

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by LTC (b)(3), (b)(6) (Appointing authority)

on 19 SEP 06 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB Marez (Place) at 1600 (Time)

on 19 SEP 06 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1600 (Time) on 28 SEP 06 (Date)
and completed findings and recommendations at 1900 (Time) on 1 Oct 06 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ^{1/}	NA ^{2/}
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Copy of notice to respondent, if any?(See item 9, below)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c. Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d. All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e. Privacy Act Statements (Certificate, if statement provided orally)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g. Information as to sessions of a formal board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.
2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Was the date of delivery at least five working days prior to the first session of the board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Does each letter of notification indicate —	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(1) the date, hour, and place of the first session of the board concerning that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(2) the matter to be investigated, including specific allegations against the respondent, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(3) the respondent's rights with regard to counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(4) the name and address of each witness expected to be called by the recorder?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(5) the respondent's rights to be present, present evidence, and call witnesses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Was the respondent provided a copy of all unclassified documents in the case file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Did each member successfully challenged cease to participate in the proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Call witnesses and otherwise introduce evidence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Testify as a witness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.
2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board) , having carefully considered the evidence, finds:

(U) On 170920SEP06 enforcer 1-2 was traveling north (b)(2)High had just passed (b)(2)High when a white car approached the trail vehicle at high speed. The vehicle was identified at approximately (b)(2)High meters S(b)(3), (b)(6)NR for the trail vehicle) began using hand and arm signals to get stop the vehicle. (exhibits A and B) The vehicle disregarded hand and arm signals and the "stop" sign on the rear of the trail vehicle and approached to within (b)(2)High took approximately 5 seconds for the vehicle to approach to within (b)(2)High from the initial identification of it. (exhibit C and D) S(b)(3), (b)(6)NR crossed the vehicle as a threat and (b)(2)High (b)(2)High Although he did (b)(2)High his rounds also struck the windshield of the car. The use of force stopped the vehicles approach. (exhibit A and E). The Enforcer Convey turned around at the next opportunity and secured the disabled vehicle site but found that the driver and a passenger identified as a young child had already departed. Approximately 20 minutes later the driver of the vehicle returned and reported that the child had died. (exhibit A)

(U) (S) MNC1 states the a graduation of force be used on individuals exhibiting hostile intent. If time and circumstance permit the following steps should be used:

(b)(2)High

(U) (S) (b)(2)High

(U) (S) (b)(2)High

(U) (S) SPC (b)(2)High

(b)(2)High

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

(b)(5)

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SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

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

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

006993

Index of Exhibits

Exhibit A: Company internal investigation of the incident which includes sworn statements from the SPC (b)(3), (b)(6) (Gunner), CPT (b)(3), (b)(6) (Commander), SFC (b)(3), (b)(6) (PSG), SGT (b)(3), (b)(6) (Squad LDR), SPC (b)(3), (b)(6) (Team LDR), SPC (b)(3), (b)(6) (driver), and a summary of findings from 2LT (b)(3), (b)(6)

Exhibit B: Story board submitted to 2-3 IN REGT summarizing events.

Exhibit C: Sworn Statement from SPC (b)(3), (b)(6)

Exhibit D: Sworn Statement from SPC (b)(3), (b)(6)

Exhibit E: Photographs of the Car

Exhibit F: Appendix 7 to Annex C to MNC-I operations order 06-01

Exhibit G: Visual depiction of events created by CPT (b)(3), (b)(6)

Chronology

19 SEP 06-

Appointed as Investigating officer for 549th MP EOF incident
Received briefing from BDE Legal

20 SEP 06- 22-SEP 06

Reviewed AR 15-6 and the 15-6 SOP. Retrieved the storyboard for the incident from the 2-3 Battle Captain. Downloaded the MNC-I ROE

23 SEP 06- 24 SEP 06

Discovered that an internal investigation had already taken place and retrieved it for review.

