

62. Do you remember if there was any M249 or 240 with the crew or was it just M203's and M-4's?

We had

63. What special equipment did you take on the patrol. (Mine detector, radios, signals & smokes, machineguns, Binocs, Garmins or PLUGGER NAVAIIDs etc).

Yes, I carry a Garmin and he carries a Garmin, [REDACTED] has one, [REDACTED] has one, so we were set on those.

64. Any kind of smoke or signaling devices?

Yeah, we had 203 star clusters, we had a couple of parachute flares. We used them, but no one seemed to see them. They weren't saying thing over the radio, I had my long whip extended and nobody was say anything.

65. So you used them right after you made contact?

Yes Sir.

66. Has your Platoon conducted dismounted patrols in that AO prior (other then dismount and search for possible IED or clear IEDs).

Negative, we dismounted and walked maybe a click out. It was always my group, the interpreter, [REDACTED], the PL, myself, the medic and [REDACTED] (unable to transcribe name from recording). It was pretty much all of the TC's and all of the people who had already dismounted the trucks anyways. We all left. We sent two guys back to the rear, [REDACTED]

67. While you are traveling on a patrol, at any point did you kind of run across a suspected IED or anything that looked suspicious?

I remember the first day we found something that looked like an anti-personnel or something like a land mine. It was in the water, we really could not see what it was.

68. How about on this patrol when you left the safe house, patrol base, and headed to the west, do you recall seeing something that looked like an IED any place?

Yes Sir. It was a heat blanket that they use, a space blanket, we found one of those. It was wrapped up around something in the middle of the road. It was kind of weird, because the place it was at. I mean did they use that the day before or a couple of days before when they got hit? They used them, they left their gear out which they should not have done and it looked like the enemy got a hold of it and moved it and wrapped it around something and put it in the middle of the road.

69. What actions did the patrol take when you saw that? Did you think it was an IED?

Yeah we did. We tried to get a civilian to move it and he pulled up got out of his truck and kicked it.

70. Did anybody fire at it or anything like that?

Yes Sir we did.

71. How many rounds do you think you fired at it?

I have no idea Sir.

72. How many people would you say, one or two or more fired at the space blanket which was not an IED?

I think maybe 2 rounds apiece, so maybe 6 rounds. No, I am totally wrong, it was [REDACTED] that fired at it and he fired 2 or 3 rounds at it. He was the only one who fired at it.

73. Do you remember the grid, did you have your Garmin out, roughly where you were when you hit the power lines and lost comms, do you recall?

Yes Sir. As soon as we lost comms, we walked maybe another click and then we were at the graveyard and we looked around for an hour and then we left.

74. At what point did you lose Commo on the patrol (could not receive/transmit)?

I wrote down a time and grid in my notebook when we lost comms and where we still had good comms where we could go back to, or we had to get on a roof. Getting on a roof always helped.

75. Do you remember a time of day off the top of your head?

No Sir. We had been walking a good distance.

76. When you got in the objective area, do you recall roughly what time you got there and when the patrol kind of split? I understand that you kind of went 3 forward and you 3 stayed stationary, is that correct?

Yes. When we got there, 26 and 22 and 22a started looking around, the medic, myself found a good place and he was pulling down the road and I was pulling down the other road. We just had each others backs and they were kind of walking around searching. We had ICOMS, so we had comms.

77. You confirmed that it was the right graveyard, because you had your Garmins out, your Pluggers out so there is not mistake?

Yes Sir. We confirmed everything on the Plugger all of the time. Anytime we stop, I stop and take a grid and write what we are doing and everything in my notebook.

78. So how much time would you say you spent walking along the caches, expected caches graveyard site, from the time you are pulling security until they come back and link up with you? They kept walking past us and we saw them walk past us, but until the actual time when we stopped it was maybe an hour or two they were looking around.

79. At any time could you hear any radio traffic going on over the radio or was it just kind of dead silent?

No, I could hear radio traffic. They were trying to get ahold of us. They asked me to click the hand mic twice and I clicked it at that point they stopped asking me to do it and I was like O.K., I guess they heard me. They were asking me for everything and I was just like ask me to click the hand mic, because anytime I tried talking it was unreadable and I knew it was the case, because that is how far out we were, but I knew that could hear the clicks. So, when they asked for me to click the hand mic two times, I clicked it twice and then they did not ask for another radio check

for a while. At that point I thought they had gotten a radio check, but I found out later on that they did not, they just stopped asking for it.

80. Did you overhear any radio traffic between [redacted] and [redacted] (Gator [redacted] in 3rd platoon?

Yes Sir, I heard quite a bit of it.

81. Were you able to pick up where Gator [redacted] was on the battlefield, what they were trying to do?

Negative, they never gave up their front line trace to us. I think they were sending it BFT to the Company. They were not doing it over the net, so I could not actually hear their front line trace. If so, I would have know where they were at. The time on their radios was off and so they had to relay. The time on 3rd Platoon's vehicles was off. We had great comms with the Company and we had to relay for 3rd Platoon. Like, 3rd Platoon needed us to relay the comms.

82. You linked up with [redacted], you realized you did not find the cache, we are going to start heading back, do remember what time that was when you started heading south, southwest and the decision to kind of head toward [redacted] do you remember?

1600 or 1700. It was an hour, hour and a half before it was about get dark, because we were about to have to mount NVG's. The Sun was about to go down, so we started to head towards Fatboy.

83. What time do you think that was then?

Best guess would be about 1600.

84. You hit [redacted] and you start heading east, is that correct?

Yes Sir.

85. At any time did you see a Bongo truck or did you see [redacted] stop a Bongo truck to hitch a ride or anything like that?

Yes Sir.

86. From that point, how long were you moving on [redacted] do you think dismounted or once you hit [redacted] how long did you move until you found the Bongo truck?

About a click we walked down and we found a Bongo truck, with a family in the front and we asked them to take us here. He said I have my family here, don't make us go back. That is when we should have known there was a problem. I think back and I knew if I would have just thought about it the fact that he did not want his family to go back. We saw a lot of trucks kind of moving away from the area where we got ambushed. They were kind of just moving around. They were all moving away from that sector. There wasn't a whole bunch people outside.

87. When you stopped the Bongo, was the Bongo coming from the west to the east or was he coming from east to west when you stopped him?

He was coming east to west when we stopped him.

88. So you were on the north side of [redacted] when you were walking?

Yes. We were actually on the north and south side of [redacted]. We had people on both sides of the road. We were scanning for IED's the whole way back.

89. How much further did you go before you got into contact with the enemy?
Maybe 300-400 meters.

90. Do you recall at what time you had contact with AIF Forces?
I remember how long it took the birds, it took about 17-18 minutes to get there, I can't remember what time we got ambushed at, I wish I could.

91. Do you recall where the enemy was shooting from, was it north or south of the patrol?
It was actually coming from the east, north and from behind us, west. It looked like it was coming in all directions. It was coming from the southeast which is from the direction they were shooting straight north from the trees maybe about 200-300 meters out. So, we engaged them, you could see their AK's, you could see their weapons, so you knew who was shooting at us.

92. So you had folks shooting at you from the southeast, basically shooting north, had folks northeast shooting south and you had visual identification on both groups, is that correct?
Yes Sir.

93. So, they were about 200-300 meters away from your patrol?
Yes Sir. We had a group straight east on the actual road itself, 2 people and I did not actually see them, because I had turned around to check our rear at the time we had got fired at. I was pulling rear security while we were walking. They opened up from our twelve o'clock, they said there were 2 of them on the road and I do not remember the distance, but it was pretty close, like a hundred meters out.

94. Did you have anybody to the west behind you when you were pulling security at six o'clock?
Not while I was pulling security, not until we got down in the ditches and the canal, not until we actually got into defensive positions did they start shooting from our rear.

95. Talk me through kind of how you guys kind of fought out of this and moved to the house:
[redacted] got shot in the shoulder and it was kind of a cluster, all messed up first, but then we just got our personnel up to see if everybody was alright and if anybody had gotten shot, to see where people were. Like I just said [redacted] was to the north side of the road in a ditch next to the palm tree next to the wires. We see where you are at, you are good. Then the medic told everybody where he was at. And then we all got centrally located, not close, but so we could see each other and hear each other. Then we were thinking of a plan. We were either going to go over to the palm trees and ditches to or northeast, that is where [redacted] wanted to go, but then he thought if the enemy was in that direction we decided we were going to go east down the road maybe 20 meters and cut right and head into the house. So, we went 20-25 meters and cut right and just hauled it to the house, because where we were at the canal was too wide and it was 4 feet deep to get across, so we found a bridge that was 20 meters down and that is where we crossed. [redacted] and I kicked the door in. He was on the right side of the door and I was on the left side, I cut straight across and he cut straight across in the other direction into the room. The room was clear and we had everyone else come to the house. Then we proceeded to

crashed. That is when we started receiving fire to the southeast and that is when a piece of 5.56 went through my knee. By that time, I was already shot up in the arm a whole bunch and the interpreter next to me on my right side was dead and the PL got shot and as soon as he jumped up, he got shot again and I guess they thought it was friendly. I do not actually know how they or why they stopped firing, but they stopped firing and the PL jumped out of the truck. As soon as he jumped out, I said I have got to follow him because I do not know what is going on, so I jumped out to follow him and to find him. He was in the canal. At that point, 3rd Platoon was pulling him out of the canal and I just fell down in the middle of the road away from the truck, because I was trying to get away from the truck. I fell down, I guess because I had lost a lot of blood, I do not know. I fell down and then started to get back up, but they said to stay there we are coming. 3rd Platoon started doing EFR tactics, put 2 tourniquets on my arm to stop the bleeding. I walked them through it. I told them where I got shot and not to worry about my knee because it was not bleeding bad. Just worry about the main stuff, my arm first. They put dressings on. I was watching my watch and 17 minutes into it is how long it took to get there. Viper was there within a couple of minutes of us getting shot.

100. What was the first time you recollect that you looked at your watch after the fire fight happened?

I remember the last two digits were like 26 or 24. It might have been 1724 or 1726, but I remember at first it was 10 after when we got shot at, like when I called [redacted] the house and then we drove down. They started putting me on a litter like 24 or 26 after. It took like 17 minutes to get me on the bird after we left the house. When I left the house and left the vehicle it was about a 3-4 minute difference. We had just headed down the road a couple hundred meters, we were going fast and then we got stopped by the fire.

101. You think you were only in the truck about how many seconds?

I was in the back of the truck, before I jumped out, maybe 3 minutes at the most. Actually about 2 minutes, because I remember I just sat there a second and then I noticed the PL jump out and the medic just laid there and I thought he was dead, but he actually ended up being fine. I just jumped out and I noticed the gasoline was coming out of the front of the car and that is when I turned away and got away from it. I noticed that the two people in the front seat were KIA. You can just tell, [redacted] face was just gone and his head was heavily traumatized. It was messed up. [redacted] just yelled his name and he was not responding. So, I went to the middle of the road to look for [redacted] I thought we were all going to die. I just wanted to go out doing my job.

102. As you recall getting into the truck and moving, I believe you were seated with your back against?

I was right behind, my back was to [redacted] he was in the passenger front seat. At that time, Doc Ray was lying down. The weapon I had, I had given my good weapon to [redacted] and I had [redacted] weapon and [redacted] was just lying not doing anything, and I said alright, give me your weapon if you are not going to do anything. I gave him the broken weapon and I had [redacted] weapon.

103. How did [redacted] break his weapon, do you remember?

When he fell in the canal and it got mud in it. If you get mud in an M-16 it is done for. He fell and there was 4 feet of mud. He was completely soaked from head to toe. The ejection was not working, so it was one shot, cock it, one shot, cock it. My weapon was working great, so I gave it to [redacted] because I was working on comms while he was fighting.

104. As you are facing back to the west, do you recall before the big fire fight or the engagement into the truck any sporadic shots either from the north, west or south into the vehicle as you were moving and you were just leaving the house?

A couple of shots were fired at us, Yes. But, none of them got close. They were from the north, maybe northwest, from the palm tree area. That is where we received machine gun fire from. That is what got my right arm. While I got out of the truck, I noticed the clearing, the area where 3rd Platoon was, they could not have shot at us at that point and time, because we were actually behind a wall and when we came forward past the wall, that was after the driver got shot. That could not have been friendly fire.

105. When you and [redacted] firing out of the vehicle as you were moving at any time as you were moving?

I was.

106. What direction were you firing, to the north, south, west or?

From the north, at the northwest at the guys that were firing at us from the middle of the field next to the palm trees. One was in a black "man dress" and one was in a white "man dress" and they were firing at us, popping off a couple of rounds. So, I aimed in that general direction because 68 was not even working, I do not think he even had it turned on yet. I just fired off a couple of rounds and when I got shot I just laid down in the truck because the way the bullets were firing, I just laid down, trying to get a little cover and then I was going to jump back up. Then I noticed my arm was all messed up.

107. That is the first time you were wounded, is that correct?

Yes Sir. Then that is when we passed the wall. We went a good 100-200 meters further until we crashed because [redacted] was driving for a little bit because he reached across and was driving for [redacted]

108. You were able to see in?

Yes, I turned to the right and I was able to see in there because of the window.

109. Do you believe your Platoon's operations in sector were adversely effected by a shortage of manpower? If so how?

Yes Sir. It was definitely the amount of manpower. If we would have had more manpower, we could have taken out a couple of HMMWVs with us. Like if we would have had 4 HMMWVs with us, we would have taken 2 HMMWVs with us, instead of just walking.

