

# 15-6 INVESTIGATION



343 Military Police Detachment (BLD)  
HHC, 18th Military Police Brigade  
Building 112  
Camp Victory, Baghdad, Iraq  
APO AE 09342

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

LTC, MP, USAR  
INVESTIGATING

## **AR 15-6 Investigation Approval**

**Purpose:** To obtain Commanding General's approval of AR 15-6 investigation regarding the shooting of an Iraqi policeman and death of an Iraqi citizen on 29 January 2005.

**Recommendation:** That the Commanding General approve the findings and return the recommendations to the chain of command for action as the chain of command deems appropriate.

**Summary of Investigating Officer's Findings and Recommendations:** The investigating officer found that 42d Brigade personnel acted appropriately in stopping a white vehicle on a "no-roll" day in light of intelligence indicating that coalition forces should be searching for a white vehicle as a possible VBIED. The investigating officer found that the soldiers involved appropriately escalated force after the driver of the vehicle, an Iraqi policeman, failed to identify himself and failed to respond to verbal and visual signals. The soldiers fired upon the vehicle in an attempt to disable the vehicle when it moved toward the soldiers in spite of visual and verbal signals. The investigating officer found that the Iraqi citizen had been inadvertently struck by one of the rounds fired to disable the vehicle. The Iraqi policeman was struck by two rounds. He was identified as an Iraqi policeman when aid was administered. The investigating officer recommended that the 42d chain of command conduct additional training regarding security of the scene in events of this nature, additional training on ammo accountability and observation techniques, a re-enactment to minimize blue-on-blue casualties, inclusion of interpreters on all convoys, additional training regarding appropriate signals and Arabic words and gestures, additional training regarding identification of Iraqi police (IP), additional training for IP regarding compliance with coalition forces directives and requests, properly marked IP vehicles, current intelligence for IP officers, and conducting critical incident debriefings.

**Requested Action:** That the Commanding General initial by the word "Approved with the following exceptions and substitutions" 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

FIGI-JA-AL

15 March 2005

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

SUBJECT: Legal Review, AR 15-6 Investigation Regarding 29 January 2005 Shooting of Iraqi Policeman

1. This office has reviewed the Report of Proceedings of the Investigating Officer regarding the facts and circumstances surrounding an incident involving the accidental death of an Iraqi national and the wounding of an Iraqi policeman on 29 January 2005, 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. Because the recommendations primarily address the unit concerned and the Iraqi police, I recommend returning the recommendations to the chain of command for action as the chain of command deems appropriate. You may accomplish this by initialing next to the phrase, "Approved with the following exceptions and substitutions," and signing the enclosed action, and signing 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 LTC (b)(3)(b)(6) at (b)(6), (b)(3) @iraq.centcom.mil or DSN (b)(2)

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

Encl  
as

COL, JA  
Staff Judge Advocate

FICI-CG  
SUBJECT: Army Regulation 15-6 Investigation

The findings and recommendations of the Army Regulation 15-6 investigation regarding the 29 January 2005 death of an Iraqi national and shooting of a Iraqi policeman are:

\_\_\_\_\_  
(b)(3)(b)(6) Approved

\_\_\_\_\_ Approved with the following exceptions and substitutions:

The findings are approved. The recommendations are returned to the chain of command for action as the chain of command deems appropriate.

\_\_\_\_\_ Disapproved. Return to investigating officer with the following direction:



JOHN R. VINES  
Lieutenant General, USA  
Commanding General

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TAB V      Exhibit 16  
Victim information

TAB W      Exhibit 17  
42<sup>nd</sup> MP Convoy 29 January 05 Trip Ticket

TAB X      Exhibit 18  
42<sup>nd</sup> MP Warning Shot Standard Operation Procedure (SOP)  
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TAB Y      Exhibit 19  
FRAGO 027 Warning Shots to Clear Traffic Congestion  
FRAGO 234 Emergency Measures for the Iraqi Election  
FRAGO 1399 Tactics, Techniques and Procedures to reduce vehicle  
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TAB Z      Exhibit 20  
42<sup>nd</sup> Training Documents to including:  
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Security Platoon Supplementary Training  
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TAB AA     Pictures of Scene



REPLY TO  
ATTENTION OF

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

**FEB 2 2005**

FICI-CG

MEMORANDUM FOR LTC (b)(3)(b)(6) 343d Military Police Detachment (Brigade Liaison Detachment), 18<sup>th</sup> Military Police Brigade

SUBJECT: Appointment of AR 15-6 Investigating Officer

1. You are appointed as an investigating officer to conduct an investigation into all the facts and circumstances surrounding the allegation that an Iraqi policeman was killed by friendly fire on 29 January 2005. A copy of the Commander's Incident Report is attached. 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, paragraph 4-1, *et seq.* 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 to Administrative Law, Office of the Staff Judge Advocate (OSJA), 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.

007606

FICI-CG

SUBJECT: Appointment of AR 15-6 Investigating Officer

5. Before proceeding with the investigation, contact CPT (b)(3)(b)(6) at (b)(2) (b)(2) or (b)(6), (b)(3) @iraq.centcom.smil.mil. CPT (b)(3)(b)(6) will serve as your legal advisor for this investigation and will provide you with an initial legal briefing.

Encl  
as



THOMAS F. METZ  
Lieutenant General, USA  
Commanding

**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 Thomas F. Metz, Commander, Multi-National Corps-Iraq  
(Appointing authority)

on 02 Feb 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 42nd MP Bde. Hq. Camp Victory, Iraq 09342 at 1400 hours  
(Place) (Time)

on 05 February 2005 (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.)

N/A

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

N/A

The (investigating officer) (board) finished gathering/hearing evidence at 1930 hours on 28 March 2005  
(Time) (Date)  
and completed findings and recommendations at 1000 hours on 02 April  
(Time) (Date)

**SECTION III - CHECKLIST FOR PROCEEDINGS**

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

2	Exhibits (para 3-16, AR 15-6)	YES	NO <sup>1/</sup>	NA <sup>2/</sup>
	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>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
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:

SEE ATTACHED 15-6 INVESTIGATION FINDINGS AND RECOMMENDATIONS MEMORANDUM

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

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

SEE ATTACHED 15-6 INVESTIGATION FINDINGS AND RECOMMENDATIONS MEMORANDUM

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

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

_____	_____
(Recorder)	(b)(3)(b)(6) LTC, MP
_____	(b)(3), b(6) (Investigating Officer) (President)
(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.)

THOMAS F. METZ, LTG, Commanding



DEPARTMENT OF THE ARMY  
HEADQUARTERS AND HEADQUARTERS COMPANY  
42nd MILITARY POLICE BRIGADE  
APO AE 09342



AFZH-MP

29 JANUARY 2005

MEMORANDUM FOR COMMANDER, 42<sup>ND</sup> MP BRIGADE, ATTN: S3.

SUBJECT: Commanders Incident Report.

1. REPORT MADE BY:

- a. RANK: SFC.
- b. NAME:
- c. DUTY POSITION: Platoon Sergeant.
- d. UNIT: HHC, 42nd MP BDE.
- e. TIME: 1830.

2. TYPE OF REPORT: **CIR.**

3. TYPE OF INCIDENT: **Fatal Shooting**

4. DTG OF INCIDENT: 291715JAN05

5. LOCATION OF INCIDENT: SOUTH BOUND RT BREWERS

6. UNITS INVOLVED: 2<sup>ND</sup> SQUAD, SECURITY PLT. HHC 42<sup>ND</sup> MP BDE,  
PROTECTOR 7

7. UNIT ADDRESS: **Victory Base, APO AE 09342 BAGHDAD, IRAQ.**

8. LIST OF PERSONNEL INVOLVED:

a. WITNESS:

(1) Rank or Grade: SSG/E-6

(2) SSN:

(3) Race:

(4) Sex: **Male.**

(5) Age: 24.

(6) Position: **Squad Leader.**

(7) Security Clearance:

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- (8) Unit and Assignment: HHC 42nd MP BDE.
- (9) Duty Status: On Duty

**b. WITNESS:** (b)(3)(b)(6)

- (1) Rank or Grade: 1LT/O-2
- (2) SSN: (b)(3)(b)(6)
- (3) Race: (b)(6)
- (4) Sex: Male
- (5) Age: 33
- (6) Position: Platoon Leader.
- (7) Security Clearance: (b)(2)High
- (8) Unit and Assignment: HHC 42<sup>nd</sup> MP Bde

**NARRATIVE:** While traveling southbound on Rt (b)(2)High Nightstalker 2 element encountered a (b)(6) in color Toyota Crown traveling at a slow rate of speed in the same direction. The subject vehicle pulled to the side of the road despite hand and arm signals of the lead element Stalker 2B to move forward. After coming to a stop on the side of the road SSG (b)(3)(b)(6) and SPC (b)(3)(b)(6) dismounted in order to search the driver and vehicle. At which time the driver began to back his vehicle up. SSG (b)(3)(b)(6) fired one warning shot at the ground. At this time Stalker 2C pulled ahead of and to the left side of the vehicle in an over-watch position. The driver stopped the vehicle and dismounted. He was then approached by an unidentified bystander. The bystander conversed with the occupant in an apparent effort to help. The bystander left and the driver reentered the vehicle. After repeated verbal commands to dismount the vehicle failed SSG (b)(3)(b)(6) fired one warning round from his M4 through the window of the drivers open door. The driver then proceeded forward despite the repeated verbal commands to stop. SSG (b)(3)(b)(6) and SPC (b)(3)(b)(6) fired into the passenger compartment area of the vehicle at which time the vehicle stopped. At this time it was discovered that a bystander that was standing aprox 30M away sustained a fatal gunshot wound to the abdomen. SSG (b)(3)(b)(6) and SGT (b)(3)(b)(6) the Bde Medical NCO went to the injured bystander to provide aid. SGT (b)(3)(b)(6) and SPC (b)(3)(b)(6) approached the Subject vehicle, determined the driver sustained minor injuries and searched the driver and vehicle with negative results. SPC (b)(3)(b)(6) called for a CASEVAC and shortly after an US military ambulance arrived and transported the driver to an undetermined location for further evaluation. IP arrived and took custody of the deceased individual.

9. TIME UNIT COMMANDER WAS NOTIFIED: 1900 hrs

10. UNIT COMMANDER: CPT (b)(3)(b)(6)

11. DRUGS OR ALCOHOL INVOLVED: No.

12. ESTIMATED COST OF DAMAGE: ?

13. COMMANDERS EVALUATION AND OTHER COMMENTS:

a. IMPACT ON OPERATIONAL READINESS: None

b. INDICATE COMMANDERS JUDGEMENT OF CAUSE:

14. ACTIONS TAKEN BY UNIT COMMANDER: Conduct AAR, continue to adjust TTPs to counter that of the enemy.

16. AUTHENTICATIONS AND POC: CPT (b)(3)(b)(6) DNV (b)(2)  
(b)(2)

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

CPT, MP  
Commanding

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 42ND MILITARY POLICE BRIGADE  
CAMP VICTORY, IRAQ  
APO AE 09342

AFZH-S3

30 January 2005

MEMORANDUM FOR MNC-I PMO

SUBJECT: Commander's Incident Report – Fatal Shooting

1. REPORT MADE BY: 42nd MP BDE Battle Captain
2. TYPE OF REPORT: CIR
3. TYPE OF INCIDENT: Fatal Shooting
4. DTG OF INCIDENT: 291715JAN05
5. LOCATION OF INCIDENT: (b)(2)High
6. UNITS INVOLVED: Security Platoon, HHC, 42nd MP BDE
7. UNIT ADDRESS: Victory Base, Baghdad, Iraq APO AE 09342

8. NARRATIVE: At 291715JAN05, elements of HHC, 42nd MP BDE fired at a vehicle resulting in one (1) LN death and one (1) IP wounded IVC (b)(2)High. While traveling southbound on Route (b)(2)High elements of HHC, 42nd MP BDE encountered a (b)(3), b(6) Crown traveling at a slow rate of speed in the same direction. The subject vehicle pulled to the side of the road despite hand and arm signals of the lead element to move forward. After coming to a stop on the side of the road, two (2) soldiers dismounted in order to search the driver and vehicle. The subject vehicle began to back up. One (1) soldier fired one (1) M-4 (b)(2) High shot at the ground. An M1114 pulled ahead of and to the left side of the vehicle in an (b)(2) High. The driver stopped the vehicle and dismounted. He was then approached by an unidentified bystander. The bystander conversed with the occupant in an apparent effort to help. The bystander left and the driver re-entered the vehicle. After repeated verbal commands to dismount the vehicle failed, one (1) soldier fired one (1) (b)(2) High round from his M4 through the window of the driver's open door. The driver then proceeded forward despite the repeated verbal commands to stop. The two (2) soldiers fired into the passenger compartment area of the vehicle and it stopped. It was then discovered that a bystander that was standing approximately (b)(2)High away

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sustained a fatal gunshot wound to the abdomen. The soldier and the BDE Medical NCO went to the injured bystander to provide aid but the bystander DOW. Two (2) other soldiers approached the subject vehicle, determined the driver sustained minor injuries and searched the driver and vehicle with negative results. It was found that the driver was an IP with a yellow identification badge and pistol. Elements of HHC, 42nd MP BDE called for a CASEVAC and shortly after, an US military ambulance arrived and transported the driver to an undetermined location for further evaluation. IPs arrived and took custody of the deceased individual.

9. TIME UNIT COMMANDER WAS NOTIFIED: 291900JAN05

10. UNIT COMMANDER: HHC Commander: CPT (b)(3)(b)(6) BDE  
Commander: COL (b)(3)(b)(6)

11. DRUGS OR ALCOHOL INVOLVED: No.

12. ESTIMATED COST OF DAMAGE: UNK

13. COMMANDERS EVALUATION AND OTHER COMMENTS: None

a. IMPACT ON OPERATIONAL READINESS: None

b. INDICATE COMMANDERS JUDGEMENT OF CAUSE:

c. ACTIONS TAKEN BY UNIT COMMANDER: Conduct AAR and continue to adjust TTPs to counter that of the enemy.

14. AUTHENTICATION AND POC #: MAJ (b)(3)(b)(6) 42nd MP BDE S3, (b)(2)

<b>DATE</b>	<b>AR 15-6 Investigating Officer's Chronology/Comments</b>
30 Jan	Received notice of possible appointment of 15-6 investigation of friendly fire incident via e-mail. Obtained a copy of the CIR report
31 Jan	Talk to Captain (b)(3)(b)(6) 18 <sup>th</sup> MP Brigade Judge Advocate and obtained 15-6 information and read thru material
03 Feb	Received appointment order
04 Feb	Read 15-6 information and gathered needed material
05 Feb	Went by 42 <sup>nd</sup> Military Police Brigade Headquarters and talked to Captain Captain (b)(3)(b)(6) Captain (b)(3)(b)(6) and 1LT (b)(3)(b)(6) While there I obtained the following document, sworn statements, standard operating procedures rule of engagement ref. warning shots and use of deadly force, weapons training documents and convoy trip ticket
06 Feb	Review documents, sworn statements, ROE's and SOP's
08 Feb	Developed questions for upcoming interviews
09 Feb	Received e-mail from Captain (b)(3)(b)(6) 42 <sup>nd</sup> Military Police Brigade Legal Officer advising that he was available for any assistance
	Contacted Capt. (b)(3)(b)(6) to schedule interviews with soldiers involved in shooting incident
10 Feb	Interviewed the following soldiers: SPC (b)(3)(b)(6) and SPC (b)(3)(b)(6)
11 Feb	Interviewed the following soldiers: SPC (b)(3)(b)(6) SGT (b)(3)(b)(6) PV2 (b)(3)(b)(6) and 1LT (b)(3)(b)(6)
14 Feb	Contacted Capt. (b)(3)(b)(6) to request an extension for the investigation because of the large number of soldiers to interviewed and the difficulty in arranging the schedule times
15 Feb	Capt. (b)(3)(b)(6) informed me that I needed to request the extension thru LTC (b)(3)(b)(6)
	Attempted to contact LTC (b)(3)(b)(6) by e-mail, received not response
17 Feb	Interviewed the following soldiers: SPC (b)(3)(b)(6) SPC (b)(3)(b)(6)

<b>DATE</b>	<b>AR 15-6 Investigating Officer's Chronology/Comments(Conti)</b>
	SPC (b)(3)(b)(6) and CSM (b)(3)(b)(6)
18 Feb	Interviewed the following soldiers: SPC (b)(3)(b)(6) SGT (b)(3)(b)(6) and SSG (b)(3)(b)(6)
	Contacted Major (b)(3)(b)(6) 18 <sup>th</sup> MP Bde Civil Affairs Officer seeking assistance in locating Iraqi Police Officer involved in the shooting incident
	E-mailed LTC (b)(3)(b)(6) requesting an extension because there were more interviews to be conducted, soldier on R&R
19 Feb	E-mailed Capt. (b)(3)(b)(6) reference obtaining an Iraqi police report
20Feb	I was informed by Major (b)(3)(b)(6) that he was unable to make any connection in locating the Iraqi police officer
	E-mailed Capt. (b)(3)(b)(6) to see if he could set up an interview or located the the Iraqi police officer
23 Feb	Contacted Capt. (b)(3)(b)(6) to if he can make and contact with the Iraqi police officer and check on the status of Sgt. (b)(3)(b)(6) the last soldier I need to interview
	Capt. (b)(3)(b)(6) replied that he was not having any luck in contacting the Police officer but will still be working the issue.
24 Feb	E-mailed Capt. (b)(3)(b)(6) to schedule an interview with SGT (b)(2)Low when he returns from R&R leave, he the last soldier to be interviewed
26 Feb	Talked to Capt. (b)(3)(b)(6) to check status of SGT (b)(3)(b)(6) return from R&R and a possible POC for the Iraqi police officer
	Was inform that the police officer may still be in the hospital, but would double check the status
	Received a message from the American Red Cross notifying me that I had A death in the family. I submitted a request for emergency leave thru the Chain of command
27 Feb	Notified Capt (b)(3)(b)(6) that I had to take emergency leave and for him to Request another extension thru the proper channels. He stated that he

DATE	AR 15-6 Investigating Officer's Chronology/Comments(Conti)
	Would send e-mail notification to LTC (b)(3)(b)(6)
	I also sent e-mail notification the LTC (b)(3)(b)(6) advising him of the
	situation
21 March	Returned to theater from emergency leave
22 March	Received e-mail from SSG (b)(3)(b)(6) dated ----indicating that SGT (b)(3)(b)(6)
	returned from his R& R and was available for an interview
23 March	E-mail CAPT (b)(3)(b)(6) requesting that he schedule any interview with
	SGT (b)(3)(b)(6)
	Received e-mail reply from CAPT (b)(3)(b)(6) indicating that SGT (b)(3)(b)(6)
	Will be working inside the TOC on Saturday 26 March and that would be
	Earliest available day for an interview.
24 March	Talked to CAPT (b)(3)(b)(6) he advised that SGT (b)(3)(b)(6) would not be
	Available for an interview on 26 March because he was scheduled for a
	Mission that day, another date was scheduled for 28 March. Still had
	negative results in trying to locate the Iraqi Police Officer
28 March	Interview SGT (b)(3)(b)(6) at 42 <sup>nd</sup> MP HQ



DEPARTMENT OF THE ARMY  
HEADQUARTERS & HEADQUARTERS COMPANY  
343<sup>rd</sup> Military Police Detachment (BLD)  
Camp Victory, Iraq  
APO AE 09342



REPLY TO  
ATTENTION OF

AETV-MP-BLD

02 April 2005

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation of Fatal Shooting on Rt. Brewers MB 47058730

1. On 30 January 2005, at 1800 hours I was informed via e-mail by LTC (b)(3)(b)(6) Deputy Brigade Commander, that I would be appointed as the investigating officer in regards to a friendly fire and fatal shooting incident involving members of the 42<sup>nd</sup> Personal Security Detail. This incident occurred on 29 January 2005 in Baghdad on (b)(2) High (b)(2)High. On 3 February, I received my Appointment Letter (Exhibit#1), and a legal brief from CPT (b)(3)(b)(6) 18<sup>th</sup> Military Police Brigade Judge Advocate.
2. I then obtained a copy of the Serious Incident Report (Exhibit #?) and made an initial phone contact with CPT (b)(3)(b)(6) with the 42<sup>nd</sup> MP Bde., and informed him that I had been appointed the investigating officer for a fatal shooting incident.
3. I then read AR 15-6 and gathered the materials I would need to conduct the investigation, such as blank DA Forms 2823 (Sworn Statement), 3881 (Rights Warning Procedure/Waiver Certificate), and 7433 (Privacy Act Information Release Statement).
4. On 05 February 2005 I arrived at the 42<sup>nd</sup> Military Police Brigade, Camp Victory, Bldg. #65, and met with CPT (b)(3)(b)(6), CPT (b)(3)(b)(6) and 1LT (b)(3)(b)(6). While there I obtained the following documents: soldiers' sworn statements, Standard Operating Procedures (SOP), unit Rules of Engagements (ROE), training documents and convoy trip ticket from 29 January.
5. I went back to the 18<sup>th</sup> MP Bde. HQ and reviewed all current SOP, ROE, unit training documents and sworn statements.
6. I then contacted CPT (b)(3)(b)(6) the 42<sup>nd</sup> MP Brigade Legal Officer to request his assistance in arranging interviews of all the soldiers involved in this incident. Arrangements were coordinated to utilize the conference room at the 42<sup>nd</sup> MP Bde. HQ to conduct the interviews.
7. I interviewed each soldier individually, and began each interview by advising the ones who actually fired their weapons of their rights and completing a DA 3881 followed by a Privacy Act Statement. I then conducted the interviews by completing Sworn Statements using a Question/Answer format.

007620

- |        |              |              |
|--------|--------------|--------------|
| a. SPC | (b)(3)(b)(6) | (Exhibits G) |
| b. SPC |              | (Exhibits H) |
| c. SGT |              | (Exhibits I) |
| d. SGT |              | (Exhibits J) |
| e. SSG |              | (Exhibits K) |
| f. SPC |              | (Exhibits L) |
| g. SPC |              | (Exhibits M) |
| h. PV2 |              | (Exhibits N) |
| i. SPC |              | (Exhibits O) |
| j. SGT |              | (Exhibits P) |
| k. 1LT |              | (Exhibits Q) |
| l. SPC |              | (Exhibits R) |
| m. SPC |              | (Exhibits S) |
| n. CSM |              | (Exhibits T) |
| o. SPC |              | (Exhibits U) |

8. Several attempts were made to locate and interview the Iraqi Police Officer, (b)(6) (b)(6) to gather additional facts into this investigation. All attempts by this investigating officer resulted in a negative outcome.

