



STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

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

AFFIDAVIT

(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 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 \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(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 /SSM/
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 APACHE, BAGHDAD, IRAQ 09390
2. DATE (YYYYMMDD): 2006/09/21
3. TIME: 2200
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME: (9)(q) (e)(q)
6. SSN: (9)(q) (e)(q)
7. GRADE/STATUS: E-2/PV2

8. ORGANIZATION OR ADDRESS: TEAM CHARLIE, 1-26 INFANTRY, 1ST INFANTRY DIVISION

9. I, (9)(q) (e)(q), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approximately 1500 hours our patrol FOB Apache to conduct a cordon, and search in zone 19 in Adhamiyah. Our mission was to set up a secure perimeter, allowing our dismounts to search the location where their PSG was shot. We arrived at our location at 1515 hours, and we set up a secure perimeter using our humvee's to block traffic. The soldiers from each humvee dismounted, and began to search the target location. My humvee C8, was parked parallel to RTE. (b)(7)(q) and my turret/weapon (M240B) was oriented north on a side street. My specific instructions from my section chief (SGT (9)(q) (e)(q)) were to stop any oncoming traffic or local nationals from entering the secure cordon. Before my section chief (SGT (9)(q) (e)(q)) dismounted, he informed me where my limit of advance for oncoming traffic was located and what objects I could use to identify distances; so if any vehicle went passed that I could use my escalation of force to stop them. From 1520 hours until the incident occurred there were 6 vehicles I had stopped, and had turn around (b)(7)(q). At 1600 there were some dismounts at my 20'clock (b)(7)(q) meters ahead of me in a front yard of a house they had just cleared. At that time a car was approaching my position, at (b)(7)(q) meters closing (b)(7)(q) (b)(7)(q) (b)(7)(q). As the vehicle approached the (b)(7)(q) marker (a (9)(q) car parked on the side of the road) I oriented my weapon at the vehicle, with my left had; still using the cupping motion telling them to stop. As the vehicle passed the (b)(7)(q) marker (the white car) so I fired 3 controlled shots over their car. The vehicle did not stop. At the (b)(7)(q) mark I fired a controlled pair in order to disable the vehicle. The first rounds hit the front right headlight, and the right rear tire. The second pair in which I aimed and fired (b)(7)(q) the vehicle then came to a halt (b)(7)(q) meters from my truck.

NOTHING FOLLOWS

(9)(q) (e)(q)

10. EXHIBIT: C
MAKING STATEMENT: (9)(q) (e)(q)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF
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

FOB APACHE

DATED

21 SEP 2006

9. STATEMENT (Continued)

(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 OF THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT

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

WITNESSES:

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

TEAM CHARLIE TFC 1-2610

ORGANIZATION

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

Subscribed and sworn to before me, a person authorized by law to

administer oaths, this 21 day of SEP, 2006

at COP APACHE, ADHAMIYAN

DARHAD, JIAG

(Signature of Person Administering Oath)

LT

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

(Typed Name of Person Administering Oath)

PLATOON LEADER

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

g. (S//REL TO USA and MCFI) **USE OF FORCE.**

1) (S//REL TO USA and MCFI) [redacted] (b)(2) high If individuals pose a threat to Coalition Forces by committing a hostile act or demonstrating hostile intent, US Forces may use force, up to and including deadly force, to eliminate the threat. When

[Large redacted area]

(b)(2) high

EXHIBIT 006790

**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 Loyalty, Baghdad	2. DATE (YYYYMMDD) 2006/09/25	3. TIME 1424	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (g)(q) (e)(q)	6. SSN (g)(q) (e)(q)	7. GRADE/STATUS O2	

8. ORGANIZATION OR ADDRESS  
BCO 9E, TF 1-26, Baghdad, Iraq

9. (g)(q) (e)(q) , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: CPT (g)(q) (e)(q)  
A: 1LT (g)(q) (e)(q)  
Q: WERE YOU THE PATROL LEADER FOR PV2 (g)(q) (e)(q) ON 21 SEP 2006 DURING THE EOF INCIDENT INVOLVING THE DEATH OF A LOCAL NATIONAL?  
A: YES (q) (e)  
Q: HAS YOUR PATROL, TO INCLUDE PV2 (g)(q) (e)(q) RECEIVED THE EOF AND ROE CLASS FOR BAGHDAD IRAQ?  
A: YES (q) (e)  
Q: AS PART OF THE CLASSES GIVEN, WAS HOW TO SET UP A PROPER TCP CLASS INCLUDED IN THE EOF CLASS?  
A: YES (q) (e)  
Q: AS PART OF THE EOF CLASS WERE (g)(q) (z)(q) EOF BRIEFED? SEE EXHIBIT D  
A: YES (q) (e)  
Q: PRIOR TO THE PATROL DID YOU GIVE AN EOF AND AN ROE BRIEFING TO YOUR PATROL TO INCLUDE PV2 (g)(q) (e)(q)?  
A: YES BRIEFING WAS GIVEN BUT IT DID NOT INCLUDED AN EOF BRIEFING FOR A TCP. (g)(q) (e)(q)  
Q: PRIOR TO THE PATROL WERE BACK BRIEFS, REHEARSALS, PCIs/PCCs AND PERIODIC SCENARIO-BASED DECISION EXERCISES CONDUCTED AS REQUIRED BY MNCI?  
A: YES BUT IT DID NOT INCLUDE PV2 (g)(q) (e)(q) WHO WAS PART OF ANOTHER PLATOON. I AM NOT AWARE WHO CONDUCTED HIS BACKBRIEF. (q) (e)  
Q: WAS YOUR PATROL PROPERLY EQUIPED WITH EOF EQUIPMENT AND WERE THEY FULLY TRAINED IN USE OF THAT EQUIPMENT?  
A: NO WE DID NOT HAVE SUFFICIENT NUMBERS (g)(q) (z)(q)