25 SEP 06

Set up time to interview gunner and driver from the EOF incident

26 SEP 06

Interviews

27 SEP 06 -28 SEP 06

Preparation of DA 1574

006995

Exhibit A



DEPARTMENT OF THE ARMY
549th Military Police Company
FOB Marez, Iraq
APO AE 09334

FORM NO. 10
MAY 1962 EDITION

AFCP-HCP-D

17 September 2006

MEMORANDUM FOR RECORD

SUBJECT: Escalation of Force involving SPO (b)(3), (b)(6) (b)(3), (b)(6) on 17 Sep 06

1. Scope of the investigation. The Scope of the investigation was to gather all facts in the case to determine if there was any negligence or wrong doing by the persons involved and to recommend a COA to the commander.
2. Findings. On 17 September 2006 I interviewed the involved personnel on the events in question. The following is a brief summary of each statement.

a. **SPO (b)(3), (b)(6) Gunner**: On 170920SEP06 SPO (b)(3), (b)(6) was traveling north on route (b)(2)High (b)(2)High as the Gunner for the third and last vehicle in the convoy. He stated that the traffic was traveling approximately 100 meters behind the convoy when he noticed a white (b)(6) station wagon approaching at a high rate of speed. When the vehicle reached approximately (b)(2)High from his position he began to use (b)(2)High. He states that he had a (b)(2)High readily accessible, but chose not to use it. He continued to use (b)(2)High until he felt that the vehicle wasn't going to stop. When the vehicle was approximately (b)(2)High from his position he transitioned and saw the vehicle swerve to the side in an attempt to come along side or pass his truck. Due to the short time that the vehicle closed the distance he believed he didn't have time for (b)(2)High. He took aim and (b)(2)High the vehicle with 10-15 shots. He states that the vehicle was approaching fast and moving from his left to right which caused him to shoot into the window. He was briefed the EOF prior to SP and noted that the truck he rides in has a three foot square sign stating, "Caution Stay Back" in Arabic.

b. **CPT (b)(3), (b)(6) Company Commander**: On 170920SEP06 CPT (b)(3), (b)(6) was traveling north on route (b)(3), (b)(6) the second vehicle of a three vehicle convoy. Their speed was approximately 20-25 miles per hour. After some confusion on the radio, it was determined that an escalation of force occurred and the convoy turned around and headed back to the site. They arrived on scene and cordoned the area and was notified that the driver and one male child had left the scene and were transported to the hospital in the Sukar neighborhood. The squad immediately began taking pictures and provided a claims card to the female passenger. The driver returned to the site about 20 minutes after the incident. He was covered in blood and proceeded to inform his sister that the child was dead. The driver's report that the child was killed by a gun shot to the head was confirmed by the IPs on scene. The driver also informed CPT (b)(3), (b)(6) that he never saw the US patrol despite the vehicle being clearly marked with the appropriate warning signs.

c. **SFC (b)(3), (b)(6) Platoon Sergeant**: On 170920SEP06 SFC (b)(3), (b)(6) was in the third vehicle in the convoy, sitting in the rear behind the TC only inches from SPO (b)(3), (b)(6). He stated that he saw SPO (b)(3), (b)(6) weight shift prior to firing the weapon implying that he was making hand and arm signals

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Encl 4

prior to firing his M240B. From where SFC (b)(3), (b)(6) was seated, he had no view of what transpired behind the vehicle. He also stated that the vehicle was equipped with a caution sign on the rear of the vehicle and a hand held stop sign in the vehicle. He didn't know if SPC (b)(3), (b)(6) hand held stop sign was in the turret or if it was used, but that is the platoon SOP.

d. **SGT (b)(3), (b)(6) (Squad Leader)**: On 170920SEP06 SGT (b)(3), (b)(6) was in the lead vehicle of a three vehicle convoy traveling north when SPC had an EOF at vic grid (b)(3), (b)(6). He was notified of the incident and turned the convoy around and went back to the site to cordon it off. He stated that himself, CPT (b)(3), (b)(6) and SFC (b)(3), (b)(6) tactically questioned the passenger of the vehicle and the driver once he returned. After gathering all the relevant information he filled out and gave the female passenger a claims card. He stated that prior to SP SPC (b)(3), (b)(6) and SPC (b)(3), (b)(6) read the ROE and EOF card to the squad as a part of his mission brief. He also stated that it was squad SOP to have the gunners M9 and M249 accessible at all times.

e. **SPC (b)(3), (b)(6) (Team Leader)**: On 170920SEP06 SPC (b)(3), (b)(6) was traveling north on route Ford sitting in the TC and acting Team Leader. He did not have a visual of the approaching vehicle nor did he see the gunner go through the escalation of force due to the position of his seat and where the gunner resides. He communicated to SGT (b)(3), (b)(6) that there was an EOF and then took up a security posture once they went back to the site of the incident. He confirms that the EOF was briefed prior to SP and that there was an accessible (b)(2)High available to the SPC (b)(3), (b)(6).

