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AR 15-6 Investigation Approval

Purpose: To obtain Commanding General's approval of AR 15-6 investigation regarding an escalation of force by members of the 65th MP Co. on Route (b)(2) High on 26 March 2005 which resulted in the wounding of a local national and the death of another.

Recommendation: That the Commanding General approve the findings and recommendations.

Summary of Investigating Officer's Findings and Recommendations: The investigating officer found that on 26 March 2005 elements of the 65th MP Co. were southbound on Route (b)(2) High when their convoy was approached from behind by a suspicious vehicle. The unit stopped the vehicle by blocking the road and passing lane. SSG (b)(3), (b)(6) approached the vehicle and told the occupants in both English and Arabic to exit their vehicle. The occupants refused and instead accelerated towards SSG (b)(3), (b)(6) and his vehicle. SSG (b)(3), (b)(6) showed his weapon, an M4, and fired warning shots in an attempt to get the vehicle to stop. When it did not, he shot at the right front tire, causing it to go flat. The vehicle continued and SSG (b)(3), (b)(6) shot out the right rear tire. The driver continued to attempt to accelerate and appeared to be attempting to flee. SSG (b)(3), (b)(6) then shot out the left rear tire. At this point the driver turned back towards the patrol at which point SPC (b)(3), (b)(6) engaged the vehicle with (b)(2) High fire directed into the grill in an attempt to disable the engine. Due to the car's speed, the rounds were walked towards the rear of the car and it caught fire. The car stopped and the two occupants were pulled from the burning vehicle, which was pushed off the road. The passenger was dead when pulled from the vehicle. The driver was wounded and a medevac flight was called in to airlift him for medical attention. The IO found that the soldiers involved followed the rules of engagement and that their use of deadly force was justified. He recommends that no further action be taken and that the matter be closed.

Requested Action: That the Commanding General initial by on the word "Approved" on the enclosed action, sign the enclosed action, and sign the enclosed DA Form 1574.



**HEADQUARTERS
MULTI-NATIONAL CORPS - IRAQ
BAGHDAD, IRAQ
APO AE 09342**

REPLY TO
ATTENTION OF

FICI-JA-AL

7 June 2005

MEMORANDUM FOR Commanding General, Multi-National Corps – Iraq, Camp
Victory, Iraq, APO AE 09342

SUBJECT: Legal Review of AR 15-6 Investigation

1. This office has reviewed the Report of Proceedings of the Investigating Officer concerning the escalation of force by an element of the 65th MP Company on or about 26 March 2005 which resulted in the death of a local national and finds it to be legally sufficient.

a. The findings of the Investigating Officer are supported by a preponderance of the evidence as contained in the exhibits.

b. There were no material errors present which would affect the findings and recommendations.

c. The actions taken during this proceeding comply with legal and procedural requirements of AR 15-6.

d. The recommendation of the Investigating Officer is consistent with the findings.

2. Recommend you approve the findings and recommendations by signing the enclosed action and at the signature line of Section VIII, DA Form 1574. This office will complete the necessary strikeouts consistent with your signed action.

3. POC for this action is CPT (b)(3), (b)(6) at (b)(3), (b)(6) @iraq.centcom.mil or DSN (b)(2)

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

Encl
as

COL, JA
Staff Judge Advocate

006456

AR 15-6 Report of
Investigation,
Escalation of Force on
26 March 2005 Which
Resulted in the Death of
a Local National

65th MP Co.

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 LTG JOHN R. VINES, COMMANDER, MNC-I, CAMP VICTORY IRAQ, APO AE 09342
(Appointing authority)

on 29 MAY 2005 *(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 CAMP VICTORY at 1500
(Place) (Time)

on 29 MAY *(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 1400 on 2 JUN 2005
(Time) (Date)
 and completed findings and recommendations at 1600 on 3 JUN 2005
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

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

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.

006458

2	Exhibits (para 3-16, AR 15-6)	YES	NO ¹⁾	NA ²⁾
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
	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?	X		
	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)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
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)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
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)?			
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?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate –			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
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)?			
	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)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	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?			
	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)?			
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?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
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?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
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)?			
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)?			

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:

That O/A 26 March 2005 at about 1805 hours, elements of the 65th MP Co were south bound on MSR (b)(2)Hig when their convoy was approached from the rear by a suspicious vehicle. The unit attempted to stop the vehicle. The lead vehicle blocked the passing lane and SSG (3), (b)(4) exited. He informed the occupants of the vehicle both in Arabic and English to exit the vehicle. The occupants refused and accelerated towards SSG (3), (b)(4) and his vehicle. SSG (3), (b)(4) showed his weapon, an M4 rifle, and fired warning shots in an attempt to get the vehicle to stop. When the vehicle continued, he proceeded to fire at the vehicle's tires, blowing out both rear tires. The vehicle then crossed the median and turned north in an attempt to flee. The vehicle then turned again back toward the median, again heading towards the convoy. The other members of the convoy began to fire, including the (b)(2)Hig gunner in one of the turrets, in an attempt to disable the vehicle. The fire was directed at the grill of the car but due to the speed and angle, the rounds walked across the car, eventually setting it on fire. The two men inside were pulled clear with the driver being wounded and the passenger dead at the scene. A MEDEVAC was called in and the wounded local national was flown to treatment. The deceased passenger's body was turned over at the scene to the Iraqi Highway Patrol.

All the evidence reviewed to include reports from the unit and CID (exhibits 2,3,4), photographs and sketches (exhibits 5-9) and the sworn statements of those involved (exhibits 10-15) demonstrate clearly that the local nationals acted in a manner that a reasonable person would have concluded as suspicious. They also refused to comply with both verbal commands, gestures and warning shots to stop and get out of the vehicle. Once the driver waved off the commands to stop and exit the vehicle, he accelerated forward directly toward the lead vehicle of the convoy. At this time, the unit, IAW exhibit 1 (Annex E, (Rules of Engagement) to GFRAGO 313 Transition of Authority, Multi-National Corps - Iraq), defended themselves.

In regards to the escalation of force by an element of the 65th MP Company on 26 May 2005, which resulted in the death of a local national, I find no fault or wrongdoing in the procedures followed by the soldiers IAW exhibit 1.

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

In view of the above findings, the (investigating officer) (board) recommends:
No further action be taken and the investigation be concluded.

006460

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.)

_____	(b)(3), (b)(6)
(Recorder)	(b)(3), (b)(6) MAJ, AV
_____	Investigating Officer) (President)
(Member)	(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.)



JOHN R. VINES
Lieutenant General, USA
Commanding

006461



REPLY TO
ATTENTION OF

HEADQUARTERS
MULTI-NATIONAL CORPS - IRAQ
BAGHDAD, IRAQ
APO AE 09342

FICI-CG

29 May 2005

MEMORANDUM FOR MAJ (b)(3), (b)(6) MNC-I C3 Air, Camp Victory, Iraq APO AE
09342

SUBJECT: Appointment of AR 15-6 Investigating Officer

1. You are appointed as an investigating officer to conduct an investigation into the facts and circumstances surrounding an escalation of force by an element of the 65th MP Company on or about 26 March 2005 which resulted in the death of a local national. You have been previously provided with a preliminary CID investigation of this incident. You will conduct the investigation IAW AR 15-6.
2. Your duties as an investigating officer will take priority over other duties. You will use the informal investigation procedures detailed in AR 15-6, chapter 4. You will make specific findings of facts that are supported directly by the documented evidence or reasonably based upon circumstantial evidence. Based upon all factual findings and conclusions, you will make recommendations on all relevant issues you identify in the course of your investigation.
3. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under Article 31, UCMJ. Rights warnings and waivers will be documented on DA Form 3881. If during an interview you begin to suspect criminal conduct on the part of the witness, you must stop the interview and advise the individual of his or her rights under Article 31, UCMJ.
4. Whenever possible, witness statements will be sworn and recorded on DA Form 2823. If you conduct any witness interviews telephonically, you will prepare a memorandum for record memorializing the interview. Prepare your report using DA Form 1574. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered as a basis for your findings and recommendations. Submit the original report through command channels to me through the Office of the Staff Judge Advocate, MNC-I, no later than 14 days after your receipt of this memorandum. Any requests for extension must be submitted in writing or by email through your legal advisor to the OSJA.

