

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 F.O.B. WAR HORSE	2. DATE (YYYYMMDD) 20060917	3. TIME 09:15	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS BTRDP 2/9 CAV 3RD ACDT 4TD			

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

ON 10 JULY 2006 MY TROOP WAS IN SUPPORT OF A RAID WITH ALPHA Co. 1-68 AR. OUR MISSION WAS TO SET UP BLOCKING POSITIONS ACROSS THE RIVER DURING THE RAID. UPON MOVEMENT TO THE BLOCKING POSITIONS ONE OF OUR TRUCKS (B12A) WAS STRUCK ON A SMALL FARM ROAD WITH A PRESSURE PLATE I.E.D., AND AS A RESULT THE TRUCK WAS DESTROYED AND THE DRIVER WAS MED EVACATED. AFTER THE AREA WAS SEARCHED ONE AK-47, MILITARY BINOCULARS, AND MISC. POUCHES WERE FOUND. MY PFC **(b)(3), (b)(6)** BEGAN QUESTIONING LOCAL NATIONALS IN THE AREA AND HE FOUND FROM TWO DIFFERENT GROUPS OF PEOPLE THAT THE LANDOWNER **(b)(3), (b)(6)** WHERE THE I.E.D. TOOK PLACE WAS SEEN GOING DOWN THE SAME ROAD AFTER WE HAD LEFT THE PRIOR DAY SCOUTING THE BLOCKING POSITIONS. ONE OF THE MEN AGREED TO TAKE US TO THE LANDOWNERS HOUSE. WE WENT TO THE HOUSE WITH FOUR MI114S AND BEGAN TO SEARCH THE HOUSE. PFC **(b)(3), (b)(6)** WAS PULLING LOCAL SECURITY BY HIS TRUCK WHEN HE SPOTTED A MAN RUN FROM A FIELD BEHIND THE HOUSE BEING SEARCHED, ACROSS THE DIRT ROAD AND INTO THE CANAL. PFC **(b)(3), (b)(6)** GUNNER SPC **(b)(3), (b)(6)** REPORTED TO ME WHAT THEY HAD SEEN AND I CALLED MY PL, **(b)(3), (b)(6)** AND HE GAVE ME PERMISSION TO TAKE MY TRUCK AND SPC **(b)(3), (b)(6)** TRUCK TO GO CHECK IT OUT. WE TOOK TWO TRUCKS WITH A GUNNER AND

10. EXHIBIT G	PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 3 PAGES
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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.

STATEMENT OF (b)(3), (b)(6) TAKEN AT F.OTS WAR HORSE DATED 17 SEP 2006 RPW

9. STATEMENT (Continued) (b)(3), (b)(6)

DRIVER AND WENT TO THE SPOT WHERE HE WAS SEEN GOING INTO THE CANAL BRUSH. SHORTLY AFTER WE APPROACHED THE MAN JUMPED BACK ONTO THE ROAD ABOUT 70-80 METERS IN FRONT OF US. WE MOTIONED FOR HIM TO COME TO US AND HE STARTED RUNNING THE OTHER WAY OUR DRIVERS HAD STARTED TO CHASE AFTER HIM AND WE CALLED THEM BACK SO THAT WE COULD FOLLOW HIM IN THE TRUCKS. THE MAN RAN DOWN THE ROAD AND CROSSED THE FENCE BACK INTO THE FIELD AS WE PULLED UP OUR DRIVERS GOT OUT AND THE MAN CONTINUED TO RUN, AT THAT POINT SPC (b)(3), (b)(6) FIRED THE FIRST WARNING SHOT AND THE MAN CONTINUED TO RUN. THE DRIVERS SPC (b)(3), (b)(6) AND PFC (b)(3), (b)(6) CROSSED THE FENCE AND CONTINUED TO CHASE AFTER HIM. THE MAN WAS RUNNING BY A FARMER IN THE FIELD WHEN THE FARMER CAUGHT AND WRESTLED HIM TO THE GROUND. OUR DRIVERS CAUGHT UP AND ASSUMED CONTROL OF THE MAN AND BROUGHT HIM BACK ACROSS THE FIELD. AS THEY WERE CROSSING THE FENCE THE MAN BROKE FREE AND AGAIN TOOK OFF DOWN THE ROAD, BOTH SPC (b)(3), (b)(6) AND PFC (b)(3), (b)(6) FIRED WARNING SHOTS AND THE MAN KEPT RUNNING, DRIVERS STILL CHASING. UNDER THOSE CIRCUMSTANCES I WANTED TO KEEP A VISUAL ON WHAT WAS HAPPENING SO I TOLD SPC (b)(3), (b)(6) THAT WE WOULD GET OFF THE GUNS AND DRIVE THE TRUCKS TO FOLLOW THE GUYS. WHEN WE PULLED UP TO WHERE THEY LEFT THE ROAD I TOLD SPC (b)(3), (b)(6) TO GET BACK ON THE GUN AND WATCH THE TRUCKS AND I WAS GOING TO FIND THE DRIVERS. WHILE WE WERE DRIVING THE TRUCKS I HEARD OVER THE RADIOS THAT THE GUYS SEARCHING THE HOUSE WERE FINDING WEAPONS AND I.E.D MATERIALS. SHORTLY AFTER I LEFT THE TRUCKS AND RAN INTO THE FIELD ONE OF THE APACHE'S ON THE AIR WEAPONS TEAM FIRED A SIX OR SEVEN ROUND BURST AT THE MAN RUNNING. RIGHT AFTER THAT OUR DRIVERS CAME OUT OF THE WOODS TOWARDS ME. I MET WITH THEM AND TOLD THEM THAT WE WOULD GO CHECK OUT THE AREA

