

**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 CCO 2-12 IN TOC	2. DATE (YYYYMMDD) 2007/01/11	3. TIME 2300	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E-6/ACTIVE DUTY	
8. ORGANIZATION OR ADDRESS CCO 2/12 INF			

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

At about 1800 on 11 Jan 07 I stopped my patrol at (b)(2)High to follow up on a house were had found the trigger device for an IED earlier that day. We stopped on 40 street about (b)(2)High to the east of 35th street. Before entering the house I made sure the all the trucks in the patrol were set and security was good. (b)(2)High The street was lit by lights from houses along the street. My truck was parked next to a three foot fluorescent light and was not hidden from the naked eye. I took a team into the house to talk to the family about what had happened earlier. After only being in the house for a few minutes I heard a three round (2)High for were our trucks were parked. A few seconds later I heard a long burst of about 30 rounds being fired. I rushed out side to see what had happened. My gunner In formed me that a van with no lights on had come around the corner from 37th street. He said he tried to wave the van off but then it sped up. He said he fired the three round into the grill of the van and it still continued to advance so he took the measures to defend himself and the driver. I pushed all the trucks out away from the van fearing that it might detonate. I call it up to our company TOC and they had HOD come out to search the van.

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

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

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

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

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 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 2300 DATED 2007/01/11

9. STATEMENT (Continued)

*[The main body of the page is crossed out with a large handwritten 'X', indicating that the statement content is redacted.]*

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(3)(b)(6) TAKEN AT 2300 DATED 2007-0-1-11

9. STATEMENT (Continued)

[Large area crossed out with a large X]

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 \_\_\_\_\_. 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

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

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of Jan, 2007 at FEB Talca

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

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

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

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1. LOCATION CSC 2-12 TOC	2. DATE (YYYYMMDD) 2007/01/11	3. TIME 2300	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS C CO 2/12 INF			

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

At approximately 1800 chosen 27's humvee, on which I'm a gunner, was sitting on street 40, 10 meters east of its intersection with street 35, the truck was facing east the same direction as all the other vehicles in the convoy, my turret was turned to the west. (b)(2)High

(b)(2)High we were the rear truck, the patrol's four vehicles were (b)(2)High our truck was parked in the middle of the road. our convoy had stopped and dismounts were searching a nearby house, the reason for the search was that a command wire led back to that house from an IED found by our patrol earlier that day. at this time, our patrol had been out for 5 hours, the sun was completely set, it was dark outside, there was a three foot long fluorescent porch light on the front of the closest house just north of us, the light was directly to the vehicle's 9 o'clock, the light lit up our truck enough that it could be seen by the naked eye. I had a

I saw a dark colored van turn east onto 40 street off of 37 street (b)(2)High to our west, the van did not have it's lights on, the van accelerated slowly for the first (b)(2)High he van appeared exactly normal to me at that point. I through up my left arm with my palm flat and waived it quickly, at that point the van accelerated hard, if it would not have accelerated I would have had enough time to (b)(2)High at it, and further distinguish our humvee's presence. immediately it accelerated, so I leveled (b)(2)High at the oncoming van, switched from safe to fire and shot a burst of no more than 5 rounds at the vehicle's grill, when I shot this burst the van was approximately (b)(2)High away it did not brake or veer away, and continued to accelerate. I paused for 1-2 seconds, continued following the vehicle with (b)(2)High fired again, this time at the windshield, right above the steering wheel, the burst was 30-35 rounds, I started firing this burst when it was (b)(2)High away, until it slammed into the rear of our humvee, the van was going at about (b)(2)High mph when it struck or (b)(2)High at that point I ducked down to exactly nametape defilade so I could have complete cover from the turret shield and yell down to my driver. I yelled at my driver to drive forward, because it could still explode, there was no immediate action from him. I think he was confused as to what had happened, so I yelled down again to pull forward. Our (b)(2)High sped forward to a safe distance