9. After interviewing all the soldiers involved in this shooting event and reviewing the training documents, SOP's, Fragos, and other policies that were in effect at the time, I made several findings and recommendations which are addressed in the Findings and Recommendations memorandum.

10. Point of Contact for this memorandum is LTC (b)(3)(b)(6) at (b)(2) or NIPR (b)(6) @iraq.centcom.mil, or SIPR (b)(6) @iraq.centcom.smil.mil.

(b)(3)(b)(6)  
LTC, MP  
Investigating Officer



**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS & HEADQUARTERS COMPANY**  
**343<sup>rd</sup> Military Police Detachment (BLD)**  
**Camp Victory, Iraq**  
**APO AE 09342**



REPLY TO  
ATTENTION OF

AETV-MP-BLD

2 April 2005

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation Findings and Recommendations

1. After a thorough review of all Standard Operating Procedures (SOP), Rules of Engagement (ROE), FRAGO's, unit training documents and sworn statements, and conducting interviews with the 42<sup>nd</sup> MP BDE Chain of Command and witnesses, I have the following findings and recommendations.

2. Findings.

- a. The shooting incident that occurred on Route (b)(2)High, included the unintentional death of a Local National (LN) and the wounding of an Iraqi Police officer (IP). Although an unfortunate occurrence, the soldiers involved acted in accordance with (IAW) the references mentioned above.
- b. In considering the totality of the circumstances, the environment and surroundings in which the shooting took place, as well as the conditions and timing of the incident, clearly justify the actions taken by Coalition Forces (CF).
  - (1) Current intelligence (INTEL) regarding the situation indicated that CF should be on the look-out for white vehicles (as possible VBIED) that may be attempting to approach CF convoys. The vehicle in questions was (b)(6), and the driver ignored CF directions and warnings.
  - (2) There was a ban in effect for movement of all vehicles not properly marked (IAW (b)(2) High (b)(2) High 24 January 2005) during the time of the incident. The vehicle in question was not properly marked to indicate that the driver was operating in an official capacity.
  - (3) The behavior of the driver of the vehicle, later to be identified as IP (b)(6) (b)(6), was erratic and unresponsive to properly conducted verbal, and hand & arm signals given by SSG (b)(3)(b)(6) and SPC (b)(3)(b)(6). IP (b)(6) also ignored two warning shots fired by SSG (b)(3)(b)(6) and SPC (b)(3)(b)(6).
  - (4) IP (b)(6) was observed by witnesses with a view of his vehicle driving backwards after being instructed to stop by SSG (b)(3)(b)(6) and SPC (b)(3)(b)(6). IP (b)(3)(b) was then observed getting down

in his vehicle which then began to “creep forward” and then “accelerate” towards 1LT (b)(3)(b)(6) SGT (b)(3)(b)(6) SPC (b)(3)(b)(6) and their vehicle according to SPC (b)(3)(b)(6) and SPC (b)(3)(b)(6), respectively. Again IP (b)(6) refused to comply with verbal commands, hand & arm signals being directed to him to stop his vehicle.

- (5) Approximately 60-70 rounds were fired by SSG (b)(3)(b)(6) SPC (b)(3)(b)(6) SGT (b)(3)(b)(6) SPC (b)(3)(b)(6) SPC (b)(3)(b)(6) and SPC (b)(3)(b)(6) in an attempt to stop the vehicle and to defend themselves. According to their statements they viewed the vehicle as a viable threat (“VBIED” or “car bomb”) to their personal safety and the safety of their team, prior to the vehicle veering off and coming to a stop.
- (6) It was at this point that CF noticed cries and screams coming from a crowd that had gathered at the side of the road, where a LN was unintentionally hit by a round. However, all soldiers who discharged their weapons explained in sworn statements that all their shots were fired at or into the vehicle driven by IP (b)(6)
- (7) SGT (b)(3)(b)(6) a medic, performed a rapid trauma assessment of the wounded LN, who exhibited an apparent bullet wound to the middle-left chest. SGT (b)(3)(b)(6) stated that the casualty quickly lost a detectable pulse and was not breathing. Cardio Pulmonary Resuscitation (CPR) was performed but the wounded LN was unable to be revived.
- (8) During the initial contact with the driver of the white vehicle and the subsequent shooting incident, none of the soldiers involved was aware the individual was a police officer. SSG (b)(3)(b)(6) and SPC (b)(3)(b)(6) stated that during their contact with IP (b)(6) he was not dressed in an official police uniform nor at any time did he present an identification to indicate he was a police officer.
- (9) Only after the shooting incident had occurred were the soldiers made aware that the driver was a police officer. CSM (b)(3)(b)(6) stated that as they approached the vehicle the driver began saying, “IP, IP” indicating that he was a police officer. Subsequent search of the vehicle the soldiers recovered a Glock handgun and the driver’s yellow Iraqi Police identification card.
- (10) As a result of the shooting incident IP (b)(6) received gun shot injuries to his left forehead and his left shoulder. A rapid trauma assessment indicated that his injuries were non-life threatening he remained alert, oriented, with stable vital signs. He was transported by 1<sup>st</sup> Calvary Division to the 86<sup>th</sup> CSH in the green zone for further medical treatment.

### 3. Recommendations.

- a. Critical to the effort of preventing bystander casualties is security of the scene. Additional training should be considered by the chain-of-command to improve soldiers’ compulsive attention to protecting themselves and others by immediately removing all hazards and hindrances to the situation or mission, including the movement of bystanders to a safe distance from the current operation.

- b. Soldiers should receive additional training on ammo accountability and observation techniques. During the investigation I discovered that each soldier seemed to have a different method for ammo accountability. Since consistency and reliability are very important when determining the quality of an engagement, better methods need to be identified and practiced.
  - c. Since the angle of the direction of fire by CF decreased with respect to the positioning of the front and rear CF elements, such positioning could have easily resulted in blue-on-blue casualties, in addition to potential collateral damage in the immediate surrounding environment. A thorough reenactment of the incident by those involved, preferably including video-taping of the reenactment, would serve as a useful tool in training to avoid similar situations in the future.
  - d. During the initial contact there were glaring communication difficulties between the soldiers and the police officer and bystander. Including an interpreter with all convoys would provide an essential resource in helping to prevent future misunderstandings and incidents of this nature.
  - e. In an effort to improve effectiveness of CF when they encounter LN, additional training on local customs, i.e., hand and arm signals, Arabic words and gestures, to be able to clearly communicate critical instructions. Educational outreach to LN on CF security procedures is highly recommended.
  - f. A critical knowledge requirement of all CF should be the procedures for identification of an IP. The type, color and format of the identification should be memorized and laminated sample reproductions distributed to all CF personnel who may come into contact with them. Conversely, all IP should be aware of all requirements and protocols when asked to comply with CF directives and requests. There should be a failsafe procedure for identifying oneself to CF, which is developed and approved through the CF leadership.
  - g. IP should be properly trained in the compliance with CF directives and requests. There should be no doubt or hesitation when an IP is asked to comply with simple, straight-forward commands and signals.
  - h. IP should have properly marked vehicles, especially during times of heightened security awareness, such as the time frame of the incident.
  - i. IP should have and use current INTEL to the effect that they understand the CF role in enforcing curfews, vehicle restrictions, security procedures in convoys, etc.
  - j. A Critical Incident debriefing should be provided to soldiers involved in fatal or life threatening situations. Such a debriefing would include the opportunity for soldiers to discuss their thoughts and feelings about what they saw and experienced with a combat stress counselor, psychologist, chaplain and/or other appropriate support personnel.
4. Factors restricting the completeness of the investigation.

- a. Although positive identification was made on the deceased LN and the IP, after many repeated attempts, I was unable to get contact for the purpose of gathering additional facts from anyone associated with the deceased LN, or with the IP.
- b. Since I was not able to view the scene of the incident directly after the shooting, I was unable to gain objective information inherent in the scene of the incident, thereby hindering the completeness of my findings.

5. Point of Contact for this memorandum is LTC (b)(3)(b)(6) at (b)(2) or NIPR (b)(6), (b)(3) @iraq.centcom.mil, or SIPR (b)(6), (b)(3) @iraq.centcom.smil.mil.

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

LTC, MP  
Investigation Officer

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

**AUTHORITY:** 5 U.S.C. 301 and 10 U.S.C. 3012

**PURPOSE:** The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of Federal

Shooting

**ROUTINE USES:** Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government investigations.

**DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY:** Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

**DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION:** Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act and its contents.

2005 02 10  
Date

(b)(3)(b)(6)	
(b)(3)(b)(6)	SPC
Printed Name and Rank	
(b)(3)(b)(6)	
Social Security Number	



STATEMENT OF (b)(3)(b)(6) TAKEN AT \_\_\_\_\_ DATED 2005 01 29

9. STATEMENT (Continued) 3rd Squad of HHC's 4th Mobile Security Platoon arrived on the scene to provide security and assess the situation as well. The Tring police showed on scene shortly after and did their own report. It looked like after the man in the white car was loaded in the ambulance our company cleared scene and returned to visiting base. (b)(3)(b)(6) end of statement //

INITIALS OF PERSON MAKING STATEMENT PAGE OF PAGES

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

9. STATEMENT (Continued)

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

**AFFIDAVIT**

\_\_\_\_\_, 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)

*(Signature of Person Making Statement)*

**WITNESSES:**

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
*(Signature of Person Administering Oath)*

*(Typed Name of Person Administering Oath)*

*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Victory Bld 65
2. DATE (YYYYMMDD): 20050310
3. TIME: 2228
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: 4.2 09 11 IP Bde

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

- 1. Q. What time of day did this incident occur?
A. Approximately 1630 on a hilly slope.
2. Q. What was your position in Protector # 1?
A. I am the Gunner.
3. Q. What was the reason for stopping the white vehicle?
A. On election day no vehicle was supposed to be on the road it was a possible YBSCP and had to be searched, only IPS vehicle needed a sticker to be on the road that was IPS.
4. Q. After the initial stop did you dismount your vehicle?
A. No.
5. Q. What was your field of vision?
A. From my position I could see from the 9 o'clock to the 3 of my position straight right in the street.
6. Q. Could hear the command given to the driver by (b)(3)(b)(6)?
A. No, over the noise of the truck.
7. Q. Did you see what position the bystander came from?
A. From the right, near the House.
8. Q. How many bystanders were on street?
A. About 10.
9. Q. Did anyone attempt to stop the bystander from entering the scene?
A. Yes SSgt (b)(3)(b)(6) saw person motioned for the bystander to leave.

10. EXHIBIT:
11. INITIAL: (b)(3)(b)(6)
MAKING STATEMENT:
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.

007630

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

TAKEN AT Camp Victory Bldg 65 DATED 2025 02 10

9. STATEMENT (Continued)

10 Q What happened when the bystander talked to the driver

A: I'm not sure if he got up from the ground and proceeded to get back in his car

11 Q When did S&B (b)(3)(b)(6) + S&R (b)(3)(b)(6) fired the warning shots

A: (b)(3)(b)(6) the vehicle began to move.

12 Q Do you know how many warning shots were fired

A: NO

13 Q What direction were the warning shots fired

A: (b)(3)(b)(6) to ground or down

14 Q What happened after the warning shots were fired

A: (b)(3)(b)(6) vehicle continued forward

15 Q What was your reaction to the warning shots

A: (b)(3)(b)(6) scan my area

16 Q What was the driver's reaction to the warning shots

A: (b)(3)(b)(6) he comply

17 Q What other personnel were outside their vehicles

A: (b)(3)(b)(6) S&B (b)(3)(b)(6) S&R (b)(3)(b)(6)

18 Q After the driver did not comply to the warning shots were fired how many other shots were

A: (b)(3)(b)(6) fired at the vehicle  
I only saw 6 or 7 within a band of the sun

19 Q Did you see the bystander being shot

A: NO

20 Q Was the bystander that was shot the same person who came out + talked to the driver

A: I am not certain, but I think so.

21 Q Did you fire your weapon

A: NO

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

22. Q What did you do after the shots were fired  
A. (b)(3)(b)(6) in my area for security

23. Q Did you ever dismount your vehicle  
A. No

24. Q Were you aware the driver was an Iraqi Medic  
A. No

25. Q Was the driver in a police uniform or have proper identification on his vehicle  
A. No (b)(3)(b)(6) he was dressed in civilian attire

26. Q What crowd's reaction after the shots were fired  
A. The crowd just watched.

Nothing Follows

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 5. 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 10 day of Feb, 2005 at

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

(Administering Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

Page 35 redacted for the following reason:

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(b)(2)High, (b)(3), (b)(6)

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

**AUTHORITY:** 5 U.S.C. 301 and 10 U.S.C. 3012

**PURPOSE:** The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of Fatal Shooting

**ROUTINE USES:** Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

**DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY:** Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

**DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31 UCMJ OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION:** Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act and understand its contents.

11 FEB 05  
Date

(b)(3)(b)(6)  
State  
(b)(3)(b)(6) SPG  
Printed Name and Rank  
(b)(3)(b)(6)  
Social Security Number

**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 Bldg 65 Camp Victory, Iraq	2. DATE (YYYYMMDD) 20050129	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS 42 MP BDE			

9. I, (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 On January twenty-ninth at an unknown time, my team, Sgt. (b)(3)(b)(6), myself, and PVT (b)(3)(b)(6) along with (b)(3)(b)(6) were traveling along a route that I'm unsure of the name. We were driving in a 4 truck movement and my team was in the last vehicle. As we were driving to go to an Iraqi Police Station, our convoy stopped to search a suspicious vehicle of an Iraqi National. I was (b)(3)(b)(6) unaware of exactly what was going on up front. From where my vehicle was in the convoy I saw SPC. (b)(3)(b)(6) and SSG (b)(3)(b)(6) out of their vehicle in the front of the convoy. I could see a (b)(6) in color vehicle of some sort on the side of the road, of that vehicle I could see about the engine block part of the vehicle, the rest of the (b)(6) vehicle which was being searched was obstructed by the vehicle in front of me, which was CSM wiles, SPC (b)(3)(b)(6), SPC (b)(3)(b)(6), and Sgt (b)(3)(b)(6). My position in my truck was driver and our truck was on the road in between the far left lane and the middle of the road. The Iraqi National's vehicle was on the far right of the road at an unknown distance in front of SPC (b)(3)(b)(6) truck. As I was looking upward at nearby buildings for a threat I heard a shot from the front of my vehicle. I looked in the direction of the vehicle being searched, I saw the vehicle of the Iraqi National moving. There were more shots fired from our trucks in front as the vehicle was still moving. There was a cease fire called as I could identify by hand signals. At that point (b)(3)(b)(6) my vehicle got positioned on the far left of the road and then Sgt. Day and I, dismounted the vehicle and pulled Security. As I looked back towards the incident, I noticed

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ 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 \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

on the far right of the road about (b)(2)High meters away, I saw Iraqi civilians in a big mass in one area. At that time I didn't know exactly what was going on. Then I saw our medic Sgt. (b)(3)(b)(6) running with his medic bag and SSG (b)(3)(b)(6), and SP4 (b)(3)(b)(6) towards the big mass of Iraqi civilians. Right then I noticed that the mass of people were huddled around another person. Sgt (b)(3)(b)(6) started to perform first aid on the person. During this whole situation there was no traffic traveling on that road. There was a bridge about 100, or more meters in front of our convoy with coalition forces pulling security on it. The grid of our location at the time of the incident was (b)(2)High

END OF STATEMENT

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

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

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 \_\_\_\_\_. 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:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
*(Signature of Person Administering Oath)*  
\_\_\_\_\_  
*(Typed Name of Person Administering Oath)*  
\_\_\_\_\_  
*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Victory Bldg 65
2. DATE (YYYYMMDD): 20050211
3. TIME: 1955
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E4
8. ORGANIZATION OR ADDRESS: 42nd MP Bde

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

1. What time of day did this event occur?
A. I was unaware of the exact time, it was around 1730 maybe (b)(3)(b)(6)

2. Q Why was the white vehicle stopped?
A. The (b)(6) vehicle was stopped because on the day of the shooting it was election time and no vehicles were supposed to be on the road except for vehicles with certain stickers, and this vehicle didn't have one. So we searched the vehicle when we saw it stopped on the side of the road. NMB

3. What was the distance from your vehicle to the (b)(6) vehicle?
A. My distance to the (b)(6) vehicle was about 100 yards. (b)(3)(b)(6)

4. Q Did you observe SSG (b)(3)(b)(6) + SFC (b)(3)(b)(6) talking to the driver?
A. I caught a glimpse of SSG (b)(3)(b)(6) and SFC (b)(3)(b)(6) yelling at the driver (b)(3)(b)(6)

5. What was SSG (b)(3)(b)(6) + SFC (b)(3)(b)(6) saying to the driver?
A. I was too far away and inside my vehicle to observe what was being said to the driver. (b)(3)(b)(6)

6. Q What was the driver's reaction to SSG (b)(3)(b)(6) + SFC (b)(3)(b)(6) instructions?
A. I only saw the driver on his knees outside the vehicle then I looked away to scan the area for any possible threats, and didn't see the driver afterwards. NMB

7. Q Did you see a bystander approach the driver?
A. I was not able to see the bystander. (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 INDICATED.

STATEMENT OF (b)(3)(b)(6) TAKEN AT Camp Victory Bluffs DATED 11 Feb 05

9. STATEMENT (Continued)

8 Q What was your field of vision before the shots were fired

A I could see buildings off to the right of my vehicle, a stadium to the left of my vehicle, a bridge with American soldiers about (b)(2)High meters in front of me. Protector 7's vehicle was towards the right of the road and I saw about the engine part of the Iraqi National's vehicle, with SSG (b)(3), (b)(6) vehicle behind it to the left side of the road. News

9 Q What was your reaction after the shots were fired

A I looked forward to see what was going on and stayed in my vehicle until (b)(3)(b)(6) cease fire was called and my team leader SGT (b)(3)(b)(6) told me to provide security. (b)(3)(b)(6)

10 Q At that time did you know who had fired their weapon

A I had no clue who fired at all. (b)(3)(b)(6)

11 Q How many shots did you first hear

A I heard one shot which got my attention then several other shots about 2 seconds later. (b)(3)(b)(6)

12 Q What did you see after the shots were fired

A I saw the Iraqi National's vehicle stopped on the left side of the road and on the right by the buildings, I saw a mass of people huddled around something that I had no clue what it was. (b)(3)(b)(6)

13 Q Who called cease fire

A The cease fire was called by SGT (b)(3)(b)(6)

14 Q Did you know at the time that the driver of the white vehicle was an Iraqi Police officer

A No I did not know that the driver was an Iraqi Police officer. (b)(3)(b)(6)

15 Q Was the driver of the white vehicle wearing a uniform

A No he was not wearing a uniform. (b)(3)(b)(6)

16 Q Did you fire your weapon

No I did not fire my weapon. (b)(3)(b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

17 Q Did the (b)(6) vehicle have any marking indicating it as a Iraqi police vehicle

A No, no markings were on the vehicle. (b)(3)(b)(6)

18 Q What was the size of the crowd

A The size of the crowd was about ten people. (b)(3)(b)(6)

19 Q Did you <sup>know</sup> who fired their weapon

A No, I did not know who fired their weapon. (b)(3)(b)(6)

20 Q How many shots were fired

A I was unaware of how many shots were fired. (b)(3)(b)(6)

21 Q What was the crowd's reaction to the shooting

A The crowd looked sad and it seemed like some of the females were crying. (b)(3)(b)(6)

22 Q Is there further information you like to add that has not been covered in your sworn statement or this interview?

A No there is not. (b)(3)(b)(6)

*Nothing Follows*

AFFIDAVIT

(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 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 11 day of Feb, 2005 at Camp Victory Bldg 65

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

(b)(3)(b)(6)  
(Notary Public)

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

(b)(3)(b)(6)  
(Typed Name of Person Administering Oath)  
(Authority To Administer Oaths)

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

Page 43 redacted for the following reason:

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(b)(2)High, (b)(3), (b)(6)

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of *Fatal Shorting*

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ, OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

Date 11 FEB. 2005

Signature (b)(3)(b)(6)  
Printed Name (b)(3)(b)(6) 6-5  
Social Security Number (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: BLDG #65 CAMP VICTORY IRAQ
2. DATE: 05/01/29
3. TIME: (b)(3)(b)(6)
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E5/ADJ (b)(3)(b)(6)
8. ORGANIZATION OR ADDRESS: HHC 42ND MP BDE

9. (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON 29 JAN. 05 APPROXIMATELY 1630-1700 HRS WHILE TRAVELING SOUTHBOUND ON RTE (b)(2)High AT GRID (b)(2)High ADJ. THE STADIUM, MYSELF (TEAM LEADER 2A MY GUNNER (b)(3)(b)(6) AND DRIVER (b)(3)(b)(6) WAS TRAIL VEHICLE IN A FOUR VEHICLE MOVEMENT. I WAS PRE OCCUPIED WITH MY MAP FOLLOWING THE RTE WITH THE MAP WHEN MY GUNNER SAID HE HEARD SHOTS FIRED. MY GUNNER KNOWS TO KEEP A STAND OFF DISTANCE BY KEEPING THE TRAFFIC AT A DISTANCE THAT HE WOULD HAVE TOTAL CONTROL FACING THE TRAFFIC AT HIS 12 O'CLOCK POSITION. THE CONVOY WAS TRAVELING APPROX. (b)(2)High MPH PRIOR COMMING TO A STOP. I DID NOT WITNESS ANYTHING BECAUSE OF MY POSITION. AFTER COMMING TO A STOP, I EXITED THE VEHICLE AND PULLED REAR SECURITY. THERE WAS ALOT OF RADIO TRAFFIC ACROSS THE MOTOROLLAS I WOULD ONLY CATCH BITS AND PIECES WHATEVER CAME ACROSS THE NET. AT ONE POINT IN TIME I DID SEE A SMALL CROWD GATHER AROUND WHEN ASSISTANCE WAS BEING RENDERED BUT UNSURE OF HOW MANY IN THE CROWD. MY PRIMARY MISSION WAS TO PULL SECURITY AND TO KEEP ANY TRAFFIC FROM APPROACHING (b)(3)(b)(6) FROM THE REAR END OF STATEMENT!!! (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.