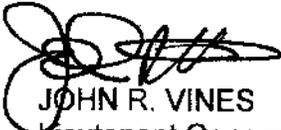
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FICI-CG

SUBJECT: Appointment of AR 15-6 Investigating Officer

5. You have ~~already received~~ an initial legal briefing. If you require additional guidance, contact CPT [redacted] (b)(3), (b)(6) Administrative Law, Office of the Staff Judge Advocate, MNC-I, DSN [redacted] (b)(2)

Encl
as


JOHN R. VINES
Lieutenant General, USA
Commanding

EXHIBITS LISTING:

1. Appendix 4 to Annex C to MNC-I Operations Order 05-02 (ROE for US Forces)
2. 18th MP BDE Blue 3 Report
3. CID Investigation Report
4. Patrol Debrief
5. Overall Site Sketch
6. Sketches of Sequence of Events (8)
7. Sketch of Direction of Fires
8. Photos of Vehicle (2)
9. CD of Scene Photos
10. Sworn Statement of SSG
11. Sworn Statement of SGT
12. Sworn Statement of SGT (b)(3), (b)(6)
13. Sworn Statement of SPC
14. Sworn Statement of SGT
15. Memorandum for Record

ANNEX E (RULES OF ENGAGEMENT) TO FRAGO 313 TRANSITION OF AUTHORITY, MULTI-NATIONAL CORPS – IRAQ

(U) References:

(b)(1)1.4a, (b)(1)1.4b

b. (U) CJCSI 3121.01a 15 JAN 00 Standing Rules Of Engagement (SROE)

c. (U) USCINCCENT 081600ZNOV95 USCENTCOM Annex To Ref B (CJCSJ 3121.01a) USCENTCOM Theater-Specific ROE

(b)(1)1.4g

(b)(1)1.4a, (b)(1)1.4b

(b)(1)1.4a, (b)(1)1.4b

(b)(1)1.4a

(b)(1)1.4c

i. (U) EXECUTIVE ORDER 11850

(b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a, (b)(1)1.4b

(b)(1)1.4a, (b)(1)1.4b

~~(S//REL TO USA AND MCFI)~~

**ANNEX E (RULES OF ENGAGEMENT) TO FRAGO 313 TRANSITION OF
AUTHORITY, MULTI-NATIONAL CORPS – IRAQ**

(b)(1)1.4c

(b)(1)1.4a

p. (U) FRAGO 767 [BORDER OPERATIONS] CJTF-7 OPORD 03-036

(b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

t. (U) FRAGO 1017 [26 OCT03 DTU] TO CJTF-7 OPORD 03-036

(b)(1)1.4a, (b)(1)1.4b

(b)(1)1.4a, (b)(1)1.4b

(b)(1)1.4a, (b)(1)1.4b

x. (U) FRAGO 200 [ROE CLARIFICATION] TO CJTF-7 OPORD 04-01

**y. (U) FRAGO 507 MOD 1 TO FRAGO 200 [RULES OF ENGAGEMENT
(ROE) CLARIFICATION FOR CONVOYS AND TACTICAL CONTROL POINTS
(TCP)] TO CJTF-7 OPORD 04-01**

(b)(1)1.4a, (b)(1)1.4b

**aa. (U) FRAGO 581 DECLARATION FOR MAHDI ARMY AS A HOSTILE
FORCE TO CJTF-7 OPORD 04-01**

~~(S//REL TO USA AND MCFI)~~

ANNEX E (RULES OF ENGAGEMENT) TO FRAGO 313 TRANSITION OF AUTHORITY, MULTI-NATIONAL CORPS – IRAQ

bb. (U) FRAGO 587 [RESOLUTE SWORD] TP CJTF-7 OPO RD 04-01

cc. (U) FRAGO 591 [07APR04 DTU] TO CJTF-7 OPO RD 04-01

dd. (U) FRAGO 608 MOD 1 TO FRAGO 581 [DECLARATION OF MAHDI ARMY AS A DECLARED HOSTILE FORCE] TO CJTF-7 OPO RD 04-01

(b)(1)1.4a, (b)(1)1.4b

ff. (U) FRAGO 119 [OPERATION LION'S PARTNERSHIP] TO MNC-I OPO RD 04-01.

(b)(1)1.4a

(b)(1)1.4a

ii. (U) MNF-I FRAGO 032 [DELEGATION OF AUTHORITY FOR TIER LEVEL III CDE LOW TO MNC-I COMMANDER]

- 1. SITUATION. [NO CHANGE].
- 2. MISSION. [NO CHANGE].
- 3. EXECUTION.

3.a. General Guidance

(b)(1)1.4a, (b)(1)1.4b

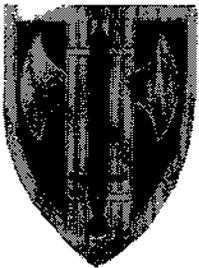
(b)(1)1.4a, (b)(1)1.4b

(b)(1)1.4a, (b)(1)1.4b

Pages 15 through 31 redacted for the following reasons:

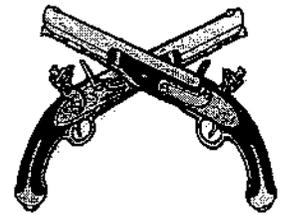
(b)(1)1.4a, (b)(1)1.4b

(b)(1)1.4a, (b)(1)1.4b, (b)(1)1.4c



UNCLASSIFIED

~~SECRET REL TO USA AND MCFI~~



**18TH MILITARY POLICE BDE
BLUE-3 SPOT REPORT
BRIGADE CONTROL 050326-5**

262005CMAR05
261805CMAR06

LINE 1: SIZE: 1 Vehicle

LINE 2: ACTIVITY: LN vehicle attempting to enter convoy

LINE 3: LOCATION: (b)(2)High

LINE 4: UNIT/GROUP ID: UNK

LINE 5: TIME: 261805CMAR05

LINE 6: EQUIPMENT: UNK

LINE 7: SOURCE OF REPORT: 65 MP CO (ABN)

LINE 8: REPORTING UNIT: 503rd MP BN (ABN)

LINE 9: POC AND TELEPHONE: CPT (b)(3), (b)(6) @ VOIP (b)(2)
(b)(3), (b)(6) @id3.army.smil.mil

LINE 10: ACTION TAKEN: While traveling south on (b)(2)High an element of the 65th MP CO (ABN) (b)(6) observed a vehicle attempting to enter into their convoy. A warning shot from an M-4 was fired at the vehicle. The LN vehicle attempted to hit the patrol and (b)(6) fired an unknown amount of rounds from the M249 (b)(2)High into the engine compartment of the LN vehicle. The LN vehicle immediately caught fire and came to a rest. (b)(6) dismounted, secured the area and removed 2 LNs from the burning vehicle. (b)(6) arrived on scene to assist with security. (b)(6) requested MEDEVAC and established an LZ. The Medic on scene declared, 1 LN KIA and 1 LN WIA. (b)(6) and (b)(6) were requested for support on scene. More to follow.

BC _____ DBC _____ CSM _____ S3 _____ PMO _____ S1 _____ S2 _____ S4 _____ CLD _____ CHAP _____

~~SECRET REL TO USA AND MCFI~~

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UPDATE: 1 LN MEDEVACed to 86th CSH. (b)(6) departed scene after MEDEVAC lifted off. Ripcord 21, notified IHP to recover the burning vehicle and the 1 LN KIA. (b)(6) cleared the scene and returned to FOB Kalsu.

UPDATE: 262045CMAR05; LN vehicle was extinguished and pushed to the shoulder of the MSR. IHP could not recover the vehicle due to the heat of the vehicle. All elements cleared scene. (b)(6) reported to TOC for debrief. More to follow...