110. Yes, you had only 3 HMMWVs at the house, right?

Yes, we could not have taken 2 and left one or taken 1 and just left 2 there, because what if we would have died. So, we should always take 4 out.

111. Did you start out with 4 and [redacted] and [redacted] went back with 1 or did you start with 3?
We started out with 3. At the beginning when we first got there we had 4 HMMWVs whenever we would go out and we would also have like a 5th HMMWV if like PSYOPS would come out with us, but that stopped after a while, so we just started taking out 3 HMMWVs.

112. So you have been on 3 HMMWV patrols before?
Yeah, we have been on a couple 3 HMMWV patrols before. We never really did too much dismounted off on separate mission. We always just had 1 mission which is the best way to do it, not separated like that.

113. Do you believe you were given enough information from higher to effectively plan your dismounted operations?
I do not know. I do not plan patrols so I would not know Sir.

114. At any point before you left on a dismounted patrol did [redacted] talk about 3rd Platoon's activities of the day or any other elements that were out there that were friendly?
Negative Sir.

115. Is there anything else that you think that might be helpful for us to understand the situation or is there anything you can think of now that you have not talked about?
I guess, not really anything Sir. We did what was best at the time.

116. During the JRTC or any type of training that you did or even in Kuwait or even rehearsals, has the Platoon or Company ever talked about any nonstandard medivac using civilian vehicles and any kind of markings or anything like that? Have you ever rehearsed anything like that, any exercise?

Negative Sir. Not with any markings or anything. We did not know that there were any friendly forces in that immediate area for markings. We were trying to be discrete with the truck, because when we took it, you know we wanted to be a little more discrete because we were trying to get out of harms area. We did not know 3rd Platoon was right there because their time and the way they had their relay, I could not hear them on my manpack. I mean, I heard a little static, I heard every now and then, but if I would have known that they were right there, we would have put a marking like VS17 panel or something like across the front and back of the vehicle.

117. Do you or the leaders carry VS17's?
Yes Sir. [redacted] ies one and [redacted] and I always carry one in my rack. I have one right next to my notebook at all times. So, I can just whip it out. I have one of the cords hanging out so I can just grab it and pull it right out and stick it on.

118. You can get it out there pretty quick?
I can get it out there in less that 2 seconds. I just grab it and rip it like a magazine.

119. Looking back now, since you have had some time to reflect, what do you think you would have done differently on the 22nd or 23rd?

I would not have gone out there to begin with. With 6 guys, no way. Now, the LT he did not want to go out, but they told him to do it, so he did it. It was one of the worst calls to send 5 people and an interpreter 3 hours walking away from their trucks. We had comms all the way there, almost all the way there. If we would have had comms all the way there, I still would not have felt safe. I felt so bad about that whole thing the whole time I was going.

120. So, from the moment you stepped off, you kind of felt like you are incurring some extra risk here by doing this?

5 guys and the interpreter we did not really trust, No definitely Sir.

121. What do you think back on any type of training at home station, based on any of the training that you did, or experienced out in the zone, do you think you are adequately trained for the missions you are conducting?

Yes Sir, definitely. We were trained for anything that would come our way. [redacted] was amazing. [redacted] was so knowledgeable on anything, if I had any questions about any of the trainings I never did, he would explain before we did it.

122. On your HMMWVs that you have, were you issued any kind of headsets, VIC3, so that the crew can talk and have communications constantly with the gunner and all of that?

They were supposed to be installed like a week later in some of the trucks, but we have not done it yet. We had just gotten 2 of the trucks and the 3rd one was all messed up. I had to throw a manpack into one of the trucks because the mount was messed up.

123. Do you now if at any time do you recall listening on a radio, because you can hear some traffic but can't transmit, do you recall [redacted] updated 3rd Platoon that there was a dismounted patrol out there or Gator [redacted] was forward with half an element, do you recall that distinctly?

Negative, I do not remember hearing anything like that. I do believe he said that we were out there, but I did not hear him say where. He said like the direction we were heading in towards [redacted] and gave a grid that was it.

124. So, you did think he did update 3rd Platoon?

I think he told them the area we were in, but that is about it. Yes Sir.

125. When do you think that happened? Was that before the power lines or after?

It was probably before the power lines when they updated them. He actually updated, because he told Gator [redacted] where my last front line trace was and we were headed towards the power lines at that point and 3rd Platoon was listening in and they probably heard them. I am not actually sure if he told 3rd Platoon though.

