

4  
[Redacted] (3), (b)

091837MAR07, EVENT 2 X ESCALATION OF FORCE,

[Redacted] (2)Hi

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

UNIT: 2/D/2-325 AIR

LOCATION: [Redacted] (2)Hi

EVENTS:

- A) All incoming traffic stopped and/or turned around upon receiving a US conveyance
- B) The white vehicle kept approaching at some speed. We signaled it to stop with the light and flashing high beams
- C) Engaged engine of the vehicle with heavy weapons system.
- D) ~~Point~~ point where white vehicle stopped
- E) Engaged 2 all vehicles with high beam headlights and the light + hand signals + vocal commands by the dismounts
- B) Black KIA approached with no decrease in speed. SFC + SGT to stop again and fire warning shot
- C) SGT + SFC + SFC + SFC firing into the hood of the vehicle
- D) 1 SFC + SFC engaged and stop the vehicle like the KIA to dismount
- E) here is where the vehicle ~~stopped~~ came to an halt.

EVENT 1

(b)(2)High

EVENT 2

(b)(2)High

(b)(2)High

[Redacted] b(3), (b)(6)

Vehicle 1 - For vehicle 1 ~~we~~ we had ~~observed~~ to prove of first aid to the injured from vehicle 1  
Vehicle 2 - when vehicle 2 approached we had ~~observed~~ to prove of first aid to the injured from vehicle 1

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

Start on [redacted] Finish 11:50 [redacted] End duty @ 1200 // Finish 12:33

Summer Road Vets

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

1) What passengers were in your Veh.?

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

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

2) At what distance do you think Sgt [redacted] started EOT measures for Veh #2 that was involved in the 9mm incident? I believe due to vehicles turning around it was further than vehicle 1. (3), (b)

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

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

3) Did you look in your mirror to know 9 minutes had passed between the 1st down car incident and the second vehicle involved in an EOT on 9mm? My alt cop said it was 9m (3), (b)

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

(3), (b)

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

4) At what distance do you think Sgt [redacted] found weapons state?

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

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

(b)(2)High

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

(3), (b)

5) At what distance did you engage the TRX? approximately (b)(2)High (3), (b)(6)

(b)(2)High

(3), (b)(6)

(3), (b)

6) At what distance did you engage Veh #2? the second vehicle involved in an EOT? approximately (b)(2)High (b)(3), (b)(6)

(b)(2)High

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

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

7) Was it light enough to see the driver of Veh #2 through the windshield?

(3), (b)

After I shot I could see inside through the broken windshield.

(3), (b)

Couldnt see in the Veh prior - it was like the window was tinted. After the glass broke he could tell the driver was dead.

## 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 <b>LOP FORD, IRAQ</b>	2. DATE <b>13 MAR 2007</b>	3. TIME <b>1900</b>	4. FILE NO. <b>2/82-023</b>
5. NAME (Last, First, MI) <div style="border: 1px solid black; width: 100%; height: 20px; margin-top: 5px;"></div>	8. ORGANIZATION OR ADDRESS <b>2<sup>nd</sup> Pit. D Co. 2/325 AIR 82<sup>nd</sup> ABN. DIV</b>		
6. <div style="border: 1px solid black; width: 100%; height: 20px; margin-top: 5px;"></div> (b)(3), (b)(6)	7. GRADE/STATUS <b>E-5/Sgt.</b>		

### 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<sup>nd</sup> BCT, 2-82 AB** and wanted to question me about the following offense(s) of which I am suspected/accused: **EOI measures over on 9 MAR 07**

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 (b)(3), (b)(6)
2. Anything I say or do can be used as evidence against me in a criminal trial (b)(3), (b)(6)
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 (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.
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 (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)	<div style="border: 1px solid black; width: 100%; height: 20px; text-align: center;">(b)(3)(b)(6)</div>
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR
2a. NAME (Type or Print)	<div style="border: 1px solid black; width: 100%; height: 20px; text-align: center;">(b)(3)(b)(6)</div>
b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR
	<div style="border: 1px solid black; width: 100%; height: 20px; text-align: center;">(b)(3)(b)(6)</div>
	6. ORGANIZATION OF INVESTIGATOR
	<b>HHC, 2BCT, 2-82 AB</b>

#### 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): 20070313
3. TIME: 1900
4. FILE NUMBER: 2/82-023
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: CS/Sgt.
8. ORGANIZATION OR ADDRESS: 2nd Plt D Co 2/325 AIR 82nd ABN. DIV.