UPDATE: 262100CMAR05: (b)(6) patrol is traveling southbound out of the IHP station in the center of the road. (15-20mph) (b)(6) calls in a (b)(6) 4 dr sedan speeding toward the patrol. Vehicle attempts to pass on the left side. (b)(6) lead vehicle, turns his vehicle toward the median, canting his vehicle to box the car in. (b)(6) Squad Leader gets out of his vehicle and begins hand and arm signals for the vehicle to stop. (b)(3), (b)(6) shouts in both Arabic and English for the vehicle to stop. Squad Leader shows his M4 and the vehicle begins to slow (2 male occupants). Squad Leader starts hand and arm signals for the individuals to get out of the vehicle when the driver waives him off and accelerates. At this time the Squad Leader identifies the threshold line being crossed as it appears the vehicle is going to ram him, and fires 1 warning shot (b)(2)High into the ground in front of the vehicle. Driver accelerates the vehicle and the Squad Leader fires 2 rounds (b)(2)High into the front right tire. The driver accelerates the vehicle again and angles toward the opening between the M1114 and the median and the Squad Leader fires 3 rounds (b)(2)High into the RR tire. Driver crosses the median and the Squad Leader fires 2-3 rounds (b)(2)High into the LR tire. (b)(6) (Team Leader) dismounts and goes to the back of his vehicle. The sedan cant again toward the patrol from the north bound lane, and (b)(6) fires 3 rounds of M4 (b)(2)High into the engine block, not stopping the vehicle. (b)(6) tells his gunner to fire the M2 into the engine block to stop the vehicle. (b)(6) gunner fires 10-15 rounds of (b)(2)High into the hood of the vehicle. Vehicle stops and catches on fire in the trunk area. The Squad Leader calls cease fire. (b)(6) arrives and asks the Squad Leader for a brief. After a quick brief, (b)(6) states to get occupants out of the vehicle. (b)(6) Security Team tried to put the fire out and (b)(6) pulls the driver out and the Squad Leader pulls out the passenger. Both are dragged to within (b)(6) m of

BC _____ DBC _____ CSM _____ S3 _____ PMO _____ S1 _____ S2 _____ S4 _____ CLD _____ CHAP _____

the IHP. The 65 medic begins first aid. LN driver sustained gunshot wound to the eye and left leg and passenger received gunshot wound to the side. Passenger was hit with (b)(2)High and died on scene. (b)(6) (Squad Leader) calls in possible LZ and sets same up. (b)(6) attempts MEDEVAC but handcuff transmitting. (b)(6) (Team Leader) begins MEDEVAC to company. (b)(6) calls MEDEVAC through handcuff. (b)(6) arrives and takes control of scene. Dustoff arrived and transported wounded LN. (b)(6) departs and (b)(6) arrives. IHP took control of KIA. MEDEVAC would not take belongings (wad of money) and gave them to (b)(6) (Team Leader) and he gave it to (b)(6). (b)(6) inventoried the money on proper documentation for safe keeping. Vehicle was moved 5 meters off the road on the east side and IHP guarding same until it cools to be towed. All remaining patrols depart scene.

*Safety Measures	Yes: X	No:
Warlock System	Yes: Green/Red	No:
Level 1 Armor	Yes: X	No:
EOD response time	Notified:	Cleared:
Route Closed	Closed:	Open:

***Safety Measures include gunners at name tape defilade, seatbelts worn, ballistic helmets worn, and ballistic eyewear on.**

BC DBC CSM S3 PMO S1 S2 S4 CLD CHAP

Ex 3

AGENT'S INVESTIGATION REPORT

ROI NUMBER

0000-05-CID259-

CID Regulation 195-1

PAGE 1 OF 1 PAGES

DETAILS

BASIS FOR RE-INVESTIGATION: About 1100, 27 Mar 05, the undersigned was requested by COL (b)(3), (b)(6) Commander, 18th Military Police Brigade, Camp Victory, Iraq to review the scene of a shooting that had occurred at Grid (b)(3), (b)(6) COL (b)(3), (b)(6) explained on 26 Mar 05, his patrol drove up onto a scene of a shooting involving members of one of his subordinate Military Police Companies and a civilian vehicle. COL (b)(3), (b)(6) requested this office review the scene to verify the shooting scene and ensure the accuracy of the Blue-3 Spot Report issued on 26 Mar 05. COL (b)(3), (b)(6) explained he did not feel there was a criminal offense committed; however, was requesting USACIDC'S assistance only for their training and expertise in scene examinations.

About 1340, 27 Mar 05, the undersigned and SA (b)(3), (b)(6) Commander, 48th MP Det (CID), arrived at the scene of the shooting located on (b)(2)High approximately 2H miles south of Camp Victory, Iraq. The area was a stretch of highway with two lanes northbound and two lanes southbound. There was a dirt median separating the north and south bound lanes. SA (b)(3), (b)(6) and SA (b)(3), (b)(6) exposed photographs of the surrounding area and the civilian vehicle involved in the incident. Further, an examination of the vehicle was conducted and all of the bullet holes were photographed and documented on a sketch. Utilizing the entry pattern, approximate directions of fires were established for each entry discovered and annotated on the sketch. It was noted there were no bullet entry holes in the trunk or rear area of the vehicle, nor were there any hole in the hood of the vehicle. All of the entry hole were on the front grill and driver side of the vehicle. There were 20 small caliber (b)(2)High entry hole located in the front grill, front quarter panel and the front and rear driver door. There were 7 large caliber (b)(2)High entry holes located in the front quarter panel, front and rear driver door and rear quarter panel. A sketch was prepared to indicate the location of and estimated direction of fire for each round strike. Due to the car being totally burned, no examination of the tires could be conducted to determine how many of the tires had been shot out. (See Sketches and photographs for additional details).

About 0930, 29 Mar 05, the undersigned received and reviewed the statements prepared by members of the 65th Military Police Company who were on the patrol the evening of the shooting. All the statements were consistent with the initial Spot Report; however, there were no indications in any of the statements indicating why the civilian vehicle was deemed as a threat to the patrol.

About 1000, 29 Mar 05, the undersigned obtained 8 sketches from SSG (b)(3), (b)(6) Patrol Leader, 65th MP Company, depicting the locations of his patrol and the civilian vehicle throughout the engagement. SSG (b)(3), (b)(6) provided the sketches and reviewed and verified his initial statement; however, was not questioned by USACIDC in depth so as not to preclude any further investigation if deemed necessary by COL (b)(3), (b)(6) SSG (b)(3), (b)(6) did state he assessed the vehicle as a threat to his patrol based on the vehicles failure to slow down as it approached the convoy and then continued to believe the vehicle to be a threat when the driver failed to comply with his verbal and arm gestures to stop and exit the vehicle.

The above information is being provided to the Commander, 18th Military Police Brigade for action deemed appropriate.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

SIGNATURE

ORGANIZATION

48th MP Det (CID)(FWD)
3rd MP Grp (CID), USACIDC
Camp Victory, Iraq APO AE 09342

DATE

EXHIBIT

30 Mar 05

262100CMAR05 (b)(6) **Patrol Debrief:**
 (b)(6) patrol is traveling southbound out of the IHP station in the center of the road. (15-20mph) (b)(6) (b)(3), (b)(6) calls in a white 4 dr sedan speeding toward the patrol and driving in an erratic manner. Vehicle attempts to pass on the left side. Because it is rare for a vehicle to pass one of our patrols (b)(6) (b)(3), (b)(6), lead vehicle, turns his vehicle toward the median, canting his vehicle to box the car in. (b)(3), (b)(6) gets out of his vehicle and begins hand and arm signals for the vehicle to stop. (b)(3), (b)(6) shouts in both Arabic and English for the vehicle to stop. (b)(3), (b)(6) shows his M4 and the vehicle begins to slow down to 10mph est. (b)(3), (b)(6) identifies two male occupants and starts hand and arm signals for the individuals to get out of the vehicle when the driver waves him off and accelerates. At this time (b)(3), (b)(6) identifies the threshold line being crossed as it appears the vehicle is going to ram him, and fires 1 warning shot into the ground in front of the vehicle. Driver floors the vehicle and (b)(3), (b)(6) who stepped away from his cover as the vehicle was slowing, fires 2 rounds into the front right tire. Vehicle floors again and angles toward the opening between the M1114 and the median and (b)(3), (b)(6) fires 3 rounds into the RR tire. Driver crosses the median and (b)(3), (b)(6) fires 2-3 rounds into the LR tire. Simultaneously, (b)(6) (b)(3), (b)(6) dismounts and goes to the back of his vehicle. The sedan cants again toward the patrol from the north bound lane, while still accelerating, and (b)(3), (b)(6) fires 3 rounds of M4 into the engine block, not stopping the vehicle. (b)(3), (b)(6) tells his gunner (b)(3), (b)(6) to fire M2 into the engine block to stop the vehicle. (b)(3), (b)(6) fires 15 rounds of (b)(2)Hig into the hood of the vehicle. Vehicle stops and catches on fire in the trunk area. (b)(3), (b)(6) calls cease fire (b)(6) arrives and asks (b)(3), (b)(6) for a brief. After a quick brief, (b)(6) states to get occupants out of the vehicle. (b)(6) patrols tried to put the fire out and (b)(6) pulls the driver out and (b)(3), (b)(6) pulls out the passenger. Both are dragged to within (b)(6) of the IHP. PFC (b)(3), (b)(6) (b)(6) begins 1st aid to stop bleeding and administers IV's. Driver sustained wounds to the left eye, left leg, and left shoulder. Passenger received gunshot wound to the side (b)(2)Hig and died on scene. (b)(6) (b)(3), (b)(6) calls in possible LZ and sets same up. (b)(3), (b)(6) attempts MEDEVAC but handcuff transmitting. (b)(6) (b)(3), (b)(6) begins MEDEVAC to company. (b)(6) calls MEDEVAC through handcuff. (b)(6) arrives and takes control of scene. (b)(6) arrived and transported wounded LN. (b)(6) departs and (b)(6) arrives. IHP took control of KIA. MEDEVAC would not take belongings (wad of money) and gave them to (b)(6) (b)(3), (b)(6) and he gave it to (b)(6) (b)(3), (b)(6) (b)(6) inventoried the money on proper documentation for safe keeping. Vehicle was moved 5 meters off the road on the east side and IHP guarding same until it cools to be towed. All remaining patrols depart scene.

