



DEPARTMENT OF THE ARMY
Headquarters, 3d Stryker Brigade Combat Team
2d Infantry Division
Mosul, Iraq 09334



ARROWHEAD
STRYKER BRIGADE

AFZH-CJA

10 November 2006

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

col 11/13/06

MEMORANDUM FOR COL

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

Commander, 3-2 SBCT AFZH-IN-CO, FOB Marez,
Iraq

SUBJECT: Legal Review of Investigation under the provisions of Army Regulation 15-6, Escalation of Force by 2LT (b)(3), (b)(6) 5-20 IN, resulting in the death of a local national on 7 October 2006.

(b)(5)

5. The POC of this memorandum is the undersigned at VOIP: (b)(2)High or email:

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



(b)(2)High

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

MAJ, JA
Brigade Judge Advocate

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DEPARTMENT OF THE ARMY
Headquarters, 3d Stryker Brigade Combat Team
2d Infantry Division
Mosul, Iraq 09334



AFZH-IN

7 October 2006

MEMORANDUM FOR CPT (b)(3), (b)(6) HHC, 5th Battalion, 20th Infantry Regiment, Mosul, Iraq

SUBJECT: Investigating Officer Appointment, Investigation Into Escalation of Force incident on 07 October 2006 vic. (b)(2)High (Baghdad Traffic Circle) involving Soldiers from 1st PLT/B/5-20 Infantry Regiment.

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to investigate the circumstances surrounding the escalation of force against a local national vehicle (LN POV) and a local national individual on 07 October 2006 at vicinity (b)(2)High by Soldiers from 1st Platoon, B Company 5-20IN. This investigation is your primary duty and takes precedence over all other duties assigned to you. A Serious Incident Report prepared by the 5-20 Battle Captain, and a commander's storyboard prepared by B/5-20IN in response to this incident has been attached to these orders for your situational awareness.
2. The report of investigation must include, but is not limited to, findings on the following issues:
 - a. Did the Soldiers on the ground understand the rules of engagement and act in accordance with them? Which Soldiers were involved in the engagement? Did they have ROE training? When, where, and by whom? What measures short of deadly force did they consider before engaging? What measures should be added or refined in order to clarify this type of situation and avoid future incidents?
 - b. At what range was the engagement?
 - c. What threat did the Soldiers perceive when they identified the vehicle as a target?
 - d. Cover the specifics of this engagement and the decision-making process that went into it. Where were the rounds fired? Did the Soldiers intend to fire warning shots or to engage the LN vehicle? Was a lawful target positively identified? Was consideration given to potential ricochet?
 - e. Determine, to the greatest extent possible, the identifying features (type, color, etc.) of the LN POVs involved in the incidences, as well as the number and type of passengers.
 - f. Determine, to the greatest extent possible, the full name and contact information of the local national(s) involved in the incident.
3. Your investigation will be conducted IAW 15-6. During your investigation, you will be required to interview and/or question numerous witnesses. You are directed to obtain sworn statements from all witnesses. In the event that you are unable to obtain a sworn statement from a witness, you will prepare a detailed memorandum for record (MFR) memorializing the witness interview and explaining why a sworn statement was not obtained. Witnesses that should be interviewed include:
 - a. Soldiers from 5-20 IN who engaged the person(s)/vehicle.
 - b. Any others you feel necessary to complete your investigation, including Soldiers and LNs who may have witnessed the engagement.
4. If, prior to or during any interview, you suspect an individual subject to the

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SUBJECT: 1/B/5-20IN EOF Article 15-8 Appointment Orders

U.C.M.J. of committing a U.C.M.J. offense, you are required to advise that individual of his/her Article 31 rights, both orally and in writing, before any interview or questioning may commence and/or continue. **There are currently no suspected offenses or offenders;** however, your investigation may cause you to suspect an offense, at which time you should advise the suspect of his rights.

5. Upon completion of your investigation, you will make findings of fact regarding the issues addressed in paragraph 2 above and recommend appropriate action based on your findings. Your findings and recommendation will be recorded on a DA Form 1574. The completed findings and recommendation will be accompanied by all evidence obtained during your investigation as well as a separate chronology listing all significant activity from initial appointment as Investigating Officer to completion of the investigation, to include the granting of any extensions or delays to complete the investigation.

6. Before you begin your investigation, you may be briefed by a Brigade Judge Advocate, located at FOB Marez. They can be reached by VOIP at 872-2187. Prior to commencing your investigation, you must obtain copies of DA 2823 (Sworn Statement), DA 1574 (Report of Investigation), and any other forms or documents you may need. Ensure that you review all of the documents prior to beginning the investigation. If questions arise during your investigation, you will consult with your legal advisor, including developing an investigation plan, determining whether witnesses need to be advised of their rights under the UCMJ, Article 31 or the Fifth Amendment, and preparing findings and recommendations.

7. Upon completion of your investigation, you will submit the entire investigation to the Battalion Executive Officer for review. Your investigation should be completed within 3 days of receipt of this memorandum. I must approve any delays beyond 3 days. This investigation is your primary duty and takes precedence over all other assigned duties.

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

LTC, IN
Commanding

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

COL, IN
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 (b)(3), (b)(6) ^{CDL}
(b)(3), (b)(6) LTC, IN, Commanding
 (Appointing authority)

on 7 October 2006 (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 Mosul, Iraq (Place) at 2000 (Time)

on 8 October 2006 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

The (investigating officer) (board) finished gathering/hearing evidence at 2100 (Time) on 9 October 2006 (Date)
 and completed findings and recommendations at 0055 (Time) on 11 October 2006 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

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

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

008202

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

FOOTNOTES: ^{1/} Explain all negative answers on an attached sheet.

^{2/} Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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

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

See attached.

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

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

See attached.

008204

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

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

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

(Recorder)

(b)(3), (b)(6) CPT, IN, Battalion Logistics Officer
(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.)

(b)(5)

(b)(5)

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

006, 3-2 SBC
Commanding

11/13/06

008205

Course of Events Established by Investigating Officer:

At 07 0800 OCT 2006 1/B/5-20 IN was called to assist SCT/5-20 IN in Mosul. The SCT element had acquired information that a likely terrorist leader was in the vicinity of the Baghdad Traffic Circle and needed assistance sealing the area. When 1/B/5-20 IN arrived they were tasked to prevent any vehicles/ personnel from entering or leaving the neighborhood. The traffic was dense in this part of Mosul at 0800. 1/B/5-20 IN had its hands full trying to establish and maintain a cordon. Because there were so many vehicles, pedestrians, and roads from the objective area; the platoon decided to stay mounted. Using a "rolling cordon" the platoon effectively sealed the area with two vehicles controlling (b)(2)High and the other two on (b)(2)High (b)(2)High. In vehicle B11 2LT (b)(3), (b)(6) manned the Squad Leader hatch and was overall in control of the element. The rear Air Guard hatches were being manned 1LT (b)(3), (b)(6) on the right and SSG (b)(3), (b)(6) on the left.

