

SWORN STATEMENT

For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel.

LOCATION Kandahar Branch Office (CID) APO AE 09355	DATE 31 Mar 06	TIME 1649 L	FILE NUMBER b(6); b(7)(c)
LAST NAME, FIRST NAME, MIDDLE NAME b(6); b(7)(c)	SOCIAL SECURITY NUMBER b(6); b(7)(c)	GRADE/STATUS CPT/O3	
ORGANIZATION OR ADDRESS 3/1/207 TH Regional Command Advisory Group, Harat, APO AE 09354			

b(7)(c), b(6); b(7)(c), want to provide the following statement, under oath:

I would say about 0205L, 28 Mar 06, I was woken up by mortar fires. When I first heard it, I rolled out of bed and began to get dressed, put on my boots and ACUs. While I was getting dressed, I begin to hear automatic gunfire in the distance then I hear the rooftop start firing while I was getting dressed. CPT b(6); b(7)(c) was in the room and he woke up to and began to get dressed. SSG b(6); b(7)(c) was my roommate but not sure if he was in the room or not. After I got dressed, I went to my HUMVEE and don my IBA, Kevlar. SPC b(6); b(7)(c), my gunner, arrived at the vehicle at the same with me and took his position in the turret. I asked MAJ b(6); b(7)(c), the ETT commander for the ten guys with me, if we needed to roll the HUMVEE outside to the battle position, just outside the ETT compound. MAJ b(6); b(7)(c) said to wait, as I recall. About 15 – 20 seconds later, I asked him again if he wanted me to roll it and he told me to no and to go to the roof. SPC b(6); b(7)(c) got of the gun truck (HUMVEE) and took his M249 and ammunition and him and I went to the wooden ladder on the south wall of the building. I went up first. I've got to the top of the roof and waited for SPC b(6); b(7)(c) to come up. I helped him get up with his weapon and ammunition. It was pretty dark on our compound. The Special Forces started to illuminate the castle ruins-area. I honestly did not know who was on the roof at that time besides b(6); b(7)(c). That was how dark it was. While I was going up the roof, there were still gunfire going. b(6); b(7)(c) took up a fighting position on the roof to the left of the sandbag area. I took up a position by the brown mud wall by the stairs that were rickety and wobbly. I observed tracer fires coming from the castle towards the ETT compound. I observed PKM fire going from the ANA compound towards the castle. I observed mortar flashes to the right of the castle across the river. I fired five to six shots with my M4 and fired them in the direction of the castle where I was seeing muzzle flushes and tracer fires towards us from the castle. During the fire fight, I felt a huge punch or blow to my left side of my face, that spun me around and knocked my backwards, to where I landed face down, five or six feet behind to where I was taking up the fighting position. I rolled on my back and felt my face, felt blood and SFC b(6); b(7)(c) came up to me and asked if I was okay. He knows that I was bleeding as did I. SFC b(6); b(7)(c) called for medic and started to put a dressing on my face. At about that time, he asked me to move and as I tried to get up, I felt that my left hip had been hit. He continued to call for medic while treating my face and my hip. At about that time, I heard somebody say, "STONEY is down." I was lying on my back at this time and I looked over my feet and saw SFC STONE lying to the left of my feet, about three feet way, on his back. Somebody was attending to him but I did not know who they were. Gunfire was still going on. At this point, I kind of dragged myself over to the rickety ladder and went down it by myself. When I got to the bottom, I was leaning on the mud wall, trying to get around the covered area of our building, when SSG b(6); b(7)(c) came down and assisted me to get to our common area, where I received first aid from Navy Corpsman b(6); b(7)(c). SSG b(6); b(7)(c) stayed there and assisted him. I was probably there for 30 to 40 minutes. SF Medic b(6); b(7)(c) came over and assisted as well and prepped me for air transport. And I was medevac out. Somebody stated "Doc STONEY was gone." before I got transported. I just didn't know who it was. I was transported in the back of a Ford Ranger pick up. SSG b(6); b(7)(c) assisted me with another unknown medic. They took me to the landing zone that was outside the FOB, behind the SF compound. The gun fight from the time I woke up to the last time I heard shots was approximately 15-20 minutes. I'm pretty sure it stopped shortly after SSG b(6); b(7)(c) assisted me to get to the common area. I was laying in the chair and SSG b(6); b(7)(c) was talking to me without yelling. He was telling me "You gonna be okay b(6); b(7)(c) you gonna be okay." People from my team came up and comforted me, reassured me. MAJ b(6); b(7)(c) was calling the medevac. Basically I was just waiting for the ranger to take me and load me up. I was taken to Kandahar hospital. I guess I got to Kandahar at about 0400L.

Q: b(6); b(7)(c)

A: b(6); b(7)(c)

Q: Did you know who was on the rooftop before the gunfire started?

A: No.

Q: How many people were usually on the rooftop pulling guard?

A: Usually it was two, but I'm pretty sure we went down to one that night. Because of the added ETTs and the Canadians that were going to be in the area.

Q: Did you know where the Canadians were located at?

A: I honestly can't recall.

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT b(6); b(7)(c) PAGE 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."

DA Form 2823 (Automated)

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Q: Did you know when the Canadians got there?

A: They got there sometime the night of 27 Mar 06, but I was not there as I was clearing the road and guiding the convoy in.

Q: What was the Canadians' mission there?

A: Honestly, I did not know. They could have been there for patrolling or beef up the security. I think they were flown in as reinforcements.

Q: Who else was inside the FOB?

A: About 140 ANA and about a dozen to 15 SF personnel. In addition to my ten-man team, the convoy had approximately 20 or more personnel. The convoy was somewhat of combination of 40 jingle trucks and up armored HUMVEEs.

Q: Where did you guide the HUMVEEs after they got to the compound?

A: I did not personally guide the HUMVEEs to their battle position. They were guided by other ETT personnel.

Q: Did you remember tracer fires coming from directions other than from the castle ruins?

A: No.

Q: How many mortar rounds do you recall impacted?

A: There were two initially. My best guess was a total of seven.

Q: How effective was the direct fire coming from the castle ruins?

A: I would say bullets whizzing by but I can't honestly say where they were striking. I know the US gunfire was very effective as I saw a lot of tracer fires originating from our position towards them.

Q: Did you find out afterwards how many personnel were on the roof top during the gunfire?

A: Never really knew. I know for sure [REDACTED] b(6); b(7)(c) and STONE were up there with me. That's only as the events transpired.

Q: Did you know if the Canadians were at the North Gate or were going towards the North Gate during that time?

A: Did not know.

Q: As far as your injuries, how did you sustain them?

A: The Canadian doctor that attended to me said my face was from shrapnel and my left hip sustained what looked like a gunshot, with the entry wound from the back side of my hip to the front part of my hip as the exit wound. It was the meaty portion of my hip and the wounds were about 2" - 3" apart with about 1/2" to an 1" deep from the side.

Q: Were there any other wounded soldiers from your team?

A: CPT [REDACTED] b(6); b(7)(c) mentioned something to me while I was laying down. He told me that about the time he heard the blast, I went down, and he felt a burning sensation. He did not really say where it was.

Q: Did you know where SFC STONE was hit?

A: No. The only time I knew was when CPT [REDACTED] b(6); b(7)(c) told me that he got hit on his face, but I did not know if it was a bullet or a shrapnel.

Q: When you went down, how soon did you hear someone yelling "STONEY was down."?

A: About 15 seconds.

Q: How high was the mud wall where you took your fighting position?

A: It was about 5 feet tall at one end and sloped down to the floor.

Q: Where were you in relation to the mud wall?

A: I was at the highest point of the mud wall, but I was not totally covered. I was crouching to use the wall as much as possible for cover.

Q: Where do you think the gunshot to your left hip originated?

A: It's honestly hard for me to say until the other parties in the area were established, where they were and what were their actions.

Q: Were you given any additional intel prior to the incident?

A: I can't really recall any intel given to us. All I received was Canadians were there helping secure the area, but no other details.

Q: Do you have anything else to add to your statement?

A: Nothing.///END OF STATEMENT/// [REDACTED] b(6); b(7)(c)

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b(6); b(7)(c)

PAGE OF PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] b(6); b(7)(c) TAKEN AT [REDACTED] b(6); b(7)(c) DATED [REDACTED] b(6); b(7)(c) CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES."

DA Form 2823 (Automated)

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↑
NOT USED
↓

b(6); b(7)(c)

AFFIDAVIT

I, b(6); b(7)(c) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b(6); b(7)(c)

(Signature of Person Making Statement)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 31ST DAY OF MARCH 2006 AT KANDAHAR, AFGHANISTAN

ORGANIZATION OR ADDRESS

b(6); b(7)(c)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA b(6); b(7)(c)

(Name of Person Administering Oath)

Article 136, UCMJ
(Authority to Administer Oath)

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SWORN STATEMENT

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LOCATION KANDAHAR BO (CID) APO AE 09355	DATE 2 APR 06	TIME 1505 L	b(6);b(7)(c) FILE NUMBER 0058-06-CID369
LAST NAME, FIRST NAME, MIDDLE NAME b(6); b(7)(c)	SOCIAL SECURITY NUMBER b(6); b(7)(c)		GRADE/STATUS O3/CPT
ORGANIZATION OR ADDRESS 3/1/207 TH RCAG, APO AE 09354			

I, b(6); b(7)(c) want to provide the following statement, under oath:
This is an addendum to my previous statement. Yesterday, 1 Apr 06, after rethinking the events, I recall the following. At the time I was hit on the left side of my face, I placed my left hand on my cheek and spinning to the right, I recall placing my left foot or left leg down and felt pain in my hip, which forced me to start hopping on my right and putting less pressure on my left. This caused me to eventually loose balance and fell down on my face. I kind of blocked down the pain on my hip, because the pain on my face was more than the pain I felt on my hip. I believed both injuries occurred at the same time. One was more painful than the other that I kind of blocked the pain on my hip. //END OF STATEMENT//

b(6); b(7)(c)

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT

b(6); b(7)(c)

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NOT USED

[REDACTED] b(6); b(7)(c)



AFFIDAVIT

I, [REDACTED] b(6); b(7)(c), 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 INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b(6); b(7)(c)

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 2ND DAY OF APRIL 2006 AT KANDAHAR, APO AE 09355

[REDACTED] b(6); b(7)(c)

(Signature of Person Administering Oath)

SA [REDACTED] b(6); b(7)(c)

(Name of Person Administering Oath)

Article 136, UCMJ
(Authority to Administer Oath)

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [REDACTED] b(6); b(7)(c) PAGE OF PAGES

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