(g)(q) (z)(q)  
Q: WAS YOUR PATROL PROPERLY EQUIPED TO SET UP A PROPER TCP?  
A: YES AND NO, WE HAD SUFFICIENT EQUIPMENT FOR ONLY A SMALL PORTION OF OUR TCP VEHICLES (q) (e)  
Q: WHAT TRAFFIC CONTROL EQUIPMENT DID YOUR PATROL HAVE?  
A: THREE TRUCKS EQUIPED WITH (g)(q) (z)(q) (q) (e)  
Q: DID YOUR PATROL HAVE ANY OTHER EOF EQUIPMENT? (g)(q) (z)(q)

A: (g)(q) (z)(q)  
Q: WAS PV2 (g)(q) (e)(q) TRUCK EQUIP WITH ANY OF THESE DEVICES?  
A: NOT THAT I AM AWARE OF. (q) (e)(q)  
Q: WERE YOU AT THE SCENE WHEN THE EOF INCIDENT OCCURED?  
A: NEGATIVE, I WAS WITH THE DISMOUNT TEAMS (q) (e)  
Q: WERE PROPER CLAIMS FORMS GIVEN OUT AT THE SCENE?  
A: YES (q) (e)  
Q: IS THERE ANYTHING ELSE YOU FEEL YOU SHOULD ADD?  
A: NO (q) (e)

NOTHING FOLLOWS (g)(q) (e)(q)

10. EXHIBIT E	11. INITIALS (g)(q) (e)(q)	STATEMENT	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (g)(q) (e)(q) TAKEN AT (g)(q) (z)(q) DATED (g)(q) (z)(q) (q) (e)  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

(9)(q) (ε)(q)

AFFIDAVIT

(9)(q) (ε)(q) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (9)(q) (ε)(q) 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.

(9)(q) (ε)(q)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of SEP, 2006

(9)(q) (ε)(q)

ORGANIZATION OR ADDRESS

(9)(q) (ε)(q)

(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(9)(q) (ε)(q)

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 (SSA).  
**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 LOYALTY, BAGHDAD IRAQ  
2. DATE (YYYYMMDD): 2006/09/25  
3. TIME: 1516  
4. FILE NUMBER:

5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6) (b)(7)(C)  
6. SSN: (b)(6)  
7. GRADE/STATUS: E7

8. ORGANIZATION OR ADDRESS: CCO 1-26 TF 1-26 BAGHDAD IRAQ

9. I, (b)(6) (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: CPT (b)(6) (b)(7)(C)  
A: SFC (b)(6) (b)(7)(C) (b)(6) (b)(7)(C)  
Q: WERE YOU PRESENT FOR THE PATROL BRIEFING ON 21 SEP 2006?  
A: YES (b)(6) (b)(7)(C)  
Q: WERE EOP AND ROE BRIEFED DURING THE PATROL BRIEFING?  
A: YES (b)(6) (b)(7)(C)  
Q: WAS PV2 (b)(6) (b)(7)(C) PRESENT FOR THAT BRIEFING?  
A: I DO NOT RECALL. I AM NOT SURE IF HE WAS OR NOT (b)(6) (b)(7)(C)  
Q: WERE YOU PRESENT FOR THE EOP INCIDENT INVOLVING THE DEATH OF A LOCAL NATIONAL ON 21 SEP?  
A: YES (b)(6) (b)(7)(C)  
Q: CAN YOU DESCRIBE WHAT HAPPENED?  
A: I HAD DISMOUNTED THE VEHICLE TO HELP SECURE (b)(6) (b)(7)(C) TEAM SECURE THE COURT YARD RIGHT NEXT TO MY VEHICLE (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C) I WAS ON A KNEE AND I HEARD PVT (b)(6) (b)(7)(C) START YELLING (b)(6) (b)(7)(C) SO I STOOD UP TO SEE IF I COULD SEE WHAT HE WAS SCREAMING AT. PVT (b)(6) (b)(7)(C) THEN STOOD ON HIS TURRET STRAP (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C) I THEN PROCEEDED OUT OF THE COURTYARD BECAUSE I WAS SCARED PVT (b)(6) (b)(7)(C) WAS NOT GOING TO STOP THE CAR. THEN PVT (b)(6) (b)(7)(C) GOT DOWN BEHIND HIS WEAPON AND ELEVATED THE BARREL AND FIRED A THREE ROUND BURST OVER THE CAR. THE CAR CONTINUED TO MOVE TOWARDS THE HMMWV AND THE COURTYARD WITH THE DISMOUNTS. I TRIED TO VIEW THE CAR THROUGH MY ACOG BUT WAS OBSTRUCTED. PVT (b)(6) (b)(7)(C) THEN FIRED ANOTHER BURST AT THE CAR AND THEN I HEARD THE CAR ACCELERATE AND THEN PVT (b)(6) (b)(7)(C) FIRE ANOTHER 2 ROUND BURST AND THEN ALL NOISE SEEM TO STOP. WITHIN SECONDS I HEARD SCREAMING AND I TOLD SFC (b)(6) (b)(7)(C) TO CALL HIS MEDIC AND I CALLED FOR SGT (b)(6) (b)(7)(C) TO HELP ME SECURE THE CAR WITH SOME OF SFC (b)(6) (b)(7)(C) DISMOUNTS. SGT (b)(6) (b)(7)(C) CAME STRAIGHT BACK AND SAID THAT THE LOCAL NATIONAL WAS KIA WITH A GSW TO THE HEAD. I IMMEDIATELY REMOVED MY TRUCK FROM THE INNER CORDON AND REPLACED IT WITH ONE OF SFC (b)(6) (b)(7)(C) TRUCKS SO SGT (b)(6) (b)(7)(C) COULD SEE TO PVT (b)(6) (b)(7)(C) WE CORDONED OFF THE CAR AND TALKED TO THE FAMILY AND WAITED ON THE IA AND THE IP TO SHOW UP TO ESCORT THE BODY TO THE HOSPITAL. THE FAMILY SPOKE VERY GOOD ENGLISH AND THE OLD MAN AT THE SCENE SAID HIS BROTHER LIVES IN MINNIAPOLIS MINNASOTA. THE WIFE THAT WAS PRESENT IN THE VEHICLE WAS SOMEWHAT CONTROLLED AND TRIED TO SETTEL THE OLD MAN'S WIFE DOWN. WHEN SHE BECAME AGGITATED AT US THE WIFE OF THE DEAD LOCAL NATIONAL TOLD HER TO SHUT UP AND QUIT SCREAMING. SHE SAID THE SOLDIER TOLD HIM TO STOP. WE ALSO ASKED WHY HE DID NOT STOP AND WHY HE WOULD SPEED THIS WAY ONCE HE SAW US AND THEY SAID HE LIVED 2 HOUSES UP FROM WHERE WE STOPPED HIM AND HE JUST WANTED TO GET HIS CAR INSIDE HIS GATE. WE CONTINUED TO SECURE THE STREET WHILE CPT (b)(6) (b)(7)(C) FILLED OUT A CLAIMS CARD AND TOOK PICTURES AND TALKED TO THE FAMILY. AFTER WE RELOADED THE TRUCKS WE MOVED BACK TO FOB APACHEE AND HAD THE ENTIRE CREW FILL OUT SWORN STATEMENTS AND BACK BRIEF THE TOC FOR THE SIR. (b)(6) (b)(7)(C)

