied? DON'T KNOW WHY THE QRF WAS DENIED.) (3), (b) (6)

) (3), (b) (6)

20) Do the IPs speak English? NO. If not, how do you know that they were going to take the 3 WIA to a hospital? THE WORD HOSPITAL WAS UNDERSTOOD & THEY SAID THEY WOULD TAKE THE WOUNDED TO THE HOSPITAL.

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

MY GUNNER FOR VEH D2-2 HAD A (b) (2) High

IF POLICE TOOK INCIDENT VERY PERSONAL & DIRECTED SOME ANGER TOWARDS US. ONE PARTICULAR OFFICER WAS OBSERVED SITTING INDIAN STYLE WITH HIS LEGS CROSSED HOLDING UP HIS HEAD. HE WAS NOTED TO BE ONE OF THE MOST AFFECTED BY THE INCIDENT. WHEN I ASKED ANY OF THE OFFICERS IF THEY SPOKE ENGLISH, THEY REPLIED WITH ARABIC? BEFORE THEY LEFT, MY PSG ROLLED ASIDE THE ONE OFFICER WHO SEEMED MOST AFFECTED & ANGRY BY THE INCIDENT AND ASKED HIM IF HE WAS OKAY. HE ALSO TOLD THE OFFICER HE DID A GOOD JOB ON HELPING W/ THE CASUALTIES.

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 <p style="text-align: center;">CoP Ford, IRAQ</p>	2. DATE <p style="text-align: center;">14 Mar 87</p>	3. TIME <p style="text-align: center;">1837</p>	4. FILE NO. <p style="text-align: center;">2/82-023</p>
5. (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS <p style="text-align: center;">AP2 D. Co 2/325 AIR</p>		
6. (b)(3), (b)(6)	7. GRADE/STATUS <p style="text-align: center;">E3/PRC</p>		

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, 2 BCT, 82 AB** and wanted to question me about the following offense(s) of which I am suspected/accused: **EOF measures used on 9 Mar**

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. 3), (b)
2. Anything I say or do can be used as evidence against me in a criminal trial. 3), (b)
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. 3), (b)

- 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.

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. 3), (b)

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 (if available)	3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)	(b)(3)(b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE	(b)(3)(b)(6)
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR (b)(3)(b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR <p style="text-align: center;">HHC, 2 BCT 2-82 AB</p>

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION COP Ford, IRAQ
2. DATE (YYYYMMDD) 2007 03 14
3. TIME 1837
4. FILE NUMBER 2/82-023
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)
7. GRADE/STATUS PPL/E3
8. ORGANIZATION OR ADDRESS AP2 Dep 2/325 AIR

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

We started our convoy off at COP Ford and I was to drive (b)(2)High instead of being in 2-3 as I usually was. SPC (b)(3), (b)(6) was my IC and we had a convoy briefing by our PL and PSG before we departed it was in the afternoon as well. We departed COP Ford and we went to COP Callahan. We picked up a (b)(2)High pack with (b)(2)High We departed COP Callahan moving back to COP Ford. When we took a right onto (b)(2)High I was trying to go slow because of the bumps and everyone else was as well. We went probably (b)(2)High onto (b)(2)High and I heard shots fired and I seen a vehicle passing the 2nd truck on the left so I pulled to the right to stay clear of it and I stopped. The car stopped around (b)(2)High and to the ll of my vehicle. The 1 person in the vehicle stuck his hands out the window and sat for a few seconds and then got out the car for a moment and then he sat back down when he saw that he was hit. The medic and a few other soldiers quickly moved to perform aid on the person. The medic got him all wrapped up and had a stretcher to put the person on and I hear (b)(3), (b)(6)

10. EXHIBIT 11. INITIALS OF (b)(3), (b)(6) MAKING STATEMENT 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.

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 1837
COP Ford

DATED 2007 Mar 14

STATEMENT (Continued)

(3), (b)

I heard two shots from the first truck, and I could see two dismounts and then they waited and fired again and the vehicle at this point was probably

(b)(2)High from the 1st vehicle and the gunner fired his machine gun at the vehicle. Immediately after the vehicle stopped all the dismounts I could see moved to the vehicle which was right by the 1st truck. The dismounted soldiers and the IPs were taking care of the people in the car and I was moved up in front of the 2nd trucks original position as it moved to watch an alley way after the first incident. Not long after I was moved we departed the area of the incidents and moved back to COP Ford. When we all got inside we all had an AER on what happened. (3), (b)(6)
nothing follows