f. **SPC (b)(3), (b)(6) (Driver)**: On 170920SEP06 SPC (b)(3), (b)(6) was traveling north on route (b)(2)High driving the third vehicle in the convoy. SPC (b)(3), (b)(6) made a comment in the VIC system making SPC (b)(3), (b)(6) alert so he looked into his mirror. He claims to have seen the vehicle swerve to the side in an attempt to come alongside or pass the vehicle. SPC (b)(3), (b)(6) estimates that the white vehicle was approximately (b)(2)High away when SPC (b)(3), (b)(6) fired upon the vehicle. He also verifies that he and SPC (b)(3), (b)(6) read the ROE/EOF cards as a part of SGT (b)(3), (b)(6) mission brief.

3. Summary of Findings. Based on the statements and other evidence I have compiled in this investigation and the facts presented therein, I have concluded the following:

a. On 170920SEP06 Enforcer 1-2 was traveling north on route (b)(2)High at vic grid (b)(2)High at approximately 20-25 miles per hour when the Charlie team initiated an EOF.. The white (b)(6) station wagon progressed not seeing the US convoy. The traffic held their distance of (b)(2)High from the rear of the convoy. As the white (b)(6) station wagon proceeded forward of the traffic approximately (b)(2)High from the convoy, SPC (b)(3), (b)(6) initiated (b)(2)High ignoring his platoon's SOP of (b)(2)High. At (b)(2)High he expended approximately 15 rounds into the hood and window of the vehicle to (b)(2)High. The speed of the vehicle is unknown, but if the US convoy was traveling at 20 miles per hour and the white (b)(6) station wagon was traveling at 60 miles per hour the vehicle could have closed the distance of (b)(2)High in 2.51 seconds. The gunner did not have time to transition to a smaller caliber weapon to and fire warning shots. He instead used the most readily available weapon, his M240B, already mounted and pointing in the direction of the incoming white (b)(6) station wagon. He attempted to (b)(2)High (b)(2)High however due to the speed of the vehicle and the way in which it swerved from SPC (b)(3), (b)(6) left to his right, he fired six 7.62 rounds into the hood and eight rounds into the window. All shots impacted on the passenger's side. Minutes later the convoy went back to the scene, gathered the victim's information, handed out a claims card, and received information

SUBJECT: Escalation of Force involving SPC [redacted] (b)(3), (b)(6) on 17 Sep 06

that the [redacted] (b)(6) boy in the front passenger's seat had died due to gun shot wounds to the head.

SPC [redacted] (b)(3), (b)(6) was justified in his actions in attempting to disable the vehicle. He neglected to follow the [redacted] (b)(2)High [redacted] (b)(2)High that was available at the time and could have aided the driver of the white [redacted] (b)(6) station wagon to see the US convoy. However, the vehicle was properly marked with a sign that had both English and Arabic clearly visible to any approaching vehicle coming from the direction of the white [redacted] (b)(6) station wagon. According to the ROE [redacted] (b)(2)High [redacted] (b)(2)High With VBIEDs prevalent in this area, SPC [redacted] (b)(3), (b)(6) was justified.

4. Recommendations.

[redacted] (b)(5)

5. Point of contact for this memorandum is the undersigned at [redacted] (b)(3), (b)(6) @ [redacted] (b)(2)High and VOIP 243-0024.

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

2LT, MP
Investigating Officer

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 2961; 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: FOB Marz, Mosul Iraq
2. DATE /YYYYMMDD: 20060917
3. TIME: 1457
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/RA
8. ORGANIZATION OR ADDRESS: 1/549th Military Police Company

9. (b)(3), (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On the 17th Day of September, 2006 at 0920, Our element, Enforcer 1-2C, was traveling North on (b)(2)High as the 3rd Vehicle in the convoy. In the truck, included SPC (b)(3), (b)(6) driving, SPC (b)(3), (b)(6) TC, SFC (b)(3), (b)(6) as a passenger, and I was the Gunner. My Squad leader SGT (b)(3), (b)(6) was in the lead vehicle. We passed the (b)(2)High intersection when there was one white car pulling ahead of all the other traffic. At that time which was approx. (b)(2)High away, I started to use (b)(2)High. The car proceeded at a high rate of speed to our right side and crossed lanes to the left as in an attempt to pass us. At that time he was approx. (b)(2)High away and I could not see if there were any passengers in the vehicle. After that quick analysis, I fired 10-15 rounds into the hood and windshield. At that point the vehicle stopped and we proceeded to turn left onto (b)(2)High. We drove up to Lexus and turned around to go back to the car. There we met up with IP's and Traffic Police on site. (b)(3), (b)(6)

Q: 2LT (b)(3), (b)(6)
A: SPC (b)(3), (b)(6)
Q: Was the EOF + ROE briefed prior to SP.
A: Yes, SPC (b)(3), (b)(6) + SPC (b)(3), (b)(6) read from the EOF/ROE Load. WTS
Q: why did you go directly from (b)(2)High to firing your M240B disabling and injuring the passenger?
A: The vehicle was moving at a high speed and by the time I noticed he was ignoring my hand and arm signals, he was approx. (b)(2)High away. At that point I felt threatened and I concluded he was too close to transition to my lowest caliber weapon. I then proceeded to fire on the vehicle into the hood and worked up. The vehicle was still swerving to the left resulting in the round striking the passenger side. (b)(3), (b)(6)

10. EXHIBIT: (b)(3), (b)(6)
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6)
PAGE 1 OF 2 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.

9. STATEMENT (Continued)

Q: What was your thinking when you fired upon the vehicle.
A: I was intending on disabling the vehicle. (b)(3), (b)(6)
Q: Do you have a hand held stop sign and was it accessible?
A: Yes. (b)(3), (b)(6)
Q: Did you use the hand held stop sign during the EOF?
A: No, I opted to just use my (b)(2)High in place of the stop sign. (b)(2)High
Q: Is there anything you would like to add at this time?
A: Yes, we also have a caution stay back sign on the rear of the vehicle. (b)(3), (b)(6)

END OF STATEMENT
(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. 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 17 day of September, 2006 at FOB Marez

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

(b)(3), (b)(6)
(Typed Name of Person Administering Oath)
ART 136(b)(4) of UCMJ
(Authority To Administer Oaths)

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB Marez, Mosul Iraq
2. DATE (YYYYMM): 2006/09/19
3. TIME: 1920
4. FILE NUMBER: (b)(3), (b)(6)
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: O-3/CPT
8. ORGANIZATION OR ADDRESS: 549th Military Police Company, FOB Marez, Mosul Iraq 09334

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

On September 19, 2006 at 0920 hrs vicinity grid (b)(2)High Entrencher 1-2 was traveling north on route (b)(2)High an Escalation Of Force incident happened. I was in the middle vehicle of a 3 vehicle patrol. We were traveling north on route (b)(2)High We had just turned left off of route (b)(2)High We were traveling approximately 20 to 25 miles per hour. When we were approaching the intersection of (b)(2)High SPT (b)(3), (b)(6) team leader for the rear vehicle, informed SPT (b)(3), (b)(6) his gunner had conducted an escalation of force on a white car. SPT (b)(3), (b)(6) gunner for the rear vehicle, fired approximately 10 to 15 rounds with the M240B. The convoy continued and turned left onto route (b)(2)High There was some confusion over the radio as to whether or not shots were fired. SPT (b)(3), (b)(6) informed SPT (b)(3), (b)(6) shots were fired and we needed to turn the patrol around and proceed back to the incident site. Upon arrival at the car, we established a cordon around the vehicle and dismounted to established communication with the driver. The driver and one male child occupant had left the scene. The driver transported the child to a hospital in the Sukar neighborhood. The only remaining occupant was a female, the sister of the male child. We immediately started taking pictures of the site, provided a claims card to her, and gathered contact information for the family. The driver returned to the site about 20 minutes after the incident. The driver, the uncle of the child, was covered in blood. He was extremely upset. He informed the sister that the child was dead. The child died of a gunshot wound to the head. This was confirmed by IPs from Al Ahrar IP station and the Abi Tamam District Chief. The driver informed me that he never saw the US patrol despite the vehicle being clearly marked with the appropriate warning signs.

