

**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 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION BAGRAM, AFGHANISTAN	2. DATE (YYYYMMDD) 2009/10/22	3. TIME 1220	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E5/AD	
8. ORGANIZATION OR ADDRESS TF FIGHTING, TF THUNDER			

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

1. WHAT IS YOUR DUTY POSITION? Outgoing IMO NCOIC

2. HOW LONG HAVE YOU BEEN IN THE ARMY? 7 Years 5 months. HOW LONG IN COUNTRY FOR THIS DEPLOYMENT? 11 months

3. DO YOU HAVE PRIOR COMBAT DEPLOYMENTS? YES. IF SO, WHEN AND WHERE? August 16 2003-April 2003 Fallujah Iraq, March 2005-October 2005 FOB McKenzie, IRAQ

4. WHERE WAS YOUR BATTLE POSITION ON 3 October 2009 AT COP KEATING? I was in numerous positions. Between the Tactical Operation Center, Shura Building and the ASP. When the attack started I was in the IMO building

5. WHAT WERE YOUR ACTIONS DURING THE FIGHT? My actions during the fight was to help assist the medics with a casualty, SGT Kirk in the Shura building. I also ran ammo to the trucks during the fight. Which at one point had to fire about four magazines of 5.56 at the enemy that was shooting from the North Face. I also guarded the back door of the TOC, once we were aware of enemy inside of the wire. I also had to check the fire that started inside of the the Overflow building and I took SPC (b)(3), (b)(6) with me to help assist. We couldn't put the fire out and went and got 1S (b)(3), (b)(6) show him the fire. Once the building was on fire and caught the TOC on fire, I performed a Jump TOC with the communications equipment to keep the communications line up with the higher command.

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

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

STATEMENT OF (b)(3), (b)(6) \_\_\_\_\_ TAKEN AT BAF, AFGH DATED 2009/10/22

9. STATEMENT (Continued)

6. WHAT VULNERABILITIES DID YOU SEE OR FEEL AT COP KEATING? I feel that the area itself of COP Keating was a total vulnerability. The mountains surrounding the area was just a bad situation. I felt we were always in the reacting face instead of the defensive state.

7. WHAT WAS FIRST ENEMY ACTION YOU SAW? WHERE WERE YOU, AND WHERE DID YOU MOVE? The First action I saw was the B-10 round hit the IMO building, I was in the IMO building and nothing but dust filled the building. I then moved to the TOC with SSG (b)(3), (b)(6) and SGT Martin.

8. WAS ANYONE NEAR YOU WOUNDED OR KILLED? WHO, AND WHAT WAS THE NATURE OF INJURIES? WHAT WAS THE SOLDIER WEARING AT THE TIME AND WHY? SGT Kirk, He had a head injury on the back side of his head. The soldier was wearing ACU's, Plate Carriers, ACH. SPC (b)(3), (b)(6) Shrapnel graze to the under side of the arm. He was wearing P.T.'s, ACH, IOTV.

9. DID YOU HAVE EXPERIENCE WITH THE ANA? HOW EFFECTIVE WAS THE WORKING RELATIONSHIP WITH ASSIGNED ANA/ANP ELEMENTS? Didn't have any working relationship with either elements

10. DID YOU INTERACT WITH THE LOCAL COMMUNITY? HOW WERE YOU RECEIVED BY THE LOCALS? Didn't have any interaction with the community

11. ARE YOU AWARE OF ANY WEAPON MALFUNCTION DURING THE ATTACK? No

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

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

TAKEN AT BAF, AFGH

DATED 2009/10/22

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 (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) (Signature)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of OCT, 2009 at BAF, AFGHANISTAN, APO AE 09354

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

(b)(3), (b)(6) SFC, USA (Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

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