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

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

TAKEN AT COP Ford DATED 2007 Mar 14

9. STATEMENT (Continued)

not used

AFFIDAVIT

I, _____, 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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of March, 2007 at COP (b)(2)High _____

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

JO

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

To Start:

-What is your assigned duty MOS 11B, how long have you been doing this MOS year 6 with your company it 11 months Have any other MOSs? No
 How long have you been in the Military my
 -What I need from you; discussion, recreate what you experienced per event on the 9th of Mar to include what you/they saw, heard, witnessed, did as far as being instructed, and did individually, to be covered. (in part, to validate current TTP, SOPs, and ROE or adjust them)

Questions:

-What had you, your team/plt done the day prior to the incident? I can't recall
 How much down time had you, your team/plt had? OK plenty of time
 -What did you/your team do the day of 9 Mar before (convoy, spot check, night op?) the EOF incident?
 -What kind of a pre convoy or mission brief did you receive for that days event/s, can you recall what was said? Yes If yes, what? We were told we moving to COP for a log pack and to pick up the 156
 Who gave the pre convoy/mission briefs PL and PS6
 Did you understand each brief given? Yes Did anyone ask for clarifications? No
 -On 9 Mar what was the weather like? Sunny Sunny, dusty, warm, etc?
 Around 1800 what was the weather like (dusk, clear, windy, calm)
Calm and starting to get dark but not yet dark
 What was the conditions (trash, obstacles, people, wet, dry, dusty, sun in your eyes or the drivers, etc) like on the street? fresh paved road so not much trash
 What was the conditions (SAB) like in the neighborhood? not that bad
 -For Veh 1 was a hostile intent or emanate danger displayed? Yes (per ROE answer in that context), explain vehicle was moving at a high rate of speed and would not stop after numerous warnings and other traffic turning off and the vehicle entered the convoy
 -For Veh 2 was a hostile intent or emanate danger displayed? Yes (per ROE answer in that that context) explain vehicle was moving at a high rate of speed and would not respond to warnings or warning shots and never slowed down and attempted to enter convoy
 -For Veh 1 did you think the veh was or would be a threat or danger to you/the team or to the populace? (which or all?) If yes/no, explain – did the veh speed up or slow down or swerve prior to and then after EOF measure were taken???
Yes, the vehicle was going fast and never let up was a danger to all
 -For Veh 2 did you think the veh was or would be a threat or danger to you/the team or to the populace? (which or all?) If yes/no, explain – did the veh speed up or slow down or swerve prior to and then after EOF measure were taken???
Yes, the vehicle never slowed and was a imminent danger to the two dismounts as well as the rest of the convoy
 -As the Veh 1 approached your position, what EOF etene from ROE were taken? Was there sun in your eyes or their eyes

As the Veh 2 approached your position, what EOF steps from ROE were taken? Was there sun in your eyes or their eyes?

(b)(2)High

(3), (b)(6)

-Who had first weapon contact with Veh 1 don't know (3), (b) What did that soldier do/automatic reaction or instructed by? don't know (3), (b)
Who had first contact with the passengers in Veh 1? don't know (3), (b) What did he/they do? assess the victim and perform aid (3), (b)(6)

-Did anyone observe what contents were observed in or around the Veh 1? If so, who? (any Iraqis try to intervene? If so, were they told to stop - did they? don't know

-Did anyone observe what contents were observed in or around the Veh 2? If so, who? (any Iraqis try to intervene? If so, were they told to stop - did they? don't know

-Who besides U.S. soldiers and HN saw Veh 1?

IPs (3), (b)(6)

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its content? IPs helped put the person on a stretcher and move him to there vehicle. (3), (b)(6)

-Who besides U.S. soldiers and HN saw Veh 2?

IPs (3), (b)(6)

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its content? don't know (3), (b)(6)

-Did U.S. Sm keep control of Veh 1, its contents, and the individuals? Yes (3), (b)(6)

If yes/no, explain why/not no onlookers came close to the vehicle. (3), (b)(6)

-Did U.S. Sm keep control of Veh 2, its contents, and the individuals? Yes (3), (b)(6)

If yes/no, explain why/not they did all onlookers around but not to close to the vehicle. (3), (b)(6)

-Who had first weapon contact with Veh 2 don't know (3), (b) What did that soldier do/automatic reaction or instructed by? don't know (3), (b)

-Who had first contact with the passengers in Veh 2 don't know (3), (b) What did he/they do? don't know (3), (b)

Did anyone observe what contents were observed in or around the vehicle? don't know (3), (b)

What was seen?