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

(3), (b) On the day of 09 Mar 2007 my platoon & I was tasked to (b)(2)High
(b)(2)High to COP Callahan to (b)(2)High One of the guys
I normally have in my truck, PFC (b)(3), (b)(6) was tasked to drive
(b)(2)High that day. I had PFC (b)(3), (b)(6) as my driver, SPC (b)(3), (b)(6)
as my gunner, SPC (b)(3), (b)(6) as my only GIB, and me as the TC of
my (b)(2)High D23. After we got the LMTV & loaded up at COP
Callahan we left by taking a left on (b)(2)High left on (b)(2)High
turned around at a break in the median to make a right on (b)(2)High
(b)(2)High We were traveling at about (b)(2)High mph on (b)(2)High to allow the
rest of the trucks time to catch up after turning around at the
median on (b)(2)High. As we crept along (b)(2)High we had about 2 or 3
cars coming towards us, but with flashing the high beams on the truck
and cutting the truck over into the oncoming vehicles path, they would
pull over and stop. About the third or fourth vehicle came along, a
white and orange four door car, and would not stop after we flashed
our headlights at it and swerved over in its path. It was going
about (b)(2)High mph straight at us. It actually swerved to his right, (b)(3), (b)(6)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6)
PAGE 1 OF 4 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

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

COP

(b)(2)High

DATED

13 MAR 2007

STATEMENT (Continued)

(3), (b)

ft to get around our vehicle. My gunner SFC (b)(3), (b)(6) shot about six to seven rounds into the vehicle. The vehicle kept rolling past us. I heard the vehicle behind me, which was the second vehicle in the convoy shoot its (b)(2)High at the vehicle. By the way my truck's gun is an (b)(2)High. I then dismounted with my GIB SFC (b)(3), (b)(6) we saw that the vehicle finally came to a stop by (b)(2)High, which was the third vehicle in the convoy. My PSGA, SFC (b)(3), (b)(6) then came over the radio and told all vehicles to isolate the area, because the man inside the vehicle had been wounded and our platoon medic would have to attend to him. My truck, the lead truck still, locked down to the convoy's front which was facing NE down (b)(2)High we were parked just shy of the intersection of Rte (b)(2)High. We have about 20 or so cars come towards <sup>us</sup> from both (b)(2)High and

(b)(2)High

Spc (b)(3), (b)(6) and I are dismounted during this time.

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

on the left side of ~~the~~ our vehicle and me on the right side. Every vehicle that came towards us saw me and (b)(3), (b)(6) flashing our sirens at them and our driver also flashing his headlights. They all responded by stopping & then turning around. After about ten minutes went by though, a vehicle was approaching us ~~and~~ coming down (b)(2)High. It was traveling at about (b)(2)High mph and did not slow down or respond at all to our flashing lights. When the vehicle got about 60m, away (b)(3), (b)(6) & I both fired a single warning shot into a wall to the (3), (b)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 4 PAGES

STATEMENT OF

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

TAKEN AT

COP

(b)(2)High

DATED

13 MAR 2007

9. STATEMENT (Continued)

(b)(3), (b)(6) fit of the vehicle approaching us. Still, the vehicle did not slow down or change course. (b)(3), (b)(6) and I then shot two or three more rounds a piece with our (b)(2)High into the hood & grill of the car to dissable it. The vehicle was about (b)(2)High away when this happened. When the vehicle, again, did not change course or slow down, Carney and I shot about ten rounds a piece into the drivers side of the to destroy the threat. The vehicle was about (b)(2)High away when this occurred. The vehicle continued to roll and when it got about (b)(2)High away from our truck ~~About the same distance away as the previous vehicle we engaged. The vehicle then stopped right beside my truck. Spe Carney and I both approached the vehicle Spe~~ (b)(3), (b)(6) engaged again with the (b)(2)High with approximately six to seven rounds. (He engaged the vehicle at about the same distance with the first vehicle.) The vehicle finally stopped right beside ~~the~~ our truck on the left hand side. Spe (b)(3), (b)(6) and I then approached the vehicle. (Cont. on back) (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 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUEN

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

ment)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13<sup>th</sup> day of March, 2007 at COP (b)(2)High

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

(Signature of Person Administering Oath)

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

ing Oath)

IO

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 4 PAGES

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

I discovered that the driver, a male, was dead; there was no one in the front passenger seat, but the door was open on the passenger side. Then I saw the three children in the back. One boy, about b)(6) years old on the right, and two girls, one in the middle and one on the left. They were both about b)(6) years old. The boy was covered in blood + screaming. The two little girls were layed over to the right with the one in the middle dead and the one on the left barely breathing with a wound to the arm + to the stomach. I pulled the p. I went around to the other side of the car and found the mother crouched down beside the car. I got her to stop back and then I pulled the boy out of the car through the window. I then started He appeared to have a small cut on his head, but that was it. I then pulled the other two girls out of the vehicle with the help of Spec b)(3), (b)(6). We layed both of them down on the stretcher. Our medic came over + declared both of the girls dead. SSE began on the site, but I was not a part of that. I went back to the truck which had been repositioned to provide better security. There I ~~monitored~~ supervised my truck and also the positioning of all of the other trucks to make sure security was up. The National Police later showed up and took over with some of the SSE and handled the bodies. 2nd Plt. B Co also showed up later to help with security and to speed up the SSE process along with D6. After everything was done we grouped up and headed back to COP Ford.