(b)(3), (b)(6)
END OF STATEMENT
(b)(3), (b)(6)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [NAME] DATED [DATE]
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

007001

9. STATEMENT (Continued)

NOT USED

(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. 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)
Making Statement

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of September, 2006

FOB Marez

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

ORGANIZATION OR ADDRESS

549th MP CO

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

ART 136 (b)(4) of UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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: FOB Marez, Mosul Iraq
2. DATE: 2006/09/19
3. TIME: 1429
4. FILE NUMBER: (b)(3), (b)(6)
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: E-7 / SFC
8. ORGANIZATION OR ADDRESS: Military Police Company, FOB Marez, Mosul Iraq 09334

(b)(3), (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On the 17th of September at 0920 hrs vicinity grid (b)(2)High Enforcer 1-2 was traveling north on route (b)(2)High when an Escalation Of Force incident happened. I was in the trail vehicle, 101 with enforcer 1-2C. the driver was SPC (b)(3), (b)(6) the Gunner was SPC (b)(3), (b)(6) and the team leader was SPC (b)(3), (b)(6) was sitting in the right rear seat. We were traveling north on route (b)(2)High he had just turned left off of route (b)(2)High We were traveling approximately 20 to 25 miles per hour. When we were approaching the intersection of (b)(2)High the gunner, SPC (b)(3), (b)(6) stated "What the fuck is this guy doing?" or something close to that effect, thru the VIC System. I noticed SPC (b)(3), (b)(6) and feet shift position then he fired approximately 10 to 15 rounds with the M240B. SPC (b)(3), (b)(6) asked what happened and SPC (b)(3), (b)(6) replied that he had fired at a vehicle that was approaching at a high rate of speed (b)(2)High AT this time SPC (b)(3), (b)(6) called up to Enforcer 1-2 to relay the incident. The convoy continued and turned left onto route Nissan. There was some confusion over the radio as to whether or not shots were fired. SPC (b)(3), (b)(6) had stated that there was no time for warning shots. At this time I called over the radio to enforcer 1-2 (SPC (b)(3), (b)(6)) and relayed that there were (b)(2)High and that there was no time to (b)(2)High due to the high rate of speed of the approaching vehicle. After the shots were fired the vehicle pulled to the right hand side of the road. Once (b)(2)High we traveled west until there was a turn around, we turned around and proceeded to the scene to cordon off the area and asses the situation. Upon our arrival, the driver and one occupant had left the scene. Investigation revealed that there was a (b)(6) child that was critically wounded. While we were investigating what had happened the driver returned to the scene and stated that the child had died. From where I (b)(3), (b)(6) in the vehicle I had no view to the rear so I do not know what transpired. I only know that (b)(3), (b)(6) shifted then he fired some rounds.

Q: 2LT (b)(3), (b)(6)
A: SFC (b)(3), (b)(6)
Q: Was the vehicle properly equipped with a caution sign on the rear and stop sign on the vehicle.
A: The vehicle has a caution sign on the rear and a (b)(2)High in the vehicle. I don't know if SPC (b)(3), (b)(6) (b)(2)High was in the turret but that is the (b)(2)High (b)(3), (b)(6)
Q: Is there anything else you would like to add at this time?
A: No (b)(3), (b)(6)

END OF STATEMENT

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

10. EXHIBIT
11. INITIALS: (b)(3), (b)(6) IN MAKING STATEMENT
PAGE 1 OF 2 PAGES

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.

007003

B. STATEMENT (Continued)

NOT USED

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

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

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. 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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of September, 2006 at FOB MURZA, Mosul Iraq

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

ART 136 (b) (4) of OCMJ (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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: Fob Marez, Iraq 09334
2. DATE (YYYYMM): 2006 0917
3. TIME: 1410
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: E5/Active
8. ORGANIZATION OR ADDRESS: 549th Military Police Company

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

On 17 Sept 06 at approximately 0920 hrs vicinity grid (b)(3), (b)(6) ENF 1-2 was traveling north on route (b)(2) High as the patrol was turning west onto route (b)(2) High ENF 1-2C (SPC (b)(3), (b)(6)), SP (b)(3), (b)(6) (VR), SPC (b)(3), (b)(6) (NR), and SF (b)(3), (b)(6) (Passenger), the trail vehicle, still on route (b)(2) High engaged one white vehicle. The Team Leader of the vehicle, SP (b)(3), (b)(6) called up the info to ENF 1-2. ENF 1-2C informed me that the white car had rapidly approached the patrol from the rear, there was a little confusion on whether or not there were shots fired from the gunner, SF (b)(3), (b)(6) played to ENF 1-2 that the vehicle had been engaged with 10-15 rounds from the 240B. I then turned the patrol around and went back to the scene, after cordoning off the area and conducting a quick search of the car, ENF 1-2, ENF 6, and ENF 1-7 tactically questioned the passenger of the vehicle and pedestrians. We were informed, and saw that the rounds hit the hood and windshield of the vehicle. One (b)(3), (b)(6) child had been injured and taken to the hospital by some local nationals. At the time we were uncertain of the extent of the injuries of the child, but were informed shortly after that the child was KIA. The driver had been transported to the hospital with the child by the time we arrived back at the scene, but the passenger was still at the site and gave us the information in which we requested. I recorded the driver, child, and passengers name, got a cell phone number, photos of the incident, and issued a claim card to the passenger (b)(3), (b)(6)

Q: 2LT (b)(3), (b)(6)
A: SGT (b)(3), (b)(6)
Q: Was EOP + ROE briefed during the mission brief? By whom?
A: Yes, SPC (b)(3), (b)(6) + BPL (b)(3), (b)(6)
Q: Do your soldiers know to use the Lowest Cal weapon assigned for warning shots?
A: Yes (b)(3), (b)(6)
Q: Is another weapon of smaller caliber accessible to the Gunner?
A: Yes, SPC (b)(3), (b)(6) has an M4 + M249 accessible in the turret (b)(3), (b)(6)
Q: Did you hand out a claims card following the incident?
A: Yes, it was given to the female passenger (b)(3), (b)(6)
Q: Did you talk to the driver of the vehicle upon his return?
A: No, CPT (b)(3), (b)(6) was the only one who talked to the driver (b)(3), (b)(6)
Q: Do you have anything else that you would like to add to this statement?
A: No (b)(3), (b)(6)

END OF STATEMENT
(b)(3), (b)(6)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6)
PAGE 1 OF 2 PAGES

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.

007005

STATEMENT OF

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

TAKEN AT Fob Marez, Iraq

DATED 20060917

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

9. STATEMENT (Continued)

NOT USED

(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. 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 INDUCEMENT.

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

of Person Making Statement

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of September, 2006 at FOB MAREZ, IRAQ 09334

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

of Person Administering Oath

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART. 136(b)(4) of UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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 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 FOB Marez, Mosul Iraq	2. DATE (YYYYMM) 2006 09 17	3. TIME (b)(3), (b)(6) 1347	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 / SFC / BA	
8. ORGANIZATION OR ADDRESS 549 TH MP CO			

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

ON THE 17TH DAY OF SEPT. 2006 SFC (b)(3), (b)(6) (DRIVER), SFC (b)(3), (b)(6) (GUNNER), SFC (b)(3), (b)(6) (PASSENGER), AND I SFC (b)(3), (b)(6) (TC), WERE THE REAR TRUCK OF A THREE VEHICLE CONVOY, HEADING NORTH ON (b)(2)High THE APPROX. SPEED OF THE CONVOY WAS 25 MPH THE TRAFFIC BEHIND OUR TRUCK, WAS BEING HELD BACK ABOUT 100 METERS. BEFORE THE LEAD VEHICLE REACHED THE INTERSECTION, OF (b)(2)High THE GUNNER OF MY VEHICLE (SFC (b)(3), (b)(6)) MADE A REMARK ALONG THE LINE OF "WHAT THE FUCK IS THIS GUY DOING". SHORTLY AFTER THE REMARK WAS MADE I HEARD 10 TO 15 SHOTS FIRED BY THE GUNNER OF MY VEHICLE (SFC (b)(3), (b)(6)). FROM MY POSITION IN THE VEHICLE, AS THE TC, I WAS NOT ABLE TO SEE THE VEHICLE THAT WAS FIRED UPON. THE CONVOY CONTINUED THROUGH THE INTERSECTION, MAKING A LEFT HEADING WEST ON (b)(2)High ONCE THE CONVOY CLEARED THE INTERSECTION, IT WAS SENT UP TO ENFORCER 1:2 (SFC (b)(3), (b)(6)) THAT THE VEHICLE HAD STOPPED THE CONVOY CONTINUED TO THE NEXT INTERSECTION, WHERE WE TURNED AROUND AND RETURNED TO THE SCENE OF WHERE THE VEHICLE HAD STOPPED. ONCE WE ARRIVED, WE SET UP SECURITY WHILE TAKING OUR ASSESSMENTS (b)(3), (b)(6) — SEE NEXT PAGE —

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	(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 INDICATED.

