



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2D BRIGADE COMBAT TEAM
10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
CAMP STRIKER, IRAQ APO AE 09322

AFZS-LF-JA

17 June 2007

MEMORANDUM FOR Commander, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry),
Camp Striker, Iraq APO AE 09322

SUBJECT: Legal Review of AR 15-6 Investigation #07-090, Escalation of Force with Fatal Injury to a
Local National (A/1-89 CAV)

1. I have reviewed the aforementioned investigation conducted by CPT (b)(3)(b)(6) and find it legally
sufficient.

a. The investigation contains no procedural errors which materially prejudice any party involved
in the investigation.

b. The evidence supports the investigating officer's (IO) findings. On 27 May 2007, 3rd Platoon,
A/1-89 CAV came under a complex IED and small arms attack during a reconnaissance mission in Zone
60A. Soldiers engaged the would-be IED triggerman with the (b)(2)High. It is believed that he was
hit, but recovered by other AIF. During the ensuing search for AIF, dismounted Soldiers received
sustained automatic weapons fire. While attempting to suppress the attack, a grey sedan approached the
Soldiers' position at a high rate of speed. SSG (b)(3)(b)(6) and SGT (b)(3)(b)(6) conducted EOF procedures on the
fast closing vehicle, by firing two warning shots, disabling shots and finally, lethal shots. The passenger
of the vehicle, (b)(6) was killed instantly. The driver, (b)(6)
(b)(6) was unharmed. A subsequent search of the vehicle found an automatic weapon, RPG launcher,
suitcase with ID cards, 6 cellular telephones, a plastic bag with a cordless phone, loose 7.62 mm ammo,
AK-47 magazines, 9mm pistol, video camera, copper wire, and rocket propellant. The two soldiers used
appropriate EOF procedures to engage a hostile threat. The Soldiers also complied with the Rules of
Engagement.

c. The recommendations are supported by the findings and evidence.

2. The point of contact for this memorandum is the undersigned at VOIP (b)(2)High, and
(b)(3)(b)(6), (b)(2)High

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

CPT, JA
Trial Counsel