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

NOTHING FOLLOWS

To Start:

What is your assigned duty MOS 11B, how long have you been doing this MOS 3 yrs and with your current unit RS 2nd any other MOSs? No

How long have you been in the Mil 11 yrs What I need from you; discussion, recreate what you experienced per event on the 9<sup>th</sup> 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? Patrols through Company A How much down time had you, your team/plt had? 12 hours roughly

What did you/your team do the day of 9 Mar before (convoy, snap check point ect?) the EOF incident? (b)(2)High

What kind of a pre convoy or mission brief did you receive for that day event/a, can you recall what was said? Yes If yes, what? (b)(2)High

Who gave the pre convoy/mission briefs (b)(3), (b)(6)

Did you understand each brief given? Yes Did anyone ask for clarifications? Yes On 9 Mar what was the weather like? Sunny, little clouds - sunny, dusty, warm, etc.

Around 1800 what was the weather like (dusk, clear, windy, calm) Visibility was not as good due to the sun going down (Dusk)

What was the conditions (trash, obstacles, people, wet, dry, dusty, sun in your eyes or the drivers, etc) like on the street? Few parked cars along side of the road.

What was the conditions (SAB) like in the neighborhood? Few people

For Veh 1 was a hostile intent or emanate danger displayed? Yes If yes/no (per ROE answer in that context), explain The vehicle approached our truck at a high rate of speed (35 mph approximately) and did not slow down when our vehicle flashed its lights and swerved over in its path.

For Veh 2 was a hostile intent or emanate danger displayed? Yes yes/no, (per ROE answer in that that context) explain (b)(2)High

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

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 or prior to and then after EOF measure were taken???

The vehicle swerved to go around our vehicle and did not slow down. It appeared to have an aggressive posture coming at us in this way.

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 or prior to and then after EOF measure were taken???

Despite the EOF the vehicle did not slow down even after the warning shots. It also did not change course.

As the Veh 1 approached your position, what EOF steps from ROE were taken? Was there sun in your eyes or their eyes? (b)(2)High

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

(b)(2)High (3), (b) CENTCOM 013110

As the Veh 2 approached your position, what EOF steps from ROE were taken? Was

(3), (b) Were sun in your eyes or their eyes?

(b)(2)High

(b)(2)High

(3), (b)(6)

Who had first weapon contact with Veh 1 Spc [redacted] What did that soldier do/automatic reaction or instructed by? Shot the vehicle with the M2.

Who had first contact with the passengers in Veh 1? Spc Muester What did he/they do? He did not directly engage the person. He just shot the vehicle to disable it.

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? Yes. Everyone from the third vehicle & back. There were a few civilians but they did not approach.

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? Yes. Spc [redacted] and a couple of other dismounts. One civilian walked up and offered to help & we

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

No others Only a few HN observers came out & looked from their [redacted]

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its content? N/A See bottom of page

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

No others One HN came from house near by and offered to help

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its content? No. NP's & IP's did not appear to do anything with the few civilians & the scene except talk to [redacted] for a few moments

Did U.S. Sm keep control of Veh 1, its contents, and the individuals? Yes

If yes/no, explain why/not We were the only ones there and couldn't let them go because proper SSE had not been done yet.

Did U.S. Sm keep control of Veh 2, its contents, and the individuals? Yes

If yes/no, explain why/not We did until the IP's and NP's showed up then all bodies and collected items were turned over.

Who had first weapon contact with Veh 2 Mc + Spc [redacted] What did that soldier do/automatic reaction or instructed by? Shot warning shot, then shot to disable, then to destroy.

Who had first contact with the passengers in Veh 2 Mc + Spc [redacted] What did he/they do? Fired into driver side windshield

Did anyone observe what contents were observed in or around the vehicle? Yes. Mc [redacted] saw a few other dismounts, & some civilians

What was seen? The dead father, two most likely dead girls in back, was screaming in back & the mother outside of the vehicle on passenger side, crouched down.

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

A few civilians and later the IP's & NP's

Do contraband or any suspicious items were found in either vehicle

told him to get back and we did

Did onlookers, IA/NP/? do anything with the HN individuals, Veh 2, and/or its content?

They bagged the bodies the contents of the vehicle & towed vehicle away. Also the rushed mother & boy to hospital to check on the boys' wound to head. IP pick up small vehicle away

Did the U.S. keep control of Veh 1, its contents, and the individuals? No

If yes/no, explain why/not Handed the man and the vehicle over to the IP's

Did the U.S. keep control of Veh 2, its contents, and the individuals? No

If yes/no, explain why/not Handed the bodies the mother & son & vehicle over to the IP's.

Training:

When and where did you receive Elevation of Force training?

Did you understand it as it was explained? If yes/no,

explain Yes: I understand that EOF is used to allow the threat time to react & the soldier time to react to reduce collateral damage. I

Tell me what your understanding of EOF is? also understand that due to the situation you may not have time to go through all steps & you can skip to deadly force if you feel threatened

Explain to me what an EOF kit is? Tools, objects used to aid the EOF process What is it designed to do? Allow the threat & the soldier time to think & react properly

Does your unit have one? Yes Did you/your team/Plt have its use included

in TTP Yes SOP Yes and or pre mission/convoy briefs Yes

Have you been trained on how to use/implement a EOF kit? Yes

explain (b)(2)High

-2-325 has a good track record for EOF use, why is that? Training is given & is used

[Large redacted area with multiple (b)(3), (b)(6) and (b)(2)High labels]

Did you get a new ROE card for Iraq? Yes by I read it? Yes

-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 Vehicles was coming SW down Foster. We



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

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

091837MAR07, EVENT 2 X ESCALATION OF FORCE

(b)(2)High

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

UNIT: 2/D/2-325 AIR

LOCATIO (b)(2)High

EVENTS:

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

Convoy going NE on  
in front. Car was covered w/  
rifles about  
Vehicle engaged  
away.

DOT for US. NE

Our vehicles stationary  
in the lead Police NE

(b)(2)High

(b)(2)High

SEE ARROW - NE

(b)(2)High

EVENT

(b)(2)High

EVENT

(b)(2)High

(b)(2)High

(b)(2)High

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

Start: 1100 1000  
Finish: 2120 1110

3 SGT (b)(3), (b)(6) TC memo Veh

1) When were the bodies removed? before 06/10/07/08 arrived?  
When IP's arrived, I believe before DU arrived. But recall more

2) Did either Veh 1 or 2 pass any other (same traveling direction) vehicles while approaching your vehicle? Yes. They passed other vehicles turning around.

3) Are there posted speed limit signs on that route or the route the vehicles turned off of? None posted.

4) What victim was taken into the adjacent house to the scene? Mother and son from vehicle 2.

5) Was a statement obtained from #4? To my knowledge, no.

6) Was a statement obtained from the passerbyes that tried to comfort the mother? To my knowledge, no.

7) Was a statement taken from other MW people? No one else came out to car. They stayed in their capacity, so no.

8) Who did the interpreter speak for? what was said by \_\_\_\_\_ to the interpreter?

I believe interpreter was back at COP Ford.

9) What Veh had the EOP? 09 Mar 07 we did not have.

10) " " " " 09, we did not, still do.

11) Anyone leave out for hour of darkness for EOP hand/dome signal use? No. We used amber lights as usual sign to warn vehicles.

12) What direction was the warning shots fired? Wprts were used for " " ?

13) Map was used for warning shots?

14) Did anyone use the EOP? No. We don't have one in COP Ford.

15) Is what happened on 7 mar - a repeat? Yes, but not to a degree to where we have to shoot CE.

Get pic of scene or sketches

This assault confirmed. Had the father I was because the wife "NO one witnessed"

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

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

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

(b)(2)High

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

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

5AIR (3KIA, 2WIA), D 2/325AIR, 9 MAR 07

IO GLAZIER

(b)(2)High

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

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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**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 <b>COB FORD</b>	2. DATE <b>13-03-07</b>	3. TIME <b>1120</b>	4. FILE NO. <b>2102-023</b>
5. NAME (Last, First, MI) <b>[Redacted]</b>	8. ORGANIZATION OR ADDRESS <b>2 SQUAD 2 PLT DCO 21325</b>		
6. S <b>(b)(3), (b)(6)</b>	7. GRADE/STATUS <b>E-4 SPC</b>		

**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, 215CT, 82nd AIR** and wanted to question me about the following offense(s) of which I am suspected/accused: **EDF 9 MARCH ACTIONS TAKEN**

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 (3), (b)(6)
- Anything I say or do can be used as evidence against me in a criminal trial (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 (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 (3), (b)(6)

- 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)(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		4. SIGNATURE OF INVESTIGATOR
		(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
		<b>HHC, 2nd BCT, 82nd AB</b>

**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