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

STATEMENT OF

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

TAKEN AT

F.O.B WAR HORSE

DATED

17 SEP 2006 RPN

9. STATEMENT (Continued)

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

WHERE THE APACHE HAD FIRED, AT THE TIME I DID NOT KNOW THAT THEY WERE WARNING SHOTS. AS WE CAME OUT OF THE WOODS, ONE OF THE APACHES FLEW OVER AND POINTED TOWARD A GRAPE ORCHARD. THE DRIVERS AND I CROSSED THE FIELD AND AS WE APPROACHED THE ORCHARD I TOLD THE GUYS TO SPREAD OUT AND LOOK FOR HIM (THE RUMMER). WE MADE IT THROUGH THE ORCHARD AND INTO A SIDE YARD AND WE SAW ONE OF THE AIR WEAPONS TEAM HOVERING ABOUT 30 METERS TO OUR RIGHT. I LED THE GUYS THROUGH A GATE INTO A SMALL STREET WHERE WE AGAIN SAW THE MAN UNDERNEATH THE APACHE. WE THEN FIRED WARNING SHOTS TOWARD THE GROUND SO AS NOT TO ENDANGER THE APACHE. THEN HE RAN INTO A COURT YARD WHERE WE CHASED HIM, HE CONTINUED TO RUN SO I TOLD THE GUYS TO SHOOT HIM. WE FIRED AND HE WENT DOWN SO WE APPROACHED AND CLEARED THE AREA. I THEN TOLD THE DRIVERS TO GO BACK AND GET THE TRUCKS AND I STAYED AND PERFORMED FIRST AID. THE TRUCKS ARRIVED, WE LOADED HIM IN ONE OF THE TRUCKS AND TOOK HIM BACK TO THE HOUSE WHERE WE GOT TWO MEDICS TO HELP HIM BUT HE SHORTLY DIED PROBABLY OF SHOCK. THE HOUSE WAS FOUND TO HAVE MULTIPLE WEAPONS, HAND HELD RADIOS, TIMERS, BATTERIES, AND OTHER WEAPONS GEAR.

(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 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)

(Statement)

WITNESSES:

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

A# 1-68 CAB

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of SEPTEMBER 2006 at F.O.B WAR HORSE

(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

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 F.O.B. WAR HORSE	2. DATE 17 SEPT 2006	3. TIME 09:10	4. FILE NO.
5. NAME (Last, First, MI) (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS B TROOP 2/9 CAV		
6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E-5		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army _____ and wanted to question me about the following offense(s) of which I am suspected/accused: _____

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything. (b)(3), (b)(6)
 2. Anything I say or do can be used as evidence against me in a criminal trial. (b)(3), (b)(6)
 3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. (b)(3), (b)(6)
- or -
- (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. (b)(3), (b)(6)

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)	3. SIGNATURE OF INTERVIEWEE (b)(3), (b)(6)
1a. NAME (Type or Print) (b)(3), (b)(6)	4. SIGNATURE OF INVESTIGATOR (b)(3), (b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE ACU 1-68 CAB F.O.B. Warhorse 676-5393	
2a. NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR (b)(3), (b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer
 I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

Page 5 redacted for the following reason:

Nonresponsive

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).
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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 <i>Feb War Horse</i>	2. DATE (YYYYMMDD) <i>20060717</i>	3. TIME <i>0715</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME <i>(b)(3), (b)(6)</i>	6. SSN <i>(b)(3), (b)(6)</i>	7. GRADE/STATUS <i>E-4</i>	