007643

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

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

9. STATEMENT (Continued)

NOT USED

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

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

9. STATEMENT (Continued)

NOT USED

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

AFFIDAVIT

I, (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE 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 29 day of JAN., 2005 at \_\_\_\_\_

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ART. 136 (b) UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Victory Bldg 65
2. DATE (YYYYMMDD): 2005-02-11
3. TIME: 2130
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: 42nd MP Bde

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

1 Q Do know why the (b)(6) vehicle was stopped
A NO (b)(3)(b)(6)
2 Q How many soldiers were dismounted from their vehicle
A DON'T KNOW (b)(3)(b)(6)
3 Q Did you see (b)(6) vehicle being stopped
A NO (b)(3)(b)(6)
4 Q Did you see who fired their weapon
A NO (b)(3)(b)(6)
5 Q What was the distance between your vehicle and the scene
A APPROX. (b)(2)High (b)(3)(b)(6)
6 Q Did you ever dismount your vehicle
A YES. TO PULL REAR SECURITY (b)(3)(b)(6)
7 Q How many shots were fired
A DON'T KNOW, THERE WERE A SERIES OF BANGING. (b)(3)(b)(6)
8 Q What was the crowd's reaction to the fired shots
I SAW A CROWD GATHERING WITH SHOUTS AND CRIES AFTER THE FACT

10. EXHIBIT
11. INITIALS: (b)(3)(b)(6) IN 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)

9 Q How long were you on the scene before the shots were fired

A Approx. (b)(2)High MIN (b)(3)(b)(6)

10. Q What was the total time you were on the scene

A. Approx. (b)(2)High HR (b)(3)(b)(6)

11. Q Were you aware that a bystander had been shot.

A. NO. NOT A Bystander. UNTIL AFTER THE FACT. (b)(3)(b)(6)

12 Q What additional information can you provide that was not covered in your sworn statement or this interview.

A. NOTHING FURTHER THEN WHAT I HAD PREVIOUS STATED (b)(3)(b)(6)

Nothing Follows

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 INTENT.

(b)(3)(b)(6) (Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of Feb 2005 at Camp Victory Bldg

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

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

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

(b)(3)(b)(6) (Typed name of person administering oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

Page 50 redacted for the following reason:

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(b)(2)High, (b)(3), (b)(6)

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of *Fetal Shooting*

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or, if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ, OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement and understand its contents.

28 MARCH 2005  
Date

(b)(3)(b)(6)  
Signature  
(b)(3)(b)(6)  
Printed Name and Rank  
(b)(3)(b)(6)  
Social Security Number

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: BLVD #65 CAMP VICTORY, IPAG
2. DATE (YYYYMMDD): 20050129
3. TIME: 1900
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E5
8. ORGANIZATION OR ADDRESS: HHC, 42 MP BDE

9. I, (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON THE AFTERNOON OF 29 JAN 05 OUR CONVOY WAS ENROUTE FROM AN IP STATION TO THE BAGHDAD HQ'S WHEN THE LEAD VEHICLE NOTICED A WHITE CAR WITH A SINGLE MALE DRIVER. THERE IS A DRIVING BAN CURRENTLY IN BAGHDAD DUE TO THE ELECTION TOMORROW. I WAS IN THE THIRD VEHICLE WITH CSM (b)(3)(b)(6). THE LEAD TRUCK WAS SPC (b)(3), b(6) AND THE SQUAD LDR SSC (b)(3), b(6). THE SECOND VEHICLE WAS NIGHTSTAKER 2C AND THE FOURTH VEHICLE WAS SETDAY'S TEAM. THE LN'S VEHICLE WAS ON THE RIGHT SIDE OF THE ROAD. SPC (b)(3)(b)(6) AND SSC (b)(3)(b)(6) DISMOUNTED. NIGHT STACKER 2C MOVED ~~THEIR~~ THEIR VEHICLE IN THE LEFT SIDE OF THE ROAD AND MOVED UP TO APPROX (b)(2)High METERS PASSED THE LN VEHICLE. SGT (b)(3)(b)(6) AND 1LT BOSS DISMOUNTED FROM THE VEHICLE. THIS WAS IN THE SOUTHBOUND LANE OF RTE (b)(2)High VIC GRID (b)(2)High. THE LN STEPPED OUT OF THE VEHICLE WITH HANDS RAISED IN THE AIR. CSM (b)(3)(b)(6) AND I DISMOUNTED FROM OUR VEHICLE AND PROCEEDED TOWARDS SPC (b)(3)(b)(6) AND SSC (b)(3)(b)(6). THE LN GOT BACK IN HIS VEHICLE FOR AN UNKNOWN REASON AGAINST VERBAL COMMANDS FROM SSC (b)(3)(b)(6). THE LN MOVED HIS VEHICLE FORWARD. I SAW SSC (b)(3)(b)(6) FIRE ONE WARNING SHOT THAT IMPACTED THE DRIVER'S SIDE QUARTER PANEL NEAR THE FRONT TIRE. THE VEHICLE CONTINUED TO MOVE IN THE DIRECTION OF NIGHTSTAKER 2C'S VEHICLE. 1LT (b)(3)(b)(6) SGT (b)(3)(b)(6) SPC (b)(3)(b)(6) AND SSC (b)(3)(b)(6) ENCALLED THE VEHICLE. THERE WAS A CROWD OF APPROX 10-15 LN'S ON THE RIGHT SIDE OF THE ROAD APPROX (b)(2)High FROM (b)(2)High AT A RESIDENCE. WHEN 1LT (b)(3), b(6) SGT (b)(3), b(6) SPC (b)(3)(b)(6) AND SSC (b)(3)(b)(6) CEASED FIRE THE VEHICLE SLOWLY PULLED TO A HALT. I TURNED MY ATTENTION TO THE CROWD OF LN'S ON THE RIGHT. THEY WERE VERY DISTRAUGHT OVER THE SHOOTING. ONE LN MALE WAS ON THE GROUND WITH APPROX 5-6 LN'S KNEELING OVER HIM. I COULD NOT TELL IF HE WAS INJURED OR IF THEY WERE MOURNING. WE PROCEEDED TOWARDS THEM AND REALIZED THE MAN WAS WOUNDED. I YELLED FOR SPC (b)(3), b(6) WHO WAS MY DRIVER TO BRING MY AID BAG TO THE SCENE. 1LT (b)(3), b(6) SGT (b)(3), b(6) AND MYSELF APPROACHED THE CROWD OF LN'S. SPC (b)(3), b(6) BROUGHT MY AID BAG AND THE OTHER MP'S PROCEEDED TO MOVE

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.

007650

STATEMENT OF

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

TAKEN AT

PULK 65

DATED

29 JAN 05

## 9. STATEMENT (Continued)

THE GROUND AWAY FROM ME AND THE WOUNDED MAN. I PERFORMED A RAPID TRAUMA ASSESSMENT OF THE CASUALTY. HE HAD A SMALL PENETRATING WOUND TO THE CHEST NEAR THE LEFT NIPPLE. THERE WAS NO EXIT WOUND AND NO OTHER VISIBLE SIGNS OF TRAUMA. HE WAS UNRESPONSIVE WITH A WEAK PULSE AND ABNORMAL RESPIRATIONS. I APPLIED AN AHSOUMAN CHEST SEAL TO THE WOUND. I INSERTED ~~A~~ A NASOPHARYNGEAL AIRWAY AND ATTEMPTED VENTILATIONS WITH A POCKETMASK. I RECHECKED THE PULSE AND DETERMINED IT ABSENT. ANOTHER MEDIC FROM ICD ARRIVED. I DIRECTED HIM TOWARD THE VEHICLE THAT HAD BEEN ENGAGED. HE PROCEEDED TOWARD THE VEHICLE. I BEGAN CPR. SFC (b)(3)(b)(6) INFORMED THAT HE KNEW CPR SO I LET HIM PERFORM COMPRESSIONS WHILE I PERFORMED RESPIRATIONS AND RECHECKED PULSE. AFTER 3 COMPLETE CYCLES OF CPR I DETERMINED THE CASUALTY REMAINED PULSELESS, WAS NOT BREATHING, AND PUPILS WERE FIXED AND DILATED. I MADE THE DECISION TO STOP CPR AND I PROCLAIMED THE CASUALTY DEAD AT THE SCENE. I MOVED TOWARD THE VEHICLE THAT HAD BEEN ENGAGED TO ASSIST THE ICD MEDIC. I ARRIVED AT THE VEHICLE TO FIND THE LN DRIVER SEATED ON THE BENCHES OUTSIDE THE DRIVER'S SIDE OF THE VEHICLE. HE HAD BANDAGES ON HIS LEFT SHOULDER AND LEFT SIDE OF THE HEAD. THE ICD MEDIC TOLD ME THAT THE LN HAD A BUNSHOT WOUND TO THE LEFT SHOULDER AND A GRAZING WOUND TO THE LEFT SIDE OF THE HEAD. I TOOK OVER CONTROL OF THE CASUALTY AND THE ICD ELEMENT LEFT. I TOOK HIS VITAL SIGNS AND DETERMINED HE WAS ALERT, ORIENTED, AND STABLE. I REINFORCED THE BANDAGE ON THE SHOULDER. IF'S ARRIVED AND WERE GOING TO TRANSPORT HIM TO AN IRAQI HOSPITAL. WE DECIDED TO TRANSPORT HIM BY HMMWV TO A MILITARY HOSPITAL. THE ICD ELEMENTS RETURNED WITH A FLA AND TRANSPORTED THE CASUALTY TO A US MILITARY TREATMENT FACILITY. OUR CONVOY RETURNED TO CAMP VICTORY WITHOUT FURTHER INCIDENT. // - NOTHING FOLLOWS - //

INITIALS OF PERSON MAKING STATEMENT

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

PAGE

2 OF 3

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

9. STATEMENT (Continued)

*[A large, mostly blank area with a diagonal line drawn across it, indicating a redacted or omitted 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 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 \_\_\_\_\_ 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)

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: Camp Victory Bld #6-5
2. DATE (YYYYMMDD): 28 March 05
3. TIME: 1900hrs
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: 42nd MP Bde

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

1 Q What time of day did this incident occur
A I DON'T KNOW SPECIFIC TIME, IT WAS IN THE AFTERNOON. THE SUN WAS SETTING WHEN WE ARRIVED AT CAMP VICTORY. (b)(3)(b)(6)

2 Q Why did your convoy approach the vehicle
A THERE WAS A "DRIVING BAN" IN EFFECT SO WE WERE GOING TO QUESTION THE DRIVER ABOUT HIS INTENTIONS AND SEARCH THE VEHICLE. (b)(3)(b)(6)

3 Q How far away was your vehicle from the white vehicle
A APPROX. (b)(2)High METERS AWAY (b)(3)(b)(6)

4 Q Who were the soldiers who first got out of their vehicle and talked to the driver of the white vehicle
A SSG (b)(3)(b)(6) AND SPC (b)(3)(b)(6)

5 Q Could you hear what was being said
A NOT AT FIRST, AS I WALKED CLOSER I COULD HEAR SSG (b)(3)(b)(6) AND SPC VENSON TELLING STOP AS THE DRIVER GOT IN HIS CAR AND TRIED TO DRIVE IN NS2C'S DIRECTION. (b)(3)(b)(6)

6 Q Did you see a bystander come into the scene and talk to the driver
A YES, A LN MALE WAS TALKING TO THE DRIVER BUT LEFT TOWARDS A HOUSE WITH APPROX 10 LN (b)(3)(b)(6)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3)(b)(6)
PAGE 1 OF 4 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 Camp Victory Bldg 65 DATED 28 March 05

9. STATEMENT (Continued)

7. Q Which soldier fire the first warning shot.

A. I SAW SSG (b)(3)(b)(6) FIRE THE FIRST WARNING SHOT (b)(3)(b)(6)

8. Q At what direction toward the vehicle was the shot fired

A. THE WARNING SHOT IMPACTED THE LEFT SIDE VIEW MIRROR AND THEN INTO THE LEFT QUARTER PANEL. THE DRIVER'S SIDE DOOR WAS OPEN AND THE WINDOW WAS DOWN (b)(3)(b)(6)

9. Q How many warning shots were fired

A. I BELIEVE THERE WERE 2-3 WARNING SHOTS BEFORE THE VEHICLE WAS ENGAGED (b)(3)(b)(6)

10. Q Did anyone else fire a warning shot at the vehicle.

A. I COULDN'T SEE ANYONE FROM MY VIEW IN THE LEAD HMMWV (WS2C). I BELIEVE SFC VENSION ALSO FIRED A WARNING SHOT. (b)(3)(b)(6)

11. Q What was your position when the warning shot was fired

A. I WAS WALKING TOWARDS SSG (b)(3)(b)(6) VEHICLE FROM BEHIND ABOUT 100 METERS AWAY. (b)(3)(b)(6)

12. Q What was the driver of the (b)(6) vehicle demeanor before the warning shot was fired

A. HE SEEMED UNCOOPERATIVE LIKE HE DIDN'T WANT TO LISTEN. HE WAS YELLING SOMETHING BACK AT SSG (b)(3), (b)(6) AND SFC VENSION. I DIDN'T HEAR WHAT WAS SAID (b)(3)(b)(6)

13. Q Did you at any time fire your weapon

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

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

PAGE 2 OF 4 PAGES

STATEMENT OF

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

TAKEN AT Camp Victory Bldg 65 DATED 28 March 05

9. STATEMENT (Continued)

14. Q What is your unit's current ROE concerning warning shots

A. YOU ARE AUTHORIZED TO FIRE A WARNING SHOT AFTER VERBAL COMMANDS AND VISUAL SIGNALS ARE USED TO STOP THE VEHICLE AND THE DRIVER IGNORES THEM AND CONTINUES TO PROCEED TOWARDS YOU (b)(3)(b)(6)

15 Q How many other soldiers fired their weapon at the vehicle.

A. I SAW SSG (b)(3)(b)(6) AND SFC (b)(3)(b)(6) FIRE THEIR WEAPONS. I COULDN'T SEE THE PERSONNEL FROM THE LEAD VEHICLE. (b)(3)(b)(6)

16 Q Do you recall how many shots were fired at the vehicle

A. APPROX 20-30 DRU

17 Q What were the direction of the shots into the vehicle

A. I SAW THE BACK WINDSHIELD BROAK BUT AS THE CAR PASSED IN FRONT OF SSG (b)(3)(b)(6) VEHICLE I COULD NO LONGER SEE THE VEHICLE. THE FIRING HAD STOPPED BEFORE I SAW THE CAR AGAIN (b)(3)(b)(6)

18 Q What was your position while the shots were being fired.

A. APPROX (b)(2)High BEHIND SSG (b)(3), (b)(6) VEHICLE, I WAS RUNNING TOWARDS THE VEHICLE AND GIVING THE HAND AND ARM SIGNAL FOR CEASE FIRE (b)(3)(b)(6)

19 Q Was the bystander that was shot the same person that came out and talked to the driver of the (b)(6) vehicle.

A. I DON'T RECAL (b)(3)(b)(6)

20 Q What was your reaction after the shots were fired

A. SEE BACK OF PAGE...

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 4 PAGES

STATEMENT OF

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

TAKEN AT Coma Victory Blvd 65 DATED 28 March 05

9. STATEMENT (Continued)

21 Q Were there any markings or tags on the vehicle indicating that it was a police vehicle (b)(6)

A I DIDN'T NOTICE ANYTHING THAT WOULD IDENTIFY THE VEHICLE AS A POLICE VEHICLE (b)(3), (b)(6)

22. Q Did the driver of the (b)(6) vehicle identify himself as a police officer before any shots were fired.

A I DIDN'T HEAR WHAT WAS SAID UNTIL THE DRIVER TRIED TO DRIVE HIS VEHICLE AND SGT (b)(3), (b)(6) AND SPC VENSON WERE YELLING FOR HIM TO STOP (b)(3)(b)(6)

23 Q When were you aware that the driver of the (b)(2) High vehicle was an Iraqi Police Officer

A I DIDN'T KNOW THE LN DRIVER WAS A POLICE OFFICER UNTIL AFTER I ASSUMED CARE OF HIM. A SOLDIER SEARCHING HIS WALLET NOTICED AN IPS IDENTIFICATION CARD (b)(3)(b)(6)

24 Q Is there any thing you would like to add about this incident that was not covered in this interview or your sworn statement.

A NO (b)(3)(b)(6)

*Nothing Follows*

AFFIDAVIT

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

\_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of March 2005 at Coma Victory Blvd 65

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 4 PAGES

Page 59 redacted for the following reason:

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(b)(2)High, (b)(3), (b)(6)

**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>Camp Victory</i>	2. DATE <i>18 Feb 05</i>	3. TIME <i>1135 hrs</i>	4. FILE NO.
5. NAME (Last, First, MI) (b)(3)(b)(6)	8. ORGANIZATION OR ADDRESS <i>42nd MP Bde</i>		
6. SSN (b)(3)(b)(6)	7. GRADE/STATUS		

**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) *involved* of which I am suspected/accused: *involved re F fatal shooting*

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.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (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.

- 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.

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>[Signature]</i>
1a. NAME (Type or Print)		(b)(3)(b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR <i>[Signature]</i>
		(b)(3)(b)(6)
2a. NAME (Type or Print)		5. SIGNATURE OF SUSPECT/ACCUSED <i>[Signature]</i>
		(b)(3)(b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <i>343rd MP Det</i>

**Section C. Non-waiver**

- 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

**PART II - RIGHTS WARNING PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

*(For civilians not subject to the UCMJ)* You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

**THE WAIVER**

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (*i.e.*, fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (*If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.*)

**SPECIAL INSTRUCTIONS**

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCRIMINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS *(Continued)*

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of *Faked Shooting*

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

180305  
Date

(b)(3)(b)(6)  
(b)(3)(b)(6) *SSG*  
Printed Name and Rank  
(b)(3)(b)(6)  
Social Security Number

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: Bld 65 Camp Victory, Iraq
2. DATE (YYYYMMDD): 20050129
3. TIME
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: HHC 42nd MP Bde, Camp Victory

9. I, SSG (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 29 January 2005 at grid (b)(3)(b)(6) I (SSG (b)(3)(b)(6)) was in the lead vehicle of a four security vehicle convoy. I was in the rear passenger seat behind SPC (b)(3)(b)(6), SPC (b)(3)(b)(6) was the driver, and SPC (b)(3)(b)(6) was gunning. We were followed by Nightstalker 2C (SOT (b)(3), (b)(6) Team leader), Protector 7 (CSM (Wiles), and another security was Nightstalker 2A (SOT (b)(3)(b)(6) Team leader). We approached a (b)(6) (vehicle) also moving southbound on RTE (b)(2)High. The vehicle was moving slow so SPC (b)(3), (b)(6) began honking the horn at the vehicle. SPC (b)(3), (b)(6) began waving the vehicle off in an attempt to keep the driver from stopping. The vehicle pulled to the right side of the road and came to a complete stop. Myself and SPC (b)(3)(b)(6) dismounted the vehicle to conduct a vehicle search as briefed by CSM (b)(3)(b)(6) earlier in the day. The vehicle began backing up towards me. SPC (b)(3)(b)(6) and our vehicle so I fired a warning shot into the ground behind the vehicle. The driver put the vehicle in Park and got out on the ground. Simultaneously Nightstalker 2C moved their vehicle past our vehicle on the left to take up an overwatch position. After the local National got on the ground another local national ran up to him and began talking to him. Myself + SPC (b)(3)(b)(6) were screaming and motioning with our hands for the driver to move back to our vehicle where we could search him. The driver of the white Toyota began to get back into his vehicle. Myself + SPC (b)(3)(b)(6) again began to scream louder and motion the local National back to us. He continued to get into his vehicle so I shot the window out of his open driver side door. He put the vehicle into gear and began to roll forward toward Nightstalker 2C's overwatch position. I began firing into the vehicle, and SPC (b)(3)(b)(6) followed suit along with someone from Nightstalker 2C's position. I kept firing at the vehicle until it crossed over into Nightstalker 2C's area to avoid fratricide.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF SSG (b)(3)(b)(6) TAKEN AT Bld 65 Camp Liberty DATED \_\_\_\_\_

9. STATEMENT (Continued) I began to yell at SGT (b)(3)(b)(6) to get himself and his vehicle out of there. SGT (b)(3)(b)(6) got himself his vehicle and Wighstalker (b)(3)(b)(6) out of the area. We secured the scene and noticed that a local National bystander standing approximately 30 meters away was hit. Myself, SGT (b)(3)(b)(6) and SPC (b)(3)(b)(6) began performing first aid. Myself and SPC (b)(3)(b)(6) moved over to offer assistance. SGT (b)(3)(b)(6) came over and was providing assistance to SGT (b)(3)(b)(6). A while later some soldiers from 1st Cavalry Division came onto the scene and began helping with security, crowd control, and first aid for the driver of the Toyota Crown. SGT (b)(3)(b)(6) kept performing first aid well after the local National was dead. The family moved the body into the house. At one point while this was going on I was told to call in a wire line medevac by 1LT (b)(3)(b)(6). I ran to the (b)(3)(b)(6) guardrails and told SPC (b)(3)(b)(6) to call the medevac request and SPC (b)(3)(b)(6) said he was already doing that. I went back to check on the medevac request and was informed that we couldn't raise Protector Base so I told SPC (b)(3)(b)(6) to tell SPC (b)(3)(b)(6) to put it on the medevac frequency and try again. After the body was moved I went to check on the local National driver and was told he was going to be OK, also he was a Iraqi Police Commissioner.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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

9. STATEMENT (Continued)

**AFFIDAVIT**

I, § 87(2)(b) (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:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
*(Signature of Person Administering Oath)*  
\_\_\_\_\_  
*(Typed Name of Person Administering Oath)*  
\_\_\_\_\_  
*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Victory Rd 65
2. DATE (YYYYMMDD): 20050218
3. TIME: 1135 hrs
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS:
8. ORGANIZATION OR ADDRESS: HQ MP Bde

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

1 Q What time of day did this event occur
A. At approx 400 (b)(3)(b)(6)

2 Q What was your position in the vehicle
A. Behind the T.C., right rear passenger (b)(3)(b)(6)

3 Q Did you observe the (b)(6) vehicle before the convey stopped
A. Yes (b)(3)(b)(6)

4 Q When the convey stopped what was the distance between your vehicle and the (b)(6) vehicle
A I think about (b)(2)High was

5 Q Where there warning shots fired at the vehicle before anyone dismounted their vehicle
A. No (b)(3)(b)(6)

6 Q What is the reason for stopping the vehicle.
A. The vehicle was moving south on Brewers without any of the approved vehicle markings, SPC Madelon... as we approached the vehicle pulled over and stopped SPC Madelon tried to wave the vehicle

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3)(b)(6)
PAGE 1 OF 4 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.