10. EXHIBIT: F  
11. INITIALS: (b)(6) (b)(7)(C) STATEMENT PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6) (b)(7)(C) TAKEN AT (b)(6) (b)(7)(C) DATED (b)(6) (b)(7)(C)  
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9. STATEMENT (Continued)

Q: WHAT TRAFFIC CONTROL DEVICES DID THE PATROL HAVE ON HAND?

A: (g)(q) (z)(q)

Q: WHAT IF ANY TRAFFIC CONTROL DEVICES (g)(q) (z)(q) DID THE PATROL USE AT THE TCP PV2 (g)(q) (e)(q)

WAS MANNING?  
A: JUST THE (g)(q) (z)(q) (g)(q) (e)(q)

Q: WAS (g)(q) (z)(q) (g)(q) (e)(q)

Q: WHY WERE NO OTHER TRAFFIC CONTROL DEVICES USED AT PV2 (g)(q) (e)(q) TCP?

A: NO OTHER DEVICES WERE AVAILABLE FOR PV2 (g)(q) (e)(q) VEHICLE. THE PATROL WAS SHORT PROPER TCP EQUIPMENT (g)(q) (z)(q) (g)(q) (e)(q)

Q: IN YOUR OPINION DID THE ESCALATION OF FORCE COMPLY WITH THE RULES OF ENGAGEMENT?

A: YES (g)(q) (e)(q)

Q: WERE (g)(q) (z)(q) SHOTS ATTEMPTED PRIOR TO FIRING TO KILL THE DRIVER?

A: YES (g)(q) (e)(q)

Q: IN YOUR OPINION WAS THE ESCALATION OF FORCE REASONABLE AND PROPORTIONATE TO THE THREAT, GIVEN THE CIRCUMSTANCES?

A: YES (g)(q) (e)(q)

Q: ARE THERE ANY ADDITIONAL STATEMENTS YOU WOULD LIKE TO MAKE?

(g)(q)

Q: IS THERE ANYTHING ELSE YOU CAN THINK OF? (g)(q) (e)(q)

A: NO (g)(q) (e)(q) NOTHING FOLLOWS (g)(q) (e)(q)

AFFIDAVIT

I, (g)(q) (e)(q), 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.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(g)(q) (e)(q)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of SEP, 2006.  
(g)(q) (e)(q)  
\_\_\_\_\_  
(Signature of Person Administering Oath)

(g)(q) (e)(q)  
\_\_\_\_\_  
(Signature of Person Administering Oath)

(g)(q) (e)(q)  
AR 15-6  
\_\_\_\_\_  
(Authority To Administer Oaths)

**SWORN STATEMENT**

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

**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.  
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1. LOCATION FOB LOYALTY	2. DATE (YYYYMMDD) 2006/09/25	3. TIME 1700	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (g)(q) (e)(q)	6. SSN (g)(q) (e)(q)	7. GRADE/STATUS E5	
8. ORGANIZATION OR ADDRESS TASK FORCE 1-26 IN (FSE)			