X Nothing follows X

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

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

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

(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 \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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STATEMENT OF (b)(2)High TAKEN AT 2300 DATED 7/31/11 <sup>3)(b)</sup>

STATEMENT (Continued)

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

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

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

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

NOT USED

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

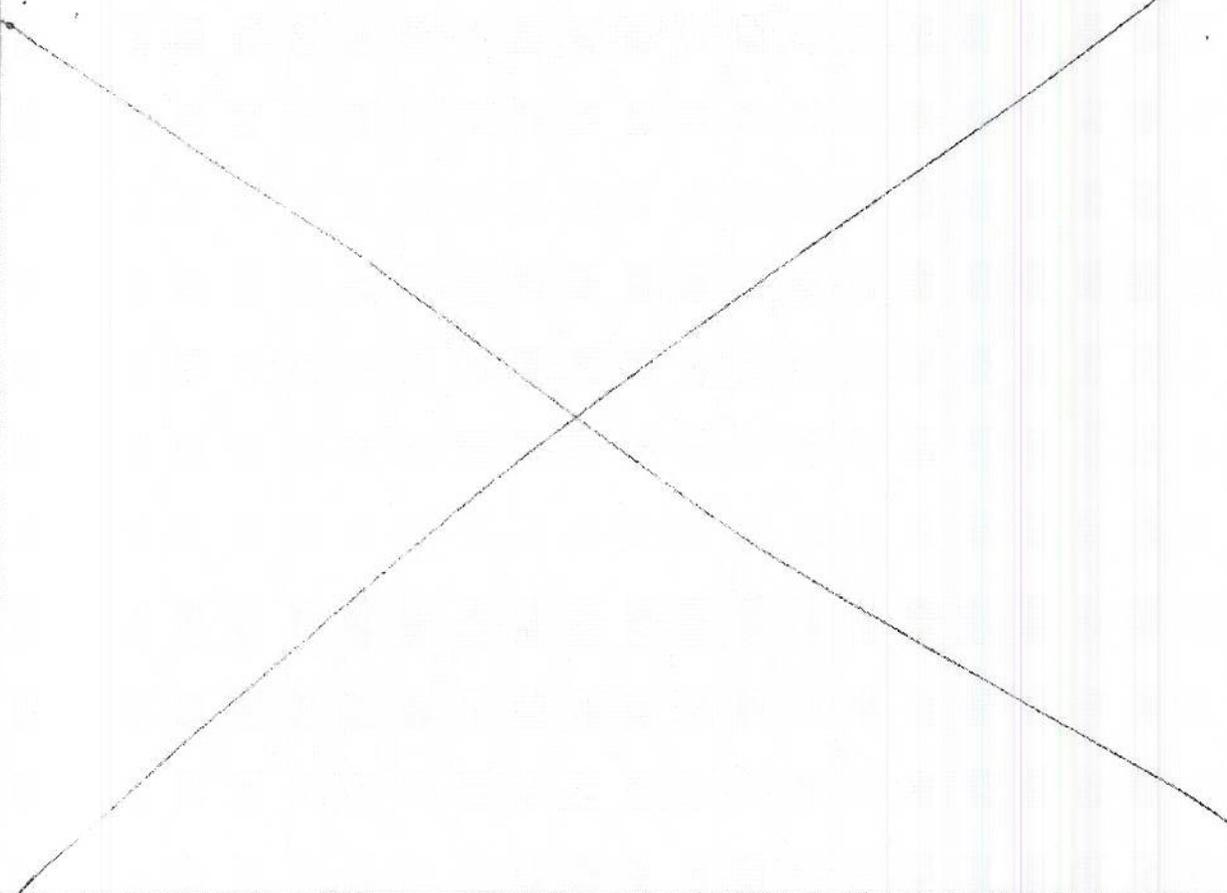
INITIALS OF PERSON MAKING STATEMENT

b)(3)(b)(6)

