SWORN STATEMENT

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

LOCATION	DATE 9-3-03	TIME 1334	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)(b)(3)	SOCIAL SECURITY NUMBER (b)(6)		GRADE/STATUS SGT E-5
ORGANIZATION OR ADDRESS HHC 4-64 AR 5-3			

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

I was driving HQ33 in a convoy, we stopped. Cpt. (b)(6)(b)(3) and Sgt. (b)(6)(b)(3) started to scan. They (b)(6) where scaning for a while. Cpt. (b)(6)(b)(3) spoted a T-72 tank, At first he tought it was T-55 tank. We (b)(6) shot the tank with 25mm And destroyed it, Cpt. (b)(6)(b)(3) called it up to Tusker X-RAY. Cpt. (b)(6)(b)(3) and Sgt. (b)(6)(b)(3) countied to scan. Then Spc. (b)(6)(b)(3), driver of HQ30, started shoting At dismounts. Cpt. (b)(6)(b)(3) yelled At him, And Asked what he was shoting At. Spc. (b)(6)(b)(3) pointed in the direction he was shotting. Cpt. (b)(6)(b)(3) seen the dismount. Cpt. (b)(6)(b)(3) started his fire command with gunner coax troup, but the coax did not fire. Cpt. (b)(6)(b)(3) saw A nother tank. He told Sgt. (b)(6)(b)(3) to index AP. Sgt. (b)(6)(b)(3) index AP. I do not know who fired. But the 25mm went off. During the engament over the radio (b)(6) said that Cpt. Korn was in the bushes where we where shotting At. We stopped firing Cpt. (b)(6)(b)(3) got off the (b)(6) vechicle. He went into the direction we where fire At. He came back And said it was Cpt. Korn. MIO

Nothing follows (b)(6)

(b)(6)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT *(Continued)*

AFFIDAVIT

I, (b)(6)(b)(3) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIAED 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)(6)(b)(3)

(Signature of Peson Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 4 day of April, 19 2023 at Custer Am. Drag

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Judge Advocate

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

U.S. Government Printing Office: 1994 — 300-727/10572

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
IRAQ	3-APR-03	1330	

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
(b)(6)(b)(3)	(b)(6)(b)(3)	SGT

ORGANIZATION OR ADDRESS
HHC 4-64 AR BN

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

POS.1.
At approx. 1145Z the track I was on, HQ 33, which is a Bradley M2. The fellow passengers, SGT (b)(6)(b)(3) driver SGT (b)(6)(b)(3) Gunner CPT (b)(6)(b)(3) TC SGT (b)(6)(b)(3) passenger. Upon coming to a stop CPT (b)(6)(b)(3) and SGT (b)(6)(b)(3) where in the turret and they began to scan the area, CPT (b)(6)(b)(3) spotted a vehicle off to our left front. When ordered, SGT (b)(6)(b)(3) pulled forward. With a positive I.D. of an enemy victor CPT (b)(6)(b)(3) gave the order to engage. Once that victor was conformed destroyed we continued to scan the area. I was in the back of the Bradley with only the two side scopes to look out of. At approx. 1220Z we heard small arms fired. SGT (b)(6)(b)(3) stated that SPC (b)(6)(b)(3) was firing into the wood line to our left. From my view I could not see the woodline. CPT (b)(6)(b)(3) ordered SGT (b)(6)(b)(3) to turn the turret to the left. SGT (b)(6)(b)(3) stated that he did not see any dismounts, but CPT (b)(6)(b)(3) did. CPT (b)(6)(b)(3) stated "Index" "200" "Coax" SGT (b)(6)(b)(3) said roger R6

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF ____ PAGES
	(b)(6)	

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DA FORM 2823, JUL 72 SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

STATEMENT (Continued)

then a clicking sound was heard. At that CPT (b)(6)(b)(3) said I have it and asked SGT (b)(6)(b)(3) if it was armed. SGT (b)(6)(b)(3) said yes then I believe 5-8 shots were fired from the main gun, which is a 25mm barrel. There was a pause then the main gun fired again and CPT (b)(6)(b)(3) stated that the dismount was KIA. Shortly after that we heard "Cease fire 33" over the radio. Then MAJ (b)(6)(b)(3) started asking where CPT Korn was. When he was not in the vehicle, which was HQ30, MAJ (b)(6)(b)(3) said over the radio he was going to look for him. After a few minutes MAJ (b)(6)(b)(3) said one dead captain, he then radioed LTC (b)(6)(b)(3) that CPT Korn was KIA and he said it was fratricide, and done with a 25mm round. After that MAJ (b)(6)(b)(3) handled the situation on the ground. Nothing follows. (b)(6)(b)(3)

AFFIDAVIT

I, (b)(6)(b)(3) 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 INITIAED 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 INTERCEPT.

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

(Initial)

WITNESSES:

Subscribed and sworn to before me a person authorized by law to administer oaths, this 1 day of April, 19 2003 at Tuskahoma, Okla

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Judge Roberts

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

*U.S. Government Printing Office: 1994 — 300-727/10572

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
MB 43456512	3 April 03	1330	

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
(b)(6)(b)(3)	(b)(6)	SSG/E6

ORGANIZATION OR ADDRESS
B Co 10th EN BN, TF 4/64 IRAQ

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

On 3 April 2003, at around 1300 I engaged what I thought was an enemy soldier. I fired a burst from my SAW, maybe between six and eight rounds, then the saw jamed. Earlier I had seen CPT Korn and SSG (b)(6)(b)(3) walk up the road to clear it. CPT Korn said he was going to check the road and come right back. SSG (b)(6)(b)(3) came back, but didn't say anything about CPT Korn staying there; or send it up by FM that he was still out. Around the time I engaged the main gun from CPT (b)(6)(b)(3) Bradley fired. While the Bradley was firing I tried to fix the jam in my SAW. I had no idea that Cpt Korn was anywhere near the enemy tank that was destroyed. When I engaged, he was doing rushes (or a foot low crawl) from the destroyed tank, and since enemy was in the area, he was leaving a tank that had already been hit, I felt I was in the clear to fire. If the Brabley had not hit him I would have fired again. If I was aware that Cpt Korn had stayed out, or had any idea that he was still away from the vehicles I would never have engaged. The rule that is aways followed is never leave your vehicle, but if you do for some reason, make sure everybody know's where you will be.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
	(b)(6)(b)(3)	

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DA FORM 2823, JUL 72 SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

STATEMENT *(Continued)*

AFFIDAVIT

I, (b)(6)(b)(3) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIAED 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 INI

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 4 day of April, 19 2003 at Tustin, Iowa

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

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

U.S. Government Printing Office: 1994 — 300-727/10572

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
NB 434651	3 APRIL 03	1330	

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
(b)(6)(b)(3)	(b)(6)	04 / ACTIVE

ORGANIZATION OR ADDRESS
HHC, 4-64 ARMOR

I, MAJOR (b)(6)(b)(3), TF XO 4-64 ARMOR, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 3 April 03 @ approximately 1300 hours, the TF XRAY serial stopped along the route and waited maneuver traffic to the front to clear. HQ 33 Bradley to my front, BC'd by CPT (b)(6)(b)(3) spotted a camoflaged T55 tank approximately 50 meters to our immediate left in the palm grove. I jumped up to get a visual in HQ 20 behind him and told him to fire. He destroyed the T-55. After about 20-30 minutes of watching the T-55 "cook off" while on fire, we then noticed signs of dismounted activity near the Tank. We noticed a small camp fire, coffee still hot, with sleeping bags behind the tank. We also noticed chickens near the site. We continued to observe the palm grove and leave for any other activity. CPT)(6)(b)(then spotted another vehicle about 30 meters to the rear right (about 10 'clock from his Bradley) from the first T-55. He pointed it out to me and we ordered the serial to leave to the North. At that same time, I noticed movement near the new identified vehicle (a T-55). Multiple soldiers from our serial also saw the movement. I saw a soldier high crawl from behind the new tank location and form a prone position towards us. I radioed HQ 33 and he trained his main 25mm on it. I then observed multiple shots from serial MIG's and JAN's @ the new tank location. My driver, SPC)(6)(b)(3 fired one shot and looked to hit one of the dismounts. The dismount then rose up near the tank edge and CPT)(6)(b)(3 engaged with 25mm. I then observed SSG (b)(6)(b)(3) ran up from behind my vehicle to CPT)(6)(b)(3 Bradley and yell @ him. I asked SSG (b)(6)(b)(3) what was up and he stated that CPT Kern "was in the woods". I radioed a cease fire and told both visually and orally to CPT Kern to cease fire. I then led a search party / clearing party into the trees and found CPT Kern Dead near the bush T-55. He was cut in half by 25 mm. He was wearing a Brown T-shirt, with spell cast and his pistol. I then radioed the TF Cdr and BCT XO/SB. We then continued the area search and began casevac/remains procedures. I then directed a remains pouching after consulting w/ the BCT XO

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF ____ PAGES
	b)(6)(b)(3	

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DA FORM 2823, JUL 72 SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

STATEMENT (Continued)

via FM. I also directed a limited search to ascertain if more enemy vehicles existed in the grove and search for the tank crews of the 2 T-55 tanks (if still in the AO). We bagged the remains of CPT b)(6)(b)(3) and I secured his pistol and Kaslan. His remains were loaded in an empty MASCAL 2.5 ton and security escorted to the Forward Surgical Team near DBJ Saint's Vic. NB 3965.

NOTHING FOLLOWS

AFFIDAVIT

I, (b)(6)(b)(3) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIAED 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)(6)(b)(3) MAJ
(Signature of Peson Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 4th day of April, 19 2003 at 06602

ORGANIZATION OR ADDRESS

(b)(6)(b)(3)
(Signature of Person Administering Oath)

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

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

*U.S. Government Printing Office: 1994 — 300-727/10572

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
NB 934651	03APR03	1330	
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)(b)(3)	SOCIAL SECURITY NUMBER (b)(6)(b)(3)		GRADE/STATUS SPC /E-4
ORGANIZATION OR ADDRESS HHC 4-64 AR			

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

WE PULLED OFF THE ROAD TO COME TO A SHORT HALT YESTERDAY AFTERNOON WE WERE FOLLOWING HQ 34, MYSELF, SFC (b)(6)(b)(3), THE XO, THE S2 AND THE FSO IN HQ 30. 34 TURRET SPUN AROUND THE LEFT SIDE AND FIRED AT A TANK IN THE WOODLINE. THE TANK WAS DESTROYED. AFTER SCANNING FOR ABOUT 10 MIN, I FIGURED IF THE TANK HAD A CREW THEY DID NOT MAKE IT OUT. IT WAS VERY HOT SO I REMOVED MY CVC TO WIPE THE SWEAT AND LEANED MY HEAD FORWARD OUT OF THE CORNER OF MY EYE I SAW SOMONE MOVING IN THE WOODLINE VERY CLOSE TO THE BURNING HULL. I SCRAMBLED FOR MY WEAPON AND MY CVC, AT THE SAME TIME TRYING TO GET 34'S ATENTION I SAID OVER THE INTERCOM THERE ARE GRUNCHIES IN THE WOODLINE THE XO WAS ON THE TOP HATCH AND 34 AAD NOT ENGAGDED YET I GOT THE FIGURE IN MY SIGHT AND SQEEZED A ROUND OFF. THE FIGURE WENT DOWN I PULLED AWAY FROM MY SIGHT THE XO SAID "HEY I THINK YOU DROPED HIM", "I THINK YOU GOT HIM (b)(6)(b)(3)" THEN WE BOTH SAW THE FIGURE STILL MOVING SO I TOOK AIM AGAIN AND SHOT THREE OR FOUR ROUNDS THEN 34 ENGAGDED IN THE SAME AREA. 3RAY CALL ON THE NET FOR TROOPS TO COME FORWARD TO CLEAR THE WOODLINE AT THE SAME TIME THERE WAS ALOT OF TRAFFIC ON THE NET AND ON THE INTERCOM AND I HEARD TALK THAT CPT KORN HAD BEEN IN THE WOODLINE BY THE TIME I GOT OFF MY TRAC THE XO AND CPT b)(6)(b)(3 HAD GONE OUT TO SEE WHAT EXACTLY HAPPEND. I HEADED BACK INTO THE TREES AND (b)(6)(b)(3) STOPPED ME ALONG THE WAY SAYING HE WAS DEAD WE WENT BACK TO THE SITE AND POSTED SECURITY TILL THE REAMAINS WERE)(6)(b)(POCIKED UP. NOTHING FOLLOWS)(6)(b)(

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

STATEMENT *(Continued)*

Nothing Follows

b)(6)(b)(3

AFFIDAVIT

I, (b)(6)(b)(3) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULLY UNDE IF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIAED ALL CORRECTIONS E BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITH REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, NT.

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

E-4

ng Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 4 day of April, 19 2003 at

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

MAJOR U.S. Army

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

U.S. Government Printing Office: 1994 — 300-727/10572

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
	3 APR 03	1335 Zulu	

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
(b)(6)(b)(3)	(b)(6)	E-5 / Regular Army

ORGANIZATION OR ADDRESS
HHC 4/64 AR

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

We came to a stop in our RTE of March going to Tusker 7. I acting as gunner of Ha 33 started to pick up a scan I first went from 12 to 3 o'clock position. Then from the 12 to the 8 right I didn't see anything at first until my BC (b)(6)(b)(3) put me on and said that looks like a tank. I said it is. It has an external gas tank. CPT (b)(6)(b)(3) (my BC) said fire so I armed the system and selected AP. and fired a 5-10 RD burst. He ordered me to shoot again so I did. Next thing I know is somebody (b)(6)(b)(3) shot two RPG's (small arms) CPT (b)(6)(b)(3) asked SPC (b)(6)(b)(3) what he was shooting at. I assume (b)(6)(b)(3) pointed, so CPT (b)(6)(b)(3) traversed to where he was pointing. b)(6)(b)(3

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF ____ PAGES
	(b)(6)(b)(3)	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued) (6)(b)

I could not Identify what he saw so But thought it was a Bunker. He Indentified Another enemy tank. And pushed the Ap Button (6)(b)(And engaged. Next thing I know I heard through My CVC The COMMAND "cease fire 33." So cpt (b)(6)(b)(3) did. Boldiers went out to the site and Indentified Cpt corn as Dead. (Correction to statement) we first indeped 7.62 mm AND I 5A pulled the trigger it misfired, ETHat was the thing was The first part of our firing.

Nothing follows

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

AFFIDAVIT

I, (b)(6)(b)(3) 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 INITIAED 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:

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

(Statement)

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 4 day of April, 19 2003 at Tusky Ann Tras

ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Judge Advocate

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

U.S. Government Printing Office: 1994 — 300-727/10572

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
38SLB 93129 02399	3 Apr 03	1403 Z	

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
(b)(6)(b)(3)	(b)(6)	E-6

ORGANIZATION OR ADDRESS
5-2, HHC, TF 4/64 Armor Bu

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

During Operation Free Iraq CPT Korn and I were riding in a M577 that was being told by another 577. Our unit the above mention had made contact so the unit had stopped. A Bradley had destroyed a T-55 about 50 meters from us to the 10 oclock position 12 being the front. CPT Korn had left the vehicle by himself to inspect an area while I covered to him. CPT Korn then returned to the vehicle. There were domistic buildings to our 7 Oclock position with a trail leading down. He wanted to invistagate it. I told him this time he wasn't about to go alone. We walked along the trail, and he had spotted a T-55 Tank that was camoflaged. He told me to go back and get the AT-4. I went back a reported to the Bradley first about, ~~but Major Riddle~~ but before I got back to the Bradley the Bradley had opened fire. When I made it to the Bradley, Major (b)(6)(b)(3) asked where CPT Korn was I told him that we had a found a T-55. I went back to the trail where I met up with SGM (b)(6)(b)(3) He asked me what happen. I told him. With other soldiers we myself in the lead went back down the trail. This is where I had found CPT Korn's body. I told SGM he was died.