8. ORG (b)(3), (b)(6) / DIV OR ADDRESS (b)(3), (b)(6) *B-2-9 Cav 3, HBct, 4ID*

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

On 10 July 06 1st Plt Bravo throp was conducting a Blocking Postion for an ALPHA company 168 Raid. During the setup for the Blocking Postion one of our trucks was Hit Bran I.E.D. on a secondary Road leading to there assinged Postion. We Continued on to our blocking Postion's. Red ALPHA was the section I was In. Red Bravo went to search an adjoining house. there they found Weapon's and the location of the man who owned the field where the I.E.D. was placed. they said the day Before after we did a Reconmission He went Down the Road. after the Raid was completed we went to the owner of The field's house. Myself Sgt webb in one Humvee and Pfc *(b)(3), (b)(6)* and SPC *(b)(3), (b)(6)* were Providing Security to the search of the owner of the field's house. Pfc *(b)(3), (b)(6)* Saw a man Jump across the Canal He told His Gunner SPC *(b)(3), (b)(6)* what He saw we called it up to our Platoon leader 2 Lt *(b)(3), (b)(6)* We went to the Spot were we saw Him Jump the canal. we looked around the area and saw the man UP Puther Down the Road. About 75 to 100 meters From where we Saw Him Jump the canal He Ran ~~to~~ we Pfc *(b)(3), (b)(6)* gave order's For Him to stop in arabic. He contand to Run I fired a warning

10. EXHIBIT <i>H</i>	11. INITIALS OF PERSON MAKING STATEMENT <i>(b)(3), (b)(6)</i>	PAGE 1 OF <i>2</i> PAGES
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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.

STATEMENT OF eticles Frank

TAKEN AT FOB Warhorse DATED 17 Sept 06

(b)(3), (b)(6)
9. STATEMENT (Continued)

Shot and he still continued to run. we gave chase myself and PFC (b)(3), (b)(6) and we went into a field where the man ran into. It was gated by barbed wire fence. We found an entrance in the fence and saw the man being detained by a local national. We took (b)(3), (b)(6) custody as he was going through the fence he broke free and started running. myself and PFC (b)(3), (b)(6) gave (b)(3), (b)(6) a warning shot each as the man now on the road continued to flee. He was 50 meters or so up the road and after the warning shots he cut into another field. we entered and came up to a wood line one of the arches shot warning shot's, 5 to 6 rounds burst. we searched around the orchard and (b)(3), (b)(6) started hovering over an area and we followed we saw the man again we yelled more verbal command's to stop. we fired one warning shot each. He continued to run. (b)(3), (b)(6) said "Shot to stop" we fired one round each and hit the (b)(3), (b)(6) in the knee and buttock. Sgt Webb applied immediate first aid as myself and (b)(3), (b)(6) PFC (b)(3), (b)(6) went back to get the truck's. we drove him to our medic's and the treated him. He died before the medic's arrived.

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:

(b)(3), (b)(6)
A-1-6 & CAB
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

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

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

UCMJ 136
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

Page 8 redacted for the following reason:

Nonresponsive

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 <i>Fob warehouse</i>	2. DATE <i>17 sept 06</i>	3. TIME	4. FILE NO.
5. NAME (Last, First, MI) <i>(b)(3), (b)(6)</i>	8. ORGANIZATION OR ADDRESS <i>13 Sep 1-9 cav</i>		
6. SSN <i>(b)(3), (b)(6)</i>	7. GRADE/STATUS <i>E4 Active</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything *(b)(3), (b)(6)*
- Anything I say or do can be used as evidence against me in a criminal trial *(b)(3), (b)(6)*
- (For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both *(b)(3), (b)(6)*

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below *(b)(3), (b)(6)*

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE <i>(b)(3), (b)(6)</i>	
1a. NAME (Type or Print) <i>(b)(3), (b)(6)</i>		4. SIGNATURE OF INVESTIGATOR <i>(b)(3), (b)(6)</i>	
b. ORGANIZATION OR ADDRESS AND PHONE <i>A Co 1-68 CAB FOB Warehouse 676-9353</i>		5. TYPED NAME OF INVESTIGATOR <i>(b)(3), (b)(6)</i>	
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR	
b. ORGANIZATION OR ADDRESS AND PHONE			

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

SWORN STATEMENT

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1. LOCATION FOA Warehouse	2. DATE (YYYYMMDD) 20060917 (b)(3), (b)(6)	3. TIME 0915 (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/Active	
8. ORGANIZATION OR ADDRESS B Tro 2-9 CAV 3rd HBT 4ID			

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

On the morning of July 10, 2006, my Platoon, 1st PLT B Tro 2-9 CAV, conducted blocky positions for A co 1-68 raid on a village. Upon entry to the blocky positions, Red 2 (lead vehicle at the 1st Blocky position) got hit with an IED while moving into position. One element of the mission team while the crew of Red 2 was being tended to. A blackhawk flew in and evaded one soldier, SPC (b)(3), (b)(6) from the incident. After we were released from our blocky positions we proceeded to inspect with the site and secure the area. Upon the setup of extending the 360° with more vehicles it was learned that our platoon sgt had searched the platoon house(s) across the street from the (b)(3), (b)(6) Red 2 vehicle. Red 4 had found weapon and magazines, along with info on the (b)(3), (b)(6) owner of the land, where he lived, and he was there the day prior after a patrol secured the area. The LT along with Red 5, Red 6, and my truck (Red 7) took the individuals seen to show us the house where the owner lived, it was just a few hundred feet next to a dug up canal in a group of houses where he lived. We were the rear vehicle and when the patrol pulled up to garden and road of the target house and surrounding houses. We were positioned facing NE down a dirt road parallel to the canal, which my driver, PFC (b)(3), (b)(6) looked down and I faced south down the dirt road and across it.

10. EXHIBIT I	11. IN (b)(3), (b)(6) N MAKING STATEMENT	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
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STATEMENT OF SPC (b)(3), (b)(6) TAKEN AT (b)(3), (b)(6) ~~DATE~~ FOB Wehose DATED 2006 09 17 Wehose

9. STATEMENT (Continued) (b)(3), (b)(6)

After 5 min the patrol had the leadowner and was taking to him while searching his house and clearing. My driver noticed an individual running across the dirt road about 200 meters down. I called it up to the LT and then the Red 16 (SGT (b)(3), (b)(6)) asked to go check it out. So then I volunteered myself was to find the guy. We pulled up and my driver and SPC (b)(3), (b)(6) (Red 10) got out and looked in the brush in the canal. Roughly 75-100 meters down the guy popped out of the canal and looked at us. I signaled for him to come to us, that when he started running. We yelled and SPC (b)(3), (b)(6) fired a warning shot, but the guy kept running. I called the drivers back and we drove down to a field where the person ran into through a fence. The drivers dismounted and took chase as me and SGT (b)(3), (b)(6) pulled sideways. The person ran by LW's which stopped and held him for our drivers to get. They got the guy and was being him back when he broke free and took off. One or 2 more warning shots happened as he chased him into another field. Time and SGT (b)(3), (b)(6) jumped down and drove the trucks down to the next field. At that point we lost visual of them and SGT (b)(3), (b)(6) then dismounted to get them back. During the time that both me and SGT (b)(3), (b)(6) were in the trucks we came across the net that weapons and IED materials had been found. While the drivers (b)(3), (b)(6) and SGT (b)(3), (b)(6) were with the ground the Apache that was hovering called over the net that he was going to shot warning shots I yelled or bled as I could but as soon as I finished the Apache fired a 6-7 round burst. After a few min I had sent the BIT rep and grid to the LT. Then down the road 300 meters the drivers popped out and ran back to the trucks. They said that they had the guy and he was just down the road on the side.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(3), (b)(6) TAKEN AT ~~OTIS~~ ^{(b)(3), (b)(6)} DATED 20060917
FOB Warhorse

9. STATEMENT (Continued) (b)(3), (b)(6)

(b)(3), (b)(6) I was the lead vehicle as we drove down the road, once we reach were SGT (b)(3), (b)(6) was I notice he was doing first and was the person. We pulled up turned around and SGT (b)(3), (b)(6) and LNV's helped load the guy into my truck. We headed back down to the Home of Interest, and had the guy pulled out and checked by medics and then pronounced dead. We then placed him in a body bag and dropped him off at the closest I A checkpoint.

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

WITNESSES:

(b)(3), (b)(6)
A-1-68 CAP
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of Sept, 2006 at FOB Warhorse

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

(b)(3), (b)(6)
(Typed name of person Administering Oath)
UCMU 136
(Authority To Administer Oaths)

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

Page 13 redacted for the following reason:

Nonresponsive

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOP5

DATA REQUIRED BY THE PRIVACY ACT

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1. LOCATION FOB Warhorse	2. DATE 20060917	3. TIME	4. FILE NO.
5. NAME (Last, First, MI) [Redacted] (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS BT, 2-4 CAU		
6. SSN [Redacted] (b)(3), (b)(6)	7. GRADE/STATUS E-4/Active		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army _____ and wanted to question me about the following offense(s) of which I am suspected/accused: _____

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any question or say anything. [Redacted] (b)(3), (b)(6)
- Anything I say or do can be used as evidence against me in a criminal trial. [Redacted] (b)(3), (b)(6)
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. [Redacted] (b)(3), (b)(6)

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below. **Went**

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)		3. [Redacted] (b)(3), (b)(6)
1a. NAME (Type or Print) [Redacted] (b)(3), (b)(6)	b. ORGANIZATION OR ADDRESS AND PHONE Ac 1-68 CAU FOB Warhorse G 76-9353	4. SIGNATURE OF INVESTIGATOR [Redacted] (b)(3), (b)(6)
2a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR [Redacted] (b)(3), (b)(6)
		6. ORGANIZATION OF INVESTIGATOR

Section C. Non-waiver

1. I do not want to give up my rights
 I want a lawyer I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

slw