

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: Mosul, Iraq, (b)(2)High
2. DATE (YYYYMMDD): 2006/03/14
3. TIME: 0452
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: 0-3

8. ORGANIZATION OR ADDRESS: Bravo Company, 1st Battalion, 17th Infantry Regiment

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

Brief Overview of the incident: At 140440MAR06 2nd platoon conducted a Flash TCZ on an individual in a car that was breaking curfew on (b)(2)High. While searching this vehicle another car approached our position from driving from west to east also breaking curfew. Escalation of force was used to stop the on coming vehicle (b)(2)High however he did not come to a complete stop until he was within (b)(2)High of our dismounted troops and Stryker vehicle. The driver then began to move his car and my Interpreter began yelling stop. SSG (b)(3), (b)(6) then began using lethal force followed by SGT (b)(3), (b)(6) and SPC (b)(3), (b)(6). After the first few rounds the driver began backing away when he was struck in the head and shoulder and was killed. First Aid was rendered however the individual was declared dead. An X-spray test was conducted on the individual, the car trunk, and steering wheel and driver side door. The test turned pink indicating exposure to explosives within that category. The body was then transported to the morgue (b)(3), (b)(6)

Did the soldiers have ROE training? If so, when, where, and by whom? The soldiers involved in the incident have been in 2nd Platoon since before the deployment. They were present for all EOF training in Kuwait, Right seat/Left seat rides, and daily pre-mission EOF Briefs. A different soldier prior to departure on missions conducts Pre mission EOF briefs, any missing information from those are reiterated by PL or PS (b)(3), (b)(6)

At what range was the engagement (green beam, (b)(2)High and deadly force)? Escalation of force was initiated at approximately (b)(2)High. I had told the Stryker to turn on its headlights and whoopee light (which were off because it was before curfew and for security purposes as not to spotlight soldiers in the street). Soldiers began EOF with green beams and tac lights right away and (b)(2)High at approximately (b)(2)High from us. The interpreter was also shouting stop at that point, which would be audible at (b)(2)High. It was at that range that Lethal force was used (b)(3), (b)(6)

What threat did the soldier(s) perceive when they identified the vehicle as a target? Once (b)(2)High the individual began driving his car erratically. Because he did not respond rapidly to escalation of force or the subsequent verbal commands of the interpreter, when he began driving the soldiers perceived this as a threat to our dismounted soldiers and initiated Lethal Force (b)(3), (b)(6)

Was consideration given to potential ricochet? No (b)(3), (b)(6)

Nothing follows

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

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

9. STATEMENT (Continued)

Nothing follows

(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 2, FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTED CHANGES ON EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, 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 23 day of March, 2006 at FOB MAREZ, IRAQ

ORGANIZATION OR ADDRESS

(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

15-610
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

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1. LOCATION MOSUL, IRAQ, RTE INFINITY (b)(3), (b)(6)
2. DATE /YYYYMM/DD/ 2006/03/(b)(3), (b)(6)
3. TIME 0450 (b)(3), (b)(6)
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6) (b)(3), (b)(6)
6. SSN (b)(3), (b)(6) (b)(3), (b)(6)
7. GRADE/STATUS E-6 (b)(3), (b)(6)

8. ORGANIZATION OR ADDRESS
B Co, 1st BN, 17th IN REGT, FOB Marez, Iraq (b)(3), (b)(6)

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

On the morning of 14 March 2006, around 0430, we were conducting a combat patrol in (b)(2)High when we stopped a local national. We were asking him questions when a taxi came flying down the street toward us. We thought he was going to stop when he saw the Stryker lights and whoopie lights flashing, but he didn't. At about (b)(2)High we started to flash our taclights and green beam lasers. He was about (b)(2)High away when I (b)(2)High. He didn't stop so we used deadly force.

(Did the soldiers have ROE training? If so, when, where, and by whom?)
Yes, all soldiers have ROE training. When we're ready to go on a combat patrol, SF (b)(3)(b)(6) gives an ROE briefing.

(At what range was the engagement?)
We used taclights and green beam lasers at about (b)(2)High. The (b)(2)High was between (b)(2)High. Deadly force was used when he didn't stop after (b)(2)High.

(What threat did the soldier(s) perceive when they identified the vehicle as a target?)
It was a high risk threat for all of us that were around when the car didn't stop after the proper escalation of force was being used.

(Was consideration given to potential ricochet?)
Yes, we took into consideration the houses on both sides of the street (b)(3), (b)(6)

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

005361

STATEMENT OF SGT (b)(3), (b)(6) TAKEN AT FOB MAREZ, (b)(3), (b)(6) DATED 2006/03/23 (b)(3), (b)(6)

9. STATEMENT (Continued)
NOTHING FOLLOWS.

(b)(3), (b)(6)
NOTHING
(b)(3), (b)(6) (b)(3), (b)(6)
FOLLOWS
(b)(3), (b)(6)

AFFIDAVIT

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of March, 2006 at FOB MAREZ, IRAQ

(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

15-6 IO
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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