Debriefing conducted by SFC (b)(3), (b)(6)

Rough Sketch Depicting area of
and Burned vehicle

(b)(2)High

EX 5

A.
IPS

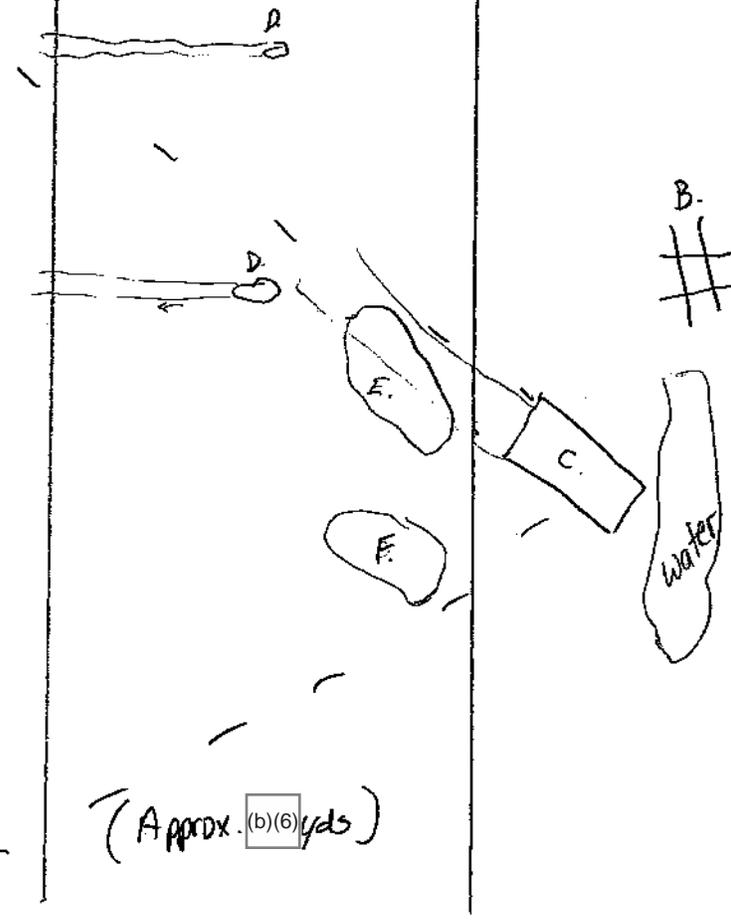
South Bound lane



(Approx.
150yds)

median

North bound lane



Legend

- 1. Iraqi Police Station
- (#) Electrical tower
- vehicle
- Apparent blood pool and streaks
- Burned debris
- Broken glass
- Shell casings



Title Block

Case:
 offense: Negligent Homicide
 Scene Portrayed: AS (b)(2)High
 Location: ASR
 Victim: UNKNOWN
 Subject: NONE
 Time + Date Began: 1545, 27 Mar 05
 Sketched: SA (b)(3), (b)(6)
 Verified by: SA (b)(3), (b)(6)

88

Scene Depicted: ATTEMPT TO STOP
ACTS LIKE IT WILL COMPLY

(3), (b)

NORTH ↑

Sketched By: [Redacted]
Date: 2 MAR 05

(3), (b)

EMP

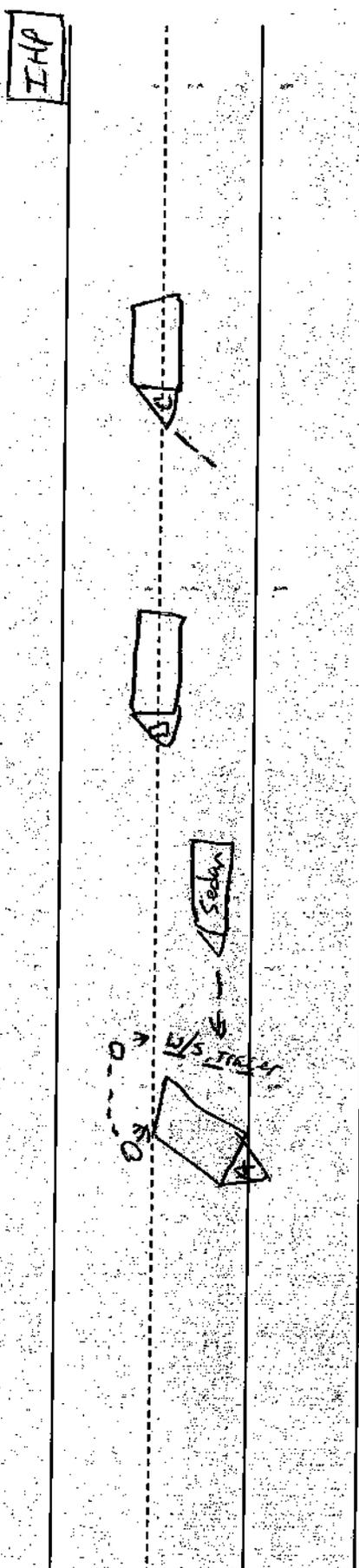
giving verbal/visual sig.
to stop. Verbal ~~signals~~ LOOKS
as if it will comply



b)(2)Hig

b)(2)Hig

Vel. Actually looks like its stopping, vehicle & H/A Sig driver no exit, hand gesture waving me off/telling me no, starts forward toward my veh & myself



Scene Depicted: Warning Shot

NORTH

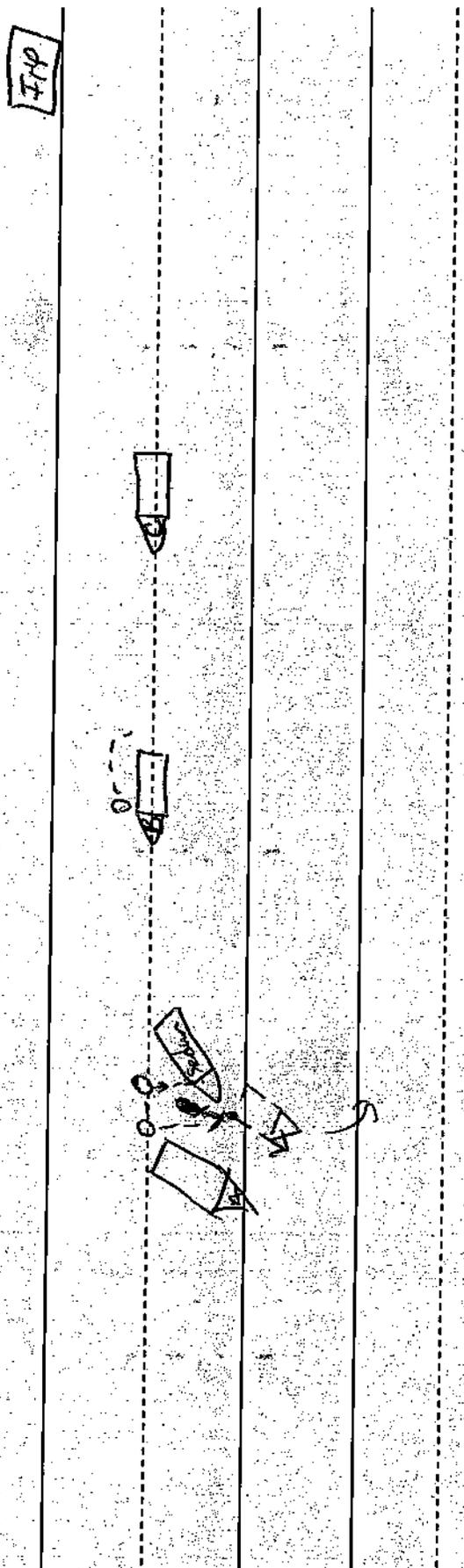
Sketched By:

Date: 29 Mar 05

(3), (b)

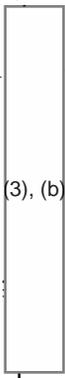
(2) Hi

Driver
WEL FLOORS IT I TAKE OUT THE TIRE W/SS6 AND WEL ENITS TO MOVE



Scene Depicted: RF Tire Shot
(3), (b)

NORTH 

Sketched By: 
Date: 25 MAR 05
(3), (b)

III

Scene Depicted: 2/a

NORTH

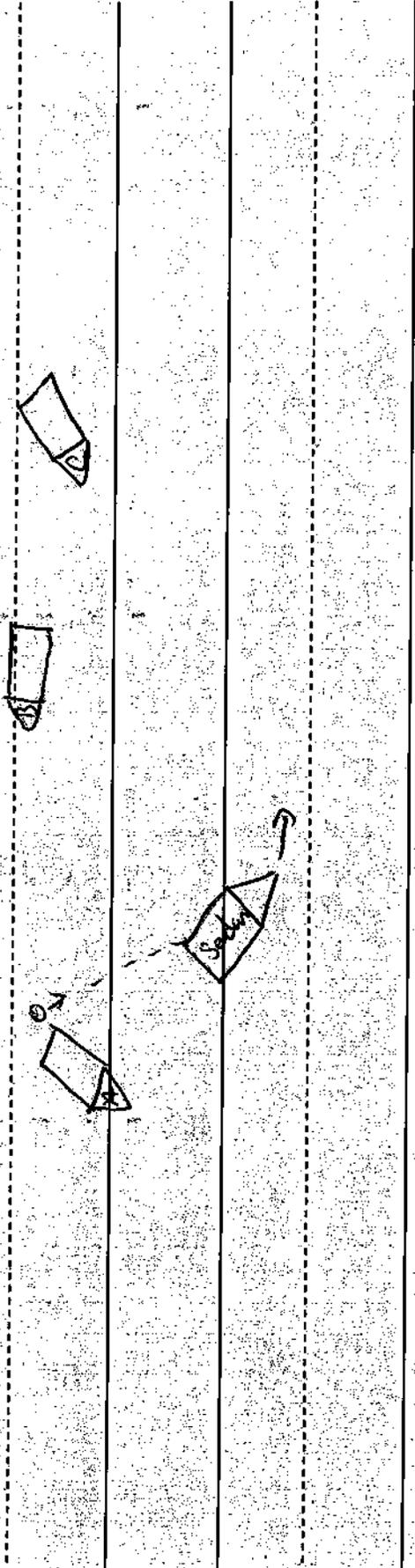


Sketched By:

[Redacted box]

(3). (b)

Date: 29 MAR 05



[Redacted box]

) (2) Hig

Scene Depicted: Velv Looking Like it's
Trying to get away

NORTH



Sketched By:

Date: 29 MAR 05

(3), (b)(

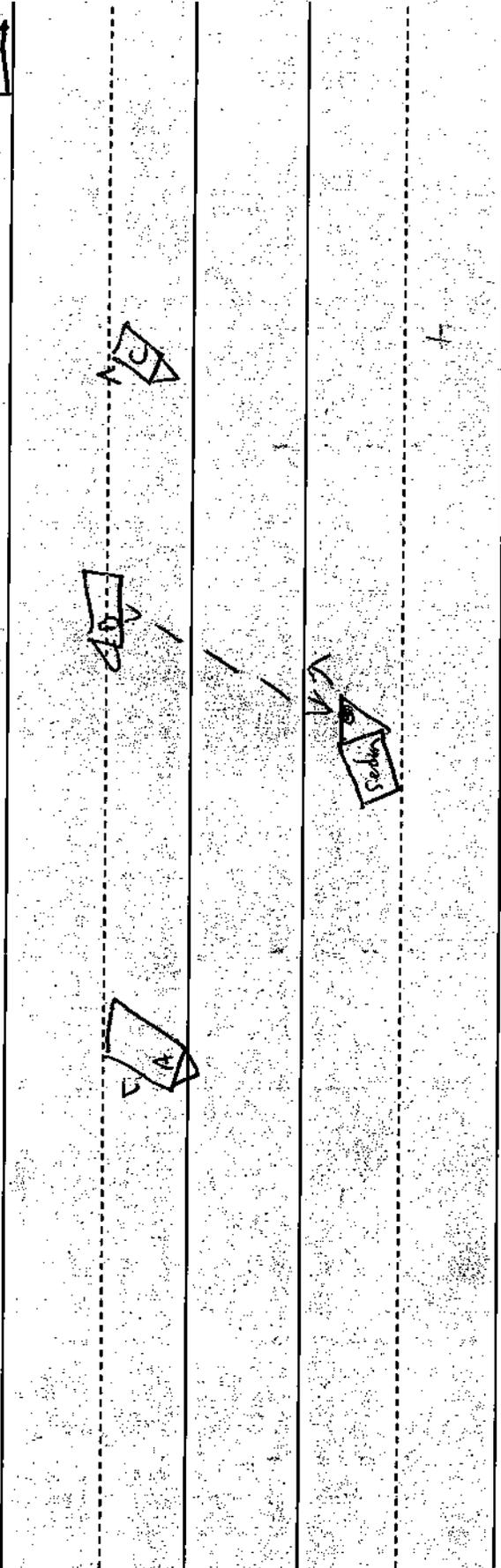
IMP



b)(2) Hig

(2)Hic

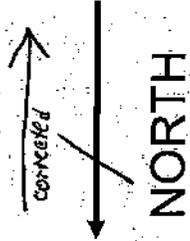
IMP



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

Sketched By:

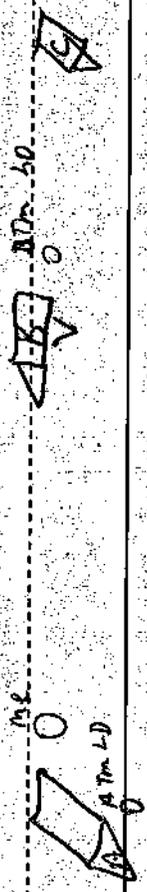
Date: 29 Mar 05



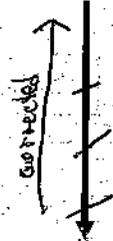
Scene Depicted: Veh Turns Back Toward
 Patrol. SO engages
 engine block of same