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSA)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 2005 12 02	3. TIME 1200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS			

9. I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Can you explain your mission, what was the mission to establish a Patrol Base. BA

A-1 ON THE MORNING OF THE 0005 NOV 23 WE HAD BEEN SECURING A SITE ON ROUTE _____ THAT SSGT PLT HAD FOUND. BOO HAD BEEN THERE ON THE 22ND AND HAD A ROBOT BLOWN UP TRYING TO GAIN ENTRANCE. THE HOUSE WAS TO BE T-DAMMED AT 0630 ON THE 23RD THE HOUSE WAS DESTROYED AT AROUND 0645 WE MOVED OUT TO START OUR PRIORITY MISSION. WE WERE TO SECURE A HOUSE TO BE USED AS A FUTURE PATROL BASE IN THE VICINITY OF MOTORHEAD AND FATBOY. WE FOUND A HOUSE AROUND 0730 AND BEGAN OUR PRIORITIES OF WORK. SOMETIME AROUND 0930-1000 GATOR GAVE US A BROTHER INTENTION THEY WANTED US TO CHECK OUT A POSSIBLE WEAPONS CACHE ON WEST _____

A-2 AS FAR AS I KNOW OUR MISSION FOR THAT PATROL WAS TO JUST SECURE A HOUSE AND BEGIN THE "PRIORITIES OF WORK". IT WAS TO BE USED FOR A PATROL BASE FOR FUTURE MISSIONS ONCE IT WAS COMPLETED. THAT IS ALL I KNOW ABOUT IT.

A-3 WHY WAS IT IMPORTANT TO HAVE A PATROL BASE IN SECTOR AND HOW WOULD IT BE USED. BA
 I AM JUST SPECULATING, BUT MY GUESS IS THAT FOR #1 TO ESTABLISH A BASE TO WHERE WE WOULD HAVE 24 HOUR SECURITY IN THIS AREA WHERE WE COULD CONSTANTLY HAVE EYES ON THE ENEMY #2 POSSIBLY HAVE A QRF TEAM THERE IN CASE A PATROL CAME UNDER ATTACK. #3 SO WE COULD HAVE BETTER COMMUNICATIONS WHILE WE WERE OUT IN SECTOR

10. EXHIBIT	11. SIGNATURE OF PERSON MAKING STATEMENT	PAGE 1 OF 6 PAGES
-------------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

^{WHAT GAVE THE ORDER FOR THE NEW MISSION AND WHEN?}
A-4 THE FRAGO CAME FROM GATOR - SOMETIME BETWEEN 0930 AND 1000 TO THE BEST OF MY KNOWLEDGE.

^{WHAT WAS THE TASK AND PURPOSE OF THE NEW MISSION.}
A-5 THE TASK AND MISSION WAS TO MOVE FROM OUR CURRENT LOCATION TO THE WEST SIDE OF MICHELON TO LOOK FOR A POSSIBLE WEAPONS CACHE.

^{WHAT LOGS/GEAR /EQUIPMENT WERE BEING TAKEN ON THE DISMOUNTED PATROL.}
A-6 OUR 6 MAN FOOT PATROL TOOK A MAN PACK WITH A LONG WHIP. THE REST OF THE SQUAD WERE LEFT WITH THE VEHICLES AND THEY HAD A RADIO GUARD INSIDE VEHICLE 1.

^{WAS THIS YOUR PLATOON'S FIRST DISMOUNTED PATROL.}
A-7 THIS WAS OUR PLATOON'S 1ST DISMOUNTED PATROL. THERE HAD BEEN NONE PRIOR.

^{WHAT CIRCUMSTANCES DO YOU BELIEVE LT BIKER CONSIDERED BEFORE DECIDING TO SPLIT THE SECTION AND CONDUCT A DISMOUNTED PATROL.}
A-8 THE POINT THAT I KNEW WE DIDNT HAVE COMMO WAS ABOUT HALFWAY TO THE OBJECTIVE. WE WERE AT THE SIGHT WHERE THE IA TRUCK WAS HIT BY AN IED.

^{AT WHAT POINT DURING THE PATROL WERE YOU MADE AWARE THE PATROL COULD NOT COMMUNICATE}
A-9 I DO NOT KNOW OR WANT TO SPECULATE WHAT CIRCUMSTANCES CONSIDERED. IT IS AS HARD WORKING AND INTELLIGENT LT I HAVE MET WHEN IT COMES TO PATROLS AND INFANTRY TACTICS I AM SURE HE LOOKED AT EVERY OPTION HE HAD BEFORE MAKING ANY DECISION.

^{WHAT HAPPENED AT THE SIGHTED UNITS SVE.}
A-10 MYSELF AND THE INTERPRETER STOOD FAST IN THE CEMETARY AND [REDACTED] THE SIGHT.

INITIALS OF PERSON MAKING STATEMENT