-Who besides U.S. soldiers saw the vehicle and the HN individuals in Veh 2?

IPs (3), (b)(6)

-Did onlookers, IA/NP/? do anything with the HN individuals, Veh 2, and or its content?
They were around the vehicle but I don't know
if they did anything with the people. (b)(3), (b)(6)

~~Did the U.S. keep control of Veh 1, its contents, and the individuals?
If yes/no, explain why/not~~

~~Did the U.S. keep control of Veh 2, its contents, and the individuals?
If yes/no, explain why/not~~ (3), (b)(

Training:

-When 14 07 (b)(2)High, (b)(3), (b)(6) where did you receive Elevation of Force training?
Did you understand it as it was explained? If yes/no,
explain Yes (3), (b)(

-Tell me what your understanding of EOF is? its to keep innocent safe and
give them and us as well enough time to think it
through (3), (b)(6)

-Explain to me what an EOF kit is? used to give us stand off away from threats (3), (b)
What is it designed to do? above (3), (b)(
Does your unit have one? yes (3), (b) Did you/your team/Plt have its use included
in TTP yes (3), (b) SOP yes (3), (b) and or pre mission/convoy briefs yes
Have you been trained on how to use/implement a EOF kit? yes (3), (b)
explain (b)(2)High (3), (b)(6)

-2-325 has a good track record for EOF use. why is that? trainin

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

(3), (b)

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

(3), (b)(

(3), (b)

(3), (b)

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

Did you get a new ROE card for Iraq? yes (3), (b) I read it? yes (3), (b)

-On the Story board provided by your unit, draw and explain; where you were, what you saw, what you were told to do, what you heard, what you saw others doing, and any other events or details you can remember. Draw the U.S. vehicles, direction of warning and other shots fired, where/how EOF measures were located/conducted, direction Veh 1 came from and its actions

-Are there any actions you would do different next time-why or why not no, everything was done the right way) (3), (b) (6)

-On the Story board provided by your unit, draw and explain; where you were, what you saw, what you were told to do, what you heard, what you saw others doing, and any other events or details you can remember. Draw the U.S. vehicles, direction of warning and other shots fired, where/how EOF measures were located/conducted, direction Veh 2 came from and its actions _____

-Are there any actions you would do different next time-why or why not no, everything was done the right way) (3), (b) (6)

-When and where did you received ROE training? Mar 07 (b)(2)High(3)(b)1
Explain what ROE means Same as above) (3), (b) (6)

-Can I read your ROE Card? ye) (3), (b) (6) Verify it is from Iraq? yes b) (3), (b) (6)

-Do you have anything else you want to say and add to this or your statement? no

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

091837MAR07, EVENT 2 X ESCALATION OF FORCE

SHA:AB, 2-325 AIR, 2/D/2/182 AB

UNIT: 2/D/2-325 AIR

LOCATION: 385MB 43048 95647

EVENTS:

Lead
and
3rd (driver)

(b)(2)High

First time I saw VEH 1
it was passing
VEH 1 stops at LMTV block
on side walk.

(b)(2)High

EVENT 1

(b)(2)High

EVENT 2

(b)(2)High

driver and burner inside
Lead dismounts beside
and
pulled up to block alleyway
dismounted
3rd (driver)
TC dismounted
VEH 2 stops at 11 o'clock
in street of
(b)(2)High

(b)(2)High

(b)(2)High

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

"Or did he see or see me?"

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

5/11/18 1837
Kinishi 2010134

(b)(2)High

Dt. REC - ON CONF status

No Ext Comm - TC had Ear Piece?

1) 11 of your vehicle means to left @ the 11 o'clock position? yes (b)(3), (b)(6)

2) Did the medic run past your vehicle to get to the wounded driver of the white car? yes (b)(3), (b)(6)

3) Did you ever see muzzle flashes? yes (b)(3), (b)(6)

4) Where did the second vehicle stop? The dark colored vehicle that was fired on? 11 o'clock of the 1st vehicle. (b)(2)High (b)(3), (b)(6)

5) How long after the 2 EOP - Veh 2, did the IPs show up? 5-10 minutes (b)(3), (b)(6)

