



UNITED STATES MARINE CORPS

MULTI NATIONAL FORCE - WEST
II MARINE EXPEDITIONARY FORCE (FORWARD)
LIC 73820
FPO AE 09509-3920

IN REPLY REFER TO:

5830

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

APR 19 2007

THIRD ENDORSEMENT on Capt (b)(3)(b)(6)'s PrelimInq 5800 on 09 Mar 07

From: Commander, Ground Combat Element, Multi National Force - West

To: Staff Judge Advocate (File)

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT (EOF) THAT OCCURRED ON 07 MAR 2007 IN THE VICINITY OF GRID (b)(2)High INVOLVING MARINES OF 1ST SQUAD, 2ND PLATOON, CHARLIE COMPANY, 1ST BATTALION, 24TH MARINES

1. I have reviewed the subject investigation and find it to be in compliance with reference (a). I concur with the findings and recommendations of the Investigating Officer as endorsed by the Commanding Officer, Regimental Combat Team 6. Specifically, I find there was no violation of the Rules of Engagement.

2. Escalation of Force procedures are a tool used to de-escalate potentially deadly situations. In this case, Lance Corporal (b)(3)(b)(6) used hand-and-arm signals, red pyrotechnics, voice commands, two tracer warning shots, and two disabling shots to the grill of the vehicle before Lance Corporal (b)(3)(b)(6), Lance Corporal (b)(3)(b)(6), and Lance Corporal (b)(3)(b)(6) resorted to killing shots. The Marines properly executed the Escalation of Force procedures.

3. No further investigation is required.

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

Copy to:
MARCENT, SJA
MNC-I, SJA
CO, RCT-6 (end only)
CO, 1/24 (end only)
IO, Capt (b)(3)(b)(6) (end only)



UNITED STATES MARINE CORPS

REGIMENTAL COMBAT TEAM 6
8 MARINE EXPEDITIONARY FORCE (FORWARD)
UNIT 73805
FPO AE 09509-3805

IN REPLY REFER TO
5830

APR 07 2007

SECOND ENDORSEMENT on Captain (b)(3)(b)(6)'s PrelimInqRpt ltr
5830 S-1 of 07 Mar 07

From: Commanding Officer
To: Commanding General, Multi-National Force West

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE (EOF) INCIDENT
THAT OCCURRED ON 07 MAR 07 IN THE VICINITY OF GRID (b)(2)High
(b)(2)High INVOLVING MARINES OF 1ST SQUAD, 2ND PLATOON, CHARLIE
COMPANY, 1ST BATTALION, 24TH MARINES

1. Forwarded. I concur with the findings and recommendation of the investigating officer and the Commanding Officer's endorsement subject to the comments below.
2. The Marines in this situation used every tool at their disposal to deescalate the situation. In fact, after firing pyrotechnics the vehicle appeared to speed up from 35 to 55 miles per hour. The Marines acted in accordance with their training. The Battalion has reinforced EOF procedures in such a way that the Marines made rapid, competent decisions in a difficult situation.
3. The remains of the deceased driver were taken to a local mosque and transferred to the Imam for proper disposition.
4. I agree that a CERP condolence payment should be made to the individual who owns the vehicle, the deceased driver's family and the injured passenger. They shall be provided for when they present their claims.
5. I find that no further investigation is warranted.

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

Copy to:
CO, 1/24 (end only)
File



UNITED STATES MARINE CORPS

1ST BATTALION, 24TH MARINES
REGIMENTAL COMBAT TEAM 6
II MARINE EXPEDITIONARY FORCE (FWD)
UNIT 4395
FPO AE 96426-3595

IN REPLY REFER TO
5830
S-1

16 MAR 2007

FIRST ENDORSEMENT on Captain (b)(3)(b)(6) a lt: 5800 dtd 9 Mar 07

From: Commanding Officer
To: Commanding General, II Marine Expeditionary Force (Fwd)
Via: Commanding Officer, Regimental Combat Team 6

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT (EOF) THAT OCCURRED ON 07 Mar 2007 IN THE VICINITY OF GRID (b)(2)High INVOLVING MARINES OF 1ST SQUAD, 2ND PLATOON, CHARLIE COMPANY, 1ST BATTALION, 24TH MARINES.

1. Forwarded. I concur with the findings and recommendation of the investigating officer subject to my comments here.
2. The purpose behind EOF is to determine hostile intent and deescalate a situation in order to prevent the unnecessary injury or death of local nationals (LN). Marines and sailors are given extensive training and guidelines on when EOF is appropriate and the required steps they must follow. Marines on dismounted patrols are often faced with difficult and challenging situations. This incident consisted of Marines who were in the middle of a road conducting snap VCPs. The first and third cars stopped and were waiting for further direction. The second vehicle veered around the front vehicle and at a high rate of speed drove directly at the Marines in the road. The vehicle was signaled to stop using voice, hand, arm, and pyrotechnics and when it failed to comply, the Marines fired both warning and then disabling shots as the vehicle closed the distance. When faced with hostile intent and the perceived attempt of the LN to do them harm, the Marines engaged the vehicle resulting in the death of the LN driver and the wounding of the LN passenger.
3. This is an unfortunate occurrence and it is unknown why the driver did not heed the warnings that were given.
4. The Marines properly used the assets available to them based on time/space considerations and established ROE.
5. In response to this incident I directed my Commanders to continually discuss with their Marines, at a minimum twice per/month, options when faced with various scenarios.
6. I believe there should be a CERF condolence payment made to the family of the deceased LN and have directed my Battalion Judge Advocate to make this payment when presented with the claim.
7. Point of contact concerning this matter is Major (b)(3)(b)(6), email (b)(3)(b)(6), (b)(2)High at DSN 318-360-4118.
8. No further investigation is required.

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



UNITED STATES MARINE CORPS
1ST BATTALION 24th MARINES
REGIMENTAL COMBAT TEAM 6
II MARINE EXPEDITIONARY FORCE (FORWARD)
UNIT 43580
FPO AP 96426-3580

IN REPLY REFER TO:
5800
09 Mar 07

From: Captain [REDACTED] USMC
To: Commanding Officer

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE
INCIDENT (EOF) THAT OCCURRED ON 07 Mar 2007 IN THE VICINITY
OF GRID [REDACTED] INVOLVING MARINES OF 1st SQUAD, 2nd
PLATOON, CHARLIE COMPANY, 1st BATTALION, 24th MARINES.

Ref: (a) JAGINST 5800.7D (JAGMAN)

Encl: (1) SIGACT 17 FEB 07
(2) SW report
(3) Statement of LCpl [REDACTED] 8 Mar 07
(4) Statement of LCpl [REDACTED] 8 Mar 07
(5) Statement of LCpl [REDACTED] 8 Mar 07
(6) Statement of LCpl [REDACTED] 8 Mar 07
(7) Visual depiction of events.

1. In accordance with the reference, I have been assigned to submit a preliminary inquiry report for the subject incident resulting in the death of one Iraqi civilian and injury of another Iraqi civilian. The following summary is submitted.

2. At or about 1621C, 07 Mar 07, 1st Squad, 2nd Platoon was involved in an Escalation of Force (EOF) incident while conducting a SNAP VCP in the vicinity of grid [REDACTED] (b)(2)High. With the squad fully set in their respective positions of the VCP, (3) civilian vehicles began to approach from the north. The first vehicle was a taxi and complied with the Marines' visual gestures to halt by fully stopping at a distance of 200m. The third vehicle also began to reduce its speed and eventually came to a complete halt as well. The second vehicle [REDACTED] (b)(6) Toyota pick-up truck with 2 LN males) aggressively swerved around the lead vehicle which was at a complete stop. The existing stretch of road between the Marines and the vehicle was paved and without obstacles. From the middle of the road LCpl [REDACTED] (b)(3)(b)(6) aimed his rifle at the vehicle and commenced to wave his free arm. LCpl [REDACTED] (b)(3)(b)(6) also waived his arms in an effort to stop the white pick-up truck from encroaching further on their position. The vehicle would clearly have seen the Marines because the other vehicles were responding to the visual signals. The

008504

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE
INCIDENT(EOF) THAT OCCURRED ON 07 Mar 2007 IN THE VICINITY
OF GRID (b)(2)High INVOLVING MARINES OF 1ST SQUAD, 2ND
PLATOON, CHARLIE COMPANY, 1ST BATTALION, 24TH MARINES.