— Nothing Follows

EXHIBIT	INITIALS (b)(6)(b)(3) MAKING STATEMENT	PAGE 1 OF 1 PAGES

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DA FORM 2823, JUL 72 SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

STATEMENT *(Continued)*

AFFIDAVIT

I, 556 (b)(6)(b)(3) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIAED 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)(6)(b)(3)

WITNESSES:

(Making Statement)

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 4 day of April, 19 2003 at AA Tusker, Iraq

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

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Judge Advocate

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

U.S. Government Printing Office: 1994 — 300-727/10572

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
MB 435650 BAGHDAD, IRAQ	3 APR 03	1334 Z	
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)(b)(3)	SOCIAL SECURITY NUMBER (b)(6)		GRADE/STATUS 03
ORGANIZATION OR ADDRESS HHC, 4-64 AR, 3 ID (M) REPUBLIC OF IRAQ			

I, CPT (b)(6)(b)(3) 227 06 1549, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON OR ABOUT 03 1200Z APR 03 HQ 33 (CPT (b)(6)(b)(3), TC, SGT (b)(6)(b)(3), GNR, SGT (b)(6)(b)(3), DVR) ENGAGED A DISMOUNT. THIS DISMOUNT WAS CPT ED KORN. THE DISMOUNT WAS SHOT WHILE STANDING ON OR NEAR A T-55 IRAQI TANK AT 1130Z APR 03 HQ 33 ENGAGED AND DESTROYED A T-55 IN A PALM GROVE. THIS TANK WAS HIDDEN BY PALM BRANCHES IT WAS FULLY OPERATIONAL. AT 031155Z APR 03 SPC (b)(6)(b)(3), DRIVER FOR HQ 30, AND SSG (b)(6)(b)(3), TC FOR B65, ENGAGED WITH SMALL ARMS A DISMOUNT RUNNING TOWARD ANOTHER T-55 (WHICH WE HAD NOT LOCATED). THE FIGURE MADE IT TO THE SECOND TANK AND WAS STRUCK BY EITHER THE SAW OR M-16. AT THAT TIME I NOTICED THE SECOND TANK. I ORDERED MY GUNNER TO ENGAGE WITH COAX IN CASE THE OTHER CREW MEMBERS WERE NEAR BY. THE COAX MISFIRED AND I INDEXED AP TO DESTROY THE TANK. OUR CREW LOADED AN AP HEAVY LOAD SO THE APPROPRIATE SELECTION SHOULD HAVE BEEN THE HE BUTTON. WE ENGAGED THE TANK WITH HE. WE SAW SEVERAL EXPLOTIONS FROM THE IMPACT OF THE ROUNDS. THE BATTALION KO, MAJ (b)(6)(b)(3), CALLED CEASE FIRE. CPT KORN HAD DISMOUNTED HIS VEHICLE AND ENTERED THE TREELINE. CPT KORN, TO MY KNOWLEDGE, DID NOT NOTIFY ANYONE THAT HE DISMOUNTED. THE CREW FOLLOWED ALL SAFETY STEPS AND MISFIRE PROCEDURES. CPT KORN WAS FOUND DEAD BY THE OPERATIONS SGM, (b)(6)(b)(3), ——— NOTHING FOLLOWS ———

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

TEMENT *(Continued)*

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

AFFIDAVIT

I, CPT (b)(6)(b)(3) 2207 06 1549 HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIAED 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 INFLUI

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

(Signature of Peson Making Statement)

WITNESSES:

(b)(6)(b)(3) CPT, FA

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 3rd day of APRIL, 18 2003 at

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

HHB/1-9 FA, 3rd 10 (m)
Ft Stewart, GA 31313

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

MAJOR, U.S. Army

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

U.S. Government Printing Office: 1994 — 300-727/10572

SWORN STATEMENT

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

LOCATION	DATE	TIME	FILE NUMBER
Tuske TOC, Baghdad, Iraq	10MAY03		

LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS
(b)(6)(b)(3)	(b)(6)	SGM

ORGANIZATION OR ADDRESS
HHC / 4-64 AR

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

The 4-64 AR TOC consisting of M2×2, M577×4, M1026×6, and M998×5 travels in a column formation. When the TOC temporary halts along the Route. The TC or driver dismounts from the vehicle and conducts local security from the vehicle. TOC personnel only conduct local security sweeps of when we establish a fixed location. These sweeps are to establish a clear area and not intended to establish or conduct outer perimeter security. Outer perimeter security is established by placing the M2's and if avaible the two HQ tanks. These procedures had been briefed prior to departure.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF ____ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