6) What did you see the IPs doing once they arrived? mostly just standing around. but I did see a few IPs carry the person from VEH 1 to here vehicle on a stretcher. AS VEH 2 the IPs were mostly standing around I don't know if they actually helped the people in VEH 2 (b)(3), (b)(6)

Non-Responsive

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 <u>COP Ford</u>	2. DATE <u>14 March</u>	3. TIME <u>1558</u>	4. FILE NO. <u>2/82-023</u>
5. NAME (Last, First, MI) <u>(b)(3), (b)(6)</u>	8. ORGANIZATION OR ADDRESS <u>D Co 2/325 AIR 2 PLT</u>		
6. : <u>(b)(3), (b)(6)</u>	7. GRADE/STATUS <u>E-4 Medic</u>		

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 2 BCT 82nd ABN and wanted to question me about the following offense(s) of which I am suspected/accused: EQF measures used 09 March 07

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

- I do not have to answer any question or say anything (b)(3), (b)(6)
- Anything I say or do can be used as evidence against me in a criminal trial (b)(3), (b)(6)
- (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. (b)(3), (b)(6)
 - 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. (b)(3), (b)(6)
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer, 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 (b)(3), (b)(6)

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 (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		(b)(3)(b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE		(b)(3)(b)(6)
2a. NAME (Type or Print)		(b)(3)(b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE		(b)(3)(b)(6)
		6. ORGANIZATION OF INVESTIGATOR <u>HHC, 2BCT, 2-82 ABN</u>

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

SWORN STATEMENT

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1. LOCATION <i>COP Ford</i>	2. DATE (YYYYMMDD) <i>14 March 07</i>	3. TIME <i>1558</i>	4. FILE NUMBER <i>2182-023</i>
5. LAST NAME FIRST NAME MIDDLE NAME <i>Is cen</i> (b)(3), (b)(6)			7. GRADE/STATUS <i>E-4 Medic</i>
8. ORGANIZATION OR ADDRESS <i>D Co 21325 AIR 2 PLT</i>			

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

b)(3), (b)(6)
 On March 09, 2007 2 DIT DLT 21325 AIR returned to COP Ford
 From COP Collection after (b)(2)High
 Prior to departure we received our standard EOF and chosen route
 brief. After leaving the Cop we proceeded to turn down (b)(2)High
 (b)(2)High I was in the trail truck. A few moments after the turn
 I heard gun fire up ahead. The convoy stopped and my vehicle
 was immediately given a sit rep that a vehicle was disabled
 by our gunners for refusing to stop when warned by shots.
 The convoy was traveling with lights on, and there was still
 a fair amount of daylight. I dismounted the truck with my plt
 Sgt, and upon approaching the driver whose door was open I
 noticed that his foot had a laceration to the dorsal side of his
 foot. After exposing his leg, He presented with an open fracture of
 the tib fib. He had no apparent arterial bleeding. But I applied a
 tourniquet, wrapped the wound with sterile gauze, after realigning
 his bone as best as I could put a sam splint on to stabilize, and
 continued to check for further injury. He had several superficial
 shrapnel wound which were not bleeding. I later found a bullet
 wound to the posterior leg. I packed the wound with sterile gauze (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" 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

1558

DATED

14 March 07

AGENT (Continued)

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

arrived tape held in ~~the~~ place and, finished my wound and blood sweep. No other serious wounds were found. I requested a stretcher, and said we would take him to (b)(2)High. My plt agreed. Several moments later shots were fired to the front of the convoy. After taking cover a sid rep that a vehicle with a family in it had been hit. I determined the first PT was stable enough to leave, and move up. Upon arrival I saw a vehicle with 4 personnel inside. The front passenger had already gotten out. She was in a panic stricken state and requested we get her son out who was screaming in the back the doors were locked and the doors lock were manual. We broke the windows on both sides opened the doors and remove the boy and two casualties both female who were motionless. We put them on stretchers. Both had multiple gunshot wounds. Upon checking vitals of the two females they presented with no pulse, or breathing, pupils had no light reaction. The boy had minor injuries due to possible shrapnel from the glass upon bullet entry. The female in the front seat appeared unharmed. While examining the two females, one of the other PLT members dressed the boys wounds. Shortly after two I.P. vehicles arrived. I am not privy to the conversations with them by my PL or PLT sgt but they took the bodies and the 3 victims, and the first vehicles driver to the hospital. The driver of the second vehicle casualty # 3 was decapitated by gunfire. QRF arrived after the I.P.'s and we then proceeded to return to COP Ford. (b)(3), (b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES