SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB JOYCE	2009/09/17	1200	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)	(b)(3), (b)(6)	E-4/AD

8. ORGANIZATION OR ADDRESS

ETT 2-8

9.

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

At approximatel(b)(2)Highve reached our ORP; Myself, Cap(b)(3), (b)(6)and 8 ANA dismounted to walk to our over watch position. I setup the OP and called in my position. The main element began their patrol into Ganjugal Village and was around 400 meters away from the village when AAF initiated an ambush with PKM, RPG, and small arms fire from the north, east, and south. I got PID on 3 positions and started to suppress fire with my (b)(3), (b)(6) began calling for fire and air support. Everyone in the element took cover and started returning fire. At what seemed to be 10 minutes into the fire fight I heard Lt. Johnson call in on the radio that his group (himself, GySgt Johnson, SSgt Kenefick, and HM3 Layton) were in a house and were taking fire from surrounding houses. I continued to provide fire until my position started receiving heavy PKM and RPG fire. At this time I started firing at the AAF firing at me, so Cap(b)(3), (b)(6)ould continue to use the (b)(2)High and call for fire. At what seemed to be 1 hour into the firefight, we still had not received air support or effective indirect fire. The decision to make a tactical withdrawal back to the ORP was made and called over the radio. We stayed in position to provide cover fire for the main element. I shot the AAF firing the PKM from the east and started trying to gain PID on the small arms fire, when another position from the east started firing a PKM at us. I then started to return fire at the muzzle flashes, when another RPG from the east hit approximately 100 meters from me. I asked my ANA sergeant, through my interpreter, if his men were alright. He replied that they were good, and I advised him on a better position to place his gunner to better cover the valley and us. He then told me that he was moving down the mountain to another position. I advised him that we were in the best position to forward observe and cover movement by fire. He went down the hill anyways. Noticing that Cap(b)(3), (b)(6)as still spotting and trying to call for fire, I decided to stay in position and suppress fire for him. We were now taking PKM and RPG fire from the east and small arms fire from the south and north. The next thing I heard over the radio was SSgt Kenefick calling in his position, but it was broken and unreadable. He tried again but only called out a part of it. At approximately 1 hour and 30 minutes into the firefight we received air on station. I continued to fire at AAF, when I noticed a hmmwv (SSgt(b)(3), (b)(6)and C(b)(3), (b)(6)n the valley headed east picking up and transporting casualties back to the ORP. About the third trip back they started trying to locate Lt Johnson, GySgt Johnson, SSgt Kenefick, and HM3 Layton. After a helo located 4 bodies and (b)(2)High I saw C(b)(3), (b)(6)ove to the ditch were they were. He then called in 4 US KIA. He recovered the bodies and brought them back to FOB Joyce. Me and Cap(b)(3), (b)(6)ere then instructed to move back to the ORP were everyone else was. Then we consolidated and convoyed back to FOB Joyce with the rest of our team.

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

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

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	(b)(3), (b)(6)	

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.

Exhibit AC

STATEMENT OF CPL (b)(3), (b)(6) TAKEN AT FOB JOYCE DATED 2009/09/17

9. STATEMENT *(Continued)*

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

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

AFFIDAVIT

I, CPL (b)(3), (b)(6), 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 OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

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

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

(Signature of Person Making Statement)

WITNESSES:

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

ETT 2-8

FOB Joyce

ORGANIZATION OR ADDRESS

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

HHC, 1-32 (b)(3), (b)(6)

FOB Joyce

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of September, 2009

at FOB Joyce (b)(3), (b)(6)

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

(Signature of Person Administering Oath)

Maj (b)(3), (b)(6) USMC

(Typed Name of Person Administering Oath)

Commissioned Officer United States Marine Corps

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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