STATEMENT (Continued)

AFFIDAVIT

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

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

WITNESSES:

(Signature of Person Administering Statement)

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this ~~1~~ day of ~~JA~~ ... 19 2017 at _____

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

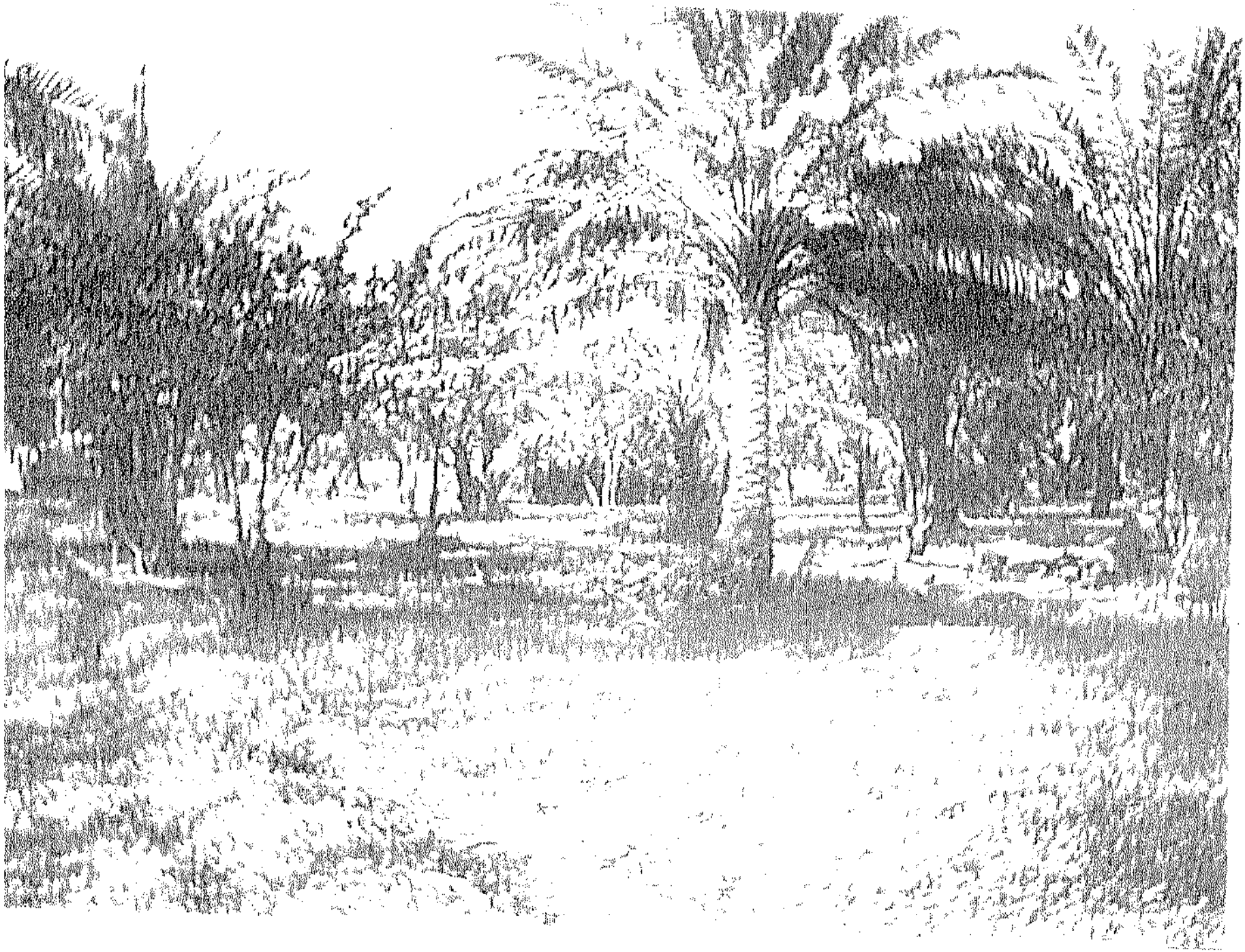
(b)(6)(b)(3)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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