9. STATEMENT (Continued)

Q: 2LT (b)(3), (b)(6)
 A: SPC (b)(3), (b)(6)
 Q: Was the EOF briefed during the mission brief?
 A: Yes (b)(3), (b)(6)
 Q: Who briefed the EOF?
 A: SGT (b)(3), (b)(6)
 Q: How was it briefed?
 A: SPC (b)(3), (b)(6) + SPC (b)(3), (b)(6) read the EOF card + SGT (b)(3), (b)(6) went over it.
 Q: Was the vehicle properly marked with a caution sign back sign?
 A: Yes (b)(3), (b)(6)
 Q: Was there a (b)(2)High in the vehicle?
 A: Yes, to my knowledge it was accessible (b)(3), (b)(6)
 Q: What is the smallest caliber weapon assigned to SPC (b)(3), (b)(6)?
 A: 9mm (M7) (b)(3), (b)(6)

END OF STATEMENT

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. 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.

(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 17 day of September, 2006 at FOB Marez, Mosul, Iraq

 ORGANIZATION OR ADDRESS

 ORGANIZATION OR ADDRESS

(b)(3), (b)(6)
(Signature of Person Administering Oath)
 (b)(3), (b)(6)
(Typed Name of Person Administering Oath)
 ART 136 (b)(4) of UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

PAGE 2 OF 2 PAGES (b)(3), (b)(6)

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: FOB Marez Masul Iraq
2. DATE: 20060917
3. TIME: 1325
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/SPC
8. ORGANIZATION OR ADDRESS: Sygth MP Co

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

On 17 Sep 06 at approx 0920, we were traveling north on (b)(2)High. At this time, at grid (b)(2)High, a white in color vehicle was approaching us from the rear. SPC (b)(3), (b)(6) (gunner), SPC (b)(3), (b)(6) (TC), SFC (b)(3), (b)(6) (passenger), I (Driver) were in the trail vehicle of the three truck convoy. As the first vehicle began to turn west on nissan, I heard my gunner say, "what the fuck is this guy doing" At that time, I had looked into the side mirror to see this car moving into the left lane from the right lane. The vehicle was still too far back for me to identify any personell in the vehicle. At this point, the car was approx (b)(2)High away, where SPC (b)(3), (b)(6) (b)(2)High to motion the vehicle to stop and get back. As I continued to monitor the vehicle, it was not showing any signs of stopping. As it got closer to us, at approx (b)(2)High away, SPC (b)(3), (b)(6) engaged the hood and then windshield of the vehicle with about 10-15, 7.62 rounds. We then called the incident over the radio, and turned back to assess the situation and cordon the area.

Q: ZLT (b)(3), (b)(6)
A: SPC (b)(3), (b)(6) (b)(2)High?
Q: How do you know the gunner used (b)(2)High, but he reported
A: I did not see the Gunner (b)(2)High, but he reported (b)(3), (b)(6) that he (b)(2)High signals after the incident had occurred.
Q: Is your truck have a warning stay back sign located on the rear of your truck?
A: Yes (b)(3), (b)(6)
Q: Was the ROE + EOP briefed prior to SP.
A: Yes (b)(3), (b)(6)
Q: Who briefed the ROE + EOP?
A: SPC (b)(3), (b)(6) (Myself) + SPC (b)(3), (b)(6)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6)
PAGE 1 OF 23 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.

007009

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 FOB Marez DATED 17 Sep 06

9. STATEMENT (Continued)

Q: Do you have anything else to add to this statement?

A: (b)(3), (b)(6)

END OF STATEMENT

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

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

PAGE 2 OF 2 PAGES (b)(3), (b)(6)

9. STATEMENT (Continued)

Not Used

(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 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,

(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 17 day of September, 2006 at FOB Marez

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)

BART 136(b)(4) of UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

Exhibit C

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: FOB Marez, Mosul Iraq
2. DATE: 70060926
3. TIME: 1125
4. FILE NUMBER: (b)(3), (b)(6)
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: 549th Military Police Company

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

Q: What was the spacing of the convoy?
A: About 25-35 meters due to the convoy coming to the intersection. (b)(3), (b)(6)

Q: How far past the Ford / Infinity intersection was your vehicle when you noticed the white car?
A: About 100 meters (b)(3), (b)(6)

Q: Approximately how fast was the car traveling?
A: I dont know, Faster than we were going (b)(3), (b)(6)

Q: Approximately how many seconds passed from the time you first noticed the car until you fired your weapon?
A: About 5 seconds (b)(3), (b)(6)

Nothing follows

10. EXHIBIT: C
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6)
PAGE 1 OF 2 PAGES

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 INDICATED.