Despite the overt presence of 1/B/5-20 IN many Iraqis still attempted to violate the cordon. Whether intentionally or carelessly "several cars attempt[ed] to enter/ leave the area and we [1/B/5-20 IN] simply waved them off . . ." recalls 1LT (b)(3), (b)(6). He goes on to say, ". . . they complied. No warning shots were fired [until the incident occurred]."¹ At 0830, after having been in the area for twenty minutes, a red car approached at approximately 10-15 MPH.² The Vehicle Commander, SGT (b)(3), (b)(6) notified the Platoon Leader, 2LT (b)(3), (b)(6) a red car is coming. Red Car. Red Car!"³ The air guards attempted to see what was going on. 1LT (b)(3), (b)(6) on the right rear air guard hatch, reported that the vehicle was "not acting suspicious, but just trying to continue down the road."⁴ Both air guards were waving in an attempt to flag the vehicle down and turn it around.⁵ In the Squad Leader Hatch, 2LT (b)(3), (b)(6) reported he "waved his arms, shouted to stop, and showed his weapon in an attempt to get the car to stop."⁶ No one else on the vehicle can corroborate his hand signals or shouts toward the oncoming red vehicle. 2LT (b)(3), (b)(6) then acquired a sight picture of the ground to the front left of the red car and fired one round.⁷ The red car immediately stopped and backed up. The round, however, ricocheted off the asphalt and struck a 15 year old Local National (LN) boy in the forehead. The fatally wounded Local National was pronounced dead later that day.

Findings:

This is an investigation of the incident according to the ROE. The local national's death is tragic, but it was an unintended consequence of a warning shot. 2LT (b)(3), (b)(6) did not intentionally kill or even fire at the Local National. 2LT (b)(3), (b)(6) intended to alert the occupants of the red car they were violating his cordon.⁸

The Rules of Engagement (ROE) clearly state when soldiers are allowed to fire their weapons. (b)(2)High

(b)(2)High

¹ Exhibit 3, Statement of 1LT (b)(3), (b)(6)

² Exhibit 9, Statement of SSG (b)(3), (b)(6)

³ Exhibit 6, Statement of SGT (b)(3), (b)(6)

⁴ Exhibit 8, Statement of 1LT (b)(3), (b)(6)

⁵ Corroborated, Exhibits 8 and 9.

⁶ Exhibit 7, Statement of 2LT (b)(3), (b)(6)

⁷ Exhibit 15, Statement of 2LT (b)(3), (b)(6)

⁸ Exhibit 15, Statement of 2LT (b)(3), (b)(6)

⁹ Exhibit 16, MNC-I ROE Card

(b)(2)High In this case, the red vehicle did not conduct a hostile act, but may have been perceived as having "hostile intent." (b)(2)High

(b)(2)High So the entire incident boils down to this question; did 2LT (b)(3), (b)(6) feel the red car was threatening an "imminent use of force?"

2LT (b)(3), (b)(6) didn't feel the red car was threatening an "imminent use of force," therefore, firing a warning shot violated the ROE. In Exhibit 15, he stated that he considered the car a "possible threat."¹¹ The purpose of his warning shot was to "keep the car from coming closer."¹² Many other reports corroborate the red car was traveling slowly in a non-threatening manner. 1LT (b)(3), (b)(6), SSG (b)(3), (b)(6) and SGT (b)(3), (b)(6) all report feeling the car was not an imminent threat, they were not worried the red car was trying to hurt them.¹³ According to the ROE, in order to fire a warning shot, lethal force must be authorized. In his statement, 2LT (b)(3), (b)(6) said he would not have been justified shooting the people in the red car.¹⁴ If lethal force wasn't authorized, neither was the warning shot; hence, 2LT (b)(3), (b)(6)'s actions violated the ROE. Furthermore, his statement that he fired the warning shot to "keep the car from coming closer" indicates he didn't understand the ROE.

Recommendation:

(b)(5)

THAT'S WHAT YOU DO WITH "POSSIBLE THREATS"... KEEP THEM AWAY

¹⁰ Exhibit 16, ROE

¹¹ Exhibit 15, Statement by 2LT (b)(3), (b)(6)

¹² Exhibit 15, Statement by 2LT (b)(3), (b)(6)

¹³ Exhibit 11, 12, and 8, Statements by SGT (b)(3), (b)(6), SSG (b)(3), (b)(6) and 1LT (b)(3), (b)(6)

¹⁴ Exhibit 15, Statement by 2LT (b)(3), (b)(6)

¹⁵ Exhibit 15, Statement by 2LT (b)(3), (b)(6)

¹⁶ Exhibit 1, Statement by 2LT (b)(3), (b)(6)

¹⁷ Exhibit 12, Statement by SSG (b)(3), (b)(6)

¹⁸ Exhibit 6, Statement by SGT (b)(3), (b)(6)

¹⁹ Exhibit 8, Statement by 1LT (b)(3), (b)(6)

²⁰ Exhibit 9, Statement by SSG (b)(3), (b)(6)

²¹ Exhibit 7, Statement by 2LT (b)(3), (b)(6)

Page 11 redacted for the following reason:

(b)(5), (b)(3), (b)(6)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION
2. DATE (YYYYMMDD) 2006 10 08
3. TIME 1737
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)
6. SSN (b)(3), (b)(6)
7. GRADE/STATUS 0-1

8. ORGANIZATION OR ADDRESS

1/86/5-20 IN

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

Have you fired a warning shot before?

No, and my platoon has not fired a warning shot since I have been with them.

Did you hear other people in track telling about the red car?

Yes, I heard SGT (b)(3), (b)(6) warn me about it.

What prompted you to shoot? What was the deciding factor?

The car did not act in same manner as the rest of the traffic that day. All of the other cars had stopped and turned around when they saw the STRYKER, The Red car kept advancing so I decided to could be a threat to my vehicle

(b)(2)High

(b)(2)High

Nothing further follows.

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

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

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

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

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

9. STATEMENT (Continued)

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

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

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

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

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB Marz, Mosul Iraq (b)(3), (b)(6)
2. DATE (YYYYMMDD): 2006 10 08 (b)(3), (b)(6)
3. TIME: 1719 (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: SFC
8. ORGANIZATION OR ADDRESS: B Co 5/20 IN, 3/2 153CT

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

Q: What were the actions that you saw from ZLT (b)(3), (b)(6) following the incident?

A: After arriving at the body to prepare him for CASEVAC, I went in search of ZLT (b)(3), (b)(6) to find out what happened, I could not locate him anywhere near his vehicle or the LP. I only found 1LT (b)(3), (b)(6) in the area.