PAGE 2 OF 3 PAGES

STATEMENT OF \_\_\_\_\_ (b)(3)(b)(6) \_\_\_\_\_ TAKEN AT 2300 DATED 20070111

9. STATEMENT (Continued)



AFFIDAVIT

I, (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of Jan, 2007 at FOB Antioch

\_\_\_\_\_

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

ORGANIZATION OR ADDRESS

\_\_\_\_\_

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

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

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1. LOCATION C Co. 2-12 TOC	2. DATE (YYYYMMDD) 20070112	3. TIME 0130	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)			7. GRADE/STATUS E-4

8. ORGANIZATION OR ADDRESS  
C Co. 2-12 INF

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

- How long have you been a gunner?
- I've been a gunner since May 2004. This is my second tour in Iraq as gunner.
- From the time you saw the van at the corner of 37<sup>th</sup> & 40<sup>th</sup> until you fired your first three rounds into the engine, how long did it take?
- It took approximately 4 seconds.
- How long was it from firing the 3 round into the engine until you fully engaged the van resulting in the van crashing into your vehicle?
- I took about 2 seconds.
- At what point did you feel threatened by the van & why?
- At the exact time I wanted to try and signal the van to stop, and it accelerated as I wanted.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT b(2)Higl	PAGE 1 OF 3 PAGES
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STATEMENT OF

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

TAKEN AT

0130

DATED

20070112

9. STATEMENT (Continued)

were you able to see the van with out any

(b)(2)High

(b)(2)High

b)(3)(b)(6)

Yes.

where on the street was the Hummer located?

Our (b)(2)High was in the middle of the road.

//End of Statement//

(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

STATEMENT OF (b)(3)(b)(6) TAKEN AT 0130 DATED 20070112 <sup>(3)(b)</sup>

9. STATEMENT (Continued)

C

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

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

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

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

AFFIDAVIT

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(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 11 day of Jan, 2007 at FCB

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

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1. LOCATION FOB FALCON, IRAQ	2. DATE (YYYYMMDD) 2007/02/11	3. TIME 1500HRS	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS CPT/O-3	
8. ORGANIZATION OR ADDRESS CHARLIE CO/2-12IN BN			

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

- CPT (b)(3)(b)(6)  
- CPT (b)(3)(b)(6)

3)(t) - Did the IPs come to the scene and collect the body (b)(6)  
- \*\*\* I (b)(6) (1st Company, 2/6 National Police Battalion) was on scene and took the body back to the CP66 National Police house located in M82 (b)(6)

3)(t) - Do we know the identity of the LN? If so, was a condolence payment made to the family (b)(6)  
- The individual's name was (b)(6) There was a "fossil" payment made to the family on 20 Jan 07, the payment was made to the individual's son and wife, with his cousin (b)(6) present. Payment was made at the Al-Dora DAC Hall in the presence of (b)(6) (Cousin) confirmed the individual's identity and claimed the body. He was present through (b)(6)

3)(b) - can you clarify whether the unit/EOD believed the LN to be dead when EOD (b)(2)High  
- EOD did not check the pulse. They did a visual confirmation with the robot (no movement). Individuals on the roof top looking into the vehicle could see he had been shot in the chest (vic of his heart) therefore EOD went to within about (2)High of the vehicle and checked the individual with flashlights and did not see any movement. The cause of death was determined by Doctor (b)(6) 1, (b)(2) doctor the following morning. He stated death was caused by 3 shots directly to the heart //nothing follows// (b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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STATEMENT OF (b)(3)(b)(6) TAKEN AT FOB FALCON, IRAQ DATED 2007/02/11

9. STATEMENT (Continued)

(3)(b) NOTHING FOLLOWS (3)(b)

AFFIDAVIT

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

(Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of FEBRUARY, 2007

at FOB Falcon, Iraq (b)(3)(b)(6)

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

(Signature of Person Administering Oath)

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

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

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES