

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 FOB Fenty, Afghanistan	2. DATE (YYYYMMDD) 2009/10/19	3. TIME 1600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS Bravo Troop, 3-61CAV			

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

1. What is your duty position?
A: I'm a 249 SAW and a 240 bravo gunner.

2. How long have you been in the Army? How long in country for this deployment?
A: I have been in for 4 years and 2 months. I have been in country for 5 months.

3. Do you have prior combat deployment? If so, where and when?
A: Yes, I was in Iraq for 15 months from October 2006 to January 2008 in Baghdad.

4. Where was your battle position on 3 October 2009 at COP Keating?
A. I was pushed all over the northeast side of the COP, from points 5, 3, 17, 22, 6, and 1 to assist in helping to take back the ground that we had lost at the start of the fight. At the end of the fight I ended up at the ECP (Point 1).

5. What were your actions during the fight?
A: My platoon's job was to run ammo to the trucks if they needed it. When the fight started, my platoon geared up like we did everytime, waiting for orders from SGT (b)(3), (b)(6) I listened to the rounds flying over our barracks. We got the order to run ammo to the trucks, so my platoon pushed out and headed to the ammo supply point (ASP) near point 1. I went into the middle of the ASP with SPC (b)(3), (b)(6) while SGT (b)(3), (b)(6) called guard outside, while inside the ASP we had two RPG's impact outside the door, which blew SGT (b)(3), (b)(6) into the room that I was in. We got the order from SGT (b)(3), (b)(6) to fall back to the ASG building (Point 22). Once inside, I looked at SGT (b)(3), (b)(6) and noticed that he had blood on his gear. I looked at his arm and saw that he had been hit and had little peices of metal from when the RPG's had hit. We then started our move back to the barracks (point 5), awaiting orders and was again told to run ammo to the trucks. As we made our way out the door, I was still moving down the hall when SPC (b)(3), (b)(6) came crawling back inside and told us that SPC Scusa had been killed right outside our barracks and that he had also been hit. I helped SGT (b)(3), (b)(6) with first aid on SPC (b)(3), (b)(6) and SGT (b)(3), (b)(6) then started to go back to the door to try and get SPC Scusa who had been hit in the throat by sniper fire (near point 5), SGT (b)(3), (b)(6) and SGT (b)(3), (b)(6) yelled for for smoke so that we could get SPC Scusa. I yelled down the hall for smoke, SGT (b)(3), (b)(6) bbed two smoke grenades and them to me. I handed them off to SGT (b)(3), (b)(6) and provided cover fire for them as they pushed out to grab him. After making it back to the barracks a RPG came in the back door (from point 19) of the barracks. So we posted up at the doors to watch for things to come through. We got a call over the radio to push to the TOC. SO, we did, pushing out and posting up, right across from the TOC (Point 3). SGT (b)(3), (b)(6) and SSG (b)(3), (b)(6) came up with a plan to push one team to the ECP and another to the DFAC (point 11), areas to try and gain more ground. I was put on the team that went and took back the ASP (Point 1) and ECP. My team consisted of SPC (b)(3), (b)(6) SPC (b)(3), (b)(6) PF (b)(3), (b)(6)

(Continued)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF <u>3</u> 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 SPC (b)(3), (b)(6) TAKEN AT FOB Fenty DATED 2009/10/19

9. STATEMENT (Continued)

(Continuation)

PFC (b)(3), (b)(6) SSG (b)(3), (b)(6) and SG (b)(3), (b)(6) We started our move and took back the ASP (Point 1) and then we started our move to the ECP and took it back. Holding the ground we had gained back, I was then told to lay down cover fire so that SGT (b)(3), (b)(6) could bring SPC Mace, that had been hit back down to the aid station. Then I asked if he had seen SPC Griffin and SPC (b)(3), (b)(6) And he told me that SP (b)(3), (b)(6) helped him with SPC Mace (SPC Mace was still alive but seriously injured) and that SPC Griffin was dead, 50 meters outside our door (in between points 1 and 10). SPC (b)(3), (b)(6) and SG (b)(3), (b)(6) said that they would go and get him. I laid down cover fire on the "putting green" (Green patch area, west of the COP) and the "switch backs" (east of the COP), where we were taking fire from. After that I turned and saw SPC Griffin's body he was dead and was in pt shorts, tan shirt and full kit cause he had just woken up cause we had mission that night. We then came up with a plan to go and get the other guys that had been killed. That team consisted of SGT (b)(3), (b)(6) SPC (b)(3), (b)(6) SSG (b)(3), (b)(6) SG (b)(3), (b)(6) SPC (b)(3), (b)(6) We pushed out and I posted up with the SAW not far from the latrines to overwatch the "switch backs," east of COP and the "putting green," west of COP. SGT Martin's body was found under the laundry trailer (point 14) I don't remember what Sgt Martin was wearing or the nature of his wounds. And then pushed up along side the latrine near point 14 and found SGT Gallegos' body he was in his acus and full kit. Myself and SG (b)(3), (b)(6) then got ready to move. I threw a frag grenade into a ditch that we were about to move to clear it. We pushed up past SGT Gallegos to overwatch so they could move him. After doing so we again pushed back along side the latrines and then back to the ECP. We held up there, awaiting QRF to arrive around night fall. Myself and SG (b)(3), (b)(6) returned to our platoon and got checked to make sure we had not been hit and to make sure that we were okay.

6. What vulnerabilities did you see or feel at COP Keating?

A: On the ANA side of the COP, ANA had cut the wire and the AAF came in that way and also at the ECP. The Gate needed to be better and we should have had ammo posted around the COP near the trucks so we could have gotten ammo to the trucks faster. Also we needed more sand bag fighting positions so that we could have used those and not been limited to where we pushed to.

7. Where was the first enemy action you saw? Where were you and where did you move?

A: The first action was at the ASP (point 1) what two RPG's impacted and I moved back to the ASG building and then back to the barracks (point 5).

8. Was anyone near you wounded or killed? Who and what was the nature of the injuries?

A: SPC Scusa was hit in the throat by sniper fire and died. SPC Griffin was hit in the throat with sniper fire and in the leg with shrapnel and died. SC (b)(3), (b)(6) hit with shrapnel in the right arm and was flown back to the states. SP (b)(3), (b)(6) hit in the back with sniper fire and was returned to duty.

9. Did you have experience with the ANA? How effective was the working relationship with assigned ANA/ANP elements?

A: Well prior to 3 October 2009, the ANA seem to be on the right road and able to defend their side of the COP. But as for that day the ones that didn't run, just hid and wouldn't fight. And the ANP didn't live on the COP, they lived outside and they turned on us as soon as the fight started.

10. Did you interact with the local community? How were you received by the locals?

A: I had no real interaction with the locals, so I can't give a response to that.

11. I did not have any weapon malfunctions during the fight.

(END OF STATEMENT)

INITIALS OF PERSON MAKING STATEMENT

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

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STATEMENT OF SPC (b)(3), (b)(6) _____ TAKEN AT FOB Fenty DATED 2009/10/19

9. STATEMENT (Continued)

THIS PAGE NOT USED

AFFIDAVIT

I, SPC (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 _____ IT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19 day of OCT., 2009 at FOB Fenty

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

(b)(3), (b)(6) CPT, JA
(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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