Later, after the remains of the LP were brought to the S/CO MTR PL I went over to offer my apologies to the LP Uncle who had also been brought back from the CSt. Myself and all of my SP4 CPL's offered our condolences to the Uncle. ZLT (b)(3), (b)(6) said nothing to the man in my presence. Shortly after that we returned the remains over to the family. At this time the LP's father came from his house. Once again myself, SFC (b)(3), (b)(6) 1LT (b)(3), (b)(6) all apologized for the incident. ZLT (b)(3), (b)(6) only said "Here's the Death Certificate, you may need this later" handed a folder to the man and walked off. We then returned to FOB Marz. // NOTHING FOLLOWS //

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

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

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

9. STATEMENT (Continued)

[Large redacted area with diagonal lines and multiple (b)(3), (b)(6) boxes]

AFFIDAVIT

I, (b)(3), (b)(6) (b)(3), (b)(6) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

WITNESSES:

[Witness signature lines and organization/address fields]

[Affidavit signature and authority fields]

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 1 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: B Co, 5-20 IN Company area
2. DATE (YYYYMMDD): 20061005
3. TIME: 1615
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: O2
8. ORGANIZATION OR ADDRESS: B Co 5-20 IN

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Q: Did you see 2LT (b)(3), (b)(6) signaling to the vehicle to stop?
A: No, at no time did I see him use any visual signaling technique, or did I ever hear him shout at the vehicle. He had on a (b)(2)High, so I would have heard him shout, and from my vantage point in the right airguard hatch, I would have seen him signal, wave, show his weapon, etc.
Q: what was the platoon's task and purpose?
A: We were acting as a cordon for Scouts. Nobody was to be able to enter or leave the area.
Q: Had you noticed cars acting in a similar manner to the car 2LT (b)(3), (b)(6) engaged?
A: Yes. We had several cars attempt to enter/leave the area, and we simply waved them off, and they complied. No warning shots were fired at any other cars.
Q: In your opinion, would 2LT (b)(3), (b)(6) have been able to see the kid from his vantage point when he took the shot?
A: Yes. The kid was crossing behind the car and was in plain view to 2LT (b)(3), (b)(6) when he fired his weapon.
Q: Were there other possible locations for LT (b)(3), (b)(6) to place his warning shot?
A: Yes. There was an empty hillside off to his 2-3 o'clock (to the northeast) where he could have safely taken the shot.

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

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

STATEMENT

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

TAKEN AT

7 Co Co Area

DATED

8 Oct 86

9. STATEMENT (Continued)

Q: When told there was a car moving towards the Stryker, how did 2LT (b)(3), (b)(6) respond?

A: He made no audible or visual response.

Q: What was your action upon LT (b)(3), (b)(6) nonresponse?

A: Both myself and SSG (b)(3), (b)(6) told him to wave off the car and stop it. We told him this multiple times.

Q: In the past, how has LT (b)(3), (b)(6) responded to high pressure situations?

A: He has shown very little or no response at all. He has shown that he has extreme difficulty in making decisions under pressure and freezes up in such situations.

Q: What were (b)(3), (b)(6) actions/reactions after the incident?

A: At no time did he show remorse for his actions. He never addressed the platoon to explain what had happened or even discussed it with his P56, Squad leaders, or myself. When we delivered the body to the family, he did not offer his condolences or apologize to the family, as the rest of the platoon leadership did. The only actual (b)(3), (b)(6) time he seemed to take any real notice of what he did was on site of the shooting when he dismantled, walked to the body, looked at it for 1-2 seconds without emotion, and then walked away. // Nothing Follows // (b)(3), (b)(6)

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

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

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

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE

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

PAGES

STATEMENT

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

TAKEN AT B Co, Company Area DATED 8 Oct 06

9. STATEMENT (Continued)

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

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

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

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

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB Marez; 2. DATE: 2006/008; 6. SSN: (b)(3), (b)(6); 7. GRADE/STATUS: O3

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Do you think that 2LT (b)(3), (b)(6) can be a Platoon Leader in B CO?
In my opinion, 2LT (b)(3), (b)(6) can be a Rifle Platoon Leader and be an effective leader given time to develop. His continuance at Platoon Leader of 1ST Platoon is dependant on his ability to over come adversity. He has lost the confidence and trust of his soldiers and NCOs and will have to change their opinions without ever being given the benefit of the doubt.
NOTHING FOLLOWS

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

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

STATEMENT OF

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

TAKEN AT

FOB MAREZ

DATED

8 OCT 86

9. STATEMENT (Continued)

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

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

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

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

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

WITNESSES:

 ORGANIZATION OR ADDRESS

 ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ 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 2 OF 2 PAGES

(b)(2)High

1/B/5-20 EOF
07 OCT 06
VIC Baghdad Traffic Circle

(b)(2)High

0708300CT06: 1/B/5-20 IN, the BN QRF, was dispatched to establish an outer cordon VIC the Baghdad Traffic Circle ISO SCT/5-20IN prosecuting an ECTR TST. The Northern most vehicle on [redacted] B11, was confronted by a red 4-door sedan [redacted] South in the South bound lane. The PL, from the squad leader's hatch, attempted to get the [redacted] to halt by [redacted] (b)(2)High

[redacted] When the vehicle did not respond to his EOF attempts, the [redacted] fired one warning round of 5.56mm downward at the pavement approximately five feet in front of the approaching vehicle. The round ricocheted off the pavement and struck a Local National male bystander in the head who was standing approximately 5 feet Northwest of the vehicle. The Red [redacted] immediately stopped, turned around and proceeded North on [redacted] 1st Squad then dismounted B11, established security around the LN, and initiated CLS first aid. The PSG, moved his vehicle, B14, to the location of the LN so the Platoon Medic could administer additional medical care. The medic prepared the casualty for movement and the casualty was EVACED non-standard in B14 to the 47th CSH where he later DOW. The remainder of the Platoon remained in the outer cordon.

(b)(2)High

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION FOB MAREZ (b)(3), (b)(6)
2. DATE (YYYYMMDD) 20061007 (b)(3), (b)(6)
3. TIME 1630 (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
8. ORGANIZATION OR ADDRESS Bco 5-24TH INF

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

ON The morning of 7th October 2006, 1st Platoon was called out to help Shadow 6 cordon off an area north of the Bagdad traffic circle. Around 0830 we had a red station-wagon heading towards our direction in the opposite direction. I saw the vehicle coming in our direction and was not slowing down. I immediately notified Lt. (b)(3), (b)(6), by saying "a red car is coming, red car, red car!" I did not hear any (b)(2)High but I can not verify if he used any (b)(2)High Then I heard him discharge his weapon once, which I presume was a warning shot, the vehicle immediately stopped and started to back up, about 15 seconds went by when I heard that a local nation was hit. We then informed SFC (b)(3), (b)(6) that there was a ~~casualty~~ casualty and needed the medic, at the same time Lt (b)(3), (b)(6)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)
PAGE 1 (b)(3), (b)(6) 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. 008219

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

TAKEN AT FOB MARCEL DATED 7 Oct 06 (b)(3), (b)(6)

9. STATEMENT (Continued)

called up to Regular Xray about the incident. (b)(3), (b)(6)
SFC (b)(3), (b)(6) the moved the casualty to the CASH. Nothing
Follows (b)(3), (b)(6) (b)(3), (b)(6)

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

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

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

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

(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 (b)(3), (b)(6) FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS ON EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL

(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

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

EMENT

PAGE

2

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

220

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
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB Marez
2. DATE: 20061007
3. TIME: 1632
4. FILE NUMBER
5. (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: O-1
8. ORGANIZATION OR ADDRESS: 1PLT/B Co, 5-20 IN
9. (b)(3), (b)(6)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 07 OCT 06 1st Platoon B Company was called out on QRF in support of Scout Platoon 5-20 IN to establish outer cordon. While in a blocking position North of Baghdad TC on (b)(2)High (b)(2)High a red (b)(6) 4-door sedan attempted to move into the neighborhood past the cordon. I (b)(2)High (b)(2)High in an attempt to get the car to stop. After that failed I fired a warning shot of 1 round 5.56mm into the ground in front of the car. The round ricocheted and struck a Local National Male in the head. The male LN was standing to the right of car. Once we saw the LN was wounded Squad dismounted and established security around him and began performing first aid. The PSG, SFC (b)(3), (b)(6) brought his STRYKER trucks and the Platoon Medic began treating the LN. After the medic was done bandaging the LN's head he was put on a stretcher and put in the PSG's truck, B14, and taken to the cache, where he later passed away. The rest of the platoon remained on (b)(2)High (b)(2)High to continue mission. The vehicle was on was B11. I was riding in the Squad Leader/Platoon Leader (b)(3), (b)(6) the entire time except when I dismounted to check on the LN that had been shot.

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

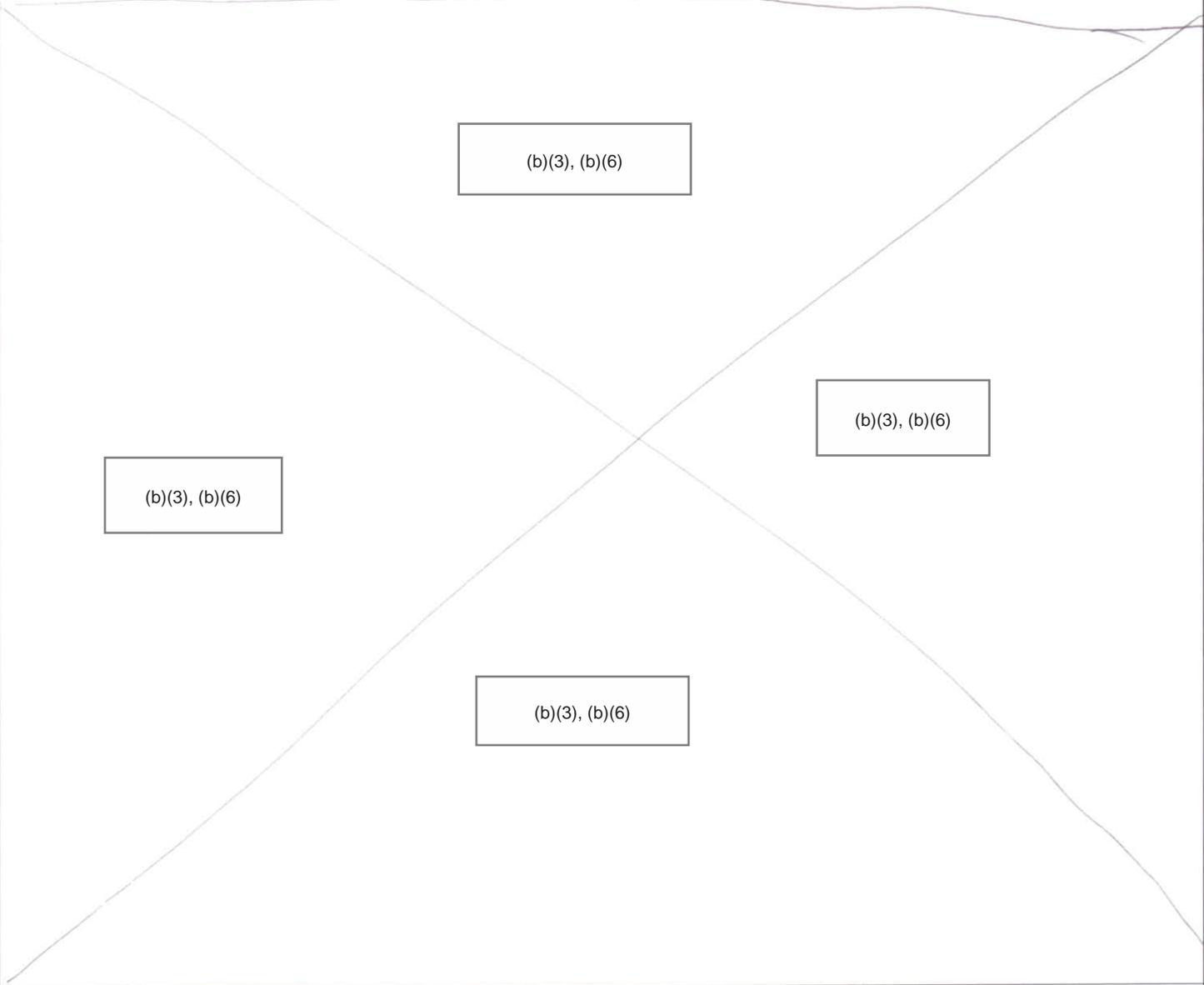
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.
008221

STATEMENT OF (b)(3), (b)(6) (b)(3), (b)(6) (b)(3), (b)(6)
TAKEN AT FOB MAREZ DATED 2006 10 07

9. STATEMENT (Continued)

The LN was shot approximately 0830 and arrived at the cache at approximately 0845. The red (b)(6) that I was attempting to warn away from the cordon was going about 15-20 mph and was 25-35 meters away when I fired. As soon as I fired the car stopped and turned around. The car was heading South West and my STRYKER was facing North East on (b)(2)High (b)(2)High

// Nothing Further Follows //



INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) PAGE 2 OF 3 PAGES 008222

STATEMENT OF

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

TAKEN AT

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

FOR MAREZ

DATED

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

20061007

9. STATEMENT (Continued)

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

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

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

(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)

PAGE 3 OF 008223 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
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disc (b)(3), (b)(6) if your social security number is voluntary.

1. LOCATION LF 313203 (incident) statement taken at 5-20 BN-70C MARIETTA
2. DATE (YYYYMMDD) 20061007
3. TIME (b)(3), (b)(6) 0830 hrs
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)
6. SSN (b)(3), (b)(6)
7. GRADE/STATUS O2

8. ORGANIZATION OR ADDRESS 1st Plt, B Co, 5-20 IN

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

On 7 October 2006, at approximately 0830 hours, 1st Plt B Co was conducting cordon operations for Scouts as they were trying to detain two targets near (b)(2)High. As the outer cordon, we were running split sections, with two trucks controlling traffic on (b)(2)High (b)(2)High and two trucks controlling traffic on (b)(2)High (b)(2)High. Due to the heavy amount of traffic on both sides of our cordon, and the number of vehicles attempting to squirt out of the area that Scout Platoon was searching, we stayed mounted and were constantly moving our trucks to control the traffic and hold the cordon. As we were pulling security on the (b)(2)High side of the cordon, we pushed our lead vehicle, B111, up the road to cut off possible egress routes. I was riding in the right-rear air guard hatch, along with SSG (b)(3), (b)(6) who was in the left-rear air guard hatch. 2nd LT (b)(3), (b)(6) was the acting platoon leader, and I was riding along only to observe his actions. As we were holding the cordon to the Northeast, the B111 VC, SGT (b)(3), (b)(6) observed a red four door sedan coming toward us, moving at a slow to moderate rate of speed, trying to bypass us moving south in the left lane of (b)(2)High. He called the car up to 2LT (b)(3), (b)(6) when it was over a (b)(2)High away. 2LT (b)(3), (b)(6) did nothing to stop the

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

008224

STATEMENT OF LT (b)(3), (b)(6) (b)(3), (b)(6) (b)(2)High
 TAKEN AT 5-20 BNTC DATED 7 Oct 06

9. STATEMENT (Continued)

Car, at which point myself and SSG (b)(3), (b)(6) again told him about the approaching car, and again 2LT (b)(3), (b)(6) did not respond. As the car approached to within (b)(2)High, we began shouting to (b)(3), (b)(6) to wave down the car and stop it. I was waving my hand at the car to stop and SSG (b)(3), (b)(6) was climbing up on his side to try to flag the car down. Again, it must be noted that the car was not really acting suspicious, but just trying to continue down the road at a slow to moderate pace south on its route of travel. At this point, out of no where, one single shot rang out from the truck. 2LT (b)(3), (b)(6) had fired a single shot towards the right hand side of the car as it was approaching at a distance of approximately (b)(2)High, striking a 2N male in his torso in the forehead and exiting out the back of his head. The man instantly went down, bleeding profusely. I asked (b)(3), (b)(6) what had happened and at whom he had fired, and he said that he had shot at the ground in front of the car. At this point I assumed full control of the platoon, dismounted 1st squad & SSG (b)(3), (b)(6) and set in security and evaluated the casualty. I immediately called my platoon sergeant, SFC (b)(3), (b)(6) to bring in our B114 truck to do a non-standard CASVAC to the CASHT. We regrouped our guys, re-established our cordon, and then continued the mission.

2LT (b)(3), (b)(6) knows the EOF procedures that are in place to prevent accidents such as these. I observed the situation as it unfolded, and other than the EOF procedures displayed by myself and SSG (b)(3), (b)(6), no other actions were taken by 2LT (b)(3), (b)(6). The only action he took was to pull the trigger on his M4. 2LT (b)(3), (b)(6) claims to have fired in front of the car. However, given the clean entry wound in the forehead of the victim, it looks like he just pointed his weapon over his hatch, pulled the trigger, and

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

PAGE 2 (b)(3), (b)(6) PAGES 08225

STATEMENT OF LT

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

TAKEN AT 5-20 BN Toc

DATED 7 Oct 06

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

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

9. STATEMENT (Continued)

had put no thought into the intended target of the round. Unfortunately this time it cost a young boy his life.

I have warned my company leadership that 2LT (b)(3), (b)(6) lack of judgement, failure to display strong leadership, totally reactionary attitude, and lack of motivation would result in something bad happening to either the platoon or to other people. Today he totally froze up and instead of simply de-escalating the situation through the proper use of EOF, he freaked out and pulled the trigger on an innocent person. I understand that accidents happen, but today's event could have been completely prevented through proper decision making. My assessment of him as a leader and as a platoon leader is that he is not ready for the task at hand. He is a liability and a danger to the platoon, as was shown today. /// Nothing Follows ///

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

(b)(2)High

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

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

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

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

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

AFFIDAVIT

I, LT (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE (b)(3), (b)(6) I 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, UNL

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

ment)

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)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALING STATEMENT

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

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

8226

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 5/20 IN TOL (b)(3), (b)(6)
2. DATE (YYYYMMDD) 20061007 (b)(3), (b)(6)
3. TIME 1028 (b)(3), (b)(6)
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME Reese, Gaylord, Hillary (b)(3), (b)(6)
6. SSN (b)(3), (b)(6)
7. GRADE/STATUS E-6 / Squad Leader
8. ORGANIZATION OR ADDRESS Bco 5/20 IN 3-2 (SBCT)

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On or about 070800 OCT06 our ARF element was called to assist Scouts by setting a
outer cordon at approximately (b)(2)High. The Stryker I was riding in, B11, was
facing East, I was standing in the left rear airground hatch watching for people and
cars trying to leave the objective. The rest of our Platoon was scattered west of my
position filling in the cordon. Our Stryker had moved several times to readjust due to the
heavy popovers. My field of view was West and North and could not see East of the Stryker
unless I leaned back and looked between the Squad Leader Hatch and the VC Hatch. Every
so often I would glance through that gap to get better situational awareness. At about
0815 I looked through that gap and saw a white car and a fuel truck trying to inch
closer to us so I told 2nd LT (b)(3), (b)(6) to motion them back and not to let cars push
towards us. He then motioned them back and the problem was fixed. AT about 0830
I was watching the road to the north and heard someone say "stop that car", I stood
up higher and leaned forward to see where it was. I saw it was about 20-25m east of
our Stryker going about 10-15mph. From my hatch I immediately through my camera using
a (b)(2)High which was (b)(2)High (b)(2)High. At the
same time I yelled "stop, a.f, a.f" and had (b)(2)High. During
my actions I saw no movement out of the Squad Leader hatch. By the time I said "a.f" the second
time the shot was fired. Then the car backed up and pulled forward, it looked like the driver was
scared, I leaned forward some more and saw a body of a boy laid on the ground about 15m behind
were the car had originally stopped. One civilian went to the car and started to direct it
to the side of the road and another civilian ran to the boy. I then stood back down in my hatch
and myself and 1st LT (b)(3), (b)(6) started asking who fired the shot, it was silent for a few seconds
and then 2nd LT (b)(3), (b)(6) said that he shot. I leaned forward again to confirm the body on the
road and then turned to 1st LT (b)(3), (b)(6) and said "we need to get out their". We immediately dismounted
and I told my Squad to push all the cars back and setup security around me while I checked out
the body. LT (b)(3), (b)(6) helped establish security while I checked for conciosness and a pulse. The boy
looked to be no more than 15 years old and was struggling to breath, he had a very weak pulse, and
would cough up blood and convulse every once in a while. LT (b)(3), (b)(6) joined us on the ground a few
minutes after I was on the ground. I called SFC (b)(3), (b)(6) on the radio and told him their was

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

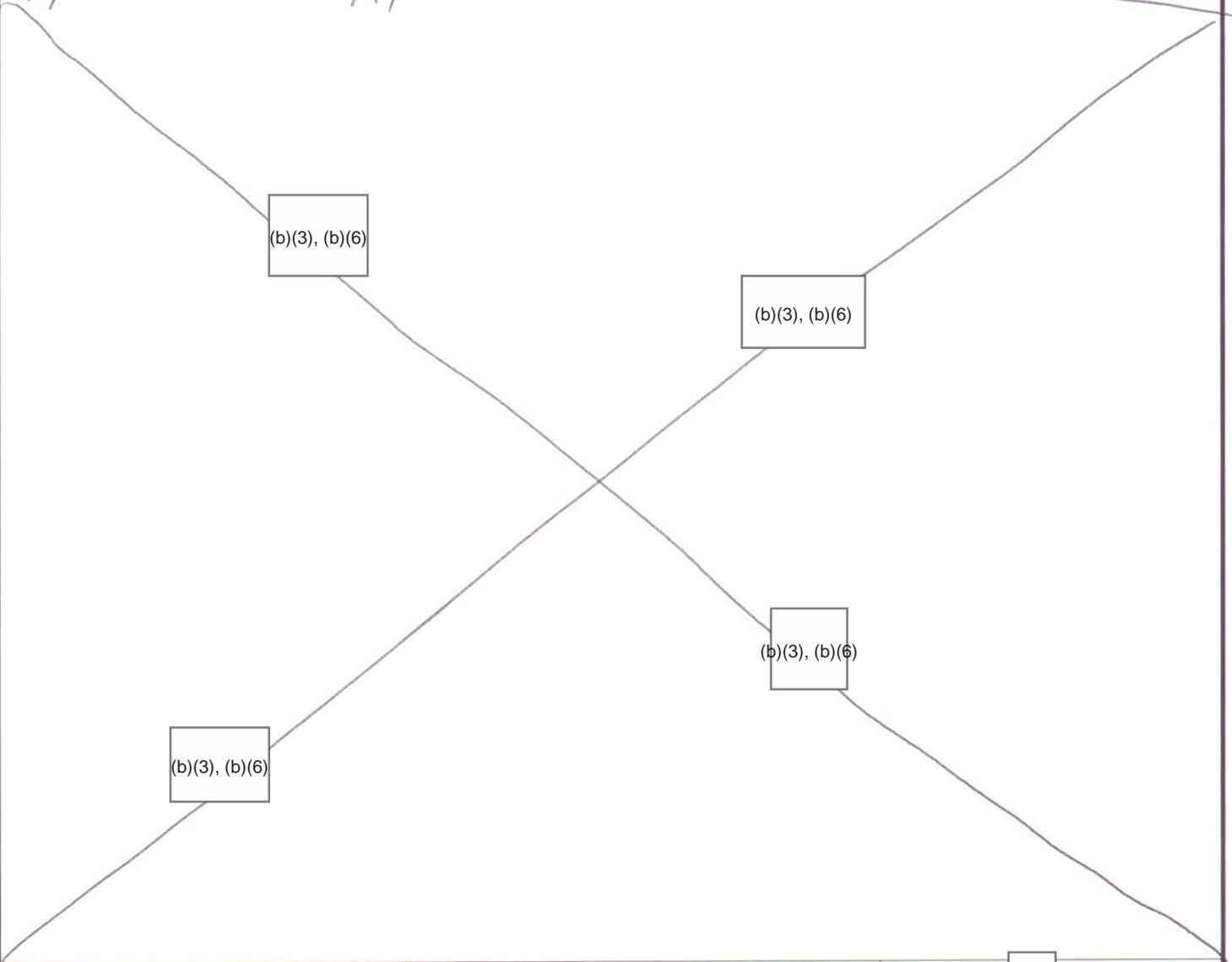
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER
MUST BE BE INDICATED. 008227

STATEMENT OF (b)(3), (b)(6) TAKEN AT 5/20 IN TOC DATED 7 OCT 06 (b)(3), (b)(6)

9. STATEMENT (Continued)

a local national with a gunshot to the head and he had weak vitals he then loaded his Stryker to come over for medivac. LT (b)(3), (b)(6) was on Battalion radio trying to coordinate for medivac from Battalion. By this time SFC (b)(3), (b)(6) showed up at the scene and our medic and myself wrapped the boys head with gauze to control bleeding while others pulled out and set up the litter. Next we put him onto the back of SFC (b)(3), (b)(6) Stryker and since we were so close to Fob Marez he medivaced the boy himself. Local Nationals sprayed the road where the blood was with water and we reestablished our cordon. (b)(3), (b)(6)

/// Nothing Follows /// (b)(3), (b)(6)



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

08228

STATEMENT OF Gaylord H. Reese (b)(3), (b)(6) TAKEN AT 5/20 I W Toc (b)(3), (b)(6) DATED 7 OCT 06 (b)(3), (b)(6)

9. STATEMENT (Continued)

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

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

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

(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 (b)(3), (b)(6). I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Statement)

WITNESSES:

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 3 OF 2 PAGES **8229**

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB Mariz, Mosul, Iraq
2. DATE (YYYYMMDD): 20061007
3. TIME: 1028
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: SFC
8. ORGANIZATION OR ADDRESS: B Co. 5/20 IN, 3/2 (SBC)

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

On 07OCT 2006 1st PLT, B. Co. 5/20 IN assumed duties as BN QRF. At approx. 0747 we were notified that we were to roll out the gate and provide an Outer Cordon for the BN Scout PLT that was going to (b)(3), (b)(6) conduct a hit on a intel source. 1st PLT was given grids along (b)(2)High (b)(2)High and (b)(2)High (b)(2)High both within (b)(2)High of Baghdad Traffic Circle that we were to use as guidelines for establishing the cordon. As the PLT left the FOB and approached Baghdad Traffic Circle, it split up into two sections. Section 1, B-11 and B-12, went to the East along (b)(2)High (b)(2)High section 2, B-13 and B-14 continued North and established our part of the cordon along (b)(2)High (b)(2)High

Once my section got into position I dismounted my 3rd SQD and WPN SQD in order to more effectively block traffic, vehicle and pedestrian, from entering or leaving the OBJ. Due to the numerous side roads, (b)(2)High and heavy flow of traffic that was stopped on (b)(2)High I found myself constantly having to shift both of my Stryker vehicles and dismounts in order to keep the cordon established. While on the ground, the VC for B-11, SGT (b)(3), (b)(6) called over the PLT Net that the PLT Medic, SFC (b)(3), (b)(6) was needed at their position (b)(3), (b)(6)

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6)
PAGE 1 OF 5 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.