007664

STATEMENT OF (b)(3)(b)(6) TAKEN AT Comp Victory DATED 18 Feb 05

9. STATEMENT (Continued)

7. Q Who dismounted your vehicle.

A Myself and spc (b)(3)(b)(6)

8 Q What was the distance between you and the (b)(6) vehicle when you were dismounted

A. Approx (b)(2)High (b)(3)(b)(6)

9 Q What direction did the bystander come into the scene

A. Right rear (b)(3)(b)(6)

10 Q Was there a lot of outside noise

A. In my opinion no (b)(3)(b)(6)

11 Q What was the size of crowd of people

A approx 20 to 30 people (b)(3)(b)(6)

12 Q What was your position in reference to the (b)(6) vehicle.

A. Left rear (b)(3)(b)(6)

13 Q When the driver exit his vehicle did he identify himself as a police officer

A. No (b)(3)(b)(6)

14 Q What type of card did the driver flash at you + SP (b)(3)(b)(6)

A I did not see a card (b)(3)(b)(6)

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

PAGE 2 OF 4 PAGES

STATEMENT OF

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

TAKEN AT

Camp Victory

DATED

18 Feb 05

9. STATEMENT (Continued)

15 Q Were you able to see or identify the card?

A. No (b)(3)(b)(6)

16 Q When the driver re-entered his vehicle did you fire a warning shot if yes how many?

A. Yes, one (b)(3)(b)(6)

17 Q How many shots were fired at the vehicle as it started moving forward?

A. I was not able to tell (b)(3)(b)(6)

18 Q How many times did you fire your weapon?

A. approx 28 times (b)(3)(b)(6)

19 Q What direction were your shots?

A. The vehicles tire, rear windshield, trunk, (b)(3)(b)(6)

20 Q Why were you firing at the vehicle?

A. Because I perceived it as a threat to one of my team. (b)(3)(b)(6)

21 Q What type of weapon were you firing?

A. M-4 (b)(3)(b)(6)

22 Q Is that your assigned weapon?

A. Yes (b)(3)(b)(6)

23 Q Are you qualified on the weapon you fired if yes qualification date?

A. Yes, approx Sept 04 (b)(3)(b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 4 PAGES

9. STATEMENT (Continued)

24 Q What is your current unit ROE concerning warning shots and use of deadly force

A. If you feel threatened a warning shot at the ground is authorized if the driver will ~~not~~ cease his actions you fire to disable the vehicle.

25 Q Who ordered the cease fire.

A. CSM Wiles (b)(3)(b)(6)

26 Q Was the bystander that was shot the same individual who came out to talk to the driver

A. No he was not (b)(3)(b)(6)

27 Q When were you aware that the driver was a police officer

A. After his vehicle was searched and we were closing the perimeter in SPC (b)(3), (b)(6) informed me he was an IP CSM (b)(3)(b)(6) said he was an IP Commissioner. (b)(3)(b)(6)

Nothing Follows

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 4. 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 18 day of Feb, 2005 at Camelottery Bldg 5

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

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

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

(b)(3)(b)(6)  
(Authority To Administer Oaths)

INITIALS (b)(3)(b)(6) MAKING STATEMENT

Page 70 redacted for the following reason:

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(b)(2)High, (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: BIE 65
2. DATE (YYYYMMDD): 20050129
3. TIME: 19:00 HRS
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 / CSM DRIVER
8. ORGANIZATION OR ADDRESS: 42nd MP BDE

9. I, (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: WE WERE HEADING NORTH ON BEVERS TO OUR NEXT STOP, AN I.P. STATION. THE AREA WAS FLOODED WITH I.P.'S. AS WE WERE NORTH BOUND, THE LEAD TRUCK, "SGT. (b)(3)(b)(6), T.C." STOPPED THE CONVOY, DUE TO A CIVILIAN VEHICLE ON THE ROAD. THE VEHICLE STOPPED, SGT. (b)(3)(b)(6) AND SGT. (b)(3)(b)(6) EXITED THE TRUCK TO CONDUCT A VEHICLE SEARCH. THE DRIVER STOPPED OUT, AND PLACED HIMSELF FACE FIRST ON THE PAVEMENT AT THIS TIME A BYSTANDER WALKED UP TO THE DRIVER, THEY EXCHANGED WORDS, AND LEFT. THE DRIVER THEN GOT BACK UP AND PROCEEDED TO GO BACK INTO HIS VEHICLE. HE WAS THEN WANTED TO STOP THE DRIVE TOWARD THE WAREHOUSES, A SHOT WAS FIRED, "FROM WHO I COULD NOT TELL", AND STRUCK THE VEHICLE. THE NUMBER TWO TRUCK IN OUR CONVOY WAS IN FRONT OF THE VEHICLE AT THAT TIME TO FULL SECURITY. THE NUMBER TWO TRUCK, "WITH SGT. (b)(3)(b)(6) AS T.C." HAD PASSED BY WHEN THE CIVILIAN WAS FACE DOWN ON THE PAVEMENT. AFTER THE WAREHOUSE SHOT WAS FIRED TO STOP THE VEHICLE, THE VEHICLE CONTINUED TO KEEP ROLLING, THIS TIME TOWARD SGT. (b)(3)(b)(6) TRUCK, "NO. TWO." AT THAT TIME CSM (b)(3)(b)(6) GOT ON THE I.COM TO TELL THE NO. TWO VEHICLE TO MOVE NOW. THE VEHICLE CONTINUED TO ROLL TOWARD SGT. (b)(3)(b)(6) TRUCK. AT THAT TIME THE DECISION WAS MADE TO DISABLE THE DRIVER DURING THE BLADE OF BUNTING AN INCIDENT BYSTANDER WAS STRUCK IN THE CHEST WITH ONE ROUND. I HAD OBSERVED ALL THIS WHILE IN THE DRIVER SEAT, OFFSET FROM WHERE NUMBER TWO TRUCK WAS. CSM (b)(3)(b)(6) WAS NEXT TO ME AT THE TIME WE BOTH HAD A CLEAR LINE OF SIGHT. AFTER THE BUNTING WAS STOPPED, WE STAYED AWAY FROM THE VEHICLE, BECAUSE THE SEARCH WAS NOT COMPLETED. ALL AVAILABLE FREE HANTS IMMEDIATELY PULLED SECURITY. AT THIS TIME I (b)(3)(b)(6) HAD NOTICED THAT THE BYSTANDER HAD BEEN STRUCK, SGT. (b)(3)(b)(6) ONE TIME PREVIOUSLY AID. I HAD GONE WITH THEM TO HELP AND PULL SECURITY. SGT. (b)(3)(b)(6) WAS ALSO THERE TO HELP WITH SECURITY. ALL ATTEMPTS TO SAVE THE MAN WERE UNSUCCESSFUL AFTER CONTROLLING THE AREA, THE SEARCH WAS DONE, AND IT WAS FOUND THE DRIVER OF THE VEHICLE ONLY HAD A GLOCK (b)(2)High ON HIM. THE DRIVER SURVIVED, AND I BELIEVED HE WAS STRUCK THREE TIMES, THE CAR WAS A LOSS. THE ORDER OF MARCH WAS, "RIGHT SICKER TWO, TWO CHARLIE, PROTECTOR SEVEN, TWO ALFA."

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF \_\_\_\_\_ 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.

007669

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 \_\_\_\_\_. 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

(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

PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Victory Bld 65
2. DATE (YYYYMMDD): 20050210
3. TIME: 2050
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: 42nd 117 Bde
9. (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Q What time of day did this occur
A. APPROX 1600 TO 1630 HRS. (b)(3)(b)(6)
2. Q Why was the vehicle first stopped
A. VEHICLE WAS STOPPED BECAUSE DRIVER WOULD NOT CONTINUE FORWARD WHEN ORDERED TO. OWN CONVEY STOPPED TO CONDUCT VEHICLE SEARCH (b)(3)(b)(6)
3. Q What was your position in Protection #7
A. I AM PROTECTION #7'S DRIVER (b)(3)(b)(6)
4. Q When vehicle stop did you dismount
A. NO I DID NOT (b)(3)(b)(6)
5. Q Did you ever dismount the vehicle
A. YES, AFTER SHOOTING STOPPED, TO RENDER FIRST AID TO BYSTANDERS (b)(3)(b)(6)
6. Q What position did you take after dismounting your vehicle
A. I WENT TO FULL SECURITY TO THE 3:00 O'CLOCK POSITION, WHERE COVERED WAS FORMED (b)(3)(b)(6)
7. Q How many people were in the (b)(6)
A. JUST ONE, THE DRIVER ONLY. (b)(3)(b)(6)
8. Q Were there a lot of bystanders near the roadway if so how many
A. YES THERE WERE, I WOULD SAY ABOUT 100 TO 150 PEOPLE (b)(3)(b)(6)

10. EXHIBIT: 11. SIGNATURE OF PERSON MAKING STATEMENT: (b)(3)(b)(6)
PAGE 1 OF 4 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.

007671

STATEMENT OF (b)(3)(b)(6) TAKEN AT Complicated DATED 2005 02 10

9. STATEMENT (Continued)

9. Q What was SSG (b)(3)(b)(6) + SPC (b)(3)(b)(6) location  
 A. THEY WERE STANDING NEXT TO THEIR VEHICLE, THE NO. 1 VEHICLE (b)(3)(b)(6)

10. Q Did you see or hear SSG (b)(3), b(6) + SPC (b)(3), b(6) talk to the driver

A. I SAW THEM TALK TO THE DRIVER, BUT I DO NOT HEAR WHAT WAS SAID, DUE TO THE FACT I WAS STILL IN THE TRUCK, NO. 3 VEHICLE (b)(3)(b)(6)

11. Q What was the driver's reaction to SSG (b)(3)(b)(6) + SPC (b)(3)(b)(6) commands

A. THE DRIVER WAS LISTENING TO THE COMMANDS, BUT SEEMED NERVOUS AND ASSETADED. (b)(3)(b)(6)

12. Q Was there any one else within your patrol who dismounted their vehicle

A. YES THERE WERE TWO MORE, SGT. (b)(3)(b)(6) AND SPC (b)(3)(b)(6), FROM NO. 2 VEHICLE (b)(3)(b)(6)

13. Q When the driver of the white vehicle dismounted his vehicle what was his demeanor

A. HE WAS COMPLIANT WITH COMMANDS (b)(3)(b)(6)

14. Q Where did the bystander come from

A. BYSTANDER CAME FROM HOUSES FROM MY 3:00 O'CLOCK. (b)(3)(b)(6)

15. Q Did anyone attempt to stop the bystander from entering the scene.

A. YES, SSGT (b)(3)(b)(6) DID. (b)(3)(b)(6)

16. Q Why was he unsuccessful

A. BECAUSE HE MOVED TOO QUICKLY TO MAINTAIN CONTROL. (b)(3)(b)(6)

17. Q What did the bystander do when he entered the scene

A. HE TRIED TO TALK TO THE DRIVER OF THE WHITE VEHICLE (b)(3)(b)(6)

18. Q What was the driver doing when the bystander approached

A. HE WAS SITTING, FACING THE NO. 1 VEHICLE (b)(3)(b)(6)

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

PAGE 2 OF 4 PAGES

STATEMENT OF (b)(3)(b)(6) TAKEN AT Camp Victory Blvd #5 DATED 2005 02/17

9. STATEMENT (Continued)

19 Q How long did the bystander talk to the driver

A NOT EVEN 30 TO 40 SECONDS (b)(3)(b)(6)

20 Q Do you know what was said

A NO I DO NOT (b)(3)(b)(6)

21 Q What was the driver's demeanor when the bystander left

A MORE NERVOUS, NON COOPERATIVE (b)(3)(b)(6)

22 Q When did the driver re-enter his vehicle

A SHORTLY AFTER THE BYSTANDER LEFT (b)(3)(b)(6)

23 Q What was SSC (b)(3)(b)(6) & SGT (b)(3)(b)(6) reaction when the driver re-entered his vehicle

A. IMMEDIATELY WENT ON THE DEFENSIVE. AS SOON AS DRIVER WENT IN VEHICLE, A WARNING SHOT WAS FIRED (b)(3)(b)(6)

24. Q Who fired warning shots & where were the shots directed

A. WARNING SHOTS WERE FIRED BY SGT. (b)(3)(b)(6) AND USG. (b)(3)(b)(6) AND WERE FIRED AT THE REAR OF CAR (b)(3)(b)(6)

25. Q What was the driver's reaction to the warning shots

A. HE DROPT DOWN, LAYING DOWN ON FRONT SEAT (b)(3)(b)(6)

26. Q. What was the driver's next reaction

A. THE DRIVER THEN TOTTERED BACK UP AND CONTINUED TO KEEP ROLLING FORWARD (b)(3)(b)(6)

27 Q Did anyone else fire at the vehicle

A. YES, THATS WHEN THE DECISION WAS MADE TO OPEN FIRE, SGT (b)(3), (b)(6) AND SGT (b)(3)(b)(6) ALSO FIRED THEIR WEAPONS, ALSO THEIR GUNNER, SGT. (b)(3)(b)(6)

28 Q How many shots were fired at the vehicle

A. I WOULD SAY ABOUT (b)(2)High (b)(3)(b)(6)

29 Q What was your reaction while shots were being fired

A. STILL AND IN AWE OF WHAT I WAS SEEING (b)(3)(b)(6)

INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6) PAGE 3 OF 4 PAGES

STATEMENT OF

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

TAKEN AT

Comptcheery Bld 65

DATED

2005 02 10

9. STATEMENT (Continued)

30 Q How far away was your position from the shooting

A. ABOUT 75 TO 80 METERS (b)(3)(b)(6)

31 Q Did you see the bystander when he was shot

A. YES, HE WAS TO OUR RIGHT, I SAW HIM DROP WHILE SHOTS WERE GOING OFF. (b)(3)(b)(6)

32 Q How many times was the bystander was shot

A. ONE TIME, CENTER OF CHEST, NO EXIT WOUND. (b)(3)(b)(6)

32. Q Did you talk to the driver of the (b)(6) vehicle

A. YES ONLY TO HELP WITH FIRST AID, AND SECURE PERSONAL ITEMS. (b)(3)(b)(6)

33 Q Did you know the driver was an Iraqi American

A. NO I DID NOT, ONLY UNTIL I RENDER FIRST AID AND SAW HIS ID. (b)(3)(b)(6)

34 Q Was the driver wearing an Iraqi ID or American

A. NO, HE WAS NOT. (b)(3)(b)(6)

35 Q Did you talk to any of the civilians at the scene

A. ONLY TO TELL SECURITY, RENDER AID, AND TELL PEOPLE TO STAY BACK. (b)(3), (b)(6)

36 Q What was the civilians reaction after the shots were fired

A. VERY UPSET, AND ANGRY. (b)(3)(b)(6)

Nothing Follows

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 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of Feb, 2005 at Comptcheery Bld 65

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

(Administering Oath)

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

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON

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

STATEMENT

PAGE 4 OF 4 PAGES

Pages 77 through 78 redacted for the following reasons:

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(b)(2)High

(b)(2)High, (b)(3), (b)(6)

# 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>Camp Victory Bldg 65</i>	2. DATE <i>17 Feb 05</i>	3. TIME <i>1125</i>	4. FILE NO.
5. NAME (Last, First, MI) (b)(3)(b)(6)	8. ORGANIZATION OR ADDRESS  		
6. SSN (b)(3)(b)(6)	7. GRADE/STATUS <i>E-4</i>	42 <sup>nd</sup> MP Bde	

### 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 <sup>INCIDENT</sup> offense(s) of which I am suspected/accused: *Fatal Shooting*

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.
2. Anything I say or do can be used as evidence against me in a criminal trial.
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.

- 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.

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 <i>(if available)</i> 1a. NAME <i>(Type or Print)</i> (b)(3)(b)(6)	3. SIGNATURE OF INTERVIEWEE (b)(3)(b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE (b)(3)(b)(6)	4. SIGNATURE OF INVESTIGATOR (b)(3)(b)(6)
2a. NAME <i>(Type or Print)</i> (b)(3)(b)(6)	(b)(3)(b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE (b)(3)(b)(6)	6. ORGANIZATION OF INVESTIGATOR <i>343<sup>rd</sup> MP Det</i>

#### 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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"  
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"  
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"  
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of Federal

Shooting

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above, and understand its contents.

17 Feb 05  
Date

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

Signature

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

SPC/E-4

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

Social Security Number

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: BLD Co 5 Camp Victory Baghdad Iraq
2. DATE (YYYYMMDD): 2005 01 29
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS: 42nd BDE MP BDE

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

I was the lead vehicle, I am the Gunner for two Bravo, my Driver is April Murphy, my team leader is Venson and my squad leader is SSG (b)(3)(b)(6). We were on the Hwy going to a IP station when I seen a (b)(6) car in front of us and, I attempted to wave the car to the side of the road, the car stops and started to roll back. SSG (b)(3)(b)(6) and Venson jump out of the truck and start to try and make the vehicle stop. The vehicle stops and the Iraq in the vehicle get out of the vehicle and starts to lay on the ground. The Iraq was wearing a black or Navy Blue jacket and blue or black pants. The Route was Southern Rte (b)(2)High, Grid (b)(2)High. There was another Iraq on the side of the Road who was yelling at the Iraq in the car to pull over and when the one in the car stopped and got out of the car the Iraq on the side of the road, who was wearing a multi color shirt and blue pants ran over to the man in the car and started talking to him. As that was going on Venson and SSG (b)(3)(b)(6) were yelling at the man in the car to come towards them, but he did not. The reason to think the man that was in the car pulled out something out of his pocket and showed it to the Iraq with the multi color shirt, it looked like a yellow card but I could not tell. Venson and they both started saying something in Arabic, Venson and SSG (b)(3)(b)(6) still yelling at them to come toward them but the Iraq from the car seemed to get upset, SSG (b)(3)(b)(6) was yelling at the Iraq with the multi color shirt to leave, he started to walk away and the Iraq in the car seemed upset, and he got in his car and started to drive off, a little before that two Charlie got in front of the car about 150 feet away, so when the Iraq got in the car SSG (b)(3)(b)(6) and two Charlie were yelling at him to get out of the car. SSG (b)(3)(b)(6), two Charlie and me started shooting at the car until it stopped moving. I heard a crowd of Iraqis screaming and crying and I heard over the radio that a Iraq was shot on my right so I looked to my right and I saw a big crowd of Iraqis so I turned my weapon for them. Venson and Sergeant Major went to the car to see about the driver, when they did that two Cavalry tanks came up behind me, Venson yelled at me to ask the tankers if they had a medic and I did and I continued to pull security. // End of Statement //

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF \_\_\_\_\_ 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.

007680

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

9. STATEMENT (Continued)

**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)

*(Signature of Person Making Statement)*

**WITNESSES:**

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

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

*(Signature of Person Administering Oath)*

*(Typed Name of Person Administering Oath)*

*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Victory Bld 65
2. DATE (YYYYMMDD): 20050217
3. TIME: 1125
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E-4

8. ORGANIZATION OR ADDRESS: 42nd MP Bde

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

- 1 Q what time of day did this event occur
A. Afternoon (b)(3)(b)(6) 12:00 - 1500 (b)(3)(b)(6)
2. Q why did you attempt to wave the (b)(6) - vehicle back
A I attempt to wave the (b)(6) vehicle to the side of the road to pass the vehicle (b)(3)(b)(6)
3. Q what was the reasoning for stopping the vehicle
A the vehicle stopped and started to reverse coming toward us, we were briefed to look out for white cars or truck for possible White (b)(3)(b)(6)
4. Q When your vehicle stopped who dismounted the vehicle
A. Sgt sergeant SSO (b)(3)(b)(6) and spc venson (b)(3)(b)(6)
5 Q What was the drivers of the white vehicle's reaction when the vehicle was stopped
A. he got out of the car and laid on the ground face down (b)(3)(b)(6)
6 Q when the driver exited his vehicle, what was his demeanor
A. upset (b)(3)(b)(6)
7 Q Did he identify himself as an Iraqi Police Officer
A. No (b)(3)(b)(6)

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3)(b)(6)
PAGE 1 OF 4 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 Camp Victory DATED 17 Feb 05

9. STATEMENT (Continued)

8 Q Who fired warning shots at the vehicle.

A. SSG (b)(3)(b)(6)

9 Q How many warning shot were fired

A. ~~30~~ one (b)(3)(b)(6)

10 Q Did you fire warning shots at the vehicle

A. no (b)(3)(b)(6)

11 Q Did you fire at the vehicle, if yes why

A. Yes, because the car was rolling toward 2C (b)(3)(b)(6)

12 Q What is your current ROE concerning warning shots and use of deadly force.

(b)(3)(b)(6) warning shots are to stop vehicles from entering your compound. you can shoot the ground in front of vehicle or any area like car trunk. deadly force is authorized if the vehicle does not stop after warning shot. (b)(3)(b)(6)

13 Q How far away or the distance between your vehicle and the (b)(6) vehicle.

A. (b)(2) High Feet (b)(3)(b)(6)

14 Q What was position or angle toward the vehicle when you were shooting your weapon.

A. 1 o'clock position (b)(3)(b)(6)

15 Q How many rounds did you fire at the vehicle

A. one (b)(3)(b)(6)

16 Q What type of weapon did fire and is that your assigned weapon.

A. M4, no (b)(3)(b)(6)

17 Q Are you qualified on your assigned weapon if yes last qualification date yes, Nov 04 (b)(3)(b)(6)

A.

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

STATEMENT OF

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

TAKEN AT

ComVictory

DATED

17 Feb 05

9. STATEMENT (Continued)

18 Q Are you qualified on the M-4 if yes qual dates

A yes Nov, 04 (b)(3)(b)(6)

19 Q What was the size of the crowd

A 25 to 30 (b)(3)(b)(6)

20 Q What was the distance between the crowd and the white vehicle during the shooting

A (b)(2) High Feet (b)(3)(b)(6)

21 Q How many shots were fired at the vehicle

A 50 (b)(3)(b)(6)

22 Q How many other soldiers fired their weapon at the vehicle

A 5 (b)(3)(b)(6) soldiers that I can recall spc (b)(3)(b)(6) spc (b)(3)(b)(6) spc (b)(3)(b)(6) spc (b)(3)(b)(6) spc (b)(3)(b)(6)

23 Q How many times did you fire your weapon

A once (b)(3)(b)(6)

24 Q Were shots fired at the vehicle effective

A yes (b)(3)(b)(6)

25 Q Did you ever dismount your vehicle

A no (b)(3)(b)(6)

26 Q When were you aware that the driver of the vehicle was an Iraqi police officer (b)(6)

A when (b)(3)(b)(6) and CSM (b)(3)(b)(6) walked over to the vehicle and checked the Iraqi ID. (b)(3)(b)(6)

27 Q Was there any identification the vehicle to indicate he was a police officer

A no (b)(3)(b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 4 PAGES

9. STATEMENT (Continued)

28 Q Was the bystander that was shot the same person that came out and talked to the driver

A I Don't Know (b)(3)(b)(6)

29 Q What was the crowd's reaction to the shooting

A The crowd cried out (b)(3)(b)(6)

30 Q At any time did the driver of the white vehicle present at threat to you or any other members of your team if yes explain

A yes, when the driver got back in the car and started driving toward

2C. (b)(3), (b)(6)

Nothing follows

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 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of Feb 2005 at Complicity

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

(b)(3)(b)(6)  
*(Name of Person Administering Oath)*

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

(b)(3)(b)(6)  
*(Typed name of Person Administering Oath)*

\_\_\_\_\_  
*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 4 PAGES

Page 88 redacted for the following reason:

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(b)(2)High, (b)(6), (b)(3)

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of *Fatal Shooting*

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31 UCMJ OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

2005 02 11  
Date

(b)(3)(b)(6)  
Signature  
(b)(3)(b)(6) PVZ  
Printed Name and Rank  
(b)(3)(b)(6)  
Social Security Number

**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 BLDG 65 CAMP VICTORY BAGHDAD IRAQ	2. DATE (YYYYMMDD) 20050129	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E-2	
8. ORGANIZATION OR ADDRESS			

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

I WAS CONDUCTOR IN TEAM ZA WHICH WAS REAR TRUCK IN THE ORDER OF MARCH THEREFORE I WAS PULLING SECURITY AT THE 6. THE CONVOY HAD STOPPED JUST UNDER A ELEVATED WALKWAY. I HEARD OVER THE RADIO THAT A VEHICLE HAD STOPPED. I CONTINUED TO PULL REAR SECURITY, THERE WERE CIVILIAN HOUSING ON MY LEFT AND A STADIUM ON MY RIGHT. IRAQI CIVILIANS WERE STANDING OUTSIDE THEIR HOUSES. THEN I HEARD WHAT IT SOUNDED LIKE THE FIRST TWO TRUCKS OPENED FIRE ON THE CAR DURING THE SHOTS THAT WERE FIRED IT SOUNDED LIKE A ROUND BOUNCED OFF THE CAR AND WENT IN A DIFFERENT DIRECTION. I THEN HEARD SCREAMING AND CRYING FROM ONE OF THE GROUP OF CIVILIANS. THEN SPECIALIST (b)(3)(b)(6) SAID IT LOOKED LIKE SOMEONE WAS HIT. I SAW THE MEDIC THEN RUN TO HELP THE INJURED IRAQI. AROUND THE SAME TIME TWO TANKS ROLLED UP AND A MEDIC CAME OUT TO ASSIST THE SITUATION. I THEN HAD TO TURN AWAY TWO MILITARY CONVOYS AND 4 IRAQI POLICE VEHICLES. SOME TIME HAD PASSED I WAS PULLING REAR SECURITY WHEN 3RD SQUAD ROLLED UP WITH AN INTERPRETER. THE IP'S THEN CAME TO ASSIST THE SITUATION. THEN WE WERE ABOUT TO HEAD OUT

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ 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 \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

WITH THE INJURED IN ZC WHEN LAV PULLED UP WITH THE  
AMBULANCE THE INJURED GOT OUT WEARIN IT LOOKED TO BE A  
BROWN AND YELLOW SHAM, GOT ON THE LITTER AND THEN WE  
ALL ROLLED OUT, END OF STATEMENT ///

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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 \_\_\_\_\_. 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:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
*(Signature of Person Administering Oath)*

\_\_\_\_\_  
*(Typed Name of Person Administering Oath)*

\_\_\_\_\_  
*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Victory Bldg 5
2. DATE (YYYYMMDD): 20050211
3. TIME: 2045
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E-2
8. ORGANIZATION OR ADDRESS: 42nd IHP Bde

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

- 1. Q What time of day did this event take place
A THE TIME OF DAY WAS AROUND 430 OR 500 (b)(3)(b)(6)
2. Q Why was the white vehicle stopped
A BECAUSE ON THAT DAY ALL CARS STOPPED WERE SEARCHED BECAUSE OF ELECTIONS (b)(3)(b)(6)
3. Q What was the distance between your vehicle and the (b)(6) vehicle
A I WAS ABOUT (b)(2) HIGH METERS FROM THE (b)(3), (b)(6) CAR (b)(3)(b)(6)
4. Q Did you observe SSG (b)(3)(b)(6) + SPC (b)(3)(b)(6) talking to the driver
A NO I DID NOT I WAS FACING OPPOSITE DIRECTION (b)(3)(b)(6)
5. Q Were you able hear what said by SSG (b)(3)(b)(6) + SPC (b)(3)(b)(6) to the driver
A I WAS TOO FAR AND ALSO I HAD EAR PLUGS IN (b)(3)(b)(6)
6. Q What was the drivers reaction to SSG (b)(3)(b)(6) + SPC (b)(3)(b)(6) instruction
A I DID NOT SEE THE REACTION OF THE DRIVER (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 Comptery Bldg DATED 11 Feb 05

9. STATEMENT (Continued)

7. Q Did you see the driver outside the (b)(6) vehicle

A I DID NOT SEE THE DRIVER OUT OF THE CAR (b)(3)(b)(6)

8. Q Did you see a bystander enter into the scene

A I DID NOT SEE A BYSTANDER ENTER SCENE (b)(3)(b)(6)

9. Q How many shots did you hear being fired

A. I HEARD AROUND 20 OR 30 SHOTS FIRED (b)(3)(b)(6)

10. Q How many soldiers were dismounted out of their vehicles

A. I DIDNT SEE ANYONE DISMOUNTED AT THE TIME (b)(3)(b)(6)

11. Q At that time did you know who fired their weapon

A. I DIDNT KNOW I THOUGHT I HEARD A SAW BURST (b)(3), (b)(6)

12. Q Did you fired your weapon

A. NO I DIDNT FIRE (b)(3)(b)(6)

13. Q What was your reaction after the shots were fired

A I TURNED MY HEAD TO SEE WHAT THE SHOTS WERE FIRED AT (b)(3)(b)(6)

14. Q What was the crowd's reaction after the shots were fired

A. PEOPLE WERE GATHER AROUND THEIR HOUSES WATCHING I DIDNT SEE THEM REACT (b)(3)(b)(6)

15. Q When you heard the shot bounce of the vehicle do you know what direction it traveled

A. I DIDNT KNOW RIGHT AWAY BUT A GROUP OF PEOPLE WERE SCREAMING SO I FIGURE IT WAS THAT DIRECTION (b)(3)(b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(3)(b)(6) TAKEN AT Camp Victory Bldg 65 DATED 11 Feb 05

9. STATEMENT (Continued)

16 Q How long was between the time you stopped the vehicle and the shots were fired (b)(3)(b)(6)

A. I GUESS IT WAS AROUND 30 MINUTES

17 Q How long was it between the time the shots were fired and the ambulance arrive on the scene

A. I GUESS AROUND 40 MINUTES (b)(3)(b)(6)

18 Q Did you ever dismount your vehicle

A. I DID NOT DISMOUNT MY VEHICLE (b)(3)(b)(6)

19 Q Is there any additional information you can provide that was not covered in your sworn statement or this interview

A. I DONT REALLY HAVE ANYTHING TO ADD. (b)(3)(b)(6)

*Nothing Follows*

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 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 11 day of Feb 2005 at Camp Victory Bldg 65

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

Page 96 redacted for the following reason:

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(b)(2)High, (b)(3), (b)(6)

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of Federal Shooting

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ, OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

17 Feb 05  
Date

(b)(3)(b)(6)  
Signature  
(b)(3)(b)(6) E-4  
Printed Name and Rank  
(b)(3)(b)(6)  
Social Security Number

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: Bldg 05 Camp Victory Iraq
2. DATE (YYYYMMDD): 20050129
3. TIME
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 Army
8. ORGANIZATION OR ADDRESS: 42nd MP Bde
9. (b)(3)(b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On Saturday Jan 29, 2005 we were out on a mission. I was the driver of 2B load vehicle we were on our way to an IP station when we were trailing there was a (b)(6) car coming towards our convey I beeped the horn many of times to try to get vehicle to stop or move backwards. The vehicle stopped one Iraqi made gas. The vehicle kept moving towards us so my team leader SPC (b)(3), (b)(6) and Squad leader SSG (b)(3)(b)(6) got out of our truck to try to stop the vehicle. The vehicle kept getting closer to convey. so SSG (b)(3)(b)(6) fired 1 warning shot. Vehicle stopped one Iraqi man got out of the car and layed on the ground. Another Iraqi man from a building on the side went to Iraqis car and was sayen something to him. At this time SSG (b)(3), (b)(6) and SPC (b)(3)(b)(6) were tryen to tell the man to move forward to them. (b)(3), (b)(6) this was going on 2C's team moved forward to position truck in front of the (b)(3), (b)(6) car. The man driving the car got back in his car Venson and SSG (b)(3)(b)(6) yelled at him not to. but the man still got in his vehicle turned around and started

10. EXHIBIT
11. INITIALS OF STATEMENT: (b)(3)(b)(6)
PAGE 1 OF 3 ON 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 Bldg US Camp <sup>at</sup> ~~by~~ Iraq DATED Jan 29, 2005

9. STATEMENT (Continued)

to drive towards 2C truck. At this time SPC (b)(3)(b)(6) and SSG (b)(3)(b)(6) fired at ~~the~~ (b)(3)(b)(6) the car to stop the threat. After car ~~stopped~~ (b)(3)(b)(6) stopped moving they went over to car searched it and practiced medical aid. At the same time an bystander was injured. Sgt (b)(3)(b)(6) went to perform first aid on ~~the~~ (b)(3)(b)(6) bystander and I went along to control ~~crowd~~ (b)(3)(b)(6). The ~~guy~~ (b)(3)(b)(6) crowd that was surrounding Sgt. (b)(3)(b)(6) while his was performing aid to the injured man. The man's ~~vehicle~~ (b)(3)(b)(6) driving the vehicle was later identified as an IP and ~~had~~ (b)(3)(b)(6) had a Glock in his car that was later found. Before our mission today we were briefed that only certain vehicles were allowed on roads today and vehicles that were allowed would have a sign readable. This (b)(6) car did not have a vehicle pass to be out on streets today. /// END OF STATEMENT I /// (b)(3)(b)(6)

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

STATEMENT OF (b)(3)(b)(6) TAKEN AT Bldg US Camp Victory Iraq DATED Jan 29 2005

9. STATEMENT (Continued)

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

Not Used

**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 IN

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

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
*(Signature of Person Administering Oath)*

\_\_\_\_\_  
*(Typed Name of Person Administering Oath)*

\_\_\_\_\_  
*(Authority To Administer Oaths)*

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: Camp Victory Bldgs
2. DATE (YYYYMMDD): 2005 02 17
3. TIME: 1415HRS
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: 42nd MP Bde

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

- 1 Q What time of day did this event occur
A Early afternoon between 1200 and 1500 (b)(3)(b)(6)
2 Q What was your observation before the convoy stopped the white vehicle
A There was a (b)(6) sedan driving backwards coming towards my convoy (b)(3)(b)(6)
3 Q What was the vehicle doing on the side of the road
A Backing up towards my convoy (b)(3)(b)(6)
4 Q When the convoy stopped what was the distance between your vehicle and the (b)(6) vehicle
A I'm not to sure, about (b)(2)High meters from my truck (b)(3)(b)(6)
5 Q How many soldiers dis mounted your vehicle
A 2 SSG (b)(3)(b)(6), SPC (b)(3)(b)(6)
6 Q What was SSG (b)(3)(b)(6) + SPC (b)(3)(b)(6) position in reference to the (b)(6) vehicle when they dismounted
A They were standing about 100 meters from back of (b)(6) vehicle (b)(3)(b)(6)
7 Q How many warning shots were (b)(3)(b)(6) first fired
A 1 warning shot (b)(3)(b)(6)

10. EXHIBIT:
11. IN: (b)(3)(b)(6) ON MAKING STATEMENT
PAGE 1 OF 4 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 Camp Victory DATED 17 Feb 05

9. STATEMENT (Continued)

8 Q How many other soldiers fired warning shots at the vehicle.

A. Just SSG (b)(3)(b)(6) (b)(3)(b)(6)

9 Q Did you dismount the vehicle you were riding in

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

10 Q What was the distance between the (b)(6) vehicle and the crowd of bystanders

A About (b)(3)(b)(6) meters they were standing across from the ditch. Not to sure how far it was (b)(3)(b)(6)

11 Q What was your estimated size of the crowd

A. There was about 9 people outside (b)(3)(b)(6)

12 Q When the driver re-entered the vehicle were additional warning shots fired

A. Yes 1 more warning shot was fired (b)(3)(b)(6)

13 Q What was the direction of the warning shots

A Towards the ground by back of vehicle (b)(3)(b)(6)

14 Q What was your field of vision during this incident.

A I saw what was going on in front of me (b)(3)(b)(6)

15 Q How many other soldiers were dismounted from their vehicle

A 3 That I could see from ZC (b)(3)(b)(6) Driver SPC (b)(3)(b)(6) Sgt (b)(3)(b)(6) L (b)(3)(b)(6) (b)(3)(b)(6)

16 Q What was SSG (b)(3)(b)(6) + SPC (b)(3)(b)(6) position when they fired at the vehicle.

A (b)(3)(b)(6) They were facing the back of (b)(6) vehicle (b)(6)

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

STATEMENT OF SFC (b)(3)(b)(6) TAKEN AT Camp Victory DATED 17 Feb 05

9. STATEMENT (Continued)

22. Q ~~Who~~ else fired their weapons at the vehicle  
 A. My gunner SFC (b)(3), (b)(6) 2C team leader Sgt (b)(3)(b)(6) Their gunner SFC (b)(3)(b)(6) (b)(3)(b)(6) and driver SFC (b)(3)(b)(6)

23 Q Did you fire your weapon  
 A No (b)(3)(b)(6)

24 Q What is your current ROE concerning warning shots and use of deadly force  
 A Warning shots are to be fired when you feel that you are threatened (b)(3)(b)(6) or anyone else in your convoy. Deadly force is to be used when you have already tried to →

25 Q How many shots were fired at the vehicle  
 A I think there were about 30 to 40 shots fired (b)(3)(b)(6)

26 Q At any time did the driver of the (b)(6) vehicle identify himself as an Iraqi police officer  
 A No (b)(3)(b)(6)

27 Q Were there any official markings on the vehicle to authorize it being on the roadway  
 A No (b)(3)(b)(6)

28 Q What was your reaction to the shooting  
 A I got out of vehicle to pull someone and I had to help control crowd that was near Sgt (b)(3)(b)(6) and victim that got shot (b)(3), (b)(6)

29 Q What was bystanders reaction to the shooting  
 A They were crying and yelling (b)(3)(b)(6)

30 Q When were you made aware the driver was an Iraqi police officer  
 A I wasn't aware the man was a officer until everything was over and the SEM went over to the mans vehicle (b)(3)(b)(6)

STATEMENT OF

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

TAKEN AT

Camp Victory

DATED

17 Feb 05

9. STATEMENT (Continued)

31 Q Was the by ~~stander~~ that was shot the same person who came out and talked to the driver?  
A I am not sure (b)(3)(b)(6)

32 Q Did the driver of the (b)(6) vehicle present a threat to the members of the convoy

A The man presented a threat to the people outside the vehicles and to the rest of my convoy (b)(3)(b)(6) The reason I feel he was a threat was because (b)(3)(b)(6) he was not allowed on streets with no markings of vehicle. He didn't stop his vehicle when he heard me honking horn or gunner yelling and tryen to get him to stop he just kept backing up towards the convoy. Then when the man got back into vehicle and started to drive towards 2C (b)(3)(b)(6)

Nothing Follows

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 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE,

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

(Signature)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of Feb 2005 at Camp Victory RL/LS

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

(Signature)

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

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 4 PAGES

Page 105 redacted for the following reason:

-----  
(b)(2)High, (b)(6), (b)(3)

**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>Camp Victory Bldg 65</i>	2. DATE <i>18 Feb 05</i>	3. TIME <i>1030 hrs</i>	4. FILE NO.
5. NAME (Last, First, MI) <i>(b)(3)(b)(6)</i>	8. ORGANIZATION OR ADDRESS		
6. SSN <i>(b)(3)(b)(6)</i>	7. GRADE/STATUS <i>E-5</i>		

**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) <sup>involved</sup> of which I am suspected/accused: *involved Fatal shooting*

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.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (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.

- 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.

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
1a. NAME (Type or Print)		<i>(b)(3)(b)(6)</i>
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR
		<i>(b)(3)(b)(6)</i>
2a. NAME (Type or Print)		<i>(b)(3)(b)(6)</i>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR
		<i>343rd MP Det</i>

**Section C. Non-waiver**

- 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

**PART II - RIGHTS WARNING PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

*(For civilians not subject to the UCMJ)* You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

**THE WAIVER**

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (*i.e.*, fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)*

**SPECIAL INSTRUCTIONS**

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCRIMINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

**COMMENTS** *(Continued)*

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of Fake/ Shaking

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31 UCMJ OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

18 Feb 05  
Date

(b)(3)(b)(6)  
Signature  
(b)(3)(b)(6) E-5  
Printed Name and Rank  
(b)(3)(b)(6)  
Social Security Number

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 BLDG 65 Camp Victory, Iraq 2. DATE (YYYYMMDD) 2005 Jan 29 3. TIME 1856 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 42nd MP BDE

9. I, Sgt. (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
We the CSM PSD were traveling west on MSR (b)(3)(b)(6) enroute to IP station. We had just left a fire fight at the overpass intersection of I believe (b)(2)High & (b)(3)(b)(6) my vehicle a Charlie (2nd in Convoy) was following the lead vehicle which came (b)(2)High into up on a (b)(6) 4-Door parked on side of road. Lead vehicle stopped so all vehicles halted to assess situation. Lead vehicle dismounted SSgt (b)(3)(b)(6) & spe (b)(3)(b)(6) to direct parked vehicle driver to step away from car. The vehicle was approx. (b)(2)High meters in front of them. As they were shouting to have driver back away from car another Iraq Civilian ran to this car & started yelling with (b)(6) car driver. At this time, my vehicle was instructed to move up by the CSM to take position up past parked car. I instructed my driver to pass on left side of lead humvee but on the far left to take up a far security position. Once we got into position (b)(2)High meters to the far side. I dismounted with (b)(3)(b)(6) (riding in my vehicle) to keep eyes

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

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 Sgt. (b)(3)(b)(6) TAKEN AT BIDG 65 Camp Victory DATED 29 Jun 2005

9. STATEMENT (Continued)

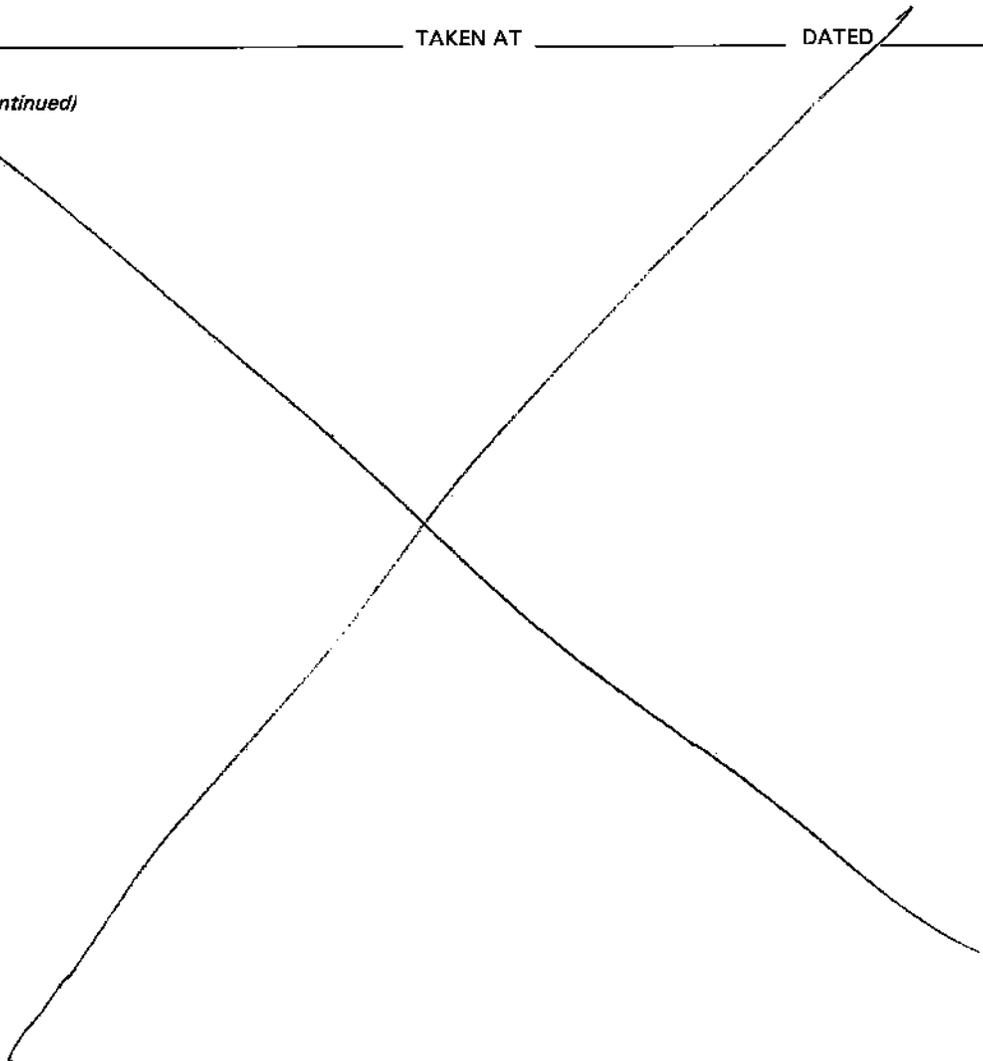
on 2 Iraqis by (b)(6) vehicle. My truck  
 (b)(3)(b)(6) driver Gunner pulled security to the west & on the  
 front of vehicle. My driver also dismantled & helped  
 pull security, while pulling security towards the threatening  
 vehicle we continued to shout at driver & civilian  
 to get away from vehicle. After several verbal warnings  
 the driver jumped into vehicle at which time a  
 warning shot was ~~shot~~ (b)(3)(b)(6) placed on vehicle. The driver  
 continued to flee & move vehicle at which time  
 several shots were placed on vehicle to stop  
 threat of moving UBIED. I personally shot 4-6  
 rounds into the drivers door & grill of car. As  
 shots were fired the driver was disabled & I  
 never saw what happened to civilian next to the  
 vehicle, but I heard he got shot in the crossfire.  
 My team (2 Charlie) pursued to run back because the  
 vehicle was still rolling towards us out of  
 control. I ~~ensured~~ (b)(3)(b)(6) instructed my driver to quickly jump  
 in my truck & move forward away from threat as  
 vehicle finally rolled another (b)(2)High meters to a stop.  
 Once we were clear, we continued to pull  
 security and assess any casualties. My team  
 pulled 12 o'clock position on (b)(2)High. I helped  
 pull security around medic on Iraqi vehicle  
 driver who took a couple shots in the ~~the~~ shoulder  
 & a head injury. The vehicle driver had in possession  
 a hand gun ~~was~~ wearing civilian clothes.