b(2) Hig

TRIP



Section



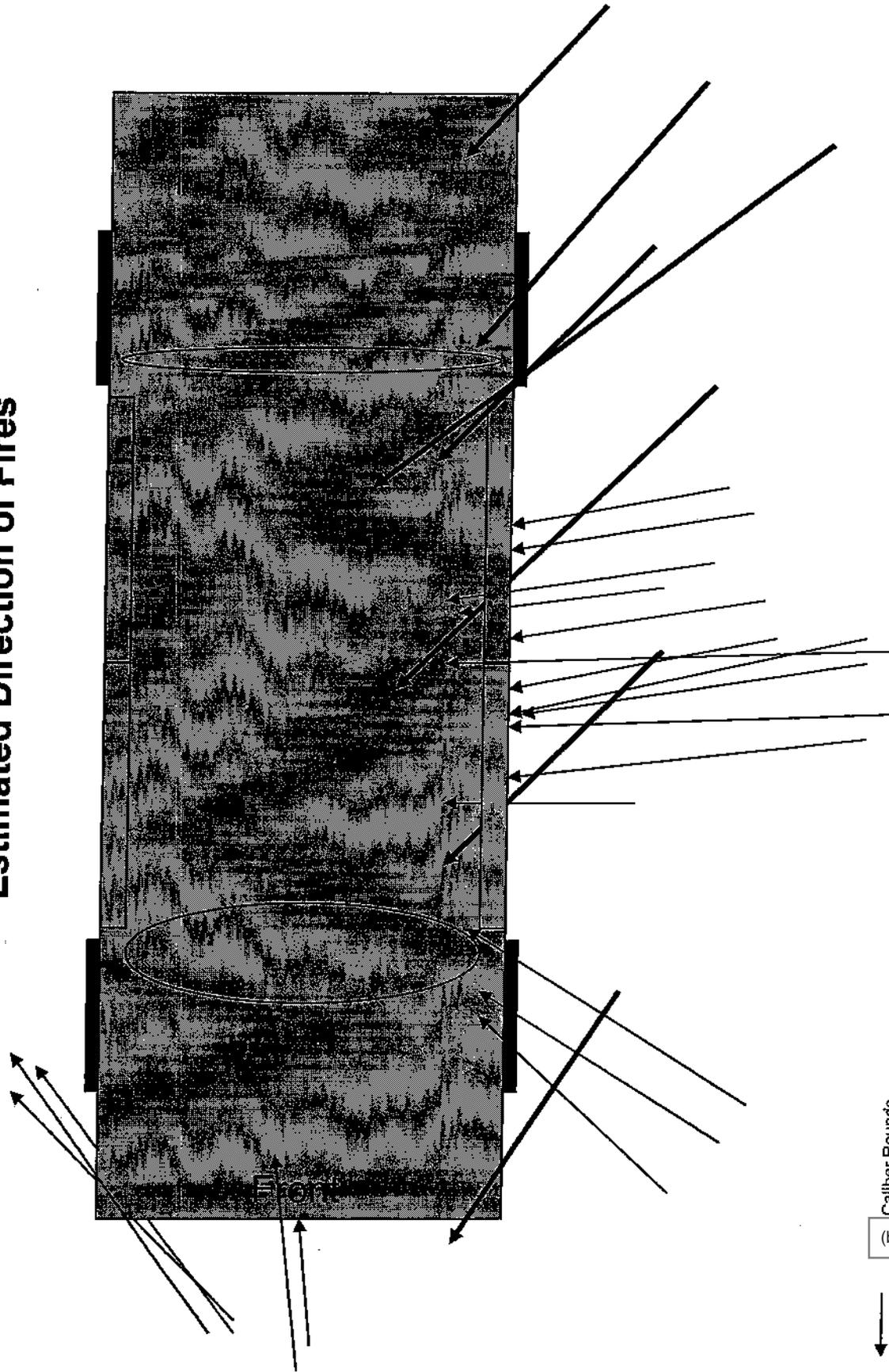
Scene Depicted: veh stopped started
To Burn immmed.
cease Fire Called

(3), (b)(

Sketched By:

Date: 25 mar 05

Estimated Direction of Fires



(b) (3), (b)

(b) (3), (b)

Sketch Completed By: SA

Sketch Verified By: SA

Date Completed: 27 Mar 05

Calliber Rounds

alliber Rounds

(b)(2)High



EX 8



(2)H

Caliber Round Strikes

006500



) (2) Hig

Caliber Round Strikes

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: Operations, FOB Kalsu, Iraq
2. DATE (YYYYMM): 2005 03 26
3. TIME (3), (b): 2142L
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: E6/AD
8. ORGANIZATION OR ADDRESS: 65th mp Co (ABN) APO AE 09325

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

ON 26 mar 05, APPROX 1805 hrs while on MSR patrol, (b)(2)High, we pulled out of the IHP station heading south my rear element (b)(6) called over the radio to tell us that a (b)(6) car was passing them at a high rate of speed, then (b)(3), (b)(6) my middle element (b)(6) said the same and that we needed to try and stop same. We attempted to stop the vehicle by (b)(3), (b)(6) angling the truck to the left and get in front of it. ~~it started to~~ once we were in position I got out of my truck and started giving hand and arm signals to get the vehicle to (b)(3), (b)(6) stop and the men out. There were two men in the vehicle. After verbal and hand and arm signals it appeared that the driver was going to comply. I (b)(3), (b)(6) told the driver to exit the vehicle, he made a hand gesture that appeared to me like he was waving us off at which time he accelerated the vehicle towards my truck and I fire a warning shot in front (b)(3), (b)(6) of his vehicle at which time the driver floored it and started to enter the median and turn north I fired 2 rounds at the right front tire blowing it out, vehicle continued to speed up and continue to turn north, I then fired 3 rounds into the right rear tire blowing it out, driver continued to gas it I then took out left rear tire with 3 rounds the vehicle straightened out looking like it was going to run north then started back to the left towards the patrol at which time the .50 gunner was told by (b)(3), (b)(6)

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

STATEMENT OF (b)(3), (b)(6) TAKEN AT _____ DATED 050326

9. STATEMENT (Continued)

(b)(6) TO engage the engine block to stop the vehicle, the driver and passenger were hit. The passenger was killed and the driver was medevaced out. (b)(3), (b)(6) (b)(6) ARRIVED on scene JUST AFTER we call cease fire and I sent a SITREP to Ripford main (b)(6) STATED that we needed to get the men out of the vehicle because the car was on fire so we approached the car one of his people pulled the driver free and I pulled the passenger out and across the road to the west side of the MSR. medic (b)(3), (b)(6) started working on the driver who had several wounds. we cordoned the area called for a medevac and waited for the bird. once it cleared the H/O we moved the vehicle off of the MSR to the east side approx. (b)(6) meters. AT which time we cleared the scene and came back to the FOB for DeBrief. 00m

Q DO you have anything further to add? (b)(3), (b)(6)

A. NO (b)(3), (b)(6)

(b)(3), (b)(6) //End of statement//

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

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 26 day of March, 2005 at FOB Kalsu Iraq

ORGANIZATION OR ADDRESS

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

(Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

Art 136 (b)(4) VCMJ (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(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 Kalsu Trang APO AE 09325
2. DATE: 2005/03/26
3. TIME: 2145
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
7. GRADE/STATUS: E-5/AD
8. ORGANIZATION OR ADDRESS: C5# M.P. CO. (ABN) APO-AE 09325

9. (b)(3), (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 26 Mar 2005 while on MSA patrol at about 1805 hrs. Our patrol was leaving the IHP station after eating chow. Once we pulled out on the MSR we proceeded south in the south bound lane I was driving our lead truck in a three vehicle patrol the rear truck (b)(3), (b)(6) called up that there was a (b)(6) in color vehicle coming in the south bound lane at a high rate of speed. The car past our rear truck. Then our middle truck (SGT (b)(3), (b)(6)) called to me that the car past his truck and he was approaching our truck. I saw the car in my side mirror and proceeded to ease left to cut it off or at least slow it down. The car began to slow down. At this time I stopped with my truck blocking the left lane of the MSR. SGT (b)(3), (b)(6) got out and went to the back of our truck. At this time I could not see sgt (b)(3), (b)(6) I was watching the car in my mirror the driver stopped. Then the car began to move towards our truck. At this time I heard sgt (b)(3), (b)(6) fire warning shots. I observed a tracer round hit the ground in front of the car. The driver was still moving towards our truck. I then heard more warning shots and observed the right front tire go

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

STATEMENT OF

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

TAKEN AT

DATED 26 Mar 05

9. STATEMENT (Continued)

flat at this time the driver ducked in the car and he stepped on the gas turning his car left in to ^{the} North bound lanes of the MSR. Before he got turned all the way around I observed the Right Rear tire get shot out. Now the car is going north in the north bound lane. The left Rear tire was shot as well at this time. I then got out of my truck with my weapon drawn. At this time the car is parallel to sgt [redacted] block of the car. The car continued to drive north. At this time I observed the car catch on fire starting at the trunk. The car ~~st~~ stopped. It was now engulfed in flames. At this time I got in my truck to move it further away from the car we moved about [redacted] to [redacted] meters south. Then sgt [redacted] sergeant 6 [redacted] pulled the driver and passenger out of the burning car. I was then [redacted] told to call a Aline medical to [redacted] main. I did so but [redacted] called one up to handcuff. The Med team came took the wounded. We then pushed the car off the road. And proceeded to the F.O.B. [redacted]