008230

STATEMENT OF (b)(3), (b)(6) TAKEN AT FOB Marez (b)(3), (b)(6) DATED 07 OCT 06 (b)(3), (b)(6)

9. STATEMENT (Continued)

due to a Local National being shot, I loaded my WPN S&D and myself back onto my Stryker, B-14, and gave guidance to SSG (b)(3), (b)(6) 3rd S&D LDC, to close the gap more with the rest of the PLT. After arriving at the scene (b)(3), (b)(6) I found one Local National lying on the road with a gunshot wound on the left side of his forehead. SPC (b)(3), (b)(6) began ~~the~~ treatment and prepared him for CASEVAC. I walked around attempting to find either ZLT (b)(3), (b)(6) or 1LT (b)(3), (b)(6) to get a quick rundown of what had happened and to find out who had taken the shot. I found 1LT (b)(3), (b)(6) and he told me that "we were trying to stop a car that kept coming up on us and (b)(3), (b)(6) fired the shots" I returned to the casualty and and SPC (b)(3), (b)(6) informed me that he needed to get the LN to the CASH immediately. We loaded him onto the back of B-14 and I radioed Regular X-Ray that we did not have time to wait for a MEV to arrive on scene and I rolled to FOB Diamondback with just B-14. I dropped the LN off at the CASH and at that time he was still breathing. Personnel at the CASH asked what had occurred and I told them that it was a "EOP incident." I then returned to the Baghdad Traffic Circle area and rejoined the rest of my PLT, until we were relieved of Cordon responsibilities by Shadow 6. The PLT then returned to FOB Marez.

Description of wound to LN:

~~Gunshot~~ (b)(3), (b)(6)

Bullet entered on the left side of his forehead just above the LN left eye. He sustained an exit wound

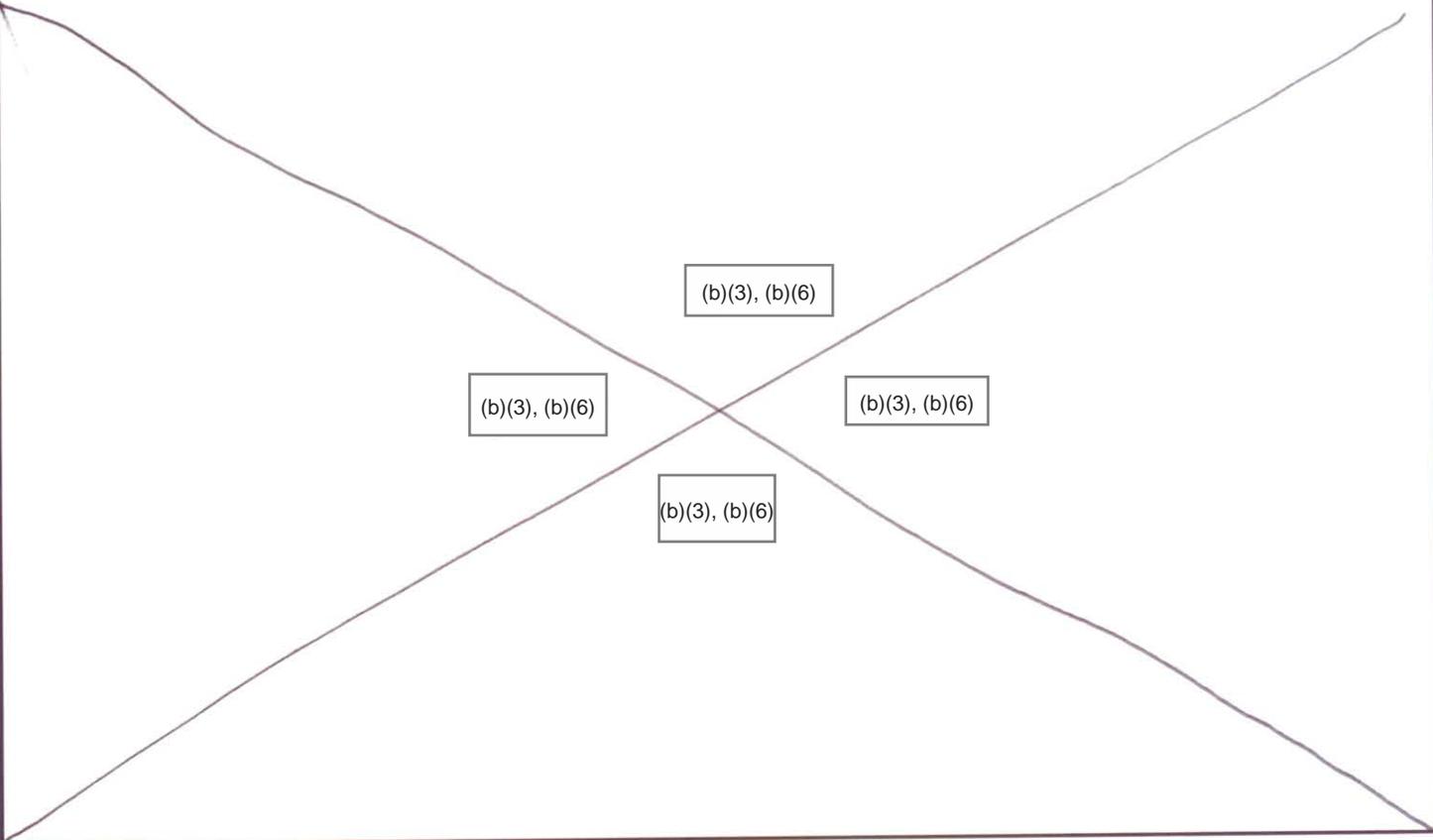
INITIALS OF PERSON MAKING STATEMENT

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

008231

9. STATEMENT (Continued)

on the back of his head approx. 2 inches in diameter or slightly larger than Half Dollar. // 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 (b)(3), (b)(6) FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

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

(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)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB Marez
2. DATE (YYYYMMDD): 20061009
3. TIME: 2155
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: Bco 5-20TH INF

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

Q. Did you percieve a threat from the red car?
A. No.

Q. Would a reasonable person, given the same situation, take the shot?
A. No. The vehicle would have had to jump the median to hit our Stryker, also the driver was not driving erratically. I think the driver thought it was ok to pss us on our left.

