PRES: And that covers the same?

WIT: I imagine so, yes.

PRES: Okay.

WIT: The wound was somewhere here [witness marked *Exhibit III*] here and short of actually putting his vest on it, on the body, I couldn't tell you any more than that.

PRES: Okay.

WIT: [illegible] Beyond that it is impossible to say.

PRES: Okay.

Maj It is also worth thinking that if the aircraft is coming in from an angle above it could have gone it----

WIT: It depends on the trajectory of the round and it also depends largely on the position of the person at the time and clearly if he is down on his belt buckle firing forward, then it is going to be different again and obviously we don't know that either.

PRES: Okay, very good. I don't have any further questions, do you?

Maj I do. Sir, you gave a statement to the SIB folks, do you recall?

WIT: Yes.

Maj For this portion of our thing, would you like to adopt that so we don't have to go through everything?

WIT: Yes, that is fine.

Maj Earlier, you said the wound was unusual in many respects, what did you mean?

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WIT: Usually and there are only usuallys in ballistics there are no absolutes, but in general we see two sorts of wounds here. We see either see ballistic wounds or bullet wounds, I should say or ballistic wounds, bullet wounds, in which case we see a single bullet wound which either doesn't case too much damage or is fatal depending on what it hits essentially. And if you see a single bullet wound, normally you get a fairly small entrance wound and a much bigger exit wound, normally. So, what we got here is a large entrance wound so that suggests from the start something fairly large that caused the wound. If you see a fragment wound then you usually see several, it is relatively unusual but it is spectacularly unusual to see a single large fragment wound because normally by the nature of fragment wounds, they are multiple. So, in that sense, you have one wound here, which doesn't look like a bullet, doesn't look like a bullet wound but is either therefore a single large fragment wound or a single large round wound of some other description bigger than a conventional bullet wound, so it is unusual in that respect.

Obviously whatever it caused it was something that killed Marine instantaneously from the descriptions we now have from the medic on the ground Surgeon Commander nd his medical assistant. So, now whatever it was hit him very hard. At the moment it is very hard to tell what caused it, but clearly, whatever hit him caused it but what that thing did in hitting him caused him to die is not 100% clear.

Maj

WIT:

Maj And based on what you said so far, there are three types of body armor? There are the Northern Ireland [*Exhibit V and VI*], which are the small plates?

WIT: Yes.

Maj There is the Kestrel which is the two large plates, one in the front and one in the back?

WIT: Yes.

Maj And then the osprey, which is the large plate in the front and the back and shoulder type thing?

WIT: Shoulder and neck.

Maj That is only used for vehicle top cover, so if someone is hanging out of the top of a vehicle, like driving the streets, then that is what they wear.

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Maj Okay and for the record, the third voice--the fourth voice that you hear would be Major , when he refers to the plates and the body armor.

Maj That is all I have sir.

PRES: Last question, did you also see Marine Edwards?

WIT: I didn't. I saw him in the department; he was managed by one of my junior staff.

PRES: Okay. As far as his wound to his arm, was it consistent with a fragmentation or a single round that entered and exited?

WIT: From what I understand, it was a single round but because I didn't treat him, it would be necessary to speak to the doctor who did.

PRES: Okay.

WIT: There was also a second wound on Marine , on his arms, which was a through and through wound, subcutaneous which was unconnected to his death and because it was a though and through wound, it is very difficult to say what caused it.

Maj : So, you can't tell if it was a bullet or a fragment?

WIT: It could have been a bullet, it could have been a small fragment but whatever it was, it wasn't very big, it went into his arm, right under his skin about 2 cm and then ran out again.

Maj : And who was the doctor that saw Marine

WIT: The doctor who saw Marine was Major

PRES: Okay, that is all I have. Thank you, doctor.

[END OF PAGE]

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CDR

Interview

A-XIV

Interview of Skipper

PRES: My name is I am investigating a potential friendly fire incident that occurred on 5 December 2006 around Kandahar involving a U.S. F-18 aircraft and United Kingdom Royal Marines. This investigation is conducted under Department of Defense Instruction 6055.7 and has been convened to produce a report of the facts and circumstances surrounding the incident and to make appropriate recommendations. This is not a Safety Investigation Board. Your sworn testimony may be used for any proper purpose additionally, your testimony may be released to the public, and finally your testimony will be recorded.

For the record, the time is now 0938 local, the date is 24 December 2006, persons present at Al Udeid Air Base are myself as the Board President and CDR who will conduct the interview as well as all members of the Combined Investigation Board who are off camera but have the ability to feed us questions as we proceed. Please state and spell your name for the record?

WIT:

PRES: I now need to read you an oath, if you will stand, raise your right hand and repeat after me:

Do you solemnly swear and affirm that the testimony that you are about to give at this matter now under investigation is the truth, the whole truth, and nothing but the truth, so help you God?

WIT: I do.

PRES: Thanks, have a seat, will now ask you some questions concerning the incident. or ve will accept any of those three referring to sign or

CDR Skipper, good morning, to start off, how long have you been the

WIT: I have been since July of 2006, so about five months now.

CDR Got ya and you checked in as how long ago?

WIT: I checked in as n May of 2005.

CDR Copy, off the top of your head do you know round about how long and have been in your outfit?

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WIT: LCDR , he was here whenever I got here, he was a transition guy, a S-3 transition. He transitioned, came to the Wildcats as a ' and got promoted to , so I cannot remember exactly when he got here but he has been here longer than anybody else. I could look that up if you need that information to see exactly when he reported on board.

got here probably about 2 months after I got here, so he probably got here about July of '05.

CDR Copy that. You said that you noted that was a S-3 transition guy, do you know off the top of your head, and I know we can track this, but do you know off the top of your head how many Hornet hours that he has got?

WIT: Actually, I think I have it right here, I think he has got about 1100 hours in the Hornet, actually I don't have it right here. I can look up the information if you need it but he has got over 1000 hours, I think it is 1100.

CDR Copy. Roger that. You don't need to get back to us on that that is good enough. What, from the personal side of the house, what is your assessment of personal state? Do you know if he has got any outstanding human factors out there that you think are something we ought to know about?

WIT: I don't think he does, we just did a human factors board as part of the process to get him flying ULT hops again, and there are no human factors that I can think of. And when the board came out with their recommendations, they didn't have any recommendations for any human factors.

CDR Got ya. How about anything going on with him in his home life?

WIT:

CDR Copy that. While we are still talking about any work stuff going on? What is your assessment of his work load, is he over tasked as the JO in the outfit?

WIT: No, he is not over tasked.

CDR Got ya. How about , I know that he is the , how do you think he is dealing with that giant responsibility?

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WIT: I think that he is having an easy time with it to tell you the truth. He enjoys doing it, he is one of these guys that pretty much pours his heart and soul into stuff so, he is always in the Ready Room doing his stuff. I think partly it is a big job but I think he could probably handle a second job on top of that.

CDR Roger that. What is your assessment of qualification and skill as a Hornet pilot?

WIT: If I had to stack all of the pilots in my Ready Room, he would probably be first or second. He was a wrestler back at the Academy. And I don't know where he developed his attitude towards winning but he is the type of guy that doesn't like coming in second place. I mean that is just how he is. He aggressively pursues all the quals, he is the only guy that I got that is a you know, he went out and pursued that on his own to get it so that we could start training guys here in the Squadron on that. He is the only guy I have that hasn't been to Top Gun but still is a Level IV-I and that is something that he wanted to do and worked hard to pursue that. The thing that I like about is just second place is not good enough for him. I don't know if you have ever had a run in with him, but he doesn't like to lose; he doesn't like to come in second place. He has that winning attitude so, with that I think that has a lot to do with his work ethic that is why I think he can handle a second job. He doesn't like missing anything, he doesn't like second place that is the only way I can put it. So, if I had to rank him seriously, it would be between him and my SFTI who is my number 1 and number 2 pilot.

CDR Roger that. Put that same assessment on where would you see him breaking out as far as his skills?

WIT: , he is a Level II, he is a JO, I would say as a JO he is progressing well. If I had to rank him with all my other Level IIs he would be in the middle of the pack. He is not as aggressive in pursuing stuff as was or even some of my other Level IIs, so, when we went through the SFBARP Syllabus, I basically went through just about every Flight with him. He is more than capable of doing it, the only thing that I would quote with him is his--he is not aggressive at going out and getting the quals. I have other Level IIs that would lead every hop because they want to get the experience. e of guy that would wait until you say hey you got the lead before he'd do it. I don't think it is laziness, I think he is a little, I don't know what the word is, but he is not in a hurry to pursue the Qual but he is working towards it. He has made progress with it. As far as learning, I have done a couple of flights with him and I guess his preparation, he wasn't as read up on some of the stuff that you do, like I thought, however when it comes to flying behind the boat, no problem. As a matter of fact, when it comes to landing grades, he is one of the better guys in Level II. As far as when we were going through the SFARP Syllabus, you know, train him to go out and drop ordnance and do the procedures, no problem what so ever. Doing stuff like that, so I think that he is a typical JO that's where I would throw him in, that he is a typical JO.

CDR

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PRES: go back to the right after the incident flight and based on your perception of Wingman performance and we will make that the norm, immediately after that flight from s debrief, any conversations that you all had about the incident of flight, what is your assessment of performance on that flight? Was he above his norm, at his norm, or below his norm?

WIT: I think he was below his norm just because he had some FLIR trouble and couldn't really see the stuff that was r was seeing. From what I understand of what happened, there was a FLIR issue, he couldn't get his FLIR working, he couldn't get his FLIR onto the target to see where it was because of difficulty with that, so, I think that really hurt his SA, but you would really have to talk to him about, you know, what his SA was at that point but from the missions I have flown over Afghanistan, you know, you are talking about very generic ground. When the JTAC describes the target or describes the ground, unless you have a coordinate you kind of look down and it all looks the same. We kind of build our SA off of the coordinates, looking at the FLIR and the ROVER and he didn't have pretty much any of that, so just looking down, I think the only thing he probably could have used to build SA for where s hits were and basing it off that. So, he had some issues on that side of the house building SA and then I know that he talked to me about whenever they were buddy bombing how he didn't quite have his system set up like he should have or he would have gotten the bomb off on the first pass. I would say that is probably average for I mean that was something that came off that was unexpected and like I said he got it down on the second try, it was the first try that he had probably had something he wasn't expecting and that is probably average for

PRES: Is the FLIR whether it is inop or degraded an abort criteria for missions?

WIT: No, it is not. His was working whenever he left. I would have to talk to him about exactly whatever it was. I think it had something to do with the INS. I am not exactly sure what his problem was with the FLIR. I know it was working and the laser was working whenever he left to go in country and for us it is not an abort criteria.

PRES: Okay, thanks.

CDR Something non- specific, I guess what is your baseline expectation of your basic wingman that you are going to take with you across the beach as far as his capabilities and what he would be able to do with or without you once you got there?

WIT: Well my basic for what they can do is that they can support the JTAC on the ground for whatever JTAC wanted. When we're sending guys in country, we are sending a Level IV with somebody who is not a Level IV, they may be a Level III or they may be a Level II. We are not sending in Level IIIs with any Level IIs. So, there is a Level IV out there at all times, with a Level II and what I told my guys is you don't have to drop--I specifically, told them that whenever you drop ordnance, you better know where the good

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guys are, where the bad guys are and where the bombs are dropping and I told them if they can't do that, they don't have to drop, I don't care how bad they need the ordnance on target. And that's my expectation going in there, is that if they are going to deploy ordnance, they need to know those three things and I think that our guys have the capability to do that, I know I wouldn't send them in-country if they didn't have that capability to do something like that or if I doubted their capabilities to do it, and I know a lot of our guys when they go in country, some of the Level IIs haven't deployed ordnance yet and I remember my first time in combat, there is a little bit of hesitation whenever you do something like that. So, I am almost a hundred percent sure, certain that if they didn't have those three things, they wouldn't have dropped but for the Level IVs I pretty much expect that they would drop cause all my Level IV guys have the SA to do stuff like that, to know where the bad guys are, to know where the bombs are going to go, and to know where the good guys are, as a matter of fact, we have one LT who is a Level IV and he went out and deployed ordnance, I don't know, before the incident on December 5th and he did absolutely fine. He had no problems finding where the ordnance was supposed to go and putting it there, so.

CDR oger, that. Did the Squadron have any kind of CAS training on the CAS Program before the build up to cruise other than what goes on in Fallon or SFARP?

WIT: Yes, we did. We had--we did a lot of CAS training during COMPTUEX down at Pine Castle. We did our CAS training at the range by Oceana, it kinda escapes me the name of the target, but we did CAS training. We did CAS training down there and whenever we did our human factors board, on , that is one thing I asked the guys who were doing the board, whether or not they think we had trained for the mission that we did in OEF and I don't think we have. Even when we did the SFARP CAS, or when we did CAS on Air Wing dets, it was medium to high threat CAS and I think the assumption was that if you can do that, then you can do low threat CAS. Well we never had FACs that were that close to the target before. We didn't do that in Fallon, we didn't do that in Pine Castle, you know, they are usually a safe distance away. So, we did a lot of CAS however, I think the CAS that we did was different than the CAS that we are doing in OEF. I can honestly say that I think that we ever strafed on too many CAS events, I know I didn't, maybe r did or did whenever we were training but like I said if we did it, the FACs were either airborne FACs or they were far enough away that having to consider where the friendly position was wasn't a factor whereas whenever we are doing these OEF missions, the friendly position is a huge factor even more so the friendly position is a factor.

Roger that. Talking about the strafing, specifically did the Wildcats do any specific strafe training pre-deployment?

WIT: Yes, we did. We did night strafe before we deployed. Like I said we were going out and we were strafing at the range there just south of Oceana doing day and night strafe and the guys that we couldn't get night strafe on, we did those guys out here on deployment as we were coming across the Atlantic. We dropped smoke in the water and did night strafing training then.

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CDR Could you talk to us a second about what your, as a senior Hornet guy, what your personal technique is during strafe specifically in relation to the way you use the target designation?

WIT: Well for night strafing you pretty much have to have the target designated just to be able to see it. So, what our technique has been on night strafing is to find the target in the FLIR and then whenever you come around on the NVGs you're strafing the diamond in the HUD. Now, daytime we usually don't do that because daytime you can usually see the target and get eyes out and put your eyes on the target and strafe.

CDR Got ya. So, as you are rolling in daytime if you previously designated a target with what ever source do you leave that diamond up in the HUD?

WIT: Depending on the target. If I need target help, definitely, definitely I will leave it up in the HUD, if you are out at someplace like Bravo 17 or Bravo 19 at the Fallon ranges where a strafe hit is very defined and you can see it, been there several times before, know exactly where it is, no, I won't put it up but if I am strafing a new target or a target that I need help keeping eyes on or that I am unfamiliar with, yeah, I will leave definitely leave the diamond up in the HUD.

CDR Specifically are you going to have the diamond up when you are pulling the trigger on that scenario that you just talked about carrying all the way to trigger squeeze, are you going to leave the target designated or what are you going to do?

WIT: I would probably try and move the target designator, like I said I haven't been in a situation yet where I had to do it but in the same situation in Afghanistan, where something like this happened where you have to find the target on the FLIR, never seen it, never seen it before, setting up your pattern, yeah I would definitely leave it designated and leave it in the HUD designated.

CDR Roger that.

PRES: do you strafe daytime on an OEF mission?

WIT: I have not, no sir.

PRES: Okay, thanks.

CDR Necking down on the gun for a quick second, if you could talk to us a about what your personal pre-flight is of the gun on a combat mission?

WIT: My personal pre-flight is to make sure that the gun is connected, to make sure that I can see the bullets feeding into the gun and then I check the circuit breakers that are up there in the nose and that is about it.

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CDR On any part of that do you look to see or can you see the color of the rounds?

WIT: Yes, yes you can see the color of the rounds, whenever you are looking at the bullets that are going into the gun. The only thing that you can really see is head of bullet so, on a daytime mission you can see them in a daytime pre-flight, you can see the color of the bullets.

CDR Roger that. Do you--I know that we are asking you to step back here a little bit but prior to the 5th as you are getting ready to do a sign out of that Flight schedule, any sense of how many over the beach missions and had? Are they above average, average?

WIT: They are average; I have a policy that I want to keep, to keep missions over the beach the same. The first couple of days we had just sent Level IVs over so they stay ahead of everybody and then we started our Level IIIs in and our Level IIs in and so pretty much all the Level IVs had the same number of missions, all the Level IIIs and all the Level IIs had the same number of missions. I can't remember what it was on that day but I would look at it everyday when I sign the flight schedule and that is one thing I have my SCO bring in is who is flying, who is not flying, who is going over the beach, how many missions have they had and who needs a night tracp. So, I asked those same questions every night. So yes, at the time and I don't have that information with me right now, but yes I did know exactly how many missions they had off the flight deck.

CDR : Roger that. Do you know off the top of your head whether either guy had strafed an OEF before?

WIT: That was first ordnance employment. employed ordnance on his first mission over the beach, it was a night mission with the XO of the Squadron and I know for sure that the XO strafed on that mission. Off the top of my head I can't say for sure if did. I think he did again that was a night mission on NVGs so but I know that had employed ordnance on his very first mission in OEF when we first got here.

CDR Got ya. From your seat, your assessment do you think both guys were well trained for the mission that day?

WIT: I think they were trained the best that we could at the time. Like I said, reflecting back on this thing and the incident, I don't think the CAS training that we did at Fallon or COMPTUEX trained us for the close proximity that the JTAC is to the enemy. However, I have no reservations about signing schedules on either one of those guys going in. I thought that they were all well trained for the training that we did do, like I said, just reflecting back I wish that the Air Wing as a whole and the Navy as a whole would kind of train to that mission where the JTAC is only a quarter of a mile away from the enemy.

CDR Roger that. I know that maybe you have some sketchy facts from what you have heard and in talking with the folks involved. Could you give us your cut on what you think might have caused it?

WIT: I think, and I tell you what I haven't fully looked at the evidence, we don't really have any of it here. I have looked at strafing video there and I have talked to him about what had happened. Pretty much that night--that night we were pretty muchsure it wasn't him because he talked about how he had the target in sight on the FLIR, he is dropping 2 GBU-12s in that area, and he is coming around and he is strafing, his diamond you know is still in the HUD there and we are saying, "Wow, you are pretty much strafing where you are dropping the bombs" but when we talked about it, shoot, I think it was after he was notified that he did indeed strafe a friendly position, you know we talked a little bit more about it, we watched the tape and the only thing I have and I tell you what I don't even think I can answer because I don't have the evidence that you guys have. But the only thing I can think of is that he is looking at the smoke from the GBU-12 after he came off and he is kind of using that to determine where the target is. The diamond in his HUD was right next to the smoke, so he probably assumed he was in the right area because he sees the signs, he sees the smoke, and he sees the tree line. They are saying, you know--I think that may what have happened is the smoke was blowing towards the friendlies and that may have been how it happened---

CDR : Roger.

WIT: Like I said that, you know--the only evidence that I have here is that 11 second video of the strafing, that is what I am basing it on.

CDR Roger that. Like I said, we are well aware of what you have had a chance to look at is pretty limited so I appreciate your candor there. Based on that quick analysis there, any recommendations that you think or would like to see out there to prevent it in the future?

WIT: Yeah, I have been thinking a lot about that. We have a CAS page in the Hornet, which you are well aware of and in there you can put a friendly position. And we haven't trained to use that because like I said our training in the past it is never an issue. However, that may have helped in this situation. It is not the answer to all our prayer you know, it is kind of generic as long as the FAC or the JTAC handles to you a good position, yeah it will work. If the JTAC is estimating his distance, from the enemy to be a 1000 meters when in fact he is only 500 meters, you know, it is not going to work. But I think it is something we can do, the system is already there in Hornet to do it and if we get that information and we put it into our system then we get a RAKE that is displayed in the HUD, that shows us where the friendly position is. Like I said there is limitations to it, you know, the accuracy of the information you're putting in, there is only one RAKE, so if you have different, or several friendly locations it is not going to work. But I think that is something that I am going to do in the future. I am going to talk to my Squadron about doing that and I want to see what comes out of the Board and what kind

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of evidence you guys have and what conclusion you come to before I make a hard and fast stand in VFA 131 that they will do that.

I think also some of the other things that we have to do is change our training. I feel very strongly that we have to change our training when we go through the CAS a little bit. Away from the FAC(A) CAS, away from the high threat CAS and concentrate on CAS where the target is not well defined and you have friendly folks in the target. I really think those two things will help the training. I think if we train to it, guys will come up with better ideas and better technique than just using the CAS page in the jet to determine the friendly position.

CDR ': Thanks, thanks so much for that. Going back to the 5th of December, do you remember when you became aware that it was a suspected friendly fire incident?

WIT: I flew that night, as a matter of fact; I hopped into jet as soon as he got back. So, I didn't get a chance to talk to him until, I believe it was later on that night, once I got back from my flight. He told me what had happened and that he got a 'check-fire' call whenever he was flying and we did not review the tapes that night because we got word from our GLO, our Ground Liaison Officer that it was that the casualty was a result of enemy action. So, we kind of put it to bed that night once we heard back from the GLO that it wasn't a friendly fire. It wasn't until the next night that we got the phone call saying hey they are starting an investigation that we, you know, looked into it again.

CDR Got ya. What is it that you had done when you got that word the second night?

WIT: Once we got word that second night, what they started doing at that point is almost treating it like we had a mishap. We watched the tape several times and we had his card that he used and we plotted out the friendly position and the position of the target, the lat longs of the target that he was given and where to put his bombs on so we can kind of see where they are in relation to each other and see where the target was and the friendlies were and how close they were and where everything was to get a sense of that. And then like I said we reviewed the tapes and then they took statements from each one of them that night.

CDR Got ya. How about any actions regarding impounding anything?

WIT: We did that that night too as well. That night we took the aircraft down to the hanger, they roped it off, we pulled the NALCOMIS data out of the jet, and had all the NALCOMIS data for the aircraft, I believe had already flown again by then and he had taken--like I said the aircraft had flown, I think once, before we did that. So, we already had the data from NALCOMIS system so, we weren't worried about that. And yeah, I think that is pretty much it.

CDR Roger that.

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PRES: Okay , is there anything else you would like to tell the Board concerning this suspected incident?

WIT: No, not really. Like I said was probably, you know, he was definitely one of my best pilots. He is taking this very hard. I would like to see, you know, obviously the investigation once it is complete, so we can learn from it and determine what happened and why it happened. I know he wants to do that too and so hopefully we'll be able to see that whenever you folks are done. But like I said, I had hopes and aspirations that he would be a Skipper one day with his leadership style and his capabilities I would hate to see us hold one mistake held over his head. I realize the severity of this mistake is very severe. But I don't think there was any malice I don't think there was anything intentional that he did. I think that he did everything he could do at the time to avoid a friendly fire. So, I just hope that he still goes out and becomes a Skipper.

PRES: Okay, thank you I would caution you and in your leadership capacity I did not do this for the but in your leadership capacity relay my caution to your XO that this interview is strictly for the purposes of the Board. You or he are not to discuss any questions or response that you gave in your sworn testimony to anyone. Our deliberations are not final and when the final report is made, then through Navy channels, it will be properly disseminated. I cannot tell you when that is nor will I take a guess at it, there are lots of steps to go yet. Acknowledge the discussion of the interview and any of the pieces if you would please.

WIT: Yes, sir, I understand that I will not discuss this with anyone else and will tell my XO to do the same.

PRES: Okay, great, thanks for your time. If we need to talk with you or your XO in the future we will establish this means in a more timely fashion. Thanks again for your candor and responses.

[END OF PAGE]

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Statement

A-XV

Case Ref No: 83187/06

MOD Form 266A/B
(Introduced 12/03)

SERVICE POLICE
WITNESS STATEMENT
(CJ Act 1967, S.9;MC Act 1980, SS.5A(3a) and 5B;MC Rules 1981, r70)

Statement of:	
Rank/Status: LCpl	
Age if under 18: Over 18 (if over 18 insert "over 18")	Occupation: HM FORCES (RM)
This statement (consisting of 9 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.	
Signature:	Dated the 8th day of December 2006.

On 25 Nov 06, or there abouts, my section deployed out on the ground in the Garmsir District of Helmand along with the rest of the company from 45 Cdo RM. We were tasked to the MOG South to assist in locating Taliban locations and strongholds in that area along with members of the Light Dragoons, FST, OMLT and BRF. The OMLT and BRF elements were working individually from our troop.

On proceeding out on the ground our minimum kit requirements was to be our issue Osprey Body Armour with a

Plus Kevlar helmets were to be worn if you had them. During the patrol/tasking I was issued with my personal weapon, an L85A2 Rifle, which I retained for the entire tasking. I did not have any other section equipment issued to me.

On 5 Dec 06, at 0600 hours, 1 Troop had formed up and were ready to move along a pre-designated area in order to clear compounds and buildings in the 1,2 and 3 Sect of 1 Troop were to move down the aforementioned grid areas and clear designated areas within the grid known as Alpha 1 (compound) and Alpha 2 (compound). The River Helmand was our right boundary as we moved south and to our left was 4 and 5 Troop and then the Troops left boundary being the canal.

We moved out and rounded the riverside of , (this is marked on the satellite picture as , J1 is an A4 page showing a satellite image of the area. Attached to this page is a service police exhibit label marked as follows:

- Satellite image of Alpha Area's 1 and 2 and .

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I have signed and dated the label and will refer to this again.

We moved south and cleared areas Alpha 1 and Alpha 2. On clearing Alpha 1, which took about 25 to 30 mins, before we stopped at the southern boundary of Alpha 1 and waited for the other Troops to move up. This took about 1 hour maybe. We then moved on and cleared through Alpha 2, which took about 25 mins and moved forwards towards Alpha 3, but stopped south of Alpha 2 in order for the other troops to catch up. We stopped in a ditch (marked on as a * with "contact" next to it). The ditch is within a tree line that runs east to west

To the left of my Section was 2 Section and 3 Section were off to our right. The ditch was about 4 foot deep and about 4 foot wide. It was about 200 meters long and we, as a section, were spread out along the ditch. My fire team of . and were to the right, having 3 Section to our right and and I were to my left. Just next to them were , plus as the radio operator.

Whilst in the ditch we came under small arms fire from half left to our front. The fire was coming from a compound about 350 to 400 meters away. It seemed to be from a tower type raise on the corner of the compound nearest to us. We as three Sections returned fire and I moved my fire team along the ditch to a better position, which was to the left of fire team and before 2 Section's area of the ditch. About 15 minutes into our engage fire fight with the SAF to the front, the FST had managed to call in air support in the form of, first, Apache helicopter gunship. The Apache came in from our right and fired its guns onto the compound and then Hellfire missiles on the compound. Then it left the area.

Shortly after this a fast jet was called in and it dropped a 500lb bomb on the compound. As it did so I stopped engaging the SAF area and went to ground. After the bomb had gone off I was up again and engaged the SAF area. Shortly after this I noticed that we were taking fire from the cornfield area to our front. We fired to the front from the direction of the fire and any movement seen. Somehow we then took SAF from the rear; again this was a cornfield area. We were then told that the fast jet was coming in for a second bombing run, so we went to ground again, but we were soon up again as the run had been cancelled. The fast jet then came in again from a west to east and began to strafe the ditch with canon fire.

As I believed it to be another bomb run I had hit the ground, as had some of the other lads. As the canon fire came in, to my left was and to my right was in that order and then the FST, and the MA (Medical Assistant),

As the canon fire came in it started at the rear right of the ditch and came into the ditch at an angle and then out across the ground to our front left. I then felt something hit my left shoulder/upper arm area, which I believed to be stones or mud kicked up by the incoming aircraft fire, but I checked myself and brushed myself down. I was not injured in any way. On getting to my feet I shouted to see if everyone was okay and looked along the ditch. was okay and upon his feet and resuming the contact to the front and rear.

I could see then that was still on the ground and was lying on his back. had made his way over to and so had . I then moved over to help them also. also grabbed his day sack as it contained the Med Pack. was still on his back. He seemed to be convulsing and hardly any movement and noise.

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(Continuation Sheet)

Sheet No	3	Case No: 83187/06
Continuation of statement of:		

There were no apparent injuries to his front so I started to cut off . assault vest and remove his body armour.

We then turned him over and noticed that there was an injury to his back, about 2 ½ to 3 inches across. camel pack had a split in it and when I took his assault vest off and body armour off they were left on the ground next to him. Next we took off his desert shirt and the he had on underneath his desert shirt. We were about to apply the 'quick-clot' to the wound, but were told not to by the MA, who had appeared to help out and applied a chest seal on the injury.

and myself then started to conduct CPR on using the airbag to assist breathing for about 15 minutes until one of the support tanks arrived to our rear and parked parallel to the ditch, facing east. then told us that we were going to move to the tank (CVRT,) which was done by myself, We lifted out of the ditch and moved to the left side of the CVRT and continued to conduct CPR until the battlefield ambulance turned up and then Jon was moved into the ambulance.

After the ambulance left I returned too the ditch and stripped kit of personal and troop items and placed them into day sack. The clothing, assault vest and body armour was then left.

When the CVRT turned up and we were moving into the field ambulance, I saw that was also being put into the same ambulance, as he had an upper left arm injury. When we took off clothing to get a better view of his injury I saw that it was not bleeding much and that it appeared to be like a burn injury, as it looked cauterised.

After left the scene we returned to the ditch and as we packed the remains of 's kit into day sack, we noticed that it had been fired into also and I saw what looked like to be a 20mm shell on the ground close to the area where myself and had been when the aircraft fire came in. On prepping ourselves to move, we moved east along the trench and turned north to meet up with 4 Troop. From the time that the aircraft fire came in till leaving the trench area and meeting up with 4 Troop, we were still taking on SAF up until the time we moved into a compound to the northeast of our contact position.

Signed:

Signed:

Sgt
RAF (SIB)

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Statement

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Case Ref No: 83187/06

MOD Form 266A/B
(Introduced 12/03)

SERVICE POLICE
WITNESS STATEMENT
(CJ Act 1967, S.9;MC Act 1980, SS.5A(3a) and 5B;MC Rules 1981, r70)

Statement of:	
Rank/Status: Major	
Age if under 18: Over 18	Occupation: HM Forces (Army)
This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.	
Signature:	Dated the 22nd day of December 2006.

On Tue 12 Dec 06, RMP (SIB), handed to me a large calibre round contained within a Police exhibit bag which was marked as follows:

- 20mm Round

I have signed and dated the exhibit bag.

Later that day I was present when exhibit was x-rayed using the Gordon Electronics XR200 x-ray equipment. The system does not produce film format images, instead, images are viewable on a monitor.

From looking at the image produced, I can state that exhibit is a solid slug type round and does not appear to contain any form of explosive as no fuse is visible. The 20mm round is used in various coalition aircraft but it is not possible for me to say from which nationality or type of aircraft the round is from, nor can I state the how long the round may have been on the ground.

The XR200 system does not store images of the x-rays unless made to do so, therefore no image of the initial x-ray is available.

Today, at the request of , RMP (SIB), exhibit has been x-rayed again and an image produced. An exhibit label has been attached to the image and marked as follows:

- X-ray image of exhibit of exhibit 20 mm round

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(Continuation Sheet)

Sheet No	2	Case No: 83187/06
Continuation of statement of:		

I have signed and dated the exhibit label.

I have handed both exhibits ; and to .

Signed:
Signed:
Sgt
RMP (SIB)

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CDR

Interview

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Interview of CDR

PRES: My name is RADM I am investigating a potential friendly fire incident that occurred on 5 December 2006 around Kandahar involving a U.S. F-18 and United Kingdom Royal Marines. This investigation is conducted under Department of Defense Instruction 6055.7 and is convened to produce a report of the facts and circumstances surrounding the incident and to make appropriate recommendations. This is not a Safety Investigation Board. Your sworn testimony may be used for any proper purpose additionally, your testimony may be released to the public, and finally your testimony will be recorded.

For the record, the time is now 0908 local, the date is 24 December 2006, persons present at Al Udeid Air Base are myself as the Board President and who will conduct the interview as well as all members of the Combined Investigation Board. Please state and spell your name for the record?

WIT:

PRES: Thank you. I now need to give you an oath, if you will please raise your right hand and repeat after me:

Do you solemnly swear and affirm that the testimony that you are about to give at this matter now under investigation is the truth, the whole truth, and nothing but the truth, so help you God?

WIT: I do.

PRES: Thanks, have a seat, will now ask you some questions concerning the incident. , or as he may be referred to in the Board, the Board are all aware of the three names that we may use and or

CDR Okay, how long have you been the of VFA 131?

WIT: Since July 12, 2006.

CDR Got you, do you know off the top of your head how long and have been in your Squadron?

WIT: has been in the Squadron since January or February of 2006 and has been in, I want to say, about three and a half years. He was actually Super JO before becoming an O4 and becoming a department head here.

CDR Okay, about the question about mental state, basically any personal problems, any big human factors kind of thing from your side of the fence?

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WIT: No, nothing that I know of. I have actually flown the first mission with him, the first day that we flew flights into the OEF, my first mission and his first mission fell together, he was on my wing, from that time there I have not seen anything leading up to this incident.

Roger, how about anything squirrelly going on with him outside of work?

WIT: No, he is looking at a few months after we get back that is the only mental thing that I know.

CDR Got you. As far as work goes, I know that is the any issues with his workload or his stress that you think he is not handling it or anything like that that might affect his performance?

WIT: No, I don't think so. Like most he puts in pretty long hours and works pretty hard but he is a high energy kind of guy anyway. I think he would be up there in the Ready Room a lot even if he didn't have to be as the

CDR heck. How about what is his ground job?

WIT: He is our right now, He took over right after the last Eval last September so, he has been doing that and things are all right there. We discovered a little thing the other day, we tried to get him a little more motivated to do a little more weekly testing of guys and everything, so I have been giving him some taskers to keep him a little more fired up and a little more engaged but otherwise he is doing a fine job.

CDR Got you, so you wouldn't put him in the overstressed with ground category?

WIT: Definitely not, one of those laid back guys that don't get a whole lot stressed usually.

CDR Check. While we are talking about him just in general, as a senior driver in the Squadron, like what are your expectations of a young wingman like a Level II kind of guy how competent do you expect him to be?

WIT: I expect actually a pretty good performance, you know, it could be judged by whatever other people may think, I have taken guys at his stage in our Squadron and same stage and taken them up there for their first tanker and how them how to get in and get to the operating area and get back and that is their exposure to their first encounter so that they have the ability to navigate their way around the air space and do everything fine. One guy, his same level, the other day had a FLIR failure looked like we were going to get talked on and felt very comfortable with this other pilot and I think I would feel the same way with if we went out there and my FLIR had failed, you

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WIT: Depending on whether we have day time or night time. Day time, you know, it depends on how I acquired the target. If I have got the target acquired via sensor or I have already rolled around and HUD designate and then maybe I am going to come around for another time and I am going to squeeze and designate. If I get talked on to something else, and then I am going to visually look out as I come around, at that point and roll in with the designation on the HUD so that it is optically where I expect the new spot to be and then undesignated and strafe undesignated on the target. If it is night time, a little different situation I am definitely going to leave it designated, I am not going to roll in, I am going to go out for a longer race track and then kind of let the nose slicey in or bunt over to acquire to avoid losing it on the FLIR, that will give me more time to sweeten it up before I do a night strafe.

CDR : Got ya, got ya. Does 131, do you guys use a SME Program for keeping after this stuff and what I am after is do you guys have an air to ground--strafing gun SMEE?

WIT: I don't think we have a SME Program or designated SME, specifically for air to ground strafe. Our air-to-ground WTO is most of the time, he just recently left the Squadron and moved on so now it is that has taken over that job but he is kind of managing most of the air to ground stuff with a couple other guys in OPS. But I don't think that one of them specifically acts as the SME for that.

CDR Got ya. When you guys were doing the work up and the lay night stuff prior to cruise, do you remember if your WTO gave the Squadron gave like a technique brief of any kind?

WIT: Absolutely, we contacted the Enterprise and asked them how they were doing it, what they were doing, got as much information as we could from them, got their Z Diagrams, go into the books and find out what range we are actually going to get in range and what the offset is going to be and then after actually doing some of the strafing, seeing some of the things, we thought okay, maybe offsets aren't exactly aren't right or don't seem to be working as well for us. Like the AF PIPPER displacement at certain ranges and everything. So, we looked at a lot of--we started initially with theirs, adding to what they had been using in the past.

CDR Copy. Do you know in the brief that your WTO gave to the outfit; do you guys still have that and can forward it to us?

WIT: Sure, let me make a note for that.

CDR Okay.

WIT: I bet it is around--I am almost certain it is around somewhere.

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got it and I will join up on you and we will talk through everything in a very clear voice and everything but yeah, he was ready to drop as soon as we got the clearance. But yeah, I think would do the same thing, yeah, I would want to be there and I want to watch him but we train, they did this stuff, I wasn't there for a lot of the work ups, but I have seen the end state and I have seen what these guys can do and I am very confident with their performance.

CDR Got ya, Roger that. You kind of touched on training and that is sort of where we are heading next. Does 131 have any specifically established CAS training programs that you did during work ups or the early part of the cruise?

WIT: No, we don't have an actual formalized syllabus other than the SSTI syllabus but what we did is try to add on a lot of close air support training with the Special Forces guys from Fort Bragg. Actually, ent down there and another F-18 pilot from VFA-83 went down, met with them and actually set up a couple of days of operations very similar to what we expected to see, following conveys, doing talk-ons into urban environments and unfortunately it was a really great program, it was laid out really well. We were going to do tanking, long range tanking to get down there and it was a really great program but the weather in September bit us several times. I personally ended up briefing it three times, I think and never went and only a limited number of guys got actual exposure to it, the actual execution of the flight. As far as other the close air support stuff, JTFX is not really heavy on that and as part of our cruise, it was pretty much come straight over and didn't leave a lot of opportunity for training of any kind on the very first part of the cruise.

CDR Got ya. Where was that SOFT CAS going to go down?

WIT: Actually had some of the convoy following and escort in the Hampton Roads area, and come out of Little Creek and drive some HUMVEES around on the road and on the long range stuff we were going to tank and go on down to Georgia near Fort Bragg, there is an operating range there and an urban target set up and they were actually going to fly some predators for us that they have down there and try to link that whole thing up.

CDR Got ya, got ya. More specifically, air-to-ground, did you guys do any work up on that prior to cruise?

WIT: Yes, we sure did, we had day, we had a build up syllabus we had a set up for We got everybody through at least one of those, day and night and several people through a couple of times at night.

CDR Got ya. Strafing wise, when we are talking about strafing a target, what is your personal technique as far as basically sensor management as you are rolling in on a target, to strafe it?

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CDR Okay, thank you and while you are writing that, when we are talking of firing the gun, when you are getting ready to go on a sortie that fires a gun, how do you personally, what is your personal technique for pre-flighting the gun?

WIT: First for the guns, I want to make sure the bay door is open, I want to make sure the connector, in the upper left, is not in the dummy receptacle spot. I look down around the bottom of the bay and make sure there is nothing down in there and look up to actually see that there are bullets fed into the receiver and it is going to operate. At that point, no hydraulic fluid or anything in there and that is basically what I look for on the actual pre-flight.

CDR Got ya. All right, some more general type stuff, do you, off the top of your head, were you familiar, I guess maybe in the Command Suite if you will, with how many OEF sorties either were flying?

WIT: Yeah, we had a tracker up there and he kind of kept track where everybody was. He was doing a decent job of keeping everyone fairly even. The senior guys had to lead more often, but I think that everybody was fairly close or about the same.

CDR I got ya. I got a question if you happen to know if either guy had strafed before and I know that you flew with before and on that mission when you guys were together, didn't he actually pull the trigger on that one?

WIT: Yeah we had a strafe and there was a discussion about that it was just basically a talk-on visual and as a CDE Prevention measure, we rolled in to strafe to actually mark the target a little better before we dropped the larger bomb. So, he actually strafed first and then I strafed and then we dropped a bomb.

CDR : Got ya. Do you know if had he strafed up to that point or has he strafed since at all?

WIT: I am trying to think. I do not think--actually I believe has strafed, had strafed before that, that incident, he was one of our first JOs to actually deliver. I don't think he has delivered any heavy ordnance.

CDR : Got ya. When we are talking about listening to the tape, you know, we've listened to tape a bunch of times, I am taking a listing of it, it seems to me s a little bit behind the jet as they are flying that day, is that something--I know that he is a Level II Qual guy but it sounds like he might be on a lower range of a qualified guy, was that some of the performance that you would expect out of him or is that an off-day for him?

WIT: He is not ready to start Level III, I think but he will be here pretty soon, he is tacking along just fine. I actually took him into OIF after he came back, I took him back into the saddle and took him to his only OIF mission and he did a nice job. I actually got behind for a variety of reasons, I had some MC2 failures and I just kept--a couple of

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times he came up as with some SA at the start of the flight until I got up to speed and then we were going along nicely. Actually, he did a weapons delivery on that flight also with me, he dropped 2 LU 2s and put them right over where the guys wanted them and he did do a nice job. Now, I am not sure if it was nervousness from previous incidents of just general nervousness about the flight, but he did seem a lot more chatty than I am used to. I asked him a lot more questions on the radio; maybe a little less certain than maybe I had seen before, maybe he was holding in before and now he just wants to ask them, I am not sure.

CDR Copy. Overall and I know that this is stretching back a bit, your assessment though, were they prepared for their mission on the 5th of December?

WIT: I believe they were, once again trying to recall back exactly their preparation and everything like that. Everyone was kind of busy, I don't specifically--I don't pay any attention to how they prepare but you know from what I have seen before, both and I have no reason to want to believe they weren't well prepped.

CDR Got ya. From what you have been told and what you know, any thoughts off the top of your head that may have caused this?

WIT: I have not actually heard the tape, all we have is the visual, the video down here and I have seen the video a couple of times and since I haven't listened to what they said, the conversation was and so, asking me for a reason, no I wouldn't want to speculate at this point, I just don't know enough about it.

CDR : Fair enough, last question--well not the last question, when did you or the Skipper become aware of the suspect--that it was a suspected friendly fire incident?

WIT: Actually I had to be the 'Friggin 3' that day, our Air Wing Duty Officer and when they came back and I landed I guess and the first indication we had, that somebody had said, "Hey, they said check-fire" Okay, well let's go over to our Ground Liaison Element and ask them to chat up and see what is going on because all we had known at that point was that they had done a weapons delivery and weren't certain about anything else, so checked with the liaison and they didn't say anything. And so pushed it up the chain of command at that point going we don't know what the situation is right now CAG. He passed that along to the Admiral and then I would say about 2 hours after the debrief, before we set up the MISREP, they came back and said, "No, it is not." The GLOs came back in and said, "No, no, it is not." At that point I said great, call everybody and then smooth the MISREP and sent it out saying no, there wasn't and everyone was happy and then it started up again later, well maybe it was, you know.

CDR Was that like the next day that somebody said maybe it wasn't or?

WIT: Yeah, I had actually secured for the day and turned over to the other guy and when I woke up the next day to find--well, maybe it was late the next day, very late the next

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day, because they flew yet again and everyone was like fine and then flew the next day and all stop.

CDR What did you guys do at the command level when you got that word on the next day?

WIT: Like I said late that night or early the next morning, they said hey yeah, it does look like it could be a potential friendly fire incident, we want to investigate it, and I am not sure at what level it happened if it was at the CAG level or the Skipper level, they said okay, freeze that jet and take it inside. Hey Stretch, you know, we are taking a break with you. Then, actually I guess it was late that evening, because I had flown that next day, all day and when I got back from my flight, I was told, "had you heard? Ahh okay, Roger that" I was like yeah, okay CAG, DCAG and Skipper were gathered in the corner and somebody said we are going to do an investigation. That is when I figured it out and we had already told him at that point basically told him he was down and we were going to figure out what through the investigation.

CDR : Roger that. Is there anything else--stand by for the Admiral.

PRES: the rest of the board is here with me and instead of the cast of thousands, they passed me some questions to be asked on their behalf and I am just going to ask these straight up. It is not relevant who is asking because we have a mixed Board here and it is for everyone's education and we will appreciate your candid response. The issue is back to the pre-flight of the gun for the Board's edification, the question is "Can you see the color of the rounds when you pre-flight based on your technique that you described?"

WIT: It depends, actually you can because even at night time I will shine a flashlight down there so that I can see a reflection of the rounds and you will see the copper color and the brass color.

PRES: Okay, second question, follow up. Discounting your last flight with prior to that, if you can remove yourself from your OIF flight, prior to that would you have sent him over the beach, if it would be allowed, would you send him over the beach by himself?

WIT: I don't think at this point by himself, I guess with—to go and join another flight, I don't think at this point he is ready to go by himself; he needs to be at least a little more seasoned.

PRES: Okay, thank you. CDR has one more follow up and then we will wrap it up.

CDR ist one last thing, I know that we can see the brass as you are looking in the gun bay, do you check or do you know or remember off the top of your head if you want to look at the color of the top of the round, can you see that in the gun bay?

WIT: Yes, you can see the top of the round, the actual shell portion of it and the casing portion. Yeah, you can see the color of the shell portion.

CDR Got ya. Do you know, your own technique, is that something that you QA?

WIT: Yeah, I guess that is part of it, I will look and see if they are fed in there. If I looked up and saw blue or something like that, yeah I guess that is when I would say, "Wait a minute, wait a minute, and normally I would see a problem seeing another kind of round in there.

CDR Copy. Last thing, your dime, anything else you want to tell us?

WIT: No, I can't think of anything else to add to the deliberations.

CDR Copy, thanks so much for your time, if we can work the swap out and get the Skipper in that would be great.

PRES: thanks for your time, thanks for you responses, we appreciate it. if we have any follow ups for 131 we will be back in touch.

WIT: Yes, sir and absolutely. I am not sure if this adds to the Board, but character witness wise, I'll tell you, s one of those guys that needs to be a Skipper of a Hornet Squadron, great individual, our number 1 Department Head that I have seen in my career and very impressed with his performance overall.

CDR Thank you for that input.

[END OF PAGE]

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LT

Typed from handwritten statement

A-XVIIIa

; statement typed from hand written source[1]

sent us to a killbox where a TIC was in progress, we checked in, they gave us grid to the friendly position, and then talked us on to that spot.

I began having problems with my GPS at this time, it would go away which would cause my FLIR to lose its alignment. I was trying to listen to the targets they were giving us. I would write down the grid and try to remember a brief description, as I was trying to get the FLIR back online.

They called into strafe a couple targets then drop a LGB. He received a cleared Hot each time. told me to get ready, I said my FLIR is still down. He decided to buddy lase. We came in, I was in CCIP. I did not realize I was still designated. So I was in Auto, flew thru the solution – did not drop. I had watched the solution go by as said pickle. We started around for another run. I asked if I could go manual. He said do it. Came back in, received a cleared hot 20-30 seconds later. They called good effects.

They began talking us onto another target as my FLIR started working again. As they were talking us onto this location where they were taking fire from, we were given 8 digit grid to a structure. To the west of the structure was a tree line. asked is there a bomb crater just north of the structure. They said yes that's the location. When they confirmed this was a crater to the north of the structure I felt very confident this is our target, as this is what I see on my FLIR.

My FLIR then promptly stopped working again, so I came eyes out and joined up on in tac wing. I followed him around in a left turn and as he pointed his nose at the ground I recognized the building and tree line. They cleared him in hot. After a few seconds he pulled up. As we climbed away they came up and said check fire check fire that's a friendly position. He asked them to say again and they said (that might be a friendly position)

- I'm having difficulty recalling exactly what they said here. I got the feeling from his voice inflection, that he was unsure of exactly what was going on at this point. I remember thinking at that time, he really sounds unsure, and I'm fairly certain he would know if we just shot him with a hundred rounds of 20mm.

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[1] Handwritten Note was Transcribed by the ICIB to assist CIB. DID NOT provide a typed statement.

A - XVIIIc

Copy of handwritten statement

A-XVIIIa

had sent us to a Killbox where a tic was in progress, we checked in, they gave us grid to the friendly position, and then talked us on to that spot.

I began having problems with my GPS at this time. it would go away which would cause my flir to lose its alignment. I was trying to listen to the targets they were giving us. I would write down the grid and try to remember a brief description, as I was trying to get the flir back online.

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- I'M having difficulty recalling exactly what they said here. I get the feeling from his voice inflection, that he was unsure, of exactly what was going on at this point. I remember thinking at that time. he really sounds unsure, and I'm fairly certain he would know if we just shot him with a hundred rounds of 30MM.

Interview

A-XVIIIb

Interview of

PRES: , I am , I am investigating the potential friendly fire incident that occurred on or about 5 December 2006, near Kandahar involving a U.S. Navy F-18 and United Kingdom Royal Marines. This investigation is conducted under DOD Instruction 6055.7 and has been convened to produce a publicly releasable report on the facts and circumstances surrounding the incident and to gather and preserve evidence for use in claims litigation, disciplinary, and administrative proceedings and for all other purposes except mishap prevention.

This board does not have access to any confidential information that you may have provided in connection with this incident. Your sworn testimony may be used for any purpose. Additionally your testimony may be released to the public.

The time is now 1904; it is the 15th, actually the 14th of December 2006. Persons present are the witness, Capt , myself as Board President, and we introduced everybody, Commander ve have Colonel here, we have Flight Lieutenant Major We have Squadron Leader ve have Colonel and we have YN1

PRES: Please state for the record your name and spell it out please.

WIT:

PRES: Okay, your rank?

WIT:

PRES: Okay, your position?

WIT: Junior Officer,

PRES: Okay, so your organization is?

WIT:

PRES: And your unit location for

WIT:

PRES: Okay, and you are deployed right now, is that right?

WIT: Yes, sir.

PRES: Okay, do you have any problems in speaking with us today?

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WIT: No, sir.

PRES: Okay, I am going to ask a series of questions and what I would like you to do is--Okay, thank you for agreeing to speak to us; I now need to give you an oath, if you will raise your right hand? [Witness complied]

Do you solemnly swear and affirm that the testimony you are about to give in this matter that is now under investigation is the truth, the whole truth, and nothing but the truth, so help you God?

WIT: I do.

PRES: Okay, very well, thank you. I have a series of questions. What I want to do is kind of retrace chronologically the events as we know them of that day and what we hope to do is provide greater depth of understanding. We have all read what your witness statement was when you wrote it out and we probably have a few more questions to ask, so, with that, what I would like to do is start off with is your pre-mission preparation and have you discuss what your understanding of what the mission was that day and what kind of preparation you did leading up to that.

WIT: Sir, the pre-mission planning was to get what area we were going to the night before, and then I would get together with [illegible] We would work up our card, talk about how we are going to get out into the area, how the check-in will go, and talk just about just a real basic brief. It was the same stuff we always talked about the flight, how we would get there, kind of how things would go, what we would do at each tanker at the times we would get there, bingo fuels, and then coming back and landing at the ship.

PRES: Okay, can you tell me what your understanding of the mission was?

WIT: To go out there and basically hold overhead in case we were called in for close air support.

PRES: Was it X-CAS, or was it a preplanned CAS mission, was it an ASR that you were filling?

WIT: We were going out there to go to another area, I am not sure----

PRES: Do you know what area it was that you----

WIT: I believe it was--not sure exactly, [illegible] I forgot exactly what area we were supposed to go to beforehand.

PRES: Okay.

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WIT: We were go in there and hold, and they were starting us for talk-on there, just to look around and see if we could see people on the ground and then they----

PRES: Okay, hold on, I think we are just getting a little bit ahead. As far as pre-mission planning had been, your understanding of the nature of the mission had been you were going to as X-CAS?

WIT: I am not sure exactly what that is; it is just a guess exactly for X-CAS. Just go up there and----

PRES: Okay, how many missions have you done previously in OEF?

WIT: I think I have done 5 previously, sir.

PRES: Okay, so this was the 6th mission?

WIT: Yes, sir.

PRES: Okay, all as a wingman?

WIT: Yes, sir.

PRES: Okay, what are your qualifications?

WIT: Just Level II, Combat Wingman.

PRES: Okay and when did you achieve Level II Combat Wingman?

WIT: Just a couple months before coming out on cruise. I finished all of the flights except for one; it had been a while, a month or so, waiting. Did the last flight, it is complete.

PRES: Okay, tell me about the brief, what did you talk about in the brief as it deals with weapons delivery, sensor game-plans, Operational Risk Management, ROE, can you cover any of those topics?

WIT: The next day when we went to the brief, we were just doing the same thing we had done the times before, that was just go over quickly the weapons delivery, the LGB, just talked about the standard LGB delivery----

PRES: What is the standard LGB delivery?

WIT: Sir that is doing----

PRES: Were you referring to a Z diagram that has been published?

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WIT: No, sir. No Z diagrams get done, minimum; we just talk about getting at least at a minimum of at least 10,000 feet above AGL. So, have an idea of what the ground or sea level is or MSL level of the ground is at 3 or 4, 000 feet. I attended that minimum and tried to get above that, come in with air-to-ground TDC to the FLIR, have the correct point that they talked you onto on. Have the master arm on, have the correct weapon pulled up, have the FLIR on the left side if you have raw video, release, make sure the laser is on all the way to the target.

PRES: Okay, what about your strafe delivery pattern, was that covered?

WIT: Sir, we uhm--it just said to have the strafe delivery patterns out, I had one on my left knee, follow the Z diagrams.

PRES: What was it, what was the brief of the parameters?

WIT

WIT: As far as with the FLIR, sir, I am trying to recall exactly what we talked about. We talked about using the FLIR and I don't remember the exact sensor game plans.

PRES: Okay, what about ORM, did you talk about any kind of Operational Risk Management?

WIT: Yes, sir, we talked about ORM, it is not as bad as going up nights, daytime, we talked about terrain; make sure that you find out what elevation the terrain is in. Various things like how much sleep did we get the night before, stuff like that. We figured our ORM was good, I mean I felt fine, relaxed.

PRES: How about your lead?

WIT: He was definitely a no-problem, sir.

PRES: Okay. Talk me through the first part of the administrative getting up to the air track and getting off the air. Any issues with the flight deck, any scrambling around to make the launch?

WIT: No, sir. I didn't feel hurried; I felt that went as planned. I don't recall having any problems getting there. Getting to the tanker, it seemed simple enough. Every time that I have gone out, it is fairly simple finding the tanker and refueling.