Encl u

STATEMENT OF

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

TAKEN AT

FOB Marez

DATED

20060926

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 2. 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

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of Sep 06

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

CPT

(Typed Name of Person Administering Oath)

Investigating Official

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

Exhibit D

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: FOB Marez, Mosul Iraq
2. DATE: 7006 09 26 11 25
3. TIME: (b)(3), (b)(6)
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: 549th Military Police Company

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

Q: CPT (b)(3), (b)(6)
A: SPC (b)(3), (b)(6)

Q: What was the spacing of the convoy?
A: 25 meters (b)(3), (b)(6)

Q: How far past the Ford / Infinity intersection was your vehicle when you noticed the white car and how many meters back was it?
A: We were approx 150meters past the intersection and the car was approx 75 meters back (b)(3), (b)(6)

Q: Approximately how fast was the car traveling?
A: 40mph (b)(3), (b)(6)

Q: Approximately how many seconds passed from the time you first noticed the car until the gunner fired his weapon?
A: 5 seconds (b)(3), (b)(6)

Nothing follows

10. EXHIBIT: D
11. INITIALS: (b)(3), (b)(6) ON MAKING STATEMENT
PAGE 1 OF 2 PAGES

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 INDICATED.

Encl 4

STATEMENT OF (b)(3), (b)(6)

TAKEN AT FOB Marez

DATED 20060926

9. STATEMENT (Continued)

[Large area crossed out with a large X, indicating redacted content]

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. 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,

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of Sept 06 at Fort Meade

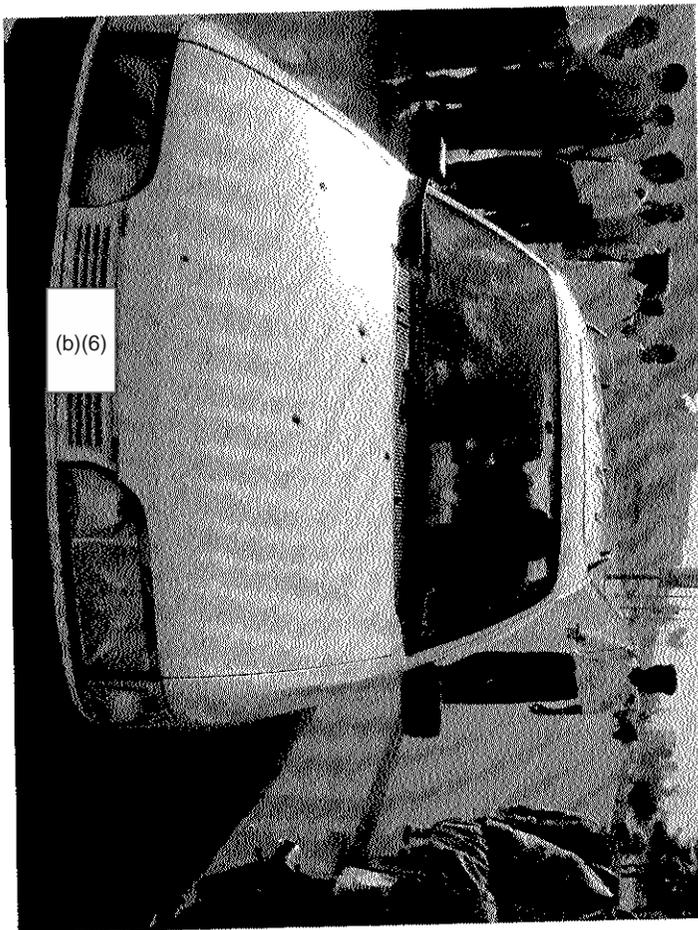
(b)(3), (b)(6)
(Signature of Person Administering Oath)

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

Investigating official
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES



Pages 29 through 31 redacted for the following reasons:

(b)(2)High