Q. Is Exhibit 5 accurate?
A. The diagram of the incident is corret, I did not hear any (b)(2)High and I could not see if he was (b)(2)High

Nothing Follows

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF _____ PAGES

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

008233

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

9. STATEMENT (Continued)

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

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

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

(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 (b)(3), (b)(6) FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND DELETIONS OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY AND 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

008234

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

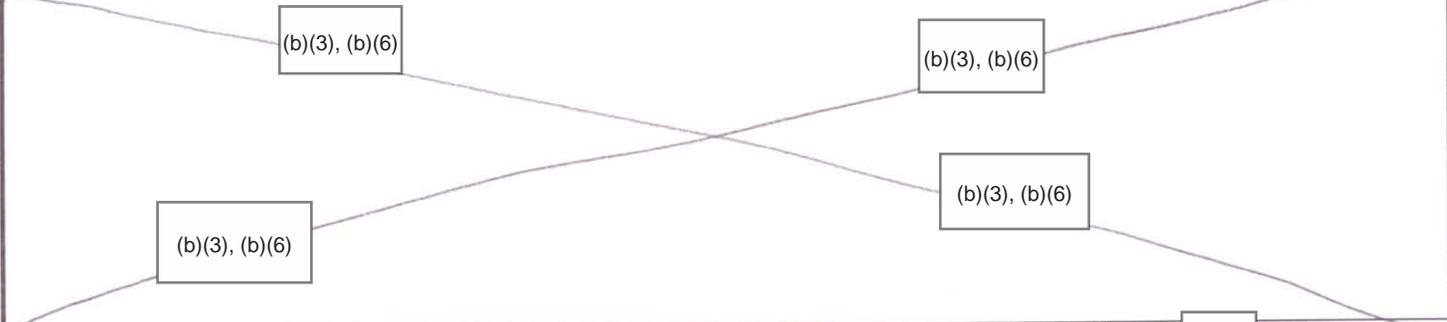
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate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

1. LOCATION: Fob Maree Iraq (b)(3), (b)(6)
2. DATE (YYYYMMDD): 2006/10/07 (b)(3), (b)(6)
3. TIME: 2120 (b)(3), (b)(6)
4. FILE NUMBER:
5. (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: E-6 / Squad Leader
8. ORGANIZATION OR ADDRESS: BCO 5/20 IN 3-2 (SBCT)

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

- 1.) In your opinion is LT (b)(3), (b)(6) story board accurate?
No
2.) Did you percieve a threat from the vehicle?
No, there was a middle aged male and a female of the same age in the car.
3.) Would a resonable person, given the same scenario take the shot?
I think that given the situation that car would have never gotten that close. I feel if he was watching his sector he would have seen that car from over 70m away and could have stopped them before they got that close
4.) Who was in the car?
One middle aged male which was the driver, and one middle aged woman in the front passenger seat.

/// Nothing Else Follows ///



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

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

008235

STATEMENT OF

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

TAKEN AT

Fob Marez

DATED

2006/10/09

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

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

9. STATEMENT (Continued)

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

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

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

(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 16. 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 _____ day of _____, _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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

008236

(b)(2)High

1/B/5-20 EOF
07 OCT 06
VIC Baghdad Traffic Circle

(b)(2)High

070830OCT06: Our Stryker was parked in the SW bound lane of our whole purpose was to cordon the street on the driver side of the Stryker, I was located in the air guard hatch behind LT [redacted] Our VC said "someone stop that car" so I immediately stood up on the back of the bench and saw the car starting to come around us I gave a hand and arm signal to stop and had my weapon pointed at the car I screamed "stop, Qif, Qif" and then the round was fired the car was at about the 11 o'clock of our Stryker and it stopped at about the 10 o'clock. I did not see where the shot was fired nor did I see the boy at that time not until I stood back up on the back of the bench and leaned forward more to see further around his hatch. When I stood back up their I saw the driver back up around a car to try and get out of our space and then almost backed onto the boy, then a LN guided him to the shoulder. We dismounted and immediately ran to the boy, I ran about 2 Stryker lengths to the boy and was the first person to him. Myself and LT [redacted] called SFC [redacted] for Evac. While I was with the boy I noticed an entry wound in the left forehead and an exit hole directly behind his head.

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

(b)(2)High

Pages 41 through 43 redacted for the following reasons:

(b)(2)High, Nonresponsive, (b)(1)1.4b
Nonresponsive, (b)(2)High

Exhibit 15

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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Disclosure of your social security number is voluntary.

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
F0B MAREZ	20061011	2111	
5. LAST NAME, FIRST NAME, MIDDLE NAME		6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)		(b)(3), (b)(6)	0-1

8. ORGANIZATION OR UNIT
IPLT, B Co 5-20 IN

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

Did the car present an imminent threat in your opinion?
I considered the car a possible threat. I fired a warning shot to keep the car from coming closer to my truck.
When did you first identify the car?
I first saw the car when another car turned from the southbound lane into the northbound lane. At the time the red car was about 100 meters away.

What did you do prior to when SGT. (b)(3), (b)(6) telling you about it?
I was watching the car come closer. I saw it when the other car turned off and kept watching it because it did not turn as well.
Did you see the people in the car before you shot?
I saw the driver and passenger. I could not see into the back seat.

Describe the occupants of the vehicle.
The driver was a man with a beard wearing what looked like a white shirt. The passenger was a woman also wearing something white. After I fired the warning shot I could see in the back seat there were two people possibly children but I don't recall what they were wearing.

Would it have been reasonable to shoot the vehicle?
No because while I would have had little time to react if the vehicle had not stopped I knew according to EOP (b)(3), (b)(6) (b)(2) High (b)(3), (b)(6) let them know that if they did not close there - did not want them any closer.

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

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

008241

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB MAREZ
2. DATE (YYYYMMDD): 20061011
3. TIME: 2111
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: O-1
8. IPLT, B Co 5-20 IN

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

Did the car present an imminent threat in your opinion?
I considered them a possible threat. I fired a warning shot to keep the car from coming closer to my truck.
When did you first identify the car.
I first saw them when another car turned from the southbound lane into the northbound lane. At the time the red car was about 100 meters away.

What did you do (b)(3), (b)(6) prior to when SGT. (b)(3), (b)(6) telling you about it?
I was watching the car come closer. I saw it when the other car turned off and kept watching it because it did not turn as well.

Did you see the people in the car before you shot?
I saw the driver and passenger. I could not see into the back seat.
Describe the occupants of the vehicle.

The driver was a man with a beard wearing what looked like a white shirt.
The passenger was a woman also wearing something white. After I fired the warning shot I could see in the back seat there were two people possibly children but I don't recall what they were wearing.

Would it have been reasonable to shoot the vehicle?
No because while I would have had little time to react if the vehicle had not stopped I knew according to (b)(3), (b)(6) (b)(2) High (b)(3), (b)(6) to let them know that if they came closer there I did not want them any closer.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
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9. STATEMENT (Continued)

Did you acquire a sight picture.
Yes, before I even switched my ~~weapon~~ from safe to semi I had made sure my sight only a pavement in it.

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

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

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

(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 _____. 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)

Page 47 redacted for the following reason:

Nonresponsive, (b)(2)High