vehicle was traveling at 35mph and at a distance of (b)(2)High LCpl
(b)(3)(b)(6) employed red PYRO at the approaching vehicle. At this
point the vehicle began to accelerate to a speed of 55mph. The
vehicle would have seen the highly visible pyrotechnic and its
vapor trail directly in front of them. Verbal commands in Arabic
to stop "Ogaf" were continually repeated by LCpl (b)(3)(b)(6). At a
distance of (b)(2)High LCpl (b)(3)(b)(6) fired (2) rounds of 5.56mm tracer
into the deck in front of the vehicle. Again, the vehicle would
have seen two Marines directly in front of them and tracers
impacting in front of their vehicle. Gunshots would also have
been heard, however the vehicle continued to accelerate in
speed. At a distance of (b)(2)High LCpl (b)(3)(b)(6) fired (2) rounds of
5.56mm ball into the grill of the vehicle. Still failing to show
any signs of compliance to stop or reduce speed, LCpl (b)(3)(b)(6)
LCpl (b)(3)(b)(6) LCpl (b)(3)(b)(6), and LCpl (b)(3)(b)(6) fired (30) rounds of
5.56mm link and (20) rounds of 5.56mm ball at the windshield of
the vehicle when it was at a distance of (b)(2)High from their
position. The vehicle swerved off of the road and missed hitting
LCpl (b)(3)(b)(6) and (b)(3)(b)(6) by a distance of 5m. The Marines moved
to the vehicle which revealed (1) LN male (the driver) KIA and
(1) LN male (the passenger) seriously wounded with femoral
bleeding. The Platoon then coordinated an Air CASEVAC for both
casualties and they were transported to TQ.

3. Prior to the incident, the Marines had been conducting
dismounted census operations of the area. Two hours prior to the
EOF incident they were involved in a small-arms fire engagement
with a (b)(6) bongo truck. The (b)(6) truck initiated the fire
and wounded a member of the platoon which had resulted in the
coordination and execution of a ground CASEVAC. Atmospherics at
the time were the following: 2nd platoon had sustained (1)
casualty from a pick-up truck that fled south towards the
vicinity of the EOF, a recent DIIR from that morning indicated
there were (6) VBIED's in the Fallujah area that were to be used
in attacks against coalition forces, Company A was TIC and
conducting rotary wing CAS less than 3 kilometers away, Company
A had been attacked by multiple IEDs the same day, and Inferno
IA hit an IED.

(b)(2) High

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE
INCIDENT(EOF) THAT OCCURRED ON 07 Mar 2007 IN THE VICINITY
OF GRID [REDACTED] INVOLVING MARINES OF 1st SQUAD, 2nd
PLATOON, CHARLIE COMPANY, 1st BATTALION, 24th MARINES.

[REDACTED]

(b)(2) High

5. The driver of the vehicle was killed during the incident due to gunshot wounds to his face. The wounded LN suffered femoral bleeding due to gunshot wounds. He was classified as Urgent Surgical in the 9-line and treated at TQ.

[REDACTED]

(b)(5)

7. Coordination for returning the remains of the LN KIA to the proper authorities is unclear. The Iraqi Police have expressed little interest in assisting with the matter and there is a general ignorance of who is responsible for picking up the remains and where they are to be delivered to.

8. No claims card was issued.

9. No further investigation of this matter is warranted.

10. POC is Capt [REDACTED] USMC at [REDACTED]

[REDACTED]

[REDACTED]

008506

Unit: 1/24

Event: At 071621C MAR 07, Charlie Company, 1/24, reported an EOF incident IVO (b)(2)High, 9.2km south of Fallujah. C2, a platoon-sized dismounted combat patrol conducting snap VCP's, initiated EOF procedures when (3) vehicles approached C2's position from the north. The (b)(2)High at the vehicles when they were (b)(2)High away. The (3) vehicles stopped (b)(2)High from the patrol. As the patrol began to approach the (3) stopped vehicles, the 2nd vehicle in order of movement, a (b)(6) Toyota pickup truck containing (2) LN males, pulled around the stopped lead vehicle and began to accelerate towards the patrol. The Marines re-commenced yelling and waving their arms, until the vehicle was (b)(2)High from their position. At that distance, a red star pyrotechnical device was launched to the side of the accelerating vehicle. When the vehicle continued to approach, (2) 5.56mm tracer rounds were fired at the ground when the vehicle was (b)(2)High from the patrol. When the vehicle was (b)(2)High away, (2) 5.56mm tracer rounds were fired into the grill of the truck. The truck continued to approach the patrol rapidly, and when it was (b)(2)High from them, (25) rounds of 5.56mm link and (5) rounds 5.56mm ball were fired into the cab of the truck. The vehicle came to a halt, and the patrol investigated: (1) LN KIA and (1) LN WIA (urgent surgical, arterial bleeding) were found inside the cab. C2 requested an urgent air CASEVAC for the (1) LN WIA, which was conducted, and he was flown to TQ. All Marines were wearing required PPE. No casualties or damage to equipment was reported.

Time: 07 1621C Mar 07

Location: (b)(2)High

Effect on Ops: Halted snap VCP's; 1 x LN KIA, 1 x LN WIA (urgent surgical)

Assistance Needed: Air CASEVAC

Encl (1)

008507

FIVE "W" REPORT

Purpose: To provide information on the escalation of force (EOF) incident that took place on 7 March 2007, resulting in the death of one Iraqi civilian male and the wounding of another.

Commander's investigation continues.

Who: 1st Squad, 2d Platoon, C Co, 1/24

What: C2A, part of a platoon-sized dismounted combat patrol conducting snap VCP's, initiated EOF procedures when (3) vehicles approached C2's position from the north. The patrol waved at the vehicles when they were (b)(2)High away. The front and rear of the (3) vehicles stopped (b)(2)High from the patrol. The middle vehicle slowed as if it was stopping, but never stopped. As the patrol began to approach the (3) vehicles, the 2nd vehicle in order of movement, a (b)(6) Toyota pickup truck containing (2) LN males, pulled around the stopped lead vehicle and began to accelerate towards the patrol. The Marines re-commenced yelling and waving their arms, until the vehicle was (b)(2)High from their position. At that distance, a red star pyrotechnical device was launched to the side of the accelerating vehicle. As the vehicle continued to approach, (2) 5.56mm tracer rounds were fired at the ground when the vehicle was (b)(2)High from the patrol, the vehicle continued to accelerate. When the vehicle was (b)(2)High away, (2) 5.56mm tracer rounds were fired into the grill of the truck, the vehicle continued to accelerate. The truck continued to approach the patrol rapidly, and when it was (b)(2)High from them, (30) rounds of 5.56mm link and (20) rounds 5.56mm ball were fired into the cab of the truck. The vehicle came to a halt, and the patrol investigated: (1) LN KIA and (1) LN WIA (urgent surgical, arterial bleeding) were found inside the cab. C2 requested an urgent air CASEVAC for the (1) LN WIA, which was conducted, and he was flown to TQ.

Where: Nu'umiyah, Iraq (IVO (b)(2)High)

When: 07 1621C MAR 07

Why: Based on the facts; that (2) other vehicles stopped for the snap VCP, that the Toyota pickup truck bypassed (1) other vehicle in order to close on the patrol, that the vehicle accelerated through out the EOF incident, the speed of the vehicle (estimated 55mph at the time of the killing shots) and the unheeding movement towards the dismounted patrol, the (4) Marines of C2A that fired at the vehicle assessed the man driving the vehicle to be a threat to themselves and to the Marines of the patrol. Especially so when the vehicle not only failed to stop, but continued to accelerate after multiple visual and audible warnings and warning shots in front of the vehicle and to the grill of the vehicle.

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 (35SR).
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: C Co 1st ABN (b)(2)High
2. DATE (YYYYMMDD): 20070325
3. TIME: 1900
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
7. GRADE/STATUS: 1st Lt

B. ORIGINATOR'S NAME AND TITLE: Charge 1st Lt

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

On March 7, 2007, (b)(3)(b)(6) and element found (b)(3)(b)(6) New ABN at night after taking fire from a (b)(6) truck approximately (b)(3)(b)(6)

(b)(3)(b)(6) Illegible Text

to the North East of 2A's (b)(3)(b)(6) position, 2007. Planned (b)(3)(b)(6) 300 meters to (b)(3)(b)(6)

(b)(3)(b)(6) Illegible Text

North heading South. The first car, a white and orange (b)(3)(b)(6) stopped with the third vehicle, a white (b)(3)(b)(6) stopped, however, the second vehicle, a white pickup truck, swerved around the white bus that we had stopped at approximately 200 meters out and continued toward 2A's position at a high rate of speed. At about (b)(2)High meters, (b)(3)(b)(6), (b)(2)High cluster at the (b)(6) truck. It continued to speed