9. (g)(q) (e)(q) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: CPT (g)(q) (e)(q)  
A: SGT (g)(q) (e)(q)  
Q: WERE YOU PRESENT FOR THE PATROL BRIEFING ON 21 SEP 2006?  
A: YES (g)(q) (e)(q)  
Q: WERE ROE AND ROE BRIEFED DURING PATROL BRIEFING?  
A: YES (g)(q) (e)(q)  
Q: WAS PV2 (g)(q) (e)(q) PRESENT FOR THE BRIEFING?  
A: YES (g)(q) (e)(q)  
Q: WERE (g)(q) (z)(q) EOF BRIEFED?  
A: YES (g)(q) (e)(q)  
Q: ARE YOU PV2 (g)(q) (e)(q) SQUAD LEADER?  
A: YES (g)(q) (e)(q)  
Q: DID YOU CONDUCT A BACKBRIEF, REHEARSAL, PCIS/PCCS AND PERIODIC SCENARIO-BASED DECISION EXERCISE WITH PV2 (g)(q) (e)(q) PRIOR TO THE PATROL?  
A: NOT PRIOR TO THE PATROL, BUT ONCE ON SITE I WENT OVER WHAT HIS DUTIES WERE AND HOW HE WAS TO CONDUCT THEM. (g)(q) (e)(q)  
Q: YOU MADE A STATEMENT THE DAY OF THE INCIDENT (EXHIBIT B) WOULD YOU LIKE TO ADD ANYTHING TO THAT STATEMENT ABOUT THE INCIDENT?  
A: NEGATIVE (g)(q) (e)(q)  
Q: WHAT HAPPENED AFTER THE FINAL SET OF SHOTS WERE FIRED?  
A: I WALKED DOWN TO SECURE THE CAR AFTER ABOUT 20 TO 30 MIN PASSED I WALKED BACK UP TO THE TRUCK TO SEE HOW PV2 (g)(q) (e)(q) WAS DOING. (g)(q) (e)(q)  
Q: IN YOUR STATEMENT, YOU SAID YOU TOLD HIM TO SHOOT AFTER THE (g)(q) (z)(q) MARK, WHAT WAS THAT MARK AND WAS IT CLEARLY IDENTIFIED?  
A: I USED SOME POWER LINE POLES THAT WERE SPACED APPROXIMATLY 25M APART AND POINTED OUT THE THIRD ONE DOWN WAS THE (g)(q) (z)(q) MARK, AND YES IT WAS CLEARLY IDENTIFIED. (g)(q) (e)(q)  
Q: DID YOUR TCP HAVE THE PROPER TRAFFIC CONTROL DEVICES AND IF SO WERE THEY PROPERLY IMPLACED?  
A: NO MY TRUCK DID NOT HAVE ANY OF THAT EQUIPMENT. (g)(q) (e)(q)  
Q: WAS YOUR TRUCK EQUIPT WITH ANY LESS THAN LEATHAL WEAPONS (g)(q) (z)(q)?  
A: NO (g)(q) (e)(q)  
Q: IN YOUR OPINION DID THE ESCALATION OF FORCE COMPLY WITH THE ROE?  
A: YES (g)(q) (e)(q)

(g)(q) (e)(q) (g)(q) (z)(q)

Q: IN YOUR OPINION WAS THE ESCALATION OF FORCE REASONABLE AND PROPORTIONAL TO THE THREAT GIVEN THE CIRCUMSTANCES?  
A: YES (g)(q) (e)(q)  
Q: WERE CLAIMS CARDS GIVEN OUT AFTER THE INCIDENT TO THE FAMILY?  
A: I REMEBER ASKING FOR THEM BUT I WAS BACK AT MY TRUCK BEFORE THEY WERE HANDED OUT. (g)(q) (e)(q)

10. EXHIBIT 6	11. INITIALS (g)(q) (e)(q)	MAKING STATEMENT	PAGE 1 OF 1 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"			
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STATEMENT OF SGT (b)(3), (b)(6) TAKEN AT FOB LOYALTY DATED 2006/09/25

9. STATEMENT (Continued)

Q: DO YOU HAVE ANY ADDITIONAL COMMENTS YOU WOULD LIKE TO MAKE?

A: NO. (b)(3), (b)(6) NOTHING FOLLOWS (b)(3), (b)(6)

AFFIDAVIT

(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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of SEP, 2006 at FOB LOYALTY

\_\_\_\_\_

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

ORGANIZATION OR ADDRESS  
\_\_\_\_\_

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

ORGANIZATION OR ADDRESS  
\_\_\_\_\_

AR 15-6  
(Authority To Administer Oaths)

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

PAGE 2 OF 2 PAGES

**SWORN STATEMENT**

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**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 /SSM/.  
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1. LOCATION FOB LOYALTY	2. DATE (YYYYMMDD) 2006/09/25	3. TIME 1738	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (g)(q) (c)(q)	6. SSN (g)(q) (c)(q)	7. GRADE/STATUS E2	
8. ORGANIZATION OR ADDRESS CCO TF 1-26 FOB LOYALTY BAGHDAD			

9. I, (g)(q) (c)(q) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: CPT (g)(q) (c)(q)  
A: PV2 (g)(q) (c)(q)  
Q: WERE YOU PRESENT FOR THE PATROL BRIEFING, GIVEN BY 1LT (g)(q) (c)(q) ON 21 SEP 2006?  
A: YES (g)(q) (c)(q)  
Q: WAS EOF AND ROE BRIEFED TO YOU DURING THE PATROL BRIEF?  
A: YES (g)(q) (c)(q)  
Q: HAVE YOU RECEIVED THE EOF AND ROE CLASS PRIOR TO THE PATROL BRIEFING?  
A: YES (g)(q) (c)(q)  
Q: ARE YOU FAMILAR WITH THE (g)(q) (z)(q) EOF EXHIBIT D  
A: YES (g)(q) (c)(q)  
Q: YOU GAVE A STATEMENT THE DAY OF THE INCIDENT, EXHIBIT C, WOULD YOU LIKE TO ADD ANYTHING ELSE?  
A: NO (g)(q) (c)(q)  
Q: DID YOUR TCP HAVE ANY TRAFFIC CONTROL DEVICES EMPLACED?  
A: NO NOTHING WAS EMPLACED, IT WAS A HURRY UP SECURE THE CORDON AND GET OUT WHEN MISSION WAS COMPLETE (g)(q) (c)(q)

(g)(q) (c)(q) (g)(q) (z)(q)

