

Executive Summary-TF 4a, (b)(3) Non-Combatant Death - (b)(2)High

(S)(1), (4)(2)

ACTION REQUESTED:

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

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

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

Summarized Findings:

a. (U) On 31 Dec 06, during (b)(2)High High, (b)(1)1.4a, (b)(3), Mortar Platoon attempted to register a mortar at grid (b)(2)High resulting in a non-combatant fatality and minor injury.

(S)(1), (S)(2)

(b)(2)High (b)(2) high (b)(2)High (b)(2)High

- mortar round landed (b)(2)High of the desired point of impact.
- Mortar round penetrated the roof of a house, detonated and killed a (b)(6) male, injured (b)(6) female.
- FSO states he deviated from ROE based on his assessment of the tactical situation.
- Platoon was not engaged in any contact nor is there evidence of a hostile act/intent.
- There were otherwise no deviations in firing procedures of the mortar.

(S)(6)

(b)(2)High

c. (U) Evidence indicates the FSO understood BN CDR's ROE and willfully deviated from that ROE.

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

(S)(1), (S)(2)

(S)(1), (S)(2)

4) Summarized IO Recommendations:

(b)(5)

(S)(5)

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

*SIR yes
Let me know
IF YOU WANT
TO DISCUSS
VIR*

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

(S)(6)

ACTION SHEET

OP Choctaw 15-6 Inquiry

1) ACTION REQUESTED

(b)(5), (b)(2)High	(b)(5), (b)(2)High
(b)(6)	(b)(6)
(b)(5), (b)(2)High	

2. Way Ahead:

a.	(b)(5), (b)(6)	(b)(5)
b.		(b)(6)
c.		
	(b)(6), (b)(3)	(b)(6)
	Major, USAF (b)(2)High Legal Advisor	(b)(1), (b)(2)

(b)(6)

(S)(6)

(b)(1)1.4a, (b)

(S)(1), (S)(2), (S)(3), (S)(6)

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

Subject: Feedback on AR 15-6 Investigation involving TP (b)(2)High, Mortar Fire Incident

(S)(1), (S)(2)

Sir,

I have reviewed the AR 15-6 investigation and make the following points:

(b)(2) high

(b)(2) high

(b)(2) high

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

(b)(2) high

5. CPT (b)(6) accepts sole responsibility for the decision to fire the registration round. (S)(6)

6. CPT (b)(6) decided to fire a registration round within (b)(2)High (S)(6) and within (b)(2) high of the inhabited buildings. (b)(5) (S)(5)

(b)(5)

7. (b)(5), (b)(6) (S)(5), (S)(6)

*** Additional note: (b)(5), (b)(6) (S)(5) (S)(6)

I'll place the packet on your desk.

Please let me know if you have any questions.

V/R

MAJ (b)(6) (b)(2)High Legal Advisor

(S)(6)

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

(S)(1), (S)(2), (S)(3), (S)(6)

2/7/2007



HEADQUARTERS
(b)(1)1.4a, (b)(3), (b)(6)
BALAD, IRAQ

(S)(D), (S)(Z)

REPLY TO
ATTENTION OF
(b)(1)1.4a, (S)JA

(S)(D), (S)(Z)

5 February 2007

MEMORANDUM FOR COM TF 16

SUBJECT: Legal Review - AR 15-6 - Noncombatant Death - TF (b)(1)1.4a, (S)(D), (S)(Z)

1. [Redacted] (b)(2)High, (b)(5), (b)(6)
igh, (b)(5)

(S)(D)
(S)(Z)
(S)(S)
(S)(G)

2. [Redacted] (b)(2)High, (b)(5), (b)(6)
gh, (b)(5)

3. [Redacted] (b)(2)High, (b)(5), (b)(6)
gh, (b)(5)

4. Point of contact is the undersigned

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

(S)(G)

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

(S)(G)

Major, USAF
Staff Judge Advocate

Pages 5 through 9 redacted for the following reasons:

(b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

(b)(1)1.4a, (b)(2)High, (b)(3), , (b)(6)

Nonresponsive, (b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

(b)(6)

(b)(6)

(b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

a. I ratify the appointment of the investigating officer;

(b)(2)High, (b)(1)1.4a, (b)(3), (b)(6)

(b)(1)
(b)(2)

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

(b)(2)High

(b)(1)
(b)(2)

Pages 11 through 17 redacted for the following reasons:

(b)(1)1.4(a), (b)(2)High, (b)(3), (b)(6)
(b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)

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Enclosure I	Investigating Officer Appointment Memorandum – MAJ (b)(3), (b)(6)
Enclosure II	Extension Memorandum – MAJ (b)(3), (b)(6)
Enclosure III	Investigating Officer Appointment Memorandum – Lt Col (b)(3), (b)(6)
Enclosure IV	Chronology
Exhibit 1	Location of ACP, Mortar Firing Point, Registration Target, and Point of Impact
Exhibit 2	DA Form 2823 Sworn Statement of 1LT (b)(3), (b)(6) dated 16 January 2007
Exhibit 3	Location of both mortar systems (Firing and Inactive)
Exhibit 4	DA Form 2823 Sworn Statement of SGT (b)(3), (b)(6) dated 13 January 2007
Exhibit 5	DA Form 2823 Sworn Statement of SFC (b)(3), (b)(6) dated 1 January 2007
Exhibit 6	DA Form 2823 Sworn Statement of CPT (b)(3), (b)(6) dated 3 January 2007
Exhibit 7	DA Form 2823 Sworn Statement of CPT (b)(3), (b)(6) dated 1 January 2007
Exhibit 8	DA Form 2823 Sworn Statement of 2LT (b)(3), (b)(6) dated 1 January 2007
Exhibit 9	DA Form 2823 Sworn Statement of SGT (b)(3), (b)(6) dated 31 December 2006
Exhibit 10	DA Form 2823 Sworn Statement of SSC (b)(3), (b)(6) dated 3 January 2007
Exhibit 11	DA Form 2399-R, Computer's Record, dated 31 December 2006
Exhibit 12	DA Form 2823 Sworn Statement of SPC (b)(3), (b)(6) dated 31 December 2006
Exhibit 13	DA Form 2823 Sworn Statement of SSC (b)(3), (b)(6) dated 31 December 2006
Exhibit 14	Photos of damaged house from mortar round
Exhibit 15	DA Form 2823 Sworn Statement of 1LT (b)(3), (b)(6) dated 31 December 2006
Exhibit 16	DA Form 2823 Sworn Statement of SPC (b)(3), (b)(6) dated 31 December 2006
Exhibit 17	DA Form 2823 Sworn Statement of LTC (b)(3), (b)(6) dated 21 January 2007
Exhibit 18	DA Form 2823 Sworn Statement of MAJ (b)(3), (b)(6) dated 16 January 2007
Exhibit 19	DA Form 2823 Sworn Statement of CPT (b)(3), (b)(6) dated 18 January 2007
Exhibit 20	DA Form 2823 Sworn Statement of MAJ (b)(3), (b)(6) dated 18 January 2007
Exhibit 21	DA Form 2823 Sworn Statement of CPT (b)(3), (b)(6) dated 18 January 2007

(b)(6)

Exhibit 22 DA Form 2823 Sworn Statement of CPT (b)(3), (b)(6) dated 18 January 2007
Exhibit 23 DA Form 2823 Sworn Statement of CPT (b)(6), (b)(3) dated 20 January 2007
Exhibit 24 DA Form 3681, Rights Waiver Statement, dated 13 January 2007
Exhibit 25 DA Form 2823 Sworn Statement of CPT (b)(3), (b)(6) dated 18 January 2007
Exhibit 26 Core Specs requirements from TM 3-1015-239-10
Exhibit 27 DA Form 2403-4, Weapon Record Data
Exhibit 28 Maintenance Request and Inspection Worksheet
Exhibit 29 Safety Procedures, FM 3-22.91, pages C-1 and C-2
Exhibit 30 91mm Mortar Firing Table for Charge 1 (from Table E of FT 81-AR-2)
Exhibit 31 Diagram depicting anticipated impact area during registration
Exhibit 32 FM 23-91, Chapter 2, Fundamentals of Mortar Gunnery
Exhibit 33 DA Form 2823 Sworn Statement of 2LT (b)(3), (b)(6) dated 3 January 2007

(S)(6)