Q. What was done with the individuals after they were taken out of the vehicle? [redacted]
 A. They were moved to the south bound shoulder of the MSR. And first aid was rendered [redacted]
 Q. Do you have anything further to add? [redacted]
 A. NO [redacted]

//End of Statement//

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 3 PAGES

006508

STATEMENT OF _____ TAKEN AT _____ DATED _____

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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of March, 2005 at FOB Kalsu, Iraq

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

(b)(3), (b)(6) _____
(Signature)

ORGANIZATION OR ADDRESS

Art 136 (b)(4) UCMJ _____
(Authority To Administer Oaths)

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

PAGE 3 OF 3 PAGES

006507

EX 12

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 Kalsu, Iraq
2. TIME: 2208
3. FILE NUMBER:
4. LAST NAME, FIRST NAME, MIDDLE NAME:
5. GRADE/STATUS: E-5/SGT
6. ORGANIZATION OR ADDRESS: 105TH MP CO (ABN) APO AG 69325

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

ON MARCH 26, 2004 AT APPROXIMATELY 1805 HRS I OBSERVED A (b)(6) IN COLOR FOUR DOOR SEDAN PASS ON THE LEFT SIDE OF MY VEHICLE AT A HIGH RATE OF SPEED WHILE HEADING SOUTH ON MSR IN THE SOUTH BOUND LANE. (b)(6) TWO (b)(6) (SGT (b)(3), (b)(6) RELAYED TO SSG (b)(3), (b)(6) THAT THE VEHICLE WAS APPROACHING HIS CURRENT LOCATION, AND ADVISED SSG MOVES TO THE TRANSITION HAS VEHICLE TO THE LEFT TO STOP THE VEHICLE. (b)(6) SSG (b)(3), (b)(6) DTD SO AND DISMOUNTED HIS VEHICLE ON THE RIGHT SIDE. HE APPROACHED THE VEHICLE USING HAND ARM SIGNALS TO COMMAND THE WHITE SEDAN TO STOP. THE VEHICLE SEEMED TO COMPLY WHEN IT SUDDENLY BEGAN TO INCREASE HIS SPEED IN THE DIRECTION OF SSG (b)(3), (b)(6) VEHICLE, SSG (b)(3), (b)(6) THEN RAISED HIS WEAPON AGAIN TO CONFRONT THE UNCOMPLYING VEHICLE OF HIS INTENTIONS IF THE OPERATOR WOULDNT COMPLY. REALIZING THE VEHICLE HAD NO INTENTIONS OF STOPPING, SSG (b)(3), (b)(6) WAS FORCED TO FIRE A WARNING SHOT IN FRONT OF THE (b)(3), (b)(6) COUNTRYS WINDOWS VEHICLE. AFTER THE WARNING SHOT WAS FIRED BY SSG (b)(3), (b)(6) THE VEHICLE WENT LEFT ACROSS THE MEDIAN EXPOSING ITS ENTIRE RIGHT SIDE. REALIZING THE VEHICLE STILL HAD NO INTENTIONS OF STOPPING, SSG (b)(3), (b)(6) TOOK ADVANTAGE OVER THE EXPOSED RIGHT SIDE OF THE VEHICLE AND TRIED TO DISABLE IT, BY SHOOTING BOTH THE RIGHT FRONT AND REAR TIRES OUT, THE VEHICLE EVEN WITH FLAT TIRES REFUSED TO STOP CONTINUING TO PROCEED ACROSS THE MEDIAN THE VEHICLE ATTEMPTED TO ACCELERATE. THE VEHICLE BEGAN TO HEAD NORTH, ON THE NORTH BOUND LANE. AT THIS TIME I HAD MY VEHICLE PLACED 50 METERS AWAY FROM SSG (b)(3), (b)(6) OBSERVING THE VEHICLE COMMITTING A U-TURN TO TRY TO HEAD NORTH WITH NO INTENTION OF STOPPING, I TRANSITIONED ON FOOT TO THE REAR OF MY VEHICLE WHERE I OBSERVED THE OCCUPANTS OF THE VEHICLE RUCK BELOW VIEW OF THE WINDOW, AND AGAIN THE DRIVER ACCELERATED THE VEHICLE, NORTH BOUND. I FIRED THREE 556 CAL ROUNDS INTO THE ENGINE BLOCK OF THE VEHICLE. REALIZING THAT MY PRIMARY WEAPON (M403) WAS NOT ENOUGH TO DISABLE THE VEHICLE, I THEN TOLD SPC (b)(3), (b)(6) (GUNNER) TO ENGAGE THE VEHICLE IN THE (b)(3), (b)(6) ENGINE BLOCK, WHILE DOING SO, DUE TO THE INCREASING SPEED OF THE FLEEING VEHICLE THE SOCIAL ROUNDS (b)(3), (b)(6) WALKED ACROSS THE LEFT FRONT QUARTER PANEL INTO THE DRIVERS DOOR. ONCE THE VEHICLE WAS DISABLED AND STOPPED, SSG (b)(3), (b)(6) GAVE THE COMMAND OF SEIZE FIRE. SSG (b)(3), (b)(6) THEN RELAYED TO RECORD MAIN OUR CURRENT SITUATION. AS THE (b)(3), (b)(6) VEHICLE BEGAN TO CATCH FIRE FROM THE REAR WHILE (b)(3), (b)(6) RELAYING,

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

TO REPORT MAIN OUR CURRENT SITUATION. (b)(6) (COL (b)(3), (b)(6)) ARRIVED ON SCENE. COL (b)(3), (b)(6) THEN TOOK COMMAND OVER THE SITUATION AND COMMANDED US TO REMOVE THE PERSONEL FROM THE BURANUS VEHICLE. ONCE THE EXTRACTED PERSONEL WERE EXTRACTED FROM THE VEHICLE AFC (b)(3), (b)(6) (MEDIC) BEGAN PERFORMING MEDICAL TREATMENT TO THE WOUNDED PERSONEL. (b)(6) (COL (b)(3), (b)(6)) REQUESTED TO HAVE A NEWS LINE URGENTLY SENT UP TO HANOI. I THEN ATTEMPTED TO GO OVER THE EMERGENCY NET, DUE TO CONSTANT TRAFFIC OVER HANOI I TOLD SGT (b)(3), (b)(6) TO RELAY THE NEWS LINE THROUGH RIFORD, UPON ARRIVAL OF THE NEWS LINE, ONE SUSPECT WHO RECALLED DECEASED AND THE OTHER WAS FLOWN OUT, WE THEN INSPECTED THE DOWN VEHICLE OF THE MCB AND PROCEEDED TO FOB KALSU (b)(3), (b)(6)

Q. Do you have anything further to add? (b)(3), (b)(6)
A. No (b)(3), (b)(6)

/// End of Statement // (b)(3), (b)(6)

Q. When you fired your 3 rounds at the engine block, how was the vehicle facing you and what was the aimpoint? (b)(3), (b)(6)

A: DUE TO MY VEHICLE BEING SOUTH OF THE (b)(6) SERAN'S TURN AROUND POINT, THE DIRECTION OF TRAVEL OF THE (b)(6) SERAN WAS DIRECTLY IN THE PATH OF MY VEHICLE. THE THREE ROUNDS I FIRED WAS PLACED DIRECTLY IN THE HOOD OF THE WHITE SERAN WHERE THE ENGINE WOULD BE LOCATED (b)(3), (b)(6)

Q: Did you believe the vehicle was a threat to you and your team?

A: WITHOUT A DOUBT. (b)(3), (b)(6) DUE TO THE VEHICLE'S ACCELERATION AT THE TIME, THE VEHICLE OBVIOUSLY HAD NO INTENTION OF STOPPING, AND EVERY INTENTION OF IMPACTING MY VEHICLE. DUE TO THE HOSTILE ACTIONS COMMITTED BY THE OPERATOR AT THE TIME, TO FAIL TO ENGAGE THE VEHICLE COULD HAVE EASILY COST MY LIFE AS WELL AS MY TEAM'S. WHICH IS WHY I GAVE THE ORDER TO SFC (b)(3), (b)(6) TO ENGAGE THE VEHICLE IN THE ENGINE BLOCK. THE 50 CAL FIRE RESULTED IN THE VEHICLE DETACHING FROM ITS CURRENT PATH AT MY VEHICLE (b)(3), (b)(6)

Q: Is there anything else you wish to add to this statement?

A- No (b)(3), (b)(6) /// End of Statement // (b)(3), (b)(6)

Statement was reopened by SFC (b)(3), (b)(6) 65th MPC (A6n) for further clarification. (b)(3), (b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

ENT

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 _____. 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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR WITHOUT

(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 26 day of March, 2005 at FBI Kalamazoo

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

(b)(3), (b)(6)
Art 136(b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (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: Operations, FOB KALSA, Iraq
2. DATE (YYYYMMDD): 20050326
3. TIME: 2131
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3), (b)(6)
7. GRADE/STATUS: E-4 / SPC

65th MP Co (Abn)
9. (b)(3), (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approx. 1805 hrs a (b)(6) vehicle drove past my vehicle, the second in the patrol, and was called up to the lead truck about its approach. The call was made to pull the car over. SSG (b)(3), (b)(6) got out of the truck, and had his weapon drawn forward and made its way into the median making a U-Turn. SSG (b)(3), (b)(6) and his gunner continued to flag down the car, but the driver began to accelerate, as the passenger and himself lowered their heads. SSG (b)(3), (b)(6) began firing at the car's tires but it still began to drive. At that time I was told by Sgt (b)(3), (b)(6) to shot at the engine to disable it. I fired approx. 15 to 20 rounds with the M2 (b)(2)High. As I placed the rounds into the engine, approx 5 rounds crossed over the driver and passenger due to the increasing speed of the vehicle. When the car came to a halt, I was ordered to cease fire, which I did so. At that time SSG (b)(3), (b)(6) and the others approached the vehicle with caution. The vehicle was on fire at the trunk and the driver and passenger were pulled out and was treated with first aid until a Med (b)(3), (b)(6) helicopter came for the medvac. myself and other (b)(3), (b)(6) gunners continued to pull security until the helicopter (b)(3), (b)(6) arrived.

10. EXHIBIT
1. (b)(3), (b)(6) LS OF PERSON MAKING STATEMENT
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. Do you have anything further to add? (b)(3), (b)(6)

A. NO (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 INFLU

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of Mar 2005 at FOB Katsu, Iraq

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

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

(Typed name of Person Administering Oath) Art 136 (b)(4) NCMT (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

EX 14

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 Kalsu, Iraq
2. DATE (YYYYMMDD): 2005 03 26
3. TIME: 2200
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3), (b)(6)
7. GRADE/STATUS: E5 AD
8. ORGANIZATION OR ADDRESS: 65th MP Co. (ABN) Fort Belvoir, IL 28310

(b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
At Approximately 1800 hrs on the 26th of March, myself and our M114 patrol pulled out of the IHP station. Our 3 M114 headed south in the southbound lane. Immediately after leaving the station my gunner, PFC (b)(3), (b)(6) observed a (b)(6) in color vehicle, 4-door, traveling at a very high rate of speed, traveling south coming towards our vehicles. I radioed up to SSG (b)(3), (b)(6), the lead vehicle, that this vehicle was acting suspicious. Sgt (b)(3), (b)(6) radioed up to SSG (b)(3), (b)(6) as well about the vehicle. SSG (b)(3), (b)(6) made the call to stop the vehicle and find out what was going on. The vehicle had passed the middle vehicle on the left side and was heading south towards the lead vehicle. The lead vehicle turned its wheels to the left to cut the vehicle off. The vehicle continued to drive towards our lead M114 as if it was going to ram it. SSG (b)(3), (b)(6)

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

EXITED THE VEHICLE AND CAME AROUND THE BACKSIDE OF THE M1114 TO WHERE HE HAD A CLEAR SIGHT OF THE VEHICLE WHICH WAS RIGHT IN FRONT OF HIM. I SAW SSG (b)(3), (b)(6) WAVE AT THE VEHICLE TO STOP AND THEN RAISE HIS WEAPON AT THE VEHICLE. I WAS THE REAR VEHICLE AND DID NOT HAVE A CLEAR PICTURE OF THE VEHICLE AT THIS TIME. I THEN MOVED MY VEHICLE TO OFFSET MYSELF FROM THE MIDDLE TRUCK TO HAVE EYES ON THIS VEHICLE. I NOTICED THAT THE VEHICLE WAS NOT STOPPING. I OBSERVED 1 WARNING SHOT BY SSG (b)(3), (b)(6) WHICH WAS FIRED IN FRONT OF THE VEHICLE. THE VEHICLE THEN CROSSED OVER THE MEDIAN INTO THE NORTH BOUND LANE SHOWING NO SIGNS OF STOPPING. SSG (b)(3), (b)(6) THEN CONTINUED TO FIRE AT THE PASSENGER SIDE TIRES. I THEN EXITED MY VEHICLE AND CAME AROUND THE BACKSIDE TO HAVE LINE OF SIGHT WITH MY WEAPON. THE VEHICLE WAS STILL MOVING. AS SSG (b)(3), (b)(6) FIRED MORE SHOTS AT THE VEHICLE'S DRIVERS SIDE REAR TIRE AS SGT (b)(3), (b)(6) FIRED A FEW ROUNDS AT THE STILL MOVING VEHICLE'S ENGINE BLOCK. IMMEDIATELY AFTER (b)(3), (b)(6) FIRED UPON THE VEHICLE'S ENGINE BLOCK AS WELL TO DISABLE THE VEHICLE. AS THE VEHICLE WAS FINALLY STOPPED, I HEARD THE COMMAND OF SEIZE FIRE FROM SSG (b)(3), (b)(6). AFTER THE FIRE HAD SEIZED,

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

WE NOTICED THE VEHICLE REAR TANK AREA WAS ON FIRE. (b)(6)
 (b)(6) ARRIVED FROM THE SOUTH AND SAID WE NEEDED TO GET THE
 PEOPLE OUT OF THE VEHICLE. HIS GUYS ALONG WITH SSG (b)(3), (b)(6) AND
 I, APPROACHED THE VEHICLE AND PULLED THE PERSONS OUT.
 WE DROVE THEM ACROSS THE SOUTHBOUND LANE NEXT TO THE
 IHP STATION, WHERE (b)(3), (b)(6), THE MEDIC CONDUCTED FIRST
 AID. BY THIS TIME IS SAWAD HAD LEFT THE IHP STATION AND
 HAD THE MSR CLOSED OF TRAFFIC. I THEN ASSISTED SGT (b)(3), (b)(6)
 IN CHAINING THE 9-LINE MGNAL W/ (b)(6). THE BIRD
 LADDED AND TOOK 1 WOUNDED WHILE LEAVING THE OTHER PERSON
 WITH THE HP'S WHO WAS DEAD. WE PUSHED THE VEHICLE OFF
 THE SHOULDER OF THE MSR WHILE LEAVING THE HP'S TO GUARD IT.
 OUR PATROL LEFT THE SCENE (b)(3), (b)(6)

Q DO YOU HAVE ANYTHING FURTHER TO ADD? (b)(3), (b)(6)
 A. NO (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)
 (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of MARCH, 2005 at FOB Kalsu Iraq

 ORGANIZATION OR ADDRESS

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

 ORGANIZATION OR ADDRESS

(b)(3), (b)(6)
 Art 136 (b)(4) UCMJ
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Evidence Collection

1. All evidence reviewed for this investigation was provided to me based on a thorough CID investigation into the incident. After viewing the evidence provided, I was able to make my decision.

2. IOT to ensure all witness statements provided were correct and complete, on 5 Jun 05, between 1130-1230 hrs, I contacted the follow individuals via phone (unit is located at Camp (b)(6)). I identified myself as the investigating officer in the escalation of force incident that occurred O/A 26 Mar 05. I asked the individuals if their statements were accurate and if there was anything else they wanted to add. All individuals stated that their statements were accurate and they had nothing further to add to them. The individual were:

SSG	(b)(3), (b)(6)
SGT	
SGT	
SPC	

3. The only individual to provide a statement that I did not speak with was SGT (b)(3), (b)(6) who depart on leave 25 May 05 and will not return until O/A 8 Jun 05.

4. POC is the undersigned, DSN (b)(2)

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

MAJ, AV
Investigating Officer