Q: YOU MENTION IN YOUR STATEMENT THAT THE CAR PASSED THE (g)(q) (z)(q) AND (g)(q) (z)(q) MARK, HOW WERE THESE IDENTIFIED TO YOU?  
A: SGT (g)(q) (c)(q) IDENTIFIED MY (g)(q) (z)(q) MARK AS A GREY TELEPHONE POLE OPPOSITE THAT WAS A WHITE CAR I USED TO HELP IDENTIFY THE (g)(q) (z)(q) MARK. FROM THAT I USED THE POLE BEYOND THAT AS THE (g)(q) (z)(q) MARK. SGT (g)(q) (c)(q) USED A SET OF POLES THAT WERE CLOSER TO ME AS THE (g)(q) (z)(q) AND (g)(q) (z)(q) MARK. (g)(q) (c)(q)  
Q: WERE THE POLES EASILY SEEN?  
A: YES THEY WERE FROM MY POSITION. (g)(q) (c)(q)  
Q: AT THE (g)(q) (z)(q) MARK YOU FIRED (g)(q) (z)(q) WARNING SHOTS, HOW DID THE DRIVER REACT TO THESE SHOTS?  
A: HE JUST (g)(q) (z)(q) COMING FORWARD AND STARTED SPEEDING UP. (g)(q) (c)(q)  
Q: AT THE (g)(q) (z)(q) MARK YOU FIRED (g)(q) (z)(q) CONTROLLED SHOTS INTO THE VEHICLE, ARE YOU SURE YOU HIT IT LOW ON THE HEADLIGHT AND REAR TIRE?  
A: YES (g)(q) (c)(q)  
Q: YOU FIRED ONE MORE SET OF SHOTS AT THE CAR, WHERE DID YOU PLACE THESE SHOTS?  
A: AT THE DRIVER THE SECOND SET OF SHOTS I FIRED AT THE ENGINE BLOCK BUT HIT THE HEADLIGHT AND REAR TIRE. (g)(q) (c)(q)  
Q: DID YOU SEE ANY OTHER OCCUPANTS IN THE VEHICLE?  
A: YES, AFTER I SHOT THE DRIVER I SAW A PASSENGER AND SOMEONE IN THE BACK (g)(q) (c)(q)  
Q: YOU DID NOT SEE THEM PRIOR TO SHOOTING THE DRIVER?  
A: NO (g)(q) (c)(q)  
Q: DO YOU FEEL THAT YOU WERE IN COMPLIANCE WITH THE EOF AND ROE?  
A: YES I FELT CONFIDANT (g)(q) (c)(q)  
Q: IN YOUR OPINION WAS THE EOF REASONABLE AND PROPORTIANTE TO THE TREAT, GIVEN THE CIRCUMSTANCES?  
A: YES (g)(q) (c)(q)

10. EXHIBIT H	INITIALS OF PERSON MAKING STATEMENT (g)(q) (c)(q)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (g)(q) (c)(q) 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

PV2 (9)(a) (e)(q)

TAKEN AT

FOB LOYALTY

DATED

2006/09/25

9. STATEMENT (Continued)

Q: DO YOU KNOW IF ANY CLAIMS CARDS WERE ISSUED OUT AT THE SCENE?

A: I AM NOT SURE (9)(a) (e)(q)

Q: IF YOU HAD PROPER TCP EQUIPMENT AVAILABLE, DO YOU BELIEVE THAT THIS INCIDENT COULD HAVE BEEN PREVENTED?

A: I AM NOT SURE (9)(a) (e)(q)

Q: DO YOU HAVE ANY ADDITIONAL STATEMENTS YOU WOULD LIKE TO MAKE?

A: I AM NOT SURE IF ANY CONTROL DEVICES WOULD HAVE HELPED, I HAD ALREADY STOPPED SIX OTHER CARS PRIOR TO THE INCIDENT AND THEY HAD NO PROBLEM WITH MY HAND AND VERBAL SIGNALS. ONCE THE CAR HAD BEEN STOPPED THE PASSENGER, WHO WAS A WOMAN, GOT OUT AND HAD SAID THAT THEY HAD SEEN THE SIGNAL TO STOP BUT DOES NOT KNOW WHY THEY DIDN'T.

(9)(a) (z)(q)

(9)(a) (e)

(9)(a) (z)(q)

Q: DO YOU HAVE ANY OTHER STATEMENTS AT THIS TIME?

A: NO (9)(a) (e)(q)

NOTHING FOLLOWS

(9)(a) (e)(q)

(9)(a) (e)(q)

FIDAVIT

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.

(9)(a) (e)(q)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to

administer oaths, this

25

day of

SEP

2006

at

FOR LOYALTY

(9)(a) (e)(q)

ORGANIZATION OR ADDRESS

(9)(a) (e)(q)

(Typed Name of Person Administering Oath)

AR 15-6

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

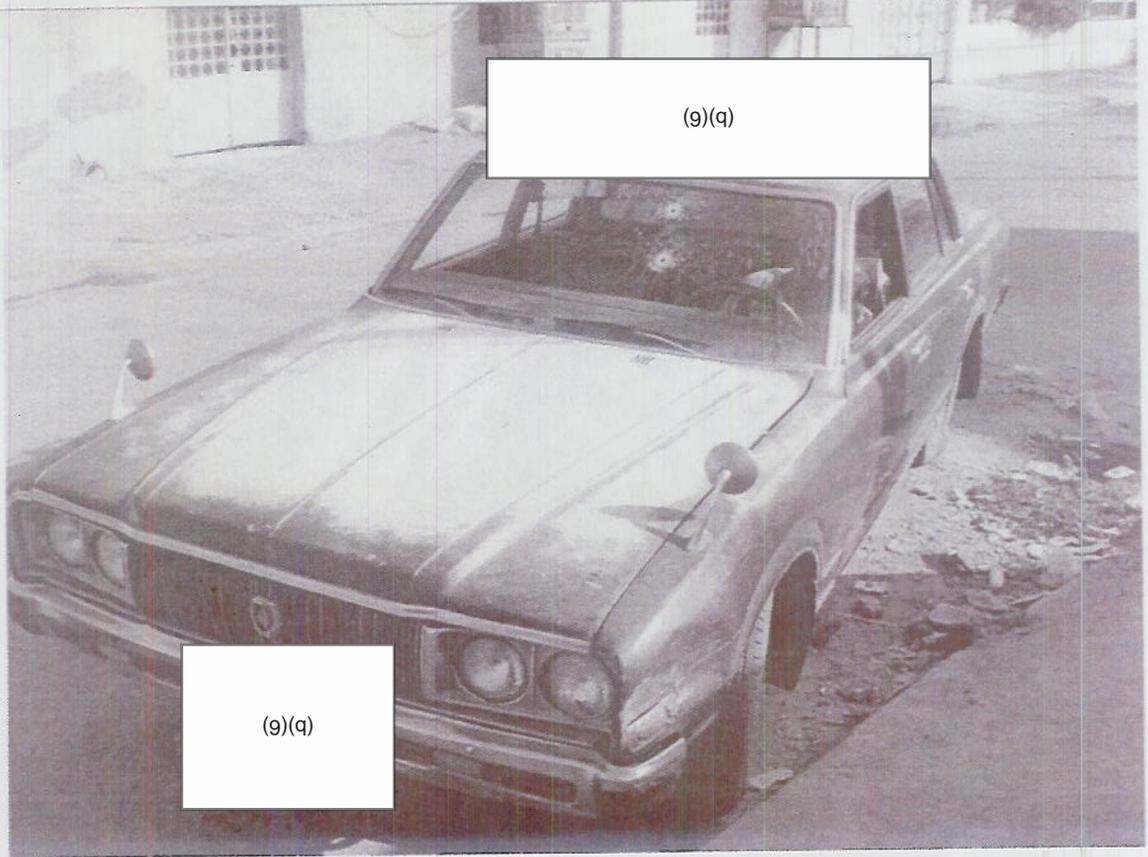
INITIALS OF PERSON MAKING STATEMENT

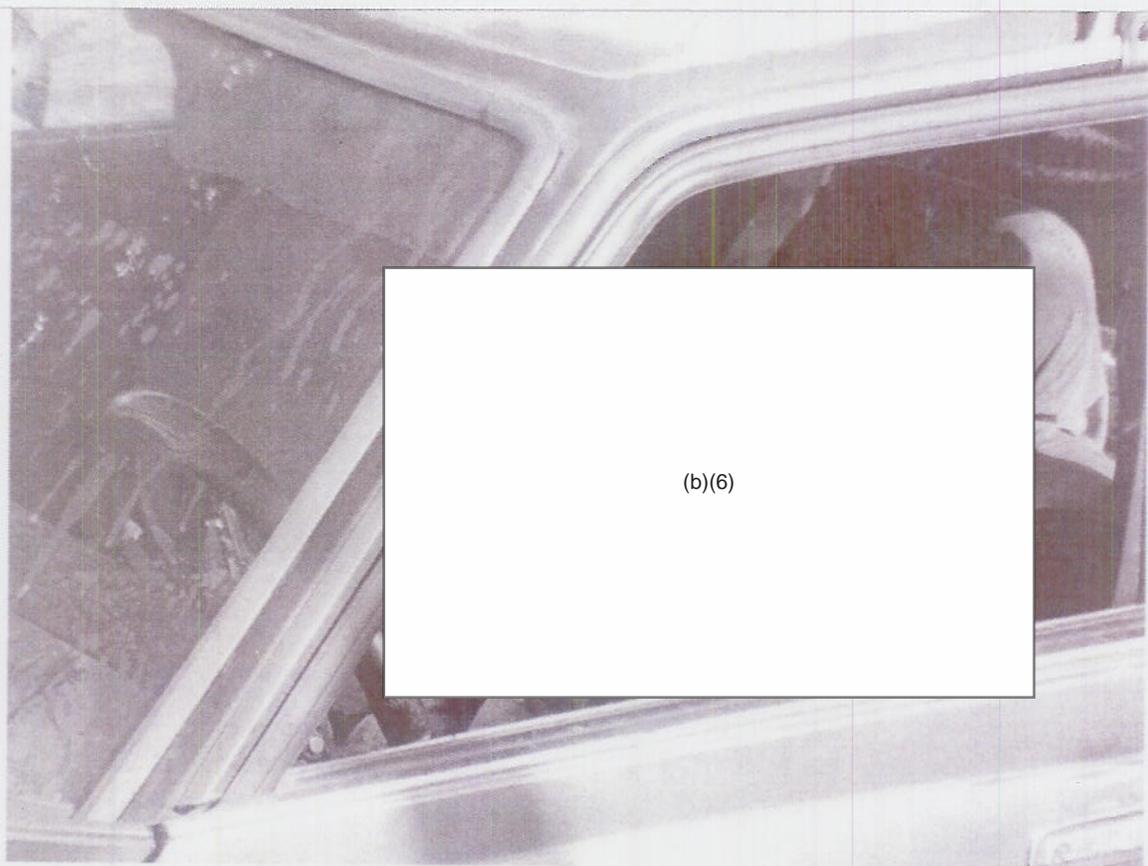
(9)(a) (e)(q)