/// End of Statement ///

INITIALS OF PERSON STATEMENT	(b)(3)(b)(6)	PAGE 2 OF 2 PAGES
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STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)



**AFFIDAVIT**

I, SH (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, UNLAWFU

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

*(Signature of Person making Statement)*

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
*(Signature of Person Administering Oath)*

\_\_\_\_\_  
*(Typed Name of Person Administering Oath)*

\_\_\_\_\_  
*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

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

PAGE OF 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 (SSW).
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: Camp Victory Bldgs
2. DATE (YYYYMMDD): 2005 02 18
3. TIME: 1030hrs
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS:
8. HQ 2nd MP Bde

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

1 Q What time of day did this event occur
A To the best of my knowledge approx 1530 - 1630 hrs (b)(3)(b)(6)

2 Q What was your position in your vehicle
A T.C. or front right passenger. (b)(3)(b)(6)

3 Q Did you observe the (b)(6) vehicle before the
Convoy stopped
A From the 2nd vehicle in Convoy, I noticed the vehicle approx
the same time or just before we stopped parked off to the side
of road (b)(3)(b)(6)

4 Q When the convoy stopped what was the distance
between your vehicle and the (b)(6) vehicle
A Initially approx. (b)(2)High meters being we were 2nd in
Convoy. (b)(3)(b)(6)

5 Q Were there warning shots fired at the (b)(6) vehicle
before anyone dismounted their vehicle
A No, Not that I am aware of. (b)(3)(b)(6)

6 Q What was the reason for stopping the vehicle
A The vehicle was out the day before elections
& we were briefed prior that any vehicles on
road without the proper 4-sticker marking was to be
approached with caution & searched. (suspected UBIEDS)
(b)(3)(b)(6)

10. EXHIBIT
11. INITIALS OF MAKING STATEMENT: (b)(3)(b)(6)
PAGE 1 OF 4 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.

007710

STATEMENT OF (b)(3)(b)(6) TAKEN AT Camp Victory DATED 18 Feb 05

9. STATEMENT (Continued)

7 Q Who dis mounted your vehicle

A 1) Driver (Sp (b)(3)(b)(6))  
2) LT (b)(3)(b)(6) (b)(3)(b)(6)  
3) myself (Sgt. (b)(3)(b)(6)) (b)(3)(b)(6)

8 Q What was the distance between you and the (b)(6) vehicle when you were dismounted

A. Approx. (b)(2) High meters (b)(3)(b)(6)

9 Q What was your position in reference to the (b)(6) vehicle.

A. See sketch. I am center dismounted soldier by vehicle 2C. (b)(3)(b)(6)

10 Q When were aware that a bystander had entered your scene

A Initially, just after we stopped vehicle

11 Q What direction did the bystander come from <sup>convoy prior to bombing down</sup>

A To the best of my knowledge from the side. (see sketch). (b)(3)(b)(6)

12 Q Was there a lot of outside noise

A No, Not that I recall or remember. (b)(3)(b)(6)

13 Q When the driver exited the (b)(6) vehicle did he identify himself as a police officer

A NO (b)(3)(b)(6)

14 Q Were there any official marking tags on the (b)(6) vehicle

A NO (b)(3)(b)(6)

15 Q When the driver re-entered his vehicle were shots fired

A. Yes, I believe a warning shot was fired. (b)(3)(b)(6)

STATEMENT OF

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

TAKEN AT

Camp Victory DATED 18 Feb 05

9. STATEMENT (Continued)

16 Q How many shots were fired at the vehicle as it started moving forward

A To the best of my knowledge more than 10 shots. (b)(3)(b)(6)

17 Q How many times did you fire your weapon

A 3-5 Times (b)(3)(b)(6)

18 Q What direction were your shots

A I shot directly at the front grill of car because it was traveling toward me as a threat. (b)(3)(b)(6)

19 Q Why were you firing at the vehicle

A Because the vehicle was a threat/danger to me & my soldiers & moving in our direction (b)(3)(b)(6)

20 Q What type of weapon were you firing

A M203 Rifle (b)(3)(b)(6)

21 Q Is that your assigned weapon

A Yes (b)(3)(b)(6)

22 Q Are you qualified on the weapon you fired, if yes qualification date

A Yes, Oct, 2004 (FT Dix, NJ)

23 Q What is your current unit ROE concerning warning shots and use of deadly force

A P.I.D. & anything that poses a threat to myself or my soldiers. In this case, an unmarked car moving towards my location was a threat. (b)(3)(b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 4 PAGES

9. STATEMENT (Continued)

24 Q Who ordered the cease fire  
A To the best of my knowledge CSM, not really sure? (b)(3)(b)(6)

25 Q Was the bystander that was shot the same individual that came out to talk to the driver  
A I don't know (b)(3)(b)(6)

26 Q When were you aware that the driver was a police officer  
A Not till I was told back in the rear at Camp Victory (b)(3)(b)(6)

Nothing Follows

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 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE,

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of Feb, 2005 at Camp Victory Bld 65

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

(b)(3)(b)(6) (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 116 redacted for the following reason:

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(b)(2)High, (b)(6), (b)(3)

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of *Federal Shootings*

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

11 FEB 2005  
Date

(b)(3)(b)(6)  
Signature  
(b)(3)(b)(6) *1LT*  
Printed Name and Rank  
(b)(3)(b)(6)  
Social Security Number

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: BLDG 65 CAMP VICTORY
2. DATE (YYYYMMDD): 2005 01 29
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: 1LT / AD

8. ORGANIZATION OR ADDRESS: HHC 42ND MP BDE

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

ON 29 JANOS WHILE CONDUCTING CONVOY SECURITY FOR 42ND MP BDE CSM OBSERVED THE FOLLOWING WHILE TRAVELING SOUTH BOUND ON RTE (b)(2)High AT GRID (b)(2)High 2ND SOD MOVING IN A 4 VEHICLE CONVOY ENROUTE TO BAHADAD ID HQS (THE ORDER OF MARCH WAS #1 ZB (SPC (b)(3)(b)(6) SPC (b)(3)(b)(6) SPC (b)(3)(b)(6) # 2, /2C (SGT (b)(3)(b)(6) SPC (b)(3)(b)(6) SPC (b)(3)(b)(6) # 3 P7 (CSM (b)(3)(b)(6) SGT (b)(3)(b)(6) # 4/2A (SGT (b)(3)(b)(6) SPC (b)(3)(b)(6) PFC (b)(3)(b)(6) THE LEAD VEHICLE ZB OBSERVED A (b)(6) IN COLOR 4 DOOR SEDAN UNKNOWN MAKE OR MODEL, STATIONARY ON THE RIGHT SHOULDER OF THE ROAD. THE LEAD VEHICLE AND THE REST OF THE CONVOY STOPPED SHORT (b)(2)High METERS OF THE VEHICLE. DUE TO THE INCREASED THREAT OF VBIEDS THIS VEHICLE WAS APPROACHED WITH CAUTION. THE INDIVIDUAL OF THE VEHICLE WAS INSTRUCTED TO STOP AND DISMOUNT IN ORDER TO HAVE PERSON AND VEHICLE SEARCHED, AT WHICH TIME THE DRIVER DISREGARDED COMMANDS AND CONTINUED TO MOVE IN REVERSE TOWARDS CONVOY AT WHICH TIME A WARNING SHOT WAS FIRED AT THE REAR OF THE VEHICLE. ONCE WARNING SHOT STRUCK ROAD DRIVER STOPPED AND DISMOUNTED VEHICLE, SSG (b)(3)(b)(6) AND SPC (b)(3)(b)(6) DISMOUNTED FROM LEAD VEHICLE STAYED (b)(2)High METERS BEHIND THE WHITE VEHICLE AND INSTRUCTED INDIVIDUAL TO MOVE BACK TO BE SEARCHED WHICH DRIVER REFUSED. AT THIS POINT VEHICLE # 2PC (SGT MYERS TEAM) MOVED FORWARD AND PASSED VEHICLE # 1 AND (b)(6) VEHICLE (b)(2)High METERS FORWARD TO PROVIDE SECURITY. ONCE VEHICLE # 2/2C WAS IN POSITION 1 DISMOUNTED

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
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.

007716

STATEMENT OF (b)(3)(b)(6) TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

TO ASSIST SSK (b)(3)(b)(6) AND SPE (b)(3)(b)(6) WITH POSSIBLE VBIED. THE DRIVER CONTINUED TO IGNORE ALL COMMANDS TO LEAVE VEHICLE TO COME BACK TO SSK (b)(3)(b)(6) AND SPE (b)(3)(b)(6) TO BE SEARCHED. AT ONE POINT A UNKNOWN INDIVIDUAL APPROACHED THE DRIVER TO ASSIST WITH SITUATION DRIVER IGNORED UNKNOWN INDIVIDUAL CONTINUED TO DISOBEY ALL COMMANDS RE-ENTERED HIS VEHICLE AT WHICH TIME A SECOND WARNING SHOT WAS FIRED AND PROCEEDED TO DRIVE TOWARDS VEHICLE # 2 (Sgt (b)(3)(b)(6) (b)(3)(b)(6), 1 (b)(3)(b)(6)) AT WHICH TIME VEHICLE WAS FIRED UPON BY MEMBERS OF VEHICLE # 2/2C AND VEHICLE #1 2B VEHICLES #3/PT AND VEHICLE #4/2A WERE BEHIND 2B (b)(2)High METERS. I COULD NOT SEE THOSE ACTIONS THREAT WAS STOPPED AND ALL TEAM MEMBERS OPENED FIRE. VEHICLE AND OCCUPANTS WERE SEARCHED, THE DRIVER RECEIVED GUN SHOT THROUGH LEFT SHOULDER AND MINOR FLESH WOUND ON LEFT FOREHEAD. SEARCH OF THE VEHICLE REVEALED A GLOCK PISTOL. DURING ASSESSMENT OF THE SITUATION AN INDIVIDUAL UNASSOCIATED WITH THE INCIDENT RECEIVED A SHOT WOUND TO THE CHEST. THE UNASSOCIATED INDIVIDUAL RECEIVED MEDICAL TREATMENT BY SGT HURULE. SGT HURULE PROVIDED FIRST AID TO VICTIM 200 METERS AWAY FROM VEHICLE. I DO NOT KNOW THE POSITION OF INDIVIDUAL WHEN HE RECEIVED CHEST WOUND. SGT HURULE MADE DECISION TO STOP CPR MEDICAL TREATMENT AND PRONOUNCED INDIVIDUAL DEAD. UNITS IN AREA RESPONDED TO SCENE TO ASSIST. INDIVIDUAL THAT RECEIVED SHOULDER WOUND WAS TRANSPORTED BY AMBULANCE; ID'S ARRIVED ON SCENE AND CONTINUED INVESTIGATION.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

NOT USED

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 HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL IN

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

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*(Signature of Person Administering Oath)*

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
*(Typed Name of Person Administering Oath)*

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

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: Camp Victory Bldg 65
2. DATE (YYYYMMDD): 2005 02 11
3. TIME: 2210
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: O-2
8. ORGANIZATION OR ADDRESS: H2 MP Bde

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

1 Q What time of day did this incident occur.
A. THE INCIDENT OCCURRED IN THE AFTERNOON 29 JANOS BETWEEN 1400-1600 (b)(3)(b)(6)

2 Q Why was the (b)(6) vehicle stop
A. PER MNC-1 NO VEHICLES WERE TO BE ON MSRS DUE TO ELECTION SECURITY ONLY COALITION OR ID VEHICLES WITH PROPER IDENTIFICATION WERE ALLOWED THIS VEHICLE MATCHED DESCRIPTION OF POSSIBLE VBIED BOLD.

3 Q What soldiers dismounted their vehicle after the stop.
A. SSG (b)(3)(b)(6) AND SPC (b)(3)(b)(6) VEHICLE # 4, VEH # 2 SAT (b)(3)(b)(6) AND SPC (b)(3)(b)(6) AND MYSELF (b)(3)(b)(6)

4 Q Did you dismount from your vehicle
A. YES (b)(3)(b)(6)

5 Q What was the distance between your vehicle and the (b)(6) vehicle
A. (b)(3)(b)(6) METERS, MINIMAL SAFE DISTANCE FROM KILL ZONE OF POSSIBLE VBIED (b)(3)(b)(6)

6 Q What were the instructions SSG (b)(3)(b)(6) & SPC (b)(3)(b)(6) give to the driver
A. SSG (b)(3)(b)(6) AND SPC (b)(3)(b)(6) INSTRUCTED THE DRIVER TO MOVE BACK AWAY FROM THE VEHICLE TO BE TEMPORARILY DETAINED IN ORDER TO BE SEARCHED PERSON AND VEHICLE BY

7 Q What was the driver's reaction to SSG (b)(3)(b)(6) & SPC (b)(3)(b)(6) instructions
A. THE DRIVER IGNORED ALL COMMANDS AND FAILED TO MOVE AWAY FROM VEHICLE. THE DRIVER WAS (b)(3)(b)(6) APPROACHED BY A UNKNOWN MALE LOCAL NATIONAL HAD A SHORT CONVERSATION. DRIVER DISOBEYED ALL PHYSICAL AND VERBAL COMMANDS

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 Camp Victory DATED 11 Feb 05

9. STATEMENT (Continued)

9 Q Did you see the bystander approach the driver

A. I DID NOT SEE WHAT DIRECTION THE BYSTANDER APPROACHED THE DRIVER I BELIEVE FROM THE PASSENGER SIDE OF THE VEHICLE FROM THE REAR

10 Q What was the drivers reaction after the bystander left

A. THE DRIVER DISOBEYED ALL VERBAL AND PHYSICAL COMMANDS (HANS WANNIK DRIVER TO MOVE BACK FROM VEHICLE) RE ENTERED VEHICLE DROVE VEHICLE FORWARD

11 Q How long was the bystander on the scene

A. 10-15 SECONDS

12 Q Who fired the warning shots

A. SSG (b)(3)(b)(6) AND SFC (b)(3)(b)(6) FIRED WARNING SHOTS TO REAR PART OF VEHICLE ADJACENT TO TRUNK REAR TIRES AREA

13 Q How many warning shots were fired

A. FROM WHAT I RECALL A TOTAL OF 5-10 WARNING SHOTS WERE FIRED TOTAL

14 Q What is your current ROE concerning warning shots

A. A PUBLISHED 42ND AFB BDC SOP IS THE GUIDELINE FOR ALL MEMBERS INVOLVED. A SHOT MAY BE FIRED AT GENERAL DIRECTION, IF DRIVER FAILS TO COMPANY A WARNING SHOT MAY BE FIRED AT VEHICLE TO STOP VEHICLE, VERBAL PHYSICAL FIRST

15 Q What was the drivers reaction to the warning shots

A. DRIVER FAILED TO STOP AND DISREGARDED ALL WARNING SHOTS.

16 Q Did the driver present threat to the convoy, if yes what type

A. THE DRIVER PRESENTED A THREAT BY NOT FOLLOWING COMMANDS, VEHICLE MANEUVERED BACK THE DRIVER ENTERED VEHICLE PUT VEHICLE IN MOTION TOWARD

17 Q When the driver proceeded toward vehicle 2C How many shots were fired

A. I CANT BE EXACT, MAYBE 30 ROUNDS, SHOTS WERE FIRED 15-20 SECS.

18 Q Did you fire your weapon:

A. No

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF

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

TAKEN AT

Camp Victory

DATED

11 Feb 05

9. STATEMENT (Continued)

19Q Who fired their weapon at the driver's vehicle

A. SSG (b)(3)(b)(6) SGT (b)(3)(b)(6) SPC (b)(3)(b)(6)

20Q When were you aware that a bystander had been shot

A. AFTER ASSESSING THE SITUATION I HEARD CRYS FOR HELP FROM A NEAR BY CROWD ABOUT 1-2 MINUTES MAYBE AFTER THE CEASE FIRE (b)(3)(b)(6)

21Q What was your reaction to the shooting

A. I INSTRUCTED THE MEDIC TO PROVIDE AID, AND A MEDICAL REQUEST MORE CALLED ASSISTED THE MEDIC WITH 1ST AID, HAD MEMBERS PULL SECURITY AND

22Q What was time span between the vehicle stop and final shots

A. 5-10 MINUTES (b)(3)(b)(6)

23Q Who give the command to cease fire

A. MYSELF AND THE CSMP (b)(3)(b)(6)

24Q How many people were in the crowd

A. 10-15 (b)(3)(b)(6)

25Q What was the people's reaction to the shooting

A. VERY EMOTIONAL LOUD AND CRAZY (b)(3)(b)(6)

26Q Was the bystander that was shot the same individual that came out & talked to the driver

A. I DON'T KNOW (b)(3)(b)(6)

27Q When were you aware the driver was an Iraqi police officer

A. WHILE THE DRIVER WAS SEARCHED DURING BEING TREATED BY MEDIC (b)(3)(b)(6)

28Q Did the driver present any identification showing he was a police officer

A. No, THE DRIVER DID NOT PRESENT A BADGE NOR HAVE THE REQUIRED IPS DECAL (b)(3)(b)(6)

AFFIDAVIT

I (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE 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 11 day of Feb 2005 at Camp Victory Bld 65

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

(Signature of 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

Page 124 redacted for the following reason:

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(b)(2)High, (b)(3), (b)(6)

**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>Camp Hedberg Blvd 65</i>	2. DATE <i>17 Feb 05</i>	3. TIME <i>1250</i>	4. FILE NO.
5. NAME (Last, First, MI) <i>(b)(3)(b)(6)</i>	8. ORGANIZATION OR ADDRESS <i>42nd MP Det</i>		
6. SSN <i>(b)(3)(b)(6)</i>	7. GRADE/STATUS <i>E-4</i>		

**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: *Fatal Shooting*

Before he/she asked me any questions about the offenses(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.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (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.

- 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.

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)			
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR	
b. ORGANIZATION OR ADDRESS AND PHONE		<i>(b)(3)(b)(6)</i>	
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR	
b. ORGANIZATION OR ADDRESS AND PHONE		<i>(b)(3)(b)(6)</i>	
		6. ORGANIZATION OF INVESTIGATOR	
		<i>343rd MP Det</i>	

**Section C. Non-waiver**

- 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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.*

SPECIAL INSTRUCTIONS

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCRIMINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of *Fatal Shooting*

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the

understand its contents.

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

17 Feb 2005

Date

Signature

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

SPC

Printed Name and Rank

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

Social Security Number

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: Building 65 Camp Victory Iraq
2. DATE (YYYYMMDD): 20050129
3. TIME
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 / Driver
8. ORGANIZATION OR ADDRESS: 42nd MP BDE

9. I, (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On January 29th 2005, I was traveling down the road, I am not sure which road or which direction, with my HMMWV. There was four occupants in my vehicle. I drove, SPC (b)(3)(b)(6) was the gunner, Sgt (b)(3)(b)(6) was the team leader, and there was a 1st Lt in the back seat. While driving we came up to a (b)(6) car on the right side of the road. We were the second vehicle in the 4 vehicle convoy. SSG (b)(3)(b)(6) (Squad leader) truck was the lead vehicle. His vehicle stopped approx. (b)(2)High meters from the vehicle. My vehicle stopped approx. (b)(2)High back from SSG (b)(3)(b)(6) vehicle. After about 20 seconds SSG (b)(3)(b)(6) and SPC (b)(3)(b)(6) exited his vehicle. They started to approach the vehicle and over the radio; I don't remember who. I think the CSM, told my vehicle to move up and cover the vehicle from the four o'clock. I moved the vehicle to a position about (b)(2)High m from the front of the vehicle and slightly canted left. SGT (b)(3)(b)(6) exited the vehicle and I exited to cover SGT (b)(3)(b)(6). SGT (b)(3)(b)(6) was about 10 feet in front of me and about 15 feet to the rear. Sgt (b)(3)(b)(6) and SPC (b)(3)(b)(6) were approaching the vehicle from the rear of the vehicle. \* Before my vehicle moved ahead, SSG (b)(3)(b)(6) and SPC (b)(3)(b)(6) were out of his vehicle. A warning shot was fired at the vehicle. A man (b)(3)(b)(6) exited the vehicle and began walking around the vehicle. A second man approached, wearing a green sweater.