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PRES: Okay, so, off the tanker, talk me through the first part of what your mission was prior to checking in with

WIT: We went and checked into the area, and then we started--he said that he going to start giving us a talk-on gave us some coordinates, I believe. I cannot remember what the coordinates were; he was just going to start talking us on to the different points.

PRES: Who were you talking to?

WIT: I am not sure of his exact call sign, but , not sure. I am just guessing.

PRES: Well, if you don't know, just state for the record "I don't recall" don't guess.

WIT: I don't recall.

PRES: Okay, so you left AR and you checked in with a JTAC somewhere, could you tell us where?

WIT: The area, exactly sir, I don't recall, it was

PRES: Okay, and you eventually then were what, how did you get over to

WIT: So, they came up and said they had a TIC in progress and they needed us to move over there. So, they told us the area, we were pulling it up on a GPS point and followed LCDR Blackmer towards over that way and checked in.

PRES: Okay, and who did you check in with?

WIT: Sir, I cannot remember, it was a British guy, I think it was , is that what you just you said? I am pretty sure--I am not sure exactly who it was I checked in with, it was a British guy.

PRES: Okay and when you checked in, what did you do, what was your situational awareness and what information was being communicated between Lead and Do you recall?

WIT: Yes, sir, the first thing he talked us on to was the friendly location. Gave him, I believe it was 6, or 8 digit coordinates, I think it was 6 digit coordinates he gave him to the friendly position. I wrote those down and put them in my system, I was having trouble getting my FLIR, the GPS would go away and the FLIR would lose its alignment. You would be looking at something and the FLIR would slew off. He talked us onto the friendly position first and I put those coordinates in. I am not sure if I had the waypoint down, but I knew what the friendly position was at, so I could keep SA to where they were.

PRES: So, he gave you the friendly position within a SITREP?

WIT: Sir, it wasn't a SITREP, he just gave us the coordinates, gave us the grid, and then I briefly described it.

PRES: Okay, can you locate that on this chart? North up is the way that you are looking at it and I would like you to take this BLUE pen and if you would circle the friendly position.

WIT: [Witness did as directed and annotated on Exhibit 1.] Okay.

PRES: Okay, is it based on what, a coordinate or is it based on a visual talk on?

WIT: I was just uhm--what I am recalling here I believe this is the target they talked us on to, and I remember as far as----

PRES: Okay, could you circle the target?

WIT: [Did as directed] Yes, sir.

PRES: Okay and your recollection is that is the friendly position based on what?

WIT: I was trying--I believe they were to the southeast of the target as far as I can remember. I didn't get to look at my tapes, when I got back; I briefly looked over them, turned them in and that's uhm, that's what they did for talk-on for the flight. I think 600 meters, 500 or 600 meters away, it is what I thought it was, sir.

PRES: So, did the JTAC give you just a coordinate on where the friendlies were or did he talk you onto a visual reference points or did he give you the range and bearings and there are three ways to do this.

WIT: Sir, if I remember, he gave us the coordinates to his position and then just gave us a brief description of it. It is what I remember, sir. It may not be correct, it is as far as I can recall, that is all he gave us.

PRES: So, he gave you coordinates and a brief description of what those----

WIT: What the friendly location was.

PRES: What the friendly location looked like?

WIT: Yes, sir. I was having trouble keeping--getting my FLIR up, get it to the point he was talking about, about half way through his talk, it would lose its alignment. The GPS would come and go, so that I was completely, I would lose all SA to what was going, neglect exactly to where that was. Normally, I would get the point and okay, I see where this was at and try to figure out where it is, keep my eyes out and get my eyes directly

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onto that point and I was having trouble doing that because I had the FLIR for just a few minutes, hear what he is talking about and then it would slew off.

PRES: Okay, so did both of you call tally friendlies or did just the lead, and how confident were you that you had a friendly position?

WIT: I was confident that I had the friendly position. I saw it on the FLIR, I didn't come up over pri, and I think I said that, I came up over aux as soon as I saw----

PRES: So, you had the friendly position by basically correlating what you had on the FLIR with what you saw visually. Did you--were you able to float the diamond to verify where it was on the ground?

WIT: Sir, I--I didn't come out and look outside--when they first talked me onto it, I looked out and I could see where it was at but through the course, the rest wasn't, I mean, I would lose track exactly where the friendly point was outside of the cockpit. I was just holding overhead just trying to write down all the rest of the stuff that he was telling me.

PRES: Okay, so you had friendly point and----

WIT: I had the correct, I definitely had the correct stuff that--the coordinates that he had written down and----

PRES: Right.

WIT: I could----

PRES: Were you having a hard time inside and outside the cockpit then of maintaining the friendly position?

WIT: Yes, sir.

PRES: You did?

WIT: Well, a little bit, yeah.

PRES: What were you using as the anchor point, the anchor point to get you to where that friendly position was or the target position?

WIT: I could pull the position up and see the diamond on my HSI then see where that is in relation to where I am at and at that point looking up and pointing to that is where the friendlies are and just try----

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PRES: What was the unique geographical reference that you were using for both the target and the friendly position?

WIT: Sir, I don't recall exactly but these buildings [referencing : Exhibit 1] this group right here is where the friendlies were, I don't remember exactly.

PRES: Okay, so you don't recall how he described his position? Was it just in coordinates or was it coordinates and a geographical description, was it coordinates, geographical description, and bearing range for the target?

WIT: Sir, I----

PRES: If you don't know, just state you don't know.

WIT: I don't know, sir.

PRES: Okay.

MEM: Can I ask a question sir?

Pres: Okay.

MEM: Is there something that could help you recall? Did you have knee boards or anything like that, that would help you recall?

WIT: I threw all that stuff away, like the next day, my knee board with all my stuff written on it for my next flight.

PRES: Okay, let's talk about the first phase of the flight. So, you check in and you are given a friendly position, what else do you do for the first part of the HOP?

WIT: Once we get into the area?

PRES: Once you talk to

WIT: Yes, sir. After we talked to some of the friendly position, he started to give the coordinates to : where they were getting fired from for him to release ordnance on and I was just working my systems just trying to get my FLIR back up. Once they told him that he was going to start dropping on that, I kind of stopped paying attention exactly to what was going on right there and just tried to get my FLIR back on line.

PRES: Okay, what is exactly wrong with the FLIR?

WIT: The GPS would go out and then it would lose its alignment. So, it would go from like from a G1 to a G2 to an unsat 10 every time.

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PRES: Okay----

WIT: Every few minutes.

PRES: And did you communicate that?

WIT: Yes, sir, that is what I use primarily. I told them that I was having trouble with that and that I wasn't going to be able to drop an LGB, I was losing--unless we did a buddy lase or something like that. He came up and said we would buddy lase if you have to do something because we just didn't trust the FLIR at all.

PRES: Okay, so do you recall the sequence of weapons… weapons drops?

WIT: Sir, I believe he strafed and then dropped an LGB and then he strafed again and then came around and then he talked about this last target and I came and buddied dropped an LGB, released it in manual, he lased it onto the target, and then he came back around another time and strafed that target.

PRES: Okay, so then you think he strafed, then lead dropped an LGB after strafing then you do a buddy lase?

WIT: Yes, sir.

PRES: Then he strafes after that?

WIT: Yes, sir.

PRES: Okay, and can…you have already identified the target, can you recall the direction that you did all of these runs in?

WIT: Sir, my FLIR was working when they were talking onto this target, where I was holding, over to the west, and as he was talking us on it, he gave us the coordinates, and I remember my FLIR came up just a little bit north----

PRES: Okay, this is west, that's east.

WIT: Yes, sir.

PRES: Okay, so----

WIT: Oh east, I am sorry. I was holding just to the east. He talks on my uh--he gives us the coordinates or the 8 digit grid. I typed it in. He said, "Hey look, there is a structure." I remember that there is a structure pretty close to where my coordinates were, so I moved it right to the center of the structure and then he said there was an east-west

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