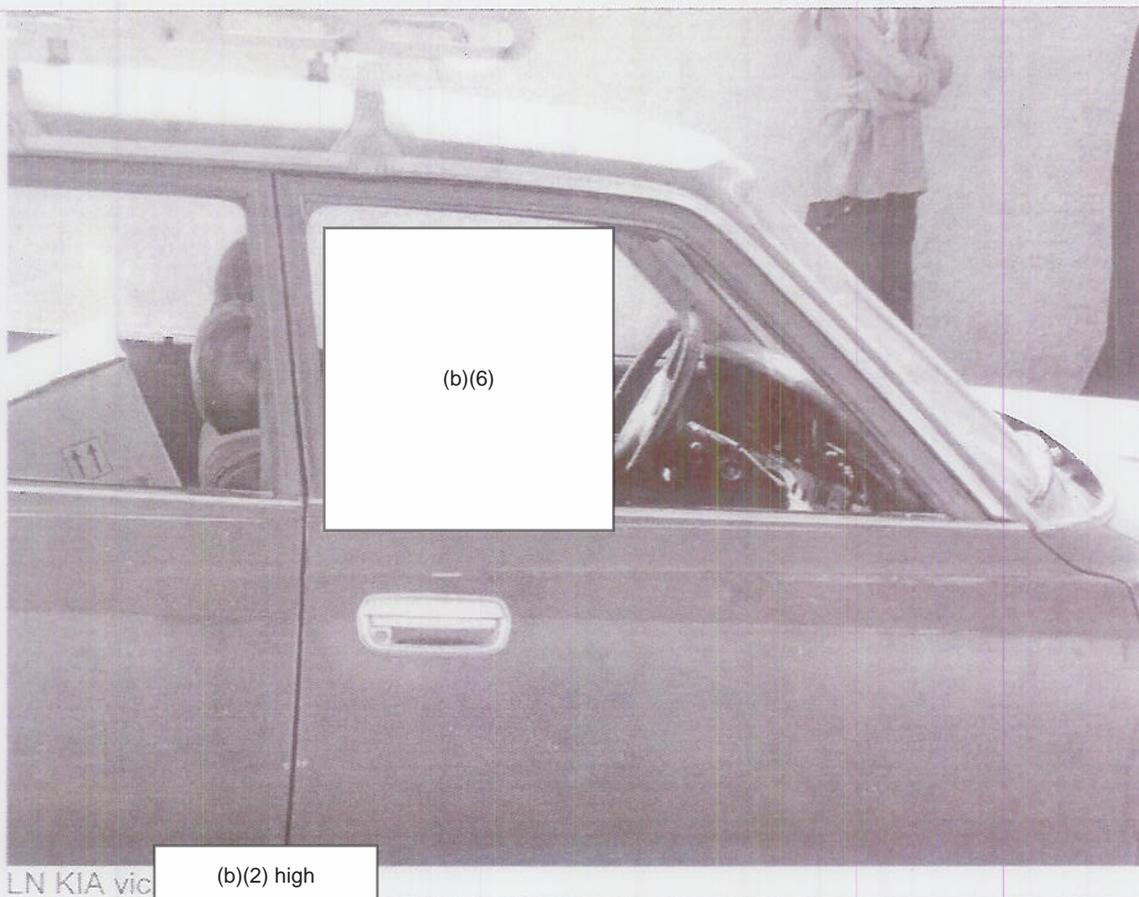
PAGE 2 OF 2 PAGES

TF 1-26 IN Patrol Debriefing Format

18. Photos  
(description):

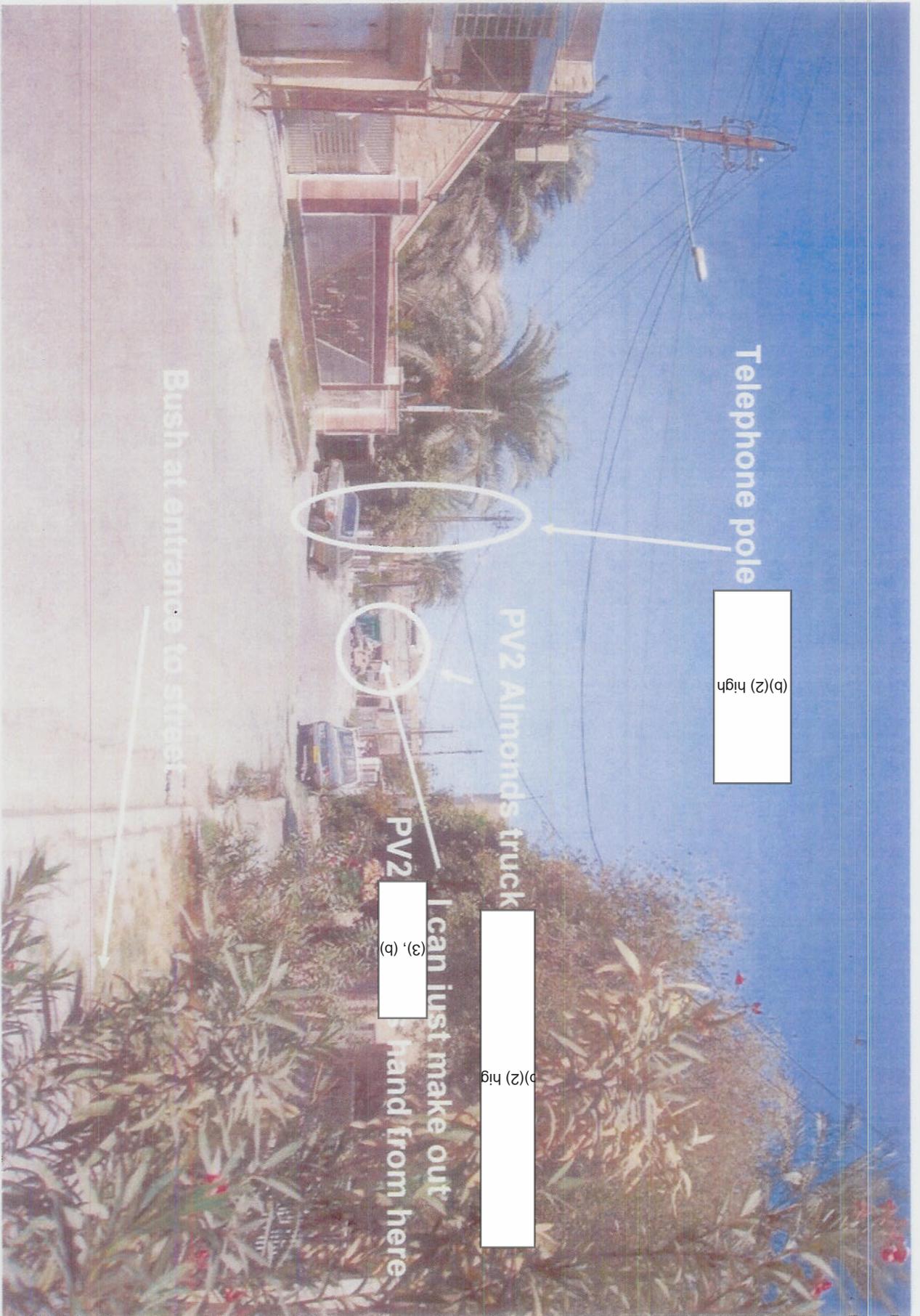






Instructions to DeBriefer:

1. Review the report in its entirety.
2. Using the enclosed map, have the patrol leader show his departure point, objective area/NAIs and areas which he was concerned about for whatever reason.
3. Ask him to recount each leg of the route he took using checkpoints and route names, grids and easily identifiable map features. Tell him to stop when he reaches a point on the route that a significant action took place.
4. Backbrief the AO, departure point, route out, objective, actions on contact, actions on the objective, route back, re-entry point as you understand it. If there are any points of confusion, clarify these areas on the written debrief by having the patrol leader make the necessary changes.



Telephone pole

(b)(2) high

PV2 Almonds truck

I can just make out hand from here

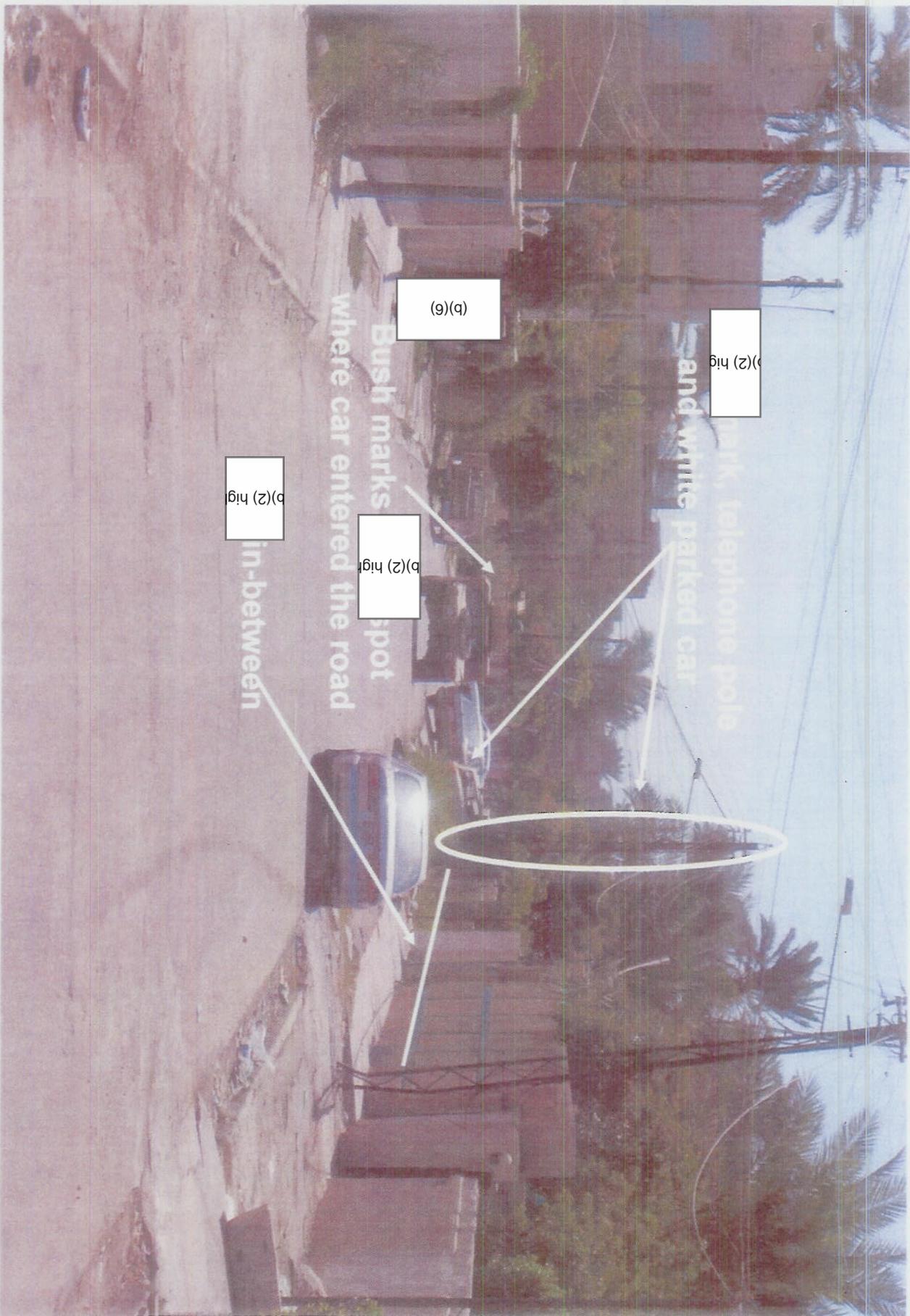
(b)(2)(c)

PV2

Bush at entrance to street

Point of View from were the LN's POV entered the street

EXHIBIT 5



(b)(2) sig

(b)(6)

(b)(2) sig

(b)(2) sig

mark, telephone pole  
and white parked car

Bush marks  
where car entered the road

in-between



HMMWV represents the POV at the (b)(2) sig mark from PV2 (b)(3), (b) perspective  
warning shots fired



First two

(b)(2) high

rounds fired into headlight and left rear tire



Two shots put through drivers windshield,

(b)(2)(g)



From POV's perspective,

(b)(2) high