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

007726

STATEMENT OF (b)(3)(b)(6) TAKEN AT BLD 65 camp victory DATED 290105

9. STATEMENT (Continued)

The two men conversed for approx one minute and the man with the green sweater walked away. I did notice a group of what seemed to be civilians standing about ~~(b)(3)(b)(6) meters~~ <sup>(b)(3)(b)(6)</sup> meters in front of the vehicle and about (b)(2)High to the west. Almost in line with my vehicle to the west. The man who was driving the vehicle returned to the vehicle and entered the drivers seat SSG (b)(3)(b)(6) and verson were yelling and waving their arms at the driver not to reenter the vehicle. He proceeded to enter the vehicle and the car started moving towards my vehicle. another single shot was fired striking the drivers door window. near the mirror. The vehicle stopped for a moment then proceeded to roll forward. Shots were fired at the vehicle and I saw the vehicle continue to move forward and slightly east. I began firing at the windshield and engine block of the (b)(3)(b)(6) vehicle. I continued to fire until the vehicle came to a stop. I fired (b)(2)High total. I was firing an m16. The vehicle came to a stop. All firing stopped. Approx. 3 minutes (b)(3)(b)(6) went by and I saw SGT (b)(3)(b)(6) and the CSM approach the vehicle. The CSM called for a medic. He yelled that the driver was still alive. A medic approached and I was pulling security at the front of my vehicle. I don't recall any traffic in or around our convoy. Grid (b)(2)High we were traveling south on Rt (b)(2)High s.

END OF STATEMENT

Signed:

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

SPL

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AT THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

*(Signature of Person Making Statement)*

WITNESSES:

42ND MP BDE

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

*(Signature of Person Administering Oath)*

*(Typed Name of Person Administering Oath)*

*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

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

PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Victory Bldg 65
2. DATE (YYYYMMDD): 2005 02 17
3. TIME: 1750
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: 42nd MF Bde

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

- 1 Q What time of day did event occur
A. Approx. 15:00 (b)(3)(b)(6)
2 Q What was the reasoning for stopping the vehicle
A. No vehicles were to be out on the roads without having one of four stickers due to VBIED. The vehicle pulled to the side of the road when we approached (b)(3)(b)(6)
3 Q When your vehicle stopped, who dismounted your vehicle
A. Myself and my team leader, Sgt (b)(3)(b)(6) (b)(3)(b)(6)
4 Q What was the driver's reaction when the vehicle was stopped
A. He exited the vehicle and began speaking in Arabic to (b)(3)(b)(6) a man who approached walking around the vehicle (b)(3)(b)(6)
5 Q When the driver exited his vehicle what was his demeanor
A. Nervous (b)(3)(b)(6)
6 Q Did the driver identify himself as an Iraqi Police Officer
A. No (b)(3)(b)(6)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3)(b)(6)
PAGE 1 OF 4 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 Camp Victory DATED 17 Feb 05

9. STATEMENT (Continued)

7 Q who fired warning shots at the vehicle

A. SS6 (b)(3)(b)(6)

8 Q How many warning shots were fired

A At least one warning shot was fired, possibly two (b)(3)(b)(6)

9 Q What was the direction of the warning shots

A. Towards the white vehicle (b)(3)(b)(6)

10 Q Did you fire your weapon at the vehicle if yes why

A. Yes, After the warning shot was fired, the vehicle started moving towards my ~~the~~ vehicle, I began firing on the vehicle until it stopped. BS (b)(3)(b)(6)

11 Q What was the distance between you ~~and the~~ and the white vehicle when you fired (b)(3)(b)(6)

A. (b)(3)(b)(6) meters (b)(3)(b)(6)

12 Q How many rounds did you fire

A. I recieved my gunners M16 and it was loaded with one magazine. After all of the shooting stopped, I counted the rounds in the magazine. It contained five rounds I believe I fired 8-10 rounds at the vehicle but my gunner told me that magazine was full. I do not believe I could have fired more than that due to the time. There is confusion about how many rounds (b)(3)(b)(6) the magazine contained from the beginning.

13 Q Was the weapon you were firing set on semi or auto burst (b)(3)(b)(6)

A. Semi (b)(3)(b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

STATEMENT OF (b)(3)(b)(6) TAKEN AT Camp Victory DATED 17 Feb 05

9. STATEMENT (Continued)

14. Q Are you qualified on the weapon you were firing if yes last qualification date.

A Yes, August 2004 (b)(3)(b)(6)

15 Q What is your current ROE concerning warning shots and the use of deadly force

A. You fire a warning shot at the ground around the vehicle in a safe direction or if the situation doesn't ~~allow~~ (b)(3)(b)(6) permit due to danger, then a disabling shot is to be fired at the vehicle. → on back

16 Q How many shots were fired at the vehicle.

A. I do not recall to any degree of accuracy (b)(3)(b)(6)

17 Q What was the angle of your position when you fired at the vehicle.

A. Front drivers corner about (b)(2)High meters away and then the vehicle started rolling towards myself, it stopped approx (b)(2)High away (b)(3)(b)(6)

18 Q How close was the crowd of people to the white vehicle when you were firing

A. Approx. (b)(2)High M (b)(3)(b)(6)

19 Q How long did it take the driver to stop his vehicle while the shots were being fired

A Approx 10 seconds (b)(3)(b)(6)

20 Q When were you aware that the driver of the vehicle was an Iraqi police officer

A. After the vehicle was approached by the CSM, approx. 2-3 minutes after the incident. (b)(2)Low

21 Q What was the distance & angle between you and other soldiers while the shots were being fired.

A <sup>BS</sup> (b)(2)High (b)(2)High (b)(3)(b)(6)

9. STATEMENT (Continued)

22 Q Was the bystander that was shot the same person who came out and talked to the driver

A I am not sure (b)(3)(b)(6)

23 Q What was the crowds reaction to the shooting

A. I did not see them after the shooting (b)(3)(b)(6)

24 Q When were you made aware that the driver was an Iraqi police officer already asked question #20

A. (b)(3)(b)(6)

25 Q At what time did the driver of the white vehicle present a threat to you or any members of your convoy team

A. When he reentered the vehicle after being told not to do so and after the warning shot was fired, the vehicle continued to roll towards me (b)(3)(b)(6)

26 Q How long did this whole incident take place

A. 2-3 minutes <sup>from</sup> by the time I exited the vehicle to the time the last shot was fired and the USM approached the vehicle (b)(3)(b)(6)

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

AVIT 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 OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREEDOM OF INFORMATION ACT, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of Feb 2005

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

(b)(3)(b)(6)  
\_\_\_\_\_  
(Signature)

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

(b)(3)(b)(6)  
\_\_\_\_\_  
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
(Authority To Administer Oaths)

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

PAGE OF 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 <i>Camp Victory Bld 65</i>	2. DATE <i>17 Feb 05</i>	3. TIME <i>1030hrs</i>	4. FILE NO.
5. NAME (b)(3)(b)(6)	8. ORGANIZATION OR ADDRESS		
6. SSN (b)(3)(b)(6)	7. GRADE/STATUS <i>E-4</i>	<i>H2nd MP Bde</i>	

**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: *Fatal Shooting*

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.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (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.

- 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.

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.	(b)(3)(b)(6)
1a. NAME (Type or Print)		4.	(b)(3)(b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE		5.	TYPED NAME OF INVESTIGATOR (b)(3)(b)(6)
2a. NAME (Type or Print)		6.	ORGANIZATION OF INVESTIGATOR <i>343rd MP Det</i>
b. ORGANIZATION OR ADDRESS AND PHONE			

**Section C. Non-waiver**

- 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

**PART II - RIGHTS WARNING PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

*(For civilians not subject to the UCMJ)* You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

**THE WAIVER**

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)*

**SPECIAL INSTRUCTIONS**

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCRIMINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS *(Continued)*

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of Fatal

Shooting

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

17 Feb 05  
Date

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

(b)(3)(b)(6) E-4

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

Social Security Number

**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 Bld 65 camp Victory Iraq	2. DATE (YYYYMMDD) 2005/01/29	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E-4	

8. ORGANIZATION OR ADDRESS  
Bld 65 (b)(3)(b)(6)

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

Stopped a (b)(6) four door car, the first truck dismantled two soldiers Sgt (b)(3)(b)(6) and spc (b)(3)(b)(6). They instructed the driver an Iraqi Male, At that time the second truck pulled around the first truck in order to get security on the white car, Sgt (b)(3)(b)(6) was telling the driver to get away from the vehicle another male approached the man, they began to talk, Sgt (b)(3)(b)(6) ordered the man away. the one man walked back to the buildings the man we pulled over stepped into the car, Sgt (b)(3)(b)(6) ordered him to get out, a warning shot was fired, The man jumped down in the seat, and the car began to creep forward, thinking it was a VIED spc (b)(3)(b)(6) fired shots into the car, it did not stop I fired upon the car to stop it spc (b)(3)(b)(6) jumped into the humvee to get it out of the way as the car was still moving forward towards our truck, The car stopped we waited a few minutes then approached the vehicle finding the man was still alive we began to issue first air, the rest im not sure I began to scan security for the team.

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

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

TAKEN AT

DATED 2005/01/29

9. STATEMENT (Continued)

Then two badly fighting vehicles approached, and another group of humvees with an interpreter, after on the scene first aid was done by the medic we put the man in our vehicle to bring ~~him~~ <sup>(b)(3)(b)(6)</sup> him to the cash we began to move out then ~~there~~ <sup>(b)(3)(b)(6)</sup> ~~we~~ <sup>(b)(3)(b)(6)</sup> an Humvee ambulance pulled up we put the man in that vehicle we went back to our original mission. The order of march was 2B, 2C, protector 7 and 2A, I was in 2C my position is the gunner, I could see the vehicle <sup>(b)(3)(b)(6)</sup> ~~as~~ we were positioned to the subjects vehicles 10 o'clock position, it was stopped <sup>(b)(3)(b)(6)</sup> until the man got back <sup>(b)(3)(b)(6)</sup> in, it then began to roll towards our vehicle, I don't remember what he was wearing, I don't recall other traffic but there was bystanders about <sup>(b)(2)High</sup> meters away from the subjects vehicle to the rear and to the vehicles 4 o'clock position, we stopped the car at grid <sup>(b)(2)High</sup> on Rte <sup>(b)(2)High</sup> I did not see any carried weapon <sup>(b)(3)(b)(6)</sup> took the vehicle as one  
 No more

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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

9. STATEMENT (Continued)

[Large empty area for the statement content, with a large handwritten mark resembling a triangle or arrow pointing right across the top and a long horizontal line across the bottom.]

**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 8. 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 Administering Oath)

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Victory Trng Bldg 65
2. DATE (YYYYMMDD): 2005 02 17
3. TIME: 1820hrs
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: HQ MP Det

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

1. Q What time of day did event occur
A it was in the Afternoon, before sunset, approximately 1700. (b)(3)(b)(6)

2. Q Did you observe the white vehicle before the CONVOY stop
A. yes i saw it pull out in front of us. (b)(3)(b)(6)

3. Q. Why did the CONVOY stop along side the vehicle
A. the vehicle stopped alongside of the road we were instructed to search the vehicle (b)(3)(b)(6)

4. Q When the convoy stopped what was the distance between your vehicle and the (b)(6) vehicle.
A (b)(2)High meters, then we took front security to about (b)(2)High (b)(3)(b)(6)

5. Q Were there warn. shots fired at the (b)(2)High vehicle before anyone dis mounted their vehicle
A. No. (b)(3)(b)(6)

6 Q Who instructed you to search the vehicle
A. I didnt hear who said it but Sgt (b)(3)(b)(6) relayed it to me so I knew what was going on. (b)(3), (b)(6)

7. Q who dis mounted their vehicle besides SSG (b)(3)(b)(6) + SP4 (b)(3)(b)(6)
A Spc (b)(3)(b)(6) and Sgt (b)(3)(b)(6) from 2C. Cms

10. EXHIBIT: (b)(3)(b)(6) 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 Camp Victory DATED 17 Feb 05

9. STATEMENT (Continued)

8 Q What was the estimated size of the crowd

A Approximately 12 to 18 people. (b)(3), (b)(6)

9 Q What did the bystander do when he entered the scene

A He approached the Driver of the car and began to talk (b)(3)(b)(6)

10 Q How long did the bystander talk to the driver of the (b)(6) vehicle

A Approximately 1 to 2 minutes (b)(3)(b)(6)

11 Q When the driver returned to his vehicle who fired warning shots at the vehicle

A Someone from truck 2, B. (b)(3)(b)(6)

12 Q Were there warning shots fired before the driver got out of his vehicle

A No. (b)(3)(b)(6)

13 Q How many warning <sup>(b)(3)(b)(6)</sup> shots were fired at the vehicle

A One warning shot was fired (b)(3)(b)(6)

14 Q Did you fire any warning shots, if yes why

A No. (b)(3)(b)(6)

15 Q How many times did you fire your weapon

A 3 bursts (b)(3)(b)(6)

16 Q What direction did you fire your weapon

A 1 burst into the windshield 2 burst into the front. (b)(3)(b)(6)

17 Q What type of did you fire

A M 249 saw (b)(3)(b)(6)

18 Q Are you qualified on your weapon

A Yes, I qualified in November of 04. at Ft Dix NJ. (b)(3), (b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

19 Q Is that the only time you fired at the vehicle.

A. YES. (b)(3)(b)(6)

20 Q What was your ~~reasoning~~ reasoning for firing into the vehicle

A. I started firing when the vehicle started to roll towards my truck, I attempted to ~~try~~ (b)(3)(b)(6) disable the vehicle. (b)(3)(b)(6)

21 Q Were your shots at the vehicle effective

A. My shots killed the engine and it rolled to the median, I believe yes. (b)(3)(b)(6)

22 Q What is your current ROE concerning warning shots and

A. (b)(2) High, (b)(3), (b)(6)

23 Q If you did mount your vehicle if yes, when

A. No. (b)(3)(b)(6)

24 Q When were you aware that the driver of the (b)(6) vehicle was an Iraqi Police Officer

A. After the dismounted Soldiers approached the vehicle we found out he was I.P. he did not present any identification prior to us shooting. (b)(3), (b)(6)

25 Q Was the bystander that was shot the same person who came out and talked to the driver

A. I'm pretty sure it was but I'm not 100% sure. (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 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.

WITNESSES:

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

(b)(3)(b)(6) \_\_\_\_\_  
(Signature)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of Feb 2005 at Camp Victory

(b)(3)(b)(6) \_\_\_\_\_  
(Signature)

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

\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

Page 144 redacted for the following reason:

-----  
(b)(2)High, (b)(3), (b)(6)

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of Fatal Shooting

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act and its contents.

17 FEB 05  
Date

(b)(3)(b)(6)  
(b)(3)(b)(6)  
Printed Name and Rank  
(b)(3)(b)(6)  
Social Security Number

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: Bldg 65 CP Victory, TRAG
2. DATE (YYYYMMDD): 20050129 BK 2055
3. TIME (b)(3)(b)(6)
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E-9/CSM
8. ORGANIZATION OR ADDRESS: HHC 42nd MP Bde

(b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
AT APPROX 1600 while traveling south on (b)(2)High. The lead
vehicle of my convoy stopped at GRID (b)(2)High due to a
(b)(6) car was stopped along side of the road. (A half
hour earlier I received a message by Blue Force
Tracker containing descriptions of vehicles that could
be possible UIEDs. I told my team leaders so they could
pass it to all members.) Once the convoy stopped
and I saw that SSG (b)(3)(b)(6) + SPC (b)(3)(b)(6) were getting
out of the vehicle to remove the driver to search
the vehicle, I ordered the second vehicle (AC) (SGT (b)(3)(b)(6)
SPC (b)(3)(b)(6) + SPC (b)(3)(b)(6)) to move forward and
position in front of the (b)(6) car as a blocker.
The driver of the white car began to move at
which time either SSG (b)(3)(b)(6) or SPC (b)(3)(b)(6) fired
a warning shot and the car stopped. The driver
exited the car and got down on the ground. (b)(3)(b)(6)
At this time a civilian came out of the crowd
that had gathered to the southwest of us to
speak to the driver. By this time I exited my
vehicle to render cover for the team. I could (b)(3)(b)(6)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3)(b)(6)
PAGE 1 OF 4 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.

007744

STATEMENT OF (b)(3)(b)(6) TAKEN AT 2055 BK DATED 20050129 <sup>01M</sup>

9. STATEMENT (Continued) (b)(3)(b)(6) near SSG (b)(3)(b)(6) and SPC (b)(3)(b)(6) yelling at the civilian to get back. Approx. a few minutes later the civilian left to rejoin the crowd and the driver got back into the car. The vehicle began to move in the direction of AC so either SPC (b)(3)(b)(6) or SSG (b)(3)(b)(6) fired another warning shot at the car. The car stopped. SSG (b)(3)(b)(6) & SPC (b)(3)(b)(6) again told the driver to exit the vehicle the vehicle began to move forward again and again SSG (b)(3)(b)(6) or SPC (b)(3)(b)(6) fired a warning shot. The vehicle started to move faster toward AC this is when SPC (b)(3)(b)(6) and SSG (b)(3)(b)(6) began to fire shots into the vehicle. When I saw that the car was coasting I began to yell stop firing. At which time they did. As I approached SSG (b)(3)(b)(6) and SPC (b)(3)(b)(6) I heard crying and screams coming from the crowd. I saw one person down and ordered SPC (b)(3)(b)(6) (company medic) to render aid I also told SPC (b)(3)(b)(6) to grab his medic bag and take it to SPC (b)(3)(b)(6). While aid was being rendered I asked SSG (b)(3)(b)(6) what happen. He told me everything that I saw and stated above plus that someone from AC fired also. I ordered SPC (b)(3)(b)(6) and myself to go forward to investigate the driver and the vehicle. As we approach two Bradlys came speeding up to see what was going on. I reattached the events to them and then went on with the mission of looking at the driver and vehicle. (b)(3)(b)(6)

INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6) PAGE 2 OF 4 PAGES

007745

STATEMENT OF

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

TAKEN AT

2055 BK

DATED

20050129

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

9. STATEMENT OF

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

AS we approached the driver moved. I tried to communicate to him and he stated "IP" "Police" I yelled to the Bradley commander and asked if they had a medic. They stated he was at the other person. They retrieved him and he began to render aid. The driver had a gun shot wound to his left shoulder and a grazing wound to his left temple area. We recovered his Glock pistol and his yellow ID IP CARD. I asked the Bradley commander to radio for an ambulance. I went to send a message to Protective main on Blue Force tracker when Nightstalker 3 was trying to get information of the event. Nightstalker 3 provides security for CPT (b)(3), (b)(6) (JPS section). They asked if they could help and I requested their interpreters help. A few minutes later they showed up and a IP Patrol showed up to render help. Before they arrived SGT (b)(3)(b)(6) told me the civilian had died due to a gun shot wound to the chest. I had the interpreter, the IP, and myself talk to the family to get their name and address. The interpreter suggested we leave because the family was getting hostile. We began to transport the wounded IP to the green zone csh. When the same two BRADLYS approached us and informed us that they have a military ambulance to transport the IP to (b)(3)(b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 4 PAGES

STATEMENT OF (b)(3)(b)(6) TAKEN AT 2055 St DATED 20050129 St

9. STATEMENT (Continued) (b)(3)(b)(6) the green zone. We transfer the IP to the Ambulance gave him all of his property to include his uniform cash and IP in a plastic bag. The IP patrol was going to take care of his vehicle. We packed up and headed back to victory (b)(3), (b)(6)  
*Nothing follows*

**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 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. EACH PAGE D, 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 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

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

\_\_\_\_\_  
*(Signature of Person Administering Oath)*

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

\_\_\_\_\_  
*(Typed Name of Person Administering Oath)*

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

\_\_\_\_\_  
*(Authority To Administer Oaths)*

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

PAGE 4 OF 4 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Victory Bldg 65
2. DATE (YYYYMMDD): 2005-02-17
3. TIN: 15157KS
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E-9
8. ORGANIZATION OR ADDRESS: 4204 MP Bde

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

1 Q Did you observe the white vehicle before the convoy stopped
(b)(3)(b)(6) NO

2 Q What was the white vehicle doing along the road side
(b)(3)(b)(6) when I first saw the vehicle it was parked.

3 Q When the convoy stopped what was the distance between your vehicle and the white vehicle
(b)(3)(b)(6) APPROX (b)(2)Highway, I was the third vehicle in the convoy (b)(3)(b)(6)

4 Q How many soldiers initially dismounted their vehicle
(b)(3)(b)(6) TWO, and then a minute later I did.

5 Q How many warning shots were fired at the vehicle
(b)(3)(b)(6). I think two maybe three at different times

6 Q Besides SSG Jones + SP4 Vernon did anyone else fire warning shots at the vehicle
(b)(3)(b)(6) A. Not to the best of my knowledge

10. EXHIBIT
11. SIGNATURE 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 Camp Victory

DATED 17 Feb 05

9. STATEMENT (Continued)

7 Q What is your current ROE regarding warning shots and use of deadly force

(b)(3)(b)(6) A. use verbal & hand signals when the warning shot to the ground in front of vehicle

8 Q What was the distance between the vehicle stop and the bystanders  
use deadly force to protect the lives of yourself & other soldiers & others when their lives are threatened & protection of things considered vital to mission.

(b)(3)(b)(6) Approx (b)(2)High m

9. Q What is your estimated number of bystanders

(b)(3)(b)(6) Approx (b)(2)High

10 Q Did the driver of the vehicle ever identify himself as a police officer

(b)(3)(b)(6) Only after we approach the vehicle to see if he was alive after the shooting

11 Q Was there an official markings or tags on his vehicle.

(b)(3)(b)(6) no

12 Q When driver got back into his vehicle and started moving forward did he present a threat to members of your convoy team

(b)(3)(b)(6) He started to drive toward the lead vehicle that I positioned as a blocking vehicle out front of everybody.

13 Q How many shots were fired at the vehicle

(b)(3)(b)(6) I never counted and could not say approximately.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

14 Q How many soldiers fired at the vehicle  
(b)(3)(b)(6) I only saw two fire and learned after the incident  
that Sgt (b)(3)(b)(6) also fired.

15 Q Was the bystander that was shot the same  
person who came out & talked to the driver  
(b)(3)(b)(6) I never saw the one shot my concern was  
the individual in the vehicle.

Nothing Follows

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

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of Feb 2005 at Camp Victory Bldg 65

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

(b)(3)(b)(6)  
stering Oath)

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

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

\_\_\_\_\_  
(Authority To Administer Oaths)

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

# 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>Camp Victory Bldg 65</i>	2. DATE <i>18 Feb 05</i>	3. TIME <i>0910</i>	4. FILE NO.
5. NAME (Last, First, MI) <div style="border: 1px solid black; padding: 2px; text-align: center;">(b)(3)(b)(6)</div>	8. ORGANIZATION OR ADDRESS <i>42nd MP Bde</i>		
6. SSN <div style="border: 1px solid black; padding: 2px; text-align: center;">(b)(3)(b)(6)</div>	7. GRADE/STATUS <i>E-4</i>		

### 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)~~ *incident* suspected/accused: *Federal Shooting*

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.
  2.  *(b)(3)(b)(6)* Anything I say or do can be used as evidence against me in a criminal trial.
  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.
- 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 *(b)(3)(b)(6)* will be appointed for me before any questioning begins.
4.  *(b)(3)(b)(6)* 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.

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.

<p style="text-align: center;">WITNESSES (If available)</p> <p>1a. NAME (Type or Print)</p> <p>b. ORGANIZATION OR ADDRESS AND PHONE</p> <p>2a. NAME (Type or Print)</p> <p>b. ORGANIZATION OR ADDRESS AND PHONE</p>	<p>3. SIGNATURE OF INTERVIEWEE <div style="border: 1px solid black; padding: 5px; text-align: center;">(b)(3)(b)(6)</div></p> <p>4. SIGNATURE OF INVESTIGATOR <div style="border: 1px solid black; padding: 5px; text-align: center;">(b)(3)(b)(6)</div></p> <p>5. FULL NAME OF INVESTIGATOR <div style="border: 1px solid black; padding: 5px; text-align: center;">(b)(3)(b)(6)</div></p> <p>6. ORGANIZATION OF INVESTIGATOR <i>343rd MP Det</i></p>
---	--

#### 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

**PART II - RIGHTS WARNING PROCEDURE**

**THE WARNING**

1. **WARNING** - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. **RIGHTS** - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

*(For civilians not subject to the UCMJ)* You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

**THE WAIVER**

"Do you understand your rights?"

*(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)*

"Have you ever requested a lawyer after being read your rights?"

*(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)*

"Do you want a lawyer at this time?"

*(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)*

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)*

**SPECIAL INSTRUCTIONS**

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCRIMINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS *(Continued)*

PRIVACY ACT STATEMENT  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012.

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of Fatal Shooting

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

18 FEB 05  
Date

(b)(3)(b)(6)  
\_\_\_\_\_  
(b)(3)(b)(6) / SPC  
Printed Name and Rank  
\_\_\_\_\_  
(b)(3)(b)(6)  
Social Security Number

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: 3106 65 CAMP VICTORY, IRAQ
2. DATE (YYYYMMDD): 2005 01 29
3. TIME
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 / AO
8. ORGANIZATION OR ADDRESS: 42nd MP BDE

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

ON 29 JAN 2005 WHILE TRAVELING SOUTH ON (b)(2)High EROUTE TO THE INTERNATIONAL ZONE. I (SPC (b)(3)(b)(6)) TC OF THE LEAD VEH # 72 ALONG WITH MY DRIVER SPC (b)(3)(b)(6) MY GUNNER SPC (b)(3)(b)(6) + JOD LDR SSG (b)(3)(b)(6). THE SECOND VEH IN OUR 4 VEH CONVOY WAS VEH# TC SGT (b)(3)(b)(6), DRIVER SPC (b)(3)(b)(6), GUNNER SPC (b)(3)(b)(6). THE 3rd VEH CONSISTED OF LSN (b)(3)(b)(6) DRIVER SPC (b)(3)(b)(6), AND GUNNER SPC (b)(3)(b)(6) AND THE REAR SGT (b)(3)(b)(6) TRAIL VEH CONSISTED OF SGT (b)(3)(b)(6) TMLDR, SPC (b)(3)(b)(6) DRIVER, PV2 (b)(3)(b)(6) GUNNER THE 2nd VEH ALSO HAD LT (b)(3)(b)(6) IN IT. AS WE MADE OUT OF THE ALAWILIA IP STATION WE STOPPED, AND LSN WILES INFORMED ALL TM LDRS THAT THERE WERE A LARGE # OF VBIED'S OUT ON THE ROAD ALL WHITE IN COLOR VEH, SOME VEH HAD NO COLOR JUST THE MAKE. ONE OF THESE VEH HAPPENED TO BE A (b)(6) TOYOTA, WHICH WAS THE EXACT SAME COLOR + TYPE OF VEH WE ENCOUNTERED. AS WE WERE LDR WAY DOWN BROWERS WE APPROACHED A (b)(6) IN COLOR 4-DR TOYOTA CONVOY, WITH (b)(6) MALE IN THE DRIVERS SEAT MY DRIVER SPC MURPHY BEEPED THE HORN SIGNALING THE VEH TO GO FORWARD MY GUNNER SPC MALDONADO WAS ALSO BLOWING HIS WHISTLE + SIGNALING THE VEH TO MOVE FORWARD, BUT INSTEAD THE VEH STOPPED SSG (b)(3)(b)(6) + I EXITED THE VEH TO ASSESS THE SITUATION AS WE EXITED THE VEH THE (b)(6) TOYOTA BEGAN TO REVERSE IN OUR DIRECTION SSG JONES FIRED 1 WARNING SHOT. THE MAN HAD ~~SPOKE~~ STOPPED THE VEH, EXITED + PAVED AWAY FROM US AND WENT DOWN TO HIS KNEES. SSG (b)(3)(b)(6) + I SIGNALLED + YELLED FOR THE MAN TO MOVE BACK

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF \_\_\_\_\_ 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.

007754

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

STATEMENT OF

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

TAKEN AT

DATED

## 9. STATEMENT (Continued)

FROM THE VEH & CAME TO US HE YELLED SOMETHING BACK TO US IN ARABIC, & AS WE PROCEEDED TO YELP & SIGNAL THIS MAN ANOTHER (b)(3)(b)(6) IRAQI MALE CAME UP FROM A SIDE STREET TO THE RIGHT OF US AS IF HE WAS GOING TO HELP US GET THE MAN TO COME BACK TO US SO THAT WE COULD SEARCH HIM THE TWO MEN EXCHANGED WORDS FOR A MINUTE OR TWO, THE MAN IN (b)(3)(b)(6) THE (b)(6) TOYOTA HELD UP A YELLOW CARD, JUST BEFORE HE DID THE 2<sup>ND</sup> TRUCK IN OUR CONVOY (b)(3)(b)(6) PULLED IN FRONT OF THE VEH OFF TO THE LEFT ABOUT (b)(2)High METERS AHEAD OF US & ABOUT (b)(2)High METERS IN FRONT OF THE (b)(6) TOYOTA. AFTER THE MAN FLASHED US HIS YELLOW CARD HE GOT BACK IN THE VEH & PROCEEDED TO DRIVE AWAY, AT THAT TIME SSG (b)(3), (b)(6) FIRED ANOTHER WARNING SHOT WHICH SHATTERED THE DRIVER'S SIDE WINDOW. THE MAN PROCEEDED TO ACCELERATE TOWARDS THE 2<sup>ND</sup> VEH WHICH (b)(3)(b)(6) PULLED IN FRONT & OFF TO THE LEFT OF HIS VEH AT THAT TIME WE OPENED FIRE ON THE VEH DUE TO THE INTEL WE RECEIVED EARLIER & THE MAN'S ACTIONS HE WAS DEEMED A POSSIBLE THREAT. WHEN THE GUN FIRE CEASED I HEARD A WOMAN SCREAM SHE WAS STANDING IN A CROWD OF PEOPLE OFF TO THE RIGHT WHERE THE MAN WE THOUGHT WAS GONNA HELP US CAME FROM, AS I LOOKED OVER I SAW A MAN LYING ON THE GROUND SGT (b)(3)(b)(6) THE MEDIC IN CSM (b)(3), (b)(6) TRUCK GOT OUT & WENT OVER TO TEND TO THE MAN DOWN ON THE RIGHT, CSM (b)(3)(b)(6) & I APPROACHED THE VEH TO CHECK. AS WE APPROACHED THE VEH I SAW THE MAN LYING ACROSS THE FRONT SEAT, BUT HE WAS STILL MOVING, I ALSO SAW A BLOW ON HIS HIP I REMOVED THE BLOW & CLEARED IT THE MAN SAT UP ON HIS OWN POWER HIS LEFT HAND CLUTCHING THE LEFT SIDE OF HIS FACE WHERE HE HAD BEEN GRAZED ~~BURIED~~ ME TO TANKS ROLLED UP BEHIND US AND THERE MEDIC ALSO WENT OVER TO ASSIST SGT (b)(3)(b)(6) OUR MEDIC. MINUTES LATER THE MEDIC FROM THE TANK CAME OVER AND RENDERED MEDICAL AID TO THE WHO WAS LATER DISCOVERED TO BE AN IP, I & AN E-6 LAV INDIAN SEARCHED THE VEH & FOUND NOTHING

INITIALS OF PERSON MAKING STATEMENT

PAGE

OF

PAGES

STATEMENT OF (b)(3)(b)(6) TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued) *AT AFTER WE COMPLETED THE SEARCH OF THE VEH THE TWO TANKS LEFT + SGT (b)(3)(b)(6) CAME OVER + CONTINUED TO RENDER MEDICAL AID TO THE INJURED IP, IT WAS LATER LEARNED THAT THE MAN LAYING ON THE GROUND TO THE RIGHT WAS DEAD. AS WE ATTEMPTED TO TRANSPORT THE MAN TO THE LASH THE AMBULANCE ARRIVED + TRANSPORTED HIM. + WE RETURNED TO VICTORY.*

**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)  
*(Signature of Person Making Statement)*

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
*(Signature of Person Administering Oath)*  
\_\_\_\_\_  
*(Typed Name of Person Administering Oath)*  
\_\_\_\_\_  
*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT PAGE OF PAGES

007756

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: Camp Victory Bld 65
2. DATE (YYYYMMDD): 20050218
3. TIME: 0910
4. FILE NUMBER:
5. (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS:
8. H2 MP Bole

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

1 Q What time of day did this event occur
A I CANNOT REMEMBER THE TIME OF DAY (b)(3)(b)(6)

2 Q What was your position in 2B
A I AM THE TC / TEAM LEADER OF 2B (b)(3)(b)(6)

3 Q Did you observe the (b)(6) vehicle before the convoy stopped
A YES, AND MY GUNNER SIGNALLED THE VEH TO KEEP MOVING (b)(3)(b)(6)

4 Q When the convoy stopped what was the distance between your vehicle and the (b)(6) vehicle
A BETWEEN (b)(2)High ft AWAY (b)(3)(b)(6)

5 Q Where there warning shots fired at the (b)(6) vehicle before anyone dismounted their vehicle
A NO, THE WARNING SHOT WAS FIRED AFTER DISMOUNT BECAUSE THE VEH RETREATED TOWARDS US (b)(3)(b)(6)

6 Q What was the reason for stopping the vehicle
A WE DIDNT STOP THE VEH IT STOPPED ON ITS OWN, DUE TO THE INTEL WE HAD REGARDING VEH OF THAT COLOR ON THAT DAY & THE DRIVER'S ACTIONS WE DECIDED TO GET THE DRIVER OUT & SEARCH THE VEH (b)(3)(b)(6)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3)(b)(6)
PAGE 1 OF 4 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.

007757

STATEMENT OF

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

TAKEN AT

Camp Victory

DATED

18 Feb 05

9. STATEMENT (Continued)

7. Q Who dismounted your vehicle

A MYSELF + SSG (b)(3)(b)(6) DISMOUNTED (b)(3)(b)(6)

8. Q What was the distance between you and the vehicle when you were dismounted

(b)(6)

A. BETWEEN (b)(2)High FEET (b)(3)(b)(6)

9 Q What was your position in reference to the vehicle

(b)(6)

A. (b)(2)High FEET BEHIND OFF-SET TO THE LEFT (b)(3)(b)(6)

10 Q What direction did the bystander come into your scene

A. FROM THE RIGHT SIDE AT A 45° ANGLE TOWARDS THE (b)(6) VEH (b)(3)(b)(6)

11 Q Was there a lot of outside noise

A. NO ~~WAS~~ <sup>(b)(3)(b)(6) ONLY</sup> OUR 4 TRUCKS + HIS CAR WERE THE ONLY VEH AROUND (b)(3)(b)(6)

12 Q When the Driver of the (b)(6) vehicle exit the car did he identify him self as a police officer

A NO (b)(3)(b)(6)

13 Q Were there any official markings or tags on the (b)(6) vehicle

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

14 Q What type of cover did the driver flashed at you + SSG (b)(3)(b)(6)

A YELLOW IN ~~COVER~~ <sup>(b)(3)(b)(6)</sup> COLOR CARD (b)(3)(b)(6)

15 Q Were you able see or identify the cover

A NO (b)(3)(b)(6)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 4 PAGES

STATEMENT OF (b)(3)(b)(6) TAKEN AT Camp Victory DATED 18 Feb 05

9. STATEMENT (Continued)

16-Q When the driver re-enter his vehicle did you fire a warning shot.

A NO, SSG (b)(3)(b)(6) FIRED AS THE DRIVER ATTEMPTED TO PULL OFF IN 20 DIRECTION (b)(3)(b)(6)

17-Q ~~How~~ many shots were fired at the vehicle as it started moving forward

A 20 TO 30 SHOTS (b)(3)(b)(6)

18-Q How many times did you fire your weapon

A 3 TIMES (b)(3)(b)(6)

19-Q What direction were your shots

A FRONT QUARTER PANEL TO DISABLE THE VEH (b)(3)(b)(6)

20-Q Why were you firing at the vehicle

A BECAUSE THE ACTIONS OF THE DRIVER WERE SUSPICIOUS, & EARLIER INTEN ABOUT VEH OF THAT WOULD W/O PROPER MARKINGS (b)(3)(b)(6)

21-Q What type of weapon were you firing

A I WAS FIRING THE M4/203 (b)(3)(b)(6)

22-Q Is that your assigned weapon

A YES (b)(3)(b)(6)

23-Q Are you qualified on the weapon you fired if yes qualification date

A YES, OCT 04 (b)(3)(b)(6)

24-Q What is your current unit ROE concerning warning shots and use of deadly force

A OUR ROE COMES FROM THE CFLCC ROE CARD, & GUNNERS ARE ALSO BRIEFED THAT IF THEY SPOT A SUSPICIOUS VEH & THEY SIGNAL IT AWAY & IT RETURNS OR (b)(3)(b)(6) FRES TO COMPLY WITH HAND & ARM SIGNALS & SHOWS HOSTILE INTENT →

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 4 PAGES

STATEMENT OF (b)(3)(b)(6) TAKEN AT Camp Victory DATED 18 Feb 05

9. STATEMENT (Continued)

24 Q Who order the cease fire.

A. CSM (b)(3)(b)(6)

25. Q Was the bystander that was shot the individual that came out to talk to the driver

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

26 Q When were you aware that the driver was a police officer

A. WHEN THE CSM (b)(3)(b)(6) & I WENT UP TO CHECK THE BODY & DISCOVERED THAT THE DRIVER WAS ALIVE. I SAW A WEAPON ON HIS HIP, SO I REMOVED & CLEARED IT AT HE HANDED OVER HIS WALLET AND KEPT SAYING IP, IP. (b)(3)(b)(6)

Nothing Follows

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 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 18 day of Feb, 2005 at Camp Victory Bldg 65

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

(b)(3)(b)(6)  
\_\_\_\_\_  
(Typed Name of Person Administering Oath)

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

(b)(3)(b)(6)  
\_\_\_\_\_  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 4 PAGES

Page 163 redacted for the following reason:

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(b)(2)High, (b)(3), (b)(6)



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 42nd MILITARY POLICE BRIGADE  
Camp Victory, Baghdad, Iraq  
APO AE 09342

REPLY TO  
ATTENTION OF:

AFZH-MP

30 January 2005

MEMORANDUM FOR RECORD

SUBJECT: Victim Information for Fatal Shooting on 29 January 2005

1. The purpose of this memorandum is to provide victim information for the 15-6 investigation of events surrounding HHC, 42<sup>nd</sup> MP BDE, Fatal Shooting 29\_Jan05.

2. Victim Information:

a. Victim 1: WIA

Name: [redacted] (b)(6)  
Rank: Commissioner  
Employment: Police Academy  
Badge #: [redacted]  
Vehicle #: [redacted] (b)(6)  
Type: Toyota Super Saloon  
Injuries: Gunshot wounds to left shoulder, Grazing wound to temple

b. Victim 2: KIA

Name: [redacted] (b)(6)  
Address: [redacted] (b)(6)

Injury: Single gunshot wound to chest. Shot entered near left nipple and there was no exit wound.

3. POC for this memorandum is the undersigned at [redacted] (b)(2) /  
[redacted] (b)(6), (b)(3) @iraq.centcom.smil.mil.

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

CPT, MP  
Investigating Officer

007762

Pages 165 through 180 redacted for the following reasons:

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(b)(2)high

(b)(2)high, (b)(2)

(b)(2)high, (b)(2), (b)(3), (b)(6)

(b)(5)

(b)(5), (b)(3), (b)(6)



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
Headquarters, 42<sup>nd</sup> Military Police Brigade  
Camp Victory, Iraq  
APO AE 09342

AFZH-MP

17 December 2004

**MEMORANDUM FOR**

**SUBJECT: 42<sup>ND</sup> MP BDE Security Platoon TTP's Refresher Class**

1. On 23-27 November 2004, the below listed individuals were given supplementary training on the Security Platoon TTP's.
2. The following topics were covered:
  - a. SIGACTS that have affected Security Platoon's TTP's
  - b. How to conduct and receive convoy briefs
  - c. Convoy and static security
  - d. Passenger and Team responsibilities
  - e. How to negotiate bridge and tunnel crossings
  - f. Reacting to contact; Road blocks, crowded intersections, IED's, USO, near and far SAF.
  - g. Vehicle recovery/destruction
  - h. Weapon handling
3. POC for this memorandum is the undersigned at (b)(2)

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

SFC, USA  
Platoon Sergeant

ENCL (1)

007779

**TACTICS, TECHNIQUES AND PROCEDURES (TTP'S) CLASS**

The following individuals were present for the refresher course on Security Platoon TTP's conducted 23-27 November 2004.

1. 1LT
2. SFC
3. SSG
4. SGT
5. SPC
6. SPC
7. SPC
8. SPC
9. SPC
10. SPC
11. SPC
12. SSG
13. SPC
14. SPC
15. SPC
16. SGT
17. SPC
18. SPC
19. SPC
20. SPC
21. SPC
22. SGT
23. SPC
24. SPC
25. SPC
26. SPC
27. SPC
28. SGT
29. SPC
30. SPC

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



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
Headquarters, 42<sup>nd</sup> Military Police Brigade  
Camp Victory, Iraq  
APO AE 09342

AFZH-MP

11 January 2005

**MEMORANDUM FOR RECORD**

**SUBJECT: 42<sup>ND</sup> MP BDE Security Platoon Supplementary Training**

1. On 12 – 14 January 2005, the below listed individuals were briefed on the following topics:

a. 42<sup>nd</sup> Military Police Brigade Warning Shot SOP (Unclassified)

(b)(2)High

(b)(2)High

d. FRAGO 1399 (Tactics, Techniques and Procedures to Reduce Vehicle Movement Fratricide (Unclassified)

(b)(2)High

2. POC for this memorandum is the undersigned at (b)(2)

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

SFC, USA  
Platoon Sergeant

ENCL (1)

125  
+ 70  
-----  
195

**Supplementary SOP Training**

The following individuals were present for the SOP Training conducted 12-14 January 2005.

1. 1LT
2. SFC
3. SSG
4. SGT
5. SPC
6. SPC
7. SPC
8. SPC
9. SPC
10. SPC
11. SPC
12. SSG
13. SPC
14. SPC
15. SPC
16. SGT
17. SPC
18. SPC
19. SPC
20. SPC
21. SPC
22. SGT
23. SPC
24. SPC
25. SPC
26. SPC
27. SPC
28. SGT
29. SPC
30. SPC
31. SSG
32. SGT
33. SPC
34. SGT
35. SPC
36. SPC
37. SGT
38. SGT
39. SPC
40. SGT
41. SPC
42. SPC
43. SGT
44. SPC
45. SPC

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

**PREDEPLOYMENT TRAINING**

**CLASS:** LAW of WAR / Code of Conduct / ROE / ETHICS

**INSTRUCTOR:** CPT (b)(3)(b)(6)

**DATE:** 30 SEP 04

PFC		
SFC		
SGM		
LTC		
SSG		
PFC		
CPT		
SSG		
CPT		
SSG		
SFC		
SSG		
SGT		
SGT		
SPC		
SGT		
SGT		
MAJ		
SFC		
SSG		
SPC		
SGT		
SFC		
MAJ		
CPT	(b)(3)(b)(6)	
MSG		
SGT		
SGT		
MAJ		
SFC		
SPC		
CPT		
SGT		
SGT		
SPC		
SFC		
SGT		
SPC		
CW3		
CPT		
1SG		
SSG		
SPC		
SPC		
SGT		

**PREDEPLOYMENT TRAINING**

**CLASS:** \_\_\_\_\_

**INSTRUCTOR:** \_\_\_\_\_

**DATE:** \_\_\_\_\_ *10/11/11*

- SPC
- CPT
- SGT
- CPT
- CW3
- SPC
- CPT
- CPT
- CPT
- SFC
- SGT
- SSG
- SFC
- CPT
- CPT
- SFC
- COL
- SPC
- PFC
- MSG
- 1LT
- MAJ
- CSM
- SPC
- PVT
- SSG
- PV2
- CPT
- SGT
- SPC
- 1LT

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

*4-PT 110711 C BFC*

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

VERIFIED CONDUCTED BY SSG (b)(3), (b)(6) NCO

Pages 187 through 206 redacted for the following reasons:

-----

(b)(2)high

(b)(5), (b)(3), (b)(6)

(b)(6)