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 OF

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

TAKEN AT 1406

DATED 26 20309

9. STATEMENT (Continued)

toward their position on the road. I then heard
 2 shots when the car was approximately
 away. As the car approached I heard
 2 more shots from the M16. After that the truck
 accelerated toward 2A's position and the
 white truck closed within less than
 of 2A's position, Lt [redacted]
 and I went for kill shots on the driver and
 passenger. The truck then swerved off the road
 about 5 meters away from Lt [redacted]. Even
 other car that day would stop whenever any of
 us Marines would aim at them to look
 through our ACO's at them to check them out.
 The white pickup with 2 Local National males in it
 however disregarded all of our steps to avoid
 having to shoot into the cab of that truck. We
 have continuously reviewed EOF procedures as a
 station and had done so less than a month ago.
 We did everything we could to not have to get
 kill shots, but the flare and 4 warning shots were
 ignored and the truck kept coming. After all

(b)(2)High

(b)(2)High

(b)(2)High

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

(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 HSC

DATED 2007 03 08

9. STATEMENT (Continued)

Had not been going on in Wilburson's AC that day with Alpha Company's tank IED hit and small arms fire and as taking fire from, one spark could start into the chance of getting more Marines killed or injured.

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

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE

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)

(Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of March, 2007

at

(b)(2)High

Legion FCB

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

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

PAGE 3 OF 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 (b)(2)High
2. DATE (YYYYMMDD) 20070308
3. TIME 1910
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3)(b)(6)
7. GRADE/STATUS E-3
8. ORGANIZATION OR ADDRESS

9. I, Lt Col [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I [redacted] part of LdA reinforced with L2CPI was doing LC familiarization activities in area near AO. We were conducting Snop UCF at Grid [redacted] 2A was conducting the Snop UCF while 2A1 was on a house duty surveillance. Lt Col [redacted] and I stopped in white and orange taxi. 2A1 was North of our position. Suddenly a white tree deer pickup passed the taxi. Lt Col [redacted] and I were looking out [redacted] signaling the vehicle to stop. We also were [redacted] step in [redacted] many times when the white pickup was about [redacted] away. Lt Col [redacted] shot a red pop-up in front of the truck. The truck didn't slow down at all. At about [redacted] out Lt Col [redacted] shot 2 tracer rounds in front of the truck. The truck then sped up to approx 55mph. At about [redacted] Lt Col [redacted] shot 2 shots into the grill of the truck. The truck never slowed down at all. We waited until about [redacted] feet for the bill shot's. Lt Col [redacted] and I shot from the rear and Lt Col [redacted] and [redacted] shot from their [redacted] position into the vehicle. There was to [redacted] in the vehicle that finally swerved into the [redacted]

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 [redacted] TAKEN AT [redacted] DATED [redacted]"
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 1410

DATED 20/05/06

9. STATEMENT (Continued)

atch about (b)(2)High from my position. At no time did the two IIN make an attempt to stop.

The reason we were doing SNAP Ops was about 45 min prior to this incident we had a drive-by where a marine was wounded in the shoulder

(b)(2) High

(b)(2) High

to stop the d-IIN and they made no attempt to stop and left us no choice to shoot to kill. The truck was endangering the lives of marine's.

At appx the same time this incident happened Alpha Co ~~was~~ had a IED strike and troops in contact just across the river from us.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 1 OF 3 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 INFL

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

Statement]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of March 2007 at (b)(2)High Legu-fors

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

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

PAGE 3 OF 3 PAGES

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(2)High 2. DATE (YYYYMMDD) 20070309 3. TIME 1415 4. FILE NUMBER
5. LAST NAME FIRST NAME SECOND NAME (b)(3)(b)(6) 7. GRADE/STATUS E-3

8. ORGANIZATION OR ADDRESS C Co 1/24

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

While on patrol my platoon 2nd platoon, Charlie Company, 1st Battalion, 24th Marines were conducting snap VETs near grid (b)(3)(b)(6) 20070507. Earlier that day we took contact with a moving vehicle L4pl (b)(3)(b)(6) was wounded from the drive by shooting. We moved south to snap vehicles when three cars approached from the north. The first car stopped about 200m away when I raised my rifle and put my hand up. The second car swerved around the first car going about 35mph. The first car was a white and orange taxi. The second vehicle was a white truck. The third vehicle which also stopped was a white van. The second vehicle never came to a stop. The white truck continued south gaining speed toward our position. I had a red flare easily accessible and employed it when the white truck was about (b)(2)High away. The white truck still kept coming and I yelled "Oguf, Oguf" and then fired two

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

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STATEMENT OF

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

TAKEN AT

~~PHILIP~~

DATED

20070308

(b)(2)High

9. STATEMENT (Continued)

5.56 tracer rounds at the ground in front of the truck. The white truck was around away when the warning shots were fired. The white truck still did not stop and actually began to accelerate more after the warning shots reaching the speed of approx 45 mph. At about (b)(2)High I shot two 5.56 ball rounds into the grill of the white truck. Even after the 4 rounds and the red pyl the white truck was not ~~was~~ slowing down at all. At about (b)(2)High me and my Sen Bunker 2Lpl (b)(3)(b)(6) went for kill shots. The white truck finally swerved off the road less than (b)(2)High from 2Lpl (b)(3)(b)(6). The white truck had two local national males. The driver was dead and the passenger had femoral bleeding. We called an Air Cas Evac for the wounded Local National.

We had a platoon meeting a few weeks prior to refresh on Escalation of Force procedures. All the proper steps were executed. We went for kill shots when the driver of the white truck put Marines' lives in danger and it was apparent that he was not going to stop.

(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

(b)(2)High

DATED

20070808

B. STATEMENT (Continued)

LLpl [redacted] and LLpl [redacted] were providing
Overwatch to the north east of our position. They also
fired at the white truck after I went through the
EOF procedures.

[redacted]
(b)(3)(b)(6)

[redacted]
(b)(3)(b)(6)

AFFIDAVIT

I, [redacted], 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 [redacted]

[redacted]
(b)(3)(b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 2007, 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

[redacted]
(b)(3)(b)(6)

PAGE 3 OF 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 (SSNI)
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)(2)High
2. DATE (YYYYMMDD) 20070308
3. TIME 1410
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)
7. GRADE/STATUS E-3

6. C Co 1st

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

On March 7th, 2007, my platoon, 2nd Plt, Charlie Co, 1st Sq was conducting snap UCP's in a new AE at grid (b)(3)(b)(6). About 145 minutes before this, my element of 1st squad had taken contact from a blue baggy truck which resulted in one KIA. We were stopping vehicles to check for weapons, which would prevent anyone drive by. My half of 1st squad had over watch in a house near the road, while the other half of 1st squad searched the vehicles. The vehicles that weren't being searched yet had stopped about (b)(2)High down the road. At this time, a white two door pick-up moved around the stopped cars, the first of which was a white and orange taxi. LCpl (b)(3)(b)(6) shot a red pop-up flare when the truck was about (b)(2)High away and yelled 'Ogof' repeatedly. When the vehicle

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 OF

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

TAKEN AT

(b)(2)High

DATED

2007 03 08

9. STATEMENT (Continued)

was around (b)(3)(b)(6) away. He fired two warning shots into the back, and I heard the truck accelerate. During this time, LCpl (b)(3)(b)(6) and LCpl (b)(3)(b)(6) were both screaming O.G.T. and stop. At about (b)(2)High LCpl (b)(3)(b)(6) shot two more shots into the grill and the vehicle continued to accelerate. At this point, myself and LCpl (b)(3)(b)(6) were aiming in at the driver from the roof, waiting for him to stop. At this point, the truck was traveling at a speed of 40-50 mph. At around (b)(2)High or less, LCpl (b)(3)(b)(6) and LCpl (b)(3)(b)(6) started shooting into the vehicle. Then, LCpl (b)(3)(b)(6) and myself started shooting into the drivers side door. At about (b)(2)High from LCpl (b)(3)(b)(6) the truck finally went off the road. During the entire EOF, the driver made no attempt to slow the vehicle, and we followed the EOF procedures that we had learned in courses, and had just refreshed a few weeks prior to this incident.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE

2 OF 3

PAGES

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

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WITNESSES:

[redacted] Subject [redacted] 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

[redacted] (b)(3)(b)(6)

PAGE 3 OF 3 PAGES

Pages 21 through 22 redacted for the following reasons:

(b)(2) High

(b)(2) High